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PROCEEDINGS AND DEBATES OF THE 98th CONGRESS, FIRST SESSION

SENATE—*Wednesday, July 20, 1983*

(Legislative day of Monday, July 18, 1983)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Unless the Lord watches over the city, the watchman stays awake in vain.—Psalm 127: 1 (RSV).

Sovereign Lord, no individual or group of individuals take more seriously national security than the Senate. Thou hast given us minds with the ability to reason, reflect and remember, and Thou dost expect us to use our intellectual powers to work on national defense in all its complexity.

But the history of Thy people, Lord, indicates that often, Thou hast been their most secure defense, whether it was Moses and the Pharaoh, Joshua at Jericho, Gideon and his tiny army of 300, or David and Goliath.

We are not in danger, dear God, of trusting Thee to the neglect of a rational approach to defense, but we may imperil our security by trusting our own ingenuity to the neglect of a reasonable faith in Thee. Having done our best collective thinking, gracious God, may we not be guilty of indifference to our dependence upon Thee. In the name of Him whose triumph in history is certain. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

EXCEPT THE LORD KEEP THE CITY * * *

Mr. BAKER. Mr. President, the minority leader makes me feel inadequate in many ways, most often in terms of our comparative knowledge of the rules and precedents of the Senate. But I have to confess that I was simply overwhelmed this morning when my friend the minority leader turned to me and said our distinguished Chaplain did not use the King James version this morning. I not only feel inadequate. I feel guilty.

Mr. BYRD. Will the majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. BYRD. In the King James version, the passage is this: "Except the Lord keep the city, the watchman waketh but in vain."

Mr. BAKER. I have an Apple computer at home, Mr. President, but it is not that good.

Mr. BYRD. I did not mean to be critical of the Chaplain. I just wanted to comment.

FRANK REYNOLDS, ABC ANCHORMAN

Mr. BAKER. Mr. President, I have another comment to make of a far sadder nature. It was with genuine sadness that I learned this morning of the death of ABC television anchorman Frank Reynolds. I have known Frank Reynolds a long time, not only by reason of his outstanding performance as a broadcast journalist, but also as an acquaintance for many years. Many of us who knew Frank Reynolds knew that he was sick and had been in the hospital since April. But I do not think many of us knew or fully understood how sick he was. Last evening, I learned from my daughter that he was very ill, and this morning I learned that he had died.

Since joining ABC News in 1965, Frank Reynolds was an omnipresent fixture in broadcast journalism. His coverage of events, both at home and abroad, won him praise from TV critics and viewers from all over the country. Perhaps it was his commitment to an enlightened electorate that made him the success that he truly was.

On behalf of the entire Senate, I want to extend my sympathies to Frank's wife Henrietta, and his five sons.

The family has lost a fine father and husband, and we have lost a great American.

Mr. President, I ask unanimous consent that this week's poem "Thoughts of Death" be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

THOUGHTS OF DEATH

Thoughts of death
Crowd over my happiness
Like dark clouds
Over the silver sickle of the moon.

Death comes to some
Like a grizzled gangster
Clubbing in the night;

To some
Like an obstinate captain
Steadily besieging barriers;

To some like a brown adder
Lurking in the violet-speckled underbrush;

To some
Like a gentle nurse
Taking their toys and stroking their hot brows.

Death will come to you, I think,
Like an old shrewd gardener
Culling his rarest blossom . . .

—STERLING A. BROWN.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. SYMMS). The minority leader.

Mr. BYRD. Mr. President, I guess I remember Frank Reynolds best because of that occasion following the assassination attempt on the President, when it had been announced that Mr. Brady had died; then shortly after that announcement was made, there was an announcement correcting that report. I noted that Frank Reynolds was obviously upset. He was happy to hear that it was incorrect, that Brady had not died, but he was very upset at the inaccuracy in reporting. He was obviously angry when he said, "Let's get it straight!"

I join with the majority leader and I thank him for yielding at this point. I join him in saying that I was saddened to hear this morning of the death of Frank Reynolds. He represented the

best of his profession. He was tough; he could be tender. His voice was familiar to all of us. He spoke with authority and compassion.

He came to ABC in 1965. He had covered it all—the White House, at times the Congress, Vietnam, the Middle East—and he had accomplished his work with distinction.

I had recently missed him at his anchor spot on the ABC World News Tonight. It was a sad shock to learn of his death this morning at age 59.

He will be missed by his wife and five sons, and our hearts go out to them. He will also be missed by the millions who watched him anchor the ABC news.

Frank Reynolds once said:

> The most satisfying aspect of our profession is that we help people understand what is going on.

He lived up to that task, and he was a professional.

Frank Reynolds once said, during the Iranian hostage crisis that at times seemed never to have an end, "I didn't like sending the country to bed each night with bad feelings."

He was a compassionate journalist.

Frank Reynolds once said about his profession: "We have a responsibility to get it right." And he was right. The media has a responsibility to get it right.

He said, "The first responsibility is accuracy." He was that kind of man.

He was a consummate journalist. He will be missed by his profession and the public that had grown to admire him these many years.

I thank the majority leader for yielding.

Mr. BAKER. I thank the minority leader.

SENATE SCHEDULE

Mr. BAKER. Mr. President, as announced last evening, after the execution of the special orders provided for, there will be a period for the transaction of routine morning business that will run until 11 a.m. unless other provisions are made before that time, in which Senators may speak for not more than 2 minutes each.

At 11 a.m., the Senate will resume consideration of S. 675, at which time the Tower amendment, No. 1525, will be the pending question.

Mr. President, I anticipate that the Senate will be fully engaged for this day and perhaps into the evening. I intend to ask the Senate to remain in as long as the managers of the bill feel that we can do useful work.

I have nothing further this morning.

I yield to the minority leader any time I have remaining under the standing order.

Mr. BYRD. I yield back my time to the majority leader.

Mr. BAKER. I thank the minority leader.

Mr. President, I understand now that the distinguished Senator from Colorado and the distinguished Senator from Minnesota wish to reverse the sequence of their special orders, so that the Senator from Minnesota will be first and the Senator from Colorado will be second. Following them will be the Senator from Nebraska and the Senator from Georgia.

I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR DURENBERGER

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota (Mr. DURENBERGER) is recognized for not to exceed 15 minutes.

EL SALVADOR AND UNITED STATES FOREIGN POLICY IN CENTRAL AMERICA

Mr. DURENBERGER. Mr. President, 2 days ago, I spoke at some length on this floor about Central America. I expressed my concern that so many Americans are basically ignorant of this region, and I stressed two points. First, I urged that we must make people more aware of the importance of Central America. Second, I stated that we must account for the diversity of views which people will hold. In particular, I noted that we unfortunately seem to rely on special commissions every time we face a logjam in our political system.

I want to reiterate those views today, and add some thoughts concerning the pitfalls of the course in which we may now be heading.

It is a truism of American foreign policy that it cannot succeed in any venture unless it is based on a bipartisan consensus. Unfortunately, we seem to get farther and farther from that situation every day.

This derives from a number of things. Partly, of course, it reflects the fact that we are a very diverse country, and that our political system is pluralist, encouraging differing views about any issue. Partly, it reflects as well the fact that we remain insular in many respects. It is frustrating to see how little Americans know of the world around them, particularly at a time when we are ever more interdependent with the rest of the world. Finally, of course, there is the legacy of Vietnam: suspiciousness, wounded pride, anger, and ambiguity. These things profoundly affect our view of foreign policy.

To some extent, all three of the factors I mentioned appear in our approach to Central America. We bring diverse views to the subject. Some people are deeply concerned about the growth of Marxist governments in the region. Others are deeply concerned about the brutality and squalor which characterize so many of the nations in that area. Still others view the situation in terms of economic self-interest. Under the circumstances, it is difficult to find a consensus.

But in addition to diversity of views, we bring as well a large measure of ignorance. I noted 2 days ago that I was perhaps overly concerned by the fact that so many of the Members of the Senate were compelled to look at a map of Central America to understand the geography of the region. But, at a less prosaic level, consider the fact that the President and others seem to feel that the only way they can drive home the importance of Central America to most of our citizens is by invoking the specter of hordes of "feet people" crossing our borders and taking our jobs. It is a bitter commentary on both the failure of most Americans to know anything about their neighbors and on the apparent necessity for rhetorical excess in our political system.

Finally, let us not forget that our policy in Central America is haunted by the memories of Vietnam. To some people, Vietnam suggests that we should never again involve ourselves in foreign policy unless it is on the side of the angels. To others, Vietnam suggests that we must somehow restore our credibility as a superpower.

Under these circumstances, it is not surprising that our policy toward Central America has been so chaotic for so long. As I noted in testimony 4 years ago, we seem too often to approach this region with alternating cycles of panic and neglect. Right now, we are in a panic cycle. Everything seems marked by excess. Against those who talk of stemming the threat of Russian military bases in the region, we have those who talk of abrogating any role in the region, preferring to let a presumed liberation take its course. Still others, of course, talk of stemming a tide of refugees, apparently by rushing into some kind of Marshall plan.

Given this situation, it is vital that we find our way out. That's why the idea of a special Presidential commission appealed to so many people, including this Senator.

By finding a group of wise men, it was thought, we could overcome the paralysis of our political system. We could bridge the diverse views of our citizens. We could gain a sophisticated grasp of the importance of Central America. We could avoid either the catastrophic consequences of a military engagement or the equally disastrous outcome of a regional collapse.

We probably expected too much.

The membership list of the special commission has been announced. The members are all eminent Americans,

and all deserve our respect, as well as our thanks for serving.

But we must be concerned, I feel, that the commission will not be able to fulfill the inflated expectations with which many of us approached it.

No commission, of course, can ultimately make up for the paralysis of a political system. Commissions can only assist, not replace, a system of decisionmaking. But if they are to assist—particularly when we need a bipartisan consensus—they must demonstrate a wide range of views. I fear that this commission may not.

I am struck by the relative homogeneity of views among those who were named. I am struck as well by how few of the members have any substantive background in Central American affairs. Clearly, every member is well informed about current affairs, and many have extensive experience in foreign policy. Henry Kissinger is a good example. But I see no names which I usually associate with ranking scholarship in the region. And I see no names which I usually associate with some of the more diverse views held in our country.

The Scowcroft Commission stands in contrast to this commission in one important respect. Its membership was drawn from among the most knowledgeable people in the field of strategic arms. Like the new commission on Central America, of course, the Scowcroft Commission was largely comprised of people experienced in the making of policy. That is a vital element if any commission is to be more than a sterile and ineffective body. But the Scowcroft Commission reflected deep, professional understanding of the subject matter throughout its entire membership. I wish we could say the same of the commission on Central America.

If this new commission is to succeed in its goal of assisting us, given its membership, we must ask it to focus on one thing above all else: the manner in which policy is made or not made in this country with respect to Central America. I hope that we can make a virtue out of a vice, and ask this commission to give us the benefit of its expertise in the making of policy. We clearly cannot ask it for expertise on Central America.

The making of policy—the means by which questions are asked and alternatives posed—is crucial to the success of any policy, no matter how thoughtful its premises. In this area, I believe, we can and should ask for an objective assessment of just how well our policy is doing, just where it is leading us, and just what we must do to restore an element of informed choice of our analysis.

These are not abstract concerns, fit only for a classroom in civics. The making of policy defines the substance of policy. Just 2 nights ago, the Vice President cautioned us once again that we should not mistake El Salvador for Vietnam. He was correct. We should not, and the analogy has often been overdrawn.

But if Vietnam can teach us anything, it can teach us about the making of policy. If the new commission is to succeed, given its membership, we must ask it to address this question. It does have expertise in the area of decisionmaking, and I hope we will be able to draw on it. The lessons of Vietnam, after all, are lessons about the failure of policy, not simply lessons about military tactics.

Mr. President, it is understandable and problably unavoidable that the specter of further fighting throughout Central America will invite comparison, to our policy in Vietnam. Too often, the metaphors which are drawn between Vietnam and El Salvador are powerful, compelling, easily understood, and totally wrong. As the historian Ernest May has cautioned us, we must avoid the temptation to seek "lessons from the past" unless we are very careful to distinguish the past from the present.

It seems that every schoolchild now knows Santayana's famous epigram that "those who do not remember the past are condemned to repeat it." Given the traumatic history of our recent past in Southeast Asia, it is understandable that so many people remember it and draw parallels to Vietnam.

Officials in the Government have gone to great pains to point out, as they should, why El Salvador is not Vietnam. Let me make clear that I accept many of these points. Specifically, let me make clear from the outset what I do not believe about our policy in Central America.

First, I do not believe that it would be as militarily difficult for the United States to sustain an effort in El Salvador as in Vietnam. Lines of communication would favor us rather than an adversary, and we would be dealing with a region in which the vast majority of countries would probably be more supportive than not.

Second, I do not believe that the much-malined domino theory is bankrupt. While, like any other metaphor, this one invites simplification, it seems to me to represent fundamental geopolitical reality. Certainly, the predictions of those who invoked it in Indochina seem to be more borne out than not. It is quite likely that a widening of the fighting in Central America would ultimately produce consequences beyond the borders of El Salvador. It already has.

Third, I do not believe that combat against guerrilla insurgents is somehow "unwinnable," whether conducted by foreign or local troops. Guerrillas are not invincible just because they are guerrillas. If they succeed, they do so either because support for their opponents erodes over time or because the troops they fight are badly trained and led.

Finally, and perhaps ironically, I do not believe that either our policy in Indochina or our policy in Central America represents a case of breakdown in our political system of checks and balances. Just as there were no malignant people trying to drag us into a war in Vietnam, so there are no malignant people trying to sneak us into a conflict in Central America. As Leslie Gelb and other serious students of the Vietnam era have noted, the irony of our policymaking is that the policy failed but the system of political decisionmaking worked. Decisionmaking did what it was supposed to do—sustain and carry out a relatively centrist course of policy reflecting the preferences of the political leadership.

I realize that this is a provocative statement, and I intend to use it as my point of departure for arguing that, if there are some parallels betwen Vietnam and El Salvador that should be rejected, there are some that should not. I am disturbed, Mr. President, that the pattern by which decisions are increasingly being made with respect to Central America is one which is strikingly reminiscent of the mistakes we made 20 years ago. The parallel between Vietnam and El Salvador does not lie in terrain similarities or in the nature of operations against insurgent forces. The situation on the ground, the tactical reality, is sharply different in El Salvador, and it is foolish to pretend otherwise. But the manner by which we seem to be approaching our policy is quite similar to policymaking in those years, and it is this parallel, I believe, which bears closer attention.

Serious students of the Pentagon papers and other evidence from the Vietnam years agree on the broad outlines of decisionmaking as it occurred. Very simply, the difficulty was that we made and sustained a broad and open-ended commitment, enshrined that commitment in terms of a large doctrine, and thereafter were forced to live bound up in a number of dilemmas. It was not the scale of violence in Vietnam which determine our commitment. Rather a preexisting commitment, taken without much thought, led us to up the ante over time. It was policy, not circumstances, that dictated the escalation. We were not dragged in, hapless and helpless.

Senior policymakers were clearly aware from the outset that each step they took would at best stave off disaster rather than resolve the problem. Instead, we had made a broad commitment, and it was that commitment, combined with the changing nature of the situtation, that determined the scale of our involvement. In other

words, we were not caught on a slippery slope greased for us by narrowminded bureaucrats or wily guerrillas. Policy was not mechanistic. Each decision was preceded by extensive debate and ultimately by a realistic view of the likelihood of success. The real problem was that our International undertakings did not accord with our domestic commitments.

Simply put, succeeding administrations were governed by what might be called two unstated rules of decisionmaking. First, do not lose another country to communism. Second, do not fight a land war in Asia. These two unstated rules, contradictory as they were, forced us into the policy of incrementalism which ultimately spelled our failure. It also imposed on us a number of specific dilemmas, as outlined by Leslie Gelb in his study of Vietnam. These dilemmas are worth remembering.

One dilemma was that as our stakes increased, our leverage over the performance of the South Vietnamese Government decreased. For example, we remained committed to seeking land reform throughout the war. But our ability to induce the Saigon government to undertake needed reforms diminished as our own involvement grew, for the credibility of our threat to cut aid disappeared.

A second dilemma was that if we sought to pressure the government into better performance, we raised the prospect that the government might simply collapse under its own weight. Yet if the government did not change, it would collapse from a loss of support.

A third dilemma was that as we tried to place restraints on our own policy in order to stay within the limits of what was acceptable to the majority of Americans, we signaled an apparent lack of resolve and toughness to the North Vietnamese. Yet if we tried to signal toughness, we faced severe constraints at home.

It is worth remembering the context in which many Vietnam decisions were made. We forget how close upon the McCarthy era our initial commitments occurred. Careers had been ruined simply over such issues as whether one had served in China in the State Department. More important, however, the 1950's and 1960's were a period in which most Americans believed that the threat of communism was indivisible. The dominant historical lesson of the time was the one which had apparently been taught by Munich in 1938.

Given the belief that we needed to contain a Sino-Soviet Communist menace, and given the belief that this menace was growing stronger every day, it was nearly foreordained that a country such as Vietnam would attract our attention. Policy was aimed at stopping a further gain for communism, and Vietnam represented an imminent problem.

Just as important, however, our military leaders and others had been deeply upset by the conduct of the Korean war. A generation which had been conditioned by unconditional and total victory was prone to see the results in Korea as a bitter loss, over looking the fact that American arms had succeeded in their goal—the checking of aggression. As a result, there grew up a strong "Never Again" club within the military, shaped by the deep conviction that we should never again fight a land war in Asia, particularly with incremental methods. There was thus very little professional military sentiment in favor of introducing troops into Southeast Asia, particularly if we would introduce them in dribbles.

So we had two strong political imperatives which, in their simplest form, could be translated as "Don't lose, but don't fight." What was the result?

As the ineptitude of the Saigon government, coupled with the success of Communist forces, brought South Vietnam close to collapse in the early 1960's, we began to respond tit for tat. Nobody wanted to argue for massive troop commitments, but nobody wanted to lose, either. Most important, nobody wanted to consider that today's increment is tomorrow's downpayment. The horizon of policy was foreshortened.

In 1961, Gen. Maxwell Taylor and Special Assistant Walt Rostow visited Vietnam to assess the situation for President Kennedy. Their report was gloomy. They concluded that small units of fighting troops were necessary, but not sufficient to win a victory. They stated that we could not handle the situation simply with advisers. Instead we would need more, far more.

Their views were selectively ignored, for their conclusions were simply too painful to contemplate and their recommendations went outside the bounds of the acceptable. Our commitment, in short, was not fed by military optimism. Instead, it was fed by political necessity at least so long as most people shared the view that we needed to contain communism in Southeast Asia.

In short, in a pattern which is familiar to all of us in government and politics, we sought not to solve a problem so much as to defer it, not to win so much as to stave off a loss, not to develop a positive policy so much as to avoid a negative one. It was the decisionmaking pattern during those years, more than anything else, which brought us into the war, a decisionmaking pattern characterized by compromise among several unacceptable options.

Where did we go wrong? Fundamentally, I believe, our error arose from trying to square the circle, from boxing ourselves into unacceptable options and then seeking a compromise, rather than reexamining the options. So long as our policy commitment—our desire to stop communism from spreading—remained large, but our will to act remained limited, we were trapped. Incrementalism was the result, not the cause, or our failure, for the real failure took place here in Washington, and not in Southeast Asia. We needed, but failed to reexamine our fundamental decision rules. We needed either to pare our commitment or expand our willingness to act. We did neither. The result was the continuing stalemate of those years.

Why do I spend so much time dwelling on the past when I began this statement by cautioning against the temptation to use the past as a metaphor for the present?

I do so principally because I fear that, when some people try to invoke the imagery of Vietnam in describing Central America, they seize upon the superficial and overlook the essential. If there are any potential similarities, they do not arise from the fact that a weak government faces a challenge from insurgents armed by outside powers. They arise from the manner in which decisions were made then, and may well be made now, with respect to fundamentally contradictory goals. I fear, Mr. President, that once again we may be trying to square the circle.

The essence of our policy in Vietnam can be described in one phrase: "Don't lose, but don't win; instead, play for time in hopes that something will go right, knowing that it probably won't." Since we were dealing with intangibles, it was nearly inevitable that we would seek to base our policy on the short-term, the pragmatic, the measurable. This often meant the military, despite the military's own warnings. It meant that reform was forgotten as our sense of proportion disappeared.

Does this bear any similarity to our policy in Central America? Perhaps not yet, but it could.

First, the fundamental contradiction between our goals—between our commitments and our will—appears to be increasingly evident. Over time, we hear more and more about the vital stakes which are at issue in El Salvador, but we also hear repeatedly that we do not intend to fight a major war. This kind of rhetoric became very evident during the month of March 1983.

On March 13, Secretary of Defense Weinberger, appearing on "Face the Nation", stated that "we'll all be a lot safer" if the Army of El Salvador prevails in its conflict. He reiterated our need to stop the expansion of communism, in part to preserve the security

of our sea lanes of communication with the NATO alliance. This represented a decided escalation in the depth of our commitment—our stakes, if you prefer—over the days when we were simply willing to help the government to reform itself.

The next day, news accounts of an interview with Under Secretary of Defense Ikle reported that he saw the situation in Central America as one in which the Soviets might turn the region into another Eastern Europe.

Also on March 14, Newsweek carried a quote by an anonymous White House aid that—

> This President is not programmed to give up another country to communism. He will do whatever is necessary to win in El Salvador.

In short, we began to see the stakes in Central America described in increasingly cataclysmic terms: The future of NATO, a Soviet grasp on our hemisphere, and so forth. This was not just mere rhetoric either. It reflected, I believe, the feeling of many people in the administration, including the President. It was also reminiscent of the stark views about a worldwide threat which governed our analysis of Vietnam.

In his speech to the National Association of Manufacturers on March 10, the President discussed the importance of Central America and the Caribbean in terms of our sea lanes of communication. He noted that Soviet military planners would like to throttle those lanes, and would like to divert our attention from Europe to our own backyard.

All this is true. Without question, we would rightly consider it a grave threat to our security if Soviet submarines got loose in the Caribbean and began to choke our sea lanes. But does this mean that the insurgents in El Salvador are carrying out a Soviet plan? What if guerrillas occupy the city of Berlin in El Salvador? Does that presage a threat to freedom of the seas? The President certainly seemed to believe that the two were linked—that the battle in El Salvador is a battle between East and West for control of the hemisphere. No wonder the stakes are high, if that view is correct. But is that view correct? I think not.

It is important whether one Senator differs in his view of the meaning of the civil war in El Salvador. However, it is vitally important I believe, that we are not matching our will and our resources to the stakes allegedly involved. Such a course promises disaster. If the civil war in El Salvador is really all about the future of the sea lanes and the NATO alliance, why did the President, in the same speech, rule out the use of American troops, He appears to be simultaneously alerting us and lulling us, and our policy along with his credibility is the victim, for he is calling forth memories of Vietnam.

The President repeated his views to us on April 27 when he addressed a joint session of Congress. Once again, we heard how vital the Caribbean and Central America are to our national security, and were reminded that the Nazis as well as the Russians understood this geopolitical reality. We also heard the Truman doctrine invoked as another indication of just how seriously the President views the stakes in the region. We heard that if Central America should become Communist, the consequences would be felt in NATO. But finally, we heard a plea for a minimalist policy and a pledge that American troops will not be used.

What does this mean? At the minimum, I fear that it poses us with the same dilemmas we faced in Vietnam.

First, it is increasingly apparent that as our definition of the issue—our stake—is inflated, our leverage is decreased. It simply cannot be credible to the government in San Salvador that we might condition assistance on their adoption and implementation of serious reforms if they hear the President and major Cabinet figures speaking in terms of Russians, Nazis, and the Truman doctrine. Yet the adoption of meaningful reforms which will gain the allegience of the Salvadoran people and diminish support for the guerrillas is and has been at the heart of our policy in El Salvador. The Salvadoran Government must be made to recognize and act on this premise, despite the difficulties posed. They cannot be expected to set out on this course if they feel we will support them no matter what, in order to keep Russian submarines out of the region.

Reforms were undertaken by President Duarte, but it is unclear just how serious the current Government is about carrying them out. Human rights abuses continue, the death squads continue to act with impunity, land reform is uneven, and increasingly the issues seem defined by battle rather than reforms. Many people now in the Salvadoran Government are actively hostile to reforms. Why should they undertake them if they believe that we will continue to support their Government for fear that we will lose our sealanes of communication?

Second, it is increasingly clear that as we ask the Salvadoran Government to take on several major policy and military initiatives, something has to give. If the Government does not improve, it faces an erosion of support. But if it tries to reform and to adopt the military offensive at the same time, it faces collapse from being overloaded. If reform is the key element in the situation—and I believe it is—military operations should be aimed at supporting rather than supplanting such a policy.

Finally, it is simply not credible to the leftists—whether in Nicaragua, Cuba, or El Salvador—that we will actually do what we implicitly threaten. As we tailor our rhetoric to a domestic audience with repeated pledges that troops will not be sent, we undercut our rhetoric about the stakes involved. This can only encourage more, not less, aggression by those who wish us ill.

Let us examine one other similarity. The Woerner report of 1981, a report which remains highly classified to this day, appears on the basis of public accounts to have reached some very pessimistic conclusions about the prospects for a military victory over the insurgents without the use of large-scale force. Yet, like the Taylor-Rostow report of 1961, the report has been buried.

However, there is one significant difference between now and then. Increasingly, senior American military officers are publicly stating that we cannot afford to repeat the pattern of decisionmaking in Vietnam. Over the past few weeks, General Meyer and several others have cautioned us that we should not flirt with sending troops into the region unless we are prepared to do it right, with a firm congressional declaration of support and a clear set of goals. That is one of the reasons why I am confident that Vietnam will not repeat itself—we have learned.

But if that is a sign of hope, it is dim indeed in terms of the larger context I have described. I firmly believe that the President has no intention of sending troops to El Salvador. I firmly believe that he sincerely views the stakes in the terms he has outlined. I am simply concerned that between these two commitments—one to us and one to the rest of the world—there is no room for maneuver.

It is easy to entertain a debate over what action we should take in El Salvador if the stakes are not cast in concrete. But I fear they may soon be, with the result that our room for debate and for sound policy will be limited.

Rather than escalating the stakes and expanding the nature of our commitment, I believe we should adopt once again the view that our commitment to El Salvador is a narrow one, based on narrowly defined terms. The President told an audience in San Francisco last March that—

> We believe that the government of El Salvador is on the front line of the battle that is really aimed at the very heart of the Western Hemisphere, and, eventually, at us.

If this is so—and I do not believe that it is—then the so-called battle is ours, not El Salvador's. Otherwise, we must recognize what is really at stake in El Salvador: Their future more than ours.

It is a long and noble tradition of this country to seek an end to poverty, to repression, to famine, to disease. These are ends in their own right. They also represent enlightened self-interest, for a country which is stable and healthy is a country unlikely to threaten us or our interests. That is why I supported our Government's policy in El Salvador for so long. It was based on the adoption of long overdue reforms which would both benefit the Salvadoran people and make the claims of revolutionaries ring hollow. Military assistance, in occasional and small measure, was a part of that policy in order to give President Duarte the chance to defend his Government while it moved in the right direction. Our commitment was both narrow and conditional. It served our own interest and the interests of the Salvadorans.

It is time, Mr. President, to return to this kind of a policy. It is time to recognize that our stakes do not ride on Nazi and Soviet submarines, nor on hordes of refugees as others say, but instead on a common vision of stability and prosperity. Those are large stakes, indeed, but they mean that our commitment to a given government or a given country will be based on terms which are far more narrow than some notion of military security. They mean as well that our policy will no longer be based on trying to square the circle, as I fear it will be soon.

Let us, in short, avoid setting ourselves up for the kind of open-ended commitment which we are obviously not prepared to meet. Let us instead make our commitment realistic, achievable, and beneficial. Rhetoric has its place, but it has no place in the shaping of policy, particularly when the consequences can be so large.

The worst kind of policy is one based on open-ended commitments. As we are finding out elsewhere, policy is sound when it has a sunset provision, when it is focused, and when it is linked to realistic goals and specific measures of progress. Open-ended commitments based on grandiose views only invite catastrophe. Even worse is the situation in which open-ended commitments are backed up by limited resources, for this invites an incremental slide to disaster.

Since it would be a mistake to massively increase the resources spent in support of a vague policy, the only answer is to redefine the policy and put limits on the commitment. If El Salvador should be taken over by leftists, this would be a setback for our goals in the region. But it would not be so great a setback as a policy which is based on broad and unarticulated premises, a policy which invites further and further involvement simply to buy time. Time is our enemy, not our ally, unless the government in El Salvador makes a concerted effort to win what must ultimately be a race to reform.

It is my hope, Mr. President, that the blue ribbon commission on Central America will reach the same conclusions. It is not the particular decisions being taken that are the source of our problems. Rather, it is the view of the challenge we face, and the apparent willingness of this country to make so huge a commitment in such stark terms. I hope that the new commission will help us all to understand that the stakes in Central America are ultimately more determined by economic and political stability than by the threat of Russian submarines. If we truly fear the latter, we must address the former.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURENBERGER. I thank the President and I thank my colleague from Colorado for the opportunity to proceed ahead of him.

The PRESIDING OFFICER. Under the previous order, the Senator from Colorado (Mr. ARMSTRONG) is recognized for not to exceed 15 minutes.

Mr. ARMSTRONG. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the quorum call not be charged against my special order time.

The PRESIDING OFFICER. without objection, it is so ordered.

The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. SYMMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ARMSTRONG). Without objection, it is so ordered.

RECOGNITION OF SENATOR ZORINSKY

The PRESIDING OFFICER. Under the previous order the Senator from Nebraska (Mr. ZORINSKY) is recognized for not to exceed 15 minutes.

Mr. ZORINSKY. I thank the Chair.

S. 1643—THE AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEE ACT OF 1983

Mr. ZORINKSY. Mr. President, today I am reintroducing my legislation to assure that county and community committees, which are selected under established procedures provided by the Soil Conservation and Domestic Allotment Act, will continue to function on the same basis as they did prior to December 31, 1980.

Joining me in introducing this bill, first submitted in October of last year, are Senators ANDREWS, BAUCUS, BENTSEN, COCHRAN, DIXON, EXON, HEFLIN, LEAHY, SARBANES, and SASSER. An indentical bill is being introduced in the House of Representatives by Congressman CHARLES ROSE.

Mr. President, for 50 years now, the farmer-elected committee system has played an important role in administering the commodity stabilization program as well as the price support program for our Nation's farmers. This system achieves an extremely worthwhile goal, putting the administration of farm programs in the hands of those who are best equipped to handle the task.

We have seen these different committees adjust through the years to a variety of new and often innovative agriculture programs. In my home State of Nebraska, as in other States, they operate within the local communities to inform their neighbors about farm programs and help see that these programs are administered with fairness and equity.

Unfortunately, recent activities of top level USDA officials have created doubts and uncertainties about the role of these committees. The efforts on the part of the Reagan administration to reduce the number of the local committees and to downgrade their role fully justifies action of the Congress to clarify existing law.

Mr. President, it has been my privilege to have had the opportunity to consult with the leaders of the National Association of Farmer-Elected Committees and the affiliated Nebraska Association in drawing up this legislation. These groups assure me their members strongly support it.

I ask unanimous consent that the text of the bill together with a summary of its provisions be printed in the RECORD at this point.

There being no objection, the bill and the summary were ordered to be printed in the RECORD, as follows:

S. 1643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Stabilization and Conservation Committee Act of 1983".

LOCAL COMMITTEES

SEC. 2. (a) The fifth paragraph of section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) is amended by—

(1) inserting, after the third sentence, the following: "The number of such local areas in any county shall not be less than the number of such local areas in the county on December 31, 1980.";

(2) striking out "annually" in the fourth sentence;

(3) inserting, after the fourth sentence, the following: "Each member of a local committee shall be elected for a term of three years. Each local committee shall meet not less than four times annually, the meetings to be held on different days of the year."; and

(4) inserting after the eighth sentence, the following: "The local committees in each county shall (1) in counties in which there are more than one local committee

(A) elect, each year, a person to serve as a member of the county committee and (B) serve as advisors and consultants to the county committee; (2) periodically meet with the county committee and State committee to be briefed on farm program issues; (3) communicate with producers within their communities on issues or concerns regarding farm programs; (4) report to the county committee, the State committee, and others on changes to, or modifications of, farm programs recommended by producers in their communities; and (5) perform such other functions required by law or as the Secretary may specify. The Secretary shall ensure that information regarding changes in the Federal laws in effect with respect to agriculture and the management of land, water, and related resources, and in the administration of such laws, are communicated timely to the local committees for areas that contain farmers who might be affected by such changes.".

(b) The amendments made by subsection (a) of this section shall take effect on January 1, 1984, except that the amendments made by clauses (2) and (3) of subsection (a) shall not apply with respect to the term of office of any member of a local committee elected before January 1, 1984.

(c) In any county in which, prior to January 1, 1984, there is only one local committee, which also serves as the county committee, if the amendment made by subsection (a)(1) of this section will increase the number of the county's—

(1) local administrative areas to be designated under section 8(b) of the Soil Conservation and Domestic Allotment Act and

(2) local committees,

any member of the local committee elected before January 1, 1984, shall serve the unexpired portion of the member's term following such increases as a member of the local committee for the local administrative area so designated in which such member resides.

COUNTY COMMITTEES

SEC. 3. Effective January 1, 1984, the first sentence of the fifth paragraph of section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) is amended by—

(1) inserting "and as otherwise directed by law with respect to other programs and functions," after "Alaska,"; and

(2) inserting a semicolon and "and the Secretary may utilize the services of such committees in carrying out other programs and functions of the Department of Agriculture" before the period at the end thereof.

SALARY AND TRAVEL EXPENSES

SEC. 4. Effective January 1, 1984, section 388 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1388) is amended by—

(1) adding, at the end of subsection (b), the following: "In addition, the Secretary shall provide compensation for members of such county committees, and to members of local committees of farmers within a county, for work actually performed by such persons in cooperating in carrying out the provisions of such Acts; and such persons shall be compensated for such work (1) in the case of persons who are members of local committees within a county, at a rate (per hour of work actually performed) not less than the rate for grade GS-9 in the General Schedule set out in section 5332 of title 5 of the United States Code, as adjusted to an hourly rate; and (2) in the case of persons who are members of county committees, at a rate (per hour of work actually performed) not less than the rate for grade GS-11 in the General Schedule set out in section 5332 of title 5 of the United States Code, as adjusted to an hourly rate."; and

(2) adding, at the end thereof, a new subsection (c) as follows:

"(c) The Secretary shall make payments to members of local, county, and State committees of farmers to cover the expenses for travel incurred by such persons (including, in the case of members of local and county committees, travel between their homes and the local county office of the Agricultural Stabilization and Conservation Service) in cooperating in carrying out the provisions of the Acts in connection with which such committees are utilized. Such travel expenses shall be paid in the manner authorized, under section 5703 of title 5 of the United States Code, for the payment of expenses and allowances for individuals employed intermittently in the Government service. No part of such travel expense payments may be deducted from the Soil Conservation payments, parity payments, or loans, or other payments under such Acts.".

SUMMARY OF THE MAJOR PROVISIONS OF THE AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEE ACT OF 1983

COMMUNITY COMMITTEES

The bill will—

(1) require that the number of local administrative areas (from which agricultural stabilization and conservation (ASC) community committees are elected) in a county cannot be less than the number of administrative areas that the county had on December 31, 1980;

(2) extend the terms of members of ASC community committees from one to three years;

(3) require that ASC community committees meet not less than four times annually;

(4) specify the duties of ASC community committees, as follows:

(a) in counties in which there is more than one ASC community committee, the committees will—

(i) elect, each year, a person to serve on the ASC county committee; and

(ii) serve as consultants and advisors to the ASC county committee; and

(b) all ASC community committees will—

(i) meet periodically with the ASC county and State committees to be briefed on farm program issues;

(ii) communicate with farmers within their communities on issues and concerns regarding farm programs;

(iii) report to the ASC county and State committees, and others, on farm program recommendations of farmers within their communities; and

(iv) perform other duties required by law or assigned by the Secretary of Agriculture;

(5) reqiure the Secretary to ensure that ASC community committees are provided up-to-date information on Federal farm and related programs that might affect farmers within their communities;

(6) make the changes described in items (1) through (5) above effective on January 1, 1984, except that the increase in the length of the terms of members of the ASC community committees will not apply to persons elected prior to January 1, 1984; and

(7) in counties that now have just one ASC community committee, but that (as a result of the bill) will receive additional community committees, provide that each person who is a member of the one county committee as of December 31, 1983, will serve the unexpired portion of his term following the increase in community committees as a member of the community committee for the local area in which he resides.

COUNTY COMMITTEES

Under the current law authorizing the creation of ASC county and community committees, the Secretary of Agriculture is directed to use the services of the committees in carrying out portions of the Soil Conservation and Domestic Allotment Act. The bill will amend current law to (1) require the Secretary also to use the services of the county and community committees as directed by law with respect to other programs and functions, and (2) authorize the Secretary to use the services of the committees in carrying out any program or function of the Department of Agriculture.

SALARY AND TRAVEL EXPENSES

The bill will—

(1) require the Secretary of Agriculture to provide compensation, on an hourly basis, to members of ASC county and community committees for work actually performed in assisting in the implementation of the Department of Agriculture programs, with—

(a) members of ASC county committees to be paid at the hourly rate applicable to the grade GS-11; and

(b) members of ASC community committees to be paid at the hourly rate applicable to the grade GS-9; and

(2) require the Secretary to pay members of ASC State, county, and community committees for travel expenses (including, for members of county and community committees, expenses for travel between their homes and the local county office of the Agricultural Stabilization and Conservation Service).

Mr. ZORINSKY. I thank the Chair. I yield back the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR NUNN

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia is recognized for not to exceed 15 minutes.

S. 1644—SENTENCING IMPROVEMENT ACT OF 1983

Mr. NUNN. Mr. President, I rise to introduce a bill that the Presiding Officer and I worked on for a long time. I am delighted that the Presiding Officer is the Senator from Colorado at this time when I am introducing what we both consider a very important piece of legislation.

Mr. President, there is an impending crisis in our Nation's prison system. In the past decade, the national prison population has doubled. That population soared by almost 11,000 inmates in just the third quarter of 1982 alone.

With the possible exception of the computer and computer games industries, our prison system appears to be our Nation's largest growth industry. This phenomenon is, in my opinion, unfortunate, uneconomical, and unwarranted.

Unless we act now, prison overcrowding may soon force the wholesale release of both violent and nonviolent criminals, as has already happened in some States. American prisons, with a current population of more than 394,000 and a predicted annual growth rate of nearly 14 percent, are already taxed well beyond capacity. A clear majority of our State prison systems are either operating under court orders or involved in litigation for chronic prison overcrowding. We have created and are paying for a prison system which, rather than rehabilitating, is now barely able to warehouse our criminals. As time goes by, and our law enforcement hopefully improves, this situation is going to become completely intolerable.

While it is true that our prison systems do keep offenders off the streets and out of society, it is equally true that, as the President's Commission on Law Enforcement and the Administration of Justice reported in 1976, "a substantial percentage of offenders become recidivists; they go on to commit more and * * * often more serious crimes." Estimates of the rate of recidivism vary widely, from a low of 33 percent to a high of 90 percent, depending on the kind of prison involved and the method used to study the problem. But however the estimates vary, there appears to be a general consensus that our prison systems rehabilitate only a very small number of the hundreds of thousands of prisoners.

As Chief Justice Burger has stated: "More often than not, inmates go back into society worse for their confinement * * *" The Chief Justice then concluded, "We have developed a system of corrections which does not correct."

At least part of the problem can be attributed to prison conditions themselves. As the 1976 President's Commission reported:

(L)ife in many institutions is at least barren and futile, at worst unspeakably brutal and degrading . . . (T)he conditions in which prisoners live are the poorest possible preparation for their successful reentry into society, and often merely reinforce in them a pattern of manipulation and destructiveness.

These conditions are especially acute because roughly half of the maximum security institutions in this country are of 19th century vintage, many over 100 years old. They are typically outdated, fortress-like institutions—the types of institutions Charles Dickens decried so eloquently in his 1856 novel, "Little Dorrit," which was the first real exposé of prison conditions. Many of these institutions have not been significantly improved since they were built. They are becoming increasingly obsolete and in many cases have been held to fall far below those bare minimal standards required by our judiciary's constitutional rulings.

What exacerbates these aging structures the most is overcrowding. As of April 25, 1983, our total Federal prison population was over 30,000. With our Federal prisons now operating 25 percent beyond capacity, the continuing yearly increase in our prison population is especially alarming, and, in many States, I am going to add, the situation is much worse. Last year the national prison population jumped by a record 12.1 percent, the largest yearly increase since the Government began keeping prison statistics in 1926. The increase in the Federal prison population was even greater, at 16 percent.

Prison overcrowding has had a number of dramatic and frightening effects. We are faced with an almost unmanageable increase in prisoner civil right's suits. These invariably tend to result in the assumption of prison management authority by Federal and State courts. States have been forced in some instances to release prisoners before their sentences have been completed in order to make space for newly sentenced offenders. A substantial number of dangerous defendants who should be incarcerated receive probation because judges know that prison space is not available.

It is unmistakably clear that we are marching inexorably to a crisis point. Stronger sentencing practices and more effective law enforcement—both of which I have supported—have increased the number of convicts in our prison system. I applaud better law enforcement and stricter sentencing, particularly for violent criminals. But we must recognize that it is totally impractical for us to continue to urge Federal law enforcement agencies and Federal courts to carry on with the efforts against crime in a vigorous way and, at the same time, fail to perceive and remedy our growing prison problem. The 1981 Attorney General's Task Force on Violent Crime—and I might add that former Attorney General Bell, from my own State, served as a very prominent member of that task force—estimated that some $10 billion would be need to fund the construction needed to adequately accommodate the prison population in 1981. American taxpayers now spend more than $13,000 per year to incarcerate just one person for a single year. Just this January, President Reagan sent to Congress a fiscal year 1984 budget that seeks $103 million capital investment in Federal prison bedspace—the largest increase in the history of the Federal prison system. One new Federal prison is under construction and three more have been proposed. Obviously, in light of these costs, we must look beyond imprisonment for appropriate sentences for some offenders.

In many cases, this expenditure of over $13,000 a year to keep a criminal in jail and off the streets is worth it. In other cases, it is too high a price. It is too high a cost to our taxpayers and our community when it involves the nondangerous offender who can best be punished by the alternative forms of corrections which we hope will be made available by the bill that Senator ARMSTRONG and I are introducing today.

As Attorney General William French Smith stated recently on March 3, 1983 at Vanderbilt Law School:

Much can be done to improve correctional facilities. But while we move forward in our efforts to improve our Nation's prisons, we must recognize that we cannot continue to rely exclusively on incarceration and dismiss other forms of punishment.

Just such forms of alternative punishment is being offered by the bill I introduce today. Prison space and prison resources are as scarce as they are important and they must be effectively utilized.

We need to seek out other answers to this problem, answers that will be less burdensome to the taxpayers and yet still protect society from dangerous, violent criminals. One answer to the problem is to reexamine our sentencing practices and to develop alternatives to incarceration for some criminals as the normal means of punishment. The bill which Senator ARMSTRONG and I are introducing today attempts to meet precisely that challenge. Entitled the "Sentencing Improvement Act of 1983," this legislation is intended to insure, in the face of severe prison overcrowding, that "scarce Federal prison resources are available to house dangerous and violent criminals." The bill accomplishes that purpose by providing for the use of restitution and community service sentences in case of nonviolent and nondangerous offenders.

The bill affirms that dangerous, violent criminals must be locked up in prison to protect society, but that society does not necessarily need the same protection from nondangerous offenders. The bill creates a presumption that imprisonment is inappropriate for nondangerous offenders. In such cases, the bill provides that defendants shall be sentenced to pay back their victims for property damaged or lost or for medical expenses, as well as to provide free service in their communities through volunteer work.

The bill specifically states that certain offenders may be ineligible for alternative sentencing based upon their individual circumstances, including:

Those who committed violent crimes; those who committed crimes endangering the national security; professional criminals; narcotics traffickers; those convicted of certain illegal firearms or explosives trafficking violations; and those convicted of misuse of public office or public trust. The bill also provides that the court may imprison any offender if it finds substantial and compelling reasons to do so.

Mr. President, there are three reasons why this bill is needed. First, we need to insure that scarce available prison space is used to lock up the dangerous criminals that are most dangerous in our society. If we continue down the path we are going now, we will be in the terrible dilemma of not having enough space for those who are truly dangerous because we continue to use scarce space for those who do not pose a danger to society. This bill makes it clear that Congress wants those offenders put in jail. It also makes it clear that Congress does not want our prisons filled with nondangerous criminals if that means the dangerous ones will walk the streets.

Second, this bill recognizes the rights of victims of crime to be reimbursed for their losses. Too often they are not only not reimbursed, but they end up as taxpayers paying to feed, clothe, and house in prison those very nondangerous offenders who have victimized them.

Third, this is a much less expensive and equally effective way of punishing nondangerous offenders. Instead of paying over $13,000 per year to jail such a person and force him to spend his time unproductively, that person can remain in society, repay his victim and work for the community in a community service program. The cost per person of diversion through alternative sentencing is only about 10 percent of the cost of incarceration or about $1,300 per year, according to the U.S. Courts Administrative Office.

Restitution and community service as alternatives to incarceration work. We have seen their proven success in several of the States that have instituted such programs. Such projects have been used with increasing frequency in some of our Federal courts. A 1979 survey conducted by the U.S. Courts Administrative Office found that 53 districts used such alternatives on a case by case basis, and that 17 had formal community service programs.

Evaluation of such alternatives have demonstrated that public safety is not harmed. In fact, the recidivism rates of persons diverted from jail to such programs are in many cases lower than persons sent to jail. Moreover, these sanctions are much less expensive than incarceration and victim response to such programs has generally been positive.

I want to point out that this bill does not in any way create new sanctions not now available to sentencing judges. Alternative sentences of restitution and community service are currently within the reach of sentencing judges. As I mentioned earlier, they have and are being used. Only last year Congress, in the Victim and Witness Protection Act, again named restitution as a sentencing possibility for criminal offenders. We have incorporated the restitution procedures set forth in that bill to apply where restitution is ordered under this legislation.

What is new about this bill is an express congressional directive that the use of these alternatives be increased in cases of nonviolent offenders, in order to insure that sufficient prison space remains available for truly violent offenders. We quite honestly do not expect this bill to be the panacea for all the problems of our penal system. We do expect some reduction in the number of nonviolent offenders who are sent to prison. This reduction will therefore free up additional prison space for those violent offenders who should be incarcerated.

Turning to another aspect of the bill, there are those who may say that alternative sentencing will eliminate the deterrent effect of imprisonment. In response to that concern, we have drafted the bill to preserve that deterrent effect even where alternative sentencing is used. Even in cases of nonviolent offenders, the bill allows a judge the discretion to impose a minimal prison sentence of up to 60 days, to be followed by restitution and community service. Second, the bill provides that a community service sentence may include a residence requirement at a community treatment center, or half-way house. Finally, should an offender violate the conditions of the alternative sentence, he may be sentenced to any term of imprisonment permitted under law for his offense. With those provisions in place, alternative sentences can and will deter further criminal conduct by nonviolent offenders.

It is time for Congress to address the overcrowded prisons. We must act now before we reach the crisis which is so clearly on the horizon. The bill provides a safe, effective, and inexpensive method of addressing the issue now. Moreover, we have included in the last section of this bill a requirement for a review of its effectiveness 2 years after its enactment. This insures that we will have an opportunity to evaluate its efficacy and make any appropriate changes if necessary.

I point out in drafting this bill we have welcomed and incorporated the suggestions of many of those at the heart of our criminal justice system, including the Department of Justice, the Bureau of Prisons, Federal judges, prosecutors, and probation officers. We do not intend this bill to be a substitute for other much needed prison reforms, such as the sentencing commission legislation presently being considered by the Senate Judiciary Committee. Rather, the bill we introduce today presents, I believe, a well-reasoned vehicle for much-needed sentencing reform which supplements other proposed prison reforms. I urge Congress to speak to the problem of our overcrowded and scarce prison resources by the prompt and thorough consideration of this bill; a bill which I believe will be a model for many of our States.

Mr. President, I ask that the text of the bill as well as a section-by-section analysis of its provisions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SENTENCING IMPROVEMENT ACT OF 1983—SECTION-BY-SECTION ANALYSIS

The bill will improve current federal criminal sentencing procedures by providing flexible guidelines to the courts for the imprisonment or other alternative forms of punishment of offenders. The basic principle underlying the guidelines is that prison is the appropriate punishment for violent, habitual or professional offenders, but that alternative forms of punishment may be appropriate for non-violent offenders.

Section 3671(a) states the title of the statute as the Sentencing Improvement Act of 1983.

Section 3671(b) lays out the Congressional findings that there presently exists a serious problem with overcrowding in federal prisons. It also establishes that these scarce prison resources should be used for only the violent and dangerous criminals and that the interests of society can be served through the imposition of alternative sentences, such as restitution and community services, for non-violent, non-dangerous offenders.

Section 3672(a) establishes the presumption that certain offenders should be imprisoned for the protection of society. Generally, these are persons who, either by the offense for which they were convicted, or by their criminal history, have shown themselves to be an ongoing danger to society.

Section 3672(b) establishes the converse presumption that for certain types of offenses alternative forms of punishment should be used and that imprisonment is inappropriate. This presumption does not apply to a variety of offenses, including those involving national security, those causing serious physical harm to others, and those involving the use or threat of force. In addition, the court may find that the presumption against imprisonment does not apply where: the defendant engages in criminal conduct as a livelihood; the defendant expected to be or was paid for commission of the crime; the offense involves narcotics trafficking; the defendant was convicted of specified firearms or explosives offenses; the defendant was convicted of misusing his public office; or if "there are other substantial and compelling reasons for imposing a sentence of imprisonment." Under this last exception, a judge could, for example, sentence to imprisonment a trusted

pension official who embezzles millions from the fund. In such a case no violence has been done, but the financing and economic injury done to hundreds or thousands may be enormous. Moreover, restitution of such a vast sum would be impossible. In such a case, imprisonment may well be the only appropriate punishment, given the circumstances surrounding the scope of the offense and its impact.

Section 3672(c) states that where the presumption for imprisonment in Section 3672(a) and the presumption against imprisonment in Section 3672(b) do not apply, a court is free to sentence a defendant to any sanction permitted under law.

Section 3672(d) states that a defendant convicted for conspiracy, attempt or aiding and abetting shall, for purposes of this Act, be treated as a principal. Thus one who merely aids a Presidential assassin in his violent task will not escape imprisonment merely because he, himself, did not pull the trigger.

Section 3672(e) states that prior to sentencing, the probation department must detail findings and recommendations as to sentencing under this Act. Both the Government and the defendant are then given an opportunity to argue the merits of these findings.

Section 3672(f) states that in those cases for which fine, probation or imprisonment are inappropriate, the court shall suspend the imposition of sentence and require the defendant to accept alternative punishment. The alternatives are restitution, performance of community service, a fine, or all three. If the court has previously determined that special and compelling circumstances for imprisonment exist, but it nonetheless wishes to impose a sentence of restitution and community service, it may impose a sentence of imprisonment, suspend execution of all but up to sixty days, and require the defendant on release to make restitution or perform community service, or both.

Section 3673(a) describes the nature of restitution as an alternative form of punishment. When the victim of the offense is ascertainable then Section 3579's provisions would apply. Section 3579, in part, provides that in appropriate cases the court may, with due consideration of the defendant's resources, require him to pay the victim's medical expenses, repay the value of lost or damaged property, or return said property. That section of Title 18 also specifies procedures to be followed when a civil suit has arisen out of the same injury or loss.

Section 3673(b) specifies that when no victims are ascertainable, the restitution will be paid into a special fund of the Treasury. This fund will on a quarterly basis distribute said monies to state victim compensation plans on a per capita basis.

Section 3673(c) provides for restitution by organizations as opposed to individuals.

Section 3674(a) describes the nature of community service as an alternative form of punishment. The sentencing court is to order a specified number of hours of free work for a governmental, charitable or volunteer agency.

Section 3674(b) gives the court the discretion of requiring a defendant to reside at a community treatment center during his sentence.

Section 3674(c) requires that the community service be made or performed on a specific schedule established by the court.

Section 3674(d) states that intentional default by the defendant shall be treated as a violation of probation. Insofar as the imposition of sentence was originally suspended, upon default the court may sentence the defendant to imprisonment for the maximum term allowable for the offense committed by the defendant.

Section 3675 allows for the modification or waiver of payment of performance of an alternative sentence upon the petition of the victim or the defendant. The petitioner, who can be either the victim or the defendant, has the burden of showing that a change in cricumstanes or other unfairness have rendered it unjust to continue the sentence imposed. No modification may be made without notice to the government, the defendant and the victim and without providing them the opportunity to be heard. Restitution and community service may be extended or reduced, but in no case may it be extended beyond the maximum term of imprisonment allowable for the offense committed by the defendant.

Section 3676 establishes the considerations the sentencing court should consider in determining restitution or community service. These include the victim's loss, the defendant's ability to pay, the seriousness of the offense, the defendant's criminal history, and the defendant's employment obligations. It also requires each probation office to prepare a list of appropriate agencies for public service. It requires that the probation department supervise any public service done by a defendant. It also permits the combination of community service with counseling, therapy and vocational or medical rehabilitation.

Section 3677 requires the United States Sentencing Commission, if one exists, or in the alternative the General Accounting Office, to report to Congress concerning the effectiveness of this Act and any recommendations for additional legislation to accomplish the purposes of this Act. This report is to be submitted two years after the effective date of the Act.

S. 1644

SEC. 2. Title 18, United States Code, is amended by adding immediately after Chapter 231 the following new chapter:

CHAPTER 232—RESTITUTION AND COMMUNITY SERVICE

"Sec.
"3671. Short title; Congressional declaration of purpose and policy.
"3672. Offenses for which restitution and community service should be imposed.
"3673. Nature of sentence and restitution.
"3674. Nature of sentence of community service.
"3675. Modification or waiver.
"3676. Considerations in determining restitution and community service.
"3677. Review and analysis.

"3671. Short title; Congressional declaration of purpose and policy.

"(a) This chapter may be cited as the 'Sentencing Improvement Act of 1983.'

"(b) Due to the increasing problem of prison overcrowding, available federal prison space must be treated as a scarce resource in the sentencing of criminal defendants. Sentencing decisions should be designed to insure that those resources are, first and foremost, reserved for those dangerous and violent criminals who pose the most serious threat to society. In cases of non-violent offenders, the interests of society as a whole as well as the individual victims of crime can continue to be served through the imposition of alternative sentences, such as restitution and community service.

"It is the purpose and policy of this chapter to insure that scarce Federal prison resources are available to house dangerous and violent criminals by the increased use of restitution, community service, and other alternative sentences in cases of non-violent and non-dangerous criminal offenders.

"Sec. 3672. Offenses for which restitution and community service should be imposed.

"(a) Imprisonment is the appropriate sanction for those offenders who, by their offense or criminal history, have demonstrated that they present an ongoing danger to society.

"(b) Imprisonment is an inappropriate sanction where the court finds that the offense does not involve the threat or use of force, endanger national security, or threaten or cause serious physical harms to others, and that none of the following circumstances is present:

"(1) the defendant committed the offense as part of a pattern of conduct which was criminal under applicable laws of any jurisdiction, which constituted a substantial source of his income, and in which he manifested special skill or expertise, or

"(2) the defendant received or expected to receive compensation for committing the offense (other than when receiving compensation was, in itself, the offense), or

"(3) the offense involved the illegal manufacture, importation, exportation, distribution or dispensing of, or possession with the intent to manufacture, import, export, distribute, or dispense, a controlled substance, or

"(4) the defendant was convicted of an offense involving explosives in violation of Title 18, United States Codes, Sections 844 (d), (e), (f), (h), or (i); an offense involving firearms or ammunition in violation of Title 18, United States Code, Sections 922 (d), (g), or (h); 924 (b) or (c); or Title 18 Appendix, United States Code, Section 1202 (a) or (b); or an offense involving firearms in violation of Chapter 53 of Title 26, United States Code, or

"(5) the defendant was convicted of an offense involving the misuse of public office or other violation of the public trust, or

"(6) there are specified substantial and compelling reasons for imposing a sentence of imprisonment.

"(c) In cases where the presumption for or against imprisonment in paragraphs (a) and (b) of this section do not apply, the court may, in its discretion, sentence a defendant to any sanction permitted under law.

"(d) If a defendant is convicted of conspiracy, attempt, or is punishable as a principal under 18 U.S.C., Section 2, he shall be treated as a principal for purposes of this chapter.

"(e) The probation service of the court shall include in each presentence investigation and report findings and recommendations as to a defendant's eligibility for sentencing pursuant to the provisions of this chapter. Prior to sentencing, both the government and the defendant shall be given notice and the opportunity to be heard regarding the merits of those findings and recommendations. Nothing in this section shall affect the confidentiality of other portions of the presentence investigation and report, as provided for under law.

"(f) When imprisonment is an inappropriate sanction under the provisions of para-

graph (b) of this section, and when the circumstances of the offense demonstrate that a fine and/or probation are inappropriate sanctions, the court shall suspend imposition of sentence and require a defendant to make restitution or perform community service, or both. If the court has determined that there are substantial and compelling reasons under subsection (b)(6) for imposing a sentence of imprisonment, the court may, at its discretion, impose any sentence of imprisonment permitted under law, or, in the alternative, impose any sentence of imprisonment permitted under law, suspend execution of that portion of the sentence in excess of up to sixty days, and require the defendant to make restitution or perform community service, or both. In its discretion, the court may impose a fine in addition to a sentence of restitution and/or community service.

"Sec. 3673. Nature of sentence of restitution.

"(a) When the victim or victims of an offense are ascertainable, the court may order the defendant to make restitution payments as provided under section 3579 of this chapter.

"(b) When there is no ascertainable victim of the offense, the court may order the defendant to contribute an amount not exceeding the value of the defendant's gain from the commission of the crime to the Treasurer of the United States. The Treasurer shall hold such monies in a Victim Fund, which shall be distributed quarterly to all states with victim compensation funds in amounts proportional to the population of those states.

"(c) If a sentence of restitution is imposed on an organization, it is the duty of each individual authorized to transfer property for the organization or to make disbursement of assets of the organization to return such property or to pay restitution from assets of the organization as required by such sentence.

"Sec. 3674. Nature of sentence of community service.

"(a) A defendant may be sentenced under this chapter to perform a specified number of hours of free service to a governmental, charitable, or volunteer agency.

"(b) The court may, in its discretion, require that a defendant, sentenced to perform community service under this chapter, reside at a residential community treatment center for part or all of the duration of the sentence.

"(c) The court shall require, as a condition of a sentence of community service, that the defendant perform said community service within a specified period, but such period shall not be greater than the maximum term of probation or imprisonment for the offense, whichever is greatest.

"(d) Failure of a defendant to adhere to the schedule of community service performance shall be treated as a violation of probation by that defendant. It shall be a defense that the default or failure of the defendant was not attributable to an intentional refusal to obey the sentence of the court or to a failure on his part to make a good faith effort to comply.

"Sec. 3675. Modification or waiver.

"A victim or a defendant at any time may petition the sentencing court to adjust or otherwise waive payment or performance of any ordered restitution or community service or any unpaid or unperformed portion thereof. Upon a prima facie showing by the petitioner of a change in circumstances or other unfairness, the court shall schedule a hearing and give the victim and the government notice of the hearing, date, place, and time and inform the victim that he will have an opportunity to be heard. The burden of proof at such hearing shall rest upon the petitioner. If the court finds that the circumstances upon which it based the imposition or amount and method of payment or performance ordered no longer exist or that it otherwise would be unjust to either party to require payment or performance as imposed, the court may adjust or waive the remaining portion therof or modify the time or method of restitution or community service. The court may extend the restitution or community service. The court may extend the restitution or community service schedule, but not beyond the maximum term provided in Section 3674 or 3579 of this chapter.

"Sec. 3676. Considerations in determining restitution and community service.

"(a) In determining the amount and method of restitution payments, the court shall consider the factors specified in section 3580(a) of this chapter.

"(b) In determining the amount and method of community service performance, the court shall consider the relative seriousness of the offense, the defendant's criminal history and the defendant's employment obligations.

"(c) The probation office in each district shall compile and maintain a list of all public, charitable, or volunteer agencies in the district which will accept community service placement of offenders, and shall maintain accurate and complete records of community service performed and restitution payments made by persons sentenced pursuant to this chapter. It may contract or agree with private agencies to oversee placement and supervision of offenders sentenced to community service.

"(d) On request of the court, the government, or the defendant, the presentence investigation shall also contain proposed alternative sanctions to incarceration which may include any combination of some or all of the following elements: community service; restitution; employment; psychological treatment, counseling, and therapy, etc.; education; vocational training or rehabilitation; medical or physical treatment; residence; reporting and supervision.

"Sec. 3677. Review and analysis.

"Two years after the effective date of this Act, the United States Sentencing Commission, if one exists, or if not the General Accounting Office shall submit to Congress a report containing:

"(a) data on the sentences imposed by the Federal Courts in criminal cases, the nature and circumstances of the offenses, and the relevant history and characteristics of defendants in those cases;

"(b) conclusions concerning whether the purpose of this Act has been accomplished; and

"(c) recommendations concerning whether additional legislation is necessary to accomplish the purposes of this Act."

SEC. 3. The table of chapters for Part II of Title 18, United States Code, is amended by adding the following new item immediately after the item relating to Chapter 231:

"232. Restitution and Community Service..... 3671."

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. ARMSTRONG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. STEVENS). Without objection, it is so ordered.

Mr. ARMSTRONG. Mr. President, I want to congratulate the Senator from Georgia (Mr. NUNN) for the statement which he has just made and to express my extraordinary pleasure and sense of fulfillment that I feel in joining him in introducing this legislation which he has described so well.

Mr. President, I am convinced that a crisis is coming in fact, coming into the prison system of America as literally dozens of States are under current court order to alleviate chronic overcrowding which borders on cruel and unusual punishment.

A recent Federal study shows nearly two-thirds of all U.S. prisoners are housed in overcrowded facilities. The same study shows that even new prisons are filling to capacity within 2 years, and reaching 130 percent of capacity within 5.

Since 1969, the U.S. prison population has increased 68 percent. The biggest jump occurred in 1981—12.1 percent, the greatest increase since statistics were first tabulated in 1925. Growing nearly 15 times faster than the general population, our prison population—more than 1 in every 600 Americans is in prison—is the world's highest, excepting South Africa and the Soviet Union.

If our prison population were a nation, it would be more populous than 18 member countries of the United Nations.

And we spend a fortune each year to maintain this shameful rank. The total budget for State and Federal correction services in 1980 was $5 billion. It costs a minimum of $30,000 per bed to build a medium security facility, and up to $70,000 per bed for a maximum security one. The Attorney General's Task Force on Violent Crime estimates that more than $10 billion is needed urgently just to accommodate our current prison population. And the average annual cost of maintaining an inmate in the Federal prison system is over $13,000—more than tuition, room, and board at any of our most expensive universities.

But these facilities are a far cry from college, instead offering an education in assault, theft, vandalism, forced homosexuality, gang war, racial violence, drug abuse, and insanity.

As Judge Frank Johnson said while reviewing an Alabama prison in 1976:

The physical facilities were dilapidated and filthy . . . cells infested with roaches . . . over 200 men forced to share

one toilet . . . inmates not provided with toothpaste, toothbrush, shampoo, shaving cream, razors or combs . . . food unappetizing, unwholesome and often infested with insects . . . weaker inmates were repeatedly victimized by the stronger: robbery, rape, extortion, theft and assault were everday occurrences . . .

This it not to say that all prisons are this bad, nor that prisons should be comfortable. But it is clear that policy in this area desperately is in need of improvement.

It is well known by now that our prisons do not reform or rehabilitate; they brutalize and harden. We manufacture dangerous criminals in our prisons, too often from the raw material of nonviolent offenders. As Napoleon once observed: "The contagion of crime is like that of the plague. Criminals collected together corrupt each other. They are worse than ever when, at the termination of their punishment, they return to society." Adds Norman Carlson, Director of the Bureau of Prisons: "Jails are tanks, warehouses. Anyone not a criminal when he goes in, will be one when he comes out."

Meanwhile, though more and more are behind bars, crime continues its climb. Fewer and fewer law-abiding Americans feel safe and secure, as the neighborhood street becomes taboo for children to play beside. Victims go uncompensated, and offenders learn to hold our criminal justice system in contempt.

If we are to depart from current policy and improve the situation on the street and in the cells, our options are somewhat limited. We could spend many billions more dollars building new facilities, and indeed, there are already bills pending in the Senate to do just that. In a time of severe fiscal restraint, however, this approach is not very realistic. Moreover, the separate-and-punish school of penology can only provide a temporary kind of safety.

Another obvious and simple alternative would be to rely more heavily on fines and probation. But this is already happening of necessity, in many cases, as States under court order to alleviate overcrowding and short of funds to build more facilities are being pushed to the wall and releasing dangerous criminals early, to society's detriment. More easy probation and fines only teach that crime actually does pay.

There is, however, a thrid alternative. It is that American prisons and jails be regarded as scarce resources, with a highly specialized purpose: to confine only those who pose a threat to society. Along with U.S. Senator SAM NUNN, I am again introducing legislation to implement such a program, which consists of two parts: victim restitution and community work sentences.

Restitution would require the offender to repay his victim for property loss and other damages. A victim could still sue his or her assailant. But nondangerous offenders would repay their victims directly, clearly preferable to having the government compensate the victim with scarce tax dollars.

Last year, Congress passed the Victim and Witness Protection Act and went on record as favoring restitution for victims of crime. The restitution procedures of that act will apply where restitution is ordered under our new bill, which for the first time directs judges to increase the use of these more constructive sentences for nondangerous offenders.

Community work orders would provide that, instead of being sent to prison, nondangerous offenders would be required to work in areas of great public need either for a very modest salary, or for free. State and local jurisdictions are well ahead of the Federal Government in this area, as is England, which has utilized this approach for years. Present community work programs are providing useful work opportunities for skilled and unskilled workers alike.

A 1978 survey showed some 289 local, State and Federal projects in which restitution and community service are involved. The survey showed 16 of these projects has produced restitution payments to victims exceeding $20 million, which 13 had resulted in free work worth more than $2.5 million. Ongoing programs in Georgia, California, Minnesota, Iowa, and the District of Columbia show this approach works.

Recidivism, or rearrest, rates of people going through these programs are generally better than of those going to prison. This is partly because they have been spared the brutalizing effect of prison conditions, and partly due to a direct connection between offender, victim, and community.

Such programs are also considerably less expensive than incarceration, generally costing no more than parole supervision.

And social service agencies involved have responded very well to the extra help and work accomplished by nondangerous offenders.

We have an opportunity, an because of prison overcrowding, an urgent need, to revise our views on crime and punishment. The best policy is one that protects the safety of law abiding citizens, punishes offenders swifly and humanely, compensates victims, and establishes an individual offender's responsibility to his victim and community. Only by putting the nondangerous offender to work for those he has victimized can be ever "pay his debt to society." No such debt is paid, but a heavier one incurred and no benefit derived, by putting nondangerous offenders behind bars. It is a waste of tax dollars and human resources which we can ill afford.

Most importantly, community work sentencing can insure that there is room to house the violent criminals whose presence on the streets before and after prison haunts Americans as never before.

The Nunn-Armstrong bill defines the nondangerous offenders very carefully and narrowly, sending to prison:

Anyone committing violent crimes or crimes that cause serious physical injury;

Any repeat offender, drug trafficker or anyone endangering national security;

Anyone paid to commit a crime or making a living from a criminal activity that requires special skill or expertise;

Anyone convicted under certain firearms trafficking laws; and

Anyone who misuses a public office.

As a further safeguard, the definition contains a catch-all clause that allows a judge to send an offender to prison if the judge feels there are other substantial and compelling reasons for incarceration.

Attorney General William French Smith has told Congress that the Reagan administration supports restitution and community work for convicted felons placed on probation instead of being put in prison. It is an idea generating strong interest and support from all quarters of the Nation. In an address to Vanderbilt Law School, in March of this year, the Attorney General reiterated his concern for the growth of our prison population and the numerous problems it creates stating:

The problem of prison overcrowding is serious, and it has no easy solution. Prisons are expensive facilities to build and operate. A new maximum security prison in the United States today generally costs up to $80 thousand per inmate. The average annual cost of simply maintaining an inmate is well over $10 thousand in both the state and federal prison systems.

In addition, we can expect the demand for prison space to increase for at least the next decade. New sentencing legislation, resulting from the growing public concern over crime, has been enacted to curb judicial inconsistency and leniency. A 1981 survey found that 32 states have enacted mandatory sentencing laws and 30 have enacted determinate sentencing laws.

Another reason to expect the prison population to grow is the increase in the number of people arrested and convicted each year. The Department of Justice's crackdown on crime has increased the federal prison population by 21% in the last two years alone. Just last year, there was a 23% increase in the number of narcotics offenders sent to federal prison—and an 11% increase in the length of their sentences.

Since its introduction last year, we have circulated this legislation for comments and received much favorable response. Also, several States are now looking at this approach in an effort to solve their own overcrowding crisis at the State level. It is important to emphasize that this bill is not intended to replace or substitute for

part of the administration's Comprehensive Crime Control Act of 1983, now before the Senate Judiciary Committee. Instead, we think it is compatible with the objectives of the 1983 act. This legislation stands on solid policy of both increased restitution for the victim and better rehabilitation alternatives. In addition to the dollars saved, scarce prison space can be saved for those criminals who pose a threat to the safety of citizens in homes and communities. It is important that all alternatives be explored before we commit further resources to the incarceration of offenders. Therefore, I would like to encourage hearings on this legislation as soon as possible so that it can be adequately considered with other pending legislation related to this issue.

I just wanted to take the floor for a moment, Mr. President, to express the hope that all Senators will give their close attention to legislation which the Senator from Georgia (Mr. NUNN) and I have introduced.

As he has pointed out, it comes to the floor today after many months of study under his leadership. The staff of his office and my staff have worked with the prison systems, with the Department of Justice, with independent authorities in the field, and we believe we have come up with legislation which is not only humane in its intent and effect and fiscally responsible, but which addresses itself, we think in a proper and thoughtful manner, to one of the most serious problems facing America.

Mr. NUNN. Mr. President, will the Senator yield?

Mr. ARMSTRONG. I am pleased to yield.

Mr. NUNN. I have just a brief observation.

I want to thank the Senator from Colorado for the tremendous amount of work and the dedicated effort he has made and his staff has made in getting this legislation together. He knows better than anyone how many hazards and road blocks we have had in the way; how much detailed analysis had to be done to come up with this concept. We think it is a workable concept.

I know the Senator from Colorado would agree with me that there are two major thrusts here: One thrust is to make sure that we have enough space for those who are truly dangerous in the prisons. I would contend that the evidence is overwhelming that if we continue down the path we are going today, we will reach a point very quickly in the Federal system—and they have already reached it in the State system—where people who are actually dangerous, who have committed violent crime, murder, rape, and other crimes, will be turned out because there is not enough space.

The other side of the coin is that those who can be put on the streets without danger to society should be put on the streets in terms of having them do work, to reimburse victims, to serve in the communities, to actually pay for their crime in a way that benefits society rather than taking up space in a penetentiary that costs society $13,000 per year per prisoner.

Mr. President, I thank the Senator from Colorado for all of his efforts, for his leadership in this field, looking into the problem in the prisons, coordinating back with local, State, and Federal law enforcement officials, and for the splendid cooperation he and his staff have given to what we both think is a very important effort.

Mr. ARMSTRONG. Mr. President, I am grateful to the Senator from Georgia for these very generous remarks. I want to say again, as I did a moment ago, that the real leader in this issue has been the Senator from Georgia. He and his staff over the last more than a year have dug into it in a very scholarly and thoughtful way. As one who has introduced bills over the years I have been privileged to serve here, I cannot recall having worked on a bill where as much advance preparation and careful consultation went into the bill before it was even introduced.

I think it was well justified in this case to have that kind of advance preparation, because neither the Senator from Georgia nor I have any desire to go off half-cocked on an issue of this importance. So, under his leadership, we have contacted people who are in the prison system, people who are prosecutors, those who are experts over at the Department of Justice, and independent authorities, too. I really believe we have come up with a piece of legislation that does make sense.

So often, when we introduce bills, here, we are in a position of trying to weigh off the interest of one part of society against another or, perhaps, even to weigh the legitimate interests of one special group against another. I think in this particular case, we have framed a piece of legislation which, in fact, hurts no one and benefits everyone who is affected. That is to say, it will provide the kind of improvement in prison conditions which will benefit both society and those who are unfortunate enough to be in prison. It will benefit the victims of crime because, as the Senator from Georgia has pointed out, it will provide, at least in some cases, the opportunity for those victims to be compensated, either immediately or at some later date, through the efforts of prisoners who go out and work in the community rather than be locked up.

Finally, the taxpayers are going to benefit enormously by the passage of this legislation for the simple reason that, if it works as we think it is going to and as the experts have told us it will, we shall have to build fewer of these very expensive prison facilities into the future. At a time when the Federal budget is stretched so thin, that is certainly a very important aspect of this legislation.

Mr. President, later today, I intend to contact our colleagues on the Committee on the Judiciary and ask them to have an early hearing on the Nunn-Armstrong bill. I invite all the Members of the Senate to take a look at our proposal and give us early comments and advice and help to speed it on its way.

● Mr. HATFIELD. Mr. President, I would like to commend my colleague from Colorado and my colleague from Georgia for the outstanding leadership they have provided in the area of sentencing reform. The bill they are introducing today is one which represents an innovative and progressive approach to the disturbing problems associated with this country's sentencing and correctional practices. I enthusiastically endorse this piece of legislation and am hopeful that it receives expeditious treatment in committee, and I am proud to be a cosponsor of this bill.

Mr. President, scarcely a day goes by without a bill being introduced in Congress that cries for stiff penalties for crimes. We see scores of mandatory sentences being attached to new crime bills, and we see existing penalties for certain crimes being doubled and tripled, all inevitably translating into lengthy prison sentences and more prisoners. We all want to get tough on crime, and so the accepted solution in this body is to beef up prison sentences and to maximize the certainty of imprisonment for virtually all Federal offenders.

All that is well and good, Mr. President, except that our country's prison system is on the verge of explosion. During the past decade, the number of prisoners in America has increased 100 percent, and the record growth rate we are seeing in the prison populations shows no sign of abating. We are seeing reports in California of prisoners being confined to tents, in Florida of court orders mandating prison population reductions, and in every statehouse in this country of budget requests for additional dollars to accommodate the burgeoning prison populations within their State systems.

Already this year, the President has requested over $100 million for construction of Federal prison space, a figure which represents the largest single-year request in the history of the Federal prison system. And that figure is dwarfed by a number of bills which have been introduced in this body requesting millions or billions of dollars for grants to States to help

them with their monstrous overcrowding problems.

Mr. President, what has been absent from the debate on the subject of crime and prison overcrowding are the two most fundamental questions in need of resolution: Is our country's approach to corrections working, and does our country have the capital available to accommodate present correctional practices? Those are the two principal issues which must be resolved, and those are the two prinicpal issues which have been roundly ignored.

I submit that the answers to those two fundamental inquiries are troubling ones. Our approach to punishment of offenders is an expensive failure, and it is getting more expensive and proving drastically counterproductive. You do not have to be an expert in corrections to realize that our prisons are doing very little correcting. And costs? It costs more money to house a prisoner in an American prison than it does to educate a law student at Harvard, but we stumble on blindly under the assumption that more prison sentences and longer prison sentences will mean less crime.

Mr. President, that is a false, witless assumption. In four out of five cases of serious crime, there is not even an arrest. Of the small number of arrests that occur, only about one-half result in convictions. A Rand Corp. study estimates that tripling the State and Federal prison populations would only result in a 16-percent reduction in crime, at a $40 billion cost. So while it may sound wonderful to talk tough on crime and punishment by enacting mandatory prison sentences, the sobering fact of the matter is that the emphasis on controlling crime through tough crime bills and exaggerated sentencing statutes is badly misplaced.

Mr. President, I can assure you that, as chairman of the Appropriations Committee, the dollars that are going to be needed to maintain current correctional practices are simply not there. Indeed, we can go to the credit window and borrow the billions that will be needed to build enough prisons to house all of the convicted offenders, but we are only compounding the deficits and the problems. Senators NUNN and ARMSTRONG, by differentiating in their bill between classes of offenders and classes of sentences, have introduced a measure of reason into an area of legislation largely ruled by emotion. I think that when the public realizes that about half of the people in prison are serving time for nonviolent crimes, and are doing so at the annual tax-dollar expense of $15,000 to $20,000, there will be a public uproar for progressive sentencing practices and alternative forms of punishment for offenders.

Mr. President, this bill is a gigantic step in that direction and is one that I wholeheartedly endorse.●

Mr. ARMSTRONG. Mr. President, I reserve the remainder of my time. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HAWKINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ARMSTRONG). Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. There will be a brief period for the transaction of routine morning business, under the previous order. The statements of Senators will be limited therein to not to exceed 2 minutes.

THE ILLEGAL DRUG PROBLEM

Mrs. HAWKINS. Mr. President, during the past 2 years, as chairman of the Senate Drug Enforcement Caucus, I have had my worst fears about our country's future confirmed: Illegal drugs are undermining America by poisoning our children and threatening our communities. In an effort to focus national attention on this threat, I shall deliver a floor statement on illegal drugs daily.

Consider the impact of drug abuse on our society:

Heroin-related deaths exceed 800 per year for the first time since 1976. There now are nearly 500,000 heroin users in the United States.

Illegal drug consumption now exceeds $80 billion per year, an amount in excess of $350 per capita.

While the health of all other Americans has been improving, the death rate for young Americans between the ages of 15 and 24 is higher than it was 20 years ago. Medical experts are convinced that drug abuse has been the major factor in this frightening trend.

A December 1982 special report in the Harvard Business Review revealed that in 1981, drug abuse by employees cost employers $16.4 billion in lost productivity.

Deaths and emergency room admissions from heroin overdoses have increased dramatically in the past 3 years both nationally and in the Washington area, accordi .g to Federal figures, and the increases are casued by a rise in heroin use by the middle class.

Deaths from heroin overdoses since 1980 have risen 63 percent nationally and 96 percent in the Washington area, the figures show. Heroin-related emergency room admissions have risen 48 percent nationally and 16 percent locally.

In all, there were 11,538 emergency room admissions and 771 deaths nationwide related to heroin use in 1982. In the Washington area, there were 865 heroin-related emergency room admissions and 133 deaths attributed to heroin last year.

This epidemic of heroin deaths is driectly related to increased foreign production leading to lower costs and greater supply in the United States.

Three countries of southwest Asia—Pakistan, Afghanistan, and Iran—have emerged as the largest producers of illicit opium in the world. According to U.S. estimates, between 1,200 and 1,600 metric tons of opium were produced in the area known as the Golden Crescent. Much of this crop was either consumed or stored in the countries themselves. But if all this opium had been refined into heroin, 120 to 160 metric tons of heroin would have been available to the illicit world market. Since U.S. consumption of heroin is in the range of 3 metric tons, it is clear that the enormous southwest Asian opium supply confronts this country with the danger of another heroin epidemic, perhaps of the magnitude that we suffered in the late sixties and early seventies.

Opium poppies have been grown for centuries in the countries of southwest Asia. The Pathans, a fiercely independent tribal people living along the border between Afghanistan and Pakistan, produce great quantities of opium gum. The Kurds and several other ethnic groups in Iran are also traditional opium producers. Addiction among the Pushtun tribal peoples themselves is not generally severe, although there are pockets of high abuse. The gum has traditionally been sold to merchants in the small border towns of the Khyber Pass region. These merchants store the opium gum until they can sell it to traffickers, who move it by many routes to markets outside Pakistan and Afghanistan.

While Iran was ruled by the Shah, the countries of southwest Asia formed an opium system with little impact on the West. This was because much of the opium produced in the border regions of Pakistan and Afghanistan was smuggled to Iran to serve that country's enormous addict population—upward of 1 million addicts. There the opium was eaten or smoked by older, rural dwellers, although with Iranian modernization came an increasing number of heroin abusers among the urban middle classes. In 1955 the Shah imposed a ban on domestic opium production in an attempt to control drug abuse. He later permitted some licit production to meet the requirements of registered addicts.

As the Shah's hold on Iran weakened, and law and order in the coun-

tryside broke down, farmers began to ignore the ban on opium cultivation in Iran. Iran, which before the downfall of the Shah had long been a "sponge" for Afghan and Pakistani opium, now began to produce larger and larger quantities of opium for its own use as well as for illicit export. Political chaos in Iran made trafficking easier. Quite suddenly, Iran became a contributor to the opiate flood. There was more than enough opium produced in the Golden Crescent to supply European and North American markets. Most Afghan and Pakistani opiates continued to be smuggled westward through Iran. Turkey also increased in importance as a transit country.

By late 1979, the news magazines of Germany were full of stories of the "heroin epidemic." All the significant indicators—hospital admissions, addiction-related crime, and, particularly, overdose deaths—were soaring.

Turkish traffickers, using the large population of Turkish guest workers in Germany as their cover, flooded first Germany, then the rest of Europe, with cheap southwest Asian heroin. The potency of some of this heroin reached levels unknown in the United States. Some samples tested out at more than 90 percent pure heroin hydrochloride.

Today, southwest Asia is the largest source of heroin consumed in the United States and Western Europe. It is vital that eradication at the source be a U.S. policy priority.

I ask unanimous consent that a June 13, 1983, Washington Post article by Ronald Kessler entitled, "The Story of Three Who Traveled Down Heroin Road" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE STORIES OF THREE WHO TRAVELED DOWN HEROIN ROAD

How does a person become a heroin addict?

It is a process virtually unimaginable for most individuals; and one little understood even by those who spend their lives treating heroin addicts or those who actually become addicted.

"I wish I knew why I take drugs," says a 35-year-old taxi driver who has used heroin for 16 years. "I'd do anything to stay off drugs."

The stereotype of the heroin user often portrays an ambitionless person in a constant state of euphoric escape, unable to hold a job, ever ready—even driven—to steal or commit violence for money to support the addiction. It is an inadequate portrayal.

These profiles of three heroin addicts were compiled by Washington Post staff writer Ronald Kessler. One of them grew up in a comfortable Northwest Washington neighborhood and has a brother who is a Roman Catholic deacon. Another grew up in a strict family and went off to college. The third has a brother who became a corporation executive. They have held regular jobs for years at a time and hidden their addiction from their closest friends and their families. One has raised a daughter who is about to go off to college. All regret their decision to take heroin.

"It's a living hell," says a 34-year-old woman who lives in suburban Virginia and began taking heroin at 19. "I don't know of anyone I hate enough to turn on to heroin."

"NO PROBLEMS, NO WORRIES" AFTER NEEDLE

Although her parents were divorced when she was a year old, Monica Little saw her father often, and they had a close relationship. Her mother made sure she was home by 9 p.m. She was not allowed to date until she was 16.

Now 34, Little recalls stepping over rusty hypodermic needles on her way to junior high school in Washington. She also recalls a friend who snorted heroin.

"I saw her getting sick and vomiting," Little recalled. "I said how much of a high is that?"

At 16, Little became pregnant. Her mother took care of her new-born daughter as Little prepared to go to college in El Paso. While attending a three-day college orientation session there, she met some servicemen and told them she was from the District.

"They said, "Then you must know how to get high,' " she recalled. "'Sure I get high,' " she said, concerned that she would not be accepted. "So I stuck my arm out and turned my head so he could hit me with the needle."

"It was like nothing I had ever had. I was carefree, no problems, no worries, it was the ultimate."

Little stayed in El Paso a month. When she returned to Washington, she was an addict.

"In the 18 years I shot dope, I never got that same high," she said of the first time she took heroin. "I think that's what I was looking for."

Little served 2½ years in jail for charging purchases on stolen credit cards. "Somebody would come along on the strip, where they had just taken a pocketbook, and I'd buy the credit card for maybe $35 for three. Then I'd purchase something and sell it for half of what it cost." She said she used the money to buy heroin and clothes for her two daughters.

"I've let jobs go because I didn't want anybody to know," she said of her addiction. "I was driving a bus and resigned because half the time I was thinking, 'Where can I park this bus and get some dope?' I had 60 people's lives in my hands."

Little worked as a computer programmer several years ago. At lunch-time, she went to the rest room and shot up. "People noticed I would be sluggish in the morning," she said. "I could not keep up the charade any longer." She quit the job.

The heroin habit turned her skin blotchy. She felt like scratching all the time. She saw friends die from overdoses. Other friends disappeared when she needed money. Today, Little takes doses of methadone that are being slowly reduced. She says she is determined to end her drug addiction entirely, and hopes to stop taking methadone soon. She now lives in Virginia with her mother and daughters.

"It's a living hell," Monica said. "I don't know of anyone I hate enough to turn on to heroin . . . It was my choice. I don't know why I started. The only thing I know now is I am sorry I made that choice."

"IT MADE ME THE PERSON I WANTED TO BE"

Jerel, 35, began taking heroin when he was 19.

In contrast to his older brother, who became a deacon in the Roman Catholic Church, Jerel said he began smoking marijuana in college, returned to Washington after the first semester and began hanging out at a Silver Spring pool hall.

"When I was 19, I was shy, withdrawn, and passive," said Jerel, who asked that his last name not be used. His friends always seemed to be more relaxed around girls.

Then one weekend he attended a party in Virginia, where a friend suggested he snort heroin. "It was love the first thing," Jerel said. "It made me the person I always wanted to be. I was dancing and hugging the girls and had sex with them. I didn't have the fears and inhibitions I always had."

For several weekends after that, Jerel said, he snorted heroin with the girl he had taken to the party. Soon he was taking it every few days.

'I used to faint when I saw a needle," he said. But a friend said, " 'Do it all the way.' We went to a drug store and got a syringe. I never snorted it again."

Eventually, Jerel craved heroin every three hours.

He said he helped finance his habit by writing bad checks and stealing from his parents. Just a few weeks ago, he took some of his mother's crystal and sold it at an antique shop for $175, he said.

"I call myself a coward junkie," he said. "I never stick up anybody."

Until a few months ago Jerel had been off heroin for some time, taking methadone, an addictive heroin substitute dispensed by a clinic. He had $1,900 in the bank and a girlfriend he planned to marry. She introduced him to bike riding and other activities. "One of my positions is I have to find things so I won't be bored," he explained.

But one evening, Jerel felt he owed himself something good and took a shot of heroin. The girlfriend left him.

"She didn't understand drugs at all," he said. "She couldn't comprehend giving someone $100 for two bags of white powder, which I can't understand either."

Jerel's hands are swollen from needle punctures, and bandages hide the scabs that have formed. He said it is almost impossible to find a vein that has not collapsed or become too hard to penetrate because of the relentless puncturing. When he entered the hospital recently, he said, the doctors had to make an incision near his collarbone to draw a sample of his blood.

"I wish I knew why I take drugs," said Jerel. "I'd do anything to stay off drugs."

Over the years, 10 or 11 of his friends have died from heroin overdoses, he said. Two weeks ago, Jerel quit heroin and again began taking methadone.

"I fell I'm cursed," he said. "Why do I have to be on this? Why do I have to go through this every day?"

DRUG HABIT "COULD MAKE YOU STEAL FROM YOUR OWN MOMMA"

Bobby Johnson began smoking marijuana when he was 16, became an alcoholic in his 20's, and then moved on to heroin when he had conquered alcoholism. He had been off heroin for two days recently and was hoping that the daily methadone dose he was taking would help him kick heroin.

"I always thought I needed alcohol or drugs, so I started snorting heroin after getting out of the [alcoholism] program," the 32-year-old Johnson said. "It was for enjoyment. I didn't know it could control you and make you steal from your own momma."

A Washington native, Johnson said he was not interested in sports or any other activi-

ties in high school. After graduating, he worked as a laborer on house restoration projects. "There are very few things I've done besides working and getting high," he said. ". . . I knew nothing else to do."

For the past two years, Johnson said, he was the manager of a parking lot in Virginia. He injected heroin into his veins once a day. "For me, it would last all day. It's a mental thing."

Even some of his closest friend don't know he is a heroin addict. "You can put on a good front," he said.

Since his salary from the parking lot was not enough to finance his habit, Johnson sold marijuana on the side. "I did hustling, but no robbing or snatching pocketbooks. I felt I was doing legitimate things."

Yet with his debts growing, Johnson walked off his job in March.

"Dope makes you do some stupid things," he said of that decision. "I was depressed. I looked at my check and saw all I have is enough to get five quarters [bags or shots] this week . . . I thought I wasn't getting enough money."

Johnson's brother is a marketing manager for a large company and his sister works for the federal government. "I don't understand it," he said. "My sister and brother turned out well. I think it was the crowd. I've always hung with the wrong crowd . . . I never looked at myself as being anybody."

Today, Johnson's parents are helping support him and he has taken an interest in religion.

"I always had it in my mind that I needed something. I never knew how to deal with life without doing something. I felt you had to do it [take drugs] to enjoy life. It just makes you mellow, you be nice. I always wanted to feel nice."

DR. KARL MENNINGER

Mrs. KASSEBAUM. Mr. President, this Friday, July 22, will mark the 90th birthday of a truly outstanding man—Dr. Karl Menninger. The Menninger name is one which is known and respected around the world. As a Kansan, I can speak to the special pride which citizens of my own State take in the contributions Dr. Karl Menninger has made to the field of mental health.

Chairman of the Board of Trustees of the Menninger Foundation located in Topeka, Kans., Dr. Menninger has devoted his working lifetime to expanding the boundaries of psychiatry. His leadership efforts in improving the lives of the mentally ill are demonstrated by his massive teaching, lecture, publication, and direct patient care activities. Appealing to psychiatric professionals and laymen alike, Dr. Menninger has opened our eyes to the opportunities for progress in understanding the human mind.

A 1917 graduate of the Harvard University Medical School, Dr. Menninger returned to Topeka in 1919 to join his father—Dr. C. F. Menninger—in practice. Shortly thereafter, Dr. William C. Menninger joined his father and brother in the practice.

The Menningers' growing focus on mental illness led to the establishment of the Menninger Sanitarium Corp. This corporation was subsequently reorganized as the Menninger Foundation, permitting an expansion from patient treatment to education, research, and prevention activities. The foundation is internationally renowned as a center for psychiatric training, treatment, and research.

Dr. Karl Menninger has not confined his work to the Topeka area. During World War II, he was called upon to assess the psychiatric care needs of military personnel serving in the European theater operation.

His work has been recognized by countless organizations. He is the recipient of honorary degrees from 13 universities and of numerous awards—including the prestigious Medal of Freedom. The inscription on the medal, which is the Nation's highest civilian honor, succinctly captures the spirit of Dr. Menninger's work. It reads:

Karl Menninger has taught us much about ourselves and our behaviour. An acute observer and social critic, he has put into action what he has put onto paper. As an author and doctor, his works range from popular written accounts of psychiatry to studies done in his own hospital, from creating homes for parentless children to reforming the penal system. With the wisdom of his years, he truly does represent the ideas of another generation—one of the future, rather than of the past.

I am pleased to join family friends, and associates of Dr. Karl Menninger in celebrating his 90th birthday.

ONE OBSTACLE IS OUT OF THE WAY

Mr. PROXMIRE. Mr. President, in past years the most substantial opposition to the ratification of the Genocide Convention came from the American Bar Association. Fortunately, that organization no longer stands in the way of this treaty. The ABA now supports adherence by the United States to the Genocide Convention.

The original ABA position, as stated in 1949, was based on questions raised by three men—Alfred Schweppe, Carl B. Rix, and George A. Finch—concerning the text of the treaty.

Mr. Schweppe, the chairman of the Special Committee on Peace and Law of the ABA, found five problems presented by the treaty in its original form. First, he said that as it was stated in the text, genocide was considered a crime only with governmental complicity. Second, "political groups" were excluded from protection. Third, the inclusion of the phrase "as such" before "national, ethnical, racial and religious groups" was ambiguous. Fourth, the addition of "mental harm" was unclear. Fifth, a procedural question was raised as to what constituted a "part" of any one of the protected groups.

Mr. President, Carl Rix, the vice chairman of the special committee, took a slightly different approach. He pointed out, quite correctly I would like to add, that the Gencocide Convention revolutionized the standing of the individual under international law. While this was certainly a new development, it was clearly the logical outcome of centuries of international legal progress. Mr. Rix also felt that there was no constitutional basis for the necessary domestic laws. Likewise, he feared that Congress would have no control over the implementation of this treaty once it had been passed. Finally, he dragged out the old question of State versus Federal Government power, and how this treaty might touch on that issue.

George Finch, a member of the special committee, had three objections. First, he felt that the provision in the U.S. Constitution dealing with treaties might place the Genocide Convention in a position superior to the Constitution itself. Second, the treaty did not provide for an international penal tribunal to enforce its provisions. Third, Mr. Finch was concerned that the treaty's definition of the word "genocide" was inadequate.

The objections raised by these three men formed the basis of the ABA's opposition to the Genocide Convention. The ABA voted on September 8, 1949, to recommend that the treaty not be approved by the U.S. Senate. No one can say for sure, Mr. President, but it is likely, that this recommendation was responsible for the Senate's failure to ratify the Genocide Convention. For about 20 years the ABA stuck to this position.

But, on December 9, 1969, the ABA, under Chairman Jerome J. Shestack, began to reconsider its stance. In light of changes in the international scene and in interpretations of certain points in the treaty, the ABA reexamined the Genocide Convention. By 1976 a series of four understandings had been compiled which addressed the ABA's few remaining questions about the treaty. Here is the heart of these understandings.

First, "the U.S. Government understands and construes the words intent to destroy, in whole or in part, a national, ethnical, racial, or religious group by the acts specified in article II in such a manner as to affect a substantial part of the group concerned."

Second, "mental harm" was clarified to mean a "condition of permanent impairment."

Third, the American Bar Association reaffirmed the right of a nation to try its own nationals for acts committed outside the state.

Fourth, the U.S. Government will not deposit its instruments of ratification until after the implementing legislation, which would establish the Genocide Convention's provisions as

the law of the land, is passed by the Congress.

Mr. President, the Senate Foreign Relations Committee adopted these understandings to the text of the treaty. Now we can count the American Bar Association as one of the strongest supporters of the effort to ratify the treaty.

Mr. President, I am encouraged that a body as highly respected and as knowledgeable as the American Bar Association has contributed constructively to the debate on the Genocide Convention. Moreover, I am pleased that the ABA has come to support the treaty. The Senate should follow suit. Now that the ABA has come on board, what about the Senate? I urge my colleagues to act favorably on the Genocide Convention.

UNITED STATES HAS CLEAR NUCLEAR WEAPONS ADVANTAGE OVER SOVIET—RIGHT NOW

Mr. PROXMIRE. Mr. President, is this the time for the United States to seek a mutual verifiable agreement with the Soviet Union to stop testing, producing, and deploying nuclear weapons? I think it is. The one major reason many give for opposing such an agreement now is that it might leave the Soviet Union with a predominance in nuclear weapons that would enable them to blackmail the United States and the NATO countries into submission, and threaten and intimidate this country in whatever areas of the world we might find ourselves in conflict with the Soviets. The President of the United States, Ronald Reagan, has argued on national television repeatedly that the Soviet Union leads us in nuclear capability. The President is just plain wrong.

Now, it is true he is pushing for an arms control agreement at Geneva in the SALT talks. But that strategic arms negotiation has concerned itself primarily with intermediate missiles in Europe. Both the Soviets and the United States have from time to time talked about the possibility of considering a mutual limitation on armaments that would include some other nuclear weapons. But the public posture of President Reagan has been that we must build up our nuclear arsenal so that we would enter any more comprehensive United States-Soviet negotiations with a nuclear arsenal as strong as theirs. On the other hand many argue that in many respects our nuclear arsenal exceeds the Soviets Union's. They have far more land-based intercontinental ballistic missiles. We have far more bomber- and submarine-launched ballistic missiles. They have about 70 percent of their nuclear capability in land-based missiles. We have only 25 percent of our nuclear capability in land-based missiles.

It seems clear to this Senator that we have a distinct advantage in nuclear power for these reasons:

First, we have more nuclear warheads than the Soviet Union by every count;

Second, because far more of our warheads are on mobile submarines and bombers, we can deliver about 12,000 nuclear warheads on the Soviet Union, compared to their capability of delivering 8,000 warheads on this country;

Third, because our nuclear arsenal is at sea and in the air, we have a distinct and much more assured survival capability. This is greatly magnified because we not only have more warheads under the ocean and in the air, but our submarine fleet is at sea about three times as much as the Russians. In fact, nearly 3,000 U.S. nuclear weapons are always at sea on strategic subs. The Soviets have only about 300 always at sea. And our bomber fleet spends at least three or four times as much time in the air as the Russian air fleet;

Fourth, every other nuclear power in the world is either allied with us against the Soviet Union—like England, France, and Israel, which probably has nuclear power, or is bitterly opposed to the Soviet Union—China. So the Soviets are isolated in the nuclear arms world.

What do the Soviets have to counteract our distinct advantages? They have a slight edge in total intercontinental ballistic missiles: 1,398 to 1,047. They have 5,238 nuclear weapons on ICBM's to our 2,147. They have 62 strategic submarines to our 33. But even in this category we have about three times as many nuclear weapons on subs as they have. The count is 4,960 for the United States and 1,698 for the Soviet Union. It would seem to this Senator that any fairminded judge would have to give the military nod to the United States over the Soviet Union right now in nuclear capability and even more decisively to NATO over the Warsaw Pact.

Why the difficulty in achieving comprehensive negotiations to stop the arms race? Answer: The nuclear capabilities are so different, negotiations would have to trade off unlike capabilities. The Soviets could reduce their land-based missiles as we agree to cut back our bomber and submarine capability.

From our standpoint the time could hardly be more propitious for negotiations with the Soviet Union. Right now, today, we negotiate from a position of overall strength. If we could somehow achieve agreement for a mutual verifiable and comprehensive freeze right now, the interests of the United States and of NATO would be extraordinarily well served. Any further negotiated reductions—especially in land-based fixed, multi-MIRV'd missiles—would be very helpful, indeed, in providing greater stability and less risk of accidental war. But no one with any regard for the facts can argue that today the United States would negotiate a nuclear arms limitation agreement with the Soviet Union from a posture of inferiority. No way. We should negotiate a comprehensive limitation on nuclear weapons now.

GUNBOAT DIPLOMACY

Mr. CRANSTON. President Reagan's deployment of a naval flotilla off Nicaraguan shores is a classic case of gunboat diplomacy. It is a provocative move which leads us substantially closer to war in Central America.

The President is increasing our military presence in Honduras and upgrading airfields along the Nicaraguan border. It is easy to see how a shell aimed by Nicaragua against the CIA-backed forces could strike Americans and provoke another Gulf of Tonkin.

Within hours of appointing Henry Kissinger to study Central American policy options, the administration is proceeding with actions that increase the risk of wider war.

Henry Kissinger is remembered in Latin America as a man who alined the United States with dictators and as the architect of politics which overthrew the democratically elected Chilean Government. He is also the man who helped widen the Vietnam conflict into Cambodia, leading to the devastation of that country, followed by its falling in the hands of the Communist Khmer Rouge—the most ruthless, bloody tyranny since Adolf Hitler's.

In April, Dr. Kissinger announced his support of a greater U.S. military presence in Honduras, near the Nicaraguan border.

Together with the naval deployments off Nicaraguan shores, the Honduran actions increase the likelihood that Honduras will suffer the fate of Cambodia and Laos, and that U.S. soldiers will soon be directly involved in a shooting war in Central America.

THE ENVIRONMENTAL AGENDA

Mr. CRANSTON. Mr. President, now more than ever before, Americans see the critical link between the condition of the environment and the high stakes of human life and health. Today, environmental preservation goes far beyond recreation and natural beauty. Whole communities have been made uninhabitable by hazardous wastes. Plant and fish life in sections of New England and in neighboring Canada are being destroyed by acid rain. Ruined water and wasted soil are common news.

The quality of our lives and the health of future generations hang in

the balance between environmental protection and uncontrolled pollution.

Yet the Reagan administration would have us believe that prudent and firm protection of the environment is of concern only to small bands of anti-business radicals. Frozen in ideology, this administration insists—in the face of evidence to the contrary—that the role of government in environmental issues is to stand aside. Worse, many Federal officials in the Reagan administration charged by law with protecting the environment ransom both our heritage and our safety to reckless and even lawless disposal and exploitation of natural resources. The stewardship of the American environment, defined by Theodore Roosevelt and developed by a succession of Presidents, has been abandoned by the Reagan administration to the peril of us all.

A clear choice on environmental policies must be brought before the American public. Practices of resource squandering for the benefit of a few must be replaced by activities dedicated to stewardship of natural resources for all Americans. Realistic, prudent alternatives to the reckless Reagan record on the environment must be advanced in forms that are consistent with our objectives of economic growth and full employment.

American citizens can have a Federal Government that does not interfere in their personal lives, that does not limit their freedoms, that does not take immoral and lawless actions in their name, but that does take action to protect them from hazards that they alone cannot control.

AIR

Most Americans breathe polluted air; 150 million Americans live in areas that do not meet one or more of the health standards set by the Clean Air Act. Vast areas of the Nation are afflicted with acid rain that destroys lakes and streams and damages crops, forests, and buildings. In terms of actual human exposure to toxic pollutants, there may be greater exposure occurring every day through the air than from toxic waste dumps or toxic water pollution.

Since passage of America's first strong clean air legislation in 1970, important strides have been made in reducing some emissions. The health of Americans, especially the health of the very young and the old who are most susceptible, has been protected through the reduction of pollution from factories, powerplants, and automobiles. There are fewer days when our cities are shrouded in dreary and dangerous clouds of pollution. This record shows what can be accomplished with clear environmental goals and prudent environmental programs.

But the work begun in the 1970's has been halted by the Reagan administration in the 1980's. It has made no progress in controlling toxic air pollutants. It has no policy to deal with acid rain other than infinite delay. The Government of the United States, alone among the industrialized nations of the West, continues to argue that it is not yet time for action to halt the destruction of our lakes and forests by acid rain. While the National Academy of Sciences recommended an immediate program to reduce sulfur emissions to combat acid rain, the Reagan administration has approved regulatory changes that authorize 1.8 million tons per year of increased sulfur dioxide emissions. Progress in protecting Americans has been replaced by a policy of delay, inaction, special exceptions for industrial polluters, and lax enforcement of the law.

We must recommit ourselves to the goals that led to the passage of the Clean Air Act. Thousands of individual businesses have installed pollution controls to meet air quality standards, but a new measure of wisdom and statesmanship is required from the leaders of many other corporations to meet standards set by existing law. Government must meet its responsibilities vigorously. The air over our national parks and national monuments must be kept clean and pristine so that we can see our treasures. Every American must be guaranteed the right to breathe clean, healthy air. Where the health of our citizens and the profits of an individual corporation collide, there should be no question that health is more important.

America needs:

A renewed and strengthened Clean Air Act to safeguard public health in polluted areas, to prevent deterioration of air quality in other areas, and to protect pure air in the national parks.

Legislation that reduces the sulfur dioxide emissions causing acid rain by at least 50 percent by the year 1990, as proposed in the Stafford bill.

Increased funding for research into currently uncontrolled and unstudied air pollutants.

An Administrator of the Environmental Protection Agency who takes swift and vigorous action to control toxic air pollutants.

Vigilant enforcement of air pollution laws against those who would violate them and reasonable applications of the law for those making best efforts at compliance.

Efforts by citizens from coast to coast to prevent the Reagan administration from weakening critical provisions of the Clean Air Act.

Stringent standards for cleaning up emissions from heavy trucks and diesel vehicles.

Efforts by industry to modernize plants and equipment, thereby improving productivity and energy efficiency and reducing pollution.

WATER

Clean, fresh water is an increasingly scarce and precious resource on our densely populated planet. This country is richly endowed with water resources; it has more naturally flowing major river systems than any other country on Earth. But if we do not act to conserve our resources and to protect them from pollution, we will face an era of scarcity. Already many river systems and aquifers in the West are being depleted. We are finding to our dismay that we have polluted not only our surface waters in many areas but also underground aquifers. We must unequivocally commit ourselves to the achievement of the goals established by the Clean Water Act: that the polluted surface waters of the United States be restored to a fishable, swimmable state and that our clean waters be kept that way.

The Clean Water Act is due for renewal by Congress. Passed in 1972 and extended in 1978, the act established goals for all States to clean up their waterways by 1983. It required the Environmental Protection Agency to set rules to control the discharge of toxic water pollutants and to eliminate such discharges entirely by 1985. Thirty-seven States now report that some of their waterways will not be able to meet these initial goals. But rather than stepping up water pollution control efforts, the Reagan administration has proposed to abandon these goals and weaken the Clean Water Act.

The Reagan administration has proposed to delay toxic pollution cleanup required under the act for 4 years, to gut the national pretreatment program that curtails industrial discharges into municipal treatment plants, and to grant industry variances from toxic cleanup requirements. Congress must reject these weakening amendments; they would be a major step backward in the Nation's progress toward clean water. Congress must also renew the Clean Water Act and strengthen provisions regarding nonpoint pollution, such as runoff from city streets and construction sites, and ground-water contamination.

The Reagan administration has additionally proposed to weaken the only Federal law to protect wetlands—the section 404 program of the Clean Water Act. Wetlands are among the Nation's most productive natural areas, critical for the survival of fisheries and wildlife and essential for water quality, flood control, and ground water recharge. Yet wetlands are being destroyed at the alarming rate of well over 400,000 acres a year. Nearly half of the 215 million acres of wetlands that once existed in the United States have disappeared. This destruction must be stopped. At a minimum, the scope of the section 404

program must not be reduced and its provisions must be implemented.

In 1974, the Safe Drinking Water Act was passed in response to evidence that the drinking water of many Americans was contaminated with dangerous chemicals like vinyl chloride and asbestos. The Environmental Protection Agency was required to set minimum drinking water standards to protect human health and to establish rules preventing injection of contaminants into underground aquifers that are the drinking water source for half the population.

The Reagan administration, however, has failed to develop permanent drinking water quality standards, and has weakened the standards designed to protect aquifers. Congress must extend and strengthen our national commitment to providing safe drinking water for all citizens.

The U.S. Geological Survey reports that our 50 States are using 450 billion gallons of water a day to meet the needs of municipal, industrial, irrigation, commercial, and household users. This amounts to an average of about 2,000 gallons per person per day. Since 1950 the Nation's total water use has more than doubled. In response to this increased demand, the Nation has turned to developing more of its water resources. As a result, far too few free-flowing rivers remain in the United States.

Free-flowing rivers that remain should be considered for protection from development by inclusion in the national wild and scenic rivers system. In developing new water supplies, alternatives to building dams must be considered. Water conservation, ground water recharge, and wastewater reclamation programs should become an integral part of the efficient use of our water resources. To help reduce agricultural water consumption, the Federal Government should provide financial incentives to encourage water conservation techniques in agriculture such as the use of more efficient drip irrigation systems and conversion to crops with lower water requirements. Environmental criteria must be given the strongest possible consideration in development projects. Guidelines and requirements must be established for operating projects to protect fisheries through minimum instream flows.

America needs:

A reauthorized Clean Water Act that accelerates efforts to provide fishable, swimmable, drinkable water.

New legislation to protect underground aquifers from contamination through misuse of pesticides and improper disposal of hazardous wastes, and more stringent EPA standards to end discharge of toxics into our waterways.

A President who will direct the Administrator of the Environmental Protection Agency to develop a comprehensive strategy to protect our drinking water.

Legislation to halt the elimination of remaining wetlands.

Strong environmental criteria applied to Federal water development projects.

TOXIC AND HAZARDOUS SUBSTANCES

The health threat posed by toxic chemicals and hazardous substances is deadly serious and growing.

U.S. industries produce around $46 billion of chemical and allied products each year. They generate more than 90 billion pounds of hazardous wastes each year. Only 20 percent is destroyed or detoxified; the rest is stored, or dumped, mostly on land. Exports of U.S. chemicals have increased by 20 percent since 1979 and imports of foreign chemicals have increased 26 percent over the same period.

We have barely begun to examine the problems these added chemicals cause in our environment. We do know that chemical hazards to human health are invisible, complex, and beyond the capacity of any individual to detect or control. Many of them involve risks of cancer, birth defects, or other injury that is not immediately apparent upon exposure.

Over the past several decades, asbestos, lead, PCB's, cigarette smoke, low-level radiation, and nuclear fallout have all proven to be far more hazardous than many Government and industry experts argued they might be based on limited scientific knowledge. Beyond a shadow of a doubt, ungoverned release into the environment of hazardous wastes, pesticides, toxic chemical products, toxic air pollutants, and toxic water pollutants poses a grave threat to public health and safety.

Our society faces two central problems with hazardous and toxic substances: First, what to do with the wastes that are created every day as an inevitable byproduct of the operation of a highly industrialized society, and second; identifying and cleaning up existing dumps.

The Reagan administration approach to these problems has been to refuse to act to regulate risks that cannot be identified or assessed with certainty. In balancing certain costs of pollution control against uncertain risks to human health, this administration has decided to avoid the costs and accept the risks. They have at the same time sharply reduced Federal support for research to identify and assess health hazards associated with chemicals and their uses. In some cases, this administration has actually obstructed dissemination of existing information to the public. It has almost completely failed to enforce the Toxic Substances Control Act or to implement a program for safe disposal of hazardous wastes under the Resources Conservation and Recovery Act. In October 1982 and January 1983, congressional committees cited EPA for failure to enforce specific environmental laws related to toxic substances and hazardous wastes.

Beyond the wastes from 74 nuclear powerplants now operating, large quantities of nuclear waste are generated by military activities and by some medical uses of radioactive material. Concern about safe storage and permanent disposal of these hazardous wastes have recently been considered by Congress, but without support from the administration only one relatively minor bill has passed. Additional research about the extent of threat posed by these wastes is imperative as a guide to Government action.

A new concern is plastics in the ocean—primarily refuse from vessels and outfalls of particles from plastic manufacturing plants. These plastics are affecting sea birds and marine animals, and possibly altering the ocean ecosystems. The Ocean Dumping Act prohibits the deliberate dumping of significant amounts of plastic material, but enforcement is a problem. Industry and the public must be educated about the seriousness of plastic pollution. Additionally, steps should be taken to require that plastics be biodegradable or recycled, a technology that already exists.

Responsible government—based on reasonable ethical standards about environmental dangers to public health and commonsense about long-term management of resources—requires an entirely different course of action by the executive branch of the Federal Government.

There may be as many as 10,000 dangerous abandoned dump sites around the country. We must sharply accelerate the process of finding and cleaning up these abandoned waste sites. Some dumps have been built in which we can safely store wastes for some limited amount of time. They may provide an acceptable disposal alternative for less hazardous wastes, but we must identify and pursue other alternatives. Another high priority should be to identify and control carefully the transportation and storage of all wastes, and we must develop as quickly as possible incineration and recycling methods that enable us to dispose of hazardous wastes safely and permanently. We should ban underground injection of hazardous wastes. We should fill the loopholes in existing land disposal regulation. We should withdraw proposals for lifetime hazardous waste disposal permits and resuscitate a virtually moribund hazardous waste enforcement program.

We should insist that EPA faithfully exercise it broad powers under the Toxic Substances Control Act to assure that existing and new chemi-

cals potentially dangerous to human health be formally tested with submission of safety data. The recent EPA proposal to exempt 50 percent of all new chemicals from required prescreening should be rejected. And the announced EPA plans to negotiate voluntary testing agreements with affected industries, instead of formal test rules, should also be rejected. Voluntary agreements would strip the public of critical protection accompanying formal test rules, including enforceability and judicial review, mandatory testing timetables and deadlines, and full public access to test data.

It would have been far cheaper in the past two decades to have disposed of hazardous wastes properly than to face the incredible risks and problems associated with trying to clean up thousands of abandoned waste dumps created by haphazard, unsafe, and careless practices. Once workers have been exposed to a substance that causes cancer or chronic disease, once a town's drinking water supply has been contaminated, once consumers have drunk milk contaminated by presticides, it is too late to clean up. The damage is done, and the damage is very expensive. The rule underlying policy should be very simple: Better safe than sorry.

America needs:

To eliminate public health hazards at existing hazardous waste sites.

To close the loopholes in the Resource Conservation Recovery Act to prevent future improper disposal of hazardous waste and the need for cleanups.

To phase out wherever possible landfill disposal of hazardous waste and the need for cleanups.

To provide victims compensation for injury as a result of exposure to hazardous wastes.

To phase out by the turn of the century waste-producing nuclear powerplants as they are replaced by clean, renewable energy sources.

PESTICIDES

American farmers, farmworkers, and those who live in agricultural areas are exposed to pesticides directly when they are used. There is increasing evidence that pesticides have contaminated ground water and have been carried hundreds, even thousands, of miles by the wind to contaminate far off water bodies. In addition, Americans are exposed through contamination of food products. Thousands of pesticides now in use have not been adequately tested to determine whether they cause cancer, birth defects, or genetic changes. Many were registered before safety requirements were enacted. Others were registered on the basis of testing done by the Industrial Biotest Laboratories, since closed because of evidence of massive fraud in the conduct of tests, with executives of IBT now on trial in Chicago.

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended in 1972 and 1978, gave the Environmental Protection Agency the authority to regulate chemical compounds used in agriculture, and to establish maximum allowable residue levels for each pesticide to be marketed. This act permits States to establish more stringent regulations to meet local conditions and needs. The States rights provision has proven especially important in protecting public health and safety. Investigations in California and other States under this authority have repeatedly uncovered pesticide hazards missed by EPA, and have led to the banning of several pesticides, including DDT, previously approved by the Federal Government.

Some chemical companies, however, are seeking to have FIFRA amended to prevent the States from obtaining additional data from pesticide manufacturers in order to make their own evaluations of pesticides. Amendments are being advocated to restrict the ability of the public and independent scientists to review industry produced data on pesticide safety, and to prevent dissemination of pesticide health and safety data to foreign nationals not residing in the United States. These amendments should be defeated and the act should be renewed and strengthened.

The Reagan administration has gone backward. It has done little review of safety data submitted in conjunction with requests or registration of pesticides and has more than tripled the rate at which special exemptions for unregistered uses of pesticides are granted. It has accepted evidence showing risk of cancer more than 100 times greater than would have been acceptable under the previous administration. Decisions on pesticide safety, registration, and exemptions have been made in closed, private conferences between EPA and industry officials, without opportunity for public participation.

Early in his administration, President Reagan repealed a Carter Executive order to control the export of banned substances, including pesticides. As a result, pesticides banned in the United States are being freely used on crops abroad, which are then imported to the United States. Over 40 percent of the coffee consumed here has residues of pesticides banned here. The World Health Organization estimates that 50,000 poisonings and 5,000 deaths occur annually as a result of hazardous exports.

Evidence is mounting that pesticides adversely and substantially affect wildlife. The State of Montana recently considered closing a duck hunting season when dangerous levels of Endrin—used to control wheat pests—occurred in water fowl. DDT is known to harm and kill wildlife. We need a broad-scale federal assessment of pesticide effects on wildlife.

There are alternatives to heavy pesticide use. Integrated Pest Management uses mechanical and biological methods of controlling pests. Much greater support should be given to these methods. Yet little research is being done on either chemical safety or alternatives to chemical control of pests. Since World War II, while the amount of chemicals used in agriculture has increased many times over, the extent of crop loss to pests has not declined, but even increased. We have been losing the war on pests, and the civilian population may be casualties.

America needs:

Stringent regulations on pesticides, including increases in research on health and safety risks associated with chemical use, review of chemicals registered on the basis of possibly fraudulent test data, testing of domestically produced and imported foods for pesticide contamination, and elimination of loopholes for registration of chemicals without health and safety data.

A ban on hazardous pesticides like Compound 1080, including a ban on their export.

An end to closed-door regulatory practices.

Federal support for Integrated Pest Management and organic or less chemical-intensive farming.

NATIONAL PARKS AND PUBLIC LANDS

The policies of Secretary of the Interior James Watt are shaped by a ravage-and-ruin approach to the American environment. Repairing this damage, and returning to completion of national environmental mandates, will require decisive and effective management of our Federal lands and resources.

The Federal Lands Management and Policy Act (FLMPA) calls for farsighted and prudent management of lands in the care of the Bureau of Land Management (BLM). In the late 1970's, BLM started this job, a key part of which is review of potential new wilderness areas. The job depends upon informed planning that involves extensive and high-quality work by professional staff.

The Reagan administration has obstructed BLM land-management planning. BLM's planning budget has been cut by 48 percent. The administration attempted to reduce its planning staff by 195 positions in fiscal year 1983. These planners work on a wide variety of tasks: resource inventories, soil and water problems, and analysis of park usage, forest and range management, and wildlife habitats. They attempt to balance competing uses of public lands and to reconcile conflicting interests. Without well-conceived development plans, land in the care of BLM is subject to time-consuming litigation and extra costs. Undoing the damage at

BLM must be a major environmental priority of the next President.

It is estimated that in 1980 one American in four visited a national park. This is over 50 million citizens. Foreign visitors by the millions stream to America to see the natural wonders of our continent. In addition to their beauty and place in our heritage, the parks are good business for America.

Land acquisition has been authorized by Congress for 65 additional national park areas in 32 States. The Reagan administration is dragging its feet on acquisitions and, except for court awards, has requested no funds for 3 years. Those lands which need to be acquired include part of the Appalachian Trail corridor, wildlife habitat areas such as the Big Cypress Swamp in Florida, and urban parklands such as the Santa Monica Mountains National Recreation Area of California. The national environmental heritage concept of national parks—involving addition of a Tall Grass Prairie Park, a Great Basin Park, Mono Lake, Big Sur, Columbia River Gorge, and a variety of urban parks—is another aspect of the unfinished agenda.

In 1964, Congress created the National Wilderness Preservation System. Presently, the wilderness system consititutes about 3 percent of the land base of the United States, including large wilderness areas in Alaska. Every Secretary of the Interior before James Watt has recognized the vital ecological function that wilderness areas serve: they are the last remnants of America's irreplaceable primeval splendor. The Reagan administration, breaking tradition with all previous administrations, Democratic and Republican alike, has tried to open to mineral leasing wilderness areas like the Washake Wilderness adjacent to Yellowstone National Park, the Ventana Wilderness of Calfornia's Big Sur Coast, and the Caney Creek Wilderness in Arkansas.

Studies show that less than one percent of the oil and gas reserves of the 48 contiguous States are in wilderness areas. Opening lands in the wilderness system designated by Congress is utterly unnecessary.

The Forest Service, after studying 62 million acres under its roadless area review and evaluation program, recommended 12.4 million acres for inclusion in the national wilderness preservation system. Yet the Reagan administration has testified against including new lands in the wilderness system—the Cranberry Area of the Monongahela National Forest in West Virginia, the Big Gump Swamp, the Osceola National Forest in Florida, the Cougar Lakes in the Wenatchee National Forest in Washington.

The mandates under the Alaska Lands Act to conserve glorious scenic lands are also being undermined by actions of the Reagan administration. Baseline studies, wilderness reviews, and other planning activities are not being carried out. The administration's policies, budgets, and regulations are obstructing the intent of Congress to maintain a true balance between resource protection and resource development.

Thirty-five million acres of public land—an area the size of Massachusetts, Maine, New Hampshire, and Vermont combined—have been proposed for sale by the administration despite the probability that dumping these properties on real estate markets, even if otherwise justifiable, will cause severe underpricing. The Resource Planning Act and the National Forest Management Act both call for careful land planning with the Nation's forests. This administration has proposed selling timberlands at an unprecedented rate. It wants a vast increase in the timber cut from National Forests by the year 2000, with complete disregard for the incapacity of the lands to sustain the increase.

Revisions of the National Forests Management Act proposed by the Reagan administration will undermine streamside protection and scenic and wildlife values.

Accelerated sales of Federal coal and oil leases are an even more radically antienvironmental objective of the administration. Despite a glut of coal in the current market, Secretary Watt is expediting the disposition of 10.7 billion tons of Federal coal. As a result, the 1982 Federal coal sale in the Wyoming Powder River Basin returned about 3.5 cents per ton. A comparable sale in this region 18 months earlier brought an average of 19 cents per ton for comparable tracts. The Department of the Interior's own studies show the minimum acceptable bid for this sale should have been $95 million. Independent estimates valued the tracts at $250 million. The sale actually brought only $55 million, less than half of what the taxpayers should have received.

Under James Watt, the Department of the Interior is preparing to lease 25 times more land to offshore oil development than the total amount of acreage leased since the program began in 1953—despite declining oil prices. This administration would lease practically all the remaining one billion acres of Outer Continental Shelf lands to oil companies.

The Federal Government has no business conducting bankruptcy sales and stripping and pillaging our land resources.

Instead, America needs:

To complete the national wilderness preservation system.

To complete the national park and wildlife refuge systems, preserving at least one example of every major type or ecosystem in the country.

To establish a national resources renewal trust fund using revenues derived from the development of nonrenewable resources to reinvest in renewable resources and public lands.

To establish an American Conservation Corps.

To repeal the 1872 Mining Law and to establish a new mineral leasing that protects the environment.

To impose a moratorium of offshore oil and gas development in environmentally sensitive areas.

To manage its timber resources for sustained yield in the future.

WILDLIFE

America's wildlife preservation laws are among the most effective in the world. But in the Reagan administration, wildlife protection has taken a backseat to resource development. The effort to protect endangered species has been handicapped by deep budget cuts, including cuts in State habitat programs. A flourishing international trade in endangered species, facilitated by cutbacks in our enforcement staff, causes other countries to doubt the sincerity of America's species protection efforts. The administration seeks expanded use of wildlife refuges and a relinquishing of federal management to the States.

This situation reflects a fundamental misunderstanding of the relationship between species protection and human survival. The species that share the Earth serve and supply all of humanity with everything from rubber to germ plasm. More than 40 percent of the prescriptions each year in the United States alone contain drugs of natural origin—drawn from plants, microbes, or animals.

We must assist in the world effort to maintain biological diversity. We can do this directly by more vigorously enforcing a strong endangered species act, by prodding the Interior Department to fulfill its legal responsibilities to list species and preserve habitat under the act, and by making certain that citizens know the risks of species depletion.

We must continue our fight to save the mammals of the sea. America's Marine Mammal Protection Act is a world model for the preservation of whales, sea otters, dolphins and porpoises and other highly-evolved ocean creatures. Our international leadership in saving whales has led to the gradual cessation of commercial hunting. American opinion is largely responsible for a halt to Canadian harp seal clubbings. Our sound record on these critical issues must be maintained.

We need a national policy for the taking of predators or scavengers—mammals or birds—on public lands, a policy that reflects a thorough understanding of nature's interdependent relationships. We are just beginning to

understand how important predators are in the ecosystem, both to the process of adaptation and the dynamics of animal populations. President Reagan's recission of the 10-year-old Executive order which banned highly toxic poisons used to kill coyotes and other perdators is an example of how a misunderstanding of the predator/prey relationship can lead to ecologically unsound actions that may even endanger human life.

Our guiding premise must be clear: when we act on behalf of plant and animal species preservation, we act on behalf of the survival of the human race itself.

ENVIRONMENTAL INSTITUTIONS

Under the Reagan administration, our national environmental institutions—the Department of the Interior, the U.S. Forest Service, the Environmental Protection Agency, and the Council on Environmental Quality—have been crippled. Leadership has all too often been turned over to individuals like James Watt and Ann Burford who do not believe in the fundamental charters of these institutions or the environmental laws they are responsible for implementing and enforcing. Law enforcement against illegal polluters has declined precipitously. Funds for environmental programs and manpower have been slashed through the budget process.

The EPA operating budget for the first year of the Reagan administration fiscal year 1981 was $1.35 billion. The administration has proposed to cut it to $498 million for fiscal year 1984, more than a 40 percent reduction in constant dollars. As a result, the agency has been unable to handle its workload. More than 90 percent of all regulatory actions are either behind schedule, suspended or postponed. Research programs have been so reduced that efforts to control pollution will be slowed for years by lack of reliable data. The only way to get environmental protection back on the right track is to have a President who will appoint officials with competence in and commitment to environmental protection, and to restore adequate funding levels for EPA's operating budget, manpower, and research.

At the Interior Department and Forest Service, the Reagan administration has shifted activities away from resource protection to resource development. It has proposed a near halt to parkland acquisition. Ignoring threats to park resources, it sought increased funds for constructon of facilities within national parks. It requested increased funding for Federal coal leasing and for oil and gas development both onshore and offshore. It asked for increased moneys to sell timber in national forests despite a backlog of more than 3 years of timber already sold. Trails have been allowed to deteriorate through reduced funding for maintenance. The Reagan administration has also cut Interior funds for Bureau of Land Management planning, grazing management, and endangered species. These perversions of traditional conservation and protection activities must be eliminated by the next President.

Prior to the Reagan administration, the Council on Environmental Quality was a major source of information and analysis on environmental matters for government and the public. The Council assisted numerous important reports and provided annual reports. These activies have virtually ceased. The Council's role in policy review has been practically abolished through budget and staff reduction.

The next President must be committed to restoring the institutions of government designed to protect public health and the environment, to appointing competent officials, to faithfully executing environmental laws, and to providing adequate resources to complete environmental goals.

America needs:

Institutional capability to deal faithfully with the long-term goals of sustaining natural systems.

Beefed-up budgets and manpower for the Environmental Protection Agency, Department of the Interior, and Forest Service.

A Citizen Council on Environmental Quality to provide independent views of the condition of the environment in all regions of the country.

GLOBAL ENVIRONMENTAL ISSUES

Deforestation, water and air pollution, and other ominous environmental trends are accelerating on a global scale with population expansion and unmanaged technological development. These trends threaten human life and the basic ecological integrity of creation.

AMERICA NEEDS A FOREIGN POLICY FOR THE ENVIRONMENT

Our country is in a position to provide leadership for global environmental protection and renovation. Through alliances with other nations, through economic policies affecting world industrial development, and through our leadership in worldwide organizations, the United States helps shape policy for the world environment. We need to make such policy more consciously and forcefully. National security means more than building up military and economic might. We must consider ecological security as well.

The United States should set guidelines for development assistance that reflect environmental considerations. The Department of State, the National Security Council, and the Central Intelligence Agency can conduct regular analyses of strategic environmental trends worldwide. Such reports could include steady and accurate analyses of resource depletion, farmland deterioration, and population trends as they relate to U.S. policy abroad.

AMERICA NEEDS A TASK FORCE ON TECHNOLOGY AND THE ENVIRONMENT

At a time when government funds have dwindled, our major hope for addressing critical environmental issues lies with cooperative problem solving by the public and private sectors. A continuing forum to exchange ideas and make recommendations is necessary. The President should lead the way by appointing a Presidential Task Force on Technology and the Environment.

Such a task force would identify resource use rates that balance economic development with preservation of global resources. It would examine obstacles to trade. It would look at the critical relationship between the arms race and threats to the environment.

AMERICA NEEDS NEW WAYS OF INTEGRATING ENVIRONMENTAL PLANNING AND INTERNATIONAL DEVELOPMENT

The Agency for International Development has made a good start on integrating natural resource management into foreign assistance projects. The Department of the Treasury should now persuade the multilateral development banks to consider the effects of their projects on plant and animal diversity and on land and water resources.

AMERICA NEEDS GLOBAL ENVIRONMENTAL MONITORING

Many agencies seek environmental data on everything from climate to crops, but the United States has no comprehensive system for analyzing and disseminating this information among policy makers. The problem needs addressing now.

The United States should step up efforts to assist the United Nations Earthwatch program, (UNEP) perhaps through direct assistance to participating nations. Earthwatch is the U.N.'s international environmental surveillance network. It includes a climate monitoring network of about 100 worldwide stations, air and ground surveys of tropical forest covers, 200 air quality monitoring stations in 50 world cities, a 400-station water quality monitoring network, and an International Register of Potentially Toxic Chemicals. The administration budget for fiscal year 1983 called for cutting the U.S. contribution to this program by 61 percent. The effect on the UNEP could be catastrophic. At a minimum, the United States must maintain its UNEP contribution level of previous years. The United States should also explore every avenue of cooperation with the Soviet Union and other major contributors to UNEP to focus jointly on environmental problems.

AMERICA NEEDS TO IMPROVE THE WORLD'S WATER SUPPLIES

Some 60 percent of the people in developing countries lack adequate, safe

drinking water. In rural areas, the number reaches 80 percent. Every year, nearly 15 million children under the age of 5 die from the combination of malnutrition and contaminated water. The United States should actively participate in multinational efforts and bilateral programs to educate people about the health hazards of unsafe drinking water, and to encourage the use of simple water-purifying techniques.

AMERICA NEEDS TO HELP STOP GLOBAL DEFORESTATION

Eight acres of the world's forests will fall to the axe in the time it takes to read this sentence; 50 acres in the time it takes to read this page. An area of rain forest half the size of California is lost each year. The original tropical moist forest areas of Latin America, Asia, and Africa are already half gone.

These tropical forests contain about 2 million species—the greatest diversity of plant and animal life anywhere in the world and almost half of the Earth's distinct life forms. Thousands of plant and animal species potentially vital to human survival will disappear with the loss of these forests. Cleansing of the atmosphere which sustains life will be endangered.

The United States should spearhead discussions on the preservation of moist forest reserves. Creation of a preservation fund, financed by the world's developed nations and perhaps administered by the World Bank, may be the most helpful step we can take.

AMERICA NEEDS ATTENTION AT THE HIGHEST LEVELS TO WORLD ENVIRONMENTAL ISSUES

The President should address the United Nations on the subject of the world environment, and announce U.S. initiatives to help our world neighbors combine industrial and technological growth with environmental protection. The President should appoint an Ambassador-At-Large for the global environment who would serve as the senior U.S. spokesperson with donor and developing country leaders. This ambassador could be a focal point and chief negotiator for environmental considerations between the United States and other countries.

SUPPORT FOR S. 1550—A BILL TO END DOUBLE TAXATION OF CERTAIN U.S. CORPORATIONS

Mr. CHAFEE. Mr. President, on June 27 Senator SYMMS and I introduced a bill (S. 1550) that would amend the Internal Revenue Code of 1954.

Currently, a number of foreign countries tax income from technical services performed in the United States that relate to construction projects in that country. At that same time, income from such services is frequently taxed by our Government, which results in double taxation. The added cost puts American firms at a significant disadvantage when competing for foreign projects. This is an inequitable and unintended result of current tax laws.

Accordingly, our bill, S. 1550 would remove this unfair penalty by permitting U.S. firms to deduct the foreign tax on U.S. construction services. Thus, we would avoid double taxation as do countries which have tax structures similar to ours (for example, Canada, United Kingdom, the Netherlands).

S. 1550 will be in the best interests of the United States. American construction firms will be on a competitive par with non-U.S. Firms competing internationally. This means more U.S. jobs and an improved balance of trade. In addition, the economic stimulus of eliminating double taxation will result in an estimated increase of $100 million in annual tax revenues for the U.S. Treasury, according to a study by the National Constructors Association.

I request unanimous consent that the following two reports be printed in full in the RECORD. The first is a study completed by Arthur Young and Co., while the second is an analysis undertaken by the National Constructors Association. Both conclude that S. 1550 is a necessary reform of current tax laws.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SURVEY OF TREATMENT BY EIGHT COUNTRIES OF TECHNICAL ASSISTANCE TAXES, JUNE 1983

U.S. engineering and construction firms are in many instances, now effectively prevented from competing against non-U.S. firms for foreign jobs because of international double taxation of "technical assistance" services performed in the U.S.—e.g. engineering, procurement, construction management, etc. This is a serious trade barrier for U.S. firms. The major trading partners of the United States, on the other hand, generally provide relief from double taxation which facilitates competition by their home country corporations.

An increasing number of foreign countries tax gross payments for technical services performed outside of their country where the services relate to a construction project located within their country. Often these taxes are levied as a withholding tax on "royalties", broadly defined to include any type of technical services performed outside the country. These foreign taxes are usually imposed by requiring the owner of the project to withhold the tax on all payments for services performed outside the country. Under current United States tax law, these taxes withheld are "foreign income taxes" on United States source service income. Since the U.S. foreign tax credit is basically limited to U.S. tax of foreign source income, this conflict between the U.S. and the foreign income sourcing rules can result in double taxation of U.S. technical assistance.

The enclosed information is the result of our survey of the United States major trading partners' treatment of foreign taxes withheld on payments for engineering and design services and other technical assistance, performed within their borders by home country corporations for projects located outside their borders.

In reviewing how our major trading partners relieve double taxation of technical assistance, our inquiries focused on the following three mechanisms.

Foreign tax credits.—Normally this system prevents double taxation of foreign source income of home country corporations. However, if the foreign income tax is levied on domestic source income, does the particular country adjust its foreign tax credit mechanism to avoid double taxation?

Deduction of foreign taxes.—If a country taxes on a territorial basis, foreign tax credits are generally limited to those items specifically designated by a tax treaty. Often, these countries prevent double taxation of domestic source income by permitting a deduction for foreign taxes imposed on this income. Does the particular country in question permit the deduction of foreign taxes on domestic source income?

Special provisions or statutes.—Does the local taxing jurisdiction have any other special provisions which would avoid the double taxation of domestic source technical service income?

We have summarized the information on the enclosed chart and narratives. Briefly stated, it appears that, although many of our trading partners relieve double taxation through a foreign tax credit system similar to the one in the U.S., they avoid the double taxation of technical assistance described above by permitting either a deduction for foreign taxes paid on domestic source income (even if the taxpayer has elected to credit other foreign taxes against his income tax) or treating technical services as foreign source income, with a credit for the foreign taxes paid. In addition, certain of our trading partners provide incentives for companies performing this type of work. This places U.S. corporations at a competitive disadvantage with our major trading partners' home country corporations.

ARTHUR YOUNG AND CO.

June 27, 1983.

TECHNICAL ASSISTANCE TAX SURVEY

	United States	Canada	France	Germany	Japan	Korea	Netherlands	Switzerland	United Kingdom
Foreign tax credit: Credit allowed against home country taxes for foreign taxes withheld attributable to services performed in home country.	No [1]		Yes [2]			Yes		Yes [2]	Yes.[2]
Deductibility of foreign taxes: Deduction allowed against home country income for foreign taxes withheld attributable to services performed in home country.	No	Yes	Yes	Yes	Yes		Yes	Yes	Yes.

TECHNICAL ASSISTANCE TAX SURVEY—Continued

	United States	Canada	France	Germany	Japan	Korea	Netherlands	Switzerland	United Kingdom
Any other special provisions or statutes	No [3]				Yes	Yes			

[1] Due to mechanics of U.S. foreign tax credit limitation.
[2] Credit against home country taxes may be allowed by treaty.
[3] Except limited DISC application.

Note: See attached summaries for captioned detailed analysis.

CANADA

Foreign tax credit: Canada generally allows foreign tax credits only with respect to non-Canadian source income.

Deductibility of foreign taxes: Canada allows a deduction for foreign taxes paid on Canadian source income.

Special provisions or statutes: None.

Summary: Canada permits the deduction for taxes withheld on Canadian source technical assistance income.

FRANCE

Foreign tax credit: France generally does not have a foreign tax credit mechanism since it only taxes income earned within France. However, certain tax treaties provide that taxes paid to treaty countries on French source income will be allowed as foreign tax credits.

Deductibility of foreign taxes: France allows a deduction from gross revenues for foreign taxes paid on French source income if no credit is permitted under the previously discussed principle.

Special provisions or statutes:

Summary: France may by treaty permit a foreign tax credit for taxes withheld on French source technical assistance income. Otherwise, France treats the withheld tax as a reduction of taxable revenues, i.e., the equivalent of a deduction.

GERMANY

Foreign tax credit: Germany generally allows foreign tax credits only with respect to non-German source income.

Deductibility of foreign taxes: Germany allows a deduction for foreign taxes paid on German source income.

Special provisions or statutes: None.

Summary: Germany permits a deduction for taxes withheld on German source technical assistance income.

JAPAN

Foreign tax credit: Japan generally allows foreign tax credits only with respect to non-Japanese source income.

Deductibility of foreign taxes: Japan generally does not allow a deduction for foreign taxes paid if the taxpayer has elected to credit other foreign taxes. However, if the tax is attributable to income derived from overseas technical services (see discussion of special provisions or statutes), the foreign tax is deductible in full.

Special provisions or statutes: Income derived from overseas transactions of technical services generate a special deduction equal to 16% of the net income. Overseas transactions of technical services includes planning, consultation, supervision, and other items related to the construction or production of plant or equipment.

Summary: Japan permits a deduction for foreign taxes paid on Japanese source income if the income is derived from planning, consultation, supervision and other items related to the construction or production of plant or equipment.

KOREA

Foreign tax credit: Korea treats proceeds received from overseas for engineering, design and other technical services performed in Korea by a construction company in connection with a construction project located in another country as foreign source income and any taxes withheld are entitled to foreign tax credit treatment.

Deductibility of foreign taxes: Korea does not allow a deduction for foreign taxes.

Special provisions or statues: 50 percent of the income from technical assistance performed in Korea for foreign owners are exempt from taxation for six years. This exemption does not apply to a construction company and design and engineering services performed for the construction of a building. Foreign tax credit is not allowed on income subject to this exemption.

Summary: Korea permits a foreign tax credit for taxes withheld on Korea source technical assistance income.

NETHERLANDS

Foreign tax credit: The Netherlands generally allow foreign tax credits only with respect to non-Netherlands source income.

Deductibility of foreign taxes: The Netherlands allow a deduction for foreign taxes paid on Netherlands source income.

Special provisions or statutes: None.

Summary: The Netherlands permit a deduction for taxes withheld on Netherlands source technical assistance income.

SWITZERLAND

Foreign tax credit: Switzerland generally allows no foreign tax credits with respect to non-Swiss source income. However, certain tax treaties provide that taxes paid to treaty countries on Swiss source income will be allowed as foreign tax credits.

Deductibility of foreign taxes: Switzerland allows a deduction for foreign taxes paid on Swiss source income if no credit is permitted under the previously discussed principle.

Special provisions or statutes: None.

Summary: Switzerland may by treaty permit a foreign tax credit for taxes withheld on Swiss source technical assistance income. Otherwise, Switzerland allows a deduction for taxes withheld on Swiss source technical assistance income.

Foreign tax credit: The United Kingdom generally allows foreign tax credits only with respect to non-United Kingdom source income. However, certain tax treaties provide that taxes paid to those treaty countries on United Kingdom source income will be allowed as foreign tax credits.

Deductibility of foreign taxes: The United Kingdom allows a deduction for foreign taxes paid on United Kingdom source income if no credit is permitted under the previously discussed principle.

Special provisions or statutes: None.

Summary: The United Kingdom may by treaty permit a foreign tax credit for taxes withheld on United Kingdom source technical assistance income. Otherwise, the United Kingdom allows a deduction for taxes withheld on United Kingdom source technical assistance income.

NATIONAL CONSTRUCTION ASSOCIATION TAX COMMITTEE

Analysis of S. 1550 (H.R. 1609): A bill to eliminate international double taxation barriers to overseas construction projects of U.S. constructors.

Existing law . . . [inhibits] U.S. engineering and construction firms from bidding successfully against non-U.S. firms on certain overseas projects. This . . . situation occurs where foreign countries impose "technical assistance taxes" on the U.S. construction services (e.g., engineering, construction management, procurement of materials) . . . needed for the foreign project but . . . performed in the U.S. Such services would also be taxed in the U.S., leading to the possibility of international double taxation. No foreign client will agree to pay a contract price that reflects the huge double tax bill which would be owed to the foreign country and to the U.S. (See illustrations below.) Nor can the U.S. company absorb the double tax. In situations of this kind, international double taxation creates . . . [a] trade barrier which . . . [hinders] U.S.-based operations from obtaining the foreign work.

An increasing number of foreign countries now tax income from services performed outside of that country, if the services relate to a construction project located within that same country. Such countries include Algeria, Argentina, Brazil, Chile, China, Colombia, Ecuador, Indonesia, India, Korea, Malaysia, Mexico, New Zealand, South Africa, Panama, Spain, Tanzania, Thailand, and Venezuela. These foreign taxes are usually imposed by requiring the owner of the project to withhold the tax on all payments for services performed outside the country.

S. 1550 (H.R. 1609 is the identical House bill) remedies this serious problem in an equitable manner that will generate U.S. economic activities and increase the flow of funds into the U.S. The bill allows a deduction for "technical assistance taxes" as a cost of doing business, thus eliminating the double taxation barrier. By permitting U.S. firms to obtain the foreign work and earn the taxable income, which they now cannot do, the bill will raise Federal revenues.

The revenue gain to the U.S. Treasury from enactment of S. 1550 is estimated at $100 million or more annually. In the double taxation situations affected by S. 1550, a U.S. company at present cannot obtain the overseas construction project, and therefore the United States in now receiving no U.S. tax revenues. On the other hand, if S. 1550 is enacted the U.S. will gain revenues, since U.S. companies will be able to bid on and perform overseas projects which involve technical services performed in the U.S., and they will pay full U.S. taxes on the U.S. income from such projects. This U.S. taxable activity and the resultant revenue gain would not take place but for the enactment of S. 1550.

Background: How U.S. firms currently deal with the double taxation problem.

The problem addressed by S. 1550 has only arisen in recent years as foreign countries have increasingly adopted technical assistance taxes that are regarded as creditable foreign income taxes under U.S. law.

U.S. engineering and construction firms usually make less than a 10 percent pre-tax

margin on gross billings. Foreign technical assistance taxes are usually in the range of 10–30 percent of billings. Thus, a U.S. firm cannot absorb the tax, the project cannot be undertaken and no U.S. taxes are paid. This barrier to U.S. competition abroad is illustrated as follows:

30 percent technical assistance tax

Billings	$100
Costs	−90
Pre-tax income	10
Technical assistance tax (30 percent of 100)	−30
U.S. tax (46 percent of 10)	−4.6
Post-tax loss	−24.6

While these figures suggest apparent U.S. tax revenues of 4.6 percent, this situation cannot exist in real life: no firm will undertake work which must inevitably produce a net loss of 24.6 percent.

Moreover, if the U.S. firm seeks to have the foreign client pay the tax, in the form of a double taxation "gross-up," the U.S. firm will be immediately priced out of the market.

30 percent technical assistance tax—hypothetical gross up by client included

Billings	$100
Hypothetical gross-up	125
Costs	−90
Pre-tax income	135
Technical assistance tax (30 percent of 225)	−67.5
U.S. tax (46 percent of 135)	−62.1
Post-tax profit	5.4

Again, the apparent U.S. tax of 62.1% cannot exist in real life, since no client is willing to pay a gross-up that increases the cost of the project by 125%

What happens at present in the real world is that the U.S. firm interested in a project seeks to find a way to do business without asking the client for the (unattainable) huge gross-up. The possible ways of doing this are as follows:

1. Local Tax Exemption—In some countries it may be possible to obtain an exemption. These exemptions normally are granted only to important development projects in favored industries. However, exemptions of this type are becoming very rare. Moreover, S. 1550 would not apply to situations in which an exemption is available, since no technical assistance tax would be paid. S. 1550 would provide no tax benefit in these cases.

2. Foreign Government Subsidy—Where the client is a foreign governmental entity it may be possible to determine that the tax payment is subsidized by the government and that no "tax" has been paid. Again, S. 1550 would not apply and would provide no benefit. The payment to the government would in effect be deducted under existing U.S. law.

3. Move U.S. Services Offshore—Most U.S. firms doing business abroad have offices outside the U.S. If the technical assistance services are performed through a foreign subsidiary in a country that has solved the double taxation problem (e.g., Canada, U.K., the Netherlands), then the necessity for a gross-up is avoided. This solution, which is now used frequently, involves a significant revenue loss to the U.S., because primary taxing jurisdiction is shifted to the country where the office is located. S. 1550 would permit U.S. firms to avoid this solution, thereby raising U.S. revenues.

In summary, U.S. firms attempt to cope with the double taxation situation in various ways. However, they cannot always be successful, and they are inevitably handicapped by their inability to proceed straight-forwardly to secure the contracts. Most importantly, the only currently available method of general application—moving the U.S. services offshore—results in a *loss* of tax revenue to the U.S.

In contrast, our major trading partners which have tax systems similar to ours (*e.g.*, Canada, U.K., the Netherlands) permit a deduction, similar to S. 1550, for foreign taxes imposed on construction services performed in the home country. If American firms are to compete effectively in the international marketplace, U.S. law must provide similar relief from double taxation on an equal and fair basis.

WHY NO U.S. REVENUE LOSS RESULTS FROM H.R. 1609

Any theory that S. 1550 involves a revenue expenditure would have to be based on the erroneous assumption that affected U.S. firms are now doing business in countries that impose technical assistance taxes and are providing the home office services for these projects in the U.S., despite the double tax burden. Statistical surveys show U.S. firms doing significant work in countries with technical assistance taxes. But these are not situations in which both U.S. and foreign taxes are presently being paid on U.S. services and which would be affected by

S. 1550 can produce a revenue loss *only if* U.S. taxes are currently being paid in the situations which S. 1550 would affect. Where a technical assistance tax that would produce double taxation is involved, there is every incentive not to do the work in the U.S. As indicated above, the most effective method of avoiding double taxation is by providing the home office services offshore through a foreign subsidiary. Thus, the undisputed fact is that the U.S. Treasury is now collecting no taxes in these cases. What S. 1550 does is allow the U.S. to realize tax revenues that it now does not receive. The actual effect of S. 1550 is illustrated as follows:

No T.A. tax:	
Billings	$100
Costs	−90
Pre-tax profit	10
U.S. tax	4.6
Net profit	5.4
30 percent T.A. tax with:	
Billings	100
Foreign tax gross-up	43
Costs	−90
H.R. 1609 deduction	−43
Pre-tax profit	10
U.S. tax	4.6
Net profit	5.4

Under S. 1550, the U.S. firm can do the overseas work and pay the full amount of U.S. taxes which should be paid. U.S. tax revenues will be gained, not lost.

HOW S. 1550 WILL RAISE U.S. REVENUES

S. 1550 will increase U.S. taxable activity in generally two ways: (1) Technical services and related economic activity (e.g., procurement of materials) which are now carried on through foreign subsidiaries in order to minimize international double taxation could be moved into the U.S. and made subject to U.S. tax; and (2) U.S. firms could more effectively bid through their U.S. offices for additional overseas construction projects, and the necessary technical services for such projects would be performed in the U.S. Each of these two components to the U.S. revenue gain must be evaluated independently.

(1) Work moved to U.S. from foreign subsidiaries. This component of the revenue gain is based on current levels of overseas contract activity, a portion of which could be moved to the U.S. after enactment of H.R. 1609.

The total value of foreign construction awards to foreign affiliated companies of U.S. construction firms in the full year following enactment can be conservatively estimated at $50 billion, based on the fact that total awards in 1981 were $48.8 billion (Engineering News Record, April 22, 1982).

The next step is to estimate the amount of awards that will be in countries imposing technical assistance taxes. While an exact projection is not possible, since foreign tax laws are continually in the process of change, the growing number of these taxes makes reasonable an estimate of about 25 percent, or $12.5 billion.

Of the latter amount, it can be estimated, based on experience, that roughly 20 percent, or $2.5 billion, involves technical assistance services and related economic activities (*e.g.*, procurement of materials) which can be performed outside the host country, either in the U.S. or in a foreign country where the U.S.-based firm has a subsidiary.

Next, it is estimated that about 50 percent of the latter contract activity, performed outside the host country, is now performed in the U.S. in all events. This activity involves U.S. companies which are able to take a foreign tax credit for the technical assistance taxes paid. These companies are often members of U.S. consolidated groups which include non-construction businesses which generate low-taxed foreign source income, thereby allowing utilization of the foreign taxes imposed on the U.S. construction services. It is important to understand that since a credit against tax is always more valuable than a deduction, these companies would not elect the deduction permitted by H.R. 1609 and there would be no revenue impact from the bill with respect to their activities.

However, in order to avoid double taxation, the other 50 percent of existing projects are now performed through foreign affiliated companies of U.S. construction firms. Under existing law, the projects attributable to these affiliated companies are now not taxed by the U.S. This 50 percent represents about $1.25 billion of gross revenues now lost to the U.S.

The profit margin on these U.S. revenues can be estimated at about 10 percent, which would produce $125 million of taxable income. Thus, if the law is changed to allow this work to be done in the U.S., the U.S. revenue gain is 46 percent of $125 million, or about $57.5 million.

(2) Additional projects successfully bid by U.S. firms. Further, if S. 1550 is enacted, it is reasonable to expect that U.S. companies can obtain additional overseas construction awards, which they cannot obtain through foreign subsidiaries, as a result of being able to freely perform the work directly through their main U.S. offices. U.S. home office facilities and employees are generally more efficient and productive than foreign subsidiary offices. As a consequence, the amount of home office services performed in the U.S.

would be further increased. Thus, it is likely that the total U.S. revenue gain would exceed the $57.5 million estimated for the first component. If awards increase by only as little as $5 to $10 billion, U.S. gross revenues would increase by $1 to $2 billion (20 percent), U.S. profits by $100 to $200 million (10 percent), and U.S. tax revenues by about $46 to $92 million (46 percent).

SUMMARY OF U.S. REVENUE GAIN

The estimates made above can be summarized as follows:

1. Total annual value of foreign construction awards to foreign affiliates of U.S. companies (billions)	$50
2. Portion of (1) attributable to countries that impose technical assistance tax (25 percent) (billions)	12.5
3. Portion of (2) to be performed outside the host country (20 percent) (billions)	2.5
4. Portion of (3) which could be moved to U.S. (50 percent) (billions)	1.25
5. U.S. profit margin on (4) (10 percent) (millions)	125
6. Annual revenue gain on existing levels of awards (46 percent of (5)) (millions)	57.5
7. Annual revenue gain from increased awards (millions)	[1] 46
8. Total annual U.S. revenue gain (millions)	100

[1] Or more.

The foregoing estimates relate solely to the increase in corporate taxes to be paid directly by the U.S firms performing technical services. Additional revenue gains would be derived from taxes imposed on the employees of the U.S construction firms and on the U.S. vendors of construction materials and equipment and on the employees of these U.S. vendors. Absent S. 1550, these taxes are now being paid to foreign governments, not to the U.S. Treasury.

CONCLUSIONS

S. 1550 is an equitable and proper way to solve this serious problem, consistent with long-standing U.S. tax policy, and to remove this unfair trade barrier to effective U.S. competition abroad. Under the bill, U.S. companies will pay the full and proper amount of U.S. taxes on the work they do. S. 1550 is clearly in the economic interests of the U.S.: it will aid U.S. jobs and the U.S. balance of trade, and will increase U.S. tax revenues.

SUPPORT FOR S. 1557—REPEAL OF CAPITAL TARIFF

Mr. CHAFEE. Mr. President, on June 28, Senator BENTSEN and I introduced a bill (S. 1557) that would amend the Internal Revenue Code of 1954 by repealing the 30-percent tax on certain interest payments by U.S. corporations to foreigners. The bill has had bipartisan support in the House and Senate. In addition, the Treasury Department supports the repeal of the withholding tax.

I request unanimous consent that a report by the section of taxation of the American Bar Association be printed in full in the RECORD. It highlights the need for the repeal of the 30-percent tax because of the increasing abuse of international financial subsidiaries for the purpose of avoiding U.S. withholding taxes. The report also points out difficulties that the United States encounters when trying to renegotiate tax treaties with other countries because of the current 30-percent tax.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

THE CURRENT EURODOLLAR FINANCING IMBROGLIO

Recent events have created uncertainty for U.S. corporations that use international financial subsidiaries (IFSs) to borrow money abroad. The United States has terminated its tax treaty with the British Virgin Islands and is renegotiating its tax treaty with the Netherlands Antilles. The Treasury Department has also issued temporary regulations designed to discourage the use of IFSs incorporated in U.S. possessions to avoid U.S. withholding rules. At the same time, the Service is auditing U.S. corporations that have established IFSs in the Netherlands Antilles to sell Eurobonds to overseas investors. The Treasury Department has indicated, however, that it is not opposed to tax-free Eurodollar financing, if certain safeguards are established. Congress took a similar approach last year when it created a Eurodollar financing exception to the general prohibition against issuance of bearer bonds.

BACKGROUND

Foreign corporations and nonresident alien individuals not engaged in a U.S. trade or business are not subject to U.S. income taxation except on income received from sources within the United States. U.S. tax on U.S. source income paid to such a foreign corporation or nonresident alien individual is collected by requiring the payor to withhold 30% of the payment (or a lower percentage if a tax treaty affects the rate of tax on the payment). Generally, sections 861(a)(1) and 862(a)(1) provide that the source of interest income (U.S. or foreign) is determined by reference to the residence of the borrower. Consequently, as a general rule, it is not feasible for U.S. corporations to issue debt obligations in foreign capital markets because interest paid by a U.S. corporation to a foreign lender would be reduced through withholding by U.S. tax, requiring, in turn, a substantially higher interest rate to induce any lending. As a result, U.S. corporations seeking funds in foreign capital markets do so through IFSs.

To finance overseas operations, U.S. corporations can use an "80/20" U.S. incorporated IFS. An "80/20" U.S. corporation is a domestic corporation more than 80% of the gross income of which has been derived from foreign sources for the 3-year period ending with the close of the taxable year of the corporation preceding the payment of the interest or since the company's incorporation. Interest paid by an 80/20 company is considered to be interest from foreign sources and is not subject to U.S. tax or withholding. I.R.C. §§ 861(a)(1)(B), 862(a)(1), 1441(a), and 1442(a). For the "more than 80% requirement" to be satisfied, the 80/20 IFS must lend or invest the bulk of its borrowed funds so as to produce foreign source income; this requirement will generally not be satisfied if the IFS utilizes its borrowed funds to make loans to or invest in U.S. incorporated affiliates.

Due to the limitation on the subsequent use of funds borrowed by an 80/20 IFS, a U.S. company will generally use a foreign incorporated IFS to raise money abroad to finance U.S. operations.

TAX TREATIES

If it is anticipated that a foreign incorporated IFS will subsequently lend its borrowed funds to U.S. incorporated affiliates, prudent tax planning dictates the selection of a country for IFS incorporation that has a tax treaty with the United States which eliminates any U.S. tax (and withholding) on the payment of interest from the U.S. affiliates to the IFS, because the foreign incorporated IFS will, in the normal course of events, use the interest received from U.S. affiliates to pay the interest due foreign debtholders. Both the British Virgin Islands and the Netherlands Antilles had or have such tax treaties. Both have been used for Eurodollar financing and both have recently received increased scrutiny from Congress and the Treasury Department.

A new income tax treaty with the British Virgin Islands was signed on February 2, 1981, The treaty was intended to replace the 1945 tax treaty with the United Kingdom as extended in 1959 to the British Virgin Islands. On December 16, 1981, the Senate returned the proposed treaty to the President for renegotiation in order to include an anti-abuse provision. The United States has been unable to negotiate such a provision and currently has no tax treaty with the British Virgin Islands.

Similar problems have developed in the renegotiation of the tax treaty between the United States and the Netherlands Antilles. The Income Tax Convention of April 29, 1948, between the Netherlands and the United States was extended by protocol of June 15, 1955, to the Netherlands Antilles. Under Article VIII of the Treaty, as modified by a subsequent protocol dated October 23, 1963, interest received by a Netherlands Antilles corporation from a U.S. person is generally exempt from U.S. tax as long as the interest income is subject to the regular Netherlands Antilles income tax based on the full corporate tax rates. The Netherlands Antilles imposes its corporate income tax at rates reaching 30%, but allows certain interest payments to be deducted in determining taxable net income. See Vogel, Berstein & Nitsche, Inward Investments in Securities and Direct Operations Through the British Virgin Islands: How Serious a Rival to the Netherlands Antilles Island Paradise? 34 Tax L. Rev. 321, 360 (1979). In any event, any Netherlands Antilles income tax paid by an IFS would be creditable under the Internal Revenue Code on the deemed distribution (under the Subpart F rules) of the earnings and profits of the IFS to its U.S. parent. Rev. Rul. 80-4, 1980-1 C.B. 169.

On June 27, 1979, the Treasury Department issued a press release soliciting comments on the renegotiation of the U.S.-Netherlands Antilles tax treaty. The renegotiation is intended to limit abusive "treaty shopping." The motivation for renegotiating the treaty is based upon the Treasury's position that the Netherlands Antilles treaty has become a tax treaty between the U.S. and the rest of the world, with the result that other sovereign powers have little reason to negotiate tax treaties with the U.S. A foreign country's citizens, nationals, and corporations can, with proper structuring, receive the benefits of a tax treaty with the U.S. while no quid pro quo need be surrendered by the foreign country with regard to its tax rules. U.S. and Netherlands Antilles negotiators have yet to

agree on any anti-abuse provision and, although the negotiations continue, the ultimate outcome and implications for Eurodollar financing are currently unknown.

The Treasury Department has indicated its willingness to support legislation that would permit Eurodollar financing on a tax-free basis in testimony of Assistant Secretary John E. Chapoton before the House Government Operations Subcommittee on Commerce, Consumer and Monetary Affairs, BNA Daily Tax Report No. 72, at J-3 (April 13, 1983). Such legislation would permit tax-free Eurodollar financing, but would not cover bank loans and interest paid to shareholders other than portfolio investors. The Treasury Department would want the authority to withdraw the exemption from U.S. tax and withholding, however, for countries that do not provide sufficient information to prevent evasion of U.S. tax by U.S. taxpayers. This is currently a point of dispute in the Netherlands Antilles negotiations as a result of strict bank secrecy laws in the Antilles.

U.S. POSSESSIONS

IFSs incorporated in Guam, the Commonwealth of the Northern Mariana Islands, or the U.S. Virgin Islands have also been used to avoid any withholding on interest payments. In an effort designed to stop the escalating use of IFSs for this purpose, the Treasury promulgated Temp. Regs. § 4a.861-1, 47 Fed. Reg. 57,919 (Dec. 29, 1982). These temporary regulations, which were effective December 29, 1982, provide that interest and dividend income derived from Guam, the Commonwealth of the Northern Mariana Islands, or the U.S. Virgin Islands that is not subject to tax to the recipient by that jurisdiction will be considered to be U.S. source income. These temporary regulations were supplemented by two revenue rulings dealing with the same issue. Rev. Rul. 83-9, 1983-2 I.R.B. 9, and Rev. Rul. 83-10, 1983-2 I.R.B. 10. In both rulings, a foreign corporation organizes a wholly owned subsidiary (in one ruling a Guam corporation and in the other ruling a U.S. Virgin Islands corporation) that receives interest income from a U.S. corporation and in turn pays interest to the foreign corporation. No U.S. tax or withholding obligation is imposed with respect to the interest payment because (1) in the case of the Guam corporation, section 881(b) and 1442(c) provide that a Guam corporation is not considered a foreign corporation for U.S. tax and withholding purposes, and (2) in the case of the U.S. Virgin Islands corporation, no U.S. tax or withholding is required due to the Revised Organic Act of the Virgin Islands of 1954, 48 U.S.C. 1642, as construed by Rev. Proc. 81-20, 1981-1 C.B. 690. Both Guam and the U.S. Virgin Islands have so-called "mirror codes" (identical to the U.S. Internal Revenue Code, substituting the name of the possession for the words "United States" when appropriate). As a result, both "mirror codes" have an 80/20 rule (described above); however, due to Temp. Regs. § 4a.861-1, when "mirrored" under the Guam and U.S. Virgin Islands Codes, the interest paid to the foreign parent will be considered to be Guam or U.S. Virgin Islands source income and therefore subject to the 30% tax and correlative withholding imposed under the Guam and U.S. Virgin Islands Codes. These temporary regulations effectively put an end to the use of U.S. possessions with "mirror codes" as jurisdictions in which to incorporate IFSs.

IRS ADULTS

The IRS is auditing several taxpayers with Netherlands Antilles IFSs. Texas Air Corporation is reportedly facing a potential $1.2 million tax deficiency related to Eurodollar financing through a Netherlands Antilles IFS. BNA Daily Tax Report No. 169, at G-6, G-7 (Aug. 31, 1982). The Service is unlikely to prevail if it asserts that the Netherlands Antilles company is a sham to be ignored. *Bass* v. *Commissioner*, 50 T.C. 595 (1968), and cases cited at Vogel, Berstein & Nitsche, supra at 728-34. However, if a Netherlands Antilles IFS is insufficiently capitalized, the Service could assert that the debt obligations of the IFS are in reality debt obligations of its U.S. parent. See, e.g., Rev. Rul. 73-110, 1973-1 C.B. 454 and Rev. Rul. 69-377, 1969-2 C.V. 231, revoked by Rev. Rul. 74-464, 1974-2 C.B. 46.

An *Aiken Industries* v. *Commissioner*, 56 T.C. 925 (1971), which dealt with a "back-to-back" loan arrangement, the debt between a foreign lender (L) and a U.S. borrower (B) was assigned by L to Company X, a company incorporated in a jurisdiction with a favorable tax treaty with the U.S. Company X simultaneously issued promissory demand notes to L totalling the same amount as the original loan between L and B with the same interest rate. The Tax Cout looked through the "back-to-back" loans and held that the ultimate foreign lender, rather than the interposed subsidiary, received the interest payments from the U.S. borrower; therefore the 30% tax and the withholding obligation applied to the interest payments. It might be noted that in Rev. Rul. 72-514, 1972-2 C.B. 440, the Service held that an intermediary lender be ignored if (1) that interposed entity is simply acting as an agent of its U.S. parent, (2) the interest rates are the same except for a service fee, and (3) there is no independent risk of loss. However, in Rev. Rul. 78-118, 1978-1 C.B. 219, the Service expressly indicated that an intermediary entity would not be ignored where (1) independent risk of loss exists, (2) there are different interest rates between the ultimate borrower and the intermediary and between the ultimate lender and the intermediary, and (3) the interposed entity has substantial assets apart from the obligation of the ultimate borrower.

BEARER BOND RESTRICTIONS

Most Eurodollar borrowings through IFSs are issued in bearer form because "anonymity is a crucial requirement of the foreign investors who comprise the Eurobond market." *BNA Daily Tax Report* No. 169, at G-2 (Aug. 31, 1982), quoting letter to Assistant Secretary of the Treasury Chapoton form Yves-Andre Istel of Lehman Brother Kuhn Loeb, Inc. However, TEFRA section 310 generally requires that obligations issued after December 31, 1982, which are "of a type offered to the public" and have an initial term of more than one year be issued in registered form, i.e., the obligation may be transferred only through a book entry consistent with regulations. The registration requirement is "enforced" by new section 163(f), through the denial of interest deductions to issuers of the nonregistered obligations.

An important exception, which is intended to cover Eurodollar financing is contained in new section 163(f)(2)(B). It excludes an obligation from the registration requirement if (1) arrangements are reasonably designed to ensure that the obligation will be sold (or resold in connection with the original issue) only to persons who are not U.S. persons, (2) interest on the obligation is payable only outside the United States, and (3) a statement any U.S. person who holds any such obligation will be subject to limitations under U.S. income tax laws is printed on the face of the obligation. In addition, the Treasury Department is authorized to require registration of obligations falling within this exception on a prospective basis, if it determines that the obligations are "used frequently in avoiding" U.S. federal taxes. If a corporation issues an obligation subject to the registration requirement in bearer form, the corporation, in addition to being denied an interest deduction and an earnings and profits reduction, will be subject to an excise tax equal to the product of 1% of the principal amount of the obligation and the number of years in the term of the obligation. A U.S. person holding an obligation required to be in registered form that was issued in bearer form and was not subject to the excise tax imposed on issuers is either required to treat any gain on disposition of the obligation as ordinary gain (under new section 1232(d)) or denied a deduction for any loss incurred on disposition or worthlessness of the obligation (under new section 165(j)). However, the Treasury is authorized to provide that the holder sanctions will not apply to (1) a person who holds the obligation as part of a trade or business conducted outside the United States, (2) a broker-dealer who holds the bonds as inventory, (3) a person who complies with reporting requirements to be promulgated concerning ownership, transfer, and payments, or (4) a person who promptly surrenders a bearer obligation for reissuance in registered form.

Consequently, as long as the section 163(f)(2)(B) requirements are met and Treasury does not publish contrary regulations, Eurodollar borrowings may continue to be issued in bearer form. However, another TEFRA provision may cause complications in the future for Eurodollar financing through IFSs. Under TEFRA section 342, the Treasury Department is directed to issue regulations "not later than two years" after TEFRA's enactment establishment either "certification procedures, refund procedures, or other procedures" which ensure that any reduced withholding rates attributable to tax treaties are available only to those persons who should benefit from the reductions. The type of procedures eventually adopted will have a substantial impact on Eurodollar financing.

THE NEED FOR ACTION TO CORRECT EXCHANGE RATE DISEQUILIBRIA

Mr. CHAFEE. Mr. President, today the U.S. dollar is stronger than it has been since the inception of free exchange rates. Under current American economic policy and existing world economic conditions the dollar shows no signs of weakening. The primary reason for the strength of the dollar is that higher real U.S. interest rates are attracting enormous amounts of foreign money. These high real interest rates are attributed to a unique combination of tight monetary policy undertaken by the Federal Reserve and loose fiscal spending which has created huge Government deficits. In addition, recent political instabilities in the Middle East, Central America, and

Poland have emphasized America's advantage as a safe haven for foreign investors. Thus, widespread demand for the dollar has pushed up its price to record levels against most all major currencies.

That the dollar is extraordinarily strong is without question. According to C. Fred Bergsten, director of the Institute for International Economic in Washington and former Assistant Treasury Secretary, the dollar is overvalued by 20 percent on the basis of underlying competitive relationships. There is a widespread assumption that the international monetary system will not permit substantial exchange-rate misalinements to persist for prolonged periods. In fact, however, sizable disequilibria have developed and persisted for substantial periods. Bergsten notes the dollar overvaluation of 1976–77 which, like the current situation, led to considerable protectionist pressures.

Under this assumption, the Reagan administration has remained stiffly opposed to any intervention in foreign exchange markets "except to counter disorderly markets" caused by some major, unexpected event. Yet, this hands-off approach no longer is capable of sustaining a healthy climate for the United States or world economies.

While an appreciating dollar has helped mitigate inflation and has improved American self-esteem, its strength spells trouble for the Nation's economy. The extra-strong dollar has made U.S. goods increasingly uncompetitive in international markets. Not only have our exporting sectors suffered greatly, but now U.S. companies find it necessary to buy from foreign suppliers and even shift their production lines to foreign subsidiaries. Between the first quarter of 1981 and the fourth quarter of 1982, the dollar's rise cost the Nation $100 billion in lost GNP and 1.6 million jobs according to Business Week magazine. In addition, in the first quarter of 1983, an estimated $7 billion of plant and equipment investment was relocated out of the United States.

Clearly, the excessive strength of the dollar has had short-term repercussions, but perhaps a greater concern is the potential long-term irrevocable impact on American industry and trade. The merchandise trade deficit reached a record $6.9 billion in May and is forecast to total $70 billion for 1983. If currency misalinements persist, we will see the erosion of certain American export and import-competing industries. A 1982 report by the Group of Thirty, made up of American and foreign experts in international finance, pointed out how an overvalued currency can cause deindustrialization over an extended period. The case of the United Kingdom is one example, yet similarly the observation could apply to the United States today.

The overvalued dollar has produced protectionist pressures in the United States because of strong political clout in those export- and import-competing industries hurt by unfair competition from abroad. And, intensifying the problem is the potential for countries with undervalued currencies to adopt protectionist measures also. Resources may be drawn to export- and import-competing industries solely because of the artificially favorable competitive position generated by undervalued currencies. When undervaluation is corrected, these industries may seek import restrictions or subsidies to avoid the new competition that would stem from realinement. Thus, currency misalinements can affect trade policy substantially, pushing it in the direction of increased restrictions. Uncontestably, such a deterioration of open trade will dampen chances for a sustained world economic recovery.

The expensive dollar poses added problems to those developing countries which are struggling to repay $700 billion of debt—90 percent of which is dollar-denominated. Excessive debt has caused LDC's to curtail imports, further stalling a world economic recovery. Mexico, for example, has reduced its imports from the United States by 50 percent.

High U.S. interest rates have attracted substantial foreign investment, which has helped the United States finance its huge Government deficits. Yet, this same capital flow means that economies like Germany and Japan have seen much of their savings, which could have been invested to promote their own recoveries, soaked up by U.S. budget deficits.

Advocating measures to "correct" foreign exchange rates presupposes that we can define more appropriate equilibria. This is at best very difficult, especially when it involves many countries, but current economic conditions necessitate such an attempt.

The United States can and should take a lead role in addressing the current misalinement among exchange rates—most notably between the dollar and yen. The administration passed up a good opportunity for dealing with the dollar's overvaluation at the Williamsburg summit despite much encouragement to do so, e.g., Senate Resolution 135. The continued rise of the dollar after the summit is viewed as having reflected the disappointment of world financial markets with the unwillingness of the United States to take any action to curb the dollar's strength.

A number of approaches have been suggested for consideration. First, the administration should publicly acknowledge the structural disequilibrium that now exists and make clear its intention to work with other countries toward a more appropriate set of exchange rates. This statement of intent alone should provide considerable market impetus for the needed realignment of major currencies.

Second, the United States with the cooperation of other industrial nations might try to limit extreme fluctuations in exchange rates. There is an increasing tendency for currency values to oscillate considerably. Such overshooting make it very difficult for businesses to plan their strategies in international transactions. Already, in an address to the Trilateral Commission in Rome, Federal Reserve Board Chairman Paul A. Volcker advocated that the United States and other major nations agree to intervene modestly in foreign exchange markets to control extreme fluctuations. The administration should support this policy.

Third, we should consider establishing reference points or target zones for some of the major currencies. These countries in cooperation with the IMF would maintain the values of their currencies within, for example, 5 to 7.5 percent of the intended targets. Such a system would be able to reflect more accurately the relative trade competitiveness among countries. Hence, we could avoid large trade imbalances which often lead to protectionist policies and the general deterioration of freer trade.

Fourth, the major industrial countries should better coordinate their macroeconomic policies. In order to make any improvements with misalined currencies, it is essential to reduce interest rate disparities between the United States, Japan, and Germany. At home, we must reduce our huge budget deficits. The deficits forecast through the next 5 years are simply too large if we expect to lower U.S. interest rates and to sustain a healthy world recovery. The great emphasis in the United States must rest on fiscal austerity. At the same time, Japan and Germany might allow their interest rates to rise to further close the exchange rate gap.

Coordinating national economic policies is difficult. We cannot expect countries to subordinate their domestic interests to reflect international demands. However, as long as major discrepancies exist between the policies of individual countries, world economic stability will suffer.

Fifth, the United States with the help of the IMF should encourage Japan to make its capital markets more accessible to foreign investors. As noted by the European Community in its formal case against Japanese trade practices under article XXXIII of the General Agreement on Tariffs and Trade (GATT), "the yen does not play a role internationally commensurate with the strength of the Japanese

economy." Greater participation by Japan in the world monetary system would lessen the dollar's role as the world's primary reserve currency. Consequently, demand for the yen would increase while that for the dollar would decrease, thus narrowing the gap between the interest rates of the two countries.

We must act convincingly in order to curb the dollar's rise against certain major currencies. The United States should assume the leadership role to improve the world's chances for a sustained economic recovery. Most importantly the United States ought to declare publicly its intention to address the problem of the dollar's strength. And we must act now to reduce budget deficits which will pose a serious threat to world economic recovery for years to come.

Mr. President, I ask unanimous consent that the following materials be printed in full in the RECORD. I feel that they represent opinions from diverse vantage points. Yet, each opinion shares a similar concern that the dollar's extraordinary strength needs to be addressed more seriously by the administration.

The materials are:

First. "Dollar Fever Infects the World" (Business Week, June 27, 1983).

Second. Exchange Rates and Trade Policy, prepared by C. Fred Bergsten and John Williamson on behalf of the Institute for International Economics (June 1982).

Third. A letter from Alexander B. Trowbridge, president of the National Association of Manufacturers, to Secretary of the Treasury, Donald T. Regan (July 14, 1982).

Fourth. An excerpt from the Fifty-third Annual Report by the Bank for International Settlements for the year ending March 31, 1983.

Fifth. Excerpts from a speech by Federal Reserve Board Chairman Paul A. Volcker before the Forex Association of North America (Journal of Commerce, May 2, 1983).

Sixth. A New York Times editorial by Flora Lewis based on her conversation with former Chancellor Helmut Schmidt (July 1, 1983).

Seventh. An article by Atlantic Richfield, Co.'s Chairman Robert Anderson (New York Times, January 11, 1983).

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Business Week Magazine, June 27, 1983]

DOLLAR FEVER INFECTS THE WORLD—A $100 BILLION LOSS IN GNP AND A FLOOD OF CAPITAL FROM EUROPE

Four years ago the U.S. dollar was the laughing stock of the world. Europeans were dumping it. Arab oil producers were diversifying out of it. Americans themselves were trading it in for Deutsche marks, Swiss francs, gold, and silver. The dollar's weakness reflected a desperately sick U.S. economy suffering from double-digit inflation. Politically, the currency's fragility symbolized the retreat of American power from the world arena.

Today the dollar is higher than it has been in more than a decade, and it shows no sign of slackening. Its powerful rise is boosting the confidence of some officials in Washington who believe a strong currency is just the tonic for reestablishing American self-esteem. That same strength, however, is taking a terrible toll on the nation's economy. So high has the dollar climbed that many U.S. companies find their products increasingly uncompetitive in international markets. And this year the U.S. will run a $60 billion trade deficit. All told, the strong dollar is costing the country $100 billion in lost gross national product and almost 1.6 million jobs. So vast has the devastation been that major legislation to limit imports is pending in Congress.

VACUUM CLEANER

The expensive dollar is also retarding the developing world's ability to repay the $700 billion it owes the West. The growing burden of debt payments, 90% of which are dollar-denominated, is causing the less developed countries to curtail imports from the industrial nations thus dampening the world economic recovery. The problems of the LDCs are a major reason there is growing support for reappointing Paul A. Volcker for another term as chairman of the Federal Reserve Board.

The dollar is being buoyed by a wave of money flooding the U.S. from all corners of the world. Since early 1980, when the dollar started to take off, a net of almost $70 billion has poured into U.S. investments. "The story of the dollar is the story of vast capital inflows to the U.S.," says Alexandre Lamfalussy, assistant general manager of the Bank for International Settlements in Basel.

Money is racing in mainly because the U.S. offers higher real rates of return—market rates less the rate of inflation—on investments than does any other industrial nation. Like a gigantic financial vacuum cleaner, the U.S.'s high interest rates are drawing out cash from banks and mattresses overseas.

Rates started becoming attractive back in 1979 when Volcker, then newly appointed as chief of the Fed, embarked on an experiment in tight monetary policy that focused on controlling the money supply. Volcker's monetarism ended in August, 1982, when he began to let money growth expand. But interest rates, especially real rates, remain extremely high. The Reagan Administration's record $200 billion federal deficit forecast for fiscal 1984—along with similar huge deficits anticipated for years to come—is keeping interest rates way above levels normally associated with an inflation rate of only 4%.

PATINA OF POWER

European and Third World nations that blame the high dollar for many of their economic ills believe the cure lies in changing Washington's fiscal policies. "The U.S. budgetary deficit is the biggest single international economic issue in the world today," asserts Anthony M. Solomon, president of the Federal Reserve Bank of New York.

That may be overstating the case. Even if Congress and the White House could agree on cutting the deficit sharply money would still flow toward the U.S. America offers more than a good return on money—it promises security and growth for the future.

To Latin Americans, for example, living under the threat of constant currency devaluations and the fear that their governments might declare a moratorium on debt and freeze assets, the dollar is a haven. The Administration has restored the patina of power to the U.S., in contrast to the political uncertainties afflicting much of the world—even Europe. By cutting taxes, chopping government regulation, and talking the language of economic growth, Reagan has made the U.S. appear to many to be the last great bastion of capitalism. And the economic recovery, stronger in the U.S. than anywhere else, offers foreign investors great opportunities. Thus, even if U.S. interest rates were to fall, the capital inflow would not end.

That means that the strong dollar could hang on for years. To be sure, a strong currency keeps inflation down by lowering import prices and helps finance the federal deficit through foreign buying of U.S. Treasury bills. It might also help, as the strong pound did in Britain, clear out some of the deadwood in industry and make companies leaner and more competitive. "We should not look at the strength of the dollar as an unmitigated disaster," says Alan Greenspan, president of Townsend-Greenspan & Co. and a Reagan adviser.

WORLD TRADE

But on balance, the dollar's strength is more costly than beneficial. "On the basis of the underlying competitive relationship, the dollar is overvalued by 20%," says C. Fred Bergsten director of the Institute for International Economics in Washington and a former Assistant Treasury Secretary. As a result, he adds, "our trade balance deteriorated by $60 billion to $80 billion . . . between the first quarter of 1981 and the fourth quarter of 1982. That accounts for 60% of the decline in real GNP, twice the amount caused by the housing slump."

The most severe direct impact of the strong dollar has been on the trade in goods and services. As the currency has climbed, the competitiveness of U.S. exports has declined. Since January, 1980, the trade-weighted value of the dollar has risen by 40% against its major trading partners. At the same time, prices of imports have tumbled, boosting their share of domestic markets. Exports fell $16.5 billion last year from their 1981 peak, and in 1983's first quarter they fell $18.9 billion more at an annual rate. Meanwhile, even though the U.S. was in the grips of a severe recession, imports of goods other than oil surged $28.7 billion above their low point in mid-1980. A study by Data Resources Inc. shows that if the dollar had stayed at its 1980 level, net exports—the difference between imports and exports—would have been $24.4 billion higher during the first quarter of 1983.

The strong dollar has also cut sharply into sorely needed capital investment. DRI estimates that if the dollar had not appreciated, companies would have invested some $7 billion more in plant and equipment during the first quarter. In part, spending on capital investment was weaker as a consequence of slower domestic growth. But the sky-high dollar is also encouraging some companies to invest abroad rather than at home. "The dollar now goes further buying bricks and mortar overseas," says Howard J. Howe, an economist at Wharton Econometric Forecasting Associates Inc. For example, Hewlett-Packard Co. is building a disk drive plant in Bristol, England, and a computer factory in Guadalajara, Mexico. And machine-toolmaker Giddings & Lewis Inc. is

supplying much of the overseas market from its plant in Britain, rather than from the U.S.

Trade and capital investment have also been hurt by the dollar's wild fluctuations in recent years—changes of as much as 4% in a single day. This volatility began in earnest in late 1979 when the Federal Reserve stopped controlling interest rates, and it accelerated in early 1981 when the Administration decided that it would no longer intervene in foreign exchange markets.

"The dollar's volatility is quite destructive," says Ronald McKinnon, a Stanford University economist. "Merchants need long-term contractual relationships. When they are continually hit by foreign exchange moves, which drive profits up or down suddenly, the whole system becomes less efficient." Adds James A. Unruh, chief financial officer at Burroughs Corp.: "You don't make million-dollar investments in plant and equipment if you're unable to predict the relative exchange rates."

HELPING THE CONSUMER

Profits, too, have suffered. The strong dollar erodes earnings not only through the loss of export sales and greater competition from imports, but also through diminished sales and earnings from overseas subsidiaries. Parker Pen Co., based in Janesville, Wis., says that its operating profits of $10.7 million in the fiscal year ending Feb. 28 would have been $5.3 million higher if the dollar had not risen during the year. Partly spurred by the strong dollar, Parker has been consolidating its worldwide operations to slash costs by 25%. DRI calculates that profits for the economy as a whole would have been $10 billion higher in the first quarter if the dollar had not been so strong.

But while business is hurting, many consumers are benefiting. With the dollar high, Americans pay less for imports. They also pay less for domestically produced goods because U.S. manufacturers have to lower prices to meet the fierce competition from abroad. Donald Ratajczak, an economist with Georgia State University, notes that crude-materials prices in the U.S. have risen only about 1% from their recession levels a year ago. Given the strength of the recovery, he adds, they should be 8% to 9% higher.

Even more dramatic are the continuing declines in prices of producers' durable goods—capital equipment such as forklifts and electrical equipment. In the third quarter of 1982, these prices fell by 1.7% from the previous quarter. They dropped 1.5% more in the fourth quarter, then a helfty 5.8% more in the first quarter of 1983. Prices for consumer electronics and cameras also are down because of the dollar, says Ratajczak.

Where protectionist barriers exist, however, imports have not exerted much downward pressure on prices. Voluntary quotas on Japanese cars, for instance, have stopped auto prices from falling. Because of these quotas, "the effect of the exchange rate has not been fully felt in the last few years," says J. Lee Price, an international economist with the United Auto Workers.

FOREIGN SHOULDERS

Meanwhile, the financial markets have benefited from the dollar's strength, as well. Huge inflows of foreign money have boosted the stock and bond markets and helped finance the massive federal deficits, preventing the "crowding-out" of private borrowing that many experts were expecting.

"We are shifting part of the burden of our unproductive government spending on to foreign shoulders," says Albert M. Wojnilower, managing director and chief economist at First Boston Corp. Although this is distressing to governments overseas, U.S. officials like it. "To the extent that we attract foreign capital to help us finance our deficit, our interest rates are lower than they otherwise would be," points out Martin S. Feldstein, chairman of the Council of Economic Advisers. "From a U.S. point of view, these inflows are a way of spreading around the pain."

However, some economists argue that the U.S. is being hurt by the inflow of foreign capital because it is ballooning the money supply and complicating the Fed's efforts to pursue a steady course in money growth. The inflows are staggering. In 1982 investors from abroad purchased a net $17.3 billion of Treasury debt—26 percent more than they bought in 1981 and some 16 percent of total federal borrowing in 1982. And in the first quarter of this year they purchased $5.2 billion worth. Last year the U.S. was a net borrower for the first time in 25 years even though American banks were net lenders of $44 billion to foreign countries. Bank lending was more than offset by the enormous flood of money into the stock market, Treasury instruments, and money funds.

While overseas money tended to miss the early runup in stock prices last fall, it has been making up for lost time since then. Foreigners bought $2.7 billion worth of equities in the first quarter, compared with $927 million in the same period of 1982. At this pace, they will almost triple last year's investment of $3.9 billion.

Foreign purchases represent only about 5 percent of total stock trading according to Willaim W. Helman, director of strategic investment policy at Smith Barney, Harris Upham & Co. But Wall Street analysts note that overseas investors tend to buy late in a bull market, and thus they may have been important in helping sustain the current boom. Moreover, some experts think that foreign money had a big role in bidding up the newly issued shares of high-tech companies.

PRECARIOUS

Some economists, though, fear that foreign capital could pour out even faster than it has flowed in and send the dollar plummeting. Economists used to say that the dollar was supported by a pyramid of foreign capital—a stable base of long-term investment, a midsection of two- to seven-year money, and only a small peak of volatile "hot" money. But the Fed's Solomon points out that the hot-money component is now much larger than previously. "Even respectable money moves fast these days," he says.

Robert Triffin, a monetary adviser to the European Community, says that the dollar is "in a far more precarious position than many people realize." He argues that a major part of the total $650 billion of foreign investment in the U.S. must be regarded as shifting capital. "If the tide moves the other way, the dollar could be in for a bad fall," he warns.

What worries economists even more is that no one knows the source of a huge chunk of the money that flowed into the U.S. last year. Such money may react with destabilizing speed to unforeseen political or economic events.

Still, for the time being, the dollar is playing a major role as a haven for money in a world that is becoming ever more politically and economically uncertain. And as long as the rest of the world gives that role to the dollar, the U.S. economy will pay the price: lower production, fewer jobs, weaker capital investment, and diminished profits.

INTERVIEW WITH DONALD T. REGAN: "SOONER OR LATER THE DOLLAR HAS TO START WEAKENING"

As the Administration's chief economic spokesman, Treasury Secretary Donald T. Regan is responsible for explaining the strong dollar to other countries. After the Williamsburg summit, the dollar rose against other currencies, and the French franc, in particular, fell sharply. In an interview with White House Correspondent Lee Walczak and Economics Correspondent Stephen H. Wildstrom, Regan seemed unconcerned about the pressure from abroad. He predicted that declining U.S. interest rates and a strong recovery would soon bring the soaring dollar down to earth.

Q. Why has the dollar risen so much since the Williamsburg summit?

A. This is a temporary situation brought on by higher interest rates here, especially short-term rates. Many people in the money markets thought that the [money supply] figures, particularly M1 for April and May, have been unusually high. Accordingly, the markets got nervous, thinking that the Fed would have to tighten.

Q. Do you think anything that was said—or not said—at the summit contributed to the dollar's rise?

A. I don't think it was anything that was said at Williamsburg. Perhaps people were disappointed that we didn't have some stronger actions coming out of there. To me, that wouldn't be a realistic view [simply because] summits seldom are action-oriented.

Q. U.S. manufacturers say they are being clobbered by the higher dollar. Is there anything the government should do to alleviate this problem?

A. We're very sympathetic to this point of view, because it's absolutely true: The high value of the dollar makes it much more difficult for our people to compete. But it's not just the dollar. In some of our industries our labor costs are twice that of other international competitors. How do you weaken the dollar? Would our manufacturers have us reinflate our economy? There is no magic button you can push to get the dollar down.

Q. Has the dollar's growing strength increased the chances of a "second wave" of loan defaults among the debtor nations?

A. It's more a factor of interest rates than it is the strength of the dollar. If we could get interest rates down in the U.S., debtor countries would gain an enormous amount—it would be worth more than any foreign aid we could provide. Because the dollar is the reserve currency, this means that they cannot take advantage of a drop in prices as much as we can. That brings us around full circle. We have got to cut our deficits here. If we can show that we have deficits coming down through the out-years and if we can show that we are going to maintain a sensible, anti-inflationary monetary policy, you will see interest rates come down, and the dollar will weaken.

Q. Has the U.S. been asked to intervene to stabilize currency values?

A. We have talked at various times since the summit with the finance ministries of several countries, but we've taken no action. In a couple of cases, we called them on one or two days when the dollar was unusually strong. Putting it another way, we also talked about the situation when their currencies seemed to be unusually weak. They

recognized what was going on, that it was market nervousness.

Q. *Are you concerned that the continuing decline of the franc could cause France to drop out of the European Monetary System and retreat into protectionism?*

A. I hope that won't happen. I hope that the [austerity] measures that have been undertaken by President Mitterrand will work. The results of this will be seen over the months ahead. Thus the franc could reverse itself.

Q. *How serious is the risk of a European currency crisis?*

A. They recognize [in Europe] that this situation will probably be reversed later this year. The recovery is starting. If we have a healthy economy in the U.S. and at the same time have these trade deficits, sooner or later the dollar has to start weakening. As that happens, or as our interest rates hopefully start to come down, investment in the U.S. is going to be less attractive. There won't be the demand for dollars.

And if political and economic tensions ease around the world, you'll see a pullback of capital from our shores. Take a look at what's happened over the past year with all the upheavals around the world. We've had money pouring into the U.S. from north, south, east, and west. This has served to build up the dollar and make it too strong. We are a haven country, and we have a haven currency.

Q. *What monetary policy should the Federal Reserve be following?*

A. Without our having to be specific and pointing it out to them, they should know how to keep a steady growth in the money supply. That's all we're asking. It's not just a question of an individual number or the numbers being on target week after week. It's over a period of time that we want this to happen, because we want to have a sustained recovery.

Q. *Does this mean you're happy with current Fed policy?*

A. Let's see if I can't come up with a better adjective than "happy." We are reasonably satisfied with their policy.

A DEVASTATING IMPACT ON U.S. INDUSTRY—THE DOLLAR'S STRENGTH BOOSTS PRICES ON EXPORTS AND LURES IMPORTS

Like a prolonged high fever, the overvalued dollar is sapping U.S. industrial strength. Even if the dollar should decline substantially—a big if—it will leave important segments of U.S. industry permanently weakened in the fierce struggle for survival in international markets. By pushing up the price of U.S. goods in foreign markets and sucking cheap imports into the U.S., the strong dollar has put U.S. producers at a severe competitive disadvantage, with ominous long-range consequences.

European and Japanese rivals have seized the opportunity to grab market shares, both overseas and in the U.S., that will be difficult or impossible for U.S. companies to recapture. By sacrificing U.S. competitiveness, the high-interest-rate policy that has sent the dollar soaring is forcing U.S. companies, in effect, to export productive capacity and jobs, instead of products to lower-cost foreign markets.

"We have only begun to see the adverse effects on the economy of the dollar overvaluation," C. Fred Bergsten, director of the Institute for International Economics, told the Senate Foreign Relations Committee recently. Adds John E. Barnes Jr., Ford Motor Co.'s executive director for external business environment analysis: "The longer these imbalances go on, the more U.S. export business we're destroying." Given the time lag between a change in the dollar's value and its impact on trade, Barnes says, "you're buying another one or two years of trouble even if you have a solution today."

Because of the dollar's persistent strength, foreign competitors of U.S. companies "are now dug in, some in capital-goods industries where long-term relationships are important," warns Arnold Simkin, senior economist for Merrill Lynch Economics in London. "It is dangerous and naive to believe they are simply going to give up this grip." If the dollar goes down, Simkin says, foreign companies will use the earnings they are piling up now to shave their margins on future sales. As a result, he argues, "a share of the U.S. industrial base will be wiped out forever when this exchange rate cycle is over."

CREATING A BARRIER

Such long-range erosion of the U.S. industrial structure, largely ignored by policymakers in Washington, is alarmingly apparent to U.S. businessmen who have to cope with the strong dollar's adverse consequences. "We don't think the Administration understands the magnitude of the problem," says George Liney, director of international subsidiaries at Ingersoll-Rand Co., a New Jersey industrial equipment maker. "Other countries worry about exports," he adds. "We in the U.S. worry about the money supply."

Robert O. Anderson, chairman of Atlantic Richfield Co., complains that in the U.S., "in effect, we have created an export barrier for our own produce." And the dramatic shift in local production costs for Chilean copper producers, measured in dollars, has put them in a profitable position, Anderson noted, "at the very moment that every major copper deposit in the U.S. is seriously under study for complete shutdowns."

More alarming for the future of U.S. industry is the loss of market share to foreign competitors in manufacturing. This loss spans almost the full range of U.S. manufactured goods, except for a few high-technology sectors. Even in capital goods, where U.S. producers have traditionally had the strongest competitive edge, the surplus of exports over imports in key products is shrinking or existing deficits are widening. To hold costs down, U.S. manufacturers are being forced to buy more components from foreign suppliers and shift production from U.S. plants to overseas subsidiaries and licensees.

"There is a tremendous scramble now to source abroad," says Liney of Ingersoll-Rand, one company that has been forced to take that route. "If Ingersoll-Rand has to do it, it is obvious that other U.S. manufacturers of all kinds of equipment will have to do the same thing." Such moves to foreign manufacturing and procurement are hastening the "deindustrialization" of vital parts of the U.S. economy. Both production and jobs are being transferred overseas—in many cases irrevocably.

PRICE DISADVANTAGE

Ingersoll-Rand Executive Vice-President James E. Perrella estimates that the impact of currency changes has put the company at a price disadvantage of 20% to 40% on standard products. This is particularly distressing because its chief worldwide rival, Sweden's Atlas-Copco, is enjoying the added advantage of two devaluations of the Swedish krona last year. "Our responsibility in running Ingersoll-Rand is to keep ourselves competitive in world markets," Perrella says. As a result, "we are shifting our manufacturing and sourcing to countries with weaker currencies"—primarily Britain, Italy, and India, where Ingersoll-Rand already has plants. An important group of products, such as air compressors, is especially vulnerable to competition from suppliers in weak-currency countries. "By the end of 1984, probably 60% of that group will be manufactured internationally," Perrella says. "We have not started bringing products into the U.S. yet, but we will probably do that, too." Such transfers of manufacturing and sourcing overseas will be hard to reverse. "Once you make commitments for inventory, hire and train people, and make commitments to vendors," Perrella says, "you can't easily shift back."

The most serious misalignment among major currencies, most experts agree, is between the strong dollar and the weak yen. The currency gap is devastating for Caterpillar Tractor Co., of Peoria, Ill., which competes globally against Japan's Komatsu Ltd. "We are losing sales to Komatsu in virtually every market we compete in around the world because of a 20% to 25% disadvantage caused by the weakness of the yen," says H. Richard Kahler, manager of governmental affiairs. "That differential is on top of the built-in cost disadvantage we have due to labor and materials costs."

In a recent equipment sale in the Mideast, for example, Caterpillar bid $14 million against Komatsu's winning $11.5 million. The Japanese company will convert that amount to yen, which Caterpillar argues shoud be worth around 180 to the dollar vs. the current undervalued rate of around 242. At 180, Kahler says, Komatsu would have had to bid $16 million to obtain the same number of yen.

The biggest casualty of Japanese competition is the U.S. auto industry. General Motors Corp.'s executive vice-president for finance, F. Alan Smith, says sourcing of Japanese auto parts—which are made cheaper by the dollar's strength—was "a factor" in GM's pending deal with Toyota Motor Co. to build cars in California, partly from Japanese components. And if the dollar's misalignment persists, Ford Motor Co. may shift to Europe more sourcing of parts for Latin American subsidiaries that it now supplies from the U.S.

In high-tech, the edge some U.S. companies still have over foreign competitors provides a cushion against the disadvantage of the strong dollar. Even so, a British company ordered $1 million worth of computers about a year ago and canceled the purchase when the pound fell against the dollar, says James L. Kelly, vice-president and general manager of TRW Datacom International Inc., a Los Angeles subsidiary of TRW Inc. that markets the products of U.S. computer companies abroad. "The pound was worth $1.90 when they placed the order," he recalls. "When it dropped to $1.60, the cost justification for the program no longer applied, and they dropped it to stay with their old computers." Such examples convince Kelly that the computer business could grow faster for U.S. companies selling abroad if the dollar were weaker. But he concedes, "We're primarily selling against U.S. competitors, so we're all in the same boat."

EXPERTISE CAN WIN

Technology and the long lead time between order and delivery also buffer the dol-

lar's impact on Westinghouse Electric Corp.'s overseas sales of big-ticket items such as nuclear power plants and giant turbines. "We know the strong dollar hurts us," says Robert T. Winston, director of international trade policy. "But it has been extremely hard to quantify the impact." For projects such as nuclear reactors, Westinghouse's expertise is likely to weigh heavily with customers against price differentials, and delivery time of up to five years lessens the impact of currency fluctuations.

But in machine tools, the strong dollar has wiped out Cincinnati Milacron Inc.'s ability to export most products from the U.S. to markets such as West Germany, according to Donald G. Shively, London-based director of European machine tool operations. Instead, for some products, the company is now supplying foreign customers almost entirely from plants in Britain, the Netherlands, and Austria. Milacron is still able to export sophisticated robots from the U.S., but, partly because of the strong dollar, it is looking at the possibility of making robots in Europe as well.

In low- and medium-technology manufactured products, Goodyear Tire & Rubber Co. Chairman Robert E. Mercer blames a surge of tire imports into the U.S. this year on the strong dollar. To compete in the U.S. market against foreign-made tires, Goodyear announced this month that its Lee Tire subsidiary has begun importing tires from Goodyear's big Brazilian subsidiary. At chemical maker Du Pont Co., exports dropped to $500 million in the first quarter, down 10% from the same period last year. "We would judge that half that decline is due to the strong dollar," says Treasurer C. Raeford Minix.

DISCOUNTS ON STEEL

U.S. steelmakers have benefits from restrictions on European and Japanese steel that lowered imported steel's share of the U.S. market to 18.3% in the first quarter, down from 22.8% in the first quarter last year. But the "brutal impact" of the strong dollar has made the U.S. industry even more vulnerable to import competition, says W. L. Hoppe, manager of economic studies for Bethlehem Steel Corp. And the ability of foreign producers to offer lower prices has exacerbated price discounting in the U.S., to an average 10% off list, according to Peter F. Marcus, a steel industry analyst at Paine Webber Mitchell Hutchins Inc. "The strong dollar has reduced steel prices by at least $25 a ton," Marcus says.

The effect of the overvalued dollar is not confined to manufacturing. American producers of price-sensitive farm commodities are taking a severe beating. In Sacramento, the California Almond Growers Exchange reports that exports dropped in the past 10 months, hurt by competition from a bumper Spanish crop and low prices offered by Spain, aided by the weak peseta. Because of the dollar's rise since early 1981, "prices that are constant in the U.S. are being reflected as a 25% to 28% increase [outside the U.S.]," adds G. Edward Schuh, head of the University of Minnesota's department of agricultural and applied economics. The result, he says, is that "we're providing strong incentives for producers in other countries to produce more, and at the same time we're pricing ourselves out of the market."

For many U.S. companies, the biggest problem with the strong dollar has been the impact of currency conversions on their balance sheets, not loss of market share. Unit sales of Gillette Co., for example, are not directly affected by the strong dollar because most of the products the company sells abroad are manufactured in foreign plants. But the translation of foreign operating results into dollars caused a 6% drop in the company's earnings in the first quarter, compared with the 1982 level, and a 7% decline in sales revenues, even though sales of many of Gillette's European subsidiaries have increased. Rorer Group Inc., a Fort Washington (Pa.) maker of pharmaceuticals and surgical equipment, also had a "paper shrinkage" of sales and income of its 23 foreign subsidiaries last year when translated into dollars, says Treasurer Robert I. Kriebel. If average exchange rates had been the same in 1982 as in 1981, Rorers sales and net income would have been 16% and 9% higher, respectively. "It is not a new problem, but over a number of years it has had an impact on overseas growth." Kriebel says. "I'm sure that this cycle [of a strong dollar] will have its run."

PROTECTIONISM LURKS

Such low-key responses by U.S. industry to the ravages of the strong dollar puzzle businessmen in Europe and Japan. Overseas, competitiveness in trade is a top policy priority, not a sacrifice to other economic and monetary goals, as it seems to be in the U.S. "Why does U.S. industry stay quiet? We can't understand it," says Masaoki Kojima, senior managing director of Marubeni Corp., a major Japanese trading company. His question is echoed by a senior British monetary official: "I ask myself," he says, "where is the U.S. industrial lobby? Has it given up?"

The reaction to the overpriced dollar slowly building in U.S. industry, many observers fear, may result in a virulent outburst of protectionism. "Throughout the postwar period," says Bergsten of the Institute for International Economics, "dollar overvaluation has been a key 'leading indicator' of an outbreak of protectionist trade pressures." Gillette Treasurer Milton L. Glass cautions: "We have only this calendar year to deal with the [dollar] problem. There is a powerful constituency building up for protectionism." And Jacob J. Kaplan, of the Atlantic Council's international monetary working group, draws a parallel with 1930, when the Smoot-Hawley high-tariff bill helped trigger a worldwide Depression. "If the dollar remains this strong for another two years," he warns, "what happens will make Smoot-Hawley seem like a happy memory."

HOW TO COOL THE DOLLAR: EVEN THE EXPERTS CAN'T AGREE

Most businessmen, government officials, and economists agree that the strong dollar is hurting the world economy. But they are sharply divided over what to do to remedy the problem. Proposed solutions vary from doing nothing to replacing the floating-exchange-rate system—instituted in 1971—with a new form of fixed-rate regime. The vast majority maintain, however, that the mammoth U.S. budget deficits must be reined in as the first step in dealing with the soaring dollar.

"The root cause of the problem is the U.S. budget deficit, which is a deficit that the world shares," says Alexandre Lamfalussy, assistant general manager of the Bank for International Settlements in Basel. And Council of Economic Advisers Chairman Martin S. Feldstein says: "The basic reason for the high dollar and our competitive problems is the prospect of large future budget deficits."

But a minority of economists argues that the main culprit is not the budget but monetary policy, which they blame for keeping interest rates high. Says Stanford University economist Ronald I. McKinnon: "The Fed should loosen now to avoid [further] deflation. It is safe to expand because the strong dollar puts downward pressure on prices."

The Administration agrees that budget deficits must be slashed, but it opposes any further easing of monetary policy. Relatively few economists think the risk of reviving inflation is worth it. "The great victory of economic policy, and a major factor in the dollar's strength has been the fight against inflation," says Jacob A. Frenkel of the University of Chicago. "The victory was acquired at great cost, and it would be tragic to forgo it to deal with the dollar." In addition to risking renewed inflation, and explosion in U.S. money growth could convert the crisis of a rising dollar into the crisis of a plunging dollar, say some experts. "As soon as there is a whiff of [the U.S. budget deficit] being monetized, the dollar will collapse," warns Martin Wolf of the London Trade Policy Research Center.

To other economists, notably Robert A. Mundell of Columbia University, the problems of the dollar are inherent in a system that allows exchange rates to float freely. Mundell argues for a return to a gold-based dollar. "Because of a lack of discipline by international banks and a lack of discipline by governments, [there is] no real way of restoring order," he says. "A new Bretton Woods-type system is what is called for."

Most experts reject the idea of restoring a gold standard. But support is growing for a return to a system of fixed or semifixed rates, in which central banks would be obliged to keep the value of their currency at a parity or within a band of values by intervening in the market or by changing domestic policy.

DISCIPLINE PROBLEM

However, even supporters of this approach think Mundell is misguided in thinking that a return to a more rigid regime would, in itself, force governments to curtail their spending. After all, they point out, it was the inability to maintain discipline that led to the collapse of the Bretton Woods fixed-rate system in 1973. Harvard University's Richard N. Cooper believes that "it might be wise to start down the path of discussing such schemes as target zones for currency rates." But he predicts that "the major nations could not agree on what the target zones should be."

For its part, the Administration is hewing to a hands-off policy on exchange rates. Despite growing pressures at home and abroad, the Administration still maintains that the essentially monetarist policy of nonintervention is best.

Barring sweeping reforms or major policy changes, a number of steps could be taken to control the dollar better. For example, the U.S. could use "sterilized" intervention—the sale of dollars overseas offset by open-market operations at home—to dampen short-term swings in currency markets. Anthony M. Solomon, president of the Federal Reserve Bank of New York, sees a possible solution in "cooperative intervention among key monetary authorities when there is a consensus that the value of the dollar is not justified by the fundamentals. This would not establish a specific rate, but it puts the markets on notice that this is the direction the rate should go."

Princeton University's Peter B. Kenen feels pressures on the dollar could be reduced if a tightening of U.S. fiscal policy were augmented by West Germany's and Japan's loosening their fiscal policies and keeping a tighter rein on their money supplies. Former Assistant Treasury Secretary C. Fred Bergsten argues that the relationship between the dollar and the yen could be improved if Japan sought to finance some of its budget deficit by floating a large foreign loan, thus increasing the demand for yen and reducing the dollar's value.

All of these suggestions have one thing in common: They require governments to subordinate current domestic economic and political priorities to the establishment of a more orderly exchange-rate system. Until governments take such actions, a strong and volatile dollar could continue to reign.

Exchange Rates and Trade Policy

Misaligned currencies and trade protection

Trade policy has traditionally been associated with tariffs, quotas, export subsidies and other non-tariff distortions. Relatively little attention has been paid to the impact of exchange rates on trade policy, despite widespread analyses by international monetary economists of their impact on trade flows. This paper argues that the continued failure to link the trade and monetary aspects of international economic exchange is a major mistake, in terms of both diagnosing the policy problems which now confront the trading system and of dealing with those problems for the foreseeable future.

The bifurcation between money and trade, at both the analytical and policy levels, is both understandable and strange. It is understandable for three reasons. First, different officials and, usually, different ministries are responsible for monetary and trade matters in most countries. Different institutions, the IMF and the GATT, bear such responsibilities at the international level. The degree of coordination between these groups waxes and wanes over time, depending upon the individuals who man them, but have no systematic inter-linkages. Hence there is no assured method to coordinate monetary and trade policies, either in national capitals or internationally.[1]

Second, there is a legitimate difference between the focus of trade policy on the level of trade flows and the focus of exchange rates (and international monetary policy, more broadly) on trade balances. As long as trade negotiations are reciprocal in practice as well as in principle, trade policy has a neutral impact on the trade balance. Similarly, the balance of payments adjustment process addresses the problem of trade (and more broadly defined) balances whatever the trade level. In this sense, it is both logical and desirable that trade and monetary policy be assigned to different targets.

But the main reason why the money-trade relationship has been so ignored is probably the widespread assumption that the international monetary system will not permit the existence of substantial exchange-rate misalignments for prolonged periods. Such results are indeed a central objective of all international monetary systems to date (and proposed for the future). In practice, however, as we shall see shortly, the record is quite spotty. Sizable disequilibria have clearly developed, and persisited for substantial periods. Nevertheless, the assumption of balance of payments equilibrium—at least over time—explains much of the bifurcation between trade and monetary considerations.

This bifurcation is strange, however, because exchange rates demonstrably do deviate substantially from their equilibrium paths for sustained periods of time, and because the basic case for liberal trade rests upon the assumption inter alia of balance of payments equilibrium and, hence, equilibrium exchange rates. If the exchange rate conveys price signals to producers and consumers which are incorrect in terms of the underlying economic relationships, significant distortions can result for production and hence trade itself.[2]

Persistent overvaluation of a country's exchange rate will, of course, adversely affect the country's price competitiveness in international trade (in both goods and services). Exports will be discouraged and imports will be encouraged. The tradable goods sector of the economy, as a whole, will be disadvantaged with resulting distortions in the distribution of domestic output. The current account will shift adversely, financed via private capital inflows or a decline in the country's external reserves. The amounts of money involved can be quite sizable; for the United States, the typical analysis suggests that the merchandise trade balance declines by about $3 billion for every percentage point decline in U.S. international price competitiveness.[3]

From the standpoint of trade policy, the chief implication is the (additional?) pressure which is generated for protectionist measures.[4] Export and import-competing firms and workers will tend to seek help from their governments to offset these distortions, which undermine their ability to compete, with some degree of legitimacy since the distortions are accepted if not actively promoted by those governments. Coalitions in support of trade restrictions will be much easier to form, and much broader in their political clout, because no longer will only the most vulnerable firms and workers be seeking help—and no longer will the countervailing pressures from successful exporters be as effective. As we shall see below, overvaluation of the dollar has proved to be an accurate "leading indicator" of trade policy in the United States—perhaps the most accurate of all such indicators—throughout the postwar period.

The protectionist impact of an overvalued currency, moreover, may persist well beyond the duration of the overvaluation itself. Once adopted, protection is frequently maintained long after its initial cause (or justification) has passed. A return to currency equilibrium, or even "reverse overshooting" to undervalued levels, may not produce elimination of restrictions implemented to offset a previous overvaluation. Exchange-rate oscillations may thus produce a ratchet effect on protection, raising it during (the inevitably reversible) periods of overvaluation but failing to undo it when equilibrium is restored.

Paradoxically, undervalued exchange rates may also generate protectionist pressures.[5] A country with an undervalued currency should become more willing to lower its trade barriers, especially if it could get other countries to do so as well and thereby exploit its competitive advantage. However, resources may be induced to enter export and import-competing industries solely because of the artificially favorable competitive position generated by undervaluation, as in Germany and Japan during the prolonged period of DM and yen undervaluation in the late 1960s and early 1970s. When the undervaluation subsequently disappears, those industries may then have to seek import restrictions or subsidies to avoid sharp cutbacks in their operations (including bankruptcies). Again, they would have some legitimacy in making such a request if their creation (or expansion) was in fact due primarily to the currency misalignment.

Currency misalignments can thus have a doubly asymmetrical effect on trade policy. On the one hand, overvaluation (directly) and undervaluation (when reversed over time) can both generate pressures for trade restrictions and subsidies. On the other hand, a return to equilibrium will not necessarily offset the tendencies toward protection caused by an initial position of overvaluation—and a return toward equilibrium from an initial position of undervaluation is the most likely trigger for protectionist pressures in that case.

Exchange-rate disequilibrium can thus have a substantial impact on trade policy, pushing it in the direction of increased restrictions. The extent of this problem, of course, will derive from the extent and duration of the currency disequilibrium. The protectionist pressures will be most severe if substantial misalignments persist for prolonged periods.

On the concept of the equilibrium exchange rate

Before turning to a more detailed examination of the relationship between exchange rates and trade policy, we need to clarify the concept of the "equilibrium exchange rates". There is more than one such concept, and it is essential to further analysis to distinguish between the alternatives. Specifically, one needs to recognize the following three possible specifications:

(a) Market Equilibrium. This is simply the exchange rate that clears the market in the absence of official intervention. This concept refers to the nominal rather than the real exchange rate, and tends to change rapidly whenever some relevant "news" changes. It is easy to identify the presence of equilibrium in this sense, since the objective fact of non-intervention implies that the rate is in equilibrium. Conversely, absence of equilibrium is signified by the need for heavy intervention, reserve borrowing, etc., to sustain the rate. This concept of equilibrium is sometimes taken to be the only relevant concept by those of a monetarist persuasion.

(b) Fundamental Equilibrium. This term is intended to connote the obverse of "fundamental disequilibrium", the criterion for an exchange rate change under the Bretton Woods system. Although the term was never formally defined, the IMF's report on the exchange-rate system defined fundamental disequilibrium as a situation in which a country could not expect to generate a current account balance to match its underlying capital flow over the cycle as a whole without, on the one hand, depressing its income below "internal balance" or imposing trade controls for payments purposes or, on the other hand, importing inflation.[6] Conversely, therefore, the (real) equilibrium exchange rate is that which is expected to generate a current surplus or deficit equal to the underlying capital flow over the cycle, given that the country is pursuing "internal balance" as best it can and not restricting trade for balance-of-payments reasons.

This second concept is what people usually have in mind when they describe rates as

Footnotes at end of article.

"overvalued" or "undervalued"—and it is so used throughout this paper. It relates to the real rather than the nominal exchange rate. In general, one expects the fundamental equilibrium rate to change only occasionally, e.g., when there is a major and permanent shift in the terms of trade or in the country's relationship to the international capital market, or else gradually, e.g., as a consequence of differential inflation rates or productivity growth vis-a-vis the country's major trading partners.

A further important difference to the market equilibrium rate lies in the absence of a simple objective test of whether or not the rate is in equilibrium. At best, estimates of whether a rate is in fundamental equilibrium require judgments that in practice contain subjective elements regarding cyclical adjustment, the underlying capital flow, and trade elasticities. At worst, skeptics deny any hope of identifying the fundamental equilibrium rate. Some might argue that the concept even has a normative element, inasmuch as what constitutes the "underlying capital flow" (and perhaps also "internal balance") depends on what macroeconomic policy is (or should be) chosen.

(c) Current Equilibrium. This term is intended to indicate the rate that would obtain if markets had full knowledge of all relevant facts. The current equilibrium rate will depend upon the path of interest rates (i.e., the stance of macroeconomic policy and the state of the business cycle) and, given risk aversion, on net asset positions vis-a-vis the rest of the world. The current equilibrium rate would vary around the fundamental equilibrium, depreciating below it in anticipation of a recession when future interest rates were going to be low (so as to generate a yield-equalizing appreciation during the period of low domestic interest rates).[7] When people talk about "the rate justified by fundamentals", they should specify whether they are referring to what we have termed the fundamental equilibrium rate or to this concept of the current equilibrium rate.

Given that knowledge is not perfect, one presumably has to interpret the concept of the current equilibrium rate in a rational expectations sense, as the rate that would be expected to equalize yields (in the simple case of risk neutrality) on the basis of currently available information. Like the market equilibrium rate, which the rational-expectations school would equate to the current equilibrium rate, the latter adjusts in response to relevant news. It also refers to a nominal rather than real rate. However, identification of the current equilibrium rate requires subjective judgment, at least to those who are not prepared to equate the current equilibrium and market rates as a matter of principle.

The central question for the purposes of this paper is which of these concepts of the equilibrium exchange rate should be the target of policy, taking into account inter alia the effects on trade flows and trade policy. Presumably no one would wish to defend a choice of the market equilibrium rate per se; those who urge a policy of nonintervention do so out of a conviction that the appropriate target is the current equilibrium rate, coupled with a belief that because of rational expectations the market equilibrium rate gives the best available estimate of the current equilibrium rate (in the absence of an informational advantage on the part of the authorities). This view sometimes also incorporates the notion that the market's estimate of the current equilibrium rate must be a better estimate of fundamental equilibrium than any estimate that the authorities (or anyone else) might make, whichever concept might be preferred on conceptual grounds. The basic choice is therefore between the current equilibrium rate and the fundamental equilibrium rate.

The choice between these two turns on whether monetary policy should be directed (a) to preserving competitiveness at an appropriate level or (b) to controlling the money supply. From the point of view of preventing exchange-rate misalignments having undesired effects on trade flows, the answer is self-evident: it would be desirable to keep the exchange rate in the neighborhood of fundamental equilibrium.[8] But there may be a conflict between that objective and macroeconomic management, since policy measures to move the rate from current toward fundamental equilibrium can affect the monetary aggregates and/or interest rates; the importance of this conflict will be regarded as particularly acute by those who regard control of national money supplies as an important technique of macroeconomic management.

It is possible to visualize compromise strategies, in which the desire to keep the exchange rate in the vicinity of fundamental equilibrium is weighed against the desire to vary interest rates out of tune with the international norm for reasons of anti-cyclical policy. One famous version of such a compromise is the "band proposal": the parity would be set at fundamental equilibrium, while the wide band would provide scope for the current equilibrium rate to vary around parity to accommodate the interest-rate variations deemed desirable in the light of the cyclical situation.[9]

THE IMPACT ON TRADE POLICY OF (FUNDAMENTAL) DISEQUILIBRIUM EXCHANGE RATES

Whatever concept of equilibrium is ultimately chosen as the target of exchange-rate policy, it is clear that substantial deviations from the fundamental equilibrium rate can occur—and that they can have major consequences for trade flows and trade policy. The clearest instance was the final phase of the Bretton Woods system of fixed exchanged rates, when severe misalignments persisted for a number of years for several major currencies—particularly overvaluation for the dollar and pound, undervaluation for the DM and yen. As revealed by the realignments which became unavoidable in 1971 and 1973 (and earlier for sterling), these disequilibria exceeded 15-20 percent for a number of major exchange rates.

Flexiable exchange rates were then widely adopted and subsequently authorized by amendments to the Articles of Agreement of the International Monetary Fund, in an effort to avoid the repetition of such circumstances. Though not widely articulated at the time, trade policy concerns were an important motivation behind the U.S. push for both the parity realignments of 1971 and 1973 and the systemic shift to flexible rates. The growing dollar overvaluation of the late 1960s and early 1970s had contributed heavily to protectionist pressures in the United States—as mainfest by the adoption of new import restrictions in three major industries (textiles, steel, meat), House passage of the "Mills bill" in 1970 and widespread support for the Burke-Hartke proposals in 1971-72. Basic monetary changes were correctly deemed to be essential to avoid substantial risk of a fundamental change in the direction of U.S. trade policy, as well as for broader monetary and domestic macroeconomic reasons.

Since flexible rates were designed explicitly to avoid prolonged disequilibrium, it then became natural to assume that monetary phenomena would no longer create problems for trade policy. If anything, the rapid equilibration of payments imbalances which they promised—and in fact achieved in several cases in the mid-1970s, particularly regarding the United States and Japan—seemed to strengthen the international environment for a liberal trading system.

By 1976, however, "major disturbances (had) returned to the international monetary system . . . (raising) particularly serious problems for trade policy.[10] Competitive exchange-rate depreciation could be observed, or at least suspected, in several major countries. Japan was intervening heavily to avoid appreciation of the yen, and thus sowing the seeds for its huge surpluses of 1977-78—which triggered major new trade problems.[11] Partly as a result of these actions by other countries, the dollar again became substantially overvalued in the exchange markets for at least two years.

The current situation is even more troublesome, as it becomes clear that exchange rates may respond for prolonged periods much more to interest rate differentials and international political events than to underlying competitive relationships. As is well known, the dollar has now been substantially overvalued for some time—perhaps on the order of 15-20 percent, as in the final phase of fixed exchange rates. From the dollar lows of late 1978 to its current highs, the dollar has risen by a trade-weighted average of 25-30 percent against the other major currencies (and by 40-50 percent against the yen and DM). Over that same time period, U.S. inflation averaged about the same as that of the other major countries (and was 15-20 percentage points higher than in Germany and Japan). Even allowing for some dollar undervaluation in late 1978 and the roughness of the concepts involved the dollar must currently be overvalued by at least 15-20 percent on average and by substantially more against the yen and DM. The yen and the DM, perhaps to a lesser extent, are again substantially undervalued.[12]

Unfortunately, there is a strong possibility that these misalignments may prevail for a further, extended period of time. Exchange rates tend to be dominated by interest-rate differentials (or changes therein) in the short run, and by current account balances (and other "fundamentals") in the medium and long runs. The two chief causes of the dollar's current overvaluation are probably the recent rash of international political uncertainties (Middle East, Poland, Falklands, etc.), which have reminded investors around the world of the "safe haven" virtues of the dollar, and the high level of U.S. real interest rates.

There is little that economic policy can do about political developments, nor is there any way to forecast them. As to interest rates, a major causal factor is clearly the combination of huge budget deficits expected to continue into the foreseeable future and the firm rein being exercised by the Federal Reserve on the growth of the monetary aggregates. This situation seems likely to prevail for some time longer. Hence the dollar may remain at substantially overvalued levels for some time to come, pending either a significant reduction in U.S. interest rates or swing into sizable deficit of the U.S. current account balance—which in turn

will require at least a modest recovery in U.S. economy growth, or the passage of sufficient time to witness the full effects of dollar overvaluation itself on U.S. international competitiveness.

The case of the United States graphically depicts the impact of such exchange rate misalignments on trade policy. The three postwar periods of most severe protectionist pressures in the United States—the early 1970s, 1976-77, and the present—followed promptly upon periods of clear overvaluation of the dollar in the exchange markets:

The growing dollar overvaluation of the late 1960s and early 1970s, subsequently revealed in the devaluations totaling more than 20 percent in 1971 and 1973, coincided with the deepest protectionist pressures of the postwar period as noted above (despite modest levels of aggregate unemployment).

The restoration of dollar equilibrium via the devaluations of 1971 and 1973, along with the new focus of macroeconomic policy on inflation, corresponded to extensive unilateral U.S. trade liberalization in 1973-74 and passage of the Trade Act of 1974 authorizing further liberalization via the MTN (despite a level of unemployment not seen since the 1930s).

Renewed dollar overvaluation in 1975-76, which required a depreciation of about 15 percent in 1977-78, correlated with renewal of protectionist pressures and the adoption of several new restrictive measures (steel TPM, shoes, sugar).

The restoration of dollar equilibrium in 1978-79 supported a dramatic improvement in the U.S. trade position and overwhelming Congressional support for the Trade Act of 1979, ratifying the MTN.

The contemporary onset of the most severe dollar overvaluation since the collapse of the Bretton Woods system, perhaps again on the order of 15-20 percent (as just described), along with the new highs in the unemployment rate, clearly relate to the renewal of major pressures for import relief.

It is thus essential to focus on the impact of monetary misalignments on trade policy. At a minimum, countries must be consistent in their international economic policies: it is essential to promote equilibrium in exchange rates if one is to achieve freer international trade. This lesson applies particularly to the United States, which has steadily promoted reductions in trade barriers but for at least two extended periods—the late stages of the Bretton Woods system, and the past eighteen months—has failed to support changes which were necessary to avoid sizable international monetary imbalances.

EXCHANGE RATES MATTER

The key analytical question underlying this policy issue, of course, is the extent to which exchange-rate misalignments in fact distort trade flows and create the kinds of pressures cited above. There is a long literature on the topic in international monetary economics, dating back to some of the earliest applications of econometrics in the 1940s. Much of the early evidence tended to suggest that the effect was weak, non-existent, or even perverse, and the phrase "elasticity pessimists" was coined to describe those who accepted this evidence at face value.

However, Orcutt [13] argued that there were technical reasons for expecting the elasticity estimates to be biased toward zero, and subsequent work seems to have justified this view. In particular, the use of distributed-lag models permitted the recognition of high long-run elasticities in conjunction with low short-run elasticities, which has for many years been taken as the stylized fact about the response of trade flows to changes in relative prices. Although elasticity pessimism lives on here and there, a typical result for the long-run price elasticity of demand for the manufactured exports of a medium-sized industrial country would be something like −1.5 or −2.[14]

During the 1960s a number of studies attempted to estimate separate "exchange-rate elasticities" and "tariff elasticities", the former representing the impact on trade flows of exchange-rate changes and the latter the impact of tariff changes.[15]

The stylized fact emerged that tariff elasticities were substantially larger, by a factor of two or three, then exchange-rate elasticities. The usual explanation of this empirical regularity was the greater confidence presumably felt by traders that tariff changes would result in "permanent" changes in competitiveness.

In comparing the relative importance of tariff and exchange rate changes, however, it must be recognized that there has been a much greater degree of fluctuation in exchange rates than in tariffs during the postwar period. The celebrated trade liberalization of the Kennedy Round, for example, which is widely referred to as a 35 percent reduction, cut tariffs by an average of only 4-5 percentage points for the United States and EEC and about 7 percentage points for Japan and the United Kingdom.[16] By contrast, real effective exchange rates [17] frequently change by such amounts within very short periods of time—and remain further away from their underlying equilibrium paths (by as much as 10-20 percent) for extended episodes, as noted above. Hence the economic impact of exchange-rate changes may subsequentially exceed the impact of tariff changes, at least periodically, even if tariff elasticities are in fact a good bit higher than exchange-rate elasticities.

As to the future, tariffs remaining after the MTN cuts will average about 4-6 percent in each of the major industrialized trading areas. Their complete elimination would then also pale in significance beside the fluctuations which frequently occur, and the misalignments which periodically persist, in exchange rates. This is not to say that further trade liberalization would not be significant, of course, but only that shifts in trade balances are likely to be more influenced by changes in exchange rates than in tariffs (which, if reciprocal, would in any event tend to be neutral in their impact on trade balances).

In any event, it is clear that significant changes do occur in real effective exchange rates, and that these changes have significant effects on international trade flows—and, through trade, on the key domestic economic variables such as output, employment and prices. The Deardorff-Stern analysis, cited above, reaches the following conclusions concerning the effects of each percentage point of exchange-rate change for the major trading areas between the second quarters of 1980 and 1981:

	Price level (percent)	Unemployment	Trade balance (in billions)
United States	0.3	70,000	$3
European Community	.4	100,000	3
Japan	.5	40,000	1

Perhaps the impact of exchange-rate changes on trade balances and trade policy can be seen most clearly by tracing the U.S.-Japan economic relationship over the past twelve years, which is now experiencing its third period of major conflict.[18] The first of these episodes led to the U.S. import surcharge of August 1981, viewed in Japan as the second of the "Nixon shocks" aimed at that country, and a U.S. threat to invoke the "Trading with the Enemy Act" against its chief Pacific ally.[19] The second episode produced major U.S. pressure on Japan during 1977-78 to boost its domestic growth rate, with lasting effect on Japanese confidence in its American connection and immediate impact on the political career of the current Prime Minister.[20] The third, current, episode promises to be the nastiest yet—with the United States joined as demandeur by the European Community, with racist overtones already creeping into the rhetoric and frustration on both sides of the Pacific, and with obvious spillover to the reemerging issue of security relations between the two countries.

Exchange-rate misalignments were present in each of the three periods, and go far to explain the difficulties which have arisen on each occasion. In each instance, the yen became substantially undervalued—dramatically improving Japan's price competitiveness in the world economy. In each instance, the dollar became substantially overvalued—undermining U.S. competitiveness, both in Japan and elsewhere. The huge swings in trade and current account balances which marked each episode, and which triggered the sharp intensification of U.S.-Japan hostility, can be traced primarily to these exchange rate movements.

By the beginning of the 1970s, the parities of the dollar and yen—which had been set in 1933 and 1949, respectively—were clearly out of line with the underlying economic relationships between those countries and the rest of the world. With the onset of U.S. inflation from the mid-1960s, stemming from the Vietnam war and simultaneous expansion of Great Society programs, the dollar became substantially overvalued, as already noted. With the dramatic expansion of economic capacity and productivity in Japan, the yen became substantially undervalued.

The results began to accumulate in 1968-69 and accelerated rapidly to the first postwar crisis in U.S.-Japan economic relations in 1970-71. Japan began to run steady and growing external surpluses. The U.S. current account balance slipped into deficit for the first time in the postwar period. Japan's bilateral surplus with the United States expanded sevenfold from 1966-67 to 1971-72.

One result was the most intense pressure for trade protection in the United States of the entire postwar period, probably including the present. The Mills bill, which passed the House of Representatives in 1970, would have placed numerical limits on import penetration in virtually every industry. The proposed Burke-Hartke bill, which would have drastically curtailed both U.S. imports and foreign investments, was the source of widespread Congressional interest and support during 1971-72. For the first time, the bulk of the pressure was aimed at Japan. Exchange-rate misalignment had entered the picture as a major source of difficulty between the United States and Japan.

There is no need to speculate about whether the exchange rates had become severely misaligned. Despite the historical antipathy of both countries to parity changes, the realignments of 1971 and 1973 devalued

the dollar and revalued the yen by over 20 percent. It was finally understood by both countries that such changes were essential, to preserve an open trading system as well as to avoid the repeated bursts of international monetary instability which were eroding the entire global economic system.

These exchange rate realignments achieved their objective. In 1973, even before the onset of the first oil crisis, Japan had returned to global balance and the United States to modest surplus. The bilateral merchandise account, on which the oil shock had little direct impact, returned during 1973-75 to the much lower levels of 1969-70. True adjustment had occurred, and the first major episode of U.S.-Japan economic conflict receded into history.

In 1975-76, however, a renewed exchange-rate misalignment began to develop. The dollar appreciated substantially because the United States ran large current account surpluses during that period, though these surpluses (especially in 1975) were due primarily to the depth of the U.S. recession—which was far sharper than in Japan or other major countries. Hence the seeds were sown for a renewed deterioration of the U.S. competitive position, and the record deficits which ensued in 1977-78.

Meanwhile, Japan had committed one of its most serious policy errors of the entire postwar period. Arguing that its renewed current account surpluses were transitory phenomena, attributable solely to the cyclical situation, Japan intervened massively in the foreign exchange markets throughout 1976 to block significant strengthening of the yen. The result, as Bergsten predicted at the time,[21] was a renewed undervaluation of the yen and massive Japanese surpluses in 1977-78—including a fivefold rise in its bilateral surplus with the United States.

This juxtaposition of developments produced the second outbreak of major U.S.-Japan economic tensions, in 1977-78. Again, the main culprit was a severe misalignment in the exchange rates between the two currencies. Again, a correction of that misalignment—which began to occur from early 1977, when the Carter Administration successfully insisted that Japan let the yen rate respond to market forces—was the crucial factor which corrected the situation. By 1979 and 1980, the United States returned once more to global surplus and Japan (hit also by the second oil shock) moved into sizable deficit.

For a third time, however, the pendulum swung too far. Beginning in early 1981, the peculiar policy mix of the new U.S. administration produced record levels of real interest rates, huge movements of capital into the dollar and a dollar probably as overvalued as in the final stages of the Bretton Woods system of fixed exchange rates in the early 1970s.

From its lows of late 1978 to its highs of August 1981 and June 1982, the dollar rose by 35-40 percent against the yen. Meanwhile, Japanese inflation ran about 20 percentage points less than U.S. inflation. The price competitiveness of the United States in world trade, vis-a-vis Japan, thus deteriorated by 50 percent or more within about three years.

A new crisis would inevitably follow—and it did, currently reaching levels of tension not seen since a decade earlier. The global U.S. current account has deteriorated substantially over the past year, despite the deep domestic recession and sharp reduction in oil imports. Indeed, this decline in the external accounts has been as important as the housing and auto slumps in pushing the U.S. economy into its current recession.

On the other side of the Pacific, Japan has moved back into global surplus. The bilateral imbalance in favor of Japan has soared to record levels. All these developments seem likely to become much worse throughout the rest of 1982 and especially into 1983, as dollar overvalution and yen undervaluation persist; their full effects take up to two years to eventuate, so the die is already cast for continued major trouble.

An analysis of the turbulent recent history of U.S.-Japan economic conflict thus points to the exchange-rate relationship between dollar and yen as the single most critical variable. To be sure, high unemployment in the United States (as at present) intensifies the problem. Japan's continuing "propensity not to import" and periodic export surges do so as well. More rapid U.S. productivity growth, if not matched by concomitant improvement in Japan, could help resolve the problem. So could increased Japanese spending on housing and other social infrastructure. Cyclical disjunction, as in 1977-78, can make things worse. All these aspects of the overall problem must be addressed continuously, until resolved at least to a far greater degree than they are today.

But the major problem lies in the monetary realm. Hence any serious effort to remedy the U.S.-Japan problem must address the underlying causes of the repeated, and severe, misalignments which periodically emege between dollar and yen. In view of the critical importance of the U.S.-Japan relationship to the global trading system, such remedies will also be crucial to its future stability.

It is thus clear that exchange rates matter, for trade flows and trade policy as well as for current account balances, international monetary stability, domestic economic variables and the other phenomena to which they are more usually related. The final question is thus how the exchange-rate system can be reformed to avoid such misalignments, *inter alia* to improve the environment for the trading system and a liberal trade policy.

STRATEGIES OF EXCHANGE-RATE MANAGEMENT

Suppose a government decided that it wished to maintain its exchange rate in the vicinity of what it believed to be a position of fundamental equilibrium. Could it hope to achieve such an objective—or are policies of exchange-rate management foredoomed to failure, as sometimes asserted? If such an objective is in fact feasible, what are the means by which it can be obtained.

There is of course no reason to doubt the possibility of achieving a particular target for the nominal exchange rate, provided that monetary policy is systematically devoted to that end. That is the essence both of Hume's price-specie-flow mechanism and of the monetary approach to the balance of payments. The serious issues are whether achievement of a nominal exchange-rate target will necessarily suffice to achieve a desired real exchange rate, and whether monetary policy can be directed at an exchange-rate target without posing a risk of seriously destabilizing the domestic economy. Before we offer tentative answers to those two questions, it will be helpful to outline the various alternative strategies by which exchange rates might be managed.

Pegging with supportive monetary policies

The most certain way to achieve a target for competitiveness (or the real exchange rate) would be to intervene to whatever extent was necessary in support of the nominal rate needed to achieve the desired real rate on the basis of current price levels, and ensure that the domestic monetary consequences of the intervention were (at least partly) unsterilized. The nominal rate to be achieved by intervention would crawl in line with the inflation differential, and might also be adjusted (presumably also on a crawling basis) to offset the effects of differential productivity growth and to induce any underlying change in competitiveness regarded as desirable in the interests of payments adjustment. Non-sterilization of intervention would require countries to adhere to pre-specified domestic credit expansion (DCE) targets, as has been urged by McKinnon (1974).[22] As McKinnon points out, if a group of countries adopts such a policy, the result (abstracting from differences in reserve requirements) is to ensure that their collective money supply actually grows at the rate implied by the sum of the DCE targets and is independent of intervention policies, despite the fact that individual national money supplies will depend on intervention.

Floating with management by reference rates

Pegging the nominal rate at the level needed to achieve the real target rate involves accepting and announcing an obligation to prevent the market rate from deviating by more than a specified amount (the margin) from the central rate. An alternative, weaker, strategy involves announcing the central rate or some target zone, but not accepting any obligation to defend it; by definition, the rate floats.

However, intervention policy may still be systematically directed toward pushing the market rate toward the central rate. One version of such an approach is that intervention should endeavor, but not guarantee, to keep the rate within some zone, which may or may not be expressed as margins around a central rate. Another is the "reference rate proposal", under which any intervention is always such as to push the rate toward the central rate, but without any guarantee that there will be intervention at all—and certainly without any guarantee of sufficient intervention to establish a market rate within any particular margin of the central rate. Under either proposal, the central rate or target zone could crawl on the same principles as if it were pegged. The effectiveness of such intervention policies, in keeping the rate close to target (the central rate or zone), would depend not merely on the scale of the intervention but also—more importantly—on whether the intervention was sterilized or not.

Capital controls

Aside from intervention and monetary policy, the other main instrument for seeking to manipulate exchange rates is capital controls. In recent years, the main advocate of using capital controls (in the form of "real interest equalization taxes") to influence exchange rates has been Dornbusch.[23] Similarly, Bergsten has recently urged a temporary moratorium on Japanese capital exports and massive foreign borrowing by the Japanese Government to push the yen to a more appropriate level—a proposal motivated directly by concern over the trade implications of the current undervaluation of the yen.[24] Doubts about capital controls have traditionally stemmed from two sources: (a) their distorting effects on resource allocation, and (b) the ease with which they can be circumvented in a highly

integrated world economy ("money is fungible").[25]

Suppose that one or another, or some combination, of the three monetary options were successful in the proximate aim of maintaining the nominal exchange rate deemed desirable on grounds of competitiveness. It remains to consider (a) whether achievement of a nominal target can ensure achievement of the target real rate, and (b) whether that might seriously destabilize the domestic economy.

With regard to (a), the answer would clearly be no if the nominal rate were held constant. However, the proposal considered above involves the nominal rate crawling to maintain competitiveness at the target level. That is clearly possible—but it does incur the danger of destabilizing the domestic economy. Specifically, if the competitiveness target were fixed at a level which implied a real wage lower than the labor force was willing to accept, the enforcement of that target would result in accelerating inflation. This is precisely the same result as occurs if a government tries to peg the unemployment rate at a level below the natural rate, or to peg the interest rate at a level below its natural rate. Any attempt at macroeconomic management can be counterproductive if the real variables are targeted at disequilibrium levels; whether one concludes that macro management should be abandoned depends on whether or not one trusts governments to pick sensible targets, and modify them in time to avoid disaster when conditions change.

There are other ways in which pursuing exchange rate targets could be destabilizing. Pursuit of a constant nominal target that involves a severe real misalignment can of course be seriously destabilizing, as Britain found out after 1925 and other countries have discovered since. Pursuit of inconsistent targets by the major countries would obviously be a recipe for disaster; even if the targeted exchange rates were internationally consistent, the system could have an inflationary or deflationary potential unless the target rates of DCE were coordinated to ensure an appropriate world rate of monetary growth. One may therefore conclude that a redirection of policy toward maintaining exchange rates close to fundamental equilibrium would require more effective international coordination, as well as more responsible and responsive national policymaking, than has been customary.

CONCLUSION

It is clear from the analysis presented here that trade policy in the 1980s, and beyond, could proceed much more smoothly under a more effective international monetary regime—and may not be able to proceed in a liberal direction at all unless such a regime, with supportive policies in at least the major countries, can be developed. Prolonged deviations of exchange rates from fundamental equilibrium can and do generate protectionist pressures, from countries with both overvalued and undervalued currencies. Considerable asymmetries compound the problem and fail to achieve much, if any, in the way of countervailing pressures in the other direction.

The postwar record reveals that trade policy in the United States, at least, has been substantially affected by the existence of equilibrium or disequilibrium in the exchange rate of the dollar. U.S.-Japan economic conflict, which is central to global trade policy as a whole, has been particularly disrupted by the frequent recurrence of yen-dollar misalignments. The advent of flexible exchange rates has failed to assure the degree of equilibrium in currency relationships which is essential if liberal trade policies are to prevail; indeed, current misalignments, particularly for the dollar and yen may be as great as existed in the final breakdown stages of the Bretton Woods system of fixed parities.

Hence any comprehensive strategy for trade policy in the 1980s must encompass a monetary component, as well as working on the more traditional elements of commercial affairs. It is clearly possible, in principle, both to define "fundamental equilibrium" for exchange rates and to fashion an exchange-rate regime which would avoid deviations from such levels significant enough to cause serious trade distortions (and thus protectionist pressures). Considerable work will be needed to design and negotiate such a system in practice, but the importance of the issue counsels an early start toward doing so.

It is abundantly clear that even within today's rather unsatisfactory international monetary system, however, much closer coordination is needed between trade and monetary officials both within individual countries and at the international level (chiefly regarding the GATT and IMF). Efforts to promote new trade liberalization, or simply to avoid new restrictions, are rendered exceedlingly more difficult by the presence of persistent and substantial currency misalignments. Trade policy officials must therefore make every effort to promote more effective international monetary arrangements, and national macroeconomic policies which minimize the degree of misalignment within whatever system may continue to prevail.

FOOTNOTES

[1] Among the relatively rare public statements on the topic by policy officials are C. Fred Bergsten, "Trade and Money: The Need for Parallel Progress", a speech presented to the French-American Chamber of Commerce, New York, June 20, 1978; and Anthony M. Solomon, "Making the Necessary Linkage Between Monetary and Trade Policies", Remarks before the Center for International Business, Dallas, April 8, 1981.

[2] The argument is summarized in Richard N. Cooper, "Economic Assumptions of the Case for Liberal Trade" in C. Fred Bergsten, ed., *Toward a New World Trade Policy: The Maidenhead Papers* (Lexington, Mass.: D.C. Heath and Co., 1975), esp. pp. 21-23. Note that the analysis in this paper focuses on *misalignments* of exchange rates vis-a-vis their underlying equilibrium levels, rather than on the *volatility* of fluctuating rates. Some observers have argued that fluctuations per se discourage international trade in general, and may also generate protectionist pressures by increasing the uncertainty of competing internationally; most analyses of the issue have rejected such a view, but it does garner some empirical support as reported in John Williamson, *Exchange Rate Rules* (London: The MacMillan Press, 1981), p. xvii.

[3] The latest evidence is in Alan V. Deardorff and Robert M. Stern, "The Sectoral Impact of the Recent Appreciation of the U.S. Dollar", mimeo, Univ. of Michigan, April 1, 1982, They found a similar ratio for the EC and a ratio of about $1 billion per percentage point change for Japan.

[4] For a broader compilation of the factors which promote protectionist pressures, see the paper prepared for this conference by C. Fred Bergsten and William R. Cline.

[5] In some instances, currency undervaluation may also be regarded as a *form* of protectionism. See W. M. Corden, "Exchange Rate Protection," in Richard N. Cooper et al, editors, *The International Monetary System Under Flexible Exchange Rates: Global, Regional and National* (Cambridge, Mass.: Ballinger Publishing Co., 1982, pp. 17-39.

[6] IMF *The Role of Exchange Rates in the Adjustment of International Payments*, Washington, D.C., 1970.

[7] R. Dornbusch, memorandum on monetary policy to the House of Commons Select Committee on the Treasury and Civil Service, HMSO, July 17, 1980.

[8] It is important to recognize that a policy of seeking to maintain fundamental equilibrium cannot be considered a case of "exchange-rate protection" as that term is used by Corden, "Exchange Rate Protection". Exchange-rate protection a la Corden arises when the exchange rate is maintained at a rate depreciated relative to the welfare-maximizing level so as to increase the real income of the tradable sector, or a lagging part of the tradable sector. A common reason for countries adopting a policy of exchange-rate protection is, according to Corden, the "Dutch disease", which stems from rapid expansion of a leading part of the tradable sector, typically due to exploitation of resource discoveries (Dutch gas, North sea—or other—oil, Australian minerals, etc.). The high productivity in the leading sector leads to appreciation of the real exchange rate and adverse effects on the rest of the tradable sector, which therefore lobbies for exchange-rate protection. This is clearly not the same thing as a policy of seeking to avoid demand-management policies (or shifts in portfolio preferences) which lead to shifts in competitiveness and trade flows.

[9] See R. I. McKinnon, *Monetary Theory and Controlled Flexibility in the Foreign Exchanges*, Princeton Essays in International Finance, No. 84, 1971, for the classic exposition and G. N. Halm, *The "Bank" Proposal: The Limits of Exchange Rate Variations*, Princeton Special Papers in International Finance, No. 6, June 1965, for the first modern proposals of this idea.

[10] C. Fred Bergsten, "Let's Avoid a Trade War", *Foreign Policy* 23, Summer 1976, p. 26.

[11] As detailed below, this is the clearest case in recent times of "exchange rate protection" as defined by Corden in the article cited above.

[12] The details are in C. Fred Bergsten, "The Costs of Reaganomics", *Foreign Policy*, Fall 1981, and "The Villian is the Overvalued Dollar", *Challenge*, March/April 1982. Rough calculations of purchasing power parity, with a March 1973 base, can be inferred from Morgan Guaranty, *World Financial Markets*, April 1982, p. 12, which imply a dollar overvalued by about 15 percent and a yen undervalued by about 15 percent.

[13] Guy H. Orcutt, "Measurement of Price Elasticities in International Trade", *Review of Economics and Statistics*, Vol. 32 (May 1980), pp. 117-32.

[14] A recent review of findings in this area is Robert M. Stern, Jonathan Francis, and Bruce Schumacher, *Price Elasticities in International Trade* (Toronto: MacMillan of Canada, 1976). A contrary view is stated in Richard Blackhurst and Jan Tumlir, *Trade Relations Under Flexible Exchange Rates*, GATT Studies in International Trade No. 8, September 1980; however, their own analyses recognize the importance of exchange-rate changes for trade balances in Germany, Japan, France and Switzerland and reject such importance for the United States and Italy only by rejecting the well-established time lags between price and volume changes (pp. 25-27). Blackhurst and Tumlir are correct, however, in asserting that changes in GNP have greater effects on trade than exchange-rate changes, that the latter can have lasting impact only if supported by proper domestic policies, and that "exchange rate fluctuations in no way reduce the importance of efforts to liberalize world trade" (p. 13).

[15] For example see Lawrence B. Krause, "United States Imports, 1947-1958", *Econometrica*, Vol. 30 (April 1962), pp. 221-38, and Mordechai E. Kreinen, "'Price' vs 'Tariff' Elasticities in International Trade—A Suggested Reconciliation", *American Economic Review*, Vol. LVII, No. 4 (September 1967), pp. 891-94.

[16] Ernest Preeg, *Traders and Diplomats* (Washington: Brookings Institution, 1970), pp. 208-11. Cuts on some individual products, of course, were higher—though none of the major categories for these countries changed by more than 10 percentage points.

[17] The *"real effective exchange rate"* is the proper measure of a country's currency for these purposes. It (1) weighs a country's exchange rate in terms of the currencies of its major trading partners (to make it "effective" rather than bilateral) and (2) adjusts for differences in domestic price movements between the country and its trading partners (to make it "real" rather than nominal).

[18] This analysis is drawn from C. Fred Bergsten, "The Economic Conflict Between the United States and Japan", *Foreign Affairs*, July 1982.

[19] The best published account is in I. M. Destler, Haruhiro Fukui and Hideo Sato, *The Textile Wrangle: Conflict in Japanese American Relations, 1969–1971* (Ithaca and London: Cornell University Press, 1979).

[20] For an excellent analysis of this period see I. B. Destler and Hideo Sato, *Coping with U.S.-Japanese Economic Conflicts* (Lexington, Mass.: D.C. Heath and Co., 1982), especially Chapter 6.

[21] See testimony before the House Banking Committee on June 3, 1976 and the Joint Economic Committee on October 18, 1976, as well as "Let's Avoid a Trade War", *Foreign Policy* 23, Summer 1976.

[22] Although in his case the intervention is urged in support of fixed nominal rates rather than fixed real rates.

[23] R. Dornbusch, memorandum on monetary policy to the House of Commons Select Committee on the Treasury and Civil Service, HMSO, July 17, 1980.

[24] See "The Economic Conflict Between the United States and Japan", cited above.

[25] For the sake of completeness, it should also be mentioned that, in principle, target levels of competitiveness could be pursued by the use of comprehensive border tax adjustments to offset the effects of deviation of the exchange rate from its fundamental equilibrium level. There are, however, formidable objections to such a course of action. First, border tax adjustments are never comprehensive; at best they tend to cover only visible trade, at worst some sectors secure exemption (e.g., because of the perceived inequity of taxing essential imports). Second, it may be difficult to secure the prompt withdrawal of protection that is no longer merited by an exchange-rate misalignment. Third, the volatility of exchange rates coupled with the lag between placing an order and shipment may result in traders facing inappropriate and inequitable border taxes. Fourth, the taxes will influence the current account in such a way as to push exchange rates further from their desired levels and thus have a perverse effect on the underlying situation. For these reasons we believe that the option of border tax adjustments—unlike the three monetary options discussed previously—should be eliminated from further consideration.

NATIONAL ASSOCIATION, OF MANUFACTURERS,
July 14, 1982.

HON. DONALD T. REGAN,
Secretary of the Treasury, U.S. Department of the Treasury, Washington, D.C.

DEAR MR. SECRETARY: In January 1982, the National Association of manufacturers established a Task Force on U.S.-Japan Commercial Relations. The Task Force membership is broadly representative of U.S. industry, as well as major banks and export-related service industries. This Task Force is now in the process of working on a number of trade, financial and investment issues. The broad outlines of the Task Force's work are set out in a resolution passed by NAM's Board of Directors on March 17, 1982 (copy enclosed). NAM's objectives relate to the resolution of immediate as well as longer range problems of a systemic nature in our commercial relations with Japan.

One of the most critical concerns of the Task Force is the exchange rate between the U.S. dollar and the Japanese yen. We are, of course, aware of the Administration's general concern about the consequences for U.S. industry of the undervalued yen, but regret that no practical steps have been taken or proposed to deal with the problem. The manufacturing community is intensely concerned about the undervalued yen in both the immediate and longer term.

In the short term, U.S. industry is losing market shares at home and abroad. The yen has depreciated since 1980 by approximately 25 percent—from about 200 to the dollar to the 250 level at present. The meaning of this depreciation in competitive terms is dramatic: While Detroit has been seeking to close a $1500 gap between U.S. and Japanese built cars the depreciating yen has in fact given Japan an additional $1200 to $1500 advantage during this time.

In the long term, new investment by American industry is not taking place because in many instances this investment would be uneconomic in light of the inordinately competitive prices of Japanese goods resulting from an undervalued yen. To the extent that the Japanese challenge represents the free play of economic forces, it can be viewed as a natural development and should not be interfered with. We have become increasingly concerned, however, that the American response to the Japanese challenge is being distorted and undermined by a gross misalignment between the U.S. dollar and the Japanese yen.

Our concern is not unique. The European Community in its formal case against Japan under Article XXXIII of the General Agreement on Tariffs and Trade (GATT) referred to the yen as "a sui generis currency", which was "in certain respects tightly controlled and which has been insulated from the outside world". The Community noted that "the yen does not play a role internationally commensurate with the strength of the Japanese economy". Reference is made to the European view, not so much to buttress our arguments, but to indicate the necessity for international cooperative action in dealing with an international trade and financial problem which cannot be left only to Japanese authorities to deal with and which under present circumstances defies a straight-forward market solution.

Today the yen stands at more than 250 to the dollar—a rate not much higher than in March 1973, when generalized currency floating was established. Indeed, if we utilize the well-known Morgan Guaranty real effective exchange rate index, we find that the dollar is now 16 percent higher in value than in 1973, while the yen is about 15 percent lower, as measured on a multilateral, trade-weighted basis. During this interval the volume of Japanese exports have grown over twice as fast annually as U.S. exports (8 percent to 4 percent). At the same time, the annual price increase for Japanese manufactured exports, in national currency terms, has been five points per year lower than the equivalent U.S. figure (7 percent to 12 percent). These and other fundamental underlying economic conditions—such as current account balances, official reserves, trade balances, productivity growth, and wholesale price increases—indicate that the nominal value of the yen should have risen much more substantially over this time period against the dollar; instead we have seen a fairly steady drop in the yen since its peak of 180 in 1978.

The interest rate differential between the U.S. and Japanese domestic credit markets is undoubtedly an important reason for the misalignment of the dollar and yen during the last few years. As you know, NAM fully supports the Administration's concern regarding high U.S. rates. However, we feel that reduction in our interest rates will help relieve only part of the exchange rate problem between the dollar and the yen. We are inclined to believe that a good part of the problem will persist despite interest rate changes because the Japanese have to an important degree cut their domestic credit markets off from the influences of the international financial markets.

Japan's low domestic interests rates, which are less than half American and European rates, obviously reflect the interplay of a number of factors, including a superior performance in maintaining a low level of inflation since the 1973–74 oil crisis. It is also important, however, to realize that Japan's domestic credit system relies in many respects as much on quantitative restrictions and official guidance as it does on price in allocating credit to priority sectors of the economy. Consequently, interest rates can remain relatively low and provide a reliable and cheap source of domestic as well as export credit to major Japanese exporters of manufactured goods.

It is not hard to appreciate the current desire of the Japanese government to maintain low interest rates in light of relatively poor domestic economic performance and the need to hold down the cost of financing their large budget deficits. Yet, to what extent are these low rates also enabling Japan to "solve" its domestic economic problems by exporting them through an undervalued currency? Estimates have been made that two-thirds of Japan's almost 3 percent real GNP growth for the fiscal year ending in March 1982 came from exports. It is hardly unreasonable to ask how much longer countries with no real growth and with unemployment reaching toward double digit figures can tolerate this situation, especially in light of a 2 percent unemployment rate in Japan. Does it make much difference if a country pursues a "beggar-thy-neighbor" policy by means of trade protection or domestic monetary and credit policies?

You will appreciate that I am not suggesting that Japan is now actively intervening in foreign exchange markets to bring about a low price for the yen, although Japan has done this in the past. Quite the opposite is the case—since the misalignment at this point is so notorious, causing Japanese officials to be quite defensive respecting the undue trade advantages conferred on Japanese goods in export markets as well as in the Japanese home market. The most "successful" Japanese exchange market intervention was in the mid 1970's, when massive intervention halted the appreciation of the yen. Japanese intervention in January 1981 appears to have halted yen appreciation at that time and perhaps help to set the stage for the current weak yen. Lisle Widman, former Deputy Assistant Secretary of the Treasury for International Monetary Affairs, observes:

"Bank of Japan officals acknowledge that in Janaury 1981 they did intervene to stop the appreciation of the yen when it moved back above 200. Whether they did so because they had concluded that they should protect their trade position by avoiding further appreciation or simply because the rapidity with which the rate was moving created a "disorderly" market we will never know. Japan had been running a deficit in its current account balance in 1980 and the country was still very concerned about its ability to finance oil imports. I suspect the gut judgment of Japanese officialdom is that a 200 to 220 rate would be best for Japan. Nevertheless, Japanese officials maintain that the intervention was not intended to alter the long-term trend."

Our view is that a good deal of the undervaluation of the yen basically results not from direct exchange rate intervention but from Japanese policies in respect to their domestic credit markets. To the extent that these policies maintain the trade advantages of an undervalued currency, they are a fair target for attention in the International Monetary Fund under Article IV of the IMF Articles of Agreement. This prohibits signa-

tories from manipulating their currencies or taking other action to "gain an unfair competitive advantage" in trade. Additionally Article IV calls for IMF surveillance over exchange rate policies for a number or reasons, including, ". . .behavior of the exchange rate that appears to be affecting competitiveness and long term capital movements."

We were pleased to see that agreement was reached at the recent Versailles Summit on an improved consultation process involving the IMF and the major industrial countries, as well as the initiation of an IMF study of the efficacy of foreign exchance intervention. We would certainly support Administration efforts to use this consultation process to the fullest in examining the interaction between the Japanese domestic credit markets and the continued undervaluation of the yen. We would also suggest a careful examination of Japanese currency intervention in the 1970's which may have laid the groundwork for the present undervaluation of the yen.

I would conclude by expressing the opinion that the persistence of a seriously undervalued yen for the next several years obviously presents serious obstacles to the modernization of the American industrial base and to the general American economy. The Administration's successful efforts to resist protectionism in this country and abroad has the full support of the National Association of Manufacturers. Perhaps no greater step to assure the continuation of open markets in the U.S. and around the world could be taken than to help bring about promptly a major appreciation of the yen. It is likely that high U.S. interest rates may persist for some time and lower rates, once achieved, may be only of limited value in the context of the yen-dollar exchange rate. We therefore, urge consideration of policies that work toward the improvement of the operation of the international monetary system, including the requirement that major trading countries maintain a reasonable foreign exchange value for their national currencies reflecting underlying economic forces.

To date the Treasury has given no indication publicly that the yen-dollar exchange rate is of concern to the U.S. government. To relate how significant this issue is to the revitalization of American industry, I would be pleased to call on you with members of NAM's Board of Directors to elaborate business views on the importance of this critical issue in industry's investment decisions to become more competitive in U.S. and foreign markets. We hope your schedule will permit such a meeting in the near future.

Sincerely,

SANDY TROWBRIDGE.

Attachment.

ATTACHMENT

There may be little that the authorities can do to prevent exchange rates deviating significantly from purchasing power parities in the face of major external shocks, since it is difficult to evaluate the longer-run impact of such shocks on equilibrium rates of exchange. But the case is different when policies themselves are the cause of uncertainties about equilibrium rates. The authorities in the main countries concerned can try to avoid policies that lead to excessive movements of exchange rates and they can also, on the basis of a better knowledge of their own policies than is possessed by the market, sometimes act directly on exchange rates through market intervention. Broadly speaking, if official intervention is to have a stabilizing influence on the exchange market, the most important requirement is that it should be convincing.

This means, firstly, that it should be consistent with, or backed up by, other policy measures. The experience of the United States in 1978–79 is instructive in that respect. The various steps taken in November 1978 produced their effects only with some delay, and these effects did not last, the reason being that the concerted official intervention in the exchange market was not strongly enough supported by flanking measures. Had the more restrictive U.S. monetary policy introduced in late 1979 been adopted earlier, the lasting recovery of the dollar would have set in earlier too. Moreover, the present high level of the dollar in the exchange markets could not be moderated by intervention alone, since it is to a large extent the result of the still high level of dollar interest rates, which itself is related to the mix of fiscal and monetary policy in the United States. Secondly, intervention should not aim at freezing exchange rates at unrealistic levels, but should seek to discourage the exchange rate from moving outside reasonable equilibrium zones; and, thirdly, there needs to be a measure of international coordination of exchange rate policies.

The precondition for exercising some control over avoidable excesses in exchange rate movements is that all major countries should make it clear that they are concerned about the evolution of their exchange rates. This means putting into practice a minimum co-ordination of exchange rate policies, including intervention policies. It is not an easy task for the authorities in the countries concerned to agree on a co-ordinated approach to those policies that often form the background to exchange rate movements. In the first place it is not easy to agree on a co-ordinated stance of monetary policies, although the recent downward convergence of inflation rates in a number of leading industrial countries should help in that respect. Moreover, differences between countries' monetary policy techniques can lead to the emergence of interest rate differentials that do not accurately reflect the relative stance of policy in different countries. Nor, given the extent of official neglect of exchange rates since March 1973, will it be easy to influence exchange markets through direct intervention, although the experience with co-ordinated intervention after November 1978 shows that the task is not an impossible one. But the attempt to co-ordinate exchange rate policies is worth making in order to remove at least some of the uncertainties that have contributed to exchange rate instability in recent years.

[From the Journal of Commerce, May 2, 1983]

STABILITY POSSIBLE WITHIN FLOATING RATE SYSTEM

(By Paul Volcker)

We know exchange rates have fluctuated widely throughout much of the "floating era." While some or most of the major swings have had a rationale in terms of divergences in inflation rates, competitive positions or "structural" changes, the extent and timing of some of the changes have, even in retrospect, been difficult to explain.

Looking ahead, the question remains as to how we can provide greater assurance that, as the disinflationary process proceeds, exchange rates will in fact be more stable.

We can take the view that there is no arguing with the wisdom of the market—that what happens, happens, and shouldn't be second-guessed by officials and bureaucrats with biases of their own—or that exchange rate fluctuations are in the end of secondary importance.

But responsible officials do have an obligation to ask to what extent we can work more effectively to dampen extreme exchange rate swings that, by common agreement, seem far out of keeping with underlying needs and trends.

One means often suggested of working toward greater stability would be to intervene directly in a more coordinated way in the exchange markets. Fashions in that respect have changed from time to time in the United States, and elsewhere.

Philosophical and practical differences in that respect led to a decision at the Versailles economic summit to study the issue together.

I do believe it is fair to say that evidence as well as experience suggests that intervention is a limited tool that cannot, itself, alter major market forces.

My own belief is that we can hold out some prospect of damping extreme exchange rate movements in a context of greater domestic stability if we recognize the implications for domestic policies and their "mix" in the leading countries. The objective will certainly need to be defined and pursued with appropriate modesty, recognizing the largest limitations on our ability to determine the "right" exchange rate and on the tools at our disposal.

We should be skeptical about our ability to judge the right exchange rate—even an appropriate ". . . ." But from time to time it may be possible to reach a consensus on when exchange rates seem clearly "wrong"—at levels that are unsustainable and mutually damaging to our economic objectives.

To be successful in achieving greater exchange rate stability, market participants will have to be convinced that nations seriously include such stability among their policy objectives.

Stating the point that way illustrates the basic difficulty—in the past, when points of conflict arose, the exchange rate objective has often seemed to give way to so-called domestic objectives.

Over time, however, the objectives of domestic and exchange rate stability should broadly coincide. We have by now plenty of evidence that extreme and prolonged swings in exchange rates can themselves be damaging to domestic objectives, and changes in exchange rates provide evidence about the state of expectations and the degree of domestic economic pressure.

More often than not, I suspect that a policy response to wide movements in exchange rates will turn out to be appropriate on domestic grounds as well. In other words, exchange rate movements can help "tell us" something useful, and we should be prepared to listen, accepting that the "discipline" of exchange rates can at times reinforce the domestic objective of stability.

To take U.S. experience as an example, the tightening of domestic policy in late 1978, and again in 1979, had an important international "ingredient," but was certainly in the direction consistent with domestic needs.

Certainly, we need to recognize the limitations on our ability to assess or enforce as "appropriate" exchange rate. Exchange rates are inherently two-sided, the action to

stabilize them often depends upon cooperative action. National views on what is an appropriate exchange rate may, and often do, differ.

Experience with fixed exchange rates clearly indicates that there will be strong differences as to who takes the burden of policy action to maintain the exchange rate or change it.

As recent European events demonstrate again, that is a matter of strong domestic economic and political sensitivity. It was reasoning along these lines that led to the decision to float in the first place—to in a sense, leave it to the market to resolve the matter.

My conclusion again is that, if we are not too ambitious, we can constructively do something to help stabilize exchange rates within the general framework of the floating system.

As inflationary forces recede here and abroad, and as confidence increases in our ability to keep inflation under control, nations should be in a position to accept in the formulation and execution of monetary policy and in the fiscal-monetary policy mix, a degree of discipline implicit in the desirability of greater exchange rate stability.

It is in that broader framework that intervention may, at times, have a modest but useful subsidiary role to play—and I welcome the discussions among the leading countries in an effort to reach a better consensus on the point.

AGREEMENT

(The following is excerpted from the introduction to the intervention study conducted by the summit countries.)

There is broad agreement that exchange rates play an important role in the international adjustment process. However, exchange rate changes can only have lasting effects if the causes underlying divergent trends are corrected. In a floating regime, market forces, reacting to divergent national policies, could have been expected to induce exchange rate movements which would prevent the persistence of large price and cost disparities. However, in the judgment of some countries, exchange rates have deviated at times strongly in the short- and medium-term from the rates that appeared to be warranted by fundamental determinants such as price or current-account developments. In addition, it is widely felt that excessive short- and medium-term exchange rate variability has adverse consequences for domestic economic developments and the working of the international adjustment process.

Two broad lessons have been drawn from experience as regards the management of floating exchange rates. First, exchange rates should be allowed to reflect changes in underlying fundamental determinants and, second, disorderly exchange markets conditions should be countered. However, these two concepts have proved difficult to translate into operationally meaningful guidelines and countries have experimented with different approaches to exchange rate management.

The specific response to growing exchange market tension has differed with the circumstances. In many cases efforts to influence the exchange rate were confined initially to intervention. If exchange rate pressures mounted, intervention would usually be stepped up and, if necessary, supported by an adjustment of economic policies. In addition to these traditional policy responses, countries have resorted to capital controls and foreign borrowing by the public sector.

In reality there is not always a clear distinction between short-term policy action aimed at influencing the exchange rate and a shift in the overall policy stance which, through its impact on fundamental determinants, also alters the exchange rate's long-term equilibrium path. Moreover, intervention operations may have a monetary impact, which makes it difficult to assess separately the effects of intervention per se on exchange rates as well as on other aspects of economic policy and performance.

[From the New York Times, July 1, 1983]

FOREIGN AFFAIRS—"SPARKLE"?

(By Flora Lewis)

BONN, June 30.—President Reagan's cheering announcement of "sparkle" in the U.S. economy hasn't brightened eyes here. Former Chancellor Helmut Schmidt says bluntly that the recovery will be "short and flat" compared with previous business cycles. "It will peter out in 1984 if the U.S. doesn't reduce the enormous budget deficit, measured against the American rate of savings," Mr. Schmidt said in a conversation. For world economic recovery, he said, it is "absolutely necessary that the U.S. not delude itself about the upswing in turnover and production."

High American interest rates, induced by the huge U.S. deficit, are preventing productive investment in both the American and world economies, he is convinced. Bankers are coming to understand this, Mr. Schmidt thinks. But they want the Republicans reelected, so he fears they won't draw conclusions from their insight until after the 1984 election, which he called "rather late."

These are grim words, but there are some grim facts to support them. Example: West Germany alone is shipping about $1 billion of its savings a month to the U.S., of which three-quarters goes into Treasury bills and the like, and only one-quarter into productive investment. The flow of capital is even higher from Japan. This kind of money doesn't do much to create jobs.

Because of real (after inflation) interest rates of 6 to 7 percent, even well-run German companies like Siemens and Mercedes with billions in reserves find it more profitable to put their money in short-term U.S. accounts than to invest in their own plants.

Example: The drop in oil prices, which helps industrial countries, not only cuts off the flow of investment capital to the rest of the world from oil producers but also forces them to draw down their foreign deposits. This has a deflationary effect on the whole world economy just when it needs new funds to revive growth.

Saudi Arabia alone is pulling back $10 billion to $20 billion a year from investments abroad, and so are other oil countries. Meanwhile, the richest country in the world is the world's biggest capital importer. Mr. Schmidt calls it "ridiculous" that the U.S. is getting the lion's share of available funds, and they aren't even going into future production.

That's why he dismisses the idea that what looks good for the U.S. will lead the rest of the world back to a healthier economy, and he is convinced it won't even work for the U.S., unless the deficit is reduced to encourage steady investment and growth.

Mr. Schmidt knows he is considered a curmudgeon by other world leaders, and he doesn't really care. He looks relaxed, tanned, a little rounder, now that he is on the sidelines, but his tongue is as sharp as ever.

Providing the world economy isn't seriously mishandled, he isn't pessimistic about Germany and East-West relations, though he foresees a difficult time this fall when the issue of deploying Euromissiles comes to a head.

Clearly, Chancellor Helmut Kohl is taking all possible precautions to head off big trouble. Not only his trip to Moscow next week but also the announcement of an unusual $400 million five-year credit to East Germany can be seen in that light.

There had been speculation that Moscow would try to create new tensions between East and West Germany as pressure on Bonn against accepting Pershing 2 missiles this December. But like their Western brothers, the East Germans have developed a new sense of their own national interests and significant new influence in their own bloc.

This is all the more so because of Soviet worries about Poland. There have been several signs from East Berlin recently that the regime wants to insulate relations between the two Germanys from general East-West strains. So does Bonn. The new credit helped sweeten the bond and may forestall political reprisals from East Berlin for Moscow's purposes.

Long-term implications of these growing inter-German ties are impossible to predict. It depends so much on what happens to the European community, to the Russians, to American foreign policy. But it is noticeable that Germans, including Mr. Kohl and Mr. Schmidt, are once again speaking openly of their goal of restored national unity. It never really left their minds, though as Mr. Schmidt says, they learned to stop talking about it all the time "so as not to irritate others."

Economically and politically, Germanys East and West are back on the world map. Neither can be ignored. Nor can Herr Schmidt. Even out of power, he remains a lucid, clarion voice. Too bad, now that he is relieved of national responsibility, he doesn't try to organize the initiatives he knows are needed.

[From the New York Times, Jan. 11, 1983]

THE MUSCULAR DOLLAR: AN ECONOMIC LIABILITY

(By Robert O. Anderson)

The greatest single problem facing the United States economy—and, too, the economies of much of the rest of the world—is the extraordinary global strength of the dollar. In the last 12 months alone, the dollar has appreciated 30 to 40 per cent against most world currencies. This has been wonderful for American tourists abroad but disastrous for farmers and automotive and steel workers at home.

To take an obvious example, a two-million yen Japanese car that sold in San Francisco for $10,000 a year ago sells for $8,000 now. Detroit had enough problems competing against the $10,000 car; imagine what the outlook is with $8,000 cars. As a result, Congress is talking about trade barriers to protect our industry from the strength of our own currency—a scene straight from "Alice in Wonderland."

Trade barriers are not the answer; indeed, there are no automatic answers. Obviously, the excessively high interest rates prevailing in this country are part of the problem because they make dollar investments enormously attractive and thus sustain the

dollar at an artificially high level. At the same time, the role of the Federal Reserve system in determining the value of world currencies merits careful examination: The impact of its decisions is no longer merely domestic but worldwide. In any case, the world monetary system—especially the dollar's role—merits immediate re-examination.

Americans have not yet come to terms with the dual role of the dollar: as American domestic currency and, more importantly, as the world's principal reserve currency. The two are inextricably linked. To combat inflation, we have pursued an artificially restrictive monetary policy. But the effect has been to produce extremely high interest rates that create economic stress throughout the third world and also dry up a large part of the world's liquidity.

After World War II, it became evident that England could perform no longer as the world's central banker, and the United States, in spite of a comparatively provincial background, agreed to accept the role of world leadership that such a responsibility entailed. In signing the Bretton Woods agreement, we agreed to fix our currency as the base for all of the world's currencies and to maintain a gold exchange standard. This did not mean one could take money and turn it in for gold; it did mean that a foreign central bank could present dollars in its possession and receive gold. In effect, all the world's major currencies were tied into one central reference point, the gold-backed dollar.

But in 1971, America no longer had enough gold to honor these gold exchange commitments and announced that it would unilaterally suspend the gold-exchange standard. Domestically this meant little because one could not exchange dollars for gold, but for the rest of the world this was an earthquake.

Shortly afterward, the United States announced that the dollar would float, changing its value from day to day, up or down as circumstances dictated, instead of maintaining fixed exchanges whereby one knew exactly how many units of money would buy a dollar. It floated downward in the 1970's, creating advantageous marketing conditions for this country, and the free price of gold rose to nearly $300 per ounce. Three years ago, the Federal Reserve gave up its traditional method of controlling the dollar based on the monitoring of interest-rate ranges, and managed the dollar in an absolute sense based on the money supply—a procedure that it has now abandoned. On a constant-dollar basis, there was little or no increase in our domestic money supply during the three years.

As interest rates went sharply up, dollars poured in at their increased value. Thus, America drained the world's liquidity by retrieving dollars and converting noninterest-bearing notes, which are dollar bills, into fixed-term, high-yielding Government securities. Meanwhile, high interest rates have made it costly to hold gold, and the resulting sell-off has driven down the price of gold by more than 40 percent. This means a reduction of about $500 billion in foreign official reserves plus an additional $250 billion in private hands, much of it held abroad—a further major reduction in global liquidity.

For both private and official borrowers of "dollar-denominated debt," this has created a real crisis. As their own currencies have declined in value, debt liabilities as expressed in their currencies have in many cases more than doubled while interest rates over the last three years have done somewhat the same. As a result, foreign borrowers (Mexico is a classic case) are suddenly confronted with carrying charges on their debt that are from three to as much as five or six times more than contemplated at the time the debt was incurred.

The effects are especially pernicious in third-world countries, which have suffered a far greater change in the value of the dollar than the 30 to 40 percent occurring in Europe. In many parts of the world, crude oil sells for the equivalent of $50 to $60 per barrel in terms of internal currency. Yet when the ability of third-world countries to purchase dollar-denominated imports begins to shrink, as the value of their currencies declines relative to ours, we must number ourselves among the losers.

Our exports of cars, steel, and commodities have been particularly hard hit. Take wheat. Our $3.30 per bushel wheat is priced to the foreign buyer at $5 or $6 per bushel, while his products enter our market at 20 to 30 per cent less than they were 18 months ago. The cost of producing copper in Chile, for example, in terms of United States currency, has dropped from 73 cents to 49 cents a pound during the past year. This places the Chilean copper industry in a profitable position at the very moment when every major copper deposit in the United Staes is under study for complete shutdown. No amount of increased productivity at home can overcome a handicap of this dimension. As the dollar continues to strengthen, we are locked into rising unemployment and further deterioration in trade and fiscal balances. In effect, we have created an export barrier for our own products—by inadvertently making all the world's currencies extremely cheap and our own extremely dear.

Until we address ourselves to the realities of today's dual monetary system, and its impact on trade, and the disadvantage that accrues to our country under current restrictive practices, we will have problems. Domestic monetarism simply does not work in our highly complex international world.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

OMNIBUS DEFENSE AUTHORIZATIONS, 1984

AMENDMENT NO. 1525

Mr. PROXMIRE. Mr. President, I ask for the yeas and nays on the pending amendment.

Mr. BAKER. Mr. President, does the Senator from Wisconsin wish to speak in morning business?

Mr. PROXMIRE. No. I wish to get the yeas and nays on the pending amendment.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I make no request for recognition. I wanted to make sure we were all on deck to prepare for this bill to be laid down. I have no objection to the request.

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the unfinished business, S. 675, which the clerk will state by title.

The legislative clerk read as follows:

A bill (S. 675) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development test, and evaluation, and for operations and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes.

The Senate resumed consideration of the bill.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HART. The Senator from Wisconsin was recognized.

The PRESIDING OFFICER. The Chair will advise the Senator that a quorum call is in progress.

Mr. PROXMIRE, Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. TOWER. I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued the call of the roll.

The PRESIDING OFFICER. Does the Senator from Wisconsin wish recognition?

Mr. PROXMIRE, Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. TOWER. I object.

The legislative clerk continued the call of the roll.

Mr. HART. Mr. President, parliamentary inquiry. The Senator from Wisconsin has been recognized.

The PRESIDING OFFICER. The Chair regrets to inform the Senator that a parliamentary inquiry is not in order during a quorum call.

The legislative clerk continued the call of the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

Mr. TOWER. Mr. President, I did not understand that routine morning business had been concluded, so the Senator from Wisconsin was perfectly in order.

Mr. PROXMIRE, Mr. President, I ask for the yeas and nays on the lower amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, I am prepared to go to a vote now. I do not

think, however, that others are prepared to go to a vote.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TRIBLE). Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1526

Mr. WARNER. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER) proposes a perfecting amendment numbered 1526 to amendment numbered 1525:

Strike all after the word "sense" in the first line and insert in lieu thereof the following: "of the Congress that the President's Commission on Strategic Forces, recognized as the Scowcroft Commission, has rendered an outstanding public service and that its report, comprised of a balanced program of strategic force modernization and arms control initiatives, is a sound blueprint for maintaining effective deterrence and international stability for the future. In this context, the Congress endorses and hereby authorizes the limited program of not more than 100 deployed MX missiles, and the associated authorization of appropriations provided for in this bill.

Mr. WARNER. Mr. President, I rise in support of the amendment offered by the distinguished chairman of the Armed Services Committee last evening. I believe the Tower amendment will help to focus the debate on the important issue of the peacekeeper program. It is for this reason that I offer an amendment that would perfect the Tower amendment.

This perfecting amendment incorporates the text of the Tower amendment, but makes several important modifications. It stipulates that the MX missile deployment plan being endorsed by the President is a limited one intended to total not more than 100 operational missiles.

Mr. BYRD. Mr. President, I cannot see the speaker. I would ask for order.

The PRESIDING OFFICER. The point is well taken. The Senate will be in order.

Mr. WARNER. Mr. President, I thank the distinguished minority leader.

Mr. President, there has been publication of reports to the effect that good faith has not been exercised by those representing the program limited to 100 missiles in a deployed status. This perfecting amendment ties down that commitment of the Congress to the people of the United States.

It also provides indirectly that the Department of Defense can manufacture additional missiles which are normally associated with research and development and a test program.

Mr. President, I will ask to have printed in the RECORD a letter dated July 5, 1983, from the Secretary of the Air Force to the distinguished chairman of the Armed Services Committee, in which he states:

This is to reaffirm the Air Force position on Peacekeeper deployment. We fully support the report of the President's Commission on Strategic Forces. Emplacement of 100 Peacekeeper missiles in Minuteman silos will begin in late 1986 and be completed in late 1989.

Mr. President, I ask unanimous consent that the text of the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 5, 1983.

Hon. JOHN G. TOWER,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is to reaffirm the Air Force position on Peacekeeper deployment. We fully support the report of the President's Commission on Strategic Forces. Emplacement of 100 Peacekeeper missiles in Minuteman silos will begin in late 1986 and be completed in late 1989.

Long term planning documents previously referenced a larger Peacekeeper deployment for the out years. Air Force plans have since been revised to incorporate the recommendations endorsed by the President. Specifically, Air Force plans for Peacekeeper deployment will total 100 missiles and be accompanied by vigorous research, development and deployment of a new small ICBM.

Sincerely,

VERNE ORR,
Secretary of the Air Force.

Mr. WARNER. Mr. President, despite that reaffirmation of the President's program, I think it is important that the Congress go on record by virtue of this technical amendment.

I believe such a clarification is important for two central reasons: First, the Scowcroft Commission report and President Reagan in his endorsement thereof made quite explicit the fact that the recommended deployment of MX missiles number not more than 100 in terms of deployed weapon systems. Published reports, meanwhile, have suggested that Air Force planners continue to anticipate a substantially larger ultimate deployment of MX missiles. My amendment will make it clear that the total number of deployed MX missiles will be fully consistent with the findings and recommendations of the bipartisan Scowcroft Commission.

Second, by adding the word "limited" to the original Tower amendment, I wish to acknowledge the notion of flexibility concerning the ultimate size of the MX system deployment introduced by President Reagan in his weekly radio address aired last Saturday. While the total number of MX missiles procured for operational deployment shall not exceed 100, the President indicated that he could envision circumstances resulting from a changed arms control situation which might permit the United States to procure a more limited inventory of operational MX missiles.

Indeed, a number of my colleagues this morning, in the negotiations which preceded the introduction of this perfecting amendment, reaffirmed that their support for this program is predicated more on arms control considerations than on the military usefulness of this weapons system.

Mr. President, we have debated the issues surrounding production and deployment of the MX on numerous previous occasions. I would like, at this time, to return to one particularly important aspect of this debate. This aspect is the MX and its relationship to our broader national security objectives. The Armed Services Committee, and in particular the Subcommittee on Strategic and Theater Nuclear Forces, paid particular attention to this relationship. I would like to take this opportunity to reiterate my earlier remarks concerning the actions of the committee in this regard.

The Armed Services Committee fully funded the MX Peacekeeper program as revised in accordance with the recommendations of the President and the Scowcroft Commission. This revised MX program and the totality of the recommendations of the Scowcroft Commission were effectively endorsed by a large margin when the Senate considered Senate Concurrent Resolution 26 on May 25, 1983.

Mr. President, I believe that the Scowcroft Commission has performed a most valuable public service in their actions to date. They have articulated the urgent need for the modernization of our land-based missile force, and outlined a long-term, comprehensive program to effect that modernization. As a result, I believe there is a better understanding of the relationship between the MX and our broader national security goals. The committee sought to further strengthen this understanding.

During the subcommittee markup on S. 675, my distinguished colleague from Georgia and I offered an amendment to the MX program that sought to link explicitly that program to our broader national security goals. Senator NUNN and I sought to differentiate between Peacekeeper missiles built for operational deployment and those intended for testing and other purposes.

Our amendment went on to attach two statutory provisions to the bill relating to the MX program. The first established a limit on the procurement of operational MX missiles in fiscal year 1984 of no more than 21. The second provision requires the President to submit as a part of any future

request for operational missile procurements, an assessment of the relationship between those procurements and our broader national security interests. These interests include the impact of such procurements on the stability of the strategic balance, and the likely impact of such procurement on our efforts to achieve equitable and verifiable arms reduction agreements.

In conclusion, Mr. President, I believe that our actions in the Armed Services Committee have served to strengthen the linkage between the MX Peacekeeper program and our broader national security goals. The perfected amendment offered by my distinguished chairman will serve to further enhance this linkage. I believe that it will contribute significantly and constructively to the public debate on this highly important issue. For this reason. I urge my colleagues to support the Tower amendment perfected by this amendment.

Mr. PROXMIRE. Mr. President, will the Senator from Virginia yield?

Mr. WARNER. I yield for a question.

Mr. PROXMIRE. Mr. President, may I ask the Senator, is it not true that in his substitute amendment he deletes from the Tower amendment the following language which is at the very end of the Tower amendment that refers to the MX as being, under present circumstances, an indispensable component of a sound national security posture?

Mr. WARNER. The Senator from Wisconsin is correct. That was done to accommodate the very strong feelings of a number of my colleagues that, at this point, consideration of the program should be a careful balance between the arms control consideration and the military value of this system.

Mr. PROXMIRE. I agree wholeheartedly with that deletion. But it seems to me it is telling the Senate that a vote on the amendment of the Senator from Virginia would be a declaration, it seems to me, that we do not regard the MX as an indispensable component of a sound national security posture. Am I correct?

Mr. WARNER. I do not mean to infer by the deletion that it is an inconsequential component. It was just felt that perhaps the language in the Tower amendment was too strong on this point, which is of great significance to a number of our colleagues. I was willing, in the spirit of compromise, to withdraw that clause.

Mr. PROXMIRE. I do not mean to be at all critical of my good friend from Virginia. In fact, I think he is making an excellent contribution.

Nevertheless, it seems very clear to me—and I would like him to correct me if I am wrong—that what a vote for the Warner amendment is saying is that the Senate deletes this language and, therefore, does not believe that, under present circumstances, the MX is an indispensable component of a sound national security posture. Is that correct?

Mr. WARNER. I say to my distinguished colleague from Wisconsin that the language of the Warner amendment will have to speak for itself. The purpose of the deletion was to effect a compromise between differing viewpoints. I was willing to do it. I am not willing to acknowledge that this system has value only in terms of arms control and none in terms of military significance. In other words, the Senator from Wisconsin very artfully phrased his question, but I am not at this time willing to accede to his statement.

Mr. PROXMIRE. I understand the Senator's position. The real thrust, the real force, the real power of the Senator's amendment is to knock out that language. I would agree wholeheartedly with the Senator, I think it should be deleted, because it is not an indispensable component of a sound national security posture.

Mr. WARNER. I thank the Senator from Wisconsin for raising his point. The amendment will have to speak for itself.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. TOWER. Objection.

The PRESIDING OFFICER. Objection is heard.

The bill clerk resumed the call of the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

amendment no. 1526, as modified

Mr. WARNER. Mr. President, I send to the desk a modification of my amendment.

The PRESIDING OFFICER. Does the Senator wish the modification read?

Mr. WARNER. Yes.

The PRESIDING OFFICER. The clerk will read the modification.

The legislative clerk read as follows:

Strike all after the word "sense" in the first line and insert in lieu thereof the following: "of the Congress that the President's Commission on Strategic Forces, recognized as the Scowcroft Commission, has rendered an outstanding public service and that its report, comprised of a balanced program of strategic force modernization and arms control initiatives, is a sound blueprint for maintaining effective deterrence and international stability for the future. In this context, the Congress endorses and hereby authorizes the limited MX program, as provided in this Act, and the associated authorization of appropriations provided for in this Act.

Mr. WARNER. Mr. President, the purpose of the modification is to make certain that this perfecting amendment is consistent with what is pending before the Senate. For that reason, I have substituted for the phrase "deployment of not more than 100 MX missiles" the phrase "authorizes the limited program, as provided in this act."

Mr. HART. Mr. President——

Mr. TOWER. Mr. President——

Mr. WARNER. Mr. President, I still have the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. WARNER. Mr. President, I was still speaking. I had not relinquished the floor. I was explaining the purpose of the modification.

The PRESIDING OFFICER. The Senator may continue.

Mr. HART. Mr. President, a parliamentary inquiry. Was the Senator from Colorado recognized?

The PRESIDING OFFICER. The Senator from Colorado could be recognized to ask if the Senator from Virginia will yield. Was that the purpose of the Senator from Colorado? If not, the time remains to the Senator from Virginia.

Mr. HART. Mr. President, a further parliamentary inquiry. It is the understanding of the Senator from Colorado that the Chair had recognized him in his own right.

The PRESIDING OFFICER. The Chair did not recognize the Senator from Colorado in his own right, when the floor is held by another Senator—in this case, the Senator from Virginia.

The Chair, of course, can recognize the Senator from Colorado for the purpose of asking if the Senator from Virginia, in this case, will yield, if that is the case. The Senator has that right. If not, then the Senator from Virginia continues to have the right to the floor.

Mr. WARNER. Mr. President, I have a very brief comment, and then I am prepared to yield the floor. I should like to finish the explanation of the modification I now have at the desk.

The PRESIDING OFFICER. The Senator from Virginia may proceed.

Mr. WARNER. I thank the Chair, and I apologize for any inconvenience to my colleague from Colorado. I will yield the floor in a moment, after I explain this modification.

The other modification, Mr. President, is simply a technical one, changing the word "bill" to "act."

Mr. President, I ask for the yeas and nays on the perfecting amendment as modified.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. COHEN. Mr. President, will the Senator yield?

Mr. WARNER. I yield to the distinguished Senator from Maine.

Mr. COHEN. Mr. President, I wish to commend the Senator from Virginia——

Mr. BYRD. Mr. President, I do not mind the Senator yielding if it is for the purpose of asking a question.

Mr. WARNER. Mr. President, I appreciate the minority leader raising that point.

Mr. COHEN. Mr. President, actually it is not for the purpose of asking a question. I was going to commend the Senator for offering the chance to accommodate the concerns that I and several others had and then to go over my own explanation.

So I do not seek recognition only for asking a question.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

Mr. WARNER. Mr. President, at this time I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mr. COHEN. Mr. President, on May 24, in voting for release of fiscal year 1983 funds for the MX missile, I stated that I was not, by that action, voting for the full MX program outlined by the administration. Rather, I was supporting the immediate step in the MX program in order to proceed toward developing a framework which combined arms control and weapons modernization in a manner which would ultimately improve stability.

Two days later, I joined with 18 of my colleagues in a letter to President Reagan emphasizing that the vote to release fiscal year 1983 funds did not represent a consensus on the need to deploy 100 MX missiles in Minuteman silo launchers. Rather, we wrote, the vote constituted our part of an agreement with the administration to proceed with a militarily controversial program in exchange for a strong commitment to proceed seriously and immediately with a reformulation of the U.S. START proposal, a meaningful guaranteed build down proposal, development of a more survivable, small, single-warhead ICBM, and, finally, creation of a bipartisan, durable arms control panel.

Today, we are being asked to take another step in the MX program: Authorize funds for procurement of 27 MX missiles and for continued research on the system.

In the period since the vote to release fiscal year 1983 funds, the administration has taken some steps toward meeting its part of the agreement. We have seen some movement on each of the four commitments made by the President.

In all candor, I must say that I am far from satisfied with these efforts. I am pleased, however, that there is some visible, albeit limited, movement by the administration. I am prepared, for the moment, to accept the argument that 8 weeks is a short period of time in which to effect the far-reaching moves we agreed upon. I expect, however, to see a quickened pace of activity within the administration this summer, leading to meaningful progress.

When Congress returns from the August recess, we will be faced with a decision on whether to actually appropriate money for deployment of the MX system. I believe that by then, there will have been ample time, and I will say more than ample time, for the administration to demonstrate its intention to honor the commitments it made to Congress. In particular, I believe there will have been more than enough time to develop a meaningful builddown proposal for mutual, stabilizing arms reductions by the Soviet Union and the United States.

In a statement last month before the Foreign Relations Committee, I underscored what the builddown is and what it is not, and described my dissatisfaction with the manner in which the concept was being addressed within the administration. I sincerely hope that this statement, Senator NUNN's statement, and the other materials we have prepared on the builddown are being carefully and seriously studied by the administration.

Mr. President, I wish to state unequivocally that I do not intend to permit the builddown to become a meaningless link in the process of procuring the MX missile. In this regard, without a clear and constructive formulation of a builddown proposal by the administration, as well as an honoring of its other commitments, I will not vote to appropriate funds for deployment of the MX missile.

Mr. President, let me add a couple of comments.

On a strictly military basis, I would in all probability vote against the MX missile, but I would point out that there are some broader considerations to be taken into account.

There are the considerations about the negotiations currently underway in Geneva on the intermediate nuclear forces. I believe, frankly, that a decision on MX to terminate it at this point would have a negative impact upon those negotiations and, indeed, might very well lend support to those in Western Europe who want to cancel the Pershing II and the ground-launched missile deployment. That is not a dispositive factor but it is a factor to be taken into account.

We also have had the Scowcroft Commission report, as I have indicated before. There are very crucial elements involved in the Scowcroft report, not as originally interpreted by the President and his administration, but because, in essence, what Scowcroft said was that we have to reformulate START and start counting missile warheads and not missile launchers, that we have to have a vigorous R&D program for the Midgetman missile which makes more sense militarily. It makes far more sense militarily to have a single warhead missile than it does to have the MX. In my judgment, I believe Scowcroft implicitly says that.

Mr. President, I wish to say for the benefit of my friend from Colorado that he is not a latecomer to the MIRV issue system. I have served with him on the Armed Services Committee for nearly 5 years now. I must say that he started talking to me 5 years ago about the need to move away from MIRV'd systems, long before we heard of former Secretary of State Kissinger talking about deMIRV'ing, long before we heard from my friend in the House of Representatives, AL GORE, talking about deMIRV'ing. It was the Senator from Colorado who raised the issue many years ago about the need to move away from MIRV'd systems toward single warhead systems.

So I commend him in that regard and would like not to allow it to go unsaid or to be implied that he is using this particular forum to promote higher aspirations or ambitions or for political reasons. This is something that he has been dealing with, talking about, and debating for several years now and, to the extent that it happens to coincide with any other ambition he might have, I suggest to my colleagues that is more a matter of coincidence than it is intent.

I commend him for his effort in this regard in trying to focus the attention of this Congress on the need to move away from the large systems.

I frankly would be prepared to support him if it were not for the Scowcroft report, if it were not for the Presidential commitment to move in that direction and to have a vigorous R&D program on the Midgetman missile, if it were not for these other considerations that I mentioned before and, frankly, if it were not for a commitment on the part of the President to implement and propose a guaranteed builddown proposal to the Soviet Union. And I know the Senator, who supports a freeze resolution, also is one of the supporters of builddown because I think he recognizes it perhaps is the only hope that we have, or the best hope that we have, to really

achieve the mutual goals that we all seek—those who support the freeze and those who support the builddown, and hopefully even others—and that is substantial reductions in the levels of nuclear warheads on both sides.

So I wish to say I commend him for his efforts in focusing attention on moving away from these systems.

My support for this particular bill before the Senate today is really very tentative, and I must say it is almost tenuous until we get to the appropriations process. If I find that either the builddown is not being seriously considered or is being structured in such a way that on the face of it is not fair or negotiable, then I will not be supporting the MX in the future at all.

Mr. HART. Mr. President, will the Senator yield for a question?

Mr. COHEN. I yield.

Mr. HART. First of all, Mr. President, I must thank the Senator for his customary generosity and courtesy, and I greatly appreciate his kind remarks.

The Senator mentioned the only difference separating my own personal point of view and his is the commitment that he believes the administration has made both to the negotiating process and to builddown strategy. I wonder if the Senator from Maine might educate the Senate on what concrete evidence so far he has seen of that commitment.

Mr. COHEN. I thank the Senator for his question.

Mr. President, last week I had the opportunity to meet with Secretary Shultz and several others members of his staff, those who work with him and the Deputy Secretary. Senator NUNN and I spent a considerable period of time during the course of that meeting voicing our opinions, our concerns, and our very strong recommendation to the Secretary that the State Department play a more active and positive role. I came away from that meeting rather encouraged, frankly, that the Secretary of State is going to become actively involved in promoting this concept within the administration.

I must say in all candor, if it were not for that meeting, based upon my conversations with various people within the administration for the past several months, I would not be at all encouraged. I think the Secretary's active concern, the fact that he invited us to meet with him at length and to discuss this in some detail, leads me to the conclusion that he wants to play a very active role with us. I have been encouraged to that extent.

I think the proof is going to be when it comes time in September, I might say to my friend from Colorado, if I find that really we have just been delayed, that this has been a tactic to get us by the August recess and put us into September, and of course closer to the December deployment of Pershing II's and GLCM's when it will be argued "You can't cut the legs out from under the President," I simply want to put everybody on notice I am not going to accept that argument.

Frankly from what I have seen to date there have been a whole series of objections to the builddown from elements of the Administration. What I have tried to do in working with Senators NUNN and PERCY and others is to say, "We know there are problems with it, but those problems can be overcome if you have a positive and constructive attitude on how to make it work." I frankly have not seen that in any substantial form until the meeting last week with the Secretary of State, and I came out encouraged.

I remain a skeptic, and what I am trying to do is serve notice to the administration and my colleagues that when it comes time to vote for the appropriation of the MX, I will not buy the argument, "Well, you really cannot take this action because you are going to jeopardize START or you are going to jeopardize INF, everything will start to crumble and it will be your fault if you cut the legislation from the President," I will not accept responsibility for that because I am saying right now the time factor will not put me under additional pressure.

When it comes time to vote for the appropriation, I must have seen that builddown proposal offered in a way which is meaningful, and by that I mean it is not enough to say the President offers a commitment to builddown, or puts it on the table but it has no real substance behind it, or fashions that builddown proposal in such a way that it only impinges upon the Soviet system without really affecting our modernization program. It has got to be essentially fair, it has got to be essentially negotiable.

I do not want to put the President in a position of having to negotiate with us and do not want him to have to come to any final position. But there has to be a very sincere commitment to the builddown process and proposal as I envision it, and it has to be fair on its face and negotiable on its face or else I will simply withdraw my support and vote against the MX at that time.

Mr. HART. If the Senator will yield for one further question, then it is the case on the part of the Senator from Maine that there has been—he is not able to cite over and above a personal meeting he has had with the Secretary of State any concrete commitment either to a more aggressive bargaining posture or a builddown philosophy?

Mr. COHEN. Let me say to my friend, along with other Members of the Senate, that I met with the President and I am satisfied that he is committed to the concept of the builddown, and he has tried to put this through the process to have DOD, NSC, others look at the proposal and see what its deficiencies are.

I would say candidly there are some problems with it in terms of its formulation, implementation, and I am prepared to work with the administration to refine the concept, to take into account proposals such as variable ratios as we build down, anything that will be substantive and constructive.

But since that time, since we met with the President several weeks ago, I have still seen a reluctance, I must say, within DOD to approach it in a positive way. I am told there is a 100-page document floating around somewhere listing all the problems with the build-down, but I have not seen that positive constructive thrust coming from the DOD or NSC, with the exception perhaps of Bud McFarlane. I would cite him as a clear exception, as someone who has tried to approach this in a constructive fashion to make it work. I have not seen that today, and unless I do see a change in attitude before we vote on the MX appropriations I will feel free to withdraw my support. I made my commitment and no longer feel obligated to support it.

But judging from that meeting last week with the Secretary of State, I believe he is going to play a very active and aggressive role, and I am hoping he will be persuasive enough to the other elements that make up the administration to say: "Let's move with this. This is a positive proposal that achieves the very goals the President wants," and that is it puts a cap on warheads. Here is something else we are talking about—it puts a freeze on the numbers of nuclear warheads in both inventories, the Soviets and ours, and it proposes to start reducing them hopefully to reach the level the President eventually one day wants with his START proposal. I am not enthusiastic, at all confident, we can have a START agreement, not in the near future. But as we go further with building, whether it be MX, Midgetman, as we build the B-1 or Stealth, as we go forward with Trident, as the Soviets match that with Typhoon or Blackjack or their PL-5 or SSX-24, I believe that we should make this commitment to reduce the overall numbers in our inventories. I will wait, I will remain a skeptic, and hope I am finally persuasive enough to persuade the President and the administration it is the right thing to do.

I yield the floor.

Mr. HART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I concur with the thoughtful statement of the Senator from Maine on this subject. My distinguished colleague has shown remarkable insight and dedication in his efforts to lead this Nation to new possibilities for arms control and the strengthening of peace, and I commend him for his work.

In the statements and writings of the Senator from Maine, the Scowcroft Commission, former Secretary of State Henry Kissinger, and many others, it has been made clear that heavy, immobile multiple-warhead ICBM's, such as the MX, are not the key to our long-term security. The Scowcroft Commission advanced a reasonable argument in favor of limited U.S. production of the MX, but only as an interim step toward the development of a much more secure, stabilizing U.S. strategic force and in the pursuit of new arms control agreements.

I took this view when the Senate voted on Senate Concurrent Resolution 26 in May. I supported the MX, but not in isolation. I supported it as part of a comprehensive strategic policy for which the President acknowledged his support. The key elements in this policy are the development of more stabilizing forces and a commitment to new arms control initiatives, especially to the builddown proposed by the Senators from Maine and Georgia.

Following the vote on Senate Concurrent Resolution 26, I joined my friend from Maine and 17 other Republican Senators who had supported that resolution in signing a letter to the President in which we reiterated our position and outlined the commitments we understood the President to have made. We made it clear that our support for the MX was based upon the administration's commitment to the submission of a revised START proposal, the establishment of a durable, bipartisan arms control commission, the development of a small single-warhead missile, and the development of a meaningful builddown proposal.

It has been only 7 weeks since that letter was sent. By any reasonable standard, one could not expect the administration to have fulfilled its commitments completely. In all fairness, however, I must say that I am not thoroughly satisfied with the progress which has been made, especially with regard to the builddown proposal. The administration has not yet demonstrated the kind of commitment to builddown for which I had hoped.

The distinguished Senator from Maine has explained the value and importance of the builddown on many occasions. It need only be repeated now that the primary function of a builddown is to give both the United States and the Soviet Union a strong incentive to abandon their most destabilizing weapons and to establish forces which truly reduce the risk of nuclear war. By promoting immediate, real reductions in nuclear weapons, and by focusing on the most destabilizing weapons, the builddown is totally consistent with the administration's stated goals for START. Consequently, the tardiness which we have seen so far is both surprising and disappointing.

Mr. President, not much time has passed since our last consideration of the MX, and I believe that continued support of the program is still justified. For the record, however, I wish to emphasize that I took seriously the commitments which the President made in May. Congress will look at the MX again in several months when we take up the defense appropriations bill. I anticipate that it will come before us again in succeeding years as well. On each occasion when we are asked to give our support to this program, I will evaluate it not in isolation, but in its relationship to our entire strategic posture. I will view as particularly important the administration's active pursuit of the policies to which the President committed himself in May, and especially to the administration's pursuit of effective arms control.

Mr. DANFORTH. Mr. President, through the contortions of the legislative process, the MX missile now plays a central role in our arms control efforts. In order to reach an arms control agreement that includes limits on warheads and meaningful reductions in strategic weapons, and then to proceed to a less threatening, single-warhead missile, we have accepted the recommendations of the Scowcroft Commission and endorsed the first steps toward production of the MX missile. The proposals of the Commission continue to make sense only when viewed as a package, and my support for the MX remains contingent on action toward the other portions of this package.

In the START negotiations in Geneva, both the United States and the Soviet Union have now put forward modifications of their original proposals and softened some of their more controversial demands. Real differences remain, but we owe our negotiators ample opportunity to work through these obstacles. There at last seem to be stirrings in our previously lethargic negotiating and arms control teams.

I am similarly encouraged that the President has endorsed the builddown concept offered by Senators COHEN and NUNN. The White House has prepared an extensive internal report on the implementation of the builddown. This report, which the White House will present to Congress by the end of this month, will provide the first real assessment of the administration's commitment to the builddown, and I look forward to reviewing how this administration might put a builddown in place.

Mr. President, I will vote for the MX today. We have seen movement on arms control fronts. We are still a long way from any agreement, and we cannot delude ourselves that any agreement will be easy to reach. It is this movement, though, on which I base my vote today and which will determine my votes in the future.

Mr. TOWER. Mr. President, I hope that we can get to a vote on the Tower amendment, as it will probably be amended by the perfecting amendment offered by the Senator from Virginia. I think it gives us a good reflection of the basic sentiment on the whole question of MX.

I think it is apparent from the debate we have heard on the floor by the presentations and expressions of attitudes that there is a spectrum of attitudes on MX among those who do support it. Many people support it for different reasons. But the fact is a majority of the Members of this body appear to support it. Certainly based on the vote on the concurrent resolution of approval last spring, it is indicated that a majority will support it. I think it is that understanding by the opponents of the measure that encourages them to continue debate on the issue and to postpone bringing it to final resolution.

We have had a great deal of debate on the issue. It is not as if we are debating MX de novo. It has been debated in the Senate before. It has been debated during the consideration of this bill.

I do not think you can measure the quality of debate by the number of fours, by the number of words that are spoken, because some Senators tend to make their points in a very succinct way; others tend to flesh them out with somewhat more language. So, you cannot measure the quality of debate by the length of it.

Beyond that, you cannot proceed on the assumption that Members of the Senate are not informed on the matter and require extensive debate. In fact, there are probably few issues that more Senators are well informed on than on the whole idea of MX as a strategic deterrence. There has been considerable public debate over it, by that I mean in various forms and in the mass media. Even today there appeared juxtaposed in the Washington Post an article by Congresswoman SCHROEDER of Colorado opposing the MX and on the editorial page an editorial by the editorial staff of the Washington Post that favors the MX.

I would like to read a portion of the last paragraph of today's Washington Post editorial on MX. And while the Washington Post can hardly be regarded as a hawkish newspaper or a newspaper that is unconcerned about destabilizing weapons or a newspaper that is not passionately for progress in the disarmament negotiations, it could hardly be said, with any degree of consistency, to reflect the opinions of some of us in this body called conservatives. Yet the Washington Post has looked at the matter with great objectivity and comes up with the conclusion that is inescapable.

In the last paragraph of the Post editorial, they say:

In our view, there is a stark and insupportable inconsistency between cutting the production money and demanding that the President negotiate at START. The best course is to start production, bearing in mind that deployment is a four-year process that does not begin until 1986, and to keep a beady eye on the START talks at each step of the way.

Impeccable reasoning, Mr. President.

I ask unanimous consent that the entire text of the editorial be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 20, 1983]

MX DAY AGAIN

The MX issue is back. This is just what Congress intended when it approved the R&D money last spring. It meant to use the annual defense authorization and appropriation bills to ensure President Reagan's delivery on his pledges to negotiate seriously with the Kremlin and to move ahead on the new single-warhead missile. Now the first chunk of production money is up for a vote, and Congress is on the job.

On the MX itself, little has changed since the R&D debate. Even the missile's defenders acknowledge with Sen. Gary Hart, an opponent, that it is a "vulnerable, destabilizing, first-strike weapon"—vulnerable for being fixed and targetable, destabilizing for needing to be fired early in a crisis so as not to be knocked out in its silo, first-strike for being accurate enough to knock out Soviet missiles in their silos. If that were all there was to it, the argument would have been over long ago.

The case for the MX, however, lies not in its qualities as a weapon but in its uses in an arms control negotiation. Of these "vulnerable, destabilizing, first-strike weapons" of which the United States currently has none, the Soviet Union has 638—SS18s and SS19s. Other than the MX, what incentive is there for Moscow over time to shift the main leg of its strategic force toward invulnerable, stabilizing, second-strike weapons—something it has refused to do for the last, MX-less decade? In vain, one searches Rep. Patricia Schroeder's anti-MX article on the opposite page for some recognition of the bargaining value of just working on the missile—a value central to the pleas made for it by President Reagan and Andrei Sakharov.

Legislators on both sides of the issue ask if Mr. Reagan is serious about bargaining. He faces an uphill climb to earn broad confidence. But the effectiveness of congressional pressure should not be underestimated. On the radio last Saturday, for instance, he addressed the widespread impression that the 100 MXs he has requested constitute a floor: "If an agreement is reached which calls for deep reductions—which, of course, is our goal—the number of [MX] missiles could certainly be adjusted downward." He went on: "As opportunities permit, the U.S. position will continue to evolve."

The House is to vote on the MX today; the Senate is also debating it. In our view, there is a stark and insupportable inconsistency between cutting the production money and demanding that the president negotiate at START. The best course is to start production, bearing in mind that deployment is a four-year process that does not begin until 1986, and to keep a beady eye on the START talks at each step of the way.

Mr. HART addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HART. Mr. President, I submit the following amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, it is my understanding there are probably 500 or 600 amendments filed at the desk, pursuant to the rule that they are required by 1 o'clock on the day precedent of a vote on cloture. This is by way of informing the Senate that, if cloture is invoked, there will be a postcloture filibuster.

So I fervently hope that cloture will be invoked tomorrow so that we can get to the postcloture filibuster, which is obvious. That number of amendments is going to take a very long time. I think it is evident now what is going on. At this point, then, I do not see how anyone can claim there is not a dedicated effort here to delay final consideration of the bill.

Mr. HART addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HART. Mr. President, the Senator from Texas is, of course, entitled to his own right to interpret anything he pleases, but it does not mean anything of the sort. It is merely that the opponents of the missile are prepared to protect themselves against further efforts to deny full and fair debate on this issue.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that my amendment and the amendment to the amendment pending thereto be temporarily laid aside for the consideration of an amendment to be offered by the Senator from Washington (Mr. JACKSON); that upon the disposition of the amendment of the Senator from Washington (Mr. JACKSON) the Senate return to the consideration of the pending business.

The PRESIDING OFFICER. Is there objection? Without objection, the pending amendment by Senator TOWER, and the amendment, as modified, to that amendment, will be temporarily laid aside. The Senate will proceed to consider an amendment to be offered by the Senator from Washington. Upon the disposition of that amendment, the Senate will return to the consideration of the amendment by Senator TOWER and the amendment, as modified, to that amendment.

AMENDMENT NO. 1531

(Purpose: To authorize the construction of a project at Fairchild Air Force Base, Washington)

Mr. JACKSON. Mr. President, I thank the Senator from Colorado and the Senator from Texas for yielding for this purpose.

I call up an amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington (Mr. JACKSON), for himself and Mr. GORTON, proposes an amendment numbered 1531.

On page 191, line 4, strike out "and".

On page 191, line 6, after "$5,000,000" insert a semicolon and "and Hydrant Fueling System in the amount of $4,400,000".

Mr. JACKSON. Mr. President, I am offering this amendment on behalf of my colleague, Mr. GORTON, and myself. The amendment provides for the construction of a $4.4 million hydrant fueling system. The project will be constructed out of savings in the Air Force military construction program. No funds will be added to the sum total in the bill for the military construction program for the Department of the Air Force. The project is a very important one. It relates to support for the deployment of the air-launched cruise missile system at Fairchild Air Force Base, Spokane, Wash.

Mr. GORTON. Mr. President, I am pleased to join with Senator JACKSON in offering this amendment to improve the refueling capability of Fairchild Air Force Base.

As a base for B-52 bombers and KC-135 air refueling tankers, Fairchild Air Force Base is a vital link in the strategic defense of the United States. Many

of its facilities, however, are badly in need of improvement.

One of the most serious problems at Fairchild is its current shortage of fueling capacity. Because of this shortage, base personnel in some circumstances must tow B-52's and KC-135's up to 4 miles in order to fuel and arm the aircraft. This procedure is hazardous and can result in damage to the aircraft. Moreover, it is both costly and time consuming. In a recent 3-day exercise, towing was required 84 times before the base's aircraft were combat ready.

The need for this project is acute and will become even greater this year, as the number of aircraft stationed at Fairchild increases. Therefore, Mr. President, I urge the Senate to adopt the amendment.

Mr. TOWER. Mr. President, with the understanding that the amendment does not constitute an add-on to the bill, and recognizing the importance of this facility, I am certainly prepared to accept the amendment of the Senator from Washington.

Mr. JACKSON. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1531) was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JACKSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1526, AS MODIFIED, TO AMENDMENT NO. 1525

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Virginia, as modified, to the amendment of the Senator from Texas.

Mr. HART addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. TOWER. Mr. President, due to the fact that the President of Lebanon has graced the Capitol with his presence and is being entertained at lunch by a number of Members of the Senate under the sponsorship of the Committee on Foreign Relations, I ask unanimous consent, out of deference to him and after consultation with both the majority and minority leaders, that the Senate stand in recess until the hour of 2 p.m.

Mr. METZENBAUM. Reserving the right to object, and I do not intend to object, Mr. President, I inquire of the chairman of the Committee on Armed Services, the manager of the bill, as to whether or not he would care to give me a time when he would want me to go forward with my amendment in connection with the DCAA?

Mr. TOWER. I think that would be the pending arrangement. I told the Senator earlier that we would try to do it in midafternoon. There is a pending amendment and an amendment to an amendment on the floor. We shall have to get consent to set that aside. We shall work out some arrangement.

Mr. METZENBAUM. Mr. President, if the Senator from Texas would be good enough to give me at least a half-hour notice——

Mr. TOWER. I shall be happy to do that for the Senator.

Mr. METZENBAUM. Mr. President, further reserving the right to object.

PERMISSION TO FILE AMENDMENTS TO SUBSTITUTE UNTIL 1 PM

Mr. TOWER. Mr. President, I ask unanimous consent that, notwithstanding the recess, Senators still be permitted to file amendments to the committee substitute under the bill during the period of the recess until 1 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. I have no objection.

Mr. President, reserving the right to object and I do not intend to object, would the Chair restate the rights with respect to filing amendments? It is to the first cloture motion and the second cloture motion as well. Is the request stated in that manner?

Mr. TOWER. Everbody's rights are protected until the hour of 1 p.m., which is the deadline when amendments can be filed.

Mr. METZENBAUM. We are talking about both——

Mr. TOWER. To qualify after cloture on either the substitute or the bill, amendments in the second degree are eligible until 1 hour before the vote on cloture.

Mr. METZENBAUM. I just want to be sure that the vote with respect to the cloture motion and the substitute are covered.

Mr. TOWER. That is correct.

The PRESIDING OFFICER. Without objection, the Senator's unanimous-consent request is agreed to.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. The question is on agreeing to the unanimous-consent request to recess until 2 p.m.

There being no objection, the Senate, at 12:39 p.m., recessed until 2 p.m.; whereupon, the Senate reconvened when called to order by the Presiding Officer (Mr. PRESSLER).

OMNIBUS DEFENSE AUTHORIZATIONS, 1984

The Senate continued consideration of S. 675.

Mr. TOWER. Mr. President, Senator HART indicated to me there are some people who would like to speak on his side of the MX issue. I have nothing to say at the moment, so I am prepared to yield the floor.

Mr. HART. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRANSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

FOREIGN RELATIONS COMMITTEE BOTTLES UP FREEZE RESOLUTION

Mr. CRANSTON. Mr. President, the nuclear freeze resolution has been pending before the Senate Foreign Relations Committee for 2½ years, but has never been brought to an up-or-down vote.

When the House passed a nuclear freeze resolution in May 1983, Chairman PERCY and the majority staff of the Senate Foreign Relations Committee assured members of the committee minority that a freeze markup would definitely be held in the committee in June of 1983, before the July recess. This commitment was announced publicly by me and others.

A freeze markup was set on the committee advance schedule twice in June—for Tuesday June 28, 10 a.m. and 2 p.m. as well as Thursday June 30, 10 a.m. and 2 p.m.

Subsequently the chairman announced that the markup would be confined to the afternoon of the 30th.

Then the chairman announced that the markup was to be postponed until 10 a.m. July 13.

Then I and other members of the committee minority were contacted and told that unless we agreed to let the committee send the resolution to the floor without a vote or a report recommendation, the markup would be postponed again. After we refused this offer, a notice was sent out by the chairman canceling the July 13 meeting and announcing a rescheduling for July 26.

Then on July 13, the chairman informed me, as ranking member of the Arms Control Subcommittee on the freeze, that he would not schedule any action on an arms control resolution until September 20, when he and the executive branch would be ready. It is apparent that the Reagan administra-

tion is still not ready for action in the Foreign Relations Committee on arms control—although it has been in office for exactly 2½ years as of today. How long must we wait for this administration to get its act together on arms control? It is also apparent that the Reagan administration has failed to figure out its position on the so-called builddown approach to arms control, and that it is in no hurry to do so until the current round of the battle over the MX is over because a significant number of MX votes in the House and Senate depend on how the administration copes with builddown.

This morning the chairman was notified by letter of eight Members' desire to complete action on the nuclear freeze resolution before the August recess. I would like to read the text of the letter delivered to the chairman this morning:

Hon. CHARLES H. PERCY III,
Chairman, Senate Foreign Relations Committee, Washington, D.C.

DEAR MR. CHAIRMAN: We are writing to express our concern and dismay over your stated intention to postpone once again action by the Senate Foreign Relations Committee on the nuclear freeze resolution. Your wish to delay action until at least September 20 represents the fourth time this year that action on this resolution has been scheduled, but then postponed.

We recognize that there are serious and sincere disagreements over the merits of the nuclear freeze resolution. Our views on this resolution are not uniform. However, we do feel that the committee is obligated to act on this proposal, to call the roll and send it to the full Senate with a majority and minority report—just as we did in the case of the Adelman nomination.

Many of us feel strongly that the Committee should be recorded on this issue. If a majority is not obtained, however, we should then report the resolution without recommendation.

It has been more than two years since this proposal was first introduced in the Senate—and yet the Senate still has not voted on it. The House has already acted on the freeze proposal and more than one fifth of the American electorate have made their views known directly.

We do not believe that it strengthens the integrity of the committee system for this resolution to remain bottled up in our committee. And we do not believe we should leave ourselves open to the charge that the committee agenda is set at the whim of the Presidential assistants.

Therefore, pursuant to Rule 3 (b) of the Standing Rules of the Senate Foreign Relations Committee, we hereby request a meeting of the committee to report the nuclear freeze resolution favorably or unfavorably (or without recommendation) so that the full Senate will have the opportunity to be recorded on this proposal of deep interest to millions of American citizens.

Sincerely,

Clairborne Pell, John Glenn, Joseph R. Biden, Alan Cranston, Paul S. Sarbanes, Edward Zorinsky, Paul E. Tsongas, Christopher J. Dodd.

Mr. CRANSTON. All eight members of the minority are prepared to vote on the nuclear freeze. Desire for a markup as soon as possible is not limited to freeze supporters or to minority members of the Foreign Relations Committee. I believe that it harms the committee system if we fail to act in a timely way on a proposal of such great interest to millions of citizens.

The committee should give the full Senate its recommendations together with majority and minority views. We had hours of important testimony on the key issues—to what end if we do not now report and vote?

If the committee is prevented from fulfilling its duty to act on this proposal, it is likely to be called up on the floor without benefit of a committee recommendation and a report outlining the pros and cons. I have consulted closely with the prime sponsors of the freeze resolution, Senator KENNEDY and Senator HATFIELD, and I am prepared to join them in making such a move this month—before the August recess. One suspects a tabling motion will subsequently be offered on the basis that the Senate Foreign Relations Committee has yet to act on it. At that point, the Senate Foreign Relations Committee will be open to sustained criticism on the basis that they have not fulfilled their obligation to the Senate and to the American people.

Mr. President, nearly 20 million Americans have voted for or against the nuclear freeze—a substantial majority for it. The latest Business Week/Lou Harris poll shows 81 percent of American voters support. I fail to understand why the Foreign Relations Committee cannot now express its views on a proposal of such import to citizens throughout this country. I will continue to do all I can to insure that the full Senate debates the freeze in a responsible manner in the days immediately ahead and that all Senators have an opportunity to vote up or down on a nuclear freeze resolution.

I want to close by expressing my high personal regard for the chairman of the Foreign Relations Committee, the senior Senator from Illinois (Mr. PERCY). He has been fair in his leadership of the committee since he became its Chair, and I agree with him on many issues. But, in this instance, in this vital matter that relates to the security and survival of our country, I must respectfully and forcefully disagree with the course the committee is pursuing—or, to be more accurate, failing to pursue.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, first of all, I should like to express an appreciation to my colleague for his courtesy in sending word to me through my office that he was going to make these remarks. As the distinguished Senator knows, I was hosting, together with Senator BYRD, Senator BAKER, and Senator PELL, President Gemayel of Lebanon at lunch, and the Prime Minister, the Foreign Minister, the Ambassador, and our Ambassador, and was not able to be on the floor during the entire remarks of the distinguished Senator from California, because the lunch had just adjourned.

However, I did hear the last part, all of which I support fully. I appreciate very much the Senator's generosity. I have tried to be fair, impartial, and have always sought bipartisan solutions for the last 2½ years whenever we could find them. Another midwesterner, Senator Vandenberg, sought bipartisan support during the course of World War II. We are not in a war today, but this is a troubled, torn-apart world today, and we do need bipartisan support and cooperation.

Very seldom have we taken partisan positions in the Foreign Relations Committee the last 2½ years. On occasion, it has happened, but most issues have been voted on in a bipartisan spirit. I think probably the best example of that was the struggle we had earlier this session over economic and military assistance to El Salvador, one of the most difficult problems that we have coped and dealt with in recent years. And, after lengthy debate, long discussion, and much soul searching, we came up with a resolution which I introduced, with cosponsorship on the minority side, that carried 17 to nothing; a unanimous vote by the Foreign Relations Committee on that controversial issue. So we have worked bipartisanly.

With respect to the arms control resolutions, now before the committee, we spent a good deal of time talking about this yesterday. I do not have any of the notes with me that I used in that meeting, but I do not believe that I need them because we have discussed it so thoroughly.

First of all, we must take into account that the House had a long debate on the freeze resolution. They modified it on the floor. That freeze resolution was sent to the desk of the Senate in May. It has been sitting at the desk by specific request of the authors of the Senate version of the freeze resolution. It was not referred to our committee. It has never been sent to the Foreign Relations Committee. It has sat at the desk. It could have been called up any time and has not been called up.

Nonetheless, the Senate Foreign Relations Committee has spent many, many hours—many days—in deliberations and discussions on the various arms control resolutions that will be subject to the mark-up.

As the distinguished Senator from California well knows, the arms control resolution that has more support in the Senate than any other is the so-called builddown, which would in effect carry forward one provision of

the resolution which the Senate Foreign Relations Committee voted out by a vote of 12 to 5 last year, a two-thirds vote. The concluding paragraph of that resolution stated that we should work toward the destruction of every single nuclear weapon.

That language orginated in the resolution introduced bipartisantly by Senators WARNER and JACKSON and was fully supported by the administration. So we were working together, the legislative and executive branches, working toward an end goal because of the concern we all have that the Soviet Union and the United States cannot unilaterally or bilaterally go the nuclear weapons route and expect the rest of the world to go the conventional route. We have set the example, and 16 other countries now either have nuclear weapons or are developing the capability of having them. We are on a dangerous collision course that brings us closer to the reality of a nuclear holocaust than mankind has ever been.

John F. Kennedy said in 1960, in his inaugural address, that in our time mankind has developed the capability to—and I will paraphrase what he said—eradicate poverty and hunger on Earth, but we have also developed the capacity to eradicate all mankind.

Twenty-three years later, and tens of thousands of nuclear bombs later, and years of nuclear proliferation later, we could now modify John F. Kennedy's statement to say, "Eradicate all living things." That means mankind, the animal kingdom, and the entire plant kingdom. That is what would happen if the bombs that now exist happen to explode.

So, therefore, this is the paramount issue. I have said that for 17 years, and I say it again now. But we have been in this process a long time. It has been a long time since the Hiroshima bomb exploded. And let us not forget, almost all of the world's 50,000 nuclear bombs are 50 times greater than the Hiroshima bomb. What is being discussed now is a matter of a few weeks. Will we have a markup before the recess or will we have it after the recess? That is the only issue involved in this letter signed by every member of the minority on the Foreign Relations Committee. And I have said then and I say now, the majority of the committee stands with the chairman in saying the date is and shall be, and I stand firm on it, September 20.

Now is that just an arbitrary date picked out of the air? It is not an arbitrary date. That is the earliest date that we can logically be prepared to move forward with a markup that will not involve endless days of debate without resolving some of the basic issues.

I ask my distinguished colleague from California to look at what happened in the Foreign Relations Committee yesterday. We took the whole problem of keeping nuclear weapons out of outer space, an objective which has been championed for several years by the Presiding Officer in the chair today, Senator PRESSLER, who is the chairman of the Arms Control Subcommittee of the Foreign Relations Committee.

We worked on the resolution which he introduced in a bipartisan spirit. We worked with staff, we worked with the administration, and we worked with the Senators. We had a discussion that lasted maybe a half an hour or so. The resolution was adopted unanimously.

That is the way the Senate operates. I do not have to tell the Senator from California that. He is, after all, the assistant minority leader. He is a leader of the Senate. He knows how it operates. And he knows the committee system operates best and the Senate floor operates best when the committees have done their work. But the Senate was deprived of the benefit of having the House-passed freeze resolution sent to our committee.

The question now is, how can we come together and gain a two-thirds vote, which is the objective of the Senator from Illinois as it was last year, a majority that we did achieve? We have to work out the freeze, and there are differing ideas on that.

Again, the chairman of the Arms Control Subcommittee, Senator PRESSLER, has indicated his deep interest in working out something on the freeze. What he wants is a freeze with a guarantee that it will be immediately preceded by a reduction phase. As you are negotiating the terms of the freeze, you are doing so in the framework of deep reductions.

He is not satisified, and I should not be speaking for him—he is in the chair, cannot leave the chair, and cannot speak for himself—but as I understand his reasoning, he wants to make certain that the time spent in developing the framework of the freeze does not in any way inhibit us from moving toward our real goal—deep reductions in existing stocks of nuclear weapons.

That, then, leads to the proposal originally proposed by Senator COHEN, joined bipartisanly by Senator NUNN, joined by the chairman of the Foreign Relations Committee, myself, and joined now by 45 Senators.

This is the resolution that has more support, broadly based and bipartisan, in the Senate than any other resolution. Other resolutions are good, and they will constitute a part of our overall resolution. But the builddown is the best resolution that has come from the Congress on arms control that goes toward the ultimate goal that we established last year, the destruction of every nuclear weapon.

But it cannot be unilaterally carried out by the Senate. We do not negotiate in Geneva. We do not go to Moscow, or wherever it may take, to get agreement—and it does take agreement between ourselves and the Soviets, and it takes understanding and agreement with our allies.

We see opposition to the freeze every single time a chief of state comes here from Europe, whether it is the distinguished Prime Minister of Great Britain, Margaret Thatcher, or whether it is the distinguished Chancellor of the Federal Republic of Germany, Chancellor Kohl, they, literally and figuratively, are terrified by the concept of a freeze being imposed upon them.

First of all, you cannot do it without harming their security. Their first responsibility is the defense of their countries and they are not going to be impressed by any resolution freezing us where we are when, as Chancellor Schmidt said directly to me when he was in power:

> You would be asking us to freeze at a 362-to-0 disadvantage on weapons such as the SS-20 that can reach our soil in 6 minutes. They have overwhelming conventional forces. They have overwhelming nuclear forces. And you are asking us to freeze at those levels.

Sixteen NATO countries oppose that proposition. There is no way that, by our passing it, it is going to have a positive effect on NATO. We could freeze strategic forces, where there is closer parity, and where we and the Soviet Union could enter into a bilateral treaty that would be binding upon both of us, and I would hope verifiable and I trust observed by both of us. But we cannot do it with INF. There are many things to be worked out in this regard.

With respect to the builddown, we have had meeting after meeting. I wish Senator NUNN were in the Chamber now. He could tell you the number of meetings, as a leading member of the Armed Services Committee, a leading member of the minority, who has worked hand in hand with Senator COHEN and on occasion with myself and other Members of the Senate, to find a way to quickly implement the builddown.

Should the build-down be a part of START? Should we arrest what we are doing in START and then take up the builddown? Or is START going to be so long in getting finished and put into treaty form that we should work simultaneously on the builddown on a parallel track, such as we have done in START on confidence-building measures?

We hope in START to be able to move rapidly ahead on those and reach the point where we can come to a separate agreement. Maybe we could do the same thing with builddown and not in any way interrupt the progress

being made in START. Maybe we would get agreement much faster on that, and that would really provide a basis for true reductions, because it would automatically provide, when signed and put into treaty form, that for every modernized weapon that goes in, two others must be destroyed.

That ultimately could get us down to zero. There is a real built-in mechanism for having the builddown become a truly effective arms control procedure.

But, again, the Congress is not empowered to negotiate that. All we can do is to suggest. We have had total cooperation from many in the executive branch of Government, including Secretary Shultz, Deputy Secretary Dam, and Under Secretary Eagleburger, who met with us just last week again to work out timetables and schedules. They have now said they can give us the full benefit of their analysis of the builddown by the second week in August. That, then, will give us a few weeks to determine whether we agree with it or not, and, if necessary go back and rebut areas with which we do not agree. But, no matter what, the deadline for our beginning the mark up is September 20.

I would only say to my colleague that I hope no one would feel that any Senator would do anything to delay this process. The freeze resolution itself has electrified the country. The country was aroused before that, but it has been given a mechanism to move forward on. It has provided a very valuable point of debate. The build-down has added other ideas, as has the resolution we adopted unanimously yesterday on arms control in outer space. That will help, indeed.

What I say is, let us work together bipartisanly, but work at the most rapid possible speed.

Yesterday I again met and talked with the majority leader, the minority leader, and Senator KENNEDY to see whether or not we could work out a time certain after the markup by which we could be assured that in this session we will not go home, even if we do not go home for Christmas, until we vote on resolutions involving arms control and have a vote on the freeze, working out every aspect of it that we possibly can.

I think it is urgent. I think the majority leader and the minority leader are sympathetic with the fact that this is a paramount issue, that we cannot end this session of the Congress until we accomplish that.

I cannot speak for the majority leader and the minority leader because they have heavy obligations with must legislation to keep the Government functioning. I can only say that I am urging that they give that high priority. I urge my colleagues to join with me in working with both the majority and the minority leaders to facilitate their work so that we can get to this matter at the earliest possible time. And I hope we can do so in a spirit of comity and bipartisanship.

I do deeply appreciate the words of my distinguished colleague from California about the way he has perceived we have tried to operate in the Foreign Relations Committee this past 2½ years.

Mr. KENNEDY. Mr. President, I think all of us are mindful that the prime responsibility for the negotiations on strategic arms lies with the President of the United States. I think those of us who have followed this issue over a considerable period of time—including the 20 years I have been in the U.S. Senate—are also mindful that this President has opposed every arms control agreement that has been signed by a President of the United States, Republican as well as Democrat.

We are also mindful that we are into this administration now in excess of 2 years. I have had the opportunity, through the courtesy of the chairman of the Committee on Foreign Relations, to have attended the committee meetings when those who are in charge of negotiations have reported on the progress of negotiations. And I have shared the very deep sense of frustration of not only the members of that committee but the Members of this body and, I think, most importantly, the people of the Nation that we have made so little progress and that our bargaining position has been so unimaginative and has lacked creativity in trying to prevent the continued escalation of the arms race.

I cannot think of a single area in public policy, Mr. President, where this administration had, so to speak, the running start that it had with knowledgeable individuals about the issue of strategic weapons and the possibility of arms control. The administration appointed individuals who had been involved, albeit reluctantly in so many instances, with the SALT negotiations and other issues of arms control. I differed with their positions in many instances, but, nonetheless, they had a deep awareness and understanding of these issues which they were sent to negotiate with the Soviet Union. Now we find ourselves, even at this time, without any final recommendation to Congress, without final recommendations to the American people.

I listened to my good friend and colleague from Illinois point out that it is not timely for the Committee on Foreign Relations or the Senate of the United States to speak out on this issue, and that we are not the negotiators. As I have mentioned, I recognize that. But we do have a responsibility under the Constitution in the area of foreign policy under the treaty-making power. We do have a responsibility, I think, in this most important area to speak out and to take a stand.

The House of Representatives has been willing to consider the freeze resolution on two different occasions. The House of Representatives, in the last session of Congress, did vote on that measure after some time for discussion and debate. Only 2 months ago, the House of Representatives, after a number of weeks of debate and considerable hearings, once again did vote on that issue.

The chairman of the Committee on Foreign Relations belabors the point that after the House acted and passed its nuclear freeze resolution, it was held at the desk. Mr. President, the House resolution was held at the desk so that, if the Foreign Relations Committee were paralyzed into not taking action, there would at least be some vehicle for those of us who feel strongly about this issue to go to the majority leader and petition for that measure to be called from the desk.

That is an unusual procedure, but not unique. I am not sure that I ever heard that precedure questioned by the Senator from Illinois when it was used on the civil rights legislation in the recent past—civil rights legislation which the Senator from Illinois supported. It is a process which is respected by the rules and we are following that process now.

Those of us who are supporting the nuclear freeze have recognized that the first responsibility was to permit the Committee on Foreign Relations to act. It is out of a sense of frustration that those meetings scheduled for the freeze on the committee agenda had been changed time and time again that those of us who support the freeze—Republican as well as Democrat—feel that the Senate of the United States should take action and should speak on this issue and should speak on it now.

The chairman of the Committee on Foreign Relations says, "Well, we want to give time for the committee to consider alternatives, such as the builddown resolution." The builddown resolution is completely inconsistent with the freeze itself. The only consistency with our resolution would be if we achieved a freeze first and then we were, as part of the reductions following the freeze, to incorporate some form of builddown. Within that context, that is a possibility. But as an alternative to a freeze, there is no possibility of compromise.

I have a great deal of respect for many who support the builddown. I know that they are as deeply committed to the control of nuclear weapons as any of those who support the freeze, but there is no consistency between the freeze and the builddown, and we have to recognize that. I think that ought to be obvious to the mem-

bers of the Committee on Foreign Relations.

I am mindful, as other Members are, where the cosponsorship lies, and more in the Senate support of the builddown than the freeze today. But I do believe, Mr. President, that those of us who support the freeze should have an opportunity to debate that issue on the floor of the U.S. Senate with those who support either the builddown or other proposals, and that we ought to move in a timely fashion to a vote, I would hope an up-or-down vote, in the Senate of the United States.

I am under no illusion that it will be an easy battle to win on this first roll-call vote, but I have also been here long enough to recall that many battles are not won the first time that the roll is called.

I was here, as the Senator from Louisiana was here, when this body voted on medicare in the early 1960's, and I recall that, on the first vote, it was defeated by some 30 votes. Only 2 years later, it passed by several votes, and Senators were falling over themselves rushing down to the television studio to make their statements for their constituencies, explaining their change and how they supported that proposal.

So, Mr. President, as a principal sponsor with the Senator from Oregon, joined by the strong support of the Senator from California, who has been a leader in the whole arms control area for so many years, I am prepared to see that we call the roll on this particular proposal, that we have a period of time for debate and discussion of that measure here, on the U.S. Senate floor, and that we move back to our constituencies and speak to them and defend our positions and continue the great debate on arms control, which I think is of such fundamental importance to the American people.

Mr. President, the chairman of the Committee on Foreign Relations talks about the difficulty that some of our European friends and allies have with a freeze. I think it is important to understand what the freeze resolution is and what the freeze resolution is not. This resolution is not a freeze on Europe alone; it is a global freeze on United States and Soviet nuclear weapons worldwide.

Just as our NATO allies have relied upon the combined military strength of the United States—on its enormous diversity and its extraordinary power—certainly they are relying upon the combined strength and power of the United States today. We are not limited in the defense of Europe to just the troops that are stationed there or just the weaponry that is there today. The Soviet Union understands that. I daresay that many of those who have had important responsibilities in previous administrations, including seasoned diplomats such as Secretary George Ball and others, who have spent a good deal of their lives in the service of this country, are mindful of this essential fact and have spoken to it as it supports our relations with Western European countries and allies with great eloquence. That information ought to be discussed and ought to be elaborated when any debate takes place.

Mr. President, I thank the Senator from Illinois for his willingness to give consideration to this measure sometime in September, but I daresay that the people of this Nation want to have some expression of this body before the summer recess. The issue of arms control and the issue of the arms race are really not distant from the whole debate which has been taking place in the Senate on the MX missile. We have to recognize that under the builddown proposal, we can move ahead with B-1, we can move ahead with MX, we can move ahead with Stealth, we can move ahead with applying Stealth technology to cruise missiles, and we can move ahead with a whole new round of the arms race. Builddown does not prevent modernization and does not prevent nuclear buildup. There is only one initiative that is both before the Foreign Relations Committee and the Senate that prevents a new round of the arms race—and that is a mutual and verifiable freeze between the Soviet Union and the United States. This is an issue which I know Senator HATFIELD and myself, Senator CRANSTON, and many others who have supported this proposal from the beginning are prepared to debate now. I would hope that we would have an opportunity before the August recess to do so.

I appreciate the explanation that has been given by the chairman of the Foreign Relations Committee, but I believe that those who support arms control have a responsibility to seek some opportunity for the Senate to express itself on this fundamental issue prior to the August recess.

I commend the Senator from California for the work that he and the other members of the Foreign Relations Committee have done, both those on this side of the aisle and even those on the other side of the aisle who perhaps were not prepared to sign that particular letter but also share the frustration of many of us about the failure to take action now on this particular issue.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, I should like to answer specifically several of the things that my distinguished colleague from Massachusetts has said. But first I would like to say to Senator CRANSTON what I have said many times before. I attended for years the luncheons that he held on arms control. He is not new at this business. He has long felt very deeply about the necessity for this. He has brought into an informal setting some of the outstanding experts in the United States on all sides of the issues so that we could debate and argue, talk about it at lunch and learn from them as much as we possibly could. His sincerity in this field is without question.

I also commend Senator KENNEDY and Senator HATFIELD for what they have done. I have said many, many times that they have really generated an interest in a subject which when I called it the paramount issue of our time in my first campaign for the Senate I had nothing but yawns. People wanted to talk about nothing but Vietnam. That was the big issue then. That is what you finally had to talk about. The atomic issue at that time was just not considered that important by the public. We must consider and compare the tragedy of that war, with the loss of 50,000 American lives, and countless other lives from across the world, as well as hundreds of thousands wounded, with the terrible tragedy we could experience in a nuclear holocaust. A 1-megaton bomb, say, dropped on the city of Chicago would create a crater a third of a mile around, with every building in it not destroyed, not crumbled but pulverized, and a million people dead instantly. They would be the lucky ones. The 8 million that would be dying of wounds, of burns, are the people that you would not have enough hospitals in North, South, and Central America to take care of.

I know also that the distinguished Senator from Colorado (Mr. HART) has long been an advocate of a sensible, reasonable arms control approach. That is why I take issue with the first point made by my distinguished colleague from Massachusetts that the freeze and the builddown are inconsistent. I think he does not give the freeze movement enough credit. It has a flexibility that is broad enough to embrace the builddown. As a matter of fact, Senator HART is a sponsor of the freeze movement and the builddown resolution. Senator MOYNIHAN is a sponsor of the freeze resolution and the builddown resolution. And Senator MUSKIE, who supports the freeze resolution, has written an eloquent argument supporting the build-down as a creative breakthrough which he feels, as I remember his article, supplements the whole process and helps implement the objective that we have of not just freezing but reducing. We all are for reductions. The modifications that have been made this year in the freeze resolution have improved it substantially over previous versions that I have seen that gave more emphasis to

a freeze and left the impression we stay where we are. None of the authors of the various resolutions are satisfied to stay where we are. We all want to deeply reduce the levels of weaponry that we now have.

Mr. HART. Would the Senator yield for just an observation?

Mr. PERCY. Yes; I would be happy to.

Mr. HART. On the issue of compatibility, it is incompatible to take the position that one wants to halt the production of new nuclear systems, which is the freeze position, and to say at the same time that you favor building more systems with the understanding that others be reduced. That is a fundamental contradiction.

The position the Senator from Colorado has taken is to strongly support a negotiated bilateral enforceable freeze on the future production of new systems in the Soviet Union and the United States, but while we are trying to negotiate that require by statute that any new systems produced in this country during the period of those negotiations require the elimination of two other systems. We all know there is not going to be a unilateral freeze in this country. The compatibility in the mind of the Senator from Colorado is that while we are trying to get action on this resolution, while we are trying to get the resolution adopted as the official bargaining position of the United States and while we are trying to negotiate that bilateral freeze, we ought to have a requirement that for every new system built in the meantime, two other systems be taken down.

In fact, it turns out that that has been the unilateral practice of this country.

Mr. PERCY. I thank my distinguished colleague for that interjection.

I again reiterate the truism, I believe, that the Senator from Colorado is a sponsor of both the freeze resolution and the builddown resolution. They are aiming toward an objective we all share.

The distinguished Senator from Massachusetts indicated, also, that, time after time, we have set dates for markup and canceled them. I simply should like to reiterate for the RECORD that there were only two dates ever established for markup.

What happened was that we were working toward a date some time ago, several weeks ago, and Senator GLENN called and said he could not be in Washington on that day, and asked whether we could then advance it by a week.

I called Senator CRANSTON, or Senator CRANSTON called me when he was disturbed about the date being changed, and I gave him the reason. We always have acceded to a request to accommodate a Senator deeply interested in legislation, particularly on a markup. I said that the request had come from Senator GLENN. He would be willing to mark up the following week.

If I remember my conversation with Senator CRANSTON, it was that he would have to check his schedule for the following week. I said that is the problem: We have been trying to get 17 Senators together on an issue for which every one of us wants to be present.

Then we had a request by Senator BOSCHWITZ. Senator BOSCHWITZ said he had thought a great deal about it and feels very deeply about this matter.

Also, Senator PRESSLER spoke to me about it, as the chairman of the subcommittee. He said he is working on an attempt to implement language which would accommodate his concerns about the freeze.

If I am correct, his language has been worked on for several weeks, and the first draft I have seen has just been sent to me as I have stood at the desk. I have not had a chance to study it, but I want to study it. He felt that at that time we were not ready to go forward.

Senator BOSCHWITZ came to me and sat down and said:

> This issue is of such great importance to the people of Minnesota, I want to go back in August and have in-depth discussions with them about what they perceive is necessary and desirable, and to take the time to fully explain all the implications and the problems of arms control.

It is one of the most difficult problems any of us have ever tried to grapple with. He wanted the chance to share that experience, discuss it, but to be certain he had the input of his own constituents who are deeply involved in it, some very strongly profreeze, some questioning it. He wanted to have the chance to do that.

I then talked to Senator LUGAR, Senator BAKER, and Senator KASSEBAUM. It seemed to me that a number of Senators wanted a delay. They were not ready to mark up. They were not ready to rush ahead.

I then talked to Senator BAKER, to see what scheduling would be possible. If we did move ahead with a quick markup, would we be able to schedule on the floor of the Senate consideration of an arms control resolution? He told me unequivocally that important as this issue is, he had to keep the Government going by getting our authorizations, getting our appropriations bills, getting certain other must legislation moved ahead, and that under no conditions was there a chance to do it before the recess.

The question now is, how soon can we get it on the floor, after the recess and after the markup? That is where I ask for cooperation and help and assistance. I reach out for assistance because, as a committee chairman, I find myself always in competition with every other committee chairman. They consider their legislation the most urgent, the most important, which must be dealt with now, and always want to delay the legislation of another committee.

I think this is important, vital legislation, but it is not going to be done in 1 or 2 days. Can we reach some sort of time agreement, some sort of understanding? If we can, then I think we can get the majority leader and the minority leader to agree on a timeslot for certain. If it is open-ended, with open-ended debate, I think it will be more difficult for the majority leader and the minority leader to give us a time certain.

That I am trying to assert now is to get a guarantee from them that we will not leave this session until we have dealt with arms control resolutions. I think that is an important matter.

I want to answer a question Senator KENNEDY raised when he called the freeze a global freeze.

The United States and the Soviet Union, without question, are the two most powerful military forces on Earth. We have to take into account that we do not dictate to or establish policies to our allies; at least, we should not try to. Sometimes we have tried, as in the pipeline episode, and found we could not do it. We cannot dictate sovereign policy to other countries.

If this is a global freeze, it involves many countries, 16 or 18 of whom have or are attempting to get nuclear weapons. We absolutely share the goal, but we are limited in what we can do in passing a resolution on the floor of the Senate in affecting the actions of other governments. We are already on notice that other governments not only will not observe it, but also, they think it would vastly undercut their security because on conventional forces they are overshadowed. It has been the existence of nuclear weapons that many people feel has been the deterrent that has kept Western Europe free for 40 years now from invasion.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. PERCY. I will yield soon.

Certainly, Afghanistan is proof that a country can be invaded.

I think we have to recognize the fact that we can deal only with things that we can really control. We can try to set a tone, and there is some consideration about saying that maybe in the strategic area we can really freeze and then reduce, and do it bilaterally with a treaty. But the objective of getting 16 NATO countries to agree to a freeze will take a lot longer than this session of Congress.

I only point that out as some problems, but they are not insurmountable. They are challenges we have to overcome. But we do not have the answers for those as yet, and we do not have understanding by our closest allies as to what we will do to them if we do call for a global freeze that vitally affects what they consider their security interests.

This also affects South Korea. If Kim Il-song was not deterred by our forceful nuclear deterrent in the South, who is to say he would not have long since swept through South Korea and had a dagger pointing at Japan? It affects Japan.

Those are the kinds of issues that cannot be resolved in a day. We may well advance the debate if we have a well-prepared markup on September 20, and be able to move more rapidly than we could otherwise with endless debate. With a well-prepared markup, we will be able to send a resolution to the floor, and then get the leadership to agree with us. We will move ahead and consider this. I will join my colleagues in saying that this is urgent, it is vital. It is terribly important to all humanity that we deal with it in the most effective way we possibly can.

Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I see some colleagues who have not spoken, and I will just take a moment.

Mr. President, if we were to follow the logic of the chairman's argument, we would be hard pressed to get any meaningful agreement with the Soviet Union. He is saying that because we cannot get all the countries to participate in nuclear arms amendments, we should not move ahead with agreement between the Soviet Union and the United States, which, as all of us in this body understand, have the overwhelming nuclear capability in the world.

We negotiated with the Soviet Union on SALT II, obviously keeping our allies informed.

In the previous administration they negotiated with the Soviet Union and Great Britain on the comprehensive test ban, even though other countries had nuclear capability. The fact is that, because of the proliferation of nuclear capability—increasingly so in countries around the world—the time is now for the two great powers that have the capability of mutual destruction—and the United States has a nuclear capability really second to none, which certainly would not be traded by either the Secretary of Defense or the Joint Chiefs of Staff for that of the Soviet Union—to move toward the freeze.

The final point that I make is in any debate on this issue we will always hear about some areas in which the Soviets have some marginal advantage or other areas where we have marginal advantages.

If we continue to use the argument that we cannot really negotiate because there are some areas where they have some nuclear advantage, we will never really come to grips with the issue at hand.

The fact is that each nation has the capability many times over to destroy the other. It is time to say enough is enough, and it is time for this Nation to say that we are going to spend more time preventing nuclear war than we are preparing for it.

I would hope that we would have a chance to get into a great debate on these issues and others when we consider the freeze, and I know that both the Senator from Oregon and I are going to make every effort to see that we have that opportunity before the August recess.

Mr. TSONGAS. Mr. President, will the Senator yield?

Mr. KENNEDY. I am glad to yield the floor so the Senator may have it in his own right.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. TSONGAS. Mr. President, if I could address myself to the chairman, I served on his committee for a considerable amount of time, and I have been convinced absolutely, with no doubt in my mind, he is as committed to arms control as anyone who serves here. I have sat and watched him urge the administration, beginning with START months and months before they actually did it. I have no reason to doubt the honestness of that play. It was not to be, and I think that has stood him in good stead because they did not listen to his advice.

I have also sat there and listened to the Senator from Illinois argue, and Senator PRESSLER as well, that the peaceful nuclear explosions treaty and the nuclear threshold treaty should be brought before the committee and the administration should take a stand on it.

I have no doubt if the Senator from Illinois were President of the United States those two treaties would long since have passed through the Senate.

Mr. PERCY. And SALT II.

Mr. TSONGAS. And SALT II, I might add since the Senator just did.

I also was in the committee—since this was a secret session I will only deal with it abstrusely—when the discussion with Mr. Adelman about the MX as a bargaining chip was discussed, and I will always remember the reaction of the chairman to his comments.

Anyone who has observed the chairman as closely as I have I think has to come to the conclusion that arms control is something that is very important to him. It is as important as it is to anyone.

The problem is simply that the Senator from Illinois is not the President of the United States, and the credibility of the chairman is not in question in this country. It is the credibility of the administration in arms control.

There is no nuclear freeze movement across this country because CHARLES PERCY is chairman of the Foreign Relations Committee. We did not have the demonstrations in Europe because he was chairman of the committee.

What is happening in this country and in Europe is the profound suspicions about whether this administration really means it on arms control. We really have to search far and wide to find any evidence that that commitment is there.

If one looks at the lineup of the people from the President to Bill Clark, to Weinberger, to Adelman, to Rowny, to Pearl and on, that is a rather remarkable list of naysayers when it comes to arms control. If they have ever uttered a word in favor of arms control it probably was at 2 a.m. in the morning, whispered to a close one, but nothing that I have ever seen uttered publicly.

I believe deeply the only reason there has been any movement toward arms control is because of the pressure put on the administration, first by the Europeans demonstrating which led to the proposal in Europe, and second, the great to-do we had here, in which the Senator from California was involved, regarding Mr. Adelman.

But far more importantly, the initiative of Senator KENNEDY and Senator HATFIELD brought on the freeze.

I do not happen to believe that the freeze is as important in its specifics as it is as a commitment in expression of arms control.

I for one am not very pleased to see the focus on the particular details. The freeze is a way that the American people are saying, "Look, enough is enough; let us negotiate."

I would hope that the chairman would view this issue not so much from the point of view of builddown versus freeze, but I think this body has the same responsibility as the House of Representatives to reflect the commitment to arms control that exists in this country, as the chairman knows as well as I do.

I would hope we could move in the same direction because I in my heart of hearts do not believe the President is capable of arms control on a basis that any Soviet leader could accept.

It pains me to say that. I happen to believe it. Therefore, it is my responsibility both as an elected official and as a father to do what I can to move the President in a way he otherwise would not, and the freeze is the mechanism to do that.

For that reason I would hope that we could deal with this as quickly as possible.

I thank the Chair.

Mr. HART. Mr. President, I congratulate the Senator from California as well as both Senators from Massachusetts for their strong efforts to get action in the appropriate committee on a major concern, perhaps the major concern on the minds of millions of Americans, indeed tens and hundreds of millions of human beings, and I hope their efforts are so successful that we can fulfill our obligation to the American people and get some action on this up or down on the proposal that has crystalized the American sentiment hopefully before we go out here this summer.

I only wish to add my words of rapport to that of other Senators.

I yield to the Senator from California without losing my right to the floor.

Mr. CRANSTON. Mr. President, I thank the Senator from Colorado, and I thank him for his good words about my efforts in this regard. I thank him for his good efforts and for what he is doing on the MX, which is a matter closely related to the nuclear freeze and to the difficulties we are facing in getting action on the nuclear freeze.

The Senator from Massachusetts (Mr. KENNEDY) has explained his good reasons for holding at the desk the nuclear freeze resolution passed by the House of Representatives. I am glad that he did that, as I am glad that he has provided all the leadership he has provided for the freeze and for arms control in general.

Regarding the builddown, one of the main problems with this proposal is that the build-down is seen by many, including the President, members of the Foreign Relations Committee, and other key Senators in this body and key Representatives on these issues, as an alternative to the freeze, not as a complementary part of the freeze effort, but as an alternative.

That is why we must proceed as swiftly as we can to vote on the nuclear freeze. The freeze resolution is a proposal that stands on its own two feet regardless of the will of this body on the builddown. I personally have grave reservations about the builddown.

Mr. President, I ask unanimous consent to have printed in the RECORD a critique of the builddown that I wrote for the Los Angeles Times.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE NUCLEAR BUILD-DOWN DELUSION—PROPOSAL IS CATCHING ON, BUT RELIES ON UNREALISTIC ASSUMPTIONS

(By Alan Cranston)

President Reagan is embarked on a public-relations campaign designed to persuade skeptics at home and abroad that he is committed to achieving equitable nuclear-arms reductions with the Soviet Union.

A critical element in this campaign was the recent White House move toward endorsement of the nuclear "builddown" proposal, which has gained bipartisan support from several respected members of the Senate Armed Services Committee. This proposal would seek to curb the nuclear-arms race by attaining U.S. and Soviet agreement to retire two nuclear warheads for every new one deployed.

The President endorsed the "builddown" concept in a letter that he circulated last month on the eve of congressional voting on the MX missile. When moderate swing votes then fell into line behind the MX, the builddown proposal was elevated to new prominence. And now key congressmen are publicly conditioning their future support for the MX on the President's willingness to follow through on his suggestion that he might make a builddown proposal to the Soviets in the Geneva nuclear-arms talks.

Opponents of the MX were of course dismayed by Congress' vote giving the green light to further production of the dangerous, destabilizing MX missile-without-a-mission. But it was also disconcerting to witness the congressional rush toward the ineffectual build-down proposal now being offered by many as a panacea for the cancer that is the nuclear-arms race.

Builddown is advertised as a practical means of curbing the nuclear-arms race while permitting "stabilizing" arms modernization. Proponents argue that it "would permit the replacement of aging weapon systems with more survivable systems" by requiring the superpowers "to eliminate two older, less stabilizing nuclear warheads" for each new warhead deployed.

At the heart of the builddown are two related assumptions that could prove to be dangerously unrealistic. These assumptions are that our strategic planners will move us toward deployment of more survivable weapon systems, and that these new systems will somehow stabilize the arms competition.

First, aging weapon systems are not necessarily being replaced by more survivable systems. In fact, the vote that rescued the MX—with the help of those who support the builddown—also would have it installed in fixed silos that this Administration has long insisted are not survivable.

Second, new U.S. and Soviet deployments are not necessarily more stabilizing. Putting 10 highly accurate warheads on MX missiles in each of the "vulnerable" U.S. silos limits this weapon primarily to first-strike use, while the Soviets' deployment of hundreds of mobile, three-warhead SS-20s exposes all European capitals to attack virtually without warning.

Proponents argue that, under builddown, prudent defense planners would soon move toward deployment of more survivable systems. But there is little in current deployment practices to justify this optimism. And, with more than 50,000 nuclear warheads in the superpowers' arsenals, it could take decades of costly modernization before we had "builtdown" to significantly lower levels of survivable systems.

In their eagerness to provide an arms-control gloss for their commitment to continued production of new nuclear systems, builddown proponents have ignored another basic fact governing U.S.-Soviet arms competition: With such enormous overkill in the U.S. and Soviet arsenals, the perilous nuclear-arms race is today much more qualitative than quantitative. It is the Sisyphean insistence that nuclear stability awaits after just one more round of modernization that drives the superpowers to waste so many billions on still more nuclear weapons. And adherence to the Orwellian logic that to get less we must first have more obscures the fact that we must first stop the escalating arms race if we are to achieve deep reductions.

The Administration is now selling the MX to Congress as essential for arms control. It is making the same argument regarding plans to put 572 Pershing 2 and cruise missiles in Europe beginning this December.

This is not arms control. Neither is the build-down. These are prescriptions for a continued nuclear buildup, a continued waste of U.S. and Soviet human, financial and technological resources.

The buildup/builddown proposal is perhaps best understood by recognizing its source. It was first pushed by people who were concerned that the nationwide call for a nuclear freeze might hamper U.S. weapons modernization. It was offered in the House of Representatives as an amendment to kill the genuine nuclear-freeze resolution while providing an arms-control fig leaf for continued nuclear-arms production. It is now backed by a President who has refused to support ratification of three arms-control treaties that were accepted by the Soviets and negotiated by past Republican and Democratic Administrations (the SALT II, Threshold Test Ban and Peaceful Nuclear Explosions treaties) and who has walked away from a fourth, nearly completed, negotiation (Comprehensive Test Ban).

For those sincerely committed to real arms control *now*, there remains a simple, equitable, verifiable proposal that drew 81% support in a May Business Week/Lou Harris poll.

It's called the bilateral nuclear-weapons freeze.

Mr. CRANSTON. I would like to say now to the chairman of the committee that I acknowledge our long-shared concerns. I know he has been concerned, as Senator TSONGAS stated, for many years about arms control. If he had his way, the Reagan administration would have achieved much more than it has achieved on this front.

The problem we have is slippage. I am trying hard to get action on the nuclear freeze proposal. We need action on this proposal. And I believe the Senate is ready to vote. There have been repeated postponements in the Foreign Relations Committee. It is the concern there might be another postponement that has added to our determination to express our concerns so very strongly.

So let me ask this: Do we have an absolute commitment there will not be another postponement, that the committeee will discuss and vote on arms control resolutions on the 20th?

Mr. PERCY. Mr. President, the Senator from Illinois has assured the Senator from California that is an absolute commitment. I reaffirm it to my colleagues on the floor of the Senate. I have advised the administration that no matter what, that is the deadline, that is the day we start the markup,

and if there is slippage in their getting material on the builddown to us, material that has now been promised to us by the second week in August, then we just will not be as prepared. But we are going ahead to mark up then regardless of the views of the administration.

We believe in the urgency of this matter. I have every reason to believe Secretary Shultz will place the highest priority on it. He assured Senator NUNN, Senator COHEN, and myself just last week that we will have that material, we will have it on time. But regardless, we go ahead.

Not only that, but may I add this assurance: Once again, I will do the best I can, as committee chairman, sitting with other committee chairmen and with the majority leader, in helping to schedule the floor of the Senate to see that we put the highest priority on this matter and that we do deal with this matter and vote it up or down this session of the Congress.

Mr. CRANSTON. That is the second question I wanted to ask.

Mr. PERCY. I anticipated the second question and I thought I answered it.

Mr. CRANSTON. I appreciate the answer to the first.

Let me just ask a bit more about the second matter. What assurances has the chairman received from the majority leader that if the Foreign Relations Committee reports out a freeze and any other arms control resolutions that they will be considered by the Senate during this session before the end of this year?

Mr. PERCY. There is no assurance at this stage. The majority leader has given it and the secretary to the majority has concentrated on it as well and talked with other Senators. I have talked with the distinguished minority leader about it, but there is no way for us to anticipate what delays there will be in legislation that is must legislation which is their first duty. We may say the nuclear resolution is the first duty of mankind, but they may say, "Yes, but if we even pass a resolution, what will that literally do? If we do not pass authorization and appropriations bills, we know what will happen, the Government may stop in some respects."

Mr. PRESSLER. Will my colleague yield?

Mr. PERCY. Look at the amount of time we have spent on this bill alone. We thought we were aiming, and I ask my distinguished colleague from Texas to reconfirm that, we were aiming and reasonable people thought this bill could have been finished and should have been finished by last Thursday night. Yet here we are a week later and we are still on this bill. These resolutions, though related, do not directly affect the programs that must be implemented in the legislation that is on the floor before us.

So the majority and minority leaders cannot control the Senate to the extent they can tell exactly whether or not they will get everything out. But we are going to ask them to even if it means forgoing recesses and whatever it may be to stay here until we deal with this matter.

Now the other caveat and question is: How long will this matter take on the floor of the Senate? The Senator from Illinois would be willing to enter into reasonable time agreements. Will other Senators enter into reasonable time agreements so we can get a time certain by which we can take the matter up and then deal with it and have adequate time for debate but no delaying tactics or parliamentary moves which prevent our finally enacting it? That is beyond the control of any one of us.

Mr. CRANSTON. I thank the Senator from Illinois for his response to my questions. I do have to point out it is probable that since he does not intend to call a meeting until September, that the nuclear freeze resolution will be brought up on the floor of the Senate during this month on some other measure. I regret we will not have a committee report and a committee recommendation at that time.

I thank my friend from Colorado for giving me this opportunity to question the chairman of the committee.

Mr. PERCY. Will the Senator yield for one last comment?

Mr. HART. Mr. President, I ask unanimous consent that I may yield to the chairman of the Foreign Relations Committee without losing my right to the floor.

The PRESIDING OFFICER (Mr. JEPSEN). Without objection, it is so ordered.

Mr. PERCY. To the best of the ability of the Senator from Illinois as ascertained by talking with the majority leader, by our delaying the markup from July, before the recess, to immediately after the recess we have not delayed any floor action, because the majority leader has said there is no possibility of having it on the floor. In fact it is my judgment we will expedite the handling of it because by September 20 we will be able to proceed in a much more rapid manner, relatively speaking, than we would right now because there are so many unanswered questions on basic issues that will have to be dealt with in the resolution. So I do not, from a practical standpoint, see that by starting the markup on September 20 we will really be delaying it any more than if we tried to rush ahead and hold a series of meetings before August but really not have enough data, basic data, with which we should deal in marking up the legislation.

As I say, I have just received this minute a draft resolution Senator PRESSLER has been working on. It has started through the clearance process, but it has not completed that process. I think probably only seven Senators in the entire Senate have read it, and yet it deals with one of the very basic issues involved in a markup.

Mr. PRESSLER. Will my colleague yield?

Mr. HART. Mr. President, I ask unanimous consent that I may yield to the Senator from South Dakota.

Mr. TOWER. Mr. President, reserving the right to object, I do not want to gag any debate because it is an important issue and I know it has a lot of supporters but we do have an amendment pending and this is delaying debate and consideration of this amendment which I do hope will be brought to a vote in a reasonable time.

I understand there are Senators wanting to debate on that issue so although I am not going to object to that request now I think I am going to be inclined to object to the Senator from Colorado yielding for anything other than a question.

Mr. SARBANES. Reserving the right to object, I would simply observe to the chairman of the Armed Services Committee that the chairman of the Foreign Relations Committee took the floor and discussed this matter at some length, and it was a matter that was the subject of committee deliberation at some length yesterday morning and I think in a reasonable amount of time here we could at least get the record complete with respect to what transpired and I think that is important to do in view of——

Mr. TOWER. As I say, I do not minimize the importance and I am not expressing exasperation with any Senator. But there are a number of Senators and it has been a very spirited exchange, but it does occur to me we do have an amendment; if we want to continue this debate we can dispose of vital business on the bill and the debate can continue. The fact is no report of the Foreign Relations Committee is likely to be considered if the consideration of this bill is extended beyond this week because there is so much time-urgent business that has to be disposed of before the Senate.

Mr. LEAHY. Reserving the right to object, and I will not object, just so the distinguished chairman of the Armed Services Committee will know, I will continue to seek recognition, as I have for the last hour and 18 minutes, and it will be to speak on the pending amendment, not on the matter before the Foreign Relations Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. I thank the Senator for yielding. I shall be very brief in

dealing with the request of the Senator from Texas.

I would have signed the letter and gone forward but it was my strongest feeling, after consulting with the committee chairman and the leader, that it would not speed up floor action at all and the leader emphasized that there would be no way to bring it up on the floor before the same time. So we would gain no time in terms of floor action and for that reason I just wanted to make that clear; that is my position.

But I do agree that we should debate this and bring it up as soon as possible, which will be under the plan put forward by Senator BAKER.

Mr. PELL. Will the Senator yield?

Mr. SARBANES. Will the Senator yield?

Mr. HART. I ask unanimous consent that I may yield the floor briefly to the Senator from Rhode Island without losing my right to the floor.

Mr. TOWER. Mr. President, reserving the right to object, I think that I will not object if the Senator wants to recognize the Senator from Rhode Island and the Senator from Maryland. After that, I think I would have to give serious consideration to that so we can get on with the business at hand.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Let me just say to the floor manager, I am trying to wind this down so that I may yield to the Senator from Vermont so he may debate the pending motion. That is the purpose.

Mr. TOWER. In that circumstance, I will not attempt to seek the floor when this winds down. If the Senator from Vermont wants to seek the floor, I think he should do so on his own initiative.

Mr. PELL. Mr. President, mindful of the observation of the Senator from Texas, I will be very brief indeed.

But I think the record should show that in the meeting of the Foreign Relations Committee yesterday, the minority, but the largest possible minority short of being a majority, felt very strongly that we ought to consider the freeze resolution as of this moment.

I agree that it might not speed up the eventual floor action on it. But I do think that there is no other matter of greater concern or high policy interest than the freeze resolution. I think that to have it reported out of the committee and on the floor of the Senate would mean for all of us that when we go back home our constituents would be aware of it and there would be conversations between each of us and our constituents as to the position we would take on it. This way it will not be before the floor of the Senate, and there will not be the same urgency in the discussions our constituents may hold on it. I hope that we would press as hard as we can on this matter.

Mr. SARBANES. Will the Senator yield?

Mr. HART. I ask unanimous consent that I may yield to the Senator from Maryland without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, I think it is very important to put on the record what occurred in the committee yesterday. We have been trying to get a markup of the nuclear freeze resolution for quite some time in that committee. We have held extended hearings, and the chairman tentatively scheduled markups at the end of June on two separate occasions. Those were than put off until after the July recess, and a firm date was scheduled on the 13th of July. That was subsequently put off again until the end of July, until the 28th of July. As we began to approach that date, once again the markup of these resolutions was carried over well toward the end of September.

Now, as a consequence of all of that, yesterday a number of us presented to the chairman, under the rules, the request that we proceed to markup in the very near future. I am frank to say I cannot imagine a more pressing item to be considered than the whole question of the nuclear freeze and of nuclear strategic policy.

It is very important to underscore that the chairman himself on a number of occasions has already scheduled this matter for markup and subsequently delayed it, either postponing it or canceling it.

Now, the view was if we could have the markup before the August recess the report and all the accompanying material could have been prepared during that recess and it would have then been positioned for the Senate to take up this matter immediately upon its return from the August recess.

Now what we are being told is that the markup itself, the beginning of the markup itself, will be delayed until the 20th of September. We have no idea how long that markup will run. If and when it is concluded, we then will have to prepare the report and the materials to come to the floor of the Senate. As I understand some of the schedules given earlier in the year with respect to Senate activity, we would be very much up against the possibility that the Senate would be going out, because I know the majority leader has expressed his desire and intention to close down the Senate and to go back to our constituencies early in the fall if he can achieve.

It was for that reason, plus the fact that this is an important item, plus the fact that it has been pending before the committee now for many, many weeks, that it was felt that we should move to mark up in the weeks now remaining prior to the August recess. The committee could have accomplished that, could have prepared the material over the recess, and therefore, placed the Senate in the position of being able to act on this matter any time following our return in early September.

We are now in the position of the markup not beginning until toward the end of September. I am fearful that this matter is simply being pushed off and off and off, in the hopes that it will fade into time and into distance.

I welcome the statement of the chairman of the committee made on the floor today which repeated a statement that he made yesterday in the committee that he was not going to allow the administration to obtain any further delays in this markup and that he had told them that, regardless of what they said to him, no further cancellations or postponements were forthcoming. I think it is very clear where the pressure has come from thus far for these postponements. And I think that was a very important statement.

Nevertheless, it is my own view that the Senate ought to find some way to work its will on this matter in the near future.

I thank the Senator from Colorado for yielding.

OMNIBUS DEFENSE AUTHORIZATIONS, 1984

The Senate continued with the consideration of the bill (S. 675).

Mr. LEAHY. Mr. President, will the Senator from Colorado yield to me?

Mr. TOWER. Reserving the right to object.

Mr. LEAHY. Mr. President, I seek recognition in my own right.

Mr. TOWER. Then I assume the Senator from Colorado yields the floor.

The PRESIDING OFFICER. Does the Senator from Colorado yield the floor?

Mr. TOWER. I will not seek recognition.

Mr. HART. It was with the understanding that the manager of the bill preferred it to operate that way to get on with the MX debate that each Senator seek recognition.

Mr. TOWER. I do not intend to seek the floor. I think the Senator from Colorado should yield the floor and let the Senator from Vermont seek it in his own right.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Thank you, Mr. President.

I also ask unanimous consent, Mr. President, that any further remarks I

make will not be counted as a second speech under rule XIX.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I will be brief today for a number of reasons, not the least that the matter of the nuclear freeze has taken from the time originally planned for the MX debate, but also because I spoke at some length yesterday on the dangers of proceeding with a missile as destabilizing as the MX. I will not repeat those same points again today.

In the defense authorization bill, the Senate has an unusual, but I think a critical, opportunity to prevent a mistake for which our country will pay, not only in increased danger to our safety, but also in dollars, and will do it for decades to come.

Mr. President, I spoke yesterday of lost opportunities. I did so with sadness and regret. I think any one of us, as Americans, regrets when our country loses an opportunity to curb the nuclear arms race.

When I spoke of lost opportunities, I was thinking back to a time before I came to the Senate, and before perhaps two-thirds of the present membership of the Senate came here. It was a time when the U.S. Senate could have shown true leadership. I refer to the very courageous efforts made by Senators such as Edward Brooke, Clifford Case, and others in 1969–1970 to try to convince the Nixon administration to make a sincere and realistic attempt to ban MIRV's in the SALT I negotiations.

You only have to read statements made by some of those who were involved in the MIRV debate to realize how different things might have been if those courageous Senators prevailed. We find even Henry Kissinger, the architect of the SALT negotiations himself, now admitting that it was a mistake and that we should have negotiated limits on MIRV at a time when we had a chance to do so.

How different matters would be now had they been successful on a MIRV ban. There would be no ICBM vulnerability problem; there would be no explosion in the number of missile warheads; there would be no MIRV'd SS–17's, 18's, or 19's under Soviet control; nor would we have the MX issue which so perplexes the Senate of the United States today.

There would have been no Scowcroft Commission to tell us again what so many of our leaders knew back in 1969: that MIRV'd ICBM's were bad for American security. It is hard to overlook the parallels between that time and the decisions we are making today.

I believe, as we look at the pros and cons of deploying the MX in vulnerable Minuteman silos, it is worth recalling some of the events of that debate on MIRV.

The issue of proceeding with MIRV's was brought to the attention of many Members of Congress in the late 1960's. For a number of reasons, they did not immediately grasp the dangers to U.S. strategic forces of a MIRV'ing program. Congress was at that time preoccupied with the issue of halting plans on both sides to deploy ABM systems.

I recall the debate. In fact, I came here as a private citizen from Vermont and sat in the gallery several different times and listened to that debate. I was here in this Chamber as an observer when the ABM vote occurred in the Senate. I recall that very well, sitting here as a young prosecutor from Vermont. I had one of the few seats in here. The galleries were crowded at the time.

I recall some argued that to spend too much time with the MIRV issue would detract from the efforts to stop the ABM, which was seen by many as the more urgent and serious threat to strategic stability. Even the ABM was a matter of major conflict. I remember very well that of the two Senators from Vermont, neither one of whom now serve here, one voted for the building of the ABM and one voted against.

We must also not forget the dynamics of the nuclear arms race were not fully comprehended by many Members of Congress, and that was obvious in the debate at the time. It would be several years before more than a select few would understand the complex jargon of nuclear weaponry and doctrine. But since then we have had both the SALT I and the SALT II agreements. I would like to think that this situation has changed dramatically with the Members of this body today, and that we have a much better understanding of the issues at stake, and the meaning of what we do.

I think it has also changed dramatically with the population as a whole. I have not been to a single public meeting in the State of Vermont where there was a question and answer, session or open discussion, when at some point, usually very early, the question of nuclear war and nuclear arms control, has not come up. When it does, we seem never to get off that subject. I find the average Vermonter, as I am sure is true of the average person in all the other 49 States, is well versed on the complexity of this subject.

Back in 1969 and 1970 that was not necessarily the case. Senator Brooke from Massachusetts pushed hard to convince the administration to agree to propose a mutual and verifiable MIRV moratorium with the Soviet Union during the SALT I negotiations, while in the meantime restraining the testing and deployment of our own MIRV's.

Senator Brooke's idea never caught fire in the Senate. It was put off until after the opening round of the SALT I talks. The usual arguments about tying a negotiator's hands at the negotiating table were heard, as well as the dangers of making unilateral concessions, some of the same things we hear today. In fact, I daresay if we took some of the articles written at that time and just reprinted them today, we would be hard pressed to tell which were from the newspapers and statements of public officials in 1969 and which were from the newspapers and statements of public officials in 1983.

We led in MIRV technology at that time, and, as has happened before, many somehow thought we could preserve this advantage. Of course, we have not. We consistently overlook the reality that when we develop a superweapon, however defined, eventually, unless we are able to put controls on it, the Soviet Union also develops the same sort of weapon. Every superweapon we have ever developed they have matched, even if it took a few years. They develop the technology themselves or they obtain it one way or another from the United States—but they do it sooner or later.

To go back to the history of MIRV, Mr. President, the Senate eventually passed a watered-down version of the Brooke resolution instructing the U.S. arms negotiators to propose some form of MIRV limitations to their Soviet counterparts.

But the administration proposal, intentionally designed to be nonnegotiable—again those parallels with today—was quickly dismissed by the Soviet Union. Senators received little information on what our negotiators were doing concerning MIRV's. Again, we see a parallel with what is going on today in the Geneva negotiations on START and INF.

By failing to act strongly and decisively, Senators lost the opportunity to avoid a shortsighted and politically driven decision by the Nixon administration to MIRV our ICBM's and SLBM's.

The United States is now facing the consequences of that lost opportunity as we contemplate a world of huge, vulnerable, 10-warhead, MIRV'd ICBM's poised on hair-trigger alert to fire before they are destroyed. The sad results of the missed opportunity on MIRV are well known to all. Let us not compound that mistake of an earlier decade by missing yet another opportunity to act in the national interest in nuclear stability.

Mr. President, I said last night these opportunities come less and less often. They seem to be slipping away from our grasp.

Mr. President, this is not a case of losing opportunities in some minor game or sporting event. We are talking about missing opportunities that can determine the life not only of every-

one within the United States, but quite literally, everyone on the face of the Earth.

As human beings, can we morally justify allowing such opportunities to keep slipping away? Mr. President, do we really fulfill or responsibility to the security of our own people, to say nothing about the peoples of the rest of the Earth, if we allow those opportunities to escape us? Could we really show responsibility, not only to our generation but to succeeding generations, if we allow those opportunities to go by?

We should realize that today is one such. Let the Senate insist with clear vision and determination that this time, political considerations and the momentum of a vast weapons program will not prevail; let us turn back the MX.

Mr. HART. Will the Senator from Vermont yield for a question?

Mr. LEAHY. Mr. President, I shall yield to the Senator from Colorado.

Mr. HART. Mr. President, I just want to ask the Senator a question, if I may. That is whether he agrees with me, having served on the Armed Services Committee himself and now serving, as I recall, on the Intelligence Committee, that the MX cannot be justified as simply another nuclear weapons system program, that it does in fact, in terms of capability and in terms of the mode of deployment, represent a substantial departure from the traditional nuclear doctrine and practice of this Nation of the past 35 years?

Mr. LEAHY. The Senator from Colorado is absolutely right. We are dealing now with a weapon of a first-strike capability, a counterforce weapon. I asked questions in open session of the Appropriations Committee, where I also serve, of the Chairman of the Joint Chiefs of Staff and the Secretary of Defense. They made it very clear—and I recall the headlines the next day as a result of their testimony—that they were not ruling out launch on warning once the MX is deployed. It seems that our nuclear doctrine is going to be shaped by the weapon we develop. Putting a first-strike weapon in a vulnerable situation will drive us toward a nuclear policy of launch on alert or launch under attack, in my estimation.

Quite frankly, I am not willing to endanger the lives of my countrymen in that kind of situation. Launch under attack may result from a computer-flashed message which may or may not be accurate. There are too many examples that these messages can sometimes be quite inaccurate.

If we should be unwilling to risk the safety of our country and our people on the possibility of a malfunction of American computers, do we really want to do it or base it on Soviet computers which are not as good as ours?

Mr. MOYNIHAN. Will the Senator yield for a follow-on question?

Mr. LEAHY. Yes, Mr. President.

Mr. MOYNIHAN. I ask his judgment—as a Senator held in great regard to this body, turning a little gray and obviously acquiring seniority—about something the body has addressed previously. I observe the press gallery is empty, so I can ask this question and he can give his answer free of any fear of attribution.

The record is filled with warnings, from every authority we have summoned to office in these matters in the last 5 years, saying, in effect, "Don't deploy the MX in a mode that is vulnerable to a first strike by the Soviets, because it is then transformed into a first strike weapon by us and we enter a launch on warning situation." I do not think there has been an engineer or scientist in our Government in recent years more respected than William Perry, who was Under Secretary of Defense under President Carter. He said on November 13, 1981:

> My concern is that if we had this very threatening missile in unprotected silos and if they do not go to a survivable system themselves, that simply increases the hair trigger on both sides.

"The hair trigger." After 25 years of deterrence, a policy which is meant to avoid just that. Secretary Weinberger, whom we know and respect in this Chamber, said just a few weeks earlier, on October 5, with reference to MX missiles in Minuteman silos:

> I don't think they can be hardened enough on a permanent basis to warrant putting MX missiles in fixed and known silos.

The Senator from Vermont is familiar with these statements. I ask him, given those judgments I have just quoted, how we are proceeding to act in direct contravention to them in a matter so far reaching in its implications. This is not a wheat price support program. This is not the Buffalo Bill Dam. This is launch on warning.

Mr. TOWER. Will the Senator yield at that point so I may intervene with a question?

Mr. MOYNIHAN. The Senator from Vermont has the floor.

Mr. LEAHY. Yes, I yield.

Mr. TOWER. If the Senator would forbear, is the Senator from New York referring to that same Bill Perry who is a member of the Scowcroft Commission and recommended adoption of the Scowcroft Commission's findings?

Mr. MOYNIHAN. I most certainly am. The distinguished chairman has heard us say time and again the single most suspect aspect of the Scowcroft Commission's report is that, having made an extraordinarily powerful argument for abandoning the MX and going for a mobile missile system, in the end it said, "Well, we will give the President half the number of MX missiles he asked for."

We do not question what the Scowcroft Commission did. We question why they did it. The recommendation respecting MX missile deployment does not logically follow from the substance of the report itself. Perhaps the Senator from Vermont would speculate on why Dr. Perry changed his mind.

Mr. LEAHY. None of them changed their minds on the question of vulnerability. Every member of the Scowcroft Commission emphasized that the MX missiles could still be vulnerable when they are put in Minuteman silos. No matter what you deploy in silos which themselves are vulnerable, that also will become vulnerable. That is true even if you call it the MX—or the latest Madison Avenue jargon, the Peacekeeper. I recall from my religious classes as a young man in parochial school, we usually used that term to refer to a person who lived 2,000 years ago and not to a missile of unimaginable destructiveness.

Be that as it may, Dr. Perry still believes, as I understand most members of the Scowcroft Commission do, that MX in Minuteman silos is a vulnerable basing mode. Their argument for it rests mainly on political grounds, and something they call perceptions.

Dr. Perry, for whom I have a great deal of respect, has stated all this before. Those who know him understand that he always tends to understate. He is a very careful person and when he says that silo-based missiles are vulnerable and will continue to be vulnerable, I give that great weight.

The Senator from New York, of course, is as familiar with these questions as any person in this Chamber and certainly as familiar as virtually any member of the Intelligence Committee. He is the vice chairman of the Senate Select Committee on Intelligence and has continuous access to information on the issues involved in missile survivability. I do not think I go into any classified information—it is information available to each of us Senators—when I say the Minuteman silos into which MX is to be deployed are already threatened by nearly complete destruction in a Soviet attack. I certainly breach no confidence by saying that my studied judgment is that by deploying MX this way we end up with a first-strike weapon in a vulnerable situation. Quite frankly, I was not surprised to hear the Secretary of Defense and the Chairman of the Joint Chiefs say to the Appropriations Committee in hearings on MX last May that they now have to admit the possibility of a U.S.-launch-under-attack scenario, to use their term.

I believe this MX plan will drive us toward a launch-under-attack doctrine. That is why I think we have reached as crucial a strategic decision as the Senate did on MIRV back in

1969–70. It is every bit as important. I commend the Senator from Colorado in leading this debate into examining all aspects of this issue. We should not underestimate the service he does not only for the Senate but for the whole country in driving this debate. The MX is as important as the issue of ABM. It is certainly as important as the issue of MIRV. As we build up and build up—and I do not know how to emphasize this enough to my colleagues in this Chamber—the opportunities we miss do not come back, but the stakes become greater and greater. That missed opportunity which might have seemed less important a decade ago or 20 years ago becomes overwhelming today. If we keep on letting these opportunities to gain national control of the nuclear competition pass by, some day we will reach the point when the last opportunity is gone; the stakes are life and death to the human race. That is really what we face today. The 100 Members of this Chamber have a responsibility to the country to grasp this opportunity, to not let it go by.

I commend the Senator from New York for his work, my seatmate, the Senator from Wisconsin, who has spoken so eloquently on this burning question, and the Senator from Colorado for pushing this debate into all the corners of the issue.

I yield to the Senator from New York.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. TOWER. Reserving the right to object, what was the consent request?

Mr. LEAHY. I did not make a unanimous-consent request. Mr. President, the Senator from New York was the only one on his feet, so I yielded to him.

Mr. TOWER. For what purpose? For what purpose?

Mr. MOYNIHAN. If I may say to the distinguished chairman, I asked for recognition.

The PRESIDING OFFICER. Does the Senator from Vermont yield the floor?

Mr. LEAHY. I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. I thank the distinguished Presiding Officer.

Mr. TOWER. I just want to point out this position of controlling the floor and yielding and yielding.

Mr. MOYNIHAN. The Senator is quite correct to do so.

May I express my appreciation to the Senator from Vermont for so perceptive and heartfelt a statement? Not to feel deeply about this subject is to be lost to sensibility about the central issue of our time. This need not be a desiccated debate, this need not be a statistical analysis, this need not be a long, drawn-out attempt to describe merely the mechanics and logistics of our present situation.

The central point the Senator from Vermont made, is similar to the point the Senator from Colorado and the Senator from Wisconsin have made, and numerous of us have made repeatedly. We have not yet heard our arguments rebutted; perhaps we have not been rebutted because we have not been heard. Our point remains: We are changing American strategic doctrine not by what we say but by what we do.

Mr. President, I would like to address two propositions this afternoon, in what I believe is the fifth time I have spoken in recent days on the subject. First, I would call to the attention of Members of the Senate what relatively small issues are involved with respect to armament that are leading to this massive, fateful change in strategic doctrine.

Not long ago the Congressional Budget Office made known its informed judgment on this question. When we were considering the Dense Pack deployment mode last November—that was the latest of some 34 efforts to deploy this weapon in a deterrent mode, each in turn failing in one sense or another—the CBO was asked what would be the contribution to the nuclear forces of the United States that the decision to go ahead with MX would yield.

On November 24, 1982, the Director of the Congressional Budget Office, Alice Rivlin—who is still Director though, happily for her, will having served two terms and more soon be returning to the Brookings Institution—sent to the Budget Committee a report.

The letter accompanying the report states as follows:

> The paper concludes that even if the CSB works—

Mr. President, CSB in this case stands for "Closely Spaced Basing," though it was given the more common appelation Dense Pack—

> and the MX survives in substantial numbers, the percentage contribution of the MX missile to United States strategic capabilities would be small. By 1996, when all systems are fielded, the contribution of the MX would range from about 5 percent to about 13 percent depending on the measure of capability chosen, the scenario assumed for the nuclear exchange, and assumptions about arms control.

Mr. President, at this point I ask unanimous consent that the report and Dr. Rivlin's letter be printed in the RECORD.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., November 24, 1982.

HON. JAMES R. JONES,
Chairman, Committee on the Budget, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: At the request of your Committee, the Congressional Budget Office (CBO) is currently reviewing the cost and effects of the Administration's plan for building U.S. strategic forces, and alternatives to that plan. The final report should be completed in time for next year's budget review. Recently, you asked for interim results that focus on the contribution of the MX missile, since that program will be debated during the final session of the 97th Congress. The paper attached to this letter presents those interim results.

The Administration has proposed to deploy 100 MX missiles in the so-called "closely spaced basing" (CSB) mode. The survivability of MX missiles in the CSB mode has been hotly debated. CBO cannot judge the complicated technical issues that determine whether MX in CSB would survive, such as whether "superhardening" technologies for CSB silos are practical. CBO has therefore assumed, as the Administration asserts, that the CBS mode would allow a substantial fraction of the MX missiles to survive a Soviet first strike and contribute to U.S. retaliation.

The paper concludes that, even if CSB works and the MX survives in substantial numbers, the percentage contribution of the MX missile to U.S. strategic capabilities would be small. By 1996, when all systems are fielded, the contribution of the MX would range from about 5 percent to about 13 percent depending on the measure of capability chosen, the scenario assumed for the nuclear exchange, and assumptions about arms control. If there was warning of an attack, the MX would contribute 5 percent of all U.S. warhead inventories likely to survive a Soviet first-strike; it would provide 7 percent of those surviving warheads capable of destroying Soviet targets hardened against a nuclear blast. Were a Soviet attack to occur as a total surprise—destroying U.S. bombers not on alert and submarines in port—the MX could provide 7 percent of all surviving warheads and 13 percent of hard-target inventories.

In 1990, when the MX is deployed but before the Trident II missile is deployed in large numbers or the Stealth bomber is fielded, the contribution of the MX could be substantially larger. In this earlier period, the MX would contribute 5 percent of total surviving warheads and 12 percent of surviving hard-target warheads in an attack that occurred after some warning. Should the Soviet strike come as a complete surprise, the contribution of MX to surviving inventories could be 12 percent for total warheads and 23 percent for hard-target warheads. Some consider this surprise or "bolt-out-of-the-blue" attack less likely than an attack that came after a warning period of tension or nonnuclear war.

The rationale for MX depends, of course, on more than its quantitative contribution. The MX would help continue the diversity inherent in a triad of survivable U.S. strategic forces. The MX might also offer some advantages in terms of command and control and could contribute in a limited nuclear exchange that some have discussed. Deploying the MX might also show a steadfastness of purpose which, as the Administration has argued, could be important in ongoing arms control negotiations.

Review of the costs of the MX in CSB must await detailed examination of the exact nature and timing of the Administration's program. Nonetheless, the Air Force has indicated that the costs of deploying 100 MX missiles in the closely spaced basing mode might amount to about $26 billion in constant 1982 dollars.

I hope these interim results are helpful. If we can answer any further questions, please let me know.

Sincerely,

ALICE M. RIVLIN,
Director.

CONTRIBUTION OF MX TO THE STRATEGIC FORCE MODERNIZATION PROGRAM

[Figures referred to not reproducible for record.]

The Administration has decided to base the MX missile in the so-called "closely spaced basing" (CSB), or "dense-pack" mode. The CSB scheme will place 100 MX missiles in vertical shelters that are "superhardened" to withstand large nuclear blasts. The shelters will be approximately 1,800 feet apart in a narrow array about 14 miles long. If the Congress approves the basing decision, MX in CSB will be deployed in Wyoming, with the first missiles available sometime in 1986. According to Air Force estimates, MX in CSB would cost $26 billion in fiscal year 1982 dollars.

The Air Force contends that this new basing system will provide a measure of survivability to the MX missiles because of the phenomenon of "fratricide." Incoming Soviet warheads would destroy other Soviet warheads that were not detonated at precisely the same instant; the radiation, heat, blast, and debris created by explosion of the first warheads would destroy or blow off course follow-on warheads. MX missiles in superhard silos would be able to survive this destruction, to be launched later when the environment had cleared up. MX would survive in CSB for only a matter of hours, however, since subsequent strikes could be launched against surviving shelters once the debris and dust had settled.

The technical claims for the survival of MX in CSB have been, and likely will continue to be, widely disputed. Press reports as of last September indicated that the Air Force expected 50 to 70 percent of the MX force to survive if placed in CSB. Information in the press after the President's decision suggested that the Air Force places survival prospects at 70 percent. On the other hand, some analysts clearly believe that few if any of the missiles would survive. It is beyond the technical competence of the Congressional Budget Office (CBO) to make an independent assessment of MX survivability in dense pack. For purposes of this analysis, CBO assumed that 60 percent of the missiles, the mid-point of the earlier range, would survive. A discussion at the end of the paper notes the impact of assuming higher or lower survival rates.

This paper summarizes CBO's analysis of the contribution of the MX missile to U.S. strategic capabilities, assuming that closely spaced basing allows a substantial number of MX missiles to survive.

SIZE OF THE MX CONTRIBUTION WOULD DEPEND ON TOTAL ADMINISTRATION PROGRAM

Key Systems

The contribution of the MX missile would be relative to that of other strategic forces in the Administration's plan. Most of the plan is publicly available, though some details are not. The following programs are assumed to be part of the Administration's strategic buildup:

Deployment by 1989 of 100 MX missiles in the closely spaced basing mode;

Deployment by the late 1980s of 100 B-1B bombers and by the early 1990s of 132 "stealth," or advanced-technology, bombers (ATB);

Deployment by the mid-1990s of 3,800 air-launched cruise missiles, initially on refitted B-52 bombers and eventually on B-52 and B-1 bombers;

Continued procurement through 1992 of Trident submarines at current rates (one per year) plus, by 1996, deployment on all Trident submarines of the new, larger Trident II (D-5) missile currently being developed;

Deployment by 1988 of about 400 nuclear-armed, sea-launched cruise missiles.

Measures of Strategic Modernization

The Administration program will result in a major buildup of U.S. strategic forces. The following discussion examines this buildup in terms of two measures: Total warheads, which serves as a rough guide to the number of targets that can be attacked; and "hard-target" warheads, which is the number of warheads that can destroy targets, such as missile silos and command bunkers, that are hardened against nuclear effects.[1]

Values for these measures depend on the particular scenario for nuclear exchange.

This analysis assumes a scenario in which the Soviets have mounted a major first-strike attack against all U.S. strategic forces. Figure 1 shows the Administration's planned buildup of U.S. forces in total warheads and hard-target warheads (shaded portion) before a strike ("pre-strike") and an estimate of the number of those warheads that would survive a postulated major strike ("post-strike"). The analysis also assumes sufficient advance warning of the attack to allow most U.S. forces to be on alert.

Given these assumptions, the Administration's program would substantially increase strategic capabilities. Numbers of surviving warheads, for example, would go from 6,500 in 1983 to 11,400 in 1990, an increase of 75 percent. By 1996, the number of warheads would fall back to 10,700 as some older submarines were retired.

The more dramatic increase would come in the numbers of surviving warheads that could destroy hard targets. That number would go from 1,600 in 1983 to 5,000 by 1990 (an increase of 213 percent) and to 7,900 in 1996 (an increase of 395 percent). The dramatic growth from today's low levels occurs because all the systems noted above—the MX, B-1, ATB, cruise missiles, and Trident II—can deliver warheads capable of destroying hard targets. This growth indicates U.S. emphasis in recent years on hardtarget capability, which has become an increasingly important feature of nuclear forces since the mid-1970s.

The buildup noted above for post-attack surviving warheads also applies to the pre-strike situation, though obviously the inventories are larger. Because the critical element in the MX debate is the search for a survivable basing mode, the remainder of this report concentrates on the post-strike scenario.

[1] Hard-target kill weapons in this paper are those that have a single-shot probability of 0.5 of destroying a target hardened against 4,000 pounds per square inch of static overpressure.

MX CONTRIBUTION SMALL IN PERCENTAGE TERMS

In part because of this substantial buildup in all U.S. nuclear forces, the percentage contribution of the MX system would be small, though qualitative factors mentioned later in the paper—such as maintaining the diversity of the strategic triad and showing resolve in arms control negotiations—may argue for the MX. Figure 2 shows the contribution of MX in two critical periods. By 1990 the MX would be fully fielded, but the Trident II would just be entering service and the ATB bomber would not yet have been deployed. By 1996 all major initiatives would be fielded. By 1996, when the systems discussed above were all deployed, the MX would contribute about 5 percent of all U.S. strategic warheads and about 7 percent of hard-target warheads. In 1990, when modernization efforts were still incomplete, the MX would contribute only 5 percent of total warhead inventories but as much as 12 percent of hard-target warheads. These results assume the post-strike, with-warning scenario for a nuclear exchange discussed above, unconstrained by arms control limits. The remainder of this paper emphasizes hard-target warhead inventories, since that is the primary character of the buildup and presents the strongest case for the MX system.

MX Contribution Higher in "Bolt out of the Blue" Attacks

The contribution of the MX would be higher if a Soviet attack came as a complete surprise, destroying bombers and submarines that might otherwise escape with sufficient warning. In this "bolt out of the blue" scenario, the contribution of the MX would be larger since land-based missiles are nearly 100 percent ready on a continuous basis. By contrast, only one-third of the bomber force and two-thirds of the submarine force are on alert in peacetime. By 1966—in a scenario with no warning—the MX would contribute 13 percent of hard-target warheads (see Figure 3). If measured in 1990, before Trident II was fully deployed and the ATB was fielded, the MX would provide up to 23 percent of hard-target warheads in these surprise attack scenarios. Some proponents maintain that the constant readiness of the MX and other land-based missiles would contribute qualitatively as well as quantitatively to deterrence. Other analysts consider the "bolt out of the blue" attack an unrealistic scenario.

Considering Soviet Air Defenses Could Increase MX Contribution

The contribution of the MX would be higher if measured in warheads likely to penetrate the Soviet Unions's defenses and reach their targets. CBO has used the measure of warheads likely to survive a Soviet first strike, rather than those likely to survive and penetrate, to avoid security classification problems. Most warheads fired from land-based missiles and submarines would be likely to penetrate, while some bomber weapons would not. If, for example, an average of only 75 percent of all bomber weapons were able to penetrate Soviet air defenses, then the 1996 contribution of the MX—in the post-strike, with-warning scenario—would amount to 8 percent (compared with 7 percent assuming that all bomber weapons penetrate) of hard-target kill capability.

Arms Control Could Increase MX Contribution

The contribution of the MX could also be increased by arms control agreements, de-

pending on how they were implemented. The U.S. START proposal, for example, calls for reductions of about one-third in U.S. and Soviet ballistic missile warheads. (CBO assumed a similar one-third reduction in bomber warheads, though the U.S. proposal did not mention bombers. If no bomber reductions are included, the contribution of MX would be even smaller.) If the U.S. START proposal and a bomber limit were in place, and if the Administration continued its strategic buildup, then the United States would have to retire a number of older systems early, particularly Poseidon submarines. This would increase the contribution of the MX. By 1996—in a post-strike, with-warning scenario—the MX would provide 8 percent of hard-target kill capability, compared with 7 percent in the absence of START (See Figure 4). The expired SALT I treaty, and the proposed SALT II treaty, would—if their provisions were adhered to—have effects on the contribution of the MX similar to those of the START proposal.

MX CONTRIBUTION DEPENDS ON COMPLETION OF OTHER STRATEGIC PROGRAMS

These findings about the contribution of the MX depend on completion of the other Administration programs described above. Bombers would make an important contribution. By 1996—in the post-strike, with-warning scenario without any arms control limits—bombers would contribute 50 percent of all hard-target kill capability (see Figure 2). The bomber programs that would contribute this capability include the B-52 bomber armed with cruise missiles, the B-1B bomber, and the stealth bomber.

Continuation of the Trident submarine program, coupled with deployment of the larger and more accurate Trident II missile, would also have important effects. Sea-launched cruise missiles would add more modestly to capability. By 1996—in the same scenario just discussed—these sea-based forces would contribute 42 percent of all hard-target kill capability (see Figure 2).

MX CONTRIBUTION WOULD VARY DEPENDING ON SUCCESS OF CLOSELY SPACED BASING

As noted above, there has been substantial technical debate concerning the survivability afforded through the closely spaced basing system. The Congressional Budget Office cannot independently evaluate the technical issues underlying closely spaced basing—for example, the plausibility of superhardening missile silos. This analysis assumed 60 percent of MX missiles in closely spaced basing survive; 60 percent is the midpoint between Air Force survivability estimates reported in the press. Actual survivability could well differ from this range. Figure 5 shows the contribution of the MX in 1990 and 1996 to surviving inventories of hard-target warheads, assuming different survivability levels. For example, if MX survivability in 1990 was 70 percent, its hard-target contribution would be 13 percent (see "A" Arrows on Figure 5). If 50 percent survived, its contribution would drop to approximately 10 percent ("B" Arrows). The level of contribution in 1996 would be consistently lower than in 1990 because of the larger stock of surviving warheads in 1996 as the ATB bomber and Trident II missiles were fielded.

This analysis presumes that closely spaced basing would be able to provide uniform survivability over time. More likely, survivability would decline as Soviet planners developed new methods to defeat the system. For example, in 1990 survivability might be 70 percent, but could drop to 50 percent by 1996. In that instance, MX contribution would drop to 6 percent ("C" Arrow) unless corrective measures—such as ballistic missile defenses—were taken. The Defense Department has identified supplementary actions to improve CSB survivability over time—such as deceptive basing using superhardened silos as well as ballistic missile defenses. Those actions would be expensive and would increase program costs over Air Force baseline estimates of $26 billion (without inflation).

IMPORTANT QUALITATIVE FACTORS MAY ARGUE FOR MX

When viewed in conjunction with these other Administration modernization efforts, the quantitative contribution of the MX would be small in percentage terms. Nevertheless, a number of important qualitative attributes of land-based missiles in general, and of the MX in particular, could argue for continuation of the MX program.

Among the more important qualitative contributions of MX would be the demonstration of U.S. resolve to maintain diversity in nuclear forces through a triad of strategic forces able to survive a Soviet first strike. This diversity would provide insurance against a Soviet technological breakthrough that might threaten one or more legs of the triad. Continuation of the triad concept would also force the Soviets to allocate their research and development efforts against three types of U.S. strategic forces, each of which must be countered with different systems.

The Administration has argued that continuing development and deployment of the MX would be critical to the success of the current round of strategic arms reduction talks. Proceeding with the MX might, for example, show U.S. resolve and provide a "bargaining chip" for use in reaching a compromise. As noted above, the MX would contribute between 7 and 12 percent of hard-target inventories under arms control limits (see Figure 4).

Another major point in favor of the MX is the increase it would provide in the U.S. ability to retaliate promptly against Soviet targets that are hardened against nuclear effects. From what is known publicly about U.S. retaliatory strategy, the United States may count on the capability to retaliate quickly against certain hard targets—especially those capable of further attacks on the United States—during either a limited nuclear war or an all-out retaliation. Some of the existing land-based Minuteman missiles could have a prompt capability to destroy hard targets, but their predicted lack of survivability might leave few available. Bombers require hours to fly to the Soviet Union. And, although the hard-target capability of the sea-based forces would increase dramatically with the introduction of sea-launched cruise missiles and the Trident II missile, it is not clear that the required command, control, and communications links would be available to enable these forces to respond quickly in some conflicts.

The closely spaced basing concept could, however, detract from some of the traditional, qualitative advantages of land-based missiles. For example, could the United States fire the MX missiles promptly if the Soviets attempted to "pin down" the missile field with a sequence of attacks? Would MX command and control be affected by such a large number of nuclear detonations in such a small area? Detailed analysis of these issues is beyond the scope of this paper.

CONCLUSION

The Congress, then, must appraise the qualitative considerations that favor the MX along with its costs and contribution to overall strategic capabilities. MX would maintain the diversity inherent in a triad of strategic forces and would support the Administration's desire to show resolve during ongoing arms control negotiations. Air Force estimates suggest, however, that the MX missile would cost about $26 billion in 1982 dollars. Moreover, analysis in this paper suggests that, in part because of the buildup of other strategic forces, the contribution of the MX to overall U.S. strategic capabilities would be relatively small—between 5 and 13 percent by 1966.

Mr. MOYNIHAN. In the best of circumstances the MX will add 13 percent to the nuclear arsenal, but that 13 percent will bring a 180° change in our strategy. It will bring us to the strategic posture we have sworn we would never adopt because of profound moral principle.

The great invention of American strategists, academicians for the most part, in thinking how to deal with this weapon in the aftermath of the Second World War and in their knowledge that the weapon was also developed by the Soviets was to develop the doctrine of deterrence. Albert Wohlstetter conceived and wrote a paper on the second strike. We learned that you did not have to just think of simultaneous exchanges; you could deploy your weapons such that they would always be available in the aftermath of an attack by the other party. Deterrence is not complex. It has apparently dissuaded aggression, and we have followed it ever since.

The MX, even in a survivable mode, however, was from the start an ominous development. In 1979, in a long article in the New Yorker, I offered my judgment that:

> The MX is incompatible with the doctrine of deterrence. It is, its advocates in the Administration like to say, a "hard-target-kill counterforce weapon." But the strategic doctrine of deterrence specifically precludes either side from obtaining counterforce weapons.

The Soviets did it anyway; we know that. We did not. We are two different societies. Not less determined in our capacities to defend ourselves, certainly not less capable. But we have never put ourselves in a position where we could be thought to intend to use it first. Nor have we previously invested an enormous amount of effort in a system we could only use first, if we used it at all.

The existing Minutemen are only useful as first-strike weapons. But we did not deploy them as such. When they were deployed, they were not vulnerable to Soviet attack; they provided a credible threat of a second strike. They no longer do.

Alas, they have become a first-strike weapon, not through our doing but through the development of Soviet

technology and the deployment of the SS-17, 18, and 19 on that billboard that appears and disappears from time to time on the eastern side of the Chamber.

The argument is sometimes made that we have not deployed a new weapons system while the Soviets have kept doing this and that. Those Minutemen in those silos today are no more like the original ones than the latest Ford automobile is like the model A. The warheads are different; they are MIRV'd. Though they have the same name, they are a much more modern weapon.

The point of the report from CBO is that if we take out the existing force, which has a certain capability and we do not doubt that, and replace it with this vastly expensive new force, we have not significantly added to our forces. Not at all. What we have done, therefore, is rather to declare a different set of intentions to the Soviets and to the world.

Mr. President, the people of the world know this. They listen; they watch. We would watch, too, if we were without these weapons and two huge nations on either side of the globe had them. Most of all, the Soviets watch.

They will not take this as an example of muddleheadedness. They will not see it as a problem of interservice rivalry. They will not notice that one administration got itself committed to it and then commissioned an expert panel after the House of Representatives said, "No more of this, stop it"—a panel which said, "Let us by all means go to a mobile system of single warhead missiles, more of them if need be, but a deterrent mode, and, if you must, build the MX, but only half as many, please."

I wish those men had not done that. History will not remember them well for it, and they are men who should be well remembered and well regarded in our history.

However, it is a fact that in the aftermath of this recommendation, which the administration has now attempted to impose upon Congress, a not-yet-completed debate on the merits of the MX has created a situation which could scarcely be better described in one sentence than was done in the lead editorial of this morning's New York Times. It is my hometown newspaper, as it were, and I do not hesitate to quote it. I know there are those in this Chamber who read it wherever their residence might be. The editorial is entitled "Make It the Ex-MX." The opening sentence says:

> The MX, a new missile that threatens the United States more than it does the Soviet Union, has nonetheless outlived three Administrations, 34 basing systems, a half-dozen Congressional vetoes and two arms control treaties. Today, however, Congress may finally drive a stake through its heart.

Let me read that sentence again:

> The MX, a new missile that threatens the United States more than it does the Soviet Union, has nonetheless outlived three Administrations, 34 basing systems, a half-dozen Congressional vetoes and two arms control treaties. Today, however, Congress may finally drive a stake through its heart.

The editorial goes on to make a point to which I have alluded on several occasions in this debate. It says:

> The administration says America needs a threat to Moscow's heavy, multiple-warhead missiles to induce parallel Soviet movement toward single-warhead missiles. But 300 Minuteman III missiles already are equipped with 900 warheads like those in the MX.

They are not very different. The MX would add merely 100 to the 900.

> They are capable of destroying Soviet ICBM silos. And it will be late 1986 before the first MX is operational, mid-1989 before 100 are deployed.

Why are we doing this to ourselves? Why do we not know what we are doing to ourselves? Is there something at the level of the subconscious that cannot bring us to acknowledge the advent of a hair-trigger world, to use Dr. Perry's phrase, of launch on warnings?

The Joint Chiefs have acknowledged in hearings that they have begun thinking of such things. "Launch under attack" is their phrase. "Warning of attack" is the only real meaning.

What they mean is that when the computer tells you it is coming, you have to act.

I think it was a very telling point the Senator from Vermont made, that we do not have a great deal of confidence in our own computers. Now we are entrusting the life of the planet to the computers of the Soviet Union.

Has anybody who is fortunate enough to have a bank account from which he can get cash on weekends by punching buttons on an external machine tried to do so lately? The average rate of success for these efforts is about one in three. It is not that the banks will not let out money, but the computer is broken down, and the buttons are incompatible with its previous program. You have to nurse it back to life, and it is done on Monday morning.

Yet one day it had better be done in 9 minutes, because that is how much time there will be to decide. The Soviets practice these exercises. They go through them. They go through them because they think we are going to do what we are talking about today. We know we will not endeavor a preemptive first strike, but can they be expected to believe when they see us deploy a multibillion dollar system suited for nothing else?

Mr. President, it has been observed that there are moral dimensions to what we do as we consider this military arms authorization. On Saturday, I entered in the RECORD the pastoral letter of the American Catholic bishops on the subject of war and peace. It had not previously been in the RECORD. I would like to read a passage. May I first quote again an observation I had made in the New Yorker in 1979, in which I said:

> The MX is incompatible with the doctrine of deterrence. It is, its advocates in the Administration like to say, a "hard-target-kill counterforce weapon." But the strategic doctrine of deterrence specifically precludes either side from obtaining counterforce weapons.

This is precisely the position the American bishops have recently taken, and it is a position shared by men and women of religious denominations quite different and from those of the bishops, but sharing a Judeo-Christian tradition which brings them increasingly to common and forceful positions in this matter.

The bishops said:

> Considerations of concrete elements of nuclear deterrence policy—lead us to a strictly conditioned moral acceptance of nuclear deterrence.

The bishops go on to say: "In light of this general judgment we opposed"—their emphasis—

> We oppose the addition of weapons which are likely to be vulnerable to attack, yet possess a prompt hard target kill capability that threatens to make the other side's retaliatory forces vulnerable.

I am not asking that anyone in this Chamber submit to the judgments of anyone outside this Chamber other than to represent the people who elected us.

My goodness, the billboard is back. We can discuss that, too, in turn. Whenever the argument gets serious, back goes the displays. As that is meant to be a substitute for an argument we will let it pass.

I was saying that no one in the Chamber undertakes to accept to be bound by the judgment of anyone exterior to it. But we listen to those who study these matters. We have for many years been perhaps too deferential to those who know more of the physics, more of the astrophysics, and more of the mathematics than we do.

Let us give in any event a measure of deference to those who have judged the morality of what we do.

The pastoral letter of the bishops was hardly an extreme document. It rose from extreme concern and was drafted with great restraint. The bishops endeavored to provide moral guidance in an imperfect world. Given the nature of the Soviet Union, given the extraordinary growth of its military power, given its manifest intent to use that power to its advantage, all of which the bishops took full note of, they said:

> These conditions of concrete elements of nuclear deterrence policy lead us to a strict-

ly conditioned moral acceptance of nuclear deterrence.

And then:

In light of this general judgment, we opposed the addition of weapons which are likely to be vulnerable to attack—

Which the MX is—

yet also possess a prompt hard target kill capability, which the MX does, that threatens to make the other side's forces vulnerable.

Mr. President, I have at the desk an amendment, on which we will vote in due time, which seems to me to be compatible with the bishops' position and with the position of other persons, and is also consistent with the legitimate concerns of the present administration.

I propose that we use the moneys authorized in this legislation to build the MX missiles if we must, if we finally find we can reach no arms agreement with the Soviets. Conceding the argument—which I can scarcely deny President Reagan as it was urged on us with such confidence by President Carter—that he has to have something of a bargaining chip. Well, I can follow that. I am sure he thinks that. But let us not deploy them. To deploy them puts an end to arms control. It puts the world on 30 minutes' notice to annihilation, and you can begin counting. How long we will go on counting I do not know, but you can begin at that point to count.

Andrei Sakharov, who, of course, was the leading scientist in the development of the Soviet hydrogen weapon, and who is now in exile in Gorki, was able to get to the West a letter written to Prof. Sidney Drell on this subject, the present relations with the Soviet Union. Sakharov's letter contains some comments which I think ought to be raised here, having to do with the present relationship of the two nations and the development of new nuclear weapons.

Speaking of the large, land-based ICBM's, he said:

At present the U.S.S.R. has a great advantage in this area. Perhaps talks about the limitation and reduction of these most destructive missiles could become easier if the United States were to have MX missiles, albeit only potentially. Indeed, that would be best of all.

But he goes on also to say:

A specific danger associated with silo-based missiles is that they can be destroyed relatively easily as a result of enemy attack. At the same time, they can be used to destroy enemy launch sites in an amount four to five times larger than the number of missiles used for the attack.

This because of the MIRV effect.

A country with large numbers of silo-based missiles—at the present time this is primarily the U.S.S.R., but if the United States carries out a major MX program, then it, too—could be tempted to use such missiles first before the enemy destroys them. In such circumstances the presence of silo-based missiles constitutes a destabilizing factor.

That is Andrei Sakharov's judgment.

He says that the temptation of a nation with a large number of fixed silo-based missiles is to use them. He says presently this is the case in the Soviet Union, and do we not know it?

But he says, and I quote Andrei Sakharov, the man who developed the Soviet hydrogen bomb and who knows also about political relations: "If the United States carries out a major MX program then it, too," would be in the condition of the Soviet Union, two superpowers facing each other, each not knowing who will strike first and therefore constantly tempted to do so itself, each not knowing whether the other will, asking whether it ought. That 30-minute count will start every second of our lives. It will pollute our politics. It will derange our politics.

People will reel, insisting that leaders who did this to this nation and this world cannot be looked to in other matters. It will produce a fundamental instability in our politics as well as in our armaments. It takes a long time getting used to this subject, learning to feel free with the terminology, having some sense of having absorbed it.

(Mr. SPECTER assumed the chair.)

Mr. MOYNIHAN. That is not the luxury most persons have. They do not sit in S-407 and watch lantern-slide briefings on Soviet strategic forces with the best minds of the intelligence agencies, watching the camera as the various satellites sweep across. They do not know all this—we do, others do not—but what they do know is that we shall have brought the world to the brink of 30-second decisions about nuclear war.

I doubt they will forgive it. I do not think they ought to. We can still prevent this happening by deciding now not to go ahead with this large program. We are building the Trident, we are arming it with the D-5; we have deployed the cruise missile in my own State of New York; we have the Pershings going to Europe; we have a B-1 bomber coming on line; we have more technology than we have ever had, more numbers of warheads than we have ever had.

I believe when the United States proposed strategic arms talks to Premier Kosygin at Glassboro in 1967—I know the distinguished Senator from Texas would have these numbers better than I—I believe the Soviets had by our best estimate about 900 warheads. It is in that range. They had, I know——

Mr. TOWER. 1967, I think they had less than that. They had less than that number.

Mr. MOYNIHAN. 4 and 700.

Mr. TOWER. They had no MIRV's.

Mr. MOYNIHAN. Seven hundred-something, in that area. They have since increased by tenfold.

Mr. TOWER. They began MIRV'ing in the early seventies.

Mr. MOYNIHAN. The charts—I do not want to be derisory of a perfectly good statement of fact—show that once the SS-17's, 18's, 19's came on the number of warheads whooshed right up. We, too. We are approaching 10,000.

It is one of the curious things that there seems to be a growing appreciation that an increase in numbers need not mean a decrease in stability if their mode of deployment is mobile and deterrent. I think it is the deepest irony and the most heartwrenching fact that at long last the facts of physics have driven the Soviets to the idea of a small mobile missile. That is what they are testing on the Pleasetsk Range. We have come to the same view. In physics and engineering a true convergence between us appears, not politics.

As I said the other day, we happen to have a photograph of the new Blackjack bomber—not classified for it is in Aviation Weekly. It looks like a scale model, I mean almost 1 to 1.1 of the B-1 bomber. They look like the same thing.

Mr. TOWER. Will the Senator yield?

Mr. MOYNIHAN. For a question.

Mr. TOWER. Is the Senator aware it does have a similar silhouette but it is a somewhat larger plane?

Mr. MOYNIHAN. I said on the scale of 1 to 1.1 or 1.2—something like that. Physics did that, not politics. You want a supersonic intercontinental plane with swept wings, they end up looking pretty much the same. The logic of their new weaponry argues that they are going to small, single warhead mobile missiles. They may not be single warhead, but they seem to be going to small mobile missiles.

That is also where the Scowcroft Commission advised this country to go. Why then go back to the Soviets' 1950's doctrine when they appear at length to be recognizing the validity of the case we have made and the example we have set?

Mr. President, I do not mean to speak longer. I certainly would wish to. As the Senator from Colorado has said so frequently and so well, we had hoped for genuine debate, although this issue cannot be debated if only we speak.

Mr. HART. If the Senator will yield, I know the Senator from Connecticut (Mr. DODD) has been waiting to make a statement and I hope he is prepared to do so.

Mr. TOWER. I would like a brief time.

Mr. MOYNIHAN. In this case, Mr. President, I yield the floor and thank the Chair for its patience with my extended remarks.

Mr. TOWER. Mr. President, there are many things the Senator from New York has said I would like to address myself to. I expect this debate is going to continue for some time so I will limit myself. But something has been suggested about the morality of the possession of this weapon, I suppose in that it has a first-strike capability. I wonder how one assigns morality or immorality to any weapon? We talked about binaries being an immoral weapon; about nuclear weapons being immoral weapons.

There was a time I think in the 13th century when they spoke about reed fires as being an immoral weapon, and the century following as being an immoral weapon. In fact, the man who died at the Alamo with a musket ball in his chest is just as dead as if he had been killed by an atomic weapon or poison gas.

I think one does not determine morality of weapons systems but one determines the morality based on the intent of those who posses these systems.

Now the fact is I believe that there is a serious question of morality on the part of any nation or any nation's leadership which contemplates initiating war for political or territorial aggrandizement. That is immoral.

I think the possession of similar weapons by a country that would seek to defend itself against such aggression is not immoral. As a matter of fact, I would suggest it would be a lack of morality in a country that was not prepared to defend its citizenry against the forces of evil and tyranny and despotism.

But to suggest that we will have a first-strike capability if we deploy less than a hundred MX's is in my view absurd. The weapon itself may be capable of being used in a first-strike configuration but to suggest that with as few hard target kill weapons we will possess in relation to the numbers the Soviet Union possesses is, it seems to me, not a valid suggestion that we will then have a first-strike capability because we will not, because we will be confronted by vastly superior numbers of weapons that do have a first-strike capability.

Even the suggestion the United States would contemplate a first strike is absurd on the face of it. At a time when we possessed absolute nuclear superiority, indeed a nuclear monopoly at one time, even though severely provoked by the acts of the Soviet Union that began with a violation of the Tehran and Yalta accords, the United States of America under both Democratic and Republican Presidents acted with restraint, resisted the temptation to fight a preemptive war which I am confident we could have won.

That should be a signal to the world that not only do we not have a first-strike capability, we do not have a first-strike mentality.

Mr. WEICKER addressed the Chair.

Mr. MOYNIHAN. Mr. President, will the Senator from Connecticut allow me to make a brief observation?

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, if my distinguished colleague will yield.

Mr. MOYNIHAN. I am talking about 30 seconds.

Mr. WEICKER. Yes; I yield to the Senator from New York.

Mr. MOYNIHAN. Mr. President, I say to the Senator from Texas three things with respect to his three observations.

First, he is totally accurate in his third observation. One might even observe at a time of nuclear monopoly, no less a person than Bertrand Russell proposed we use it against the Soviet Union before they developed that weapon.

Second, with respect to whether we would have a first-strike capacity, I acknowledge that to be a legitimate argument on which there could be different views. I have never for a moment suggested we would exercise that capacity. I am speaking of the Soviet perception and how that will affect Soviet actions.

Third, with respect to his first observation, may I say that there can be quite different views about the morality of possessing weapons of mass destruction, given particularly their mode of deployment, and that was the subject to which I was addressing and which I will return when the Chamber has time for me.

Mr. President, I thank my gracious friend from Connecticut for being patient while I spoke and for allowing me to speak again.

Mr. WEICKER. Mr. President, I wish to address two matters, one as to the substance before us and, second, as to the matter of the debate itself.

It seems very likely to me, Mr. President, there are no viable basing modes for strategic land-based missiles. If that is indeed the case, then the time has come to rethink the whole problem and consider a new approach to strategic modernization that excludes land-based ICBM options.

I am well aware that the triad—the current combination of land-based ICBM's, sea-based ballistic missiles, and bombers—is considered sacred by many. But nuclear weapons technology may well have outgrown it.

A pervasive strategic modernization is under way which includes: Deployment of cruise missiles on B-52 bombers, production of the B-1B bomber, the development of the advanced technology Stealth bomber, deployment of Trident submarines, development of the Trident II (D-5) missile, deployment of nuclear-armed cruise missiles on attack submarines and at land-based sites in Europe, and production of the Pershing II missile for deployment in Europe.

Mr. President, that is an intimidating pile of bargaining chips any way you look at it. With so many sea-based and air-based options, I question the need for a third leg of our strategic weapons strategy to stand on, particularly if it is going to be a bum leg like the MX.

I have been through all of the arguments before, when I first came to the Congress of the United States, on the matter of the ABM as a freshman of the House of Representatives, and the whole argument came down to the same argument we hear again and again on this floor and out in the public places; that is, this is a good bargaining chip. This bargaining chip is $20 billion and this Nation can ill afford it, both in terms of what our real needs are in an across-the-board spectrum and in terms of large choices as to military hardware.

I will vote again against the MX, as I did last Saturday, which brings me to the other point that I would like to make.

I have taken a look at the amendment of the distinguished Senator from Texas (Mr. TOWER). As I understand it, what the Senator proposes here is some sense of the Senate resolution that really does not go to the business of funding within the DOD authorization bill but rather is a sense of the Senate resolution. Am I correct on that point?

Mr. TOWER. It is that; and I think it is important that it does endorse and hereby authorizes the limited MX program. That is in the Warner amendment.

Mr. WEICKER. Even if this resolution were passed, we would have to take subsequent action as to the actual item in the bill, is that correct?

Mr. TOWER. Well, that is correct. My understanding is that there are at this moment hundreds of amendments on the MX at the desk and there are various shades of opinion about the extent to which we fund the MX, fund alternative programs, fund R&D on BMD or hardening or other options, and this sort of thing.

Mr. WEICKER. Well, as I indicated, on the matter of substance, I am totally against both the system and the expenditure of funds, period. So now we get to this business of the matter of tactics, and I leave that to other hands.

But I do know this: Since we have all the rest of these amendments to vote on, all dealing with the MX, I suggest we start doing just that. I see absolutely no reason to be spending all this time on a sense of the Senate resolution when we actually have a bill before us that has the money item in it.

I do not want to offend anybody here, not my good friend JOHN TOWER from Texas. I realize this somewhat steps over the bounds of courtesy, but I very definitely want to get on to the business at hand. I want to vote on the money item on the MX. I do not want to deal with sense of the Senate resolutions.

Therefore, I move to table the amendment of the Senator from Texas, No. 1525, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. HART addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HART. I suggest the absence of a quorum.

Mr. TOWER. Has the Chair ruled on the yeas and nays?

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HART addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

CALL OF THE ROLL

Mr. HART. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. HART. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk resumed the call of the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. HART. I object.

The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk resumed and concluded the call of the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 12 Leg.]

Bingaman	Lautenberg	Sasser
Dodd	Levin	Specter
Dole	Proxmire	Tower
Hart	Quayle	Weicker

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

Mr. BAKER. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HART addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HART. Mr. President, I move to table the motion, and I ask for the yeas and nays.

The PRESIDING OFFICER. A motion to table the motion is not in order in the absence of a quorum.

The question is on agreeing to the motion of the Senator from Tennessee. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

I also announce that the Senator from New Mexico (Mr. DOMENICI) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. GLENN) and the Senator from Kentucky (Mr. HUDDLESTON) are necessarily absent.

The PRESIDING OFFICER. (Mr. ABDNOR). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 90, nays 5, as follows:

[Rollcall Vote No. 211 Leg.]

YEAS—90

Abdnor	Garn	Mitchell
Andrews	Gorton	Moynihan
Armstrong	Grassley	Murkowski
Baker	Hart	Nickles
Baucus	Hatch	Nunn
Bentsen	Hawkins	Packwood
Biden	Hecht	Pell
Bingaman	Heflin	Percy
Boren	Heinz	Pressler
Boschwitz	Helms	Pryor
Bradley	Hollings	Randolph
Bumpers	Humphrey	Riegle
Burdick	Inouye	Roth
Byrd	Jackson	Rudman
Chafee	Jepsen	Sarbanes
Chiles	Johnston	Sasser
Cochran	Kassebaum	Simpson
Cohen	Kasten	Specter
Cranston	Kennedy	Stafford
D'Amato	Lautenberg	Stennis
Danforth	Laxalt	Stevens
DeConcini	Leahy	Symms
Denton	Levin	Thurmond
Dixon	Lugar	Tower
Dodd	Mathias	Trible
Durenberger	Matsunaga	Tsongas
Eagleton	Mattingly	Wallop
East	McClure	Warner
Exon	Melcher	Wilson
Ford	Metzenbaum	Zorinsky

NAYS—5

Dole	Proxmire	Weicker
Long	Quayle	

NOT VOTING—5

Domenici	Goldwater	Huddleston
Glenn	Hatfield	

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Mr. BAKER. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. All persons conversing will retire to the cloakroom.

A motion to table is pending.

Mr. BAKER. Mr. President, I ask unanimous consent that I may proceed for 1 minute.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. Mr. President, the Senate is still not in order. I have no objection, but we would all like to hear what the Senator has to say.

The PRESIDING OFFICER. The Senator is correct. The Senate will be in order. The Senator will not proceed until the Senate is in order.

Mr. BAKER. I thank the Chair.

Mr. President, I have reason to think that we can get to the vote on the tabling motion pretty promptly if we can provide a brief time for discussion of this issue on both sides.

I ask unanimous consent that before the vote on the tabling motion occurs there be 4 minutes of debate, equally divided between the Senator from Colorado and the Senator from Texas.

The PRESIDING OFFICER. Is there objection?

Mr. SARBANES. Mr. President, reserving the right to object, what happens to Members who want to discuss this issue?

Mr. BAKER. Mr. President, the pending question is a tabling motion. It is now pending, and there would be no time for debate were it not for this unanimous-consent agreement.

I am trying to provide 2 minutes by unanimous consent for Senator HART and 2 minutes for Senator TOWER, notwithstanding that no debate is in order at this time.

Mr. President, I am led to believe that that is acceptable to the author of the amendment and the manager of the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. I thank the Chair, and I thank all Senators.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I do not really have great need for my time. I will reserve my time, if the Senator from Colorado wishes to use his.

Mr. President, I reserve the remainder of my time and yield control of that time to the Senator from Virginia.

Mr. BUMPERS. Mr. President, will the Senator from Texas yield for a question.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. I yield to the Senator on his time.

Mr. BUMPERS. I wonder if the Senator from Texas will tell us whether or not he is going to support his motion to table or not.

Mr. TOWER. It is not my motion to table. It is a motion made by the Senator from Connecticut, who opposes the

amendment. My vote will be no, a very resounding no.

Mr. BUMPERS. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, I thank the majority leader for this time.

I want to disagree with the suggestion that 4 minutes to debate the issue of whether the Scowcroft Commission did or did not render a valuable service to this country and adopt its recommendations is hardly adequate.

I point out to those Senators opposed to the MX and those who have not made up their minds that when the tabling motion was made, Senators were on the floor, waiting to be heard on the Tower-Warner amendment, including the Senator from Connecticut (Mr. DODD) and others. The tabling motion cut off their right to be heard.

It is my strong recommendation to those who want debate on the MX, and who believe that Senators who want to be heard should be heard, to follow the lead of the distinguished floor manager and vote not to table.

Mr. TOWER. Mr. President, we have had 24 hours to debate this. This amendment came on the floor at 4 or 5 p.m. yesterday afternoon, so there has been plenty of intervening time. There has been a lot of time, and I think that suggestion is spurious.

Mr. WARNER. Mr. President, the amendment submitted by the Senator from Virginia was carefully crafted after lengthy negotiations with Members on both sides of the aisle. It is designed to accommodate what I and others perceive to be the prevailing view on the issue at the moment—namely, as stated in this amendment, reaffirmation of what was recommended by the Scowcroft Commission and the clear manifestation by this amendment that it is 100 MX missiles, deployment not specified, allowing for such additional missiles as may be necessary in conjunction with the test program and research and development.

Mr. President, supporting this perfecting amendment does not cut off further debate on the issue.

The PRESIDING OFFICER. Who yields time?

Does the Senator from Colorado yield back his time?

Mr. HART. Mr. President, for those Senators who have yet to be heard on the issue, I urge that they vote not to table, so that their rights will be protected.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

I also announce that the Senator from New Mexico (Mr. DOMENICI) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. GLENN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 6, nays 90, as follows:

[Rollcall Vote No. 212 Leg.]

YEAS—6

Andrews	Burdick	Humphrey
Bradley	Huddleston	Weicker

NAYS—90

Abdnor	Grassley	Murkowski
Armstrong	Hart	Nickles
Baker	Hatch	Nunn
Baucus	Hawkins	Packwood
Bentsen	Hecht	Pell
Biden	Heflin	Percy
Bingaman	Heinz	Pressler
Boren	Helms	Proxmire
Boschwitz	Hollings	Pryor
Bumpers	Inouye	Quayle
Byrd	Jackson	Randolph
Chafee	Jepsen	Riegle
Chiles	Johnston	Roth
Cochran	Kassebaum	Rudman
Cohen	Kasten	Sarbanes
Cranston	Kennedy	Sasser
D'Amato	Lautenberg	Simpson
Danforth	Laxalt	Specter
DeConcini	Leahy	Stafford
Denton	Levin	Stennis
Dixon	Long	Stevens
Dodd	Lugar	Symms
Dole	Mathias	Thurmond
Durenberger	Matsunaga	Tower
Eagleton	Mattingly	Trible
East	McClure	Tsongas
Exon	Melcher	Wallop
Ford	Metzenbaum	Warner
Garn	Mitchell	Wilson
Gorton	Moynihan	Zorinsky

NOT VOTING—4

Domenici	Goldwater	Hatfield
Glenn		

So the motion to table was rejected.

Mr. HART. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CLOTURE MOTION

Mr. BAKER. Mr. President, I indicated on yesterday, and earlier than that, that I planned a series of cloture votes. I hope we obtain cloture on the substitute tomorrow. But I have been here long enough to hedge my bets.

Therefore, I send the desk a cloture motion on further debate against the substitute and ask it be reported by the clerk.

The PRESIDING OFFICER. The clerk will report the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee substitute for S. 675, a bill to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes.

Senators Howard Baker, Ted Stevens, John Tower, John H. Chafee, John Warner, Strom Thurmond, Mack Mattingly, Roger W. Jepsen, Robert Stafford, Chic Hecht, Paul Laxalt, Jesse Helms, Richard Lugar, Alfonse D'Amato, Frank Murkowski, Don Nickles, Dan Quayle, John Heinz, Rudy Boschwitz, and Malcolm Wallop.

CLOTURE MOTION

Mr. BAKER. Mr. President, I now send to the desk a cloture motion against S. 675 and ask it be reported.

The PRESIDING OFFICER. The clerk will report the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 675, a bill to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes.

Senators Howard Baker, Ted Stevens, John Tower, John H. Chafee, John Warner, Strom Thurmond, Mack Mattingly, Roger W. Jepsen, Robert Stafford, Chic Hecht, Paul Laxalt, Jesse Helms, Richard Lugar, Alfonse D'Amato, Frank Murkowski, Don Nickles, Dan Quayle, John Heinz, Rudy Boschwitz, and Malcolm Wallop.

Mr. BAKER. Mr. President, I thank the Chair.

The obvious import of these two cloture motions is to provide an opportunity for votes on cloture on Friday if the cloture votes tomorrow do not succeed.

Mr. SARBANES. Mr. President, will the majority leader yield?

Mr. BAKER. Yes.

Mr. SARBANES. Will the cloture votes tomorrow be back to back?

Mr. BAKER. It depends. If cloture is invoked on the substitute then under the rules we continue to deal with the substitute until disposed of, which would automatically postpone the vote on the bill itself.

If cloture is not invoked on the substitute then the second cloture vote would occur back to back.

Mr. SARBANES. The first of those cloture votes would be an hour after we came in tomorrow morning?

Mr. BAKER. An hour plus the time to establish a live quorum.

Mr. SARBANES. I thank the majority leader.

Mr. BYRD. Mr. President, I think the Senator from Maryland has already asked one of my questions that I

was going to pose to the majority leader. Would he prefer to let the cloture votes come in accordance with the provisions of the rule or does he want to instead set a different time? I take it he is going to let the rule govern cloture?

Mr. BAKER. Yes, Mr. President. I have no strong preference on that subject. I am willing to set a time if it is distinctly more appealing, but we already have an order for 10 in the morning, and I judge that it will take us 20 or 25 minutes to get a quorum.

I might say, by the way, that it is my intention to take that quorum live, as the rule provides, and to move to instruct the Sergeant at Arms as quickly as possible. So there will be a vote very early tomorrow. Senators should be on notice that it could occur as early as 11:20 or 11:30.

Mr. BYRD. It could even occur ahead of that, if you want to move to instruct the Sergeant at Arms.

Mr. BAKER. Yes.

Mr. BYRD. My second question is, how late does the majority leader, if he is prepared to say at this point, how late does he think the Senate will be in today?

Mr. BAKER. I thank the minority leader. The minority leader and I have discused this two or three times today and each time I fear I have given him and other Senators an unsatisfactory reply. The reply is at least an honest one, and that is I do not know.

I have given to the managers of the bill a wide discretion in saying how long they want to stay on the bill on any particular day. All I can do is give you an estimate. My estimate, Mr. President, I would say to the minority leader, is that we will be here until 8 or 8:30 this evening.

It is possible that debate or action on the pending question will end before that, but I do not think Senators should assume that. I believe 8 or 8:30 p.m.

Let me say, also, I have been advertising for some days now that Wednesday and Thursday might be late evenings. So 8 or 8:30 would be my guess for this evening, but it is certainly no guarantee.

Mr. TOWER. Mr. President, if the Senator will yield, if the opponents of the amendment of the Senator from Texas and of the perfecting amendment of the Senator from Virginia would be willing to agree, we could set a vote on the perfecting amendment, on which the yeas and nays have already been ordered, at, say, 7 p.m., and I would be prepared to not divide the time equally but to give the lion's share of the time to the opponents of the measure. Let us say, if we have an hour and 15 minutes, to give them an hour of that.

If they would be prepared to agree with that, we could make that the last vote and everybody could be out of here.

Mr. BAKER. I yield to the Senator from Colorado, if he wishes to respond.

Mr. HART. Mr. President, I cannot speak for all of those, or even perhaps most of those, opposed to the MX. I do know that the Senator from Connecticut, who is on his feet, is seeking recognition, Senator DODD; Senator PROXMIRE and several others, Senator BUMPERS, were on the floor a good part of the afternoon seeking an opportunity to speak on the issue to the merits. I see the Senator from Ohio (Mr. METZENBAUM) also is seeking recognition and the Senator from Michigan. I think it would be very difficult to schedule that vote at that time.

Mr. TOWER. How about 8 o'clock, and give 2 hours to the opponents of the amendment?

Mr. BAKER. Mr. President, let me suggest that the two managers of the bill explore that possibility. Maybe we can get a vote tonight. I hope we can.

But, in any event, let me announce now that the Senate will stay in until approximately 8:30 this evening.

Mr. President, I thank Senators for yielding.

Mr. TOWER addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, I think the vote just taken is a very significant vote. Anytime the opponents of a measure advocate that fellow opponents vote with the proponents of a measure, it is to concede a weakness. Obviously, the opponents of the MX know that they do not have the votes. That is what this delay is all about.

No one should be naive enough to think that this is some lofty notion that we should have some long debate on this issue. It has been debated in public forums, in the press, in the media, and in this body for a very, very long time indeed. I think it is an insult to Members of the Senate to suggest that they are poorly informed on this matter and require more debate.

So now let us get that kind of stuff behind us and know what we are about. We are in a filibuster because the opponents of the MX know they do not have the votes and because on Friday last the Senator from Colorado indicated he would do all that he could to prevent a bill from passing that contained an authorization for the MX.

So this confession of weakness is at once an admission that we are in a filibuster. And the fact that today some 561 amendments, give or take a few, were filed by the Senator from Colorado is adequate evidence of a filibuster.

Now you cannot tell me that the reason that amendments were filed is to provide for extensive debate, because if you get cloture and you try to deal with 561 amendments, there is no time to debate them. They are just brought up and voted on without debate. One would have to come to the conclusion then that these are frivolous amendments and few of them have much in the way of substance.

Now, if the Senator from Colorado is so interested, so profoundly and passionately interested, in the issue, I cannot understand—he is a member of the Armed Services Committee—never once did he raise his voice in the full committee markup on this issue, never once in the full committee markup did he speak to this issue, never once did he personally bring up an amendment in full committee markup, debate on it in full committee markup, and ask that it be voted on.

Now, if the Senator feels so profoundly about this, I cannot understand why he never spoke one word on the issue in the full committee markup which went for 6 days, and he had adequate opportunity to do so.

So I am just trying to get everything in context here, Mr. President. I am delighted at the show of weakness that is evidenced by the Senator from Colorado's admonition to his friends and associates on this issue to vote with me.

I know that ultimately we will prevail. The only question is one of time. I am prepared to sit it out for a very long time, throughout the weekend; go through the August recess, if that is what is required.

But I think what is indicated is that 60 Senators certainly should vote for cloture tomorrow because any additional time on this measure is not going to contribute much to the edification of the Senate or of the general citizenry.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. HART. Will the Senator yield just 1 minute?

Mr. DODD. I yield 1 minute to the Senator from Colorado, without losing my right to the floor.

Mr. HART. Mr. President, I would like to respond to the distinguished floor manager. The distinguished floor manager, contrary to some statements he made last week, knows full well that the Senator from Colorado raised the issue as vigorously as he could in the subcommittee. There was a vote taken on that. He assured himself that the Senator from Michigan——

Mr. TOWER. The Senator from Texas——

Mr. HART. I do not yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. TOWER. Will the Senator yield for me to correct what he said? I did

not say subcommittee, I said full committee.

Mr. HART. I do not yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. TOWER. I beg the Senator's pardon.

Mr. HART. Contrary to what the Senator from Texas said last week that the Senator from Colorado had never attended a markup on this issue, the fact of the matter is the Senator from Colorado did introduce a motion to strike the funds for MX in the subcommittee, which did not prevail, and the Senator from Colorado assured himself that the Senator from Michigan was going to introduce the same amendment in the full committe and gave his proxy to the Senator from Michigan for that purpose and talked to other Senators seeking their help on this issue.

The Senator from Texas may or may not be aware that the Senator from Colorado issued, a statement, followed by a Dear Colleague letter, on April 19, the day that the President announced his support for silo basing of the MX, saying I intended to do everything I could to defeat this on the floor of the Senate.

Further, he has given a good part of his last 9 years in the Senate to the effort of reasonable arms control and reduction.

So it does not behoove the Senator from Texas or his case to suggest that the Senator from Colorado is anything less than dedicated to this issue.

Mr. TOWER. Will the Senator yield for a question?

Mr. HART. I do not have the floor. I will respond and then yield back to the Senator from Connecticut.

The Senator from Colorado is not alone here. There are other Senators who feel deeply on this question and wish to be heard. The reason why Senators voted not to table is because they have been seeking recognition and have been waiting in some cases for several hours to speak on this question. This was not a show of weakness or anything else.

The Senator from Texas finally knows that he himself has been in situations before where the vote seemed to be against him or his cause or his purpose, where full debate on the issue was sometimes required to turn around votes in the Senate or to let the people he represented know what was at stake. I thank the Senator from Connecticut.

Mr. TOWER. Will the Senator from Connecticut yield to me for clarification of the RECORD without losing his right to the floor?

Mr. DODD. I yield.

Mr. TOWER. In the first place, the Senator from Texas did not imply that the Senator from Colorado did not offer an amendment in the subcommittee markup. He did indeed. But this matter was extensively discussed in full committee markup and never once did the Senator from Colorado offer an amendment in the full committee markup, nor did he ever once address himself to the issue.

The Senator from Washington did introduce an amendment on behalf of the Senator from Colorado. But the Senator from Colorado did not speak on it. He spoke not one word in full committee markup.

Everybody knows that it is in full committee markup that the bill finally takes shape. Everybody knows, too, that if you believe strongly in something, it is best to get it in the committee bill because it is much more difficult to get something out of a committee bill than it is to put something into the committee bill.

He missed that golden opportunity. He missed it. And now he is imposing on the Senate in prolonging this debate beyond what is useful or what will serve his own cause or the whole business of the debate on arms control.

Mr. SARBANES. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Connecticut has the floor.

Mr. DODD. I yield 1 minute to the Senator from Massachusetts without losing my right to the floor.

Mr. KENNEDY. I thank the Senator from Connecticut.

Mr. President, the Senator from Colorado does not need those of us in this body who are in opposition to the MX to speak in his behalf. I think his record on the Armed Services Committee has been one of great achievement and accomplishment, and I think his contributions to the public dialog and debate, not only on this issue but on other defense issues as well, has basically enhanced the security of this Nation over a long period of time. I, quite frankly, resent the suggestion of the chairman of the Armed Services Committee that somehow the Senator from Colorado was dilatory in his responsibilities to the committee when the committee chairman, I think, abused the procedures as much as anyone that I have seen here in 20 years in the U.S. Senate, when we had that final delivery of $2.1 billion by OMB to the committee and the ramrodding of multiyear procurement for the B-1 bomber through the Armed Services Committee.

I just say, Mr. President, I do not think it does this dialog or debate any good to have these attacks on individuals, particularly on the Senator from Colorado, with the record he has compiled on the Armed Services Committee over a long period of time.

I think the issues he has raised in the areas of national security, not only this issue but many others, have been of enormous value and use. He has spoken of the fact that he was involved in the subcommittee markup. It is quite clear that the established procedures for the subcommittee were overturned in the full committee, and I think that was a disservice to the workings of the subcommittees.

I just want to make it clear that, as he has been making this battle, the Senator from Colorado has been making it not just for himself but for many others as well who agree with him wholeheartedly that the MX is a missile without a mission and a weapon without a home. It ought to be defeated. It is quite apparent that the more the American people understand about it, the more they are questioning it.

I think the Senator from Colorado has performed an important service both to this body, and most importantly, to the security of our Nation.

Mr. METZENBAUM. Will the Senator yield?

Mr. DODD. I will yield at the conclusion of my remarks. I have been waiting since 1:30 this afternoon.

Mr. METZENBAUM. I have no remarks. Will the Senator yield so that I might make a unanimous-consent request?

Mr. DODD. I yield without losing my right to the floor.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that at the hour of 7 p.m. the pending measure be set aside so that I may call up an amendment cosponsored by Senators BENTSEN, PRYOR, and ARMSTRONG. It is my understanding that the Senator from Texas has no objection to the amendment being set aside for that purpose. I did not clear with him, however, the hour of 7 p.m. Since I know there are several people on the floor who wish to be heard and others who wish to address themselves to my amendment, I thought that might be provided as an opportunity.

The PRESIDING OFFICER. Is the Senator asking to lay aside the first-degree amendment or the second-degree amendment?

Mr. METZENBAUM. The first-degree amendment is the amendment of the Senator from Texas. I ask unanimous consent to set aside the pending matter in order that I may offer an amendment to the substitute bill, the committee bill.

The PRESIDING OFFICER. To clarify the request, is the Senator asking unanimous consent to set aside both amendments?

Mr. METZENBAUM. That is correct.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Mr. President, reserving the right to object, I wonder if the Senator would suggest an amount of time?

Mr. METZENBAUM. I have previously advised the managers of this bill that I thought it would take less than an hour, and I think closer to a half hour. I would be willing to agree to that. There are four of us who want to speak, but I do not anticipate anyone will speak at length.

Mr. WARNER. It is my further understanding that at the conclusion of the consideration of the amendment of the Senator from Ohio, joined in by others, the Senate will return to the pending amendment, which is the amendment of the Senator from Virginia in the nature of a perfecting amendment.

Mr. METZENBAUM. It is the intent of the Senator from Ohio that there be no change at all in the status on the floor as it presently exists except for the fact that my amendment will have been disposed of.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. METZENBAUM. I thank the Senator.

Mr. BYRD. Will the distinguished Senator from Connecticut yield to me with the understanding that he not lose his right to the floor and when he continues it not be counted as a second speech?

Mr. DODD. I yield.

Mr. BYRD. Does the Senator from Ohio expect to have a rollcall vote on his amendment? I ask that of the Senator from Ohio.

Mr. METZENBAUM. It is not my intention to request a rollcall vote. I believe the managers of the bill are prepared to accept it.

Mr. BYRD. I thank the Senator.

I might say to my colleagues that although there cannot be another motion to table the underlying amendment, under the precedents, today, as a reasonable time must pass, there can be a motion to table the amendment in the second degree today. I want my colleagues to be alert to that because some of them may be under the impression that there will not be another rollcall vote today. There may not be, but they should know of that possibility.

Mr. DODD. Mr. President, at the outset, I ask unanimous consent that any further remarks I may make will not be counted as a second speech under rule XIX.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, as I said a few moments ago, I have been here on the floor since about 1:15, trying to get an opportunity to address, for the very first time, the pending matter before us, the question of the MX.

Mr. President, without belaboring the point, because I think enough has been said over the last 10 or 15 minutes about the intentions, the purpose, the motivations, and sincerity of the distinguished Senator from Colorado, Senator HART, I think he has done not only this Senate and this Congress but our country an invaluable service over these last several days, giving us the opportunity to debate what may be the single most important defense and national security matter to come before this Congress in many years.

Many of us wanted to talk on this matter, to get up and speak. There have not been dilatory comments made. Every speech that I have heard over the past several days has been one of substance, has been by Members raising questions, important questions, about our national defense, about the scarcity of dollars, or whether or not we ought to be supporting a missile that has raised serious questions in all quarters of this country. I think the record of that debate speaks for itself.

You will not find in this RECORD the reading of poetry or novels or efforts to slow down the process of this Chamber. We are doing what we have been charged to do as Members of this body. That is to debate intelligently and carefully on behalf of our constituents matters of significant interest that will have a profound effect, not only on this generation but on many generations to come, not only of Americans but people throughout this globe. So I wish to join with other speakers of the last few minutes in expressing my confidence, expressing my support, and expressing my thanks on behalf of my constituents in the State of Connecticut, for the efforts the Senator from Colorado has made over these last few days.

It has not been dilatory, it has been a significant, a meaningful effort, and he deserves the thanks of every Member of this Chamber regardless of their position on this issue. Time and history, I think, will prove him to have been correct, to have been courageous, and to have provided a very worthwhile service to all of us.

Mr. President, I would like to focus my remarks on the question whether or not it makes good sense for us to go forward with this missile. Some of what I say here may have been said by others far more eloquently than I shall say it. Some of the information may have been mentioned before, some of the facts and statistics. But I think it is vitally important that the information and the facts we bring forward on this debate be emphasized because of the significance of this issue.

Those supporting the production and deployment of the MX missile build their case almost entirely on the Scowcroft report. I am ready, Mr. President, to argue that a careful analysis of the Scowcroft report should lead precisely to the opposite conclusion; that is, that the MX system would not add to our security and, in fact, I would argue, will detract from it.

Even if one accepts the arguments raised on its behalf, I cannot accept that the MX is worth the $16 billion pricetag. Both at home and abroad, in domestic and military budgets, there are ways to spend fewer dollars to make us a far stronger Nation than the MX ever will. I reach that conclusion, Mr. President, after carefully studying the Scowcroft report and with full appreciation for the Commission's contributions. Its report is an attempt to review our short-term and long-term strategic options. It acknowledges and explains some of the linkage between force modernization and arms control, something I happen to believe is long overdue and urgently needed in this country.

I particularly commend the report for its very clear and, I think, unequivocal statement on the ways arms control can enhance our security. As the report stated:

> Arms control can: Reduce the risk of war; help limit the spread of nuclear weapons; remove or reduce the risk of misunderstanding of particular events or accidents; seal off wasteful, dangerous, or unhelpful lines of technical development before either side gets too committed to them; help channel modernization into stabilizing rather than destabilizing paths; reduce misunderstanding about the purpose of weapons developments and thus reduce the need to overinsure against worst-case projections; and help make arsenals less destructive and costly.
>
> But whether the Soviets prove willing or not, stability should be the primary objective both of the modernization of our strategic forces and of our arms control proposals. Our arms control proposals and our strategic arms programs should thus be integrated and mutually reinforcing.

The only major flaw of the report derives from a political condition that burdened the undertaking from its beginning: Find some justification for the MX missile. While the argument for MX in the report is one of the better ones that has been presented over these many, many months, it is certainly far from compelling, especially in that it conflicts with the Commission's long-term recommendations for this Congress and for our Nation.

What the Commission has done, quite frankly, Mr. President, is make President Reagan's original MX proposal more palatable politically. The proper question for us in this debate should be the following: Would the interim MX deployment provide enough additional security to justify its enormous cost? The answer, I think, when one studies this Commission report, is clearly no.

The historical record of the arguments for the MX has been laid out in intricate detail in the few days of this debate. For a full decade, the raison detre of the MX has been that it could

help make the land leg of our strategic forces invulnerable. That justification has been offered in virtually every document concerning the MX since 1973. It can be read in reports of both the Senate and House Armed Services Committees and in statement after statement by the Secretary of Defense and the President of the United States. Senators of both parties, most respected by their colleagues on defense issues, have subscribed to it. It has even been enshrined in the 1980 Republican platform. No political lexicon of our era would be complete without a lengthy entry under the heading, "Window of Vulnerability."

In pursuit of a basing mode to meet that universally accepted standard, we have spared no effort, expense, or exercise of imagination. If the matter were not so costly and critical, it would read like something from Lewis Carroll.

We have considered the relative merits of MX on the ground or in it, on the seas or under them, and in the air. We have studied the feasibility of carrying MX missiles on trucks, on trains, on planes, on submarines and surface ships. We looked into closed trenches and open trenches, hard silos and soft silos, some silos but not other silos, spreading the missiles as far apart as possible and packing them tightly together. None of the 30-odd possibilities, however, has promised to answer the vulnerability test.

Now, however, the Commission, in its determination to find justification for not abandoning the idea of the MX, suddenly abandons the search for invulnerability, the very issue which every single person has argued must be the test. And all of a sudden—miraculously, Mr. President—we are told, with the collective wisdom and the judgment, the intelligence, the expertise that have been accumulated over these many years in trying to find an answer to that question, we are told that that test is no longer viable, it is unnecessary.

(Mr. PRESSLER assumed the chair.)

Mr. DODD. The new rationale has four parts. First, according to the Commission, is the old bargaining chip argument, an argument that has been used ad nauseam, not just by this administration but by others as well. We have to build, we are told, the MX so we can give it up. I do not think a system that has little strategic justification can be an effective bargaining chip. To spend billions of dollars on a system whose utility is doubtful even for its supporters will not buy us a more accommodating Soviet attitude at the negotiating table. Of that, I think my colleagues would be in sound agreement.

The second argument is that building of the missile is a sign of our national will and cohesion. National will to do what, I would ask? To waste billions to save a system that would make us less safe? Would not the cancellation of the MX be more likely regarded as a sign that we go about modernizing our strategic forces in a sober, determined fashion and that we have the courage to cancel even a major system that turns out to be a lemon, as this one has?

As the third rationale, the Commission argues that we need a credible limited hard target capability. We already have, I would add, Mr. President, such a capability with the existing Minuteman missiles and very soon the Trident D-5 missiles certainly will provide us by anyone's estimation that same capability.

Finally, the aging of our current ICBM force is certainly something we have to take into account, but that is precisely the reason why we should devote our resources to the development of the Midgetman instead of wasting them on a costly and destabilizing interim system called MX.

So the four justifications given by the Scowcroft Commission are at least as far as I am concerned, Mr. President, very far from convincing.

Let me now list the reasons why I think we should not build the MX.

First, it is likely to destabilize the international nuclear balance and make a Soviet attack on us far more likely. Because the MX has a capability of knocking out hardened Soviet targets but could not withstand an attack itself, it could look to them as if we were seeking a first-strike capacity and might invite a preemptive attack.

The chairman of the Senate Armed Services Committee, the distinguished Senator from Texas (Mr. TOWER), made just that point, and made it convincingly, I thought, a little over a year ago. I should like to quote him.

> By stuffing the MX into fixed silos——

Which is what the Commission recommends we do——

> We are creating just so many sitting ducks for the Russians to shoot at. It is of little use to us unless it can survive an attack.

I think he is right. That is the major issue, the vulnerability of this system.

Second, opting for the MX, I believe, weakens the chance for progress in arms control. In that regard, it defies the very logic of the Scowcroft Commission report itself. The Commission urged making the number of warheads the basic unit of comparison in assessing competing strategic forces. If achieved, that step would nudge, I think, both sides toward the development of small single-warhead missiles such as the Midgetman.

Third and finally, Mr. President, MX procurement would be terribly wasteful. The head of each family in America today ought to write out a check for $300, because that is what it is going to cost every single American family to pay for this missile, $300.

If our strategic forces need strengthening, there has to be more cost-effective ways to do it than this particular system.

We can accelerate development of the Trident D-5 missile and consider its interim deployment in Minuteman silos. We can support the rapid development of Midgetman. We can upgrade the Minuteman III force with modernized guidance systems and warheads.

The last alternative, for example, would cost less than half what the 100 MX missiles would cost.

I do not claim, Mr. President, to be a great expert on all of this, but it seems to me we have some viable alternatives that would cost far less than what we are being asked to support these days with this particular system and achieve the kind of national security and the real promise for arms control that we are not getting with this proposal. If we need to strengthen our military posture in general, I believe the money would be spent far more wisely, as we have tried with several amendments that have been offered over the last several days, on upgrading our conventional forces and improving their readiness.

Finally, any legitimate definition of national security, Mr. President, must encompass the strength of our economy and the health and morale of the American people as well as the guns and tanks and missiles that we need for our national security.

The billions being spent on the MX could make a major contribution toward reducing the deficit, improving our educational system, and addressing other problems we confront here at home.

Let me digress here, because it is an important point—it is to me, anyway—to say that anyone who reads history at all, who has gone back and studied other great nations throughout recorded history, will discover one single thread, one common denominator that weaves its way throughout the pages of history. It is that nations that refused to pay heed and take note of the needs of their own people and squandered those resources solely on armaments to protect against real or perceived outside aggression, in case after case in the recorded pages of history, those nations have fallen not because they have been attacked from the outside but because they have rotted from within.

I fear that if we proceed along this course without thought and care and sober thinking about what we need to do, this Nation may suffer a similar plight in the future.

I firmly believe, Mr. President, we can develop a modern strategic force consistent with lessening the level of nuclear arms. Doing so, in fact, can greatly enhance our national security

in a most cost-effective manner. The general strategic principles elucidated by the Scowcroft report provide a sound framework, if we read parts of it, to guide our national policy. Unfortunately, the short-term political constraints were allowed to obscure the proper beginning to liberate ourselves from the burden that dragged-out MX debate imposes on our strategic planning.

Mr. President, there have been numerous statements on the MX made by highly qualified people with years of experience in the area of arms control. I know some of them have been made before on the floor, but I would like to repeat some of them because I think they deserve repetition in the RECORD we are building on this issue, people such as Ambassador Gerard Smith, former ACDA Director and SALT I and ABM negotiator under President Nixon; the Honorable McGeorge Bundy, former national security adviser to Presidents Kennedy and Johnson; Adm. Stansfield Turner, former Director of the Central Intelligence Agency, and Adm. Noel Gayler, former Director of the National Security Agency and former Commander-in-Chief of U.S. Forces in the Pacific—certainly four gentlemen whose qualifications are beyond doubt. Their names alone are synonymous with expertise in the area of arms control and national security.

But listen to their remarks—not just the remarks of a junior Senator from Connecticut, who admittedly does not have the great expertise of colleagues such as Senator HART and others. Their remarks are important to reinforce what Senator HART, Senator BUMPERS, Senator KENNEDY, and Senator MOYNIHAN have said this afternoon. Unfortunately, there was not great participation on the floor, but I wish our colleagues could have heard the remarks of Senator MOYNIHAN about the question of attack on warning for instance.

Admiral Turner says the following:

It seems ironical to try to reduce the probability of someone starting a nuclear war, when you are building a weapon like the MX that drives the superpowers to a hair-trigger response. It is inimical, I believe, to the objective of arms control.

Admiral Gayler said:

The MX works against all of the arms control objectives endorsed by the Scowcroft Commission. The Commission says that arms control should reduce the risk of war, but MX is a destabilizing weapon that increases that risk. The Commission says that we should help limit the spread of nuclear weapons, but it makes no sense for either us or the Soviets to try to persuade other countries not to build up or possess nuclear weapons, if we take no action on our solemn obligations under the Nuclear Non-Proliferation Treaty to reduce our own. The Scowcroft Commission suggests that we should remove or reduce the risk of misunderstanding of particular events or accidents. But surely a hair-trigger weapon like the MX doesn't reduce that risk, it increases it.

Ambassador Smith said:

What has happened is that the administration has recognized it made a mistake in its START proposal by concentrating so much on launchers and missiles instead of on warheads. I think that is a healthy correction of position, but as I said earlier, it is just a start. The idea that Congress can now breathe easily and say, "we are on the right track in arms control," I think is wrong. . . . To say that the administration now is converted to warhead control, I say is an insufficient evidence that their hearts are really in the right place.

Let me quote Admiral Gayler again talking about MX as a path to the Midgetman missile, which I said earlier I think is an intelligent recommendation made by the Scowcroft Commission and one we ought to move more quickly on and ought to nudge both sides in that direction.

He says:

We are also told that MX is needed as a transition to a single warhead missile. This defies all logic. If there is no window of vulnerability, and there is none now or foreseeable, what is the need for a transition? What is the sense of a transition weapon whose characteristics are opposite to the weapon characteristics that are desired?

. . . What happens when an MX program, already underway, already funded, when all of that momentum confronts in the budgetary sense the Midgetman program, if it is going, it will be the Midgetman that will not survive.

Let me quote McGeorge Bundy on the MX builddown, of which Senator NUNN and Senator COHEN have been the principal advocates in this Chamber—a thoughtful proposal. I am not a cosponsor of it, but I think it is a thoughtful proposal. Mr. Bundy, talking about MX and builddown, says:

I think myself that the builddown is a constructive proposal, that it does make sense, that if we do have to modernize, we should in the process reduce the total number of warheads. But I have to put it to you, Mr. Chairman, that if you believe in the builddown, you really ought not to believe in MX, because to build an MX force with 1,000 warheads in a vulnerable mode would require you to withdraw 2,000 warheads from other parts of the strategic force. . . . The last thing you want to do is to put 1,000 warheads in hundreds of vulnerable silos, and then retire 2,000 better, more survivable warheads from the remainder of your force. . . . It appears to me that the more you like the builddown, the less you should want MX.

Let me quote Ambassador Smith on the MX as a bargaining tool. Ambassador Smith was the chief negotiator for President Nixon, certainly an experienced negotiator, particularly in dealing with the Soviets, where that kind of experience is necessary. Ambassador Smith says:

On bargaining chips, we went all through this in the SALT negotiations. I am persuaded that to start a nuclear weapon system in anticipation of a negotiation is dead wrong. I think that the lesson from the ABM situation was that we decided to continue the program in spite of military doubts about its value while we were in the middle of a negotiation. I think that is quite different from this bargaining chip that we are hearing now. . . . I think MX will lead not to a greater Soviet disposition to negotiate, but a Soviet disposition to have a retaliatory deployment of some sort.

Ambassador Smith is a very profound and successful arms negotiator. I have heard it said repeatedly in the ABM situation that we used that missile very effectively as a way of bringing the Soviets to the table. I think a further, more in depth study of that situation would reveal that it was of doubtful efficacy as part of our system.

Admiral Gayler, talking about bargaining chips, says:

In my judgment, they would match it. . . . They have said that they would match it. Their circumstances and their history suggests that they will do what they say. So that instead of forcing a bargaining position, we will have a corresponding build-up of forces on their part.

I am quoting people of significant experience and background in the area of arms control and national security, people with a long time spent across the bargaining table from the Soviets.

Let me quote Ambassador Smith on the MX and national resolve—again, one of the arguments the Scowcroft Commission has made. Ambassador Smith says:

We have very large strategic programs underway. We have two bomber programs. We have two guided missile programs. We have an acceleration of the Trident program. We have a new Trident missile. We have a substantial command and control improvement program. Why does it take on top of all that a move on ICBMs to demonstrate resoluteness?

Admiral Gayler, on the same subject:

Military operations and military programs . . . make lousy signals to the opposite side. They are always misinterpreted.

Admiral Turner on the same subject:

If you want more resoluteness, there are alternatives—expand the cruise missile program and put it in a lot of other vehicles and a lot of other basing modes so that it would be even more invulnerable. That would be making a commitment to a deterrence strategy rather than a war-fighting strategy.

On the MX as the "practical" step to national consensus, again, one of the major arguments in this debate, Admiral Gayler says:

I think we can't build a national consensus on an idea so faulty as the MX. If we drop the MX, we have every chance of getting a national consensus.

. . . I used to help run Navy development programs, and I have observed that it is very hard to turn them off once there is a great deal of money in them. I think that instead of the short leash you suggest (Congressional review four times/year), what will happen is that every time Congress reviews it, this controversy will come up again.

The consensus that we both seek won't be there.

Mr. Bundy, talking about the same subject, says:

You have an enormous opportunity to make a contribution to consensus. I think if your committee of nine were to decide that the President's answer is unsatisfactory, that you would not lift funds for the MX until you were satisfied, you would be contributing vastly more than you can contribute by accepting these indefinite assurances and saying that you will look again later.

Admiral Gayler, on the subject of MX as a practical step to national consensus, says:

I suggest that the thing to do is to unbundle the MX from the rest of the Scowcroft Commission report . . . in the graceful way that Jack Kennedy did after the Bay of Pigs, when he went publicly and said: "We blew that one," and went on to new business. The most devastatingly adverse political thing to do is to hang on doggedly to a bad idea.

Mr. President, many of these quotations may have been incorporated by others, but I am trying to reinforce the record of those people who have spent a great deal of their careers and lives on arms control and national security. Many of the people I have mentioned have given us the level of national security we have enjoyed as a nation in the past two or three decades. People with that kind of experience must be listened to in such a debate. They have proven track records of success in arms control, success in convincing Congress to provide military systems that we need. To ignore their comments would be a great error in this debate.

Mr. President, in closing these remarks, I want to commend again the Senator from Colorado for having given us a chance in this body to raise what we think are important points, to have a chance to debate with our colleagues about a system that is going to threaten our arms control policy, our ability to achieve arms control.

It is going to siphon away needed resources for other systems within our conventional and strategic forces. It is going to squander dollars that could be used to help make a strong America, which includes not only our ability to wage war but also to take care of our own citizenry.

I thank my colleague from Colorado for his leadership on this issue. He has received some pretty severe criticism over the last several days. It has not been easy for him to sit here hour after hour to orchestrate this effort so that we can participate in a meaningful debate.

We have yet to hear the kind of dilatory tactics that one associates with a filibuster. This is not a filibuster. This is a serious debate on the most serious weapons systems to confront Congress in our lifetime.

It deserves, at the very least, the opportunity for every Member of this institution to express his or her views on that issue.

Mr. President, I yield back the floor.

Mr. PROXMIRE and Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, first, I congratulate my good friend from Connecticut on an excellent speech. I am delighted I was in the Chamber to hear his remarks. I agree with him wholeheartedly that we owe a lot to Senator HART who has persisted in insisting that we have a genuine debate on this, the most important issue that I think faces this country and faces the Senate certainly this year.

This is supposed to be the world's greatest deliberative body. We do not deliberate, we do not debate nearly as much as we should, particularly on issues that are this critical and vital to our survival.

Mr. President, the MX raises a number of central issues including cost, vulnerability, impact of arms control, and implications for military doctrine such as the launch-on-warning strategy. During the debate on the MX resolution earlier this year, I discussed in detail the cost and arms control problems associated with the MX. In the few minutes I am going to take this evening I want to examine the critically important role MX might have on the decision to initiate a nuclear war.

When it is argued that MX is a destabilizing weapon system, many people do not appreciate the meaning of that assessment. How is MX destabilizing? How does it degrade the already delicate process of determining when a nuclear attack is underway and therefore reaching a decision to counterattack?

The answer to these questions rests with the concept of launch-on-warning—and launch-on-warning, believe me, is one of the most dangerous and provocative strategies yet devised in the nuclear age.

Launch-on-warning is an economic and strategic dilemma that faces top decisionmakers. Under attack, do they accept the loss of their primary hard target retaliatory system? Do they stand by when one warhead could destroy a missile silo containing a missile with 10 warheads—a 1-for-10 exchange rate? Do they willingly accept the proposition that the enemy is allowed a free first strike? Or do they choose to let the enemy expend its missiles on empty holes in the ground by launching when there is advance warning that warheads are on the way?

The pressures that arise from these questions almost certainly would push most decisionmakers into the fateful command of "launch," "go," "fire," "attack." The cost of waiting is just too high under most of these circumstances.

That is the problem with launch-on-warning.

A brief and increasingly plausible scenario involving the policy of launch on warning and the President of the United States goes as follows: The President, having been advised of an impending Soviet nuclear attack, has only a few minutes to act. He orders the country's long-range bombers to scramble; alerts our nuclear submarines to the impending attack; tells them to position themselves for further orders; and, in an effort to save them from certain destruction, launches the Nation's increasingly vulnerable, irretrievable, MX missiles.

The problem is: What if it is a false alarm? What if the perceived Soviet nuclear attack is, as it has been hundreds of times in the past, the result of computer error, or human error? The bombers and waiting nuclear submarines can, of course, be called back or called off but not the MX missiles. The MX missiles will be launched by a President acting in the only way he or she can to keep them from being rendered useless. The results would be catastrophic. Tens of millions dead. Tens of millions wounded. And then the Soviets return the favor.

And what are the chances of such a nuclear war in our lifetime? The immediate likelihood of a deliberate nuclear war in the next year or two is probably less than 1 in 100 but over a 10- or 20-year period those odds drop very sharply to 1 in 5 or less.

And these odds change dramatically if we consider the element of human error. Considering the possibility of human error or computer mistake, the odds are only 50–50 that we can avoid a nuclear war. Remember that researchers have found that from 1975 to 1977 about 5,000 U.S. nuclear weapons personnel were removed from duty each year for reasons of alcoholism, drug abuse, and mental illness. Add to that the fact that there have been hundreds of false alarms of impending attack signaled by our electronic early warning devices. Two alerts were particularly dangerous. In one, simulated attack data was accidentally placed in the North American Air Defense Command computer system—generating a full blown attack alert. In another case, an alert was generated by the failure of a computer chip costing about $1.

If the United States has encountered such problems, imagine what parallel cases must have happened in the Soviet Union. Their early warning devices are not as sophisticated, not as reliable, not as sure as ours. Their personnel most likely do not have the training of ours or the average educational level. And drug abuse and par-

ticularly alcohol abuse is rampant in the military ranks in Russia.

The danger of false alarms, human error, drug and alcohol abuses makes the hair trigger on the MX even more threatening. We just cannot afford to make split second decisions under these conditions. We need time, time to confirm indications of an attack, time to check and recheck our computer systems, time to ask the Russians if an accident has occurred, time to take every possible safeguard against precipitating a nuclear exchange by accident.

But the MX in vulnerable silos does not give us that luxury of time. If it were deployed in an invulnerable basing mode, we would be able to resist the pressures for launch on warning. But that is not the case and the result is the worst of all worlds.

The heart of the launch-on-warning problem is vulnerability. Let us let the words of the chairman of our Armed Services Committee, Senator TOWER, speak for themselves.

I quote our distinguished chairman, the manager of the bill. These are his words:

> By stuffing the MX's into fixed silos, we're creating just so many more sitting ducks for the Russians to shoot at * * *. True, the MX missile itself will be more powerful, more accurate—and we need that kind of weapon. But it's of little use to us unless the Soviets are convinced that it can survive an attack.

Now, Mr. President, consider the MX is a sitting duck. Who said that again? Was it GARY HART? No. Was it DALE BUMPERS? No. Was it DAVID PRYOR? No. Was it MARK HATFIELD or TED KENNEDY or Mark Russell or CIA Director William Colby, or CIA Director Stansfield Turner, or the Chief of Staff of the Armed Forces Maxwell Taylor, or CARL LEVIN?

Well, it might have been all of the above. But no; it was the chairman of the Armed Services Committee, the Senate's Mr. Military Strength himself—no one other than JOHN TOWER. Now Senator JOHN TOWER is not always right. But he knows a weapons system when he sees it. He also knows a lot about ducks too, whether the duck is flying, waddling, swimming, diving, or sitting. He is especially expert on sitting ducks, stationary, immobile, $20 billion sitting ducks. You know, I always had the impression that a sitting duck may be a piece of cake for the hunter. But look at it, from the duck's angle. And looked at from the duck's viewpoint sitting is not exactly the right posture. In fact, it is easily the worst.

And, believe me, Mr. President, the analogy holds—for a weapons system; every other alternative is a whale of a lot better than sitting. A flying duck is hard to hit, so is a flying missile; a swimming duck that could dive into the lake makes a tough target too, so does a swimming or diving missile; and the wonderful thing is that we have these alternatives. We have missiles that can fly or swim or dive, but not the MX that is in this bill. That will just sit. It will not even waddle. You know, we would do a lot better if we lifted the MX out of its sitting mode and put it into a waddling mode. Just as you might miss a waddling duck, you cannot always hit a waddling missile. I hesitate because I doubt if you could persuade even this body to put $20 billion into a waddling mode for the MX. But then why not? Would an MX that waddled not be a big improvement on an MX that sits there, hour after hour, day after day, week after week, month after month, yes, even year after year?

I have talked to Senators who have told me that they will vote for any mode except a sitting, stationary, fixed, immobile position. Then they tell me they will go for a waddling MX. And why not? Can anyone deny that would be an improvement over the sitting duck vulnerability? After all, an MX that could waddle would be in a different position by several miles every day. When night fell the MX could amble along, or should I say waddle along, at let us say 1 mile per hour. During a 12-hour night of darkness the MX could be 12 miles away from where it was the night before and in any direction. Sure, that does not make it exactly an SST. But then, no weapon system is perfect and it would be a big improvement on just sitting there, absolutely fixed, frozen, forever in precisely the same spot. Can anyone seriously doubt that? So why not start an MX duck waddling mode? OK, it is not as good as flying or swimming or diving or running, but it is a lot better than sitting. If sitting can take $20 billion, we should be able to ante up at least $25 billion for waddling, maybe $30 billion. After all, a waddling duck missile will be a lot better bargaining chip than a missile that cannot move—that just sits there. And as we have been told by the Warner amendment, we really are not serious about an MX that will contribute anything essential to our military component. We want the MX exclusively as a bargaining chip. Now there is no way that only 100 MX's, even with the 10 warheads per missile, can stand up as a bargaining chip for 1,400 Russian land-based missiles with 6,000 warheads, not even if we throw in our 1,053 other land-based missiles with their 2,100 warheads. We will still suffer a disadvantage in stationary land-based missiles, and a warhead disadvantage of 6,000 to 3,000. And, after all, the Russians will be talking fixed stationary land-based missiles. Ah, but ours could have the old, "dipsy-doo" waddle. Of course, we can make the case right now that we have a vastly superior mobility advantage over the Russians in our much greater number of sub-based and bomber-based missiles than the Soviet has, and right now we could bargain for reductions on both sides from a position of far greater survivable strength. But it may be that our advantage is so clearly decisive that even our own negotiators cannot seem to grasp how we can trade off a part of our massive mobile superiority for a part of their immobile and far more vulnerable superiority. The differences are just too great. The duck waddle MX would help solve this difference. So, Mr. President, I am working on an amendment that would get these sitting-duck MX missiles as the Senator from Texas, the chairman of the Armed Services Committee, has so felicitously described them, out of their sitting posture which even he rightly deplores, on their feet and waddling off as dynamic bargaining chips.

Consider another statement made by the administration's spokesman on such matters, Secretary of Defense Caspar Weinberger:

> I would feel that simply putting it (the MX) into existing silos would not answer two or three of the concerns that I have; namely, that (the location of) these are well known and are not hardened sufficiently, nor could they be, to be of sufficient strategic value to count as a strategic improvement of our forces.

And if that is not enough to convince anyone of the system's vulnerability may I offer the opinion of the former Chairman of the Joint Chiefs of Staff, Gen. David Jones, the highest military officer in the land at the time this statement was made:

> In my own view, I consider the MX in a very survivable mode to be extremely important to the security of the Nation. I remain to be convinced there is a survivable mode other than MPS (Multiple Protective Shelters).

Quoting from figures recently released by the Air Force, as much as 99 percent of our fixed, land-based missiles could be destroyed by a Soviet first strike.

William Perry, former Under Secretary of Defense, echoes my thoughts. He says:

> My concern is that if we had this very accurate, very threatening missile in unprotected silos, and if they do not go to a survivable system themselves * * * that simply increases the hair trigger * * * on both sides.

And therein lies the rub: That the missile, because of its vulnerability, remains a hair trigger, use-it-or-lose-it weapon.

Mr. PRYOR. Mr. President, I wonder if the distinguished Senator from Wisconsin would yield to me?

Mr. PROXMIRE. I would be happy to yield for a minute.

Mr. PRYOR. I just want to ask a question. Being as the Senator has brought up the duck business into this

MX debate, I am wondering if the distinguished Senator from Wisconsin is in any way implying to his colleagues on the Senate floor that ducks might have fleece, even a golden fleece? Is this going to be the largest golden fleece that the distinguished Senator from Wisconsin has ever discovered?

Mr. PROXMIRE. I cannot tell the Senator from Arkansas how much I appreciate that question because he is absolutely 100 percent correct. Most ducks are clean animals. I have a picture of a pintail in my office that is gorgeous. It is looking at another female duck with a look in its eyes which shows it has no fleece or any other problem in connection with its relationship.

So let me say to my good friend in all seriousness that, yes, I would wholeheartedly agree that here is a sitting duck that is full of fleece.

Mr. PRYOR. I am also wondering if in this whole business about the MX missile—and I share the distinguished Senator's position, as I do support very strongly the distinguished Senator from Colorado's position and loudly applaud him on the manner in which he has conducted this debate, brought this issue to the floor of the Senate—but my final question to the distinguished Senator: Who might be the fleecor and the fleecee in this whole business of the MX missile? I think that is the issue right here.

Mr. PROXMIRE. Well, obviously the fleece is the taxpayer, as always, and, of course, even far more important on this issue, expensive as it is, is the terrible danger to our country and to all mankind if we have this kind of a hair trigger operation.

Mr. PRYOR. I applaud the Senator from Wisconsin, and I certainly agree with all of his remarks.

Mr. PROXMIRE. Mr. President, I am going to be as brief as I can. I know the Senator from Michigan is waiting, he has a 45-minute speech and only about 15 minutes to deliver it, so I will try to finish.

In response to the hair trigger debate in the Pentagon, the response to date from the Pentagon to this suggestion has been that a more robust and reliable combination of sensors, communications, and command arrangements will be required to safeguard against accidental launch. This would require extensive and expensive improvements to the existing communications, command, and control infrastructure.

The response to this problem given by the Office of Technology Assessment, one of Congress most authoritative research arms, is that "no matter how robust" or redundant the system became, it would never be possible to erase doubts that the Soviet Union would be able to blind or spoof the warning sensors. The OTA argues that it would never be possible to erase all doubt about the absolute reliability of what the MX is likely to become—an automated warmaking machine.

While you and I, Mr. President, may firmly believe that the United States has no first strike philosophy—the Russians must undoubtedly work on the basis of a "worst case" philosophy.

Incidentally, we have not renounced using nuclear weapons first, and we are the only nation, of course, which has ever used nuclear weapons in war, which we used against the Japanese.

The fact is that the MX, unlike the warheads aboard the B-52's and strategic submarines, has a prompt hard-target-kill, silo-busting capability. And that is what really worries the Russians because their strategic deterrent force rests far more heavily on such hardened, immobile, easily targetable, and therefore vulnerable-to-MX-attack, land-based missiles.

Imagine what the Soviets might think in the event we deployed the MX and their computers, mistakenly or otherwise, tell them that the United States has launched a major nuclear attack. They will think: "Here come the MX's with 10 warheads each. If we don't launch now we will lose our land-based retaliatory capacity." The hair trigger works both ways.

Mr. President, I oppose the MX primarily because there is no way we can avoid it being a hair trigger, use-it-or-lose-it kind of weapon. It is a weapon which obviously increases the instability and the likelihood that we are going to have a nuclear war, a nuclear war that could very easily come about, as I have pointed out, not necessarily on the basis of some deliberate or premeditated action, but on the basis of a mistake or misperception.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

Mr. LEVIN. Mr. President, first of all, let me congratulate the Senator from Wisconsin on his speech. I think if all of us had an opportunity to listen to it, his exposition of the type of ducks that are involved in this issue, the MX would be a dead duck.

Mr. President, how can it be that although one administration after another has unequivocally stated its opposition to putting a 10-warhead MX missile into a fixed silo that we may be on the verge of doing just that?

How is it that although Secretary Weinberger said in November 1981:

> What we cannot do is put a vast amount of our resources in a plan that we know is not survivable.

We may be on the verge of doing just that?

How is it that just a few months after Chairman TOWER said:

> We should not spend money on the missile if we cannot find a way to insure its survivability.

We may be on the verge of spending billions of dollars for exactly that kind of missile system?

I am afraid there is only one answer to all the whys that haunt this debate. The answer is that we just do not know what else to do with the darned thing. We have reached the point where, because the MX missile is ready for production, we are being driven to a basing mode which everybody vowed we would not use because it made no sense and endangered us more than it would protect us.

We are not about to do this devastatingly dangerous thing to get more surviving hard-target kill capability. We could get much more of that kind of capability in one Trident submarine for much less cost, and witness after witness has told us that the hard-target kill capability we will have without the MX is both adequate and prompt enough.

No; we are about to put this multiple-warhead missile in a fixed silo where it is a devastatingly tempting target because we just do not know what else to do with it.

The conclusion that I have reached is that we are more secure without the MX in fixed silos than with them in such a basing mode.

The MX missile, in a nonsurvivable basing mode, is a particularly egregious and dangerous waste of our defense dollars for many reasons. First, let me just summarize five of them.

MX in vulnerable silos is destabilizing. That is the first reason. While not deployed in numbers large enough to disarm the bulk of the Soviet ICBM force, which constitutes 75 percent of their triad, MX would be enough to destroy most of the most important parts of that force—the high-value SS-18's and SS-19's.

Because MX is highly accurate, in times of great tension, the Soviets could believe that they must use their ICBM's or else they would lose them. They would be put in a use-it-or-lose-it position.

Now, the Soviets will have capabilities to destroy the MX in its vulnerable silos. As a result, the MX moves us much closer to a "hair trigger" in any nuclear crisis or even in a conventional war. Replacement of a 3-warhead missile, the Minuteman III, with a more capable 10-warhead missile places a higher value target in a vulnerable silo for the Soviets to shoot at.

By the Scowcroft Commission's own definition, this is a destabilizing action. Indeed, Commission member Dr. William Perry, former Under Secretary of Defense for Research and Engineering, strongly criticized past plans to base MX in vulnerable Minuteman silos precisely for this reason.

> The Commission wants to move us and the Soviets toward a more stable strategic world with fewer warheads on each ICBM.

It makes no sense at all to march in that direction by something which is so obviously contradictory. We will be less safe, not more, with this destabilizing MX deployment. We can maintain our triad, including ICBM's, in a less destabilizing manner.

Point No. 2: MX cannot be justified on military grounds. We are doing a great deal to modernize the triad. Other major modernization programs include Trident I, Trident II, the B-1B, Stealth bombers, air-launched cruise missiles, advance cruise missiles, and command communication and control improvements. Without upgrading, the Air Force has said our present ICBM's are "fully capable now and should continue to be an effective weapons system through the year 2000, if not indefinitely."

If we wanted to upgrade Minuteman, we could obtain the same hard-target kill capability as MX for about half the cost by installing new guidance systems on many of our Minuteman III's.

In terms of surviving, prompt hard-target kill capability—if one believes that promptness makes a difference in the first 10 to 12 hours of strategic nuclear war, something which was dismissed by former Secretary of Defense Harold Brown, when he was Secretary of Defense—we will add more military effectiveness to our triad by deploying one Trident II submarine in 1989, with about 200 surviving warheads, than we would get at the same time with full deployment of the MX with only 10 to 70 surviving warheads.

The cost of one Trident II boat with missiles is about $2 billion in fiscal year 1982 dollars; MX will cost over $16 billion in fiscal year 1982 dollars. Thus, we can get about 3 to 20 times the surviving, prompt hard-target kill capability with one Trident II boat for one-eighth the cost compared to MX.

Strategic Air Command Commander, Gen. Bennie Davis, and Air Force Chief of Staff, Gen. Charles Gabriel, both have testified that our SLBM's are "prompt enough," so by the Scowcroft Commission's own criteria, MX is unnecessary to improve our triad. It is surviving, hard-target kill capability that makes a military difference, not nonsurviving warheads in vulnerable silos. We have many nuclear response options, even without MX and there is no need to panic in the next 5 years since the Scowcroft Commission closed the "window of vulnerability."

Point 3. MX is not needed to demonstrate national will and cohesion. The United States has underway several other major programs to modernize the triad, as I have mentioned. These programs will provide much more surviving—and, therefore, effective—nuclear capabilities than will 100 MX in nonsurvivable silos. These programs are a clear demonstration of national will and cohesion, since the American taxpayer is paying about $150 billion for them during the next 5 years. The payment of another $20 billion for 100 MX to buy a negligible addition to our retaliatory arsenal instead demonstrates bad military and fiscal judgment to both our allies and our adversaries.

In addition to our nuclear programs, the American people have already demonstrated their national will and cohesion by supporting a 69-percent increase after inflation in defense spending during the past 3 years. The world will be adequately impressed if we spend $1.6 trillion over the next 5 years. Spending $20 billion more for MX creates no additional, positive impression. To say that only the MX can show our national will and cohesion to do what is necessary to defend ourselves and our allies is to have the flea wag the dog, not just the tail.

Point 4. MX is unnecessary and ineffective to obtain arms control leverage, just as much as it is ineffective to show national will and cohesion and inadequate to improve surviving, prompt hard target kill capability. This is so for both the strategic arms talks, START, and the intermediate nuclear force talks, INF.

Indeed, Chairman TOWER once dismissed basing MX in nonsurvivable silos when he said:

> But it is of little use to us unless the Soviets are convinced that it can survive an attack. Without that, the Russians will have no incentive to start serious arms control talks.

Mr. President, all of our other ongoing strategic programs represent much more of a military threat to the Soviets than the MX, especially our cruise missiles. All these programs provide more than enough bargaining leverage or bargaining chips.

As for intermediate nuclear force deployment and negotiations, no one can argue credibly that cancellation of MX means that we are abandoning the Triad or are unwilling to risk our sovereign territory in a nuclear crisis or war. Our Minuteman ICBM's remain viable until the year 2000, at least, according to the Air Force, and any Soviet first strike still would have to attack them and our U.S. located bomber bases and missile submarine ports.

At least 10 million to 20 million Americans would die in such an attack, and that is more than enough risk to undercut any European attempt to argue that we are undercutting the installation of GLCM, the ground-launch missiles, and Pershing II missiles in Europe.

Finally, U.S. cancellation of MX probably would do more good than harm, in Europe, where there is fear of U.S. overemphasis on nuclear weapons. U.S. willingness to cancel an unneeded and destabilizing nuclear weapons system would demonstrate a reasonableness that most Europeans are seeking and would make it easier to deploy INF later this year, should the Europeans continue to support such deployment absent arms control progress.

Mr. SARBANES addressed the Chair.

Mr. LEVIN. I have not finished my statement.

I would be happy to yield for a unanimous-consent request, without losing my right to the floor.

Mr. President, my fifth point, briefly summarized, is that the MX is a wasteful expenditure, not just a dangerous one. Deployment of MX means we are asking the American taxpayer to pay $22 billion—inflated dollars—for 10 to 70 surviving warheads. That is an absurd cost per warhead for no real gain in retaliatory and deterrent capability. That money could be much better spent to improve our conventional forces in those areas needed, such as Rapid Deployment Force capabilities—airlift, sealift, desert equipment, and so forth—or could be more productive not being spent at all during the next 5 years, when crushing deficits threaten economic recovery. We would be stronger militarily, the nuclear threshold would be higher, and we would be stronger economically, without the MX.

Because of the hour, I will stop with this summary. Hopefully, we will not invoke cloture tomorrow. Debate has not yet been extensive on this most significant military and arms control decision this Congress is likely to make. There is much more to be said by many Senators on this subject. Cloture at this point would be terribly premature.

Mr. TOWER. Mr. President, will the Senator yield, without losing his right to the floor?

Mr. LEVIN. Yes.

Mr. TOWER. Mr. President, I believe there is a prior agreement for the pending amendment to be set aside temporarily and for the Senator from Ohio to be recognized at this time, and that following the disposition of his amendment that we return to the consideration of the pending amendment.

If the Senator will indulge me for just 1 more minute I would like to add that there is an amendment by the Senator from New Hampshire (Mr. HUMPHREY), one that I will offer on behalf of Senator CHILES, and also an amendment by Mr. ABDNOR, all of which can be disposed of in a relatively short period of time.

I would like to ask unanimous consent that those amendments to which I have referred be considered following the amendment of the Senator from Ohio, and, if any time intervenes, the Senator from Michigan be allowed to resume the floor.

Mr. HART. Mr. President, reserving the right to object, the chairman has

referred to additional amendments. Are they at the desk?

Mr. TOWER. Yes; the one from Senator CHILES is at the desk, No. 1527. The amendment by Senator ABDNOR had to do with impact area needs, which is also at the desk. Senator HUMPHREY's amendment is a reporting amendment.

Mr. HART. Mr. President, will the distinguished floor manager add the understanding that there will be no second-degree amendments concerning the MX to these amendments to which he has referred?

Mr. TOWER. I believe that can be done. I would personally move to table the amendment if anyone offered an amendment in the second degree to any of these amendments. I will give the Senator from Colorado my assurance that if MX comes up, we will go off these amendments and go back to the pending business.

Mr. LEVIN. Mr. President, will the unanimous-consent request block out a second-degree amendment to the Abdnor amendment?

Mr. TOWER. It does not.

Mr. LEVIN. I understand that there could be one on the same subject.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The pending amendment will now be temporarily set aside so that the Senator from Ohio can offer his amendment.

The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that I may yield for 1 minute to the Senator from Maryland without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, I have been waiting to speak on the MX issue, and intend still to do so if not tonight then tomorrow. But I do ask unanimous consent to place in the RECORD for my colleagues to review in the morning an article and two statements by McGeorge Bundy on the MX.

The article from the New York Times of April 17, 1983, begins with:

Last week the Scowcroft Commission published what is at once one of the best and worst state papers of the nuclear age.

Mr. Bundy discusses thoroughly the report of the Scowcroft Commission and concludes that it sells the wrong missile in the wrong place.

I just want to take a moment to point out that he concludes that article by saying:

For almost 30 years, we have made survivable second-strike strength our central strategic standard. Are we now to move, in a cloud of consensus prose and good intentions, to a nonsurvivable first-strike system?

At the very least Congress should dig deeper than the Commission or its sponsor.

I ask unanimous consent that a statement that he made before the Senate Committee on Appropriations on May 3, 1983, a statement before the Committee on Armed Services on April 26, 1983, and the New York Times article to which I referred be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF MCGEORGE BUNDY—SENATE COMMITTEE ON APPROPRIATIONS, MAY 3, 1983

Mr. Chairman: I have accepted your invitation to testify before your Committee because I believe that the most important decision Congress will take this year on nuclear weapons is the decision whether to accept or reject or postpone the President's recommendation for building 100 MX missiles to be based in Minuteman silos. The recommendation follows the report by the Scowcroft Commission, and in two earlier papers I have strongly criticized the reasoning of that report. I attach those papers for whatever value they may have to Members of the Committee, but today I shall try to go beyond the relatively narrow framework of the Commission report and examine in some detail the three principal arguments that are pertinent to the question of deploying MX-in-Minuteman.

I offer these comments without any intent of suggesting that I know all the answers to the hard questions of strategic stability and arms control. I do share with General Scowcroft the strong conviction that we are at a major turning point in our ways and means of dealing with nuclear danger, and I believe that it would be the height of irresponsibility to take the very large step of approving MX-in-Minuteman before Congress and the country take a good hard look.

For let us make no mistake. A deliberate decision to build a major new weapon system which contributes nothing to the overall survivability of our strategic forces would be a very large new step indeed. Whatever else we do about it, we should not sweep it under the rug.

THREE ARGUMENTS FOR BUILDING MX REVIEWED

First, it was said that we need a new system because Minuteman is increasingly vulnerable.

This argument has now been withdrawn because no sufficiently survivable system is acceptable to both Congress and the White House. But it was the best single argument for MX, and it is not merely a debating point to note its disappearance. A system that is vulnerable to surprise attack, or survivable only with a launch-on-warning policy—and MX-in-Minuteman is precisely such a system—has a wholly different and lesser value than one that is survivable. Based in Minuteman silos MX does not meet the very first purpose for which four Presidents have put it forward. It is a mistake to pretend that this shift is a small matter. Its contribution to overall survivability is indeed the most important single test of the value of any strategic nuclear weapons system. That criterion has now been abandoned in the case of MX-in-Minuteman. The other reasons for building it should therefore be very strong indeed, because a system which is not survivable is in some degree (depending on its size and importance, and on the posture of others) dangerous and destabilizing. The outright abandonment of this primary argument for MX is a very large reason for questioning the value of MX-in-Minuteman.

Second, it is said that we need MX-in-Minuteman to correct the imbalance between the United States and the Soviet Union in the size and quality of ICBM forces.

This imbalance certainly exists. But it is important to correct it only if

(a) there are no other balancing elements between the two strategic nuclear arsenals, or

(b) there is some special advantage for the Russians in this specific imbalance.

Neither condition holds:

(a) The Soviet advantage in ICBMs is balanced generally by our commanding qualitative and quantitative superiority both in submarine-based forces and in strategic aircraft. In overall terms our forces are more survivable than Soviet forces—more of their warheads than of ours are vulnerable to a first strike. Both sides have many times the number of survivable warheads necessary for overall deterrence. Both sides are still adding more, and most of ours are not going to be in MX missiles.

(b) The Soviets do have one specific superiority in a particular kind of ability to destroy hard targets. Overall we have a more varied and survivable capability of this sort than they do, but only a relatively small part of our force can be ordered to make extremely rapid missile attacks. Our submarines are hard to reach for instant commands, and our bombers take eight hours, not 30 minutes, to arrive. So the Soviets, with three-quarters of their force in ICBMs, do have superiority in the field of prompt hard-target kill capability. But it is important to ask what advantage this superiority confers. Let us distinguish two cases—that of capability which deters full-scale nuclear war and that of more limited capability which might have some more specific deterrent effect. As to full-scale war, the only sane course for both sides is to avoid it, and the general guarantee of that is the survivability of very large forces on both sides in the face of any kind of attack. The Soviet advantage in prompt hard-target kill capability is of no value in this case as long as overall deterrence is maintained, and moreover if we think about the balance of hard-target kill capability that would exist in all-out war it is important to remember the overwhelming deterrent value of the large and growing second-strike hard-target kill capability of our bombers and submarines.

Any special advantage of Soviet prompt hard-target killers must therefore be sought elsewhere: in less-than-general war or in peacetime perceptions. But for less-than-general war we have excellent prompt hard-target killers of our own. (When and where it would ever be wise to use them is a different question.) There are 900 modern Mark 12-A warheads in our Minuteman force today, each with high accuracy (which can be further improved if we choose)—a force acclaimed by leaders in and out of uniform over recent years precisely for its outstanding prompt hard-target kill capability. I submit that 900 warheads are many times more than enough for any kind of "limited" prompt action against hard targets that may ever seem necessary to any President in any situation short of all-out war. Let us remind ourselves that every warhead in this force has a destructive power ten times as great as that of the bomb that hit Hiroshima. Can it be argued seriously that such a capability for prompt hard-target attack, backed up by thousands of additional hard-target killers in submarines and on bombers

only hours away, is inadequate for "lower" levels of nuclear war? It seems obvious that we have enough hard-target killers, prompt and less prompt, for any capability we can conceive of for the deterrence of either general or "limited" nuclear war.

What remains is the question of political perceptions. This specific and narrow imbalance, it is asserted, can weigh heavily on the political scales. Even though it confers no usable superiority in any conceivable form of nuclear war, we hear that its very existence may make for political "blackmail." But an imbalance that has no real military meaning can have no real political meaning, at least not if we think straight and talk straight.

Closely examined, MX-in-Minuteman gives us literally nothing that we now need for military balance. It does not add to survivability, and its additional contribution to our large existing hard-target kill capabilities is not needed in any conceivable scenario of either limited or general war. The asserted perception of a politically usable advantage on the Soviet side has not basis in reality, and if any such perception exists, it can be removed at low cost by a single Presidential speech.

Third and finally, it is asserted that we need MX-in-Minuteman because it will help us to get a positive Soviet response in the strategic arms reduction negotiation (START). This may be the deepest hope of the members of the Scowcroft Commission.

Let us begin by agreeing that the Russians will certainly refuse to give something for nothing in any arms control negotiation. Refusal to recognize this reality is what has condemned our opening position in START to failure. The objective of that proposal is the same as that of the Scowcroft Commission: to reduce the size of the Soviet MIRVed ICBM force. But so far there is no sign of any readiness on our side for balancing reductions in the areas where we are ahead. It is not surprising that there has so far been no real START negotiation at all. Our unrealistic proposal has received an unrealistic Soviet respone, and there is no current prospect for significant change on either side.

Would 100 MX-in-Minuteman change that prospect? There is no evidence whatever that they would; I know of no dissent among students of Soviet behavior to the estimate that the Soviet response to MX-in-Minuteman will be a new Soviet "MX," already well along in its development and testing. The contention that building relatively small numbers of an admittedly vulnerable missile will of itself produce a real start in START is wholly unpersuasive. The absence of MX-in-Minuteman is not the real cause of the emptiness of START.

When we examine more closely the value of MX-in-Minuteman for arms control negotiations we encounter three large difficulties.

It is wrong to suggest that we can somehow use a force not yet built to encourage the Russians to move away from a much larger set of forces already bought and paid for. What makes us think that they would react that way? Would we? would we scrap our bombers or our quiet submarines merely to prevent the Russian from building their own?

But if in fact we build 100 MX-in Minuteman, would we then be ready to dismantle them quickly? If we build them, will it not be primarily the consequence of an understandable reluctance to go against the overwhelming commitment of our own Air Force to this system? Can we expect that the honest but mistaken devotion of the Air Force to MX will disappear with its construction? If there was ever a system that will be held off the bargaining table by the intense attachment of its possessors, it is this one. Already one can find Air Force officers explaining that MX must never be traded against a parallel number of Soviet MIRVs, because this system is more valuable to us than a counterpart is to them.

Finally, we really do not have the one option that might at least in theory lead to an eventual bargain: we cannot and will not build several hundred of these things and then trade them out. It would be enormously expensive, but what is worse is that it would be intensely dangerous. The very worst way to deal with the Soviet ICBM force would be to duplicate it. Let us simply consider how unstable the balance of terror would be today if our present strategic forces were the same as those of the Soviet Union. The existence of two large vulnerable MIRVed ICBM forces, each on a hair trigger, would be much more dangerous than the relatively stable balance we have today. It is important to make it completely clear, in this current process of decision, that we have no such intention.

I conclude that MX-in-Minuteman has no large-scale value for the encouragement of arms control. Yet its value is not zero, and there is no need to cancel the program entirely without seeking a trade of some sort. A single limited system cannot in itself produce any large shift in Soviet behavior, but before it is canceled entirely it would be worthwhile to seek a bargain in which both sides might agree to build no new MIRVed ICBMs. This would in fact be a good first step in the general direction recommended by the Scowcroft Commission, and it has the considerable advantage that it is a step on which we might get Soviet agreement. Once we build 100 MX-in-Minuteman, they will become too precious to trade at any price the Russians would accept, and above all we must never build hundreds more.

MORE GENERAL CONSIDERATIONS

Our objective, in strategic modernization and arms control alike, should be stability. The single most important element in stability is the overall survivability of our forces, which already have the required variety of capabilities necessary to deter and respond to nuclear attack at all levels. Usable nuclear superiority is now wholly beyond the reach of both sides. To pursue it would be expensive and unsuccessful folly, and what does not exist confers no political advantage. We need only what we need, as President Eisenhower used to say, and what we need is a varied and survivable force with varied and survivable capabilities. Except for MX-in-Minuteman, all our existing modernization programs contribute to that basic requirement. Quite without MX-in-Minuteman those programs are more than adequate. If they all belonged to the United States Air Force, I think literally no one would now be advocating MX-in-Minuteman.

Our central arms control objective is the same: stability. For that purpose we do indeed need to encourage movement away from large vulnerable MIRVed ICBMs. How can we do it? Only by readiness to bargain in a way that meets Soviet concerns as well as our own. What worries us most may be the SS-18, but what worries the Soviets is the prospect of a losing race in technology or a terrible new vulnerability to accurate missiles on close-in submarines (a possibility which should concern us too). There is much matter here for negotiation, and a bargain good for both sides is not hard to imagine. The much harder task is to get past the suspicion and fear and eagerness for one-sided advantage that have marked both governments so often in the nuclear age.

Aside from its foolish and foreordained support for MX-in-Minuteman, the Scowcroft Commission has done good work in this direction. But the special and painful case of MX is not the right centerpiece for a balanced review of what we need for stability. No such review has yet been offered by this Administration or required by Congress. An indefinite postponement of MX-in-Minuteman might well provide just the right stimulus to serious thought and responsible communication.

STATEMENT OF MCGEORGE BUNDY, SUBCOMMITTEE ON STRATEGIC AND NUCLEAR FORCES—SENATE COMMITTEE ON ARMED SERVICES, APRIL 26, 1983

I am honored by your invitation to appear before your Committee. I come to question the current proposal to deploy 100 MX missiles in Minuteman silos. Unless a far better case is made in these and other hearings, I believe that Congress should reject this recommendation and should instead insist on a much more searching and comprehensive analysis of what is now required for strategic stability and overall deterrence, both in modernization and in arms control policy. Because the Scowcroft Commission was created and selected by men whose overriding objective was simply to save the MX missile, its membership was not broad enough to encompass the full range of relevant judgments. My most urgent specific recommendation is that the Subcommittee should seek out the views of many other Americans whose assessments have equal claims to respect.

My general appraisal of the Commission report is contained in a short article initially prepared at the invitation of the New York Times, and I attach this paper. It notes a number of constructive contributions of the Commission's report, but it also raises a number of questions. In this statement, I develop further a number of responses to the major arguments of the Commission.

First: I believe that the deployment of MX-in-Minuteman could open the way to a most dangerous competition in destabilizing, vulnerable, first-strike weapons. Over the last generation we have left it to the Russians to deploy such weapons, correctly preferring to build only survivable systems. But the only thing more dangerous than for one side to rely on vulnerable first-strike systems would be for both sides to do so. Aware of this danger, the Scowcroft Commission asserts that MX-in-Minuteman should "encourage" the Russians to move away from their big MIRVed ICBMs. But will it? Unless I am misinformed, the preponderance of opinion among close students of Soviet behavior is that the Soviet answer to MX-in-Minuteman will be the deployment of their own similar system, which is already being tested. The Commission strongly hints that we should then reply by enlarging our own deployment of MX. But if we should build two hundred MX-in-Minuteman with two thousand warheads, we would be creating a highly unstable situation of mutual first-strike vulnerability between ICBM forces on both sides. Even the

deployment presently proposed would be highly uncomfortable in any grave crisis.

Let me make this point another way. If our country today had the very same strategic deployment that the Soviet Union has, relying primarily on vulnerable MIRVed ICBMs, the world would be an enormously more dangerous place than it is, because in that case each side might persuade itself, much more plausibly than either one can today, of the possible advantages of a preemptive attack. The last thing Americans should want is a major competition in this kind of threatening and vulnerable weaponry.

I recognize that the Commission itself is wary, in parts of its report, of building forces that could threaten the whole Soviet ICBM force, and I also recognize that Congress and the country are quite unlikely to support any second or third deployment of MX-in-Minuteman. But is not that simply another way of saying that the only good thing about the Commission's desire to convert the Russians by the threat of a continuing MX competition is that this threat will not be executed?

Second: MX-in-Minuteman will not contribute to the progress of strategic arms control unless there is a drastic modification of the Administration's approach to the START negotiations, a modification of which there is at present no sign. So far the Administration has rigorously insisted on unbalanced Soviet concessions which do not seem to be negotiable, and there is much language in the Commission's report that can be used to reinforce this stance. But the only possible use of MX-in-Minuteman as an element in arms control policy would be as a program to be traded out, together with the emerging Soviet MX, in some kind of no-new-MIRV agreement. I recognize that it will not be easy for Congress to encourage the Administration in this direction, but this possibility is the only one that I can see for using MX now to make a constructive contribution to national security.

Third: We do not need MX-in-Minuteman either to prove our mettle to the Russians or to fill in an asserted gap in our range of deterrent capabilities. The Commission makes two claims here. The first is that if we now cancel the MX the Russians will doubt our "national will and cohesion." But the Russians know as well as we do that we have half a dozen other programs of strategic modernization in hand, and they do not forget what Administration spokesmen constantly pass over—the commanding U.S. lead in strategic systems other than ICBMs. The Commission itself specifically recognizes the growing role of the submarine force, and it recommends no change in the probably redundant program of bomber modernization. We have so many good programs in hand that we have no need to impress the Russians with a bad one.

Nor is the Commission's more technical argument persuasive. It tells us, more by assertion than by careful argument, that MX-in-Minuteman is needed to repair an imbalance in prompt hard-target kill capability. But neither the Commission nor anyone else has explained why this need is now so overwhelming that we should deploy the admittedly vulnerable MX-in-Minuteman when we have four other serviceable hard-target killers on hand and on order—900 Mark 12A warheads already in Minuteman IIIs, thousands of missiles deployed or programmed for bombers, cruise missiles in attack submarines, and the D-5 missile that will be in Trident submarines. All these systems are more survivable, warhead for warhead, than MX-in-Minuteman. I have no doubt that strategic planners can produce "requirements" for MX too; experience shows that there is no limit to that process. But for deterrence, rather than for exotic and unreal scenarios, our strategic forces are more than ample today, and for deterrence the weapon that arrives in hours is just as impressive to political leaders as the one that arrives in minutes.

Fourth: We do not need MX-in-Minuteman to prove ourselves to our allies. The Commission asserts that we require this deployment "to assure our allies that we have the capability and will to stand with them." This assertion should be compared with the real opinion of Europeans, and last week there were two important statements on the point. One came from an outstanding American observer, Flora Lewis, and the other from one of the most respected of British conservatives, Lord Carrington.

Ms. Lewis reported from Rome that in a meeting of the Trilateral Commission,

". . . West Germans were astonished to find an American politician wondering whether failure to deploy the MX missile would be taken as a sign of United States weakness, whether it would reinforce the arguments of West Germans opposed to Pershing 2's. Would they say that if Americans don't install bigger missiles why should they?

"The situation is just the opposite, the West Germans explained. 'What we're afraid of isn't American weakness,' was the politely truncated answer, leaving implicit that the real fear is of stumbling into war." (New York Times, April 22, 1983, p. 31.)

What Lord Carrington said is still more trenchant. His comments are not directed at the specific issue of MX, but who can doubt that he has some people in Washington in mind when he calls for more confidence in the powerful present deterrent strength of the West and tells us all not to be "hagridden by fear of military inferiority?" It is not Europeans, but overzealous Americans, who contend that MX is a poultice for the Alliance.

Fifth: The assertion that the Scowcroft Commission embodies a general bipartisan consensus of experts is quite unjustified. While no one should question the sincerity of the Commissioners and the "Senior Counselors" who have endorsed their work, it is no secret that both the Commission's members and its counselors were screened in advance with support for MX as a requirement. There are persons of at least equal experience and judgment who have other views on these matters, and I suggest that this Committee should ask for their comments on the issue, either by testimony or in writing.

It is not for me to say who should be consulted, but for illustrative purposes let me simply note a number of people who have expressed themselves on these problems over the last year or two and who have had responsible experience in the past. (In most cases I do not know their opinion of the current proposal to put MX in Minuteman silos.) Among former Secretaries of State I note Dean Rusk, Cyrus Vance, and Edmund Muskie; among former Secretaries of Defense, Robert McNamara, Clark Clifford, and Elliot Richardson; among former assistants to Presidents on these matters, Andrew Goodpaster; among former Directors for the CIA, William Colby and Stansfield Turner; among other military professionals Maxwell Taylor and Elmo Zumwalt; among former Arms Control negotiators, Averell Harriman, William Foster, Gerard Smith and Paul Warnke; among Science Advisors to Presidents, James Killian, Jerome Wiesner, and Frank Press.

Sixth: In the face of the obvious need for major reductions in the Administration's defense budget, MX-in-Minuteman becomes a strong candidate for elimination. Even though it makes no significant contribution to overall deterrence, it carries a price tag conservatively estimated at $15 billion over the next five years. Yet almost everyone except Secretary Weinberger now recognizes that reductions very much larger than $15 billion are now imperative. If our government does not make any hard choices among big-ticket items, it is predictable that what will get shortchanged is precisely what is most needed: things like spare parts, training, and general operational readiness—the very things that matter most in the real world.

The long and unhappy history of this ill-fated weapon system has lessons for us all, and some but not all are sketched in the Scowcroft Commission's report. It is indeed time to think again about the relation between arms control and stable deterrence. We should indeed concentrate our attention more on warheads and less on launchers. We also need to look further ahead than is our habit, not simply to our own favorite new weapons, but to the situation we will face as the Soviet Union makes its own new choices. Our mistakes with MX can help us do better, but only if we lift our eyes from the single, narrow, short-term objective of deployment of MX at any cost in any available place, and examine the future dangers of the nuclear weapons competition considered as a whole.

[From the New York Times, Apr. 17, 1983]

MX PAPER: APPEALING, BUT MOSTLY APPALLING

(By McGeorge Bundy)[1]

Last week the Scowcroft commission published what is at once one of the best and worst state papers of the nuclear age. Unfortunately, it seems possible that the best parts will be less appealing to President Reagan than the worst. It is obvious from the elaborate White House orchestration that the report has been constructed with built-in Presidential approval and that at its core it is a selling job for the wrong missiles in the wrong place—100 MX missiles in Minuteman silos. This solution has been repeatedly reviewed and rejected both by Congress and by the executive branch over the last 10 years.

But let us begin with the good parts. First, the report deliberately and correctly destroys one of the principal myths on which Mr. Reagan campaigned in 1980—the myth of the "window of vulnerability," or the threat of a Soviet first strike on Minuteman silos. Growing Soviet missile forces with growing accuracy, it was said, would allow the Russians to knock out nearly all those silos early in the 1980's and the President would not dare respond because our cities would still be hostage. It was an unreal but chilling scenario, and until last week no one around Mr. Reagan had ever questioned it in public. Now the commission has given it a

[1] McGeorge Bundy was Special Assistant for National Security Affairs to Presidents John F. Kennedy and Lyndon B. Johnson. He was chairman of the General Advisory Committee of the Arms Control and Disarmament Agency from 1979 to 1981.

fitting burial. The commission observes that a "massive surprise attack" on our 1,000 Minuteman silos would be a very special case and concludes: "To deter such surprise attacks we can reasonably rely both on our other strategic forces and on the range of operational uncertainties that the Soviets would have to consider in planning such aggression." Thus, the window of vulnerability is slammed shut on the fearful fingers of the Committee on the Present Danger.

The commission puts one condition on this conclusion, and again it is a good one. The vulnerability of the Minuteman, considered alone, is real if uncertain, and it does raise a serious long-range question, because our bombers and submarines may not always be as survivable as they are now. If we can buy "long-term ICBM survivability" for a sensible price, we should indeed have it, and the most promising possibility is a smaller single-warhead missile, as thoughtful students have been saying for quite a while. The recommendation for careful research and development on such a new missile deserves full support.

A third good basic recommendation is allied to the first two: It is that we should seek to shift the counting rules of strategic-arms control from launchers toward warheads. This good idea is a belated but entirely sensible effort to deal with the destabilizing effects of MIRV's (multiple independently targetable re-entry vehicles)—that is, many warheads on one missile. MIRV's are the United State's worst single contribution to the nuclear arms race. What they did, as many warned at the time, was to give the attack an advantage over the defense, because a multiple-warhead missile can "kill" several opposing missiles in one shot, while it takes at least two single-warhead missiles to "kill" even one similar weapon with assurance.

SALT, for reasons of verification and habit, counted mostly launchers, not warheads. This way of counting strengthened attachment to MIRV's on both sides, because if you can have only so many missiles under an agreement, why not pack them with as many warheads as you can? We were firstest with MIRV's, but the Russians have been mostest, and the commission is right: It is time to go to work to change the counting rules. The commission is also right when it notes that some of Mr. Reagan's proposals in the strategic arms talks in Geneva move in the wrong direction on this score.

So far so good. What is wrong? Only the centerpiece of the report. It goes in exactly the opposite direction by placing the first-strike multiple-warhead MX in Minuteman silos, right where Soviet MIRV's could knock it out if ever the Kremlin thought we were about to use it. Because the MX has 10 warheads, not the two that is the average in the Minuteman force, it will be five times as vulnerable, warhead for warhead, as Minuteman itself. It violates the fundamental rule first laid down in the Eisenhower Administration: The object of any new strategic system is to deter, and to deter safely it must be able to survive.

If there was ever a "use it or lose it" system, ill-designed for stability in crisis, it is this one. Yet it comes to us from a commission that elsewhere tells us that "stability should be the primary objective." A system of this kind is open to only one protective device, a capacity for launch-on-warning—for rapid firing on possibly fallible electronic notice of an incoming attack. But on this critical point, the commission is alarmingly silent. It would have done better to recognize more candidly its deliberate abandonment of our most important single standard for strategic force planning.

The arguments offered directly for this strange choice are thin. We need it to induce Soviet acceptance of new arms control limits, says the commission. But as the commissioners recognize, the Russians are already testing their own MX and their own single-warhead missile. The Soviet answer to new programs will be new programs, not new concessions. If the commission wants a no-new-MIRV agreement, which would make good sense, it should propose just that. It should not pretend that the MX in Minuteman silos is arms control in disguise. Nor should it compare this problem with that of the antiballistic missile defense treaty. The Russians joined us in curbing ABM systems precisely to insure the deterrent effectiveness of their land-based missiles. They are not going to be driven to sea by MX. The whale will not convert the elephant by imitation.

Most of the commission's other direct arguments are thinner still. If we do not deploy MX, it says, the Russians will doubt our "national will and cohesion." Is honest disagreement on hard choices a sign of weakness? A commission of Americans should know better. But our existing land-based intercontinental missile force is aging, says the commission. So it is, but as the commissioners recognize in the very next sentence, the necessary programs for keeping this force effective are already in train. But, they argue, we need a hedge against possible Soviet antiballistic missiles. Is the commission suggesting that our existing 10,000 warheads could not be programed for this task? But, it says, we need a new booster as a backup for the space shuttles. Well, if we do, we do. But is this a serious argument for 1,000 new first-strike thermonuclear warheads?

The real purpose is different, but the commission wraps it in jargon. The main reason for this recommendation is that a commanding majority of its authors want these first-strike weapons because the Soviet Union has them. Never mind their contribution to instability in crisis; never mind what the Russians will build in reply; never mind what else you could do with $15 billion; never mind the fact that the Russians do not have a true first-strike capability because the window of vulnerability was never open; never mind that Soviet advantages on land are fully matched by our superiority in the air and under water. Because the Russians do have weapons that can strike first at hard targets, the commission concludes that we must have them, too. When you disentangle all the report's complex language, that is all there is, and the commissioners neglect to tell us that we have plenty of weapons already that can strike hard targets second—our bomber force may be the best system in the world for this legitimate purpose.

For almost 30 years, we have made survivable second-strike strength our central strategic standard. Are we now to move, in a cloud of consensus prose and good intentions, to a nonsurvivable first-strike system?

At the very least Congress should dig deeper than the commission or its sponsor. It might begin by seeking counsel from all quarters—there are many outstanding students in its own ranks. It should not rely on a report written by a panel carefully selected to include only tested friends of MX. It might well find that the Scowcroft commission has almost everything right except the recommendation that was preplanned by the White House. In spite of the commission's unexplained insistence that all its ideas make a single package, Congress has every right and duty to take only what it finds truly needed.

AMENDMENT NO. 1534

(Purpose: To provide for the employment of four hundred additional auditors by the Defense Contract Audit Agency)

Mr. METZENBAUM. Mr. President, I send an amendment to the desk on behalf of myself, Senator BENTSEN, Senator PRYOR, and Senator ARMSTRONG and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM), for himself, Mr. BENTSEN, Mr. PRYOR, and Mr. ARMSTRONG, proposes an amendment numbered 1534.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 26, line 20, strike out "$6,716,600,000" and insert in lieu thereof "$6,726,600,000, of which $10,000,000 shall be used only to increase the number of full-time auditors in the Defense Contract Audit Agency of the Department of Defense by at least four hundred above the number of full-time auditors requested for such Agency in the President's fiscal year 1984 budget request."

On page 54, line 23, strike out "1,054,155" and insert in lieu thereof "1,054,555, of which 400 shall be used only to increase the number of full-time auditors in the Defense Contract Audit Agency of the Department of Defense by at least four hundred above the number of full-time auditors requested for such Agency in the President's fiscal year 1984 budget request.

Mr. METZENBAUM. Mr. President, the amendment that I send to the desk on behalf of myself, Senator BENTSEN, Senator PRYOR, and Senator ARMSTRONG, raises the questions:

WHO IS MINDING THE DEFENSE DOLLARS

Who is checking to see if the billions of dollars we are authorizing in this bill are being well spent?

Who is checking to see whether the contracts are written to insure taxpayers are getting their full money's worth in the area of military procurement?

Who is checking to see if contractors are gouging the taxpayers with outrageously inflated prices for spare parts and other overhead abuses?

In short, who is checking for waste, fraud, and abuse in the Defense Department contracts?

Our amendment increases the number of auditors in the Defense Contract Audit Agency—DCAA—by 400 auditors. Those 400 auditors will cost about $10 million in the first year, but based on historical experience,

those additional auditors could save the Government from $600 million to $1 billion each year.

According to Deputy Secretary of Defense Carlucci, DCAA saved the taxpayers more than $6.9 billion in fiscal year 1981. That is a savings of $69 for every $1 in the DCAA budget—or $2.3 million for every DCAA auditor that year. Using that track record, this amendment would save the taxpayers up to $1 billion when all the auditors come on stream.

Let me review just a few of the individual examples of waste, fraud, and abuse that DCAA has uncovered.

According to a partial list compiled by the House Committee on Appropriations, DCAA auditors uncovered the following incidents of questionable overhead costs submitted by DOD contractors to the Pentagon for payment at the taxpayer's expense.

1. $1,500 for 10 tickets to the premier of the movie "Superman."
2. Over $16,800 from one company for the purchase of season tickets, with parking, for sporting events.
3. $53,000 for a golf torunament.
4. $266 for a tour of Tijuana, Mexico.
5. $20,000 for office furniture that included bar stools, a stereo system, and a bumper pool table.
6. Numerous tickets for symphonies, ballets, and civic events.
7. Numerous instances of undocumented travel, including travel for spouses.
8. Outing costs including $965 for rental of a party boat, $1,707 for food, $2,392 for liquor, and $589 for cowboy hats.
9. Millions of dollars for operating expenses of company airplanes which shows no attempt by the companies to conserve fuel, energy, and save money.
10. Numerous business conferences/dinners for which no agendas were kept nor the list of participants available.
11. Legal expenses for claims against the Government and defense against bribery charges.
12. Advertising costs for giveaways of models, tie tacks, cuff links, etc.

The House Appropriations Committee report stated:

The above are just a few examples of unallowable costs which contractors are including as a part of their overhead rates for Government contracts. These are not isolated situations but are discovered in audit after audit. The type of unallowable costs cited above were included by large defense contractors who have been doing business with the Government for years. The fact that these costs continue to be submitted, apparently unabated, suggests to the investigative staff that contractors are attempting to and frequently succeeding in obtaining excess costs (profits) on Government contracts. They must be aware that the Government's audit effort is constrained, and only a small percentage of these type of costs will be identified.* * * DCAA's limited audit capacity can only uncover a small percentage of these items. Moreover, most of the items cited were found on a sampling basis, so that it is impossible to know how many millions of dollars the Government has paid in the past and is paying now for unallowable costs.

The main reason that contractor ripoffs of the Federal Government are running rampant is that we do not have enough DCAA auditors to bring these abuses to light.

In fiscal year 1979, the DCAA had only 2,914 auditors to cover $31 billion in procurement authority. In fiscal year 1984, with the procurement budget reaching $88 billion, DCAA is projected to have 3,035 auditors—an increase of only 121 over the 1979 figure. So, while the procurement budget has increased by a whopping 180 percent between fiscal year 1979 and fiscal year 1984, the number of DCAA auditors has increased by a mere 4 percent over the same period. These personnel levels are obviously too low.

Just to keep even with 1979—to have the same number of auditors covering the same dollar volume of defense contracts—would require nearly 9,000 auditors in fiscal year 1984. Even using constant dollars, not inflated dollars, we would need at least 6,000 auditors to cover today's procurement budget.

In fiscal year 1979, we had one DCAA auditor for every $11 million in procurement contracts. For fiscal year 1984, we will have one DCAA auditor for every $30 million in procurement contracts.

This is absolutely ridiculous.

Why should we increase the number of auditors in DCAA?

DCAA is the major auditing agency within the Department of Defense and the only agency that performs contract audits—that is, it is the only agency that audits the books of contractors.

It is the ony agency that actually reviews costs submitted by contractors to see whether those costs were incurred on the specific contract and to see whether the costs are justified.

DCAA auditors are involved in the early stages of the contract. By working closely with the contract officers, they are able to prevent unnecessary contract costs, because of their experience with specific contractors and with specific projects.

This experience is essential, because the real place to stop overruns, bad purchases, and fraud is at the beginning, when the contract terms are being negotiated.

Frank Carlucci, Deputy Secretary of Defense, reported to the Governmental Affairs Committee in May 1982 that he expected to increase DCAA staff for fiscal 1983 by 475. However, the total increase of auditors for fiscal year 1983 over fiscal year 1982 was a mere 57.

Charles Starrett, Director of DCAA, told the Governmental Affairs Subcommittee in May 1983, that the current level of DCAA personnel was inadequate to cover the increased level of procurement activity in DOD. Under questioning by Senator NUNN, Starrett said he was working to increase personnel and that "a little over 4,000" employees are needed.

But he has not received those new auditors. According to the budget submission of DOD, only 3,748 personnel slots—including about 3,035 auditors—will be authorized for fiscal year 1984—a number far below the level needed to adequately cover the huge increases in defense contracts.

Time after time, the GAO has pointed out the need for additional auditors to monitor defense procurement.

Back in 1979, GAO checked the performance of the DCAA, and judged it "reasonably effective overall." But more importantly, it attributed most of the audit agency problems to lack of adequate personnel.

As GAO stated, "DCAA has more work than it can do."

Problems caused by inadequate auditors "tend to increase Government procurement costs," GAO added.

The scope of our review did not permit us to estimate how much the costs increased, but, based on the cases we studied, we believe the amount is sizable.

GAO pointed out that DCAA was understaffed back in 1979 when it had only 2,914 auditors to cover $31 billion in contract authority. Now DCAA has only 121 additional auditors to cover an authority of $88 billion a year in defense contracts. As I said earlier, while the procurement budget increased by a whopping 180 percent the number of DCAA auditors increased by only 4 percent.

If DCAA had more work than it could handle back in 1979, it must be swamped today.

DCAA has a track record of saving the taxpayer billions of dollars during the procurement process. This amendment will cost $10 million, but it will save the taxpayers over a billion dollars.

According to Deputy Secretary Carlucci, DCAA saved a total of more than $6.9 billion in fiscal 1981. That included: $5.9 billion in pricing proposal evaluations actually sustained out of $24.1 billion in total pricing proposals questioned by DCAA auditors, $738 million saved in incurred costs that were questioned, $250 million in savings because of DCAA's reviews of contractors operations for efficiency and economy, and $47 million saved by DCAA's defective pricing reviews.

Those numbers are Mr. Carlucci's.

That is a good return for the dollars; 3,519 DCAA personnel cost a total of $99 million in fiscal 1981, but saved the Government $6.9 billion that year. And that was when the DCAA—according to Carlucci, to DCAA Chief Starrett, and the GAO—was understaffed.

Imagine the potential savings if we add 400 more auditors.

CONCLUSION

We need more auditors to watch over defense dollars. Compared to 1979, we really need at least 6,000 auditors to keep pace with the huge increase in defense procurement. Instead, we have only 3,035. This amendment for 400 auditors is eminently reasonable.

This amendment authorizes $10 million in fiscal year 1984 in additional dollars in order to save $600 million to a billion dollars per year. That is a conservative estimate, because additional auditors will allow better and more thorough audits.

DCAA is not the only agency that audits defense contracts, but it is the only agency that audits the books of the contractors.

We need to let those contractors know we are providing enough staff to oversee the massive procurement dollars we are authorizing in this bill.

Mr. President, I ask unanimous consent that the majority leader may be recognized at the present time without my losing my right to the floor or without its being charged to me as a second speech.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, I thank the Senator.

I have consulted with the managers of the bill and they have indicated to me that, while there are perhaps three other amendments after this one to be dealt with, they do not anticipate rollcall votes on them. I thought I would take this opportunity, since it is a few minutes after 7, to announce that no more rollcall notes are anticipated today.

Mr. METZENBAUM. Mr. President, this amendment that I offer this evening is one of three that I have offered on the floor of the Senate, and I am pleased to say that each of them has been accepted. The first amendment had to do with the practice of leasing by the military. The second had to do with the requiring of bidding in connection with the acquiring of a particular plant. The third amendment had to do with the question of DCAA auditors and the need for additional ones.

Really, what I am saying in all these amendments is that the Defense Department, in the view of Congress, is not doing everything possible to economize and that we, by the legislative process, are trying to provide an additional push toward competitive bidding. We are trying to keep them from leasing when leasing is more expensive than buying, and we are trying to say to them that there ought to be more audits of defense accounting. But I am sad to say that as I stand here this evening, in the morning newspaper, I find a story saying the Secretary of Defense is going on a so-called business trip, taking a military plane which, according to the Inspector General of the Defense Department, will probably cost something around 38,989-odd dollars to go out to a social affair on the west coast.

As a matter of fact, Mr. President, it is bad enough that they are going. It is bad enough that they are spending Federal funds. It is bad enough that they are using a Federal plane. As a matter of fact, for the 12 seats that I understand they are taking out to this fancy party on the west coast, they could rent the entire first-class section of a 727, round trip, to the west coast for about third of that amount. If they were to use commercial flights, each of them could go on a round trip for $379, or a total of about $4,000, or about 10 percent of the total.

Mr. President, I must say that it is discouraging to those of us who are concerned about economizing in the Department of Defense to find that, no matter what we do on the floor of the U.S. Senate, no matter what we do in the House of Representatives, no matter how we try to send a message to the Department of Defense, the war against fraud, waste, and abuse is ineffective.

I sat in the Budget Committee 2 years ago and they told us how they were going to save billions of dollars by eliminating waste, fraud, and abuse. But I find that you cannot do it unless the economies and the efficiencies start at the top. If the Secretary of Defense does not care about saving the taxpayers' money, how can we expect a lower level person in the Department of Defense to do so?

FRAUD AND WASTE

Almost daily, we hear from the media on the skyrocketing cost of waste and fraud in the Department of Defense. Here are a few examples, Mr. President.

"Pentagon's Empire Is Laden With Thievery and Fraud."—Wall Street Journal, January 17, 1983.

"President's Private Sector Survey on Cost Controls Identifies $92 Billion In Potential Savings Over the Next 3 Years."—Newsweek, July 1983.

"$500 Million Overrun In Lockheed Contract."—Los Angeles Times, April 1983.

"Contractors Increase Prices for Spare Parts by 500 to 1,000 Percent Over 3 Years."—New York Times, July 1983.

"Navy Officer Outfits His Quarters With A $14,000 Cutsom-Made Leather Couch."—60 Minutes, April 1983.

"Pentagon Buys $33 Billion Worth of Arms Without Testing."—Washington Post, June 1983.

"Aluminum Ladder That Retails For $160, Costs the Pentagon $1,676 Each."—New York Times, December 1982.

"Admiral Says Shoddy Work Adds 50 Percent to Some Arms Cost."—New York Times, June 26, 1983.

"San Antonio Base Accused of Wasting Millions of Dollars."—Dallas Morning News, June 27, 1983.

Mr. President, I do not know how to get word to the Secretary of Defense to make it clear to him that, indeed, we expect some economies, some efficiencies, we expect the Department of Defense to operate in a businesslike manner. I know that I speak for every Member of this body when I address this issue.

Senator GOLDWATER has been one of the strongest advocates of Defense Department efficiency. He joined with me in an eight-page letter to the Secretary of Defense. He has been a strong advocate and joined with me in a lawsuit against the Department of Defense in connection with the matter of competitive bidding being required.

I know that the chairman of the Committee on Armed Services has not fought me on these amendments. He has been willing to accept the amendments as an indication that he shares the same kind of concern, that you need the Defense Department dollars and you do not need them for waste and inefficiency. I am pleased, therefore, that he has indicated he is willing to accept this amendment at the appropriate time.

Mr. President, I ask unanimous consent that I may yield the floor to the distinguished Senator from Texas (Mr. BENTSEN).

The PRESIDING OFFICER. Without objection, the Senator from Texas is recognized.

Mr. BENTSEN. I thank the Chair.

Mr. President, I want to say first that I think the Senator from Ohio has made a most compelling case on this amendment and I congratulate him for offering it. Normally, in the Department of Defense, there has been no great groundswell of support from generals, and admirals for this type of approach. I note that, since 1973, as he has stated, there has been an almost 200-percent increase in defense spending but, in that same period of time, only about a one-half of 1 percent increase in the number of auditors. I understand that.

I understand that kind of reaction, Mr. President. But in this day and time, with the kind of fraud and waste that we have seen, it is time that we do some of the things that Harry Truman was doing in his Preparedness Committee. Having this kind of beefup in the number of auditors will help prevent some of the headlines of tomorrow. That is what we are trying to do.

Mr. President, I am pleased to join my colleagues in sponsoring this amendment to substantially increase the number of full-time auditors in the Defense Contract Audit Agency (DCAA).

The distinguished Senator from Ohio (Mr. METZENBAUM) has presented a compelling case for the amendment.

The Defense Contract Audit Agency is the largest audit organization within the Department of Defense, and the only agency charged with contract audit responsibility. DCAA's auditors advise Department of Defense contracting officers during contract negotiations on the acceptability of proposed contract prices. They also conduct postaward audits to monitor contract compliance.

However, whether assisting in preaward negotiations or conducting postaward audits, the responsibility of DCAA is clear: Protect the Government from contract waste, fraud, and abuse. In this connection, DCAA auditors work in close concert with auditors within the Department of Defense Inspector General's Office.

You may recall that the Office of Inspector General was established as a result of an amendment attached to the 1983 Department of Defense authorization bill. As the principal sponsor of the amendment I am particularly interested in providing the Defense inspector general the necessary manpower to carry out the responsibilities and duties of that Office.

I am deeply concerned about seeing it made more effective. I noted that they were slow to recommend a man for the independent inspector general. As I recall, it took them about 5 months after the bill was passed to carry that out.

The legislation establishing the Office of Inspector General transferred to that Office the Defense Audit Services; the Inspector General's Office of the Defense Logistics Agency; and that portion of the Defense Investigative Service with responsibility for investigating criminal violations. However, the enabling legislation authorized only 100 additional full-time personnel for the Defense Inspector General's Office with responsibility for contract audits.

Mr. President, it is an impossible task for 100 auditors to oversee all of the activities related to the billions of dollars spent by the Defense Department each year.

For this reason, contract auditors in the Inspector General's Office rely heavily on the work performed and provided by DCAA auditors.

Outlays for procurement by the Defense Department have increased from $30 billion in 1978 to an anticipated $87 billion in fiscal year 1984 as authorized in the bill pending before the Senate. This represents an increase of well over 300 percent. At the same time the number of auditors in DCAA has increased by less than one-half of 1 percent—0.05 percent.

Mr. President, it is certainly not my practice to advocate increased Federal spending—particularly at a time of annual Federal deficits in excess of $100 billion as far as the eye can see. However, it makes good sense to spend an adequate amount for resources that are essential to and an indispensable element of our efforts to curb unnecessary and wasteful Federal spending.

According to Charles Starrett, Director of DCAA, every dollar invested in that Agency yields a return of $39 to the Government. If Mr. Starrett's calculations are accurate, the $10 million requested to fund the additional audit positions in DCAA would eventually result in savings of almost $400 million to the taxpayers. Potential savings of this magnitude cannot be ignored at a time when we are desperately in search of ways to reduce the Federal deficit without severely impacting on our national security.

Further, the need for increased contract audits and investigations relative to defense procurement is well established. It seems almost impossible to pick up a copy of the Washington Post or New York Times these days and not find a story alleging wasteful or exorbitant spending by the Pentagon. While some of these stories are attributable to overzealous reporters anxious to hone their investigative skills, many of these are illustrative of serious flaws in the defense procurement process.

Let me cite just a few examples. First, I refer to a story that appeared in the New York Times on December 12, 1982. This details the Air Force's purchase in August of 1980 of 71 aluminum ladders at a cost of $1,676 per ladder. The story goes on to say the Air Force had purchased 17 of the ladders just 3 months earlier at a cost of $586.34 each. In other words, the cost of these ladders had increased by $1,089.66 in just 3 months. However, the real crunch comes with the revelation that the ladders, substantially similar to the ones in question, were commercially available for only $160. The Air Force's response according to the article was as follows:

The Air Force "doesn't believe this ladder-buying falls into the wasteful spending of defense money category," and offered in defense that the $1,676 price tag had been negotiated-down from a demand of $1,915.

To cite another example, a May 11, 1983, article that appeared in the Baltimore News American chronicles the Air Force's purchase of plastic caps that fit on the legs of navigator stools for $916.55 each. According to the story, an Air Force cost analyst estimated the price of the caps to be 35 cents if purchased commercially.

Mr. President, it is not my intention to single out the Air Force by use of the above examples, and I do not want to belabor the point, but I find it absolutely appalling that the taxpayers' money is wasted in the manner implied in these articles. I take a back seat to no one in this Chamber in my support of efforts to provide a national defense for America that is second to none. However, I will not tolerate waste, fraud, or abuse in any area of the Federal Government, including the Pentagon.

In closing, let me note that the success of the inspectors general program in combating waste, fraud, and abuse in Federal programs is well documented and there is no reason to believe this success cannot be duplicated at the Department of Defense. However, we must make available to the Defense inspector general adequate manpower and resources to oversee the billions of dollars that are managed and spent by the Defense Department each year.

Increasing the number of full-time auditors within the Defense Contract Audit Agency will be a wise investment of our resources as well as enhance the ability of the Defense inspector general to combat contract fraud and abuse. I urge my colleagues to adopt the amendment.

Mr. President, I ask unanimous consent that two articles, one from the Baltimore News American and the other from the New York Times, which I referred to in my comments, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE AIR FORCE'S $916 CAP FOR STOOL LEGS

(By Knut Royce)

WASHINGTON.—The Air Force had been paying $916.55 each for small plastic caps that fit on the legs of navigator stools, but when the contractor, the Boeing Co., recently increased the unit price to $1,118.26, enough was enough.

After all, a Pentagon official said, they're probably only worth about 35 cents apiece in the commercial marketplace.

So the Defense Department has decided that when the caps wear down again, they'll be purchased through competitive bidding.

Fortunately the caps, which are less than 1 inch square, appear to be holding up pretty well. The last purchases were in 1981, when three of them were bought for $916.55 each.

The little cap would have remained just another obscure and overpriced spare part had not some pricing specialists at the Defense Logistics Agency in Philadelphia been tipped off and looked into the matter. They called up the specifications, obtained a broken cap and quickly determined, according to a spokesman, that the item was "significantly overpriced."

One Air Force cost analyst said that if the cap were readily available in the marketplace, it would cost perhaps 35 cents. But both he and the DLA spokesman said that when it next goes out to bid, the new contractor will have to tool up—at a cost of perhaps $200—and because the cap is purchased in small amounts, the unit price could range from $1 to $5.

A Boeing spokesman, asked Monday to explain why the cap cost so much, had not come up with an answer by late Tuesday.

The Air Force cost analyst said that the recent barrage of criticism by Congress, the

press and even internal Pentagon documents about the excessive cost of spare parts because of sole-source purchases has prompted some in-house reassessment of the problem.

Ernest Fitzgerald, deputy to the assistant secretary of the Air Force for financial management, agreed. Asked why the item was being flagged down now when it cost nearly as much two years ago, he said, "I don't think it's been a matter of great importance until now."

He said he had not yet seen the invoices for the plastic caps, but that the price tag "sounds outlandish."

An Air Force spokesman said the caps fit on the legs of navigator stools on E3A AWACS radar planes. Other Pentagon officials said that they also are found in KC-135 tanker planes, the E4 "Kneecap" command aircraft and some B-52 bombers.

Navigators climb on the portable stools when they use their sextants, which are instruments to determine positioning by measuring the angular distance of stars and planets.

The Air Force has been the target of most of the criticism for non-competitive purchases of spare parts. Congressional hearings and Pentagon whistle-blowers have disclosed that some Pratt & Whitney spare engine parts have doubled or tripled in price in just one year.

Spare parts cost the Pentagon $12.9 billion last year, and Defense cost analysts have estimated that the total could be trimmed by up to 25 percent if the parts are purchased through competitive bidding rather than through sole-sources.

But a recent Defense Department audit found that most of the spare-part purchases the auditors reviewed last year were non-competitive, even though the services had not provided "adequate documentation" to show that the purchases should have been "restrictive."

The DLA spokesman said that an Air Force official had tipped off his agency of the questionable cost for the cap on Jan. 18, and that by March 24 the agency had determined it no longer would buy it from Boeing but would seek outside bids.

HOW ONE LADDER CAME TO COST $1,676

(By Charles Mohr)

WASHINGTON, November 30.—The AA Ladder and Supply Company of 2305 Rhode Island Avenue, N.E., sells its sturdiest 10-foot aluminum ladder with hooks for $160.

In May 1980 the Air Force bought 17 similar ladders for mechanics who work on F-105 fighter bombers for $586.34 each. They were obtained from a small business after competitive bidding.

In August 1980 the Defense Department bought 71 more aluminum ladders, again similar to the supply company's product, for $1,676 each. They were obtained for A-10 attack planes after several Pentagon committees agreed to a contract with the Fairchild Republic Company.

Are taxpayers getting their money's worth?

The surveys and investigations staff of the House Appropriations Committee recently cited the case of the A-10 boarding ladders as an example of how lack of competition among military contractors tends to drive up costs. But an Air Force spokesman said that his service "doesn't believe this ladder-buying falls into the wasteful spending of defense money category" and added that the $1,676 price tag was a "negotiated-down price" from the $1,915 first demanded by Fairchild.

DIFFICULTIES OF IMPLEMENTATION

The A-10 ladders may seem like small change in annual military budgets totaling hundreds of billions of dollars. But the surveys staff cited the incident in its 890-page report entitled "Procurement Policies and Practices" to illustrate the difficulties encountered in trying to carry out a number of administrative systems meant to reduce costs.

One such system is called "component breakout," and it applied directly to the A-10 ladder; or, to be more accurate, did not apply.

Many major weapons systems, including combat aircraft such as the A-10, are procured with one prime contractor through what are known as "sole source" contracts. That contractor, in turn, obtains many components from a number of vendors and subcontractors.

Many Defense Department officials argue that engineering and design complexities make sole-source contracts necessary for most major weapons. But in an effort to encourage competiton and reduce operating costs, the department has in principle embraced the idea of seeking bids in purchasing some replacement and spare-part components, by a process known as "breaking them out" from purchases made solely from the original prime contractor.

The House committee report notes, however, that before the department can call for bids for some highly complex parts or components, it must first obtain technical engineering data from the original prime contractor so it can solicit the bids on a sound engineering basis. The report adds that "the expense of procuring technical data from contractors, plus the reluctance of the procurement officer to initiate such action, has deterred Department of Defense's component breakout program and hindered competitive procurement."

The report concludes that the failure of the armed services to take advantage of such opportunities when obtaining spare parts for major weapons systems "is costing D.O.D. millions of dollars in excess procurement costs."

The case of the A-10 ladders gives some indication of how complete such failures can be. The Air Force's Air Logistics Center in San Antonio, which is responsible for the purchase of such equipment, has twice obtained ladders on a "sole source" basis from Fairchild in the belief that the Defense Department did not have needed engineering data to permit purchase from other sources. In fact, the surveys and investigation staff learned, the data and unlimited rights to use it had been purchased from Fairchild in 1975 and were sitting in a Pentagon file.

The committee staff report said that technicians at San Antonio had compared the $586.34 ladders used for mechanical work on F-105 aircraft with the A-10 ladders and found "there was very little difference in the ladders and that manufacturing costs should be about the same." An Air Force spokesman said, however, that the $1,676 price on the A-10 ladder probably resulted from the relatively small size of the lot, 71 ladders, and from the need to conduct "safety tests" on them.

The spokesman was unable to explain how the even smaller lot of 17 ladders for the F-105's was obtained three months earlier at a cost of only $586.34 per ladder.

In any event, the spokesman concluded, the Air Force should not be held responsible for the high price of the A-10 ladders because the ladder contract had been audited by civilian officials of the Department of Defense. But should more ladders be needed, he added, "it will be done on a competitive basis."

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I wish to lend my support to the amendment of my colleague, Senator METZENBAUM, and to say that the purpose and thrust of his legislation is directly in line with my point of view over the past several years.

During my tenure on the Senate Committee on Governmental Affairs, it was a constant and recurring theme that waste and cost overruns occurred throughout the Pentagon. I would not single out this agency as the only offender, but certainly the magnitude of its budget—plus the nature of its procurement practices—made contract abuse and mismanagement particularly easy.

Under this amendment, I believe that the American taxpayer will be more certain that his money is being well spent. I believe, furthermore, that contracts will be written so that performance is guaranteed on the highest level.

The intent of this legislation is to increase the number of auditors in the Defense Contract Audit Agency (DCAA) by the number of 400. These additional auditors would cost about $6 to $12 million but should save the Government more than $600 million each year. So, rather than adding to the bureaucracy—a move that nobody wants—we would actually generate tremendous savings in defense dollars.

Let me refer to the background in this area, Mr. President, and suggest briefly what has been happening in the DCAA over the years. While we have spent billions on defense contracts, we have increased the auditing agencies in defense by only a fraction. From 1981 to 1987, defense spending will increase from 5.6 percent of the gross national product to 7.8 percent. It will increase from 25 percent of the Federal budget in 1981 to over 35 percent in 1987. Yet during these 6 years we will have increased the number of auditors to work with these programs hardly at all.

Mr. President, DCAA is the major auditing agency within the Department of Defense. It is the only Agency performing contract audits, and the only Agency that actually reviews costs submitted by contractors. DCAA auditors are involved, furthermore, in all stages of the contract. And because they are included in the early phases of any negotiation they can prevent unnecessary costs. I know from experience in our investigations in the Governmental Affairs Committee that the place to stop overruns and faulty pur-

chasing is at the beginning—when the terms of the contract are being negotiated.

Let me take a moment, Mr. President, to point out the fine track record DCAA has accumulated, in spite of being understaffed. The Agency saved more than $6.9 billion in fiscal year 1981. This included $738 million saved in incurred costs that were questioned, another $250 million in reviews of operations for efficiency, and $47 million saved through defective pricing reviews. And these figures were published by Deputy Secretary Carlucci himself.

By any account, this is a good return for the dollars spent. A total of 3,500 DCAA personnel cost $99 million in fiscal year 1981—but saved the Government $6.9 billion in that same year. What is more, this was when the DCAA was understaffed. I can well imagine the potential savings if we add the needed 400 more auditors.

The present amendment is eminently reasonable, Mr. President. Compared to 1978 needs, we could actually put to work more than 7,500 auditors simply keeping pace with the huge increase in defense procurement. Instead, we have only 3,000 auditors. The addition of 400, as provided in this legislation, will not do the job entirely—but it will be a step in the right and proper direction.

Further, Mr. President, I commend the chief cosponsors of this amendment, Senator METZENBAUM of Ohio and Senator BENTSEN of Texas, and also another cosponsor, Senator ARMSTRONG of Colorado.

Mr. President, one reason I am so proud to join in this particular amendment, which is going to save hundreds of millions of dollars, is that I am joining three of the most successful business people in the Senate. If there is anyone who knows what is going wrong with some of the purchasing and procurement in the Pentagon itself, it is those individuals who have a strong and successful business background such as Senator METZENBAUM, Senator BENTSEN, and Senator ARMSTRONG.

I understand also that Senator LEVIN is a cosponsor and Senator PRYOR. We are the exceptions. We are sort of poor. In fact, poor as Job's turkey.

But, at any rate, just to see Senator METZENBAUM, Senator BENTSEN, and Senator ARMSTRONG offer this amendment says to me that there is a need for it and that an investment of this kind for these auditors is going to bring back hundreds of millions of dollars in savings for the Pentagon and for the American taxpayer.

It is, indeed, an amendment, Mr. President, I strongly support. I am very proud to be a part of it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, on behalf of the majority of the committee, I am prepared to accept the amendment of the Senator from Ohio. We agree with it. DOD had requested an additional 400 civilian spaces, but due to civilian end strength, additional space has been denied by OSD. Due to budget growth, they do need additional personnel. Many reasons have already been cited, and so I am prepared to accept the amendment. I have discussed it with the Senator from Washington, the ranking minority member (Mr. JACKSON), and, indeed, he is prepared to accept it. Perhaps Senator LEVIN will speak for him.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that Senator LEVIN, Senator PRESSLER, and Senator EXON be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I should like to point out that we have been attempting to bring this amendment up for consideration for a few days. It was not anyone's fault, but other matters more pressing prevented that. I do wish to point out that Senator ARMSTRONG was on the floor on several occasions and wanted to speak on the subject. I only regret that another commitment makes it impossible for him to be here. He has been an enthusiastic supporter of the amendment.

Mr. LEVIN. Mr. President, very briefly, I commend Senator METZENBAUM and the other cosponsors of this amendment. Despite the great growth in the amount of procurement, there has not been a commensurate growth in the number of auditors.

I have seen over and over where we do not audit contracts and expenditures we should because we do not have an adequate number of auditors. We are told it is very cost-effective; every auditor can bring back $50 or $100 for every $1 we invest. It is a good investment. I am happy to accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1534) was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. METZENBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1527

(Purpose: To authorize an exchange between the Secretary of the Navy and Broward County, Fla., of lands at or near the Naval Surface Weapons Center Detachment, Fort Lauderdale, Fla.)

Mr. TOWER. Mr. President, pursuant to the previous order, I call up amendment No. 1527 on behalf of Senator CHILES and Senator HAWKINS and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Texas (Mr. TOWER), on behalf of Mr. CHILES and Mr. HAWKINS, proposes an amendment numbered 1527.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 224, between lines 4 and 5, insert the following new section:

LAND EXCHANGE, FORT LAUDERDALE, FLORIDA

SEC. . (a) The Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to convey to Broward County, Florida (hereinafter in this section referred to as the "County"), all right, title, and interest of the United States in and to approximately 6.3 acres of unimproved land comprising portions of the Naval Surface Weapons Center Detachment, Fort Lauderdale, Florida.

(b) In consideration for the conveyance authorized by subsection (a), the County shall convey to the United States all right, title, and interest in and to approximately 4.805 acres of unimproved land adjacent to the Naval Surface Weapons Center Detachment.

(c) The County shall pay to the United States an amount equal to the amount, if any, by which the fair market value (as determined by the Secretary) of the lands to be conveyed by the United States to the County under subsection (a) exceeds the fair market value (as determined by the Secretary) of the lands to be conveyed by the County under subsection (b).

(d)(1) The exact acreages and legal descriptions of all lands to be acquired or conveyed under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of any such surveys shall be borne by the County.

(2) The Secretary may require such additional terms and conditions with respect to the acquisition and conveyance authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

Mr. TOWER. Mr. President, the amendment that I have called up would simply authorize the exchange of approximately 6.3 acres of land at the Fort Lauderdale-Hollywood, Fla., International Airport, owned by the U.S. Navy, for approximately 4.9 acres of land owned by Broward County, Fla., at the same airport.

This is a simple land exchange proposition, Mr. President. There is no budgetary impact. The amendment has been cleared on all sides.

Mr. CHILES. Mr. President, this amendment would simply authorize the exchange of approximately 6.3 acres of land at the Fort Lauderdale-Hollywood, Fla. International Airport owned by the U.S. Navy for approximately 4.9 acres of land owned by

Broward County, Fla. at the same airport.

The Naval Surface Weapons Center detachment, Fort Lauderdale, Fla., is located on approximately 20 acres of land adjacent to the Fort Lauderdale-Hollywood Airport. Under the proposed exchange the Navy would obtain vacant land bordering the surface weapons center detachment to be used for warehousing and open storage. In exchange the county would obtain four parcels of Navy land which are immediately accessible to the airports runway and taxi system. The parcels will give the county an additional area upon which aviation hangar facilities can be built.

The parcels to be exchanged have been appraised at equal value ($669,880 each), an appraisal which is acceptable to both the Navy and Broward County. The difference in the size of the parcels to be exchanged is to accommodate the Navy's requirements for an exchange of equal value.

Mr. President, this appears to be a mutually beneficial exchange and in the best interest of both parties. I urge the adoption of my amendment.

Mrs. HAWKINS. Mr. President, I rise in support of the amendment offered by my colleague from Florida. The amendment involves an even swap of certain lands between the U.S. Department of the Navy and the Broward County Board of Commissioners. The Navy is looking for an opportunity to expand its Naval Surface Weapons Center, and the county would like to expand the support facilities that service the Fort Lauderdale-Hollywood International Airport. Each of these organizations can better fulfill its plans if they exchange the parcels of land currently owned by the other organization.

I believe that this arrangement is an example of the best kind of cooperation between Federal and local governments. Both parties benefit, and both parties are better suited to enhance their performance on behalf of the people they serve. And there is no cost to either the local nor the Federal Government.

Mr. President, this bill is the appropriate vehicle for this amendment. The amendment is a good idea, and I urge its adoption.

Mr. THURMOND. Mr. President, the amendment offered by the Senators from Florida, Senators HAWKINS and CHILES, involves a fair market value land exchange at Fort Lauderdale, Fla.

The Navy owns approximately 20 acres of land adjacent to the Fort Lauderdale-Hollywood International Airport, Fort Lauderdale, Fla. This land is occupied by the Naval Surface Weapons Center detachment.

The land exchange proposed would permit the transfer of approximately 6.3 acres of Navy land to Broward County in exchange for approximately 4.8 acres of county land. Both the Navy and the county have endorsed this exchange since it will improve operations for both the Navy and the international airport.

Mr. President, as I said previously, this is a fair market value exchange—the interests of the Government are carefully protected. The Secretary of the Navy will determine the value of both parcels using accepted real estate appraisal techniques. If the value of the 6.3 acres to be conveyed exceeds the value of the 4.8 acres to be received by the Navy, then the county is required to reimburse the Government for the difference. In addition, the county will pay the administrative costs associated with the transaction.

I urge my colleagues to support this amendment.

Mr. TOWER. I yield to Senator LEVIN.

Mr. LEVIN. I understand there is no problem with the amendment on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1527) was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1532

Mr. TOWER. Mr. President, on behalf of the Senator from New Hampshire (Mr. HUMPHREY) I send an amendment numbered 1532 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Texas (Mr. TOWER), on behalf of Mr. HUMPHREY, proposes an amendment numbered 1532.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT No. 1532

On page 30, line 1, insert after the comma the following: "or after September 30, 1983 in conjunction with any other formal budget correspondence for the Department of Defense,"

Mr. TOWER. Mr. President, as chairman of the Preparedness Subcommittee, Senator HUMPHREY offers a technical amendment to language relative to an Air Force report required by the committee. It is my understanding that there is no disagreement to this technical change.

Mr. LEVIN. Mr. President, there is no disagreement to this technical change on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1532) was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, the Senator from South Dakota (Mr. ABDNOR) is prepared to submit his amendment, pursuant to the unanimous-consent request which was agreed to. It is my understanding that he is working out a little difficulty with it right now.

Mr. ABDNOR. Can the Senator give me a few seconds?

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I suggest that the Senator from South Dakota be recognized to call up his amendment and if he wishes to speak on it, all right. He and Mr. HUDDLESTON are trying to work out some difference. But I suggest he call his amendment up so it will be the pending business.

Mr. ABDNOR. Mr. President, I thank the Senator from Texas.

AMENDMENT NO. 1528

(Purpose: To provide authorizations for fiscal year 1985 for Public Law 874 and to strengthen certain provisions of that public law).

Mr. ABDNOR. Mr. President, I have an amendment at the desk which I ask the clerk to state.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from South Dakota (Mr. ABDNOR) for himself, Mr. PELL, Mr. TOWER, Mr. PRESSLER, Mr. EXON, Mr. HUMPHREY, Mr. MELCHER, Mr. JACKSON, Mr. ZORINSKY, Mr. STENNIS, Mr. NUNN, Mr. ANDREWS, Mr. BAUCUS, Mr. BURDICK, Mr. DECONCINI, Mr. WILSON, Mr. MOYNIHAN, Mr. BENTSEN, Mr. D'AMATO, Mr. RUDMAN, Mr. WARNER, Mr. SYMMS, Mr. BRADLEY and Mr. LEVIN proposes an amendment numbered 1528.

Mr. HART. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HART. What is the pending business?

The PRESIDING OFFICER. The amendment offered by the Senator from South Dakota is the pending business.

Mr. HART. Has the amendment by the Senator from Texas been laid aside?

The PRESIDING OFFICER. It was by unanimous consent.

Mr. TOWER. Mr. President, we are operating now pursuant to the consent agreement. We have already disposed of three amendments, one by Senator METZENBAUM, Senator CHILES, and Senator HUMPHREY, and we are now on the fourth one, the one offered by Senator ABDNOR.

Mr. HART. I thank the Senator.

Mr. ABDNOR. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 158, between lines 8 and 9, insert the following:

IMPACT AID AUTHORIZATION

SEC. . (a)(1) Section 505(a)(1) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "section 2" the second place it appears and inserting in lieu thereof "section 7".

(2) Section 505(a)(1) of the Omnibus Reconciliation Act of 1981 is further amended—

(A) by striking out "1983, and 1984" and inserting in lieu thereof "and 1983, and $600,000,000 for each of the fiscal years 1984 and 1985"; and

(B) by inserting after "$10,000,000" in clause (A) the following: "for each of the fiscal years 1982 and 1983 and $25,000,000 for each of the fiscal years 1984 and 1985".

(3)(A) Section 505(a)(3) of the Omnibus Reconciliation Act of 1981 is amended by striking out "or 1984" and inserting in lieu thereof "1984, or 1985".

(B) Section 505(b) of the Omnibus Reconciliation Act of 1981 is amended by striking out "or 1984" and inserting in lieu thereof "1984, or 1985".

(b)(1) Section 3(d)(2)(E) of the Act of September 30, 1950 (Public Law 874, 81st Congress) is amended—

(A) by inserting "or 1984" after "fiscal year 1983" in clause (ii); and

(B) by striking out "1984" in clause (iii) and inserting in lieu thereof "1985".

(2) Section 3(d)(2)(E) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) is further amended by adding at the end thereof the following new division:

"(iv) If the amount appropriated for making payments under this Act for fiscal year 1984 or for fiscal year 1985 is not sufficient to pay in full the sum of the entitlements established under this subparagraph, the amount of the entitlement of any local educational agency for each of the fiscal years 1984 and 1985 determined under this subparagaph shall first be made with respect to children determined under subsection (b)—

"(I) who were included in the determinations made under subsection (b) on account of residing on Federal military property or residing with a parent employed on Federal military property or because the child had a parent described in clause (3) of subsection (b), and

"(II) who were included in the determination under such subsection on account of Federal property described in section 403(1)(C), relating to low-rent housing,

before the amount of the entitlement of any local educational agency is made with respect to other children determined under such subsection (b).".

Mr. ABDNOR. Mr. President, on behalf of myself, Mr. PELL, Mr. TOWER, Mr. PRESSLER, Mr. EXON, Mr. HUMPHREY, Mr. MELCHER, Mr. JACKSON, Mr. ZORINSKY, Mr. STENNIS, Mr. NUNN, Mr. ANDREWS, Mr. BAUCUS, Mr. BURDICK, Mr. DECONCINI, Mr. WILSON, Mr. MOYNIHAN, Mr. BENTSEN, Mr. D'AMATO, Mr. RUDMAN, Mr. WARNER, Mr. SYMMS, and Mr. BRADLEY, I send to the desk an amendment to increase the authorization ceiling for impact aid.

Prior to enactment of the Omnibus Reconciliation Act of 1981—which reduced funding for the impact aid more substantially than any other education program—the authorization ceiling was $1.2 billion. This amendment will restore the program authorization to approximately one-half of what it was before reconciliation.

Basically, the amendment would increase from $455 million to $600 million the overall program authorization level for Public Law 81-874 for each of the fiscal years 1984 and 1985.

It increases the authorization for section 2 from $10 million to $25 million, and it authorizes payments for category B students at one-third of the entitlement and gives priority under section 3(b) to school systems responsible for educating military dependents and children who reside in federally subsidized housing.

Two years ago, Mr. President, through the efforts of the distinguished chairman of the Armed Services Committee and several of his committee colleagues, this body restored from $200 million to $550 million impact aid funds. Unfortunately, the figure approved by the Senate was reduced in conference to $475 million.

Mr. President, this level of funding does not enable us to provide adequately for even our most severely impacted school systems. Although the current continuing resolution provides 95 percent of their fiscal year 1981 payments to super "A" districts—those whose enrollment is comprised of 20 percent or more "A" children—the Department of Education estimates that these heavily impacted districts are receiving only 72 percent of the amount to which they are entitled. In addition, for the past 2 years these school systems have not received 1 dime for any increase in the numbers of federally connected children enrolled in their schools. I do not believe that Congress intended to deprive these severely impacted school districts—which receive no tax revenue from the parents of their category "A" pupils—of the Federal assistance they rely upon to provide a basic education for their students.

The $10 million allocated in fiscal year 1982 under section 2 of Public Law 81-874—which reimburses districts for Federal, nontaxable property—was sufficient only to provide 48 percent of entitlement to eligible school systems. To make matters worse, most districts did not realize how little money they would receive until after the end of the fiscal year. Certainly we cannot expect districts to plan effectively their budgets under these circumstances. The current continuing resolution provides $15 million for this section—$5 million more than is authorized. In order to insure full funding for these districts, my amendment increases to $25 million the authorization for section 2.

S. 1008, the ECIA (Education Consolidation and Improvement Act) technical amendments package reported recently by the Senate Labor and Human Resources Committee, contains language to reauthorize at one-third of entitlement payments for "B" children. A similar measure has been approved by the House. My amendment contains the same provision that appears in S. 1008, together with language that directs the Secretary of Education to give priority to school systems with military and low-income housing "B" children under subsection 3(b) of the statute. In the event neither my amendment, nor S. 1008 is enacted, there will be no funding authorized for "B" payments after September 30 of this year.

Mr. President, I want every Member of this body to be aware that this program is designed to compensate school systems for the local tax revenues they are unable to generate due to Federal activity. In many instances, it is appropriate to debate whether the education of our young people ought to be a local, State or Federal responsibility. In this instance, however, the basic education of federally connected children—whose parents contribute little or nothing to the local tax base—is clearly a Federal responsibility. I, personally, know of several school systems that may not survive long enough to receive any Federal dollars allocated under the new math-science bill which was reported recently by the Labor and Human Resources Committee. There is at least one district in my State that will be forced to close during the next school year without adequate impact aid dollars. I understand that there are several other districts—impacted by military installations—in the great State of Texas—which are so troubled financially that they may be in danger of losing their accreditation. This is no way, my colleague, to treat the children of our military personnel—nor the children

of our native American and low-income families.

Since this is a current-year funded program, it is essential that we adopt this amendment, which has been endorsed by the National Association of Federally Impacted Schools, the National School Boards Association (NSBA), the National Education Association (NEA), and the National Parent Teachers Association (PTA), prior to considering appropriations for the coming fiscal year. We must not allow the Federal Government to shirk its responsibility to the 1,600 federally impacted school systems across this Nation. I trust my colleagues will support this modest, but very necessary increase in impact aid.

Mr. BAUCUS. Mr. President, I join today with Senator ABDNOR and others in urging support for this amendment to restore funding for an important part of the Federal impact aid to schools program.

Schools and students rely on impact aid in areas where Federal lands and installation take up a large portion of the potential tax base. This dependency is particularly acute in Montana and other Western States. Federal lands comprise 93 million acres of Montana. This means that close to 30 percent of Montana's lands are inaccessible to the State and local governments for tax purposes.

Since the 1950's, students whose parents live or work on Federal lands are provided for, and a quality education is insured, because the Federal Government has lived up to its responsibilities by providing impact aid to the schools to make up for this tremendous loss of revenue.

Now the administration is proposing to cut funding for military B students—students whose parents work on a military base but who live off base. This proposal is simply unacceptable. And equally unacceptable is any proposal to cut payments to super A students, those students on reservations, in order to distribute funds to B students.

The reality is that affected school districts simply lack the resources to compensate for the administration's proposed cuts in impact aid funds.

Clearly, to reduce funding to super A students would impose further hardship on school districts already scrambling to cope with financial difficulties. But to cut aid to schools with military B children is to turn our back on the responsibility the Government has to insure quality education. Even in a time when we are searching for ways to reduce spending, this is not a logical answer. Our children are our future. If they fail to get the education they need because of a shortsighted approach, we will pay the price for years to come.

The Federal Government asserted its authority when it set this property aside as Federal land and had it withdrawn for consideration as part of the local tax base. We should therefore accept the responsibility to reimburse local school districts for a portion of that lost revenue so the children of Federal and military personnel can be properly educated without adding a disproportionate burden to local residents.

Impact aid simply represents a portion of the lost tax revenue. It goes directly into the schools' local budgets. There is no Federal control of these funds. They are not earmarked to go to any specific area of education. Impact aid is the least federally controlled program in the history of aid to education. Perhaps that is why there is resentment on the part of some toward this program.

However, local school boards, the PTA, and the State Board of Education in Montana all support this amendment. It is fair. It acknowledges a legitimate responsibility the Government has toward these school districts and these students. At a time when there is renewed interest and concern about excellence in education it would be unfair to slap certain school districts with this type of penalty. I urge adoption of this amendment.

Mr. MELCHER. Mr. President, I strongly support and cosponsor this amendment, and I commend the Senator from South Dakota on his diligent and persistent efforts in providing the focal point for the rest of us to rally for staunch support of better impact aid provisions for schoolchildren.

All of the talk on improving the quality of education has an ironic ring to those school communities who are educating children whose parents live on Indian reservations or are in the military. The land removed from the tax rolls in such districts severely limits, and in some cases destroys, the major source of school financial support in these districts. There simply is very little, if any, source of local property tax revenue.

In the States with large numbers of impact children, the school districts concerned receive the same share of State financial support as do all other school districts. This is proper and should not be changed. But the approximately 50 percent of school support generated by local property taxes is limited or totally unavailable to match the State effort—because the Federal Government removed the land for the military installation or reservation from the tax rolls. Obviously, Uncle Sam must step in and assume the responsibility for paying a fair share of school support—and has done so since 1952, until recently.

Mr. President, not to be forgotten is that impact aid does cover Indian children and savings made by cutting impact aid will only cost, in the case of care of education for Indian children, more money out of the Federal Treasury because if the Indian children were in the public school system assisted by impact aid it is a smaller burden on the Federal taxpayer.

A reduction in impact aid for A children and military B children is not a savings to the taxpayer. It will cost far more in the long run if Indian children are not served by the public schools. They will have to be educated in Federal schools at far higher cost to the Federal Treasury, since the State and local share of their education will not be available to the Federal schools.

I urge the adoption of the amendment for the sake of the children and the taxpayers.

Mr. HUDDLESTON. Mr. President, I commend the Senator from South Dakota for his attention to this very important program of impact aid.

In my State of Kentucky and particularly in my home area, which is adjacent to the Fort Knox military base, this program has been extremely important in developing and maintaining an adequate school system.

Over the years the school superintendents in my area have been very active here on the national level in helping to secure this program and to maintain it and to improve it through the years.

The program has not been without its detractors, however, over the years, and a number of administrations have recommended that it be severely curtailed and some parts of it totally eliminated.

I think with the educational systems of our country in the condition that they are in now and all of them hard pressed to finance an adequate and quality educational program for all the children, certainly this is not the time to be cutting back on programs to provide some assistance, and I am very much in favor of the increased funding that the Senator from South Dakota has provided in his amendment.

However, there is one area of his amendment that causes me a great deal of trouble, and I am prepared to submit an amendment to correct that, and that is the portion of it relating to the priorities that will be given to the B category students.

As I interpret the amendment, the civilian students in B category areas will be virtually, I think, for all practical purposes, eliminated from being considered for compensation to the school districts.

This will cause, I think, a great deal of hardship to a good many school districts and particularly those in my area.

One thing, of course, is that the whole program is to be reauthorized next year. This is a kind of jerking the

rug from under a good many of our school districts.

Up until now there had been no priority given to any group of B students and now the effort is being made to give the priority to the military and the low rent housing B students putting them ahead of the civilian B students and, as I said, virtually eliminating B students from consideration.

Mr. President, I cannot see any justification for giving priority to one group of B students over another. There is no justification in my judgment for that.

Military and low rent housing and civilian students all have the same impact on an area in which they are located, and I might say costs just as much to educate one as the other.

The impact aid program was set up by the Federal Government to compensate those areas that are affected by Federal activities. The various groupings of students have been carefully investigated, and there is no justification for changing that formula just for 1 year before the act is up for reauthorization.

As the 1981 report to the President and Congress on the impact program said:

> Tax-exempt Federal property, therefore, continues to be a burden in that the local share of education is derived substantially from local property tax.

While it is true that some States rely more heavily on impact aid payments than other States do, it is unfair, I think, to penalize those who get smaller impact aid payments. And my own State of Kentucky is an example of that.

While our share of impact aid payments is small and it has been reduced over the years, they do represent more funding for our local school districts.

We cannot in one swift stroke change the funding program formula. While I have no problem with the increased authorization level, this funding formula for B students would severely hurt school districts in my State and I would suppose several States. States that have mostly civilian B students might find that they have no impact aid funds next year.

So I urge my colleagues to let the issue of reordering priorities for B students alone for a while, at least until next year.

We will be examining the impact aid program in detail next year, and it will be a more appropriate time I think to settle this particular issue. Testimony can be taken, and we can find out just what the true impact is of this impact aid change that would establish priorities within the category (b) formula.

AMENDMENT NO. 2072

(Purpose: To strike the provisions relating to giving priority to children counted under subsection (b) of section 3 of Public Law 874)

So I would send to the desk, Mr. President, an amendment and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

> The Senator from Kentucky (Mr. HUDDLESTON) proposes an amendment numbered 2072 to the Abdnor amendment numbered 1528.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> On page 2, beginning with line 8, strike out all down through and including line 30.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that my colleague, Senator FORD, be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I rise in support of Senator ABDNOR's amendment. The impact aid program is perhaps this Nation's most important Federal education program. In no other Federal education program is the Federal responsibility more clear.

Senator ABDNOR and I have worked for a number of years on the impact aid program, and I think because it has heavy impact on our two particular States that have heavy military bases, especially the base I am most familiar with in Omaha, Nebr., known as the Strategic Air Command, the unfavorable impact this has on the school districts in that particular area is apparent to me.

I am in support of the Abdnor amendment because it is a well-thought-out amendment, carefully crafted, and is an amendment that follows the recommendations that those of us who have been very much involved in the impact aid, trying to fashion a reasonable, workable compromise, feel that the Abdnor amendment is the way the Senate should go.

The impact aid program is, perhaps, this Nation's most important Federal aid program and is a program that should be tailored primarily to the needs of the military families who are associated with our military bases. In no other Federal educational program is the Federal responsibility more clear.

The impact aid program provides Federal assistance to school districts in areas affected by Federal activities. These areas include military bases and Indian lands.

The existence of the Federal activity can have a significant effect on the community's economy. Since Federal land is not subject to local property taxes, local school districts, which are included in Federal properties, are severely limited in the revenues available to educate the children of parents who live and work on Federal property. In addition, Federal activities often produce large influxes of students into local school districts. Because of the nontaxability of Federal properties, and the demands created by children of federally connected individuals, the Federal Government has an obligation to provide some financial assistance to the school districts affected by its activities.

I emphasize once again, Mr. President, I think this has to be very carefully tailored, it has to be very carefully crafted because I think there is general agreement that probably the impact aid program has been abused in part in some places in the United States over the years.

In recent years, the Government has been unwilling to meet its obligations. The impact aid program has been the favorite target of those who want to cut the budget of the Department of Education.

In fiscal year 1982 payments made under the impact aid program have decreased by 38 percent from their fiscal year 1981 levels.

We do not need any studies other than that to recognize that those of us who want to protect this program in what it was originally designed for, made the sacrifices and have made the reductions we think are in order.

School districts in federally affected areas across this Nation have felt the severe crunch of recent cutbacks. The cuts in the program, teamed with the cavalier attitude of some individuals in the Department of Education toward the intent of Congress, have brought some schools in federally connected areas actually to the brink of closing.

At a time when quality education is the key to this Nation's future, this is no way to treat the children of military personnel, Indians, or others who receive impact aid, and who need it very badly.

The Abdnor amendment brings the impact aid program to the level necessary to meet the responsibility of the Federal Government to the children affected by the Government's activities.

I ask my colleagues to join in support of the Abdnor amendment which I consider a good amendment, well thought out and should be properly attached to this bill.

I would certainly simply add further, Mr. President, the amendment offered by the Senator from Kentucky was new to this Senator and, I believe, new to the author of this amendment as introduced. I would like to take a further look at the amendment offered by the Senator from Kentucky before

a determination has been made as to whether or not it is a proper substitute.

The Senator from Nebraska came in on the latter portion of the discussion in the explanation of the amendment of the Senator from Kentucky. It might well be it is strictly in order.

Mr. HUDDLESTON. Mr. President, will the Senator yield?

Mr. EXON. Yes, I would be glad to yield to my friend from Kentucky.

Mr. HUDDLESTON. Just for explanation, my amendment is not a substitute. I, too, agree with the major thrust of the amendment of the Senator from South Dakota. My amendment relates only to that section dealing with the priorities that are established of (b) category students and just simply eliminates those categories. We are working with the distinguished Senator from South Dakota, and I think we will find a satisfactory resolution in just a few minutes.

Mr. EXON. That is good news. I will simply say that the student (b) category is one the Senator from Nebraska and the Senator from South Dakota are keenly interested in.

I yield the floor.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the pending amendment which, I believe, is the amendment that I have submitted—is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HUDDLESTON. The pending second-degree amendment be temporarily set aside and that the distinguished Senator from South Dakota be recognized in order to present an amendment at this time.

AMENDMENT NO. 1528 (AS MODIFIED)

Mr. ABDNOR. Mr. President, I send a modified amendment of my amendment to the desk.

The PRESIDING OFFICER. The amendment is so modified, without objection.

The amendment, as modified, follows:

On page 158, between lines 8 and 9, insert the following:

IMPACT AID AUTHORIZATION

SEC. . (a)(1) Section 505(a)(1) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "section 2" the second place it appears and inserting in lieu thereof "section 7".

(2) Section 505(a)(1) of the Omnibus Reconciliation Act of 1981 is further amended—

(A) by striking out "1983, and 1984" and inserting in lieu thereof "and 1983, and $625,000,000 for each of the fiscal years 1984 and 1985"; and

(B) by inserting after "$10,000,000" in clause (A) the following: "for each of the fiscal years 1982 and 1983 and $25,000,000 for each of the fiscal years 1984 and 1985".

(3)(A) Section 505 (a) (3) of the Omnibus Reconciliation Act of 1981 is amended by striking out "or 1984" and inserting in lieu thereof "1984, or 1985".

(B) Section 505(b) of the Omnibus Reconciliation Act of 1981 is amended by striking out "or 1984" and inserting in lieu thereof "1984, or 1985".

(b)(1) Section 3(d)(2)(E) of the Act of September 30, 1950 (Public Law 874, 81st Congress), is amended—

(A) by inserting "or 1984" after "fiscal year 1983" in clause (ii); and

(B) by striking out "1984" in clause (iii) and inserting in lieu thereof "1985".

Mr. ABDNOR. Mr. President, first, let me say I thank the Senator from Kentucky for giving us this opportunity. There are so many things we do where we can talk things through, and although the answers are to difficult problems, and obviously there has been a very difficult problem for a number of us in the Senate who have military bases with an impact in our respective States, we can negotiate an answer.

I was exceedingly concerned as to excessive spending, and I feel we should only do this where it is necessary. We have a priority in my original version, and now we intend to add $25 million to the figure of authorization, and knocking out the priority for the (b) students. I think by doing so we will have arrived at a decision that is fully acceptable to the Senator from Kentucky and myself. I want to thank the Senator from Nebraska and the Senator from Montana for their help in this.

I move the adoption of the modified amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from South Dakota, as modified.

Mr. EXON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRESSLER. Mr. President, I rise in support of this amendment which will increase the authorization levels for a most vital education program—Public Law 81-874, the impact aid program.

I have joined my distinguished colleague, Senator ABDNOR, in supporting this amendment. Adoption of the amendment would increase the overall authorization level for impact aid for each of the fiscal years 1984 and 1985 from $455 million to $600 million. The authorization level for the law's section 2, which provides payments to districts for loss of taxable property, would be raised from $10 million to $25 million. The amendment also would give priority under section 3(b) to military dependents and children residing in low-rent housing.

While I have long supported continued assistance for (b) category children, I join my colleagues who are concerned that the current authorization levels will not adequately fund all our impact aid programs. Under current authority, full entitlement for (a) children, those children whose parents live and work on Federal installations, adequate funding under section 2, funding for 3(d)(2)(B), which is the section assisting the most needy districts and one-third entitlement for districts impacted by (b) children, or those children whose parents live or work on Federal property, is unlikely. The authorization levels must be raised.

Impact aid is an essential program. School districts which cannot turn to local taxes for adequate assistance rely on this program for their very survival. In my home State, the severity of the cuts in impact aid funding have been clearly illustrated.

As I have stated several times this past year in remarks on the Senate floor, cuts in impact aid funding have been most detrimental to South Dakota's heavily impacted districts.

Just how extreme the situation has become was demonstrated very clearly this past spring when the Douglas school system near Rapid City, S. Dak. was forced to give every one of its teachers a termination notice. This system serves 2,500 students. Many of those students are military dependents from the Ellsworth Air Force Base. Their school system faced the real possibility of being unable to open its doors this fall.

Obviously, this disastrous situation was upsetting to the students, the parents, the administrators, and the teachers. I have spoken with representatives of the Douglas Teachers' Association, the administration, and the board of education, as well as some very distraught parents. The distress this community is feeling is very real to me.

But this community is not alone. The fears of unknown impact aid appropriations are well known. Since 1981, impact aid has been cut more severely than any other education program. This means that each of the 50 impacted schools within my State is feeling the pinch of the fiscal decisions being made here in Washington.

When we recently debated the Senate budget resolution, I asked this body to consider the needs of our impacted districts. On Friday, May 6, 1983, I spoke on the Senate floor with four of my colleagues who are instrumental in seeing that impact aid receives adequate funding. At that time, I was assured that impact aid would be given fair consideration in the upcoming appropriation process. I am hopeful that those colleagues will be supportive now. Without an increase in the authorization level our impact aid schools may find their very survival at stake.

As a champion of education and one of the Members of this body who continues to fight to adequately fund all education programs, I must reemphasize that this funding is absolutely vital. Before any of our Federal education dollars can be used appropriately in federally impacted schools, those schools must be able to open their doors and pay their teachers.

The importance of quality education has been expressed most graphically in recent reports such as the National Commission on Excellence in Education's report, "A Nation At Risk." This report has brought education issues to the forefront and has made it very clear that we must make the education of our young people a top priority. We are all faced with a challenge. It will be difficult for schools throughout this country which are impacted by Federal installations or reservations to answer this challenge if we do not provide them necessary funds to continue their education programs. The future of our most important resource, our Nation's young people, remain at stake. I therefore appeal to my distinguished colleagues to support this amendment.

Mr. BRADLEY. Mr. President, I rise as a cosponsor of the amendment offered by the Senator from South Dakota to increase the authorization for impact aid from $455 million to $600 million.

Impact aid has been cut back more severely than any other education program. Since 1980 the program has been cut from $739 million to $460 million. This amendment will restore about half of the funding cut since 1980. In New Jersey, funding has been cut from $11 million to $7 million; if the amendment is adopted, New Jersey schools will receive almost $10 million next school year.

The amendment would restore funding for heavily impacted schools, targeting the bulk of the increases to schools with large numbers of children whose parents live and work on military bases. In addition, additional aid would be provided to schools with high proportions of children living in public housing projects.

New Jersey schools would receive nearly a 40-percent increase in funding, a significantly greater increase than the natonal average. Most of the increased funding will be targeted to the Newark school system and several schools near Fort Dix and Fort Monmouth.

Mr. President, during the Senate debate on the first budget resolution, I cosponsored an amendment to restore $1.5 billion for high-priority education programs. The Congress agreed, after great debate, to include $1.2 billion extra for education. This impact aid amendment is the first installment of the extra education aid promised by the Congress. Our action today to increase funding for impact aid is consistent with the action we took on the budget resolution. I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from South Dakota (Mr. ABDNOR).

The amendment (No. 1528), as modified, was agreed to.

Mr. HUDDLESTON. Mr. President, was the amendment agreed to?

Mr. TOWER. The amendment was agreed to, as modified.

The PRESIDING OFFICER. As modified, the amendment was agreed to.

Mr. HUDDLESTON. The other amendment that I submitted automatically falls?

The PRESIDING OFFICER. It remains temporarily laid aside.

Mr. HUDDLESTON. Mr. President, I move that that amendment be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question recurs on the amendment of the Senator from Texas.

Mr. TOWER. Has the amendment of the Senator from South Dakota been disposed of?

The PRESIDING OFFICER. Yes.

Mr. HUDDLESTON. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TOWER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, the question now recurs on the perfecting amendment of the Senator from Virginia. Under the unanimous-consent agreement, the Senator from Michigan was to be recognized. It is my understanding he is prepared to yield the floor.

Mr. LEVIN. Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, I would like to commend the distinguished chairman of the Armed Services Committee, Mr. TOWER of Texas, for offering his amendment concerning the MX, and I would further commend the distinguished Senator from Virginia, Mr. WARNER, for his perfecting amendment.

Voting for this amendment reinforces the Senate's vote in May that released 1983 funds for the MX.

There has been a great deal of public debate concerning the necessity for the MX missile. I must remind this distinguished body that four administrations and five Congresses have voted in favor of the MX.

It is true that when the MX was first conceived, our intelligence community did not foresee the rapid technological advances that the Soviets would make that have given them a precise hard-target bill capability that threatens U.S. ICBM's in fixed unhardened silos.

No one at that time projected that the Soviets would spend the amount on strategic forces that they have. Since SALT I, the Soviets have spent $140 billion more than the United States on strategic weaponry. I would like to outline for the Senate what that $140 billion would buy for the United States.

Mr. President, opponents of the MX claim that the United States Government will have a hard-target kill capability that will be preceived as a first strike capability by the Soviets and thus result in destabilizing the superpowers' ability to manage a crisis situation. I believe that the term is "use it or lose it" in the belief that one side would launch their missiles during a crisis rather than risk losing them in a surprise first strike.

These opponents do not feel that the Soviet first strike capability is objectionable. If deterrence is based on the concept that no nation can gain an advantage through a first strike, then we are rapidly losing our ability to deter nuclear blackmail.

Parity, or sufficiency cannot be viewed in terms of numbers of people that will be killed in a nuclear exchange. The Soviet Union, despite its claims of a desire for peace, has never shown a high regard for human life on the suffering of its people. Conversely, in the United States, we go to great lengths to improve the standard of living of our own people and the standard of living of peoples in less advantaged countries around the world.

Projecting our form of rationality and our sense of values onto a nation whose leadership knows no values, no difference in right or wrong, and openly professes hatred for our way of life, is both naive and dangerous. Those who do not listen to dictators will one day witness their claims come to pass.

Our conception of parity must be one that gives us sufficiency in all levels of weaponry. History has shown us that totalitarian regimes will exploit any form of weakness or lack of resolve.

The Soviets do not want a war, but they hunger for war's spoils. Their military buildup can be viewed in no other terms. It cannot be explained as paranoia over invasion or deisre for secure borders.

It is designed to fracture the NATO alliance and achieve global hegemony through threats of use and use of force.

Afghanistan is a perfect example. There was no threat posed by Afghanistan to Soviet security. Yet, the Soviets blatantly invaded a sovereign nation and subsequently murdered the President of that nation.

Mr. President, I need not dwell on individual acts of Soviet barbarity. The point I want to make to my distinguished colleagues is that we are not dealing with leaders who respond or think the way we do.

Therefore, we must take great care when we make decisions of such importance. Indecision on our part is only viewed as weakness and that could cause mistakes in the Soviet leadership's judgment which could be disastrous.

Mr. President, the Congress took a serious step last year when funds for the MX were fenced pending the report of the President's Commission on strategic forces regarding the necessity for the MX.

The Commission, popularly known as the Scowcroft Commission, was made up of defense experts who have served in both Democratic and Republican administrations.

Their findings were unanimous in favor of moving ahead with the MX, both for its deterrent value and its necessity for arms control initiatives. After the Scowcroft Commission's report was reviewed by both Houses of Congress, the House and the Senate voted to approve release of 1983 funds for the MX.

Mr. President, nothing has changed in the 2 months since Congress made that vote.

The need for the MX is with us. The responsible position for the Senate is to approve funds for the MX.

Mr. President, I urge my colleagues to support this amendment.

Mr. PERCY. Mr. President, in previous statements in this Chamber and in the Foreign Relations Committee, I have paid tribute to the extraordinary public service performed by General Scowcroft and the members of his Commission. On May 11, Secretary of Defense James Schlesinger and former Under Secretary of the Navy James Woolsey testified before our committee on the Commission's principal arms control and ICBM modernization recommendations. As I told the witnesses after the hearing, their presentation was the most cogent and well-reasoned analysis of strategic and arms control issues that I have heard since I became chairman of the committee.

Mr. President, I ask unanimous consent that a copy of General Scowcroft's prepared statement for this hearing be printed at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. PERCY. Mr. President, in the course of its deliberations, the Commission reached a consensus on three principal assumptions which guided its specific programmatic and arms control recommendations. First, the Commission registered its fundamental disagreement with the primacy placed by the Reagan administration on promptly closing the so-called window of vulnerability. The Commission conceded that most U.S. ICBM silos could theoretically be destroyed in a Soviet first strike, but it maintained that this specific vulnerability posed less of a threat in the near term to U.S. national security than the Reagan administration had represented. The report noted that the Soviets could not be confident that they could actually destroy such a very high percentage of ICBM silos, and it emphasized that due to synergisms within the triad, U.S. bombers and sea-based missiles could still devastate the Soviet Union.

Nonetheless, the Commission insisted that the problem posed by vulnerable U.S. ICBM silos must be redressed in time. The Commission argued that survivable ICBM forces would be needed by the 1990's as a hedge against unforeseen breakthroughs in antisubmarine warfare (ASW) technology and continued upgrading of Soviet air defenses. In this respect, the panel reaffirmed the importance successive administrations have attached to maintaining a strategic triad within which each leg retains formidable retaliatory capabilities.

In a second major departure from Reagan administration policy, the Commission concluded that there can be no satisfactory solution to the problem of vulnerable land-based missiles unless arms control could succeed in significantly reducing the number of Soviet warheads now deployed. In effect, then, the Commission closed the door on the extraordinary 5-year search for a technical solution to making the MX survivable. Indeed, the Commission determined that highly MIRV'd missiles, such as the MX and its Soviet counterparts, were the problem, and not the solution, in the calculus of strategic stability. Accordingly, the Commission urged both superpowers to transition to strategic systems which are individually less valuable as targets for a would-be attacker.

The third assumption reached by the Commission has proved the most controversial. The panel agreed that unless the Soviets were first confronted with a U.S. counterforce capability that would place their ICBM force at serious risk, they would never agree to give up their modern, highly MIRV'd ICBM force for a posture based on single-warhead missiles. Although this judgment has been denounced by critics as contradictory to the logic of the rest of the report, the Commission has defended it as a necessary paradox.

In testimony before various committees, members of the Commission underscored one theme which is central to their report: The Commission's proposals for modernizing the ICBM leg of the triad cannot be separated from the Commission's proposals on arms control. Without a new direction in arms control—one that significantly reduces the current ratio of one side's warheads to the other side's launchers—neither deploying the MX in existing silos nor developing a small single-warhead ICBM make sense. Conversely, without the incentives presented to the Soviet Union by the deployment of a modest number of MX missiles, it is unlikely that we can achieve agreement on moving toward an arms control regime under which the role of multiple-warhead missiles like the MX and its Soviet counterparts is severely restricted or eliminated outright. As one Commission member testified, the Commission's recommendations represent a package; taken separately, they fail. The pending amendment, as perfected and modified, properly emphasizes the equal weight that should be attached to each of these three major recommendations made by the Scowcroft Commission.

In April, I joined with Senators COHEN and NUNN in urging the President to respond more fully and more quickly to the arms control recommendations outlined by the Commission. In a letter to the President, we pointed out that the Congress could not be expected to vote on the MX before the administration had indicated how, specifically, it intends to implement the new direction on arms control called for in the Commission report.

I was, therefore, extremely gratified by the President's May 12 response, in which he assured me and my colleagues that the administration's actions with respect to implementing the Commission's arms control recommendations will be equally comprehensive as its actions with regard to the strategic force modernization recommendations. In his letter, President Reagan accepted all four suggestions which Senators COHEN, NUNN, and I had offered: Modification of the U.S. START proposal to incorporate the Scowcroft Commission guidelines; establishment of a new, bipartisan arms control advisory panel; funding priority for the new, single-warhead ICBM; and acceptance of the mutual guaranteed build-down concept which has now been endorsed by 45 Senators.

During a June 21 Foreign Relations Committee hearing, Senators COHEN and NUNN testified on the build-down proposal and expressed their concern, which I share, that the President's commitment to go forward with the build-down not in any way be diluted by resistance in some quarters to several of the key features of the original build-down concept. My position on the MX and on arms control generally will be significantly influenced by the outcome of the current discussion on the builddown between Senators

COHEN, NUNN and I and the administration.

Mr. President, when a high-level panel such as the Scowcroft Commission or the Greenspan Commission on social security issues its report, it is tempting to select a la carte just those recommendations that one agrees with while disregarding the others. If this practice were followed by everyone, we would never make progress in resolving the great challenges confronting Government today. The Scowcroft report was endorsed by all members of the Commission and all of its senior counselors, including six former Secretaries of Defense and State. These distinguished Americans obviously had to reconcile a number of differences before achieving a unanimous consensus in support of the specific recommendations.

If Congress were now to say that it would accept the Commission's proposals on arms control but not those on the MX it would effectively reject the work of the Commission and, in the process, undermine the bipartisan consensus which has already coalesced on these issues. Neither the cause of maintaining peace nor that of achieving substantial reductions in nuclear armaments will be served if the country is again paralyzed by a divisive extremely fractious debate on these issues.

Mr. President, I wish we could achieve our common arms control objectives without having to go forward with the MX. I wish I could believe that the Soviet Union, having invested tens of billions of dollars over the past decade to deploy well over 600 ICBM's equal or superior in capability to the MX, would willingly give up its newly acquired superiority in ICBM forces if only we asked them to do so.

But I do not believe that the Soviets are this philanthropic. Nor do I believe that the history of the last 15 years of strategic arms negotiations suggest that the Soviets can be relied upon to act out of enlightened self-interest. It is indeed regrettable that the United States must confront the Soviets with stark alternatives before they will agree to move in directions that would enhance mutual security. This is, however, the reality with which we must deal. We only have to look back to 1980 when the Soviets agreed to negotiations on Intermediate-Range Nuclear Forces (INF) only when it was evident that NATO was prepared to go forward with a countervailing capability, to remind ourselves of this unfortunate truth.

In voting in favor of this amendment, I maintain the hope that through arms control we can significantly restrict the number of these missiles that might eventually be required. As President Reagan stated in his May 12 letter and reiterated in his radio address on Saturday, the United States will constrain the number of MX missiles to "the minimum number needed to assure the effectiveness of our deterrent and no more." I am glad that the administration disavowed the unfortunate MX bargaining terms suggested by ACDA Director Adelman in his June 16 letter to three members of the Foreign Relations Committee. Clearly, neither the cause of succeeding in START nor maintaining public support for the President's strategic modernization program is served by statements that would appear to reflect such an intransigent and unrealistic negotiating posture.

Mr. President, in recent weeks there have been a number of encouraging developments in Geneva. The Soviets have dropped some of their more outrageous demands, and the United States has tabled a revised, and clearly more flexible, proposal to bring our position more in line with the Scowcroft Commission's recommendations. More broadly, the President has directed Ambassador Rowny to conduct the negotiations with new flexibility, and I remain hopeful that we may now be witnessing the first signs of a breaking up of the START impasse. If the two sides can continue to narrow their differences and conclude a START I agreement, I am confident that we could then proceed with follow-on negotiations that could lead to the complete prohibition of highly MIRV'd ballistic missiles, such as the MX and its Soviet counterparts. When the Foreign Relations Committee conducts its markup on nuclear arms control in September, I intend to offer a resolution which includes as a key element a statement that the United States should, in line with the recommendations of the Scowcroft Commission, establish as a paramount goal of these negotiations the banning of all highly MIRV'd ICBM's, including the MX and its Soviet counterparts.

Mr. President, it is my fervent hope that history might one day judge that the Senate's approval of the MX proved to be a decisive step in achieving a new and far more stable nuclear arms control regime with the Soviet Union. From my visits to Illinois, I know that citizens of all walks of life and all political affiliations have united as never before in demanding an end to the nuclear arms race. With the incentives for serious negotiation which the MX presents the Soviet Union and the new and eminently sensible arms control vision articulated by the Scowcroft Commission, I believe we stand on the threshold of realizing this paramount goal.

When I entered the campaign for the U.S. Senate some years ago, I said then, and I say again, the nuclear issue is the paramount issue of our times. Although we may differ in approach as to how we will gain this objective, we will agree that it is a goal which must be achieved. The Foreign Relations Committee clearly stated this objective in a resolution adopted by two-thirds vote last year, in which we said our ultimate goal is to destroy every single nuclear weapon on Earth.

That objective is one that we must all share. We must unite in doing everything we conceivably can to move in the direction of achieving a significant mutual reduction in nuclear forces. The builddown proposal will guarantee such a reduction in nuclear weapons. Significant reductions in United States and Soviet forces are essential if we are to set an example for the world and stop the proliferation of nuclear weaponry to other countries. There are now some 18 countries that either possess or have the capability of possessing or who are striving for the capability to develop and produce nuclear weapons.

This is a terrifying thought. This is a terrifying age. If we have the rationality to build this destructive weapon, we have the rationality to think through the best way to end this nuclear arms race. None of us can disagree with that objective.

EXHIBIT 1

PRESIDENT'S COMMISSION ON STRATEGIC FORCES—STATEMENT OF LT. GEN. BRENT SCOWCROFT

Chairman Percy, Members of the Committee; the President's Commission on Strategic Forces, as established on January third of this year, met over a period of three months in the process of arriving at the recommendations which are contained in the Report. This Report, which was released to the public on Monday, April 11, reflects the advice of numerous counselors and advisors and represents the unanimous position of the members of the Commission.

I understand you have all received a copy of the Report. I will therefore, restrict my comments to a summary of the recommendations of the Commission. My associates and I will then be happy to respond to any questions or comments you may have.

The Report begins by outlining the central dilemma of this major issue—that of coping with Soviet expansionism while preventing the devastation of a nuclear war. We then go on to discuss the nature and the requirements of deterrence and the manner in which arms control can make a contribution to that deterrence. We point out that the Soviets place great emphasis on their military forces, at least as a backdrop for their political designs.

As an example, Soviet investment in ICBM forces underscores the importance, in their eyes, of the role that those forces play. Thus, since the deployment of the last U.S. ICBM—the Minuteman III—the Soviets have deployed the SS-17, SS-18, and SS-19—over 600 missiles of MX size or larger. And they are, now, in the process of testing two new ones.

Since the fundamental purpose of U.S. strategic forces is deterrence, it is vital for us to comprehend fully the importance of military power in the Soviet scheme of things. In response, in order to maintain and enhance deterrence, the United States has been modernizing its strategic forces. The Report discusses that modernization,

with emphasis, of course, on ICBM forces—which are at the heart of our current, national problem with respect to strategic force modernization.

Our Report recommends what we feel is an important new departure. We are now proposing new directions, both in ICBM forces and in arms control. That new departure, fundamentally, is to integrate strategic force programs with arms control, and to move both in the direction of stability.

We would accomplish this through a three-part program. The first part would be the immediate deployment of something like a hundred MX missiles for a number of reasons, among which are the following:

First, to demonstrate U.S. national will and cohesion. We have now had four Presidents who have said that the MX is important, if not essential, to our national security. Failure to carry through with this program would hardly demonstrate to the Soviets that we have that will which is an essential element of deterrence.

Next, in order to reduce the substantial imbalance in the capability of U.S. ICBM forces compared to those of the Soviet Union. The Soviets can, with their ICBM forces, put our forces and other critical targets at risk in a way that the United States can not begin to match. This is an important element of instability.

Also, and very importantly, the MX is essential to induce the Soviets toward negotiation, especially negotiations on an arms control framework which would permit us, and encourage them, to move in the direction of greater stability.

For the longer run, the Commission proposes engineering design of a small, single warhead missile as the second part of our program—looking toward deployment probably in the early 1990s. We suggest a single-warhead missile in order to reduce the value of the target, making it unremunerative to attack and, thus, enhancing the stability of the force—and small in order to open up, to a maximum extent, the opportunities for survivable basing, almost certainly to include mobile basing.

Finally, in order to provide an environment which will support the deployment of a small missile, a new departure in arms control is needed. Counting by launchers has, perversely, led us to the present structure of very high-value targets, large missiles each with a number of warheads.

We must, therefore, turn to counting the forces on both sides by warheads, not by launchers. After moving to count warheads, it would then be useful to cap or reduce the numbers sharply, in order that a deployment of great numbers of small missiles would not be necessary.

This, in turn, gets us back to the MX, which is essential to induce the Soviets to negotiate away what is currently a favorable strategic position for them in ICBM forces. Hopefully, it will as well encourage them to move in the same strategic direction by making clear that their huge missiles in silos are a wasting asset.

For this, we believe that MX deployed in Minuteman silos is an adequate deployment at reasonable cost. It is true that, whatever the current survivability of Minuteman silos, they are becoming more vulnerable. We do propose a vigorous R&D program on silo hardening and, of course, would take advantage of any developments which result from that research, either for the MX or, conceivably, for the small missile.

However, the fundamental requirement for survivability of our ICBM force is as a hedge against a Soviet breakthrough in anti-submarine warfare which could endanger our submarine launched, ballistic missiles. We do not see that on the horizon at the present time. For the longer run, we are proposing the small missile to provide that hedge by enhancing the survivability of the ICBM force.

For the present, we believe that silo vulnerability is not so dominant a part of the overall problem as to require other immediate steps. We believe that the Soviets must have some uncertainties about their operational capabilities, notwithstanding whatever their test accuracies may indicate to them. Especially, however, we believe there still is an important synergistic survivability between the ICBM forces and the bomber forces, in that it is difficult, if not impossible, for the Soviets to attack both of them simultaneously.

That, in brief, is an outline of our recommendations. Few, if any, will consider our recommendations an optimal solution. If such were available, this Commission probably would not have been convened. We have tried to construct an approach which is different in kind. We are proposing a major, new departure for the United States in the direction of enhanced stability for our strategic forces and, hopefully, an approach which will permit a consensus to develop, allowing us to put the divisiveness of the past—both in arms control and in our ICBM force modernization—behind us and allow us to move forward with a more common perspective in our efforts to preserve both peace and freedom.

STEALTH ADVANCED TECHNOLOGY BOMBER

Mr. PRYOR. Mr. President, I would like to speak briefly concerning my support for the development of the Stealth, the advanced technology bomber.

This is probably one of the most exciting and promising programs that we have under development at the present time within the Department of Defense. It represents the marshaling of the highest technology resources that we have within the United States.

The main purpose behind the Stealth bomber is to render the Soviet air defense network obsolete. The Stealth bomber will also be capable of performing many varied missions. Direct information in relationships to funding for the advanced technology bomber and actual development that is in progress is of the most highly classified nature.

I recently attended a secret briefing on the Stealth and I am encouraged about the direction that this program is headed. It is my intention to fully support the development of this advanced system.

I am aware that there has been some concern expressed about the possibility that funding requirements for other weapon systems may cause reductions in the program. I think that this would be unwise and I would oppose such actions.

We must insure that we field weapons systems that represent the leading edge of our technology and I believe that the Stealth program represents a major advance.

C-17 AIRCRAFT

Mr. President, I would like to speak briefly concerning my support for the development of the C-17 mobility airlift aircraft. We all know that our mobility airlift forces are seriously deficient in their ability to airlift our men and equipment to worldwide trouble spots. I would call the attention of my colleagues to the fiscal year 1984 authorization bill's report by the Armed Services Committee:

The C-17 will be capable of carrying all classes of airlift cargo, including outsize, over intercontinental distances into small, austere airfields. The C-17's small airfield capability is important because C-5, C-141, and Civil Reserve Air Fleet aircraft are limited to operating between major aerial ports. Cargo airlifted by current intertheater aircraft must be moved to its final destination within the theater by C-130 aircraft or via surface means. As of now, all outsize combat equipment must be moved to its final destination by surface means because it cannot be loaded into C-130's. The C-17 will provide the capability to airlift outsize cargoes within the threater. In addition, the C-17 will eliminate the inefficiencies and delays of transshipment.

The C-17 aircraft will also serve to offset shortfalls in strategic airlift capabilities that will remain following procurement of 50 C-5B's and 44 additional KC-10A's. In addition, it will replace C-141's and some C-130's when they reach the end of their service lives in the 1990's.

I remain convinced that our current course in the rebuilding of our national defense posture is a course that accentuates involvement and funding for the more exotic weapons systems. We are not paying enough attention to the needs of our conventional forces. One of the building blocks of our conventional force projection is air mobility. We need to be able to get our men and equipment into potential trouble spots in a timely manner. We need to get back to the basics of national defense.

For these reasons, I will continue to fully support the development of the C-17 mobility airlift aircraft.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business in which Senators may speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERSONAL ATTACK BY THE MISSOURI WILDERNESS COALITION

Mr. DANFORTH. Mr. President, for 7 years I have been fighting to establish the Irish Wilderness as part of the National Wilderness Preservation System. That 7-year fight was dealt a

tremendous blow yesterday by the Missouri Wilderness Coalition. Yesterday, the coalition issued a press release personally attacking the motives and ethics of Congressman BILL EMERSON, who has opposed the wilderness bill. Today, the House Interior and Insular Affairs Committee agreed to carve 2,500 acres out of the Irish Wilderness. It is my belief that this action was in response to the Coalition's attack on Congressman EMERSON.

To call the coalition's press release hamhanded is to be overly generous. The press release is unprincipled and repugnant. It is an example of a political disease: If you disagree with someone, attack him personally, attack his motives, tear down his character.

Unfortunately, the making of personal attacks is not a new technique. It recurs time after time. And each time it recurs, those who believe in fair play have an obligation to speak out against it, whether agreeing or disagreeing on the underlying issue.

The coalition has issued what purports to be an apology for its press release. As an apology, it is wholly inadequate. It is quibbling over words. It is nearly as revolting as the original press release.

BILL EMERSON and I disagree about the Irish Wilderness, but that in no way changes my respect for him as a person and as a Congressman. He is a man of great principle as well as great ability. I know of no more conscientious Member of the Congress. His energy and his devotion to duty are exemplary.

Finally, Mr. President, a word to the Missouri Wilderness Coalition. To them, the old saying uniquely applies: "With friends like you, who needs enemies?" It is my hope that the coalition will desist from all further activity on behalf of the Irish Wilderness. The coalition has managed to put 2,500 acres in jeopardy already. I ask the coalition, please, to get out of my way.

SECRETARY WEINBERGER'S REACTION TO SPARE PARTS SCANDAL

Mr. GRASSLEY. Mr. President, on Monday the Secretary of Defense, Caspar Weinberger, reacted publicly to a recent Defense Department Inspector General's draft report on excessive cost increases for spare parts. The Secretary indicated that disciplinary action has been taken: one naval officer has been relieved of his command, and a number of civilian procurement officers have been reprimanded.

I have urged publicy and privately for months, Mr. President, that when excessive costs and inefficiencies are discovered in DOD, those at the top should roll heads, change the system, and identify the savings. On Monday, Secretary Weinberger took one of these steps. He rolled heads. I hope he will not stop there, Mr. President, because rolling heads alone will not solve the problem.

The real issue, Mr. President, is this: What type of behavior does the system encourage and support? What incentives now exist? Unless we know the answers to these questions, we can never get a handle on the causes of inefficiency, and we can never hope to solve the problem. Rolling heads, absent structural changes, is merely killing the messenger who bears the bad news.

The larger problem in the Defense Department is that the purchasing system itself does not support those who want to be cost-efficient. The incentives of that mammoth bureaucracy encourage quite the opposite.

The system presently encourages purchasing agents to award contracts in great numbers and in great haste. Competition and alternate sourcing slow down the process. As a consequence, the purchasing agent who does not monitor cost-efficiency is not necessarily shirking his responsibilities. He has no incentive to save money for the taxpayer. His incentive is to maximize the amount of contracts he awards, and to do it as quickly as possible.

The critical question to ask Mr. Weinberger at this point is what changes have been implemented and supported to prevent excessive cost increases from occurring in the future?

Until this question is satisfactorily answered, there is still business as usual in the Pentagon.

The problem is not merely a lower-echelon officer making a fantastic mistake. Rather, it is higher echelon officers supporting a structure that leaves impressions at the lower echelons that continuing this kind of behavior is acceptable.

Mr. President, if there can be this fantastic reduction in how much combat effectiveness our money can buy of simple spare parts, imagine how much worse the situation must be when that same bureaucracy buys weapons that are nothing but an aggregation of small parts.

This is not an isolated problem, Mr. President. The problem of excessive costs exists departmentwide. It is a problem that has been surfacing for many months, with cries for action from lower echelon people.

Up to now, the reaction of the higher echelons have been one of studied indifference. The case of DCAA auditor George Spanton is a prime example.

Months ago, I asked Secretary Weinberger to keep Spanton on the job to complete an investigation of waste of taxpayer money. On April 15, the Secretary's reply, through a spokesman, was that it was immaterial to him whether or not Spanton remained on the job.

Mr. President, today we witness a more ferocious Secretary of Defense than on April 15. I congratulate Mr. Weinberger for his change of behavior.

But I must respectfully remind the Secretary that there is a dramatic difference between lipservice and effective management. I urge the Secretary to make broad, sweeping structural changes to reverse the incentives system so that diligent work in the future will be rewarded rather than punished.

THE DEATH OF FRANK REYNOLDS

Mr. KENNEDY. Mr. President, I would like to say a few words about a rare person who has just been taken from us.

All of America lost someone very special when Frank Reynolds died this morning.

He was an honor to his profession, which in turn honored him with its two highest accolades—the George Foster Peabody Award in 1969 and the Emmy in 1980. He was among the best of journalists at everything he did—whether it was to cover a Presidential candidate from the campaign trail, to anchor the evening news, or to pioneer "Nightline" during the Iranian hostage crisis. There was no reporter for whom I had greater respect.

And millions who never met Frank Reynolds felt they knew him personally. On screen, he was more than authoritative. He was warm and compassionate, a profoundly decent man—and it all came through in his reporting.

But for those of us who did know him, Frank's loss is even harder. Whenever I did an interview with him, I always expected tough questions. But I do not think Frank would mind if I also said that while he maintained the utmost professional standards as a journalist, he and I also became very real friends.

I remember the summer of 1981, when I had a clambake for the reporters who had covered my 1980 campaign. Frank Reynolds went sailing, acquired a rather substantial sunburn, and spent an hour talking with my mother. That evening, I asked her if she had had a nice time. She answered:

> Teddy, it was a marvelous party. But the best thing was that Frank Reynolds actually came to our house.

Indeed, Frank had a special grace for friendship. President and Mrs. Reagan knew Frank's affection as well, as warmly, and as deeply as I did. He had a radiant smile, but Frank also showed his sorrow after the President was shot. When we think about Frank in the future, we will smile at the

many happy memories we have of him; but we will also feel an abiding sorrow because he is gone.

Someone else will sit at his anchor desk; but for those of us who were privileged to be his friends, no one can replace Frank Reynolds.

On behalf of all the Kennedy family, who knew and cared for him, let me extend my sympathy to his wife, Henrietta, and to all of his children, especially his son Dean, who also covered my 1980 campaign and who also became my friend during the course of that effort.

SHORTAGE OF BLACKS IN HEALTH PROFESSIONS

Mr. PERCY. Mr. President, one benefit of my efforts in recent years to improve Federal collection of delinquent student loans has been my increased contact with schools dedicated to the education of health professionals. Today, I would like to alert my colleagues to a study, prepared for the Association of Minority Health Professions Schools (AMHPS), revealing the serious shortage of blacks entering the health professions. Indeed, while the quality of health care available to many black Americans remains unacceptable, the number of young blacks entering the fields of medicine, veterinary medicine, pharmacy, and dentistry has dropped below the modest but optimistic level achieved during the mid-1970's.

The study, entitled "Blacks and the Health Professions in the 80's: A National Crisis and a Time for Action," reminds us of the deplorable facts regarding the health of many black Americans. Blacks live shorter lives compared to whites by an average of 5 years. Blacks have a higher incidence of hypertensions, strokes, and certain types of cancer, and die of these diseases more frequently, than do whites. Infant mortality for blacks is almost double that of whites. A certain cause of this is the fact that black Americans are more likely to be without any regular source of health care, more likely to travel farther for health care, and more likely to receive outpatient care only than are whites.

By the early 1970's, it appeared that a growing number of young black men and women enrolling in medical and other health-related schools would provide a needed focus for improved health care in the community. But the promising increases of black enrollment as a percentage of total enrollment in medical and dental schools disappeared into a decline. Despite slight increases in enrollment during recent years, the previous mark has not been regained. Although blacks account for 11.7 percent of the U.S. population, only 2.6 percent of all physicians in 1980 were black. In 1981, less than 2 percent of the faculties of U.S. medical schools were black. In short, there is little encouragement for young blacks to enter the health professions.

In the last two decades, we have repeatedly committed ourselves to insuring good health care for all Americans. We have also committed ourselves to providing equal opportunity in all fields. Both of these goals would be served by determining the causes of the regrettable shortage of blacks in the health professions and agreeing on corrective action. I commend the AMHPS, whose members train so many able health professionals, for its work in addressing this urgent problem. I have written to the Secretary of Health and Human Services calling her attention to this worthwhile study.

INGERSOLL-RAND URGES ACTION FOR EXPORTERS

Mr. PERCY. Mr. President, one of the greatest challenges facing our exporters is the disparity between the value of the dollar and foreign currencies, particularly the yen. Ambassador Bill Brock identified this as the chief reason for our mushrooming trade deficit which may exceed $60 billion this year, breaking all records. Focusing our attention on realizing exchange rates is an essential task if we are serious about a hard-hitting trade policy.

Along these lines, I would like to highlight for the Senate the recent testimony of George Liney of the Ingersoll-Rand Co. entitled, "Exchange Rates and International Trade." Liney testified before the Subcommittee on Commerce, Transportation and Tourism of the House Committee on Energy and Commerce on May 25, 1983. As many of my colleagues know, the Ingersoll-Rand Co. manufactures heavy equipment and has experienced a steady increase in their exports since WW II. In 1980, Ingersoll-Rand exports from the United States exceeded $700 million.

Mr. Liney emphasizes in his statement that if the imbalance between the U.S. dollar and other major currencies continues, U.S. companies will be forced to transfer production facilities overseas and eventually supply the U.S. market with products from abroad. None of us in Congress want to see that happen.

Mr. Liney concluded his testimony by saying that, "the matter of the overvalued dollar is something that has to be dealt with now. In our opinion there isn't time for another Bretton Woods or Smithsonian agreement . . . . The U.S. Government must intervene now in the foreign exchange market to restore structural equilibrium; that is to reduce the value of the dollar until it reflects the underlying economic purchasing power of the United States versus the purchasing power in the major industrialized countries."

Mr. President, the Ingersoll-Rand Co. supported our Senate-passed resolution which I introduced in May, expressing the urgency of achieving proper alinement of major currencies to encourage world trade expansion. The Senate passed this resolution, Senate Resolution 135, on May 25, on the eve of the Williamsburg Summit. This was a key concern at the Summit and remains so today. But it is important for us to get underway with exchange rate adjustments if we want to bolster U.S. exports and export-related jobs.

Mr. President, so that Ingersoll-Rand's view on this important matter receives more attention, I ask unanimous consent that the full text of Mr. George Liney's statement entitled, "Exchange Rates and International Trade" be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF GEORGE LINEY, INGERSOLL-RAND CO., ON "EXCHANGE RATES AND INTERNATIONAL TRADE"

MR. CHAIRMAN: We applaud your initiative in holding these hearings, and appreciate the opportunity to express our view on this very serious issue, namely the overvalued U.S. dollar and its adverse impact on U.S. exports and imports.

My employer, Ingersoll-Rand Company, is a manufacturer of heavy equipment, and has been engaged in exports since before WW I. Between WW II and 1980 our exports grew steadily in real terms, that is, after adjusting for the effect of inflation. In current dollars our 1980 exports from the U.S. exceeded $700 million.

Ingersoll-Rand has always welcomed and accepted as inevitable that we have to compete freely in terms of technological capability, quality, customer service and finally price. Over the years we have succeeded because the competition was fair; we weren't subjected to forces or circumstances totally beyond our control which literally destroyed our ability to compete in a free market environment.

Notwithstanding all the Government rhetoric that we as a nation believe in, practice and promote free trade in a financial environment free from Governmental interference, the present value of the dollar simply does not reflect the underlying structural equilibrium vis-a-vis the key currencies of the world. In other words, there is an imbalance or a misalignment between the value of the dollar and the value of other major currencies.

Much has been said about the imbalance between the dollar and the Japanese yen and we agree that the yen is undervalued. We also support efforts to reach an agreement with the Japanese Government to redress the situation, that is, to realign the rate of exchange between the yen and the dollar. However, I will demonstrate to this Committee that the currency imbalance is worldwide, and that if something isn't done to correct the situation it will have dire consequences for not only U.S. industry, but for the country as a whole.

I have with me a graph which portrays the movement of the Belgian franc, Swedish

krona, Italian lira and the British pound since 1980, after adjusting for the inflation in each country. We selected 1980 as a base period to demonstrate the incredible magnitude of the currency swings during such a short period of time, and it also coincided with the development of our loss of competitiveness. The graph shows that their currencies are between 22 percent and 37 percent lower than the U.S. dollar since 1980, and that is after adjusting for the respective rates of inflation; I repeat, after adjusting for the rate of inflation. What that means is that all other things being equal, to a customer in let's say Australia, the cost in Australian dollars is 58 percent more from the U.S. than it is from Belgium, compared to 1980. No, I didn't make a mistake, I said and meant 58 percent more. We can't stand that disadvantage in Australia, and the same holds true for a customer located in just about every other country in the world.

My employer, Ingersoll-Rand, has manufacturing plants in Italy and in the UK, and we are competing against a company which manufactures primarily in Sweden and Belgium.

In many cases we make products in our Italian and UK plants which are identical to units made here in the U.S. Because of the increasing lack of competitiveness of the U.S. made units we undertook earlier this year, and just completed a few weeks ago, a major detailed study of the cost of identical machines produced here in the U.S. and in our Italian and UK plants. To get complete impartiality and objectivity we engaged the services of a highly respected consulting firm known for its expertise in manufacturing to assist us.

We then compared, by major component, the cost of our machines against our competitor's costs in Belgium.

The conclusions confirmed almost exactly what the graph shows. I want to emphasize that Belgium, U.K., Italy and Sweden are not any more efficient than we are. In fact, because our manufacturing plants in Italy and the UK do not have the volume which we have here in the U.S., they do not have the benefits from automation which we have here in the U.S. But, notwithstanding their manufacturing disadvantage in terms of lower volume and less automation, their manufacturing costs in total are so much lower than the costs in the U.S. that we cannot compete against our own factories abroad and against our competitor's products made in Belgium and Sweden.

I also want to mention that every day we are purchasing more and more parts and components from abroad. If I read the list of countries from which we now source parts and components, it would read like the list of member countries of the United Nations. A few years ago practically every part was made in the U.S.

Ingersoll-Rand has traditionally supplied Latin America and Asia-Pacific with U.S. made units. Unless the dollar weakens substantially and quickly, we can't continue to do so because the machines we compete against are made in Belgium and Sweden. We are making plans to change the sourcing out of the U.S., and that means loss of jobs at home.

What will the long-term effect be if the dollar's value stays where it is? We will have to give serious consideration to transfer overseas models which we now make in the U.S., and eventually we may have to supply units for the U.S. market from abroad. I respectfully suggest that if that happens, it will amount to a tragedy for the U.S., and furthermore, if Ingersoll-Rand has to do it, it is obvious that the other U.S. manufacturers of all kinds of equipment will have to do the same thing.

Here are some specific examples during the last few months:

(1) At a recent public bid for a large number of compactors in Indonesia, the following prices per unit were bid:

Italian made	$24,473
Japanese made	26,154
Made in Malaysia or Indonesia	26,330
Swedish made	28,601
Made in the U.S. by Ingersoll-Rand	35,298

Needless to say, with our price 44% over the lowest bid, we didn't have a chance. I might add that we only make compactors in the U.S. and were therefore not able to offer Ingersoll-Rand machines made abroad.

a. The same project also called for a large number of portable compressors, and here is how that bidding per unit went:

Made in Belgium	$5,507
Made in Japan	6,098
Made in the U.S. by one of our competitors	7,290

Ingersoll-Rand's bid was not in contention, and it is interesting to note that the generally competitive U.S. made unit made by another company was 32% higher than the Belgian machine.

(2) A similar public bid took place in Korea, also for a large number of portable compressors, and here is the line-up per unit:

Made in Belgium	$7,569
Made in Japan	9,159
Ingersoll-Rand made in the U.S.	10,269

Our price was 36 percent higher than the Belgian machine.

(3) The following example was a public bid in the Philippines for 70 large compactors. The quote was in Philippine pesos:

	Pesos
Made in Germany	15,673,140
Made in Sweden	15,892,450
Made in Japan	16,838,500
Made in the UK	18,281,620
Made in the U.S.	19,448,725
Made in the U.S.	24,727,180
Made in the U.S.	30,531,967

The lowest priced U.S. made machine, which was ours, was 24 percent higher than the German units, and the highest priced U.S. machine was 94 percent higher than the German bid. I might add that our unit, although it was the lowest of the U.S. made machines, was not quoted with our normal margin.

(4) The following compactor bids were made recently in Guatemala (per unit):

Made in the U.S.	$7,999
Made in the U.S.	6,376
Made in France	5,275
Made in the UK	4,928
Made in Mexico	3,195

The lowest priced U.S. made machine was 100 percent higher than the Mexican made unit and 29 percent higher than the UK made machine.

Why is this happening? I can't answer that, but I know that the theory that floating exchange rates will reflect the underlying relative competitiveness is not materializing. Economists who think they know, claim that it is because of the enormous flow of capital between countries, which of course, has nothing to do with underlying trade. Other economists blame the difference in interest rates between the U.S. and other countries. While interest rates and capital flows obviously impact on the rate of exchange, it is hard to accept that they alone have caused the present havoc. Last week the short-term prime rate equivalent was 6 percent in Japan, 15½ percent in Belgium, 6 percent in the Netherlands, 12½-14½ percent in Sweden, 6 percent in Switzerland and 11 percent in the U.K. The U.S. prime rate was right in the middle at 10½ percent. How that can be with every currency of the countries mentioned undervalued, is certainly beyond my comprehension, and the comprehension of most reasonable men.

Whether the economists are right or not is, in our opinion, irrelevant. The fact is that benign neglect on the part of the U.S. Government has gotten us to where we are, irrespective of the causes. What we cannot understand is how the Administration can believe that the problem will be corrected by continued laissez-faire or benign neglect because it is that policy which has produced the situation in which the country finds itself.

The negotiations with Japan to correct the $/Yen imbalance has gone on for a long time, and Japan is only one country, not the whole world. Furthermore, prominent Japanese businessmen have admitted publicly that the $/Yen imbalance is one of the most serious problems in Japan which also contribute to the resentment against Japan. If it has taken years of negotiation with Japan, without any results, how can anyone possibly be naive enough to believe that negotiations with every industrialized country, and many developing countries, could possibly lead to a solution of an American problem, and that is what it is, an American problem. Of course, the dollar is the world's most important currency, but if we don't realize that the dollar is this country's currency first, and the world's second, we are going to do serious and irreparable damage to our economy.

If the dollar stays where it is now relative to other currencies, the potential losses in terms of jobs will probably be staggering, the adverse impact on the economic recovery inestimable, and, we believe, cause virtual destruction of the core of our industry.

We have followed and supported the efforts in both the House and the Senate during the last few years to extend the life of the Eximbank, to broaden its powers and to increase its resources. We believe the latest bills in the Congress should be passed quickly but I want to point out a very significant difference between the financing disadvantage we exporters have and the potential consequences to U.S. industry of a dollar which continues to be overvalued.

If we can't meet foreign financing on a job, we lose that order, but if we can't compete because of a basic cost disadvantage due to an overvalued dollar, and therefore transfer manufacturing abroad, we lose whole factories and the jobs that go with them. And, decisions to transfer production overseas are only reversible over a long period of time.

We are also encouraged by your own bill, H.R. 2203, Mr. Chairman, to improve the competitiveness of U.S. industry, and the resolution bills in the Senate and House by Senator Percy and Representative Traxler, respectively, to put the rate of exchange problem at the top of the agenda at the upcoming Williamsburg meeting. We are pleased that you, Mr. Chairman, are a cosponsor of Representative Traxler's bill. We also strongly support the efforts to extend the DISC benefits.

However, the negotiations with Japan, and all the bills in Congress to which I have referred above, are efforts which deal with the long-term competitiveness of U.S. industry.

The matter of the overvalued dollar is something that has to be dealt with now. In our opinion there isn't time for another Bretton Woods or Smithsonian agreement. I am almost tempted to say that there isn't time for a Williamsburg agreement. The U.S. Government must intervene now in the foreign exchange market to restore structural equilibrium; that is, to reduce the value of the dollar until it reflects the underlying economic purchasing power of the United States versus the purchasing power in the major industrialized countries. While the Administration professes to be against intervention in the foreign exchange market on the grounds that Government intervention in international trade is wrong, it saw fit to impose a 40 percent import duty on Japanese motorcycles to help Harley-Davidson. We don't know if that was right or not, but we find the willingness to engage in perhaps the most objectionable form of protectionism, namely exhorbitant import duty, totally idealogically incompatible with the Government's unwillingness to intervene in the foreign exchange market to correct an obvious wrong which not only threatens a company, but a whole industry and probably the entire economic foundation of the country.

Intervention in the foreign exchange markets to restore equilibrium is not protectionism, and we don't think it will be perceived as such by anyone. In fact, to our knowledge there is no provision in any international agreement of any kind which prohibits or even discourages a country from intervening to correct its misaligned currency. The Government has the tools to restore sanity in the foreign exchange markets, but if the Administration is unwilling to act, I hope the Congress will force the Administration's hand, and I appeal to this Committee to take the lead.

Thank you, and now I will be happy to answer any questions you may have.

COMMITTEE'S INTERPRETATIVE RULINGS ON SENATE CODE OF OFFICIAL CONDUCT

Mr. STEVENS. Mr. President, on behalf of the Select Committee on Ethics, I submit a number of the committee's interpretative rulings on the Senate Code of Official Conduct made pursuant to section 206 of Senate Resolution 110, 95th Congress. These 15 rulings answer questions raised by Members, officers, and employees of the Senate and the public regarding Senate rules 34 to 42, the franked mail statute and regulations, and other matters. They are presented chronologically by ruling number—beginning with No. 350—with reference to subject and reflect committee action between October 5, 1981 and March 21, 1983. The first 103 rulings were published in the CONGRESSIONAL RECORD on October 7, 1978. Rulings 104 to 150 were published November 9, 1978. Rulings 151 to 242 were published September 5, 1979. Rulings 243 to 272 were published February 27, 1980. Rulings 273 to 335 were published September 11, 1980. Rulings 336 to 349 were published October 19, 1981.

The committee also responded by letter to 571 inquiries not submitted here for publication. These inquiries were either too specialized to be of general assistance or responses to inquiries duplicated interpretations presented here or previously published.

Interpretative rulings by the committee may be relied upon by an individual involved in a specific transaction or activity which is indistinguishable in all its material aspects from the facts on which a ruling has been made. The committee encourages written requests for rulings on specific situations not clearly covered by the Code of Conduct.

The committee will continue to respond to written requests for interpretations, treat such requests confidentially, and publish its rulings with appropriate deletions to protect the privacy of individuals who seek committee guidance.

The rulings of the select committee are as follows;

INTERPRETATIVE RULING No. 350

Date issued: October 5, 1981.

Applicable Rule and Area: 38 and the Federal Election Campaign Act.

Question considered: How may a Member defray expenses which are neither reimbursable from his or her Official Office Expense Allowance, nor directly related to campaign spending for re-election?

Ruling: A Member may use political contributions to defray expenses incurred in connection with official duties.

Facts: As stated above.

Discussion: The Federal Election Campaign Act of 1971 (FECA), as amended, provides permission for a Member to use political funds for certain non-campaign purposes:

". . . contributions that are in excess of any amount necessary to defray . . . expenditures, and any other amounts contributed to an individual for the purpose of supporting his or her activities as a holder of Federal office, may be used . . . to defray any ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office . . ." 2 U.S.C. 439a.

Regulations promulgated by the FECA distinguish between money which is given and spent "for the purpose of influencing any election for Federal office (the definition of "contribution" and "expenditure" at CFR section 110.7(a) and section 110.8(a)) and "funds donated" defined by the Regulations as "all funds . . . which are donated for the purpose of supporting the activities of a Federal . . . officeholder" (11 CFR section 113.1(a)). These provisions, standing alone, would allow a Member to use "contributions" and also "funds donated" to defray "any ordinary and necessary expenses incurred in connection with his or her duties as a holder of Federal office," which appears to be a broader range of purposes than the narrowly defined expense items for which the Official Office Expense Allowance is provided:

These provisions of the FECA must be considered, however, in light of Senate Rule 38:

"PROHIBITION OF UNOFFICIAL OFFICE ACCOUNTS

1. No Member may maintain or have maintained for his use an unofficial office account. The term 'unofficial office account' means an account or repository into which funds are received for the purpose, at least in part, of defraying otherwise unreimbursed expenses allowable in connection with the operation of a Member's office. An unofficial office account does not include, and expenses incurred by a Member in connection with his official duties shall be defrayed only from—

* * * * *

(c) funds derived from a political committee (as defined in section 301(4) of the Federal Election Campaign Act of 1971, as amended (2 U.S.C. 431)) . . .

The Special Committee on Official Conduct recommended abolishing unofficial office accounts because accounts were not subject to any disclosure requirements and contributions were not subject to any limitations as to amount or source. *See*, S. Rept. 95-49 at 11. That Special Committee also found "that certain expenditures related to official duties inevitably will fall into a 'gray area.'" That is, certain expenditures will not be eligible for reimbursement by the Senate and, at the same time, will not be directly related to a campaign for election to public office. Rule 38 provides that contributions derived from a political committee (fully disclosed and regulated under the Federal Election Campaign Act) may be used to defray expenses incurred by a Member in connection with his or her official duties. The permission does not extend, however, to the use of what the FEC Regulations call "funds donated" because these funds are not covered by the disclosure, amount, and source limitations provided by the FECA.

A related matter to consider is the tax treatment that may be applied to the use of "excess campaign funds" to defray ordinary and necessary expenses incurred in connection with a Member's duties as a holder of Federal office. While this question is entirely within the jurisdiction of the Commissioner of Internal Revenue, further information is provided in a report of the Committee on Finance, "Tax Status of Funds Expended by a Political Committee," S. Rept. 95-779 (1978), and in Revenue Ruling 78-373 on Deductibility of Expenses paid by Members of Congress.

INTERPRETATIVE RULING No. 351

Date issued: May 7, 1982.

Applicable rule: Miscellaneous.

Questions considered: Under what circumstances may a Member, in response to a specific request, donate an item for auction? Specifically: (1) May a Member donate an item purchased and charged against the official stationery account of the Senate? (2) May a Member donate publications (such as the "Agriculture Yearbook") which have been allotted to Members for distribution? and (3) Is a distinction to be made in answering questions (1) and (2) based on the nature of the organization and the use to which the proceeds of the auction are to be put?

Ruling: (1) Upon request, a Member may donate for auction an item purchased and charged against the official stationery account of that Member *if* the item is of nominal value; was not intentionally procured for the purpose of donation; and the donee group is either non-profit or a non-political organization.

(2) Upon request, a Member may donate for auction a publication printed at government expense, such as the "Agricultural Yearbook," if the item is of nominal value; was not intentionally procured for the purpose of auction; and the donee group is either non-profit or a non-political organization.

(3) A distinction can be made with regard to these questions based on the nature of the organization and the use to which the auction proceeds are to be put.

Facts: As stated above.

Discussion: The Committee has previously ruled (Interpretative Ruling #175) that the donation of property in a Member's possession as a function of his being a Member of the Senate is not prohibited by any provision of the Code of Official Conduct, nor does it appear to violate any regulation of the Joint Committee on Printing or the Senate Rules Committee.

In specific response to the questions posed:

(1) Subject to the limitations in numbered paragraph (3) below, a Senator may donate to an outside group for auction an item of nominal value which happens to have been purchased and charged against the official stationery account of that Member. While there is no Senate rule or regulation governing this question, the Committee believes that the intentional procuring of such items with Senate funds for the purpose of donating them to outside groups for auction would at a minimum give the appearance of, and perhaps constitute, a misuse of government funds in that the items purchased would be for non-government use. The Committee takes this position irrespective of the nature of the outside group, and recommends that if an article is to be purchased for presentation to a group as an item for auction, the personal funds of a Member, or excess political funds of the Member's principal campaign committee, would be preferable sources for defraying the cost of such an item.

(2) Subject to the limitations in numbered paragraph (3) below, a Senator may donate to an outside group for auction a publication printed at government expense which has been allotted to him for distribution, such as "Art in the Capitol," "The Capitol," or "Agriculture Yearbooks."

(3) A distinction can be made with regard to these questions based on the nature of the organization and the use to which the auction proceeds are to be put. The Committee finds no problem with the donation of items to an outside group for auction where such items are of nominal value and are not intentionally procured with Senate funds for such purpose, if the donee group is a non-profit, nonpolitical organization. The Committee is concerned that use of public property to raise funds for a for-profit enterprise or a political party could reflect discredit on the Senate. In addition, the Committee would likewise be concerned if the particular use to which the fundraising proceeds were put were at variance with the stated purposes of the donee groups, i.e., if a tax-exempt non-profit charitable or educational institution were to use the proceeds of such an auction for political purposes.

These concerns lead the Committee to conclude that, upon request, a Member may donate property in his possession to an outside group for auction if such property is of nominal value and was not intentionally procured with Senate funds for such purpose; if the donee group is either non-profit or a non-political organization; and if the uses to which the auction proceeds are to be put are neither for-profit nor political in nature. In addition, subject to the stated limitations regarding the nature of the donee and the use of the auction proceeds, a Member may donate to non-Senate groups publications printed at government expense, such as "Art in the Capitol," "The Capitol," or "Agriculture Yearbook."

INTERPRETATIVE RULING No. 352

Date issued: August 2, 1982.

Applicable rule: 37.

Question considered: A Senate employee asked whether his activities as a professional racing car driver are in violation of Rule 37(5) (Conflicts of Interest) of the Code of Official Conduct.

Ruling: The Committee ruled that the employee's relationships with auto racing firms did not violate paragraph 5 of Senate Rule 37. The Committee also noted that the employee had reported to his supervisor on his outside business activities as required by Paragraph 3 of Rule 37 and that the supervisor had concluded that race car driving would not result in any conflict of interest which his Senate Committee duties which are unrelated to auto racing.

Facts: The Senate employee had an oral agreement with an automotive accessories company which owns and maintains a race car. Under the agreement, the firm reimburses him for race-related expenses, pays him 45 percent of any prize money won, and provides him with driving equipment. Second, he has a similar agreement with another firm, which rebuilds engines, imports car parts, rents race cars to professional drivers, and contracts with automobile companies to race cars for them. Both firms may, at some future time, advertise their racing success with the employee identified as the driver. Third, he occasionally provides auto racing-related services to various automotive businesses. As an example, he states that he has written a story on a racing car for publication in an automotive magazine, with the race car's manufacturer paying for test expenses and the magazine paying for the article.

Discussion: Paragraph 5 of Senate Rule 37 provides:

"No Member, officer, or employee of the Senate compensated at a rate in excess of $25,000 per annum and employed for more than ninety days in a calendar year shall (a) affiliate with a firm, partnership, association, or corporation for the purpose of providing professional services for compensation; (b) permit that individual's name to be used by such a firm, partnership, association or corporation; or (c) practice a profession for compensation to any extent during regular hours of the Senate office in which employed. For the purposes of this paragraph, 'professional services' shall include but not be limited to those which involve a fiduciary relationship."

The Committee concluded that the employee's relationship to the automotive firms was that of an independent contractor, and therefore is not an affiliation within the meaning of Rule 37(5)(a). The Committee also noted that the professional services addressed in paragraph 5 are typically those involving a fiduciary duty, including law, medicine, engineering, architecture and similar types of activities. It did not believe that race car driving is a profession within the meaning of Rule 37(5)(c), and accordingly, did not believe that paragraph 5 of Rule 37 prohibited the activity.

The Committee noted, however, that under Rule 37 an employee's supervisor has a continuing responsibility to evaluate and approve of an employee's outside activities so long as those activities continue.

INTERPRETATIVE RULING No. 353

Date issued: August 23, 1983.

Applicable rule: 38.

Question considered: Members asked if they may accept the use of office space provided by a home state governor or local communities.

Ruling: Members may accept the use of office space from their state and local governments.

Facts: In one instance a Member asked whether he may accept his home state governor's offer of the use of an office in the State Capitol. The offer was of an empty office which would be one of the Member's staff whose function would be to provide information to the governor, state legislature, and state officials on congressional actions. In another instance, a Member asked if four of his home state staff members may periodically use office space provided by county and municipal governments as part of their community outreach and constituent services work. Typically, a local government provides a room in a county courthouse for a few hours each week, every two weeks, or every month, depending on the frequency of visits.

Discussion: Providing office space to a Member free of charge raises questions under Rule 38 of the Standing Rules of the Senate. Although the Rule does not contain any specific restrictions on the sources a Member may use to secure office space, the Committee has ruled that a Member may not accept in-kind contributions in connection with the carrying out of official Senate duties unless they are paid for with funds derived from one of the four sources listed in the Rule. Specifically, the Committee has ruled [1] that a Member may not accept the contribution of free use of space in a law firm, as an in-take center for federal casework because acceptance would be tantamount to an inkind contribution to defray unreimbursed expense of a federal officeholder.

The Committee has also ruled, however, that a Member may accept things of value from agencies of the federal government and from other Members of Congress, without paying for them from the sources set forth in Rule 38, because the Committee did not believe that the Rule was intended to prevent Members from using governmental goods and services where they are available on an equitable and non-partisan basis.

The Committee ruled that these considerations permit a Member to accept, without charge, the use of office space provided by state and local governments.

It is beyond the Committee's jurisdiction to deal with any questions that could arise relative to the use of office space which is provided to Members through the General Services Administration, or the amount of office furnishing and equipment provided to members by the Senate Sergeant-at-Arms. Any questions in those areas should be addressed to the Committee on Rules and Administration.

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[1] See, for example, Interpretative Ruling No. 16, dated May 23, 1977.

INTERPRETATIVE RULING No. 354

Date issued: October 12, 1982.

Applicable rule: 40.

Question considered: A series of mailings, comprised of several groups of letters, has been sent by a Senator. Each group within the series contains letters dealing with a different subject matter from each other group, and no one group exceeds 500 pieces in number. Does such a series constitute a "mass mailing" as defined by Committee Regulations if each mailing within the series contains a common insert and the aggregate number for all mailings exceeds 500 within a 30-day period?

Ruling: Such a series of mailings would constitute a "mass mailing."

Facts: As stated above.

Discussion: This is a question of first impression for the Committee. The Regulations Governing the Use of the Mailing Frank (Chapter Three, Paragraph (2)(b)) define "mass mailing" as "Any mailing within any 30-day period of more than 500 pieces of substantially identical content. . ." Previous Committee interpretations have involved factual situations in which a single mailing was at issue. The policy considerations which form the basis for requiring the registration of mass mailings and imposing a moratorium on their use by candidates for reelection, however, are directed at large quantities of mailings with substantially identical content. Thus the Committee believes that a series of mailings, comprised of several groups of letters, each of which contains a letter dealing with different subject matter from the other groups of letters and no one group of which exceeds 500 in number, would nonetheless constitute a "mass mailing" if all mailings—regardless of the differing content of the letters—contain at least one common insert and the aggregate number for all mailings exceeds 500 within a 30-day period. A contrary conclusion would permit Members seeking re-election to avoid the mass mailing moratorium altogether by varying the content of letters sent in quantity to which identical inserts had been attached.

INTERPRETATIVE RULING No. 355

Date issued: October 12, 1982.

Applicable rule: 38.

Question considered: May a Member charge to his or her Official Office Expense Allowance the cost of personal telephone calls made to a spouse and family in Washington at times when the Member is away from Washington on official business? Although the calls are of a personal nature, the need to make them arises from the Member's duties to travel on official business.

Ruling: Only official calls are eligible for official reimbursement.

Facts: As stated above.

Discussion: While a Member's duties require frequent travel away from his or her family, the Committee believes that each Member is responsible for making a distinction between calls which are personal and calls which are official. Official calls are, of course eligible for official reimbursement under procedures established by the Committee on Rules and Administration.

INTERPRETATIVE RULING No. 356

Date issued: November 17, 1982.

Applicable area: Franking.

Question considered: Members asked if letters publicizing programs for high school students were frankable.

Ruling: A Member's franked mail privilege may not be used to publicize or endorse programs administered by organizations which are themselves not authorized to mail matter under the frank.

Facts: In one instance, a non-governmental organization asked a Member to send a franked mailing to high school principals to publicize its program of having high school students participate in a mock constitutional convention. In another instance, a non-governmental organization, which administers international student exchanges, asked Members to send a franked mailing to high school principals inviting their nominees for participation in an international exchange program financed by a foreign government.

Discussion: Section 3125 of Title 39, U.S. Code, provides:

"A person entitled to use a frank may not lend it or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association . . ."

The Committee believed that this provision does not allow Members to use their franked mail privilege to publicize or endorse programs administered by organizations which are themselves not authorized to mail matter under the frank; the statute therefore does not allow Members to use their franking privilege on behalf of these programs.

INTERPRETATIVE RULING No. 357

Date issued: December 16, 1982.

Applicable Rules: 34, 41.

Question Considered: A Senate staff member, while on vacation leave, worked on the re-election campaign of his supervising Senator, as is permitted under Senate rules. Is it permissible under the Senate Code of Official Conduct for that staff member to be reimbursed by the Senator's principal campaign committee for expenses incurred by the staff member on behalf of the Senator's campaign?

Ruling: Such reimbursement would be permissible under the Senate Code of Official Conduct and applicable regulations and interpretative rulings issued thereunder.

Facts: As stated above.

Discussion: The Committee has previously ruled [1] that such campaign involvement by a Senate staff member while on vacation leave is permissible under Senate rules. Reimbursement of such a staff member for expenses incurred by him on behalf of the supervising Senator's re-election campaign effort would be permissible under the Senate Code of Official Conduct and applicable regulations and interpretative rulings issued thereunder.

Senate Rule 34 (Title I of the Ethics in Government Act of 1978, as amended) requires any reporting individual (as defined therein) to make annual disclosure of the receipt of reimbursements to cover expenses aggregating $250 or more from any one source during a calendar year.

We do not address the question of whether such a reimbursement would constitute an "expenditure" for purposes of the Federal Election Campaign laws, as that is a matter outside the jurisdiction of the Committee.

INTERPRETATIVE RULING No. 358

Date issued: December 17, 1982.

Applicable Rule: 37.

Question considered: A successful candidate for election to the Senate is the chairman of the board and chief executive officer of a publicly-traded company which he helped found and which has employed him in various executive positions for two decades. Having been elected to the Senate, the Senator-elect intends to resign as chairman and chief executive officer of the corporation. Regarding his proposed retirement from, transition service to, and agreement not to compete with, his former employer, are the following courses of action consistent with Senate rules?

A. Retirement Bonus

In consideration of his past service to the company, may the company award the Senator-elect a retirement bonus consisting of retirement benefits commencing in the year in which the Senator-elect will reach the normal retirement age of sixty-five? The retirement benefits would continue for the lifetime of the Senator-elect, except that should the period of his lifetime be less than ten years from the date such payments commence, the payments remaining during such ten-year period would pass to his heirs.

B. Covenant Not to Compete

May the Senator-elect enter into an agreement not to compete with his company for a period of five years following his departure from the Senate in exchange for which the company will compensate the Senator-elect in two equal installments, one at the time of execution, and the second one year therefrom?

C. Service as "Transition Advisor"

For the purpose of winding down and terminating the Senator-elect's involvement with the company in an orderly manner, may the Senator-elect serve the company as a "transition advisor", without compensation, for a period of seven months after taking his Senate oath so as to be available for the purpose of responding to inquiries from the company's new chairman about matters that occurred during the Senator-elect's tenure with the company that may be within his, the Senator-elect's, sole knowledge?

D. Exercise of Stock Options

During the proposed period of the Senator-elect's service as transition advisor, may he exercise stock options previously granted him by the company but which, absent such service as a transition advisor, would otherwise be lost to him?

RULING

A. Retirement Bonus

A corporation's awarding of a retirement bonus to a former executive upon his election to the Senate would be permissible if done in compliance with the express conditions discussed below.

B. Covenant Not To Compete

A Senator-elect could enter into a covenant not-to-compete with his former employer, for which he could be compensated.

C. Service as "Transition Advisor"

Service by the Senator-elect as transition advisor to his former employer would be permissible if done in compliance with the express conditions discussed below.

D. Exercise of Stock Options

The Senator-elect could exercise all stock options granted him prior to his announcement and filing as a candidate for the United States Senate.

Facts: As stated above.

DISCUSSION

A. Retirement Bonus

The Committee believes that a corporation's awarding of a retirement bonus to a former executive would be permissible

[1] *See, e.g.*, IR's number 3, 5, 22, 86, 88, and 326.

under the facts as presented if the following conditions were met:

1. The retirement bonus must be awarded strictly and exclusively in consideration of the candidate's past services rendered to the corporation.

2. There could exist the appearance of impropriety occasioned by the Senator-elect's knowledge that his continued receipt of retirement plan payments would be dependent, as a practical matter, upon the economic health and well-being of the corporation. The Committee therefore believes that the retirement bonus should not be predicated or in any way dependent upon, or related to, the future performance of the corporation, its publicly-traded stock or debentures, or its future earnings.

3. Such a retirement plan should be provided in compliance with all reporting requirements of the Securities and Exchange Commission and the Employee Retirement Income Security Act of 1974.

While there are no other conditions which must be met, certain situations which are dealt with by the Senate Code of Conduct, such as "buyout arrangements" are analogous. In this case, the Senator-elect is not bound by these guidelines, but may wish to consider them as applied, by way of analogy, to a retirement bonus factual situation similar to the instant matter:

1. Such past services rendered should be sufficiently substantial as to justly entitle the candidate to the receipt of such a bonus.

2. Such a retirement bonus should be a bona fide award of compensation in a manner not inconsistent with the usual and customary practices of the corporation.

3. The retirement bonus should consist of a sum certain, determined at the time of severance from the corporation.

4. The sum certain should be paid either as a lump-sum, at severance, or an annual payment of a certain percent of the sum certain, payable within a reasonable period of time, and which sum certain should be funded in advance. Advance funding avoids any appearance of impropriety occasioned by the Member's knowledge that his continued receipt of retirement bonus payments would be dependent, as a practical matter, upon the economic health and well-being of the corporation.

B. Covenant Not-To-Compete

The Committee understands that the board wants to assure that the Senator-elect does not in the future enter into a business which would be in competition with his former company. The Senator-elect has therefore agreed to enter into a covenant not to compete with his company for a period of five years following his departure from the United States Senate, in exchange for which the company will compensate the Senator-elect by payments on January 1, 1983, and on January 1, 1984.

The Committee believes that such an arrangement, if consistent with the applicable statutes and case law of the governing jurisdiction, is permissible under the Standing Rules of the Senate and poses no problems regarding the propriety of the Senator-elect's conduct while in office.

C. Service as "Transition Advisor"

The Committee understands that the company has requested that the Senator-elect remain as a transition advisor for a period of seven months to provide intermittent guidance to the new chairman; that the Senator-elect would be available for the purpose of responding to inquiries from the new chairman about matters that occurred during the Senator-elect's tenure with the company that may be within the Senator-elect's sole knowledge; that such a role would be confined to infrequent telephone conversations; that under no circumstances would the Senator-elect, upon taking the oath of office, be involved in giving any strategic or planning advice to the company, participating in any operating decisions, or exercising any fiduciary relationship with the company; and that this arrangement is necessary for the purpose of winding down and terminating in an orderly manner the Senator-elect's involvement with the company.

The Committee believes that the proposed arrangement constitutes no substantive conflict of interest with the duties and obligations imposed by the Senator-elect's service as a Member of the United States Senate. The Committee makes this statement, however, with the express understanding that the Senator-elect will serve for the limited period stated; that any information he may provide to the new chairman of the corporation will be limited exclusively to a discussion of matters which occurred in the past but which may be within the sole knowledge of the Senator-elect; and that such service be uncompensated.

D. Exercise of Stock Options

The Committee believes that during the period of the Senator-elect's service as a transition advisor he could exercise stock options previously granted him by the company but which, absent such service as a transition advisor, would otherwise be lost to him, if such service as a transition advisor is consistent with the conditions set forth in (C) above, and if no stock options are exercised by the Senator-elect which were not already granted prior to his announcement and filing as a candidate for the United States Senate.

While it is the understanding of the Committee that the company will disclose all of these transactions to the extent required by various federal and state laws, the Senator-elect has numerous reporting requirements under the Standing Rules of the Senate and Title I of the Ethics in Government Act of 1978 with which he must comply.

In addition, the Committee notes that it is important not only that substantive conflicts of interest be avoided, but also that there be no appearance of a conflict of interest. In this regard, paragraphs 1 and 4 of Rule 37, dealing with conflicts of interest, require that a Member in no way improperly use his official position or exercise influence in a manner which would result in personal financial gain. In addition, paragraph 2 of Rule 37 requires that no Member engage in any outside business or professional activity which is inconsistent or in conflict with the conscientious performance of his official duties. We believe that the avoidance of the appearance of impropriety is especially important with regard to the legislative and oversight responsibilities of the Committees on which the Senator-elect serves after taking the oath of office.

INTERPRETATIVE RULING NO. 359

Date issued: January 3, 1983

Applicable Rules: 34 & 37

Question Considered: Does the Senate Code of Official Conduct prohibit a Senator from serving as the compensated General Chairman of a national political party committee?

Ruling: The Committee held that the Code of Official Conduct does not prohibit a Senator from serving as General Chairman or receiving reasonable compensation commensurate with the services rendered to the party. Additionally, the Committee concluded that Senate Rule 34 (Title I of the Ethics in Government Act of 1978, as amended) required the Senator to make an annual disclosure of the receipt of outside income aggregating $100 or more from any one source during a calendar year, and reimbursements to cover travel and related expenses aggregating $250 or more from any one source during a calendar year.

Facts: A Senator has been requested to serve as General Party Chairman, a position which would include the following duties: to formulate and articulate the goals and policies of the party; to provide advice and guidance to the party's National Committee and to its other officers and staff; and to coordinate the activities of the party's National Committee with those of the party's Senatorial Committee, the Congressional Committee, and any committee or committees organized to secure the election of the party's candidates for the Presidency or Vice Presidency of the United States.

Discussion: While the Committee found that no provisions of the Code of Conduct specifically addressed the questions raised by the ruling request, it concluded that two provisions must be considered.

Paragraph 2 of Rule 37 (Conflict of Interest) provides a general admonition against engaging in non-Senate activities which interfere with the conscientious performance of Senate duties. While the Committee will customarily offer its comments when asked, it has been the Committee's policy to place upon the Member the primary responsibility for determining whether the activity he intends to engage in presents a conflict of interest and to caution him that he has an on-going responsibility to avoid conflicts of interest and the appearance thereof. Thus, while the Committee found that no inherent conflicts of interest appeared to be raised by the Senator's service as General Chairman, the Senator would nonetheless want to remain sensitive to the possibility that some conflict might arise and, if that should occur, to take appropriate action.

As to the acceptance of compensation for services rendered as General Chairman, paragraph 5 of Rule 37 provides: No Member, officer, or employee of the Senate compensated at a rate in excess of $25,000 per annum and employed for more than ninety days in a calendar year shall (a) affiliate with a firm, partnership, association, or corporation for the purpose of providing professional services for compensation; (b) permit that individual's name to be used by such a firm, partnership, association, or corporation; or (c) practice a profession for compensation to any extent during regular office hours of the Senate office in which employed. For the purposes of this paragraph, "professional services" shall include, but not be limited to, those which involve a fiduciary relationship.

The type of services the drafters of the Code of Conduct intended to prohibit were those of a professional nature, involving a fiduciary duty to outside commercial or business organizations, which on their face were likely to present conflicts between Senate duties and outside responsibilities. The Committee therefore concluded that this provision was not intended to be applicable to services provided as General Chairman of a political party.

INTERPRETATIVE RULING No. 360

Date issued: January 21, 1983.

Applicable Rules: 35 and 38.

Question Considered: Are there any circumstance under which a Senator could utilize a 50 percent discount program, offered by an airline, under the Standing Rules of the Senate, and would application of the Standing Rules to the discount differ depending upon the way in which the discount was used by the Senator?

Ruling: The answer to this question would depend upon several variables, i.e., is the airline a "prohibited source" (as defined in paragraph 1(b) of Rule 35); is the Senator using the discount for personal or official travel; and, where the travel will be official, does the Senator have funds remaining in his or her official Office Account at the time the discount is used? These variables determine whether the discount can be used consistent with Senate Rules and such uses are discussed below.

Facts: As stated above.

Discussion: Because this particular discount program is offered directly to Members of Congress and is not negotiated with GSA on behalf of the federal government, as is the case in most airline discounts currently used by the Senate, the manner in which a Senator would use this particular discount fare would determine the application of Rule 35 ("Gifts") and 38 ("Unofficial Office Accounts"). Since GSA negotiated discounts are used by Senators exclusively for official travel and the Senate reimburses Senators for air travel which utilizes GSA negotiated fares, the amount of the discount on an individual fare is neither a "gift" to the Senator nor an in-kind contribution to defray an official but unreimbursed expense of the Senator's office, which is prohibited by Rule 38.

Since this particular discount is offered directly to Senators and is not subject to the requirement that it only be used for official travel (as is the case with GSA negotiated fares), a Senator could use this discount in one of three ways, each of the ways resulting in a differing application of Rules 35 and 38.

(A) Should a Senator choose to use the discount offered by the airline for purely personal travel, the amount of the discount would be deemed to be a "gift" to the Senator (this particular airline not being an entity which has a direct interest in legislation as defined in Rule 35) and the value of the discount would be reported on the Senator's disclosure statement if it were in excess of $250 in a year.

(B) Should the Senator use this discount for official travel, and assuming that he had funds remaining in his Official Office Expense Account, the Senator would pay for the airfare billed to the Senator by the airline and the discount given by the airline would not be a "gift" to the Senator nor would it be a prohibited office account contribution, because the Senate would be reimbursing the Senator for the airfare billed.

(C) However, if the Senator chose to use the discount for official travel after he had exhausted the funds available to him through the Official Office Expense Account, the Senator would not reimburse him for the airfare billed to him by the airline, and while, pursuant to Rule 38, the Senator could use his own personal funds or excess campaign funds to pay for the airfare billed, the amount of the discount offered by the airline on the ticket price would be viewed as a contribution to offset an official but unreimbursed office expense, a contribution which the Senator could not accept under Rule 38.

INTERPRETATIVE RULING No. 361

Date issued: January 31, 1983.

Applicable Rule: 38.

Question Considered: What are the requirements imposed by Senate rules regarding the handling of registration fees for conferences or seminars sponsored by Members?

Ruling: Such conferences or seminars must be jointly sponsored; a sponsor other than a Senator must handle registration fees; and any surplus funds should either be returned to conference participants on a pro-rata basis, or donated to charity.

Facts: As stated above.

Discussion: Rule 38 prohibits unofficial office accounts and confines the use of those funds which may be used to defray expenses incurred in connection with a Member's official duties to these sources; personal funds of a Member; official funds appropriated for that purpose; funds derived from a Member's principal campaign committee; and funds received as reasonable reimbursements for expenses incurred by a Member in connection with personal services provided by the Member to the organization making the reimbursement.

The Committee believes that in situations in which registration fees are necessary to defray conference expenses, with respect to the collection and distribution of such fees, Rule 38 requires joint sponsorship of such programs and that a sponsor other than the Senator handle the collection and distribution of such funds. Where circumstances result in a surplus of funds after the conference has been held and all expenses thereof have been met, the Committee believes that surplus funds should either be returned to conference participants on a pro-rata basis, or donated to charity.

INTERPRETATIVE RULING No. 362

Date issued: January 31, 1983.

Applicable Rules: 38 & 40

Question Considered: May a Member accept reimbursement from licensed broadcasters for the cost of recording, in the Senate Recording Studio, a monthly television program which is to be aired on stations owned by the broadcasters?

Ruling: Members may accept reimbursement from broadcasters under these circumstances.

Facts: As stated above.

Discussion: Paragraph 6 of Senate Rule 40 provides:

(a) The radio and television studioes provided by the Senate or by the House of Representatives may not be used by a Senator or an individual who is a candidate for nomination for election, or election, to the Senate less than sixty days immediately before the date of any primary or general election (whether regular, special or runoff) in which that Senator is a candidate for public office or that individual is a candidate for Senator.

(b) This paragraph shall not apply if the facilities are to be used at the request of, and at the expense of a licensed broadcast organization or an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

The Committee believed that the permission expressed in subparagraph (b) extends to periods other than those immediately prior to an election and authorizes the acceptance of reimbursements from licensed broadcasters for use of the Recording Studio to record programs that the broadcasters present.

Although Senate Rule 38 prohibits accepting contributions to defray official expenses, the Committee concluded that, since language in Rule 40 specifically addresses the use of the Senate Recording Studio, Rule 40 should decide the question.

INTERPRETATIVE RULING No. 363

Date issued: March 4, 1983.

Applicable Area: Franking.

Question considered: May a Senator affix to franked envelopes decorative stamps promoting his home State, its products and industries.

Ruling: The Committee held that 39 U.S.C. 3215, which prohibits Senators from allowing non-Senate organizations to use the franking privilege, would preclude placing the stamps on franked envelopes.

Facts: The Senator requesting the ruling received a letter from the governor of his State asking that he participate in the promotional stamp program. The program had been started by a private businessman and was being supported by the State government which was encouraging State agencies and public officials, as well as private businesses and citizens to attach the stamps to their correspondence.

Discussion: The privilege of sending official mail in envelopes bearing a Senator's signature (frank) rather than a postage stamp is granted by statute in 39 U.S. sections 3210 *et seq.*

Section 3210 provides: "It is the policy of the Congress that the privilege of sending mail as franked mail shall be established . . . in order to assist and expedite the conduct of the official business, activities, and duties of the Congress. . . ."

Section 3215 prohibits the use of the frank by or for the benefit of non-Senate groups or organizations.

The Committee felt that, while the stamps supported a worthwhile cause, they should not be used on franked mail. Endorsing their use would make it impossible for the Committee to refuse to allow the attachment of other stamps for promoting other worth causes and groups.

INTERPRETATIVE RULING No. 364

Date issued: March 10, 1983.

Applicable Area: Franking.

Question considered: If a retiring Member of the Senate were to send a franked questionnaire on a legislative issue and provide that responses to the questionnaire could be returned to his Senate office under the franked mail privilege, would the franked responses, which might be returned after the Senator had left office, become the property of the former Senator or would they remain the property of the Senate?

Ruling: Responses to franked questionnaires, which are to be returned to the Senate under the franking privilege of the Senator who mailed the questionnaires, become the property of the Senate in the instance where the Senator retires from the Senate before the franked responses are returned.

Facts: As stated above.

Discussion: A Senator is authorized, under section 3210(a)(3)(c) of the franked mail statute, to send a questionnaire which seeks public opinon "on any law, pending or proposed legislation, public issue or subject" and responses to such a questionnaire may be returned to the Senator by the constituent under the Senator's frank. There could be an occasion where a Senator, who is near

to the date of his retirement, might find it appropriate to send such a questionnaire and provide for the responses to be returned to his Senate office. If the Senator left the Senate after the questionnaire had been mailed, but before the responses were returned, the responses would become the property of the Senate, rather than the personal property of the former Senator. The Committee ruled that responses to a questionnaire which were returned under a Senator's frank, but after the Senator has retired, would become the property of the Senate and would be held for official use by another Senator of Senate committee which might be interested in the results of the questionnaire.

INTERPRETATIVE RULING No. 365

Date issued: March 21, 1983.

Applicable Rule, 37.

Area: Franking, Code of Official Conduct (40 USC 193(d)).

Question considered: Are there any Senate Rules or federal statutes which would limit the ability of a Senator to chair and actively participate in a fundraising effort, within the Senate and using Senate facilities and employees, on behalf of a national, non-profit, tax-exempt charitable organization?

Ruling: For reasons involving the policy behind the federal governments' Combined Federal Campaign and because of the restrictions imposed by 40 USC 193(d), the Committee recommends that a Senator not become involved in a charitable solicitation within the Senate. Such a recommendation would not apply to a Senator's participation in such a solicitation which was undertaken outside of Capitol Hill.

Facts: A Senator was asked by a national, non-profit, charitable organization to lead a fundraising drive for the organization within the Senate. As proposed, the Senator would solicit Members, officers, and employees of the Senate, host luncheons in Senate facilities to solicit contributions and use his Senate letterhead and the "Inside Mail" system to notify the Senate of the fundraising effort and invite participation and contributions. The Senator proposed that he would also make use of the volunteer services of his staff, or other Senate employees, during normal Senate working hours.

Discussion: Charitable solicitations of federal employees in the work place are generally regulated by Executive Orders of the President. In an effort to combine all of the various charitable solicitations which federal employees had been exposed to within the work place, President Kennedy issued an Executive Order in 1962 which established the Combined Federal Campaign as the sole charitable solicitation of federal employees. The purpose and intent behind the recognition of a single charitable solicitation each year has been adopted by each successive President. The Office of Personnel Management, which has been directed by the President to administer the CFC, has published regulations which direct that the charitable organizations which participate in the CFC limit their solicitation of federal employees at the work place to a single, yearly solicitation through auspices of the CFC. In this instance, the charitable organization, which was the subject of the Senator's inquiry, had been a participant in the CFC for the preceding year.

The Congress has recognized the merit of a single, annual combined charitable solicitation of Members and employees of the Congress in the work place, by inviting the CFC to solicit the Congress and to utilize Congressional staff and pay mechanisms for that purpose (H. Res. 12, adopted by the Senate on September 14, 1977). While the Congress is not bound by the regulations promulgated by OPM with respect to the CFC, the Select Committee concluded that the underlying principles set forth in such regulations should be followed with respect to the charitable solicitation of Members and employees of the Senate. In addition, the Committee was apprised that federal law, 40 USC 193(d), seeks to restrict charitable solicitations on the grounds of the Capitol.

For these reasons, and because the Committee agreed with the underlying principle that there should only be a single, annual charitable solicitation within Congress, the Committee suggested that the Senator not become involved with a separate fundraising effort on behalf of a charitable organization within the Senate.

However, the Committee made clear that its recommendation did not extend to the Senator's participation in a charitable solicitation outside of the Senate. The Committee believes that a Senator could sponsor fundraising events at other than Senate facilities and conceivably could, under policies adopted by the Committee on Rules and Administration, utilize Capitol rooms or Senate office building rooms under the Committee's jurisdiction, to sponsor luncheons and announce that a charitable organization was soliciting funds, etc., while making sure that no actual solicitation took place at the Senate facility. Similarly, a Senator could make use of the volunteer services of Senate employees, acting on their own leave or evening or weekend time, to assist in fundraising events which might be held off of Capitol Hill. Such staff participation would not violate any rule of the Code of Official Conduct, provided that, pursuant to Rule 37.3, the employee's supervisor was notified and approved of the employee's participation.

The Committee also stated its view that under the Committee's Advisory Opinion of August 14, 1978, on the use of Senate letterhead, a Senator could use Senate letterhead to notify the Senator's colleagues of the fact that a particular charitable solicitation was in progress or to invite them to fundraising events which the Senator might host off of Capitol Hill. These informational letters or invitations to events could be sent through the "Inside Mail" system of the Senate Post office, should the Senator deem the mailings to be within the scope of the official, representational duties of the Senator.

ANOTHER ALARM CONCERNING THE STATUS OF EDUCATION

Mr. HATCH. Mr. President, as we have been deeply involved in these Chambers these past few days seriously debating the defense of our great Nation, a movement is developing in our elementary and secondary schools, which if allowed to continue, will most surely threaten our future as a free nation and a united people.

Today I want to sound another alarm concerning what is happening. The partisan, and often vicious, political indoctrination that is taking place in America's classrooms.

We have all heard the alarm sounded by the National Commission on Excellence in Education concerning the state of education today. That blue-ribbon committee's report has warned us that: "The educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people."

Mediocrity begets mediocrity. Its own limitations make it self-perpetuating. If those responsible for raising standards in education do not insist that teachers and students pull up their socks and go to work on basics, mediocrity will carry this country down the dull, dreary path of degeneration. However, it is not too late to turn away from that broad and easy road, and I know many dedicated teachers and school administrators are determined to get education on higher ground, but, unfortunately, not everyone is focusing on the basics.

That other alarm I sound today concerns the very fabric of the public schools of America. Our local schools have always been proudly patriotic and, at the same time, religiously free of political bias, but there is growing evidence that the sanctity of neutrality, which we have taken for granted in the learning environment, is being invaded and eroded.

I have just learned that the President of the United States receives over 100 letters a day on the subject of nuclear war. That is more than he receives on any other subject. Those letters are not from mature, well-informed citizens. They are from frightened, ill-informed schoolchildren who, in writing to the President, are fulfilling classroom assignments.

It seems that the latest fad in junior high and high school social studies is nuclear war. You know, modern educators combined a little history, less geography, and a whole lot of social issues to form a "hybrid curriculum mule" now called social studies. On the back of that mule students plod their way through a bewildering maze of so-called relevant matter. Many of the children have not yet learned how to spell nuclear, or many other vocabulary words fundamental to even the most elementary discussion of the subject, but after a whirlwind unit on the subject, usually lasting only a couple of weeks, they frantically and sincerely believe that they are ready to advise the President.

Certainly there is nothing at all wrong with students learning how to communicate their views to their elected officials. However, it is very wrong in this free country of ours for a teacher to indoctrinate a captive classroom full of students with a particular political position and then give a letterwriting assignment on the subject. I find it scandalous that the largest teacher organization in America is promoting such political indoctrina-

tion in the classroom. Yet, that is exactly what the National Education Association is doing.

According to an article written by Dr. Gary Bauer, Deputy Under Secretary of Education:

> The NEA appears to be in the hands of freezeniks who, instead of concentrating on the basics in education, have initiated an incredibly obvious drive to bring political indoctrination into the classroom.

In his article, Bauer describes a new publication by the NEA called "Choices: A Unit on Conflict and Nuclear War," which, Dr. Bauer says seems to be "* * * carefully contrived to develop a mindset in our unsuspecting young people, by instilling them with fear, and to enlist them in a campaign to bring about American disarmament."

Theoretically, the purpose of NEA's curriculum unit is to help students deal with fear of nuclear war. After carefully examining the unit, however, Bauer found that the material panders to and encourages fear. For example, he says the course, which was designed for junior high classes, begins with "* * * huge doses of information on radiation sickness, fallout, global annihilation, and graphic descriptions of the victims of Hiroshima and Nagasaki."

NEA's publication was even too much for the Washington Post which ran an editorial on the unit on April 5, 1983. Headlined, "Political Teaching," the editorial concluded with the following:

> * * * At the conclusion of the course, children are urged to write to their elected representatives about nuclear war, to ascertain and publish the location of defense plants, research and development facilities and military bases in their area (why, I ask?) and to collect signatures to place a referendum question on the ballot concerning nuclear policy. This is not teaching in any normally accepted—or for that matter, acceptable—sense. It is political indoctrination * * *

Mr. President, in a response to that editorial, Terry Herndon, who at the time was executive director of the NEA and also president of "Citizens Against Nuclear War," stated that: "* * * teachers have a special duty to present controversial subjects in an objective manner. A more careful assessment by the Post would have confirmed that the unit is fully consistent with that duty * * *." (Letter to the editor of April 15, 1983.)

After reading some of the children's letters to the President, I was apalled at the apparent lack of objectivity to which the children appear to have been exposed. With few exceptions, it is clear that the students blame the President of the United States for threats to world peace. Their letters oversimplify national defense problems, offer illogical and immature solutions, and in general exhibit sketchy background information except for facts on the horrifically destructive capabilities of nuclear weapons.

We are all against nuclear war, certainly no one more so than I, but the anti-President bias so pervasive in the letter which I saw clearly denotes persuasive evidence of political propaganda. Here are but a few excerpts from some of those letters written by junior high and high school students to President Reagan:

> In our school, in the seventh grade, we are learning about nuclear war. I am now terribly aware of being blown up!
>
> You are intimidated by the Russians. They would never strike against us. Just go out on a limb and totally unilaterally [sic] disarm the United States from any Nuclear Weapons. Keep one powerfull [sic] bomb to use in retaliation [sic] if necessary * * *

A high school student wrote that.

> * * * If that's all you want to achieve is complete destruction you're a sick man * * *
>
> I can't understand why you keep on manufacturing these weapons when all you need is about a dozen * * * I think you should give us, the younger generation, a chance to enjoy life without the worry of knowing that the world is in either the hands of the U.S.S.R. or the United States * * *
>
> Mr. Reagan, I really don't like Nuclear Weapons because it is powerful. It can kill millions of people in minutes. I hope you will follow my advice, Mr. Reagan. I'm afraid of Nuclear Weapons. I feel very sick, sad, and bad about them * * *

Mr. President, when I read those and other letters like them, I felt very sick, sad, and bad about what is happening in some of our schools. When student achievement has dropped so low as to place our Nation's future at risk, does it make any sense to anyone that the largest teacher union in our country should be wasting precious time and resources training teachers to politicize the classroom? Gary Bauer has charged the NEA with launching "* * * an aggressive campaign to bring political indoctrination into the classrooms." I think he is right in his assertion.

Albert Shanker, president of the American Federation of Teachers, asked in an editorial in the New York Times, April 17, 1983; "* * * What would happen if the Moral Majority circulated lesson plans prepared by Jerry Falwell on political, moral and economic issues and asked public school teachers to use these plans?" Shanker goes on to say: is indoctrination actually happening in the schools? Unfortunately it is.

> But it's not the Moral Majority or the Heritage Foundation trying to impose views on kids in public schools across the country. It's the National Education Association.

Shanker concluded his article with this statement:

> The NEA action will further undermine public confidence in public education—and it has seriously damaged the NEA's ability to prevent the schools from being used for indoctrination by other groups.

Mr. President, it is my sincere hope that the NEA will join in the present nationwide effort to improve the quality of education in America—including engaging in meaningful dialog on how we pay our teachers—and assist us all in keeping political indoctrination out of the classrooms.

Mr. President, I have here a list of sample letters received by the President on June 20 and 21. I ask unanimous consent that the list, as well as the quotations taken directly from the letters be included in the RECORD as part of my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

SAMPLE LETTERS RECEIVED JUNE 20 AND 21

Ages 4-11, University Christian Church, Buffalo, New York.

4th Grade, St. Turibius School, Los Angeles, California.

6th Grade, San Francisco Unified School District, San Francisco, California.

6th Grade, Edgewood School, Eugene, Oregon.

7th Grade, Orland Junior High School, Orland Park, Illinois.

7th Grade, Francis W. Parker School, Chicago, Illinois.

9th Grade, Douglas High School, Douglas, Wyoming.

9-12 Grades, St. Dominic Savio High School, East Boston, Massachusetts.

9-12 Grades, Messmer Archdiocesan High School, Milwaukee, Wisconsin.

11th and 12th Grades, Staples High School, Westport, Connecticut.

12th Grade, Tulare Western High School, Tulare, California.

Others came from: Arlington, Virginia, Cedar Rapids, Iowa, Pomona, California, Sierra Madre, California, Torrance, California, Benton, Illinois, Bernville, Pennsylvania, New York, New York, Haverhill, Massachusetts, Pinconning, Michigan, Santa Cruz, California, St. Paul, Minnesota, and Plainfield, Vermont.

University Christian Church, Buffalo, New York (Ages 4-11)—

Please go to the Washington Capitol Building to make a law of peace.

Your really doing something stupid. You shouldn't spend all the money on nuclear weapons. And what if we don't go into war, then we'll have all this junk and hardly any money.

Why do you spend so much money on Mx Missles?

I What peace. right back.

St. Turibius School, Los Angeles, California (4th Grade)—

We have declared our classroom and homes nuclear free zones. We did this because we want to live and grow up in peace.

Edgewood School, Eugene, Oregon (6th Grade)—

I think that we should all pull together and negotiate with the Russians. If we both decided to stop making so many nuclear defense weapons the world would be a lot more relaxed and safer.

We have so many of them why do we make one more if the Soviets or who ever make another bomb?

It seems like nuclear weapons have caused a lot of trouble ever since we started producing them in the U.S.

Although we don't always agree with the Russians, that doesn't mean we can't be friends with them. The Russians are our neighbors, and they're human beings just

like us. Why should we blow the world apart just because we don't agree with the Russians? I myself don't have anything against the Russians, although I don't always agree with their government. In school, we're doing a unit on world peace. We go around to different stations, and do fun and creative projects. One station is called Russians and Americans, their is a poster with 25 different pictures of people, and you're supposed to tell which are Russian, and which are American. On this station I missed 17. I learned that Russians are people just like us. Why oh why can't we have peace?

Aptos Middle School, San Francisco, California (6th Grade)—

Excertps show students believe burden of world peace rests with President Reagan. U.S. and U.S.S.R. are given equal treatment:

I think that you should have a nuclear freeze, because if Russia and U.S. don't stop this madness you will have a nuclear war.

Mr. President, when I hear about you paying more and more to produce these weapons, and less for schooling, it just makes me mad! I know it's not all your fault, but I wish you people up there in Washington, D.C. would stop making these killing machines. I know you're trying to protect the United States, and the Russians or any other country is trying to protect themselves, but if this is the way to do it then you're definitely going to get us killed. Please, stop this destruction on everybody. If you're trying your best, please try a little harder.

Instead of spending all that money on nuclear weapons you should donate it to the people who are dying of hunger.

I am afraid that one of the nuclear weapons might hit San Francisco. So would you please do something about it.

Please stop making nuclear bombs and weapons! I don't know how much you need to have nuclear weapons and bombs, but other people don't need them. You are spending millions of dollars on nuclear bombs and weapons instead of helping needy.

My feelings about Nuclear Weapons are that many people in the United States and the U.S.S.R. will be killed in a nuclear war. That's why I would like nuclear weapons to stop being made!

The following excerpts from the same class reveal the students' fears:

Mr. Reagan, I really don't like Nuclear Weapons because it is powerful. It can kill millions of people in minutes. I hope you will follow my advice, Mr. Reagan. I'm afraid of Nuclear Weapons. I feel very sick, sad, and bad about them.

Do you realize that an Atomic Bomb goes twelve and a half miles a minute. It can kill more than a million people in ten minutes.

I'm only eleven years old. I am in the sixth grade. I feel scared about Nuclear Weapons that can destroy the World, plus it will kill innocent people like me. I really wish that there weren't any Nuclear Weapons, because we all need to live peacefully. President Reagan I'm counting on you to stop the Nuclear Weapons race, because it's a wrongful thing to do.

Francis Parker School, Chicago, Illinois (7th Grade)—

I feel that it is crazy to spend millions of dollars on weapons, when people in America are proverty stricken, handicaped, and even those who are dead because of some mishappen. Those dead people may be dead, because they got hit by one of your bomb! Don't you feel guilty about spending all those dollars, so you can kill other men, women, and children?

I think that your policies are wrong. You are following the theory of detterence which is wrong because both the United States and the U.S.S.R. have the power to destroy the world more than once. But, after the world is destroyed once, and we all look like well done steaks, there will be no need for that surplus of nuclear bombs.

If you stop spending one million dollars for just one hour, you can feed or stop starvation for one year. It said in a nuclear arms pamphlet.

In our school, in seventh grade, we are learning about nuclear war. I am now terribly aware of being blown up!

Why do we have to pay for the death of someone else? I thought that all men were created equal. If they were we would not even be thinking of blowing up the U.S.S.R.

I'm writing you about the subject of Nuclear Arms. I'm very scared of them! It's getting to the point where we and the U.S.S.R. government have to so many missiles if one malfunctions we will have reached the point of Nuclear no return.

I feel, since many would die in a holocaust, the money could go to better causes, and civil defense is worthless, we shouldn't try for more missiles or better defense. We should attempt to settle differences between countries nicely and hope for peace.

If we have a freeze the Soviets might stop or slow down their buying of missles.

Please carefully consider what I have said. Give me the same chance you had to live.

Another thing I want to say is that I think the "Star Wars" plan about putting lasers in space, is a waste of time. You failed to say, in you speech, that the Soviets have a "cruise" missle that files at treetop level, how can you possibly shoot that particular missile. Even if you succeed in shooting the missile wouldn't the radiation from the missile get into the air and we would all die from the radiated skin we would get because it would slowly burn your skin away. You probably would die any way by just breathing the polluted, radiated air. So instead of investing in something like lasers that can't do anything, invest in the 10.8 million people who are unemployed.

Staples High School, Westport, Connecticut (11th-12th Grades)—

All I have to say is that you can not be plaing God with the live of millions of people plese as a fatur and grandfatur tack into consideration the live of thems you love as I do don't escalate any chance of nucler war or acsedent if not for you for the children of fucher.

I can't understand why you keep on manufacturing these weapons when all you need is about a dozen . . . I think you should give us, the younger generation, a chance to enjoy life without the worry of knowing that the world is in either the hands of the U.S.S.R. or the United States?

I cannot for the life of me unde stand how you and other big political leaders can play and argue over the lives of the entire population of the earth. Play time has stoped or should stop! you and any other Lead of a country do not have the right to play with the peoples lives!

If that's all you want to achieve is complete destruction, you're a sick man!

You are intimidated by the Russians. They would never strike against us. Just go out on a limb and totally unitalerally disarm the United States from any Nuclear Weapons. Keep one powerful Bomb to use in retalliation if necessary.

After seeing the movie, "The Last Epidemic," in my history class at Staples High School in Westport, Connecticut, I can't think of anything else to say except that you and the Russians must stop!

GENERAL JAMES R. ALLEN

Mr. PRYOR. Mr. President, I want to take this opportunity to commend Gen. James R. Allen, who recently retired from the U.S. Air Force, for his outstanding contribution to the Armed Forces of this country. He is truly a soldier's soldier.

General Allen graduated from the U.S. Military Academy in 1948 with a bachelor of science degree in military engineering. In 1965 he was awarded a master of science degree from George Washington University and was presented an honorary doctor of laws degree from the University of Denver in 1975. He is also a graduate of the Army Command and General Staff College and the Industrial College of the Armed Forces. General Allen and his wife, the former Kathryn Lewis of Indianapolis, have two children, Jeffrey and Kathryn. General Allen's family should be proud of the outstanding military career he has offered in service to his country.

Over the past year I have had an opportunity to meet with General Allen on several occasions which included a visit to his command headquarters of the Military Airlift Command at Scott Air Force Base in Illinios. General Allen always struck me as a man with a vision. He is a general who believed that we must get back to the basics of national defense, a man who spent his final years in the military totally committed and dedicated to the idea that we must begin immediately to address the serious deficiencies of our mobility airlift forces.

General Allen has the thanks of this U.S. Senator, for his assistance in helping me gain a better appreciation of what the Military Airlift Command is really about. All Americans are indebted to him for his dedication and commitment to our airlift force modernization.

I congratulate Gen. James R. Allen for his unselfish service to this country and I am sure that he will continue to serve in new ways in the future.

MESSAGES FROM THE HOUSE

At 10:50 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 577. An act to provide for the conveyance of certain Federal lands adjacent to Orchard and Lake Shore Drives, Lake Lowell, Boise project, Idaho.

At 12:12 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its clerks, an-

nounced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1. An act to amend and extend certain Federal laws that establish housing and community and neighborhood development and preservation programs, and for other purposes;

H.R. 24. An act to make certain land owned by the United States in the State of New York part of the Green Mountain National Forest;

H.R. 1341. An act to establish the Mono Basin National Forest Scenic Area in the State of California, and for other purposes; and

H.R. 3385. An act to provide equity to cotton producers under the payment-in-kind program.

HOUSE MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as follows:

H.R. 24. An act to make certain land owned by the United States in the State of New York part of the Green Mountain National Forest; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 1341. An act to establish the Mono Basin National Forest Scenic Area in the State of California, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1. An act to amend and extend certain Federal laws that establish housing and community and neighborhood development and preservation programs, and for other purposes; and

H.R. 3385. An act to provide equity to cotton producers under the payment-in-kind program.

ENROLLED BILL PRESENTED

The Secretary reported that on today, July 20, 1983, he had presented to the President of the United States the following enrolled bill:

S. 459. An act to authorize and direct the Secretary of the Interior to convey, by quitclaim deed, all right, title, and interest of the United States in and to certain lands that were withdrawn or acquired for the purpose of relocating a portion of the city of American Falls out of the area flooded by the American Falls Reservoir.

APPLICATIONS CALLING FOR CONSTITUTIONAL CONVENTIONS

(Applications calling for a Constitutional Convention, received since September 22, 1981, as shown on RECORD page S10256 of that date, are as follows:)

BALANCED BUDGET

Alaska, February 24, 1982.
Missouri, July 20, 1983.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ABDNOR, from the Committee on Appropriations, without amendment:

S. 1646. An original bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-186).

By Mr. THURMOND, from the Committee on the Judiciary:

Report to accompany the bill (S. 1245) to amend chapter 157 of title 10, United States Code, to authorize the Secretary of Defense to provide transportation for next of kin of certain persons who are unaccounted for, to attend annual national meetings sponsored by the National League of Families of American Prisoners and Missing in Southeast Asia (Rept. No. 98-187).

By Mr. HELMS, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment:

S. 1101. A bill to authorize appropriations for certain fishery programs (Rept. No. 98-188).

By Mr. DOLE, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 1426. A bill to reauthorize the revenue-sharing program of general-purpose fiscal assistance to local governments for 3 fiscal years, and for other purposes (Rept. No. 98-189).

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 52. A bill to combat violent and major crime by establishing a Federal offense for continuing a career of robberies or burglaries while armed and providing a mandatory sentence of life imprisonment (Rept. No. 98-190).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

Jose S. Sorzano, of Virginia, to be the Deputy Representative of the United States to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Jose S. Sorzano.

Post: U.S. Deputy Representative to the United Nations.

Contributions—amount, date, and donee:

1. Self: $20; June 1980; Frank Wolf.
2. Spouse: $300; June 1980; James McConkie.
3. Children and spouses names: None.
4. Parents names: None.
5. Grandparents names: None.
6. Brothers and spouses names: None.
7. Sisters and spouses names are Dr. William Hernandez (brother-in-law): $200; 1978-80; Republican National Committee.

(The above nomination was reported from the Committee on Foreign Relations with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ZORINSKY (for himself, Mr. PRYOR, and Mr. PRESSLER):

S. 1643. A bill to strengthen the operation of the agricultural stabilization and conservation committee system, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NUNN (for himself and Mr. ARMSTRONG):

S. 1644. A bill to improve Federal criminal sentencing by imprisoning dangerous and violent offenders and by diverting nonviolent offenders from imprisonment to restitution or community service programs; to the Committee on the Judiciary.

By Mr. TSONGAS:

S. 1645. A bill to increase the maximum amount a student may borrow under the GSL and NDSL programs; to the Committee on Labor and Human Resources.

By Mr. ABDNOR:

S. 1646. An original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1984, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. CRANSTON (for himself and Mr. WILSON):

S. 1647. A bill to authorize the use of funds from rental of floating drydock and other marine equipment to support the National Maritime Museum in San Francisco, Calif.; to the Committee on Energy and Natural Resources.

By Mr. HEINZ (for himself, Mr. D'AMATO, Mr. RIEGLE, Mr. CRANSTON, Mr. LAUTENBERG, and Mr. MELCHER):

S. 1648. A bill to amend and extend certain Federal laws to improve housing opportunities for elderly and handicapped families; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MOYNIHAN (for himself and Mr. DANFORTH):

S. 1649. A bill to amend the Internal Revenue Code of 1954 to provide that certain museums and organizations which operate libraries will be treated as public charities; to the Committee on Finance.

By Mr. LEVIN (for himself, Mr. BOREN, Mr. GRASSLEY, Mr. KASTEN, and Mr. DECONCINI):

S. 1650. A bill to increase the accountability of, policy coordination by, and management of priorities by agencies through an improved mechanism for congressional oversight of the rule of agencies; to the Committee on Governmental Affairs.

By Mr. CRANSTON (for himself, Mr. SPECTER, Mr. MITCHELL, and Mr. BIDEN):

S. 1651. A bill to amend title 38, United States Code, to provide for presumption of service connection to be established by the Administrator of Veterans' Affairs for certain diseases of certain veterans exposed to dioxin or radiation during service in the Armed Forces; to require the Administrator to develop, through process of public par-

ticipation and subject to judicial review, regulations specifying standards for the presumptions applicable to the resolution of claims for disability compensation based on such exposures; to require that such regulations address certain specified diseases; and to require that all claimants for Veterans' Administration benefits be given the benefit of every reasonable doubt in claims adjudications, and for other purposes; to the Committee on Veterans Affairs.

By Mr. KENNEDY (for himself and Mr. MATHIAS):

S. 1652. A bill for the relief of the estate of Ann Cooper; to the Committee on the Judiciary.

By Mr. WILSON:

S. 1653. A bill for the relief of Benita Rivera Hernandez; to the Committee on the Judiciary.

By Mr. PELL:

S.J. Res. 133. A joint resolution requesting the President to negotiate the creation of a United States-Soviet student exchange for peace program; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STAFFORD:

S. Res. 178. A resolution authorizing the printing of the report entitled, "Fourth Annual Report to Congress—Highway Bridge Replacement and Rehabilitation Program" as a Senate document; to the Committee on Rules and Administration.

By Mr. PERCY:

S. Res. 179. A resolution expressing the sense of the Senate that the President should establish a Productivity and Quality Award to be made to those business, workers, other individuals and public sector organizations which make contributions toward sustained improvement in productivity and quality performance; to the Committee on Governmental Affairs.

By Mr. JEPSEN (for himself, Mrs. KASSEBAUM, Mr. BOSCHWITZ, Mr. ABDNOR, Mr. PERCY, Mr. GRASSLEY, Mr. QUAYLE, Mr. EAST, Mr. DANFORTH, Mr. NICKLES, and Mr. EXON):

S. Con. Res. 56. A concurrent resolution expressing the sense of Congress in opposition to further expansion of cargo preference requirements; to the Committee on Commerce, Science, and Transportation.

By Mr. HEINZ (for himself, Mr. PERCY, and Mr. PRYOR):

S. Con. Res. 57. A concurrent resolution to express the sense of the Congress with respect to implementing the objectives of the United Nations World Assembly on Aging; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ZORINSKY (for himself, Mr. PRYOR, and Mr. PRESSLER):

S. 1643. A bill to strengthen the operation of the agricultural stabilization and conservation committee system; and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

(The remarks of Mr. ZORINSKY and the text of the bill appear earlier in today's RECORD.)

By Mr. NUNN (for himself and Mr. ARMSTRONG):

S. 1644. A bill to improve Federal criminal sentencing by imprisoning dangerous and violent offenders and by diverting nonviolent offenders from imprisonment to restitution or community service programs; to the Committee on the Judiciary.

(The remarks of Mr. NUNN and Mr. ARMSTRONG and the text of the bill appear earlier in today's RECORD.)

By Mr. TSONGAS:

S. 1645. A bill to increase the maximum amount a student may borrow under the GSL and NDSL programs; to the Committee on Labor and Human Resources.

GSL AND NDSL PROGRAMS

● Mr. TSONGAS. Mr. President, I am introducing a bill today that would increase the maximum amount a student may borrow under the guaranteed student loan (GSL) and the national direct student loan (NDSL) programs.

This bill, which was researched and proposed by a group of high school students from Needham, Mass., reflects the need of these programs to address the escalating cost of attending the Nation's institutions of higher learning. Clearly, the increase in the maximum loans available under these programs have not kept pace with the spiraling cost of education.

The current law permits an undergraduate student to borrow up to $2,500 per year for a cumulative 5-year total of $12,500 under the GSL program. This bill would increase that amount to $3,000 per year and $15,000 over a 5-year period of undergraduate study. Likewise, the $6,000 over a 4-year period presently permitted under the NDSL program would be raised to $8,000.

Lower interest rate assumptions have made it possible to reduce the overall cost of subsidized loan programs to the Government, however, 2 out of every 5 full- and part-time students are dependent on the Federal loan programs for financing their education. Some private institutions have an annual cost in excess of $14,000. Similarly, the public institutions are finding it increasingly difficult to minimize their annual costs and increases to students and their families. The $3,000 in loan assistance should not be considered excessive. The needs test which is used to evaluate and determine a student's eligibility for a GSL and a NDSL is an adequate mechanism for insuring that this increase is not abused.

Mr. President, I would like to commend the students of Needham High School for their work on this important legislative issue. As our young people aspire to careers of the future, there is a growing concern that the cost of a college education will become prohibitive for the low- and middle-income student. These students came to Congressman MOAKLEY in the House and to me in the Senate with a modest proposal on the Federal loan programs and I hope my colleagues will join me in supporting this measure.

I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a)(1) Section 425(a)(1) of the Higher Education Act of 1965 is amended by striking out "$2,500" both places it appears and inserting in lieu thereof "$3,000".

(2) Section 425(a)(2) of such Act is amended by striking out "$12,500" and inserting in lieu thereof "$15,000".

(b)(1) Section 428(b)(1)(A) of such Act is amended by striking out "$2,500" both places it appears and inserting in lieu thereof "$3,000".

(2) Section 425(b)(1)(B) of such Act is amended by striking out "$12,500" and inserting in lieu thereof "$15,000".

SEC. 2. Section 464(a)(2)(B) of the Higher Education Act of 1965 is amended by striking out "$6,000" and inserting in lieu thereof "$8,000".●

By Mr. CRANSTON (for himself and Mr. WILSON):

S. 1647. A bill to authorize the use of funds from rental of floating drydock and other marine equipment to support the National Maritime Museum in San Francisco, Calif.; to the Committee on Energy and Natural Resources.

NATIONAL MARITIME MUSEUM

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to authorize the Secretary of the Interior to use revenues acquired from the leasing of National Park Service drydock facilities and other heavy marine equipment for the maintenance and restoration of historic ships at the Golden Gate National Recreation Area in California. I am pleased that my colleague from California (Mr. WILSON) joins me in cosponsoring this bill.

Mr. President, the National Park Service owns seven historic ships which are part of the National Maritime Museum in the Golden Gate National Recreation Area. These ships are the *Hercules, Balclutha, Eureka, Alma, C.A. Thayler, Eppleton Hall* and *Wapama.* In terms of size and tonnage, this collection of vessels represents the largest single fleet of historic ships anywhere in the world.

Unfortunately, all of the ships need extensive maintenance and restoration, particularly the *Wapama.* This ship is rapidly deteriorating and repairs must be made soon—before structural damage becomes irreversi-

ble. Built in Saint Helens, Oreg., in 1915, 205 feet long, 945 gross tons, the *Wapama* is the last remaining example of 225 wooden steam schooners that transported lumber to ports along the west coast in the early part of this century. With the passing away of wind-driven sailing ships around 1900, steam schooners became a principal force in the development of the rich timberlands of the west coast, which in turn was essential to the growth of the West as a whole. Designed for the rough waters of the Pacific Ocean and faster than sailing ships, these steam schooners carried nearly all the lumber used to build homes and railways for the great migration to the West. The *Wapama* carried freight and passengers up and down the Pacific coast from 1915 to 1947 when the ship struck a rock in Alaskan waters damaging a forward portion of her hull. The *Wapama* was repaired on the surface, but no structural repairs were done.

Since 1962 the *Wapama* has been a museum ship, housed first at the San Francisco Maritime State Historic Park and later at the Golden Gate National Recreation Area's National Maritime Museum. In 1979, the ship was removed from display because it badly needed repairs. However, the Department of the Interior has not requested the funds necessary for this restoration work—in spite of the fact that the *Wapama* is listed on the National Register. It is my understanding that the Park Service, given budget constraints, instead has been seeking a means to undertake the repair work at no cost to the taxpayers. The legislation I am introducing today provides such a means.

Mr. President, the National Park Service also owns the Haslett Warehouse, Cliff House properties, Louis' Restaurant, AFDL-38 Drydock and other heavy marine equipment located at the Golden Gate National Recreation Area. The Haslett Warehouse, Cliff House Properties and Louis' Restaurant are presently leased out and are projected to produce $1.3 million in revenues this year. I understand lease of the drydock would provide an additional $75,000 in revenue annually. This bill expands current lease authority to include the AFDL-38 Drydock and other heavy marine equipment and provides that the revenues received be set aside specifically for restoration and maintenance of the historic ships at GGNRA.

Mr. President, the *Wapama* and other ships at GGNRA are one-of-a-kind vessels. Moreover, they are already in Federal ownership. We should not allow them to continue to deteriorate. Rather, we should protect our national investment and preserve these vessels for the public's knowledge and enjoyment. A recent article in the New York Times speaks to the importance of the *Wapama* and the need for action. I believe this legislation provides a solution to the current lack of funding. I urge the Senate to consider it favorably so we can save an important link with the past of the American west.

Mr. President, I ask unanimous consent that the New York Times article and the text of the bill be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 10, 1983]

OCEAN RELIC ROTS FOR LACK OF FUNDS

SAN FRANCISCO, July 9.—For nearly 50 years, ships of her kind helped open the Pacific Northwest, traversing the rugged coast with passengers to the Alaska gold fields and returning with lumber to build California's cities. Now the 67-year-old Wapama, the last example of the type, is rotting away in a backwater of the Oakland Estuary, a victim of what one National Park official called "the ugly duckling syndrome."

A lineal descendant of the graceful sailing schooners of the 19th century, the 205-foot steam-driven ship was built for sturdiness and cargo capacity, not looks.

"If she were only a graceful square-rigger, we wouldn't have the problems we're having," said Shirwin Smith, spokesman for the Golden Gate National Recreation Area, which owns the ship.

But Lowell White, the acting director of the western region of the National Park Service, said the service had nothing against the ship. "It's just a matter of priorities and not enough money to go around," he said.

RESTORATION WORK PUT OFF

In 1979 the Wapama was towed from her berth at the Maritime State Historical Park on Hyde Street Pier to an Oakland drydock for badly needed restoration work. The ship's wooden hull had not been worked on since she was built, and the winds and tidal surges at the pier had further weakened the hull.

The recreation area had been promised the $1.8 million then needed for the repairs. But the money was reallocated to cover Interior Department employee raises.

Because of inflation and the ship's further deterioration, the cost of restoring the vessel is now estimated at $4 million. The recreation area's attempts to raise the money, including the proposed sale of a local Interior Department drydock, have fallen through.

Harry Dring, who was responsible for the restoration and maintenance of the ships in San Francisco's Maritime Museum from 1959 to 1980, said the ship's deterioration was "a total dereliction of responsibility on the part of" the National Park Service. A naval architect recently estimated that the ship had a year to go before she "buckled up," he said.

The Wapama's supporters remain optimistic. Golden Gate National Recreation Area officials announced a plan earlier this year to redirect about $1.6 million of the park's maintenance budget over the next four years toward restoration of the vessel. Senator Alan Cranston, Democrat of California, is also proposing to the Senate Appropriations Committee that $3 million be appropriated in the fiscal year 1984 for initial restoration work on the ship.

S. 1647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (f) of section 4 of the Act entitled "An Act to establish the Golden Gate National Recreation Area in the State of California, and for other purposes", approved October 27, 1972 (Public Law 92-589; 16 U.S.C. 460bb-3(f)) is amended to read as follows:

"(f) Notwithstanding any provisions of law, in the administration of those parcels known as Haslett Warehouse, Cliff House Properties, and Louis' Restaurant and the AFDL-38 Drydock vessel and other heavy marine equipment located in San Francisco, California, the Secretary shall credit any proceeds from the rental of space in such parcels, and rental of such vessel and other heavy marine equipment, to the appropriation for the maintenance, repair, and related expenses of the vessels which are part of the National Maritime Museum in San Francisco, California. Surplus funds, if any, shall be deposited in the Treasury of the United States.".

By Mr. HEINZ (for himself, Mr. DODD, Mr. D'AMATO, Mr. RIEGLE, Mr. CRANSTON, Mr. LAUTENBERG, and Mr. MELCHER):

S. 1648. A bill to amend and extend certain Federal laws to improve housing opportunities for elderly and handicapped families; to the Committee on Banking, Housing, and Urban Affairs.

ELDERLY AND HANDICAPPED HOUSING ACT OF 1983

● Mr. HEINZ. Mr. President, today I am pleased to introduce with Senators DODD, RIEGLE, D'AMATO, CRANSTON, LAUTENBERG, and MELCHER, the Housing for the Elderly and Handicapped Act of 1983. This legislation would modify and consolidate current Federal programs providing housing assistance for elderly and handicapped households. If enacted, it would permit a significant expansion in new construction of housing specifically designed to meet the needs of the growing population of elderly and handicapped Americans. Similar legislation (H.R. 2435) has been introduced by Congressman LUNDINE in the House. Major portions of his bill have been included in the housing authorization bill, H.R. 1, by the House Banking, Finance and Urban Affairs Committee.

Mr. President, the availability of affordable, appropriate housing continues to be a source of great anxiety for many older people. This bill will redefine and strengthen our commitment to meeting the housing needs of America's elderly and handicapped population.

Our legislation would amend current law to revise and expand the section 202 program. The bill would consolidate current assistance to meet elderly housing needs within a single, more efficient program. Mr. President, I want

to make it clear at the outset that this reform package is not going to dramatically cut the cost of constructing specialized housing for the elderly and handicapped families. There are several cost-saving features, but the fact is that this proposal, drafted with the help of the Ad Hoc Elderly Housing Coalition, calls for 36,000 units of housing at roughly the same cost per unit as the current 202 program. It is true, as Mr. LUNDINE has stated, that the proposal would cut budget authority by over 50 percent because the current program reflects both 202 loan amount and 20 years of section 8 payments to repay the loan in the first year's BA. The revised financing and subsidy mechanism in this proposal would entail interest free advances instead of loans and fixed operating subsidies instead of section 8 subsidies. It would eliminate the unnecessary double accounting system in which the Government extends loans with one hand and pays itself back with another. This practice inflates costs and imposes unnecessary financial and reporting requirements on program sponsors.

Under the proposal, beginning in fiscal year 1985, 18,000 units would be authorized each year under the nonprofit sponsorship component of this revised section 202 program. An additional 18,000 units would also be available under a new supplemental program involving partial funding and administrative support from the State housing agencies. The financing and operating subsidy mechanism for the State program would be similar, but the level of Federal assistance would be reduced and the program would permit limited for-profit as well as nonprofit sponsors.

Together, these two programs—the revised section 202 and the State housing component—would provide 36,000 units of new elderly and handicapped housing annually.

In introducing this legislation today, Mr. President, we are not claiming that it represents the one solution to the housing needs of this country's elderly and handicapped citizens. Nor are we certain that the cost estimates in this bill will remain unchanged after further scrutiny by budget analysts and by Members of Congress. This is not a call for precipitous action. We bring this bill to the attention of the Senate because we believe that this bill could improve decent housing opportunities for that portion of the elderly population needing and deserving public support. At the same time, we know that we must explore all possible methods of housing the elderly. Many older persons can and will continue to own their own homes, to live with relatives or in shared housing arrangements, or to enter into home equity agreements with other individuals in the private sector. Others will choose to live in so-called Life Care Communities, which were the subject of a recent Senate Aging Committee oversight hearing.

We must examine these and other options for housing the elderly because, as we all know, there will be a dramatic growth in America's older population. The number of persons 55 years and older will doubled over the next 50 years, growing more rapidly than the total population. Although the elderly population is growing rapidly, the stock of decent, affordable rental housing for older persons is declining.

Our bill would dramatically reverse the recent trend in Federal funding for section 202 housing developments. When fully implemented, it would authorize construction of a total of 36,000 units per year. During the current fiscal year, the level of new construction under the section 202 program will decline to 14,000 units, compared to 17,200 units in fiscal year 1982 and 18,400 in fiscal year 1981. No new construction has been authorized under either the HUD's section 8 or public housing programs. About 70 percent of newly constructed section 8 units and 40 percent of public housing units have in the past been occupied by the elderly. Clearly, another, more cost-effective approach is necessary.

Under the existing section 202 program, the Federal Government makes direct loans to private, nonprofit project sponsors to use in developing housing that is specifically designed to meet the needs of low-income elderly and handicapped persons. Rental assistance is provided under the section 8 program to eligible residents so that they pay no more than 30 percent of their income for rent. Since the program's reactivation in 1976, over 95,000 units for the elderly and the handicapped have been constructed. Another 18,908 are underway, of which 16,118 are for elderly residents.

Over the years the section 202 program has evolved into the primary Federal financing vehicle for building housing for older persons that enables them to remain self-sufficient and independent in our society. Mr. President, these projects satisfy far more than the simple need for shelter. They provide a supportive environment where social, physical, and emotional needs are met without jeopardizing independence. The program has consciously targeted itself to the unique needs of the elderly and handicapped by incorporating congregate space and special design features such as nonslip floors, lower shelves, grab bars, and emergency call systems into the projects.

The 202 program has been successful because Congress has insisted upon maintaining its essential feature—the partnership between nonprofit sponsors and experienced general contractors. Most nonprofit groups have little or no expertise in developing housing projects. The Congress has always determined, however, that it is desirable to retain the participation of a broad array of nonprofit groups because these groups have brought to the 202 program a special dedication to develop quality projects, to locate them on good sites, to commit themselves to operate and maintain the project as well as possible over a long term. Equally significant as a measure of success is the virtually nonexistent default rate among section 202 sponsors.

The demand for appropriate housing within the reach of low-income elderly and handicapped persons is demonstrated in the waiting lists that commonly are kept by section 202 project sponsors. Several projects in my own State of Pennsylvania have waiting lists of over 250 names. Nationally, about five elderly persons are on the waiting list for each available section 202 unit. This demand in itself is a measure of the program's success.

My proposal also employs new financial incentives designed to reduce project development and operating costs, as well as to encourage the continued operation of projects for elderly residents long after the initial commitment period. Cost efficiency features of the proposed legislation include: First, 75 percent financing to profit-motivated sponsors thus reducing the Federal Government's share. State and local housing agencies will also bear a substantial part of the administrative burden. Second, low development costs and low operating costs are encouraged through the incentive of lower tenant rent-to-income ratios for projects that fall below HUD-established goals. Third, an economic mix in the projects would be encouraged to improve financial and social viability of projects. Fourth by using nonamortized loans, loan servicing costs would be avoided.

This proposal was developed with the assistance of several national organizations representing the interests of the elderly, including the Ad Hoc Coalition for Housing for the Elderly, the American Association of Homes for the Aging and the National Housing Conference. These and other groups have reviewed the legislation and endorsed its provisions.

Mr. President, housing for both the elderly and handicapped means more than simply placing a roof over their heads. It often means the opportunity to continue an independent life within a supportive physical and social environment, one that provides for the continued dignity of the individual and for the support of others. As chairman of the Senate Special Committee on Aging, and a member of the Housing Subcommittee of the Senate Banking Committee, I hope many of

my colleagues will join me as cosponsors of this legislation.

Mr. President, I ask unanimous consent that letters of support from the American Association of Homes for the Aging, and The Council of State Housing Agencies be inserted at the appropriate place in the RECORD

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN AAHA ASSOCIATION OF HOMES FOR THE AGING,
Washington, D.C., June 9, 1983.

Hon. JOHN HEINZ,
Chairman, Special Committee on Aging, U.S. Senate.

DEAR MR. CHAIRMAN: On behalf of the American Association of Homes for the Aging, we are pleased to understand that you will be introducing in the Senate companion legislation to revise the Section 202 program for housing for the elderly and handicapped. AAHA strongly endorsed the work of Congressman Stan Lundine in developing the revised subsidy mechanism adopted by the House Banking Committee. Accordingly, we enthusiastically endorse your efforts on behalf of this important new direction for the elderly housing program.

For over twenty years, Section 202 has provided high quality living arrangements for senior citizens. The partnership between the nonprofit community and the federal government has resulted in the most successful federal housing program to date. In 1974, your efforts brought new life to the Section 202 direct loan through the incorporation of the Section 8 rental assistance subsidy. The revised Section 202/8 program has enabled hundreds of thousands of older persons to enjoy safe affordable housing designed to meet their physical and social needs. However, the escalating cost of the Section 8 subsidy has begun to threaten the Section 202 program. In just three years, Section 202 production has dropped from 18,000 units in 1980 to barely 10,000 units in 1983. A second restructuring of the Section 202 subsidy is desperately needed to preserve this important source of financing for elderly housing.

Through the debate on the future of federal housing programs, a consensus has emerged that new construction of housing for the elderly continues to be a national priority. The 1984 revision of the Section 202 program will enable this priority goal to become a reality. The legislation you plan to introduce will enable the federal government to assist more than 36,000 elderly and handicapped households for the same level of budget authority the present program requires to produce only 14,000 units. This represents a major step in accomplishing the goals set forth by the 1981 White House Conference on Aging.

The American Association of Homes for the Aging applauds your forthcoming sponsorship of this important legislation and thanks you for your continued leadership on behalf of the housing needs of older Americans.

Sincerely,

SHELDON L. GOLDBERG,
Executive Vice President.
CHARLES EDWARDS,
General Counsel,
Director of Government Affairs.

COUNCIL OF STATE HOUSING AGENCIES,
Washington, D.C., May 18, 1983.

Hon. JOHN HEINZ,
Washington, D.C.

DEAR SENATOR HEINZ: The Council of State Housing Agencies commends your efforts to modify the current Section 202 program to allow for the participation of for profit sponsors and of state housing finance agencies. Forty-nine states now have state finance agencies and many localities have similar institutions. The participation of these agencies would greatly enhance federal program efforts for the elderly.

The Council would like to support you in your effort to amend the Senate Housing Authorization bill to reflect your purpose in asserting your proposal. To discuss details of the amendment and our support, I would welcome the opportunity to meet with you on this in the near future. In the interim should you require any additional information from us on the experience or the capacity of housing finance agencies to add value to the Section 202 program, please feel free to contact me.

Thank you for your leadership on this very important issue.

Sincerely,

THOMAS W. WHITE,
Executive Vice President.

● Mr. DODD. Mr. President, I am pleased to join with my distinguished colleague and friend from Pennsylvania (Mr. HEINZ) as a principal sponsor of the Housing for the Elderly and Handicapped Act of 1983. This legislation is a revision and expansion of the current section 202 program. Under the leadership of Congressman STAN LUNDINE of New York, this matter has been approved for inclusion in housing authorization legislation currently awaiting floor action in the other body.

Under the current 202 program, nonprofit sponsors receive both direct loans from the Federal Government for the development or rehabilitation of housing and rent subsidies for all units under the section 8 program to further insure the sound operation of these developments at affordable rent levels. This is an extremely costly undertaking, and further, these forms of assistance involve substantial commitments of long-term Federal budget authority.

Under the terms of the legislation we are introducing today, program financing would be changed to a system of deferred, interest-free advances, combined with annual operating deficit subsidies. While the Congressional Budget Office is examining the effects of such a change, it is estimated that this proposal could result in budget authority saving of up to 50 percent over the current system since loans will not be amortized over time and section 8 subsidies will not be necessary to meet debt service requirements. These budget authority savings can be directed to an expansion of our efforts to serve a greater number of our senior citizens in need of decent shelter.

I want to emphasize that this initiative will not necessarily result in any significant reduction in the cost of developing elderly and handicapped housing. By virtue of necessary design and service components, this will continue to be a costly undertaking. This proposal does project the Federal budget costs more realistically and presents the Congress with the opportunity to consider expanding both the recent size of our efforts in this area, as well as whether the program should be available to a broader range of the elderly population and other than nonprofit sponsors.

Our sponsorship of this proposal is intended to focus the attention of the Congress on creative, alternative means of meeting this Nation's housing obligations to an increasing segment of the population. In addition, I would trust that such an examination would include a more comprehensive look at other means of addressing the shelter needs of senior and handicapped citizens. This is in keeping with a proposal which I introduced and is now included in the recently reported Housing and Community Development Act of 1983 establishing an older Americans housing demonstration program. It is my hope that both the Aging and Banking Committees will give priority attention to these matters in the months ahead.●

● Mr. D'AMATO. Mr. President, I am pleased today to join my distinguished colleague from Pennsylvania in introducing the Consolidation of Housing for Elderly and Handicapped Families Act of 1983. I have long been, and will continue to be, a strong supporter of the section 202 program.

This program has provided more than a safe and decent home for many of this Nation's old and handicapped. beyond serving this worthy function, the section 202 program also has provided those less fortunate in our society with a sense of dignity, self-respect, and independence that only comes with the privilege of maintaining one's own residence. Indeed, the section 202 program represents the very values that have made this country great and it symbolizes our compassion for those truly in need.

Thus, Mr. President, I feel it is only fitting that this Congress demonstrate its support for the section 202 program by revising and expanding it so that its continued viability may be assured. Like many Federal programs, the section 202 program is currently entangled in a thicket of legislative and bureaucratic procedure which falsely bloats its actual budget impact and complicates its administration. The proposal we introduce today will free the section 202 program from this unnecessary and burdensome administrative baggage and allow it to reach its full potential in serving the needs

of the elderly and handicapped. Additionally, without infringing on the very successful section 202 program now exclusively in the domain of nonprofit organizations, this expanded section 202 program will tap the creative and financial resources of private sponsors with the assistance of countless State housing agencies that have vast experience and expertise in housing development.

Mr. President, despite the effectiveness of the current section 202 program, the housing needs of this Nation's elderly are far from fulfilled. It is estimated that nearly 16 percent of our Nation's elderly live on incomes below the national poverty level and nearly 20 percent occupy substandard housing. It is in the interests of better serving these needs, as well as the needs of our Nation's handicapped, that I cosponsor this legislation. It is my hope that this Congress will see fit to reaffirm its commitment to its elderly and handicapped and support this and other innovative initiatives toward this goal.●

● Mr. LAUTENBERG. Mr. President, I am pleased to join with my colleagues, Senators HEINZ and DODD, as a principal sponsor of the Elderly and Handicapped Housing Act of 1983. Senators HEINZ and DODD have provided outstanding leadership in assuring housing assistance to our elderly and handicapped citizens.

The bill we introduce today focuses needed attention on the housing needs of the elderly and handicapped. This legislation, which has been included in the housing authorization bill recently passed by the House through the efforts of Representative STAN LUNDINE of New York, constitutes a revision and expansion of the section 202 program.

Meeting the Housing needs of our elderly population is an important undertaking. Special design features such as handrails, emergency call systems and wheelchairs are a necessary part of these projects. This bill seeks a more efficient, if not less costly, means of providing this assistance. The legislation is innovative in that it is a departure from the existing practice of tying direct loans to section 8 rental assistance. By providing front-end assistance through noninterest-paying deferred payment advances and operating cost deficit contract, this legislation seeks to reduce the long-term Federal budget authority required under the current program.

Mr. President, in these times of strict budget limits, it is important to examine means to expand our goals within the limits of constrained budget authority. This legislation attempts to do just that. We need to increase our assistance to the elderly and handicapped who are in need of housing, while trying to avoid commitments of budget authority far into the future. This bill will increase our level of assistance from 14,000 units in 1984 to 36,000 in 1985. This bill constitutes an attempt to get more for our money while maintaining the character of a successful section 202 program with its commitment to the elderly and handicapped community.

This bill also raises the issue of the role of for-profit entities and State housing finance agencies in developing housing for the elderly and handicapped. There is likely to be substantial attention to the proper differences between the nonprofit and for-profit sector in providing this housing assistance.

The introduction of this legislation will provide the Congress with an opportunity to examine an innovative expansion of housing for the elderly and handicapped.

The bill has the support of the Ad Hoc Coalition for Housing for the Elderly and other advocates for the elderly and handicapped. The work of the Committee on Aging, chaired by Senator HEINZ, has been essential to the development of this legislation.

I am pleased to join my distinguished colleagues as a sponsor of this legislation.●

By Mr. MOYNIHAN (for himself and Mr. DANFORTH):

S. 1649. A bill to amend the Internal Revenue Code of 1954 to provide that certain museums and organizations which operate libraries will be treated as public charities; to the Committee on Finance.

TAX TREATMENT OF CERTAIN MUSEUMS AND LIBRARIES

● Mr. MOYNIHAN. Mr. President, I rise today with Senator DANFORTH to introduce a bill to amend section 170 of the Internal Revenue Code concerning the tax treatment of certain museums and libraries. My bill would make it easier for these institutions to qualify as public charities.

Under current law, a museum can qualify as either a public charity or a private foundation. It is advantageous for a museum to be a public charity, in part, because it is easier as a public charity to obtain grants from foundations. The reasons: A foundation has to exercise "expenditure responsibility" for the money it donates to other foundations, but not to public charities. Section 4945(h) of the Internal Revenue Code defines "expenditure responsibility" as a duty to "exert all reasonable efforts * * * to see that the grant is spent solely for the purpose for which made, to obtain full and complete reports from the grantee on how the funds are spent, and to make full and detailed reports" to the IRS. This involves a great deal of paperwork, and, for reasons that are all too obvious, foundations prefer to avoid the added work and expense.

Another reason museums prefer to qualify as a public charity rather than a private foundation is the investment excise tax. A private foundation must pay an annual 2-percent excise tax on its net investment income, and has to file a special tax return to do so. A public charity does not.

The list of public charity advantages continues. A private foundation is also prohibited from dealing with anyone on a lengthy list of "disqualified persons." For instance, under the law, family members of persons who own large blocks of stock in corporations contributing money to the foundation are considered disqualified persons. The list of disqualified persons is such, then, that a foundation may find itself unwittingly breaking the law.

And the penalty for violating the law can be stiff. The disqualified person has to pay a special tax equal to 5 percent of the amount involved, and the tax increases to 200 percent if the infraction is not corrected after notice from the IRS. A public charity, on the other hand, is prohibited only from dealing with persons for their own advancement.

There is yet another advantage. A private foundation is prohibited from owning more than 35 percent of the stock in any unrelated business. If the business is controlled by a disqualified person, the foundation may own an even lesser percentage of stock. Again, the penalty for violating this provision is an additional tax of 5 percent of the excess business holding, increasing to 200 percent if the violation is not corrected after IRS notice. A public charity, of course, is not subject to this restriction.

And last, a private foundation must file a special information return with the IRS. A public charity does not have to meet this requirement.

I do not challenge the basis for regulating private foundations in this way. I only ask if certain museums should not qualify as public charities.

The test for determining whether an exempt organization is a private foundation is found in section 509 of the Internal Revenue Code. In general, a museum can be considered a public charity, rather than a private foundation, if among other tests it receives more than one-third of its support in the form of small "gifts, grants, contributions * * * [and from] admissions" fees. The IRS regulations say that this one-third test is "designed to insure that an organization which is excluded from private foundation status * * * is responsive to the general public, rather than to the private interests of a limited number of donors or other persons."

My bill would add a special test for museums to qualify for public charity tax status. A museum that failed to meet the one-third test could still

qualify as a public charity if at least one-fourth of the museum's directors are public officials or persons appointed by public officials to act in the public interest. To qualify as a public charity, the museum must also be a permanent organization with a professional staff. It also must display tangible objects and be open to the general public for free or nominal charge, on a regular and continuous basis.

Why does the tax law distinguish between public charities and private foundations? In the 1960's some foundations were found to be abusing their exemptions from Federal income taxes. Some wealthy families transferred stock holdings to a foundation, while retaining control of the corporation—avoiding both the income tax on dividends and the estate tax on the value of the stock. Said Stanley S. Surrey, Assistant Treasury Secretary for Tax Policy, in a February 23, 1967 speech:

> The present resort of tax and business planners to the creation of a private foundation to hold the stock of a business enterprise so as to perpetuate the family control of that enterprise is a complete distortion of the policies and philanthropic motivations that underlie the tax benefits granted charitable contributions and charitable institutions.

Individuals who contribute money to foundations, of course, can deduct their contributions from their income taxes. Congress also found, however, that some foundations were simply investing this money, rather than supporting charitable works.

Congress designed the 1969 Tax Reform Act to end such abuses. Since all tax-exempt organizations were not abusing the law, the new rules did not apply to all organizations. Instead, Congress created a new subspecies, termed "private foundations," for targeted regulation. As the Ways and Means Committee explained in its report on the 1969 act:

> The problems that gave rise to the statutory provisions of the bill . . . appear to be especially prevalent in the case of some organizations. However . . . certain other organizations . . . generally do not give rise to the problems which have led to the restrictions and limitations.

The main determinant of whether an organization should be considered a private foundation for tax purposes, The committee said, is the degree to which "the organization is responsive to the general public."

The American Enterprise Institute, in a book on "The Tax Reform Act of 1969," explained:

> The statutory definition of 'private foundation' reflects an underlying congressional philosophy which turns upon a very crucial distinction between organizations that are privately financed and those that depend upon the public for their support. In the latter case, the organization is subject to the discipline of public opinion. If it misbehaves, misuses its capital, or engages in questionable practices, the public will presumably learn about it, and by the simple expedient of cutting off contributions, correct that which has become offensive. On the other hand, the institution that is privately financed is subjcet to no such corrective influence and therefore must be regulated in some other way.

The bill that I am introducing today would affect at least four museums in four States: The Strong Museum of Rochester, N.Y.; the Mariners Museum of Newport News, Va.; the Merrimack Valley Textile Museum in North Andover, Mass.; and the Philadelphia Maritime Museum.

My bill is reasonable and equitable. First, the likelihood that public museums have been abusing the tax laws, or have been used to do so, is very slim. there are certainly easier and more efficient ways to shelter corporate stock than to a set up a public museum. And certainly there are easier and more efficient ways for wealthy families to finance one's exotic past times or interests. Any contribution a museum receives almost always go directly into paying for an exhibit, rather than into a portfolio investment. It is for this reason that hospitals, schools and such are not private foundations.

And second, a private foundation is an exempt organization relatively immune to public pressure. How reliant an organization is on the public for support is one test of its immunity from public pressure. This is the test in the current statute. I propose to add another test, one that is just as good. Is the museum a permanent organization with a professional staff and normal viewing hours for the public, and are there people representing the public interest on the board of directors of the museum?

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1649

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subparagraph (A) of section 170(b)(1) of the Internal Revenue Code of 1954 (relating to percentage limitations) is amended by striking out "or" at the end of clause (vii), by adding "or" at the end of clause (viii), and by inserting after clause (viii) the following new clause:

"(ix) a museum (as defined in subparagraph (F)(i)) if 25 percent or more of its governing body consists of individuals (other than disqualified persons as defined in subparagraph (F)(ii) with respect to the museum) who are described in any of the following subclauses:

"(I) community leaders or other individuals representing a broad cross-section of the views and interests of the community,

"(II) members of such governing body by reason of being a public official, or

"(III) individuals selected to be members of such governing body by a public official,".

(b) Paragraph (1) of section 170(b) of such Code is amended by adding at the end thereof the followign new subparagraph:

"(F) SPECIAL RULES FOR SUBPARAGRAPH (A)(ix).—For purposes of subparagraph (A)(ix)—

"(i) MUSEUM.—the term 'museum' means any organization the principal function of which is (through the utilization of a professional staff) the exhibition of tangible objects to the general public on a regular and continuous basis for free or at a nominal charge.

"(ii) DISQUALIFIED PERSON.—The term 'disqualified person' has the meaning given to such term by section 4946; except that an individual shall not be treated as a disqualified person merely by reason of being a member of the governing body of the organization."

SEC. 2. (a) Clause (ii) of section 170(b)(1)(A) of the Internal Revenue code of 1954 (relating to charitable, etc. contributions and gifts) is amended by adding at the end thereof: "or any organization which operates a qualified library within the meaning of subparagraph (G)."

(b) Paragraph (1) of section 170(b) of such Code is amended by adding at the end thereof the following new subparagraph:

"(G) QUALIFIED LIBRARIES.—For purposes of subparagraph (A)(ii), a library shall be treated as a qualified library if—

"(i) such library was established as a library by a law of a State, a law of the United States, a law of a possession of the United States, a law of the District of Columbia, or, before 1789, in the geographic area now comprising the United States and such library is operated by an organization as a permanent and principal part of the public services of such organization; or

"(ii) such library is open and available to the general public, does not charge a fee for admission to its premises or use on the premises of the library collection, and is operated by an organization, none of whose income is expended for purposes other than the construction, maintenance, expansion, operation or management of such library, its collection and the premises on which such library is located."

SEC. 3. The amendments made by this Act shall apply to taxable years ending after the date of the enactment of this Act; except that, for purposes of applying sections 507 and 509(c) of the Internal Revenue Code of 1954 with respect to taxable years ending after such date, such amendments shall be treated as in effect for all periods on or after October 9, 1969.

● Mr. DANFORTH. Mr. President, I am pleased to cosponsor the bill just introduced by my friend from New York, Mr. MOYNIHAN. This bill provides that a tax-exempt organization operating a library or museum is, under certain circumstances, to be treated as a public charity for tax purposes. This bill is similar, in its treatment of libraries, to legislation I introduced in the last Congress.

Under the bill, these organizations would be treated the same way that other educational organizations such as schools and universities are treated. In order to qualify for public charity treatment, the library operated by the organization would have to be operated as a permanent and principal part of the tax-exempt activities of the or-

ganization and be organized by a public act of the United States, of any State, of the District of Columbia, or of any possession of the United States, or be in existence prior to 1789. Alternatively, if the library is open and available to the public at no charge and is operated as the sole activity of the organization in issue, public charity treatment would be extended. Libraries which meet either of these tests are not different in any material manner from other educational institutions that are already accorded public charity status under the Internal Revenue Code. In my opinion, the time has come to equalize the treatment of these similar institutions.

Under current law, some tax-exempt organizations that operate libraries of the type I have just described run the annual risk that they will fail to meet the Internal Revenue Service's guidelines to qualify as a "publicly supported organization" and that they will be classified as private foundations. For example, two libraries in Missouri that meet these tests, the St. Louis Mercantile Library in St. Louis and the Linda Hall Library in Kansas City, run the annual risk of being classified as private foundations because of investment income from their endowments. Once classified as a private foundation, an organization must pay an annual excise tax equal to 2 percent of its net investment income. In order to avoid this tax, libraries of the type that are the subject of this bill will often spend substantial amounts in legal and accounting fees trying to insure that they meet the "publicly supported organization test." Even then they may not meet the "publicly supported" test. Whether the organization spends its money paying the excise tax or in legal and accounting fees, I believe that as a matter of public policy, we would be better off if the money were spent acquiring books and other library materials.

There is another adverse aspect of being classified as a private foundation. A library that is classified as a private foundation has a more difficult task than an organization classified as a public charity in soliciting funds from potential contributors. A private foundation that is not an operating foundation may make contributions to public charities and private operating foundations, but generally may not make qualifying contributions to other private foundations that are not operating foundations. Because of the uncertainty as to whether a private operating foundation continues to qualify as an operating foundation—there are complex tests that must be satisfied annually—many individual contributors and other private foundations that are not operating foundations are hesitant to contribute funds to such an organization even though it clearly serves a public purpose. As a result, funds that would otherwise go to libraries described in the bill are diverted to other charitable organizations. This is not a hypothetical problem. I am aware of at least one situation where a private foundation that formerly made a $10,000-a-year grant to the St. Louis Mercantile Library has ceased making such grants solely because of the library's private foundation status.

Finally, libraries that are classified as private foundations must, in addition to the 2-percent excise tax, pay annual legal and accounting fees to insure that they comply with the private operating foundation rules set out in the Internal Revenue Code. Again, I believe these funds could be better spent on library activities.

I do not believe that enactment of this bill will open the floodgates to legislation exempting all sorts of organizations from the private foundation rules. The legislation is narrowly drawn and the organizations involved in the bill serve the public. No allegations have been made that these organizations have engaged in the types of activity which led to the enactment of the private foundation rules in 1969. These organizations serve the public exclusively and should be treated accordingly. They should be classified as public charities.

Since I know of only two libraries that would be affected by this legislation, I would like to briefly describe each of these institutions.

The Linda Hall Library was established in 1946. The instruments governing its establishment and operation specifically provide that the library shall be open and available to the public at no charge. These instruments also provide that none of the library's income shall be expended for purposes other than the construction, maintenance, expansion, operation or management of the library. The library is maintained in its own buildings situated on a tract of land adjacent to the University of Missouri at Kansas City in Kansas City, Mo.

Since its establishment, the library has assembled one of the Nation's most extensive and notable collections devoted to science and technology including more than 460,000 volumes and over 620,000 microforms. Together with a distinguished retrospective collection, it also has very extensive holdings of current books and journals from all countries where publications at the research level in science and technology are available. Among those works especially valuable to research scientists throughout the United States, and not widely held by other institutions, are the library's comprehensive collections of current journals from the Soviet Union, Japan, and the People's Republic of China.

The Linda Hall Library maintains a program of providing photocopies of its materials to persons upon request, whenever requests for such services are consistent with copyright laws and with the Copyright Clearance Center procedures. It also maintains a program of lending portions of its collection from time to time to other libraries. Shortly after its establishment, the library purchased the entire collection of the American Academy of Arts and Sciences which had its principal offices in Boston, Mass. After the purchase, the Linda Hall Library agreed to act as the agent of the academy in continuing its broad exchange program with libraries and learned societies throughout the world.

In the early years of its existence, the Linda Hall Library was selected by the Atomic Energy Commission as 1 of 15 or 20 depositories throughout the United States for its literature, and the library continues to maintain a collection of material relating to the AEC's successor organization, the Energy Research and Development Administration. In the late 1950's the National Aeronautics and Space Administration selected Linda Hall Library as a depository for the literature which it distributes in connection with its information program. Literature is still being sent by NASA to the library in connection with this program.

Linda Hall Library is a depository for all specifications and standards to be used by individuals and organizations when dealing with military and civilian projects of the Federal Government. The library also maintains the patent specifications for all patents issued by the U.S. Government since July 1946, and is a depository for all current maps issued by the U.S. Geological Survey.

Linda Hall Library maintains a very close relationship with the University of Missouri at Kansas City which is almost entirely dependent upon Linda Hall for library material in the areas of science and technology.

The St. Louis Mercantile Library Association was established in 1946 to form a well-rounded collection of books for the information and convenience of St. Louisans. The formation of the library was authorized and approved by a public act of the General Assembly of the State of Missouri. The library is maintained in its own building in downtown St. Louis.

Over the past 132 years the library has assembled a notable collection of books, now over 213,000 volumes, comprising a general collection in the liberal arts area, with emphasis on history, biography, travel, philosophy, religion, and the arts. The library maintains one of the country's distinguished and most comprehensive collections of regional history pertaining to St. Louis and Western Americana.

The Western Americana collection, with approximately 55,000 rare books,

is probably the most comprehensive collection in that field in existence. The collection is frequently consulted and referred to by many historians in this field. In addition, the library has one of the most complete files available in the St. Louis area for 6 local papers, including some 500 bound volumes of St. Louis newpapers, beginning with 1812—a few of these cannot be obtained in any other library. The library has also been the recipient of many valuable gifts during its existence. These gifts include the fragmentary journal of Pierre Laclede's stepson, Auguste Chouteau, describing the founding of St. Louis, and the original manuscript, "Journal of the Proceedings of the First Legislative Council of the Territory of Louisiana, from June 3, 1806 to October 9, 1811."

For individuals researching the organization of the territorial government of the Louisiana Purchase or Missouri's first steps toward statehood, these documents are of extreme importance. Another notable possession is the four-volume elephant folio of Audubon's "Birds of America." The library is open to the public and currently maintains a broad-based membership of over 2,000. While membership is necessary to check out materials—membership dues are currently a nominal $10 per year—anyone can use the books and collection on the premises of the library. The library is also made available to students from Washington Unversity to observe the library's unique cataloging systems, reference department and rare book room.

In my opinion, neither the St. Louis Mercantile Library nor the Linda Hall Library should be penalized by the private foundation rules and applicable excise taxes. These provisions were not intended to penalize organizations that clearly provide a public benefit such as these libraries do. I also believe that libraries such as these should not be burdened with the additional legal and accounting expenses incident to the private foundation rules.●

By Mr. LEVIN (for himself, Mr. BOREN, Mr. GRASSLEY, Mr. KASTEN, and Mr. DECONCINI):

S. 1650. A bill to increase the accountability of, policy coordination by, and management of priorities by agencies through an improved mechanism for congressional oversight of the rule of agencies; to the Committee on Governmental Affairs.

AGENCY ACCOUNTABILITY ACT OF 1983

● Mr. LEVIN. Mr. President, today Senator BOREN, Senator GRASSLEY, Senator KASTEN, and Senator DECONCINI and I are introducing the Levin-Boren joint resolution legislative veto which would apply to all rules under the Administrative Procedure Act which are subject to public notice and comment.

We are all aware of the overwhelming consequences of the Supreme Court's recent decision in the Chadha case, in which the Court held, basically, that legislative veto that did not satisfy the demands of article I of the Constitution, namely bicameral passage and presentment to the President, was unconstitutional. And, a few days later the Court confirmed what we all expected after the Chadha decision, that a legislative veto over independent regulatory agencies requires no less than that for the executive departments.

This bill we are introducing today addresses the constitutional infirmities of current legislative vetos without sacrificing their principle advantage—to enable Congress to stop a rule before it takes effect.

Our proposal solves the constitutional problems because it uses a joint resolution as the vehicle for disapproval. The joint resolution, like any other piece of legislation, requires passage by both houses and approval by the President with the opportunity for a two-third's congressional vote to override a Presidential veto.

At the same time it retains the essence of the other legislative vetos because it delays the effective date of a rule in order for Congress to have an opportunity to decide whether or not to act to disapprove the rule.

The bill requires that no rule can take effect for 30 days after it is published as final. During that time, if the committee of either House having legislative jurisdiction over the rule votes to report a joint resolution of disapproval, the rule cannot take effect for an additional 60 days, during which time both Houses of Congress must pass the resolution—and the President must sign it—in order to prevent the rule from taking effect. The days referred to in the bill are legislative days. In the event of an adjournment sine die at the end of the Congress, the rule can take effect, provided, however, that the agency has forwarded the rule to the Congress for at least 30 days prior to adjournment. For rules that do not meet the 30-day deadline, they cannot take effect until the next Congress, unless there is an urgent circumstance requiring immediate implementation as attested to by the head of the rulemaking agency to the appropriate committee chairman. To make sure that Congress has sufficient time to act within the prescribed periods, the bill establishes expedited procedures for consideration of the joint resolution of disapproval. That way the resolution cannot be bottled up in committee or filibustered to death.

Senator BOREN and I have supported this approach to legislative veto since 1979, when we offered it as an amendment to that year's FTC reauthorization. It passed the Senate at that time by a vote of 87 to 10. The two-House concurrent resolution type legislative veto finally adopted for FTC rules resulted from a compromise with the House which had passed a one-House legislative veto earlier.

Also in 1979, the Government Affairs Committee held a hearing on the Levin-Boren proposal and proceeded to report it to the floor by a vote of 11 to 4.

During the last Congress, in an effort to unite the forces supporting legislative veto, Senator BOREN and I joined with Senators Schmitt and GRASSLEY to offer a two House—concurrent resolution—legislative veto on the regulatory reform bill, S. 1080. That proposal has been incorporated into the current regulatory reform bill, S. 1080, also. However, that proposal in light of Chadha, is no longer viable, because it does not involve the President in the disapproval process.

Congress needs to act quickly on this bill. As a result of the Chadha decision, the following agencies over which we had imposed certain legislative veto provisions are no longer covered: the Department of Education, the Federal Election Commission, the Social Security Administration, the Federal Trade Commission, the Pension Benefit Guarantee Corporation, the Farm Credit Administration, the Environmental Protection Agency, the Department of the Interior, and the Federal Energy Regulatory Commission.

It also makes practical sense to impose on each of the agencies a standard process so that unlike so many of our Federal programs which have conflicting and duplicative requirements, the legislative veto over agency rulemakings can be consistent and uniform.

The Supreme Court may have forced us to modify the mechanism by which we in Congress can address the problem of losing control over the burgeoning power of rulemaking agencies, but it did not change the fact that the problem still exists.

I took on this issue because of my deep concern that the key decisions involving the most important programs that affect our lives may very well be out of our control, and I felt then as I feel now, that such a fact is unacceptable in a democratic system. The legislative veto allows for greater accountability in a process which has all too little accountability.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Agency Accountability Act of 1983".

SEC. 2. (a) The Congress finds a declares that—

(1) agencies issue a large number of rules that have a significant impact on the Nation;

(2) these agencies are staffed by persons who are not elected and who are therefore not directly accountable to the public;

(3) some of the rules issued by these agencies may conflict with or duplicate other rules or may not conform with legislative intent;

(4) conflicting or duplicative rules may contribute to governmental inefficiency, and rules which do not conform with legislative intent may frustrate the purposes and implementation of congressionally mandated programs; and

(5) conflicting or duplicative rules and rules which do not conform with legislative intent may also impose unnecessary burdens on State and local governments.

(b) It is the purpose of this Act, therefore, to assure increased agency accountability to the public through their elected officials and adherence to legislative intent in the issuance of agency rules.

SEC. 3. (a) Each agency shall prepare an agenda listing all areas in which the agency intends to propose significant rules within the following twelve-month period. The agency shall transmit such agenda or relevant portion thereof to the appropriate committee in the Senate and the House of Representatives. Failure to list an area of possible rulemaking on an agenda shall not preclude an agency from proposing or issuing any rule. The agenda, or relevant portion thereof, shall be transmitted to the appropriate committees within one hundred and eighty days after the effective date of this Act and semiannually thereafter.

(b) On the day an agency forwards to the Federal Register for publication a recommended final rule the agency shall transmit a copy of such rule to the Secretary of the Senate and the Clerk of the House of Representatives. The Secretary of the Senate and Clerk of the House of Representatives shall be authorized to receive a recommended final rule under this subsection whether the appropriate House is in session or recess.

(c) On the day on which the Secretary of the Senate and the Clerk of the House of Representatives receive a recommended final rule the Secretary and the Clerk shall transmit a copy of such rule to the appropriate committees.

SEC. 4. (a) Notwithstanding any other provision of law, no recommended final rule may become effective until the expiration of a period of thirty days after the date on which such rule is received by the Secretary of the Senate and the Clerk of the House of Representatives. If before the expiration of such thirty-day period, either appropriate committee orders reported or is discharged from consideration of a joint resolution with respect to such rule, such rule may not become effective until the earlier of—

(1) the expiration of a period of sixty days beginning on the date on which the committee ordered reported or is discharged from consideration of such joint resolution, except that such rule may not become effective under this paragraph if within such sixty-day period a joint resolution with respect to such rule has become law;

(2) any time after either House of Congress has rejected a joint resolution with respect to such rule; or

(3) the adjournment of Congress sine die at the end of a Congress, except that such rule may not become effective under this paragraph if—

(A) a period of thirty days has not expired since the date on which such rule was received by the appropriate committees; and

(B) within such thirty-day period, a joint resolution with respect to such rule has become law.

"(b) Notwithstanding any other provision of law, any final rule subject to this section shall be considered a recommendation of the agency to the Congress and shall have no force and effect as a rule unless such rule has become effective in accordance with this section.

(c) Whenever an appropriate committee reports a joint resolution pursuant to this section, the resolution shall be accompanied by a committee report specifying the reasons for the committee's action.

(d) For purposes of this section—

(1) "days" means only days of continuous session of Congress;

(2) continuity of session is broken only by an adjournment sine die at the end of a Congress; and

(3) the days on which either House is not in session because of an adjournment or recess to a day certain shall be excluded in the computation of days of continuous session of Congress for the thirty-day period referred to herein if the adjournment is for more than three days, and shall be excluded in such computation for the sixty-day period referred to herein if the adjournment is for more than fifteen days.

SEC. 5. The provisions of section 3 and section 4 of this Act may be waived with respect to a particular rule if—

(1) the head of the agency promulgating the rule—

(A) makes a finding with respect to such rule under clause (B) of section 553(b) of title 5, United States Code; or

(B) determines that such rule is being issued in response to an emergency situation or other exceptional circumstances requiring immediate agency action in the public interest, or that the contents of such rule must be kept confidential prior to the effective date of such rule; and

(2) the head of the agency submits to the chairman and ranking minority members of the appropriate committees a written notice of the finding under subparagraph (A) of paragraph (1) or the determination under subparagraph (B) of such paragraph.

SEC. 6. Congressional inaction on, or rejection of, any resolution of disapproval concerning a rule shall not be deemed an expression of approval of the rule involved. The compliance of any agency with the requirements of this Act, including any determination by an agency under this Act, shall not be subject to judicial review of any kind.

SEC. 7. (a) The term "agency" has the same meaning as in section 551(1) of title 5, United States Code.

(b) The term "appropriate committee" means the committee in the House of Representatives and the committee in the Senate which has primary legislative jurisdiction over the statute pursuant to which the agency may issue a particular rule.

(c) The term "rule" means a rule subject to section 553 of title 5, United States Code, except that such term does not include any rule of particular applicability that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing.

(d) The term "significant rule" means any rule which an agency shall determine to be significant. In determining whether a rule is significant, the agency shall consider among other things: the type and number of individuals, businesses, organizations, and State and local governments affected; the compliance and reporting requirements likely to be involved; the direct and indirect effects of the rule, including the effect on competition; and the relationship of the rule to rules of other programs and agencies.

(c) The term "joint resolution" means only an unamendable resolution, the matter after the resolving clause of which read: "That the Senate and the House of Representatives disapprove the rule entitled , transmitted to the Congress by on , 19 .", the blank spaces to be filled in with the appropriate title of the rule, agency, and date.

SEC. 8. (a) If a recommended final rule of an agency is disapproved under this section, the agency may issue a recommended final rule which relates to the same acts or practices as the disapproved rule. Such recommended final rule—

"(1) shall be based upon—

"(i) the rule making record of the recommended final rule disapproved by the Congress; or

"(ii) such rule making record and the record established in supplemental rule making proceedings conducted by the agency in accordance with section 553 of this title, in any case in which the agency determines that it is necessary to supplement the existing rule making record; and

"(2) may reflect such changes as the agency considers necessary or appropriate including such changes as may be appropriate in light of congressional debate and consideration of the resolution of disapproval with respect to the rule.

"(b) An agency, after issuing a recommended final rule under this subsection, shall transmit such rule to the Secretary of the Senate and the Clerk of the House of Representive in accordance with subsection 3(b) of this section, and such rule shall only become effective in accordance with such subsection.

SEC. 9. (a) The provisions of this section, subsection (b) and (e) of section 7, and subsection (c) of section 4 are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of joint resolutions; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(b) Except as provided in subsection (e) of this section, joint resolutions shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or the

House of Representatives to the appropriate committee of the Senate or the House of Representatives, as the case may be.

"(c)(1)(A) Except as provided in subparagraph (B) of this paragraph, if the committee to which a joint resolution has been referred does not report such resolution within 20 days of continuous session of Congress after the date of transmittal to the Congress of the recommended final rule to which such joint resolution relates, it shall be in order to move to discharge the committee from further consideration of such resolution.

"(B) If the committee to which a joint resolution transmitted from the other House has been referred does not report such resolution within 30 days after the date of transmittal of such resolution from the other House, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(2) Any motion to discharge under paragraph (1) of this subsection must be supported in writing by one-fifth of the Members, duly chosen and sworn, of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after a joint resolution has been reported with respect to the same rule); and debate thereon shall be limited to not more than one hour, the time to be divided in the House of Representatives equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled, by the majority leader and the minority leader or their designees. An amendment to the motion is not in order.

"(d)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of a joint resolution shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of joint resolution, or when the companion joint resolution from the other House has been placed on the calendar of the first House, it shall be in order, notwithstanding the provisions of rule XXII of the Standing Rules of the Senate or any other rule of the Senate or the House of Representatives, at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the immediate consideration of either such joint resolution. The motion is highly privileged in the House and privileged in the Senate and is not debatable. An amendment to the motion is not in order.

"(3) Debate on joint resolution shall be limited to not more than two hours (except that when one House has debated the joint resolution of that House, the companion joint resolution of the other House shall not be debatable), which shall be divided in the House of Representatives equally between those favoring and those opposing the resolution and which shall be divided in the Senate equally between, and controlled, by the majority leader and the minority leader or their designees. A motion further to limit debate is not in order. An amendment to, or motion to recommit the joint resolution is not in order. A motion to reconsider shall be in order only on the day on which occurs the vote on adoption of the joint resolution, and shall not be debatable. Any other motions shall be decided without debate.

"(c) If a joint resolution has been ordered reported or discharged from the committee of the House to which it was referred, and that House receives a joint resolution with respect to the same rule from the other House, the resolution of disapproval of the other House shall be placed on the appropriate calendar of the first House. If prior to the disposition of a joint resolution of one house, that House receives a joint resolution with respect to the same rule from the other House, the vote in the first House shall occur on the joint resolution of the other House."

SEC. 10. (a) Section 553(a)(2) of title 5, United States Code, is amended by striking out "or to public property, loans, grants, benefits or contracts".

(b) Clause (A) of section 553(b) of such title is amended to read as follows:

"(A) to an interpretive rule, a general statement of policy, or a rule of agency organization, procedure, or practice, unless such rule or statement has general applicability and substantially alters or creates rights or obligations of persons outside the agency; or".

SEC. 11. This Act shall become effective on the first day of the first session of the Ninety-ninth Congress.●

● Mr. GRASSLEY. Mr. President, I am pleased to join Senators LEVIN, BOREN, and KASTEN today in introducing a bill to provide for a joint resolution of disapproval over agency rules.

At this point I will not address the particulars of the Chadha decision, the effects of which we are trying to somewhat ameliorate with the introduction of this bill. What I think is more important is to make the record clear as to why vetoes came into use in the first place, and why their continued use, in some way acceptable to the Supreme Court, is important to the proper governing of this Nation.

Legislative veto has been with us for four decades, and in recent years its usage has grown dramatically. It is not surprising that the acceptance of legislative veto has grown in direct response to the growth of Government regulations and their burden upon our economy and our citizens.

For every statute created by Congress in recent years the unelected bureaucracy has cranked out 18 regulations. Furthermore, the economic penalty for excessive redtape is great. As noted by Murray Weidenbaum, former Chairman of the President's Council of Economic Advisers, Federal regulations cost the U.S. economy about $126 billion annually. Figured in personal terms, Federal regulations cost about $572 per capita each year, or $2,290 for a family of four. It cannot be denied that those regulations contributed heavily to the double-digit inflation shriveling every family's purchasing power.

The first statute containing a legislative veto procedure was the Legislative Appropriation Act of 1932. That act granted reorganization authority to the President, but made his decisions subject to a one-house veto. Since then more than 300 legislative vetoes have been included in more than 269 acts of Congress, the vast majority of these acts having passed since the year 1970. In 1980 alone, 38 new provisions were approved. At least 35 State legislatures have utilized this concept as well.

There are numerous examples of recently enacted statutes containing a congressional veto or committee veto feature, including the Budget Control and Impoundment Act of 1974, the Trade Act of 1974, the Education Amendments of 1974, the Federal Election Campaign Act Amendments of 1974, and the Federal Salary Act, Public Law 90-206.

In 1976 the House Judiciary Committee reported H.R. 12048, a legislative veto bill drafted by the Subcommittee on Administrative Law and Government Relations. On September 21 of that year the full House considered the legislation. It received 265 votes in favor to only 135 against; the bill failed by only two votes from receiving the two-thirds vote margin necessary for passage under suspension of the rules.

Similar legislative veto bills have been reintroduced in succeeding Congresses by Congressman LEVITAS. His bills have received broad cosponsorship, but have never received consideration by the full House. Last Congress his bill, H.R. 1776 had over 250 cosponsors.

The leadership for legislative veto legislation in the Senate had been provided by Senator Jack Schmitt. In the 95th Congress, Senator Schmitt sponsored S. 2011 to provide for legislative veto over regulations promulgated under the Administrative Procedures Act.

The Subcommittee on Administrative Practice and Procedure held hearings on S. 2011 on September 12, 13, 20, and 21, 1978. Those hearings were chaired by Senator LAXALT who heard extensive testimony on the issue from other Members of Congress, from individual small businessmen, from professional associations, from State legislators with experience with veto in their home States, as well as from the Carter administration's Department of Justice.

With the notable exceptions of the Department of Justice and the American Bar Association, that hearing record, which is almost 1,300 pages long, gave very strong support to the need as well as the concept of legislative veto. No action was taken on Senator Schmitt's bill by the committee in that Congress.

In 1979, Senator Schmitt introduced a new veto bill S. 104 and again hearings were held on the proposal by the Judiciary Subcommittee on Administrative Practices and Procedures. Those hearings were chaired by Senator Culver on June 13, July 18, 20, 25, and 26. The July 18 hearing was dedicated exclusively to the issue of legislative veto and on that date Senator Schmitt, Senator NUNN, Congressman

LEVITAS, as well as constitutional law professors Murray Dry of Middleburg College and Bernard Schwartz of New York University testified in support of veto while Attorney General Griffin Bell; the Chairman of the Federal Communications Commission, Charles Ferris; and Antonin Scalia, then a law professor at the University of Chicago, gave strong testimony in opposition.

Following that hearing, the focus of activity of veto proponents turned to enacting veto provisions over all regulations of the Federal Trade Commission, an effort which late in 1980 proved successful. However, the Senate still took no action on comprehensive veto legislation. The Senate took a major step regarding legislative veto in 1982 when an amendment sponsored by Senators Schmitt, LEVIN, BOREN, and myself, and which allowed the Congress to veto all agency rules through the use of a two House resolution of disapproval, was attached to S. 1080 by a vote of 69 to 25.

Clearly, as President Reagan said in 1979, "The legislative veto seems to be an idea which is gathering the momentum of a snowball rolling downhill." Or at least it was until the Supreme Court melted that snowball on a hot day in June.

The support veto enjoys, as previously indicated, is quite apparent. The reasons why it enjoys such support is clearer still as Justice White stated so eloquently in his dissent in *Chadha*, No. 80-1832, slip op. (June 23, 1982).

It has become a central means by which Congress secures the accountability of executive and independent agencies. Without the legislative veto, Congress is faced with a Hobson's choice: Either to refrain from delegating the necessary authority, leaving itself with a hopeless task of writing laws with the requisite specificity to cover endless special circumstances across the entire policy landscape, or in the alternative, to abdicate its law-making function to the executive branch and independent agencies. To choose the former leaves major national problems unresolved; to opt for the latter risks unaccountable policymaking by those not elected to fill that roll.

Then with respect to the most recent veto case regarding independent agencies, Justice White's dissent stated:

Congress, with the President's consent, characteristically empowers the agencies to issue regulations. These regulations have the force of law without the President's concurrence; nor can he veto them if he disagrees with the law that they make. . . . To invalidate the device, which allows Congress to maintain some control over the lawmaking process, merely guarantees that the independent agencies, once created, for all practical purposes are a fourth branch of the Government not subject to the direct control of either Congress or the executive branch. I cannot believe that the Constitution commands such a result. *Process Gas* v. *Energy Council* No. 81-2008, slip op. (July 6, 1983).

The fact that the Supreme Court has handed down its opinion that veto is unconstitutional does not alter or dilute the original rationale which persuaded Congress to adopt and utilize the legislative veto in the first place. The crux of the issue is, Who shall write the laws of the land?

There are those who argue that lawmaking by the unelected bureaucracy is preferable to lawmaking by Congress—that somehow these invisible deputy assistant secretaries are better equipped to know the hearts and minds of the American people than their directly elected Representatives.

Serving as an elected official for almost 25 years and dealing with these "invisible people" I strenuously disagree. Unacceptable agency actions must be checked and Congress is the most appropriate body to do so.

There are those that argue that since Congress has rarely exercised the veto, it is really an unnecessary tool and the same ends can be achieved through normal oversight. This is simply not the case. It is not the actual exercise of the tool that is so important, but the threat of such an exercise. The process surrounding the sale of the AWACS to Saudi Arabia, including the letter of assurances from the President, is a prime example of the effectiveness of the veto concept.

Finally arguments are heard that Congress is too busy to examine all rules promulgated by Federal agencies. I would respond by saying that, if 535 Members of Congress with its thousands of staff people cannot take the time in its oversight capacity to examine what amounts to substantive obligations being placed upon the citizenry of this country, then something is terribly wrong. Is it fair to ask a small businessman to comply with a regulation which we claim we do not even have the time to read?

It is for these reasons why I feel the veto concept is vital to our governing process and I am pleased to join my colleagues in introducing this bill. I do not think this proposal provides all the answers and frankly, I am looking for something a bit stronger, but at least it is a starting point and I will continue to explore other possible solutions to this dilemma.

There are other ways open to us in our attempt to control the runaway bureaucracy. For example we will be looking at the following:

First. Exercise of the power of purse.

Second. Joint resolutions of disapproval or approval.

Third. A proposal to attach a presumption of invalidity to an agency action that is challenged before the courts where that action has been the subject of congressional resolution of disapproval.

Fourth. Possible veto mechanisms that remain valid such as in the Reorganization Act where the Department of Justice has historically insisted that this veto is constitutional.

We began the examination this morning in a hearing before the Subcommittee on Administrative Practice and Procedures which I chair. These are just a few of our options and it is my hope that we will receive many more suggestions as hearings progress on this issue leading us toward a solution to insure the proper balance and separation of powers the Framers of the Constitution intended for the American people to enjoy.●

● Mr. BOREN. Mr. President, today I join my friend, the distinguished Senator from Michigan, Senator CARL LEVIN, in reintroducing the Levin-Boren legislative veto bill. This bill was originally introduced in 1979 and was the basic vehicle that was later attached to the Federal Trade Commission authorization bill. In its modified form, it was at the time the first Government-wide legislative veto proposal that had ever passed the Senate.

I am particularly pleased that Senator GRASSLEY is with us on this measure. No one in the Senate has demonstrated a more keen interest in the idea of legislative veto. Since coming to the Senate, Senator GRASSLEY has been a prime moving force behind the adoption of legislative veto by the Senate. His work last year and again in this session on measures like S. 1080, the legislative reform bill, has been exemplary. His key position as chairman of the Administrative Practice and Procedure Subcommittee of the Judiciary Committee means that the issue of legislative veto will be pursued. In fact, Senator GRASSLEY this morning chaired a hearing on what lies ahead in this area following the recent Supreme Court ruling.

Mr. President, I recently pulled from the file a statement that I issued on August 9, 1979, which announced my intention to introduce a legislative veto bill. The words I spoke then can and should be repeated now.

I strongly believe that laws should be made by elected officials and not by unelected bureaucrats. Our Government was founded by the people. The people are supposed to hold their lawmakers accountable. No laws should be made by bureaucrats that no one can breach.

Those words sum up my reasons for supporting the idea of a legislative veto and the principle they espouse is the biggest victim of the recent ruling by the U.S. Supreme Court.

I am concerned by the Court's opinion, not because it diminishes my personal power as a legislator or because it curbs the Congress as an institution. I am concerned because it makes the principle I have outlined—that is, the enactment of laws by the elected and the accountability of the elected to their electors—harder to maintain.

If there is anyone who is breathing a sigh of relief in the bureaucracy, be-

lieving that congressional oversight will be lessened now, let me put them on notice that this Senator intends no such thing. If anything, oversight will tighten through the appropriations process, more specifically in legislation, outright prohibitions against certain actions and, as we intend with this bill, the legislative veto mechanism.

The June 23 decision of the Court rested on the separation of power doctrine in the U.S. Constitution. Writing for a majority, Chief Justice Berger said, "It is beyond doubt that lawmaking was a power to be shared by both Houses and the President." Burger went on to say, "The President's participation in the legislative process was to protect the executive branch from Congress and to protect the whole people from imprudent laws." In the majority opinion, a one-House legislative veto—the issue in the Chadha case, ran contrary to that principle.

On July 6, the Court issued further opinions in other cases that made clear their intent that such reasoning applies to two-House vetoes as well.

Mr. President, the Levin-Boren proposal of 1979, reintroduced today, does not violate that Supreme Court edict. In our bill, the President of the United States does have a role.

The bill calls for the passage of a joint resolution in an expedited manner if the Congress desires to halt an action of the bureaucracy. A joint resolution must be signed by the President.

Rules are submitted to the Congress. If the Congress does not act to disapprove them by the passage of a joint resolution, including Presidential concurrence within a specified time, the rules go into effect.

Senator LEVIN has gone into detail in is statement about these procedures and I will not duplicate that effort.

The purpose of my statement is to serve notice that many of us in Congress, I believe a majority of us, are not dissuaded by the Supreme Court decision. It merely means we must redouble our efforts to be sure that accountability in government remains where it should be and, most important, that certain inalienable rights continue to be secured in the manner set forth in another document famous in this country, The Declaration of Independence, which sets forth that these rights are secured, "by governments instituted among men, deriving their just powers from the consent of the governed."

The power is in the people and the people exercise that power through their elected representatives and that power, Mr. President, is not meant to be subdivided by anyone.●

By Mr. CRANSTON (for himself, Mr. SPECTER, Mr. MITCHELL, and Mr. BIDEN):

S. 1651. A bill to amend title 38, United States Code, to provide for presumptions of service connection to be established by the Administrator of Veterans' Affairs for certain diseases of certain veterans exposed to dioxin or radiation during service in the Armed Forces; to require the Administrator to develop, through a process of public participation and subject to judicial review, regulations specifying standards for and presumptions applicable to the resolution of claims for disability compensation based on such exposures; to require that such regulations address certain specified diseases; and to require that all claimants for Veterans' Administration benefits to be given the benefit of every reasonable doubt in claims adjudications; and for other purposes; to the Committee on Veterans' Affairs.

VETERANS DIOXIN AND RADIATION EXPOSURE COMPENSATION STANDARDS ACT

Mr. CRANSTON. Mr. President, I am delighted to join with my good friends and colleagues on the Veterans' Affairs Committee, the Senators from Pennsylvania (Mr. SPECTER) and Maine (Mr. MITCHELL), and my good friend from Delaware (Mr. BIDEN) in introducing the proposed "Veterans' Dioxin and Radiation Exposure Compensation Standards Act." This measure, which I developed in close cooperation with Senator SPECTER, represents a concerted effort to address the question of compensation for veterans exposed to dioxin—as in Agent Orange and other herbicides used in Vietnam—or radiation from a nuclear detonation. Senator SPECTER and I intend to offer the substance of this measure as an amendment to S. 1388, legislation providing for cost-of-living adjustments in the VA's compensation programs, during the Veterans' Affairs Committee's consideration of veterans' compensation legislation tomorrow, July 21.

BASIC PURPOSE

Mr. President, the basic impact of this measure would be to require the VA to develop regulations, through an informal process allowing for public participation, for the adjudication of agent orange and radiation claims. In developing the regulations, the Administrator would be required to address specifically whether any presumptions as to service connection should be applied in the case of certain specified disabilities which I will describe in a moment. The disabilities that are specified in the bill are ones as to which current scientific information provides a basis for a possible connection between the exposure and the disease. The Administrator's compliance with the required process, as well as any regulations issued by the Administrator, would be subject to judicial review, thereby providing an independent check on the results of the process.

DESCRIPTION OF PROVISIONS

Mr. President, subsection (a) of section (2) of the bill would amend section 312 of title 38, which lists various diseases as to which presumptions of service connection apply, to mandate the VA to address the justification for establishing certain presumptions relating to certain diseases. In the case of veterans exposed to dioxin, the diseases—soft tissue sarcoma, porphyria cutanea tarda (PCT), and chloracne—are the same ones included in S. 786, legislation introduced by my colleague from South Dakota (Mr. PRESSLER). However, maximum time limits within which the disease must have developed would be specified for each disease—thirty years from departure from Vietnam in the case of soft tissue sarcoma, and within one year from departure from Vietnam for both PCT and chloracne. These time limits are included to reflect the testimony before the Veterans' Affairs Committee at recent hearings. With specific reference to PCT and chloracne, the testimony was that these two diseases will show up initially, if at all, shortly after exposure to dioxin.

Mr. President, for veterans exposed to radiation, the diseases that are listed include any malignancy, polycythemia vera, and hypothyroidism or a thyroid nodule. Because there are substantial latency periods related to each of these diseases and because the science as to the length of such periods is not clear, no time limits are included. These diseases are included on the basis of the scientific literature related to the effects of exposure to radiation and the experience in litigation and legislation related to the Marshall Islanders exposed to radiation as a result of the weapons test program in the Pacific.

In addition to the diseases that are specifically listed in the proposed amendment to section 312, subsection (a) includes a provision that would allow the Administrator, by regulation, to add presumptions of service connection for additional diseases with reference to either type of exposure. It would be expected that the VA would, as recommended by the Disabled American Veterans in its testimony, consider the diseases set forth in a World Health Organization report—which was cited in a 1979 GAO report—as acute health problems manifested after exposure to dioxin.

Mr. President, the diseases listed in subsection (a) will be presumed to be service connected for VA compensation purposes if—and only if—the Administrator, pursuant to the provisions included in subsection (b) of section 2 of the bill, which I will discuss in a moment, so specifies in regulations. In this way, a framework of possible, specific presumptions would be created, but the specific presumptions would

take effect only following a rulemaking procedure the design of which is derived with simplifying modifications from earlier measures—S. 374 introduced by Senator SPECTER and S. 991 which I introduced—and only to the extent specified by the Administrator on the basis of that procedure.

Mr. President, subsection (b) of section 2 of the bill would amend section 354 of title 38, which relates to general VA compensation provisions, to add a new subsection (c) mandating the VA to follow a public regulatory process for dealing with dioxin and radiation claims. As noted, the provisions in this subsection are derived from S. 274 and S. 991 as introduced.

This subsection would also amend present section 354(b) to clarify that the VA, in benefit cases, is to resolve every reasonable doubt in favor of the claimant, not just in cases involving veterans "who engaged in combat with the enemy" as stated in current law. It is VA policy to resolve such doubts in favor of all claimants, and there is no reason for the "combat" limitation in current law that would be eliminated by this provision.

Mr. President, under the regulatory process that this subsection would establish with respect to claims based on certain dioxin and radiation exposure, the Administrator would be required to issue regulations that would "establish guidelines, standards, and criteria" for the resolution of these claims. These regulations would be developed through a specifically tailored, informal rulemaking process that would include a public hearing with an opportunity for interested parties to make oral presentations and to comment on submissions from other parties. Also, the Administrator would be required to consult with an advisory committee before issuing the final regulations.

Mr. President, this informal process is proposed in lieu of the formal rulemaking procedures provided for in S. 374 and S. 991, which were subject to significant criticism by the VA and the Administrative Conference of the United States at the recent committee hearing. We believe that the proposed "hybrid" approach—which proceeds as the Administrative Conference suggested—will result in the degree of public participation desired while avoiding the problems of delay and undue complexity that were mentioned at the committee hearing, such as proceedings before the Food and Drug Administration which the VA noted "have taken anywhere from 2 to 10 or more years to complete."

The rulemaking process would begin with the publication of proposed regulations no later than 120 days after the date of enactment of the subsection. The required public hearing would then have to be conducted at least 60 days after the proposed regulations are published and with at least 30 days' advance public notice. The total public review and comment period could not exceed 90 days. The Administrator would have to publish final regulations within 120 days after the close of the public review and comment period. Thus, final regulations would have to be published within 330 days after the date of enactment.

Mr. President, the regulations developed through this process would be required to:

Specify the diseases listed in new section 312(c) (as added by subsection (2)(a) of the bill) as to which a presumption of service connection would apply—the Administrator's decision in this regard would be required to be based on "medical and scientific evidence after resolving every reasonable doubt in favor of the claimants"—and also specify the diseases listed in new section 312(c) as to which the presumption would not apply;

Modify or establish, as appropriate, periods of time within which the disease must be manifested after exposure or service;

Specify any other diseases, and related maximum periods, as to which the Administrator determines a presumption is appropriate in the case of veterans exposed to dioxin or radiation;

Specify any other presumptions—such as those regarding exposure—to be applied to the resolution of dioxin and radiation claims; and

Not include any requirement that a veteran provide any information regarding his or her service beyond what is included in the veteran's service record.

Thus, as provided for in S. 374 and S. 991, the Administrator would be required to address the subjects of dioxin and radiation claims through a specified regulatory process with a clear opportunity for public participation. This process would also address expressly the diseases listed in S. 786 without entailing Congress making final scientific judgments.

Mr. President, as a final point regarding this process, as provided for in both S. 374 and S. 991, the Administrator's compliance with the rulemaking process and any regulations issued pursuant to that process would be subject to judicial review. Whatever the merits of providing for review of VA benefit decisions—action that I strongly support and as to which the Senate has three times passed legislation, most recently in S. 636 on June 15—that is not what is at issue in this measure. Rather, the judicial review provisions in the bill would make the lawfulness of the regulations developed and the process followed by the VA subject to judicial review in the way the regulations of all other agencies are subject to review and would remove, in a clear way, any confusion about the impact of the current law preclusion of judicial review of individual benefit decisions on the availability of court review of regulations.

Mr. President, subsection (c) of section 2 of the bill would amend the public law which mandates the VA to conduct an agent orange epidemiological study—Public Law 96-151 as amended by Public Law 97-72—to require the Administrator, not later than 90 days after submitting required annual reports on the progress and results of the study, to evaluate the regulations issued under the provisions mandated by subsection (b) of section 2 for possible amendment. To the extent the Administrator determines that any amendments to the regulations are required, the Administrator would be required to follow the process established under subsection (b). This requirement should insure that, as the results of the epidemiological study become available, they will be taken into account in considering the revision of VA regulations.

CONCLUSION

Mr. President, the proposed bill, by melding key provisions from S. 786 with the requirements in S. 374 and S. 991 relating to the appropriate VA regulatory process, represents a fair, appropriate, and consensual approach to the very difficult issues involved in dioxin claims as well as in radiation claims. By listing certain diseases, the measure recognizes the view held by some that there may be sufficient scientific and medical evidence to support a presumption of service connection at this time. However, the measure would place the responsibility, in the first instance, for making a decision on those diseases, as well as on how to proceed generally in the area of compensation for dioxin and radiation exposure, on the entity—the VA—that can best marshall needed technical expertise, and would require the VA to carry out this responsibility through a process that allows for significant public involvement and judicial review.

Mr. President, I want to thank my good friend from Pennsylvania (Mr. SPECTER) for his excellent cooperation and assistance on this measure, and I look forward to working with him, the other cosponsors of this measure, and our colleagues as this measure moves through the legislative process. As I indicated earlier, Senator SPECTER and I will offer the substance of this measure tomorrow as an amendment to legislation being considered in the Veterans' Affairs Committee. In this regard, I am pleased to note that each of the three major veterans' organizations—the American Legion, the Disabled American Veterans, and the Veterans of Foreign Wars—have indicated to me their support for the amendment. I am gratified that they have each taken this position.

Mr. President, I ask unanimous consent that the text of S. 1651 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows;

S. 1651

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Veterans' Dioxin and Radiation Exposure Compensation Standards Act".

(b) Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. (a) Section 312 is amended by adding at the end the following new subsection:

"(c) For the purposes of section 310 of this title and subject to the provisions of section 313 of this title, the following diseases developed to a degree of disability of 10 per centum or more shall, subject to a specification pursuant to section 354(c)(2) of this title, be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of such disease during the period of service:

"(1) In the case of a veteran who served in the Republic of Vietnam during the Vietnam era and who, during such service, was exposed to a herbicide containing dioxin—

"(A) a soft tissue sarcoma, if so developed within 30 years from the date of last departure from the Republic of Vietnam during such service,

"(B) porphyria cutanea tarda, if so developed within one year from the date of last departure from the Republic of Vietnam during such service, or

"(C) chloracne, if so developed within one year from the date of last departure from the Republic of Vietnam during such service.

"(2) In the case of a veteran who, in connection with such veteran's participation in the test of a nuclear device or with the American occupation of Hiroshima or Nagasaki, Japan, prior to July 1, 1946, was exposed to ionizing radiation from the detonation of a nuclear device during such veteran's service—

"(A) a malignancy,

"(B) polycythemia vera, or

"(C) hypothyroidism or a thyroid nodule.

"(3) In the case of a veteran described in paragraph (1) or (2) of this subsection, any other disease that is specified in a regulation prescribed by the Administrator pursuant to section 354(c) of this title as being presumed to have been incurred in or aggravated by the service of veterans who were so exposed.".

(b) Section 354 is amended—

(1) in subsection (b)—

(A) by striking out all beginning with "In" through "expedition, the" and inserting in lieu thereof "The"; and

(B) by striking out "such service" the first place it occurs and inserting in lieu thereof "a veteran's service on active duty"; and

(2) by adding at the end the following new subsection:

"(c)(1)(A) The Administrator, in accordance with paragraphs (2) and (3) of this subsection, shall prescribe regulations to—

"(i) establish guidelines, standards, and criteria for the resolution of claims for benefits under laws administered by the Veterans' Administration where the benefit eligibility criteria include a requirement that a death or disability be service connected and the claim of service connection is based on a veteran's exposure during service—

"(I) in the Republic of Vietnam during the Vietnam era, to a herbicide containing dioxin, or

"(II) in connection with such veteran's participation in the test of a nuclear device or with the American occupation of Hiroshima or Nagasaki, Japan, prior to July 1, 1946, to ionizing radiation from the detonation of a nuclear device; and

"(ii) ensure that subsection (b) of this section is given full effect with respect to such claims.

"(B) Promptly after each occasion on which the Administrator prescribes or amends the substance of such regulations, the Administrator—

"(i) shall determine whether, in light of such guidelines, standards, and criteria and other pertinent information, any legislative action related to the subject matter of such regulations is needed, and

"(ii) if the Administrator determines that any such action is needed, shall submit to the Committees on Veterans' Affairs of the House of Representatives and the Senate a report containing the Administrator's recommendations for such legislative action, including any proposed amendments to section 312 of this title, as the Administrator considers appropriate.

"(2) In the regulations required to be prescribed by paragraph (1)(A) of this subsection, the Administrator—

"(i) shall specify, based on medical and scientific evidence and after resolving every reasonable doubt in favor of the claimants, (I) which of the diseases listed in paragraphs (1) and (2) of section 312(c) of this title (with any modifications of the maximum periods of time specified in such section) will be presumed to have been incurred in or aggravated during service, (II) which of such diseases will not be so presumed, and (III) which other diseases (and any maximum periods of time after departure from a specified geographic area or the date of separation from service within which any such other disease must have developed to a degree of disability of 10 per centum or more), will be presumed to have been incurred in or aggravated during service;

"(ii) shall specify any other presumptions (including any presumptions regarding exposure and service connection) to be applied to the resolution of such claims; and

"(iii) may not include a requirement that a veteran provide any information regarding such veteran's service in the Armed Forces other than the information included in such veteran's military service records.

"(3)(A) The Administrator shall develop the regulations required by paragraph (1)(A) of this subsection and any amendments to such regulations through a public review and comment process in accordance with the provisions of section 553 of title 5 and with such procedures, in addition to those required by such provisions, as the Administrator considers appropriate to enable persons other than Veterans' Administration personnel to submit evidence, proposals, and arguments. Such process shall include (i) a public hearing, which shall be announced in the Federal Register not less than thirty days in advance of its commencement, shall be commenced not earlier than sixty days after proposed regulations or proposed amendments are published in the Federal Register, and shall afford interested parties an opportunity to make oral presentations and to comment on oral and written submissions from other parties, and (ii) consultations by the Administrator with an advisory committee appointed by the Administrator and composed of individuals with a demonstrated interest and experience relating to the subject matter of the proposed regulations or amendments. The period for public review and comment shall be completed not later than 90 days after proposed regulations or proposed amendments are published in the Federal Register.

"(B)(i) Not later than 120 days after the date of the enactment of this subsection, the Administrator shall develop and publish in the Federal Register a proposed version of the regulations required by paragraph (1)(A) of this subsection.

"(ii) Not later than 330 days after such enactment date, the Administrator shall publish in the Federal Register the final regulations (together with explanations of the bases for the guidelines, standards, presumptions, and criteria contained therein) required by such paragraph.

"(C) Notwithstanding section 211(a) of this title or any other provision of law, the Administrator's compliance with the provisions of, and any regulations prescribed pursuant to, this subsection shall be subject to judicial review in accordance with the provisions of chapter 7 of title 5.".

(c) Paragraph (3) of section 307(b) of the Veterans' Health Programs Extension and Improvement Act of 1979 (Public Law 96-151; 93 Stat. 1097), as added by section 401(b)(2) of the Veterans' Health Care, Training, and Small Business Loan Act of 1981 (Public Law 97-72; 95 Stat. 1061), is amended to read as follows:

"(3) Immediately after the submission of each report under paragraph (2), the Administrator, based on the results described in such report and the comments and recommendations included therein and any other available pertinent information, shall evaluate the need for any amendments to regulations prescribed pursuant to paragraph (1) of subsection (c) of section 354 of title 38, United States Code, for the resolution of claims for service connection based on the exposure specified in subparagraph (A)(i)(I) of such paragraph. To the extent that the Administrator determines that any amendments to such regulations are needed, the Administrator, not later than ninety days after such submission, shall develop and publish in the Federal Register, for public review and comment, proposed amendments to such regulations.

● Mr. MITCHELL. Mr. President, I am pleased today to join as a cosponsor of the agent orange and radiation exposure compensation bill.

Last month the Veterans Affairs Committee, on which I serve, conducted 2 days of hearings on agent orange. As the testimony given then indicated, substantial progress has been made finding answers to the questions surrounding exposure to agent orange. The Agent Orange Registry, the Ranch Hand Study, an epidemiological study now under the control of the Centers for Disease Control and numerous Veterans' Administration research projects and scientific inquiries

being carried on around the world will all contribute the information necessary to finally resolve this continuing issue. But, as last month's testimony made clear, the information from the various research studies and the resolution of this controversy are still years away.

That is small solace to any veteran who believes that his or her exposure to agent orange is causing or may cause serious health problems 10 years following the end of American involvement in Vietnam.

And while the plight of Vietnam-era veterans exposed to agent orange is well known, the experience of America's atomic veterans, in their 30-year fight for recognition of their just claims stands as a tragic example of the inability of Government to recognize and respond to its responsibilities. It is now long past the time for this country to respond to these veterans' health concerns.

Mr. President, the bill introduced today represents a positive step toward resolving the health issues surrounding exposure to both agent orange and radiation. It does so in what I feel is a reasoned, responsible and equitable manner, supported by the present state of scientific knowledge. And it is consistent with present VA compensation ajudication standards.

Briefly, the bill would require the VA to develop regulations, through an informal process that allows for ample public participation, that would relate to agent orange and radiation claims. In developing the regulations, the Administrator of the VA would be required to address whether any presumptions as to service connection should be applied in the case of specific diseases. The specific diseases listed for either type of exposure are included on the basis of scientific literature related to the effects of exposure and reflect testimony given by various witnesses before the Veterans Affairs Committee just this year.

In addition to the diseases listed, the bill authorizes the VA to add service connected presumptions for additional diseases for either type of exposure based on medical and scientific evidence after resolving every reasonable doubt in favor of the claimants. The Administrator would be required to issue regulations that would establish guidelines, standards and criteria for the resolution of these claims.

The rulemaking process would begin with the publication of proposed regulations no later than 120 days after the date of enactment. Final regulations would have to be published within 330 days after enactment. The process would also include substantial public participation and comment. The Administrator's compliance with the required process, as well as any regulations issued, would be subject to judicial review.

Mr. President, I make it a practice to meet with my constituents back in Maine as frequently as possible. Many of the men and women I speak to across Maine express their displeasure and bewilderment about the progress, or as they see it, the lack of progress in resolving these traumatic issues 10 years after the conclusion of hostilities in Vietnam and 30 years after the testing of nuclear devices in the Pacific. The steps that have been taken by our Government to find answers to the complex medical and scientific questions surrounding exposure to agent orange and radiation have been perceived by many as too slow and too late.

Atomic veterans, Vietnam-era veterans and their families are asking the VA and the Congress to move on these issues; to move quickly to resolve these controversies; to bring comfort and peace of mind to veterans and their families. This Congress must do all that it can to see that progress on these issues occurs as rapidly as possible so that veterans can finally put their fears behind them.

The bill which I cosponsor today represents significant progress in that direction. I believe it is, and will be perceived as, equitable and responsible legislation. I urge my colleagues to support it.●

By Mr. PELL:

S.J. Res. 133. Joint resolution requesting the President to negotiate the creation of a United States-Soviet student exchange for peace program; to the Committee on Foreign Relations.

UNITED STATES-SOVIET STUDENT EXCHANGE FOR PEACE

● Mr. PELL. Mr. President, I am today introducing the United States-Soviet exchange for peace resolution. This resolution is identical to House Joint Resolution 254 initiated by Congressman UDALL in the House of Representatives.

The joint resolution calls for the creation of a United States-Soviet Union youth exchange program to be administered by a commission of civic, educational, and cultural leaders of both countries and financed by both government and private contributions. The initial goal is for 2,000 exchanges.

In introducing this joint resolution, Congressman UDALL stated that such a program is an essential complement to the vitally important arms control process. As Congressman UDALL put it:

This is not a program that will show dramatic results in 1 or 2 years. But as these young people grow up and begin to take their place in society, we will have a generation of people who have a better understanding of the other country. They will know their counterparts as people—not stereotypes.

Will such a program stop a nuclear war? Maybe not. But it may make one a little less likely. It is, I think, a small but important step toward a genuine and lasting peace between the U.S. and the U.S.S.R.

The President of the United States has already initiated a youth exchange between the United States, Western Europe, and Japan. This initiative is designed to strengthen the bonds of friendship within the alliance as well as providing an invaluable experience to the young people involved.

The proposed United States-Soviet exchange for peace is very much in the spirit of the President's youth initiative. This joint resolution should provide support and direction to the youth initiative and to the efforts of USIA's able Director, Charles Z. Wick, to expand exchanges among young people. It will also provide an invaluable dividend to the peoples of the United States and the Soviet Union in terms of mutual understanding and peace.●

ADDITIONAL COSPONSORS

S. 254

At the request of Mr. STEVENS, the names of the Senator from Maine (Mr. COHEN), and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 254, a bill to provide for inclusion of capital construction funds for fishery processing facilities.

S. 551

At the request of Mr. ROTH, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 551, a bill to amend the Tax Reform Act of 1976 to extend, for an additional 4 years, the exclusion from gross income of the cancellation of certain student loans.

S. 788

At the request of Mr. QUAYLE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 788, a bill to amend the Agricultural Act of 1949 to reduce the loan rates for the 1983 through 1985 crops of sugarcane and sugar beets.

S. 800

At the request of Mr. STEVENS, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 800, a bill to establish an Ocean and Coastal Development Impact Assistance Fund and to require the Secretary of Commerce to provide to States national ocean and coastal development and assistance block grants from moneys in the Fund, and for other purposes.

S. 1382

At the request of Mr. STEVENS, the name of the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of S. 1382, a bill to amend the Communications Act of 1934 to insure availability of basic telephone service at reasonable rates.

S. 1394

At the request of Mr. STEVENS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1394, a bill to establish a nationwide maximum standard of blood alcohol content for lawful operation of a motor vehicle, and to establish a victim compensation fund.

S. 1400

At the request of Mr. PERCY, the name of the Senator from South Dakota (Mr. PRESSLER) was added as a cosponsor of S. 1400, a bill to enhance the detection of motor vehicle theft and to improve the prosecution of motor vehicle theft by requiring the Secretary of Transportation to issue standards relating to the identification of vehicle parts and components, by increasing criminal penalties applicable to trafficking in stolen vehicles and parts, by curtailing the exportation of stolen motor vehicles and off-highway mobile equipment, and by establishing penalties applicable to the dismantling of vehicles for the purpose of trafficking in stolen parts, and for other purposes.

S. 1419

At the request of Mr. SARBANES, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1419, a bill to amend title XVIII of the Social Security Act to retain the option of direct reimbursement for all providers under the medicare program.

S. 1426

At the request of Mr. HEINZ, the names of the Senator from Kansas (Mr. DOLE), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Rhode Island (Mr. CHAFEE), the Senator from New York (Mr. MOYNIHAN), the Senator from Idaho (Mr. SYMMS), the Senator from New Jersey (Mr. BRADLEY), the Senator from Oregon (Mr. PACKWOOD), the Senator from Iowa (Mr. GRASSLEY), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of S. 1426, a bill to reauthorize the revenue sharing program of general-purpose fiscal assistance to local governments for 3 fiscal years, and for other purposes.

S. 1448

At the request of Mr. BYRD, the names of the Senator from New Jersey (Mr. BRADLEY), and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 1448, a bill to designate the square dance as the national folk dance of the United States.

S. 1504

At the request of Mr. BENTSEN, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1504, a bill to provide for protection of historic shipwrecks, structures, and artifacts located on a seabed or in the subsoil of the lands beneath waters of the United States.

S. 1621

At the request of Mr. HUMPHREY, the names of the Senator from Iowa (Mr. JEPSEN), and the Senator from Arizona (Mr. GOLDWATER) were added as cosponsors of S. 1621, a bill to amend the Federal Aviation Act of 1958 to require commercial passenger carrying aircraft to be equipped with smoke detectors and automatic fire extinguisher in all aircraft lavatories and galley areas.

S. 1626

At the request of Mr. SASSER, the names of the Senator from Vermont (Mr. STAFFORD), the Senator from Kentucky (Mr. FORD), and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 1626, a bill relating to universal telephone service.

SENATE JOINT RESOLUTION 70

At the request of Mr. GARN, the names of the Senator from Pennsylvania (Mr. HEINZ), the Senator from West Virginia (Mr. BYRD), the Senator from South Carolina (Mr. HOLLINGS), the Senator from North Carolina (Mr. HELMS), the Senator from Georgia (Mr. NUNN), the Senator from Michigan (Mr. LEVIN), the Senator from Louisiana (Mr. JOHNSTON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Illinois (Mr. DIXON), the Senator from Alabama (Mr. HEFLIN), the Senator from Alaska (Mr. MURKOWSKI), the Senator from California (Mr. WILSON), the Senator from Minnesota (Mr. DURENBERGER), and the Senator from Nevada (Mr. LAXALT), were added as cosponsors of Senate Joint Resolution 70, a joint resolution to designate the week beginning April 17, 1983, as "National Building Safety Week."

SENATE RESOLUTION 102

At the request of Mr. SPECTER, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. MATTINGLY), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of Senate Joint Resolution 102, a joint resolution to designate the week of October 16, 1983, through October 22, 1983, as "Lupus Awareness Week."

SENATE JOINT RESOLUTION 106

At the request of Mr. SIMPSON, the names of the Senator from Kansas (Mr. DOLE), the Senator from New York (Mr. D'AMATO) were added as cosponsors of Senate Joint Resolution 106, a joint resolution designating August 3, 1983, and "National Paralyzed Veterans Recognition Day."

SENATE JOINT RESOLUTION 116

At the request of Mr. KASTEN, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of Senate Joint Resolution 116, a joint resolution to designate the week of September 4, 1983, through September 10, 1983, as "Youth of America Week."

SENATE JOINT RESOLUTION 131

At the request of Mr. DOLE, the names of the Senator from Alabama (Mr. DENTON), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Louisiana (Mr. JOHNSTON), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of Senate Joint Resolution 131, a joint resolution designating "National Cystic Fibrosis Week."

SENATE RESOLUTION 139

At the request of Mr. ZORINSKY, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of Senate Resolution 139, a resolution disapproving the recommendation of the study group on Senate Practices and Procedures to abolish the Senate Committee on Veterans' Affairs.

SENATE CONCURRENT RESOLUTION 56—RELATING TO CARGO PREFERENCE REQUIREMENTS

Mr. JEPSEN (for himself, Mrs. KASSEBAUM, Mr. BOSCHWITZ, Mr. ABDNOR, Mr. PERCY, Mr. GRASSLEY, Mr. QUAYLE, Mr. EAST, Mr. DANFORTH, Mr. NICKLES, and Mr. EXON) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON. RES. 56

Whereas the United States balance of merchandise trade was a negative $31,800,000,000 in 1982;

Whereas the United States share of world exports has declined from 15.4 per centum in 1970 to 13 per centum in 1982;

Whereas one out of every eight United States manufacturing jobs is for export production and 20 per centum of our industrial production is exported;

Whereas agriculture is the largest employer in the Nation providing for almost twenty-three million jobs, one million three hundred thousand of these being export related;

Whereas the value of agricultural exports has dropped 18.9 per centum since 1981 and United States agricultural market share has dropped precipitously for such commodities as coarse grains, wheat, cotton, soybean meal and oil, rice, and poultry;

Whereas increased ocean shipping costs will negate numerous United States efforts to promote exports;

Whereas current world market conditions translate increased export prices into reduced income for domestic producers and lost United States sales abroad for such goods as agricultural products, coal, forest products, fertilizers, chemicals, ores and metals, and pulp and paper products;

Whereas increased import costs for such goods as petroleum and other bulk materials will increase energy costs and production costs for the agricultural, fertilizer, iron and steel, rubber, textile, chemical, nonferrous refining, and paper industries;

Whereas trade barriers have proven harmful to United States industry, labor, and consumers in the past;

Whereas world bulk shipping capacity is currently in excess and is expected to remain so for at least the next decade;

Whereas the effective United States controlled fleet, which is controlled by United States companies and subject to requisition by the United States Government remains, a strong and competitive force in the international ocean shipping industry;

Whereas the United States merchant marine is uncompetitive in the world market with United States-flag bulk shipping costs as much as 300 per centum higher than the world average; and

Whereas ocean shipping costs comprise a significant portion of import and export costs and these costs will be increased by expansion of cargo preference requirements: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that further expansion of cargo preference requirements, whether for commercial or other trade, is not in the interest of the United States and should not be imposed.

Mr. JEPSEN. Mr. President, on behalf of Senator KASSEBAUM and myself, I rise to introduce this Senate concurrent resolution expressing the sense of Congress in opposition to further expansion of cargo preference requirements.

At the outset I would like to thank my distinguished colleague from Kansas (Mrs. KASSEBAUM) for her tireless efforts on this concurrent resolution. She recognized early on the need to push ahead on this legislation to protect the American farmer.

Mr. President, I am alarmed by recent efforts in this Congress to subject America's farmers to the provisions of cargo preference. One particular effort would require all importers and exporters of bulk cargo to transport a minimum of 5 percent of their goods on U.S.-flag ships. This percentage would increase 1 percent each year until it reaches 20 percent. Quite frankly, farmers are frightened by the consequences such a requirement would have upon the prices they receive for their exports. I believe this fear is justified.

Mr. President, I would like to point out the precise consequences cargo preference would have upon the Iowa farmer. It would have a similar effect on farmers in other States. The average Iowa farmer owns 289 acres. He has 217 of these acres under production: 112 are growing corn and 37 are growing soybeans. Each year Iowa exports 25 percent of its corn and 55 percent of its soybeans.

To our average farmer this means 28 acres of his corn and 20.35 areas of his soybeans will be exported. To reduce these figures into terms of bushels of grain, simply realize that each one of these acres will produce an average of 120 bushels of corn or 37 bushels of soybeans. Therefore, our farmer will be exporting 3,360 bushels of corn and 752 bushels of soybeans annually.

Let us consider the loss he would suffer in just the first year of the cargo preference program mentioned above. During the first year, our farmer would be required to transport 5 percent of his export crop in U.S. flagships. This 5-percent figure represents 168 bushels of his corn and 38 bushels of his soybeans.

Mr. President, it cost an average of $52 more per metric ton to ship goods on an American vessel than on a foreign vessel. Therefore, since there are 39.4 bushels of corn and 36.7 bushels of soybeans per metric ton cargo preference will cost our farmer an extra $1.32 per bushel of corn and $1.42 per bushel of soybeans to ship on these U.S.-flag ships.

Thus, shipping 5 percent of his very small export crop under cargo preference will mean a loss to our farmer of $221.76 for his corn and $53.96 for his soybeans, or a total loss of $275.72 in just the first year. With this significant loss occurring in just the first year under the 5-percent provision, it is not hard to imagine the devastating repercussions which will eventually result under the 20-year percent provisions.

With 117,000 farms in Iowa, the total impact of cargo preference on the State would be $32.2 million. At the 20-percent minimum, the cost to Iowa farmers for cargo preference would be $128.7 million. The figure, of course, would have a major compounding effect on the entire State of Iowa's economy. In a State where 8 out of 10 individuals are involved in agriculture or agribusiness, the impact of cargo preference would be immense.

Gene Maahs, columnist for the Iowa Farm Bureau Spokesman, underlined in a recent column that:

In the competitive world market of today, one can assume that these additional shipping costs would be reflected in reduced prices for farmers for their commodities.

He added:

It might even have a greater impact because it could mean loss of sales as our customers switched to other countries because the higher shipping costs may price U.S. farm commodities out of the market.

Mr. President, I must question how equitable cargo preference is. I understand that its primary objective is to provide our country with a merchant marine fleet that will be able to meet the needs of our defense in a time of international crisis.

This is certainly a worthy goal, one which would benefit all segments of society. Yet, cargo preference shifts the burden of subsidization from the Federal Government, where all segments of society share the cost, to the producers of bulk cargo, particularly agricultural commodities, where a small segment of society is forced to shoulder a grossly disproportionate share of the burden. I believe the injustice of such a situation is self-evident.

Joseph Halow, executive director of the North American Export Grain Association, Inc. said:

If there were ever a case which would be a perfect example of attempting to subsidize an industry at the expense of another one, this (cargo preference) is it. If such legislation were to be passed by Congress and be signed into law it would essentially approve an increase in the U.S. export prices while, at the same time, it is asking farmers to accept less for their products. This would, in my book, amount to taking those subsidies directly from the farmer.

I am opposed to these efforts to impose cargo preference upon commercial shippers for a number of reasons, but primarily because of the excessive and unjust burden it places upon the American farmer.

Nevertheless, the goal behind this movement is worthy, so let us address ourselves to examining other more acceptable means of obtaining a viable merchant marine. Such alternative means might include incentives to ship operators to reduce vessel costs, or perhaps increasing tax benefits for U.S. Registry.

Mr. President, I would like to caution my colleagues that in trying to correct the inefficiencies of our merchant marine fleet. We do not prove as equally inefficient in our methods. Expansion of cargo preference requirements, as is being recommended, will affect not only our farmers and the agricultural community.

The following facts were cited by the American Soybean Association and 20 other farm groups in a recent letter to Members of Congress:

Each $1 billion in farm exports employs 30,000 Americans.

Farm exports created $41 billion in additional business for the nonfarm community in fiscal year 1982, and

Last year alone, cargo preference subsidies contributed at least $150 million to the widening Federal deficit.

So as you can see, a move toward expansion of cargo preference will cut across the board—into nonfarm areas as well as into production agriculture.

Mr. President, I ask unanimous consent that the following Senators be added to join Senator KASSEBAUM and myself as cosponsors of this concurrent resolution: Senators BOSCHWITZ, ABDNOR, PERCY, GRASSLEY, QUAYLE, EAST, DANFORTH, NICKELS, AND EXON.

Mrs. KASSEBAUM. Mr. President, it is my pleasure today to join my colleagues in introducing this concurrent resolution, which expresses the sense of Congress that further expansion of cargo preference shipping restrictions, for commercial or other trade, is not in the interest of the United States and should not be imposed. Serious and unanticipated consequences would result from disrupting world trade and commerce by such uncompetitive restrictions. Such hampering of trade and commerce is unwarranted, and at best, would be more costly and counterproductive to the entire U.S. econo-

my than it would be of assistance to the U.S. maritime shipping industry.

The economic stability of U.S. agriculture and other industries is dependent on aggressive, competitive international trade. Transportation costs are a major factor in export trade. It has been a frustrating fact of life right now for our wheat and grain farmers that a strong U.S. dollar and world economic conditions in past months have nearly priced their commodities out of world markets. This has been occurring when market prices for their crops have been at historically low levels, and for many producers, below their cost of producing that crop.

Continued exports are vital to U.S. agriculture, as they are to many other sectors of our economy. Legislation introduced in this Congress to expand cargo preference shipping restrictions to commercial trade and to increase the use of the restrictions on Government and other shipments would hurt efforts to maintain or expand our export volume. The higher shipping rates which must be paid under cargo preference restrictions would be yet another blow for struggling farmers.

I am concerned that urgently needed export sales and commercial export sales initiatives will be wrecked by any expansion of existing cargo preference restrictions. Cargo preference has become an established feature of the food-for-peace program and other Government shipment and procurement programs. This resolution does not take issue with that situation. I am, however, deeply concerned that an extension of cargo preference to areas beyond congressional food shipments, in terms of agriculture, would be bad not only for farmers and domestic grain handlers, but for the entire shipping industry because of the potential loss of sales. Our economy will not benefit from a change in policies that would set us back in world trade and aid our competition.

SENATE CONCURRENT RESOLUTION 57—RELATING TO THE WORLD ASSEMBLY ON AGING

Mr. HEINZ (for himself, Mr. PERCY, and Mr. PRYOR) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 57

Whereas in 1977 the Congress, by joint resolutions, called for the United Nations to convene a World Assembly on Aging;

Whereas the United Nations World Assembly on Aging was held in Vienna, Austria, from July 26 to August 6, 1982, and unanimously adopted the Vienna International Plan of Action on Aging on August 6, 1982, which called for the development of policies designed to enhance the individual lives of the aging and to allow the aging to enjoy their advancing years in peace, health, and security;

Whereas the United Nations General Assembly, on December 3, 1982, unanimously endorsed the World Assembly International Plan of Action; and

Whereas the General Assembly of the United Nations in adopting the plan, called upon governments to make continuous efforts to implement the principles and recommendations contained in the Plan of Action as adopted by the World Assembly on Aging: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring) That the Congress urges the President to—

(1) encourage government-wide participation in implementing the recommendations of the World Assembly and planning for the scheduled review in 1985 by the United Nations on the implementation of the Vienna International Plan of Action on Aging;

(2) encourage the the exchange of information and the promotion of research on aging among the States, the Federal Government, international organizations, and other nations;

(3) encourage greater private sector involvement in responding to the concerns of the aging; and

(4) inform developing nations that the United States Government recognizes aging as an important issue, requiring close and sustained attention in national and regional development plans.

Mr. HEINZ. Mr. President, today I am pleased to introduce a concurrent resolution expressing the sense of the Congress that the United States implement its responsibilities under the Plan of Action resulting from the 1982 U.N. World Assembly on Aging.

I have been joined in sponsoring this resolution by the distinguished chairman of the Foreign Relations Committee, Senator PERCY and by Senator PRYOR. A parallel resolution is being introduced in the House by Congressman ROYBALL, chairman of the House Select Committee on Aging.

It is appropriate that the Congress adopt this resolution, since the World Assembly itself was the result of congressional initiative. In 1977, both the House and Senate passed resolutions requesting the United Nations to organize a World Assembly on Aging in order to focus on issues relating to the aging of populations in every corner of the globe.

The World Assembly on Aging was held in Vienna, Austria, from July 26 to August 6, 1982. As chairman of the Special Committee on Aging, I was honored to be named as a member of the U.S. delegation to the World Assembly. Senator PRYOR was also named to the U.S. delegation. Over 2,000 people from over 125 countries attended this conference. Their deliberations focused on the enormous impact the worldwide aging of populations is having and will continue to have on the social, economic, and political fabric of both the developed and the developing countries.

The purpose of this U.N.-sponsored conference was to develop an "International Plan of Action on Aging." This Plan of Action was to provide member nations and U.N. agencies with guidelines for formulating both national and mutual assistance policies with respect to aging. As finally adopted by the participating countries, the Plan of Action contained 62 recommendations for national, regional, interregional, and global action.

These recommendations emphasize the integration of the elderly into society. They also stress the incorporation of the consideration of the elderly—their needs and their contributions—within national planning for development. Specifically, they call for closer coordination between social welfare and health care services, for self-help and nutritional training of the elderly themselves, for the assurance that all older persons will have an appropriate minimum income, for the maximization of the social functioning of the elderly, for programs which assist them to remain in their own homes as long as possible, and for support for maintaining family solidarity among generations.

The International Plan of Action on Aging calls for the review and update of the plan every 4 years. It requires the submission of reports by 1985 from member nations detailing the action taken by each country with respect to aging and the aged.

The final version of the Plan of Action on Aging was endorsed by each of the 125 nations at the World Assembly, and was subsequently adopted unanimously by the U.N. General Assembly on December 3, 1982.

Mr. President, I believe that we, as the originators of the World Assembly, should be taking the lead in insuring that the Plan of Action is taken seriously by our own Government. My resolution urges the President to: First, instruct each department to take steps to implement the Plan of Action's recommendations and to prepare for the upcoming, scheduled review of the World Assembly recommendations in 1985; second, to promote the free flow of aging information and aging research between State and Federal governments, international organizations, and other nations; third, to continue to induce greater involvement of the private sector in responding to the concerns of the aging; and fourth, to assure Third World countries of the importance that the United States places on the issue of aging in both national and regional economic and social development plans.

It is my belief that there is an important and useful international role for the United States with regard to aging policies and programs. Each year the Agency for International Development grants millions of dollars to countries for social and economic improvement. As their populations age, there will be a need for them to concentrate on the social and economic impact of this change. The United

States must develop a policy in both multilateral and bilateral relationships that fits in with these new needs. Passage of this resolution will reaffirm our commitment to a constructive response to the issues and opportunities presented by the worldwide progress in promoting longer human life. I urge my colleagues to join in cosponsoring this resolution.

Mr. PERCY. Mr. President, I am pleased to join Senator HEINZ in submitting a resolution to express the sense of the Congress that the recommendations adopted in August 1982 by the U.N. World Assembly on Aging in the Vienna International Plan of Action on Aging be implemented.

My interest in the elderly is longstanding. I have had the pleasure of serving on the Senate Special Committee on Aging since 1971. I treasure my seat on this committee not only because it gives me the opportunity to focus on the special problems and needs of older persons today, but because the committee is at the vanguard in working for public policies that will reflect the graying of America.

The aging population not only in our own country but throughout the world has already begun to cause significant and sometimes startling social and economic changes requiring immediate and long-term attention and action. A combination of factors witnessed in the 20th century, including a decline in infant mortality, improvements in nutrition, and advancements in health care, has resulted in an ever-increasing number of persons surviving into advanced stages of life.

While in 1950, according to U.N. estimates, there were approximately 200 million persons 60 years of age and over throughout the world, that figure had increased to 350 million by 1975. It is projected that this number will increase to 590 million in the year 2000 and to more than 1,100 million by 2025—an increase of 224 percent since 1975. During this same period, the world's population as a whole is expected to increase by 102 percent, from 4.1 billion to 8.2 billion. Thus, 40 years from now, the elderly will constitute 13.7 percent of the world's population.

This demographic trend will have a significant effect on society. Although the elderly share many problems and needs with the rest of the population, certain issues reflect the special characteristics and requirements of this group. These issues are health and nutrition, housing and environment, the family, social welfare, income security and employment, and education.

Because of these concerns, I was an original cosponsor of legislation passed in 1977 calling for a World Assembly on Aging to study these issues and their impact. As a result of this U.N. World Assembly, which was held last summer, a plan of action on aging was adopted without a single reservation from any of the 121 countries represented. The Plan of Action contains 62 recommendations, primarily for national action but also for regional and international action, and is generally applicable to both developed and developing countries. It is the implementation of this plan which our resolution encourages.

The recommendations call for, among other things, increased involvement of the aged in setting policies and programs for the elderly population, an emphasis on health care maintenance and preventive measures, alternative care for the mentally and terminally ill, coordination of social welfare and health care services, improvements in nutritional services, national housing policies to help the aged to live in their own homes as long as possible, attention to designing a living environment to take into account the functional capacity of the elderly and facilitate mobility and communication, insuring income security as well as the right to work and the right to retire, and developing data on the older section of the population to assist in the formation, application, and evaluation of policies and programs for the elderly. The exchange of information and experience at the international level will stimulate progress and encourage the adoption of measures to meet the needs of older persons as well as responding to the economic and social implications of the aging population.

I believe that the United States should join other nations around the world in the implementation of these recommendations as a culmination of the 1982 U.N. World Assembly on Aging conference and year-long program of activities. I commend Senator HEINZ, the distinguished chairman of the Aging Committee, for his leadership in this area and I urge my colleagues to join us in cosponsoring this important resolution.

SENATE RESOLUTION 178—RELATING TO THE PRINTING OF A REPORT AS A SENATE DOCUMENT

Mr. STAFFORD submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 178

Resolved, That the annual report of the Secretary of Transportation to the Congress of the United States in compliance with section 144(i) chapter 1 of title 23, United States Code entitled, "Fourth Annual Report to Congress—Highway Bridge Replacement and Rehabilitation Program" be printed as a Senate Document.

SEC. 2. There shall be printed three hundred additional copies of such document for the use of the Committee on Environment and Public Works.

SENATE RESOLUTION 179—RELATING TO THE ESTABLISHMENT OF A PRODUCTIVITY AND QUALITY AWARD

Mr. PERCY submitted the following resolution; which was referred to the Committee on Governmental Affairs:

S. R. 179

Whereas, the American economy prospered in the 1950's and 1960's largely because of rapid productivity improvements;

Whereas, since 1973 productivity growth in the United States has fallen to less than one percent per year after rising at a rate triple that in the previous two decades;

Whereas, there is a consumer perception that many American products do not meet high quality standards;

Whereas, the declines in productivity and quality have been major reasons for the sluggish economic growth the United States has experienced in recent years;

Whereas, many private companies have launched aggressive productivity and quality improvement programs to boost their competitive positions;

Whereas, such private sector productivity and quality gains lead to lower consumer prices, greater consumer satisfaction, reduce the Nation's inflationary pressures, enhance corporate profits, allow greater wage gains, and make United States products more competitive at home and abroad;

Whereas, the Federal Government has for twenty-two years officially recognized businessses that improve their export performance by awarding such businesses the "E" Award;

Whereas, the opportunity to compete for an "E" Award for export excellence has prompted many companies to expand their overseas sales; and

Whereas, productivity and quality improvement is an important national goal deserving recognition by the Federal Government: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should—

(1) proclaim his intention to establish a Productivity and Quality Award to be made to those businesses, workers, other individuals, and public sector organizations which make major contributions toward sustained improvement in productivity and quality performance;

(2) establish a President's interagency Productivity and Quality Award Committee composed of representatives from United States Government departments and agencies, and members of the private and academic sectors who are involved in productivity improvement programs, and chaired by the Secretary of Commerce or his designee;

(3) direct the Award Committee to recommend criteria and specifications for the Productivity and Quality Awards, to be used in the Executive order officially creating such awards; and

(4) direct the Award Committee to design appropriate certificates and medals of commendation for presentation to award recipients at ceremonies throughout the country.

THE PRODUCTIVITY AND QUALITY AWARD

Mr. PERCY. Mr. President, I am today submitting a resolution calling on the President to move us toward higher productivity growth. I am very pleased to note that our able and distinguished House colleague, Representative LYNN MARTIN of Rockford,

Ill., is introducing the identical resolution in the House today.

Productivity improvement is a concept that is essential to our prosperity. It is essential if we are going to maintain low inflation and a growing economic pie. There is great appreciation in Congress for the importance that productivity plays in the economy, but there is no one single action the Federal Government can take to bolster productivity growth.

Improving productivity must be a multifaceted approach. It touches on Federal and State tax policies, governmental spending patterns, management initiatives, a cooperative spirit of labor and many other elements. Recently the private sector Committee for Economic Development (CED) brought forth an excellent report on productivity and what we can do to increase productivity growth rates.

It is an excellent study which I commend to my colleagues. The executive summary of the CED report, entitled "Productivity Policy: Key to the Nation's Economic Future" discusses the slowdown in productivity in this country and how we should address it.

Mr. President, because this study is such a good analysis I ask unanimous consent that it be included in the RECORD at the end of my remarks.

The President and Congress have set their sights on improving productivity and I know the CED report will have an impact on Federal policymaking. The President has also taken the initiative and has established a Council on Productivity. The Council has been holding meetings around the country for several months as a prelude to the White House Conference on Productivity that will be held this fall. A fine editorial on the work of the Council appeared in the June 1, Chicago Sun-Times and I ask unanimous consent that it also be printed in the RECORD at the close of my remarks.

Many of us in the Senate were fortunate last month to be able to meet here in Washington with the American Productivity Management Association. This association, headquartered in Skokie, Ill., brings together over 150 companies with combined sales of over $550 billion. Leon Skan, who is executive director of the association, has been working tirelessly for many years to improve our productivity performance and under his leadership the APMA has become one of the most important business organizations in the United States today.

I had the privilege to meet with the APMA members when they were in Washington in June and discussed with them many ideas on how we could boost productivity performance.

One idea that came out of that session is the resolution we are introducing today.

This resolution borrows a good idea from our export promotion efforts, specifically the "E" Award and "E Star" Award that the Commerce Department presents to businesses that have excelled in improving exports.

When I was at Bell & Howell many years ago, the opportunity to compete for one of these nationally recognized awards was a powerful stimulus to redouble our export promotion efforts. When we did actually win the award and were able to fly the "E" banner over our facilities, it was a proud day indeed, for both management and labor.

After talking with APMA, we have drawn up this resolution that urges the President to establish a similar Productivity and Quality Award for businesses, workers, individuals and public sector groups that really do go beyond "business as usual" in their efforts to improve their productivity standing.

I hope to work with the administration and interested business and labor groups to see that this resolution passes the Senate and House as soon as possible. The American Business Conference, the U.S. Chamber of Commerce, the American Productivity Management Association and economists at the General Accounting Office have all contributed important ideas and suggestions in drafting this resolution and we are grateful to them for their interest and assistance.

We hope that these House and Senate resolutions will signal the administration that there is strong support here for moving ahead with such an award now. Both Representative MARTIN and I will be seeking cosponsors for these resolutions as a way to show the administration that this is one productivity improvement tool that has widespread support in Congress and that can begin almost immediately to have a positive effect on productivity growth.

The productivity rate has been climbing, as it usually does, at the end of a recession. We need to make sure we sustain that productivity growth as the recovery unfolds. Our resolution is one way to move in that direction.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE SUMMARY

KEY TO OUR ECONOMIC FUTURE

For most of this century the United States has had the world's most productive economy. In the mid-1960s, however, U.S. productivity-growth rates began to drop sharply, and the decline continued into the 1980s. Unless this setback can be decisively reversed and a new era of strong productivity growth launched, the United States faces the serious prospect of lagging living standards, diminished competitiveness at home and abroad, and an endangered national security.

In this policy statement, the Committee for Economic Development analyzes evidence about the causes and consequences of the U.S. productivity problem, and recommends strategic steps that both the private sector and government can take to increase productivity-growth rates once again.

DOES PRODUCTIVITY GROWTH REALLY MATTER?

There is a direct link between productivity and living standards. To the extent that total hours worked and the ratio of workers to total population both remain constant, trends in per-capita income depend on changes in average output per worker. Growth in productivity will mean, in general, higher living standards and a better quality of life.

Productivity increases give business and industry the strength to compete at home and abroad. Persistently poor productivity performance forces industries and nations to win business through relatively lower wages and profits instead of through efficient, competitive ability.

Productivity growth also helps increase public support of and ability to pay for social and environmental programs and other public services, and it offers the potential, through more efficient utilization, to help conserve precious natural resources while reducing waste.

CAUSES OF POOR PRODUCTIVITY PERFORMANCE

Careful analysis points to a variety of impediments to productivity growth. A low rate of investment in new plant and equipment has played a major role, with some studies attributing one half of the slowdown to this factor. Lower saving and insufficient investment have meant that factories have incorporated technical advances more slowly.

Government regulation has contributed to the problem. Meeting new standards in health, environment, and safety has reduced the growth of GNP by using resources that might otherwise have been channeled into more productive activities. Regulations have also increased business uncertainty and inhibited business decision making.

There are numerous other contributors to the nation's productivity dilemma, including inadequate research and development; a rapidly changing labor force; energy price increases and shortages; inflation; preoccupation of some managers with short-term goals to the detriment of longer-term strategies; an apparent decline in the spirit of entrepreneurship; instances of inattention to product quality; and growing domestic protectionism and other public policies that sap the competitive vigor of U.S. companies.

PRODUCTIVITY: TWO SERIOUS PROBLEMS

The slowdown in U.S. productivity growth. From 1945 to 1965, U.S. productivity increased at an average annual rate of 3.2 percent. By the end of the 1970s, however, this average had fallen to below one percent per year. During 1979 and 1980 there was in fact no growth at all in U.S. productivity.

The poor U.S. showing in the productivity race. Since 1965, productivity has grown more rapidly in the economies of most of our major industrial competitors (see graph). Given time and the cumulative efforts of compounding, the United States will lose its long-held overall lead in productivity. In some key sectors of the U.S. economy, we have already given up first place.

STEPS FOR MANAGEMENT AND LABOR

Although certain public-policy reforms are essential, the private sector—particularly top management—must take the lead in boosting productivity. No single approach will work for every firm or industry. Nevertheless, this Committee believes that broad

adoption by U.S. companies of certain guiding principles could do much to reverse recent trends.

Raising productivity should be made a central goal of long-range business strategy, alongside such objectives as improved profits, stock-price appreciation, and increased market share.

A portfolio of policies ought to be established and explicitly evaluated for its sufficiency to achieve corporate productivity goals. Productivity-improvement actions can be more effective when they are coordinated.

Entrepreneurship, risk-taking, constructive criticism—all of these need to be encouraged by management at every level, starting with the chief executive.

Real incentives, both financial and nonfinancial, should be given to workers and managers to cooperate with one another and apply their skills and creativity to such long-run objectives as productivity growth.

Productivity performance, including that of competitors, should be closely monitored, and the results made available to the appropriate personnel.

In applying these principles, a company can tailor its productivity programs to its own particular situation. This report examines the experience of several American firms that have made notable improvements in productivity. CED urges careful study of some of the more promising company applications, which include:

Gain-sharing systems that tangibly reward productivity improvements or cost-saving measures by groups of workers;

Quality-circle programs involving periodic meetings of workers to discuss ways of raising productivity;

Total work systems that entail training employees to perform numerous related tasks, including making budgets and setting goals for their operation;

Labor-management participation teams;

Improved employment-security programs that permit flexibility in worker reassignment and retraining in the interest of increased productivity; and

WHAT GOVERNMENT CAN DO

Revised long-term management compensation plans to incorporate rewards for sustained productivity improvement.

The market economy has the unparalleled ability to facilitate productivity improvements, but government policies and programs in recent years have impeded market functioning. To enhance the climate in which American industry can become more productive, CED believes that reforms are critically needed in four areas of public policy. Government needs to:

Spur saving and investment by making the tax code simpler and less biased in favor of consumption. For example, government ought to expand the incentives for individuals to build up their retirement savings, and subtract from taxable capital gains that portion due to inflation. Relevant tax policies, however, should be made more neutral regarding investments in different industries. One way to move toward neutrality is to allow business to deduct immediately their outlays for new plant and equipment from taxable income. If this were done, some special tax arrangements for business would become unnecessary.

Provide productivity-enhancing support for private investment and output. Governments should increase their outlays for the kinds of public infrastructure that play key roles in private-sector productivity performance.

Stimulate technological change through dependable, multi-year funding commitments to basic research in universities, more flexible depreciation of assets used for applied research and development, and other measures to encourage innovation by small firms and entrepreneurs.

End unnecessary regulatory barriers to productivity growth through continued deregulation of these aspects of trucking, airline, and railroad industries and public utilities that are now adequately disciplined by market competition. Other steps that are needed include applying more rigorous cost-benefit criteria to regulations; simplifying and accelerating approvals for "bubble" and "offset" programs governing pollution and allowing new plant and equipment to be included in these programs; and giving consideration to modifying antitrust laws that constrain productivity growth, with special focus on those that weaken U.S. competitiveness in global markets.

It may be, as some say, that the underlying fault in U.S. productivity performance lies in a decline in the spirit of workmanship and entrepreneurship. But even if that is true, surely that spirit only lies dormant, ready to be reawakened. Private measures by management and labor along with public-policy changes can contribute dramatically to the efficiency of every sector of the U.S. economy. The key to America's economic future will be found in the restoration of needed incentives and adoption of bold, imaginative productivity strategies.

MAKE IT BETTER

June could be a big month for U.S. industry in terms of pinpointing weak spots in its global competitiveness. That's one goal as the President's Council on Productivity begins meetings that will continue nationwide for a few months to develop policy proposals.

One top concern is the quality of U.S.-made products, and it comes none too soon.

As carmakers well know, our reputation for industrial quality is mixed. Federal safety officials continue to investigate brake and axle flaws in several U.S. models. More states are passing "lemon laws" to protect consumers who buy defective autos. Meanwhile, buyers increasingly report satisfaction with high-quality, low-maintenance imports. One U.S. auto insider recently told the Christian Science Monitor that he designs systems knowing mistakes will be made. "We still use big old two-by-fours to make the doors fit," he said.

Detroit isn't alone, of course. Quality-control consultants say Japan seldom markets products that aren't of better quality than the competition. What's more, Japan honors companies that meet stringent quality-assurance criteria. Compare that with what some experts see as a U.S. attitude of selling anything the market will buy.

The conspicuous problems in steel and autos include high labor costs and past failures to modernize plants. In some industries, a desire for quick profits at the expense of quality has hurt. So does management aloofness from assembly workers. Failures in education and outdated antitrust laws also hinder corporate efforts to improve products through new technology. The end result, not surprisingly, has been the loss of some markets.

Yet on average this country remains the most productive anywhere. The council's meetings may discover areas where reforms can upgrade quality. That, plus renewed commitment to quality by individuals, can show the world America hasn't lost its traditional know-how.

AMENDMENTS SUBMITTED

MILITARY PROCUREMENT AUTHORIZATION, 1984

WARNER AMENDMENT NO. 1526

Mr. WARNER proposed an amendment, which was subsequently modified, to amendment No. 1525 proposed by Mr. TOWER to the bill (S. 675) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes; as follows:

Strike all after the word "sense" in the first line and insert in lieu thereof the following: "of the Congress that the President's Commission on Strategic Forces, recognized as the Scowcroft Commission, has rendered an outstanding public service and that its report, comprised of a balanced program of strategic force modernization and arms control initiatives, is a sound blueprint for maintaining effective deterrence and international stability for the future. In this context, the Congress endorses and hereby authorizes the limited MX program, as provided in this Act, and the associated authorization of appropriations provided for in this Act.".

CHILES AND HAWKINS AMENDMENT NO. 1527

Mr. CHILES (for himself and Mrs. HAWKINS) submitted an amendment intended to be proposed by them to the bill S. 675, supra; as follows:

On page 224, between lines 4 and 5, insert the following new section:

LAND EXCHANGE, FORT LAUDERDALE, FLORIDA

SEC. . (a) The Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to convey to Broward County, Florida (hereinafter in this section referred to as the "County"), all right, title, and interest of the United States in and to approximately 6.3 acres of unimproved land comprising portions of the Naval Surface Weapons Center Detachment, Fort Lauderdale, Florida.

(b) In consideration for the conveyance authorized by subsection (a), the County shall convey to the United States all right, title, and interest in and to approximately 4.805 acres of unimproved land adjacent to the Naval Surface Weapons Center Detachment.

(c) The County shall pay to the United States an amount equal to the amount, if any, by which the fair market value (as determined by the Secretary) of the lands to be conveyed by the United States to the County under subsection (a) exceeds the fair market value (as determined by the Secretary) of the lands to be conveyed by the County under subsection (b).

(b)(1) The exact acreages and legal descriptions of all lands to be acquired or conveyed under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of any such surveys shall be borne by the County.

(2) The Secretary may require such additional terms and conditions with respect to the acquisition and conveyance authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

ABDNOR (AND OTHERS) AMENDMENT NO. 1528

Mr. ABDNOR (for himself, Mr. PELL, Mr. PRESSLER, Mr. EXON, Mr. HUMPHREY, Mr. MELCHER, Mr. JACKSON, Mr. ZORINSKY, Mr. STENNIS, Mr. NUNN, Mr. ANDREWS, Mr. BAUCUS, Mr. BURDICK, Mr. DECONCINI, Mr. WILSON, Mr. MOYNIHAN, Mr. BENTSEN, Mr. D'AMATO, Mr. RUDMAN and Mr. SYMMS) proposed an amendment to the bill S. 675, supra; as follows:

On page 158, between lines 8 and 9, insert the following:

IMPACT AID AUTHORIZATION

SEC. . (a)(1) Section 505(a)(1) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "section 2" the second place it appears and inserting in lieu thereof "section 7".

(2) Section 505(a)(1) of the Omnibus Reconciliation Act of 1981 is further amended—

(A) by striking out "1983, and 1984" and inserting in lieu thereof "and 1983, and $600,000,000 for each of the fiscal years 1984 and 1985"; and

(B) by inserting after "$10,000,000" in clause (A) the following: "for each of the fiscal years 1982 and 1983 and $25,000,000 for each of the fiscal years 1984 and 1985".

(3)(A) Section 505(a)(3) of the Omnibus Reconciliation Act of 1981 is amended by striking out "or 1984" and inserting in lieu thereof "1984, or 1985".

(B) Section 505(b) of the Omnibus Reconciliation Act of 1981 is amended by striking out "or 1984" and inserting in lieu thereof "1984, or 1985".

(b)(1) Section 3(d)(2)(E) of the Act of September 30, 1950 (Public Law 874, 81st Congress) is amended—

(A) by inserting "or 1984" after "fiscal year 1983" in clause (ii); and

(B) by striking out "1984" in clause (iii) and inserting in lieu thereof "1985".

(2) Section 3(d)(2)(E) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress) is further amended by adding at the end thereof the following new division:

"(iv) If the amount appropriated for making payments under this Act for fiscal year 1984 or for fiscal year 1985 is not sufficient to pay in full the sum of the entitlements established under this subparagraph, the amount of the entitlement of any local educational agency for each of the fiscal years 1984 and 1985 determined under this subparagraph shall first be made with respect to children determined under subsection (b)—

"(I) who were included in the determinations made under subsection (b) on account of residing on Federal military property or residing with a parent employed on Federal military property or because the child had a parent described in clause (3) of subsection (b), and

"(II) who were included in the determination under such subsection on account of Federal property described in section 403(1)(C), relating to low-rent housing,

before the amount of the entitlement of any local educational agency is made with respect to other children determined under such subsection (b).".

JACKSON (AND GORTON) AMENDMENT NOS. 1529 AND 1530

Mr. JACKSON (for himself and Mr. GORTON) proposed two amendments to the bill S. 675, supra; as follows:

On page 191, line 4, strike out "and".

On page 191, line 6, after "$5,000,000" insert a semicolon and "and Hydrant Fueling System in the amount of $4,400,000".

JACKSON (AND GORTON) AMENDMENT NO. 1531

Mr. JACKSON (for himself and Mr. GORTON) proposed an amendment to the bill S. 675, supra; as follows:

On page 191, line 4, strike out "and".

On page 191, line 6, after "$5,000,000" insert a semicolon and "and Hydrant Fueling System in the amount of $4,400,000".

HUMPHREY AMENDMENT NO. 1532

Mr. HUMPHREY proposed an amendment to the bill. S. 675, supra, as follows:

On page 30, line 1, insert after the comma the following: "or after September 30, 1983 in conjunction with any other formal budget correspondence for the Department of Defense,"

CHAFEE AMENDMEMT NO. 1533

Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill, S. 675, supra, as follows:

On page 158, line 4, beginning with "are", strike out all through line 8, and insert in lieu thereof "for intelligence activities are reduced by $100,000,000.".

METZENBAUM (AND OTHERS) AMENDMENT NO. 1534

Mr. METZENBAUM (for himself, Mr. BENTSEN, Mr. PRYOR, and Mr. ARMSTRONG) submitted an amendment intended to be proposed by them to the bill, S. 675, supra, as follows:

On page 26, line 20, strike out "$6,716,600,000" and insert in lieu thereof "$6,726,600,000 of which $10,000,000 shall be used only to increase the number of full-time auditors in the Defense Contract Audit Agency of the Department of Defense by at least four hundred above the number of full-time auditors requested for such Agency in the President's fiscal year 1984 budget request."

On page 54, line 23, strike out "1,054,155" of and insert in lieu thereof "1,054,555, which 400 shall be used only to increase the number of full-time auditors in the Defense Contract Audit Agency of the Department of Defense by at least four hundred above the number of full-time auditors requested for such Agency in the President's fiscal year 1984 budget request.

BOSCHWITZ AMENDMENTS NO. 1535 and 1536

Mr. BOSCHWITZ submitted two amendments intended to be proposed by him to the bill, S. 675, supra, as follows:

On page 139, between lines 19 and 20, insert the following:

(3) Notwithstanding paragraph (1), before the production of binary chemical munitions may begin after September 30, 1985, the President must certify to the Congress in writing that for every 155-millimeter binary chemical artillery shell produced, a serviceable unitary chemical artillery shell shall be rendered militarily useless. In no case shall a number of new chemical weapons be produced after such date which exceeds the requirements of United States Armed Forces.

At the appropriate place in the bill insert the following:

REIMBURSEMENT FOR CERTAIN COSTS OF INSTITUTIONS OF HIGHER EDUCATION IN COMPLYING WITH CERTAIN REQUIREMENTS FOR THE ENFORCEMENT OF THE MILITARY SELECTIVE SERVICE ACT

SEC. . (a) The Director of the Selective Service System shall reimburse institutions of higher education for administrative costs, as determined by the Secretary of Education, incurred by such institutions in complying with the provisions of section 12(f) of the Military Selective Service Act and the regulations issued under such section.

(b) Each institution of higher education desiring to receive reimbursement under subsection (a) shall submit an application for such reimbursement at such time, in such manner, and containing such information as the Secretary of Education may prescribe.

(c) There are authorized to be appropriated in each fiscal year such sums as may be necessary to carry out this section.

KENNEDY AMENDMENTS NO. 1537 AND 1538

Mr. KENNEDY submitted two amendments intended to be proposed by him to the bill, S. 675, supra, as follows:

AMENDMENT No. 1537

On page 22, line 15, after the word "peacetime" insert the words "and wartime".

AMENDMENT No. 1538

On page 22, strike out beginning with "The final" on line 17 through the end of line 19.

DENTON AMENDMENT NO. 1539

Mr. DENTON submitted an amendment intended to be proposed by him to the bill, S. 675, supra, as follows:

AMENDMENT No. 1539

On page 26, between lines 8 and 9, insert a new section as follows:

ANTIBALLISTIC MISSILE DEFENSE SYSTEM RESEARCH

SEC. 114. The Secretary of Defense may use not more than $50,400,000 of any funds appropriated pursuant to an authorization of funds contained in this part, and which are not obligated for any other purpose, to

carry out research, development, test, and evaluation on the Ballistic Missile Defense systems technology program of the Army.

HART AMENDMENT NOS. 1540 THROUGH 2056

Mr. HART submitted 517 amendments intended to be proposed by him to the bill S. 675, supra; as follows:

AMENDMENT No. 1540

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $1,910,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Douglas, Utah.".

AMENDMENT No. 1541

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $1,910,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Douglas, Utah.".

AMENDMENT No. 1542

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $1,910,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Douglas, Utah.".

AMENDMENT No. 1543

At the end of the language of the bill proposed to be the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $1,910,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Douglas, Utah.".

AMENDMENT No. 1544

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $77,050,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Hood, Texas.".

AMENDMENT No. 1545

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $77,050,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Hood, Texas.".

AMENDMENT No. 1546

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $77,050,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Hood, Texas.".

AMENDMENT No. 1547

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $77,050,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Hood, Texas.".

AMENDMENT No. 1548

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $18,760,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Carson, Colorado.".

AMENDMENT No. 1549

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $18,760,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Carson, Colorado.".

AMENDMENT No. 1550

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $18,760,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Carson, Colorado.".

AMENDMENT No. 1551

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $18,760,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Carson, Colorado.".

AMENDMENT No. 1552

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $16,300,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Campbell, Kentucky.".

AMENDMENT No. 1553

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $16,300,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Campbell, Kentucky.".

AMENDMENT No. 1554

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $16,300,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Campbell, Kentucky.".

AMENDMENT No. 1555

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $16,300,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Campbell, Kentucky.".

AMENDMENT No. 1556

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $32,100,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Bragg, North Carolina.".

AMENDMENT No. 1557

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $32,100,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Bragg, North Carolina.".

AMENDMENT No. 1558

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $32,100,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Bragg, North Carolina.".

AMENDMENT No. 1559

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $32,100,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Bragg, North Carolina.".

AMENDMENT No. 1560

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $32,900,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Schofield Barracks, Hawaii.".

AMENDMENT No. 1561

At the appropriate place in the pending amendment, insert the following:

SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $32,900,000 million for the Secretary of the Army to acquire real property and carry out military construc-

tion projects at Schofield Barracks, Hawaii.".

AMENDMENT No. 1562

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $32,900,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Schofield Barracks, Hawaii.".

AMENDMENT No. 1563

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $32,900,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Schofield Barracks, Hawaii.".

AMENDMENT No. 1564

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $3,750,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Myer, Virginia.".

AMENDMENT No. 1565

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $3,750,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Myer, Virginia.".

AMENDMENT No. 1566

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $3,750,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Myer, Virginia.".

AMENDMENT No. 1567

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $3,750,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Myer, Virginia.".

AMENDMENT No. 1568

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $4,000,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Devens, Massachusetts.".

AMENDMENT No. 1569

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $4,000,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Devens, Massachusetts.".

AMENDMENT No. 1570

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $4,000,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Devens, Massachusetts.".

AMENDMENT No. 1571

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $2,500,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Drum, New York.".

AMENDMENT No. 1572

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $2,500,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Drum, New York.".

AMENDMENT No. 1573

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $2,500,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Drum, New York.".

AMENDMENT No. 1574

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $2,500,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Drum, New York.".

AMENDMENT No. 1575

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $28,150,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Irwin, California.".

AMENDMENT No. 1576

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $28,150,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Irwin, California.".

AMENDMENT No. 1577

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $28,150,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Irwin, California.".

AMENDMENT No. 1578

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $28,150,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Irwin, California.".

AMENDMENT No. 1579

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $36,310,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Lewis, Washington.".

AMENDMENT No. 1580

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $36,310,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Lewis, Washington.".

AMENDMENT No. 1581

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $36,310,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Lewis, Washington.".

AMENDMENT No. 1582

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $36,310,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Lewis, Washington.".

AMENDMENT No. 1583

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $6,150,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Meade, Maryland.".

AMENDMENT No. 1584

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $6,150,000 million for the Secretary of the Army to acquire real prop-

erty and carry out military construction projects at Fort Meade, Maryland.".

AMENDMENT No. 1585

At the appropriate place in the pending question, insert the following:

SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $6,150,000 million for the Security of the Army to acquire real property and carry out military construction projects at Fort Meade, Maryland.".

AMENDMENT No. 1586

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $6,150,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Meade, Maryland.".

AMENDMENT No. 1587

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $7,150,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Ord, California.".

AMENDMENT No. 1588

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $7,150,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Ord, California.".

AMENDMENT No. 1589

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $7,150,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Ord, California.".

AMENDMENT No. 1590

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $7,150,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Ord, California.".

AMENDMENT No. 1591

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $17,180,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Polk, Louisiana.".

AMENDMENT No. 1592

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $17,180,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Polk, Louisiana.".

AMENDMENT No. 1593

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $17,180,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Polk, Louisiana.".

AMENDMENT No. 1594

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $17,180,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Polk, Louisiana.".

AMENDMENT No. 1595

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $1,940,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Richardson, Arkansas.".

AMENDMENT No. 1596

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $1,940,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Richardson, Arkansas.".

AMENDMENT No. 1597

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $1,940,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Richardson, Arkansas.".

AMENDMENT No. 1598

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $1,940,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Richardson, Arkansas.".

AMENDMENT No. 1599

At the end of the language of proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $67,700,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Riley, Kansas.".

AMENDMENT No. 1600

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $67,700,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Riley, Kansas.".

AMENDMENT No. 1601

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $67,700,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Riley, Kansas.".

AMENDMENT No. 1602

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $67,700,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Riley, Kansas.".

AMENDMENT No. 1603

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $30,720,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Stewart, Georgia.".

AMENDMENT No. 1604

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $30,720,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Stewart, Georgia.".

AMENDMENT No. 1605

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $30,720,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Stewart, Georgia.".

AMENDMENT No. 1606

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $30,720,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Stewart, Georgia.".

AMENDMENT No. 1607

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $2,300,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Presidio of Monterey, California.".

AMENDMENT No. 1608

At the appropriate place in the pending amendment insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $2,300,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Presidio of Monterey, California.".

AMENDMENT No. 1609

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $2,300,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Presidio of Monterey, California.".

AMENDMENT No. 1610

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $2,300,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Presidio of Monterey, California.".

AMENDMENT No. 1611

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $6,900,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Benjamin Harrison, Indiana.".

AMENDMENT No. 1612

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $6,900,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Benjamin Harrison, Indiana.".

AMENDMENT No. 1613

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $6,900,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Benjamin Harrison, Indiana.".

AMENDMENT No. 1614

At the end of the language of the bill proposed to be striken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $6,900,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Benjamin Harrison, Indiana.".

AMENDMENT No. 1615

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $22,750,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Benning, Georgia.".

AMENDMENT No. 1616

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $22,750,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Benning, Georgia.".

AMENDMENT No. 1617

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $22,750,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Benning, Georgia.".

AMENDMENT No. 1618

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $22,750,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Benning, Georgia.".

AMENDMENT No. 1619

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $41,580,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Bliss, Texas.".

AMENDMENT No. 1620

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $41,580,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Bliss, Texas.".

AMENDMENT No. 1621

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $41,580,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Bliss, Texas.".

AMENDMENT No. 1622

At the end of the language of the bill proposed to be stricken out by the committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $41,580,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Bliss, Texas.".

AMENDMENT No. 1623

At the end of the language proposed to be inserted by the committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $40,190,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Jackson, South Carolina.".

AMENDMENT No. 1624

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $40,190,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Jackson, South Carolina.".

AMENDMENT No. 1625

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $40,190,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Jackson, South Carolina.".

AMENDMENT No. 1626

At the end of the language of the bill proposed to be stricken out by the committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $40,190,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Jackson, South Carolina.".

AMENDMENT No. 1627

At the end of the language proposed to be inserted by the committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $5,200,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Knox, Kentucky.".

AMENDMENT No. 1628

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $5,200,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Knox, Kentucky.".

AMENDMENT No. 1629

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $5,200,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Knox, Kentucky.".

AMENDMENT No. 1630

At the end of the language of the bill proposed to be stricken out by the committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $5,200,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Knox, Kentucky.".

AMENDMENT No. 1631

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $14,550,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Leavenworth, Kansas.".

AMENDMENT No. 1632

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $14,550,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Leavenworth, Kansas.".

AMENDMENT No. 1633

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $14,550,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Leavenworth, Kansas.".

AMENDMENT No. 1634

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $14,550,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Leavenworth, Kansas.".

AMENDMENT No. 1635

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $6,930,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Lee, Virginia.".

AMENDMENT No. 1636

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $6,930,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Lee, Virginia.".

AMENDMENT No. 1637

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $6,930,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Lee, Virginia.".

AMENDMENT No. 1638

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $6,230,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Lee, Virginia.".

AMENDMENT No. 1639

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $13,600,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Leonard Wood, Missouri.".

AMENDMENT No. 1640

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $13,600,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Leonard Wood, Missouri.".

AMENDMENT No. 1641

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $13,600,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Leonard Wood, Missouri.".

AMENDMENT No. 1642

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $13,600,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Leonard Wood, Missouri.".

AMENDMENT No. 1643

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $5,220,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort McClellan, Alabama.".

AMENDMENT No. 1644

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $5,220,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort McClellan, Alabama.".

AMENDMENT No. 1645

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $5,220,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort McClellan, Alabama.".

AMENDMENT No. 1646

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $5,220,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort McClellan, Alabama.".

AMENDMENT No. 1647

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $26,150,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Sill, Oklahoma.".

AMENDMENT No. 1648

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $26,150,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Sill, Oklahoma.".

AMENDMENT No. 1649

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $26,150,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Sill, Oklahoma.".

AMENDMENT No. 1650

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $26,150,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Sill, Oklahoma.".

AMENDMENT No. 1651

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $10,000,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Story, Virginia.".

AMENDMENT No. 1652

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $10,000,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Story, Virginia.".

AMENDMENT No. 1653

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $10,000,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Story, Virginia.".

AMENDMENT No. 1654

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $10,000,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Story, Virginia.".

AMENDMENT No. 1655

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 5 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1656

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 10 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1657

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 15 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1658

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 20 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1659

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 30 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1660

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 25 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1661

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 35 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1662

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 40 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1663

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 45 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1664

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 50 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1665

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 55 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1666

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the folowing:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 60 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1667

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 65 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1668

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 70 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1669

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 75 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1670

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 5 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1671

At the end of the language proposed to be inserted by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 10 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1672

At the end of the language proposed to be inserted by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 15 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1673

At the end of the language proposed to be inserted by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 20 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1674

At the end of the language proposed to be inserted by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 25 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1675

At the end of the language proposed to be inserted by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 30 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1676

At the end of the language proposed to be inserted by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 35 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1677

At the end of the language proposed to be inserted by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 40 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1678

At the end of the language proposed to be inserted by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 45 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1679

At the end of the language proposed to be inserted by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 50 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1680

At the end of the language proposed to be inserted by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 55 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1681

At the end of the language proposed to be inserted by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 60 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1682

At the end of the language proposed to be inserted by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 65 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1683

At the end of the language proposed to be inserted by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 70 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1684

At the end of the language proposed to be inserted by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 75 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1685

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 5 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1686

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 10 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1687

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 15 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1688

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 20 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1689

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 25 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1690

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 30 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1691

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 35 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1692

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 40 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1693

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 45 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1694

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 50 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1695

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 55 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1696

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 60 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1697

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 65 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1698

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 70 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1699

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 75 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1700

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the

MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 5 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1701

At the end of the pending amendment, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 10 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1702

At the end of the pending amendment, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 15 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1703

At the end of the pending amendment, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 20 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1704

At the end of the pending amendment, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 25 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1705

At the end of the pending amendment, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 30 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1706

At the end of the pending amendment, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 35 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1707

At the end of the pending amendment, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 40 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1708

At the end of the pending amendment, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 45 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1709

At the end of the pending amendment, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 50 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1710

At the end of the pending amendment, add the following:

"SEC. o. Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 55 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1711

At the end of the pending amendment, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 60 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1712

At the end of the pending amendment, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 65 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1713

At the end of the pending amendment, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 70 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1714

At the end of the pending amendment, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 75 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1715

At the end of the bill, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 5 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1716

At the end of the bill, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 10 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1717

At the end of the bill, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 15 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1718

At the end of the bill, add the following:
"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 20 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1719

At the end of the bill, add the following:
"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 25 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1720

At the end of the bill, add the following:
"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 30 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1721

At the end of the bill, add the following:
"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 35 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1722

At the end of the bill, add the following:
"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 40 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1723

At the end of the bill, add the following:
"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 45 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1724

At the end of the bill, add the following:
"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 55 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1725

At the end of the bill, add the following:
"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 60 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1726

At the end of the bill, add the following:
"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 65 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1727

At the end of the bill, add the following:
"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 70 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1728

At the end of the bill, add the following:
"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 75 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 1729

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:
"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 5000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1730

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:
"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 5250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1731

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:
"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 5,500 PSI and that he is satisfied that the United State is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1732

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:
"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 5,750 PSI and that he is satisfied that the United State is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1733

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:
"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing

to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 6,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack".

AMENDMENT No. 1734

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 6,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack".

AMENDMENT No. 1735

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 6,500 PSI and that he is satisified that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1736

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 6,750 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1737

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 7,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1738

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 7,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1739

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 7,500 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1740

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 7,500 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1741

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 8,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1742

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 8,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1743

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 8,500 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1744

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 8,750 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1745

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 9,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1746

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President the certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 9,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1747

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research,

development, testing, evaluation, procurement, or deployment of the MX missile until the President the certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that has basing silos for the MX missile are hardened to withstand 9,500 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1748

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 9,750 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1749

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 10,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1750

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 10,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1751

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution that the basing silos for the MX missile are hardened to withstand 10,500 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1752

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution that the basing silos for the MX missile are hardened to withstand 10,750 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1753

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution that the basing silos for the MX missile are hardened to withstand 11,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1754

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution that the basing silos for the MX missile are hardened to withstand 11,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1755

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution that the basing silos for the MX missile are hardened to withstand 11,500 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1756

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 11,750 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1757

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 12,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1758

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 12,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1759

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 5,000 PSI and that he is satisfied the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1760

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 5,250 PSI and that he is satisfied the that United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1761

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 5,500 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1762

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 5,750 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1763

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 6,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1764

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution that the basing silos for the MX missile are hardened to withstand 6,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1765

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution that the basing silos for the MX missile are hardened to withstand 6,500 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1766

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution that the basing silos for the MX missile are hardened to withstand 6,750 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1767

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 7,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1768

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 7,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1769

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 7,500 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1770

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 7,750 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1771

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President, has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 8,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1772

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President, has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 8,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1773

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President, has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 8,500 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1774

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President, has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 8,750 PSI and that he is satisfied that the United

States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1775

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 9,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1776

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX Missile are hardened to withstand 9,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1777

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX Missile are hardened to withstand 9,500 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1778

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX Missile are hardened to withstand 9,750 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1779

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX Missile are hardened to withstand 10,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1780

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX Missile are hardened to withstand 10,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1781

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 10,500 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1782

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 10,750 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1783

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 11,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1784

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 11,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1785

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 11,500 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1786

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 11,750 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1787

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 12,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1788

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing

to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 12,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1789

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 5,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1790

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 5,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1791

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for MX missile are hardened to withstand 5,500 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1792

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for MX missile are hardened to withstand 5750 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1793

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for MX missile are hardened to withstand 6,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1794

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for MX missile are hardened to withstand 6,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1795

At the end of the pending question, add the following:

SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 6,500 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1796

At the end of the pending question, add the following:

SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 6,750 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1797

At the end of the pending question, add the following:

SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 7,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1798

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 9,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1799

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 9,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1800

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 9,750 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1801

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 10,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1802

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 10,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1803

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 10,500 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1804

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 10,750 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1805

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 11,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1806

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 11,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1807

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 11,500 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1808

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 11,750 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1809

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 12,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1810

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 12,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1811

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 12,500 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1812

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 7,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1813

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 7,500 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1814

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 7,750 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1815

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 8,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1816

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 8,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet Attack.".

AMENDMENT No. 1817

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 8,500 PSI and that he is satisfied that the United

States is sufficiently strong to withstand a Soviet Attack.".

AMENDMENT No. 1818

At the end of the pending question, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 8,750 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet Attack.".

AMENDMENT No. 1819

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 5,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet Attack.".

AMENDMENT No. 1820

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 5,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet Attack.".

AMENDMENT No. 1821

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 5,500 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1822

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 5,750 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1823

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 6,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1824

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 6,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1825

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 6,500 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1826

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 6,750 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1827

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 7,000 PSI and that he is satisified that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1828

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 7,250 PSI and that he is satisified that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1829

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 7,500 PSI and that he is satisified that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1830

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 7,750 PSI and that he is satisified that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1831

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 8,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1832

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procure-

ment, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 8,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1833

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 8,500 PSI and that he is satisified that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1834

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 8,750 PSI and that he is satisified that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1835

At the appropriate place in the pending amendment, insert the following:

SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 9,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1836

At the appropriate place in the pending amendment, insert the following:

SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 9,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1837

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 9,500 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1838

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 9,750 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1839

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 10,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1840

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 10,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1841

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 10,500 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1842

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 10,750 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1843

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 11,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1844

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 11,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1845

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 11,500 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1846

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 11,750 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1847

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 12,000 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1848

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for research, development, testing, evaluation, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the basing silos for the MX missile are hardened to withstand 12,250 PSI and that he is satisfied that the United States is sufficiently strong to withstand a Soviet attack.".

AMENDMENT No. 1849

At the appropriate place in the bill, insert the following:

"SEC. . There is hereby authorized to be appropriated $18,760,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Carson, Colorado.".

AMENDMENT No. 1850

At the appropriate place in the bill, insert the following:

"SEC. . There is hereby authorized to be appropriated $19,760,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Carson, Colorado.".

AMENDMENT No. 1851

At the appropriate place in the bill, insert the following:

"SEC. . There is hereby authorized to be appropriated $20,760,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Carson, Colorado.".

AMENDMENT No. 1852

At the appropriate place in the bill, insert the following:

"SEC. . There is hereby authorized to be appropriated $21,760,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Carson, Colorado.".

AMENDMENT No. 1853

At the appropriate place in the bill, insert the following:

"SEC. . There is hereby authorized to be appropriated $22,760,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Carson, Colorado.".

AMENDMENT No. 1854

At the appropriate place in the bill, insert the following:

"SEC. . There is hereby authorized to be appropriated $23,760,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Carson, Colorado.".

AMENDMENT No. 1855

At the appropriate place in the bill, insert the following:

"SEC. . There is hereby authorized to be appropriated $24,760,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Carson, Colorado.".

AMENDMENT No. 1856

At the appropriate place in the bill, insert the following:

"SEC. . There is hereby authorized to be appropriated $25,760,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Carson, Colorado.".

AMENDMENT No. 1857

At the appropriate place in the bill, insert the following:

"SEC. . There is hereby authorized to be appropriated $26,760,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Carson, Colorado.".

AMENDMENT No. 1858

At the appropriate place in the bill, insert the following:

"SEC. . There is hereby authorized to be appropriated $27,760,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Carson, Colorado.".

AMENDMENT No. 1859

At the appropriate place in the bill, insert the following:

"SEC. . There is hereby authorized to be appropriated $28,760,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Carson, Colorado.".

AMENDMENT No. 1860

At the appropriate place in the bill, insert the following:

"SEC. . There is hereby authorized to be appropriated $77,050,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Hood, Texas.".

AMENDMENT No. 1861

At the appropriate place in the bill, insert the following:

"SEC. . There is hereby authorized to be appropriated $78,050,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Hood, Texas.".

AMENDMENT No. 1862

At the appropriate place in the bill, insert the following:

"SEC. . There is hereby authorized to be appropriated $79,050,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Hood, Texas.".

AMENDMENT No. 1863

At the appropriate place in the bill, insert the following:

"SEC. . There is hereby authorized to be appropriated $80,050,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Hood, Texas.".

AMENDMENT No. 1864

At the appropriate place in the bill, insert the following:

"SEC. . There is hereby authorized to be appropriated $81,050,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Hood, Texas.".

AMENDMENT No. 1865

At the appropriate place in the bill, insert the following:

"SEC. . There is hereby authorized to be appropriated $82,050,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Hood, Texas.".

AMENDMENT No. 1866

At the appropriate place in the bill, insert the following:

"SEC. . There is hereby authorized to be appropriated $83,050,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Hood, Texas.".

AMENDMENT No. 1867

At the appropriate place in the bill, insert the following:

"SEC. . There is hereby authorized to be appropriated $84,050,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Hood, Texas.".

AMENDMENT No. 1868

At the appropriate place in the bill, insert the following:

"SEC. . There is hereby authorized to be appropriated $85,050,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Hood, Texas.".

AMENDMENT No. 1869

At the appropriate place in the bill, insert the following:

"SEC. . There is hereby authorized to be appropriated $86,050,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Hood, Texas.".

AMENDMENT No. 1870

At the appropriate place in the bill, insert the following:

"SEC. . There is hereby authorized to be appropriated $87,050,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Hood, Texas.".

AMENDMENT No. 1871

At the appropriate place in the bill, insert the following:

"SEC. . There is hereby authorized to be appropriated $88,050,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Hood, Texas.".

AMENDMENT No. 1872

At the appropriate place in the bill, insert the following:

"SEC. . There is hereby authorized to be appropriated $89,050,000 for the Secretary

of the Army to acquire real property and carry out military construction projects at Fort Hood, Texas.".

AMENDMENT No. 1873

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution that the current force of strategic nuclear weapon systems of the United States (consisting of 1,047 intercontinental ballistic missiles armed with 2,145 nuclear warheads, 568 submarine launched ballistic missiles armed with 4,948 nuclear warheads, and 359 strategic bomber aircraft carrying over 2,600 nuclear bombs) is not sufficient to deter an attack by the Soviet Union with its strategic nuclear weapon system.".

AMENDMENT No. 1874

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that procurement and deployment of the MX missile will not lead the United States or the Soviet Union toward the adoption of a launch on warning doctrine.".

AMENDMENT No. 1875

At the appropriate place in the pending question, insert the following:

SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that procurement and deployment of the MX missile will not contribute to the budget deficit and the underfunding of conventional weapon systems.".

AMENDMENT No. 1876

At the appropriate place in the pending question, insert the following:

SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution that the President is actively and aggressively pursuing, in good faith, a reduction in nuclear arms as part of the START negotiations with the Soviet Union.".

AMENDMENT No. 1877

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the MX missile is compatible with the long-range policies of arms control proposed by the Commission on Arms Control Negotiations (commonly known as the Scowcroft Commission) and approved by the President.".

AMENDMENT No. 1878

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the missile silos designated for basing the MX missiles are capable of surviving a first strike by the nuclear warheads of any hostile country.".

AMENDMENT No. 1879

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of the Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that such missiles are not designed or intended for use as a first strike weapon system.".

AMENDMENT No. 1880

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of the Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that procurement and deployment of the MX missile will in no way abrogate or lead toward the abrogation of the Anti-ballistics Missile Treaty.".

AMENDMENT No. 1881

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress approved such certification by Joint Resolution that the missile silos designated for basing the MX missiles are capable of surviving a first strike by the nuclear warheads of any hostile country.".

AMENDMENT No. 1882

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress approved such certification by Joint Resolution that the missile silos designated for basing the MX missiles are capable of surviving a first strike by the nuclear warheads of any hostile country.".

AMENDMENT No. 1883

At the end of the text of the bill proposed to be stricken out, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress approved such certification by Joint Resolution that the missile silos designated for basing the MX missiles are capable of surviving a first strike by the nuclear warheads of any hostile country.".

AMENDMENT No. 1884

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the current force of strategic nuclear weapon systems of the United States (consisting of 1,047 intercontinental ballistic missiles armed with 2,145 nuclear warheads, 568 submarine launched ballistic missiles armed with 4,948 nuclear warheads, and 359 strategic bomber aircraft carrying over 2,600 nuclear bombs) is not sufficient to deter an attack by the Soviet Union with its strategic nuclear weapon systems.".

AMENDMENT No. 1885

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the current force of strategic nuclear weapon systems of the United States (consisting of 1,047 intercontinental ballistic missiles armed with 2,145 nuclear warheads, 568 submarine launched ballistic missiles armed with 4,948 nuclear warheads, and 359 strategic bomber aircraft carrying over 2,600 nuclear bombs) is not sufficient to deter an attack by the Soviet Union with its strategic nuclear weapon systems.".

AMENDMENT No. 1886

At the end of the text of the bill proposed to be stricken out, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the current force of strategic nuclear weapon systems of the United States (consisting of 1,047 intercontinental ballistic missiles armed with 2,145 nuclear warheads, 568 submarine launched ballistic missiles armed with 4,948 nuclear warheads, and 359 strategic bomber aircraft carrying over 2,600 nuclear bombs) is not sufficient to deter an attack by the Soviet Union with its strategic nuclear weapon systems.".

AMENDMENT No. 1887

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that such missiles are not designed or intended for use as a first strike weapon system.".

AMENDMENT No. 1888

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that such missiles are not designed or intended for use as a first strike weapon system.".

AMENDMENT No. 1889

At the end of the text of the bill proposed to be stricken out, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that such missiles are not designed or intended for use as a first strike weapon system.".

AMENDMENT No. 1890

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that procurement and deployment of the MX missile will in no way abrogate or lead toward the abrogation of the Antiballistics Missile Treaty.".

AMENDMENT No. 1891

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that procurement and deployment of the MX missile will in no way abrogate or lead toward the abrogation of the Anti-ballistics Missile Treaty.".

AMENDMENT No. 1892

At the end of the text of the bill proposed to be stricken out, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that procurement and deployment of the MX missile will in no way abrogate or lead toward the abrogation of the Anti-ballistics Missile Treaty.".

AMENDMENT No. 1893

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that procurement and deployment of the MX missile will not lead the United States or the Soviet Union toward the adoption of a launch on warning doctrine.".

AMENDMENT No. 1894

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that procurement and deployment of the MX missile will not lead the United States or the Soviet Union toward the adoption of a launch on warninorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that procurement and deployment of the MX missile will not lead the United States or the Soviet Union toward the adoption of a launch on warning doctrine.".

AMENDMENT No. 1895

At the end of the text of the bill proposed to be stricken out, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that procurement and deployment of the MX missile will not lead the United States or the Soviet Union toward the adoption of a launch on warning doctrine.".

AMENDMENT No. 1896

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that procurement and deployment of the MX missile will not contribute to the budget deficit and the underfunding of conventional weapon systems.".

AMENDMENT No. 1897

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that procurement and deployment of the MX missile will not contribute to the budget deficit and the underfunding of conventional weapon systems.".

AMENDMENT No. 1898

At the end of the text of the bill proposed to be stricken out, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that procurement and deployment of the MX missile will not contribute to the budget deficit and the underfunding of domestic programs.".

AMENDMENT No. 1899

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that procurement and deployment of the MX missile will not contribute to the budget deficit and the underfunding of domestic programs.".

AMENDMENT No. 1900

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that procurement and deployment of the MX missile will not contribute to the budget deficit and the underfunding of domestic programs.".

AMENDMENT No. 1901

At the end of the text of the bill proposed to be stricken out, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that procurement and deployment of the MX missile will not contribute to the budget deficit and the underfunding of domestic programs.".

AMENDMENT No. 1902

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the President is actively and aggressively pursuing, in good faith, a reduction in nuclear arms as part of the START negotiations with the Soviet Union.".

AMENDMENT No. 1903

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution, that the President is actively and aggressively pursuing, in good faith, a reduction in nuclear arms as part of the START negotiations with the Soviet Union.".

AMENDMENT No. 1904

At the end of the text of the bill proposed to be stricken out, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress has approved such certification by Joint Resolution that the President is actively and aggressively pursuing, in good faith, a reduction in nuclear arms as part of the START negotiations with the Soviet Union.".

AMENDMENT No. 1905

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $26,900,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Aberdeen Proving Ground, Maryland.".

AMENDMENT No. 1906

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $27,400,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Aberdeen Proving Ground, Maryland.".

AMENDMENT No. 1907

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $27,900,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Aberdeen Proving Ground, Maryland.".

AMENDMENT No. 1908

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $28,400,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Aberdeen Proving Ground, Maryland.".

AMENDMENT No. 1909

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $28,900,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Aberdeen Proving Ground, Maryland.".

AMENDMENT No. 1910

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $280,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Detroit Arsenal, Michigan.".

AMENDMENT No. 1911

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $290,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Detroit Arsenal, Michigan.".

AMENDMENT No. 1912

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $300,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Detroit Arsenal, Michigan.".

AMENDMENT No. 1913

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $320,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Detroit Arsenal, Michigan.".

AMENDMENT No. 1914

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $1,280,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Detroit Arsenal, Michigan.".

AMENDMENT No. 1915

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $1,780,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Detroit Arsenal, Michigan.".

AMENDMENT No. 1916

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $2,250,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Red River Army Depot, Texas.".

AMENDMENT No. 1917

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $3,250,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Red River Army Depot, Texas.".

AMENDMENT No. 1918

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $4,250,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Red River Army Depot, Texas.".

AMENDMENT No. 1919

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $4,750,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Red River Army Depot, Maryland.".

AMENDMENT No. 1920

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $25,900,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Redstone Arsenal, Alabama.".

AMENDMENT No. 1921

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provisi 1922

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $26,900,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Redstone Arsenal, Alabama.".

AMENDMENT No. 1922

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized

to be appropriated $26,900,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Redstone Arsenal, Alabama.".

AMENDMENT No. 1923

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $27,400,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Redstone Arsenal, Alabama.".

AMENDMENT No. 1924

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $28,000,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Redstone Arsenal, Alabama.".

AMENDMENT No. 1925

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $4,500,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Sierra Army Depot, California.".

AMENDMENT No. 1926

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $5,000,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Sierra Army Depot, California.".

AMENDMENT No. 1927

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $6,000,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Sierra Army Depot, California.".

AMENDMENT No. 1928

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $7,000,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Sierra Army Depot, California.".

AMENDMENT No. 1929

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $26,900,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Aberdeen Proving Ground, Maryland.".

AMENDMENT No. 1930

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $27,400,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Aberdeen Proving Ground, Maryland.".

AMENDMENT No. 1931

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $27,900,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Aberdeen Proving Ground, Maryland.".

AMENDMENT No. 1932

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $28,400,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Aberdeen Proving Ground, Maryland.".

AMENDMENT No. 1933

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $28,900,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Aberdeen Proving Ground, Maryland.".

AMENDMENT No. 1934

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $280,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Detroit Arsenal, Michigan.".

AMENDMENT No. 1935

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $290,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Detroit Arsenal, Michigan.".

AMENDMENT No. 1936

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $300,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Detroit Arsenal, Michigan.".

AMENDMENT No. 1937

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $320,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Detroit Arsenal, Michigan.".

AMENDMENT No. 1938

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $1,280,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Detroit Arsenal, Michigan,".

AMENDMENT No. 1939

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $1,780,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Detroit Arsenal, Michigan.".

AMENDMENT No. 1940

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $2,250,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Red River Army Depot, Texas.".

AMENDMENT No. 1941

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $3,250,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Red River Army Depot, Texas.".

AMENDMENT No. 1942

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $4,250,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Red River Army Depot, Texas.".

AMENDMENT No. 1943

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $4,750,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Red River Army Depot, Texas.".

AMENDMENT No. 1944

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $25,900,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Redstone Arsenal, Alabama.".

AMENDMENT No. 1945

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $26,400,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Redstone Arsenal, Alabama.".

AMENDMENT No. 1946

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized

to be appropriated $26,900,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Redstone Arsenal, Alabama.".

AMENDMENT No. 1947

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $27,400,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Redstone Arsenal, Alabama.".

AMENDMENT No. 1948

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $28,000,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Redstone Arsenal, Alabama.".

AMENDMENT No. 1949

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $4,500,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Sierra Army Depot, California.".

AMENDMENT No. 1950

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $5,000,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Sierra Army Depot, California.".

AMENDMENT No. 1951

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $6,000,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Sierra Army Depot, California.".

AMENDMENT No. 1952

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $7,000,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Sierra Army Depot, California.".

AMENDMENT No. 1953

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $26,900,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Aberdeen Proving Ground, Maryland.".

AMENDMENT No. 1954

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $27,400,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Aberdeen Proving Ground, Maryland.".

AMENDMENT No. 1955

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $27,900,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Aberdeen Proving Ground, Maryland.".

AMENDMENT No. 1956

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $28,400,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Aberdeen Proving Ground, Maryland.".

AMENDMENT No. 1957

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $28,900,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Aberdeen Proving Ground, Maryland.".

AMENDMENT No. 1958

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $280,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Detroit Arsenal, Michigan.".

AMENDMENT No. 1959

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $290,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Detroit Arsenal, Michigan.".

AMENDMENT No. 1960

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $300,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Detroit Arsenal, Michigan.".

AMENDMENT No. 1961

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $320,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Detroit Arsenal, Michigan.".

AMENDMENT No. 1962

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $1,280,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Detroit Arsenal, Michigan.".

AMENDMENT No. 1963

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $1,780,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Detroit Arsenal, Michigan.".

AMENDMENT No. 1964

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $2,250,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Red River Army Depot, Texas.".

AMENDMENT No. 1965

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $3,250,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Red River Army Depot, Texas.".

AMENDMENT No. 1966

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $4,250,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Red River Army Depot, Texas.".

AMENDMENT No. 1967

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $4,750,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Red River Army Depot, Texas.".

AMENDMENT No. 1968

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $25,900,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Redstone Arsenal, Alabama.".

AMENDMENT No. 1969

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $26,400,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Redstone Arsenal, Alabama.".

AMENDMENT No. 1970

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $26,900,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Redstone Arsenal, Alabama.".

AMENDMENT No. 1971

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $27,400,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Redstone Arsenal, Alabama.".

AMENDMENT No. 1972

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $28,000,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Redstone Arsenal, Alabama.".

AMENDMENT No. 1973

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $4,500,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Sierra Army Depot, California.".

AMENDMENT No. 1974

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $5,000,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Sierra Army Depot, California.".

AMENDMENT No. 1975

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $6,000,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Sierra Army Depot, California.".

AMENDMENT No. 1976

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $7,000,000 for the Secretary of the Army to acquire real property and carry out military construction projects at Sierra Army Depot, California.".

AMENDMENT No. 1977

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $17,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Wildflecken, Federal Republic of Germany, three hundred units.".

AMENDMENT No. 1978

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $17,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Wildflecken, Federal Republic of Germany, three hundred units.".

AMENDMENT No. 1979

At the end of the language of the bill proposed to be stricken out by the committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $17,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Wildflecken, Federal Republic of Germany, three hundred units.".

AMENDMENT No. 1980

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $2,518,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Alaska, twenty units.".

AMENDMENT No. 1981

At the end of the language proposed to be inserted by the committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $2,518,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Alaska, twenty units.".

AMENDMENT No. 1982

At the end of the language of the bill proposed to be stricken out by the committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $2,518,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Alaska, twenty units.".

AMENDMENT No. 1983

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $3,158,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Alaska, twenty units.".

AMENDMENT No. 1984

At the end of the language proposed to be inserted by the committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $3,158,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Alaska, twenty units.".

AMENDMENT No. 1985

At the end of the language of the bill proposed to be stricken out by the committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $3,158,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Alaska, twenty units.".

AMENDMENT No. 1986

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $4,158,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Alaska, twenty units.".

AMENDMENT No. 1987

At the end of the language proposed to be inserted by the committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $4,158,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Alaska, twenty units.".

AMENDMENT No. 1988

At the end of the language of the bill proposed to be stricken out by the committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $4,158,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Alaska, twenty units.".

AMENDMENT No. 1989

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $5,158,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Alaska, twenty units.".

AMENDMENT No. 1990

At the end of the language proposed to be inserted by the committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $5,158,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Alaska, twenty units.".

AMENDMENT No. 1991

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $5,158,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Alaska, twenty units.".

AMENDMENT No. 1992

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $41,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Europe NATO, seven hundred units.".

AMENDMENT No. 1993

At the end of the language proposed to be inserted by the committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $41,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Europe NATO, seven hundred units.".

AMENDMENT No. 1994

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $41,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Europe NATO, seven hundred units.".

AMENDMENT No. 1995

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $42,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Europe NATO, seven hundred units.".

AMENDMENT No. 1996

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $42,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Europe NATO, seven hundred units.".

AMENDMENT No. 1997

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $42,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Europe NATO, seven hundred units.".

AMENDMENT No. 1998

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $43,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Europe NATO, seven hundred units.".

AMENDMENT No. 1999

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $43,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Europe NATO, seven hundred units.".

AMENDMENT No. 2000

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $43,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Europe NATO, seven hundred units.".

AMENDMENT No. 2001

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $44,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Europe NATO, seven hundred units.".

AMENDMENT No. 2002

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $44,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Europe NATO, seven hundred units.".

AMENDMENT No. 2003

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $44,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Europe NATO, seven hundred units.".

AMENDMENT No. 2004

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $50,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Europe NATO, seven hundred units.".

AMENDMENT No. 2005

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $50,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Europe NATO, seven hundred units.".

AMENDMENT No. 2006

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $50,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at various locations, Europe NATO, seven hundred units.".

AMENDMENT No. 2007

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $16,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Polk, Louisiana, three hundred units.".

AMENDMENT No. 2008

At the end of the language proposed to be by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $16,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Polk, Louisiana, three hundred units.".

AMENDMENT No. 2009

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized

to be appropriated $16,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Polk, Louisiana, three hundred units.".

AMENDMENT No. 2010

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $17,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Polk, Louisiana, three hundred units.".

AMENDMENT No. 2011

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $17,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Polk, Louisiana, three hundred units.".

AMENDMENT No. 2012

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $17,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Polk, Louisiana, three hundred units.".

AMENDMENT No. 2013

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $18,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Polk, Louisiana, three hundred units.".

AMENDMENT No. 2014

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $18,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Polk, Louisiana, three hundred units.".

AMENDMENT No. 2015

At the end of the language of the bill proposed to be striken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $18,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Polk, Louisiana, three hundred units.".

AMENDMENT No. 2016

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $19,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Polk, Louisiana, three hundred units.".

AMENDMENT No. 2017

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $19,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Polk, Louisiana, three hundred units.".

AMENDMENT No. 2018

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $19,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Polk, Louisiana, three hundred units.".

AMENDMENT No. 2019

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $15,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Stewart, Georgia, three hundred units.".

AMENDMENT No. 2020

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $15,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Stewart, Georgia, three hundred units.".

AMENDMENT No. 2021

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $15,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Stewart, Georgia, three hundred units.".

AMENDMENT No. 2022

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $16,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Stewart, Georgia, three hundred units.".

AMENDMENT No. 2023

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $16,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Stewart, Georgia, three hundred units.".

AMENDMENT No. 2024

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $16,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Stewart, Georgia, three hundred units.".

AMENDMENT No. 2025

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $17,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Stewart, Georgia, three hundred units.".

AMENDMENT No. 2026

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $17,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Stewart, Georgia, three hundred units.".

AMENDMENT No. 2027

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $17,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Stewart, Georgia, three hundred units.".

AMENDMENT No. 2028

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $18,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Stewart, Georgia, three hundred units.".

AMENDMENT No. 2029

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $18,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Stewart, Georgia, three hundred units.".

AMENDMENT No. 2030

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $18,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Stewart, Georgia, three hundred units.".

AMENDMENT No. 2031

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $19,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Stewart, Georgia, three hundred units.".

AMENDMENT No. 2032

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $19,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Stewart, Georgia, three hundred units.".

AMENDMENT No. 2033

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $19,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Fort Stewart, Georgia, three hundred units.".

AMENDMENT No. 2034

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $13,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Wildflecken, Federal Republic of Germany, three hundred units.".

AMENDMENT No. 2035

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $13,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Wildflecken, Federal Republic of Germany, three hundred units.".

AMENDMENT No. 2036

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $13,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Wildflecken, Federal Republic of Germany, three hundred units.".

AMENDMENT No. 2037

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $14,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Wildflecken, Federal Republic of Germany, three hundred units.".

AMENDMENT No. 2038

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $14,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Wildflecken, Federal Republic of Germany, three hundred units.".

AMENDMENT No. 2039

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $14,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Wildflecken, Federal Republic of Germany, three hundred units.".

AMENDMENT No. 2040

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $15,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Wildflecken, Federal Republic of Germany, three hundred units.".

AMENDMENT No. 2041

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $15,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Wildflecken, Federal Republic of Germany, three hundred units.".

AMENDMENT No. 2042

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $15,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Wildflecken, Federal Republic of Germany, three hundred units.".

AMENDMENT No. 2043

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $16,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Wildflecken, Federal Republic of Germany, three hundred units.".

AMENDMENT No. 2044

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $16,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Wildflecken, Federal Republic of Germany, three hundred units.".

AMENDMENT No. 2045

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $16,000,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Wildflecken, Federal Republic of Germany, three hundred units.".

AMENDMENT No. 2046

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $16,500,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Wildflecken, Federal Republic of Germany, three hundred units.".

AMENDMENT No. 2047

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $16,500,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Wildflecken, Federal Republic of Germany, three hundred units.".

AMENDMENT No. 2048

At the end of the language of the bill proposed to be stricken out by the Committee substitute, add the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized

to be appropriated $16,500,000 for the Secretary of the Army to construct or acquire family housing units (including land acquisition) and acquire manufactured home facilities at Wildflecken, Federal Republic of Germany, three hundred units.".

AMENDMENT No. 2049

At the appropriate place in the pending amendment, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile.".

AMENDMENT No. 2050

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile.".

AMENDMENT No. 2051

At the end of the bill, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile.".

AMENDMENT No. 2052

At the end of the language proposed to be inserted by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile.".

AMENDMENT No. 2053

At the end of the language of the bill proposed to be striken out by the Committee substitute, add the following new section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile.".

AMENDMENT No. 2054

At the end of the bill, add the following:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile until the President has certified in writing to the Congress, and the Congress by Joint Resolution has approved such certification, that 50 percentum of the deployed MX missiles can survive an attack by the nuclear warheads of another nation and subsequently can be launched.".

AMENDMENT No. 2055

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $4,000,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Devens, Massachusetts.".

AMENDMENT No. 2056

At the appropriate place in the pending question, insert the following:

"SEC. . Notwithstanding any other provision of this Act, there is hereby authorized to be appropriated $4,000,000 million for the Secretary of the Army to acquire real property and carry out military construction projects at Fort Devens, Massachusetts.".

LEVIN AMENDMENT NO. 2057

Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 675, supra; as follows:

At the end of the committee amendment, add the following:

SEC. . No funds authorized or appropriated by this or any other Act may be expended by the Department of Defense for the purchase of any spare part or consummable item for which there has been an increase in price in excess of 25 percentum in a 12 month period, or since the last prior buy of such item, unless such purchase is required by contract or unless the contracting officer has certified to the head of the procuring activity that such increase is fair and reasonable, or unless the commanding officer has certified that while such increase is not fair and reasonable, the national security requires that such item be purchased.

MOYNIHAN AMENDMENT NOS. 2058 THROUGH 2060

Mr. MOYNIHAN submitted three amendments intended to be proposed by him to the bill S. 675, supra; as follows:

Strike out Sections 109 and 275, and renumber the remaining sections accordingly.

At the end of the bill, add the following new section:

SEC. . (a) Notwithstanding any other provision of this or any other Act, no funds authorized to be appropriated under this Act shall be obligated or expended for the deployment of an MX missile;

(b) Notwithstanding any other provision of this or any other Act, no missile not already deployed in the Minuteman silo on the date of enactment of this Act shall be deployed in an unimproved Minuteman silo;

(c) It is the sense of the Congress that efforts to modernize the land-based strategic force should be focused on a small, single-warhead intercontinental ballistic missile that is either mobile or able to be deployed in deceptive fashion;

(d) Not less than $560 million of the funds authorized to be appropriated by this Act for research, development, testing and evaluation of intercontinental ballistic missiles shall be expended in the accelerated research, development, testing and evaluation of a small, single warhead intercontinental ballistic missile that is either mobile or able to be deployed in a deceptive fashion;

(e) The President shall submit a written report to Congress by March 1, 1984 detailing the prospects of operational deployment of a small, singlewarhead intercontinental ballistic missile in sufficient strength by December 1, 1986.

AMENDMENT No. 2059

On page 154, line 20, before the period insert a comma and the following: "except that the Secretary of Defense shall, in such report, in addition to the codification relating to the Department of Defense Authorization Act, 1983, assure that provisions made by section 1113 of that Act (relating to the failure to register and the denial of Federal education assistance) permit an institution of higher education to certify first and then inform the student of the requirement that the student file a Statement of Registration Compliance through October 1, 1983.".

AMENDMENT No. 2060

On page 58, line 3, before the period insert a semicolon and the following: "except that the authorization for military training student loads shall not be effective unless the Secretary of Defense, after consultation with the Secretary of Education, certifies that the amendments made by section 1113 of the Department of Defense Authorization Act, 1983, (relating to the failure to register and the denial of Federal education assistance) will permit an institution of higher education to certify first and then inform the student of the requirement that the student file a Statement of Registration Compliance through October 1, 1983.".

MOYNIHAN (AND OTHERS) AMENDMENT NO. 2061

Mr. MOYNIHAN (for himself, and Mr. BINGAMAN, Mr. DANFORTH, Mr. DURENBERGER, Mr. HART, Mr. HATFIELD, Mr. HEINZ, Mr. KENNEDY, Mr. LEAHY, and Mr. TSONGAS) submitted an amendment intended to be proposed by them to the bill, S. 675, supra, as follows:

AMENDMENT No. 2061

On page 158, between lines 8 and 9, insert the following:

EXTENSION OF THE GRACE PERIOD FOR THE ENFORCEMENT FOR THE PROVISIONS RELATING TO THE FAILURE TO REGISTER AND THE DENIAL OF FEDERAL EDUCATION ASSISTANCE

SEC. . The provision of the notice regarding the implementation of regulations entitled "Student Assistance General Provisions; Registration with Selective Service" (48 Federal Register No. 130, July 6, 1983), relating to the schedule under which an institution of higher education may certify first and then inform the student of the requirement that the student file a Statement of Registration Compliance for the period prior to July 31, 1983, is extended from July 31, 1983, through September 30, 1983.

HELMS (AND OTHERS) AMENDMENT NO. 2062

Mr. HELMS (for himself, Mr. SYMMS, Mr. HATCH, Mr. ABDNOR, Mr. ANDREWS, Mr. ARMSTRONG, Mr. BENTSEN, Mr. BOREN, Mr. BOSCHWITZ, Mr. CHILES, Mr. COCHRAN, Mr. COHEN, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. DENTON, Mr. DOLE, Mr. DOMENICI, Mr. EAST, Mr. GARN, Mr. GOLDWATER, Mr. GRASSLEY, Mrs. HAWKINS, Mr. HEFLIN, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. HUMPHREY, Mr. JEPSEN, Mr. JOHNSTON, Mr. KASTEN, Mr. LAXALT, Mr. LONG, Mr. LUGAR, Mr. MCCLURE, Mr. MATTINGLY, Mr. MELCHER, Mr. MURKOWSKI, Mr. NICKLES, Mr. NUNN, Mr. QUAYLE, Mr. PRESSLER, Mr. PRYOR, Mr. RANDOLPH, Mr. ROTH, Mr. SASSER, Mr. STEVENS, Mr. TRIBLE, Mr. THURMOND, Mr. WALLOP, Mr. WARNER, Mr. ZORINSKY, and Mr. RUDMAN) submitted an amendment intended to be proposed by them to the bill S. 675, supra; as follows:

At the end of the Committee Amendment, add the following new section:

SEC. .

To express the sense of the Congress that the foreign policy of the United States should reflect a national strategy of peace through strength.

The Soviet Union has exploited United States peace initiatives in order to build up Soviet strategic and conventional warfare capabilities;

These capabilities have given the Soviet Union the means to support worldwide aggression of an increasingly bold nature;

There is a basis for concern that the Soviets may use these capabilities in armed aggression in Pakistan, Iran, and Yugoslavia;

The Soviet Union has demonstrated an unwillingness to live by the principles of international law;

The United States is the one world power that can stop Soviet expansionism; Now, therefore, be it

The sense of the Congress that the foreign policy of the United States should reflect a national strategy of peace through strength, the general principles and goals of which would be—

(1) to inspire, focus, and unite the national will and determination to achieve peace and freedom,

(2) to achieve overall military and technological superiority over the Soviet Union,

(3) to create a strategic and civil defense which would protect the American people against nuclear war at least as well as the Soviet population is protected,

(4) to accept no arms control agreement which in any way jeopardizes the security of the United States or its allies, or which locks the United States into a position of military inferiority,

(5) to reestablish effective security and intelligence capabilities,

(6) to pursue positive nonmilitary means to roll back the growth of communism,

(7) to help our allies and other non-Communist countries defend themselves against Communist aggression, and

(8) to maintain a strong economy and protect our overseas sources of energy and other vital raw materials.

HELMS (AND OTHERS) AMENDMENT NOS. 2063 AND 2064

Mr. HELMS (for himself, Mr. SYMMS, Mr. ABDNOR, Mr. ANDREWS, Mr. ARMSTRONG, Mr. BENTSEN, Mr. BOREN, Mr. BOSCHWITZ, Mr. CHILES, Mr. COCHRAN, Mr. COHEN, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. DENTON, Mr. DOLE, Mr. DOMENICI, Mr. EAST, Mr. GARN, Mr. GOLDWATER, Mr. GRASSLEY, Mr. HATCH, Mrs. HAWKINS, Mr. HECHT, Mr. HEFLIN, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. HUMPHREY, Mr. JEPSEN, Mr. JOHNSTON, Mr. KASTEN, Mr. LAXALT, Mr. LONG, Mr. LUGAR, Mr. MCCLURE, Mr. MATTINGLY, Mr. MELCHER, Mr. MURKOWSKI, Mr. NICKLES, Mr. NUNN, Mr. PRESSLER, Mr. PRYOR, Mr. QUAYLE, Mr. RANDOLPH, Mr. ROTH, Mr. RUDMAN, Mr. SASSER, Mr. STEVENS, Mr. THURMOND, Mr. TOWER, Mr. TRIBLE, Mr. WALLOP, Mr. WARNER, and Mr. ZORINSKY), submitted two amendments intended to be proposed by them to the bill S. 675, supra; as follows:

At the end of the Committee amendment, insert the following: Notwithstanding any other provision of this act or any other act, none of the funds appropriated pursuant to an authorization contained in this Act or any other Act may be obligated or expended in any way which is inconsistent with the following:

The Soviet Union has exploited United States peace initiatives in order to build up Soviet strategic and conventional warfare capabilities;

These capabilities have given the Soviet Union the means to support worldwide aggression of an increasingly bold nature;

There is a basis for concern that the Soviets may use these capabilities in armed aggression in Pakistan, Iran, and Yugoslavia;

The Soviet Union has demonstrated an unwillingness to live by the principles of international law; and

The United States is the one world power that can stop Soviet expansionism: Now, therefore,

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AMENDMENT No. 2064

Add at the end of the amendment the following: be it the sense of the Congress that the national security policy of the United States should reflect a national strategy of place through strength, the general principlies and goals of which would be—

(1) to inspire, focus, and unite the national will and determination to achieve peace and freedom,

(2) to achieve overall military and technological superiority over the Soviet Union.

(3) to create a strategic and civil defense which would protect the American people against nuclear war at least as well as the Soviet population is protected,

(4) to accept no arms control agreement which is any way jeopardizes the security of the United States or its allies, or which locks the United States into a position of military inferiority,

(5) to reestablish effective security and intelligence capabilities,

(6) to pursue positive nonmilitary means to roll back the growth of communism,

(7) to help our allies and other non-Communist countries defend themselves against Communist aggression, and

(8) to maintain a strong economy and protect our overseas sources of energy and other vital raw materials.

BRADLEY AMENDMENT NO. 2065

Mr. BRADLEY submitted an amendment intended to be proposed by him to the bill S. 675, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . None of the funds appropriated pursuant to this Act or any Act enacted after the date of enactment of this Act may be obligated or expended for the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress and the Congress has approved by Joint Resolution that procurement and deployment of the MX missile will not contribute to the underfunding of conventional weapons.

AGRICULTURE PRICE TARGETING

ZORINSKY AMENDMENTS NOS. 2066 THROUGH 2071

(Ordered to lie on the table.)

Mr. ZORINSKY submitted six amendments intended to be proposed by him to the bill (H.R. 2733) to extend and improve the existing program of research, development, and demonstration in the production and manufacture of guayule rubber, and to broaden such program to include other critical agricultural materials; as follows:

AMENDMENT No. 2066

SEC. 201. Section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h)) is amended by—

(1) in the third sentence—

(A) striking out "is authorized," and inserting in lieu thereof "shall, to the maximum extent practicable, in consultation with the Secretary of State, and"; and

(B) striking out "to";

(2) in the fourth sentence, striking out "normal commercial trade channels shall be utilized and priority shall be given" and inserting in lieu thereof "the Secretary shall: (1) use normal commerical trade channels; (2) take action to avoid displacing usual marketings of United States agricultural commodities and products thereof; (3) take reasonable precautions to prevent the resale or transshipment to other countries, or use for other than domestic use in the importing country, of agricultural commodities used for such exchange; and (4) give priority";

(3) in the sixth sentence, striking out "Secretary of the Treasury" and inserting in lieu thereof "Administrator of General Services"; and

(4) inserting after the sixth sentence the following new sentence: "If the volume of petroleum products (including crude oil) stored in the Strategic Petroleum Reserve is less than the level prescribed under section 154 of the Energy Policy and Conservation Act (42 U.S.C. 6234), the Corporation shall, to the maximum extent practicable, with the approval of the Secretary of Agriculture, and in consultation with the Secretary of Energy and the Secretary of State, accept petroleum products (including crude oil) produced abroad in exchange for agricultural commodities acquired by the Corporation and shall transfer the petroleum products, without reimbursement, to the Secretary of Energy to be placed in the Reserve.".

AMENDMENT No. 2067

SEC. 201. (a) Notwithstanding any other provision of law, the Commodity Credit Corporation may sell corn and other feed grain acquired by it through price support operations to any person, upon application, for the conversion of such grain by such person into alcohol for use as a fuel either by itself or in combination with some other product to include gasohol.

(b) The Commodity Credit Corporation shall sell such grain under the authority of this Act at such price as the Secretary of Agriculture shall establish pursuant to subsection (d) and on such other terms and conditions as the Secretary shall prescribe by regulations.

(c) The Secretary of Agriculture shall establish such safeguards as he considers necessary to assure that grain sold under the authority of this Act to any person is used by such person only for conversion into a fuel.

(d) The Secretary of Agriculture shall establish the price for grain under this act at such level as he determines will permit and encourage the purchase of such grain for conversion into alcohol for use as a fuel

either by itself or in combination with another product and will permit such fuel to be competitive in price with petroleum-based fuels, taking into consideration the energy value of corn or other feed grain, the value of byproducts recoverable from the grain, and, when applicable, the differences in octain rating, Federal and State tax incentives applicable to alcohol used for fuel, and such other factors and values as the Secretary considers appropriate.

AMENDMENT No. 2068

SEC. 201. Congress finds that—

(1) continued low prices for agricultural commodities severely erode the economic position of farmers and all sectors that depend upon agricultural production;

(2) erratic actions of the United States Government, concerning exports of United States agricultural commodities and products thereof, have severely damaged the credibility of the United States as a reliable supplier of agricultural commodities and products thereof to international markets;

(3) the competitive position of the United States in the international trade of agricultural commodities and products thereof has been weakened by foreign export subsidies, unfair trade practices, high interest rates, and unfavorable foreign exchange rates; and

(4) an increase in agricultural exports from the United States would create new jobs, improve this Nation's balance of trade, and otherwise strengthen the national economy.

Congress therefore declares that the expansion of agricultural exports is of fundamental economic importance to the Nation and is one of the highest national priorities.

AMENDMENT No. 2069

SEC. 201. Not later than ninety days after the date of enactment of this Act, the Secretary of Agriculture shall submit to Congress a report that contains a description of the status of programs being carried out under section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h)) and other provisions of law that relate to the barter or exchange of commodities owned by the Commodity Credit Corporation for materials and products produced in foreign countries.

AMENDMENT No. 2070

SEC. 201. The President shall use an amount equal to not less than 35 per centum of the funds appropriated to carry out this chapter and made available for commodity import programs for the purchase of agricultural commodities and agricultural-related products which are of United States origin, except that no less than 20 per centum of such funds appropriated to carry out this chapter and made available for commodity import programs shall be used for the purchase of domestic agricultural commodities; one-half of the amount used for agricultural commodities shall be used to purchase processed or value-added products of such commodities.".

AMENDMENT No. 2071

SEC. 201. It is the sense of Congress that in the fiscal year ending September 30, 1983, not less than $1,000,000,000 should be made available to fund the Agricultural Export Credit Revolving Fund established under section 4(d) of the Food for Peace Act of 1966 (7 U.S.C. 1707a(d)).

MILITARY PROCUREMENT AUTHORIZATION, 1984

HUDDLESTON (AND FORD) AMENDMENT NO. 2072

Mr. HUDDLESTON (for himself and Mr. FORD) proposed an amendment to the bill S. 675, supra; as follows:

On page 2, beginning with line 8, strike out all down through and including line 30.

NOTICES OF HEARINGS

SUBCOMMITTEE ON AGRICULTURAL PRODUCTION, MARKETING, AND STABILIZATION OF PRICES

Mr. COCHRAN. Mr. President, I wish to announce that the Senate Agriculture Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices has scheduled a hearing on S. 596, the Grain Storage Compensation Act of 1983. This bill would expand the PIK program to allow farmers who have suffered a loss due to the insolvency or bankruptcy of a grain elevator to receive PIK commodities subject to certain restrictions.

The hearing will be held on Thursday, July 28, beginning at 9:30 a.m. in room 328-A, Russell Building.

Anyone wishing further information should contact the Agriculture Committee staff at 224-2035.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, I wish to announce that the Senate Committee on Agriculture, Nutrition, and Forestry has scheduled hearings on the nominations of Paul Enns and Joseph Kyser to be Members of the Federal Farm Credit Board on Tuesday, July 26.

The hearing will begin at 10 a.m. in room 328-A, Russell Building.

Anyone wishing further information on the hearing should contact Denise Alexander at 224-2035.

ADDITIONAL STATEMENTS

LACK OF BLACK DOCTORS—A NATIONAL CRISIS

● Mr. KENNEDY. Mr. President, I have reviewed a recently released study concerning the role of minorities in the health professions entitled, "Blacks and the Health Professions in the 1980's: A National Crisis and a Time for Action."

The results and conclusions drawn in this document are truly staggering. The title of this study is very fitting; it is indeed a national crisis, as well as a shameful situation, when nearly 12 percent of our Nation's population are black, yet only about 2 percent of all physicians, dentists, pharmacists, and veterinarians are black.

This study not only outlines the shortage of minorities in the health professions but also illustrates the inequities of our health care system for black Americans. This study shows that urban blacks are more likely than urban whites to be without a regular source of health care. Thirty-five percent of blacks in the South and Hispanics in the Southwest did not see a physician in a 1-year period, and 82 percent of urban blacks did not see a dentist.

The average life expectancy for black Americans is 5 years less than that of white Americans. The infant mortality rate for blacks is nearly twice as high as it is for whites (21.8/1,000 births against 11.4/1,000 births). Blacks have a higher incidence of hypertension, strokes, and certain types of cancer than whites, and their death rates for these disorders is higher than that of whites.

Mr. President, it appears to me that it is time for action. It is time for the Nation's leadership and legislators to take more than a microscopic view of these problems. We are in a position to do something about the sobering and utterly unacceptable second-class status of our black citizens in the area of health care. One way to close this health care gap is to increase the number of black professionals working in our health care system. The recommendations in this new study suggest a number of ways to expand the number of minority health care professionals. I intend to work closely with my colleagues on the Senate Labor and Human Resources Committee to see that these recommendations are addressed as we debate and shape health professions legislation in the coming months.

Mr. President, if there is no objection, I ask that a summary of the study's findings, conclusions, and recommendations be printed in the RECORD.

The material follows:

HISTORIC OVERVIEW

During the early 1960s, two major social policy directions converged: "health care as a basic right for all Americans" and the Civil Rights movement.

A series of federal programs in affirmative action, civil rights, and in health care was developed in the 1960s and early 1970s, to improve access to care for all, to improve access to care for minorities, and to expand the supply of health manpower, including minority health manpower. These programs reached their zenith in the mid-seventies.

Since 1981, the philosophy of less federal intervention in social programs and civil rights has emerged. Reductions in federal support have placed increasing financial strains on higher education institutions and students, particularly those students from low and lower-middle income families. These factors, combined with the slowing of enrollment of minority students—particularly blacks—in health professions schools, which began in the mid-seventies, presage further erosion of the minority manpower gains made during the sixties and seventies.

The gains, however, never approached the goals of parity with whites, in the ratios of manpower to population nor in enrollment.

Until the late 1960s and early 1970s, the vast majority of black health professionals were educated at predominantly black health professions schools. As the number of majority schools and student enrollment increased, there was a shift in the proportion of black students enrolled in majority and minority schools. In medicine the proportion of blacks graduating from minority schools declined from one-half of the graduates to less than one-quarter. In pharmacy, dentistry and veterinary medicine, the change was less striking.

In the last several years, there has been an increase again in the proportion of blacks attending the minority medical schools.

It is clear from the data in this study, that the minority health professions schools play a critical role in the education of black health professionals.

HEALTH STATUS OF THE MINORITY POPULATION

Concerns about health manpower and minority health manpower are based on the relationships between access to care and health status and the influence of health care on health status—death, disability and illness. The non-white population constitutes almost one-third of the population in health manpower shortage areas, in contrast to non-shortage areas where non-whites comprise 15 percent of the population. In urban shortage areas non-whites constitute 47 percent of the population.

Urban blacks are more likely than urban whites to be without a regular source of care, and blacks travel for a longer time to get care. Out-patient departments and emergency rooms are a more frequent source of care for blacks than for whites.

Since the advent of Medicare, Medicaid, and the social programs of the 1960s, there has been considerable improvement in the health status of the population-at-large and the health status of blacks. However, there are still striking differences between whites and blacks for a number of key health status indicators:

Life expectancy for non-whites is approximately five years shorter than for whites;

Low birthweight infants and very low birthweight infants are more numerous among blacks than whites, with infant mortality for blacks almost double that of whites;

Blacks have a higher incidence of, and higher death rates from, hypertension, strokes, and certain types of cancer.

The disparity between black and white utilization of dental care is even greater than the racial disparity in the use of medical care.

TRENDS IN HEALTH MANPOWER AND BLACK HEALTH MANPOWER

The U.S. Department of Health and Human Services has projected the proportion of black health professionals to population needed to achieve parity with total health professionals to population for the year 2000. In medicine, dentistry, and pharmacy, the projections show a substantial deviation from the goal.

In medicine the black physician to black population ratio would be less than one-half the physician to population ratio for whites.

In dentistry the black ratios will be less than half the white ratios.

In pharmacy the black ratios will be less than 60 percent of the white ratios.

Similar data are not available in veterinary medicine but black veterinarians constitute only 1.6 percent of total veterinarian manpower.

A number of factors are affecting all health professional institutions which can substantially change the Department of Health and Human Services projections. These are:

Decline in the total applicant pool in most health professional fields, yet a slight increase in minority applicants in medicine. In dentistry the most recent data show an increase in black applicants after a decline between 1977 and 1979.

Decline in the college-age population, but a continuing increase in the proportion of blacks attending college. (This increase may be abating. Data are not available on the trends in two-year and four-year colleges.)

Reductions in federal financial aid programs for undergraduate and graduate students; blacks, many of whom come from lower income families, are heavily dependent on student aid.

Perceptions of surpluses of manpower in certain health professional fields and related efforts to reduce class size and total enrollment.

Slowed growth in federal and state funding for health professions schools.

Retrenchment in federal affirmative action programs and insufficient commitment to increased black enrollment by a majority of predominantly white institutions.

STUDENTS AND FACULTY

Beginning in the mid-sixties, there were large increases in student enrollment in medicine, dentistry, pharmacy, and veterinary medicine. Black medical students increased substantially as a proportion of total medical students; lesser gains were made in the other health professions.

The percentage increases in black enrollment peaked in medicine and dentistry in the mid-seventies and then declined. Recently there has been a slight increase but not to the levels of the peak years.

In pharmacy, baccalaureate enrollment has continued to rise but the number and percent of graduates peaked in 1978-79. In veterinary medicine black enrollment remained at the same percentage of total enrollment between the mid-seventies and the present.

Of the 127 medical schools in the United States, the four minority medical schools (Meharry Medical School, Howard University, Morehouse School of Medicine and the Charles Drew Medical School) educate almost one-quarter of the black physicians.

Meharry and Howard Dental Schools educate almost 38 percent of the black dentists. There are 58 dental schools in the U.S.

The four minority pharmacy schools (Florida A & M, Howard University, Texas Southern and Xavier University) educate more than 45 percent of the black pharmacists. There are 71 pharmacy schools in the U.S.

Tuskegee Institute educates three-quarters of the black veterinarians. There are 23 schools of veterinary medicine in the U.S.

The success of majority schools in increasing black enrollment varies widely. Some institutions have achieved notable progress and others, particularly some state universities in areas with large black populations, have black acceptance rates and enrollments significantly below the national average.

There is a substantial underrepresentation of blacks as faculty members at health professions schools in all fields. In medical schools, there have been modest increases in the percentage of black faculty and a shift of black faculty between minority and majority schools, with an increasing proportion teaching in majority schools. In dental schools the proportion of black faculty is higher than in medicine. In pharmacy, black faculty constitutes three percent of total faculty, and in veterinary medicine the proportion is very small.

STUDENT FINANCING

Several characteristics of black health professions students distinguish them from white students in terms of student financing.

Black students come from lower income families than whites with a disproportionate number coming from families with incomes under $20,000 per year.

Black students tend to be older than white students and often have families of their own.

Black health professions students have a higher probability than whites of entering health professions schools with debts already accrued from their undergraduate education.

Current federal student aid policies are making it more difficult for minority students to enter and continue health professions education. Black students graduate with an average education debt higher than whites. Average educational debt is rising.

There has been a five-fold increase in the number of students obtaining Health Education Assistance Loans (HEAL) with interest rates exceeding 13 percent. Guaranteed Student Loans (GSL) at lower interest rates are limited to $5,000 per year, substantially below the level needed to finance health professions education.

There has been a substantial decrease in the availability of National Health Service Corps Scholarships. National Direct Student Loans and Exceptional Financial Need Scholarships have also declined.

Rising tuition and the concomitant increased need for financial assistance are particularly acute problems for minority students. The reduction in scholarships and the growing reliance on HEAL loans with market rate interest will become increasing impediments to maintaining or expanding black participation in health professions education, particularly for low-income students.

MINORITY EDUCATIONAL INSTITUTIONS AND THEIR FINANCING

Even with the expansion of black student enrollment in majority schools during the sixties and seventies, the minority health professions schools still educate three-quarters of the black veterinarians, almost one-half of the black pharmacists, more than one-third of the black dentists, and one-quarter of the black physicians.

The financing of the minority schools differs significantly from most majority schools. Except for Howard University (a federally funded institution) most of the minority schools have histories of financial fragility.

Because their missions have been to educate black professionals and because their student bodies generally come from low-income families, private endowments have never been a major source of funding.

Except for some unique arrangements with a few states, the private minority schools have not received regular state appropriations.

Because of their orientation toward the education mission, they have not received significant biomedical research grants, which serve as a major financial resource

for many majority schools. None of the minority schools in the study is a major research institution.

Finally because of their location in low-income areas and their limited access to clinical facilities, the ability of the minority schools to generate income from patient care services is more limited than most majority institutions. Patient care revenues have been the most rapidly increasing source of support for majority schools.

Minority schools are less likely than majority schools to have affiliations with large Veterans Administration and county hospitals. These affiliations provide substantial clincial faculty support for majority schools.

The private minority health professions schools remain financially vulnerable and as federal and state support shrinks, their vulnerability will increase.

PROBLEMS—ENROLLMENT AND RETENTION OF STUDENTS

The literature cites a number of barriers to increased enrollment, retention and graduation of black health professionals.

Acceptance to application rates for blacks have fallen while they have risen for whites. These rates vary widely among institutions.

Admissions criteria clearly influence acceptance rates. Some schools heavily weigh the health professions admissions tests and grade point averages while others use additional criteria such as clinical interest. Blacks tend to score lower on standardized admissions examinations. The reasons for this have long been debated by sociologists, anthropologists and policy analysts. There is evidence that these tests at best are predictive of success in the basic science curriculum. They are not predictive of success in clinical curriculum or practice.

There is evidence that many minority students are poorly prepared in the sciences in high schools and colleges and do not receive appropriate counseling for health professions careers.

Lack of role models is also frequently cited as a barrier to increasing black health professions students.

Socioeconomic factors clearly influence the ability of students to attend college and professional schools. Changes in student financing with a shift from scholarships to loans, and an economic recession will increase the difficulty of black students in financing the long health professions education process.

The Bakke decision is often cited as a stimulus to relax affirmative action efforts. There has been a significant retrenchment in support of affirmative action goals and programs.

The minority health education institutions which educate a significant proportion of minority health professionals are facing increased financial difficulty for several reasons:

Lack of biomedical research support and potential reduction in federal support of biomedical research;

Lack of the scope and diversity of clinical facilities for support of clinical faculty combined with location of the clinical facilities in low income areas;

Limit on ability to increase tuition levels because of the large proportion of low income students attending minority schools;

Potential reductions in state support as state revenues decline;

Reduction in federal support for health professions educational institutions.

ISSUES AND OPTIONS

The report raises a series of issues and options regarding an increase in black health manpower in an era of manpower surplus, the reasons the goals of increased black health manpower were not achieved, the need for minority schools, the need for a federal role, and options for policy makers to consider:

While there may be an emerging surplus of health manpower in many fields, there is no surplus of black health manpower, and wide disparities will continue between the ratio of black manpower to black population and white manpower to white population. Many health manpower shortage areas and underserved areas have large black populations. Health status measures for blacks are worse than for whites.

Since the federal government bears much of the cost of health care, it must be concerned about access to care and health status, since improved health status should translate into lower health and social expenditures.

An increase in the proportion of black health professionals is dependent on a number of factors:

Commitment of majority health professions education institutions;

Admissions and retention policies of majority institutions;

Improved high school and college science training for black students;

Affordable student financing.

The data show that only a very small proportion of majority health professions schools is responsible for increases in black student enrollment. Strategies to broaden this base include:

Strong commitment by governors, state legislators and state higher education boards to ensure that state universities implement policies to increase black enrollment;

Increased scholarships and low interest loans to black students;

A more aggressive federal policy of enforcement of civil rights and affirmative action programs;

Training of more minority faculty and minority faculty development.

In all fields minority schools play a critical role in the maintenace of total minority enrollment. Any cutbacks in enrollment in minority health professions schools will reduce total black enrollment and black health professions manpower.

The minority schools are more financially vulnerable than the majority schools. To strengthen these schools financially some policy options could be undertaken to:

Provide funds for approved biomedical and health services research grant applications designed to address significant health problems of minority population groups, utilizing the unique strengths and perspectives of minority health professions schools;

Provide funds for health manpower project grants designed to increase the capacity of minority and majority health professions schools to identify, recruit, educate and train more minority health professionals;

Increase recruitment of minority students by the Armed Services and the proportion of Armed Services scholarships going to minority students;

Promote affiliations between hospitals supported by governmental agencies (federal, state, county and city) and minority health professions schools in their geographic area.

CONCLUSION

There is a substantial probability that previous gains in the increase of black participation in the health professions will be eroded during the eighties unless action is taken to:

Increase minority student financial support through scholarships and low interest loans;

Increase the commitment of majority schools to recruit and retain black students, even if the schools reduce general enrollment;

Restore enrollment at Meharry to at least 100 students per class in medicine as soon as possible and expand the Morehouse class size to reach their goal of 64 students per class;

Increase the financial stability of the minority health professions schools by expanding their clinical bases, particularly through new or enhanced VA and county/city hospital affiliations;

Develop a sufficiently strong research base at minority health professions schools to attract strong basic science faculty, including more minority faculty.●

THE 207TH ANNIVERSARY OF AMERICAN INDEPENDENCE

● Mr. HATCH. Mr. President, today I should like to share with the Senate a speech which was given in celebration of America Day of the Honorable Joseph Verner Reed, U.S. Ambassador to the Kingdom of Morocco. Our country has enjoyed independence and freedom for 207 years, and Ambassador Reed has expressed in his speech the wants and desires that all Americans have for the people of the world. I encourage all my colleagues to take the opportunity to read Ambassador Reed's remarks, and I ask that the speech be printed in the RECORD.

The speech follows:

MESSAGE BY AMBASSADOR JOSEPH VERNER REED IN CELEBRATION OF THE 207TH ANNIVERSARY OF AMERICAN INDEPENDENCE, VILLA AMERICA, RABAT, MOROCCO, THURSDAY, JUNE 9, 1983

Excellencies, Colleagues, Ladies, and Gentlemen:

You honor this house of peace and friendship by your presence here today. I thank you for coming to Villa America and for joining with us in the celebration of the independence of the United States of America.

In 1976 we commemorated the two hundredth birthday of the Republic, dated from the promulgation of the Declaration of Independence, on July 4, 1776. What we call the "Spirit of '76" is the essence of the American message—that peoples everywhere have the right to determine for themselves, free of external dictation, that form of government which best corresponds to their needs and aspirations. This message was, and remains, a condemnation of imperialism in whatever guise it takes. As Jefferson wrote—and this is the American pledge—"I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man".

In many ways not 1976 but this year of 1983 is, however, the true bicentennial of American independence. This September we shall observe the two hundredth anniversary of the Treaty of Paris, by which our independence was recognized by our mother country. The thirteen former colonies became "free Sovereign and independent States". Article Seven of the Treaty is par-

ticularly noteworthy, when we remember that it came after years of war and sacrifice on both sides. That Article provides that between the former imperial power and the infant Republic "there shall be a firm and perpetual peace" and that this would apply as well "between the subjects of the one, and the citizens of the other". It was further provided that no person should henceforth "suffer any future loss or damage either in his person, liberty, or property" because of a position taken during the war of independence.

I have taken this occasion to recall these quotations because they remind me of certain fundamental principles that the United States of America has respected for 200 years and still considers as most important guidelines for the conduct of international affairs.

The first point suggested by the Treaty of Paris is self-evident: that disputes between nations should be resolved through negotiations that culminate in an agreement. This idea, still revolutionary today, is that not force or the threat of force is to prevail, but mutal interest, as freely defined and accepted within a compact to which both parties are bound.

The second point that comes to mind is that the valid objective of an international agreement is to establish and enhance peaceful relations between States, not the domination of one side and the submission of the other. Agreements, then, must take place between sovereign equals, not between overlord and satellites, or an imperialist regime and its puppets. This point, too, should be self-evident, but in the world of today it is all too often honored more in the breach than in the promise. Some States look with anxiety upon the prospect that others might enjoy genuine independence, because such rights of self-determination are denied to their own citizenry. We do not sympathize with those who would impose their own systems upon others, for we know that not only simple decency but true security in the long run requires that each nation be allowed to seek its own destiny.

A third point in this return to the historical sources of American nationhood is that we have always sought peace with reconciliation. Agreements can be useful to lessen conflicts and to build formal structures for future relations, but if they do not embody the spirit of trust and cooperation, then accumulated resentments can undermine the achievement, often fatally. As the Treaty of Paris reminds us, we must establish new and productive relationships between nations, not mere truces or pauses in the conflict.

We Americans seek to create new accords, new relationships throughout the world. We want to negotiate serious, deep reductions in the threat of nuclear weaponry that hangs over us all. We want to see an end to the fratricide in the Middle East, and we urge that negotiations begin now, so that peace—yes, peace with reconciliation—may bring its blessings to this region, so long afflicted by war and devastation. We want to cooperate with all nations, so that we attack together the real enemies of mankind—hunger, disease, and ignorance. And where we compete with other nations, let this be for the advancement of human welfare and security, rather than in arms races that waste our time and resources.

We Americans are notoriously optimistic, to be sure. History has often smiled upon us; we won our nationhood against overwhelming odds, settled a continent and made it bloom, and created a national society which has many problems to be solved, but which offers hope to individuals of all races, creeds, and origins that each can reach the fullest potential of his or her abilities. In our free society the attainment of the hitherto impossible has become a commonplace.

But we have not done this alone. From the start America has had invaluable friends. We owe much of our success to the legacy of decency and justice bestowed on us by the mother country whom we left in form, but never in spirit. France, Spain and other European powers helped make our independence possible. And to Morocco we owe the gift of a continuous friendship that had broadened and deepened throughout the years.

Our independence has always coincided with our interdependence, our reliance upon the help, the understanding, and the fellowship of nations that share our ideals. This occasion, then, is not only the National Day of the United States of America, but the day of everyone, on every continent, who upholds the words of our Declaration of Independence, that

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness, that to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed."

Excellencies, colleagues, friends, I thank you again for the friendship you have shown my country by your presence at this celebration of American independence—the great festival of freedom for all mankind.●

JEFFERSON AWARD GOES TO MILWAUKEE VOLUNTEER

● Mr. KASTEN. Mr. President, a truly admirable American, Dr. Robert Kustra, was honored yesterday by the American Institute for Public Service for his work among the poor in Milwaukee. Dr. Kustra, winner of the Jefferson Award for Community Service, is one of nine Americans being recognized for outstanding community work.

There are millions of Americans who freely give their time and services to help those less fortunate than themselves and these people are to be commended. But it is a rare individual who is so unselfish and committed to helping the impoverished that he will devote his life to doing so. Starting with a dental chair and a lot of determination, Dr. Kustra founded the Guadelupe Children's Medical and Dental Clinic in 1965. Four years later, Dr. Kustra and a few volunteers were providing 50 children from low-income families with dental service for little or no charge. Through his efforts, the clinic was expanded to include medical services, and by 1982, 120 medical profession volunteers provided medical and dental services to over 3,000 low-income families in the Milwaukee area.

Not enough can be said of an individual like this, Mr. President. Dr. Kustra's unending dedication to people is indeed rare and will be appreciated for years to come. I am proud of his achievements and praise his distinguished record of service.

I want to call to the attention of my colleagues an article on Dr. Kustra which appeared in the Milwaukee Sentinel.

The article follows:

[From the Milwaukee Sentinel, July 12, 1983]

"DENTAL SPANISH" TRANSLATES AS LOVE

(By William Janz)

On his honeymoon, Robert P. Kustra, a dentist, pulled teeth in Guatemala.

That was in 1965, when he went to work on the dental problems of the poor in Guatemala for the first time. Later, he and his wife returned there to an earthquake and a dental office that was a hut with a clay floor. When dental equipment arrived in large crates, the local priest used the wood from the crates to patch the church roof.

For Kustra, there's more to the practice of dentistry than stainless steel.

Kustra's a talker who picks his stories out of a corner of his small office in Oak Creek and concentrates on them, staring as he speaks.

Talking about his dental work among the poor on Milwaukee's South Side, he said, "I'm getting the notoriety and everyone else is getting all the work."

The founder of the Guadalupe Children's Medical and Dental Clinic, 1112 S. 3rd St., Kustra, 49, recently won a national Jefferson Award for community service.

On July 19, in Washington, D.C., officials of the American Institute for Public Service will present awards to nine persons, including Helen Hayes, Kirk Douglas and Kustra.

The award includes $1,000, which Kustra will donate to Guadalupe, he said, because it badly needs money. Kustra, who opened the clinic 18 years ago, and the other dentists who are there at least one day a month, work for free.

Patients are charged $1 a visit, but the dental work is not predicated upon payment of that buck.

"Dr. Richard Schulte," Kustra said. "You've got to get his name in. He's been there since the beginning and I've never seen his name in print."

Kustra was eligible for the national award because he was a winner of one of the local Jefferson Awards, which are sponsored by WITI-TV (Channel 6).

"The work at Guadalupe is self-fulfilling," Kustra said. "It's so second nature to me that I don't even think about it anymore. It's part of my life-style.

"Sometimes I seriously wonder why I'm getting the award. It's very nice, but there are so many volunteers and so many people working hard at Guadalupe.

"As the president says, we are a nation of volunteers. Guadalupe has so many volunteers putting in tremendous time. From the board of directors on down. They should be getting the credit."

Guadalupe was started with one ancient dental chair and some prayers. For Kustra, his religion is part of what he does.

"When the good Lord opens certain doors, you go through," he said, explaining his work with the poor. "When he closes them, you don't."

Since many of the clinic's patients speak Spanish, Kustra learned to speak what he called passable Spanish. When several Vietnamese children became patients in his private practice in Oak Creek, he learned

enough Vietnamese to get them to realize he was interested in them.

You could say he speaks dental Spanish and dental Vietnamese. He sat at his desk, sample tubes of Crest in front of him, his glasses on a note pad stamped Scope. The room was so small that he could almost touch each wall without moving.

In a letter to the local Jefferson Award committee, Mary A. (Pink) Mullaney, a volunteer at Guadalupe, wrote:

"There are good people all over the world, wonderful, generous innovators who do something when the rest of us fidget around wishing we knew where to start. Dr. Kustra started something, stayed with it, and is still improving on that good idea."

The Jefferson Award committee also thought Kustra was a good idea.●

TOWARD A NEGOTIATED SETTLEMENT IN EL SALVADOR

● Mr. KENNEDY. Mr. President, I am increasingly alarmed over the present course of the conflict in Central America.

Rather than move toward a peaceful political solution in El Salvador, the Reagan administration has continued to pursue a policy of military escalation. Rather than work with our friends and allies in the region to resolve outstanding disputes within and among the nations of Central America, this administration has paid lipservice to the idea of such cooperation, while attaching unacceptable preconditions to any negotiations. The recent meeting of the Presidents of the Contadora nations—Colombia, Mexico, Panama, and Venezuela—is a further dramatic reminder of the reckless U.S. policies in this part of world. Current American policy is not working—and it is incumbent upon this Congress to formulate a better one.

I would like to bring to my colleagues' attention two thoughtful articles which appeared in the Washington Post over the Fourth of July recess. Both articles demonstrate the necessity of actively pursuing negotiations and the feasibility of doing so at this critical time. Mr. Stephen Rosenfeld points out that the differences separating the Government of El Salvador and the opposition forces are not nearly so divergent as previously assumed. Prof. Robert Pastor outlines an 8-point peace plan for Central America; he also suggests a method of breaking the deadlock between the opposition forces in El Salvador, which insist on unconditional negotiations, and the Salvadoran Government, which insists on free elections.

It is the urgent duty of Congress to explore all possible steps to foster a true process of negotiation and reconciliation, which alone can bring about a lasting peaceful resolution to the conflict in El Salvador. To that end, I urge my colleagues to seriously consider the views of Mr. Rosenfeld and Mr. Pastor, and I ask that their articles be inserted in the RECORD at this time.

The articles follow:

[From the Washington Post, July 5, 1983]

THE DOOR NOT OPENED

(By Stephen S. Rosenfeld)

Tread the narrow, twisting corridor of ifs and maybes that lead toward a negotiation in El Savlador, if and maybe.

True, the fighting goes on. Among the would-be peacemakers there is evident neither the authority on their own side nor the trust on the other side to make a negotiation go. The smart money says forget it.

But two considerations work against this forbidding prospect.

The less important is that everyone now pays court to the idea of a negotiated settlement. The Salvadoran government has created a "peace commission," whose equivalent already exists on the left. The patrons of both sides, including the United States, Cuba and assorted others, say they favor talks. The would-be mediators of the Contadora group have made contact.

So there is 1) if not an impulse to peace, a pretense to peace among the parties, 2) a body of supportive international concern and pressure and 3) the beginnings of some mechanisms.

All this and 10 cents buys a cup of coffee, or used to. The more important consideration snapped into focus for me only this week as a result of encounters with Deane Hinton, until recently the American ambassador to El Salvador, and Jeane Kirkpatrick, President Reagan's representative to the United Nations.

What I took from them was the feeling that the Salvadoran sides are not nearly so far apart as is commonly supposed, but that at the political level the administration is not fully aware of how it might bridge the gap.

Hinton is a crusty old pro with a background in economic negotiations. Though he is wary of the pitfalls, his premise—not his prediction—is that a negotiation can be made to happen in El Salvador if the United States hangs in with aid and plays its diplomatic cards right. He sat me up straight with his observation that, even as matters stand now, the Salvadoran government could "take on"—somehow deal with—no fewer than four of the six points on the guerrillas' agenda.

What?

If you put "elections," shorthand for the government agenda, against "power sharing," Washington's shorthand for the guerrilla agenda, it's a mismatch. Between disposing of power by an election and carving up power before an election, there is no common ground.

But both agendas list, for instance, an item on security. The government invites the guerrillas to talk about the security arrangements requisite to their participation in elections, while the guerrillas ask the government to make a new disposition of their respective armed forces. There is plenty to disagree about here, but the two positions are not mutually exclusive.

On this agenda point and some others, Hinton believes, the need is to get the two sides talking. I found what he said an eminently practical basis on which to try to move the Salvadorans past shadowboxing.

So much for breakfast. At lunch it was Kirkpatrick, who, unlike Hinton, remains engaged in Salvadoran policy and enjoys the president's confidence.

Did she think it possible or desirable to encourage the Salvadoran sides to go to the table without prior agreement on the agenda? She could, perhaps, see the two arriving at the table, she said, but she doubted the Salvadoran government would conduct substantial conversations on an agenda not basically oriented toward the organization of elections.

Would not a good purpose be served by getting the two to talk? The unambiguous American position, Kirkpatrick said, is that the distribution of power can be solved by free elections with the broadest participation and security for all.

Are not discussions possible on the basis that the Salvadoran government acknowledges that the security of the left must be ensured for elections, while the guerrillas want a reorganization of the armed forces? No, she said, it didn't seem probable, it was not going to happen.

Why not encourage the two sides to sit down without an agenda, with the formation of an agenda the first item of business? The Salvadoran peace commission will sit down to discuss the left's participation and security in elections, she said, not the restructuring of the government before elections.

Maybe I got it wrong. Maybe she was just being properly discreet and deferential to the Salvadoran government. Maybe there is more flex in the administration position than meets the eye. But I sure had the impression that where the Hinton line might open things up, the Kirkpatrick line might close things down. It didn't sound good.

[From the Washington Post, July 5, 1983]

AN 8-POINT PEACE PLAN FOR CENTRAL AMERICA

"INSTEAD OF ELECTIONS WITHOUT NEGOTIATIONS OR NEGOTIATIONS WITHOUT ELECTIONS, WHY NOT WIDE-RANGING NEGOTIATIONS LEADING TO ELECTIONS?"

(By Robert Pastor)

There has been a lot of pressure on the Reagan administration to negotiate in Central America, but few specific ideas on how or what to negotiate. Here's a proposal.

Besides improving the Salvadoran armed forces, the strategy of the Reagan administration and the Salvadoran government relies on elections. The left is invited to participate or to talk about the elections in the Peace Commission. The left (FDR/FMLN) says that elections under the government's auspices would be meaningless at best; more likely, they would be suicidal. Even if bodyguards would protect rather than "terminate" leftist candidates, who would ensure the results? So the left proposes "negotiations without preconditions" as a way to resolve the conflict, and the government, interpreting this proposal rather liberally and disingenuously as a demand for power-sharing, blocks negotiations. The war grows worse, and there is little prospect that the government's elections will discourage the guerrillas or reduce the rightist violence. The elections could provide a modicum of legitimacy to the government, but if the right wins the election, that won't last long or be worth much.

There is room enough and reason enough to compromise. War strengthens extremists, particularly in countries like El Salvador where the middle—both moderates and the spirit of moderation—is precarious and democracy is embryonic. Only at the bargaining table can moderates on both sides be put in a position where they could begin calling the tune rather than dancing to it or running from it.

Instead of elections without negotiations or negotiations without elections, why not wide-ranging negotiations leading to elec-

tions? Both sides—and the Reagan administration—should announce their support of the following compromise proposition: "Elections remain the best way to test the will of the people, but they are impossible in the current climate of violence. Negotiations should begin immediately to define the terms and the conditions that will permit the elections to be free and fair and, if possible, held in December 1983". "Terms and conditions" could be defined broadly enough to include the reorganization of the military, guarantees on electoral results, an interim government—whatever; the point is that the conditions for free elections would be negotiated without preconditions, thus satisfying the current position of both sides.

Who can refuse such a proposition and retain international credibility? Having insisted that elections are the "political solution," the Reagan administration can hardly reject honest negotiations aimed at making the elections fair. Having asked to talk about a reorganization of the military and a provisional governing structure as a way to guarantee the rights of the left, the FDR/FMLN can hardly retreat, without implying its opposition to elections in principle. Certainly, the Christian Democrats, who have their own good reasons to fear that the right will erase them either during or after the election, should welcome negotiations that guarantee their safety and return them to the middle of the Salvadoran political spectrum where they belong. The right will participate in negotiations only if the Reagan administration can persuade them that they have no alternative. Failure to apply U.S. leverage on the right will doom negotiations from the beginning.

Assuming the proposition is accepted by the government and the left, both sides would issue an invitation to international "sponsors" to oversee the negotiations, the elections and the outcome. The Contadora Group should be the principal sponsors, but it should be expanded. One idea would be for the left to be sponsored by Mexico, Spain, France and Colombia, and the government to be sponsored by the United States, Venezuela, Panama and the Dominican Republic. Representatives of these countries would sit at the bargaining table and play an active, facilitative role in the negotiations and in implementing an agreement of eight points.

1. For purposes of building confidence and trust as much as for stopping the war, the first item on the agenda should be the negotiation of a cease-fire, say for one day in one area. As negotiations proceed, the cease-fire should be extended over time and space.

2. Both sides would negotiate a two-month electoral period, in which all parties would register and participate and have equal access to the media. An electoral board would be broadly representative of both sides and would oversee the election, assisted by a large number of international observers. To dispel suspicion, the Reagan administration would state clearly that it would fully respect the outcome if the Communists won the election. Parallel statements could be solicited from other sponsors and also from Cuba and the Soviet Union.

3. Both sides would agree to a constitution, which would make minor modifications of the existing one, but would institutionalize the land reform (phases I and III), guarantee economic and political pluralism and pledge a nonaligned foreign policy.

4. During the electoral period, the armed guerrillas would stay in their camps, and the military would cease operations in these areas—thus reducing and ultimately ceasing military contact. Security would be guaranteed by an "election-protection peace force" composed of soldiers from most or all of the eight sponsors. This force would remain in place for at least three months after the elections in order to ensure continuity and guarantee the results.

5. Both sides would accept some responsibility for the repression—the killing of innocent civilians—and, supervised by the peace force, would dissolve the most repressive elements of both forces, say, the government's Treasury Police and National Guard and the two most brutal of the five guerrilla armies.

6. A plan for integrating the guerrillas, into a reorganized armed force would be negotiated and would come into force two months after the election and one month after the inauguration of the new government.

7. A negotiated interim government would come into being at the signing of the agreement and the beginning of the electoral period. This interim government would give representatives of the various groups the first opportunity to communicate directly with one another and to work together. It would also preclude government assistance to any party.

8. The sponsoring nations would agree to contribute a total of $2 billion in economic aid directly (and encourage another $2 billion by other donors) for a five-year period to help El Salvador recover, implement the reforms, and contribute to a rejuvenated Central American Common Market. It is well to recall that before the war, El Salvador demonstrated its capacity for economic growth (5.3 percent per year sustained over 20 years), social progress (the distribution of income improved from 1965 to 1977) and expanded education. With outside help and inside peace, El Salvador could be an economic engine for Central America.

In addition, the sponsors would agree to provide $50 million in military aid during the same five-year period, but all economic and military aid would be negotiated directly and exclusively with the civilian government and would be turned on or off by the civilians, or off by the sponsors if the military should interfere with the government. It is essential that in the postwar period, all outside democratic governments do everything they can to keep the military out of politics.

These are the rough and radical elements of one peace plan. It is offered not as the only plan but only to demonstrate that if the administration used half as much energy in pursuing negotiations as it does in trying to get Congress to fully fund its military aid program, hundreds of possible variations would suggest themselves.

Negotiations will not be easy, and no one should expect that all those on the left or right will remain a part of the process; they won't. However, it is essential to test the sincerity of both groups and to divide those who want democracy from those who only want power. The aim is to narrow the base of those who prefer fighting to compromise, rather than to squeeze the middle, which is the consequence of the current strategy. The government that emerges from negotiations will be able to stand on its own and fight the remaining guerrillas from real strength—not the kind that comes from guns, but the kind that comes from popular support.

If this negotiation succeeds, the same formula could be applied to Nicaragua. The same eight-nation sponsors could oversee a negotiation between the Sandinista government and the rebel groups. If the Sandinistas believe that their revolution is worth exporting to El Salvador, perhaps they can be persuaded to import a solution for peace from their neighbor and Common Market partner.

While the Contadora Group endlessly debates the shape of the negotiating table, and the Reagan administration insists on regional rather than bilateral talks, this proposal cuts through the Central American knot by going to the real source of the problem, which is not external support but internal division.

The best part of this plan is that everyone is welcome to take the first step; there is no reason why Spain, the Socialist International, the Contadora Group or the Salvadoran government should wait for the Reagan administration. The administration is hardly alone in making negotiations more difficult; this proposal offers everyone the chance of making them more likely. Spain, for example, could announce support of the first proposition and try to persuade the FDR/FMLN to accept it as well. By doing so, the burden would be passed to the Salvadoran government and the Reagan administration to accept full-scale negotiations on elections.

The administration has found a hundred disingenuous reasons to reject negotiations, but the Salvadoran left is not the Vietcong. It is an extremely heterogenous group which includes disaffected Christian and Social Democrats, and quite possibly the only thing holding them together is the war and the absence of negotiations. Because the sponsors are democratic countries and the negotiator of the left might well be Guillermo Ungo, the Social Democratic leader of the FDR, the United States and its friends are better positioned to take advantage of negotiations than is the left. For that reason, I hope President Reagan takes the first step. Congress is right to insist on it.

Only through such a plan can the divisions that are opening in our country and have already opened between the United States and our friends begin to be healed. Most important, for El Salvador, it is vitally important that the action move quickly from the battlefield to the bargaining table before culminating at the ballot box.●

CATHOLIC WAR VETERANS

● Mr. D'AMATO. Mr. President, I rise today in support of S. 1145, a bill to grant a Federal charter to the Catholic War Veterans of the United States of America.

Founded in 1935, this organization has tirelessly served the interests of the veteran and his dependents, providing much-needed welfare and rehabilitation. With nearly 50,000 active members, the Catholic War Veterans has selflessly maintained the rights and privileges of those who have defended our Nation.

The Catholic War Veterans has remained faithful to the preamble of its constitution:

We American Citizens, members of the Catholic Church, under the spiritual authority of our Holy Father the Pope, Bishop of Rome, and who have served in the wars

and campaigns of the United States in order that we may be bound by a greater spirit of faith and patriotism, and that we may be of greater service to God and our country and to one another, and in order to perpetuate our ideals and ideas, establish a permanent organization.

Mr. President, the Catholic War Veterans has recognized the necessity of aiding men and women in need, those who have answered our country's call. As this heroic organization nears its 50th anniversary, I find it entirely appropriate that we recognize such a meritorious service. I wholeheartedly support this bill, to honor, to pay tribute to the Catholic War Veterans, whose deeds unquestionably deserve a national charter.●

COMMEMORATION OF THE INVASION OF CYPRUS

● Mr. TSONGAS. Mr. President, I wish to commemorate the ninth anniversary of the Turkish invasion of Cyprus, a day when we renew our ongoing commitment to the people of this tiny island in the Mediterranean.

Since the invasion, Cyprus has been divided into three parts: The Republic of Cyprus in the south, the Turkish-occupied north, and the two British military bases. Over the years, repeated efforts at reaching a negotiated settlement through the intercommunal talks have not been substantially successful. The issue of some 2,000 missing persons, many of whom are believed to be alive today, has not been resolved. In a recent letter to Secretary of State George Shultz, Senators PERCY, PELL, BIDEN, SARBANES, and I called upon the State Department to actively support efforts to determine the fate of the persons missing since the 1974 invasion, including Americans as well as Greek Cypriots.

Turkish military forces continue to occupy the northern sector at an exorbitant cost to the Government of Turkey. As long as these troops remain on Cyprus, it is doubtful that a meaningful solution will be reached. I will continue to urge a withdrawal of all Turkish troops at the earliest possible date.

The recent successful conclusion of negotiations of a Defense and Economic Cooperation Agreement between the United States and Greece, affecting U.S. military bases in Greece, should give Turkey pause over Cyprus because of America's commitment to maintain the 7 to 10 ratio as well as the strengthening of ties between the United States and Greece.

I will also work to reverse the administration policy of the last 4 years of cutting aid to Cyprus. I believe that continuing aid is essential both as a symbol of our commitment to a viable Cyprus and as a substantive contribution to continuing needs there.●

SENATE JOINT RESOLUTION 106—NATIONAL PARALYZED VETERANS DAY

● Mr. D'AMATO. Mr. President, when in times of crisis, the need for men and women grows great and the call to duty pervades the land, the distinguished citizens whom I honor today came forward to defend our Nation. They were asked to make many sacrifices, whether academic, vocational, or social.

The courageous veterans to be recognized by Senate Joint Resolution 106 have made a tremendous sacrifice—the loss of mobility through spinal chord paralysis and other such incapacitating injuries. The qualities that these veterans possess best exemplifies the ideals of our country: honor, courage, and selflessness.

With nearly 30,000 paralyzed veterans in this Nation, we owe these brave men and women a debt greater than we may ever hope to repay. To them we owe the security of our children, of our homes, and of our way of life. The paralyzed veteran has recongnized the need to defend our land, and now is the time for us to recognize his sacrifices. This resolution not only pays homage to fellow citizens who have endured devastating injuries, but it is also a tribute to their relentless determination to lead productive lives.

Mr. President, I rise today to wholeheartedly support Senate Joint Resolution 106 to designate August 3, 1983, as "National Paralyzed Veterans Recognition Day." Although this is just the beginning of the recognition that these veterans so greatly deserve, it is time that we start to repay our debt to those who have suffered irreparable losses so that we might remain a secure and free Nation.●

SENATE RESOLUTION 139—TO DISAPPROVE THE STUDY GROUP ON SENATE PRACTICES AND PROCEDURES' RECOMMENDATION THAT THE SENATE COMMITTEE ON VETERANS' AFFAIRS BE MERGED WITH THE COMMITTEE ON ARMED SERVICES

● Mr. D'AMATO. Mr. President, I rise today in support of Senate Resolution 139, to disapprove the Study Group on Senate Practices and Procedures' recommendation No. 15, which proposes that the Senate Committee on Veterans' Affairs be merged with the Committee on Armed Services and cease as a separate standing committee of the Senate.

Although I concur with many of the study group's proposals, I truly cannot find merit in this one. As you know, the Senate Committee on Veterans' Affairs, established in 1970, provides jurisdiction over veteran medical care, rehabilitation, pensions, hospitals, and other vital needs of our Nation's veterans. The committee has performed its duties with much expedience and determination. By merging the Veterans' Affairs Committee with the Armed Services Committee, the significance of the veteran may well be decreased. In spite of my deep respect for the Senate Armed Services Committee, I sincerely feel that the importance of our country's veterans might be lost in this already burdened council.

Mr. President, we owe a great debt to the veterans of America. I believe that a gross injustice would occur if the Senate Committee on Veterans' Affairs were abolished. This committee has always remained faithful to its obligations to the former members of our Armed Forces.

I completely agree with the wise words of my colleague from Nebraska when he introduced this resolution: "If it is not broke, do not fix it."●

SENATE JOINT RESOLUTION 97, TO ERECT A MEMORIAL IN HONOR OF THOSE WHO FOUGHT FOR AMERICA IN THE KOREAN WAR

● Mr. D'AMATO. Mr. President, 30 years ago, the United States joined with its allies to prevent the loss of freedom in South Korea to Communist forces. Of the 6 million Americans who answered the call of their Nation, 154,000 were killed or wounded.

It is unfortunate yet true, that this country has failed to recognize fully the sacrifices made by the brave men and women who served in the Armed Forces during the Korean war. In this light, I rise today to support Senate Joint Resolution 97, to erect a memorial in honor of those who fought for America and to defend its cherished ideals of freedom.

Mr. President, war is a tragic occasion for all, but there are those who wish to turn their backs on our history, to refuse acknowledgement of our veterans' courage. Yet, it is only by remembering the horrors of a past war that we may prevent one in the future. I feel it is essential that we both recognize and pay tribute to the former members of our Armed Forces who served during the Korean war; an erection of a memorial so that we may never forget.●

REMEMBERING THE CAPTIVE NATIONS

● Mr. HEINZ. Mr. President, a generation ago, in 1959, this Nation first observed Captive Nations Week. Today, we continue to remember the nations and peoples held captive by communism. The commemoration of this special week is as relevant an observance today as it was 24 years ago. While the colonial empires of Britain, France, and Portugal have withered away,

since 1959, the empire of communism has grown consuming Cuba, Cambodia, Laos, and Afghanistan in just the past few years. Furthermore, the grip of communism upon the older captive nations such as Estonia, Lativa, Lithuania, and others has not loosened.

It is indeed important that we understand the fact that captive nations are truly held captive. They did not voluntarily accept communism; it was thrust upon them. The Soviet Union is the Communist successor to czarist Russia, and it is an empire. No member of a non-Russian minority group, no Estonian, no Lativan, and no Lithuanian need be reminded that only the Russian-speaking Communist succeeds in any of the U.S.S.R.'s allegedly "sovereign" republics. The Soviet Union has succeeded in spreading Communist power from the heart of Germany to the jungles of Indochina, from Havana to Hanoi, leaving over 1 billion persons subjugated to Communist rule.

In 1917 the people of Russia hoped that a new era in their history, ushered in by Lenin, would mark the replacement of a centuries-old autocracy with a democratic and just government. Instead, the greater part of the Russian people have suffered under even greater pressure from autocracy, while they have had to live through forced labor, famine, censorship, and militarism. Today, we find communism spreading beyond Russia's borders—spread not through the ballot or personal choice, but through subterfuge and force.

Even under this dark cloud of Soviet rule we must recognize that there remains a glimmer of hope. The people of these captive nations have demonstrated that they do not intend to acquiesce to the ever-expanding tyranny of communism. In East Germany in 1953, in Hungary in 1956, in Czechoslovakia in 1968, and in Poland and Afghanistan today, the subjects of communism have fought with all of their strength, at risk of life, to be free. We as free people have a responsibility to help support these courageous individuals in their struggles. We have a duty to let the Soviet Union know that the free world abhors its conquest and dominance of these nations and peoples.●

WINTHROP ROCKEFELLER

● Mr. PRYOR. Mr. President, last week members of both political parties joined with the family and friends of the late Winthrop Rockefeller to pay tribute to the great man who served as Governor of our State from 1967-71. Governor Rockefeller moved to our State in the early 1950's and founded Winrock Farms on Mount Pettijean which his son Winthrop Paul runs today.

Winthrop Rockefeller was the first Republican Governor of Arkansas since reconstruction and proved to be a most progressive one. He was the first chairman of the Arkansas Industrial Development Commission and was not shy about using his own contacts and personal resources to court and eventually bring many of the Fortune 500 industries to the State. It is perhaps his contributions to industrial development in Arkansas for which he is most remembered today.

I would like to share with my colleagues portions of some of the tributes paid to the late Governor Rockefeller on the occasion marking the opening of the collection of his private papers at the University of Arkansas at Little Rock Library.

[From the Arkansas Gazette, July 17, 1983]

TRIBUTES TO ROCKEFELLER: HE APPEALED TO HOPES, NOT HATES

Here are excerpts from some of the speeches made in Little Rock July 9 at a banquet in the Excelsior Hotel marking the opening of the collection of private papers of Winthrop Rockefeller at the library of the University of Arkansas at Little Rock. Rockefeller, who died in 1973, was the first chairman of the Arkansas Industrial Development Commission and a two-term, Republican governor.

Maurice (Footsie) Britt, director of the Small Business Administration in Arkansas, was lieutenant governor during Rockefeller's terms as governor:

I'm sure that this hotel and this banquet tonight would be approved by Winthrop Rockefeller. I think that it measures up to the "Era of Excellence."

It is good to be here . . . It has been a long, long time. I miss my old running mate, Win Rockefeller . . .

The question that I have been asked most during these times when people find out that I knew Winthrop Rockefeller is, "Tell me what motivated him?" Why did he want to be governor of Arkansas? Why did he subject himself to such abuse when it really wasn't necessary? And those of us who were fortunate enough to know Win could not all agree on the answer. But I would like to give you my interpretation.

I believe that Win had two very, very strong beliefs and they served as catalysts in his life. I think that the paramount, driving force was his burning desire to live up to the family name, the Rockefeller family name. And the second force that came into play and meant just as much, I think, was his love of Arkansas and his love for its people. He wanted to give back to the state and to the people a little of the happiness that he had managed to enjoy during his stay in this state. I firmly believe that Win accomplished his goals and I also believe that Win felt like he had given it his best shot.

I make this judgment based on the last conversation that I had with him. It was at breakfast, the one just prior to his death. Somehow in retrospect I now think that he knew that this would be our last time to visit. He talked with both Pat and me for a long, long time. I'm sure that the conversation lasted better than one hour. Most of all I think that he wanted to convey through Pat and me his love and his appreciation for the chance that he had been afforded to make something of his life in Arkansas.

Finally, I think he wanted to her from us, a couple of native Arkansans from our own lips, whether we were pleased and happy with his accomplishments. We told him as best we could that he was indeed a good friend and a great benefactor and that we loved him as did all the people of Arkansas.

And for myself I just want to say on this occasion that I am very grateful that I played a part, even though it was a small role, in his administration. Those four years are beginning to look better and better. And I am happy to say that most of the people with whom I come in contact seem to agree that Win Rockefeller made a lasting impression for good upon this state. In my book, I am convinced that he probably lived up to the Rockefeller name better than any of his brothers.

Former Governor Frank White, the second Republican to be elected since Reconstruction in Arkansas:

Winthrop Rockefeller loved this land, he believed in Arkansas and put his money where his mouth was. He believed in it.

I wish the late Jack Pickens was here. As you know Jack just passed away and he loved Win. They were great friends and Jack tells this story. One time they got in a great delicate balance here trying to get a plant that was going to Mississippi and they couldn't quite swing it. Win was in his office and picked up the phone and called Chase Manhattan Bank. The plant they were trying to locate here (I won't name it) had a president who was on the board of the Chase, and Win called Chase and said the Rockefellers were going to "pull all of our money out if you don't locate that plant in Arkansas." This is a true story and, as Jack tells it, there was a silence on the other end, a little more discussion and finally Win hung the phone up. Jack says he said, "you don't have the right to pull all that money out." And Win said, "I know that, but he doesn't."

Win Rockefeller did more to enhance the economic development of this state and give people meaningful job opportunities than any man will ever do in the history of Arkansas. Since 1955 the Arkansas Industrial Development Commission, created by Act 404, has caused over $5.4 billion of construction in the state of Arkansas and created over 319,000 manufacturing jobs in 4,318 new and expanded plants. Incredibly today, 249 of Fortune's 500 companies have located plants in the state of Arkansas.

Win Rockefeller, AIDC director for 13 years, loved this great state and gave it his money and his time. That will live on forever.

For those of us who did not know him that well, I'm reminded of the comment I read that has stuck in my mind for many years. He said that "those who are born in the state of Arkansas had no choice. But I came here by choice."

We were very fortunate that this man blessed our lives, our state and our futures.

Senator David Pryor (Dem., Ark.):

I'd like to tell you this story if I might because it relates to a time when my brother, who was a Chevrolet dealer down in Camden, and I, by a trade-in on a truck or pickup or car or something, got an old beat-up Santa Gertrudis bull. We didn't know what in the world to do with that bull. But we kept reading about Rockefeller breeding Santa Gertrudis cattle up on Winrock Farm. And, so we said, uh-huh, this is a chance to take that city slicker.

And so we got Prince William (I think that was the bull's name) in the back of a

truck and drove it 150 miles up to Mount Petit Jean. We both had our cowboy hats on and everything. We were really going to take advantage of the situation.

I thought that we would just drive right in and find Winthrop Rockefeller and show him this bull and that he had so much money that he would just buy it automatically. Well, it took about two and a half hours to get in the gate. After we saw the farm manager, it took only about two and a half minutes for him to let us know that they weren't interested in Prince William.

Prince William not only had just one eye but some other infirmities that a bull of that stature just should not have. So the first lesson that I learned about this man from New York who had all this money was that a wise man takes good advice, and Winthrop Rockefeller did not buy our bull . . .

I think a lot of people were actually suspect of this man when he came here. Then they became maybe not quite as suspicious as they were curious. In 1966, when I was the nominee of the Democratic Party for the House of Representatives, Withrop Rockefeller, of course, was the nominee of the Republican Party for governor.

I was an intense observer of this man and what he stood for. I became, I think, one of his greatest admirers.

Eric Erickson, the great child psychologist, stated that the greatest need or greatest desire of a human being is to be wanted and to be needed. And I think, knowing as little as I did about Governor Rockefeller, that he wanted to be wanted. He wanted to be needed. Maybe not necessarily in the board rooms of Wall Street but in Arkansas. I think that was his greatest desire.

He truly loved this state and he loved its people. I think he loved its customs and I think he loved our people's ways. And I think because of this, Winthrop Rockefeller became the true beacon that showed us out of the dark days of Arkansas politics.

Lawyers watch lawyers, farmers watch farmers, architects study architects and politicians, believe you me, watch other politicians. He taught us first in politics to appeal to the hopes and dreams of our people and not the fears and not the hates. He taught us, too, that there is a feeling in our State of camaraderie, and a oneness that should not be exploited but should be utilized for the goodness and for the progress of our people.

I think the last time that I ever saw him was at a concert at the Barton Colisuem. He had grown, by that time, a long white beard. I hardly knew him. I had heard that he had been ill. After the concert was over I happened to walk out to my car as he was walking out to his, and I watched the people as they came up—all walks of life, rich and poor, black and white—to pat him on the back and to shake his hand and to get his autograph. And I said to myself, there is a man who has found that very illusive characteristic of being loved, wanted and needed. I said there is a man who has found peace with himself.

I think Winthrop Rockefeller gave the soul to Arkansas politics. May that soul long endure. I heard it said that a great man is he who has not lost a heart of a child. I think that applies to the late Governor Winthrop Rockefeller.

Representative Ed Bethune (Rep., Ark.):

Governor Rockefeller's specific accomplishments grew out of simple fundamental beliefs. He stopped illegal gambling because he believed in honesty. He wanted people to have the right to vote and for it to be counted and he wanted competition in politics because he believed mightily in democracy. He cleaned up the prisons because he believed in justice. He opened up government to women and blacks because he believed in equality.

But the lasting contribution of Win Rockefeller, in my view, did not and will not be those events which took place in the legislative chambers or in the halls of justice but the changes that took place in the hearts and minds of men and women across this state. The something good was attitudinal.

For reasons that we may never completely sort out but which surely have their roots in the effects of Win Rockefeller, we Arkansas people, collectively and rightfully concluded, that there can be no economic success for white Arkansans, unless there is economic success for black Arkansans.

We collectively concluded that there can be no future for our state without viable two-party competition in politics and thriving democracy. There can be no chance for progress without hope and that willingness of the heart that will give us the courage and the determination to experiment, to run the risk, to dare, and to try new ways of doing things.

Arkansas, from and after and because of Governor Rockefeller and the Rockefeller years, is different. The difference is hard to describe but we know plainly that there has been change, there has been progress and that it has been good. And by this measure it is right for us to say Win Rockefeller was a great man.

Anne Bartley of Washington, D.C., stepdaughter of Governor Rockefeller:

This room is full of such memories and such beautiful familiar faces, and I'm so happy that we are finally gathered like a strange mix of family and political reunion and family and political paths that have crossed in the last many years.

Here we are acknowledging and celebrating what Win accomplished as well as rededication to the dreams and the visions that I remember so very well . . . Many hours of Win and mother sitting in the living room, particularly at the farm, sometimes just the two of them, sometimes with many of you in this room, planning how to make those dreams into reality. There is indeed a continuing legacy and it is up to us.

Tonight is very important for me. It is like a very deeply satisfying completion, and as I said, an acknowledgement and a recognition and a reflection. That's a very rare word in public, reflection—of not only who Win was and what he did but, therefore, who we are and what we have yet to do.

Bruce Bartley, stepson of Governor Rockefeller:

First of all, thank all of you for being here and making tonight what it is, and thanks to you also for the many of you who organized and produced this tribute.

Secondly, as most of you knew, personally, Win was a unique man with a unique combination of resources, and he gave of all his resources unselfishly.

Lastly, I know that if he were here to accept these honors and tributes that he would accept them with gratitude, great pride and his typical humility.

Al Pollard, advertising and public relations adviser to Rockefeller:

The biggest thing Win brought to Arkansas was a concept that we could throw aside the get-by philosophy and do things first class. That thrills me more and more as I look back on what happened.

William L. (Sonny) Walker of Atlanta, Ga., aide to Governor Rockefeller:

On my wall in my office is a picture of WR and me and an inscription on the bottom that reads, "Thanks, Sonny, for all your help and for being you. Win."

And although John Ward in his book about Rockefeller described me as "argumentative, controversial, militant, forever-demanding," WR always encouraged me to be me. And I must say this, the only thing about this beautiful gathering—and I've seen so many, many people tonight that I have grown to love and respect and admire—is that I'm real disappointed because I think if WR had been alive he would have found some way to have more folks that look like me in this room. . . . .

For some of us in Winthrop Rockefeller's adopted state, our destiny might have remained bleak and sterile indeed without him. For the Arkansas of 1953, which this man from New York sought out and made his home, shared with its sister states in the South an historic ambivalence about its destiny. Arkansas with the rest of the Southland, caught in a deep and troubled sleep. A sleep that was sometimes the dream of greatness and sometimes the nightmare of hopelessness.

He found a Southland of white columns and black ghettos, country clubs and preservers of the status quo. He found in Arkansas an unparalled promise and broken promises. It remained for this man, who was distinctly not a have-not, to address himself unskimpingly to the plight of the many who were.

Winthrop Rockefeller, who never had to be a wage earner, was responsible for Arkansas's first minimum wage law. And he led a drive to help bring new plants and jobs into Arkansas. Most of the reform legislation of modern times in this state can be found in his record of progressive and compassionate legislation passed in the short years given him here.

And for those citizens of Arkansas who are black, like me, in the words of the Arkansas Gazette, "The Rockefeller years were unprecedented." All of us know the record. There were 325 black state employes when Win Rockefeller took office; there were 1,800 when he left office. Many in top supervisory positions. Blacks were appointed to serve some of the state's most important and prestigious boards and commissions, not as tokens but as full and equal partners for progress—Arkansas progress.

Although he will probably never be regarded as a master politician or be praised as a political scientist, the record indicates to me that Winthrop Rockefeller was probably the greatest governor this state ever had . . . If I might just quote John Ward once more: "He [Rockefeller] had a knack for circumventing stereotype tradition and authority, in his gleeful challenge to sacred cows and self-serving leaders. He could not, have been a typical politician if he had tried and he certainly never tried."

Let me close by simply putting it this way: The Win Rockefeller years were brief but his impact on Arkansas is forever. It goes far beyond these boundaries and touches millions. He removed chains from many of us that will never shackle us again, and he injected in us a belief that our quest for justice and equality was and is a just cause and a struggle we must not abandon until Arkansas and all America is truly "One nation under God, indivisible, with liberty and justice for all."

Many of us have now moved on to other states and whether that location is North, South, East, West, Arkansas is our model for measuring progress when it comes to all people. Win Rockefeller, more than anyone else I know, helped us shape that model.

Winthrop Paul Rockefeller, son of Governor Rockefeller:

Tonight, I believe, is a night for all of us. It is a night of history written over a decade ago as well as a history yet to be written by those who will learn from my father. And yet because history is a fluid and continuing chain of events, those papers, which now reside at UALR, will still continue to serve and to form the history of tomorrow.

My father was a man who dared. He not only dared himself, but asked each and every one of you who were involved with him to dare. To dare to support this first strange Republican creature since Reconstruction. And when we talk about that I think it is important to realize that it was not only the first Republican governor since Reconstruction that Dad was but also a person who started a new era of construction of the spirit, of the person, of equality for all within our state.

As Paul Liddicoat commented earlier this evening, "No one could say no to General Patton, nor could they say no to Win Rockefeller." Not because he was a Rockefeller but because of the man. A man who taught all of us who had the good fortune to know him to do as his favorite quotation from Micah, "To do justly and to walk humbly with our God."

Dad's service to our state over his last 20 years I know was a gift of love. A gift of love reflected by the people who surrounded him—you here tonight.

Excuse the disarray of my thoughts. This is just, as I said, a very special evening. Special because it is not only a tribute that each of you is here. Not only what Win Rockefeller represented to each one of you—and to Anne and Bruce and myself—but also what he represented cumulatively to our state. To the creation of a future in a state that at that time had no future.

A great philosopher once said that the greatest gift a person may give is that of his time. And thinking this evening, being overwhelmed by all that has been said heretofore, I reflect it has been 10 years since my father's death and 30 years since he came to Arkansas. I know that all of you feel as I do—blessed by having known him, by having known what he stood for, by having known the standard of excellence that he not only demanded but gave.●

RETIREMENT OF DR. ARTHUR PONTARELLI, RHODE ISLAND COMMISSIONER OF ELEMENTARY AND SECONDARY EDUCATION

● Mr. PELL. Mr. President, I rise today to honor a citizen of my home State for his many contributions to the betterment of education in Rhode Island. The individual is Dr. Arthur Pontarelli, who has spent 37 years of service in public education. On July 29 of this year Dr. Pontarelli will retire as commissioner of elementary and secondary education in Rhode Island, a position in which he has served with high distinction since 1981.

Arthur Pontarelli's influence, leadership, and graciousness have had a positive impact on education programs and services throughout Rhode Island. It would be difficult to single out any one program or service to exemplify the quality of Dr. Pontarelli's leadership. He has made his mark in virtually every area of the educational life of my home State.

Commissioner Pontarelli's work with the Close Up Foundation, however, is certainly an excellent example of the kind of leadership and commitment he has given our State. Close Up, an organization that brings educators and young people to Washington to learn about the democratic process, has helped inspire a new generation of interest in participating in our democratic system of government at both the State and local levels. Dr. Pontarelli has consistently supported the efforts of the foundation at the national level and has played an important part in the strong participation which Rhode Island schools give this important program.

In addition, Arthur has been instrumental in establishing in Rhode Island the In-Site program, designed in collaboration with Close Up, which has resulted in one of the most ambitious efforts of any State in the country to provide firsthand education in State government.

This is only one of the many accomplishments registered by Dr. Pontarelli in a career of remarkable achievement. The high esteem in which he is held in Rhode Island is evident in the Thursday, June 9, 1983, editorial which the Providence Journal carried in regard to Arthur Pontarelli, the text of which I would ask be included at this point in my remarks.

The editorial follows:

RHODE ISLAND EDUCATOR OF HIGH CALIBER

When Arthur R. Pontarelli, Rhode Island's commissioner of elementary and secondary education, retires late next month, the state will lose one of its ablest public servants. A native Rhode Islander, he has devoted his entire career to his home state, serving in numerous capacities from teacher to top administrator of the educational system.

Because his views on schooling exert considerable influence, an interview with Gayle Gertler, Journal-Bulletin education reporter, published last Sunday merits more than passing attention. It reflects both optimism and innovation, a strong dedication to teaching the basic skills and a belief that too much rigidity has been built into the system.

"It would help if we could break away from the lockstep procedures that we have with instruction," he said. "Our schools operate in eggcrate fashion, with the ringing of bells and everything tied in to a bus schedule. There are too many time limits . . . We have to learn to provide the time to make sure each youngster progresses in each skill. Then maybe we won't have crises."

The commissioner links this need with the new technological teaching aides—computers and cable TV. These, he said, would help.

And just as the slower learners require extra time, so the gifted student needs a greater challenge. "These youngsters," he said, "have been at the bottom of the totem pole as far as equal educational opportunity is concerned." He said only 3,200 to 4,000 have been served in this state out of a pool estimated at between 15,000 and 18,000 students.

He would like to see more parental involvement, more homework, more emphasis on the basics and remedial work, increases in English, math, science and foreign languages and a clearcut federal commitment. On this last point he laid considerable stress. "At the federal level, there has to be a recognition that education is the number one priority of this country. I haven't seen it yet."

Mr. Pontarelli's clear vision as an educator is an asset this state can ill afford to lose, particularly at a time when a new national effort is beginning. The highest tribute Rhode Islanders can pay him is to conduct a wide search for someone able to meet the standards he has set. It will not be easy. Because they are a rare breed, educators of his high caliber are in great demand.

Mr. President, in addition, Dr. Pontarelli gave an excellent state of education in Rhode Island interview to the Providence Journal-Bulletin, which appeared in the Sunday, June 5, 1983, edition of the newspaper, reference to which is made in the Providence Journal editorial. That interview demonstrates clearly the perceptiveness and insight of Commissioner Pontarelli, and I would ask that the full text of that interview also be included with my remarks.

The interview follows:

[From the Providence Journal-Bulletin, June 5, 1983]

A RETIRING EDUCATOR SPEAKS UP WITH OPTIMISM

Arthur R. Pontarelli, 60, commissioner of elementary and secondary education since 1980, will leave his post at the end of July. Last week he discussed his 37 years in public education with Journal-Bulletin Education Reporter Gayle Gertler.

What is your assessment of education today?

Let's go back to 1957. I'm an administrator in a high school and Sputnik goes up and all hell breaks loose in this country because education has let the country down. A massive effort took place all over. We began to see federal programs, such as the National Defense Education Act. That massive effort led to man on the moon. Well, we're there all over again. Education made a thrust forward and then slowly relaxed. Colleges lowered their admission standards and the kids in the high schools reacted similarly. A high school may offer foreign languages, but the kids know they don't need a foreign language to get to college, so only 13 percent take foreign languages in high school. Rather than go the rigorous route, many kids went for the desserts. We're paying for a general relaxation

Has this relaxation been reversed at all in Rhode Island?

Yes. I've been gratified by the willingness of educators to say, "We're going to turn this around and make some changes." There's been an effort in reading for the last three years, and not just with the Cranston reading program that I've been selling

so that now we have 58 schools committed to it. Other communities have picked up, like Newport, in its reading program and Pawtucket with its nationally validated math program. Communities are taking a look at themselves. The day of the schoolhouse, when we said to parents, "You take care of the kid at home and we'll take care of the kid in school," is long gone. The last three years have been almost a reawakening, a renaissance in our schools.

There was a national report recently that castigated American schools. Do you agree with it?

We bottomed out and have been on the upgrade. This report is just complaining about what we've already been through. The important thing is that it comes at a time when we have to sustain the effort, when dollars are getting tighter at the local level. This report ought to be a goad to people, because it says, "Hey, we've got a long way to go and we can't relax at this point, otherwise we're just going to slide right back."

At the federal level, there has to be a recognition that education is the number one priority of this country. I haven't seen it yet.

Can the states carry the burden without increased federal support?

No. This is a republic where 50 states have to work together. When that Challenger goes into orbit, what state put that up? It's a national effort. But we are developing a situation where you have "have" states and "have nots". We need a national commitment to pull us together. Take high technology. We're going off in 50 different directions. Rhode Island is out there competing with Route 128 in Massachusetts and Connecticut is trying to compete in another direction. It won't work. The federal government has to say, "As far as education is concerned, this is the thrust we must make over the next 10 or 20 years." Without that, we'll flounder.

Do you see that happening?

We're a country that reacts to crisis. I think of Pearl Harbor. There we were, asleep on a Sunday morning, and all of a sudden we were blown right out of Pearl Harbor. But, by golly, with our efforts we were able to pick ourselves up off the ground. Today, we're not on a battlefield, but we're in a battle of survival economically, which can be more deceiving, but just as damaging if we lose. We get all pumped up, we slough off and then we have to be jolted into action again. We're in that action period right now. We'd better be.

Does that mean that in the year 2000 we'll find ourselves sliding again, facing another crisis?

That's what happens. We have to look ahead and build in those measures that either keep us all hyped up, or have a team out there creating crises every few years to make sure we stay on top as far as education is concerned.

It would help if we could break away from the lockstep procedures that we have with instruction. Our schools operate in egg-crate fashion, with the ringing of bells and everything tied in to a bus schedule. There are too many time limits. Whether you're finished or not, that bell rings, and whether you've completed your course of study, the calendar ends. We've accepted less than mastery of basic skills. We accept a passing grade of 70. Youngsters move along in the grades, but if they haven't mastered all of the basic skills so they have a foundation, then what happens is like building a hotel. You've got the first and second floors okay but you didn't have time to finish the third floor, so you've got just the scaffolding in there, but you go on to build the fourth and fifth floors anyway. It won't stand. We have to learn to provide the time to make sure each youngster progesses in each skill. Then maybe we won't have crises.

How would you change the system?

We have to stop saying that because a youngster is such-and-such an age, he has to move along in the grades. I don't accept that.

We have to spend more time on instruction in basic areas. We have to do remedial work. That national report indicated that something like 75 percent of the math programs in freshman college were remedial. That's an indictment.

Many years ago, I did a seminar with a professor in Colorado who was captain of a rescue team in the Rockies. When you're on a mission, he'd say, and you're going up a sheer cliff, and you're putting your piton, your spike, into sheer rock, how many of you are willing to put your foot in this next loop knowing that it's 65 percent secure? It wasn't until he got to 100 percent that anyone was willing to say, 'Okay, I'll take that next step.' I know it's difficult, and many people will say it's not even possible to bring everyone to 100 percent mastery. But it may well be you have to let some youngsters spend twice as much time. You can't do it if everything is locked into ringing bells and a nice package of 50 minutes. Computers and cable TV will help us here.

What problems remain to be addressed in Rhode Island's educational system?

If I had to pick an area where we have not made the progress that we should have, it would be in the area of the gifted. These youngsters have been at the bottom of the totem pole as far as equal educational opportunity is concerned. Half the gifted youngsters in this country are not achieving at their level of potential. Rhode Island statistics show a potential of gifted and talented kids of anywhere from 15,000 to 18,000. We're serving 3,200 to 4,000. Those youngsters will survive, but we've shortchanged them.

Beyond the state report recommending increased graduation requirements, is there more to be done?

I see two levels here. It's time for significant increases in areas such as English, math, science and foreign languages. But I see a continual upgrading. We're talking 17 credits for high school graduation now, but we need to set target dates for increasing even those. Maybe we'll add to the foreign languages, and the arts, and put computer sciences in as a requirement.

Has education changed much since you were teaching?

There's a totally different mix of students in classrooms. Classrooms range from gifted to special education. That makes a more difficult job for the teacher. But classes are smaller. That's a benefit.

However, I don't see the parental involvement that there used to be. In some instances it's our own fault in not opening the doors wide enough.

Also, we had high insistence, at least I did, on homework. I'm not talking busywork, but stretching the youngster's potential. That's something we have to get back to. The United States has one of the shortest schoolyears in the world. We can't afford to continue at 180 days if some countries are going 200 and 240. I'm not making a pitch for a lengthened school year until we start doing some things better.

Also, the commitment. In 1958, if you knocked on two houses, one out of two would say, "Yes, we have kids in school." In 1972, one out of three. In 1982, one out of two. So it's a lot harder going into a financial town meeting to find supporters there. You start off with three out of four homes saying, "Hey, we already gave." It's especially hard in Rhode Island, because we're one of the top three or four states in the graying of our society.

What accomplishment are you proudest of?

There are tangible things, like the School for the Deaf. My concern was to make sure those youngsters had a top-notch educational program and facilities. It scared the hell out of me, the old School for the Deaf, a residential program with kids sleeping on the third and fourth floors. I didn't feel right until we shifted them to Corliss Park. The program that's developed has international acclaim. That's one you can touch.

There are things less tangible than looking at brick and mortar. Today youngsters come up to me and say, "You don't remember me but one Sunday morning, you counseled me and you helped me." You don't get that until years and years later, then all of a sudden they're there. It's a good payoff.

What qualities must the next commissioner have?

The next commissioner has to be a top-notch salesperson. You can't walk in with six guns on your hips asking for favors. I go to General Electric and ask them to help. I go to Brown University and ask for help. I go to the General Assembly and I say, please, give us dollars.

What philosophy has guided you?

You have to be an optimist. I tell a story I learned as a ninth grade student at Classical. The optimist is the kid who cracks an eye open in the morning, sees the sun shining, bounces out of bed and says, "Good morning, Lord!" The pessimist is the kid who cracks an eye open, sees the sun and says, "Good Lord, morning!"

The sun will shine tomorrow. I believe it will.

Mr. President, the retirement of Arthur Pontarelli brings to an official close a career of exceptional public service to my home State of Rhode Island. I would predict, however, that Arthur Pontarelli will continue to leave the imprint of his handiwork upon the educational life in Rhode Island for a long, long time to come. We shall miss his official leadership sorely, but I know that we shall eagerly look forward to his new, unofficial contributions, and we wish him all the best that life can offer in the years ahead.●

ORDER FOR STAR PRINT—S. 1612

Mr. STEVENS. Mr. President, I ask unanimous consent that S. 1612, which Senator BAKER introduced by request on January 13, be star printed to reflect the technical corrections of that bill, which I now send to the desk; and further, that the permanent record of proceedings on that date also reflect that change.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. STEVENS. Mr. President, I ask my good friend, the distinguished Democratic leader, if it would now be consistent with his wishes that we proceed to the consideration of Calendar Order Nos. 271, 273, and 279.

Mr. BYRD. Those matters have been cleared on this side.

DISTRICT OF COLUMBIA

The bill (H.R. 2637) to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia was considered, ordered to a third reading, read the third time, and passed.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

The Senate proceeded to consider the bill (S. 1245) to amend chapter 157 of title 10, United States Code, to authorize the Secretary of Defense to provide transportation for next of kin of certain persons who are unaccounted for, to attend annual national meetings sponsored by the National League of Families of American Prisoners and Missing in Southeast Asia, which had been reported from the Committee on Armed Services with an amendment as follows: To strike out all after the enacting clause, and insert the following:

That (a) the Secretary of Defense is authorized, under such terms and conditions as the Secretary considers appropriate, to transport by air to annual national meetings held within the continental United States and sponsored by the National League of Families of American Prisoners and Missing in Southeast Asia members of the immediate family of—

(1) a member of a uniformed service—

(A) who, as a result of the conflict in Southeast Asia during the period beginning January 1, 1961, and ending December 31, 1975, is in a missing status within the meaning of section 551 of title 37, United States Code;

(B) with respect to whom, as a result of such conflict, a finding of death has been made under section 555 of title 37, United States Code; or

(C) with respect to whom, as a result of such conflict, a report of death has been made without repatriation of remains; and

(2) a national of the United States who is not a member of a uniformed service and who is determined by the Secretary of Defense to be unaccounted for as a result of the conflict in Southeast Asia during the period beginning January 1, 1961, and ending December 31, 1975.

(b) The Secretary may provide the transportation in subsection (a) only to the extent feasible within existing airlift resources of the Department of Defense and only to the extent that such transportation does not interfere with the accomplishment of any mission of the Department of Defense.

(c) No individual (nor the estate of an individual) who is authorized by the Department of Defense to perform services under subsection (a), and who is acting within the scope of his duties, shall be liable for injury to or loss of property, or personal injury or death that may be caused incident to providing such services. Any person who is to receive transportation pursuant to this Act shall be advised of the provisions of this subsection before such transportation is provided and be required to acknowledge in writing receipt of such advice.

(d) For purposes of this Act, the term "members of the immediate family" means with respect to a person described in paragraph (1) or (2) of subsection (a) such person's spouse, father and mother, brothers and sisters, and natural and adopted children.

SEC. 2. No transportation may be provided under this Act after December 31, 1985.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Secretary of Defense to provide transportation for next of kin of certain persons who are unaccounted for, to attend annual national meetings sponsored by the National League of Families of American Prisoners and Missing in Southeast Asia.".

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

KAW TRIBE OF OKLAHOMA

The bill (S. 1168) to declare that the United States holds certain lands in trust for the Kaw Tribe of Oklahoma was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1168

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subject to the provisions of subsection (c), all right, title, and interest of the United States in the surface estate of the land described in subsection (b) is hereby declared to be held by the United States in trust for the benefit and use of the Kaw Tribe of Oklahoma.

(b) The land described in this subsection is the following 132.50 acres, more or less, located within township 27 north, range 4 east, Indian meridian, in Kay County, Oklahoma:

Section 22, northwest quarter northeast quarter southeast quarter, east half east half southeast quarter, west half west half southeast quarter, west half west half east half southwest quarter southeast quarter, west half west half southeast quarter northwest quarter southeast quarter, northeast quarter northwest quarter southeast quarter.

Section 27, west half northwest quarter northeast quarter, west half west half east half northwest quarter northeast quarter.

(c) Nothing in this Act shall deprive any person (other than the United States) of any right-of-way, mineral interest, grazing permit, water right, or other right or interest which such person may have in the land described in subsection (b) on the date preceding the date of enactment of this Act.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PAYMENTS BY TRIBAL GOVERNMENTS

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 419.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 419) entitled "An Act to provide that per capital payments to Indians may be made by tribal governments, and for other purposes", do pass with the following amendment:

Page 1, line 9, strike out "of", and insert: *or*

Mr. STEVENS. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

ORDER OF PROCEDURE TOMORROW

Mr. STEVENS. Mr. President, is there an order setting the hour for the Senate to convene tomorrow.

The PRESIDING OFFICER. Yes, there is an order for the Senate to convene at 10 a.m.

ORDER DESIGNATING A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. STEVENS. Mr. President, I ask unanimous consent that following the time allocated to the two leaders under the standing order tomorrow, there be a period for the transaction of routine morning business, not to exceed 10 minutes, and that Senators may speak therein for not to exceed 1 minute each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the remain-

der of the time of 1 hour under the rule before the cloture vote be equally divided and be under the control of the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. STEVENS. Mr. President, if there be no further business to come before the Senate, I move in accordance with the order previously entered, that the Senate stand in recess until tomorrow at 10 a.m.

The motion was agreed to; and the Senate, at 8:12 p.m., recessed until Thursday, July 21, 1983, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, July 20, 1983*

The House met at 12 o'clock noon.

The Reverend Charles Mallon, permanent deacon, Holy Family Church, Mitchellville, Md., offered the following prayer:

Deliver me, O Lord, from evil men; preserve me from violent men, who plan evil things in their heart, and stir up wars continually.—Psalm 140, 1-2.

Father enlighten the minds, encourage the hearts, and strengthen the bodies of the Members of Congress You have chosen to serve us. Let them clearly grasp the problems confronting this Nation. Give them both the courage and the conviction to stand with You even though it appears they are alone.

Father we are a God-fearing nation, however we acknowledge the presence of evil within us. If You should turn from us or if we should fall from Your grace, we would not be able to rise above our self-interests. By Your grace help us to dedicate ourselves to the mutual benefit of all nations.

Father we ask You to dwell with us, our families, our staffs, our Congress, our Nation, and our world. That together we might avoid all unjust relationships and secure lasting ones.

We ask this through Christ our Lord. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 118. An act to provide for the establishment of a Commission on the Bicentennial of the Constitution.

IN THE MATTER OF REPRESENTATIVE DANIEL B. CRANE

Mr. STOKES. Mr. Speaker, I call up a privileged resolution (H. Res. 266), in the matter of DANIEL B. CRANE, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 266

Resolved, That the House of Representatives adopt the report of the Committee on Standards of Official Conduct dated July 14, 1983, in the matter of Representative Daniel B. Crane.

The SPEAKER. The gentleman from Ohio (Mr. STOKES) is recognized for 1 hour.

Mr. STOKES. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from South Carolina (Mr. SPENCE), pending which I yield myself such time as I may consume.

CALL OF THE HOUSE

Mr. STOKES. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names.

[Roll No. 256]

Ackerman	Coats	Foglietta
Addabbo	Coelho	Foley
Akaka	Coleman (MO)	Ford (TN)
Albosta	Coleman (TX)	Forsythe
Alexander	Collins	Fowler
Anderson	Conable	Frank
Andrews (NC)	Conte	Franklin
Andrews (TX)	Cooper	Frost
Annunzio	Corcoran	Fuqua
Anthony	Coughlin	Garcia
Aspin	Courter	Gaydos
AuCoin	Coyne	Gejdenson
Badham	Craig	Gekas
Barnard	Crane, Daniel	Gephardt
Barnes	Crane, Philip	Gibbons
Bartlett	Daniel	Gilman
Bateman	Dannemeyer	Gingrich
Bates	Daschle	Glickman
Bedell	Daub	Gonzalez
Bennett	Davis	Goodling
Bereuter	de la Garza	Gore
Berman	Derrick	Gradison
Bethune	DeWine	Gramm
Bevill	Dickinson	Gray
Biaggi	Dicks	Green
Billirakis	Dingell	Gregg
Blilley	Dixon	Guarini
Boehlert	Dorgan	Gunderson
Boggs	Dowdy	Hall, Ralph
Boland	Downey	Hall, Sam
Bonior	Dreier	Hamilton
Bonker	Duncan	Hammerschmidt
Borski	Durbin	Hance
Bosco	Dwyer	Hansen (UT)
Boucher	Dymally	Harkin
Boxer	Dyson	Harrison
Breaux	Early	Hatcher
Britt	Eckart	Hawkins
Brooks	Edgar	Hertel
Broomfield	Edwards (AL)	Hightower
Brown (CA)	Edwards (CA)	Hiler
Brown (CO)	Edwards (OK)	Hillis
Broyhill	Emerson	Holt
Bryant	English	Hopkins
Burton (CA)	Erdreich	Horton
Burton (IN)	Erlenborn	Howard
Byron	Evans (IA)	Hoyer
Campbell	Evans (IL)	Hubbard
Carney	Fascell	Huckaby
Carper	Fazio	Hughes
Carr	Feighan	Hunter
Chandler	Ferraro	Hutto
Chappie	Fiedler	Hyde
Cheney	Fields	Ireland
Clarke	Fish	Jacobs
Clay	Flippo	Jeffords
Clinger	Florio	Jenkins
Johnson	Montgomery	Shelby
Jones (NC)	Moody	Shumway
Jones (OK)	Moore	Sikorski
Jones (TN)	Moorhead	Siljander
Kaptur	Morrison (CT)	Sisisky
Kasich	Morrison (WA)	Skeen
Kastenmeier	Mrazek	Skelton
Kazen	Murphy	Smith (FL)
Kemp	Murtha	Smith (IA)
Kennelly	Myers	Smith (NE)
Kildee	Natcher	Smith (NJ)
Kindness	Nelson	Smith, Denny
Kogovsek	Nichols	Smith, Robert
Kostmayer	Nielson	Snowe
Kramer	Nowak	Snyder
LaFalce	O'Brien	Solarz
Lagomarsino	Oakar	Solomon
Lantos	Oberstar	Spence
Latta	Obey	Spratt
Leach	Olin	Staggers
Leath	Ortiz	Stangeland
Lehman (FL)	Owens	Stenholm
Leland	Packard	Stokes
Lent	Panetta	Stratton
Levin	Parris	Studds
Levine	Pashayan	Stump
Levitas	Patman	Sundquist
Lewis (CA)	Patterson	Swift
Lewis (FL)	Paul	Synar
Lipinski	Pease	Tallon
Livingston	Penny	Tauke
Lloyd	Pepper	Tauzin
Loeffler	Perkins	Taylor
Long (LA)	Petri	Thomas (CA)
Lott	Pickle	Thomas (GA)
Lowery (CA)	Porter	Torres
Lowry (WA)	Price	Torricelli
Lujan	Pritchard	Towns
Luken	Pursell	Traxler
Lundine	Quillen	Valentine
Lungren	Rahall	Vander Jagt
Mack	Ratchford	Vandergriff
Madigan	Ray	Vento
Markey	Regula	Volkmer
Marlenee	Reid	Vucanovich
Marriott	Richardson	Walgren
Martin (NC)	Ridge	Walker
Martin (NY)	Rinaldo	Watkins
Martinez	Ritter	Weber
Matsui	Roberts	Weiss
Mavroules	Robinson	Wheat
Mazzoli	Roe	Whitehurst
McCain	Roemer	Whitley
McCandless	Rogers	Whittaker
McCloskey	Rose	Whitten
McCollum	Rostenkowski	Williams (OH)
McCurdy	Roth	Wilson
McDade	Roukema	Winn
McEwen	Rowland	Wirth
McGrath	Roybal	Wise
McHugh	Rudd	Wolf
McKernan	Russo	Wolpe
McNulty	Sabo	Wortley
Mica	Savage	Wyden
Michel	Sawyer	Wylie
Mikulski	Schaefer	Yates
Miller (CA)	Schneider	Yatron
Miller (OH)	Schroeder	Young (AK)
Mineta	Schulze	Young (FL)
Minish	Schumer	Young (MO)
Mitchell	Seiberling	Zablocki
Moakley	Sensenbrenner	Zschau
Molinari	Shannon	
Mollohan	Shaw	

□ 1215

The SPEAKER. On this rollcall, 391 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

IN THE MATTER OF REPRESENTATIVE DANIEL B. CRANE

GENERAL LEAVE

Mr. STOKES. Mr. Speaker, in order to preserve the integrity and the accuracy of these proceedings, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks in the Extensions of Remarks section of the RECORD, but this unanimous-consent request does not apply to revisions of remarks to be delivered in the House today.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. STOKES. Mr. Speaker, I yield 1 minute for purposes of debate only to the gentleman from Illinois (Mr. DANIEL B. CRANE.)

Mr. DANIEL B. CRANE. Mr. Speaker, this is one of the most difficult moments in my life and it has been an unparalleled ordeal for my family.

We pay for our sins in life and in making my peace I take comfort that our Lord promised me forgiveness 70 times 7. It is less easy for us to forgive ourselves or our brothers, but I have asked for and received the forgiveness of those I hurt most, my wife and my family.

I have asked my friends and neighbors to forgive me as well. But, Mr. Speaker, I have not yet apologized to my colleagues in this body for the shame I have brought down on this institution.

Before any action is taken, and regardless of the action this body takes, I want the Members to know that I am sorry and that I apologize to one and all.

Thank you, Mr. Speaker.

Mr. STOKES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to announce to the House that during the course of the debate today I will yield time for the purposes of debate only.

Mr. Speaker, upon completion of House action on this resolution, I intend to call up House Resolution 265, in the matter of Representative GERRY E. STUDDS.

The resolutions concerning Representative CRANE and Representative STUDDS arose from the investigation the committee was authorized and directed to undertake by House Resolution 518 in the last Congress. The House agreed to that resolution by a vote of 407 to 1 and extended the investigation under House Resolution 12 at the beginning of this Congress. My initial remarks will address the background of that investigation and certain issues and questions that are common to both cases. Each Member is entitled to have the House consider his case separately.

Mr. Speaker, in taking up these matters we embark on one of the most serious and solemn constitutional duties this House faces—the duty under article I, section 5 of the U.S. Constitution to discipline its own Members.

Mr. Speaker, I have served in the House for 15 years, and I have served on many committees and subcommittees. No task has been more difficult, more trying, or more agonizing than the matters which I bring to the House today.

No one relishes the role of investigating and judging colleagues. But the Constitution places upon the House of Representatives the duty to police itself, the duty to investigate and punish misconduct by Members of the House. The integrity of the House depends on our ability to discharge this duty effectively. The House has committed this unpleasant task to the Committee on Standards of Official Conduct. Every Member of this House knows that no one volunteers to serve on this committee. No one finds satisfaction in uncovering evidence of misconduct or in filing charges against a colleague. Committee members work out of a sense of obligation to protect the integrity of the House as one of the great representative institution of our democracy.

Members of this committee come from every part of this country. They are evenly divided between Republicans and Democrats. They have agonized over the recommendations before you today. They have devoted hundreds and hundreds of hours over the past year to carrying out the charge of the House to investigate allegations of sexual misconduct involving pages. Members of this committee sat through more than 125 depositions. They have spent long hours being briefed on extensive reports from the committee's special counsel. They have discussed, debated, analyzed and reanalyzed the issues raised by these cases in numerous committee meetings. They have listened to the arguments of the two Members and their counsel. They have sifted the evidence and they have debated many hours as a committee on these cases. In approaching these cases, they have drawn on their collective experience of more than 100 years in the House, and they have voted 11–1 to report the resolutions that you now have before you.

The committee's work in turn rests on an exhaustive investigation carried out by the committee's special counsel. Our committee was committed from the outset to conduct an inquiry and investigation that would protect the integrity of the House of Representatives. The committee engaged an independent special counsel to conduct an independent and thorough investigation of all allegations. With the full support and encouragement of this committee, special counsel Joseph Califano has carried out an exhaustive investigation into all allegations of sexual misconduct by Members, officers, or employees of the House involving pages.

The investigation carried out by the special counsel and this committee sought out hundreds of past and present congresssional pages, dozens of individuals who supervised and taught those pages, hundreds of congressional staff members, and many other individuals with knowledge of the page system. In all, the special counsel's Office has conducted some 700 interviews, taken more than 125 depositions covering more than 6,000 transcript pages, tried to contact every House page who served since September 1979 and dozens who served earlier, traveled almost 100,000 miles to more than 50 cities, and devoted more than 50,000 hours of staff time to the investigation. Mr. Califano and his staff have done an extraordinary job in carrying out this difficult investigation in a thorough and highly professional manner.

Mr. Speaker, based on its investigation, the committee reached two central conclusions. First, the House must set itself the highest standard of conduct given its special responsibility for congressional pages. Second, the conduct of Representative CRANE and Representative STUDDS constituted a serious breach of these standards and required strong condemnation.

The committee recognized that the Members involved have not been charged or convicted of any criminal violations. The age of consent in Virginia and in the District of Columbia where these acts occurred is 16.

But the committee strongly concluded that the Members of the House must be held to a higher standard than the criminal law. The House has a special relationship of trust with the teenage pages it employs.The committee believed that only one standard of conduct could be considered appropriate: No sexual relationship between a page and a Member of the House can be regarded as acceptable behavior. No sexual advance by a Member to a House page can be tolerated. The committee concluded that this standard had to be absolute and that there were no exceptions to that standard.

As lawmakers, we recognize that the competent authorities in the District of Columbia, Virginia, and most States have recognized the age of 16 as the age at which individuals are competent in the eyes of the law to consent to sexual acts.

However, in the opinion of this committee, teenagers who have been sent to Washington and entrusted by their parents to the Congress to serve as pages cannot be considered as consenting adults. Pages are 16 or 17 year old juniors or seniors in high school. For most pages, it is their first time away

from home and away from their parents. They have chosen to serve as a page because they are interested in the American system of government. Almost invitably they will be fascinated by people who hold high positions in that system.

Members of the House are the center of the universe for teenage pages. The parents who send their 16- and 17-year-old children to serve as pages have a right to expect that Members of the House will treat their children with respect, and honor the custodial trust into which they have committed their offspring. It is easy to say that the pages are wards of the House, that the House has special responsibilities to them and that the House stands as an institution in effect in *loco parentis* to them. But these words are hollow rhetoric, unless those who are the House as an institution—the 435 Members elected to constitute the House—give meaning to the high trust they assume toward their teenage wards.

Moreover, the laws of many States—while they do not apply to the precise situation here—do recognize the special responsibility of anyone in such a position to avoid sexual relationships with those under their care, custody, or supervision. Where there is such a special relationship, Virginia, for example, has raised the age of consent to 18, the District to 21. These statutes recognize that in certain situations two parties to a sexual relationship are not equal and that these situations are inherently subject to exploitation.

For all these reasons, the committee concluded in its reports in these two cases that:

A sexual relationship between a Member of the House of Representatives and a congressional page, or any sexual advance by a Member to a page, represents a serious breach of the duty owed by the House and its individual Members to the young people who serve the House as pages. Such conduct brings discredit upon the House of Representatives, in violation of clause I of the Code of Official Conduct of the House.

Having concluded that the conduct of Representative CRANE and Representative STUDDS violated this standard, the committee took strong action. Based on its special counsel's recommendation, the committee voted to make the facts of these cases public and to recommend a reprimand of both Representatives.

This House must not lose sight of one salient fact. It was your committee—not the Justice Department, not the press, not any other outside agency—which tracked down and uncovered the conduct we are discussing today. No external action forced the disclosure of this conduct. The committee—and the committee alone—made the judgment to release this information and to recommend the punishment of Representative CRANE and Representative STUDDS.

The public release of this information has etched a stain on the public record that these Members will have to live with the rest of their lives. I ask each Member of the House to pause for 1 moment and consider the effect of the action that the committee took. In my judgment, no one in public life can minimize the severity of the action the committee voted. And I might add, it was not an action that the committee took lightly.

What is a reprimand? Upon the adoption of this resolution of reprimand by the House, the Member stands condemned by this body for his conduct. How long does a reprimand stay with a Member? Once this House acts, the reprimand becomes an official record of the U.S. Congress. This Member must live with this condemnation forever.

In the entire history of the House, only 24 Members have been either reprimanded or censured. In the last 50 years, four Members have been reprimanded and two have been censured. Imposing reprimands on Representatives CRANE and STUDDS places their names on the House's rolls in a manner they can never expunge. They must live with their shame and with their actions indelibly recorded in the Nation's history.

Mr. Speaker, the committee has recommended to the House strong action to condemn the conduct of Representative CRANE and Representative STUDDS. The committee you have charged with the responsibility for investigating and recommending disciplinary action has given this House its considered recommendations. In my judgment these recommendations deserve the support of the House.

Mr. Speaker, I turn now to House Resolution 266, in the matter of Representative DANIEL B. CRANE. In the course of its investigation, the committee received evidence that in the spring of 1980 Representative CRANE engaged in a sexual relationship with a 17-year-old female page employed by the House of Representatives.

Briefly, the facts are as follows: The page testified that she met Representative CRANE through a male page she was dating. Sometime in the spring, she went to Representative CRANE's office in the Cannon Building around 8 p.m. one evening. Representative CRANE invited her out for a drink. They went to a bar in Virginia, but because the page was under the legal drinking age. They then decided to have a drink in Representative CRANE's apartment.

The page testified that once at Representative CRANE's apartment she drank beer and they had a discussion about whether Representative CRANE was going to take her home then or whether she would go to bed with him.

The page testified that they did in fact go to bed and that they had sexual relations. The page testified that the relationship was voluntary on her part. In her testimony, the page said that she went to his apartment three or four times after the first night and had sexual relations with him on those occasions.

The page testified that she would meet Representative CRANE on the floor of the House, usually on a Thursday, and he would ask her if she wanted to get together. She would then either meet him at his office or at his parking spot, and the two of them would go to his apartment. On each of these occasions, Congressman CRANE drove her back to her residence in the District of Columbia.

Representative CRANE voluntarily agreed to two depositions. In his second deposition, Representative CRANE admitted that he had engaged in sexual relations with the female page on each of the occasions when she visited his apartment.

In light of Representative CRANE's admission, the committee utilized a procedure designed by counsel to protect the identity of the young page involved. Representative CRANE waived his right under the committee rules to a statement of alleged violation and to a public hearing before the committee. Representative CRANE agreed that the committee could make its recommendation to the House on the basis of its special counsel's report and on submissions to the committee by Representative CRANE's attorney.

Based on the evidence, the committee found that Representative CRANE engaged in a consensual sexual relationship with a 17-year-old female page in the spring of 1980. The committee found that this was improper sexual conduct and that this conduct violated Representative CRANE's official obligation as a Member of the House of Representatives and constituted conduct that does not "reflect creditably on the House of Representatives."

I urge the House to adopt the committee's report condemning the conduct of Representative CRANE.

Mr. Speaker, throughout the deliberations of the committee, I have worked closely with the gentleman from South Carolina (Mr. SPENCE). His advice and counsel have been invaluable to me and to the committee. He has served this committee for 12 years, virtually since the committee's creation. This House is indebted to him for his service on this committee.

Mr. Speaker, I reserve the balance of my time.

□ 1230

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, your Committee on Standards of Official Conduct is the committee which is charged with the

responsibility of investigating matters involving the official conduct or ethics of the Members of this body, and recommending what punishment, if any, is deemed appropriate.

Our task is one of the heaviest responsibilities that can be placed on any one group—to sit in judgment on their fellow man.

It is a distasteful task, but someone must do it. We must police ourselves—no one else and no other body can discharge this unique responsibility under our system of government. Our main concern must be that of protecting the integrity of the House. For if the American people lose faith in the House as an institution, they will lose faith in our ability to govern.

There are 12 of us, as you know. Six of us are Democrats and six are Republicans—the only standing committee so constituted with equal numbers, regardless of the ratio in the House.

Mr. Speaker, what is expected of us as we carry out our duties?

That we set all passions aside;

That we examine all the facts;

That we study the precedents of the House;

That we review all pertinent law;

That we place justice above politics;

That we be fair but firm;

That we preserve the dignity of the House;

That we set no precedent that will not stand the test of time; and

That any recommended punishment be just, appropriate, and effective.

Mr. Speaker, the committee and its special counsel have followed these injunctions. The special counsel has done an outstanding job in carrying out the investigation and in making careful recommendations to the committee. We have worked hard and we have agonized, collectively and individually, over our decision. In making our recommendation to the House, our primary consideration has been upholding and protecting the integrity of the institution. Everything else was secondary.

Throughout our deliberations, the committee has been keenly aware that the circumstances surrounding the two cases before the House today are unlike virtually all of the cases that have previously come before the House, including Abscam, the Korean influence investigation or the matter of Representative Diggs. In these earlier cases, public disclosure of allegations of wrongdoing—in part or in whole—by the executive branch or the press has preceded any action by the House. In those instances, the House has been in the position of reacting to forces outside its control.

In the present situation Mr. Speaker, it was the House and your committee that undertook the serious, searching, and exhaustive investigation that uncovered the conduct involved in the cases of Representative CRANE and Representative STUDDS. The committee debated at some length whether it would serve the House as an institution and the cause of strengthening the American political system to make public the information we had obtained. The committee decided that the violations were serious, that punishment was required, and that the information had to be made public. So the committee has recommended strong action to this House.

I know that some say we should do more. But, Mr. Speaker, your committee has not made these recommendations lightly. The men we judge today are elected Members of this body. They live—and die—by their public reputations.

Mr. Speaker, the public disclosure of the facts of these cases has already placed an indelible stain on the reputations of these Members. How much more can you do to someone? Whatever you call it, these individuals will go down in history as condemned by the institution they serve in.

Do not tell me that this is not strong punishment!

I am sure there are a number here who qualify as expert constitutional lawyers or scholars, and who will want to avail themselves of this opportunity to discuss the constitutional question of the power of the House to expel a Member. The arguments for and against expulsion were fully researched and considered from every viewpoint 3 years ago in 1979, in the matter of Representative Diggs. All the authorities and legal arguments are printed in the report relating to his case, No. 96-351, 96th Congress.

Mr. Speaker, in its entire history, the House has voted expulsion only four times—in three instances in the last century and in one instance 3 years ago where a Member was convicted of a felony. Nothing similar is involved in the cases before us today. There is also a substantial constitutional question as to the House's power to expel a Member for conduct in a prior Congress. The House should not lightly ignore its past precedents.

Mr. Speaker, as the chairman has said, to reprimand these Members is a serious action and puts the House on record condemning the conduct of these two Members. It is the right action to take.

Let me speak briefly to the facts in Representative CRANE's case. In his case, the misconduct occurred on four or five occasions 3 years ago. Representative CRANE cooperated with the committee, admitted his transgressions, and expressed his remorse. The relationship was voluntary, according to the page's own testimony. Under these circumstances, the committee believes that reprimand is the correct disciplinary measure to be taken by the House.

It is extremely difficult for one Member of this institution to sit in judgment of another Member. It has been argued that only one who is without fault should cast the first stone. Yet none of us are without fault. If we have to rely on those without fault to sit in judgment of another we would have no judges or juries. We all have shortcomings. Yet we must act to discharge our duty to police ourselves.

We must act forcefully and fairly to uphold the standards of the House, acknowledging at the same time that none of us are perfect. I urge the House to condemn the conduct uncovered by the committee's investigation and to support House Resolution 295.

□ 1245

The SPEAKER. The gentleman from South Carolina (Mr. SPENCE) has consumed 9 minutes.

Mr. STOKES. Mr. Speaker, I yield 2 minutes, for purposes of debate only, to the gentleman from California (Mr. DIXON).

Mr. DIXON. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of the committee reports in the matters of Congressmen CRANE and STUDDS.

Two reports from the Committee on Standards of Official Conduct.

The committee has conducted a through investigation, weighed the evidence and reported to the House and the public.

The reports have recommended a reprimand for both Members.

Today, in accepting or rejecting the report, the 435 Members are asked to sit not as legislators—but as judges.

Judges are asked to only take into consideration relevant facts; to set aside personal biases; and make decisions free of political pressure.

And so today, it is my opinion that this is our responsibility.

As judges the most difficult task is deciding the appropriate penalty.

As you know, the Committee on Standards of Official Conduct is divided equally; six Republicans and six Democrats.

When you examine the composition of that committee and its membership, you find that all political persuasions are represented. Yet, not once in our deliberations were politics a factor.

My opinion is that both Members have breached their duty to our House and brought discredit to the House of Representatives. No one is arguing otherwise.

But as judges the committee had a responsibility to ask the question if there were any mitigating or aggrevating circumstances.

In these two cases, there are mitigating circumstances that apply in both matters.

First, both Members admitted the charges.

Second, all parties involved have testified under oath that the acts were consensual.

Third, and it is certainly an iffy question as to if in fact any crime has been committed.

The important responsibility of our committee, under these circumstances, was to bring to the House, the American public, and most importantly, the constituents of the 10th District of Massachusetts and the 19th District of Illinois, all of the facts. The committee has done so.

In voting a reprimand, the committee recognizes its responsibility to judge—but also recognizes that the ultimate judgment will be made by the voters in these Members' respective districts.

Mr. SPENCE. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Speaker, I shall not use my 4 minutes.

I support the recommendation of the committee. I would like to compliment the special counsel, Mr. Califano, on a very careful, skillful, and I think well balanced job; and I would like to compliment the leadership of the committee and the members of the committee for very serious, thoughtful deliberations throughout.

We have kept this matter very close, as was necessary, given the problems of individual reputations that were involved.

This is a human institution. The Members participate in the frailties as well as the excellences of the human condition. It is terribly important for the institution, however, to maintain standards and to differentiate such conduct as is considered appropriate and inappropriate. We all know the reason for this. The cry always goes up when some scandal arises affecting one of our Members that "They all do it." This report demonstrates quite clearly that the behavior that was involved here was exceptional and not the rule. Exceptional behavior is what makes news, Mr. Speaker, and therefore it is terribly important that we try to put it in an appropriate perspective, showing that we are concerned about the standards of this body and its Members, and that we are willing to take appropriate action to be sure that the public understands that such conduct is exceptional and not the rule.

I believe the report of the committee speaks for itself. I urge my colleagues to accept it and to accept the heavy burden of individual condemnation that goes with it. I believe that the most serious burden that we can lay on the Members here involved is full disclosure because they depend on public support for their membership here. Full disclosure of this particular type of behavior is much more serious in its effects than any fine distinction that can be drawn between reprimand and censure.

I will say, Mr. Speaker, that I believe we must seriously consider our obligation to the young people who come down here as pages and whether or not we wish to continue the institution of the teenage page. We must take closer supervisory responsibility for young people serving as our pages, or make other arrangements.

I urge my colleagues to support this report in particular. Then I hope we will have serious consideration about the future of the page system, at least in its present form. For now, this body must accept the responsibility for judging its Members. It is an important part of our institutional life.

Mr. STOKES. Mr. Speaker, I yield myself such time as I may consume and I yield to the gentleman from Texas (Mr. GONZALEZ) for purposes of a question.

Mr. GONZALEZ. Yes; I have asked the chairman to yield for purposes of a question, and I thank the gentleman for yielding to me.

The question is: The gentleman has explained very ably the meaning and the dimensions of the effect of a motion to reprimand. What is the difference between a motion to reprimand and a motion to censure, for example? What must be the gravity, or the quantum of the offense, or sin to differentiate, and what are the consequential results to a Member differentiated as between a reprimand and a censure?

□ 1300

Mr. STOKES. Mr. Speaker, I would say to the gentleman that I think that the essential difference between a reprimand and a censure is that when a Member is censured, he is required to stand in the well, at which time the Speaker of the House reads the censure. That is the basic and essential difference.

Mr. GONZALEZ. Mr. Speaker, the reason I rise to ask that question is because I think it is going to make a big difference in some of the actions we are going to be asked to vote upon and also because, as I understand it, the committee is still charged with investigating other questionable charges affecting Members with respect to the so-called drug question. Therefore, I think it is important for us to evaluate the quantum of the sin to conform with the punishment or whatever action we take.

Mr. STOKES. Mr. Speaker, I cite to the gentleman that the investigation has not been completed as it relates to the drug aspects. We have completed the work as it relates to all sex allegations.

Mr. GONZALEZ. Mr. Speaker, I thank the gentleman.

Mr. STOKES. Mr. Speaker, I yield 3 minutes for the purposes of debate only, to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, this is certainly not one of the happiest moments in the House of Representatives for each of us, but I think the House has been served well by the investigation that has been conducted by our Committee on Standards of Official Conduct, and I would like to point out why I feel that this House has been served in a very proud manner by this investigation.

Each of us will recall the original allegations that occurred in July 1982 and how each of us cringed at the thought of what those allegations meant to the House as an institution. Following those original allegations that were made by the pages, this House of Representatives responded in a very forthright manner to determine the full truth and nothing but the truth. We established House Resolution 518 that set into motion the yearlong investigation of sexual misconduct that is now coming to a conclusion.

It should be pointed out that the FBI and all other official agencies that were investigating criminal wrongdoings washed their hands of the affair as regards sexual misconduct in August 1982 because they determined there was no criminal activity involved. Our Committee on Standards of Official Conduct, however, continued its investigation in an effort to follow every lead, every piece of gossip, every innuendo that was circulating among this body and within the general public. Following those original allegations, the pages admitted that there were lies and fabrications, and much of the American people thought that ended the investigation at that time.

However, the Committee on Standards of Official Conduct decided to continue its investigation so that there would be no covering up of the facts, and we did not backtrack in any manner whatsoever in our effort to find the truth. This investigation, a year long in length, did cover a period of over 10 years, a period in which some 60,000 employees have served the House of Representatives, and some 850 Members of Congress have served in this body during the time period that this investigation covered. The 700 interviews that were conducted and the 125 depositions that were taken during this extensive investigation came up with only these three violations that are being reported to us today, two in the matter of the Congressmen involved.

When we look at the punishment that has been dealt to these two Members named in these resolutions we consider today, who among us can say

that they have not suffered enough? Which one of us can say that they deserve more punishment that what this committee is recommending?

I say that the punishment they have suffered from their families, their friends, and their political supporters is punishment enough. I also submit that none of us in this body can claim to have a monopoly on virtue, and because of that fact we must indeed consider that the ultimate judge of these Members for their political careers will reside with the people who elected them to come to Congress in the first place.

Mr. Speaker, I urge support of the committee recommendations.

The SPEAKER. The Chair will state that the gentleman from South Carolina (Mr. SPENCE) has 17 minutes remaining.

Mr. SPENCE. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from Georgia (Mr. GINGRICH).

Mr. GINGRICH. Mr. Speaker, I feel a sense of heart-rending sadness today at this event. All of us, I think, can take a sad sense of pride in the fact that there is not an institution on this planet that would spend a million dollars, reach back 10 years, and go to extraordinary lengths to seek to prove that it was worthy of the American people.

My feelings go out to DAN CRANE and his family. He has done the honorable thing in his personal response to this tragedy. I was personally moved by what he said earlier.

I think it is important to place what I am about to say in the context of saying we are not here to punish DAN CRANE nor later will we be here to punish the gentleman from Massachusetts (Mr. STUDDS). We are not a jury. We are here to repair the integrity of the U.S. House of Representatives, and our focus should not be on the two Members. Our focus should not be on what they are going through and what has happened to them.

We represent the most important bastion of freedom on this planet. That freedom survives only because decent, simple, everyday human beings across this planet say, "When I elect people, they are my leaders."

This has been the people's House for 200 years. We are in deep trouble as a society. Part of that trouble is reflected by the people here because we are a pretty active reflection of the people's House. People are looking for a guidepost as to how they should live, how their institutions should behave, and who they should follow.

Our decisions are not made today about two individuals; our decisions are made today about the integrity of freedom, about belief in our leaders, about the future of this country, about what we should become.

In that setting and with no malice toward any individual, with no feeling of ill will toward any individual, I cannot see how reprimand is in any way adequate. I cannot see the signposts it sends. I cannot see the guide it gives to the American Nation. I cannot see how it rebuilds any sense of trust. We have other scandals, tragically, yet to come, per se by Mr. Califano's very fine report. I think now is the time to draw the line to set the base for how we will deal with those.

Mr. Speaker, there will be a motion to recommit offered later to propose stronger sanctions, not against the individuals but for the integrity of this institution. I would urge all of my colleagues, in all their compassion for the individuals involved, to think about the future of freedom and the integrity of this institution and to vote for that motion to recommit.

The SPEAKER. The Chair will state that the gentleman from South Carolina (Mr. SPENCE) has 13 minutes remaining, and the gentleman from Ohio (Mr. STOKES) has 6 minutes remaining.

Mr. SPENCE. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, Arthur Koestler, in his classic book, "Darkness at Noon," said that honor is defined as being useful without vanity, and I think that this committee, which has the dirtiest, nastiest job on the planet, has been most useful without vanity. I commend the committee for that.

We sit here today not as finders of fact. The facts are stipulated. We sit here not to characterize the crime, the breach, the transgression, because we all know the transgression, which is admitted and it is stipulated as reprehensible.

We sit here to find a punishment that fits the breach, and so in searching our souls for the appropriate punishment, I ask the Members to consider this situation in its totality, in its entire context.

I suggest to the Members that DAN CRANE would rather have lost an arm at the shoulder than have to tell his wife, than have to greet his wife as he did with the media. I suggest that DAN CRANE would rather have died from a heart attack than to have to face his six children, to face his father, to face his wife's family, to face his family, to face his friends, to face his constituency, to face his colleagues, to face his peers, and to face all of the country.

I suggest that all life is about is to earn the esteem of our fellow men. That is what we are here for. That is why we run for election; that is why we get our press releases; that is why we get up in the morning. We do those things just to earn the esteem of our fellow men.

That is lost to DAN CRANE. He is embarrassed, he is humilitated, he is displaced. And it endures; it is not over. It will never be over. It will not be over as long as he lives, and it will remain after he lives. It will be with him, and it will be with his family as long as they live.

We cannot know what disgrace is, we cannot imagine it unless we live through it, unless it has happened to us. Imagine, if you will, DAN CRANE facing his children as they grow up and say, "Daddy, what happened? I heard about it at school." Every shred of dignity will be stripped away from DAN CRANE, and it will endure.

Mr. Speaker, I suggest to the Members that compassion and justice are not antithetical; they are complementary. The Judeo-Christian tradition says, "Hate the sin and love the sinner." We are on record as hating the sin, some more ostentatiously than others. I think it is time to love the sinner.

Mr. SPENCE. Mr. Speaker, for debate purposes only, I yield 2 minutes to the gentleman from Illinois (Mr. O'BRIEN).

Mr. O'BRIEN. Mr. Speaker, there is no question that all the punishment that could be meted out to DAN CRANE has already been meted out, and without any degree of mercy, and there is no question that he is my friend, but by tonight I doubt that I will be his.

Getting back to the comment of the gentleman from Illinois, Mr. HENRY HYDE, about the totality of the thing and the feelings we have, I would just like to talk directly to the issues of what it is like at home. I cannot speak for Massachusetts and certainly not for the 10th District. I cannot speak for Illinois, but I can speak for the Fourth District, and I think that the people in the Fourth District, if I tell them that this particular offense or these particular offenses received only the lowest category of penalty that this House can administer, are not going to understand that.

I have no quarrel with the efforts of the committee. I think the Members did a marvelous, difficult job. I would not want to have that job. But I do not think that this is the right penalty to be assessed.

It may be a strange comparison, but it is kind of like the Robert Frost definition of "love": It is undefinable but unmistakable. We will know when the right penalty is assessed here.

I would take issue with my friend, Joe Califano, on two counts, and I refer to page 36 and page 37 of the report. I think the language there is that the circumstances of the case do not involve financial wrongdoing or commission of a crime, or these laws do not render the actions a crime. I consider the commission of a criminal offense, be it a felony or a misdemean-

or, a crime. In my State of Illinois, contributing to the sexual delinquency of a minor is a criminal offense, and if I were convicted of it in the streets of Joliet and were in court, I would be subject to a $1,000 fine and a maximum of a year in jail.

□ 1315

That is the way it appears to the Fourth District of Illinois.

DAN, I cannot say anything about how I feel about it; but we have to characterize this as more than just the minimal offense that we have on the books. I do not think that it ranks alongside of failure to report ownership of stock, misrepresentation of an unsworn answer to a committee or failure to report a political contribution. It is infinitely more important than that and friendship and loyalty beside, the integrity of the House is at stake here.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes, for purposes of debate only, to the gentleman from Michigan (Mr. DAVIS).

Mr. DAVIS. Mr. Speaker, DAN CRANE is my friend. This fact will not cloud my judgment nor does it prevent me from recognizing that the behavior he has admitted to is irresponsible and unfortunate. All of us agree on that point, including DAN CRANE.

The future of this man and the integrity of the House of Representatives are at stake. Unnecessarily harsh punishment for DAN CRANE will destroy his future, but unfortunately, as many of my colleagues believe, will do nothing to improve the integrity of this body. Our actions today must be appropriate for both the offense and the Congress.

The purpose of any punishment is twofold. It should punish the offender for his wrongdoing and deter future misdeeds. The Committee on Standards of Official Conduct has done its job and recommended punishment. The committee has considered carefully what punitive action to take. The recommendation is a reprimand.

It is important that political considerations of Members be put aside in their deliberation of this resolution. Those who like and respect DAN CRANE as a man and a Member of Congress should not be reluctant to speak on his behalf.

Likewise, I would hope my colleagues on both sides of the aisle will not take advantage of this regrettable situation by engaging in a holy crusade. Is there anyone here who believes that he has not already suffered immeasurably? Just how much does this body feel we must punish a person?

In the absence of treason of felonious wrongdoing, it is not our place to determine whether one of our colleagues should remain in Congress. In this case, that judgment belongs with the people of the 19th District of Illinois.

Mr. STOKES. Mr. Speaker, I yield 2 minutes for purposes of debate only to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I take as little pride and pleasure in this speech as I have in any comments I have made during my career in the Congress.

I observe that this Nation has a great institution here. A great and important part of that institution are those young people who serve as pages. It is time that we should reflect upon the fact and upon the job that has been done by the committee. It has been an outstanding one and each of us owe a debt of gratitude to the committee and to its distinguished staff and its able chairman.

I express my great sorrow and my great sympathy not only to the Members who are before us today, but also to their families and to their friends. It is, I am sure, a time of vast distress and they deserve our sympathy.

I would like, however, to speak about the pages. For some 20 years I have been appointing pages, young men and young women. They have all prospered mightily from it. They have returned home as better citizens, more informed, with a greater appreciation and a greater awareness of this institution and the system of government which they and we in this Nation are a part. They are the future of this country and they are a special treasure of ours.

I have lived in special terror, however, of abuse or someone preying upon these young people during their service here. I never thought that it would be a Member of the House. I was always apprehensive that it might be some other person.

One thing we can talk about is punishment. Another thing we can talk about is sanitizing this institution and still a third thing we can discuss today is how do we assure the protection of these young people?

A number of debates have taken place in this body about how we can protect them; establish dormitories, see to it that we approve the supervision, deal with the pages, their schooling and education.

We have not dealt up to this time happily with the question of behavior of Members of this body toward those pages.

I do not believe that this is some event that merely deserves a reprimand. This is an event which if it occurred in the justice court or the circuit court of any city or county would bring down upon the individual concerned a serious and probably felonious consequence.

The facts are clear before us. The protection of the young people now lies in our hands. Are we going to afford those young people the protection and are we going to afford their parents the certainty that when we bring these young people down here they will not be preyed upon by Members of Congress or by anyone outside of this institution? Are we going to assure that those young people and their parents and their friends are going to be able to look with pride upon their service in this institution and upon the character that they take away from this institution? Are we going to leave them with a reputation or are we going to see to it that doubt remains as to the behaviour and the integrity of their service and the behavior and the integrity of the institution and its Members?

I urge that when the gentleman from Georgia (Mr. GINGRICH) makes his motion to recommit, that it be adopted and that we deal with this matter in a fashion which will be more firm and more clear as to the future behavior of Members of this institution with regard to the pages.

Mr. SPENCE. Mr. Speaker, I yield 1 minute for purposes of debate only to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, this is a serious moment for the House. Two of our colleagues stand accused of violations of our code of conduct. In my judgment, they abused their office and the public trust, and are deserving of punishment.

The Standards of Official Conduct Committee recommends a reprimand. That is the least serious punishment we can give. The committee has done a fine job, and we must consider its recommendations carefully.

I think the offenses are more serious. I believe we should vote as strong a penalty as possible, short of expulsion. The only stronger punishment available is a vote of censure. A censure, rather than a reprimand, may be a distinction without a difference to the American people, but I think our duty is to adopt the stronger penalty.

I do not support expulsion. The people of the affected districts sent our colleagues here. The House should not expel except for most serious crimes. In these cases, I believe that the House has insufficient grounds to superimpose its judgment for the will of our colleagues' constitutents.

The most severe penalty of all is the full disclosure of the acts of misconduct. The people of those districts may well choose to terminate the congressional careers of the accused. Their right to do so in these cases ought not to be superseded by House action. Our penalty ought to be stronger than the committee recommended, but less than expulsion.

A larger question remains unanswered. Whatever our judgment today, the problem remains.

The problem is the page system.

Since the revelations that prompted these investigations we have improved the system. We have altered the page housing situation. We are about to alter the education we offer pages. Both changes are great improvements.

The House, which has not been a very good parent, will be a better one as a result of these incidents.

But we are not, and cannot be, real parents. We cannot control, nor completely supervise, our young employees. We cannot give parents any guarantee that we can stand in their stead.

As long as we maintain this system, we are maintaining an incipient accident, which can occur any time. We ought to abandon it forthwith and replace the pages with regular employees.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes for purposes of debate only to the gentleman from New York (Mr. CARNEY).

Mr. CARNEY. Mr. Speaker, I never intended to speak today. I am not an attorney and I am not personally friends of DAN or the gentleman from Massachusetts (Mr. STUDDS). I know them in a professional way, so I am not here to speak as a friend of either one.

I do know that we have a responsibility to insure that justice is served today. I was somewhat disturbed by some of the remarks that were made. I can understand where those remarks come from and I know the intent of those remarks were just as well founded as mine are; but Mr. Speaker, the House is not on trial today. Two Members are. The House has proven itself worthy of the American press today in the fact that we are here; inasmuch as we investigated this occurrence, inasmuch as we brought forth the facts to the public.

Now, what I am concerned about is that we might have some prejudices that we should not have. We might be concerned about whether the people in our district will understand the punishment. I do not think we are allowed to do that.

We have to go forward and give those two Members an honest and decent consideration. We cannot consider what the public will think about our election next November. We cannot consider what the public would perceive to be as not justice. We have to consider what justice is.

I again assure you, and I hope I can assure you, that the House has done a good job. The House is not on trial. Let us not get those two issues mixed up when we make a decision today.

I might end by saying, there is one person who I think everyone in this room respects very, very much, and that is Mr. Califano. He is not going to run for election in November. He has no reason, no ax to grind, and I think that when you consider the amount of time and effort and money that was spent I can only say that I would hope that the members of this panel would concur with the findings of the committee, concur with the findings of the special investigator, Mr. Califano, and would deal in justice with the recommendations that were given.

Mr. STOKES. Mr. Speaker, I yield 2 minutes for purposes of debate only to the gentleman from Georgia (Mr. JENKINS).

Mr. JENKINS. Mr. Speaker, in both cases to be considered today, the respondents have admitted engaging in sexual relationships with teenage pages. This behavior is precisely the type of improper sexual conduct covered by House Resolution 518 and House Resolution 12. It plainly violates clause 1 of the Code of Official Conduct of the House. It deserves to be condemned by the House.

There is no question that Members of the House have a special relationship to the pages who serve the House, in effect standing in loco parentis to them. Under these circumstances it is plain that no sexual relationship between a page and a Member can be considered acceptable. One does not need to serve on an "ethics" committee to reach this judgment. Any such relationship is offensive on its face. It violates the obvious relationship of trust between ward and custodian. The House has a duty to condemn the conduct of Representative CRANE and Representative STUDDS, and I urge the House to do so by adopting the resolutions pending before it.

Some Members have suggested that Representative CRANE and Representative STUDDS should be expelled. As a lawyer, as a member of the bar for 25 years, and as a former Federal prosecutor, I urge the House not to proceed precipitously in a very delicate constitutional area. The precedents of the House raise difficult questions as to whether expulsion can be properly legally justified in the present circumstances.

The House has expelled only four Members in its entire history. Three of the four cases of expulsion involved treason. In the fourth instance, in 1980, Michael J. Myers was expelled after he was convicted of a felony. The cases before us today are serious. They are grievous. But they do not involve the type of high crimes or felonies on which expulsions have been based up to now. If the House were to act to expel in the present cases, it would have gone—in one sudden step—far, far beyond the previous expulsion cases.

Moreover, the question of expulsion as punishment in the cases before us is particularly troublesome because never in its history has the House expelled a Member for conduct which occurred in a prior Congress. The House has hesitated to take such action because of the potential for conflict between the right of the electorate of a congressional district to choose its own Representative and the constitutional power and duty of the House to discipline its membership.

The House is truly a great institution with a long and proud history and tradition. That history teaches that the House should proceed with caution in considering expulsion—its most extreme punishment. It should proceed judiciously, not in the heat of emotion or out of an excess of self-righteousness. In our deliberations we are obliged to judge the conduct of these Members as offenses against the rules of the House. They are serious offenses. They deserve the condemnation of the House. But, as a lawyer, I question whether the precedents of the House can properly be read to support expulsion. I, therefore, urge that the House support the considered recommendations that have been made by the Committee on Standards of Official Conduct and vote to condemn the conduct of the two Representatives by adopting the resolutions offered by the gentleman from Ohio.

□ 1330

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the minority leader, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, my father once told me I should be happy in my work even though there would be days when it may not be all that enjoyable, and this is one of those days. It is not one of our happier moments. Nevertheless, I have to commend the committee for the work it has done. The Speaker will certainly agree with me I am sure that we have to plead with Members to serve on the Ethics Committee. It is the most distasteful job in this House of Representatives.

I sense from the debate on both sides, and from talking to some of the Members, that there is some inclination on the part of Members to vote for something stronger than a reprimand. I know the legalistic arguments that the committee has used. There is a distinction between a misdemeanor and a criminal offense. But unfortunately in the public's mind it is a very fine line to draw. What is wrong is wrong. What is right is right. And I do not think we can deal only with legalistic arguments here.

Next to expulsion the precedents reveal that censure is the most severe form of legislative punishment we can mete out to our colleagues.

Deep down in my heart I feel that expulsion is too strong but rather than run the risk of the motion of the gentleman from Georgia (Mr. GINGRICH) to refer this back again to the committee, passing, and dragging this matter out over a prolonged period of

time, I would rather have this matter dealt with today, on the spot.

So I am going to exercise my preemptory right of taking the motion to recommit for myself and it will read as follows. Those of you who want to vote for it can, and those who will not I am certainly not going to have any quarrel with you because, frankly, I think the committee recommendations are good and sound and were based on fundamental good reason.

My motion to recommit will simply be to strike all after the resolving clause and insert in lieu thereof the following:

That Representative DAN B. CRANE be censured. That Representative DAN B. CRANE forthwith present himself in the well of the House for the pronouncement of censure, and that Representative DANIEL B. CRANE be censured with a public reading of this resolution by the Speaker.

That will be my motion to recommit, Mr. Speaker. Those of you who feel that you have to support that kind of motion will do so. Those of you who feel that the committee's recommendations are good and sound will obviously vote against it and the issue will be disposed of today.

I think that is what most of the Members want to do.

And to my dear friend DAN, whom I spoke to last night and told him of what my option may very well have to be, my preference is to deal with the subject today, and I do not want to do anything more than upgrade the recommended reprimand to that of censure—certainly not expulsion from the body for our dear friend DAN CRANE.

So, Mr. Speaker, having said that, that is the motion I will offer at the appropriate time.

The SPEAKER. The gentleman from Ohio (Mr. STOKES) will be recognized for the final 2 minutes.

Mr. STOKES. Mr. Speaker, I would hope that the House today would vote down any motion to recommit with any greater penalty than that which has been proposed by the committee. A great deal of debate today has centered around the question of this institution.

At the time that we rendered our report last week I want to refer to the comments of the special counsel, Mr. Califano. In his report he says, "Speaking as the special counsel who carried out the investigation, I believe it is clear that the House of Representatives as an institution has been vindicated in this investigation. The investigation developed no evidence of any widespread sexual misconduct involving pages and no evidence of sexual relationship by Members with pages involving preferential treatment."

He then says further, and I think this is important: "Rarely has an institution in our democracy subjected itself to such a penetrating ordeal. The evidence of three cases involving sexual misconduct should be seen in that perspective."

I think it is important for us to realize that in the entire year we have conducted this investigation I have seen the members of this committee agonize over having to come to the floor someday with a recommendation of some kind. I saw them spend 5 hours last week as each of them anguished in his own way trying to do what was right by this institution and what was right by the individuals who are here before us today.

This committee has done the best job I think any committee in the Congress can do given these type of awesome responsibilities that they have brought to the House.

I would hope that this House would support our recommendation of a reprimand in this case. I see absolutely no reason why we should resort to a censure in these two cases, and I speak as one who has been in the House and seen every type of punishment, including that of expulsion, that can be given to Members of this House.

The SPEAKER. All time has expired.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. MICHEL. I am, Mr. Speaker, in its present form.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MICHEL of Illinois moves to recommit House Resolution 266 to the Committee on Standards of Official Conduct with instructions to report the resolution back to the House forthwith with the following amendment: Strike all after the resolving clause and insert in lieu thereof the following:

(1) That Representative Daniel B. Crane be censured;

(2) That Representative Daniel B. Crane forthwith present himself in the well of the House for the pronouncement of censure; and

(3) That Representative Daniel B. Crane be censured with the public reading of this resolution by the Speaker.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

RECORDED VOTE

Mr. GINGRICH. Mr. Speaker, I demand a recorded vote.

The recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 289, noes 136, answered "present" 2, not voting 6, as follows:

[Roll No. 257]

AYES—289

Akaka	Gonzalez	Nichols
Albosta	Goodling	Nielson
Alexander	Gore	Nowak
Anderson	Gramm	O'Brien
Andrews (NC)	Gray	Oakar
Andrews (TX)	Green	Oberstar
Anthony	Gregg	Olin
Applegate	Guarini	Ortiz
Archer	Gunderson	Oxley
AuCoin	Hall (IN)	Packard
Barnes	Hall, Ralph	Panetta
Bartlett	Hall, Sam	Parris
Bateman	Hamilton	Pashayan
Bates	Hammerschmidt	Patman
Bedell	Hance	Patterson
Bennett	Hansen (ID)	Penny
Bereuter	Harkin	Perkins
Bethune	Harrison	Pickle
Biaggi	Hartnett	Pritchard
Billrakis	Hertel	Pursell
Bliley	Hightower	Quillen
Boehlert	Hiler	Ray
Boggs	Hillis	Regula
Boner	Holt	Reid
Bonker	Hopkins	Richardson
Borski	Hubbard	Ridge
Boucher	Huckaby	Rinaldo
Boxer	Hughes	Ritter
Breaux	Hunter	Robinson
Britt	Hutto	Roe
Brooks	Ireland	Roemer
Broomfield	Jacobs	Rogers
Broyhill	Johnson	Rose
Bryant	Jones (NC)	Roukema
Byron	Jones (OK)	Rowland
Campbell	Jones (TN)	Rudd
Carper	Kasich	Schaefer
Carr	Kastenmeier	Schneider
Chandler	Kazen	Schroeder
Chappell	Kemp	Schulze
Cheney	Kildee	Sensenbrenner
Clarke	Kogovsek	Shaw
Clinger	Kolter	Shelby
Coats	Lagomarsino	Shumway
Coelho	Latta	Shuster
Coleman (MO)	Leach	Sikorski
Coleman (TX)	Leath	Siljander
Collins	Lent	Sisisky
Cooper	Levin	Skelton
Coughlin	Levitas	Slattery
Courter	Lewis (FL)	Smith (FL)
Craig	Lipinski	Smith (IA)
D'Amours	Lloyd	Smith (NE)
Daniel	Loeffler	Smith (NJ)
Dannemeyer	Long (LA)	Smith, Denny
Daschle	Long (MD)	Smith, Robert
Daub	Lott	Snowe
de la Garza	Lowery (CA)	Snyder
Derrick	Lujan	Solomon
DeWine	Luken	Spratt
Dickinson	Lungren	St Germain
Dicks	Mack	Staggers
Dingell	MacKay	Stangeland
Dorgan	Madigan	Stenholm
Dowdy	Marriott	Stratton
Dreier	Martin (IL)	Stump
Duncan	Martin (NC)	Sundquist
Durbin	Martin (NY)	Synar
Eckart	Mazzoli	Tauke
Edwards (AL)	McCain	Tauzin
Edwards (OK)	McCandless	Taylor
Emerson	McCloskey	Thomas (CA)
English	McCollum	Thomas (GA)
Erdreich	McCurdy	Torres
Evans (IL)	McEwen	Traxler
Fascell	McGrath	Udall
Feighan	McHugh	Valentine
Ferraro	McKernan	Vandergriff
Fiedler	McNulty	Volkmer
Fields	Mica	Vucanovich
Fish	Michel	Walgren
Florio	Miller (OH)	Walker
Franklin	Minish	Watkins
Frenzel	Molinari	Weber
Frost	Mollohan	Wheat
Fuqua	Moore	Whitehurst
Gaydos	Moorhead	Whitley
Gekas	Morrison (WA)	Whittaker
Gephardt	Mrazek	Whitten
Gibbons	Murphy	Williams (MT)
Gilman	Natcher	Williams (OH)
Gingrich	Neal	Wirth
Glickman	Nelson	Wise

Wolf	Wylie	Young (MO)
Wortley	Yates	Zschau
Wright	Yatron	
Wyden	Young (FL)	

NOES—136

Ackerman	Frank	Myers
Addabbo	Garcia	Obey
Annunzio	Gejdenson	Ottinger
Aspin	Gradison	Owens
Badham	Hall (OH)	Paul
Barnard	Hansen (UT)	Pease
Beilenson	Hatcher	Pepper
Berman	Hawkins	Petri
Bevill	Horton	Porter
Boland	Howard	Price
Bonior	Hoyer	Rahall
Bosco	Hyde	Rangel
Brown (CA)	Jeffords	Ratchford
Brown (CO)	Jenkins	Roberts
Burton (CA)	Kaptur	Rostenkowski
Burton (IN)	Kennelly	Roth
Carney	Kindness	Roybal
Chappie	Kostmayer	Russo
Clay	Kramer	Sabo
Conable	LaFalce	Savage
Conte	Lantos	Sawyer
Conyers	Lehman (CA)	Scheuer
Corcoran	Lehman (FL)	Schumer
Coyne	Leland	Seiberling
Crane, Philip	Levine	Shannon
Crockett	Lewis (CA)	Skeen
Davis	Livingston	Solarz
Dixon	Lowry (WA)	Spence
Donnelly	Lundine	Stark
Downey	Markey	Stokes
Dwyer	Marlenee	Swift
Dymally	Martinez	Tallon
Dyson	Matsui	Torricelli
Early	Mavroules	Towns
Edgar	McDade	Vander Jagt
Edwards (CA)	McDonald	Vento
Erlenborn	McKinney	Waxman
Evans (IA)	Mikulski	Weaver
Fazio	Miller (CA)	Weiss
Flippo	Mineta	Wilson
Foglietta	Mitchell	Winn
Foley	Moakley	Wolpe
Ford (MI)	Montgomery	Young (AK)
Ford (TN)	Moody	Zablocki
Forsythe	Morrison (CT)	
Fowler	Murtha	

ANSWERED "PRESENT"—2

Crane, Daniel	Studds

NOT VOTING—6

Dellums	Heftel	Sharp
Hefner	Rodino	Simon

□ 1350

Messrs. BATES, ANTHONY, and DERRICK, Mrs. BOGGS and Mrs. HALL of Indiana changed their votes from "no" to "aye."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. STOKES. Mr. Speaker, pursuant to the instructions of the House, I report the resolution back to the House with an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment: Strike all after the resolving clause and insert in lieu thereof the following:

(1) That Representative Daniel B. Crane be censured;

(2) That Representative Daniel B. Crane forthwith present himself in the well of the House for the pronouncement of censure; and

(3) That Representative Daniel B. Crane be censured with the public reading of this resolution by the Speaker.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the resolution, as amended.

Mr. STOKES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 421, nays 3, answered "present" 2, not voting 7, as follows:

[Roll No. 258]

YEAS—421

Ackerman	D'Amours	Hamilton
Addabbo	Daniel	Hammerschmidt
Akaka	Dannemeyer	Hance
Albosta	Daschle	Hansen (ID)
Alexander	Daub	Hansen (UT)
Anderson	Davis	Harkin
Andrews (NC)	de la Garza	Harrison
Andrews (TX)	Derrick	Hartnett
Annunzio	DeWine	Hatcher
Anthony	Dickinson	Hawkins
Applegate	Dicks	Hertel
Archer	Dingell	Hightower
Aspin	Dixon	Hiler
AuCoin	Donnelly	Hillis
Badham	Dorgan	Hopkins
Barnard	Dowdy	Horton
Barnes	Downey	Howard
Bartlett	Dreier	Hoyer
Bateman	Duncan	Hubbard
Bates	Durbin	Huckaby
Bedell	Dwyer	Hughes
Beilenson	Dyson	Hunter
Bennett	Early	Hutto
Bereuter	Eckart	Hyde
Berman	Edgar	Ireland
Bethune	Edwards (AL)	Jacobs
Bevill	Edwards (CA)	Jeffords
Biaggi	Edwards (OK)	Jenkins
Bilirakis	Emerson	Johnson
Bliley	English	Jones (NC)
Boehlert	Erdreich	Jones (OK)
Boggs	Erlenborn	Jones (TN)
Boland	Evans (IA)	Kaptur
Boner	Evans (IL)	Kasich
Bonior	Fascell	Kastenmeier
Bonker	Fazio	Kazen
Borski	Feighan	Kemp
Bosco	Ferraro	Kennelly
Boucher	Fiedler	Kildee
Boxer	Fields	Kindness
Breaux	Fish	Kogovsek
Britt	Flippo	Kolter
Brooks	Florio	Kostmayer
Broomfield	Foglietta	Kramer
Brown (CA)	Foley	LaFalce
Brown (CO)	Ford (MI)	Lagomarsino
Broyhill	Ford (TN)	Lantos
Bryant	Forsythe	Latta
Burton (CA)	Fowler	Leach
Burton (IN)	Frank	Leath
Byron	Franklin	Lehman (CA)
Campbell	Frenzel	Lehman (FL)
Carney	Frost	Leland
Carper	Fuqua	Lent
Carr	Garcia	Levin
Chandler	Gaydos	Levine
Chappell	Gejdenson	Levitas
Chappie	Gekas	Lewis (CA)
Cheney	Gephardt	Lewis (FL)
Clarke	Gibbons	Lipinski
Clinger	Gilman	Livingston
Coats	Gingrich	Lloyd
Coelho	Glickman	Loeffler
Coleman (MO)	Gonzalez	Long (LA)
Coleman (TX)	Goodling	Long (MD)
Collins	Gore	Lott
Conable	Gradison	Lowery (CA)
Conte	Gramm	Lowry (WA)
Conyers	Gray	Lujan
Cooper	Green	Luken
Corcoran	Gregg	Lundine
Coughlin	Guarini	Lungren
Courter	Gunderson	Mack
Coyne	Hall (IN)	MacKay
Craig	Hall (OH)	Madigan
Crane, Daniel	Hall, Ralph	Markey
Crockett	Hall, Sam	Marlenee
Marriott	Penny	Solomon
Martin (IL)	Pepper	Spence
Martin (NC)	Perkins	Spratt
Martin (NY)	Petri	St Germain
Martinez	Pickle	Staggers
Matsui	Porter	Stangeland
Mavroules	Price	Stark
Mazzoli	Pritchard	Stenholm
McCain	Pursell	Stokes
McCandless	Quillen	Stratton
McCloskey	Rahall	Stump
McCollum	Rangel	Sundquist
McCurdy	Ratchford	Swift
McDade	Ray	Synar
McDonald	Regula	Tallon
McEwen	Reid	Tauke
McGrath	Richardson	Tauzin
McHugh	Ridge	Taylor
McKernan	Rinaldo	Thomas (CA)
McKinney	Ritter	Thomas (GA)
McNulty	Roberts	Torres
Mica	Robinson	Torricelli
Michel	Roe	Towns
Mikulski	Roemer	Traxler
Miller (CA)	Rogers	Udall
Miller (OH)	Rose	Valentine
Mineta	Rostenkowski	Vandergriff
Minish	Roth	Vander Jagt
Moakley	Roukema	Vento
Molinari	Rowland	Volkmer
Mollohan	Roybal	Vucanovich
Montgomery	Rudd	Walgren
Moody	Russo	Walker
Moore	Sabo	Watkins
Moorhead	Savage	Waxman
Morrison (CT)	Sawyer	Weaver
Morrison (WA)	Schaefer	Weber
Mrazek	Scheuer	Weiss
Murphy	Schneider	Wheat
Murtha	Schroeder	Whitehurst
Myers	Schulze	Whitley
Natcher	Schumer	Whittaker
Neal	Seiberling	Whitten
Nelson	Sensenbrenner	Williams (MT)
Nichols	Shannon	Williams (OH)
Nielson	Shaw	Wilson
Nowak	Shelby	Winn
O'Brien	Shumway	Wirth
Oakar	Shuster	Wise
Oberstar	Sikorski	Wolf
Obey	Siljander	Wolpe
Olin	Sisisky	Wortley
Ortiz	Skeen	Wright
Ottinger	Skelton	Wyden
Owens	Slattery	Wylie
Oxley	Smith (FL)	Yates
Packard	Smith (IA)	Yatron
Panetta	Smith (NE)	Young (AK)
Parris	Smith (NJ)	Young (FL)
Pashayan	Smith, Denny	Young (MO)
Patman	Smith, Robert	Zablocki
Patterson	Snowe	Zschau
Paul	Snyder	
Pease	Solarz	

NAYS—3

Clay	Dymally	Mitchell

ANSWERED "PRESENT"—2

Crane, Philip	Studds

NOT VOTING—7

Dellums	Holt	Simon
Hefner	Rodino	
Heftel	Sharp	

□ 1410

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CENSURE OF REPRESENTATIVE DANIEL B. CRANE

The SPEAKER. Will the gentleman from Illinois (Mr. DANIEL B. CRANE) kindly appear in the well?

Mr. DANIEL B. CRANE presented himself at the bar of the House.

The SPEAKER. Mr. CRANE, I have been instructed by the Members of the House, your peers, to read to you the following resolve:

Resolved:

(1) That Representative Daniel B. Crane be censured;

(2) That Representative Daniel B. Crane forthwith present himself in the well of the House for the pronouncement of censure; and

(3) That Representative Daniel B. Crane, be censured with the public reading of this resolution by the Speaker.

The SPEAKER. This action concludes the censure proceedings.

IN THE MATTER OF REPRESENTATIVE GERRY E. STUDDS

Mr. STOKES. Mr. Speaker, I call up a privileged resolution (H. Res. 265) in the matter of Representative GERRY E. STUDDS, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 265

Resolved, That the House of Representatives adopt the report of the Committee on Standards of Official Conduct dated July 14, 1983, in the matter of Representative Gerry E. Studds.

The SPEAKER. The gentleman from Ohio (Mr. STOKES) is recognized for 1 hour.

Mr. STOKES. Mr. Speaker, I yield 30 minutes to the gentleman from South Carolina (Mr. SPENCE) for purposes of debate only, pending which I yield myself such time as I may consume.

GENERAL LEAVE

Mr. STOKES. Mr. Speaker, in order to preserve the integrity and the accuracy of these proceedings, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks in the Extension of Remarks section of the RECORD, but this unanimous-consent request does not apply to revisions of remarks to be delivered in the House today.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. STOKES. Mr. Speaker, in the course of our investigation the committee received evidence that in 1973 Representative STUDDS engaged in a sexual relationship with a 17-year-old male page—who may have been 16 when the relationship began—and made sexual advances to two other male pages; one was 16 or 17 years old at the time and the other was 17 years old. I will briefly summarize the facts of those events.

A former page testified under oath that he had a sexual relationship with Representative STUDDS while serving as a House page during the spring and summer of 1973. This individual had been a congressional page in the House during the spring and summer of 1973. He was 16 when he was appointed as a page.

The page testified that another page introduced him to Representative STUDDS and a group of other Congressmen at a restaurant in May or June 1973. According to the page's testimony under oath, sometime after this introduction, Representative STUDDS invited the page to the Representative's house in Georgetown for dinner. After dinner, Representative STUDDS and the page drank alcoholic beverages until 4 a.m. Representative STUDDS told the page that he was too drunk to drive him home and suggested that the page sleep at Representative STUDDS' apartment.

At that point, according to the page's testimony, Representative STUDDS engaged him in sexual activity. The page testified that they had dinner three or four additional times and engaged in sexual activity each time.

The page testified that he did not feel intimidated or coerced by Representative STUDDS nor did Representative STUDDS offer any preferential treatment. But he did say that he would rather have had the friendship with Representative STUDDS without the sex, which he said he was "somewhat uncomfortable with."

According to the page's testimony, his sexual relationship with Representative STUDDS continued during a trip they took together in August 1973. The evidence does not indicate that any official funds were used for the trip. The page testified that he paid his own airfare to Europe, and a portion of the cost of meals and lodging with Representative STUDDS. The page testified that their relationship ended when they returned to the United States.

The page testified that he is not homosexual and he had not had a homosexual relationship prior to his relationship with Representative STUDDS.

The Special Counsel also received testimony under oath from two other former pages that Representative STUDDS made sexual advances to them in 1973. Each testified that he rejected the advance.

First page: This individual was a page in the House from mid-1972 through mid-1974. He became 17 years old in the spring of 1973. He testified under oath at his deposition that he met Representative STUDDS one evening in 1973 at a restaurant or bar on Capitol Hill, while with a group of other pages. According to the page's sworn testimony, as the group of pages broke up later in the evening, Representative STUDDS offered to drive him home. The page accepted the offer. But instead of driving to the page's home, Representative STUDDS drove to his own home where he and the page continued to drink and talk from 1½ to 3 hours. According to the page's sworn testimony, Representative STUDDS then made a remark which the page interpreted as a sexual proposition. At the time the incident occurred, the page told at least two other individuals about it, one of whom was a staff member in the Doorkeeper's Office.

Second page: This page was also a congressional page in the House from mid-1971 through mid-1973. He was 17 years old in the spring of 1973. In a sworn statement, this individual stated that, one evening after a late House session in the spring of 1973, he went to a bar on Captiol Hill. He joined a group of individuals that included Representative STUDDS and a number of pages, House staffers, and Members of Congress. According to the page's sworn statement, he and Representative STUDDS, along with the others present, consumed a large quantity of alcohol in the course of the evening. The page stated under oath that at the end of the evening, Representative STUDDS offered to drive him and another page to their homes. Both pages accepted the offer. After dropping the other page off, Representative STUDDS invited this page to Representative STUDDS' house for another drink. At the house, the page stated that Representative STUDDS poured alcoholic drinks for himself and the page, and made a sexual proposition to the page, which the page declined. The page said that he told at least one other page about the experience. The page whom he told about the experience testified that he informed a staff member in the Doorkeeper's Office about the incident.

Representative STUDDS and his attorney appeared before the committee. Representative STUDDS, through his attorneys, stated that he "does not contest the fact of a sexual relationship with a page in 1973 and sexual advances to two other pages in 1973."

In light of Representative STUDDS' admissions, the Special Counsel proposed and Representative STUDDS accepted a shortened procedure in order to protect the identity of the young pages involved. Representative STUDDS waived his right under the committee rules to a statement of alleged violation and to a public hearing before the committee. Representative STUDDS agreed that the committee could make its recommendation to the House on the basis of its Special Counsel's report and on submissions to the committee by him and his attorneys.

Based on the evidence, the committee found that in 1973 Representative STUDDS engaged in a consensual sexual relationship with a 17-year-old male page—who may have been 16 years old when the relationship began—and made sexual advances to two other

male pages. The committee found that this was improper sexual conduct under House Resolution 518 of the 97th Congress and House Resolution 12 of the 98th Congress and that this conduct violated Representative STUDDS' official obligation as a Member of the House of Representatives and constituted conduct that does not "reflect creditably on the House of Representatives" in violation of clause 1 of the Code of Official Conduct of the House.

Mr. Speaker, the committee in its deliberations recognized that the conduct of Representative STUDDS involved a sexual relationship with a teenage page, as well as sexual advances to two others, and, in each of these instances, the excessive use of alcohol.

But 10 years has passed since these events took place. While the House does not recognize any statute of limitations in considering the official conduct of its Members, the House must consider the length of time since the misconduct occurred in deciding on an appropriate sanction. In addition, Representative STUDDS has not contested the facts and cooperated with the committee's investigation and its efforts to protect the identity of the pages involved.

Mr. Speaker, these are not easy judgments to make. They require a judicious balancing of many factors. In the committee's judgment, strong action is required to condemn Representative STUDDS' conduct. The committee's decision to make the facts public and to recommend a reprimand constitutes in my judgment appropriate punishment for Representative STUDDS' serious violation of the House's Code of Conduct. I urge the House to agree to House Resolution 265.

Mr. Speaker, I reserve the balance of my time.

□ 1420

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have, sort of in vain, cast around trying to find something I might say today that would not be all bad, quite frankly, it is difficult. But if I might, for a minute, I want to defend this institution, because it is not just these things that are being brought forth today, but other things in history, too, have been brought forth which tend to reflect on this body.

This body has come under attack first, I guess, because of the failure of some Members to act as people think we should.

I have served here now for about 13 years. I have served with a lot of Members. This is the people's House. It is unique on the face of this Earth, as governing bodies go, because it is so close to the people. Every 2 years we are elected or defeated by the people, depending upon their thinking at that time.

We are supposed to be the mirror, the reflection, if you will, of American society because we are closer to the people than the other body. We are supposed to reflect the thinking of the people and, I might add, I guess, the behavior of the people we represent.

As I look around about me, let me make this comment. I have told this to audiences before when they ask me about the bad things that go on in Washington among Members and say, "We have heard so many bad things." I have said, "Well, you know, it's kind of like society, I guess. You've got good, bad, and all kinds. We disagree and fight and fuss and carry on, but as I look about me, I see people who reflect all kinds of philosophies and backgrounds and beliefs."

That is what it is all about. If we did not reflect that, we would not be here.

□ 1430

People look at us and judge us. They write about us. We are not perfect, none of us are.

I used to ask a question of some of my audiences. I would say, "All of you who are perfect, raise your hands." No one raised his or her hand and finally I would say, "That is the point."

We have collected here together people from all over this country who are human beings, sinful human beings, afflicted with all the shortcomings that we as human beings are afflicted with and you cannot really expect perfection, given that set of facts.

We all fall short. I need more prayers than almost anyone and I frequently call on everybody for their prayers and their help. I readily admit it. We are elected by people who are not perfect and so I doubt very seriously if we are going to attain perfection anytime soon.

We are written about by people who are not perfect. We are judged by people who are not perfect and we ourselves are judging others; but what I want to say about this institution is that no matter whether or not you agree with our deliberations in this matter or other matters, it is still the best institution on the face of this Earth and so far ahead of second place that I do not even know who is in second place. I would not trade it for any other body. That is why I am concerned about people losing faith in this institution. That is why I stay on this committee, and good Lord, I ask myself all the time, "Why do you put yourself through it?"

It is because we have got to protect the institution in which we serve, because if people lose faith in this institution, it is all for naught.

The best thing I guess I can say today, if anyone is looking for anything good to say about it, is that most, indeed, the overwhelming number of pages and Members of Congress not only in this particular Congress, but others, too, have never been affected in the way that we have heard about pages and Members being affected today. Indeed, we have spent much money, as someone said, on this case and others, too. We have worked hard. We have gone to all kinds of extremes and we found these two instances and, yes, I readily admit if there is one, that is too many, but the entire institution is not guilty of rampant conduct of this kind.

If you talk to most of the pages, as we did, and a lot of us have over the years, they have had nothing but the best of experiences up here. I do not want anyone going back home and thinking that these things happen to all pages. They will tell you otherwise, and Members, too, who have served over the years in this body will tell you the same.

This institution is the best thing we have going. We have to protect it.

In the case of Congressman STUDDS, there was excessive alcohol involved with the three pages, one of whom Representative STUDDS engaged in a sexual relationship, and two were objects of his advances. These offenses occurred 10 years ago, and we considered that.

As a matter of fact, if anyone thinks that all the alternatives and options were not considered, please think again, because we just did not have a couple days to consider this matter, we had been living with it and agonizing with it for a long time.

As I said earlier, it is extremely difficult for one Member to judge another, but we are about to make that decision.

Our committee has recommended a reprimand as such a condemnation. I urge the House to agree to this resolution.

Mr. STOKES. Mr. Speaker, I yield 3 minutes for purposes of debate only to the gentleman from Wisconsin (Mr. OBEY).

Mr, OBEY. Mr. Speaker, I do not really know what the appropriate penalty is in either of these cases. Frankly, in my mind, there is not much difference between censure and condemnation; but I voted against changing the committee recommendation on the last issue.

I have a problem with the fact that roughly 150 Members of the House were not present on the floor listening to the debate here in this Chamber before the last vote was taken, and yet 15 minutes later they voted.

I have trouble with the fact that roughly that same number of Members are not here now. I recognize that some of them are in their offices watching it on television, and I understand that, but a lot are not.

In my judgment, it is cavalier and insensitive at best for a Member who has not sat through these proceedings to walk in here and vote for a different penalty than that recommended by the special counsel and the committee which reviewed this matter and the previous matter in detail for months, substituting their horseback judgment for the judgment of the people who have reviewed this matter in exquisite detail. I think there is something wrong with substituting your judgment in that cavalier fashion for those who have been charged with rooting out this whole matter.

Serving on this committee is the nastiest job that you can have in this House. I know something about dealing with ethics questions in this House from my experience 5 years ago in chairing such a committee. It is not a pleasant job. It just seems to me that if Members take into account any political consideration whatsoever in dealing with the resolutions out of this committee, that you do violence to due process and you make it almost impossible to continue to get good people to serve on this committee. There is not a committee in the House that is more important to the fundamental integrity and reputation of this institution than the Standards Committee. If we do not give the benefit of the doubt, especially if we are not here to listen to the proceedings, to the recommendations of the members of that committee, then we are not fulfilling our fundamental role in either of these cases. I ask you to think about that when the next vote comes.

Mr. SPENCE. Mr. Speaker, I yield 3 minutes for purposes of debate only to the gentleman from Minnesota (Mr. WEBER).

Mr. WEBER. Mr. Speaker, I do not intend to take the full 3 minutes.

I think the disposition of this issue has been settled by our actions on the previous matter and by the intent of another Member to offer a similar motion; but I feel compelled to state a point of view that is probably not a popular one, that is difficult to express.

All of us in this body feel compelled to treat the two cases before us today similarly, because the Members that are involved are of different parties and different philosophies and because there are different moral questions involved in the personal actions of the Members, and so we feel that we must treat them the same so as not to indicate a prejudice or bias.

I have a concern about treating the two measures similarly, because I agree with the distinguished gentleman from Michigan (Mr. DINGELL) that the most important obligation we have today as Members is to assure the protection of the pages who are really here under our trust.

□ 1440

It is not necessarily possible for us to afford to those individuals complete and foolproof protection. But in judging whether or not we have done so, I believe it is appropriate to look at the actions and statements of the two gentlemen in question that have been presented to this Congress in the last few days.

The gentleman from Illinois (Mr. CRANE) made it very clear to all of us, to his family and to the public that he had done wrong, that he admitted it, that he was sorry for having done so. We can feel reasonably confident that we have protected the pages by the censure, in my judgment, of the gentleman from Illinois.

The gentleman from Massachusetts (Mr. STUDDS), by his own statement, admits no wrongdoing and in fact says that he would contest even the reprimand were it not for the fact that he was concerned for the privacy of others.

I therefore simply rise to say that it is my opinion that this Congress will not have done the most that it can possibly do to protect the people involved in the page program when we have completed the action today if we take the same action in the case of the gentleman from Massachusetts that we took in the case of the gentleman from Illinois.

Mr. STOKES. Mr. Speaker, I yield for purposes of debate only 3 minutes to the gentleman from California (Mr. FAZIO).

Mr. FAZIO. Mr. Speaker, I have recently had my baptismal on this committee and I must say I consider it a privilege to be a member and to serve with people like the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Ohio (Mr. STOKES) who so consistently put the interests of this institution ahead of their own personal and political interests.

I hope, despite the rebuff that they have been given today, that they will continue to serve in the honorable way that they have up until this time. I think the body owes them a great debt for their efforts and I would hope that at some point in the future perhaps we would adhere more to the knowledge they bring as a result of the tremendous effort they put forth in attempting to sort out the very difficult questions that this committee is asked to resolve.

I had a lengthy speech that I was prepared to make today but I think at this point it is irrelevant. The body has, I believe, I think we all understand at this point, established a precedent in dealing with the matter that brought the gentleman from Illinois (Mr. CRANE) to the well.

I would hope, however, that we have one more concern that we consider before we take final action in the matter of the gentleman from Massachusetts, (Mr. STUDDS). I must put myself at odds with the previous speaker just prior to my opportunity to speak.

The committee looked at the problems that both cases presented with minute detail. We considered, regardless of the form of sexual activity, the issue as it related to the pages to be one and the same.

Both Members have violated our responsibility in local parentis. We have not in either case seen a proper conduct as it relates to our parental status toward the pages.

But in neither instance could we find a vastly distinguishing characteristic that would allow us to come to any conclusion other than they should be treated similarly.

Our motion was not totally concurred in in committee but I think it is important for the Members to know that all Members agree that the issue should be dealt with in an equitable, and fair, and consistent manner.

I am hopeful as we vote, and we have potentially two more votes, that the Members will summon up the maturity and the courage to vote consistently. How you vote is your decision. You have made it once. I hope that, because I know the political impulses that move through a body like this cannot be ignored, I hope that the Members will vote consistently on both matters because I think at stake is the very matter of fairness and integrity as it relates to this institution. We have that responsibility to all of our constituents.

I think the Members would do this institution proud if they would have the courage to act the way the committee has acted, at least to the issue of equity.

Mr. SPENCE. Mr. Speaker, for purposes of debate only I yield 2 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. I thank the gentleman for yielding.

Mr. Speaker, the questions I was going to pose during the last issue to the distinguished chairman of the committee have become moot by reason of the action taken by the House. But I did want the observation to go into the RECORD that in this report in which the committee adopted the recommendations of Special Counsel in this regard, they adopted the recommendation to come in with a reprimand as the final sanction.

It does not appear anywhere in the record whether or not the committee deliberated on the question of the final decision that was made in the previous case. The resolution offered by the minority leader finally put that at rest.

What I wanted the committee to know is that we do not feel that having elevated as a House the ele-

ment of sanction did we in any way reprimand the committee for not talking about the higher level of offense. I believe that the House acted properly and I believe that the committee in its recommendation, even though the report does not evidence any conclusions on the higher level, nevertheless acted properly.

The recommendations made by the House then are proper and I endorse them.

Mr. SPENCE. Mr. Speaker, I yield for purposes of debate only 4 minutes to the gentleman from Georgia (Mr. GINGRICH.)

Mr. GINGRICH. Mr. Speaker, this is the case that, frankly, got me involved.

My first reaction to the committee's report was sadness, sadness both for the individuals involved and for the House of Representatives. I was prepared to go home and ignore the whole mess. I would have come in this week and I would have voted for two reprimands.

Then Thursday evening the gentleman from Massachusetts (Mr. STUDDS) came to the floor of the House and made an extraordinary statement. I recommend to every Member the full text on page 19167 of that July 14 statement.

It is important to contrast the two Members' behavior for just a moment. The gentleman from Illinois (Mr. CRANE) came asking forgiveness. The gentleman from Illinois (Mr. CRANE) came to the well of the House and admitted he had done wrong and asked for our understanding.

The gentleman from Massachusetts (Mr. STUDDS) has a totally different viewpoint. Let me read four paragraphs from the statement of the gentleman from Massachusetts on July 14.

I do not believe, however, that a relationship which was mutual and voluntary; without coercion; without any preferential treatment, express or implied; without harrassment of any kind; which was private; and which occurred 10 years ago constitutes "improper sexual conduct" within the meaning of House Resolution 518, and as defined by the Committee on Standards of Official Conduct itself, in its report of last December.

There were for me extraordinarily strong reasons to insist on public hearings with respect to the allegations. My own personal instincts have virtually compelled me to contest the committee's recommendation.

I will not contest procedurally the course of action recommended by the Committee on Standards of Official Conduct.

In so doing, however, I repeat that in my judgment, the mutually voluntary, private relationship between adults which occurred 10 years ago, should not—by any conceivable standard of fairness, rationality, rule or law—warrant the attention or action of the House of Representatives.

I read that and I reread that and I reread that. In that statement last Thursday he wiped out 10 years of history and he stood there 10 years later and said, as I understand his statement, while it may have been an error of judgment it was not fundamentally wrong.

The statement by the gentleman from Massachusetts is extraordinary given the committee report. He suggests a relationship which was mutual and voluntary between adults.

First, the gentleman from Massachusetts was dealing with three school boys, two possibly 16, one 17. They were in high school. They were in the care of this Congress as pages.

Second, the gentleman from Massachusetts on all three occasions used alcohol and in two cases the boys turned him down.

In the third case, according to the page's own testimony, at 4 in the morning the gentleman from Massachusetts announced that he was too drunk to drive and asked this student to spend the night. Only after that did they engage in sex. By the page's own testimony, it is his only homosexual relationship in his life and he said on several occasions he told the gentleman from Massachusetts that he liked him as a friend but could not they be friends without the sex.

□ 1450

If this House believes that that is voluntary, mutual relationship between adults, and is appropriate and should be reprimanded, by a man who has told us in his own words that reprimand has no meaning, then for the life of me I do not know where the people can turn for the leadership they seek.

I feel very badly at having pushed these issues. I wish to God they had not come to this House. But in this case, last Thursday every Member of this House was given a challenge and I commend to all of you to read that challenge.

Thank you, Mr. Speaker.

The SPEAKER. The gentleman from Ohio (Mr. STOKES) has 14 minutes remaining. The gentleman from South Carolina (Mr. SPENCE) has 12 minutes remaining.

Mr. STOKES. Mr. Speaker, I yield 3 minutes, for purposes of debate only, to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL. Mr. Speaker, my colleagues, I had certainly not planned to participate in this debate. I listened to it, I read the documents, and I am constrained to now say a few words about this.

Had I had the opportunity in the case of our colleague, Mr. CRANE, I would have voted for reprimand.

I would have done so for several reasons. One being a committee that has spent a year, millions of dollars, hearing facts, hearing the nuances, hearing all the inferred testimony as well as the stated testimony. And I would have abided by the decision of the committee.

In similar fashion I would abide by the decision of the committee in the Studds case. I have been in this Congress now, I will end up 14 years when I finish this term.

There are some Members of this Congress, just a handful, that I have personal animosity toward, just a handful. There are Members of the Congress that I disagree with philosophically, but there is no animosity there.

Those that I disagree with philosophically I would never attempt to degrade them, humiliate them in the well of the House.

Fourteen years will elapse when I finish this current term. I have been here long enough to see several of these procedures take place. And I guess you have to be a Member of this body to understand the absolute degradation that is imposed on a Member when the House, itself, even considers judging. The absolute humiliation and degradation. This House must punish people for wrongdoing; it must.

But let us not cannibalize the Members, let us not do that. What did we gain by bringing Mr. CRANE down to the well of the House? Already embarrassed, already humiliated, already stripped, already, unfortunately questioned by his family; already, unfortunately, whether we say so or not, scorned by the Members of this House. So what do we gain? One further attempt to strip him of the little that he had left.

There is no difference, there is no difference between a reprimand and a censure, except that the House would cry out: "We have not humiliated you enough, we must take this further step." It just does not make sense. Reprimand STUDDS, yes; cannabilize him, no. Reprimand him, yes, further humiliate him by letting him stand here stripped of the last vestiges of his dignity, no.

I urge you to support the recommendation of the committee.

Mr. SPENCE. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut (Mr. MCKINNEY) for debate purposes only.

Mr. MCKINNEY. Mr. Speaker, I, like most others did not expect to speak on this matter. But as ranking member of the District of Columbia Committee, I have been somewhat amazed. My office has been deluged with telephone calls; with questions. Is it illegal to give a drink to a 17-year-old? No.

What is the age of consent within the District of Columbia? Sixteen, et cetera.

But I am not here to talk about either man. Oh, I could get mad at DAN CRANE. He attacked me on this floor for almost 4 hours when I brought the District of Columbia

sexual assault bill here. But I think we did him a disservice and for the wrong reasons.

And I could attack GERRY STUDDS for not realizing that he was misusing the trust of being a glamorous figure to a young person.

And as father of five children and grandfather of one with another on the way, I could say we are the parents of these pages in absentia. But I want to stand up and talk to you and for a moment to the people of this country. And also to the chairman, LOU STOKES, one of the greatest men I have ever known.

I served under LOU STOKES on the Committee on Assassinations; we met Saturdays and Sundays. And you told your family, no you are not coming home and you told your workers that you were not going to be available, that you had a job to do and I watched the man achieve greatness in his sense of fairness. FLOYD SPENCE and I came here together, and his service on this committee is in the highest degree of self sacrifice.

Ladies and gentlemen of America, one slightly psychotic teenager went to the FBI and the press of the United States and said there was something evil in Congress, drug selling: wrong; and that there was something evil between 1981 and 1982, illicit sex, wrong, CRANE 1980, STUDDS 1973.

I would suggest to you that no Rotary Club, Lions Club, corporate entity, board of directors, or anyone else, would have spent $1 million and more investigating these charges against themselves. In fact masochistically beating themselves over the "head" they have come forth with the charge of the committee, which was their duty to the people of America and to their fellow House Members: Disclosure of the facts.

And I would be wrong, even though we have had battles back in the old HEW days, if I did not say that Joe Califano is one of the brightest and most thorough men I have ever met in the legal profession.

These people came forth to you and they did, ladies and gentlemen in this country, what their duty was, to disclose.

But now let me tell you something else: These 12 human beings did a job that no single man or woman in this legislature wants to do. No policeman wants to be on internal affairs, no fireman wants to be on internal affairs, no one in the corporate world wants to be the treasurer's snoop, because nobody wants to go against the people they love and serve—and I love this damned body more than anything else I know.

□ 1500

And that is the only reason I am still here.

My colleagues, this committee did this Congress a tremendous service. And I suggest that we treat both men equally, though I disagree with the way we treated the first case. But what I suggest we should start thinking about is if in fact we are going to give the job we do not want to do to 12 faithful and true, for God's sake, support them. It is an absolute shame. And I have read the Federalist papers. We have the right to do anything we want to do.

But I feel it would be wrong to end this debate without, No. 1, applauding people who have done what we would soon forget. No. 2, forgetting what an incredible body this is to examine itself the way it does. I know of no other entity in the world—and excuse me, Fathers, even the priesthood—who would do it.

The American people have been well served by disclosure. I never, from Connecticut, want to claim who should represent Illinois, nor claim who should represent southeastern Massachusetts, because once I do that, if there is not a Federal crime involved, once I do that some one of you may say who should represent southwestern Connecticut.

Mr. SPENCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. MICHEL). the minority leader.

Mr. MICHEL. Mr. Speaker, yes, it is my intention to offer the same motion to recommit in this case as I did in the last. What I really wanted to take the moment or two here for is to apologize to those Members who serve on the Ethics Committee.

I commend the gentleman from Connecticut (Mr. MCKINNEY) for the statement he has just made.

Earlier I spoke of the problem the Speaker and I both have in getting Members to serve on this committee. So I have to pay my special respects to FLOYD SPENCE, BARBER CONABLE, JOHN MYERS, ED FORSYTHE, HANK BROWN, and JIM HANSEN on my side. I am reminded of my longstanding friendship with my dear friend BARBER CONABLE, who Members know serves with such distinction as the ranking member on the Ways and Means Committee, which takes up so much time, I begged him to serve also on this committee. And then to have me thrust in the kind of position I was as in the last case, sensing a mood that caused me to offer the motion that I did and thereby, in effect, telling the committee that what they finally agreed upon was not good enough for this House—that somehow we as a body know better.

My friend, the gentleman from Wisconsin (Mr. OBEY) said it so well a few moments ago. Believe me, I did not like that role that I had to play in the previous case. When I chose the Members on our side to serve on the Ethics Committee, I looked for Members of exceptional character, a good moral fiber. They have acquitted themselves in exemplary fashion. I know that they agonized for hours over the degree of the penalty. I know it was hours—hours and hours—when they could have been doing all kinds of other things. But it was just this nasty chore they had to do for this House.

Therefore, I want to publicly apologize to my dear friends who serve on that committee on both sides of the aisle. I apologize to you for offering the motion making it possible for the membership to overturn you decision, which I know was arrived at only after long, long serious deliberation and discussion among yourselves.

I am, however, compelled to make the same motion as with the previous case, for equity, and will do so at the appropriate time.

Mr. SPENCE. Mr. Speaker, I yield back the balance of my time.

Mr. STOKES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, earlier in the afternoon during the course of the debate on the Crane matter, the gentleman from Texas (Mr. GONZALEZ) has posed a question to me in which he asked what was the basic difference between a reprimand and a censure.

And I explained at that time that the basic and essential difference was that the Member, who was censured, would have to come into the well and have the Speaker of the House read the charges of censure while he stood in the well.

There is, and so that the RECORD is clear and I am responding properly to the gentleman from Texas, it has also been brought to my attention that under the Caucus Rules, specifically rule 47; it provides for the automatic replacement of a chairman who is censured or convicted of a felony.

So I would have the RECORD reflect that that additional punishment prevails.

I would also want to have the RECORD corrected in terms of the comments made by the gentleman from Pennsylvania (Mr. GEKAS), who, if I understand his comments at the time that he made them, it was that the committee had not considered other sanctions.

And I would at this time like to direct his attention to page 35 of the committee's report in which not only does the report discuss possible sanctions on page 35, but on page 36 specifically discusses reprimand, censure, expulsion, application of sanctions to a large degree before even beginning to undertake the recommendation of sanctions in this particular case.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman for yielding.

What I was pointing out was that on page 36 and 37 it appears to be the recommendations of counsel that are reported there and that the recommendation finally was for a reprimand.

The report does not reflect—and I am not even sure if the chairman is at liberty to tell the House—if the committee ever took a vote on censure. That is what I was trying to get across that indeed the only vote that was taken under what we have understood up to date was on reprimand and not on censure and not on expulsion, but that the only vote, the only consideration on a final vote by the committee, was on reprimand.

All I am saying is that since the House now has voted for censure, this is in no way a slap in the face to the committee because it is not overturning a decision on censure, because none was ever determined by the committee. Is that correct?

Mr. STOKES. In response to the gentleman's question, I can say to the gentleman that at no time did the committee take a vote on censure. There was no one who advocated censure in the long and deliberate discussions that we had involving this matter.

Mr. Speaker, in the few moments I have left, I would just like to make a couple of observations.

At the time these sensational charges originally surfaced, many Members of this Chamber rushed into the well advocating that in order to investigate these sensational charges we needed a Special Prosecutor.

At a leadership meeting that afternoon, the leadership of this House on both sides agreed that the Ethics Committee of the House not only had the responsibility to conduct such an investigation, but that they should undertake such an investigation.

It was understood by our committee, however, that we should try and get an independent investigator to conduct such an investigation.

In trying to get someone in public life to come in and conduct such an investigation was no easy task. Most people who have a reputation in their field wanted no part of this type of investigation.

Mr. SPENCE and I looked high and low trying to find a person who had the kind of integrity to make this type of investigation on a competent, thoroughly professional basis, and who cared enough about this institution to, at some sacrifice, agree to make this investigation for us.

□ 1510

We were fortunate enough to get Mr. Joseph Califano, a man who is highly respected and highly regarded by this institution and by the American public, and one who has a long career of public service, to agree to undertake this job. I can say to you he did not want it either. It was not easy to convince him that he should do this both for this institution and for the American people. After long discussion with him, during which time he really anguished on whether he ought to accept this assignment, he did agree to perform it. Our committee and this institution has had the benefit of the services of one of the finest attorneys in this Nation, a man whose integrity is impeccable and who at all times has conducted himself in the highest standards of public performance and professionalism. I want to say to him and to his staff, to Rick Cotton and all of the others on his staff, who have done such an outstanding job here, that this institution is indebted to you for the great sacrifice that you have made on behalf of this institution.

Mr. Speaker, in closing, I want to express to the gentleman from Connecticut (Mr. MCKINNEY) my appreciation for his warm and kind remarks in the well a few moments ago. I just want to say to the House that I did not seek membership on the Ethics Committee. The Speaker asked me to serve on this committee shortly after I had completed the chairmanship on the House Select Committee on Assassinations. I reluctantly accepted membership on that committee. When he asked me to become chairman of it, I again did not want that chairmanship. But out of respect for him and out of respect for this institution, I accepted both assignments. I have been comforted in that work by the caliber of men on both sides of the aisle who serve on that committee. We have never had a partisan vote on any issue before that committee. The gentleman from South Carolina (Mr. SPENCE) has been superb. He and I have never had a quarrel or an argument about anything. We have worked closely together, trying to do what we felt was best for this institution.

When I leave the floor now and when I stand up and vote for reprimand, I am voting my conscience. I have lived with this investigation for a year. None of the Members in this body can understand the amount of time that I have spent with Joe Califano and Rick Cotton and the other people on this staff. Nobody can understand the hours that the gentleman from South Carolina (Mr. SPENCE) and I have spent together. In spite of that, you have never heard a single leak come out of this committee. No one has been humiliated or demeaned or slandered as a result of an investigation that has gone on for a year. But I am proud of what they did. Whatever action you take today is something you have to take in accordance with your own conscience. I have been in this body long enough to read the temperature here. But every time I put that card in that little box over there, I vote in a way that at night I can go to sleep in bed. I am going to sleep comfortably tonight knowing that I have done what is right by both of these men.

So I leave it with your conscience as to what you do today, but I thank the men who served with me on this committee. You have been champions. Thank you.

Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. MICHEL. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MICHEL of Illinois moves to recommit House Resolution 265 to the Committee on Standards of Official Conduct with instructions to report the resolution back to the House forthwith with the following amendment: Strike all after the resolving clause and insert in lieu thereof the following:

(1) That Representative Gerry E. Studds be censured;

(2) That Representative Gerry E. Studds forthwith present himself in the well of the House for the pronouncement of censure; and

(3) That Representative Gerry E. Studds, be censured with the public reading of this resolution by the Speaker.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GINGRICH. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 338, noes 87, answered "present" 2, not voting 6, as follows:

[Roll No. 259]

AYES—338

Akaka	Bilirakis	Chappell
Albosta	Bliley	Cheney
Alexander	Boehlert	Clarke
Anderson	Boggs	Clinger
Andrews (NC)	Boner	Coats
Andrews (TX)	Bonker	Coelho
Annunzio	Borski	Coleman (MO)
Anthony	Boucher	Coleman (TX)
Applegate	Boxer	Collins
Archer	Breaux	Conable
AuCoin	Britt	Cooper
Badham	Brooks	Corcoran
Barnard	Broomfield	Coughlin
Barnes	Brown (CA)	Courter
Bartlett	Brown (CO)	Craig
Bateman	Broyhill	Crane, Philip
Bates	Bryant	D'Amours
Bedell	Burton (IN)	Daniel
Bennett	Byron	Dannemeyer
Bereuter	Campbell	Daschle
Bethune	Carper	Daub
Bevill	Carr	Davis
Biaggi	Chandler	de la Garza

Derrick
DeWine
Dickinson
Dicks
Dingell
Dorgan
Dowdy
Dreier
Duncan
Durbin
Eckart
Edwards (AL)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foley
Forsythe
Fowler
Franklin
Frenzel
Frost
Fuqua
Gaydos
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kasich
Kastenmeier
Kazen
Kemp
Kildee
Kindness
Kogovsek
Kolter
Kramer
Lagomarsino
Latta
Leach
Leath
Lehman (CA)
Lent
Levin
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lujan
Luken
Lungren
Mack
MacKay
Madigan
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDade
McDonald
McEwen
McGrath
McHugh
McKernan
McNulty
Mica
Michel
Miller (OH)
Minish
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Olin
Ortiz
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rangel
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Roemer
Rogers
Rose
Roth
Roukema
Rowland
Rudd
Savage
Sawyer
Schaefer
Schneider
Schroeder
Schulze
Sensenbrenner
Shaw
Shelby
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stratton
Stump
Sundquist
Synar
Tauke
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Traxler
Udall
Valentine
Vandergriff
Vander Jagt
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Weber
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Winn
Wirth
Wise
Wolf
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zablocki
Zschau

NOES—87

Ackerman
Addabbo
Aspin
Bellenson
Berman
Boland
Bonior
Bosco
Burton (CA)
Carney
Chappie
Clay
Conte
Conyers
Coyne
Crockett
Dixon
Donnelly
Downey
Dwyer
Dymally
Dyson
Early
Edgar
Edwards (CA)
Fazio
Foglietta
Ford (MI)
Ford (TN)
Frank
Garcia
Gejdenson
Hawkins
Horton
Howard
Hoyer
Jeffords
Kaptur
Kennelly
Kostmayer
LaFalce
Lantos
Lehman (FL)
Leland
Levine
Lowry (WA)
Lundine
Markey
Marlenee
Martinez
Matsui
Mavroules
McKinney
Mikulski
Miller (CA)
Mineta
Mitchell
Moakley
Moody
Morrison (CT)
Obey
Ottinger
Owens
Pease
Rahall
Ratchford
Rostenkowski
Roybal
Russo
Sabo
Scheuer
Schumer
Seiberling
Shannon
Solarz
Spence
Stark
Stokes
Swift
Tallon
Torricelli
Towns
Waxman
Weaver
Weiss
Wilson
Wolpe

ANSWERED "PRESENT"—2

Crane, Daniel
Studds

NOT VOTING—6

Dellums
Hefner
Heftel
Rodino
Sharp
Simon

□ 1530

Mr. PRICE changed his vote from "no" to "aye."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER. The Chair recognized the gentleman from Ohio (Mr. STOKES).

Mr. STOKES. Mr. Speaker, pursuant to the instructions of the House, I report the resolution back to the House with an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment: Strike all after the resolving clause and insert in lieu thereof the following:

(1) That Representative Gerry E. Studds be censured;

(2) That Representative Gerry E. Studds forthwith present himself in the well of the House for the pronouncement of censure, and

(3) That Representative Gerry E. Studds be censured with the public reading of this resolution by the Speaker.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the resolution, as amended.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. STOKES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 420, nays 3, answered "present" 2, not voting 8, as follows:

[Roll No. 260]

YEAS—420

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Applegate
Archer
Aspin
AuCoin
Badham
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bethune
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conable
Conte
Conyers
Cooper
Corcoran
Coughlin
Courter
Coyne
Craig
Crane, Philip
Crockett
D'Amours
Daniel
Dannemeyer
Daschle
Davis
de la Garza
Derrick
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fowler
Frank
Franklin
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Harrison
Hartnett
Hatcher
Hawkins
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Lloyd
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCollum
McCurdy
McDonald
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Moakley
Molinari
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease

Penny	Seiberling	Thomas (GA)
Pepper	Sensenbrenner	Torres
Perkins	Shannon	Torricelli
Petri	Sharp	Towns
Pickle	Shaw	Traxler
Porter	Shelby	Udall
Price	Shumway	Valentine
Pritchard	Shuster	Vander Jagt
Pursell	Sikorski	Vandergriff
Quillen	Siljander	Vento
Rahall	Sisisky	Volkmer
Rangel	Skeen	Vucanovich
Ratchford	Skelton	Walgren
Ray	Slattery	Walker
Regula	Smith (FL)	Watkins
Reid	Smith (IA)	Waxman
Richardson	Smith (NE)	Weaver
Ridge	Smith (NJ)	Weber
Rinaldo	Smith, Denny	Weiss
Ritter	Smith, Robert	Wheat
Roberts	Snowe	Whitehurst
Robinson	Snyder	Whitley
Roe	Solarz	Whittaker
Roemer	Solomon	Whitten
Rogers	Spence	Williams (MT)
Rose	Spratt	Williams (OH)
Rostenkowski	St Germain	Wilson
Roth	Staggers	Winn
Roukema	Stangeland	Wirth
Rowland	Stark	Wise
Roybal	Stenholm	Wolf
Rudd	Stokes	Wolpe
Russo	Stratton	Wortley
Sabo	Stump	Wright
Savage	Sundquist	Wyden
Sawyer	Swift	Wylie
Schaefer	Synar	Yatron
Scheuer	Tallon	Young (AK)
Schneider	Tauke	Young (FL)
Schroeder	Tauzin	Young (MO)
Schulze	Taylor	Zablocki
Schumer	Thomas (CA)	Zschau

NAYS—3

Clay	Dymally	Mitchell

ANSWERED "PRESENT"—2

Crane, Daniel	Studds

NOT VOTING—8

Daub	Heftel	Simon
Dellums	McDade	Yates
Hefner	Rodino	

□ 1540

So the resolution, as amended, was agreed to. The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

□ 1550

CENSURE OF REPRESENTATIVE GERRY E. STUDDS

The SPEAKER. Will the gentleman from Massachusetts, Mr. GERRY E. STUDDS, kindly appear in the well.

Mr. GERRY E. STUDDS presented himself at the bar of the House.

The SPEAKER. Mr. GERRY E. STUDDS, I have been instructed by a vote of the House of Representatives of the United States, your peers, to read the following to you:

Resolved,

(1) that Representative Gerry E. Studds be censured;

(2) that Representative Gerry E. Studds forthwith present himself in the well of the House for the pronouncement of censure; and

(3) that Representative Gerry E. Studds be censured with the public reading of this resolution by the Speaker.

The SPEAKER. This action concludes the censure proceedings.

PERSONAL EXPLANATION

Mr. McDADE. Mr. Speaker, on rollcall No. 260, passage of House Resolution 265, I voted "aye." However, the electronic voting machine apparently did not record my vote.

PERSONAL EXPLANATION

Mr. DAUB. Mr. Speaker, earlier today, I was present for and voted in favor of House Resolution 265, rollcall No. 260; however, my vote was not recorded by the electronic voting device.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to announce to the House before Members leave that the next order of business will be the Department of Defense authorization bill.

We intend to be here late tonight and it is the desire of the Chair that we finish title III tonight and vote on the MX tonight.

The Chair believes an agreement has been made on time by both sides of the aisle so that a vote might be at a reasonable hour.

Mr. STRATTON. Mr. Speaker, the committee is not aware that there has been any agreement on the time.

The SPEAKER. Is the gentleman the chairman of the committee?

Mr. STRATTON. The chairman of the committee has advised me that there was no agreement.

Mr. PRICE. Mr. Speaker, I think the gentleman from New York (Mr. STRATTON), was not informed of the fact that we did make a reservation on the rest of the evening only.

RESIGNATION AS MEMBER OF COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER laid before the House the following resignation as a member of the Committee on House Administration:

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 6, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House, U.S. Capitol, Washington, D.C.

DEAR MR. SPEAKER: I am writing to officially notify you of my resignation from the House Administration Committee. I have agreed to resign from the Committee in order to take a position on the House Education and Labor Committee.

It has been a pleasure for me to serve on House Administration for the past six months. I have a great respect for Chairman Augustus Hawkins and Ranking Minority Member William Frenzel. I know that they will continue to carry out the important duties of the Committee with distinction.

Sincerely,

ROD CHANDLER,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF JOINT COMMITTEE ON PRINTING

The SPEAKER laid before the House the following resignation as a member of the Joint Committee on Printing:

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 6, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House, U.S. Capitol, Washington, D.C.

DEAR MR. SPEAKER: I am writing to officially notify you of my resignation from the Joint Committee on Printing. I have agreed to resign from the House Administration Committee, and consequently the Joint Committee on Printing, in order to take a position on the House Education and Labor Committee.

It has been a pleasure for me to serve on the Joint Committee on Printing. I have informed the Chairman of the Joint Committee, Augustus F. Hawkins, of my decision.

Sincerely,

ROD CHANDLER,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF JOINT COMMITTEE ON THE LIBRARY

The SPEAKER laid before the House the following resignation as a member of the Joint Committee on the Library:

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 6, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House, U.S. Capitol, Washington, D.C.

DEAR MR. SPEAKER: I am writing to officially notify you of my resignation from the Joint Committee on the Library. I have agreed to resign from the House Administration Committee, and consequently the Joint Committee on the Library, in order to take a position on the House Education and Labor Committee.

It has been a pleasure to serve on the Joint Committee on the Library. I have informed the chairman of the Joint Committee, Senator Charles Mathias, of my decision.

Sincerely,

ROD CHANDLER,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON HOUSE ADMINISTRATION

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 271) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 271

Resolved, That Representative Pat Roberts of Kansas be, and he is hereby, elected to the Committee on House Administration of the House of Representatives.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO JOINT COMMITTEE ON PRINTING AND JOINT COMMITTEE OF CONGRESS ON THE LIBRARY

Mr. HAWKINS. Mr. Speaker, I offer a privileged resolution (H. Res. 272) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 272

Resolved, That the following-named Members be, and they are hereby, elected members of the following joint committees of Congress:

Joint Committee on Printing: Mrs. Vucanovich of Nevada and Mr. Roberts of Kansas.

Joint Committee of Congress on the Library: Mr. Roberts of Kansas.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DEPARTMENT OF DEFENSE AUTHORIZAITON ACT, 1984

The SPEAKER. Pursuant to House Resolution 197 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2969.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2969) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes, with Mr. ROSTENKOWSKI in the chair.

The Clerk will read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, June 16, title IV was open to amendment.

Pending was an amendment to title I offered by the gentleman from Washington (Mr. DICKS).

The gentleman from Massachusetts (Mr. MAVROULES) had 3 minutes of debate remaining.

Pending was a request by the gentleman from Washington (Mr. DICKS) for a recorded vote on the motion offered by the gentleman from New York (Mr. STRATTON) to limit debate on this amendment and all amendments thereto to 3 minutes, which had been agreed to by voice vote.

Does the gentleman from Illinois have a unanimous-consent request?

Mr. STRATTON. Mr. Chairman, the gentleman from Massachusetts, as the Chair indicated, had 3½ minutes, and if it is my intention, once he concludes that 3½ minutes, to propose a unanimous-consent agreement.

The CHAIRMAN. The Chair would like to recommend that the gentleman from New York propose that unanimous-consent request now.

Mr. STRATTON. Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts (Mr. MAVROULES) have the 3½ minutes that are remaining from the previous order, and I ask unanimous consent that thereafter, on the subject of the amendment offered by the gentleman from Washington (Mr. DICKS) that we have 40 additional minutes of debate on that amendment, and all amendments thereto, with one-half of the time to be controlled by the gentleman from Washington (Mr. DICKS) and the other half by the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. DICKINSON. Mr. Chairman, reserving the right to object, there have been several statements made recently as to limitation of time, none of which this Member heard. I would just like to ask, under my reservation, first, has there been any agreement? I would like to ask the chairman of the full committee, if I might, first, has there been any agreement as to a limitation of time on anything?

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman.

Mr. PRICE. There has been no agreement on time except the leadership has expressed the hope that we can finish up tonight at least that far on the MX.

Mr. DICKINSON. That would be my hope.

Mr. PRICE. But there has been no agreement as such on a time on the MX.

Mr. DICKINSON. I see.

The gentleman from New York has made a unanimous-consent request that following the conclusion of 3½ minutes by the gentleman from Massachusetts (Mr. MAVROULES) that there will be an additional 40 minutes debate on the pending amendment of the gentleman from Washington (Mr. DICKS); is that right?

Mr. STRATTON. Will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from New York.

Mr. STRATTON. The gentleman is correct.

Mr. DICKINSON. The reason I am asking the question at this point, under my reservation, is that there are some over here that would want to be assured that they would have the right to speak. But the gentleman will control the time and the gentleman from Washington (Mr. DICKS) will control the time. Has the gentleman committed all of the time that he will be reserving?

□ 1600

Mr. STRATTON. I have not committed any time. But certainly any Members that want to support the committee position, as I am sure the Members on the other side will do, will be welcome to participate in the time.

Mr. DICKINSON. Well, I will not put that as a condition precedent on whether or not I would allow them to speak if I were controlling the time. Since this is a unanimous-consent request, I would like to get an indication from the gentleman, if Members from this side of the aisle want to be heard on this amendment, will they be given time?

Mr. STRATTON. They certainly will, of course, as members of the committee.

Mr. DICKINSON. Not as members of the committee but Members of this side of the aisle? I am asking unanimous consent. The gentleman can say no or he can say yes.

Mr. STRATTON. How much time does the gentleman think is wanted? We have a number of Members who have indicated their desire to speak. Our intention is to entertain all of them.

Mr. DICKINSON. I understand that. I am trying to work it out. I have three Members tugging at me now wanting to know if they will be allowed to speak.

Under my reservation I am asking you if there is any assurance to be given on this side of the aisle, since you will be controlling the time.

Mr. STRATTON. Can the gentleman tell us how much time he would be prepared to allocate?

Mr. DICKINSON. I see four Members that would like 5 minutes, and here is another one. Could the gentleman extend his unanimnous-consent request to make it an hour, 30 minutes to a side?

Mr. STRATTON. Thirty minutes on each side.

Mr. DICKINSON. With the assurance that the gentleman would do his best to accommodate the Members as much as possible?

Mr. STRATTON. The Member from New York certainly will.

Mr. DICKINSON. And I am sure the gentleman from Washington would.

Mr. DICKS. If the gentleman will yield to me, I would suggest, if the gentleman has anybody over there in favor of my amendment, I might even offer them some time, too.

Mr. DICKINSON. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. MAVROULES) for 3 minutes.

Mr. MAVROULES. I thank the Chairman. When we last adjourned I believe the gentleman from Massachusetts and the gentleman from Washington were having a colloquy over the second source that he has presented as an amendment on the floor of the House.

Since that time, however, I believe my dear colleague and good friend from Washington has received some information from the Army and I, too, as a member of the Armed Services Committee have access to that information.

Let me report to all the Members who are present here, whether you are on the Committee on Armed Services or not, I find it absolutely incredible the information forthcoming by the Army relative to a second source, as to how they reached a particular position on second sourcing, up through the 1990's and I find it incredible.

Let me just cite you a couple of examples. As we get into the colloquy I would hope that the gentleman from Washington would allow me some time in the question and answer period, because that is the basis of the arguments.

The gentleman will have plenty of opportunity after I address the issues from the Army.

No. 1, 6 months ago the Army said it would cost $150 million to second source the engine. Last week they said the second would be very competitive. A little different from 6 months ago.

Now they produce a very fuzzy analysis that purports to show that second sourcing will save $291 million.

Perhaps you know, if we put this off until next week or next month they may show some savings of $1 billion, because they are putting their own figures together. Item No. 1. Last month, I believe I told my colleague from Washington that the total requirement for tank engines was 10,000. Now that they have come up with a dual-sourcing suggestion, suddenly they have come up with an additional 3,162 tanks

In other words, it is not 10,000 in proposing a dual source, a multiyear or multiprocurement; they fixed their figures, I believe, to 13,162 tanks rather than 10,000, which they originally estimated for the—engines for the M-1 tank.

Mr. DICKINSON. Will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman.

Mr. DICKINSON. I do not know whether the gentleman misspoke or not, but that was engines, not tanks.

Mr. MAVROULES. I mean engines. I thank the gentleman from Alabama, thank you very much.

The fact is that the real requirement is 10,000 engines as the Army has always said before; there is no way second sourcing can be remotely sensible.

Another requirement here, by way of comparison, the Army bought 2,800 spare engines to support 7,200 M-60 tanks.

The CHAIRMAN pro tempore (Mr. MATSUI). The Chair recognizes the gentleman from Washington. (Mr. DICKS).

Mr. DICKS. Mr. Chairman this gentleman from Washington yields such time as he may consume to the distinguished chairman of the Committee on Government Operations, the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Chairman, I rise in support of the amendment to H.R. 2969, the DOD authorization bill of 1984, which will allow the Army to increase the use of competition in the procurement of engines for the M-1 tank. With this amendment, the Army will be allowed to pursue the option of establishing a second production source for the M-1 engine. This procurement procedure has been used successfully in the past by DOD, particularly when the original manufacturer encountered production and reliability problems. By maintaining two competing sources of supply, the Army will be able to better control the costs of the engines and increase the reliability of the product over its useful life. While I would like to see full and open competition in every procurement in the Defense Department, this is clearly one case where its use would be advantageous.

As you know, the Committee on Government Operations voiced its concerns about the lack of competition within DOD during the consideration of the 1982 DOD authorization bill. At the time, the administration asserted that it was in favor of full and open competition, but little has been accomplished and the number of sole-source procurements remains at an unacceptable level. Recently, the Administrator of the Office of Federal Procurement Policy admitted that more than $50 billion in procurements were awarded noncompetitively and this does not include noncompetitive follow-on contracts. It is obvious that substantial savings can be achieved by increasing the use of competition in agency procurements, particularly within DOD.

The current language contained in the 1984 DOD authorization bill prohibits the use of a second source in the procurement of engines for the M-1 tank. I cannot recall ever seeing language in legislation that actually prohibits competition in Government procurement. Besides providing an incentive to meet delivery schedules, a second production source would also encourage the existing contractor to provide a better quality product at less cost. Further, it increases the incentive to improve the design and production of the M-1 engines.

I urge all Members to support this amendment.

Mr. DICKS. Would the gentleman yield?

Mr. BROOKS. I yield to the gentleman.

Mr. DICKS. I want to thank the chairman for his statement. I believe that he is absolutely right that competition throughout the procurement cycle is in the national interest.

I want to point out to him that my amendment does not mandate second sourcing; it says that competition shall go forward only if it is cost effective and affordable and only if it will be of benefit to the Federal Government, for surge and mobilization capabilities.

So, it is up to the Secretary of the Army to certify that it is cost effective. I think that gives adequate safeguards so that this will not be the kind of competition that will not save the Federal Government some money.

That is why I have offered the amendment and I appreciate the gentleman's support.

□ 1610

Mr. BROOKS. Certainly a second contract could not be any worse than $50 billion worth of sole source contracts that he has already let out and approved.

Mr. DICKS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I take the floor today in support of the amendment that I have offered because, I believe that wherever we can get competition into the procurement process we are going to save the taxpayers money. And I would love to answer the question of the gentleman from Massachusetts. The reason we did not know earlier that we were going to save not a few million dollars, but $67 million, because we had not had the benefit of competitive bids. And as soon as we started showing some threat of competition, as soon as three manufacturers responded to the Army's request for proposals, suddenly tank engines started to get better, suddenly they started to get deliveries on time, suddenly we reduced defects. We still had eight defective engines last month, two of which had to be returned. Yes, we started to see the benefit of good, old-fashioned American competition.

And what I am disturbed about here, and it disturbs me greatly, is why would the Armed Services Committee, who is charged with the responsibility of trying to procure this equipment at the most cost-effective rate to the taxpayer, want to stand in the way of competition. Why do you want to have a provision in the bill that says we cannot have competition?

It is not the Congress mandating competition. The Army was dissatisfied with the work that was being done by AVCO. So it went out and sought bids to see if there was a possible way to get a cost-effective second source.

Now we have the bids in. And, in fact, I can tell my colleagues today that one of the three bidders bid substantially less than the incumbent contractor and the Army has analyzed the cost between now and 1990, and if we have this second source, the Army has given us a statement which indicates that they will save $67 million.

This is what competition is all about.

Even if my amendment were defeated today, we have done something that is important because we have gotten the attention of the management up there at Avco. Their president said in a story in the Washington Post, the reason the Army was mad at them and went out to look for competition, was that "The products were produced crappy." And that is just exactly what we were faced with.

So the Army did the responsible thing. It went out to see if it could get a second source. Now we have a second source that has come in with a firm, fixed price contract at $10,000 below the incumbent contractor's most recent proposal and that over the period of time that we are talking about will save the taxpayers $67 million.

All I urge my colleagues here to do today is this: Do not block this competition. Let us wait and get the results.

Let us see what the Defense Department agrees to. They have to send over a proposal to this committee, which will have the right to block it at some future point, but let us not stand in the way of competition. We have to set an example for the Defense Department. We have to insist on competition wherever it is feasible. And in this case it is clearly feasible.

My amendment does not mandate going with a second source. All it says is that if the Secretary of the Army certifies that it is cost effective, that we can save money, that we ought to go ahead with this competition.

I have been impressed by the diligence, the hard work of the delegation from Connecticut. These members are working hard to present their side of this case. And I understand their position. I respect every single one of them. They are professionals who have operated with total good faith on this matter. I want to make it very clear that my offering of this amendment is in no way aimed at trying to do any damage to them or their constituencies. This is a matter of principle, this is a matter of fundamental policy, and I feel compelled to go in the well today. I must say that I appreciate the understanding of my colleagues from Connecticut, because coming from a State that has large defense contractors, I know how difficult it is being put in the position that they are. I respect them for the job that they have done.

I will now yield to the gentleman who said this was a phony amendment the last time we were here, but whose judgment I always have respected. And I always have known, the gentleman from Massachusetts, that faced with new evidence, evidence that contradicts everything that he said last time we were on the floor, that he will now reconsider this matter, give it a second chance, take a new fresh look and remember that competition is in the American interest.

I yield to my distinguished colleague, the gentleman from Massachusetts (Mr. MAVROULES).

Mr. MAVROULES. I thank my dear friend for yielding to me and he is indeed correct when he calls me his friend——

Mr. DICKS. Because we are friends, good friends.

Mr. MAVROULES. Because he is. And the other point is, of course, that I did state that I thought the amendment was phony. I think it is phonier today than it was 6 months ago.

However, let us continue with the dialog——

Mr. DICKS. But we have the benefit of competition that we did not have.

Mr. MAVROULES. Let me just ask my dear friend two questions, just two questions.

Is it not true that the Army stated to the gentleman that the total buy would be about 10,000 engines? Am I correct?

Mr. DICKS. Let me just tell the gentleman exactly what the Army said. Today I was briefed by the program manager, who, by the way, supports this second source, as does General Ball, as does Under Secretary Ambrose, the entire Army leadership supports this, and here is what they said. The number 13,162 engines is for the entire life of the contract going out to 2011. It provides all the spare engines and parts. So we cannot necessarily use the analogy on the M-60. I do not think that holds.

What we have here is spare parts. We have a major subsystem and that totals up to the equivalent of 13,000 engines. They have verified these numbers. These are total life cycle numbers. By the way, I just would point out that where we save $10,000 initially, when we get to the follow-on, we will go down another $25,000. We have a chance of saving even more money.

Mr. MAVROULES. I have another question. One further question, because I think this is a good dialog and colloquy and our colleagues have a chance to be better informed.

The gentleman mentioned spare parts, spare engines or spare parts. Let me give to the gentleman a striking comparison here which I find absolutely incredible. And maybe the gentleman has an answer for it.

By way of comparison, the Army bought 2,800 spare engines to support 7,200 M-60 tanks. And that is a fact.

Now, that equates to about one spare engine for every two and one-half tanks——

Mr. DICKS. I can answer the gentleman's question.

Mr. MAVROULES. I am not through yet.

That is one spare engine for every two and one-half tanks over 2 years.

Since the M-1 engine is to be more durable and last longer, how could anyone believe we need 6,100 spare engines for 7,000 tanks?

Mr. DICKS. All I can tell the gentleman is the project manager was in my office today. These numbers were confirmed by him. He said that these would be the spares that would be needed between now and the year 2011. He also suggested that every 6,000 miles you are going to have to replace these engines and then rebuild them. This is the justification for their numbers. Between 1990 and 1995, they are going to produce 720 a year. These are the Army's figures. The Army has said this is what their requirement is. And we are going to save a substantial amount of money by having competition.

Mr. DANIEL. Mr. Chairman, if the gentleman would yield——

Mr. DICKS. If the gentleman will yield me the time.

Mr. DANIEL. I will yield one-half minute to the gentleman from Washington (Mr. DICKS), when I am recognized.

Mr. Chairman, let me ask the gentleman this one question. Is this the same gentleman from Washington who stood on this floor last year, when we were debating the airlift issue, and advised the Members of this House not to pay any attention to the information received from the Pentagon; is this the same gentleman?

Mr. DICKS. Well, I will tell the gentleman this: When they are right, they are really right. And they are right this time.

Mr. DANIEL. I thank the gentleman.

Mr. DICKS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Arizona

(Mr. UDALL), the chairman of the Committee on Interior and Insular Affairs.

Mr. UDALL. Mr. Chairman, I rise today in support of the amendment being offered by my good friend from Washington (Mr. DICKS).

Much of the debate we have heard has concerned the quality of the M-1 tank engines that are being supplied by the current source. While in no way do I want to belittle this important matter, I think that we may not be focusing on the real, broader issue that is behind this amendment. This amendment offers the chance to restore something that has been lacking in many of our defense procurement projects, and that is competition. Competition is the easiest, quickest, and most painless ways to cut our enormous defense budget. All of my colleagues have been concerned about the skyrocketing defense budget. This amendment to allow second-sourcing to be considered by the Army for the M-1 tank engines, is a commonsense proposal that may whittle away some of the waste in our defense expenditures.

In reviewing the facts in this case, I am reminded of the recent report about what competition could have done to save some of our defense dollars, when the Air Force had to replace some plastic feet that went on the bottom of stools. The three-legged stools, were inside flying radar stations. The Air Force approached the airplane maker, and said they needed three plastic feet. All right, said the airplane maker, that will come to $916 apiece. That cost breaks down in the following way: $459 for overhead, executive salaries, light and heat; $204 for labor; $34 for 8 hours of inspection; $107 for fringe benefits; $32 for State and local taxes; and $119 went for profit.

The cost of the plastic material involved was 26 cents. A plastics fabricator in New York estimates that the actual cost of making the item was in the $3 to $5 range.

I realize that we are debating something much more important today than plastic feet. I use this example though, to point to the benefits of competitive bidding. Currently, only 6 percent of all Pentagon purchasing is done through competitive bidding. It is time we improved on that percentage. I urge my colleagues to strike a blow for commonsense and competitive bidding, and support the amendment by the gentleman from Washington.

□ 1620

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. UDALL. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding, and I want to commend him for his statement.

Mr. Chairman, I rise in support of the Dicks amendment. I could not help but listen to the colloquy between the gentleman from Washington (Mr. DICKS) and the gentleman from Massachusetts (Mr. MAVROULES). The truth of the matter is that down the road the gas turbine engine will be used in many more of our vehicles, and it is only appropriate that when we have actually sponsored and initiated competition in this particular area that we try and harvest the fruit of our labor. It would be a sad thing to turn around now and foreclose on the new options that are now in place of an opportunity to have more than one source for this particular tank engine.

Mr. Chairman, this amendment is one which should receive the serious consideration of Members of this House. The benefits of competition have been startling in the field of aircraft engines—and should also apply to the gas turbine engine of the M-1. Quite apart from the defense field, I would like to remind my colleagues that over the last two decades we have seen civil airliners increase in efficiency not because of changes in airframe but because designs competition between engine manufacturers. We are starting a new industry with the M-1; that is, we are introducing the gas turbine to land vehicles. This innovation holds great promise and should not be limited by providing a monopoly to a single company, especially not to one which, until it felt the very threat of competition, delivered engines that by its own surprising admission "were produced crappy."

Mr. Chairman, there is one item from the June 16 debate on this amendment which should be addressed. The gentleman from Washington (Mr. DICKS) suggested that there were 6,000 or 7,000 engines available for competition. Referring solely to the M-1 he is correct. However, we can look to the end of the decade when in the interests of commonality the self propelled howitzers and other armored vehicles will have the same engine. This expands the total number of possible engines to be needed and affected by the competitive incentive very substantially.

Again, by the end of the decade we would hope that we would be preparing to begin procurement of the turretless tank—similar to those being developed by England, Germany, and the Soviet Union. Given the advanced chassis of the M-1, it is reasonable to assume that it would form the basis of the new tank. If one folds this into calculation, we have a surprise free procurement of something like 20,000 engines available for competition. A procurement of this size surely deserves to be competed.

A third point to be made is one of equity. The potential competitors have each spent over a quarter of a million dollars of their own money on the competition. To cancel the competition would expose the Government to a risk of companies turning away from defense contracts to the private sector where sudden shifts in policy do not wreck investments. We have and are witnessing an erosion of our defense industrial base which may choke off the current defense buildup. Positions such as that taken by the committee may well discourage future attempts to invite new competition and accountability where contractors perform poorly.

Last, I would point out that three of the four committees with legislative jurisdiction support dual sourcing for the M-1 engine. I believe that the House Armed Services DOD authorization should reflect that philosophy. The Dicks amendment is a necessary amendment. I urge my colleagues to support it.

Mr. DICKS. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Washington (Mr. DICKS) has 14 minutes remaining.

Mr. STRATTON. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Chairman, it is with a great deal of regret that I rise in opposition to my dear beloved friend from Washington (Mr. DICKS), a very learned member of my Subcommittee on Defense Appropriations.

I have been a prime mover for competition and, as a matter of fact, in our Defense Appropriations Committee we asked the Army to look at the cost of second sourcing. So it is with reluctance that I now rise to oppose this amendment because I feel that, No. 1, we have the M-1 tank, which is our main battle tank but it still has many problems. And, as a matter of fact, the administration has reduced the number of tanks in this year's budget.

We have a tank which goes 5 gallons to a mile—not 5 miles to a gallon but 5 gallons to a mile—so there are problems. So we do not know whether we will be buying tanks into the year 1995 and, therefore, there is going to be a limited number of engines. Until we have solved those problems, we should not be spending the money for start-up costs.

We have heard the cost of possible savings.

Mr. DICKS. Mr. Chairman, will the gentleman yield on that point?

Mr. ADDABBO. I yield to the gentleman from Washington.

Mr. DICKS. There is no startup cost. There is no facilities money to be provided by the Government. In the bid that was sent in by the other competitor, they are not asking for any facilities to be expended.

Mr. ADDABBO. I have a paper that comes from the Pentagon, which

shows startup costs for one company at $32.3 million, startup costs for another company at $75.2 million, and startup costs for a third company of $85.4 million.

Mr. DICKS. If the gentleman will yield briefly, the $32 million has been incorporated into the bid that they have made. That bid is $10,000 per engine below the incumbent contractor's bid.

So I would argue that that has been taken into account and in fact we are going to save money.

The CHAIRMAN pro tempore. The time of the gentleman from New York (Mr. ADDABBO) has expired.

Mr. DICKS. Mr. Chairman, I yield 1 minute of my time to the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. I thank the gentleman for yielding me this time.

Mr. Chairman, again the gentleman says it is included, but I and the gentleman from Washington State have sat on the Appropriations Committee for so long, and when we see these costs up front, and then suddenly they are included, when I see a cost of savings of only $10,000, I see how easy and fast that can dissipate, and I believe that, first, let us see where we are going with the M-1 tank, how many engines we will need. The present contractor has the capability of surging up, if necessary, in the next 1 or 2 years. If we finally see that we are going to go ahead until 1990, 2000, I heard 2011—and I do not believe the M-1 tank will be around that long; we can never afford to run it that long—so I would say at this point in time that, again, whether it is included in the cost, it would have to be start-up money, which I believe at this time is not needed and the amendment should be defeated.

Mr. DICKINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. MCKINNEY).

Mr. MCKINNEY. Mr. Chairman, for 13 years, although not a member of this committee, I have spoken about dual sourcing, not only for purposes of national defense, but for purposes of cost. But in fairness—and I will not call the gentleman's amendment phony—in fairness, you do not dual source when in fact all of the work, all of the problems and all of the organization for a most radical change in a weapon system that we have seen in many years, as radical as changing from the reciprocating engine prop plane to the jet plane that we know today, when such a radical change is made and one company is willing to work as hard as it has worked and go through what it has gone through, you do not, in the middle of the stream, turn around and say, "Divide it up."

I am not going to hide any secrets; 12,700 constituents of the Third District, the Fourth District, and the Fifth District of Connecticut work on this project. I have worked with both management and with the labor members on this operation. I have seen the overtime and the problems. I have seen the Army interference. I have seen the problems with the Chrysler Corp. when Chyrsler originally had the tank contract, and we have been through it all.

I think, quite frankly, Mr. Chairman, that we should in fact have competition for dual sourcing of every new weapon system. But when a company has gone out and lost the time and the effort, and when you see the problems they have gone through, many of them not their problems with the engine, but problems of basic design, dirt intake into the jet engine, a design failure with a filter system, overheating, a design failure with the venting system, nothing to do with, in fact, the engine itself which now has less than a 1-percent failure ratio. I find it very difficult to stand here and say that we must double source the engine after all of this work and all of this trouble and all of this expense when in fact the tank's transmission is sole sourced, the tank's hull is sole sourced, the tank's turret is sole sourced, and you could go right on.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. MCKINNEY. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I applaud the gentleman on making the comment that, one, we are just over the curve of having succeeded in dealing with the problems and that the limited number of production units for two companies would end up driving up costs. In the final analysis, with startup time and the cost of new production facilities, we would be creating higher program costs and new production problems.

□ 1630

Mr. MCKINNEY. Let me emphasize what the gentleman is saying exactly.

No. 1, it would be a retooling of another installation which would have to reflect in the cost profile on the engine.

No. 2, it would be a secondary group of Army supervisors, and I believe that is somewhere in the neighborhood of 30 or 40, and they do get paid. They work for the U.S. Government.

But really are we not talking about something far more serious? AVCO Lycoming won this contract fair and square. If, in fact, the United States is to turn around and abrogate the contract and say, "We are going to give away what you have worked for and what you have finally produced. You have finally come to the rate the Army wanted of being able to surge to 150 a month if necessary. You have brought the failure rate down to less than 1 percent. The induction system has been solved."

I want to tell my colleagues something. Local 1010, which is a union that is part of the United Auto Workers, their workers have voluntarily worked without pay when this project first started to get into trouble because of the novel conception of the engine and answers had to be found. They have stayed in the plant, worked with management, worked with the Army, worked with the Chrysler Corp., to try and solve these problems. AVCO has gone to extraordinary expense in changing their machine tools to the highest computer technology.

All of this has been done to make this thing work, and it works. Now we are going to come along and we are going to say, "We are going to abrogate this contract, fellows. We are going to split it out."

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MCKINNEY. The gentleman has had great deal of time. There are 12,000 people who earn their living on this project in my district, so I really do not want to yield at the moment. Those people do a superlative job, they have covered their contract.

Then we are going to move on a little further and look at another part of it.

I hear, "Oh, well, dual sourcing will make it less susceptible to sabotage." Well, why not dual-source the whole tank?

Then we move along to the fact that dual sourcing would make it less susceptible to union problems, when this fine union has said and proved that they will cooperate in every way on this project, which is in the national good.

Local 1010 UAW, management, and all concerned have been responsible, hardworking and achieved success. They have earned this contract and we have the duty to support them.

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. I thank my colleague for yielding this time to me.

Mr. Chairman, I, too, rise in strong opposition to the amendment. I do not want to repeat the arguments made by my colleague who just preceded me here in the well, but I agree with very strongly in the things he had to say.

It seems to me what we are trying to do here, really, is change horses in the middle of the stream; in fact, we are almost all the way across the river when you get right down to it.

We have proceeded in this contract already to the point that not only has it gone through the R&D and the development and is finished and the production is on line; in fact, it is so well on line that AVCO Lycoming is up to, by the time a second source could

produce, up to a maximum rate of 30 per month and they will have delivered 4,000 engines for only a total of 7,058 tanks that will be procured, and it is the remaining 3,058 engines for the tanks that would be divided between the 2 contractors.

It is unclear what savings could be realized when one realizes it will take about $150 million to $200 million to get set up to build those 3,000 engines. I think it is false economy.

Mr. DICKS. Mr. Chairman, I yield 4 minutes to the distinguished chairman of the Committee on Science and Technology, the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. I thank the gentleman for yielding this time to me.

Mr. Chairman, I am not a member of the Committee on Armed Services, but in addition to serving as chairman of the Committee on Science and Technology, I serve on the Committee on Government Operations, and on the Subcommittee on Legislation and National Security we review Pentagon procurement practices.

As the gentleman from Texas has already stated in this well, the distinguished chairman of the full Committee on Government Operations, and of that subcommittee, one of the things that we have repeatedly tried to insist on which the Department of Defense and other procurement of the Government is that there be competition.

The Inspector General idea, which originated in the Committee on Government Operations, has just released a rather alarming report about some of the procurement practices of the Department of Defense. While it is not related to this, and not to discuss who shot John and who did what about this, I am somewhat alarmed to see in the bill in section 107 a flat prohibition on any second sourcing.

Now, what the gentleman from Washington is attempting to do in his amendment, and it does not mandate that there be a second source, it does not direct the Secretary of the Army to second source, or even whom it might be with, but it does say that if it is judged to be affordable and cost competitive. If we want to try to reduce the defense expenditures and make them more competitive, why can we not let the Army come back, and they must notify the appropriate committees of the Congress, namely, the Committee on Armed Services as well as the Defense Appropriations Subcommittee, that they have judged this to be affordable and cost competitive.

I think that is only fair play. I think it is in the interest of the Government, not the problems that we have had with the engine. I think they have been generally corrected by the company that currently has the contract.

Let me point out one other thing: Not one person or one dime of this money will be spent in my district. I stand here as someone who is very interested and concerned about the large defense budget that we have, and I have supported that. I think my record is clear. But I also am concerned about the procurement policies particularly, when this Congress complains about the high defense budget and yet we put language like we have in the bill that says that you cannot have second sourcing or competitive contracts.

I hope my colleagues will think about that, because that is why I am supporting the gentleman's amendment, because I think with the language that he has, not mandatory, but it says affordable and cost competitive, and they must come back to the Congress and say that they have judged it to be that way, I think that is the least we can do, as someone who is concerned about this budget and trying to bring about cost control of the Department of Defense.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. FUQUA. I will be delighted to yield to the author of the amendment.

Mr. DICKS. I thank the gentleman for his statement.

Mr. Chairman, the gentleman is a man of great experience in this body. I think he understands fully and appreciates what competition does. The reason the Army sought a second source is because the company was not producing very good engines and the Army thought it could save some money.

Now we get the bids back, and it is estimated by the Army, based on a firm, fixed-price bid by one of the three competitors, with second sourcing, with the facilitation that goes into it, we will save the American taxpayers $67 million between now and 1990.

That is substantial. It helps give us increased surge capability, and I think it brings in competition, which is the lifeblood of this country, and that is why I offered the amendment. I appreciate the gentleman's support.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. I thank the gentleman for yielding this time to me.

Mr. Chairman, the gentleman who preceded me, who knows more about this business than I do, have eloquently given the reasons for opposing this amendment.

The text of the amendment that has been offered by the proponent of the amendments goes to cost effectiveness, and in the name of competition, the sponsor and his supporters say we ought to adopt the amendment. Competition, that has been proved time and time again, alone does not guarantee compatibility, does not guarantee good performance, does not guarantee the fitness for the purpose for which it was intended.

□ 1640

So let us not relegate the entire argument to the safeguards that are built into the amendment calling for cost effectiveness would guarantee a better product.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I will yield in just a moment.

What I am concerned about is that if we should produce a second source, let us say for the tank situation and in Europe where we would have a line of tanks already on line, what would happen if we have a second source? Then are we going to have two lines of component problems trailing one another?

Mr. DICKS. No, no.

Mr. GEKAS. With this type of engine, that is a possibility, is it not?

Mr. DICKS. No, No. If the gentleman will yield, the company that builds this would be building the same exact engine. We would have the same spare parts and use the same technical data package.

Mr. GEKAS. That is begging the question. The question is, will they be building the same engine? The tooling for a second source cannot absolutely duplicate the tooling for the first.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I think what we can always prove is that where we have a lack of competition, what we have seen in the past is that we do not get the management attention, we get products that are not as good, and we have defects as we had in this situation.

The president of the company said the reason the Army went out and looked for a second source was because the products that were produced were "crappy." This is the president of the company. So the Army said, "We are getting a lousy product. Let's enter into some competition."

Mr. GEKAS. And possibly we could get another inferior product.

Mr. DICKS. And then they said, "We can save $67 million."

The CHAIRMAN pro tempore. The time of the gentleman from Pennsylvania (Mr. GEKAS) has expired.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I wonder if the Chair could advise me as to how much time the gentleman from Washington (Mr. DICKS) has remaining, how much time the gentleman from Alabama (Mr. DICKINSON) has remaining, and how much time I have remaining?

The CHAIRMAN pro tempore. The gentleman from New York (Mr. STRATTON) has 13 minutes remaining, the

gentleman from Washington (Mr. DICKS) has 9 minutes remaining, and the gentleman from Alabama (Mr. DICKINSON) has 7 minutes remaining.

Mr. STRATTON. I thank the Chair, and I yield 1 minute to the distinguished gentlewoman from Maryland (Mrs. BYRON).

Mrs. BYRON. Mr. Chairman, I rise in opposition to the Dicks amendment.

I believe very strongly in second sourcing. I believe very strongly in keeping two lines open on major systems. I think this is important for our national defense, and I think it is important for our industrial base, but—and this is a very important "but"—it is important at the right time, at the right place, and in the right period of development.

This is not the right time nor is it the right place, and, most importantly, it is not the right period in development. It is not after complete development is finished, after we are 3 years into production, that we should begin to look for a second source.

Mr. Chairman, the committee felt very strongly, from the language of the bill, that now is not the time for a second source. That time has long passed.

Mr. EMERSON. Mr. Chairman, will the gentlewoman yield?

Mrs. BYRON. I yield to the gentleman from Missouri.

Mr. EMERSON. Mr. Chairman, I would just like to say that the gentlewoman from Maryland (Mrs. BYRON) has just made the speech I intended to make, so I will simply say that I wish to associate myself with her remarks.

Mrs. BYRON. Mr. Chairman, I thank the gentleman.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BADHAM).

Mr. BADHAM. Mr. Chairman, I would like to say just very briefly to the Members of this House that the issue here is the fact that one general has captured the imagination of a few Members and wants to second-source one piece of equipment for our armed services, the competition for which already was held back at the beginning, before they awarded the contract.

Now that the program is two-thirds over, another company wants to come along with a second source, not for the turret, not for the tank, not for the treads, not for the carburetor, and not for the transmission, but just for the engine, which is working fine now and doing a great job.

It is the Army that should be called to task for this. We have a contract, we have an engine that is working, and we are not sole-sourcing anything else. Not only that the second source would be able to use all of the development, the "Tech Data" package, and even buy parts and forgings at cost from the developing contractor—no wonder they want to cut the cost.

Let us get on with production.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. RATCHFORD).

Mr. RATCHFORD. Mr. Chairman, I say to the Members—and I would also like to speak, given the time of day, to those who are back in their offices—that this is the proverbial case of a hand grenade being thrown in an open window, and the "open window" in this particular case leads to the State of Connecticut. So I say to the Members, "Don't think it couldn't be you, and don't think it couldn't be your State."

What we are talking about will have a devastating effect, and it has about as much sense as backing the approach that I talked about, namely, the hand grenade thrown in an open window.

This is not a new project, this is not theoretical, this is not something philosophical. This is a project that went on line in 1979. We have gone through 1979, 1980, 1981, and 1982, and now we are into 1983.

Second, there is talk as if there were no competition. That competition was held and it was held fairly. That competition took place in 1979, and Avco won that competition.

Then we have the reference to problems. We have heard the very frank comments from one of the officers of the corporation, and I do not think we should punish a corporation that is being frank about its past. I think we ought to say to that corporation. "Hallelujah! You are being honest."

They have overcome those problems. They have brought the costs down below the estimates; they have brought the time down below the original estimates; they are on line, and they are below cost. They have met the problems.

Mr. Chairman, I say to the Members we should not play Russian roulette with a program that is on line and that has been working since 1979. This could be the district of any Member. It deserves our support, and we ought to vote overwhelmingly against this devastating amendment.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Chairman, I cannot recall the last time that I stood in this well to oppose a position of my good friend, the gentleman from New York (Mr. SAM STRATTON) or a position of my good friend, the gentleman from Alabama, (Mr. DICKINSON) but now I find myself in opposition to their position because I think they are absolutely wrong.

I happen to be for saving a buck, and I also happen to be for a strong national defense. I do not think anyone in this House can say that I do not stand for these positions and I vote accordingly.

How in the name of sense they ever wrote into this legislation a section 107 which states "The Secretary of the Army may not make a contract for the purpose of establishing a second source for production of the engine for the M-1 tank" is something I cannot understand. Now, how that provision ever got into this legislation is more than I know, and I am not going to yield for the answer to the question yet.

Mr. DANIEL. Mr. Chairman, will the gentleman yield?

Mr. LATTA. I will yield in a moment. If the gentleman would get me some time, I would be glad to yield to my friend.

Mr. Chairman, let me say to my friend and to all of these gentlemen who stand for a strong national defense—and they are all my friends—let us look at the record of the engine of the M-1 tank. We have heard its record in the Budget Committee, we have heard it on the floor, and we have read it in the newspapers across this land. It has been a laughing stock, but still they insert a provision in this legislation prohibiting the Army from securing a second source. I cannot quite understand it. I cannot comprehend it.

During the 10-month period between August 1982 and May 1983, this company delivered 530 supposedly complete and tested AGT-1500 engines to the two M-1 assembly plants at Lima, Ohio, right next to my district and employing people from my district and Detroit, Mich.; 26 percent of these engines were found to be faulty and could not be approved for use.

Now, what are we doing? Why are Members parading themselves down here and saying, "Because they make this engine or some parts in their back yard; we ought to be for continuing this kind of a production record"?

□ 1650

The same individuals who stand for a strong national defense, as I do, are somehow advocating that we should not do as the Army itself is requesting, after all these years of failures, and seek a second engine production source.

We have heard here today that we should not change horses in the middle of the stream. Well, look at the language of the gentleman's amendment. Read it. Does it say that? No, it does not say that. It says that the Secretary of the Army may not make a

contract for the purpose of establishing a second source for the production of the engine of the M-1 tank unless or until the Secretary of the Army provides certification to the Committee on Armed Services and the Appropriations Committee.

The CHAIRMAN pro tempore (Mr. MATSUI). The time of the gentleman from Ohio has expired.

Mr. DICKS. Mr. Speaker, I yield the gentleman 1 additional minute. He is doing very well.

Mr. LATTA. Mr. Chairman, I thank the gentleman.

That a second source for the production of the engine for the M-1 tank is judged affordable and cost competitive with existing contracts and that such action is required in the interest of—what? National defense. Nobody has stood for a stronger national defense than the gentleman standing now asking for time. However, he is supporting the amendment that his committee wrote into the bill.

We need second sources. Every time you pick up the paper nowadays, they are reporting about this piece being overpriced and that piece being overpriced and the Defense Department being condemned across the country. In this amendment we are attempting to get more for our buck for national defense and it is being opposed by the Armed Services Committee itself.

As a matter of fact, for reasons unknown to me, the Armed Services Committee is leading the charge to keep this provision in the law. How ridiculous, how ridiculous.

I do not have the time, I would like to read what the Army says. They want this second source. You know it and I know it and they sent out a letter to that effect to the gentleman who has offered the amendment. I would like to have the time, but in the 1 minute I cannot read the letter; but the Army wants it.

What is the reason for turning down the gentleman's amendment?

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I take the well in opposition to the Dicks amendment.

I think there are several points that we need to look at after the speech of the gentleman from Ohio.

First, I do not think there is any question that it is going to cost more money, notwithstanding a recent letter.

I am not going to yield right now. I am going to cite some facts that we have to deal with.

One is that we did go through a period after design with problems, and any new company that retools is going to have a design loss built in. That has got to be counted as a loss factor.

We have already counted in the lowest company who made a new bid of over $30 million startup costs. We have to count that in, so we are talking about additional costs to create a second source.

Second, we are not talking about competition. We are talking about guaranteeing the source that is there, so many engines and guaranteeing the new source so many more new engines. That is not competition.

Third, we are negating a competitive bid and an agreement, because to begin with, the bid was sought and won and, with the understanding from the Army of an expanded surge capacity, an additional investment was made at the inducement of the Army to increase that capacity in the building of a new parts plant, which by the way is equivalent to 37 tank engines if you pull all of your tooling over, which creates part of the additional surge capability.

Fourth, you do not have the tanks to put them in. You are building engines now faster than you are building tanks. Why in the name of goodness do you want to go out and get a capacity to build at 500, when you cannot build more than 70 tanks? Answer that.

We have an ability to reach a hundred percent reserve capacity on engines today. The fact is, this is an effort to divide some business that was sought and won by the competitive process. Now, after the design bugs have been worked out, some want to take part of the business and put it somewhere else. It is not competition. It is a farce.

I urge you to absolutely oppose this amendment.

I believe with all my heart that this amendment, if we pass it, is not only going to diminish our general abilities, but it is going to cost a tremendous amount of money.

I would say flatly it is going to cost between $100 and $200 million based on the figures.

Finally, let me quote from this letter that we have heard so much about; and I am real interested in quoting it and comparing it with some other things. Let us read some of it.

In the letter, they talk about a 500 capacity in wartime. Are we going to build for wartime today? Are we going to be building liberty ships and everything else for wartime.

Let us go on a little bit further. They also admit in there that they cannot build those engines somewhere else. They have to build the recuperator line, and AVCO is the one exception.

Oh, they have got to have to facilitize that, because they are going to have to use those parts to put in somebody else's engines! They cannot even build them! That is 10 percent of the engine gentleman from Washington.

Let me go just a little bit further on this. Yes, there were some contracted-out sources. Yes, there were some problems.

The CHAIRMAN pro tempore. The time of the gentleman from South Carolina has expired.

Mr. DICKINSON. Mr. Chairman, if I have 2 minutes left, I yield them both to the gentleman from South Carolina.

Mr. CAMPBELL. Mr. Chariman, I thank the gentleman.

Let me point out once again that AVCO delivered 85 engines; 69 is what you are talking about that is required.

We talked about defects.They were above the 69; only 2 had major defects; 2—that out of the letter that the gentleman read from Under Secretary Ambrose—2, that means 83 that were capable of being used, with only a minor repair on 6 engines.

Now, let me pull a whole 8 out of that 85. The way I figure my mathematics, that brings it to 77. That is eight engines above the requirement, which means the 100 percent perfectly met the requirement.

Mr. DICKS. Mr. Chairman, if the gentleman will yield, that is one of the benefits of competition.

Mr. CAMPBELL. No. I think we can look to it, because they go on and say, that is a defect—I am going to finish this one thing and then I will yield.

The letter states the defects have declined. The defect rate has declined. This is from the letter of Mr. Ambrose. The defect rate is decreasing. The capacity is increasing and we have reached full delivery point in this.

They go on and call for a second source strictly for their surge capability. I think that is the key point that we need to look at here today.

Certainly, I will yield to the gentleman.

The CHAIRMAN pro tempore. The time of the gentleman from South Carolina has expired.

Mr. STRATTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. MAVROULES).

Mr. MAVROULES. Mr. Chairman, I thank the gentleman for yielding.

Let me also say, as my dear friend, the gentleman from Florida stated before, that none of this engine or its parts or its engine or the tank or whatever is built in my district; so therefore, I have no parochial view.

I think the gentleman from Ohio deserves some answers to his question and I am going to attempt to do that.

The gentleman asked why does the Armed Services Committee resist this kind of initiative on the part of the gentleman from Washington. One of the reasons is that we have already listened to this time in and time out before the Armed Services Committee and we have taken testimony after testimony; but let me enlighten the gentleman if I may.

The gentleman did state correctly on the engine numbers, but I think incorrectly the gentlman tried to blame the entire fault on the engine. That is not the case at all. The problem is, most of the problems are with the hull.

If I remember correctly, those are made in the State of the gentleman from Ohio and not in Connecticut or any part of the engine. That is item No. 1. I think it is very important that we pay attention to that. That is not the engine.

Second, where is the Army coming from? The gentleman quoted from the Army, my dear friend, the gentleman from Washington quotes from the Army. Let me quote from the Army also.

They said to us that the capacity in total numbers would be 10,000, and suddenly they go off to a second source and they come up with a figure of 13,162.

The company which came in lowest in the competition had an opportunity in 1979 to compete with this engine. Where was this company in 1979? They were hiding.

In the meantime, the company that has the business today has invested $172 million of their own funds, and they are not in Massachusetts, before they made one penny of profit in April or March of 1983.

Along with the technical aspects of this initiative, there is a degree of fairness to the people we deal with in this country. I think we owe that much to the people we deal with.

□ 1700

Mr. STRATTON. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. BONER).

Mr. BONER of Tennessee. Mr. Chairman, I rise in opposition to the Dicks amendment. As mentioned in debate earlier, the House Armed Services Committee has completed a thorough analysis of this issue and has carefully reviewed the performance of the engine manufacturer, AVCO.

Significant improvements in both delivery and quality of the engines have been achieved. The obvious goal would be to deliver all engines with "zero defects." This is an admirable goal but, realistically speaking, this is a goal that is not being reached now, or is it likely to ever be reached. Machines are not flawless—particularly a highly sophisticated and precision piece of machinery such as a turbine engine with more than 1,800 component parts. While a gas turbine engine is the most reliable of all engines, it also can be temperamental at times. As my colleagues know, there were a couple of problems in a recent batch of engines that AVCO delivered to the Army. I did some checking and found that three of the engines were returned to AVCO because metal chips were found in the oil during a routine oil analysis. After flushing their lubrication systems, each engine was tested again, and no chips were found. Oil contamination was not engine caused, but rather a system problem. By that, I mean that when they mated the engine with the tank and other engine accessories, the contamination problem surfaced.

They also had a couple of "smokers." These are engines that give off black smoke. An off-the-shelf rubber seal was found to be the culprit on one engine. Another engine had a small hairline crack in the engine housing that escaped a random X-ray screening process, thus allowing the smoke to be emitted.

These problems suggest a message. Engine parts are tested, the engine itself is tested before it leaves AVCO. It is tested again at the tank assembly plant and each tank is then tested after it is assembled. The obvious purpose is to find problems before the tanks are field tested by our soldiers. This is the clear intent to quality control and systems testing.

Now AVCO is producing quality engines for the M-1 tank. Throughout production, the engine price has remained at or below the contract ceiling and has been proven to be a high quality engine in the field. The few problems which I have already described are not the result in basic production flaws or the lack of quality assurance.

I urge my colleagues to reject the Dicks amendment.

The CHAIRMAN. The gentleman from New York (Mr. STRATTON) has 7 minutes remaining, the gentleman from Washington (Mr. DICKS) has 5 minutes remaining, and the gentleman from Alabama (Mr. DICKINSON) has 2 minutes remaining.

The Chair recognizes the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. MORRISON).

Mr. MORRISON of Connecticut. Mr. Chairman, this is not a theoretical debate, yet much of what we keep hearing is a theoretical debate about competition and second sourcing. That is not it at all.

This is a very specific project and very specific evidence about this project has been brought forward.

I think everyone in this House is in favor of competition and second sourcing if it can produce a quality product for the Defense Department, if it can produce what we need at a lower cost. But this is hardly the time, many years into this project, when production delays and production problems have been worked out by one contractor, to try our luck with a second contractor.

It is easy to talk in theory about saved costs and about how theoretically this new source of engines will not have the problems that the first contractor had in getting up to speed. I think all of us can understand that that is unlikely. We are likely to have the same problems and those problems will become immediately serious. Right now, we have a situation in which the contractor is meeting and even exceeding its quotas. Second sourcing will bring us back to the days of engines that do not comply, engines that are not without defects because a new production source will have the same kinds of problems as the current contractor once experienced, but has now resolved.

Theory about saving money is not what this debate ought to be about. Producing effective defense equipment is what we are talking about and what we are voting on.

The committee has looked carefully at the evidence. The committee's approach is the appropriate way to get on with the business of building these engines in the numbers and with the quality that is required for our defense needs.

I urge the House to vote down this amendment.

● Mr. MURTHA. Mr. Chairman, the raw material, semifinished parts, finished components and subassemblies which make up 75 percent of the cost of the AGT-1500 engine are purchased by AVCO. Three years ago, AVCO initiated an off-load program to augment the initial complement of vendors the company already had. What they did was obtain other sources for many of the parts they were already making. Already, many suppliers in many States contribute to the AGT-1500 engine. Many of these suppliers make the same parts as other companies do, which increases the industrial base. However, there are some tank components obtained from a sole source; here is where the real bottleneck could occur.

VULNERABILITY FALLACY

Although a valid concern, the Army is addressing this concern at the wrong level;

A number of lower-tier vendors are sole source both to AVCO and to any potential second source engine manufacturer. An example would be the Bendix fuel control.

In several instances, a single source is supplying all of the gas turbine industry. Examples are bearings, high temperature materials, precision castings, and so forth.

It is to these critical parts that the Army's concern should be directed.

If the engine is a concern in this regard, then the transmission should be an equal if not greater Army concern. Detroit Diesel-Allison is the only American manufacturer of heavy duty, higher horsepower vehicular transmissions.

We could theoretically have a dozen sources of the engine, yet be missing a sole source part such as a transmission or other critical component, and the tank would be rendered useless. If this is the issue, let us address it at the proper point. Let us not blindly contract with a second engine company and smugly think that we have solved this threat of sabotage.●

Mr. DICKS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1710

QUORUM CALL VACATED

The CHAIRMAN pro tempore. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The Chair now recognizes the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I yield 1 minute to my distinguished colleague the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. Mr. Chairman, I rise in favor of this amendment because of the logic of it. Stripping away all the rhetoric, it is a procompetition amendment, it provides for that; it is going to save the taxpayers dollars in the long run and it is endorsed by the Army. It is hard to understand why anybody would be opposed to it.

Most of all, in stripping that rhetoric away, let me say the amendment does allow the Army to proceed with the evaluation on the merits, so there is no problem about cost or the merits of the second source operation.

But before that can happen, the Army must certify to three things. If I understand this amendment correctly, before any spending takes place; before anything happens, the Army must certify to three things: One, that second sourcing is effective, cost effective; two, that second sourcing is affordable, and third, is it in the interest of surge and mobilization capacity.

Can the gentleman from Washington verify that?

Mr. DICKS. Will the gentleman yield?

Mr. RUDD. I yield to the gentleman.

Mr. DICKS. I thank the gentleman.

Yes, that is exactly right. And I tell the gentleman the Army has already told us that they have a firm, fixed price bid that will save the taxpayers $67 million between now and 1990.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. ROBINSON).

Mr. HARTNETT. Mr. Chairman, will the gentleman yield?

Mr. ROBINSON. I yield to the gentleman from South Carolina.

Mr. HARTNETT. Mr. Chairman, I rise in opposition to the amendment.

I am puzzled and perplexed as to how a second company can take a stack of drawings of another company's engine and be expected to deliver quality engines 3 years later. Let me remind my fellow colleagues that this is a highly complex and sophisticated precision piece of machinery with more than 1,800 component parts.

In the case of this particular engine, Avco first started development of this engine in 1965 and delivered its first production engine in 1979. During that 14-year period, Avco built more than 50 prototype engines and developed a tremendous amount of production experience.

I submit that it is impossible for a second company to take these drawings, analyze them, buy equipment and tooling, contract with hundreds of outside vendors, build the parts and begin assembling engines; all of this in 3 years without incurring major increased production costs.

We are talking about building tanks for our troops in the field. I want to send them the very best equipment that we can provide. If we have to go to war, I want the best for our soldiers. The present contractor is producing quality engines and is producing them now and at the rate the Army directed.

Since 1979, Avco has delivered more than 1,400 engines, and is now on schedule; 3 years from now Avco will have produced 4,000 engines for the Army's planned buy of 7,000 tanks.

Mr. Speaker, I believe that the experience gained by Avco over the past years in production and the establishment of a net of subcontractors to produce the engine makes it vital in this case that we continue to support sole source procurement of the best equipment at the lowest cost.

Mr. ROBINSON. Mr. Chairman, I rise in opposition to the Dicks amendment because of the experience that I have had in dealing with this tank program on the Subcommittee on Defense Appropriations on which the gentleman from Washington also serves.

You have heard what our chairman, the gentleman from New York (Mr. ADDABBO) has said with regard to his opposition to the amendment, in that it is among other things untimely. Competition has been held and winners have been announced and they have been producing these engines for a period of years. The program is mature. It is the first turbine engine ever put in a tank. That there were to be problems was easily predictable and indeed problems have occurred. But I want to tell you that the problems are over with, essentially, and that the problems they are having now in terms of rejection are small and the engines are not having to be taken apart and totally put back together as a result of sloppy work.

□ 1720

Mr. Chairman, perhaps there was a time when sloppy work occurred and when corrections had to be made. And indeed they have been made. But I want to tell my colleagues as one who has in recent months twice had the chance to visit our troops in Germany where they have the M-1 tank now deployed. That is where the Army puts its OK on this program. Those are the guys who are using it, right out there in the field. And they are enthusiastic about it.

Do my colleagues know the availability rate out there in the field is where this engine is being used on a daily basis, and tried and tested? It is over 95 percent. Now that is much better than the M-60 tank that has the old engine in it, the old diesel in it. And I want to tell my colleagues, we do not want to meddle with this program in terms of a second source at a time that is highly unlikely that the second source will even get into the picture before it is necessary to buy out the necessary number of engines.

I have been on this committee long enough to know that the Army changes its mind every year. And just because they say something now does not mean that it is going to hold up next year. I sincerely doubt that we will ever have the need to acquire as many engines as has been suggested.

Mr. DICKS. Mr. Chairman, I would like to close, if I could.

Mr. STRATTON. Mr. Chairman, under the rules of the House, the committee closes the debate. So we look forward to the gentleman's remarks.

(By unanimous consent, Mr. DANIEL yielded 30 seconds to Mr. DICKS.)

The CHAIRMAN pro tempore. The gentleman from Washington (Mr. DICKS) is recognized for 4½ minutes.

Mr. DICKS. Mr. Chairman, I would like to close this debate by saying to my colleagues that I have none of these contractors in my district or in my State or anywhere near it that are competing.

I want to summarize the situation. It was the Army that decided that because of the quality of the product that was being produced it should look at a second source for this engine. The Army made that decision. The Army has been in the midst of a competition.

Now we have just received the first and final bids and there is a bidder who came in at $10,000 an engine less than the ceiling bid submitted by Avco.

Based on the number of engines that we plan to buy through 1989 the Army estimates that the American taxpayers will save $67 million. The other body's Armed Services Committee supports competition. The competition is now being held, the numbers are in, we have had a chance to look at those numbers. We have one of the new bidders, who has bid $10,000 per engine less.

The competition can produce a significant saving of $67 million. I also think it has done something else. It has forced the incumbent contractor to start producing better. The threat of competition has worked in that way as well. I have no malice against the existing contractor from Connecticut, but I have served on the Defense Subcommittee and I realize that when we have competition in procurement, our country does better. That is why I am offering this amendment.

Now, the Under Secretary of Army, Mr. Ambrose, has written a very strong letter in support of letting the competition be resolved. The project manager, General Scullen, supports it. General Ball, the former project manager, supports it.

The only people who apparently do not support it are the Armed Services Committee. In a few minutes we will find out where the House of Representatives stands on this important issue.

I have to agree with my good friend from Ohio.

Why is it that we are putting a provision in to stop competition? It just does not make any sense. It is something that we have heard the chairman of the Government Operations Committee talk about, the chairman of the Science and Technology Committee, the chairman of the Interior Committee, who has great experience in these matters. And I guess you have to summarize it this way: The Members have a chance now with competition to save $67 million, to introduce a second source, to get additional surge capability that we are going to need in a wartime situation. We are also going to have more competition on future engines that are going to be needed for other hardware.

So I just cannot understand why we are trying to protect the incumbent contractor, who, by the way, will still be building 30 engines a month. They are still going to get half of the business. And there is competition for the spare parts.

I think this amendment makes sense. I hope the House will recognize that what we are talking about here is preserving the principle of competition and not getting into a very bad precedent of letting committees of the Congress stop competition by these kinds of provisions.

I am very surprised that members of my own subcommittee, who urged this study to go forward, now, for whatever reason, are trying to step in the way of the competition. And I am sure they do not know that we now have the firm fixed price agreement, $10,000 per tank engine less, a savings of $67 million. Because I am sure if they understand that they would be supporting this amendment.

Mr. STRATTON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. DANIEL).

Mr. HERTEL of Michigan. Mr. Chairman, will the gentleman yield?

Mr. DANIEL. I yield to the gentleman from Michigan.

Mr. HERTEL of Michigan. Mr. Chairman, I think it is very clear that very often we heard the word "reform" thrown around when it is not true. It can look like a duck, and walk like a duck, and quack like a duck, but sometimes it is not a duck. In this case, this amendment is a turkey.

The fact is that 2 years ago this amendment would have made sense, but many Members who have been involved with the progress of this tank engine and care very much about the defense of our Nation and about saving money have shown that now, for the first time, it is on line, the production is proper, it is working in the field. Now is not the time to have a second source. We should go ahead and save money with the single source that we have today.

Mr. DANIEL. Mr. Chairman, I think it was Einstein who said that we should do things as simply as we can, but not more simple.

Let me see if I can simplify this discussion by raising some questions.

Has there been competition? The answer is "Yes."

Do we need the engines? The answer is "Yes."

Is the present contractor performing satisfactorily? The answer is "Yes."

Is the contractor delivering the quality product? The answer is "Yes."

Is the contractor delivering the product on time? The answer is "Yes."

Would a second source result in a savings to the taxpayer? The answer is "No."

Would a second source cost the taxpayer additional dollars? The answer is "Yes."

I hope very much that the Members will vote down the Dicks amendment.

● Ms. KAPTUR. Mr. Chairman, a few moments ago a reference was made to a statement we each received from business executive for National Security, Inc. The 30 signers of this letter included leaders of Fortune 500 companies, defense contractors, former ranking defense officials, and heads of some of America's fastest growing corporations. To set the record straight, these business leaders pointed out that production of the MX would not only be unnecessary and destabilizing militarily, but also detrimental to our economic security.

Coming from such authoritiative business executives, I find it hard to understand how anyone could infer this prudent analysis "disinformation." I commend the statement of this organization to the attention of my colleagues, and let me enter into the RECORD the members of the board of this respective organization:

BUSINESS GROUP URGES HALT TO MX PRODUCTION

WASHINGTON.—A national group of business executives called upon the U.S. House of Representatives today to halt production funding of the MX missile system. In a letter to Congress, the executives cited the weapon's vulnerability, expense, and threat to military stability and said: "The time has come to draw the line on unnecessary deficit spending."

"This is the first time as far as we know that business executives have opposed a specific weapons system as detrimental to our overall national security," said Stanley Weiss, President of Business Executives for National Security (BENS), a nationwide, non-partisan organization of business executives. "The business leaders signing the letter for the organization represent a cross-section of the country and a wide range of business interests," he said.

Among the thirty executives signing the letter are leaders of Fortune 500 companies, former ranking defense officials, and heads of some of the Nation's fastest growing companies. More than 20 industrial areas throughout the U.S. are represented, according to BENS officials.

The letter urged Congress to support the Bennett/Mavroules Amendment to the FY 1984 Defense Authorization bill upon which the House is expected to vote next week. The amendment would permit all research and development to continue, while deleting the $2.6 billion for production of the MX.

"Our businesses and our future depend upon Congress to act," the business executives said. "Diverting valuable resources to produce such questionable systems as the MX will jeopardize the economic and military strength of the United States." The letter was sent to all members of the House of Representatives.

"We believe it is time for the Nation's business executives to take a stand on unnecessary military spending," Weiss said. "Congress must halt funding of military programs which are either of marginal benefit to our strategic posture or detrimental to our overall national security. The MX is both."

LIST OF MEMBERS OF BUSINESS EXECUTIVES FOR NATIONAL SECURITY, INC.

Mr. Stanley A. Weiss, President, Business Executives for National Security, Inc., Chairman, American Minerals, Inc., El Paso, Texas.

Mr. J. Sinclair Armstrong, Attorney and Former Banker, Former Assistant Secretary of the Navy, Former Chairman of the U.S. Securities and Exchange Commission.

Mr. Robert J. Block, Chairman and CEO, National Securities Corporation, Seattle, Washington.

Mr. Cabell Brand, President, The Stuart McGuire Company, Inc., Salem, Virginia.

Dr. John R. Coleman, Former Chairman of the Board, Philadelphia Federal Reserve Bank.

Mr. Howard G. Freeman, Chairman and CEO, Jamesbury Corporation, Worcester, Massachusetts.

Mr. John C. Haas, Vice Chairman, Rohm and Haas, Inc., Philadelphia, Pennsylvania.

Mr. T. Walter Hardy, Jr., Chairman, Hardy Salt Company, St. Louis, Missouri.

Dr. Sidney Harman, Former Undersecretary of Commerce, Chairman, Harman International Industries, Inc., Northridge, California.

Dr. Earl H. Hess, President, Lancaster Laboratories, Inc., Lancaster, Pennsylvania.

Mr. Arnold Hiatt, Chairman and CEO, Stride Rite Corporation, Cambridge, Massachusetts.

Mr. Proctor Houghton, President, Houghton Chemical Corporation, Allston, Massachusetts.

Dr. Robert D. Lamson, Former Senior Economist, Institute for Defense Analyses, United States Department of Defense, Executive Vice President, Spencer Products, Inc., Seattle, Washington.

Mr. Aaron P. Levinson, Chairman, Levinson Steel Company, Pittsburgh, Pennsylvania.

Mr. John L. Marakas, President, Nationwide Life Insurance Company, Columbus, Ohio.

Mr. Stanley Marcus, Consultant, Dallas, Texas.

Mr. Henry E. Niles, Past President, Baltimore Life Insurance Company.

Mr. Jesse H. Oppenheimer, President, Greenbrier Realty Corporation, San Antonio, Texas.

Mr. George S. Pillsbury, President, Sargent Management Company, Minneapolis, Minnesota.

Mr. Rudolph S. Rasin, President, Rasin Corporation, Chicago, Illinois.

Mr. Alan Sagner, Chairman, Port Authority of New York and New Jersey.

Mr. Robert J. Schwartz, Vice President, Shearson/American Express, Inc., New York, New York.

Mr. Roger P. Sonnabend, Chairman and President, Sonesta International Hotels Corporation, Boston, Massachusetts.

Vice Admiral John J. Shanahan, USN (Ret.), Deputy Chairman, World Trading and Shipping, Inc.; Former Commander of the United States Second Fleet and the NATO Strike Fleet; Former Director of the Strategic Planning and Nuclear Systems Division, Office of the Chief of Naval Operations.

Mr. C. Maxwell Stanley, Chairman, HON Industries, Inc., Muscatine, Iowa.

Mr. Robet Stuart, President, National Can Company, Inc., Chicago, Illinois.

Dr. Theodore B. Taylor, Former Deputy Director (Scientific), Defense Atomic Support Agency, United States Department of Defense; Former Senior Research Advisor, General Dynamics Corporation; Chairman, Taylor-Kirkpatrick, Inc., Damascus, Maryland.

Mr. Lee Thomas, President and CEO, Vermont American Corporation, Louisville, Kentucky.

Mr. John H. Whitaker, President and Chief Operating Officer, Whitaker Cable Corporation, North Kansas City, Missouri.

Mr. Theodore Williams, President, Bell Industries, Inc., Los Angeles, California.●

Mr. STRATTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today has not really been a very good day for the Army. The gentleman from Washington (Mr. DICKS) has been giving a set of figures to the House, on the M-1 engine but what he has not indicated is that the Army has in fact had three different sets of figures with regard to this tank engine project over the last 3 or 4 weeks.

At the time that the gentleman first offered his amendment, when we last were dealing with this bill before the July Fourth recess, we were told by the Army that it would cost $150 million for retooling for a second source.

□ 1730

Then when we came back after the fourth of July recess, somebody in the Army had come up with another set of figures, totally unrelated to the first set, which claimed that we would exactly break even if we went to a second source. And then the other night, at a late party put on by the Army—and I do not know what went on at the party—they came up with a figure that a second source would save $291 million.

So which set of figures can we rely on? Somebody indicated on the floor just a moment ago that if the Army gives you one set of figures, you do not know what the figures are going to be the next day. This is the classic case and the Army should be ashamed of their performance in this case. In fact, what the Army also did was that they first came up with 10,000 engines under the original plan. Then they increased that the other night in the letter they passed along to Mr. DICKS but which was not given to the committee. They increased that figure to 13,000 engines. That means that they are going to have 2 spare engines for every tank, when the M-60 had only one spare engine for every 2½ tanks. And the engine for the M-1 is supposed to be far more sturdy.

The fact is that they have also given phony figures for the Avco bid. That bid was given with the understanding that that would be negotiated, but those figures have been left entirely out of the discussion of the competition. But when the Avco bid is negotiated, it may well be even $10,000 less than the low figure that the gentleman from Washington (Mr. DICKS) was talking about.

The gentleman from Lima, Ohio (Mr. LATTA), said a moment ago he wanted to know why the subcommittee had banned a second source on the M-1 tank. Well, I will tell my colleagues why.

We have had a pack of troubles with the M-1 tank from the very beginning, back in 1976; and this Member was probably the loudest, outspoken opponent of the M-1 tank, both because of its untried German 120-millimeter gun and because we also had a totally untried, unknown, untested turbine engine instead of a solid diesel engine. In fact no previous tank ever had a turbine engine.

Well, what did the Army say? "Oh," they said, "the turbine engine is absolutely mature. There is nothing to worry about." But very soon it began to run into trouble, it digested sand, and a number of other things. We went back to the Army to complain, but they said, "No, we have fixed everything. Everything is fine." But the fact was they had not fixed it, and it is still not fixed in its drivetrain.

So every time the Army told us something, it turned out that they were wrong.

But Avco, as you have already heard, has had some problems too, but they have cleared up those problems. Avco even got a quality performance award. And they have reduced the cost of the tank every year.

So now that we have ironed out the problems in the turbine engine, we certainly do not want to let the Army start tinkering with another source, and start messing that one up again.

To save money, and to keep a satisfactory engine, let us vote down the Dicks amendment.

● Mr. BATES. Mr. Chairman, there are those who say that the current source of M-1 tank engines is going well enough. It is also said that these engines are being built cheaply and reasonably, and that second sourcing will cost more than it would to simply let Avco continue turning out its product.

I think that these arguments ignore some very important points. Avco is still 15 engines behind contract schedule, and of the engines delivered in May, eight defects were found including two engines that were defective enough to return to Avco for return and overhaul. What improvements have been made are in large part due to the competitive pressures of potential second sourcing.

I do not think that opponents of this amendment may credibly say that second sourcing will cost us more money when we have not had the opportunity to see the bids in front of us.

The Army indicates a possible savings of $67 million between now and 1990, according to General Ball, commander of Tank Automotive Command and former M-1 program manager. This takes into account facilitization costs which are included in second source proposals.

Here is the bottom line: Congress should not terminate a competition that has significant potential benefits before the real numbers are before us. There will be plenty of opportunity to

review the data before a commitment is made.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Washington (Mr. DICKS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 187, noes 241, not voting 5, as follows:

[Roll No. 261]

AYES—187

Anderson	Hightower	Pickle
Andrews (TX)	Hopkins	Porter
Annunzio	Horton	Pritchard
Anthony	Hubbard	Rahall
Aspin	Hyde	Regula
Bartlett	Jacobs	Reid
Bateman	Jeffords	Richardson
Bates	Jones (OK)	Rinaldo
Bedell	Kaptur	Ritter
Beilenson	Kastenmeier	Roberts
Bereuter	Kildee	Roemer
Bonker	Kindness	Rogers
Borski	Kogovsek	Rose
Brooks	Kolter	Roth
Broomfield	Kostmayer	Roybal
Brown (CA)	Lagomarsino	Rudd
Broyhill	Lantos	Russo
Carper	Latta	Savage
Carr	Leach	Seiberling
Chandler	Lehman (FL)	Sensenbrenner
Clarke	Levitas	Sharp
Clay	Lewis (FL)	Shaw
Clinger	Lowery (CA)	Shelby
Coats	Lowry (WA)	Shumway
Coelho	Lujan	Sikorski
Coleman (TX)	Lundine	Siljander
Collins	Lungren	Slattery
Conyers	MacKay	Smith (FL)
Coughlin	Marriott	Smith (IA)
Crockett	Martin (IL)	Smith, Denny
Dannemeyer	Mazzoli	Smith, Robert
Dellums	McCain	Snowe
Dicks	McCloskey	Snyder
Dingell	McDade	Solarz
Downey	McDonald	Staggers
Durbin	McEwen	Stangeland
Dymally	McKernan	Stump
Dyson	McNulty	Swift
Eckart	Mica	Synar
Edgar	Mikulski	Tauke
Erdreich	Miller (CA)	Taylor
Evans (IA)	Miller (OH)	Towns
Evans (IL)	Mineta	Traxler
Fazio	Minish	Udall
Feighan	Mitchell	Vander Jagt
Florio	Mollohan	Vento
Foley	Moody	Volkmer
Fowler	Morrison (WA)	Walgren
Frenzel	Mrazek	Walker
Fuqua	Murphy	Weiss
Gephardt	Neal	Whittaker
Gibbons	Oakar	Winn
Gilman	Oberstar	Wirth
Gingrich	Obey	Wolf
Glickman	Owens	Wolpe
Gray	Oxley	Wylie
Hall (IN)	Packard	Yates
Hall, Ralph	Panetta	Yatron
Hamilton	Pashayan	Young (AK)
Hammerschmidt	Patman	Young (MO)
Hansen (UT)	Patterson	Zschau
Harkin	Paul	
Hawkins	Petri	

NOES—241

Ackerman	Applegate	Bennett
Addabbo	Archer	Berman
Akaka	AuCoin	Bethune
Albosta	Badham	Bevill
Alexander	Barnard	Biaggi
Andrews (NC)	Barnes	Bilirakis
Bliley	Gramm	Nowak
Boehlert	Green	O'Brien
Boggs	Gregg	Olin
Boland	Guarini	Ortiz
Boner	Gunderson	Ottinger
Bonior	Hall (OH)	Parris
Bosco	Hall, Sam	Pease
Boucher	Hance	Penny
Boxer	Hansen (ID)	Pepper
Breaux	Harrison	Perkins
Britt	Hartnett	Price
Brown (CO)	Hatcher	Pursell
Bryant	Hertel	Quillen
Burton (CA)	Hiler	Rangel
Burton (IN)	Hillis	Ratchford
Byron	Holt	Ray
Campbell	Howard	Ridge
Carney	Hoyer	Robinson
Chappell	Huckaby	Roe
Chappie	Hughes	Rostenkowski
Cheney	Hunter	Roukema
Coleman (MO)	Hutto	Rowland
Conable	Ireland	Sabo
Conte	Jenkins	Sawyer
Cooper	Johnson	Schaefer
Corcoran	Jones (TN)	Scheuer
Courter	Kasich	Schneider
Coyne	Kazen	Schroeder
Craig	Kemp	Schulze
Crane, Daniel	Kennelly	Schumer
Crane, Philip	Kramer	Shannon
D'Amours	LaFalce	Shuster
Daniel	Leath	Sisisky
Daschle	Lehman (CA)	Skeen
Daub	Leland	Skelton
Davis	Lent	Smith (NE)
de la Garza	Levin	Smith (NJ)
Derrick	Levine	Solomon
DeWine	Lewis (CA)	Spence
Dickinson	Lipinski	Spratt
Dixon	Livingston	St Germain
Donnelly	Lloyd	Stark
Dorgan	Loeffler	Stenholm
Dowdy	Long (LA)	Stokes
Dreier	Long (MD)	Stratton
Duncan	Lott	Studds
Dwyer	Luken	Sundquist
Early	Mack	Tallon
Edwards (AL)	Madigan	Tauzin
Edwards (CA)	Markey	Thomas (CA)
Edwards (OK)	Marlenee	Thomas (GA)
Emerson	Martin (NC)	Torres
English	Martin (NY)	Torricelli
Erlenborn	Martinez	Valentine
Fascell	Matsui	Vandergriff
Ferraro	Mavroules	Vucanovich
Fiedler	McCandless	Watkins
Fields	McCollum	Waxman
Fish	McCurdy	Weaver
Flippo	McGrath	Weber
Foglietta	McHugh	Wheat
Ford (MI)	McKinney	Whitehurst
Ford (TN)	Michel	Whitley
Forsythe	Moakley	Whitten
Frank	Molinari	Williams (MT)
Franklin	Montgomery	Williams (OH)
Frost	Moore	Wilson
Garcia	Moorhead	Wise
Gaydos	Morrison (CT)	Wortley
Gejdenson	Murtha	Wright
Gekas	Myers	Wyden
Gonzalez	Natcher	Young (FL)
Goodling	Nelson	Zablocki
Gore	Nichols	
Gradison	Nielson	

NOT VOTING—5

Hefner	Jones (NC)	Simon
Heftel	Rodino	

□ 1740

Messrs. SKEEN, OTTINGER, PHILIP M. CRANE, and CARNEY changed their votes from "aye" to "no."

Mrs. HALL of Indiana and Mr. RALPH M. HALL changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1750

The CHAIRMAN pro tempore. Pursuant to House Resolution 197, the Chair declares title III open to amendment at this time. The Clerk will designate title III.

Title III reads as follows:

TITLE III—LAND-BASED STRATEGIC BALLISTIC MISSILE MODERNIZATION PROGRAM

PROCUREMENT OF MX MISSILE

SEC. 301. In addition to the amount authorized to be appropriated in section 103 for procurement of missiles for the Air Force, there is hereby authorized to be appropriated to the Air Force for fiscal year 1984 for procurement of missiles the sum of $2,557,800,000 to be available only for the MX missile program.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR MX MISSILE AND SMALL MOBILE MISSILE SYSTEMS

SEC. 302. (a) In addition to the amount authorized to be appropriated in section 201 for research, development, test, and evaluation for the Air Force, there is hereby authorized to be appropriated to the Air Force for fiscal year 1984 for research, development, test, and evaluation for the land-based strategic ballistic missile modernization program—

(1) $1,980,389,000 to be available only for research, development, test, and evaluation for the MX missile program; and

(2) $250,000,000 to be available only for research, development, test, and evaluation for a small mobile missile system.

(b) In addition to the amount authorized to be appropriated in section 201 for research, development, test, and evaluation for the Defense Agencies, there is hereby authorized to be appropriated for the Defense Nuclear Agency for fiscal year 1984 for the land-based strategic ballistic missile modernization program the sum of $20,000,000 to be available only for research, development, test, and evaluation related to silo hardening technology.

The CHAIRMAN pro tempore. Are there amendments to title III?

AMENDMENT OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BENNETT: Strike out section 301 (page 15, lines 15 through 21) and redesignate the following section accordingly.

Mr. BENNETT. Mr. Chairman, this is the MX amendment. I would appreciate any attention we can give to it, because I do think it is rather important. I will only take the 5 minutes if I can do it.

Mr. Chairman, I am opposed to the MX missile. This strikes procurement for it. It is not a valuable weapon, as Secretary Weinberger said a year or so ago on this particular weapon.

Mr. Chairman, in January 1981, Secretary Weinberger said of the proposal to put the MX missile in these particular silos:

I would feel that simply putting the MX into existing silos would not answer two or three concerns that I have, namely, that the location of these are well known and are not

hardened sufficiently, nor could they be, to be of sufficient strategic value to count as a strategic improvement of our forces.

Well, that is the nut or the kernel, the very essence of my argument. This is a very expensive weapon, a very vulnerable weapon, and it should not be built for that reason. There are too many other good reasons to spend money for defense, such as adequate conventional weapons and things of that type.

Gen. Maxwell Taylor had an article in the Washington Post yesterday, I believe it was, maybe the day before, on Monday, about the MX. He told about its vulnerability and the fact that it is not a good weapon. It is an expensive weapon.

A lot of people that I have talked to about this weapon said that it is somewhat of a chip. Well, it is not a chip matter yet put before the agency now working trying to disarm, so it cannot be very much of a chip. But how could it be very much of a chip when you look at the weapon, when it is so vulnerable and costs so much money? You would think the Russians would be beating the drums to get people to build it, because it is going to take money away from our other defense needs.

The Soviets have already stated what they will do if we build it. They say, if we build it, and this is quoting from the New York Times of December 6, 1982, the Defense Minister for the Soviets said:

The Soviets will respond in that event by deploying a new ICBM.

That is what they will do, just build another ICBM. Well, it will be a chip against that new ICBM, but it will not be a chip against anything they now have.

Why would they give that up? There is no reason why they should give up anything very valuable that they have for our nonbuilding of the MX. So they are not likely to do it for something which is not even a worrisome article in their agenda of things to look at.

Deploying a new ICBM is their answer to it. If a chip is needed, we could use the R&D funding which still exists.

So my basic reason for opposing the MX is that it is extremely expensive, very vulnerable. The money is needed for conventional weapons.

The other aspects of it are that it is a stimulator for the Russians to want to go to war with us, because if we increased these in sufficient numbers, as the Air Force wants to increase it, it would become a first strike weapon. That is their present plan as I understand it. It is not an announced plan, but it has been leaked through the press that they do want to go to hundreds of these; so then there would be a first strike.

Now, I would like to briefly discuss first strike, because I think a lot of people do not understand first strike. A lot of people feel that means that we are the first to go into war with an atomic weapon. That is not what this term is at all.

"First strike" is simply that you have a weapon which if delivered on the enemy would keep them from delivering something back on us.

Well, of course, nobody has a first strike in that sense, because we have the Trident submarines, which can deliver nuclear weapons after we have been hit. They have nuclear weaponed submarines as well; so really nobody has that kind of a first strike proposition.

We will have a temptation in this weapon to strike first; but the real moral problem about atomic warfare is ever starting it, ever starting an atomic war.

□ 1800

The Scowcroft Commission resolution resolve is clear on that. On page 6 and page 16 it clearly says in essence:

If the alliance is threatened by massive conventional, chemical, or biological or other types of weapons, then the United States will respond with the MX or any other nuclear weapon we have.

Of course, that is a complete loser, a complete loser. Not only do we have then a nuclear war but we will have the ships all knocked out of the sea except the submarines. We will be in a position where we cannot win a war and nobody can win. Nobody can win a nuclear war. It will be a disaster.

What we ought to be moving toward is sufficient conventional weapons so that we do not have to rely on this weapon.

The Scowcroft Commission said twice if we are going to be threatened by conventional war we are going to use atomic weapons as the first people to use them.

Some people think that is a first strike. Technically that is not a "first strike." That is the "first use" of the weapon and that is infinitely more immoral than having a first strike weapon in the technical sense, which can wipe out the other person's ability to respond.

There is no such weapon for the reason that the Soviets have submarines that they can fire with nuclear weapons and we have submarines, so nobody is really going to be able to wipe out anybody in really the first strike way of looking at it.

My major purpose is to see to it that we use the money we have, which is in short supply, to have a strong national defense.

I come from an area which everybody is gung ho for being strong on national defense. There is no possible political reason why a man like myself, who is known as a hawk everywhere throughout the country, and throughout my district, would want to do this except a strong conviction that we must do this to save money for conventional weapons so that we do not have to have atomic war.

The CHAIRMAN pro tempore. The time of the gentleman from Florida (Mr. BENNETT) has expired.

(On request of Mr. STRATTON and by unanimous consent Mr. BENNETT was allowed to proceed for 5 additional minutes.)

Mr. STRATTON. Will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from New York.

Mr. STRATTON. The gentleman is of course one of the senior members on the committee. He has been on the committee for a very long time and is one of the outstanding members of the committee.

But the thing that troubles me, Mr. Speaker and I am sure the gentleman from Florida is aware of it, is that the MX is not just some Johnny-come-lately. The Congress of the United States began in fiscal 1974 to provide money for the MX and since that date some $6.8 billion have been spent on the MX.

Also during that period there have been some 45 votes taken in the House of Representatives on the MX. According to my count it is only in the last several months, going back to last December, that the gentleman from Florida (Mr. BENNETT) has become an opponent of the MX instead of a supporter.

I am just wondering why the gentleman has voted for, 43 times for the MX and now, when the President has indicated that MX is going to be an important part of our negotiating strategy with the Soviets, the gentleman wants to pull the rug out from under the President of the United States.

Mr. BENNETT. The gentleman wants to know why?

Mr. STRATTON. Yes, I would appreciate knowing.

Mr. BENNETT. The reason why was pretty well epitomized when I ran against the gentleman to be chairman of the Procurement Subcommittee this last year, because I have tried to be a part of the team. I have tried to go along with you and with the committee as a whole. But I finally got so fed up with some of the things that are coming out, and this is not the only one, that I decided that I might as well run for it.

The gentleman is a better politician than I am and he won.

There is nothing personal against the gentleman. But I felt such heavy opprobrium put on my shoulders for ever resisting anything coming out of the committee that I said that it just has to come to an end.

So I ran in order to get in that position in order to have a hand in some of this. I do not have a hand in any of this, and it is not a very comfortable feeling.

But I have done my best to alert you. I went before the gentleman's committee and testified against the MX, and in the committee I introduced an amendment to try to get rid of it. So the gentleman is fully informed that I am opposed to it.

Now, this is not the only thing that I am opposed to. There are a few other things that I voted against.

Mr. STRATTON. Will the gentleman yield further?

Mr. BENNETT. I want to finish my remarks and I will yield in just a moment.

Mr. STRATTON. Is the gentleman saying the 43 votes for the MX that he cast he did not really mean?

Mr. BENNETT. I want to say this one thing, and this is all I want to make clear: there is no animosity against the gentleman from New York. He is one of the finest Members of Congress. In fact, I think if I had to pick the finest Member of Congress I would be hard put to find a finer Member than the gentleman from New York. So there is no personal opprobrium to the gentleman.

Mr. STRATTON. I appreciate the gentleman's remark.

Does the gentleman mean these 43 votes he cast over a period of 9 years were not really representative of his own opinion?

Mr. BENNETT. Let me answer the question. Do not make another speech. Let me answer the gentleman.

What it means is I was not on that subcommittee until fairly recently and only stayed on it 6 months because I had to get out under the rules of the committee. I went into that committee to try as a member to have a little influence on it. It did not work out and so I eventually ran for the chair position.

Those votes which were affirmative in the past were primarily, of course, for research. And let us look, let us look at that for a minute.

There was a reason, there was a reason to go to an MX. The reason was they wanted a better Minuteman. So this was an effort to get such a Minuteman.

Actually we have a better Minuteman today. There are 900 rounds of modern Minuteman today in the silos. They are right there in the silos today. They are only a year or two old. This is another follow-on.

The only problem is how much money do you want to flood on such a vulnerable program when we have needed things like conventional weapons. Just for a moment I want to say this because this is something I feel very deeply about the Warsaw pact countries have four times or five times the number of tanks NATO has, three times the artillery, twice the number of men. Statistics like that are chilling.

The other day General Rogers, or the general in charge there, said there is no way that a conventional war can last long in Europe. He implied maybe within a week.

In that situation you are just asking for a nuclear war.

For a guy that has given as much as I have given in trying to get a strong Navy, what does that do to me when we strike the first atomic weapon toward a tank? All of our Navy will sink except that which is under the water. Every bit of it will sink.

What does that do to the war? There would be no way to move personnel. There would be no way to move materiel. So the war is virtually over, even if you did not go on to have a nuclear war which kills 100 million Americans.

So from every standpoint we ought to be putting this money into conventional weapons which can keep us away from the necessity of doing what the Scowcroft report said, which was we have to move immediately to conventional weapons.

The CHAIRMAN pro tempore. The time of the gentleman from Florida (Mr. BENNETT) has again expired.

(On request of Mr. GREEN and by unanimous consent Mr. BENNETT was allowed to proceed for 5 additional minutes.)

Mr. GREEN. Will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from New York.

Mr. GREEN. I thank the gentleman from Florida for yielding.

I would like to respond to what my colleague from New York (Mr. STRATTON) said, that somehow if one voted for this at an early stage one is committed to it for all time. It so happens that I voted for some early funding to explore the concept of the MX missile.

□ 1810

I think it was worth exploring what ought to be done by way of stragetic weaponry. I do not regret the vote that I cast for conducting that exploration. But I think as we have gone through all the alternatives for locating the MX, and now that the Pentagon once again wants to put it back in the Minutemen silos, whose vulnerability was the purpose of beginning this exploration and spending the money in the first place, we simply have to recognize that the money we spent exploring basing modes are sunk costs. We have done all the research, and we have found that there is no answer in the form of this missile to that problem. And I commend the gentleman from Florida (Mr. BENNETT) for having the honesty to say that we have tried and that the MX approach does not work. It is an old saying in the business community that "the first loss is the best loss." If you try everything promising, but it does not work, cut your losses; don't throw good money after bad. To go ahead and spend $16 billion or $20 billion or $23 billion or $29 billion for a missile that cannot do the job that we set out to have it do because it cannot survive a first strike makes no sense.

And I share with the gentleman from Florida the concern that inevitably as we squander money on that approach, we shall not have the money for the conventional readiness that we need. Our need to improve our ability to move our troops around the world, whether by sea or by air, is very great, and we have very limited capacity to project conventional forces in areas of the world that are of great interest to us like the Mideast.

Mr. BENNETT. Would the gentleman agree that the Russians would not be very likely to consider this a very tempting chip in view of the fact that it is so vulnerable?

Mr. GREEN. Absolutely. They know what they can do to it, and we know what they can do to it. To spend this extraordinary amount of money to put this missile in vulnerable Minuteman silos makes no sense at all.

Mr. HERTEL of Michigan. Will the gentleman yield?

Mr. BENNETT. I yield to the gentleman.

Mr. HERTEL of Michigan. I want to commend the sponsor for bringing this to the very serious attention of the House. No one can question the gentleman's commitment to the defense of this Nation. I think it takes a lot of courage and guts to speak out on this important question.

I think there are many Members of this Congress right now that even in the last few months are reconsidering their position after voting for the flight test of the MX recently by a very close majority in this House. For very serious reasons the gentleman has brought up questions not only today but in past debates that is, No. 1, will it be effective, is it a deterrent, is it too vulnerable? The gentleman pointed out MX vulnerability is high, as General Scowcroft agrees, the vulnerability of this missile would be as high, in those silos, as 97 percent. Now the gentleman, I know, opposed the MX missile being placed in these Minuteman silos last December. That is well before any committee politics took place. That has no place in this debate about a very important issue that will cost the American taxpayers between $17 billion and $20 billion over the next few years. The issue is whether that is a good way to spend our money or whether there is a better way to defend the interests of this Nation.

The gentleman has been a prime spokesman and I agree with him for talking about increasing the conventional forces of this Nation, especially in Europe, because that can be a primary deterrent to any type of nuclear war or nuclear situation. It is underfinanced and almost all of the Secretaries of Defense agree with the chairman of the Subcommittee on Seapower and Strategic and Critical Materials.

He is also, and I agree with him very strongly, a proponent of increasing the funds in the program for the Trident submarine program. That can be accelerated. That is a retaliatory step we can always use if the Soviets, in any insanity, ever launch a nuclear war against this country.

I think we need in this debate, on this amendment especially, some sanity in our defense policy, commonsense in our defense policy.

We have heard Mr. Perle, Under Secretary of Defense in the last 2 weeks state that the MX missile would not be on the bargaining table as a chip, that instead the administration plans to go ahead with the MX missile.

We heard the Air Force in the last month release reports that they plan to build 200 or 300 MX missiles, not just 100 MX missiles. These 100 MX missiles are just a foot in the door which will cost the taxpayers many more billions, again for no real deterrent. I commend the gentleman. I think it takes a lot of courage to look at something for a number of years, support funding research, but when you find out that the administration wants to put these missiles in the very same silos that this very same administration rejected last year, and the year before that, we think it is the position of commonsense to reject it now in the full House.

(On request of Mr. BEDELL and by unanimous consent, Mr. BENNETT was allowed to proceed for 3 additional minutes.)

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman, Mr. BEDELL.

Mr. BEDELL. I want to thank the gentleman from Florida. It took a lot of courage to do what he has just done. I say to the gentleman, "I think what you have done is more important than the MX missile, itself, Mr. BENNETT."

The fact is we all face these pressures from our committees as to whether we are going to have the courage to vote what we think is right or whether we are going to go along with the committee when we think the committee is wrong.

And the day we come in this House to realize that we are here representing the people of the United States of America and we are here to have the courage to say what we think is right and vote what we think is right, is the day this is going to be a better House. I say to the gentleman, "I think what you have done today is one of the most important things I have heard since I have been in the Congress and I want you to know as one Member how much I appreciate it."

Mr. BENNETT. I thank the gentleman.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman.

Mr. COURTER. I thank the gentleman.

Mr. Chairman, I also want to say that the gentleman is one of the finest Members of Congress and certainly brings this amendment in good faith, certainly honest in his own feeling about the issue.

I have two questions I would like the gentleman to respond to.

I bring them up because I am very serious about the issue. I approach it from the other side, I think we need the MX.

The gentleman indicated that his objection to the missile is based basically on two concerns, one is vulnerability and the other is expense.

Let us take, first of all, expense. If the gentleman is concerned about the expense of the MX missile I am wondering why his amendment does not delete the research and development money of approximately $2 billion?

Mr. BENNETT. Well, the people have told me that they feel that the research and development could form some sort of a chip at the bargaining table. I do not really think so, since the weapon is not much of a weapon. But they told me that and frankly I concede to their point. If it was my druthers I would cut it too.

Mr. COURTER. If the gentleman would yield to me, I think my point is the fact that for those people who really believe we do not need the MX missile, the gentleman's amendment really does not fill the bill. I think it is logical to argue that there are only two options, you need the MX or you do not.

If you need the MX, obviously you need the R&D money as well as the procurement money. The gentleman's position is contrary; he wants to delete it all.

Mr. BENNETT. I will back your amendment to strike the research or anybody else's amendment to do that. If anybody offers an amendment to strike the research, I will do it.

Mr. COURTER. Will the gentleman continue to yield on the second area I have a concern with?

Mr. BENNETT. Yes.

Mr. COURTER. First of all, one other comment on the expense area. There is a lot of discussion about the expense of the MX missile. But I think it is important for our colleagues and everybody to know that the expense of a truly mobile missile, such as Midgetman, is, indeed, far more expensive than MX. So, if we are talking about money, we will be talking about big money in Midgetman.

Mr. BENNETT. Nobody offers that as an alternative. That is just a hope down the pike.

I have been writing the Department of Defense for 25 years urging them to have a Midgetman. I have a whole file saying they cannot do it. They have never written to me and told me they could. It is just Mr. Scowcroft says they can. I believe they can ultimately but they have not invented it yet.

Mr. COURTER. I would appreciate the gentleman yielding on one other inquiry concerning vulnerability.

I wonder if the gentleman could state under what type of scenario he would argue that the MX missile is, indeed, vulnerable? Let me explain that if I may.

Some people argue the MX is vulnerable because they view it in isolation, not in conjunction with the other two legs of the triad. The MX would be vulnerable to a first strike if the Soviet Union used its land based missiles, SS-17's and 18's and struck at the MX missiles in existing silos. But that ignores the fact that we have subs, it ignores the fact that we have bombers.

Viewed in conjunction with the bomber force and with the submarine force, the MX missile is not vulnerable. I would like to ask the gentleman under what type of strategic scenario he would argue that MX would be totally vulnerable?

Mr. BENNETT. I do not think anything is totally vulnerable. But I already quoted to you from what Secretary Weinberger said about it. He said it was too vulnerable a year and a half ago. It is just since we got the Scowcroft report that he says that he wants it.

He has not said it is not vulnerable. I think everybody agrees it is vulnerable for the very simple reason that as he pointed out, as Weinberger pointed out, all of the silos where these are to be placed have already long since been the subject of targeting. In other words, they are already targeted by weapons that can knock them out. Of course, you can create any kind of a scenario you want to and argue that this or that is not going to happen.

I will tell you, I do not know how much experience you have had in combat and I am not running you down if you have not had it because I am not proud I had as much as I had, but I will tell you scenarios really do not count for that much when you are in combat. Things happen that you do not expect to have happen, you have lucky breaks that you do not expect

and when you get out of combat, you wonder how in the world you ever survived.

(On request of Mr. SEIBERLING and by unanimous consent, Mr. BENNETT was allowed to proceed for 5 additional minutes.)

□ 1820

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Chairman, the gentleman has made a very penetrating statement. I thought that it was a very courageous one also. He quoted General Rogers, the commanding general of NATO.

I placed in the RECORD yesterday, on page 19803 a reprint of the article by Admiral Stansfield Turner that appeared in the New York Times last March under the title of "The Folly of the MX Missile."

I would just like to read part of it because it backs up the gentleman from Florida completely.

Admiral Turner says, among other things:

If, in the event of a nuclear attack against the United States, the President's readiness to retaliate against Soviet cities lacks credibility, as the war-fighters contend, what makes them believe that the President would attack the Soviet Union with nuclear weapons in retaliation for a conventional attack on Western Europe? The United States certainly should not and would not expose its own cities to nuclear devastation in order to compensate for NATO's weaknesses in conventional forces. It should be clear that if the West's conventional defenses in Europe ever reach the point where they cannot stand on their own, the Russians will soon detect that, and we can expect troubles that a "nuclear war-fighting capability" could not counter.

That is what the MX is. It is a nuclear war fighting capability. And as Admiral Turner has pointed out and as the gentleman in the well has pointed out so effectively, it is unusable as a war-fighting weapon, unneeded as a bargaining chip, and no substitute for the proper conventional forces to defend against a conventional attack.

Mr. HERTEL of Michigan. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Michigan.

Mr. HERTEL of Michigan. I thank the gentleman for yielding.

The gentleman from New Jersey asked about how vulnerable the MX might be. On May 11 of this year, before a group of Members, the gentleman from Indiania (Mr. MCCLOSKEY) talked to General Scowcroft about that very issue. They were discussing a first-strike attack from the Soviet Union. I quote General Scowcroft.

In the event that that were to take place, I would say, yes, we will lose them whatever the vulnerability is, whether it is the CBO that says we lose 97 percent, or 87 percent, or whatever. Yes, under those circumstances, we would rely on the rest of our strategic forces.

But these missiles—the general is saying—who I respect a great deal because of his frankness and his experience—General Scowcroft says under a first-strike attack by the Soviet Union we could lose as many as 97 percent of these 100 MX missiles.

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Florida.

Mr. SMITH of Florida. I thank the gentleman for yielding.

First of all, let me congratulate the gentleman from Florida for being so frank and so open about his change in attitude and belief in terms of the MX missile. I think many of us have felt that it was something about which we were not sure whether it was necessary or not, but following the gentleman's lead, have reexamined positions that may have been taken frankly in error.

Let me just say as a member of the Foreign Affairs Committee, I have had the opportunity to have Secretary Weinberger appear before the committee on a number of occasions. And in response to the gentleman from New York who has questioned why would you want to take away this useful bargaining chip, let me say to the gentleman that the man who is to some degree responsible for what may occur at those sessions and that is, Secretary Weinberger, has said repeatedly, specifically and without any doubt, that this is not a bargaining chip. It was never intended as a bargaining chip and will never be used in that way. And that has been backed up by Mr. Adelman who was just appointed the head of the Arms Control Agency and a number of other people that were brought with Mr. Adelman.

I think that argument can be thrown out. The gentleman from Michigan has brought up the point about its vulnerability. And it is vulnerable, without question. And everyone has agreed to that, including the Secretary, and all of the other Army people.

So what are we left with? We are left with a situation where the Scowcroft report has in essence merely said that we need to use the MX while we go toward the Midgetman. That is what they said. That is what the report really talked about.

And what is the reality? The reality is we are going to spend $22 billion or more on a missile that everybody agrees is vulnerable, that is not a bargaining chip. When we could move right now toward the Midgetman. The deployment of the MX is not approximately until 1989 anyway. We could, if we theoretically wanted to, move toward the development of the Midgetman, the single mobile missile which would in fact be that kind of nonattractive target, which would give us nuclear deterrent capability, while not making a vulnerable system.

I commend the gentleman. He and I have talked about this, about whether or not we are going to move to the Midgetman. I would hope, as we discuss this particular item, in the next few hours Members will realize that that is really what we are talking about. Ultimately a weapon that everyone had agreed will probably never come to pass, and if it did, was vulnerable, and could not be used anyway. And ultimately it is only to get this to another stage of the proceeding, which is the Midgetman, that we could move to now.

I commend the gentleman for pointing that out.

The CHAIRMAN pro tempore. The time of the gentleman from Florida (Mr. BENNETT) has expired.

(At the request of Mr. DELLUMS and by unanimous consent, Mr. BENNETT was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from California.

Mr. DELLUMS. I thank the gentleman for yielding.

Mr. Chairman, I join with my other colleagues in congratulating the gentleman who has been described on the floor of Congress today as courageous. When this gentleman offered the amendment 7 years ago, the adjective they used started with "c," but it was not courageous. So I appreciate the fact that my colleague is now standing in opposition to a weapons system that many of us over the years have opposed.

I would like to, for a moment, speak briefly to the issue of vulnerability because I think that that is terribly important to the whole issue of the MX missile.

In the very first instance, the argument in favor of the MX missile was that the land-based leg of our triad was indeed vulnerable to a Soviet attack some time in the mid-1980's. Those of us who opposed the MX missile at that time said that you cannot talk about one leg of the triad being vulnerable without looking at the issue of vulnerability in the total context of the triad.

In simple language that simply said that the Soviet Union is not so crazy as to attack the land-based missiles of the United States, knowing that we have incredible superior technology in submarines and we also have the capacity in our air breathing leg of the triad to bring incredible levels of destruction if we are crazy enough to ever walk down that road.

And so our argument was that let us not look at one leg of the triad and discuss vulnerability, but look at the issue of vulnerability in the context of all three legs of the triad.

Now I find it very interesting that after the Scowcroft Commission, when the recommendation was to place 100 MX missiles with 1,000 warheads in existing vulnerable Minuteman silos when those of us said, "Well, you haven't solved the problem of vulnerability." The interesting thing is that the Scowcroft Commission went back and used our argument. They said, "Well, you can't talk about vulnerability in the context of one leg. You have to see it in the context of all three."

I would admonish my colleagues to recall that that is an argument that we made 7 years ago. And I find the Pentagon and the Scowcroft Commission now using this argument to justify the notion of placing 100 Minuteman weapons in vulnerable silos.

What I am simply saying is that there never was a need for the MX missile. There is now not a need for the MX missile. And the fact that the Pentagon, the President and the Scowcroft Commission has now used the arguments of those of us who opposed the MX missile in the early days, is a clear indication that they are reaching for straws.

My colleague in the well has pointed out the critical nature of this decision and the fact that we are spending between $13 and $20 billion for a political perception at a time when we are talking about not wasting taxpayers' money and it certainly seems to me that this is a political decision. We do not need this weapon. It has enormous and dangerous and frightening implications.

I thank my colleague for accepting the leadership at this particular moment to end the insanity of the MX missile.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I understood the gentleman in responding to a query from the gentleman from New Jersey (Mr. COURTER) that he said that he opposed the Midgetman missile. Did I understand the gentleman correct?

Mr. BENNETT. No, the gentleman misunderstood. I said over the last 25 years I have had correspondence with the Department of Defense asking them to produce the Midgetman missile or something like it.

□ 1830

It extends back about 30 years, where I have said, "Let us get a mobile missile." I did not necessarily mean to have it small, but one that could go up and down the railroads, go up and down the highways of this country. I have a file on the matter which says, "Please tell me why you cannot do it when the Russians are producing something comparable. Why can we not have enough brains to produce one ourselves?" Then they had reasons why they could not, and the closest they ever came to it was that railroad track thing, whatever it was, but I did not want that railroad track thing. I do not know how I voted on it, but I mean I really felt that the highways and railroads that already exist are much better, because that railroad track thing is a place where all you have to do is find out how many little holes you have there, and you can knock it out.

Mr. STRATTON. I understood that the gentleman, in responding to Mr. COURTER, said that he did not support the Midgetman.

Mr. BENNETT. Well, the gentleman understood incorrectly, I am enthusiastically for the Midgetman concept. I hope it can be built. They told me they could not do it, for one reason or another. The railroad bridges would not take it, or they had 1,100 reasons why they could not do it. There is nothing new about the Midgetman.

Mr. STRATTON. I thank the gentleman.

The CHAIRMAN pro tempore. The time of the gentleman from Florida (Mr. BENNETT) has expired.

(On request of Mr. BEDELL and by unanimous consent, Mr. BENNETT was allowed to proceed for 1 additional minute.)

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, I wish to again commend the gentleman.

Mr. Chairman, I rise in support of the Bennett-Mavroules amendment and urge my colleagues to join with me in support of its passage. As you know, if approved, the Bennett-Mavroules amendment would eliminate $2.5 billion in procurement funding for the MX but still retain the $1.98 billion presently earmarked for the continued research, development, testing, and evaluation of this weapons system.

Mr. Chairman, while I continue to oppose the ultimate development and deployment of the MX missile, I recognize and appreciate the arguments that were made last May, stressing MX's value as a bargaining chip that would serve to induce the Soviet Union away from their current infatuation with large, land-based ICBM forces. However, in my judgment, this value does not require the procurement of even one MX missile.

Rather, this value is best served through the adoption of the Bennett-Mavroules amendment which demonstrates our willingness to continue in our efforts to improve and enhance our Nation's deterrent capacity while we negotiate—in good faith—the issue of heavy ICBM's with the Soviet Union. In my opinion, our restraint today in refusing to approve procurement funding for the MX will pay us far greater dividends at the bargaining tables in Geneva than will our willingness to allow the most lethal nuclear weapons system every designed to be deployed. Clearly, the Soviet response to such actions would be an all-out effort to match the MX in every way in which they could. Thus, American deterrent capacity and national security interests are very poorly served.

In this regard, I believe it essential that we ask ourselves four questions critical to resolving this debate:

First, is it the basis of present U.S. national strategic policy to increase the risk of nuclear war through the further escalation of the nuclear arms race?

Second, does procurement of the MX guarantee Soviet concessions with respect to their current inventories of heavy ICBM weapons systems?

Third, will the deployment of 100 MX missiles add significantly to current U.S. deterrent capacity over the Soviet Union?

Fourth, in an era of fiscal restraint, can we justify the expenditure of $2.5 billion for a weapons system of such dubious value as truly valuable Federal civil activities are being cut to the bone?

If, like me, you find the answers to these questions to be no, I beseech you to vote in favor of the Bennett-Mavroules amendment.

Mr. PRICE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment, which seeks to eliminate the MX missile and which, in my view, would destroy the Scowcroft package and put us back to square 1 in searching for strategic modernization and more action on arms control.

The compromise in May, fashioned primarily on the outstanding work of some vigorous younger Democrats in the House working with the Scowcroft Commission, has brought greater emphasis on arms control and beginning of development of a small, mobile missile, which could contribute to a more stable nuclear environment.

Because it was my clear understanding that the Scowcroft Commission report viewed the MX as a vital element of a total package and that such was the view of the Congress when the MX money was released in May, I wrote to the President to ask him to clarify what his policies would be if the Bennett-Mavroules amendment passes and the MX was eliminated.

It seemed to me that we could not simply consider the MX in isolation, but have to be clear what our strategic

policy environment would be if it were eliminated. It is clearly the underpinning of the new approach to arms control and clearly the incentive which has begun to gain some movement on the part of the Soviets.

I would like to read to you my letter to the President and his reply.

I wrote as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., July 18, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As you know, the Department of Defense authorization bill for fiscal year 1984, H.R. 2969, is presently before the House of Representatives. As approved by the Armed Services Committee, the bill contains the essential military elements of the Scowcroft Commission package that you endorsed and that you recommended to the Congress.

The Scowcroft Commission package included development and deployment of up to 100 MX missiles in Minuteman silos and initiation of research and development on a small, mobile, single-warhead missile—which are provided for in the authorization bill, as reported—and greater flexibility in the approach to arms control.

The initial vote in the House earlier this spring releasing fiscal year 1983 money for MX was passed with the understanding that the approach of the Scowcroft package would be accepted. Following an exchange of letters with Democratic members of the House, you have agreed to a modification of the arms control tactics of your administration, consistent with the Scowcroft recommendations, and reappointed the Commission.

Now, however, we are faced on the floor of the House with an amendment, the Bennett-Mavroules amendment, which would delete all of the production money for the MX missile and which is clearly intended to permanently eliminate the MX as a possible element of our nuclear deterrent.

As I read it, however, the Scowcroft Commission report seems clear in its position that deployment of the MX is a vital element of the total package, absent an arms control agreement prior to deployment.

I must ask you, therefore, to clarify what your policy would be if the Bennett-Mavroules amendment passes and if the MX were eliminated. It is not clear to me that we can consider the MX in isolation and I think we have to be clear as to what our strategic policy and the arms control environment would look like in the absence of the MX.

In view of the early schedule for voting in the House on this issue, I would respectfully ask for your reply at the earliest opportunity.

Sincerely,

MELVIN PRICE,
Chairman.

This morning, I received the following reply from the President of the United States:

THE WHITE HOUSE,
Washington, July 20, 1983.

Hon. MELVIN PRICE,
Chairman, Committee on Armed Services,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter requesting my views on the possible effects of the Bennett-Mavroules amendment which would delete all production funds for the MX Peacekeeper missile system.

Passage of such an amendment, in my view, would have a negative effect on our overall national security, would send the wrong signal to the Soviet Union, and would be particularly harmful to our prospects for achieving meaningful arms reduction agreements.

Over this past year, significant progress has been made in achieving a new bipartisan consensus on the very complex issues of nuclear weapons and arms control. The bipartisan Scowcroft Commission, after a very detailed review of U.S. strategic policy and our strategic posture, made a unanimous set of recommendations on how to pursue equitable, verifiable arms control agreements, coupled with necessary modernization of our strategic forces in a way which will enhance stability. They made those recommendations in the hope of providing a basis for broad national consensus on these difficult issues.

I have accepted the Scowcroft Commission recommendations and have pledged my full support for seeking their implementation. Already, I have directed that our START proposal be modified to accommodate the Commission's recommendations and I have provided additional flexibility to our negotiators in Geneva. I have requested funds for the rapid development of a new small single warhead missile which will help achieve a more stable strategic balance. In addition, I have asked the Scowcroft Commission to continue to advise me on strategic nuclear issues and to review our arms control policies.

These bipartisan efforts are already beginning to achieve results. The negotiating environment at our START negotiations has improved and the Soviets are beginning to make some changes in their negotiating position.

In light of these and other favorable developments, I hope the Congress will not make any change in the Scowcroft Commission package that would pull the rug out from under our negotiators in Geneva. I want to go forward with arms control negotiations on the basis of the program worked out with the help of the Scowcroft Commission and with Members of both parties in both Houses of Congress. To do this, we must have a stable and consistent program presented on behalf of the Government of the United States. I believe that is what we have now as a result of the Scowcroft Commission recommendations.

The Peacekeeper is an integral part of that bipartisan program. We need the MX, not only for force modernization, but to keep the Soviets moving at the negotiation tables.

If the Bennett-Mavroules amendment were to pass and this major element of our force planning were eliminated, it would surely interrupt the progress we are making toward achieving meaningful arms control. I cannot predict the detailed impact of such an action, but I am certain that it would be harmful.

I would urge you to speak to your colleagues in the House and convey to them my deep concern on this matter. We as a nation are at a critical stage. We have a great opportunity to move forward in arms control and achieve a lasting stability in the nuclear balance. Now is not the time to disrupt the new and fragile consensus that has been built. The Bennett-Mavroules amendment should be defeated.

Sincerely,

RONALD REAGAN.

I think the President's letter makes it clear that the MX is not something to be considered in isolation, independent of the rest of our strategic and arms control policy. If we pass this amendment we shatter the Scowcroft package, and we bring new arms control initiatives to a grinding halt. We could be properly charged with disrupting arms control progress and delaying the possibility of negotiating agreement on nuclear arms reduction.

I dislike having to oppose my distinguished committee colleagues, but it is simply necessary in this case. I think their amendment would have an effect far beyond stopping simply the missile itself, an effect, perhaps, far more harmful than they realized when they drafted their amendment.

I urge you in the strongest terms to oppose the amendment.

□ 1840

Mr. LONG of Louisiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there are in reality two issues before us today. Our votes must answer not only a specific question of defense expenditures but a broad question of constitutional responsibility for shaping the national security policies of the United States.

The narrow issue has come before us on two earlier occasions in the last 8 months. Once—and wisely—we refused to fund the MX missile without a reliable system for basing it. More recently—and wisely, again—we approved a limited sum for flight testing the MX. However, we made a clear connection between our consent to go forward with this expensive and provocative weapons system and the administration's commitment to seek genuine progress in strategic arms control negotiations with the Soviet Union.

Not only has there been no apparent progress at Geneva, but more significantly in my view, the administration does not appear to be keeping its side of our bargain. Both official spokesmen here and credible press reports from Geneva indicate disorder in our negotiating posture, disaray on our negotiating team and a widening distance between the promise of progress and the performance of the administration.

I appreciate the complexity of the issues under discussion in Geneva. I am sensitive to the need to stand firm, to take our time and not to take the first offer the Soviets make. I am willing to be patient, but I not willing to be a patsy. And I believe the time has come—on this vote today—for this House to remind the administration that a bargain was made, a pledge was given, and we will hold up our end

when the administration holds up its end. I am willing to wait for convincing proof. I have not seen it yet.

I have a consistent record of supporting a sound, sustainable program of real growth in our defensive strength. I vote today to withhold MX procurement funds for the time being because I believe arms control is an essential component of a strong defense.

Arms alone will not guarantee our safety. Our strength as a nation rests on a sound, stable economy, and an unlimited arms race will destroy our economic health as surely as the use of those arms would destroy all our hopes for the future of civilization.

We are obliged today to exercise the power we hold—the power of the purse—to remind the administration of its obligation not just to the Congress but to the people we represent. Americans want the modern, credible military strength needed to deter conflict and preserve freedom. They also want a sound, trustworthy agreement by the superpowers to reduce the terrible danger of war by reducing the terrible arsenals of war. I vote today to reassert that balance.

Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. FOWLER).

Mr. FOWLER. I thank the gentleman for yielding.

Mr. Chairman, it is with great regret that I must rise in opposition to the most recent attempt to salvage the MX missile. For though, in all honesty, I have never been an advocate of this missile, I share in the earnest desire of individuals in the executive branch, the Congress, and the private sector to develop a national consensus on the critical issue of nuclear weapons policy.

However, it is ludicrous to accept a nonsolution to our national security needs which carries a price tag of $20 billion. After many years of study, after intensive analysis of dozens of alternatives, the fact remains that no satisfactory, survivable basing system for land-based missiles has been proposed.

THE MILITARY DIMENSION

Much of the debate on the MX, in the press, in the various recommendations of the administration, and in the Halls of Congress, has been over political, or psychological, or economic issues. These are, of course, important questions. But the MX is after all a military program and in the final analysis it must be evaluated in terms of its value to our national security. As we look beyond Soviet rhetoric and Soviet intentions to consider their military capabilities when determining our c vn defense needs, so it is with them: we must count on the Soviets looking at the military utility of the systems we deploy, not at our expressed reasons for deploying them.

In this light, the MX is a first-strike weapon, pure and simple. Certainly, when viewed in isolation 100 MX missiles carrying 1,000 warheads would not pose a high threat to Soviet ICBM's and other hardened military and political sites. But, as the Scowcroft Commission itself pointed out in examining the question of ICBM vulnerability, we cannot consider our strategic forces in isolation, and neither can the Soviets. So to the 1,000 warhead MX must be added our existing force of 900 Minuteman III Mark 12A warheads, the current and projected air-breathing leg of the triad, the Trident II program which is now being developed, and the efforts to upgrade the war-fighting capacity of our strategic command, control, and communications systems. Taken together, these developments would pose a comparable theoretical threat to the Soviet ICBM's, which account for about 70 percent of Soviet strategic capability, faced by our ICBM's, which represent only 22 percent of our strategic arsenal.

What makes the MX a particularly threatening weapons system, to us as well as the Soviets, is its similarities to the Soviet SS-18's amd SS-19's which we view as most dangerous: a large number of high-yield, high-accuracy MIRV'd warheads on each launcher deployed in a nonsurvivable basing mode. In other words, these are systems which have countersilo capacity but are vulnerable to enemy attack. Thus, they have value only as first-strike weapons.

As a retaliatory threat, the MX lacks credibility. According to a recent CBO study, which is consistent with Defense Department estimates, the MX could contribute 3 percent in 1990 and less than 1 percent in 1996 of all surviving U.S. hard-target warheads in the event of a Soviet first strike occurring after some warning, and 5 percent in 1990 and 1 percent in 1996 of such warheads in the event of a Soviet bolt out of the blue.

And what of the retaliatory utility of those surviving warheads? Is there anyone who believes that after having launched a preemptive strike the Soviets would not place their remaining strategic forces in a launch on warning posture?

Even as a deterrent to conventional or the dubious limited nuclear warfare escalation, the MX lacks military value. A homeland-to-homeland attack on strategic missiles is not an attractive option if one wishes to control or limit hostilities.

All of this really brings us to the central issue that should surround our decision on the MX: What do we want from our strategic forces and how will this particular weapons system fit in with those objectives?

DETERRENCE

What we have demanded from our strategic nuclear bombers and missiles from the beginning is that they be able to deter Soviet attack on the United States and our allies. In this they have been successful. As Secretary Weinberger stated in his fiscal year 1984 annual report to the Congress:

> Today, deterrence remains—as it has for the past 37 years—the cornerstone of our strategic nuclear policy. To deter successfully, we must be able—and must be seen to be able—to *respond* to any potential aggression in such a manner that the costs we will exact will substantially exceed any gains the aggressor might hope to achieve. [Italics added.]

I strongly believe that these conditions for deterrence exist now, with our current forces, and will continue to exist with or without the MX.

SURVIVABILITY

For the United States, a credible deterrent requires that we be able to ride out a first strike with sufficient surviving military capability to inflict unacceptable damage on any adversary. The only major flaw that has been postulated for our current strategic force posture was the so-called window of vulnerability supposedly created by the theoretical vulnerability of our landbased ICBM's to the fourth generation of Soviet ICBM's. The Scowcroft Commission essentially dismissed this threat by pointing, correctly in my view, to the overall system survivability of our strategic triad. Whether or not one accepts this conclusion, it is undeniable that the MX system now before the Congress does nothing to improve the survivability of our strategic arsenal.

MILITARY CAPABILITY

As to the military capability of our survivable strategic forces, they now possess, and will increasingly possess over the next several years, the ability to cover the whole range of Soviet military, political, and economic targets, with the possible exception of hardened missile silos. As I mentioned earlier, this latter set of targets is questionable at best for retaliatory, second-strike response.

While some have questioned the durability of our strategic systems because of the age of many of our launch vehicles, the previous and planned upgrades and modernizations of our existing strategic forces continue to provide for the military effectiveness of these weapons. For proof of this proposition, I would point out that even in the year 2000 the Reagan administration projects that we would still be deploying all of our current force of Minuteman II and III missiles, with the exception of 100 Minuteman III's which are to be replaced by the MX, and 96 B-52H bombers. However, regardless of how one views

the current and projected retaliatory capability of our strategic forces, once again as with survivability the MX makes little or no contribution to our military posture. The aforementioned CBO study revealed that the MX will contribute at most 1 percent of survivable, hard-target-capable U.S. warheads by 1996.

STABILITY

In addition to survivability and sufficient military capability, deterrence is enhanced by weapons systems that promote crisis stability. We should deploy strategic forces that afford a maximum amount of time for reaction, on the part of both sides, to defuse or limit strategic accidents or to allow cooler heads to prevail in a period of serious tensions. But here again the MX does not contribute to deterrence. It is not a credible second-strike weapon, for reasons I mentioned earlier. Its only value from a military standpoint would come if it was governed by a first-strike or launch-on-warning policy. Neither of these, quite obviously, would enhance stability.

As a military system, the MX fails on all counts in performing its essential role of deterrence. As McGeorge Bundy wrote in a recent article:

For almost 30 years, we have made survivable second-strike strength our central strategic standard. Are we now to move, in a cloud of consensus prose and good intentions, to a non-survivable first-strike system?

THE SCOWCROFT COMMISSION

In making its case for the MX in fixed silos, the Scowcroft Commission cited four primary reasons: the MX would be an incentive for Soviet agreement to arms-control measures; it would be a clear expression of national resolve; it would redress our current disadvantage in time-urgent hard-target-kill capability; and it would address the problems caused by the aging of our strategic forces. In my opinion, none of these arguments is compelling.

THE MX AND ARMS CONTROL

Many of my friends on this side of the aisle have been persuaded to support the latest MX plan because of its supposed contribution to arms control. Under this view, the deployment of 100 MX missiles in fixed silos will cause the Soviets to see the folly of such deployments and they will negotiate away all or a substantial part of their 638 SS-18 and SS-19 ICBM's. I find this argument unconvincing for at least two reasons.

First of all, I am not at all sure that we can predict with any confidence how the Soviets will react to the proposed MX deployment. As the recent Brookings Institution study of Soviet strategic forces concluded:

The U.S.S.R. has not attempted simply to replicate the American strategic posture, nor are its strategic responses free from its own traditions or the influences of its institutional process. Rather, such factors as the basic geographical and political situation of the U.S.S.R., its distinctive military traditions and strategic doctrine, its particular institutions and technological base are all elements in the process that shapes Soviet strategic responses.

There are a number of ways that the Soviets could react to the MX deployment besides the trade off of SS-18's and SS-19's. They could react militarily by increasing the alert rate of their strategic forces, or adopting a launch-on-warning policy, or breaking out of the SALT-imposed restraints on ICBM deployment. They could respond politically by proposing arms control agreements that would limit other areas of the strategic competition, like total numbers of warheads or missiles. If these responses sound familiar, they are among the ways that we have considered reacting to the Soviet deployment of SS-18's and SS-19's during the 1970's.

While the Soviets might react in the way we want them to, I would not assess the probability as overwhelming, certainly not enough to place a $20 billion gamble on an otherwise destabilizing weapon system.

Second, if the Soviets can be persuaded in a positive way to respond to threats to the survivability of their fourth-generation ICBM's, we already have abundant incentives in place or underway. In the words of four of my colleagues from across the aisle, Representatives GREEN, LEACH, SCHNEIDER, and JEFFORDS:

As the Scowcroft Commission pointed out, the existing U.S. deterrent is strong and credible, and the strategic modernization programs planned by the Administration—air, ground, and sea-launched cruise missiles, improvements in command and communications, the Trident II, and the "Stealth" bomber—give the Soviets ample incentive to bargain in Geneva.

To that, I would add that our existing force of Minuteman III missiles and B-52 bombers already possess the theoretical capability to destroy Soviet ICBM's. As a matter of fact, until the Trident II SLBM is deployed, it will be the bomber leg of the triad that continues to afford by far the largest share of survivable hard-target warheads.

THE MX AND NATIONAL WILL

A second argument advanced by the Scowcroft Commission in favor of its MX recommendations is that the simple fact of MX deployment, whatever its military value, will be a necessary demonstration of national will to the Soviets and to our allies. Once again I must dissent.

In the first place, it has been my experience that the Soviet national security establishment, like our own, is more impressed with capabilities than with intentions, and more influenced by military utility than psychology. The only capability offered by the MX is that of a first-strike or launch-on-warning weapon. This is hardly the message I should think we would want to convey to the Kremlin. The military contribution of the MX, as part of the overall array of U.S. nuclear and conventional weapons is very, very small.

In the second place, the national will argument is premised on the notion, whether expressed or not, that such a demonstration is necessary because it has been lacking. We are all abundantly familiar with this issue and we will be arguing it here in this Chamber on other issues in the near future. I believe that this claim is not only wrong but is a great insult to those Americans who have carried out and paid for many such demonstrations over the last 40 years.

Today American service men and women, diplomatic personnel, Peace Corps volunteers, and foreign aid officials are scattered around the globe demonstrating our commitment to our interests and our values, often risking their lives. From Lebanon, to South Korea, to Western Europe, to the Persian Gulf, to southern Africa, to the Caribbean Basin, to Japan: we are there. As is often pointed out when the occasion suits, we as a nation continue to shoulder more than our fair share of the defense burden for the Western Alliance, measured in total spending, or per capita spending, or men under arms, or almost any defense measure one could name.

Finally, looking exclusively at the issue of strategic nuclear forces, it is patently untrue that we have stood still over the past few years. The American people, who have financed the construction of our strategic arsenal and who have elected all of us sworn to provide for the common defense, deserve to be told the truth. For example, in the decade of the 1970's we more than doubled the number of our strategic warheads, going from 4,000 to over 9,000. We modernized each leg of the triad. Since 1980, we have already committed ourselves to an even more ambitious stategic build-up, with or without the MX, including not only new weapons systems, such as the Trident II missile and the advanced technology bomber, but also a major upgrading of our strategic command, control, and communications systems.

THE MX AND PROMPT COUNTERSILO TARGETING

The Scowcroft Commission also endorses the MX as a means for achieving time-urgent hard-target kill capability. Translated, this refers to the ability to successfully attack hardened missile silos within a matters of minutes. While our bomber force and Minuteman III missiles already possess the desired hard-target-kill capacity, the latter also representing a prompt response time, the MX is supposed to

provide a unique and desirable military capability.

Yet, as we have already seen, as a retaliatory weapon the MX makes little contribution to survivable hard-target warheads. When Trident II is deployed, the MX contribution even in the more specialized category of survivable, prompt, hard-target warheads is relatively small. By 1996, the MX would furnish only between 1 and 7 percent of U.S. military capacity in this regard.

But beyond the simple question of what the proposed MX system would add to our military capability to promptly attack Soviet silos, the larger question is whether or not such a capability is useful to the United States.

If we consider the MX as a first-strike weapon then this missile would make a significantly larger contribution to our attack force. But I do not for a moment believe that the United States of America would ever adopt such a course as national policy. If we went to launch on warning, the MX would also become more important. But, do we really want to narrow our decisionmaking time even further when it comes down to the biggest life or death question ever faced by humanity?

Even as a retaliatory weapon, how militarily important is it to be able to promptly target missile silos? A sizable portion of such targets would have presumably been emptied in the first-strike that precipitated the response. As for the rest, it is highly unlikely that a nation which has already chosen to initiate hostilities by striking first would not place its remaining strategic forces in a launch-on-warning posture. If such is not the case and the remaining ICBM's are withheld, then the Soviet silos holding unused ICBM's would be targetable by non-prompt, hard-target warheads as well.

With the military case for the MX's time-urgent, hard-target-kill capability ambiguous at best, we are left with the psychological-military justification of mirror-imaging: that is, that we must possess this capacity because the Soviets have it.

In my view, we should not try to copy Soviet force structure. Let me say very clearly that it is this structure, which the Soviets have constructed, that threatens nuclear stability. It is Soviet actions, particularly the deployment of their high-yield, high-accuracy, multiple-warhead fourth-generation ICBM's, that have moved us all closer to the nuclear abyss. And it is precisely because of my profound mistrust of past and future Soviet military decisions that I strongly believe we must not try to duplicate their strategic posture.

Two hands on the nuclear hair trigger are more dangerous than one, especially when we can continue to deliver a mortal blow to Soviet society in response to any first shot.

Also, we should recognize that part of the reason for Soviet concentration of more than two-thirds of their strategic striking power in land-based forces stems from their lack of confidence in the reliability and readiness of their air- and sea-based strategic systems. We should be under no similar constraint.

In summary, we should design our strategic forces to fit our own mission requirements, not those of the Soviet Union. Those requirements remain today, as they have been for almost 40 years, centered on the provision of deterrence. No other course can satisfy our national security, as well as our political and moral objectives.

THE MX AND FORCE MODERNIZATION

The last major rationale put forth by the Scowcroft Commission on behalf of its MX recommendation is that it is a necessary modernization of our aging strategic forces.

Parts of our strategic force structure are older than their Soviet counterparts, but it is military capability and not age that determines the value of a weapons system. As I pointed out earlier, even under Reagan administration modernization plans we would be retaining all of our current Minuteman missiles, except for the 100 which are to be removed in order to make room for the MX, and all of our B-52 model H's through the end of the century. And there is no technical barrier to our maintaining additional B-52's and Poseidon submarines at least until that time.

Additionally, we have been modernizing our strategic forces over the past several years to the point that our currently deployed warheads are at least as new as the Soviet arsenal of strategic warheads. At this time, I would like to insert, for the RECORD, a recent fact-sheet put out by the Center for Defense Information on improvements in U.S. strategic nuclear weapons from 1970 to the present.

CENTER FOR DEFENSE INFORMATION

IMPROVEMENTS IN U.S. STRATEGIC NUCLEAR WEAPONS FROM 1970 TO THE PRESENT

In early October, Secretary of Defense Weinberger said, "The simple fact of the matter is that we haven't done any strengthening or any modernization of our strategic systems virtually since they were built—Minuteman in the 50's and some of the submarines in the last years.

In a press conference on 19 January, President Reagan said, "So up until now, in previous negotiations, they (the Soviets) haven't had to make any concession because we were unilaterally disarming."

THE FACTS:

The number of U.S. strategic nuclear weapons rose from 4,000 in 1970 to 9,200 in 1980. Today, the U.S. has approximately 9,800 strategic nuclear weapons.

1. 1965-73—Replacement of Minuteman I with Minuteman II missiles.

2. 1970-75—Replacement of MM I and MM II with 550 MM III missiles.

3. 1970-75—MIRVing of 550 MM III ICBMs. (1650 MK12 weapons).

4. 1971-76—Replacement of Polaris A-3 SLBMs with 496 Poseidon C-3 SLBMs.

5. 1971-77—MIRVing of 496 SLBMs on Poseidon subs. (About 5,000 weapons).

6. 1966-76—Addition of 76 FB-111 SAC bombers and 356 F-111 nuclear capable bombers to U.S. Air Forces.

7. 1972-75—Addition of Short-Range Attack Missile (SRAM) to B-52, FB-111 aircraft. 1,140 now in inventory.

8. 1979-83—Retrofitting of 900 MK12A weapons on 300 MM 111 ICBMs.

9. 1978-82—Retrofitting of 192 Trident missiles on 12 Poseidon subs. (About 1,500-1,600 weapons).

10. 1976-81—Construction of 8 and delivery of two Trident subs.

11. 1981—Air Launched Cruise Missile operational. (At least 4,348 to go on B-52G/Hs.

12. Throughout the 1970's—B-52 Improvements. (Some for only B-52G/H versions): Offensive Avionics, Electronic Counter Measures, Electro-optical Viewing, Terminals for AFSATCOM, Fuselage Extension, Enlarged bomb bay, EMP Hardening, New Engines, SRAM Carriage, ALCM Carriage, Wing Skin Change, Shortened Tail.

13. Throughout the 1970's—FB-111 Improvements: Larger Wings, Strengthened Landing Gear, Offensive Avionics, EMP Hardening, SRAM Carriage, New Engines, ECM, Structual Strengthening.

14. Throughout the 1970's—Other ICBM Improvements: Command Data Buffer System (MM III), Silo Hardening (MM and Titan), New Launch Control System (MM), Airborne Launch Control System (MMIII), INS-20 Guidance System (MMIII).

15. Ongoing R & D Programs throughout the 1970's—Ballistic Missile Defense (Deployed in 1976), Anti-Satellite Weapons (Testing in 1982, Operational—1985), Lasers and Particle Beam Weapons, MARV (First test in 1975), Anti-Submarine Warfare.

Finally, even without the MX, in the past 2 years the Congress has adopted a costly, multiyear commitment to further modernization of the Triad and the command, control, and communications systems.

CONCLUSION

I have tried to demonstrate that the latest MX scheme would not make a significant military contribution to our defense posture, would weaken rather than strengthen deterrence, would not improve arms-control prospects, is not necessary to demonstrate national will, is undesirable as a prompt countersilo weapon, and is not necessary for strategic force modernization.

I have not talked much about the economics of the MX, or of what else we could buy in terms of reducing the deficit or of upgrading our conventional defenses if we forego the additional $20 billion investment in the MX.

There remains the question of the Scowcroft package of MX-Midgetman arms control. Much has been said on both sides of the issue as to the necessity of linking the three elements. I suppose that the linkage rests in the

eye of the beholder. For the record, as one Member of Congress, I have grave reservations about all three elements of the deal as currently understood.

The Midgetman, while clearly less destabilizing than the MX, will be laboring under the same vulnerability and verification difficulties encountered by all the other attempts to devise a new land basing mode for ICBM's, and will be facing even greater safety and security concerns.

While I applaud the general commitment to arms control negotiations, and the move toward focusing on warheads rather than launchers as the key area for control, I am troubled by the initial negotiating strategies being touted on Capitol Hill and at the White House, including the guaranteed build-down. This latter approach, as now defined, does nothing to guarantee that the force modernization it promotes will provide greater stability, and does nothing to restrain the technological competition that has done the most to destabilize the current nuclear balance.

However, the Midgetman and guaranteed build-down are new suggestions that need and deserve further study and refinement. They could yet provide useful additions to our strategic force policies. Such is not the case with the MX.

The MX is bad policy, militarily, economically, and politically. If it is the price to be paid for consensus, the Midgetman and the build-down, then it is too high a price.

We do need a national consensus to govern our national strategic policies, but such a consensus must at the very least be based on sound military and arms control strategies. I submit that the MX does not pass either test and should be rejected.

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and would like to take the time of the House for a few moments here to review briefly, because I think most of us are cognizant of the fact, at least some of the historical facts leading up to this discussion here today and why it would be a terrible idea to pass this amendment to emasculate, in effect, the Scowcroft Commission recommendations and to put us back to square 1.

Going back several years, the Congress and the Department of Defense and four different Presidents have recognized the fact that our Minuteman field was getting old, that time was passing, and just like every other weapons system, the time would come when it had to be replaced. This is true of all three legs of the triad, the B-52 bomber, the Polaris submarine, and the Minuteman missile.

Our strategic forces are an average of about 15 years of age. Our Titans, which are going to be replaced, are 20 years old; the Minuteman II's, 16 years old; the Minuteman III's, about 13 years old. At some point they will lose their credibility as deterrents because the shelf life is finite on all weapons systems, so whether it be this year or next year, there inevitably will come a year when they will no longer be a credible deterrent and have to be replaced.

We recognize this, and we have come along and developed and are building a new generation of submarine. We are putting aboard it a new missile, the D-5 missile. We have recognized the need to replace the B-52, which as has been pointed out so many times, is older in many instances than the pilots who fly them, and we are building a follow on called a B-1 bomber. This is to revitalize and to replace the other leg of the triad, the Minuteman II, Minuteman III, and the Titan missiles.

We have come up with several basing schemes, as every Member of this House is aware. We came up with the MPS, the multiple protective shelters. We were going to build several holes in the ground and only put the missile in one so that our potential adversaries could not tell under which shell the pea was. That was not good enough. We could not sell that to the Congress for political reasons, and they were political reasons. I think that is probably technically the best scheme or mode that has been advanced.

So we had to come up with something different. So then we were going to put it on a track and send it around and have it pop up at different places. This did not sell to the House—again for political reasons.

So then they came up with another scheme, and this was going to be the Dense Pack, and we were going to put it in holes in the ground, but put them so close together that the fratricide of incoming missiles would kill each other off and thereby give life and credibility to a densely packed basing mode. This died aborning.

So the President, in his frustration, and his very earnest desire to come up with a mode that was acceptable both technically and politically, put together a nonpartisan commission of the most respected, both technically and politically, people he could find militarily. He appointed a retired general, General Scrowcroft, to head this up and to make a comprehensive, serious study of what could be done to come up with a follow-on missile to take the place of these aging missiles that inevitably must be replaced that would be both politically acceptable and technically feasible as far as being a credible deterrent.

The Scrowcroft Commission met for I do not know how many different meetings, but they met continuously for several months. I had the honor of appearing before the Commission and testifying on two different occasions. They invited comments from people in industry, from labor, from all walks of life, including the Congress. I met with them, gave them my ideas, they sought ideas from everywhere else, and they finally came up with a consensus. For once they were unanimous, every member of that Commission, Democrats, Republicans, former Secretaries of Defense under both Democrat and Republican administrations, people from labor, and people from think tanks. This was the best composite answer that could be put together and melded to present to the Congress, to the President, and to the American people.

□ 1850

The CHAIRMAN pro tempore. The time of the gentleman from Alabama (Mr. DICKINSON) has expired.

(On request of Mr. NICHOLS, and by unanimous consent, Mr. DICKINSON was allowed to proceed for 5 additional minutes.)

Mr. DICKINSON. Mr. Chairman, the Commission came up with an answer, and it was a composite of several things, not just one single answer. What did they recommend? They said:

Well, this has got to be a package that is going to be technically feasible and, therefore, credible and politically doable.

So in order to appease as many people as possible and to come up with something, they said:

Well, we have the aging Minuteman that inevitably must be replaced. We have the silos already in the ground, and the Minuteman silo was built and sized to take a follow-on missile.

I really think that just from the semantics of it, if we had named this, "Minuteman IV" at the beginning instead of "MX" or "Peacekeeper" or something else, perhaps we would not have had this much political flak. But that was not done.

At any rate, the silos were there and capable of being adapted to take this follow-on missile. So they said, "We will do this as an interim step." They were recognizing the situation, and nobody said that by putting it in existing silos, it is going to be invulnerable. It is vulnerable; we all recognize that. It is a spurious argument to keep hammering at this time and saying, "Well, you are just putting it in existing silos that you already claim are vulnerable."

Yes, it is true. That is true. So what? Everybody admits it is true. We are not achieving invulnerability by placing it in existing silos. Nobody ever claimed we were.

What we are doing is saying that we have a missile on which we have spent over $6 billion, that is capable of being test flown at any time we give the signal. It is not a paper missile, some-

thing that could be developed further on. It is something that we have the capability of producing at the present time.

So they said:

We will go forward with this and put it in existing silos.

That is one aspect of it. That is one part of the Scowcroft package.

Second, they said:

To get a more invincible or invulnerable missile, we will go forward with a new concept, a follow-on missile, and we will make it a small mobile missile.

But if we had it today, if we had the money today and could sign the contract, it would be at least 1991 before we could test-fly this one. So for those Members who say, "We like the small mobile missile," that is great, but if we go full bore right now, it would be the 1990's before we would have the first one. That would be the first one. It would not be operational or deployable. It would be the 1990's before the first one could be test-flown.

So we are going forward with the MX which has been test-flown. We have got so much R&D money sunk in it that we know what it is capable of doing. And, incidentally, it was test-flown last month successfully from Vandenberg in California to Kwajalein. It was a tremendous first shot.

So we have proved the concept. It is viable, it is doable. We are going forward with that, and we are going forward with the research and development to build a follow-on of the small mobile, which will not be in existence until the 1990's.

And there is an agreement by the administration as part of the Scowcroft Commission package that we will go forward with a vigorous arms reduction effort, and that is going on right now as a part of the total package.

A fourth element of this was that we would have research and development money in here to determine how we could best harden the existing silos into which we would put the MX missile. We do not know how hard we can make them. We do not know how hard they need to be. We do not have the expertise right now to say that we can do it. We know that the Soviets have hardened their missile sites.

So all these elements were to go in it. This was a first interim step, to be followed on by the small missile which would be versatile enough that, as it moved around, it would be much more invulnerable than this because there are not the same aim points. And we would go forward with the arms control talks to try to deescalate the arms race, and then we would have the research and development.

Perhaps nobody likes all aspects of this, but it is a package and I have signed off on it. I am supportive of it. I think it is better than nothing, and if we do not get this, we are going to get nothing.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I will not yield right now.

Maybe that is what some Members want, nothing, and with this, we are going about it in exactly the right way to get nothing.

This is the total package, and this is the concept.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama (Mr. DICKINSON) has again expired.

(By unanimous consent, Mr. DICKINSON was allowed to proceed for 5 additional minutes.)

Mr. DICKINSON. Mr. Chairman, we cannot take the guts out of the package, which is the MX or the Peacekeeper, and throw it away and say, "OK, we will go with the rest of it; we will have the arms talks and we will go forward vigorously there, we will go along with the small mobile and go on with the hardening, but we are not even going to have the MX." There are, of course, supporters of the MX who do not think much of the other parts of the package, but we are cohesive and we are willing to compromise. That is what it amounts to.

So the effort that is being made here will really kill the whole Scowcroft Commission recommendation, and if that is what Members want to do, then they should vote for this amendment.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. Let me finish my statement, and then I will be glad to yield.

Mr. Chairman, let me emphasize this, please. If we take this major element out of the Scowcroft Commission package, then there is no package to talk about. What we did on the Committee on Armed Services, to explain the reason why we have this under title III, we took out all of the elements throughout the authorization bill that we are debating for research and development, for procurement, and for all the other aspects that dealt with the Scowcroft Commission, and we put them all in one title, title III. That is title III, and that is what we are on now. We did that because we wanted it treated as a package, as a whole, as an entity. If we fragment it and take it apart, then we have no deal.

This is not just my idea. But this is very interesting. I do not often agree with the editorials in the Washington Post, but in today's paper I would invite the attention of the Members to their support of the vote on the MX today in opposition to the Minuteman amendment.

Let me point out another little interesting thing that I think would be of interest to the Members of the House. The chairman of our committee has read a letter from the President reemphasizing his pledge that he would go forward with disarmament talks and with the entire package, and that the entire package should be kept together. This is a letter from Ray Dennison, director of the department of legislation for the AFL-CIO, the American Federation of Labor and the Congress of Industrial Organization. Let me read just one paragraph of it. It is dated July 19, 1983, and this is labor, the AFL-CIO talking.

We believe it is not prudent at this time to withhold MX procurement funds as proposed by the Bennett-Mavroules amendment. If the Aspin and Gore amendments are accepted, they will emphatically put the Congress on record as supporting the procurement of the MX missile only in context of a pursuit of all other Scowcroft Commission recommendations, and if the administration does now show good faith in this total effort, there will be numerous future opportunities for the Congress to reconsider their support of the MX. We, therefore, urge support of the Aspin and Gore amendment and the defeat of the Bennett-Mavroules amendment to the MX missile.

Mr. Chairman, I think this is about as clear as we could state it. The Members can accept what we are doing today, and if at any time they feel there is a breach of faith and that the administration is not going forward with it as a package, we can turn off the funds at any time in the appropriation process and in the next authorization process, but once we kill it, it is done. So we have a string on it, and we can handle it.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I am glad to yield to my colleague, the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I thank the gentleman for yielding.

Let me ask this, if I may, of the ranking minority member of the committee. I think he raised a very interesting point, and the chairman raised it also in his discussion, and that is this discussion of an exchange of letters with the President. That, I think, is the interesting question that faces this body and indeed the whole U.S. Government, and I refer to the question of what happens if this amendment carries.

□ 1900

Is it the impression of the author or the people who offer this amendment that the rest of the Scowcroft package goes ahead? Is that what we are being told? Because quite clearly, the things I hear around the floor here and with the comments of the gentleman in the well would indicate that perhaps that is not what the gentleman has in mind or what other members of the Armed Services Committee have in mind.

I know the members of the Armed Services Committee well enough to know that they are not real enthusias-

tic about small missiles and if we kill off the MX as part of the deal, I think there is some question whether they would be willing to go forward with the rest of the package.

Mr. DICKINSON. Let me yield to the author of the amendment, if I might, to respond to the gentleman's question.

Mr. BENNETT. The gentleman has asked whether or not the Scowcroft package is part of the legislative package today.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama has again expired.

(At the request of Mr. ASPIN, and by unanimous consent, Mr. DICKINSON was allowed to proceed for 5 additional minutes.)

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the distinguished gentleman.

Mr. BENNETT. Whether it is a part of the legislative procedure today, it obviously is not.

The amendment to the bill is very specific. It only has about 10 words in it. It cuts out procurement for the MX missile.

Now, there is no way to confuse it with anything else. I am a strong supporter of the mobile missile. I think it is very late and I do not know whether they are going to be able to develop it, but I am certainly for the idea.

Now, there are some things in the Scowcroft report that I personally certainly oppose. I mentioned them, because on two pages of the Scowcroft report it says that we are going to be the first ones to use nuclear weapons if need be. Now, that is not something that I want to see our country enter into without a full debate on the floor in our legislative history.

If we want to accept the Scowcroft report the ideas of that report, that particular idea is certainly an important idea that should be debated here on the floor.

So I personally do not support the idea that we are going to be the first to use nuclear weapons, as the Scowcroft report says.

The amendment that I have offered is simple. It is only about 10 words and it has nothing to do with anything except with procuring the MX.

Mr. DICKINSON. Well, let me just say in response to the gentleman, that apparently we have read two different copies of the Scowcroft Commission report, because I do not recall the advocacy within the Scowcroft Commission of first use of nuclear weapons by the United States.

Mr. BENNETT. I read it to the gentleman earlier, the exact words, the quotation, and it will appear in my report and it appeared in my last speech. If someone will give me a copy, I will show it to the gentleman now.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to my other colleague on the committee, the gentleman from Massachusetts (Mr. MAVROULES), the other author of the amendment.

Mr. MAVROULES. Mr. Chairman, I thank the gentleman very much for yielding.

I just want to respond to our friend, the gentleman from Wisconsin, on his question.

In the authorization bill, we have $250 million in there for R&D for the Midgetman initiative. We also have an additional $1.9 billion for R&D for the MX missile.

In response to how we feel relative to the Scowcroft Commission, let me respond to my dear friend by stating that initially and in its present form I, for one, am very enthusiastic about the mobile Midgetman missile proposal.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to my colleague, the gentleman from California.

Mr. DELLUMS. Mr. Chairman, I thank my colleague for yielding.

I tried to listen diligently to the argument presented by my distinguished colleague.

The major argument of the gentleman is that this MX missile is presented as a package. The two major ingredients of the package are the deployment of 100 MX missiles and to go forward with research and development and pursuing the technology of a small single warhead mobile missile.

Now, the major argument of the gentleman was that we have to accept this as a package.

I would like to ask a very genuine question of my colleague. What does the gentleman believe that we are getting by embracing this package if the gentleman does, indeed, agree with me that to deploy 100 missiles is to deploy them in a vulnerable mode? The gentleman has already conceded that point.

Now, if we can agree that we are talking about 100 MX missiles in a vulnerable mode, why are we then asking the taxpayers to pay $15 to $20 billion for a political solution, a perception.

The small mobile missile is not before us. We do not even have the technology. This gentleman would submit that to try to find a mobile mode for the single warhead missile will probably be as impossible as trying to find a mobile mode of the MX missile; so we are all the way back to square one.

What does my thoughtful colleague in the well believe that we will be achieving by embracing this so-called package of the MX, other than perception?

Mr. DICKINSON. Well, let me answer briefly, and then come back to the gentleman from Wisconsin (Mr. ASPIN) and then to the gentleman from Tennessee (Mr. GORE).

First, I believe that something in the hand now is better than something in the future; that is, a bird in the hand is better than two in the bush; something in the here and now that is capable. We have flight tested the MX. We know what it will do. We know that we can go forward right now with the production.

This is opposed to a small mobile, which incidentally the gentleman would not vote for, either. The gentleman would not vote for anything, so we are up here trying to kill the whole program.

Mr. DELLUMS. The gentleman has mischaracterized me.

Mr. DICKINSON. Is the gentleman telling me that he is for a small mobile missile?

Mr. DELLUMS. I would not vote for one single nuclear weapon. I think nuclear weapons are insane.

Mr. DICKINSON. So it does not make any difference any way we do it, the gentleman is not going to vote for it. The gentleman is opposed to it.

Mr. DELLUMS. I think one can argue intelligently as to why one is opposed. That is not just some irrational emotional response.

Mr. DICKINSON. Well, I will reclaim my time, if the gentleman does not mind. I am trying to respond to the gentleman even though my response in not going to change the gentleman at all, because the gentleman is going to vote against anything we do on this.

I would rather have the capability and go foward with the procurement of the MX now while we are in the process of completing the R&D. Then we could develop and then build a smaller mobile missile that will be in service perhaps in 1990, perhaps not; but at least we have the present capability of filling that gap.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama has again expired.

(At the request of Mr. GORE, and by unanimous consent, Mr. DICKINSON was allowed to proceed for 5 additional minutes.)

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield briefly to the gentleman from Tennessee and then to the gentleman from Wisconsin and I will come back to the gentleman from California.

Mr. GORE. Mr. Chairman, I would like to briefly address the vulnerability question, because I think one of the main contributions of the Scowcroft Commission report is its proposal that vulnerability be achieved not through hardware and weapons procurement, but through arms control. In the short term and in the mid term,

the Scowcroft Commission concluded that fixed silos are not vulnerable because of the Soviet problem in phasing the ICBM and SLBM portions of any hypothetical attack; and in the longer term, the Commission hopes to achieve, and we hope to achieve, invulnerability through a transition to single warhead missiles on both sides, orchestrated through arms control.

I would hope they will not be mobile, or at least that they would be only semimobile, so as not to raise verification problems that would be difficult to solve.

In any event, in the long term we can achieve that invulnerability that we seek through a transition to single warhead missiles on both sides in an arrangement orchestrated through arms control that would make it impossible for either nation to gain an advantage from launching a first strike, by reducing the ratio of accurate warheads on one side to silo targets on the other side. That, I think, is the nature of strategic stability that the Scowcroft Commission points us toward.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. Let me come back to the gentleman from Wisconsin. I yield to the gentleman.

Mr. ASPIN. Mr. Chairman, I thank the gentleman for yielding.

I think we are back to a really critical question here that is facing the Members of this House. We have had a question before this House for getting on to 10 years now, which is, what is the United States going to do about the existence of large accurate multiwarhead missiles on the Soviet side?

The Soviets have built SS-18's and SS-19's beginning back in 1972, which have a lot of warheads, very accurate, very good stuff.

The question is, What is our response to that? Our response has always been that we cannot get a majority for anything. We cannot get a majority for this deployment. We cannot get a majority for that deployment. We keep knocking out the production money and going ahead and putting money in for R&D. We have done that last December. We are threatening to do it again now. We have done it in 1980, 1982, and 1979.

The gentleman from California has consistently offered the amendment to take the MX out entirely, including the R&D money, and that amendment gets somewhere between 80 and 100 votes.

So what we do, we continue to be funding the R&D, but we do not fund the procurement. We do not do anything. We do not decide it. It never gets decided. We never ultimately come up with a decision.

We have put together a package here. The Scowcroft Commission put together a package as a response to what should be our answer to the land-based missile question. It was a combination of things, a few MX's, 100 fixed silos, small single warhead missiles, a brand new approach to arms control; all of which was a package. We got some people to vote for it because they liked this. We got some people to vote for it because they liked that. That is what happened in May. We got the votes for it because enough people liked a part of it.

□ 1910

Now comes an amendment by the gentleman from Florida and the gentleman from Massachusetts which, yes, you guessed it, takes out the procurement money and leaves in the R&D.

All right, so we are back where we started, except we still have the small missiles and the arms control.

But then I hear people saying, well, wait a minute, if we take out the MX, maybe I am for it, maybe I am for the small missile and maybe I am not for arms control.

The coalition which has been put together always, in order to defeat any basing mode, cannot hang around together long enough to come up with an alternative. So we will put together another coalition behind the Bennett-Mavroules amendment which will take out the basing mode once again, but that coalition then does not go for anything else.

We come to the small single-warhead missile and the gentleman from Massachusetts says he is for it; the gentleman from Florida says he is for it; but the gentleman from New York is not for it.

I looked through the list of who is going to vote for the Bennett-Mavroules, and it is probably 60 percent would vote for the small missile and 40 percent would not. But then you lose the conservatives.

I know the Armed Services Committee and those guys love weapons systems. They will vote for anything, practically. They do not like the small missile. You take out the MX and those guys are going to jump the ship. We are going to be right back where we started.

We never really settle this thing. We never settle this issue one way or the other.

The Scowcroft Commission was designed to settle the issue, to finally resolve this thing, to get us moving forward to a solution to the problem.

We end up with no solution. We then dig around.

All of that might be funny if it were not for two things that are wrong with it.

No. 1, how do we get the Soviet Union to negotiate seriously about ICBM's if we cannot decide upon ours. And when I say decide, I do not care what we decide. We cannot decide anything. We cannot decide on any basing mode. We cannot decide for the MX.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama (Mr. DICKINSON) has again expired.

(On request of Mr. ASPIN and by unanimous consent, Mr. DICKINSON was allowed to proceed for 5 additional minutes.)

Mr. ASPIN. We cannot decide on any basing mode for MX. We cannot decide on any alternative for MX. And we cannot decide to kill the MX entirely because we keep funding the R&D. We do not go anywhere with this issue.

We are still where we were 10 years ago.

So it would not be so tragic except for the question of how do we get the Soviets to seriously negotiate about ICBM's if we cannot make a simple decision.

Second, how do we get the Europeans to face up to their tough deployment decisions if we cannot face up to ours?

Mr. MAVROULES. Will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Massachusetts quickly if he wants to respond to the question. I promised the gentleman from New Jersey I would yield to him what time I might have.

Mr. MAVROULES. So I may respond to the gentleman from Wisconsin (Mr. ASPIN) who is a very valuable Member of the Congress of the United States, and also the Armed Services Committee, I would say he raises some serious points.

Let me ask a couple of questions of the gentleman from Wisconsin. What made the gentleman change his mind on the vulnerability of the silos in which these MX's are going to be placed and the speeches that the gentleman gave on the floor of this House last year, in 1982?

What has changed? What has changed?

Mr. ASPIN. If the gentleman will yield, I will be happy to answer.

Mr. DICKINSON. What did the gentleman run for?

I yield to the gentleman.

Mr. ASPIN. The thing that has changed is it is part of a package.

I came to the conclusion that somehow we ought to decide this issue. Somewhere, somehow, we have got to come to a decision and the decision ought to be something that we can all agree with.

If we cannot agree on it, I do not know what we can agree on. But I will be willing to look at alternatives. But 100 MX's in the ground, plus a movement toward a single-warhead missile, plus a new approach to arms control, that I think is important. You put

that package together and I can buy onto it.

I do not particularly like the MX part of the package. BILL DICKINSON I do not think particularly likes the small single-warhead part of the package. But if we can put this thing together I am willing to accept 100 missiles in the ground if he will accept the small single-warhead missile so that we can make some decision about this and move forward, and so that we can get an arms control agreement, so we can just make a decision so that we can negotiate.

Why are the Soviets going to ever negotiate with us if we cannot decide this issue? We keep knocking out the production money and voting for R&D.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I will reclaim my time and yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman for yielding.

Basically, the reason I rise and speak at this particular time is to underline, I think, the discussion that is going on right now.

Two points: No. 1, I think it is important to know that the amendment as crafted is inconsistent on its face. It is designed to permit Members to be in both camps. They can argue if they vote in favor of the amendment that they think we should have a strong defense because they favor R&D money. On the other hand, they can also argue that they lowered the deficit by deleting $200 billion in procurement.

But the most important point, I think, is the fact that this is a lot more than just a vote to delete procurement money for the MX. The gentleman from Wisconsin has devoted hundreds and hundreds of hours to make sure that there is a very carefully crafted package similar to the social security package. I think an argument could be made that if there was an amendment to destroy one position on the social security package, the whole package would have fallen apart.

So this is not an amendment that deals just with MX. I think it is important to recognize that it is an amendment that will kill Scowcroft. It will kill the small Midgetman missile, and it will kill probably the momentum that we have with regard to these strategic arms reduction talks at the present time.

Indeed, it is a lot more expansive than just the MX issue. It will kill basically the whole thrust of the Scowcroft report and this very fragile coalition that was brought together in May of this year.

Mr. MAVROULES. Will the gentleman yield so that I may correct a statement?

Mr. DICKINSON. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. I believe there is $250 million in the authorization bill for R&D for the Midgetman missile. How are you going to kill the Midgetman missile with $250 million?

Mr. COURTER. If the gentleman will permit me to respond to that on the gentleman from Alabama's time, it will not do so right now. The $250 million is in there because the 100 missiles are in there. If you take 100 missiles out, then the $250 million is going to be gone. That is why.

Mr. DICKINSON. In closing, and I would like to finish so that I can yield the floor to other speakers who want to speak. If we are for arms control and for arms limitation, the only way we are going to make successful progress in Geneva is by coming forward with a credible arms proposal and to go forward with some strategic system.

Our Members during the break visited Russia and some of them visited General Rowny and Mr. Nitze and others in the negotiating process. Without exception, they came back and said, "Hey, they say that things are moving for the first time. We are making progress. The Soviets are beginning to believe us."

Now if we take this out, then all credibility is gone. There is no reason for the Soviets to come to the negotiating table. They do not have to argue or bargain or debate. We take care of that for them.

So let us keep the package together and come up with something because the absence of this is nothing.

I yield back the balance of my time.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like first of all to respond to a number of errors or misstatments made by the author of the amendment.

He indicated, for example, that nobody has a first-strike weapon. But, of course, we are all well aware that the Soviets have SS-18's and SS-19's and that they can kill silos today. We ourselves do not have that kind of a weapon. They do.

The gentleman from Florida also said that the MX is not survivable. The Scowcroft Commission made it perfectly clear that the MX placed in Minuteman silos is not absolutely, totally invulnerable; but the very fact that it is placed in a silo, the very fact that it is produced, the very fact that the U.S. Congress has finally decided on this package is itself a solid deterrent. And as the labor member of the Scowcroft Commission indicated very eloquently to the Armed Services Committee, existing techniques of production today can make the Minuteman silo much more invulnerable than it currently is.

In addition to that, with all of the Minuteman silos available, we also have the capability of deception. We can put 100 missiles in selected holes, of which there are 1,000.

□ 1920

So, the job of trying to knock them out is going to be considerably more difficult than many people realize.

The gentleman from Florida also indicated a moment ago that the Scowcroft Commission said that we would launch a first strike, that we would be the first to use nuclear weapons. That, of course, is absolutely not correct. We have not, of course, joined the Soviet Union in pledging a no-first strike. We have refrained from doing that very largely because the essence of our defense posture in the NATO area is to keep the Soviets guessing as to whether a conventional attack on their part might be resisted by a nuclear strike. This is made clear in the section that the gentleman from Florida says supports his contention that we will strike first, has pointed out to me: "Effective deterrence requires that in any Soviet consideration of attack or threat of attack with conventional forces or chemical or biological weapons, Soviet leaders must understand that they risk an American nuclear response," the Commission report states.

That is a lot different from saying that we are going to be the first to fire a nuclear missile. The capability to strike is the key to deterrence.

I want to commend the gentleman from Alabama (Mr. DICKINSON) because he has made a very important point, and also the gentleman from Wisconsin (Mr. ASPIN) who done an outstanding job in his effort to try to achieve, as we must, some kind of decision on a land-based missile so that we can begin to move ahead to enhance our arms control.

We severely ought to demonstrate some ability in this Congress to govern when it comes to the matter of defense policy.

I think it would be very helpful—and perhaps everybody has seen it—if we reflect again on the wisdom of the editorial that appeared in the Washington Post this morning, "MX Day Again." I think Mr. COURTER sent it around in a "Dear Colleague" letter.

It points up some very serious matters. For example, it reminds as that we have reached a period today when a great deal has transpired since Congress debated the MX some many weeks ago. For one thing, we have had the statement of Mr. Sakharov, the distinguished Soviet scientist, the developer of the Soviet hydrogen bomb, who responded to one of his friends in the United States. Mr Sakharov said this:

> For talks [on nuclear disarmament] to be successful the West should have something that it can give up! The case of the Euromissiles once again demonstrates how difficult it is to negotiate from a position of weak-

ness. No less a problem is that of the powerful silo-based missiles. At present the U.S.S.R. has a great advantage in this area. Perhaps talks about the limitation and reduction of these most destructive missiles could become easier if the United States were to have MX missiles, albeit only potentially, indeed that would be the best of all.

And what we are voting on tonight will be only potential missiles as Mr. DICKINSON pointed out, because the first one is not going to be delivered before late 1986.

In other words, if we turn down an MX missile tonight, the negotiations in Geneva, in the important START talks are bound to collapse.

But one other thing has also developed.

(By unanimous consent, Mr. STRATTON was allowed to proceed for 5 additional minutes.)

Mr. STRATTON. One other development has erupted and that is a report in the Washington Post by Michael Getler that there are today signs of movement on arms control. The Pope made a visit to Poland and perhaps Warsaw will find that there will be a lifting of the martial law. Private contacts between Secretary Schultz and Ambassador Dobrynin, who recently returned to Moscow, have increased and in fact it is even rumored that Mr. Dobrynin has had his special parking privileges restored in the State Department garage.

We have had a delegation of Members of the House who went to the Soviet Union a couple of weeks ago and one of them, our friend, Mr. DOWNEY from New York, indicated that he saw some movement and, in fact, the Soviets have already tabled a different proposal in the START talks than the one that was originally the case.

And as the gentleman from Wisconsin has pointed out, it was only a couple of months ago that we put together a coalition in support of the MX, because it would be a major element of arms control. And I wonder if, with all of these movements that seem to be generating as a result of the action that was taken in May to take off the fencing on the MX, the recommendations of Dr. Sakharov, the changes that are being made in the Soviet proposal, is it really a good thing at this time, at the very time when it appears that something may actually happen, for the House of Representatives to pull the rug out from the President of the United States?

The editorial in the Washington Post today said: "Legislators on both sides of the issue ask if Mr. Reagan is serious about bargaining."

I think the people might also have reason to ask whether the House of Representatives is serious about arms control and bargaining, or are we simply trying to put the President on the spot, continue the bitter partisanship that has so often encumbered this entire debate and which the gentleman from Wisconsin, the gentleman from Tennessee, and the gentleman from Washington and their associates have succeeded in changing.

We ought not to place the matter of arms control simply on a political island and leave it as a difference between two parties.

To me it is incredible that of the seven candidates for President in the Democratic Party, not a single one supports the MX and every one of them supports the nuclear freeze, even the distinguished veteran of the Marine Corps, Senator GLENN.

Surely if we Democrats as a party want to take over the leadership of the country, we ought to have some kind of a defense policy that makes sense. We must recognize that we do face a real threat with the Soviet missiles. We should have some credible program for containing that threat other than rushing to Moscow the day after Inauguration Day, 1985 to those who voted for MX in May, I think we ought to say to them: "You cut a deal last month. The future of your country and the safety of the world depend on your sticking to that deal. Let us get some kind of reason and genuine bipartisanship in the basic question of arms control."

□ 1930

Mr. BADHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I, too, rise in opposition to this amendment because its passage would undermine the goal of this country, which is to deter nuclear war. And that is what we are all about here, to deter, to preclude and to eliminate the possibility of nuclear war.

I think that one thing that many of us forget to say at the outset of this kind of debate, and I think that all of us here, those of who have been to war, those of us who have not been to war, would agree upon, that the whole world would be better without nuclear weapons.

But, my colleagues, that is not the real world that exists. There are nuclear weapons and unfortunately, and I mean that sincerely, they will be with us for some time to come.

Mr. Chairman, perhaps the greatest paradox of all time is that the success of nuclear weapons that we build is based entirely upon the fact that they will never be used. Paradoxically as it may seem our force of Minutemen, Poseidon missiles, or B-52 bombers, have convinced the leaders of the Soviet Union, that our retaliatory capability would make the damage to the Soviet Union unacceptable, in the event that they launched a first strike against the United States.

Simply stated, that is the concept of deterrence. Unfortunately, Mr. Chairman, we are losing our ability to deter. For the past 10 years this country has set out to build an advanced intercontinental ballistic missile to replace the aging Minuteman force; 10 years and $5 billion later, we are considering an amendment that will throw out 10 years of effort in 1 day.

This amendment is capricious because in addition to the waste of time and money it undermines our position at START and it erodes our ability to discourage the Soviets from engaging in nuclear war.

We have been through the MX issues for and against for more times than this Member cares to remember, and I have not been here all that long. But I intend neither to raise these arguments again, nor to support more research and development for a small mobile missile.

It is becoming apparent to me that this body is becoming incapable of making a proper decision when it comes to strategic modernization. We have embraced a design-but-do-not-ever-build-it and do-not-ever-produce-it philosophy. We have embraced a philosophy of dump scads of money into R&D, but when you develop it, do not produce it.

Now the Scowcroft Commission, a bipartisan group of individuals, who arrived at a set of recommendations that would restore strategic balance between ourselves and the Soviet Union, those recommendations delineated the steps required to arrive at an equitable arms control treaty. The provisions would have us arrive at an equitable arms control treaty and would have a package of modernization systems to put us in that stance. And it would be taken all together as a package.

The elements of the report, namely, MX missile, small mobile missile, are not mutually exclusive. If this Congress separates the elements of the Scowcroft package by deleting the funds for procurement of MX missiles, there is no point whatsoever in proceeding with the development of a small mobile missile system.

This Member is just not about to support 5 more years and billions of dollars more in research and development only to have the Congress use the same stable argument to terminate the production of another missile, a small mobile missile.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. BADHAM) has expired.

(By unanimous consent, Mr. BADHAM was allowed to proceed for 5 additional minutes.)

Mr. BADHAM. Mr. Chairman, I believe that my colleagues should, in the event that this tragic amendment should be adopted, should delete all

funds. Hear me now, delete all funds for title III. Why? For the simple reason that the same Members who would kill procurement for MX and leave the R&D, who would go merrily on for development and R&D of a small mobile missile, I would like one of them to stand up on the floor and tell me that he or she, when that one came ready to go into production, would not say, "Oh, that one is too old, too. We cannot produce that either."

So if we are really going to be legitimate about this and we are going to kill procurement and not R&D, and we are going to go ahead with R&D for the small mobile missile, let us be honest with the people of our country, let us be honest with the Soviet Union, and kill it all.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. I yield to the gentleman from New York.

Mr. STRATTON. I thank the gentleman for yielding.

Mr. Chairman, I want to associate myself with the gentleman's remarks. I think he is making a very fine statement. There are a lot of Members who want to vote against the MX procurement funds so that they can get the right rating with the ADA, but then they go home and say, "Oh, well I voted for the R&D money, I'm for a strong national defense."

I think the gentleman's proposal would eliminate that kind of straddling and it might bring us to a solution much more quickly.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. I yield to the gentleman from Missouri.

Mr. SKELTON. I thank the gentleman for yielding.

It is not true that this is really part of a whole package, that actually we are speaking of an MX missile with the Midgetman as an entire package, is that not correct?

Mr. BADHAM. Well, I certainly think so.

Mr. SKELTON. Would the gentleman also say that one goes with the other. One is of less value without the other. We need both. This has been well thought out and we do not know what the Midgetman is going to cost down the road. The figures have been postulated, but whether we want to look at those figures now or not, I think we should take one step at a time. This is before us. If we are going to have the whole package, we have to face up to our duty and do this today so we can put the rest of the package together when that time comes. Does the gentleman not agree with that?

Mr. BADHAM. I agree with that. And I would thank the gentleman for his contribution.

And reclaiming my time, Mr. Chairman, I would like to complete my statement, because in completing my statement, I would like to point out the fact that I personally have been skeptical about this small mobile missile. This is a dream in somebody's eye, this small mobile missile. I doubt if anybody on this floor has seen one. I doubt if anybody on this floor has gone out and visited any potential candidates for this thing, whatever it is. I doubt if we could complete the R&D in any appreciable time, but I will say this, too, that I have gone out and visited the people who would make this dream in someone's eye. And I was quite impressed. I am impressed with the data that has come back from the first test firing of MX. I recognize the fact that 100 MX's in silos are questionably invulnerable, but they are better than 100 Minutemen in any kind of silos. I question the fact that the mixture between 100 MX's and a small mobile missile might or might not work, but I think the package is well defined with its direction toward disarmament.

□ 1940

But I did go and visit the people who are proposing the design for this small mobile missile, and again I was impressed at the technique, at the physics and the cost runout and the contractor themselves. And I can say no more at this time.

Completing my statement, let me say, my friends and colleagues, do not fool yourselves into thinking that your support for a small mobile missile will do anything for national security in the absence of the procurement and deployment of 100 MX missiles. Do not waste the taxpayers' money. Do not try to rationalize your vote that a small mobile missile alone will enhance our national security. Do not fool yourselves.

It was Mendel Rivers, the distinguished former chairman of the Armed Services Committee, who remarked:

> There ain't no education from the second kick of a mule.

Let us not continue to go down the strategic modernization road if MX is canceled. My dear friends and dear colleagues, if you cancel the procurement of the MX, you have canceled strategic modernization for the nuclear force of the United States which are defensive and deterrent.

If this amendment passes, you have thrown the Scowcroft package into a complete state of disarray, and if this occurs, you might as well terminate the small mobile missile program—not out of vindictiveness, but out of commonsense.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. BADHAM) has expired.

Mr. BADHAM. Mr. Chairman, I ask unanimous consent that I may proceed for 5 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. MONTGOMERY. Mr. Chairman, reserving the right to object—I am not going to object—I certainly hope that the gentlemen, after this, would not ask for 5 additional minutes. When I take the well, I certainly will not ask for any additional time. There are about 10 Members who are on the committee who would like to make some comments.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. BENNETT. Mr. Chairman, reserving the right to object, I do so because the gentleman from New York said that he did not feel the language of this report that I handed to him backed up what I said. Let us just read what it says. It is not very long.

> Certainly mutual . . .

Mr. BADHAM. Mr. Chairman, reserving the right to object to the gentleman's reservation——

Mr. BENNETT. All right, then, Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. BENNETT. Well, Mr. Chairman, let the gentleman have the time, I do not care; but an accusation was made that I had not done it properly.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I yield to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, as I understood the gentleman from New York, he thought I misquoted, or something. Anyway, the language—and I am reading specifically—is:

> Certainly mutual arms control agreements to reduce both sides' reliance on nuclear weapons should be pursued. But effective deterrence requires that early in any Soviet consideration of attack, or threat of attack, with conventional forces or chemical or biological weapons, Soviet leaders must understand that they risk an American nuclear response.

Now, that is the first sentence on page 6.

On page 16 it says:

> Our ability to assure our allies that we have the capability and will to stand with them with whatever forces are necessary if the alliance is threatened by massive conventional, chemical or biological, or limited nuclear attack is in question as long as this imbalance exists.

So nuclear weapons are planned to be used.

So it is in the Scowcroft statement that nuclear weapons would be first used by the United States of America in a conventional war.

And the only way this issue came up was because somebody said, "Do you

agree to everything in the Scowcroft statement?" and I said, "Certainly not that, without a debate on the floor and legislation and conversation and testimony as to whether that is a wise policy."

Now, the other thing he said, which is not too vital, but he said nobody has a first strike weapon.

It depends on how you define a "first strike." If you define a "first strike" as ability to land your weapon on theirs in a way in which you cannot respond, then nobody has that today. You may think they do, but they do not. A lot of people say you do, but the weapons that are under the sea are capable on both sides of having an attack by them after a nuclear attack on the home country.

Mr. MONTGOMERY. Mr. Chairman, let me make my point. I will not ask for additional time. I think we have too many Members now who would like to make some comments.

Mr. BADHAM. Mr. Chairman, will the gentleman from Mississippi yield, just for an explanation?

Mr. MONTGOMERY. Yes, I yield to the gentleman from California, since I cut him off.

Mr. BADHAM. I thank the gentleman for yielding.

Mr. Chairman, I would like to explain to the gentleman from Florida (Mr. BENNETT) that my remarks in no way referred to him. I very rarely ask for extra time.

Mr. BENNETT. I said the gentleman from New York.

Mr. BADHAM. My argument was not with him nor was his with me.

Mr. MONTGOMERY. Mr. Chairman, I rise in opposition to the amendment. I would like to make my remarks toward the vulnerability of the MX missile being placed in the existing silos. No one can tell me tonight, Mr. Chairman, that all of these MX's would be knocked out on a first strike. Thank God we have never had a nuclear war. Only a month ago the Washington Post had a chart that was drawn up by an individual who said that probably 97 of the 100 missiles that would be placed in the Minuteman silos possibly could be knocked out.

I would say if you could get 10 missiles up after a first strike, this would have some effect in deterring the Soviet Union, 10 out of 100 would do the job in deterrence and make the Soviets think twice.

There are several reasons for moving ahead with the MX. It saves a lot of money. We took out $400 million in military construction, as the gentleman from California (Mr. DELLUMS) knows, that we did not need for Dense Pack, and we can get the MX much quicker in the ground and ready to do the job.

In a conventional war, everything goes wrong. Armies attack in the wrong way, the artillery fires on friendly troops, and even in this Capitol, in the War of 1812, only 200 yards from us, as I understand it, we had the American soldiers guarding the doors of this Capitol, but the British came up the spiral stairs. We did not guard the stairs, and they burned down the Capitol.

My point is that the Soviet Union is 5,000 miles from the United States, and with atmospheric conditions, communications, we cannot say tonight that they can knock out all of the MX missiles. So the vulnerability is not there. I think we should move ahead with the MX missile and we should defeat this amendment.

Mr. PRICE. Mr. Chairman, this debate has been going on now for some time this afternoon, and I would like to make a suggestion to the Members so that we might be able to get out of here this evening.

I ask unanimous consent that all debate on this amendment and all amendments thereto close at 9 o'clock.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. MAVROULES. Mr. Chairman, reserving the right to object, up until this moment—so that we get this in proper perspective—the opposition to the amendment have eaten up around 80 percent of the time, and you look at that very carefully. I am willing to agree to 9 o'clock, Mr. Chairman. I am not opposed to it. But give us a division of time. I am coauthor, and I have not had time on this amendment yet.

Mr. PRICE. The gentleman has had all day.

Mr. MAVROULES. May we divide the time, Mr. Chairman?

Mr. PRICE. I know the gentleman does not want to stay here. A few of our colleagues want to stay here all night.

Mr. MAVROULES. Can we divide the time? I will divide the time. Let us manage the time until 9 o'clock.

Mr. PRICE. What about 9:15, a compromise?

Mr. MAVROULES. I know the chairman means well, and I am going to support him because he is a fair person. The point is, of course, that the opposition to the amendment has had about 80 percent of the time in the well. We have not had a chance to talk about it. At least be fair. All I am asking is that now we divide the time, Mr. Chairman.

Mr. PRICE. From now on.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. COURTER. Mr. Chairman, I reserve the right to object.

The CHAIRMAN pro tempore. Perhaps the gentleman from Illinois (Mr. PRICE) will restate his unanimous-consent request at this time.

Mr. PRICE. Mr. Chairman, will the gentleman restate his proposal? What is the proposal at the present time?

The CHAIRMAN pro tempore. The gentleman from Illinois (Mr. PRICE) has made a unanimous-consent request that all debate on this amendment and all amendments thereto end at 9 o'clock.

Mr. ASPIN. Mr. Chairman, if the gentleman will yield, let me suggest a unanimous-consent procedure by which we continue for another hour and a half, that 45 minutes be controlled by the chairman of the committee, the gentleman from Illinois (Mr. PRICE), and 45 minutes be controlled by the ranking member, the gentleman from Florida (Mr. BENNETT).

Mr. PRICE. That is satisfactory with me.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. COURTER. Reserving the right to object, Mr. Chairman, first of all, I wish to get a clear understanding what that unanimous-consent request says. There are a lot of Members on that side of the aisle, and I would like the unanimous-consent request once again articulated during my reservation, if I may, to clearly understand it.

Mr. ASPIN. If the gentleman will yield, Mr. Chairman, if I could explain it, the object would be to go on this amendment for another hour and a half. Forty-five minutes would be controlled by the chairman of the committee—I am sure he would be willing to yield time over to the minority side on the issue who is opposed to the amendment—and 45 minutes would be controlled by one of the proponents of the amendment, the gentleman from Florida (Mr. BENNETT).

Mr. COURTER. Reserving the right to object, it is my understanding, then, that no time would be given to the minority, per se, for the position. Our time would have to be through the chairman?

□ 1950

Mr. ASPIN. If I could point out, the object is to get an even division between the proponents of the amendment and the opponents of the amendment.

Mr. PRICE. I would say right now, Mr. Chairman, that I would divide my time 50-50 with the other side of the aisle.

Mrs. HOLT. Mr. Chairman, reserving the right to object, I have some real reservations about that. If you divide 45 minutes between the chairman and the minority and 45 minutes to the opposition to the supporters of the amendment, I think that is an unfair division of the time. Why do we not do it as we have always done, limit the time, and allow those people who

are on their feet to have time to debate. I think that is an unfair division.

Mr. KAZEN. Mr. Chairman, will the gentlewoman yield under her reservation?

Mrs. HOLT. I would be glad to yield to the gentleman from Texas.

Mr. KAZEN. Is there anybody on the gentlewoman's side who is for the amendment?

Mrs. HOLT. Yes.

Mr. COURTER. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman and Members of the Committee, I would first like to yield to my distinguished colleague from southern California (Mr. BADHAM) if he chooses to briefly finish his statement.

Mr. BADHAM. I would thank the gentleman for yielding sincerely.

Mr. DELLUMS. I have no motive other than the fact that my colleague serves here.

Mr. BADHAM. May I say to the gentleman that my statement was all but two or three words completed, but I thank the gentleman sincerely for his courtesy.

Mr. DELLUMS. Mr. Chairman, and Members of the Committee: I have a few remarks that I would like to make.

First of all, my distinguished colleague from Alabama, the ranking minority member, indicated that this gentleman would oppose any nuclear weapons system. The gentleman is perfectly correct. But that in no way detracts from the credibility of one's argument against the necessity or the lack thereof for a specific weapons system. It in no way negates the capacity of one to assess whether or not a weapons system is indeed necessary, and No. 2, it is this gentleman's belief that the whole concept of nuclear war is insane.

My colleagues have heard me quote Lord Mountbatten on a number of occasions who has pointed out in the latter stages of his life that nuclear weapons cannot be counted as military weapons because they could not be used, and that what endangers human life and what imperils human life on this planet is the illusion that in some way these weapons can be used.

Third, it is this gentleman's belief that we have enough nuclear weapons, that deterrance is in fact a reality, and that what we really ought to be about is a serious effort to negotiate the withdrawal from the brink of nuclear disaster.

Second, my distinguished colleague from Tennessee (Mr. GORE) lays out the rationale for the minimissile in the context of arms control. I understand the nature of my colleague's argument. The only question that I would raise with my colleague is why this interim step to deploy 100 MX missiles in existing silos? They have enormous implications.

Third, I would like to respond to my distinguished colleague, the gentleman from Wisconsin (Mr. ASPIN), who laid out in very graphic terms what this whole issue is all about. He laid out for this body the politics of packaging. As a matter of fact, one of my colleagues on this side of the aisle said it is quite like packaging social security. Well, I would argue vehemently and adamantly that this is not like packaging social security because what we are packaging here is $15 to $20 billion of taxpayers' money that we do not need to pour down some nuclear rat hole; and second, what we are doing is developing a weapons system that is deployed in a war-fighting mode.

To deploy these 100 MX missiles in existing silos brings forward strategies of first-strike, brings forward strategies of launch on warning. So while we might laugh and be humorous about the politics of packaging in this Congress, to package a weapons system that may bring us closer to the brink of nuclear war, I would suggest, Mr. Chairman and Members of this Committee, is the height of insanity.

That is exactly where we are here. We like to play these neat little political games. Well, let us keep the Conservatives here and let us keep the so-called moderate Liberals there. But this is much too important to give to the politics of packaging of equipment.

My colleague, Mr. ASPIN, points out that we never have killed a weapons system. Well, that is no surprise here. What we like to do is kill each other cleanly, but we are not about to kill a weapons system cleanly because the name of the game in this body is to be able to vote for and against something simultaneously so that we can go home to one group and say, "I am for the freeze," and go home to another group and say, "I am not soft on communism; I voted for some big nuclear weapon."

Well, this MX missile is a dangerous and frightening weapon and I think we ought to reject this rather absurd, superficial analysis of packaging politics. That is exactly what this MX missile is all about. I mentioned this to my colleagues in the Democratic Caucus.

I was there when the Scowcroft Commission briefed the leadership of the Committee on Armed Services, and this gentleman happended to be the newest and lowliest member of the leadership, and I sat there when my colleagues laid out a strategy to sell the American people on the MX missile not because there was any important rationale for it except that we could package, to build the coalition, to keep the MX missile, because the fear is that if you lose the MX missile and the name of it, in some way the entire arms race will begin to unravel.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. DELLUMS) has expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 1 additional minute.)

Mr. DELLUMS. Understand that this is not about some kind of serious strategic deployment. This is politics in its worst face. This is politics showing its ugliest face. This is politics in its most expedient and most frightening and most dangerous face.

Mr. Chairman, I appreciate the fact that my colleagues on this side of the aisle, Mr. MAVROULES and Mr. BENNETT, have brought this amendment to the floor of Congress. The Scowcroft Commission was not some unbiased group of people. They came together at the behest of the President, and it was clear that there was no way that they were going to do anything except recommend some deployment for the MX missile.

We should not have to pay $15 to $20 billion for that political perception, and our children should not have to fear the danger of first strike and launch-on-warning strategies that may bring the world closer to the brink of nuclear disaster.

In conclusion, Mr. Chairman, I have said on a number of occasions that this world is in danger for several reasons. We are going from deterrence to a war-fighting capability.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. DELLUMS) has again expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 30 additional seconds.)

Mr. DELLUMS. Mr. Chairman, we are going beyond deterrence to war-fighting capability, and the MX missile is a war-fighting weapon. Under the guise of modernization, we are developing new nuclear technologies that may very well take us beyond arms control, and moving toward this small, single-warhead missile may indeed do that.

Finally, there are certain weapons that, based on their deployment mode, would take the world closer to the brink of nuclear disaster. To deploy the MX missile in existing silos is to take us closer to nuclear war because it invites launch on warning and it invites first strike, and for all those reasons I urge all of my colleagues to support this amendment and reject the insanity and the danger of the MX missile.

□ 2000

Mr. KASICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from New York (Mr. STRATTON) referred earlier to a letter that has been written by Mr. Sakharov. That letter, I think, needs a little more discussion. Let me quote from a newspaper account, as follows:

The Sakharov letter, written to a Stanford University nuclear physicist and leading advocate of arms control, takes note of "the appalling dangers of nuclear war" and the desirability of controlling, even eliminating, nuclear weaponry.

But, as excerpted in *The New York Times*, it also speaks of the danger of "closing one's eyes" and "relying on one's potential enemy to be perfectly sensible."

"I realize," Sakharov wrote, "that in attempting not to lag behind a potential enemy in any way, we condemn ourselves to a tragic arms race.

"But the main danger is slipping into an all-out nuclear war. If the probability of such an outcome could be reduced at the cost of another 10 to 15 years of the arms race, then perhaps that price must be paid while, at the same time, diplomatic, economic, ideological, political, cultural and social efforts are made to prevent a war."

* * * * *

On the subject of huge land-based missiles, on which the Soviets now hold a "great advantage," Sakharov says, "perhaps talks about the limitation and reduction of these most destructive missiles could become easier if the United States were to have MX missiles, albeit only potentially

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And then the article goes on to say this:

So long as the Soviets enjoy a lead in land-based missiles, Sakharov writes, "there is very little chance of (them) easily relinquishing that lead. If it is necessary to spend a few billion dollars on MX missiles to alter this situation, then perhaps this is what the West must do."

Why does Dr. Sakharov talk about the Soviet lead in ICBM's? I asked my staff to look back over the last 10 years in terms of the development of ICBM's, and we find that in the period of the last 10 years, the United States has deployed no new ICBM's but only modernized the Minuteman III warheads, while at the same time the Soviet Union in the period of the last 10 years has deployed 150 SS-17's, 308 SS-18's, and 300 SS-19's. I repeat that of the SS-18 and SS-19 variety, the hard-kill capability, very powerful missiles, the Soviets have deployed 608 in the last 10 years, and the United States has deployed no new ICBM's but have only modernized the Minuteman III missile.

There has been a lot of discussion today about why we should put the MX into a silo that is vulnerable, and I, frankly, had problems with that myself in some of our earlier conferences. But as Secretary Weinberger and Mr. Scowcroft point out in their report, this essentially provides confusion in terms of the Soviet war plans. Let me read this just very briefly:

* * * indeed at the heart of the current U.S.-Soviet strategic force imbalance, is the Soviet monopoly of prompt hard target kill capability. This gives them a twofold advantage over the United States. First, it enables the Soviets to launch a very high confidence first strike attack on our land-based ICBM, while expending only one-third of their ICBM force in the process. The large store of remaining ICBMs would then enable them to divert weapons to other essential targets in a first-strike attack and still maintain a large and effective reserve force to conduct follow-on attacks. Second, the fact that we lack a prompt retaliatory capability against very hard targets allows Soviet planners to consider the possibility that, for the crucial first few hours of a nuclear conflict, the bulk of their ICBM force and supporting command and control structure would remain largely immune to U.S. retaliation. This would eliminate one of the major sources of uncertainty—

Let me repeat that, Mr. Chairman—

This would eliminate one of the major sources of uncertainty that is such an important element of deterrence—the unpredictable effects of U.S. retaliation on Soviet war plans.

So, while these missiles will be vulnerable in these silos, the present silos, it still adds, because of the hard-target kill capability of this MX missile, confusion in the Soviet war making plans because they cannot just focus on the submarines or on the bomber force, but must continue to pay attention to our land-based ICBM's.

Finally, as the gentleman from New York (Mr. STRATTON) earlier referred, let me quote from the Washington Post:

U.S., SOVIETS SHOW SIGNS OF NARROWER DIFFERENCES

In the past month or so, here is what happened.

In Washington June 8, President Reagan announced slight changes in the U.S. position at the Strategic Arms Reduction Talks (START) in Geneva that would in effect move the U.S. stand closer to the Soviet one.

* * * * *

In Geneva three weeks ago, the Soviets dropped some of their more extreme START demands, which they knew to be totally unacceptable to this country.

The CHAIRMAN pro tempore. The time of the gentleman from Ohio (Mr. KASICH) has expired.

(On request of Mr. COURTER, and by unanimous consent, Mr. KASICH was allowed to proceed for 4 additional minutes.)

Mr. KASICH. Mr. Chairman, the article continues as follows:

Two weeks ago, the Soviets made a more serious proposal, which leaves intact their biggest missiles that most concern the United States but nevertheless indicates that Moscow is willing to move to lower overall multiple-warhead missile levels than it was in earlier arms agreements.

In Vienna late last month, the Warsaw Pact put forward a new proposal at the long-stalled East-West talks on troop cuts in Europe.

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In Madrid, both countries have just signed a compromise agreement that ends nearly three years of talks at the 35-nation conference to review progress on the 1975 Helsinki accords on security and human rights in Europe.

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In Moscow June 26, the Soviets allowed 15 members of a Pentecostal family that had taken refuge in the U.S. Embassy for almost five years to emigrate to Israel. Another Pentecostal family that took refuge in the embassy has been told it will be able to leave the Soviet Union, the State Department said.

Mr. Chairman, let me just conclude by saying that we need to have the MX because we must negotiate an arms control agreement. We are going to get an agreement, as Mr. Sakharov has said, who, by the way, is certainly an expert in the tactics of the Soviet Government, if we go to the table with a position of strength. I urge the defeat of the amendment.

Mr. Chairman, if the gentleman from Wisconsin (Mr. ASPIN) wishes me to yield, I will yield to him.

Mr. ASPIN. Mr. Chairman, I rise to propose a unanimous-consent request.

The CHAIRMAN. Does the gentleman from Ohio (Mr. KASICH) yield back the balance of his time?

Mr. KASICH. Yes, Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. For what purpose does the gentlemen from Wisconsin (Mr. ASPIN) rise?

Mr. ASPIN. Mr. Chairman, I ask unanimous consent that the remaining time on the Bennett-Mavroules amendment be equally divided between the proponents and the opponents of the amendment, the time to be divided in the following manner: that 25 minutes be allocated to the chairman of the committee, the gentleman from Illinois (Mr. PRICE), that 25 minutes be allocated to the ranking minority member, the gentleman from Alabama (Mr. DICKINSON), and that 50 minutes be allocated to the ranking Democratic Member, the gentleman from Florida (Mr. BENNETT), the sponsor of the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, I yield 10 minutes to the gentleman from Massachusetts (Mr. MAVROULES).

Mr. MAVROULES. Mr. Chairman, the MX has been debated in this Chamber dozens of times before, but make no mistake, there is no margin for error today. While substitutes and alternatives may be offered and considered, one issue cannot be avoided: Are we going to open a production line for the MX missile? That is the question today.

My hope is that the House will exercise its leadership and resolve the

question and reject the MX production authorization. The MX is neither a military nor a national priority.

□ 2010

As we proceed with this debate, Mr. Chairman, I sometimes feel like a contestant on the old television game show asking, "Will the real MX please stand up."

In 1979, when I first came to Congress and the Armed Services Committee, the MX buzzwords were "deceptive basing and survivability." We had to have deceptive basing; the Minuteman silos, we were told, were too old.

Next came the famous "window of vulnerability." At times the rhetoric pushing the window open was so exaggerated, it seemed all of Western civilization would fall if the MX missile were not built.

With Dense Pack, however, the Congress finally said no, and MX production funds for fiscal year 1983 were not authorized.

Then came the Scowcroft Commission and talk of the package and bipartisan compromise. Or was it a compromise? The Commission was created not to decide whether there should be an MX missile, but to market MX as a proposal Congress would approve.

My dear friend, the gentleman from Wisconsin (Mr. ASPIN) is an honorable Member of the United States House of Representatives and he was successful, and I give the gentleman credit, in shifting congressional debate away from the military merits of MX. Instead, he discussed arms control considerations, flexibility, and the commitment of the administration to that worthy goal.

On Sunday last, I read with much interest the gentleman's article on MX, "It's a good deal and it's in trouble." Those are his quotes.

With all consideration and respect to my colleague, I disagree. The idea of opening up the MX production line is a bad idea, and it is a credit to this House of Representatives that MX production is at this moment in doubt.

If the gentleman from Wisconsin were in a policymaking position, then perhaps the Reagan administration would have greater credibility on arms control, and I credit my dear friend, the gentleman from Wisconsin; but unfortunately, last Tuesday, it was not the gentleman from Wisconsin testifying before the Arms Control Panel of the Armed Services Committee. Rather than flexibility, and encouragement, the panel heard from Mr. Richard Perle, Assistant Secretary of Defense for International Security Policy, that criticism of the administration's arms control policy was "damaging and unworthy," he stated.

So much has been written about MX as a bargaining chip that I asked Mr. Perle this question, if there was any way to limit new systems like the MX, or the B-1, or the Soviet Blackjack bomber, or the SS-X-24 missile, through arms control agreements. Specifically, I asked him whether he would proceed with MX regardless of progress in the START talks. His response was positive, in his opinion MX is no bargaining chip, we are going to build them anyway.

So let us get off this baloney about being arms control. It is not being utilized for arms control, at least in the eyes of some of those who speak for the administration, and that testimony, by the way, was a reiteration of the paradox we have all heard before that we must arm so that we may later disarm; but beyond the talk of arms control and bargaining chip, there is a more crucial issue and a question. Is MX a military priority?

The amendment offered by the gentleman from Florida (Mr. BENNETT) and myself would strike $2.5 billion in MX production and authorization. If this reduction is approved, the United States would still be spending $491 million per week for strategic weapons in fiscal year 1984. That is $491 million per week. While the argument is offered that MX is a display of national resolve, so, too, are many of the other programs in this bill.

This is a chart here, let me just go through it very quickly. I am going to give you the 3 year totals of what we are spending here in the Congress of the United States for strategic weapons and nuclear weapons, other than the MX missile. The MX missile is not included here.

By the way, the classified information and funding for classified purposes is also excluded.

The 3 year totals are as follows:

For the B-1, it is $20 billion.

The Trident submarine, $6,300,000,000.

The Trident II missile, $4.17 billion.

The Tomahawk and Harpoon sea-launched cruise missile, $2.27 billion.

The ground-launched cruise missile, $1.76 billion.

The Pershing II, $1.49 billion.

The Trident I missile, $1.45 billion.

The air-launched cruise missile, $1 billion over 3 years.

The aggregate total for strategic spending for the last 3 years is $64.1? billion.

Now, the point of the chart is that with or without the MX, the United States is not a weak and threatened nation. Each time the Congress engages in a debate on nuclear weapons and military policy, we demonstrate a military and historical strength that the Soviet system can never match. That is a fact.

It is to our credit that we remain both secure and we remain free. If anyone here doubts that security is not always measured in military capability, they only need to be reminded of Pope John Paul's visit to Poland only last month.

The MX will not add to our military capability and its production should be rejected.

I ask, Mr. Chairman, that we approve the amendment sponsored by the gentleman from Florida (Mr. BENNETT).

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. COURTER).

Mr. COURTER. Mr. Chairman, I thank the gentleman for yielding. I thank the Chairman for the time.

Three minutes is not a long period of time to say what you have wanted to say for many, many weeks, but I will attempt to summarize my arguments as follows:

First of all, I think it is very important for everyone to recognize that the Soviet Union at the present time has approximately 638 MX-style missiles and we have none.

Second of all, I think it is important to recognize that if this amendment passes and we nevertheless later on go ahead and procure the MX missile, that means we will have wasted $1 to $1.5 billion of additional costs.

Third, I think it is important to note that the MX is not going to be deployed, although now starting construction, until 1986; so therefore, for those people who are concerned that our negotiations may be going the wrong way in the years 1983, 1984, 1985, and indeed, 1986, they will be given many more opportunities to vote no on deployment or to stop the production in future years.

Finally, and I think most importantly, Mr. Chairman, it is important to look at this decision as to how it is going to affect our allies, how it is going to affect the incentives of the Soviet Union and how it is going to affect other people throughout the world.

What possible incentive will the Soviet Union have if we now unilaterally stop production funds for the MX missile?

I submit, Mr. Chairman, that the Soviet Union will be convinced of the rightness of their policy if we do nothing now, if we change our decision.

What will happen to NATO if we vote yes on the Mavroules amendment? What kind of signals would we give them? They have agreed to deploy the Pershing. They have agreed to deploy cruise missiles on their land. If we are now going to say no, we do not want to modernize on our land, but nevertheless, you go forward on yours, what are they to think?

Finally, Mr. Chairman, and the most important point, is that this is a package. This is the Scowcroft Commission report. It was approved by this Congress in May of this year.

Indeed, what has happened, I ask the question, what has happened between May of this year and July of this year for us to change our position? Nothing has happened at all. If we now do not go forward, it will be a clear signal to our allies, to the Soviet Union, and to the rest of the world that there will always be a reason that we do not modernize, whether it be for a financial reason, whether it be for environmental reasons or political reasons, we will, indeed, do nothing.

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This is one of the most important votes of this year: We must keep together the Scowcroft package that was produced, we must keep the incentives going on arms control, we must make sure we produce these smaller missiles, the mobile missiles, the Midgetman missiles. Therefore, I urge my colleagues to vote no on this amendment.

Mr. PRICE. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. NICHOLS).

Mr. NICHOLS. Mr. Chairman, I rise in strong opposition to the Bennett-Mavroules amendment.

What we are hearing voiced today is a concern we all share—to avoid instabilities in the world, particularly with respect to nuclear arms.

Unfortunately, Mr. Chairman, in my judgment the world will be much more unstable if this amendment is passed.

The actual effect of terminating production funds for the MX will be to unravel a compromise that holds great hope for arms control in the future.

We all have our own priorities on what is the key element in this important area of strategic arms. While some of us might see arms control as the single most important part of the Scowcroft Commission report, there are others who consider an MX deployment as most important.

The brilliance of the Commission report is that it combined several elements of strategic policy into an integrated plan for the future. The Commission has suggested a way to modernize our strategic forces in a way that complements and even enhances the long-term prospects for arms control. With the Commission's recommendations, we can now plan the development of strategic weapons that are within a policy framework aimed at creating a stable nuclear environment.

The Commission's plan disintegrates if a piece is removed (as this amendment would do.) Encouraging the Soviets to give up their MIRV'd large land-based missiles in favor of a small single warhead missile in the future is part and parcel of the MX's role in the Scowcroft Commission's report.

Take away the MX and the package goes up in smoke. This amendment if passed will eliminate a program aimed at arms control and stability.

I do not like to be so pessimistic, but what this amendment does, in my judgment, is not create a safer world; instead, it continues to imprison the world in a continuation of an all-out arms race with little hope of escape.

Mr. Chairman, many Members support the Bennett-Mavroules amendment to express their distaste for the MX—and I understand that. However, each Member must also understand the MX missile program is before you today—for the first time—as a part of a package, a rational approach for the future for strategic armaments.

A decision against the MX now rips open the package in a gesture of frustration that eliminates the program for future peace.

Mr. Chairman, until I see a rational, developed program for arms control—[different than that offered by the Scowcroft Commission]—I urge each Member to look beyond the MX alone and defeat the Bennett-Mavroules amendment.

Mr. DANIEL. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Virginia.

Mr. DANIEL. Mr. Chairman, a letter circulated by an organization called Business Executives for National Security, Inc. and signed by several former and present business executives is misleading and is only another example of the disinformation being applied in the debate on the MX.

The letter praised the MX amendment as a "balanced approach" to the weapon as a "bargaining chip" in the START negotiations while avoiding a new phase in the "arms race" with the Russians.

There is no factual basis for this argument. The MX was never proposed as a system to be traded away.

The MX is the result of a 10-year research and development effort to enable the United States to retain a credible ICBM deterrent force. In that time, no President or Secretary of Defense has considered the MX to be a bargaining chip. It has always been considered a way to respond to the growing Soviet counterforce threat against our ICBM's.

During both SALT I and SALT II negotiations, the Soviet Union strongly insisted on the right to modernize strategic weapon systems. No SALT agreements would have been reached without such a provision. In addition, the SALT I Executive Agreement probably would not have been passed by the Congress if it had prohibited modernization or contemplated more than a decade of unilateral restraint by the United States.

The business executives' letter is further misleading in that it would have us believe that a "new phase of the nuclear arms race with the Soviet Union" is now beginning. Nothing could be further from the truth.

The United States has not deployed a single new ICBM in 16 years, while the Soviet Union has raced ahead with its modern heavy and highly accurate SS-17, SS-18, and new generation SS-19 missiles.

As former Secretary of Defense Harold Brown said:

• • • we said in the early 1970's that we would modernize with a new missile in the late 1970's. In the mid-1970's we said that we would do so in the early 1980's and in the late 1970's that we would in the mid-1980's. We have failed so far to do any of those things • • •

• • • the Soviets would be justified in calculating that any new U.S. ICBM system will be aborted by some combination of environmental, doctrinal, fiscal, and political problems.

Kill the MX now and the world will know the United States has no will to respond.

Kill the MX now and the Kremlin will have the answer to the START talks in Geneva—"simply hold tight and let the U.S. Congress do our work for us."

Business Executives for National Security would have us believe that a $3.1 trillion economy would be jeopardized if we were to spend $2 billion a year for MX production over a period of 10 years.

This is preposterous and it ignores the conclusions of the CBO that this Nation can afford the level of defense spending requested and approved by the Armed Services Committee.

To date, we have invested nearly $7 billion in MX development but have refused to make a production decision. This is the crucial time. We should not invest another $2 billion in R&D in fiscal year 1984 unless we are ready to make a production decision.

The Congress should act in the best interests of the United States to strengthen and modernize our strategic deterrent posture. The MX does both.

Mr. NICHOLS. Mr. Chairman, I yield back the balance of my time.

Mr. BENNETT. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon (Mr. AUCOIN).

Mr. AUCOIN. Mr. Chairman, I rise in strong support of the Bennett-Mavroules amendment.

Earlier in the debate opponents to the amendment stood up and told our colleagues that if we delete funds for the production of this misbegotten missile that has no mission, that somehow we would be back to "square one" in our strategic defense planning.

That is a very real fallacy I hope the Members of the House will recognize. It assumes that we have done nothing to prepare ourselves in deterrence and in defending ourselves as a country. And that is absolutely fallacious.

With regard to the land base of our triad, in the last few years we have

completed and deployed MIRV'd Minuteman III's.

We have doubled the megatonnage of more than one-half of our Minuteman III's.

We have significantly improved the accuracy of our Minuteman III's.

We have tripled the hardness of our ICBM silos.

We have multiplied the nuclear hardness of our ICBM's themselves.

We have installed a rapid retargeting system which under worst case conditions would multiply our retaliatory capability by a factor of several hundred.

We have developed and tested the MX.

We are vigorously pursuing the development of Midgetman.

And on top of that we have under way plans to develop a B-1 bomber, a Stealth bomber, a Trident II submarine missile. Mr. Chairman, if that is not enough to show the Soviet Union that we have the national will to build a strategic deterrence, I do not know what is.

It is fallacious to say we have done nothing, and it is fallacious to say that those of us who oppose a missile that cannot be used are against anything to strengthen our defense. It is a very, very serious disservice to those of us who want cost effective defense and, more importantly, it is a very serious misunderstanding of what the ingredients of a solid defense are.

Many of the Members who oppose the amendment say that if we defeat production for the MX we in some way are going to be sabotaging arms control; that is MX is needed for an arms control agreement.

I want to suggest to you that one of the basic fallacies and premises of the administration's arms control position is simply this: The administration believes that our current strategic capability—which is sufficient to reduce to rubble the industrial, and social, and economic, and environmental structure of the Soviet Union—is not enough. They think the only thing that will frighten the Soviets to the bargaining table is the capability of wiping out their silos and their command and control systems.

There are those in the administration, and they have allies in the Congress, who believe, who demonize the Soviet Union to the point where they think that is all the Soviets place value in, their silos, and that until we threaten every single one of those silos they will not bargain in good faith.

Let me remind my colleagues that since 1969 the Soviet Union has been bargaining with the United States. In fact, they did reach an agreement with us. The SALT II Treaty was treaty signal by both the Soviet Union and the United States and it was not the Soviet Union that failed to make good on that signed treaty. It was our side. Sakharov, by the way, I would tell my colleagues on President's side of the aisle, supported SALT II.

One of the other problems with the arms control position of the administration is that it would require Moscow to reduce by two-thirds its biggest and best strategic missiles and still allow a modernization of all that is in our blueprint for development, and I think that is a fundamental nonstarter of a negotiating position. The administration knows this. If it does not, then they are even more hopeless as this issue than many of us thought.

Pass this amendment, my colleagues. It is good arms control and sound on military defense policy.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will caution our guests in the gallery that no manifestation, either affirmative or negative, is suggested by the guests.

Mr. BENNETT. Mr. Chairman, I yield 2 minutes to gentlewoman from Colorado (Mrs. SCHROEDER).

Mrs. SCHROEDER. Mr. Chairman, this debate has gone on for a long time and I think it is because we are at a very serious crossroads. If we make this commitment to procure these MX missiles I do not think we will be able to get the genie back in the bottle. It would really be a historic first if we could ever stop a weapon system after procurement began.

If you look at the cover of U.S. News & World Report this week there is a picture of Mr. Grace from the Grace Commission and his report about $93 billion that could be saved in defense and his allegation that we are gutless wonders, that we have great trouble really ever saying no. He is right. If we do not say "no" to procurement tonight, we never will.

I think you have heard person after person duck and tapdance around the issue of the military value of the MX.

This is because there is no military value to this weapons system. What you are really doing is taking the same hole and I remind you it has always been the hole that was vulnerable, and instead of putting 3 warheads in it you are going to put 10 in it. Any Russian planner would be delighted about that because that frees up many of their warheads, two-thirds of them, to target something else besides missile holes. We spend more and they come out better.

The MX is really kind of a modified Dense Pack. You are dense packing the holes rather than just dense packing one area. By doing that you save Russian warheads to target elsewhere. So why would a Russian planner be upset that we are moving forward on the MX? They will not. They will cheer. So how can anyone feel the MX would be perceived as a bargaining chip that is worth anything? Let us not kid ourselves. If the MX has no military value, it has no bargaining chip value.

A bargaining chip is only created by things the other side fears, not cheers.

What we did with the MX unfortunately, is we built the missile before we built the basing mode. It was the basing mode that was vulnerable. We woke up then to find out the missile was so overweight, it was so huge that we could not base it. I think what happened to us is we started believing our own charts. You remember the charts we used to have down here. We would show the Russian missiles, and they were huge, and we would show ours, and they were teeny. We need small missiles to be flexible. The MX is a turkey. Vote for a military system not a turkey.

The MX is a mistake and I encourage people to vote "yes" on the Bennett amendment.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma (Mr. EDWARDS).

Mrs. HOLT. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Oklahoma. I yield to the gentlewoman from Maryland.

Mrs. HOLT. Mr. Chairman, there has been a wealth of misinformation cast about in this debate and in the numerous documents and letters that have come to our desks. In my opinion the worst cases of misinformation deal with the arms control aspects of the MX production decision.

In some cases, the opponents of the MX have attempted to revise history. In others, they have tried to invent the future. One effort, by one group is an outright apology for the Soviet Union's position in the START talks. With respect to the U.S. START proposal to reduce the number of Soviet SS-18's and SS-19's that pose a first-strike threat to our deterrent forces, this group states: "The Soviet Union understandably rejected this proposal as being unfair."

I certainly do not believe, Mr. Chairman, that anyone in this House actually believes that we should structure our strategic deterrent for the purpose of being fair to the Russians. The Russians certainly have not structured their strategic forces with fairness in mind. I hope that we all believe that our strategic forces should be structured on the basis of parity and in accord with the requirements for strategic stability. The amendment would simply perpetuate and exacerbate the existing inequality in United States and Soviet strategic systems.

Some of those who support this most dangerous amendment make the argument that parity between United States and Soviet strategic forces now exists. To prove their point, they count the number of U.S. warheads versus the number of Soviet warheads

regardless of the means to deliver those weapons. Using this rationale, a 10-megaton warhead on a Typhoon or SS-18 missile is equal to an 80-kiloton warhead on a U.S. cruise missile. A warhead designed to be delivered in 8 hours by a 25-year-old B-52 is counted as being equal to a warhead designed to be delivered in 25 minutes by an SS-19 missile.

Those who argue that we now have parity refer to the "thousands of cruise missiles that we now have," when in fact only one squadron of B-52's outfitted to carry cruise missiles has been commissioned. Other chickens that are counted before the eggs have been hatched are the D-5 sea-launched ballistic missile and the B-1B bomber. These forces do not exist now, and I am confident that the proponents of this amendment will try to kill them off in future years.

While each of us has the right to invent whatever future that we please, none of us has the right to revise history.

Back in 1972—11 years ago—the Congress approved the executive agreement that came to be known as SALT I. SALT I, unfortunately, had holes in it large enough to accommodate 300 huge SS-18 missiles carrying 10 warheads each, and an almost equal number of SS-19 missiles carrying six MIRV'd warheads each. The Soviets exploited SALT I to its limits, even while they were negotiating the SALT II Agreement. Reading the testimony on SALT I leads to the conclusion that that controversial treaty could never have been ratified by a two-thirds vote in the Senate. Approval of the executive agreement was made possible only by an amendment that called for parity of United States and Soviet strategic forces. That provision is still the law of the land.

The Joint Chiefs of Staff and the Secretary of Defense supported SALT I only on the condition that vigorous development programs would be supported to enable the United States to respond to possible Soviet expansion. One of those programs—the MX—began in 1974.

In 1975, Secretary of Defense Schlesinger testified:

> The M-X could be deployed in existing Minuteman silos, since that is the least expensive mode, until such time as the threat to those silos has been definitely ascertained. At that point, we could commence deployment of the missile in one of the mobile modes.

This is essentially the same as the Scowcroft Commission's recommendation.

There are those who mourn the fact that President Carter withdrew the SALT II Agreement from consideration by the Senate, but SALT II permitted the Soviet Union to retain all of its heavy, first-strike, destabilizing ICBM's while permitting both the Soviet Union and the United States to proceed with one new light ICBM. For the United States, this was understood to be the MX. To date, we have flown one test flight on the MX, while the Soviet Union is in the process of testing a fifth generation of ICBM's.

Both SALT I and SALT II looked forward to a future agreement whereby destabilizing nuclear weapons such as the SS-18 and SS-19 could be reduced or eliminated. This is the objective of the current START talks in Geneva.

What the United States hoped to achieve in START and in the MX program was the achievement of parity in accurate ICBM warheads at levels that would be too low for either side to have a first-strike advantage in attacking the ICBM's of the other side. This stabilizing approach has been labeled as "unfair to the Soviets" and "not serious." Ironically, some of those who support the Bennett amendment, and who claim to support real arms control, have driven the START talks in the direction of higher levels of Soviet heavy ICBM's and away from the principle of strategic parity.

Killing the MX now will kill the consensus on strategic weapons that grew out of the bipartisan Scowcroft Commission's report.

Killing the MX now will, in my opinion, kill the START talks. How can Ambassador Rowny continue to negotiate when the Kremlin has the very clear signal that a majority of the House of Representatives is on their side of the issue.

Killing the MX now might mean not only the end of production and R&D on the MX but it will mean the end of the small mobile missile and other related efforts.

This is a very high price to pay for some imaginary political gain. In fact, killing the MX and perpetuating a dangerous strategic situation could well result in political losses.

I urge that we support the Scowcroft Commission's recommendations, that we support the President and the position of the Armed Services Committee.

It could be that the Scowcroft Commission, the past four Presidents, and the Armed Services Committee are dead wrong, however, I do not believe that is the case. But if we are right in our assessment and we kill the MX option, we will have made a dangerous and expensive, if not fatal, error. For that reason alone, I urge that the amendment be defeated.

Mr. EDWARDS of Oklahoma. Mr. Chairman, this is my seventh year as a Member of Congress; year after year I have listened to these debates and have yet to change my mind on the urgent need for a modernized ICBM.

The MX is not an original proposal of this administration—it has been around for a long time. Preliminary approval was granted nearly 10 years ago and has continued to receive bipartisan support of Presidents and the Congress. For more than two decades we have based our deterrence on—and kept the peace with—a triad consisting of land-based intercontinental ballistic missiles, sea-based ballistic missiles, and manned strategic bombers. Each component of this triad complements the strengths of the others, but it is only together that they serve as a strong deterrent. While we have taken action to rectify deficiencies within the triad, such as producing the Trident submarine, along with developing a new SLBM and the B-1 bomber, we have yet to rectify the weaknesses that exist within the land-based section of our triad.

Since we deployed the Minuteman III missile the Soviets have deployed eight new ICBM missiles. They have also upgraded and added to their 600 or so SS-18 and SS-19 missiles which are comparable to the MX in capability. The Soviets' continued buildup has left them with a first-strike capability which can destroy more than 90 percent of our land-based forces while using only a small percentage of their own ICBM force.

We are faced with a growing massive strategic arms buildup by the Soviet Union; improved Soviet missile accuracy, range, reliability, and hard-target-kill capability; growing Soviet confidence due to unchallenged acts of aggression; increased international nuclear imbalance and aging of U.S. forces.

While the threat is obvious we continue to idly sit by and argue the need for deployment of the MX missile. It concerns me that too often we base our defense policy on reaction—avoiding the importance of a problem until we are confronted head on with it. The Scowcroft Commission has attempted to rectify this situation by addressing both short-term and long-term security needs. In the short run the deployment of 100 MX missiles in Minuteman III silos is essential to remove the present Soviet advantage in ICBM capability. To promote survivability of our limited ICBM's in the long run, we must begin research and development of a single-warhead small ICBM. The combination of these two actions will enhance the likelihood of entering into a meaningful arms-control agreement with the Soviet Union.

Aside from the deterrence capabilities offered by deployment of the MX, we also have a significant commitment to our friends and allies. Mr. Chairman, I have just returned from meeting with out negotiators in Geneva. Our NATO allies are concerned and watching closely our actions regarding the MX. We have made a commitment to them to begin deployment of the Pershing II and GLCM in Europe at the end of this year, while we continue

to negotiate a reduction or elimination of intermediate forces with the Soviets. After talking with Ambassadors Rowney and Nitze, I do not see how we can justify the deployment of our missiles on European soil in response to the Soviet threat if we fail to deploy the MX on U.S. soil to counter the threat of their SS-18's and SS-19's.

It is important to note that it was not until we made the formal decision in December 1979 to deploy the Pershing II and GLCM in Europe that the Soviet Union began to seriously negotiate on intermediate-range nuclear forces. I believe the same will hold true with the START talks. We have seen no inclination from the Soviet Union that they would be willing to give up their counterforce capability in return for an agreement on our part not to proceed with the MX. While I was in Geneva, Ambassador Rowney told us that modernization of our ICBM forces may enhance our chances of getting a START agreement with the Soviets, but without modernization, due to Soviet strength and our lack of deterrence, our chances of getting an agreement would be nil. This is nothing new, for history has shown that negotiations with the Soviet Union have only been successful when dealing from a position of strength.

Mr. Chairman, whether our principal concern is a deterrent force to keep the peace, or leverage to force the Soviets to bargain for an end to the nuclear arms race, we need the MX and this amendment should be defeated.

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Mr. PRICE. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. HUTTO).

Mr. HUTTO. Mr. Chairman, I rise in opposition to this amendment. With all due respect to Mr. BENNETT and Mr. MAVROULES it is rather unfortunate that we have to again revisit the old stale claims that have been made against the MX missile.

We have heard the claim that if it is not survivable, it cannot possibly deter. We have heard that the MX missile is destabilizing—it will cause the Soviets to launch a preemptive first strike.

The MX missile is an absolute necessity in maintaining our posture of deterrence. Just as the Minuteman force, the B-52 force, and our Polaris and Poseidon submarines have enabled us to discourage the Soviets from putting nuclear weapons on our soil, so too will the MX missile enhance our ability to deter.

Just what is deterrence? I believe it is a state of mind. If the Soviets believe that the United States has the will to retaliate against those assets that are most treasured by the Soviet leadership, then we have achieved nuclear deterrence.

Unfortunately, our inaction over the years in modernizing our strategic forces has done just what the sponsors of this amendment here today do not want to see happen and that is to lower the threshold for nuclear war.

The MX missile is a clear signal to the Soviet Union that the United States has not only the will but the strategic forces necessary to inflict an unacceptable level of damage on the Soviet Union in the event its leadership decides to launch a first strike against the United States.

Next let me address the charge that the MX missile is destabilizing. I would ask the sponsors of this amendment why it is destabilizing for the United States to produce 100 MX missiles—a force that represents only a fraction—about 15 percent of what the Soviets already have in place—the SS-18 and SS-19 ICBM's. Next, there is the contention that the MX missile and the Minuteman silos would never get out of the ground.

This statement is totally inaccurate. First of all, it is virtually impossible to launch a strike against U.S. bombers and silos at precisely the same time. The bomber force would be attacked by submarine launched ballistic missiles and our MX force by ICBM's. These attacks would be separated by some 25 to 30 minutes in time. We would be incredibly stupid to sit back and try to ride out a complete attack against both our bombers and missiles.

The fact remains that there would be ample time to launch most of the 100 MX missiles that we have based in silos in response to a Soviet first strike.

The MX missile is not a partisan issue. If you are satisfied with the deterrent capability provided by our Minuteman missiles, B-52 bombers, and Poseidon submarines, then vote this amendment down because MX enhances deterrence.

If you believe in a fair and equitable arms control agreement, then do not undermine our negotiating position by terminating our modernization program.

If you are unhappy with the President's social, domestic, and economic programs, do not express your unhappiness by taking it out on national security and voting down the MX.

I pray for the day when we can beat our swords into plowshares and I pray that some kind of arms agreement may be reached before the MX is deployed.

But we must face the facts of life. We must continue to have a deterrent. The bipartisan commission has done a good job in giving us a basing mode we can live with. Let us vote down this amendment.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut (Mrs. KENNELLY).

Mrs. KENNELLY. Mr. Chairman, I stand here tonight once more to ask unanimous consent to revise and extend my remarks to say how much I am against the MX missile.

This morning I spoke before a young group of people, these people, high school students, were not shortchanged; they were bright, they were articulate. They asked me about Central America, about the deficit, about the MX. And I looked at them and I said: "Tonight are we going to have a vote that is going to mortgage their futures?" Because the multibillions of dollars for the MX is just too expensive. I looked at these young people and I said to myself: "Are we going to say to them we cannot defend you any longer because we cannot defend the MX?" Finally, I looked at them and said: "Later today are we going to vote and say to these young people: you come from a country, the United States of America, that has now chosen to build a first-strike weapon?"

Mr. Chairman, I hope we are not going to do these things tonight.

On May 24, 239 of my colleagues in the House voted to release funds for MX basing and flight testing of the MX missile. Many voted in exchange for the Reagan administration's pledge to show new flexibility and commitment to arms control with the Soviets. And some cast their vote for the MX in the hope that the MX would be only a way station to a new generation of small mobile missiles called Midgetman.

Almost 2 months later, as the House faces yet another decision on the MX, the critical question is whether the President has lived up to his side of the bargain. Did my colleagues who voted for the MX despite grave doubts about its military merit make a good deal? Are we really on our way to the Midgetman? The answer is an emphatic "No."

The administration has revised its START proposals to focus on limiting warheads instead of launchers or missiles. But the administration is still far from offering a balanced and fair proposal that can form the basis for real negotiation. Reagan's revised START proposal heavily favors American defense systems, while requiring heavy cuts in Soviet MIRV'ed land-based ICBM's. The Reagan proposal is also heavily unbalanced since its provisions on throw weight would allow the United States to build the MX and the Trident II while requiring the Soviets to dismantle two-thirds of their biggest strategic missiles, the SS-18's and SS-19's. In addition the proposal completely omits restrictions or reductions in strategic bombers on air- and sea-launched missiles, two areas in which

the United States has the decisive advantage. The administration has stacked the deck and is trying to deal the Congress a losing hand.

On other arms control fronts, the bargain the House made looks more and more like a raw deal. Although the administration claims to want to renegotiate the verification provisions of the 1974 Threshold Test Ban Treaty, and the Peaceful Nuclear Explosions Treaty, it has not even stated when it would be willing to begin such negotiations, or what provisions it would change. The administration has also refused to resume talks on a comprehensive test ban treaty, and on limiting antisatellite weapons. And instead of working to safeguard the important 1972 ABM Treaty, the administration talks of building star wars weapons which would violate the treaty.

It is clear that a President who is truly interested in arms control does not have to be bargained into it. And a President who is truly interested in arms control does not ask for destabilizing first strike weapons with which to negotiate while refusing to offer serious and realistic proposals to the Russians. The administration has not demonstrated any meaningful flexibility on arms control since the House voted to release the initial MX funds. I fail to see that it will if we do so now.

Those who voted for the MX because it was a stepping stone to the Midgetman must also be disappointed. Only 1 month after the President announced he would be content with only 100 peacekeeper missiles Air Force planners were writing in a secret project objective memorandum obtained by the Washington Post that this 100 represented only the first phase of a 3-phase approach to ICBM modernization, in which the third phase included the deployment of another 100 MX missiles. The project objective memorandum shows that despite Presidential announcements that the future of ICBM's is in the development of a smaller, less threatening missile, the Air Force has its own agenda. Not only does the Air Force plan for the deployment of at least 200 missiles, it has also shown its resistance to the Midgetman by padding the Midgetman's cost, pushing back the date when it can be operational and expanding its size to the point where it may not be mobile, and therefore less vulnerable to the Russian missiles.

Mr. Chairman, prudence demands a yes vote on this amendment to stop the MX. A deal was cut here 2 months ago. The President, in exchange for his missile, agreed to make a concerted effort toward real arms control.

We have lived up to our part of the bargain. Today I say we do not give the President his missile until he gives us arms control. Vote no on the MX today and give the White House time—not weapons—to prove to this Congress and the people that it is serious about controlling the arms race.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Chairman, the importance of the issue facing us today cannot be underestimated. Experts from various groups and organizations, Republicans and Democrats, and our past four Presidents have stressed the need for the MX in deterring Soviet aggression, promoting our national security, and providing essential negotiating incentives and leverage.

Today we are at a crossroads. One road leads to the continuation of a bipartisan consensus on the need for and structure of the land-based leg of our strategic nuclear deterrent. This same road expresses a sincere backing of President Reagan in his attempt to achieve substantial, equitable, and verifiable reductions in the nuclear arsenals of the superpowers, goals which all of us heartily endorse.

The opposite road is to deny the MX production funds and send a clear signal to the Soviets and our allies: The United States is not determined, is not united, and does not possess the resolve necessary to deal with the longstanding issue of the future of the land-based leg of our strategic nuclear triad. The result of choosing this second road, in my opinion, would be substantial erosion of U.S. prestige in the international community. Our colleague, Representative LES ASPIN recently wrote:

> Our inability to decide this issue might be funny if it did not lead to two serious questions: How do we get the Soviets to negotiate seriously about their ICBM's if we can't make a decision about ours? How do we get the Europeans to face up to their difficult weapons deployment decisions if we can't face up to ours?

The MX missile is, as President Reagan stated, "an essential part of a comprehensive modernization and arms control program to insure deterrence today and in the future." But it is equally important to stress the fact that today's vote does not scribe our MX position in stone. It allows funding for the production of 27 missiles. As this morning's Post states, one searches the anti-MX arguments "for some recognition of the bargaining values of just working on the missile—a value central to the pleas made by President Reagan and Andrei Sakharov."

After lengthy debate, you will recall, the House approved funding for MX flight testing. I was the only Member of Congress to attend that successful launch and flight from Vandenberg Air Force Base in my district in California. I came away from that day certain of one thing: it opened the Russian eyes and made them realize the United States is indeed serious about its stated policies. And that policy is negotiating stable arms reductions in Geneva. The MX is a sound incentive for the Soviets to move toward this goal. Again, the Post states:

> Other than the MX, what incentive is there for Moscow over time to shift the main leg of its strategic forces toward invulnerable, stabilizing, second-strike weapons—something it has refused to do for the last, MX-less decade?

Funding for production is much different than actual deployment. While production continues, the pressures on the Soviets to negotiate will increase dramatically. Time and time again, the Soviets have shown their willingness to negotiate seriously only when the United States is in a position of strength, when stated U.S. policy is being effectively implemented. Strength, in this instance, is the knowledge that the MX missile is being produced. As President Reagan stated in last Saturday's radio address, however—

> Remember, our MX Peacekeeper missile program calls for the deployment of 100 missiles. The level ultimately deployed, however, will clearly be influenced by the outcome in Geneva. If an agreement is reached which calls for deep reductions—which of course is our goal—the number of missiles could certainly be adjusted downward.

So, Mr. Chairman, the options, I believe, are clearly spelled out for us on this vote. We can support the President who has shown a sincere flexibility in arms control matters and, at the same time, convey to the Soviets firm determination on the part of the United States to resolve the issue of ICBM's, via negotiating from a position of strength. Or we can vote down production funds and convey quite the opposite impression to the Soviets and to our allies facing similar choices. Let us join together again on this issue. To be divided is to the detriment of all in our common goal.

Mr. PRICE. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, there was an old sheriff in my home county in Missouri who once told me: "It is not so bad to step in the hole the first time. But what is bad is when you step in that hole the second time."

And that is my purpose tonight, to keep this Congress from stepping in the hole the second time.

In October 1939 a vote was held in this House to determine whether we as a Congress would arm and build the harbor, for military purposes, in Guam.

That vote, Mr. Chairman, lost on a close vote. It is in the CONGRESSIONAL RECORD only in a few pages, and I suppose the Members of this House forget that vote, but that vote was not for-

gotten by the warlords of the empire of Japan.

□ 2040

As a matter of fact, after the war it was learned that that vote sent the message to the warlords that we, as American people, were not willing to defend our interests in the Pacific Ocean.

Mr. Chairman, this vote tonight will send the same type of message to those who build arms and build armaments far beyond their need in the Soviet Union.

Mr. Chairman, in my district is an Air Force base, Whitman Air Force Base, that has Minuteman II missiles. There is a motto in the administration building there that says, "Peace is Our Profession." The purpose of ICBM missiles, Mr. Chairman, is peace. There is deterrence in strength. We have had deterrence and we have had peace because of our policy, but should this policy change and should the vote tonight send the wrong signal, I think that we will be stepping in that hole a second time.

Mr. Chairman, I urge that this motion and this amendment be defeated so that the message will go out that we will defend our Nation. We want peace and we will have peace because we will be willing to defend it with a strong military might.

Mr. BENNETT. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. MORRISON).

Mr. MORRISON of Connecticut. Mr. Chairman, I thank the gentleman for yielding and commend the gentleman and the gentleman from Massachusetts (Mr. MAVROULES) for bringing this amendment to the floor of the House tonight. I think the vote that we are about to take is a historic one. I hope that the amendment will be supported and that it will prevail.

Mr. Chairman, I am disturbed to hear the suggestion that the passage of this amendment would indicate weakness. It seems to me that the passage of this amendment will show a true understanding of the strength that we have as a country, our ability to say no to something we do not need, that will not advance our interests, that will, in fact, weaken us if we proceed ahead.

We cannot disguise the fact that our resources are not unlimited, that we have more to do in this country, both militarily and domestically, than we have the resources. They are not unlimited. There are choices. And when we make a choice, as we are being asked to do by the committee bill, to spend this $2.5 billion for procurement of these missiles and the billions more that will follow on to produce additional missiles, we are not buying nearly enough. We are talking about a weapon that will make us weaker, that will make us more vulnerable if it is deployed.

The Soviet Union certainly will take comfort from the fact that we are willing to waste our resources in this way.

I urge the House to exercise the discretion that it has, the knowledge that it has that we are not buying arms control and we are not buying a stronger country, rather we are frittering away resources we can use so much better to strengthen our society in so many other ways than to waste the resources on this missile.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Connecticut. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I rise in support of the Bennett amendment to strike the MX authorization.

Whatever the previous commitment of Members to the research and development funding, or to different basing modes, I believe that the correct vote, the good vote today is to kill the MX missile.

The President and the administration actions speak for themselves, all we have to do is to review the facts and we find a bad faith effort to comply with the Scowcroft Commission report.

In this very brief period of time I believe it can be demonstrated that the administration has not offered new flexibility and substantive initiatives in the INF or ICBM START negotiations in Geneva. In fact the idea of throw weight and other confusing and controversial elements have been introduced or threatened to be introduced.

On the subject of the Midgetman single warhead program proposal, the administration is already attempting to increase its capability and range no doubt for the possible introduction of a multinuclear warhead capacity.

It is ironic that the administration has had to be called to account as frequently especially with the congressional opportunity to reverse the decision looming today on both the authorization and in the appropriations measures in the future.

There is no doubt that the administration views the elements of the Scowcroft Commission package as malleable at best and at worst expendable. The fact remains that the package arrangement exists for one reason, and one reason only, to save the MX missile from certain defeat.

The administration has at every turn attempted to lock in the MX decision through every means possible to expand upon the initiative, not just limiting it to the 100 MX missiles initially agreed to in the package.

Advocates of the Scowcroft report are compelled to alter amendments to box in, to limit the administration, to in reality force them to do what they supposedly intend to do, a curious way to make nuclear arms policy, but clearly necessary based upon the conduct of the administration the past months.

Even before the Scowcroft Commission report, the seeds of its demise were in the making, in the fiscal year 1985–89 defense guidance, a generalized plan to improve survivability and accuracy of the land based nuclear force the report outlines the goal of an initial 100 MX missiles with enhancement in numbers and qualitative factors added on to this MX missile in the 1990's.

On July 2, the Air Force program objectives memorandum contained plans for a second 100 MX missiles over the 100 MX missiles in the Scowcroft package and was reported widely in the media. The Air Force claimed it was a mis-que, however, I point out that the relationship between the defense guidance and Air Force program objectives memorandum is clear and further documented in the procurement annex to the 5-year Defense program which provides 223 MX missiles with test and spare vehicles, this corresponds perfectly to a 200 MX missile administration objective.

Mr. Chairman, further problems have arisen; serious problems and questions which have not been resolved.

The MX missile is supposed to be operational by 1986, however this date cannot be met, because the MX relies upon the command, control, and communications intelligence which will not be in place. The satellite of the defense support program intended to detect launches of land, sea or space based ballistic missiles was delayed with the failure of the inertial upper stage on the faulty space shuttle attempt to place the TDRS satellite in proper orbit this past April. This means that the command, control, and communication intelligence for the MX is behind nearly 2 years. Hence 1986 operational MX date will be badly erroded.

Mr. Chairman, I hope that the House tonight will reject the MX authorization because more than the technological problems and the true intentions of the administration, it represents bad policy for the American people. The MX is indeed business as usual with regards the nuclear arms race, born of faulty logic and perpetuated by emotion not reason.

The MX concept of building up to reduce is indeed what we have been pursuing the last 30 years, it has been tried and found badly lacking in logic and consequence.

Today I hope that we can begin to set a new tact in nuclear arms policy, one which will reduce the risks and permit rational and sane policy of nuclear agreement to be finally attained.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. ZSCHAU).

Mr. ZSCHAU. Mr. Chairman, I rise in opposition to the amendment. I do so not because I hope to see 100 MX missiles deployed, but because I hope that they will not be deployed. I hope instead that we can negotiate the arms control agreements that will make their deployment unnecessary.

Earlier this year, because of my belief in the urgent need for significant arms control agreements, I was a supporter and cosponsor of the nuclear freeze resolution. I am also supporting every responsible initiative to find a way to halt the arms race through arms control negotiations.

The question is: How do we achieve such agreements? I do not know for sure, but I have looked around for the answers.

If you look to logic, logic would suggest that if we unilaterally agree to ICBM reductions with no modernization in the short run, we would be fulfilling the objective of an arms control agreement from the Soviet viewpoint, without requiring the Soviet Union to agree to anything.

We can also look to our arms control negotiators for the answer. At the time of the MX vote earlier this year, I had a conversation with Ambassador Rowny, our START negotiator in Geneva. He told me that if we continue the MX missile program, he felt it was possible that an agreement in Geneva could be reached. However, without the MX program, he felt an agreement would be impossible.

I do not know whether he is right or not, but I feel that we must give our negotiators the tools that they say they need. Otherwise we would be giving them an excuse for failure.

Fortunately, there has recently been another source for an answer of how to reach an agreement with the Soviet Union.

Recently, the distinguished Soviet physicist, Andrei Sakharov, wrote an open letter to a friend and constituent of mine, Dr. Sidney Drell. In that letter Dr. Sakharov described the horrors of nuclear war and he described the importance of arms control agreements to avoid nuclear war. Then, in three points in the letter, Sakharov stated that even though he felt that the MX missile would be an undesirable missile system, he felt that the West would have to proceed with the MX in order to reach an agreement with the Soviets.

I had a telephone conversation earlier today with Dr. Drell, and I asked him if this was indeed his interpretation of the Sakharov letter. Even though he disagrees with Sakharov on this point, he said:

> Yes, indeed, I feel that that is the interpretation Dr. Sakharov wanted to communicate from his exile in Gorki.

In summary, Mr. Chairman, we have to reduce the risk of nuclear war. We need arms control agreements in order to do that. Based on logic, based on what our negotiators in Geneva tell us, and based upon the beliefs of respected Soviet scientist and dissident in the Soviet Union, we need to continue the MX missile program in order to achieve those important agreements.

Mr. PRICE. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I feel very strongly that the Bennett-Mavroules amendment should be defeated. I have spent a lot of time thinking about this issue over the last 6 months. The principal concern that I have is that with the Scowcroft recommendations are I believe, a package, a small mobile missile, which will give us stability in the long term, a commitment by the administration to vigorous arms control, which I think is absolutely essential, getting the President off a confrontational path with the Soviet Union and on to an arms control path, and finally, going forward with the most controversial part of the package, 100 MX missiles.

However, I believe that that is a negotiable item.

□ 2050

I just come down on this one point. The Sakharov letter, I think, states it quite well. If you are going to enter into negotiations with the Soviet Union, are you in a stronger position if you have got a Pershing II and a GLCM in the INF talks? Yes, you are in a stronger position. And, frankly, does anyone think that Ambassador Rowny is going to be in a stronger position tomorrow dealing with the Soviet Union if tonight the House of Representatives eliminates the production funding, weakens the President of the United States and our arms negotiators while they are in the midst of negotiations?

I think this is one of the most serious moments in the history of this House. I believe that we have to have a bipartisan approach to arms control and national security. I do not agree with the way President Reagan opposed the SALT II agreement which I supported. But I believe right now that the President is operating in good faith. I think he deserves an additional period of time to deal with the Soviets, to put forward his new position, and I think we would make a serious mistake if we vote for this amendment, if we are interested in arms control.

Mr. BENNETT. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. ADDABBO).

Mr. ADDABBO. Mr. Chairman, I rise in support of the Bennett-Mavroules amendment in opposition to authorization of procurement funds for the MX.

Two months ago, majorities in both Houses of the Congress were persuaded to release a hold on MX funds. Although that debate was supposed to focus on a basing mode, it was turned into a vote on an overall approach to arms control. A vote for MX, we were told, was a vote for arms control.

We are hearing the same argument again. The proponents are telling us that we must vote MX procurement funding in order to show our resolve, and to provide the Soviets with an incentive to negotiate. We must prepare to deploy MX missiles, they say, if we are ever to be able to get nuclear weapons under control. We must, they say, authorize missiles for deployment.

I say to the House, and I hope my colleagues will mark these words well: The Congress has already provided that very authority. I quote from the report of the committee of conference on fiscal year 1983 appropriations:

> The conferees note that the MX research and development program includes the acquisition of missiles. When both the House and the Senate have approved a permanent basing mode, missiles which have been acquired under the research an development program may be deployed in the approved permanent basing mode. The conferees intend by this action to emphasize their firm commitment to modernization of our strategic nuclear forces.

Mr. Chairman, the Congress took that action and endorsed that report language at the very same time it refused to fund MX missile procurement.

The situation remains the same today, in that regard. We are continuing to fund construction of R&D missiles in the MX program. The Congress has agreed to a permanent basing mode. Deployment of R&D missiles in that permanent basing mode is already authorized. There is, therefore, no need to authorize an additional $2.6 billion until we see what movement toward arms control will be caused by the imminent deployment of R&D missiles.

Mr. Chairman, many Members who had grave doubts about the MX nevertheless voted for it in May. They voted to give the President the flexibility he said he needed, and to show their desire for progress in arms control. Those same Members can today vote against authorization of MX procurement while remaining consistent with their past concerns. The Congress has agreed to a basing mode. The Congress has provided funds for R&D missiles. The Congress has authorized deployment of those R&D missiles. All the necessary ingredients for progress in arms control have been provided by the Congress. Now it is up to the President and his negotiators.

Mr. Chairman, our economic difficulties dictate that we cut spending wherever it is not needed. Procurement of MX missiles is one such place.

I urge that such procurement not be authorized.

Mr. Chairman if we approve procurement of the MX and sign this $23 billion contract and then if there was satisfactory movement in arms control and we were to cancel this contract there would be billions of dollars of cancellation costs.

This would not be the case if we continue the MX program under R&D only.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the distinguished minority leader, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, there is a great old popular song that begins with the words.

"It seems we've stood and talked like this before * * *."

That should be the theme song to this debate. Over the past few years we have stood and talked like this about the MX.

So why are we engaged in yet another episode of the longest running defense debate in memory?

Certainly it is not the substantive issues. Those issues have been debated over and over and over again.

Can it be that strategic realities have radically changed since our debate in May?

Hardly. The same cold, hard facts of our relationship with the Soviet Union still apply.

So why are we being asked to delete $2.5 billion in MX procurement authorization?

The answer to that question has nothing to do with the realities of arms reduction and national security. The Scowcroft Commission's findings are the best, last hope for arms reductions and a strong nuclear deterrent.

If we vote against MX procurement today, we will be seen by our friends and our adversaries around the world as lacking the will, and—if I may use an old fashioned word—the character to do what must and should be done.

What is at stake today is the very character of this House, its commitment to a firmness of purpose that even under intense pressure will choose to do the right thing.

In May, the bipartisan Scowcroft Commission report in effect won endorsement from this House by a 239 to 186 vote.

It was a proud moment for the House. Partisan considerations were put aside. Ideological and political pressures were resisted. It was a bipartisan victory. We knew we had done what was right.

What has changed since that time?

Nothing substantive. Nothing to do with the questions of the MX or Midgetman or arms reductions.

The same tough, hard, brutal national security questions are still with us. The Scowcroft Commission approach is still the best possible answer we can give to those questions.

The MX is not the ideal answer to our defense and arms reduction needs. But it is the best workable answer.

Do not be deluded into believing that funding for MX research and development will suffice. We have to build the MX. We have to take the step away from theory and into reality.

Without an MX production program R&D would not mean research and development—it will mean retreat and delay.

We have to commit ourselves to production. We have to do it now. We have to take the step and we have to take it today.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. BOXER).

Mrs. BOXER. I thank the gentleman for yielding.

Mr. Chairman, I have listened to this debate for many hours and I have yet to hear one military argument in favor of MX, even by its strongest opponents. A bargaining chip—that is the word we keep hearing. Well, I say that once you build the MX, you do not have a bargaining chip. You have got yourself a threat—no more bargaining chip.

In this amendment we preserve the bargaining chip, the R&D. Let us vote for it. It is sensible; it is courageous; it is right.

Mr. BENNETT. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. COLEMAN).

Mr. COLEMAN of Texas. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleagues on the House Armed Services Committee and wish to thank them for their leadership in this important matter.

I am one Member who supported House Concurrent Resolution 113, which we considered in May, and which released $625 million for the MX. I did so because of my firm belief in the need to go forward with testing and full-scale engineering development of the missile's basing mode. I concurred with the argument that such a step would permit us to keep our options open while proceeding toward future procurement of the missile. I cannot agree, however, with the view that our country is in a position to begin production and procurement of the MX at this time.

As a member of the House Armed Services Committee, I have had the opportunity to witness the unveiling of the Scowcroft Commission report and to receive testimony before the committee on this issue. While I applaud the commendable bipartisan effort on this project as well as the Commission's long-range goal of arms reduction, there are many questions in my mind which remain unanswered.

There is a consensus, for example, among those who have analyzed various basing modes that placing the MX in existing Minuteman silos would make it vulnerable to attack. Early critics of placing the MX in this precarious situation included the present Secretary of Defense, Caspar Weinberger, and the former Secretary, Harold Brown.

A Congressional Budget Office study released in May 1983 estimates that approximately 10 percent of the U.S. MX force would survive a Soviet first strike in 1990, and this figure would decrease dramatically to 5 percent by 1996 as Soviet accuracy improved. Let us not discount this point, the Soviet military threat is very real because of their advancements in technology and improved guidance systems for their weapons. We have been told this countless times in committee. The CBO study adds that with limited survivability and buildup of other U.S. strategic forces, the MX would contribute only 3 percent to our retaliatory capability in a surprise-attack nuclear scenario in 1990 and less than 1 percent in 1996.

The Air Force, in response to a Member of the other body's question before its Armed Services Committee estimates that by 1989 the Soviets could have enough accurate warheads so that only between 1 and 7 percent of our land-based missile forces might survive a Soviet first strike. According to the Air Force, the Soviets presently possess the capability to destroy all of the 1,047 U.S. ICBM silos, using only a portion of their own ICBM force.

In my mind the vulnerability issue raises the question of U.S. strategy concerning the use of the MX. Is it a first-strike weapon or a launch-on-warning weapon? The MX lends itself to an atmosphere of accidental nuclear war.

Another question in my mind that has not been addressed sufficiently by proponents of procurement would be the costs involved. The same CBO report I cited estimates that it would cost approximately $50 billion a year in budget authority to build, modify, and operate all of the forces of the strategic triad, including direct and indirect costs.

In addition to the $2.6 billion recommended by the committee for procurement in fiscal year 1984, there are additional allocations of approximately $2 billion for further research and development, $250 million to initiate the development of the single-warhead, small mobile missile system, and $20 million for research on silo hardening technology.

These expenditures are distinguishable from procurement funds, and I recognize the justification in authorizing them. However, we should not forget that these moneys widen the

door for procurement while at the same time facilitate delays in the development of alternatives, such as the small mobile weapon system. Recent reports have fueled speculation that initial procurement is a prelude to excessive numbers of multiwarhead missiles. A Washington Post article of July 2 disclosed an Air Force program objectives memorandum dated May 11, 1983, well after the Scowcroft Commission report was received by this body, which indicated that the administration plans a follow-on deployment of the MX in excess of the 100 MX proposal recommended by the Commission. This plan should be clarified before we are asked to proceed with this program.

The Scowcroft Commission, in presenting its arguments for ICBM modernization, observed that to cancel the MX in light of the $5 billion already spent on the program reflects the lack of will essential to effective deterrence. I disagree. Let me suggest that to question the further development of the MX reflects, instead, a serious and dutiful reexamination of our spreading policies and economic priorities.

A number of us freshman Members were elected to this body by a nation demanding an end to soaring Federal deficits brought about by unfairness and inequity in tax, spending, and domestic policies. There is a general view that our defense spending has contributed greatly to this. It appears to me that programs such as the MX, with all its uncertainties, is a perfect opportunity for us to exercise strict fiscal scrutiny. It is an opportunity for us to live up to our pledge of sound fiscal management and a deliberate response to Presidential criticism of the House's spending legislation and its recent action in capping the third year of the tax cut.

In recent news accounts and private telephone conversations with Members of this body, the President has indicated his willingness to seek less than the 100 missiles recommended by the Scowcroft Commission. My problem with this concession is that the greater costs in weapons acquisition are normally associated with initial procurement. Nonrecurring costs will begin with the first stage deployment of this system whether we buy 1 or 100 missiles. These include funds for research, startup production, and support facilities. The Air Force estimates, in fiscal year 1982 dollars, that the acquisition costs between fiscal years 1983 and 1989 would be $16.6 billion. The 100-missile program requires the purchase of 223 missiles, according to the Air Force, which assumes 123 additional missiles for operational flight testing and component aging surveillance. A reduced buy, say 50 missiles, would only cut these costs to about $14.7 billion. These estimates are, of course, subject to uncertainty but significant additional costs are not unprecedented and have become the rule rather than the exception. In any event, the price is much more than we can presently afford at this time when we must restrict Government spending. The MX is a good place to start.

I need not remind my colleagues, in closing, that I would never act in a manner that would remotely compromise our national security. Quite the contrary, a vote for this amendment keeps open our options for our strategic forces. The potential for developing and procuring the MX is our strongest weapon and bargaining chip at the negotiating table. Andrei Sakharov, the Soviet physicist and Nobel Prize winner, in his now well-publicized open letter addressing the dangers of thermonuclear war, recognized that arms control talks would become easier if the United States had the MX, abeit only potentially, he added parenthetically that this situation would be best of all.

A vote for this amendment does not preclude procurement at a later date nor does it nullify research and development on the missile or the proposal for the small mobile weapon. The Scowcroft Commission recommendations are not inextricably linked together.

I am not willing to vote to authorize funds for procurement of the MX during fiscal year 1984. The uncertainties tip the scale away from the MX at this time. We cannot afford it economically. We cannot depend on it militarily. I urge my colleagues to join me in supporting the Bennett-Mavroules amendment.

□ 2100

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. PURSELL).

Mr. PURSELL. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to the amendment. I was reading the medicare-medicaid report just 1 hour ago, where we are spending on medicare-medicaid alone at the rate of $9 million an hour, so I think we have some high expenses to look at in respect to the whole budget.

Mr. Chairman, our decision to proceed with the production and deployment of the MX missile will be a decision consistent with the recommendations of the Scowcroft Commission and the administration. It is important to remember that the MX is but one aspect of the Scowcroft Commission's recommendations. And, it is important for Congress to continue to act with the expectations that the Commission's recommendations be maintained as a comprehensive, far-reaching strategic agenda.

My position on the MX is also influenced by the actions of the President in directing and instructing changes in U.S. START talk negotiations in Geneva. Since May, the President has begun new assessment of strategic arms control proposals. This review has produced a proposal which will further limit the level of ballistic missile launchers. This shift in posture brings the administration and the President closely in line with the recomendations of the Commission. Also, the President, in undertaking a thorough reassessment of U.S. START talk positions, is pursuing options, further demonstrating flexibility and commitment to reductions in nuclear arms. These developments are significant because they indicate that Congress and administration can proceed together, on an equal basis, in following a serious, realistic approach to the U.S. nuclear deterrent.

I am further pursuaded that the MX is necessary by its effect on America's participation in NATO. NATO is in the process of modernizing its nuclear forces. A vote today for the MX will continue a consistent U.S. position and will strengthen these NATO efforts. Improving the strength of the NATO alliance and of the U.S. nuclear deterrent improves our negotiating posture with the Soviets.

One final matter of importance today is the recently published letter written by the distinguished Soviet physicist, Andrei Sakharov. Sakharov encourages the United States and its NATO allies to "take into account all the complex realities of the opposition that involves two world systems." He goes on to point out the danger of falling into a position of nuclear disadvantage. Sakharov also implores the United States and NATO to bring into parity conventional forces, a recommendation I hope is taken gravely and seriously. Further, Sakharov notes that the United States, "take the next logical step—while nuclear weapons exist, it is also necessary to have strategic parity."

Mr. Chairman, the United States needs to proceed with production of the MX. I believe the link between strategic arms modernization and arms negotiations, initiated with the acceptance of the Scowcroft Commission recommendations, must continue. Approval of the MX is a component of comprehensive efforts to bring stability, continuity, and consensus to America's strategic defense decisions.

Mr. PRICE. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. RAY).

Mr. RAY. Mr. Chairman, I rise in opposition to the amendment. During 1982, and for 264 days of my campaign, I campaigned against the MX for a number of reasons, including the basing mode and the cost.

But upon arriving in Congress and being appointed to the Committee on

Armed Services, the Procurement Subcommittee, the Investigations Subcommittee, and a special panel on arms control; after attending every single committee meeting, subcommittee meeting, and every classified briefing; after traveling to Geneva and Vienna with two members of the Commission, and talking to negotiators for the East and for the West, I am now convinced that it is imperative that the MX card is one that our negotiations must hold in their hands.

Nuclear weapons are a matter of deep concern to people throughout the world. All sane and rational people live in fear of the unspeakable horror that a nuclear war would bring.

Mr. Chairman, I believe, as surely as I stand here today that the nuclear deterrent of the United States is the main reason that the world has thus far been spared a devastating experience.

During recent years, the Soviet Union has embarked on a relentless arms buildup. This is a matter of public record. They have built 600 first strike ICBM's, deployed 350 SS-20's, built between 250 and 300 Backfire bombers and deployed 950 ICBM's at sea on their submarines.

As I stated, I do not believe that any sane or rational individual would knowingly start a nuclear war. I do not believe that the leadership of the Soviet Union would do so. I do, however, believe that they are working hard to gain a nuclear advantage over the free world.

If they achieve it, they will ruthlessly exploit that advantage to the harm and detriment of free men and women everywhere. I believe that any fair-minded and impartial examination of their past record would support that conclusion.

If this is the case, what course should the United States follow? To me, Mr. Chairman, the answer is clear. We must demonstrate to the Soviet Union that we take seriously our role as the primary guardian of freedom on this planet.

Only when the Soviet Union fully accepts this reality will they be willing to get about the serious business of negotiating the verifiable arms agreement which will guarantee the God-given right of our children and grandchildren to live out the full measure of their years.

Therefore, to me, the vote on the MX is a clear one. The Russians presently have an advantage in the area of land-based missiles which rapidly approaches the advantage they have been seeking.

It will be said by some that the advantage which we have in our Trident submarine fleet is more than enough to offset this. But submarines are difficult to communicate with in times of stress when the future of civilization may hang upon fragments of seconds. Some experts believe that we will lose this edge by the mid-1990's.

I endorse the recommendations of the Scowcroft Commission, Mr. Chairman. I hope that we can see the world move toward a configuration of smaller more maneuverable land-based missiles which will significantly lower the risk of a first strike.

But in the meantime, we must have the MX. It is critical to our continued defense. It is vital to the continued progress of disarmament talks. Finally, and perhaps most important, it sends the Soviets exactly the right kind of message—the only kind that they understand. It tells them that there is no future in continued arms escalation. It reaffirms our willingness to do what we must to deprive them of the nuclear club that they seek to intimidate and blackmail the world into a submission that they could never win at the ballot box.

Mr. Chairman, we are headed in the right direction and we are embarked upon the proper path. Let us not waver. I urge my colleagues to follow the course of hope and the dictates of commonsense. Vote against this amendment.

Mr. BENNETT. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY of New York. I thank the gentleman for yielding this time to me.

Mr. Chairman, the MX is a bad system, and it is in trouble. It is in trouble not because the right wing of this country has not attacked it; they endorse it. It is in trouble for a couple of reasons.

First of all, there probably has not been another weapons system where there has been as much discussion and grassroots understanding as there is about the MX systsem. People understand this sytem. They recognize, as do a lot of the supporters in the Congress, that it is a system without military utility.

So then it comes down to the question of, "Well, it is a bargaining chip," or "It is to show our strength to our NATO allies." We have heard today all of the movement, all of the pyrotechnics surrounding the START talks. Ladies and gentlemen, if the President thought a national contest for renaming the MX missile would win votes, the Republican Party would be sending out forms for renaming the missile. There is no movement in Geneva. I would love there to be some, and there is not because we do not have enough weapons, we are going to build, 3,200 cruise missiles, 7 more Trident submarines, 2 new bombers. We do not need any more arrows in our quiver to negotiate with the Soviets.

The reason there is not movement is because the position of the United States is not a serious, negotiable position. If it were, there would be movement. There is not any. Now, for a lot of people who bought onto the idea that it was a bargaining chip and it would move the administration, they are leaving that deal. They saw themselves being sold short and they want to get back to a position of sanity.

□ 2110

Mr. Chairman, the position of sanity is to recognize that this is a waste of money, that it is a provocative system, and that Ronald Reagan will get serious about arms control when the American people tell him and when the Congress begins by denying him something he wants.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Chairman, I think that it is important to bear in mind that while we keep on talking about weapons systems and MX's and Midgetmen and what have you, what we are really talking about is the fate of humanity. The problem with the MX is that we know it brings us closer to a nuclear confrontation.

It is not a bargaining chip. Caspar Weinberger, before the Committee on Foreign Affairs, made it very clear that it is not a bargaining chip. Even if the Midgetman were to come online, they still would insist on having the 100 MX's, each with 10 warheads.

Mr. Chairman, it seems to me that now is the time for this Congress to demonstrate that we have come close enough to the precipice of nuclear war. Now is the time to draw back.

Mr. BENNETT. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, we must realize that the vote we will be casting on the MX missile will not be just for the missile. The missile itself has few military merits—especially the way the administration wants to deploy it.

No, today we are voting not just on the MX—but on the MX and a new arms control package from the administration.

This arms control package, we are told, is supposed to be more flexible and more reasonable than the last one. So in return for the MX missile the President is promising to get serious about arms control.

Well, what is this arms control package? What is this new negotiating initiative? What is this new flexibility?

I say it is a package of ambiguities, contradictions, smoke and mirrors, propaganda ploys and unrealistic negotiating positions.

What are we getting with this arms control package?

I say we are getting the same old White House allergy to arms control.

What kind of arms control package are we getting in this famous MX bargain?

Well, let us start with the bargaining chip.

Is the MX a bargaining chip the President will use to force an arms control treaty out of the Soviets?

Well, I do not know.

Some of the MX supporters in this Chamber have said that the MX was a bargaining chip. But the President said several times last year that the MX is not a bargaining chip.

But then a couple of months ago the administration was dropping hints that the MX was a bargaining chip and that the White House would "constrain" the number of MX's deployed "to the minimum" needed for deterrence and the level of deployment "will be influenced" by what the Soviets do.

Then Kenneth Adelman, Director of the Arms Control and Disarmament Agency, wrote the Senate Foreign Relations Committee that the MX would be bargained away if the Soviets forgo their heavy and medium-sized intercontinental missiles.

Well, we all know that is an impossible demand that the Soviets would never agree to. So according to Mr. Adelman's letter, the MX is not really a bargaining chip in the true sense of the words.

Is the MX a bargaining chip or is it not a bargaining chip?

Who knows?

It is certainly an elusive chip.

Are we only going to have to build 100 MX missiles?

On April 19, Mr. Reagan announced that he would build only 100 MX missiles and then start building Midgetman missiles. But the Washington Post uncovered an Air Force memo, dated May 11, that states that the 100 MX missiles were only the first phase of the total MX deployment and there would be more deployed.

Are we only going to build 100 MX's? Or is there a secret plan to actually build more than 100?

Who knows?

Has the President actually put together a more flexible arms control proposal?

The White House and some of my colleagues in this Chamber claim he has.

But the administration package still requires restraints which the Soviets have found unacceptable. They have told us they are not acceptable. We know these positions in START are nonstarters. We know the negotiations will go nowhere if we stick to these demands.

Yet, this is apparently all part of the administration's new flexible package.

Mr. Reagan insists that he is committed to arms control and reaching an agreement at Geneva.

But we have reports coming out of Geneva that our START team over there is torn with dissension. Morale in the delegation is said to be at rock bottom.

We also have reports coming out of Geneva that the talks with the Soviets have degenerated into shouting matches on several occasions.

The administration claims the situation is rosy over in Geneva, but the reports we are getting are that things are in shambles over there.

Let us face the facts:

This administration is simply not committed to arms control. What concern it has for arms control certainly does not match its enthusiasm for an arms buildup.

So do not believe for a minute that this administration has turned the corner and a treaty is in sight.

A vote against the Bennett-Mavroules amendment is a vote for a weapons system with little military utility.

A vote against the Bennett-Mavroules amendment is a vote for a failed arms control policy.

Mr. PRICE. Mr. Chairman, I yield 4 minutes to the gentleman from Tennesses (Mr. GORE).

Mr. GORE. Mr. Chairman, I rise in opposition to this amendment.

I would like to compliment the Members on both sides of the aisle for the statements that have been made in this debate. I think it has been a good debate, even an historic one. Of course, it is not the first time we have had this debate. We have had it before and we knew we would have it again. This is what we wanted: A series of debates on the relationship between the MX missile and arms control.

If the agreement struck between the Congress and the President is successful and this amendment is defeated, there will be many more opportunities to have this same debate. The next one will be on the appropriations bills in the fall, and on this occasion I would like to serve notice on the administration once again that we must see more movement in arms control between now and the consideration of the appropriations bill next fall. Ironically, last May we were told that if the flight-testing of the MX were approved, that would be it; no more meaningful opportunities to debate this weapon, much less to stop it, would occur. But here we are again, and here we will be again several times in the future.

All but one of the issues remain the same: We are still debating the need for consensus; the history of the failure in arms control, in large part due to the bickering and in-fighting throughout this country between the political parties and between the right and the left; we are still debating the need to integrate weapons procurement and arms control; the issue of vulnerability; and the role of single-warhead missiles.

Most importantly perhaps, the question we are again debating is why the MX is needed in order to accomplish the transition to a more stable regime where both sides move toward single-warhead missiles? Mr. Sakharov has been quoted so many times during this debate that I will not quote him again on this occasion, but let me say just briefly that the military significance of the Soviet counterforce capability is highly debatable. Nevertheless, it does have a political, geopolitical, and psychological significance.

The Soviets have in fact deployed 638 MX-class missiles while we have debated the modernization of our own land-based forces. Those missiles threaten stability. They create first strike fears. And one of our objectives in arms control during the past four administrations has been to find some way to eliminate this threat over time.

In building the MX, we want the Soviets to view these weapons as depreciating assets. Unlike the Soviets, we have no intention of building a sufficient number of such weapons to pose a first-strike threat, but we do want to define the problem for the Soviets in the same way we define it.

Mr. Chairman, I say to my colleagues that one question is new since last May. Has the President been trying to live up to his end of the bargain? Well, not much time has passed, but a great deal has already happened. Major modifications to our START position have been made, not just a change in one number. Some of my colleagues know that that is the case. Everything is on the table—cruise missiles, SLBM's, including the D-5. And we have an explicit new goal: stability and the elimination of first strike fears.

And we are seeing movement. The Soviets themselves have made two sets of modifications in their position just in the past month, moving it closer to our own. The President just accepted Premier Andropov's offer to negotiate on space-based systems. We have seen new movement in the NBFR talks in Vienna. In Madrid we just signed an agreement with the Soviet Union following on the Helsinki accord. We have just seen the appointment of a new task force in the White House to coordinate the development of our new arms control position.

Bipartisan support of the President in his dealings with the Soviet Union are paying off. Let us not pull the rug out now. There is no question that deep divisions within the administration remain. And awkard and inartful statements continue to be made which threaten the consensus we are trying to develop. These problems must be solved between now and the appropriations bill.

But, Mr. Chairman, I say, let us move on to the next checkpoint in the fall. We want to see more movement between now and then, and let us defeat this amendment and stick with the bargain we have struck.

PREFERENTIAL MOTION OFFERED BY MR. LEVITAS

Mr. LEVITAS. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. LEVITAS moves that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be striken.

The CHAIRMAN. The gentleman from Georgia (Mr. LEVITAS) is recognized for 5 minutes in support of his preferential motion.

□ 2120

Mr. LEVITAS. Mr. Chairman, I speak in opposition to the amendment. It is not because I am convinced beyond a shadow of a doubt as to the merits of the MX missile, but I am convinced beyond a shadow of a doubt that tonight is not the time to make a decision to eliminate the MX missile system.

Mr. Chairman, we can make a decision tonight to do away with the MX missile and that is the same decision that our negotiators in Geneva could make. We could make a decision tonight that the Soviet negotiators could bargain for, but if we make that decision tonight there is nothing for the Soviets to bargain for.

Arms control lies at the heart of the Scowcroft Commission report and if we have any hope of bringing about a real reduction in nuclear forces on both sides, then that decision has got to be made in Geneva and we cannot tonight negotiate on behalf of the Soviet Union to eliminate one of the items that will be on the table for discussion. We cannot make that decision on behalf of the American negotiators in favor of the Soviet negotiators tonight, because if we do, then what else is there to negotiate on their part? Where is the quid pro quo?

Those of us who are seeking reductions in nuclear forces know that the only time and the only place and the only occasion that nuclear arms reductions can occur is in the bilateral negotiations in Geneva. For us to interpose ourselves between the negotiators now is the same as putting a catcher out in front of the batter and never letting him have an opportunity to swing at the ball. That is what we are talking about tonight.

I do not agree with all the positions that have been taken with respect to the MX or even, indeed, the arms negotiations posture; but I do see movement. I do see flexibility and I do see opportunity. If we trade that away tonight, then we have not even provided the opportunity to bring about arms negotiations in a meaningful way.

I suggest to my friends on both sides of the aisle who have the same concerns about the MX missile, but who see the Scowcroft Commission report as a package and who see the opportunity to bring about arms negotiations, not unilateral decisions on behalf of the Soviet Union here, but in negotiations at Geneva, then I say the time to test this decision is when we get the appropriations bill in the fall. That time will come. That decision can be made. The bona fides and the effectiveness of the administration's position can be tested; but for us tonight to take that opportunity away gives away the opportunity for arms reductions negotiations to achieve results.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to my colleague, the gentleman from Washington.

Mr. DICKS. Mr. Chairman, is it not true that since the last vote that we have had that the Soviets have come forward with a new position, which would allow them fewer missiles than they could have had under the SALT II agreement. They are responding and negotiating.

I think it is fair to say that there is some prospect now that the negotiations will get down to a meaningful dialog and that the administration has expressed that everything is on the table; the cruise missiles, the D-5, all these things, the phase I and phase II together.

It seems to me that the kind of motion, the kind of momentum, the kind of movement that we all hope for is now underway.

I agree with the gentleman. I think if we undercut that at this point, we are doing a great disservice to the country.

I share as much conviction as any of these Members about getting an arms control agreement; but the only way to do it is to stick with this agreement.

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the motion.

Let me say first, it has been alluded to that the administration is not going forward in good faith, not dealing in good faith, that they were secretly planning to build more than a hundred missiles.

I have a letter here from Secretary Verne Orr, Secretary of the Air Force, reaffirming the position of the Air Force to build 100 and that is all. I would say that I personally would not support more than that so long as we got the package put together.

Mr. Chairman, the letter follows:

DEPARTMENT OF THE AIR FORCE,
Washington, D.C., July 5, 1983.

Hon. MELVIN PRICE,
Chairman, Committee on Armed Services, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is to reaffirm the Air Force position on Peacekeeper deployment. We fully support the report of the President's Commission on Strategic Forces. Emplacement of 100 Peacekeeper missiles in Minuteman silos will begin in late 1986 and be completed in late 1989.

Long term planning documents previously referenced a larger Peacekeeper deployment for the out years. Air Force plans have since been revised to incorporate the recommendations endorsed by the President. Specifically, Air Force plans for Peacekeeper deployment will total 100 missiles and be accompanied by vigorous research, development and deployment of a new small ICBM.

Sincerely,

VERNE ORR,
Secretary of the Air Force.

Mr. DICKINSON. Mr. Chairman, I also have a letter addressed to me, dated today, from George Shultz, Secretary of State, setting out the importance so far as the Secretary of State is concerned in his negotiations of being given the flexibility afforded him by disapproving down the amendment that is offered here today. I will read it in part:

THE SECRETARY OF STATE,
Washington, July 20, 1983.

Hon. WILLIAM L. DICKINSON,
House of Representatives,
Washington, D.C.

DEAR MR. DICKINSON: Today, the House of Representatives is scheduled to make an important decision on America's program to strengthen its strategic defense and deterrence forces. Bipartisan support in the Congress has enabled us to bolster our military posture. That increased strength also enables us to negotiate in an effective and credible way with the Soviet Union in the many existing arms control forums.

This Administration is fully committed to negotiating balanced and verifiable arms control agreements. Indeed, the dangers of the nuclear age and the imperatives of peace require a major effort to regulate and scale down the arms competition. President Reagan already has taken several major moves to advance this process—in START, in the talks on intermediate nuclear forces in Europe and in the negotiations on Mutual Balanced Force Reductions. With your support, we intend to pursue these efforts vigorously.

I want to emphasize my own deep commitment to arms reductions. I have no higher goal, as Secretary of State, than to achieve progress in this area. As the pace of negotiations intensify in the period ahead, I want you to know that I will sustain and deepen my own personal involvement. Meanwhile, you also should know that we have established a new, senior-level organizational structure for dealing with arms control matters in an expeditious manner.

I plan to remain in close touch with you and your colleagues as we pursue our important arms control aims and look forward to your continued advice and counsel.

Sincerely,

GEORGE P. SHULTZ.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from New York, who has not had an opportunity to be heard.

Mr. KEMP. Mr. Chairman, I appreciate my friend yielding.

I just want to rise and thank the gentleman for reading that letter from

Secretary Shultz and also compliment the gentleman from Georgia, as well as the gentleman from Washington, for pointing out to us that this is not the time to be doing anything unilaterally that might undercut the chances for true arms control.

Now, we can debate the sincerity of the United States, but no one can debate the fact that the only reason that there is progress at all in Geneva or even progress in Madrid is because there has been support expressed in the Congress and in recent elections in Europe and in England for a united alliance position vis-a-vis the Soviet Union. Whether that progress is to go forward at Geneva on either START or on theater nuclear weapons or is to go forward at Madrid on behalf of human rights is inextricably linked together with what we do here tonight. Progress can be made, but all our efforts will be for naught if we unilaterally do here on the floor of the House something that the Soviets were not successful in doing internationally through their efforts that were blunderbussed in Europe as well as England and through their propaganda efforts in the United States.

So I would hope that the Congress would support the position of the gentleman in the well, as well as that of the gentleman from Georgia, and not take any steps here unilaterally that would undercut the progress that we hope to make in those very vital negotiations with the Soviet Union.

Mr. DICKINSON. I thank the Chairman.

Mr. LEVITAS. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Georgia.

Mr. LEVITAS. Mr. Chairman, tonight is the night to demonstrate bipartisanship and the will and commitment of the American people. That is the way we will get arms reductions. That is the way we will get progress.

The decision on the MX can be made in the fall if progress is not seen.

If the Soviet Union happens to think the MX missile is a threatening system, if they happen to think that it is something that they are concerned about, then that is all the more reason to keep it on the bargaining table, because that makes it all the more important as a means of reaching arms control and that is what this is about, arms control.

I would say to the gentleman from Alabama and to my colleagues that tonight is the night where we can demonstrate a bipartisan American commitment to bring about a reduction in nuclear weapons by defeating the amendment.

Mr. DICKINSON. Mr. Chairman, I thank the gentleman.

Mr. LEVITAS. Mr. Chairman, I ask unanimous consent to withdraw the motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BENNETT. Mr. Chairman, I yield 4 minutes to the gentleman from Iowa (Mr. LEACH).

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, I rise in support of the amendment.

Most people—even supporters of the MX—admit that the MX is not of much military value by itself. The arguments have revolved around other ulterior justifications: How to show national resolve, how to persuade the Soviets to negotiate seriously, how to persuade our own President to negotiate seriously, how to persuade the President to proceed with the Midgetman single-warhead missile. The MX is a poor weapon system under any of these justifications.

We have modernized and are continuing to modernize our bomber force. We have modernized and continue to modernize our missile warheads. We have modernized and continue to modernize our submarine force. We have modernized and continue to modernize our conventional forces. We have deployed around the world several million soldiers and 25,000 nuclear weapons. If those actions do not clearly show our resolve to defend our Nation and our way of life, then I contend that spending another $25 billion on the MX will not help to demonstrate that resolve.

The MX would not help to persuade the Soviets to negotiate seriously. I expect that deployment of the MX missiles would only harden the Soviets in their positions.

On the subject of encouraging development of the Midgetman missile, I think proceeding with the MX is obviously the wrong way to go. The United States probably should proceed with smaller, single-warhead missiles. But the MX with a dozen warheads on each missile is clearly contrary to the idea of the Midgetman. I ask you, does it make sense to try to go one way by moving the other way?

Finally, I hope fervently that the President and his ambassadors will give their utmost to achieving far-reaching arms control and disarmament agreements with the Soviet Union. However, I believe it is irresponsible for legislators to spend many billions of dollars for poorly justified weapons systems to try to make our President to negotiate seriously.

Mr. LEACH of Iowa. Mr. Chairman, we have heard this evening an extraordinary admission. The gentleman from Wisconsin (Mr. ASPIN) who with a tiny band of crucial moderates has led the crusade this year for the MX has acknowledged that he does not like the missile system. He says he supports it only because it is part of a package embodied in the Scowcroft Commission report and because the President has given certain assurances by letter about this report.

□ 2130

It is important, therefore, to understand what the Scowcroft report stipulates. The report calls for the United States and the Soviet Union to switch concerns in arms control from efforts to limit launchers to warheads.

But, clearly, and extraordinarily, building the multiwarheaded MX is incompatible with the goal of stability to be achieved by disparately placed single warheaded missiles as envisioned by General Scowcroft.

The gentleman from Wisconsin is advocating in statute the exact opposite approach to arms control he contends he supports. His efforts in effect reject Euclidean logic and non-Euclidean geometry. He is asking this body to accept the world-if-flat approach to international politics.

Mr. Chairman, Mary Poppins sang "Just a spoonful of sugar helps the medicine go down." Perhaps with that song in mind the gentleman from Wisconsin implies that he has gotten the President to swallow some bitter arms control medicine by including a spoonful of MX missiles. But the reality is that he is, by his own admission, drinking from a poisoned cup.

Unfortunately, the only antidote for the MX is not to build it. We do not need it because it does not improve our strategic deterrence. We do not want it because it is destabilizing. And we cannot afford it because we desperately need the billions involved in missile building to reduce the deficit and/or to apply to social programs that today are dying on the vine.

Back when my home State of Iowa was still a part of the frontier the scarcity of doctors created an opportunity for traveling medicine men to gather crowds on Main Street and hawk their wares—bottles of elixir aptly named snake oil containing an assortment of noxious ingredients that in the very foulness of their taste convinced the unsuspecting purchaser that the contents must be efficacious. The salesman would usually move on before a customer's hair fell out, or worse.

I had thought we lived in a more savvy age; nowadays everything is required to have its contents listed on its label and smart consumers avoid purchasing items that are harmful.

But it turns out that things have not changed so much after all. Given a bottle labeled "arms control" but containing the MX it seems that the gullible that used to hang out near the saloon are now in Congress.

Mr. Chairman, I urge this body to reject the elixir of unrestrained armaments. Let us drink no further the MX poison. Abstinence is the only antidote.

It is time for this body to be serious rather than hortatory about arms control.

The only true prescription for the arms race is to end it. Let us begin here.

Mr. Chairman, I yield back the balance of my time.

Mr. BENNETT. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. GLICKMAN).

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from California.

Mr. PANETTA. Mr. Chairman, I rise to express yet again my opposition to development of the MX missile. I hope that, at the conclusion of the current debate, the House will have the wisdom and courage to stop the MX program.

The facts we confront today are essentially the same as they were 2 months ago when this body approved the release of test funds for the MX missile: Vulnerable missiles do not contribute to American security, but will only undermine nuclear stability.

Events of the intervening months have, however, yielded important insights with regard to certain key aspects of the MX program. For example, in presenting the case for MX, supporters argued that the multiwarhead missile is necessary from the standpoint of negotiating an arms control agreement with the Soviets. I realize that last May many Members were willing to vote for release of funds for continued MX development, in exchange for the Reagan administration's pledge to show new flexibility and commitment at the ongoing arms reduction talks in Geneva. The President, for his part, has continued to assure skeptics that "everything is on the table" for negotiations.

Despite such assurances, there is little as yet to demonstrate that the Administration is serious about reaching an arms agreement. Mr. Chairman, I would like to read to my colleagues what Kenneth L. Adelman, Director of the Arms Control and Disarmanent Agency, wrote June 16 when asked by the Senate Foreign Relations Committee under what circumstances the United States would be prepared to forgo deployment of MX missiles:

> The President has made clear that the scale of MX development will be influenced by Soviet strategic programs and arms reduction agreements . . . and unless the Soviets are prepared to reverse this build-up and forego their heavy and medium ICBMs, the U.S. will go forward with MX.

I am sure my colleagues would agree that proposing reductions that are acceptable to Moscow should not take precedence over meeting American security interests. But designing a proposal which would require the Russians to dismantle the backbone of their strategic defenses in return for a halt on the MX program is not a basis on which we can reasonably expect to reach an arms agreement.

During the debate last May, several Members also expressed the opinoin that while MX itself contributes little to U.S. security, it is a needed stepping stone to a new generation of stabiizing, single-warhead weapons. Again, events of the last 2 months give little indication that such is the case.

At the time the Scowcroft Commission recommended that deployment of 100 MX missiles be linked to long-term development of a single-warhead, Midgetman, defense system, it was common knowledge that the Air Force was less than enthusiastic about the proposal. As many of my colleagues are aware, serious concerns have been raised regarding the Air Force's commitment to Midgetman. Critics charge that time tables have been skewed and projected costs padded by Air Force planners in an effort to make Midgetman look unattractive. In fact, a recent report by the Congressional Research Service found Air Force assessments of the time and cost involved in building Midgetman to be at sharp odds with industry estimates.

At the same time, it appears that the Air Force views MX as an end in itself. An Air Force memorandum on budgeting and planning drafted in May reportedly indicates that deployment of 100 MX missiles is just the first phase of a nuclear buildup which will ultimately involve up to 200 MX missiles.

Mr. Chairman, deployment of vulnerable MX missiles will not enhance U.S. deterrent capabilities, nor will it contribute to arms control or nuclear stability. In fact, MX fails on all counts.

Missiles now deployed aboard our nuclear-powered submarines and on strategic bombers, secure from attack, are numerous and powerful enough to guarantee the retaliatory capability that is the essence of deterrence. At the same time, the administration's oft-stated desire for arms reductions cannot be substantiated by facts. And if in fact Midgetman is the answer to nuclear stability, then let us vote for Midgetman and bring this divisive debate to an end.

Mr. Chairman, to proceed with the MX program, at an estimated cost of over $22 billion, is a reckless course for this Congress to take in light of continuing budget deficits that threaten to choke off economic recovery. More importantly, MX is not just another line item in the legislation before us. It is, instead, a profoundly dangerous departure from the theory of security based on deterrence into a frightening world of first-strike capabilities and launch-on-warning defenses.

At this late hour, I strongly urge my colleagues to support the Bennett-Mavroules amendment and put the expense and danger of MX behind us.

Mr. GLICKMAN. Mr. Chairman, we are about to vote on the MX once again. It is a question that seems to never go away, and the votes this week will not be the last. Especially in light of the administration acceptance of the Scowcroft Commission recommendations, our discussions on the MX are inextricably locked in to the status of our arms control talks. If the MX is to be an effective bargaining chip, its fate will no doubt continue to come before us.

I would stress at the outset that I in no way advocate termination of MX R&D, which I supported publicly in our House vote in May. We need to insure that the Soviets know we are serious about reaching a reasonable arms control agreement, and, if they fail to show a willingness to negotiate in good faith, we will be able to move ahead with MX procurement. That does not mean, however, that we need to start procurement in fiscal 1984.

Some argue that we should go ahead with procurement and deployment of the MX and then bargain it away. But I fear that once we move into procurement, we will not likely be willing to give it up. There is a mentality of "once procured and once deployed, always in the arsenal" that is hard to shake. It has happened on other weapons systems and I can see it happening with the MX. As a result then, procurement will move us one rung higher on the ladder of nuclear escalation, not toward the reductions we want.

We might need to go on to procurement if the Soviets do not show some flexibility and realistic willingness to negotiate, but we should not take that next step up the nuclear ladder until we have given the administration's new arms control posture a chance to take hold.

When I joined a majority of this House in approving use of fiscal year 1983 funds for MX research and development and flight testing, I did so largely because of the President's commitment to modify our Geneva negotiating position and to bring a new flexibility to the negotiating table. Since then, the President's public statements have been full of a willingness to be flexiblle. But I have two concerns about just how far that goes.

First, after many positive remarks in his radio address last Saturday, he said definitely—without flexibility—that "we must not settle for less than genuine, mutual, and verifiable arms reductions." From that I fear that any kind of genuine, mutual, and verifiable" agreement to curb arms expan-

sion is not up for consideration unless it results in numerical reductions. We should not foreclose any equitable agreement that will even slow the arms race.

Second, and I believe this is a more serious problem, I am afraid that the President's flexibility has failed to trickle down to the administration officials responsible for implementing U.S. arms control policy. For example, since our last vote, ACDA Director Adelman told the Senate Foreign Relations Committee that we would not consider canceling MX deployment unless ths Soviets pull out all of their SS-18's and SS-19's. Former U.S. arms control negotiators have called that an essentially nonnegotiable position. Recent comments attributed to White House sources also indicate that our negotiating team in Geneva is split by dissent as to what our posture should be. None of this is encouraging as far as seeing a real flexibility developing or for pursuing a unified posture to achieve results.

Another factor that we cannot ignore is the budget. Since our last vote on the MX, a bipartisan consensus was reached on the fiscal 1984 budget. That consensus will slow the growth in defense spending. As a result, we will have to make choices about where to commit limited resources in the defense area. So to speak, "we can't have it all."

We need to pursue development of the new Midgetman missile recommended by the Scowcroft Commission. It will both bolster our defenses and serve a somewhat stabilizing role. But we will need to focus resources on its development so we can get it in place at the earliest possible date. To free up the necessary funds, we can and should continue MX R&D while putting actual procurement on hold. The simple fact that we have poured billions into MX R&D and continue that work should send a strong signal to the Soviets that it is very much a potential part of our arsenal. At the same time, that still leaves open the possibility of negotiating the MX away without ever procuring it. Given the tendency not to give up weapons already in our arsenal, I think that is a very important factor.

We have an opportunity to show resolve without diving headlong into procurement of the MX. To take this approach means we are not necessarily saying "never" to the MX. Instead we are saying "not now," and we are both giving the administration time to put its new flexibility to work and giving the Soviets a chance to respond beyond their present negotiating position.

Mr. PRICE. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. STRATTON).

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, I rise in opposition to the Bennett amendment.

Mr. STRATTON. Mr. Chairman, this is one of the most important votes that this House will ever cast. It is up to Members of the House tonight to determine whether we here in this House, in the Democratic majority, are really serious about getting an arms control agreement moving.

What has happened over the course of the last few weeks since the vote we took in May, may not have fully satisfied my good friends TOM DOWNEY or DAN GLICKMAN, but I think most other reasonable Members of the House realize that actual progress has been made.

Remember the old proverb that the best is the enemy of the good.

We are on the threshold tonight of progress toward what the overwhelming majority of the Congress wants: Arms control and a better chance for peace. Let us act tonight not as Democrats or Republicans, but let us act together as Americans capable of bipartisan support when the chips are down, in support of our national security.

Make no mistake about it, if the Bennett-Mavroules amendment succeeds here tonight it will be a long time before we get a better opportunity to achieve any real agreement with the Soviets. And make no mistake about which party is going to be blamed for that result.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. First of all, Mr. Chairman, importantly, I think several of the proponents of the amendment have suggested that somehow the United States has kept pace with the Soviets in their ICBM development, and that is not true.

The Soviets, during the decade of the 1970's, have produced and emplaced over 750 SS-17's, SS-18's, and SS-19 ICBM's and the United States has built and emplaced zero ICBM missiles.

It is true that we have revamped, done some work on the guidance systems and some other parts of the Minuteman missile, but we have not emplaced any new missiles.

Second, several Members who are proponents of the amendment have suggested that the MX does not have any military value. That is not true.

It is a fact that any land-based system complements our bomber system. It is a fact that both systems cannot be taken out simultaneously. A strike against our bombers by Soviet submarines will allow the MX to launch. That fact is not controverted by the other side.

It is a fact that the added capability of the MX backs up the bomber leg and deters the attack against our bomber bases.

I think if we had called the MX the Minuteman IV, it would have been accepted as a very logical follow-on to the Minuteman missile. It is more accurate, it is more powerful, it has greater reliability, it has 10 MIRV's instead of the 3 we have now.

I would like to move to one last area. Mr. Sakharov has been quoted extensively today, but I think, in fact, that one statement he makes in his letter really wraps up the problem we face. I would like to repeat the quote that was made by the gentleman from Ohio (Mr. KASICH) because I think when we talk about who understands the Soviet Union we all have to agree that Mr. Sakharov understands the Soviets and, more importantly, he understands the Soviets who make the decisions. He states:

> So long as the Soviets enjoy a lead in land-based missiles, there is very little chance of them easily relinquishing that lead. If it is necessary to spend a few billion dollars on MX missiles to alter this situation, then perhaps this is what the West must do.

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Mr. BENNETT. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. HERTEL).

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I rise in support of the amendment.

Let us stop here a movement and cut through the fog of technical argumentation offered in this debate and get down to some commonsense talk about the MX and nuclear weapons control.

The MX is a first-strike weapon, in the configuration proposed by the Reagan administration.

It has always been the U.S. policy that we will never strike first. That policy has been repeatedly and convincingly reaffirmed by this administration.

Further, it has been demonstrated in this debate and previously, in the nuclear freeze debate, that the MX, in its proposed deployment, cannot be defended against Soviet attack.

Given those clear and unmistakable facts, it defies logic, cost-effectiveness, and responsible military strategy to proceed with deployment of the MX. Let us candidly recognize the MX for what it is—a nuclear white elephant—and stop it now, before it is too late. I urge your support for the Bennett amendment.

Mr. HERTEL of Michigan. We have only heard two main arguments, after all the points have been made by the opponents of this amendment. We have heard, No. 1, that we need this to

strengthen our military arsenal, yet not one countered the fact that the MX missile would be 97 percent vulnerable to a Soviet first strike. That quote comes from General Scowcroft. No one countered that at all.

We have heard that we need the 100 MX missiles, at a cost of between $16 and $20 billion, as a bargaining chip. Yet, it has been pointed out by Mr. Perle, the Under Secretary, Mr. Weinberger, and others have said that they are not going to use the MX missile as a bargaining chip. That has been stated clearly over and over. We have heard most of the Members that are in the middle and are going to be the deciders of this question, this amendment, which is the most important question regarding this tremendous defense budget authorization. We have heard so many Members say they were going to vote against the amendment because they hope they will have an arms agreement out of it.

Let me quote to you what General Scowcroft said on May 11, in reply to a question from Representative MCCLOSKEY of Indiana, that Reagan "is staffing the White House with people who have visceral reactions against arms control; and to just say somehow that he subjectively has his heart in it is a real problem for a lot of people."

General Scowcroft, the head of the Commission, who I respect as a very frank and honest man, said: "I think you point out a real problem. I regard that as the exact problem." General Scowcroft, talking about whether the negotiators are serious and have their hearts in negotiations.

We have the responsibility to decide that we are going to have a proper and strong defense. We cannot say with wishful thinking the negotiators can do that for us. For those reasons I ask you to vote "yes" on the amendment.

● Mr. EDGAR. Mr. Chairman, the plans to place such a powerful, threatening missile as the MX in vulnerable silos raises the question of how the missile would be used. Each MX would carry as many as 12 warheads which could be aimed with high accuracy at targets on the other side of the world and which would have the capability of destroying hardened installations, whether enemy missile silos, communication centers, or other military targets. This is a war-fighting weapon. But it would be a very attractive target based in vulnerable silos.

How do our defense planners expect to preserve these missiles if they are subjected to attack? How could they be used to strike at enemy missile silos, enemy communication centers, or other military targets? The logic of the defense planners could lead to only two possibilities: either we use the MX to strike at the enemy first, which we say we never will do, or we put the MX on a launch-on-warning status. Indeed, there are a number of indications that the Pentagon is planning to launch the MX missiles as soon as they have evidence that the missiles are under attack. General Vessey testified recently that the MX would be vulnerable only "if we ride out the attack." He went on to say that the Soviets have no assurance that we will ride out an attack.

Mr. Chairman, we have all read and heard accounts of mistakes and false alarms in our early warning systems. Surely we do not want to approve a weapon system that can be launched by a faulty computer chip to rain doom on the Earth. Let us stop and think what we are doing. For our consideration I submit an article prepared by the Center for Defense Information entitled "The Dangers of Adopting a Launch on Warning Policy To Protect the MX":

THE DANGERS OF ADOPTING A LAUNCH-ON-WARNING POLICY TO PROTECT THE MX

"* * * it would be inappropriate to depend on launch under attack to overcome deficiencies in survivability and endurance which could be solved otherwise. A launch under attack policy should be considered risky and potentially destabilizing."—Paul H. Nitze, Currently Ambassador to Intermediate-range Nuclear Force Talks, Testimony to House Armed Services Committee, Feb. 6, 1979.

"There is no guarantee that false alarms will not happen in the future."—Recent False Alerts from the Nation's Missile Attack Warning System. Report by Senate Armed Services Committee, Oct. 9, 1980.

"The severe and potentially catastrophic deficiencies found in the nation's missile attack warning system are a result of significant and long term failings within the air force and the joint chiefs of staff."—NORAD Computer Systems are Dangerously Obsolete. Report by House Government Operations Committee, March 8, 1980.

"Our system is supposed to be vastly superior to the Soviets, more sophisticated. If we're having these problems, are they having them too, and are their problems more severe than ours * * *?"—Rep. Donald J. Mitchell, House Armed Services Committee, June 24, 1980.

The testimony from Secretary of Defense Weinberger and Chairman of the Joint Chiefs of Staff General Vessey on the deployment of the MX missile before the Senate Appropriations Committee on May 5, 1983 reopens the concern that the U.S. might be adopting a launch on warning policy. In April, when the Senate Armed Services Committee asked General Vessey how the proposed 100 MX missiles based in admittedly vulnerable existing silos would contribute to the strategic nuclear capability of the U.S., he responded:

"* * * we have to look at the prospect of deterrence failing and actually having to fight a nuclear war. We want to tell you that the hard-target kill capability of the MX has a usefulness there."

The Pentagon is not viewing the MX solely as a deterrent, but as a war fighting weapon as well. This prospect is frightening indeed, and the consequences of deploying such a weapon are far-reaching. What options will preserve the MX for nuclear warfighting?

During General Vessey's May 5th testimony he hinted at an option when he repeatedly told the Senate Committee that the MX missiles deployed in existing silos would be vulnerable only "if we ride out the attack," without retaliating. Then both General Vessey and Secretary Weinberger went on to emphasize that "the Soviets have no assurance that we will ride out the attack."

Although neither states candidly what will be required to protect the MX from a Soviet first strike, their remarks do point to the danger of the U.S. being forced into a position of increasing reliance on its attack warning systems to save the MX missiles from a potential first strike by the Soviet Union. Earlier in April Lt. Col. John Politi, Deputy Director of the MX missile program, was more explicit when he suggested that the Scowcroft Commission on Strategic Forces would recommend in its report to President Reagan that the U.S. adopt the strategic doctrine of "launch under attack." Although his remarks were later criticized by members of the Commission and the Pentagon, they did not rule out the "launch under attack" or "launch on warning" strategies.

To determine the significance of Lt. Col. Politi's remarks and understand the implications of the statements by Secretary Weinberger and General Vessey, the semantic confusion over the term "launch under attack" needs to be clarified. In the past, "launch under attack" has been defined as delaying the firing of missiles until some enemy weapons have exploded, thus precluding a launch on false warning. However, in recent years the meaning has become less precise, as demonstrated by the Scowcroft Commission's report in which "launch under attack" is defined as:

"* * * sometimes used interchangeably with 'launch on warning' and sometimes used to designate a launch after more confirmation has been received, such as indications that detonations have occurred."

While some confusion remains, what is clear is that there is growing support for the doctrine that the U.S. will not wait for Soviet missiles to reach the MX silos. This is precisely what the statements by Lt. Col. Politi, General Vessey and Secretary Weinberger imply—that to guard the MX, the U.S. will be required to launch before the Soviets' missiles reach their targets. This is the strategy which has been traditionally referred to as "launch on warning" and is described with reference to the deployment of the MX in a Congressional Budget Office study, Modernizing U.S. Strategic Offensive Forces: The Administration's Program and Alternatives, May 1983, where it is the stated hope that:

"(The Soviets) might be further deterred by the consideration that the United States could conceivably launch all of the MX missiles after receiving warning of a Soviet attack, but before Soviet missiles reached their ICBM targets. This could occur if the U.S. launched its ICBMs on warning—which is neither assumed nor precluded by current U.S. policy * * *"

Hence, the argument for adopting a launch on warning policy is to protect vulnerable and lucrative targets like the MX. Yet a major consideration that our policy makers continue to neglect in the decision to deploy the MX is the reliability factor of our warning systems. With what degree of assuredness can the U.S. verify a Soviet missile attack? Will our ability to make this sort of confirmation be affected by increasing accuracy and diminished flight time of Soviet missiles?

Any launch on warning strategy, if implemented, would necessarily rely on information provided by the North American Air Defense (NORAD) System which is the North American arm of the World-Wide Military Command and Control System.

It is unnerving to realize that this system has in recent years been repeatedly criticized as unreliable, and inadequate in performing its task of alerting our forces, especially in the event of a crisis. In a report compiled by the House Government Operations Committee the conclusion was "that the problems at NORAD have reached a critical stage * * *." The failures of the NORAD system were also the subject of an investigation by the Senate Armed Services Committee in 1981 which discovered that during the 18 months from January 1, 1979 to June 30, 1980 over 3,700 warnings received by the NORAD system required evaluation. Most of these warnings were judged to present no threat to our nation's security. However, in 147 instances Missile Display Conferences were called for more exacting evaluation. More disturbing still, five required Threat Assessment Conferences in which information is shared and assessed by NORAD, SAC and the JCS among others, about possible threats to North America. A recounting of the two most significant of these incidents is sobering, since during these false alarms SAC bomber crews were sent running for their B-52's and instructed to start their engines.

November 9, 1979—Test data simulating a Soviet first strike were accidentally fed into the NORAD system and inexplicably this training exercise was taken to be the real thing.

June 3, 1980—At approximately 2:26 a.m. EDT the NORAD system sent information to SAC indicating that two SLBMs had been launched. Eighteen seconds later, the display showed an increased number of launches. This alarm, attributed to a "bad chip" in NORAD's communication hardware was later determined to be false before a Missile Attack Conference was required with the President. However, SAC aircraft crews were alerted to prepare their planes for takeoff.

In response to these problems NORAD has taken corrective measures. First, the faulty component responsible for the June incident was replaced and is unlikely to cause problems again, but as Gerald P. Dineen, then Assistant Secretary of Defense for Communications, said, "there is no guarantee that there won't be some other kind of computer error * * *." A second improvement was the establishment of a separate test facility for software development in order to avoid incidents like that in November 1979. Most significantly, NORAD has begun a massive program to replace its computers with state-of-the-art equipment. However, even with this modernization program we must recognize as Fred C. Ikle, currently Under Secretary of Defense for Policy, did while addressing the House Armed Services Committee on Feb. 6, 1979, that the:

"Risks of catastrophic malfunction cannot be fully anticipated. The entire system of warning, response, and release is too complicated to be checked out against all possible failures * * *."

Furthermore, skepticism remains as to whether any substantial improvements can be expected, especially in the near future. As the House Government Operations Committee found:

"NORAD facilities had been mismanaged over the last decade by the Air Force, the Joint Chiefs of Staff, and the Department of Defense."

It would be overly optimistic to expect a decade of problems to be corrected quickly.

The deployment of the MX must be considered in light of past and potential future problems with NORAD's warning system. Is it wise to proceed with weapons that reduce even further the already limited amount of time in which they must be used or destroyed? Should we be forcing the Soviets to adopt a similar policy? Are their computers and warning systems more prone to accident than ours? To proceed with MX may well produce a launch on warning policy on both sides which will increase the likelihood of accidential nuclear war. As Under Secretary of Defense Ikle foresaw in 1979:

"A launch on warning posture might increase the deterrent against the calculated first strike, but at the price of increasing the risk of accidentally unleashing the destruction of our nation."

May 1983.●

● Mr. FRENZEL. Mr. Chairman, todays debate on the MX missile has been remarkably similar to our previous discussions. The reason is evident. There have been no new developments on which to base a change in policy direction.

Until new evidence, or new conditions, or a new evaluation is presented, I believe that our previously agreed policy should be maintained.

There is no question that we will debate the MX extensively at every opportunity. That is a good thing. Important national security policy deserves public scrutiny.

This week's public scrutiny reveals no reason to alter our most recent decision, and I shall therefore vote to support it by voting against the Mavroules-Bennett amendment today.●

● Mr. MARKEY. Mr. Chairman, if we are going to commit ourselves to spending some $20 billion over the next 5 years for 100 MX missiles in Minuteman silos I think we should at least see what kind of deterrence we are getting with the deal.

I specifically use the word "deterrence" here, because that is all we seek in building nuclear weapons—deterrence.

That deterrence comes from enough of our nuclear forces being able to survive a first strike to retaliate against the Soviet Union.

No one is interested in a first-strike capability with the MX missile. Not even Ronald Reagan. In his May 11 letter to the gentleman from Washington, Mr. DICKS, Mr. Reagan said: "Let me emphasize that we do not seek a first strike capability."

The MX missile, because of its prompt hard-target-kill capability, is a first-strike weapon.

But I will take Mr. Reagan at his word here that he does not want the MX to be able to launch a first strike. I cannot imagine any American President ever pushing the button to launch a preemptive first strike.

And Mr. Reagan, in his letter to Congressman DICKS, seems to indicate that a first-strike capability is worthless because it is a capability the United States does not want.

So, therefore, the MX's capability as a first-strike weapon is of no value to us because we will never launch a first strike.

So this first-strike capability in the MX is worthless to us.

The real question we have to be asking here is of what value is the MX as a retaliatory weapon?

What will the MX be able to contribute to this Nation's capability to ride out a first strike and then retaliate against the Soviet Union?

This should be the key test for this weapon. Is it cost effective in terms of its deterrence value? Are we getting the best bang for our buck?

Well, according to a May study by the Congressional Budget Office, you will barely be able to hear the bang from the $20 billion bucks we plan to spend on the MX.

We all agree that if the Soviets launch a first strike, their first targets will be the 100 MX missiles. It does not take a genius to figure out that if the Soviets have a choice between a Minuteman missile with 3 warheads and an MX missile with 10 warheads, the Soviets are going to give priority to targeting the MX, especially since it will be out there like a siting duck in the Minutemen silos.

According to the CBO, a major Soviet strike that the United States rides our could destroy all but 10 percent of the MX's in 1990, and all but 5 percent of the MX's by 1996 as accuracy improves.

That means that by the end of this century only 5 of the 100 MX missiles would be expected to survive a Soviet first strike.

So what does the MX contribute to the retaliatory capability of our nuclear forces with such a low survival rate?

"Relatively little," says the CBO.

Deploying 100 MX's in Minutemen silos would contribute 3 percent of all U.S. hard-target warheads in 1990 that would be expected to survive and be available for retaliation in the nuclear scenario considered most likely—a Soviet first strike occurring after some warning.

By 1996, the CBO says that the MX would contribute less than 1 percent of all U.S. hard-target warheads that would be expected to survive and be available for retaliation.

In other words, we are talking about spending $20 billion for a weapons system that will only add 1 percent to our retaliatory capacity by the end of this century; 1 percent.

Does the CBO estimate sound too gloomy? Is the CBO being too pessimistic?

Well, let us look at what the survival rate the Air Force has projected. The CBO said 10 percent of the MX mis-

siles would survive a Soviet first strike by 1990.

The Air Force says that as little as 1 percent of the MX missiles would survive a Soviet first strike.

So according to the Air Force, we would be spending $20 billion on a weapons system that in the end would only be 1 percent effective.

I do not know what everyone's definition of wasted money is, but I think it is safe to say that $20 billion spent on a weapons system that is only 1 percent effective certainly is wasted money.

We are talking about throwing away $20 billion on a weapons system that in the end will only be 1 percent effective.

So far the debate has been centered on what the United States gets with the MX missile.

But I think too little attention has been paid to what the United States gets without the MX missile.

What benefits do we derive by halting this weapon's project?

The President talks a lot about what he will lose in his bargaining position with the Soviets if Congress does not approve the MX, but let us consider for a moment what this country gains if we do not approve the MX.

We gain three things.

The first thing we gain by not producing the MX missile is an increase in our national security.

We must understand that the MX will increase the sophistication and lethality of our land-based nuclear forces. The MX will increase our ability to hit Soviet missile silos. But the MX will not increase our security.

The Pentagon has been telling Congress for years that the vulnerability of our land-based missiles might force us to adopt a launch-on-warning policy. That is, one way to protect our missiles in fixed silos from being destroyed by a Soviet first strike would be to launch our missiles upon receiving a warning of Soviet attack.

The U.S. Government has been purposely vague about whether it would launch on warning, more or less to keep the Soviets guessing.

But as we all know, it would be extremely dangerous to base our deterrence on a launch-on-warning posture.

As Under Secretary of Defense Fred Ikle has written in a 1980 article:

> The more we rely on launch-on-warning • • • the greater the risk of accidental war.

Computers can fail, as we all know. There have been computer errors and false alarms in our alert system. That is why the administration has aksed for $20 billion to improve our command, control, and communications system. We do not want a computer error or false alarm accidentally starting world war III.

That is why launch on warning is so dangerous because it forces us to rely more on computers.

The problem with deploying the MX in Minuteman silos is that the pressure to launch the MX on warning will be greater than it would be for the existing Minuteman missiles.

Why?

It is simple arithmetic. We have more to lose if the Soviets destroy the MX than if they destroy the Minuteman. The MX would be our prize missile with 10 warheads on top of it. The Minuteman III has three warheads on top of it.

Therefore, the pressure or motivation on our side to launch on warning will increase with the deployment of the MX.

That should give us some cause for concern in this Chamber—that is, the effect the MX will have on our launch policy.

But what should concern us even more is the effect the MX will have on the Soviet launch policy.

The backbone of the Soviet nuclear force is its ICBM's. More than three-fourths of the Soviet strategic nuclear weapons are based on land.

Clearly, deploying the MX, with its silo-busting capability, increases the threat to the Soviets' land-based missiles.

And if the threat to the Soviet land-based missiles increases, what will happen to the pressure on the Soviets to adopt a launch-on-warning-policy policy?

It will increase.

Now, we worry about the fragility of our command and control system.

Well, the Soviet command and control system is even more unstable than ours because they are behind us in computer technology.

So if you are worried about U.S. computers accidentally starting world war III, you should be even more worried about Soviet computers accidentally starting world war III.

So what does deploying the MX bring us? It brings us closer to the threat of nuclear war.

What do we get if we do not deploy the MX? We gain an increase in our national security.

The second thing we gain by not deploying the MX is a better chance of achieving this Nation's arms-control objectives.

The Scowcroft Commission concluded that missiles with MIRV'd warheads are destablizing. That is why the Commission called for a return to single-warhead missiles.

The administration's START proposal calls for both sides to reduce their strategic ballistic missile warheads to 5,000, half of which could be based on land.

But if we deploy the MX, that will mean that 1,000 of the 2,500 warheads we can deploy on land under START would be tied up in only 100 MX missiles.

We now have about 2,100 warheads on 1,000 Minuteman II and Minuteman III missiles.

Therefore, deployment of the MX would give us the short end of the stick in these negotiations. We would end up with fewer missiles with more warheads under the START formula.

Deployment of the MX would also likely undermine the 1972 Antiballistic Missile Treaty—which I think we all agree is one of the most important treaties we have ever negotiated.

If we allow the deployment of MX missiles in vulnerable Minuteman silos, everyone knows that the pressure will increase to deploy an ABM system to protect those missiles. And that means that the pressure will increase to amend or abrogate the ABM Treaty.

So what do we gain by not deploying the MX? We gain by furthering the arms-control objectives of this Nation. And those objectives should include moving away from MIRV'd ICBM's and preserving the ABM Treaty.

The third thing we would gain by not deploying the MX is the $20 billion we would otherwise be wasting on this project.

I think that too often we do not realize how much money we would be spending on this project.

The cost of deploying these 100 MX missiles is equal to the fiscal 1983 budgets of 21 States.

The money we are authorizing for the MX this year alone could provide subsidized housing for 1.8 million low-income families. It could provide guaranteed student loans for 660,000 students for 4 years. It could pay for weatherizing 2.8 million homes.

Or, to put it in a military perspective, the $20 billion we would be throwing away on the MX missile system over the next 5 years could maintain four infantry divisions over those 5 years.

Clearly, Mr. Chairman, it is about time we started thinking about what we gain by not deploying the MX.

When we do that, we discover that we gain a lot by voting for the Mavroules-Bennett amendment to cut production funds for the MX.●

● Mr. BATES. Mr. Chairman, I rise today in opposition to the MX missile.

The debate thus far has centered on the technical problems of a rational basing mode, on the window of vulnerability, and on this administration's allergic reaction to any meaningful arms control.

This issue, however, cuts far deeper than technical problems. The problems and the MX missile must be viewed in context with the rest of the needs of our Nation.

To put the issue in an honest perspective we must measure the actual costs of this system. The costs are in social programs which have borne 60

percent of the budgetary cuts since this administration took office. The true cost of the MX is what it denies this Nation's citizens. It is in roads unrepaired, bridges unbuilt, domestic programs which are being gutted.

Even the most charitable analysis indicates that the benefits of this $22 billion system are speculative. What is not speculative is the fact that this Nation desperately needs immediate reinvestment in housing, education, and jobs.

In the "Alice in Wonderland" world of defense appropriations, the MX may make some sense. But in the real world of soaring deficits and underfunded domestic programs, it does not make any sense whatsoever. In our rush to out spend the Soviet Union, we cannot lose sight of our needs at home.

I would ask every Member to reconsider this issue in light of the substantial costs and very uncertain benefits of the MX.●

● Mr. ACKERMAN. Mr. Chairman, when will this all end?

During the consideration of the Defense authorization bill, we have been debating and voting on weapon after weapon, missile after missile, bomb after bomb. We must pass on the wisdon—or lack thereof—of each of these armaments. And each one, it seems, is more deadly than the last.

And the most deadly, most dangerous, most destabilizing and most worrisome weapon of them all is the MX.

There is no sane reason—none whatsoever—for the MX. It is a first-strike weapon for a nation that promises never to be the first to use nuclear weapons. It is an instrument of terror for a people that prides itself on its compassionate approach to humanity. It is an uncontrollable time bomb that threatens Armageddon, owned by a country that wants peace on this planet.

Mr. Chairman, it just does not make any sense.

With little more than 5 months remaining before the year 1984, the President of the greatest country in the world implores the elected representatives of the people to build the most dangerous weapon ever conceived—a weapon the President calls "Peacekeeper."

This exercise in Orwellian Newspeak linguistics should fool no one. I know it does not fool the people. In meetings back home with my constituents in New York, in letters and postcards that pour into my office daily, and in telephone calls from concerned citizens, I hear constantly of the public's concern over our misdirected defense policies. Each one of us, without exception, I am sure, has heard complaints of wasteful military spending. And we have all anguished long over ways to trim the excess fat from the Pentagon budget. In those terms there is no fatter item in this bill than the MX. It should be cut away, to the relief of all America.

MX stands for Missile Experimental. The experiment has failed. It is in direct conflict with another, more noble experiment—that one begun in the city of Philadelphia 207 years ago. The American grand experiment with democracy—the right of the people to rise up and say no to a foolish action by its Government—is being called upon again. The people are saying no to the MX. Let us not be fooled into ignoring them.●

● Mr. GARCIA. Mr. Chairman, I have consistently voted against the MX. I believe it is a bad idea, a poor allocation of resources, and an inadequate, stop-gap measure for maintaining our country's defenses.

We have given the President the opportunity to prove to us the benefits of the MX. Last December we were skeptical of the survivability of basing the MX in the dense pack mode and voted to freeze procurement funds, giving the administration a second chance to find a more acceptable basing mode. Now, there proposal calls for placing 100 MX missiles in exsisting vulnerable Minuteman III missile silos.

Clearly, the Reagan administration's solution has not addressed the problem it was supposed to have solved, protecting American ICBM's from a Soviet first-strike.

More importantly, it is doubtful that a vote for the MX will be a vote for arms control. Survivability of U.S. missiles would be best sought by investing in our increasingly accurate, invulnerable submarine forces.

We must consider which components of defense planning will help us continue to maintain and develop a strong, stable system of defense. We should not simply go for image, and that is primarily what the MX has become, a temporary, image creating effort.

It is, instead, our responsibility to pursue real and aggressive arms control efforts. Our attempts to buy security with new types of weapon systems will only spur a new round in the arms race, and divert funds from more socially necessary and productive investments, further delaying the revitalization of U.S. industry. This also makes it impossible to control the Federal deficit, threatening our Nation's path to economic recovery.

As a supporter of the nuclear freeze, I feel the MX will move us away from arms control and arms reduction. I, therefore, urge colleagues to vote for a deletion of MX procurement funds.●

● Mr. RATCHFORD. Mr. Chairman, I rise today in support of the Bennett amendment to delete moneys for procurement of the land-based MX missile. This missile system is clearly of questionable economic and strategic value in addition to presenting profound national security and arms control questions. For the past decade, the Congress and the American people have been told that the United States needed to deploy the MX because our Minuteman ICBM's were increasingly vulnerable to Soviet attack. However, even the Air Force admits that this proposed basing mode is vulnerable, estimating that only 1 out of 100 would survive a Soviet attack. The original rationale for deployment of the MX has thus disappeared. Are we willing to spend a minimum of $22 billion for the equivalent of one MX missile? I maintain, Mr. Chairman, that the deployment of the MX in this basing mode will in no way add to our national security. In addition, the immediate follow-on program for production of the Midgetman demonstrates that the MX is a missile in search of a mission.

In addition to its limited economic justification, the MX missile is of questionable military utility. Deterrence is based on threat of retaliation. Since MX based in Minuteman silos cannot survive to retaliate, it is useless for that purpose and is no deterrent. Secretary Weinberger, understandably, no longer dwells on silo vulnerability. But rather, maintains that the MX is necessary to provide the U.S. with a land-based, prompt, hard-target killer so as to neutralize the Soviet ICBM force. No time-urgent, hard target kill is needed in the U.S. arsenal, unless we are seeking a first-strike capability—a capability which is inconsistent with a force structure dedicated to deterrence.

If the United States cannot utilize the MX after a Soviet attack because the majority of the missiles have been destroyed, and if official U.S. policy prohibits a U.S. first strike, we are once again left with a missile without a mission. The decision to deploy the MX in Minuteman silos leads us then to one additional possibility—that of the adoption of a policy of launch on warning. Essentially, this means that U.S. ICBM's, in this case the MX, would be placed on a greater alert status at crucial times in order to avoid having them destroyed in their silos. The MX would therefore lead us to adopt a defense strategy that drastically increases the chances of accidental nuclear war and that dangerously limits the options available to the President during a crisis.

Mr. Speaker, I am also deeply concerned about the impact deployment of the MX will have on our ongoing negotiations with the Soviets in the arms control arena.

Deployment of the MX system, in this basing mode, would prove most destablizing to existing strategic balance between the United States and the Soviet Union. Both sides are al-

ready at the bargaining table, but progress has been nil, in part because of inflammatory rhetoric and action on both sides. Additional first-strike momentum by either side will make arms control more, rather than less, difficult to achieve.

This administration claims that the MX is needed to show American resolve. This argument is specious. We currently have on-line, or in development, the Stealth bomber, Cruise missiles, the Trident submarine, the Trident C-4 missile and the Trident C-5 missile. How much more do we need to show our resolve?

As for the so-called bargaining chip argument, this is hardly sufficient grounds for supporting such a massive expenditure of funds for a system of questionable merit. History has shown that such systems always end up being deployed, not bargained away. A perfect example of this is MIRV'd missiles and the SALT talks. In addition, it would seem that despite its own rhetoric, this administration has no intention of abandoning the MX at the bargaining table in Geneva. Full production and deployment hardly constitutes a bargaining chip approach to negotiations.

I am also deeply concerned that the high explosive yield and extreme accuracy of the warheads mounted on the MX would present the Soviets with a potent first-strike threat to their land-based deterrent. The Soviets, with two-thirds of their nuclear arsenal based on land, are extremely threatened by any preceived increased vulnerability to their land-based missiles. The Soviets are likely to perceive the MX as an offensive weapon. Because of this perceived threat, the Soviets are likely to respond to MX deployment by augmenting and improving both their defensive and offensive weapons, to maintain the existing strategic balance. Thus, instead of inducing the Soviets to negotiate on arms control, MX deployment could provoke a counter buildup by the Soviets, which would quicken the pace of the already vigorous nuclear arms race.

Recent and planned improvements in U.S. nuclear forces including the retrofitting of Minutemen III missiles, and the deployment of the new Trident missiles, give the Soviets more than enough incentive to negotiate a new arms control agreement. The new Trident missile, for example, is a capable alternative to the MX. Yet it will be almost invulnerable to Soviet attack and can be deployed at one-third the price of the MX.

A U.S. strategic force that is based on a balanced triad of deterrence, and a clear willingness to negotiate is what creates an atmosphere conducive to arms control. Rejection of the MX would demonstrate that we ourselves are confident in the strength of our deterrent. It would also signify to the Soviets and the rest of the world that we are serious about arms control.

Thank you.●

● Mr. TOWNS. Mr. Chairman, I rise in strong support of the Mavroules-Bennett amendment to delete $2.5 billion for the production of the MX. I would like to discuss a few major issues which I think are crucial to the production of the MX.

First, it has become increasingly apparent that the MX is an extremely destabilizing weapon. In fact the MX threatens the whole existing strategic balance between the United States and the Soviet Union. The MX with 10 warheads will give the United States a disarming first-strike capability which we do not currently have with the three warhead Minuteman. We will not have protected ourselves any better. We will simply have armed ourselves with the capability to destroy most of the Soviets offensive weapons in a preemptive strike. The Soviet Union will have no choice but to regard us with increased suspicion. The destabilizing nature of the MX increases the likelihood of an accidental nuclear holocaust. In a crisis situation, the Soviets will be forced to launch-on-warning. It should be the objective of this Congress to eliminate the chances of a nuclear war, not enhance the likelihod of such an event.

The administration has tried to sell this Congress on the MX saying that they would use the weapon as a bargaining chip. This is an argument I cannot accept. Supposedly, production of the weapon would ultimately lead to future agreements on significant arms reductions. Many of you have approved the MX because you are reluctant to take away the administration's bargaining leverage in the current arms reduction talks. For those of you who are convinced that the administration bargain away the MX, I can assure you that this will not be the case. Full production and deployment hardly constitutes a bargaining chip. Once production has begun on the MX, it will be very difficult for Congress to stop it. History has shown the weapons nations produce as bargaining chips, such as the MIRV, are inevitably deployed. Furthermore, it is apparent that the administration will not trade away the MX for anything but a Soviet agreement to dismantle all of their large and medium size ICBM's. However, the Russians are unlikely to make major concessions in the face of MX production. The Soviets in the last 10 years have shown resolve to match or counter any weapons advancement we have made. Production of the MX would simply force the Soviets to build their own MX-type missile. In fact, the Soviets have already said that they will counter the MX by building a weapon which is "in no way inferior." Furthermore, the Soviets are likely to develop some type of mobile base mode in order to eliminate our first-strike capability. This will not only create an even more unstable climate but also send us into another costly stage in the arms race. This will obviously not enhance U.S. security.

My colleagues, we are not voting today on a bargaining chip. The bottom line is we are deciding whether or not to deploy the weapon.

In the short run, the United States cannot afford to spend billions on a costly, unnecessary, and destabilizing weapons system. In the long run, the United States cannot afford to engage in another round in the spiraling arms race. The American people are demanding that we make an honest and concerted effort to significantly reduce nuclear arms and eliminate the chances of a nuclear holocaust. The MX is at best, unnecessary, and at worst, dangerous, irresponsible, and a misrepresentation of the path the American people would like this Congress to pursue.

Therefore, I urge my colleagues to adopt the Mavroules-Bennett amendment tonight and fulfill our obligation to the people of this great country.●

● Mr. McEWEN. Mr. Chairman, effective deterrence and arms control are the underlying and central issues involved in our debate today over the MX missile. The 100 MX missiles and followup development of the Midgetman single-warhead missile are vital to our efforts to persuade the Soviets to move with us toward nuclear stability where neither side enjoys the capability of a first-strike attack. It is important to note that even with these 100 MX missiles, the United States would still lack the capability of destroying the Soviet ICBM force.

The expression of national will to preserve the deterrence value of our armed services, as represented in this MX vote, is essential if we are to insure the peace of the last 40 years and encourage the Soviets to seriously negotiate arms control. To underscore their recent attempts to challenge our will and gain military supremacy, I would cite the following: The Soviets have developed three new types of ICBM's since the United States introduced its last one 13 years ago. They have deployed about 600 new ICBM's since we put our last Minuteman III in the field 7 years ago. They have commissioned over 60 new ballistic missile submarines since we commissioned our last *Poseidon* submarine some 14 years ago. The Soviets produce a new fighter aircraft every several hours, compared to one every several days in the United States. Between 1976 and 1980, the Soviets produced 13,500 tanks—exceeding the entire U.S. inventory. And, during the last year, the Soviets have built approximately 1,300 fighters and fighter-bombers. They have launched 100 satellites while we have launched

13. They have added 400 transports and 750 helicopters in the past year to their inventory. And, they have produced 200 new ICBM's while we have debated the wisdom of producing any new ICBM's over the next 4 years.

This sustained Soviet military buildup is a testament to the Soviet will to achieve world military superiority. It is a testament to their hope to win their objectives by U.S. default. Our national will must meet this challenge.●

● Mr. FORD of Michigan. Mr. Chairman, I rise in strong support of the amendment offered by Congressmen CHARLES BENNETT and NICK MAVROULES to H.R. 2969, the Department of Defense Authorization Act for fiscal year 1984. This amendment would delete $2.5 billion for the procurement of the first 27 MX missiles. By adopting this amendment, we will refuse to open the production line for the MX.

The true test of any weapons system is whether it provides security and stability at a reasonable, cost effective price. This missile clearly flunks this test. In its proposed basing mode, the Air Force estimated that only one of the 100 MX missiles would survive a Soviet surprise attack in 1989. This inherent lack of survivability creates a use-it-or-lose-it scenario where it would be necessary to launch the MX on warning. At the same time, the first-strike capability of the MX makes it an inviting target for a Soviet preemptive strike. It would be difficult to imagine a more destabilizing system. In addition, the cost of deploying 100 MX missiles in Minuteman silos would be $17.45 billion through fiscal year 1988—this does not include the $6.7 billion which has already been appropriated for the MX. The Congressional Budget Office found that the United States could purchase far greater retaliatory capability at one-third of the cost of the MX by building additional Trident submarines.

For too long, recent Presidents of both parties have attempted to find an adequate basing mode for this missile. First, President Carter devised the "shell game" known as Multiple Protective Shelter. Then, after reviewing over 30 options, President Reagan developed the closely spaced basing mode, which the Congress rejected last December. Now, the President has embraced the recommendation of the Scowcroft Commission that 100 MX missiles should be placed in existing Minuteman silos. This is the very plan which Reagan administration officials previously rejected out of hand. On January 6, 1981, Caspar Weinberger stated:

I would feel that simply putting it (the MX) into the existing silos would not answer two or three of the concerns that I have; namely, that these are well-known and are not hardened sufficiently, nor could they be, to be of sufficient strategic value to count as a strategic improvement of our force.

There are additional reasons beyond the obvious basing problems why the House should adopt the Bennett-Mavroules amendment. The MX is not a bargaining chip as the Reagan administration contends. Instead of bringing the Soviets to the negotiating table, the procurement of the MX will bring about a new round in the nuclear arms race. The President has no intention of offering the MX as a bargaining chip in the Geneva arms talks. Last December, President Reagan stated:

This (the MX) is not in the sense of a bargaining chip that somebody could say, well you're building it just to tear it down. No. we need modernization. Even if we get the reduction of arms * * * this would not be the missile that would be taken out of circulation.

In reality, we have had modernization without the MX—we have retrofitted Minuteman missiles with MIRV'd warheads; we have the Trident missile submarines, by far the best nuclear sub in the world; we have Pershing II and cruise missiles scheduled for deployment in December; and we will have the B-1B and the Stealth planes. This is not only a true modernization of our nuclear deterrent over the past decade, but also a show of our resolve that we will not stand idly by while the Soviets continue to build more nuclear arms. We do not need to show our further determination by building an ill-conceived, first-strike missile system.

Just as importantly, at a time when budget deficits will be over $200 billion for the current fiscal year, we cannot afford to continue to simply throw money at our military problems. We need a rational foreign and military policy and the ability to back up that policy with a modern and effective defense. We do not need a destabilizing missile system of dubious strategic value. I urge my colleagues to support the Bennett-Mavroules amendment and delete these procurement funds.●

Mr. DICKINSON. Mr. Chairman, is it correct to say that the committee would have the closing remarks?

The CHAIRMAN. The Chair will recognize the chairman of the committee.

Mr. DICKINSON. But if they have 9 minutes remaining, I was wondering if the gentleman from Florida would want to use part of his time now.

Mr. BENNETT. This would be our next to the last. I yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT).

Mr. LOWRY of Washington. Mr. Chairman, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Washington.

Mr. LOWRY of Washington. Mr. Chairman, I thank the gentleman for yielding and compliment the gentleman for his courage in supporting the amendment. I too rise in support of the Bennett-Mavroules amendment. The MX missile is another tragic jump in the insane arms race, and it is a $20 billion boondoggle as a defense component. The MX has first-strike capability and the Soviets know that all too well. The proponents of the MX say that is not so because we are building on 100 MX's which is not enough to hit all the Soviet land based targets. That may be true but there is a higher number of MX's which would enable the United States to destroy all the land based targets in the Soviet Union. I can not in good conscience say I think we will shut off the MX production line at 100. History tells us that is not much to count on. Even if we think we will stop at 100 MX's, do you think the Soviets believe we will only build 100 MX's? Of course, they do not. They will think their land based missiles and command posts vulnerable to future first strike. Now that scares me more than just a little. The major danger of our achieving first-strike capability is what the Soviets might feel they are forced to do. A Soviet misreading could produce the greatest disaster in history. I urge a vote against procurement of the MX. Vote for the Bennett-Mavroules amendment. Thank you.

Mr. GEPHARDT. Mr. Chairman, I rise in favor of the Bennett amendment because I believe it will best promote policies we all favor. Two months ago I voted for the MX basing system recommended in the Scowcroft report and for research and flight testing. My commitment to flight testing continues. But I am uncomfortable approving the procurement of additional missiles for deployment.

Two months ago I said the Scowcroft report provided a basis for consensus. It still does. But the consensus itself has not yet been created. Many of us here are wary of the White House commitment to arms control. A generalized commitment is not adequate. Until we know what route the White House plans to take in pursuit of our shared goals, I will be reluctant to vote for deployment.

Two months ago the President won approval for flight testing in return for a promise to make his arms control proposal consistent with the Scowcroft report. Now he is asking for deployment in return for a modified START position.

The inherent problem here is that the President is asking us for something substantive—dollars to build missiles—in return for something rather ephemeral—a new negotiating flexibility on his part.

There is really nothing we can do about this imbalance. But it does require that we be cautious. We must examine the motives of the President's men. Only then will we be able to

decide whether we are making a good deal or buying a pig in a poke.

The President has, it is true, made some minor changes in his START proposal. Perhaps, given the structure of negotiations, we can ask for nothing more. But the President's posture is little more than an artful attempt to paper over deep divisions within his administration. Until this controversy is resolved, I will have doubts about the White House commitment to arms control.

On the one hand we have the traditional arms control stress on a continuing series of incremental steps. This emphasizes the importance of a constant process. On the other side, we face a new theory, a sort of big bang theory of arms control. Supporters of this idea would not accept any deal that does not result in a substantial American advantage. I think that this goal is both ambitious and unattainable.

As long as this tension continues within the White House, the chances for arms control progress, irrespective of the Russian response, are not good. The President must decide which side he is on.

The President rejected SALT II because he wanted to take a new approach. Some who counsel him continue to take this view. Meanwhile, other advisers, with ties to past administrations, argue for a return to a more traditional posture.

The President, who has made many difficult decisions during his first 2 years in office, is ducking this one. He is trying to keep both sides happy and creating new tension and confusion. Two arms control policies are not better than one. In fact, they may be worse than none because they will create paralysis.

Some say this amendment will destroy the Scowcroft consensus. I disagree. Instead a vote for this amendment will simply acknowledge that the consensus does not yet exist and that more work is needed. A vote against this amendment is a vote to simply sweep this problem under the rug.

No one said this process would be easy and it is not. We should continue working with the President to come up with a phased policy that we all feel comfortable with. In the end, of course, our actions here will require a leap of faith on our part.

Personally, I will be ready to make the leap only when I feel there is a good chance that I can also make a safe landing. Today, I have no such confidence and that is why I favor this amendment.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. KEMP).

Mr. KEMP. I thank my colleague for yielding.

Mr. Chairman, having just returned from the Soviet Union, jointly with some of my colleagues on the majority side of the aisle, and having heard their speeches in the Soviet Union in the Presidium before the Supreme Soviet I wanted to say as I have said publicly all over this country and particularly in my own district, I have never been prouder of the two-story system, never been prouder of my party and the Democratic Party than I was in listening to the speeches in support of America's basic foreign policy, in front of the Supreme Soviet. I say it again here on the floor because I want you to know that that was a meaningful experience for myself and others, to listen to the willingness of both political parties to stand up in front of the Soviet authorities and defend this country, defend its foreign policy, with mistakes notwithstanding. It was America first.

But today or tonight, some of the very Members who were on that trip are most skeptical of their own century than they are of the Soviet negotiation position.

I hope that does not sound belligerent. I mean it very sincerely, just as the speeches were sincere.

It seems to me, however, to come to the floor and then say unilaterally we are going to withdraw from the talks and undercut our own negotiation position in the face of those talks is absolutely the wrong time, the wrong place if we care about our prospects for success. The gentleman from Washington is exactly right: This is no time to be taking away from our negotiators at Geneva the strength and support of a bipartisan consensus in the Congress.

Mr. WIRTH. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to the gentleman.

Mr. WIRTH. I thank the gentleman.

I just remind the gentleman that in all those discussions with the Members of the Presidium there was not one mention anywhere of unilateral disarmament.

Second, no discussion of the MX either.

Mr. KEMP. I reclaim my time.

I take my time back to say this amendment would be a unilateral act of disarmament. I think it is a serious mistake.

Mr. DICKINSON. Mr. Chairman, I yield 3 minutes to the gentleman from Wyoming (Mr. CHENEY)

Mr. CHENEY. I thank the gentleman for yielding.

I too, had the opportunity to participate recently in the trip to the Soviet Union. It was the first official exchange between the Supreme Soviet and the U.S. House of Representatives since 1979, very ably led by the majority whip, Mr. FOLEY of Washington.

As my colleague from New York State said it was a moment to make you proud because Republicans and Democrats alike did support and present a united position when dealing with our adversaries overseas.

But, I think it is also very important to talk about, for a minute, which I want to focus on, what the Soviets talked to us about in terms of arms control because we spent a lot of time on the subject over the course of several days in Moscow.

First and foremost, every single time we got into the debate, where we talked about regional conflict or human rights or economic relations, they came back to the impending deployment in Europe of the Pershing II missile. They came back to it because finally after several months of trying to undermine the commitment of the United States and our allies to go forward with that deployment, they finally believe we mean business.

They finally perceived by virtue of the German elections and the British elections and the statement of the allied leaders in Williamsburg and the determination of this Congress and this President to go forward with that deployment, that the only option for them on INF is to negotiate a meaningful arms control agreement.

□ 2150

And now we are faced tonight with a similar type of choice with respect to the MX and strategic systems. We raised the Scowcroft Commission report with our Soviet counterparts in those negotiations. And the reaction we got was that they already had SS-18's and SS-19's deployed in existing silos. And they were reluctant to move in the direction of single warhead missiles as long as they had that investment already in place.

I am personally convinced that there is absolutely no way the Soviets will ever move in the direction of de-MIRV'ing systems and move in the direction of the Scowcroft Commission recommendations, move in the direction of single warhead systems, until we put at risk the SS-18's and SS-19's. And they are not at risk tonight.

If you really believe in arms control, if you really believe in an adequate strategic deterrent, if you really believe in the Scowcroft Commission report, and small single warhead missiles and de-MIRV'ing systems, and the long-range search for peace, then you have to defeat the Bennett amendment. And you have to vote to support the MX.

Mr. BENNETT. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from Texas (Mr. WRIGHT), the majority leader.

Mr. WRIGHT. Mr. Chairman, this vote presents a very difficult choice for many of us. It is not a question of party policy. It is a question of individual conscience that each of us must resolve. I have no quarrel with anyone who chooses differently than I.

In my own case the decision is particularly hard. All my life I have believed in a bipartisan foreign policy. Throughout my years in Congress, I have consistently supported strong military measures. When in doubt I have resolved that doubt in favor of strength.

All those years of habit cry out to take this step today and thus commit the $25 billion or so of additional expenditures for the deployment of 100 MX missiles.

And yet I am deeply troubled by what I see as a policy of painfully misguided priorities. That policy has led us this year to a $210 billion deficit, three times the highest ever suffered under any previous administration. The absence of any realistic hope of reducing that deficit has led in the past week to resumption of the upward spiral of devastating interest rates which could foredoom any hope of economic recovery for the average American.

For 2 years we have followed a self-destructive policy of systematically eroding our revenue base while indulging the biggest military spending spree in our peacetime history. Our priorities have become cruelly deformed. I am convinced that the combination of these unbalanced priorities, unabated and unchallenged for 2 more years, can produce irreversible damage.

The scales of justice have been unhinged. Only one-fifth of our expenditures go for measures to help the homeless, the handicapped, the disadvantaged, the dispossessed, the elderly, the needy, and the young who would pursue an education. Yet 60 percent of our total reductions in spending have been inflicted on this one-fifth of our expenditures, while military spending has risen by $100 billion annually over just 3 years ago and the 1981 tax cut for the wealthy this year is draining $135 billion from the Government's revenue.

This has produced not only unprecedented deficits but an unprecedented social retrogression.

The Congressional Budget Office estimates that the result of these deranged priorities is that $20 billion in income has been siphoned away from American families earning $10,000 and less, while $62 billion in additional income has been channeled to those families making $80,000 a year and more.

Last month I was ready to vote to forgo the third installment of the 1981 tax cut and thus reduce the gaping deficit by $30 billion, but the President threatened a veto. I was ready then to cap it at $700 per taxpayer and save $6.8 billion, but the President threatened a veto.

The administration insists on continuing the policy that drains our revenue base by $135 billion this year while adding heedlessly to military costs.

To redress only a portion of this deficit we are so recklessly building, the President now wants us to vote a standby surtax, most of which will be borne by middle- and low-income Americans.

This administration has reduced vocational education, adult education, student loans, Pell grants, school lunches—and the whole range of things that make for an educated citizenry.

Because of these reductions, more than 1 million young Americans have found it more difficult to go to college this year—and we are graduating fewer scientists, mathematicians, engineers, and technicians than our Nation needs.

However sophisticated our weapons or our machines of production, we will not be first in defense, or first in commercial competition among the nations, if we settle for second best in education. And we cannot just pray for better schools; we must be willing to pay for better schools.

But from where shall the money come if we spend it all on military hardware?

I have concluded that a nation which cannot afford first-class education for its young cannot afford every new military gadget it craves.

God knows we and the Russians both have enough weapons to kill each other three or four times over. The Bennett amendment permits continuation of research and development on the MX and lets us move forward with the smaller mobile missiles, but stops short of the deployment of these MX's in the vulnerable old silos—this new wine in old wine bottles.

I ask no other to join me. Each must follow his own conscience. But for me at least the time has come to say "enough." Bipartisanship is a two-way street. By my vote for the Bennett amendment today I shall try to send a message that these deranged priorities must be set right before, in a mad rush to be powerful and feared, we snuff out the enobling things that have made us great and worthy to be emulated.

Mr. PRICE. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. ASPIN).

Mr. ASPIN. Mr. Chairman, we are facing an amendment before us today. It is not a budget resolution that we are discussing here. It is an amendment to the authorization bill, an authorization bill which is brought in under the numbers of the budget resolution.

If we defeat the amendment before us and include the MX money, we are within the budget resolution that we passed.

I am not saying that there is not an amendment here that might improve what we are doing, but the amendment that we are considering is an amendment to cutout the production money and continue the R&D.

For almost 10 years now, we have cutout the production money and continued the R&D. No way is that a savings of money to continue to cut the production money and continue to fund the R&D. We have 34 basing modes. The last one was last December. What did we do? It was dense pack. What did we do? We cut out the production money and we continued the R&D.

To overcome that a commission was created, the Scowcroft Commission, which came up with a package, some in it for some people, some in it for others.

Now we are faced with an amendment. What happens if this amendment carries? The amendment takes out the production money and continues the R&D. Will the rest of the package go on unchanged? Unlikely. Some people over here have said, "Well, if you take out the production money for the MX, we are not for the small missile." Other people have said, "We don't like the arms control arrangement if you take out the money for the MX." Other people over here admitted that they were not going to vote for the money for the small missile, no matter what happened to the MX.

Well, what happens if the small missile disappears, what happens to the new approach to arms control? Same thing. Well, how about cutting out the MX entirely. We have not got the votes to do that either. We have had amendments in the past to cutout the production money and the R&D money and it never gets more than 100 votes.

□ 2200

We could be right back where we have been always on this issue, back to the same old problem, no majority votes for the MX, for any basing mode for the MX, no majority for any alternative to the MX, no majority to cut out the MX entirely.

That would not be such a tragedy if it were not for two very important issues: One is, how do we get the Soviets to be serious about negotiating about ICBM's if we are not serious about deciding about our own ICBM's? And second, how can we get the Europeans to be serious about their difficult deployment decisions if we cannot get serious and decide something one way or the other about deciding on this MX?

I think we have a package. We have a package which is a risk either way. I am not saying that there is not a risk going ahead and voting for this package, voting against the Bennett-Mavroules amendment. That entails some

risk. But, clearly, voting for that amendment entails greater risk. The package falls apart, we are back without any decision about this issue one way or the other, and we are back to the problem of what about the Soviets and what about the Europeans?

We should not take this risk at this point without giving it a little more time. The choice is between voting against this package now and waiting and seeing whether we might want to vote for or against it in another couple of months. Do not vote against this package now and kill the possibility of the package working. Give it a little more time.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. BENNETT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PRICE. Mr. Chairman, I demand a recorded vote.

The vote was taken by electronic device, and there were—ayes 207, noes 220, not voting 6, as follows:

[Roll No. 262]

AYES—207

Ackerman	Early	Leland
Addabbo	Eckart	Levin
Akaka	Edgar	Levine
Albosta	Edwards (CA)	Long (LA)
Andrews (NC)	Evans (IA)	Long (MD)
Annunzio	Evans (IL)	Lowry (WA)
Anthony	Fascell	Luken
Applegate	Feighan	Lundine
AuCoin	Ferraro	MacKay
Barnes	Florio	Markey
Bates	Foglietta	Martinez
Bedell	Ford (MI)	Matsui
Beilenson	Forsythe	Mavroules
Bennett	Fowler	Mazzoli
Bereuter	Frank	McCloskey
Berman	Garcia	McHugh
Biaggi	Gaydos	McKinney
Boland	Gejdenson	McNulty
Bonior	Gephardt	Mica
Bonker	Gibbons	Mikulski
Borski	Glickman	Miller (CA)
Bosco	Gonzalez	Mineta
Boucher	Goodling	Minish
Boxer	Gradison	Mitchell
Brooks	Gray	Moakley
Brown (CA)	Green	Moody
Bryant	Guarini	Morrison (CT)
Burton (CA)	Hall (IN)	Mrazek
Carper	Hall (OH)	Murphy
Carr	Hamilton	Natcher
Clarke	Harkin	Nowak
Clay	Harrison	Oakar
Coelho	Hawkins	Oberstar
Coleman (TX)	Hertel	Obey
Collins	Howard	Ottinger
Conte	Hughes	Owens
Coyne	Jacobs	Panetta
Crockett	Jeffords	Patterson
D'Amours	Johnson	Paul
Daschle	Jones (NC)	Pease
Dellums	Kaptur	Penny
Derrick	Kastenmeier	Perkins
Dingell	Kennelly	Rahall
Dixon	Kildee	Rangel
Donnelly	Kogovsek	Ratchford
Dorgan	Kolter	Richardson
Dowdy	Kostmayer	Ridge
Downey	LaFalce	Roe
Durbin	Lantos	Rose
Dwyer	Leach	Rostenkowski
Dymally	Lehman (CA)	Roukema
Dyson	Lehman (FL)	Roybal
Russo	Smith (NJ)	Valentine
Sabo	Solarz	Vento
Savage	Spratt	Volkmer
Scheuer	St Germain	Walgren
Schneider	Staggers	Waxman
Schroeder	Stark	Weaver
Schumer	Stokes	Weiss
Seiberling	Studds	Wheat
Shannon	Swift	Whitten
Sharp	Synar	Williams (MT)
Sikorski	Tallon	Wirth
Simon	Tauke	Wise
Sisisky	Torres	Wolpe
Slattery	Torricelli	Wright
Smith (FL)	Towns	Wyden
Smith (IA)	Traxler	Yates
Smith (NE)	Udall	Young (MO)

NOES—220

Alexander	Hall, Sam	Olin
Anderson	Hammerschmidt	Ortiz
Andrews (TX)	Hance	Oxley
Archer	Hansen (ID)	Packard
Aspin	Hansen (UT)	Parris
Badham	Hartnett	Pashayan
Barnard	Hatcher	Patman
Bartlett	Hefner	Pepper
Bateman	Hightower	Petri
Bethune	Hiler	Pickle
Bevill	Hillis	Porter
Billirakis	Holt	Price
Blilley	Hopkins	Pritchard
Boehlert	Horton	Pursell
Boggs	Hoyer	Quillen
Boner	Hubbard	Ray
Breaux	Huckaby	Regula
Britt	Hunter	Reid
Broomfield	Hutto	Rinaldo
Brown (CO)	Hyde	Ritter
Broyhill	Ireland	Roberts
Burton (IN)	Jenkins	Robinson
Byron	Jones (OK)	Roemer
Campbell	Jones (TN)	Rogers
Carney	Kasich	Roth
Chandler	Kazen	Rowland
Chappell	Kemp	Rudd
Chappie	Kindness	Sawyer
Cheney	Kramer	Schaefer
Clinger	Lagomarsino	Schulze
Coats	Latta	Sensenbrenner
Coleman (MO)	Leath	Shaw
Conable	Lent	Shelby
Cooper	Levitas	Shumway
Corcoran	Lewis (CA)	Shuster
Coughlin	Lewis (FL)	Siljander
Courter	Lipinski	Skeen
Craig	Livingston	Skelton
Crane, Daniel	Lloyd	Smith, Denny
Crane, Philip	Loeffler	Smith, Robert
Daniel	Lott	Snowe
Dannemeyer	Lowery (CA)	Snyder
Daub	Lujan	Solomon
Davis	Lungren	Spence
de la Garza	Mack	Stangeland
DeWine	Madigan	Stenholm
Dickinson	Marlenee	Stratton
Dicks	Marriott	Stump
Dreier	Martin (IL)	Sundquist
Duncan	Martin (NC)	Tauzin
Edwards (AL)	Martin (NY)	Taylor
Edwards (OK)	McCain	Thomas (CA)
Emerson	McCandless	Thomas (GA)
English	McCollum	Vandergriff
Erdreich	McCurdy	Vucanovich
Erlenborn	McDade	Walker
Fazio	McDonald	Watkins
Fiedler	McEwen	Weber
Fields	McGrath	Whitehurst
Fish	McKernan	Whitley
Flippo	Michel	Whittaker
Foley	Miller (OH)	Williams (OH)
Franklin	Molinari	Wilson
Frenzel	Mollohan	Winn
Frost	Montgomery	Wolf
Fuqua	Moore	Wortley
Gekas	Moorhead	Wylie
Gilman	Morrison (WA)	Yatron
Gingrich	Murtha	Young (AK)
Gore	Myers	Young (FL)
Gramm	Neal	Zablocki
Gregg	Nelson	Zschau
Gunderson	Nichols	
Hall, Ralph	Nielson	

NOT VOTING—6

Conyers	Heftel	Rodino
Ford (TN)	O'Brien	Vander Jagt

□ 2210

The Clerk announced the following pairs:

On this vote:

Mr. Rodino for, with Mr. Heftel of Hawaii against.

Mr. ROYBAL and Mr. KOLTER changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 2220

Mr. PRICE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose and the Speaker having resumed the Chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2969), to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes, had come to no resolution thereon.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 3069, SUPPLEMENTAL APPROPRIATIONS, 1983

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 3069) making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MAKING IN ORDER AT ANY TIME ON FRIDAY, JULY 22, 1983, OR ANY DAY THEREAFTER, CONSIDERATION OF CONFERENCE REPORT ON H.R. 3069, SUPPLEMENTAL APPROPRIATIONS, 1983

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Friday, July 22, or any day thereafter, to consider the conference report and any amendments in disagreement on the bill (H.R. 3069) making supplemental appropriations for the fiscal year ending

September 30, 1983, and for other purposes.

The SPEAKER. Without objection, the request is agreed to.

Mr. WALKER. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Pennsylvania (Mr. WALKER) reserves the right to object.

The gentleman appreciates that this is a perfunctory request that is going through. The Chair is not going to allow anything to be sneaked through the House at this hour of the night or at any other time.

Mr. WALKER. Mr. Speaker, I reserve the right to object because I could not even hear the request.

The SPEAKER. The Chair observes that the gentleman from Massachusetts (Mr. CONTE) is standing right there. It is normally his duty initially to object or not to object.

Mr. WALKER. Mr. Speaker, reserving the right to object, I could not hear the request, and I was desirous of hearing the request so that I could check with the gentleman from Massachusetts. He was not at the microphone when I stood up for my reservation.

Could we hear the request, Mr. Speaker?

The SPEAKER. Will the gentleman from Mississippi (Mr. WHITTEN) repeat his request?

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Friday, July 22, or any day thereafter, to consider the conference report and any amendments in disagreement on the bill (H.R. 3069) making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes.

Earlier I had made another request.

The SPEAKER. Now, does the gentleman understand?

Mr. MICHEL. That is a great observation by the Speaker, I will say.

Mr. WALKER. Mr. Speaker, I must say that I will withdraw my reservation of objection. That was a little clearer.

I thank the Chair.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2230, CIVIL RIGHTS COMMISSION ACT OF 1983

Mr. BONIOR of Michigan, from the Committee on Rules, submitted a privileged report (Rept. No. 98-304) on the resolution (H. Res. 273) providing for the consideration of the bill (H.R. 2230) to amend the Civil Rights Act of 1957 to extend the life of the Civil Rights Commission, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2867, HAZARDOUS WASTE CONTROL AND ENFORCEMENT ACT OF 1983

Mr. BONIOR of Michigan, from the Committee on Rules, submitted a privileged report (Rept. No. 98-305) on the resolution (H. Res. 274) providing for the consideration of the bill (H.R. 2867) to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1984 through 1986, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2615, WEATHERIZATION AND EMPLOYMENT ACT OF 1983

Mr. BONIOR of Michigan, from the Committee on Rules, submitted a privileged report (Rept. No. 98-306) on the resolution (H. Res. 275) providing for the consideration of the bill (H.R. 2615) to amend the Energy Conservation in Existing Buildings Act of 1976 to provide for the weatherization of the remaining eligible low-income dwelling units throughout the United States, to create additional employment in weatherization-related industries, and for other purposes which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3021, HEALTH CARE FOR THE UNEMPLOYED ACT

Mr. BONIOR of Michigan, from the Committee on Rules, submitted a privileged report (Rept. No. 98-307) on the resolution (H. Res. 276) providing for the consideration of the bill (H.R. 3021) to amend the Social Security Act to provide for a program of grants to States to provide health care benefits for the unemployed, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have asked for this time to proceed for 1 minute for the purpose of inquiring, if I might, of the acting majority leader where we might be going tomorrow.

The SPEAKER. The Chair will answer the gentleman if he will state his inquiry.

Mr. MICHEL. Yes, Mr. Speaker.

The SPEAKER. Will the gentleman kindly repeat his question?

Mr. MICHEL. Mr. Speaker, I was asking unanimous consent to proceed for 1 minute for the purpose of inquiring of either the acting majority leader or perhaps the Chair as to where we are going tomorrow and possibly Friday. That would be helpful, I think, for the Members.

The SPEAKER. The Chair will state that we have no current intention of having a session on Friday. On tomorrow, we will continue with the Defense authorization bill.

The chairman of the Committee on Banking, Finance and Urban Affairs had hoped to bring up the IMF bill, and there is a possible agreement between our leadership and the gentleman's side of the aisle that it could possibly be brought up.

That would be the schedule for the remainder of the week.

Mr. DICKINSON. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, if such an agreement were reached, would that mean that bill would come first, and then the Defense bill would follow that?

The SPEAKER. The agreement would be made before the start of the day, so the Chair would have to presume that the bill in which the gentleman from Alabama is interested would be brought up first.

Mr. DICKINSON. I thank the Chair.

Mr. MICHEL. Would I assume, Mr. Speaker, that before we would take up the supplemental, we would dispose of the IMF legislation, whether it does come up tomorrow?

The SPEAKER. The Chair is sure that the gentleman from Illinois appreciates the problem with IMF at the present time.

Mr. MICHEL. I do, Mr. Speaker. I understand, and I know that the Speaker has been very cooperative.

The SPEAKER. If the House could deal with it responsibly, it could be called up.

Mr. MICHEL. Mr. Speaker, this is in response to the administration's request to bring it up tomorrow, and if there is a particular problem, the Chair knows that we have got to deal with reality around here, so my own position is that I think we ought to deal with that, frankly, before we deal with the supplemental.

The SPEAKER. Well, that is what the gentleman and the Chair will talk about in the morning.

Mr. MICHEL. Well, Mr. Speaker, I think it is a lot better to discuss it at 9 o'clock in the morning after a cup of coffee than at 10:30 at night without anything.

□ 2230

THE LATE FRANK REYNOLDS

(Mr. ROSTENKOWSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSTENKOWSKI. Mr. Speaker, I do not come often to pay tribute to the press or its members; but Frank Reynolds merits more than just passing attention, not only as a reporter and commentator, but as a man.

I first met Frank while I was in the Illinois General Assembly in Chicago when he was covering the legislature in Springfield for Chicago's ABC affiliate. His approach to reporting, even back in the early 1960's, left no doubt that he would reach the top of his field. His question was always more profound than the rest; his grasp of an issue always broader. His voice in those days was as familiar to my family, and the rest of Chicago, as the national network celebrities—rich and very human.

My most vivid memory of the day that President Kennedy died was running into Frank who was doing a series of interviews with passers-by on Chicago's State Street. I was the youngest Member of Congress, a Catholic, and a Kennedy campaign coordinator, which led Frank to walk me up to ABC's studio for a live interview. What began as a formal, somber appraisal of the tragedy and the prospects for Lyndon Johnson's succession, ended with both of us weeping over the loss of our President. His frailty and his pain at that moment made me realize what a tremendous man he was.

Another snapshot is an upward glance at the network booth during the playing of the "Star Spangled Banner" of the 1980 Democratic Convention in New York. Commentators in two of the booths were carrying on their reports. In the ABC booth, Frank stood silently until the anthem was completed. It was not so much an extraordinary act of patriotism, as it was a measure of one man's quiet sense of dignity.

I will sadly miss that deep voice and the wisdom and grace of the man behind it, Frank Reynolds.

DR. KARL MENNINGER

The SPEAKER pro tempore (Mr. MOODY). Under a previous order of the House, the gentleman from Kansas (Mr. SLATTERY) is recognized for 10 minutes.

Mr. SLATTERY. Mr. Speaker, on Friday, July 22, Dr. Karl Menninger will be 90 years old, another milestone in the life of an amazing and gifted man.

He will be honored with a special observance in his hometown of Topeka, which is also the home of the Menninger Foundation, the internationally known psychiatric treatment center.

Dr. Menninger's 90th birthday is an appropriate time to reflect on his rich and rewarding contribution to the mental health profession, his community in Kansas, and our Nation.

His work never stops, and he is now in the process of writing another book, his 15th, on a most timely issue.

In a recent press interview, he said that the threat of nuclear war occupies his thoughts night and day. He is especially concerned about the effect that the fear of nuclear war is having on our children, and his dedication to ending the arms race is just as strong as his work on behalf of the troubled, the suffering, and the less fortunate among us.

His accomplishments and awards read like the honors given to an entire medical staff instead of to an individual. The American Psychiatric Association has called him America's greatest psychiatrist.

The description is fitting, because for more than 60 years Dr. Karl Menninger has been a recognized world leader in psychiatry. He has brought understanding to the emotional stress that afflicts not only individuals but society.

Perhaps more than any other person in the health field, Dr. Karl Menninger has brought the treatment of mental disorders out of dark isolation and into the light of day. He possesses the courage to address subjects that many would rather ignore. He is blessed with the firm resolve of a crusader, and we should be grateful for his spirit.

His practical and inventive methods have taught us a lot about ourselves.

His first book, the "Human Mind," opened up the subject of psychiatry to a vast audience when it was published in 1930. A multitude of other works has attracted the attention of both professionals and the general public who want to know more about the human mind.

It was Dr. Menninger who showed us that humanity need not despair as long as it tries to understand and correct seemingly insurmountable problems. Millions have found better lives because of his ability to grasp and comprehend the complexities of human behavior.

He has forced Government to recognize that mental illness can be treated. He has been recognized for his tremendous dedication to fighting ignorance and injustice. His presence today is felt in poor neighborhoods, in prisons, in assisting neglected and abused children, in cleaning up the environment, and in many other areas.

Of the dozens of prestigous awards received in his 90 years, two are notable for the comments they make on Dr. Menninger's contribution to a better world. In 1979, Dr, Menninger, his father, and brother were memorialized as part of a stained glass window at the National Cathedral. The window's inscription is "Friend of Man," words which aptly describe Dr. Menninger and his family.

In 1981, Dr, Menninger received the Nation's highest civilian award, the Medal of Freedom. Because he had a prior speaking engagement, he sent a nephew to represent him at the White House ceremonies. Continuing his lectures and teaching was more important than a moment in the spotlight.

With these words, the Medal of Freedom was given to Dr. Menninger:

> Karl Menninger has taught us much about ourselves and our behavior. An acute observer and social critic, he has put into action what he has put on paper. As an author and doctor, his works range from popular written accounts of psychiatry to studies done in his own hospital, from creating homes for parentless children to reforming the penal system. With the wisdom of his years, he truly does represent the ideas of another generaiton—one of the future rather than of the past.

Dr. Karl Menninger has had a tremendous past, but he is always looking to the future, searching for a just society in an imperfect world. He describes himself as "neither theologian nor prophet, nor sociologist, but rather as a doctor who speaks the medical tongue with a psychiatric accent."

As he wrote in his latest book, "Whatever Became of sin?," civilized people are more sensitive to injustice and cruelty today than they were in the olden days. That is good, he wrote, adding:

> If there is more awareness, more sense of responsibility in the world today, there will be less self-destruction. Recognizing our apathy and our denial is a step toward abandoning both.

Dr. Menninger continues to show us the way.

Mr. ROWLAND. Mr. Speaker, will the gentleman yield?

Mr. SLATTERY. Yes, I yield to my colleague.

Mr. ROWLAND. Mr. Speaker, I thank the gentleman for yielding.

Dr. Karl Menninger is a singularly profound contributor to the education of the world's medical community. The Karl Menninger School of Psychiatry has trained approximately 5 percent of the psychiatrists in this country and also throughout the world. His 14 books on the problems and challenges of the human mind have reached countless numbers of medical professionals and laymen. As a medical student 35 years ago, my formal introduction to psychiatry was conveyed through Dr. Menninger's first book, "The Human Mind." He has given us the gift of understanding the most complex process known to us—the workings of the human mind. As he attains his 90th year, we should be grateful that Dr. Karl Menninger has

passed among us, so generously sharing his understanding.

I thank the gentleman from Kansas for yielding.

Mrs. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. SLATTERY. I am happy to yield to the gentlewoman.

Mrs. BOGGS. Mr. Speaker, I thank the gentleman for paying this well-deserved tribute to Dr. Menninger.

I would like to say that in the eternally young spirit of Dr. Menninger that this very time in my home city of New Orleans the Menninger Foundation is conducting a seminar on family stress in conjunction with a beautiful summer festival that we have, called La Fete de Nouvelle Lyon.

□ 2240

And to give that festival some substance and some meaning that will carry on throughout the year, we are very, very grateful to Dr. Menninger and to the foundation for presenting such a meaningful expression to our festival.

I thank the gentleman for taking this time.

Mr. SLATTERY. I certainly appreciate the gentlewoman's remarks.

● Mr. GLICKMAN. Mr. Speaker, it is truly an honor to be able to call to the attention of my colleagues the forthcoming 90th birthday of a fellow Kansan, the remarkable Dr. Karl Menninger. But we are not only acknowledging the feat of a man who will mark the passing of 90 years on Friday, we are celebrating the extraordinary humanity of a man who has dedicated himself to helping us understand human behavior. I commend my colleague, Representative SLATTERY, for calling this special order in Dr. Menninger's honor.

He was first and foremost a doctor who is described by Dr. Garry Porter, a Wichita, Kans., psychiatrist who studied under Dr. Menninger, as a caring and compassionate physician. "He could," said Dr. Porter, "establish a rapport with even his most seriously ill patients because of his great sensitivity, his great compassion."

Although no words can fully credit the fine accomplishments of Dr. Menninger, or Dr. Karl as he is best known by his students, a recounting of a few of them is important. Dr. Menninger's long and distinguished career as a doctor began after he returned to Topeka, Kans., from Harvard Medical School to join a medical practice with his father, Dr. Charles, and brother, Dr. Will Menninger. In 1925, guided by their interest in neurology and psychiatry, the Menningers obtained a $20,000 mortgage and bought a farmhouse and 20 acres of land on the outskirts of Topeka. The farmhouse was remodeled for a 13-bed hospital for the mentally ill; the outbuildings housed offices and patient activities.

The small hospital was the fulfillment of a dream—the establishment of a group psychiatric practice in which doctors worked together with a common ideal to provide the best diagnosis and treatment possible for their patients. The psychiatric sanitarium gradually became the model nationwide for treatment and training in psychiatry. In 1942, Dr. Menninger played a major role in the formation of the Topeka Institute for Psychoanalysis, at that time the only psychoanalytic training institute between the Mississippi River and the west coast.

Over the years, Dr. Menninger has distinguished himself not only as a doctor, but as a renowned author as well. Through "The Human Mind," his first book published in 1930, he introduced the discipline of psychiatry to a vast audience and promoted the idea that mental disorders were treatable. Since then, he has written 13 more books addressing topics of interest to psychiatric professionals and to the public at large.

As an educator, Dr. Menninger has held professorships at 6 universities and training centers and has been awarded honorary degrees from 13 universities. He is a member of more than 35 professional groups, including organizations whose members are interested in criminology, research in medical and nervous diseases, and suicide prevention, to name a few. Besides holding a chair on the board of directors of 22 organizations, he was president of the American Psychoanalytic Association in 1941–42 and served on the reorganization committee of the American Psychiatric Association in 1945. He is a founding member of such organizations as the American Orthopsychiatric Association and the Association of Clinical Pastoral Education.

Ever committed to helping the powerless, Dr. Menninger has championed the cause of neglected, abused and deserted children. The Villages, a nonprofit organization which he founded in 1966, has become a national organization providing homes for boys and girls who need a stable, caring place to live and grow. In addition, he has traveled extensively, instructing professional and lay groups about prison reform, programs for the aging, and the needs of abandoned children, and serving as a consultant to prison personnel and psychiatric treatment facilities.

Clearly, Dr. Menninger is a generous, gifted human being. A recipient of dozens of awards, Dr. Menninger was presented with the Medal of Freedom by President Carter in 1981. Two years earlier, Dr. Menninger was honored at the dedication of the Wilson Memorial Window of the Healing Arts in the National Cathedral here in Washington. Dr. Karl, along with his father and brother, are represented in the section of the beautiful stained glass window devoted to mental health. The memorial window's inscription, "Friend of Man" is undeniably personified in Dr. Menninger.

Dr. Karl Menninger's accomplishments go far beyond those which I have mentioned today, and his influence will extend far beyond his lifetime. As the inscription on his Medal of Freedom reads:

> Karl Menninger has taught us much about ourselves and our behavior. • • • With the wisdom of his years, he truly does represent the ideas of another generation—one of the future, rather than of the past.

Dr. Menninger's works have served as excellent guidance to this country as we confront new and changing problems. Particularly in the areas of criminal rehabilitation, his analysis has been of great benefit to our judicial system. On this anniversary of his birth, we should do more than say "happy birthday," we should review his writings and consider how they can help us in addressing the increasingly complex problems of this generation and the future.●

● Mr. WHITTAKER. Mr. Speaker, Kansas is a State of pioneers. But the great contributions of the natives of my home State are not limited to the cultivation of the fertile prairies which feed the world. Dr. Karl Menninger is a pioneer of another variety: Dedicating his life to the vast frontiers of the human mind and the peaks and valleys of human existence. The contributions which this distinguished Kansan has made to psychiatry and to our awareness of social ills are beyond measure. His indefatigable pursuit of remedies for these social ills is beyond compare.

As founder of the Menninger Clinic, chairman of the board of trustees of the Menninger Foundation, and author of scores of scholarly essays and books, Dr. Menninger has held a candle up to the mysteries of the human mind. As admiring colleagues once observed:

> The Menninger Foundation and Clinic has provided a sustained and highly productive attack against mental disease for many years. The influence of the Menninger Foundation and Clinic in increasing professional and public interest in the care of the mentally ill cannot be measured, but it is indelibly recorded as a great service to mankind.

Today, the Menninger Foundation maintains a children's hospital, an institute of psychoanalysis, an alcohol and drug abuse program, and several halfway houses. These facilities are encampments in Dr. Karl Menninger's continuing battle against the enemies of mental health.

Dr. Menninger's passion for the mental health sciences has made him a crusader for the humane treatment of criminals by our system of justice. He has said that some people regard

him as a "bleeding heart" for his well-known humanitarian positions on these issues. "As for my heart bleeding—yes! Before God it does! I've seen the jails and prisons where people are sent to receive their 'desserts.' I've seen them often, and my heart starts bleeding every time I enter them and aches when I leave."

Dr. Karl Menninger is more than a scholarly man of letters. He is a man of rare courage and real compassion, as well.

It is with great pleasure that I join with my colleagues from the State of Kansas in recognizing a distinguished native son as he celebrates his 90th birthday. We are proud of Dr. Karl Menninger and pleased to offer him our best wishes for health and happiness for many years to come.●

CONGRESSIONAL COMMISSION ON NATIONAL DEFENSE PLANNING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. TAUKE) is recognized for 5 minutes.

● Mr. TAUKE. Mr. Speaker, considerable attention has been focused on the problems within the command structure of the Department of Defense. The cumbersome system of decisionmaking has raised questions about the ability of the Pentagon to provide timely and accurate information and recommendations to Congress and the President. For this reason Congress has begun to consider alternatives to the present command structure. In an effort to facilitate a comprehensive examination of the defense command structure, I will offer an amendment to the Defense authorization bill creating a Congressional Commission on National Defense Planning.

The Commission will be chartered to examine and make recommendations for improvement of:

The organization of the military staffs, including the Joint Chiefs of Staff and the Joint Staffs;

Procedures within the Department of Defense providing command, communications, and control authority;

Procedures within the Department of Defense for liaison with other executive branch agencies and with Congress enabling the Department to carry out its defense planning responsibilities; and

Personnel policies and functional responsibilities related to the planning and execution of national defense policy.

The Commission will be made up of 15 members—7 appointed by the President, and 4 each by the Speaker of the House and the Senate majority leader. Members of the Commission will be appointed by virtue of their knowledge and expertise concerning national defense policy and planning. The Commission will report its findings within 1 year of its authorization.

I firmly believe that the work of the Commission will offer Congress the opportunity to select viable and constructive options for the future makeup of our Nation's defense establishment. I urge you to support this amendment when it is offered under title XI of H.R. 2969.●

IMF QUOTA INCREASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 10 minutes.

● Mr. CORCORAN. Mr. Speaker, we will soon consider an increase of $8.4 billion in the U.S. contribution to the International Monetary Fund. This issue is admittedly complicated and deserving of our serious consideration.

Contrary to what the administration has told the Congress and the citizens of the United States, a deletion of this funding request will not endanger or cause the collapse of the international economic structure. We must consider alternatives which can insure the health of the international monetary system, and in addition, still establish the obligation of lenders to accept the consequences of their actions. I do not believe that this House should approve a funding increase to bail out lending institutions who have disregarded sound lending practices.

I am including in this statement an article which appeared in the July 19, 1983, Wall Street Journal by Robert Heller. Entitled, "Why Should Congress Lend Foreign Banks a Hand," it very appropriately addresses this issue.

I urge my colleagues to oppose this bailout. It is not a solution to the problems of the International Monetary Fund. In reality, the most needy countries will only be forced to carry a heavier burden.

WHY SHOULD CONGRESS LEND FOREIGN BANKS A HAND?

(By H. Robert Heller)

The House is about to take up a bill that, in its present form, would make it more difficult for U.S. banks to compete with their foreign counterparts in international lending. The bill, H.R. 2957, already has passed the House Banking Committee, and last month the Senate approved a similar, though somewhat less stringent, measure. Significant harm is about to be done to banking, its customers and the economy. At stake are billions of dollars in foreign earnings and thousands of American jobs—and not just those in banking.

As usual, it all started out with good intentions. The finance ministers of the world agreed that in view of the large international payments imbalances faced by many countries it would be appropriate to increase the financial resources of the International Monetary Fund. For the U.S. this involves an allocation of $8.4 billion. The funds are to be used to finance the IMF-approved adjustment programs that allow those nations most seriously affected by the global economic difficulties to regain their economic and financial health.

But as frequently happens when there is an opportunity to do something good, people rush in to do even more good. In the present case this unfortunately has the result that the very same bill that provides for more governmental financial resources to countries in difficulties may also severely restrict the funds available to the same countries from private sources.

One provision of the House bill stipulates that banks are to set aside "special" reserves for all loans to foreign borrowers that aren't fully up to date with their interest payments, to countries that do not comply with an IMF adjustment program, or where "there is substantial likelihood that such debt cannot reasonably be expected to be repaid in accordance with its original terms and conditions without additional borrowing or a major restructuring." Not even the U.S. government is in a position to repay its debt without additional borrowing! Yet banks are to apply this stringent standard to all foreign loans and to establish special reserves if these conditions aren't met. These special reserves aren't to be considered part of the bank's capital, but are actually to be subtracted from it.

Many banks may consider this a signal to pull back from international lending. To do so would not only be harmful to the foreign countries that would have to reduce their imports further, but would also adversely affect American exports, the fledgling U.S. recovery, and therefore American jobs.

While U.S. banks are thus encouraged to curtail their international lending, additional official resources are to be made available through the IMF. The ultimate irony is, of course, that this runs totally counter to the intent of the IMF financing programs. The IMF funds aren't to be used by the countries to pay off their bank loans. Instead, the IMF adjustment programs are designed to bring forth additional private lending. In many countries, such as Brazil and Mexico, the IMF program itself is contingent upon banks boosting their financing commitments by 7 percent. Obviously, no "bail-out" of commercial banks is intended.

The banks face an additional dilemma: While Congress is urging them to increase their loan-loss reserves, the Internal Revenue Service won't permit banks to set aside more than 1 percent of outstanding loans in the form of reserves without first paying taxes on these funds. This ratio is actually scheduled to drop to one-sixth of 1 percent in the near future. The banks are caught in the situation of having one government agency urge them to increase their loan-loss reserves, while another agency severely penalizes them for doing so.

The House bill also requires an "economic impact study" for any U.S. bank loan larger than $1 million made for a foreign mining, processing or manufacturing project. If this study finds that any subsidies or guarantees by a government or international organization assist in the repayment of the loan, then the bank isn't permitted to finance this project. Presumably this would include even small subsidies in the form of World Bank or U.S. Export-Import Bank financing or even U.S. governmental guarantees in support of the project. Clearly, this would make it more difficult for U.S. banks to lend to many foreign ventures, while foreign banks would be eager to lend to projects thus benefited.

It is argued that U.S. banks channel funds to foreign borrowers that could be used more productively at home. In fact, the nine largest U.S. banks hold more in foreign deposits than they have in foreign loans outstanding. On balance, no funds of American depositors in these banks are used to fund foreign loans. Thus, domestic U.S. capital markets aren't affected adversely by the international lending activities of U.S. banks.

In the past few years, many domestic loans, no less than foreign loans were jeopardized by record interest rates, falling commodity prices and volatile exchange rates. With the wisdom of hindsight it is easy to say that economists, government officials and bankers should have somehow predicted the global inflationary surge and the severity and duration of the recession. But it does not follow that the government is better qualified to decide who gets credit on what terms. Indeed, loans by the U.S. government itself and by its agencies have scarcely been free from repayment problems.

Banks are in the business of taking risks, thereby reducing risks for others. Mistakes are made, and there is no reason for undue sympathy toward specific banks. But the U.S. banking industry as a whole has been a vital and competitive contributor to the entire U.S. economy.

At this crucial period in the U.S. and global recovery it is important that funds are available to U.S. industry so that these firms can finance their investment and export programs. If the U.S. banking system, because of a stringent requirement for special reserves, were to be sharply constrained in its capacity to meet the additional financial needs of industry, the recovery would be weakened. Also, the ability of U.S. industry to compete internationally will be reduced if export financing isn't available.

If the legislative penalties on U.S. banks are enacted, nobody should be surprised by congressional hearings within a few years to investigate why the international banking industry was taken over by foreign banks, and why Americans at home and abroad lost their jobs. The answer will be simple. The provisions of the House bill now being considered would make it much more difficult for U.S. banks to compete internationally. Congress is about to hand over the international banking system to foreign banking interests on a silver platter.●

INTERNATIONAL MONETARY FUND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 30 minutes.

● Mr. FRENZEL. Mr. Speaker, I am convinced that an adequately financed International Monetary Fund is not only a vital necessity for world economic recovery, but also a crucial element in insuring that the beginnings of our own domestic recovery are nurtured into a robust and continuing prosperity.

Because an effective IMF is so important to our own economic health, I support the Reagan administration's efforts to match the increased contributions of most of the countries of the free world by proportionally increasing our contribution to the Fund.

The world economy has been in serious recession. All nations have suffered. The near-bankruptcy of a number of advanced developing countries, especially within our own hemisphere, threatens the stability of the already-shaken world. Only one multinational agency, the International Monetary Fund, has the strength and stature and support to prevent major disruptions to the world economy.

With U.S. support, the IMF can make the necessary loans that no individual country or consortium of banks can make. More importantly, only a thoroughly international agency-like IMF can, without allegations of colonialism, demand that debtor nations put their mismanaged affairs back in order.

IMF laons support the whole world economy and they support our economy. Mexico, formerly our third largest trading partner, has nearly dropped off our export lists because of its economic difficulties. IMF loans have helped it to put its house in order. That will help to reinvigorate our markets there, particularly our agriculture markets. And who can deny that either that a bankrupt Mexico on our southern border is a security risk to us, or that an economically revived Mexico is a security advantage to us.

IMF lending helps us to save our export manufacturing jobs—one out of every six. It helps us to sell the agricultural production of the one acre out of every three that must be sold abroad. If the endangered economies go bankrupt, or are subjected to overthrow of governments, our economy will suffer losses far beyond the $8 billion we are asked to contribute to IMF for international stability.

The bailout, then, is for us—all of us. It is not a bailout of banks. Yes, the banks are a part of our economy. If IMF loans are successful, banks which have endangered loans abroad will be more likely to get their money back with interest.

However, IMF loans to one of these distressed countries are usually accompanied by either a stretchout—reduction of interest or extension of risk—of private bank loans, or by additional private credit. The private banks are being asked to expand their risks or reduce their returns. That is not much of a bailout.

I believe the management and the stockholders of private banks should not be bailed out. I opposed loans and loan guarantees to New York, Lockheed, and Chrysler. On the other hand, I see no reason to make the banks just so they can prove their virility. IMF lending will not bail them out. It will help them, to be sure, but it will also help every sector of our economy.

The bottom line is that IMF means world economic stability and world growth. The relationship between export growth and jobs and IMF effort is clear. A stronger world economy means a stronger U.S. economy.

A vote against the IMF funding will hurt America. I ask all Members to vote for this funding bill. It has some terrible provisions, like the reserve requirements, the South Africa Amendment, and the restrictions on SDR issue. Nevertheless, the need for additional IMF funding is so great that it must be passed.●

PRESIDENT GIVES STRONG ENDORSEMENT OF IMF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. WYLIE) is recognized for 5 minutes.

Mr. WYLIE. Mr. Speaker, on several occasions President Reagan has written to me in support of H.R. 2957, the administration's legislation to fulfill the U.S. commitment to the International Monetary Fund and the regional, multilateral development banks, and to reauthorize the U.S. Export-Import Bank. The President's most recent letter to all Members is a ringing endorsement of the legislation soon to be voted on.

In his letter of July 13, 1983, President Reagan reaffirms that the International Monetary Fund plays the central role in a comprehensive strategy to resolve current world debt and financial problems, and asks us to fulfill our commitment to give the Fund adequate resources to do its job.

Let me quote directly from the President:

> If (IMF resources) are not augmented in the very near future, as agreed to by all member countries, the IMF will be unable to provide financial support and policy advice to countries facing balance of payments problems. Without this, commercial lending will dry up, and economic conditions in developing countries will deteriorate, forcing severe contractions in imports and possible defaults.
>
> The U.S. economy could not escape the after-effects of such events. The legislation I have requested to fulfill our share of the increase in IMF resources is necessary to protect our own interests in a stable financial system, a growing world economy, and sustained economic recovery and higher employment levels. It is also necessary to help protect U.S. foreign policy and security interests overseas.

Mr. Speaker, this legislation is necessary to insure adequate financing to grease the wheels of international trade. It is important for our own economic recovery and it is vital to the preservation of jobs in this country. It is a top priority of President Reagan.

Included herewith are copies of President Reagan's letters on the need for H.R. 2957, the International Recovery and Financial Stability Act:

THE WHITE HOUSE,
Washington, July 13, 1983.

Hon. CHALMERS P. WYLIE,
House of Representatives,
Washington, D.C.

DEAR CHALMERS: The House of Representatives will soon consider my request for increased United States participation in the International Monetary Fund (IMF). In my letter transmitting this request, I explained that the IMF plays the central role in a comprehensive strategy to resolve current world debt and financial problems. Since then, I have met with leaders of the other industrialized nations at Williamsburg where we affirmed the correctness of this strategy and pledged to secure early ratification of the increase in IMF resources. I would now like to emphasize the major importance I attach to this request.

The world economy is currently facing a number of serious strains, including a heavy international debt burden which threatens to stifle growth in the developing countries and, if not handled properly, thwart economic recovery in the United States and other industrialized nations. To assure orderly resolution of current global economic problems, there must be better coordination of policies in developed countries to promote sustainable, noninflationary growth; appropriate policies in LDC's to set their economies on a path to sustainable growth; continued official and private financing at adequate levels to maintain a viable international trading system; and reduction of protectionist barriers to trade.

The IMF is the centerpiece of these efforts, and it must have adequate resources to do its job. Those resources are now nearly exhausted. If they are not augmented in the very near future, as agreed to by all member countries, the IMF will be unable to provide financial support and policy advice to countries facing balance of payments problems. Without this, commercial lending will dry up, and economic conditions in developing countries will deteriorate, forcing severe contractions in imports and possible defaults.

The U.S. economy could not escape the after-effects of such events. The legislation I have requested to fulfill our share of the increase in IMF resources is necessary to protect our own interests in a stable financial system, a growing world economy, and sustained economic recovery and higher employment levels. It is also necessary to help protect U.S. foreign policy and security interests overseas.

Because of the importance of early ratification of the proposed increase to help stabilize the international financial system, I have pledged to other world leaders my full efforts to ensure prompt enactment of the legislation to authorize and appropriate the proposed U.S. share. I believe this legislation is in our Nation's best interests and warrants, as it has in the past, the broadest bipartisan support in the Congress. I therefore urge its prompt approval by the House of Representatives.

Sincerely,

RONALD REAGAN.

THE WHITE HOUSE,
Washington, May 5, 1983.

Hon. CHALMERS P. WYLIE,
House of Representatives,
Washington, D.C.

DEAR CHALMERS: As the House Banking Committee considers the legislation I have requested authorizing increased U.S. participation in the International Monetary Fund, multilateral development banks, and reauthorizing the Export-Import Bank, I want to reiterate the importance which I attach to these measures. Taken together, these proposals will strengthen international financial stability, promote sustainable economic growth in the developing countries, and enhance our economic recovery here at home.

The request to provide an increase in the U.S. quota in the IMF and in U.S. participation in the IMF's General Arrangements to Borrow is part of an internationally-agreed strengthening of the IMF's resources, designed to enable the Fund to play its central role in promoting an orderly, cooperative resolution of current international debt and financial problems. With our growing interdependence with the world economy, this request represents an essential part of our own efforts to achieve sustainable economic recovery, preserve jobs in this country, and maintain a stable world economic foundation for pursuit of our international economic, foreign policy, and security interests abroad.

For this reason, the proposed increase in the IMF's resources is of major importance to every American citizen, no matter how distant international financial problems may seem. I am confident that this legislation should, as it has in the past, warrant the broadest bipartisan support in the Congress.

Similarly, the authorizations for the multilateral development banks and Export-Import Bank represent an investment in economic growth, at home and abroad, and merit strong support by Members from both sides of the aisle.

I want especially to commend you for your efforts to assure prompt consideration of this legislation by the Committee. You can be sure of my continued strong and active support for these measures which form a crucial part of my legislative program.

Sincerely,

RONALD REAGAN.

GOVERNMENT EFFICIENCY, PENTAGON STYLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, this morning's Washington Post let us know that Secretary of Defense Caspar Weinberger will be making a visit to my congressional district. Oh, do not despair, it is strictly business. He and Secretary Lehman, Research Chief Richard DeLauer, and National Security Adviser William P. Clark will be on a morale-boosting mission to the Naval Supply Center in Oakland, Calif.

What a coincidence. This very same group of top administration officials will depart from the Naval Supply Center and then head for Bohemian Grove, that mysterious encampment for the Nation's top political and industrial figures—but only the male ones. By the way, the core of this trip, from Washington to the Oakland Supply Center will be aboard a Government jet, even though infinitely cheaper commercial flights to Oakland and San Francisco leave from Washington each day—more than 100 times.

When he was at HHS, they called him "Cap the Knife" becaue he chopped our most valuable social programs. The name still holds—now he just sticks it to the taxpayers.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. MCDONALD) is recognized for 5 minutes.

● Mr. McDONALD. Mr. Speaker, due to a death in my family, I was unable to be in Washington on Tuesday, July 19, 1983, and missed two recorded votes. Therefore, I would like to take this opportunity to explain how I would have voted had I been present.

"No" on rollcall No. 254, passage of H.R. 3385, the upland cotton PIK program; and "no" on rollcall No. 255, passage of House Resolution 268, a resolution dealing with committee elections.●

CONGRESSIONAL SPACE CAUCUS TO HOLD BRIEFING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. AKAKA) is recognized for 5 minutes.

● Mr. AKAKA. Mr. Speaker, there can be no question that the seventh mission of the space shuttle was the most ambitious yet. Not only was this mission the most ambitious to date, but it also met with resounding success in achieving specific mission objectives. Carrying a five-person crew on its second mission into space, the ship Challenger performed superbly. The five shuttle astronauts, led by Comdr. Bob Crippen, carried out their tasks with such agility and competence that all of them made living and working in space look easy.

This mission was truly an historic one, for not only did it carry the first woman astronaut into space, but of the first time in the history of our space program, we deployed and retrieved a platform in space. The implications of the success enjoyed by the crew of STS-7 in performing this task are far reaching and should change the way we have traditionally thought about space. Space is a place where we can live and work. We can repair and retrieve satellites, thereby extending their useful lifespan. In short, space has become our new frontier.

If you wonder what it is really like to live and work in space and if you would like to talk to people who have been there, then your opportunity has arrived. The Congressional Space Caucus will host a briefing by the five space shuttle astronauts for Members and staff tomorrow, July 21, from 3 to 4 p.m., in room 2359-A of the Rayburn

Building. There will be ample time for questions.

During the course of the briefing, the astronauts will show and narrate their "home movie" shot in space. I encourage all of my colleagues to join us for this exciting firsthand account of how the crew of STS-7 lived and worked in space.●

WELCOME TO PRESIDENT AMIN GEMAYEL

The SPEAKER pro tempore. Under a pervious order of the House, the gentleman from West Virginia (Mr. RAHALL) is recognized for 5 minutes.

● Mr. RAHALL. Mr. Speaker, it is my pleasure today to welcome to the United States the President of Lebanon, Amin Gemayel. President Gemayel took office last fall in the midst if a crippling war in his country and he has done a magnificent job in reestablishment the Government as an authority in Lebanon. The people of Lebanon, accustomed to living under the occupation of foreign forces, have now begun to enjoy a certain degree of freedom, a certain degree of independence, and the leadership of President Gemayel has contributed greatly to this.

However, Lebanon cannot be totally free and independent without the help of the United States. The authority of the Gemayel government can only be made complete through the withdrawal of all foreign forces from Lebanon and the United States is the only country with the power, prestige, and economic stability and ability to do this. By reestablishing the authority of the Government, the United States can assist in the establishment of Lebanon as a strong, sovereign, democratic country that the United States can count as a strong and stable ally in the Middle East.

The visit of President Gemayel to the United States will serve to help Lebanon and the United States cement their longstanding friendship. Through the assistance of the United States in helping to rebuild war-torn Lebanon, we can help to establish a strong and stable ally that we can depend on in the future. I know that my colleagues will join me in welcoming President Amin Gemayel to the United States and I hope that his visit proves beneficial to both Lebanon and the United States.●

OCCUPATION OF CYPRUS

(Mr. KILDEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, today marks the close of the ninth year since the occupation of the sovereign nation of Cyprus. All of us are probably familiar with the tragic statistics relating to this troubled island—nearly 10,000 known casualties, more than 2,000 unaccounted for, and more than 200,000 displaced from their homes.

We can certainly relate to the tragedy of a smaller number of American families being forced to leave their homes because of a natural disaster. We know how difficult it would be for them to resume normal lives. Yet try to conceive the dimensions of the tragedy on Cyprus where 200,000 Greek and Turkish Cypriots have become displaced persons and have not only lost their homes and possessions, but also the very communities around which their lives had been structured. Imagine the trauma each of them has experienced and then multiply that by 200,000. There also is the loss of the thousands of dead and missing persons. We cannot permit the present situation to assume a degree of permanence. We have a moral responsibility not to turn our heads and ignore the suffering, but to assist the people of Cyprus in finding a just solution.

I am disappointed our own Government has not taken a more active role in seeking a solution to this crisis. Despite the administration's claims of using quiet diplomacy, there is little evidence they are truly committed to bringing about an end to the Turkish occupation of Cyprus. I urge my colleagues to join with me in insisting that a special Presidential envoy be appointed to seek solutions to the Cyprus conflict. Our own Government must place a higher priority on finding a solution. Quiet diplomacy all too often serves as a guise for moot diplomacy. Our Government must take steps to encourage all parties in this conflict to take actions that will benefit the Cypriots, as well as all the peoples of the region.

CONFERENCE REPORT ON H.R. 3069

Mr. WHITTEN submitted the following conference report and statement on the bill (H.R. 3069) "making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 98-308)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3069) "making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 7, 9, 12, 17, 37, 39, 52, 54, 55, 59, 60, 62, 63, 64, 81, 86, 90, 91, 100, 107, 109, 111, 112, 114, 116, 122, 124, 127, 135, 147, 177, 178, 179, 185, 187, 192, 194, 197, 198, 199, 202, 203, 206, 207, 208, 212, 213, 222, 223, 224, 225, 232, 237, 240, 242, 246, 250, 252, and 254.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 10, 15, 18, 32, 33, 34, 36, 44, 45, 46, 47, 77, 82, 87, 95, 96, 97, 99, 104, 106, 108, 110, 113, 118, 120, 134, 136, 140, 142, 154, 155, 156, 157, 166, 167, 170, 173, 174, 175, 186, 191, 193, 195, 196, 214, 215, 216, 217, 219, 220, 221, 226, 227, 228, 229, 233, 234, 235, 236, 238, 243, and 244, and agree to the same.

Amendment numbered 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$3,488,000*; and the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *The "Economic Support Fund", $301,250,000: Provided, That $150,000,000 of this amount shall be available only for Lebanon, to remain available until expended*; and the Senate agree to the same.

Amendment numbered 71:

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *"Military Assistance", $93,325,000*; and the Senate agree to the same.

Amendment numbered 72:

That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: *"Foreign Military Credit Sales", for commitments to guarantee loans, $293,500,000 of contingent liability for loan principal: Provided, That of this sum $100,000,000 shall be available only for assistance to Lebanon.* ; and the Senate agree to the same.

Amendment numbered 73:

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

None of the funds in this chapter may be used to provide assistance to Guatemala, except for development projects funded through private voluntary organizations.

And the Senate agree to the same.

Amendment numbered 92:

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to change the sum $4,280,000 to: *$1,000,000*; and the Senate agree to the same.

Amendment numbered 98:

That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows: *; $4,300,000 is for Gulf Islands National Seashore, Mississippi; $327,000 is for Chickamauga and Chattanooga National Military Park, Georgia-Tennessee; $166,500 is for Lake Clark National Monument, Alaska; $220,500 is for Acadia National Park, Maine*; and the Senate agree to the same.

Amendment numbered 101:

That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: *$51,870,000*; and the Senate agree to the same.

Amendment numbered 123:

That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:

In order to further the purposes of the Delaware Water Gap National Recreation Area, and to provide for the public safety of the visitors to the recreation area and the citizens of the States of New Jersey and Pennsylvania:

(1) Highway 209, as a federally owned road within the boundaries of the recreation area, is hereby closed to all commercial vehicular traffic upon enactment of this law, except for those commercial vehicular operations which are based within the recreation area, or which have business facilities in Monroe and Pike Counties, Pennsylvania, operating, on the date of enactment, commercial vehicular traffic originating or terminating outside the recreation area, and except for those commercial vehicular operations which are necessary to provide services to businesses and persons located within or contiguous to the boundaries of the recreation area.

(2) The Secretary of the Interior is authorized and directed, notwithstanding any other law, to establish a commercial operation fee for the use, in accordance with subsection (1), of highway 209 for all commercial vehicles, except for commercial vehicular operations serving businesses or persons located in or contiguous to the boundaries of the recreation area: Provided, That the fee schedule may not exceed $10 per trip: Provided further, That all fees received shall be set aside in a special account and are available, without further appropriation, for the management, operation, construction, and maintenance of highway 209 within the boundaries of the recreation area.

(3) The provisions of subsection (1) of this section shall terminate on December 31, 1983. The provisions of subsection (2) of this section shall terminate three years from the enactment of this section unless construction of the I-287 bypass in New Jersey or any other feasible, suitable alternative has been commenced. In the event construction has been commenced subsection (2) of this section will terminate ten years from the enactment of this section, or when construction of I-287 or any other feasible, suitable alternative is completed, whichever occurs first.

And the Senate agree to the same.

Amendment numbered 141:

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert: *$1,250,000*; and the Senate agree to the same.

Amendment numbered 150:

That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$165,000*; and the Senate agree to the same.

Amendment numbered 160:

That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$7,500,000*; and the Senate agree to the same.

Amendment numbered 161:

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$7,500,000*; and the Senate agree to the same.

Amendment numbered 163:

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *necessary expenses excluding administrative personnel costs*; and the Senate agree to the same.

Amendment numbered 184:

That the House recede from its disagreement to the amendment of the Senate numbered 184, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$7,765,000*; and the Senate agree to the same.

Amendment numbered 188:

That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$507,000*; and the Senate agree to the same.

Amendment numbered 189:

That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$23,441,000*; and the Senate agree to the same.

Amendment numbered 190:

That the House recede from its disagreement to the amendment of the Senate numbered 190, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$3,304,000*; and the Senate agree to the same.

Amendment numbered 200:

That the House recede from its disagreement to the amendment of the Senate numbered 200, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: *(INCLUDING TRANSFERS OF FUNDS)*; and the Senate agree to the same.

Amendment numbered 201:

That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

"National Cancer Institute", $766,000;

"National Heart, Lung, and Blood Institute", $484,000;

"National Institute of Dental Research", $432,000;

"National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases", $1,310,000;

"National Institute of Neurological and Communicative Disorders and Stroke", $800,000;

"National Institute of Allergy and Infectious Diseases", $1,048,000;

"National Institute of General Medical Sciences", $252,000;

"National Institute of Child Health and Human Development", $669,000;

"National Eye Institute", $340,000;

"National Institute of Environmental Health Sciences", $500,000;

"Research Resources", $113,000;

And the Senate agree to the same.

Amendment numbered 204:

That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: *(INCLUDING TRANSFER OF FUNDS)*; and the Senate agree to the same.

Amendment numbered 209:

That the House recede from its disagreement to the amendment of the Senate numbered 209, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$4,030,000*; and the Senate agree to the same.

Amendment numbered 210:

That the House recede from its disagreement to the amendment of the Senate numbered 210, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$12,019,000*; and the Senate agree to the same.

Amendment numbered 211:

That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$8,395,000*; and the Senate agree to the same.

Amendment numbered 241:

That the House recede from its disagreement to the amendment of the Senate numbered 241, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,650,000*; and the Senate agree to the same.

Amendment numbered 245:

That the House recede from its disagreement to the amendment of the Senate numbered 245, and agree to the same with an amendment, as follows:

In lieu of the sum named by said amendment insert *$400,000*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 2, 4, 5, 8, 11, 13, 14, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 35, 38, 40, 41, 42, 43, 48, 49, 50, 51, 53, 56, 57, 58, 65, 66, 67, 69, 70, 74, 75, 76, 78, 79, 80, 83, 84, 85, 88, 89, 93, 94, 102, 103, 105, 115, 117, 119, 121, 125, 126, 128, 129, 130, 131, 132, 133, 137, 138, 139, 143, 144, 145, 146, 148, 149, 151, 152, 153, 158, 159, 162, 164, 165, 168, 169, 171, 172, 176, 180, 181, 182, 183, 205, 218, 230, 231, 239, 247, 248, 249, 251, and 253.

JAMIE L. WHITTEN,
EDWARD P. BOLAND,
WILLIAM H. NATCHER,
NEAL SMITH,
JOSEPH ADDABBO,
CLARENCE D. LONG,
SIDNEY R. YATES,
(except amendments Nos. 71 and 72),

EDWARD R. ROYBAL
(except amendments Nos. 71 and 72),
TOM BEVILL,
WILLIAM LEHMAN,
JULIAN C. DIXON,
(except amendments Nos. 71 and 72),
VIC FAZIO
(except amendments Nos. 71 and 72),
W. G. (BILL) HEFNER,
JOSEPH M. MCDADE,
JACK EDWARDS,
JOHN T. MYERS,
LAWRENCE COUGHLIN,
JACK F. KEMP,
Managers on the part of the House.

MARK O. HATFIELD,
TED STEVENS,
LOWELL P. WEICKER, JR.,
JAMES A. MCCLURE,
PAUL LAXALT,
THAD COCHRAN,
MARK ANDREWS,
JAMES ABDNOR,
ROBERT KASTEN,
ALFONSE D'AMATO,
MACK MATTINGLY,
(except amendment No. 169),
WARREN RUDMAN,
JOHN C. STENNIS,
DANIEL K. INOUYE,
THOMAS F. EAGLETON,
LAWTON CHILES,
QUENTIN N. BURDICK,
DENNIS DECONCINI,
DALE BUMPERS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3069), making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I

CHAPTER I

DEPARTMENT OF AGRICULTURE

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

PAYMENT-IN-KIND PROGRAM

Amendment No. 1: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter stricken by said amendment, insert:

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

PAYMENT-IN-KIND PROGRAM

All land rented or leased, and in production for crop year 1982, if now rented or leased by the same individual, partnership, or corporation, and eligible for acreage reduction shall qualify for designation under the payment-in-kind program for crop year 1983, the same as land owned by the producer.

Until such time as additional legislation to the contrary may be enacted, it is provided: *That, notwithstanding any other provision of law, in order to acquire a sufficient amount of upland cotton to carry out the payment-in-kind program for the 1983 crop of upland cotton, the Secretary of Agriculture shall solicit bids from cotton producers, for sale to the Commodity Credit Corporation of 1980, 1981, and 1982 crop cotton pledged by such producers as security for nonrecourse loans made under section 103(g)(1) of the Agricultural Act of 1949 (7 U.S.C. 1444(g)(1)). Until sufficient cotton to carry out the payment-in-kind program for the 1983 crop of upland cotton is acquired under this procedure, or until a reasonable bid period opportunity has been determined and made available by the Secretary, but in no event less than two weeks, no bid for 1982 crop cotton shall be rejected unless it exceeds (on a percentage basis) the amount of the highest bid received and accepted under the same procedure for feed grains. The Secretary shall also give any producer who has previously submitted a bid the opportunity to nullify such bid if the producer agrees to submit another bid under the provisions of this Act.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

FARMERS HOME ADMINISTRATION

AGRICULTURAL CREDIT INSURANCE FUND

Amendment No. 2: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which provides $25,000,000 for farm ownership loans instead of $100,000,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement makes a total of $625,000,000 available for insured farm ownership loans in fiscal year 1983.

RURAL DEVELOPMENT INSURANCE FUND

Amendment No. 3: Deletes Senate language providing an additional $225,000,000 for rural water and waste disposal loans. For fiscal year 1983, a total of $600,000,000 is available for water and sewer loans.

RURAL WATER AND WASTE DISPOSAL GRANTS

Amendment No. 4: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment which appropriates $25,000,000 for rural water and waste disposal grants instead of $75,000,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The additional funds provided by the conference agreement make a total of $225,000,000 available for rural water and waste disposal grants in fiscal year 1983.

From funds available, the Department is urged to expedite water and waste disposal grants and loans in areas of high unemployment.

GENERAL PROVISION

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which prohibits the relocation of the FmHA State office from Hilo to Honolulu. Since no funds are included in this or any other Act for an FmHA State office in Honolulu, should such a relocation have taken place it will be necessary for the office to be moved back to Hilo.

FOOD AND NUTRITION SERVICE

FOOD STAMP PROGRAM

Amendment No. 6: Appropriates $1,189,484,000 for the food stamp program as proposed by the Senate instead of $1,038,484,000 as proposed by the House.

Amendment No. 7: Provides that $160,000,000 of the food stamp funds will be available only to the extent necessary after the Secretary has employed the regulatory and administrative methods available to him under the law to curtail fraud, waste, and abuse in the program as proposed by the House instead of $151,000,000 for this purpose as proposed by the Senate.

GENERAL PROVISIONS

Amendment No. 8: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

child nutrition programs

For an additional amount for the "Child nutrition programs", $118,000,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This additional amount is needed to provide for a higher than expected level of meal reimbursement claims in the school breakfast and school lunch programs. This reflects the supplemental request (H. Doc. 98-83) which was submitted to Congress on July 13, subsequent to House and Senate passage of this supplemental appropriations bill.

The conference agreement deletes Senate bill language stating Congressional findings regarding the Federal nutrition programs. The conferees feel that: (1) national efforts to reduce hunger and malnutrition should continue: (2) a national commitment to vital nutrition programs should continue; (3) the Federal government should retain primary responsibility for child nutrition programs; and (4) State and local governments should be given increased responsibility for formulation and implementation of regulations governing such child nutrition programs.

SOIL CONSERVATION SERVICE

Amendment No. 9: Deletes Senate language appropriating $34,500,000 to the Soil Conservation Service for various conservation programs.

Funds currently available for these soil and water conservation programs for fiscal year 1983 are as follows:

Agricultural Conservation Program	$190,000,000
Great Plains	21,315,000
Resource Conservation and Development	30,744,000

WATERSHED AND FLOOD PREVENTION OPERATIONS

Amendment No. 10: Deletes House language requiring that $2,000,000 of the funds provided under P.L. 98-8 be used for rehabilitation of Six-Mile Creek in Arkansas.

The conferees have been assured that within the $17,000,000 available for rehabilitation of existing small watersheds adequate funds are available to carry out the restoration of Six-Mile Creek.

EMERGENCY CONSERVATION MEASURES

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate

with an amendment which appropriates $5,000,000 for emergency conservation measures instead of $10,000,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

OFFICE OF INTERNATIONAL COOPERATION AND DEVELOPMENT

Amendment No. 12: Deletes Senate language appropriating $500,000 to the Office of International Cooperation and Development for the Caribbean Basin Initiative.

RELATED AGENCIES

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment as follows:

In lieu of the sum named in said amendment insert: *$1,000,000.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The House bill proposed a new contingency fund of $1,000,000 in annual funds to meet such emergency conditions as may arise. The Senate proposed $5,000,000 for this purpose, to remain available until expended. The conference agreement provides $1,000,000 to meet unanticipated costs of emergency activities, to remain available until expended.

STANDARD LEVEL USER CHARGES

(TRANSFER OF FUNDS)

Amendment No. 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which provides for a transfer of $500,000 from the Food and Drug Administration's salaries and expenses account to the standard level user charges account.

COMMODITY FUTURES TRADING COMMISSION

Amendment No. 15: Provides $965,000 for necessary expenses of the Commission as proposed by the Senate.

The conferees will expect that, in future years, the Commission will not agree to absorb mandatory supplemental funding needs such as government-wide pay raises and then appeal to Congress to provide for these needs.

CHAPTER II

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

WHITE HOUSE CONFERENCE ON PRODUCTIVITY

Amendment No. 16: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that the funds appropriated for fiscal year 1983 for the White House Conference on Productivity shall remain available until January 31, 1984.

INTERNATIONAL TRADE ADMINISTRATION

Amendment No. 17: Restores language proposed by the House authorizing the International Trade Administration to purchase motor vehicles for law enforcement use.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

Amendment No. 18: Appropriates $48,873,000 as proposed by the Senate instead of $26,700,000 as proposed by the House.

Amendment No. 19: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes available, upon enactment of authorizing legislation, $20,000,000 of the $48,873,000 appropriated in Amendment No. 18, to establish a fund for the residents of the Pribilof Islands. Amendment No. 19 also provides that no additional Federal funds shall be made available for this purpose.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

BUSINESS LOAN AND INVESTMENT FUND

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $152,000,000 to be available without fiscal year limitation.

DEPARTMENT OF JUSTICE

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a heading.

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which makes available $900,000, to be derived from current operating income.

LEGAL ACTIVITIES

Amendment No. 23: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a heading.

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $4,600,000 instead of $5,211,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $5,800,000 instead of $5,992,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

SUPPORT OF UNITED STATES PRISONERS

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $1,500,000.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

Amendment No. 27: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds language providing for the transfer of funds and responsibility for Cuban/Haitian entrant processing and care activities from the Immigration and Naturalization Service to the Community Relations Service.

INTERAGENCY LAW ENFORCEMENT

ORGANIZED CRIME DRUG ENFORCEMENT

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds language that permits funds previously appropriated under this heading for fiscal year 1983 for undercover operations and automated data processing and telecommunications equipment to remain available until September 30, 1984.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

Amendment No. 29: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $1,000,000 and adds language which authorizes the purchase of up to 1,620 vehicles for police-type use during fiscal year 1983.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which adds language making $27,177,000, previously appropriated for work under section 501(c) of the Refugee Education Assistance Act, available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

Amendment No. 31: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $3,734,000.

The conferees are agreed that an amount, not to exceed $25,000 from funds currently available in the "Buildings and Facilities" appropriation, be used by the Federal Bureau of Prisons for an appraisal of a potential minimum security prison site located near Sheridan, Oregon. The conferees expect the appraisal to be completed within 60 days of enactment of the Supplemental Appropriations Bill, 1983. This directive in no way should preclude the Bureau from seeking alternative sites.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

Amendment No. 32: Appropriates $7,985,000, to remain available until September 30, 1984, as proposed by the Senate. The House bill proposed no funding for this purpose.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

Amendment No. 33: Appropriates $22,256,000, to remain available until expended, as proposed by the Senate. The House bill proposed no funding for this purpose.

OTHER

THE ASIA FOUNDATION

Amendment No. 34: Deletes appropriation of $2,100,000, to be available only upon enactment of authorizing legislation and adds language making the funds appropriated in this paragraph available until expended, as proposed by the Senate.

COMMISSION ON WARTIME RELOCATION AND INTERNMENT OF CIVILIANS

SALARIES AND EXPENSES

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, which adds language making funds appropriated in Public Law 97-377 for the Commission on Wartime Relocation and Internment of Civilians available until September 30, 1983.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

Amendment No. 36: Appropriates $564,000 as proposed by the Senate. The House bill proposed no funding for this purpose.

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

Amendment No. 37: Deletes language proposed by the Senate identifying the availability of $4,900,000 in gains of the U.S. dollar against foreign currencies.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

Amendment No. 38: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken by said amendment, insert the following:

, and, in addition there shall be available the sum of $4,000,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are agreed that the $4,000,000 shall be used for fairs and exhibitions as provided in Section 102(a)(3) of the Mutual Educational and Cultural Exchange Act of 1961 (P.L. 87-256), particularly to facilitate U.S. Government participation at the exposition in Tsukuba, Japan in 1985.

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

Amendment No. 39: Appropriates $10,800,000 as proposed by the House instead of $11,833,000 as proposed by the Senate.

THE JUDICIARY

GENERAL PROVISIONS

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

GENERAL PROVISIONS

Notwithstanding any other provision of law, the Administrative Office of the United States Courts, or any other agency or instrumentality of the United States, is prohibited from restricting solely to staff of the Clerks of United States Bankruptcy Courts the issuance of notices to creditors and other interested parties. The Administrative Office shall permit and encourage the preparation and mailing of such notices to be performed by or at the expense of the debtors, trustees or such other interested parties as the Court may direct and approve. The Administrator of the United States Courts shall make appropriate provisions for the use of and accounting for any postage required pursuant to such directives. The provisions of this paragraph shall terminate on October 1, 1983.

The managers on the part of the Senate will offer a motion to concur in the amendment of the House to the amendment of the Senate.

CHAPTER III—DEPARTMENT OF DEFENSE—MILITARY

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

Amendment No. 41: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which includes language requiring the Navy to obligate in the Operation and Maintenance, Navy, account 10 percent of the outstanding gross termination liability for the TAKX and T-5 ship programs.

PROCUREMENT

AIRCRAFT PROCUREMENT, AIR FORCE

Amendment No. 42: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $185,000,000, to be available until September 30, 1985, for long lead procurement of engine, defensive and offensive avionics, and airframe components, in quantities which will be required if Congress approves multiyear procurement of the B-1B pursuant to section 2306(h), title 10, U.S.C.: Provided, That $185,000,000 appropriated under this head for the B-1B in Public Law 97-377 is rescinded: Provided further, That nothing in this paragraph shall be deemed to approve multiyear procurement of the B-1B.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees support language required to allow initiation of long lead procurement of B-1B aircraft, engine and avionics components in sufficient quantities to sustain multiyear procurement of this strategic bomber should Congress approve such a procurement program in subsequent appropriation acts. This action is designed to preserve the savings the Department of Defense estimates will be available under multiyear contracting without committing the Congress to the multiyear approach in fiscal year 1984 and beyond. The conferees understand the long lead components procured with these funds can be fully utilized to support annual procurement of the B-1B aircraft.

OTHER PROCUREMENT, AIR FORCE.

Amendment No. 43: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which includes language providing the Air Force authority to procure six armored sedans at not to exceed $100,000 per vehicle. The conferees agree that the armored sedans to be procured under the authority provided in the Senate amendment shall be used only to protect senior officials overseas from terrorist activities. The conferees are disappointed that the Department has failed to issue guidelines on how requirements for these vehicles are to be determined, and on how to achieve economies through combined procurement and pooling. The conferees therefore direct that no armored sedans be procured until such guidelines have been issued and the Department of Defense has certified to the Committees on Appropriations of the House of Representatives and the Senate that the proposed procurement is in accordance with the guidelines.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

Amendment No. 44: Retains the language proposed by the Senate which appropriates $1,500,000 for directed energy technology.

GENERAL PROVISIONS

Amendment No. 45: Changes the heading as proposed by the Senate.

Amendment No. 46: Changes the referenced citation as proposed by the Senate.

Amendment No. 47: Deletes the House language as proposed by the Senate which would have required the Navy to obligate in Navy accounts 10 percent of the outstanding termination liability for the TAKX and the T-5 ship programs. Similar language is included in amendment number 41.

Amendment No. 48: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which includes language prohibiting the Department of Defense from entering into any lease, charter, or similar contract for any vessels, aircraft or vehicles with a term of three years or more that imposes an estimated termination liability on the Government exceeding 50 percent of the original purchase value for which Congress has not provided an appropriation for the obligation of 10 percent of such termination liability.

Amendment No. 49: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

None of the funds appropriated by this Act may be obligated or expended to formulate or carry out any requirement that, in order to be eligible to submit a bid or an offer on a Department of Defense contract to be let for the supply of commercial or commercial-type products, a small business concern (as defined pursuant to section 3 of the Small Business Act) must (1) demonstrate that its product is accepted in the commercial market (except to the extent that may be required to evidence compliance with the Walsh-Healey Public Contracts Act), or (2) satisfy any other pre-qualification to submitting a bid or an offer for the supply of any such product.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 50: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which increases the transfer authority for the Department of Defense by $500,000,000.

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which prohibits the use of funds for the sale, lease, rental, or excessing of any portion of land of Fort DeRussy, Honolulu, Hawaii.

Amendment No. 52: Deletes the language proposed by the Senate which would have repealed section 773 of the Defense Appropriations Act, 1983, as contained in Public Law 97-377. Section 773 contains a prohibi-

tion on implementing POMCUS sets 5 and 6. The conferees note that no equipment is scheduled to be moved during the remainder of fiscal year 1983 for these POMCUS sets and agree that this issue can be addressed in a timely manner within the fiscal year 1984 Defense Appropriations Bill.

HOST NATION SUPPORT

The conferees endorse the language contained in House Report Number 98-207 directing that certain steps, including modification of the Host Nation Support agreement, be taken prior to expenditure of funds included in this Supplemental.

CHAPTER IV

ENERGY AND WATER DEVELOPMENT

Report language relating to items in this Chapter included by the House which is not changed by the report of the Senate, and Senate report language which is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein.

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL PROVISIONS

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

The project for flood protection on the Lower San Joaquin River, California, authorized by the Flood Control Act approved December 22, 1944, as amended, is hereby further modified to authorize the Secretary of the Army, acting through the Chief of Engineers, to perform clearing and snagging on the San Joaquin River from Stockton, California, to Friant Dam, at an estimated cost of $5,000,000. Prior to initiation of construction, a non-Federal entity shall provide adequate assurance for providing all lands, easements, rights-of-way and utility relocations at no expense to the Federal Government; execute a written agreement pursuant to section 221 of Public Law 91-611; agree to operate and maintain the project works upon completion of construction in accordance with rules and regulations prescribed by the Department of the Army; and hold and save the United States free from damages due to construction, operation, and maintenance of the project, not including damages due to the fault or negligence of the United States or its contractors.

Funds for the Wister Lake project, Oklahoma, authorized pursuant to the Flood Control Act of 1938 (52 Stat. 1218) shall be used to reduce sedimentation impacts by raising the level of the conservation pool permanently by 3 feet and seasonably by an additional 3.4 feet and the Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to take such measures as are necessary to carry out this directive.

Contracts for architect and engineering services, and surveying and mapping services, shall be awarded in accordance with title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to include in the survey report on Threemile Creek, Mobile, Alabama, the costs and benefits of local improvements initiated subsequent to January 1, 1982, by the city of Mobile for flood damage reduction measures which the Chief of Engineers determines are compatible with and constitute an integral part of his recommended plan. In determining the appropriate non-Federal share for such plan, the Chief of Engineers shall give recognition to costs incurred by non-Federal interests in carrying out such local improvements.

The Secretary of the Army, acting through the Chief of Engineers, is hereby authorized to prepare a comprehensive study and recommendations for the development and efficient utilization of the water and related resources of southcentral and southeast Oklahoma and to prepare a similar comprehensive study and recommendations for the Red River and its tributaries in Arkansas, Texas, Louisiana, and Oklahoma.

Funds herein or hereafter provided for the Beverly Shores, Indiana, project may be used to operate and maintain the emergency shore protection measures constructed pursuant to section 103 of the Energy and Water Development Appropriations Act, 1982 (95 Stat. 1137).

Not to exceed $500,000 shall be available for removal of obstructive shoals within the project limits of the Kawkawlin River, MI, project.

Section 107 of Public Law 97-88 pertaining to maintenance and operation of the Chicago Sanitary and Ship Canal of the Illinois Waterway in the interest of navigation includes the Control Structure and Lock in the Chicago River, and other facilities as are necessary to sustain through navigation from Chicago Harbor on Lake Michigan to Lockport on the Des Plaines River.

Not to exceed $500,000 shall be available for channel clearing of Bayou Rigolette as determined advisable by the Chief of Engineers in the Project Aloha-Rigolette Area, Grant and Rapides Parish, Louisiana, authorized by the Flood Control Act approved August 18, 1941.

The Wallisville Reservoir, Texas, project, authorized by section 101 of the River and Harbor Act of 1962 (Public Law 87-874), is hereby modified with respect to its physical elements and planned operation as recommended in the Wallisville Lake, Texas, Post-Authorization Change Report, July 1981, as supplemented, July 1982. Notwithstanding the above modifications, provisions of the Contract for Water Storage, Salinity Control, and Recreation in Wallisville Reservoir (Contract Numbered DACW64-67-C-0108 signed by the Secretary of the Army, 2 February 1968) between the United States Government and the city of Houston, the Trinity River Authority of Texas, and the Chambers Liberty Counties Navigation District, shall govern non-Federal participation: Provided, That total project cost as cited in said contract shall be understood to consist of (1) costs, exclusive of land costs, actually incurred by the United States in connection with construction of elements currently in place and to be used in the modified plan, including interest during construction; (2) the actual cost of lands used in the modified plan; and (3) completion costs of the modified plan, including interest during construction.

The Secretary of the Army is authorized, notwithstanding any other provision of law, to widen, as necessary for safe passage, the navigation opening of Franklin Ferry Bridge, Jefferson County, Alabama. The work herein authorized shall be accomplished at Federal expense; however, no construction to widen the navigation opening shall begin nor contract for alteration of the bridge may be awarded until the owner shall agree that upon completion of the alteration to thereafter operate and maintain the Franklin Ferry Bridge as altered. There is hereby authorized to be appropriated not to exceed $4,000,000, which includes $1,000,000 previously appropriated, to carry out this section. Amounts authorized by this subsection shall be available until expended.

The Ventura Marina project authorized by section 101 of the River and Harbor Act of 1968 (Public Law 90-483), as modified, is hereby amended to authorize the Secretary of the Army, acting through the Chief of Engineers to reimburse the Ventura Port District from available Operation and Maintenance, General funds for work performed by the Port just prior to February 25, 1983, in the area normally maintained by the Corps of Engineers. None of the funds appropriated in this or any future Act for the Ventura Marina, California, project may be used to reimburse local interests for any work performed unless such work has the prior approval of the United States Army Corps of Engineers and the Appropriations Committees.

Section 164 of the Water Resources Development Act of 1976 (Public Law 94-587) as amended by Section 3 of Public Law 97-140, is further amended—

(1) by inserting the following after the first sentence: "The Secretary of the Army, acting through the Chief of Engineers, shall construct an approach roadway from the end of the Washington State Route 129 overpass of such bridge to Sixteenth Avenue in the city of Clarkston, Asotin County, Washington,"; and

(2) in the last sentence, by striking out "$23,200,000" and inserting in lieu thereof "$24,000,000".

The authorization for the Sardis Lake project contained in section 203 of the Flood Control Act of 1962 (Public Law 87-874) as amended by section 108 of the Energy and Water Development Appropriation Act of 1982 (Public Law 97-88) is hereby amended to authorize the Secretary of the Army, acting through the Chief of Engineers, to plan, design, and construct a water intake structure at an estimated Federal cost of $500,000.

The project for navigation at Moriches and Shinnecock Inlets, New York, authorized in section 101 of the River and Harbor Act of 1960 (Public Law 86-645), and the items of local cooperation pertaining thereto, are hereby modified to the extent necessary to require the Secretary of the Army, acting through the Chief of Engineers, to provide for the construction of the Navigation feature independent of other features.

Notwithstanding subsection 5901(a) of title 5, United States Code (80 Stat. 508), as amended, the uniform allowance for uniformed civilian employees of the United States Army Corps of Engineers may be up to $400 annually.

The United States Army Chief of Engineers may accept the services of volunteers and provide for their incidental expenses to carry out any activity of the Army Corps of Engineers except policy making or law or regulatory enforcement. Such volunteers shall not be employees of the United States Government except for the purposes of (1) chapter 171 of title 28 of the United States Code, relating to tort claims, and (2) chapter 81 of title 5 of the United States Code, relating to compensation for work injuries.

Hereafter, notwithstanding any other provisions of law or of this Act, appropriations for the Yatesville Lake construction project made available by Public Law 97-257, chapter V and Public Law 97-377, title I, section 140 (96 Stat. 1916) shall be obligated to construct the Yatesville Lake project.

Section 104(b) of the River and Harbor Act of 1958, Public Law 85-500, as amended by section 302 of the River and Harbor Act of 1965, Public Law 89-298, is further amended by striking out "$5,000,000" and inserting in lieu thereof "$10,000,000".

The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to prepare and submit to Congress a feasibility report on the water resource needs in the vicinity of the Homochitto and Buffalo Rivers, Saint Catherine and Coles Creeks, Bayou Pierre, and other major tributaries draining into the Mississippi River between Bayou Pierre and the Buffalo River, Mississippi, to recommend remedial measures for flood control, bank stabilization, sedimentation, and related purposes.

The Columbia River at the mouth, Oregon and Washington, project authorized by the River and Harbor Act of July 5, 1884, as amended, is modified to provide for deepening of the northernmost 2,000 feet of the channel cross section to 55 feet at Federal expense: Provided, That $5,300,000 of "Construction, general" funds shall be made available to undertake this project modification.

Section 1114 of title 18, United States Code, is amended by inserting "any civilian official or employee of the Army Corps of Engineers assigned to perform investigations, inspections, law or regulatory enforcement functions, or field-level real estate functions," immediately after "National Park Service,".

The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to design and construct and undertake measures necessary to provide a level of protection as the Chief of Engineers determines necessary to prevent recurring flood damages along the Pearl River in the vicinity of Jackson, Mississippi, substantially in accordance with preliminary plans developed by the Mobile District Engineer, at a currently estimated cost of $26,500,000, including $2,300,000 made available in this appropriation for advanced engineering and design. Expenditures by the Pearl River Basin Development District in constructing improvements at the Mississippi Highway 25 Bridge, at integral part of the plan authorized herein, shall be credited toward the local share of the project costs. Prior to implementation of the work authorized herein, non-Federal interests must agree to provide the requirements prescribed in section 3 of the Flood Control Act of 1936, as amended.

The Secretary of Army acting through the Chief of Engineers is directed to start construction of the Crater Lake phase of the Snettisham hydroelectric project authorized by the 1962 Flood Control Act with funds appropriated in fiscal years 1982 and 1983.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agree with the House report language regarding the Falls of the Ohio National Wildlife Conservation Area, Ky. and Ind., project and the Tioga-Hammond Lakes, Pa., project. The conferees agree with the Senate report language regarding the Presque Isle, Pa., project and the South Metro Atlanta, Ga., study.

The conferees are very concerned with the water problems of the Greater New York area including both groundwater and surface flows. This problem threatens the security of a major metropolitan area of the U.S. Therefore, the conferees direct the Corps of Engineers to utilize available funds to prepare a plan of action to address this serious problem. Also the Division Engineer, North Atlantic Division, is to include in the statement on the FY 1985 budget a funding schedule and necessary draft legislation to facilitate an expeditious resolution to this water supply problem.

The Committee is aware of the hazardous erosion condition that exists at Lincoln Park on the North side of Chicago, in Cook County, Ill. The Chicago Park District has constructed an erosion control revetment and leased the protected area. However, continued high water levels have caused rapid deterioration of the District's constructed protection. Should the erosion problem continue unchecked, the revetment would fail causing the District to lose its capital construction investment, and financial loss of the leased facility. Within available funds, $241,000 should be used by the Corps of Engineers to provide revetment protection to the Lincoln Park leased facility.

Within available funds, the Corps of Engineers shall allocate $200,000 in order to continue planning and engineering of the flood control project for Lock Haven, Pennsylvania.

The conferees are aware of the serious flooding problem in the Salt Lake metropolitan area of Utah. In light of this and the potential for additional flooding, the Corps of Engineers is to use available funds to update and expedite planning and preparation for the Little Dell Lake Project in anticipation of construction.

Amendment No. 54: Deletes language proposed by the Senate relating to Oregon Inlet, North Carolina.

Amendment No. 55: Deletes language proposed by the Senate relating to the Wister Lake, Oklahoma, project.

Amendment No. 56: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing for the implementation and maintenance of flood control measures on the Cowlitz and Toutle Rivers, Washington.

In view of the language included in this bill, the conferees direct the Portland District Engineer of the U.S. Army Corps of Engineers to coordinate and report to appropriate State, County and local officials and Congressional interests when the level of protection for those areas downstream of Mount St. Helens falls below the 100-year flood level of protection.

Furthermore, the conferees believe that the Corps' final report, as requested by the President, on permanent solutions to water and related problems stemming from the Mount St. Helens eruption should be expeditiously processed for the Congress to consider. The conferees, therefore, direct the Chief of Engineers to immediately submit to the appropriate Committees a schedule on implementation of the final report and to promptly inform all interested parties of any changes in the schedule thereafter.

CONSTRUCTION, GENERAL

Amendment No. 57: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $2,000,000 for engineering and design studies for a closure structure between Lake Marion and Lake Moultrie and for construction of measures to improve the seismic stability of the Pinopolis West Dam, South Carolina.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

GENERAL PROVISIONS

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

The Secretary of the Interior is hereby authorized to engage in a feasibility study for the Prairie Bend unit, Pick-Sloan Missouri River Basin program, located in Dawson, Buffalo, and Hall Counties in Nebraska for irrigation, stabilization of ground-water levels, enhancement of water quality, small community and rural domestic water supplies, management of fish and wildlife habitat, public outdoor recreation, flood control, and other purposes determine to be appropriate. Such feasibility study shall include a detailed report on any effects the proposed project may have on wildlife habitat, including habitat of the sandhill crane and the endangered whooping crane. Such feasibility study shall also develop alternative water management plans that are consistent with the Endangered Species Act and the Migratory Bird Treaty Act. Before funds are expended for the feasibility study, the State of Nebraska, or other non-Federal entity, shall agree to participate in the study and to share in the cost of the study. The non-Federal share of the costs may be partly or wholly in the form of services directly related to the conduct of the study.

In accordance with the repayment contract for the Dallas Creek participating project of the Upper Colorado River storage project, entered into January 14, 1977, and entitled "Repayment Contract Between the United States of America and the Tri-County Water Conservancy District", the portion of the costs of such project, including interest on construction costs, allocated to municipal and industrial use which exceeds $38,000,000 shall not be reimbursable.

To provide adequate access to the McGee Creek recreation areas, Wildlife Management Area, and Natural Scenic Recreation Area for use and enjoyment by the general public of those facilities, the Secretary of the Interior is authorized to secure right-of-way, design and construct or otherwise improve two existing county access roads (1) westside road beginning at the existing county road extending from Oklahoma State Highway 3 near the community of Lane, Oklahoma, and extending adjacent to the McGee Creek Reservoir and terminating at the existing county road extending from Oklahoma State Highway 43 in the vicinity of Stringtown, Oklahoma, a distance of some 19 miles; (2) eastside road beginning at State Highways 3 and 7 near Center Point, Oklahoma, and extending northward to the upper end of McGee Creek Reservoir, a distance of some 11 miles. The westside road will be constructed with a 24-foot berm and 20-foot paved surface and the eastside constructed with a 28-foot berm and 24-foot paved surface. Both roads will have a minimum 6-inch gravel base and be paved with all weather asphaltic surface. The cost for the facilities authorized by this Act shall be nonreimbursable.

The Secretary of the Interior is authorized, when he deems it appropriate, to defer over the remaining term of any repayment con-

tract or for a period of five years, whichever is less, the 1983 water service and repayment contract obligations for capital and operation and maintenance costs associated with federally constructed or federally assisted projects to reflect the percentage of acreage removed from cultivation pursuant to the "Special program for Corn, Grain, Sorghum, Upland Cotton, and Rice" under title 7 of the Code of Federal Regulations part 770, and any regulations supplementary thereto or amendatory thereof. Such deferment of payments shall not be deemed a "supplemental or additional benefit" within the meaning of section 203(a)(2) of the Reclamation Reform Act of 1982.

The Secretary of the Interior is hereby authorized to engage in feasibility studies of the following proposals:

(1) Pilot Butte powerplant, Riverton unit, located in Fremont County, Wyoming;

(2) Siletz River Basin project, located in Lincoln and Polk Counties, Oregon;

(3) Water conservation and efficient use program, All-American Canal relocation project, located in Imperial County, California; and

(4) Gibson Dam powerplant, located on the Sun River in Lewis and Clark Counties, Montana.

The Secretary of the Interior shall, under the general investigations authority, engage in a joint, State-led study with the State of Nebraska, which will consult with its appropriate subdivisions, of cost-effective alternatives to the Norden Dam, O'Neill unit of the Pick-Sloan Missouri River Basin program, Nebraska; and shall use available funds to initiate such study. The study period shall not exceed 18 months, starting with enactment of this Act. No funds shall be expended for any construction activity for the Norden Dam, O'Neill unit prior to the completion of this study.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agree with the Senate report language regarding the Tualatin Valley irrigation project.

The conferees direct the Bureau of Reclamation, immediately upon enactment of this Act, to contract with the State of Nebraska to conduct the State-led study of a wellfield/groundwater recharge proposal, and shall use available funds for the study not to exceed $100,000. The study shall not exceed 18 months starting with the date of enactment of this Act, and no funds shall be expended for any construction activity for the Norden Dam, O'Neill unit, prior to the completion of this study. Furthermore, the conferees expect that the State shall during the study period, consult with all interested parties including appropriate subdivisions of the State of Nebraska.

Amendment No. 59: Delegates language proposed by the Senate relating to the Dallas Creek, Colorado, project.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

The conferees agree that $500,000 shall be used to continue and maintain the evaluated nuclear data file. The funding should be from available funds in the Energy Supply, Research and Development Activities appropriation and not restricted to basic energy sciences.

WESTERN AREA POWER ADMINISTRATION

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE

Amendment No. 60: Appropriates $30,000,000 as proposed by the House instead of $15,000,000 as proposed by the Senate, and provides for the full funding for the direct current intertie near Sidney, Nebraska.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

Amendment No. 61: Appropriates $3,488,000 for "Salaries and expenses, Federal Energy Regulatory Commission" instead of $2,988,000 as proposed by the House and $3,988,000 as proposed by the Senate.

Amendment No. 62: Earmarks $500,000 for continuation of the Trans-Alaska pipeline case as proposed by the House instead of $1,000,000 as proposed by the Senate.

GENERAL PROVISION

Amendment No. 63: Deletes language proposed by the Senate relating to the restart of the L-Reactor at the Savannah River Plant, Aiken, South Carolina.

The conferees agree that the restrictions on the restart of L-Reactor at the Savannah River Plant, Aiken, South Carolina, contained in P.L. 98-50 are binding on the Department of Energy with regard to the use of fiscal year 1983 funding effective July 14, 1983, the date of enactment. The Department of Energy General Counsel has confirmed this position. The provisions of P.L. 98-50 are as follows:

None of the funds appropriated by this Act, or by any other Act, or by any other provision of law shall be available for the purpose of restarting the L-Reactor at the Savannah River Plant, Aiken, South Carolina, until the Department of Energy completes an Environmental Impact Statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 and until issued a discharge permit pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251, et. seq.) as amended, which permit shall incorporate the terms and conditions provided in the Memorandum of Understanding entered into between the Department of Energy and the State of South Carolina dated April 27, 1983, relating to studies and mitigation programs associated with such restart. For purposes of this paragraph the term "restarting" shall mean any activity related to the operation of the L-Reactor that would achieve criticality, generate fission products within the reactor, discharge cooling water from nuclear operations directly or indirectly into Steel Creek, or result in cooling system testing discharges which exceed the volume, frequency and duration of test discharges conducted prior to June 28, 1983.

Consistent with the National Environmental Policy Act of 1969, and in consultation with State officials of South Carolina and Georgia, the preparation and completion of the Environmental Impact Statement called for in the preceding paragraph shall be expedited. The Secretary of Energy may reduce the public comment period, except that such period shall not be reduced to less than thirty days, and the Secretary shall provide his Record of Decision, based upon the completed Environmental Impact Statement, not sooner than December 1, 1983, and not later than January 1, 1984.

CHAPTER V

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

INTERNATIONAL DEVELOPMENT ASSISTANCE

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

Amendment No. 64: Appropriates $245,000,000 as proposed by the House instead of $125,000,000 proposed by the Senate.

The Conferees are aware of significant problems concerning the methods by which the World Bank calculates GNP per capita statistics, particularly for centrally planned economies. The Conferees direct the U.S. Executive Director to urge the World Bank to undertake a comprehensive study addressing these issues aimed at improving current calculation methods.

INTERNATIONAL MONETARY FUND

Amendment No. 65: Reported in true disagreement.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

Amendment No. 66: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

$20,500,000, of which $4,500,000 is available only for payment to the International Atomic Energy Agency, and $16,000,000 is available only for payment to the International Fund for Agrucultural Development

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are deferring without prejudice funds proposed by the Senate for the Pan American Health Organization.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

AGRICULTURE, RURAL DEVELOPMENT AND NUTRITION

Amendment No. 67: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate. The Senate amendment provides $5,000,000 for development assistance for Belize. The Conferees are in agreement with language contained in the House report to the Supplemental concerning procurement practices of the Agency for International Development in regard to wooden utility poles and directs the Agency to take action accordingly.

ECONOMIC SUPPORT FUND

Amendment No. 68: Provides $301,250,000 instead of $253,000,000 as proposed by the House and $322,500,000 as proposed by the Senate.

The conferees are in agreement that $150,000,000 shall be provided to Lebanon in the form of grants and shall remain available until expended. The conferees direct that any funds provided to Zaire shall be available only for development projects

funded through private voluntary organizations.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Amendment No. 69: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

OVERSEAS PRIVATE INVESTMENT CORPORATION

The Overseas Private Investment Corporation is authorized to make such expenditures within the limits of funds available to it and in accordance with law (including not to exceed $30,000 for official reception and representation expenses), and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program set forth in the budget for fiscal year 1983.

The managers on the part of the Senate will move to recede and concur in the amendment of the House to the amendment of the Senate.

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken by said amendment, insert the following:

DEPARTMENT OF STATE

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "International disaster assistance", $15,000,000, to remain available until September 30, 1984, which shall be derived by transfer from "Migration and Refugee Assistance": Provided, That this sum shall be available only for resettlement services and facilities for refugees and displaced persons in Africa.

For an additional amount for the "Economic Support Fund", $5,000,000, to remain available until September 30, 1984, which shall be derived by transfer from "Migration and Refugee Assistance": Provided, That this sum shall be available only for assistance to combat piracy in the Gulf of Thailand.

The managers on the part of the Senate will offer a motion to concur in the amendment of the House to the amendment of the Senate.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

MILITARY ASSISTANCE PROGRAM

Amendment No. 71: Provides a total of $93,325,000 instead of $155,650,000 as proposed by the Senate and $31,000,000 as proposed by the House. The conferees are in agreement that not more than $25,000,000 shall be available for El Salvador.

FOREIGN MILITARY SALES CREDITS

Amendment No. 72: Provides $293,500,000 instead of $398,000,000 as proposed by the Senate and $189,000,000 as proposed by the House. The conferees are in agreement that $100,000,000 shall be available only for Lebanon; that not more than $2,000,000 shall be available for Somalia, and that no funds provided in this chapter shall be available to Jordan.

Amendment No. 73: Amends House language stricken by the Senate and provides that no funds in the chapter may be used for Guatemala except for development projects funded through private voluntary organizations. The Senate action, would have permitted the possibility of funds in this chapter being used for such purposes.

Amendment No. 74: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

Notwithstanding section 10 of Public Law 91-672 funds in this chapter may not be obligated until the enactment of authorizing legislation or until September 15, 1983, whichever comes first.

The managers on the part of the Senate will offer a motion to concur in the amendment of the House to the amendment of the Senate.

The conferees are extremely concerned over the difficulty in securing the enactment of authorizing legislation involving foreign affairs and strongly support the concept of securing an authorization first and then proceeding with appropriations. The conferees would urge that whatever steps are necessary be taken to secure enactment of the supplemental authorization needed for this chapter before September 15, 1983.

CHAPTER VI

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

Amendment No. 75: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

: Provided, That in addition to the above, the budget program set forth in the first proviso under the heading Annual Contributions for Assisted Housing (Disapproval of Deferral) in Public Law 98-8 (97 Stat. 13, 16, 17) is hereby amended to provide for assistance under section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), for additional section 8 housing of up to six thousand units under loan management, up to seven thousand units under property disposition, and up to nine hundred new or substantial rehabilitation units to be made available to satisfy an existing consent decree, settlement agreement, and set-aside pursuant to court order, respectively, in litigation in which the Department of Housing and Urban Development is a party; for up to one hundred additional public housing units for conversions from assistance under section 23 of such Act as it existed immediately before enactment of Public Law 93-383 (88 Stat. 633); and for amendments, $24,500,000 of contract authority and $245,000,000 of budget authority for existing units: Provided further, That such budget program is hereby amended further to reduce the budget authority to be made available for interest rate adjustments by $340,000,000, section 23 conversions by $63,450,000, public housing amendments by $62,000,000, and amendments for section 8 new construction/substantial rehabilitation by $198,000,000, and the budget authority made available by the foregoing reductions shall be used for the purposes and up to the amounts set forth in the immediately preceding proviso: Provided further, That notwithstanding the limitation on the use of recaptured budget authority in the third proviso under this heading in Public Law 97-377 (96 Stat. 1830, 1907), any budget authority authorized by such section 5 which is recaptured in fiscal year 1983 and exceeds $2,400,000,000 shall also, with the amounts of budget authority which become available as a result of the reductions set forth in the preceding proviso, be made available to satisfy the budget authority requirements of the amendments to such budget program set forth in the first proviso hereof, and such recaptured amounts exceeding the amount of the budget authority necessary to satisfy the requirements of such first proviso shall then be used in accordance with the third proviso under this heading in Public Law 97-377 (96 Stat. 1830, 1907)

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The following table displays the revised 1983 budget program for assisted housing:

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING—GROSS RESERVATIONS, FISCAL YEAR 1983

	Units (approximate)	Cost (approximate)	Contract authority	Term	Budget authority
Authority available:					
New authority	NA	NA	$519,711,198	NA	$8,651,475,689
Carryover	NA	NA	137,067,234	NA	1,590,358,901
Deferral	NA	NA	24,503,015	NA	750,041,632
Recaptures	NA	NA	215,617,264	NA	4,600,000,000
Permanent authority	NA	NA	24,665,665	NA	24,665,665
Total, available	NA	NA	921,564,376	NA	15,616,541,887
Use of authority:					
Public housing:					
Indian	2,000	$6,460	12,920,000	28	361,760,000
Amendments	NA	NA	23,000,000	NA	720,000,000
Section 23 conversions	100	1,794	179,400	40	7,176,000
Interest rate adjustments	NA	NA	1,870,000	NA	65,000,000
Lease adjustments	NA	NA	23,800,000	1	23,800,000
Modernization: From new authority	NA	NA	125,000,000	20	2,500,000,000

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING—GROSS RESERVATIONS, FISCAL YEAR 1983—Continued

	Units (approximate)	Cost (approximate)	Contract authority	Term	Budget authority
Sub. rehabilitation set-aside	NA	NA	4,466,086	20	89,321,727
Subtotal, public housing	2,100	NA	191,235,486	NA	3,767,057,727
Section 8:					
New/Sub. rehabilitation: Section 202	14,000	6,550	91,700,000	20	1,834,000,000
Litigation	900	6,807	6,126,000	20	122,520,000
Conversions:					
Section 23	3,500	2,820	9,870,000	15	148,050,000
Rent supplement	60,000	2,730	163,800,000	15	2,457,000,000
Subtotal, conversions	63,500	NA	173,670,000	NA	2,605,050,000
Property disposition	10,000	4,560	45,600,000	15	684,000,000
Add-on property disposition units	7,000	4,560	31,920,000	NA	688,590,810
Loan management	6,000	3,250	19,500,000	NA	350,000,000
Existing	61,220	3,755	229,883,900	15	3,448,258,500
Moderate rehabilitation	11,973	4,800	57,470,990	15	862,064,850
Amendments:					
New/rehabilitation	NA	NA	34,958,000	23	850,000,000
Existing	NA	NA	24,500,000	10	245,000,000
Loan management	NA	NA	15,000,000	10	150,000,000
Subtotal, amendments	NA	NA	74,458,000	NA	1,245,000,000
Subtotal, section 8	174,593	NA	730,328,890	NA	11,849,484,160
Total, all programs	176,693	NA	921,564,376	NA	15,616,541,887

RENT SUPPLEMENT

Amendment No. 76: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that implementation of the 90 percent limitation on contract amendments for increased costs of rent supplement and rental assistance payments units be delayed until October 1, 1983.

The committee of conference agrees that implementation of the 90 percent limitation be delayed until October 1, 1983, in order to provide an orderly transition to the cost sharing stipulation. The Department of Housing and Urban Development is expected to fully fund the required amendments for State-aided rent supplement and rental assistance payments units in fiscal year 1983. However, the conferees wish to make clear that beginning in fiscal year 1984 the annual amendments for these units will only be funded at 90 percent of the increased amount required.

HOUSING FOR THE ELDERLY OR HANDICAPPED FUND

Amendment No. 77: Deletes language proposed by the House and stricken by the Senate providing that the 1983 housing for the elderly or handicapped program be operated under the rules in effect prior to March 18, 1983.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

Amendment No. 78: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that any fiscal year 1983 operating subsidy funds in excess of 1983 performance funding system requirements be available for fiscal year 1984 requirements.

The conferees agree that additional excess funds over fiscal year 1983 requirements, estimated to be $150,000,000, will be available in fiscal year 1984. However, the conferees expect HUD to provide all public housing authorities with 100 percent of the current performance funding system requirements in fiscal year 1983.

FEDERAL HOUSING ADMINISTRATION FUND

Amendment No. 79: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate increasing the limitation on Federal Housing Administration mortgage insurance commitments by $5,000,000,000.

SECTION 203(h) LIMIT

Amendment No. 80: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amending section 203(h) of the National Housing Act to raise the amount insurable for mortgages on residences replacing residences destroyed by natural disasters from $14,400 to $67,500 (or more in high cost areas).

COMMUNITY PLANNING AND DEVELOPMENT

URBAN RENEWAL PROGRAMS

Amendment No. 81: Restores language proposed by the House and stricken by the Senate appropriating $6,000,000 for an urban renewal grant.

SECRETARY'S DISCRETIONARY FUND

In light of the increased emphasis on the need for improved education in the area of high technology, the Committee directs the Department of Housing and Urban Development to fund from the Secretary's discretionary fund a project in Madison County, Mississippi, which will provide for water and sewer facilities to enable Holmes Junior College to complete a center for training up to 5,000 students for high technology jobs. This project will provide immediate employment for a number of teachers, trainers, and other support staff, and will provide future employment for the students in the surrounding businesses and industries.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 82: Deletes language proposed by the House and stricken by the Senate that would restrict the HUD Secretary's ability to reorganize certain field offices.

ENVIRONMENTAL PROTECTION AGENCY

SALARIES AND EXPENSES

Amendment No. 83: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: *$9,000,000, of which $2,000,000 shall be transferred to "Research and development" to remain available until September 30, 1984, and shall only be used for establishing a center for hazardous waste management.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees believe that a mission-oriented, multi-disciplinary center is essential to provide a comprehensive and cost-effective approach to solving the Nation's serious hazardous waste problems. It is clear that potential benefits from reducing the volume of hazardous wastes generated and improving techniques for the management, disposal and cleanup of wastes cannot be fully realized through the narrow and compartmentalized research program EPA has been pursuing. The conferees direct that $2,000,000 be used to establish, staff, and develop plans for a hazardous waste management center to bring together technical, medical and public policy experts in a modern research and educational facility. In establishing this center EPA should select a university with schools of biomedical sciences, engineering, nutrition and veterinary medicine as well as proven programs in urban and environmental policy.

CONSUMER INFORMATION CENTER

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

CONSUMER INFORMATION CENTER FUND

Notwithstanding any other provision of law, there is hereby established in the Treasury of the United States a Consumer Information Center Fund, General Services Administration, for the purpose of disseminating Federal Government consumer information to the public and for other related purposes. There shall be deposited into the fund for fiscal year 1983 and subsequent fiscal years: (A) Appropriations from the general funds of the Treasury for Consumer Information Center activities; (B) User fees from the public; (C) Reimbursements from other Federal agencies for costs of distributing publications; and (D) Any other income incident to Consumer Information Center activities. Moneys deposited into the fund shall be available for expenditure for Con-

sumer Information Center activities in such amounts as are specified in appropriation Acts. Any unobligated balances at the end of a fiscal year shall remain in the fund and shall be available for authorization in appropriation Acts for subsequent fiscal years. This fund shall assume all the liabilities, obligations, and commitments of the said Consumer Information Center account. The revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the amount of $5,415,000 during fiscal year 1983. Administrative expenses of the Consumer Information Center in fiscal year 1983 shall not exceed $1,382,000. For the purposes of the fund, administrative expenses shall be defined as those expenses previously paid from appropriations to the Consumer Information Center. Revenues and collections accruing to this fund during fiscal year 1983 in excess of $6,797,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts. The Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1984 (Public Law 98-45), is hereby amended by deleting", other than administrative expenses," from the first proviso under the heading "General Services Administration, Consumer Information Center".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

VETERANS ADMINISTRATION

GENERAL PROVISION

Amendment No. 85: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

GENERAL PROVISION

SEC. 1. (a) Subject to valid existing rights, administration of the following described lands is hereby transferred to the Veterans Administration for use as an addition to the Sitka National Cemetery: That tract of unimproved land lying easterly of existing structures which is a portion of the lands described in Public Land Order numbered 1707 of August 6, 1958, provided that the actual description of the lands to be administered by the Veterans Administration shall be determined by a survey made and approved by the Secretary of the Interior, after consultation with the Secretary of Agriculture. The actual description shall be published in the Federal Register by the Secretary of the Interior as a Public Land Order.

(b) The lands described in subsection (a) of this section are a portion of the lands reserved by Executive Order numbered 8854 of August 16, 1941, for use of the United States Coast and Geodetic Survey as a magnetic and seismological observatory site. Subsequently, a portion of the lands described in Executive Order numbered 8854 was transferred by Public Land Order numbered 1707 of August 6, 1958, to the jurisdiction of the Forest Service, Department of Agriculture for use as an administrative site in connection with the administration of the Tongass National Forest. Lands described in subsection (a) of this section are hereby deleted from Executive Order numbered 8854 and Public Land Order numbered 1707.

SEC. 2. (a) Subject to valid existing rights and subsection (c) of this section and provided that the National Park Service shall be permitted to continue to use the residence and other improvements on the lands described in this section for a period of not less than three years from the date of enactment of this Act in accordance with terms mutually agreed to by the Secretary of the Interior and the Administrator of the Veterans Administration, and provided further that the National Park Service shall pay no more for the use of the residence and other improvements than the money actually expended to maintain the same by the Veterans Administration, administration of the following described public lands is hereby transferred to the Veterans Administration for use as an addition to the Sitka National Cemetery: The lands described as tract numbered 2 of Presidential Proclamation 2965 of February 25, 1952, provided that the actual description of the lands to be administered by the Veterans Administration shall be determined by a survey made and approved by the Secretary of the Interior. The actual description shall be published in the Federal Register as a Public Land Order.

(b) The lands described in subsection (a) of this section were reserved by Presidential Proclamation 2965 on February 25, 1952, as an administrative site for the Sitka National Monument. Lands described in subsection (a) of this section are hereby deleted from Presidential Proclamation 2965.

(c) In the event that the Administrator of the Veterans Administration determines that all or any part of the lands described in subsection (a) of this section are no longer needed for National Cemetery purposes, those lands no longer needed shall be returned to the jurisdiction of the Secretary of the Interior.

SEC. 3. These provisions may be cited as the "Sitka National Cemetery Transfer Act of 1983".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees do not expect that the transfer of land or its subsequent development for cemetery purposes as provided for under this amendment will constitute a major Federal action significantly affecting the quality of the human environment as defined by the National Environmental Policy Act, Public Law 91-190.

Amendment No. 86: Deletes language proposed by the Senate prohibiting the Veterans Administration from reducing the number of full-time employees at the Jacksonville office to less than 10.

CHAPTER VII

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Amendment No. 87: Appropriates no funds for management of lands and resources for fire supplemental costs as proposed by the Senate instead of $45,000,000 as proposed by the House.

The managers agree that the Bureau of Land Management should follow the guidance contained in Section 102 of Public Law 97-394 with respect to sources of funds for fire presuppression or suppression costs. The Department is expected to submit a fiscal year 1984 supplemental in the amount of actual costs incurred, to reimburse the programs from which funds were borrowed to cover such costs.

Amendment No. 88: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides a further definition of a unit of local government for payments in lieu of taxes.

Amendment No. 89: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

(4) a new section 6907 is added as follows:

(a) Notwithstanding any other provision of this chapter, a State may enact legislation which requires that any payments which would be made to units of general local government pursuant to this chapter be reallocated and redistributed in whole or part to other smaller units of general purpose government which (1) are located within the boundaries of the larger unit of general local government, (2) provide general governmental services and (3) contain entitlement lands within their boundaries.

Such reallocation or redistribution shall generally reflect the level of services provided by, and the number of entitlement acres within, the smaller unit of general local government.

(b) Upon enactment of legislation by a State, described in subsection (a), the Secretary shall make one payment to such State equaling the aggregate amount of payments which he otherwise would have made to units of general local government within such State pursuant to this chapter. It shall be the responsibility of such State to make any further distribution of the payment pursuant to subsection (a).

Such redistribution shall be made within 30 days after receipt of such payment. No payment, or portion thereof, made by the Secretary shall be used by any State for the administration of this subsection or subsection (a).

(c) Appropriations made for payments in lieu of taxes for a fiscal year may be used to correct underpayments in the previous fiscal year to achieve equity among all qualified recipients.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment permits states, upon their enactment of legislation, to reallocate PILT payments to units of local governments which provide general governmental service and contain entitlement lands within their boundaries. It also permits appropriations to be used to correct underpayments made in the prior fiscal year.

UNITED STATES FISH AND WILDLIFE SERVICE

Amendment No. 90: Appropriates $4,000,000 for construction and anadromous fish as proposed by the House. This permits the Service to proceed with construction of a national fish research facility in Gainesville, Florida. The managers agree that up to $50,000 within available funds shall be allocated for operation of the Jones Hole NFH in Utah in fiscal year 1983.

NATIONAL PARK SERVICE

Amendment No. 91: Appropriates $500,000 for operation of the national park system as proposed by the House. This will permit the service to enter into a cooperative agreement to rehabilitate the James A. Garfield Memorial.

Amendment No. 92: Appropriates $1,000,000 for construction instead of $4,280,000 as proposed by the House. This will permit the Service to complete phases 1 and 2 of the rehabilitation of the African Meeting House in Boston NHP. Landscaping, exterior rehabilitation, and interpretative planning willbe funded in a subsequent year so that it will be complete by 1988 to celebrate the 350th anniversary of the arrival of the first blacks in Massachusetts. No

funds are provided for construction of visitor facilities in Voyageurs NP. Those funds will be provided in the 1984 bill. The managers agree that the Service should investigate the benefits of providing a new access point off the Natchez Trace Parkway to the Bay Springs County Road east of the Tennessee-Tombigbee Waterway and South of State Highway 4 in Tishomingo County, Miss.

The Senate allocation of Highway money by park unit differs from the allocation in the House Report. The managers agree with the Senate allocation. The managers agree the Service should follow reprogramming procedures for changes to these projects.

Amendment No. 93: Reported in true disagreement.

Amendment No. 94: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $68,200,000 for land acquisition and state assistance instead of $30,000,000 as proposed by the House and $64,000,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The funds are earmarked for the following areas:

Mason Neck NWR	$3,000,000
Ash Meadows, Nev	5,000,000
Sawtooth NRA	4,000,000
Cranberry Wilderness, W. VA	2,200,000
Rocky Mountain NP	4,000,000
Big Cypress N. Preserve	4,000,000
Big Thicket N. Preserve	6,000,000
Gulf Islands NS	4,300,000
Chickamauga and Chattanooga NMP	327,000
Lake Clark NM	166,500
Acadia NP	220,500
Redwoods NP (for deposit with the Court for payment to the three largest timber owners)	34,000,000
Deficiencies	986,000
Total	$68,200,000

Amendment No. 95: Transfers $8,000,000 to U.S. Fish and Wildlife Service as proposed by the Senate instead of $3,000,000 as proposed by the House.

Amendment No. 96: Earmarks amounts transferred to the Fish and Wildlife Service as proposed by the Senate.

Amendment No. 97: Transfers $6,200,000 to the U.S. Forest Service as proposed by the Senate.

Amendment No. 98: Earmarks funds for Gulf Islands NS, Chickamauga and Chattanooga NMP, Lake Clark NM, and Acadia NP as proposed by the House. No funds are provided for acquisition of mineral interests in Park units where mining is not specifically authorized by law. The Justice Department is aware of concerns for an ongoing investigation of a Gulf Island NS land acquisition condemnation. Any information available to the Justice Department will be transmitted to the U.S. District Court when the money is deposited into the registry of the Court and prior to any distribution of those funds.

Amendment No. 99: Earmarks $34,000,000 for Redwood NP as proposed by the Senate. These funds are to be deposited with the U.S. District Court for allocation to the three major timber owners.

Amendment No. 100: Earmarks $986,000 for deficiencies as proposed by the House instead of $1,800,000 as proposed by the Senate.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Amendment No. 101: Appropriates $51,870,000 for the Abandoned Mine Reclamation Fund instead of zero as proposed by the House and $54,730,000 as proposed by the Senate.

The managers agree that the amount below the Senate level is the $2,860,000 for Federal reclamation projects. These projects may be funded from other cooperative agreements which have come in below cost. The managers further agree that the money for Rural Abandoned Mine projects is for administrative costs associated with projects funded in the fiscal year 1982 Appropriation Act.

BUREAU OF INDIAN AFFAIRS

Amendment No. 102: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $53,150,000 for Operation of Indian Programs instead of $15,800,000 as proposed by the House and $51,350,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The total amount provides for the following:

Fire supplemental	$14,000,000
Water rights litigation—attorney fees	150,000
Water rights litigation—litigation support	1,650,000
Upgrade BIA schools transferred to State of Alaska	9,350,000
Upgrade or replace Mount Edgecumbe Boarding School	22,000,000
Contract support indirect costs	6,000,000

The managers agree that the $22,000,000 available for the Mount Edgecumbe Boarding School shall be provided to the State only if the State agrees to assume operation of the Mount Edgecumbe facility. There shall be no Federal operation of the facility after June 30, 1983. The managers also agree that the $9,350,000 provided for the Alaska day schools shall be for rehabilitation or reconstruction of such schools only, not for basic operation and maintenance; and that no additional funds for upgrading the schools shall be provided in the future.

The managers agree that they will permit the Bureau to transfer other funds to contract support during the fourth quarter if those funds are not required for the purpose for which the original appropriation was made.

Amendment No. 103: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

: Provided, That $22,000,000 of such amount shall be available until expended for transfer to the State of Alaska on the condition that the State use the funds for the benefit of Alaska Native secondary students by either renovating the former Bureau of Indian Affairs Mount Edgecumbe Boarding School or constructing another non-Federal boarding school facility and the Bureau of Indian Affairs shall not expend any other funds for the operation of any secondary education program or facility in the State after June 30, 1983: Provided further, That while consultation concerning day school transfers to the State of Alaska will continue with affected villages, local concurrence is not required in this continuing effort to establish a single system of education envisioned by the State's constitution: Provided further, That after June 30, 1984, the Bureau of Indian Affairs shall fund no more than ten day schools in Alaska: Provided further, That the Bureau of Indian Affairs shall not fund any schools in Alaska after June 30, 1985: Provided further, That $9,350,000 of such amount shall be available until expended for transfer to the State of Alaska to assist in the rehabilitation or reconstruction of Bureau-owned schools which are transferred to the State: Provided further, That the $9,350,000 appropriated in Public Law 97-394 available to the State of Alaska to assist in the rehabilitation of Bureau-owned schools which are transferred to the State may also be used for reconstruction: Provided further, That when any Alaska day school operated by contract is transferred, the State shall assume any existing contract pertaining to the operation or maintenance of such school for a minimum of two years or until the expiration of the negotiated contract, whichever comes first: Provided further, That nothing in the foregoing shall shall preclude assistance otherwise available under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), or any other Act to such schools on the same basis as other public schools: Provided further, That the Secretary of the Interior shall prepare within one year after the date of this Act, an official survey by supplemental plat and convey to the State of Alaska all right, title, and interest of the United States, including all improvements situated thereon, in the following described lands:

That portion of Japonski Island (U.S. Survey No. 1496, within protracted sections 34 and 35, T. 55 S., R. 63 E., sections 2 and 3, T. 56 S., R. 63 E., Copper River Meridian, State of Alaska), withdrawn from the public domain of the United States by Public Law 79-478 and Public Law 83-568 for use of the Bureau of Indian Affairs and the Indian Health Service, except the smallest practicable tract, as determined by the Secretary of Interior, enclosing land actually used in connection with the administration of the Indian Health Service hospital on the date of this Act (this IHS-used land comprising no more than 15.25 acres, excluding roads). The southwesterly boundary of these lands is common with lands withdrawn for use of the United States Coast Guard by public land order and with lands held by the State of Alaska, Division of Aviation.

Such conveyance is conditioned upon the execution by the State of Alaska of an agreement to begin operating a Mt. Edgecumbe school facility no later than September 1, 1984. The above-described lands reserved for the use of the Indian Health Service shall also be conveyed to the State of Alaska if at any time the Indian Health Service or any successor organization or agency ceases to operate a health care facility on said lands. Enactment of this statute has the full force and effect of an interim conveyance, as defined in the Alaska National Interest Lands Conservation Act, to the State of Alaska, subject to the above condition. The force and effect of such an interim conveyance is to convey to and vest in the State of Alaska exactly the same right, title, and interest in and to the lands as the State would have received had it been issued a patent by the United States. Upon survey of lands conveyed by the interim conveyance a patent

thereto shall be issued to the State of Alaska. The lands conveyed by this statute are not subject to acreage adjustment under section 6 of the Alaska Statehood Act

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

With regard to the Alaska day schools under contract, the managers agree that no BIA or other Federal funds shall be used to continue funding the contracts after transfer of the schools to the State.

Amendment No. 104: Deletes $120,000 for road construction proposed by the House. The managers agree that $120,000 should be made available from fiscal year 1983 road construction funds that would otherwise carryover to fiscal year 1984 to provide for the BIA project on Oklahoma State Highway 18 from Shawnee to Tecumseh, Oklahoma.

Amendment No. 105: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

For payment to the authorized governing body of the Papago Tribe of Indians, $15,000,000 to remain available until expended, for deposit in the Papago Trust Fund established by said governing body pursuant to Public Law 97-293 (96 Stat. 1283) which fund shall be held in trust for the benefit of such tribe pursuant to section 309 of that law.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 106: Agrees to language which appropriates $5,250,000 for deposit into the Cooperative Fund as proposed by the Senate, instead of language proposed by the House.

TERRITORIAL AND INTERNATIONAL AFFAIRS

Amendment No. 107: Deletes deferral disapproval heading proposed by the Senate.

Amendment No. 108: Appropriates $12,058,000 for Administration of Territories as proposed by the Senate instead of $3,188,000 as proposed by the House.

Amendment No. 109: Deletes a disapproval of a deferral proposed by the Senate. The House, on May 26, 1983, passed House Resolution 181 disapproving the deferral proposed by deferral D83-55.

FOREST SERVICE

Amendment No. 110: Appropriates no funds for national forest system fire supplemental as proposed by the Senate instead of $46,000,000 as proposed by the House. The managers agree that up to $50,000 of available funds shall be used to relocate snowmobile trails in the Green Mountain National Forest.

The Forest Service is expected to submit a fiscal year 1984 supplemental in the amount of actual fire presuppression and suppression costs incurred, to reimburse the programs from which funds were borrowed to cover such costs.

DEPARTMENT OF ENERGY

Amendment No. 111: Deletes on-budget appropriation for construction of Phase III for the Strategic Petroleum Reserve as proposed by the Senate.

Amendment No. 112: Deletes heading "(Disapproval of Deferral)" proposed by the Senate.

Amendment No. 113: Deletes off-budget appropriation for construction of Phase III for the Strategic Petroleum Reserve as proposed by the House.

Amendment No. 114: Deletes deferral disapproval of $800,000,000 for the Strategic Petroleum Reserve proposed by the Senate.

The managers reaffirm the strong commitment of the Congress as expressed in Public Law 97-229 to an average daily fill rate of 220,000 barrels for the Strategic Petroleum Reserve.

At the insistence of the Administration, the managers reluctantly have recommended no funds in this bill for further construction of the Big Hill, Texas storage site. The managers have been informed that a request for additional construction of this facility will be presented in the fiscal year 1985 budget request as stated in a July 19, 1983 letter from the Director of the Office of Management and Budget. This schedule will permit fill at Big Hill to begin in the third quarter of fiscal year 1987. The Administration's proposal delays the availability of additional permanent storage by 18 months and continued fill at 220,000 barrels per day as required by law will necessitate the use of expensive interim storage in fiscal year 1985.

Amendment No. 115: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Notwithstanding section 303(3) of Public Law 97-257, funds provided for Economic Regulatory Administration by this or any other Act shall be used: (1) to maintain not less than three hundred and eighty full-time permanent Federal employees, of which not less than forty employees shall be assigned to the Office of Fuels Conversion, for the fiscal year ending September 30, 1983; and (2) to maintain not less than three hundred and five full-time equivalent Federal employees, of which not less than twenty-seven employees shall be assigned to the Office of Fuels Conversion, for the fiscal year ending September 30, 1984: Provided further, That notwithstanding any other provision of law, the minimum employment level established in Public Law 97-257 for the Office of the Assistant Secretary for Fossil Energy is reduced to 715 with no further amendment to the suballocations therein.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The reduction in the personnel floor for the Assistant Secretary for Fossil Energy conforms to action being taken by the Department of Energy to operate the Bartlesville Energy Technology Center with a not for profit organization and the transfer of the Grand Forks Energy Technology Center and the Laramie Energy Technology Center to state universities. The managers agree that the reductions made in fossil energy staff should be used to provide additional staff for the state and local programs in energy conservation.

HEALTH SERVICES ADMINISTRATION

Amendment No. 116: Appropriates $19,359,000 for Indian health services as proposed by the House instead of $23,734,000 as proposed by the Senate.

DEPARTMENT OF EDUCATION

Amendment No. 117: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken by said amendment, insert the following:

DEPARTMENT OF EDUCATION

INDIAN EDUCATION

For part C of the Indian Education Act and the General Education Provisions Act, an additional amount of $1,938,000, to remain available until expended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree that the Department of Education should follow the regular competitive process in making these funds available for part C grants.

SMITHSONIAN INSTITUTION

Amendment No. 118: Deletes funds for salaries and expenses as proposed by the Senate instead of $180,000 as proposed by the House. The managers agree that the security force of the Smithsonian needs to be strengthened and will provide funds for 48 additional guards in fiscal year 1984. The managers expect the Smithsonian to begin to hire the additional guards within available funds in fiscal year 1983.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

The managers concur that $5,000,000 of the funds appropriated for construction of Market Square Park be reprogramed to accelerate the completion of the Third to Sixth Street project on Pennsylvania Avenue.

Amendment No. 119: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken by said amendment, insert the following:

The Secretary shall appoint a Commission to review the Department's coal leasing procedures to ensure receipt of fair market value within 30 days after enactment of this Act, and said Commission shall make its recommendations within 6 months after enactment of this Act.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. This will permit the Secretary to proceed with a leasing program for the balance of fiscal year 1983.

Amendment No. 120: Deletes language proposed by the House prohibiting lease sale No. 78 from taking place during the balance of fiscal year 1983. The Secretary, on June 9, 1983, agreed to exclude the Atlantic Coast of Florida from lease sale No. 78 as requested by the Secretary of Defense and the Administrator of NASA.

Amendment No. 121: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken by said amendment, insert the following:

No funds provided in this or any other Act to agencies funded by the Interior and Related Agencies Appropriation Act, 1983 (Public Law 97-394) may be expended to take actions related to termination of programs or closure of facilities proposed to be terminated or closed in the budget for fiscal year 1984 until enactment of the Interior and Related Agencies Appropriation Act, 1984 or through approved reprogramming procedures.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Several programs have been proposed to be terminated in the fiscal year 1984 budget. Several facilities were proposed for closure in the 1984 budget. The managers do not want action which would, in effect, permit termination or closure before action is completed on the fiscal year 1984 appropriation act.

Amendment No. 122: Deletes bill language proposed by the Senate to authorize and direct the Secretary of Interior to acquire the Sweeney Ridge tract in Golden Gate NRA. The managers are aware of changes in conditions since the last appraisal was made which might change the appraised value itself. Therefore, the Secretary is directed to cause to be updated, within 30 days, a Park Service appraisal of the value of the Sweeney Ridge tract of the Golden Gate NRA, and within 30 days following NPS approval of the updated appraisal, the Secretary shall enter into good faith negotiations with the owner of the tract looking to possible acquisition.

Amendment No. 123: Restores matter stricken by the Senate with an amendment revising the termination dates proposed by the House for restrictions on commercial vehicular operations.

The Managers direct that within fifteen days of enactment of this law the Secretary of Interior establish a five member commission of the following: the Secretary of the Interior, the Secretary of Transportation, the Governor of the Commonwealth of Pennsylvania, the Governor of the State of New York and the Governor of the State of New Jersey, or their representatives. This Commission is to review the transportation needs of the three state area resulting from the acquisition of a segment of Highway 209 in the Delaware Water Gap National Recreation Area by the National Park Service.

Within 90 days of the enactment of this act the Commission shall report to Congress recommendations to implement a permanent transportation improvement program in the affected area. The review shall address the following specific areas of concern:

a. The impact of a ban on commercial vehicles on Highway 209 in the Delaware Water Gap National Recreation Area, with the exceptions provided for in the bill.

b. The impact of such a ban on the environment, health and safety, and the economy of eastern Pennsylvania, northern New Jersey, and portions of southern New York.

c. The feasibility and desirability of the creation of a new permanent truck route through the three state region to meet local communities future traffic safety needs. Such action would insure viable access for commercial vehicles.

The managers expect Congress to review and implement the Commission recommendations.

In the development of the regulations by the Interior Department required to implement the prohibition, the business facilities in Northhampton County, Pennsylvania, operating on the date of enactment, may also, along with Monroe and Pike Counties, Pennsylvania use Highway 209 within the boundaries of the Delaware Water Gap National Recreation Area.

Nothing in this legislation shall prejudice the litigation pending between the State of New Jersey and the U.S. Park Service, nor shall it in any way limit the options considered by the Commission or predetermine its findings and recommendations.

In implementing the ban the Park Service shall fully comply with NEPA, substantively and procedurally.

The tolls are not intended to be permanent. Their longest duration is ten years. The measure approved by the House, provided that the toll provisions would terminate 3 years after enactment if construction of I-287 had not begun and within 10 years if construction had begun. This amendment maintains that same time element. However, the managers expect that they shall terminate, absent other legislation, much before that.

Amendment No. 124: Restores House language which provides that 100 per centum Federal highway trust funds are available to the State of New Jersey for the construction of the I-287 bypass in New Jersey or any other feasible, suitable alternative.

Amendment No. 125: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

The Congress finds that the Forest Service's proposal of March 15, 1983, to consider six million acres of the national forest for possible sale has met with considerable opposition; and the national forests are an important part of the national heritage of the United States; and the national forests provide and protect important resources; and the national forests provide unique opportunities for recreation; and it is inconsistent with past management practices to dispose of large portions of our national forests. It is, therefore, the sense of the Congress that it is not in the national interest to grant the authority to sell significant acreage of the national forest until such time as the Forest Service specifically identifies the tracts which are no longer needed by the Federal Government; inventories the tracts as to their public benefit values; provides opportunities for public review and discussion of the tracts; and completes all necessary environmental assessments of such sales.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

CHAPTER VIII

DEPARTMENT OF LABOR

Amendment No. 126: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment extending the availability of funds appropriated in Public Law 97-257.

Department of Health and Human Services

Amendment No. 127: Deletes appropriation of $30,000,000 proposed by the Senate for summer youth employment. The House bill included no funds for this purpose.

Amendment No. 128: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following: *to remain available until September 30, 1984,*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 129: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following: *to remain available until September 30, 1984,*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 130: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate, amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following: *to remain available until September 30, 1984,*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 131: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate, amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following: *to remain available until September 30, 1984,*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 132: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate, amended to read as follows:

In lieu of the matter proposed by said amendment, insert the following:

to remain available until September 30, 1984,

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The bill provides a $12,000,000 supplemental appropriation to further the Department's research and surveillance activities on Acquired Immune Deficiency Syndrome (AIDS). This condition is a very serious problem with a high fatality rate. Some 1,902 reported cases of AIDS have been identified in the United States since June 1981; in this period there have been 732 reported deaths for a mortality rate of 39 percent. The cause of this immune dysfunction remains unknown.

The amounts included in the bill are as follows:

Centers for Disease Control	$2,225,000
National Institutes of Health:	
National Cancer Institute	3,300,000
National Institute of Allergy and Infectious Diseases	4,500,000
National Heart, Lung and Blood Institute	1,030,000
National Institute of Neurological and Communicative Disorders and Stroke	545,000
Total, NIH	9,375,000
Alcohol, Drug Abuse, and Mental Health Administration	400,000

With the exception of $1,465,000 in the Centers for Disease Control (CDC), which is to restore funds diverted during FY 1983 from CDC's prevention and control activities, it is the intention of the conferees that these additional funds will supplement the $14,532,000 that the Public Health Service plans to spend in FY 1983.

Amendment No. 133: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate which appropriates $2,650,000 for the HMO Loan and Loan Guarantee Fund as proposed by

the Senate. No similar provision was included in the House bill.

Amendment No. 134: Appropriates $1,300,000,000 for Payments to Social Security Trust Funds as proposed by the Senate. This payment provides a one time credit to the Social Security System for the value of Social Security checks which were issued by the Department of the Treasury but which were never cashed. This appropriation is required by Section 152 of the Social Security Amendments of 1983 (P.L. 98-21).

Amendment No. 135: Deletes appropriation of $225 million proposed by the Senate for a program of health insurance for the unemployed. This program is not currently authorized. The conferees are agreed that appropriations to initiate such a program will be provided on an expedited basis after the enactment of authorizing legislation.

Amendment No. 136: Inserts new heading as proposed by the Senate.

Amendment No. 137: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment with an amendment, as follows:

From the Rural Development Loan Fund under the Community Economic Development Act of 1981, $10,000,000 in available appropriations shall be obligated in the form of loans only by December 31, 1983.

The managers on the part of the Senate will move to concur in the amendment of the House of the amendment of the Senate.

The conferees are agreed that priority shall be given to loans to nonprofit organizations with previous experience in administering activities under the Rural Development Loan Fund program, and which comply with performance standards to be prescribed by the Secretary.

Amendment No. 138: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment with an amendment, as follows:

From the Community Development Credit Union Revolving Loan Fund, the entire remaining balance of the Fund as of September 30, 1983, shall be obligated on or before December 31, 1983. No such obligations shall be made in the form of loan guarantees.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 139: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment which clarifies that health planning funds appropriated in P.L. 97-377, the fiscal year 1983 Continuing Resolution, can be used for grants to States made eligible by section 935(b) of the Omnibus Budget Reconciliation Act of 1981.

DEPARTMENT OF EDUCATION

Amendment No. 140: Appropriates $47,900,000 for section 611 of the Education of the Handicapped Act as proposed by the Senate. The House bill includes no funding for this purpose.

Amendment No. 141: Appropriates $1,250,000 for section 621 of the Education of the Handicapped Act relating to regional resource centers, instead of $2,500,000 as proposed by the Senate. The House bill includes no funding for this purpose. The amount in the bill is in addition to the amount otherwise available for this purpose for fiscal year 1983.

Amendment No. 142: Inserts appropriation heading as proposed by the Senate.

Amendment No. 143: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate which appropriates and additional amount of $2,120,000 for centers for independent living. The conferees are agreed that $2,000,000 shall be available for special recreation projects (section 316 of the Rehabilitation Act as amended).

Amendment No. 144: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate amended to read as follows:

For an additional amount to the National Institute of Handicapped Research for the establishment and support of two research and training centers, $1,500,000, to remain available until expended, one-half of which shall be available for the establishment and support of a research and training center in pediatric rehabilitation pursuant to section 204(b)(1) of the Rehabilitation Act of 1973, and one-half of which shall be available for a research and training center on the rehabilitation needs of the Pacific Basin.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees direct that, of the appropriation of $1,500,000 for the National Institute of Handicapped Research, $750,000 shall be available for the establishment and support of a research and training center focusing on pediatric rehabilitation at the University of Connecticut Health Center in Farmington, Connecticut, and $750,000 shall be available for a research and training center on the rehabilitation needs of the Pacific Basin to be located at the University of Hawaii.

Amendment No. 145. Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate amended to read as follows:

ELEMENTARY AND SECONDARY EDUCATION

For an additional amount for subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965, such sums as may be necessary but not to exceed $40,000,000, to remain available until September 30, 1984, to be available for the payment of grants to local educational agencies located in a State in which the aggregate amount of grants determined for such agencies from amounts appropriated for fiscal year 1983 prior to the date of enactment of this Act is less than 95 percent of the amount of the grants for that State from amounts appropriated for fiscal year 1982 by reason of the application of the 1980 Census data in order to increase the amount for local educational agencies in each such State to the amount determined for that State for fiscal year 1982: Provided, That the amount of the increase in any grant which a local educational agency in any State shall be eligible to receive by reason of the application of this paragraph shall be determined on a pro rata basis.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are agreed that none of the funds provided by this amendment shall be used for State administration under section 194(a) of the Elementary and Secondary Education Act.

Amendment No. 146: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate amended to read as follows:

STUDENT FINANCIAL ASSISTANCE

Notwithstanding section 413 D(b)(1)-(B)(ii) of the Higher Education Act of 1965 and section 10 of the Student Financial Assistance Technical Amendments Act of 1982, funds appropriated under this heading and any funds appropriated for fiscal year 1983 for subpart 2 of part A of title IV of the Higher Education Act of 1965 that are not obligated or committed for the fiscal year 1983 shall be allocated in a manner designed to ensure that all eligible institutions receive a minimum funding level based upon a uniform State percentage for such fiscal year.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 147: Restores House language allowing the Secretary of Education to compensate private debt collection agencies under contract with the Secretary from amounts collected by these agencies on loans defaulted under part E of the Higher Education Act, section 406 of the Omnibus Crime Control and Safe Streets Act of 1968, and the Migration and Refugee Assistance Act of 1962.

The Conferees have restored language proposed by the House permitting the Department of Education to compensate private debt collection agencies from amounts collected for certain accounts for the remainder of fiscal year 1983.

In taking this action, it is not the Conferees' intention that the Department reduce its own collection staff. The Conferees believe it is necesssary that the Department continue to employ 382 Student Loan Insurance Fund collectors on a full-time basis through September 30, 1983, and to maintain the current level of collection operations at its Chicago, Atlanta and San Francisco offices.

SPECIAL PROGRAMS FOR THE DISADVANTAGED

With regard to "special programs for the disadvantaged", the conferees note that both the House and the Senate reports referred to second year funding for seven talent search projects and one educational opportunity center project. The conferees direct the Secretary to follow the intent expressed in the House and Senate reports and to bring these projects into line with the Department's current multi-year funding cycle.

BIOMEDICAL SCIENCES PROGRAM

With regard to the biomedical sciences program, the Secretary of Education should follow the Senate report on this bill (No. 98-148) and provide to the greatest possible extent, the same level of funding as available in the previous year for the 12 secondary education projects funded under this program.

Amendment No. 148: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate with an amendment as follows:

FACILITIES DEVELOPMENT

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For an additional amount for "Health resources and services" for the remodeling and expansion of an existing academic health center library under section 720(a)(1) of the Public Health Service Act, $14,500,000, to remain available until expended; and notwithstanding any other provision of this or

any other Act, such amount shall be made available without regard to the provisions of sections 702(b) and 722(a)(1) of the Public Health Service Act.

NATIONAL INSTITUTES OF HEALTH

NATIONAL LIBRARY OF MEDICINE

For an additional amount to carry out section 301 and parts I and J of title III of the Public Health Service Act with respect to conducting research, development, and demonstration projects at an existing academic health center, $5,900,000 to remain available until expended.

GRANTS FOR CONSTRUCTION OF ACADEMIC FACILITIES

For part B of title VII of the Higher Education Act of 1965, $22,500,000, to remain available until expended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have agreed to the Senate amendment to provide a total of $42,900,000 for academic facilities development. Of the total appropriation under this amendment, the conferees direct that $20,400,000 be made available for the development of a Biomedical Information Communication Center at the Oregon Health Sciences University in Portland, Oregon.

Of that amount, the Conferees have included $14,500,000 for remodeling and expanding the existing library space at the Oregon Health Sciences Center. The estimated total of 82,000 square feet of space will be used to house the computer and other technologies required to develop and maintain an academic health resource network for the State of Oregon. The funds are made available under section 720(a)(1) of the Public Health Service Act.

In addition, the conferees direct that $5,900,000 be provided for planning the Oregon project and for providing the equipment locally for the research and development to be undertaken, for the networking of the system, and for disseminating equipment to local hospitals and physicians on a demonstration basis. These funds are to be made available to the Oregon Health Sciences University under section 301 and parts I and J of Title III of the Public Health Service Act.

Of the $22,500,000 appropriated under part B of title VII of the Higher Education Act, the conferees direct that $15,000,000 be provided for construction and related costs for a center for advanced technology and development at the University of New Hampshire and that $7,500,000 be provided for construction and related costs for the Central Research Library at Boston College. The provisions of section 721 (a)(2) and (b) shall not apply to the funds appropriated under this heading, and the amount of the grants paid from funds appropriated under this heading shall not be subject to any matching requirement contained in section 721(c) of title VII and shall be used for two facilities of the type mentioned in 713(g).

The conferees affirm their understanding that the designation of the institutions as recipients of these funds controls their allocation. The Secretary is directed to waive section 721(a)(2), relating to the interstate distribution of funds, and is also prohibited from requiring that the University of New Hampshire or Boston College make matching contributions or from holding the federal share of the project to 50 percent. The Secretary is also directed to waive section 721(b), which requires that grants be made in accordance with the advice of a panel of experts, because no such panel currently exists and its establishment would unduly delay the disbursement of the funds. Finally, the Secretary is directed to use these funds for combined graduate and undergraduate facilities as provided in section 713(g) since, while both the University of New Hampshire and Boston College projects are of the type envisioned by part B, both projects have an undergraduate component.

CHAPTER IX—LEGISLATIVE BRANCH

SENATE

Amendment No. 149: Reported in technical disagreement. Inasmuch as the amendment relates solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House will offer a motion to recede and concur in the Senate amendment.

OFFICE OF TECHNOLOGY ASSESSMENT

Amendment No. 150: Appropriates $165,000 for salaries and expenses instead of $100,000 as proposed by the House and $175,000 as proposed by the Senate.

ARCHITECT OF THE CAPITOL

SENATE OFFICE BUILDINGS

Amendment No. 151: Reported in technical disagreement. Inasmuch as the amendment relates solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House will offer a motion to recede and concur in the Senate amendment.

WEST CENTRAL FRONT OF THE CAPITOL

Amendment No. 152: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert: "$49,000,000".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agree that the rebuilding of the old courtyard walls as recommended in the Ammann and Whitney plan will be added to the scope of the project as approved by the Senate.

ADMINISTRATIVE PROVISIONS

Amendment No. 153: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate. The amendment of the Senate contains two Senate housekeeping items in which, in accord with long practice, the House concurs without intervention. In addition, the Senate amendment establishes that special contract terms for items furnished to the Senate and the House of Representatives may not be used as the basis for modifications to vendors' GSA schedule contracts or other contracts with Federal agencies, and increases the compensation of the Librarian of Congress to Level III of the Executive Schedule and the Deputy Librarian of Congress to Level IV.

Amendment Nos. 154 through 156: Insert section numbers as proposed by the Senate.

Amendment No. 157: Deletes language proposed by the House setting a 30 percent-of-Congressional-salary cap on honoraria received by Members of Congress.

Amendment No. 158: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which imposes a limit on honoraria income, effective January 1, 1984, of 30 percent of the aggregate salary paid to Members of Congress for service as a Member; excludes from the limit any honoraria paid by or on behalf of a Member to a charitable organization; and increases the salary of Members of the Senate by 15 percent, effective July 1, 1983. With respect to honoraria income, Rule XLVII of the Rules of the House of Representatives will remain applicable to the Members of the House. The conferees note that the earned income limitations in the House rule are calculated without regard to community property laws. The Members of the House will still be covered by that provision. The language adopted by the conferees contains no such provision.

Amendment No. 159: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which amends Subsection (b) of section 323 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441i(b)) to read as follows: "Any honorarium, or any part thereof, paid by or on behalf of an elected or appointed officer or employee of any branch of the Federal Government to a charitable organization shall be deemed not to be accepted for the purposes of this section.".

The managers agree that changes in this legislation affecting the definition of "not to be accepted" honoraria shall in no way alter the requirement that these honoraria be disclosed in reports required to be filed under the Ethics in Government Act.

CHAPTER X

DEPARTMENT OF TRANSPORTATION

COAST GUARD

Amendment No. 160: Appropriates $7,500,000 for national recreational boating safety and facilities improvement fund instead of $5,000,000 as proposed by the House and $10,000,000 as proposed by the Senate.

Amendment No. 161: Limits obligations for national recreational boating safety and facilities improvement fund to $7,500,000 instead of $5,000,000 as proposed by the House and $10,000,000 as proposed by the Senate.

FEDERAL AVIATION ADMINISTRATION

Amendment No. 162: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate reprogramming $5,000,000 of facilities and equipment funds to provide grants to two universities or colleges to conduct demonstration projects in the development, advancement or expansion of airway science curriculum.

The conferees intend that of the funds provided at least $2,750,000 be made available to the University of North Dakota to enhance the expansion of the Airway Science Program now underway, and the conferees direct the Secretary to report to the House and Senate Committees on Appropriations regarding the need for further funding for this activity at other locations.

Amendment No. 163: Permits borrowing authority for defaulted aircraft purchase loans to be available for "necesary expenses excluding administrative personnel costs" of the Federal Aviation Administration instead of "guaranteed principal and interest and storage" costs as proposed by the House and

"necessary expenses" as proposed by the Senate.

FEDERAL HIGHWAY ADMINISTRATION

Amendment No. 164: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

Access Highways to Public Recreation Areas on Certain Lakes

Appropriations under this heading for fiscal year 1981 shall remain available until September 30, 1984.

Highways Crossing Federal Projects

The period of availability of approximately $400,000 appropriated in Public Laws 94-387, 95-29, 95-85, 95-335, and 96-131 is hereby extended through September 30, 1984.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 165: Reported in true disagreement.

URBAN MASS TRANSPORTATION ADMINISTRATION

Amendment No. 166: Inserts "Urban Mass Transportation Act of 1964 as amended." as proposed by the Senate instead of "Public Law 97-424." as proposed by the House.

MOTOR CARRIER RATEMAKING STUDY COMMISSION

Amendment No. 167: Deletes language proposed by the House to rescind the unobligated balance of the appropriation for the Motor Carrier Ratemaking Study Commission.

ATTLEBORO-HYANNIS RAIL LINE

It is the intention of the conferees that $15,000,000 from previously appropriated funds be made available to the Commonwealth of Massachusetts for the rehabilitation of the line from Attleboro to Hyannis. The conferees note, however, that this unique and irregular procedure, in which funds originally appropriated to the National Railroad Passenger Corporation are transferred to a state, does not set a precedent for future projects. The conferees intend that these funds represent the total Federal participation in the capital cost of the project, and that the Commonwealth of Massachusetts be responsible for any capital costs beyond the $15,000,000 Federal investment. The Commonwealth shall be responsible for the costs of operating rail service on this line, except for such Federal assistance as may be authorized under Section 403(b) of the Rail Passenger Service Act. Amtrak will not be expected to operate passenger service on this route which will not cover long-term avoidable costs. Furthermore, the conferees instruct Amtrak to consult with the proper authorities in the Commonwealth of Massachusetts on the Commonwealth's plans for expenditure of funds in order to protect this Federal investment.

EAST LANSING STATION

The conferees reiterate the directive contained in the Joint Explanatory Statement of the Committee of Conference accompanying Public Law 98-8.

GENERAL PROVISIONS

Amendment No. 168: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Delete the matter stricken by said amendment and insert in lieu thereof the following:

LIMITATION ON GENERAL OPERATING EXPENSES

The limitation on general operating expenses of the Federal Highway Administration is increased by $1,750,000 for necessary expenses to carry out the provisons of section 152 of the Surface Transportation Assistance Act of 1982 for a methane conversion study, to remain available until expended.

ACOSTA BRIDGE

Notwithstanding subsection (b) of section 142 of Public Law 97-377, the funds made available by such subsection for the Dodge Island Bridge project in Miami, Florida, shall be available for the Acosta Bridge project in Jacksonville, Florida, in accordance with the provisions of section 144 of title 23, United States Code, to remain available until expended: Provided, That, notwithstanding any other provision of law, obligations incurred under this section shall not be subject to any limitation on obligations for Federal-aid highways.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 169: Reported in true disagreement.

RELATED AGENCIES

Amendment No. 170: Conforms heading.

Amendment No. 171: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate making funds appropriated for salaries and expenses of the Motor Carrier Ratemaking Study Commission available until expended.

CHAPTER XI

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

Amendment No. 172: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

Office of the Secretary

Of the sums appropriated for Office of the Secretary, Salaries and Expenses, not to exceed $18,500 may be used for official reception and representation functions.

Of the sums appropriated for International Affairs, not to exceed $66,500 may be used for official reception and representation functions.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. This amendment makes available an additional $10,000 for official reception and representation expenses for the Department of the Treasury.

For a number of years, agencies have requested funds for representation purposes which are not authorized by law. The Conferees urge the Administration to seek legislation authorizing these funds.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATION ON AVAILABILITY OF REVENUE

Amendment Nos. 173, 174, and 175: These amendments make available $7,075,000 for the payment of a construction claim on the Courthouse and Federal Building in Atlanta, Georgia as proposed by the Senate, and adjusts limitation amounts accordingly. The Conferees direct that the General Services Administration and the Courts carefully monitor construction projects to insure that claims of this nature do not arise again.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

Amendment No. 176: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum named in said amendment, insert the following: *$1,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment provides $1,000 for official reception and representation expenses. For a number of years, agencies have requested funds for representation purposes which are not authorized by law. The Conferees urge the Administration to seek legislation authorizing these funds.

ADMINSTRATIVE PROVISIONS

Amendment No. 177: Restores language stricken by the Senate. This language prohibits the Office of Personnel Management from implementing, administering or enforcing certain proposed regulations published in the Federal Register on March 30, 1983.

Amendment No. 178: Restores language stricken by the Senate. This language prohibits the Internal Revenue Service from enforcing certain rulings.

Amendment No. 179: Deletes language proposed by the Senate which would have prohibited funds in this Act from being used by the Office of Management and Budget until certain technical reviews were completed.

Amendment No. 180: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate.

This amendment changes the application of the Internal Revenue Code with regard to a provision in the Code dealing with federal energy tax credits. The IRS recently ruled that certain veterans in the state of Oregon were not eligible for the federal energy tax credit because of financing received from the state of Oregon pursuant to a state law. This amendment prevents the IRS from applying that interpretation of the law retroactively to all tax years prior to January 1, 1983.

CHAPTER XII—DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA FUNDS

Amendment No. 181: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

CHAPTER XII

DISTRICT OF COLUMBIA

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

(RESCISSION)

Of the funds appropriated for "Governmental direction and support" for fiscal year 1983 in Public Law 97-378, $2,759,000 are rescinded.

ECONOMIC DEVELOPMENT AND REGULATION

(RESCISSION)

Of the funds appropriated for "Economic development and regulation" for fiscal year 1983 in Public Law 97-378, $2,538,800 are rescinded.

PUBLIC SAFETY AND JUSTICE

For an additional amount for "Public safety and justice", $9,130,600.

PUBLIC EDUCATION SYSTEM

(RESCISSION)

Of the funds appropriated for "Public education system" for fiscal year 1983 in Public Law 97-378, $1,871,100 are rescinded.

HUMAN SUPPORT SERVICES

For an additional amount for "Human support services", $2,087,400.

TRANSPORTATION SERVICES AND ASSISTANCE

(RESCISSION)

Of the funds appropriated for "Transportation services and assistance" for fiscal year 1983 in Public Law 97-378, $544,600 are rescinded.

ENVIRONMENTAL SERVICES AND SUPPLY

(RESCISSION)

Of the funds appropriated for "Environmental services and supply" for fiscal year 1983 in Public Law 97-378, $5,504,500 are rescinded.

PERSONAL SERVICES

(RESCISSION)

Of the funds appropriated for "Personal services" for fiscal year 1983 in Public Law 97-378, $8,748,800 are rescinded.

ENERGY ADJUSTMENT

For an additional amount for "Energy adjustment", $2,078,500.

UNALLOCATED GENERAL FUND ADJUSTMENT

(RESCISSION)

Of the funds appropriated out of the "General fund" for fiscal year 1983 in Public Law 97-378, $15,183,600 are rescinded.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For an additional amount for "Washington convention center enterprise fund", $830,700.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For an additional amount for "Lottery and charitable games enterprise fund", $1,000,000.

GENERAL PROVISION

Title 11, section 11-1732(d) of the District of Columbia Code, is amended by striking out "1983" and inserting in lieu thereof "1984".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have amended the Senate amendment, which inserts a new chapter for the District of Columbia, to reflect a new budget request for "Unallocated general fund adjustment" and revised estimates for "Washington Convention Center Enterprise Fund" and "Lottery and Charitable Games Enterprise Fund". The effect of the conference action is to reduce net budget authority by $22,023,200 in District funds instead of a reduction of $6,489,600 as proposed by the Senate. The House bill did not reflect any of the District government's supplemental requests because the estimates were in the formulation stage when the House approved the bill on May 25, 1983.

Governmental Direction and Support.—The conference action rescinds $2,759,000 as proposed by the Senate. This proposal was submitted too late for consideration by the House.

Economic Development and Regulation.—The conference action rescinds $2,538,800 as proposed by the Senate. This proposal was submitted too late for consideration by the House.

Public Safety and Justice.—The conference action appropriates $9,130,600 as proposed by the Senate. This request was submitted too late for consideration by the House.

Public Education System.—The conference action rescinds $1,871,100 as proposed by the Senate. This proposal was submitted too late for consideration by the House.

Human Support Services.—The conference action appropriates $2,087,400 as proposed by the Senate. This request was submitted too late for consideration by the House.

Transportation Services and Assistance.—The conference action rescinds $544,600 as proposed by the Senate. This request was submitted too late for consideration by the House.

Environmental Services and Supply.—The conference action rescinds $5,504,500 as proposed by the Senate. This proposal was submitted too late for consideration by the House.

Personal Services.—The conference action rescinds $8,748,800 as proposed by the Senate. This proposal was submitted too late for consideration by the House.

Energy Adjustment.—The conference action appropriates $2,078,500 as proposed by the Senate. This request was submitted too late for consideration by the House.

Unallocated General Fund Adjustment.—The conference action rescinds $15,183,600 in accordance with the District government's budget request which was submitted after the Senate's action on the bill. The reduction will be allotted among District government agencies following the District's third quarter financial review.

Washington Convention Center Enterprise Fund.—The conference action appropriates $830,700 instead of $680,700 as proposed by the Senate. The Senate's allowance was based on preliminary budget estimates whereas the amount recommended by the conferees is included in the District government's revised budget request.

Lottery and Charitable Games Enterprise Fund.—The conference action appropriates $1,000,000 instead of $1,500,000 as proposed by the Senate. The Senate's allowance was based on preliminary budget estimates whereas the amount recommended by the conferees is included in the District government's revised budget request.

General Provision.—The conference action adds language as proposed by the Senate extending for one year the authorization for the use of hearing commissioners in the Superior Court of the District of Columbia. This extension will be effective until September 30, 1984.

TITLE II

INCREASED PAY COSTS FOR THE FISCAL YEAR 1983

LEGISLATIVE BRANCH

SENATE

Amendment No. 182: Reported in technical disagreement. Inasmuch as the amendment relates solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House will offer a motion to recede and concur in the State amendment.

ARCHITECT OF THE CAPITOL

SENATE OFFICE BUILDINGS

Amendment No. 183: Reported in technical disagreement. Inasmuch as the amendment relates solely to the Senate, and in accord with long practice under which each body determines its own housekeeping requirements and the other concurs without intervention, the managers on the part of the House will offer a motion to recede and concur in the Senate amendment.

GENERAL ACCOUNTING OFFICE

Amendment No. 184: Appropriates $7,765,000 for salaries and expenses instead of $7,480,000 as proposed by the House and $8,050,000 as proposed by the Senate.

OFFICE OF TECHNOLOGY ASSESSMENT

Amendment No. 185: Appropriates $344,000 for salaries and expenses as proposed by the House instead of $396,000 as proposed by the Senate.

EXECUTIVE OFFICE OF THE PRESIDENT

SPECIAL ASSISTANCE TO THE PRESIDENT

Amendment No. 186: Deletes $31,000 for salaries and expenses as proposed by the Senate.

Amendment No. 187: Appropriates $2,651,000 for forest research pay costs as proposed by the House instead of $1,651,000 as proposed by the Senate.

Amendment No. 188: Appropriates $507,000 for state and private forestry pay costs instead of $657,000 as proposed by the House and $357,000 as proposed by the Senate.

Amendment No. 189: Appropriates $23,441,000 for national forest system instead of $29,941,000 as proposed by the House and $18,941,000 as proposed by the Senate.

Amendment No. 190: Provides that $3,304,000 shall remain available for obligation until September 30, 1984, instead of $4,403,000 as proposed by the House and $3,281,000 as proposed by the Senate.

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 191: Appropriates $930,000 as proposed by the Senate instead of $1,230,000 as proposed by the House.

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

Amendment No. 192: Appropriates $1,650,000 as proposed by the House. The Senate amendment proposed to delete funding for this purpose.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

Amendment No. 193: Appropriates $665,000 as proposed by the Senate instead of $1,330,000 as proposed by the House.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

Amendment No. 194: Appropriates $3,800,000 as proposed by the House. The Senate amendment proposed to delete funding for this purpose.

The conferees direct the Department of Commerce to utilize in fiscal year 1983 for technical assistance purposes, the FY 1982 unobligated carryover balances of $5,118,000 appropriated for the Trade Adjustment Assistance Program.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

Amendment No. 195: Deletes appropriation of $440,000 proposed by the House.

Amendment No. 196: Appropriates $560,000 for economic regulation pay costs as proposed by the Senate instead of $875,000 as proposed by the House.

Amendment Nos. 197-199: Restore language proposed by the House but deleted by the Senate authorizing transfers of funds from the "Rural Development Loan Fund".

Amendment No. 200: Changes heading.

Amendment No. 201: Inserts the following appropriations for certain of the National Institutes of Health, instead of the amounts proposed by the Senate.

National Cancer Institute	$766,000
National Heart, Lung and Blood Institute	484,000
National Institute of Dental Research	432,000
National Institute of Arthritis, Diabetes, and Digestive and Kidney Diseases	1,310,000
National Institute of Neurological and Communicative Disorders and Stroke	800,000
National Institute of Allergy and Infectious Diseases	1,048,000
National Institute of General Medical Sciences	252,000
National Institute of Child Health and Human Development	669,000
National Eye Institute	340,000
National Institute of Environmental Health Sciences	500,000
Research Resources	113,000

No appropriations for these programs were included in the House Bill. The amounts provided are intended to reduce the necessary reprogramming of funds from extramural and other research programs to meet increased pay costs for Federal employees.

Amendment Nos. 202 and 203: Restore language proposed by the House but deleted by the Senate authorizing transfers of funds from the "Rural Development Loan Fund".

Amendment No. 204: Changes heading.

Amendment No. 205: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate with an amendment which appropriates $1,388,000 for "Alcohol, Drug Abuse and Mental Health". The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The Senate bill included $375,000 for this account. No funds were included in the House bill. The conferees are agreed that $188,000 of this amount is for the National Institute of Drug Abuse and $1,200,000 is for the National Institute of Mental Health.

Amendment Nos. 206-208: Restores language proposed by the House but deleted by the Senate authorizing transfers of funds from the "Rural Development Loan Fund".

Amendment No. 209: Appropriates $4,030,000 for resource management pay costs instead of $6,462,000 as proposed by the House and $1,530,000 as proposed by the Senate.

Amendment No. 210: Appropriates $12,019,000 for operation of the National Park System pay costs instead of $15,029,000 as proposed by the House and $9,019,000 as proposed by the Senate. The managers agree that the funds provided over the amount recommended by the Senate are only for unemployment compensation costs.

Amendment No. 211: Appropriates $8,395,000 for surveys, investigations and research pay costs instead of $9,895,000 as proposed by the House and $6,895,000 as proposed by the Senate.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, ANTITRUST DIVISION

Amendment No. 212: Appropriates $1,100,000 as proposed by the House. The Senate amendment proposed to delete funding for this purpose.

The conferees are agreed that these funds shall be available for the cost of continuing the portion of a contract for computer processing which supports three Department of Labor investigations under the Employment Retirement Income Security Act (ERISA). The conferees note that the Department of Labor has heretofore reimbursed the Department of Justice for this item but has run out of funds for this purpose for the remainder of fiscal year 1983. Although the conferees have provided funding for this item under the Department of Justice due to this emergency situation, the conferees strongly believe that such funding should normally be the responsibility of the Department of Labor, and therefore, expect the Department to include this item in its own budget in the future.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

Amendment No. 213: Appropriates $100,000 as proposed by the House instead of $200,000 as proposed by the Senate.

DRUG ENFORCEMENT ADMINISTRATION

Amendment No. 214: Appropriates $7,334,000 as proposed by the Senate instead of $7,634,000 as proposed by the House.

The conferees are concerned about the need to fully staff the Drug Enforcement Administration and note that DEA received substantial new resources in the fiscal year 1983 Continuing Resolution both in its own account and through the Organized Crime Drug Enforcement Program. However, various reports in the the press and from the Department of Justice indicate that DEA is falling behind in its anticipated schedule of hiring and training new agents. In view of this situation, the conferees urge the Department of Justice and DEA to utilize fully the resources provided by the Congress and make the strongest possible effort to fill all DEA positions authorized for fiscal year 1983 with qualified candidates as quickly as possible.

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

Amendment No. 215: Deletes the words "transfer of funds" from the heading as proposed by the Senate.

Amendment No. 216: Appropriates $400,000 for salaries and expenses as proposed by the Senate instead of providing $400,000 by transfer as proposed by the House.

COAST GUARD

Amendment No. 217: Deletes the word "including" from the heading as proposed by the Senate.

Amendment No. 218: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing that funds for headquarters administration be derived by transfer from "Retired Pay".

Amendment No. 219: Provides $10,000,000 by transfer for operating expenses as proposed by the Senate instead of providing $12,550,000 by transfer as proposed by the House.

FEDERAL HIGHWAY ADMINISTRATION

Amendment No. 220: Deletes the words "including transfer of funds" from the heading as proposed by the Senate.

Amendment No. 221: Appropriates $200,000 for motor carrier safety as proposed by the Senate instead of providing $200,000 by transfer as proposed by the House.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Amendment No. 222: Inserts the words "transfer of funds" in the heading as proposed by the House.

Amendment No. 223: Provides $300,000 by transfer for operations and research as proposed by the House instead of appropriating $300,000 as proposed by the Senate.

FEDERAL RAILROAD ADMINISTRATION

Amendment No. 224: Inserts the words "transfer of funds" in the heading as proposed by the House.

Amendment No. 225: Provides $225,000 by transfer for office of the administrator as proposed by the House instead of appropriating $225,000 as proposed by the Senate.

URBAN MASS TRANSPORTATION ADMINISTRATION

Amendment No. 226: Inserts the word "including" in the heading as proposed by the Senate.

Amendment No. 227: Provides $530,000, of which $204,398 is to be derived by transfer, for administrative expenses as proposed by the Senate instead of providing $530,000 by transfer as proposed by the House.

OFFICE OF THE INSPECTOR GENERAL

Amendment No. 228: Deletes the words "transfer of funds" in the heading as proposed by the Senate.

Amendment No. 229: Appropriates $409,000 for salaries and expenses as proposed by the Senate instead of providing $409,000 by transfer as proposed by the House.

DEPARTMENT OF THE TREASURY

OFFICE OF REVENUE SHARING

Amendment No. 230: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate appropriating $255,000 for salaries and expenses and adding a provision that extends the availability of $400,000 appropriated in fiscal year 1983 for use in fiscal year 1984.

VETERANS ADMINISTRATION

MEDICAL CARE

Amendment No. 231: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows: *$180,168,000: Provided, That of the funds appropriated under this heading in the Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1983 (Public Law 97-272), $4,200,000 shall be available only for three integrated hospital system projects and such funds shall remain available until September 30, 1984*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Veterans Administration continues implementation of the decentralized hospital computer program (DHCP) at its medical facilities. However, the conferees are concerned that integrated hospital systems (IHS) computer projects proposed for three VA medical centers are not proceeding forward. To address this concern and carry out the previously planned IHS projects, language earmarking $4,200,000 for this purpose from available fiscal year 1983 medical care funds has been included in the bill. The $4,200,000 is to be derived from the reprogramming of funds that the VA is unable to obligate for the purposes planned. The committee of conference notes that the VA has been unable to effectively obligate $4,200,000 of the $11,200,000 assumed for the contractual component of the psychological readjustment counseling program. It is not intended that funding for the IHS projects be derived from DHCP moneys.

The $4,200,000, together with sufficient fiscal year 1984 moneys (estimated to be $6,300,000), will be made available to fully fund the three IHS projects at Philadelphia, Pennsylvania; Saginaw, Michigan; and Big Spring, Texas. It is expected that the contracts for these multiyear pilot projects will be awarded by February 1, 1984.

Amendment No. 232: Deletes appropriation of $350,000 proposed by the Senate for Action, "Operating expenses". The House bill contained no funds for this purpose.

FEDERAL HOME LOAN BANK BOARD

LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES

Amendment No. 233: Increases the limitation on nonadministrative expenses by $400,000 as proposed by the Senate, instead of $600,000 as proposed by the House.

FEDERAL LABOR RELATIONS AUTHORITY

Amendment No. 234: Deletes $314,000 for salaries and expenses as proposed by the Senate.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

Amendment No. 235: Appropriates $3,233,000 as proposed by the Senate instead of $1,233,000 as proposed by the House.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDING FUND

LIMITATION ON AVAILABILITY OF REVENUE

Amendment No. 236: This amendment increases the limitation on the availability of revenue as proposed by the Senate to provide for the payment of a construction claim allowed in Amendment No. 174.

CONSUMER INFORMATION CENTER

Amendment No. 237: Deletes language proposed by the Senate appropriating $31,000 for the Consumer Information Center.

Amendment No. 238: Deletes amount proposed for National Endowment for the Arts pay costs proposed by the House.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

Amendment No. 239: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that inserts language making the funding provided available until September 30, 1984.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

Amendment No. 240: Appropriates $2,770,000 as proposed by the House instead of $3,470,000 as proposed by the Senate. No funds are provided for the Nuclear Data Link.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

Amendment No. 241: Appropriates $1,650,000 instead of $2,000,000 as proposed by the House and $1,300,000 as proposed by the Senate.

In providing funds to allow the SEC to meet fiscal year 1983 pay and medicare requirements adequately, the conferees have included an additional $350,000 to fill 33 new positions for the fourth quarter of fiscal year 1983.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

Amendment No. 242: Appropriates $6,580,000 as proposed by the House instead of $3,780,000 as proposed by the Senate.

Amendment No. 243: Appropriates $2,890,000 for Smithsonian salaries and expenses pay costs as proposed by the Senate instead of $3,190,000 as proposed by the House.

Amendment No. 244: Appropriates $259,000 for National Gallery of Art pay costs as proposed by the Senate instead of $409,000 as proposed by the House.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

Amendment No. 245: Inserts language for salaries and expenses as proposed by the Senate, amended to appropriate $400,000 instead of $564,000.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

Amendment No. 246: Appropriates $8,810,000 as proposed by the House instead of $9,500,000 as proposed by the Senate.

TITLE IV

GENERAL PROVISIONS

Amendment No. 247. Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 403. Amounts certified pursuant to section 1311 of the Supplemental Appropriations Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961, as amended, for the same general purpose as any of the subparagraphs under "Agency for International Development" in prior appropriations Acts, are, if deobligated, hereby continued available for the same period as the respective appropriations in such subparagraphs for the same general purpose and for the same country as originally obligated or for relief, rehabilitation, and reconstruction activities in the Andean region: Provided, That the Appropriations Committees of both Houses of the Congress are notified fifteen days in advance of the deobligation or reobligation of such funds.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees intend that this language shall also apply to funds deobligated in fiscal year 1983 and that these funds shall be available for reobligation. In regard to the Andean region, the conferees intend for this to be limited to the countries of Bolivia, Ecuador, and Peru. The conferees also intend that funds deobligated under this provision shall remain available for reobligation for one fiscal year.

Amendment No. 248: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate. The Senate amendment instructs the U.S. Executive Director of the IMF to oppose the use of IMF loans for production of any commodity which will cause injury to U.S. producers of the same commodity.

Amendment No. 249: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment which states that it is the sense of Congress that the Secretary of Agriculture should announce the 1984 annual commodity programs by the following dates:

(1) For wheat, July 1, 1983;
(2) For feed grains, September 1, 1983;
(3) For upland cotton, November 1, 1983;
(4) For rice, December 15, 1983.

Amendment No. 250: Deletes language proposed by the Senate concerning indemnification of contractors for tax losses.

ECONOMIC DEVELOPMENT ADMINISTRATION

PINE BLUFF CONVENTION CENTER

Amendment No. 251: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which changes the section number. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement authorizes the Secretary of Commerce to permit, upon request from the City of Pine Bluff, Arkansas, the lease of the kitchen and banquet facilities of the Pine Bluff Convention Center. This language precludes the requirement that if such a lease did occur, the City of Pine Bluff would be required to return to the Department of Commerce the economic development assistance funds provided by the Economic Development Administration for this project.

SMALL BUSINESS ADMINISTRATION

AVAILABILITY OF FUNDS FOR DEVELOPING PARKS AND RECREATION AREAS

Amendment No. 252: Deletes language proposed by the Senate which would have allowed funds appropriated in the Jobs Bill (P.L. 98-8) for grants to states for developing parks and recreation areas to remain available until December 31, 1983, for projects involving the planting of trees or shrubs.

The conferees reaffirm the statement of the managers in the Conference Report (H. Rept. 98-44) on the Emergency Jobs Bill (P.L. 98-8) which provides that while the planting of trees and shrubs was emphasized in carrying out the program for which $50,000,000 was appropriated in that statute for developing parks and recreation areas, other improvements to public parks and recreation areas can also qualify as long as the making of such improvements would be job intensive and would provide jobs for the unemployed before October 1, 1983.

ECONOMIC DEVELOPMENT ADMINISTRATION

GEORGE P. SCOTLAN MEMORIAL CONVENTION CENTER

Amendment No. 253: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which changes the sec-

tion number. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement authorizes the Secretary of Commerce, upon request from the City of Oakland, California, to permit the sale or lease of the George P. Scotlan Memorial Convention Center. This language precludes the requirement that if such a sale or lease did occur, the City of Oakland would be required to return immediately to the Department of Commerce the economic development assistance funds provided by the Economic Development Administration for this project. The language instead provides for repayment terms consisting of a fifteen year grace period followed by fifteen years of equal annual installments.

Amendment No. 254: Deletes language proposed by the Senate related to the Social Security Disability Insurance program.

The conferees are deeply concerned over the controversy surrounding the social security disability review process. In the last two years, more than half a million disabled people and their dependents have received notices terminating their benefits. It is estimated that about two thirds of those who appeal termination decisions have had their benefits reinstated. Several Federal courts have ordered the Social Security Administration to reinstate its previous policy of terminating benefits only after a satisfactory showing of improvement in a disabled person's medical condition, and have required SSA to pay interim benefits to former beneficiaries while their cases are reopened. A growing number of state governors have also expressed dismay over the terminations.

Presently, the authorizing committees are considerng proposals to correct the problems. The conferees strongly support the authorizing committees in drafting legislation and urge prompt action to achieve enactment. The conferees direct the Secretary of Health and Human Services to proceed with extreme caution in the termination of benefits, pending enactment of this legislation.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1983 recommended by the Committee of Conference, with comparisons to the fiscal year 1983 budget estimates, and the House and Senate bills for 1983 follow:

Budget estimates of new (obligational) authority considered by the House	$5,178,200,032
House bill	4,809,430,665
House bill compared with House considered budget estimates	−368,769,367
Budget estimates of new (obligational) authority considered by the Senate	15,283,453,808
Senate bill	16,058,918,582
Senate bill compared with Senate considered budget estimates	+775,464,774
Budget estimates of new (obligational) authority considered by the conferees	[1] 6,937,445,032
Conference agreement	7,038,061,267
Conference agreement compared with conference considered budget estimates	+100,616,235

[1] Does not reflect estimate of $8,464,008,776 for International Monetary Fund (IMF) reported in true disagreement.

JAMIE L. WHITEN,
EDWARD P. BOLAND,
WILLIAM H. NATCHER,
NEAL SMITH,
JOSEPH ADDABBO,
CLARENCE D. LONG,
SIDNEY R. YATES
(except amendments Nos. 71 and 72),
EDWARD R. ROYBAL
(except amendments Nos. 71 and 72),
TOM BEVILL,
WILLIAM LEHMAN,
JULIAN C. DIXON
(except amendments Nos. 71 and 72),
VIC FAZIO
(except amendments Nos. 71 and 72),
W. G. (BILL) HEFNER,
JOSEPH M. MCDADE,
JACK EDWARDS,
JOHN T. MYERS,
LAWRENCE COUGHLIN,
JACK F. KEMP,
Managers on the Part of the House.

MARK O. HATFIELD,
TED STEVENS,
LOWELL P. WEICKER, Jr.,
JAMES A. MCCLURE,
PAUL LAXALT,
THAD COCHRAN,
MARK ANDREWS,
JAMES ABDNOR,
ROBERT KASTEN,
ALFONSE D'AMATO,
MACK MATTINGLY
(except amendment No. 169),
WARREN RUDMAN,
JOHN C. STENNIS,
DANIEL K. INOUYE,
THOMAS F. EAGLETON,
LAWTON CHILES,
QUENTIN N. BURDICK,
DENNIS DECONCINI,
DALE BUMPERS,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RODINO (at the request of Mr. WRIGHT) for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SMITH of New Jersey) to revise and extend their remarks and include extraneous material:)

Mr. TAUKE, for 5 minutes, today.

Mr. MCCOLLUM, for 60 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. CORCORAN, for 10 minutes, today.

Mr. DAUB, for 5 minutes, today.

Mr. FRENZEL, for 30 minutes, today.

Mr. WYLIE, for 5 minutes, today.

(The following Members (at the request of Mr. WEISS) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. MCDONALD, for 5 minutes, today.

Mr. EVANS of Illinois, for 5 minutes, today.

Mr. ROE, for 5 minutes, today.

Mr. AKAKA, for 5 minutes, today.

(The following Member (at the request of Mr. KILDEE) to revise and extend his remarks and include extraneous material:)

Mr. RAHALL, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SMITH of New Jersey) and to include extraneous matter:)

Mr. MCGRATH in two instances.

Mr. ROGERS.

Mr. GILMAN.

Mr. MCKERNAN.

Mr. BROOMFIELD in two instances.

Mr. LENT.

Mr. MARTIN of North Carolina in two instances.

Mr. HYDE in two instances.

Mr. PARRIS.

Mr. WORTLEY.

Mr. CONABLE.

Mr. PHILIP M. CRANE in two instances.

Mr. DANNEMEYER.

Mr. BADHAM.

Mr. CAMPBELL.

Mrs. SMITH of Nebraska.

Mr. RINALDO.

Mr. SILJANDER in two instances.

Mr. SUNDQUIST.

Mr. EDWARDS of Oklahoma.

(The following Members (at the request of Mr. WEISS) and to include extraneous matter:)

Mr. LEHMAN of Florida.

Mr. YATRON.

Mr. HERTEL of Michigan.

Mr. RICHARDSON.

Mr. MILLER of California.

Mr. FAZIO.

Mr. STARK in two instances.

Mr. HOYER in two instances.

Mr. HAWKINS in two instances.

Mr. SMITH of Florida in two instances.

Mr. ROE in two instances.

Mr. KOSTMAYER in two instances.

Mr. MORRISON of Connecticut.

Mr. FORD of Michigan.

Mr. MCDONALD.

Mr. FAUNTROY in two instances.

Mr. MATSUI.

Mr. BONIOR of Michigan.

Mr. BONKER.

Mr. DYSON.

Mr. BOUCHER.

Mr. SCHEUER.

Mr. FLORIO in two instances.

Mr. KILDEE.

Mr. SCHUMER.

Mr. FORD of Tennessee.
Mr. WAXMAN.
Mr. GARCIA.
Mr. MAVROULES.
Mr. MAZZOLI.
Mr. WEISS.
Mr. ACKERMAN.
Mr. DELLUMS.
Mr. VANDERGRIFF.
Mrs. COLLINS.
Mrs. BURTON of California.
Mr. LANTOS.
Mrs. SCHROEDER.
Mr. EDGAR.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

H.R. 3392. An act to amend the Agricultural Act of 1949; and

H.J. Res. 258. An act designating August 3, 1983, as "National Paralyzed Veterans Recognition Day."

ADJOURNMENT

Mr. KILDEE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 45 minutes p.m.) the House adjourned until tomorrow, Thursday, July 21, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1578. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a cumulative report on rescissions and deferrals of budget authority as of July 1, 1983, pursuant to section 1014(e) of Public Law 93-344 (H. Doc. No. 98-86); to the Committee on Appropriations and ordered to be printed.

1579. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the Army's decision to convert to contractor performance the bulk liquid storage activity at Fort Sam Houston, Tex., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1580. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the Navy's decision to convert to contractor performance the shelf-stocking function at the commissary store, Pearl Harbor, Hawaii, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1581. A letter from the Secretary of State, transmitting the fourth certification for the provision of certain security assistance and the assignment of certain military personnel in El Salvador, pursuant to section 728 of Public Law 97-113; to the Committee on Foreign Affairs.

1582. A letter from the Plan Administrator, Farm Credit Banks of New Orleans, transmitting the annual reports of the farm credit retirement system and production credit associations retirement plans, New Orleans District, for the year ending December 31, 1982, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1583. A letter from the Secretaries of Health and Human Services and Housing and Urban Development, transmitting a joint report on Federal efforts to respond to the shelter and basic living needs of chronically mentally ill individuals, pursuant to section 802 of Public Law 96-398; jointly to the Committees on Energy and Commerce and Banking, Finance and Urban Affairs.

1584. A letter from the Acting Staff Director, U.S. Commission on Civil Rights, transmitting the Commission's statement on the administration's proposed education budget for fiscal year 1984, pursuant to section 104(c) of Public Law 85-315; jointly to the Committees on the Judiciary and Education and Labor.

1585. A letter from the Director, Federal Emergency Management Agency, transmitting a comprehensive emergency management report, including the Agency's 1982 activities, pursuant to sundry provisions of public law; jointly, to the Committees on Armed Services; Banking, Finance and Urban Affairs; Interior and Insular Affairs; Public Works and Transportation; and Science and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DELLUMS: Committee on the District of Columbia. H.R. 3425. A bill to amend the District of Columbia Stadium Act of 1957 to direct the Secretary of the Interior to convey to the government of the District of Columbia all right, title, and interest to the Robert F. Kennedy Memorial Stadium vested n the United States; with an amendment (Rept. No. 98-301). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on the District of Columbia. H.R. 3547. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to extend the authority of the Mayor to accept certain interim loans from the United States and to extend the authority of the Secretay of the Treasury to make such loans (Rept. No. 98-302). Referred to the Committee of the Whole House on the State of the Union.

Mr. DELLUMS: Committee on the District of Columbia. H.R. 3369. A bill to give to the Board of Parole for the District of Columbia exclusive power and authority to release on parole, to terminate the parole of, and to modify the terms and conditions of the parole of, prisoners convicted of violating any law of the District of Columbia, or any law of the United States applicable exclusively to the District (Rept. No. 98-303). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHEAT: Committee on Rules. House Resolution 273. Resolution providing for the consideration of H.R. 2230, a bill to amend the Civil Rights Act of 1957 to extend the life of the Civil Rights Commission, and for other purposes (Rept. No. 98-304). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. House Resolution 274. Resolution providing for the consideration of H.R. 2867, a bill to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1984 through 1986, and for other purposes (Rept. No. 98-305). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 275. Resolution providing for the consideration of H.R. 2615, a bill to amend the Energy Conservation in Existing Buildings Act of 1976 to provide for the weatherization of the remaining eligible low-income dwelling units throughout the United States, to create additional employment in weatherization-related industries, and for other purposes (Rept. No. 98-306). Referred to the House Calendar.

Mr. BONIOR: Committee on Rules, House Resolution 276. Resolution providing for the consideration of H.R. 3021, a bill to amend the Social Security Act to provide for a program of grants to States to provide health care benefits for the employed, and for other purposes (Rept. No. 98-307). Referred to the House Calendar.

Mr. WHITTEN: Committee of Conference. Conference report on H.R. 3069 (Rept. No. 98-308). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII public bills and resolutions were introduced and severally referred as follows:

By Mr. GAYDOS:

H.R. 3608. A bill to amend the Social Security Act to provide for Federal participation in the costs of the old-age, survivors, and disability insurance program and the medicare program; to the Committee on Ways and Means.

By Mr. SAM B. HALL, Jr.:

H.R. 3609. A bill to amend the Immigration and Nationality Act to facilitate the transportation of undocumented aliens and to reimburse air carriers for detention expenses; to the Committee on the Judiciary.

By Mr. LANTOS:

H.R. 3610. A bill entitled "The Fair Campaign Act of 1983"; jointly, to the Committees on House Administration and Ways and Means.

By Mr. LUNGREN (by request):

H.R. 3611. A bill to amend the Immigration and Nationality Act and for other purposes; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. MURPHY:

H.R. 3612. A bill to establish the National Trucking Industry Commission; to the Committee on Public Works and Transportation.

By Mr. OBERSTAR:

H.R. 3613. A bill to amend title II of the Social Security Act to provide that an individual may become entitled to widow's or widowers' insurance on the basis of disability without a waiting period if such individual is also entitled to disability insurance benefits; to the Committee on Ways and Means.

By Mr. SKELTON:

H.R. 3614. A bill to authorize the awarding of a special congressional gold medal to the daughter of Harry S. Truman in recognition of his outstanding public service to

the United States; to the Committee on Banking, Finance and Urban Affairs.

By Mr. VANDERGRIFF:

H.R. 3615. A bill to amend title XVIII of the Social Security Act to increase the cap amount allowable for reimbursement of hospices under the medicare program; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself, Mr. WALGREN, Ms. MIKULSKI, Mr. WYDEN, Mr. SIKORSKI, Mr. WIRTH, Mr. LELAND, Mr. PEPPER, Ms. OAKAR, Ms. SNOWE, and Mr. RINALDO):

H.R. 3616. A bill to amend title XVIII of the Social Security Act with respect to provision of home health services; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. VANDERGRIFF:

H.J. Res. 325. Joint resolution designating the week beginning September 18, 1983, as "Emergency Medicine Week"; to the Committee on Post Office and Civil Service.

By Mr. DYMALLY (for himself, Mr. CORRADA, and Mr. CROCKETT):

H. Con. Res. 147. Concurrent resolution condemning the participation of the Republic of South Africa in the Fifth World Veteran (Masters) Championship Games to be held in Puerto Rico in September 1983; to the Committee on Foreign Affairs.

By Mr. GIBBONS:

H. Res. 277. Resolution authorizing printing of the transcript of proceedings of the Committee on Ways and Means incident to presentation of a portrait of the Honorable Dan Rostenkowski; to the Committee on House Administration.

By Mrs. MARTIN of Illinois:

H. Res. 278. Resolution expressing the sense of the House of Representatives that the President should establish a productivity and quality award to be made to those businesses, workers, other individuals, and public sector organizations which make major contributions toward sustained improvement in productivity and quality performance; to the Committee on Banking, Finance and Urban Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. D'AMOURS:

H.R. 3617. A bill for the relief of Maj. Bradford S. Goodwin, Jr., U.S. Army; to the Committee on the Judiciary.

By Mr. MARRIOTT:

H.R. 3618. A bill to extend the lease terms of Federal Oil and Gas Lease U-39711; to the Committee on Interior and Insular Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 100: Mrs. BURTON of California.

H.R. 416: Mr. MITCHELL, Mr. RANGEL, and Mr. MORRISON of Connecticut.

H.R. 417: Mr. MITCHELL, Mr. LEVIN of Michigan, Mr. RANGEL, Mr. BEDELL, and Mr. MORRISON of Connecticut.

H.R. 898: Mr. APPLEGATE, Mr. GOODLING, Mr. IRELAND, Mr. MILLER of California, Mr. PARRIS, Mr. ROTH, Mr. BEDELL, and Mr. REGULA.

H.R. 953: Mr. JACOBS, Mr. RUSSO, Mr. LUNDINE, Mrs. BURTON of California, and Mr. COYNE.

H.R. 954: Mr. SCHUMER.

H.R. 1092: Mr. MINETA.

H.R. 1244: Mr. RIDGE.

H.R. 1263: Mr. DWYER of New Jersey.

H.R. 1376: Mr. DAUB, Mr. BILIRAKIS, Mr. ROE, Mr. GINGRICH, Mrs. BOGGS, Mr. MCEWEN, Mr. WINN, Mrs. BOXER, Mr. TALLON, and Mrs. SCHNEIDER.

H.R. 1392: Mr. STARK.

H.R. 1415: Mr. HUBBARD, Mr. KAZEN, Mr. BEVILL, Mr. SHELBY, Mr. FLIPPO, Mr. CONYERS, Mr. BREAUX, Mr. WATKINS, and Mr. TALLON.

H.R. 1418: Mr. TAUKE, Mr. TORRICELLI, Mr. HAMMERSCHMIDT, Mr. BREAUX, Mr. TALLON, Mr. YOUNG of Alaska, Mr. FLORIO, Mr. HAMILTON, Mr. REID, Mr. LEHMAN of California, Mr. SPRATT, and Mr. KILDEE.

H.R. 1603: Mrs. BURTON of California.

H.R. 1668: Mr. DEWINE, and Mr. BILIRAKIS.

H.R. 1694: Mr. PANETTA.

H.R. 1783: Mr. MINISH.

H.R. 1795: Mr. DEWINE.

H.R. 1903: Mr. HOWARD and Mr. MOODY.

H.R. 1918: Mrs. JOHNSON, Mr. SCHEUER, and Mr. LUNDINE.

H.R. 2053: Mr. FISH, Mr. LEWIS of Florida, and Mr. ARCHER.

H.R. 2236: Mr. AKAKA, Mr. BEREUTER, Mr. CARR, Mr. CORRADA, Mr. EDWARDS of California, Mr. FISH, Mr. FOLEY, Mr. FUQUA, Mr. HATCHER, Ms. KAPTUR, Mr. LAFALCE, Mr. LUJAN, Mr. MOAKLEY, Mr. MOLINARI, Mr. MORRISON of Washington, Mr. PENNY, Mr. PORTER, Mr. RICHARDSON, Mr. WEISS, and Mr. WON PAT.

H.R. 2348: Mrs. BURTON of California.

H.R. 2351: Mr. TORRES.

H.R. 2352: Mr. PURSELL, Mr. RANGEL, Mr. MATSUI, Mrs. BOXER, Mr. MINETA, Mr. FLORIO, Mr. NEAL, Mr. CHANDLER, Mr. DYSON, Mr. KOSTMAYER, Mr. WHEAT, Mr. LEVINE of California, Ms. OAKAR, and Mr. SOLARZ.

H.R. 2380: Mr. FEIGHAN, Mr. GOODLING, Mr. NEAL, Mr. BLILEY, and Mr. DE LUGO.

H.R. 2447: Mr. JEFFORDS.

H.R. 2533: Mr. BONIOR of Michigan and Mr. LAFALCE.

H.R. 2545: Mr. WOLPE.

H.R. 2700: Mrs. COLLINS.

H.R. 2902: Mr. HORTON, Mr. KINDNESS, Mr. OXLEY, Mr. STENHOLM, Mr. KASICH, Mr. TALLON, Mr. SHANNON, Mr. ROBERTS, and Mr. JONES of North Carolina.

H.R. 2916: Mr. NEAL.

H.R. 2977: Mr. GRAMM and Mr. TALLON.

H.R. 3193: Mr. BOEHLERT and Mr. CARNEY.

H.R. 3242: Mr. GINGRICH.

H.R. 3245: Mr. MINETA, Mr. RAHALL, Mr. CROCKETT, Mr. SMITH of Florida, Ms. OAKAR, Mr. EDGAR, Mr. RATCHFORD, Mr. BOUCHER, Mrs. BURTON of California, and Mr. SOLARZ.

H.R. 3264: Mr. BREAUX and Mr. LEVIN of Michigan.

H.R. 3280: Mr. EVANS of Iowa, Mr. BEDELL, and Mr. CLINGER.

H.R. 3281: Mr. EVANS of Iowa, Mr. BEDELL, and Mr. CLINGER.

H.R. 3305: Mr. WORTLEY, Mr. OTTINGER, Mr. BIAGGI, Mr. ADDABBO, Mr. LAFALCE, Mr. GARCIA, Mr. SCHUMER, Mr. TOWNS, Mr. LENT, Mr. SOLARZ, Ms. FERRARO, Mr. FISH, Mr. RICHARDSON, Mr. EDWARDS of California, and Mr. RANGEL.

H.R. 3321: Mr. MICHEL, Mr. HOYER, Mr. LEVIN of Michigan, Mr. FAZIO, Mr. DYSON, Mr. FISH, Mr. LOEFFLER, Mr. OXLEY, Mr. HANSEN of Idaho, Mr. HILLIS, Mr. LEWIS of California, Mr. DREIER of California, Mr. MCCANDLESS, Mr. RITTER, and Mr. HUGHES.

H.R. 3348: Mr. SMITH of New Jersey, Mr. HALL of Ohio, Mr. VENTO, Ms. KAPTUR, Mr. WHITTAKER, Mr. HUGHES, Mr. MOLLOHAN, Mr. ALBOSTA, Mr. MCDADE, Mrs. KENNELLY, Mr. COLEMAN of Texas, Mr. SAWYER, Mr. MCHUGH, Mr. IRELAND, Mrs. BURTON of California, Mr. VANDER JAGT, Mr. NIELSON of Utah, Mr. BOLAND, Mr. LUKEN, Mr. PRICE, Mr. THOMAS of Georgia, Mr. TORRICELLI, Mr. MCCLOSKEY, Mr. FRANKLIN, Mr. GARCIA, Mr. PATMAN, Mr. CONTE, Mr. FISH, Mr. SCHUMER, Mr. ASPIN, Mr. OBEY, Mr. TRAXLER, Mr. HEFTEL of Hawaii, Mr. SISISKY, Mr. WISE, Mr. GUARINI, Mr. SHELBY, Mr. MCCURDY, Mr. EVANS of Illinois, Mr. BONER of Tennessee, and Ms. MIKULSKI.

H.R. 3449: Mr. DAUB, Mr. DIXON, Mr. DWYER of New Jersey, Mr. FAUNTROY, Mr. FAZIO Mr. FRANKS, Mr. LEVIN of Michigan, Mr. LEVINE of California, Ms. MIKULSKI, Mr. PRITCHARD, Mr. ROE, Mr. SIMON, Mr. SOLARZ, Mr. TOWNS, Mr. WON PAT, Mr. SMITH of Florida, Mr. HORTON, Mr. RATCHFORD, Mr. MCGRATH, Mrs. BOXER, and Mr. HUGHES.

H.R. 3498: Mr. MITCHELL.

H.R. 3545: Mrs. SCHNEIDER.

H.R. 3546: Mr. THOMAS of California and Mrs. SCHNEIDER.

H.R. 3564: Mr. MARLENEE.

H.R. 3605: Mr. GORE.

H.J. Res. 71: Mrs. ROUKEMA, Mr. DENNY SMITH, Mr. ADDABBO, and Mr. COURTER.

H.J. Res. 89: Mrs. BURTON of California.

H.J. Res. 153: Mr. PERKINS, Mr. BIAGGI, Mr. STANGELAND, Mr. WIRTH, Mr. HARRISON, Mr. ANDREWS of Texas, Mr. MONTGOMERY, Mr. ALEXANDER, Mr. BONER of Tennessee, Mr. CONYERS, Mr. JONES of North Carolina, Mr. TOWNS, Mr. VANDERGRIFF, Mr. WHITEHURST, Mr. DE LUGO, Mr. DOWDY of Mississippi, Mr. ACKERMAN, Mr. LEVINE of California, Mr. HANSEN of Idaho, Mr. HAMMERSCHMIDT, Mr. HEFTEL of Hawaii, Mr. HOWARD, Mr. MAZZOLI, Mr. HUTTO, Mrs. HOLT, Mr. HIGHTOWER, Mr. LENT, Mr. KEMP, Mr. LEVIN of Michigan, Mr. JACOBS, Mr. LONG of Maryland, Mr. WILSON, Mr. LAFALCE, Mr. GILMAN, Mr. RAY, Mr. MURPHY, Mr. REID, Mr. JEFFORDS, Mr. SMITH of Florida, Mr. SNYDER, Mr. SPRATT, Mr. RODINO, Mr. RICHARDSON, Mr. TALLON, Mr. ROGERS, Mr. SAVAGE, Mr. MORRISON of Connecticut, Mr. EDWARDS of California, Mr. WYDEN, Mr. NATCHER, Mr. WON PAT, and Mr. PRITCHARD.

H.J. Res. 176: Mr. CORRADA, Mr. PATTERSON, Mr. O'BRIEN, Mr. MURPHY, Mr. AKAKA, Mr. DANIEL, Mr. CHAPPELL, Mr. WILSON, Mr. REID, and Mr. BRYANT.

H.J. Res. 218: Mr. WEISS and Mr. LANTOS.

H.J. Res. 260: Mr. HYDE and Mr. HUTTO.

H.J. Res. 273: Mr. HUGHES, Mr. COATS, Mr. HILER, Mr. MCGRATH, Mr. WILSON, Mr. ANNUNZIO, Mr. PASHAYAN, Mr. WINN, Mr. EVANS of Illinois, Mr. MCEWEN, Mr. DUNCAN, Mr. MCCOLLUM, Mr. CONYERS, Mr. FUQUA, Mr. YOUNG of Florida, Mr. MILLER of California, Mr. FASCELL, Mr. LAFALCE, Mr. DE LUGO, and Mr. PRITCHARD.

H.J. Res. 283: Mr. ACKERMAN, Mr. BATEMAN, Mr. BEVILL, Mr. BOSCO, Mrs. BOXER, Mr. CARR, Mr. COATS, Mr. DEWINE, Mr. DUNCAN, Mr. DURBIN, Mr. EDGAR, Mr. FAUNTROY, Mr. FROST, Mr. GREEN, Mr. SAM B. HALL, JR., Mr. JONES of Tennessee, Mr. KAZEN, Mr. KINDNESS, Mr. LANTOS, Mr. LEHMAN of California, Mr. MAVROULES, Mr. MCCAIN, Mr. MCCLOSKEY, Mr. MCGRATH, Mr. MCNULTY, Mr. MINETA, Mr. MOAKLEY, Mr. PRITCHARD, Mr. ROE, Mr. SCHULZE, Mr. SHELBY, Mr. SHUMWAY, Ms. SNOWE, Mr. SOLARZ, Mr. WATKINS, Mr. WAXMAN, Mr. WILLIAMS of Ohio, Mr. YATRON, Mr. ADDABBO, Mr. CAMPBELL, and Mr. CORCORAN.

H.J. Res. 309: Mr. KEMP, Mr. BARNES, Mr. BATEMAN, Mr. BOSCO, Mr. DELLUMS, Mr. DWYER of New Jersey, Mr. EVANS of Illinois, Mr. FAZIO, Mr. FROST, Mr. GREEN, Mr. HEFNER, Mr. HUGHES, Ms. KAPTUR, Mr. LAGOMARSINO, Mr. LANTOS, Mr. MCEWEN, Mr. MCGRATH, Mr. MCNULTY, Mr. NICHOLS, Mr. PASHAYAN, Mr. RATCHFORD, Mr. REID, Mr. ROE, Mr. SCHEUER, Mr. SIMON, Mr. SMITH of Florida, Mr. TOWNS, Mr. VANDERGRIFF, Mr. WILSON and Mr. WOLF.

H.J. Res. 321: Mrs. KENNELLY, Mr. WILSON, Mr. FROST, Mr. EMERSON, Ms. OAKAR, Mr. BEREUTER, Mr. MCCLOSKEY, Mr. CHAPPIE, Mr. MINISH, Mrs. BYRON, Mr. CONYERS, and Mr. STENHOLM.

H. Con. Res. 63: Mrs. BURTON of California, Mr. DONNELLY, and Mr. LUNGREN.

H. Con. Res. 107: Mrs. BOXER, Mr. COYNE, Mr. DELLUMS, Mr. MURTHA, Mr. YOUNG of Florida, Mr. MITCHELL, and Mr. MINISH.

H. Con. Res. 118: Mr. FISH, Mr. LANTOS, Mr. KILDEE, Mr. SOLARZ, Mr. BRITT, Mr. BEDELL, Mr. RANGEL, Mr. DYMALLY, Mr. STUDDS, Mr. FOGLIETTA, Mr. BERMAN, Mr. CARR, Mr. TORRICELLI, Mr. MCNULTY, Mr. SCHEUER, Mr. SWIFT, Mr. LOWRY of Washington, Mr. HERTEL of Michigan, Mr. MORRISON of Connecticut, Mr. PENNY, Mrs. KENNELLY, Mr. BONKER, Mr. DICKS, Mr. PRITCHARD, Mr. NEAL, Mr. FOLEY, Mr. WISE, and Mr. WIRTH.

H. Con. Res. 137: Mr. DYSON.

H. Res. 175: Mr. BONKER and Mr. MOORHEAD.

H. Res. 190: Mr. ADDABBO, Mr. WORTLEY, and Mr. WHITEHURST.

H. Res. 191: Mr. MOODY, Mr. MITCHELL, and Mr. MORRISON of Connecticut.

H. Res. 269: Mr. DYMALLY, Mr. LAGOMARSINO, Mr. DASCHLE, Mr. LEWIS of California, Mr. MARTIN of New York, and Mr. QUILLEN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2350

By Mr. BEDELL:

—Strike section 489, line 15 on page 122 to line 18 on page 123.

Insert on line 15 on page 122 the following:

"SEC. 489. The Secretary of the Department of Health and Human Services shall report to the Congress by October 1, 1984 on the progress of the Small Business Innovation Development program (Public Law 97-219) at the National Institutes of Health.".

H.R. 2760

By Mr. COLEMAN of Missouri:

—Page 31 in line 8, immediately following the parenthetical expression "(98th Congress)" insert ", unless the President certifies to Congress by this date that the Government of Nicaragua:

(1) does not intend to hold free elections, (2) continues to prohibit freedom of the press, (3) continues to violate the human rights of Nicaraguan citizens, and (4) seeks to overthrow the government of any other country".

—On page 3, at line 8, strike the first period and the quotation mark (.") following the parenthetical expression "(98th Congress)" and in lieu thereof insert ", unless the President certifies to Congress by this date that the government of Nicaragua has not: (1) ceased its persecution of Nicaraguan Jews; (2) allowed Nicaraguan Jews who have fled Sandinista oppression to return to Nicaragua without fear of further repression; (3) guaranteed unequivocally their civil and religious rights; and (4) returned the confiscated property of Nicaraguan Jews.".

—On page 4, at the beginning of line 19, after "America", insert a period;

On page 4, strike out lines 20 through 22.

—Page 4, line 23 strike "At" and insert in lieu thereof "(1) Except in extraordinary circumstances, at";

Page 5, beginning in line 1, strike out "Speaker of the House of Representatives and to the chairman of the appropriate committees" and insert in lieu thereof "Permanent Select Committee on Intelligence of the House of Representatives and to the Select Committee on Intelligence"; and

Page 5, after line 2, insert the following:

"(2) In any case in which the President determines that extraordinary circumstances exist which require that assistance be provided with less than 15 days prior notice to the Permanent Select Committee on Intelligence in the House of Representatives and to the Select Committee on Intelligence of the Senate, the President shall submit the report described in paragraph (1) of this subsection as soon as practical.".

—On page 5, line 4, strike "$30,000,000" and insert in lieu thereof "$300,000,000"; and

On page 5, line 5, strike "$50,000,000" and insert in lieu thereof "$100,000,000".

—On page 5, line 10, strike the quotation mark and the last period and after line 10 add the following:

"(g) the President shall commission a study to assess the potential consequences of a failure to halt Cuban and Nicaraguan directed revolution and subversion in Central America. Such study shall include but not be limited to the issues of refugee patterns and U.S. dollar outlays which may be necessary.".

By Mr. COURTER:

—Page 2, beginning in line 19, strike out the period and all that follows through the end of line 8 on page 3 and in lieu thereof insert the following: ", if both:

"(1) a mutual agreement has been entered into that the government of Nicaragua will cease all activities to provide arms, training, command, and control facilities or logistical support to military or paramilitary operations in or against any country in Cental America and Nicaragua's compliance with such agreement is verified; and

"(2) the government of Nicaragua (A) ceases and desists from any activity, including the importation of offensive arms, which threatens the independence or integrity of El Salvador or any other nation in the region or which otherwise conflicts with the charters of the United Nations or the Organization of American States; (B) refrains from attacks on any insurgent force within its territory that itself refrains from any attack upon Nicaragua Government forces; and (C) agrees to permit international observers to monitor its compliance with these conditions.

"(b) the restriction on obligation or expenditure of appropriations contained in subsection (a) of this section shall become inoperative immediately upon submission of a report to the Congress by the Secretary of State that the Government of Nicaragua is not abiding by the conditions described in paragraphs (1) and (2) of subsection (a) and such restrictions shall remain inoperative until the Secretary of State shall further report that the conduct of the Government of Nicaragua has changed to comply with such conditions. Reports made by the Secretary of State pursuant to this section which are classified shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and to the Select Committee on Intelligence of the Senate.".

—On page 5, after line 10, insert the following:

"SEC. 803. Nothing in this title shall be construed to affect the powers and duties of the President of the United States to act to safeguard the national security of the United States or to fulfill its treaty obligations.".

—Page 2, line 19 (section 801): after "individual.", insert the following: "unless the President certifies to Congress that either Cuba, or Cuban supported countries, groups or individuals are supplying arms to any nation, group, organization, movement or individual which would have the effect of destabilizing or threatening to overthrow any government in Central America.".

By Mr. PHILIP M. CRANE:

—Page 2, line 19, strike out the period and insert: "provided that the President shall not be precluded from taking actions vital to the national security interests of the United States.".

—Page 2, line 6, strike out "PROHIBITION" and insert in lieu thereof "LIMITATIONS"; and strike out line 10 and all that follows through line 8 of page 3, and insert in lieu thereof the following:

"LIMITATIONS ON COVERT ASSISTANCE FOR MILITARY OR PARAMILITARY OPERATIONS IN NICARAGUA

"SEC. 801. (a)(1) Except as provided in subsection (b), funds appropriated for the fiscal year 1984 for the Central Intelligence Agency or any other department, agency, or entity of the United States involved in intelligence activities may not be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

"(b) Subject to subsection (c), the limitation in subsection (a) does not apply with respect to military or paramilitary operations which are being carried out for the purpose of bringing about, through negotiations or otherwise, the cessation of Nicaraguan support for insurgents or terrorists in other Central American countries.

"(c)(1) The exception contained in subsection (b) shall cease to apply on October 1, 1983, or the date prescribed in the classified annex to the report of the Permanent Select Committee on Intelligence of the House of Representatives to accompany H.R. 2760 (98th Congress), whichever is later, unless the President reports to the Congress that—

"(A) obligations and expenditures subject to this section are necessary to support military or paramilitary operations which are being carried out for the purpose described in subsection (b); and

"(B) the Government of Nicaragua has failed to consummate with the other interested nations of Central America, reciprocal and verifiable agreements on the withdrawal of all foreign military advisers and trainers, renunciation of the importation of heavy offensive weapons, and the end of support for insurgencies in the territory of neighboring countries.

Notwithstanding any other provision of this section, the limitation in subsection (a) shall not apply unless the Government of Nicaragua guarantees fairness, protection and the

right to participate peacefully in political processes to political movements of all persuasions as was called for by the Seventeenth Consultative Meeting of Ministers of the Organization of American States in June 1979, to include the proclamation and observance of a general amnesty for the members of opposition and resistance groups. Any report by the President under this paragraph shall be accompanied by a detailed report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives, describing fully the nature and extent of the obligations and expenditures to be incurred, detailing the efforts to achieve a negotiated settlement of the conflict in Central America, and explaining why the obligations and expenditures to be made are consistent with subparagraph (A) of this paragraph.

"(2) If a report is made to the Congress under paragraph (1) and is not disapproved by the Congress under paragraph (3), another report in accordance with paragraph (1) shall be submitted not more than six months after the first such report, providing an assessment of the effectiveness of the obligations and expenditures in attaining their intended objectives, as well as an assessment of any other effects.

"(3) If the Congress, within thirty calendar days after receiving a report required by paragraph (1) or (2) of this subsection, adopts a joint resolution disapproving the report, the exception contained in subsection (b) shall cease to apply and all obligations and expenditures subject to this section shall be suspended.

"(4)(A) A resolution under this subsection shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

"(B)(i) For the purpose of expediting the consideration and adoption of resolutions under this subsection, a motion to proceed to the consideration of such a resolution after it has been reported by the Permanent Select Committee on Intelligence shall be treated as highly privileged in the House of Representatives.

"(ii) If the Permanent Select Committee on Intelligence has not reported a resolution under this subsection within ten days after such resolution is referred to that committee (excluding days on which either House is not in session because of an adjournment of more than three days to a day certain), it shall be in order to move to discharge that committee from further consideration of that resolution, except that no motion to discharge shall be in order after the committee has reported a resolution to the same effect as that resolution. A motion to discharge under this subparagraph is highly privileged.".

Page 5, beginning in line 4, strike out, "$30,000,000 for the fiscal year 1983 and"; strike out lines 6 through 10, and in lieu thereof insert the following:

"(f)(1) Assistance may not be provided under this section during any period during which funds may be obligated or expended pursuant to the exception contained in section 801(b).

"(2) The amount of the funds authorized to be appropriated under subsection (e) of this section which is obligated for assistance under this section may not exceed the amount which bears the same ratio to the amount authorized as the number of days remaining in fiscal year 1984 after the exception contained in section 801(b) ceases to apply bears to the number of days in fiscal year 1983.".

—Page 2, beginning in line 19, strike out the period and all that follows through the end of line 8 on page 3 and in lieu thereof insert the following: ", if both:

"(1) a mutual agreement has been entered into that the government of Nicaragua will cease all activities to provide arms, training, command and control facilities or logistical support to military or paramilitary operations in or against any country in Central American and Nicaragua's compliance with such agreement is verified; and

"(2) the government of Nicaragua (A) ceases and desists from any activity, including the importation of offensive arms, which threatens the independence or integrity of El Salvador or any other nation in the region or which otherwise conflicts with the charters of the United Nations or the Organization of American States; (B) refrains from attacks on any insurgent force within its territory that itself refrains from any attack upon Nicaragua Government forces; and (C) agrees to permit international observers to monitor its compliance with these conditions.

"(b) The restriction on obligation or expenditure of appropriations contained in subsection (a) of this section shall become inoperative immediately upon submission of a report to the Congress by the Secretary of State that the Government of Nicaragua is not abiding by the conditions described in paragraphs (1) and (2) of subsection (a) and such restrictions shall remain inoperative until the Secretary of State shall further report that the conduct of the Government of Nicaragua has changed to comply with such conditions, or until the Congress shall, by Joint Resolution, provide otherwise. Reports made by the Secretary of State pursuant to this section which are classified shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and to the Select Committee on Intelligence of the Senate.".

—On page 3 in line 3, immediately after "bill", and in line 8, after the parenthetical expression "(98th Congress)", in each such place insert the following: "unless the President certifies to the Speaker of the House of Representatives and the President pro tempore of the Senate that such obligations or expenditures are necessary—

"(1) to deter arms shipments across international boundaries or other direct support for military or paramilitary operations against any other country in Central America; and

"(2) to further the efforts of the President to obtain international negotiations and binding agreements to achieve a peaceful resolution of the conflict, end destabilizing acts and foster the evolution of democracy in Central America.

Any such certification shall be accomplished by a detailed report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives, explaining how the obligations and expenditures will achieve the objectives set forth in this subsection. During the fiscal years 1983 and 1984, further such reports shall be submitted at intervals of not more than six months, providing an assessment of the effectiveness of the obligations and expenditures in attaining their intended objectives, as well as an assessment of any other effects. In no event may any obligations or expenditures be incurred for any activity designed or carried out for the purpose of overthrowing any government in Central America or provoking a military exchange between any of the countries of Central America.".

—Page 3, line 4, after "(b)" strike out "This" and all that follows through the quotation marks in line 8 and in lieu thereof insert the following:

"Subsection (a) of this section shall take effect on October 1, 1983, or upon the date prescribed in the classified annex to the report of the Permanent Select Committee on Intelligence of the House of Representatives to accompany the bill H.R. 2760 (98th Congress), whichever is later.".

Page 3, after line 8, insert the following:

"(c) Except as provided in subsection (e), the prohibition contained in subsection (a) shall not apply if the President finds and reports to the Congress, prior to the effective date established by subsection (b) that—

"(1) the Government of Nicaragua has been unwilling to negotiate in good faith with the other nations of Central America reciprocal and verifiable agreements on the withdrawal of all foreign military advisers and trainers, renunciation of the importation of heavy offensive weapons, and the end of support for insurgencies in the territory of neighboring countries; and

"(2) the Government of Nicaragua continues to provide arms or other direct support for insurgents or terrorists in other Central American countries.

"(d) The President shall provide a detailed report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives, describing fully the nature and extent of the obligations and expenditures to be incurred, detailing the efforts to achieve a negotiated settlement of the conflict in Central America, and explaining how the obligations and expenditures to be made are consistent with remedying the circumstances described in subsections (c)(1) and(2) of this section. If such a report is provided to the Congress and is not disapproved in accordance with subsection (e), another report shall be submitted not more than six months after the first such report, providing an assessment of the effectiveness of the obligations and expenditures in attaining their intended objectives, as well as an assessment of any other effects.

"(e) If the Congress, within thirty calendar days after receiving the report required by this subsection, adopts a joint resolution disapproving the report, all obligations and expenditures subject to this subsection shall be suspended at the end of that 30-day period. If such a resolution is not adopted, funds subject to this subsection shall be available for obligation and expenditure only for use in furtherance of the objectives of securing a negotiated end to the conflict in Central America and a cessation of Nicaraguan support for insurgency and terrorism as set out in subsection (c).".

—Page 4, line 10, immediately after the period, strike out "Assistance" and all that follows through the end of line 13.

—Page 4, after the period in line 13, insert the following sentence: "The President may assist such friendly countries in achieving the goals of this subsection by the application of air and naval quarantine, as appropriate.".

—Page 4, line 23, strike out "At" and insert in lieu therof "(1) Except in extraordinary circumstances, at"; and

Page 5, after line 2, insert the following:

"(2) in any case in which the President determines that extraordinary circumstances

exist which require that assistance be provided with less than 15 days prior notice to the Speaker of the House and the chairmen of the appropriate Senate committees, the President shall submit the report described in paragraph (1) of this subsection as soon as practical.".

—Page 5, line 4, strike out "$30,000,000" and insert in lieu thereof "$3,000,000,000"; and in line 5, strike out "$50,000,000" and insert in lieu thereof "$5,000,000,000."

—Page 5, line 10, strike out the period and insert the following, ", and in addition to such sums, a contingency fund of $9 billion for fiscal year 1984 and $11 billion for the fiscal year 1985 to provide for an estimated 1½ to 2 million refugees who will enter the United States in the event of the fall of El Salvador and the attempted genocide of the Miskito Indians."

—On page 5, at line 10, strike the quotation marks and the last period and after line 10 add the following:

"SEC. . Nothing in this or any other Act shall be construed to affect the expenditure of appropriations by or on behalf of the Central Intelligence Agency for operations in foreign countries not intended solely for obtaining necessary intelligence which are initiated after the date of this Act, *Provided*, That Section 662 of the Foreign Assistance Act of 1961, as amended, and section 501 of the National Security Act of 1947, as amended, shall be observed with respect to any such operations.".

By Mr. DELLUMS:

—Strike out all after the enacting clause and insert in lieu thereof the following:

That the Intelligence Authorization Act for Fiscal Year 1983 is amended by adding at the end thereof the following new title:

"TITLE VIII—PROHIBITION ON COVERT ASSISTANCE FOR MILITARY OPERATIONS IN NICARAGUA

"PROHIBITION ON COVERT ASSISTANCE FOR MILITARY OPERATIONS IN NICARAGUA

"SEC. 801. (a) None of the funds appropriated for fiscal year 1983 or 1984 for the Central Intelligence Agency or any other department, agency, or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in or against Nicaragua by any nation, group, organization, movement, or individual.

"(b) This section shall take effect on the date of enactment of this section.".

—page 3, line 10, strike out all that follows "finds" through "(1)" in line 11 and insert in lieu thereof "that"; line 17, strike out "; and" and insert in lieu thereof a period; strike out lines 18 through 22; line 24, strike out "on such terms and conditions as he may determine" and insert in lieu thereof "subject to subsection (d)"; line 25, strike out "friendly"; page 4, line 4, strike out "from or through" and all that follows through "country" the second place it appears in line 6; line 8, strike out "President determines" and insert in lieu thereof "Congress determines as provided in subsection (d)"; line 9, strike out "such friendly country or the government of any other" and insert in lieu thereof "any"; line 14, strike out all that follows "to a"; and strike out line 23 on page 4 through line 2 on page 5 and insert in lieu thereof the following:

"(d) The authority of this section may be exercised only if the Congress enacts legislation which expressly authorizes the President to provide assistance under this section to a designated country, which specifies the terms and conditions on which that assistance may be provided, and which contains a determination by the Congress that the individual, group, organization, or movement which would receive the military equipment whose transfer is to be prevented seeks to overthrow the government of a country in Central America.".

—Page 4, after line 22, insert the following new subsection (d) and redesignate existing subsections (d), (e), and (f), as subsections (e), (f), and (g), respectively:

"(d) No economic or military assistance may be provided to any country under this section, the Foreign Assistance Act of 1961, or the Arms Export Control Act if such country provides or serves as a base of operations for any nation, individual, group, organization, or movement which seeks to destabilize or overthrow the government of any country in Central America or which is carrying out military or paramilitary operations in any country in Central America. This subsection does not apply with respect to a country which opposes the use of its territory as such a base of operations but which does not have any armed forces and therefore is unable to prevent the use of its territory as such a base of operations.".

—Page 3, line 22, strike out the period and insert in lieu thereof "; and"; and after line 22, insert the following:

"(3) it should be the policy of the United States to seek, in Central America, a halt to the militarization of the region, an end to foreign intervention, withdrawal of foreign military advisors and combat personnel, and the removal of all foreign military bases.".

—Page 3, line 22, strike out the period and insert in lieu thereof "; and"; after line 22, insert the following:

"(3) it should be the policy of the United States to enter into negotiations with Nicaragua and Honduras in order to avert conflict and to resolve differences through dialogue.".

By Mr. FOWLER:

—Page 5, after line 10, insert the following new section:

SEC. 2. (a) It is the sense of the Congress that negotiations with the Government of Nicaragua either bilaterally or under the peace initiative undertaken by the Contadora group of nations is in the best interests of the United States and the nations of Central America and should be actively encouraged and supported by the Government of the United States.

(b) On or before January 1, 1984, the President shall report to the Congress on what actions, if any, have been taken by the Government of the United States to undertake bilateral negotiations with the Government of Nicaragua or to encourage and support the peace initiative by the Contadora group of nations.

—Page 5, after line 10, insert the following new section:

SEC. 2. (a) It is the sense of the Congress that negotiations with the Government of Nicaragua either bilaterally or under the peace initiative undertaken by the Contadora group of nations is in the best interests of the United States and the nations of Central America and should be actively encouraged and supported by the Government of the United States.

(b) On or before October 1, 1983, the President shall report to the Congress on what actions, if any, have been taken by the Government of the United States to undertake bilateral negotiations with the Government of Nicaragua or to encourage and support the peace initiative by the Contadora group of nations.

By Mr. GONZALEZ:

—Page 4, line 14, after "(c)" insert "(1)"; and after line 22, insert the following:

"(2) If the Congress enacts a joint resolution declaring that a country has violated its agreement pursuant to this subsection, then all assistance for that country under this section, part II of the Foreign Assistance Act of 1961, and the Arms Export Control Act shall be suspended immediately, and any unexpended funds obligated for such assistance shall be deobligated.".

By Mr. HARKIN:

—Page 4, beginning in line 1, strike out "ability to prevent to the use of its territory, or" and insert in lieu therof "ability to take actions within its territory to prevent the use of its territory, or the ability".

—Page 4, strike out line 22 and insert in lieu thereof the following: "is engaged in military or paramilitay operations against the Government of Nicaragua.".

By Mr. LEACH of Iowa:

—Page 5, after line 10, insert the following:

SEC. 2. Nothing in this Act shall be construed to supersede the prohibition (commingly referred to as the "Boland Amendment") which is contained in section 793 of the Department of Defense Appropriations Act, 1983 (as set forth in Public Law 97-377); and the prohibition contained in that section shall apply with respect to funds provided for the fiscal year 1984.

By Mr. McDONALD:

—Page 5, strike out lines 3 through 10.

—Page 5, line 5, strike out the pair of brackets; and

Page 5, strike out lines 6 through 10.

—Beginning on page 4, strike out line 23 and all that follows through line 2 on page 5.

—Page 4, strike out lines 14 through 22.

—Page 3, strike out the dash at the end of line 10 and all that follows through the word "such" in line 18.

—Page 2, in line 8, strike out the semicolon and all that follows through the end of line 9;

Beginning on page 3, strike out line 9 and all that follows through the end of line 10 on page 5.

—Page 2, beginning in line 8, strike out "AUTHORIZATION" and all that follows through the end of line 9, and in lieu thereof insert "CONGRESSIONAL FINDINGS";

Page 3, strike out line 9 and in lieu thereof insert "CONGRESSIONAL FINDINGS"; in line 10 strike out "(a)"; in line 11 strike out "(1)" and insert "(a)"; and in line 18 strike out "(2)" and insert "(b)"; and

Beginning on page 3, strike out line 23 and all that follows through line 10 on page 5.

—Amend the title of the bill by striking out the words "to prohibit United States support for military or paramilitary operations in Nicaragua and to".

Page 2, strike out line 12 and all that follows through page 3, line 8.

By Mr. WEISS:

—Page 2, line 18, after "in", insert "or against"; and line 18, after "nation", insert "(except a nation acting in self-defense in the event of a military invasion by Nicaragua)".

H.R. 2957

By Mr. BEREUTER:

—On page 24, after line 9, insert the following new section, and renumber succeeding sections accordingly.

ELIMINATION OF AGRICULTURAL EXPORT SUBSIDIES

SEC. 305. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following:

"SEC. 45. The Secretary of the Treasury shall instruct the United States Executive Director to the Fund to propose and work for the adoption of a policy requiring that prior to receiving any IMF Assistance Fund borrowers must eliminate all predatory export subsidies which might result in the reduction of other member countries' exports. The Secretary shall report to the relevant committees of Congress within 180 days of enactment of this provision as to the progress achieved in reaching this goal.".

—On page 24, after line 9, insert the following new section, and renumber succeeding sections accordingly.

ELIMINATION OF AGRICULTURAL EXPORT SUBSIDIES

SEC. 305. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following:

"SEC. 45. (a) In order to contribute to global economic stability through a cooperative framework for the conduct of a free and market oriented system of world trade in agricultural commodities and products thereof, the Secretary of the Treasury shall instruct the United States Executive Director to the Fund to propose and to work for the adoption by the Fund of the following policies with respect to any purchase, drawing, or other use of Fund resources (including loans under the General Arrangements to Borrow), by members, except for purchases or drawings within a member's reserve tranche:

"(1) Each member using fund resources must take steps to eliminate all predatory export subsidies which have a negative impact on that member's economic performance or appear likely to cause a reduction of another member's exports.

"(2) Before receiving Fund resources, a member must present to the Fund detailed information describing all direct and indirect subsidies of agricultural exports, including, among other things, the use of special tax incentives and subsidized financing employed by such member in connection with the exporting of agricultural commodities and products thereof to foreign countries.

"(3) Before receiving Fund resources, the Fund staff must analyze the member's reported subsidies of agricultural exports to determine whether such subsidies distort domestic or international agricultural markets or may contribute toward exacerbating the economic problems of that member or other member countries. The Fund staff must include such analysis and the information on which it is based in their staff report to the Fund's Board of Directors.

"(b) In attempting to shape Fund programs and in determining his vote on such programs, the Secretary of Treasury shall instruct the United States Executive Director to the Fund to consult with the Secretary of Agriculture and the United States Trade Representative on the effect of predatory export subsidies on United States export sales, and in attempting to shape Fund programs and in determining his vote on such programs, to take into account the extent to which the respective members agree to eliminate predatory export subsidies.

"(c) For purposes of this section, the term 'subsidy' has the same meaning as is given such term in section 771(5) of the Tariff Act of 1930 (19 U.S.C. 1677(5)). The term 'predatory export subsidy' means the provision by any country or organization of countries, or instrumentality thereof, of any subsidy to any person in connection with the export sale of agricultural commodities and products thereof produced in such country, organization, or instrumentality, which (1) exceeds the generally prevailing levels of subsidies for like export offered by other major agricultural exporting countries, or (2) appears designed to expand a country's share of world agricultural export at the expense of other exporting countries.

"(d) Not later than January 1, 1985, the President shall prepare and transmit a report to Congress setting forth his determination on whether the Fund has adopted and fully implemented in policies set forth in subsection (a) of this section.".

By Mr. JACOBS:

—Page 28, after line 8, insert the following:

TRAVEL EXPENSES OF THE EMPLOYEES OF THE FUND

SEC. 308. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following:

"TRAVEL EXPENSES OF THE EMPLOYEES OF THE FUND

"SEC. 46. Notwithstanding section 40 of this Act, the United States Governor of the Fund may not consent to the increase in the United States quota in the Fund which is described in such section unless the United States Governor of the Fund is satisfied that the Fund has established, and will maintain and strictly enforce, requirements that—

"(1) employees of the Fund (including the Managing Director, Executive Directors, Alternate Executive Directors, and the staff of the Fund) may not, when on Fund business, fly first class or on supersonic aircraft unless there is no reasonable alternative available; and

"(2) employees of the Fund otherwise arrange their air travel so that the costs to the Fund of such travel are kept to a minimum.".

—Page 28, after line 8, insert the following:

SALARIES OF EMPLOYEES OF THE FUND

SEC. 308. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following:

SALARIES OF EMPLOYEES OF THE FUND

"SEC. 46. Notwithstanding section 40 of this Act, the United States Governor of the Fund may not consent to the increase in the United States quota in the Fund which is described in such section unless the United States Governor of the Fund is satisfied that the Fund has established, and will maintain, requirements that—

"(1) employees of the Fund (including the Managing Director, Executive Directors, Alternate Executive Directors, and the staff of the Fund) may not be paid at a rate in excess of the rate payable for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code; and

"(2) advances on salaries and other loans to employees may not be made at a rate of interest which is less than the rate of interest charged on loans (for one- to four-family dwellings) insured under title II of the National Housing Act on the date on which such advance or loan is made.".

—Page 18, strike out line 13 and all that follows through page 28, line 8.

By Mr. LEWIS of California:

—Page 18, strike out line 15 and all that follows through page 19, line 20, and insert in lieu thereof the following:

SEC. 301. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following:

DISCUSSIONS REGARDING A TEMPORARY QUOTA INCREASE

"SEC. 40. The United States Governor of the Fund is authorized to enter into discussions regarding a temporary increase in funding for the Fund of not more than $8,400,000,000.".

—Page 18, line 21, strike out "4,250" and insert in lieu thereof "9,560.8".

Page 19, line 2, strike out "4,250" and insert in lieu thereof "9,560.8".

Page 19, strike out line 16, and all that follows through line 20.

By Mrs. MARTIN of Illinois:

—On page 24, line 10 insert the following new section and renumber the succeeding sections accordingly:

SEC. 305. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following:

"SEC. 44. (a) The Secretary of the Treasury shall instruct the United States Executive Director to the Fund to propose and work for the adoption of proposals by the Fund to correct the current misalignment of exchange rates between major currencies. Among other initiatives, the United States Executive Director will propose strengthening the Article IV consultation procedures of the Fund to insure that countries which are artificially maintaining undervalued or overvalued rates of exchange agree to adopt realistic, market-related exchange rates.

"(b) If the Fund does not adopt such proposals, the Secretary of the Treasury shall consult with the appropriate committees of Congress prior to instructing the United States Executive Director to vote to provide resources for a country whose policies are inconsistent with the proposals in subsection (a).".

H.R. 2969

By Mr. AKAKA:

—At the end of the bill add the following new section:

PROHIBITION ON DISPOSAL OF FORT DERUSSY, HAWAII

"SEC. 1111. Notwithstanding any provision of this or any other Act, the Secretary of Defense shall not take any action to initiate the sale, lease, rental, excessing or disposal of any portion of land identified on the date of enactment of this act as Fort DeRussy in the State of Hawaii.".

By Mr. BROOKS:

—At the end of the bill add the following new section:

USE OF POLYGRAPHS BY THE DEPARTMENT OF DEFENSE

SEC. 1111. (a) The Secretary of Defense may not, before April 15, 1984, use, enforce, issue, implement, or otherwise rely on any rule, regulation, directive, policy, decision, or order that would permit the use of polygraph examinations in the case of civilian employees of the Department of Defense or members of the Armed Forces in any manner or to any extent greater than was permitted under rules, regulations, directives, policies, decisions, or orders of the Department of Defense in effect on August 5, 1982.

(b) The restrictions prescribed in subsection (a) with respect to the use of polygraph

examinations in the Department of Defense shall not apply to the National Security Agency of the Department of Defense.

By Mr. DYSON:

—At the end of the bill add the following new section:

REPORT ON COST SAVINGS UNDER CONTRACTING OUT PROCEDURES

SEC. 1111. (a) Not later than April 15, 1984, the Secretary of Defense shall submit a report to Congress describing the experience of the Department of Defense since January 1, 1981, with conversion to contractor operation of commercial or industrial type functions of the Department of Defense which previously had been performed by Department of Defense civilian or military personnel.

(b)(1) The report under subsection (a) shall include with respect to each function of the Department of Defense converted to contractor operation since January 1, 1981—

(A) the estimated cost (as of the date of the award of the contract) of performance of the function by the Government,

(B) the contractor's estimated cost of performance of the function in the bid of the contractor,

(C) the actual cost (as of the end of the contract or the date of the report) of contractor operation of such function, and

(D) the savings (shown in dollars and as a percentage) for the operation of such function since conversion to contractor performance.

(2) The report shall also show—

(A) the average savings (shown in dollars and as a percentage) of all functions converted to contractor performance since January 1, 1981, as projected at the time of contracting and as realized at the end of the contract or the date of the report,

(B) the dollar amount and percentage of such contracts awarded to small businesses, and

(C) the number of Federal employees whose employment by the Government was terminated as a result of conversion of such functions to contractor performance.

By Mr. GONZALEZ:

—At the end of the bill add the following new section:

REINSTATEMENT OF RENEGOTIATION ACT OF 1951

SEC. 1111. (a) Section 102 of the Renegotiation Act of 1951 (50 U.S.C. App. 1212) is amended by adding at the end thereof the following:

"(f) CERTAIN AMOUNTS RECEIVED AFTER OCTOBER 1, 1976.—Notwithstanding the provisions of subsection (a), the provisions of this title shall not apply to contracts with Departments, or related subcontracts, to the extent of the amounts received or accrued by a contractor or subcontractor during the period beginning on October 1, 1976, and ending on the date of the enactment of this subsection.".

(b) The last sentence of section 102(c)(1) of such Act (50 U.S.C. App. 1212(c)(1)) is amended to read as follows: "For purposes of this title, the term 'termination date' means September 30, 1987.".

(c) Section 105(a) of such Act (50 U.S.C. 1215(a)) is amended by inserting after the sixth sentence thereof the following: "The Board shall renegotiate all contracts and subcontracts by division and by major product line within a division of the contractor or subcontractor.".

(d) Section 105(f) of such act (50 U.S.C. App. 1215(f)) is amended—

(1) in paragraph (1), by inserting ", or $5,000,000 in the case of a fiscal year ending after the date of the enactment of the Renegotiation Act Amendments of 1981" after "June 30, 1956" each place it appears therein;

(2) in the second sentence of paragraph (3), by inserting "the $5,000,000 amount," after "the $1,000,000 amount,"; and

(3) in the last sentence of paragraph (3), by striking out "$1,000,000" each place it appears therein and inserting in lieu thereof "$5,000,000".

By Mr. SIKORSKI:

—At the end of the bill add the following new section:

REQUIREMENT FOR PLAN FOR RESPONDING TO UNJUSTIFIABLE CONTRACTOR PRICE INCREASES

SEC. 1111. Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth a plan to provide that a defense contractor who has obtained from the Department of Defense unjustifiable price increases or unreasonable profits may not be awarded a new defense contract until the amounts obtained through such unjustifiable price increases or the amounts of such unreasonable profits have been repaid to the United States. The Secretary shall include in such report a draft of any legislation necessary for the implementation of such plan.

H.R. 3021

By Mr. FRENZEL:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3521).)

—Page 14, line 18, insert "(except as provided in paragraph (6))" after "may not".

Page 17, line 10, strike out "or".

Page 17, line 12, strike out the period and insert in lieu thereof "; or".

Page 17, after line 12, insert the following new subparagraph:

"(D)(i) has net assets (including the net assets of immediate family members) valued at $100,000 or more, and

"(ii) has net assets (including the net assets of immediate family members, but excluding the net asset value of the individual's principal place of residence, the cash value of life or burial insurance policies of the individual and immediate family members, and the net asset value of any automobile or of any two automobiles if the individual is married) valued at $50,000 or more.".

By Mr. PORTER:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3521).)

—Page 2, line 4, insert "AUTHORIZATION OF" before "APPROPRIATION".

Page 2, beginning on line 8, strike out "for fiscal years" and all that follows through "part" on line 10 and insert in lieu thereof "not to exceed $350,000,000 for fiscal year 1983, not to exceed $1,869,000,000 for fiscal year 1984, and not to exceed $1,538,000,000 for fiscal year 1985".

Page 2, line 10, strike out "made available" and insert in lieu thereof "appropriated".

Page 3, strike out line 23 and all that follows through page 4, line 5, and insert in lieu thereof the following:

"SEC. 2102. (a)(1) Subject to subsection (b), the Secretary shall allot the amounts appropriated under section 2101(a) for each fiscal year among the States as follows:".

Page 5, line 17, strike out "(c)(1)" and insert in lieu thereof "(b)(1)".

Page 7, line 9, strike out "(d)(1)(A)" and insert in lieu thereof "(c)(1)(A)".

Page 10, line 18, strike out "2102(c)(3)" and insert in lieu thereof "2102(b)(3)".

Page 16, lines 6, 9, and 14, strike out "2102(d)" and insert in lieu thereof "2102(c)".

Page 31, line 7, strike out "2102(d)(4)" and insert in lieu thereof "2102(c)(4)".

By Mr. TAUKE:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3521).)

—Page 2, strike out line 4 and all that follows through page 29, line 15, and insert in lieu thereof the following:

"AUTHORIZATION OF APPROPRIATION

"SEC. 2101. (a) For the purpose of making allotments to States under section 2102, but subject to subsection (b), there are authorized to be appropriated for—

"(1) fiscal year 1984, $900,000,000, and

"(2) fiscal year 1985, $900,000,000, to carry out this part for that fiscal year.

"(b) Amounts authorized to be appropriated under this section may not be paid to any State for a fiscal year except to the extent that there has been an increase in the net revenues of the United States effected through enactment of an Act after June 1, 1983.

"ALLOTMENTS

"SEC. 2102. (a)(1) The Secretary shall allot the amounts appropriated for allotments under section 2101 for fiscal years 1984 and 1985 among the States as follows:

"(A) One-third of the amount shall be allotted among the States on the basis of the relative number of unemployed individuals in the State during the applicable period compared to the number of such unemployed individuals in all the States during such period.

"(B) One-third of the amount shall be allotted among the States on the basis of the relative number of individuals in the State who exhausted regular compensation during the applicable period compared to the number of such individuals in all the States who exhausted regular compensation during such period.

"(C) One-third of the amount shall be allotted among the States on the basis of the number of weeks of regular unemployment compensation in the State during the applicable period compared to the number of weeks of regular unemployment compensation in all the States during such period.

"(2) As used in paragraph (1):

"(A) The term 'regular compensation' has the meaning given such term in section 205(2) of the Federal-State Extended Unemployment Compensation Act of 1970.

"(B) The term 'number of weeks of regular unemployment compensation' means, for a State for a period, the sum, for each of the weeks in the period, of the number of individuals receiving regular compensation in that week under the State's unemployment compensation law.

"(b) To the extent that all the funds appropriated under section 2101 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

"(1) one or more States have not submitted an application or description of activities in accordance with section 2105 for that fiscal year,

"(2) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment, or

"(3) some State allotments are offset or repaid pursuant to the operation of section 2106(b),

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this subsection.

"PAYMENTS TO STATES

"SEC. 2103. (a) For calendar quarters in fiscal years 1984 and 1985, the Secretary shall make payments, as provided by section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), to each State from its allotment under section 2102 from the amounts appropriated for that fiscal year.

"(b) Any amount paid to a State for a fiscal year and remaining unobligated at the end of such year shall remain available for the next fiscal year to such State for the purposes for which it was made.

"(c) As a condition of payment to the State under this part, the State must provide assurances satisfactory to the Secretary that each group health plan offered by the State, by any political subdivision thereof, or by any agency or instrumentality of the State or a political subdivision thereof, meets the requirements of part B as they would apply if section 2125(a)(A) did not apply with respect to that State, subdivision, agency, or instrumentality. If the Secretary, after reasonable notice and opportunity for a hearing to a State, finds that it or any of its political subdivisions, or any agency or instrumentality of the State or its political subdivisions, has failed to comply with the previous sentence, the Secretary shall terminate payments to such State under this part and notify the chief executive officer of such State that further payments under this part will not be made to the State until the Secretary is satisfied that there will no longer be any such failure to comply.

"USE OF ALLOTMENTS

"SEC. 2104. (a) Except as otherwise provided in this section, a State may use amounts paid to it under section 2103 to provide health care or other health care benefits or coverage for unemployed workers and their family members and for related activities.

"(b)(1) Under this part each State may choose, as it determines to be appropriate—

"(A) those groups of individuals (and their immediate families) who shall be provided health care coverage with funds available under this part;

"(B) the period of time during which such coverage is provided;

"(C) the particular type, duration, and scope of services with respect to which such coverage is provided;

"(D) any standards for financial participation (whether through premiums, deductibles, copayments, or otherwise) by beneficiaries, which standards may vary with respect to different groupings of beneficiaries, different types of services, different provider arrangements, and varying coverage periods; and

"(E) the amount of State funds to be made available for such coverage, if any.

The State may provide, with the consent of the individual, for the deduction of the amount of a premium described in subparagraph (D) from the amount of unemployment compensation benefits paid to the individual.

"(2) Such coverage may be provided through varying arrangements, which include—

"(A) financial assistance in the purchase of continued health benefits coverage under an employer's or other health benefits plan,

"(B) payment of money or credits toward premiums of eligible organizations under section 1876 or health maintenance organizations under section 1903(m);

"(C) provision of care and services by providers under arrangements negotiated by the State; or

"(D) any insurance or health benefits plan approved by the State for purposes of this part.

"(3) The State may provide that the payment for any care and services received by an individual under this part is reduced by the amount of any other payment which is or could be made with respect to such care and services under any other health plan or public program, or from a third party, and may require each such individual beneficiary to assign all rights to such payments as he may have to the State as a condition of receipt of benefits under this part from the State.

"(4) Payment by the State for care and services provided to individuals under this part may be made through the same administrative mechanisms through which payments are generally made under the State plan for medical assistance under title XIX, or any other such mechanism as the State deems appropriate.

"(c) The State may not use funds provided under this part to provide health care coverage—

"(1) to an individual (or to the immediate family members of such an individual) unless the individual (i) is receiving unemployment compensation benefits (as defined by the State), (ii) is unemployed and has exhausted such benefits within a previous period established by the State, or (iii) was eligible within the previous 30-day period for such benefits but lost such eligibility on account of employment;

"(2) to an individual who is eligible for medical assistance under the State plan under title XIX;

"(3) to an individual who is covered (or could have been covered, if an election had been made and any premiums required paid on a timely basis) under a group health plan (as defined in section 162(i)(2) of the Internal Revenue Code of 1954) for which a contribution toward the cost of the plan is being made by an employer, union, or entity other than the individual or the individual's spouse (regardless of whether or not the individual also makes such a contribution);

"(4) to an individual who is (or could be, if an enrollment after the date of the enactment of this part had been made and any premiums required paid on a timely basis after the individual became unemployed) covered under a group health plan (as so defined) for the individual's spouse for which a contribution toward the cost of the plan is being made by an employer, union, or entity other than the individual or the individual's spouse (regardless of whether or not the individual or spouse also makes such a contribution); or

"(5) with respect to care and services other than care and services for which medical assistance may be made available under section 1905(a).

"(d) Of the amount paid to any State under this part, not more than 10 percent may be used for administering the funds made available to the State under this part.

"APPLICATION AND DESCRIPTION OF ACTIVITIES

"SEC. 2105. (a) In order to receive an allotment for a fiscal year under section 2102 each State must prepare and transmit to the Secretary—

"(1) a description, certified by the chief executive officer of the State, of the intended use of payments the State is to receive under this part for the fiscal year, including information respecting the items described in section 2104(a); and

"(2) a statement of assurances that represents to the Secretary that—

"(A) funds allotted to the State under this part will only be used, consistent with section 2106(a), in accordance with the provisions of this part;

"(B) the State will permit and cooperate with Federal investigations undertaken in accordance with section 2106(b); and

"(C) the funds made available under this part for any period will be so used as to supplement and increase the level of State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs and activities for which funds are provided under this part and will in no event supplant such State, local, and other non-Federal funds.

The description and statement shall be made public within the State in such manner as to facilitate comment from any person (including any Federal or other public agency) during the development of the description and statement and after its transmittal. The description and statement shall be revised (consistent with this section) throughout the year as may be necessary to reflect substantial changes in any element of such description or statement, and any revision shall be subject to the requirements of the preceding sentence.

"REPORTS AND AUDITS; WITHHOLDING; NONDISCRIMINATION; AND CRIMINAL PENALTY FOR FALSE STATEMENTS

"SEC. 2106. (a) The provisions of sections 506, 507 (other than subsection (b) thereof), and 508 of the Social Security Act (relating to reports and audits, criminal penalties, and nondiscrimination, respectively, under the maternal and child health services block grant) shall apply to activities, funds made available, and allotments under this part in the same manner as those provisions apply to activities, funds made available, and allotments under title V of such Act; and for this purpose—

"(1) any reference to title V of such Act in any of those sections shall be deemed a reference to this part, and

"(2) a reference to section 502(a) or 502(b) or to section 505 in any of those sections shall be deemed to be a reference to section 2102 or to section 2105, respectively.

"(b) The provisions of section 1907 of the Public Health Service Act (relating to withholding of misspent funds) shall apply to the requirements of this part in the same manner as those provisions apply to the requirements of part A of title XIX of that Act; and for this purpose any reference to section 1905 in any of those provisions shall be deemed to be a reference to section 2105.".

Page 31, line 7, strike out "2102(d)(4)" and insert in lieu thereof "2103(c)".

Page 36, line 22, insert after the period closing quotation marks.

Page 37, strike out line 1 and all that follows through page 39, line 13.

Page 39, line 17, strike out "July 1, 1983" and insert in lieu thereof "October 1, 1983".

Page 39, beginning on line 18, strike out "for services furnished on or after" and insert in lieu thereof "on".

Page 40, strike out line 15 and all that follows through page 41, line 12, and insert in lieu thereof the following:

(d) Section 1101(a)(1) of the Social Security Act (42 U.S.C. 1301(a)) is amended by striking out "and XIX" and inserting in lieu thereof "XIX, and XXI" and by striking out "title XIX" and inserting in lieu thereof "titles XIX and XXI".

By Mr. WAXMAN:

(Amendment to the amendment of Mr. BLILEY.)

—In the matter proposed to be inserted by the amendment, insert "and except in the case of rape or incest" after "term".

EXTENSIONS OF REMARKS

RECOGNITION OF DR. HECTOR P. GARCIA

HON. BILL RICHARDSON
OF NEW MEXICO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. RICHARDSON. Mr. Speaker, the members of the Hispanic Caucus strongly feel that Dr. Hector P. Garcia should receive the Presidential Medal of Freedom. Dr. Garcia's list of accomplishments and contributions to our country and to the Hispanic community are unending.

Dr. Garcia was the founder and first national chairman of the American GI Forum. This outstanding veterans group is composed of Americans of Mexican origin from 24 States across the Nation. In addition, Dr. Garcia was appointed as Commissioner of the U.S. Commission on Civil Rights in 1968 where he handled some of the most serious and delicate issues facing the Hispanic community. His strong leadership encouraged cooperation instead of confrontation. Dr. Garcia has been recognized as a leading figure in the fight for equal rights for all Americans.

He served our country in wartime as an officer in the Infantry, Engineer, and Medical Corps in Europe during World War II. And he served there as he has at home, head and shoulders above the rest. He was awarded a Bronze Star medal and six battle stars.

Dr. Garcia has committed his life to the preservation and protection of freedom and basic human rights for all. We have written to President Reagan urging him to award Dr. Garcia the Presidential Medal of Freedom. We think our colleagues will agree that Dr. Garcia is worthy of this recognition after reading the following letter written by the American GI Forum which clearly outlines Dr. Garcia's numerous and noteworthy contributions to our Nation.

The letter follows:

AMERICAN GI FORUM
OF THE UNITED STATES,
Albuquerque, N. Mex., April 30, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: It is with great pride that the American GI Forum of the United States submits for your consideration the name of Dr. Hector P. Garcia for the Presidential Medal of Freedom Award.

Dr. Garcia's contributions to our country in War and Peace have been outstanding. His distinguished service has been recognized nationally and internationally.

The Opportunity for the United States to honor Dr. Garcia would set a precedent for others to see the unselfish role he has played in his lifetime.

His Leadership has evoked aspiration and hope to the Hispanic of this Nation specifically the Mexican American once described as the invisible minority.

Through militant years of the 60's, the organization stayed on course and did not fall prey to the militant tactics because of the Doctor's belief that our objectives can be best accomplished through intelligent, factual and systematic manner within our form of democracy.

As Civil Rights Commissioner he handled the most serious and delicate issues facing the Hispanic population averting confrontations of a serious nature.

His exemplary leadership and efforts in the pursuit of equal rights for all people is a continuous task in his daily life to this day.

As Ambassador to the United Nations he spent extended periods of time working full time although it was not a requisite. For the first time in the United Nations a United States representative addressed the Latin American Countries in Spanish against the proliferation of nuclear arms in the Western Hemisphere. He was also able to communicate to the French and Italian delegations in their own language. Wherever he represented the United States, he was highly received.

The experience of meeting and recognizing this "living legend" of the Southwest is a pleasure that should be shared and bestowed by the United States and the whole world.

Dr. Garcia's list of accomplishments and generousity is unending. His life commitment has been for preservation of freedom and the dignity of basic human rights.

Dr. Hector P. Garcia is a living monument to receive and is well deserving of the Presidential Medal of Freedom Award. We pray for a favorable response.

Respectfully yours,

LOUIS P. TELLEZ,
National Executive Secretary/Treasurer.

DR. HECTOR P. GARCIA, FOUNDER, AMERICAN GI FORUM OF THE UNITED STATES

Dr. Hector P. Garcia, physician, Founder, American GI Forum of the U.S. Born in Mexico, January 17, 1914. Son of Mr. Jose Garcia and Mrs. Faustina Perez Garcia.

Graduate, University of Texas, Bachelor of Arts Degree, 1936. Graduate of the University of Texas School of Medicine, Doctor of Medicine, 1940. Married Wanda Fusillo, June 23, 1945. Children: Daisy Wanda, Adriana Cecilia and Susana Patricia.

1940-41; General internship St. Joseph's Hospital, Creighton University, Omaha, Nebraska. 1941-1942. Surgical internship.

1942-1946, served World War II as officer in Infantry; Engineer and Medical Corps. Major Medical Corps European Theater of Operation. Awarded Bronze Star Medal with 6 Battle Stars.

First national chairman and Founder of the American GI Forum on the U.S., a veterans group composed of Americans of Mexican origin in 24 states. 1953, Vice president Catholic Council for Spanish speaking people in the Southwest. 1955. Awarded Bronze Plaque "Democracy Forward" by Texas Council Negro Organization.

Member American Medical Association; Texas Medical Association; Nueces County Medical Society; Member LULAC; Roman Catholic; Knights of Columbus; Parish, St. Patrick's Catholic Church, Corpus Christi, Texas. 1960, Outstanding citizenship award by United Married Couples.

1961, Representative of President John F. Kennedy and member delegation signing treaty concerning Mutual Defense Area Agreement between the United States and the Federation of West Indies.

March 9, 1964. Appointed by President Lyndon B. Johnson as presidential representative with the rank of Special Ambassador to the inauguration of Dr. Raul Leoni, President of Venezuela.

October 18, 1965. Presented by the President of the Republic of Panama with "Condecoracion. Orden Vasco Nunez de Balboa" with the rank of "Commander."

March 4, 1967. Appointed by President Lyndon B. Johnson as member of the National Advisory Council on Economic Opportunity of the United States.

September 1967. Appointed by President Lyndon B. Johnson as delegate to the United Nations from the United States with the rank of Ambassador.

March 30, 1968. Accompanied Vice President Hubert H. Humphrey and the U.S. Delegation for the signing of Treaty of Tlaltelolco in Mexico City.

November 1968. Sworn in as a "Commissioner" of the United States Commission on Civil Rights.

November 1968. Humanitarian Award presented by Corpus Christi Chapter on Civil Rights.

May 1969. Humanitarian Award presented by Corpus Christi Chapter of the NAACP.

January 24, 1977, Appreciation award by Corpus Christi Chamber of Commerce for exceptional investment of time and energy in behalf of citizens of Corpus Christi in interest of preserving the Naval Air Station and Corpus Christi Army Depot.

May 1977, Appointed by President Jimmy Carter member of the U.S. Circuit Judge Nominating Commission for the Western Fifth Circuit Panel.

January 20, 1978, Member White House Conference on Balanced National Growth and Economic Development. (January 29-February 2, 1978). Appointed by Governor Dolph Brisco of Texas and President Jimmy Carter.

February 21, 1978, Delegate. Meeting. High Level Briefing on the President's Tax & Economic Program, the White House, Washington, D.C.

February 25, 1978, Plaque presented by the Corpus Christi U.S.O. Council for leadership in representing the Corpus Christi Community in support of the military installations in the Coastal Bend Area.

May 4, 1978, Liberty Bell Award. Law Day U.S.A., by Nueces County Young Lawyers Association, Corpus Christi, Texas.

June 29, 1978, Texas State Liberty Bell Award by Texas Young Lawyers Association, Fort Worth, Texas.

August 17, 1978, Member, U.S. Attorney General Benjamin Civiletti's Hispanic Advisory Committee on Civil Rights.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

January 9, 1980, At President Jimmy Carter's request, attended a High Level Briefing at the White House in reference to Iran, Afghanistan, and Pakistan Crisis.

January 20, 1980, Distinguished Service Award, National Office of Civil Rights, San Jose, California.

February 21, 1980, Recipient of the "Senior International 1980" Award, representing the United States. Awarded by LULAC Council 12, Laredo, Texas.

November 18, 1980, Reappointed to the U.S. Commission on Civil Rights, Texas State Advisory Committee.

March 31, 1981, Brotherhood Award by the C. C. Chapter of the National Conference of Christians and Jews, Corpus Christi, Texas.

RESOLUTION TO THE NATIONAL MIDYEAR CONFERENCE IN SAN JOSE, CALIF., MARCH 26, 1983

Believing in the nomination of Dr. Hector P. Garcia as recipient of the Presidential Medal of Freedom Award; and

Whereas, Dr. Hector P. Garcia, physician, Founder, American G.I. Forum of the U.S., born on January 17, 1914, son of Mr. Jose Garcia and Mrs. Faustina Perex Garcia; and

Whereas, he graduated from the University of Texas, Bachelor of Arts Degree, 1936, Grauduate of the University of Texas School of Medicine, Doctor of Medicine, 1940. Married to Wanda Fusillo, June 23, 1945, Children: Daisy Wanda, Adriana Cecilia and Susana Patricia; and

Whereas, during the years, 1940-41, his general internship was at St. Joseph's Hospital, Creighton University, Omaha, Nebraska, and completed surgical internship between 1941-42; and

Whereas, during his military years 1942-46, served his country during World War II as an officer in Infantry; Engineer and Medical Corps, Major Medical Corps European Theater of Operation and awarded the bronze star medal with 6 battle stars; and

Whereas, in recognition for his outstanding contributions to his country was awarded the following, 1955, Bronze Plaque "Democracy Forward" Texas Council Negro Organization; 1961, Representative of President John F. Kennedy and Member of delegation signing treaty concerning mutual defense area agreement between the United States and the Federation of East Indies; 1964, March 9, appointed by President Lyndon B. Johnson as Presidential representative with the rank of special Ambassador to the Inauguration of Dr. Raul Leoni, President of Venezuela; 1965, October 18, presented by the President of the Republic of Panama with "Condecoracion, Orden Vasco Nunez de Balboa" with rank of Commander"; 1967, September, appointed by President Lyndon B. Johnson as member of the National Advisory Council on Economic Opportunity of the United States; 1967, September, appointed by President Johnson as delegate to the United Nations from the United States with the rank of Ambassador; 1968, November, sworn in as a "Commissioner" of the United States Commission on Civil Rights; 1977, January 24, Appreciation Award by Corpus Christi Chamber of Commerce for exceptional investment of time and energy in behalf of citizens of Corpus Christi in interest of preserving the Naval Air Station and C.C. Army Depot; 1977, May, Appointed by President Jimmy Carter, Member of U.S. Circuit Judge Nominating commission for the Western Circuit Panel; 1980, January, named by President Jimmy Carter to White House "High Level Briefing", on Iran, Afghanistan"; 1980, Named "Mr. International" by Laredo, LULAC Council #12, February 22; 1981, Meritorious Award National Council of La Raza, February; and

Whereas, Dr. Garcia has been a tireless worker for freedom and a courageous leader in eradicating racial bigotry and discrimination against Hispanic Citizentry; and

Whereas, Dr. Garcia has given hope and aspiration to thousands of Hispanics in the pursuit of Equality; and

Whereas, He has under unjust, adverse conditions and attitudes, this most humble and honorable man has changed the course of history and made life more prudent and just; and

Whereas, After 35 years of continuous work with the Forum, this humble man continues to persevere in the quest for freedom of man; and therefore be it

Resolved, That the American G.I. Forum of the United States petition President Ronald Reagan that this richly deserved honor be bestowed upon Dr. Hector P. Garcia and that his name be included amongst those Americans that have distinguished themselves in service to their country by awarding him the Presidential Medal of Freedom Award.

Motion made by the Union City Chapter and seconded by the San Francisco Chapter & Unanimously adopted by Region IX at the meeting of February 19, 1983 in the City of San Francisco, State of California.●

LESSONS OF THE BRITISH ELECTION—AN OBSERVATION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, in his column in the Washington Post on June 15, 1983, David S. Broder wrote of the relevance of the recent election in the United Kingdom to the election scheduled for the United States next year. He cited "two messages" to American Democrats from the British election. One concerned a domestic problem, unemployment, possibly the overriding domestic issue in 1984; the other related to the nuclear freeze question which may be the paramount foreign affairs issue in the United States next year unless the less fanatical advocates of the freeze pull back.

Said Mr. Broder:

Parallels are never perfect in politics," but there are two messages from the British election that have special importance for the Democrats. One is that in a modern welfare state.

He went on—

even double-digit unemployment is not necessarily fatal to a conservative regime. The cushioning of jobless benefits defuses the anger and reduces the visibility of the unemployed. And the reduction of inflation, the other side of recessionary economics, brings big political benefits among the vast majority of voters who are either employed or retired.

"The second message," Mr. Broder concluded,

is that a party can go so far in campaigning against nuclear weapons, and no farther. When it strays beyond the limit, it goes over the edge of credibility cliff.

The Heritage Foundation, on June 13, in its own analysis of the "Lessons of the Tory Triumph," made these observations:

Most critical of all to the election success, Thatcher was able to defuse the issue of unemployment—now running at nearly 13 percent. Pre-election polls showed that about 50 percent of the population rated unemployment as the election's most serious issue. Yet the Conservatives picked up well over a quarter of the votes of the unemployed—almost half the number going to Labor. The Thatcher government did this by convincing the electorate that real, lasting jobs could only come with a healthy and growing economy. The government stood steadfast against "jobs" bills, and refused even to predict the unemployment rates would fall. By maintaining this firm stand, Conservatives could argue that they stood for policies aimed at permanent job creation, and denounce the other parties as favoring vote-buying short-term relief while endangering long-term growth.

Regarding the second, or nuclear weapons message, of which Mr. Broder spoke, numerous statements made by Michael Foot of the Labour Party, during the campaign in Britain, advocating unilateral disarmament, disbanding NATO, and proposing in general an isolationist foreign policy, caused a highly unfavorable reaction among the voters and even within the leadership of his own party. One 18-year member of the Labour Party dicided not to vote Labour saying, "It's like a leftwing * * * has taken over my party." Indeed it had.

In an interview with the London correspondent of the Washington Post, Foot had said, "I believe that we in Britain should not proceed with the—deployment of—cruise or Pershing missiles. I am also opposed to proceeding with the—purchase of—Trident. We want to move toward a nonnuclear defense program." In a statement evocative of those by leaders of the left in our own country, Foot added, "I think that over the past 2 or 3 years, the American attitude has contributed more fiercely to the arms race than the Soviet Union."

In another statement Foot proclaimed that Britain's presently owned Polaris missiles should be destroyed, which brough the comment from Labour leader Denis Healey, "* * * we should not give them up unilaterally." Foot also made a repeated campaign pledge that if Labour were elected, Britain would be a "nonnuclear nation" in 5 years.

What were the results of Labour's policy? A landslide defeat. Labour now holds only 209 seats, 144 under the majority. It received only 28 percent of the vote. Its leaders, such as Tony Benn, have either lost their seats in Parliament or, as Foot himself,

stepped down. The party is in a shambles. These messages to Democrats, that Mr. Broder sees in the British election outcome, can be instructive to Republicans as well.●

BILINGUAL EDUCATION: ITS ROLE IN THE NATION'S SCHOOLS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. HAWKINS. Mr. Speaker, the Subcommittee on Elementary, Secondary, and Vocational Education is presently holding hearings on the Bilingual Education Improvement Act of 1983 (H.R. 2682). These hearings will explore the effectiveness of the current bilingual education law, and seek to determine whether greater educational effectiveness can be achieved by dropping the requirement for native language instruction, which is used as a means of helping limited-English-proficiency children achieve English language competence. H.R. 2682 would terminate the mandate of the current law, the Bilingual Education Act, which provides for native language instruction.

As expected, these hearings have engendered national interest and concern. Academic scholars examining bilingual education techniques, methods, and practices have not provided the greatest clarity on the issues involved. Nor have educators, elected officials, various organizations, and others.

Recently, the June 13, 1983, edition of Time magazine published its analysis of bilingual education. The Time magazine article suggests that a new kind of bilingualism/biculturalism, related to the dramatic increase in Spanish-speaking populations in the United States, is capable of separating the country into distinct, unassimilated groups. This potential for separation, says Time, is most portentious in the public school classrooms of this Nation.

This was Time magazine's view of course. But not everyone was pleased with what Time magazine had to say. Among those not pleased, and in fact quite critical of Time magazine's analysis, is the National Association of Latino Elected and Appointed Officials (NALEO).

Since I believe that it is important for all sides of a question to be discussed, I have taken the opportunity to present the NALEO article of rebuttal to Time magazine for Member's reading and consideration. The article follows:

A REBUTTAL OF THE TIME MAGAZINE ESSAY "AGAINST A CONFUSION OF TONGUES"

(By the National Association of Latino Elected and Appointed Officials)

The National Association of Latino Elected and Appointed Officials (NALEO) is dismayed over the many misstatements and unsubstantiated allegations found in this week's essay feature in Time Magazine. Entitled "Against a Confusion of Tongues," this two page article presents a biased and inaccurate description of bilingual education. Since bilingual education hearings are commencing this week in Congress, NALEO offers the following facts and corrections that more properly should have been done by the Time editorial staff.

Time's Essay alleges: "A new bilingualism and biculturalism is being promulgated that would deliberately fragment the nation into separate, unassimilated groups."

The Facts: When Title VII of the Elementary and Secondary Education Act was passed in 1968, the purpose of bilingual education was to use the language of the home in helping the child learn English. Subsequent reauthorizations by Congress have upheld the primacy of learning English as the goal of Title VII. Fragmentation and separatism are more likely to occur when minority groups do not have the educational opportunities to join mainstream society.

Time's Essay Alleges: "The rhetoric of supporters of bilingualism suggests that theirs may be a political solution to an education problem."

The Facts: Bilingual education came about because the traditional methods of teaching English to children, the so called immersion process, was analagous to teaching children to swim by throwing them into deep water. Some learned, yet the costs were tremendous. In many schools in the Southwest, for example, there was a "low 1st grade" and "high 1st grade." Low 1st grade was for Hispanic children who did not speak English and who, upon completion of this grade, would then go on to—not second grade—but high 1st. Thus, generations of non-English speaking children would start school one grade automatically behind. In other states, children not capable of handling the shock of language immersion, were labeled as "educational mentally retarded" and placed with children with learning disabilities. Those who presently assail bilingual education and hold up immersion programs as their ideal do not realize the massive failures associated with the immersion (read "submersion") methods of learning another language.

Time's Essay Alleges: "About half of the students from Spanish speaking homes drop out before the end of high school; of the ones who remain, 30 percent eventually score two or more years below their age group on standardized tests."

The Facts: These figures are correct. Yet rather than being attributable to bilingual education, the article does not point out that at the height of the bilingual program in 1980 only 12 percent of the total youngsters eligible to receive services were being served. Obviously, bilingual education is not the causal factor for high drop out rates. In fact, previous to bilingual education, these figures were higher in the 1950's and early 1960's.

Time's Essay Alleges: "Indeed the Department of Education's review found that of all methods for teaching bilingual students English and mathematics, only total immersion in English clearly worked."

The Facts: The Department of Education this past year awarded a five million dollar contract to find out what works best in teaching limited English speaking children. This study will not be completed for another three years. Until then statements on what works best for whom are clearly unsubstantiated."

Time's Essay Alleges: "The dubious value of bilingualism to students is only part of America's valid concern about how to absorb the Hispanic minority. * * * The rise of a large group, detached from the main population by language and custom, could affect stability of this country."

The Facts: The author's concern with absorption of Hispanics demonstrates his lack of knowledge of the Hispanic community. Hispanics have been part of this country since its inception. Florida, the Southwest and Puerto Rico have added a richness to this country's history and culture. The Hispanic community's participation in the defense of this country during WWII, Korea and Vietnam is well known. Unfortunately 300 years of history in the continental United States still do not seem to be enough for some people.

Time's Essay Alleges: "The disruptive potential of bilingualism and biculturalism is still worrisome: millions of voters cut off from the main sources of information, millions of potential draftees inculcated with dual ethnic loyalties."

The Facts: The Hispanic community has fought for the passage of the voting rights act to guarantee electoral participation. Hispanic legal organizations, such as the Puerto Rican Legal Defense Fund and the Mexican American Legal Defense Fund spent years in litigation attempting to secure the vote for Hispanic citizens of this country. Likewise, on potential draftees having "dual loyalties" let the record speak for itself. Those Hispanic "draftees inculcated with dual ethnic loyalties" have won more Medals of Honor than any other ethnic group in America today.●

THE "CARING CONSTITUENCY" HERE AND ABROAD

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. McDONALD. Mr. Speaker, the number of so-called public interest groups and other organizations purporting to represent this or that group has proliferated in quantum jumps since the days of the Great Society. Most groups are financed by some form of taxpayer support, either Federal, State or local. It has been discovered that these people have a very definite point of view. Jeffrey Hart, a columnist for the Washington Times, discussed these findings in a column that appeared on June 24, 1983. The results should be of interest to my colleagues.

THE "CARING CONSTITUENCY" HERE AND ABROAD

There is a peculiar political constituency in the advanced Western democracies, and, though it constitutes a small minority of

the total electorate, it is nevertheless expanding in numbers and power.

In the recent British elections, for example, it was an important component of the Labor Party vote, and it has been called the "caring constituency."

Those who belong to it work in jobs outside the marketplace. They are teachers, social workers, national and local bureaucrats, nurses and day-care tenders, technicians in the soft sciences, and other such positions that are outside the market or only marginally related to profits and losses.

In the United States, as in England, the temper of this constituency is pacifist and socialist, and it will be powerfully represented at the 1984 Democratic convention.

There comes at hand via Public Opinion magazine a fascinating bit of documentation regarding part of this "caring constituency," the so-called public-interest organizations that have been established in Washington and elsewhere to promote various ostensibly virtuous causes.

This constituency is also inclined toward socialism. Fifty-one percent favor socialism, and by a lop-sided 16-1 they think that the federal government should redistribute the national income.

In recent presidential elections, no Republican candidate received more than 4 percent of their vote, and George McGovern—perhaps the most left-wing candidate ever nominated by a major party—was favored by 96 percent.

Not surprisingly, the public figures they most admire are, in order, Ralph Nader, Edward M. Kennedy, John Kenneth Galbraith, Gloria Steinem and Andrew Young. (It must be Young's Third Worldism as our U.N. ambassador that attracts them; as mayor of Atlanta, Young has done a creditable job in stimulating commerce and is a favorite of the business community. When that news reachers the "caring constituency" Young's ratings will no doubt plummet.)

S. Robert Lichter and Stanley Rothman, social scientists, interviewed the leaders and chief staff members of 74 organizations, including the American Civil Liberties Union, Common Cause, Congress Watch, the Children's Defense Fund, Women's Legal Defense and Consumer's Union; and, on the basis of these interviews, produced a profile of the sort of person who leads these organizations.

Almost invariably, the leaders are well educated and often have graduated from prestigious colleges and universities, and they earn salaries in the upper income brackets. Though most have been raised in a religious environment, they are now agnostic or atheistic, and they appear to have a special hostility toward Jerry Falwell's Moral Majority. Ninety percent of those interviewed are strongly opposed to it, which may explain the otherwise puzzling virtriol of the attack upon Moral Majority last year by Yale's president, A. Bartlett Giamatti.

This public interest "caring constituency" is instinctively opposed to signs of a religious revival in America.

On foreign affairs, things are, if anything, worse. Fifty percent of the people interviewed by Lichter and Rothman admire the pro-Soviet Sandinista regime in Nicaragua, and 34 percent admire Fidel Castro—who wins in a landslide over Ronald Reagan, who is admired by a mere 5 percent.

Lichter and Rothman did not go into the nuclear freeze or the Pershing missile with this group, but of course they did not have to, since anyone could predict the response.

On the so-called social issues: those interviewed, by a margin of 8 to 1, approved of active homosexuality, and only 1 out of 20 had any moral problems concerning abortion.

The "caring constituency" is an identifiable political interest group here and abroad, and it would be incorrect to identify it even with traditional liberalism. It is pacifist and socialist, it lives off the public sector and desires to expand it at the expanse of the marketplace, it is far outside the mainstream in its moral views. And it has a soft spot in its heart for foreign communist dictators.

Just my kind of folks, in short.●

DISTINGUISHED SERVICE AWARD IN THE CAUSE OF FREE TRADE

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. CONABLE. Mr. Speaker, recently, our esteemed colleague from Minnesota, Mr. FRENZEL, received the Consumers for World Trade Annual Award for distinguished service in the cause of open and competitive world trade. It is a great pleasure for me to call this honor to your attention.

We all know Mr. FRENZEL as an unwavering advocate of free and open trade. He devotes a great deal of time and energy to the Trade Subcommittee of the Ways and Means Committee. He never hesitates to remind us that it is the American consumer who ultimately, and invariably, pays the final cost of protectionism.

In receiving this award, Mr. FRENZEL joins the ranks of several other distinguished recipients of this honor who similarly were recognized for their contributions in supporting open international trade. The first recipient of the annual award was Mr. SAM GIBBONS, the distinguished chairman of the Ways and Means Trade Subcommittee. Last year, Senator CHARLES PERCY and former Senator Jacob Javits shared the honor. The addition of Mr. FRENZEL to this distinguished group of legislators continues the spirit of bipartisanship in which this award is conferred each year.

I believe Mr. FRENZEL's remarks at the Consumers for World Trade awards ceremony are worthy of your attention. Accordingly, I would like to introduce those remarks, as well as the fine presentation by Mr. GIBBONS, in the RECORD.

THE SECOND MOST DANGEROUS THREAT

Most Americans would agree that burgeoning deficits pose the single greatest threat to sustained economic recovery. Naming the second largest economic menace might be more difficult.

But those who have not forgotten the lessons of History, and who understand the dynamics of international trade in the world economy, would be quick to identify Protectionism as public enemy No. 2.

It has been only 50 years since Congress passed the Smoot-Hawley tariff, a virulent anti-trade measure which evoked a world pestilence of retaliatory protectionist laws. The ugly result was that the Great Depression was needlessly extended and exacerbated.

Following World War II, the world experienced 3 decades of unparalleled prosperity, at least partly due to the open world trading system, the General Agreement on Tariffs and Trade (GATT), promoted by the United States and accepted by most of the nations of the free world.

The Free Trade coalition which fashioned the GATT remained in the ascendancy in the United States until the end of the 1970s. Since then, protectionsim, sustained by years of falling productivity, insufficient investment incentive, and massive unemployment, has dominated the Congress and the country.

Protectionism flowers in an environment of unemployment. Non-competitive industries blame imports to justify their requests for protectionist relief. Labor organizations, particularly those with extravagant wage rates, seek to insulate their members from external competition.

Even though free trade is a popular concept in the United States, the idea of protecting U.S. jobs is even more popular. Therefore, protectionism restrictions have proliferated in the last 3 years.

We have forced Japan to restrict auto shipments "voluntarily". We have forced Europe to do the same with steel imports. We have always had among the highest textile tariffs in the world, and most agricultural products also enjoy some sort of protection.

Now our trade relations are threatened by a Domestic Content Law for autos which would force foreign and U.S. auto manufacturers to use a high percentage of U.S. auto parts. Our statute books, state and federal, are studded with "Buy Amercia" laws which restrict imports of everything from highway construction materials to flatware. And that's not all. We've imposed increased duties on imported motorcycles; introduced cargo preference legislation; imposed health and safety requirements on imported goods and are conducting up to now unsuccessful negotiations with the PRC to force them to accept tighter textile quotas.

And what is so awful about protecting American jobs, or demanding fair treatment in the international marketplace (the level playing field), or "sending a message" to countries such as Japan which restrict their own markets?

What is awful about prectecting American jobs is that we only protect a select few, non-competitive jobs. For instance, the domestic Content Bill might help some present auto workers at a high price to the U.S. consumer, but according to the Congressional Budget Office, the Commerce Department, and the Council of Economic Advisors, it would cause the loss of 3 times as many jobs as it would create.

In addition, the 4½ percent per automobile price increase that would occur absent foreign competition would mean that every new job created would cost auto buying consumers about $740,000. It is hard to justify forcing consumers, whose average wage is about $12 per hour, to buy cars exclusively from people who make $25 per hour.

The "Level Playing Field" is another myth. Yes, many countries restrict their markets in many ways. But, as noted above, so do we. If we seek access abroad, as in

Japan, the right way to get it is to negotiate for it. The opening of that market is a painfully slow process, but it is happening.

Building one's own barriers is not a good way to get one's neighbor to remove his. Most frequently, U.S. barriers are followed by the creation of a retaliatory barrier somewhere else in the world, which limits U.S. efforts to that area.

Sending a message to a trading partner, if that message is a market restriction, is shooting ourselves in the foot. If the restriction is as outrageous as the Domestic Content bill, it is like shooting ourselves in a vital organ. Why should we lose jobs, raise prices, and make an industry less competitive just to send a message?

If that proverbial playing field is uneven, the United States is partially responsible. Instead of doing away with some of our longstanding barriers to foreign imports or seeking out ways to expand U.S. exports, we fail to amend the Foreign Corrupt Practices Act which intimidates and confuses U.S businessmen trying to do business abroad, and we're having trouble passing a new Export Administration Act because of a controversial provision concerning extraterritorially laws.

Our Foreign Commerce Service, in spite of its transfer from the State Department to Commerce in the hope that it would be of greater assistance to our businesses, still does not have sufficiently of a sales outlook to service the needs of U.S. exporters.

A plan for the reorganization of our trade structure has been proposed by some in Congress and by the Administration. But many in Congress disapprove of this plan. They feel, as I do, that the USTR has worked well with the legislative branch and should be maintained. They are concerned that the current protectionist attitudes in the Department of Commerce would prevail if the DOC becomes the chief trade agency in our government. Furthermore, there seems to be no evidence that the plan would solve any of our current trade problems nor result in anything but a shuffling of boxes.

Consideration is also being given to reviewing or improving the trade remedies provided by the Trade Act. I think it is a dangerous procedure to tinker with 301 or 201 at this time with the current mood in Congress or even to be considering far-reaching reciprocity legislation.

Fortunately, help is on the way. The recovery promises lowered unemployment at home, and presages recovery elsewhere in the world.

And, there are the more traditional safeguards. The Reagan Administration articulates the free trade policy forcefully, just as the Carter Administration did. On major atrocities, such as Domestic Content, the Presidential veto is the ultimate weapon.

President Reagan was able to convince the free world's leaders at Williamsburg to agree to resist protectionism in all forms in all countries. Nobody is perfect now, and nobody will be perfect in the future. But heads of states will have to be more watchful.

Even the protectionist Congress has a hardy and well-placed band of free traders dedicated to expanding U.S. jobs by expanding U.S. exports. They will continue to play defense against protectionism until the recovery and the decline of unemployment make it less attractive.

Sensing recovery, American companies are renewing their competitive spirits. Tax incentives of 1978 and 1981 are paying off. Employees are more responsive. Productivity, quality, and reliability are again fashionable.

Companies are becoming more alert to the threat. They are educating, making their interests known in Congress, and they are having an effect.

If these forces can hold off the worst of protectionism for another year, it will probably be safe then to downgrade public enemy No. 2 to a less important status.

REMARKS BY CONGRESSMAN SAM M. GIBBONS

I am very pleased that I have been selected by Consumers for World Trade to present this award to my good friend and colleague BILL FRENZEL. I was honored to be the first recipient of this award from this fine organization and I applaud their accomplishments and their fine selection of an awardee for 1983.

BILL has been an outstanding and hard working exponent of an open trading system. He is a very dedicated member of the Trade Subcommittee. We have worked hard together on many bills and he can always be depended on to speak out daringly but diligently against protectionist policies. I can always rely on BILL to be on the right side of an issue. BILL is like a brother of mine.

BILL FRENZEL graduated from Dartmouth; served four years in the Navy during the Korean war in Japan and Korea; married Ruth and they raised their three fine daughters. He was a businessman in the Minneapolis/St. Paul area and was elected to the Minnesota Legislature and served there and then came to the U.S. Congress. Here he served on the Budget Committee and serves on the Ways and Means Committee, the Trade Subcommittee, and the House Administration Committee where he is a member of the important Elections Task Force. He is very active and effective in all of those Committees. Like I said before, BILL is like a brother of mine.

And so, now, BILL, it gives me great pleasure, on behalf of the Board of Directors of Consumers for World Trade to present you with this beautiful plaque which reads: "For distinguished service in the cause of open and competitive world trade to the Honorable Bill Frenzel, June 1983. Signed Doreen L. Brown, President."

Here you are, BILL; they couldn't have picked a better man.●

BOUCHER RENEWS PUSH FOR COAL TOPPING OFF SERVICE

HON. FREDERICK C. BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. BOUCHER. Mr. Speaker, to help boost U.S. coal experts and to reduce the tragically high level of unemployment in the coal producing regions of the United States, I have today asked Treasury Secretary Donald Regan to abandon the administration's opposition to the use of foreign-flag coal shuttle vessels to load supercolliers to capacity in the Delaware Bay.

Because the Port of Hampton Roads and other U.S. east coast ports are too shallow to allow supercolliers to fully load in port, the only way these oversized coal ships can be loaded to capacity is to top them off in deeper water offshore. Unfortunately, no U.S. ships are now available to provide this urgently needed topping off service which will significantly reduce the export cost of U.S. coal. As a result, partially loaded supercolliers are sailing regularly from the Port of Hampton Roads to Richards Bay, South Africa where they are topped off with South African coal. Each such sailing represents a lost opportunity to increase coal exports and to put American miners back to work.

I am pleased that the Coal Exporters Association of the United States has also written to Secretary Regan in support of the use of foreign-flag vessels for topping off in American waters. Reprinted below for the benefit of my colleagues is a copy of my letter to Secretary Regan and a copy of the letter from the Coal Exporters Association also supporting topping off by foreign-flag vessels.

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 20, 1983.

Hon. DONALD T. REAGAN,
Secretary of the Treasury, U.S. Department of the Treasury, Washington, D.C.

DEAR MR. SECRETARY: I am once again writing to urge your approval of foreign flag vessels to provide a coal topping-off service in the Delaware Bay. Such a ruling by the Treasury Department would be in the national interest and would be consistent with the restrictions imposed by the Jones Act.

The absence of a coal topping-off service to enable supercolliers to obtain full loads of United States coal is causing the domestic coal industry to lose hundreds of thousands of tons of coal sales annually. We estimate that American coal companies lost $26 million in coal sales during calendar year 1982 through ten sailings of partially loaded supercolliers from the Port of Hampton Roads alone. Since the March 8, 1983 decision by the Treasury Department to deny the request of Canada Steamship Lines to offer such a service, there have been at least seven sailings from Hamption Roads of partially loaded supercolliers destined for Japan. Each of these ships and each of the ten ships which sailed from the Port of Hampton Roads last year completed its load by topping off in Richards Bay, South Africa with approximately 60,000 tons per ship of South African coal. Each such sailing represents a lost opportunity to increase American coal exports and to reduce the tragically high unemployment in the coal producing regions of the United States.

Even with prompt Congressional approval of port-deepening legislation, it will take seven to ten years to complete dredging operations in east coast coal ports. Therefore, the implementation of a coal topping-off service from America's coal ports is urgently needed to preserve our share of the coal market until port deepening is completed.

The Department of the Treasury has previously interpreted the Jones Act to prohibit foreign flag vessels from operating a topping-off service within American waters. Under Treasury's rationale, any transportation which commences at one point in American waters and terminates at another point also within American waters is domes-

tic commerce prohibited to foreign flag vessels under the Jones Act.

I strongly disagree with that interpretation of what constitutes "domestic commerce." It is clear that the topping-off service is designed exclusively for the facilitation of foreign commerce, i.e., the transportation of coal from the United States to foreign purchasers. Moreover, since there are no American firms prepared to conduct a topping-off service with American flag vessels, it is clear that an interpretation by the Department of the Treasury holding such a service to be foreign commerce would be consistent with the Jones Act goal of preserving domestic commerce to American companies and American flag vessels.

I strongly urge your granting of the request of Coastal Barge Corporation of New York to contract with a foreign flag carrier to provide a topping-off service in the Delaware Bay. I also encourage you to reconsider your disapproval of the request of Canada Steamship Lines to offer an identical service.

The United States coal industry simply cannot afford to loss additional export opportunities because of an overly restrictive interpretation of the Jones Act by the Department of the Treasury. I have been assured by a number of Virginia coal producers that the willingness of foreign purchasers to undergo the inconvenience of partially loading in the Port of Hampton Roads and fully loading at a second port prior to reaching the final destination will not long be endured. Accordingly, if a topping-off service is not put in place in the immediate future, I fear that a significant eroding of the export market will occur.

Since there is no American firm prepared to offer this service in the immediate future and since the provision of the service would facilitate foreign as opposed to domestic commerce, I am persuaded that the Department of the Treasury could grant the requests of Coastal Barge Corporation and Canada Steamship Lines without infringing upon the legitimate restrictions of the Jones Act.

Thanking you for your consideration of this request, I remain with kind regards.

Sincerely,

RICK BOUCHER,
Member of Congress.

COAL EXPORTERS ASSOCIATION
OF THE UNITED STATES, INC.,
Washington, D.C., July 11, 1983.

Hon. DONALD T. REGAN,
Secretary, Department of the Treasury, Washington, D.C.

DEAR MR. SECRETARY: Last March, the Treasury Department refused a request of the Canadian Steamship Lines (CSL) for a ruling which would allow CSL to offer U.S. coal exporters the opportunity to complete loading or to "top off" large coal colliers in vessel to vessel transfer operations in the Delaware Bay.

CSL was refused the opportunity to offer this service because its planned use of Canadian flag self-unloading ocean going vessels was determined to be a violation of the Jones Act which requires that if the same cargo is both loaded and unloaded in U.S. waters, that it be carried on U.S. vessels.

The Customs Bureau and the Treasury Department now have an opportunity to overturn this unfortunate ruling as a second firm has applied for a temporary waiver of the Jones Act so that foreign flag vessels can be used to prove the technical and economic, as well as political, viability of this type of operation. We urge that you overturn your previous ruling and grant a temporary waiver allowing any firm wishing to offer this topping off service to use foreign flag vessels until such time as U.S. vessels are available on a competitive basis.

The economies of scale available from the use of large vessels in the coal trade are well documented. Unfortunately, these large vessels cannot now be fully loaded due to insufficient water depths at United States East and Gulf coast ports. Although legislation authorizing dredging of coastal ports is pending before Congress, it is unlikely to become law this year due to continuing disagreements over funding of both construction (dredging) costs and annual operation and maintenance costs. It is extremely unlikely that any of our ports will be fully dredged before 1990 or later. However, the initiation of a topping off service will give our customers the immediate choice of using the larger vessel wherever possible.

The United States is now losing coal markets and coal sales because of our inability to load these vessels. Many 125,000 dwt or larger vessels load coal at Hampton Roads, Baltimore or other east coast ports, and leave only partially loaded to then complete their load in South Africa. Other vessels are topping off in Canada using Canadian coal, rather than U.S. coal. A topping off operation would certainly result in greater U.S. coal sales now and would undoubtedly assist in the efforts of U.S. companies to sell coal mined in the United States to European and Pacific Rim customers on a long term basis.

Current levels of U.S. coal exports are declining. We will export only 80 million tons of coal in 1983 compared with 105 million in 1982 and 110 million in 1981. Unemployment in coal fields dedicated to the export market is unacceptably high. Futhermore, the future outlook for U.S. coal in the world market is not as optimistic as was previously forecast. This is due, in part, to reduced estimates of economic growth and energy use. However, the U.S. coal industry will have an uphill battle to retain its current 30 percent share of the world market as more coal becomes available from lower cost suppliers. The U.S. is the high cost supplier and must take every opportunity to reduce those costs.

The use of large colliers offers an opportunity to reduce our delivered costs and the Delaware Bay topping off alternative is an important part of the equation. Despite assurances to the contrary, U.S. flag vessels are not available for this operation and if the Delaware Bay alternative is to be viable, foreign flag vessels must be utilized at least on a short term basis.

A temporary waiver of the Jones Act to permit use of foreign flag vessels to transload U.S. coal in the Delaware Bay would be fully in keeping with this Administration's coal export policy announced in July, 1981. In part, that policy statement pledged to promote U.S. coal exports and to take every action possible to reduce costs of U.S. coal.

We urge you to reconsider your March decision and to allow those firms which have already applied, as well as any other firm, a waiver to conduct a Delaware Bay topping off operation utilizing foreign flag vessels. A reversal of your decision will mean greater exports of U.S. coal with attendent economic benefits, both in the short and long term.

We would be pleased to discuss this with you at any time.

Sincerely,

MARK R. JOSEPH.●

KILLING THE TRUTH

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mrs. JOHNSON. Mr. Speaker, once again, the Turkish Government, through its embassy in the United States, has attempted to distort history by its denial of the Armenian genocide, the first genocide of the 20th century.

On April 20 and May 18, the Turkish Ambassador Sukru Elekdag wrote to a number of Congressmen criticizing our participation in the special order commemorating Armenian Martyr's Day. The Ambassador's letters were most inappropriate and simply inaccurate in their account of history.

There is a plethora of unbiased documentary evidence from the national archives of many World War I Allied and Axis powers detailing the annihilation and displacement of the Armenian people by the Turkish Government. This material, along with documented testimony from survivors of the genocide, conclusively identify the central role of the Young Turk Government in the planning and execution of what Ambassador Morgenthau referred to as "a campaign of race extermination." Reports of meetings between Mr. Morgenthau and the Young Turk leaders corroborate the reports from the U.S. Consular offices. The Armenian genocide is a historical fact and should not have to be reiterated annually. To deny that fact is to deny also the unprecedented assistance extended by the United States in an attempt to end the carnage and to aid those who survived. The record is clear; the realities of the Armenian genocide perpetrated in 1915 have been repeatedly confirmed by President Reagan, former President Carter, both congressional bodies, and the U.S. Holocaust Memorial Council.

In response to Ambassador Elekdag's letter, I would like to submit the following article by Richard Cohen entitled "Killing Truth." It appeared in the Washington Post on May 31, 1983, and I think eloquently assesses the moral cost of the denial of history.

[From the Washington Post, May 31, 1983]

KILLING TRUTH

(By Richard Cohen)

There is a politician up in Canada by the name of Stephen Stiles who, besides beign a world class jerk, should be an object lesson to us all. A member of the Alberta provincial legislature, he has said that he has "never seen anything in the way of documentary evidence to prove . . . that Jews were necessarily persecuted" by Nazi Germany. Case closed.

Considering all the evidence available, documentary or otherwise, it seems certain that nothing could convince Stiles that what happened happened. He prefers to be-

lieve otherwise and I would prefer to believe that he is not only an aberration, but unimportant as well. After all, the evidence of the Holocaust is so overwhelming, it could not possibly be denied.

That, at least, is what I thought until recently. But then not too long ago, I found myself sitting at one end of an enormous table in the embassy of Turkey. At the other end was the ambassador himself and what he was telling me was that the crime I had always thought had happened, simply had not. I am speaking now of the systematic murder of over one million Armenians by the Ottoman Turks.

I had mentioned this genocide in a column—mentioned it only in passing—and mentioned it thinking that it was a given—that no one could possibly dispute that it had happened. In 1915, in the midst of the First World War, a beleaguered and disintegrating Ottoman Empire had turned on its Armenian population, banishing them from what was historically Armenia to what is now Syria—murdering them, starving them and leaving them unprotected to bandits and killers along the way.

But the ambassador said this had not happened. Sure, there were "incidents" and, yes, the Armenians had been banished. But what the world persisted in calling a genocide was actually a civil war—one with atrocities on both sides and one in which the central government in Constantinople lost control of its own troops and could not protect the Armenians. There never was a policy to exterminate the Armenians, the ambassador said.

And so I sat at the table unable to prove that one of the great crimes of history had actually been committed. I mentioned some books I had read. The ambassador smiled. Exaggerations, he said. Reports based on heresay and given wide currency by England and America which were, after all, Turkey's foes in World War I. This was true, he said, of the reports filed by the American Ambassador, Henry Morgenthau, and as for the accounts written by Arnold Toynbee, well, he later revised them.

Do not for a minute get the idea that I was being singled out for special treatments. From 1915 to this day, the Turks—Ottoman or otherwise—have categorically denied that their government was responsible for the wide-scale murder of the Armenians. And it seems that one of the responsibilities of the ambassador is to rebut this accusation wherever it surfaces. He has probably written more letters to the editor than anyone in the country.

Of course truth matters. And after the lunch, I read some more about Armenia and talked to some more people, but the fact is the ambassador dented my confidence. There is so much to know, so much of it complicated and in foreign languages and I am busy, oh so busy. I do not have time to read further—read the three books the ambassador gave me nor the ones the Armenians have suggested. And so year by year, person by person, the genocide blurs, doubt corrodes it, and the easy word "alleged" creeps in to mock the Armenian anguish.

None of this would matter—certainly not to the Armenians of 1915, the Jews of the 1940s or the Cambodians of just yesterday—if it was not for the fact that to control the present and shape the future, you have to first alter the past—take possession of it and rob it of its lessons.

This the Turks, for their own reasons, are doing and this, Holocaust revisionists like Stiles are also doing. As for him, he would be a joke to me if it was not for that lunch at the Turkish embassy. I learned something there. The last victim of any genocide is truth.●

A TINY AUSTRIAN TOWN SURRENDERS AT THE 11TH HOUR

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. SCHEUER. Mr. Speaker, it gives me great pleasure to submit the following article by Martin Abramson, "A Tiny Austrian Town Surrenders at the 11th Hour," which recently appeared in Long Island's Newsday.

Martin Abramson of Woodmere, N.Y., is both a distinguished author and a respected man of great character. During World War II, Mr. Abramson won the Bronze Star as a correspondent for Stars and Stripes.

I commend this article to the attention of my colleagues.

[From Newsday, May 1, 1983]

A TINY AUSTRIAN TOWN SURRENDERS AT THE 11TH HOUR

(By Martin Abramson)

Looking across the sparkling, blue-green water at the picture-postcard hamlet with its thatched roof and gables, it was hard to grasp that this was Braunau-am-Inn, Austria. There should have been witches' aeries everywhere, thunder cracking behind us, and black clouds scudding overhead. Instead, the morning was lit by dazzling sunshine and the pastoral setting seemed utterly at variance with the fact that across the Inn River was the birthplace of Adolf Hitler.

It was May 2, 1945, 38 years ago tomorrow. The 13th Armored Division of the U.S. Third Army had crushed parts of three German divisions in a headlong advance through Bavaria just before the war ended. V-E (Victory in Europe) Day was less than a week away. One of the 13th's tank columns had dashed by night to the river separating Germany and Austria, chasing German units through the border town of Simbach and up its main street, which led onto a bridge over the Inn River.

Then an odd thing happened. A pretty 16-year-old girl raced across the street, dragging a board of Teller mines attached to a rope. *"Minen! Minen!"* she screamed. The driver of the lead tank jammed on his brakes. The girl left the mines in the middle of the street and ran up an alley. A group of villagers closed ranks in front of the fleeing figure and by the time the angry tank crews climbed out of their vehicles, she was nowhere to be seen.

The soldiers decided to blow up the mines, rather than risk moving the board off the narrow street. They wondered why the girl had shouted a warning, making sure that the lead tank would stop in time. The consensus was that she was doing her bit for the German cause but did not want any dead Americans on her conscience. The lead tank backed up, depressed its guns and blew up the mines. Then it resumed the chase.

The delay enabled the last German vehicle to get across the bridge. Just before the American tanks reached the span, an explosion ripped it apart. Another bridge, farther along, was blown up at the same time.

So the fleeing Germans were ensconced on the Austrian side of the river and Hitler's hometown was safe. But only for the moment. By next morning virtually the entire division had arrived at the north side of the Inn and massed enough firepower to blow the little town of Braunau off the map.

Maj. Gen. John Millikin, who had replaced the seriously wounded Maj. Gen. John B. Wogan as divisional commander, decided to give Braunau its chance to live. He sent the mayor of Simbach across the river in a boat carrying this ultimatum: "Your town will be spared if you surrender by 12 noon. If you refuse to surrender, Braunau will be destroyed."

The mayor came back with a meaningless message that Millikin interpreted as a stall. He sent word that the 12 o'clock ultimatum was in force.

The morning hours went by slowly. Ten o'clock came and went . . . 10:30 . . . 11 . . . Three armored artillery battalions were told to prepare for the bombardment. Then it was 11:30 . . . 11:45 . . . 11:47 . . .

Suddenly, in a true-life version of a Hollywood scenario, three men on the far bank climbed into a boat and began to row toward Simbach. From the boat, they waved frantically and screamed both in German and in English: "Don't fire! Braunau surrenders!"

The artillery was ordered to hold fire. When the rowboat arrived, the three men told Cpl. Harry Parker, who acted as division interpreter, that the garrison commander in Braunau had accepted the ultimatum, realizing that he was facing overwhelming force. Engineers constructed a footbridge and an advance unit headed by Col. Ridgway P. Smith crossed over to occupy the town. Shortly afterward, radio stations throughout the world were broadcasting the news that Hitler's birthplace had fallen to his enemies.

But why had Braunau first decided to fight to the end? And why had it given up at the last possible moment? As a young army correspondent attached to the 13th Armored Division, I was determined to clear up this mystery. The burghers in town, however, found the subject too distasteful—or too embarrassing—to discuss. Two of my colleagues, Capt. Robert Daly and Sgt. Joe Lepo, joined me in the questioning, along with two advance men, Cpl. Arnold Magaliff and Sgt. Irvin Mann. But all the burghers wanted to talk about was how much they appreciated having the Americans in occupation rather than the Russians.

The wall of silence was finally breached with the help of a printer. He was eager to work for a U.S. Army newspaper we intended to publish in his plant, and to win my friendship he led me to a carefully-scrubbed basement apartment near the main square. I was introduced to a small, wrinkled, 83-year-old woman and some of her neighbors and relatives. From them, I learned the facts behind the surrender.

The citizens of Braunau, they told me, wanted to give in the moment the American ultimatum was received. They felt the war was all but over and they wanted to save themselves and their homes. The decision by the commanding officer to defy the ultimatum was a cruel blow to them.

As the hours ticked by, they gathered courage and began to demonstrate in the main square. "Let us surrender," they cried. The local commander indicated he was in agreement, but before he could act the

leader of a small SS group mounted the platform in the square.

"You cannot forget you are the citizens of the führer's birthplace," he shouted. "How would it look to the world if the führer's beloved birthplace were handed over to the enemy without a fight? For the honor of our führer, Braunau must fight as no other town has fought before."

Cowed by this exhortation and by the SS uniform, the townspeople lapsed into silence. Some of them muttered, "It would be wiser to surrender," but they lacked the will to resist the SS man. But then the voice of an old woman who had come up from her basement apartment was heard above the feeble mutterings.

"We do not have to fight and die for the honor of the führer," the women cried. "He has brought us disgrace, not fame, and we see destruction everywhere. Let us save ourselves. Let us surrender and have peace!"

There was a moment of silence and then a loud babble of voices: "If *she* talks that way about Hitler, who are we to disagree?" . . . "She's right, there is no reason for us to be killed and our homes destroyed" . . . "Who cares about the führer's honor now? The SS commander is only worried about what will happen to him when he is captured. He doesn't care about us . . ."

The demonstrations began anew. A crowd moved towards the SS leader, but he waved a pistol and shouted he would kill anyone who tried to disobey. Then somebody handed a gun to a Czech named Karl Malovany, who had been working in a slave labor unit. Under cover of the demonstration he crept up behind the SS commander, struck a gun in his back and led him away. Nobody tried to stop him.

The garrison commander promptly capitulated to the popular will and sent emissaries in the boat. Their pleas of surrender were heard in the nick of time.

Who was this Czech who caused the SS officer's undoing? He had demonstrated against the Nazis in his native country, been arrested and sent to a slave labor camp. Ordered to help build defense fortifications in Bavaria, he managed to escape. He found a protector in Gottlieb Auzinger, a merchant in Braunau who opposed the Nazis, though he was careful to keep his thoughts to himself.

Malovany had, he told me, stolen the gun from a drunken German soldier a few days before the surrender; but the Braunau residents were sure it was Auzinger who slipped it to him.

Malovany had papers identifying him as a Christian, but he confided to me that these papers were forged. He was actually a Jew.

"If the Germans had spotted me I would have gone to my death in the gas chambers," he said. He did not remain in Braunau long, but moved to Australia where he had relatives.

And who was the old woman whose outcry had turned the tide and led to the surrender of Hitler's home town? Her name was Frau Rosa Horl. She had been a servant in the Hitler home and had also served as a midwife in town. Fifty-six years earlier, almost to the day, she had delivered Adolf Hitler into the world.

LET US TALK ABOUT CAPTIVE NATIONS WEEK

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. BROOMFIELD. Mr. Speaker, just this week, I was privileged to attend a ceremony at the White House observing Captive Nations Week. As all of my colleagues know, Captive Nations Week is annually observed here in the United States.

It is a week when all of us in the free world recommit ourselves to honoring our friends around the world who yearn to break their chains of bondage and live as free human beings.

How ironic it is that as we pause to honor and show solidarity with those who are victims of tyranny around the world, the Soviets are at this very moment moving to entrap more nations to add to the already long list of captive nations.

Look at what has happened in the past few years. Ethiopia has fallen under Communist control along with Afghanistan. Every day, the effects of martial law in Poland are slowly but surely trying to suppress the freedoms which the Polish people dearly cherish.

Recently, the Soviet noose has tightened around the countries in the Caribbean and Central America. From its outposts for exporting revolution, Cuba and Nicaragua, the Soviets are extending their long and oppressive arm to the small and defenseless nations in that critical area. Who will be next? El Salvador, Honduras, and, someday, maybe our closest neighbor in Central America, Mexico?

Just look around us and the evidence becomes obvious. We are faced with a broadening circle of captive nations in our own backyard. Soviet, Cuban, and Nicaraguan influences in this nearby area will create waves of dispossessed refugees fleeing to our shores. It is inevitable that these new arrivals will create unprecedented social and economic problems in America's Southern and Southwestern States. Those fragile communities are already laboring under the burdens of previous waves of immigrants who fled from the repression of Castro & Co.

As we talk of the many captive nations around the world, let us pause and consider the effects of our actions here in the House regarding Central America and the future of the nations there. Let us always keep in mind that our actions and votes must never serve to add more countries to the already long list of captive nations.

I would like to share with all of you the poignant remarks which President Reagan recently made regarding Captive Nations Week.

REMARKS OF THE PRESIDENT IN CAPTIVE NATIONS WEEK OBSERVANCE CEREMONY—JULY 19, 1983

The PRESIDENT. Thank you very much. Thank you. You know, I have to apologize here for keeping you waiting. And I always wonder if there isn't some way, without making it sound that way, if in that announcement they couldn't say "the late President"—[Laughter]—of the United States.

But thank you all very much and members of the Congress and Excellencies here and fellow Americans, and may I add, fellow citizens of the world who yearn to breathe free, we're honored to welcome all of you. I'd like to thank Congressman Jerry Solomon for his strong support of this event.

And today we come to show solidarity with our brothers and sisters who are captives, not because of crimes that they have committed but because of crimes committed against them by dictators and tyrants.

We met here last month with a group of Baltic Americans honoring Baltic Freedom Day. And I said that we gathered to draw attention to the plight of the Baltic people and to affirm to the world that we do not recognize their subjugation as a permanent condition. [Applause.]

Today, we speak to all in Eastern Europe who are separated from neighbors and loved ones by an ugly iron curtain. And to every person trapped in tyranny, whether in the Ukraine, Hungary, Czechoslovakia, Cuba or Vietnam, we send our love and support and tell them they are not alone. [Applause.] Our message must be: Your struggle is our struggle. Your dream is our dream. And someday, you, too, will be free. [Applause.]

As Pope John Paul told his beloved Poles, we are blessed by divine heritage. We are children of God and we cannot be slaves. [Applause.]

The Prophet Isaiah admonished the world, "* * * Bind up the brokenhearted, to proclaim liberty to the captives." Some 25 centuries later, philosophers would declare that "the cause of freedom is the cause of God."

We Americans understand the truth of these words. We were born a nation under God, sought out by people who trusted in him to work His will in their daily lives, so America would be a land of fairness, morality, justice and compassion.

Many governments oppress their people and abuse human rights. We must oppose this injustice. But only one so-called revolution puts itself above God, insists on total control over the people's lives, and is driven by the desire to seize more and more lands. As we mark this 25th observance of Captive Nations Week, I have one question for those rulers: If communism is the wave of the future, why do you still need walls to keep people in, and armies of secret police to keep them quiet? [Applause.]

Democracy may not be perfect, but the brave people who risk death for freedom are not fleeing from democracy. They're fleeing to democracy from communism.

Two visions of the world remain locked in dispute. The first believes all men are created equal by a loving God who has blessed us with freedom. Abraham Lincoln spoke for us: "No man," he said, "is good enough to govern another, without the other's consent."

The second vision believes that religion is opium for the masses. It believes that eternal principles like truth, liberty, and democracy have no meaning beyond the whim of

the state. And Lenin spoke for term: "It is true, that liberty is precious," he said, "so precious that it must be rationed." [Laughter.]

Well, I'll take Lincoln's version over Lenin's. [Laughter.] [Applause.] And so will citizens of the world, if they're given free choice. Now some believe we must muffle our voices for the cause of peace. I disagree. Peace is made, or broken, with deeds, not words.

No country has done more, or will strive harder for peace, than the United States. And I will personally embrace any meaningful action by the Soviet Union to help us create a more peaceful, safe and secure world. I welcome the Soviet pledge of cooperation at the Madrid Review Conference on Security and Cooperation in Europe. With every ounce of my being I pray the day will come when nuclear weapons no longer exist anywhere on earth. And as long as I'm President, we'll work day-in-and-day-out to achieve mutual and verifiable reductions in strategic weapons.

When Congress approved the MX Peacekeeper program last May, America demonstrated its bipartisan consensus to implement the recommendations of the Scowcroft Commission. This bipartisan step marked progress toward genuine arms reductions.

In the next few days, the Congress will vote on the question of supreme importance: Do we continue forward, or do we turn back from the Scowcroft Commission's recommendations?

In terms of speaking to the world with one, bipartisan voice, of standing up for U.S. vital interests, and of strengthening America's agenda for peace, no question matters more for this country in 1983.

Rather than seek temporary, partisan advantage, let us work together for the future of mankind. We must not waver in our request for genuine peace and cooperation. We must keep our military strong to deter aggression. And we will never shrink from speaking the truth.

Ask yourselves: Was it our words that destroyed peace in Afghanistan, or was it Soviet aggression? Is peace served by sealing our lips while millions are tortured or killed in Vietnam and Cambodia? Or should we not speak out to demand those crimes be stopped? It's not provocative to warn that, once a communist revolution occurs, citizens are not permitted free elections, a free press, free trade, free unions, free speech, freedom to worship, or property, or freedom to travel as we please.

Many military regimes have evolved into democracies. But no communist regime has ever become a democracy, provided freedom or given its people economic prosperity.

We will speak the truth. Alexander Herzen, the Russian writer warned: "To shrink from saying a word in defense of the oppressed is as bad as any crime." That's why we want improved and expanded broadcasts over the Voice of America, Radio Free Europe—[Applause]—Radio Free Europe and Radio Liberty. And that's why we want, and the Cuban people need, Radio Marti. [Applause.] Now, many of you here have known the suffering that I've described. You are the conscience of the free world. And I appeal to you to make your voices heard. Tell them: "You may jail your people, you may seize their goods. You may ban their unions, you may bully their rabbis and dissidents. You may forbid the name Jesus to pass their lips, but you will never destroy the love of God and freedom that burns in their hearts. They will triumph over you. [Applause.]

Help us warn the American people that, for the first time in memory, we face real dangers on our own borders, that we must protect the safety and security of our people. We must not permit outsiders to threaten the United States. We must not permit dictators to ram communism down the throats of one Central American country after another. [Applause.]

We've seen construction in Cuba of a naval base from which Soviet nuclear submarines can operate. We see Soviet capacity for air reconnaissance over our Eastern coast from Cuban bases.

And we see the Soviets and Cuba building a war machine in Nicaragua that dwarfs the forces of all their neighbors combined. Let's not fool ourselves: this war machine isn't being built to make Central America safe for democracy. It isn't being built to pursue peace, economic or social reform.

It's being built, by their own boasts, to impose a revolution without frontiers.

Now, this is not my problem. It's our problem. But if we pull together, we can solve it. As I announced yesterday, I'm appointing a bipartisan commission on Central America. And let us resolve today: there must be no more captive nations in this hemisphere. [Applause.]

With faith as our guide, we can muster the wisdom and will to protect the deepest treasures of the human spirit—the freedom to build a better life in our time and the promise of life everlasting in His kingdom.

Alexander Solzhenitsyn told us, "Our entire earthly existence is but a transitional stage in the movement toward something higher, and we must not stumble and fall, nor must we linger * * * on one rung of the ladder."

With your help, we will stand shoulder to shoulder, and we'll keep our sights on the farthest stars.

Thank you very much, and God bless you. [Applause.]●

HUMPHREY-HAWKINS OVERSIGHT

HON. AUGUSTUS F. HAWKINS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. HAWKINS. Mr. Speaker, yesterday, I was pleased to serve as lead-off witness in the House Banking Committee's oversight hearings on the Humphrey-Hawkins Full Employment and Balanced Growth Act. Our failure to abide by the Humphrey-Hawkins mandate of reducing unemployment and inflation, can largely, although not exclusively, be blamed on the overly stringent monetary policy practiced by the Federal Reserve Board. I feel that a clear study of the record will show that the power and the practices of the Fed must be reformed for the good of the economy and the Nation. I submit my entire testimony before the Banking Committee for Members' study:

STATEMENT OF HON. AUGUSTUS F. HAWKINS

Mr. Chairman, I am pleased to appear before the House Banking Committee as you begin oversight hearings on the Federal Reserve Board's actions since the passage of the Full Employment and Balanced Growth Act of 1978.

As you know, Humphrey-Hawkins mandated that 1983 was to be the deadline by which we reached a 4 percent unemployment rate and 3 percent level of inflation. It is clear for all to see that we have missed these goals by a long shot and the major culprit has been our own Government and its actions.

The Federal Reserve Board's monetary policy was the primary maker of the recession and it is now threatening to serve as the potential breaker of the weak and shaky recovery. Just look at what happened three years ago.

When the Fed changed its procedures and began to put the brakes on the money supply at the end of 1979, the economy quickly contracted, and by July 1981, the deepest recession in over 40 years descended on our country. Since the recession began, over 3.5 million American workers have joined the ranks of the officially unemployed. While the unemployment rate has recently been inching downward, the duration of unemployment is getting longer, and for groups such as youth, minorities, and women, things are still getting worse.

Stories of the personal suffering of unemployed workers and their families are commonplace in every part of the country; urban, suburban and rural. The effects of unemployment continue to take an enormous toll on the jobless individuals themselves, their children, and their communities. In addition, each 1 percent of unemployment costs the Federal Treasury approximately $30 billion dollars in lost revenues and transfer payments and is the true cause of the largest ocean of Federal red ink I have ever seen in over 50 years of public life.

Several months ago, when the Fed slightly eased its pincer-like grip on the money supply and allowed interest rates to drop a few percentage points, the current weak rekindling of growth began.

Mr. Chairman, I fear we are faced with a do or die situation here. The Fed's actions not only divine recession or recovery here in America, but its actions reverberate around the globe. Now, if the Fed goes through with its stated intention of raising the discount rate, countries like Brazil and Mexico could be faced with default. Increased interest rates would detrimentally affect the European market and Japan, and the resultant slower growth rates would create greater problems in the already troublesome trade area.

I strongly believe it is up to those of us in the Congress who have analyzed and evaluated this situation to quickly take strong action to prevent the triggering of another recession.

We, as elected representatives of the American people, have the responsibility to reassert our policy control over the Federal Reserve Board. It must be remembered that it was the Congress who first created the Fed. It was the President, thirty years ago, who laid the groundwork for the Fed's current position of having no accountability to anybody but its own narrow interests. So, it must be the Congress and the President again who must act to rein in this loose cannon that is shell-shocking the American economy and the American people.

As you may recall, five years ago, when this Congress passed the Full Employment and Balanced Growth Act of 1978, unemployment was at 5.8 percent and inflation

had reached 9 percent. The Congress and the President agreed that in order to simultaneously reduce those unacceptable levels of joblessness and prices, it was necessary for the Government to coordinate its economic policy actions. Humphrey-Hawkins therefore mandated certain actions of the President, the Congress, and the Federal Reserve Board.

Section 108 of the Act specifically required the Fed to send to the Congress, in February and July of each year, reports which stated the objectives and plans of the Board of Governors and the Federal Open Market Committee. These reports were to explain the planned ranges of growth of the money and credit aggregates, and the relationship of these figures to the short term goals for unemployment, inflation and other economic indicators, as set forth in the Economic Report of the President.

Since enactment, the Fed has refused to comply with even these most docile of requirements. In the five years since Humphrey-Hawkins required the Fed to spell out how monetary policy affects the achievement of lower unemployment rates, the Fed has never done so.

Faced with such a poor understanding of the requirements of law, and faced with the economic circumstances of the last five years, I believe it is time we in the Congress took decisive action to let Mr. Volcker and his cohorts on the Federal Reserve Board know what coordinated economic policy decision making is all about.

First, I recommend strengthening the current language of Section 108 of Humphrey-Hawkins. The Fed should be required to set money and credit targets which will enable the achievement of an annual economic growth rate necessary for the immediate reduction of unemployment and the eventual achievement of the interim level of 4 percent unemployment within five years, as mandated by law. I think it is widely agreed that a growth rate of at least 4.5 to 5 percent is necessary to have an impact on the reduction of unemployment, and I would encourage this committee to clearly spell that out in any report language that may accompany legislation or in the provisions of any bill itself.

The function of the Fed should be to bring the supply of money and credit into line with the private and public needs of the nation, and with the Humphrey-Hawkins mandate of full resource use. As the last five years have shown, the current flexible language has just not been adequate to force the Fed to take this desired course of action. Therefore, Congress must issue such a policy directive to the Fed in specific legislative language, loudly and clearly, and in no uncertain terms.

For instance, the Federal Reserve Board has recently announced plans to raise the discount rate, the interest it charges member financial institutions for reserves. The result of this will be to jack up already high interest rates on everything from commercial loans, to home mortgages, and car loans. Our beginning recovery will be stopped dead in its tracks.

Their action is being taken unilaterally, without any semblance of accountability to any governmental entity or to the American people. Such action defies all precepts of our democratic government. The Fed has no checks and balances as do the Congressional, Executive, and Judicial branches of government. What we have here, I am afraid, are a few individuals, representing excessively narrow special interests, determining the success or failure of the entire U.S. economy, and for that matter, the rejuvenation or destruction of the world economy.

Therefore, I also propose to amend current law by requiring the Fed to lower the discount rate so that real interest rates can effectively be reduced to their historic level of 2-4 percent. In addition to this, I strongly support the reauthorization and strengthening of the Credit Control Act of 1969, which gave the President standby power to institute credit controls "to reduce high levels of unemployment in any sector of the economy or to prevent or control inflation or recession." With the help of this legislation, the Government could take coordinated action to strengthen the recession weary housing, auto, and durable goods industries, for example, and could selectively distribute credit and apply different interest rates for farmers, small businesses, and middle and lower income consumers.

Such action is clearly within the American people's best interest, not to mention the best interest of the economy.

Finally, I hope this Committee will take a close look at the composition and length of service for the Federal Reserve Board, and the Open Market Committee. While I don't think Fed Board members should be elected by the public at large, I do think they should at least be accountable to those who are elected representatives of the people. I believe a seven year term for members is long enough, and I also think the Chairmanship should be allowed to be changed every four years, when Presidential elections take place. Also, the Board membership should be widened to include a large segment of the population. Largely unrepresented now are labor, industry, small business, farmers, consumer groups, and state and local governments.

Thank you.●

CAPTIVE NATIONS

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 1983

● Mr. PARRIS. Mr. Speaker, I would like to express my suport for the observance of the 25th anniversary of Captive Nations Week. Every year, since President Eisenhower proclaimed the observance of this solemn event, the U.S. Congress has supported and recognized the many groups and individuals who daily struggle for freedom in the many nations currently under Soviet domination. This year Congress is called upon again to renew its commitment to these brave peoples and to reaffirm our Nation's strong belief in man's inalienable right to self-determination.

Why is observance of this week so important? Today throughout the world whole nations are held captive to foreign despotisms: The Czechs, the Poles, the Hungarians, the East Germans, the Bulgarians, the Romanians, the Cambodians, the Afghans—and the list goes on.

Those who control the captive nations believe that we cannot last in our efforts to pursue freedom for our country as well as in the protection of freedom for other nations. Silent acquiescence in the captivity of the oppressed is the first step toward the loss of our own freedom. In the struggle between government by coercion and government by the consent of the governed, in the struggle between totalitarianism and democracy, we as Americans need to be vocal in our philosophical commitments.

As we commemorate this week, let us keep in mind its importance and significance to all nations in quest of freedom.●

"LEGHOLD TRAP: EXPERT OPINIONS"

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. MORRISON of Connecticut. Mr. Speaker, it is my distinct pleasure to present to this Chamber the statement of Dr. George Whitney from his publication entitled, "Leghold Trap: Expert Opinions." Dr. Whitney is a veternarian from Orange, Conn., in my congressional district, who has dedicated a great deal of his professional and his private life to passing legislation in Connecticut which would ban the use of the steel jaw leg-hold trap. I know that my colleagues will find his statement useful in considering legislation pending in the House.

VETERINARIANS AND TRAPPING

It seems to me that the veterinary profession should take a stand on the use of the steel-jawed leghold trap. Well-meaning wildlife bioligists and Fish and Game Commissions address the issue from a wildlife management point of view and overtly fail to address the central issue.

From my point of view, the use of the steel-jawed leghold trap is unacceptably cruel. Veterinarians have been leaders in outlawing bullfighting, cockfighting, and dogfighting, one of which is in the same league with the leghold trap. I don't know how many animals are involved during the trapping season, but one is too many.

Our profession has been forceful in passing legislation requiring adequate cage space for all laboratory animals. All states have regulations requiring certain levels of maintenance for animals in pet shops. For example, in my state, even snakes in pet shops must be kept at proper temperatures. When the slaughter of animals for food took a minute or two, veterinarians said it should be instantaneous. Our profession was called on for leadership in writing many of these humane laws.

How then can we condone the use of the leghold trap? The wildlife biologists use terms such as management and population dynamics as though we were not capable of understanding such esoteric subjects. Nature has controlled and will continue to control over-population in every species except man, who may well be in greatest danger.

When species that are not trapped are considered, we find that nature is usually a good manager. Squirrels, rabbits, hares, and opossums are examples. One species, deer, when overpopulated, should be controlled by hunting, by harvesting them as if they were a crop.

This brings us to the problem of the frequent claim that those who are against the leghold trap are against hunting and fishing. I know no veterinarians who are in favor of the trap and none who are against hunting. After all, there is little difference between killing a chicken with a knife or killing a gamebird with a shotgun, except that the shotgun is usually quicker.

Farmers complain that raccoons destroy crops. I think farmers should make friends with coonhunters. A hunter and a good coondog can do more to reduce a raccoon population than traps could ever accomplish. Box traps are effective in corn fields.

I can't take exception to underwater traps or any trap that kills quickly. However, I have seen the ground and vegetation chewed for yards around a leghold trap. Many animals break teeth in their frantic efforts to be free of such traps. There is no doubt in my mind that if the average person walked one trap line, the repugnant sights would convince him or her that the leghold trap is an unacceptable cruel means of death for any animal.

Sometimes issues have strange bedfellows, and this one is no exception. Persons against using animals for research, plus many groups that have been at odds with the veterinary profession, are also working to outlaw the leghold trap. (I am reminded of counties where bootleggers and preachers work together to keep the county dry.)

The only valid argument for condoning the use of the leghold trap is economic. Most trappers augment their income with furs, and the states receive revenues from selling licenses. But should we condone cruelty for money? If the answer is yes, then we must also ask whether we should permit sports involving animals such as bull-, cock-, and dogfighting. They are not as cruel as the leghold trap.

Animal psychologists and neurologists agree that animals do suffer emotional and physical pain when caught in a steel-jawed leghold trap. But I don't think it takes a specialist to conclude that. I think veterinarians, both as decent, concerned human beings and as professionals, should oppose taking game when torture is involved.●

HONORING PAUL MASON, AUTHOR OF "MASON'S MANUAL OF LEGISLATIVE PROCEDURE"

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. FAZIO. Mr. Speaker, I rise today to bring to the attention of my colleagues the outstanding achievements of my good friend Paul Mason, one of this Nation's premier parliamentarians and a fixture of the California Legislature from the early 1920's to the 1960's.

Mr. Mason was born in Idaho and spent his early years there. He studied law at Stanford University, from which he also received a masters degree in political science in 1923. He passed the State bar examination and was admitted to the practice of law in California in that year.

In the same year, Mr. Mason began his illustrious career in the California State Legislature. He worked at the senate desk during the 1923 session of the legislature where one of his duties was to act as parliamentarian. He became the assistant legislative counsel in 1924 and served in that capacity until 1927, when he became senate parliamentarian. He held the post of senate parliamentarian until 1953.

During 1930 and 1931, Mr. Mason compiled the annotated Constitution of California, which is a 2,400-page, 2-volume work. Mr. Mason is perhaps most well known, however, for authoring "Mason's Manual of Legislative Procedure," which is a compilation of the law governing decisionmaking in public bodies. The first edition of the manual was published in 1933 and it has been revised since then to remain current. The manual is based on a thorough study of American court decisions and a review of authorities from every source.

The Council of State Governments has advised me that the manual is now used exclusively in 41 of the 50 State legislatures and used in conjunction with other sources in the remaining bodies. The manual has also been used by many other deliberative bodies within our country, including the Alaska Constitutional Convention. It is recognized internationally as one of the primary sources of authoritative information on the law and practice governing legislative procedure. Among others, the Governments of India, Pakistan, and Guam have also officially adopted the manual and incorporated its provisions within the rules governing their legislative bodies.

An additional contribution to the California Legislature, working with a senate committee between the 1939 and 1941 sessions, Mr. Mason revised the senate rules and the joint rules of the California Legislature, simplifying the procedure and removing provisions that had become obsolete. This represented the first time that any State legislatures' rules of procedure had been modernized.

Mr. Mason has also helped several other States update their rules. He helped the Wisconsin and Illinois State Legislatures, in 1964 and 1966 respectively, to revise their rules of procedure and organization.

The results of a study conducted by a commission reviewing the effectiveness of legislative bodies are indicative of the success that Mr. Mason has had over the years. The commission selected the five most effective legislatures, and three of them had adopted procedural rules that had been developed by Mr. Mason—California, Wisconsin, and Illinois.

In addition to his extensive public service contributions, Mr. Mason has engaged in many other activities. He has taught a number of classes, including several taught during a year at the Southern Illinois University. He also served as a member of the National Conference on Uniform State Laws for 5 years; director of motor vehicles in California for 5 years; president of the American Association of Motor Vehicle Administrators; legislative secretary to Gov. Goodwin Knight during the years that Knight was Governor; a member of the Constitution Revision Commission of California and a member of its executive and drafting committee. He has also served as parliamentarian for many public groups and voluntary associations.

It is Mr. Mason's opinion that the purpose of rules of procedure are to aid organizations in reaching decisions on matters before them in the simplest and most direct manner. He believes that parliamentary law is in fact law, that the courts have the final say as to what the law is, and that all actions taken in making a decision must comply with the law or run the risk of being overturned by anyone who contests them.

Mr. Speaker, Mr. Mason is a great American. He has served the people of the State of California and the Nation well. It is a great privilege and honor for me to be able to call him my friend, and I take great pride in being able to rise today to share with my collegues some of his many accomplishments.●

CHILEAN GOVERNMENT GUILTY OF HEINOUS HUMAN RIGHTS VIOLATIONS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. BONIOR of Michigan. Mr. Speaker, soon we will observe a grim anniversary—in September it will be 10 years since the military government of General Augusto Pinochet seized power in Chile. In the past decade, the Chilean Government has been guilty of some of the most heinous human rights violations in this hemisphere.

Amnesty International has, over these years, investigated the cases of the disappeared, the detained, the exiled, and the murdered under the Pinochet regime. In its most recent report, the widely respected human rights organization has concluded that "the use of torture has been a constant feature of the security forces' practice" since the coup, and that the methods of torture used "were characterized by their extreme brutality." I

would like to submit for the RECORD one of the many well-documented cases provided by Amnesty International in its report, "Chile: Evidence of Torture."

I do so in the hope that my colleagues will pause to consider the awful human costs inflicted as a consequence of our own role in destabilizing the previous Government in Chile, and of our continued failure to make human rights a centerpiece of our Latin American policy.

CASE NO. 4

Anonymous

PERSONAL DETAILS

She is 19. Before her arrest she was training to be a social worker. Since her release she has been unemployed. She is unmarried. The man she lived with before her arrest is now in prison and she lives with her uncle.

STATE OF HEALTH BEFORE ARREST

She was in good health.

TIME AND PLACE OF ARREST AND DETENTION

She was arrested in Santiago in the first quarter of 1981. No arrest-warrant was shown. She was taken to the CNI centre in the city and held there until her release 19 days later.

DURATION OF ALLEGED TORTURE

She claimed that while she was at the CNI centre she was tortured on 17 days, on the last three of which the torture was exclusively psychological.

INTERROGATION AND TORTURE

Her account of events was as follows:

During interrogation she was slapped all over the body and punched in the face, breasts and abdomen. She was kicked on the buttocks and backs of the thighs, usually while lying down. On one occasion when she was in her cell an interrogator seized her hair and banged the back and right side of her head against the wall. She did not lose consciousness. She was electrically tortured. She was stretched out on a metal bed with hands and feet bound. She was given shocks on the temples, chest and heel. A metal object was applied to her vaginal labia and she was electrically tortured there, but the device was not forced inside.

On about the eighth day she was sexually tortured. She was stripped naked and her blindfold was removed. She was made to lie on the floor then kicked and raped by four men, one of whom subjected her to fellatio. This type of torture lasted about an hour. They also threatened to violate her with a dog and to lock her in a room with rats.

She was told the man she had been living with had been killed. She was then taken into a room where a corpse lay with its face covered and told it was this man. She knew it was not however, as the body's height and build were different from his. The corpse had been split open down the middle and there were wounds on the abdomen. It was beginning to decompose, and she was forced to lie right by it facing it. At one stage the towel was removed from its decomposing face.

On five occasions she was taken into a small, very hot room and left there for a few minutes. She had a burning feeling all over but did not think she actually was burned.

She was taken into a room full of rats, but managed to jump up on a bed and so escaped from them. She was threatened: the interrogators said they would kill her, the man she had been living with and her parents. She was also insulted and called a whore.

On each of the last five days of her imprisonment a "friendly" interrogator visited her. He was very fatherly and asked her about her friendships and her life history. He repeatedly assured her (almost hypnotizing her in the process) that she had been very well treated.

She was partially deprived of sleep for the first 14 days, getting only a few hours' sleep between each interrogation session. She was held incommunicado throughout her 19 days at the CNI centre. She was blindfold all the time except when in her cell, when being sexually tortured and when confronted with the corpse. She was naked during several of the torture sessions; the rest of the time she wore overalls and zapatillas.

She was handcuffed all the time (including when she ate) except when she went to the toilet. The food was adequate. The day after her arrival at the CNI centre, she was photographed in her cell, which was about 3m by 2m and contained a concrete bunk, blankets and a pillow.

MEDICAL EXAMINATION AND/OR ATTENTION DURING DETENTION

On arrival at the CNI centre she was examined by a man, probably, she thought, a doctor. The examination included taking her pulse and blood pressure. She was examined again before release.

After every torture session she was medically examined and her pulse and blood pressure were taken.

The "friendly" interrogator arranged for a doctor to examine her. The doctor said she had caught cold, said she should have more blankets and gave her some tablets.

MEDICAL PERSONNEL INVOLVED IN TORTURE

Before she was sexually tortured she was injected with an unknown substance in the right cubital fossa. (She could not tell who gave her the injection.) She was also injected in the right shoulder.

EARLY SYMPTOMS DESCRIBED

Her recollection of the first 14 days at the CNI centre was hazy as she had partially lost her sense of time. All she wanted to do was die, and she asked them to kill her rather than keep torturing her. She tried to commit suicide. She fainted several times while being tortured, then recovered consciousness in her cell. She had pains all over her body after being beaten and electrically tortured. She had headaches and vomited (she said there was blood in the vomit).

After torture she could not walk very well and her arms, legs and hands were swollen. This condition lasted for about a month. The skin on her right buttock and the outside of her thigh was discoloured but the discolouration faded quite fast. Apart from that she had no marks on her body.

After her release she lost her appetite and her upper abdomen ached after eating; and for some time after release she felt as though she were sleep-walking. She could not weep even though she was miserable. She felt utterly indifferent to everything and wanted to be left alone. She was bothered by noise and light, which gave her a headache. She often lay awake at night; at other times she had nightmares.

She lost 13kg while in detention. (After release she went to a doctor because she was aching all over, especially her back and left knee, and because of a vaginal discharge and irritation. She was treated for a pelvic inflammation disease and urinary tract infection.)

She did not menstruate for the first three months after release and since then has done so somewhat irregularly, her periods being heavier and much more painful than before. Since her release, she has had headaches, especially at the back of the head and around the temples. She went to an optician who told her she needed spectacles. Probably, however, this visual defect is not of recent origin.

For a short time after release she had respiratory difficulties: she coughed and expectorated and had spells of whistling and gasping when trying to breathe.

Toward the end of her time at the CNI centre she could no longer recall what had happened to her and was not sure whether she had been hypnotized. This loss of memory persisted even after she had been released. She wanted to be alone. Her sleep was disturbed by nightmares; she was afraid and had difficulty falling asleep. Later she went to a psychiatrist and had group therapy. In mid-1981 she broke down during a session with her psychiatrist; then she began to remember what had happened to her at the CNI centre. She had a traumatic experience and spent 15 days in a psychiatric hospital. Gradually she began to remember everything that had occurred at the CNI centre.

After leaving the hospital she was in a rehabilitation centre for a week, then visited her parents. On several occasions she has behaved as though she were being tortured—has cried, screamed and flung herself about. This last occurred early in 1982. She has been treated with medication.

PRESENT SYMPTOMS DESCRIBED

Her left knee and back (around the spinal column) still ache when she moves them. She can now breathe normally again and a recent chest X-ray revealed nothing abnormal.

Recently she has had several bouts of vomiting and a heavy feeling in the stomach and acid reflux after eating. It still occasionally hurts when she urinates; however, her doctor has not found any bacteria in her urine.

Her menstrual cycle is somewhat irregular and her periods are heavier than before. She gets menstrual pain during the first three days of each period.

She gets headaches at the back of the head and around the temples. They last about two hours and are bad enough to make her lie down. She has difficulty reading and can do so only for about half an hour at a time without getting a headache. She cannot concentrate for long stretches, and is apt to get restless and feel cooped up. She feels different from how she was before she was arrested and likes to be left on her own.

She suffers from insomnia and awakens easily. She feels more withdrawn and nervous. She still sees a psychiatrist, who has treated her with chlorpromazine, imipramine and sleeping tablets.

CLINICAL EXAMINATION (NEARLY 14 MONTHS AFTER THE ALLEGED TORTURE)

She seemed somewhat tense and melancholy but was cooperative. In the abdominal region there was tenderness in the upper epigastrium and in both iliac fossae. (A gynaecological examination was not carried out.) There was tenderness over the spinal process of thoracic vertebrae II, III, VIII, IX AND X.

CONCLUSION

She said her memory was impaired for about four months and she could not remember certain things she has now said happened to her at the CNI centre.

There are several plausible psychiatric explanations for this. She may be suffering from a reactive psychosis, as is suggested by her loss of time sense, low state of mind plus suicidal thoughts and the fact that she has clearly experienced sufficient emotional trauma to justify such a diagnosis. Or she may have been the victim of a form of hypnotic suggestion, leading her to "forget" what the authorities had done to her and to accept their views totally. Or else her condition may constitute a type of defence mechanism involving a denial of what she went through. Most likely, however, it is a combination of all three.

The medical delegates found complete consistency between the torture alleged and the symptoms described. The findings of their examination, carried out nearly 14 months after the alleged torture, were consistent also with the sumptoms described.●

SNEAK ATTACK ON FOOD STAMP RECIPIENTS MUST BE HALTED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. BIAGGI. Mr. Speaker, I wish to call to the attention of my collegues a provision enacted in last year's Budget Act which has had the disproportionate effect of cutting food stamp benefits to families with elderly and handicapped members residing in public housing projects.

Under the 1982 Budget Reconciliation Act, the Department of Agriculture was granted authority to "streamline and simplify" the food stamp program. Under final regulations published last month, the so-called shelter deduction for food stamp recipients has been eliminated. This provision is both irrational and inequitable as it arbitrarily reduces food stamp benefits to select numbers of poor.

Elimination of the variable deduction for excess shelter costs (rent or mortgage plus utilities and telephone that exceed 50 percent of income after other deductions have been subtracted) and replacement of it with combined standard shelter deduction of $140 has resulted in an average benefit cut of $11. Under the old law, food stamp beneficiaries could take $85 in the standard deduction and were allowed added deductions for utilities. The net effect of the new deduction is to cut benefits to food stamp recipients in public housing projects where the need is the greatest.

About two-thirds of all elderly food stamp households now claim the shelter deduction and for 18 percent of them—those residing in severe climates which result in costly energy bills—the loss would mean at least $18 a month.

The impact upon food stamp beneficiaries in my own city of New York has been especially severe. I have received many letters from beneficiaries who can least afford cuts in their food stamps as they live in public housing projects and their only source of income remains social security. One 82-year-old woman in particular was notified that her food stamps would be cut from $68 to $33 and her only income is her monthly social security check of $381. Another letter noted a cut from $71 to $36 and this elderly woman lives on her $267.50 monthly social security check. Finally, the case of Barbara Keller, a homebound food stamp recipient with diabetes and arthritis has had her food stamp allotment cut from $67 to $38 at the same time while relying upon her monthly income of $370 to help her pay the rest of her bills. Clearly, all these cases demonstrate the injustice of the standard deduction and reflect a backdoor budget cut to the elderly and the handicapped for whom the program was designed to help.

I do not believe that anyone in Congress would argue that these people should have their food stamps cut. However, unless the Department of Agriculture reverses itself on this matter, this pattern of injustice will be allowed to perpetuate.

In my capacity as an original member of the Select Committee on Aging, I intend to work to reverse this regulation and restore equity to the food stamp program so that the very people who need these food stamps the most are not victimized at the expense of what is so glibly dubbed as administrative simplification of food stamps.●

RETIRED ADMIRALS AND THE CENTER FOR DEFENSE INFORMATION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. HYDE. Mr. Speaker, the media, public, and Members of Congress are the recipients of information from resource groups on a variety of subjects. The quality of this information varies and it is useful to understand the political and ideological bias that animates the source.

One such group is the Center for Defense Information and its director, retired Rear Adm. Gene Larocque.

Recently, Admiral Larocque appeared on Soviet television which prompted a response from a large number of retired admirals. This response took the form of a full page advertisement in the July 20, 1983, Washington Times. It is of such interest and importance that I herewith share it with my colleagues:

[From the Washington Times, July 20, 1983]

WE THINK THAT IT IS TIME TO LET THE AMERICAN PEOPLE KNOW WHERE THE VAST MAJORITY OF THEIR RETIRED U.S. NAVY ADMIRALS STAND.

(Retired Rear Admiral Larocque's appearance on Soviet television to condemn the policies of the United States is contrary to our precepts and, we think, injurious to the best interests of our country.)

While we unequivocally defend his First Amendment right to express his views, we question Rear Admiral Larocque's judgment in using a totalitarian state controlled medium for the purpose. To an equal degree we question the wisdom of people, both in and out of the government, who rely on selected, biased institutions with quasi-military spokesmen, to oppose initiatives to rebuild the nation's defense.

As a recent daily publication pointed out in part, those "who consistently oppose almost every new U.S. weapon system, while just as consistently apologizing for every new Soviet weapons deployment, may be—(and should be)—losing their credibility because of that consistency."

As a case in point, we agree with the Chairman of the House Armed Services Committee, when he questions the bias of the 'Center For Defense Information' (a private, non-government organization) in its implied assumption regarding an anti-satellite system, that there is "no threat to peace if the Soviets have a system deployed, as they do, but it somehow would risk a war in space if the United States even tests such a system." (Congressional Record, House—June 14, 1983, page H3907)

We deplore the attempt of certain officers, without access to the latest classified information, to advance—under the cover of their retired rank—their own biases for the reasoned conclusion of the professional active military officers, who are briefed daily on Soviet progress in weapons development and deployment.

We particularly consider reprehensible the use of Soviet television by a retired flag officer—in this case Rear Admiral Gene Larocque, Director, The Center For Defense Information—to condemn the policies of the United States, his own country. (See: Washington Post, June 13, 1983; Time Magazine, June 27, 1983)

We, the undersigned, believe we are only a sample of the overwhelming majority of lifetime professionals who, regardless of individual views on specific weapon systems, would never, under any circumstances, permit themselves to be used as "front men" for Soviet propaganda.

SIGNATURES RECEIVED AS OF JULY 18, 1983

Rear Admiral J. Lloyd Abbot, Jr., USN (Ret.), *Former Inspector General, Atlantic Fleet.*

Rear Admiral Frank Akers, USN (Ret.), *Former Commander Fleet Air. Alameda.*

Rear Admiral John M. Alford, USN (Ret.), *Former Deputy Commander Military Sealift Command.*

Rear Admiral John H. Alvis, USN (Ret.), *Former Deputy Commander, Naval Air Systems Command.*

Admiral George W. Anderson, USN (Ret.), *Former Chief of Naval Operations.*

Rear Admiral Herbert H. Anderson, USN (Ret.), *Former Director, Policy, Plans & NSC Affairs, Sec. Def. (ISA).*

Rear Admiral Roy G. Anderson, USN (Ret.), *Former Navy Member, Weapon Systems Evaluation Groups JCS.*

Rear Admiral Clyde C. Andrews, USN (Ret.), *Former Assistant Commander, Naval Air Systems Command for R&D.*

Rear Admiral J. J. Appleby, (SC), USN (Ret.), *Former Deputy Commandant, Armed Forces Industrial College.*

Vice Admiral Parker Armstrong, USN (Ret.), *Former Director, Research & Development, Naval Operations.*

Admiral Jackson D. Arnold, USN (Ret.), *Former Chief of Naval Material.*

Rear Admiral Murr E. Arnold, USN (Ret.), *Former Commandant, 11th Naval District.*

Vice Admiral Frederick L. Ashworth, USN (Ret.), *Former Commander, U.S. Sixth Fleet.*

Vice Admiral Evan P. Aurand, USN (Ret.), *Former Commander, Anti-Submarine Warfare Forces, Pacific Fleet.*

Rear Admiral Donald G. Baer, USN (Ret.), *Former Deputy Chief Naval Material.*

Rear Admiral Fred E. Bakutis, USN (Ret.), *Former Commander, Hawaiian Sea Frontier.*

Vice Admiral Robert B. Baldwin, USN (Ret.), *Former Commander, Seventh Fleet*

Vice Admiral F.A. Bardshar, USN (Ret.), *Former Commander Task Force 77.*

Rear Admiral John M. Barrett, USN (Ret.), *Former Commander, Naval Logistics Force, Pacific Fleet.*

Rear Admiral Thomas E. Bass, II USN (Ret.), *Former Commander, Cruiser-Destroyer Flotillas (Nine & Three).*

Rear Admiral Hadley Batcheller, USN (Ret.), *Former Commander, Charleston Naval Shipyard.*

Vice Admiral Walter H. Baumberger, USN (Ret.), *Former Deputy Commander in Chief, Pacific Fleet.*

Vice Admiral George F. Beardsley, USN (Ret.), *Former Chief of Naval Material.*

Rear Admiral T. L. Bechnell, Jr., (SC) USN (Ret.), *Former Commander, Defense Fuel Supply Center.*

Rear Admiral F. Julian Becton, USN (Ret.), *Former Deputy Naval Inspector General.*

Rear Admiral John K. Beling, USN (Ret.), *Former Commander Iceland Defense Force.*

Rear Admiral Roy S. Benson, USN (Ret.), *Former Commander, Submarine-Force, Pacific Fleet.*

Rear Admiral Karl J. Bernstein, USN (Ret.), *Former Commander, Iceland Defense Force.*

Vice Admiral Philip A. Beshany, USN (Ret.), *Former Deputy CNO (Submarine Warfare).*

Rear Admiral Dean Black, USN (Ret.), *Former Deputy Commander, Defense Atomic Support Agency.*

Rear Admiral Charles A. Blick, (SC) USN (Ret.), *Former Commanding Officer, Naval Resale and Support.*

Vice Admiral Francis J. Blouin, USN (Ret.), *Former Deputy Chief of Naval Operations (Plans & Policies).*

Admiral Walter F. Boone, USN (Ret.), *Former U.S. Representative Standing Group NATO.*

Vice Admiral C. T. Booth, USN (Ret.), *Former Commander, Naval Air Force, Atlantic Fleet.*

Vice Admiral Harold G. Bowen, Jr. USN (Ret.), *Former Deputy Assistant Secretary of Defense (Intelligence).*

Rear Admiral Paul C. Boyd, USN (Ret.), *Former Deputy Director, Joint Chiefs of Staff.*

Vice Admiral Jon L. Boyes, USN (Ret.), *Former Deputy Director General (NICSMA) NATO.*

Rear Admiral Frank A. Brandley, USN (Ret.), *Former Chief Naval Air Advanced Training.*

Admiral William F. Bringle, USN (Ret.), *Former Commander in Chief, U.S. Naval Forces, Europe.*

Rear Admiral James A. Brown, USN (Ret.), *Former Commander, Norfolk Naval Shipyard.*

Rear Admiral S. R. Brown, Jr., USN (Ret.), *Former Assistant Deputy CNO—(Fleet Ops & Readiness).*

Vice Admiral C. R. Bryan, USN (Ret.), *Former Commander, Naval Sea System Command*

Vice Admiral C. F. Bryant, USN (Ret.), *Former Commander, Operational Training Command, Atlantic.*

Rear Admiral Charles A. Buchanan, USN (Ret.), *Former Commandant, 14th Naval District.*

Rear Admiral Raymond W. Burk, USN (Ret.), *Former Deputy Commander, Naval Sea Systems Command.*

Admiral Arleigh Burke, USN (Ret.), *Former Chief of Naval Operations.*

Rear Admiral John L. Butts, Jr., USN (Ret.), *Former Commander Carrier Division One.*

Vice Admiral M.W. Cagle, USN (Ret.), *Former Chief of Naval Education and Training.*

Rear Admiral H.H. Caldwell, USN (Ret.), *Former Commander, Caribbean Sea Frontier.*

Vice Admiral Turner F. Caldwell, USN (Ret.), *Former Director ASW Programs, Naval Operations.*

Rear Admiral William M. Callaghan, Jr., USN (Ret.), *Former Commander, Fleet Air Mediterranean.*

Vice Admiral William M. Callaghan, USN (Ret.), *Former Commander, U.S. Naval Forces, Far East.*

Vice Admiral James F. Calvert, USN (Ret.), *Former Commander, U.S. First Fleet.*

Rear Admiral Lucien Capone, Jr., USN (Ret.), *Former Director, Inter-American Defense College.*

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Rear Admiral Joseph L. Coleman, USN (Ret.) *Former Commander, Naval Base Philadelphia.*

Rear Admiral Robert M. Collins, USN (Ret.), *Former Commander, Task Force Seventy Three.*

Rear Admiral Walter V. Combs, USN (Ret.), *Former Commander, Service Force, Pacific Fleet.*

Rear Admiral Warren M. Cone, USN (Ret.), *Former J-6 Staff, U.S. Commander in Chief, Europe.*

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Rear Admiral Josua W. Cooper, USN (Ret.), *Former Chief of the Military Assistance Group, Norway.*

Rear Admiral Frank W. Corley, USN (Ret.), *Former Commander, Iberian Atlantic Area.*

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Rear Admiral William H. Ellis, USN (Ret.), *Former Commander, Naval Base, Norfolk.*

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Rear Admiral Nobert Frankenberger, USN (Ret.), *Former Commander, Mare Island Naval Shipyard.*

Rear Admiral Dewitt L. Freeman, USN (Ret.), *Former Commander, Carrier Division Four.*

Rear Admiral Rowland G. Freeman III, USN (Ret.), *Former Commander, Naval Weapons Center, China Lake.*

Rear Admiral Mark P. Frudden, USN (Ret.), *Former Commander, Naval Surface Group Western Pacific.*

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Rear Admiral Mayo A. Hadden, Jr., USN (Ret.), *Former Commander, Fleet Air Wings, Atlantic.*

Rear Admiral Grover B. H. Hall, USN (Ret.), *Former Commander, Fleet Air Hawaii.*

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Rear Admiral C. Monroe Hart, USN (Ret.), *Former Assistant to the Secretary of Defense.*

Rear Admiral Paul E. Hartmann, USN (Ret.), *Former Assistant Vice Chief of Naval Operations.*

Vice Admiral H. L. Harty, USN (Ret.), *Former Senior Naval Member, UN Military Staff Committee & Commander Eastern Sea Frontier.*

Vice Admiral John T. Hayward, USN (Ret.), *Former President, U.S. Naval War College.*

Admiral Thomas B. Hayward, USN (Ret.), *Former Chief of Naval Operations.*

Vice Admiral Truman J. Hedding, USN (Ret.), *Former Assistant to Chairman, Joint Chiefs of Staff.*

Rear Admiral Richard E. Henning, USN (Ret.), *Former Inspector General, Naval Ships.*

Rear Admiral Lawrence Heyworth, Jr., USN (Ret.), *Former Deputy Chief of Staff, CINCPAC.*

Rear Admiral James B. Hildreth, USN (Ret.), *Former Commander, Cruiser-Destroyer Flotillas, Atlantic.*

Rear Admiral Andrew J. Hill, USN (Ret.), *Former Commandant Naval District, Washington.*

Rear Admiral Clarence A. Hill Jr., USN (Ret.), *Former Assistant Deputy Chief of Naval Operators (Manpower).*

Rear Admiral Wellington T. Hines, USN (Ret.), *Former Fleet Readiness Rep., Bureau, Naval Weapons.*

Rear Admiral Roy F. Hoffmann, USN (Ret.), *Former Commander, Mine Warfare Force.*

Vice Admiral Reynold D. Hogle, USN (Ret.), *Former Commander, Fifth Naval District.*

Admiral James L. Holloway, III, USN (Ret.), *Former Chief of Naval Operations.*

Rear Admiral John B. Holmes, (DC) USN (Ret.), *Former Commanding Officer, Regional Dental Center, Norfolk.*

Rear Admiral Carl O. Holmquist, USN (Ret.), *Former Chief of Naval Research.*

Rear Admiral Billy D. Holder, USN (Ret.), *Former Director, Strategic Plans & Policy Control Division, CNO.*

Admiral Ephraim P. Holmes, USN (Ret.), *Former Commander in Chief, Atlantic Fleet & Supreme Allied Commander, Atlantic.*

Rear Admiral L. V. Honsinger, USN (Ret.), *Former Deputy Chief Bureau of Ships.*

Rear Admiral L. E. Hopkins, (SC) USN (Ret.), *Former Deputy Commander, Naval Sea Systems Command.*

Rear Admiral William H. House, USN (Ret.), *Former Director, Air Warfare Division, CNO.*

Rear Admiral Lester E. Hubbell, USN (Ret.), *Former Commander, Destroyer Flotilla Six.*

Rear Admiral Harry Hull, USN (Ret.), *Former Commander, Cruiser-Destroyer Flotilla 10.*

Rear Admiral William C. Hushing, USN (Ret.), *Former Commander, Portsmouth Naval Shipyard.*

Admiral John J. Hyland, USN (Ret.), *Former Commander in Chief, Pacific Fleet.*

Rear Admiral Eugene S. Ince, Jr., USN (Ret.), *Former Commander, Naval Security Group Command.*

Rear Admiral William D. Irvin, USN (Ret.), *Former Commander, Service Force, Pacific Fleet.*

Rear Admiral Joseph A. Jaap, USN (Ret.), *Former CINCPAC Rep., Joint Strategic Target Planning Staff & SAC.*

Vice Admiral Andrew McB. Jackson, Jr., USN (Ret.), *Former Deputy Chief of Naval Operations, (Plans & Policy).*

Rear Admiral P.W. Jackson, USN (Ret.), *Former Commander, Carrier Division 14.*

Rear Admiral Ralph K. James, USN (Ret.), *Former Chief, Bureau of Ships.*

Rear Admiral Frederick E. Janney, USN (Ret.), *Former Commander, Logistic Support Force, Seventh Fleet.*

Rear Admiral Henry J. Johnson, USN (Ret.), *Former Commander, Naval Facilities Engineering Command, Western Division.*

Vice Admiral Nels C. Johnson, USN (Ret.), *Former Director, Joint Staff of the JCS.*

Rear Admiral Ralph C. Johnson, USN (Ret.), *Former Commandant, 15th Naval District.*

Admiral Roy L. Johnson, USN (Ret.), *Former Commander in Chief, Pacific Fleet.*

Admiral Means Johnston, Jr., USN (Ret.), *Former Commander in Chief, Allied Forces, Southern Europe.*

Rear Admiral Carlton B. Jones, USN (Ret.), *Former Commander, Naval Forces, Mananas.*

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Rear Admiral C.A. Karaberis, USN (Ret.), *Former Manager, ASW Project Office.*

Rear Admiral A.L. Kelln, USN (Ret.), *Former Deputy Director, Defense Intelligence Agency.*

Admiral Isaac Campbell Kidd, Jr., USN (Ret.), *Former Commander in Chief, Atlantic Fleet & Supreme Allied Commander, Atlantic.*

Vice Admiral Ingolf N. Kiland, USN (Ret.), *Former Commander, Amphibious Force, Pacific Fleet.*

Rear Admiral Ed R. King, USN (Ret.), *Former Commander, Mid-East Force.*

Vice Admiral J.H. King, Jr., USN (Ret.), *Former Director for Operations, JCS.*

Admiral G.E.R. Kinnear, II, USN (Ret.), *Former U.S. Military Representative to the NATO Military Committee.*

Rear Admiral Louis J. Kirn, USN (Ret.), *Former Defense Attache, U.S. Embassy, London, England.*

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Rear Admiral Arthur K. Knoizen, USN (Ret.), *Former Chief of Legislative Affairs, Navy Department.*

Rear Admiral Ferdinand B. Koch, USN (Ret.), *Former Director, Aircraft Carrier Programs Division, Naval Operations.*

Rear Admiral Herman J. Kossler, USN (Ret.), *Former Commandant, Sixth Naval District.*

Rear Admiral Paul L. Lacy, Jr., USN (Ret.), *Former Commander, Submarine Force, Pacific Fleet.*

Vice Admiral Harold O. Larson, USN (Ret.), *Former Commander, MSTS, Pacific.*

Rear Admiral Edwin T. Layton, USN (Ret.), *Former Director Naval Intelligence School.*

Vice Admiral Julien J. LeBourgeois, USN (Ret.), *Former President, Naval War College.*

Vice Admiral Fitzhugh Lee, USN (Ret.), *Former Commandant, National War College.*

Vice Admiral Kent L. Lee, USN (Ret.), *Former Commander, Naval Air Systems Command.*

Rear Admiral G.W. Lenox, USN (Ret.), *Former Commander, Light Attack Wing, Pacific Fleet.*

Rear Admiral William N. Leonard, USN (Ret.), *Former Commander, Naval Safety Center.*

Vice Admiral Ruthven E. Libby, USN (Ret.), *Former Commander, First Fleet.*

Rear Admiral James B. Linder, USN (Ret.), *Former Commander, U.S. Taiwan Defense Command.*

Rear Admiral William H. Livingston, USN (Ret.), *Former Director, Air, Surface, & Electronic Warfare, Naval Operations.*

Rear Admiral Thomas A. Long, (SC), USN (Ret.), *Former Commander, Naval Supply Center, Norfolk.*

Vice Admiral V.L. Lowrance, USN (Ret.), *Former Commander, Submarine Force, Atlantic Fleet.*

Rear Admiral John J. Lynch, USN (Ret.), *Former Deputy Commander, Striking Forces South.*

Rear Admiral Harvey E. Lyon, USN (Ret.), *Former Project Manager, Trident Project.*

Vice Admiral William P. Mack, USN (Ret.), *Former Commander, Seventh Fleet.*

Rear Admiral Robert A. Macpherson, USN (Ret.), *Former Chief of Naval Air Advanced Training.*

Rear Admiral Thomas L. Malone, Jr., USN (Ret.), *Former Chief of Naval Technical Training.*

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Rear Admiral G. Patrick March, USN (Ret.), *Former Director, Electronic Warfare & Cryptology Div. OPNAV.*

Rear Admiral John L. Marocchi, USN (Ret.), *Former Deputy Director, National Security Agency.*

Vice Admiral William I. Martin, USN (Ret.), *Former Commander, U.S. Sixth Fleet.*

Rear Admiral Forsyth Massey, USN (Ret.), *Former Commander, Fleet Air Quonset.*

Rear Admiral H. Spencer Matthews, USN (Ret.), *Former Director, Air Warfare & Aviation Training, Naval Operations.*

Rear Admiral Brian McCauley, USN (Ret.), *Former Commander, Mine Forces—Haiphong Channel & Suez.*

Rear Admiral Thomas R. McClellan, USN (Ret.), *Former Commander, Naval Air System Command.*

Rear Admiral William R. McClendon, USN (Ret.), *Former Commander, Attack Carrier Striking Force, Seventh Fleet.*

Rear Admiral R. B. McClinton, USN (Ret.), *Former Commander, Naval Base, Charleston, S.C.*

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Rear Admiral Leo B. McCuddin, USN (Ret.), *Former Commander, Carrier Division Three.*

Admiral David L. McDonald, USN (Ret.), *Former Chief of Naval Operations.*

Rear Admiral Lucien B. McDonald, USN (Ret.), *Former Commander, Military Sea Transport Service, Far East.*

Rear Admiral Rhodam Y. McElroy, Jr., USN (Ret.), *Former Chief of Legislative Affairs, Navy Department.*

Rear Admiral Robert P. McKenzie, USN (Ret.), *Former Commander, U.S. Forces Caribbean.*

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Rear Admiral Robert W. McNitt, USN (Ret.), *Former Assistant Deputy Chief of Naval Operations (Manpower).*

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Rear Admiral Floyd H. Miller, USN (Ret.), *Former Commander, Cruiser Destroyer Group One.*

Vice Admiral G. E. Miller, USN (Ret.), *Former Commander, Sixth Fleet.*

Rear Admiral George H. Miller, USN (Ret.), *Former Director, Navy Long Range Objectives Group.*

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Rear Admiral Henry S. Monroe, USN (Ret.), *Former Commander, Amphibious Training Command, Pacific.*

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Rear Admiral James W. Montgomery, USN (Ret.), *Former Deputy Commander, Naval Sea Systems Command.*

Rear Admiral Michael U. Moore, USN (Ret.), *Former Commander, Amphibious Group Two.*

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Rear Admiral Robert L. Moore, Jr., USN (Ret.), *Former Deputy Chief Bureau of Ships.*

Vice Admiral Joseph P. Moorer, USN (Ret.), *Former Commander in Chief, U.S. Naval Forces, Europe.*

Admiral Thomas H. Moorer, USN (Ret.), *Former CNO and Chairman, Joint Chiefs of Staff.*

Rear Admiral Max K. Morris, USN (Ret.), *Former Commandant of Midshipmen, U.S. Naval Academy.*

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Rear Admiral William T. Nelson, USN (Ret.), *Former Chief, Military Assistance Advisory Group, Denmark.*

Vice Admiral John H. Nicholson, USN (Ret.), *Former Vice Director, Joint Strategic Targeting Staff.*

Rear Admiral R. E. Nicholson, USN (Ret.), *Former Battle Group Commander.*

Rear Admiral Emmet O'Beirne, USN (Ret.), *Former Commander, Field Command, DASA.*

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Rear Admiral Leslie J. O'Brien, Jr., USN (Ret.), *Former Commander, Service Force, Pacific Fleet.*

Rear Admiral Edward J. O'Donnell, USN (Ret.), *Former Commander, Naval Base Guantanamo.*

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Vice Admiral Robert B. Pirie, USN (Ret.), *Former Deputy Chief of Naval Operations (Air).*

Rear Admiral George F. Pittard, USN (Ret.), *Former Chairman, Ship Characteristics Board.*

Vice Admiral Douglas C. Plate, USN (Ret.), *Former Deputy Commander in Chief, Atlantic.*

Rear Admiral Donald T. Poe, USN (Ret.), *Former Director, Naval Communications.*

Rear Admiral William S. Post, Jr., USN (Ret.), *Former Task Force Commander, Seventh Fleet.*

Rear Admiral Richard R. Pratt, USN (Ret.), *Former Commander, Service Force, Atlantic Fleet.*

Rear Admiral Arthur W. Price, Jr., USN (Ret.), *Former Commander, Amphibious Force Seventh Fleet.*

Vice Admiral Frank H. Price, Jr., USN (Ret.), *Former Deputy Chief of Naval Operations, Surface Warfare.*

Rear Admiral Walter H. Price, USN (Ret.), *Former Commandant, 11th Naval District.*

Admiral Alfred M. Pride, USN (Ret.), *Former Commander, Seventh Fleet.*

Rear Admiral Schuyler N. Pyne, USN (Ret.), *Former Commander, New York Naval Shipyard.*

Vice Admiral W. F. Raborn, USN (Ret.), *"Father" of Polaris Submarine Weapon System.*

Vice Admiral Thomas C. Ragan, USN (Ret.), *Former Chief, U.S. Naval Mission, Brazil.*

Rear Admiral James D. Ramage, USN (Ret.), *Former Commander, Naval Forces, Caribbean.*

Vice Admiral W. T. Rapp, USN (Ret.), *Former Commander, Third Fleet.*

Vice Admiral William L. Read, USN (Ret.), *Former Commander, Surface Force, Atlantic Fleet.*

Vice Admiral Earl F. Rectanus, USN (Ret.), *Former Assistant Deputy Secretary of Defense (Resources & Management).*

Rear Admiral Allan L. Reed, USN (Ret.), *Former Chief of Staff, Defense Intelligence Agency.*

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Vice Admiral Eli T. Reich, USN (Ret.), *Former Deputy Assistant Secretary, Defense.*

Rear Admiral Joseph E. Rice, USN (Ret.), *Former Commander, Naval Electronic Systems Command.*

Vice Admiral Robert H. Rice, USN (Ret.), *Former Commander, Cruiser Division One.*

Rear Admiral H. G. Rich, USN (Ret.), *Former Commander, Iceland Defense Force.*

Vice Admiral David C. Richardson, USN (Ret.), *Former Commander, Sixth Fleet.*

Rear Admiral Robert E. Riera, USN (Ret.), *Former Commander, Fleet Air Western Pacific.*

Rear Admiral Maurice H. Rindskopf, USN (Ret.), *Former Director, Deep Submergence Program.*

Admiral Horacio Rivero, USN (Ret.), *Former Commander in Chief, Allied Forces, Southern Europe.*

Rear Admiral William D. Robertson, Jr., USN (Ret.), *Former Vice Director, Defense Intelligence Agency.*

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Admiral James S. Russell, USN (Ret.), *Former Commander in Chief, Allied Forces, Southern Europe.*

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Vice Admiral L. S. Sabin, USN (Ret.), *Former Chief of Staff, Supreme Allied Commander, Atlantic.*

Vice Admiral Robert S. Salzer, USN (Ret.), *Former Commander, Naval Surface Forces, Pacific.*

Rear Admiral Merrill H. Sappington, USN (Ret.), *Former Acting Director, Weapon System Evaluation Group, DOD.*

Rear Admiral Louis R. Sarosdy, USN (Ret.), *Former Assistant Commander, Naval Air Systems Command.*

Vice Admiral Arnold F. Schade, USN (Ret.), *Former Commander Submarine Forces, Atlantic.*

Rear Admiral Raymond J. Schneider, USN (Ret.), *Former Commander, Naval Electronic Systems Command.*

Rear Admiral G. J. Schuller, USN (Ret.), *Former Commander, Fleet Air Western Pacific.*

Rear Admiral Floyd B. Schultz, USN (Ret.), *Former Assistant Chief of the Bureau of Ships.*

Rear Admiral James H. Scott, USN (Ret.), *Former Commander, Tactical Wings, Atlantic.*

Vice Admiral Harry E. Sears, USN (Ret.), *Former Commander Carrier Division Fourteen.*

Rear Admiral Kenneth P. Sears, (CEC), USN (Ret.), *Former Vice Commander, Naval Facilities Engineering Command.*

Rear Admiral Carl J. Seiberlich, USN (Ret.), *Former Commander, Naval Military Personnel Command.*

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Rear Admiral Tazewell T. Shepard, USN (Ret.), *Former Director, Joint Integrated Strategic Planning Staff.*

Vice Admiral Ralph L. Shifley, USN (Ret.), *Former Deputy Chief of Naval Operations (Logistics).*

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Rear Admiral Burton H. Shupper, USN (Ret.), *Former Assistant Deputy Chief of Naval Operations (Manpower).*

Rear Admiral William B. Sieglaff, USN (Ret.), *Former Commander, First Naval District.*

Rear Admiral Walter L. Small, USN (Ret.), *Former Commander, Submarine Force Pacific.*

Vice Admiral William R. Smedberg, III, USN (Ret.), *Former Chief of Naval Personnel.*

Rear Admiral W. R. Smedberg, IV, USN (Ret.), *Former Director Naval Warfare.*

Vice Admiral Allan E. Smith, USN (Ret.), *Former Commander, U.N. Blockade Force, Korea.*

Rear Admiral Allen Smith, Jr., USN (Ret.), *Former Commander, Middle East Force.*

Vice Admiral John V. Smith, USN (Ret.), *Former Commander, Amphibious Forces, Pacific.*

Rear Admiral Leonard A. Snead, USN (Ret.), *Former F-14 Program Manager.*

Vice Admiral Edwin K. Snyder, USN (Ret.), *Former Commander, U.S. Taiwan Defense Command.*

Rear Admiral Philip W. Snyder, USN (Ret.), *Former Commander, Puget Sound Naval Shipyard.*

Rear Admiral Robert H. Speck, USN (Ret.), *Former Commander, Cruiser-Destroyer Force, Atlantic Fleet.*

Rear Admiral Roger E. Spreen, USN (Ret.), *Former Commander, Naval Ordnance Systems Command.*

Vice Admiral George P. Steele, USN (Ret.), *Former Commander, Seventh Fleet.*

Rear Admiral Edward C. Stephan, USN (Ret.), *Former Oceanographer of the Navy.*

Vice Admiral James B. Stockade, USN (Ret.), *Former President, Naval War College.*

Rear Admiral Frank B. Stone, USN (Ret.), *Former Commander, Iceland Defense Force.*

Vice Admiral B. M. Strean, USN (Ret.), *Former Chief of Naval Air Training.*

Vice Admiral Robert J. Stroh, USN (Ret.), *Former Deputy Director, Joint Strategic Target Planning Staff.*

Vice Admiral Paul D. Stroop, USN (Ret.), *Former Commander, Naval Air Force, Pacific Fleet.*

Rear Admiral William A. Stuart, USN (Ret.), *Former Commander, Hunter Killer Forces, Atlantic.*

Rear Admiral Henry Suerstedt, USN (Ret.), *Former Commander, U.S. Naval Weapons Center, China Lake.*

Rear Admiral L. V. Swanson, USN (Ret.), *Former Deputy Commander, Naval Forces, Europe.*

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Rear Admiral Charles P. Tesh, USN (Ret.), *Former Deputy Commander in Chief, U.S. Naval Forces, Europe.*

Rear Admiral John M. Thomas, USN (Ret.), *Former Commander, Pacific Missile Test Center.*

Rear Admiral William Thompson, USN (Ret.), *Former Chief of Information, U.S. Navy.*

Rear Admiral J.B. Tibbets, USN (Ret.), *Former Commander, Hunter Killer Forces, Atlantic Fleet.*

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Vice Admiral Robert L. Townsend, USN (Ret.), *Former Commander, Naval Air Force, Atlantic Fleet.*

Vice Admiral Frederick C. Turner, USN (Ret.), *Former Deputy Chief of Naval Operations (Air Warfare).*

Rear Admiral M.H. Tuttle, USN (Ret.), *Former Deputy Commander, Pacific Missile Range.*

Vice Admiral John A. Tyree, Jr., USN (Ret.), *Former Chief of Staff, European Command.*

Rear Admiral Clyde J. Vanarsdall, Jr., USN (Ret.), *Former Commander, Western Sea Frontier.*

Rear Admiral L.R. Vasey, USN (Ret.), *Former Chief of Strategic Plans & Policies, CINCPAC.*

Rear Admiral K.L. Veth, USN (Ret.), *Former Commander, Naval Forces, Vietnam.*

Rear Admiral John R. Wadleigh, USN (Ret.), *Former Commander, Training Command, Atlantic Fleet.*

Rear Admiral George H. Wales, USN (Ret.), *Former Director Pan American Affairs, Naval Operations.*

Vice Admiral T.J. Walker, USN (Ret.), *Former Commander, Naval Air Force, Pacific Fleet.*

Rear Admiral Norvell G. Ward, USN (Ret.), *Former Commander, Caribbean Sea Frontier.*

Rear Admiral Frederick B. Warder, USN (Ret.), *Former Commander, Submarine Force Atlantic.*

Rear Admiral William B. Warwick, USN (Ret.), *Former Commander, Carrier Group Four.*

Rear Admiral O.D. Waters, Jr., USN (Ret.), *Former Oceanographer of the Navy.*

Rear Admiral Robert W. Watkins, USN (Ret.), *Former Commander, Service Group Two, Atlantic.*

Rear Admiral Thomas C. Watson, Jr., USN (Ret.), *Former Deputy Director Logistics, JCS.*

Rear Admiral David A. Webster, USN (Ret.), *Former Principal Assistant (Material Acquisition), Assistant Secretary of Defense.*

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Rear Admiral Edward F. Welch, Jr., USN (Ret.), *Former President, U.S. Naval War College.*

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Rear Admiral David J. Welsh, USN (Ret.), *Former Commander, Fleet Air, Alameda.*

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Rear Admiral Robert H. Wertheim, USN (Ret.), *Former Director Strategic Systems Projects.*

Vice Admiral K.R. Wheeler, (SC), USN (Ret.), *Former Vice Chief of Naval Material.*

Rear Admiral Donald M. White, USN (Ret.), *Former Commander, Carrier Division Twenty.*

Rear Admiral Marshall W. White, USN (Ret.), *Former Commander, Pacific Missile Range, Mugu.*

Admiral A.J. Whittle, USN (Ret.), *Former Chief of Naval Material.*

Rear Admiral Charles S. Williams, USN (Ret.), *Former Director Aviation Training, Naval Operations.*

Rear Admiral J.W. Williams, Jr., USN (Ret.), *Former Acting Commander, Seventh Fleet.*

Rear Admiral Francis T. Williamson, USN (Ret.), *Former Commander, Training, Pacific Fleet.*

Vice Admiral James B. Wilson, USN (Ret.), *Former Chief of Naval Education and Training.*

Vice Admiral Ralph E. Wilson, USN (Ret.), *Former Deputy Chief of Naval Operations (Logistics).*

Rear Admiral Mark W. Woods, USN (Ret.), *Former Commander, Cruiser-Destroyer Force, Pacific Fleet.*

Admiral Jerauld Wright, USN (Ret.), *Former Commander Chief, Atlantic Fleet, Supreme Allied Commander, Atlantic.*

Rear Admiral Don W. Wulzen, USN (Ret.), *Former Commander, Amphibious Force, Seventh Fleet.*

Rear Admiral Earl P. Yates, USN (Ret.), *Former Assistant Chief of Staff for Plans & Policy, CINCPAC.*

Rear Admiral C.J. Youngblade, USN (Ret.), *Former Commander, Naval Safety Center.*●

BREZHNEV VS. MONROE DOCTRINE—BREZHNEV WINNING

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. MARTIN of North Carolina. Mr. Speaker, I would like to alert my colleagues to a timely and thought-provoking article written by our colleague, DON RITTER, which appeared in the New York Times, July 19, 1983. As we discuss the pros and cons of U.S. support for those fighting the regime inside Nicaragua, I believe that the Ritter article makes vital points. For example, if support is curtailed, whose interests will have been served, the Soviet Union's or the United States?

Our willingness to allow a Soviet/Cuban-style, "socialist" state to continue its internal repression and export of "revolution without frontiers" ligitimizes the Brezhnev doctrine here in our hemisphere. This turns the Monroe Doctrine (which is most explicit about opposing the movement of big autocratic European powers in this hemisphere) on its ear.

Members of Congress would never directly support such a situation, and yet a vote to remove funding for covert or overt activities inside Nicaragua is to indirectly vote in favor of the Brezhnev doctrine. I urge my colleagues to read and ponder the Ritter article before the vote on H.R. 2760:

[From the New York Times, July 19, 1983]

FOR COVERT ACTION . . .

(By Don Ritter)

WASHINGTON.—The House of Representatives will soon be considering a bill amending the Intelligence Authorization Act for fiscal year 1983 that would cut off funds for any covert or overt United States support for the contras, or counterrevolutionaries, fighting against the Sandinista regime in Nicaragua. This vote will be one of the most important in this Congress, and if it goes the wrong way it would legitimize the "Brezhnev Doctrine" here in our hemisphere.

The Soviet policy now commonly known as the Brezhnev Doctrine means that the Soviet Union is prepared to do whatever is necessary to keep its sister socialist states from leaving the family. On its own borders, whether it's Hungary, Czechoslovakia, Poland or Afghanistan, the Soviet Union holds most of the cards. But enforcing the Brezhnev Doctrine in Africa or Latin America presents them with other problems.

On this side of the world, in the Western Hemisphere, the United States has the home-court advantage. One would think the

Monroe Doctrine—outlined by President James Monroe in a speech to Congress on Dec. 2, 1823—would hold sway. The United States, according to the Monroe Doctrine, would prevent the big autocratic European powers of the time—including, ironically, Russia—from imposing their tyranny on the newly independent and still weak Latin American countries.

The Monroe Doctrine served as the cornerstone of United States relations with powerful European adversaries in Latin America for nearly a century and a half. But today the Soviet Union, by its actions in Cuba and through Cuba in Central and South America, is challenging our historic guarantee to protect Western Hemisphere nations against European interference "for the purpose of oppressing them or controlling in any other manner their destiny."

If the essence of the Brezhnev Doctrine is to prohibit nations in the Soviet sphere of influence from escaping superpower domination, the essence of the Monroe Doctrine is to prevent superpowers from subjugating less powerful countries. The differences between the two doctrines are central to the way we as a nation approach the most critical part of Central America today, Nicaragua.

Recent decisions by two Democratic-controlled House committees, the House Select Committee on Intelligence and the Foreign Affairs Committee, endorsed legislative language known as the Boland-Zablocki bill. This has remarkable implications.

Boland-Zablocki, in essence, supports the Brezhnev Doctrine and refutes the Monroe Doctrine, turning history upside down in our own backyard. Boland-Zablocki, by cutting off all our support, covert or overt, to those fighting the Cuban-Soviet sister regime in Nicaragua, makes the United States the enforcer of the Brezhnev Doctrine. We, not the Soviet Union, would serve as the ultimate constraint on those fighting for greater freedom for Nicaragua.

"Socialist" Nicaragua is the arms depot, the nerve center, the training ground for the Soviet-Cuban backed "revolution without frontiers," to quote the Sandinista leadership itself. Yet, if Boland-Zablocki becomes law, it is the Americans who will prevent Nicaragua from reverting from Soviet-style socialism, the Americans who will be pulling the rug from under those we have supported. If Boland-Zablocki becomes law, we Americans will be the chief carriers of Brezhnev's legacy in the Western Hemisphere as his heirs move closer and closer to East-Europeanizing our southern border. While Americans of another era could take pride in making the world safe for democracy, a newer breed could claim credit for making the new world safe for Communism.

To those who seek to undercut Nicaraguan opposition to the Marxist Nicaraguan regime, the resolute commitment to freedom and our hemisphere interests embodied in the Monroe Doctrine are obsolete. Well, a fair number of House members just don't believe that for a moment, so the battle over Boland-Zablocki in the full House is going to be very different than it was in committee. Party lines, strong during the contest in committee, will blur on the floor. I predict there are just not enough Democrats in the House who will vote for Leonid Brezhnev over James Monroe.●

AMERICA NEEDS TO TAP FOREIGN SCIENTIFIC IDEAS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. STARK. Mr. Speaker, in January of this year, like every month in every year, thousands of conferences were held throughout the United States. One of those, held in Cambridge at the Massachusetts Institute of Technology, focused on the availability in this country of Japanese scientific and technical information (JSTI). Undaunted by the absence of spotlights and press and the general lack of public concern, leaders from government, industry, and academe met to discuss the current status of U.S. efforts to gather and utilize Japanese technical information.

What they found, and the Congress is slowly beginning to realize, is that the United States is years behind its counterparts, most notably Japan, in taking advantage of technological breakthroughs on foreign soil.

For decades, foreign countries have come to America and carefully and meticulously copied and modified our technological advances. They have then returned to sell to us our own technologies incorporated in their products. In fact, the countries that have been most successful at it have been roundly praised. Yet, we have made no effort to learn from those who have been most successful at exploiting our advances. Neither the American Government nor American companies have made any serious effort to tap the technological advances of other countries—countries that are now winning major markets from traditionally dominent U.S. industries such as automobiles, steel, and electronics.

The historic complacency of American Government and industry was due to the fact that we were so far ahead technologically of the war-devastated European and Asian countries. Only within the last 10 to 15 years has that gap been seriously narrowed. And in many instances, we are actually behind the foreign competition. After a special trade mission to the Far East in 1981, the Ways and Means Committee issued a report concluding:

In the high technology products that count—the products that will dominate the world trade and economy for the rest of this century—the Japanese are second to none. Whether they today surpass the United States in their mastery of these high technology products is debatable; it is not debatable that the trend lines indicate that they will surpass the United States and that the gap will widen dramatically, unless the United States responds.

The response will have to be multifaceted, including tax incentives, trade regulations, and a significant improvement in the transfer of technology to the United States. The workshop at MIT focused on this last route—the route that will require the most coordination between industry and government. It is also the route that has, until very recently, been most badly neglected. According to Dr. John Alic of the Office of Technology Assessment, only 20 percent of the available Japanese technical publications are translated into English. To ignore this wealth of information that the Japanese possess is, put simply, just plain foolish.

Although efforts at gathering and utilizing technological information from our European neighbors, especially West Germany, have been extensive and highly successful, our efforts with regard to our closest technological competitor—Japan—have been meager at best. The reason for this costly complacency can most likely be attributed to cultural and linguistic barriers between our two nations. The MIT workshop concluded, that the "language problem is the obvious and root cause of most difficulties in the acquisition and utilization of JSTI." In fact, Japanese is the only language outside Europe where significant scientific and technological literature exists. Unfortunately, interest in learning the extremely difficult Japanese language—they themselves call it the devil's language—is almost nonexistent in this country. Thus, any long-term solution to balance the flow of technology between the United States and Japan must produce technical people with a proficiency in Japanese.

Less tangible is the effect American stereotypes have had on the technology transfer. American engineers and scientists have traditionally viewed Japan as an imitative, rather than a creative, technological force. In recent years, this stereotype has been slowly changing, although at a pace much slower than the reality of the situation warrants. Japan has been a net exporter of new technologies for the last decade while it has produced the world's largest, per capita, research labor force. Utilizing a strong national policy focusing on the advancement of science and technology, Japanese industry has come to rely more and more upon indigenous technological developments to produce its many high technology products. Slowly, the scientific community in this country is beginning to wake up to realize the strength of their counterparts on the other side of the Pacific.

The American effort to acquire JSTI, although still fragmented and disjointed, has improved in recent years due to the efforts of various public and private organizations. Several Federal agencies such as the State Department, National Science Foun-

dation, NASA, and CIA are active in acquiring technical information from Japan. Unfortunately, as the workshop discovered, these efforts are "highly fragmented, redundant, and of limited value to users beyond the immediate confines of the agencies concerned." Because of this fragmentation, no concerted effort had been made at disseminating this information to the public sector until recently.

In 1982, the National Technical Information Service established an "acquisition representative" in the U.S. Embassy in Tokyo. NTIS actually had its beginning in 1946 when it was established to serve as a "central permanent source of scientific and technical information resulting from research undertaken by and for the U.S. Government." Not until last year, however, was a major effort made by NTIS to secure JSTI and make it available to clients. All technical reports held by the service are available to the public at a service fee. Surprisingly, even this national organization has ended up aiding the flow of technology to Japan and tipping the technological balance in their favor. Sales of NTIS reports in Japan average about $400,000 each year. Although the precise figure of NTIS sales of reports with Japanese origins in the United States is not known, it is thought to be at least "an order of magnitude lower" than the $400,000.

To help pick up the slack of complacent government efforts, several private institutions are now beginning to develop their own Japanese information gathering systems. Corporate giants such as IBM, GTE, and Corning Glass Works presented to the workshop their own corporate strategies to improve information flows. Although only firms of this size can afford to develop such programs, few, if any, of them have extensive and effective organizations for the collection and sorting of scientific and technical information from Japan. The education community has also taken a more active role in this regard in recent years. Northwestern, North Carolina State, MIT, and New York University have all developed programs that include education for engineering students on Japan and the Japanese language. In addition, MIT and North Carolina State have begun development of substantial Japanese centers in their technical libraries.

Despite these rather diverse efforts, the disparity between information flows between the United States and Japan is still critically apparent. American efforts, lacking a strong central policy, have been plagued by the lack of coordination between and within the private and public sectors. Not only is there a lack of information being translated into English, what is translated is often unavailable to the technical community as a whole. In fact, there is no way to readily access what types of materials in a given field are available.

The problems with the American effort are easiest to see when they are compared, even in a cursory fashion, with the Japanese approach to the same problem. Since World War II, Japan's National Government has taken an active role in acquiring and making available technical information throughout the country. This was just one aspect of a national policy intended to revitalize Japanese trade and its economy. Although a critical evaluation of any national policy is not the goal here, it is important to look briefly at two organizations that play key roles in Japan.

The first of these is the Ministry of International Trade and Industry. MITI was established in 1949 to shape the structure of Japanese industry, manage foreign trade, and insure adequate "energy flows" between various private sectors and the government. What it does is simply direct firms and whole industries in the direction most suitable for long-term national objectives. Part of this process includes the stimulation and support of corporate research and development activities. Aided by this government support, Japanese industry has been able to catch up to American technological development in many high-tech fields.

But unlike American industry that traditionally relies only on indigenous development, the national policy of Japan has as a vital element of it provisions for the collection and dissemination of foreign technological information. In 1957, a Japanese law was passed that created the Japanese Information Center of Science and Technology (JICST). JICST's major purpose was to produce a systematic collection and dissemination network of worldwide scientific information. It is, in fact, the "keystone to Japanese scientific and technical indexing and abstracting." The organization currently collects nearly 10,000 foreign and domestic journals of technical and scientific information. After abstracting and indexing the material, the information is available throughout the public and private community. Few major technological advances are made by American engineers and scientists that are not quickly accessible to the Japanese community through JICST.

If American industry does not want to find itself in the unfamiliar position of playing catchup to the Japanese and other industrialized nations, major cultural and structural adjustments are needed throughout the technical community. Before we can look to the Government for help, American industry must shake what Justin Bloom, a retired science attaché at the American Embassy in Tokyo, calls the natural proclivity to believe that no one else is as smart, ingenious, or productive as we are. A close look at the facts should put an end to that notion. The second fundamental step would require overcoming the stereotype of the Japanese as merely an imitative technological force. Any long-term attempt to improve the information flow in our favor would require the education of technical people to develop a working knowledge of the culture and language of Japan. Only with this kind of understanding can the stereotypes be overcome.

These attitudinal developments must likewise be aided by a strong national policy that gives the Government a central role to play. The form of this policy should and will be determined by Congress and the President, although some strong central organization should certainly be a part of it. Using the JICST as a model for a similar American organization may well be the fastest and most effective route.

No matter what the direction is that we take, we must take it in a unified and coordinated manner. Last year, I introduced legislation that would have given a tax credit to firms collecting scientific and technical data in a foreign country. The bill was met with a deafening silence from U.S. industry. If we are to begin improving this flow of information with Japan, industry in this Nation must respond and play a vital role in the process. Without a coordinated effort between government and industry, we will not be able to reverse the trend which now poses a serious threat to many of our high technology industries.

I am not talking about high technology espionage that has so recently blanketed the newspapers of our Nation. What I do mean is that we must find a way to increase the free flow of information from foreign countries to our own. The United States has always readily shared its technical advances with other nations worldwide. But, for the first time in many years, a significant amount of high technology research and development is taking place on foreign soil. Unprepared for this, American Government and industry must now work together to develop a program to share in the wealth of this information. It simply makes good sense now. In the future, it may mean economic survival.●

COMMERCE SECRETARY BALDRIGE CONCERNED OVER INCREASES IN INTEREST RATES

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mrs. KENNELLY. Mr. Speaker, yesterday, Secretary of Commerce Malcolm Baldrige, who is from my State

of Connecticut, commented on the fact that housing starts dropped almost 3 percent last month. He attributed the decline to recent increases in interest rates.

He said:

Unless the recent increase in mortgage interest rates is reversed, some retrenchment in housing starts could be in the offing.

The high level of interest rates is a direct result of the large budget deficits—actual and prospective. If the deficit is not reduced, Federal financing demands will begin to crowd the interest-sensitive sectors out of the credit markets, jeopardizing the prospects for further recovery of residential construction.

Federal deficits must be brought under control, otherwise the economic recovery will be only too brief, and all the suffering that people have gone through over the past few years will be in vain.

I believe the threat of rising interest rates could send the economic recovery into remission.

Today, I spoke to a group of high school students. They questioned me about the possibility of an economic catastrophe. They talked about our deficit situation. When the time has come when our high school students are concerned about the deficit situation, the time has certainly come when Congress should address this situation. Not with rhetoric but with action. Defeat of the MX missile would be a fitting beginning.●

THE TYRANNY OF THE BUREAUCRACY VERSUS THE FREEDOM OF PRIVATE DOCTORS AND PATIENTS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. McDONALD. Mr. Speaker, Dr. Jose L. Garcia Oller, founder, chairman, and chief executive officer of Private Doctors of America, Inc., presented the keynote speech at the 16th Annual Conference of the General Practitioner's Society in Australia which was held in Singapore. His speech entitled "The Tyranny of the Bureaucracy Versus the Freedom of Private Doctors and Patients" is an excellent summation of the key political medical issues affecting private doctors.

I commend excerpts of Dr. Oller's speech to the attention of my colleagues:

ETHICAL FREEDOM ESSENTIAL TO QUALITY

QUALITY MEDICAL CARE

Quality Medical Care is defined as that compassionate, individualized personal treatment, provided with privacy and dignity, prescribed under Ethical Freedom—conditions that do not interfere with the free and complete exercise of the doctor's skills and judgment. Quality care can exist only under Ethical Freedom. Without Ethical Freedom, there may be marginal "scientific care"—such as the setting of a broken bone and the use of Penicillin. Penicillin may be prescribed because the government, or insuror, or the PSRO, or HMO chooses it as the "cheapest antiobiotic" or, the only one it will pay for. It may not, however, be the best antiobiotic for that individual patient that would be chosen by the private doctor because of allergies, other side effects or complications, illness, penicillinace in organisms, anaerobes, etc. Without consideration of the total patient, the family, the work environment, quality care is lost. We are left with third party "rationed, statistical care".

DECLARATION OF INDEPENDENCE

The expansion of the climate of freedom essential for Quality Care has been the centre of our PDA efforts for 15 years. We summarized these as "17 Freedoms" in the PDA "Declaration of Independence for Private and Independent Doctors", that I presented to the IATROS Conference in 1981. These are the freedoms for which private doctors and PDA stand ready to fight.

ACCESS TO MODERN ADVANCES AND QUALITY DRUGS

Besides Freedom, Quality Care depends on our authority to prescribe quality: branded drugs of our choice, modern equipment, innovative technology and the timely application of the advances of medical research. To those who would deny to our patients access to Quality Care, we must, "Learn to Say No!" and ask, Why?—why provide inferior treatment for our patients?

As an example, let's focus on the current vicious onslaught against quality drugs and the political propaganda to provide second rate Generic Drugs for our patients. A formal presentation of this PDA research is found in our book "The Practicing Physician's Views on Prescription Drugs". PDA Vice Presidents, Robert Meade, Kenneth Ritter and Wesley Segre, and our Legal Counsel, Roy F. Guste and William J. Guste III. It was presented as PDA testimony at the US Senate Hearings on Senator Kennedy's Prescription Drug Bill.

Mandated Generic Drugs are Dangerous.

Because some of the prices appeared to be below wholesale, we investigated. We sent a previously marked and photographed prescription for a branded drug to a "superpharmacy" with an underground policewoman. The container she received from the drugstore was indeed labeled as the prescribed trade name drug—but inside was a substitute generic. The patient however, was charged for the price of the brand drug. This classic fraud is known as "Bait and Switch" advertising: illegal and fraudulent substitution. The generic tablet was unidentifiable, without a number or name stamp. These tablets later split open while on the shelf!

Pharmacists from such a drug store were later seen arrested for drug-related charges on our local TV screens.

A second example of the dangers of generic drugs is illustrated by the chemical chromatographers of 5 Penicillins taken off the pharmacy shelves. These tracings showed that all five did contain penicillins (the black rounded ball towards the top end of each trace). The centre one (labeled "c") was the only generic. Note that in the brand drugs, the remainder of the columns are relatively clear, indicating few other components than Penicillin. The "Generic" however, in the centre of the graphs, appears as a solid back club, indicating innumerble other components beside Penicillin. Now do you understand why some patients may react to those impurities (excipient, diluents, vehicles) not just to the Penicillin? Why their fever and diarrhea may be due, not to the Penicillin, but to the other chemicals abundant in generics?

A lethal example from the PDA book is the generic Digitalis scandal, due to the extraordinary lack of bioequivalence among various preparations. As suspected by privately practicing doctors, only one digitalis brand was reliably absorbed! Too little digitalis results in congestive failure; too much, in cardiac arrest. Dr. Hyman estimated that FDA approved generic digoxin may have caused many more deaths than the Vietnam war! The book lists serious flaws in dozens of other generics: chloromycetin, cortisone, thyroid, anti-diabetic drugs, anti-convulsants, anticoagulants, etc.

PDA ACTION

PDA believes generic drugs are "Russian Roulette" for our patients. PDA therefore supports legislation that requires that all generic drugs be clearly stamped with manufacturer's brand and number. All drugs should be branded drugs, for responsibility and follow-up.

Having researched the facts, written the book, testified before the public, the state legislatures and congress, we are still faced with legislation allowing substitution by pharmacists. Action is needed by each prescribing doctor. Therefore, PDA recently developed a Prescription Blank that reads: "I assume no responsibility for any damages to my patients as a result of substitution of this drug by the pharmacist."

In the back of each Prescription Form, we print an explanation to our patients, "Why No Generic Substitution". By using these prescription forms, you and I can help prevent injury to our patients by the propaganda for widespread drug substitution.

REGULATORY AND LEGISLATIVE ANALYSIS

1. The Certificate Regulation Fraud.

In 1969, newspapers carried headlines that doctor fraud was to be curtailed by a new "certification" regulation. By requiring doctors to "certify the necessity of hospitalization" before the 14th and 21st days of hospitalization, the government release said $400 million would be saved.

Private Doctors were "required" to certify—"or the hospital would not be paid". PDA said NO! and asked, why? The patients wouldn't be in the hospital if they were not ill.

a. PDA demanded the documentation of the doctor fraud and of the savings. We were told that the appearance of peaks of hospital discharges by doctors on the 2nd and 3rd week—where the certifications were required—proved that doctors were discharging patients early in order to avoid having to certify "unnecessarily prolonged hospital stays".

When PDA reviewed the government data, we then found "peaks of discharges" not just on the 14th and 21st days, but also on the 7th, 14th, 21st, 28th and 35th days: every seven days. Washington had discovered the weekend! or the weekly cycle! Private doctors certainly did not invent the calendar, or set the phases of the moon . . . Our Godmade patients simply tend to be discharged on weekends, or recover in general weekly cycles of illness.

b. PDA then calculated the savings if the government were right and earlier discharges occurred. The result: savings of $4 million, not $400 million! The Chief Actuary

of government's Medicare/Social Security, Dr. Robert Myers independently verified these figures. He wrote to the Head of Medicare (Social Security), indicating that, if not corrected promptly, the government had deliberately misrepresented the false savings to the public, making doctors the scapegoat. This was government fraud! not doctor fraud. What we need is a law against reduplication of bureaucratic fraud. Dr. Myers was fired. PDA then chose him as our medical economics consultant. You may have seen Dr. Myers during the last few weeks prominently in the news (Feb. 1983). President Reagan has appointed him as Chief Actuary on the Committee on Social Security to help solve the insolvent Social Security program.

c. PDA further research discovered that the so-called Certification Requirement was illegal. The Law and Regulations never required that the attending physician certify, only "a physician". Again, the bureaucrat fraudulently instructed hospitals to require attending doctors to certify.

PDA exposed the bureaucracy fraud and recommended to all private doctors to ignore the certification regulations. Hospitals were asked to pay employed doctors, outside of the staff, to do such certifications. Private doctors thus remained free of government regulation.

We investigated the accusations of doctors fraud. We found that in 12 years of Medicare, with 300,000 doctors treating 25 million patients seven times a year, only 277 doctors had been convicted of fraud. That is 1/10,000 doctors in 50 states. The "average" state has 6,000 doctors. The real fraud is government spending by HEW. Ex-Secretary of HEW, Califano, spent $182 billion a year.

On the other hand, when the doctors asked the American Medical Association for advice, they were told that "certification is the law"—and "one must abide by the law".

2. The Utilization Scheme.

It was announced to doctors by Blue Cross intermediaries and government regulators and hospital administrators that the law required private medical staff doctors to perform utilization review of length and appropriateness of hospital stay, and to review all "extended duration stays".

The "blackmail" weapon in all these programs (Certification, UR, etc.) was, again, that the hospital would not get paid if doctors would not comply, PDA said NO! and asked, Why? We have no contract with hospitals on Medicare, why should we do government work?

PDA researched the law and the regulations and wrote the book, "Requirements of Certification and Utilization Review". There was no one "requirement": there were three choices for hospitals. We recommended the third option: let the hospital hire doctors, not on the medical staff, to do this bureaucratic chore. For several years, over 70 hospital staffs, members of PDA, employed and enjoyed the PDA freedom plan. We eventually went to Court on this issue and helped stop Utilization Review.

On the other hand, those who followed the American Medical Association were advised to participate in Utilization Review, so they "could control it". At the onset of Medicare, the AMA in 1965 published detailed guidelines on how to do utilization review. Their 1971 sample instructions were essentially a PSRO Model—sponsored by the AMA (Peer Review Manual, AMA, 1971). In 1975 however, after PDA filed suit against UR rules, we turned the AMA around—AMA followed in a me-too suit that helped stop UR.

a. Central Health Planning became the focus of government in 1966, after it started paying for hospitalization in Medicare. the government found out hospitals were expensive, and when they became federalized, costs zoomed. The government answer was to ration technology by limiting advances to specialty hospitals. We were to send our kidneys to one, the heart to another, the uterus to one, the baby to another centre. This avoided reduplication of equipment, would close community hospitals, and "save" money.

Example: the national "HSA" planning guidelines in 1978, if followed would leave only five metropolitan hospitals to deliver all the babies for the entire state of Louisiana, with four million population.

PDA ACTION

PDA said NO! and asked Why? "Voluntary" planning arrived in New Orleans in 1968 and was promptly taken over by the Chamber of Commerce. It would "review" all hospital expansion and equipment.

The law required a majority of non-physicians, non-providers in the Board—a "committee of passengers to fly the plane". Hospitals were profusely represented, but only a few doctors were seated. PDA demanded and obtained separate representation for private doctors for the 19 hospitals medical staffs we represented. We obtained eight seats by challenging their government grant as being unrepresentative. We then placed in the By-Laws that if voluntary planning became compulsory, the agency should disband. It became compulsory, it was disbanded. At that time, most doctors, led by PDA, refused to participate in compulsory planning, "the HSAs".

b. "The compulsory HSAs" planners want to close hospital beds (debedding), and specialized in denying equipment: cobalt machines first, then dialysis, then cardiac surgery. More recently, intensive care neonatal units, OB units and CAT Scanners. Government considered them useless and expensive and duplicative toys for doctors. They recommended health-busing of patients to CT centres. The CAT Scan, however, got the Nobel prize, and soon became indispensable. It is now almost malpractice not to provide CAT Scan. Many of our 100-bed hospitals now have one. One can hardly find any in England, where it was perfected! The free-market brought the price down from $1.5 million to $100,000. We now have thousands of CT's while many HSAs have now closed. There is no funding for HSAs in the 1983 President Reagan's budget. Again, what we need is a law, complete with guidelines and regulations, to prohibit reduplication of the bureaucratic failure of central planners.●

CAPTIVE NATIONS WEEK

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 1983

● Mr. CORCORAN. Mr. Speaker, once again, we commemorate Captive Nations Week, the 25th such annual observance on behalf of our fellow men and women throughout the world who have fallen into the Soviet sphere. I wish to thank my colleague, Hon. SAM STRATTON, for calling this special order so that Members of Congress can present a united statement to the world concerning this sad anniversary.

Even as we meet this week in the House to address issues both at home and abroad, events are taking shape which promise to affect for better or worse this spiral of Communist takeover and domination. Tomorrow, we meet in a special closed session to discuss and be briefed on activities in Nicaragua, around which the future of Central America is intertwined. And as we meet here in Washington this week, the Polish Government considers lifting of martial law in Poland, and act which at first appears a positive step but which many fear will be an empty gesture to appease the West. Polish-Americans and others closely attuned to past actions in Poland predict that laws will remain in effect as harsh as those supposedly being lifted.

What I wish to say to my colleagues today is that, while this special order on behalf of all captive nations is important and necessary, we also have it within our power to express in concrete terms our support for freedom and our resolve against Communist aggression anywhere in the world. Specifically, we can vote to support our President in his attempt to counter the Communist/Cuban threat in Central America, and we can carefully study the true effect of any lifting of Polish martial law to determine if the situation in fact merits our relaxation of sanctions against the Polish Government. These situations present us the opportunity to speak in tangible terms to captive nations everywhere that we are coalesced against the Soviet threat in deed as well as in word.●

CHAIRMAN BOLAND ON COVERT ACTIVITY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. MILLER of California. Mr. Speaker, the chairman of the Intelligence Committee addressed the House Democratic Caucus last week on the subject of the administration's policies in Central America. I am certain that all members who attended that caucus meeting were struck, as was I, by the clarity and the timeliness of the gentleman's remarks.

In particular, I would like to draw attention to the findings of the Intelligence Committee that the repression, violence, and disorder which our covert actions are intended to prevent are occurring despite our growing financial and military involvement. Yet the Reagan administration appears intent on venturing even further down that road, which in my opinion will in-

evitably and tragically, lead to the involvement of U.S. Armed Forces in a hopeless military crusade in Central America.

Mr. Speaker, the House is conducting several days of closed debate on the situation in Central America. We will then have an opportunity to vote on the legislation reported by the Intelligence Committee which, I believe, will be one of the most fateful and important bills which will come before the House this year.

I commend the chairman's caucus statement to every Member of the House, and urge each Member to consider its message when voting on whether or not to sanction our greater involvement in illegal and indefensible covert military actions in Central America:

STATEMENT OF HON. EDWARD P. BOLAND

Mr. Chairman, in one sense, I am heartened that the Democratic Caucus is meeting to devote some attention to the not-so-secret war in Nicaragua. In another sense, I am distressed that it has become a partisan issue.

As chairman of the Intelligence Committee, I have never run a partisan operation. I do not intend to take a partisan stand today. I want simply to explain what H.R. 2760 does and why it was adopted by the Permanent Select Committee on Intelligence.

What the bill does is—first, cut off the covert action which we are now funding in Nicaragua. Second, it authorizes security assistance funds—$30 million in fiscal year 1983, $50 million in fiscal year 1984—to provide friendly nations in the region the capability to prevent the use of their territory for the transfer of arms to insurgencies in the region.

The bill is strongly opposed by the administration, as it was by the Republican members in the Intelligence Committee. It must be emphasized, however, that the committee reached this stage of disagreement with the President not as a measure of opposition to his Central American policy. Most on the committee, on both sides of the aisle, share the President's view of the seriousness of developments in that region and the importance that it holds for the United States. Rather, the disagreement the committee has reached with the President lies in the means by which he would achieve goals for which there is agreement.

The covert action was first described to the committee in December 1982. At that time, the committee was told that a small number of paramilitary fighters would be trained and armed to conduct raids against the infrastructure supporting Sandinista supply of arms to the Salvadoran guerrillas. These arms were transported by land, air and sea.

Throughout the spring and summer of 1982, the reports which the committee received in regular briefings on the program were consistent with this concept. In the fall and winter of 1982, however, the numbers of fighters began to increase dramatically.

At the same time, administration witnesses began to broaden the scope of the program. No longer was arms interdiction a primary purpose of the program. Now it was aimed at bringing the Sandinistas to the negotiating table, forcing them to hold elections, restore economic and political pluralism in Nicaraguan society, and otherwise improve on civil liberties, as well as to accept the proposals put forth by other Latin American nations in the San Jose declaration.

Today, the numbers of fighters supported under the program are in the thousands. They are engaged not in efforts to intercept arms shipments or destroy warehouses or depots where arms are stored, but in engaging Sandinista military units in ever larger clashes.

The Hondurans have been drawn into this spiral of violence. Increasingly, mortar barrages are exchanged between Nicaragua and Honduras by the armies of both nations.

The committee acted on H.R. 2760 in May of this year. Prior to that time, however, it had made two efforts to limit the covert action to keep it within the bounds of the program originally described to the committee. First, in the fiscal year 1983 intelligence bill, it included in its classified annex language limiting the paramilitary activities to arms interdiction alone. Second, in December of last year, I offered an amendment to the fiscal year 1983 Defense appropriations bill which prohibited the use of any funds to overthrow the Government of Nicaragua or provoke a military exchange between Nicaragua and Honduras.

Neither of these efforts seemed to have restrained activities under the program. In fact, days after the adoption of the Boland amendment, the committee was notified of significant increases of fighters under the program and of their deployment into Nicaragua.

The committee's review in May of this year produced the following three significant judgments:

First, the committee concluded that the covert action had strayed beyond the bounds set by the law and in the 1983 conference report. It was, we judged, an effort that went beyond the necessity of arms interdiction by using groups whose avowed aim was the overthrow of the Sandinistas and employing tactics which involved military confrontation.

The committee judged that, further, the insurgents supported by the program were not under the effective control of the U.S. Government. Despite assurances by the CIA, the committee judged that it was the insurgents, themselves, who were running these operations. Increasingly economic targets and innocent civilians were the victims of these operations.

The committee also judged that the covert action was unwise. The committee looked at the effects of the covert action—increased intransigence by the Sandinistas, an increased Cuban presence, the denial of human and political rights by the Sandinistas within Nicaragua, and a polarization of the Nicaraguan populace; then looked at the overall goals of U.S. foreign policy in the region—a diminishment of outside military advisors, a reduction, or elimination, of the Cuban presence, an improvement in democracy in Central American nations, especially Nicaragua, a willingness by the Sandinistas to tolerate dissent. None of these goals is advanced by the covert action.

The committee looked to the current negotiations undertaken by the Contadora nations. It found Nicaragua at the table but otherwise uncooperative. The committee judged that an internal insurgency aimed at the jugular of the Sandinista regime would not encourage the Sandinistas to relinquish points on which they felt deeply and where they were confident of Cuban assistance.

Lastly, and in conjunction with judgments on the wisdom of the policy, the committee considered the effectiveness of this covert action. It saw significant military encounters during 1983. It saw numerous border clashes involving ambushes of Sandinista troops. It saw no arms interdiction efforts. It saw the sustained flow of arms into El Salvador. It saw an active and stronger El Salvadoran insurgency. It saw internal repression and totalitarianism inside Nicaragua. In short, it saw all the things which the covert action ostensibly was meant to prevent.

Let me emphasize in closing that the committee has no brief for the Sandinistas. Their record speaks for itself—one of growing repression, a shift towards Marxist-Leninism, a growing Cuban influence and a significant buildup in military forces. But, the committee has made some hard judgments and has concluded that the covert action will not change the Sandinistas. What it will do is make it more difficult for the United States to maintain the high ground diplomatically and in world opinion.

The administration repeatedly tells us that the insurgents in Nicaragua cannot defeat the Sandinistas. They are there to put pressure on the regime, to make it turn inward, to make it accede to U.S. demands. In the meantime, the Honduran/Nicaraguan border experiences frequent clashes. Perhaps they are not of a major military nature as yet but the continued arming of new insurgents and their continued activity within Nicaragua only promises an escalation. The Boland amendment was intended to prevent any clashes between these two nations. If wars can start in that region on no more pretense than a soccer game, any military exchange is dangerous.

If this not-so-secret war were a U.S. military operation, it would long since have stopped. It would have stopped because there would have been a loss of American lives with no resultant victory and no foreseeable or tangible success. Because there are not American lives being lost, it seems to make it, at least for this administration, an easier path, but it is not a path to success and it represents an open-ended commitment of money and eventually, I fear, U.S. involvement.

That is a capsualized summary of the committee's action and its reasoning. I intend to go into significantly more detail when the House meets in secret session next Tuesday, the 19th, to begin discussion of this bill and at that time, I plan to offer all the detail and answer any questions of a classified nature concerning this program the members may wish to put. I think the appropriate nature of our discussion today, therefore, should be on the problems that members have with this bill and the ways in which we can resolve them in bringing it before the House.

Thank you.●

BRADFORD FINCH

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. KOSTMAYER. Mr. Speaker, a glance at today's headlines shows that, sadly, "news" so often means "bad news." We read and hear and see so

much that can cause us to lose faith in our neighbors and our communities.

However, a constituent of mine, Brad Finch, once again reaffirmed my faith in people. Recently, instinctively and immediately, Brad Finch went into action when he saw a complete stranger, John Nixon, struggling in the Delaware River after his plane crashed. Brad Finch saved John Nixon's life.

Brad Finch neither asked for, nor expected, any recognition. He simply saw what needed to be done and did it, and I want to take this opportunity to congratulate him.

I also wanted to share with other Members of Congress what Dr. Norman Vincent Peale said about Brad Finch's heroic deeds on the radio program, "The American Character," sponsored by ITT. Dr. Peale's program, by telling about the best among us, helps bring out the best in all of us.

Mr. Speaker, I ask that Dr. Peale's comments be reprinted in their entirety.

THE AMERICAN CHARACTER: BRAD FINCH

Here is Norman Vincent Peale on "The American Character":

Brad Finch didn't know how the man got there—in the river next to Brad's house in New Hope, Pa. And he didn't know why he was there. But one thing he did know: The man was in trouble—and help must come from Brad. It happened one evening when, from the river, Brad heard a faint cry—"Someone help me, Please help me!" He looked out, and saw John Nixon stumbling in chest-deep water more than 200 feet from shore. Minutes earlier, John had crashed his plane into the river upstream, and had been swept away by the current while trying to reach shore. And now, he was lurching about incoherently as Brad struggled through bone-chilling water to rescue him. He reached the downed pilot in time for John to collapse from the pain of a shattered ankle, broken nose, and other injuries. So it's unlikely he'd have survived, except for Brad's help—which brought a gift of $500 from John's parents. This surprised Brad Finch, who said, "I never expected anything, from anybody. But as we've seen before, there can be many unexpected rewards when we go out of our way to extend a helping hand—in the American Character.

Norman Vincent Peale on "The American Character" is funded in the public interest by ITT, International Telephone and Telegraph Corp.●

GEORGE F. WILL CRITICIZED

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. FROST. Mr. Speaker, today's column in the Washington Post by David Broder makes a very important point about the relationship between the press and politicians.

Several weeks ago, it was disclosed that George F. Will, a respected political commentator, helped prepare President Reagan for his 1980 debate with President Carter.

In the media, Mr. Will has been criticized by some for stepping over the line of propriety. Others in the media, however, have taken the attitude that this type of conduct is alright because "Everybody Does It."

Mr. Broder correctly points out that everyone in the media does not engage in political sessions for politicians and to do so is wrong. Mr. Broder noted:

For the privilege of being political journalists, we accept certain inhibitions. One of them is forsaking the role of politicial activists—or strategists.

I completely agree with Mr. Broder. I hold a bachelor of journalism degree from the University of Missouri and worked for 3 years as a newspaper and magazine reporter right out of college. I was interested in politics and made the decision in 1967 that the two do not mix. And thus, I abandoned a career in journalism to seek a political career. I was right in 1967, and Mr. Border is right in 1983.

As much as I respect George Will, he was wrong. And, to condone his conduct does harm to our system of government. The press and politicians should always remain at arms length.●

CAPTIVE NATIONS WEEK AND BALTIC FREEDOM DAY

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mrs. SCHNEIDER. Mr. Speaker, on June 14, 1983, I was pleased to support Congressman DONNELLY in cosponsoring House Joint Resolution 201, commemorating Baltic Freedom Day. In particular, the people of Lithuania should be remembered during this week of tribute, as thousands of proud Baltic families were murdered during one of the bloodiest massacres of the 20th century. Similar to the fates of the Armenians and the Jews, the Lithuanians saw almost 1 million of their people fall victim to the Soviet Army. Deportations numbered over 34,000, and in one swift blow 5,000 innocent men, women, and children were slaughtered during the tragic June days. As expressed to me recently by Mr. Liudas Kukanauza of the Rhode Island Chapter of the Lithuanian-American Community of the U.S.A., Inc., this tragic June days event has become a "* * * grim reminder of the genocide that befell the Lithuanian nation," a horror which occurred "* * * for the simple reason that these people fostered values dear to the Lithuanian character."

I am pleased to join with President Reagan in saluting Lithuanian-Americans, and I would like the RECORD to show that during this annual Captive Nations Week the Congress of the United States has paid tribute to all peoples from the Baltic region.●

CONGRESSIONAL FAST AND PRAYER VIGIL FOR SOVIET JEWRY

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. SMITH of Florida. Mr. Speaker, today I rise to express my thanks to the gentleman from Illinois (Mr. PORTER) and the gentleman from New York (Mr. MRAZEK), for organizing the Congressional Fast and Prayer Vigil for Soviet Jewry on July 14. We gathered to mark the fifth anniversary of Anatoly Shcharansky's arrest, trial, and imprisonment. The Soviet political system has made him into the international symbol of basic human rights. Anatoly Shcharansky and other Soviet citizens have become criminals by the mere act of applying for exit visas. These scientists, engineers, artists, dentists, poets, and others who make up Soviet society are denied citizenship, a place of residence, an occupation, and are stripped of their dignity simply by applying for an emigration visa.

The policies we have pursued to encourage human rights have not been as effective as we would like or as they should be. In just the past 3 years, the level of Soviet Jewry emigration has dropped significantly. In 1979, more than 4,000 Soviet Jews per month were allowed to emigrate. Just 3 years later, Soviet Jewish monthly emigration dropped to little more than 150. Emigration has hit an all time low in 1983, dropping the emigration levels to an average of only 89 Soviet Jews per month. Yet, the number of Soviet Jews applying for emigration exist visas has not diminished. Tens of thousands are waiting.

At the same time, Soviet officials have increased their attacks against Jews and Jewish heritage. Soviet Jews wanting to emigrate are harassed, intimidated, and subjected to continuing abuse. It saddens me to know that the freedoms I enjoy everyday, such as the freedom of speech, the freedom of religion, the freedom to be secure in my own home without unreasonable searches and seizures, the right to due process of the law, and the right to a speedy and public trial, are not shared by all.

Our gathering last Thursday serves as a reminder to the Soviet Union that the denial of human rights is an issue dear to Americans and all freedom loving people. Only constant public pressure will force the Soviet Union to change its treatment of Soviet Jews. As elected officials, we must step up

United States-Soviet dialog to maintain a constant and consistent message at every level of diplomatic negotiations. It is also important that the Congress and the administration work together to send the Kremlin the same signal.

I fasted for my adopted Soviet refusenik, Dr. Yuri Tarnopolsky, an organic chemist from Kharkov, Ukrainian SSR. His only crime was making the decision to maintain his Jewish identity and applying for an emigration visa. He has been sentenced to 3 years in a labor camp for slandering the Soviet state. I will continue to speak out for Yuri and Anatoly so that one day they, and all Soviet citizens, will have the same fundamental rights that we enjoy. I will continue to speak out until all Soviet refuseniks and prisoners of conscience, such as Anatoly Shcharansky and Yuri Tarnopolsky, have the freedom to emigrate.●

FLYING HIGH FOR MULTIPLE SCLEROSIS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. HOYER. Mr. Speaker, at 5:01 a.m. on July 13, the Flying High Club of Maryland established a new world record for consecutive hours of frisbee playing. At last count, the club had kept a game of frisbee going for more than 1,001 hours, and they're still going strong. An important aspect of this marathon is that it is to benefit the National Multiple Sclerosis Society, which is particularly commendable.

The Flying High Club is made up of students from the Prince Georges Community College in Largo, Md., who have dedicated more than 41 days this summer to playing frisbee for this worthy cause. To date, they have raised $2,500 in pledges for MS. Their goal is $8,000. They are eager to meet that goal and plan to continue playing through July. Some members will attempt to play through September 4, the day of the Seventh Annual Smithsonian Frisbee Disk Festival.

Now, Mr. Speaker, a good many young people are spending this summer at the beach or by the pool. But the Flying High Club has braved the stifling heat and humidity to throw a disk to beat multiple sclerosis. Their sacrifice for MS is a real credit to them, to their families, and to Prince Georges Community College.

Mr. Speaker, their dedication certainly deserves commendation, and I know my colleagues would like to join me in wishing the club members success in their marathon.●

THE NEED FOR FEDERAL LEGISLATION TO CONTROL PHARMACY CRIME

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. HYDE. Mr. Speaker, in the last two Congresses—and again in the 98th—I have been urging my colleagues to make the robbery or attempted robbery of a controlled substance from a pharmacy a Federal offense. To date, we have 133 cosponsors of H.R. 1255—The Controlled Substances Robbery Act—and in April the Judiciary Committee's Subcommittee on Crime held hearings on the need for such legislation. I am hopeful that the full committee will act soon.

In addition to the threat to pharmacists brought about by increasing incidences of drugstore robberies, there is another serious and significant side effect that deserves our attention; that is, the reluctance of pharmacists to stock controlled substances so that they are accessible by prescription for those who really need them.

I am pleased to share with my colleagues an article from the June 24 edition of American Medical News which highlights this growing problem, and the fear of pharmacists that they will become the next victim of some drug-crazed addict or some criminal looking for a ready source of drugs to sell. As one pharmacist notes: "When word gets around that you have drugs, you are inviting crime."

This article all too dramatically points out not only the danger to the pharmacists but the danger to patients—particularly cancer patients—who are unable to find pharmacies that will stock drugs they must have.

I commend this important report to the attention of my colleagues:

[From the American Medical News, June 24, 1983]

CANCER PATIENTS FACING DILEMMA OF PAIN

(By Lisa Krieger.)

A young New York man hospitalized for terminal bone cancer on the side of his face wanted to go home for Christmas. Despite many phone calls, he was unable to find a pharmacy in his community that would stock oral morphine. He decided to go anyway.

The next morning, recalls his physician, Ronald Kanner, MD, of the Albert Einstein College of Medicine, the young man was back in the hospital. "He was in the emergency room suffering from intractable pain," he says.

"Physicians can talk about new scientific approaches and prescribing techniques for cancer, but there is one serious limiting factor: narcotic analgesics are not availble to patients," says oncologist Kathleen M. Foley, MD, of Memorial Sloan Kettering Cancer Center in New York.

A survey in the Bronx revealed that 17 of 33 pharmacies did not carry narcotic analgesics. Of those that did, only two carried methadone and two carried oral morphine. In Manhattan, two major hospitals have closed their outpatient pharmacies that carried narcotic analgesics.

The inaccessibility of cancer drugs is not limited to New York. Pharmacies in Miami, St. Louis, Detroit, Washington, D.C., and other large cities report that they are taking narcotic analgesics off their shelves. This trend has been supported by the American Pharmaceutical Assn. House of Delegates, which recently adopted a policy upholding "the rights and responsibilities of individual pharmacists to determine their inventory, and dispensing practices, based on patient need, practice economics, practice security, and professional judgment."

Says National Assn. of Retail Pharmacies spokesman John Rector: "This isn't just the fringe. A significant percentage of pharmacies no longer carry controlled substances. As a result, there's a growing unavailability of products for people who need them."

The problem, pharmacists complain, is crime. According to the Drug Enforcement Agency, there were 5,020 drug-related thefts of pharmacies in 1982; of these, 996 were armed robberies. An estimated 15.5 dosage units were diverted from pharmacy shelves to addicts. One bottle of Dilaudid, which costs $4,000 retail, can be sold on the street for $26,660. "There is no pharmacist that would risk his life for drugs for a cancer patient," Dr. Foley says.

One reason cited for the upswing in pharmacy crimes is the decreased flow of illegal drugs into the country. But although the quantity of illicit drugs has dropped, the addictive need, street demand, and monetary incentives to steal have not. Addicts and drug traffickers now turn their attention to the manufacturers, distributors, and dispensers of pharmaceutical drugs.

"When word gets around that you have drugs, you are inviting crime. We used to carry Biphetamine (a dextroamphetamine and amphetamine complex) until two months ago. The last two bottles were stolen and probably ended up on the street. We decided to stop contributing to the Dallas drug problem, so we no longer stock the product," says Deborah Cartwright, a Dallas pharmacist.

One young pharmacy employe says she has been plagued with nightmares for three years, after a robbery in which her eyes were covered with adhesive tape, her hands were tied behind her back, and a gun was held to her head. "To this day, I cannot comfortably 'browse' in a drug store," she says.

Independent pharmacies are more common targets than the larger chain pharmacies, which can afford to pay for guards, security alarms, employe training programs, and architectural designs that ease supervision of the building. Any store that stays open during "off-hours" or serves a "bad" neighborhood, though, is vulnerable. "You have to seriously weigh the risks associated with these community services, in light of the increasing wave of violence," says Rhode Island pharmacist Thomas Gibson.

As community pharmacies take narcotics off their shelves, wholesale pharmacies find themselves caught with larger and larger inventories. The result, they claim, is an increasing incidence of warehouse theft. Last year, one of every four members of the National Wholesale Druggists Assn. reported an attempted crime.

One recent robbery spree by a 33-year-old drug addict spread across the country like a road map, targeting 12 wholesale pharma-

cies between California and Louisiana until he was caught and convicted. Trying to raise money for his bail, his wife burglarized a New Jersey Dilaudid wholesaler.

Hospital pharmacists say that they, too, are becoming victims of attack. The pharmacy of one 494-bed hospital in Providence, R.I., has been the site of two attempted hold-ups within the past two years.

Says Jackson, Calif., hospital pharmacist Lin Kokana: "If desperate addicts or criminals want the stuff, they will get it from us. Hospitals are obliged, by the nature of their function, to carry these high-risk products."

Pharmacist Roland P. Galley of Arlington, Va., adds this point: "When a pharmacist closes the doors of his pharmacy because he fears for his life or because it is economically impossible for him to continue his practice because of crime, he is not the only loser. It is the community which also suffers. This problem must be viewed not merely as a law enforcement problem, but also as a real and substantial public health problem."

Faced with the dilemma, some physicians decide to assume the risk themselves. Unbeknownst to the public, they stock small personal pharmacies so that they can offer a ready supply of drugs to their patients. Sometimes they act as a "go-between," calling pharmacies around town to locate drugs.

Even legitimate physicians can encounter obstacles here: Oncologist Dr. Kanner recalls telephoning a pharmacy, only to have a suspicious pharmacist later call the hospital administrator to verify his identity. A patient trying to locate a drug, he says, will get no answer at all. "It's an enormous inconvenience," he says.

Once a pharmacy is located, some physicians will try to arrange a special monthly order for their patients. Pharmacies may ask that the prescription be placed as needed, then require that the patient pick it up when it arrives.

For the cancer patient, this may mean traveling to distant neighborhoods or through crime-riddled areas to a methadone clinic. Relatives picking up prescriptions for house-bound patients may be challenged, asked to wait for telephone verification from the physician, or rejected outright. Addicts sometimes imitate cancer patients—carrying lists of chemotherapeutic and narcotic drugs, in appropriate doses, on stolen prescription pads—so everyone must be checked, pharmacists say.

A legitimate patient may be eyed with suspicion. "The cancer patient looks like the classic drug addict: in pain, wasted, thin, chronically ill, and poor. Patients with sickle-cell anemia—young, black, with repeated bouts of pain—have a particularly hard time getting drugs," says Joanne Lynn, MD, former staff member of the President's Commission on Bioethics.

"The patient is made to feel guilty about taking the drug. He feels like a local junkie," Dr. Foley says. Adds Dr. Lynn: "It adds a real stigma to be taking narcotics. It's a continual reminder of their cancer, underscoring the problem. They feel vaguely immoral or indecent."

Congress is showing serious interest in the problem: Four new bills (HR 605, HR 1032, HR 1255, and HR 1661) would make robbery of controlled drugs from pharmacies a federal offense. Hearings were held this year to rally support for the problem. Pharmacists say that this legislation would encourage investigation of pharmacy crimes by federal authorities; the National District Attorneys Assn. rebuffs such legislation, saying that staff shortage would regulate pharmacy crimes to low-priority status. The Justice Dept. supports the thrust of the legislation, but has proposed three limiting amendments.

Experts in the medical and pharmaceutical community each see other possible solutions.

"Pharmacists should be required to stock these drugs. What are drug stores for—to sell tampons? I understand their fears, but they have a responsibility to relieve pain," says Harold S. Mirsky, MD, an oncologist with Washington Internal Medicine Group.

Hospitals could become the central dispersal center for narcotics if kept very secure, Dr. Kanner says. "Make narcotics hospital-based, using four to six hospitals in a city, then keep them well-guarded," he suggests.

Pharmacists say that if they could "hold" prescriptions 24 to 48 hours, they could discourage addicts. "Just give us a tool, so we can refuse a prescription if we want to. Legitimate patients will come back, but addicts will get scared. Make it easier for a pharmacist to say, 'No,'" says James P. Powers of the Florida Pharmacy Assn.

An increasing number of pharmacists have resorted to arming themselves with guns. "Anticipating the next robber, I have a bullet-proof glass in front of my typewriter, a double-barreled shotgun with buckshot, and concrete bricks lining my prescription case completely," pharmacist Carl Hubbs of Riverside, Calif., recently wrote in a letter to the magazine *American Druggist*. "The front counter is brick-lined. A pistol is under the cash register, and my wife has one in her office. We have to protect ourselves. I will not be intimidated by any criminal!"

Meanwhile, patients in their final days of disease are trying to find their own solutions. "These patients are already dying, and they and their families are trying to cope with that," Dr. Foley says. "Then they have to cope with the bureaucracy of the drug situation."●

A TRIBUTE TO TWO MAINE BOY SCOUTS

HON. JOHN R. McKERNAN, JR.

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. McKERNAN. Mr. Speaker, I ask my colleagues to join me today in honoring two Boy Scouts from Brunswick in the First District of Maine, which it is my pleasure to represent. On July 7, 1983, these Scouts received the highest award in scouting: The coveted Eagle Scout Award.

In order to attain the rank of Eagle Scout, a boy must demonstrate unusual leadership ability, earning at least 21 merit badges, and organizing, financing, and seeing through a service project for the community. The qualifications for an Eagle Scout are so rigorous that only 1 in 500 is able to attain that rank; these young men are worthy of our highest praise.

James B. Bridge, Jr., is the son of Mr. and Mrs. James B. Bridge, Sr., and attends Brunswick High School, where he will be a sophomore. His interests lie in the computer and science fields. His service project to obtain this high award was the establishment of a blood bank in Brunswick for use by area donors.

Patrick Brosnan is the son of Mr. and Mrs. James Brosnan, and he attends Brunswick High School, where he will be a sophomore also. He is the varsity basketball team manager and enjoys model railroading as a hobby.

I join parents, friends, and Scouts in congratulating these young men on their achievements, and wishing them success in their future endeavors.●

A TRIBUTE TO BROTHER GLENN NEINER

HON. DENNIS M. HERTEL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. HERTEL of Michigan. Mr. Speaker, today I would like to honor Brother Glenn Neiner, FSC, who will celebrate his 25th anniversary as a Christian Brother on August 27, 1983. Brother Glenn has made outstanding contributions to the community of Harper Woods, Mich., where he has demonstrated his commitment to Christian education and to the service of the poor.

Since 1978 brother Glenn has served as principal of Bishop Gallagher High School in Harper Woods where he is highly respected for his excellent administrative leadership, implementation of educational programs and emphasis on Christian morality in education. Brother Glenn's association with Bishop Gallagher began in 1965 when he served as a teacher, math department chairperson and administrative assistant until 1972.

In addition to teaching at various schools within the Midwest Province of the Christian Brothers, Brother Glenn also held the position of principal of De La Salle High School in Chicago, Ill. for 4 years.

Brother Glenn worked as a project assistant at the research and development center for individualized schooling where he studied the impact of individually guided education on children at the elementary and secondary school levels. His research in the areas of educational leadership and decision-making culminated in a published work entitled "Analysis of Planned Change Within Secondary School That Individualize Instruction."

Born in 1941, Brother Glenn himself was taught by Christian brothers during his elementary and high school years, and later received his B.A. and M. Ed. from St. Mary's College, his M.A. with distinction from DePaul University, and his Ph. D in educational administration from the University of Wisconsin.

Brother Glenn is presently a member of the board of trustees of Lewis University and an active participant in educational conferences.

Mr. Speaker, I rise today to pay tribute to the 25th anniversary of Brother Glenn as a Christian brother. He is considered by all who know him as a man of vision and tireless worker toward the goal of excellence in Christian education.●

THE POPE IN POLAND

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. YATRON. Mr. Speaker, Pope John Paul II's epic tour of Poland last month was a visit which gives the West several lucid lessons to ponder.

Foremost, perhaps, was the Pope's message on resistance movements. Rebutting current theories of political development which applaud militant civic upheaval, Pope John Paul II reminded the world of the destructive nature of most guerrilla revolutionary efforts. Frequently, the success of such movements, as in Cuba, Vietnam, and apparently Nicaragua, simply advent repressive, one-party regimes. The following article from the Wall Street Journal of June 22 merits attention because it emphasizes the tragic course of this process; because it cautions us to consider an ethic of consequences as well as revolutionary claims to moral imperatives, and above all; because it stresses the possibility of peaceable political change toward the ideal of self-determination without the resort to violence or the abrogation of civil liberties.

THE POPE IN POLAND

For the past week, the image of Pope John Paul II in Poland has been everywhere—on the evening news, on the front pages, on the covers of news magazines. It was a most impressive emotional experience to see upward of a million Poles spread out toward the horizon to glimpse or hear the pope as he stood beneath a towering floral crucifix.

It is surely correct to view the pope's trip to Poland as giving a huge lift to that country's fledgling free-labor movement, Solidarity. Nonetheless, as we watched these highly charged images and descriptions spill out of Poland, we found ourselves troubled at the thought that the pope and Solidarity were disappearing into the media's nether world of highly romanticized resistance movements. It is a world that lives more on the power of its images than the power of its ideas. We have been there before.

We were there in South and North Vietnam in the 1960s and '70s, in the mountains of Bolivia with Che Guevara and in the streets of Uruguayan towns with the Tupamaro guerrillas. We fastened for months on the image of Ayatollah Khomeini seated on the floor of his apartment in Paris, and we watched a revolution sweep through the streets of Iran and later over the countryside of Nicaragua. In short, we have been in a situation for some time now where many of the world's great political upheavals remain in popular memory primarily as romantic or dramatic images.

Though one cannot help but be overwhelmed at the spectacle of John Paul's visit to Poland, we think it is extremely important to regard the details of what the pope has been saying in his speeches there. Poland is indeed yet another of the great political movements of the past 20 years, but it is becoming evident that Poland and this pope represent a distinct break with the theories of political change that have held the world's attention.

During the 1960s and 1970s, an entire culture of support grew up around the idea of political change based on resistance, violence and the elimination of classes of people defined as oppressors. These notions became the basis for revolutionary movements in Latin America, Africa and Asia, and political writers in Europe and the U.S. defended these movements as essentially popular uprisings. While that definition was often inaccurate it gave them political legitimacy.

Revolutions in Cuba, Vietnam, Angola and Zimbabwe, which received enormous good will and moral support in the West, have resulted in repressive, one-party political systems in which elections are not held. However, this has in no way called into question the legitimacy of the claims of succeeding movements in countries like Peru, Colombia or El Salvador. These guerrilla movements are persistently described as civil wars based on indigenous local conditions, and little serious effort is made to explain the political ideas and power seeking methods of guerrilla leaders. The political beliefs of the Nicaraguan Sandinista leaders Thomas Borge and the Ortegas was no secret before they took power but received scant attention. Can anyone recall reading a serious discussion of the beliefs or goals of El Salvador's Farabundo Marti coalition?

These unexamined ideas are important, because in the end the cameraman's or reporter's evocative portraits of armed struggle are replaced by ideas transformed into a political system. Vietnam and Nicaragua have two such political systems.

What we are seeing this week in Poland is a notion of political change whose philosophy is quite different from the revolutionary forms that have won the admiration of so many cafe liberals year in and year out.

The central idea coming out of Poland is self-determination—the belief that the individual citizens of a nation ought in some manner to contribute their ideas to a nation's politics, free of both internal and external forces of repression. Poland's Solidarity is a movement for which self-determination is the reason for being, and Pope John Paul II raised this idea repeatedly the past week. He has spoken of "the fullness of civic rights and the social structures which correspond to its just requirements," of a state that must fulfill its role with "the consent of the governed" and of his hope for "full participation in deciding common life."

What we have here, at its most basic level, is a call for the establishment of the right of free speech, which in turn is a prerequisite to the formation of political parties and popularly elected governments. Indeed before Poland imposed martial law, Solidarity was essentially an umbrella over a variety of political groupings, such as the KOR Group (social democrats), the Young Poland Movement (representing conservative Catholic intellectuals) and the Labor Party.

Additionally, John Paul has exhorted the Poles to resist violence and class conflict, notions central to Latin America "liberation theology." "Hatred is a destructive force." said the pope, "and we must neither destroy nor be destroyed by it."

We will not soon forget the image of John Paul II standing below the high cross in Katowice, but we hope it is not forgotten that in Poland this week the pope re-conferred legitimacy on ideas with few active defenders among the world's intellectual elites the past 20 years. But it should be clear by now that they still awaken powerful aspirations in the hearts and minds of the masses of people those elites have so often falsely claimed to represent.●

SUPPORT FOR H.R. 3420, THE SECONDARY MORTGAGE MARKET EQUITY ACT

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. MATSUI. Mr. Speaker, I offer my strongest support to legislation recently offered by my colleague, JERRY PATTERSON, which would be of substantial benefit to the housing industry in California and other areas with high housing costs. This bill, H.R. 3420, would raise the ceiling on mortgages eligible for purchase by the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac).

Under current law, Fannie Mae and Freddie Mac may purchase mortgages from banks, thrift institutions, and other mortgage originators up to a limit of $108,300. Although this ceiling may be reasonable for many areas around the country, in California and other high cost areas, it severly limits access to the secondary market. This, in turn, reduces the ability of lending institutions to free up their funds to continue originating mortgages to serve low- and moderate-income families. The Office of Management and Budget has estimated that while the current ceiling serves 80 percent of the market nationwide, in high cost areas only 58 percent of the market is served.

To remedy this inequity, H.R. 3420 would allow the Fannie Mae and Freddie Mac ceilings in high cost areas to be increased by the same percent as provided under the FHA section 203(b) program. In no case would the increase exceed 33½ percent, and no Federal spending would be required.

I believe this legislation provides a fair and reasonable means of insuring that high-cost housing areas around the country have access to the all-important secondary mortgage market. I urge my colleagues to join me in assuring its passage.●

NEED FOR THE SENSE ACT

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. RICHARDSON. Mr. Speaker, over the past 10 years, this country has twice been brought to a near standstill as a result of energy crises. We have vowed to never again be held hostage by the oil producing nations. The gasoline lines are gone now and prices have fallen largely due to our own conservation efforts. But we must not become complacent. We must reaffirm our commitment to becoming an energy independent nation. If we drift back into a total reliance finite energy sources, we will find ourselves again facing crises in the coming decades.

The Reagan administration simply has no energy policy and ignores the need for long-term planning to insure our energy independence. Nonnuclear energy research and development represented 60 percent of the total energy technologies budget in 1981; the administration proposed to drop that to a mere 16 percent in 1984. This administration seems bent on wiping out the progress that has been achieved over the last few years in the field of renewable energies.

That is why I have cosponsored the Solar Energy National Security and Employment (SENSE) Act. SENSE is the legislative tool through which the Nation's conservation and solar industries can be more fully developed, commercialized, and integrated into our Nation's overall energy policy.

Aside from assuring energy stability, an important reason for promoting the development of renewable energy and conservation industries is their potential for creating new employment opportunities for thousands of Americans. In my district in New Mexico, the unemployment rate is still hovering around 10 percent. According to Leland Alhorn, executive director of the New Mexico Solar Industry Development Corp., the solar industry in New Mexico has grown from about 200 direct solar jobs statewide early in 1980 to nearly 1,500 jobs today. Another 500 to 800 jobs indirectly tied to these direct solar jobs. The SENSE Act will encourage continued growth in the solar energy field by extending business and residential tax credits until 1990.

The SENSE Act directly addresses the unemployment problem by requiring the Secretary of Labor, within existing job training and placement programs, to implement policies to enhance the development of a labor force skilled in energy conservation and renewable energy technologies.

Furthermore, renewable energy technologies have a tremendous potential as major new export industries. As our economy continues to change these new industries can provide jobs at home and contribute to a sustained economic growth by reducing our trade imbalance. Exports of photovoltaics rose 79 percent from 1979 to 1980 and exports of solar heating and cooling products rose 45 percent in that same period.

Mr. Speaker, this Nation has the ability to develop a viable solar energy industry. Let us enact the SENSE Act to make certain that our knowledge and resources are used to their fullest potential as we work to achieve energy independence.●

FRANK REYNOLDS SET HIGH STANDARD FOR AMERICAN JOURNALISM

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. BROOMFIELD. Mr. Speaker, like millions of his viewers I was shocked and saddened at the death of ABC News Anchorman, Frank Reynolds.

For me, he represented the very best in American journalism. By his demeanor and his responsible handling of the news, he set a high standard for television reporting.

As a mark of the regard in which he was held by his colleagues in the broadcast industry, Mr. Reynolds was awarded the prestigious George Foster Peabody Award in 1979, just 1 year after he became chief anchorman for ABC's "World News Tonight."

A 30-year veteran of broadcasting, Mr. Reynolds covered political campaigns and conventions and the U.S. manned space-flight program and provided commentary of Presidential speeches and news conferences.

It was that depth of experience and sound news judgment that helped Mr. Reynolds boost ABC "World News" to the top of the ratings.

Mr. Speaker, I want to extend my condolences to Mr. Reynolds' wife, Henrietta, and his five sons. While his passing is their personal tragedy, American journalism, the broadcast industry especially, and millions of television viewers share their loss.●

THE WHITMAN FAMILY

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, in these times, families, even those that are prominent and successful, too often disintegrate.

In south Florida, however, we have a special family in the Whitmans. My very good friends, Stan and Dotty, live in Miami Shores in our 17th Congressional District and have spent a lifetime serving their community.

It was with a great deal of joy that I read the story of the Whitmans in the July 3 issue of the Miami Herald. The Whitman family is prime proof that private enterprise, the American family, and community commitment are alive and well in south Florida.

The article follows:

[From the Miami Herald, July 3, 1983]

DYNASTY—THE WHITMANS HAVE ALWAYS GONE FIRST CLASS

(By Laura Misch)

Old Man Whitman would be proud.

Upon a marshy site once crawling with land crabs and thick with fierce mosquitos, his sons built the most elegant shopping center this side of Worth Avenue.

A surfer, a tennis player, a water-ski buff—Bill, Stan and Dudley Whitman own Bal Harbour Shops, a world-class collection of expensive stores and the economic anchor of the small oceanfront community. Forty-five years earlier, their father, William Francis Whitman, used his money and vision to change the face of Miami Beach with hotels and apartment houses.

"Bal Harbour Shops lends prestige to the community," Village Manager Fred Maley said. "I think the town pays its proper respect to the Whitmans."

The shopping center accounts for 7.2 per cent of the village's total tax base. Last year that came to $96,000. The resort tax generated by the center's five restaurants gave the village another $93,000 last year. The village also gets a percentage of the sales tax from the 80 stores in the center.

Stan, 64—the only brother who doesn't live in Bal Harbour—minds the stores, watching over the family business that grossed $104 million last year.

He's the visible Whitman, the one who attends Village Council meetings and wields the corporate clout when anyone or anything threatens the interests of the shopping center. His brothers are into other endeavors, although each owns a third of the center.

"I'm paid $1 a year to stay away," said Dudley, 63. He owns Commander Marine in Opa-locka, a small company that manufactures marine engines in conjunction with the Ford Motor Co. Thirty-five years ago, he was one of the first to use fiberglass to make boats, and in his youth he pioneered slalom water skiing.

"Dad always said I'd be a wharf rat," he said. Dudley lives practically next door to Bill and owns a vacation home on Eleuthera in the Bahamas, where he surfs.

Bill, 69, is a noted horticulturist who grows rare tropical fruits a few hundred yards from Bal Harbour Shops on his own urban agricultural station. Like his brother, he's a surfing nut and still spends every summer in Hawaii catching the waves. He's there now.

Stan followed in his father's footsteps and went into real estate after World War II. He bought the 15.3 acres upon which Bal Harbour Shops sits in 1957 for $2 a square foot when most shopping center developers were paying about 10 cents a square foot.

"They all thought I was crazy back then," he said. Not today.

Neiman-Marcus, Saks, Gucci, Cartier, Bonwit Teller, Brooks Brothers, Mark Cross

and dozens of other high-class merchants have made Bal Harbour a mecca for wealthy tourists and South Floridians. There is a gourmet chocolate emporium, a custom stationery store, a sweet-smelling toiletries shop that sells soap for $6 a bar.

The landscaped, sunlit outdoor mall is frequently and favorably compared with Fifth Avenue in New York, Rodeo Drive in Beverly Hills and Worth Avenue in Palm Beach.

"There isn't anything as fancy as this in the whole world," Stan boasted.

He may be right. He has claimed for years that his stores gross more revenues per square foot and pay more rent than those in any other local shopping center, and no one has disputed him yet.

The center is doing well. It is in the midst of a $25-million expansion that will double its original size to eventually include 100 stores. Right now there are 80.

"We don't have the schlocks here," Stan said. "I like to think we sell something a little more high class than toilet paper."

But then, the Whitmans always did everything first class. William Whitman, a wealthy businessman from Chicago who owned one of that city's largest printing companies, brought his family to boom town Miami in 1914 after choosing it over Beverly Hills as a warm place to settle.

In 1917, he built a palatial family home on the ocean at Collins Avenue and 32nd Street. The two-story, five-bedroom house had fireplaces, sunken gardens and a dance floor built into a sand dune overlooking the ocean. The Saxony Hotel stands on the site now.

"I remember growing up in that house, I loved that house," Stan said. "We used to build our own surfboards and surf in the ocean right off our back yard."

Carl Fisher's elephant, Rosie, would make an appearance when there were birthday parties and tow the neighborhood children around in a cart. The pachyderm once relieved herself on the Whiteman's driveway, and Stan remembered that his father was "furious" and told Fisher off about it.

Back then Indian Creek, across the street from the Whitman home, was full of crocodiles and alive with mosquitos.

"This was a scrubby, sandy, mangrovey place in the old days," Stan said. "People try and make it sound like it was paradise, but believe me, it's a lot better now than it was then."

His father was busy remaking the barren town. William Whitman built the first apartment house on Miami Beach after the 1926 hurricane, the luxury Indian Creek Apartments at 3300 Collins Ave. In the winter of 1936, a three-bedroom, top-floor apartment went for $3,300 for the season—January to May. The price included maid service, lights, gas, heat and laundry. No dogs allowed.

"The wealthiest people in the United States rented those apartments," Stan said. "Those people could buy and sell these shoppers here at Bal Harbour Shops many times over."

His father also developed Espanola Way, which was almost named Whitman Way. (As things turned out, the family was glad it was not.)

Whitman's aim was to build a neighborhood in the heart of Miami Beach where the houses and streets would have the atmosphere of a quaint Spanish village. He erected Spanish-style bungalows and buildings in 1922 but his dream quickly soured when the street became a thriving hangout for bookies, bootleggers and prostitutes.

Espanola Way has remained seedy ever since. Three years ago, a young preservationist, Linda Polansky, bought some of the buildings on the street and began a restoration effort.

William Whitman's biggest project was the Whitman-by-the-Sea Hotel at 34th and Collins Avenue, the first major hotel to be built in Dade County during the Great Depression. It was torn down in 1945 to make way for high-rises.

Designed by architect Roy France, who also designed the Edgewater Beach, Saxony, Casablanca and a half-dozen other grand Miami Beach hotels, the Whitman was the last word in style in 1935 when it opened.

"Pleasant people, your own kind," reads an old brochure with photos of people dancing and dining in the Sea Island Room. "Check your hat and your worries at the Whitman . . . Only the hat will be returned!"

At one time, William Whitman owned the 3100, 3200 and 3300 blocks of Collins Ave. plus other Beach real estate, including part of Lincoln Road Mall. He gradually sold some parcels off to developers Ben Novack, George Sax and others.

"My father had a chauffeur, a cook, two maids and a gardener," Stan said. "My father knew how to live."

The boys' mother, Leona Whitman, is 97 years old now and lives in Bal Harbour. She was a Miami Beach socialite in the 1920s and '30s.

"Our parents never took us to the clubs," Dudley said. "We wore plain clothes to school. We weren't Little Lord Fauntleroys."

But Stan remembers being quick with his fists when other boys would gang up on him because he was a Whitman.

William Whitman died in 1936, just a year after his hotel was finished.

In 1945, Leona Whitman sold their ocean-front home to developer George Sax for $250,000, helping to usher in the era of wall-to-wall high-rises along Collins Avenue. The three young Whitman boys were fresh out of the armed services and doing what most wealthy young men would go under the circumstances—having fun.

Bill and Dudley got into the motion picture business, making nature and adventure films for Warner Bros., RKO, Disney and Paramount.

The two specialized in underwater photography and one of their short subjects, Five Fathoms of Fun, was a runnerup for an Academy Award. Another film they worked on, The Sea Around Us, did win an Oscar for its writer, Rachel Carson.

But Hollywood producers told the Whitman brothers that if they wanted to continue making films they needed to become a union shop and become better organized.

"That just could not have worked out, so we got out of the business," Dudley said. He began building boats and Bill got interested in horticulture.

Today, neither visits Bal Harbour Shops very frequently. They let Stan handle things.

Although the shopping center for the most part coexists peacefully with the tiny town it dominates, there have been problems.

In 1976, a hostile council slapped a building moratorium on the Bal Harbour Shops that lasted a couple of years.

When Stan unveiled plans to expand the center in the late 1970s the council (this time with different members) again balked.

"He wanted more than the city would allow," said Maley, who has been the village manager for 14 years. "What he got is considerably scaled down from his original proposals."

Last year, Whitman approached the council about moving the busy shopping center entrance to Bal Bay Dr., a residential street. Residents protested and the council sided with them. As of now, the entrance will stay where it is, on Collins Avenue.

"My only problems have been political ones with the town," Stan said. "But I haven't any problems right now. Everything's smooth."

The heir to the Whitman real estate dynasty is 39-year-old Randy Whitman, Stan's son. He has been the leasing agent for the Bal Harbour Shops for 10 years. Before that he sold commercial real estate on Brickell Avenue. He lives in Coconut Grove.

"I've always chafed at working for other people," he said. "I prefer to do my work where I'm on my own."

"He'll take it over, there is nobody else." Stan said. Other Whitman offspring fly helicopters, own businesses and other real estate.

But it will probably be awhile before Randy takes over. Stan still puts in a full day at the office and can often be seen marching through his mall, chatting with his store owners and checking up on business.

"I stick around because I'm lazy," he said. "My son leases it, somebody else runs it and I get to have fun. and we make money, too."

Old Man Whitman would be proud.●

A TRIBUTE TO JERRY KROMASH

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. HOYER. Mr. Speaker, I rise to report the sorrowful passing of a dear friend of mine and an outstanding citizen of Maryland and my district, Jerome Kromash. In my community of Prince Georges County, Md., there were few people who rivaled Jerry in his dedication, his wit and his good will toward his family, his friends and his colleagues.

At the time of his death, Jerry was the chief liquor inspector for Prince Georges County. He had held this position since 1978, when he was promoted from his job as deputy inspector. He has been with the liquor board for many years prior to that time in a part-time capacity.

Jerry was also a key element in the Democratic Party in my county. He was the treasurer of the Maryland Democratic Party, serving from 1981 to his death, and had worked in every Democratic Party campaign from 1968 to 1982. He was a member of the Prince Georges County Democratic Central Committee from 1977 to 1982, and coordinated several Democratic campaigns in his community of Laurel.

Not confining his efforts to politics, he was also very active in civic activities in his community. He served on the Harrison Elementary School

Parent Teachers Association and on the Eisenhower Junior High School PTA. He worked with the Laurel Boys and Girls Club, the Boy Scouts and was past chancellor commander of the Knights of Pythias.

Jerry was a man who always gave 100 percent to any task at hand. If you knew Jerry was handling a matter, you knew it was done, and done right. This quality was one of the reasons he was so highly respected in the community. And above all, Jerry was known for his marvelous sense of humor, even in the face of a grave and, finally, fatal illness.

Jerry and his devoted wife, Sheila, together raised three children, who continue their parents' tradition of community service. They have five granddaughters, and many of Jerry's contributions outside his career centered around the needs of his family.

Mr. Speaker, Jerry Kromash was a fine man, and his contributions to his community, his humor and his spirit will long be remembered. I know my colleagues would want to join me in sending heartfelt condolences to his family on this sad occasion.●

CONGRESSIONAL SALUTE TO THE HONORABLE JOHN CHOKA OF NEW JERSEY, ESTEEMED EDUCATOR, BASEBALL COACH, GREAT AMERICAN, AND WAYNE LITTLE LEAGUE "MAN OF THE YEAR"

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. ROE. Mr. Speaker, on Saturday, July 23, the people of my hometown of Wayne, Eighth Congressional District and State of New Jersey will join with Don Jenkins, District II Administrator of Little League Baseball, and members, families, and fans of Wayne Little League Baseball in testimony to an esteemed educator and coach, distinguished citizen and good friend, the Honorable John "Chick" Choka, whose outstanding service for 22 years with Wayne Little League has earned him the most highly coveted honor of being chosen "Man of the Year" of District II, Little League Baseball. I know that you and our colleagues here in the Congress will want to join with me in extending our heartiest congratulations to Chick Choka and share the pride of his good wife Lubie and their children, Gary, Wayne, Chris, and Claudia upon this milestone of achievement in their family endeavors.

Mr. Speaker, our Wayne Little League Man of the Year John Choka was born and raised in Jersey City, N.J. He received his B.S. degree from Jersey City State College and his M.A. degree from Columbia University. He was with the U.S. Army Harbor Craft 1943-1946.

When one reflects upon the fact that the cultural, historical, and economic achievements—even the basic health, well being and longevity of a State and Nation—depend in large measure upon how well we educate each generation charged with the trust of carrying out its responsibilities and traditions, we can indeed be proud of John Choka's outstanding contribution to the quality of life and way of life for all of our people.

For 32 years Mr. Choka was a distinguished member of the faculty of the River Edge school system and for a quarter of a century served as principal of its Cherry Hill School, River Edge, N.J. It is interesting to note that during his tenure of over three decades at Cherry Hill School more than 18,000 boys and girls were the recipients of the wealth of his wisdom, understanding, and professional expertise. Chick, as he is affectionately called by many of us, was not only especially effective in establishing outstanding courses of study for his students but achieved an excellent rapport with other members of the faculty and the parents of his students. He is a good friend, fine administrator, and devoted family man.

On Saturday, July 23, he will be honored for his service to the youth of America in building strength of character, fair play and sportsmanship through participation in the activities of Wayne Little League baseball. There are many, many commendations that could be cited on behalf of Chick's lifetime of achievements in service to the youth of America. During his 22-year tenure with the Wayne Little League over 12,000 boys and girls have been the recipient of his coaching, administrative, and managerial endeavors in the sports world of baseball. With your permission, Mr. Speaker, I would like to insert at this point in our historic journal of Congress some of his achievements in service to our young people that will be particularly cited by his friends and colleagues in the Wayne Little League on July 23, as follows:

JOHN "CHICK" CHOKA, WAYNE LITTLE LEAGUE 1961-1983

1961 Assistant Coach (Wayne Little League incorporated 1954).
1965-66 Head Coach.
1966 National League All Star Coach to District Final vs. Wayne American.
1966-67 American League Player Agent.
1967 Minor League started.
1968 Chick first elected Director, now in his 16th consecutive year as Director.
1970 Wayne American's win the Little League World Championship in Williamsport, Pa.
1972 Senior League State Champions.
1973 Senior League State Runner-up.
1974 Girls enrolled in Little League.
1977-78 Field renovation and new club house and new scoreboard.
1978 Host, Eastern Regional, Senior Little League Girls Softball Tournament.
1979 T-Ball instructional program for 7-year olds inaugurated.
1980 Batting cages installed.
1980 Wayne Americans District II Champions.
1982 Ten-year-old District II Champions.
Member, Wayne Recreation Advisory Board (since 1971).
Assistant District II Administrator (since 1971.)

Mr. Speaker, John has served our people and our country with honor and distinction. He is an outstanding administrator, educator and good friend whose richness of wisdom and expertise in his daily pursuits have touched the lives of many, many people in my congressional district. I appreciate the opportunity to publicly acclaim all of his good works and share the pride of his family in his accomplishments and lifetime of dedicated service to our young people. We do indeed join Wayne Little League in saluting a beloved teacher and great American, Hon. John Choka of New Jersey.●

A TRIBUTE TO JOHN RATHBUN YOUNG

HON. ROBERT E. BADHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. BADHAM. Mr. Speaker, I rise this morning to pay tribute to one of my esteemed constituents on the occasion of his completion of a half century of life.

John Rathbun Young, lovingly known by his friends as "the Bear," breathed his first breath on July 18, 1933 in Pasadena, Calif. After graduation from the Norton School for Boys with high academic honors and matriculation Claremont Men's College, he came to Newport Beach, Calif., where he has resided for the past 22 years. Mr. Young has served his community and his fellow man in many pursuits including farming, land development, automotive sales in Orange County, Calif., and Texas. He is currently a founding partner of the Great North American Exploration Co. of Spring, Tex.

I ask the Members of this body to join me in wishing John Young a most happy 50th birthday on this occasion.●

RIDDING AMERICA OF HAZARDOUS WASTE

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. WYDEN. Mr. Speaker, there is virtually no hazardous waste produced today that cannot be recycled, destroyed, or not produced in the first place. Yet, daily we generate and dispose of more than 6 pounds of hazardous waste for each man, woman, and child in this country.

The bulk of the hazardous waste generated today is disposed of on land. Despite improvements in the land disposal of hazardous waste, the threat of water supply contamination and other health hazards remain a very real risk. As our Committee on Energy and Commerce report on H.R. 2867, the 1983 amendments to the Resource Conservation and Recovery Act, states:

[T]he Committee intends to convey a clear and unambiguous message • • • reliance on land disposal of hazardous waste has resulted in an unacceptable risk to human health and the environment • • • land disposal should be used as a last resort • • •

Clearly, the strong regulatory requirements of the Resource Conservation and Recovery Act must be supplemented by a direct and logical economic incentive to use alternatives to land disposal of hazardous waste.

That is why Congresswoman SCHNEIDER and I have joined with more than 80 of our colleagues in sponsoring H.R. 3129, the Hazardous Waste Reduction Act of 1983. Our bill would provide the botton-line, pocketbook incentive for corporate managers to employ recycling, incineration, or process changes to produce less waste.

We provide this incentive by shifting the industry tax currently used to finance the Superfund from the inputs—or raw materials in the manufacturing process—to the outputs—the actual amount of hazardous waste generated and disposed of.

By shifting the tax to the waste-end, H.R. 3129 makes the Superfund more equitable and more effective by establishing a logical connection between the tax paid and the ultimate amount of waste produced. At the same time, the bill encourages alternatives to land disposal by only taxing the land disposal of hazardous waste. No tax is assessed on recycling or treating waste so as to reduce its danger.

The handwriting is on the wall for land disposal. Fortunately, alternatives do exist. A California study estimated that 75 percent of all hazardous waste could be safely recycled, treated, destroyed or eliminated through changes in the manufacturing process.

The question before the Congress is how to accelerate the search for alternative disposal methods and technologies and how to make them affordable. Enactment of the Resource Conservation and Recovery Act Amendments, H.R. 2867, and the Hazardous Waste Reduction Act, H.R. 3129, are part of the answer.

To gain some insights into specific alternatives to land disposal and their relative costs, as well as the chemical industry's own concern over continued land disposal and their efforts to develop alternatives, I include for my colleagues a recent article touching on these points from the Wall Street Journal.

[From the Wall Street Journal, June 30, 1983]

POISON PROBLEM: FEARING NEW LOVE CANAL, CHEMICAL FIRMS STRESS SAFER DISPOSAL OF HAZARDOUS WASTE

(By Ann Hughey)

It was over a decade ago, But Charles Brookes still can recall the horror he felt the day he was shown aerial photographs of W.R. Grace & Co.s' Curtis Bay, Md., plant. Mr. Brookes, Grace's senior vice president for environmental policy, says the photographs—intended for office decoration—revealed a "two-square-mile red blotch staring at us."

The blotch was producted by a chemical that Grace had been dumping into the Chesapeake Bay. When Mr. Brookes ordered a subordinate to "do something about the pollution," he says, the man returned with a new set of photographs, the red areas neatly airbrushed out. "That was his solution," Mr. Brookes says, adding that the employee later left the company.

When the dumping had begun several years earlier, Mr. Brookes explains, the chemical was thought to be innocuous. In fact, he says, "it turned out to be causing a lot of damage" to marine life. He adds: "That was 1970. We didn't think about these things.

These days, it seems, chemical companies can think of little else. The nightmares of Love Canal in upstate New York and Times Beach, Mo., have made the safe disposal of hazardous waste one of the industry's top priorities—"a motherhood issue," according to a spokesman for the Chemical Manufacturers Association. Although other industies—mining and metals, for example—produce their share of hazardous waste, it is the chemical industry that is most closely linked in the public mind with such pollution. And with hazardous waste as explosive a political issue today as nuclear power, the chemical industry has become a leader in the search for safer, more efficient ways to dispose of modern technology's poisonous byproducts.

PROBLEMS AHEAD

Chemical concerns that once casually discharged poisons into the environment now spend billions of dollars each year complying with environmental laws. Some have found unexpected rewards in doing so: Grace, for example, spent $1 million for a facility at Curtis Bay to capture the offending chemical and discovered that by recycling, rather than dumping, the waste, it could save $150,000 a month.

Despite major strides in hazardous-waste management in the past decade, chemical-industry executives concede that some of the stickiest problems lie ahead. In particular, concern is rising about the long-term effectiveness and availability of landfills, where some 80% of the nation's hazardous waste is currently stored.

Public opposition to landfills is stiffening. Recent discoveries of scores of dump sites where poisons have lingered undetected for a generation, the Environmental Protection Agency scandals and what the chemical industry delicately calls its "public-relations problem" have made hazardous-waste dumps unwelcome in most communities. One 1980 poll showed that most people don't want such landfills within 100 miles of their homes. Currently, 462 hazardous-waste landfills are scattered about the country, according to the EPA. Last year, 50 were closed, while the EPA approved only one new one.

Most of the nation's output of toxic waste finds its way into this shrinking land area. According to the Office of Technology Assessment, the annual volume of waste includes the estimated 255 million to 275 million tons regulated by federal and state agencies, as well as unknown millions of tons generated by small operators exempt from regulations. The office, an arm of Congress, estimates that it costs U.S. industry and government together between $4 billion and $5 billion each year to manage and regulate that waste, a sum that is expected to soar to $12 billion annually by 1990.

PERPETUAL CARE

Not only are landfills in short supply, but their continued use poses worrisome potential liabilities for waste producers. By law, a company can be held responsible for its hazardous wastes indefinitely, whether it disposes of them itself or subcontracts the job out to a third party. In a recent report, the National Research Council suggests that companies may be held accountable for the "perpetual care and monitoring (of landfills) for a period that, realistically, may exceed 500 years."

Experts doubt that even the best of today's landfills will be up to the job. Plastic sheeting and clay are the most common barriers used to keep dangerous chemicals from seeping into the water table. Grace's Mr. Brookes says that an impermeable, thick clay barrier is "probably OK," but he admits to "squeamish feelings about depending on plastic membranes for eternity." Landfills can also settle, cracking or breaking the clay seal. Seepage collection systems designed to catch spillage aren't likely to stand up for 500 years.

Noting growing evidence that land disposal of hazardous waste isn't providing protection against ground-water contamination, a recent report issued by the House Committee on Energy and Commerce warned that in many cases, landfilling "poses grave threats to public health and the environment."

Such concerns led Rohm & Haas Co.'s chairman, Vincent L. Gregory, to tell shareholders at the Philadelphia-based chemical maker's recent annual meeting, "I believe that the days of waste disposal in landfills are numbered." Explaining that Rohm & Haas is searching for alternative disposal methods, he warned, "It's complicated, and it's going to be expensive."

Most of his counterparts in the industry, however, can't conceive of a world without landfills. Some hazardous wastes—notably heavy metals—can't be destroyed; the best that can be done is to neutralize them by, for example, mixing them with concrete.

Storage space must be found for the resulting concrete blocks, as well as for the stubborn sludges and residues from incineration or biological and chemical neutralization processes.

DETOXIFYING WASTES

Talk of doing away with landfills altogether "is sticking your head in the sand," declares Geraldine Cox, an official of the Chemical Manufacturers Association. Closing all landfills would mean forgoing "the technology that leads to that waste," says Sam Gusman, a former senior executive at Rohm & Haas who now works for the Conservation Foundation, an environmental group.

Increasingly, however, big companies are attempting to detoxify waste before dumping it, willy-nilly, into a landfill. "You're much better off destroying it now than worrying about the problem it might cause 20 or 50 years from now," says Robert C. Forney, executive vice president of Du Pont Co.

The cost of such detoxification, while high, is modest compared with the potential bill for cleaning up a contaminated waste site. In a recent report, the Office of Technology Assessment estimates that it would have cost $2 million to properly dispose of the waste dumped at Love Canal years ago. By contrast, the report says, the ultimate cost of cleaning up the contamination is expected to exceed $100 million, not counting some $2 billion in lawsuits that have resulted from the incident.

Du Pont, Dow Chemical Co. and other large-volume chemical producers have invested in elaborate, high-temperature incinerators that can destroy much of their liquid and solid waste, thereby preventing poisons from escaping into the environment. One such device cost Du Pont $16 million to build in the mid-1970s and $3 million a year to run.

While the cost of incineration varies widely, depending on the amount of fuel needed and whether it is done in-house or subcontracted, it tends to be more expensive than land filling. By one rough estimate, incineration costs between $50 and $500 a ton, compared with $20 to $200 a ton for landfilling.

BIOLOGICAL TREATMENT

Another alternative is biological treatment of waste. At Du Pont's Chambers Works facility near its Wilmington, Del., headquarters, toxic waste is pumped into three huge vats of bacteria and carbon particles. Oxygen bubbles up through the black liquid as the bacteria consume the waste. Thus neutralized, the wastes are then compacted and incinerated and the residue is put in a landfill. The treatment plant and landfill are located on a 700-acre tract of company land where, Du Pont officials are fond of pointing out, ducks, geese and deer apparently flourish.

Sometimes, waste can be reused. A decade ago, Monsanto Co. disposed of a caustic solution produced in the manufacture of chemicals for the paper industry by channeling it into a solar evaporation pond at its Baxley, Ga., plant. Periodically, the solids were dredged from the pond and either dumped in a landfill or simply "covered up with some dirt," according to Alan W. Thompson, the manager of environmental affairs for Monsanto's Polymer Products unit. When it became apparent that such methods weren't "a very good idea," Mr. Thompson says, the company began shipping the sludge to a hazardous-waste landfill operated by a third party. Now Monsanto sells some of the caustic solution to a New Jersey waste-disposal company that uses it to neutralize acid waste. Even though Monsanto pays to transport the waste to New Jersey, its net saving over disposal costs is $40,000 a year.

Other companies are saving money by recycling chemicals. Rohm & Haas's research laboratory in Spring House, Pa., formerly discarded leftover chemicals when projects were completed. Now a computer maintains an inventory of every chemical in the lab and leftovers are saved. The lab's waste output has been reduced by one-third as a result. Similarly, one Minnesota Mining & Manufacturing Co. plant saved $30,000 a year by collecting and recycling an acid.

REFORMULATING PRODUCTS

Another goal is to reduce waste by reformulating products and manufacturing processes. At Union Carbide, development of a more energy-efficient way to make polyethylene yielded the side benefit of eliminating the five pounds per ton of waste previously produced during manufacture.

3M says it saved $150,000 a year by redesigning one division's manufacturing equipment to eliminate use of a lead and graphite mixture that produced 4,200 pounds of waste sludge a year. Monsanto made a slight change in its method of making an adhesive and turned what had been waste into part of the product—without alterning its properties. Monsanto officials estimate that the company saves several hundred thousand dollars a year in waste-disposal costs as a result.

Philip Palmer, a senior environmental engineer at Du Pont, describes the reduction and disposal of hazardous wastes as "a lot of different little problems." Many people, he say, harbor the misconception that it is possible to "do something magic" to hazardous wastes, when in fact there "isn't going to be any single technical panacea."

Chemical—company offical are stung by the public's failure to credit them for recent advances in hazardous-waste management. "You don't read much about the guys who did it right," one says. The bad publicity is especially hard to swallow, they say given the fact that the chemical industry produces only a portion of the nation's hazardous waste. "Steel and aluminum and metals have far more environmental problems than the chemical industry," grumbles Rohm & Haas's Mr. Gregory.

Big chemical companies worry that the industry's image will continue to be tarnished by small waste producers who, lacking their resources and unscrutinized by government agencies, fail to safety dispose of toxic waste. Du Pont's Mr. Forney asks: "Who sprayed dioxin on the roads at Times Breach? Not a Dow or a Du Pont."

But attitudes are slow to change even at some large companies with sufficient resources. W.R. Grace, for example, still turns over most of its toxic waste to a subcontractor for disposal—a policy generally considered to be less prudent than disposing of it in-house. Mr. Brookes says he has studied the feasibility of a companywide incineration program. But because Grace produces only a fraction of the waste of, say, a Du Pont—and at far-flung location—he says "I couldn't put together a package that made any sense at all." Moreover, he says the attention of top management often isn't caught by waste-disposal problems. Mean while. Mr. Brookes says he has nightmares about waste drums stamped "W.R. Grace" turning up in some scandal-plagued dump site.●

AWARD GIVEN TO MR. REMO FERRANTE

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. DYSON. Mr. Speaker, it gives me great pleasure to acknowledge and congratulate today Mr. Remo "Ray" Ferrante, a resident of Maryland's first district, who recently received the honor of being named a Fulbright Scholar.

Recently, our Nation's educational system has received a great deal of attention, with many groups calling for a serious review of the standards of our institutions of higher learning. Mr. Ferrante's distinguished service as an assistant professor in the University of Maryland-Eastern Shore's English and language department indicates the superior instruction given in many of our country's schools.

Mr. Ferrante's recent recognition is a high point in his career. He began his work in education as a language instructor in Morgantown, W. Va., teaching at both the University of West Virginia and in several local schools. After teaching German at both Vanderbilt Unversity in Tennessee and Edinboro State College in Pennsylvania, he assumed his current position, where he has been an instructor in French, Spanish, and German.

I commend him for his efforts to promote the well-being of his students and excellence in American education. This most recent honor of his is well deserved after 14 years of accomplishment in serving the people of Maryland's Eastern Shore.●

DRUG ABUSE BY THE ELDERLY

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. SMITH of Florida. Mr. Speaker, drug abuse has long been considered a problem of the young. However, drug abuse is also a problem of the elderly. Only in the past few weeks have we developed an awareness of the problem as it affects our senior citizens. The following editorial which appeared in the Fort Lauderdale Sun-Sentinel on July 5, 1983, summarizes the problem most succinctly. I hope that this body will encourage public awareness while searching for possible solutions to the problem:

FIGHT DRUG MISUSE BY SENIORS

The words "drug abuse" call up images of teenagers or young adults smoking pot, popping pills, snorting cocaine or even shooting up with heroin.

But a growing part of the overall drug abuse problem affects mainly senior citizens who suffer from overuse or misuse of drugs prescribed legally or bought over the counter.

The U.S. House and Senate aging committees heard testimony the other day that 30,000 elderly Americans are killed each year by "drug misadventures."

The problem arises because many elderly people take several different kinds of medicines every day. Individually, they may be helpful. In combination, they can be dangerous or even lethal.

Some witnesses testified about drug-induced hallucinations, hysterical fits, fainting spells and comas.

With 60 percent of 25 elderly Americans taking medication daily, the potential for harm is enormous. And over-use of legal medication is not only confined to seniors.

Survey results cited by Rep. Claude Pepper, D-Miami, chairman of the Health and Long-Term Care Subcommittee, are frightening:

As many as half the elderly don't take medications properly.

Ten percent never fill prescriptions given them by doctors.

Seventy-five percent don't get information on the drugs they are supposed to take.

And 74 percent are never told about side effects.

Congressmen were told the problem was exacerbated because many elderly people are shy about asking questions of their doctor or fail to tell one doctor they are taking medicine prescribed by another.

In an effort to reduce these drug misadventures, the Food and Drug Administration is sending a pamphlet to all Social Security recipients in checks being mailed this month.

The pamphlet urges any patients taking drugs to ask their doctor or pharmacist the name of the drug, the condition it treats, when to take it and stop taking it, the results it is supposed to produce and any possible side effects.

That's good advice for anyone of any age.●

DEMOCRATS USING NATIONAL SECURITY AS GRIST FOR THEIR PARTISAN MILL

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. MARTIN of North Carolina. Mr. Speaker, the Democrats efforts to turn our national security problems to their domestic political advantage continued yesterday with an attack by former President Carter on the Reagan administration's policies in Central America.

I rise to condemn the Democrats reprehensible partisanship in matters which, more than any other, should be beyond partisanship. Having lost the economy and social security as issues, after frightening millions of elderly Americans last autumn to gain votes, the Democrats are using national security as grist for their partisan mill. The nuclear freeze, the MX, and now Central America.

Mr. Carter complains about our support of the El Salvador Government—which his administration also backed—because it is, he says, "the most bloodthirsty in our hemisphere, perhaps in the world." The grave abuses by right-wing forces are not government policy, and have begun to moderate during the Reagan administration. The most bloodthirsty in the world? Has President Carter already forgotten about Vietnam, the Soviet Union, Kampuchea, Cuba? Recent history has demonstrated beyond doubt how each Communist takeover has been consolidated—or "stabilized" as former Ambassador Young would say—in virtual rivers of blood. How easily he forgets.

The comments from a President whose administration was synonymous with retreat, appeasement, and disarray abroad should be taken for what they are: partisan nonsense.●

A COMMUNITY LEARNS TO LOVE

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. McGRATH. Mr. Speaker, I would like to draw the attention of my colleagues to an article published in the July 12, 1983, edition of Family Circle magazine. The article by Joanne Morici, entitled, "A Community Learns to Love," was of special interest to me because it concerns the establishment of a home for mentally retarded adults in my home town of Valley Stream, N.Y.

The article tells of the efforts of Father Robert Emmet Fagan, director of Catholic Charities of Rockville Centre, N.Y., who initiated a proposal to open the first of a series of resident care facilities for mentally retarded adults 10 years ago. The proposed site for the residence in Valley Stream was a vacant convent in the middle of a residential neighborhood.

As might be expected, there was immediate and vocal opposition from area residents. Many of them supported the concept, as long as the home was located outside their neighborhood. Some were afraid of what might happen if their children encountered one of the retarded residents. Others were simply misinformed.

But through patience, diplomacy and determination, Father Fagan and Sisters Kate McGrath and Catherine O'Shea managed to open what was called Christopher House for a dozen mentally retarded men and women. The residents engage in productive jobs and have become accepted members of the community. In fact, the neighbors now actively participate in the work of Christopher House and hold parties for its residents.

Father Fagan and the residents of the neighborhood around Christopher House are to be applauded; Sister Kate and Sister Cathy for their fine work on behalf of mentally retarded adults, and the residents for learning to love their neighbors. I commend the article to may colleagues.

The article follows:

[From the Family Circle, July 12, 1983]

A COMMUNITY LEARNS TO LOVE

(For the community of Valley Stream, N.Y., "Love Thy Neighbor" was easier to preach than to practice. But with the help of some very dedicated individuals, the people of Valley Stream discovered that once they opened their minds, it was easy to open their hearts.)

(By Joanne Morici)

The bearded young man, wearing an oversized cowboy hat and red T-shirt with GARY written across the front, stood before the group of 20 retarded adults, lips pursed, hand in the air. . .

"Ready, Set . . . Go!"

The first group of relayers, each carrying a ball, ran across the playground. Amid the cheers, Gary motioned to the far side of the yard. "Come on back, Kent! You've got to bring the ball back." Laughing, he says, "Kent always forgets to turn around. . . . He'd rather keep on running." Finally, Kent is coaxed back and the relays continue. When the games are over, Gary, 34, and his wife, Liz, 30, give prizes to all the participants. "Everybody wins here," says Liz.

Fourth of July, 1982. McKeon Avenue in Valley Stream, N.Y., a suburb some 20 miles east of New York City, looks bright and festive. Crepe-paper streamers and balloons hang from the trees, and picnic tables and chairs line the curbs. A rented jukebox provides background music as the neighbors share food, drink and good times. Everyone agrees that Gary Shaw did a good job of organizing this year's block party—including Gary. "Nine years ago, if someone had told me I'd be doing this," Gary says, "I would have told them all that they were crazy!"

Nine years ago Gary was busy organizing . . . but not for a block party. Instead, he led a group of angry Valley Stream residents who were determined to stop the opening of a home for mentally retarded adults on their block. Harsh posters, not festive streamers, adorned the street, advising neighbors not to be "Overruled by your parish council. Make your voice heard!" Newspaper ads proclaimed, "Stop Fagan's Folly."

Early in 1973, Father Robert Emmet Fagan, director of Catholic Charities of Rockville Centre, N.Y., approached the parish council of nearby Valley Stream with a plan to open a home for retarded adults in its community. The proposed site for the residence was a vacant convent on the corner of McKeon Avenue—directly across the street from the Blessed Sacrament Church and Elementary School, and right next door to the Shaws' house. Father Fagan envisioned the home as the first of what he hoped would be many such care facilities—small, family-type settings where retarded people could live as independently as possible. In January 1974, the parish council approved the plan.

"We started hearing rumors that the convent would be used to house 'mentally retarded,'" Gary explains. "No way did I want those 'crazies' on my block."

"The attitude of the neighborhood was, 'It's a nice thing you're trying to do,'" adds Gladys Shaw, Gary's mother, "but just don't do it here!"

Hearing of the community's opposition, Father Fagan held a town meeting in February, hoping to change their minds. Over 40 people showed up. He started to explain that the convent would house 10 to 12 moderately retarded adults and would be supervised 24 hours a day by two live-in houseparents, Sisters Kate McGrath and Catherine O'Shea, both Dominican nuns who had worked at a successful residence in Brooklyn, New York. But before he could finish, he was verbally assaulted by the angry neighbors.

Gary Shaw, then 25, was one of the most vocal dissenters. His voice boomed above the others as he gestured wildly toward the podium where Father Fagan and Sisters Kate and Catherine sat. "I have young nieces and nephews," he yelled. "These 'retarded people' might attack them while they're playing in our yard."

"There are too many children in this neighborhood," added Joe Gentile, another resident. "It's just too risky."

"The retarded are not drug addicts, child molesters, thieves or vandals," Kate answered calmly. "They are gentle, loving people who are just developmentally slower than you or me. They have the same feelings we do—they laugh, cry, get lonely, bored. And like you, they want a place that's home."

Someone else shouted, "We don't want them wandering around our streets."

"Every one of our residents participates in a day program, five days a week, six hours a day," explained Catherine.

"And then what?" yelled Gary. "What do they do once they get home?"

"What do you do when you get home from work?" asked Kate, a feisty woman with a quick Irish tongue. "Relax, watch TV, eat dinner. These people will do the same thing."

When the meeting ended several hours later, Father Fagan and the Sisters left feeling disheartened but not defeated. They had hoped to be reassuring, but instead the meeting had only added fuel to an already smoldering fire.

THE FIGHT CONTINUES

Gary Shaw led the opposition. "If there was a way to stop that residence from coming into our neighborhood," he declares, "I was determined to find it." He and the other opponents certainly tried—by collecting signatures for petitions, placing countless newspaper ads, staging sit-ins and even consulting lawyers. "The lawyers explained that the state and Catholic Charities were within their legal rights," Gary says. "They said, 'We'll fight this for you, but you have no case. It'll end up costing you a lot of money, and you're still going to lose.'"

Meanwhile, Kate invited the neighbors to a residence in Brooklyn so they could see firsthand how smoothly it ran. "I was impressed," says Joe Gentile. "The home was well organized and cared for, but I still didn't believe it would work in our neighborhood." Gary, however, refused the invitation. "Sure, everything would be nice, clean . . . perfect. They knew we were coming and had time to 'fix things up.' I wasn't going to fall for that."

Father Fagan held another meeting, but the consensus was still "No," so he proposed a compromise. "Give us one year in your neighborhood," he pleaded. "After that one year, the parish council will ask each one of you how you feel about the residence. If you still want us to leave, we will."

"Legally," Gary says, "I knew we had no recourse. I didn't like it, but I knew the compromise was the best we could do—then. I was certain they'd be out before the year was up."

On May 1, 1974, the dedication ceremony was held and the residence was officially named "Christopher House." "It was very moving for us," says Kate, "an answer to our prayers."

Applications of potential residents were reviewed by an admissions board, which included a doctor, lawyers, a representative from the state and community. Selecting Gary as the neighborhood representative was part of the plan to change the community's negative attitude.

When all 12 residents were chosen and had moved in, Kate and Catherine held an open house. Gary and Liz, who were not married at that time, came together. "I had heard about Sisters Kate and Catherine," says Liz. "I imagined they'd be like the nuns who taught me in school—strict disciplinarians who wore long black habits. But when we got to Christopher House," Liz adds, "a woman wearing a sweatshirt and jeans greeted us at the door. I nudged Gary and said, 'Are these the nuns?' I couldn't believe it!"

Sisters Kate McGrath and Catherine O'Shea are exceptional women, both possessing what seems like limitless energy and a readiness to see the humorous side of any minor catastrophe. Sister Kate, a small, slight woman, speaks rapidly in a clipped, raspy voice and rarely sits still. Her eyes crinkle and disappear when she laughs, but when necessary, she can speak with a force and vehemence that belie her tiny stature.

Sister Catherine is tall and lean, with bright blue eyes and a friendly smile that lights up her face when she talks. She is more softspoken than Kate, but she, too, conveys a strong sense of her faith.

The two nuns showed Gary, Liz and the other guests around. The downstairs rooms were furnished with big, comfortable couches and chairs. The recreation room had a pool table, pinball machine and Ping-Pong table; there was a room for parties and large dinners. Upstairs, there were individual rooms for seven men on the second floor and for five women on the third floor, each room reflecting the owner's personal touch: posters, family photos, mementos. Back in the downstairs hall, Kate pointed to a grouping of framed photographs of each resident. "Our family wall," she said proudly.

After the tour, the guests were offered a drink and introduced to the residents. Usually boisterous, Gary, like most of those present, was conspicuously quiet. "I thought any minute one of them might've started screaming or running wild."

"People really have terrible misconceptions about the retarded," explains Sister Nora Bottcher, director of Community Residences in Nassau County, New York. "There is a difference between the mentally ill and the mentally retarded. Though mental retardation is a permanent condition and no one is ever 'cured,' in the right environment and with the proper supervision, these people *can* learn to reach their fullest potential. The neighborhood's attitude is really rooted in one basic emotion—fear. Fear of the unknown."

But the residents of Christopher House had their own doubts and fears to contend with. "It took a while before many of them loosened up," says Catherine. "After all, for some this is the first real home they've ever had." For example, Jim Fogarty, who was 42 when he moved in, had lived in an institution for 22 years. He had to relearn all the aspects of home living. "At first, Jim spent most of his time alone, in his bedroom, drawing with a black pencil," says Kate. "Apparently, no one had paid much attention to him in the institution."

"He even kept his wallet hidden under his bed, 'No one will go to your room if you don't want them to,' but his behavior was a carry-over from the institution, where privacy and ownership weren't respected. There, anything could be stolen."

"That's 'institution syndrome'," explains Kate. "But we kept reinforcing Jim, and eventually he felt comfortable enough to join in the activites."

The daily "routine" at Christopher House starts at seven in the morning. After breakfast, residents take the 8 o'clock bus to the workshop in Freeport (a town 20 minutes away), run by the Association for the Help of Retarded Children (AHRC), Nassau County chapter. "Certain industries subcontract with the workshop," explains Helen Kaplan, executive director of the AHRC, "and employees are paid by the amount of piecework they accomplish. The jobs are mainly assembly-line factory work."

"There is a real sense of pride and accomplishment in the work these residents do," says Sister Nora Bottcher, "and with that accomplishment they are able to attain a greater degree of self-confidence."

"Many are able to obtain regular employment after a time," adds Helen Kaplan.

The dinner preparations begin around 4 p.m. "Kate and I do the actual cooking," says Catherine, "and everyone else takes turns setting the table or making the salad and serving." After dinner the table is cleared, and while one resident sets the table for tomorrow's breakfast, others prepare the next day's lunch for everyone.

A CHANGE OF HEART

Gradually and reluctantly, Gary became a part of Christopher House's routine. "I was still on the admissions board and had to be in and out of there for meetings all the time," he says. "I learned all their names, and after a while I wanted to know them on a more personal level. I was in the house one day," he adds, "and one of the girls looked up at me and said, 'I'm home now, and I want to stay here.' My heart just melted. I guess you could say that was a turning point for me."

In the months that followed, similar sentiments could be heard on McKeon Avenue. John DeRosa, who lives three doors down from Christopher House, took the FOR SALE sign down from his front yard—"I was just mad at the time," he told his neighbors defensively.

"You could feel the change in attitude among the neighbors when we met on the street," says Kate. "No more cold shoulders, more friendly greetings—it was working."

The residents of Christopher House could also feel the change. "They became more outgoing and eager to try new things," Catherine notes. Henry Dennis, 37, stutters when he speaks and would sometimes shy away from others because of this difficulty. Yet Henry, born with Down's syndrome,

speaks with pride about becoming an altar boy. "I help serve Mass on Sunday," he says. "I like to visit my brother, but I tell him, 'Not on Sunday, people are counting on me.'"

Michele Nachmias, 23, is Jewish, but she participates in various church activities with the other residents and celebrates the Jewish holidays at home with her mother. Michele had lived at home with her mother and stepfather until three years ago, when her stepfather became seriously ill.

"I couldn't take care of them both," says her mother, Annette. "It was too much for me, with my job and all." But Michele is very happy at Christopher House. "You have to leave home sooner or later," says Michele. "I'm just glad I like it here so much."

"I thank God that there is a place like that for Michele," says her mother. "She is more independent now, more understanding," she adds, "and when she comes home, she never stops talking. She has so much going on in her life now."●

AN ACT OF HEROISM

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. ROGERS. Mr. Speaker, the day was May 24, 1982. The place was Camp Shelby, Miss. The mission was a routine exercise for the Combat Support Company, 1st Battalion, 149th Mechanized Infantry of the Kentucky Army National Guard, Somerset, Ky.

This unassuming afternoon became quite unique as the sky filled with clouds in preparation for a thunderstorm and as the 25 men of the 1st Battalion, 149th Mechanized Infantry busied themselves with unloading ammunition from their vehicles. Lightning struck in the immediate area, injuring 22 of the 25 soldiers. What had been a routine situation quickly transformed into one of chaos and emergency.

The three uninjured men responded immediately, taking the situation into control and making order of the chaos. They radioed for medical assistance, which was promised to arrive within 15 minutes but which, in actuality, did not arrive for nearly 1 hour. These men are all from my district and are: S. Sgt. Larry W. Daugherty of Strunk, Ky., and Sgt. Paul Cundiff and Sgt. Homer Davis, both of Somerset, Ky.

Lt. Phillip Shipp, also of Somerset, Ky., was one of the injured men on the scene but he was able to assist the other three soldiers in rendering first aid to the injured men. By the time the medics arrived, these four individuals had given first aid to each of the injured and had the situation completely under control.

The performance of these four men is most admirable; it demonstrates responsiblity, quick thinking, and a concern for their fellow man. In acknowledgement of their outstanding efforts, they will be presented with the Kentucky Commendation Ribbon, which is unquestionably deserved.

I am extremely proud of these men from my district, and ask that my colleagues here in the Congress salute the heroic efforts of Staff Sergeant Daugherty, Sergeant Cundiff, Sergeant Davis, and Lieutenant Shipp.●

BILL MARSHALL: A MAN OF EXCELLENCE

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. FORD of Michigan. Mr. Speaker, it is indeed an honor to bring to the attention of my colleagues the career of my friend Bill Marshall, a man who has my utmost respect and admiration. During my years of public service, I have never known a person so genuinely involved in service to all citizens. Bill is about to retire as president of the Michigan State AFL-CIO after serving in that capacity for the past 12 years.

He became active in the labor movement in 1942 while working as a bus driver in the South when he joined the Amalgamated Transit Union in Shreveport, La. He served as a committeeman, executive board member, and special organizer for the international union. He was first elected president of the Michigan State AFL-CIO in 1971. Although his abilities have carried him far, Bill has never forgotten his roots. When he and I served together as delegates to the Michigan Constitutional Convention he referred to himself as the convention's only true "roads" scholar.

At the present time, Bill is a member of the National AFL-CIO Committee on Political Education (COPE) Steering Committee and serves on the national advisory committee to AFL-CIO President Lane Kirkland on problems of State and local central bodies. But his cares and concerns extend beyond those of his fellow union members. He is currently a member of the Board of Directors and on the Executive Committee of the United Way of Michigan. Bill is president of the Michigan League for Human Services and chairman of the Michigan Trade Union Council for Histradrut. He is also Michigan chairman for the USO and a member of the National USO Board of Governors.

And there is more. Bill is a member of the labor advisory committee of the Michigan State University School of Labor and Industrial Relations and of the labor advisory committee to labor programs at the University of Michigan, Wayne State University, and Northern Michigan University.

Bill has been a tireless advocate of health and safety in the workplace and a fighter for fair wages and equitable treatment for all.

This list of his accomplishments and concerns has been abbreviated out of necessity, but I trust it is clear to the House that he has been an important factor in bettering the quality of life for people across the United States. More important, I know that while Bill is retiring from one job, he will continue to channel his time and energy into similar worthwhile endeavors. As he completes a career of service to all working men and women, it is an honor to pay him the tribute he clearly deserves and to wish him well.●

TENNESSEE'S MAYOR OF THE YEAR

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. COOPER. Mr. Speaker, today I would like to pay special tribute to Mayor John Johnson of Morristown, Tenn., who has recently been recognized as Tennessee's Mayor of the Year. This award is the highest honor that is given by the Tennessee Municipal League, which represents 283 of Tennessee's towns and cities.

Mayor Johnson received the award for his outstanding leadership in human resource development and industrial development and for his work with city facilities and services. Perhaps Mayor Johnson's most prestigious accomplishment is his fiscal record. During Johnson's term he has presented Morristown with seven balanced budgets. His fiscal austerity had resulted in an increase in the city's bond rating to an A rating.

Mayor Johnson has also been a strong supporter of industrial growth. Under his guidance, the city began construction of the 700-acre Morristown Airport Industrial District. In the past several years, W. R. Grace Co., Standard Color Print and Electahome Electronics Supply Co. have located in this new industrial park. Recently, Camvac International announced the location of a division in this same park.

Mayor Johnson grew up in Morristown and attended city schools. He received a degree in mathematics from Davidson College. He has also played an active role in the affairs of his community. He has served as vice president of the Tennessee Oil Men's Association and as president of the Morristown Rotary.

Mayor Johnson is married to the former Margie Roberts of Morristown and has two children, Rob and Margie.

I am proud to recognize John Johnson as Tennessee's Mayor of the Year.●

CONGRESS MUST ACT TO PRESERVE UNIVERSAL TELEPHONE SERVICE

HON. RON WYDEN
OF OREGON
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. WYDEN. Mr. Speaker, I rise today to share with my colleagues some very alarming facts and figures about rising phone rates that appeared in last Friday's edition of USA Today, and to urge my colleagues to take action to head off potential disaster.

The cover story, in last Friday's Money section of USA Today, details local telephone companies' requested and approved rate increases for 1983. In Texas and New Mexico, local telephone companies have requested increases of more than 200 percent. In Missouri and California rate increase requests are as high as 100 percent.

These increases are substantial even for those Americans in the middle income level—but for those living on fixed incomes, these increases could mean having to give up their phone.

In spite of the hard cold evidence that such rate increase requests are being filed—and in many cases, approved—and that universal service is threatened as a result, there are those who think Congress should not act.

In a recent editorial in the Washington Post, July 11, 1983, the editors of the Post said:

> There is, as always, a growing inclination in Congress to pass legislation. But that is a temptation to be resisted, precisely because of the gaping uncertainties. No one can say with any reasonable precision how this divestiture will actually affect rates over the next several years. If rates begin to go haywire, there will be a strong case for congressional intervention • • •

Mr. Speaker, the USA Today story demonstrates that rates have already begun to go haywire. Moreover, there is a growing body of evidence that they will get even more out of hand once the divestiture and subsequent administrative decisions go into effect in January.

Congress must not sit back and wait until disaster strikes to take action. Congress, not courts and unelected agency officials, should get telecommunications policy in this country. By doing nothing, Congress will jeopardize the principle of universal telephone service.

My colleague, Mr. SWIFT, agrees with me that it is Congress duty to find the means for preserving universal telephone service at affordable rates. To this end, we recently joined with Mr. Alexander to introduce the "Universal Telephone Service and Ratepayer Protection Act of 1983"—H.R. 3440. This bill would overturn the Federal Communications Commission's access charge decision, set up a more equitable scheme for setting access and bypass charges, and establish a universal service fund to help defray some of the costs of local service in areas where those rates are prohibitive.

Because we also believe we need better data to help maintain such service for the long term, Mr. SWIFT and I also introduced a sense of the House resolution, House Resolution 231. Which requires the FCC to immediately conduct a study of the impact on rates of recent regulatory and judicial changes affecting the telephone industry. This resolution also reaffirms our commitment to universal service, and asks the State PUC's to look closely at pending rate requests. House Resolution 231 has more than 150 cosponsors. It has been marked up by the Telecommunications Subcommittee and is awaiting action by the full Energy and Commerce Committee.

I hope my colleagues will review our bill and resolution, and resolve that it is time to take action to insure that all Americans have access to affordable telephone service.

The article follows:

[From USA Today, July 15, 1983]

A NEW TWIST ON OUR PHONE BILLS

(BY KEVIN ANDERSON)

American Telephone & Telegraph Co.'s 22 Bell operating companies, which routinely ask for roughly $5 billion a year in local rate increases, already have requested $9.2 billion in 1983.

It's only July.

"It's utterly, totally ridiculous," says Cookie Smith, 72, of Austin, Texas, whose basic phone bill would almost triple from $9.05 to $28.65 a month if Southwestern Bell Telephone has its way.

Since January 1982, when the federal government agreed to drop antitrust proceeding against AT&T if it divested itself of its operating companies, the standard answer to questions about its immediate impact was, "Local rates will go up." We're beginning to find out how much.

But as the Jan. 1, 1984, breakup deadline draws nearer, Bell operating companies—telcos, as they are called—are adding the extra income they believe they will need to:

Operate on their own, grouped under the ownership of seven independent regional holding companies.

Meet federal requirements that they make it as easy to use an independent long-distance service as it is to use AT&T's long-distance division—which will force many telcos to spend millions upgrading equipment.

Cover normal operating expenses yet retain a profit—while being locked out of the lucrative long-distance business.

The entire $9.2 billion increase request cannot be pinned on the breakup, which played little or no part in about one-third of the total, but almost $3 billion came from two states where breakup considerations were stronger.

In Texas, the expected loss of unusually high revenues from intrastate long-distance calls (Houston to Dallas, for example) accounted for much of the record-shattering $1.7 billion request.

In California, similar circumstances—plus the fact that the cash-poor Pacific Holding Co. will succeed or fail largely on the performance of California's Pacific Telephone Co.—resulted in two rate requests totaling $1.25 billion.

And many Bell watchers predict an even bigger mountain of rate requests this fall. Says Samuel A. Simon, executive director of Telecommunications Research & Action Center, a national consumer group "You haven't even seen the beginning of this yet.

"I don't know why they're even coming out this early Separation anxiety? Hysteria?" Simon believes the request are premature because many issues that will determine phone rates are still under debate in Washington, D.C.

But the telcos argue they couldn't wait. "We had to go with a lot of estimates and undecided factors, and we waited a long as we could, but we need those new rates in effect on 1-1-84, and we have to give the state 185 days to act," says Southwestern Bell spokesman Dale Johnson.

When Texas and other states do act, what actually will filter into our mailboxes in those ubiquitous blue-and-white phone bill envelopes depend on how much of the telco requests are approved—and on new telephone billing plans.

AT&T and the telcos have pledged to keep some form of affordable basic service; its form is still being decided.

Expect your telco to blitz you this fall witn a fresh twist—active participation in choosing your phone service. Customers will pick not only a long-distance service (MCI, Sprint, AT&T, etc.) but one of several local billing plans.

Each telco has a slightly different approach, but here's what you might have to choose from, with charges typical of several large cities.

Unlimited local calling—make and receive as many local calls as you like, your bill stays the same—$20 a month.

Message rate service—$12 a month, buying unlimited incoming calls and 60 outgoing local calls. Each call above that limit: 7 cents.

Economy-rate service—$7.50 a month, plus 7 cents per outgoing call. Often, the difference between this base rate and the other options is enough to make a moderate number of calls and still save.

Local measured service—the most controversial option, this is already in New York, Chicago and other large cities. You might pay $11 a month and be billed for local calls based on when you call, how many calls you make, how long you talk and how far the call travels.

Unclear is how much money state regulators will save phone users. Telcos seldom get all they ask for, and many regulators—especially elected ones—could agree with Cookie Smith and clamp down.

But the role of regulators in assuring the health of telcos is rising. Besides, says Larry J. Wallace, president of the National Association of Regulated Utility Commissioners, "Commissions are woefully undermanned."

That could lead to big rate approvals. Regulators "are outgunned. They might not have the resources to fight, and—with all this premature confusion—they might have no basis to question the request," Simon says.

Down the road, two major debates remain. First, who should pay a telco's cost for acting as a bridge between its customers and the long-distance company they choose? AT&T and the Federal Communications Commission say the customer should pay; Simon and others advocate charging the long-distance companies.

The second issue: Who are the real "cost-causing" telephone users? AT&T points to residential customers. But Simon and his supporters believe the 4 percent to 10 percent of telephone users, usually businesses and institutions, that account for 70 percent to 80 percent of the average telcos' revenues are the cost causers; they're the ones requiring sophisticated switching gear.

But hitting up big business terrifies the telcos. They're afraid the big customers will simply bypass the Bell network, installing their own communications technology—satellites, private cables, wireless mobile phones.

The bypass danger, the other side believes, can be dealt with by legislation. Whatever the outcome, the mounting rate request activity leading up to formal breakup of Ma Bell on Jan. 1 has left some consumers cynical. Cindy Green Anderson, a San Francisco small business woman, says of Pacific Telephone's requested 103.6 percent rate hike:

"(The monopoly) bothered me in principle. but I should have known that, when it all comes down to practicalities, it doesn't matter whether we're talking about a major conglomerate or a mini-conglomerate. They're still going to get what they want."

MA BELL: DIALING FOR DOLLARS

Telephone users across the USA face big increases in their basic monthly telephone bills if the 22 Bell telephone companies get what they are seeking. Here's a look at the six states in which customers face the biggest increases:

State	Current rate	Proposed rate [1]	Increase (percent)
New Mexico	$11.57	$35.83	209.7
Texas	10.10	30.35	200.5
Missouri	8.22	17.68	115.1
California	7.00	14.25	103.6
District of Columbia	8.83	17.39	96.9
Tennessee	13.55	26.20	93.3

[1] Unlimited local calls.

Source: Bell telephone companies.

THE COST OF HAVING A PHONE

Here are the monthly rates Bell System operating companies now charge for basic local service, and what they will charge if rate increase requests are granted. Basic local service in all states includes a private, residential line with unlimited calling. Most figures are for the largest city in the state and some states include services others do not, so the figures cannot be compared from state to state. Bell companies control 90 percent of the USA's residential phones.

RATE INCREASED REQUESTS AWAITING APPROVAL

State [1]	Basic local rate		Percent increase	Total [2] request (millions)	Success [3] rate (percent)	Bell company
	Current	Requested				
Arizona	$9.21	$15.40	67.2	$78.2	62	Mountain.
Arkansas	11.30	20.40	80.5	137.9	73	Southwestern.
California	7.00	14.25	103.6	[4] 1,248.0	68	Pacific.
Colorado	[5] 7.16	8.43	17.7	106.0	[6] 0	Mountain.
Delaware	8.95	14.23	59.0	25.9	68	Diamond State.
District of Columbia	8.83	17.39	96.9	82.0	55	C&P.
Georgia	12.02	17.90	48.9	158.0	63	Southern.
Idaho (west)	5.65	8.75	54.9	10.4	[7] 99	Pacific Northwest.
Idaho (east)	9.93	17.17	72.9	34.0	68	Mountain.
Indiana	13.83	17.12	23.8	96.0	89	Indiana.
Iowa	9.88	([8])		[4] 138.3	n/a	Northwestern.
Kansas	11.65	20.60	76.8	213.7	43	Southwestern.
Louisiana	13.40	20.80	55.2	[9] 238.0	[6] 28	South Central.
Maryland	12.55	21.00	67.3	218.0	40	C&P
Missouri	8.22	17.68	115.1	254.8	53	Southwestern
Montana	7.67	11.52	50.1	27.4	38	Mountain.
New Jersey	7.00	10.94	56.0	215.8	60	New Jersey.
New Mexico	11.57	35.83	209.7	86.1	33	Mountain.
North Carolina	12.05	18.80	56.0	145.0	65	Southern.
Ohio	12.95	18.80	45.2	179.0	76	Ohio.
Oklahoma	8.95	([8])		301.0	79	Southwestern.
Pennsylvania	9.60	16.50	71.9	378.9	90	Pennsylvania
Rhode Island	12.41	17.44	40.5	37.4	59	New England.
South Dakota	9.70	([8])		21.5	51	Northwestern.
Tennessee	13.55	26.20	93.3	279.7	34	South Central.
Texas	10.10	30.35	200.5	1,700.0	52	Southwestern.
Utah	12.67	15.26	20.4	74.0	50	Mountain.
Vermont	9.35	12.34	32.0	16.5	64	New England.
Wyoming	8.62	14.03	62.8	17.1	23	Mountain.
Total				6,518.6		

[1] Six states did not have rate increase requests as of July 13: Alabama, Kentucky, Mississippi, New Hampshire, Massachusetts and North Dakota. Four states—Delaware, Kansas. Maryland and Oklahoma—approved increases and received new requests. Alaska, Hawaii and Connecticut are not served by Bell companies.
[2] Total of all rate increase requests pending.
[3] Percentage of the total request actually approved in the two most recent rates cases. Indicates how Bell has fared with that state 6 public utilities regulators recently.
[4] Two cases pending.
[5] Rate includes $30.1 million (of a $106 million request) which was added to current rates subjected to refund.
[6] Success rate based on only one case.
[7] Last increase granted in 1976.
[8] Not available. Pending application does not include new rate design.
[9] Entire request was rejected; $41 million now being sought in court.

RATE INCREASES GRANTED IN 1983

State	Basic local rate		Total increase (percent)	Total received (millions)	Total request (millions)	Bell company
	Previous	Current				
Delaware	$7.69	$9.70	26.1	$7.4	$18.4	Diamond State.
Florida	12.30	[1] 12.30		113.0	349.0	Southern.
Illinois	[2] 8.19	8.27	0.96	21.0	42.0	Illinois.
Kansas	10.00	11.65	16.5	28.7	63.5	Southwestern.
Maine	10.40	[1] 10.40		11.4	49.8	New England.
Maryland	11.95	12.55	50.2	44.3	125.4	C&P.
Michigan	9.25	13.74	48.5	182.0	451.0	Michigan.
Minnesota	9.51	11.70	23.0	56.5	89.9	Northwestern.
Nebraska	9.60	10.00	4.2	8.0	42.7	Northwestern.
Nevada	6.65	8.35	25.6	5.8	17.4	Nevada.
New York	[2] 10.85	11.19	3.1	224.0	707.0	New York.
Oklahoma	5.05	6.90	26.8	43.7	138.5	Southwestern.
Oregon	9.85	12.85	30.5	36.7	73.9	Pacific Northwest.
South Carolina	12.55	12.80	2.0	20.4	76.7	Southern.
Virginia	11.79	12.55	6.4	63.8	94.1	C&P.
Washington	7.76	9.60	23.7	71.9	145.9	Pacific Northwest.
W. Virginia	15.76	16.80	6.6	26.9	67.6	C&P.
Wisconsin	11.16	12.15	8.9	55.0	110.0	Northwestern.
Total				1,020.5	2,662.8	

[1] Barred from applying rate hike to basic residential rate; business rates, equipment charges, service charges and certain other fees were raised.
[2] Excludes Chicago and its suburbs, which have measured service only. Unlimited calling package can range up to $60 a month.
[3] Base rate for local measured calling service.

Source: Individual Bell telephone companies.●

EMERGENCY MEDICINE WEEK

HON. TOM VANDERGRIFF

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. VANDERGRIFF. Mr. Speaker, today, I have introduced legislation to designate the week of September 18, 1983, through September 24, 1983, as "Emergency Medicine Week." This resolution will recognize the challenges conquered by emergency health care providers across the Nation, and encourage all Americans to learn about the advances made in emergency medicine.

Seventeen years ago, the National Academy of Sciences reported that accidental injuries were the neglected epidemic of modern society and the Nation's most important environmental health problem. They were the leading cause of death in the first half of life's span.

As a result of that report, a dedicated group of men and women worked together to improve emergency health care for all Americans. In 1968, these physicians founded the American College of Emergency Physicians, the cornerstone of a speciality dedicated to improving emergency health care in the United States. ACEP is located in Dallas, Tex.

Since that time, Americans have learned they can depend on these specialists in emergency care to provide them with immediate life-saving care. In 1960, 42 million Americans visited emergency departments. By 1981, that figure had almost doubled to more than 83 million visits.

Sixty-three residency programs in emergency medicine have been established to provide formal training for emergency physicians. A board certification—first administered in 1980—establishes the credentials of emergency physicians within the speciality. The training of emergency nurses and thousands of prehospital care providers has also improved.

Countless lives are being saved daily because of the efforts of the American College of Emergency Physicians. Victims of heart attacks, automobile accidents, poisonings and burns can be assured that their care will be the best possible.

This resolution, which pays tribute not just to these past efforts, but to future research and improvements, will salute and give the support deserved to these health care professionals whose emergency medicine specialty continues to mature.●

THE 75TH ANNIVERSARY OF LYNBROOK HOSE COMPANY NO. 1

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. McGRATH. Mr. Speaker, I wish to take this opportunity to share with the Members of this House an example of the selfless dedication and spirit of voluntarism, which have contributed to the strength of our Nation since its inception. This weekend, Lynbrook Hose Company No. 1 will celebrate its 75th Anniversary of service to the residents of the village of Lynbrook and the surrounding communities.

Over the last 7½ decades, Lynbrook and the entire region have grown from small rural communities to one of the largest suburban areas in the United States. The volunteer fire service has done a tremendous job in responding to the increased demand for fire protection and emergency medical service. The officers and men of Hose Company No. 1 have actively participated in this effort with great distinction.

Today these civic minded individuals invest countless hours in training, maintenance of equipment, and fire control, and prevention activities. They are prepared to respond to all types of emergencies and to provide the highest caliber of service to the residents of their community. One recent example of the work of the Lynbrook Fire Department was the response to a vehicle accident involving a tractor trailer loaded with gasoline. The men of Hose Company No. 1 joined with their fellow firefighters in controlling the serious gasoline spill and evacuating nearby residents.

Modern technology has engendered many new threats to public safety, and the response of the volunteer fire service to protect the public from these hazards is one of the finest examples of community concern. I know every Member of this body will join me in congratulating the members of Lynbrook Hose Company No. 1 as they join with firefighters from the entire Metropolitan New York area in celebrating their 75th Anniversary. I would like to extend my best wishes to their chief, Kevin Michaud, Captain John Obenheim, Anniversary Committee Chairman Walter Brooks, and the other officers and men of Hose Company No. 1 for their outstanding work.●

CERTIFICATION FOR MURDER

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. STARK. Mr. Speaker, today we are expecting to receive from President Reagan his certification that El Salvador has significantly improved its human rights record, and should therefore be eligible for further U.S. military assistance. The truth, Mr. Speaker, is that there have been more deaths in El Salvador in the last several months, than before. This has been substantiated by both independent human rights organizations in El Salvador, and by the Salvadoran government itself.

I can come to only one conclusion then, Mr. Speaker, and that is that the President intends to lie to Congress in his certification report. Whether or not El Salvador is making any progress at all, the President will continue to send this body certification reports saying that they are.

This attitude is making a mockery of the progress, and, as far as I am concerned, showing this House the true colors of our President. He intends to do as he pleases regardless of congressional mandate, and law.

This can be further seen by the President's action in sending an eight-ship carrier battle group to the coast of Central America yesterday to "demonstrate U.S. interest in the area." Does he really expect us to believe that? He is playing bully, and he is lying to Congress. President Reagan is violating his oath of office and the Constitution. Vietnam, here we come.●

LOUISVILLE REDBIRDS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. MAZZOLI. Mr. Speaker, I would like to commend to the attention of my colleagues in the House of Representatives the following article which recently appeared in Sports Illustrated.

The article tells the whole Nation what the residents of Louisville and Jefferson County already know: Not only are the Louisville Redbirds a minor league baseball team with major league class, but that Louisville is a great sports town with world class fans.

We have long known that Louisville and Kentucky are at the center of the basketball world. But, as Louisville's love affair with its Redbirds has demonstrated, baseball holds a special spot

in the heart of my hometown. Louisvillians have gone to the games by the hundreds of thousands, and the Redbirds' players have responded enthusiastically, propelling the team to first place in the division.

I would, therefore, like to congratulate the Redbirds for their sensational performances, A. Ray Smith and Dan Ulmer for their faith, city and county officials and area community leaders for their cooperation, but most especially I would like to congratulate the superfans for their record-shattering attendance—they are the greatest.

LOUISVILLE IS A MAJOR MINOR

(By William F. Reed)

If you think Jim Fregosi feels sort of embarrassed about managing in the minor leagues, then you don't understand what's been happening in Louisville. Last year the newly relocated Redbirds drew 868,418 and, easily a minor league record, while finishing second in the Class AAA American Association Eastern Division. This summer they're far ahead of that pace both in the stands and the standing. At week's end the Redbird were first by 6½ games, and owner A. Ray Smith's prediction of a million customers looked as good as a 1-5 favorite at nearby Churchill Downs.

No wonder Fregosi, 41, the former division-winning manager and All-Star shortstop of the California Angels, says, "I'm having one of the most enjoyable year I've had in baseball." Oh, sure, he would like another crack at the majors. and chances are he'll get it. Now, though, Fregosi is delighted to be managing the top farm of the world-champion St. Louis Cardinals.

The only thing small about the Redbirds is their mascot, Doyle Harris, a 4' 2" midget who endeared himself to Fregosi during a late-inning brawl against Oklahoma City on June 4. Asked if he had hit anybody, Harris said, "No—but if they'd had a midget, I'd have kicked his butt."

This is typical of the sassy attitude that prevails in Cardinal Stadium. It's almost as if the Redbirds and their fans don't really understand that Louisville is minor league—and wasn't even that from 1973 until last year. A favorite pastime in Louisville, where the season's top crowd is last Sunday's 31,272 and the average is 14,589, has been checking the box scores to compare attendance figures with the big league parks. Indeed, the Redbirds are averaging more fans per game than four major league teams this year. "To me, this isn't minor league baseball," says Fregosi. "If the right big league opportunity came along, I'd take it—but it would have to be an awful good opportunity."

The current Louisville team includes eight players who have been with the Cardinals for at least a cup of coffee, while the 25-man St. Louis roster has nine who have played in Louisville. Already this season three Redbirds have been called up to St. Louis, and one—Outfielder Any Van Slyke—is thought to be destined for stardom.

Louisville was a charter member of the National League in 1876 (dropping out after two seasons) and had professional baseball off and on until 1972, when public interest lapsed so badly that the Boston Red Sox moved their Class AAA team, the Colonels, to Pawtucket, R.I. The loss wasn't mourned because a lot of Louisvillians were driving 100 miles to see the Big Red Machine in Cincinnati.

The catalyst of baseball's return was Dan Ulmer, president of the Citizens Fidelity Bank and a lifelong Cardinal fan. He talked Smith into moving his Redbirds in from Springfield, Ill. and led a fund-raising drive that generated $4.5 million to renovate the stadium at the Kentucky state fairgrounds.

The stadium has had as much to do with the Redbirds' success as Smith's prices (a family of four can park the car, see the game and have a hot dog and soda apiece for $13). Indeed, it combines the old-fashioned coziness of, say, Wrigley Field with such modern features as new plastic reserved seats, artificial turf, a bright concourse with 15 concession stands, a lively beer garden built around a gazebo, and a posh Stadium Club for VIPs.

Fregosi was Smith's initial choice to manage the team in Louisville, but the offer came too soon after California owner Gene Autry had shot him out of the Angels' saddle in 1981. Fregosi used the time out of baseball to think, evaluate, analyze, get back in touch with his family and his feelings. So, last summer the Redbirds broke the attendance record without much p.r. help from last year's manager, Joe Frazier, a former manager of the New York Mets (1976-77). He was a solid baseball man, but no great communicator with either the fans or the players.

When Frazier didn't show a lot of enthusiasm about coming back, Smith turned to his original choice, Fregosi, who was ready to get back into the game—but not so ready that he would jump at anything. Before taking Smith's offer, he interviewed for a couple of big league managerial jobs ("Either they didn't want me or I didn't want them," he says) and flatly turned down chances to be a big league coach.

Fregosi gives his Louisville players the freedom to swing away and run almost at will, with the result that the Redbirds have been a high-scoring team built around the bats of outfielders Gene Roof and Tito Landrum, who both began the season in St. Louis, and such promising young players as Catcher Tom Nieto, Outfielder Jim Adduci and Shortstop Jose Gonzalez. The pitching has been only adequate, but Fregosi expects improvement from former Cardinals Eric Rasmussen and Andy Rincon (now on the disabled list), and young fireballer Todd Worrell, who Fregosi says has the best arm he's seen since he managed Nolan Ryan.

To a man, the players seem delighted with Fregosi and his firm belief in playing hard, both on and off the field. When he got a look at the new beer garden on the stadium's lively concourse, Fregosi cracked, "I might have to arrange to get kicked out just so I can come up here and drink beer." Instead, when he was first ejected, he went to the Stadium Club for a nightcap, as is his wont, and got a standing ovation led by owner Smith.

Both Fregosi and some of his players will make the majors before Louisville will, the attendance numbers notwithstanding. The economics at the big league level are so different as to be almost prohibitive for a city of Louisville's size (just under one million in the metropolitan area). If Smith had to meet a big league payroll, he couldn't afford to charge the low prices—the best seat in the house is $3.50—that helps make the Redbirds so attractive.

Even so, the Republican candidate for governor, a state legislator named Jim Bunning (yes, *the* Jim Bunning), has talked about trying to get a big league expansion franchise for Louisville. And Smith has orchestrated the renewal of the Little World Series, to be played in Louisville in September among the champions of the three Class AAA leagues—American Association, International League and Pacific Coast League. It should be another crowd pleaser, especially if Fregosi prods the home team into it.●

OF HOLOCAUSTS • • • PAST AND PRESENT

HON. MARK D. SILJANDER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. SILJANDER. Mr. Speaker, the Jewish holocaust is over. But what about the Southeast Asian holocaust? The Cambodian holocaust, initiated by Pol Pot, continues under the direction of its Vietnamese invaders. Cambodians suffer, Vietnam tries to spread its domain, and we watch—too apathetically. In an attempt to increase awareness of the Cambodian situation, I urge all of our colleagues to read the following article from the Republican Study Committee Bulletin. Hopefully it will bring increased awareness of the tragic situation in Cambodia.

[From the Republican Study Bulletin, June 3, 1983]

OF HOLOCAUSTS • • • PAST AND PRESENT

(By Tony Coppolino and Larry Sulc)

"This spring in Washington, as cherry trees began to blossom and rallies for survivors of the European Holocaust were being prepared on the Mall, all hell broke loose on the Thai-Kampuchean border."—Al Santoli, The New Republic, May 30, 1983.

In late April, hundreds of survivors of the Nazi Holocaust of World War II gathered in Washington to meet or be reunited with others who had survived Hitler's attempt to exterminate the Jewish people. During the 1939-45 period, six million Jews were murdered by the Nazis, while the world's recognition of what was happening came too late.

The American government has sometimes been accused of not reacting soon enough and in a meaningful way to mounting evidence of Hitler's "final solution"—the planned destruction of the Jewish people in Europe. Recently, some American Jewish organizations have begun to study the controversial question of whether certain Jewish groups in the United States, concentrating instead on helping to establish a Jewish State after the war, failed to pressure the U.S. Goverment to react to the emerging evidence of the holocaust.

These questions, raised in hindsight, are most troubling and most difficult to resolve. Yet one lesson of the Nazi holocaust that all proclaim is that we must never stand by while it happens again. Vice President Bush said during the holocaust memorial week in Washington: "Never again in the history of man will we allow human rights to be so viciously abused." Elie Wiesel said this:

"We don't want pity, rather we want understanding, awareness. We want people to know that since this happened once, it must not happen again to anyone. . . . Don't forget that once the killers began killing Jews they began killing others."

How well has America and the rest of the free world lived up to this moral imperative? The events in Washington last April, as well as the establishment of a permanent memorial to the victims of the Nazi holocaust, the first such memorial in this country, indicate that we have not and will not forget this tragedy. Further, we will try to insure that future generations will come to learn from its horror. "Never again!"

Yet few would deny that in today's world there are in fact other holocausts—holocausts in distant lands while world public attention to them is strangely deficient.

THE ASIAN AUSCHWITZ

Consider the holocaust that has engulfed Southeast Asia since the exodus of American troops from Vietnam in 1975. Killing, induced starvation, and destitution have become the norm. Following the communist victory in Vietnam, hundreds of thousands of "boat people" fled, many ultimately falling victim to heavy seas or the depredations of pirates.

In April 1975, the Cambodian government fell to the Khmer Rouge, Cambodian communists led by Pol Pot. From 1975 to 1979, an estimated two million people died in Pol Pot's reign of terror, a horribly large proportion of the total population. The educated classes, religious leaders, government employees, teachers and simple peasants were either killed, or tortured and led off to slave labor camps. These grisly events were described in great detail by John Barron and Anthony Paul in "Murder of a Gentle Land" in 1977

Recently, a grim photographic exhibition organized by Amnesty International, entitled "Cambodia Witness," was placed in the rotunda of the Cannon House Office Building. Photographs showing mounds of human skulls and bones exhumed from mass graves in Cambodia were reminiscent of pictures of the Nazi death camps. Congressman Stephen Solarz (D-NY) was quoted by the Washington Post as saying, "It is a sad commentary on our own government that even after the evidence is there, we still manage to ignore the Asian Auschwitz that was Cambodia."

THE NEW INDOCHINA WAR

What is perhaps an even sadder commentary is that someone might believe that the holocaust in Cambodia ended when Pol Pot was overthrown in 1978 by invading Vietnamese forces. Writing in the May 30 issue of The New Republic ("The New Indochina War"), journalist Al Santoli explains that this simply is not the case: the Cambodian holocaust, initiated by Pol Pot, continues under the direction of its Vietnamese invaders.

The Vietnamese made great claims of "liberating" Cambodia from the Khmer Rouge. In reality, however, while Pol Pot himself fled, other Khmer Rouge leaders were placed in the new Vietnamese-puppet government. Santoli recounts how the Vietnamese instituted a new and "more subtle form of control" over the people—starvation. Farming was sharply restricted in the country and international food supplies were denied. In the first year of the Hanoi-backed regime, an estimated 700,000 Cambodians died of starvation, a death toll equal to the worst year of Pol Pot's regime. The holocaust in Cambodia continued.

For obvious reasons, thousands of Cambodians flee toward the Thai border and what they pray will be relief or even freedom. As a result of Vietnam's chemical warfare ("yellow rain") attacks against the Hmong tribesmen in Loas, thousands of Hmong and Laotians also flee toward Thailand. It is estimated that there are as many as 210,000 Cambodian refugees on the Cambodian side of the border and another 150,000 on the Thai side. In recent months, as Santoli graphically reports, Vietnamese forces have directly attacked these refugees, totally destroying some of their camps and heavily shelling others still occupied:

"The killing begins again. At Phnom Chat, about two kilometers inside Cambodia near Taphraya District, it is two hours before dawn on March 31. Without warning, the silent cluster of grass huts and blue plastic tent shelters that house twenty thousand sleeping Cambodian refugees erupts in violent explosions. As Vietnamese artillery shells slam into the panic-stricken community, half dressed parents and startled grandparents grab crying children and throw what belongings they can carry into cloth sacks. They begin a two mile race against the rising flames and flying shrapnel as their fragile world collapses around them. The long tragedy of Indochina follows right behind."

The refugees are caught between the Vietnamese invaders and the Cambodian resistance forces which are comprised of an unholy alliance of some former Khmer Rouge leaders as well as followers of the popular, anti-communist, Prince Norodom Sihanouk. The total size of the resistance force is about 20,000 and they have had some effect. Santoli reports that the Combodian government survives only on the strength of Vietnamese troops.

Vietnamese attacks on resistance forces and innocent refugees have at times spilled over the Thai border. "The Vietnamese hoped to 'teach the Thais a lesson' and push them away from the border," Santoli reports. The Thai Air Force, reinforced with American supplies, has counterattacked Vietnamese forces that violate their borders. The Thais are concerned, however, about escalating hostilities with Vietnam resulting from the refugee crisis. As a consequence, they may again consider forcefully repatriating some Cambodian refugees. In 1980, the Thais drove 40,000 Khmer back into Cambodia at gunpoint. Thailand's policy is now to deny entry of any new refugees. The Thais are also concerned about the slow pace of refugee resettlement by the U.S. Immigration and Naturalization Service (INS), which so far is approving only about 55 percent of the refugees who apply—a percentage considered very low by the Thais.

There is even greater concern in Thailand and other anti-communist nations in the region about the strategic consequences of Vietnam's presence in Cambodia. The Vietnamese are building an airfield for Mig jet fighters within fifty kilometers of Thailand. Santoli reports that it is clear that Vietnam's objective in invading Cambodia was to consume the country as part of its spreading domain and to have access to Cambodia's seaports. These would give Vietnam a greater ability to control the vital sea-lanes of Southeast Asia. In any case, the expansion of Vietnamese influence produces more death and destruction—more holocaust.

Perhaps the central message of Santoli's report from the border is that the repercussions of the communist victory of Southeast Asia are still with us. The country of Cambodia, its people and culture, are fighting extermination. An American ally, Thailand, is beset with a refugee crisis and faces a direct military threat from Soviet-backed Vietnam. The Vietnames are futher expanding their control over vital sea-lanes in the region. And, millions of people seeking freedom try to flee. Many are attacked by the Vietnamese, are caught up in the bureaucratic maze of resettlement, are turned away from camps, or meet their fate at sea.

One wonders if the world will ever give this continuing Asian holocaust as much attention as given to the crimes of Nazi Germany, and whether it will ever hold accountable those who perpetrate and support this repression.

In a larger sense, what are the implications of the communist holocaust? How can it be compared to the Nazi holocaust of the 1940s? What are the differences and what are the similarities of that earlier genocide of European Jews and Slavs and gypsies and the present day mass muder of Khmer and Hmong and Lao? Are there distinctions between a holocaust of the left in Cambodia and one (as it is perceived by some to be) of the right in Europe four decades ago? What parallels of apathy and ignorance apply in the two cases? Are some people more concerned over the holocaust of history than the holocaust of now? What is meant by the phrase, "Never again"? To whom does it apply?●

NEW YORK STATE SURVEY SHOWS STUDENT AID STILL NOT MEETING NEED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. BIAGGI. Mr. Speaker, I wish to note for the benefit of my colleagues an excerpt from a recent speech given by Dr. Dolores Cross, president of the New York State Higher Education Services Corp. regarding a survey that was conducted by the corporation on student financial aid in New York State.

The highlight of this survey, as Dr. Cross notes in her remarks, is that existing student aid programs are still not meeting all of student needs. In fact, over two-thirds of the full-time undergraduates surveyed did not receive adequate aid to meet their total costs of attendance. This "gap" most clearly effects students at the lowest income levels disproportionately.

As New York's senior member of the House Education and Labor Committee as well as an original cosponsor of both the 1978 Middle Income Student Assistance Act and the Education Amendments of 1980, I believe that the New York findings are both timely and important as well consider reauthorization of all these programs in the coming year. I commend Dr. Cross' remarks to my colleagues for their attention.

A NEED FOR RESEARCH—THE NEW YORK STATE STUDENT FINANCING SURVEY

Given current directions, policymakers at all levels should make a concerted effort to seek out the best possible information in order to fully understand the needs and re-

alities of postsecondary education before they chart a new course for the future of student financial aid. The interaction of multiple program changes must be examined and understood before the advantages and disadvantages of program alternatives can be accurately gauged.

The role of financial aid in educational access is being carefully investigated in New York State. As part of its commitment to serving New York students, the Higher Education Services Corporation undertook a study which is providing information on how New Yorkers financed their education in 1981-82. The results of the study are being used to assist policymakers in better understanding the impact that changes in financial aid programs would have on different postsecondary institutions, students, and society in general. The Corporation plans to continue distributing timely and accurate information in support of postsecondary access and choice for all. To do less would be an abrogation of the agency's social, moral, and professional responsibilities.

The combined effects of increasing educational costs and modifications in federal student assistance have made it increasingly difficult for New York students to pursue their education at schools of their choice. To assess how different students have been affected, the HESC Survey asked students and institutional financial aid staff to supply information about the financial aid and family resources that were used to meet educational costs. The survey also collected attitudinal information from students about the role that financial aid played in their choice of a postsecondary institution.

The Survey analyses to date have focused on student dependence on financial aid, the differences in the use of aid by minority vs. nonminority students, and the differences in the perception of aid as a factor in college and program choices. A key concept that was examined was financial "need." Need is usually defined as educational cost less (minus) the expected family contribution (EFC). It is the amount upon which the financial aid "package" is determined. While need can be met by any combination of grants, scholarships, tuition remissions, and loans, Corporation research has found that need was not fully met for most students in New York State. In fact, for undergraduates in the lowest income group (0-$10,000), an average "Need Gap" of over $1,000 remained in 1981-82 after all aid and the family contribution were taken into account.

Other Survey findings illustrate areas with policy implications:

MOST STUDENTS IN NEW YORK ARE USING FINANCIAL AID TO MEET NEED

The HESC Survey has found that in 1981-82, 75 percent of all full-time undergraduates and 67 percent of all full-time graduate students were utilizing some form of financial aid to meet college costs, but this aid met only 56 percent to 65 percent of the costs facing financially dependent undergraduates. Their families were being required to contribute 35 percent to 44 percent of cost figures, well above the 25 percent level endorsed by the U.S. Congress in 1980. This is in addition to the indebtedness they are incurring. For independent students, the family resources component was even more rigorous, ranging from 50 percent to 60 percent of cost. In some sectors of higher education financially independent students represent the majority of undergraduate student enrollments and it is here that the effects of proposals requiring additional "self-help" contributions would be felt the most. Clearly, families and students are being forced to bear increasingly large shares of college costs.

FINANCIAL AID EVEN IN COMBINATION WITH THE EFC, IS NOT MEETING THE EDUCATIONAL COSTS OF MANY STUDENTS

For two-thirds of the full-time undergraduates surveyed, financial aid did not cover total educational costs, even when combined with the family contribution. Furthermore, while students at all income levels are having trouble meeting their costs, low-income students are being disproportionately affected.

The HESC Survey indicated that family contributions, when combined with financial aid, did not always cover educational costs. This "gap" (between costs and resources) affected greater proportions of students with low family incomes, as well as those students who are self-supporting and may have dependents of their own. Three-fourths of the Survey undergraduates with family incomes under $10,000 did not receive enough aid to cover their costs, while 45 percent of undergraduates with family incomes over $30,000 experience the effects of this "gap". For dependent undergraduates with unmet need from the lowest income groups, the need gap averaged over $1,700. For 71 percent of financially independent undergraduates, the need gap averaged nearly $2,680. The policy question becomes, where do low-income families find the $1,700 or $2,680 needed to bridge the gap in their educational budgets? How does this burden affect their quality of life? Should more grant support be provided to close the gap?

RECENT PROPOSALS TO INCREASE "SELF-HELP" CONTRIBUTIONS AND IMPOSE A NEED TEST ON ALL GUARANTEED LOAN APPLICANTS WILL FURTHER RESTRICT ACCESS TO HIGHER EDUCATION

The Reagan Administration's proposal to include a 40 percent self-help component as a requirement for federal grant awards will have the greatest impact on financially independent students. It would impose an additional employment or indebtedness burden on those groups of students who are already faced with family responsibilities and for whom extra work or added indebtedness would not be economically viable alternatives.

The proposal to extend the Guaranteed Student Loan (GSL) need analysis requirement to all income levels and to impose a full need analysis would further reduce the current self-help component by reducing or eliminating the amounts currently available for loans. The proportion of recipients satisfying the 40 percent self-help requirement would fall from the 52 percent reported in the HESC Survey to 44 percent. Fifty-six percent of undergraduate recipients would then be required to demonstrate additional self-help before receiving federal grant funds. Financially independent undergraduates would continue to fall most short of the 40 percent self-help; however, greater proportions of all recipients, including those at higher incomes, would have to seek additional self-help funding before receiving federal grants.

For minority students, student financial aid represents a critical link between their economic background and their higher education aspirations. Survey data have shown that minority students differed from the "traditional" student in many respects. The following survey findings focus specifically on black students as an example of an underrepresented minority student group.

Black postsecondary level students are more likely than other groups to be undergraduate students and to enroll in nondegree programs.

Black postsecondary students are more likely to have family responsibilities. For example, 27 percent of the Black respondents to the Survey had children living with them; 35 percent of these Black parents were single. Among Caucasian respondents, 15 percent had children; 2.2 percent of these Caucasian parents were single.

Two-thirds of black students who had children were also working. These factors reflect the realities of life for blacks. They are more likely to encounter situations that could be obstacles to completion of their degree and are more likely to stop at the undergraduate level. Those with family responsibilities are working and independent of their parents and are thus vulnerable to proposals to change independent student award formulas, especially in undergraduate programs such as Pell and SEOG grants.

Black students are older than others at each educational level. Along with other minorities, they are also poorer and more likely to be using non-taxable income, such as Public Assistance and Aid to Dependent Children. Black respondents indicated they are less likely than any other ethnic group to be able to ask their parents to help meet college costs. (Of the 70 percent of blacks not receiving parental support, only 2 percent felt they could ask their parents for assistance.)

These observations point out that students in the self-supporting status have no "safety-net" available to provide additional funds. This no doubt produces anxiety and pressure and likely contributes to the higher drop-out rates reported for blacks in other research studies. Thus, any proposals to cut-back social program funds should address the fact that blacks will be disproportionately affected. This fact was recently confirmed by the president of the Joint Center for Political Studies as he commented on the policies of the Reagan administration.

A large majority of black respondents (73 percent) are receiving some form of aid, well above the rate (57 percent) exhibited by all Survey respondents.[1] Dependency on aid is especially prevalent at the undergraduate level; while comprising 10 percent of the full-time undergraduate respondents, blacks received 21 percent of all Pell dollars and 17 percent of all TAP dollars reported for Survey respondents [1] by their Financial Aid Administrators.

Blacks borrow under the Guaranteed Student Loan Program at almost the same rate as whites (38 percent vs. 45 percent).

Nearly all black aid recipients reported that student financial aid was absolutely necessary to attend their present school. In fact, blacks were more likely than any other ethnic group to report financial aid as a very important factor in their decision to attend their present school.

These observations highlight the actual and perceived importance of financial aid as an integral part of the education of the black student. The heavy dependence of blacks on government-sponsored grant aid reveals their vulnerability to proposals to reduce funding (e.g., the Reagan proposal to eliminate the SEOG program, which cur-

[1] Who provided ethnic self-identifications.

rently can provide up to $2,000 in grant funds to needy students). Since blacks are more likely to attend on a part-time basis, they are less able to utilize new loan programs, such as ALAS, since repayment is required to begin immediately for anyone below full-time attendance. Also, proposals to impose stiff academic progression requirements on aid recipients will likely discriminate against blacks since they are more likely to be aid recipients and more likely to be forced to interrupt their studies because of financial or family responsibilities.

These empirical data confirm many "felt" perceptions about the unique financial aid needs of low-income, independent, and minority students. As such, the data raise important policy questions. For example:

What will be the short- and long-term effect on the democratic concepts of access, choice and justice in postsecondary education and opportunity if government-sponsored aid programs continue to suffer disproportionate cutbacks?

What is the "proper" mix of grant/loan/work aid for students from underrepresented backgrounds?

Are adequate support services available to meet the unique needs of minority students facing family, work and educational pressures?●

STATUS OF HUMAN RIGHTS IN COMMUNIST CUBA

HON. MARK D. SILJANDER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. SILJANDER. Mr. Speaker, much as been said about the gross violation of religious and human rights in Marxist Nicaragua. I intend to publish complete information on the Nicaraguan abuses very shortly. Not as much has been said about the religious persecution and abuse of Human Rights in Cuba.

Perhaps we have grown immune to persection in Communist nations because it is a necessary companion to Marxist government. It is important that we take notice of these abuses so that the people of Cuba, not their Communist leaders, know we still stand with them in their desire for freedom and liberty.

The Most Reverend Agustín A. Román, Auxiliary Bishop of Miami, has issued a statement on the current and historical status of human rights in Communist Cuba. I commend this statement to my colleagues.

STATEMENT OF THE MOST REVEREND AGUSTÍN A. ROMÁN, D.D., MAY 20, 1983

The House of Representatives Committee on Foreign Affairs has just published its findings on religious persecution as a violation of human rights. The report covers repression of religious believers in many parts of the world.

For me it is disappointing and disturbing that those who testified about the religious repression in Latin America failed to mention the sad condition of the churches and religious believers in Cuba. As a priest I was a witness of this repression when I was in Cuba. Now as a Bishop in the United States I continue to be a witness through the testimony of thousands of Cubans arrived in this country with whom I have come in contact.

I would like to quote below the words of Dr. José I. Lasaga in his address to the members of the Interamerican Commission on Human Rights of the Organization of American States, regarding religious freedom in Cuba particularly with respect to the Catholic Church.

"In order to reach an objective judgment regarding religious freedom in Cuba, the following facts should be taken into consideration:

"(1) In accordance with the present Cuban law, it is not possible to open a Catholic school. The only Catholic schools tolerated by the government (same as in the Soviet Union) are the two seminaries—one in Havana and the other in Santiago de Cuba.

"(2) The Church cannot have any radio or television time.

"(3) The Church cannot use the media to communicate with its faithful, with the exception of a very modest flyer, with limited circulation, which is printed by some parishes.

"(4) In theory, the law gives the priests the right to freedom of expression. However, in practice it is well known that a priest who would dare in a sermon to express a discrepancy from any point of the indoctrination given by the government would be accused of committing a crime against the revolution.

"(5) There is not an open persecution against the people who go to church; but everyone knows that when a person is publicly known as being religious, there will always be a member of the Committee for the Defense of the Revolution or a co-worker stressing to him or her the fact that such conduct is endangering his/her possibilities of improving or keeping the job he/she has in the socialist society.

"(6) People whose religious convictions are well known are accepted in some university schools such as the Veterinary School. However, their admittance to other schools such as philosophy, psychology, history or social sciences is totally blocked.

"(7) The government tolerates the presence of some Catholic teachers for certain non-conflictive subjects such as mathematics; but it is most difficult for a practicing Catholic to teach in an elementary school or to teach history in a secondary school.

"(8) The same is true with respect to jobs as with admission to the university. Sometimes exceptions are made, but very few, to the established rules in order to use them as part of the propaganda for foreign visitors.

"(9) The teaching imparted in all the schools, from the first grade of the elementary school to the last year of the university, is based on a philosophy which is explicitly materialistic and atheistic. In a variety of ways children and young adults are taught the idea that God does not exist and that the human being is nothing but a piece of matter in an advanced level of evolution. Mockery to the religious feelings of the students is an integral part of school life at all levels of education.

"(10) Although in some of the parishes the government permits Catholic associations with a strictly local and strictly religious character (that is, without any social content), it is impossible to organize larger associations with a more extensive outreach because they would immediately be labeled and condemned as counter-revolutionary.

"(11) Inside the churches and in parish halls it is possible to give lectures and talks on strickly religious themes (referring to the supernatural life). However, any discrepancy with the government or the system should be rigorously excluded.

"(12) The major traditional holidays of the Christian calendar have been abolished. Christmas has disappeared to give place to the celebrations of the anniversary of the triumph of the revolution. The Week of the Bay of Pigs coincides every year with the Holy Week so that the people, who are compelled to attend several civic events, find it very difficult to participate in the Catholic liturgies.

"(13) The number of priests has considerably diminished since the present regime has been in power. At the present time these is an official assurance that there is no objection to the entry of foreign priests, or Cuban priests who have studied abroad, into the country. But the fact is that when a priest requests to be admitted he finds so many difficulties that his possibilities of being able to work in Cuba are practically zero.

"(14) At the present time there is no priest in Cuban prisons. However, any priest who would stand out as a youth leader runs the risk of being accused of counter-revolutionary activities and attempting to compete with the leaders of official institutions, as has happened in the past.

"(15) The real political power does not reside in the people, as in the truly democratic countries, but in the Communist Party. According to principles clearly expressed by the regime, Catholics cannot be admitted to the Party."

I hope that the realities expressed above will serve to clarify the truth of the Cuban goverment policy with regard to freedom of religion. ●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, July 21, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 22

9:30 a.m.
*Judiciary
To hold hearings on the nominations of James M. Kelly, Marvin Katz, and Thomas N. O'Neill, each to be a U.S. district judge for the eastern district of Pennsylvania, James F. Merow, of Virginia, and Robert J. Yock, of Virginia, each to be a judge of the U.S. Claims Court, and Kenneth W. Starr, of Virginia, to be U.S. circuit judge for the District of Columbia Circuit.
SD-226

Labor and Human Resources
To hold hearings to receive a task force report on the vaccine Pertussis.
SD-430

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Foreign Relations
To hold hearings on the nominations of William F. Pickard, of Michigan, Patsy Baker Blackshear, of Maryland, Chester A. Crocker, an Assistant Secretary of State, and Francis S. Ruddy, an Assistant Administrator of the Agency for International Development, each to be a member of the Board of Directors of the African Development Foundation.
SD-419

10:30 a.m.
Rules and Administration
Business meeting, to consider the nominations of Joan D. Aikens, of Pennsylvania, and John W. McGarry, of Massachusetts, each to be a member of the Federal Election Commission, Senate Joint Resolution 103, to provide for the appointment of Jeannine Smith Clark as a Citizen Regent of the Smithsonian Institution, H.R. 3034, to provide for the appointment and education of congressional pages, Senate Concurrent Resolution 33, to provide for the commemoration of the 100th anniversary of the birth of Harry S. Truman, Senate Resolution 150, to authorize the printing of additional copies of the Joint Economic Committee print entitled "Changing Economics of Agriculture: Challenge and Preparation for the 1980's," and other pending executive, legislative, and administrative business.
SR-301

2:00 p.m.
Energy and Natural Resources
To resume oversight hearings on the geopolitics of strategic and critical minerals.
SD-366

JULY 25

10:00 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold hearings on foreign industrial targeting policies.
SD-138

2:00 p.m.
Energy and Natural Resources
To hold hearings on S. 1132, to establish a maximum ceiling on the annual charge to be fixed by the Federal Energy Regulatory Commission for a licensee's use of a Government dam or other structures owned by the United States.
SD-366

Foreign Relations
To hold hearings on the nomination of Thomas O. Enders, of Connecticut, to be Ambassador to Spain.
SD-419

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on the proposed Alien Education Assistance Act.
SD-430

JULY 26

9:00 a.m.
Office of Technology Assessment
The Board to hold a general business meeting.
EF-100, Capitol

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold oversight hearings on the implementation of the Staggers Rail Act (Public Law 96-448).
SR-253

Governmental Affairs
To hold hearings on the nominations of Bruce D. Beaudin, and A. Franklin Burgess, each to be an associate judge of the Superior Court of the District of Columbia, and Judith W. Rogers, to be an associate judge of the District of Columbia Court of Appeals.
SD-342

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 1173, proposed Federal Mine Safety and Health Amendments.
SD-430

10:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the nominations of Paul I. Enns, of California, and Joseph A. Kyser, of Alabama, each to be a member of the Federal Farm Credit Board, Farm Credit Administration.
SR-328A

Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1984 for certain defense programs, focusing on Navy and Air Force weapons procurement programs.
SD-192

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
Business meeting, to mark up proposed legislation appropriating funds for fiscal year 1984 for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies.
S-146, Capitol

Armed Services
To hold hearings on the organization, structure, and decisionmaking procedures of the Department of Defense; and to consider routine military nominations.
SD-106

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Environment and Public Works
Business meeting, to mark up S. 757, authorizing funds for fiscal years 1983 through 1987 for programs of the Solid Waste Disposal Act; to be followed with a business meeting by the Subcommittee on Environmental Pollution, to mark up S. 1329, to provide financial assistance to States for wetlands conservation.
SD-406

Foreign Relations
To hold hearings on the nominations of Clair W. Bergener, of California, Malcolm Forbes, Jr., of New Jersey, Joseph L. Kirkland, of the District of Columbia, Arch L. Madsen, of Utah, James A. Michener, of Pennsylvania, Michael Novak, of the District of Columbia, and Thomas F. Ellis, of North Carolina, each to be a member of the Board for International Broadcasting.
SD-419

Judiciary
To resume hearings on the nominations of Morris B. Abram, of New York, John H. Bunzel, of California, and Robert A. Destro, of Wisconsin, each to be a member of the Commission on Civil Rights, and Linda C. Gersten, of the District of Columbia, to be Staff Director for the Commission on Civil Rights.
SD-226

Select on Indian Affairs
To hold hearings on S. 1151, to compensate heirs of deceased Indians for improper payments from trust estates to States or political subdivisions thereof as reimbursements for old age assistance received by decedents during their lifetime, and House Joint Resolution 158, to make a technical amendment to the Indian Land Consolidation Act (Public Law 97-459); to be followed by a business meeting, to mark up the aforementioned measures and S. 1499, to provide for the settlement of certain claims of the Mashantucket Pequot Indians.
SD-608

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold joint hearings with the House Committee on Foreign Affairs' Subcommittee on Europe and the Middle East on the political economy of the Soviet Union.
2200 Rayburn Building

2:00 p.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on a Presidential commission report on excellence in education.
SD-430

JULY 27

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To continue oversight hearings on the implementation of the Staggers Rail Act (Public Law 96-448).
SR-253

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold oversight hearings on the Environmental Protection Agency's implementation of laws regulating the manufacture, distribution and use of toxic chemicals.
SD-406

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on the management of the U.S. Synthetic Fuels Corporation.
SD-342

Judiciary
Juvenile Justice Subcommittee
To hold hearings on proposed Federal financial assistance to State and local law enforcement agencies.
SD-226

Labor and Human Resources
Business meeting, to consider S. 1133, to authorize funds for fiscal years 1984, 1985, and 1986 for the Legal Services Corporation, and the nomination of James B. Hyland, of Virginia, to be Inspector General, Department of Labor.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for certain defense programs, focusing on intelligence programs.
SD-116

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on S. 1520, to authorize redress payments to certain residents of the United States of Japanese-American, Aleut, or other ancestry who were interned, detained, or forcibly relocated by the U.S. Government during World War II.
SD-562

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 873, establishing a fund within the Department of the Treasury to provide assistance for research and training in Soviet and Eastern European studies to certain organizations.
SD-430

JULY 28

9:00 a.m.
Commerce, Science, and Transportation
To hold joint hearings with the House Committee on Energy and Commerce on the proposed Universal Telephone Service Preservation Act of 1983.
SR-253

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 5, to designate certain public lands in the State of California as wilderness, and H.R. 1437 and S. 1515, bills entitled the "California Wilderness Act of 1983."
SD-366

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold hearings on S. 596, to allow farmers who have suffered a loss as a result of a grain warehouse insolvency to receive payment-in-kind (PIK) commodities as compensation subject to certain restrictions.
SR-328A

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To continue oversight hearings on the Environmental Protection Agency's implementation of laws regulating the manufacture, distribution, and use of toxic chemicals.
SD-406

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 19 and S. 918, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women, and related measures.
SD-430

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for certain defense programs, focusing on Navy and Air Force aircraft procurement programs.
SD-192

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To resume oversight hearings on government management of natural gas import issues.
SD-342

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Select on Indian Affairs
To hold oversight hearings on Indian health issues.
SR-485

2:00 p.m.
Finance
Social Security and Income Maintenance Programs Subcommittee
To hold hearings on S. 960, to assist women in making career choices in the home or the labor force.
SD-215

Select on Ethics
Closed business meeting, on pending committee business.
EF-100, Capitol

JULY 29

9:30 a.m.
*Commerce, Science, and Transportation
To continue joint hearings with the House Committee on Energy and Commerce on the proposed Universal Telephone Service Preservation Act of 1983.
2123 Rayburn Building

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To continue oversight hearings on the Environmental Protection Agency's implementation of laws regulating the manufacture, distribution and use of toxic chemicals.
SD-406

Finance
International Trade Subcommittee
To hold hearings on the President's authority to waive the freedom of immigration provisions of the Trade Act of 1974 (Public Law 93-618).
SD-215

Governmental Affairs
Oversight of Government Management Subcommittee
To resume oversight hearings on the management of the U.S. Synthetic Fuels Corporation.
SD-628

10:00 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on Senate Joint Resolution 1, proposing an amendment to the Constitution of the United States with respect to fixing the compensation of Members of Congress.
SD-226

Judiciary
Courts Subcommittee
To hold hearings to review the Department of Justice's identification systems.
SR-385

AUGUST 1

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on miscellaneous tax bills, including S. 1600, S. 1579, S. 108, S. 1464, and S. 1549.
SD-215

10:00 a.m.
Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold hearings on the economic situation along the United States-Mexico border.
SD-562

2:00 p.m.
Finance
Taxation and Debt Management Subcommittee
To continue hearings on miscellaneous tax bills, including S. 1600, S. 1579, S. 108, S. 1464, and S. 1549.
SD-215

3:00 p.m.
Finance
Savings, Pensions and Investment Policy Subcommittee
To hold oversight hearings on the extended unemployment benefits program, and S. 1113, to provide that tax-exempt interest shall not be taken into account in determining the amount of social security benefits to be taxed.
SD-215

AUGUST 2

8:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on proposed legislation authorizing funds for the Civil Rights Commission.
SD-226

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To resume hearings on S. 1306, to encourage American innovation by restoring the patent system as it affects certain products subject to premarket testing by the Federal Government.
SD-628

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
Business meeting, to markup pending calendar business.
SD-406

AUGUST 3

8:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

9:30 a.m.
*Commerce, Science, and Transportation
*Surface Transportation Subcommittee
To hold hearings to review the economic state of the inland waterway industry.
SR-253

10:00 a.m.
Environment and Public Works
Business meeting, to mark up pending calendar business.
SD-406

AUGUST 4

8:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

SEPTEMBER 8

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on the historical perspective and societal implications.
SD-430

SEPTEMBER 15

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on causes and remedies.
SD-430

SEPTEMBER 20

10:00 a.m.
Foreign Relations
Business meeting, to consider certain arms reduction proposals, including Senate Resolution 57, Senate Joint Resolution 2, Senate Joint Resolution 29, Senate Resolution 159, Senate Joint Resolution 74, Senate Concurrent Resolution 46, Senate Resolution 107, and Senate Resolution 83.
SD-419

11:00 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the American Legion.
SR-325

SEPTEMBER 23

9:30 a.m.
*Finance
Economic Growth, Employment and Revenue Sharing Subcommittee
To hold hearings on the future of U.S. basic industries.
SD-215

OCTOBER 3

9:30 a.m.
*Finance
Economic Growth, Employment and Revenue Sharing Subcommittee
To resume hearings on the future of U.S. basic industries.
SD-215

OCTOBER 18

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on vocational education programs administered by the Department of Education.
SD-430

OCTOBER 25

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on vocational education programs administered by the Department of Education.
SD-430

CANCELLATIONS

JULY 26

2:00 p.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold oversight hearings on the acquisition of land, and acquisition and termination of grazing permits or licenses issued by the Bureau of Land Management at the White Sands missile range in New Mexico.
SD-366

JULY 27

10:00 a.m.
Appropriations
District of Columbia Subcommittee
To hold oversight hearings on the District of Columbia court system, focusing on the prosecution of repeat offenders.
SD-138

HOUSE OF REPRESENTATIVES—*Thursday, July 21, 1983*

The House met at 10 o'clock a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, grant to each of us the resources of faith necessary for our well-being. May Your spirit of life and love transcend that which separates us and build bridges of understanding and good will. In spite of the differences between people, may we not be overwhelmed by them, but be transformed by the vision of our common creation and our shared humanity. In Your name, we pray. Amen.

JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. SOLOMON. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SOLOMON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 349, nays 30, answered "present" 5, not voting 49, as follows:

[Roll No. 263]

YEAS—349

Ackerman	Bilirakis	Chappell
Addabbo	Biley	Chappie
Akaka	Boehlert	Cheney
Albosta	Boggs	Clarke
Alexander	Boland	Clinger
Anderson	Boner	Coelho
Andrews (NC)	Bonior	Coleman (MO)
Andrews (TX)	Bonker	Coleman (TX)
Annunzio	Borski	Collins
Archer	Bosco	Conable
Aspin	Boucher	Conte
Badham	Breaux	Cooper
Barnes	Britt	Courter
Bartlett	Brooks	Coyne
Bateman	Broomfield	Crane, Daniel
Bates	Brown (CO)	Crane, Philip
Bedell	Broyhill	D'Amours
Beilenson	Bryant	Daniel
Bennett	Burton (CA)	Dannemeyer
Bereuter	Byron	Daschle
Berman	Campbell	Daub
Bevil	Carper	Davis
Biaggi	Carr	de la Garza
Dellums	Kemp	Pease
Derrick	Kennelly	Penny
DeWine	Kildee	Pepper
Dicks	Kindness	Perkins
Dixon	Kogovsek	Petri
Downey	Kostmayer	Pickle
Dreier	Kramer	Porter
Duncan	Lagomarsino	Price
Dwyer	Lantos	Pritchard
Dyson	Latta	Pursell
Early	Leach	Quillen
Eckart	Leath	Rahall
Edgar	Lehman (CA)	Rangel
Edwards (AL)	Lehman (FL)	Ratchford
Edwards (CA)	Leland	Ray
Edwards (OK)	Lent	Regula
Erdreich	Levin	Reid
Evans (IL)	Levine	Richardson
Fazio	Levitas	Ridge
Ferraro	Lewis (FL)	Rinaldo
Fiedler	Livingston	Ritter
Fields	Lloyd	Roberts
Fish	Loeffler	Robinson
Flippo	Long (LA)	Roe
Florio	Lott	Rogers
Foglietta	Lujan	Rose
Foley	Luken	Rostenkowski
Ford (TN)	Lungren	Roth
Fowler	Mack	Roukema
Frank	MacKay	Rowland
Franklin	Markey	Roybal
Frenzel	Marlenee	Rudd
Frost	Marriott	Russo
Fuqua	Martin (IL)	Savage
Garcia	Martin (NC)	Sawyer
Gaydos	Martin (NY)	Schaefer
Gekas	Martinez	Scheuer
Gibbons	Matsui	Schneider
Gilman	Mavroules	Schulze
Gingrich	Mazzoli	Schumer
Glickman	McCandless	Sensenbrenner
Gonzalez	McCloskey	Sharp
Gore	McCurdy	Shelby
Gradison	McDade	Shumway
Gramm	McEwen	Shuster
Gray	McGrath	Siljander
Green	McHugh	Sisisky
Gregg	McKernan	Skeen
Guarini	McKinney	Skelton
Gunderson	McNulty	Smith (FL)
Hall (IN)	Mica	Smith (IA)
Hall (OH)	Michel	Smith (NE)
Hall, Ralph	Mikulski	Smith (NJ)
Hall, Sam	Miller (CA)	Smith, Denny
Hamilton	Mineta	Smith, Robert
Hammerschmidt	Minish	Snowe
Hance	Moakley	Snyder
Hansen (UT)	Molinari	Solarz
Harrison	Mollohan	Spence
Hartnett	Montgomery	Spratt
Hatcher	Moody	Staggers
Hawkins	Moore	Stangeland
Hertel	Moorhead	Stark
Hightower	Morrison (CT)	Stokes
Hiler	Morrison (WA)	Stratton
Hillis	Mrazek	Studds
Holt	Murtha	Stump
Hopkins	Myers	Sundquist
Horton	Natcher	Swift
Howard	Nelson	Synar
Hoyer	Nichols	Tallon
Hubbard	Nielson	Tauke
Huckaby	Nowak	Taylor
Hughes	O'Brien	Thomas (CA)
Hunter	Oakar	Thomas (GA)
Hyde	Obey	Torres
Ireland	Olin	Towns
Jeffords	Ortiz	Udall
Jenkins	Owens	Valentine
Johnson	Oxley	Vandergriff
Jones (OK)	Packard	Vander Jagt
Jones (TN)	Panetta	Volkmer
Kaptur	Parris	Vucanovich
Kastenmeier	Pashayan	Walgren
Kazen	Patman	Watkins
Waxman	Williams (MT)	Wylie
Weaver	Winn	Yates
Weber	Wirth	Yatron
Weiss	Wise	Young (FL)
Wheat	Wolf	Young (MO)
Whitehurst	Wolpe	Zablocki
Whitley	Wortley	Zschau
Whittaker	Wright	
Whitten	Wyden	

NAYS—30

Burton (IN)	Erlenborn	Murphy
Clay	Evans (IA)	Paul
Coats	Forsythe	Roemer
Corcoran	Gejdenson	Sabo
Coughlin	Goodling	Schroeder
Dickinson	Harkin	Sikorski
Donnelly	Lewis (CA)	Solomon
Dorgan	Lipinski	Traxler
Durbin	Lowry (WA)	Vento
Emerson	Miller (OH)	Walker

ANSWERED "PRESENT"—5

Dymally	Jacobs	St Germain
Hutto	Oberstar	

NOT VOTING—49

Anthony	Ford (MI)	Neal
Applegate	Gephardt	Ottinger
AuCoin	Hansen (ID)	Patterson
Barnard	Hefner	Rodino
Bethune	Heftel	Selberling
Boxer	Jones (NC)	Shannon
Brown (CA)	Kasich	Shaw
Carney	Kolter	Simon
Chandler	LaFalce	Slattery
Conyers	Long (MD)	Stenholm
Craig	Lowery (CA)	Tauzin
Crockett	Lundine	Torricelli
Dingell	Madigan	Williams (OH)
Dowdy	McCain	Wilson
English	McCollum	Young (AK)
Fascell	McDonald	
Feighan	Mitchell	

□ 1010

Mr. TORRES changed his vote from "present" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2637. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia.

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 419) entitled "An act to provide that per capita payments to Indians may be made by tribal governments, and for other purposes."

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1168. An act to declare that the United States holds certain lands in trust for the Kaw Tribe of Oklahoma; and

S. 1245. An act to authorize the Secretary of Defense to provide transportation for next of kin of certain persons who are unaccounted for, to attend annual national meetings sponsored by the National League of Families of American Prisoners and Missing in Southeast Asia.

PERMISSION TO HAVE UNTIL 5 P.M. FRIDAY, JULY 22, 1983, TO FILE CONFERENCE REPORT ON H.R. 2973, TO REPEAL WITHHOLDING OF TAX FROM INTEREST AND DIVIDENDS, AND MAKING IN ORDER CONSIDERATION OF CONFERENCE REPORT

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that the managers may have until 5 p.m. Friday, July 22, 1983, to file a conference report on the bill (H.R. 2973) to repeal the withholding tax from interest and dividends, and that it be in order to consider that report in the House on Tuesday of next week or any day thereafter.

The SPEAKER pro tempore (Mr. WATKINS). Is there objection to the request of the gentleman from Illinois?

Mr. MARTIN of North Carolina. Mr. Speaker, reserving the right to object, I would ask the distinguished chairman if he would explain in somewhat greater detail his request.

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of North Carolina. I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. I thank the gentleman for yielding.

The conference report on withholding on interest and dividends is going to conclude today. I wanted to make arrangements for us to be able to consider it at the early part of next week.

Mr. MARTIN of North Carolina. And the request was what? The nature of the request?

Mr. ROSTENKOWSKI. The unanimous-consent request was for the filing of the report.

Mr. MARTIN of North Carolina. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois (Mr. ROSTENKOWSKI)?

There was no objection.

DO YOU HAVE TO BE CRAZY TO SPEAK THE TRUTH IN THE SOVIET UNION?

(Mr. LEVITAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVITAS. Mr. Speaker, I would like to bring to your attention and the attention of my colleagues a deplorable situation which exemplifies the disrespect for truth and fundamental human rights which exists in the Soviet Union.

Speaking the truth can get you put in an insane asylum. That must mean that you have to be crazy to speak the truth in the Soviet Union.

Recently, a case has come to my attention concerning a Soviet citizen named Vladimir Danchev. Although this man is only one of many, we must remember him. His is real, and his story is fact.

Vladimir Danchev, who is age 35, worked for Radio Moscow in the international English language broadcasts area.

According to BBC monitoring of Radio Moscow broadcasts between May 18 and May 25, Mr. Danchev reported over the airways that "the population of Afghanistan plays an increasing role in defending the country's territory against occupants," and certain "tribes have joined against the Soviet invaders".

These programs were broadcast live. This is an extremely rare procedure. Usually in the Soviet Union all broadcasts are strictly monitored with delays allowing the Radio Moscow officials to cut off the broadcasts if the announcers do not say exactly what is printed and approved for them to say. Yet, strangely Mr. Danchev's broadcasts were not monitored.

In later Radio Moscow reports monitored in the West we learned that, despite the accuracy of Mr. Danchev's statement, Soviet officials chose to suppress the truth about Afghanistan in a preposterous manner. Radio Moscow officials tried to dismiss Mr. Danchev's statements claiming that he had suffered a personal shock from the Soviet intervention in Afghanistan since he lived in Uzbekistan on the border of the Soviet Union and Afghanistan. However, the Radio Moscow officials admitted that those broadcasts had made "waves," and therefore all future uncensored live broadcasts were banned.

In a speech I gave at the Fifth Inter-Parliamentary Conference on European Cooperation and Security in Budapest, Hungary, May 31, 1983, I had planned to cite Mr. Danchev's report as a positive example of improvement in the Soviet Union of freedom of communication. Unfortunately, after learning of the official Soviet reaction to his remarks this became a negative example. In fact, it was a horrendous example of the Soviet Union's lack of regard for truth and human rights. And even today, the tragic story continues.

There is a recent development in the life of Mr. Danchev, aroused because of his references to Soviet invaders in Afghanistan. Mr. Danchev was fired from his job and has now been committed to a psychiatric asylum in his hometown of Uzbekistan. After going before a disciplinary committee, and maintaining his statements, the Soviets have put Mr. Danchev in an asylum claiming that he was a reserved young man who refused to see a psychiatrist on his own. The Radio Moscow officials are trying to downplay the importance of Mr. Danchev's story by describing him as a depressed man who had no apartment, and who broke down when his wife left him.

Mr. Danchev's story must be remembered by all Americans because it is so revealing about the Soviet system.

Truly, you have to be crazy—or brave—to speak the truth in the Soviet Union.

FOOD STAMPS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, hunger in the United States is on the rise, yet full August food stamp benefits to needy recipients are in jeopardy. Unless the Congress passes the supplemental appropriations bill constituents in my district are having difficulty meeting their families' food needs, and local food stamp program administrators have stressed to me the impact a delay in benefits would have on hungry people.

Congress must pass the supplemental appropriation and the President must assure needy Americans that he will sign the bill with the promptness that this emergency demands. He must also instruct the Department of Agriculture to immediately notify the States that they can go ahead with full August benefit payments.

As of yesterday, 100,000 Ohioans exhausted all unemployment benefits. The jobless, as well as the poor, the elderly and the disabled should not be forced to go hungry due to shortsightedness, coldheartedness or ignorance.

□ 1020

AIRLINE SKYJACKING

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, in recent weeks the number of airline skyjackings has risen dramatically. South Florida is particularly vulnerable to this terrorism.

Yesterday morning, for instance, an airliner bound from New York to Miami was diverted to Cuba. The day before that, a Tampa-bound plane from Miami was skyjacked, and a flight attendant held at knifepoint while the passengers were terrorized. This Government has a duty to pro-

tect the public in the air. If this frightening trend continues, people will be afraid to fly. Even worse and more seriously, injuries or deaths may occur, even accidentally.

I realize that additional marshals have been put on some flights, but much more needs to be done.

The criminal penalties for skyjacking are severe, but they do not seem to deter these criminals. Once a flight is airborne, any attempt to capture or disarm a skyjacker jeopardizes the lives of the innocent passengers and crew. The best way to stop skyjackers is to catch them before they leave the ground.

We, therefore, must have better security in our airports to catch these people before they commandeer a plane. We need to increase the number of surveillance people at the gates and security stations at the Miami and Fort Lauderdale-Hollywood airports. We make better use of personality profiles to prevent would-be skyjackers from boarding flights to and from South Florida.

I am asking officials at the FAA to take the steps that I have just outlined to restore safety to the skies and to put an end to this frightening increase in airline skyjackings.

BEFORE IT IS TOO LATE CONGRESS MUST COME TO GRIPS WITH TELEPHONE RATES

(Mr. GLICKMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Speaker, facing the spector of the AT&T divestiture, telephone rate increase requests are being filed with State regulatory commissions from coast to coast. The increases being sought in many instances run well over 100 percent, and that has raised fears among American consumers, and with good reason.

Increases of the magnitude that are being sought would make access to even minimal telephone service next to impossible for some Americans to afford. The hardship would be particularly severe in the case of senior citizens who all too often have to rely on their telephones not only as their main source of companionship but also literally as their lifeline to needed emergency service. We cannot stand by and let that lifeline be cut by high costs.

There are steps that can be taken. Judge Greene's recent requests for modifications in the proposed consent decree should help assure that local service rate increases are held down. But, given the national scope of the divestiture and FCC actions, we in the Congress must see that these rates do not shoot up dramatically come January.

A number of proposals have been introduced to achieve that end. They all should be seriously examined with the goal of arriving at a consensus that assures a fair and workable sharing of telephone costs. It can be done. I hope we will get down to business on this.

RECONCILIATION UPDATE

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PANETTA. Mr. Speaker, as you will recall, the first budget resolution for fiscal year 1984 the House adopted in June contained reconciliation instructions to seven House and four Senate committees calling for 3-year spending reductions of over $12 billion and 3-year revenue increases of $73 billion. The following is a brief update on action taken so far by House committees in response to the reconciliation instructions.

Armed Services—H.R. 2969, scheduled for House floor this week, contains pay raise and COLA delay provisions.

Energy and Commerce—Hearings were held on Monday, July 18 in the Subcommittee on Health and Environment to consider ways to achieve reconciliation savings.

Foreign Affairs—Reconciliation savings tied to action by Post Office and Civil Service Committee.

Post Office and Civil Service—Reported reconciliation legislation on Tuesday of this week, July 19.

Small Business—Markup of reconciliation legislation scheduled on July 21.

Veterans' Affairs—Submitted reconciliation legislation to House Budget Committee in early June.

Ways and Means—Hearings on revenue increases scheduled for today and tomorrow.

I am also including in the RECORD a more detailed description of the first budget resolution targets on reconciliation and the response to date of the seven House committees involved.

Committee	Savings assumed in budget resolution (millions)		
	1984	1985	1986
Armed Services:[1]			
Budget authority	$253	$360	$621
Outlay	253	360	621
Energy and Commerce:[2]			
Budget authority			
Outlay	400	500	800
Foreign Affairs:[3]			
Budget authority			
Outlay	3	4	9
Post Office and Civil Service:[4]			
Budget authority	1,619	2,332	3,235
Outlay	1,900	2,841	4,144
Small Business:[5]			
Budget authority	139	555	544
Outlay	287	466	443
Veterans' Affairs:[6]			
Budget authority	228	139	141
Outlay	226	138	140
Ways and Means:[7]			
Budget authority			
Outlay	400	500	800
Revenues (in billions)	12	15	46

[1] H.R. 2969, scheduled for the House floor the week of July 19, includes a COLA and pay raise delay of 6 months.

[2] July 18—the Subcommittee on Health and Environment held hearings to consider ways of achieving reconciliation savings.

[3] Reconciliation savings tied to Post Office and Civil Service Committee action.

[4] July 19—by a vote of 15 to 3, the committee approved a 4-percent civilian and military pay raise in October 1983, and a delay in the COLA for military and civilian retirees from June 1984 to January 1985. A CBO estimate of these savings will be available later this week.

[5] July 21—Markup of reconciliation legislation is scheduled.

[6] June 3—submitted legislation to the Budget Committee achieving the following outlay savings: $214,000,000 in fiscal year 1984, $233,000,000 in fiscal year 1985 and $237,000,000 in fiscal year 1986.

[7] July 19 to 21—Hearings scheduled on revenue increases called for in reconciliation.

PREACHER HAMILTON

(Mr. WHITTEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WHITTEN. Mr. Speaker, it is fine at all times to give credit to those who have faith, to which they add good works.

In my area, I know of no one who has devoted his life to faith and good works more than Rev. Charles Granville Hamilton, a longtime friend of mine, known over our State as "Preacher Hamilton."

Truly he recognizes that what our forefathers provided was freedom of religion and not freedom from religion.

Some weeks ago, Preacher Hamilton completed his 2,801st reading of the New Testament. In light of this, it is my pleasure to include the following news stories which recognize Preacher Hamilton for this accomplishment and other outstanding achievements. Together with his wife, Mary Elizabeth, Preacher Hamilton has greatly enriched the lives of the people in my district.

[From the Amory (Miss.) Advertiser, Apr. 7, 1983]

A Monroe County Minister has just made a new record. Charles G. Hamilton of Aberdeen who has been heard in the county over half a century, finished the past week reading the New Testament through 2,801 times.

* * * * *

Dr. Charles G. Hamilton of Aberdeen looks over some of the many copies of the Bible which he has read and re-read over the past half-century. Included are the New Testament in the original Greek; Tindale's 1534 English translation from the Greek—the ancestor of the King James' version; the 1611 King James Bible; and the J. B. Philipps version of the Bible, which Dr. Hamilton calls the most beautiful of the recent translations. Dr. Hamilton says he has just finished reading the New Testament through for the 2,801st time. He has averaged reading it through once a week for over 50 years. He has read the Bible through 211 times and the Psalms and Prophets in the Old Testament hundreds of times.

[From Amory (Miss.) Advertiser, June 2, 1983]

DR. HAMILTON BEGINS 58TH YEAR AS MINISTER

Dr. Charles G. Hamilton of Monroe County began his 58th year of ministry this week. He has averaged nine sermons, seven visits and 433 miles a week for those years.

His 233 sermons the past year brought his total to 28,429 in 535 churches of 27 demoninations in 32 states and two foreign countries, 263 schools and colleges, 2,921 radio and television stations, 31 newspapers and magazines, including the Advertiser, 33 pamphlets and 12 books.

We wish for Brother Hamilton and his devoted wife many more fruitful and happy years.

PRESIDENT HAS WORST CIVIL RIGHTS RECORD IN MODERN HISTORY

(Mr. DIXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DIXON. Mr. Speaker, President Reagan will be remembered for having the worst civil rights record in modern history, it is because his entire civil rights policy and philosophy is expressed in just four words "against busing and quotas."

The American people will remember how our Reagan waffled on voting rights until the 11th hour.

They will remember how our President asked that schools which discriminate on the basis of race be given tax benefits.

They will remember how he has fought against the equal rights amendment.

The American people see how this President has attempted to shatter the integrity of the U.S. Commission on Civil Rights, and the American people will remember how President Reagan has ignored meaningful fair housing legislation which has been introduced in Congress on a bipartisan basis, and instead insists on offering his own half-hearted plan.

These actions speak for themselves, and the public is not fooled by photo opportunities as a substitute for a commitment to civil rights.

PERSONAL EXPLANATION

(Mr. YATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YATES. Mr. Speaker, yesterday I hurried up from the conference on the supplemental appropriations bill to vote on House Joint Resolution 265, rollcall 260. I voted "aye." I pressed the key to vote "aye" and I returned to the conference.

I learned later that my vote had not been recorded on the machine. In view of that fact, I rise now to have the RECORD show that I intended to vote "aye" on rollcall 260, and had the machine recorded my vote it would have shown I voted "aye."

THE WORLD TURNED UPSIDE DOWN

(Mr. HARRISON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HARRISON. Mr. Speaker, last night at the administration's insistence and under threat of a veto, the House-Senate conferees on the supplemental appropriations bill eliminated $225 million in funding for health insurance for the unemployed. Some of my colleagues thought this was regretable but necessary in order to cut spending and reduce the deficit.

Imagine then what they must have thought when they read on the front page of this morning's Washington Post that the administration intends to send us a proposal to spend that much and more, $300 million, in assistance for health systems, political change and economic development in Central America.

I am in favor of helping the suffering people of Central America. But I am also in favor of helping the unemployed people of the United States of America.

Two hundred years ago when the British marched out of Yorktown to surrender to General Washington, they played a song called "The World Turned Upside Down." Mr. Speaker, I am beginning to think that this administration is marching to the same tune.

NO COLLUSION

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, yesterday the front page of the Washington Post carried a story telling of former President Jimmy Carter's criticism of President Reagan's Central American policies.

I want to set the record straight about this story before the media begins an investigation.

Everyone knows that an attack by Jimmy Carter is the best possible thing that can happen to an elected political figure today.

There are people in this town who would give a year's salary just to have Jimmy Carter attack them. It is a guarantee of reelection.

So I want to make it clear that the Republican Party is not acting in collusion with Mr. Carter in this case. We have not prompted him, or offered him any job if he would attack President Reagan's policies.

Mr. Carter has done this on his own. He may have to report it to the Federal Election Commission as an in-kind contribution to the Reagan reelection campaign but I will leave that to the lawyers to figure out.

However, I am sending Mr. Carter my own voting record in hopes that he will soon attack me, therefore guaranteeing my reelection.

CONTADORA HAS NO FOLLOWING

(Mr. RUDD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUDD. Mr. Speaker, it is noted in the morning news that the so-called opposition leader in El Salvador, Guillermo Ungo, who is a Socialist with very little following, wants to participate in the multinational peace movement which is advocated by the Contadora group made up of Mexico, Colombia, Panama, and Venezuela, which advocates a unilateral withdrawal of all aid by the United States to El Salvador, while the U.S.S.R., Bulgaria, and Cuba funnel through their headquarters in Nicaragua arms and ammunition and foodstuffs to the terrorists in El Salvador.

That is like telling El Salvador and the United States to commit suicide. I have just returned from El Salvador with two of my colleagues here in the Congress, Mr. PARRIS of Virginia and Mr. MCCOLLUM of Florida. I will tell you there is no support for the Contadora group because this group advocates a negative position and the group is ineffectual and has no means of carrying out any decision that it may make.

Let us not be blinded by negative information on El Salvador. El Salvador needs our help and the United States must support El Salvador for our own survival.

THE 200TH BIRTHDAY OF SIMON BOLIVAR

(Mr. FRANKLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKLIN. Mr. Speaker, it is not often that events in Venezuela are of specific interest to those of us in the Second District of Mississippi, but the citizens of Venezuela will celebrate an anniversary this week that is of interest in my district.

July 24 marks the 200th birthday of Simon Bolivar, the South American hero who led in the fight for nationhood in Venezuela and five other South American countries. Although his accomplishments may not be a matter of common knowledge in this country, historians have drawn parallels between Bolivar and the Founding Father of our own country, George Washington. Both men exhibited a special strength of character, and force of personality.

Simon Bolivar's struggle for freedom so inspired one Mississippian—Adam Bingham, of Natchez—that Bingham named a newly created Mississippi county after him in 1836. This county, which we affectionately pronounce as Bolivar County, is located in the cen-

tral portion of the Mississippi Delta. And, ironically, the county adjoining Bolivar County is named for George Washington, his American counterpart.

Bolivar County not only bears the name of Simon Bolivar, but also has the distinction of being the only county in the United States named for the great liberator. This occasion—Bolivar's 200th birthday—is also the sesquicentennial of Bolivar County, Miss., and it gives me great pleasure to recognize both of these historic occasions.

INEQUITY IN VETERANS BENEFITS

(Mr. HORTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HORTON. Mr. Speaker, I would like to take this opportunity to comment on a bill I just introduced which would rectify an inequity in veterans benefits. In addition to myself, 20 Members have also agreed to become original cosponsors. Transverse myelitis is a clinical syndrome in which there is evidence of complete or partial loss of neurologic functions, generally resulting from an inflammation of the spinal cord. The cause of this syndrome is unknown; however, it has been linked with multiple sclerosis.

Under current law, veterans suffering from transverse myelitis may only receive disability benefits if the syndrome manifests itself within 1 year of their separation from service. Multiple sclerosis, on the other hand, has a presumptive period of 7 years. The bill which we are introducing will allow those veterans who suffer from transverse myelitis to receive benefits in the same manner as those afflicted with multiple sclerosis.

Many of us have served the United States during a time of war. Our experience as veterans has given us a profound understanding of the sacrifices which many men have made for their country. I ask that you join me in supporting this legislation so that we may not forget our veterans in their time of need.

AMENDMENTS TO EXPORT ADMINISTRATION ACT VITAL TO U.S. AGRICULTURE

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, the latest issue of USDA's monthly magazine Foreign Agriculture is must reading for all of my colleagues who are concerned about the declining sales of U.S. agricultural products abroad.

In its special report on trade with the Soviet Union, the USDA bluntly recounts the lasting impact of the 1980 U.S. grain embargo to the Soviet Union. As a result of that ill-conceived trade sanction, USDA reports that the Soviets have locked in long-term supplies from Brazil, Argentina, and Canada, to name only the largest suppliers. Certainly I was told that directly last November in Moscow at the Soviet Ministry on Agriculture. American farmers, in the meantime, have been the big losers with postembargo sales to the Soviets plunging by almost $2 billion. Those multiyear contracts for wheat, wheat flour, barley, oats, soybeans, soybean meal, soybean oils, corn, and many other products make it extremely difficult, in USDA's words, "For U.S. exporters to regain their position in the Soviet market."

Now—3 years later—our sales to the Soviets have only climbed back up to one-half their preembargo value. Prospects for a full recovery or for an increase above past levels are bleak. Furthermore, sales to other nations have been made more difficult due to the strengthened competition we face from the Soviet's new trading partners.

During the coming weeks, Members of this body will have an opportunity to begin to undo the terrible damage inflicted upon American agriculture by embargoes. Through amendments to the Export Administration Act of 1979, H.R. 3231 will help put America on the road toward a renewed worldwide reputation as a reliable supplier of agricultural commodities. I urge all of my colleagues to give this measure their most careful review and their strongest support.

ENTERPRISE ZONE LEGISLATION

(Mr. SILJANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SILJANDER. Mr. Speaker, in bad news there is also often good news. Now, although enterprise zone legislation, hopes and dreams have been shattered in the conference committee, a withholding on dividends and interest, there is still hope for those who are in economic despair.

Chairman ROSTENKOWSKI has assured many of us that he has now agreed to hold hearings this year as soon as time allows, and as soon as possible, on enterprise zone legislation. After years of shallow promises by many in this body, I laud our chairman of this committee for his courage to face head on the human suffering in blighted areas such as Benton Harbor, Detroit, and so many other places suffering from incredibly high unemployment.

□ 1040

Mr. Speaker, let us allow those who desire to testify, to do so in a fair and timely manner. There is an old proverb that says that: "People without vision will surely perish." May we help those who are still in desperate need of jobs and instill in their hearts optimism and a positive vision for their own futures.

AN ARGUMENT AGAINST APPEASEMENT IN CENTRAL AMERICA

(Mr. RITTER asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, we have heard it said in the House recently that supporting those fighting the Marxist regime in Nicaragua is bringing about greater repression against the Nicaraguan people; that somehow the Communist dictators in Nicaragua are turning the screws on their people because of this revolt, and, as well, that we might expect large numbers of Cuban troops that could be sent into battle in Central America, as has happened in Angola and Ethiopia. According to this argument, giving in to totalitarian dictators is somehow healthier for the people under them. Giving in will protect those who suffer.

I say to the Members of the House that such an argument rings of appeasement, the kind of appeasement that emboldened Adolf Hitler in the 1930's, the kind of appeasement that emboldens the Soviet international fighting force active today in Central America. We do not follow that argument when it comes to supporting Soviet dissidents or Afghan freedom fighters, why should we, regarding the Nicaraguan people? Ask the Miskito Indians, fighting for the survival of their race, whether cutting off U.S. support will help them or hurt them.

Mr. Speaker, let us make clear to the Soviet international fighting force that we believe in the Monroe Doctrine, and that we stand behind it. If we exhibit will as well as strength the Soviet international fighting force and its Cuban spearhead will stay out of Central America.

PERSONAL EXPLANATION

Mr. O'BRIEN. Mr. Speaker, on yesterday, July 20, 1983, I inadvertently missed rollcall No. 262. I would like to have the RECORD reflect that, had I been present, I would have voted "no" on that rollcall.

FAIRY TALE PAYOFF FOR IMF STAFF

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, let me point out to the Mem-

bers of the House that next week we are going to be asked to appropriate $8.4 billion in additional U.S. funds for the International Monetary Fund. Before we do that, I want to bring to the attention of the House some of the information I have received recently from the National Taxpayers Union.

Of the 1,525 employees of the IMF, 20 percent make more than $100,000 per year in salaries and additional benefits. That is one-fifth of them. That totals $122,100,000, and that is more than 14 countries which are recipients of IMF funds receive from the IMF.

In addition to that, we found that $20.4 million was spent on travel, and only $11.4 million of that was considered business expense.

The top grade salaried employees of the IMF receive approximately $139,000, and they receive a pension of 14 percent, which is extremely high.

The combined benefit/salary package for top grade salaries reaches almost $159,000.

Even more shocking, however, is the revelation that IMF staff are offered loans for the purchase of homes in the Washington, D.C., area equal to a year's salary at the discounted interest rate of 5 percent, a clear 8 percent below present mortgage rates. To an employee on the average IMF salary of $80,000 this represents a gift of $6,400.

I find this shocking, Mr. Speaker, and I think we should take these facts into consideration next week as we vote on additional funding for the IMF.

THURBER ON REAGAN

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, Harry Hopkins, F.D.R.'s confidant, raised pork barreling to national economic policy. In defense of spending for Federal power projects he crowed, "We will spend and spend, and tax and tax, and elect and elect."

The Reagan administration has mangled Mr. Hopkins' formula. Characteristically, they are less than candid about it. Reagan will spend and spend, and borrow and borrow, and raise and raise interest rates.

The result is the worst of all worlds: Record high deficits, intensive government borrowing, and upward pressure on interest rates.

This is all accompanied by repeated White House sermons condemning the evils of Government spending and praising the saintly fiscal behavior of the Reagan administration.

James Thurber said, "You can fool too many of the people too much of the time." So far, he's right.

STACKING THE COMMISSION ON CIVIL RIGHTS

(Mr. GARCIA asked and was given permission to address the House for 1 minute.)

Mr. GARCIA. Mr. Speaker, the President intends to appoint three nominees to replace three current Commissioners of the U.S. Commission on Civil Rights. If confirmed, the President will have replaced five of the six Commissioners, the last three without any stated reason. During the Senate Judiciary hearings I testified that the President's action is a dangerous threat to the independence of the Civil Rights Commission—an independence that was clearly intended by the creators of the Commission and respected by all previous administrations. It is the White House's unilateral and unprecedented attempt at control that compromises the integrity and, thus, the viability of the Civil Rights Commission. I am pleased to report that after many hours of testimony against this unprecedented Presidential action, the Judiciary Committee has decided to delay further action until the Committee's first meeting in September.

This delay will give the Senators a time to reflect on the effect this action will have on the integrity of the Commission. If the President is successful in stacking the Commission, the result will be a Commission established almost entirely by the Reagan administration. Regardless of the appointee's qualifications, the message will be clear—Civil Rights Commission members serve at the pleasure of the President and can and will be removed when the President so desires.

(WAR)—WAITRESSES AGAINST RIPOFFS

(Mr. WATKINS asked and was given permission to address the house for 1 minute, and to revise and extend his remarks.)

Mr. WATKINS. Madam Speaker, I have asked for the opportunity to address the House for 1 minute to bring to the attention of the Members of this House and also of the Committee on Ways and Means something that I think is one of the great injustices we have today that has been inflicted on our people. I refer to the unfairness and the injustice of the tax policy of the Reagan administration where we have borrowed the money to give the wealthy a tax cut but yet we have increased the taxes on the little people of this country.

Because of that, a few weeks ago, I introduced the truck stop cafe bill. I did that because of the tax increases on the small independent truckers and also the tax increases on the waitresses.

Many of the little waitresses are only trying to meet the minimum wage. I am very proud of the waitresses across this country. They have organized, and many of them are members of an organization called WAR—Waitresses Against Ripoffs.

I think that we should salute these waitresses. I think we should support the waitresses. Many of them are having to go on welfare because they cannot make ends meet. They are borrowing money to try to educate their children. They are trying to meet the minimum wage, yet they are taxed today more heavily while the wealthy of this country are getting a tax break.

Madam Speaker, I think that is unfair. I think that is an injustice that should be pointed out across this country of ours. It should be made known that there has been a restructuring of the tax policy in this Nation, and that many of the small people have had an unfair tax increase.

SUPPORTING PRESIDENT'S APPOINTMENTS ON THE CIVIL RIGHTS COMMISSION

(Mr. LUNGREN asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. LUNGREN. Madam Speaker, a moment ago one of our colleagues spoke in this well about the unprecedented action of the administration with respect to the Civil Rights Commission.

I would just suggest that the President has nominated three outstanding individuals whose backgrounds and records on the issue of civil rights are without blemish. Where they differ with the people the President seeks to replace is in their attitude toward such things as busing, quotas, and so forth.

I think it is time in this country that we recognize that no one has a corner on how we specifically achieve the civil rights goals that we all share in common. There is a consensus of conscience in this country with respect to the question of civil rights, but that does not mean there ought not to be a full-ranging debate on the best way to solve the problems and achieve our goals. To say that some people, because they have been rather strong in their comdemnation of busing, cannot be pro-civil rights, I think, is shortsighted and tends to divide this country rather than unite this country.

Madam Speaker, we should all remember that we agree on the question of civil rights, although we may disagree on some of the means by which we achieve our goals.

□ 1050

FUNDING FOR THE MX

(Mr. MARKEY asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. MARKEY. Madam Speaker, last night the House may have voted for the MX missile. But it also sent a clear signal to the President.

The MX is hanging by a thin thread from the President's promise to get serious about arms control.

If the President is as allergic to arms control as he has been in the past, the House is going to cut the MX loose when it comes up for a vote the next couple of months in the appropriations bill.

Last night supporters of the MX pleaded with the House to give the administration more time to show its flexibility at Geneva. Well, the administration bought a couple of months last night with the MX—that's all.

There is a growing disenchantment in this country over the fact that the President is not pursuing arms control with the same vigor that he is pursuing an arms buildup.

Despite rosy assessments coming out of the White House, the talks in Geneva are still going nowhere.

The latest START proposal is still as inflexible as the first one.

The Arms Control and Disarmament Agency is demoralized and stripped to the bone.

Meanwhile we are pouring money into the Pentagon faster than it can spend it.

As the distinguished majority leader noted last night, our priorities have been turned upside down.

And last night the House told the President it would only wait so long for our priorities to be set straight.

POLICY PREFERENCES PARADED AS SCIENCE

(Mr. MOODY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOODY. Madam Speaker, in a recent speech in my district and in a July 15 article in the Wall Street Journal, Martin Feldstein, the President's chief economist, blamed Congress for foiling the economic recovery.

Mr. Feldstein's analysis correctly identifies long-term interest rates as the key to a sustained recovery and he correctly looks ahead to 1985 and 1986 budget figures as determining interest rates in 1983 and 1984. But his complaint that Congress jeopardizes recovery by failing to enact further domestic spending cuts and 1985 tax increases is disingenuous.

First on spending: Congress has passed a bipartisan budget resolution which would increase discretionary domestic spending but would hold military expenditures, substantially below the President's request. On a net basis, after calculating revenues, the congressional budget resolution provides for spending targets which are lower than President Reagan's request by $4.5 billion for fiscal year 1986. In fact, the congressional budget projects a deficit which is $5.3 billion lower in 1985 and $4.5 billion lower in 1986 than the deficit requested by Mr. Reagan. So it is not the levels of spending and deficit proposed by Congress with which Mr. Feldstein can complain. Instead it is the composition of the spending.

Second, on the revenue side: Mr. Feldstein states that Congress must not pass any increase in tax "rates" while the "recovery is in process." Apparently the urgency of deficit reduction suddenly takes a back seat to old fashioned Keynesian demand stimulus. But Mr. Feldstein's boss, Mr. Reagan, has proposed a 5-percent income surtax as well as an oil tax increase for 1985. The questions arise: First, will not the recovery still be in progress by 1985? Second, what is a 5-percent surcharge on income but an increase in tax rates? Again, it is not Congress aggregate revenue numbers to which Feldstein apparently objects, but the type of revenue increases.

Mr. Feldstein is correct that high interest rates are the crucial deterrent to recovery, and that this recovery is now threatened by the huge outyear deficits. However, his arguments are seriously flawed by camouflaging plain old policy preferences in the clothes of scientific economic analysis. While actually criticizing the composition of spending and revenues which he fears will come out of Congress, he masquerades this as criticism of the spending and deficit levels. As an economist myself, I resent it when a man of Mr. Feldstein's caliber parades economics as science.

LIMITING USE OF EDUCATIONAL FACILITIES WITH RESPECT TO CONGRESSIONAL EMPLOYEES WHO ARE MINORS OTHER THAN PAGES

Mr. MINISH. Madam Speaker, I send to the desk a resolution (H. Res. 279) limiting the use of certain educational facilities with respect to congressional employees who are minors other than pages, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mrs. SCHROEDER). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 279

Resolved, That the proviso in the text under the heading "EDUCATION OF SENATE AND HOUSE PAGES" of title I of the Urgent Deficiency Appropriation Act, 1947 (2 U.S.C. 88b), shall not apply to any minor who is an employee of the House of Representatives or to any educational facility under the House of Representatives Page Board.

Mr. MINISH (during the reading). Madam Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. MYERS. Madam Speaker, reserving the right to object, and I shall not object, I would ask the gentleman to explain the resolution.

Mr. MINISH. Will the gentleman yield?

Mr. MYERS. I yield to the gentleman from New Jersey.

Mr. MINISH. Madam Speaker, this is a resolution to further improve the page education program.

Mr. MYERS. Madam Speaker, I reserved the right to object not with the intention of objecting but for an explanation that this legislation is needed.

Going back a year ago when we had the Speaker's Commission on Pages, which made a thorough investigation of the problems and the dealings with our pages here and whether we should even continue the page program, one of the recommendations of that Commission was that we should upgrade our education for our pages. This is part of the upgrading of that education for our pages.

The Page Commission further felt that we would not really improve the education or we might complicate the educating of our pages if we throw in and allowed the education in the Page School here of minor employees of a committee or a Member of Congress. It would make the discipline more difficult, administration of the program more difficult, and enlarge the problem.

This is the intention of this resolution, that we should restrict and limit the qualifications and those that will be taught in our Page School here on Capitol Hill to those pages only, and other employees in need of education will have to have it provided by the public school system.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey.

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. MINISH) is recognized for 1 hour.

Mr. MINISH. Madam Speaker, I yield myself such time as I may consume.

This resolution would further improve the page education program. I want to make it crystal clear that this resolution would prohibit employees of members or committees who are

minors from continuing to attend the page school. These minor employees are not on the page roster.

H.R. 3034 which passed the House on May 18 had a similar provision.

It is the express policy of the Page Board that such minor employees not be permitted to attend the page school. This resolution is necessary to clear up questions that have arisen concerning this policy. Such minor employees have in the past made page education more complex because they often were younger than the pages and were here for only a short time. Consequently, the resolution is an important part of the Page Board's commitment to provide our pages with a quality formal education.

I urge adoption of this resolution.

Mr. KAZEN. Madam Speaker, will the gentleman yield?

Mr. MINISH. I yield to the gentleman from Texas.

Mr. KAZEN. I have no quarrel with the gentleman's resolution and I am going to support it. I was just wondering if somebody was looking into the possibility of doing away with the whole page system.

Mr. MINISH. The Page Board is not looking at that yet but if someone wants us to, I would not object to doing it.

Mr. KAZEN. Is that within your jurisdiction?

Mr. MINISH. Yes; it is in the jurisdiction of the Page Board.

But we are at the present time trying to get a page school ready to start classes on September 6.

Mr. KAZEN. This is why I say I will not object to it because we have this system in place now. But I sure wish that you would give some attention to revamping the entire page system.

We could use some disabled veterans or anybody else back here instead of these young people.

Mr. MINISH. I thank the gentleman for his contribution.

Mr. MONTGOMERY. Madam Speaker, will the gentleman yield?

Mr. MINISH. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I want to commend the gentleman from New Jersey and the gentleman from Indiana for the tough job that they have had in working out some of these page problems.

To answer the question of the gentleman from Texas, our House Veterans' Affairs Committee is looking into the possibility of maybe submitting a resolution to the gentleman's committee where we could use disabled veterans or retired military service personnel as pages or messengers. I have been told that in the British Parliament they do use retirees from the military and it works very well for the House of Commons in using these enlisted retirees.

This idea has some merit and is worth taking a look into. I would certainly hope when we have the resolution prepared that this committee would at least take a look at this suggestion.

Mr. MYERS. Madam Speaker, will the gentleman yield?

Mr. MINISH. I yield to the gentleman from Indiana.

Mr. MYERS. I thank the gentleman for yielding.

The recommendations or the advice given by the gentleman from Texas as well as our colleague from Mississippi was considered last year by the Speaker's Commission. Many alternatives were discussed. All had their advantages and all had their disadvantages, and on balance the Commission felt last year, and it was supported by this House, that overall the teenage pages, while we have had some minor problems, overall they offered better service and better balance to the needs of our House, and that this should not be altered because we have had one or two who have made mistakes, and that any age group might make similar mistakes.

Mr. FAZIO. Madam Speaker, will the gentleman yield?

Mr. MINISH. I am pleased to yield to my friend from California, a very important and valued member of the Page Board.

Mr. FAZIO. I thank the gentleman for yielding.

I would like to express my strong support for the resolution.

Since I see the gentleman on the floor, I would like to take a moment to compliment the gentleman from Virginia (Mr. WHITEHURST) who has been heading the educational task force. He is the only Member who has been actively participating in the task force.

I want the Members to know that he is doing an outstanding job and they should have a great deal of confidence in the ultimate reforms that are going to be brought about through the efforts of the educational task force, working with the gentleman from New Jersey (Mr. MINISH) and the other members of the Page Board.

Madam Speaker, the education task force is to be congratulated for the excellent job which they have done in working diligently to establish a model page school. The gentleman from Virginia (Mr. WHITEHURST) chairman, Donn Anderson, floor manager, majority cloakroom and Jim Oliver, minority chief page, have all devoted considerable time and effort to screening and reviewing applicants for principal and faculty, and many other requirements which must be met in having the new school in operation by the September 6 starting date. They will be here throughout most of the August recess, sacrificing planned vacations, in order to assure that the school is ready for the arrival of the new pages in the fall.

We are about to put together a school that I think will be exemplary and a fine example of the kind of educational process that this institution will be proud to be identified with.

I think this resolution is one more effort in clarifying what our purpose is in establishing a really outstanding educational opportunity for high school juniors who will be selected to come here in the future, in part based on their academic performance.

Mr. MINISH. I thank the gentleman.

Mr. WHITEHURST. Will the gentleman yield?

Mr. MINISH. I am pleased to yield to the gentleman from Virginia.

Mr. WHITEHURST. I thank my colleague and I especially thank the gentleman from California for his very gracious words.

Just let me say to my colleagues in the House that I have every confidence that we will have a very fine school in place in September. We have some outstanding candidates who have applied both for the position of principal, an office that we expect to fill next week, and we also have a number of highly qualified teacher applicants.

It is my judgment that when the House adjourns we will be well on our way to the establishment of a new school, a school I think in which all of us can take pride and one that will provide a superb education for the children who will be here next year.

I thank the gentleman.

□ 1100

Mr. MINISH. I also want to take this opportunity to thank the gentleman from Virginia (Mr. WHITEHURST) for his commitment and work on the education task force.

His contributions are essential to extremely important work of establishing the new House Page School and implementing the new page education program, both of which will insure a quality formal education for our pages.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1984

The SPEAKER pro tempore. Pursuant to House Resolution 197, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2969.

The Chair requests the gentleman from Illinois (Mr. RUSSO) to assume the chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2969) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes, with Mr. RUSSO (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole House rose on Wednesday, July 20, title III, was open to amendment at any point.

Are there further amendments to title III?

AMENDMENT OFFERED BY MR. PRICE

Mr. PRICE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PRICE: Page 16, after line 18, insert the following new section:

LIMITATION ON EXPENDITURE OF FUNDS

SEC. 303. (a) None of the funds authorized by clause (2) of section 302(a) may be obligated or expended for research, development, test, or evaluation for an intercontinental-range mobile ballistic missile that would weigh more than 33,000 pounds or that would carry more than a single warhead.

(b) The Secretary of Defense may not deploy more than 10 MX missiles until—

(1) demonstration of subsystems and testing of components of the small mobile intercontinental ballistic missile system (including missile guidance and propulsion subsystems) have occurred; and

(2) nuclear effects tests on the components and subsystems of the prototype mobile transporter-launcher basing system and fixed basing system for the small missile have been carried out using full-scale tests, when practicable, and otherwise using scaled tests.

(c) The Secretary of Defense may not deploy more than 40 MX missiles until—

(1) the major elements (including the guidance and control subsystems) of a mobile missile weighing less than 33,000 pounds as a part of an intercontinental ballistic missile system have been flight tested;

(2) the major elements of the prototype small mobile intercontinental ballistic missile system (including the missile, the prototype mobile transporter-launcher basing system and fixed basing system, and the command, control, and communications system) have been designed and functionally integrated and the system has been validated;

(3) contractors for the full-scale engineering development of such a missile system have been selected and contracts have been awarded to those contractors; and

(4) full-scale engineering development of such a missile system has begun.

(d)(1) Not later than January 15 of each year from 1984 through 1988, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—

(A) on the progress being made with respect to the development and deployment of the MX missile system;

(B) on the progress being made with respect to the development and testing of a small mobile intercontinental ballistic missile system; and

(C) on developments related to silo-hardening technology.

(2) In each report under paragraph (1), the Secretary shall certify whether the Department of Defense is developing a small mobile intercontinental ballistic missile system with a missile that weighs no more than 33,000 pounds and that is planned to carry no more than a single warhead.

(e) If at any time during the development of the small mobile intercontinental ballistic missile it appears that the weight of the missile when deployed will exceed 30,000 pounds, the Secretary of Defense shall submit a report to Congress stating the projected weight of the missile and providing an explanation of the reasons for the weight exceeding 30,000 pounds and the anticipated effects that weight could have on the mobility and blast resistance of the missile system.

Mr. PRICE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PRICE. Mr. Chairman, this amendment, which is cosponsored by Mr. ASPIN, is aimed at insuring that a small mobile missile with a single warhead is energetically developed as a part of the Scowcroft Commission package.

A number of Members have been skeptical that if the MX is approved, some elements of the Department of Defense might simply drop the small mobile missile concept at some point in the future. The purpose of this amendment is simply to tie the development of the small mobile missile to deployment of the MX to insure the Department of Defense moves forward promptly on the small mobile missile concept.

The amendment establishes certain milestones for development of the small mobile system that must be accomplished before deployment of specific numbers of MX missiles can occur. For instance, before more than 10 MX's are deployed, the Department must be well along in its development and testing of subsystems of the components of the small mobile missile system; and, before more than 40 MX missiles are deployed, the major elements of the mobile missile system must have been flight tested and contractors for the full-scale engineering of the system must have been selected and contracts awarded to those contractors.

The language is also quite specific in stating that no moneys can be expended for an intercontinental range mobile ballistic missile that weighs more than 33,000 pounds to insure that it remains small in fact, and that it will carry no more than a single warhead as it was envisioned in the Scowcroft Commission report.

Mr. Chairman, there are also several reporting requirements to insure the Congress can monitor the progress of the small mobile missile development.

I urge the adoption of this amendment.

Mr. ASPIN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the amendment the chairman of the committee and I have brought before the House is relatively straightforward. It has two political goals. The first is to prevent the small, single-warhead missile, popularly dubbed the Midgetman, from growing so large that its potential for mobility will be inhibited. The second is to link deployment of the MX to progress on the Midgetman. A number of Members have expressed concern that elements in the Air Force that are unenthusiastic about the Midgetman might try to cause it to fail. I do not make any judgment about the validity of those concerns. This amendment makes no judgment on the validity of those concerns. But this amendment does address the substance of those concerns.

Subsections (a) and (e) of the amendment limit the weight of the small, single-warhead missile to 33,000 pounds and provide that, if the missile ever appears to be passing the 30,000 pound mark, the Secretary of Defense must report that fact to the Congress and explain why the weight is exceeding 30,000 pounds and what the effect of the weight growth will be on the mobility and blast resistance of the missile system. This provision is an effort to combine flexibility and visibility—flexibility for those in the Defense Department who must deal with the uncertainties of the development process and visibility for those who worry that the missile may grow too heavy to be mobile.

Subsection (b) directs the Secretary of Defense not to deploy more than 10 MX missiles until we have seen a demonstration of the subsystems and the testing of the missile's components. Demonstration of subsystems means, for example, that the guidance and control parts of the missile have been designed, a prototype has been built, and laboratory and limited field testing has been carried out.

Components are defined in the body of the text of the amendment as including, at a minimum, the missile guidance and propulsion subsystems.

The amendment also restricts deployment of the MX to 10 until nuclear effects tests have been carried out on the components and subsystems of the prototype mobile transporter-

launcher basing system and a fixed basing system for the small missile, making clear that when we speak of a mobile missile we are speaking of a missile that can be launched from the vehicle that carries it and moves it about. There is also to be nuclear effects testing on a fixed basing system, keeping open the option to deploy the missile in a fixed mode in the event that arms control developments permit that.

Subsection (c) provides that no more than 40 MX missiles may be deployed until several Midgetman milestones have been accomplished.

First, the major elements, defined in the text as including the guidance and control subsystems, have been flight tested. This does not mean that these elements must be flown on the rocket stages that will comprise the small, single-warhead missile, but rather that the elements themselves be flown.

Second, the major elements, defined in the text to include the missile, basing mode, and command, control and communication system, must have been designed and functionally integrated and the system validated.

Functionally integrated means that there is a diagram of the entire system delimiting the interfaces lining the missile, the launcher, the command, control and communications, and other prominent elements that make up the missile system. System validation means that the interfaces, as well as the available elements of the system, have been tested as a complete system and proven to function as a unit. Since all the elements of the system may not be available—for example, a future satellite—the system could be validated using an emulator or simulator of the missing or future element until such time as it becomes available. The reason for this is that validation of an intricate missile system is virtually a perpetual process; we are still validating the interfaces of the Minuteman missile with new satellites and other subsystems as they develop.

Third, contractors for the full-scale engineering development of the missile system must have been selected and the contracts awarded and full-scale engineering development begun. This means that some of the principal contractors have been selected. Obviously, it would be unreasonable to expect that all the vendors and suppliers would be under contract by this time since there will be several thousand firms involved and the requirements for signing contracts are spaced over time.

The term deploy, with regard to the MX missile system, means that missiles may not be inserted in their silos and made operational until the milestones outlined in the amendment have been accomplished. Construction work on silos could continue unabated, however, thus giving the Defense Department breathing room in the event that there is some slippage in the program.

I should point out that these linkages have been written into the amendment after consulting with the Defense Department. These linkages are in keeping with Defense Department plans for development of the small, single-warhead weapons.

The remaining subsection of the bill, subsection (d), provides for reports each January for the next 5 years from the Secretary of Defense to the House and Senate Armed Services Committees describing the progress being made with respect to the MX, the Midgetman, and silo-hardening technology. These are three of the four components of the Scowcroft Commission report. The fourth component is the new arms-control approach which does not fall within the jurisdiction of the Committee on Armed Services.

The missile popularly dubbed Midgetman is to be small, less than 33,000 pounds; it is to be mobile, that is, it is to be designed in conjunction with a vehicle that will be able to carry it about and then launch it after surviving reasonable overpressures from a nuclear attack; it is to carry but one warhead; and it is to have intercontinental range.

In the event that some unforeseen events should occur that would drastically delay work on the Midgetman, the Defense Department can always appeal to the Congress for relief from the provision of this amendment. That would, however, force the Defense Department to demonstrate to the satisfaction of the Congress that the delay was an innocent and unpreventable one.

Mr. DICKINSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am not going to object. I am willing to accept the amendment but I would like to go on record as stating that I am not happy with having to do it this way, but it has been done by agreement.

What this amendment will do is to set up certain parameters to satisfy anyone who might not be convinced that the Department of Defense and the administration is going forward in good faith to develop a small mobile missile or a single-warhead missile.

I think we are really getting into the area of micromanaging when you say no more than 33,000 pounds, make that explicit, rather than specify a class of x tons. There is nothing magic about 33,000 nothing magic about 35,000. The important factor is if the missile and its transporter become so large it is no longer considered mobile. For example, would it exceed the capacity of the bridges it must pass over if it is traveling on public roads, and so forth?

Also there is nothing magic about saying that you have to have a certain x number. I really think we have entered the realm of micromanaging beyond what is necessary or what should be done.

However, I have discussed this with Mr. ASPIN; the chairman has been supportive of it. I know there is, from the debate yesterday, there is a number of people who are suspicious. They think we will not really go forward in good faith. This amendment, in effect, sets up a series of milestones that will require the Department of Defense to demonstrate that they are in fact going forward with the concept that we agreed to yesterday and the concept of the Scowcroft Commission.

And for that reason, we are putting into the bill certain milestones to require, to demonstrate that we are in fact going forward with what has been presented and agreed to on the floor yesterday.

For that reason, I reluctantly would accept this. I would be glad to yield to the gentleman.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman.

Mr. GORE. I thank the gentleman.

Mr. Chairman, I rise in support of the amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman.

Mr. DICKS. Mr. Chairman, I rise in support of the amendment, and am pleased that the committee is willing to accept it. In addition to providing protections on expeditious development of the small ICBM called for in the Scowcroft Commission recommendations, the amendment calls for annual reports on progress on the MX, the small missile, and silo-hardening technology.

Many of us who worked with the gentleman from Wisconsin in developing this amendment also feel it is important to include similar reports on the progress of arms control efforts, and the relationship of MX to them. However, because of the constraints of germaneness we were unable to include them in this amendment.

I understand that the authorization bill as reported in the other body includes a call for such reports relating to arms control. I would hope that the House conferees would give favorable consideration to inclusion of this language, which I believe is important to integrating the entire scope of Scowcroft recommendations, in the final version of the authorization bill.

Mr. KRAMER. Mr. Chairman, I move to strike the requisite number of words.

If I could engage the gentleman from Wisconsin in a dialog with re-

spect to this amendment, I would greatly appreciate it.

Clearly, the Scowcroft Commission, as I understand it, moves us or attempts to move us in the direction of deployment of a mobile, single-warhead missile on the theory that the single-warhead missile would accomplish some things that a large, fixed-location multiple-warhead missile would not. No. 1, it would give us more stability; No. 2, it would provide for more survivability; and No. 3, it would deter the temptation to engage in a first strike.

I do not have any disagreement with any of those conclusions. I believe that if we, indeed, were to move away from a multiple-warhead missile in known locations to one that has a single warhead and is clearly more survivable, that would indeed help deter a first strike. What I am concerned about in this amendment is that we are moving unilaterally in this direction in perhaps an environment of some wishful thinking. Do we have any indication at all in the negotiations that are now taking place with the Soviets that we are moving in this direction, that the Soviets are willing to look at moving away from their SS-18's and SS-19's toward an environment in the next decade in which the mainstay of offensive strategic capability will be smaller, single-warhead, mobile missiles, rather than the giants that are characteristic of the strategic offense forces of the Soviet Union today?

□ 1115

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. KRAMER. I yield to the gentleman from Tennessee.

Mr. GORE. I thank the gentleman for yielding.

First of all, there have been a number of indications the Soviet Union is indeed interested in a mutual transition toward forces that include large numbers of single warhead missiles. They have expressed interest in this on a number of occasions. And in their most recent revision to their position in Geneva, had a special treatment for single warhead missiles. They are presently testing a single warhead missile.

Mr. KRAMER. Could the gentleman elaborate a little on the specifics involved in this, because this is a major statement of policy in terms of our strategic situation.

Mr. GORE. I would be delighted to.

A number of visitors to the Soviet Union who have met with Soviet leaders that have responsibility for their arms control positions and strategic forces have come back with reports that they have expressed a great deal of interest in single warhead missiles and a new relationship between the arsenals that emphasizes stability.

As I mentioned before, they are testing their own single warhead missiles.

I think it is important to note for the record that the contribution of single warhead missiles to stability does not lie principally in mobility. Single warhead missiles can only help us achieve stability if both nations make a transition toward single warhead missiles orchestrated through an arms control agreement that reduces the ratio of accurate warheads on one side to missile silos on the other side. The easiest way to bring the counterforce strike ratio—that ratio that gives a theoretical advantage to the nation striking first—down is through the introduction of the single warhead missiles into the arsenals of both sides. It is orchestrated through arms control. Mobility alone is not the answer.

Mr. KRAMER. I do not disagree with anything the gentleman is saying.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. KRAMER. I yield to the gentleman from Washington.

Mr. DICKS. I thank the gentleman for yielding.

I want to thank the gentleman for asking this question. I was one of those who was in the Soviet Union and had a chance to talk to Marshal Akhromeyev about this, and I think it is clear that the Soviets are looking at a single warhead ICBM. They have tested one. They could take the SS-20 and put a single warhead on it. There are a number of things they could do to move in this direction.

I think many of my colleagues remember that after the gentleman from Tennessee (Mr. GORE) made his proposal, over a year and half ago, former Secretary of State Kissinger suggested in Time magazine in his synopsis that potentially the United States could move unilaterally toward this missile.

The CHAIRMAN pro tempore. The time of the gentleman from Colorado (Mr. KRAMER) has expired.

(At the request of Mr. GORE, and by unanimous consent, Mr. KRAMER was allowed to proceed for 2 additional minutes.)

Mr. DICKS. If the gentleman would continue to yield, Mr. Kissinger argued that would increase stability and make our land base force a less lucrative target for a Soviet first strike.

This is a package which we have entered into, with the Scowcroft recommendations, arms control, MX and the small missile. And the amendment of the gentleman from Wisconsin, I think, is a vital part of this package in order to insure its elements proceed together.

Mr. KRAMER. If I might, I would like to respond to one of the points that the gentleman raised which is a concern of mine, the implication that the gentleman seems to have made that we ought to be moving unilaterally toward the objective of making our land-based force a less lucrative target.

It seems to me that the whole premise on which this kind of movement is predicated must be one of equal participation by both sides.

Mr. DICKS. Absolutely. That is our goal.

Mr. KRAMER. I do not see how we can, given the parameters of counting launchers and not warheads under the SALT negotiations, how we can in fact start substituting small, mobile single-warhead missiles for multiwarhead missiles without the Soviets making a comparable move. The gentleman is not suggesting that we can do that, is he?

Mr. DICKS. Obviously what we would like to see is to have both sides move in that direction.

Mr. KRAMER. I think the gentleman from Washington has not really answered my question. And that is, is the intention of the gentleman from Washington to move in this direction of small mobile multi- or single-warhead——

The CHAIRMAN pro tempore. The time of the gentleman from Colorado (Mr. KRAMER) has expired.

Mr. GORE. Mr. Chairman, I ask unanimous consent that the gentleman from Colorado (Mr. KRAMER) may proceed for 2 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. PRICE. Mr. Chairman, reserving the right to object, and I am not going to object, but we debated this matter almost all day yesterday. We have had sufficient debate on it. And I wish the Members would cooperate so that we might get this legislation through today.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Tennessee (Mr. GORE)?

There was no objection.

Mr. KRAMER. Mr. Chairman, I certainly do not want to drag the debate out, but I think this is a vital point.

What concerns me about this amendment is that it reads in a unilateral way. I have no objection to moving our strategic policy from an offensive perspective as long as it is done in a bilateral manner, but I would have a very serious objection if it is the intention of this amendment to move permanently in this direction as a mainstay of our policy regardless of any movement on the part of the Soviets. That is what I am trying to determine.

□ 1120

Mr. GORE. If my colleague will yield, we have no such intention. This

is the flip side of the debate on why the MX is needed to move the Soviet Union toward an emphasis on single warhead missiles, as well as the United States. We have no intention of any unilateral approach.

Former Secretary of State Kissinger, whom my colleague quoted, was the one who used the word "unilateral" in the Time magazine piece, but if you look carefully at that piece, he used it in a very stylistic way, and he fully intended to go forward with the MX missile unless the Soviets also agreed to accomplish this transition.

One final point: In the official Soviet response to the Scowcroft Commission report, they specifically referred to the single warhead missile proposal and said, "OK, it is a good idea." They then went on to say they would like to see it applied to submarine-launched ballistic missiles, as well, but they have said on a number of occasions that they wish to move with us in this direction.

Mr. KRAMER. Mr. Chairman, I would like to pose an inquiry to the author of the amendment on that line of reasoning.

Why is it that this amendment does not require at least some reporting on the progress being made in our arms negotiations with respect to this objective?

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. KRAMER. I yield to the gentleman from Wisconsin.

The CHAIRMAN pro tempore. The time of the gentleman from Colorado (Mr. KRAMER) has expired.

(On request of Mr. ASPIN and by unanimous consent, Mr. KRAMER was allowed to proceed for 1 additional minute.)

Mr. ASPIN. The point about it is that we are just starting the program now. We do not need a reporting requirement. We are going to have a chance every year in the authorization bill to go into this in very great detail. The R&D subcommittee will go into it, the procurement subcommittee will go into it. We will have an ample chance. The gentleman is a member of the Armed Services Committee. He, above all, will have a chance to go into this. We will be able to find out the progress as we go along.

Mr. KRAMER. I would like to pose another inquiry to the gentleman. Based on what the gentleman has said, I will not move to amend his amendment to include reporting requirements, but I assume, based on the gentleman's statement, that, if it appears that the Soviets are intransigent on this issue and do not want to move in this direction in good faith, I assume that at that point the gentleman would accept that the theory on which this amendment is based is certainly fallacious and ought to be reconsidered.

The CHAIRMAN pro tempore. The time of the gentleman from Colorado (Mr. KRAMER) has again expired.

(By unanimous consent, Mr. KRAMER was allowed to proceed for 3 additional minutes.)

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. KRAMER. I yield to the gentleman from Wisconsin.

Mr. ASPIN. The purpose of the whole thing is the package, the Scowcroft package.

Mr. KRAMER. I understand that.

Mr. ASPIN. It is based on certain assumptions about certain behavior and certain activities. If any of that changes, any part of the package is, of course, subject to change.

We have a general objective about where we want to move toward, what kind of a direction we want to move in, and if circumstances change, we will certainly change our approach to try and achieve those objectives.

Mr. KRAMER. I assume it is the assurance of the chairman of our committee that next year we will again take a full look at this issue to see that our policy is not one that is predicated upon wishful thinking, but that it is indeed predicated upon a meaningful dialog with the Soviet Union.

Mr. McGRATH. Mr. Chairman, will the gentleman yield?

Mr. KRAMER. I yield to the gentleman from New York.

Mr. McGRATH. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the Aspin amendment, which will tie deployment of the MX to development of the small mobile missile. I want to commend the gentleman from Wisconsin for his leadership on this issue. He has provided us with a responsible approach to a complex and troubling issue.

In May and again last night, the House affirmed its support for development of the MX. The Aspin amendment, which stretches out procurement of the MX and ties its development to the development if the Midgetman, addresses the concerns which many of us have about the missile.

Congressional support for the MX is a good faith effort by the Congress to establish a bipartisan consensus with the executive branch on arms control. Production of the MX, in my mind, is predicated on two other developments, both recommended by the Scowcroft Commission—development of a smaller, single warhead Midgetman and a more realistic negotiating strategy on the part of the administration at the nuclear arms reduction talks.

While the MX is not necessarily a bargaining chip, it can be a positive influence in negotiations with the Soviet Union. The MX according to some, is a vulnerable, destabilizing, first-strike weapon, which is currently absent from the U.S. arsenal. The Soviet Union, by contrast, has 638 MX-quality SS-18's and SS-19's. Other than the MX, what is the incentive for Moscow to shift the main leg of its force toward invulnerable, stabilizing, second-strike weapons? In the words of Nobel Laureate Andrei Sakharov:

> Perhaps talks about the limitation and reduction of these most destructive missiles could become easier if the United States were to have MX missiles, albeit only potentially * * *.

We in Congress have a right to question whether President Reagan is serious about arms control and about negotiating a meaningful agreement with the Soviet Union. Thanks to congressional pressure, I believe he is. If one compares the position held by the President a bare 6 months ago with the more flexible position he takes today, it is clear that considerable progress has been made.

There is a real inconsistency between cutting production money for the MX and demanding that the President negotiate at START. Our best course is the one provided for in the Aspin amendment, which is to start production, bearing in mind that procurement is a lengthy process, and to keep an eye on START and other developments along the way. It is a responsible exercise of good faith, and I urge support for the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois (Mr. PRICE).

The amendment was agreed to.

The CHAIRMAN pro tempore. For what purpose does the gentleman from Tennessee (Mr. GORE) rise?

Mr. GORE. Mr. Chairman, I have an amendment at the desk.

Mr. McGRATH. Mr. Chairman, I make the point of order that a quorum is not present, and I demand a recorded vote on the last amendment.

The CHAIRMAN pro tempore. The gentleman's request comes too late on the last amendment.

Mr. McGRATH. Mr. Chairman, I was standing.

The CHAIRMAN pro tempore. The gentleman was not seeking recognition for that specific purpose.

Mr. McGRATH. I was on my feet, Mr. Chairman.

The CHAIRMAN pro tempore. The Clerk will report the Gore amendment. The Chair did not see the gentleman on his feet and the gentleman was not actively seeking recognition when the Chair put the question on the amendment.

AMENDMENT OFFERED BY MR. GORE

Mr. GORE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. GORE: Page 15, line 20: strike out "$2,557,800,000", and insert in lieu thereof "$2,200,000,000."

Mr. GORE. Mr. Chairman, this is a proposal to reduce the amount of money authorized for procurement of MX by $350 million and to reduce the number of missiles procured in this bill from 27 to 21. It is designed to send a dual signal from the Congress.

One signal is to the President. It says that we will support having this missile potentially ready for deployment in late 1986 or early 1987, as now scheduled, but we take very seriously your statement of flexibility as to the numbers of MX ultimately needed, and we are indicating by our vote to reduce the funding for procurement, a desire to move slower rather than faster through the deployment of this missile, and we are indicating a preference for lower rather than higher numbers of MX missiles in the end, moving closer to 50 than to 100 by the current FOC date.

As for the Soviets, our message would be substantially the same, with one twist. Soviet failure to negotiate seriously or a Soviet decision, for example, to create a world crisis over the first deployment of the Pershing II rather than to keep bargaining would not be in the interest of peace and stability. These are things which can and will influence the temper of the American people and the U.S. Congress.

What we hold back, we can expedite; what we restrict, we can expand; what may not suit us about this particular weapon system, we can satisfy elsewhere. The Congress is going along with the President, but only on condition that he make good on his commitment to aim for an outcome in arms control that reflects a mainline American consensus. The Congress is also putting the Soviets on notice to take advantage of a time, a mood, and an offer that are perishable.

Finally, the reason for this amendment is to underscore our absolute intention to deploy a force of MX missiles well below the first-strike threshold.

There has been some disagreement over the implications of a combined force of MX missiles and D-5 missiles and Minuteman III equipped with the Mark 12-A warhead. This amendment seeks to clarify those numbers, to make absolutely certain that we are well below that first-strike threshold.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. GORE. I yield to my colleague, the gentleman from Washington, who is joining me in this amendment.

Mr. DICKS. Mr. Chairman, I want to commend the gentleman from Tennessee for this amendment. I think it does exactly what he says. It slows down the deployment somewhat. It does not affect the initial operating capability. The first missiles will go in the ground at the same time. We take the President seriously that the MX is part of the negotiations.

I compliment the gentleman also for his comments about not wanting a first-strike capability. That is not what we are after, nor is the President. What we want is to provide leverage in these negotiations. We are committed to arms control strategy. We think this administration now is. I think this amendment is consistent. I compliment the gentleman for offering it, and I am glad to be a cosponsor of it.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. GORE. I yield to my colleague, the gentleman from Wisconsin, who also joins in this effort.

Mr. ASPIN. I thank the gentleman for yielding.

Mr. Chairman, I compliment the gentleman for his amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Tennessee. This amendment is partly a matter of flexibility and partly a matter of budget economy.

In terms of flexibility, the reduction of six missiles this year does not alter the planned date of the initial operational capability of the MX; that is, the deployment of 10 MX's by December 1986. But the reduction of six missiles provides us with the opportunity to stretch out later deployment if we so choose and to lower the total number of missiles eventually deployed if we choose to do so. This reduction is consistent with the President's stated willingness to lower the total deployment of MX's in the event the arms control negotiations open that opportunity.

As the President wrote in a letter to members this week:

> Although the (Scowcroft) Commission called for the deployment of 100 misslies, the level ultimately deployed will be influenced by the outcome in Geneva. If an agreement is reached which calls for deep reductions—which is our goal—the number of missiles could certainly be adjusted downward.

This amendment is also useful in terms of economy. The amendment lowers budget authority for fiscal year 1984 by $358 million. In the long run, should our hopes for progress in arms control materialize and open the opportunity to hold MX deployments to 50 missiles, we will then be able to cut the total buy of MX missiles—both for testing and for deployment—from the current plan of 250 to 200. That would mean a savings of $3.2 billion in the total MX program.

I urge approval of the amendment.

Mr. KRAMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to get some clarification on the gentleman's amendment, if I could.

As I understand it, the gentleman is reducing the buy from 27 to 21 missiles?

Mr. GORE. That is correct.

Mr. KRAMER. Is this on the theory that somehow a buy of 21 is going to be more efficient than 27, or that we do not need all 27? I am not quite sure why we should OK the deletion of 6 missiles when, after a lot of study by the Armed Services Committee, it was decided that 27 would be the appropriate number in that first buy.

Mr. GORE. If the gentleman will yield, I appreciate the opportunity to clarify it.

Twenty-one is the minimum number which can be purchased without in any way interfering with the IOC. It is consistent with the same deployment date that is presently scheduled. It is, however, consistent with a lower force of MX missiles on the FOC date. It gives us flexibility to go upwards later on if that is required, and if disagreements about the effects of a combined force of D-5's and MX missiles are resolved. But the number was chosen as the lowest number that will not interfere with the IOC.

This was in consultation with the Air Force, I might add.

Let me just read the gentleman some numbers. Currently, the missile force procured is supposed to be 27 in fiscal 1984, 48 in 1985, 48 in 1986, 48 through 1988, and then 4 in 1989.

This deployment schedule, which would not interfere with the IOC, at present we hope will be 21 in 1984 and then 36 in 1985 through 1988 and 8 in 1989.

In each of the other fiscal years, 1985 through 1988, we could move upward if that was indicated as a course of action. But the IOC would not be affected in any way.

Mr. KRAMER. Does the gentleman have any figures on how this is going to affect the unit cost of this missile? Is there going to be any impact on the unit cost? Will it be more expensive as a result of the adoption of this amendment?

Mr. GORE. I can give the gentleman the figures, which the gentleman can divide out if he cares to.

Under the present schedule, it is 223 missiles for $14.8 billion, and this would be 173 for $11.6 billion.

I would simply argue that the importance of not crossing the first-strike threshold is far, far more important in the scheme of things than the unit-cost implications that the gentleman refers to.

The Scowcroft Commission said one of our objectives around which a national consensus can be formed is not to deploy a first-strike force. This amendment is designed to make certain that we remain below that threshold.

Mr. KRAMER. I have heard a lot of testimony in the committee that 100 missiles would not constitute a first-

strike force, that this would require at least 200.

Does the chairman of the procurement subcommittee, the gentleman from New York, want to be heard on this issue?

Mr. GORE. If the gentleman will yield to me on this point, just so I can clarify the nature of the disagreement, the administration and the Scowcroft Commission include in the targets set for a hypothetical first strike a number of so-called CQ guide targets—command control communications and intelligence.

I believe that it is far better and preferable to look at only the ratio of accurate warheads to silos on either side when calculating the counterforce strike ratio. I believe that is the kind of concept around which an agreement can be built, and this is designed to be consistent with that kind of an analysis.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. KRAMER. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I understand the gentleman asked me whether 100 MX missiles would be regarded as a first-strike capability.

My understanding is that it would not be so regarded.

And let me just add that I have been authorized by the committee to accept the gentleman's amendment on behalf of the committee.

Mr. PICKLE. Mr. Chairman, I rise today to urge my colleagues to give the Scowcroft Commission recommendations a chance. I support the amendment offered by the gentleman from Tennessee (Mr. GORE).

We are asked today to authorize funds for continued research and development of the MX missile, a weapons system proposed in the early 1970's under the Nixon administration and debated in the Halls of Congress for as many years. While we have debated the merits and basing of the missile our strong adversary—Russia—has moved forward with the production and modernization of her land-based ICBM's.

In all this, one thing is clear: We must continue to provide for the defense of our country. We must move forward with the modernization of our land-based strategic forces. Our vote on the legislation we are considering today will indicate to our constituents and the world our resolve to do so.

The Congress has taken an important step in endorsing the Scowcroft Commission report. We have agreed to move forward with the MX on the condition that a smaller, more mobile, and less destabilizing missile is developed. We should therefore approve some procurement moneys for the MX. And that money must be specifically tied to development of the Midgetman missile. This is what I think we as a body agreed to by our vote on the MX funding resolution in May. We made that decision and nothing has happened in the interim to require that it be changed. We should now continue to work within the parameters established by that vote and take steps to ensure that both the executive and legislative branches make good on their end of the agreement. The responsibility lies with both branches. At the same time, however, we can and should insist that the concerns of Congress be reflected in implementing the policy agreement endorsed in May.

We cannot turn our backs and hope to never have to deal with such a grave prospect as nuclear confrontation. We must prepare ourselves for that possibility, and in so doing, help prevent it. We must, Mr. Chairman, exercise our authority to modify and amend this proposal before us in a manner reflecting our awareness of the issues facing us in today's world.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORE).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. McGRATH. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1140

QUORUM CALL VACATED

The CHAIRMAN pro tempore. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from New York (Mr. McGRATH) for a recorded vote.

A recorded vote was refused.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. WEAVER

Mr. WEAVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEAVER: At the end of title III, add the following new section:

LIMITATION ON MX PROGRAM

SEC. 303. No funds may be expended for the MX missile program during any fiscal year during which United States grain suppliers make sales of grain to the Soviet Union, except that the preceding limitation shall not apply during any fiscal year if the Secretary of Defense certifies to Congress that the sale of grain to the Soviet Union by United States grain suppliers during that year will not assist the Soviet Union in preparing, maintaining, or providing for its armed forces.

Mr. PRICE. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN pro tempore. The gentleman from Illinois (Mr. PRICE) reserves a point of order on the amendment.

The Chair recognizes the gentleman from Oregon (Mr. WEAVER).

Mr. WEAVER. Mr. Chairman, I have tried to point out in this House many times the imbecility of spending billions and hundreds of billions of dollars on the defense of the United States in military equipment such as the MX missile while at the same time aiding and abetting the Soviet Union with the most important single thing we could do, and that is providing it with food supplies. While we debate the MX today, we should discuss diverting funds from the MX to our food production system.

I want to alert the Members to a catastrophe that is threatening this country's food supply. We should reconsider our policy of selling massive amounts of grain to the Soviet Union, and we can use funds from the MX missile to authorize a grain reserve made up of the grain we intended to sell to the Soviet Union.

What is happening? Do we not have massive supplies of food today? Well, the payment-in-kind program took care of the surpluses. That was an administration program to cut down on the surpluses. But when we think of what the surplus is that we talk about, the massive amounts that we have, it is really just about a 2-month supply, and it is really nothing if something happens to our grain crop.

And what is happening to our grain crop? It is burning up. We have had 100° weather in the main breadbasket of this Nation now for 30 days, with no rain. Every day the prices of grain and soybeans are rising by 10 to 25 cents a bushel. The drought at this very critical time, when the corn is silking and when the soybeans are flowering, means that we could have enormous losses in our grain crop this year.

Let me warn the Members that we may have inflation back with us in the election campaign of 1984. We could see, if this drought continues, food prices going up 20, 30, and 40 percent by next year. Already the low livestock prices are rising because of this drought.

So I point out to my friends and colleagues in the House of Representatives how much more important it is to keep the grain that we have today here in this country and not sell it to the Soviet Union. We should not sell it

to the Soviet Union until we know how much grain we have grown this year, because if the Soviet Union comes in and buys massive amounts of grain this summer, we are going to have a repeat of the 1972 "great grain robbery" when the Soviet Union got the grain cheap and our constituents had to pay dearly for the shortage that existed in this country.

□ 1150

The administration policies, the payment-in-kind program, is a disaster. The weather problem today was predictable. El Nino, the warm water off the coast of Peru, was greater than it has been in hundreds of years, destroying their anchovy crop, which is an enormous supply of protein for the world.

And we knew that the weather patterns were going to be vicissitudinous and different and a drought was almost predictable. PIK should never have been implemented.

As a matter of fact, I said on the floor of the House that it was likely that we would have a bad crop-growing year this year. Now it could be a disaster. It could be something that we just simply cannot tolerate in this Nation.

So I propose today that we impose a moratorium on grain sales to the Soviet Union, and in my amendment I say that we not expend any funds on the MX missile but, instead, divert them to buy up the grain that would otherwise go to the Soviet Union and aid and abet the Soviet Union for a reserve here until we know how much grain we will grow.

I ask the members of the Armed Services Committee, I ask the chairman of the Armed Services Committee, and the ranking minority member of the Armed Services Committee: How can you get up and ask us to spend money on these military weapons systems to defend ourselves from the Soviet Union, and at a time when the most vital thing to humanity, our food production, is being burned up and what we have is being sold to the very nation that you say we are defending ourselves against?

I ask this question and I ask you to answer it.

POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentleman from Illinois insist on his point of order?

Mr. PRICE. I do, Mr. Chairman.

I make a point of order that the amendment is not germane to title III.

The CHAIRMAN pro tempore. Does the gentleman from Oregon (Mr. WEAVER) wish to address the point of order?

Mr. WEAVER. I will do so very briefly. I say it is germane to our entire military policy.

The CHAIRMAN pro tempore. The Chair is prepared to rule.

The Chair rules that the amendment is not germane to title III. Although title III was originally a 1-year authorization, it has been amended by the Price amendment to go beyond fiscal year 1984.

The amendment of the gentleman from Oregon (Mr. WEAVER) would be a permanent change in the law making the MX program conditional upon an unrelated contingency involving agricultural exports. Under the precedents the amendment is not germane and the Chair sustains the point of order of the gentleman from Illinois (Mr. PRICE).

Are there further amendments to title III?

Do any Members who have permission to return to title II wish to offer their amendment at this time?

AMENDMENT OFFERED BY MR. COURTER

Mr. COURTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COURTER: Page 10, line 23, strike out "$9,730,141,000" and insert in lieu thereof "$9,690,141,000".

Mr. COURTER. Mr. Chairman, first of all I would like to thank the gentleman from Alabama (Mr. DICKINSON), who 4 weeks ago asked, when I was not here because of a personal tragedy in my family, to offer an amendment under title II, and received unanimous consent on my behalf to go forward with this amendment out of turn.

I thank the gentleman and also the Members of the House.

My amendment is a very simple one to understand. It has to do with a line item in the Department of Defense authorization bill. It has to do with jet engines.

As many people know in this body, in the F-15 and F-16 attack aircraft, we are using a Pratt & Whitney engine called an F-100.

During the time when that engine was first procured and placed in the F-15 and F-16 it was the consensus of people on the Armed Services Committee, and both in the other body and the House, and in the administration and in the Air Force that that particular engine indeed had some problems.

There was during the late 1970's a confluence of events which occurred concerning this engine and I will run through them very quickly. First, The F-100 engine had some problems.

Second, GE had produced a jet engine for the B-1 bomber which had a great deal of thrust and was in fact somewhat heavier than the Pratt & Whitney F-100 engine. The B-1 bomber then was terminated in 1977 by President Carter.

GE decided to change the engine that they had heretofore produced for the B-1 and modify it, make it smaller and lighter, using the components from another engine that they had used in the F-18 in order to have an engine that would compete with the F-100. That engine today is called the F-100.

Another factor or event was that Congress felt at that time that it would be good to have competition with the Pratt & Whitney F-100 engine and during the late 1970's and during 1981, 1982, and 1983 used money for the modification of the GE engine to conform it to use on the F-15 fighter. Also, the Air Force used additional money to improve whatever problems the Pratt & Whitney engine had with stall/stagnation and durability and reliability.

The Armed Services Committee in the House of Representatives and the Air Force decided then, because of the stretched out buy for the F-15 and F-16 going for an added 10 years to have competition between these two engines. And the competition in fact will indeed take place.

Because this is an issue that has taken a great deal of time from the members of the Armed Services Committee and because one engine manufacturer, the engine manufacturer that had the engines in the F-15 and F-16 were concerned about the timing of the competition, Pratt & Whitney did not want to proceed with competition in its present form, and also asked that they be given additional money to improve their engines relative to thrust and reliability.

The House Armed Services Committee and the Committee on Research and Development then came forward with an additional separate line item of $40 million for thrust improvement, weight reduction and other performance improvements.

The CHAIRMAN pro tempore. The time of the gentleman from New Jersey (Mr. COURTER) has expired.

(By unanimous consent, Mr. COURTER was allowed to proceed for 3 additional minutes.)

Mr. COURTER. The Armed Services Committee on the House side decided to put in a line item, an additional $40 million for the weight reduction, thrust improvement or performance improvements in these two engines, the GE F-110 and the Pratt & Whitney F-100.

They also, in their wisdom, decided to give $20 million each to both manufacturers, $20 million for the F-110 and $20 million for the GE engine.

□ 1200

It is my opinion that the $40 million was included for no reason whatsoever. The purpose of it in my mind, very humbly, was simply to appease the engine manufacturers.

You have, Mr. Chairman, two great companies, you have two great engines. The increased $40 million cannot, by definition, be used to reduce weight or increase thrust. It is insufficient for that purpose.

You have the fact that General Electric, did not ask for the money. The Air Force testified in the Committee on Armed Services in a special hearing in a subcommittee on this matter, but did not mention that $20 million additional should go to GE or $20 million additional should go to Pratt & Whitney.

But nevertheless, the subcommittee added that $40 million, for, as I say, it seems to me, no good reason whatsoever.

My amendment then, simply deletes $40 million, a specific line item for these two engines. It eliminates $20 million for the GE engine and $20 million for the Pratt & Whitney engine. I emphasize that this is money that was not asked for by the Air Force, that was not asked for by the administration, that was not specifically asked for by Pratt & Whitney, that was not asked for by GE. The amendment is a simple one. It simply deletes the $40 million line item that was an add-on in order, I think, Mr. Chairman, to somehow appease the manufacturers.

I yield back the balance of my time.

Mr. NICHOLS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New Jersey which would delete some $40 million previously authorized by the Armed Services Committee to be used for fighter engine development.

Certainly every member of the full Armed Services Committee is keenly aware of the intense competition currently ongoing between the two major aircraft engine manufacturers—the Pratt & Whitney Co. and General Electric. That competition has been underway now for a number of months and we are hopeful that, as a result of this competition, the Air Force will be able to obtain an engine with a higher thrust which will power our fighter aircraft well into the 21st century.

But, Mr. Chairman and gentlemen of the House, this amendment in no way relates to competition—it is a separate issue and should be considered separately by the members of this body.

The Research and Development Subcommittee, after full hearings on the respective merits of both engines, elected to authorize this $40 million add on so as to provide that both competitors be ready for competition at the same time so that true competition can exist. The subcommittee played no favorites in the matter dividing these moneys down the line evenly between both aircraft engine manufacturers.

The Air Force has discussed this matter with me following the appearance of General Gabriel and Secretary Orr before the full committee, and I am persuaded that what the committee has done is fair and equitable. I am in agreement with both the committee and Air Force officials that these moneys will be well spent with the result being that, when the final bidding is made, the Nation will wind up with a superior fighter engine for the needs of our defense well into the next century. For these reasons, I must oppose the amendment offered by our friend from New Jersey and ask that the House defeat this proposition.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman.

Mr. SKELTON. I thank the gentleman.

Mr. Chairman, I find myself in agreement with the gentleman's position on this. We need the weight reduction, we need the additional thrust. I think the only way to get it is the way the committee and subcommittee came up with this proposal in the bill. I think the gentleman is right on target. I associate myself with his comments.

Mr. NICHOLS. I thank the gentleman.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman.

Mr. COURTER. I thank the gentleman for yielding.

Mr. Chairman, I certainly can appreciate the fact that the gentleman has a difference of opinion.

I would, however, like to take 30 seconds or 45 seconds to respond to a couple of the comments that were made.

The response is the fact that in the authorization bill there is $350 million to be utilized for advanced aircraft.

There is in the bill $13,855,000 specifically for the engine model derivative program, and there is specifically an additional item of $35 million for the F-100 durability problem.

Certainly it is my position that no one, no one in this body can logically argue that $20 million is going to be sufficient money to increase thrust in an engine. It is just simply not doing that.

Therefore, the purpose of my amendment is to eliminate the acknowledged insufficient amount of money, recognizing the fact that there is ample money in the line items to do and accomplish the things mentioned by the gentleman in the well and the gentleman who just spoke.

Mr. NICHOLS. I thank the gentleman. I would say to the gentleman in response, that many of his concerns that he has alluded to this morning were addressed in a letter from Dr. De Lauer to the Committee on Armed Services on July 1. Simply put, many of them have yet to be resolved. As I understand it, that is the purpose for this money.

I yield back the balance of my time.

Mrs. SCHROEDER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New Jersey.

Four years ago the Air Force had serious problems with the F-100 engine. The engine was not meeting its endurance and reliability goals and the contractor who was the sole source for the F-15 and F-16 engines was rather complacent about the whole situation.

The Armed Services Committee, in conjunction with the Air Force, took the lead in bringing a second engine—the F-101X which is now referred to as the F-110—to the point where it is a viable candidate for not only the Air Force F-15 and F-16 but the Navy F-14 as well.

Needless to say, the action that we took a few years ago has caused the manufacturer of the F-100 engine to increase its endurance and reliability to the point where the Government is now getting what it paid for.

Not all of the data is in yet on whether or not the Air Force will procure both F-100 and F-110 engines for current and future aircraft. What is certain, however, is that the price of maintaining competition has already been amortized. Not only is the F-100 engine better, but I suspect the price is going to come down considerably.

The action taken by the Armed Services Committee is rather straightforward. We added $40 million in authorization to be divided equally among the two competing contractors. We also required the Air Force to come back and give the Congress all of the supporting data in justifying a competitive procurement. We also want to make sure we do not again get locked into a sole source procurement for engines. This added authorization does not impact on the current competition—in fact the committee report is rather clear and emphasizes that the additional authorization is not intended to impact in any way on the current competition.

In summary, I do not believe that the action taken by the Armed Services Committee represents a waste of the taxpayer's money. Indeed I believe we will get it back several times over as a consequence of competition. The gentleman from New Jersey's amendment is certainly well intended but I believe that it will curtail full competition and, therefore, urge its defeat.

Mr. GRADISON. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman.

Mr. GRADISON. I thank the gentlewoman.

Mr. Chairman, I would say to the gentlewoman that I have had a special interest in this issue because General Electric, which is one of the largest employers in my district, manufac-

tures in my district large jet engines. So, when I first heard of the Courter amendment I contacted General Electric to ask their views on this and I would like to share them with you and with the House. Briefly they said that while they could certainly use the extra $20 million and would not mind having it, they did not think it was needed, they did not think it was prudent public policy for the additional $20 million to be committed to them or to their competitor, and they pointed out to me that neither the Air Force nor the Defense Department had requested the additional funds.

Mrs. SCHROEDER. If I may reclaim my time, the thing the gentleman did not do was sit in the many hours of hearings we did in the committee to hear the other side.

And the other side is that we want the Pratt & Whitney engine which has been used in other aircraft to be made as good as possible and let both contractors have an equal chance to be as competitive as possible.

□ 1210

The contractor the gentleman is talking about—thinks they have a leg up and can get the contracts right now if the other contractor is not allowed more time to improve the F-100.

The F-100 engine is in much better shape than it was 3 years ago when so many articles were written about it. And it really would be unfair to prematurely conclude this competition that has begun. I think GE figures that if they can stop the competition prematurely they can push out Pratt-Whitney at this point. The committee does not feel that it is a wise thing to do. The committee wants to finish the competition, then report back and decide which is better because the engine is so important.

In this highly competitive world where everybody is out trying to lock up the contract for those engines, because the sole source contractor for those engines has got a tremendous plum for many, many years to come, beware of prematurely ending the competition.

We all understand the value of the engine contract and we want to make sure that what we do is best for the long term.

Mr. McDONALD. Mr. Chairman, will the lady yield?

Mrs. SCHROEDER. I yield to the gentleman from Georgia.

Mr. McDONALD. I thank the lady for yielding.

The lady makes an excellent point that in the hearings General Electric and their representatives did state that they would be delighted to have the money to reduce the weight of their particular engine. The lady who was there for the hearings was knowledgeable, and did sit through the hours of hearings. We remember all very well that GE did make that point.

The CHAIRMAN pro tempore. The time of the gentlewoman from Colorado (Mrs. SCHROEDER) has expired.

(At the request of Mr. COURTER and by unanimous consent, Mrs. SCHROEDER was allowed to proceed for 1 additional minute.)

Mr. COURTER. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentlewoman for yielding.

The gentlewoman talked about the competition. Whether we like it or not the competition is going to go forward.

I think, however, you cannot, very frankly, make the argument that this $20 million for GE, or $20 million for Pratt & Whitney is for the purposes of enhancing either one of these engines for the competition. It indeed has nothing to do with the competition.

It is $40 million that was not asked for by the Air Force and that which GE did not ask for. What are they going to do with the $20 million?

Mrs. SCHROEDER. If I may reclaim my time, let me try to put that in some framework. Of course the Air Force did not ask for it. And we know the records of the services in coming forward with the cheapest and the best equipment.

The issue in the competition, as the gentleman from Georgia pointed out, is the weight and thrust of the engine. Even the GE engine is probably too heavy for the aircraft of the future and the money could be very, very constructively by them used to get that engine's weight down. As the gentleman knows in the principles of avionics, weight is very critical. And everyone on the committee is very worried about whether these two engines will be adequate for the prospective aircraft that we have on the drawing board. The most important component in an aircraft is the engine. It cannot be underpowered and it cannot be overweight. And both contractors said that they would utilize this money to work on the underpower/overweight problem.

I just think because our air superiority is one of the very important components of our military superiority in the world, we want to make sure we continue it and the only way we are going to continue it is having the very best engine possible. And the committee, after many hours of hearings, on all sides, decided this was the best way to do it, to make sure that we did not get into the trouble that we have gotten into in other things, where later on we wake up and say, "Oops, if only we had spent a little more time and had a little more competition to make sure we got the right thing. We would have saved a lot of money and had a better product."

Mrs. KENNELLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from New Jersey to delete $40 million from the Department of Defense authorization bill for the engine model derivative program.

The gentleman has said that the $40 million is unnecessary because the defense budget already contains $132 million for the Air Force to qualify and complete the F-100 and the F-110 jet engines. But this is not the issue. The $132 million for the line item entitled "alternate fighter engines" was cut from the fiscal year 1984 budget request by the Subcommittee on Research and Development. Four other line items in the aircraft engine program, including the advanced tactical fighter technology, the F-15 and F-16 squadrons, and derivative fighters were also deleted by the committee. The five aircraft programs were then rolled into a new line item called advanced aircraft and funded by the committee at $150 million less than the level originally requested for them. Even with the $40 million which the gentleman wants to cut, the Armed Services Committee's restructured follow-on fighter engine program and aircraft research and development total $70 million less than the administration request.

The gentleman from New Jersey has also said that he offers this amendment so that the great jet engine debate will end. He contends this money will only delay a decision on the engine competition. But this is clearly not the purpose of the engine model derivative program. The committee report expressly states that the additional authorization of $40 million will be used to insure that a competitive environment is maintained for future tactical aircraft engines. Future, not present. The competition is currently underway with engines that have already been developed. The $40 million does not affect the competition schedule in any way. Should there be any doubt about this issue, the committee has stated that the engine competition currently in progress between the F-100 and F-110 engine should proceed without interruption. This $40 million neither speeds up nor slows down the competition. It is simply irrelevant.

Finally, there are important reasons to keep this money in the authorization bill. Extensive hearings were held on this issue by the Research and Development Subcommittee prior to markup. Many hours were spent to reach the right decisions on the fighter engine acquisition programs. As a result of the hearings, the subcommittee recommended this $40 million on the basis of close examination and

evaluation of the issues involved. That decision should be given deference.

The gentleman from New Jersey has maintained that we already have adequate engines in our force today, and that we have no need to upgrade our engines for higher thrust. But although our current aircraft may be adequate to meet our defense needs, this $40 million is for the aircraft of tomorrow. Our defense needs tomorrow may be different and more demanding. This $40 million is research and development money for our aircraft of the future. It is an investment in the future. It is to develop the engines to power our aircraft into the 21st century, and should not be cut out. I urge my colleagues who care about the future viability of our aircraft fighters to vote against this amendment.

Mr. COURTER. Mr. Chairman, will the gentlewoman yield?

Mrs. KENNELLY. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentlewoman for yielding.

Mr. Chairman, the gentlewoman talked about the $40 million for improvement of future engines. I would like to ask the gentlewoman then, what would the $35 million that is for F-100 durability be used for? The $13.8 million for the engine model derivative program and the $350 million for the advanced aircraft, what is that money used for?

That is going to be used for the exact things that the gentlewoman suggested. The $40 million is a simple add-on to pacify two manufacturers, $20 million each. And certainly one of them did not ask for the money, and very frankly does not want the money.

Mrs. KENNELLY. Well, the one I am very close to asked for the money and I believe that it is for improvement of the F-100, for the control system.

Mrs. SCHROEDER. Mr. Chairman, will the gentlewoman yield?

Mrs. KENNELLY. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I thank the gentlewoman for yielding.

I think that the other point that the gentleman from New Jersey keeps overlooking is what the gentleman from Georgia, who is also on the committee, pointed out. And that is that while the contractor may be telling you he did not ask for the money, they certainly said they could use it to better their engine, which only betters the competition.

Mr. COURTER. If the gentlewoman would yield further, if I offered the gentlewoman $20 million, would the gentlewoman take it?

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to put this in historical perspective, if nothing else.

Much of what has been said by both the opponents and proponents of the amendment is true. Going back over the history of this and how it came about, as has been pointed out, in order for an aircraft engine to be the most serviceable there is a weight to thrust ratio. And they have compared the two engines, the Pratt & Whitney and the GE for the fighters, and it is sort of like comparing apples to oranges. There is more thrust to the GE engine, but it weighs 700-and-some-odd pounds more. So when you add the weight to the thrust that takes away a lot from the advantages.

So when the Air Force tested it and the various elements within the envelope the GE engine was better in some parameters the Pratt & Whitney was better in some parameters. And the Air Force said, "Well, thrust is not the issue." The Air Force has been asking Pratt & Whitney to go forward and fix the durability and maintainability of the engines that they have been producing.

Pratt & Whitney feels that by giving research and development money to General Electric, they are being treated unfairly. So that there was an argument and a fight within the committee last year where there was an effort to take money away from the GE development and give it to Pratt & Whitney.

Well, it passed in the subcommittee and it was defeated in the full committee. And this is a recurrence of the same fight that we went through last year. So in an effort to settle the problem, a motion was made to say, well, look, research and development can be profitably used in both engines. GE would like to reduce its weight. Pratt & Whitney would like to increase its thrust. We will authorize $40 million for research and development and divide it between the two contractors and let them use it where they think that they are weakest in the competition between the two engines.

In order to obviate the bickering and the fighting within committee and this is the third year, that is what we did. Whether it is right or wrong, the Members can draw their own conclusion. The money will not be wasted, nor will it solve the problem ultimately.

There is money in here for research and development for both companies, but this was an effort to put an end to the controversy within the members of the committee and perhaps the two competitors. So the money was added. We agreed to it. Half to one competitor, half to the other competitor. It is the committee's position and I am going to support the committee's position. The Members can draw their own conclusions whether it should or should not have been done. It will not be wasted. It will be spent to advance the research and development on both engines which are in competition.

For that reason, I am supporting the committee position.

Mr. McDONALD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment and join with the two gentlemen from Alabama and the lady from Colorado in their opposition to this amendment.

□ 1220

This is an issue that has been before the Armed Services Committee for perhaps as long as 7 years, because at that time—7 years ago—there was the feeling that the one particular engine manufacturer, Pratt & Whitney, had a lion's share of the industry and was unresponsive to the problems facing the aircraft engines necessary in the high-performance military aircraft. And at that time competition was developed with the General Electric engine, which was initially the B-1 bomber engine and is the F-101 engine, and now is being used in an increasing number of airplanes.

However, there is the feeling that over the last 3 or so years there has been a great deal of fighting and one-upsmanship in the Armed Services Committee between these two engine manufacturers.

This year, in an effort to put an end to this and to put a lid on this conflict once and for all, and after full deliberations in the research and development subcommittee, their markup was accepted by the full committee without objection, without objection by any Member of the Armed Services Committee.

A lot has been said about the $40 million add-on. Now, even with the $40 million add-on there is an overall savings of $70 million over what was projected by the administration in the engine and fighter aircraft development. We reduced it; we reduced it by $70 million because we are trying to stop this constant seesawing back and forth that has been going on in recent years.

The Air Force intends to develop a competitive higher thrust engine for the future. This program only attempts to provide that both competitors be ready for competition as nearly as possible at the same time so that true competition at that time can develop.

Now, the purpose of the $40 million is not to correct some fix of the past. The purpose of the $40 million is to develop a future fighter aircraft engine that will carry us into the 21st century. And that is a point that I think has been missed by the gentleman from New Jersey.

This is not a newly devised effort to add money to a new program. The

House and the Senate Appropriations Committees also, after special hearings in the last 2 years, recognized the disparity in funding between competing engines and the importance of thrust, both in fiscal years 1982 and 1983, and added money to enhance the thrust and equalize the funding between the competing contractors. The House Armed Services Committee is also continuing this development effort.

In this position taken by the Armed Services Committee which reduces the administration request by $70 million, we are trying to put a lid on this Pandora's box once and for all and tell both competitors to get ready for the competition for the future advanced aircraft engine.

If we open up this lid at this time, as this amendment would allow, we will be right back to the bickering where we had been with the potentially hundreds of millions of dollars coming being spent in the future without being able to stop this, and it would be, in my judgment, a great mistake. We could very easily find ourselves in 2 or 3 years in that disadvantageous position where one contractor, in this case it would be GE, would then have the lion's share of the business and could very easily become unresponsive to the needs of our national defense.

I would urge my colleagues to vote no on this amendment. We have taken the right step in the Armed Services Committee. It is a step for economy. It is a step to get ready for the advanced engine, and we are trying to avoid the sectional fight that could develop if you wind up between those States which have an interest in one manufacturer versus those States having an interest in another.

Mr. STRATTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wonder if I could have the attention of the gentleman from New Jersey (Mr. COURTER) the author of the amendment.

As the gentleman from New Jersey knows, I have been very much interested in developing a new engine for our fighter aircraft. I complained a number of years ago about the casualties that we were suffering with the F-14, with the F-15, with the flameouts, the F-16, and in my limited way I tried to push very strongly for the development of a new engine through competition.

This is the competition which the gentleman refers to in his amendment, as I understand it.

It is my understanding that this competition has virtually been concluded and that the Air Force has determined that the General Electric engine is far more reliable and has greater thrust than the Pratt & Whitney, and that at some point—we probably have not reached it yet—the Air Force will make its formal determination of the winner.

Is that the understanding of the gentleman?

Mr. COURTER. It is certainly my understanding that the competition is not something that takes place on 1 day. It is over a long period of time. Some of it is paper competition. It is not just a physical fly-off.

The gentleman mentioned the fact that the GE engine was superior with regard to thrust and reliability. I think that is probably so. However, Pratt & Whitney, no doubt, is superior in the sense that it has a lighter engine, the engine is longer along the learning curve, it is less expensive, and its reliability and durability is increasing dramatically. So I cannot tell the gentleman who is going to win the competition.

Mr. STRATTON. I think when the gentleman says that the Pratt & Whitney engine is reliable, he certainly cannot be taking into account the sorry history that engine has had over the past several years, both in Navy and Air Force aircraft.

It is my understanding that the Subcommittee on Research and Development previously put in some $20 million to provide the Pratt & Whitney engine with an opportunity to improve their thrust, although the thrust was not the thing that we were primarily concerned about. The primary concern was the reliability of the engine.

I do not know exactly what the sequence was, but apparently somebody on the subcommittee said, "If you are going to put in $20 million for Pratt, then you ought to put in $20 million for General Electric too." But my understanding is that, as the gentleman from Indiana (Mr. GRADISON) has indicated, General Electric does not want that money. They have all the thrust they need, so it would seem to me that we ought to eliminate the money as an expenditure which we do not need to make.

The real competition, as I understand it, has proceeded not on paper but in terms of actual performance. So why should we pay one contractor $20 million and not pay the other $20 million? The gentleman's amendment, as I understand it, would eliminate both payments, and that would seem to me to be the best way to go.

Mr. COURTER. I thank the gentleman for his support.

Mr. McDONALD. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Georgia.

Mr. McDONALD. I thank the gentleman for yielding.

Mr. Chairman, just simply to clarify something that has recently been said, let me first state that my interest is neither with GE nor with Pratt & Whitney. My district has neither one. But the determination with regard to competition between these two engines has not been held, and the DSARC is not scheduled until September of this year.

Before, we had an all afternoon hearing on the subcommittee with just this one point, with both representatives, GE, Pratt & Whitney, and the Air Force speaking, and at that time it looked like we might be headed down the road of an enormous logistics problem costing the taxpayers over $1 billion, of having two separate engines out in the field going into the same type of aircraft that would not be interchangeable, so that you would have some aircraft that could only be fitted with the F-100, some that could only be fitted with the F-101, with a cost to the taxpayers of over $1 billion. And that is why the subcommittee was opposed to this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey (Mr. COURTER).

The amendment was rejected.

□ 1230

AMENDMENT OFFERED BY MRS. BYRON

Mrs. BYRON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. BYRON: Page 14, line 2, strike out "and".

Page 14, line 5, strike out the period and insert in lieu thereof "; and".

Page 14, after line 5, insert the following:

(5) $123,500,000 is available only for the development of the Air Force T-46 Next Generation trainer aircraft.

Mrs. BYRON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. BYRON. Mr. Chairman, this is not a controversial amendment. It will not add a single dollar to the authorization bill, and yet it will insure that the T-46, which is the next-generation trainer, is developed on schedule and within the cost parameters of the program's existing fixed-price contract.

As I indicated, Mr. Chairman, this is not a controversial amendment.

Mr. BENNETT. Mr. Chairman, will the gentlewoman yield?

Mrs. BYRON. I am happy to yield to the gentleman from Florida at this time.

Mr. BENNETT. I thank the gentlewoman for yielding.

Mr. Chairman, on behalf of the committee, on this side we will be glad to accept the amendment.

Mr. DICKINSON. Mr. Chairman, will the gentlewoman yield?

Mrs. BYRON. I yield to the ranking minority member, the gentleman from Alabama.

Mr. DICKINSON. I thank the gentlewoman for yielding.

Mr. Chairman, we have been furnished a copy of the amendment and are familiar with its contents.

So long as it does not add to the authorized amount, and it does not, it simply suggests or directs a reprograming and then leaves it up to the Air Force to find the funds with which to do the job, we have no problem with it and we will accept it over here.

Mrs. BYRON. I thank the gentlemen for their support, and I ask for the acceptance of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Maryland (Mrs. BYRON).

The amendment was agreed to.

The CHAIRMAN pro tempore. The Clerk will redesignate title IV.

Title IV reads as follows:

TITLE IV—OPERATION AND MAINTENANCE

AUTHORIZATION OF APPROPRIATIONS

SEC. 401. (a) ARMY.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $17,598,890,000 for expenses, not otherwise provided for, for the operation and maintenance of the Army as follows:

(1) For general purpose forces, $6,369,187,000.

(2) For intelligence and communications, $1,034,389,000.

(3) For central supply and maintenance, $5,065,237,000.

(4) For training, medical, and other general personnel activities, $3,872,421,000.

(5) For administration, $1,148,958,000.

(6) For support of other nations, $108,698,000.

(b) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $22,253,888,000 for expenses, not otherwise provided for, for the operation and maintenance of the Navy and the Marine Corps as follows:

(1) For strategic forces, $1,931,861,000.

(2) For general purpose forces, $10,581,807,000.

(3) For intelligence and communications, $1,063,889,000.

(4) For central supply and maintenance, $6,011,933,000.

(5) For training, medical, and other general personnel activities, $2,008,832,000.

(6) For administration, $652,566,000.

(7) For support of other nations, $3,000,000.

(c) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $1,555,400,000 for expenses, not otherwise provided for, for the operation and maintenance of the Marine Corps as follows:

(1) For general purpose forces, $895,201,000.

(2) For central supply and maintenance, $353,123,000.

(3) For training, medical, and other general personnel activities, $211,073,000.

(4) For administration, $96,003,000.

(d) AIR FORCE.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $18,364,248,000 for expenses, not otherwise provided for, for the operation and maintenance of the Air Force as follows:

(1) For strategic forces, $3,093,181,000.

(2) For general purpose forces, $3,967,778,000.

(3) For intelligence and communications, $1,801,922,000.

(4) For airlift and sealift, $1,187,935,000.

(5) For central supply and maintenance, $5,750,311,000.

(6) For training, medical, and other general personnel activities, $2,019,042,000.

(7) For administration, $536,902,000.

(8) For support of other nations, $7,177,000.

(e) DEFENSE AGENCIES.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $6,636,835,000 for expenses, not otherwise provided for, for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments) as follows:

(1) For general purpose forces, $279,700,000.

(2) For intelligence and communications, $2,238,359,000.

(3) For central supply and maintenance, $1,536,966,000.

(4) For training, medical, and other general personnel activities, $2,164,599,000.

(5) For administration, $417,211,000.

(f) ARMY RESERVE.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $678,400,000 for expenses, not otherwise provided for, for the operation and maintenance of the Army Reserve as follows:

(1) For mission forces, $401,234,000.

(2) For depot maintenance, $8,810,000.

(3) For other support, $268,356,000.

(g) NAVY RESERVE.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $660,200,000 for expenses, not otherwise provided for, for the operation and maintenance of the Navy Reserve as follows:

(1) For mission forces, $370,648,000.

(2) For depot maintenance, $116,838,000.

(3) For other support, $172,714,000.

(h) MARINE CORPS RESERVE.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $53,229,000 for expenses, not otherwise provided for, for the operation and maintenance of the Marine Corps Reserve as follows:

(1) For mission forces, $27,453,000.

(2) For depot maintenance, $1,589,000.

(3) For other support, $24,187,000.

(i) AIR FORCE RESERVE.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $801,000,000 for expenses, not otherwise provided for, for the operation and maintenance of the Air Force Reserve as follows:

(1) For mission forces, $540,218,000.

(2) For depot maintenance, $127,749,000.

(3) For other support, $133,033,000.

(j) ARMY NATIONAL GUARD.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $1,153,600,000 for expenses, not otherwise provided for, for the operation and maintenance of the Army National Guard as follows:

(1) For training operations, $225,508,000.

(2) For logistical support, $836,162,000.

(3) For headquarters and command support, $83,228,000.

(4) For medical support, $8,702,000.

(k) AIR NATIONAL GUARD.—Funds are hereby authorized to be appropriated for fiscal year 1984 in the total amount of $1,778,900,000 for expenses, not otherwise provided for, for the operation and maintenance of the Air National Guard as follows:

(1) For mission forces, $1,335,413,000.

(2) For depot maintenance, $330,246,000.

(3) For other support, $113,241,000.

(l) NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY.—There is hereby authorized to be appropriated for fiscal year 1984 the amount of $899,000 for the expenses of the Secretary of the Army, upon the recommendation of the National Board for the Promotion of Rifle Practice, under section 4308 of title 10, United States Code, and the expenses of the Secretary of the Army under sections 4309 and 4313 of such title.

(m) CLAIMS, DEFENSE.—There is hereby authorized to be appropriated for fiscal year 1984 the amount of $222,900,000 for payment, not otherwise provided for, of claims authorized by law to be paid by the Department of Defense (except for civil functions).

(n) COURT OF MILITARY APPEALS, DEFENSE.—There is hereby authorized to be appropriated for fiscal year 1984 the amount of $3,372,000 for salaries and expenses for the United States Court of Military Appeals.

GENERAL AUTHORIZATION OF APPROPRIATIONS FOR PAY RAISES, FUEL COSTS, AND INFLATION ADJUSTMENTS

SEC. 402. There are authorized to be appropriated for fiscal year 1984, in addition to the amounts authorized to be appropriated in section 401, such sums as may be necessary—

(1) for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in section 401;

(2) for unbudgeted increases in fuel costs; and

(3) for increases as the result of inflation in the cost of activities authorized by section 401.

AUTHORIZATION OF APPROPRIATIONS FOR ASSISTANCE FOR 1984 GAMES OF THE XXIII OLYMPIAD

SEC. 403. (a) Notwithstanding any other provision of law, the Secretary of Defense is authorized—

(1) to provide logistical support and personnel services to the 1984 games of the XXIII Olympiad;

(2) to lend and provide equipment in support of the 1984 games of the XXIII Olympiad; and

(3) to provide such other services in support of the 1984 games of the XXIII Olympiad as the Secretary may consider advisable.

(b) There is authorized to be appropriated to the Department of Defense for fiscal 1984 an amount not to exceed $50,000,000 for the purpose of carrying out subsection (a). Except for funds used for pay and nontravel related allowances for members of the Armed Forces (other than members of the reserve components called or ordered to active duty to provide support for the XXIII Olympiad), no funds may be obligated for such purpose unless specifically appropriated for such purpose. The costs for pay and nontravel related allowances of members of the Armed Forces (other than members of the reserve components called or ordered to active duty to provide support for the XXIII Olympiad) may not be charged to appropriations made pursuant to this authorization.

PROHIBITION OF USE OF VESSELS WITH FOREIGN-BUILT MAJOR COMPONENTS UNDER CERTAIN LEASES OR SERVICE CONTRACTS

SEC. 404. (a)(1) None of the funds appropriated pursuant to the authorizations of appropriations in section 401 may be obligated or expended for the lease of a vessel, or for the provision of service through use by a contractor of a vessel, under a contract which will be for a long term or under which the United States will have a substantial termination liability and under which the vessel involved will have a main propulsion system or other major component not built in the United States.

(2) None of the funds appropriated pursuant to the authorizations of appropriations in section 401 may be obligated or expended for a contract that is an agreement to lease or an agreement to provide services and that is (or will be) accompanied by a contract for the actual lease or provision of services if the contract for the actual lease or provision of services is (or will be) a contract described in paragraph (1).

(b) For purposes of subsection (a)—

(1) a contract shall be considered to be for a long term if the term of the contract, including all options under the contract, is for more than five years or is for a period longer than one-half the useful life of the vessel; and

(2) the United States shall be considered to have a substantial termination liability under a contract if, as determined under regulations prescribed by the Secretary of Defense, the sum of—

(A) the present value of the amount of the termination liability of the United States under the contract as of the end of the term of the contract (exclusive of any option to extend the contract), and

(B) the present value of the total of the payments to be made by the United States under the contract (excluding any option to extend the contract) attributable to capital-hire,

is more than one-half the price of the vessel involved.

(c) Subsection (a) does not apply with respect to a contract entered into before the date of the enactment of this Act.

The CHAIRMAN pro tempore. Are there amendments to title IV?

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. DICKINSON. It has been the information furnished to this side of the aisle, at least, and this was 20 minutes ago, that at the conclusion of the last amendment that the committee would rise temporarily. It was for that reason that one of the Members who had an amendment pending left the floor and is not presently here.

My parliamentary inquiry is that the gentleman from California (Mr. BADHAM) had previously received unanimous consent to bring up his amendment at some point.

The CHAIRMAN pro tempore. The Chair will state that we will protect Mr. BADHAM'S right to go back to title II. He can do that at any time.

AMENDMENT OFFERED BY MR. DANIEL

Mr. DANIEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DANIEL: Page 17, line 11, strike out "$22,253,888,000" and insert in lieu thereof "$22,254,888,000".

Page 17, line 15, strike out "$10,581,807,000" and insert in lieu thereof "$10,582,807,000".

Page 18, line 12, strike out "$18,364,248,000" and insert in lieu thereof "$18,365,248,000".

Page 18, line 16, strike out "$3,967,778,000" and insert in lieu thereof "3,968,778,000".

Page 19, line 17, strike out "$678,400,000" and insert in lieu thereof "$686,400,000".

Page 19, line 20, strike out "$401,234,000" and insert in lieu thereof "$409,234,000".

At the end of title IV (page 25, after line 13) insert the following new section:

SHELTER FOR THE HOMELESS AT MILITARY INSTALLATIONS

SEC. 405. (a)(1) Chapter 151 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2546. Shelter for homeless; incidental services

"(a)(1) The Secretary of a military department may make military installations under his jurisdiction available for the furnishing of shelter to persons without adequate shelter. The Secretary may, incidental to the furnishing of such shelter, provide services as described in subsection (b). Shelter and incidental services provided under this section may be provided without reimbursement.

"(2) The Secretary concerned shall carry out this section in cooperation with appropriate State and local governmental entities and charitable organizations. The Secretary shall, to the maximum extent practicable, use the services and personnel of such entities and organizations in determining to whom and the circumstances under which shelter is furnished under this section.

"(b) Services that may be provided incident to the furnishing of shelter under this section are the following:

"(1) Utilities.
"(2) Bedding.
"(3) Security.
"(4) Transportation.
"(5) Renovation of facilities.
"(6) Minor repairs undertaken specifically to make suitable space available for shelter to be provided under this section.
"(7) Property liability insurance.

"(c) Shelter and incidental services may only be provided under this section to the extent that the Secretary concerned determines will not interfere with military preparedness or ongoing military functions.

"(d) The Secretary of Defense shall prescribe regulations for the administration of this section.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2546. Shelter for homeless; incidental services.".

(b) Section 2546 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1983.

Mr. DANIEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DANIEL. Mr. Chairman, the amendment I am offering does two things. First, it authorizes the Secretary of Defense to provide shelter, utilities, and related services to the Nation's homeless when he determines that it will not interfere with military readiness.

Second, it provides $10 million in increased authorization to cover the estimated costs associated with the sheltering of the homeless.

This amendment has the enthusiastic support of the Speaker and of the Secretary of Defense.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. DANIEL. I yield to the gentleman from Florida.

Mr. BENNETT. I thank the gentleman for yielding.

Mr. Chairman, I would like to say that the committee on this side has inspected the amendment and we have no objection to it.

Mr. DANIEL. I thank the gentleman.

Mr. HOPKINS. Mr. Chairman, will the gentleman yield?

Mr. DANIEL. I yield to my colleague, the gentleman from Kentucky.

Mr. HOPKINS. I thank the gentleman for yielding.

Mr. Chairman, I would like to ask my colleague his definition of "homeless." What does the gentleman mean?

Mr. DANIEL. Well, if you recall, last winter there was a shortage of shelter for those people who were unemployed, and for other reasons. The Secretary of Defense wanted to do something to help. He was prohibited by law from doing so. This amendment gives him that authority. The Speaker strongly supports this proposal. The gentleman may be sure that this will not be done at the expense of military readiness.

Now, the way it will be handled is through the elected authorities at the local level. They will, in turn, work with the charitable organizations in the localities.

I hope that satisfies my colleague.

Mr. HOPKINS. I thank the gentleman for yielding.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield for one question?

Mr. DANIEL. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, is this applicable only for the life of this bill? Is it sunsetted in any way or does this go into permanent law so that the Secretary has the right in perpetuity?

Mr. DANIEL. Mr. Chairman, I am advised by counsel that it is permanent law.

● Mr. SISISKY. Mr. Chairman, I rise in support of the amendment to the

fiscal year 1984 defense authorization bill sponsored by my good friend, Congressman DAN DANIEL. This amendment would make space available at defense installations to provide shelter for homeless families and individuals.

The amendment would give the Secretary of Defense legal authority to turn over space at defense installations to localities and volunteer organizations. These organizations would provide shelter to those people and families in need of temporary housing.

The amendment would also give the Secretary authority to provide utilities and related services to these organizations without reimbursement. The amount of $10 million would be authorized to cover the entire cost of this program.

Mr. Chairman, current economic conditions have left thousands of Americans in this unfortunate and tragic predicament. Whatever our views on the economy, whatever our views on how we got into this mess, we must take this opportunity to help these people.

Let us take a look at the reality we face:

Thousands of people are traveling across the country in search of employment. Local and volunteer organizations simply do not have the capacity to help all of these people.

Although the Service Secretaries have identified over 500 sites suitable for use in this humanitarian effort, current law forbids the Defense Department from providing these services without reimbursement.

This amendment would provide the Secretary of Defense with the necessary authority and cover the limited expenses of such a program.

The amendment also empowers the Secretary to insure that military readiness is not impaired and that Government property is protected.

This program creates a working partnership between the Department of Defense and local service, religious, and charitable organizations. It fosters Federal and private cooperation in working toward this humanitarian goal.

To sum up, Mr. Chairman, we have a problem—a big problem. Thousands of Americans are out of work, out of money, and at the end of their rope as far as providing necessary shelter to their families.

This amendment represents just a small step we can make to provide vital protection for some of our very best citizens. I ask all of us not to think about the hot summer weather outside. I ask us to remember what these people will face when they are still without homes next winter.

That thought should lead all of us to support this amendment.●

The CHAIRMAN pro tempore (Mr. MURTHA). The question is on the amendment offered by the gentleman from Virginia (Mr. DANIEL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MONTGOMERY

Mr. MONTGOMERY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MONTGOMERY: Page 16, line 23, strike out "$17,598,890,000" and insert in lieu thereof "$17,588,890,000".

Page 16, line 25, strike out "$6,369,187,000" and insert in lieu thereof "$6,359,187,000".

Page 20, line 24, strike out "$1,153,600,000" and insert in lieu thereof "$1,181,600,000".

Page 21, line 3, strike out "$225,508,000" and insert in lieu thereof "$220,608,000".

Page 21, line 4, strike out "$836,162,000" and insert in lieu thereof "$865,662,000".

Page 21, line 6, strike out "$83,228,000" and insert in lieu thereof "$84,828,000".

Page 21, line 7, strike out "$8,702,000" and insert in lieu thereof "$10,502,000".

Mr. MONTGOMERY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Chairman, the amendment I am offering makes several funding adjustments involving the Army and Army National Guard operation and maintenance accounts to bring them into line with changes in military end strength recommended by the committee. The reason behind this amendment is that several changes in Active and National Guard end strength took place after the committee approved the operation and maintenance authorizations in title IV of H.R. 2969. As a result, additional operation and maintenance funding was not provided to support an increase of 6,600 in Army National Guard end strength. Conversely, there was no reduction in operation and maintenance funding associated with a further decrease of 2,000 in Active Army end strength.

My amendment seeks to adjust operation and maintenance funding to take into account changing support requirements stemming from these end strength recommendations. First, the Army operation and maintenance request is reduced by $10 million in authorization due to the reduction of 2,000 Active Army personnel.

Second, the National Guard operation and maintenance request is increased by $28 million in authorization associated with additional organizational clothing and equipment, supplies, and medical care needed to support 6,600 more guardsmen in fiscal year 1984.

Finally, the Army National Guard has informed the committee that it was in error in asking that $7.5 million in increased authorization for organization clothing and equipment be placed in Budget Activity 1. Therefore, my amendment transfers that increased authorization to Budget Activity 2—logistical support—where it properly belongs. This adjustment is just a bookkeeping change that adds no funding, but corrects a technical error.

In sum, my amendment simply makes operation and maintenace authorization fully consistent with the committee's end strength recommendations. The net change of $18 million is required to adequately support increases in Army National Guard personnel in carrying out their expanding role in meeting U.S. national security commitments. This is a small price to pay and represents the most cost-effective way of providing increased military capability through increased reliance upon well-trained and dedicated members of the Guard.

I urge your support of the amendment.

Mr. DANIEL. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I would be glad to yield to the gentleman from Virginia.

Mr. DANIEL. I thank the gentleman for yielding.

Mr. Chairman, we have studied the amendment and we have no objection to it.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, we have no objection to the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Mississippi (Mr. MONTGOMERY).

The amendment was agreed to.

Mr. BADHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in keeping with my unanimous consent request of some time ago, I would request now to return to title II, as I had reserved, to engage in a colloquy with the distinguished ranking member of the majority of the committee.

I would like to discuss an item of exceptional interest with the gentleman from Florida. As you are aware, the committee after a thorough review of the S-3 antisubmarine aircraft improvement program recommended that the administration's request of $60.2 million be denied and instead $15 million be allocated for S-3 reliability improvements.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. I yield to the gentleman from Florida.

Mr. BENNETT. I thank the gentleman for yielding.

Mr. Chairman, yes; our action was based on information that showed the S-3 system had severe reliability and maintainability problems. The problem was discussed with fleet personnel on board a deployed aircraft carrier. The committee made the decision to increase the reliability of the existing S-3 system and to incorporate the new synthetic aperture radar that was contained in the S-3 improvement program into the JVX aircraft.

Mr. BADHAM. Mr. Chairman, I believe our actions were prudent at the time, but I am aware of new information that indicates the S-3 reliability has improved to a point that the Navy is reporting readiness statistics in excess of the Navy's goals. Mr. Chairman, the ranking member (Mr. DICKINSON) recently received a letter from Mr. Paisley, the Assistant Secretary of the Navy for Research, Engineering, and Systems. Mr. Paisley states that he firmly believes "that the initial problems with the S-3A have now been corrected and that it will continue to perform in an exemplary manner."

Mr. Chairman, I propose that we ask the Navy for more particulars on the status of the readiness of the S-3. For example, is the system more reliable? What is the status of the nondeployed S-3's? Are they being canabalized to support deployed assets? These are just examples of some of the additional data I would like to see.

Mr. Chairman, if the Navy's answers are credible and favorable, I would propose that the committee then favorably consider either a Navy reprograming action to restore $45.2 million to the S-3A WSIP program and redirect the $15.0 million recommended for S-3 reliability improvements to the WSIP effort or to make adjustments in conference.

Mr. BENNETT. I certainly think that is a reasonable approach, and I would strongly encourage the Navy to come to us in a timely manner and furnish us this required data. If the news is good, then I think the committee would look favorably on the actions you propose.

Mr. BADHAM. Mr. Chairman, I thank the gentleman for his consideration on this matter, and I include the letter from Mr. Paisley to which I referred.

The letter follows:

DEPARTMENT OF DEFENSE,
Washington, D.C., June 15, 1983.

Hon. WILLIAM L. DICKINSON,
Committee on Armed Services,
Washington, D.C.

DEAR MR. DICKINSON: In recent years, the Navy has focused on upgrading its primary carrier-based ASW airplane, the S-3A. These efforts have addressed improving both its operational readiness posture and its mission system effectiveness. The S-3 Weapon System Improvement Program (S-3 WSIP) is the means to accomplish the necessary upgrade in mission system effectiveness. Unfortunately, the HASC has recommended that the WSIP program be terminated and that the JVX be developed as the Navy's follow-on antisubmarine warfare aircraft. The committee's recommendation is reportedly based on the perceived poor reliability of the S-3A.

Rather than being a poor reliability performer, S-3 squadrons now are consistently reporting readiness statistics (% Mission Capable) in excess of CNO established goals for this aircraft. This has not, as you are well aware, always been the case. As recently as February of 1981, the S-3A was among the lowest performers in the air wing. The reliability and maintainability efforts which we initiated to correct this situation are coming to fruition, and I firmly believe that the initial problems with the S-3A have now been corrected and that it will continue to perform in an exemplary manner.

The Weapon System Improvement Program is the modification upgrade to the existing S-3A that will improve its mission system effectiveness against both the current and projected submarine threat to the carrier battle group. The WSIP program is essential to our maintaining a competitive edge against this formidable adversary. WSIP development has progressed beyond both schedule midpoint and peak funding period (fiscal year 1983). Through fiscal year 1983, $144.8 million will have been obligated. $112.1 million remains (including $60.2 million in fiscal year 1984) to complete development effort. By end of fiscal year 1983, most of development hardware will have been delivered and system integration efforts will have been initiated. Principal tasks remaining are completion of system integration (fiscal year 1984) and the test and evaluation (fiscal year 1985/1986). WSIP IOC is June 1988.

The Navy will certainly monitor JVX development with respect to its potential application as either the follow-on or a complementary antisubmarine warfare aircraft, but to commit to this mission at this time is premature. The integration of Inverse Synthetic Aperture Radar (ISAR) technology into the existing S-3A ASW radar should be continued as an integral part of the WSIP. WSIP capabilities are needed in the fleet, and the S-3A is the platform into which these capabilities should be incorporated. Since the Navy has given such a high priority to this program, I wanted to bring this to your attention and ask your support for this vital program.

Thank you for your strong support of the Navy and our programs.

Sincerely,

MELVIN R. PAISLEY.

□ 1240

AMENDMENT OFFERED BY MR. SEIBERLING

Mr. SEIBERLING. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Chair will ask the gentleman if he would identify the amendment he is offering.

Mr. SEIBERLING. Mr. Chairman, it is the amendment printed in the RECORD at page H4027 on June 15, 1983. I obtained unanimous consent prior to the recess to offer it to title II, notwithstanding the fact that title II had already been passed.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SEIBERLING: Page 14, after line 10, insert the following new subsection:

(c) None of the amount appropriated pursuant to the authorization in section 201 for the Air Force may be used for flight testing of an antisatellite weapon until such testing is specifically authorized by law enacted after the date of enactment of this Act.

POINT OF ORDER

Mr. BENNETT. Mr. Chairman, I raise a point of order on the amendment as being nongermane, as I understand it.

This amendment refers to a prior-year authorization on the matter under consideration in terms of the title II authorization for fiscal year 1984. At least I have been so instructed.

The CHAIRMAN pro tempore. Does the gentleman from Ohio (Mr. SEIBERLING) desire to be heard on the point of order?

Mr. SEIBERLING. Yes, Mr. Chairman, I do.

Mr. Chairman, this amendment only deals with the authorization in section 201. It does not deal with authorizations in prior years.

Mr. BENNETT. Mr. Chairman, perhaps this is not the amendment the gentleman had coming up the last time just prior to the recess. Is that correct?

The CHAIRMAN pro tempore. Does the gentleman from Ohio (Mr. SEIBERLING) wish to respond?

Mr. SEIBERLING. Mr. Chairman, I had originally put in an amendment on June 8 which did what the gentleman says, but this one was corrected so as to avoid that problem.

Mr. BENNETT. Is that the one the gentleman has the right to bring up, however?

Mr. SEIBERLING. No; the one I have the right to bring up is the one I asked unanimous consent to bring up, and I referred to this place in the RECORD.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. SEIBERLING) is absolutely right. The amendment in the RECORD of June 15 is the one he brought up, and it does apply to this year only and to the authorization in the bill, and the point of order does not lie.

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Chairman, I have a parlimentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state his parliamentary inquiry.

Mr. DICKINSON. Mr. Chairman, I was not here when the unanimous-consent request of the gentleman from Ohio (Mr. SEIBERLING) was made.

Mr. SEIBERLING. That is correct.

Mr. DICKINSON. My recollection, Mr. Chairman, is that the Committee

had risen, the Members had gone, and the gentleman came in after that and asked unanimous-consent and the request was granted. So there was no way I had of knowing what happened.

I have discussed this with the gentleman since and told him I had no objection since our Chairman had raised no objection.

My question to the gentleman is, as to the unanimous-consent request which he asked and which was granted, does that relate specifically to this amendment that he is offering now?

Mr. SEIBERLING. The gentleman is correct.

Mr. DICKINSON. And not any other amendment?

Mr. SEIBERLING. It does not relate to any other amendment. And I would say also to the gentleman that at the time I made the unanimous-consent request, the minority Member who was on the floor said, "Well, Mr. Dickinson is not here," and I said, "Well, I understand that, and I will agree I will not offer the amendment unless I first clear it with him" which I subsequently did.

Mr. DICKINSON. Yes; the gentleman did that.

Mr. SEIBERLING. Mr. Chairman, I thank the gentleman.

The CHAIRMAN pro tempore. The gentleman from ohio (Mr. SEIBERLING) is recognized for 5 minutes in support of his amendment.

Mr. SEIBERLING. Mr. Chairman, I say to my colleagues that we will be taking a fateful step indeed, if this amendment or some similar amendment is not adopted.

The amendment that I am offering, along with the gentleman from Iowa, (Mr. LEACH), the gentleman from Wisconsin (Mr. ASPIN), the gentleman from Massachusetts (Mr. MOAKLEY), and the gentleman from California (Mr. BROWN), is a very simple, straightforward amendment. It would simply prohibit the Air Force from using funds authorized in title II to conduct flight tests of antisatellite weapons—ASAT for short—until expressly authorized by the Congress. That reference is at least to those flight tests that would be funded in this bill.

The House has already authorized long-lead procurement funds for the F-15 ASAT currently under development. I want to stress at the outset that my amendment would not affect procurement funds, and it would not reduce research and development funds for the ASAT program. It simply seeks to give Congress the time to thoroughly debate this program and the administration time to make an attempt, we may hope, to seek a mutual and verifiable ban on the deployment of ASAT weapons with the Soviet Union.

On that point, I would note that on July 18 the Senate expressed its concern about the ASAT race when it approved, by a vote of 91-0, an amendment which prohibits tests of our ASAT unless the President certifies that the United States is endeavoring in good faith to negotiate a ban on ASAT's with the Soviets, or that such tests are vital to national security.

Since the President delivered his "Star Wars" speech last March, the United States has moved ahead with the research, development, and testing of a variety of antisatellite weapons. In my judgment and in the judgment of many scientists and other experts in this field, the deployment of antisatellite weapons and, in fact, the mere testing of antisatellite weapons, once the testing is completed, by either the United States or the Soviet Union would present a truly intolerable threat to our national security.

Most Americans are unaware of how far we have gone in the development of antisatellite weapons. This summer, the Air Force is scheduled to begin flight tests of our latest antisatellite weapon, a small homing vehicle launched from an F-15 aircraft. This ASAT, which is designed to attack its target directly, is much more sophisticated and much more difficult to monitor than its Soviet counterpart, which must be launched into orbit on a conventional booster and then maneuvered through several orbits until it gets close to its target.

Once we have begun flight tests of our ASAT, prospects for any agreement limiting or banning deployment of any antisatellite weapons will be very remote. The small size of the U.S. ASAT, coupled with the fact that every F-15 will become a potential satellite killer, will make it virtually impossible for the Soviets to verify any agreement limiting deployment. And by the same token, if they cannot verify ours, obviously they are going to be unwilling to enter into any agreement for a mutual, verifiable ban on further ASAT's.

Unfortunately, the administration so far resolutely refuses to recognize the arms control impact of the planned ASAT flight tests. Indeed, on May 18, Kenneth Adelman, Director of the Arms Control and Disarmament Agency, testified before the Senate Foreign Relations Committee that the administration has no plans to resume negotiations with the Soviet Union to limit or ban ASAT development. Adelman's position is not only in opposition to ASAT negotiations, but fails to recognize that if the United States waits until after we have flight-tested our ASAT before attempting to negotiate, we will be unable to reach agreement because there will no longer be any means of verifying whether the United States has deployed its ASAT or how many have been deployed.

□ 1250

Suggestions have been made that the Soviets are not serious about negotiations on ASAT deployment; yet in 1981 the Soviets submitted a draft treaty to the United Nations to prohibit the stationing of weapons of any kind in outer space.

The CHAIRMAN pro tempore (Mr. MATSUI). The time of the gentleman from Ohio has expired.

(By unanimous consent, Mr. SEIBERLING was allowed to proceed for 5 additional minutes.)

Mr. SEIBERLING. Under the terms of the draft treaty that the Soviets submitted, the signators would undertake to—now I am quoting—"not place in orbit around the Earth objects carrying weapons of any kind, install such weapons on celestial bodies or station such weapons in outer space in any other matter, including on reusable manned vehicles."

The signators would also "undertake not to destroy, damage, or disturb the normal functioning or change the flight trajectory of space objects."

On April 28 of this year, Soviet Premier Yuriy Andropov indicated that the Soviet Union was willing to negotiate an ASAT ban with the United States. In response to an appeal for an ASAT ban from a group of distinguished American scientists, Andropov noted, "Preventing the militarization of outer space is one of the priority problems facing mankind."

He also noted,

A truly decisive moment is coming: Either the interested States will without delay sit at the negotiating table and take up the preparation of a treaty probibiting the placement in outer space of weapons of any kind or the arms race will spread into space as well.

Finally, in June, on June 16 of this year, in a speech before the Supreme Soviet, Foreign Minister Andrei Gromyko called on the United States and the U.S.S.R. to sit down and hammer out the details of a treaty prohibiting the deployment of space weapons, noting that the Soviet Union was prepared "to agree on banning in general the use of force both in space, and from space against the Earth."

Now, I recognize that the terms of any such agreement will require careful negotiation and probably the draft treaties that were submitted have some bugs in them that need to ironed out, but it is clear that the time to begin negotiations is now. The other side is willing to proceed, and we must do that before we move irrevocably to deploy an ASAT, making a verifiable agreement virtually impossible.

We should keep in mind that the only purpose of antisatellite weapons is to attack other satellites. The U.S. ASAT cannot protect our observation satellites from Soviet attack. The Soviets cannot use their ASAT to protect

their observation satellites from U.S. attack.

Deployment of ASAT weapons, therefore, poses a direct threat to the means used by both the United States and the U.S.S.R. to monitor arms control agreements and to detect launches of ICBM's by the other side.

Once we take steps to directly threaten the security of monitoring satellites, we will have taken a long step toward being forced into a posture of launch on warning, greatly increasing the risk of accidental global nuclear war.

Unfortunately, the Reagan administration is working to develop weapons even more destabilizing than ASAT. The 1984 defense authorization includes funds for research and development on so-called third generations. One such system, known as Excalibur, uses a small nuclear detonation to power an X-ray laser system designed to attack enemy ICBM's in their boost phase. Some components of this system have already been successfully tested, according to news reports, and deployment of this system in space would appear to require abrogation of the ABM treaty and the limited test ban treaty and it would be a major step forward down the road toward the militarization of space.

In a March 29, 1983, article in the Baltimore Sun, former ACDA Director Gerard Smith, chief U.S. negotiator for SALT I, warned that the development of major ABM system

will prejudice arms race stability by causing a new arms competition in defensive systems, and by accelerating present competition in defensive systems, as the two sides mount new weapons designed to penetrate the defensive screens. And if major ABM systems are deployed, future crises will be more dangerous, as most sides come to believe that they may be immune to retaliation if they launch an attack first.

In sum, both the Excalibur device and the F-15 ASAT will be destabilizing weapons.

The CHAIRMAN pro tempore. The time of the gentleman from Ohio has again expired.

(By unanimous consent, Mr. SEIBERLING was allowed to proceed for an additional 3 minutes.)

Mr. SEIBERLING. Our own scientific community is well aware of the dangers posed by an arms race in space. On July 19, just this week, more than 40 of the Nation's most distinguished scientists and military experts in the country joined with more than 100 Members of the House in calling on the President to propose to the Soviets a joint moratorium on the testing in space of all antisatellite weapons. Those who signed the letter include such eminent Americans as Hans Bethe, who was one of the members of the Manhattan project that designed the first atomic bomb; Richard Garwin, former member of the President's Science Advisory Committee; William Colby, former Director of the CIA; Townshend Hoopes, former Under Secretary of the Air Force; Gerard Smith and Paul Warnke, both former Directors of ACDA; Carl Sagan, director of the laboratory for planetary studies at Cornell University; Adm. Noel Gayler, former Director of the National Security Agency, commander in chief of the Pacific Fleet and deputy chief of Naval Operations; Glenn Seaborg, former Chairman of the AEC; and James Van Allen, one of the most distinguished scientists in America.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I will be happy to yield.

Mr. STRATTON. The list of sponsors would make me oppose the gentleman's amendment.

Mr. SEIBERLING. Well, I am surprised, because I would assume the gentleman would oppose it in any event; but I think that those gentlemen and the 30 some others who signed this statement are men who have demonstrated their devotion and their patriotism and their service to this country in ways that probably match the record of any Member of this House.

Mr. Chairman, the weight of evidence suggests that if we fail to pause in the pursuit of the deployment of space weapons, we are committing ourselves to a course which will jeopardize national and global security. A space weapons race is a race which neither we nor the Soviets can win, and which everyone is bound to lose. At stake are unknown costs and the future of global peace. This is precisely why the President must get moving on the difficult process of ensuring the continued peaceful use of outer space. The adoption of my amendment will at least give the Congress a little more time to consider the ramifications of the administration's policies, and I urge my colleagues to support it.

Mr. KRAMER. Mr. Chairman, will the gentleman yield?

Mr. SEIBERLING. I will be happy to yield to the gentleman from Colorado.

Mr. KRAMER. Mr. Chairman, I appreciate the gentleman yielding.

Certainly the gentleman has made some good points in his statement. I would be the first to defend them.

What really concerns me in the gentleman's amendment, and while I think that should be an ideal and an objective, that is one that should be sought after, nevertheless, I think the gentleman's amendment fails to take into account the world as it truly is, not the world as we wish it were.

The truth is that the Soviets have already deployed and have operational at least one ASAT system, perhaps others, but at least one that is confirmed on a coorbital basis.

The CHAIRMAN pro tempore. The time of the gentleman from Ohio has again expired.

Mr. KRAMER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 1 additional minute.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. STRATTON. Mr. Chairman, reserving the right to object, we have been over this. Virtually the same amendment was defeated overwhelmingly about 6 weeks ago and we are trying to see if we cannot get this bill finished by 7 o'clock tonight.

The gentleman from Colorado, I would think, ought to take his own time. He is one of the assigned speakers, so that we can dispose of this amendment and vote it down, as it ought to be voted down, just as the House voted it down 6 weeks ago.

The CHAIRMAN pro tempore. Does the gentleman from New York withdraw his reservation?

Mr. STRATTON. No, Mr. Chairman. I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, I would just like to point out, and if I had the opportunity a few moments ago, I would have pointed out to the gentleman from Ohio that it is my understanding that the Soviets have several such ASAT systems now in existence. At the present time this country has none.

Also, I wish to point out that some time ago we attempted to call for a bargaining and negotiations to lead toward a treaty, a treaty with the Soviets on this type of system. They would not even come to the bargaining table to discuss it.

□ 1300

That is the situation in which we find ourselves. It is a situation where we must point to the real world in which we live.

Mr. FROST. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman.

Mr. FROST. Mr. Chairman, I rise in opposition to the amendment.

The House of Representatives has already spoken forcefully on this issue, voting 177 to 243 to defeat an amendment far less threatening to the ASAT program than is the one offered today.

The earlier amendment would only have denied funds in the bill to procure the ASAT—all research, development and testing of the program could have proceeded.

This amendment denies R&D funds in the bill to flight test the ASAT. This would materially set the program back since preliminary testing is scheduled to begin this fall and more sophisticated testing to begin early next year.

Mr. Chairman, it is extremely hard for me to understand how the ASAT can be produced on time and underbudget if its engineers cannot pretest it and iron out any systemic bugs that could interfere with its effectiveness. If this body wants to proceed with an antisatellite weapon, which it must, judging by our earlier vote—then we cannot blind-side its contractors by refusing to allow them to test their product. We have made a commitment to the program, without testing, the ASAT cannot be perfected, so the amendment should be voted down.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. Certainly I yield to my friend from California.

Mr. BROWN of California. I have high respect for the gentleman and his expertise in this matter, and I hesitate to be critical of the gentleman's statement. But the record with regard to ASAT negotiations is not precisely what the gentleman has presented.

Mr. SKELTON. My understanding is what I said is exactly true and exactly correct, and I am reflecting what my information is, and I think I stand by what I said.

Mr. BROWN of California. Then I will have to assert that the gentleman is wrong and should correct his statement for the record. The United States never requested continuation of ASAT negotiations with the U.S.S.R. because of U.S. disapproval of U.S.S.R. invasion of Afghanistan. Nor did the U.S.S.R. refuse to continue such negotiations.

Mr. SKELTON. My understanding is that I am correct in what I said. I was referring to the situation prior to Afghanistan. The Soviets, in discussions, always insisted on permitting attacks against hostile objects in space. I do not consider this to be a serious proposal and that's why I stand by what I said. I appreciate the gentleman mentioning that.

Mr. KRAMER. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment. For the second time since this bill came to the floor an attempt is being made to hobble if not kill outright the absolutely vital antisatellite program. This body soundly rejected the first attempt and we should do the same this time.

The question is not whether we are going to introduce weapons in space. The Soviets have already done that. They have a fully tested, fully operational ASAT system—which they first deployed 10 years ago. We have none. Unless we go forward with our ASAT program without further delay, we will have neither the capacity to deal with Soviet military spacecraft in time of war nor any leverage to apply in ASAT-related arms control talks.

The Soviet Union's operational system is clearly a critical part of its relentless drive to achieve a strategic first-strike capability. This was dramatically, frighteningly demonstrated a year ago, when the Soviets conducted a full-scale first-strike exercise. The first operation in this exercise was a simulated ASAT attack on U.S. military communications and reconaissance satellites. A real ASAT attack would blind and silence our Armed Forces worldwide, leaving us at the not-so-tender mercies of the ruthless men in the Kremlin.

Failure to go forward immediately with our ASAT program would make a first strike or the threat of one tremendously attractive to the Soviets. If we continue to forego development of the means to take out their military satellite network while they possess the ability to eliminate ours at will, they will be more and more tempted to exploit this strategic advantage. This dangerous imbalance, this Soviet monopoly on space control, can serve only to destabilize the already precarious strategic balance.

Supporters of this amendment contend that restraining ASAT development and testing will encourage the Soviets to enter into serious negotiations on a treaty to ban ASAT systems. In fact, however, without an ongoing U.S. program, the U.S.S.R. has no incentive to negotiate in any honest fashion.

This was amply demonstrated during the Ford and Carter administrations. For 6 years the United States held back on ASAT development and sought diligently to engage the Soviet Union in meaningful ASAT treaty negotiations. Meanwhile, the Soviets developed, tested, and deployed their ASAT system, while undermining our efforts at the negotiating table. In 1978, recognizing that negotiation attempts would continue to be fruitless unless the United States pursued its own ASAT program, President Carter ordered ASAT development to begin. Clearly, if Congress were to curb or abandon this program, the prospects for a treaty banning ASAT's would be dim at best.

We do not know how many ASAT's the Soviets have produced. We have no idea how many they have in storage. We do know that they continue to upgrade their system and that, even if there are no delays in our program, they will be deploying a second-generation system as we are fielding our first-generation weapon. Without the flight tests that this amendment would prohibit, we will never be nearer than 3 or 4 years to an operational system. Should we have a near-term need for an ASAT capability, we would be dangerously out of luck.

Development of an ASAT system would not preclude negotiations at the bargaining table, nor would it mean that we would use ASAT's. However, it would give us the option of defending ourselves should the need arise. It would be foolish for the United States to unilaterally forego this capability, leaving the Soviet Union with a worldwide monopoly. This is what this amendment would do. It would hand the Soviets yet another arms control gift and take away any bargaining leverage the United States might have in seeking a mutual and verifiable ban on ASAT's.

We must flight test our system to maintain an already and too long delayed deployment date. We must perform actual flight-test intercepts to both prove out the system design and prove to the Soviets that we will not stand idly by while they race ahead in military space operations and continue to stall ASAT treaty talks to gain an insurmountable negotiating advantage over us.

The imperatives of strategic defense and genuine arms control demand that we go forward with our ASAT program. Any test moratorium, direct or indirect, any delay in research and development, must be rejected. Our Nation needs this program. Let us get on with it.

I urge all my colleagues to vote no on this amendment.

The CHAIRMAN pro tempore. The time of the gentleman from Colorado (Mr. KRAMER) has expired.

(On request of Mr. SEIBERLING and by unanimous consent, Mr. KRAMER was allowed to proceed for 3 additional minutes.)

Mr. SEIBERLING. Will the gentleman yield?

Mr. KRAMER. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Once we have flight tested our ASAT, what is there left to negotiate with the Soviets about on this matter?

How can we have a verifiable test ban once we flight test our ASAT, which could then be produced in undetectable quantities and deployed in ways that are undetectable?

Mr. KRAMER. The same is true of the Soviet system. We do not know how many they have in storage, and we do not know how many they have built. If we were to negotiate a ban with them now, how would we verify that those they have already produced, those they have already stored, and the systems which have already been tested would not be used against us despite a treaty?

Mr. SEIBERLING. Arms control experts tell us that the Soviet ASAT is

extremely easy to monitor and verify. It must be launched by a conventional rocket. We know how many tests they have conducted and we know where their rockets are, where their bases are.

Mr. KRAMER. The gentleman is talking about being able to verify a ban on utilization. But it is not possible to verify with the same mechanism and procedures a ban on production or a ban on storage.

Mr. SEIBERLING. We cannot verify a ban on production, but we can verify a ban on deployment. But unlike our ability to monitor the Soviet version, the Soviets could not monitor the deployment of our own ASAT version once it has been flight tested, because it could be deployed in ways that are undetectable by existing scientific means.

So once we have crossed the threshold, once we pass the point of no return by flight testing, there is no way we can negotiate a verifiable ban on ASAT's with the Soviet Union. We can now, and certainly we should not lose that opportunity unless there is no reasonable alternative.

Second, my amendment would not prevent Congress, next year, or next week, from reversing it decision if events required that we do so. All it says is that there will be no flight testing until Congress decides otherwise.

We should give the negotiators a clear signal, as the other body did this week, to go to the negotiating table. The Soviets have put a proposed treaty on the table. The Premier and the Foreign Minister of the Soviet Union both said they would like to negotiate.

How can one say the Soviets do not want to negotiate when our own administration is taking the position that we would not?

I think our position is untenable.

Mr. KRAMER. I would say to the gentleman that I think what is sauce for the goose is sauce for the gander. I cannot conceive of why if, theoretically, we could verify Soviet compliance that same opportunity would not exist for the Soviets.

Second, going ahead with flight testing in no way impairs our ability to negotiate a ban on these types of systems.

The CHAIRMAN pro tempore. The time of the gentleman from Colorado (Mr. KRAMER) has again expired.

Mr. KRAMER. Mr. Chairman, I ask unanimous consent for 1 additional minute.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Colorado?

Mr. STRATTON. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

□ 1310

Mr. STRATTON. Mr. Chairman, I move to strike the last word.

I rise in opposition to the amendment. I am bitterly opposed to it. I objected because as I said previously, the committee, to oblige the Speaker, to oblige the majority leader, to oblige Members who have air and rail connections out of the District of Columbia this evening, we are trying to complete this important legislation by 7 o'clock tonight. But in order to do that we are going to have to eliminate extraneous comments. This particular amendment is totally unnecessary. The House of Representatives already voted down an attempt to eliminate the antisatellite missile some several weeks ago and that was an overwhelming defeat. Now the gentleman from Ohio comes in after the committee had risen, after the Members had walked out to their offices and asked unanimous consent to put in an amendment which was actually out of order. This is what we are being asked to debate on today, and I think this is an imposition.

It is not generally known that the Soviet Union has been launching spacecraft at a rate more than 75 per year for the past 10 years, which happens to be four to five times the effort of the United States. The Soviets have been putting up more than 660 pounds of payload into orbit every year. This is 10 times what the United States is doing. An estimated 70 percent of the Soviet space launches serve a purely military role while another 15 percent serve dual civilian and military roles. Soviet military satellites perform a variety of reconnaisance, intelligence, and communication roles; according to the Secretary of Defense the Soviets are now developing a very large space booster similar to the Saturn 5 booster that was used in the Apollo program. As we know from Apollo, these boosters have a capability to launch very heavy payloads into orbit, including very high, 22,000-mile orbits occupied by the communication satellites.

The new Soviet booster will be capable of putting very large permanently manned space stations into orbit. One of them was displayed at the air show in Paris this year and the size of the station was about half the length of this entire Chamber.

So, we are well behind in this operation which could conceivably amount to some dangerous threats from space in terms of Soviet capabilities.

The House, a month ago after hearing a lengthy protracted arguments on eliminating any kind of antisatellite weapon, and overwhelmingly rejected those arguments and that amendment, the House has made it perfectly clear that we want to go ahead with satellites. But if you do not test them, then what good are they going to be? Do you buy a car and then not drive it? That is precisely what the gentleman's amendment would mandate. And he talks about negotiating a space treaty with the Soviets. The fact of the matter is that a draft treaty on this subject is presently before the 40-nation Disarmament Committee in Geneva.

But you cannot have a bilateral treaty agreement with 40 nations involved in Geneva. There are other countries. The French and the British, I think, have capabilities along this line. They too, would have to be parties to the treaty.

If we want to get a treaty, if we want to get into this space business, if we believe in trying to match the Soviets or at least give some kind of capability, we certainly cannot allow an amendment to be incorporated into this legislation that would deny all flight testing of this weapon which the House has overwhelmingly approved several weeks ago.

I urge that the amendment be soundly rejected.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is my intention in a few moments to yield to my distinguished colleague from Ohio, the author of a terribly important amendment that ought to be fully discussed, fully debated. Prior to doing so, Mr. Chairman, I would like to make a comment with respect to the actions of my distinguished colleague from New York. Prior to doing that, I would like to say that I came to this Congress in January 1971. When America was involved in a war that many of us felt was illegal, immoral, and insane. Because of our political perspective at that particular moment in the history of America, there were a number of our colleagues who did not choose to want to discuss nor debate that matter on the floor of the Congress.

This gentleman along with many of our other colleagues, because of our political views in opposition to the Vietnam war, were humiliated on the floor of this Congress by many of our colleagues. We were stripped of our dignity because of our political perspective. A very painful and terrible time in the evolution of life in this Congress and certainly in this gentleman's life.

I left the floor of the Congress on many evenings and went back to my office feeling incredible pain because of the abuse that I had received from the Members, from my colleagues in this Chamber, who denied us the opportunity to rationally, to intelligently, to sanely debate whether or not we ought to continue to bomb and maim and kill and destroy life in Southeast Asia.

And I decided, Mr. Chairman, that as long as I served in this body, that I

would not attack an individual human being on the floor of this Congress, that I would not allow my personal considerations to challenge the personal integrity of any individual on this floor, that we needed to respect each other because we do not come here simply as individual personalities, we come here within the framework of our democratic form of government. We come here as Representatives, each of us, equally, of half a million human beings. Race has no factor, sex has no factor, because we all come here as Representatives of the American people.

And my colleague from New York, on a number of occasions as we have debated this military budget, has stated that the rationale for objecting to this debate going forward in a rational way is that in some way we need to finish the bill. Clearly we have a responsibility to finish legislation that we start on the floor of this Congress, but we have a higher responsibility. And that higher responsibility is to rationally, to sanely, and with compassion, debate the critical issues that are embraced by the legislation.

Now, my colleague has said on more than one occasion today, we want to finish this bill this evening. If it is the intent of the leadership to finish this bill, why has agreement already been reached that said on the next rollcall vote the Armed Services Committee will rise, the Rules Committee will sit down and offer a rule and debate a rule on IMF, we will then adopt the rule and come back to this budget. Now if it were paramount, that we finish the bill, then why this procedure? I would also say to my colleague from New York, it is in order in the rule in this bill that this gentleman's amendment be offered as a substitute to this Armed Services Committee budget, that attempts to strike $60-some-odd billion from this massive and bloated and wasteful and unnecessary military budget, the rule provides that at the end of the regular consideration of H.R. 2969, that this alternative, the alternative offered by this gentleman, be in order. The rule provides for 1 hour of general debate. At that point, my colleagues can, under the 5-minute rule, amend this gentleman's bill.

So, for my colleague to, in some way, assume that this bill is going to be finished by 6 or 7 o'clock tonight is to fly in the face of reality. So, I would say to my colleague from New York, let us stop denying, let us stop this method of denying my colleagues an opportunity to rationally and intelligently discuss this matter. We are talking about the expenditure of $260-some-odd billion. We have debated nickels and dimes on this floor for hours. But when it comes to the military budget in some way we have got to run through it quickly.

When we were lynching our colleagues on the floor of Congress the whole place was packed, the press sitting there, madly writing with pens.

We are debating life and death on this planet. You have a handful of people up here and a few people on the floor of Congress.

Where are our priorities? Nobody got up and objected to the debate going forward when we decided whether we would reprimand, whether we would expel or whether we would do something else with our colleagues. There were 300 or 400 Members who sat here diligently.

The CHAIRMAN pro tempore (Mr. MURTHA). The time of the gentleman has expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 3 additional minutes.)

Mr. DELLUMS. I thank my colleagues.

Mr. Chairman, 300-some-odd Members sat here on the floor. The press sat there about to trip over themselves, as we decide how we are going to tear up an individual person.

But when we talk about saving this planet, for our children and our children's children, where in the hell is everybody?

But we got somebody standing up here, saying, "I object," "I object," "I object."

We have a right to debate these matters. I did not come here to be a personality. I came here to be a representative of the people.

I did not come here to project my personality. I came here to project a political perspective—a point of view.

And I resent the gentleman from New York continuing to stand here and object to the right of my colleagues to stand up here and debate life and death matters.

If you want to object, let us object on whether we make popsicles or whether we make ice cream. But the question of whether we build neutron bombs or nuclear missiles, antiballistic defense capability or whatever, we ought to do it rationally and intelligently.

□ 1320

And I would say to my colleague from New York, this gentleman leans over backward to never inject personal vindictive matters into the debate. I think we ought to be debating ideas. But I step aside for a moment and say to my colleague from New York, the gentleman ought to stop objecting. We have a responsibility here to discuss and debate. And if we cannot do it in these Chambers, then we have to do it in the streets. And when people stand up in the street and begin to engage in activist activities, what do we say, "Let's bring it into the Chambers and debate these matters."

And then when we come into the Chambers and use the political process and get ourselves elected, then we have to be confronted by Members who say, "We do not have time to debate because we have got to pass a piece of legislation."

I thank my colleagues for allowing me to say what has been on my chest for the last several hours.

Mr. Chairman, I yield back the balance of my time.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I can never quite master the eloquence of the gentleman from California, but I think what he said is to remind us what our duty is in this democracy. Democracy is often truly painful requiring patience and we cannot play the politics of assumption. We cannot dismiss each other's amendments and say, "Because of the person cosponsoring it, I do not want to hear the content." That is a very dangerous thing to do. We must stop it.

We also cannot say that we have to make our trains or planes and therefore we do not have time to discuss whether or not we should have antisatellite weapons in space.

Think of what we are talking about. Think about the gravity of the amendment of the gentleman from Ohio. The gentleman from Ohio is supposed to describe in 5 minutes, under the 5-minute rule, the whole negotiating process going on in the whole space area with the Soviets—lots of luck summarizing that in 5 minutes—he has to explain the different weapons involved, whether they are verifiable, where they are in the testing sequence and so on. In 5 minutes.

Now I remind my colleagues this is not television where we are trying to do things in 30-second glib media way and I think we have to be aware that the 5-minute rule was created at a time when we were not dealing with matters of such complexity. The safety valve is allowing an extension of time to be granted if the subject requires.

This is probably one of the most serious things we are going to be discussing. And I think that if we cannot stop and take adequate time to discuss it, it really reflects upon this body and the body does not need that kind of reflection.

I would like to yield to the gentleman from Ohio at this point to explain more about the treaty process which is what he was trying to explain and more of the facts about his amendment.

Mr. SEIBERLING. I thank the gentlewoman.

I first would like to comment on a couple of things that were said.

First of all, this is not the same as the Brown-Moakley amendment, which was defeated by the House. That would have cut out procurement funds. This does not affect procurement funds in any way whatsoever. It merely says that before going ahead with flight testing of an ASAT weapon, the administration must get the approval of the Congress.

Now maybe that is not the best way to proceed. Maybe we ought to go the way the other body did by a vote of 91 to nothing on Monday. But somehow we must get across to the administration the urgency of trying to negotiate a ban on ASAT's before it takes a step—flight testing—that makes a verifiable ban impossible. This is probably the most serious issue in this bill, and I am not excluding the MX missile, because the MX missile represents merely the next stage in the development of conventional missile technology.

The F-15 ASAT is an entirely new step which, if we take it, will wipe out the security we now derive from the fact that our satellites and the Soviet satellites are invulnerable to attack from the ground and so that even if we were attacked by a Soviet launch, we could, at present, detect that launch and respond in time. And that is what is making the nuclear deterrence system work.

Now the second point I would like to make is this: In the first session of my first term as a Congressman, I was on the House Science Committee, we had an annual meeting with our science advisory board. One of the members of that board was Gen. James Gavin, former Chief of Staff of the U.S. Army, former Chairman of the Joint Chiefs of Staff, World War II hero, considered to be probably the most brilliant Chairman of the Chiefs of Staff we ever had, at least up to that time. He was then the chairman of the board of Arthur D. Little Associates.

And he said to us, and my colleagues, who were then on that panel, can verify this:

I want to warn you about one thing. The military will try to have every military application of new technology as fast as it is developed. Considering the exponential rate at which new technology is being developed, they will take the entire economy of the United States if the Congress lets them.

And he added, as I recall:

A lot of this technology ought never be developed in its military application, because it is counterproductive.

I submit to my colleagues that the antisatellite weapon is one of the most counterproductive, stupid pieces of military technology that anyone could possibly devise. Why do we have it? Because the Navy is afraid that in some kind of a future Naval operation the Soviets could put up satellites which could observe our naval activities and we could not knock them out.

The CHAIRMAN pro tempore. The time of the gentlewoman from Colorado (Mrs. SCHROEDER) has expired.

(By unanimous consent, Mrs. SCHROEDER was allowed to proceed for 5 additional minutes.)

Mr. SEIBERLING. If the gentlewoman will continue to yield. So for that capability they would get us into an ASAT race which threatens to deprive us of the very eyes that are protecting our Nation from an intercontinental ballistic missile launch.

Now let me get to one other point and this gets to the question of a treaty and verification.

I have here a letter, date July 19, from the staff assistant for space policy of the Federation of American Scientists. And the letterhead reads like a Who's Who in American Science. So I do not think we need to explain their credentials.

And here is what it says:

C—VERIFICATION OF A BAN ON TESTING

The Soviet ASAT is launched into orbit atop a modified version of the SS-9/SS-18 ICBM known as the F-LV. The launch is readily observable to the Defense Support Program early warning satellites. Once in orbit the satellite is tracked by a variety of ground-based radars and cameras. the intercept maneuvers are readily distinguishable from the activities of other satellites. The telemetry stream from the ASAT is subject to monitoring by ground and space-based sensors. Because of its unique characteristics, testing of the Soviet ASAT could be readily verified.

D—VERIFICATION OF A BAN ON DEPLOYMENT

The F-LV launch vehicle of the Soviet ASAT is over 10 feet in diameter and 150 feet long, and is readily observable from space. It is over 30 feet longer than the SS-18 ICBM, with which it shares a common technological heritage, and is substantially different in appearance. Assertions of the operational status of the Soviet ASAT are based on the level of activity and apparent readiness (as indicated by the speed with which snow is cleared) of a two launch pad complex for the ASAT launch vehicle. This pad would be expected to be deactivated under a ban on ASAT deployment, and this reduction is activity would be observable.

There are at least two other F-LV launch pads at the Baikonur launch complex, as well as four others at the Plesetsk launch center.

□ 1330

How do you suppose we found this out? Through our own satellites. And that is the way we would monitor the deployment of the existing Soviet ASAT weapons.

And after considerable further detail, two more pages, identifying the silos, identifying how many people work on them, outlining the exact length of the launch stages, it goes on to say:

A similar conclusion holds for the basing of ASAT's in operational silos. The substitution would be immediately apparent, and any significant deployment would substantially reduce Soviet strategic force levels.

And it concludes, as follows:

Thus a ban on the deployment of a significant and militarily useful ASAT force could be verified with a high degree of confidence. This is not to say that the Soviets would not be able to hide a small number of F/LV launched ASAT's. But the actual combat potential of such cheating would be very small—the ability to destroy one or two satellites in low orbit over a period of a few days. This threat is of about the same magnitude posed by the maneuverable Soyuz manned spacecraft, or its unmanned Progress counterpart, the Galosh nuclear armed Anti-Ballistic Missile has a similar residual ASAT capability. Neither of these systems is a significant threat, and the ability of U.S. national technical means to detect any ASAT deployment with a capability greatly in excess of this is fairly good.

So I suggest that all these assertions about not being able to detect Soviet ASAT's are without support in the scientific community. It is another Pentagon bamboozle. And it is time, my colleagues, that we quit being bamboozled by the guys who are only paid to do military thinking. We are paid as civilians to try to run the military, and I suggest that unless we get the best civilian opinion we can get, we are abdicating our responsibilities.

Mrs. SCHROEDER. Mr. Chairman, I want to make sure that I understand what the gentleman's amendment does.

In other words, what the gentleman is saying is not that he is canceling anything, but before this country can go forward there must be an approval of Congress to involve us in our oversight, to keep us in this very, very difficult area upon which there are international negotiations and all sorts of conflicting information coming in?

Mr. SEIBERLING. That is absolutely correct. And I would say one more thing to the gentlewoman.

The CHAIRMAN pro tempore (Mr. MATSUI). The time of the gentlewoman from Colorado (Mrs. SCHROEDER) has expired.

(On request of Mr. SEIBERLING and by unanimous consent, Mrs. SCHROEDER was allowed to proceed for 2 additional minutes.)

Mrs. SCHROEDER. Mr. Chairman, I yield to the gentleman from Ohio.

Mr. SEIBERLING. As I pointed out in my opening remarks, over 100 of our colleagues and 40 of America's most distinguished scientists have written a letter to the President this week, urging him to take the initiative to declare a temporary moratorium on ASAT flight testing until he can reopen negotiations with the Soviets on this crucial question. If we fail to do that we are going to allow a monster to be let out of a bottle. It would be the most destabilizing thing we could do, making the MX's destabilizing effects look trivial by comparison.

So that is all we are asking. If the President tries to negotiate and if the negotiations are clearly not getting anywhere and the Soviets are stalling,

then surely the Congress is going to say, "Well, all right, if that is the way it is going to be, we will develop our ASAT." But for God's sake, for the sake of our children, let us not take this irrevocable step and wipe out the ability of ourselves and the Soviets to assure the reliability of our nuclear deterrent. I can think of no single step that would be more destabilizing as far as the nuclear balance is concerned.

Of course, I do not know whether this amendment will pass. But at least if it helps educate people on the need to put some controls on this system before it is too late, it will have been worthwhile.

Mr. Chairman, at this time I will include in the RECORD the entire letter from the Federation of American Scientists.

VERIFICATION OF LIMITS ON THE SOVIET ANTI-SATELLITE WEAPON—A STAFF STUDY

(By John Pike)

A—INTRODUCTION

Verification is properly regarded as a key issue in the control of the arms race in space. Administration officials have indicated that they regard questions pertaining to verification as a key unresolved matter in this area. On July 1, 1983, Presidential Assistant Kenneth Duberstein wrote a letter to a number of members of the House of Representatives, outling the Administration's position on anti-satellite (ASAT) weapons. He stated that "to date, no satisfactory way has been found to verify effectively the dismantling and destruction" of the Soviet ASAT, and that because of the small number of U.S. satellites that are in space, "any Soviet cheating on an ASAT agreement, even on a small scale, could pose a prohibitive risk."

B—VERIFICATION OF A BAN ON POSSESSION

Three types of activity may be subject to arms control limitations: possession, testing and deployment. Thus far, most arms control agreements have concentrated on limits on testing and deployment, in recognition of the difficulty of verifying limits on posession. Furthermore untested system that is not deployed poses very little actual threat. Thus the SALT Treaties limited testing and deployment of certain types of weapons. The Treaties place no such limits, for instance, on the total number of ICBMs or warheads that either side may possess, only on the numbers that may actually be deployed. To impose a more stringent verification requirement for ASAT limits is to ask the impossible, and the unnecessary.

Given the marginal performance of the Soviet ASAT, the possession of even a large number of the actual orbital intercept vehicles would pose little threat, in the absence of a significant deployment of delivery vehicles. Because of the large size and distinctive characteristics of its launch vehicle, the present Soviet ASAT is readily observable by U.S. national technical means, which could easily verify a ban on both its testing and deployment.

C—VERIFICATION OF A BAN ON TESTING

The Soviet ASAT is launched into orbit atop a modified version of the SS-9/SS-18 ICBM known as the F-LV. The launch is readily observable to the Defense Support Program early warning satellites. Once in orbit the satellite is tracked by a variety of ground based radars and cameras. The intercept maneuvers are readily distinguishable from the activities of other satellites. The telemetry stream from the ASAT is subject to monitoring by ground and space-based sensors. Because of its unique characteristics, testing of the Soviet ASAT could be readily verified.

D—VERIFICATION OF A BAN ON DEPLOYMENT

The F-LV launch vehicle of the Soviet ASAT is over 10 feet in diameter and 150 feet long, and is readily observable from space. It is over 30 feet longer than the SS-18 ICBM, with which it shares a common technological heritage, and is substantially different in appearance. Assertions of the operational status of the Soviet ASAT are based on the level of activity and apparent readiness (as indicated by the speed with which snow is cleared) of a two launch pad complex for the ASAT launch vehicle. This pad would be expected to be deactivated under a ban on ASAT deployment, and this reduction in activity would be observable.

There are at least two other F-LV launch pads at the Baikonur launch complex, as well as four others at the Plesetsk launch center. Although the rate at which these pads can be refurbished for reuse is unclear, it is likely that a period of several days would be required between launches from each pad. Given a notional 85% reliability for the F-LV and an observed 50% reliability for the ASAT interceptor itself, these six pads could knock out one target satellite every two or three days if a 95% level of confidence were required, or two targets in the same period if an 80% confidence level were acceptable. A campaign against all 18 U.S. satellites in low Earth orbit could thus require several weeks to complete. Given the rapid pace of modern warfare, and the wide variety of options available to the U.S. in response to such an ASAT campaign, the military utility provided by such a capability is hard to see. The Soviets would be unlikely to seek such a capability, and the United States would have little to fear if they did. A campaign of the sort just ascribed would require between fifty and one hundred F-LV launches. During 1982, by contrast, there were just 8 F-LV launches from Baikonur and only 2 from Plesetsk. These launch rates are typical of recent years, and are indicative of the capacity of the vehicle processing and fuel storage facilities at these sites. These facilities would have to be expanded considerably to support a major ASAT campaign, and such an expansion would be readily observable. Since the expansion would not be matched by a commensurate increase in the normal launch rate, it would be an unambiguous sign of breakout.

There are also silos, 18 at Baikonur, and a lesser number at Plesetsk, that are used to launch SS-18's for crew training and reliability checks. These could also support F-LV launches of ASAT's. However, since the F-LV is over 30 feet longer than the SS-18, and has a much different third stage, these silos would need substantial modification to support ASAT launches. The much greater support requirements of the ASAT vehicle itself, compared to the payload of a SS-18, would also necessitate the construction of additional facilities. Thus the use of the silos for ASAT basing would be readily observable. Dedication of these silos to the ASAT role would also remove them from their regular duties, resulting in a changed pattern of activity which could be observable. Additional facilities would be required for training and testing, another observable variable. Furthermore, despite the rapid reload capability of these silos, they will suffer greater damage from a launch than the regular F-LV launch pads, resulting in longer repair times and a lower volume of launches. Since the utility of silo ASAT basing is low, and its verifiability is high, the Soviets are unlikely to purse this option.

A similar conclusion holds for the basing of ASAT's in operational silos. The substitution would be immediately apparent, and any significant deployment would substantially reduce Soviet strategic force levels.

Nor is the Soviet Union likely to use launch vehicles other than the F-LV/SS-18 to launch its present ASAT. Apart from the A-LV and D-LV space launch vehicles, no other Soviet missiles or space launchers can carry a payload as heavy as their ASAT. The A-LV (which is the launcher for Sputnik, Vostok, and Soyuz) is not a likely candidate, since there are fewer than half a dozen launch pads for it, and it uses unstabe, non-storable propellants. And the much larger D-LV (which is based on F-LV technology, and is the launcher for the Salyut space station) has even fewer launch pads. Neither has been tested in the ASAT role, and both would require modifications for such use.

Thus a ban on the deployment of a significant and militarily useful ASAT force could be verified with a high degree of confidence. This is not to say that the Soviets would not be able to hide a small number of F-LV launched ASAT's. But the actual combat potential of such cheating would be very small—the ability to destroy one or two satellites in low orbit over a period of a few days. This threat is of about the same magnitude posed by the maneuverable Soyuz manned spacecraft, or its unmanned Progress counterpart. The Galosh nuclear armed Anti-Ballistic Missile has a similar residual ASAT capability. Neither of these systems is a significant threat, and the ability of U.S. national technical means to detect any ASAT deployment with a capability greatly in excess of this is fairly good.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Ohio. Once again, the gentleman has been terribly well prepared, and I am pleased that we could have a little more illumination of what his amendment would mean.

Mr. LEACH of Iowa. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment, and I commend the gentleman from Ohio for his study and work on this issue. I can think of nothing less to be desired than for the United States and the U.S.S.R. to engage in an arms race in space that resulted in each having the capability to destroy the satellite eyes and ears of the other.

No one in this body is unaware of the crucial role that satellites play in the strategic equation. Space-based early warning and reconnaissance systems provide the national technical means of verifying compliance with arms control agreements. Our orbiting eyes and ears are among the few existing fetters on the nuclear beast. Without these systems, we would be limited

in our ability to monitor crises and unable to detect nuclear tests with confidence. As a consequence, defense planners on both sides would have to make worst-case assumptions about the growth of opposing nuclear arsenals in the absence of reliable information to the contrary. Coupled with the first-strike potential of new systems like the MX and its Soviet counterparts, the increased level of tension and the possibility of surprise attack would require retaliatory forces to be constantly at a state of hair-trigger readiness.

At present, the Soviet ASAT capability is restricted to near-Earth-orbit targets, which include some American reconnaissance, navigational, and weather satellites, but not our most important early warning and communications satellites. Although the Defense Department calls the Soviet ASAT system operational, there is some question about whether it is yet a high-confidence system.

As the gentleman from California (Mr. BROWN) described so well the Soviet ASAT system is not a great threat. I wish the Soviets had not developed it, but we do not serve any good purpose here by ascribing to their system capabilities it does not possess, by imagining a new "window of vulnerability" in space. In fact, I would be far more alarmed if the Soviets had an operational system akin to ours, which can be used virtually without warning to eliminate at one stroke many more targets than the existing Soviet fixed-launch system can. I make that point because if we do not conclude an agreement with the Soviets to stop further ASAT testing, we can be absolutely certain that they will soon have a direct ascent system comparable to ours. The obvious next step for both sides is to expand the reach of these systems to threaten the satellites that are presently safe.

One of the foremost principles of arms control is that it is far easier and more manageable to make agreements prohibiting what has not taken place than to attempt to restrict the same thing after it has already come into being. That problem is compounded by the nature of ASAT weapons, which are small and difficult to distinguish from other systems. We can detect and verify a nontesting agreement, but once a system becomes operational, it would be nearly impossible to verify a nonpossession agreement.

While the existing threat to our satellites does warrant some response, we must ask ourselves what that response ought to be. Does a challenge to engage in a full-blown ASAT effort lessen the vulnerability of our satellites? Would ASAT capabilities have commensurate costs for both us and the Soviet Union given the fact that we have far more sophisticated public and private communications satellites than the rest of the world combined? The negotiating alternative deserves a far closer look than the administration has yet given it.

In this regard, the United States and the U.S.S.R. held three rounds of ASAT talks between 1978 and 1979. They were called off after the Soviet invasion of Afghanistan. Recently, Secretary Andropov has hinted that the Soviet Government is ready to resume serious negotiations, but our own administration has largely demurred.

When we are spending large sums of money to develop systems that we do not want and should not have, I believe that a very convincing case must be offered that there is no alternative. To be told time and again that we need to pursue solitary, often military policies because we cannot expect to succeed in negotiations, and then not even try to succeed in those negotiations is irresponsible behavior unsuited to a world leader.

Space holds exciting prospects for our future. The challenge of our times is to redirect our efforts to realize the potential for space to improve life on Earth rather than devoting enormous resources to devise new technologies to increase the potential of destroying life on the planet. Space should be explored, not exploited.

Here, it must be stressed that it is a myth to assume war in space is an alternative to war on Earth. Far more likely, it would be a prelude to earthly holocaust.

Accordingly, I urge my colleagues to support this amendment which amounts to a modest step toward bringing restraint to a new arms race in space.

Mr. KRAMER. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman from Colorado.

Mr. KRAMER. I appreciate the gentleman's yielding?

Mr. Chairman, I will be very brief. The philosophy that the gentleman states here is a beautiful philosophy, and I think one that no one can disagree with. The gentleman from Ohio made remarks about trying to prevent the overall militarization of space and how destabilizing deploying operations ASAT systems would be. The problem is, the gentleman's remarks and those of the gentleman from Ohio and my fellow Coloradan apply to the world as we wish it were, not to the world as it is.

The fact of the matter is that the Soviets have indeed deployed such a system, and they have had one operational for 10 years and continue to make significant improvements.

The fact is that they do have a capability, through their ocean-surveillance satellites to not only monitor and discover our ocean-going vesssels but to target them from space.

The fact of the matter is that the Soviets have deployed a fractional orbital bombardment system, which is a nuclear weapon that makes a partial orbit in space and comes in at a unique angle and is very, very difficult to detect.

The fact of the matter is that the Soviet laser and particle-beam effort is probable at a level something in the neighborhood of four to five times that of ours.

The fact of the matter is that the Soviets spend about 3 to 1 more than we do on all space activities, $45 billion as opposed to our $15 billion, of which about 85 to 90 percent is at least either totally militarized or at least has dual military and civil purposes.

These are the facts. And it seems to me that, while we ought to go forward in good faith and see whether or not we can indeed do something to prevent the kind of calamity from occurring that the gentleman suggests could occur, if we are going to have the best opportunity to do that, to avoid, as the gentleman says, an exploitation, it seems to me that we have to be on a parity with the Soviet Union and that they have to think that we are serious about not letting their efforts go unanswered. It is only when they perceive that we are unwilling to do that which they are doing that they are likely to try to exploit that differential.

So I think that the best hope for peace, whether it be in space, whether it be in the air, whether it be on the ground, whether it be in the oceans, is for us to demonstrate to them through strength that we indeed are prepared to meet their challenge in the hope of making this a more peaceful world.

Mr. LEACH of Iowa. Mr. Chairman, I appreciate the gentleman's very thoughtful comments, and I would simply conclude with the observation that we all share the goal of successful negotiations. If, however, both sides always take the point of view that you have to develop more than the other side, you never can have negotiations. At some point in time someone has to say, "Let us put an end to this and come together."

I think we have reached that point, especially now that the Soviets are still, by our own Defense Department's own admission, at a rather crude level of development. Let us stop them at a crude level before they get as sophisticated as we are.

□ 1340

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Chairman, when MIRV was first proposed, many scientists, including

some of the same ones who are now warning us on this, warned us as to the dangers of allowing MIRV to go ahead without trying to have an agreement with the Soviets banning MIRV. And some of the scientists who supported development of MIRV now concede that it was a mistake.

Now we are faced with the consequences of the Soviet's huge missiles which can carry as many as 23 MIRV warheads, and we are desperately trying to figure out how to get both countries to work out ways to eliminate multiple-warhead missiles and move toward small, road-mobile missiles with only a single warhead.

The CHAIRMAN pro tempore. The time of the gentleman from Iowa (Mr. LEACH) has expired.

(On request of Mr. SEIBERLING and by unanimous consent, Mr. LEACH of Iowa was allowed to proceed for 2 additional minutes.)

Mr. SEIBERLING. That is because, Mr. Chairman, we now recognize, after we are confronted with the reality—everybody likes to talk about the real world—the reality of MIRV missiles, and we see that it was a mistake, a development which lessened, not increased, our security. Why must we once more have to learn the hard way instead of accepting some scientific advice, particularly when the Soviet side is there practically pleading with us to open negotiations on this. If this is the kind of blind, unthinking reflex that has taken control of our policymaking on matters of such grave significance for human survival, then truly our future is bleak indeed.

I suggest that the traditional military reflex of saying, "Oh, well, they have it, so we have to have it," is doing us a great disservice. We better stop before we go down the road to create another technological monster and end up creating an even more nightmarish world for our children.

Mr. LEACH of Iowa. I appreciate the gentleman's comments.

Mr. Chairman, let me just conclude briefly with one good word for the administration.

Several weeks ago, the administration did indicate that we would be going back to the Committee on Disarmament in Geneva with the willingness to consider further ASAT negotiations. That is a good step forward, and I think all of us, of whatever perspective, have to say to the administration, "Our good wishes are with you. Let us be serious at this time."

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I listen to this debate and the other debates on these issues, I cannot help but feel that the leaders of the Soviet Union kind of smile and laugh up their sleeves, because all the time we debate these issues they continue to build. When we talk, they build; when we build, they build; when we stop, they build; and we talk, and we negotiate, and we cut, and we cut, and we cut, they continue to escalate their military capability.

Over the past 10 years, the past decade, they have outspent the United States of America by $400 billion. That is a fact. $400 billion. What do you think they are building—slingshots?

Let me read to you what Chairman Leonid Brezhnev said about a decade ago:

> Trust me, comrades, for by 1985 we will have achieved most of our objectives in Western Europe. We will have consolidated our position. We will have improved our economy. And a decisive shift in the balance of forces will be such that come 1985, we will be able to exert our will whenever we need to.

I do not think there is anybody in this Chamber, in this Congress, who wants to expand the nuclear capability of the countries of this world to the point where we might face a nuclear holocaust. But at the same time, I think if we are rational and if we are realistic, we must realize that the only way to deter aggression on the part of the Soviet Union, our adversary, is to be strong.

They are already working on the ASAT program. They have been for a long, long time. While they are perfecting theirs, we argue in this Chamber and nothing is accomplished. I think it is time to give the President of the United States the tools that he needs, the tools that are necessary to make sure that we can bring about meaningful disarmament treaties at Geneva. We cannot ask him to go over there with nothing in his hands with which to negotiate a treaty. I believe, and I submit to you from past history, that the only way we are going to get these kinds of agreements achieved is to be strong. Our President wants to be strong, and we need to give him the tools to do that.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, believe me, I am reluctant to get involved in this debate. We went through it a few weeks ago on an amendment which was not the same, as the gentleman from Ohio points out, but raised the same issues: whether we should expand the military weapons race into space.

I felt that that debate had some use in exposing the issue to the general public. I doubt if it changed very many views here on the floor of the House, and I say that based upon about 20 years of experience in listening to these debates.

I have heard my distinguished colleague from New York argue for increases in military expenditures and new weapons systems for all that time on the same theory so ably espoused by the last gentleman in the well, that we had to be strong, that we could only count on the other side negotiating when we were strong. Of course, their definition of strong generally is that we have a preponderance of military strength in whatever the area may be.

Now, it so happens that 20 years ago we did. We had overwhelming superiority in missiles and nuclear systems of all sorts, and he did not want to negotiate then for an end to the arms race, and he does not want to now.

The arguments are generally the same. These learned members of the Committee on Armed Services, with their esoteric knowledge of strategic systems analysis in which we continue to devise systems that will not work against threats that do not exist, come back to us with the same arguments all the time. It does not matter what the system is. It can be ASAT, it can be ABM's, it can be anything. The arguments are basically the same.

If you feel that we are a great peaceloving nation on which the rest of the world, including our enemies, can depend to do what is right, then obviously what is the harm in our having preponderant military strength; trust us, we are going to do the right thing.

The unfortunate thing is that all the rest of the countries, and particularly our enemies, look at it exactly the same way. They say, "Look, we think what we want to do is right for the world. Trust us and let us have preponderant military strength." Each side looks at the other side through this mirror image of the other, and so we keep on with an arms race.

Now we want to transfer that race into space, and we are about to do it with the ASAT. We are already into space in a large way in military systems, and I do not object to it. Basically, as the gentleman from Ohio has pointed out, these are confidence-building systems, they are stabilizing systems, they are force-extending systems. They relate to war on Earth, not to war in space.

I have gone along with this, and believe me, I have gone along with it for a long time, because the American space program has always been a military program. It started as a military program. The civilian program was allowed to go along on sufferance from the military, and still is. I regret that. I think we ought to do more with civilian-space programs and I look for ways in which my friends on the Committee on Armed Services will agree with me on this and help us to become the greatest space power in the world, but in programs that benefit all of mankind, which is why we originally developed the civilian space program.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I will be happy to yield to my friend, the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman has made a very fine statement. I would just like to come back to one thing. The gentleman from Iowa referred to it and said that there were some multilateral negotiations going on in Geneva, including the negotiations on space weaponry.

The gentleman from Indiana said, "Well, we should have the weapons first, and then negotiate." What he misses is that once we have flight-tested an ASAT, there will be nothing left to negotiate, because after that there will be no means of verifying the deployment of the ASAT. That is the crux of this matter. That is why I have offered this amendment, and whether it passes or not, if it just sharpens our thinking a little bit on that subject, that will be a plus.

□ 1350

Mr. BURTON of Indiana. Mr. Chairman, since I was mentioned, I would like to ask the gentleman a question.

Mr. BROWN of California. I did not mention the gentleman by name. I did by reference, however.

I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, as I understand it from the debate, the Soviet Union has been working on this system for how long, 10 years?

Mr. SEIBERLING. Not this system; that is a much cruder, more easily monitored system.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. BROWN) has expired.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 5 additional minutes.)

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, the point I am trying to make is that it seems so one-sided. The gentleman keeps saying we should not do it when they already have. That is the problem with many on the gentleman's side of the aisle.

Mr. BROWN of California. Mr. Chairman, may I reclaim my time from the gentleman because he made a flagrantly erroneous statement which I would like to correct.

Mr. BURTON of Indiana. The gentleman has the time.

Mr. BROWN of California. Mr. Chairman, the gentleman is apparently unaware of the fact that it was our esteemed and beloved Democratic President, John F. Kennedy, who ordered the United States to start building an ASAT more than 20 years ago. We had an operational ASAT system deployed over 10 years ago. We are not virgins in this field. We are not just finding out that those nefarious, evil people on the other side of the world have suddenly crept up on us.

We started a system a generation ago. We had one fully deployed up until 1975, and we took it out of service. We have now hundreds of millions of dollars being spent on the same kind of research that the other side is doing on third, fourth, and fifth generation ASAT systems.

The gentleman should not try to make it look like all of a sudden we are caught by surprise by this crude effort that they have made.

The gentleman probably knows that they think—and I cannot understand how they would think this—that our maneuverable space vehicles which have the capability of projecting force in space are ASAT weapons—things like the shuttle, for example. The gentleman knows that is not the case, but he would have a hard time convincing our friends in Russia of that because they do not look at things the way he does.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield further?

Mr. BROWN of California. I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I would like to finish my one train of thought, if I may.

First of all, I do not consider our adversaries in Russia as my true friends. I wish they were, because if they were, we would have meaningful negotiations in Geneva. But the fact of the matter is, as I said in my floor statement, that they have outspent us on military hardware and advancement in technology in a military way by over $400 billion over the past decade.

Now, they are not making slingshots with that. They are doing exactly what we talked about on this floor. They are expanding their nuclear arsenal, their ICBMs, and their ASAT program. So to think that we should unilaterally stop when they continue to go forward, I think, would be suicidal.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield once more?

Mr. BROWN of California. Let me just respond to the gentleman first, and then I will yield further.

Mr. Chairman, I think the gentleman is correct. I doubt if they are making slingshots. But the analyses of their expenditures and their launches in space, with which I am more familiar than their military expenditures, every analysis I have seen indicates that this preponderance of launches and preponderance of launch weight is a reflection of the weakness in their program, that they do not have the capability in space that we do, and they have to launch more and launch more weight because they have such a crude, inadequate system. Every analysis I have seen indicates that.

Mr. Chairman, I would now be glad to yield to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I would like to reiterate that I am sorry that there seems to be such a fixed state of mind on the part of some of the ASAT advocates. These advocates argue that we should go ahead and build a weapons system whenever the Soviets build one. They would do that, in this case, without even making an effort to see if we can reach an agreement to prevent both superpowers from going ahead before passing the point where they lose the ability to make such an agreement. I think that is the real issue on this amendment.

Mr. BROWN of California. Mr. Chairman, if I may proceed, I am going to suggest an alternate military strategy. I am not a military strategist. I know very little about it, and I do not really like to think about it too much. I am a peace strategist, and all the Members know that.

We have adopted in Europe this kind of a strategy. We know we are outnumbered there, like we claim we are outnumbered in space because they have this operational system. So what are we proposing? It is not that we put 40,000 tanks over there, which they have; it is not that we put another million soldiers over there, which they have. No, we are going to do something different. It is not tit for tat here. We are going to escalate through the use of tactical nuclear weapons if they use that force.

Why not do that in space? We know when they launch one of those things, and we know if they knock down one of our satellites. And I might say, incidentally, that the claim was made by some Member over here that they are going to knock out all of our resources, our communications satellites. Their systems cannot come within 15,000 miles of our communications satellites. The Members know that. They are in geostationary orbit. Their system will not extend or will not get beyond a few hundred miles above the Earth's surface. They cannot begin to knock out our communications satellites.

So let us adopt another policy. We are afraid they are going to target our naval task force with their Molviyd satellite, which has a radar capability and is nuclear power. So if they threaten that, if they threaten one of our task forces, why do we not just knock out one of their naval task forces? We can do that.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. BROWN) has again expired.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 5 additional minutes.)

Mr. BROWN of California. Mr. Chairman, if they really pursue an aggressive action, we can knock out their launch pad with a cruise missile. It is very easy to do. We know precisely where they are, and we have the capability.

So instead of spending what the GAO says would be spent to accomplish the mission that the Joint Chiefs have given, $10 to $15 billion, why not just do what we are doing in Europe in our strategic analysis anyway? We could say, "If you threaten to knock out one of our satellites, we will take out the launch pad." That should be sufficient.

Mr. Chairman, does the gentleman wish to argue strategic policy with me? If he does, I yield to the gentleman from Colorado (Mr. KRAMER).

Mr. KRAMER. Mr. Chairman, I thank the gentleman for yielding?

I do not know if I would care to argue the gentleman's strategic policy, because, like the gentleman, I do not claim to be an expert on those kinds of things. But I thought the whole level of effort of what this country was trying to do was to move away somehow from that which is the unthinkable, the nuclear reaction.

Mr. BROWN of California. Mr. Chairman, if the gentleman will allow me to proceed, I would ask, is that why we are proposing to use nuclear weapons against a tank attack? Because we do not want to cross the threshold?

Mr. KRAMER. Mr. Chairman, will the gentleman yield further? I do not want to use too much time, and I do not want to intrude on the gentleman's time.

Mr. BROWN of California. No; that is all right. I yield to the gentleman from Colorado.

Mr. KRAMER. Mr. Chairman, it seems to me that we could consider the gentleman's point about doing away, for example, because we were no longer virginal, with the Spartan, which required a massive nuclear warhead to be functional. To try to find something a little more sophisticated of a nonnuclear type which would allow more flexibility, to me, moves toward peace, not away from it, because whenever we have to rely on that nuclear response, obviously the threshold that the gentleman from California (Mr. DELLUMS) has so eloquently expressed concern about on so many occasions, is more rapidly approached.

I would not disagree that perhaps the Soviets' capability as it now exists is inferior to our ASAT capability, as we hope it will exist when it is deployed perhaps in 1986 or 1987. But I would point out that it is not quite as crude as perhaps some would believe.

This material comes from a recent issue brief from the Congressional Research Service. It points out that these tests have been operational since 1968, which means that basically we are looking right now at 15 years of Soviet testing of this system. It points out that if we want to measure success, 13 of the 20 tests that they have made have been successful, and the measurement in that interpretive factor is whether or not this ASAT system could come within 1 kilometer of the target, and they have been successful on 13 of 20 occasions. Their best test has reached altitudes as high as 1,400 miles.

□ 1400

So theoretically, anyway, they could operate and threaten and take out reconnaissance meteorology and transit navigational satellites, which does present some risk to us that I think we ought to at least be concerned about and think about.

I do appreciate the gentleman yielding.

Mr. BROWN of California. In the earlier debate on this subject 6 weeks ago, I presented a chart showing the satellites which the Russian system could reach. It is true it can reach up to 1,400 miles and it is true that most of our space assets are at 22,500 miles, so that it really does not threaten them that much.

Now, I think there is some question as to whether the system actually is operational. The way we determine whether something is operational is by fiat. In this particular case, the original criteria was that they were able to maneuver within I think the 1 kilometer range and then carry out some destructive tactic.

My understanding is that the Joint Chiefs changed their criteria from 1 to 10 kilometers and all of a sudden they found that the Russian system was operational, and they declared it operational based on a change in the standards.

Now, that is a very small point, but it demonstrates the way that strategic analysis is conducted in the Pentagon. You define the situation that you want to cope with. You define the threat in whatever way you want. You define the characteristics of the system that you want and then you come down here and say that national security depends upon it, and we sit here and take it.

Mr. NELSON of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had gotten interested in this particular weapons system to find out what its capabilities are. I requested and received permission to go from the Air Force and fly on the F-15 in the ASAT profile, the profile of which we will launch from a missile hung underneath the fusilage of the F-15 and insert this particular system into the proper orbit.

Now, the Soviets have had this capability since the late 1960's.

The gentleman from California (Mr. BROWN) has raised the issue about if a lot of the more likely targets would be out in geosynchronous orbit 22,300 miles, what does this capability give us?

Well, if the Soviets have this capability, and have had it operationally for the last 15 years, and they could knock out certain satellites that we might have that would give us data about a particular battlefield area or weather satellites that would give us data that would be necessary to a certain battlefield theater, then for us not to pursue the research and development and production of the similar capability, I think, is for us not to face the facts of what we ought to do.

Additionally, being very careful in what I say now not to cross the lines of classification, but should we think that our system is such that you are going to go up and have a big explosion in space, that is not the system that we are developing and I would draw the line right there as to the statement.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. NELSON of Florida. I will be happy to yield.

Mr. BROWN of California. The gentleman has not come anywhere close to the line of classification. The whole description of the system has been published in the public press.

Mr. NELSON of Florida. Well, I understand what has been published in Aviation Week and Space Technology, but that does not necessarily mean that it ought to be published nor that we as Members of Congress should be stating anything about that. I am aware of that and I appreciate the gentleman's comments.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. NELSON of Florida. Yes. I am happy to yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I have before me the Federation of American Scientists analysis of whether the Soviet Union has an operational ASAT. Let me just read a couple sentences from it:

> The Soviet ASAT is not operational in any meaningful sense of the term as it is commonly used in the United States. The Soviet's ongoing search for a satisfactory guidance system and a more direct intercept trajectory indicates the experimental nature of the Soviet ASAT.
>
> Although Defense Secretary Weinberger continues to credit the Soviets with an "operational" ASAT capability, the pattern of testing suggests that the Soviets do not share his assessment. In coming years, the introduction of evasive maneuvering techniques and the migration of American satellites to orbits beyond the range of the Sovi-

et's ASAT will further diminish the significance of this marginal system.

Would the gentleman care to comment on that?

Mr. NELSON of Florida. Mr. Chairman, I thank the gentleman for raising that. Every introduction, every briefing, every available information that I have been able to acquire on this system from people whose judgment I respect is that the Soviets have had a system that has been operational for at least a decade.

● Mr. MARKEY. Mr. Chairman, I rise in support of this amendment to prohibit the use of research and development funds for flight tests of antisatellite weapons until authorized by Congress.

Mr. Chairman, we are facing two dangerous arms races.

One arms race has been proceeding for more than 30 years. As we all know, that is the nuclear arms race.

The other arms race is one we are just about to begin. And that is the arms race in space.

We have an opportunity to halt this arms race before it gains a momentum none of us will ever be able to overcome.

We therefore are presented with a unique opportunity today with the gentleman from Ohio's amendment to begin to reverse a march toward an arms race in space before it gets off the ground.

Both countries are now developing weapon systems designed to destroy each others' military satellites.

Because U.S. military satellites serve vital national security functions, it is in our interest to constrain threats to these satellites.

Developing advanced ASAT systems will not prevent U.S. satellites from becoming increasingly vulnerable. Only by limiting Soviet ASAT capabilities can we accomplish this.

The only way to limit Soviet advances in ASAT weaponry is through a negotiated agreement.

But the United States is about to test and deploy a new, highly sophisticated and lethal antisatellite weapon that could cripple our chances of ever reaching such an accord.

Up until now, ASAT's have been rather primitive systems offering only limited military utility. The United States was the first to deploy ASAT's in the early 1960's, when the U.S. stationed ASAT's on two military bases in the Pacific.

These weapons were large, nuclear-tipped rockets which—if detonated in the general vicinity of the Soviet satellites—could have effectively destroyed important Soviet military space assets. These rockets were dismantled in the mid-1970's, however, because nuclear explosions in outer space would also have destroyed our own satellites.

The Soviet Union began its ASAT program in 1968, and has since conducted some 20 tests against space targets.

The killer satellites, however, have not been a success for the Soviets. Nearly half of them have been failures.

The U.S. Air Force, however, will soon begin space testing a state of the art antisatellite weapon more sophisticated, versatile, and accurate than any previous ASAT system. Once deployed, this weapon will pose a serious destabilizing threat.

This weapon will only add fuel to a United States-Soviet arms race in space.

We should stop this race.

The United States and the Soviet Union should engage in negotiations to control these dangerous space-based technologies before they are deployed.

The United States must realize that our best defense in space lies at the negotiating table—not in building these dangerous new weapons.●

● Mr. BROWN of California. Mr. Chairman, i rise in support of the Seiberling amendment to the Department of Defense fiscal year 1984 authorization bill, which would prohibit the use of funds under title II for flight testing of antisatellite weapons.

The Seiberling amendment would prohibit flight testing of antisatellite weapons while not actually cutting research funds. The Congress, needless to say, will be perfectly free to authorize resumption of testing should time and experience indicate that a treaty banning deployment of ASAT's is not workable or desirable. The Seiberling amendment will give the Congress and the President time to evaluate the potential for an ASAT treaty, while not prejudging the success of the talks or boxing the United States into any position to its disadvantage.

The United States will begin flight testing of a sophisticated ASAT system later this summer and against actual targets in space sometime this winter. Once we conclude this process, a treaty banning ASAT's will be next to impossible to verify; we will have essentially destroyed our negotiation option. If we are to derail an arms race in space, it must be done now. A suspension on testing now will give us the time and set the framework for meaningful negotiations with the Soviet Union to ban space weapons. A wise man once said, "If we do not change our direction, we are going to end up where we are headed." This is an opportunity to change our direction and slow the momentum to place weapons in space.

The administration has correctly pointed out that a treaty banning the deployment of ASAT's would be very difficult to verify. A test ban, however, is much easier to verify. The Soviet ASAT is launched into orbit on a modified version of the SS-9/SS-18 ICBM known as the F-LV. The launch is readily observable to the defense support program early warning satellites. Once in orbit the satellite is tracked by a variety of ground-based radars and cameras. The intercept maneuvers are readily distinguishable from the activities of other satellites. Because of these unique characteristics, Soviet testing of their ASAT system could be readily verified. In fact, we know quite well how many tests the Soviet Union has already conducted. But the U.S.-deployed system would be hard for the Soviets to detect. Our system is launched from the underbelly of a modified F-15 fighter—from a Soviet perspective, any of our F-15's could be viewed as potentially carrying an ASAT weapon. And once our testing cycle is completed, the Soviets will have no faith in or incentive for negotiating a ban on these weapons because of the difficulty they would have in verifying our compliance with such a treaty. This is why we should adopt the Seiberling amendment.

This whole discussion reminds me of the ABM Treaty negotiations that we signed in 1972. An interesting analogy should be drawn between where we are now with respect to an arms race in space, and where we were in the 1960's with regard to the development of an ABM system. The ABM Treaty, in my mind, is a prime example of the ability of both the Soviet Union and the United States to stop a major weapons race, potentially expensive and very dangerous, before it starts. I only hope we can show the same foresight in the arms race that seems to have started in space. If we suspend testing of the U.S. system, I am optimistic that the Soviets would be willing to do the same. The Soviets suspended testing of their system at two times in the past—during the SALT negotiations in the early 1970's, and from May 1978 to April 1980, during the bilateral ASAT negotiations.

Mr. Chairman, I urge adoption of the Seiberling amendment.●

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. SEIBERLING).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SEIBERLING. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 275, not voting 16, as follows:

[Roll No. 264]

AYES—142

Ackerman	Barnes	Biaggi
Addabbo	Bates	Boggs
Albosta	Bedell	Bonior
Aspin	Beilenson	Borski
AuCoin	Berman	Bosco

Boucher	Hoyer	Rahall
Boxer	Jeffords	Rangel
Brown (CA)	Jones (NC)	Ratchford
Burton (CA)	Jones (OK)	Richardson
Carper	Kaptur	Roe
Carr	Kastenmeier	Roukema
Clarke	Kennelly	Roybal
Clay	Kildee	Russo
Collins	Kogovsek	Sabo
Conyers	Kostmayer	Savage
Cooper	Lantos	Scheuer
Coughlin	Leach	Schneider
Coyne	Lehman (CA)	Schroeder
Crockett	Lehman (FL)	Schumer
D'Amours	Leland	Seiberling
Dellums	Levin	Sikorski
Donnelly	Levine	Snowe
Dorgan	Long (LA)	Solarz
Downey	Lowry (WA)	Stark
Durbin	Markey	Stokes
Dwyer	Martinez	Studds
Dymally	Mavroules	Swift
Early	McHugh	Synar
Edgar	McKinney	Towns
Edwards (CA)	McNulty	Traxler
Evans (IL)	Mikulski	Udall
Fazio	Miller (CA)	Vento
Ferraro	Mineta	Volkmer
Foglietta	Minish	Walgren
Ford (MI)	Mitchell	Watkins
Ford (TN)	Moakley	Waxman
Forsythe	Moody	Weaver
Frank	Morrison (CT)	Weiss
Garcia	Mrazek	Wheat
Gephardt	Neal	Williams (MT)
Gore	Oberstar	Wirth
Gray	Obey	Wise
Guarini	Olin	Wolpe
Hall (IN)	Ottinger	Wyden
Hall (OH)	Owens	Yates
Harkin	Panetta	Zschau
Hertel	Pease	
Howard	Penny	

NOES—275

Akaka	Dannemeyer	Hansen (ID)
Alexander	Daub	Hansen (UT)
Anderson	Davis	Harrison
Andrews (NC)	de la Garza	Hartnett
Andrews (TX)	Derrick	Hatcher
Annunzio	DeWine	Hefner
Anthony	Dickinson	Hightower
Applegate	Dicks	Hiler
Archer	Dreier	Hillis
Badham	Duncan	Holt
Barnard	Dyson	Hopkins
Bartlett	Eckart	Horton
Bateman	Edwards (AL)	Hubbard
Bennett	Edwards (OK)	Huckaby
Bereuter	Emerson	Hughes
Bethune	English	Hunter
Bevill	Erdreich	Hutto
Bilirakis	Erlenborn	Hyde
Bliley	Evans (IA)	Ireland
Boehlert	Feighan	Jacobs
Boland	Fiedler	Jenkins
Boner	Fields	Johnson
Bonker	Fish	Jones (TN)
Breaux	Flippo	Kasich
Britt	Florio	Kazen
Brooks	Foley	Kemp
Broomfield	Fowler	Kindness
Brown (CO)	Franklin	Kolter
Broyhill	Frenzel	Kramer
Bryant	Frost	Lagomarsino
Burton (IN)	Fuqua	Latta
Byron	Gaydos	Leath
Campbell	Gejdenson	Lent
Carney	Gekas	Levitas
Chandler	Gibbons	Lewis (CA)
Chappell	Gilman	Lewis (FL)
Chappie	Gingrich	Lipinski
Cheney	Glickman	Livingston
Clinger	Gonzalez	Lloyd
Coats	Goodling	Loeffler
Coleman (MO)	Gradison	Long (MD)
Coleman (TX)	Gramm	Lott
Conable	Green	Lowery (CA)
Conte	Gregg	Lujan
Corcoran	Gunderson	Luken
Courter	Hall, Ralph	Lungren
Craig	Hall, Sam	Mack
Crane, Daniel	Hamilton	MacKay
Crane, Philip	Hammerschmidt	Madigan
Daniel	Hance	Marlenee
Marriott	Pepper	Smith, Robert
Martin (IL)	Petri	Snyder
Martin (NC)	Pickle	Solomon
Martin (NY)	Porter	Spence
Matsui	Price	Spratt
Mazzoli	Pritchard	St Germain
McCain	Pursell	Staggers
McCandless	Quillen	Stangeland
McCloskey	Ray	Stenholm
McCollum	Regula	Stratton
McCurdy	Reid	Stump
McDade	Ridge	Sundquist
McDonald	Rinaldo	Tallon
McEwen	Ritter	Tauke
McGrath	Roberts	Tauzin
McKernan	Robinson	Taylor
Mica	Roemer	Thomas (CA)
Michel	Rogers	Thomas (GA)
Miller (OH)	Rose	Torres
Molinari	Rostenkowski	Torricelli
Mollohan	Roth	Valentine
Montgomery	Rowland	Vander Jagt
Moore	Rudd	Vandergriff
Moorhead	Sawyer	Vucanovich
Morrison (WA)	Schaefer	Walker
Murphy	Schulze	Weber
Murtha	Sensenbrenner	Whitehurst
Myers	Shannon	Whitley
Natcher	Sharp	Whittaker
Nelson	Shelby	Whitten
Nichols	Shumway	Wilson
Nielson	Shuster	Winn
Nowak	Siljander	Wolf
O'Brien	Sisisky	Wortley
Oakar	Skeen	Wright
Ortiz	Skelton	Wylie
Oxley	Slattery	Yatron
Packard	Smith (FL)	Young (AK)
Parris	Smith (IA)	Young (FL)
Pashayan	Smith (NE)	Young (MO)
Patman	Smith (NJ)	Zablocki
Patterson	Smith, Denny	

NOT VOTING—16

Coelho	Hawkins	Rodino
Daschle	Heftel	Shaw
Dingell	LaFalce	Simon
Dixon	Lundine	Williams (OH)
Dowdy	Paul	
Fascell	Perkins	

□ 1420

The Clerk announced the following pairs:

On this vote:

Mr. Rodino for, with Mr. Heftel of Hawaii against.

Mr. Hawkins for, with Mr. Shaw against.

Mr. FRENZEL and Mr. BRITT changed their votes from "aye" to "no."

Ms. FERRARO and Messrs. GUARINI, JONES of Oklahoma, LONG of Louisiana, and SCHUMER changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. PRICE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MATSUI, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2969), to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. So that the Members may be informed, at this time the Chair will recognize the gentleman from California (Mr. BEILENSON) to bring up the rule on IMF and related Federal grants and loans, and following that the Committee of the Whole House on the State of the Union will resume consideration of the bill, H.R. 2969, defense authorization.

PROVIDING FOR THE CONSIDERATION OF H.R. 2957, INTERNATIONAL RECOVERY AND FINANCIAL STABILITY ACT

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 249 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 249

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2957) to extend the authority of the Export-Import Bank of the United States, encourage balanced worldwide economic growth, provide for continued participation in the International Monetary Fund, strengthen the supervision of international lending by United States banks, and provide for continued United States participation in multilateral development banks, the first reading of the bill shall be dispensed with, and all points of order against the consideration of the bill for failure to comply with the provisions of section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs, the bill shall be read for amendment under the five-minute rule by titles instead of by sections and each title shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one, motion to recommit. After the passage of H.R. 2957, the House shall proceed, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, to the consideration of the bill S. 695, and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions con-

tained in the text of the bill H.R. 2957 as passed by the House.

□ 1430

The SPEAKER. The gentleman from California (Mr. BEILENSON) is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 249 is an open rule providing for the consideration of H.R. 2957, International Recovery and Financial Stability Act. The rule provides for 2 hours of general debate to be equally divided between the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs.

The rule waives points of order under section 402(a) of the Congressional Budget Act which prohibits consideration of any bill which authorizes the enactment of new budget authority for a fiscal year unless that bill has been reported on or before May 15, preceding the beginning of such fiscal year. The waiver is necessary because the bill contains the texts of H.R. 2832, Multilateral Development Bank Act of 1983; H.R. 2842, Export-Import Bank Act Amendments of 1983; and H.R. 2930, International Economic Recovery and Financial Stability Act, all of which violate section 402(a) in their original bills as reported by the Banking Committee by including fiscal year 1983 authorizations. Also H.R. 2832, Multilateral Development Bank Act of 1983, title V of this bill, specially section 503 of said title, is to take effect upon enactment of the bill, and consequently the bill should have been reported by May 15, 1982.

The resolution provides that the bill be read by titles instead of by sections, with each title being considered as read. Upon conclusion of consideration of the bill, one motion to recommit is in order.

Mr. Speaker, after passage of H.R. 2957, the rule provides that the House proceed to consideration of S. 695 and waives section 402(a) of the Congressional Budget Act against consideration of S. 695. The resolution provides for a motion to strike out all after the enacting clause of S. 695 and insert in lieu thereof the text of H.R. 2957 as passed by the House.

Mr. Speaker, H.R. 2957 is best characterized as the "omnibus" international banking bill, as it combines the texts of H.R. 2832, Multilateral Development Bank Act of 1983, H.R. 2842, Export-Import Bank Act Amendments of 1983; and H.R. 2930, International Economic Recovery and Financial Stability Act, that is, International Monetary Fund (IMF) increase. All the above bills were independently reported out of subcommittee and full committee. The bills were packaged together in an effort to expedite the passage of H.R. 2842, Export-Import Bank Act amendments and H.R. 2832, Multilateral Development Bank Act. As the increase in funding level for the International Monetary Fund is a major priority of the administration, the combining of these three separate but interrelated bills is seen by the Banking Committee as a prudent and efficient way to help insure their passage.

This bill contains five titles overall: Title I is the Export-Import Bank extension, title II seeks to promote world economic recovery, title III authorizes continued U.S. participation in the International Monetary Fund, title IV strengthens international lending supervision, while title V authorizes continued U.S. participation in the Inter-American Development Bank, the Asian Development Bank, and the African Development Fund. There is no substantive difference between this legislation and the three House bills that the Banking Committee has reported separately.

Mr. Speaker, I know of no opposition to this rule and urge adoption of House Resolution 249. I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Rules Committee granted three separate rules on the three separate bills embraced in this one bill and that is H.R. 2957, the International Recovery and Financial Stability Act.

I was hoping that the committee would bring the measures up separately so the House would have an opportunity to support the provisions of the measure they prefer. However, it will be before us as a package when it is debated on the floor of the House. Fortunately this is an open rule. Anyone who wants to present amendments can do so, even to cut out certain sections of the bills, or one of the bills in its entirety.

Mr. Speaker, we all know that the nations of this world have borrowed heavily many times and are in financial difficulty. This measure pumps new money into the system to help these other nations.

And the word I have is that something must be done to help our stability throughout the world.

Historically I have always been against foreign aid. I will make a judgment on the measure when it is debated on the floor of the House.

Mr. Speaker, I do not object to the rule. I urge the passage of the rule.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Do I understand correctly from the remarks made previously by the gentleman from California that there are some rather major budget waivers in this particular rule because of the relationship to the three or four bills that are before us for consideration; is that correct?

Mr. QUILLEN. There are waivers. The Budget Act, for instance, and the gentleman is absolutely correct.

Mr. WALKER. And these are waivers which in fact say that we are not going to discipline ourselves as the Budget Act would require; is that correct?

Mr. QUILLEN. I would say yes, although the budget chairman gave the Rules Committee a letter authorizing the waiver.

Mr. WALKER. If the gentleman would yield further, I have understood that the Budget Committee did send that kind of a letter. From my viewpoint that does not give me very much confidence that the Budget Committee is willing to submit to the kind of discipline that the budget contains, but I do understand that that is available.

I would intend though to get a vote on the rule based upon the fact that these budget waivers are contained within it.

I thank the gentleman.

Mr. ST GERMAIN. Mr. Speaker, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Rhode Island.

Mr. ST GERMAIN. I thank the gentleman for yielding.

Mr. Speaker, I would like to bring out the fact that the committee has been working in concert, in cooperation with, and at the request of the administration. I am talking now about the President himself, who had me and the gentleman from Ohio (Mr. WYLIE) down to his office, asking for our assistance in having this legislation enacted.

The administration also is aware of the budget waivers and they support same for this legislation. I find myself in a position here, as chairman of the committee, on this side of the aisle, attempting to comply with the wishes and the requests of the President of the United States himself.

I am hopeful that as many Members on that side of the aisle as possible would also support their President in this instance.

Mr. QUILLEN. I thank the gentleman for his contribution. And the gentleman is exactly right. The reason the measure is brought up as a package, I understand that it was a request of the administration.

Mr. Speaker, I would like to inform the gentleman from California that I have five additional requests for time.

Mr. BEILENSON. The Member from California would like to advise the gentleman from Tennessee that we, at

this point, do not have further requests for time.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Speaker, I rise in strong support of this rule and the bill which it supports. In light of the current global and domestic economic situations, I enjoin my fellow Members to carefully consider the significance of this bill and the necessity of its passage.

H.R. 2957, I think, is one of the most important pieces of legislation in the international financial area that we have had in several years and I think its passage is crucial to the successful recovery of, not only the developing world, but also industrialized countries like the United States.

This bill underscores the need for global economic recovery and sustained economic growth and the key role which the United States has played in the economic recovery in other areas of the world.

The interdependence among nations is such that the economic well being of the United States relies heavily upon the rest of the world and while the strength of the American economy also has a profound impact on the rest of the world economy, the world economy has a strong impact on ours.

□ 1440

Now, I call it a jobs bill. Last year, world imports dropped by $42 billion, mostly because of cash flow problems. IMF provides bridge financing. It has in the past, it did after World War II, and because of our position, we are the dominant player in the area. But statements from the U.S. Treasury and the Commerce Department indicate that from 1978 to 1980, three-fourths of the growth in the U.S. gross national product was directly attributable to the rapid growth in our international trade sector.

In 1981 and 1982, most of the decline in the U.S. GNP can be attributable to the worldwide decline in trade.

More than 1 million jobs have been lost in the last 2 years due to the decline in U.S. exports. One out of three acres of farmland produces crops for export, Mr. Speaker. One out of every seven jobs in manufacturing is related directly to U.S. exports.

Obviously, the United States has a strong interest in insuring that the international economy remains strong, open, and fundamentally healthy, and I think this bill will do that.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. McCollum.)

Mr. McCOLLUM. Mr. Speaker, I rise in opposition to this rule, even though I realize that it is an open rule and it can be amended at any point.

The reason for my opposition is the consolidation of three bills, three distinctly different subject matters, in one hat. I happen to support one of these, and I very strongly believe that the Export-Import Bank legislation and amendments thereto are essential to the well-being of our country and they are in perfectly good order. They include in them provisions that I have strongly supported in an amendment in the subcommittee and in the Committee for Small Business set-asides and in general provide an excellent direction for the Export-Import Bank for the future.

As far as the multilateral development portion of this bill, I do not support it. But more important to me is the fact that the International Monetary Fund quota increase is combined in this one bill. It is not an issue which has yet been fully debated and it will be, of course, presumably after a rule is granted. But in the process of the debates we have had so far, it has become clear there is a lot of emotionalism and not a lot of reason in the process of framing the arguments.

On the one hand, there are those who are saying that we ought to have the $8.4 billion quota increase, permanent quota increase, because we have a world debt crisis and because if we do not, the sky is going to fall and the world monetary system and the economy and the trade of our country are going to collapse. And that is a very emotional and, I submit to you, a highly suspect argument in the extreme that is presented.

On the other hand, we have a lot of people who are arguing that we ought to vote against this bill, this legislation, because it is going to bail out the big banks. And while it may have, to some extent, the effect of that sort, because they certainly overextended themselves, that is a highly emotional issue and I do not think that it is the key criteria upon which we should be deciding this issue.

The International Monetary Fund legislation and quota increase should not be passed by this body, in my judgment, for the very simple reason that the system, the current operation of the International Monetary Fund, is not being done in a way that is in the best interest of our country and the manner of U.S. participation needs change. We have not pressed forward for the necessary changes in that system in a manner and in a way that I think many of us believe that we should, and because there are other reasonable and responsible ways which the International Monetary Fund can act to provide the stopgap measures necessary in any crisis situation with countries like Brazil and countries in the Latin American region. I believe we should defeat the pending legislation and proceed in an orderly process to reform these matters as expeditiously as possible.

To give you an example of what I am talking about, the International Monetary Fund has the power, instead of getting a permanent quota increase of U.S. dollars of $8.4 billion and taking that directly out of our economy, which, although it is not on the budget, it is just as much a bad thing as borrowing to cover the deficit—when you borrow $8.4 billion you take it out of the available financial resources for America's individuals and business interests, for loans and business expansion and job creation—instead of doing that the IMF could go out on the open market, like the World Bank, and borrow this money directly itself.

Now, there are arguments against that, for one reason or another, but, basically, it could do that, and there is no denying that that is one option that it has in the case that a crisis is really there.

Second, the IMF has a considerable amount of gold. And there has been a lot of talk about that gold that the IMF possesses as assets. It could sell the gold, although I do not know that I want to advocate that. But it certainly could use that gold in one form or another to collateralize the debt of troubled countries of the world or to borrow or to extend debt obligations or to do a lot of things.

And there is a third option that the IMF has.

Mr. KEMP. Mr. Chairman, will the gentleman yield on the point of gold?

Mr. McCOLLUM. Yes, I yield to the gentleman from New York.

Mr. KEMP. Mr. Speaker, I have been sitting here listening to the comments of the gentleman. They are well-reasoned and well-articulated, and I think the gentleman is doing this body a great service by bringing to the attention of the body that there are some systemic problems that need to be addressed and that just going in and raising the quota by 50 percent is not necessarily an answer, indeed it might very well exacerbate the problems.

But the gentleman brings up the role of gold. I have been one who has been suggesting not that the gold needs to be sold, but there are $45 billion of gold resources in the IMF that could be used exactly for the purpose the gentleman has identified, which is to collateralize restructured debt, restructured loans to Third World countries.

I am not unsympathetic to Mexico or Brazil—I know the gentleman in the well is not either—and it seems to me that they need help in restructuring their debt so it reduces the drain on resources and obviously gives them a chance to grow out from underneath that debt, and part of the problem is that the IMF has been totally and quite obstinate about using any of the

resources to use as collateral against which we could restructure new debt, new loans. That is done every day in marketplaces. It seems to me that the gentleman has made an outstanding contribution to this debate and I want to compliment him.

Mr. McCOLLUM. I thank the gentleman.

Mr. KASICH. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Speaker, I would like to join my distinguished colleague, the gentleman from New York, in praising the arguments that the gentleman in the well makes today, particularly when we are trying to combine a particular provision in the law, the IMF quota increase, that could essentially be labeled as a transfer of wealth from industrialized nations in this world to Third World countries, at the same time combining with that the export-import legislation which is designed specifically to provide assistance.

The SPEAKER. The time of the gentleman from Florida (Mr. McCOLLUM) has expired.

Mr. QUILLEN. Mr. Speaker, I yield 2 additional minutes to the gentleman from Florida.

Mr. KASICH. When the Export-Import Bank is designed to provide assistance to industry in this Nation to help them to provide and expand, provide additional jobs for Americans, combining that with an IMF bill does not seem to me to have any degree of similarity.

I would like to compliment the gentleman for his comments.

Mr. McCOLLUM. I thank the gentleman for his comments.

Mr. Speaker, reclaiming my time, there is a third point that I would like to make, besides the two I mentioned before about the gold and the possibility of the IMF going out on the open marketplace itself and borrowing the money it needs for the short term. There is a third point, and the gentleman from Ohio made a very good lead into this when he talked about the transfer and the permanent nature of the quota increase.

If worse came to worst—and I hope we do not have to do it and I do not prefer this—if the United States really has to give or loan $8.4 billion to the International Monetary Fund, then it should be done, in my judgment, on a basis of a loan that has a certain maturity date to it so that we have a sunset provision.

We have been going a long time giving quota increase after quota increase, and over the last 10 years in particular we have accelerated the amount of money that we have been transferring on a permanent basis to the International Monetary Fund. I do not think that we can or should continue to do this.

This is our one opportunity in a somewhat crisis environment to get a check on this, to have a voice as a Congress to change the policies, not only of the IMF but particularly the policies of how we manage the U.S. participation in the IMF. It is not the best forum, in some senses, but it is the only one we are going to have.

Mr. WYLIE. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Ohio.

Mr. WYLIE. I thank the gentleman for yielding.

Mr. Speaker, the gentleman has suggested that the IMF sell off its gold to take care of this quota.

Mr. McCOLLUM. No, I beg your pardon, I specifically stated I do not advocate selling IMF gold reserves.

Mr. WYLIE. Or use the gold for backing, whichever. But there is no way that the IMF can borrow the amount that it needs against the gold. That would take the entire output of gold for 3 years, more gold that has been produced in the world for the last 3 years. If we did this it would detract from the value of our own gold reserves. It would certainly make the United States as a gold holder worse off that it is now. It would depress the price of gold.

□ 1450

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut (Mr. McKINNEY).

Mr. McKINNEY. Ladies and gentleman of the House, yesterday I spoke to this House about its greatness and how much I respect it. Today I would like to preface my remarks with the same respect for my colleagues.

Mr. Speaker, I represent Bridgeport, Conn. It is a 7-to-1 Democratic city. It has been the target of Jerry Trudeau's cartoons, Helen Hopkinson's cartoons, and that great actor who wants to run for my seat, Paul Newman, has called it the armpit of the world. I happen to think it is one of the greatest cities in the country. I know its people, well, and I have worked in it. I have watched the Singer Corp. leave, Dictaphone leave, Bridgeport Brass leave, Bridgeport Rolling Mills leave. I could go on and on and on.

I would feel comfortable walking the streets of Bridgeport, Conn., campaigning for the International Monetary Fund. I would welcome any attack any person would bring against me for my support of this bill, because there are moments when this House must begin to realize that be it Bridgeport, Conn., or the country, that we are part of the country and we are part of the world, and that, in fact, the national will and the national good of this country far exceeds our petty politics and our own personal districts.

I have heard so many comments by my colleagues, and I would criticize the administration for taking the wrong approach in talking about this. The chairman of the committee, from Providence, R.I., who I deeply respect, we have had our talks about amalgamating all these bills together.

But let us get specific about the International Monetary Fund. I have heard that it is a loan. Nonsense. It is a transfer of assets which pays to this country interest. I have heard that it is a bailout of the big banks. Nonsense. It is only the International Monetary Fund that is going to turn around and make those banks put in more money and make the regional banks in different parts of the country stay in.

I have heard that it is to aid the LDC's; you know, those people we like to sneer at around here, from whom we need our chrome and our beryllium and all those other good things that go into our jet engines and our defense instruments, and everything else of strategic value. Let me tell my colleagues here, and anyone else who is listening, the United States is the second biggest cumulative borrower from the IMF in the world; the second biggest cumulative borrower. Twenty-six times we have gone into the IMF for $65 billion; $65 billion.

It is not, as you have been told, an appropriation such as defense. It is not an outlay. It is, in fact, a transfer of funds and not an appropriation that is going to affect the budget deficit.

Let us talk a little bit more. Let us talk about people who work in this country. On the other side of the aisle I hear that people want to work and that we should do everything to create jobs. On my side of the aisle I hear supply side economics will create all kinds of jobs, and yet I hear on this side of the aisle, my side of the aisle, people who say they want this country to progress and to grow coming out with the most impassioned pleas to kill what gives this country economc growth and jobs.

You know you can get away from everything but the facts. You can wax emotional, you can talk about gold, you can talk about appropriations, you can talk about this, that, and the other thing. But stop and think, ladies and gentlemen; 125,000 jobs in the 6 small States in New England come from exports. Between 1978 and 1980, three-quarters of the growth in the GNP came from increased exports. From 1977 to 1980, 80 percent of the new jobs came from exports.

Try this on, farmers: One of every three of your farmland acres produces crops for exports.

Mexico has cut its buying from this country by 50 percent, and in 6 months that cost us 125,000 jobs.

The SPEAKER. The time of the gentleman from Connecticut (Mr. McKINNEY) has expired.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut.

Mr. McKINNEY. I thank the gentleman from California from the bottom of my heart.

Look, I do not want to go back to a city with 10-percent unemployment and say I am giving money for foreign aid. Because I am not. Or that I am making an appropriation that will raise the deficit; I am not. I am transferring funds to try and have this country grow. We can no longer say "Go West Young Man." There is no longer anything else except to say "Go out into the world." We live on a small globe. We travel to Europe on a Concorde, which we did not build, in 3½ hours. I have never been on it but I think that now is the time.

Let me simply say this: We are living on a small globe. We are coming out of a recession for the first time in our history with these circumstances. It is not Pratt & Whitney or General Electric jet engines competing against Rolls Royce jet engines, we are coming out of a recession with the United States of America private companies versus governmental policies of England, France, Germany, and Japan.

I do not stand up for the big banks. Any big banker in New York will tell you that no one has told them off more than STEW MCKINNEY, but I do simply say there is an international financial order here, ladies and gentlemen, which far exceeds this Congress, this House, and this Nation. If we, in fact, can spend hours arguing over the MX missile, if the other body can spend days and Saturdays arguing over the MX missile, that is utter nonsense because if the Western World's financial order collapses, it is going to be far more severe than the effect of any MX missile.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. McKINNEY. To my good friend from New York, I would simply say this: I nominated you for freshman class president. I agree with you. But you get a lot more time with the people that count than I do.

Mr. KEMP. I just want to ask a question.

Mr. McKINNEY. Yes, ask a question.

Mr. KEMP. I agree with much of what the gentleman said, and I agree that we are in a global economy. We cannot go by ourselves. We need to work with other nations.

Question: How does it help our exports to have the IMF telling foreign countries, particularly Third World countries, to devalue their currencies in order to export more, and import less? They are telling every country, "Don't import. Export." How is that going to help American exports in Bridgeport, Conn.?

Mr. McKINNEY. In the very short term, I would suggest to my good friend, that it simply says if you do not get your economies in order, you will be taken over by some sort of a financial revolution beyond your control and you will never import anything again from the United States.

What the IMF is trying to do is to bring a certain order to the economy of countries that have no order now so that, in fact, they may be able to import in the long future.

Yes, if you are to say the short-term disadvantage may be high because the IMF promotes order, I agree with you. But in the long run, if that order is not promoted, there will be no money in any of those countries to buy anything from this country.

Mr. KEMP. I agree with my friend that it is disorderly. But there is a systemic problem caused in part by the IMF telling all of the debtor countries, "Devalue your currency in order to be competitive." I just ask the simple question: How does that help American exports?

Mr. McKINNEY. It is going to help American exports because it will help those countries overcome their own problems.

Mr. ST GERMAIN. Mr. Speaker, will the gentleman yield to me?

Mr. McKINNEY. I yield to the gentleman from Rhode Island.

Mr. ST GERMAIN. I thank the gentleman for yielding.

Mr. Speaker, it is similar to people going into a chapter 11 reorganization in bankruptcy. For a period of time they have to pull in their reins, stop spending as much as they did, reevaluate everything, so that they can regain their health and then continue to participate in the system. That is what it is all about.

Mr. McKINNEY. If my friend from New York will just allow me one final comment and then I will retire and yield him back whatever time I have, I would simply say that very seldom in this House have I ever said, "I told you so." I remember some conversations you and I had over what some called the Chrysler bailout bill. The happiest day I ever had was recently when Mr. Iacocca came to Washington and said he is paying the Treasury off 7 years ahead of time and the U.S. Government is going to make $275 million out of it, and why?

Mr. KEMP. Because interest rates came down.

Mr. McKINNEY. No. Because order was required and forced on the system.

I yield back what time I have, Mr. Speaker.

□ 1500

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the subcommittee, the gentleman from North Carolina (Mr. NEAL).

Mr. NEAL. Mr. Speaker, I would like to commend the gentleman from Connecticut (Mr. McKINNEY) for his statement. He has touched on a number of issues that are important concerning the substance of this matter, and he is exactly right.

I have noticed several Republican Members here who are leaders in the opposition against this bill, and I would like to respectfully point out to them a couple of comments made by leaders of the Republican Party and leaders in their own administration.

In a letter to Members, the President had this to say, and I ask the Members to please listen to this. He said:

> The world economy is currently facing a number of serious strains, including a heavy international debt burden which threatens to stifle growth in developing countries and, if not handled properly, thwart economic recovery in the United States and other industrial nations.

Among some other important things—and I hope the Members will read this letter—he goes on to say this:

> The IMF is the centerpiece of the efforts to maintain a healthy and open trading system in the world.

I do not think that is to be taken lightly from a President who is clearly the most conservative President we have had in many, many years.

He goes on to say this:

> IMF resources are necessary to protect our own interests in a stable financial system, a growing world economy, and sustained economic recovery and higher employment levels.

A letter just delivered today from Secretary Shultz and Secretary Donald Regan says this in part:

> Nearly 20 percent of total U.S. goods are exported. The jobs of millions of Americans, the health of our banking system, and the prospects for a sustained U.S. economic recovery all depend on the IMF's success in maintaining the stable financial framework essential for world trade to prosper.

I ask my friends to please listen to this. The letter goes on to say this:

> Failure of the United States to participate in the increase of IMF resources would thus have serious consequences for our own economic recovery and the preservation of American jobs.

Mr. Speaker, I say to the gentleman from Florida (Mr. McCOLLUM), to my friend, the gentleman from Illinois (Mr. CORCORAN), and the gentleman from New York (Mr. KEMP), do these gentleman want to stake their knowledge in this area against that of the President and that of his advisers, including the Secretary of the Treasury and the Secretary of State? Do they really know more about it than these gentlemen? Do they really know more about it than every administration

since the end of the Second World War?

Mr. CORCORAN. Mr. Speaker, will the gentleman yield?

Mr. NEAL. I yield to the gentleman from Illinois.

Mr. CORCORAN. Mr. Speaker, I appreciate what the gentleman has said. I wonder if he would also corroborate the statement attributed to the Secretary of the Treasury, and that is that in the event the legislation would fail, he has argued, in trying to twist some arms over here on the Republican side, that within a week or two there would be one bank failure and, in addition to that, very quickly there would be an increase in interest rates for our borrowers in the United States of 1 to 3 points.

Would the gentleman agree with that assertion?

Mr. NEAL. Mr. Speaker, I do not think I would. Let me tell the gentleman that I think if we were to fail to pass this legislation, we would send economic shock waves around the world. There is no telling what the consequences would be.

If money left Mexico, Brazil, Argentina, and some of the other developing countries that are now in hopes that stability would be restored, if money flowed out of those countries, if there were no confidence in the world economy or no feeling that we would deal seriously with a very severly strained international financial situation, there is absolutely no telling what the consequences would be.

Mr. KEMP. Mr. Speaker, will the gentleman yield on that point?

Mr. NEAL. Mr. Speaker, I will make one point first before I yield. Just let me make this point very clearly.

What we do know is that if the dollar strengthened further, if there were a flight of capital to the dollar and the dollar strengthened further and interest rates went up because of that competition for the dollar, that adds considerably to the problems that exist now in a strained financial system.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. ST GERMAIN. Mr. Speaker, will the gentleman yield?

Mr. NEAL. I yield to the committee chairman.

Mr. KEMP. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. ST GERMAIN. The gentleman yielded to me. He said that he yielded to the chairman.

Mr. KEMP. I misunderstood, Mr. Speaker. I am sorry.

Mr. ST GERMAIN. Mr. Speaker, I thank the gentleman for yielding.

I do not know what Secretary Regan may have said to anybody on that side of the aisle, but with respect to interest rates, we had the Chairman of the Federal Reserve Board, who has just been reappointed by the President of the United States, before us in our full committee yesterday on the Humphrey-Hawkins hearings. One of the questions was: What effect would the failure of adoption of this legislation, the increased participation in IMF, have on interest rates?

The SPEAKER. The time of the gentleman from North Carolina (Mr. NEAL) has expired.

Mr. BEILENSON. Mr. Speaker, I yield 3 additional minutes to the gentleman from North Carolina (Mr. NEAL).

Mr. ST GERMAIN. Mr. Speaker, will the gentleman continue to yield to me?

Mr. NEAL. I yield to the chairman of the committee.

Mr. ST GERMAIN. Mr. Speaker, in answer to the question, the Federal Reserve Board Chairman made it very clear that in his opinion—and I, frankly, value the opinion of the Chairman of the Federal Reserve Board—he thinks that indeed it would have an adverse effect on interest rates, that indeed it would mean an increase in interest rates. It would not be that alone, but that would be a very terrible factor in increasing interest rates.

So Secretary Regan is not alone in that opinion.

Mr. KEMP. Mr. Speaker, will the gentleman from North Carolina yield to me? He mentioned my name.

Mr. NEAL. Mr. Speaker, let me finish, and then I will yield.

Let me quote another respected leader in this administration, Mr. Edwin Gray, Chairman of the Federal Home Loan Bank Board, in a letter dated July 20.

After asking for support for the IMF, Mr. Gray says in part: "I make this request because I believe that if the legislation fails, there will be strong upward pressures on interest rates. This would be devastating for much of the savings and loan industry which, because of the recent rise in rates, has slipped back into the red."

"This is a critical period," he goes on to say.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. NEAL. I am happy to yield to the gentleman from New York.

Mr. KEMP. Mr. Speaker, I appreciate my friend's yielding.

We all agree that an increase in interest rates would be not only devastating to the American economy, to housing and autos and savings and loans and thrifts and savers and everything else, but it would be particularly devastating to the countries of the IMF that it is purporting to help. A 1-percent increase in interest rates in the United States drives the debt service of Mexico up by $700 million and Brazil's by $500 million.

Mr. NEAL. But what does that have to do with the IMF?

Mr. KEMP. My question is that the Federal Reserve Board in the last 3 months has raised the Federal funds rate from 8.2 to 9.4 percent. They are raising interest rates right now, and the gentleman suggests that by spending more money abroad we can lower interest rates in the United States. The gentleman should be directing his attention at Paul Volcker and the Federal Reserve Board to bring down those interest rates because that would do more for Mexico and Brazil than the so-called quota increase for the IMF.

Mr. NEAL. Mr. Speaker, this is a very interesting discussion of Fed policy, and I would love to pursue it with the gentleman some time, but, of course, that is not the main issue. The Fed, as a matter of fact, is lending money at below market rates. But we will get to that in plenty of time.

Mr. KEMP. Mr. Speaker, I can understand why.

Mr. CORCORAN. Mr. Speaker, will the gentleman yield?

Mr. NEAL. I yield to the gentleman from Illinois.

Mr. CORCORAN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I think the point we are attempting to address is not whether H.R. 2957 in precisely its present form is going to be the only solution to the kinds of problems the gentleman from North Carolina has discussed. There are a number of concerns that we want to meet, and I would say to the gentleman that to suggest that only the legislation in its present form, without any attempt by the House of Representatives to work its will on it, will lead to all these kinds of calamities is a disservice to the House.

The SPEAKER. The time of the gentleman from North Carolina (Mr. NEAL) has expired.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. CORCORAN).

Mr. CORCORAN. Mr. Speaker, I want to thank the gentleman from Tennessee (Mr. QUILLEN) for yielding this time to me.

Mr. Speaker, there has already been, as is evident here this afternoon, a strong degree of controversy and interest in this particular legislation, and I rise not in opposition to the rule because I think it gives an opportunity for debate. At least I had thought that 2 hours would be sufficient for debate to discuss this legislation, but I am now beginning to have some second thoughts about that, and maybe we would need 4 hours, given the intensity of concern over this legislation.

□ 1510

But the thing that I want to emphasize is that the lobbying tactics that are being used in order to blackmail

Members of the House of Representatives into quick action on this particular legislation is I think a mistake.

As I indicated earlier, Mr. Speaker, we have it on pretty good authority that high ranking officials of the U.S. Treasury Department have been in consultation actually lobbying discussions with members of the House of Representatives and they are using scare tactics which we have not seen in quite some time. They are indicating that if the House does not adopt H.R. 2957 in its present form just the way that the officials of the International Monetary Fund have given it to us, that there is going to be a calamity on a worldwide basis. There is going to be an increase in interest rates in the United States of from 1 to 2 points. There is going to be a bank failure within a week and, of course, what they overlook, Mr. Speaker, is that we have three Federal banking regulatory agencies that can come in and provide reserves, provide additional time to reschedule any default in loans that an individual bank might have.

I just think we would be much better served if we could have a rational discussion of what the consequences would be, the importance of the International Monetary Fund. It is important. Nobody, Mr. Speaker, is asking that we abolish it.

I would hope that we get back to a rational discussion.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. SCHUMER), a member of the committee.

Mr. SCHUMER. Mr. Speaker, I would simply like to say that I think there are many questions with the present bill that is on the floor. Among them, will this bill impose too much authority on Third World countries?

The gentleman from New York made an excellent point, that we may actually hurt our own recovery by forcing Brazil and Mexico and other countries to not buy enough of our exports.

A second question: Are the banks making too much profit at the expense of Third World countries on the deals? Are interest rates too high? Are fees too high? This is the second question.

The third question and the fundamental question I think we must ask is: How are we going to get Third World countries out of debt by increasing their debt?

Every time one of these plans is augmented by the IMF, the actual debt to Mexico, to Brazil, to Argentina, does not go down. It goes up.

The rule that is before us today allows us to debate, to explore all those issues, and to amend the bill to correct the problems that may be in it.

So there is no reason for anybody on this floor to oppose the rule. There may be good reasons to either oppose the bill or certainly to amend the bill, but the rule being an open rule is one that deserves all of our support.

I would simply ask the Members of this body when we debate the bill on Monday and when we debate the amendments at some point in the future not to be blackmailed—that may be too strong a word—but certainly stampeded into saying that if this bill changes a period or a comma, then the world's economic system collapses.

I would also certainly ask the Members not to look at things from a narrow perspective, that if the money does not directly go to the United States, it is not going to help the United States.

Members on one side of the aisle in my opinion have fallen prey to one argument, and on the other side of the aisle to the other argument.

There is a way to make this bill better. There is a way to improve it. The rule allows that.

Mrs. ROUKEMA. Mr. Speaker, will the gentleman yield?

Mr. SCHUMER. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Speaker, I thank the gentleman.

I am glad that my colleague has brought us back to the subject of the rule per se. I feel an obligation to stand here today and urge support of this rule. The reason I have that obligation is that, as my chairman knows, and my subcommittee chairman knows, I objected to the packaging of this bill as an omnibus bill. I stated my objections at the time. I had hoped that the Rules Committee would bring forth a rule that would permit separate entities.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. BEILENSON. Mr. Speaker, I yield 1 additional minute to the gentleman from New York.

Mr. SCHUMER. Mr. Speaker, I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. I had hoped that the bills would come up as separate entities; but that is not the case.

As the gentleman from New York (Mr. SCHUMER) has correctly pointed out, the rule is a generous one. It allows time for debate and it is an open rule that allows time for amendment.

I think in consideration of the very serious nature of the economic problems that we face and the serious nature of the economic stability issues that we are facing here on an international scale, it is important for us to not only approve this rule, but have full and open debate with amendments.

Mr. Speaker, in the past, I have expressed my opposition to the decision to combine the Export-Import Bank, the multilateral development bill, and the IMF into one legislative package, H.R. 2957.

As a member of both the International Trade and the International Development Subcommittees of the Banking and Urban Affairs Committee, I have unequivocably supported the three separate bills on their individual merits. I believe that their passage will have a profound impact on the complex and competing needs of our country's economic stability and jobs development. However, H.R. 2957 includes three separate and entirely different pieces of legislation which include complex issues specific to each separate bill.

In light of the publicity that the IMF bill has received alone, I have been concerned that the decision to bring this to the floor as one omnibus bank bill would be seen as either trying to obscure politically difficult votes from constituents or trying to prevent these individual bills from the kind of scrutiny they deserve. We have had too much experience with important issues being hidden within other important issues. The withholding of interest and dividends provision in last year's tax bill comes to mind. No matter how generous the rule for floor debate, some issues get lost and others get passed which should not have been passed.

Because I support the individual bills and realize the significance of their passage, I will not oppose the rule on procedural grounds for fear that my "no" vote would signify opposition to the individual bills. However, I would hope that in the future my colleagues would give this practice of packaging legislation serious consideration. Votes which cannot be justified to the people ought not to be cast.

Mr. SCHUMER. Mr. Speaker, I thank the gentlewoman from New Jersey.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. BETHUNE).

Mr. BETHUNE. Mr. Speaker, I was going to say when I came down that I had for the first time three reasons to be against the bill and I am sure Members would think that it was a fact that this rule includes the IMF and the Eximbank and the multilateral development banks; but I think after what the gentleman from New York (Mr. SCHUMER) said, I will amend that somewhat.

I am kind of glad that we got all three of these in one bill. I still have three reasons to be against this particular bill, but not because of those three entities. The three reasons would be this: Lending, lending, and more lending.

We have a first class problem in this country and particularly in this Congress. Federal lending programs are

growing faster than Federal spending programs.

I always say this twice. Federal lending programs are growing faster than Federal spending programs. We are never going to solve any problems if we continue to throw good money after bad and continue to refinance debt and go on with this basic problem of debt we have. We have got to get down to the core of the problem.

I hate to spoil everyone's fun when I bring this to our attention. I do it every time that we have a new lending measure on the floor, every single time, and every time I bring this up everyone agrees with me. Yes, indeed, we have a lending problem. Yes, indeed, we keep throwing more and more money after bad, but we have got to continue to do it. There is no way to break out of this cycle.

Well, I say the way to break out of this cycle is on this particular occasion when we have got three lending bills before us in one package.

Before I leave the subject altogether and my time expires, I would like to say I think the gentleman from New York makes an excellent point about the fees and the profits and the interest rate charges that have been made by the big banks.

We hear a lot about risk premiums and the charges that are made between the real rate of interest and the market rate of interest to guarantee people against loss because of the risk they have to take over the long run.

What risk? We are eliminating the risk here. At the very least you would think we ought to try to recover the premium that those big banks got on these loans.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. DORGAN).

Mr. DORGAN. Mr. Speaker, I rise in support of the rule. I think the rule is a fair rule. It is an open rule and it will give us a chance to debate the issue and offer amendments.

I think that the bill itself contains some commendable sections. The chairman of the committee and the committee itself are to be congratulated for imposing some tough, new reforms on international lending practices, regulations on international lending by banks that make sense.

But the question of whether this Congress ought to support an $8.4 billion quota increase for the International Monetary Fund is one that I have grappled with for several months. I have concluded that the funding increase is unnecessary and imprudent. Indeed, it would only compound the imprudence displayed by the big banks over the past decade when they ventured on an unprecedented foreign lending spree.

A foreign debt crisis does exist. But what is the proper solution?

First of all, the banks and the debator countries should renegotiate the terms and conditions of the loans. These loans were originally made on terms that were highly profitable to the banks—huge, short term loans at high interest rates; and when they have been renegotiated in recent months, the banks have charged excessive fees. Creditors and debtors must come to terms, without first dipping into the pockets of U.S. taxpayers.

If we provide the $8.4 billion in funding, those kinds of proper corrections of debt are simply never going to be made.

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We have a problem that some, including the bankers, have called a debt bomb. I do not want to ignore it.

But, I do not think it is a debt bomb. I think it is a debt mess. And the question is who ought to clean up the mess.

What we ought to do is proceed in a rational way. Congress should tell the big banks—who went out like rabbits in heat and placed money all over this world as quickly as they could, and got big fees for doing it, and now have gotten in trouble—you have to correct those debt instruments first. Then let us analyze several other possibilities, including using the gold reserves of the IMF as collateral for loans by the IMF. That makes eminently good sense to me.

Mr. QUILLEN. Mr. Speaker, I urge adoption of the rule. I think this debate has been very healthy and very enlightening, but we cannot escape the fact that something must be done.

I commend the chairman of the committee and the chairmen of the subcommittees and the ranking member of the committee and the ranking members of the subcommittees on this side of the aisle for their courage in bringing this measure forward.

Historically, as I said in the beginning, I have been against foreign aid. But we know that something must be done.

As the gentleman from Connecticut said, let us put America first instead of partisan politics.

I commend the gentleman who I shall recognize at this time for 4 minutes for his philosophy and his dedication. I yield 4 minutes to the gentleman from New York (Mr. KEMP).

Mr. KEMP. I thank my friend from Tennessee.

I just want to congratulate the gentleman from North Dakota for his statement. It was well thought out and it was quite articulate in the defense of a belief that is not economic nationalism. I share the gentleman's belief and I think everyone's belief that we cannot go it alone in this world. We are part of a global economy. Provincialism and turning our back on the rest of the world will not solve or even bring temporary relief from the fundamental economic problems we face.

From that standpoint the gentleman from North Dakota deserves the thanks of both sides of the aisle, for calming this debate down a little bit and reminding us that what we do here is extremely important in terms of the long-run good not only of the United States of America but of the world.

I want to stand here and say, as the ranking member of the Foreign Operations Subcommittee, I support foreign assistance. I think it is an investment in the future of a secure and peaceful world. I think it is important in terms of economic growth for the world and in terms of helping nations which are struggling to establish the democracy we hold dear.

It is on that basis that I stand here in support of this rule. While I do not support the legislation which it will bring before us, I believe that this open rule provides us with the opportunity we need to have an extended, open, and frank debate on the problems of the international economic system. This debate is one moment in which we have a chance to examine whether or not the international financial system—not just the IMF—is actually acting in the right interests of those countries.

The gentleman mentioned austerity. I want to make the point, particularly to my two colleagues who have had so much to do with this legislation, that the IMF is not helping those countries to grow when it imposes upon them, in exchange for lending from the IMF, tax policies that squeeze their economies.

Let me give you an example. In Mexico in exchange for $1.5 billion of IMF money the IMF worked out an arrangement whereby the Mexican people, with 50-percent unemployment, are being asked to raise the value-added tax by 50 percent. The tax on savings and dividends has been doubled and a surtax has been imposed on the income tax.

Now, if you think the income taxes are bad in New York, I would say to my friend from New York, the income tax in Mexico, with these additions, is close to 70 percent, at about $11,000 of taxable income.

I told one IMF economist one time about that and he said, "Well, Congressman KEMP, don't worry about that. No one earns $9,000 or $10,000 in Mexico."

I said no one would want to earn $9,000 or $10,000 if you tax it at 70 percent.

You know, Mexico's problem is they tied the peso to the dollar. We inflated in 1976, 1977, 1978, and 1979. The peso was tied to the dollar such that

Mexico was forcing itself to suffer the consequences of our erratic monetary policy. When the peso-dollar link was broken, the Mexican economy was plunged into the spiraling devaluations of the current now system of international monetary policy. For all economies, this is a no-win system—for those such as Mexico, it is a disaster.

All international discipline has been lost as Bretton Woods broke down. There is no stability to the exchange rates, no stability and integrity to the system.

The gentleman from Ohio, for whom I have great affection, talks about the world monetary system. Can anybody point to a system? The system has broken down. This is the fundamental issue before us.

Unfortunately the entire debate thus far over the IMF quota increase has missed this essential element of the current monetary crisis. Instead, it has focused on the debt problems of a cross section of developing nations. Governments unwilling to come to grips with the systemic monetary problems we face have found it easier to confront the symptoms.

The failure of our own administration and the governments of our allies, as well as the failure of the committee which has presented us with this legislation, to come to terms with the systemic flaws in the international monetary system forces me to oppose adoption of title II. We should not be considering a permanent increase in the size of the IMF when we have virtually no idea of its appropriate role in the monetary system and when there are major questions as to the policies which it has been pursuing. Moreover, it is inappropriate for us to consider major changes in the regulation of international lending by domestic commercial banks when we have not considered the system under which they are operating.

This legislation should be rejected by the House as a very strong message to the administration that we will not consider increasing resource transfers from our constituents to international monetary authorities unless and until it has addressed our proper concerns over the monetary system and the operating philosophy of the IMF.

HISTORICAL PERSPECTIVE

To place the debate in its proper perspective, it is necessary to go back to the beginning of the inflation of the 1970's and to carry forward through the current deflation. The United States abandoned the Bretton Woods system in 1971 because the dollar exchange rate could not be supported in the face of expanded Government debt. The commitment of President Nixon to fight the Vietnam war and to continue enlarging domestic social programs developed a debt problem in this country similar—though by no means of the same magnitude—to that Mexico faces today.

The increased debt had four major consequences for the economy. First, the Government policy to increase Government expenditures without a reduction in private consumption meant that the debt must be monetized. To do this, the monetary standard had to be abandoned so that the dollar could be allowed to fall in value.

Second, since little of the increased spending resulted in increased output, most of it being for personnel costs and transfer payments, this meant that a substantial portion of savings was being diverted away from investment and into current Government expenditures. The result: reduced investment, slower growth, and slower job creation.

Third, just as inflation was making investment more expensive, bracket creep was reducing incentives for saving and investment. This brought us into a spiral of increasing the Government demand for credit while incentives for saving were eroding. Thus, as a direct result of abandoning a monetary standard, savings and investment declined.

Fourth, the increased debt significantly reduced exports. As foreign holders of dollars converted them into U.S. Government debt, their purchases of U.S. goods and services fell. So, even though we had a tremendous increase in the level of exports over the period of a declining dollar, it was far less than would be expected. Now, following the recent erratic policies of the Federal Reserve, we are in the unenviable situation of having very high deficits due to the recession, high interest rates—which make U.S. Treasury obligations our lowest priced export—and a continuing trade imbalance.

OPEC AND PETRODOLLARS

Partly as a result of our abandonment of a monetary standard, OPEC was able to fulfill its promise of establishing an effective cartel. Motives are hard to distinguish, but a very good case can be made that OPEC leaders: First, believed that the United States was not in a position politically to hinder their price increases; and second, believed that abandonment of the monetary standard gave them a very sound economic basis—maintaining the value of their exports—on which to base their activity.

In the case of the first motive, the OPEC leaders were deadly accurate. Not only did we provide sufficient dollars for the purchase of oil both here and abroad—remember that oil was sold only for dollars—but by misguided price controls on domestic oil, aimed at keeping domestic prices stable, we suppressed domestic production and increased demand for foreign oil.

DEVELOPING NATIONS IN DEBT

Very quickly, Arab States and selected others were awash in dollars. Recycling them became the major concern of governments and international banks. With equity investments in the United States paying negative rates of return and the industrialized nations already having too many dollars, the rational place to look for borrowers was among developing nations.

Developing nations appeared to be good customers for two reasons.

First, since they had to have dollars to buy oil, they were easy prey for high-return seeking banks. The extra points paid by these countries resulted in dramatic increases in return on stockholder equity. With the low taxes paid by most banks, the actual return to the bank investor made him ask few questions.

Second, the rapid inflation of the period made the commodities sold by these nations appear to be good collateral. Especially the oil producing developing nations, loans were made with expected future commodity sales—and the expected inflated prices—as the only security.

This period of recycled, debased dollars corresponds directly to the increase in U.S. exports to the developing nations. Cheaper dollars—even the high interest rates paid were judged to be low or negative in real terms given the decline in the dollar and the accelerating inflation—increased the incentives for leaders in developing nations to promise more than they could deliver. If the United States could maintain domestic consumption, pay for the war, and buy more oil, so could they. With the World Bank, the IMF, and other international institutions anxious to certify the economic health of their client states, banks rushed to unload their dollars on leaders anxious to maintain their political bases.

THE CONTINUED SUPPLY OF DOLLARS

Even as defense spending fell following the Vietnam war, U.S. credit demands did not. Except for the brief recovery which ended in 1975, economic stagnation prevailed. Government spending and revenues grew as a percentage of GNP, steadily eroding the incentives for saving and investment. The continued price controls on oil kept demand for foreign oil unrealistically high and, with an accommodationist Fed policy, the expansion of dollar reserves continued without the discipline of any standard.

COLLAPSE OF THE HOUSE OF CARDS

Two events brought down the house of cards. The first was the change in U.S. monetary policy in October 1979. When the Fed began its experiment in monetarism, real cheap rates which had given some respite to U.S. investors were suddenly removed investment took a nose dive. Similarly, foreign leaders who had financed their

development schemes and their consumption subsidies from cheap, borrowed dollars suddenly found themselves borrowing to pay the interest.

The second occurrence was the fall of Iran. When the Shah was overthrown, Iran cut back its oil production. With inflation remaining high and dollar interest rates increasing, OPEC opted for a major, and possibly final, increase in oil prices. This time the U.S. response was different.

Decontrol of oil prices in 1981 brought a sudden change in U.S. prices and a major decline in oil imports. Actually, this accelerated a previous trend, but, the effect was dramatic. OPEC oil production began to fall almost immediately. With the more populated oil producing developing nations such as Mexico and Nigeria already deep in debt against their oil reserves, Arab producers, primarily Saudi Arabia, bore the brunt of the production and revenue cuts in an attempt to keep the cartel stable. When OPEC members began to break ranks in 1982, the bubble was finally punctured.

These two events already had ordained that the flaws in the monetary system would have to be corrected when the Federal Reserve Board acted to shorten the time available for adjustment. The tremendous restriction in monetary growth in 1981 and 1982 brought on a major deflation in commodity prices. Cutting the inflation rate in half in only 1 year meant that many prices, mostly commodities, had to fall. In the United States this meant 10-percent unemployment and decimated basic industries. In the developing nations, it spelled total disaster.

One after another, prices of sugar, oil cocoa, rubber, and other basic commodities fell. The producing nations, most heavily in debt in dollars, simply lost the means to meet their interest payments, much less repay principal. Moreover, the deflation which itself would have prevented repayments from being made from trade revenues was accompanied by increasing real interest rates, so that floating rate loans and any new loans would be increasingly expensive.

One further point which has been overlooked in this debate—due to its misguided emphasis on debt—is the plight of the nations which do not have a debt crisis. Many, indeed most, developing nations are far from danger of default in the current round of reschedulings. But many of these, particularly in Africa, are in far worse shape than Mexico, Brazil, or Nigeria. These relatively wealthy nations are in debt crisis because of their relative wealth and ability to borrow. Poorer nations such as Upper Volta, Niger, and Chad have seen their trade destroyed by monetary fluctuations over which they have had no control.

DISCIPLINE AND A MONETARY STANDARD

The problem here is obvious. While many leaders may have exercised poor judgment in believing that heavy borrowing and inflation amounted to political free ride, the culprit is lack of a monetary standard. With a monetary standard the rapid inflation and deflation of commodity prices would not have occurred. OPEC would have been unable to maintain its cartel as any attempt to provide the massive dollar reserves required to support fixed prices would have led to declining dollar values which would have required an immediate adjustment. OPEC leaders would have been forced to cut prices, cut production, or denominate oil prices in other currencies, any of which would have destabilized the cartel.

To point out that maintenance of a monetary standard would have enforced U.S. fiscal discipline is to cite the obvious. Both the gold standard and the fixed-exchange dollar standard were abandoned due to poor fiscal discipline. It is important to note that this is fiscal rather than strictly budget discipline. Had the United States adopted policies increasing incentives for saving and investment a much larger budget deficit could have been supported by domestic borrowing over a short period without placing undue pressure on the dollar or on interest rates.

We chose instead to dismantle the monetary system, and, in this, we find the cause of the debt problems we are facing today.

WHAT DO WE DO NOW?

Taking time to explain the nature of the monetary crisis is necessary so that we do not seek solutions to the wrong problem. If we mistakenly believe that there is a debt crisis, separate from any consideration of the flaws in the monetary system, we are destined to repeat the cycle with only a few changes.

Earlier this session, joined by 22 of my colleagues, I introduced House Concurrent Resolution 130, the elements of which would provide the basis for reform of the monetary system rather than for an expensive and flawed attempt to alleviate the immediate debt problems of a select few nations. I believe that by following an approach similar to the one outlined in this resolution we will achieve the needed reforms while protecting the economic health of our friends and guaranteeing the soundness of the banking system.

The first step in reestablishing a monetary standard is to call an international conference similar to Bretton Woods to investigate the flaws in the system and propose remedies for these flaws. This is absolutely necessary to restoring economic growth and maintaining a liberal economic order.

The approach of the Banking Committee is unfortunately flawed. Section 202 of their bill requires the President to encourage industrialized nations to adopt policies which lead to these goals. Would we expect him to encourage them not to? Moreover should we be satisfied with the meek language of the Williamsburg communique which charges finance ministers with "defining the conditions for improving the international monetary system?" Are these not the very ministers who currently fail to recognize that there are flaws in the system and who fail to undertake their responsibilities to correct these flaws?

This is not enough. In the face of continued unwillingness on the part of the governments of other nations and of our own administration to confront these systemic problems, the Congress must fulfill its constitutional duty to regulate the value of the currency. Studies and requiring people to offer encouragement are hardly adequate.

REJECTION OF THE QUOTA INCREASE: THE ROLE OF THE IMF

Prior to correcting the systemic problems or making some significant progress toward correcting them, I do not believe that we should agree to a permanent increase in the size of the IMF. Think for a moment about what we would be doing.

The IMF was created to assist member nations in maintaining fixed exchange rates. By evening out short-term deficits and surpluses in national currencies it served to keep the system steady. But, in the absence of fixed exchange rates, what is its role?

Most supporters of the quota increase claim that the IMF is now to act as a lender of last resort and a financial policeman for debtor nations. Further, they argue that to fulfill this function the IMF quota should grow at the same rate as world trade. Let us examine these.

First, the problems of debtor nations are not short term. They are the result of systemic flaws which cannot be corrected by increased borrowing or by adjustment within particular countries. Correcting the systemic flaws would reduce interest rates and restore commodity prices such that IMF or other official intervention would not be necessary. Without such corrections, there is nothing the IMF can do other than put off the evil day of judgment.

Second, if the IMF is to be in the disaster relief business, why is it assumed that disasters—which, advocates claim, are not systemic in nature—will grow in proportion to world trade? That is the assumption being made. But, under the theory of floating exchange rates, payments imbalances requiring IMF assistance should be nonexistent. The contradic-

tions here are indicative of the fundamental flaws in the system.

ALTERNATIVES TO A QUOTA INCREASE

Instead of rushing pellmell into a permanent increase in the size of multilateral institution with a poorly defined mission, I propose that we take two steps. First, the IMF should use its current assets, including its gold, to finance its operations. The gold holdings, currently valued at only $44.22 per ounce could be used to provide collateral for lengthening maturities and lowering interest rates.

This proposal has been portrayed by some as a recommendation that IMF gold should be sold or returned to the nations which supplied it. They have even gone so far as to include language in the Banking Committee bill seeking yet another study, this one on selling gold. Nothing could be more misleading. All that is necessary is that the IMF use the full value of the gold which it already has as backing for additional financing rather than coming to us for backing in the form of paper credits. In one case, loans are backed by real collateral, in the other they are backed by promises to monetize even debt.

Second, if we determine, we the Congress rather than groups of international bankers and bureaucrats, that additional funds are needed to keep our neighbors such as Mexico and Brazil and our staunch allies such as the Sudan, from suffering financial collapse, we should make additional resources available on a temporary, bilateral basis. At most, we might consider making our total IMF contribution to the general arrangement to borrow, a special fund of the IMF controlled by the 11 largest industrial nations and over which we have a virtual veto.

The Banking Committee bill merely requires the Secretary of the Treasury to report on the feasibility of using a short-term facility. He, of course, has already rejected this idea and chosen the permanent quota increase. It is the responsibility of the Congress to reject the Treasury recommendation and substitute our own judgment.

IMF CONDITIONALITY

In addition to its refusal to recognize the systemic flaws in the monetary system, the IMF has a peculiar habit—common to many officials—of believing that austerity leads to growth. Oddly enough, the IMF brand of reduced growth is supposed to enable a country to pay its bills more easily. One can but wonder at the soundness of policy prescriptions such as those for Mexico. In the face of rapid price increases, the value added tax was raised, in the face of capital shortages, taxes on savings and investment were increased, and, at a time when the full efforts of every Mexican worker are needed, a surcharge was placed on the income tax.

In short, the IMF prescription for Mexico has been to shut down the economy in the hopes that imports will fall sufficiently to balance the current international account. Success has been achieved. Trade across the Texas and California borders has come to a standstill. Businesses in these States are being bankrupted at alarming rates. In Mexico, the production required for future trade—for the currency to pay its $80 billion debt—is at a halt. Unemployment has increased and social unrest is on the rise.

These destructive policy demands by the IMF are the result of excessive use of the balance in the current international account as a measure of economic health and of balance in Government budgets as a indicator of future current account activity.

IMF conditionality, the requirements it places on a nation in order for a loan to be made, must be changed from proausterity to progrowth. This means increasing incentives for domestic savings and investment as well as removing barriers to foreign equity investment, including restrictions of repatriation of profits. If nations expect to grow and, especially, if they expect to use capital created by others to increase their output, they must be willing to make incentives available through the private market.

The Banking Committee bill requires a report from the Treasury Secretary on the ability of the IMF "to promote real economic growth and sustained noninflationary recovery." Is the committee unsure as to the effectiveness of an institution to which it would give $8.4 billion? And, are we to assume that without such a study there is a danger that the IMF will pursue the goal of inflationary stagnation?

This study, as with all of these studies, would take place after the quota increase is in place and after more austerity has been heaped on our friends. Remember, once we vote to increase the quota, decisionmaking moves behind the palatial doors of the IMF.

Moreover, look at the example of success offered by a Treasury official who prepared a rebuttal to my resolution. Great Britain is cited as an example of a successful austerity program. I can only assume that the unemployed British steelworker is more pleased with his lot then my steelworkers in Buffalo and that Mrs. Thatcher would rather have 10-percent unemployment than 5 percent.

THE U.S. BANKING SYSTEM

Finally, we must deal with the safety and liquidity of U.S. banks. There has been a great deal of press regarding the capital position of our banks and the dangers to them if a default should occur in any of the larger debtor nations. I share this concern, but, at the same time, I believe that the bankers should shoulder their share of the reponsibility for the particular debt problems facing many nations.

I propose therefore that the banks be required to write off the portion of loans on which the debtor does not meet interest payments. Since no nation is in danger of defaulting on its total loan commitments, this would mean that a small portion of the outstanding loans of any nation would be involved. The result would be that there is no danger of a banking panic and no danger of decline in domestic economic activity.

The Banking Committee bill does make provisions for additional loss reserves for banks when loans appear to be in jeopardy. I agree with this provision with one qualification. There should be an addition to the tax deductibility of these reserves. Currently the deduction is capped at 0.6 percent. I agree with George Champion that this should be increased to maybe 3 to 5 percent.

This deduction would not result in any additional tax break for the banks. Given that some portion of these loans are to be written off—the loss from which would be a deduction—the actual figure can be set so that we merely change the timing of the deduction rather than the amount.

This feature is important to guarantee the capital base and liquidity of the banking system. The Banking Committee bill would increase the reserves from pretax income and would require that substantial new capital be created in some banks. I fear that the combination of these two provisions may be such that many banks simply cease to participate in international lending. While this may be appropriate for many banks, a substantial reduction in the number of banks participating in such lending could result in undesirable effects.

Once again, some supporters of the Banking Committee bill have clouded the water. The same analysts who see such virtue in studies and encouraging noises believe that it is inappropriate to suggest a change in the Tax Code because the Banking Committee has not considered it and because that is really a Ways and Means Committee matter.

Now let us think about this. We have before us a request for $8.4 billion in taxpayers dollars. We have claims that the entire banking system and the economic viability of a dozen neighbors rests on our decision. We are told that without prompt action international trade may come to a standstill. With all this at stake, are we to be stopped from finding a correct solution due to the jurisdictional divisions of the House or because the Banking Committee failed to give con-

sideration to ideas which were current during its deliberations?

Perhaps this indicates the rashness of pushing a bill to passage with major questions unanswered.

THE TRADE ISSUE

Finally, I would like to examine the issue of U.S. exports and the jobs which are created through them. Supporters of the quota increase have spread the terror of collapsing trade and massive examinations shows this to be a red herring.

For the United States to export its goods and services, we must import the goods and services of other nations, that is, there must be trade. No nation can purchase from us unless it has something to sell in return. This means that the success of our exports largely depends on the productive capacity of our trading partners.

By providing additional credit through the IMF to debtor nations we do nothing to increase their productive capacity or output. IMF loans are made to governments, not to industry. The transfer of resources through the IMF represents a decrease in productive capacity as political decisions on allocation of credit take over from the market. Indeed, as shown above, the IMF conditions its lending on adoption of policies which retard economic activity.

Moreover, attempts to subsidize exports have significant damaging effects on our domestic economy. Providing a subsidy to produce an item for export simply means that a political decision is made to produce that item at the expense of other production which would be possible with the same resources. Output is not increased, it is reduced through lowered efficiency. Producers of the subsidized items gain at the expense of other American workers.

We should not confuse the issue of international trade with the issue of subsidies for domestic industry. Our exports will grow as the world economy grows. This will occur only with a restoration of the international monetary system and adoption of policies which encourage work and savings and investment and which remove political decisions from the marketplace.

CONCLUSION

I urge my colleagues to support this rule in the interests of a free and open debate, but to vote against H.R. 2597 as it is presently drafted. The fundamental issues at stake here are too important for us to rush to passage with a program which merely adds to the problems at hand.

Mr. QUILLEN. Mr. Speaker, again I urge adoption of the rule. Our U.S. Trade Representative, Bill Brock, in a letter which I received, urges the passage of this measure for the benefit of world trade and to improve the employment picture.

Bill Brock served in this House for a number of years. I respect his opinion and he is doing a great job.

I urge adoption of the rule and I yield back the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN of Michigan. Mr. Speaker I would like very much to take the time to discuss with the gentleman from New York his comments we have just heard about the sanctions and the disciplines being imposed upon developing countries. I would like to, if I might, draw upon 4 years of working with developing countries in the late 1970's. But I do not want to do that now.

This is a great deliberative body. The issue is not whether we should pass this bill. Right? The issue is whether we should be in favor of the rule.

This issue deserves more than the 1 hour of discussion that we have had on this rule.

The question is whether under this rule, which is open ended, we are going to provide many hours of debate, and I think the answer clearly is "yes." This issue is of sufficient moment that it deserves the respect of this body to give forth many hours of discussion.

So I would urge all of us who are here, and those who are not here, to vote in favor of the rule so that we can have the kind of discussion that it really deserves.

Mr. BEILENSON. Mr. Speaker, I yield 30 seconds to the gentleman from Louisiana (Mr. ROEMER).

Mr. ROEMER. I thank my colleague.

Mr. Speaker, I rise to ask a question of the chairman of the Committee on Banking, Finance and Urban Affairs, the gentleman from Rhode Island (Mr. ST GERMAIN). I have heard, perhaps incorrectly, that when the rule passes today that we will debate this important issue on Monday and have votes on Tuesday. Is that the gentleman's understanding?

Mr. ST GERMAIN. Will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from Rhode Island.

Mr. ST GERMAIN. The gentleman has more understanding than I have. The debate will indeed occur on Monday. We have been granted that time.

The House is operating under a tight schedule. We have a commitment from the Speaker to use the time for general debate on Monday and that is as far as we have gotten at this point.

Mr. ROEMER. I just wanted to make the point that in my opinion it would behoove the importance of the issue to have the votes and the debate interwoven, not separated by days, weeks, hours, or any other time.

Mr. ST GERMAIN. We would like to do that, if the gentleman will yield, but you see it is not always that which we desire but that which we can accomplish.

Mr. ROEMER. I understand and I thank my colleague for yielding.

□ 1530

Mr. BEILENSON. Mr. Speaker, prior to yielding the remaining amount of time that we have to the distinguished chairman of the Committee on Banking, Finance and Urban Affairs, the gentleman from Rhode Island, this Member would like to take half a minute to respond to the point made at the very outset of debate by the gentleman from Pennsylvania with respect to the waiver of Budget Act sections.

There was no, as was suggested, wholesale waiver of those sections. The only section which was waived was section 402A of the Budget Act which prohibits consideration of any bill which authorizes enactment of new budget authority for the fiscal year unless the bill is reported on or before. May 15, preceding the beginning of that fiscal year. And since some of the authorizations in two of these three bills would be, if passed, for 1983, in fact, those would have had to have been in order a year ago in 1982.

But there is no breaching of the budget resolution of the amounts allowed to be spend under the resolution. So, the gentleman should not be concerned on those grounds.

Mr. Speaker, I yield the remainder of our time to the distinguished chairman of the committee, the gentleman from Rhode Island (Mr. ST GERMAIN).

Mr. ST GERMAIN. I thank the gentleman for yielding. Mr. Speaker, Members of the House, I think that this debate has been meaningful. The gentleman from Michigan (Mr. LEVIN) stated that this is an issue, or the issues contained in the legislation covered by this rule are issues that deserve full consideration on the floor of this House.

I might say to the membership of this House that never before in the history of any of this legislation, particularly the IMF participation, including the original hearings under which this legislation was originally adopted, never ever has there been such comprehensive, lengthy, and total hearings as we have held in this instance.

We started the hearings last year, in the last Congress, so that we would get a leg up on it. So, there has been no attempt whatsoever, in any way, shape, manner, or fashion to preclude full discussion and debate.

Every member of our committee has had every opportunity to question witnesses, to call in witnesses, to have

people come in with testimony. So, we have not in any way tried to shove this through or move it through without full participation.

Under the amendatory process every Member will have more than ample time to discuss their amendments and make their views known. This is over and beyond the period of time during which we will have general debate.

I am hopeful, incidentally, that at that point in time the gentleman who has been floating the goldbug around here for so long on the IMF, will, rather than just coming up with vague allusions as to what might be done or how this gold might be utilized, come up with a concrete amendment.

Let us, you know, put our amendment where our mouth is, rather than just keep talking about gold in very illusory and vague terms.

I am looking forward to seeing that amendment so we can address the amendment and see what validity it has and whether or not it should be adopted.

I am hopeful it will be discussed with the administration as well. In conclusion, I want to congratulate everybody and commend everyone who participated in the debate today. But let us not lose sight of one thing, what we are voting on now is the rule, not the legislation. We are asking for an open rule to give each and every Member full opportunity to utilize the amendatory process. No question of muzzling anyone.

So, on behalf of the committee and on behalf, believe it or not, of the President of the United States, I ask each and every one of you to support this rule so the legislation can be properly debated and subjected to the amendatory process that this House holds so dear.

With that, I yield back the balance of my time.

The SPEAKER. All time has expired.

Mr. BEILENSON. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the "ayes" appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 369, nays 42, not voting 22, as follows:

[Roll No. 265]

YEAS—369

Ackerman	Fascell	Lloyd
Addabbo	Fazio	Loeffler
Akaka	Feighan	Long (LA)
Albosta	Ferraro	Lott
Alexander	Fiedler	Lowery (CA)
Andrews (NC)	Fish	Lowry (WA)
Andrews (TX)	Florio	Luken
Annunzio	Foglietta	Lungren
Anthony	Foley	MacKay
Applegate	Ford (MI)	Madigan
Aspin	Ford (TN)	Markey
Badham	Forsythe	Marriott
Barnard	Fowler	Martin (IL)
Barnes	Frank	Martin (NC)
Bartlett	Franklin	Martin (NY)
Bates	Frenzel	Martinez
Bedell	Frost	Matsui
Beilenson	Fuqua	Mavroules
Bennett	Garcia	Mazzoli
Bereuter	Gaydos	McCain
Berman	Gejdenson	McCandless
Bethune	Gekas	McCloskey
Biaggi	Gephardt	McCurdy
Bliley	Gibbons	McDade
Boehlert	Gilman	McEwen
Boggs	Gingrich	McGrath
Boland	Glickman	McHugh
Boner	Gonzalez	McKernan
Bonior	Goodling	McKinney
Bonker	Gore	McNulty
Borski	Gradison	Mica
Bosco	Gray	Michel
Boucher	Green	Mikulski
Boxer	Guarini	Miller (CA)
Breaux	Gunderson	Miller (OH)
Britt	Hall (IN)	Mineta
Brooks	Hall (OH)	Minish
Broomfield	Hall, Sam	Mitchell
Brown (CA)	Hamilton	Moakley
Bryant	Hammerschmidt	Molinari
Burton (CA)	Hansen (UT)	Mollohan
Burton (IN)	Harkin	Montgomery
Byron	Harrison	Moody
Campbell	Hartnett	Moore
Carney	Hatcher	Moorhead
Carper	Hawkins	Morrison (CT)
Carr	Hefner	Morrison (WA)
Chandler	Hertel	Mrazek
Chappell	Hightower	Murphy
Cheney	Hiler	Murtha
Clarke	Hillis	Myers
Clay	Holt	Natcher
Clinger	Hopkins	Neal
Coleman (TX)	Horton	Nelson
Collins	Howard	Nichols
Conable	Hoyer	Nielson
Conte	Hubbard	Nowak
Conyers	Hughes	O'Brien
Cooper	Hunter	Oakar
Corcoran	Hyde	Oberstar
Coughlin	Ireland	Obey
Courter	Jacobs	Olin
Coyne	Jeffords	Ortiz
Crockett	Jenkins	Ottinger
D'Amours	Johnson	Oxley
Daniel	Jones (NC)	Packard
Daschle	Jones (OK)	Panetta
Davis	Jones (TN)	Parris
de la Garza	Kaptur	Pashayan
Dellums	Kastenmeier	Patterson
Derrick	Kazen	Pease
DeWine	Kemp	Penny
Dicks	Kennelly	Pepper
Donnelly	Kildee	Perkins
Dorgan	Kindness	Pickle
Downey	Kogovsek	Porter
Dreier	Kolter	Price
Duncan	Kostmayer	Pritchard
Durbin	Lagomarsino	Pursell
Dwyer	Lantos	Quillen
Dymally	Latta	Rahall
Dyson	Leach	Ratchford
Early	Leath	Ray
Eckart	Lehman (CA)	Regula
Edgar	Lehman (FL)	Reid
Edwards (AL)	Leland	Richardson
Edwards (CA)	Lent	Ridge
Edwards (OK)	Levin	Rinaldo
Emerson	Levine	Roberts
English	Levitas	Robinson
Erlenborn	Lewis (FL)	Roe
Evans (IA)	Lipinski	Roemer
Evans (IL)	Livingston	Rogers
Rose	Smith (NE)	Vucanovich
Rostenkowski	Smith (NJ)	Walgren
Roth	Smith, Denny	Watkins
Roukema	Smith, Robert	Waxman
Rowland	Snowe	Weaver
Roybal	Solarz	Weiss
Rudd	Spence	Wheat
Russo	Spratt	Whitehurst
Sabo	St Germain	Whitley
Savage	Staggers	Whittaker
Sawyer	Stangeland	Whitten
Schaefer	Stokes	Williams (MT)
Scheuer	Stratton	Williams (OH)
Schneider	Studds	Wilson
Schroeder	Sundquist	Winn
Schulze	Swift	Wirth
Schumer	Synar	Wise
Seiberling	Tallon	Wolf
Shannon	Tauke	Wolpe
Sharp	Tauzin	Wortley
Shumway	Taylor	Wright
Shuster	Thomas (CA)	Wyden
Sikorski	Thomas (GA)	Wylie
Siljander	Torres	Yates
Sisisky	Torricelli	Yatron
Skeen	Towns	Young (AK)
Skelton	Udall	Young (FL)
Slattery	Valentine	Young (MO)
Smith (FL)	Vandergriff	Zablocki
Smith (IA)	Vento	Zschau

NAYS—42

Anderson	Dickinson	McCollum
Archer	Erdreich	McDonald
Bateman	Fields	Patman
Bevill	Flippo	Petri
Bilirakis	Gramm	Ritter
Brown (CO)	Gregg	Sensenbrenner
Broyhill	Hall, Ralph	Snyder
Coats	Hance	Solomon
Coelho	Hutto	Stenholm
Coleman (MO)	Kasich	Stump
Craig	Kramer	Traxler
Crane, Philip	Long (MD)	Volkmer
Dannemeyer	Lujan	Walker
Daub	Mack	Weber

NOT VOTING—22

AuCoin	Huckaby	Rodino
Chappie	LaFalce	Shaw
Crane, Daniel	Lewis (CA)	Shelby
Dingell	Lundine	Simon
Dixon	Marlenee	Stark
Dowdy	Owens	Vander Jagt
Hansen (ID)	Paul	
Heftel	Rangel	

□ 1550

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1242 AND H.R. 2250

Mr. BEVILL. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of H.R. 1242 and H.R. 2250.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PERMISSION TO CHANGE DATE FOR HOUSE COMMITTEES TO SUBMIT LEGISLATION

Mr. JONES of Oklahoma. Mr. Speaker, I ask unanimous consent that the date for the House committees to submit their legislation pursuant to section 3 of House Concurrent Resolution 91 be changed to September 23.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR COMMITTEE ON ARMED SERVICES TO HAVE UNTIL MIDNIGHT TOMORROW TO FILE REPORT ON THE SEQUENTIAL REFERRAL OF H.R. 3231, EXPORT ADMINISTRATION AMENDMENTS ACT OF 1983

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services have until midnight, Friday, July 22, 1983, to file a report on the sequential referral of the bill (H.R. 3231) the Export Administration Amendments Act of 1983.

This matter has been cleared with the minority.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1984

The SPEAKER. Pursuant to House Resolution 197 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2969.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2969) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes, with Mr. MATSUI (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, title IV was open to amendment at any point.

AMENDMENT OFFERED BY MR. DANIEL

Mr. DANIEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DANIEL: Page 23, lines 9 and 10, strike out "an amount not to exceed $50,000,000" and insert in lieu thereof "such sums as may be necessary but not to exceed $50,000,000.".

Page 23, line 20, after the period insert the following new sentences: "None of the funds appropriated pursuant to the authorization contained in this section may be obligated until the President approves a justification submitted by the Olympic Law Enforcement Coordinating Council for Olympic arrangements to include security, medical support, and other related matters. Such justification shall delineate the general financial and operational responsibilities of each organization represented on the Council by functional area and identify the Department of Defense support that may be requested, in such level of detail as the Secretary of Defense deems necessary.".

Mr. DANIEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DANIEL. Mr. Chairman, the administration has asked that its $50 million O&M request for DOD assistance to the 1984 Olympic games be amended with specific bill language.

The proposed changes serve two purposes. The first is to make it clear that the moneys requested are not to be automatically expended, but to be used only as necessary.

The second change establishes a mechanism to insure that no moneys be obligated unless absolutely necessary. It establishes a procedure wherein the Olympic Law Enforcement Coordination Council would be required to have the justification for requests to DOD approved by the President prior to obligation.

This amendment, Mr. Chairman, is complementary to the authorization recommendation of the committee. Our report language stipulated that the Los Angeles Olympic Organizing Committee shall be required to reimburse DOD for requested assistance; this amendment would impose the same discipline on requests to DOD from entities other than the LAOOC itself. It makes sense. It provides a formal mechanism which will insure necessary planning, coordination, and justification before DOD assistance is provided.

The committee supports this amendment, and we urge its adoption.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. DANIEL. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I thank the gentleman from Virginia for yielding, and I really want to compliment him on his amendment.

I have published in the RECORD an amendment dealing with the XXIII Olympiad, scheduled for Los Angeles next summer. I support the Olympics and am delighted that they are being held in Los Angeles. Spirited international competition on the playing field is a good deal more civilized than the type of international competition which the rest of this Defense authorization bill funds. Still, I am concerned that the taxpayers not be billed for costs associated with these games, especially where those costs can be avoided through a little preplanning. The Los Angeles Olympics Organizing Committee (LAOOC) has said over and over again that no taxpayer's money would go for the conduct of the games. This is the way it should be. I would like to address a few questions to the distinguished chairman of the Readiness Subcommittee, the gentleman from Virginia (Mr. DANIEL). The first is: what is the committee's intent regarding prepayment by the Los Angeles Olympic Organizing Committee for assistance at the Olympics?

Mr. DANIEL. I thank the gentlelady from Colorado. There are two parts to the answer to her question. In the first instance, our report directs that the LAOOC totally reimburse DOD for all requested assistance, in the areas of support for law enforcement, emergency medical care, and security. That is the easiest condition to legislate. The more difficult matter to deal with, using our bill as a vehicle, is how to allow DOD to begin prudent planning and coordination, which must be conducted now, in the absence of a formal request, and attempt to compel later repayment. There are over 50 police jurisdictions in the region of, and affected by, the games. Only the large departments with a sophisticated staff capability have been able to even estimate their assistance requirements, much less communicate these effectively to the LAOOC.

Mrs. SCHROEDER. Did the committee consider a requirement that the LAOOC and DOD enter into a formal contract for these goods and services to be provided, as my amendment provides?

Mr. DANIEL. Yes, we did. But the planning and coordination will, in large measure, have to be started before the LAOOC is prepared to state their formal security requirements. Also, the actual types of assistance requests expected are liable to come to DOD, in large measure, from individual government and law enforcement agencies as opposed to direct requests from the LAOOC.

Mrs. SCHROEDER. The LAOOC is on record as saying that the games are not going to request the use of taxpayer's money. How does the committee intend that the organizing committee be compelled to repay DOD for such assistance as may be legitimately required as a result of the conduct of the games?

Mr. DANIEL. Those direct requests from LAOOC will be reimbursed as a matter of course. It does not make sense for DOD to attempt to directly recoup moneys for other individual requests from agencies or departments, or attempt to spread general costs across those agencies. Rather, in the committee's view, the most efficient method would be for DOD to keep stringent cost accounts for assistance

provided, which is made necessary by the conduct of the games, compute the totals after the games are over, and present an itemized request to the LAOOC for repayment for assistance provided.

□ 1600

Mrs. SCHROEDER. Mr. Chairman, I would like to compliment the gentleman on his amendment, because it appears that what is in front of us is the best way to keep the readiness accounts from being drained to pay for assistance to the Olympics, and it also provides for a later basis for the Los Angeles Olympic Organizing Committee to reimburse DOD for the entire range of assistance necessary for the safe conduct of the game.

Mr. DANIEL. I thank the gentlewoman.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. DANIEL. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, we have examined the provision under discussion. We understand the necessity of it. We understand the reasons. We have done this in the past, and we have no objection to the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Virginia (Mr. DANIEL).

The amendment was agreed to.

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I might have the attention of the Members for a moment, and if I might have the attention of the Chairman of our full committee, I intend to ask him a question at the end of my statement.

I have been asked by quite a number of people on my side of the aisle in particular what we might expect in terms of getting out of here today, how many amendments remain, and can we expect to finish the bill today.

I have never known a bill where things can change so rapidly, so anything I say is tentative.

We have some 11 titles to this bill. If I am correct, we have just finished titles I, II, III, and are into IV now, unless there are some floaters out there in the way of unanimous consents that have not been taken up.

We have pending, by my count at least, over 30 amendments that have been printed. Some are frivolous, but many are serious and will take some time to debate, such as changing the status of widows of veterans, troop limitations in NATO, a number of very, very serious amendments that would have far-reaching consequences, including the status of DOD teachers overseas. I think there will be substantial debate the rest of the evening.

The point that I wanted to ask my chairman about is that we have been told informally, and this was just 5 minutes ago and I realize it is subject to change since then, that we will proceed until approximately 6 o'clock this evening and then, regardless of where we are in the bill, it would be the intent of the leadership that we should then rise and adjourn for the balance of the week and have no session tomorrow.

Am I correct in my understanding?

Mr. PRICE. If the gentleman will yield, that is substantially the same understanding that I have. The leadership would like to conclude the business today by 6 o'clock. I think members of the committee would like to conclude, but unless we have the cooperation of the membership, I do not know how we are going to make it.

I could not make any promises on when we could conclude on the bill. I would like to stay on it until we can finish. But we have been asked to conclude action today by 6 o'clock.

Mr. DICKINSON. Mr. Chairman, it is further my understanding, from informal discussions, that if we do not conclude the business today, if we have not concluded all business on the bill, which is highly unlikely, then the bill will not be brought up until September. Additionally, the rule gives our colleague, the gentleman from California (Mr. DELLUMS), an hour to offer an amendment in the nature of a substitute. Of course, it will be subject to amendments, so he has a guaranteed hour of general debate on a substitute when we have finished everything else I have discussed, and then it is subject to amendment.

Mr. PRICE. The gentleman states the situation accurately.

Mr. DICKINSON. But am I correct in saying that it is the understanding of the chairman of our committee that if we do not conclude today, that this matter will not be brought up until September?

Mr. PRICE. That is up to the leadership to determine.

Mr. DICKINSON. I know it is always up to the leadership, but I want to know if you have been told anything by the leadership.

Mr. PRICE. There is a possibility that that would be the case, there are indications to that effect, but the leadership has not officially stated that. It is a House leadership decision.

Mr. DICKINSON. I thank my chairman for his answer, and I hope that this might answer in part some of the inquiries that the Members have put to me as to what we might expect today.

As well as I can put it together from what we have been told, we will proceed today until about 6 o'clock, and then whether we have completed action on the bill or not, we will rise. Is that the gentleman's understanding?

Mr. PRICE. I think that is the situation.

Mr. DICKINSON. And then we will probably come back in September and finish the rest of the bill.

Mr. PRICE. That we do not know.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama (Mr. DICKINSON) has expired.

(On request of Mr. COURTER and by unanimous consent, Mr. DICKINSON was allowed to proceed for 3 additional minutes.)

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I would be very pleased to yield to the gentleman.

Mr. COURTER. I thank the gentleman for yielding.

Mr. Chairman, it is pretty obvious what is going on here, I think, by the statement that we are going to be given exactly 1 hour and 55 minutes to pour through probably the balance of this bill that has—how many amendments did the gentleman say?

Mr. DICKINSON. Over 30 printed.

Mr. COURTER. Over 30 amendments in the next hour and 50 minutes. I can tell my colleagues right now, it is just simply impossible. I would like to be able to do it. I would like to finish this bill today. It is just simply not going to be done by 6 o'clock. I can imagine two or three amendments are going to take 45 or 50 minutes each, and then apparently what has been worked out is that we are going to rise, do nothing else for this evening, not work tomorrow, and then bring up this very important bill not again until September.

The purpose of my rising, I suppose more than anything else, is just to express my complete frustration and irritation at the way the Department of Defense authorization bill is being handled and scheduled on the floor. I think it is just a travesty.

I cannot understand why this bill would be used as a filler, Mr. Chairman, at the whim of whomever, and now when we would like to work later on, at least I would, I would like to work on Friday, I would like to complete this bill this week, we are kind of informally notified or threatened that if we do not complete it, if we do not cave in in 1 hour and 50 minutes, we are not going to be able to bring it up and discuss it on the merits until some time in the fall.

Is that what is going on here?

Mr. DICKINSON. That is my understanding, but it is even worse than the gentleman has depicted because we were ready before Memorial Day.

Mr. COURTER. That is right.

Mr. DICKINSON. The bill went over past Memorial Day under the threat of a filibuster, I am told, from my informal discussions. Then it was forced

over past the Fourth of July recess. We have been ready since May, and here we are in July and we are being told if we do not finish it today, and we are not going to work tomorrow, we did not work Monday, if we do not finish it today, and there is no possible way we can do it today, then this bill will go over until September.

Now, this not only impacts us; it impacts the Appropriations Committee. The Appropriations Committee labors under the Budget Act just the same as we do. It telescopes all of these things into September and later when we cannot even meet the rules of the House. I just think we should have had better planning. The gentleman is exactly right.

Mr. COURTER. If the gentleman will continue to yield to me, I would just like to ask generically the question whether anybody in this Chamber can explain to me why we have to rise at 6 o'clock, why we are not working tomorrow, and why this bill is going to be put over until September.

Mr. DICKINSON. Does anybody have an answer?

Mr. COURTER. There is my answer, I guess. No one can explain it.

Ms. FIEDLER. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentlewoman from California.

□ 1610

Ms. FIEDLER. Mr. Chairman, I rise to respond just in brief to the colloquy which was held a few moments ago regarding the Olympics funding.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama (Mr. DICKINSON) has expired.

(By unanimous consent, Mr. DICKINSON was allowed to proceed for 2 additional minutes.)

Ms. FIEDLER. Mr. Chairman, will the gentleman yield further?

Mr. DICKINSON. I yield to the gentlewoman from California.

Ms. FIEDLER. Mr. Chairman, I wish to respond simply with a bit of an explanation to the House on the issue regarding the Olympics and the funding by the Department of Defense.

I have been very involved in this issue. About 6 months ago, I asked the Department of OMB to take a look at the expenditures which the Federal Government was going to make in regard to the Olympics itself because there had been a good bit of controversy in Los Angeles about the expenditure of public funds. It came out, as a result of an ongoing investigation, that the Federal Government will finance up to $69 million through a variety of different departments, but the primary amount is going to come from the Department of Defense, some $50 million.

I would simply like to thank the committee chairman and those members of the committee who saw to it that appropriate limiting language was put into this particular bill in order to make certain there was no waste of public funds and there was complete control over any expenditure in the Department of Defense for the Olympics funding.

Mr. DICKINSON. Mr. Chairman, I thank the gentlewoman from California (Ms. FIEDLER).

Getting back to my former topic about going over to next month or to September, we are impacting the Appropriations Committee, we are going to then get into a continuing resolution, and this is going to cost millions of dollars unnecessarily. I would certainly like to lay the blame where it belongs, and certainly not with our committee and not with the Department of Defense.

AMENDMENT OFFERED BY MRS. HOLT

Mrs. HOLT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. HOLT: At the end of title IV (Page 25, after line 13), add the following new section:

LIMITATION ON CONTRACTING-OUT AT THE SERVICE ACADEMIES

SEC. 405. None of the funds appropriated pursuant to authorizations of appropriations in this title shall be available to carry out at the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy the provisions of Office of Management and Budget Circular A-76 (or any successor circular, order, or other regulation of the executive branch relating to contracting-our commercial and industrial functions).

Mrs. HOLT. Mr. Chairman, this amendment simply gives the service academies 1 year to point out the terrible inequities that are being affected by their having to perform A-76 requirements and contract out the support services at the academies. These are educational institutions and they are doing a good job of educating and training our young people to become the leaders of the military of this country.

I have served on the Board of Visitors at the Naval Academy for 10 years and have watched horror story after horror story. When the facility goes out to a local contractor, that contractor comes in with a low bid, claiming that he can do the job. He fails to do the job, and the institution is then thrown into having to use midshipmen for janitorial services and for food service preparation. Then the contractor, in order to get enough people to do the job, has to come back with a higher bid, the contract has to be renegotiated, and they go through the same terrible situation over and over again.

The argument that this is going to hurt the small business community is not a valid argument because the institutions are beginning to realize that the only way they can get qualified people to do these jobs is to go to the large service corporations that come in and perform everything—janitorial services, food services, public works, and everything else.

So this is really not providing jobs for our local contractors in the community. It is simply acting as a detriment to the education system of these academies. This amendment would give us 1 year to take a look at it and convince the Defense Department that this is not the way to go.

Mr. DANIEL. Mr. Chairman, will the gentlewoman yield?

Mrs. HOLT. I am happy to yield to the subcommittee chairman.

Mr. DANIEL. Mr. Chairman, insofar as our committee is concerned, we have examined the amendment and have no objection to it.

Mr. BEDELL. Mr. Chairman, will the gentlewoman yield?

Mrs. HOLT. I am happy to yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, I understand that we are operating at this time under a moratorium which says that the services cannot do new contracting out, but they will be able to continue with those contractors that they already have, if they wish to do so; is that correct?

Mrs. HOLT. That is correct; yes.

Mr. BEDELL. What would the gentlewoman's amendment do with regard to that?

Mrs. HOLT. Mr. Chairman, it really would not affect that at all, but there are certain instances where the academies are required to do an A-76 study, to make the decision, and to go out and let the contracts. If nothing is done, 500 of the Naval Academy personnel will be studied over the next few years.

Mr. BEDELL. Does the gentlewoman's amendment say that any contract now in effect can be renewed or continued if, in the opinion of the Department of Defense, it would be in the interest of the taxpayers and the Department of Defense to continue those contracts?

Mrs. HOLT. Yes. Mr. Chairman, it is my understanding that this would not affect those contracts at all. All it says is that none of the funds appropriated pursuant to authorizations in this bill can be used to carry out Circular A-76. And that is the study or the initiation of the study of a support service.

Mr. BEDELL. Mr. Chairman, does the gentlewoman not want the study to be completed as to how this is worked out with the moratorium?

Mrs. HOLT. No; I think that will go on as far as firefighters and security personnel. I think that is in effect until October. But this would prevent instances where the institutions have to take a look at contracting for services and request bids.

This is exactly what I am trying to do, to avoid having to do that at these

institutions, because I think they have failed. They have stood in the way of educating our students, which is the purpose of the institutions.

Mr. BEDELL. Mr. Chairman, will the gentlewoman yield further?

Mrs. HOLT. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, may we have a copy of the amendment? There are some of us, of whom I am one, who have not seen the amendment, and I am not sure what this amendment does. If all it does is continue the moratorium, I have no great problem with it.

If this amendment simply says that in spite of the moratorium that is now in effect, we are going to prohibit contracting-out, even though the Secretary of Defense feels it is advisable to do so, then I have great trouble with it.

Mrs. HOLT. Mr. Chairman, it will affect it as far as the three institutions are concerned. That is exactly what I am trying to do. I am trying to relieve them of the responsibility of abiding by A-76 for the year that this appropriation or this authorization is in effect.

The CHAIRMAN pro tempore. The time of the gentlewoman from Maryland (Mrs. HOLT) has expired.

(By unanimous consent, Mrs. HOLT was allowed to proceed for 5 additional minutes.)

Mrs. HOLT. Mr. Chairman, I am doing this to give them the opportunity to show the great detriment that is taking place at these institutions. I cannot see why the gentleman would object to that, for the three military academies to be allowed not to do the studies during this period of time.

Mr. BEDELL. Mr. Chairman, will the gentlewoman yield further?

Mrs. HOLT. I am happy to yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, believe me, this gentleman is only trying to understand what is happening, and one reason the gentleman wants to understand it is because an amendment was passed last year that the gentleman certainly would have opposed and would have fought hard against if he had understood it. I do not want to oppose something that indeed makes any sense.

Does the gentlewoman's amendment in no way affect the current moratorium on contracting out and in no way does it say that institutions will be prohibited from contracting out, if the Secretary feels that it is advisable, through bids, and seems to be adivsable to both the Department and the taxpayers, in the opinion of the Secretary, for such contracts to be granted?

Mrs. HOLT. Mr. Chairman, it does as far as these three institutions are concerned. That is simply the U.S. Naval Academy, the Military Academy, and the Air Force Academy.

The reason I am trying to do this is that it has been a terrible chore for those institutions to go through the hassle of trying to let contracts out to small contractors to provide food services and to provide janitorial services. It has not been effective. The bidders come in with low bids and it costs less money, but they are unable to do the job. It has been very, very unsuccessful, and because these are educational institutions, I feel that their prime goal is to educate people. They should not have to stop and use the midshipmen or the students as janitors or use them as food servants to overcome a poor contractors failure.

□ 1620

This would give us 1 year to see if this is the proper thing to do for these three institutions.

Mr. IRELAND. Mr. Chairman, will the gentlewoman yield?

Mrs. HOLT. Yes. I would be glad to yield.

Mr. IRELAND. Mr. Chairman, I am like the gentleman from Iowa here. I do not understand where the 1 year comes in. It seems to me from the way this reads that from this point forward the academies are relieved from what is the current circular A-76 or anything that succeeds it.

Mrs. HOLT. Well, what the legislation says is that none of the funds appropriated pursuant to authorizations under this bill; so since this is in title IV it is my understanding that it is of 1-year duration.

Mr. IRELAND. So in effect, this is a moratorium then for 1 year?

Mrs. HOLT. For these three institutions.

Mr. IRELAND. I thank the gentlewoman.

I would be inclined then to speak against the amendment.

Mrs. HOLT. Mr. Chairman, I urge adoption of the amendment.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to salute the gentlewoman from Maryland on her amendment. I think she is hitting a very, very important issue.

Circular A-76 has been a nightmare for many of these installations. I think one of the major problems that the military has had that people keep forgetting is that once you contract out these services, you have really no control over them.

In other words, what we hear from the different superintendents of the universities, which is really what they are, is that when you go and you order food and the food comes out terrible and you walk into the kitchen and you say, "Clean up the food service," they all look at you and say, "Oh, I don't work for you."

It has really been a phenomenal problem to get laundry done, to get cooking done, to get the cleaning done, and they really do not need that hassle.

It also has ended up not saving any money. The contractors bid low and then jack it up the next year.

Circular A-76 has been full of all sorts of fudge factors where you are not really comparing apples to apples—where you are comparing apples and oranges.

But I really want to compliment the gentlewoman from Maryland on her amendment. I think this is terribly important. I know many of the members of the committee have worried about this and have seen this happen over and over.

I urge adoption of the amendment.

Mr. IRELAND. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Mr. Chairman, I will not take the full time.

Circular A-76 is one of the greatest things in my opinion, that we have in our country. It requires us, hopefully with the exception of when our military security is at stake, to pay attention to the fact that in the private sector we can get jobs done a lot more cheaply than we can in the public sector. When a job has been contracted out is improperly done, we can change contractors and get it properly done. When it is improperly done within our bureaucracy, it continues and it continues.

Apples and oranges notwithstanding, I would call to the attention of the gentlewoman from Colorado that I had an opportunity to have a meal or two at the Air Force Academy within the last several months, contracted out, done quite well, much to the satisfaction of everyone at the institution.

The question here has to do with getting the best return for the American taxpayer. We perpetuate inefficiency when we do not contract out.

The testimony in the other body, the testimony in this body, not only having to do with military installations but other areas of our Federal Government, indicates over and over again that the job can be better done by the private sector, at least cost to the American people. Changes in inefficiency can be done.

This is an amendment, I feel very strongly, that is one more thrust at eroding an important consideration for the American taxpayer.

I urge my colleagues to oppose the amendment.

Mr. BEDELL. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, I think this is an issue that indeed the House needs to address. In the opinion of the gentleman from Iowa, certainly we should

look at what seems to be the most economical best manner of providing for our defense capabilities.

I would like to read for the Members of the House a letter addressed to JOHN TOWER, Chairman of the Committee on Armed Services, dated July 20, 1983, by the Secretary of Defense. It reads as follows:

DEAR MR. CHAIRMAN: I am deeply concerned by several recent congressional actions which threaten to undermine my efforts to improve readiness by achieving economies and efficiency in the way we operate. Both the Senate and the House have introduced legislation that would either bring to a complete stop or cripple our efforts to contract out commercial activities when it is more economical to do so. By subjecting about 400 of our commercial activities to the beneficial pressure of open competiton in recent years, we have achieved annual savings of $84 million, made 12,000 military and civilian manpower authorizations available for other defense needs and created nearly that many new jobs in the private sector. There are many more activities to be reviewed with great potential for more savings.

Mr. Chairman, I understand the effort to have a moratorium where they would not increase our contracting out and why we would try to check upon how that moratorium has worked. That has been done. That moratorium will end this coming October. We will then have a report as to how it has worked to refuse to add to our contracting out.

It seems to me that in good practice in terms of economy that it makes sense for us to continue as we are at this time. If that report indicates that indeed it is not advisable to continue their opportunity to contract out, that is fine; but I cannot understand for the life of me why we would want to tie the hands of the Secretary of Defense in these areas if indeed he believes that it is in the best interest of the Department of Defense and in the best interests of the taxpayers which we represent.

Mr. Chairman, I strongly urge a vote in opposition to this amendment.

Mr. BADHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would ask the gentlewoman from Maryland if she would explain the amendment to me. Is it not strictly a prohibition against the business of contracting out for personnel in the conduct of the operation of the service academies.

Mrs. HOLT. That is correct.

Mr. BADHAM. Is this just academic?

Mrs. HOLT. If the gentleman will yield, it is all the support services; library personnel, everybody at those institutions has to come under this study under the provisions of A–76.

It is a terrible drag on the education process. We have been through it with janitorial services at the Naval Academy. It has to go for public works and what is going to happen is all the institutions are just going to say, "Well, all right, we are just going to turn it over to a big corporate manager."

That certainly is not going to produce any real competition, as the previous speaker was saying.

I feel strongly that what we should do is to allow the institutions to manage their own activities, to hire the people to do the job that they need to do to educate these young men and women to become the leaders of our military.

You get a contractor who comes in and gives you a low bid. Sure, that is great. He alleges he can do it. So then he wins the contract. Everybody is hired and goes home. The guy comes in with 18 people to replace 55 and 2 weeks down the road he says, "I'm sorry, we can't keep the place clean with this many people."

You have to bring in the midshipmen to do the cleaning. In the meantime, he goes out and hires more people. He has to renegotiate the contract. You have spent all this time wasted in trying to work with this guy.

Then he comes in later and the institution has to go out for a new contract because he is over the bid; so you go through the same unhappy hassle again and again.

For library services, should we have hired librarians in an institution of higher learning who are not part of the institution; some contract groups is going to come in and work with the students, when we have dedicated people there for years and years who know the curriculum, who know the needs and desires of the institution?

It is a unique situation. These three should not be included in this hassle of studying each service.

□ 1630

Mr. BADHAM. I appreciate the gentlewoman's comments.

I want to make sure as the gentlewoman knows that in other areas where we had a 1-year moratorium against contracting out at military bases for the aspect of security and firefighting which if done on base by personnel would be a questionable reduction in readiness, what I want to make sure of is that this in no way has to do with a permanent prohibition against contracting out on military bases for fire suppression and security personnel.

Mrs. HOLT. If the gentleman will yield, this strictly is for these three institutions, to exclude them for the length of time that the authorization is in effect from the effects of A76.

I think in that period of time we will show that we can do a better job of educating our young people if we do not have to fool with this onerous requirement.

Mr. BADHAM. As long as this then in no way gets into the adverse effects on readiness of the contracting out at other military bases, why then I thank the gentlewoman and I would support her amendment.

Mr. WHITEHURST. Will the gentleman yield?

Mr. BADHAM. I yield to the gentleman from Virginia.

Mr. WHITEHURST. I have sat here and listened to this colloquy for the last few minutes. I have also been on the Board of Visitors of the Naval Academy myself, several times, and I am well aware of the problems the gentlewoman raises.

All I can think of is that marvelous maxim that Burt Lance brought to Washington when he said: "If it ain't broken, don't fix it."

We had no problem with the Naval Academy until they started contracting out, and we have had nothing but problems since with the failure to fulfill the obligations that the contractors were hired for.

Mr. BADHAM. I yield back the balance of my time.

● Mr. SCHAEFER. Mr. Chairman, I would like to express my strong opposition to this amendment.

Competition is the key element in our Nation's economy which is the most productive in the world. Competition is what contracting out is all about. Bureaucracy is the key element of our Federal Government, known for embarrassing and sometimes disgraceful waste and mismanagement. Today we have an opportunity to give the Federal Government a much needed dose of competition—let us not miss these too few opportunities.

I think it is tragic that some Members would steal away a chance for the Nation's Government to be more cost effective. Now, especially when deficits are running at record highs, we have got to take steps to see that the precious tax dollars we have to spend are spent in the most efficient way possible.

The Congressional Budget Office estimated substantial savings to the Federal Government from contracting out for some services.

Also, contracting out is tax productive because the private entities will pay taxes to the local, State, and Federal governments, contribute social security payroll taxes, and, in the meantime, provide better services.

Finally, contracting out helps the Nation's fastest growing employer—small businesses. The procurement contracts available to small businesses can get a new enterprise rolling or help an established small business expand and grow. As a member of the Small Business Committee, this is of particular concern to me and to the many small businessmen in the Sixth District of Colorado. We can't shut this door on our small business community.

This amendment should be defeated.●

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Maryland (Mrs. HOLT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KAZEN

Mr. KAZEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KAZEN: Page 25, after line 13, add the following new section:

ASSISTANCE TO CERTAIN SCHOOL DISTRICTS IN SAN ANTONIO, TEXAS

SEC. 405. (a)(1) The Secretary of the Army may make a grant to the Fort Sam Houston Independent School District of San Antonio, Texas, for the purpose of providing assistance to that school district for current expenditures.

(2) There is authorized to be appropriated to the Army for fiscal year 1984 the sum of $784,000 for the purpose of making a grant under paragraph (1).

(b)(1) The Secretary of the Air Force may make grants to the Randolph Field Independent School District and the Lackland Independent School District of San Antonio, Texas, for the purpose of providing assistance to those school districts for current expenditures.

(2) There is authorized to be appropriated to the Air Force for fiscal year 1984 the sum of $657,000 for the purpose of making grants under paragraph (1).

Mr. KAZEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KAZEN. Mr. Chairman, this amendment concerns three school districts, one of them in my congressional district and two in the district of my colleague from Texas (Mr. GONZALEZ), the independent school districts at Kelly, Randolph, and Lackland.

These are three school districts wholly within the military reservations. They are super A student schools. There is not a single part of any of these districts that is outside the limits of the Federal base, the Federal reservation.

These schools have been financed under 874 funds but since 1981 they have only been receiving 70 percent of their entitlement, which has left all three of those independent school districts very short of the money that they need to keep operating.

I have discussed this situation with the gentleman from Kentucky (Mr. PERKINS), chairman of the Education and Labor Committee. They are working on the 874 fund program now, but they may not be able to finish it anytime before October or the beginning of the next fiscal year.

These schools have to open up in September and if we do not help them with this amendment, if we do not make this money available to them, those military schools are going to have to close or operate at a very restricted fashion and in danger of losing their accreditation.

Randolph Field will be short $334,000, almost $335,000; Lackland Independent School District, $311,000 plus; and Fort Sam Houston Independent School District, $783,000 plus.

All this amendment does is say to the Army grant us that amount of money in order to be able to keep these schools at Fort Sam Houston open for military personnel children, and tells the Air Force to grant them this additional money for Lackland and Kelly.

I have sent a letter to the gentleman from Kentucky (Mr. NATCHER), to see what he could do for us in the appropriations bill, but since he has no authorization from the Education and Labor Committee he cannot give us the appropriation.

So in discussing this with the various committees of jurisdiction we have come up with the idea that this is the only way that we can go now. These schools would be eligible probably under section 6 schools, but that would cost the Government a lot more money than remaining under 874, because the State of Texas matches these funds under 874, and they do not under section 6.

I understand that a lot of school districts throughout the country are in trouble. But there are only six school districts in this particular category—wholly within military reservations. They have no tax base. They cannot make up the difference any other way. They are on Federal property and this is the only way that we can finance them.

So I ask you to go along with us and vote with us on the approval of this amendment.

Mr. WHITEHURST. Mr. Chairman, I regret that I must rise in opposition to the gentleman's amendment. I sympathize with the plight of the three school districts the gentleman has mentioned and I recognize that the management of the impact aid program for such schools over the past 2 years has left something to be desired. But the selective use of Department of Defense operation and maintenance funding is, in my opinion, hardly the most satisfactory or appropriate solution to this problem.

Although the dollar amounts involved are relatively small, this amendment sets a precedent that would open the door for a more widespread use of operation and maintenance funding to support a number of other schools finding themselves in similar circumstances. Doing so would send precisely the wrong signal to the Office of Management and Budget. It is high time for OMB to stop playing games with impact aid and support a realistic and stable impact aid program to assist these school districts with large numbers of federally connected children.

In addition, this amendment would add yet another activity supported by the Department of Defense O&M account. Who can say for certain what the magnitude or duration of this requirement might be. I am aware of at least five other locations where schools are having similar problems. And what will be the impact on military requirements if we were to expand the use of piecemeal remedies instead of a comprehensive cure for impact aid problems? As it is, this authorization bill does not contain adequate resources to meet existing military needs, let alone take on additional requirements that are the statutory responsibility of another department.

I share the gentleman's concern and can appreciate his frustration in attempting to provide the resources needed to operate these schools. However, I do not believe that the Department of Defense O&M account is the appropriate source for those funds, nor that the defense authorization bill is the proper vehicle for that relief. I fear that taking this approach will only delay efforts to find a means of providing adequate impact aid in an equitable fashion. For those reasons, I regret that I must oppose the gentleman's amendment.

□ 1640

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. WHITEHURST. I yield to the gentleman.

Mr. KAZEN. I thank the gentleman.

Mr. Chairman, the gentleman was talking about other school districts in this category. There are only three other independent school districts in the entire Nation in this category. One at Fort Huachuca, Ariz., at Williams Air Force Base, Ariz., and the other Fort Leavenworth, Kans.

But none of those three are in the financial fix that these three are which are the subject of this amendment. Those others are not in danger; mine are the only three school districts, and I ask the gentleman: These are military schools, super A students, no tax base whatsoever; why not have the Department of Defense foot the bill?

Now, I ask the gentleman: Is it not up to the Department of Defense to furnish the money to educate military children?

Mr. WHITEHURST. I would say to the gentleman that I have a high school in Virginia Beach which does not qualify precisely as the gentleman's schools do, but nevertheless has an enormous number of military family children in it. And we face a situation that, if not precisely the same, is akin to it. And we are feeling the

same kinds of pressures. I know that last year we had a situation involving the school district of a Member from another State who attempted to utilize funds in this special way and was not successful because of the precedent-setting aspects of it. And it was for that reason, indeed for the same reason here, that this opposition has been raised.

Mr. KAZEN. Mr. Chairman, will the gentleman yield further?

Mr. WHITEHURST. I yield to the gentleman.

Mr. KAZEN. I thank the gentleman.

I agree with the gentleman. I have some districts that have a tremendous number of military schools, but part is outside the bases where you have a tax base. That is the situation in the gentleman's district, his district has a tax base.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(On request of Mr. KAZEN and by unanimous consent, Mr. WHITEHURST was allowed to proceed for 3 additional minutes.)

Mr. WHITEHURST. Mr. Chairman, I yield to the gentleman from Texas.

Mr. KAZEN. But the precise situation as I have told the gentleman does not exist anywhere else. I have resisted the pressure, as the gentleman has for his type of school district because I have them also. But what am I going to do with schools that are entirely, 100 percent inside a Federal reservation? Whose responsibility is it if it is not the Department of Defense to educate the children of military families? This is all that I am asking in this amendment.

Now, when the 874 funds become available, this money will be repaid to the Department of Defense. And I would rather keep these schools, as I am sure the gentleman would, under the program of 874 rather than going to section 6, as we do with overseas schools, because then it would cost the Department of Defense a lot more money than this program will, because the State of Texas picks up a share of the funding.

Otherwise, under section 6 it would not pick up a single dime. But these schools have already reduced services, they have cut out faculty, they have cut out books. They are getting to the point where they will lose their accreditation if we do not give them this measly sum to let them open in September, give DOD the money back when 874 funds become available and that is all there is to it and that is all we are asking.

Mr. WHITEHURST. The gentleman pleads an eloquent case.

Mr. DANIEL. Mr. Chairman, will the gentleman yield?

Mr. WHITEHURST. I yield to the gentleman.

Mr. DANIEL. This Member had planned to oppose this amendment; but now there is a new factor. I was not aware that this was a unique case.

I wonder if the gentleman would withdraw his amendment until we can do some work to determine just where we stand on this, because I do think, as the gentleman from Virginia (Mr. WHITEHURST) said, it would set an enormous precedent. But if it is special or unique, then it is something else. Would the gentleman agree to withdraw his amendment without prejudice.

Mr. WHITEHURST. Mr. Chairman, I yield back the balance of my time.

PARLIAMENTARY INQUIRY

Mr. KAZEN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. KAZEN. If I understand from what our distinguished ranking minority member said earlier, this bill would go over to September if we do not finish by 6 o'clock—and there is no chance at all that we are going to finish it by 6 o'clock. Does that mean, Mr. Chairman, that this bill's next consideration will not be in this Committee of the Whole until September? Is that the understanding?

The CHAIRMAN pro tempore. That is a matter for the leadership and minority to discuss.

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say if I might have the attention of the gentleman from Virginia (Mr. DANIEL) and the gentleman from Texas (Mr. KAZEN) that I find myself between the horns of a dilemma.

I recognize you have a problem that needs addressing. You asked if I made the statement. I said, "Yes," that in informal conversation I had been told that because of scheduling problems the leadership had observed—it was not a threat, it was not a promise—they observed that if it was not concluded today, that it would probably be after the August recess before this matter could be brought back to the floor. I do not say that is, indeed, a fact that will occur. I say, in my opinion, it is very, very likely.

But, you see, we are not working tomorrow, there are no votes Monday; we have, I do not know how many days between now and when we do recess, if there are any more, when there will be nothing scheduled; or why we do not work late and get this done, or why we use the Defense authorization bill as a filler to pull off and on the floor—when we have nothing better to do, just pull it on. I cannot answer that. We started this bill in May. We were ready to go in May; the powers that be that makes these decisions said, "We will rise," pull it off the floor; we are going over the Memorial Day recess. Then we came back on the floor, then went over the Fourth of July recess, did not come up the first week, came up the second week.

We had no business last Monday, we have no business tomorrow, we did not have business last Friday, we have no votes Monday. We are going to use this as a filler, when we have nothing else to do—"Yes, put this bill back on."

So we could, yes. If the decisionmakers decided we were going to finish this bill before we quit, we could finish this bill. We do not have the authority to make these decisions, certainly not on this side.

So, I am saying what the likelihood is and what the speculation is, not that there is anything written that you can take to the bank.

Mr. DANIEL. I thank the gentleman. I simply state to the gentleman from Texas, that based on the information I have at the present time, and I have discussed this with Mr. WHITEHURST and we had agreed the position we had to take, because of the precedent it would set.

If we vote based on the information I have at the moment, I will oppose the amendment.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman.

Mr. COURTER. I thank the gentleman for yielding and for bringing that point up.

I know I have spoken on this particular matter. I do not want to belabor the point. I had my staff go through the CONGRESSIONAL RECORD and the gentleman from Alabama (Mr. DICKINSON) is correct. We started this bill on May 18, then debated on May 26. On June 14, 15, and 16, we considered for a small period of time this particular bill.

Then in July, indeed, we brought it up July 20 for a short period of time, July 21, today—now we talk in terms of perhaps working again in September. It seems ridiculous that once again this particular bill is used to be brought up when convenient, to whomever, I do not know.

□ 1650

And it is, I think, a real snub on our committee and the important work that it is doing.

One other thing I would like to say, all I can do is just caution. The way this thing is going and the fact that once again we have no votes on Friday, no real session on Monday, that I would suggest that the Members do their Christmas shopping during August, because most certainly we will be here at Christmas.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from California.

Mr. DELLUMS. I thank the gentleman for yielding.

Just one minor comment. I have to work on Monday. There are three District of Columbia bills that will be brought up on Monday that we will have to manage on the floor. And as I understand it, there will be three suspensions that will come up on Monday. Now some Members may not be here, but some of us will have to work. And as I understand it, the reason why the votes are carried over to Tuesday is for the convenience of other Members, but there are some of us who will not be able to exercise that convenience.

And I just wanted to say for the RECORD, let us not paint Monday as if it is not a workday, because this gentleman has to work on Monday. We have three pieces of legislation to bring to the floor.

Mr. COURTER. If the gentleman will continue to yield, the gentleman probably works 7 days a week.

The point is that we are having no votes on Friday, apparently. We are just going to get out of here at 6 o'clock.

Mr. DICKINSON. We have no session on Friday and no votes on Monday.

Mr. DELLUMS. If the gentleman will continue to yield, I would like to make one comment.

I agree with the major thrust of the gentleman's remarks and that is that this bill is in many instances being used as a filler. I think my colleagues recall one day I incurred the wrath of the leadership on this side by challenging that particular practice. I think this is a terribly important piece of legislation, but I think we delude ourselves into believing that this piece of legislation can in some way be passed in 2 or 3 or 4 days.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama (Mr. DICKINSON) has expired.

(At the request of Mr. DELLUMS and by unanimous consent, Mr. DICKINSON was allowed to proceed for 1 additional minute.)

Mr. DELLUMS. If the gentleman will yield further, I think clearly it is going to take 2 to 3 weeks for us to seriously debate this bill. I do not think 2 or 3 weeks is too much time to debate a bill that in the aggregate will come to somewhere in the neighborhood of $260 billion with enormous implications for life and death.

Maybe we ought to set aside Military Authorization Month and let us debate the bill for a month. Let us stay in here and deal with it. We do not need to badger each other on this. All of us know the importance of it. This gentleman is willing to stay here every day, if necessary, to debate this matter. That is why I do not believe in cutting off debate. I think we ought to have a full-blown and significant and serious discussion of these critical issues. I join my colleague in that effort.

But the military budget has been used as a filler. I do not know why that is the case. Maybe we ought to set aside a month and then give this gentleman a month to debate the substitute and we can have a 2-month ordeal.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama (Mr. DICKINSON) has again expired.

(At the request of Mr. KAZEN and by unanimous consent, Mr. DICKINSON was allowed to proceed for 2 additional minutes.)

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

Mr. Chairman, let me assure my colleagues on the committee, that I do not want to do anything to this authorization bill that will set a precedent for a variety of other types of expenditures.

If this were not this unique case and if we were not caught in a bind with the other legislation that might have bailed us out, I would not be offering this.

What I would tell my colleagues from Virginia on the committee, is that I would be willing to withdraw this amendment if I could go with a backup amendment that I have which is strictly a loan amendment, not a grant, a loan, to allow these schools to open and the moment the money is there, it will be repaid, with interest, to the Department of Defense.

Mr. DICKINSON. I would prefer that my colleague from Virginia would respond.

Let me say before I yield to him for that purpose, as a practical situation the gentleman's amendment, if it passes, will be part of this bill. This bill will not pass, in my opinion, until sometime in September. After that we have to go to conference with the Senate. After that we have to bring it back. Then the appropriations process takes hold.

I really do not think that we are going to get the gentleman any money for his schools, whether we pass this amendment or not. Perhaps I am wrong. Maybe the gentleman can work miracles.

Mr. KAZEN. If the gentleman will yield, the gentleman and I know that the appropriation process is going to supersede this authorization bill. It has to.

Mr. DICKINSON. Not if I can help it.

Mr. KAZEN. I understand. The gentleman and I feel the same way, but it is going to happen if we are on track on this bill not passing until after the fiscal year begins. Now the gentleman knows this.

All I am saying is that if we can attach this amendment, which I will withdraw and offer my other amendment that is on the desk, these people may be able to go to a local institution to borrow money against something that is already there and will be forthcoming. And that would be the only advantage to it.

Mr. DICKINSON. Let me say whether the gentleman gets the amendment in the form of a loan or whether the gentleman gets it in the form of an amendment, I do think we are setting a terribly important and dangerous precedent here. I do not think there is going to be any money forthcoming.

Mr. KAZEN. I understand what the gentleman is telling me.

Mr. DICKINSON. Let me ask the gentleman this. Why is this not the responsibility of the State of Texas?

Mr. KAZEN. It is.

Mr. DICKINSON. Why are we picking up the burden that they should be carrying. I do not understand this.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama (Mr. DICKINSON) has again expired.

(At the request of Mr. KAZEN and by unanimous consent, Mr. DICKINSON was allowed to proceed for 2 additional minutes.)

Mr. KAZEN. The gentleman must not have heard what I said.

Mr. DICKINSON. I did.

Mr. KAZEN. Under the 874 funds program every State in the Union has a formula that they match on this impacted aid. The State of Texas is putting up almost one-half of the money for these strictly military schools which ought to be 100 percent of entitlement under 874, but they are not, because for the last 2 years we in the Congress have only given them 70 percent of entitlement and you are asking the State of Texas to put up 100 percent for 100-percent military schools.

Now I ask my colleague, is that a fair thing to ask?

Mr. DICKINSON. Well, if they draw the school district lines.

Mr. KAZEN. No, no. The Government drew the district line. It is inside a military reservation. It is the Lackland Independent School District, the Randolph Field Independent School District, the Fort Sam Houston Independent School District. It is not Judson or Laredo.

Mr. DICKINSON. The gentleman is saying the Department of Defense drew the school districts for the State of Texas?

Mr. KAZEN. I do not know who drew the lines but the Department of Defense has been going along with it and saving money because they should have really picked it up under section

6 as we do overseas districts. Strictly super A students.

Mr. DICKINSON. Let me say to my colleague from Texas, good luck. I do not think he is going to get the money.

Mr. KAZEN. All I am asking is to let it go on this bill. If we get it, fine. If we do not, we do not.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was not objection.

AMENDMENT OFFERED BY MR. KAZEN

Mr. KAZEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KAZEN: Page 25, after line 13, add the following new section:

LOANS TO CERTAIN SCHOOL DISTRICTS IN SAN ANTONIO, TEXAS

SEC. 405. (a) The Secretary of the Army may make a loan to the Fort Sam Houston Independent School District of San Antonio, Texas, in an amount not to exceed $784,000, in order to assist that school district in meeting current expenditures. A loan under this subsection may be made from amounts available to the Army for operation and maintenance for fiscal year 1984. Any such loan shall bear interest at such a rate and be subject to such terms and conditions as the Secretary requires.

(b) The Secretary of the Air Force may make loans to the Randolph Field Independent School District and to the Lackland Independent School District of San Antonio, Texas, in a total amount not to exceed $657,000, in order to assist those school districts in meeting current expenditures. A loan under this subsection may be made from amounts available to the Air Force for operation and maintenance for fiscal year 1984. Any such loan shall bear interest at such a rate and be subject to such terms and conditions as the Secretary requires.

(c) If funds under the Act of September 30, 1950 (Public Law 874, 81st Congress; 20 U.S.C. 236 et seq.), are not provided for fiscal year 1984 to a school district receiving a loan under this section in the full amount that would have been provided to that school district for that fiscal year without regard to the Omnibus Budget Reconciliation Act of 1981, then such loan (including interest) shall be forgiven to the extent that the amount provided to that school district for that year under such Act is less than such full amount.

Mr. KAZEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KAZEN. Mr. Chairman, this is the amendment that I have been talking about with my colleagues from Virginia who objected to the other amendment.

Mr. WHITEHURST. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from Virginia.

Mr. WHITEHURST. I thank the gentleman for yielding.

Mr. Chairman, I make no objection on this side.

Mr. DANIEL. Mr. Chairman, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from Virginia.

Mr. DANIEL. I thank the gentleman for yielding.

Mr. Chairman, this side has no objection to the amendment.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield for a question?

Mr. KAZEN. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, I have a copy and I was just reading it.

Now, does this mean that if the entitlement is later granted that such amounts as would be awarded under the entitlement that amount would be repaid. If it was not 100 percent, then whatever it was would be repaid.

Mr. KAZEN. Whatever is loaned will be repaid when the money comes in.

Mr. DICKINSON. I thank the gentleman.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. KAZEN).

The amendment was agreed to.

□ 1700

Mr. FAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in order to engage in a colloquy with the chairman of the Readiness Subcommittee of the House Committee on Armed Services, Mr. DAN DANIEL.

Mr. Chairman, as one of the foremost experts in Congress today on the operations and maintenance accounts in the Department of Defense budget, I know that you are aware of a potentially costly, yet necessary item that will require increasing funds from the O&M account. I am speaking, of course, of the problem of pollution on the premises of our military installations, pollution caused by previously used methods of storing and disposing of industrial wastes. Fortunately, there has been a concerted effort on the part of the individual services to address this problem by changing the methods in which waste and toxic chemicals are stored and disposed of. Nevertheless, even though faulty practices have been stopped, the pollution problems remain. The need now is to locate, contain, and eliminate these problems, and to do so in a proper and timely manner.

To illustrate my point, I would like to briefly discuss the situation at McClellan Air Force Base, one of five air logistics centers, located in the congressional district that I am privileged to represent. Since this facility is tasked with the repair and maintenance of aircraft, industrial solvents are a commonly used item at McClellan. Between 1967 and 1981, the base stored and disposed of an industrial solvent known as TCE containing the chemical trichloroethylene. At one time, this chemical was thought to be harmless; thus, appropriate caution in disposal was not taken. This solvent was dumped in open pits and at other areas on the base.

Once the dangers of the chemical were known and the dumping was stopped, the Air Force undertook a preliminary study in which 46 sites, most of them small, were identified. Of these sites, the greatest problem has been associated with three large pits. One remains open and unlined where seepage of the contaminants into the upper aquifer has occurred. Needless to say, this has triggered justified concern on the part of the Air Force, the State of California which has jurisdiction over ground water, the work force on the base, and residents whose property surrounds the base, some of whom have wells which have been affected.

Mr. Chairman, I bring this matter to your attention because I feel it is important for Congress to publicly recognize the existing problems of pollution on our bases and the long-term commitment that must be made in order to insure as healthy and safe an environment on and off our bases as is possible and feasible.

McClellan, as one of the first Air Force bases where the pollution problem was brought to light, will, in effect, be a test case. Thus far, while there is some dispute on this point, the Air Force has complied with the State directives. However, there have been complaints as to the timeliness of the Air Force's compliance with the State directives and its responses to requests for data and information on the degree of contamination.

On Friday, tomorrow, the Air Force is scheduled to release the phase II report which purportedly recommends how the Air Force is to contain, clean up, and eliminate all aspects of the pollution problem. Again, there is some concern as to whether this will be the case, or whether additional studies will be required to determine the method of cleaning up specific sites. That issue will be determined upon release of phase II. There remains, however, the major job facing McClellan and other military installations.

I ask for your assurances that this will be a matter of high priority, and that your subcommittee will take whatever steps are necessary in the years ahead to insure that the services are funded properly, responsive, and act in a timely and proper manner.

Mr. DANIEL. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentleman from Virginia.

Mr. DANIEL. I thank the gentleman for yielding.

Mr. Chairman, I thank the gentleman for bringing this matter to the attention of the committee. Generally, we found that this may be one area where the services, looking ahead, have instituted the necessary procedures and regulations to stay ahead of the problem.

As my distinguished colleague from California is aware, the phase I study of potential pollution at McClellan was automatically triggered by significant military construction or O&M repair projects on the base. A "phase I," or records check, was a requirement to insure that there was no documentary evidence that there had been chemical dumping or other pollution in the past.

This procedure was instituted to insure that there will be no military Love Canal-type incident, stemming from actions in the past when our environmental awareness was not nearly so sophisticated as it is today.

Because evidence of chemical dumping was found during the records check, a phase II, or laboratory sampling and testing, study was also automatically begun. Our understanding is that the phase II report is due for release by the Air Force on July 22.

If the system works as well at other military installations as it seems to have at McClellan, I think we will be in good shape. We should see possible pollution problems, stemming from past actions, detected and dealt with in a timely manner.

The gentleman from Sacramento is to be complimented on his concern and assistance.

Mr. FAZIO. I thank the chairman for his comments and I look forward to working with him and his committee to insure that the citizens are protected and I am confident that the gentleman will do everything that he can to see that that occurs.

Mrs. BOXER. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I yield to the gentlewoman from California.

Mrs. BOXER. I thank the gentleman for yielding.

Mr. Chairman, there is an item in the report accompanying this bill which needs review and explanation. This is a requirement that the Navy analyze and report the effect of increasing the split of Navy's repair and alteration budget from the current 70/30 to 60/40 or 50/50.

First of all, I do not agree that we should look at ship repair separately from new construction. If we look at all shipwork, the current split is actually 75 to 25 percent with the 75 percent being assigned to the private, not public sector. All of the new construction is currently accomplished in private yards. This amounts to over $9.3 plus billion for fiscal year 1983. When this is added to the $2.3 plus billion repair work assigned to the private sector, the result is $11.6 plus billion for fiscal year 1983 for private yards out of a total budget of $15.4-plus billion.

We put virtually all of our new shipbuilding in three private yards with little or no competition. Perhaps we should study this issue.

Mr. Chairman, the history of the navy yard system in the United States is as long as the history of our country. Many interests have attempted to supplant this adjunct to our naval forces by substituting private shipyards. This current request reestablishes this intent. Since the 1960's, we have closed four naval shipyards, five if you count the SFR located at San Diego. We are in the process of destroying the shipbuilding capability which existed in them for more than 200 years. In 5 more years, I predict that their capability will be virtually nonexistent. I do not object to giving a reasonable amount of ship repair work to naval shipyards, but this further incursion into the repair capability is only one more step to the total elimination of naval shipyards. Why is it necessary to ask the Navy to study this question, since the answer is obvious: That is, if you reduce the number, something has to go, efficiency drops, skills and capability are abandoned, and we find ourselves vulnerable to all of the vagaries of the marketplace, when we need the support of our technically complex ships.

The Navy says the result of a shift in repair work toward the private sector could require, at the outset, the closing of Philadelphia and Long Beach Naval Shipyards. This will harm our national security.

Mr. Chairman, this request to study, the split between the private and public sectors does no harm. But I trust the real fact regarding the real split will be brought to light as well as the security of our great Nation. I trust the study will look long and hard at these issues I have raised.

● Mrs. SCHNEIDER. Mr. Chairman, for the past quarter of a century the defense of our Nation has rested on the concept of a strategic triad. While there have been many disagreements about the relative composition of this structure, it represents a well researched and thoroughly debated concept. We are now entering into a new era—a fourth dimension of the arms race. The carefully considered problems of land, air, and submarine based strategic weapons are being replaced by previously unconsidered questions regarding weapons in space.

President Reagan has recently called for an examination of the potential for a space-based defensive weapon system. Given the state of our current technology, many of the questions that must be answered regarding the strategy which will guide the deployment and use of future space-based weapons can be debated during their development. One very critical exception to this provident course is the deployment of an antisatellite system that will cause us to leap into the next dimension of defense possibilities without a careful consideration of the strategy that will guide it.

A parallel can be drawn between the ASAT technology and that of the MX missile. Congress refused to deploy the MX until a clear statement of its strategy—both in terms of arms control and national defense—was provided. The debate was focused less on the need for upgrading our forces than on the strategy that would accompany such a deployment. The Scowcroft Commission, while offering recommendations that were not equally convincing to all, provided such an analysis of our strategy. Similarly, with ASAT, there exists a compelling need to debate its implications for both arms control and national defense before rushing headlong into the deployment of this system.

The Russians currently have a primitive antisatellite capability. The deployment of our technologically superior system will surely spur them on to match our successes. Our ability to begin initial deployment of ASAT within a year provides us with a tremendous advantage, not only to continue building our research lead, but to examine more closely the strategic implications of ASAT deployment.

I urge you to consider carefully the implications of a decision to deploy our ASAT technology at this time. The cost of a delay will be minimal and the cost of proceeding without a firm grasp of it's strategic implications may be greater than the world can afford. The deployment of ASAT will be an irrevocable step in moving weaponry into space and I urge you to support the Seiberling amendment to delay this step so that Congress can give this critical issue the measured consideration it deserves.●

The CHAIRMAN pro tempore. Are there other amendments to title IV? The Clerk will designate title V.

Title V reads as follows:

TITLE V—ACTIVE FORCES

AUTHORIZATION OF END STRENGTHS

SEC. 501. The Armed Forces are authorized strengths for active duty personnel as of September 30, 1984, as follows:

(1) The Army, 778,000.

(2) The Navy, 560,300.

(3) The Marine Corps, 194,600.

(4) The Air Force, 592,500.

QUALITY CONTROL OF ENLISTMENTS INTO THE ARMY FOR FISCAL YEAR 1984

SEC. 502. Effective on October 1, 1983, section 302(a) of the Department of Defense

Authorization Act, 1981 (Public Law 96-342; 10 U.S.C. 520 note), is amended by striking out "October 1, 1982" and "September 30, 1983" and inserting in lieu thereof "October 1, 1983" and "September 30, 1984", respectively.

LIMIT ON FUNDS FOR PERMANENT CHANGE OF STATION (PCS) TRAVEL DURING FISCAL YEAR 1984

SEC. 503. During fiscal year 1984, not more than $2,585,626,000 may be spent from funds available to the Department of Defense for permanent change of station travel (including all expenses of such travel for organizational movements). Assignments for temporary duty may not be increased in order to circumvent the limitation in the preceding sentence.

REDUCTION ON THE NUMBER OF PERSONNEL ASSIGNED TO HEADQUARTERS STAFFS

SEC. 504. The Secretary of Defense shall reduce the total of the strengths authorized by section 501 by a total of 500 personnel to be derived from reductions in positions assigned to headquarters staffs of the military departments, defense agencies, commands, and other components of the Department of Defense.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the last word.

Mr. DYSON. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I would be delighted to yield to the gentleman from Maryland.

Mr. DYSON. I thank the gentlewoman for yielding.

Mr. Chairman, I would like to engage in a colloquy with the chairman of the Committee on Armed Services.

Mr. Chairman, the Armed Services Committee reduced the budget for the DARCOM ranges and test facilities program by $12.4 million, down from the $333.4 million requested by the administration. I am concerned that this reduction may hamper DARCOM's mission, which is to test and evaluate our Nation's weapons systems. While I recognize the need for trimming the defense budget, I believe the House cut in DARCOM is a significant reduction. I am most concerned that the Senate's cut in this program, $37 million, is far too large and would definitely impair DARCOM's ability to adequately perform its mission. I would like to urge the House Armed Services conferees to hold the conference committee budget for DARCOM to the House level, for any deeper cut would have serious consequences for our test and evaluation capabilities.

Mr. PRICE. Mr. Chairman, I would like to thank the gentleman from Maryland for his concern about the DARCOM program cuts. I certainly recognize the importance of this program, and I assure you the conferees will do all they can to prevent any further reductions in the DARCOM budget. The House Armed Services Committee would also look favorably upon a request by the Department of the Army to reprogram funds to DARCOM later in the fiscal year, should the Army decide DARCOM has a higher priority and needs additional funds, and if it comes to the committee, I think the committee will receive it with favorable consideration.

Mr. DYSON. I thank the chairman.

Mrs. SCHROEDER. Mr. Chairman, I rise at this time to talk a little bit about the status of women in the military, which concerns me an awful lot, especially in the Army.

Since the end of the Vietnam war the military services have slowly, but surely, become aware of the fact that half the population and nearly half the work force are female. Finally, the military started allowing more women to engage in military careers. Indeed, between the end of World War II and 1972, the Army averaged about 1 percent women in the Active Force. Since that time, the number has climbed to nearly 10 percent, while the number of women in the Active Army has climbed from around 16,000 in 1972 to over 75,000 today.

A couple of years ago, however, some started getting cold feet about women in the military. Many women were not happy in the Army and the attrition rate climbed. Charges of sexual harassment abounded. Many women were hurt in poorly designed training courses. Some even blamed the decline in the Army's readiness on the presence of women, So, in February 1981 the Army decided to freeze female enlisted strength at 65,000, while it reassessed its policy.

Well, the new policy is beginning to come out. The policy seems to be a major step backward. The Army has closed off an additional 23 military occupational specialties (MOS) to women because these jobs have a high probability of combat. Now, 53 percent of all Army jobs are closed to women. Some of the jobs recently closed include carpentry and masonry specialtist, plumber, interior electrician, and construction surveyor. The relationship of these jobs to combat seems pretty distant to me.

But, this is just one part of the attack. The other part comes in the area of physical requirements. Obviously, on average, men are stronger than women. But, in the area of sex discrimination, averages are not good enough. There are women every bit as strong as men and they should not be excluded from jobs because of the averages. Yet, the Army seems to be moving in precisely that direction. Rather, the Army should be dealing, in a sex neutral way, with the physical attributes of each soldier and assigning them to jobs which they can perform.

The law is quite clear about keeping women out of combat. It seems to me to be an unnecessary extension to say that women cannot serve in any job which might someday involve combat. The Army needs its work done and women enlistees test out much better, on average, than male enlistees. Some better balance than the Army is now making must be developed to meet the needs of the Army and its soldiers.

Recently, we have all been treated to proof of the ability of women to perform the most demanding and pressure-filled jobs. Sally Ride showed us what women can do when given the chance. The astronaut performed brilliantly in space and even better in batting away the offensive and sexist questions of the press. Yet, the Army wants to preclude women from most jobs.

Our colleague, TOM LANTOS, spoke on the floor on Monday about the incredibly insulting comment of Secretary Weinberger where he told the President that women can "still be grease monkeys and things like that" in the military. This comment pierces through all the neutral sounding rhetoric of Army reports about "physical demands analysis" and "direct combat probability." As Secretary Weinberger made clear, the policy of the Army and of this administration is a policy based on sexism.

I believe that our Military Personnel and Compensation Subcommittee, chaired by the gentleman from Wisconsin (Mr. ASPIN) should hold immediate hearings on women in the military. These hearings should look at how women perform and whether they should be excluded from additional jobs. And these hearings should look at whether the Army's policy is one based on logic and law or one based on sexism.

□ 1719

Mr. ASPIN. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I am delighted to yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I appreciate the comments of the gentlewoman from Colorado, and as she knows, we have been holding some discussions in our subcommittee, of which the gentlewoman is a member, and we certainly do plan to hold some hearings on the subject. We look forward to the gentlewoman's suggestions as to who should come, who should testify, and what kind of subjects we should cover, because I think the comments that she has made are exactly correct. We want to look into it and do what we can, and if there are things we should be changing in the law, we will change them.

Mrs. SCHROEDER. Mr. Chairman, I appreciate the response of the gentleman from Wisconsin, and I look forward to those hearings. I think the women in Dacowits, the women in the service, and the young women debating now whether or not they want to

go into the service are all entitled to that.

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I have two amendments to title V, and I offer my amendment No. 1 to title V.

The Clerk read as follows:

Amendment offered by Mrs. SCHROEDER: Page 26, line 11, insert "(a)" after "SEC. 503.".

Page 26, after line 17, insert the following new subsection:

(b) The Secretary of Defense shall take such steps as are necessary, consistent with the requirements of military readiness, to reduce the number of permanent changes of station of members of the Armed Forces. Such steps shall include—

(1) reductions to the minimum essential level in the number of permanent changes of station required within the continental United States;

(2) extensions of the length of tours of duty overseas in locations other than locations that do not allow for accompanied tours; and

(3) reductions in the number of active duty military personnel stationed outside the continental United States.

Mrs. SCHROEDER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

Mrs. SCHROEDER. Mr. Chairman, in full Armed Services Committee markup, an amendment was added to this bill limiting the amount of money available for permanent change of station (PCS) moves to the 1983 amount plus inflation. This limitation is nearly $80 million below the amount the services thought they would need to pay for the PCS moves they plan in 1984.

I agree with the committee that there is considerable waste in the expenditure of permanent change of station moneys. To some extent, the waste comes, as the committee report points out, from "a personnel management philosophy that emphasizes receiving certain types of assignments in order to be promoted." In other words, because the military ethos says you have to move to get promoted, the taxpayers are forced to pay for moves which make little sense.

My concern with what the committee has done stems from the history with caps on PCS moves, which usually come from the Appropriations Committee. What the services have tended to do is not to cut down on the number of unnecessary moves but rather to providing less compensation for members of the service who are required to move. My amendment is intended to convey clearly and unmistakably to DOD that our intent, in imposing the cap, is not to hurt our men and women in uniform. Rather, the purpose of the cap on PCS money is to force DOD to cut down on the number of the permanent change of duty station moves.

My amendment tells the Secretary of Defense to reduce the number of PCS moves by taking whatever steps are appropriate, consistent with the requirements of military readiness. The Secretary should reduce the number of such moves in the way he thinks best; still, the amendment suggests that he consider cutting to the bare minimum the number of such moves within the continental United States, extending tours of duty in overseas posts, except those which do not permit accompanied tours, and reducing the number of active duty military personnel stationed outside the United States. No specific method is dictated. The amendment only requires that the total number of moves be reduced.

My amendment indicates a general policy of making military service subject to fewer geographic reassignments. This benefits the individual in uniform by requiring less dislocation and fewer expenses. Now, when members of the service have to move, they end up paying an enormous amount out of their own pockets. This also benefits the taxpayer by reducing the high cost of moves. Each time an officer in the Army is moved with his or her spouse, it costs an average of $9,800. Adoption of my amendment will save money and will help the morale of our forces. I urge your support.

Mr. SKELTON. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I am happy to yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I wish to thank the gentlewoman from Colorado (Mrs. SCHROEDER) for her interest in this matter. As she knows and correctly pointed out, we did have an amendment that was adopted in the subcommittee and in full committee that does attack this problem of excessive PCS—permanent changes of station and moves.

The gentlewoman's amendment nails it down specifically as to where the slowdown or the cuts would come, and I would urge the subcommittee chairman and the full committee chairman to accept the amendment.

Mr. Chairman, I thank the gentlewoman for addressing this subject.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Missouri (Mr. SKELTON).

I think, after the legislative veto and all the other things the Supreme Court has done, was get really nervous, and we do not want to see the personnel pick up the $80 million. That was not our intent, and I thank the gentleman from Missouri (Mr. SKELTON) for his comments.

Mr. DICKINSON. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I wonder if the gentlewoman could just, by way of clarification, tell us what the rule of thumb is or has been for rotation and regular moves by military families and what the impact would be of what the gentlewoman proposes to do?

Mrs. SCHROEDER. Mr. Chairman, as the gentleman knows, each service has a different rule about how often they rotate people, but what happened in the committee, when we discussed that, there was a determination by the committee that they had too much money in there and that was only going to push too many moves, and that too much of the time was spent training or saying "goodby" to someone or whatever.

The gentleman from Missouri (Mr. SKELTON), I think, can more eloquently express it. What I am trying to say is that once we adopted that $80 million cut to make sure they do not do that many moves, we just wanted to make sure we had closed the door so they do not run out and say, "You are moving anyway, but you must pay for it."

Mr. DICKINSON. Mr. Chairman, I understood the thrust of that, and I have no problem with it. I just wondered if in the general discussion, for the edification of all of us, the gentlewoman could tell us how many times a person would be expected to move and how often and what we are going to do to slow this down. How would it be stretched out? Does the gentlewoman have any figures or any facts on that?

Mrs. SCHROEDER. They are different for each service.

Mr. SKELTON. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I am happy to yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, they are different for each service. Some services do better, and some do worse. The missions of each of the services compel a different way of doing things.

Actually, we did not hurt the military at all in this. We allowed for inflation and kept it in essence at what it was last year. They were asking for some additional $80 million or $81 million more, and actually we should be cutting back. But actually I think we treated them quite well by just giving them the inflation factor. I think they should be forced to live within a reasonable figure. People, particularly within the continental United States, have been moved for little or no reason whatsoever. Some of the tales and stories that we have received concerning the PCS moves are really disturbing.

Mr. DICKINSON. Mr. Chairman, if the gentlewoman would yield further

to me, and if I might paraphrase what I understood, we took out $80 million that was in the account to make sure this was not taken out of the hide of the serviceman when he was moved. They would make just as many families move as ever, and the gentlewoman is saying that should not happen, but we are not getting into the micromanaging by telling each service when and how often they should move?

Mrs. SCHROEDER. No.

Mr. DICKINSON. But we are simply saying that the reduction should be absorbed by the service and not the serviceman?

Mrs. SCHROEDER. That is exactly correct. That is certainly my intention.

Mr. SKELTON. Mr. Chairman, if the gentlewoman will yield on that point, the proposed amendment offered by the gentlewoman from Colorado (Mrs. SCHROEDER) actually states the only proper way for them to make the reductions. I think it is very, very proper.

Mrs. SCHROEDER. Mr. Chairman, I would be really happy to have the gentleman look at the amendment. I think it makes it very clear that what we intend to have done is that they reduce the number of moves and not make the military man pay for it.

Mr. ASPIN. Mr. Chairman. I move to strike the last word.

Mr. Chairman, I would just like to tell the members of the committee that the chairman and the members of the Personnel Subcommittee are in support of the amendment.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, may I say that I have been in conference with the ranking minority member of that subcommittee, the gentleman from Indiana (Mr. HILLIS), and we are in support of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Colorado (Mrs. SCHROEDER).

The amendment was agreed to.

□ 1720

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. SCHROEDER: At the end of title V (page 26, after line 25), insert the following new section:

REDUCTION IN NUMBER OF ACTIVE DUTY MILITARY PERSONNEL STATIONED OUTSIDE THE UNITED STATES

SEC. 505. (a) The Congress makes the following findings:

(1) The military strength of the United States is dedicated to protecting our national security, preserving the liberties of the American people, and maintaining world peace.

(2) In order to implement these principles, the United States has maintained large contingents of active-duty military personnel on the territory of allies in Europe, Japan, and Korea.

(3) The allies of the United States in Europe, Japan, and Korea are in substantially better condition, both economically and militarily, than they were when large contingents of active-duty United States military personnel were first deployed on the territory of those allies.

(4) The means and capacity of allies of the United States to provide forces to resist aggression has significantly improved since the original United States deployment.

(5) The allies of the United States have not contributed a fair and equitable share to the common defense, forcing the United States to bear a disproportionately large financial burden to meet common defense needs.

(6) Relations between Eastern Europe and Western Europe have improved since the initial deployment of United States military personnel in Europe through increased trade and other interchanges.

(7) The present policy of maintaining large contingents of United States military personnel and their dependents on the territory of our allies costs the United States tens of billions of dollars each year.

(8) Relations between host country nationals and United States military personnel and their dependents stationed abroad are often marked by unnecessary friction and animosity.

(9) The deployment of large contingents of United States military personnel on the territory of our allies detracts from the ability of our military to react to crises elsewhere in the world.

(10) The United States should pursue a new division of labor with its allies whereby the allies provide for their own territorial defense needs while the United States meets strategic and common defense needs.

(11) The level of Federal spending must be reduced in order to balance the budget and revitalize the economy.

(12) In order to achieve a new division of labor with our allies, the United States should reverse the recent trend of increasing the number of active-duty military personnel stationed in locations outside the United States.

(b)(1) Except as provided in paragraph (2), on September 30, 1984, the number of active-duty military personnel stationed in locations outside the United States and its terrritories and possessions may not exceed the number so stationed on September 30, 1980.

(2) There shall be excluded in applying the limitation contained in paragraph (1) any members of the Armed Forces stationed outside the United States and its territories and possessions on September 30, 1984, with respect to whom the President has submitted a report pursuant to section 4(a)(1) of the war powers resolution (50 U.S.C. 1534).

Mrs. SCHROEDER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

Mrs. SCHROEDER. Mr. Chairman, this amendment is similar to one I offered last year to reduce the number of American troops stationed abroad. Since last year, the number has climbed. Indeed, on September 30, 1980, we had 488,726 troops stationed abroad. By March 30, 1982, we had 502,602. By March 30 of this year, the number has climbed to 517,069. The growth rate is almost 3 percent a year. Since 1980, total worldwide troop strength has increased 3.7 percent, while the number of troops abroad has increased by 5.8 percent. My amendment halts the escalation of troops abroad and goes back to the 1980 figure, reducing troop strength abroad by about 28,000.

Nearly half of our troops stationed abroad are in Germany. Another sixth are in other European locations. In other words, nearly two out of every three soldiers stationed abroad is in Europe. We hear a lot about the 1,200 Marines in Lebanon or the 55 trainers in El Salvador. We have many times that number in virtually every NATO country.

Let me examine for a moment whether this sort of concentration makes sense in military, political, or economic terms. The economics are quite clear. It costs a great deal of money to station, house, feed, transfer, support, and maintain troops abroad. The Congressional Budget Office (CBO) estimated a couple of years ago that the withdrawal of a division (20,000 soldiers) from Europe would save $2 billion in one-time costs and another $500 million annually thereafter. I suspect the potential savings have grown since the CBO report and I also guess that there would be further savings not included in the report. Still, the point is that it costs a lot more money to keep a soldier abroad than at home.

The money we spend to maintain troops abroad comes in addition to contributions we make to support the NATO infrastructure. We have maintained and increased our payments since we made a commitment in 1978 to increase defense spending by 3 percent annually in real terms. Our NATO partners and Japan have not made any similar increases. According to the Pentagon publication entitled, "Report on Allied Contributions to the Common Defense," issued a month ago, the average increase in defense spending by non-American NATO members and Japan will be just 1 percent in 1983. Despite the 3 percent pledge we all took in 1978, the rate of growth in defense spending among our allies averaged 2.2 percent in 1979, and 2.7 percent in 1980 and in 1981, and 1.3 percent in 1982. It will drop to between 0.7 and 1 percent in 1983, according to the Pentagon. The Pentagon report goes on to state:

Despite a recognition on the part of some individual governments that there is an ever increasing threat from the East, very few

national publics now will permit any student turn away from the social progress they view as having been achieved. While some nations might be amenable to modest increases in defense spending, there are virtually no government which could survive substantial increases in defense spending at the expense of the social program.

There is another point the Pentagon paper misses. Why should any of our alliance partners reduce social spending to fund more defense if we are quite willing to do it for them? Why should Germany pay for a larger Army when we are quite content to station 250,000 soldiers there to provide for their homeland defense? Why should Japan spend more than 1 percent of its GNP on defense when we are quite willing to protect her sea lanes for her? Why do for yourself that which Uncle Sucker is glad to do for you?

You have to wonder whether our partnership had become a welfare state in which we provide a handout for our allies. What we have is a block-grant program for foreign nations. We have a revenue-sharing program for our NATO allies which would make the Governors and mayors green with envy.

In political terms, this type of relationship does not make a great deal of sense. It leads to frictions and misunderstanding which constantly crop up in the relationship. We have reached a point where our allies think they are doing us a favor by allowing us to defend them. This has to stop.

This relationship seems to make the least sense in military terms. It is a classic case of fighting the last war, only in this case we seem to be fighting three wars ago. Our foreign troop deployment is aimed at fighting a conventional land war in Europe. At the same time, however, this administration suggests that we do not have the equipment to hold off a Soviet attack in Europe and that our nuclear weapons serve to deter such an attack. If the Soviets can overrun Western Europe with a blitzkrieg-type conventional invasion, one reason for this is that the armies of European nations are small and their reserves cannot be moblized with sufficient speed. The primary reason why European armies are so small is because they have had the United States to provide for their own defense. So, if we want better conventional defense of Western Europe, we should gradually withdraw our troops and force our allies to build up their armies.

On the other hand, most of the trouble in the world recently has come outside of Western Europe. The Soviets moved into Afghanistan. We had few troops in the area. The Soviets seem to be quite active in the Middle East. We do not have many troops stationed in that area. As we learned during the 1973 war, we cannot rely on our pre-positioned equipment in Europe to help out in a Middle Eastern war. When we have two-thirds of our overseas troops tied down in Western Europe, we are less ready to fight a war in other parts of the globe. So, our huge commitment to NATO may reduce our readiness and may make the Soviets more adventuresome in other parts of the world.

What makes the most military sense is for the United States to provide nuclear umbrella to protect our allies and to require that our allies provide for their own domestic defense. We are already spending billions on the MX, Minuteman missiles, Trident submarines, B-1B bombers, B-52 bombers, ALCM's, SLCM's, and on and on. While not all of these strategic nuclear weapons are needed, we are unalterably tied to the mission of providing strategic nuclear protection. This is something we can do best. What the Germans, Japanese, the Italians, and the English, and all our allies can do best is to provide for their own territorial protection. They will never do this so as long as we provide the protection for them.

So, on economic, political, and military grounds, a reduction of the number of our troops stationed abroad makes a great deal of sense. This amendment is not an expression of isolationism and it is not predicated on the belief that the Soviets are not expansionist. Rather, it is based on an analysis of what makes the most sense for the United States. I urge your support.

The CHAIRMAN pro tempore. The time of the gentlewoman from Colorado has expired.

(At the request of Mr. GEKAS, and by unanimous consent, Mrs. SCHROEDER was allowed to proceed for 2 additional minutes.)

Mr. GEKAS. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I will be delighted to yield to the gentleman.

Mr. GEKAS. Mr. Chairman, I have been listening very carefully to what the gentlewoman has been saying. It struck me that the question of troop withdrawals is somewhat tandem to that in which we discussed the MX and some other issues on the floor; namely, is not the question of troop withdrawals on a negotiating table at this very moment and would we not in acceding to the momentum on the amendment that the gentlewoman offers again be like deja vu reverting to a place where we will be helping the Soviet Union unilaterally by adopting the gentlewoman's amendment and doing what the Soviets want us to do without our negotiators having the power to negotiate otherwise?

Mrs. SCHROEDER. Well, let me answer the gentleman, I do not think so at all. I have always wanted to offer the amendment that we do not pay any of our negotiators for any contracts until they finish them, because I think it is one of the greatest cottage industries going. There has been stuff on the table being negotiated about troops since I have been in Congress, about nerve gas since I have been in Congress, about everything since I have been in Congress.

I think it is almost like studies that we do domestically. The way you get a monkey off your back is you say, "Well, listen, we have got a commission or we have got a study or we have got a negotiating thing going on."

But this is not dealing with just the European theater. What we are saying, you can look at it worldwide, you can negotiate a lot of different ways; but it is not stealing the thunder at all from them. In fact, these negotiations started long before 1980, so we are talking about just lowering it to September of 1980. I do not believe at all it leaves them in jeopardy.

Mr. GEKAS. But I submit that the gentlewoman is saying, in reality, by offering this amendment, let us withdraw our troops or let us withdraw negotiators.

The CHAIRMAN pro tempore. The time of the gentlewoman from Colorado has again expired.

(By unanimous consent, Mrs. SCHROEDER was allowed to proceed for 1 additional minute.)

Mrs. SCHROEDER. Mr. Chairman, I would like to respond. All I am really saying is they keep talking and talking, and talking, and adding, and adding, and adding and we keep paying and paying, and paying and we never get off the merry-go-round. It is always, well, we cannot do it now, because they are talking. As I say, they have been talking since I got here. They have also been adding since I got here. The estimates are $90,000 per troop per year abroad.

□ 1730

So they talk, they add; we pay. I think that to restore to the 1980 levels is not at all unreasonable. I do not think it undercuts them at all because they started talking long before they got to that level, and it finally says we are going to be sensible about this.

Under the Constitution we are the ones who are supposed to raise troops and set numbers, and I do not think we can go on deferring that to everybody forever.

Mr. HILLIS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from Colorado, our colleague on the committee, and to speak to it in a number of regards.

I certainly believe that one of the major points was just made against the amendment by my colleague from Pennsylvania in that it would reduce the effectiveness or present, ongoing

negotiations to seek reductions in the European theater.

Certainly my colleague from Colorado made the point that we have troops in many lands and this is altogether correct, but I do not think or believe they are there particularly to protect the interests of others. They are there because the United States, as the leader of the free world, has interests beyond our shores, and the fact that we have troops in NATO is not to guarantee the security of NATO, but we are a partner in that organization and it was organized from the very beginning in that manner.

Let me also say that we had quite a debate earlier this year in this House dealing with an issue on the nuclear freeze, and throughout the debate, and I believe our colleague from Colorado participated to some extent, the point was made that acknowledging a reduction or a freeze in this area, that conventional forces would have to be increased. But it seems that when we come to the time then to talk about conventional forces and readiness and all of these sorts of things that the conventional mode is reduced as well.

There are military, political, and budgetary grounds to oppose this amendment, and I urge my colleagues to reject it.

Certainly from the military and political standpoint this amendment would certainly serve to cut off our nose to spite our face. We need adequate troop strengths overseas, as I said, not as a favor to our allies but in defense of our own vital interests.

In regard to our allies doing their part, negotiations have gone on with the Nakasone administration in Japan. They are beginning to increase their expenditures there and we should work with them and encourage them to do so.

I do not believe just pulling up base and coming home would do that.

We face a growing Soviet threat in Europe, both in a conventional and nuclear sense. We face it in Southeast Asia and Northeast Asia, both from the U.S.S.R. and Korea.

From a dollar standpoint, certainly on the surface this amendment would have an appeal at first glance. Logically it would seem to cost more to station troops overseas, and in the long, long run this is probably true.

Annual costs, operating expenses, would undoubtedly be less if the troops could be stationed here at home. But we have to get from where we are today, and today we are overseas. The return of large numbers of troops back to the continental limits would require someplace here for them to go. Existing military installations are not large enough to accommodate them at the present time.

Where we have constructed bases overseas we have built housing overseas. We have enlarged facilities there, and should we duplicate that again, abandon those and build new?

This is not going to be accomplished at no cost, and certainly would be a great cost.

To be able to respond to world situations where our interests are involved, if we withdraw the troops, we are certainly going to have to have equipment stored overseas, and that is going to impact on our abilities to meet our overseas commitment.

Therefore, we would need additional equipment for training back here in the United States. So, again, we would be building storage facilities to accommodate the equipment left behind and buying more equipment to have on hand here.

Certainly that is not going to be inexpensive. Although the initial cost might be eventually offset by annual savings, this would not occur until well into the future, some 10 to 20 years in the future, depending on the policy that is chosen.

Dollar savings could be accomplished in the near term by reducing force levels by the amount of troops overseas. But we must remember that if we do this we are reducing conventional readiness and we are reducing it in such a way that there would be a delay of many months to recover it.

The CHAIRMAN pro tempore. Time of the gentleman from Indiana (Mr. HILLIS) has expired.

(By unanimous consent, Mr. HILLIS was allowed to proceed for 1 additional minute.)

Mr. HILLIS. End-strength reductions would result in a delay of several months in the ability to deploy these troops to a location from which they were withdrawn.

So I do not see where you can construct any reasonable scenario where a delay of this magnitude would be acceptable. Any conflicts in the meantime of hostility would be resolved long before we could reequip, retrain, and redeploy in the enemy's favor.

If we move the troops only to the United States, delays in deployment would be reduced but not eliminated. But in my judgment the longrun savings that might occur are not worth the reduction in the mobilization capacity which would occur, and they are certainly not worth the risks that we would be taking in the defense of our vital interests, whether they be here at home or be those with our allies in NATO or in some other area of the world.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. SKELTON AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MRS. SCHROEDER

Mr. SKELTON. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. SKELTON as a substitute for the amendment offered by Mrs. SCHROEDER:

ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE

SEC. 505. (a) In recognition of the increasing military threat faced by the Western World and in view of the growth, relative to the United States, in the economic strength of Japan, Canada, and a number of Western European countries which has occurred since the signing of the North Atlantic Treaty on April 4, 1949, and the Mutual Cooperation and Security treaty between Japan and the United States on January 19, 1960, it is the sense of the Congress that—

(1) the burdens of mutual defense now assumed by some of the countries allied with the United States under those agreements are not commensurate with their economic resources;

(2) since May 1978, when each NATO member nation agreed to increase real defense spending annually in the range of 3 percent, most NATO members except for the United States have failed to meet the 3 percent real growth commitment consistently and performance toward this goal in 1983 is estimated to be the most deficient, on average, since the goal was established;

(3) since May 1981, when the Government of Japan established its policy to defend the air and sea lines of communication out to 1,000 nautical miles from the coast of Japan, progress to develop the necessary self-defense capabilities to fulfill that pledge has been extremely disappointing;

(4) Japan is the ally of the United States with the greatest potential for improving its self-defense capabilities and should therefore rapidly increase its annual defense spending to the levels required to fulfill that pledge and to enable Japan to field an effective conventional self-defense capability by 1990, including the capability to carry out its 1,000 mile defense policy, a development that would be consonant not only with Japan's current prominent position in the family of nations but also with its unique sensibilities on the issues of war and peace, sensibilities that are recognized and respected by the people of the United States;

(5) the continued unwillingness of such countries to increase their contributions to the common defense to more appropriate levels will endanger the vitality, effectiveness, and cohesiveness of the alliances between those countries and the United States.

(b) It is further the sense of the Congress that the President should seek from each signatory country (other than the United States) of the two treaties referred to in subsection (a) acceptance of international security responsibilities and an agreement to make contributions to the common defense which are commensurate with the economic resources of such country, including, when appropriate, an increase in host nation support.

Mr. SKELTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Mr. Chairman, the substitute offered is one I think that is

directly in point and one that should be adopted in lieu of the amendment offered by the gentlewoman to this bill.

The amendment offered by the gentlewoman from Colorado actually sends the wrong signal to the world and to our allies as well as to others. It goes too far toward reaching the goal of causing our allies to contribute more to their mutual defense.

I compliment the gentleman from Ohio who has so adequately stated the objections to the amendment of the gentlewoman from Colorado.

The substitute that I offer would do several things. It expresses the sense of Congress that our allies need to assume more of the burden of mutual defense, especially in light of their capabilities and especially in light of their economic resources.

This substitute that I offer will send a strong message to our European allies. It will send a strong message to Japan that we expect them to make larger contributions to the common defense by assuming greater international security responsibilities, including, when appropriate, an increase in a host nation's support.

Mr. Chairman, I offer this substitute because I feel that it is necessary to point out that in view of the growth relative to the United States in the economic strength of Japan, of Canada, and a number of the Western European countries, that there has occurred since the NATO alliance and signing, and also since the treaty between the United States and Japan in 1960, that we have a sense of Congress pointing out that the burdens of mutual defense now assumed by some of the countries allied with our country under those agreements are not commensurate, Mr. Chairman, with their economic resources.

I certainly urge the adoption of the substitute amendment.

Mr. HILLIS. Will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Indiana.

Mr. HILLIS. First, I would like to commend the gentleman on his substitute. I think this is the proper way to approach the problem we are discussing here, and it is a very important matter that we have under discussion.

As I understand the gentleman's substitute, what the gentleman is saying really is that we are going to continue to be partners with you but that we expect you to pull your fair share of the load. If we are going to be allies, we are going to be fair and equal allies. Is that correct?

□ 1740

Mr. SKELTON. That is exactly correct. And I think that will send the message from Congress. I might also point out that the Senate has already adopted comparable, similar language to my substitute. Let me also say this, that there are some nations that this will be directed to very specifically; there are other nations that are not in a position to do as much and some are doing the very best they can. I was in Korea over Thanksgiving last year and I heard from a number of sources, both Korean as well as from our military leaders there, of the troop withdrawal and the proposed plans by the prior administration, and the great trauma that it caused.

I think that before beginning something that the gentlewoman from Colorado espouses, a great deal of thought and concern should go into it, because it can certainly send the wrong signal. That proposed withdrawal and a small withdrawal that they did make had ripples all over the Far East. I do not think we want that to happen. We want our allies to do the very best they can. Some allies, as spelled out in my substitute, actually can do a great deal more and I think that they should for our mutual interests and for mutual defense.

Mr. HILLIS. Let me say to the gentleman, if he would yield further, I think he gets the message, that should be stated, across loud and clear. And it is one of cooperation. While I am afraid the other is one that we are going to just take our marbles and go home, and that is the wrong signal to send. I believe that is what you are trying to do.

Mr. SKELTON. It certainly is.

Mr. DORGAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the substitute and in support of the original amendment.

Mr. Chairman, let me say first that the agreements that we have had with our allies on defense burden-sharing are agreements that most of our allies have not lived up to. I would like to recite the record on the percentage of increase or decrease in defense spending by our NATO allies because I want to say a word on behalf of the American taxpayer.

The American taxpayer has built and financed the defense umbrella that has protected our allies around the world. We do not mind that. I do not think anyone who stands on this floor is standing here saying we want to weaken America. We want a strong America. All of us want that.

But should the American taxpayer be paying for the defense umbrella that many of our allies should be properly paying for?

Let me recite some of the figures, then.

Last year, at a time when the U.S. taxpayer, through its Congress, agreed to increase its defense spending by a real increase of 7.5 percent, that is 7.5 percent above inflation, most of our allies failed to boost defense spending by 3 percent. Norway, 2 percent increase; Turkey, 7 percent cut; United Kingdom, 3.8 percent increase; Germany, no increase; Italy, 2.7 percent increase; Belgium, 6 percent decrease. Again, the American taxpayers, through their Congress, are saying that we are willing to support a 7.5-percent real growth above inflation in the rate of defense spending, but the American taxpayers expect and deserve that our allies do the same. And they have not done it.

The gentlewoman from Colorado (Mrs. SCHROEDER) has produced an amendment that is very, very modest. It does not retract on our responsibilities around the world; it is not a wholesale troop pullout. It is simply saying, let us start with the first step in moving toward a solution to the problem that all of us know exists.

How long do you think this country's economy is going to exist with any great strength if our engineers and our scientists go from our best schools into the military to produce military goods to keep the sealanes open so that the other countries' engineers and scientists can produce good TV sets, good tires, and good automobiles to send them over here and sell them?

How long do you think this economy will remain strong if this country sends its best engineers and best scientists into the military sector and we allow our allies to decrease spending or increase spending only minimally, while the U.S. taxpayer picks up the tab?

I am saying it will not work very long.

What I am saying is, this Congress ought to debate this subject very seriously. Every year we talk about it. Somebody says, "Let us study it."

If we were to take even a few troops out of Germany, if we were to move even a few troops from around the world where they are now stationed, somehow it would be a symbol, a symbol that would tell the world that we are going to reassess our responsibilities.

Yesterday, we talked about the MX. The MX, according to my friend from Wisconsin, was a vote on perception, that there is a perception about the need for the MX. That is why we supposedly need to vote for the MX: the perception about arms control, and or willingness to build this weapon.

This morning, we talked about the IMF over in the Ways and Means Committee, and one of the most distinguished economists in the world told me that the reason it was important to support IMF funding was symbolism—it was an important symbol.

Now, today we are told the reason it is important that we not support this resolution of the gentlewoman from

Colorado is that it would send a signal that was improper.

A $30 billion MX perception, an $8 billion IMF symbol? How expensive is the signal? I mean, what kind of word castles are we paying for in this body? Why do we not start debating realistically what our responsibilities are around this world and meet them? But at the same time we do that, let us, at the same time, ask our allies to do the same.

Is it fair for the American taxpayer to pay this bill while the taxpayers of Germany, United Kingdom, and our allies are not willing to do the same?

I say let us pull in tandem for a free world.

The amendment that the gentlewoman from Colorado has offered is a very modest amendment, it is a step in the right direction and makes good sense for this Congress to adopt.

Mr. KASICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I can certainly understand what the gentlewoman from Colorado is attempting to do in her amendment.

But, I rise to support the Skelton amendment for some very basic reasons and would ask you to listen to a proposal that I have because I am concerned like the gentlewoman is, about the lack of commitment from our allies.

While I am not as familiar with the situation as it exists in Europe I am, however, very familiar with the situation as it exists in Japan and have, myself, just introduced a bill that calls on the Japanese to increase their defense spending to 1 percent of GNP, and if they are not on the road toward doing that in 1985, my bill would call for a reduction of 25 percent in the amount of U.S. aid that we give to the Japanese which only affects our people there and also suggests that we at that point consider the repositioning of these troops without mentioning specific nations, but perhaps we could consider Guam, or perhaps we can consider Korea.

In 1981 the Japanese passed their own 5-year plan in which they spelled out certain goals and objectives they wanted to accomplish. To do this, it would be necessary for them to boost their spending to reach this 1 percent of GNP.

However, in fiscal year 1983 they only had a 6.5-percent increase in nominal terms and for 1984 the Japanese Defense Agency announced that an 8.9-percent increase was the minimum necessary to fulfill the second 5-year plan; yet Japan has said that it plans only a 6.9-percent increase, and in all likelihood, the figure will be even lower than that. While their own defense agency estimates they need an 8.9-percent increase, they are only going to increase by 6.9 percent at the most. They certainly are not living up to their commitment. Let me say to the gentlewoman from Colorado, I wrestled with this idea and I tried to figure out what should be done to force the Japanese to do something. We have the possibility of passing some kind of legislation to say we want it done today. But frankly, I do not think that is very realistic. That is why in my resolution I say that the President ought to enter into negotiations with the Prime Minister of Japan for the purposes of the Japanese increasing their defense commitment to at least 1 percent of GNP, to live up to the commitment they made in their own 5-year defense plan, but we do not take action until 1985. What the Skelton amendment basically does is call on the President to negotiate with our allies for higher levels of defense spending and I support that at this point in time.

But I am reaching the same kind of frustration that my colleagues on the other side of the aisle are reaching. That is why I stated in my bill that if the situation does not improve, this Congress would go forward and in 1985 reduce the kind of commitment that we have in Japan and perhaps take a look at repositioning those troops in some other part of the world. This is essential is not only because the Japanese can divert resources from defense into their domestic industries, and we are all aware of the problems that we have in that regard, but second, time poses an additional burden on the United States since it prevents us from fully living up to what we believe is a necessary military presence in the Indian Ocean.

□ 1750

Mr. Chairman, I rise to support the Skelton amendment because I think we do have to send the signal. And I think the amendment of the gentlewoman, while it is commendable, goes too far at this point in time. We need to prepare our allies for the fact that we are going to get tougher.

And I would urge all those on this side of the aisle to sign up on the Kasich bill, which will not only force our Government to do more to force the Japanese to spend more, but if they do not, come 1985, it calls for action. And action that I think sends a signal to Japan that will force them to spend at least 1 percent of GNP. Give them some time, then we have got to come through with some positive actions.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the substitute.

Mr. Chairman, I listened to all these speeches and I look at the substitute and I wish very much I could say, "terrific." But I am probably one of the few Members here who have read the NATO minutes, for example, from 1958 forward. And I tell the Members the script looks like it is the same year after year after year. We have walked in and we have been firm and we have been resolved and have said: "You people have to do more." And they do. "Amen, Charlie, amen, Charlie." We smile. We walk out. We say: "That's terrific. They are going to do more." And the next year we redo the whole thing.

I just say that I think we are kidding ourselves if we think passing one more resolution is going to do it. The Senate has passed resolutions in 1979, the administration, the Commander in Chief and the administration had an agreement and they still did not live up to it.

I think all of us know who disappointed even this administration has said it was in the press about the fact that our allies have not lived up to their agreements. And what I think, I think they have figured us all out. You wring your hands, you say: "Gee, we will try." And you know we will go away and then the next year we will play the whole scene one more time.

In the interim we are spending more and more money and they spend less. And we get into more trouble economically, comparatively, and every other such thing. And at the same time the Soviets continue to become much more adventuristic around the world, playing in many more fields, so we are spread even thinner.

And I remind my colleagues we are only 3 percent of the world's population. It is a little unreal to think that 3 percent of the whole world's population can keep the whole world free by itself. Or at least with minimal help from its allies.

Again, history has shown us over and over again that when major wars have started, it has been because someone has perceived the weakness and felt they could move in.

And I think we have kept our part of the bargain. We have bargained with them over, and over, and over again and they have not kept their part of the bargain.

I think that my amendment is a very, very modest beginning, saying that we will stay with the 1980 level. The Congressional Budget Office tells us that will save $2 billion, boom. It would then proceed to save a half a billion dollars a year and my guess is that those figures are probably very low.

We are really only talking about one division, that is all we are really talking about. And I just think that to continue passing resolutions—they all say: "Oh, thank you very much. You have thrown another piece of paper at us. We will moan and groan and say

how you have hurt our feelings, but we will not continue to do anything."

And I guess I am just saying at some point we have either got to decide we are going to do something or we are really in big trouble. And the American taxpayer is going to have to be resolved for the rest of their lives to pay for the defense of the entire world. It is not only dangerous, it is costly, and it will hurt our economic situation.

Finally, in going through my bookcase I found a debate by Caspar Weinberger when he was head of OMB back in 1971, sponsored by the American Enterprise Institute. And it was very interesting what he had to say about this thing in 1971. It is now 1983 and we keep doing more, and more, and wringing our hands, and nodding, and bobbing and the same thing and I just think that this would be a good beginning and a good start and tell them we are serious.

Mr. ASPIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me try and get some sense of the Members of the Committee here as to who else wants to speak on this issue. We might have a chance to finish this as being the last amendment here tonight.

If there are a lot of Members who wish to speak, I guess we will have to adjourn and make it the first order of business when we reconvene.

Mr. Chairman, I would ask unanimous consent that after the two Members have a chance to speak that we might have a vote on the issue.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mrs. SCHROEDER. Mr. Chairman, reserving the right to object, there is another gentleman.

Mr. ASPIN. Mr. Chairman, I see four. Is there any objection to that being the limit on this debate and then having a vote on this issue as soon as we finish that?

Mrs. SCHROEDER. Mr. Chairman, I would object. I really think that that is a little unfair. A lot of Members, I think, wanted to participate that are not on the House floor.

Mr. ASPIN. I am looking. I just reported to the gentlewoman that I asked everybody here if they wanted to talk. There may be a lot of Members who wanted on talk, but if they are not here——

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I yield to the gentleman.

Mr. COURTER. Mr. Chairman, it is my understanding that the Chairman is going to move that the Committee rise in 4 minutes. Is that not the case?

Mr. ASPIN. The point is that he would move and rise in 4 minutes if there were a lot of Members wanting to talk. If it looked like we might be able to deal with this in a relatively short amount of time, I think we should try and dispose of this amendment.

Mr. COURTER. I agree with the gentleman. It is a good idea.

Mrs. SCHROEDER. Mr. Chairman, reserving the right to object, I think one of the problems is that Members thought that they were going to rise at 6 o'clock and so a lot of Members have left who wanted to speak.

Mr. PRICE. There was never any announcement to the effect early in the day that we were going to rise at 6 because we just reached this conclusion within the last half hour or so.

Mrs. SCHROEDER. My understanding was that was what the Members thought.

Mr. PRICE. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. PRICE).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. COURTER. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

On a division (demanded by Mr. COURTER) there were—ayes 30, noes 6.

So the motion was agreed to.

□ 1800

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. MATSUI, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2969) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes, had come to no resolution thereon.

LEGISLATIVE PROGRAM

(Mr. McDADE asked and was given permission to address the House for 1 minute.)

Mr. McDADE. Mr. Speaker, I take this time for the purpose of inquiring of the majority leader if he could perhaps tell us the program for the balance of the week and next week.

Mr. WRIGHT. If the distinguished gentleman, the acting minority leader, would yield, this concludes the program for the week. There will be no session tomorrow.

When we adjourn, we adjourn to meet at noon on Monday. On Monday we have three District bills and five suspensions. We will postpone votes on those until the following day, Tuesday.

We also would intend to complete general debate on H.R. 2350, the Health Research Extension Act, and H.R. 2957, the International Recovery and Financial Stability Act. That is the IMF and other lending agencies.

On Tuesday again we meet at noon and take such recorded votes as may be required from the day before, and take up H.R. 2760, to amend the Intelligence Act of 1983, continuing consideration of that bill. I think there still remains some 2 hours of general debate to be accomplished before we get into the amending process.

On Wednesday and the balance of the week, we meet at noon on Wednesday and at 10 o'clock on Thursday and Friday. I think Members should be advised to expect to be in session a week from tomorrow, Friday.

We hope to continue the Intelligence Act, complete it, go into H.R. 3021, health insurance for the unemployed; H.R. 2957, the International Recovery and Financial Stability Act—the IMF—completing it; H.R. 2867, Hazardous Waste Control and Enforcement Act of 1983; and H.R. 2350, the Health Research Extension Act. That is the National Institutes of Health authorization.

That is a full schedule, as the gentleman can see.

Mr. McDADE. Indeed.

Mr. WRIGHT. We need to do as much of that as possible next week in order that the following week we can complete our schedule prior to the recess and home district work period for Labor Day.

Mr. McDADE. I believe the distinguished majority leader said we will definitely meet next Friday?

Mr. WRIGHT. Yes; it is our plan to be in session next Friday, and I think it also would be well to put Members on notice that votes will be expected a week from Monday. On August 1, Members should be expecting votes to be held, not postponed until the following day.

Mr. McDADE. May I inquire, does the gentleman have any feeling at this time as to when the supplemental might be brought up? We know that there are some very critical dates approaching and the conference report is pretty much completed. Do we have any idea when that might come next week?

Mr. WRIGHT. I, of course, want to withhold the reservation that a conference report may be brought up at any time it is ready, and we would want to give it the green light whenever it is ready. If it is ready on Tuesday, move forward with it then, even if it should mean interrupting something else.

Mr. McDADE. I thank the distinguished majority leader. I think a lot

of Members wanted to know when that bill was coming up, and we are very grateful for the advice about Friday, anticipating votes on Friday next. And the Monday following, August 1, there will in all likelihood be again a series of votes.

Mr. WRIGHT. The gentleman is correct. That is the plan as of right now, and I think Members would be well advised to make their plans accordingly.

Mr. McDADE. I thank the distinguished majority leader for his very lucid explanation for next week and the Monday following. It is very helpful to all Members in planning, I am sure.

Mr. COURTER. Mr. Speaker, will the gentleman yield?

Mr. McDADE. I yield to the gentleman from New Jersey.

Mr. COURTER. I thank the gentleman for yielding.

Mr. Speaker, I would like to ask the distinguished majority leader a question.

During the last few hours, a couple of times there was a colloquy on the floor among members of the Committee on Armed Services expressing that they were concerned that the DOD authorization bill was not treated with the same priority as other measures, and that, indeed, it has been used as a filler from time to time.

It is my recollection that we debated partially the bill for a couple of days in May, 3 days in June, a couple days in July, including today. Originally today there was a statement that had we not completed it by 6 o'clock, it would be put over until September and all the problems that would ensue thereafter.

Not long ago, it is my understanding from a conversation I had with Members of the majority, that there was a possibility that the majority would reconsider that position and have 1 additional day between now and the August recess to hopefully complete the authorization on DOD.

Can the distinguished majority leader shed any light on my concern?

Mr. WRIGHT. We have entertained that hope on several days. That was our hope for today. It was our hope yesterday. It was our hope on several of the previous days. It turned out to be a vain hope.

I cannot forecast for the gentleman how many more days it is going to take to complete that bill. There still are a number of amendments.

As far as the majority is concerned, we want to give that bill every opportunity, and I think our scheduling thus far has demonstrated that we have done so. We have devoted a total of some 8 days, I believe, on the House floor to the consideration of that legislation. We certainly do not want to degrade it in our scale of priorities by any manner or means whatever. If we had, we would not have devoted that much time to it already.

Mr. COURTER. If the gentleman will continue to yield to me for one other inquiry in the same area, I suppose the inquiry is best stated as follows:

Will the distinguished majority leader at least in good faith entertain the possibility of having 1 additional day devoted to the DOD authorization bill, either next week or the week after, because if we do not complete it, then it is moved obviously to some later date in September, with the additional expense that is ensued in weapons systems and the other problems that we may have?

Mr. WRIGHT. We were prepared to stay tonight as long as it might have taken if there had been any possibility of completing that bill tonight. Earlier today I told Members who asked that we would be here tonight as long as it took if it looked like we could finish that bill. It became apparent that there was no hope of finishing it tonight because of the number of amendments remaining.

So I do not know. We have these other things which also need to be done, and I am going to make any promises one way or the other. Yes, we would entertain the possibility, and if for one reason or another we were to develop a hole in the schedule, we surely could return to this armed services bill and continue and hope to complete its consideration. But I am not encouraging that expectation because our hopes in the past have proven to be illusory.

Mr. McDADE. Mr. Speaker, I would like to ask another question of the distinguished majority leader, if I may.

Since we began the colloquy, there have been a series of inquiries on this side involving the conference report on the tax withholding and the Caribbean Basin Initiative.

□ 1810

There is a lot of speculation that that bill might come on Tuesday. For the benefit of the membership in planning their schedules, I wonder if the distinguished majority leader should advise the House if he has any further information about when that bill might be processed and brought up? Is it coming Tuesday as the first order of business, or will it come up later, does the gentleman know?

Mr. WRIGHT. Mr. Speaker, if the gentleman will yield, it is altogether possible that it may come Tuesday. It is eligible for Tuesday. Under the rules, it could be considered Tuesday. I know of no disposition on anybody's part to delay it. I do know that there is an interest on the part of a great many Members to go ahead and expedite its consideration and vote for it. Therefore, I think we would do well to consider the possibility that it might come Tuesday.

There will be a number of important votes which could come as early as Tuesday, that and the supplemental appropriations bill conference report being two of them.

Mr. McDADE. Mr. Speaker, I thank my distinguished friend for his explanation. That will help a lot of the Members, I think, in planning their schedules, and we are grateful to the gentleman.

Mr. WRIGHT. Mr. Speaker, all of that adds up to the fact that Members really ought to plan to be here at the beginning of business on Tuesday.

Mr. McDADE. Mr. Speaker, I thank the distinguished majority leader.

ADJOURNMENT TO MONDAY, JULY 25, 1983

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore (Mr. MURTHA). Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON WEDNESDAY NEXT

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, July 26, 1983, it adjourn to meet at noon on Wednesday, July 27, 1983.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

AN INVITATION TO THE POPE TO ADDRESS A JOINT SESSION OF CONGRESS

(Without objection, Mr. McDADE asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. McDADE. Mr. Speaker, I have just introduced a concurrent resolution which would invite His Holiness, Pope John Paul II, to come and address a joint session of this body. It seems apparent that martial law is about to be lifted in Poland. In my own memory, I am aware of one time

in the history of the Western World when the Russians left a city in a nonviolent manner, and that was Vienna. I do not believe that has happened anyplace else on the globe. It may be happening right now in Poland because one man cared enough to travel around the world to the Mideast, to Africa, to Central America, to South America, and behind the Iron Curtain, to bring the light of freedom to an oppressed people. I know that we all hope and pray that his journey will prove to be a success.

We ought to be aware that in Rome tonight there is a child of an employee of the Vatican held by a group of terrorists and threatened with assassination unless the terrorists who tried to assassinate the Pope before he began those journeys is released from prison, and that is because the terrorist who sits tonight in a jail in Rome is telling the truth about who sent him on the dreadful mission that occurred in Vatican Square.

I think it would be appropriate for this Nation and this body to say to this man who has tried to bring the light of freedom around the world that "We would like to invite you to this Chamber to tell us how to improve the human conditions in the world and how to improve the chances for freedom in the world."

Accordingly, Mr. Speaker, I have introduced a joint resolution to that effect.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. McDADE. I yield to my friend, the minority leader.

Mr. MICHEL. Mr. Speaker, did I understand the gentleman to say that he has introduced a concurrent resolution?

Mr. McDADE. Yes; I did.

Mr. MICHEL. And that would take the form of a formal invitation to the Pope to address a joint session of the Congress?

Mr. McDADE. That is correct.

Mr. MICHEL. And did the gentleman cite any precedent for that?

Mr. McDADE. I did not, but I think back in my own memory, and I know we invited Winston Churchill here after Pearl Harbor. I think of the Presidents of Mexico and the astronauts after their visits to the Moon, and I think of Alistair Cooke addressing this body on the occasion of the 200th meeting of the First Continental Congress.

Mr. MICHEL. Mr. Speaker, the Pope's visit to the Central American area was relatively recent. I would like to talk to the gentleman a little bit about the sense of his resolution at the conclusion of the business today and maybe something can get moving.

Mr. McDADE. Mr. Speaker, I am always elated to talk to my friend, the gentleman from Illinois.

GENERAL LEAVE

Mr. WEAVER. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks and to include therein extraneous material on the subject of the special order speech today by the gentleman from California (Mr. WAXMAN).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

TELEPHONE RATE LEGISLATION

(Mr. WIRTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous matter.)

Mr. WIRTH. Mr. Speaker, many of my colleagues have asked me about the issue of telephone rates (the same issue addressed just a minute ago by the gentleman from Kansas (Mr. GLICKMAN).

Today, the gentleman from Michigan (Mr. DINGELL), the gentleman from Tennessee (Mr. GORE), the gentleman from Washington (Mr. SWIFT), the gentleman from Oregon (Mr. WYDEN) and I are introducing legislation focusing on part of the problem, which is the FCC access charge decision.

Similar legislation is being introduced by Senator PACKWOOD on the Senate side. We will be holding joint hearings—House and the Senate—at the end of July, and we expect to mark up a bill in early September.

I will be sending out to every Member of the House a "Dear Colleague" letter describing what is in the legislation and sending them a copy of a draft letter to respond to constituents who write about this enormously complicated question.

We look forward to working with all of the Members and working together to ameliorate what can be a dangerous economic issue for the American public, particularly those who are poor who may not in the future have access to basic telephone service.

I am delighted this morning to introduce telephone rate legislation with my distinguished chairman, JOHN DINGELL, and AL SWIFT, RON WYDEN, AL GORE, and the other members of the committee who have made such a great contribution to the development of progressive telecommunications policy during the past 2 years.

One year ago, on the day when the filibuster by AT&T's supporters finally made it impossible for us to move forward with H.R. 5158, I stated my belief that it was possible—and necessary—to encourage the growth of competition in the telecommunications industry while protecting the 50-year-old goal of maintaining affordable and universally available telephone service.

I am introducing legislation today because I still believe that is true. I still believe that it is not necessary to turn back the clock to the days of total monopoly in order to protect consumers. And I believe that the technological innovation that encourages competition will lead to greater consumer choice and efficiency at home—and enhance our commercial leadership in the enormous world market for communications products and services.

Unfortunately, the FCC seems to feel that we must sacrifice universal service in order to have competition. In the name of efficient pricing, the FCC's access charge decision would, by 1990, add $9 billion annually to costs that local telephone customers must pay for access to the local and long-distance network.

That amounts to an increase of almost $8 per month on the average phone bill. It amounts to an unfair allocation of a substantial share of the costs of telephone service.

Currently, those costs are borne by long-distance telephone companies. My bill would continue that practice, and require private systems that use local telephone company facilities, or rely on those facilities as a backup, to pay as well.

All of us are aware of the unprecedented rate requests—totaling billions of dollars—pending in States all over the country. The poor, the elderly, and those who live in rural areas are being threatened with the loss of telephone service.

All of that is being blamed on the divestiture of AT&T, FCC decisions, the growth of competition, and the loss of the long-distance subsidy to local service. But competition has been a fact of telecommunications life for many years. And neither the divestiture nor even the FCC's access-charge decision will happen until next year.

What is going on?

Of course, there will be increases in the cost of local telephone service—because of inflation, the construction of new telephone company facilities, and reasonable changes in the depreciation of telephone company equipment. But nothing I have seen justifies the doubling and tripling of rates that has been predicted.

There are really three pieces to the local rate puzzle.

First, divestiture could have a significant impact on rates, unless the continued financial viability of the local Bell companies is assured. That, however, is the responsibility of the Bell companies themselves and AT&T in the divestiture process in court—and they continue to profess to be almost entirely satisfied with that process.

While legislation we developed last year would have significantly affected

the divestiture process, as a practical matter we can no longer do that.

Second, the primary responsibility for reviewing the pending rate requests lies with the State public utility commissions. It is up to each public utility commission to carefully review these pending rate increases. If the PUC's do their job, these rate requests will be cut down to legitimate size.

Florida, for example, recently granted only one-third of the rate increase requested by the Bell company there.

The final piece of the rate puzzle is the FCC. It is our responsibility in the Congress to make sure that their decisions are in the public interest.

We had hoped that the Commission would fairly allocate costs among users of our communications network. Clearly, they have not. The legislation I am introducing today will restore that fundamental fairness by reversing the Commission's access-charge order.

Congress must act to make it clear that everyone who benefits from the nationwide telecommunications network—local customer and long-distance companies—ought to share the costs of maintaining the network. Legislation must also recognize the additional costs of providing service to rural America.

The bill I am introducing today will not stop telephone companies from requesting inflated rate hikes. And legislation should not attempt to return us to the days before competition, or impede technological development.

What we can try to do as communications becomes more and more central to our economy and our society, is to help keep telephone service affordable and prevent the creation of information haves and have nots. By creating a fair system of access charges, we can help assure the future of both competition and universal service.

Following is an outline of the legislation:

HIGHLIGHTS OF THE UNIVERSAL TELEPHONE SERVICE PRESERVATION ACT OF 1983

. Repeals the FCC's access charge decision, and requires the FCC to establish an access charge formula under which long distance telephone companies would continue to bear an equitable share of the costs of local telephone service, in order to assure that local telephone service remains affordable throughout the country.

The FCC's access charge decision would require local customers to pay an additional $9 billion annually—an increase of between $7 and $8 on the average monthly phone bill—for access to the local and long distance telephone network by 1990. Those charges are currently collected from long distance telephone companies.

Requires privately-owned and operated telephone systems that "bypass" the local telephone company to contribute to the local telephone company's costs. Many of these private systems indirectly connect with the local telephone company through sophisticated office switchboards, and users of private systems often rely on the local telephone company as a back-up to the private system.

Our national commitment to universally-available telephone service has benefitted all users—large and small, business and residential. Universal telephone service binds our country together, and has become an essential cornerstone of commerce. By the same token, all long distance telephone companies need local telephone company facilities to originate and terminate the great bulk of long distance calls. For these reasons, the bill requires all long distance companies and customers to contribute to the costs of providing local telephone service.

Requires state public utility commissions to establish "lifeline" rates for low income residential customers.

Establishes the Universal Service Fund for local telephone companies whose costs exceed the national average, to assure that service in rural and remote areas remains affordable.

Enables state public utility commissions to require all local telephone companies to continue to furnish basic telephone equipment and telephone wiring under tariff to residential and small business customers.

Prohibits telephone companies from using revenues from regulated service to defray costs associated with their unregulated activities. Cross-subsidies would increase the rates that local and long distance customers pay for their service.

Gives state public utility commissions the authority to set depreciation rates for telephone company equipment used for local service, in a manner that promotes the viability of the local telephone companies.

SECTION BY SECTION ANALYSIS OF ACT

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. The title of the bill is the Universal Telephone Service Preservation Act of 1983. The bill has twelve sections and Section 1 includes a table of contents.

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. The fifty-year effort to bring affordable and universally available telephone service to the public has served the nation well. Universal telephone service has contributed to the Nation's economic, social, and political integration and development. Each telephone subscriber receives a more valuable service when anyone else in the country can be called. Universal service is threatened by significant rate increases that will impact especially hard upon the poor, elderly, handicapped and those living in high-cost urban and rural areas.

The bill is intended to assure nationwide availability of communications services at affordable rates that will allow full participation for all Americans in the nation's economic, political and social life; assure that costs for maintaining such nationwide availability is allocated equitably among all users and providers of communication services who benefit from the availability of such services; assure that the States have sufficient regulatory authority to maintain universally available and affordable telephone service; and assure that the economy, general welfare, and national security of the United States will benefit from continuing improvements in telecommunications technology and the continued development of a competitive telecommunications industry.

DEFINITIONS

SEC. 3. The bill defines certain specialized terms. The definitions are amended to the 1934 Communications Act of Section 153.

Exchange access includes providing facilities, services and related activities by an exchange common carrier to an interexchange carrier or other person providing interexchange service for the origination or termination of interexchange communication and includes making available use of the local subscriber loops to those providing interexchange communications. Direct interconnection is exchange access through facilities provided for that purpose by the local telephone company. Indirect interconnection occurs through other facilities of the local company.

An exchange area is the area within which exchange service is provided and may not include an entire state or more than one SMSA. An exchange carrier is a carrier authorized by a state to provide exchange service on a universal basis. An interexchange carrier is a carrier that provides interexchange service. Interexchange service is communication provided among points in more than one exchange area.

ACCESS CHARGES

SEC. 4. The bill repeals the FCC's decision on access charges and requires that the present system remain in effect for the time being. A new subsection (e) is added to Section 221 of the Communications Act of 1934.

Paragraph (1) of the new subsection requires the FCC to establish a new system of charges to compensate exchange carriers for exchange access that will replace the present system of separations and settlements. The new system is intended to: compensate exchange carriers for all costs associated with providing or making available exchange access; achieve equitable treatment of all interexchange carriers and others who benefit through director indirect interconnection from the services and facilities of the exchange carrier; ensure continuation of universal telephone service at affordable rates; assure that payments and assignment of costs are carried out in an open public fashion; and encourage efficient investment decisions and technological development.

Paragraph (2) requires that long distance companies which obtain direct interconnection from a local telephone company will pay a charge that covers the local company's direct costs of providing exchange access; a share of joint and common costs; and a surcharge for the Universal Service Fund. Joint statewide tariffs may be filed, or a state may require carriers to file joint tariffs, until 1988 or later if the FCC provides. Carriers serving the same exchange must file joint tariffs and will divide revenues as provided by the FCC. State commissions may authorize or require exchange carriers within the state to pool exchange access charges. Tariffs must be based on costs. They must be on an element-by-element basis and interexchange carriers will only pay for facilities and services they request and obtain. Differences in charges will be justified on the basis of differences in costs.

Paragraph (3) requires long distance companies or other persons that indirectly interconnect with the local telephone company through a private system to pay a charge that covers the local company's direct costs, if any, of providing interconnection; a share of joint and common costs of exchange facilities actually used by those indirectly connecting; to the extent that local telephone facilities are not actually being used, a charge reflecting the availability of those facilities as an alternative to the

private telephone system; and a surcharge for the Universal Service Fund.

Paragraph (4) requires that private systems that do not connect with the local telephone company at all pay a charge reflecting the availability of local telephone company facilities as an alternative to the private system, unless the local telephone company does not offer services comparable to those provided by the private system.

Paragraph (5) requires that the costs of exchange access be recovered from interexchange telephone companies and other long distance providers. Under the FCC's access charge decision, local customers would have to pay the costs of access to the long distance network with a flat charge. The total that an exchange carrier may collect from direct, indirect and non-connecting interexchange providers may not exceed its costs for exchange access and the share of joint and common costs.

Paragraph (6) requires that indirect and non-connecting interexchange users will notify any exchange carriers, any state commissions and the FCC. Failure to notify will result in a $50,000 penalty.

Paragraph (7) requires that the FCC establish standardized methods for ascertaining and apportioning costs of services and facilities that are used jointly or in common between exchange service and exchange access. The FCC will also establish standard forms for record-keeping.

Under paragraph (8) no exchange carrier is required to allow joint ownership of its switching facilities or required to allow other carriers to locate their equipment on its premises. Exchange carriers are not required to bill customers for other carriers; they are allowed to only if they include billing services as a separate tariff item. Exchange carriers with fewer than 50,000 customer lines may use statistical cost studies (that include other carriers in a similar class) to support their tariffs for exchange access.

Under paragraph (9) the FCC is required to delegate the authority to set access charges under paragraph (2) to any state that complies with the provisions of this section and with rules adopted under it. For tariffs approved by a state, any carrier or customer that alleges violations of paragraphs (2), (3), or (4) may file a petition for review with the FCC. An identical petition must also be filed with the state commission and the FCC cannot act earlier than 60 days or after the state commission has issued an adverse ruling.

Under paragraph (10) initial access charge tariffs will take effect on July 1, 1985 and will provide for a three-year, phased transition. During the interim, the present system of charges under separations and settlements and ENFIA are frozen except that they may be adjusted for inflation. Resellers are required to pay ENFIA charges once but are not required to pay if the carrier from whom they purchase service has already paid ENFIA or a similar charge.

UNIVERSAL SERVICE FUND

SEC. 5. The bill adds a new section to Title II of the 1934 Communications Act, Section 225.

To assure the continued availability of affordable telephone service on a universal basis, subsection (a) requires that the Universal Service Board establish a Universal Service Fund. This fund will have two accounts: to pay for a portion of the costs of eligible carriers whose costs per customer access line exceed 115 percent of the national average (subsection (b)); and a transitional account (subsection (c)). These accounts will be funded by revenues raised from a surcharge on access charges. The Board will determine the charges necessary to finance the payments required by this section.

Under subsection (b) eligible carriers may recover a portion of their costs for providing exchange service to the extent their costs per customer access line exceeds 115 percent of the national average. The rate of compensation will be determined by the Universal Service Board and that rate will increase the more costs exceed 115 percent.

The transitional account of subsection (c) will assure that for those carriers who would receive less, in nominal dollars, from access charges than they received from separations and settlements in 1982 will receive no less than they did in 1982.

Subsection (d) requires that the Universal Service Board establish an exchange access board to administer the accounts of the Universal Service Fund. The exchange access board will be made up of representatives of exchange carriers, interexchange carriers, and other customers that directly obtain exchange access. Accounts will be administered with as few delays possible and on the basis of uniform and simple standards which are readily applied to the information included in each application. Payments will be subject to audit to assure that they are proper, are used to maintain affordable rates, do not remove incentives for the efficient provision of exchange service, and do not unreasonably impede the entry of competition to exchange service.

UNIVERSAL SERVICE BOARD

SEC. 6. The bill adds a new subsection (d) to Section 410 of the 1934 Communications Act.

Within 30 days the FCC will establish a permanent state-federal joint board to be known as the Universal Service Board, consisting of four state commissioners and three FCC commissioners. Its decisions will be subject to final approval by the FCC. The Board will: (1) establish and maintain formulas for funding the Universal Service Fund and distributing funds from it; (2) provide for a transition from the present system of separations and settlements to the new system of access charges; and (3) determine relative assignment of joint and common costs. In making its decisions on joint and common costs, the Board will encourage reliance upon exchange common carriers for distributing interexchange transmissions; and take into account the costs of providing exchange service and exchange access, investment needed to meet demands for exchange service and exchange access, and the use of exchange facilities for exchange service and exchange access. The Board may appoint staff to carry out its functions.

DEPRECIATION

SEC. 7. The bill adds a new subsection to Section 220 of the 1934 Communications Act.

The FCC has recently preempted states from determining the depreciation for exchange facilities used for both local and long distance purposes. The bill gives to state commissions authority to set depreciation methods for purely local exchange facilities and for the portion of facilities used jointly for exchange and interexchange service which is assigned to the States by the Universal Service Board. Depreciation methods used by the states must promote the economic viability of the carriers involved.

INTEREXCHANGE TARIFFS

SEC. 8. The bill adds a new section to Title II of the 1934 Communications Act, Section 226.

To preserve reasonable toll rates in high-cost areas, de-averaging of toll rates is prohibited by AT&T and its non-competing partners that provide basic long distance service.

PROVIDER OF LAST RESORT

SEC. 9. The bill adds a new section to Title II of the 1934 Communications Act, Section 227.

State commissions may require exchange carriers to lease and maintain basic one-line telephones and inside wiring to persons within the state under tariffs that include all costs of providing and maintaining them. A basic one-line telephone is defined by the FCC as the type of equipment essential for basic participation in nationwide telecommunications. In defining such equipment, the FCC may not reduce the quality of basic one-line telephones presently available.

LIFELINE TELEPHONE SERVICE

Section 10 adds a new subsection (c) to Section 201 of the Communications Act of 1934. State commissions shall establish lifeline telephone service rates for providing minimum local telephone service at a discounted rate for low-income residential customers.

PROHIBITION ON CROSS-SUBSIDIES

Section 11 adds a new subsection (d) to Section 201 of the Communications Act of 1934. No carrier may use revenues from regulated activities to subsidize entry into unregulated competitive activities. Profits from unregulated activities (other than Yellow Pages) may not be required to be used to subsidize regulated services.

EFFECTIVE DATE

SEC. 12. The amendments made by this Act will take effect on the date of enactment.

□ 1030

THERE IS AS MUCH DIGNITY IN TILLING A FIELD AS WRITING A POEM

(Mr. DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DANIEL. Mr. Speaker, quite often, the best wisdom of our time comes not from Washington but from individuals far from the scene of government who grasp the real meaning of problems of the day.

Take, for instance, the following "Letter to the Editor" of the Gazette-Virginian, of South Boston, Va., in its July 11 edition:

DEAR EDITOR: In the Gazette-Virginian's "Talk of the Town" May 18 was the following article. The office manager of the Va. Agriculture Association Mrs. Eloise Wilder kept tab on the groups effort to hire domestic workers during 1982.

272 applications indicated an interest in working in tobacco when they appeared at the Virginia Employment Commission Office.

112 didn't bother to keep an interview appointment; 18—didn't bother to finish neces-

sary paper work required by Dept. of Labor; 15—not hired because of bad references; 4-not hired because they couldn't work through the harvest season; 75—were hired, but never showed up; 6—showed up but rejected the job; 4—changed their mind while filling out application.

This left 33 who were hired and began to work and you guessed it, all 33 quit.

Now out of the 267 applicants, how many of these lost their unemployment checks, after turning down a job that was offered to them?

We've got so many healthy people on the unemployment rolls collecting checks every month that could work the tobacco each year or loose their checks. Why should we have to bring in Mexicans or Haitians for tobacco crops, when we've got so many unemployed and on welfare rolls. I'd also like to know how many on the welfare rolls have gone to work through the workfare program.

BROADDUS PARKS, CLOVER, VA.

The writer is pointing up a fact which many people see—but which the Department of Labor refuses to recognize. Sufficient domestic labor is not available—and tobacco growers, who have no other choice, seek aliens in order to get their crops harvested. Contrary to some opinion, the cost is not cheap—considering the adverse effect wage rate, inducements other than wages which have to be provided and the expense of maintaining their organization and recruiting.

But in spite of the failures of domestic recruiting, as reflected in the letter, the Department of Labor continues to threaten reprisals against those who do not choose to interview Haitians from other States, after they have already met their employment needs for the season.

Does the Department of Labor have the right to require employers, operating under the H-2 program, to employ people they do not need, or return to Mexico workers who are doing a satisfactory job, in order to hire Haitians who may leave the next day? Washington thinks so. All of the powers of persuasion have not convinced officials in Philadelphia and Washington that growers cannot run a business when they do not know from one day to another whether they will have workers.

The other side of the coin is likewise relevant. How can the Department of Labor on the one hand insist on employing Haitians as domestic workers—and on the other continue to pay unemployment compensation to those who refuse to take available jobs?

Many of these individuals tell me upon inquiring that working in the fields is undignified. I performed this same type work for 15 years and did not find it undignified. Those who are physically able to work and refuse to do so should be denied taxpayer benefits.

Paraphrasing Booker T. Washington, society cannot prosper till it learns that there is as much dignity in tilling a field as in writing a poem.

AN ALTERNATIVE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANNEMEYER) is recognized for 30 minutes.

Mr. DANNEMEYER. Mr. Speaker, during the course of the past several weeks, this Member from California has taken the well of the House for the purpose of talking a little bit about the alternative budget which this Member presented and hoped to have the House consider in March of this year. The Members will recall that in March of this year this House approved a first concurrent budget resolution which provided for spending in 1984 of $863 billion. That included a projected deficit of $174 billion, assuming that we increase taxes by $30 billion.

□ 1820

If we do not increase those taxes then the estimate of the deficit is a little over $200 billion in 1 fiscal year. There are many of us in the House who are deeply concerned about the course that our Nation is taking with respect to these deficits continuing as they are. We are mindful of the fact that only once in the last 20 years has our country balanced its budget and that if we continue down this course we are running a serious risk of bringing financial ruin to our country and the nations of the Western World.

In that spirit and with that objective in mind, this Member from California prepared along with half a dozen of my colleagues an alternative budget which outlines funding for 1984 of some $760.51 billion. That is a total of $103 billion less in spending.

In other words, the thrust of this proposal was to work toward a balanced budget through the medium of reducing spending rather than increasing taxes. I believe that is the course we should be taking.

It was interesting when this request was presented to the Rules Committee in order that the Rules Committee would make in order that this budget be considered on the floor that the Rules Committee chose not to even permit the House as a whole to consider the alternative budget that I am talking about.

A good question comes into existence. Why would the Rules Committee preclude the House from even considering such an alternative spending program so as to reduce spending for 1984 by close to $100 billion?

I would suppose the answer is an analysis and recognition of what truly is driving the spending force in this country. As a result of the November, 1982, election, the division in this House is some 268 Democrats and 167 Republicans. We Republicans are in a minority. We have 38 percent of the slots; the Democrats, our colleagues, have 62 percent. Under the rules which they have specified, as we all know, their margin on the Rules Committee is 2 to 1; 2 Democrats to 1 Republican.

So when this Member of the House, a Republican, came to the Democratic controlled Rules Committee and asked that controlled by the Democratic Rules Committee to make this alternative budget in order, the Democrats having the majority chose not to make it in order. They had the power to permit it to be considered or the power for it not to be considered.

Yet we ask why would they preclude this matter from being considered? The only answer that I have been able to come up with and some day someone in this Chamber will be able to enlighten me as to some other reason or a more correct reason, I wait for that opportunity. Maybe I will wait for a while, but I wait for that opportunity in this Chamber. It is that the Democrats who control the Rules Committee do not want to be put in the position where the Members of the House, Democrats and Republicans, would have to record a vote as to how they were recorded on whether we are going to cut spending by this amount or not. In other words, they are a little touchy about responding to their constituents in the next election as to how they voted or whether they wanted to cut spending or not.

Now, I submit that is not a valid reason. It should not be permitted to stand; but unfortunately in this Chamber, we are outvoted. They have the votes and they can stuff it down our throats and that is precisely what they did. They precluded us from having this alternative or one like it considered on the floor of the House today so that we Members of this institution would have a voting record and then be responsible to our constituents as to how we voted on the issue of cutting spending.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding.

It was interesting to note in the U.S. News & World Report this week an interview with W. R. Grace, who headed a presidential commission, to take a look at how we could reform the Government. He makes the point that I think helps amplify the gentleman's point that this is a city without guts. He claims that we could find $150 billion in spending reductions in the Federal budget and thereby save almost the amount of money that is now the deficit in this budget.

The gentleman was proposing saving about $100 billion, and as I recall at that time the argument was made that there is no way we can cut spending that much.

This distinguished commission looked at all these things and they are now saying that we can cut not only $103 billion, but we can cut close to $150 billion a year if we reform Government in proper ways.

So what the gentleman has offered earlier was a very responsible kind of budget, a spending cut budget that has now been reaffirmed that could be done by a very distinguished commission.

So I think the gentleman is right on target and what he points out is the fact that where the city without guts has its greatest problem is right here in the Congress. It is also a Congress without guts.

Mr. DANNEMEYER. Mr. Speaker, I appreciate the gentleman's comments and he is absolutely right. The plan prepared by the President's Commission was just another alternative that I think this House should have the opportunity of considering.

This is a detailed proposal. As anybody can see, it has maybe 75 or so pages. I think it is responsibly put together. I am sure the work product of the Grace Commission is similar.

My point in bringing this up again, and I am going to bring it up again and again, is that the House should have the alternative for Members to vote on where they stand on this issue. The people of this country are deeply concerned about the seeming irresponsibility of what we are doing in this House. It is in that spirit that I bring this to the Members' attention.

One of the integral factors of this alternative budget which I prepared last March and which accounts for a significant proportion of projected savings is the set of economic indicators used. As I have stated previously, I assume the same statistics as the Congressional Budget Office, with one exception, real GNP growth. At the time the Congressional Budget Office was projecting a 2.1-percent growth rate for 1983, I calculated it to be 3.7 percent, based on the average of several leading economic forecasters.

Since that time and especially in the past few weeks more and more economists are agreeing that real GNP is growing at a far greater rate than was originally believed.

The July Morgan Guaranty survey currently expects the rate for 1983 to be 2 percent higher than it was predicted only a month ago, about a 4-percent annual rate. Nearly all other forecasters have similarly upgraded their projection.

Had we enacted meaningful budget reductions back in March or April instead of hastily passing the travesty called the first concurrent budget resolution as the budget for the fiscal year 1984, we could be well on our way toward slicing tens of billions of dollars off the deficit. A balanced budget would be more of a fact and less of an increasingly unrealizable fantasy.

The significance of the increase in the GNP growth for the year, I think, is obvious to all of us. If the economy is growing, people in this country are put back to work and, incidentally, there is more tax revenue coming into the Treasury of the United States. This increased tax revenue will reduce the necessity of increasing taxes mainly because we are just developing a bigger pie in our economic system and Government would get its share, as it must, in order to fund its necessary activities; but when the economy grows everyone benefits in our society.

I would like to read just a few of the items that relate to where we can save this $100 billion or close to it. In order to give a little indication to my colleagues that it is not all smoke or any smoke that is being blown in their faces with respect to this comment and today I take the time to relate category 450, community and regional development and also a portion of category 500, education, training, employment and social services.

Speaking from 450, Community and Regional Development: The savings that are estimated and recommended to my colleagues in this category total some $800 million. I will read through them and I do this because I want to indicate that this projected spending cut, what they total is not being done on the backs of the poor or the downtrodden, the handicapped, or those in our society less able to take care of themselves. These are prudent, responsible spending cuts. I hope when the Members listen to these, they will appreciate and share in that conviction which I have stated.

450 Community and Regional Development

451 Community development

Department of Housing and Urban Development

Policy Development and Research: Terminate activity.

Management and Administration: Reduce funding to level proposed by the President, cap outyears at $200 million.

Community Planning and Development: Community development grants—fund 1984 obligations, cap outyears at $3.4 billion. Urban development action grants—terminate programs.

New Community Development Corporation: Terminate activity in accordance with President's proposal.

Other Independent Agencies

Pennsylvania Avenue Development Corporation: Public development—reduce funding to level proposed by the President, cap outyears at $5 million.

Neighborhood Reinvestment Corporation: Terminate activity.

Commission of Fine Arts: Terminate funding, finance through private contributions.

452 Area and regional development

Funds Appropriated to the President

Appalachian Regional Development Programs: Terminate activity in accordance with President's proposal.

Department of Agriculture

Office of Rural Development Policy: Terminate this activity.

Farmers Home Administration: Rural water and waste disposal grants—reduce funding to level proposed by the President. Rural community fire protection grants—delete funding in accordance with President's proposal. Rural development insurance fund—cap funding at $500 million.

Rural Electrification Administration: Rural communication development fund—delete funding.

Department of Commerce

Economic Development Administration: Terminate activity in accordance with President's proposal.

Department of the Interior

Bureau of Indian Affairs: Reduce funding to level proposed by the President, cap outyear operation costs at $500 million.

Other Independent Agencies

Appalachian Regional Commission: Terminate activity in accordance with President's proposal.

Tennessee Valley Authority: Reduce funding in accordance with President's proposal and cap at this level.

453 Disaster relief and insurance

Funds Appropriated to the President

Disaster Relief: Reduce 1984 funding to level proposed by the President (large carryover balance will sustain needs of that activity for fiscal year 1984), cap outyears at $325 million.

Department of Agriculture

Agricultural Stabilization and Conservation Service: Emergency conservation program—delete funding in accordance with President's proposal.

Other Independent Agencies

Small Business Administration: Disaster loans—reduce funding to level proposed by the President; offset costs with accelerated recovery of debts.

□ 1830

The next category is category 500, Education, Training, Employment and Social Services. The total of the recommended reductions in this category, one of about 21 in our budget process, totals some $2.4 billion below what was approved by the first concurrent budget resolution.

To refresh the memory of our colleagues, the CBO baseline was $27 billion and the alternative budget which I suggest is $24.6 billion in this category, for a projected savings of $2.4 billion.

These savings are enumerated as follows:

501 Elementary, secondary, and vocational education

(Department of Education) Education Activities

Office of Elementary and Secondary Education: Indian education—terminate activity in accordance with President's proposal. Impact aid—reduce funding to level proposed by the President. Compensatory education for the disadvantaged—reduce funding to level proposed by the President. Special programs and populations—reduce funding to level proposed by the President. Bilingual education—terminate program.

Department of the Interior

Bureau of Indian Affairs: Operation of Indian programs—reduce funding to level proposed by the President.

502 Higher education

(Department of Education) Education Activities

Office of Postsecondary Education: Student financial assistance—incorporate President's proposal to replace existing loans and Pell grants with work/study and self-help grants. Guaranteed student loans—adopt President's proposal to accelerate loan recovery and decrease delinquencies. Higher education—adopt President's funding level.

503 General research and education aids

Department of Commerce

National Telecommunications and Information Administration: Public telecommunications facilities, planning, and construction—delete funding in accordance with President's proposal.

(Department of Education) Education Activities

Office of Educational Research and Improvement: Libraries—delete funding in accordance with President's proposal.

Departmental Management: Salaries and expenses—reduce funding in conjunction with diminished activities, cap at $200 million.

Office of Educational Research and Improvement: Educational research and statistics—eliminate National Institute of Education activities.

Other Independent Agencies

National Foundation on the Arts and the Humanities: In view of continued and excessive abuse, prioritize endowments according to artistic merit and cultural need; terminate funding for frivolous, obscene, and other matter of low or no artistic value: Cap each endowment at $100 million ($200 million for the foundation) and terminate the Insitute of Museum Services.

National Commission on Libraries and Information Science: Terminate this activity.

504 Training and employment

Department of Health and Human Services

Human Development Services: Work incentives—phase out in accordance with President's proposal.

Department of Labor

Employment and Training Administration: Program administration—reduce funding to level proposed by the President, cap outyears at $90 million. Training and employment services—reduce funding to level proposed by the President, cap outyears at $3.5 billion. Community service employment for older Americans—phase out program in accordance with President's proposal.

506 Social services

(Department of Education) Education Activities

Office of Special Education and Rehabilitative Services: Rehabilitation services and handicapped research—implement President's proposal to redirect aid to handicapped and disadvantaged by placing greater reliance upon local school districts rather than states to administer programs, cap outyears at $1 billion.

Department of Health and Human Services

Departmental Management: Office of Consumer Affairs—terminate activity.

Human Development Services: Community services—delete funding in accordance with the President's proposal. Family social services—reduce funding to level proposed by the President, cap outyears at $600 million.

Department of Housing and Urban Development

Housing programs: Housing counseling assistance—delete funding in accordance with the President's proposal.

Other Independent Agencies

ACTION: Reduce funding to level proposed by the President (terminate VISTA), cap at $110 million.

In concluding my remarks this evening let me observe that in September the law requires that the House adopt a second and final concurrent budget resolution. It is my hope and my request to my colleagues that the Rules Committee will permit consideration of an alternative budget of this type that I have prepared, or some other, so that we in this House will have an opportunity by our vote, which is the best way that our constituents can judge our stewardship of power with which we are vested to determine whether or not the spending levels we are adopting for this country are consistent with what our constituents want us to do.

It is my sincere request that that take place so this action can take place in September when we again take up this subject.

Mr. Speaker, I yield back the balance of my time.

FOOD CRISIS IN AFRICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. WOLPE) is recognized for 60 minutes.

Mr. WOLPE. Mr. Speaker, I have requested this special order today to provide Members of this body an opportunity to respond both to the current food crisis that is facing the African Continent and to the response of our Government to this disaster.

I want to particularly focus on the situation that is facing the country of Ethiopia. A severe drought caused by insufficient rains during 1982, affecting at least 18 countries in Africa, is causing grave concern among international relief organizations, the leaders of the affected countries, and a number of Members of this body and particularly on the African Subcommittee.

The continent is facing the worst food shortages since the early 1970's when at least 200,000 to 300,000 people starved to death. For many countries this is the second year of the drought caused by insufficient rains.

In Ethiopia alone United Nations officials estimate that 50 to 100 children are already dying daily as a direct result of starvation or of malnutrition.

This is the first time in recent history that so many parts of Africa have been struck by drought simultaneously. The consequences may well be devastating.

The international response has been, frankly, disappointing, despite ample advance warning of the impending crisis. The United States, usually the major source of humanitarian aid, has been particularly slow in its response with respect to Ethiopia.

□ 1840

At this point, Mr. Speaker, I would want to yield to my colleague, a Member of the House Subcommittee on Africa, and one of the most knowledgeable Members in this body, on African affairs, the gentleman from New York (Mr. WEISS).

Mr. WEISS. Mr. Speaker, I want to thank my distinguished colleague for yielding to me at this time.

Mr. Speaker, I would like to commend my distinguished friend from Michigan, Mr. WOLPE, the chairman of the Subcommittee on Africa for arranging this special order to call attention to the spreading famine in Africa. Ethiopia has been the hardest-hit country so far, with an estimated 3 million persons affected. The death toll is mounting among the most vulnerable—infants, children, and old people. Warfare in two of the provinces—Tigrai and Eritrea—has compounded the difficulty of distributing supplies.

The United States is usually the major source of humanitarian aid when disaster hits developing countries. But this time, the U.S. response has been minimal, and its modest donations have been announced only after long delays.

The following was submitted for the CONGRESSIONAL RECORD:

[From the Food Policy Notes, July 16, 1983]

U.S. GOVERNMENT NEEDS PRODDING ON ETHIOPIAN RELIEF

Assessments of the situation in northern Ethiopia by UN and private agencies all bear the same message: in spite of the international relief operation launched this spring by the UN Disaster Relief Organization (UNDRO) (see NOTE 83-12, May 12, 1983), conditions are worsening. The characteristic signs of famine—the movement of people in search of food, high malnutrition among children, problems of distributing relief supplies, the spread of diseases, and a mounting death toll—have been confirmed by a number of officials of UN and private agencies working or traveling in Ethiopia.

As in any famine, children are the most vulnerable. An estimated 50 to 100 children are dying daily from pneumonia or other hunger-related diseases. While some observers are hopeful that the early warnings of famine and the internationally organized response will hold down the death toll, others are fearful that deaths could easily mount to the toll of 200,000 deaths that resulted from the severe drought of ten years ago.

Many believe that the initial six-month appeal will have to be extended, perhaps significantly beyond October, and that relief and development agencies should be thinking in terms of years rather than months since the drought already has had a long-term impact on development in the region. For example, large numbers of cattle, a source of livelihood for many people, have died; serious outbreaks of rinderpest, a fatal cattle disease, have been reported. Cattle, like human beings, weakened

by the effects of drought, become more susceptible to fatal diseases.

The fate of this year's harvest also remains uncertain. A recent UNDRO situation report contained the disappointing news that the rains which began in June stopped abruptly and that people who had gone back to their homes to begin planting next season's crops with the onset of the rains had begun returning to food distribution centers. If the rains do not resume soon, this year's autumn harvest would also be severely affected, compounding and extending Ethiopia's food crisis. Crops must be sowed at least by the end of July for the November harvest.

INTERNATIONAL RESPONSE TO THE UNDRO APPEAL

Contributions to the March UNDRO $35 million appeal have been coming in, mainly from the European Community, individual European governments, and international agencies (such as UNICEF, the World Food Program, and the World Health Organization). However, there is some disappointment among UN officials that the response has not been greater and swifter. The main problem currently is not lack of food. About 60 percent of the 100,000 tons requested in the UNDRO appeal has already been pledged or sent. UNDRO is now emphasizing three immediate needs: transportation, seeds for the crops to be harvested in November, and medical supplies.

Lack of trucks, spare parts, fuel, and/or aircraft to deliver food to remote areas is seriously impeding food distribution. Oxfam reports that food rations are insufficient even in distribution centers, resulting in increasing levels of serious malnutrition and hunger-related diseases. Recently several European countries and the European Community announced substantial contributions of spare parts and tires, but further donations, in cash or kind, are still needed. UNDRO has asked for contributions of about $1.3 million dollars to purchase locally seeds for about 50,000 farmers in drought-affected areas. Drugs, particularly antibiotics and vitamins, are also in short supply.

In addition to governments and international agencies, a number of private voluntary organizations worldwide are contributing to the relief effort, including the International Red Cross, Oxfam, Dutch Interchurchaid, Garitas Germany, Save the Children, World Vision, the Lutheran World Federation; and the World Council of Churches. Catholic Relief Services is distributing US PL 480 food assistance in Ethiopia. Some of these organizations are channeling contributions through the Christian Relief and Development Association (CRDA), a consortium of international and national voluntary agencies in Ethiopia.

Some are trying to work through groups in the Sudan that have contacts with relief and development agencies in areas of the north which are outside Ethiopian government control. Because large parts of the northern provinces of Eritrea and Tigray are under the control of liberation forces, needy people in those areas will not be reached by food and supplies channeled through the Ethiopian government or international agencies. Private voluntary agencies consequently can play an especially important role in the Ethiopian crisis by serving as channels of access to development and relief agencies and activities in rebel-held areas.

In northern Ethiopia the usual distribution problems—poor or non-existent roads, lack of vehicles and spare parts—are compounded by the long-term civil war which goes on in spite of the drought and its consequences. A US journalist recently reported from northern Ethiopia that even in the midst of famine Ethiopian government troops are waging a moderate-scale offensive against liberation forces in Eritrea. Thus, the ravages of war add to people's suffering and further complicate already difficult problems of distributing relief supplies.

US RESPONSE INADEQUATE

There is growing sentiment in Congress and among the public that the US government's response to the Ethiopian drought has been inadequate.

As of early July the only specific U.S. response to drought-related appeals was that of May 6 (see NOTE 83-12 for details) when three separate small requests were approved, making available about 1,500 tons of food (valued at less than $500,000). While administration officials allege that the U.S. has contributed $4.8 million in assistance to Ethiopia this year, more than half (about $2.7 million) was for an ongoing Title II Public Law 480 food aid program unconnected with any of the drought appeals. Another $1.5 million represents that portion of a U.S. contribution for international refugee relief calculated to have been spent for a refugee feeding program in Tigray and Gondar provinces in northern Ethiopia. These funds were part of a continuing program of assistance for refugees in the Horn of Africa. The U.S. still has not responded to the general UNDRO appeal sent out to all governments and international organizations in March. Administration officials say (1) they are keeping the situation under review; (2) the U.S. will respond to specific requests—for example, for soy protein, a commodity not readily available elsewhere; and (3) the relief effort should be a cooperative international one, not U.S.-led.

To many in Congress and among the U.S. public, the administration's explanation is unsatisfactory; in effect an excuse for withholding U.S. food and other resources from a government that is disliked by the administration. Several congressional efforts are underway to put pressure on the administration to be more responsive. On June 1, 72 House members sent a letter to Peter McPherson, administrator of the Agency for International Development (AID), urging a prompt review of and a positive response to the general UNDRO appeal for funds, as well as approval of any additional requests for emergency relief for Ethiopia. The letter also urged reinstatement of Public Law 480 food aid for fiscal year 1984, eliminated without explanation from the administration's budget request. A similar letter was sent by eight members of the Senate (Boschwitz, R-MN; Cranston, D-CA; Glenn, D-OH; Hatfield, R-OR; Mathias, R-MD; Sarbanes, D-MD; Specter, R-PA: and Tsongas, D-MA) on June 30.

Also in late June, Senator Charles Percy (R-IL), Chairman of the Senate Foreign Relations Committee, wrote Mr. McPherson urging a full and expeditious US response. On June 29 the Senate approved a nonbinding resolution (sponsored by Senators DeConcini, D-AZ; Pell, D-RI; Percy, R-IL; and Tsongas, D-MA) calling upon the president to make food and other emergency supplies available immediately and to insure that these supplies are transported to the areas of famine. A similar resolution is expected to be introduced in the House by mid-July.

As this NOTE was going to press, an AID response to the June 1 letter from House members had just been received. In it the administration indicated it had authorized two additional specific requests for Ethiopia: (1) another 4,500 tons of PL 480 ($1.6 million) requested by Catholic Relief and (2) a second World Food Program request for 145 tons of soy protein ($52,000). The letter also stated that discussions were underway with Catholic Relief Services and other organizations concerning the possibility of providing assistance for the lease or rental of trucks in Ethiopia to transport food.

The response is encouraging since it approves additional food aid, and even more important opens up the possibility that the US will provide transport assistance. However, the scope and nature of such assistance are still unclear and will bear watching. The feasibility of rental or lease as proposed is also open to question. The letter seems to envision providing transport specifically for US PL 480 commodities rather than responding to the broader UNDRO transportation appeal.

On June 30 representatives of private agencies, including the Taskforce, met with Mr. McPherson and other AID officials. The meeting, set in response to a request from Bread for the World, involved a frank and friendly exchange of views. Mr. McPherson affirmed that the US would not let people starve in Ethiopia and that various further assistance options, including transport support, were still under review. However, the prevailing posture seems to be one of stalling, in hopes that other governments and international agencies will take care of the situation, and of responding only when congressional and public posture intensifies. There is still much disagreement within the administration over how to respond, and at what levels, to assistance appeals for Ethiopia.

WHAT YOU CAN DO

While there are recent indications the US may be prepared to respond more fully to appeals for Ethiopian assistance, expressions of concern and calls for action from the public are still needed to reinforce the message some members of Congress are sending the administration.

Letters should be addressed to the president, the secretary of state, and AID administrator McPherson. While acknowledging the US has responded to specific requests for food aid, letters should urge an immediate response to the broader UNDRO appeal, not just with food commodities but with cash assistance for transport, health, and other needs. When people are starving, the only choice is to respond, and with promptness. Letters to members of Congress are also timely, including letters of appreciation to Senators or Representatives who have taken the lead in urging a more generous US government response (a complete list is available from the Taskforce).

Also, a number of private voluntary agencies and religious denominations have launched appeals for Ethiopian relief or, more broadly, for victims of drought worldwide. Individuals wishing to contribute should contact the coordinator in their denomination.

For example, the Agency for International Development (AID) responded to a December request for an emergency mother and child feeding program in May—5 months after the

appeal was made. Last week, AID responded to a June 1 letter from 74 Members of Congress urging prompt approval of appeals for relief—6 weeks after the letter was sent.

The U.S. effort outlined in the AID response is very weak, considering the urgency of the situation. The biggest problem right now is transportation to get food supplies to the drought-stricken area. Yet, AID says the U.N.'s urgent appeal for spare parts and vehicles will continue to be assessed. AID proposes that trucks might be leased or rented in Ethiopia, but there are doubts whether vehicles are available.

When the last major drought hit Africa, U.S. emergency food aid to Ethiopia rose from $1 million in 1973 to almost $14 million in 1974, under Public Law 480, title II.

This was not atypical of drought-affected countries. Public Law 480 food aid to Mali rose from $3.6 million in 1973 to $16 million in 1974.

It is anticipated that this famine will be even deadlier than the one 10 years ago. Yet, the administration has proposed to terminate all Public Law 480 emergency food aid to Ethiopia in fiscal 1984.

I am aware that Ethiopia has a Marxist government and close ties to the Soviet Union. Its leadership has been critical of the United States. And other nations are helping with the relief effort.

But all these factors should be irrelevant. In the past, the United States has contributed generously to peoples threatened by starvation, regardless of our political differences with their governments. In the past, the United States has not stalled for weeks and months before taking action on urgent appeals to relieve massive human suffering.

Today, I am introducing a resolution, a copy of which I will enter into the RECORD at the conclusion of my statement that calls on the administration to expedite and increase aid for rapid transport of food to the stricken region. It also asks for reinstatement of the Public Law 480 food program to Ethiopia. Third, it calls for a prompt and generous response to all pending and future appeals for seed, food, medical, and shelter supplies and transport.

I urge my colleagues to join me in pressing for additional efforts to alleviate the suffering in Ethiopia.

At this point in the RECORD I include the following:

LIST OF SPONSORS

Howard Wolpe, Howard Berman, Michael Barnes, Robert Torricelli, Edolphus Towns, Mickey Leland, Joe Moakley, Walter Fauntroy, Louis Stokes, Bill Clay, George Brown, Robert Roe, Jerry Patterson, Stewart McKinney, Ronald Dellums, Lawrence Smith, Byron Dorgan, and George Crockett.

H. RES. 280

Whereas hundreds of thousands of Ethiopians are threatened with starvation;

Whereas tens of thousands of Ethiopian children will not live until the November harvest if emergency food assistance does not reach them in the immediate future;

Whereas existing supply routes and transportation equipment in Ethiopia are inadequate to get emergency food aid to relief distribution points;

Whereas this Nation has a longstanding policy of providing emergency humanitarian relief to those threatened with starvation regardless of the political differences it may have with the recipient nation;

Whereas current United Nations and European humanitarian assistance cannot meet the extraordinary needs of the Ethiopian people;

Whereas the United States has not responded with its traditional generosity to international requests for emergency humanitarian assistance for Ethiopia; and

Whereas United States assistance is essential if massive deaths resulting from starvation are to be avoided in Ethiopia: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the United States—

(1) should expedite and increase assistance which would make available immediately means of transporting food to famine-stricken areas in Ethiopia;

(2) should reinstate the Public Law 480 title II food program for Ethiopia for fiscal year 1984; and

(3) should respond promptly and generously to all pending and future appeals from international and private relief organizations for seed, food, medical supplies, and shelter supplies to relieve the needs created by the famine in Ethiopia.

Again I thank my colleague for taking the special order and yielding this time to me.

Mr. WOLPE. I thank the gentleman from New York for his observations and introduction of the resolution that I am privileged to cosponsor.

In a very few days the gentleman from New York and I and a number of our colleagues will be traveling to the African Continent. Included in our itinerary, will be visits both to Ethiopia and to southern Africa, Zimbabwe. We intend to examine in particular the immediate refugee situation that is being experienced particularly in Ethiopia.

But we feel that the situation is so urgent that we did not want to await our trip and a report following that trip to lay before this body what is happening right now.

We simply cannot afford to have further delay in immediate emergency assistance which is required on the continent and we are hopeful that this special order will provide additional information for the Members of this body, additional information for the members of the American public, so we will be in a better position to respond more appropriately and more effectively.

The drought is compounded by events peculiar to each region. In Ethiopia the hardest hit regions in the north are also the areas where insurgents have been fighting a war of secession against the Ethiopian Government, making distribution of relief supplies much more difficult. Similarly, in southern Africa, many countries afflicted with drought are also having transportation and distribution problems due to the various destabilization efforts of the South African Government against its independent neighbors, including the sponsorship of saboteurs who have made assaults on many of the railway, fuel, and power lines in Mozambique, Zimbabwe, and Angola, those most affected by drought.

Food shortages in Africa reflect structural deficiencies in many of the economies, periodically and dramatically aggravated by natural disaster. The issue now before Africa is how to get better food, in greater quantities, to more people without draining its meager finances on growing proportions of imported food. Likewise, steps have to be taken to insure the access to and availability of food to poorer segments of African countries. African governments are now trying harder than ever to address both the short-term and long-term problems presented by the food crisis but no solution is yet in sight. Long-term economic development is certainly a key to that solution.

And to that end a reexamination of American foreign assistance priorities would certainly appear in order. In Africa in the past 2½ years we have seen a nearly 300-percent increase in military assistance to countries on the continent. In recent years some of the budgets that have come before this body have actually advocated a reduction in food aid. Development assistance has increased only marginally.

I would like to provide some background in each of the most affected countries so we can gain an understanding of the magnitude of the current crisis.

Ethiopia. Drought or delayed rains during the main crop season of 1982 has left approximately 3 million people in the Ethiopian provinces of Eritrea, Tigrai, Wollo, and Gondar dependent on foreign aid to escape starvation. The next harvests are not due until November and December, and seeds are in short supply. Seven thousand tons of high protein foods of which the United States is a major supplier, vehicles to transport food and seeds are the most urgently needed items at this time.

The U.S. response to drought-related appeals so far has been about 6,000 tons of food—approximately $2 million—and 145 tons of soy protein. The administration is considering working with the Catholic Relief Service to rent or lease trucks in Ethiopia for transport. The Reagan administration

has cut all requests for ongoing Public Law 480 title II programs—humanitarian food aid—from its fiscal year 1984 budget request.

Somalia. Somalia's economic problems are increased by the necessity of caring for approximately 700,000 refugees. Its 1983 crop season was delayed by late and erratic rainfall and yields are uncertain; 340,000 tons of cereal will be needed to meet requirements, only 100,000 tons of which have been pledged. The United States provided 25,000 tons of this aid, and 30,000 tons of food aid for nonrefugees and 25,600 for refugees are needed to fill the gap in the short term. Resettlement aid and fertilizer are also needed.

Tanzania. Some rural, drought-affected regions still have severe food shortages, and lack of fuel and other transport problems add to the difficulty of feeding these people. Rinderpest, a disease which kills cattle and other livestock, has broken out in the center of the country. Twenty-eight thousand tons of emergency food aid, seed, fertilizer, and aid to monitor animal health are urgently needed.

Southern Africa. The entire southern African region is suffering from food shortage. The problem is particularly acute in Botswana, Lesotho, Swaziland, Mozambique, Zambia, and Zimbabwe where there has been drought for a second successive year.

The crisis is all the more acute because the two traditional regional suppliers of food, Zimbabwe and South Africa will be unable to export food this year. And then, compounding all of that is the military and economic destabilization efforts of the South African Government.

In West Africa, severe food shortages have been provoked by a number of factors. In addition to the drought, brush fires which destroyed crops, expulsion of aliens from Nigeria, the fighting in Chad have contributed to the food shortages.

I am not going to at this point read the entire country-by-country summaries but I will include them as an appendix to my remarks following the final observations I wish to make.

Mr. Speaker, I want to return for a moment to the situation in Ethiopia.

I offer further comments regarding the dilatory response of the State Department in offering greater assistance to the starving people in this country where the drought has already produced famine conditions and the people are much more threatened by starvation than anywhere else on the continent.

□ 1850

On June 1, 74 Members of this body sent a letter to Peter McPherson, the Director of the Agency for International Development concerning the emergency situation in Ethiopia. In that letter we indicated our support for the American response initially in the form of a May 6 approval of assistance requests submitted by the Catholic Relief Services, the World Food Program, and the U.S. Embassy in Ethiopia that totaled at that point $578,000.

We further expressed our hope that there would be a prompt review and approval of the pending assistance request from the United Nations Disaster Relief Office (UNDRO) for food, medical supplies, and transportation assistance and of the additional Catholic Relief Services requests.

We also offered support for the continuation of the Public Law 480 title II program in Ethiopia which was eliminated in the administration's fiscal year 1984 budget.

It was not until July 13 that Mr. McPherson responded to our letter of June 1 and the other numerous calls that were made by my own office and by other Members of the House pleading that the administration respond to what by that point had become clear was a genuine food emergency. The letter, which many of my colleagues have received from Mr. McPherson, indicates that the administration has now responded to two additional requests from the Catholic Relief Services and the World Food Program by approving new assistance totaling $1,652,000. Mr. McPherson claims in that letter that this additional request brings the total emergency figure to, "almost $4 million targeted for emergency relief in direct response to the UNDRO appeal."

I certainly welcome the response of AID that was made on July 13 where they provided some additional assistance to Catholic Relief Services and to the World Food Program. At the same time I must quarrel with Mr. McPherson's characterization of the dimensions of the AID response.

The $4 million figure to which Mr. McPherson refers is reached only by including $1½ million that the International Red Cross has reported using from the annual U.S. contribution to the Red Cross made long in advance of the food emergency becoming so evident on the African Continent.

In other words, there has been some budgetary bookkeeping to make the American response appear to be somewhat larger than it in fact has been.

I do not again want to belittle the response that has been made. I am grateful for that response. But I think it is important to emphasize that there is a genuine emergency facing the continent, particularly the Ethiopia region, and there is an immediate need to be more forthcoming, particularly with respect to the transportation problems that are being faced by relief organizations within Ethiopia.

There is another inaccuracy in the letter from the AID Director that I think must be noted. In his letter, Mr. McPherson states that the UNDRO appeal for transport and spare parts, "has been specifically addressed to the Europeans and Japanese because the equipment and parts needed are from non-American manufacturers."

In fact, the request is addressed as always in such disaster relief appeals to the entire international donor community. Though the vehicles and parts may be of a certain make, and appropriately delivered by particular countries, the international appeal that has been made, is also intended to obtain cash or credit contributions to the UNDRO account or the Ethiopian Relief and Rehabilitation Commission to help finance the shipment of vehicles and spare parts from donor countries and to help maintain, repair, and fuel the vehicles in that country.

Finally, I would note, as did the gentleman from New York a moment ago, that Mr. McPherson's letter did not respond to our request to reinstate the Public Law 480 title II program for Ethiopia. A Catholic Relief Services request for this funding has been pending at the State Department since May. State has indicated that they are not favorably predisposed to this program since it is not in the northern region of the country, but would be focused on the Addis Ababa and Shewa region and that is why it is claimed with the State Department that funds have been dropped as a line item in the fiscal year 1984 budget.

Catholic Relief Services maintains however that the situation there will deteriorate considerably if funding is not provided and that the health of those women and children supported by this program will be further jeopardized both by the drought and by the return of displaced persons from Somalia and Djibouti.

I am currently circulating a "Dear Colleague" letter seeking signatures of my colleagues in this body, directed to Mr. McPherson, the Director of AID. This letter that is being circulated acknowledges the new assistance that the administration has authorized, but continues to press for a more significant effort, one that could be carried on and should be carried out with greater dispatch.

I am particularly concerned that the United States has not offered that transportation assistance that was so vital to see that the food that is already in Ethiopia can be delivered to the refugee camps and to the food sites where it can be put to direct use.

Let me conclude by mentioning once again the resolution that has been introduced by my colleague from New York (Mr. WEISS), which supports these very concerns that I have been describing in these remarks.

I would urge my colleagues in this body to cosponsor that resolution, I also want to note that next Tuesday

and Wednesday, the full House Foreign Affairs Committee will hold 2 days of hearings on the world food crisis which will offer an opportunity for many of us to address some of our concerns directly to the administration officials responsible for U.S. assistance and to representatives of some of the international relief organizations that are working in the relief efforts.

Country summaries follow:

APPENDIX: COUNTRY SUMMARIES

(NOTE.—This report was prepared by the staff of the Commission on United States-African Relations, Center for Development Policy, 418 10th Street SE., Washington, D.C.)

EAST AFRICA

Ethiopia

Drought or delayed rains during the main crop season of 1982 has left approximately 3 million people in the Ethiopian provinces of Eritrea, Tigrai, Wollo and Gondar dependent on foreign aid to escape starvation. The next harvests are not due until November and December, and seeds are in short supply. 7000 tons of high protein foods of which the U.S. is a major supplier, vehicles to transport food and seeds, are the most urgently needed items at this time.

The U.S. response to drought-related appeals so far has been about 6000 tons of food (approximately $2 million) and 145 tons of soy protein. The Administration is considering working with the Catholic Relief Service to rent or lease trucks in Ethiopia for transport. The Reagan Administration has cut all requests for on-going PL 480 Title II programs (humanitarian food aid) from its FY 1984 budget request.

Somalia

Somalia's economic problems are increased by the necessity of caring for approximately 700,000 refugees. Its 1983 crop season was delayed by late and erratic rainfall and yields are uncertain. 340,000 tons of cereal will be needed to meet requirements, only 100,000 tons of which been pledged. The U.S. provided 25,000 tons of this aid. 30,000 tons of food aid for non-refugees and 25,600 for refugees are needed to fill the gap in the short term. Resettlement aid and fertilizer are also needed.

Tanzania

Some rural, drought-affected regions still have severe food shortages, and lack of fuel and other transport problems add to the difficulty of feeding these people. Rinderpest, a disease which kills cattle and other livestock, has broken out in the center of the country. 28,000 tons of emergency food aid, seed, fertilizer and aid to monitor animal health are urgently needed.

SOUTHERN AFRICA

The entire southern African region is suffering from food shortage. The problem is particularly acute in Botswana, Lesotho, Swaziland, Mozambique, Zambia and Zimbabwe where there has been drought for a second successive year.

The crisis is all the more acute because the two traditional regional suppliers, Zimbabwe and South Africa, will be unable to export food this year. The situation is seriously aggravated by military and economic destabilization promoted by South Africa. Transport systems have been disrupted notably in Mozambique, a major outlet for the landlocked states of Zambia and Zimbabwe. Throughout the region grain and seed reserves are seriously depleted; water levels in the dams have fallen. Water rationing has been imposed in several towns. Cattle herds are being decimated as grazing lands become parched earth.

The State Department has announced that $25 million is available to be divided among the southern African states. This, one hopes, is the first of several such gifts which will be needed to measure up to the crisis in the region.

Botswana

Because of heavy dependence on cattle herding for subsistence, Botswana has been hard hit by drought which threatens grazing and water supplies. An estimated 85% of the population will be affected in some measure by the drought and its impact on livestock. The official government figure for people requiring relief assistance is 445,000. Although 9,000 tons have been pledged and an additional 10,000 tons is under consideration by the U.S., the relief requirements in Botswana will not be met unless an additional 40,000 tons is allocated. An estimated $2 million will also be required for recovery programs such as delivery of seed for next year's crop and feed for cattle. The U.S. has given $25,000 in disaster relief funds through the embassy in Botswana. A recent request by the Botswana government is under review by the Food for Peace office of A.I.D. (Title II aid under PL-480).

Lesotho

Already considered the weakest economy in southern Africa, Lesotho faces severe shortages of food grains. With cereal production (chiefly corn) reduced to ¼ of normal, the government of Lesotho estimates that half of the total population, or 650,000 people, will require food assistance. This year has been officially declared a food emergency year, with requests to the international community for emergency relief aid. The World Food Programme has pledged 30,000 tons in aid thus far, but an additional 45,000 tons is necessary to prevent starvation in the next six months. $350,000 will also be needed for recovery programs mainly aimed at replenishing seed supplies for next year's crop. A recent request by the Lesotho government is under review by the Food for Peace office (Title II aid under PL-480).

Swaziland

With water rationing already in effect, the reports of economic distress in rural areas is increasing in Swaziland. Emergency assistance is necessary for 108,000 people. The World Food Programme has pledged 7,500 tons of food, but an additional 55,000 tons is required over the next six months. An estimated $500,000 will also be needed for agricultural rehabilitation.

Mozambique

In Mozambique, drought conditions are further aggravated by guerrilla activities which have disrupted planting and harvesting, as well as border clashes with South Africa, which disrupted farming in the south. Transportation is a major problem in Mozambique, especially because of these internal disturbances. In addition, outbreaks of hoof-and-mouth disease and possible outbreaks of rinderpest threaten cattle herds. Approximately 4 million people will require food assistance due to drought and/or civil strife. About 270,000 tons of food aid has been pledged or received so far, including 45,000 tons approved by the U.S. through PL-480 Title II aid. An additional 130,000 tons will be needed to meet food needs, as well as an estimated $12.65 million for rehabilitation/recovery programs.

Zambia

Zambia's production of corn for 1983 was slightly higher than the 1982 crop, but still below average. 90,000 tons of corn will be needed to meet food needs until the August harvest. 17,000 of that has been pledged. An additional 73,000 tons is needed before August of this year. In addition, assistance is needed in a vaccination program for cattle, to prevent spread of rinderpest and hoof-and-mouth disease. The U.S has an ongoing agreement with Zimbabwe to receive wheat from the U.S. and ship the equivalent value of corn to Zambia. This program has been upgraded to meet additional needs this year, with 31,000 tons of corn being shipped to Zambia from Zimbabwe. In addition, the U.S. has allocated $3 million to send 5,000 tons of vegetable oil to Zambia under Title II of PL-480 aid.

Zimbabwe

The normally self-sufficient rural areas were hit hardest by the last two years of drought in Zimbabwe. While the northern commercial areas suffered small reductions in production, the communal areas in the south have been devastated. The result is widespread shortages of food in rural areas, accompanied by loss of cattle and desperate last-minute sale of cattle for slaughter. The result is serious possibility of famine this year, as well as long-term poverty and possible threat of starvation for many years to come due to reducton of livestock herds. Migration of rural people to the cities to seek food has already begun and could increase if steps are not taken to distribute food in affected areas. Unofficial reports estimate that almost half the population, or 3 million people, are in need of food assistance.

Becasue Zimbabwe was the only southern African country with significant grain reseves, it has been able to protect against famine for now. It is expected that Zimbabwe will have to ask for international assistance when its reserves are completely depleted, however and the World Food Programme suggests that donor countries stand by to respond to requests by the Zimbabwe government as they arise. Recently, the U.S. responded to an appeal for vegetable oil, approving a donation of 5,000 tons of oil through Title II of PL-480.

WEST AFRICA

Severe food shortages have been provoked by a number of factors. In addition to drought, brush fires which destroyed crops, the expulsion of aliens from Nigeria, and the continued fighting in Chad have contributed to food shortages. The Sahelian countries which suffered a severe drought ten years ago have had their attempt at modest recovery generally set back, while the richer coastal countries have also been hit by shortages.

Chad

After two years of drought and civil war, there are food shortages estimated at 170,000 tons and famine in the central north and eastern regions. The renewed fighting has brought a new wave of refugees. Assistance from Nigeria—a major supplier—was interrupted after a border dispute between the two countries. Food aid needs for 1983 are estimated at 170,000 tons. The U.S. has donated 19,000 tons of emergency food aid this year under Title II (emergency food aid) of PL-480. Over 100 trucks are also needed to expedite distribution of assist-

ance. Vaccines for livestock herds are also desperately needed.

Ghana

Erratic rainfall, brush fires caused by prolonged Sahara wind (the Harmattan) and the sudden influx of about one million Ghanaians deported by Nigeria have caused the severe food shortages in Ghana this year. Ghana needs 192,000 tons of food by mid-September alone. There is urgent need for crop seeds. Low water levels have inhibited farming and reduced hydroelectric capacity for industry. The response by the international community so far has been minimal.

Mali

Poor rainfall and low water levels in the Niger and Bani Rivers have reduced the 1983 crop. Total 1983 food aid requirements assessed at 140,000 tons; this includes emergency assistance needs of 87,000 tons. The U.S. has recently approved the donation of 10,000 tons for emergency food aid through Title II of PL-480. Responses by international donors fall far short of emergency needs, however.

Mauritania

Suffering from below average rainfall and the extremely low level of the Senegal River, Mauritania faces a food deficit of 180,000 tons. In addition, serious losses in the animal population add to the food shortage problems in this country, which has a particularly large pastoral population. Bilateral donations amount to about 70,000 tons, with 9,800 tons of emergency food aid from bilateral donors. The U.S. has approved shipment of 20,000 tons to offset this year's food deficit, and has committed itself to a multi-year donation of 20,000 tons for Mauritania's chronic food deficit.

Senegal

About 270,000 inhabitants of northern Senegal have been seriously hit by drought and infestation of crops by insects and birds. Emergency food needs are estimated at 13,500 tons. In addition, feed is required for cattle and seed for next season's crop.

● Mr. FAUNTROY. Mr. Speaker, I am pleased to join with our colleague, the distinguished chairman of the Subcommittee on Africa, HOWARD WOLPE, in bringing to the attention of this body the deteriorating food situation affecting the northern provinces of Ethiopia.

Ever increasing numbers of human beings are becoming victims of famine with its accompanying disease and malnutrition. Children and the elderly are dying.

Our Nation and Government, which usually responds with alacrity and intense concern to situations such as this, has not in this instance. Apparently, the ideology of the Ethiopian regime conditions our humanity and our response to the plight of these victims of famine.

On June 1, 1983, I joined with 73 of my colleagues in sending a letter to the Agency for International Development urging the approval of a U.N. Disaster Relief Organization (UNDRO) request that went unanswered for a month and a half. When we finally got a response we were told that UNDRO's request for spare parts and vehicles necessary to the transportation function for disaster relief will continue to be assessed. AID did state that trucks might be leased or rented in Ethiopia but there is a question as to their availability. Additionally, AID did not respond to the request in the June 1 letter to continue the Public Law 480 title II food program to Ethiopia in 1984. This is a halting and inadequate response to the situation. The ideology of a particular regime should not blind us or prevent us from vigorously seeking ways to relieve the suffering of human beings.

I am also pleased to be joining with my colleague Congressman TED WEISS in cosponsoring a resolution that he will be offering that will call on the U.S. Government to expedite and increase transportation assistance and to continue the Public Law 480 title II program to Ethiopia in 1984. In addition, this resolution will call for a timely and generous response to all requests present and future for agricultural assistance, food relief, and medical and housing supplies.

Our Nation has a laudable history of providing humanitarian assistance and emergency aid to peoples threatened with starvation. Such assistance has always been given without reference to our political differences with any particular government. Our position has been to feed the hungry. Our tradition should be continued.●

● Mr. TOWNS. Mr. Speaker, I am grateful for this opportunity to express my sentiments with regard to the current crisis in Africa, in particular Ethiopia. I feel compelled to convey my dismay and anger at the seeming reluctance of the Agency for International Development, in particular, and other governmental agencies, in general, to get involved in this alarmingly critical situation.

As most of us are aware, the country of Ethiopia is facing a severe food shortage caused, in part, by a serious drought which has hit all but a few countries on the African Continent. The drought has killed great numbers of livestock, which normally provide a basis and essential source of food, and has also drastically reduced water supplies.

The food shortage, which has reached famine proportions, has been compounded by the war which is affecting much of Eastern Africa. The war is interfering with agricultural production, and is destroying the Ethiopian transport system. Destruction of the transport system, of course, interfers with the distribution of what little food is available. The most vulnerable members of Ethiopian society: the elderly, the children, and infants, are quickly falling victims to malnutrition and famine. Yet our Government appears to take little interest in this human tragedy.

Ethiopia desperately needs whatever help we can offer her: medical supplies, transportation assistance, and monetary aid. And she needs it now.

It is my hope that upon the conclusion of this session, our Government will respond to Ethiopia's needs and requests for aid as swiftly as it has responded to the needs and requests of those countries in southern Africa.

Thus, I lend my support to this resolution, submitted by Mr. WOLPE, and I call upon Mr. McPherson, the AID Director, to continue the Public Law 480 title II program to Ethiopia during fiscal year 1984.

In conclusion, I applaud Representative WOLPE and the Subcommittee on Africa for their efforts in getting this matter quickly resolved.●

● Mr. BROWN of California. Mr. Speaker, I would like to thank my colleague from Michigan for calling this special order on the current African food crisis, particularly in Ethiopia, and the United States response. As there has been special attention from the press on this issue in recent weeks, I feel confident that the Members of this House are at least familiar with the extent of Ethiopia's famine. Yet I wonder how much longer this body must take to absorb these facts before action is taken. This cannot be given months of study. It is a crisis. We are talking about a famine with paralyzing and lethal effects, wreaking havoc today, as it did yesterday, last month, and as it will tomorrow. It will continue to kill. I feel strongly that we, as a nation, must take positive, prompt action and join the efforts other countries have already begun to get food to these starving peoples.

In June, I joined over 70 Congressmen in sending a letter to Peter McPherson, requesting that the Agency for International Development (AID) respond to the pleas for food and transportation assistance from the United Nations Disaster Relief Organization (UNDRO) and the Catholic Relief Service (CRS). I commend AID for responding with the supplemental assistance by approving a total of $1,652,000. Yet I am disappointed and surprised that there still has been no decision to reinstate food shipments under Public Law 480, the food for peace program, for fiscal year 1984. A portion of this food assistance has been allocated to Ethiopia yearly, since the program's inception under the Eisenhower administration, continuing even after the overthrow of the last government in 1974.

When Congress first established the Public Law 480 program, we worked hard to design the program to be an international humanitarian food relief program. We also established an international grain reserve, to insure prompt action and immediate assistance; without the delays associated with congressional decisions. After hearing some of the facts mentioned

here tonight, there can be no doubt in anyone's mind that these people need help. They are starving. This is precisely the situation which the Public Law 480 program and the international reserve were set up to deal with.

This is a matter of life and death. Each hour that we sit in session today, more people will die of starvation. Each day we put off a decision to pass the resolution introduced by our colleague from New York, urging the United States to allot further emergency assistance, 50 to 100 more children will die. We can not wait for action in this matter.

As a rich, developed nation, we have always prided ourselves on helping nations experiencing devastating disasters. During the twenties, we sent food to Russia for humanitarian relief even though Washington had not recognized the new government. In Ethiopia, we have up till now continued our food assistance, despite the political overthrow in 1974. Yet this year, in the midst of a serious drought, the administration's fiscal year 1984 budget eliminates the Public Law 480 title II program in Ethiopia. I suggest while the policy to assist other countries might be a subject to debate, for Ethiopia, now is not the time. I urge that we continue with our past policy, respond to the present drought and resulting pleas from international relief organizations with the needed additional assistance, and include Ethiopia in the Public Law 480 program for fiscal year 1984. If we desire to reconsider this policy, then let us debate this issue on our own time, not on that of the children who will die tonight, tomorrow, and in the weeks to come.

I urge all Members of the House, on either side of the aisle, to add their support by urging the United States to respond promptly and take the actions necessary to help prevent the type of starvation that is taking place today.●

● Mr. DELLUMS. Mr. Speaker, I would like to speak to the current drought on the African Continent and examine the role the United States can play to lessen the immediate and long-term impact of the drought and resulting famine of the people in this part of the world.

For over a year the drought has affected almost all of the countries on the continent; worldwide response has been slow and unorganized; U.S. assistance has been particularly slow. The effects of the drought have been extreme: high infant mortality, food shortages, livestock losses, and water shortages in urban centers, drinking supplies, and irrigation systems.

The human tragedy is inconceivable. While the infant mortality rate has not sizably increased from its already deplorable level, the ages of fundamental physiological development, 2 to 5 years, are being ravaged. These years are critical in the growth of the nervous system and mental capabilities. Malnourishment of mothers and children are resulting in rampant juvenile underdevelopment which will be an impairment reflected in the society for many years into the future.

In addition to natural disasters, regional wars plague this area severely damaging infrastuctural capacity and thus the ability to distribute the small amount of aid that has been provided. In many African nations, the current natural disaster, combined with internal strife, have diverted new investment from these developing countries. This desperate situation is threatening the stability and independence of these states.

Portions of the aid that is so desperately needed is going toward the development of alternative methods of food production which are often subject to unfavorable natural phenomena. The fundamental problems of these countries must also be addressed: improving the purchasing power of Africans, encouraging agricultural research, and promoting incentives for Africans to improve their own agricultural yields. Once these ultimate goals have been realized Africans will themselves be able to successfully and independently combat the unfortunate yet periodical natural crises of the continent.

I stongly urge the members to recognize the urgent necessity for unconditional humanitarian assistance. We must not force political stipulations on these nations which are in such dire need of our compassion.●

● Mr. GARCIA. Mr. Speaker, while I am by no means an expert on African affairs, I am aware of the severity of the drought throughout Africa, and I, therefore, want to commend my colleague from Michigan for calling this special order.

The recent series of articles in the Washington Post on the Horn of Africa pointed out the problems that underdevelopment and famine have caused these nations.

What concerns me is that the administration has not been as forthcoming with relief as is necessary to help these countries. This is particularly distressing because this aid is crucial in trying to save millions of people from starving to death.

I realize that the political relationship between the United States and Ethiopia is not good. I am also aware that the ongoing conflict between the nations of the region has made the problem worse, but I am certain that the United States cannot afford to pass up an opportunity to prove to all the nations in Africa, and throughout the developing world, that it can be benevolent and humanitarian with its foreign policy.

The needs of the countries in this region are extensive, and U.S. response has not been adequate. While we should not bear all the burden of relief, it is crucial that we begin to accept more responsibility for saving the lives of these suffering people.

East Africa is not alone in its problems. Nearly all of Africa has been devastated by drought. The shortages of food and destruction of livestock due to disease and starvation have made already fragile economies chaotic.

I believe its time that the United States began to develop a solid response to the nations of Africa. Stepping up military aid to friendly nations is not the best or most practical course of action for the United States to take.

Offering development assistance, while remaining culturally and politically sensitive, would be a good first step for developing a sound African policy, The President may even realize that each of the countries in Africa, like those of Latin America, are also different.●

● Mr. SOLARZ. Mr. Speaker, the terrible food crisis facing millions of African men, women, and children is difficult to comprehend as we stand in this air-conditioned Chamber.

Already thousands of refugees are moving in search of food, water, and shelter—the very basics of life. And yet in some capitals of the world the extreme need faced by these millions is considered of minor importance.

Our country is an enormous agricultural producer—we have literally millions of tons of dried milk, cheese, grains, and other products stored in our warehouses. And we have a citizenry with a generosity and greatness of heart that is unmatched in the world.

Thus, I have no doubt, that were I to ask any of my constituents in Brooklyn "what should we do for those facing starvation?"—they would reply "feed them—now!"

Yet in some parts of our Government there has been a strange reluctance to respond promptly and generously to the plight of those hard hit by the drought and impending famine—particularly the 300,000 hardest hit in Ethiopia, a poor and underdeveloped country now wracked by strife as well as this natural disaster.

Obviously other countries should also help; obviously the nations with whom a government is allied should be the first to assist—but equally obvious, shall we wait for thousands to die until some Eastern bloc countries contribute what we would consider a "fair share?"

Transport and logistical aid is sorely needed in Ethiopia right now, because unless the seed being contributed by the international community reaches the farmers in the hinterlands, there will be no crop next year, and more misery and suffering for the farmers

and villagers of the region next year, as well.

One does not have to be a disaster expert to realize that farmers without seed will be hungry and unemployed. Even if they can survive this year's drought—next year they will be hungry again, and many will be forced to flee with their families, crowding the already full refugee camps of the region.

I would like to join with my colleagues today in urging that our Government respond promptly and generously to this disaster, which could result in the death of over 200,000 people in Ethiopia alone unless food aid can be brought quickly into the rural and mountainous regions of that country. We have serious political and ideological differences with the Government of Ethiopia—as we have had in the past with the Governments of Romania and China, and Cambodia—but our humanitarian concern compelled us then, and now to protect human lives, no matter what the ideology of the nation where the people reside.

In the words of the English poet "no man is an island . . . each man's grief is my own" and no man, woman, or child should starve while we have the means to prevent it.●

GENERAL LEAVE

Mr. WOLPE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore (Mr. RAY). Is there objection to the request of the gentleman from Michigan?

There was no objection.

THE SOLUTION TO WPPSS IS NOT ANOTHER WPPSS

The SPEAKER pro tempore. under a previous order of the House, the gentleman from Oregon (Mr. WEAVER) is recognized for 30 minutes.

Mr. WEAVER. Mr. Speaker the Northwest Power Act of 1980 requires the Bonnevile Power Administration, the Northwest Federal power marketing agency, to initiate conservation first and foremost in meeting Northwest energy needs. In flagrant violation of this law, the BPA has just terminated three of five conservation programs. A BPA official, Steve Hickok, in announcing the conservation curtailment, said: "We really don't want to produce much saving over the next 2 years."

Yet at the very moment conservation was being dumped, the utility establishment was attempting to push through Congress a last minute desperation amendment to provide financing for the dazed and debauched WPPSS nuclear projects. This amendment, enormous in its magnitude and implications, is being pressed into law without hearings, without investigation, without debate. It is one more attempt to bill the people of the Northwest without their consent. But the power brokers are pushing it through.

On July 19, the Senate Appropriations Committee kept in an amendment to the appropriations bill for the Department of Interior, offered by Senator JAMES MCCLURE in subcommittee, authorizing the BPA to enter into contractual agreements to pay costs associated with nuclear projects Nos. 1, 2, and 3 of the Washington Public Power Supply System, commonly known as WPPSS. The amendment authorizes BPA to pay "such costs directly to an appropriate entity or entities, the primary obligees of such entity or entities, or their trustees."

The House passed its version of the Interior appropriations bill on June 28, without this new language. If this amendment passes the Senate, I urge its rejection by the House members of the conference committee, because it will give BPA a blank check to create a super-WPPSS to impose additional billions of dollars of debt upon the people of the Pacific Northwest for uneconomical nuclear power plants they never asked for and have never approved through any vote of any kind.

The WPPSS debacle is now known throughout the Nation. With the backing of BPA, WPPSS in the early 1970's embarked upon three nuclear projects—WPPSS 1, 2, and 3—and since then has issued $6.125 billion in tax-exempt bonds to finance construction of these plants. Despite this enormous expenditure and debt, WPPSS has failed to complete any of these plants.

In 1972, the IRS ruled that entities selling power generating capability to BPA would no longer qualify to issue tax-exempt bonds. At the urging of BPA, WPPSS in the mid-1970's organized 88 Northwest publicly owned utilities and one Northwest investor-owned utility to finance construction of WPPSS 4 and 5, despite my warning that these projects were not needed and would be dearly expensive. Nevertheless, WPPSS proceeded to issue $2.25 billion in bonds for these two additional nuclear plants.

Overall, WPPSS has sold $8.375 billion in bonds for five nuclear projects, none completed or operating. Since the Northwest has only about 8 million people, this is equivalent on a national scale to an expenditure of about $250 billion for terminated, mothballed, and unfinished projects.

By late 1981, Wall Street finally began to understand that the WPPSS projects were not needed and that putting their high costs into Northwest electricity rates would itself drive down demand, leading to a regional power surplus. Wall Street would buy no more bonds for WPPSS 4 and 5, so those two projects were terminated in January 1982. But WPPSS continued with the other three projects by selling still another $1.53 billion of bonds in 1982. These bonds could be sold only because BPA stated its unconditional pledge to repay all principal and interest.

Even with all of this money, WPPSS has drifted farther and farther behind on completing the projects. In April 1982 BPA told WPPSS to mothball WPPSS 1 for 5 years, with the completion in 1991 at an overall cost of about $5 billion, (including interest during construction, with $2.5 billion remaining to be spent. In May 1983, BPA told WPPSS to mothball WPPSS 3 for 3 years, with completion in 1989 at an overall cost of about $4 billion, including interest during construction, with $2 billion in cost remaining, including the 30 percent share of this project owned by four Northwest investor-owned utilities. Construction continues at WPPSS 2, where completion will require an additional $170 million to bring the overall cost to about $2.6 billion (including interest during construction).

WPPSS is now scheduled to run out of money for construction of WPPSS 2 and 3 by the end of this summer. Wall Street will no longer buy additional WPPSS bonds. Investment analysts have finally realized that these projects are uneconomic. They refuse to buy new bond issues, even though BPA claims to back them unconditionally with BPA revenues. BPA's revenues from sales of power from the Federal Columbia River Power System have risen from $400 million in fiscal year 1978 to about $2 billion in fiscal year 1983—a 500-percent increase in 5 years. BPA now proposes to collect $3 billion from power sales for fiscal year 1984, another 50-percent boost. In the meantime, Northwest electricity consumption has fallen far short of expectations, as the higher prices led to conservation and also to curtailment of commercial, industrial, and agricultural loads. As projected power consumption has failed to materialize, BPA has been unable to make payments to the U.S. Treasury to repay the Federal investment in the Northwest hydropower generation and transmission system.

BPA's present practice is to repay some of its more recent vintage, higher cost debt but to delay repayment of money borrowed from the Treasury at rates as low as 2.5 percent until the end of the allowed repayment period for each debt. In 1981 the General Accounting Office concluded that the practice constituted an "unsanctioned burden on Federal taxpayers" and that "preserving Bonneville's

current repayment policies intact is unacceptable." The Federal Energy Regulatory Commission (FERC) in June 1983 stated:

DOE's existing rules have either demanded or allowed Bonneville to develop a practice of deferring or ignoring repayment of principal whenever it fails to recover these amounts over the effective period of its rates. Thus, when Bonneville is unable to collect sufficient revenues to meet payments to the U.S. Treasury over an effective period, Bonneville makes no attempt in the succeeding period to bring its repayment of project investments back on a reasonable schedule. Instead, Bonneville prepares a new repayment study which assumes that the investment on the books at that time will be repaid over the remaining term left in the repayment period. This practice has the effect of continually pushing Bonneville's repayment obligation to future ratepayers. The ultimate result of this practice is to generate a "bow wave" of unpaid investment costs which are continuously deferred with an ever-increasing level of annual payments required with each succeeding rate filing.

* * * This practice would logically result in the need to overprice power and energy in the future to make up major deficiencies, which practice could readily make such power economically unmarketable.

FERC concluded that, at the end of fiscal year 1981, BPA's faulty repayment method had shorted the U.S. Treasury of $780 million to $1.4 billion, compared with investment amortization schedules using the compound interest method (as usually applies to home mortgages) or the straight-line method. Since fiscal year 1981, BPA has fallen further behind paying no amortization at all during fiscal year 1982 and fiscal year 1983 while actually dropping back another $170 million. Even under its own faulty repayment method, BPA has run net revenue deficits for 7 consecutive fiscal years—ever since it began paying debt service on the WPPSS projects. These deficits have added $270 million to BPA's obligations to the U.S. Treasury, constituting further loan of taxpayer funds to BPA.

BPA and the entire Northwest face serious financial problems, thanks to WPPSS. Many of the 88 publicly owned utility participants in WPPSS 4 and 5 have defaulted on payments allegedly due to WPPSS and subsequently to the WPPSS 4/5 bondholders. Some of these utilities could not raise enough revenue to pay their WPPSS 4 and 5 obligations and their BPA power bills—due to the 500-percent rate increase since 1979. And it must be understood that 82 percent of BPA's rates for these customers consist of the cost of debt service on WPPSS 1, 2, and 3. The Federal Columbia River Power System generates and transmits about 170 billion kilowatt-hours (kWh) per year—equivalent to the output of over 30 1,000 NW nuclear powerplants. Yet more than 80 percent of BPA's actual costs consist of debt service on three uncompleted nuclear hulks.

Wall Street has learned its lesson and will provide no more money for WPPSS, despite BPA's promise to guarantee repayment of all principal and interest. The free enterprise system is finally performing the limited role allowed to it by the Federal legislation that purportedly authorized BPA to pay for WPPSS 1, 2, and 3. So far, the inability of WPPSS to sell more bonds has provided the only check on the flagrant spending of NW ratepayers' money on this fiasco. WPPSS and its allies would continue their arrogant spending of money which they contemptuously expect the people of the Northwest to pay regardless of the cost. Now the McClure amendment would open the sluice gates once again, and remove the only check extant, by creating a new WPPSS, a super-WPPSS, to bail out WPPSS and BPA from the financial fiasco they have created. The amendment authorizes BPA to make unlimited payments to an unspecified "appropriate entity or entities" for continued construction of WPPSS 1, 2, and 3.

If this legislation accomplishes its purpose, it will merely saddle Northwest ratepayments with enormous additional costs—now estimated at $4.5 billion more for WPPSS 1, 2, and 3 alone. But, due primarily to earlier rate increases, the Northwest now has a firm power surplus of over 13 billion kWh for 1984 and will not return to firm load/resource balance until 1989, even if WPPSS 1 and 3 are not completed and further conservation resulting from price increases or conservation programs is ignored. To the north, British Columbia also expects additional power surpluses until 1990. Transmission capacity south to California is limited to the capability of existing lines (4356 MW now, 4750 MW by 1985), but those lines are often filled with the cheap nonfirm surplus energy produced whenever water conditions in the Northwest are better than critical drought. In an average water year, that amounts to a further surplus of over 30 billion kWh. The Northwest Power Planning Council, established by Federal statute in 1980, has identified an additional 32 billion kWh per year of economical conservation measures that could be implemented by the year 2002 at an average cost less than 2.2 cents per kWh (1983 dollars). The Northwest will be awash with electricity, and the WPPSS Projects will be too expensive to complete. Thus, the Senate amendment, even if successful in achieving its purpose, would only prolong and deepen the economic agony of the Northwest.

I believe, however, that the Senate amendment would probably not achieve its purpose. It is so vague and riddled with unanswered questions that it would serve only to further disrupt the Northwest power system and economy. Here are just a few of the unanswered questions:

1. The Senate report states that the new entity (Super-WPPSS) would be "established pursuant to State Law" and would "issue bonds, notes or other evidences of indebtedness, the proceeds of which would be used to continue construction of these projects." But what state would create Super-WPPSS? The ability of the State of Washington to fund its own operations is already jeopardized by the enormous WPPSS debt. Why would Washington want to create another WPPSS? Have the members of the Senate committee checked with the Washington Legislature about this? Why would any other state establish a Super-WPPSS that could eventually come crashing down and impose additional financial obligations on the state?

2. Would Super-WPPSS be able to issue tax-exempt bonds? I believe it would not, because the IRS in 1972 ruled that entities selling power to BPA could no longer qualify as issuers of tax-exempt bonds, inasmuch as BPA sells power to investor-owned utilities and industrial corporations as well as to publicly-owned organizations. Limited to selling taxable bonds, Super-WPPSS would only increase the cost of completing the projects.

3. The Senate report states that "an entirely new entity, rather than WPPSS, could be the issuer of the financing instruments. Second, the construction funds raised by the new entity could be paid by the entity under appropriate contractual arrangements, precluding any attempt by WPPSS' creditors to levy on or attach such funds. Such arrangements may be made between the entity and the suppliers, contractors, laborers, and others on these projects * * *." Would Super-WPPSS, dealing directly with project contractors, be required to obtain new construction permits for these projects from the Nuclear Regulatory Commission (NRC)? My preliminary research indicates that it would have to acquire such permits before making payments or in any way directing the work of construction contractors. This process could take months, if not years, but NRC must ensure that organizations undertaking to construct nuclear power plants must be fully qualified and reliable. It would take much time for Super-WPPSS to establsih such qualifications, particularly because it must remain "an entirely new entity," separate from WPPSS, which now holds construction permits for the plants.

4. Could Super-WPPSS proceed with completion of WPPSS 1 in addition to WPPSS 2 & 3? The Senate report focuses only on continued construction of WPPSS 2 & 3, but the amendment itself also applies equally to WPPSS 1. With $2.5 billion remaining to be spent, finishing WPPSS 1 is clearly not economical, yet BPA and Super-WPPSS could bow to pressure to use the new blank check authority to further overwhelm Northwest ratepayers by spending additional billions of dollars on WPPSS 1.

5. Could Super-WPPSS proceed with completion of WPPSS 3 in disregard of the WPPSS 3 Participants? The Senate report states that continued construction of WPPSS 3 depends upon "an agreement to be reached among BPA and the project owners of WPPSS 3, providing for the schedule upon which WPPSS 3 will be constructed." While the WPPSS 3 Participants may be liable for the project's obligations,

they are not *owners*; only WPPSS itself and the four Northwest investor-owned utilities are the owners. Thus, the Senate amendment would apparently permit more spending on WPPSS 3 in total disregard of the wishes of the publicly-owned utility participants with a 70% share of the projects obligations. There is no doubt that the Northwest investor-owned utilities would want to proceed rapidly in order to enter the staggering cost of WPPSS 3, including interest during construction, into their rate bases.

6. What does the Senate report mean by its statement that the "Committee is also concerned that this directive might create a climate in the region which might precipitate unwise decisions." Precipitation is, of course, a frequent element in the climate of the Pacific Northwest. But if the Senate amendment could result in "unwise decisions" in the region, why should it be adopted?

7. Would the Senate amendment impose additional costs on the U.S. Treasury? I believe that the answer is yes, without any doubt. Despite skyrocketing rates, BPA has been unable to keep up with the required debt service payments to WPPSS bondholders without shorting the U.S. Treasury during each of the past 7 consecutive years, even under a repayment method that pushes large costs continually into the future. More cost to BPA for paying debt Service on Super-WPPSS bonds or on high-interest bank loans secured by Super-WPPSS would simply mean that BPA will pay the Treasury less and shift a larger "unsanctioned burden" onto federal taxpayers. Make no mistake: This is a Federal bailout for WPPSS funded by all Federal taxpayers. BPA is already counting on a 50% increase in its FY 1984 revenue ($3 billion, compared to $2 billion in FY 1983) to pay its existing obligations. BPA in June 1983 stated that its analyses show a short-run price-elasticity of demand for BPA power of about −0.2. Thus, we should expect BPA's sales to decline by about 10% in FY 1984. But in its current rate case BPA is projecting that its sales will decrease by only 2%. Thus, there is a strong likelihood for further underrecovery of revenue by BPA next year, resulting in continued failure to pay amortization on the federal debt and an increased cumulative deferral of costs, actually increasing the federal debt. But the General Accounting Office and FERC now disagree with the Senate report's statement that "BPA's costs are borne by its customers, not by the U.S. Treasury or the U.S. taxpayers." In fact, it is precisely the federal Treasury and taxpayers that would foot the bill for Super-WPPSS.

8. Would Super-WPPSS impair the "Federal interest" in WPPSS 1, 2 & 3? The Senate report mentions the "Federal interest in the three net-billed WPPSS projects." What is this "Federal interest?" Is it BPA's right to receive the power from these plants? What happens if BPA cannot raise its revenues fast enough to pay its existing obligations plus its new obligations to Super-WPPSS? Does Super-WPPSS get to take over the WPPSS projects and receive the power? Will the "Federal interest" thus be impaired or totally destroyed?

9. Where will Super-WPPSS get any money? BPA already claims to unconditionally guarantee repayment of principal and interest on any new WPPSS bonds, yet Wall Street still rejects WPPSS. Why would Wall Street or commercial banks lend funds to Super-WPPSS? What superior security could Super-WPPSS offer? None is evident. How high an interest rate would Super-WPPSS have to pay to attract lenders? 15%? 20%? 25%? How much additional cost can Northwest ratepayers bear, while continuing their own implementation of conservation and switches to gas or wood heating? Every 1% increase in the interest rate on funds borrowed by Super-WPPSS to complete WPPSS 3 (including capitalized interest during construction) would add about $150 million per year to Northwest electricity bills. How much profit will financial institutions make by lending money at exorbitant interest rates to Super-WPPSS, with Northwest ratepayers obligated to pay it off regardless of cost? What does the Senate report mean when it states the "Committee's expectation that the BPA will not enter into arrangements which will result in financial obligations unreasonably in excess of those which would have otherwise occurred assuming financing by WPPSS"? How much is "unreasonably in excess"? And why should Northwest ratepayers be stuck with financial arrangements that are even worse than current arrangements through WPPSS? What happens if Super-WPPSS borrows short for a few years then is unable to secure a long-term loan to refund the short-term debt when it comes due? Does Super-WPPSS then go bankrupt and take WPPSS 1, 2 & 3 along with it into bankruptcy?

10. If Super-WPPSS cannot obtain funds, the Senate amendment authorizes BPA to pay for WPPSS construction directly from current rate revenue. What would be the impact on BPA rates? Would the rapid rate increases required for such current-year funding of WPPSS construction drive down electricity demand and actually decrease BPA's revenue?

11. Would those who lend to Super-WPPSS obtain a security interest of any sort in WPPSS 1, 2 & 3? In WPPSS's revenues from net billing payments? In revenues of WPPSS's 23 founding member utilities? In revenues of WPPSS project participants? In BPA revenues? In the U.S. Treasury?

12. Would Super-WPPSS impair the rights of existing WPPSS 4/5 bondholders? These bondholders are pursuing repayment in several ways, including numerous lawsuits charging WPPSS and the 88 WPPSS 4/5 Participants with violations of securities laws in issuing bonds accompanied by misleading statements and omissions. If these bondholders prevail against WPPSS, are WPPSS 1, 2 & 3 not available for execution of the judgment because they would belong to Super-WPPSS?

13. Would Super-WPPSS impair the rights of the WPPSS 4/5 Participants? With no WPPSS assets to satisfy judgments in the securities fraud lawsuits or in suits to enforce the WPPSS 4/5 Participants Agreement against the 43 rural electric cooperative participants not affected by the Washington Supreme Court's decision that the Washington municipalities and public utility districts are not obligated to pay the WPPSS 4/5 debt, the WPPSS 4/5 bondholders might proceed to attach the assets of the 4/5 Participants, including perhaps the entire systems of numerous Northwest rural electric co-ops. These systems could be sold to the Northwest investor-owned utilities to raise funds to pay the WPPSS 4/5 bondholders prevailing in the securities fraud lawsuits. With all WPPSS 1/2/3 assets (but not debts) potentially absorbed into Super-WPPSS, would the WPPSS 4/5 Participants be unable to secure any payment for their contributions to the construction costs shared between WPPSS 1 & 4 and between WPPSS 3 & 5? These costs amount to $300 million or more. In addition, several of the WPPSS 4/5 Participants as well as investor-owned utilities and the Direct Service Industries in 1981 loaned WPPSS $60 million to keep 4 & 5 alive. These "bridge loans" are due for repayment in July 1984. Would Super-WPPSS swipe the assets of WPPSS otherwise available for attachment by the "bridge" lenders? WPPSS has already failed to pay $8.8 million in additional "termination loans" advanced to WPPSS by 42 of the 88 WPPSS 4/5 Participants. Would Super-WPPSS also abscond with this money?

14. Would Super-WPPSS stifle Northwest conservation efforts now required by the Regional Act and the Northwest Power Planning Council's plan? I believe the answer is yes. The Senate report suggests that, prior to making contractual arrangements with Super-WPPSS, BPA should consider "the effect of the arrangement on the ratepayers of the region as compared to other viable alternatives for the acquisition of power from generating resources." This does not instruct BPA to consider the cost of alternative conservation resources. Thus, it flatly contradicts and countermands the central purpose of the Regional Act; to encourage the implementation of cost-effective conservation. Whether or not conservation is less expensive, the Senate report permits BPA to commit more billions of dollars to the WPPSS projects instead.

15. The Senate report states: "The Committee recognizes that BPA will directly fund some or all of the costs of completing WPPSS 2 or 3 from current revenues under its existing authorities." Does this give BPA a blank check to spend current revenues on any expensive and unnecessary project BPA chooses, even if it means further deferring payments to the U.S. Treasury?

16. The Senate report states that "Federal power marketing agencies have authority under the Flood Control Act of 1944 to acquire resources by net billings." Does this extend the opportunity for WPPSS-type debacles to the nation's other federal power marketing authorities? Will these other agencies now pursue their own net-billed projects and impose enormous unnecessary costs on ratepayers throughout the nation?

17. What does the Senate report mean when it "envisions that BPA would pay directly to WPPSS for BPA's share of the projects' capability in the event that any of the existing net-billing agreements are determined to be invalid or unenforceable"? Is the Senate Committee asking BPA to affirm invalid contracts and thereby reimpose an unlawful burden on Northwest ratepayers? Does this express the Committee's view that the net billing agreements may be invalid?

18. The Senate report directs BPA to furnish copies of the new contracts with Super-WPPSS to the Senate and House Appropriations Committees at least 30 days prior to their execution. Can the Committees disapprove such proposed contracts? Does that run afoul of the U.S. Supreme Court's recent decision abrogating the legislative veto? If the Committees cannot disapprove the contracts, then what is the purpose of submitting them 30 days in advance?

19. The proposed Senate amendment itself is extremely vague, simply authorizing BPA to "enter into contractural agreements • • • to pay, or secure payment of, costs associated with" WPPSS 1, 2 & 3 "by paying such costs directly to an appropriate entity or entities." But the amendment states that BPA can undertake such arrangements "in the

manner described in the Senate Committee report." The Committee report includes over 5 full printed pages of rambling, often incoherent language describing how the amendment would be implemented. Is this a valid technique of legislative drafting? To hide the meaning of the amendment in 5 full pages of disorganizd and inconsistent text? Legislative history is fine, but here the Senate Committee has attempted to substitute its report in place of accurate and meaningful statutory language.

20. And where will BPA get the money to pay off any new debt or construction costs? From the hides of the citizens and businesses of the NW. In 1984, BPA projects a 50% rate increase: from $2 billion to $3 billion! What will happen to the economy of the NW with this capital and purchasing power drain? The Senate amendment does not address this crucial question. How much higher can BPA raise its rates?

These are some of the unanswered questions which plague the McClure amendment. There are gross and unfathomed implications of this amendment which cry out for thorough, extensive investigative hearings.

Have there been hearings on this measure? None. Have the legislative committees even been advised of the content? No. This amendment, hastily drafted over the weekend, with staggering potential to wreak more financial and legal damage on the Northwest was slapped into the Senate Interior appropriations bill without even committee discussion (except by a question as to whether Federal funds were at risk, a matter that is by no means settled).

Among the primary fomenters of this legislative atrocity are certain investor-owned utilities in the Northwest. Several of these utilities are deathly afraid they will not be able to charge their customers for the horrendous mistakes of their management; because Oregon law prohibits private utilities from charging ratepayers for costs of incompleted plants, these managers are desperate to find the means to complete WPPSS 3 so they can levy the hundreds of millions of dollars of their costs onto the backs of the electricity users of Portland and other areas of Oregon.

Recently the Governors of Oregon and Washington appointed a three-man commission to "come up with solutions" to the WPPSS debacle. That commission's activities are made a farce by the McClure amendment being rammed through. That is perhaps the only apt circumstance surrounding this issue. The chairman of the Governors' commission, Charles Luce, former BPA Administrator and former chairman of Consolidated Edison Co., has spent most of the past 2 years trying to keep WPPSS 4 and 5 alive by selling their potential output to the California utilities, with a huge export subsidy from BPA in the form of cheap hydropower to "meld" with the power from WPPSS 4 and 5 that would be much too costly for any utility to buy. For this effort, Mr. Luce was paid tens of thousands of dollars by the WPPSS 4 and 5 participants and by the Northwest investor-owned utilities. Now he will be back on the BPA payroll, since BPA itself plans to provide funds for the new commission. Mr. Carlson, another member of the Governors' commission, has his own prior connections to WPPSS. He served on an earlier commission selected by the Governors in 1981, which recommended against termination of WPPSS 4 and 5, despite the outrageous cost. This is quite a team, indeed, a truly august panel for advising the Northwest on power issues.

But the people of the Northwest do not need any more of their brand of advice, which has proven consistently wrong. Nor do the people of the Northwest need or want the Senate amendment, which would at best serve only to shackle the Northwest with an even heavier burden of debt for nuclear projects we do not want. Instead of power too cheap to meter, the Northwest has dead nuclear hulks too costly to finish. BPA and WPPSS have cursed the Northwest with financial ruin. BPA and WPPSS have squandered the truly magnificent resources of the Northwest on fly-by-night, jury-rigged schemes to extract the last ounce of vitality from an anemic Northwest economy. The fraud of WPPSS must end, not be prolonged and expanded by a new super-WPPSS, ready to incur superdebts before following its prototype, WPPSS, into insolvency and bankruptcy.

And I once again warn all those who might in any way lend money to WPPSS or super-WPPSS: The Northwest ratepayers are not going to pay what they did not consent to and what they do not owe.

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A VISIT TO EL SALVADOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MCCOLLUM) is recognized for 60 minutes.

Mr. MCCOLLUM. Mr. Speaker, I requested this special order this evening to discuss a trip to El Salvador in which my colleagues, the gentleman from Virginia, Mr. STAN PARRIS, and the gentleman from Arizona, Mr. ELDON RUDD, and I participated this past weekend.

There has been a good deal of discussion by quite a number of the Members of this House about the issues of Central America over the past 2 days, and there have even been some comments by some of our colleagues about a separate trip to that region of the world during the course of last week during special order time in the House like this.

The views that I believe my colleagues and I share from our very intensive visit of 2½ to 3 days to the single country of El Salvador differs substantially from many of the views we have heard expressed by those who were on the other trip. I think it is only fair and appropriate that we discuss with the Members of the House and the public those things which we observed and the conclusions which we drew from this expedition.

First of all, let me express to the Members the agenda and whom we saw and where we went. We, first of all, visited with the President of El Salvador, President Magana. We spent quite a bit of time with him in his office discussing the matters that he and we saw were of great importance. We were then briefed and spent quite a bit of time asking questions of the Minister of Defense, Gen. Vides Casanova.

Following that briefing, we participated in an exhange and a briefing and a discussion with the members of one of the political parties, with Mr. D'Aubisson, who is the President of the Constituent Assembly, and also with the Minister of Economics of the country of El Salvador. Following that, we spent quite a lengthy period of time discussing matters of human rights with a very prominent member of the Human Rights Commission which was recently established by the country of El Salvador, Msgr. Freddy Delgado.

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After that, we visited two hospitals, a military hospital in El Salvador, which is the main hospital in San Salvador, for the care of those who have been wounded or injured in the fighting that has been going on and the main public hospital there which is well over 100 years of age.

We toured the countryside in addition to our visits with those leaders in the country and the briefings that we had by the personnel at our U.S. Embassy and the military advisers. During the tour of that countryside, we went to San Vicente Province or department as it is called there, which had previously been under considerable attack and partly in control by those who are the rebel forces or the guerrillas opposing the Government of El Salvador.

At that point we visited a displaced persons' camp in that city. We had a briefing by Colonel Golcher, who is the commander in charge of the task force of what is known as Operation Well Being. Operation Well Being is something which the people of El Salvador, the Government of El Salvador started, just about 37 days before we arrived. My observations are that this plan has been the instigation of a remarkable and dramatic turn of events in favor of the Government of El Salvador in the three areas of military

initiative, the political initiative and the economic initiative.

What is Operation Well Being? Well, as I understand it, Operation Well Being is an effort to focus the resources, the limited resources El Salvador has, and that is one of its biggest problems is that it does not have adequate resources, financial, manpower or otherwise, to deal with the rebellion going on there, to focus its resources in two key departments, San Vicente and Usulutan which borders it, to clear out the rebel forces that are there, to maintain order and to implement the third phase of the agrarian reform plan, which means getting the displaced people who are the farmers who have been terrorized and driven off their farms and into the cities and into the displaced persons' camps back onto the farms and actively producing for the benefit of the economy.

It is the tactic of the terrorists and the guerrillas in that country to disrupt the economy of El Salvador as the method in which they operate in order to achieve the goals of bringing down this democratically elected government. I do remind my colleagues that this is the democratically elected Government of El Salvador in which the vast majority of the citizens in an overwhelming turnout last year elected their representatives and chose this system and this freedom that they now possess.

The guerrillas that are there, having driven these people off the farms in the process of wrecking the economy, have been already cleared out for the most part of San Vicente Province in the very brief time the plan has been working. The highway between San Salvador and San Vicente which previously had been under attack frequently and was often closed because of the threat of guerrilla ambush is now open and a couple of us actually drove that route to get to San Vicente one morning.

The situation with regard to the farmers going back was explained to us at great length. They are now undergoing the program and it appears that the plan of operation is a good plan and has partially been implemented.

The other place we visited, to wrap up the general scenario of what we did after we finished our visit in San Vicente Department, we were flown by helicopter out to the Morrisan Department, which is in the far regions of El Salvador, the area which is under the heaviest attack, if you will, by the guerrillas, where they have their main strongholds, to a town there, San Francisco Gotera, which is largely isolated and surrounded by the guerrillas. There we found a complement of forces which we were very proud and pleased to be briefed on by Colonel Cruz, who is the commander of that department at San Francisco Gotera. In the process of this, we learned a good deal about what efforts are being made in a department where the Government does not have the resources to do more than hold on to its presence and hope that the United States continues to assist and provides the additional requested assistance economically and militarily to do what is being done in San Vicente and Usulutan and that is to clean out the rebels with enough military forces and then leave enough there to maintain the province clear of the rebels and, furthermore, enough resources to reactivate the economy, get the marketplace going again, get the farmers operating and get some of the economy in shape once more.

After the visit to San Francisco Gotera, we had an occasion to spend time that evening as we did on another evening with various members of the business community in San Salvador and various members of the military advisory group, both from the United States and the group that operates there in El Salvador itself for the Salvadoran Government.

There are several conclusions that I came to from this. I am going to spend a brief time giving you one or two of those and then I am going to yield to my colleagues for their remarks and perhaps then some summary of what we might draw by way of parallel and contrast with the observations some others have been making of late on our whole policy in El Salvador and Central America.

One of the primary conclusions to be drawn from this trip is that the people of El Salvador are supported by and large by overwhelming amounts, the government that we support, the primary Government of El Salvador.

A second major conclusion that can be drawn without question from the observations we made on this trip is that the operations of the military which had previously not been going well have taken a dramatic change in the right direction.

Now, this does not mean that everything is going to go just a way that we would like to see it down there; but it does mean that this Operation Well Being and plan they have established down there is something which gives us guarded and cautious optimism that the people in El Salvador and their Government, even with the limited resources that have been made available to them, can achieve a measure of stability and restore confidence in their people and get their economic reforms operating which they promised to do back in 1979 when the government changed and certainly pledged in the election that was held last year.

The third and other main significant point that I would like to make at this time is that the displaced people, the farmers who come, and that is what they are, farm families and little children who live in the countryside in what we would consider to be considerable poverty, but nonetheless live reasonable lives by comparison to some other places in the world, these people who have been driven off their farms, driven into the communities, driven into the displaced persons' camps, exist there in large numbers and should be of great concern to us when we consider the policies with regard to Central America. There are over 280,000 of these displaced persons now in El Salvador by the figures of our own Government and the count that we observed ourselves.

There are estimates that we have received in this country about 500,000 El Salvadorans who are here illegally. Many of these people have come during the last 3 years and are the foot people, the feet people we hear about. They have come from this pool of displaced persons that we visited in both San Vicente and San Francisco Gotera. These people do not, we learned, want to leave their country. They do not want to come to the United states. They did not want to leave their farms in the first place and they are eager to return and work.

The greatest thing I saw about the displaced persons, that Congressman PARRIS inquired about first and we all followed up on after that, was that they have a strong work ethic, as he will I am sure elaborate upon in a moment. When he asked the first question and I asked it again later in San Francisco Gotera, "What do you need most?" to a large group of these folks in the displaced persons' camp in San Vicente, the answer was a unanimous overwhelming one word and that word was "work." They want jobs. They want the opportunity to go to work.

The AID people, who are our Government folks there trying to get some resolution to some of the human needs problems in that area with the limited resources we have supplied, the AID leadership there, and we met with them and they took us on a tour of the displaced persons' camp, said that the only place they know in the world where they have been asked to provide work, rather than just provide clothes and food and so forth is in El Salvador and they have done that with more than 52 work projects in the San Vicente Province alone and by the employment of over 1,600 people on shifts every 15 days in order to give employment to heads of households, as many of them as they possibly can.

There were over 2,000 people in the one camp in San Vicente and another 13,000 plus by the estimates given to me in the department, perhaps, just in the city of San Vicente, since that is not clear; but with the over 280,000 of these people all over the place in El

Salvador and various other camps and locations, it is a great and tremendous important thing that we look at and examine what we can do to resolve the matter of them getting back on the farms and going back to work and not coming to the United States, leaving the country and becoming a burden on our society.

I think the observations would be the same in San Francisco Gotera. They have a little school there. They were proud of that school. They built it themselves.

The San Francisco Gotera Department and the displaced persons' camp there was much poorer, much humbler, much more difficult in terms of lifestyle than the one that is better prepared in San Vicente; but those people in that distressed condition wanted to show us the one thing they were really proud of and that was the school that they had built with the poor quality desks that they were able to drag out from the other schools that had been abandoned because of the terror in the countryside. They, too, wanted to return to work.

It is in the best interests of our country, clearly beyond question, to support the efforts of the Government of El Salvador that, as I say, is democratically elected, to return these people to their farms, to get the economy going again and to allow a true system to develop in that country that respects human rights, that carries on the type of democratic theories and philosophies and guidelines that have made our Nation great and that we believe a seed has been planted in the Central American region to grow and to foster and to indeed allow that region some day to go on.

□ 1930

Mr. RUDD. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I am now ready to yield and do yield to the gentleman from Arizona (Mr. RUDD).

Mr. RUDD. Mr. Speaker, last weekend I had the distinct pleasure of joining our colleagues, Mr. McCOLLUM of Florida, and Mr. PARRIS of Virginia, on a 3-day visit to El Salvador.

We were invited by a private, Washington-based group, the United States Defense Committee, to take a firsthand look at El Salvador's crippled economic sector, the government's struggle with the guerrilla-terrorists, and that nation's progress in moving toward democratic reforms and economic recovery.

We spoke with a variety of Salvadoran officials—in and out of government. We spoke with military leaders, fighting men, merchants, industrialists, and farmers. And I must say, these men and women from many walks of life are not the brutes that so many outsiders paint them to be.

This is not a conclusion that surprises me. I spent some 11 years of my FBI service throughout Latin America on diplomatic assignment. San Salvador, among other cities in the region, as well as in the countries of Mexico, Nicaragua, Panama, Argentina, Costa Rica, Honduras, and Guatemala.

I have traveled extensively throughout Latin America, spoken their language, learned their cultures, studied their histories and experienced their growth pains in developing credible governments and fighting wars as individual nations.

Contrary to popular belief, the Central American nations are not so-called banana republics. El Salvador produces coffee, cotton and sugar. Each and every country has its own distinct background, and the country of El Salvador has had a history and evolution of its own ever since it gained independence from Spain in 1821—and that is as true to this day as it ever was.

The Salvadoran people are true patriots with a common goal. They are all anxious to throw out Communist-backed guerrillas—terrorists—restore tranquility and get back to the business of rebuilding their once-prospering economy.

Most Americans are not aware that El Salvador once had—prior to the Communist invasion—the most industrious, best managed, and most prosperous private sector in Central America. One of the smallest nations geographically in the region, El Salvador is densely populated—about 5 million people—but it at one time was able to outproduce its neighbors in a wide array of agriculture goods and was well on its way to developing a strong industrial base.

Today, the Salvadoran people are watching their farms, their businesses, their roads and bridges—their entire infrastructure—being burned to the ground by terrorists who seek not peace or reconciliation, but power and domination of El Salvador.

You do not win the allegiance of the Salvadoran people by destroying their livelihood. There is no support for the Communist guerrillas or a grassroots desire to go the way of Cuba or Nicaragua. The tremendous election turnout, amidst gunfire by guerrillas, during last year's elections proved that. The Salvadoran people want these terrorists thrown out of the country—nothing less. This must be accomplished before they can hope for true social and economic reforms.

My discussions with the Salvadoran Defense Minister, Gen. Carlos Engenio Vides Casanova, indicate that the government troops, while poorly equipped and undermanned, have the edge in this war. They have about a 3-to-1 advantage, manpowerwise, but in guerrilla warfare, you need to do better than that. It takes about a 10-to-1 ratio to have a confident degree of control over terrorists. To return control over to police authority for criminal activity rather than war—the responsibility of the armed forces.

Our helicopter tour last weekend took us through three of the more embattled provinces east of San Salvador—San Vicente, Ouscatlan, and Morazan. In these heavily mountainous regions, the guerrillas are conducting a very effective, hit-and-run style attack on isolated national guard units. They wait in the brush, wait patiently or seek out, undermanned guard units, and then jump them when they have advantage in numbers by 5 to 1.

I was most impressed with the training and quality of the officers. One in particular, Col. Jorge Alberto Cruz, whose command is headquartered at San Francisco Gotera in the Morazan Province, was an officer of superior caliber who exemplified the fine training the United States is offering the Army.

It is evident that our modest amount of assistance in this country is not only critical but should be increased. The soldiers remain short on arms, equipment, and well-maintained weaponry. They are in need of aircraft.

The Salvadoran leaders do not want American troops. But they do want more than our sympathy. That means increased military aid, more basic equipment and supplies, medical help, more training for their officers and commanders to get the job done.

We had the good fortune of speaking with some of the political leaders, including President of the Republic, Dr. Alvaro Magana Borja, who is not expected to be a candidate in the upcoming elections.

We spoke with Roberto D'Aubuisson who may be a prime contender for the Presidential race, as well as others often mentioned as candidates for the Presidency to be determined by elections, to be held soon.

The Salvadoran people, their elected National Assembly, and the Government leaders are pressing forward with the land reform program and human rights matters. The first phase of the agrarian program, dealing with the distribution of properties in excess of 500 hectares—or 1,235 acres—and over, has been completed with Government assistance. They are now in the process of phase 2, involving the properties of 100-500 hectares—or 247 to 1,235 acres—but are caught up in a bureaucratic nightmare, as we Americans can understand.

Problems with the land reform up to this point have been in compensating the former landowners. The Government cannot afford, nor can it administer swiftly enough, compensation for many of the owners, and for this reason phase 2 has been slowed indefinitely.

Together with the war, the land reform has placed the Salvadoran economy in shock. Farm managers, once operating productive lands with hundreds of workers, have been displaced, leaving a large portion of these once rich operations now ill-managed, if in production at all. The cutoff of key transportation routes—due to destroyed roads and bridges—and communication in the rural areas remain key obstacles for full production and reform.

We met with Monsignor Fredy Delgado, Secretary General of the Salvadoran Bishops' Conference (CEDES), who is a prominent member of the nation's human rights commission. We were assured that while violence continues—as it does in any war—the Government is committed toward resolving unsolved murders and other abuses, whether they are linked to military officials or the several bands of leftist guerrillas. The commission acts positively and has had a great deal of success.

A peace commission has been formed by the Government, composed of Catholic leaders and civilian independents, to develop an amnesty program for captured guerrillas and other measures to bring all political factions into the Presidential elections later this year. This is a Salvadoran Government program, not an American effort, that demonstrates this nation's efforts to achieve tranquillity through a stable government to a country that is plagued with terrorism.

What is emerging here is not what we have in the United States in terms of a judicial process and firmly established republic based upon the principles of our Founding Fathers—no nation on Earth has that; no nation on Earth has had our history of centuries of building a democracy. But what we saw in El Salvador is a start. It is clear that the Salvadoran people want a basis for freedom; it is evident that they want an independent nation with peace and the chance for prosperity.

This trip convinced me more than ever that the United States has a role in El Salvador in stopping the Marxists-Communists and in containing the aggressions of Soviet agents—Nicaragua and Cuba—who are seeking complete domination in the totalitarian pattern of their puppet regimes. We must step up our military assistance, continue to pressure and interdict the unending flow of armaments from the Communists and, equally important, offer enough economic aid and technical expertise to help El Salvador remain free from Communist slavery and want.

Let me share with my colleagues a communication from the U.S. Defense Committee. I believe it correctly assesses the serious threat faced by the entire Western Hemisphere, and I include it at this point:

U.S. DEFENSE COMMITTEE,
Fairfax, Va., July 15, 1983.

Hon. ELDON RUDD,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN RUDD: Today we are facing the greatest threat to the security of the Western Hemisphere that our nation has ever seen.

The Soviet Union and Cuba are carrying out a well-orchestrated plan of terrorism and aggression in our Hemisphere by providing weapons and military aid to communist guerrillas in Central America.

Just last year the Soviet Union's shipments of military equipment to Cuba tripled.

Cuba now boasts 225,000 men under arms, 200 MiG fighters, 650 tanks and 90 helicopters.

The Marxist-Leninist government of Nicaragua has declared that they are building a 250,000 person armed force.

Compare this with Honduras' total military force of 20,000 and El Salvador's force of 32,000.

There are now over 10,000 "advisors" from Cuba, the Soviet Union, East Germany, Bulgaria, North Korea and the PLO advising the Sandinistas in Nicaragua.

Clearly this mammoth scale of armament cannot be justified in terms of self-defense.

The reality of the situation is that Cuba has become the base from which the Soviets are launching, through Nicaragua, the overthrow of pro-Western governments in El Salvador, Honduras, Guatemala and Costa Rica.

In response, the Reagan Administration has developed a comprehensive plan for preventing further communist takeovers in Central America.

Incredibly, there are those in Congress who are obstructing the President's plan by calling for passage of the Boland-Zablocki bill, H.R. 2760, and by opposing the Administration's full request for military and economic aid for El Salvador.

Passage of the Boland-Zablocki bill would give the Soviet leaders a free hand in the internal affairs of Central American Nations and a green light to the Marxist-Sandinista government of Nicaragua to aid leftist rebels in overthrowing the Democratic government of El Salvador.

In effect, the U.S. Congress would allow Nicaragua to exist as a sanctuary for international Marxist-terrorists.

And not only is Nicaragua being used as a base for fomenting Marxist-Leninist revolutions in Central America, the Sandinista government has stolen the revolution from the Nicaraguan people who fought for Democracy.

It has imposed a new dictatorship, refuses to hold free elections that it promised—in writing—to the Organization of American States, and has initiated heavy censorship of the media.

In short, the people of Nicaragua today are denied the basic human rights of international law by a government sworn to the totalitarian doctrines of Marxism-Leninism.

It is essential that the U.S. provides the government of El Salvador with the aid they need to put down the communist guerrillas and restore economic stability.

A vote against President Reagan's requested aid would be a setback both to the pro-American government of El Salvador and to the morale of the Salvadoran people, many of whom risked their lives to cast a vote for Democracy.

In recent years we have stood by and watched Grenada, Suriname, and Nicaragua fall into communist control.

We must not let El Salvador be the next victim of the Soviets.

If the Soviet presence in Central America continues to expand, every vital interest of the United States—national survival, territorial integrity, economic well-being, and world stability—will be jeopardized to an extent unprecedented in our nation's history.

On behalf of the United States Defense Committee's more than 86,000 members, I strongly urge you to support Presiedent Reagan's full aid request for El Salvador and to oppose the Boland-Zablocki bill, H.R. 2760, and instead support aid to the "Contra" Freedom Fighters in Nicaragua.

If the United States is unwilling to support the cause of Democracy in Central America, how can we expect the people of the region to risk their lives for it?

Sincerely,

HENRY L. WALTHER,
Executive Vice President.

Mr. Speaker, I thank my colleague from Florida (Mr. MCCOLLUM) and my other friend and colleague from Virginia (Mr. PARRIS) for the contribution they have made here today and for their companionship on the trip to El Salvador.

I think we should focus in on one area. Why is El Salvodor in this condition?

Obviously El Salvador is in this condition because it was targeted by the Soviet Union for toppling and for takeover, for the establishment of a Communist government. Where they have had success in Cuba, which is the first mistake that our country made in not doing something about that at the time that Fidel Castro came in, we made a mistake in Nicaragua, without question, and there were many of us here in Congress who were crying and pleading with the Congress and with our Government to do something about the Communist takeover that was taking place in Nicaragua.

I think the news media itself has finally decided that they missed the biggest story of all because of their hatred for the Somoza regime in Nicaragua, that they missed the other story, which was that the Communist regime, in the name of the Sandinistas, walked in, took over, and now in a brutal manner are governing for themselves and have dominated completely and enslaved, if you will, the people of Nicaragua.

But the target now is El Salvador. They have provided the arms and equipment from the Soviet Union, from Bulgaria, from the Iron Curtain countries, funneling it from Cuba into Nicaragua, Nicaragua in turn funneling it on the unprotected border of Honduras and around through seaways and into San Salvador.

We must remember that the country of El Salvador, whose capital is San Salvador, that the country of El Salvador, until the attack that was institut-

ed as soon as the Sandinistas took over in Nicaragua, was targeting the economy of El Salvador, and El Salvador had the best economy, the most successful industry, farming techniques, and every inch of the land was under cultivation, and the merchant class was producing and providing marketing for the industry, for the farming throughout the world, and also they had the finest roads and the best equipment and transportation, and the smoothest working organism to take what the product of the people was and market it around the world of any of the other neighboring countries around El Salvador in Central America and perhaps in Latin America.

So the idea of the encroachment from the Communists was to scourge the land, burn the homes, chase the people out so that they could bring the Government to its knees and assume power. That goal is still in place and what they would like to do is to be able to tell the Government itself that we have beaten you now and all we want you to do, if you want to hold elections, that is fine, hold them, but let my little army over here, the head of this little army, have a secretaryship or an administration position or a department within the Government, and this fellow who has a little army and who has provided, and who is a terrorist to have another little encroachment into the Government, and take over the Government in that way. Or if they cannot do that, then they will topple the Government completely as the Sandinistas did and take over.

We must remember that is what is happening. And as the gentleman has so ably pointed out, my friend, the Government with good and superior training, is putting military forces into areas where they are going to send the children back to school, open the businesses, and remove the scourge from the land in this manner.

I would like to ask my friend and colleague from Virginia (Mr. PARRIS), what his impressions were with regard to the economy itself.

Mr. PARRIS. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I am glad to yield to the gentleman from Virginia.

Mr. PARRIS. I thank the gentleman for his inquiry. I would like at this time to associate myself with the remarks of both of these gentleman who I think have certainly given an excellent summary of their impressions of our recent trip to the Central American region, and certainly the impressions that they have I share.

At this point, in response to the question of the gentleman from Arizona, I would say with his indulgence I would just tick off four or five salient factors that describe the situation that we find in this independent nation, and some of what I think are the important considerations.

That is that there are just about 5 million people in El Salvador and that country is an area of some 50 miles in depth and 100 miles wide, perhaps. It is the most densely populated independent sovereign nation in the hemisphere.

The unemployment rate is something between 40 and 60 percent, and yet in an exercise of the demonstration of the devotion of these people to their Government, 82 percent of the people of El Salvador voted in the last election cycle in the face of direct threats from the rebels that if they did so they did so at their peril.

The per capital income is about $550 per year, and I think that says as much for the economic situation that the gentleman from Arizona (Mr. RUDD) alluded to as anything else.

There is what has been in El Salvador a revolution without frontiers being promulgated by the Government of Nicaragua through the economic and military assistance of Cuba through the direction of Moscow. It is just that simple.

What we have seen is the exportation of the Communist doctrine through that part of the world.

I think this is responsive to the gentleman's questions in terms of economics. Let me just tick off, as has the gentleman from Florida, three or four of my lasting impressions and firm convictions that were developed as a result of these 3 or 4 days that we recently spent there.

First, as the gentleman from Florida so eloquently stated, the people of El Salvador overwhelmingly support the existing government and oppose the rebels.

Second, the problems and solutions are in fact economic as well as military, and as much as military pretense.

There is a military solution. It must come first because it is above all other things, and you are so vividly impressed with this, it is a war zone. There is in fact a war going on and you see it on every street corner and every place you look there is a person with a very large gun and they use them with sickening frequency.

I will remember forever the impressions that I developed over the abject poverty and the pathetic conditions of the campesinos in the displaced persons camps. The conditions under which these persons are required to live, because they have been violently displaced from their own land, is just beyond belief.

Finally, it is I think the unanimous opinion of the three of us, and certainly of the leaders of El Salvador, which we were privileged to have discussions with, from the President on down, the situation there is that now U.S. troops are not needed nor wanted, and they will not be in the future.

The reason for that is multiple. But the principal reason I think goes without discussion or objection from any quarter, which is that there are more, by a factor of some people estimate twice as many volunteers for the military slots that are available in the Army and defense forces of El Salvador, there are twice as many young persons trying to get those slots as there are slots available.

So it is clear that the U.S. obligation to support this effort is economic, military, and whatever, but it certainly does not include the use of American forces in that location.

Finally, one last observation I would make, and thank again my colleagues for permitting me to join them and to take part in what I think is a meaningful discussion here this evening.

The macrogeopolitical question in this area of the world is that we find side by side two revolutions. One is a Soviet satellite nation exporting its version of communism throughout Central America.

□ 1940

Next door, literally next door, just across the gulf, there is a free democracy which is an ally of the United States and is trying to protect the freedoms, economically, politically, religiously, all of the freedoms enjoyed by free citizens everywhere throughout the world. The real macroeconomic and political question here is: Are we going to permit the Soviet influence to permeate its way through the hemisphere in which we make our home? Are we going to permit the exportation of the revolution in Nicaragua without resistance on our part? And if we do, inevitably that cancer will spread throughout the balance of this hemisphere which we so greatly cherish.

Mr. RUDD. The gentleman has struck on the heart of the whole problem, if I may say so.

You established that the Soviet Union through Cuba and Nicaragua are attempting to communize El Salvador for their own purposes, which poses a danger to us and we have talked about that problem and what they are doing in El Salvador to try to stave this off. But the problem is this: What do we intend to do to prevent this? And I think that the course that the administration has taken is the course that should be taken, if I may say so.

The training of these individuals has proven to be an outstanding event, but they do not want our troops as you well know, and as you well know, my friend from Florida, they want not our sympathy, they want that too, but they need more than that, they need assistance in the form of materiel, in the form of training for their personnel. We have been able to provide that

so far, but only a trickle, only a trickle, if you will.

They do not even want more advisors or anything like that. But the training programs that would be offered to them, they need and want and they have said so time after time throughout the area.

Let me add one thing to show the dedication of these people for the cause that they serve.

For example, my friend from Florida mentioned Col. Alberto Kruze, the commander in San Francisco Gotera. He struck me as an individual totally dedicated to restoring peace and tranquility to his country for his family. The family unit is very important there.

Also he was a dedicated officer for the command of his troops to make sure that the children got back to school, to make sure things were proper.

He indicated to us at that time there would be an initiative made by his troops at a later time. I will tell you without revealing the time, the date and all of that, that I received information from El Salvador, at my request, confirming that that did take place and that confirmation really struck me as something that showed the complete and total dedication and honesty of the people involved.

Mr. McCOLLUM. If I may reclaim just to comment on that portion.

When we think of the country it is often not realized how close it is to us, the size of it. The gentleman from Virginia pointed out it is a very tiny country. It is close to the United States. It is closer to Dallas, Tex., than Dallas is to Washington, D.C.

The armed forces right now are at a strength of approximately 36,000, but that includes the National Guard, the National Police such as police in our cities, it includes the Treasury forces that guard the airport and do the customs work, and so on.

The army is about 22,000 of actual fighting participants. Maybe with the others added in they get up to 30,000. The guerrilla forces out there in the field have been estimated to be 5,000, 6,000, 7,000; we are not sure exactly.

But the experts in this field where we have succeeded, not talking about Southeast Asia, but previous experiences such as Venezuela years ago and our more current time when we have been involved with guerrilla analysis and warfare, the experts say in order for the military to do the things they are trying to do and need to do, to restore and get the people back on the farms, the ratio needs to be about 10 to 1 in favor of the Government. That means they need more troops, they need more forces.

And the gentleman from Virginia pointed out so ably a moment ago, their armed forces are composed of volunteers. Their armed forces are composed of young men who want to join the army, want to fight, want to participate.

Their problem is now the question of how many, because they have many more who want to do this, it is the resources to equip and train them. Their problem is exactly that, the resources to be able to pay them the small meager salaries, $25 or $30 a month, the resources to put clothing and uniforms on their backs and give them equipment and feed them and get them out in the field, the resources to train them.

American advisers in Panama and elsewhere have been trying to train these folks and doing a good job with the few they have had the opportunity to do it with. But they simply do not have the financial wherewithal to do that.

As both the gentleman from Arizona and the gentleman from Virginia pointed out, they need the resources to restore the economy because the country has been crippled. Their economy is dependent on, over the years, coffee, sugar, cotton. Those commodities are down in price in recent years below the levels that even the strongest countries and countries that do not have guerrilla warfare going on, endure in many cases. But this country, rife with the problems it has, although it is rich in resources and land which is fertile and rich, weather that is beautiful, the countryside is gorgeous, because of the problems of the marketplace, and because of the obvious guerrilla effort to destroy that economy, to take down powerlines and to drive the farmers out of the fields, has a tremendous problem of no capital. It just does not have the ability to carry forward and market these products without assistance. It is that assistance that all of us are talking about that the United States is going to have to give. It is that assistance, not troops, not direct involvement on our part, but that assistance which is required.

I would like to engage my colleagues in a discussion for a moment about the attitudes of the people that we have heard discussing this problem.

We have had a number of people, I know the gentleman know, who have been saying, "So what, what is the difference whether or not it is this government or the other?" They have complained about human rights being violated down there in El Salvador.

It occurs to me from my observations on this trip and listening to some commentators that yes, there have been atrocities which are not acceptable to us and our society which we would like not to have down there, that have not been fully accounted for in a manner which we would like. Undoubtedly the Government or some members of the Government have participated. But it is a war going on down there. It is far from clear to me that any other government that might come to power, be it another democratically elected government or be it a rebel government that is supported as the one there is by the Nicaraguans, the Cubans, Soviet bloc nations, would be any more concerned for human rights despite all their propaganda that they are putting out that they would be.

My observations and I would like to ask the gentleman from Virginia to comment on this, my observations are that they are making a very good effort because of our wishes, despite a cultural heritage which has accepted a great deal more of the types of things that we do not accept, but they are making a very strong effort down there right now in their human rights commission under the blessings of Gen. Vides Casanova, the President and constituent assembly, to correct those problems and to get the soldiers and to get the people who are the citizens in the Citizens League, Defense, trying to hold some of these towns, to understand the meaning of human life and the importance of not doing some of the things that have been done.

But, I would like to if I could, yield to the gentleman from Virginia to comment on his observations about this tack that has been taken so often of late to in my judgment at least color the issue and distort the facts and lead us away from the real question at hand, whether it is the Communist rebels we should be allowing to take over there or the democratically elected government we have been supporting.

Mr. PARRIS. I thank the gentleman for yielding.

I would say to him as he has pointed out, the society of El Salvador and certainly its Government is not perfect; nor is ours. Would it not be nice if everywhere on this globe we could eliminate prejudice, bigotry, the violation, in one way or another, of human rights? But I think that is the perfect solution to the ultimate situation which perhaps we will never achieve, but to which we can strive. I think the gentleman made a great point of establishing the fact, and I think we have been furnished some evidence, that there is a genuine effort in that regard to improve the situation in that nation.

□ 1950

And I have in my hand and we were all furnished as has been every military unit in the armed services of El Salvador, a document published by the Minister of Defense Gen. Vides Casanova, that sets forth the required procedures that must be adhered to by the Armed Forces of El Salvador in the area of activities of human rights

as it relates to the personnel of that nation.

I think that document is very impressive.

And I would just add one other comment in response to the gentleman and that is that the question of human rights is one that is very broad. Ask the gentlemen and ladies who have been assassinated through the violence in El Salvador about their human rights. Ask the people who walk by the soldiers on the streets of El Salvador every day, through the guns that are everywhere in evidence and ask them about their individual freedoms. And ask the refugees who have made their way up through Mexico or however into the confines of this Nation about human rights and see what they say about living in their own community on their land and doing their own thing.

And if the gentleman would permit me the privilege of just one moment, let me, for the record, include some brief material developed by the House Republican Research Committee in terms of the question of what kind of impact would this situation have if it turned very badly for the worse in terms of the interests of the United States on the refugee situation.

And I say to the gentleman without question that the United States is invariably the preferred final destination of all refugees. Everybody wants to come to the United States for all of the reasons that we know and accept.

And it appears that there is a general rule of thumb that you can apply in a simply mathematical exercise regarding the historical trends of refugees coming to this Nation.

For example, since Cuba fell to the Communist revolution there has been over 1 million Cuban citizens come to this Nation, which represents over 10 percent of the Cuban population. And that figure, as a base line percentage, conservatively let us use 8 percent. That is what was done in this study. Now if 8 percent of the nations of Central America were to take the historical route to apply for emigration to the United States or simply emigrate here illegally in some way appear on our shores, within the confines of this Nation, it is estimated that those numbers of persons, as a conservative base, would be 9,030,000.

The existing laws of the United States would require this Nation to spend in their support $25,235,000,000 per year and if they came here tomorrow, they would make the existing unemployment rate in this Nation almost 13 percent.

Now that is the kind of problem, the magnitude of the problem that the President has addressed, that the gentleman from Florida talked about when he talked in terms of feet people.

I have heard it suggested facetiously that the Government of Mexico would probably provide a bus service from the southern border to El Paso, Tex., to expedite the transfer of these millions of persons through the nation of Mexico, so that they would have less of a tendency to stop somewhere along the line, because they would like to come here.

And if we do not support them, in terms of economic support in their struggle against communism, this is the kind of economic impact that it could and could inevitably have on this Nation.

I thank the gentleman for yielding.

Mr. McCOLLUM. I certainly am appreciative of the comments the gentleman from Virginia just made, that that kind of point is extremely important. It needs to be emphasized. The people of my State of Florida are all too well aware of the problem of illegal aliens and refugees and the great problems that occur from mass migrations of humanity to this country.

There are lots of folks who want to come here, but the plain fact is that we can only accept a limited number of those people at a time in an orderly fashion and be able to maintain the quality of life that we have. It is nice to be charitable and we need to do that. We always want to have an open door. We always want to have an open border. We always want to respect the torch at the end of the Statue of Liberty. But our immigration laws years and years ago were designed to restrict immigration legally into this country in a fashion which would allow everyone, either those living here today or those coming here in the future, to share the bounty of this great Nation and to have equality of life such as no nation in the history of the Earth has been able to have.

I really appreciate what the gentleman had to say and giving us those figures which I have also heard before and we had reiterated to us by the Embassy and other people in El Salvador this weekend. And if the region falls to totalitarian fascist type of government that is backed and supported by the Soviet bloc and the Cuban interests, we can expect up to 10 million people or so coming in at the figures he gave of cost in dollars and cents to the American people, but at an even greater cost, I submit, to the quality of life at every level. And our system which simply would be strained to the impossible proportions to take care of it.

I would like to return for a moment with you to the human rights question only to say that the other evening one of the gentlemen who was here, one of my colleagues who had been on another trip, and as I mentioned earlier, had passed through this region as one of the stopping points this weekend and crossed paths with our trip down there, pointed out something that I do not agree with. And I think it is one of the misimpressions that needs to be corrected.

That particular group met with one of the human rights groups there in the country—not the Government—but one of the other ones. And undoubtedly they were shown—as he reported—pictures of bodies that had been desecrated, of atrocities that had been committed, allegedly by that group, by somehow forces of the Government.

There is great dispute among those who are really true independent and unbiased observers as to how many of the deaths and atrocities that are committed in that country—and there are more than, as I said earlier, any of us want to believe exist but we know they are—actually have any connection at all with this war. There are questions as to how many—and that is a guerrilla war that is going on there and a war that we are seeing waged between the forces of democracy and communism right there, just a few miles from Dallas—but there is in addition to that a great deal of atrocity going on that occurs by virtue of the fact, as I mentioned earlier, of the cultural heritage of that country, which has accepted a lot more violence in their lives than we would normally believe that could be acceptable and more than we want them to accept in the future.

Now the fact is that my colleague the other evening, from the other side of the aisle, who was trying to make a case, used that example without any documentation as to what he had been looking at, or any documentation other than the word of the people with whom he had spoken, that these atrocities were committed by the El Salvadoran Government officials unnamed, whoever they might have been, from this as I said democratically elected Government. He used that to argue that the Government of El Salvador was fascist, that it was as bad as by his analogy as Hitler was. And he went on to say that, yes, Hitler was opposed to communism, but we cannot support every fascist state just because it is opposed to communism.

Well, I will tell by colleagues one thing, the one absolutely crystal clear thing to me about this is that the forces in Nicaragua, the forces of Cuba, the forces of the Soviet bloc are totalitarian fascist forces, whether you call them Communist forces or you call them anything else you want to.

And it is those forces who are supporting the rebel element that if given the opportunity with us laying down and going away and hiding and saying, "Well, because of human rights and so forth—that we have seen these atrocities, we are not going to do anything further in El Salvador."

It is these fascist forces that will take over and as the gentleman from Virginia said a moment ago, the atrocities they have committed in the past all over the world and right now in Nicaragua will make it pale as far as any atrocities in El Salvador by comparison in my humble opinion.

Mr. PARRIS. If the gentleman will yield, I think the gentleman has made a very important point. It has been suggested to us and was suggested to us during our discussions on this trip that it was very much like the situation that I personally experienced in the Korean situation some years ago, when I was over there during the war.

The problem was, sometimes, that you could not identify the good guys from the bad guys, because they were, in fact, all Koreans. And one Korean, generally, as one American, looks like the next. You have exactly the same problem in El Salvador.

□ 2000

You do not have identifiable uniforms generally. The rebels wear Levi's, would you believe, and khaki shirts or something that passes for usually an army-type shirt. But so do the Government forces sometimes. So do the defense forces. So do the police forces. So do some of the simple campesinos who work their land.

So what frequently happens is that the numbers and the people and the bodies and the atrocities are taken by the rebels and laid out on the street and they are, in fact, rebel casualties, and they say, "Now, look, ladies and gentlemen of the media and others, these are the poor citizens of El Salvador who have been butchered by the Government," when in fact we have been told that they are on occasion rebel soldiers who were killed in direct conflict by the Government. And you cannot tell, unfortunately, one body from the next when they do not have identifiable uniforms and no way to have positive identification.

It is a very confusing, a very complex, and a very disturbing situation.

Mr. McCOLLUM. In reclaiming my time, Mr. Speaker, I think the gentleman has made an excellent point with regard to the question of telling who these people are and identifying who has committed atrocities. We know the Government has committed atrocities, but we also know the rebels have committed atrocities, and in war there are atrocities, period.

But what is really important here, I think, is what I was mentioning a while ago and the gentleman so ably reinforced: We do not have a third choice. It is an either/or choice. There may be some wishful thinking out there on the part of some of my colleagues and some of the other observers who would like to see the ideal American dream, democracy, suddenly appear, and the leadership to run it, in El Salvador or somewhere else in Central America, but it has not appeared. Every time we have tried to put our faith, as we have done in Cuba and in Nicaragua and in other places around the world, in a supposedly friendly Socialist, quasi-communistic government, we have been burned because we have discovered that they do not negotiate in good faith, they in turn create more atrocities than anything we could have imagined from the previous government or the efforts of the people we were trying to support, or maybe we were trying to oust in some cases.

The fact of the matter is that the choice is between a government that has, in this case, remarkably been democratically elected, contrary to some of the governments and the dictatorships we have supported in the past. This is not a dictatorship in El Salvador. This is, and I cannot help but emphasize it again and again, a government whose election last year was remarked upon by even its most severe critics, as one of the most overwhelming displays of public support in the voting booth that had ever occurred in the world.

We are faced with the choice of supporting that government, which is making a good-faith effort to comply with the morality of our country and to create an entirely new climate among its peoples and its army by changing its ways with regard to human rights, or we are faced with not doing anything and allowing the inevitable to happen without the proper resources, and that is that the guerrilla forces succeed over time, having destroyed the economy and turned the people against the government there because they are hungry and poor and the government cannot sufficiently operate the economy without having control militarily or stably, and once they have taken over, they then are the Fascist atrocity-committing group.

I would like to relate one other aspect of this. I saw a similar type of discussion in the Wall Street Journal this week by one of the foremost columnists. This gentleman, who has been discussing matters of world politics for a long time, sort of said, "So what?" And I think that my discussion and the discussion of my colleagues from Arizona and Virginia here this evening have pretty well repudiated the "So What" attitude that some in our academic community, and I hate to say some in our community here of colleagues in the House, would like to have us advocate and take on this whole matter.

It is not just a "So What" if the Communist government comes to power down there. It is not just, "Well, if the Soviets try to place missiles down there, we can always go and take care of it later." This is close to our country. This is something that, if the governments all fall into the Soviet sphere, undoubtedly the subversion of Mexico will occur very shortly thereafter. At the same time, or very shortly thereafter, there will be a great risk of internal security subversion in our country by all kinds of terrorist tactics. There will be, at the very least for the near term, a tremendous distortion of the way of life in America because of the foot people that my colleagues have alluded to with me earlier this evening, and because of the terrorist activity that we would be potentially subjected to. And while we are distracted, it would please, I would submit, the Soviet Union nothing more than to make movements elsewhere in the world.

I see this as a pretty clear-cut issue. It is a choice between either this good government that is much better than anything we have seen down there in a long time, that has a capability and has exhibited the will to go forward and to make changes and to come up with a system of agrarian reform that maybe does not suit everybody but certainly is much more satisfying to us than anything we have seen in a long time, or we have a choice of seeing the country, certainly, and I think the whole region, fall into the hands of these types of forces.

There is no way we can say can it be anything but destructive in the future to our country, and in the very near term. And to those who just say, "So what? Let us not do anything," I think the answer is a clear, "You are very foolish, you are very crazy, you are very shortsighted, and certainly you do not think things through well enough to understand or to appreciate what is in the best interests of our country."

Mr. PARRIS. Mr. Speaker, will the gentleman yield?

Mr. McCOLLUM. I would be glad to yield to the gentleman from Virginia.

Mr. PARRIS. I appreciate the gentleman yielding.

With the gentleman's permission, I would like to make what I hope is a clear word picture of what was for me, and I hope for the gentleman from Florida, a very moving experience.

Mr. Speaker, when we visited a military hospital in San Salvador, there was one young man sitting up in a bed. He had stepped on a land mine. He had one eye sewn shut. He had lost his left arm slightly below the elbow, his right arm from the elbow down was swathed in bandages, and obviously there were not very many fingers and not much use. One leg was off slightly above the knee and the other one was full of shrapnel.

Through an interpreter, we asked the young man if he was sorry, and he said, "About my accident and my wounds, of course."

We asked him was he sorry he joined the Army, and his answer was instantly, "No."

We asked him why did he do it, and his answer was, as so many great Americans have said historically, "Because I was defending my country."

I think that experience says it all for most of us. It was a moving experience for me and I know it was for the gentleman from Florida.

Mr. McCOLLUM. It was a very moving experience. We saw so many wounded in that hospital, so many people in the communities and the displaced persons camp that reflected that kind of feeling. I know it was moving for me, as it was for the gentleman from Virginia.

We are about to conclude this special order time, running out of time, and cannot help in doing so to remark in the broad context of Central America on the recently designated Bipartisan Presidential Commission on Central America.

I, like I think all my colleagues, hope that a consensus can be drawn in our country, whether it is toward the policies necessarily that the administration is advocating in all respects, or toward some other policies that would be in the best interests of our country in Central America. It is my fervent hope, and I know it is of my colleagues, that this Commission succeed in its mission and its goal. But I am absolutely convinced from my trip to El Salvador that when the members of that Commission examine the same things that we have examined, see the same people we have seen, and then some, and I hope they see many more, they are going to come of the same conclusion about the situation inside the country of El Salvador with regard to the people there, with regard to the conditions there, with regard to the work ethic that those folks have there, the tremendous work ethic that they have, and with regard to the great opportunity which our Nation has, if it only has the will, without the use of any American troops, without the loss of lives because of a direct intervention on our part, but simply the opportunity by having the will to commit a very limited amount of our resources with aid, compared to the kind of commitments we have made around the world in past years, the opportunity to protect and to nourish the growth of a democratic government in El Salvador and the restoration of what I believe will wind up being a free enterprise, economic country.

□ 2010

I believe, as well, that when those observations are made, this Congress will eventually—and I hope sooner, not later—act in a manner consistent with that and fund the necessary assistance for equipment, for training of the military, for advice, and, of course, for the economic assistance.

Mr. Speaker, the people of El Salvador deserve better. The people of America must have a much better understanding and a much better question on the part of this body than we have given to date toward the causes of freedom in this country and democracy in the Western Hemisphere.

WHEN TRANSCRIPT REVISION BEGAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 30 minutes.

● Mr. WALKER. Mr. Speaker, today is the first anniversary of the infamous EPA hearings of 1982, and it seems to me that it is an appropriate time to review the lessons learned from that regrettable experience.

One year after the fact we can look back and see that those hearings were an example of congressional staff running amok and of certain Members of Congress attempting to utilize our legitimate congressional oversight functions as a platform to further their individual political ambitions. Those hearings were, without a doubt, the most partisan hearings I have ever seen in my service on Capitol Hill. To a large extent I still believe that the two major problems which led to those highly political hearings centered around the arrogance of certain members of the majority staff and the almost complete lack of effective supervision of many majority staff members.

When it was first discovered that there were intentional alterations made in the final printed record of those hearings there was little, if any, interest on the part of members of the majority party to root out the truth of this matter. Two full months ago, when we first brought these alterations to the attention of the chairmen of the committees involved we demanded a full and swift investigation and appropriate disciplinary action against the party, or parties, responsible. At that time we could not even get a commitment from the majority that those responsible would be fired.

What is starting to emerge from the ongoing investigation into Altergate is the beginning of a pattern, a very sinister pattern, in which we are learning that a number of documents in which we once had complete trust are turning out to have been altered for various reasons. In some cases it is obvious that legislation has been changed without the knowledge, or approval, of members of the committee which reported the legislation. These changes have been highly substantive, but it is claimed by the chairman that they represent mere technical and conforming changes.

We have now heard, and read, in the media that various other committee hearings have been altered to remove materials which were alleged to have been used in a public hearing by the committee chairman without his knowledge that the materials had been provided confidentially. While it is regrettable that the material, which was critical of a Federal employee, was used under these circumstances, I fail to see why criticism of a Government official should be secret, and the record of that hearing clearly does not accurately reflect what actually occured in the public session.

Mr. Speaker, the list of allegations or record tampering is growing and the press and the public is becoming more interested each week. It is a year to the day since the EPA hearings, and it is 2 months since the altered transcripts were first discovered.

To date no one has been punished. To date we have learned that this scandal is a growing cancer on the Congress. To date we have learned that our public record is neither complete, nor accurate.

Mr. Speaker, this emerging pattern indicates that the power to edit, the power to revise and extend and the power to make "technical and conforming changes" is being abused. As we all know, power tends to corrupt; absolute power corrupts absolutely. How soon will we address this problem with rules which will bring this practice under control?●

POLITICAL ACTION COMMITTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, today I am introducing legislation to require periodic publication of information relating to political action committees. Under its provisions, the Clerk of the House will compile annually the name of each multicandidate political committee; the name of any sponsoring body of the committee; the total amount of contributions received by the committee, and the total amount of expenditures made by the committee. When this information is compiled by the Clerk, it will be printed in the CONGRESSIONAL RECORD.

Public reporting of campaign and political finances has two elements: disclosure and publicity. Disclosure is only the first step. More important is the widest possible dissemination of the material obtained under our disclosure laws.

The average citizen is handicapped when seeking information about sources of political funds and about expenditures made from political contributions. Although we have im-

proved our laws relating to disclosure, we have made it more difficult for Mr. and Mrs. John Q. Public to obtain the information that has been disclosed. The legislation I am introducing today should help remedy this failing.

We should make absolutely certain that individuals living in the remoter areas of our country have ready access to information about the activities of political committees operating largely in Washington. Through publication of this information in the CONGRESSIONAL RECORD, the average citizen can go to his public library and obtain it.

Mr. Speaker, the bill I am introducing today is intended as one further step toward greater participation by our citizenry in the governance of this Nation. I urge my colleagues to become its cosponsors and to support its passage through this Congress.●

AID TO ETHIOPIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LELAND) is recognized for 5 minutes.

● Mr. LELAND. Mr. Speaker, I rise in support of the resolution which calls on the United States to expedite and increase transportation assistance and to continue the Public Law 480, title II program to Ethiopia in 1984, as well as calling for an immediate and positive response to all pending and future appeals for the basic human needs—food, shelter, and medical supplies—for Ethiopia's beleaguered people.

Recently, the media has reported the desperate conditions facing the African continent, and Ethiopia in particular, where drought is rampant and where hunger, poverty, and sickness is drastically on the increase. Identifying the serious conditions which exist on the continent has been a vital first step. Doing something about those conditions is the next step.

Ethiopia, which is part of the 42 countries comprising sub-Saharan Africa, is in dire need of additional relief. It is staggering to consider that 30 percent of Africa's population is suffering severe malnutrition—caused undoubtedly by poverty. Even if food were available under more favorable climactic conditions, most of the affected African peoples do not have the means to buy it. It is imperative, therefore, that the United States respond accordingly and project its humanitarian spirit by providing the much-needed assistance—food or shelter and, most importantly, the means to transport these essential supplies.

It is important that we remember, Mr. Speaker, that hunger does not differentiate between political beliefs in the selection of its victims, nor is it within the moral purview of the United States to determine who shall survive based on those beliefs. We must put aside the political character of the Ethiopian Government and respond to the desperate need of the Ethiopian people—while there is still time.●

MR. FRANK REYNOLDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 5 minutes.

● Mr. BOLAND. Mr. Speaker, like millions of Americans who admired his work as a broadcast journalist, I was deeply saddened by the news of the death of Frank Reynolds.

Mr. Reynolds was one of my favorite journalists. I did not know him personally; one interview at a political convention some years ago is my only recollection of an occasion on which we had a conversation. I did, however, watch him on the "World News Tonight" and I appreciated the way in which he practiced his craft.

Frank Reynolds recognized the ability that television, and especially television news, has to influence the opinion of its viewers. He understood that this ability carries with it a tremendous responsibility for television journalists to be accurate, to be thorough, and to be fair. Frank Reynolds personified those qualities and in so doing earned the respect of his colleagues and his viewers. As President Reagan said, Frank Reynolds "was one of America's foremost broadcast journalists, trusted and respected by millions of his fellow citizens."

Mr. Reynolds did not leave his emotions outside the broadcast booth. His reporting reflected a compassion and concern for the people and the events that he covered that is all too rare on network newscasts. I believe that Mr. Reynolds' viewers appreciated the fact that he did not try to conceal the manner in which a story affected him. There was nothing artificial about Frank Reynolds, nothing contrived to increase his appeal to his audience. He was what he appeared to be, a man of decency and of considerable talent who dedicated himself to reporting the news as it was. His efforts earned him the trust of his viewers, as well as the most prestigious awards—the Emmy, the Peabody, and the Robert S. Ball Memorial Award, that individuals in his profession can receive.

Mr. Speaker, Frank Reynolds will be missed by everyone who knew, and respected, his work. As John Chancellor stated in a tribute last night: "Journalism is a craft in which nice guys do not always finish first. But Frank Reynolds was a nice guy and a big success."

I extend to his mother and his sisters and to his devoted wife, Henrietta, and sons, Dean, James, John, Robert, and Thomas, my sincere condolences.●

HEARINGS ON WORLD FOOD SITUATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 5 minutes.

● Mr. ZABLOCKI. Mr. Speaker, I am pleased to announce that the Foreign Affairs Committee will be holding hearings next week to review the world food situation, with focus on hunger and malnutrition problems around the world—what has been done and what needs to be done. The hearings, reflecting the committee's continuing interest in the campaign against hunger, are now particularly timely because of the approaching 10th anniversary of the World Food Conference of 1974. We need to know the accomplishments of the past decade in the drive to eliminate the chronic undernourishment which afflicts much of the populations in the developing world, and to identify as specifically as possible the problem areas that lie ahead. I anticipate that following the hearings, the committee will commission the Library of Congress Congressional Research Service to undertake a survey of studies and implementation of the work which has been done in this field since 1974 including through U.S. aid activities. The committee would expect to hold further hearings following receipt of the report.

Leading off the presentation to the committee next week, at 9:30 a.m., Tuesday July 26, will be the Honorable John R. Block, Secretary of Agriculture. Secretary Block will provide his views on the world food situation generally and in particular, report on the World Food Council ministerial meeting which he attended at the United Nations in late June. Following Secretary Block will be the Honorable M. Peter McPherson, Administrator of the Agency for International Development, who will testify as to the humanitarian and developmental aid programs in food and nutrition which are receiving U.S. financing.

On Wednesday, July 27, starting at 10 a.m., the committee will be privileged to hear from distinguished authorities on food issues. Witnesses will be Dr. Jean Mayer, president, Tufts University, and Vice Chairman of the Presidential Commission on World Hunger; Fred Devine, chairman, material resources committee on the American Council of Voluntary Agencies for Foreign Service and deputy executive director of CARE; Ann Beardslee, Interreligious Task Force on U.S. Food Policy, and codirector of the Presbyterian hunger program; and Stephen Coates, issues director, Bread for the World.

The public will be welcome at both hearings, which will be held in room 2172 Rayburn Building.●

ELDERLY NOT TO BLAME FOR HIGH MEDICARE COSTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. WAXMAN) is recognized for 5 minutes.

● Mr. WAXMAN. Mr. Speaker, the National Council of Senior Citizens is sponsoring a rally today to call attention to the heavy burden of health care costs which fall upon medicare recipients. The council is asking that any cuts in medicare not come out of the pockets of the elderly, either through reduced benefits or larger amounts of cost sharing.

The Subcommittee on Health and the Environment, which I chair, has just this week held a hearing on reducing medicare costs. When the representative of the Reagan administration who was testifying at the hearing was asked if there were any major administration cost-cutting proposals which were not at the expense of the elderly, she could not think of even one.

I am sponsoring a resolution today, together with my distinguished colleagues from the House Select Committee on Aging, the chairman, Mr. ROYBAL, and the former chairman, Mr. PEPPER, which makes it very clear that this Congress does not agree with the administration that the elderly are to blame for high medicare costs, and therefore have to take responsibility for limiting them. The resolution reinforces the principle that if any cuts have to be made, they should come from other partners in medicare, not from the elderly beneficiaries. I believe there are places to look to increase the cost-effectiveness of medicare, such as: By expanding home and community-based services for the elderly; by removing barriers to marketing generic drugs; by finding ways to encourage physician assignment; by applying prospective payment methods to all payors; and by encouraging States to develop cost controls.

I urge my colleagues to join me in sponsoring this resolution. I think we want to send a clear message to our elderly: We are happy that they are living longer, we want them to have the best health care available, and we do not want them to become impoverished because they cannot afford medical care. This resolution is one way of sending that message.●

● Mr. ROYBAL. Mr. Speaker, since its enactment in 1965, medicare has offered a ray of hope for millions of older Americans. It has released the elderly from the grip of fear that an illness could leave them penniless and decrepit for the remainder of their lives.

Despite medicare's success, however, there are sinister forces at work which, if left unchecked, could severely debilitate the medicare program and leave the elderly in a vulnerable position once again. Those forces are runaway hospital and medical costs.

The impending medicare trust fund deficit that has been receiving so much attention lately is not a problem that rests with the medicare program. Rather, it stems from the health care cost spiral. Therefore, any solution to the medicare deficit must address the larger problem of rapidly rising health care costs.

In my home State of California, for example, health care costs have risen 700 percent since 1962. The average cost of hospitalization is now $714 a day. Nationally, health care costs rose three times faster than inflation last year. Medicare is forced to pay these exorbitant costs, thereby creating a future deficit in the trust funds.

As chairman of the Select Committee on Aging, my highest priority will be to seek solutions to the medical cost spiral and to stabilize and strengthen the medicare program. I join with my distinguished colleagues, CLAUDE PEPPER and HENRY WAXMAN, in sponsoring this resolution today in order to serve notice that we, in Congress, will not stand idly by and watch health care become the exclusive privilege of only the few who can afford it.●

● Mr. PEPPER. Mr. Speaker, with the enactment of medicare and medicaid in 1965, Congress confirmed a basic human right and established a sacred trust—access to quality health care shall not be limited by age or income.

There can be no doubt medicare and medicaid have greatly benefited the poor and elderly. But recently, the cost of these programs in a time of growing fiscal constraint has led some to suggest we must break our covenant with the poor and elderly and shift the burden of caring. In 1982, when the inflation rate was 3.9 percent, hospital costs increased by 12.6 percent. Similar increases are projected for the foreseeable future leading the Congressional Budget Office to estimate that medicare's health insurance trust fund could be bankrupt within 4 years.

Most of the solutions so far suggested to the emerging medicare crisis are based on reimbursement reductions and increased cost-sharing:

In 1981, medicare benefits were cut by $3 billion over 3 years. Eighty percent of these cuts were borne by medicare beneficiaries.

In 1982, the administration's proposals would have reduced benefits by $2 billion in 1983. Fortunately for seniors, Congress rejected most of these proposals. Still, direct beneficiary costs were increased by more than $100 million.

The administration's 1984 budget includes $2 billion in medicare cuts. Seventy-five percent of this reduction would be passed on to beneficiaries. If adopted, the President's proposals would shift $10.4 billion cost to the elderly over the next 4 years.

These proposed solutions are short term and short sighted. They do not address the fundamental problems leading to the escalation of costs and inappropriately restrict services. Moreover, as a practical matter, there is a limit to how much cost-shifting can be done. Seniors already spend 20 percent of their income on medical care, as much as they did in 1965 when medicare was enacted.

The resolution I introduce today with my distinguished colleagues, Congressman WAXMAN and Congressman ROYBAL, rejects this piecemeal, patchwork approach and calls for a more comprehensive solution to our health care crisis. It calls for the expansion of prospective reimbursement to all payors; it calls for legislation providing incentives for States to develop and maintain their own cost-control programs; and it recognizes that the medicare problem cannot be resolved until the entire health care system is made more efficient.

Mr. Speaker, this issue is as important as any matter likely to come before Congress over the next few years. It is a difficult problem, but one we can remedy. We can solve our immediate problems and find ways to make these vital programs better. I hope this resolution, a reflection of that promise, will be speedily adopted.

RESOLUTION

Expressing the sense of the Senate in support of affordable and decent health care for older Americans.

Whereas Medicare is a solemn commitment by the Government to older Americans to assure the availability of affordable and quality health care; and

Whereas skyrocketing health care costs threaten the health and income security of older Americans and of all people; and

Whereas older Americans' health care needs are not being met by the current health care delivery system; and

Whereas Medicare pays less than half of the cost of health care for older Americans; and

Whereas older Americans must pay increasing out-of-pocket costs to meet their health care needs; and

Whereas the President and Congress have enacted budget cuts which reduce health care services and increase costs for older Americans, low-income persons, and working families; and

Whereas the financial solvency of the medicare hospital insurance trust fund is threatened by increasing health care costs; and

Whereas immediate legislative action is necessary to protect the ability of the medicare and medicaid programs to provide an adequate level of health care at affordable costs to older Americans;

Now Be It Resolved, That it is the sense of the Senate that Congress enact legislation to control the rising cost of health care, and that the burden of cost containment should not be placed upon the elderly and those who are least able to pay for needed health care services; and that such legislation assure that health care dollars are spent for the maximum amount of appropriate care at the lowest cost.

Be It Further Resolved, That this legislation include:

(1) Prospective payment methods that apply to all payors;

(2) Avoidance of additional cost sharing by medicare and medicaid recipients as a cost containment method;

(3) Prohibition against further medicare or medicaid budget cuts that increase out-of-pocket costs or reduce benefits for older Americans;

(4) Incentives for states to develop and maintain their own cost control programs;

(5) Improvements in the medicare benefits package to provide increased coverage for preventive and chronic care and alternatives to institutionalization.●

LEGISLATION TO CREATE INSPECTORS GENERAL IN DEPARTMENTS OF JUSTICE AND TREASURY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BROOKS) is recognized for 5 minutes.

● Mr. BROOKS. Mr. Speaker, I am introducing today legislation which would create offices of Inspector General in the Departments of Justice and Treasury. The House passed similar legislation last year to create these offices, but the Senate took no action on the House-passed bill.

My bill will also conform the offices of Inspector General in the Departments of Energy and Health and Human Services with the other statutorily established offices of Inspector General, authorize the pay of all Inspectors General to be at the same level, and authorize Inspector General personnel to issue oaths and administer affidavits.

Mr. Speaker, the Departments of Justice and Treasury are the last two remaining Cabinet-level Departments without offices of Inspector General. The importance of their work, coupled with the restraints on their budgets, demand such an office. An Inspector General appointed by the President with the approval of the Senate, will provide an independent view of agency operations and should result in recommendations for more economical and better management.●

UNCLASSIFIED AUDIT REPORT ON DEFENSE COST OVERRUNS

(Mr. MOODY asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. MOODY. Mr. Speaker, the Project on Military Procurement—a nonpartisan organization which exposes waste in military spending—recently obtained a copy of the Department of Defense, "Report on the Audit of the Procurement of Aircraft Engine Spare Parts." The project's director, Dina Rasor, provided me with a copy of this unclassified study last week.

The audit's findings of Navy and Air Force purchases have serious implications for the Federal budget and for our Nation's defense policy. The audit includes findings that:

More than 4,000 line items purchased by the Navy and Air Force increased over 500 percent in cost between 1980 and 1982. One spare part increased in cost by 1,600 percent;

Contracting officers failed to implement procedures designed to assure that the Federal Government pays fair and reasonable prices for engine parts, and;

Two reasons for large price increases are the lack of thorough review of contractor price quotations and a heavy reliance on sole-source contracts.

This report is not readily available to Congress or the American public. Therefore, I have decided to reprint the audit in the CONGRESSIONAL RECORD. Several charts and appendices have been left out of this reprint because of length, however, I will be happy to supply them.

The text of the report follows:

REPORT ON THE AUDIT OF THE PROCUREMENT OF AIRCRAFT ENGINE SPARE PARTS

PROJECT 3AP-021

(Prepared by the Office of the Inspector General, Department of Defense)

JUNE 10, 1983.

MEMORANDUM FOR DEPUTY UNDER SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING (ACQUISITION MANAGEMENT), ASSISTANT SECRETARY OF DEFENSE (MRA&L), ASSISTANT SECRETARY OF THE ARMY (IL&FM), ASSISTANT SECRETARY OF THE AIR FORCE (FM), DIRECTOR, DEFENSE CONTRACT AUDIT AGENCY, DIRECTOR, DEFENSE LOGISTICS AGENCY, DEPUTY UNDER SECRETARY OF THE NAVY (FM)

(Subject: Draft Report on the Audit of the Procurement of Aircraft Engine Spare Parts (Project 3AP-021))

This is our report on the audit of the procurement of aircraft engine spare parts. The audit was made from November 1982 to May 1983 at Navy and Air Force centers that purchase spare aircraft engine components. The objective of the audit was to determine if the DoD was economically and efficiently buying aircraft engine spare parts at fair and reasonable prices. The buying centers we visited purchased approximately 95 percent of all aircraft engine spare parts used by the Navy and Air Force and in FY 1982, spent over $1.2 billion on new engine spare parts.

Navy and Air Force contracting officers were not buying engine spare parts in a cost effective manner because procedures designed to assure the Government pays fair and reasonable prices were not being implemented. Unit prices for engine spares had escalated rapidly and were well in excess of inflation related increases, primarily when sole source contracts or price redeterminable basic ordering agreements were used. The Oklahoma City Air Logistics Center stopped procuring spares on price redeterminable contracts in November 1981, but the San Antonio Air Logistics Center and the Navy's Aviation Supply Office (ASO) continue to use this type of contract. Regarding sole source contracts, the activities visited attempted to increase the number of competitive procurements but the lack of manpower, especially engineering manpower, resources and travel funding constraints limited the effectiveness of their efforts. The results of the audit are summarized in the following paragraphs, and the details together with audit recommendations are contained in Part II of this report.

Almost 65 percent of replenishment engine spares, bought more than once in a 3-year time frame by the activities visited, had cost growth in excess of 50 percent. Of 357 line items sampled, about 61 percent were procured on sole source contracts and 27 percent were bought using fixed price redeterminable basic ordering agreements. The use of the latter type of contract resulted in contracting officers paying little attention to the unit prices paid for spare parts, and not adequately monitoring contractor pricing systems. While the use of price redeterminable basic ordering agreements resulted in unanticipated price increases, the use of sole source contracts (61 percent of the line items sampled) resulted in known price increases that exceeded 100 percent. On these items contracting officers often negotiated new prices with little regard for the price previously paid for the same spares. The Oklahoma City Air Logistics Center estimated that repricing in FY 1982, of parts on order from 1981 and prior, resulted in cost growth of $140 million. The Navy experienced a comparable increase of $35 million on outstanding undelivered spares orders in the same period. To reduce cost growth, the Secretaries of the Navy and the Air Force should direct their procurement activities to stop using price redeterminable basic ordering agreements unless it can be demonstrated that contractor pricing systems will result in fair and reasonable prices, and to take steps to further eliminate sole source procurements. The Service Secretaries should also require contracting officers to certify that the price of an item is fair and reasonable when the price increases by 25 percent or more in a 12-month period.

The DoD Breakout Program was not effectively implemented at the buying centers visited. Most expenditures on engine spare parts were on sole source procurements from prime contractors. Navy and Air Force buying commands need to identify potential new sources of engine spare parts. DoD acquisition managers must adequately staff procurement offices to effectively implement the DoD Breakout Program.

Solicitations that resulted in 2 or more bids from vendors were almost always interpreted by contracting officers as "adequate competition" even though prices frequently increased excessively. In some cases we did not consider 2 or more bids as being "adequate competition", e.g. when a prime contractor and its licensee were the 2 bidders. Adequate reviews were not being made to determine the reasonableness of prices, even on large price increases, if "adequate competition" was considered to exist. Navy and Air Force acquisition managers needed to establish more definitive policy for use by contracting officers when competitive procurements result in price increases.

We want to consider your comments in preparing the final report. Please provide us with your written comments on the results of review and of the recommendations addressed to your office within 60 days from the date of this memorandum. To facilitate processing the final report as required by DoD Directive 5000.41, the comments should indicate your position with a state-

ment of concurrence or nonconcurrence to the results of review and each of the recommendations. For those recommendations with a position of concurrence, describe the actions taken and the estimated dates of planned future actions. For those positions of nonconcurrence please state the specific reasons for the position taken to the applicable results of review and recommendations. If appropriate please describe alternative actions proposed to achieve the desired improvements.

Please contact Mr. Thomas M. Leahy on 694-1414 or Mr. Kenneth P. Malecki on 694-3965 if you wish to further discuss the draft report.

HAROLD BLOOM,
Director, Acquisition Support Programs.

PART I—INTRODUCTION

Background

In fiscal year 1982, DoD activities visited spent over $1.2 billion to buy new aircraft engine spare parts. While these spares were bought using a variety of contractual instruments, sole source procurement and price redeterminable basic ordering agreements (BOAs) covered most of the annual dollar expenditures on spares. The "price redeterminable" aspect of aircraft engine spare parts procurement has led to increased Congressional and media attention due to DoD experiencing significant cost growth in procurements of engine spare parts.

Objectives and Scope

Our audit was made to determine if DoD was economically and efficiently buying engine spares at fair and reasonable prices. We especially focused on:

Protection of the Government's interest in sole-source procurements.

Efforts by Government buying activities to improve competition among spare parts suppliers.

Reasons for significant price increases when procurements were first time competitive purchases.

The audit was made during the period November 1982 through May 1983 at selected Navy and Air Force buying centers (Appendix H). Activity procurement history records, stored on computer tapes, were screened for aircraft engine spare parts (Federal Supply Class 2800 and 2900 series stock numbers) bought in calendar years 1980 through 1982. We developed general statistics that identified the scope of the cost growth of engine spare parts and reviewed procurement documents for selected transactions that: (a) indicated unit price increases of more than 100 percent from one buy to the next; (b) increased in price over 100 percent as a result of a price redetermination; or (c) increased in unit price when the part was purchased competitively following a previous non-competitive procurement. The audit was made in accordance with generally accepted auditing standards and the results were based on information developed from procurement history files, examination of contractual documents, and discussions with procurement, technical and management personnel.

Prior Audit Coverage

We found no prior reviews or audits which specifically addressed the cost growth of aircraft engine spare parts. Our research included an interrogation of the Audit Report Tracking System (ARTS) maintained by the DOD Assistant Inspector General for Audit Followup. The ARTS contains audit reports which include (a) GAO recommendations made to DOD since January 1, 1979, and (b) Defense Inspector General—formerly Defense Audit Service (DAS)—recommendations since October 1, 1980. We also reviewed the master logs of audit reports issued by the Assistant Inspector General for Auditing and the Service audit organizations.

PART II—FINDINGS AND RECOMMENDATIONS

A. COST GROWTH OF AIRCRAFT ENGINE SPARE PARTS

Finding

Our review of the procurement history records for 3 DoD procurement activities indicated that 65 percent of the aircraft engine spare parts bought twice or more during calendar years 1980 through 1982 experienced cost growth in excess of 50 percent. During this same 3 year period, over 4,000 spare parts increased in price over 500 percent. Increases in material costs or other inflation factors cannot explain or justify prices being paid by the Government for aircraft engine spare parts. Defense Acquisition Regulation (DAR) 3-801.1 states that:

"It is the policy of the Department of Defense to procure supplies and services from responsible sources at fair and reasonable prices calculated to result in the lowest ultimate overall cost to the Government. Good pricing depends primarily upon the exercise of sound judgement by all personnel concerned with the procurement."

Since DAR 3-801.2(b) assigns specific responsibility for the contract price to contracting officers, they must share the responsibility for the dramatic cost growth.

Among the primary reasons for large increases in the cost of aircraft engine spare parts in recent years were:

Lack of buyer in-depth review of contractor price quotations and price redeterminations under price redeterminable basic ordering agreements.

Lack of buyer concern with unit price increases for aircraft engine spare parts bought under other sole source type contracts.

Clericalization of the procurement function.

Discussion of Details

Background. To provide flexibility in the purchase of aircraft engine spare parts, many types of contracts are available to the contracting parties. These contract types vary as to the degree of risk assumed by the contractor and the amount of profit incentive offered the contractor to exceed standards. When a contract award is based on effective price competition, there is reasonable assurance that the contract price represents a realistic pricing standard, including a profit factor commensurate with the risk assumed. In the absence of competitive forces, however, it is DOD policy that the contract type selected should tie profits to the contractor's efficiency in controlling costs and meeting desired standards of performance, reliability, quality and delivery.

Basic Ordering Agreements (BOAs) speed up the procurement process. The contractor issues an article price list (APL) of spare parts that will be provided. Purchase orders are placed against the BOA citing the prices listed. If the BOA is "firm, fixed price," the actual price charged to DoD is the price listed. If the BOA is fixed price-redeterminable, the price charged will be that which is current at the time of delivery. In the latter case, the contractor's risk is minimal because increased costs are simply passed on to the Government.

Extent of Cost Growth of Aircraft Engine Spare Parts. Procurement history computer tape files from 3 Service buying centers were used to determine the extent of cost growth of aircraft engine spare parts during the calendar year period 1980 through 1982. The percentage increases (cost growth) shown in the table below were extracted from the computer tapes by using the differences between the highest and the lowest unit prices indicated for parts bought at any time during the 3 year period.

As indicated in the table, over 9,700 line items (64.9 percent) of aircraft engine spare parts, with at least 2 prices on record during the 3 year period, increased in price over 50 percent. Of even greater significance is the fact that over 4,000 line items (27 percent) increased over 500 percent. Inflation factors cannot be used to explain these statistics. For example, the Consumer Price Index (CPI) for the same period (1980-82) showed an increase of 27.2 percent. Hence, defects in the procurement process accounted for much of these increases, as follows:

Basic Ordering Agreements (BOAs). We examined 171 purchase orders (POs) placed against BOAs written by Navy and Air Force buying centers for aircraft engine spare parts to be provided by the Pratt and Whitney Aircraft Corporation. Unit prices for the items selected had increased in price by at least 100 percent. Examples of the cost growth in unit prices for spares purchased from Pratt and Whitney are provided in Appendix B. This cost growth resulted because the contractor had not performed a satisfactory job of estimating spares delivery prices as evidenced by comparing the BOA price at the time of the order with the price actually paid at the time of delivery. The use of price redeterminable BOAs allowed the contractor to raise prices without contracting officers either monitoring unit price increases or questioning significant cost growth. Until one procurement activity publicized its concern over the price increases, little effort was being made to limit exorbitant cost growth.

The impact of unit price increases can be significant. The Oklahoma City Air Logistics Center (OCALC) identified 78 parts ordered under a redeterminable BOA that more than tripled in price as a result of 1982 repricing. We examined procurement documents for 73 of those items that were ordered at a total cost of $1.4 million. When they were replaced in 1982, the cost climbed to $4.3 million and may be even greater since several parts are not scheduled for delivery until late 1983 or 1984 and will be subject to repricing in each of those years.

For example, in 1981, OCALC ordered 3 case assemblies, stock number 2840-00-945-6508, at a unit price of $6,445.65, for delivery in 1984. The 3 units were priced by Pratt and Whitney at $7,968. The 1982 Article Price List showed a unit cost of $45,236.11. Final unit cost of the item will not be known until 1984, so the contractor will have 2 more opportunities to reprice the item. Air Force buying offices have recently started to question such price increases, but acceptance of redetermined prices without questioning those prices has provided contractors with a "blank check" and no incentive to cut costs. The results of our comparison between 1981 and 1982 Pratt & Whitney price lists for the Navy BOA are in Appendix C.

Pratt and Whitney's Pricing System. Appendix D gives examples of aircraft engine spare parts purchased from Pratt and Whitney. The contractor bought the items from a vendor, applied labor and material markup factors and arrived at unit prices charged to the Government. As shown in

Appendix D, DoD pays a premium when the prime contractor buys spares for the Government. The examples in the appendix were taken from an analysis made by the Air Force Plant Representative Office (AFPRO) (Detachment 5), Pratt and Whitney Aircraft Engine Group, East Hartford, Connecticut, and were certified by AFPRO personnel as correct unit prices charged to the Government.

DAR 3-404.5(c)(i) indicates that "price redeterminable contracts shall not be used unless the contractor's accounting system is adequate for price redetermination purposes." In addition, DAR 3-801.2(b) states that

"* * * determination of the suitability of the contract price to the Government always remains the responsibility of the contracting officer."

While we did not review Pratt and Whitney's accounting system, we believe the cost growth experienced supports the conclusions that:

Pratt and Whitney's accounting system does not result in "fair and reasonable" prices charged for aircraft engine spare parts.

Contracting officers should not accept unsupported price increases.

The report of an Ad Hoc Pricing Team formed by the Commander of the AFPRO, West Palm Beach, Florida, to investigate the 34 parts identified in an OCALC letter, offered additional support for the unacceptability of the Pratt and Whitney pricing system. The Team reviewed selected high dollar orders accounting for approximately $38 million of the $140 million increase reported by OCALC. The Team reported that:

"The primary element driving costs up is markup. It accounted for 67 percent of the 1982 cost increase. The compounding of elevated markup and increased standards had a significant adverse affect on total spare parts redeterminable prices. Coupling excess markup with its negotiated profit, P&W received 32 percent more compensation than its expected costs. Aside from DAR allowability considerations, GPD (Pratt and Whitney Government Products Division) literally has no incentive to control indirect costs reflected in the price of P&W spares."

Other Aircraft Engine Parts Suppliers. Significant price increases we not limited to Pratt and Whitney spare parts. The chart below summarizes by contractor and type of award our sample of procurements reviewed.

Appendix E lists examples of aircraft engine spare parts purchased from vendors other than Pratt and Whitney that have experienced significant cost growth. As with Pratt and Whitney, buyers did not attempt to determine the fairness and reasonableness of these prices in all cases shown. Catalog prices were accepted or prices were negotiated with little regard for the price previously paid for spares. In a memorandum to the Deputy Secretary of Defense dated April 19, 1983, the Secretary of the Navy stated

* * * it is become apparent that perhaps a broader problem exists, that industry has not been challenged sufficiently to justify the prices we pay. I am particularly concerned that we have paid insufficient attention to the pricing of vender furnished components to prime contractors * * *."

Time constraints appeared to be the major reason for the routine acceptance of unit prices quoted by the contractors. Two factors must be addressed by management if cost growth is to be effectively controlled.

Management primarily emphasizes timely support to operational units. While this is important it should not be the only consideration, as shown in DAR Section 3-801.1:

"It is the policy of the Department of Defense to procure supplies * * * from responsible sources at fair and reasonable prices calculated to result in the lowest ultimate overall cost to the Government."

Each buyer's performance is measured more on quantity than on quality. Management indicators emphasize the volume of purchase requests and the processing time. Cost is not a major consideration.

Buying "Simple" Engine Spares. The adverse impact of the way that the Navy and Air Force buy engine spares can be further demonstrated by the high unit costs paid for relatively "simple" parts. Appendix F lists examples and pictures of spare parts for which DoD activities are paying high prices. The examples are presented as additional evidence of the need for contracting officers and supporting engineering and supply personnel to: Become aware of what is being purchased and aggressively challenge unti prices that appear unreasonable, work within the framework of an effective breakout program, and support the competition advocate's role in controlling cost growth through competition.

Clericalization of the Procurement Function. When spare parts are bought under a BOA, the procurement process is more timely and procurement workload is reduced. DoD activities have essentially recognized these advantages and were increasing their use of BOAs. We were informed by management at OCALC that prior to November 1981, one person mechanically processed all purchase orders (POs) placed against the price redeterminable contract with Pratt and Whitney. When OCALC stopped ordering spares on the BOA in November 1981 the additional workload placed on the Procurement Directorate resulted in a need for 9 additional people. The OCALC has not yet identified savings associated with the termination for the use of price redeterminable contracts with Pratt and Whitney, but expects they will be considerable. The SAALC remained committed to the use of price redeterminable BOAs. Purchase orders to be placed against BOAs are handled by 1 buyer, GS7-1102, and 2 clerks, GS5/4-1106.

Procurement personnel processing POs under price redeterminable BOAs were not required to question cost growth. Contracting Officers (COs) responsibilities included challenging exorbitant unit prices and determining that they meet the requirement of "fair and reasonable". Such challenges were virtually nonexistent.

Buyer Errors. Three pricing errors totalling $248,738 were uncovered during the audit at SAALC and OCALC. Two errors were corrected during the audit, resulting in immediate savings of $247,200. The third error could not be corrected and resulted in the Government paying $1,538 more for spare parts than it should have paid. Appendix G provides details of the transactions. Since the errors were not caused by policy decisions, no recommendations are provided.

Recommendations

We recommend that the Secretaries of the Navy and the Air Force:

1. Temporarily stop using price redeterminable basic ordering agreements on engine spares procured from Pratt and Whitney and other contractors while procuring contracting officers review the pricing history and accounting systems. This contracting method should then only be resumed when confidence in the integrity of the contractor's pricing system has been established and proven to charge fair and reasonable prices for aircraft engine spare parts.

2. Require Administrative Contracting Officers to withdraw approval of the Pratt and Whitney purchasing system as authorized under Defense Acquisition Regulation 23-105. Revalidation of the contractor's system should be undertaken as a separate project after the Navy and the Air Force have been satisfied that control of the cost growth of individual spare parts prices has been restored.

3. Reestablish cost as a primary concern of procurement activities by requiring the Contracting Officer to certify that the price of an item is fair and reasonable when the price increases by 25 percent or more in a 12-month period.

4. Identify and fill manpower requirements necessary to implement the changes in recommendations 1 through 3.

B. COMPETITION AND SPARE PARTS PRICING

Finding

The buying centers visited were not identifying potential sources of aircraft engine spare parts, and as a result, the DoD Breakout Program was not effectively implemented. Most spare parts expenditures (75 percent at SAALC for example) continued to be on sole source procurements from prime contractors even though significant opportunities for breakout exist. Guidance for improving the competitive status of sole source procurements is provided in the Joint Regulation on the DoD High Dollar Spare Parts Breakout Program (AFR 57-6, and NAVMAT INST 4200.33A). The Secretary of Defense, in a memorandum issued September 9, 1982, directed that maximum emphasis be placed on competitive procurement. By not challenging sole source procurements and taking other actions to improve the competitive status of spare parts, the buying centers paid premium prices to prime contractors. These contractors are not the actual manufacturers in most cases; therefore, the price included overhead and other mark-up factors that would not be paid if the parts were bought directly from the actual manufacturers. For example, OCALC estimated that 80 percent of engine spare parts being bought from Pratt and Whitney were manufactured by subcontractors.

Competitive procurement was restricted based on the recommendation of the prime contractor. The most common reason for restricting procurement was that the items were considered critical, thus requiring engineering source approval by the design control activity to maintain the quality of the item. Whether the item itself could be successfully manufactured by another source or procured directly from the actual manufacturer was not evaluated by Government engineering personnel. There was a reluctance by the engineers to consider alternate sources without the approval of the prime contractor. Reviews of the breakout potential were not being made. We also noted that some of the competitive procurements were suspect in that the provisions of DAR 3-807.7 involving the adequacy of price competition were not met.

Discussion of Details

Background. It is DoD policy to procure spare parts competitively whenever it is technically and economically feasible to do

so. In a memorandum issued on September 9, 1982, the Secretary of Defense, in directing maximum emphasis on competitive procurement, stated:

"No type of purchase is automatically excluded from this decision to maximize competition and this direction applies regardless of the level of the requesting official or the importance of the subject matter of the contract. Particular attention should be given to those areas where the assumption traditionally has been made that competition is not available".

The objective of the High Dollar Spare Parts Breakout Program is the earliest possible identification and screening of spare parts to determine the optimum procurement method, particularly the potential for breakout to either competition or direct purchase from the actual manufacturers.

Identification and Qualification of New Sources. Buying centers were not effective in their efforts to identify potential new sources of aircraft engine spare parts. Contractors who submitted unsolicited proposals were either rejected outright or required to undergo a lengthy qualification process that often involved evaluation by the prime contractor. Examples of what can happen under existing qualification criteria are shown in the following cases.

The first case involved a SAALC requirement for 15,658 divergent nozzle assemblies to be used on the F-100 engine. B.H. Aircraft Co. submitted an unsolicited proposal offering to manufacture the assemblies for $1,395 each. The prior procurement of this part was at a unit price of $2,469, arrived at by competition between Pratt and Whitney and one of their European licensees, N. V. Philips. B.H. Aircraft's proposal was not accepted because the part was coded for engineering source approval, and B.H. Aircraft was not an approved source for this part. B.H. Aircraft attempted to become approved for this procurement; however the qualification process, which the company felt was unreasonable, was not completed in time and the award would have gone to N. V. Philips had B.H. Aircraft not brought their problems to a number of organizations, including a formal protest with the General Accounting Office. Eventually B.H. Aircraft was qualified and won the award for a reduced quantity of 7,223 at $1,234 each. It is not unreasonable to assume that, had B.H. Aircraft not submitted their unsolicited proposal and persisted in their efforts, a unit price approximating $2,469 would have been paid again. Qualifying B.H. Aircraft saved nearly $9 million on this one purchase.

The second case involved an SAALC requirement for 10,753 liner assemblies for the F-100 engine. Again B.H. Aircraft submitted an unsolicited proposal to manufacture the part. The unit cost proposed by B.H. Aircraft was $225 each. The prior low bid on the liner assembly was a unit price of $355. B.H. Aircraft again had to undergo a qualification process for this part. They were eventually qualified to manufacture the part but lost the award when a "best and final offer" resolicitation resulted in N.V. Philips reducing their price to $188 each. Again, because of the B.H. Aircraft bid, the Government saved nearly $2 million.

In another example SAALC had a requirement for 68 seals used on the J-85 engine. The seals were bought previously from the General Electric Company (GE) and Donallco Inc., a surplus dealer. Donallco had supplied the seal at a unit cost of $408.43 but was not able to bid on a later solicitation. General Electric Co. bid $1,461.30 per unit. Aster Engineering Corporation submitted an unsolicited proposal (unit price not identified in procurement files) as did Alamo Aircraft, another surplus dealer. Alamo Aircraft bid $819.40 and indicated that their source of supply was an approved G.E. vendor. Both Aster Engineering and Alamo Aircraft were disapproved as sources of supply by the SAALC Material Management Engineering Division. Criticality of the part and quality control and testing procedures provided by GE were cited as reasons for buying the item from the prime contractor. In this case, SAALC did not request sample items for test and evaluation from either Aster Engineering or Alamo Aircraft. While the 2 surplus dealers had an obvious price advantage over the manufacturer, General Electric, potential savings of over $43,000 were nevertheless lost in this instance. Contract files did not indicate if SAALC would try to qualify Aster Engineering or Alamo Aircraft to manufacture or supply parts for future procurement.

Breakout Programs. In reviewing the breakout programs at the 3 activities we found that it was limited to screening the procurement method codes (PMCs). There was little effort devoted to trying to change the codes to the competitive ones or to consider procurement from the actual manufacturer. In cases where the effort was made, items that were broken out to the actual manufacturer were offered by the prime contractor after pressure from the buying centers. These were generally low dollar, low volume items. For example, in July 1979, the Commander, SAALC requested of Pratt and Whitney a listing of all suppliers of F100 engine parts to which Pratt and Whitney "added no value". The company responded with a list of 1,462 items. SAALC reported that 85 percent have been openly competed or purchased directly from the actual manufacturer. The remainder had not come up in a buy position and therefore had not been screened. The SAALC had not reported savings associated with this breakout effort. We noted that of the 1,462 items only 41 percent were coded for open competition. The remaining items had restrictive procurement method suffix codes assigned and were not openly competed. Other than these statistics, personnel responsible for breakout were unable to show what items were broken out as a direct result of the breakout program because no statistical information was required to be maintained.

The engineering division is reponsible for assigning and/or changing the PMC codes. At an AFLC briefing on April 11, 1983, the Deputy Director of Material Management, SAALC stated:

"My purpose here is to make it clear that within AFLC we do not maintain a dedicated group of professional engineers for the sole purpose of accomplishing competitive breakout. Our engineers are assigned to the items and system management functional divisions. Depending on the volume of work that might exist at any single point in time . . . (the) breakout effort could and probably would be backlogged. More importantly, time and resources are almost nonexistent for the purpose of searching out alternate sources of supply. On the other hand, if a previously unknown source seeks qualification, that action—being so labor intensive—would probably have to take its place among the priority."

We found that the PMC code assigned was usually the code recommended by the prime contractor without a thorough evaluation. Once these codes were assigned, there was no evidence that they would be changed when the item came up for review. Engineers and technical personnel were reluctant to consider aircraft engine spares for breakout to a more competitive status because there was no confidence in the ability of anyone but the prime contractor to deliver a quality product.

Procurement personnel seldom challenged PMC codes. Of 430 contract files reviewed, 387 were coded for sole source procurement. No other method of procurement was considered even when the item was one where competition would be likely to exist. The major motivation for procurement personnel was the timely processing of documentation. Sole source procurements are faster, easier and safer.

Buying activities must become aggressive in seeking competition. Every effort should be made to reduce sole source designators at the time of the initial assignment of PMC codes. ASO had a program to break-out items at the time of the initial coding conferences. At one series of conferences held with G.E. in fiscal year 1982, the Navy reported that 73 percent of the spare parts on the F404 engine were coded for procurement from the actual manufacturer. This represented a marked improvement over other ASO attempts to break out items. However, participation in 8 other conferences scheduled for fiscal year 1982 were cancelled due to a lack of travel funds and manpower engineering resources. Thus a program with considerable cost saving potential was being allowed to languish because of a lack of travel funds and manpower resources.

Competition. Of 430 parts increasing in price more than 100 percent, 43 were considered by the buyer to be procured competitively. Procurements were considered competitive even if only two bids were received, and one of the bidders was not a manufacturer. When competitive procurements also result in substantial price increases over the previously paid unit price, contracting officers should evaluate and explain the reason for the cost growth.

The above chart also shows that PCOs were disregarding DAR 3-807.7 on adequate price competition. The DAR states that price competition should not be considered adequate if: (1) the low competitor has a definite advantage over the other competitors; or (2) the lowest final price is not reasonable. We do not believe it was proper for PCOs to determine adequate price competition existed when the lowest price quoted was 100 percent more than the previous price paid in a recent period. However, if at least two bids were received, a buy was considered competitive regardless of price quoted.

Steps in the Right Direction. The 3 buying centers visited have individually attempted to improve the number of competitive procurements. However, the lack of manpower resources and travel funding constraints have limited the effectiveness of the centers' efforts. In July 1979 the SAALC asked Pratt and Whitney Aircraft to breakout F100 engine spares. As of April 11, 1983 SAALC reported that 85 percent of 1,462 items had been broken out to the original manufacturers. The OCALC competition advocate requested $93 million of parts be broken out by 11 prime contractors and reports that the results to date are promising. As discussed previouisly, the ASO effectively broke out 73 percent of spare parts for the F404 engine, but further breakout ef-

forts were discontinued due to travel funding constraints and the lack of necessary engineering resources. If the DOD breakout program is to be effective, necessary manpower resources must be dedicated to the task when the weapon system and items are first brought into the inventory.

Recommendations

We recommend that the Secretaries of the Navy and Air Force require that:

1. Engineering manpower resources required to implement an aggressive and effective DoD Spare Parts Breakout Program be identified and hired.

2. Breakout program managers attend procurement method coding conferences with contractor personnel, and require the contractor to justify all non-competitive codes.

3. A management information system be established to track the success of the conversion from contractor recommended procurement codes to fully competitive procurement status so that the benefits of the program are established versus the cost to administer the program.

4. The Competition Advocates be informed of all unsolicited proposals for sole or limited source items so that identified sources of supply are considered on future procurements.

5. There be coordination between engineering personnel and the Competition Advocates to review potential new sources of spare parts.

6. Competition that results in substantial price increases be fully documented and justified in contract files.

We recommend that the Secretary of the Navy appoint a full time competition advocate who reports directly to the commander of the applicable buying activity.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RODINO (at the request of Mr. WRIGHT), for today, on account of a death in the family.

Mr. SHAW (at the request of Mr. MICHEL), for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BATEMAN) to revise and extend their remarks and include extraneous material:)

Mr. MCCOLLUM, for 60 minutes, today.

Mr. BURTON of Indiana, for 30 minutes, today.

Mr. RUDD, for 60 minutes, today.

Mr. RUDD, for 60 minutes, on July 27.

Mr. WALKER, for 30 minutes, today.

Mr. MCDADE, for 10 minutes, today.

(The following Members (at the request of Mr. WEAVER) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. LELAND, for 5 minutes, today.

Mr. BOLAND, for 5 minutes, today.

Mr. ZABLOCKI, for 5 minutes, today.

Mr. WAXMAN, for 5 minutes, today.

Mr. BROOKS, for 5 minutes, today.

Mr. BONIOR of Michigan, for 60 minutes, on July 25.

Mr. HUGHES, for 60 minutes, on July 26.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. SEIBERLING, and to include extraneous material in connection with the debate on the Seiberling amendment to H.R. 2969.

Mr. MOODY, and to include extraneous matter, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,690.50.

Mr. PICKLE, to revise and extend in the Committee of the Whole during debate on Defense authorization and amendment offered by the gentleman from Tennessee (Mr. GORE).

(The following Members (at the request of Mr. BATEMAN) and to include extraneous matter:)

Mr. ROGERS.
Mr. CAMPBELL.
Mr. SHUSTER.
Mr. DANNEMEYER.
Mr. PRITCHARD.
Mr. CLINGER.
Mr. GILMAN in two instances.
Mr. KEMP in two instances.
Mr. DENNY SMITH.
Mr. PORTER in two instances.
Mr. SILJANDER in five instances.
Mr. LOWERY of California.
Mr. MICHEL in three instances.
Mr. BEREUTER.
Mr. SHUMWAY.
Mr. GREEN.
Mr. SMITH of New Jersey.
Mrs. SCHNEIDER.

(The following Members (at the request of Mr. WEAVER) and to include extraneous matter:)

Mr. HAMILTON.
Mrs. KENNELLY.
Mr. OTTINGER in two instances.
Mr. SIKORSKI.
Mr. FASCELL.
Mr. SCHUMER.
Mr. YATRON.
Mr. GARCIA.
Mr. ADDABBO.
Mr. RODINO in two instances.
Mr. DINGELL.
Mr. BEDELL.
Mr. ACKERMAN.
Mr. NOWAK.
Ms. OAKAR.
Mr. MCDONALD.
Mr. ERDREICH.
Mr. WON PAT.
Mr. HALL of Ohio.
Mr. BARNES.
Mr. WAXMAN.
Mr. PEPPER.
Mr. ROYBAL.
Mr. FAUNTROY.
Mr. MARKEY.
Mr. SKELTON.
Mr. SISISKY.
Mr. HARRISON.
Mr. LANTOS.
Mr. PATTERSON.
Mr. WHEAT.
Mr. BONIOR of Michigan.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1168. An act to declare that the United States holds certain lands in trust for the Kaw Tribe of Oklahoma; to the Committee on Interior and Insular Affairs.

S. 1245. An act to authorize the Secretary of Defense to provide transportation for next of kin of certain persons who are unaccounted for, to attend annual national meetings sponsored by the National League of Families of American Prisoners and Missing in Southeast Asia; to the Committee on Armed Services.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 419. An act to provide that per capita payments to Indians may be made by tribal governments, and for other purposes.

ADJOURNMENT

Mr. DYSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 12 minutes p.m.), under its previous order, the House adjourned until Monday, July 25, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1586. A letter from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting notice of the Army's emegency disposal of suspected chemical agent munitions at Dugway Proving Ground, Utah, pursuant to section 203(c) of Public Law 91-441; to the Committee on Armed Services.

1587. A letter from the Secretary of the Army, transmitting the annual report of the U.S. Soldiers' and Airmen's Home for fiscal year 1981, together with the report of the annual general inspection of the Home, 1982, by the Inspector General of the Army, pursuant to sections 1 and 2 of the act of March 3, 1983; to the Committee on Armed Services.

1588. A letter from the Comptroller General of the United States, transmitting the second biennial report on the transfers of Federal personal property to grantees and other eligible organizations (GAO/PLRD-

83-66; July 13, 1983); to the Committee on Government Operations.

1589. A letter from the Assistant Secretary of the Interior, transmitting a study of royalty rates for noncompetitive oil and gas leases, pursuant to section 114 of Public Law 97-451; to the Committee on Interior and Insular Affairs.

1590. A letter from the Secretary of Health and Human Services, transmitting a study of the public pension offset provisions of title II of the Social Security Act, pursuant to section 7(b) of Public Law 97-455; to the Committee on Ways and Means.

1591. A letter from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits and for other purposes; to the Committee on Ways and Means.

1592. A letter from the Chairman, Board of Governors Federal Reserve System, transmitting the Board's midyear monetary policy report, pursuant to section 2A of the Federal Reserve Act, as amended (92 Stat. 1897); jointly, to the Committees on Banking, Finance and Urban Affairs and Education and Labor.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of Rule X the following action was taken by the Speaker: Consideration of H.R. 3231 by the Committee on Rules extended for an additional period ending not later than July 26, 1983.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FLORIO (for himself, Mr. PICKLE, and Mr. FORD of Tennessee):

H.R. 3619. A bill to amend the Railroad Retirement Act of 1974 and the Railroad Retirement Tax Act to assure sufficient resources to pay current and future benefits under the Railroad Retirement Act of 1974, to make technical changes, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. ANNUNZIO:

H.R. 3620. A bill to amend the Federal Election Campaign Act of 1971 to require publication of certain information relating to multicandidate political committees; to the Committee on House Administration.

By Mr. WIRTH (for himself, Mr. DINGELL, Mr. SWIFT, Mr. WYDEN, and Mr. GORE):

H.R. 3621. A bill to amend the Communications Act of 1934 to assure universal telephone service within the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ANNUNZIO (for himself, Mr. ST GERMAIN, Mr. GONZALEZ, Mr. MINISH, Mr. PATMAN, Mr. VENTO, Mr. LOWRY of Washington, Mr. PAUL, Mr. WYLIE, Mr. HILER, Mr. RIDGE, and Mr. MACK):

H.R. 3622. A bill to amend the Truth in Lending Act to protect consumers by placing restrictions on the disclosure of their credit card numbers; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BERMAN (for himself and Mr. ANDERSON):

H.R. 3623. A bill for the relief of certain former flight engineers of Western Airlines; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 3624. A bill to establish a trust fund which is financed from revenues from the windfall profit tax and which is used as a reserve for the Federal hospital insurance trust fund, and for other purposes; to the Committee on Ways and Means.

By Mr. BROOKS:

H.R. 3625. A bill to amend the Inspector General Act of 1978 to establish offices of inspector general in certain departments, and for other purposes; to the Committee on Government Operations.

By Mr. FIELDS:

H.R. 3626. A bill to amend the Clean Air Act to define the term "Motor vehicle emission control inspection and maintenance program"; to the Committee on Energy and Commerce.

By Mr. FOGLIETTA (for himself, Ms. KAPTUR, Mr. HARRISON, Mr. WALGREN, Mr. WON PAT, Mr. GRAY, Mr. MCCURDY, Mr. EDGAR, Mr. DYMALLY, Mr. BORSKI, Mr. BERMAN, Mr. WEISS, Mr. TORRICELLI, and Mr. GUARINI):

H.R. 3627. A bill to amend the Civil Rights Act of 1957 to provide that individuals appointed to the Civil Rights Commission shall serve for a term of 6 years and may be removed from office only for neglect of duty or malfeasance in office, and for other purposes; to the Committee on the Judiciary.

By Mr. HORTON (for himself, Mr. SUNIA, Mr. WILLIAMS of Ohio, Mr. RATCHFORD, Mr. BEVILL, Mr. FRANK, Mr. ROE, Mr. WINN, Mr. STOKES, Mr. OTTINGER, Mr. FAZIO, Mr. WEISS, Mr. OWENS, Mr. MARTIN of New York, Mr. MITCHELL, Mr. FISH, Mr. PATTERSON, Mr. MCDADE, Mr. CLAY, Mr. NEAL, and Mrs. COLLINS):

H.R. 3628. A bill to amend title 38, United States Code, to provide that the disease of transverse myelitis occurring in a veteran within 7 years from the date of the veteran's discharge or release from active duty shall be considered to be service connected; to the Committee on Veterans' Affairs.

By Mr. JONES of North Carolina:

H.R. 3629. A bill to treat certain commercial fishing as employment for purposes of social security taxes and coverage and income tax withholding; to the Committee on Ways and Means.

By Mr. LENT:

H.R. 3630. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income amounts which are received from a public retirement system and which are attributable to services as a Federal, State, or local policeman or fireman; to the Committee on Ways and Means.

By Mr. LONG of Maryland:

H.R. 3631. A bill to amend the Social Security Act and the Railroad Retirement Act of 1974 to repeal the 24-month waiting period for disabled individuals to become eligible for medicare benefits; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. NEAL:

H.R. 3632. A bill to provide for reform in the disability determination process under the Social Security Act, and for other purposes; to the Committee on Ways and Means.

By Ms. OAKAR:

H.R. 3633. A bill to amend the Federal Food, Drug, and Cosmetic Act to strengthen the authority of the Food and Drug Administration to control the use of drugs which present risks to the public and to secure data on adverse reactions to drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PERKINS:

H.R. 3634. A bill to provide financial assistance to States for a program designed to assess and address the problems of quality instruction and the retention of students in secondary schools, and for other purposes; to the Committee on Education and Labor.

By Mr. SAWYER (for himself, Mr. HUGHES, Mr. FISH, Mr. SHAW, Mr. SENSENBRENNER, Mr. SMITH of Florida, Mr. PASHAYAN, Mr. HUTTO, Mr. MARLENEE, Mr. HYDE, Mr. KINDNESS, Mr. LUNGREN, Mr. GEKAS, Mr. DEWINE, Mr. MAZZOLI, Mr. REID, Mr. CRAIG, Mr. SILJANDER, Mr. MCNULTY, Mr. TOWNS, Mr. FAZIO, and Mr. GLICKMAN):

H.R. 3635. A bill to amend chapter 110 (relating to sexual exploitation of children) of title 18 of the United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. SISISKY:

H.R. 3636. A bill to make it unlawful to manufacture, distribute, or possess with intent to distribute, a drug which is an imitation of a controlled substance or a drug which purports to act like a controlled substance; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. WAXMAN (for himself and Mr. ROYBAL):

H.R. 3637. A bill to authorize the appropriation of funds for preventive health service programs for tuberculosis; to the Committee on Energy and Commerce.

By Mr. CAMPBELL:

H.J. Res. 326. Joint resolution to authorize the President to designate the week beginning on Sunday, March 4, 1984, as "National Beta Club Week"; to the Committee on Post Office and Civil Service.

By Mr. CONTE:

H.J. Res. 327. Joint resolution to designate the week beginning January 19, 1987, as "Shays' Rebellion Week" and Sunday, January 25, 1987, as "Shays' Rebellion Day"; to the Committee on Post Office and Civil Service.

By Mr. WALKER:

H.J. Res. 328. Joint resolution to provide for the designation of the month of October as "National Pretzel Month"; to the Committee on Post Office and Civil Service.

By Mr. MCDADE:

H. Con. Res. 148. Concurrent resolution calling upon His Holiness, Pope John Paul II, to address a joint session of Congress; to the Committee on Rules.

By Mr. ROYBAL (for himself, Mr. ZABLOCKI, Mr. BONKER, Mr. LEACH of Iowa, and Mr. CROCKETT):

H. Con. Res. 149. Concurrent resolution to express the sense of the Congress with respect to implementing the objectives of the U.N. World Assembly on Aging; to the Committee on Foreign Affairs.

By Mr. WEISS (for himself, Mr. WOLPE, Mr. BERMAN, Mr. BARNES, Mr. TORRICELLI, Mr. TOWNS, Mr. LELAND, Mr. MOAKLEY, Mr. FAUNTROY, Mr. STOKES, Mr. CLAY, Mr. BROWN of California, Mr. ROE, Mr. PATTERSON, Mr. MCKINNEY, Mr. DELLUMS, Mr. SMITH of Florida, Mr. DORGAN, and Mr. CROCKETT):

H. Res. 280. Resolution calling on the U.S. Government to provide humanitarian assist-

ance to the people of Ethiopia threatened with famine and starvation; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

227. By the SPEAKER: Memorial of the Legislature of the State of California, relative to designating California State University, Northridge, as a national higher education center on disability; to the Committee on Education and Labor.

228. Also, memorial of the Legislature of the State of California, relative to disabled drivers; to the Committee on Energy and Commerce.

229. Also, memorial of the Legislature of the State of California, relative to trick and fancy roping; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mrs. HOLT (by request) introduced a bill (H.R. 3638) relating to the documentation of the vessel Adventure to be employed in coastwise trade, which was referred to the Committee on the Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. HAMILTON.

H.R. 175: Mr. SCHUMER, Mrs. BYRON, Mr. MOLINARI, Mr. DENNY SMITH, Mr. RALPH M. HALL, Mr. ZABLOCKI, Mr. HALL of Ohio, and Mr. HANCE.

H.R. 225: Mr. EDGAR, Mr. BORSKI, Mr. ANDREWS of North Carolina, and Mr. STANGELAND.

H.R. 433: Mr. LIVINGSTON.

H.R. 618: Mr. SUNDQUIST, Mr. RITTER, and Mr. HILLIS.

H.R. 699: Mr. HORTON, Mr. COUGHLIN, and Mr. LELAND.

H.R. 700: Mr. MORRISON of Washington, Mr. FLORIO, Mr. OBERSTAR, and Mr. BOEHLERT.

H.R. 705: Mr. HAMILTON.

H.R. 953: Mr. WALGREN, Mr. AKAKA, Mr. HAWKINS, and Mr. WATKINS.

H.R. 1016: Mr. FROST.

H.R. 1199: Mr. CARNEY.

H.R. 1255: Mr. ROGERS.

H.R. 1415: Mr. MCCURDY.

H.R. 1599: Mr. SCHEUER.

H.R. 1942: Mr. ECKART.

H.R. 1955: Mr. LEWIS of Florida.

H.R. 1959: Mr. HUGHES.

H.R. 2024: Mrs. BURTON of California.

H.R. 2053: Mr. BETHUNE and Mr. HALL of Ohio.

H.R. 2170: Mr. UDALL.

H.R. 2351: Mr. BERMAN.

H.R. 2406: Mr. ASPIN, Mr. FOWLER, and Mr. WOLF.

H.R. 2468: Mr. COURTER, Mrs. VUCANOVICH, Mr. BARNARD, and Mr. GRAMM.

H.R. 2486: Mr. WAXMAN.

H.R. 2644: Mr. ROSE.

H.R. 2916: Mr. EVANS of Illinois, Mr. LEHMAN of California, and Mr. FOLEY.

H.R. 3031: Mr. LANTOS, Mr. DENNY SMITH, Mr. DANNEMEYER, Mr. GUARINI, Mr. PATTERSON, and Mrs. KENNELLY.

H.R. 3042: Mr. DREIER of California, Mr. ROE, and Mr. SUNDQUIST.

H.R. 3043: Mr. CARR, Mr. KILDEE, Mr. MCNULTY, and Mr. SAWYER.

H.R. 3050: Mr. RIDGE.

H.R. 3072: Mr. GARCIA, Mr. RICHARDSON, Mr. ROE, and Mr. SCHEUER.

H.R. 3098: Mr. KRAMER, Mr. DANNEMEYER, and Mr. ROBERT F. SMITH.

H.R. 3105: Mr. MCGRATH, Mr. RANGEL, and Mr. DYMALLY.

H.R. 3106: Mrs. BOXER, Mr. MINETA, and Mr. FISH.

H.R. 3137: Mr. EDGAR, Mr. KILDEE, Mr. JEFFORDS, Mr. BEDELL, and Mr. MITCHELL.

H.R. 3277: Mr. DOWNEY of New York, Mr. FISH, and Mr. MARKEY.

H.R. 3350: Mr. FRANK and Mr. LEHMAN of Florida.

H.R. 3371: Mr. WORTLEY, Mr. DE LA GARZA, Ms. KAPTUR, Mr. MCNULTY, Mr. PARRIS, Mr. GEKAS, Mr. HORTON, Mr. SMITH of Florida, Mr. CROCKETT, Mr. RANGEL, Mr. MCEWEN, Mr. VANDERGRIFF, Mr. FISH, and Mr. LOWRY of Washington.

H.R. 3373: Mr. NIELSON of Utah, Mr. MCGRATH, and Mr. MCEWEN.

H.R. 3420: Mr. BOSCO, Mrs. HOLT, Mr. CROCKETT, Mr. HUGHES, Mr. DIXON, Mr. MCHUGH, Mr. FORD of Tennessee, Mr. WYDEN, Mr. MCGRATH, Mr. HANSEN of Idaho, Mr. WHEAT, Mr. LEWIS of Florida, Mr. TALLON, Mr. ANDERSON, and Mr. MRAZEK.

H.R. 3433: Mr. HOWARD, Mr. CROCKETT, Mr. HUGHES, Mr. REID, Mr. FOGLIETTA, Mr. BORSKI, Mr. TORRES, Mr. TRAXLER, Mr. TALLON, Mr. BERMAN, Mr. WEISS, Mr. DE LUGO, and Mr. WEAVER.

H.R. 3512: Mrs. BOXER.

H.R. 3584: Mr. LAGOMARSINO, Mr. MARRIOTT, Mr. WHITEHURST, Mr. BROWN of Colorado, and Mr. KASICH.

H.J. Res. 71: Mr. KASICH.

H.J. Res. 103: Mr. CRAIG, Mr. DASCHLE, Mr. EVANS of Iowa, Mr. FLORIO, Mr. HOPKINS, Mr. MINETA, Mr. PERKINS, Mr. ST GERMAIN, Mr. SNYDER, Mr. STANGELAND, Mr. THOMAS of Georgia, Mr. WEBER, and Mr. YOUNG of Florida.

H.J. Res. 132: Mr. BEILENSON, Mr. BEVILL, Mr. BILIRAKIS, Mr. BONKER, Mr. BRITT, Mr. BROYHILL, Mrs. BURTON of California, Mr. CARR, Mr. CHANDLER, Mr. COELHO, Mr. D'AMOURS, Mr. DELLUMS, Mr. DICKS, Mr. DURBIN, Mr. DYSON, Ms. FERRARO, Mr. GEKAS, Mr. GEPHARDT, Mr. GONZALEZ, Mr. HAMMERSCHMIDT, Mr. HARRISON, Mr. HEFNER, Mr. HEFTEL of Hawaii, Mr. HIGHTOWER, Mr. HOYER, Mr. LAFALCE, Mr. LELAND, Mr. LONG of Maryland, Mr. LOWRY of Washington, Mr. LUKEN, Mr. MCCAIN, Mr. MCCURDY, Mr. MARKEY, Mr. MARTINEZ, Mr. MAVROULES, Mr. MITCHELL, Mr. MURPHY, Mr. NEAL, Mr. OBERSTAR, Mr. PRICE, Mr. PRITCHARD, Mr. PURSELL, Mr. ROBERTS, Mr. ROBINSON, Mr. SILJANDER, Mr. SKELTON, Mr. STARK, Mr. SYNAR, Mr. TAUZIN, Mr. VANDERGRIFF, Mr. WALGREN, Mr. WHITEHURST, Mr. WIRTH, Mr. WOLF, Mr. WORTLEY, Mr. WYDEN, Mr. DANIEL, Mr. SABO, Mr. HYDE, Mr. DOWNEY of New York, Mr. OLIN, Mr. PERKINS, Mr. MATSUI, Mr. REGULA, Mr. ANNUNZIO, Mr. BENNETT, and Mr. JACOBS.

H.J. Res. 137: Mr. AKAKA, Mr. ANDREWS of Texas, Mr. BATEMAN, Mr. BEREUTER, Mrs. LLOYD, Mr. CAMPBELL, Mr. CARNEY, Mr. CHAPPIE, Mr. CLAY, Mr. DERRICK, Mr. HOWARD, Mr. HUBBARD, Mr. JACOBS, Mr. LAFALCE, Mr. OTTINGER, Mr. RINALDO, Mr. ROBERT F. SMITH, Mr. SPRATT, Mr. TRAXLER, Mrs. BOXER, Mr. BRYANT, Mr. CHAPPELL, Mr. CONYERS, Mr. DASCHLE, Mr. DOWNEY of New York, Mr. ERDREICH, Mr. EVANS of Iowa, Mr. FRANK, Mr. GARCIA, Mr. GILMAN, Mr. HARTNETT, Mr. HUTTO, Mr. KOGOVSEK, Mr. KRAMER, Mr. MILLER of California, Mr. MONTGOMERY, Mr. MURTHA, Mr. PEPPER, Mr. RITTER, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. SNYDER, Mr. SOLARZ, Mr. TALLON, Mr. VANDER JAGT, Mr. WALGREN, and Mr. WINN.

H.J. Res. 239: Mr. TORRICELLI, Mr. WALGREN, Mr. JACOBS, Mr. WEISS, Mr. GEJDENSON, Mr. LANTOS, Mr. MORRISON of Connecticut, Mr. SUNIA, Mr. DYMALLY, Mr. SNYDER, Mr. LEVIN of Michigan, Mr. VANDERGRIFF, Mr. STOKES, Mr. BERMAN, Mr. LELAND, Mrs. BOXER, Mr. RANGEL, Mr. FEIGHAN, Mr. MCCLOSKEY, Mr. VENTO, Mr. FORSYTHE, Mr. HORTON, Mr. LIPINSKI, Mr. CORRADA, Mr. FAZIO, Mr. REID, Mr. RATCHFORD, Mr. BRITT, Mr. WOLPE, Mr. FROST, Mr. SIMON, Mr. FAUNTROY, Mr. FISH, Mr. BARNES, Mr. MARTINEZ, Mr. ACKERMAN, Mr. BRYANT, Mr. ANDREWS of North Carolina, Mr. MARKEY, Mr. CARPER, Mr. OWENS, Mr. MAVROULES, Mr. SAVAGE, Mr. PATTERSON, Mr. AKAKA, Mr. ALEXANDER, Mr. DOWDY of Mississippi, Mr. DASCHLE, Mr. EVANS of Illinois, Mr. BOSCO, Mr. BROWN of California, Mr. CROCKETT, Mr. DELLUMS, Mr. KOLTER, Mr. LEHMAN of California, Mr. MATSUI, Mr. WEAVER, Mr. TOWNS, Mr. CLARKE, Mr. FORD of Tennessee, Mr. GORE, Mr. GRAY, Mr. BONIOR of Michigan, Mr. DYSON, Mr. ANNUNZIO, Mr. BATES, Mr. GEKAS, and Mr. GREEN.

H.J. Res. 273: Mr. FAZIO, Mr. TAUZIN, and Mr. KASICH.

H.J. Res. 295: Mr. ANDERSON, Mr. ANNUNZIO, Mr. BIAGGI, Mr. BROWN of California, Mr. CARR, Mr. CHAPPELL, Mr. CHAPPIE, Mr. CORCORAN, Mr. CORRADA, Mr. CROCKETT, Ms. FERRARO, Mr. FISH, Mr. FORD of Michigan, Mr. FORD of Tennessee, Mr. GILMAN, Mr. GRAMM, Mr. GUNDERSON, Mr. HAMMERSCHMIDT, Mr. HARRISON, Mr. HERTEL of Michigan, Mr. HUGHES, Mr. JENKINS, Ms. KAPTUR, Mr. KILDEE, Mr. KOLTER, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. MCEWEN, Mr. MADIGAN, Mr. MARTIN of North Carolina, Mr. MORRISON of Connecticut, Mr. MRAZEK, Mr. O'BRIEN, Mr. ORTIZ, Mr. OTTINGER, Mr. PATMAN, Mr. PEPPER, Mr. REID, Mr. SABO, Mr. SAWYER, Mr. SCHEUER, Mr. SILJANDER, Mr. SMITH of New Jersey, Mr. SOLARZ, Mr. STARK, Mr. TALLON, Mr. TOWNS, Mr. UDALL, Mr. WATKINS, Mr. WEISS, Mr. WHITTAKER, Mr. WINN, and Mr. WOLPE.

H.J. Res. 311: Mr. ALBOSTA, Mr. ALEXANDER, Mr. ANDREWS of North Carolina, Mr. BARNES, Mr. BIAGGI, Mr. BLILEY, Mrs. BOGGS, Mr. BOLAND, Mr. BONER of Tennessee, Mr. BREAUX, Mr. BROYHILL, Mr. BURTON of Indiana, Mr. CARR, Mr. D'AMOURS, Mr. DAVIS, Mr. DEWINE, Mr. DORGAN, Mr. DOWDY of Mississippi, Mr. DREIER of California, Mr. DYMALLY, Mr. DYSON, Mr. EDWARDS of Alabama, Mr. FAZIO, Mr. FISH, Mr. FLORIO, Mr. FROST, Mr. GILMAN, Mr. GOODLING, Mr. GRADISON, Mr. HAMILTON, Mr. HARTNETT, Mr. HEFNER, Mr. HIGHTOWER, Mr. HILER, Mr. HOYER, Mr. HUBBARD, Mr. HUTTO, Mr. JACOBS, Mrs. JOHNSON, Ms. KAPTUR, Mr. KOGOVSEK, Mr. LANTOS, Mr. LATTA, Mr. LENT, Mr. LIVINGSTON, Mrs. LLOYD, Mr. LONG of Louisiana, Mr. LOWERY of California, Mr. LUNDINE, Mr. MCCAIN, Mr. MCCANDLESS, Mr. MCKERNAN, Mr. MARTIN of North Carolina, Mr. MAVROULES, Ms. MIKULSKI, Mr. MOAKLEY, Mr. MOORE, Mr. MOORHEAD, Mr. MURPHY, Mr. MURTHA, Mr. MYERS, Mr.

OBERSTAR, Mr. ORTIZ, Mr. OXLEY, Mr. PASHAYAN, Mr. PEPPER, Mr. PERKINS, Mr. PETRI, Mr. PORTER, Mr. PRICE, Mr. PRITCHARD, Mr. RODINO, Mr. ROWLAND, Mr. SABO, Mr. SAWYER, Mr. SCHAEFER, Mr. SCHEUER, Mrs. SCHNEIDER, Mr. SILJANDER, Mr. SMITH of New Jersey, Mr. DENNY SMITH, Mrs. SMITH of Nebraska, Ms. SNOWE, Mr. SYNDER, Mr. SUNDQUIST, Mr. SYNAR, Mr. TAUKE, Mr. TAYLOR, Mr. VANDER JAGT, Mrs. VUCANOVICH, Mr. WALKER, Mr. WHITEHURST, Mr. WHITLEY, Mr. WHITTEN, Mr. WILLIAMS of Ohio, Mr. WRIGHT, Mr. YOUNG of Alaska, Mr. ZSCHAU, Mr. MINETA, and Mr. ZABLOCKI.

H.J. Res. 313: Mr. MITCHELL and Mr. ALBOSTA.

H. Res. 190: Mr. DAUB, Mr. RINALDO, Mr. RIDGE, Mr. MCHUGH, Mr. FUQUA, Mr. ANTHONY, Mr. SAWYER, Mr. KEMP, and Mr. JACOBS.

H. Res. 231: Mr. BONER of Tennessee, Mr. DENNY SMITH, Mr. CONYERS, Mr. TALLON, Mr. JONES of Tennessee, Mr. LONG of Maryland, Mrs. SMITH of Nebraska, Mr. PRITCHARD, Mr. LONG of Louisiana, Mr. CLINGER, Mr. BORSKI, and Mr. BEREUTER.

H. Res. 233: Mr. NEAL, Mr. MARKEY, and Mr. MOAKLEY.

H. Res. 269: Mr. WORTLEY, Mr. HYDE, Mr. DE LA GARZA, and Mr. ROE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1242: Mr. BEVILL.
H.R. 2250: Mr. BEVILL.

PETITIONS, ETC.

Under clause 1 of rule XXII,

172. The SPEAKER presented a petition of the city commission, Hallandale, Fla., relative to Americans missing in action in Southeast Asia; which was referred to the Committee on Foreign Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2350

By Mr. BEDELL:

—Strike section 489, line 15 on page 122 to line 18 on page 123. Insert on line 15 on page 122 the following:

"SEC. 489. The Secretary of the Department of Health and Human Services shall report to the Congress by October 1, 1984 on the progress of the Small Business Innovation Development program (Public Law 97-219) at the National Institutes of Health.".

H.R. 2760

By Mr. BROOMFIELD:

—Page 2, strike out line 10 and all that follows through line 8 on page 3 and insert in lieu thereof the following:

"PROHIBITION ON COVERT ASSISTANCE FOR ANY MILITARY OPERATIONS IN NICARAGUA

"SEC. 802. (a) None of the funds appropriated for fiscal year 1983 or 1984 for the Central Intelligence Agency or any other department, agency, or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

"(b) The prohibition contained in subsection (a) shall take effect upon the entry into force of an agreement by the Government of National Reconstruction of Nicaragua with the governments of the other countries in the region.

"(1) that the Government of National Reconstruction of Nicaragua will not support, directly or indirectly, military or paramilitary operations by antigovernment forces in any country in Central America; and

"(2) that provides for effective multilateral verification of compliance with paragraph (1); and

"(3) to resolve the conflicts in Central America based on the principles affirmed in the Final Act of the San Jose Conference of October 1982 and the commitments made by the Government of National Reconstruction of Nicaragua to the Organization of American States in July 1979.".

Page 3, line 10, strike out "802" and insert in lieu thereof "803."

Page 5, after line 10, insert the following:

SEC. 2. (a) The Congress finds that—

(1) Central America is of vital importance to the interests and long-term security of the United States;

(2) the social and economic crisis facing Central America arise in large part from long histories of poverty, social injustice, and lack of economic opportunity;

(3) military solutions alone are inadequate to deal with the challenge the United States faces in Central America, and efforts to resist Communist insurgency will be unsuccessful unless the serious social and economic injustices and human rights abuses of the region are addressed;

(4) respected leadership from all sectors of American society and from all regions should be drawn on to study and advise on the making of United States policy toward Central America; and

(5) an effective United States policy for Central America requires the understanding and support of the American people.

(b) Therefore, it is the sense of the Congress that the President should convene a national bipartisan commission to address the serious long-term problems of security, poverty, and democratic development in Central America, and to help build the necessary national consensus on a comprehensive United States policy for the region. such commission should—

(1) be composed of distinguished leaders of government, business, labor, education, and the Hispanic and religious communities;

(2) consult with governmental and other leaders of Central America, invite their views, and receive their recommendations on the policies which would best assist them in their long-range security needs and economic development; and

(3) report its findings and recommendations to the President and the Congress one hundred and eighty days after the date of enactment of this Act.

By Mr. COLEMAN of Missouri:

—On page 5, line 10, strike the quotation mark and the last period (".) after line 10 add the following:

"(g) The President shall commission a study to assess the validity of allegations made regarding the persecution of Nicaraguan Jews by the Government of Nicaragua. Such study shall include but not be limited to: (1) the denial of religious freedom of Nicaraguan Jews by the Government of Nicaragua; (2) the exodus of Nicaraguan Jews from their native land as a result of Government sanctioned persecution and harassment; (3) the confiscation of property belonging to Nicaraguan Jews by the Government of Nicaragua; and (4) the denial of the human and civil rights of Nicaraguan Jews by the Government of Nicaragua.".

By Mr. GOODLING:

—Page 3, line 3: immediately after the word "bill", and in line 8, after the parenthetical expression "(98th Congress)", in each such place insert the following: "unless the President finds under section 662 of the Foreign Assistance Act of 1961, as amended, and section 501 of the National Security Act of 1947, as amended, that such obligations or expenditures are necessary—

"(1) to deter arms shipments across international boundaries or other direct support for military or paramilitary operations against any other country in Central America.

Any such finding shall be accomplished by a detailed report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives, explaining how the obligations and expenditure will achieve the objectives set forth in this subsection. Further such reports shall be submitted at intervals of not more than three months providing an assessment of the effectiveness of the obligations and expenditures in attaining their intended objectives, as well as an assessment of any other effects. In no event may any obligations or expenditures be incurred for any other activity than that described in section (1) above.".

Page 4, line 14 [section 802]: strike subsection (c) and insert therein:

"(c) Assistance may not be used by a foreign country under this section to furnish military equipment, military training or advice, or other support for military activities to any group or individual not part of a country's armed forces for the purpose of overthrowing any government of any country in Central America or provoking a military exchange between any Central American countries.".

—Page 3, line 3: immediately after the word "bill," and in line 8, after the parenthetical expression "(98th Congress)", in each such place insert the following: "unless the President finds under section 662 of the Foreign Assistance Act of 1961, as amended, and section 501 of the National Security Act of 1947, as amended, that such obligations or expenditures are necessary—

"(1) to deter arms shipments across international boundaries or other direct support for military or paramilitary operations against any other country in Central America.

Any such finding shall be accomplished by a detailed report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives, explaining how the obligations and expenditure will achieve the objectives set forth in this subsection. Further such reports shall be submitted at intervals of not more than three months providing an assessment of the effectiveness of the obligations and expenditures in attaining their intended objectives, as well as an assessment of any other effects. In no event may any obligations or expenditures be incurred for any other activity than that described in section (1) above."

—Page 4, line 14 [section 802]: strike subsection (c) and insert therein:

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By Mr. HYDE:

—Page 2, line 12, strike out "(a)";

Page 3, strike out lines 4 through 8;

Page 5, after line 10 insert the following new section:

"EFFECTIVE DATE

"SEC. 803. The provisions of this title shall take effect 30 days after:

"(a) the Permanent Select Committee on Intelligence and the Committees on Foreign Affairs and Armed Services of the House of Representatives have held hearings on the feasibility of the overt interdiction assistance program which would be authorized by section 802 of this title and have reported to the House their detailed determination of the costs and number and type of U.S. personnel and the amount and type of equipment required to implement such a program that would overtly and effectively interdict arms and supplies shipped from or through Nicaragua to support military or paramilitary operations against any nation in Central America; and

"(b) sufficient funds have been authorized and appropriated to cover the costs determined under subsection (a) of this section.".

By Mr. LIVINGSTON:

—On page 2, line 16, immediately before "for", insert "for covert operations" and immediately before "support-" insert "covertly".

—On page 3, strike out lines 1 through 8, and insert in lieu thereof the following:

"(b) This section shall take effect upon the completion of good faith, unconditional negotiations between the government of Nicaragua and opposition factions within Nicaragua, including but not limited to the Democratic Revolutionary Alliance and the Democratic Nicaraguan Force, resulting in a political solution to their civil conflict.".

By Mr. McCAIN:

—On page 2, beginning in line 8, strike out "; Authorization of Overt Interdiction Assistance";

On page 3, strike out line 9 and all that follows through the end of line 10 on page 5.

By Mr. McCURDY:

—On page 5, line 3, insert "(1)" after "(e)."

On page 5, strike "$50,000,000"' and insert in lieu thereof "$100,000,000."

On page 5, after line 5, insert the following:

"(2) No later than March 15, 1984, the Secretary of Defense shall submit to the Speaker of the House of Representatives and to the chairmen of the appropriate committes of the Senate a report assessing the effectiveness of the assistance authorized by this subsection and recommending authorization of appropriations for fiscal year 1985 and fiscal year 1986.".

By Mr. MARTIN of North Carolina:

—Page 4, line 1, strike "use" and all that follows through line 3.

—Page 4, line 2, strike "to prevent" and all that follows through "law" on line 3.

—Page 4, strike line 14 and all that follows through line 22 and insert a new subsection (c) as follows:

"(c) Assistance may be provided to a friendly foreign country under this section only if that country has agreed that it will use any assistance provided by the United States under this section, The Foreign Assistance Act of 1961, or the Arms Export Control Act, solely for purposes of defending its national independence, sovereignty and territorial integrity against aggression, subversion or other hostile acts, and that it will use such assistance solely in a manner consistent with international law.".

—Page 5, strike lines 6 through 10 and insert a new subsection (f) as follows:

"(f) Funds to carry out this section shall be made available for any friendly country in Central America only for the purpose of helping that country defend its national independence, sovereignty and territorial integrity, in a manner consistent with international law, against aggression, subversion or other hostile acts.".

By Mr. MONTGOMERY:

—Page 2, strike out line 10 and all that follows through line 8 on page 3 and insert in lieu thereof the following:

PROHIBITION ON COVERT ASSISTANCE FOR ANY MILITARY OPERATIONS IN NICARAGUA

"SEC. 802. (a) None of the funds appropriated for fiscal year 1983 or 1984 for the Central Intelligence Agency or any other department, agency, or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

"(b) The prohibition contained in subsection (a) shall take effect upon the entry into force of an agreement by the Government of National Reconstruction of Nicaragua with the governments of the other countries in the region.

"(1) that the Government of National Reconstruction of Nicaragua will not support, directly or indirectly, military or paramilitary operations by anti-government forces in any country in Central America; and

"(2) that provides for effective multilateral verification of compliance with paragraph (1); and

"(3) to resolve the conflicts in Central America based on the principles affirmed in the Final Act of the San Jose Conference of October 1982 and the commitments made by the Government of National Reconstruction of Nicaragua to the Organization of American States in July 1979."

Page 3, line 10 strike out "802" and insert in lieu thereof "803."

Page 5, after line 10, insert the following:

SEC. 2. (a) The Congress finds that—

(1) Central America is of vital importance to the interests and long-term security of the United States;

(2) the social and economic crisis facing Central America arise in large part from long histories of poverty, social injustice, and lack of economic opportunity;

(3) military solutions alone are inadequate to deal with the challenge the United States faces in Central America, and efforts to resist Communist insurgency will be unsuccessful unless the serious social and economic injustices and human rights abuses of the region are addressed;

(4) respected leadership from all sectors of American society and from all regions should be drawn on to study and advise on the making of United States policy toward Central America; and

(5) an effective United States policy for Central America requires the understanding and support of the American people.

(b) Therefore, it is the sense of the Congress that the President should convene a national bipartisan commission to address the serious long-term problems of security, poverty, and democratic development in Central America, and to help build the necessary national consensus on a comprehensive United States policy for the region. Such commission should—

(1) be composed of distinguished leaders of government, business, labor, education, and the Hispanic and religious communities;

(2) consult with governmental and other leaders of Central America, invite their views, and receive their recommendations on the policies which would best assist them in their long-range security needs and economic development; and

(3) report its findings and recommendations to the President and the Congress one hundred and eighty days after the date of enactment of this Act.

By Mr. PRITCHARD:

—On page 5, after line 10 add the following:

"HUMANITARIAN EXCEPTION

"SEC. 803. Funds the obligation or expenditure of which would otherwise be prohibited by subsection 801(a) of this Act may be obligated or expended notwithstanding that subsection when necessary to protect individuals from threat of death or serious bodily harm or for medical or other humanitarian assistance; *Provided,* That each instance of the obligation or expenditure of funds under the authority of this section shall be reported to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.".

By Mr. RITTER:

—On page 3, at line 8, strike the first period and the quotation mark (.") following the parenthetical expression "(98th Congress)" and in lieu thereof insert, "unless the President certifies to Congress by this date that the government of Nicaragua has not fulfilled its July 12, 1979 commitments to the Organization of American States to: (1) hold free elections in which all parties may participate; (2) guarantee full respect for human rights; and (3) ensure the formation of a government based upon political pluralism.".

—On page 3, at line 8, strike the first period and the quotation mark (.") following the parenthetical expression "(98th Congress)" and in lieu thereof insert, "unless the President certifies to Congress by this date that the government of Nicaragua has not: (1) ceased its persecution of the Miskito Indians; and (2) guaranteed unequivocally the civil and religious rights of the Miskito Indians.".

By Mr. ROBINSON:

—Page 2, strike out line 10 and all that follows through line 8 on page 3 and insert in lieu thereof the following:

"PROHIBITION ON COVERT ASSISTANCE FOR ANY MILITARY OPERATIONS IN NICARAGUA

"SEC. 802. (a) None of the funds appropriated for fiscal year 1983 or 1984 for the Central Intelligence Agency or any other department, agency, or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

"(b) The prohibition contained in subsection (a) shall take effect upon the entry into force of an agreement by the Government

of National Reconstruction of Nicaragua with the governments of the other countries in the region.

"(1) that the Government of National Reconstruction of Nicaragua will not support, directly or indirectly, military or paramilitary operations by antigovernment forces in any country in Central America; and

"(2) that provides for effective multilateral verification of compliance with paragraph (1); and

"(3) to resolve the conflicts in Central America based on the principles affirmed in the Final Act of the San Jose Conference of October 1982 and the commitments made by the Government of National Reconstruction of Nicaragua to the Organization of American States in July 1979.".

Page 3, line 10, strike out "802" and insert in lieu thereof "803."

Page 5, after line 10, insert the following:

SEC. 2. (a) The Congress finds that—

(1) Central America is of vital importance to the interests and long-term security of the United States;

(2) the social and economic crisis facing Central America arise in large part from long histories of poverty, social injustice, and lack of economic opportunity;

(3) military solutions alone are inadequate to deal with the challenge the United States faces in Central America, and efforts to resist Communist insurgency will be unsuccessful unless the serious social and economic injustices and human rights abuses of the region are addressed;

(4) respected leadership from all sectors of American society and from all regions should be drawn on to study and advise on the making of United States policy toward Central America; and

(5) an effective United States policy for Central America requires the understanding and support of the American people.

(b) Therefore, it is the sense of the Congress that the President should convene a national bipartisan commission to address the serious long-term problems of security, poverty, and democratic development in Central America, and to help build the necessary national consensus on a comprehensive United States policy for the region. Such commission should—

(1) be composed of distinguished leaders of government, business, labor, education, and the Hispanic and religious communities;

(2) consult with governmental and other leaders of Central America, invite their views, and receive their recommendations on the policies which would best assist them in their long-range security needs and economic development; and

(3) report its findings and recommendations to the President and the Congress one hundred and eighty days after the date of enactment of this Act.

—Page 2, strike line 12 and all that follows through line 8 on page 3 and insert in lieu thereof the following:

PROHIBITION ON COVERT ASSISTANCE FOR ANY MILITARY OPERATIONS IN NICARAGUA

"SEC. 801. (a) None of the funds appropriated for fiscal year 1983 or 1984 for the Central Intelligence Agency or any other department, agency, or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

"(b) The prohibition contained in subsection (a) shall take effect upon the entry into force of an agreement by the Government of National Reconstruction of Nicaragua with the governments of other countries in the region that—

"(1) the Government of National Reconstruction of Nicaragua will not ship military equipment to, or otherwise support, antigovernment forces in any country in Central America; and

"(2) the Government of National Reconstruction of Nicaragua agrees to permit a regional group of nations (such as, Contadora nations) to verify cessation of support for insurgents; and

"(3) the Government of National Reconstruction of Nicaragua agrees to enter into peaceful negotiations to resolve the conflict in Central America based on the principles affirmed in the Final Act of the San Jose Conference of October 1982 and the commitments made by that Government to the Organization of American States in July 1979.

"SEC. 802. Six months from the date of enactment of this section, the President shall submit a report to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate outlining in detail U.S. actions taken and/or proposed to be pursued in Central America that supports: economic development in the region; democracy, reform and human freedom exercise influence to achieve fair elections; security for all nations of the area; and promote dialogue and resolution of conflict through peaceful negotiations with all nations in Central America.".

—Page 2, line 19: after "individual" insert "except as described and reported pursuant to section 802(c)".

Page 4, line 1: after "prevent", strike all through line 3.

Page 4, line 13: after "assistance." insert the following: "Further, notwithstanding any other provision of law, the President may authorize the Department of Defense or any other governmental organization to manage, advise, and control the dispersal of funds to assure that the objectives of this provision are appropriately implemented.".

Page 4, line 23: strike subsection (d) and insert in lieu thereof:

"(d) Before providing assistance to a foreign country under this section, the President shall submit a report which describes the proposed assistance to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate. The President may describe the controlling and implementing portions of any such report on a classified basis.".

—On page 2, at line 19, strike the period and all that follows through line 8 on page 3 and insert in lieu thereof the following: ", if both—

"(1) the Secretary of State reports to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate that the Government of Nicaragua has agreed in good faith to join meaningful negotiations aimed at—

"(A) achieving a cessation of activities by Cuba and Nicaragua which violate the Charters of the United Nations and the Organization of American States;

"(B) halting the flow of unneeded and potentially destabilizing offensive arms into Nicaragua;

"(C) reducing foreign influences in Nicaragua that threaten to deprive the people of that nation of the opportunity to freely determine their form of government;

"(D) achieving a peaceful political resolution of the current violence in Nicaragua on the basis of a dialogue that is open to all parties and that is free of preconditions, including insistence on power sharing in the absence of free elections; and

"(E) removing alleged obstacles to the emergence of democratic pluralism in Nicaragua, with guarantees of fairness and protection for political movements of all persuasions under the auspices of internationally recognized observers; and

"(2) the following events occur—

"(A) the Government of Nicaragua ceases and desists from any activity, including the importation of offensive arms and the shipment of arms to insurgent forces in other countries, which threatens the independence or integrity of El Salvador or any other nation in the region or which otherwise conflicts with the charters of the United Nations or the Organization of American States;

"(B) the Government of Nicaragua refrains from attacks on any insurgent force within its territory that itself refrains from any attack upon Nicaragua Government forces; and

"(C) the Government of Nicaragua agrees to permit international observers to monitor its compliance with these conditions.

"(b) The provisions of subsection (a) shall become inoperative immediately upon submission of a report by the Secretary of State that there is evidence that the Government of Nicaragua is not abiding by the conditions set forth in subparagraphs 801(a)(2)(A), 801(a)(2)(B), or 801(a)(2)(C), and such subsection shall remain inoperative until the Secretary of State shall further report that the conduct of the Government of Nicaragua has changed to comply with such conditions, or until the Congress shall, by joint resolution, provide otherwise. Reports made by the Secretary of State pursuant to this subsection which are classified shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and to the Select Committee on Intelligence of the Senate.

"(c) In the event of a certification by the Secretary of State that the Government of Nicaragua has failed to negotiate in good faith, subsection (a) shall remain inoperative; *Provided*, That these provisions are not otherwise made inoperative pursuant to subparagraphs 801(a)(2)(A), 801(a)(2)(B), or 801(a)(2)(C) and subsection 801(b).

"(d) The provisions of subsection (a) of this section shall take effect 45 days after any date on which they become operative pursuant to this section.".

—Page 2, beginning in line 19: strike out the period and all that follows through the end of line 8 on page 3 and in lieu thereof insert the following: ", if both:

"(1) a mutual agreement has been entered into that the Government of National Reconstruction of Nicaragua will cease all activities to provide arms, training, command and control facilities or logistical support to military or paramilitary operations in or against any country in Central America and Nicaragua's compliance with such agreement is verified; and

"(2) the Government of Nicaragua (A) ceases and desists from any activity, including the importation of offensive arms, which threatens the independence or integrity of any nation in the region or which otherwise conflicts with the charters of the United Nations or the Organization of American States; (B) refrains from attacks on any insurgent force within its territory

that itself refrains from any attack upon Nicaraguan Government forces; and (C) agrees to permit a regional group such as the Contadora group or international observers to monitor its compliance with these conditions.".

—On page 3, add the following new subsection to section 801:

"(c) Notwithstanding subsection (a) of this section, this section shall not prohibit the use of funds to carry out activities within the scope of a finding made by the President pursuant to section 662 of the Foreign Assistance Act of 1961 and reported to the Congress pursuant to section 501 of the National Security Act of 1947 after the date of enactment of this section when such finding reports the activity to be a necessary component of a program to—

"(1) end support by the government of Nicaragua for insurgencies and terrorism in other countries;

"(2) promote the proclamation and observation by the government of Nicaragua of a general amnesty for the members of opposition or resistance groups, including observance of their right to full and peaceful participation in political processes without retribution or hindrance;

"(3) bring about good faith negotiations resulting in verifiable limitations on armaments and foreign military advisers in Central America; and

"(4) begin negotiations to assure Nicaraguan compliance with its commitments of October 1979 to the Organization of American States and the principles reaffirmed in the San Jose Final Act of October 4, 1982.".

By Mr. STRATTON:

—Page 2, strike out line 10 and all that follows through line 8 on page 3 and insert in lieu thereof the following:

"PROHIBITION ON COVERT ASSISTANCE FOR ANY MILITARY OPERATIONS IN NICARAGUA

"SEC. 802. (a) None of the funds appropriated for fiscal year 1983 or 1984 for the Central Intelligence Agency or any other department, agency, or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

"(b) The prohibition contained in subsection (a) shall take effect upon the entry into force of an agreement by the Government of National Reconstruction of Nicaragua with the governments of the other countries in the region.

"(1) that the Government of National Reconstruction of Nicaragua will not support directly or indirectly, military or paramilitary operations by antigovernment forces in any country in Central America; and

"(2) that provides for effective multilateral verification of compliance with paragraph (1); and

"(3) to resolve the conflicts in Central America based on the principles affirmed in the Final Act of the San Jose Conference of October 1982 and the commitments made by the Government of National Reconstruction of Nicaragua to the Organization of American States in July 1979.".

Page 3, line 10, strike out "802" and insert in lieu thereof "803".

Page 5, after line 10, insert the following:

SEC. 2. (a) The Congress finds that—

(1) Central America is of vital importance to the interests and long-term security of the United States;

(2) the social and economic crisis facing Central America arise in large part from long histories of poverty, social injustice, and lack of economic opportunity;

(3) military solutions alone are inadequate to deal with the challenge the United States faces in Central America, and efforts to resist Communist insurgency will be unsuccessful unless the serious social and economic injustices and human rights abuses of the region are addressed;

(4) respected leadership from all sectors of American society and from all regions should be drawn on to study and advise on the making of United States policy toward Central America; and

(5) an effective United States policy for Central America requires the understanding and support of the American people.

(b) Therefore, it is the sense of the Congress that the President should convene a national bipartisan commission to address the serious long-term problems of security, poverty, and democratic development in Central America, and to help build the necessary national consensus on a comprehensive United States policy for the region. Such commission should—

(1) be composed of distinguished leaders of government, business, labor, education, and the Hispanic and religious communities;

(2) consult with governmental and other leaders of Central America, invite their views, and receive their recommendations on the policies which would best assist them in their long-range security needs and economic development; and

(3) report its findings and recommendations to the President and the Congress one hundred and eighty days after the date of enactment of this Act.

By Mr. STUMP:

—Page 2, strike out line 10 and all that follows through line 8 on page 3 and insert in lieu thereof the following:

"PROHIBITION ON COVERT ASSISTANCE FOR ANY MILITARY OPERATIONS IN NICARAGUA

"SEC. 802. (a) None of the funds appropriated for fiscal year 1983 or 1984 for the Central Intelligence Agency or any other department, agency, or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

"(b) The prohibition contained in subsection (a) shall take effect upon the entry into force of an agreement by the Government of National Reconstruction of Nicaragua with the governments of the other countries in the region.

"(1) that the Government of National Reconstruction of Nicaragua will not support, directly or indirectly, military or paramilitary operations by anti-government forces in any country in Central America; and

"(2) that provides for effective multilateral verification of compliance with paragraph (1); and

"(3) to resolve the conflicts in Central America based on the principles affirmed in the Final Act of the San Jose Conference of October 1982 and the commitments made by the Government of National Reconstruction of Nicaragua to the Organization of American States in July 1979.".

Page 3, line 10, strike out "802" and insert in lieu thereof "803".

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(1) be composed of distinguished leaders of government, business, labor, education, and the Hispanic and religious communities;

(2) consult with governmental and other leaders of Central America, invite their views, and receive their recommendations on the policies which would best assist them in their long-range security needs and economic development; and

(3) report its findings and recommendations to the President and the Congress one hundred and eighty days after the date of enactment of this Act.

—Page 3, line 1 [section 801(b)]: strike lines 1, 2, and 3 and insert in lieu thereof: "This section shall take effect 45 days after a verifiable agreement has been entered into by the U.S. and Nicaragua and all countries in the Central American region that all arms flow from Nicaragua to El Salvador have ceased.".

—Page 5, line 10: strike the quotation marks and the last period and after line 10 add the following:

"(g) Section 793 of the Department of Defense Appropriations Act, 1983, as contained in the Further Continuing Appropriations Act for Fiscal Year 1983 (Public Law 97-377) is hereby repealed.".

—Page 5, line 10: strike the quotation marks and the last period and after line 10 add the following:

"(g) Funds the obligation or expenditure of which would otherwise be prohibited by subsection 801(a) of this Act may be obligated or expended notwithstanding that subsection when necessary to protect individuals from threat of death or serious bodily harm or for medical or other humanitarian assistance; *Provided*, That each instance of the obligation or expenditure of funds under the authority of this section shall be reported to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.".

By Mr. WHITEHURST:

—Page 2, strike out line 10 and all that follows through line 8 on page 3 and insert in lieu thereof the following:

"PROHIBITION ON COVERT ASSISTANCE FOR ANY MILITARY OPERATIONS IN NICARAGUA

"SEC. 802. (a) None of the funds appropriated for fiscal year 1983 or 1984 for the Central Intelligence Agency or any other department, agency, or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

"(b) The prohibition contained in subsection (a) shall take effect upon the entry into force of an agreement by the Government of National Reconstruction of Nicaragua with the governments of the other countries in the region.

"(1) that the Government of National Reconstruction of Nicaragua will not support, directly or indirectly, military or paramilitary operations by antigovernment forces in any country in Central America; and

"(2) that provides for effective multilateral verification of compliance with paragraph (1); and

"(3) to resolve the conflicts in Central America based on the principles affirmed in the Final Act of the San Jose Conference of October 1982 and the commitments made by the Government of National Reconstruction of Nicaragua to the Organization of American States in July 1979.".

Page 3, line 10, strike out "802" and insert in lieu thereof "803".

Page 5, after line 10, insert the following:

SEC. 2. (a) The Congress finds that—

(1) Central America is of vital importance to the interests and long-term security of the United States;

(2) the social and economic crisis facing Central America arise in large part from long histories of poverty, social injustice, and lack of economic opportunity;

(3) military solutions alone are inadequate to deal with the challenge the United States faces in Central America, and efforts to resist Communist insurgency will be unsuccessful unless the serious social and economic injustices and human rights abuses of the region are addressed;

(4) respected leadership from all sectors of American society and from all regions should be drawn on to study and advise on the making of United States policy toward Central America; and

(5) an effective United States policy for Central America requires the understanding and support of the American people.

(b) Therefore, it is the sense of the Congress that the President should convene a national bipartisan commission to address the serious long-term problems of security, poverty, and democratic development in Central America, and to help build the necessary national consensus on a comprehensive United States policy for the region. Such commission should—

(1) be composed of distinguished leaders of government, business, labor, education, and the Hispanic and religious communities;

(2) consult with governmental and other leaders of Central America, invite their views, and receive their recommendations on the policies which would best assist them in their long-range security needs and economic development; and

(3) report its findings and recommendations to the President and the Congress one hundred and eighty days after the date of enactment of this Act.

—Page 2, line 12: strike the following: "appropriated for fiscal year 1983 or 1984 for the Central Intelligence Agency or any other department, agency, or entity of the United States involved in intelligence activities" and substitute in lieu thereof: "authorized to be appropriated by subsection 802(e) of this title."

—Page 2, beginning in line 19: strike out the period and all that follows through the end of line 8 on page 3 and in lieu thereof insert the following: ", if both:

"(1) a mutual agreement has been entered into that the Government of National Reconstruction of Nicaragua will cease all activities to provide arms, training, command and control facilities or logistical support to military or paramilitary operations in or against any country in Central America and Nicaragua's compliance with such agreement is verified; and

"(2) the Government of Nicaragua (A) ceases and desists from any activity, including the importation of offensive arms, which threatens the independence or integrity of any nation in the region or which otherwise conflicts with the charters of the United Nations or the Organization of American States; (B) refrains from attacks on any insurgent force within its territory that itself refrains from any attack upon Nicaraguan Government force; and (C) agrees to permit a regional group such as the Contadora group or international observers to monitor its compliance with these conditions.

"(b) The restriction on obligation or expenditure of appropriations contained in subsection (a) of this section shall become imperative immediately upon submission of a report to the Congress by the Secretary of State that the Government of National Reconstruction of Nicaragua is not abiding by the conditions described in paragraphs (1) and (2) of subsection (a) and such restrictions shall remain inoperative until the Secretary of State shall further report that the conduct of the Government of National Reconstruction of Nicaragua has changed to comply with such conditions, or until the Congress shall, by Joint Resolution, provide otherwise. Reports made by the Secretary of State pursuant to this section which are classified shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and to the Select Committee on Intelligence of the Senate.".

—Page 2, line 19 [section 801]: after "individual.", insert the following: "except where it is verified that Cuban assisted, supported, influenced, or Cuban-supplied countries are directly or indirectly supplying arms to any nation, group, organization, movement, or individual which would have the effect of destabilizing or threatening to overthrow any government in Central America.".

—Page 3, line 25, section (b): After "country", insert "or any publicly recognized sovereign entities".

Page 4, line 1: After "country" insert the word "entities".

Page 4, line 9: After "country" insert "entities".

—Page 5, line 4: After the word "section", insert "$300,000,000".

Page 5, line 5: After the word "and", insert "$100,000,000".

Page 5, line 6: Strike subsection (f).

By Mr. YOUNG of Florida:

—Page 2, strike out line 10 and all that follows through line 8 on page 3 and insert in lieu thereof the following:

"PROHIBITION ON COVERT ASSISTANCE FOR ANY MILITARY OPERATIONS IN NICARAGUA

"SEC. 802. (a) None of the funds appropriated for fiscal year 1983 or 1984 for the Central Intelligence Agency or any other department, agency, or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

"(b) The prohibition contained in subsection (a) shall take effect upon the entry into force of an agreement by the Government of National Reconstruction of Nicaragua with the governments of the other countries in the region.

"(1) that the Government of National Reconstruction of Nicaragua will not support, directly or indirectly, military or paramilitary operations by anti-government forces in any country in Central America; and

"(2) that provides for effective multilateral verification of compliance with paragraph (1); and

"(3) to resolve the conflicts in Central America based on the principles affirmed in the Final Act of the San Jose Conference of October 1982 and the commitments made by the Government of National Reconstruction of Nicaragua to the Organization of American States in July 1979.".

Page 3, line 10, strike out "802" and insert in lieu thereof "803".

Page 5, after line 10, insert the following:

SEC. 2. (a) The Congress finds that—

(1) Central America is of vital importance to the interests and long-term security of the United States;

(2) the social and economic crisis facing Central America arise in large part from long histories of poverty, social injustice, and lack of economic opportunity;

(3) military solutions alone are inadequate to deal with the challenge the United States faces in Central America, and efforts to resist Communist insurgency will be unsuccessful unless the serious social and economic injustices and human rights abuses of the region are addressed;

(4) respected leadership from all sectors of American society and from all regions should be drawn on to study and advise on the making of United States policy toward Central America; and

(5) an effective United States policy for Central America requires the understanding and support of the American people.

(b) Therefore, it is the sense of the Congress that the President should convene a national bipartisan commission to address the serious long-term problems of security, poverty, and democratic develoment in Central America, and to help build the necessary national consensus on a comprehensive United States policy for the region. Such commission should—

(1) be composed of distinguished leaders of government, business, labor, education, and the Hispanic and religious communities;

(2) consult with governmental and other leaders of Central America, invite their views, and receive their recommendations on the policies which would best assist them in their long-range security needs and economic development; and

(3) report its findings and recommendations to the President and the Congress one hundred and eightly days after the date of enactment of this Act.

By Mr. ZSCHAU:
—On page 5, line 10, strike out the quotation marks and the last period, and after line 10 add a new section to read as follows:
"SEC. . Nothing in this Act shall be construed to prevent the President from carrying out fully his constitutional responsibility as Commander-in-Chief of the Armed Forces of the United States to repel attack or to take such temporary action as is clearly necessary to protect the lives of U.S. citizens stationed or living abroad or on the high seas.".
—On page 5, line 10, strike out the quotation marks and the last period, and after line 10 add a new section to read as follows:
"SEC. . Nothing in this Act shall be construed to require any further specific statutory authorization to permit members of United States Armed Forces to participate jointly with members of the Armed Forces of one or more foreign countries in the headquarters operation of high-level military commands which were established prior to the date of enactment of this Act and pursuant to the United Nations Charter or any treaty ratified by the United States prior to such date.".

H.R. 2957

By Mr. AUCOIN:
—Page 28, after line 8, insert the following:

FLOATING EXCHANGE RATES

SEC. 308. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following:

"FLOATING EXCHANGE RATES

"SEC. 46. (a) The President shall direct the Secretary of the Treasury, in consultation with the Secretary of State and the United States Trade Representative, to immediately begin discussions with other countries regarding the economic dislocations which result from structural exchange rate imbalances.

"(b) Not later than 90 days after the date of the enactment of this section, the President shall transmit a report to both Houses of the Congress regarding the need to reform the floating exchange rate system. Such report shall contain such recommendations for legislative or administrative actions as the President considers advisable.".
—Page 15, after line 21, insert the following:

MEDIUM-TERM FINANCING

SEC. 112. Section 2(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(a)) is amended by adding at the end thereof the following:

"(3) In order for the Bank to be competitive in all of its financing programs with countries whose exports compete with United States exports, the Bank shall—

"(A) provide medium-term financing—

"(i) at rates of interest which are equal to the rates established by the Organization for Economic Cooperation and Development; and

"(ii) in amounts up to 85 percent of the total cost of the exports involved; and

"(B) cooperate fully with the Secretary of Commerce and the Administrator of the Small Business Administration to develop a program for purposes of disseminating information to small business concerns regarding the medium-term financing provided under this paragraph.".

By Mr. DANNEMEYER:
—Page 19, line 16, insert "(a)" after "Sec. 40."

Page 19, after line 20, insert the following:
"(b)(1) Not later than eighteen months after the date of the enactment of this section, the Secretary of the Treasury shall establish a par value for the dollar in gold.

"(2) Subsection (a) shall not take effect until the date on which the Secretary of the Treasury transmits a notice to both Houses of the Congress specifying that the Secretary has complied with the provisions of paragraph (1).".

By Mr. HORTON:
—Page 37, strike out lines 20 through 24, inclusive.

Page 38, line 1, strike out "(e)" and insert in lieu thereof "(d)".

Page 38, line 14, strike out "(f)" and insert in lieu thereof "(e)".

H.R. 2969

By Mr. ADDABBO:
—Page 47, after line 15, insert the following new section:

RETIRED PAY FOR CERTAIN OTHERWISE INELIGIBLE RESERVISTS

SEC. 1014. (a) Section 1331(c) of title 10, United States Code, relating to retired pay for nonregular service, is amended by striking out "unless he" the first place it appears and all that follows in such section and inserting in lieu thereof "unless—

"(1) he performed active duty after April 5, 1917, and before November 12, 1918, or after September 8, 1940, and before January 1, 1947; or

"(2) he performed active duty (other than for training) after June 26, 1950, and before July 28, 1953, after August 13, 1961, and before May 31, 1963, or after August 4, 1964, and before March 28, 1973.".

(b) The amendment made by subsection (a) shall apply with respect to retired pay payable for months beginning after September 30, 1983, or the date of the enactment of this Act, whichever is later.

By Mr. BADHAM:
—At the end of the bill add the following new section:

REPORT ON CONTRACTING OUT OF BASE SECURITY AND FIREFIGHTING FUNCTIONS

SEC. 1111. Not later than April 1, 1984, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a comprehensive written report concerning conversions of base security and firefighting functions of the Department of Defense from performance by Department of Defense personnel to performance by contractor personnel. The report shall include—

(1) the results of a study of the impact that the six-month moratorium on cost comparision studies and the one-year moratorium on contracting-out of base security and firefighting functions contained in sections 305 and 1111, respectively, of the Department of Defense Authorization Act, 1983 (Public Law 97-252), have had on the management of resources by the Department of Defense and on the private sector, including small businesses;

(2) the results of a study of the impact within the Department of Defense of past and proposed conversions of firefighting and base security functions, including an analysis of the impact of such conversions upon personnel allocations, economic efficiencies, military readiness, and management efficiencies; and

(3) a copy of the guidelines and criteria that the Department of Defense uses in determining which firefighting and base security functions are appropriate for performance by the private sector, taking into consideration the nature, character, and mission of particular installations.

By Mr. COURTER:
—At the end of the bill add the following new section:

DEPARTMENT OF DEFENSE DIRECTOR OF OPERATIONAL TESTING AND EVALUATION

SEC. 1111. (a)(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 136 the following new section:

"§ 136a. Director of Operational Testing and Evaluation: appointment; powers and duties

"(a) There is a Director of Operational Testing and Evaluation of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The Director performs all duties relating to operational testing and evaluation in the Department of Defense, including—

"(1) being the principal adviser to the Secretary of Defense on operational testing and evaluation in the Department of Defense;

"(2) prescribing the administrative organization in each of the military departments for planning and conducting operational testing and evaluation;

"(3) prescribing policies and procedures for the conduct of operational testing and evaluation in the Department of Defense;

"(4) monitoring, reviewing, and providing guidance for all operational testing and evaluation in the Department of Defense;

"(5) determining in advance the adequacy of the plans and the available funds for operational testing and evalution to be conducted in connection with each major development program and each potential major development program in the Department of Defense;

"(6) coordinating operational testing and evaluation conducted jointly by more than one military department;

"(7) analyzing the results of the operational testing and evaluation conducted for each major development program and each potential major development program in the Department of Defense and reporting to the Secretary of Defense on (A) whether the testing and evaluation performed was adequate, and (B) whether the testing and evaluation results confirm that the items or components actually tested were effective and suitable for combat; and

"(8) reviewing and making recommendations to the Secretary of Defense on all budgetary and financial matters relating to operational testing and evaluation, including operational testing facilities and equipment, in the Department of Defense.

"(c) The Director shall report directly, without intervening review or approval, to the Secretary of Defense. The Director and his staff are independent of all research and development offices or organizations in the Department of Defense.

"(d) The Director shall have access to all records and data in the Department of Defense, including the records and data of each military department, that the Director considers necessary to review in order to carry out his duties under this section.

"(e) The Director may require that such observers as he designates be present during preparation for and the conduct of the testing part of any operational testing and evaluation conducted in the Department of Defense.

"(f) The Secretary of a military department shall report to the Director all results of all operational testing and evaluation conducted by the military department and of all studies conducted by the military department in connection with operational

testing and evaluation in the military department.

"(g) The Director shall respond to requests from the Congress for information relating to operational testing and evaluation in the Department of Defense.

"(h) No funds may be obligated or expended by the Secretary of a military department to conduct any operational testing and evaluation if such operational testing and evaluation is not approved in advance by the Secretary of Defense, in consultation with the Director, or is not conducted within the scope, or in accordance with the conditions, specified by the Department of Defense in approving the operational testing and evaluation.

"(i) In this section 'operational testing and evaluation' means the field testing, under realistic combat conditions, of any item of, or key component of weapons, equipment, or munitions for the purpose of determining the effectiveness and suitability of the weapons, equipment, or munitions for use in combat by typical military users and the evaluation of the results of such testing.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 136 the following new item:

"136a. Director of Operational Testing and Evaluation: appointment; powers and duties.".

(b) For each fiscal year, the President shall include in the Budget transmitted to Congress pursuant to section 1105 of title 31, United States Code, a separate request for new budget authority for, and an estimate of the outlays by, the Director of Operational Testing and Evaluation of the Department of Defense in carrying out the duties and responsibilities set forth in section 136a of title 10, United States Code (as added by subsection (a)).

(c) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new item:

"Director of Operational Testing and Evaluation, Department of Defense.".

(d)(1) The Comptroller General of the United States shall have access to all records and data in the Department of Defense, including the records and data of each military department, relating to operational testing and evaluation in the Department of Defense.

(2) The Secretary of Defense shall cooperate with the Comptroller General in carrying out paragraph (1).

(3) For the purposes of this subsection, the term "operational testing and evaluation" has the same meaning as provided in section 136a(g) of title 10, United States Code (as added by subsection (a)(1)).

—At the end of the bill add the following new section:

DEPARTMENT OF DEFENSE DIRECTOR OF OPERATIONAL TEST REVIEW AND EVALUATION

SEC. 1111. (a)(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 136 the following new section:

"§136a. Director of Operational Test Review and Evaluation: appointment; powers and duties

"(a)(1) There is a Director of Operational Test Review and Evaluation in the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the office of Director. A commissioned officer of the Armed Services may serve in an Acting capacity as Director without prejudice to his commissioned status as an officer. The Director may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress.

"(2) In this section:

"(A) 'Operational test and evaluation' means—

"(i) the field test, under realistic combat conditions, of any item of (or key component of) weapons, equipment, or munitions for the purpose of determining the effectiveness and suitability of the weapons, equipment, or munitions for use in combat by typical military users; and

"(ii) the evaluation of the results of such test.

"(B) 'Major defense acquisition program' means a Department of Defense acquisition program that is a major defense acquisition program for purposes of section 139a(a)(1) of this title or that is designated as such a program by the Director for purposes of this section.

"(b) The Director is the principal adviser to the Secretary of Defense on operational test and evaluation in the Department of Defense. The Director shall—

"(1) recommend policies and procedures for the conduct of operational test and evaluation in the Department of Defense;

"(2) upon request, provide guidance to and consult with the Secretary of Defense and the Secretaries of the military departments with respect to operational test and evaluation in the Department of Defense in general and with respect to specific operational test and evaluation to be conducted in connection with a major defense acquisition program;

"(3) coordinate operational test conducted jointly by more than one military department or defense agency;

"(4) analyze the results of the operational test and evaluation conducted for each major defense acquisition program and report concurrently to the Secretary of Defense and the Committees on Armed Services and on Appropriations of the Senate and House of Representatives on—

"(A) whether the test and evaluation performed was adequate; and

"(B) whether the test and evaluation results confirm that the items or components actually tested are effective and suitable for combat; and

"(5) review and make recommendations to the Secretary of Defense on all budgetary and financial matters relating to operational test and evaluation, including operational test facilities and equipment, in the Department of Defense.

"(c) The Director reports directly, without intervening review or approval, to the Secretary of Defense. The Director shall consult closely with, but is independent of, the Under Secretary of Defense for Research and Engineering and all other officers and entities of the Department of Defense responsible for research and development.

"(d)(1) The Secretary of a military department shall report promptly to the Director the results of all operational test and evaluation conducted by the military department and of all studies conducted by the military department in connection with operational test and evaluation in the military department.

"(2) The Director may require that such observers as he designates be present during the preparation for and the conduct of the test part of any operational test and evaluation conducted in the Department of Defense.

"(3) The Director shall have access to all records and data in the Department of Defense (including the records and data of each military department) that the Director considers necessary to review in order to carry out his duties under this section.

"(e)(1) Operational testing of a major defense acquisition program may not be conducted until the Director has approved in writing the adequacy of the plans (including the adequacy of projected levels of funding) for operational test and evaluation to be conducted in connection with that program.

"(2) A final decision within the Department of Defense to proceed with a major defense acquisition program beyond low-rate initial production may not be made until the Director has submitted to the Secretary of Defense and the Committees on Armed Services and on Appropriations of the Senate and House of Representatives the report with respect to that program required by subsection (b)(4).

"(f)(1) The Director shall prepare an annual report summarizing the operational test and evaluation activities of the Department of Defense during the preceding fiscal year. Each such report shall be submitted concurrently to the Secretary of Defense and the Congress not later than January 15 immediately following the end of the fiscal year for which the report is prepared. The report shall include such comments and recommendations as the Director considers appropriate, including comments and recommendations on resources and facilities available for operational test and evaluation and levels of funding made available for operational test and evaluation activities. The Secretary may comment on any report of the Director to Congress under this paragraph.

"(2) The Director shall comply with requests from Congress (or any committee of either House of Congress) for information relating to operational test and evaluation in the Department of Defense.

"(g) The President shall include in the Budget transmitted to Congress pursuant to section 1105 of title 31 for each fiscal year a separate statement of estimated expenditures and proposed appropriations for that fiscal year for the activities of the Director of Operational Test Review and Evaluation in carrying out the duties and responsibilities of the Director under this section.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 136 the following new item:

"136a. Director of Operational Test Review and Evaluation: appointment; powers and duties.".

(c) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new item:

"Director of Operational Test Review and Evaluation, Department of Defense.".

(d) The amendments made by this section shall take effect on October 1, 1983.

By Mr. DANIEL:

—At the end of the bill add the following new section:

RESTORATION OF BEDFORD AIR FORCE STATION, VIRGINIA

SEC. 1111. The Secretary of the Air Force may remove from the site of the former

Bedford Air Force Station, Virginia, the improvements made to that site by the Air Force and may restore the premise as provided in the license from the United States Forest Service of the Department of Agriculture authorizing the use of that site by the Air Force.

By Mrs. SCHROEDER:

—Page 42, after line 17, insert the following new section:

HOSTILE FIRE PAY FOR MEMBERS SERVING IN AREAS THREATENING IMMINENT DANGER

SEC. 1009. (a) Section 310(a) of title 37, United States Code, is amended—

(1) by striking out "or" at the end of clause (2);

(2) by striking out the period at the end of clause (3) and inserting in lieu thereof "; or"; and

(3) by inserting after clause (3) the following new clause:

"(4) was on duty in a foreign area in which he was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions.".

(b)(1) The heading of section 310 of such title is amended to read as follows:

"§ 310. Special pay: duty subject to hostile fire or imminent danger".

(2) The item relating to such section in the table of sections at the beginning of chapter 5 of such title is amended to read as follows:

"310. Special pay: duty subject to hostile fire or imminent danger.".

(c) The amendments made by this section shall take effect on October 1, 1983.

—At the end of the bill add the following new section:

OVERALL LIMITATION ON AMOUNT AUTHORIZED TO BE APPROPRIATED

SEC. 1111. Nothwithstanding any other provision of this Act, the total amount that may be appropriated pursuant to authorizations of appropriations in this Act is $186,976,770,000.

SENATE—*Thursday, July 21, 1983*

(Legislative day of Monday, July 18, 1983)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Our prayer today will be offered by the Reverend James R. Downs, minister of the Vincennes Avenue Wesleyan Church, Washington, Ind. The Reverend Downs is sponsored by the Honorable DAN QUAYLE.

PRAYER

The Reverend James R. Downs offered the following prayer:

O God, Ruler of Heaven and Earth. We thank Thee for this great Nation. It is great because Thou hast made it great. We thank Thee for the national and spiritual freedom that we enjoy. We are thankful for these men who have been elected to serve our great Nation. In Psalms 105: 22, Thy word declares the need of teaching His senators wisdom.

O God, teach us to be wise, and enable us to fulfill Thy will on Earth as it is in Heaven. Give us wisdom to fear Thee, and to love Thee, to cleave unto Thee with full purpose of heart. Quicken us, O God, in our dullness, that we may not serve Thee in a lifeless manner, but that we may abound in Thy work. Make us to be faithful in all our intercourse with our neighbors, that we may be ready to do good, that we may be just and kind, peaceable and patient, humble and self-denying, and make us to be useful in the world that, so glorifying Thee on Earth, we may be glorified with Thee in the world to come. In Christ's name we pray. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

CONGRATULATIONS TO VISITING CHAPLAIN

Mr. BAKER. Mr. President, I congratulate our guest Chaplain today, as I do Senator QUAYLE for sponsoring him. I offer to yield to Senator QUAYLE at this time if he wishes.

Mr. QUAYLE. I thank the majority leader.

Mr. President, it is certainly a personal pleasure for me to thank the Reverend James R. Downs for saying our opening prayer this morning. He is a fellow Hoosier, from Washington, Ind., where he is the pastor of the Vincennes Avenue Wesleyan Church. He and his family are visiting the Nation's Capital and I am personally grateful that he was able to lead us in prayer this morning. He, as so many of us are, is deeply concerned with the future course of our country.

Our Nation has become what it is because of the concern and commitment of people like Reverend Downs. I believe it is worthwhile for those of us in the Senate to listen to the deeply felt convictions and beliefs of Reverend Downs and the millions of Americans whose thoughts and values he symbolizes. I thank Reverend Downs for his thought-provoking words and wish him continued success in his important pastoral mission.

Mr. BAKER. Mr. President, I thank the Senator from Indiana once more for permitting us to share this moment with Reverend Downs.

THE HYDRILLA, THE CARP, AND THE TVA

Mr. BAKER. Mr. President, I shall not take very long, but I could not resist mentioning one item this morning. Lately, we have been deeply involved in matters of high controversy, and tempers have occasionally flared at such a level that I thought it might be a welcome relief to comment on something indigenous to my own State and perhaps of a less ponderous nature. It is brought about, Mr. President, by an article I saw yesterday that, once again, pointed out the innovative approach of the Tennessee Valley Authority to the great problems of the Nation.

They have a problem down there with an aquatic weed, which is called the hydrilla. Anybody who knows it knows that it is a fancy name for a water lily and that it has grown and prospered in the valley since the TVA impounded our streams and made those beautiful and marvelous and useful lakes. But the hydrilla is neither beautiful nor marvelous, nor useful.

It fouls the propellers of power boats as they make their way over the lakes, no doubt on important missions. It clogs the water intakes and fouls the turbines and otherwise makes a general nuisance of itself. But most important, it reproduces at an amazing, astonishing, and disturbing rate. Pretty soon, the entire Tennessee Valley may be hip deep in hydrilla. So the TVA, once again in the forefront of scientific problem solving, has discovered a fish that eats hydrilla. It is called the white Amur carp. They imported the carp and dumped it in the lake and, sure enough, the carp is growing fat and happy and the hydrilla population is decreasing and all is well with the world.

I even say a poem about the fish that says:

Don't go near the water, friend,
The grassy-carp is loose.
Yesterday, it ate my dog,
Today, it ate my goose.

Mr. President, I congratulate the TVA on its initiative, on its demiurgic thinking, and on its effort to rid the valley of a great pest. But as in so many scientific experiments of this type, I hope that, before long, I am not on the floor urging some sort of control policy for the grassy carp for fear that it devour us all.

Mr. President, the TVA was formed in 1933. My father served in Congress for 14 years and never had a minute's worth of trouble with it. Ever since, all I have had is problems. Maybe this will be the last of a series.

Mr. President, on that solemn note, I am prepared to yield the floor to the distinguished minority leader, who may have more weighty subjects to discuss.

The PRESIDING OFFICER (Mr. ABDNOR). The minority leader is recognized.

THE BLACK FLY PROBLEM

Mr. BYRD. Mr. President, there may be more weighty subjects, but I am troubled about the Japanese beetle, which is working on the trees in my yard. I can understand the Senator's problem. We also have in West Virginia, on the New River as it borders Raleigh County and Summers County, what is called the black fly problem. The black fly is a nuisance. It bites people. But the fish in the stream—the New River rises in North Carolina, where I was born, the motto of which State is "To Be Rather Than to Seem"—feed upon the larvae of the black fly. So we have a real problem in those two counties. Conservationists, fishermen, and so on, do not want a certain substance which is called BTI to be sprayed on the river because they fear that it will result in the reduction of the larvae of the black fly, cutting the food chain of the fish, and

resulting in fewer fish. So the Senator and I have some problems in common.

Mr. BAKER. Mr. President, which reminds me of another quick anecdote, and then I will stop being facetious and talk about the MX missile.

I recall clearly many years ago—shortly after I came to the Senate, as a matter of fact—that there was a proposal to put a certain area of Tennessee into wilderness. It was a pristine area, and the forests were virgin. It was a gorgeous area to behold. It abounded with wildlife, flora, and fauna.

The Interior Department, in its good judgment and wisdom, sent people out to ask local citizens how they feel about these projects. They stopped one man going down the street in Oneida, Tenn., and asked, "What do you think about putting this area into a wilderness?"

Well, this fine, old gentleman said, "Wilderness, heck. We spent 100 years getting the bear and the boar off Main Street, and we don't see much profit in putting us into a wilderness."

Mr. BYRD. I will bet that the old gentleman's word was not "heck." (Laughter.)

DR. RUDOLPH PENNER SELECTED AS DIRECTOR OF CONGRESSIONAL BUDGET OFFICE

Mr. BAKER. Mr. President, I am pleased to announce that Dr. Rudolph Penner of the American Enterprise Institute has been selected as the new director of the Congressional Budget Office.

Dr. Penner was a unanimous selection of the special search committee established by the House and Senate Budget Committees to replace the outgoing director, Dr. Alice M. Rivlin.

I know Dr. Penner and believe him to be an outstanding selection. He brings a combination of experience and ability that may be unique.

Mr. President, at this time I should like to read into the RECORD the letter of appointment signed by the Speaker of the House and the President pro tempore of the Senate, dated July 20, 1983:

> Pursuant to the provisions of Section 201(a)(2) of the Congressional Budget and Impoundment Control Act of 1974, Public Law 93-344, the Speaker of the House of Representatives and the President pro tempore of the Senate hereby appoint Dr. Rudolph G. Penner as Director of the Congressional Budget Office for the term of office beginning on January 3, 1983, to take effect on September 1, 1983.
>
> THOMAS P. O'NEILL, Jr.,
> *Speaker of the House of Representatives.*
> STROM THURMOND,
> *President pro tempore of the Senate.*

Mr. BAKER. Mr. President, I congratulate the search committee and the House and Senate Budget Committees on their work, which was accomplished with unusual cooperation and bipartisan understanding. I thank the Speaker of the House for his assistance and patience.

I ask unanimous consent to have printed in the RECORD at this time a statement by the chairman of the Senate Budget Committee, Senator PETE V. DOMENICI.

(By request of Mr. BAKER, the following statement was ordered to be printed in the RECORD:)

● Mr. DOMENICI. Mr. President, the selection of Dr. Rudolph G. Penner of the American Enterprise Institute culminates a search that saw more than a dozen candidates nominated for the directorship of the Congressional Budget Office.

A bipartisan, bicameral search committee interviewed nine of the candidates who indicated they were interested in the CBO job. We had excellent candidates, attesting the high esteem in which the CBO job has risen in the economics profession under the outgoing director, Dr. Alice Rivlin.

I believe that Dr. Penner, who was chosen after serious deliberations by the search committee, is an outstanding choice. He brings unique qualifications to the job, having served in the executive branch in fiscal and budget capacities and having produced excellent work as an analytical economist and fiscal researcher. I believe that his unusual combination of qualifications made Dr. Penner the best choice of an excellent group of candidates and I wholeheartedly endorse his selection by the search committee.

I must especially commend Senator NANCY KASSEBAUM, a member of the search committee, who devoted many hours to interviewing candidates with me. Her help was invaluable and her insights illuminating.

I must also thank Chairman JIM JONES, of the House Budget Committee, for his cooperation and his diligence. He, along with Representative BUTLER DERRICK and Majority Leader JIM WRIGHT, contributed mightily to our selection process.

Finally, special thanks must go to Representative BILL FRENZEL, who, along with Senator KASSEBAUM, did the bulk of interviewing and analyzing in the absence of other members of the search committee. As all who know him can attest, Representative FRENZEL brought a combination of toughmindedness and great intellect to his task that made all of our jobs easier.

It was because of the work of these men and women that our selection process for the new CBO Director was, this year, more efficient and less controversial than ever before in history. The search committee went about its work in a highly professional manner, assisted by senior staff of the House and Senate Budget Committees, who did their usual outstanding job. This combination of factors has given us not only a professional selection process, but an outstanding choice in Dr. Rudy Penner.

Mr. President, I would also like to thank the majority leader, Senator BAKER, for his forbearance and his help. Because of the complications in the budget process this year, we were delayed in the selection for Dr. Rivlin's successor. Senator BAKER, as always, indulged the process and assisted in his extraordinarily gracious manner.

In conclusion, Mr. President, we have a new CBO Director who, I believe, will continue and build upon the tradition established by Dr. Rivlin—a tradition of excellence, non-partisanship, and the highest technical competence. I congratulate Dr. Penner and I congratulate Dr. Rivlin, who now moves to Brookings. She has done a great job under greatly trying circumstances and we will miss her.

I submit for the RECORD a copy of Dr. Penner's "vita."

The material follows:

VITA OF RUDOLPH GERHARD PENNER

Date and place of birth: July 15, 1936, Windsor, Ontario, Canada.

Degrees: B. Comm., University of Toronto, 1958; Ph. D., the Johns Hopkins University, 1963.

TEACHING POSITIONS

Instructor, McCoy College, the Johns Hopkins University, 1960-61. Assistant Professor, University of Rochester, 1961-66. Visiting Assistant professor, Princeton University, 1965-66. Associate Professor, University of Rochester, Septemer 1, 1966-September 1, 1970.

OTHER PROFESSIONAL EXPERIENCE

Consultant to the United Nations Conference on World Trade and Development, 1963-64;

Consultant to Federal Aviation Agency through Mathematica, Princeton, N.J., 1965-66.

Consultant to Temporary Commission on New York State Constitution, 1966.

Consultant to Canadian Cabinet Task Force, 1967.

Economic Advisor to Ministry of Local Government and Rural Development, Government of Tanzania, and Fellow of Economic Research Bureau, University College, Dar es Salaam, Tanzania, 1967-68.

Consultant to the U.S. Treasury, 1968.

Acting Chairman, Department of Economics, University of Rochester, 1968-69.

Member, Shoup Tax Mission to Liberia, 1969.

Senior Staff Economist, Council of Economic Advisers, 1970-71.

Consultant, Cost of Living Council, 1971.

Consultant, Department of Labor and Philadelphia Federal Reserve Bank, 1972.

Deputy Assistant Secretary for Economic Affairs, Department of Housing and Urban Development, September 1973-March 1975.

Assistant Director for Economic Policy, Office of Management and Budget, Executive Office of the President, March 1975-January 1977.

Director of Tax Policy Studies, American Enterprise Institute, February 1977 to present.●

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, I wonder if the Senator from Colorado has any use for my time at this point.

Mr. HART. I thank the Senator.

BAKERISMS

Mr. HART. Mr. President, I only wish to observe that the majority leader's remarks this morning with regard to the weed and the fish reminded me of one of my first recollections after coming to the Senate and serving with the distinguished Senator from Tennessee on the Committee on Environment and Public Works, where he was fond of issuing what I would now call "Bakerisms"—which I hope at some time are collected in a volume.

The majority leader, then merely a Senator from Tennessee, used to say often of the complicated environmental issues, "If it ain't broke, don't fix it." I suppose that is the moral of the weed and the fish.

Beyond that, I would just say that I would hope for a minute or two before the vote on cloture, but perhaps we can talk about that later.

Mr. BYRD. I guess the President got that impression from the Senator from Tennessee—"If it ain't broke, don't fix it."

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, has a time been provided for the transaction of routine morning business?

The PRESIDING OFFICER. There has been.

Mr. BAKER. On what basis?

The PRESIDING OFFICER. Not more than 10 minutes for the transaction of morning business, with statements therein limited to 1 minute each.

Mr. BAKER. And after the time for the transaction of routine morning business, the Senate will be back on the defense authorization bill, will it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. What will be the pending question at that time?

The PRESIDING OFFICER. The pending question will be the Warner amendment to the Tower amendment.

Mr. BAKER. I thank the Chair.

Mr. President, I have no further need for my time under the standing order. If any remains, I am prepared to yield it back.

Mr. BYRD. I yield back my time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, for not to exceed 10 minutes, with statements therein limited to 1 minute each.

COCAINE—AN INTERNATIONAL THREAT

Mrs. HAWKINS. Mr. President, too often, drug trafficking and abuse are considered only an American problem. The shocking facts reveal that it is a worldwide problem which demands international action.

Cocaine trafficking and abuse have become a serious problem for many European countries in recent years. From 1977 through 1981 the amount of cocaine seized in Europe increased almost fourfold—from 59 kilograms to 232 kilograms. Moreover, the number of seizure incidents more than doubled in 1981 compared to 1978—98 versus 48.

Cocaine, long popular among the wealthier segments of society in Europe and the Middle East has become in recent years increasingly available to other segments of society due to cheaper prices for cocaine and easier travel to and from source countries in South America. The region continues to play a dual role in the traffic in cocaine: It is a consumer area and a transit point for cocaine destined for other parts of the world. Because of the increasing availability of cocaine and recent changes in trafficking patterns in Europe, a review of the more important aspects of the cocaine trafficking situation is given for 1980 and 1981. During these low years most of the seizures took place in two major transit countries, France and the Federal Republic of Germany, and in the four primary recipient countries—Italy, the Netherlands, Spain and the United Kingdom.

FRANCE

Seizures in France rose by 150 percent from about 34 kilograms in 1980 to over 85 kilograms in 1981. During this 2-year period France has been the primary point of entry to Europe used by traffickers in cocaine arriving via commercial airlines from South America. Almost all of the seizure incidents reported during the last 2 years were made at international airports servicing Paris. There was one incident at the Nice International Airport. Information resulting from the seizures made at the airports indicates that much of the cocaine was destined for countries other than France, such as Italy, the Netherlands, and the United States. The quarterly seizures peaked during the first quarter of 1981, and declined later in the year following the intense and successful law enforcement activities of the first quarter. France, however, is a convenient point of entry to Europe, and remains popular with cocaine traffickers.

FEDERAL REPUBLIC OF GERMANY

This country is used primarily as a transit point for cocaine destined usually for the Netherlands and Italy. Close to 37 kilograms—96 percent—of the more than 38 reported for the 2-year period were seized at the international airport servicing Frankfurt in 15 incidents. The remaining seizures occurred in Berlin, Hamburg, Kleve, and Munich. In one instance German authorities seized cocaine which had been smuggled into Hamburg by a South American crew member aboard an Ecuadoran vessel. This was the only incident reported involving cocaine known to have been smuggled to Europe by vessel. The incident which occurred at Kleve involved a small amount of cocaine purchased in the Netherlands by two U.S. citizens residing in Germany.

SPAIN

Ranking second in the amount of cocaine seized during 1980 and 1981 but first in the number of seizures reported, Spain holds a dual position in the cocaine traffic. It is not only a primary recipient country for cocaine but also a transit country. Spain is used by cocaine traffickers who are often destined for the Netherlands and, more recently, for Italy. It is interesting to note that while cocaine traffickers destined for such countries as the Netherlands and Italy enter Europe via Spain, during the last 2 years there have been an increasing number of incidents in France or at the Franco-Spanish border involving traffickers destined for Spain.

Of the 55 seizure incidents, 30—55 percent—were made at airports servicing Madrid, Barcelona, and Las Palmas in the Canary Islands. They accounted for about 48 kilograms of cocaine, divided fairly evenly—25 and 23 kilograms respectively—between 1980 and 1981. The remaining 25 seizures—45 percent—took place at locations other than airports, and included the only seizure of a clandestine cocaine laboratory in Europe during 1980. The decline in the seizure total for 1981 is related to the decrease in seizures at nonairport locations—which dropped to about 8 kilograms from the 33 kilograms reported during 1980—brought on partially by very successful local enforcement efforts of previous years.

ITALY

Seizures made at nonairport locations have been the dominant pattern, particularly during 1981 when less than 2 of the 30 kilograms seized were at an airport. Cocaine reaches Italy via several routes. A popular pattern involved Italian males who arrived in Paris from Lima and were destined for Italy. After successful French enforcement efforts targeted against Italians arriving from Lima, similar seizures began to occur at the airports servic-

ing Frankfurt and Zurich. Recently, an Italian male, who arrive from Lima and was destined for Milan, was arrested at Las Palmas, Canary Islands. A second pattern in the traffic of cocaine to Italy involves Chileans who usually travel via France or Switzerland and are destined for Milan.

UNITED KINGDOM

A principal recipient country for cocaine in Europe, the United Kingdom is also to a lesser extent a transit country. Seizures at airports were about 18 kilograms in 1980, while seizures at nonairport locations were just over half that amount. Seizures at airports dropped by 58 percent from 1980 to 1981, compared with a 16-percent decline in seizures at nonairport locations for the 2-year period. On at least two occasions, cocaine destined for India and the South Pacific transited the United Kingdom. Seizures of cocaine destined for other European countries have been made in the United Kingdom. The traffic in cocaine in the United Kingdom is apparently dominated by Britons, as opposed to the other recipient countries where other nationality groups have established themselves; for example, Chileans in Italy and Colombians in Spain and the Netherlands.

THE NETHERLANDS

This in one of the four primary recipient countries in Europe. As with the other three, cocaine is intended for local consumption, or for redistribution to local markets elsewhere in Europe. Also, the Netherlands sometimes plays a secondary role as a transit country. Such was the case in 1981 when a group smuggling cocaine concealed in batteries via the Netherlands Antilles and the Netherlands to the United States was uncovered and immobilized. The 42 kilograms seized in the 2-year period are divided fairly evenly between seizures at airports—20 kilograms—and at nonairport locations—22 kilograms. All of the seizures at airports, totaling four, took place in 1980. Traffickers in cocaine destined for the Netherlands have tended to avoid direct travel to that country from South America. They prefer circuitous routes which take them through one or more other European countries—often Spain, The Federal Republic of Germany, Belgium, and Denmark. Seizures reported for the Netherlands dropped to 4½ kilograms for 1981—a decline of 88 percent. This sharp decline in seizures may be the result of the increased law enforcement efforts in European countries used as transit points by cocaine traffickers destined for the Netherlands, and of successes by Dutch authorities who, for example, seized the only clandestine cocaine laboratory in the region during 1981.

Switzerland, Belgium, and Denmark are also emerging as important transit countries. The role of Switzerland, in particular, has increased as traffickers have shifted their patterns of travel. In two instances, Zurich was used as a transit point by smuggling groups which had previously used Paris. Switzerland has been used as a transit point mainly by traffickers destined for Italy. Belgium is often on the route of cocaine traffickers destined for the Netherlands. There are, however, no direct flights between countries in South America and Belgium. Traffickers usually arrive in Belgium via France or Germany. Finally, Denmark is gaining in popularity with cocaine traffickers destined for the Netherlands and for Italy.

DAVID DODGE RELEASE

Mr. BRADLEY. Mr. President, I am pleased and grateful that we can rejoice in the release of David Dodge in Lebanon.

Mr. Dodge, a resident of Princeton, N.J., had been serving as acting president of the American University in Beirut when he was kidnaped over a year ago.

The Dodge family's service to Lebanon has been long and distinguished. The family established the American University there in 1866 and administered the school until 1948 when his father, Bayard, retired as president.

David Dodge, whose four children were all born in Beirut, returned to the country in 1980—during the civil strife—to bring stability to the university and serve as its acting pesident.

Mr. President, we are all pleased that he has survived his long ordeal and is in apparent good health. I wish him and his wife, Doris, well as they begin to resume the life they richly deserve. We join Doris Dodge and her four children in celebrating David's release.

THE NEUTRON BOMB—EASY WAY TO A NUCLEAR WAR

Mr. PROXMIRE. Mr. President, it is hard for this Senator to conceive of a greater tragedy than a nuclear war between the United States and the Soviet Union. I think every Member of the Senate from the most liberal to the most conservative must agree that we are determined to stop such a catastrophe. And yet we push ahead with weapons systems that are sure to make this nightmare cataclysm more likely. For instance, we have already voted into the defense authorization bill that is still before this body the approval of funds for the production of the neutron bomb even if not a single European ally will permit the bomb to be stationed on its territory.

Mr. President, if the prospect that either great power will launch an unprovoked major first-strike nuclear attack on the other are slight, and they certainly are, the prospect that in response to a conventional and successful Soviet tank attack in Europe we might use a neutron bomb is very real indeed.

The terrible danger of the neutron bomb is precisely that it is so easy to rationalize its use. We can argue that it will inflict limited damage, that it is in fact very little different than a big conventional weapon, that it is really not that much of a step up in military activity, and that it would achieve its end—stop a winning Soviet invasion, turn a defeat in Europe into a victory—that the Soviets would not want to go the whole way with a retaliation. But, Mr. President, this is exactly how a nuclear war can start. I hope and pray that in the appropriations process or somewhere down the line, perhaps in the House of Representatives, we can stop this slide into the abyss of nuclear war.

The Milwaukee Journal carried an editorial on Saturday, July 16, after our vote in the Senate that hammers this point squarely on the head. The editorial is appropriately titled: "A Classic No-Win Weapon." I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Milwaukee Journal, Saturday, July 16, 1983]

A CLASSIC NO-WIN WEAPON

The Pentagon's quest for newer and more flexible weapons, such as the so-called neutron bomb, is probably inevitable. Everybody wants to own the most up-to-date item on the market.

But the neutron bomb also is highly dangerous—ironically because it would move the world a notch closer to the atomic holocaust that the bomb is supposed to deter.

By a vote of 47 to 42, the Senate has moved the bomb one step closer to reality. Senators revoked previously approved language that required at least one European ally to publicly accept the neutron bomb before production funds could be released.

The neutron bomb is so named because it expends most of it energy in deadly neutron radiation, not heat and blast. That's its appeal to military planners. Even though it's lethal, it's not so destructive to buildings and bridges. Thus, it's more usable than conventional, city-busting nukes. It's more flexible.

And that's why it's so dangerous. Any weapon that's more usable is more likely to be used, especially in a crisis. The use of a conventional weapon is not always disastrous. But the nuclear game is played in an entirely different ball park.

If Adversary A uses a nuclear weapon, it automatically becomes easier for Adversary B to rationalize the use of a nuke of its own, probably a slightly larger nuke. That action-reaction sequence runs the high and inescapable risk of unstoppable escalation into a global nuclear holocaust. By its very nature, such a war would vanquish the victor along with the loser.

Thus, it's the self-interest of every country to preserve the barrier that now separates all conventional weapons from all nuclear weapons. Small nuclear weapons, like

neutron bombs, tend to make that barrier easier to breach.

It's no wonder that many Europeans are afraid of the neutron bomb; they know that such a weapon makes the possibility of nuclear war less remote. It's time that more Americans—especially those in Congress—realized the same. Neutron bombs have no place in the arsenal of the United States or any other country.

NOT TOO LATE TO RESTORE U.S. CREDIBILITY

Mr. PROXMIRE. Mr. President, over the years, while speaking before numerous and diverse groups, I have been repeatedly asked why, after all these years, the United States has not yet ratified the Genocide Convention, which makes genocide an international crime.

I am sad to say that I honestly do not have a good answer to this question.

But despite the delay, it is still not too late. I remain completely convinced that ratification of this treaty is crucial if the United States is to continue to play a prominent role in defending human rights throughout the world, especially in the Soviet Union.

I recently read an article in the Washington Post which reported the publication of a blatantly anti-Semitic book in the Soviet Union entitled "The Class Essence of Zionism." Among other things, the book, written by Lev Korneev, charges that Jews collaborated with the Nazis in perpetrating the crimes of the Holocaust and singles out the Soviet Jewish community as a community of people susceptible to bribery and treachery because of their so-called dual loyalties.

The publication of this book is especially disturbing because of its timing. According to the Washington Post, publication comes at a time when the Government has launched what the article calls a fierce anti-Zionist and anti-Israeli propaganda drive designed to discourage Jewish emigration from the Soviet Union. Jewish emigration from the Soviet Union, once as high as 51,000 in 1979, has reached a distressing nadir: Last year only 2,688 Jews were allowed to emigrate, and in the first third of this year, a mere 421 Jews left the Soviet Union.

The Soviet Jews are trapped in a hostile environment, the victims of harsh anti-Semitism which has been exacerbated by this recent book—a book which has been warmly reviewed by the official Soviet press.

Our failure to ratify the Genocide Treaty has hindered our ability to protest effectively Soviet human rights violations. When American diplomats attempt to raise objections to specific Soviet actions, the Soviets are quick to ignore our words because of what they see as hypocrisy in our position: We are registering complaints over their human rights violations yet we have not ratified a basic human rights document, a document the Soviets have ratified.

We cannot permit the Soviets to use our failure to ratify the Genocide Convention as an excuse. We must restore our credibility as a defender of human rights.

Mr. President, I urge my colleagues to act immediately and ratify the Genocide Convention without further delay.

DAVID DODGE, ACTING PRESIDENT OF AMERICAN UNIVERSITY OF BEIRUT, HAS BEEN RELEASED BY HIS KIDNAPERS

Mr. CHAFEE. Mr. President, I think we all share a sense of joy in the fact that the news was released today that David Dodge, the acting president of American University of Beirut, who was captured about a year ago on the campus of the American University, has been released by his kidnapers.

Many here know David Dodge—I do, I went to school with him—and this news is extremely exciting and an answer to the prayers of many people, particularly his family, who are located in Princeton, N.J.

The deputy White House press secretary, Mr. Speakes, said that Mr. Dodge is described as being in excellent physical and mental condition.

He was kidnaped on July 20, 1982, by two gunmen in West Beirut while en route from his office to his campus residence.

President Reagan stated that he is deeply gratified by Mr. Dodge's release and has directed that a U.S. military aircraft be put at Mr. Dodge's disposal for his return to the United States.

We know no further details, except there was a statement from the White House that the Government of the United States is grateful to Syrian President Hafez Al-Assad and to Dr. Rifaat Al-Assad for the humanitarian efforts they undertook.

Mr. President, I personally—and I think I speak for many Members of this Chamber—express our gratitude at the release of Mr. Dodge and our thankfulness to all who partook in arranging for his release. It is a piece of good news and it is long overdue. I think it brings a sense of joy to all of us.

Mr. MOYNIHAN. Mr. President, just as a representative of the other side of the aisle, may I join in this rejoicing and particularly thank our friend from Rhode Island who brought us this good news. There is not that much from that part of the world, or any part of the world. What a fine thing this is to hear.

Mr. SARBANES. Mr. President, I join the distinguished Senator from Rhode Island in welcoming this news of the release of David Dodge. The Dodge family, over the years, has made an enormous contribution to education, both in this country and in the Middle East. Their efforts there with respect to the university have been a model in terms of such activities throughout the world.

Many of us have shared the very deep concern which the Senator expressed about David Dodge, his safety, and his whereabouts now for more than a year. This certainly comes as welcome news.

I commend the Senator on bringing it to the attention of the Senate.

Mr. CHAFEE. Mr. President, I thank the distinguished Senator from Maryland and the distinguished Senator from New York for their comments. As the Senator from New York said, good news from that area is not all that common. Out of the labyrinth of conflicting views and forces, somehow it worked out that David came back to us safe and sound.

So I repeat again the sense of joy that all of us feel about this good news.

DR. DAVID DODGE

Mr. BAKER. Mr. President, it is not often that we have the opportunity to hear an item of truly good news, but today we do.

A year ago Tuesday, Dr. David Dodge, the distinguished acting president and long-time vice president for administration of the American University of Beirut, was abducted from the university campus in Beirut by unknown gunmen. Over the past year, the many efforts to determine his whereabouts proved fruitless. But today, the State Department has announced that Dr. Dodge has been released and that he is healthy and well. Although few details are known of his captivity or the means by which his release was achieved, it is apparent that the Government of Syria played an instrumental role, and for that we are grateful.

I know that all of my colleagues in the Senate join with Dr. Dodge's family in our relief on his safe return and wish him a peaceful recuperation from the effects of his long ordeal.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there any further morning business? If not, morning business is closed.

OMNIBUS DEFENSE AUTHORIZATIONS, 1984

The PRESIDING OFFICER. The Senate will resume consideration of the unfinished business which the clerk will state.

The bill clerk read as follows:

A bill (S. 675) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the time between now and 11 a.m. shall be equally divided and controlled by the majority leader and the minority leader or their designees.

The majority leader is recognized.

Mr. BAKER. Mr. President, I ask unanimous consent that it may be in order to suggest the absence of a quorum with the time charged equally against the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the minority leader suggested and I agree that it would be good practice to provide a brief time for the principals in the present matter to discuss this amendment prior to the cloture vote.

Therefore, I ask unanimous consent that the provisions of rule XXII to the contrary notwithstanding there be 4 minutes of debate to follow on after the establishment of the live quorum contemplated by the rule and prior to the vote and that the time be equally divided between the distinguished chairman of the Armed Services Committee (Mr. TOWER) and the distinguished Senator from Colorado (Mr. HART).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Now, Mr. President, I am prepared to yield the floor. I have no further need for recognition.

Mr. HART addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, a parliamentary inquiry.

Mr. TOWER. Mr. President, under whose control is the time allocated before the quorum call?

The PRESIDING OFFICER. Under the previous order after the quorum such time will be equally divided between the Senator from Texas and the Senator from Colorado. But at the present, the time is controlled by the majority leader and the minority leader, or their designees.

Mr. BAKER. Mr. President, I designate the distinguished chairman of the Armed Services Committee, the manager of the bill, to control the time on our side.

Mr. BYRD. Mr. President, I designate Mr. HART to control the time on this side.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. HART. Mr. President, I am perfectly willing to defer to the Senator from Texas if he has remarks he wishes to make.

Mr. TOWER. I thank my friend from Colorado. I have nothing to say at the moment. It is my understanding the Senator from Colorado wants to deliver himself of a few remarks.

Mr. HART. I thank the chairman of the committee.

Mr. President, the issue before us is the question of the wisdom of procuring a new generation land-based intercontinental ballistic missile larger than any produced in the history of American nuclear armament with more warheads than any other missile in our arsenal, and the disposition, deployment, if you will, of that missile in silos which almost all experts on all sides of the nuclear question now concede to either be at the present time or very shortly, certainly by the time of the deployment of the so-called MX missile, vulnerable to a first-strike Soviet attack. Vulnerability in this case, Mr. President, is conceded to mean the ability, given accuracy of Soviet missiles and the yield of their warheads, the ability to target with a high degree of effectiveness those installations; namely, the silos, in which the proposed MX missile would be placed.

Mr. President, the history of the MX missile is an interesting one which other speakers have addressed themselves to.

But when the Air Force in the early 1970's began to explore the possibility, if not the need, for a new generation land-based missile to replace existing Minuteman II's and III's, the Air Force had before it three criteria. The committee in its report correctly identified those criteria in its brief history of the MX missile. Those criteria, according to the committee report, are as follows and I quote the report:

It was determined that this new missile should have these qualities: It should preserve the synergistic features of the strategic triad and the unique characteristics of the ICBM.

Leave aside for the moment what the phrase "synergistic features of the strategic triad" means.

Secondly, provide improved counterforce capability.

That is to say, ability to hit the so-called hard targets or military targets.

And, third and most importantly—

And be based in a survivable manner.

I quote from page 108 of the Armed Services Committee report.

It is as much as anything else, Mr. President, that characteristic or requirement that is at issue before the Senate today, and it is that question to which Senators should address themselves. Many have, some perhaps have not. It is the view of the Senator from Colorado that many taxpaying voting American citizens are not yet aware of the fact that the administration, many in Congress, propose to build not only a brandnew, expensive, very accurate, very destructive, new missile but in fact to deploy it directly contrary to the principal feature which was contained in its qualities and in its criteria throughout its 10- to 12-year history; namely, that it be based in a survivable mode.

Some oppose the MX altogether. Some Senators, some House Members, many Americans just fundamentally do not believe either we can afford to spend this money or that it contributes to our defense overall to have this missile or that the United States ought to be engaged in this type of nuclear arms race. They think of that as being fallacious.

But for many of us what is the most disturbing feature of the MX is its deployment, what in the jargon is its deployment mode; namely, where are we going to put it, where will it be housed.

That decision, Mr. President, to the surprise of many was not made until 90 days ago. Then in the picture enters the so-called Scowcroft Commission, one of a series of commissions and bodies and committees, ad hoc groups and task forces formed to try to figure out what to do with the MX missile.

The Senator from Connecticut (Mr. DODD) yesterday wrapped it up, I think very pointedly, when he said "They tried to find a place for it on the surface of the sea and under the surface of the sea, on land and underground, inside of caves, in open trenches, in closed trenches, in silos packed close together, and silos widely separated." But at no time in the understanding of the Senator from Colorado did any serious proponent of the MX missile or student of the subject ever seriously propose that the MX be placed in

fixed silos except perhaps during a period in the fall of 1981. Then it was suggested that perhaps what we ought to do is have what was called an interim basing mode. Interim meant put it somewhere for the time being until we could figure out where we could put it for the long haul.

At that time, the recollection of the Senator from Colorado is, about September, October 1981, the fall of 1981, there was an outcry, an outcry against the interim basing mode. The outcry came from all quarters. The outcry included the chairman of the Senate Armed Services Committee, the ranking member of the Senate Armed Services Committee, the Senator from Washington, many former defense officials who were strong proponents of the MX missile, some existing Defense Department officials, some uniformed senior military officers, some retired military officers, all of whom to a person said, "This makes no sense." Some had quite colorful language. Some talked about that deployment mode, that housing of the missile, if you will, as creating a situation in which the MX, the brand new expensive destructive missile, would become a sitting duck. The Senator from Colorado happens to agree with that completely. It is because of that agreement and that conviction that he has sought to obtain support in the Senate and around the country for another look at this situation.

Some want to kill the missile outright. Some just do not want a missile at all. The purpose of the Senator from Colorado is to say if we are going forward with the missile the last thing we ought to do with it is put it in fixed vulnerable silos for two reasons: One, that it sends a signal to our adversaries that we are prepared to fight a nuclear war and we are prepared to fight a nuclear war on a very fine hair-trigger; and, second, that by putting perhaps our most modern expensive destructive asset in a place where it can be knocked out by a preemptive strike, we may be inclined to launch that missile before the Soviet warheads get here.

Some may ask, "What is wrong with that?" What is wrong with that is sometimes our system for detecting Soviet incoming missiles and warheads is defective.

The reason the Senator from Colorado feels strongly about that is because he participated in a study with the distinguished Senator from Arizona, Senator GOLDWATER, at the behest of the Senate Armed Services Committee in the fall of 1980, and Senator GOLDWATER and the Senator from Colorado issued a report to the Committee on Armed Services of the U.S. Senate dated October 9, 1980. That report, which to my knowledge has never been questioned or refuted, documented a series of occurrences in which, again in the jargon we call the strategic warning system, malfunctioned, broke down, sent false signals to our commanders.

Now clearly those signals were false or we probably would not be here today talking about it. That is the point. But the fact is we spent tens of billions of dollars on a system I think every dollar of which the Senator from Colorado has supported very strongly, on a system telling it what the other side is doing, what it is doing with its nuclear forces, what it is doing with its conventional forces, and whether it is preparing to launch or whether it, in fact, has launched an attack against this country.

The fact of the matter is that this strategic warning system breaks down. The report, which the Senator from Colorado has mentioned, documents a rather alarming—not a rather alarming—an alarming series of breakdowns in that system.

Many of those, according to the report, are self-correcting; that is to say, the computers blinked, showed Soviet warheads on their way and somebody punched a button, or maybe they did not even punch a button, and the computers blinked again and the warheads disappeared. They were not, in fact, on their way at all. Well, that may cause people a little internal distress for a few seconds, but it goes away rapidly.

There are several occasions, Mr. President, as this report documents, when the warnings were serious. There was one particularly on June 3, 1980, as the report indicates, at approximately 2:26 a.m., Eastern Daylight Time. The Strategic Air Command post display system indicated that two sea-launched ballistic missiles had been launched toward the United States. Eighteen seconds later, the display system showed an increased number of sea-launched ballistic missile launches. Then the report continues to document what happened. The Strategic Air Command calls the North American Air Defense Command in Colorado Springs. They, in turn, call the Pentagon and there was contradiction among the various aspects of the reporting system.

The fact of the matter is that the warning went on for some time, a number of minutes at the very least. During that time, the strategic forces of the United States went to various higher states of alert to respond to this warning. The story is a pretty interesting one in an academic sense. It is more than interesting in a personal and security sense.

What it says is that there is probably no amount of money that the United States can spend on a strategic warning system to make it perfect, to guarantee absolutely, iron-clad and copper-riveted, that we can develop a system, to tell us that Soviet warheads are or are not on the way with no degree of error.

That is important, Mr. President. That is important if you are going to spend $30 billion to put a 10-warhead, 192,000-pound missile in a vulnerable silo, indeed, if you are going to put 100 or 200 of them in those silos, and depend on a system, albeit an expensive system to tell you with absolute certainty, absolute certainty, that Soviet warheads are or are not on the way. And to the degree you have uncertainty about that system, to that very degree, in direct proportion, you are inclined not to lose that expensive system by letting it ride out that attack; that is to say, by letting it absorb that first strike.

Why? Well, because most Air Force studies show that, at the very best, a first strike would destroy 70 percent—70 percent—of those missiles that we age going to spend $30 billion on, our frontline deterrent.

Some studies, including those which have not been as carefully studied as others, indicate that up to——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TOWER. Mr. President, has the time of the Senator from Colorado expired?

The PRESIDING OFFICER. The time of the Senator from Colorado has expired.

Mr. TOWER. I will be glad to yield him 2 or 3 minutes, if he wishes additional time.

Mr. HART. I thank the Senator from Texas. I will take 2 more minutes.

Some studies of the survivability of the MX missile in fixed silos indicate that up to 95 percent of the missiles deployed in those silos would be destroyed by a Soviet first strike.

Now I ask every Senator, indeed, I ask every thoughtful American, to consider the circumstance in which the United States has spent $30 billion on a new land-based ICBM with 10 warheads, each targeted on the most important Soviet military target, put in silos which the strategic warning system of the United States indicate are under attack, and whether the commanders, the senior military and political commanders of this country, the policymakers of this Nation, will permit that Soviet attack to eliminate 95 percent of those vulnerable missiles.

If the decision is not to permit 95 percent of those missiles to be destroyed, then the clear alternative is to fire them before the incoming warheads arrive. That, Mr. President, is called launch on warning, and that, Mr. President, is at the very center of the issue before the Senate.

It has not been addressed, in the judgment of the Senator from Colorado, by the supporters of the missile.

We have yet to hear concrete military, strategic, or philosophical support for the vulnerable basing of the next leg of the strategic triad.

I thank the Senator from Texas for yielding.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, I yield myself such time as I may require.

Mr. President, with the rejection by the House of Representatives last night of an amendment to delete production funds for the MX—an action delayed by opponents of the MX for several months in an effort to prevent the authorization of these funds—the pivotal battleground for trench warfare against the MX missile has become the Senate.

While the Senator from Colorado denies that this was his intent, whether it was his intent or not, he is to be commended for having successfully staved off Senate consideration—and almost certain approval—of the MX until after the House took its important action. As a result, the House of Representatives was able to consider this matter in a handful of hours unencumbered by the influence of our votes on the MX program. I might note parenthetically that this body has been obliged to take portions of 9 days thus far for its corresponding debate on the MX.

Mr. President, I believe we can say today, in the aftermath of last night's highly significant vote in the House of Representatives, that the outcome of votes on the MX in this Chamber is not really in question. I feel certain that few Senators—if any—are under any illusions what the ultimate disposition by the Senate on the MX will be.

We have, thus far, had a full debate on the merits and liabilities of the MX; ample time has been afforded for Members, who wish to do so, to make their views known. In fact, time has hung somewhat heavy on our hands as the Senate has considered this matter of the MX missile program.

I believe, however, Mr. President, that few votes have been changed in this protracted discussion. So the remaining issue really is less one of whether than it is one of when will the Senate reaffirm its earlier support for the MX program in the context of the Scowcroft Commission recommendations? Will Members of the Senate have an opportunity to do so today? Will that opportunity be postponed until tomorrow, or Saturday, or perhaps the end of next week?

The decision on this matter really lies with those who are inclined to vote against the first cloture motion out of party loyalty or tradition of custom or some sense of Senatorial courtesy to those who have already had so much of the Senate's time. I say to my distinguished colleagues who are so inclined, the decision is yours.

Notice is hereby served, however, that if it is the will of those Members who would deny us cloture and the prospect of a reasonably speedy conclusion of this debate to vote against the pending motion, I am prepared to insist that the Senate keep such hours, including late Friday and Saturday and as long as might be necessary next week, to complete action on this legislation.

It would be my hope that 60 Members of this distinguished body will see the handwriting on the wall and join me in insuring that the amount of time further devoted by the Senate to consideration of the MX missile in this defense authorization legislation is reduced to a minimum.

I urge my colleagues to vote favorably on the cloture motion.

EXPLANATION OF VOTE

Mr. SASSER. Mr. President, on every occasion in my career in the U.S. Senate in which the question has come before this body: Should we invoke cloture, limit debate on the matter before us and bring it to a final vote, I have supported the motion to invoke cloture.

Cloture is necessary in order to terminate dilatory, diversionary and delaying tactics where arguments have been exhausted, the choice is clear, and final resolution of an issue is possible in an up-or-down vote.

I expect that I will continue to hold fast to this conviction when such circumstances exist. They do not exist today. The arguments on the issue before us have hardly been exhausted. The choice has not been narrowed, and an up-or-down vote today will not resolve the matter.

A number of Senators wish to discuss amendments with respect to specific points of the MX missile. These amendments address unresolved policy questions, questions which ought to be resolved by thorough discussion and debate.

On matters of national defense and national security, I have always sought to work and vote in a spirit of bipartisanship—once the basic policy premises for our national security have been settled on.

Yet, the policy upon which MX basing is founded is muddled and misdirected. It needs to be clarified, to be resolved.

For instance, we started with a missile whose deployment was at one time justified because of its "deceptive basing and survivability." We then went through the call for dense-packing; this was quickly abandoned because existing Minuteman silos were too old, too vulnerable.

We are now told that deployment and funding are justified because these silos are just what the Scowcroft Commission ordered.

The absence of clarity and definition in this key policy question raises another policy question. Is such a weapon, with such doubts about its vulnerability, really a bargaining chip in arms control talks?

All these questions are worthy of extended debate. Numerous amendments have been filed to clarify these policy questions. I and many of my colleagues stand ready to debate these questions in a responsible and deliberative manner. Therefore, there is no immediate need to involve cloture at this time.

Clearly we need more time, more debate on the MX question; the future of our defense and arms control policies hinge on this MX debate.

So, today, I will cast my vote against the motion to invoke cloture.

Mr. TOWER. Mr. President, we are expecting some distinguished members of the Federal Republic of Germany to arrive in the Chamber in just a few moments. I hope Senators will come to the Chamber to meet them. The distinguished Minister of Defense of the Federal Republic of Germany, Dr. Wörner, and three of his colleagues from the Bundestag will be arriving shortly.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I yield now to the Senator from Texas, the manager of the bill, so he may ask consent of the Senate to engage in a special proceeding.

VISIT TO THE SENATE BY THE MINISTER OF DEFENSE AND MEMBERS OF THE BUNDESTAG, OF THE FEDERAL REPUBLIC OF GERMANY

Mr. TOWER. Mr. President, we are honored to have with us today the Minister of Defense of the Federal Republic of Germany, Dr. Manfred Wörner. Dr. Wörner is a long-time friend of the United States. He is a man of enormous capability, a man who is extremely well known to us. We are delighted to have him with us today.

He is accompanied by three of this colleagues from the Bundestag: Miss Hellwig, Dr. Feldman, and Mr. Kolbow, all of the Bundestag of the Federal Republic of Germany. I invite my colleagues to greet our guests.

(Applause.)

Mr. TOWER. Mr. President, I ask unanimous consent that the Senate

stand in recess for 1 minute so that Members might meet our friends from West Germany.

There being no objection, the Senate, at 10:55 a.m., recessed until 10:56 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ABDNOR).

OMNIBUS DEFENSE AUTHORIZATIONS, 1984

The Senate continued with the consideration of the bill.

Mr. TOWER. Mr. President, I yield to the majority leader.

Mr. BAKER. Mr. President, there are 3 minutes, approximately, left before the time for the quorum call contemplated by rule XXII will begin. It is the intention of the leadership to urge the clerk to call the roll as rapidly as reasonably possible. If a quorum is not present, a motion will be made to instruct the Sergeant at Arms to request the attendance of absent Senators. That, of course, will require a rollcall vote. Therefore, Senators are urged to come to the floor at this time and should be aware that there may be a record vote within the next 10 or 15 minutes.

I think they should come to the Chamber at this point.

Mr. President, Senators already know, I am sure, that as soon as the quorum is established, the vote would ordinarily occur under the provisions of rule XXII. However, by unanimous consent there will be 4 minutes of debate after a quorum is established, to be equally divided between the distinguished Senator from Colorado (Mr. HART) and the distinguished chairman of the Armed Services Committee (Mr. TOWER).

At the conclusion of that 4 minutes, a vote will occur on the cloture motion. If cloture is invoked, the Senate will remain on the substitute. If cloture is not invoked, then absent other arrangements a vote will occur immediately on cloture on the bill itself.

Mr. President, I have nothing further to say.

One clock says 11 a.m. and the other clock says almost 11 a.m. Any time the Chair is willing to declare it to be 11 a.m., I am willing for the clerk to start calling the roll.

Mr. TOWER. Mr. President, if I have any time remaining, I yield back the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. Under rule XXII, 1 hour having passed since the Senate convened, the clerk will state the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee amendment, in the nature of a substitute, to S. 675, a bill to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes.

Senators Howard Baker, John Tower, Dan Quayle, John Warner, Roger Jepsen, Warren B. Rudman, John P. East, Jake Garn, Robert T. Stafford, Paul Trible, William L. Armstrong, David Durenberger, Malcolm Wallop, Chic Hecht, Paula Hawkins, Bob Kasten, and William Cohen.

CALL OF THE ROLL

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names.

[Quorum No. 13]

Abdnor	Cohen	Nunn
Baker	Hart	Tower
Bingaman	Jackson	Wilson

The PRESIDING OFFICER (Mr. WILSON). A quorum is not present. The clerk will call the names of the absentees.

Mr. BAKER. Mr. President, noting the absence of a quorum, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee. The yeas and nays have been ordered.

The clerk will call the roll.

The acting assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

I also announce that the Senator from New Mexico (Mr. DOMENICI) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Kentucky (Mr. HUDDLESTON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 91, nays 5—as follows:

[Rollcall Vote No. 213 Leg.]

YEAS—91

Abdnor	Boren	Cochran
Andrews	Boschwitz	Cohen
Armstrong	Bradley	Cranston
Baker	Bumpers	D'Amato
Baucus	Burdick	Danforth
Bentsen	Byrd	DeConcini
Biden	Chafee	Denton
Bingaman	Chiles	Dixon
Dodd	Kassebaum	Pryor
Durenberger	Kasten	Randolph
Eagleton	Kennedy	Riegle
East	Lautenberg	Roth
Exon	Laxalt	Rudman
Ford	Leahy	Sarbanes
Garn	Levin	Sasser
Glenn	Lugar	Simpson
Gorton	Mathias	Specter
Grassley	Matsunaga	Stafford
Hart	Mattingly	Stennis
Hatch	McClure	Stevens
Hawkins	Melcher	Symms
Hecht	Metzenbaum	Thurmond
Heflin	Mitchell	Tower
Heinz	Moynihan	Trible
Helms	Murkowski	Tsongas
Hollings	Nickles	Wallop
Humphrey	Nunn	Warner
Inouye	Packwood	Wilson
Jackson	Pell	Zorinsky
Jepsen	Percy	
Johnston	Pressler	

NAYS—5

Dole	Proxmire	Weicker
Long	Quayle	

NOT VOTING—4

Domenici	Hatfield
Goldwater	Huddleston

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

The majority leader.

OMNIBUS DEFENSE AUTHORIZATIONS, 1984

Mr. BAKER. Mr. President, under the order entered this morning there will now be 4 minutes of debate prior to the cloture vote. The 4 minutes will be equally divided under the control of the Senator from Colorado and the Senator from Texas.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I yield myself 1 minute.

May we have order in the Chamber?

The PRESIDING OFFICER. Senators will please clear the aisles.

Mr. TOWER. I just want to suggest to my colleagues that if cloture fails, there will be another cloture vote tomorrow and we will, perhaps, have a better prospect of succeeding. But if one is going to vote cloture tomorrow, he should vote for it today.

It is now obvious that we are going to have a postcloture filibuster because there are almost 600 amendments at the desk. It would be better to have cloture today than tomorrow.

It would be my intention, if cloture fails, to ask the majority leader to keep us in virtually around the clock.

If it succeeds tomorrow I hope we will stay in tomorrow and on Saturday to deal with the postcloture filibuster. The bottom line is we can complete action on this a lot sooner if we act on cloture today.

I reserve the remainder of my time.

Mr. CHILES. Mr. President, will the Senator yield?

Mr. TOWER. I reserve my time. I only have——

Mr. CHILES. It might affect my vote on cloture.

Mr. HART. Mr. President, the issue before the Senate is not an ordinary issue. The decision as to whether to go forward and authorize the MX missile is one of the most important military defense national security issues the Senate will face in decades.

The issue is twofold: Some Senators are opposed to the authorization of the MX missile. Other Senators are opposed to basing that missile in fixed vulnerable silos.

The outcome of this decision will affect the future force structure of this Nation, our nuclear deterrent, indeed our nuclear doctrine.

There has been no delay, there has been no effort on the side of the opponents of the MX missile to defer action or to do anything other than to bring to the attention of the Senators and the American public the seriousness of this issue.

Mr. President, this institution was designed for this purpose. It was designed for serious debate and serious consideration and for the education of the American people.

I urge my colleagues not to invoke cloture today. I urge my colleagues to give their colleagues a chance to make their case against this missile and against this basing mode, and I am convinced, and I think all of those who oppose this decision are convinced, that if the American people learn the facts and Senators give this serious thought, that the right decision will be made and that decision will be to oppose this missile.

I reserve the remainder of my time.

Mr. TOWER. Mr. President, it would be naive to think that extended debate further is going to change the outcome. To begin with, there are not many Senators in attendance while the matter is being debated, and I do not expect it will be.

Beyond that, it is not being reported to the American people. The press is not reporting what is said here but what we are doing, and even some of the eloquence of the distinguished Senator from Colorado has gone unreported because they are more interested in reporting the filibuster, the maneuvering that goes on, than what we say. So nobody is being enlightened by additional debate.

The outcome is pretty clear. The opponents of the MX would not be engaged in protracted debate if they were not aware there are the votes to authorize the MX and to pass the bill.

Therefore, the question is not whether we are going to do it but when, and I suggest that the Senate get on with its business and then enable us to get on with the people's business in other legislative areas that have to await the disposition of this measure.

Therefore, I hope my colleagues will invoke cloture.

The PRESIDING OFFICER. The Senator from Colorado has 13 seconds.

Mr. HART. I yield back the remainder of my time.

VOTE

The PRESIDING OFFICER. The time has been yielded back. The question is, Is it the sense of the Senate that debate on the committee amendment in the nature of a substitute to S. 675, the omnibus defense authorization bill, shall be brought to a close? The yeas and nays are mandatory under the rule, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, may we have order in the Senate so we can hear the vote?

The PRESIDING OFFICER. The Senate will be in order. The Chair requests that those Senators wishing to converse take their conversations into the Cloakroom. We will suspend calling of the roll until there is order in the Senate.

The clerk will resume.

The legislative clerk resumed and concluded the call of the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD) are necessarily absent.

I also announce that the Senator from New Mexico (Mr. DOMENICI) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Rhode Island (Mr. PELL) is necessarily absent.

The PRESIDING OFFICER. Are there any Senators in the Chamber desiring to vote who have not yet voted?

The yeas and nays resulted—yeas 55, nays 41, as follows:

[Rollcall Vote No. 214 Leg.]

YEAS—55

Abdnor	Hatch	Percy
Andrews	Hawkins	Pressler
Armstrong	Hecht	Quayle
Baker	Heflin	Roth
Boschwitz	Heinz	Rudman
Chafee	Helms	Simpson
Cochran	Humphrey	Stafford
Cohen	Jackson	Stevens
D'Amato	Jepsen	Symms
Danforth	Johnston	Thurmond
DeConcini	Kassebaum	Tower
Denton	Kasten	Trible
Dole	Laxalt	Wallop
Durenberger	Lugar	Warner
East	Mathias	Weicker
Exon	Mattingly	Wilson
Garn	McClure	Zorinsky
Gorton	Murkowski	
Grassley	Nickles	

NAYS—41

Baucus	Burdick	Ford
Bentsen	Byrd	Glenn
Biden	Chiles	Hart
Bingaman	Cranston	Hollings
Boren	Dixon	Huddleston
Bradley	Dodd	Inouye
Bumpers	Eagleton	Kennedy
Lautenberg	Mitchell	Riegle
Leahy	Moynihan	Sarbanes
Levin	Nunn	Sasser
Long	Packwood	Specter
Matsunaga	Proxmire	Stennis
Melcher	Pryor	Tsongas
Metzenbaum	Randolph	

NOT VOTING—4

Domenici	Hatfield
Goldwater	Pell

The PRESIDING OFFICER. On this vote, the yeas are 55 and the nays are 41, three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the cloture motion is not agreed to.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. I ask unanimous consent that the vote on the second cloture petition, which is cloture against the bill, be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The majority leader.

Mr. BAKER. Mr. President, I yield to the minority leader.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the motion was rejected and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, Senators should recall that on yesterday another pair of cloture petitions were filed against the substitute first and then against the bill. As a result, a vote will occur tomorrow 1 hour after we convene on cloture against the substitute once more. Depending on the outcome of that vote, another vote may occur immediately thereafter.

ORDER FOR RECESS UNTIL TOMORROW AT 10 A.M.

Mr. BAKER. Mr. president, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I assume that debate will continue on this bill today and that we will have a better reading on where we go tomorrow after the cloture vote, the second cloture vote. I continue to hope that we can finish this bill this week.

Mr. BYRD. Will the majority leader yield?

Mr. BAKER. Yes.

Mr. BYRD. Does he also intend to have a Saturday session?

Mr. BAKER. Mr. President, I hope not, but I must say in all candor I am not prepared to answer one way or another on that. I have in my possession cloture motions which will mature on Saturday. I very much do not want to do that. I do not intend to do that for the time being. It is my hope that we can finish this bill tomorrow and not be in on Saturday and be on military

construction either late tomorrow or on Monday, to be followed by target pricing.

Mr. BYRD. I thank the majority leader.

Mr. TOWER addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, I think if we stay on the bill——

The PRESIDING OFFICER. Will the Senator suspend? There will be order in the Senate. Those who are leaving the galleries, please do so quietly. Will those Senators conducting conversations please take their conversations into the Cloakroom? Will those Senators desiring to converse, please take their conversations off the floor? The manager of the bill cannot be heard. We will suspend until such time as there is sufficient order in the Senate for the manager to be heard.

Mr. TOWER. Mr. President, it is my intention, with the cooperation of the majority leader, to keep the Senate in very, very late this evening. I can assure my colleagues there will be rollcall votes this afternoon and into the night. Now that cloture has failed, I think we all understand that the prospects for being away this weekend are not very good. I think this makes it almost certain that we will have a Saturday session.

I will remind my colleagues that what we are doing is pushing a postcloture filibuster along. There are 561 amendments filed at the desk. That can mean nothing but postcloture filibuster. We may be in on Saturday if we get cloture tomorrow and we may be in on Monday. It will take a long time to dispose of 561 amendments. It is my intention that we will have meaningful rollcall votes today, not just procedural rollcall votes.

I think the Senator from Alabama is on the floor and prepared to offer an amendment.

Mr. DENTON addressed the Chair.

The PRESIDING OFFICER. The Chair advises that there are already two amendments pending to the substitute.

Mr. TOWER. Mr. President, I ask unanimous consent that the amendment of the Senator from Texas and the perfecting amendment of the Senator from Virginia be set aside so that we may consider an amendment of the Senator from Alabama.

Mr. HART. Reserving the right to object.

Mr. SARBANES. Reserving the right to object, Mr. President, there are Members who do want to speak on the MX issue. I know the chairman finds that hard to believe and I have no objection to dealing with other amendments that Members have. We have been doing that all along. I think that helps to move the business along. Could the chairman indicate to us how he sees the day unfolding?

Mr. TOWER. Mr. President, I think it is safe to say there are a couple of amendments pending. Actually, most of the amendments have been winnowed out. I am perfectly willing for the Senate to continue to debate the amendment offered by the Senator from Texas if that is what the Senator from Maryland chooses to do. If that is what Senators choose to do, I shall withdraw my unanimous-consent request to temporarily set aside my amendment to make way for the amendment of the Senator from Alabama.

Mr. SARBANES. No, Mr. President, I see the Senator from Alabama here and I am perfectly happy to join in accommodating him. As I understand it from the chairman of the committee, in the course of the day, I guess as we move into the afternoon and as some of these other amendments unrelated to this issue are disposed of——

Mr. TOWER. There are not that many amendments to occupy the Senate, so I expect that we shall be spending most of the day and the night on the MX. There is certainly going to be ample time to continue to engage in what appears now to be a repetitious debate. I am hearing the same things over and over again. They are being indelibly stamped on my mind because I have heard this debate in the Senate before on this one. I think my colleagues have.

Mr. BYRD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. TOWER. Mr. President, I am prepared to yield the floor and let the amendments proceed.

The PRESIDING OFFICER. The question is on agreeing to the perfecting amendment by the Senator from Virginia.

Mr. TOWER. The yeas and nays have been ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. BYRD. Madam President, I object.

The PRESIDING OFFICER (Mrs. HAWKINS). Objection is heard.

The assistant legislative clerk resumed the call of the roll.

Mr. TOWER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Virginia.

Mr. HART. Madam President, may I inquire of the Senator from Texas—when he sought unanimous consent to bring up the amendment by the Senator from Alabama, I was trying to reserve the right to object to find out what the amendment is. I think there is agreement here, probably, that the arrangement worked out to have the Senator from Alabama go forward and then the Senator from New York is perfectly agreeable on this side. I think the Senator from Maryland (Mr. SARBANES) was merely asking at what point it would be agreeable for him to deliver a speech. That was his only point, I believe. He was not aware that an arrangement had been made to bring up two other amendments. I think we are all in agreement, if we could find out what the amendment is——

Mr. TOWER. The amendment of the Senator from Alabama has been at the desk for some time. It is an amendment relating to ballistic missile defense. It has no budgetary impact.

Mr. SARBANES. Madam President, do I correctly understand from the chairman and the manager of the bill that it was his intention after obtaining—because we are in a situation now with an amendment at the desk and an amendment to that amendment—that no other amendment can be considered except by unanimous consent; that the chairman then intends, once the amendment of the Senator from Alabama has been considered, to seek the same courtesy for the Senator from New York, for his amendment?

Mr. TOWER. That is the understanding.

The quick way to dispose of the matter is to go ahead and vote on the amendment of the Senator from Texas. It has been debated at great length. It has been on the floor for 2 days, and that is long enough.

Let us be honest with each other. Let us not try to kid each other. We can dispose of that amendment and others without going through the weary business of asking unanimous consent to set aside.

I will renew my request.

Mr. BUMPERS. What was the request?

Mr. TOWER. I am about to state it.

I ask unanimous consent that the amendment of the Senator from Texas and the perfecting amendment of the Senator from Virginia be temporarily set aside, to accommodate the offering of an amendment by the Senator from Alabama; that on the disposition of the amendment, the Senate return to the consideration of the amendment of the Senator from Texas.

Mr. MOYNIHAN. Madam President, reserving the right to object, do I correctly understand that it is the intention of the distinguished chairman,

after the amendment of the distinguished Senator from Alabama is disposed of, to set aside the pending business?

Mr. TOWER. I would prefer to propound a separate unanimous-consent request, subsequent to the disposition of the amendment of the Senator from Alabama. Last evening, there were all voice vote amendments.

Mr. MOYNIHAN. Do I correctly understand that that is the present intention?

Mr. TOWER. I have already indicated to the Senator from New York that I am prepared to arrive at an accommodation with him.

Mr. METZENBAUM. Madam President, reserving the right to object, I did not understand what the amendment of the Senator from Alabama was about.

Mr. TOWER. It is an amendment on ballistic missile defense and has no budgetary impact.

Mr. METZENBAUM. It is an amendment on the ballistic missile?

Mr. TOWER. On BMD.

Mr. METZENBAUM. I have no objection.

Mr. TOWER. For which there is already money in the bill.

Mr. BUMPERS. The Senator says that it has no budgetary impact?

Mr. TOWER. That is right.

Mr. BUMPERS. Does the Senator from Alabama anticipate a rollcall vote on his amendment?

Mr. DENTON. No. It is my understanding that the amendment will be accepted.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 1539

(Purpose: To authorize use of $50,400,000 of any unobligated research and development funds for research on the Ballistic Missile Defense systems technology program of the Army)

Mr. DENTON. Madam President, I have at the desk two amendments, one in the first degree, No. 1539, and one in the second degree, No. 2073, in the nature of a technical correction. I call up the amendment in the first degree, No. 1539, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alabama (Mr. DENTON) proposes an amendment numbered 1539.

Mr. DENTON. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 26, between lines 8 and 9, insert a new section as follows:

ANTIBALLISTIC MISSILE DEFENSE SYSTEM RESEARCH

SEC. 114. The Secretary of Defense may use not more than $50,400,000 of any funds appropriated pursuant to an authorization of funds contained in this part, and which are not obligated for any other purpose, to carry out research, development, test, and evaluation on the Ballistic Missile Defense systems technology program of the Army.

Mr. DENTON. Madam President, the amendment I propose would authorize the Secretary of Defense to reprogram up to $50.4 million in unobligated funds for the Department of the Army's ballistic missile defense system technology program.

We have discussed the amendment with the managers of the bill. I hope that the distinguished Senator from Texas and his distinguished colleague, the Senator from Washington, will accept this amendment to allow the level of spending——

Mr. TOWER. Madam President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. Those Senators desiring to converse will do so out of the Chamber.

Mr. DENTON. Madam President, we have discussed this amendment with the managers of the bill, and I hope the distinguished Senator from Texas and the distinguished Senator from Washington will accept this amendment in order to allow a level of expenditure sufficient to permit the BMD program to continue with essential activities.

I ask unanimous consent that the names of the Senator from Alabama (Mr. HEFLIN) and the Senator from California (Mr. WILSON) be added as cosponsors of amendment No. 1539.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DENTON. Madam President, I ask unanimous consent that the remainder of my statement appear in the RECORD and that a statement by the Senator from Alabama (Mr. HEFLIN) appear in the RECORD following my remarks.

Mr. METZENBAUM. Madam President, reserving the right to object, I do not intend to object to the Senator from Alabama putting his remarks in the RECORD; but I must say that I do not know what this amendment does, and I think many of us would like to be advised what we are doing to the ballistic missile program and why this amendment is needed at this point. We would like to know what the real impact of it is.

The PRESIDING OFFICER. Is there objection?

Mr. DENTON. I will be happy to read the entire statement, which is not very long, for the information of the Senator from Ohio and others. I will start with the first sentence.

Madam President, the amendment I propose would authorize the Secretary of Defense to reprogram up to $50.4 million of unobligated funds for the Department of the Army's ballistic missile defense system technology program.

The administration requested $538.4 million for that program. The committee reduced the request by more than one-quarter, for two reasons. First, the change in the basing plan for the MX missile removed the rationale for sustaining a hedge capability to deploy a system to defend the MX. Second, the committee had reason to believe that such uncertainties existed about the ballistic missile defense program that it could not recommend full funding. The committee therefore believed that it had reason to level-fund the program after inflation.

The Department of Defense believes that the program can continue to operate effectively with a cut of $100 million, which would have funded the work to develop BMD technology that might be used in connection with closely spaced basing deployment of the MX missile. It believes, however, that the additional $50 million cut will seriously hinder certain important, ongoing R&D efforts that have general applicability for BMD defense of any sort. I concur with that assessment. The committee, after being informed of that, also concurs.

Our amendment would authorize, not require, the Secretary of Defense to reprogram funds for three specific purposes if he believes these purposes have sufficient priority: $18.2 million for the development and evaluation of the airborne optical adjunct, known as AOA. That amount will facilitate the development and testing of a capability to detect threats at a longer range than practicable for radars of comparable mobility and cost, and to assist in identification of possible targets. Allocation of the funds allowed by the amendment would reduce the slip in this high priority program by about 18 to 24 months; $7.4 million for installation of X-band radar on the USNS *Observation Island.* The ship is the platform for the Cobra Judy radar that provides essential high-quality signature data on ballistic missile reentry vehicles and complete reentry complexes. Installation of the new radar will allow simultaneous collection and integration of X-band and S-band signature data. Allocation of the funds allowed by the amendment would reduce the slip in this essential program by at least 12 months, and possibly 24 months, depending on yard availability; $24.8 million for development of nuclear hardened hardward components and software functions for BMD radar and data processing, with emphasis on a complete set of tactical software. This work is the highest cost and most difficult area in many weapons development programs, and particularly for a terminal defense

system. The work is essential to virtually any form of terminal defense. Allocation of the funds allowed by the amendment will allow uninterrupted continuation of work now underway and will reduce the lead time for a terminal defense system, should one be required, by about 2 years.

The amendment is not intended to provide an amount for any of the three programs that is greater than the Department of the Army and the program managers have already contemplated. The objective is to allow the amounts available to the three programs more nearly to approach the amounts that were foreseen, when the administration's budget request was submitted, not to favor any one of those programs over any other or to suggest or require an increase above the original amount foreseen for any of them.

As has been mentioned several times, the so-called Fletcher Commission is still conducting its review of strategic defense program as a whole. One other study, the Foster study, has however, been completed. Its recommendations, which have been endorsed by the Department of Defense, include efforts to reduce leadtime requirements and to vigorously pursue technologies in the areas of mobile configurations of radars and optical sensors, the areas addressed by this amendment.

I believe that the distinguished manager of the bill has been appraised of the report submitted by Dr. Foster on June 24. That information, and I am sure additional information as well, will be available to the Approppriations Committee when it acts to appropriate funds for the ballistic missile defense program. Our amendment provides the necessary flexibility for the Secretary of Defense to reallocate funds to carry out the necessary R&D activities in the BMD program in accordance with the recommendations that have been made and will be made.

Madam President, we have discussed the amendment with the managers of the bill. I hope that the distinguished Senator from Texas and his distinguished colleague, the Senator from Washington, will accept this amendment to allow a level of expenditure sufficient to allow the BMD program to continue its essential activities.

Mr. HEFLIN. Madam President, I wish to applaud the junior Senator from Alabama, Senator DENTON, for his leadership in this role.

Madam President, I am pleased to join with my colleague from Alabama in proposing an amendment to the Department of Defense authorization bill which would allow the Secretary of Defense to redirect up to $50 million out of research and development funds for the Army's ballistic missile defense system technology program.

The Senate Armed Services Committee reduced the administration's requested funding for this program by $147 million, from $538.4 million to $391.2 million. I believe this large a cut in the BMD system technology program is unwise and could seriously jeopardize several ongoing research and development projects.

A reason given by the committee for this significant reduction is the uncertainties which exist over the future of the ballistic missile defense program in light of the revised basing plan for the MX missile. As I have stated many times on the floor of the Senate, BMD is not exclusively related to a specific MX basing mode, and by no means exclusively to MX. It is a flexible program, which can defend any har targets, including Minuteman missiles and communication and control systems. The generic components can be packaged to defend either fixed or deceptively based ICBM's. As such, it is independent of the timing or outcome of MX decisions.

BMD adds stability to the strategic balance. By protecting our retaliatory forces, BMD minimizes the advantage to an adversary in attacking first; that is, it deters a first strike by imposing an unacceptably high price to destroy our ability to retaliate. The proper mix of strategic nuclear forces, which includes BMD, is the least sensitive to miscalculation and error by an adversary military planner because it precludes the need for a launch under attack assessment policy. BMD is required to begin the long-term process of achieving a damage-limiting balance of strategic forces.

The need for adequate funding of the BMD program was reemphasized last March when the President called for an acceleration of R&D efforts on such advanced long-range BMD concepts as directed energy weapons. I, too, have felt for some time that we need to accelerate our efforts in the development of these technologies. However, I believe we must pursue an evolutionary approach that would also include more mature, nearer term BMD concepts.

My interest in also considering more mature BMD concepts is based on several compelling factors that are consistent with the President's policy initiative. They can be fielded earlier and they can be securely based on our own soil. They would pose no threat for any use other than purely defensive objectives and they would effectively complement any advanced systems that may be deployed later.

Madam President, for the past several years, we have pursued only a modest R&D program, deferring any decision to begin a BMD engineering development program until circumstances dictated and technology supported such a decision. We have been in this mode for nearly a decade—progressively developing means to defend various ground-based ICBM's. Now our technology has progressed to the point and components have been developed so that an effective system can be engineered.

Our amendment would allow for the restoration of funds to such important components of the system technology program, as:

First, the development and evaluation of the airborne optical adjunct,

Second, the installation of X-band radar on the USNS *Observation Island*, and

Third, the development of nuclear hardened hardware components and software functions for BMD radar and data processing, with emphasis on a complete set of tactical software.

BMD, I submit, will be a stabilizing factor in the strategic environment of the 1980's and beyond. It should be supported vigorously. The ability to defend our own strategic forces, in our own homeland, against an attacker absolutely must represent the least provocative and most stabilizing prospect for arms control agreements in the future. It is vitally important that we not cut this program back beyond the viability needed to protect our defensive option.

Mr. DENTON. Madam President, we have discussed the amendment and the rest of the statement I previously made regarding the agreement of the floor manager and the cosponsorship of Senators HEFLIN and WILSON.

Mr. TOWER. Madam President, may I ask the distinguished Senator if he has modified his amendment.

Mr. DENTON. Yes; we have a technical amendment which is at the desk.

I ask unanimous consent to consider a second-degree amendment.

Mr. TOWER. The Senator does not need to ask unanimous consent. He may go ahead and modify his amendment on his own initiative.

Mr. DENTON. All right.

AMENDMENT NO. 1539, AS MODIFIED

Mr. TOWER. Send a modification to the desk.

Mr. DENTON. Madam President, the amendment is in the second degree, No. 2073, in the nature of a technical correction.

The PRESIDING OFFICER. The amendment is so modified.

The modified amendment is as follows:

On page 26, between lines 8 and 9, insert a new section as follows:

ANTIBALLISTIC MISSILE DEFENSE SYSTEM RESEARCH

SEC. 114. The Secretary of Defense may use not more than $50,400,000 of any funds appropriated pursuant to an authorization of funds contained in this part, and which are not obligated for any other purpose, to carry out research, development, test, and evaluation on the Ballistic Missile Defense systems technology program of the Army.

The authority under the preceding sentence is in addition to any amounts authorized to be appropriated by this part to carry out research, development, test, and evaluation on the Ballistic Missile Defense systems technology program of the Army.

Mr. TOWER. Madam President, I have worked with the Senator from Alabama to try to craft an amendment which would be acceptable to the committee.

I believe the present amendment as modified by the sponsor's second-degree amendment is acceptable. It represents no addition of the funding authorized in this bill. It simply provides the Secretary of Defense discretionary authority to reallocate resources, to add to the funding authorized by this legislation for the ballistic missile defense systems technology program.

The language of the Senator's perfecting amendment stipulates that no more than an additional $50.4 million over and above the $391.3 million already authorized for this purpose may be provided at the discretion of the Secretary of Defense from funds authorized but not obligated for other purposes.

It is my assumption that the Secretary of Defense will make a determination as to the relative priorities enjoyed by such programs vis-a-vis the importance attached to an augmented program of the BMD systems technology research and development and in no case, however, will total funding authorized in this bill be increased.

It is my hope that the Senate's position with the incorporation of the Senator's amendment will prevail in conference.

Should this be the outcome I believe the adequate level of funding would be provided to protect important options in this important R&D area. By the same token, no specific action is being advocated at this time which might supersede the decision taken by the Senate earlier this week in connection with the Wallop amendment, that is, to await the findings of the Fletcher Commission on strategic defensive technologies.

Madam President, I might add that the committee did substantially reduce the funding available for ballistic missile defense research and development.

Operating under budgetary constraints, of course, we made reductions in virtually all of our accounts, including the strategic accounts, and this is one of them.

I might note that the House of Representatives has made even more severe reduction in the requested amount for ballistic missile defense than has the Senate, and even with this addition we will still be somewhat below the Presidential requests and that matter will be negotiated in conference.

I hope we can maintain the higher level of BMD spending as reflected in the Senate bill in conference.

This does not actually add money for it and actually the money would not be spent unless it could be found and unless it was the judgment of DOD that the money should be used for this purpose.

It simply authorizes a reprograming request not to exceed a certain amount. It actually limits the amount that they can come in and request be reprogramed.

Mr. DENTON. Madam President, will the chairman yield for a brief remark?

Mr. TOWER. I yield to the Senator from Alabama.

Mr. DENTON. Madam President, I concur with all the chairman's remarks and I am particularly appreciative of his expressed intent regarding the conference. I thank him, Senator JACKSON, and their staffs for their attention to this amendment.

Mr. METZENBAUM. Madam President, I have been watching the floor and I noticed that this amendment came along.

As I understand what we are doing here is that the committee reduced the amount for ballistic missile defense program $147 million and that was the committee action.

What we have here is a restoration of $50 million of that for the development and evaluation of the airborne optical adjuncts, $7.5 million for installation of X-band radar on the USNS *Observation Island*, $24.8 million for development of nuclear hardware components and software functions.

This same issue has been before the House Armed Services Committee, and the Armed Services Committee had recommended a reduction of $200 million in this program.

I understand that the argument is being made that this is only a reprograming, but the facts are that the language of the amendment that was the modifying amendment is in fact somewhat unclear because it reads as follows:

The authority under the preceding sentence is in addition—it is not in substitution; it is in addition—to any amounts authorized to be appropriated by this part to carry out research, development, test, and evaluation on the ballistic missile defense systems technology program of the Army.

If it is in addition, would the Senator from Alabama be good enough to advise the Senator from Ohio where the money is coming from?

Mr. TOWER. Madam President, if the Senator will yield, it is not in addition. The Senator modified his amendment. Originally, we had an amendment that would have provided for an add-on. I suggested to the Senator from Alabama that I did not want to accept any add-ons to this bill and so far we defeated every attempt to add money to this bill. So what the Senator from Alabama has simply done is to authorize the reprograming, not to exceed a certain amount.

In fact, it is discretionary with DOD. They can come in with any reprograming request at all and in fact they could come in, absent this legislation reprograming request, and add on any program that is authorized.

Mr. METZENBAUM. I want to point out to the distinguished manager of the bill that although he says it is not, the English language speaks for itself, and the language says:

That the authority under the preceding sentence is in addition to any amounts authorized to be appropriated by this part.

And it goes on.

To me "in addition" means only one thing, it means plus, it means over and above, and if you do not intend it to be in addition then it would seem to me the language would have to read, "shall not be in addition to such amounts as are being appropriated."

But as long as you say it is in addition I am a realist enough to recognize there is a distinction between an authorization and an appropriations bill, but the fact is you had recommended, as indicated by your report on page 132, a reduction of $147,135,000 in the BMD system.

You then went on to say "this sum will level funding of this program after inflation."

The Denton amendment, as modified—and it is the modification from which I am reading—the modification says in unequivocal language, "The authority under the preceding sentence is in addition."

Mr. DENTON. Madam President, will the Senator yield?

Mr. METZENBAUM. I wonder if the appropriate language in the amendment would be that the authority under the preceding sentence shall not be in addition to any amount authorized to be appropriated. It should be the exact reverse of that which the Senator from Alabama's second-degree amendment states.

Mr. DENTON. If the Senator will yield——

Mr. METZENBAUM. I certainly will yield.

Mr. DENTON. You notice in what you just read, the sentence just read, begins, "The authority under the preceding sentence."

Mr. METZENBAUM. I understand.

Mr. DENTON. And the preceding sentence reads as follows:

Section 114. The Secretary of Defense may use not more than $50,400,000 of any funds appropriated pursuant to an authorization of funds contained in this part and which are not obligated for any other purposes to carry out research—

And so forth.

Mr. METZENBAUM. I know that full well.

Mr. DENTON. So it is money already appropriated, and we are just permitting $50,400,000 be used for this purpose.

Mr. METZENBAUM. What I am saying to my friend from Alabama——

Mr. TOWER. Madam President, will the Senator yield? Maybe I can clear this up. The second sentence is conditional on the first, and the fact is they can spend in excess of what we have authorized in the bill but it has to come out of something else, it has to come out of something else that is unobligated, funds that were authorized but unobligated, so that is the point. It does not add money to the bill. It means that you are, in effect, at the discretion of the Department restoring $50,400,000 of the $147 million that was cut, provided they find somebody else's hide to take it out of. That is all it means.

Mr. METZENBAUM. Would the Senator from Texas not agree with me that you would achieve that objective if you provided that "The authority under the preceding sentence is not in addition to any amounts authorized to be appropriated by this part," rather than state it in the affirmative because to state it in te affirmative is to indicate——

Mr. TOWER. I think we have made sufficient legislative history on it, Senator. I think the intent now is clear, the intent of the proposer of the amendment, the intent of the manager of the bill, and I will ask the distinguished manager for the minority if that is not his understanding.

Mr. JACKSON. Madam President, that is my understanding. I hope this matter can be finalized and clarified.

Mr. METZENBAUM. I do not wish to stand in the way of moving this measure forward. But whether it is the understanding of the managers of the bill or the author, the Senator from Ohio feels that one of two things has to happen: One is it has to cut into other savings that have been effected by the committee to the extent of $147 million or that it is indicating that these are additional funds, and because the Senator from Ohio does not want to stand in the way of progress, if it be called that, I am going to suggest the absence of a quorum in order that I may make such——

Mr. TOWER. I wish the Senator would withhold on that. We have made legislative history. It means they cannot spend more than $391 million authorized, and if they do, it has to come from something else. That intent is clear, and I am sure the cosponsor of the amendment, the distinguished Senator from Alabama is willing to make it clear.

With that much legislative history, I do not see how the intent will be missed, and I hope the Senator from Ohio will not delay consideration of this measure.

Mr. HEFLIN. I wonder if the Senator from Ohio would agree that if you added a word in the modifying amendment, where it says, "discretionary authority" under the preceding sentence, would that clarify it as the Senator says, "discretionary authority?" The intent of it is, I think if you read it, that—in other words, there is a certain amount of appropriated money and giving him discretionary authority up to $50 million, and all you want to say is that $50 million does not come out of what is actually already appropriated.

Mr. DENTON. If that helps the Senator from Ohio, the chairman has indicated that the insertion of the word "discretionary," would be sufficient, and I would accept it.

Mr. METZENBAUM. I will say to my very good friend from Alabama that will not accomplish and achieve the objective I am concerned about, having to do with the question of whether it is or is not an additional $50 million. I have asked the staff——

Mr. TOWER. May I say to the Senator from Ohio it is not an addition. We have made adequate legislative history on it, and I can only conclude now that the Senator from Ohio is trying to delay the Senate. It is not an addition to the bill, and the manager has clearly stated that; the proposers of the amendment have clearly stated that is not their intention, the minority manager of the bill has made that statement, and I can assure the Senator it will not be added to the bill because there will be no additional funds added to the bill, if I can help it.

Mr. METZENBAUM. Madam President, I would just like to respond to my friend from Texas. The Senator from Ohio has not been involved, as the Senator from Texas indicated the other day, and used inappropriate dilatory tactics. The Senator from Ohio does not intend to delay the bill, and the Senator from Ohio does not believe and he knows full well that regardless of the legislative history or regardless of the merits of the words spoken on the floor of the U.S. Senate that which controls is the language of the legislation, and you cannot make black white or white black.

You cannot make a positive assertion into a negative one by reason of any legislative debate. I have asked the staff whether or not they could work out some language that would resolve this matter to the satisfaction of the Senator from Ohio without in any way doing harm to the objective of the Senator from Alabama and the concern of the Senator from Texas.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Madam President, I ask the Senator from Alabama whether or not he would not see fit on his own to modify his amendment further by adding the following language: "In no circumstances will this additional discretionary authority be an addition to the total authorization of this bill."

Mr. DENTON. I have no objection to that. I believe it to be redundant, but I have no objection.

I ask unanimous consent that it be so modified.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. METZENBAUM. Does it have to be in writing?

The PRESIDING OFFICER. It does.

AMENDMENT NO. 2076

Mr. METZENBAUM. Madam President, I send an amendment to the desk, that amendment being only the portion that is handwritten at the bottom of the amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. METZENBAUM) proposes an amendment numbered 2076 to amendment numbered 1539, as modified.

At the end of the amendment No. 1539 (as modified) insert the following:

"In no circumstances will this additional discretionary authority be an addition to the total authorization of this bill.".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio (Mr. METZENBAUM).

The amendment (No. 2076) was agreed to.

The PRESIDING OFFICER. The question is on the first degree amendment.

The amendment (No. 1539) as modified, and amended, was agreed to.

Mr. TOWER. I move to reconsider the vote by which the amendment was agreed to.

Mr. JACKSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Madam President, it was my understanding at this point that the distinguished chairman would ask unamimous consent that the pend-

ing amendment, as amended, be temporarily set aside in order that I might offer an amendment that is now at the desk.

Mr. TOWER. Madam President, I ask unanimous consent that the amendment of the Senator from Texas and the perfecting amendment of the Senator from Virginia be temporarily set aside for the disposition of an amendment to be proposed by the Senator from New York (Mr. MOYNIHAN), and that on the disposition of the amendment of the Senator from New York the Senate return to the consideration of the amendment of the Senator from Texas and the perfecting amendment of the Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2061

(Purpose: To extend the grace period for the implementation of the regulations relating to the denial of Federal educational assistance to students who have failed to register under Public Law 97-252 from July 31, 1983, through September 30, 1983)

Mr. MOYNIHAN. Madam President, I thank the distinguished chairman.

I will be brief. There is no occasion to delay the Senate in this matter, although it is one, I think, of very large import to the American people. It is an amendment essentially identical with that I offered on Thursday, the 14th of July, but which was not voted on.

It is at the desk, Madam President, and I ask that amendment No. 2061 be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York (Mr. MOYNIHAN), for himself, Mr. BINGAMAN, Mr. DANFORTH, Mr. DURENBERGER, Mr. HART, Mr. HATFIELD, Mr. HEINZ, Mr. KENNEDY, Mr. LEAHY, Mr. MATHIAS, Mr. JACKSON, Mr. CRANSTON, and Mr. LEVIN) proposes and amendment numbered 2061.

Mr. MOYNIHAN. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 158, between lines 8 and 9, insert the following:

EXTENSION OF THE GRACE PERIOD FOR THE ENFORCEMENT FOR THE PROVISIONS RELATING TO THE FAILURE TO REGISTER AND THE DENIAL OF FEDERAL EDUCATIONAL ASSISTANCE

SEC. . The provision of the notice regarding the implementation of regulations entitled "Student Assistance General Provisions; Registration With Selective Service" (48 Federal Register No. 130, July 6, 1983), relating to the schedule under which an institution of higher education may certify first and then inform the student of the requirement that the student file a Statement of Registration Compliance for the period prior to July 31, 1983, is extended from July 31, 1983, through September 30, 1983.

Mr. MOYNIHAN. Madam President, I ask unanimous consent that my cherished colleague, Senator MATSUNAGA, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Madam President, the purpose of this amendment is very simple. It extends until September 30 the period of time during which students at colleges and universities can receive various kinds of Government guaranteed or subsidized loans without having completed a statement of compliance indicating that they have either registered with the Selective Service or are not required to do so by virtue of a number of criteria.

May I first of all point out that the overwhelming number of students are in compliance with law, but many do not necessarily have this required form. They have registered, but they have not filled out this form because they are not on campus during the summer.

They left campus in June with the understanding that the law known as the Solomon amendment had been declared unconstitutional and that that was the end of the matter. Then, with 3 days remaining in June the Supreme Court stayed the district court injunction and the Department of Education put new regulations into force requiring compliance which will take effect on the 1st of August. The problem, Mr. President, is that nobody is around colleges on the 1st of August, except students at summer school.

With the utmost good faith, every major organization of colleges or universities in the country has asked us to give them until September 30 to file the statements of compliance which would let students get their loans. Thereafter, under existing regulations, they have 30 days to present this statement that they have either registered or that they need not do so. Students need not file the statement if they are female, if they are in the armed services on active duty, if have not reached age 18—such things like that.

At this point, Madam President, I ask unanimous consent that the statement of registration compliance form be printed in the RECORD so that we know what we are talking about. This one is from Georgetown University. Each institution prepares its own form.

There being no objection, the form was ordered to be printed in the RECORD, as follows:

Attention: Federal Law requires that all students receiving federal financial aid (including: Guaranteed Student Loans, PLUS/ALAS/CLAS Loans, National Direct Student Loans, College Work Study, and for undergraduates only, Pell Grant or Supplemental Educational Opportunity Grant) must complete the following statement:

Statement of Educational Purpose Registration Compliance

I certify that I will use any money I receive under Title IV Student Aid programs only for expenses related to attendance at Georgetown University.

I certify that I am not required to be registered with the Selective Service because:

☐ I am a female.
☐ I am in the armed services on active duty. (Note: Members of the Reserves and National Guard are not considered active duty.)
☐ I have not reached my 18th birthday.
☐ I was born prior to January 1, 1960.
☐ I am a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands.

I certify that I am registered with Selective Service. ☐

Name
.....
Class
.....
Signature
.....
Social Security No.
.....
Date
.....

Without this document on file by August 1, 1983, Georgetown University will be unable to process guaranteed student loan or Plus/Alas/Clas loan applications or disburse any federally supported funds such as college work-study or national direct student loan funds. If you have any questions regarding the above, please contact the Financial Aid Office.

..... of
Georgetown University
Financial Aid Office

Mr. JACKSON. Will the Senator yield?

Mr. MOYNIHAN. Yes, though if I may say one more thing: According to regulations promulgated by the Department of Education, 30 days after September 30, if this form has not been filed, the federally guaranteed loan automatically goes into default.

Mr. JACKSON. Madam President, I commend the distinguished Senator from New York for his leadership in this matter. We would not have to do this except for a lot of judicial confusion. The district court, as I recall, in Minnesota ruled the particular provision in the law a bill of attainder and, therefore, unconstitutional.

The Supreme Court has stayed the action of the district court declaring it unconstitutional, leaving to the fall term to decide on the merits whether or not it is in fact unconstitutional as claimed by the opponents.

As one who has supported the draft registration, as has been the case of the Senator from New York, and as a cosponsor of this amendment, I believe it just makes good commonsense and true prudence to grant the extension to September 30.

The college administrators have asked for this, those who support the draft registration, and I see no purpose at all in adding to the confusion

and the obvious trouble that it is going to entail especially for our colleges and universities, at a time when they have enough trouble, by insisting that it all take place by September 1.

I have not seen the order, I do not know whether the Senator has, of the Secretary extending it.

Mr. MOYNIHAN. We have heard that the Department of Education might extend the deadline from August 1 to September 1, but such an extension has not, as far as we know, been issued officially.

I thank my friend from Washington, my revered friend, Senator JACKSON.

Madam President, I say to those who are listening that if we want our laws to be obeyed, we have to make it possible to obey them. There may be Members of this body who are opposed to the law linking Government-guaranteed loans to draft registrations—I am sure some have voted against it—but the colleges cannot enforce it in the present circumstance, because of the confusion caused by recent judicial decisions.

The students are not now on campus. There are some 6 million students who receive some form of Federal loan assistance or guarantee. So far as I know—I will exaggerate—they all want to comply with the law. Certainly most of them do. But when they left campus last month they were told the law did not exist anymore.

All the administrators are saying is—

Let us get the college students on campus, with their loans approved and guaranteed, and let us give the students 30 days within which to present this statement.

Meanwhile, students will be able to receive their loans, pay their tuition, the fall semester can begin on time, and then the paperwork required by the Solomon amendment can be done in an orderly manner.

The college asks the student in this form, "Have you registered?" and they check a box. In that case, the lending institution is so notified, and the loan remains valid. If the student is not in compliance, cannot make or continue the loan.

All we are asking is that it be made possible for people to obey the law without disrupting American higher education.

Madam President, I ask unanimous consent that a letter from the American Council on Education on this subject, written on behalf of 14 organizations of colleges and universities, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN COUNCIL ON EDUCATION,
Washington, D.C., July 18, 1983.

DEAR SENATOR: On behalf of the American Council on Education and the associations listed below, we urge you to support an amendment to the Department of Defense Authorization Act of 1984 (S. 675) which will be offered by Senator Moynihan and which would extend from August 31 to September 30 the initial implementation period for the statute making draft registration an eligibility criterion for student financial aid under Title IV of the Higher Education Act. In the absence of any action to delay implementation of this requirement, our chief concern is the integrity of the financial aid delivery system and the availability of funds for needy, eligible students this Fall.

In this regard, we applaud the decision of the Department of Education to permit special procedures for disbursement of aid and certification of loan applications from July 1 through July 31 without requiring Statements of Registration Compliance, which can be obtained later. We understand that this "grace period" will be extended through August 31. Unfortunately, the interim regulations have caused widespread confusion on campuses, in state lending agencies, and among financial institutions processing loan applications.

Most students will not have returned to campus by the end of August. Moreover, the vast majority of applications for Guaranteed Student Loan and PLUS loan program funds have already been certified by schools, without the Statements, and are now in the hands of lenders or state lending agencies. It is estimated that one-third of these checks, affecting some one million students, will not be released until after September 1. Therefore, we are deeply concerned that lenders will stop processing applications and checks until the situation is resolved. Without explicit clarification from the Department that lenders can proceed, confident that Statements will be obtained subsequently, there is a real possibility that GSL and PLUS loan recipients will suffer inordinate delays in receiving their aid. Extending the "grace period" until October 1 would largely alleviate this difficulty. It would also permit colleges and universities to obtain the required forms in an orderly way during registration for classes.

An extended initial phase would also permit Education Department officials to address the various technical and substantive issues regarding these regulations which have come to light in recent weeks. In particular, it would allow time to clarify the precise responsibilities and liabilities of those colleges and universities which have disbursed funds under the interim procedures.

We wish to state explicitly that extending the grace period in this manner in no way weakens enforcement of this requirement. Institutions would still be required to inform all students who receive Title IV assistance that they must sign a Statement. The extension would simply allow colleges and universities to enforce this statute in the most cost-effective way.

For these reasons, we request your support for Senator Moynihan's proposed amendment, and we greatly appreciate your interest in this issue. This letter is sent on behalf of:

American Association of Community and Junior Colleges.
American Association of State Colleges and Universities.
American Association of University Professors.
American Council on Education.
Association of American Universities.
Association of Catholic Colleges and Universities.
Association of Jesuit Colleges and Universities.
Association of Urban Universities.
Council of Independent Colleges.
National Association for Equal Opportunity in Higher Education.
National Association of College and University Business Officers.
National Association of Independent Colleges and Universities.
National Association of Schools and Colleges of the United Methodist Church.
National Association of State Universities and Land-Grant Colleges.

Sincerely,

CHARLES B. SAUNDERS, Jr.,
Vice President for Governmental Relations.

Mr. MATSUNAGA. Will the Senator from New York yield?

Mr. MOYNIHAN. I am happy to yield.

Mr. MATSUNAGA. Madam President, I wish to congratulate the Senator from New York and commend him for the leadership he has shown in this regard. As a cosponsor of the amendment, I urge my colleagues to support it.

We are not here asking to excuse anyone from the violation of any law. We are merely asking that the period be extended so that those who wish to do so will have an opportunity to comply with the law. This, I believe, is a very reasonable request, a very reasonable proposal. It has the backing of the authorities connected with the institutions of higher learning. I think we who represent the people of the country ought to once in awhile listen to the voice of the people and here is a case.

Mr. MOYNIHAN. They are speaking, if I may say to my friend, for 6 million students. They are saying: "Give them a chance to abide by our regulations, which are a little confusing. You pass a law and one court says it is not a law and then another court says that it may still be a valid law."

Madam President, I would like to inquire of the distinguished managers of the legislation whether this amendment is acceptable to them before asking that there be a vote. If it were acceptable, I think it would be very fine.

Mr. MATTINGLY. It is not acceptable to me.

Mr. MOYNIHAN. I ask unanimous consent that Senator METZENBAUM be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. I see my friend from Georgia is on the floor. I am happy to yield to him.

Mr. MATTINGLY. I thank the Senator from New York.

Madam President, I have to admit that it is somewhat appalling to me that we are again standing here talking about moving a date. Over 1 year ago, the Senate passed the Mattingly-Hayakawa legislation. That legislation clearly stated that those students who had not registered for the draft would

be prohibited from receiving Federal student financial aid.

I wish both floor managers were in the Chamber to hear this debate so that they could really understand and give finality to what is going to happen here today on this piece of legislation.

That legislation as passed was and still is simple, it is clear, and it is to the point. It plugs up a loophole.

In the last few days, the U.S. Senate has debated and voted three times on this measure relating to the Mattingly-Hayakawa amendment. Now the Senator from New York is asking us to debate and vote yet another measure dealing with the legislation.

I might add that the previous votes were anything but close. On Friday, the votes were 66 to 29 and 71 to 23. On Saturday, the vote was 64 to 19. Quite frankly, I do not see how anyone could argue here about the intent of the Senate.

It is clear that the Senate supports the notion that those students who are bound by law to register for the draft should do so before they can be eligible to apply for student financial aid.

By discussing this issue again and again, we are doing a disservice to those people who obey the law.

I think the Senator from New York ought to understand that.

In addition, if the law is changed, the U.S. Senate is going to be providing an incentive to ignore the law.

Let us put this into perspective.

Madam President, once again I say by discussing this issue again and again we are doing a disservice to those people who have obeyed the law. I say if the law is changed, the Senate will be providing an incentive to those people who ignore the law. So let us put it into perspective and see the magnitude of the problem that the Senator from New York is discussing.

In the 1980-81 school year, approximately 3 million students graduated from high school in the United States. Of that number, 54 percent began attending college. That amounted to approximately 1.6 million students. Taking that a step further, in 1981, there were an estimated 794,000 males and 826,000 females attending our Nation's colleges and universities. Of this number, approximately 51 percent applied for student aid.

The latest statistic—and I will be happy to read the letter from the Director of Selective Service dated July 19, and I will enter it for the RECORD—shows that over 98.5 percent of our youth comply with the draft registration law. Applying that statistic to the figures I presented earlier shows there are only 6,000 young men who asked for student aid who have not registered for the draft.

Let me reiterate that point. Of the roughly 800,000 young men who will begin college this year, about 400,000 are going to apply for Federal student aid. Of the 400,000 who will apply, 394,000 will have completed draft registration. Only 6,000 young men will have broken the law.

Yet, these 6,000 are still asking for student aid from the Government whose laws they refuse to obey.

It is not necessary for the Senate to consume its time in microcosmic adjustments in order to accommodate the small number who have not complied. By doing so, we are insulting the law-abiding young people of our Nation who are willing to obey the law before asking for help.

There are some additional points that can be made.

First, the Department of Education, as the Senator from New York knows, has the authority to delay implementation of the law if it is necessary. He knows that in this past week the Department exercised that authority by extending the grace period until September 1.

If the Department thinks the implementation period needs to be delayed again, it can do so. I have asked the Secretary of Education, Mr. Bell, and Director of Selective Service Turnage to give me their respective department's position on further extension of the deadline for implementation.

Many of my colleagues have copies of the letters I received from them. I ask unanimous consent that both Director Turnage's and Secretary Bell's be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF EDUCATION,
THE SECRETARY,
Washington, D.C., July 19, 1983.

Hon. MACK MATTINGLY,
The U.S. Senate, Washington, D.C.

DEAR SENATOR MATTINGLY: Earlier today, by telephone, your staff questioned whether the Department would agree to extend until October 1, 1983, the deadline for students to sign a form assuring their compliance with Selective Service registration requirements.

As you know, Department regulations require students to complete the appropriate assurance form for aid received after July 1, 1983. Because of the Federal court injunction in Minnesota, many students did not complete the form as required by regulations. The Department provided a 30-day grace period to enable the students to sign the appropriate forms without causing an interruption in their student aid. However, in response to requests from the higher education community, the Department agreed to extend until September 1, 1983 the deadline for students to complete the form.

Each time the deadline is changed, the Department must publish a new notice in the Federal Register announcing the change, and mail a notice to each student financial aid officer of every college and university in the United States.

The extension we have already provided until September 1, 1983 will enable students to complete the form when they return to campus to begin the fall semester. We strongly oppose an additional delay because we do not feel it is needed, because it is unnecessarily costly, and because it will only serve to confuse both students and student financial aid officers.

We believe the current deadline of September 1, 1983 does not impose any significant burden to the student financial aid community. We believe we have adequately addressed their concerns by providing students 60-days to complete the simple form. We believe it is time to dispense with questions concerning deadlines for phasing in the Selective Service registration requirements and get on with the business of administering higher education programs.

I hope that you and your colleagues will be able to put to rest once and for all questions concerning how much time it should take for a student attending an institution of higher education to appear at a Student Financial Aid office and place an "X" on a piece of paper.

Sincerely,

T. H. BELL.

THE DIRECTOR OF SELECTIVE SERVICE,
Washington, D.C., July 19, 1983.

Senator MACK MATTINGLY,
U.S. Senate, Washington, D.C.

DEAR SENATOR MATTINGLY: This is in response to your query concerning proposals to delay beyond September 1 the requirement that students seeking Federal student aid must certify they are in compliance with Selective Service registration laws.

Section 1113 of PL 97-252 is being implemented by Department of Education regulations in a manner that is not burdensome to students or educational institutions. Although the law became effective July 1, Secretary Bell, without demur, has instituted a 60 day "grace period" to alleviate any concerns that school administrators might harbor. I am unpersuaded that any further delay is necessary or desirable. All that is required for the 1983-84 Academic Year is that beginning September 1, an institution must receive a student's Statement of Registration Compliance prior to making disbursements of any Title IV aid to that student.

I am pleased to report to you that peacetime registration continues to rise. As of July 10, 98.5% of the potential draft-eligibles (men born between 1960-1963) were registered. This is a higher compliance rate than had been recorded prior to Senate passage of the amendment sponsored by you and Senator Hayakawa requiring students seeking Federal student aid to be in compliance with the registration law. I am very appreciative of your amendment not only because it has improved compliance, but because I philosophically subscribe to the principle that citizenship entails responsibilities as well as privileges.

Sincerely,

THOMAS K. TURNAGE.

Mr. MATTINGLY. Madam President, I wish to quote a portion of Secretary Bell's letter.

As you know, Department regulations require students to complete the appropriate assurance form for aid received after July 1, 1983. Because of the Federal court injunction in Minnesota, many students did not complete the form as required by regulations. The Department provided a 30-day grace period to enable the students to sign the appropriate forms without causing an interruption in their student aid. However, in response to requests from the higher education community, the Department agreed

to extend until September 1, 1983 the deadline for students to complete the form.

Each time the deadline is changed, the Department must publish a new notice in the Federal Register announcing the change, and mail a notice to each student financial aid officer of every college and university in the United States.

The extension we have already provided until September 1, 1983 will enable students to complete the form when they return to campus to begin the fall semester. We strongly oppose an additional delay because we do not feel it is needed, because it is unnecessarily costly, and because it will only serve to confuse both students and student financial aid officers.

We believe the current deadline of September 1, 1983 does not impose any significant burden to the student financial aid community. We believe we have adequately addressed their concerns by providing students 60-days to complete the simple form. We believe it is time to dispense with questions concerning deadlines for phasing in the Selective Service registration requirements and get on with the business of administering higher education programs.

I hope that you and your colleagues will be able to put to rest once and for all questions concerning how much time it should take for a student attending an institution of higher education to appear at a Student Financial Aid office and place an "X" on a piece of paper."

Madam President, it is not the job of the U.S. Senate to tinker with and fine tune administrative provisions issued by the Department of Education. It is the job of the U.S. Senate to set policy. This it has clearly done and reaffirmed with its votes on the Mattingly-Hayakawa and Solomon amendments.

There are those who stand here and talk about costs to colleges and universities in implementing this law. That is what we are talking about on the floor now. Let us talk about the costs to the taxpayers that have been accumulated while the U.S. Senate wastes its time voting again and again on the same issue—especially when we have overwhelmingly reaffirmed our position on it. Private and public colleges receive an estimated $6 billion annually in various student financial assistance programs. These same institutions of higher learning, through taxpayer-supported student loans, have seen their classrooms filled where, otherwise, they may have had a considerably larger number of empty chairs. I do not think complying with a law that passed a year ago is too much to ask of these colleges and universities.

Congress has spoken and spoken and spoken on the issue of draft registration and student financial aid. By a vote in this body to further extend the deadline for implementation, we will send a false message that we are not serious about seeing that the law is enforced. Nothing should be farther from the truth.

The definition of "compromise" is "a settlement of differences by mutual concessions." It is clear that the Department of Education has compromised with the higher education institutions on the implementation of this law. Since a compromise has been made, now let us talk about compliance—a noun meaning "cooperation or obedience."

Should we tell 98.5 percent of the young people of our Nation that it is not important to register as a prerequisite for Federal student aid?

Should we tell 98.5 percent of the young people of our Nation that we have changed our minds and we should be more permissive to the 1.5 percent who did not comply with the registration law; that just because 98.5 percent have the intelligence and sense of duty to comply, it is meaningless?

In the 1960's, the attitude in the United States was to protect the criminal, the lawbreaker, and forget the victim. During that time, disrespect for duty and our flag became a badge of honor. I do not want to go back to that time of misplaced priorities.

Do we vote here for compliance or do we vote for gutlessness? That is the bottom line. The bottom line is not whether we move a date. Do we vote for a gutlessness which ignores the responsibility of citizens? Do we vote for a gutlessness which dilutes the worth of the law abiding young people of our Nation and says it is not important to be proud of the responsibilities and duties of being an American citizen? I say that answer should be no. I say it is time that we finish quibbling over this matter.

I am personally proud of the 98.5 percent of our young men who have registered for the draft, who have complied with the law. I have little sympathy or understanding for the 1.5 percent who have not.

Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER (Mr. RUDMAN). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. BINGAMAN. Mr. President, I would like to make just a few points in response to the Senator from Georgia and address the issue which I believe is contained in this amendment.

The Senator from Georgia has suggested that the question before the Senate is whether or not we want to vote for gutlesseness, I believe that was the word that he used. Let me, if I could, just summarize what I understand the amendment to be and see if there is a disagreement on what we are talking about here.

As I understand it, Secretary Bell has, by regulation, stated that September 1 will be the date, the final date, for registration and filling out of forms. Is that a correct understanding?

Mr. MATTINGLY. That is correct.

Mr. BINGAMAN. The import of this amendment is to change that date to September 30 instead of September 1, which would be to add an additional 29 or 30 days. So the question really is whether a person would be required to register before September 1 and fill out the forms or would be required to do that before September 30, before the close of business on that day. That is how I understand the issue before the Senate.

Am I confused on that?

Mr. MATTINGLY. Partially, but the Department of Education has already gone from July 1 to August 1 and now has gone further from August 1 to September 1 in order to resolve any of the administrative inconveniences that may have been encountered. We have gone through four votes last year and three here in the last few days, trying to dilute the responsibility of students and universities.

This is going to further dilute it. It is not up to this body, as I said before, to put everything under a microscope. That is the responsibility of the Department of Education. It is not the responsibility of this body.

The futher problem with all this is if we think it will end here—I doubt if it will—on the issue of whether you should register in order to be able to get student financial aid from the Federal Government.

Mr. BINGAMAN. Will the Senator from Georgia yield?

Mr. MATTINGLY. Yes, I yield.

Mr. BINGAMAN. I would really ask if we are in fact asking in this amendment to dilute the responsibility or rather, to postpone it for 30 days? Is that a question that the Senator from Georgia can respond to?

Mr. MATTINGLY. What was the Senator's question?

Mr. BINGAMAN. The Senator has said that we are in fact diluting the responsibility of people to register. As I understand the amendment, of which I am a cosponsor, we are in fact postponing the responsibility of these people to register for 30 days rather than diluting that responsibility.

Mr. MATTINGLY. Of course, I would say postponing is diluting.

Mr. MOYNIHAN. If the Senator from New Mexico will yield, I think we have heard what we have to know.

There are some 6 million American young men and women who are in universities and receive one form or another of financial assistance. The overwhelming majority of the young men required to do so, 98.5 percent, have registered with the Selective Service. My own youngest son has. I am sure there are other families like mine who had to remind their sons. I have to remind him to tie his shoelaces. But he never thought not to comply with the law once we reminded him.

What our colleges and universities are asking is to let these people who have complied with the law continue with their education.

I would like it understood that those who vote against this proposition have declared those people gutless. The ROTC, the NROTC, veterans, the young men who have done their duty, they are called gutless because their college presidents have asked for 60 days in which to do the necessary paperwork. I hope they have an opportunity to check the CONGRESSIONAL RECORD to see who thought them gutless as against those who thought that the American Government bureaucracy had got itself a little confused on this issue. All the universities ask is a little time to straighten it out.

This does in no way affect the law. I voted for the law. The question before us now is not whether the Solomon amendment is meritorious. If you think American young men are gutless, fine, here is your chance to say so in the CONGRESSIONAL RECORD. Do not for a moment think it will be unnoticed by them or their families or their colleges. Or that it will be thought to be an accurate statement.

I just hope about 15 good running backs do not go to college this fall because, having already registered for the Selective Service, they did not get on campus in time to make out their yellow cards and so the Georgia Bulldogs go down to defeat. I would like those football coaches to understand that their running backs, and their linemen, have been called gutless.

Mr. President, I have nothing else to say, and the yeas and nays have been ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. WARNER. Mr. President, on Monday, July 18, I spoke at length with Mr. Frank Hereford, the president of the University of Virginia, concerning this important issue.

This distinguished educator asked my support for the amendment offered by the Senator from New York.

He pointed out that universities and colleges need the students' presence on campus so that they can tell the students what the law requires. Clearly, this cannot be accomplished if the law goes into effect July 31.

Most students will not have returned to campus by the end of August. Moreover, the vast majority of applications for guaranteed student loan and plus loan program funds have already been certified by schools and are now in the hands of lenders of State lending agencies. It is estimated that one-third of these checks, affecting some 1 million students nationwide, will not be released until after September 1. Therefore, educators are deeply concerned that lenders will stop processing applications and checks until the situation is resolved.

Without explicit clarification that lenders can proceed, confident that eligibility will be certified subsequently, there is a real possibility that GSL and plus loan recipients will suffer inordinate delays in receiving their aid. Extending the grace period until October 1 would largely alleviate this difficulty.

Mr. President, I urge my colleagues to support adoption of this amendment.

Mr. MATTINGLY addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. MATTINGLY. I make a motion to table the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there is sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The acting assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the motion to table the amendment. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from South Dakota (Mr. PRESSLER), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I also announce that the Senator from New Mexico (Mr. DOMENICI) is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 46, nays 48, as follows:

[Rollcall Vote No. 215 Leg.]

YEAS—46

Abdnor	Hawkins	Percy
Armstrong	Hecht	Proxmire
Boschwitz	Helms	Quayle
Cochran	Humphrey	Roth
Cohen	Jepsen	Rudman
D'Amato	Johnston	Simpson
DeConcini	Kassebaum	Stevens
Denton	Kasten	Symms
Dixon	Laxalt	Thurmond
Dole	Lugar	Tower
East	Mattingly	Trible
Exon	McClure	Wallop
Garn	Murkowski	Wilson
Gorton	Nickles	Zorinsky
Grassley	Nunn	
Hatch	Packwood	

NAYS—48

Andrews	Eagleton	Matsunaga
Baucus	Ford	Melcher
Bentsen	Glenn	Metzenbaum
Biden	Hart	Mitchell
Bingaman	Heflin	Moynihan
Boren	Heinz	Pell
Bradley	Hollings	Pryor
Bumpers	Huddleston	Randolph
Burdick	Inouye	Riegle
Byrd	Jackson	Sarbanes
Chafee	Kennedy	Sasser
Chiles	Lautenberg	Specter
Cranston	Leahy	Stafford
Danforth	Levin	Stennis
Dodd	Long	Tsongas
Durenberger	Mathias	Weicker

NOT VOTING—6

Baker	Goldwater	Pressler
Domenici	Hatfield	Warner

So the motion to lay on the table Mr. MOYNIHAN's amendment (No. 2061) was rejected.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. CRANSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MATTINGLY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MATTINGLY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATTINGLY. Madam President, I would like to add just a few more things to the debate on the vote that we are going to take very shortly. There was an article in the Detroit News which I shall submit for the RECORD. It says:

Seven months ago, President Reagan signed a defense appropriations bill which contained an amendment that denies federal education loans to students who have failed to register for the draft.

This so-called "Solomon amendment," named for Republican Gerald Solomon, the New York congressman who attached the rider to the bill, was approved by almost 70 percent of the House, and the measure slid through the Senate with equal ease.

I might interject there, the Mattingly-Hayakawa amendment was totally unopposed.

The article continues:

No sooner had the ink dried on the document than several college officials decried the added administrative burden such a stipulation would impose upon their schools.

Never mind that there are already 272 pages of federal regulations that dictate how colleges and universities will behave if they accept federal funds. Moreover, many of these regulations require the institutions to ensure compliance with federal statutes ranging from public access for the handicapped, Title VII prohibitions against sex discrimination, affirmative action guidelines, dormitory construction specifications,

accreditation standards, as well as procedures governing foreign students, cooperative education, and work-study programs.

Then there is the rash of rules attendant to Guaranteed Student Loans, National Defense Student Loans, Pell Grants, Basic and Supplemental Educational Opportunity Grants, and whatever other student assistance programs Washington has authorized during the past two decades.

Yet some of these same college administrators who gladly enforce a slew of federal standards have decided that a requirement regarding student registration is, well, excessive. Which is to say that these officials are offended by the thought of being accessories to an "unjust" law.

Sadly, their objections have been reinforced by the recent ruling of a federal district judge in Minnesota who has issued a preliminary injunction prohibiting the state's schools from barring aid to any students lest the act violate his constitutional right against self-incrimination.

This ruling pleases the petitioners who, with the aid of the American Civil Liberties Union, insist rather disingenuously that they have a right to federal dollars, without the concurrent responsibility to obey the nation's laws.

That inconsistency is something the U.S. Justice Department intends to address in court by arguing that students have no inalienable right to federal funds. Further, the government correctly contends that those students who are denied federal aid aren't being tried because that denial has nothing to do with the penalties prescribed by the Draft Registration Act.

Finally, it should be remembered that some 96 percent of those young men of draft age have already registered. Therefore, the amendment merely excludes a tiny minority that has deliberately decided to defy the law. Those who wish to register can still do it and be eligible for federal assistance for the coming school year.

Thus the question still remains whether those who refuse their obligations as U.S. citizens have a right to federally subsidized education loans and grants.

And the only rational answer is no, they clearly do not.

That came from the Detroit News of March 28, 1983.

There was also an editorial run by WSPA-TV, Greenville-Spartanburg-Ashville, the CBS affiliate. It says:

[A WSPA-TV Editorial, Mar. 14, 1983]

FEDERAL STUDENT AID AND THE DRAFT

Many people have objected to the United States Congress' action to make draft registration a condition of eligibility for federal student assistance for higher education. Presently, the federal government spends $10.7 billion dollars for about 5 million students, of whom just over half are males who must register for the draft. Actually, draft registration can be called successful because 96 percent of those who are supposed to register do so. Almost all of the young men registering are doing so voluntarily and not because of penalties.

Yet, it would make no sense for the Congress to offer student aid to those few who did choose to refuse to register. As policies, Congress has produced both the registration and student aid. Moreover, colleges and universities that find replacement moneys for those who refuse to register are acting in bad faith. The Congress has deemed the registration necessary for the nation and if individuals oppose this policy, they can try to change the law governing registration. It would certainly be improper for college officials to make policy choices in order to allow young men to thwart the law.

Mr. MATTINGLY. Madam President, there was the debate that has gone on, on my motion to table this amendment, and now there will be an up or down vote on the Moynihan amendment, which I encourage everybody to vote against and which this time we hope to be able to defeat. The most serious objection to any further delay is that 1 more month would pass during which aid would have to be issued to students who might never register or never fill out the necessary forms.

Now, that money would have to be recouped. What recouped means is the Federal Government would have to try to get it back. We know the Federal Government's success in recouping bad debts. It is not too good.

In the cloakrooms this last hour-and-a-half on this debate it was said that if this amendment passed, an amendment was going to be offered that the Federal Government pay the State governments the recoupment costs.

Now, Madam President, I just ask my colleagues, is that not a little absurd? What guarantee do we have today, even if that amendment is not offered, that it will not be offered later on another bill; that when these well-meaning and well-mentioned people come forth on the floor trying to take care of this infinitesimal number of people who cannot even go in to mark an X on the form, even though they happen to be running backs, that if they make a mistake and they should not give them the money, we are going to delay it and go on to October 1. If we delay this, it is going to cost the Federal Government money. My colleagues know that. I know that. Anybody who has commonsense understands that the Government is going to pay out more and they are going to make the mistakes, and then they are going to go back and try to collect it.

Then what is going to happen? Another well-intentioned United States Senator is going to come to the floor and say that we should not have put that burden on the colleges and universities and we must pay for those errors. So we will go ahead and appropriate some more money. We will sit on the floor of the Senate, free of charge, and debate the issue once again.

I say that that is one of the overriding issues that will come up if this amendment is not defeated.

Madam President, we know there are amendments waiting in the wings. Nobody ever really knows for sure what amendment may be waiting, but I know that one person has already come to me about this issue. It may not be today, but it is going to be some day soon.

I want to go on with another great speech. It was made by the president of Boston University, the Honorable John B. Silber. He said:

Last fall the Congress and the President enacted legislation denying federal financial aid to any student who does not demonstrate that he has registered for the draft. Current discussion of this policy largely concerns legal questions and has almost entirely missed the important moral and educational issues implicit in the question.

To begin with, financial aid is a special benefit. It is not something students are owed or have earned. It is a contribution made by society through government and volunteer institutions to help individuals achieve self-fulfillment. Society and its institutions are obligated to insist that such contributions be made to individuals who recognize their obligation, in turn, to sustain society and the institutions that sustain them.

The student who wishes to assert his right to financial aid must accept his obligation to contribute to the society on which his own self-fulfillment depends.

A second principle is the rule of law. If citizens are not obligated to obey the law and may break it with impunity, then there is no rule of law. Since the rule of law is essential to civilized society, it follows that no one has any legal right to violate the law. When one speaks of a right to violate the law he must mean a restricted moral right. The exercise of any right to violate a particular law must be done, moreover, so as to preserve, even at the time of the law's violation, the rule of law itself.

The legal questions are easily dealt with. It is incorrect to argue that one violates the Fifth Amendment protection against self-incrimination by restricting financial aid to those who respect the law. A university does not ask anyone whether he has violated the registration act. Funds are withheld only from those who fail to state that he has registered. This is no more a case of self-incrimination than is a bartender's asking to see a driver's license.

It is also incorrect to say that a denial of financial aid to men who have refused to register is discriminatory against women. Aid is denied only to those who are required to register and who do not present evidence of having done so. Since women are not required to register, they do not lose their eligibility for aid, and receive it along with the men who present evidence of registration. Those who wish to force women to register must make their appeal to the Congress and not the campus.

It is especially misleading to say that requiring proof of registering discriminates against the poor. At Boston University, where the situation is typical, financial aid is provided to about 70 percent of the students. This includes not only the poor, but the middle classes. Some financial aid goes even to children in families earning as much as $75,000 a year. The children of the downright rich will not receive equal treatment under the graduated income tax. Those who oppose the denial of financial aid will hardly oppose the graduated income tax on the ground that it denies equal protection of the laws.

Finally, it is hard to take seriously the charge that the Solomon Amendment improperly turns colleges and universities into law enforcement agencies and imposes intol-

erable bureaucratic burdens upon them. The colleges and universities are already engaged in enforcing laws on subjects as diverse as affirmative action and alcoholic beverages. Requiring proof of draft registration before providing financial aid is no more complicated or burdensome than requiring proof of age before providing a beer.

At Boston University we are, of course, concerned about the federal law in this regard. It is regrettable, I think that such distinguished universities as Harvard, Yale, and Dartmouth are considering circumventing the law by supporting, from their own funds, students who have lost eligibility through non-registration. The legality of subverting the intent of Congress is open to serious question, especially in light of the fact that the general funds of most colleges and universities have substantial components from federal sources other than those explicitly appropriated for financial aid.

At Boston University we have gone further by deciding to deny financial aid from whatever sources to those who have not registered for the draft. If we fail to educate our students to the fundamental moral truths that they have no right to a free ride; that they must respect the rule of law, we will betray our public trust. Educators should educate.

Boston University has no interest in punishing anyone, nor is Boston University a law enforcement agency. We are an educational institution and the point we are making is an educational point.

Universities have no obligation to teach young Americans that they cannot accept benefits from society without at the same time accepting the responsibilities that go with them. No one who refuses to obey the laws of the society that nurtures and protects him should expect to receive all the privileges extended to law-abiding citizens. No society has a duty to provide benefits to those who disregard the law that are necessary to preserve society.

That is the end of the speech, Madam President.

Does the Senator from Maryland have a question?

Mr. SARBANES. I think the statement, as the Senator read it, is interesting and very much to the point in many aspects on the moral and legal questions. But I do not understand that moral or legal issues have been posed by the Moynihan amendment. The Moynihan amendment seeks only a delay of 1 month, and its purpose is really to respond to a broad demand from the higher educational community to give them some time to adjust their financial aid delivery systems.

Many of these students who have registered, who have fully complied with the amendment in every respect, who agree with the moral and legal points made in the statement of the president of Boston University, which the distinguished Senator has just read, will still not have their loans unless we provide this additional grace period. It would extend 1 month, as I understand it, beyond what is contained in the regulation.

Many students will not be on campus until after the first of September, and many of these checks will not be released until after the first of September.

So I thought that what the Senator read was interesting, but I did not see its relevance to the Moynihan amendment. There is no amendment pending to repeal the requirement of the law. What was the pertinency of that statement to the pending amendment?

Mr. MATTINGLY. I think that President Silber's comments are very apropos not only to registration but also the duties of the universities. I think he was very clear when he said educators should educate and that the universities have an obligation to teach young Americans that they cannot accept benefits from society without at the same time accepting the responsibilities that go with them. I would hate to put words in his mouth, but I imagine he was saying they also have a responsibility in the universities.

The Senator from Maryland is saying that there is a broad demand by the higher educational systems for an extension. I am not going to get into details as to when all the demands came, but I assure the Senator that some came prior to July 1 and probably some came prior to August 1.

Mr. SARBANES. I want to concede to the Senator that they certainly came before August 1, because it is not yet August 1. Therefore, by definition, they would have to come before August 1.

Mr. MATTINGLY. That is right. I just want to make it clear.

What has happened is that the Department of Education, under the Secretary of Education, knew what was happening, knew there was some responsibility by them, knew the impact on the higher education institutions. So he gave an extension from July 1 to August 1. In order to complete administrative provisions, he went the further mile and gave another 30-day extension, from August 1 to September 1. I think he is very clear in his letter as to what he said about their responsibilities as the Department of Education and what they have done, and he feels that what they have done is sufficient. I feel that what they have done is sufficient.

The pertinence of the statement by President Silber of Boston University has something to do with responsibility, both from the educational institution and from the students. So I guess the reason why I read the speech by the president was to try to get those on the opposite side of the issue to understand that there are some university presidents—I doubt if Boston University is one that has requested extensions—that there are many institutions across this country right now that do not need any extension and are not asking for any.

I do not know how many junior colleges and universities there are across the United States, but I doubt that we have telegrams from more than a small percentage of them.

Mr. SARBANES. Is the Senator going to continue to hold the floor? I should like to read a letter from the American Council on Education, on this very point.

We have to narrow the focus to precisely what is at issue here. The issue here is not the underlying law and, therefore, it is not the moral or legal principle which Dr. Silber raises in his letter. The issue is not whether higher educational institutions are prepared to carry this out.

This letter from the American Council on Education, which I have before me, indicates that they are prepared to carry it out. They seek another month, because tremendous administrative problems and widespread confusion will result from the present system if it proceeds on the current schedule. I should like to develop that letter a little. I am trying to get the Senate to focus on exactly what the issue before us is.

Mr. MATTINGLY. The issue before us——

Mr. SARBANES. Is a delay of 1 month.

Mr. MATTINGLY. Is an additional delay, a third delay, of 1 month.

It is currently not necessary for the students to be on campus to comply. Colleges and universities are mailing compliance forms to students. Students have until September 1 to either mail in that form, mail it back, or appear at the school to certify that they have complied, by putting this tremendous X on that form. Is that not a real tragedy? Is that not an overburden?

It seems ridiculous to me to think that by September 1, the students could not either show up at the university—which may be a little difficult for some—or fill out the form and return it in the mail.

Mr. SARBANES. Let me read to the Senator——

Mr. MATTINGLY. Is the Senator going to ask another question? I still have the floor.

Mr. SARBANES. I should like to address a question to the Senator, based on this letter, in an effort to try to develop this point.

Mr. MATTINGLY. All right.

Mr. SARBANES. This is a letter from the American Council on Education, sent on behalf of the American Association of Community and Junior Colleges, the American Association of State Colleges and Universities, the American Association of University Professors, the American Council on Education, the Association of Catholic Colleges and Universities, the Association of American Universities, the Association of Jesuit Colleges and Universities, the Council on Independent

Colleges, the National Association of Equal Opportunity in Higher Education, the National Association of College and University Business Officers, the National Association of Independent Colleges and Universities, the National Association of Schools and Colleges of the United Methodist Church, and the National Association of State Universities and Land Grant Colleges.

Mr. MATTINGLY. Did the Senator receive one from the University of Maryland?

Mr. SARBANES. The University of Maryland is a member of these associations.

Mr. MATTINGLY. Did the Senator receive one from the University of Maryland?

Mr. SARBANES. I do not have one in front of me, no.

Mr. MOYNIHAN. Mr. President, if the Senator will allow me to make a statement, John Silber is a personal friend of mine. I have just placed a call to him to ask his view of the pending amendment, and learn that he is on a plane to Martha's Vineyard.

In his absence, the executive vice president of Boston University, Mr. Edward Penn was asked about this proposal we have before us. Had he an objection? He said not in the least, that it would be quite helpful.

They are just trying to obey the law, and we have managed to make a caricature of what that law is.

Mr. MATTINGLY. Mr. President, I have the floor. If you have a question, I would be happy to answer.

Mr. MOYNIHAN. I know you have the floor. I thought you wanted to know what Boston University thinks about this amendment.

Mr. MATTINGLY. I would rather know what the president of Boston University said.

Mr. SARBANES. Madam President, let me read this letter:

I am still quoting:

DEAR SENATOR: On behalf of the American Council on Education and the associations listed below, we urge you to support an amendment to the Department of Defense Authorization Act of 1984 (S. 675) which will be offered by Senator Moynihan and which would extend from August 31 to September 30 the initial implementation period for the statute making draft registration and eligibility criterion for student financial aid under Title IV of the Higher Education Act. In the absence of any action to delay implementation of this requirement, our chief concern is the integrity of the financial aid delivery system and the availability of funds for needy, eligible students this Fall.

In this regard, we applaud the decision of the Department of Education to permit special procedures for disbursement of aid and certification of loan applications from July 1 through July 31 without requiring Statements of Registration Compliance, which can be obtained later. We understand that this "grace period" will be extended through August 31. Unfortunately, the interim regulations have caused widespread confusion on campuses, in state lending agencies, and among financial institutions processing loan applications.

Most students will not have returned to campus by the end of August. Moreover, the vast majority of applications for Guaranteed Student Loan and PLUS loan program funds have already been certified by schools, without the Statements, and are now in the hands of lenders or state lending agencies. It is estimated that one-third these checks, affecting some one million students, will not be released until after September 1. Therefore, we are deeply concerned that lenders will stop processing applications and checks until the situation is resolved. Without explicit clarification from the Department that lenders can proceed, confident that Statements will be obtained subsequently, there is a real possibility that GSL and PLUS loan recipients will suffer inordinate delays in receiving their aid. Extending the "grace period" until October 1 would largely alleviate this difficulty. It would also permit colleges and universities to obtain the required forms in an orderly way during registration for classes.

An extended initial phase would also permit Education Department officials to address the various technical and substantive issues regarding these regulations which have come to light in recent weeks. In particular, it would allow time to clarify the precise responsibilities and liabilities of those colleges and universities which have disbursed funds under the interim procedures.

We wish to state explicitly that extending the grace period in this manner in no way weakens enforcement of this requirement. Institutions would still be required to inform all students who receive Title IV assistance that they must sign a Statement. The extension would simply allow colleges and universities to enforce this statute in the most cost-effective way.

For these reasons, we request your support for Senator Moynihan's proposed amendment, and we greatly appreciate your interest in this issue. This letter is sent on behalf of:

American Association of Community and Junior Colleges.

American Association of States Colleges and Universities.

American Association of University Professors.

American Council on Education.

Association of American Universities.

Association of Catholic Colleges and Universities.

Association of Jesuit Colleges and Universities.

Association of Urban Universities.

Council of Independent Colleges.

National Association for Equal Opportunity in Higher Education.

National Association of College and University Business Officers.

National Association of Independent Colleges and Universities.

National Association of Schools and Colleges of the United Methodist Church.

National Association of State Universities and Land-Grant Colleges.

Sincerely,

CHARLES B. SAUNDERS, Jr.,
Vice President for Governmental Relations.

Mr. SARBANES. Madam President, I say to the Senator from Georgia that in their letter the associations and organizations are not disputing the requirements of the underlying law. They are not arguing about their role in carrying out the law. All they are seeking is this further 1-month extension in order to make sure that this process works well.

We are going to have hundreds of thousands of students who have complied with the law and who need financial help but who are not going to have it available to them when they are presented with their bills at the beginning of the semester.

Now, that is the issue, the issue does not involve any wide-ranging moral or legal question. That is simply not the issue that is presented by the amendment of the distinguished Senator from New York.

The issue is whether these colleges and universities, working with their students, are going to be able to make this whole thing work.

I cannot understand why the amendment is not simply accepted.

Mr. MATTINGLY. Madam President, the Senator thinks this is a great inconvenience to the students. He thinks they cannot find a post office between now and September 1.

Mr. SARBANES. It depends, first of all, on who is going to mail them the form.

Mr. MATTINGLY. The schools.

Mr. SARBANES. The schools now have to mail out all these forms. The students have to receive them. A lot of them are not at home because, I hope, they have found jobs and are working somewhere. And they have to return the forms.

Therefore, they too are very deeply concerned that the lenders will stop processing applications and checks because many of the students have already been certified without the statements, and those earlier applications are in the hands of the lenders or the State lending agencies.

Mr. MATTINGLY. The Senator has asked the question. He is asking, Is there any great inconvenience? He is saying it is going to be an inconvenience on hundreds of thousands of students.

Mr. SARBANES. I am saying more than an inconvenience. I am saying that a lot of them are not going to have the money they need to pay their tuition bills when they come in from the colleges and universities at the end of August and early September.

Mr. MATTINGLY. I am not a lawyer, but I used to hear the terminology "conjecture." I think that is conjecture.

I think the Senator from Vermont wishes me to yield for a question.

Mr. STAFFORD. Madam President, what the Senator from Vermont wishes to do is first state a parliamentary inquiry if the Senator will yield for that purpose.

Mr. MATTINGLY. I yield.

Mr. STAFFORD. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STAFFORD. Madam President, is there controlled time on this amendment?

Mr. MATTINGLY. There is no controlled time.

Mr. STAFFORD. The Senator was unable to hear the reply.

The PRESIDING OFFICER. There is no time limitation on the amendment.

Mr. STAFFORD. I thank the Chair.

Madam President, what the Senator from Vermont wishes to do is be recognized in his own right.

Madam President, I ask for recognition.

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. SARBANES. Madam President, who has the floor?

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. MATTINGLY. Madam President, I wish to make one final comment and then I will yield.

Mr. SARBANES. Madam President, will the Senator yield the floor at that point?

Mr. MATTINGLY. The Senator will yield the floor then. I will yield the floor with the hope of getting it back for one last 30-second statement before we vote.

Madam President, I wish to repeat one sentence from the Department of Education, the Secretary's office, July 19. He said:

> We strongly oppose any additional delay because we do not feel it is needed because it is unnecessarily costly and because it will only serve to confuse both students and student financial aid officers.

That is very clear. Congress has a history of confusing things. That has to be very kind compared to at times some of the things we do here.

But why do we want to confuse the issue when it is clear and distinct, and the debate has been carried on? This will be the fifth vote that we are going to take in the last 3 or 4 days.

(Mrs. HAWKINS assumed the chair.)

Mr. MATTINGLY. Once again, let me say the most serious objection to having any further delay is that 1 more month would pass during which aid would be issued to students who might never register or even fill out the necessary forms, and I can see the ones coming to the trough already to put in the amendment to say the Federal Government needs to pay the universities to help recoup the money that was sent out erroneously by this agreement and this new procedure by delaying it 30 more days. Thank you, Madam President.

Mr. STAFFORD. Madam President, the Senator from Vermont will be brief. We debated this at some length last week. There is no particular point in rehashing it all again, but I would like to make just a few quick points here.

The first one is that the Senator from Vermont is a supporter of the Hayakawa amendment as it has been implemented by regulation of the Department of Education. In fact, suggestions of the Senator from Vermont were incorporated in the regulation that now exists, so there is no question on the part of this Senator that the regulation is an appropriate one.

The difficultly is that currently we have three million youngsters who want to go to college who, through no fault of their own, due to circumstances beyond their control, are liable to find themselves unable to obtain guaranteed student loans, which are the center piece of their opportunity to attend college next year. It is to extricate them from the box they are in as a result of circumstances beyond their control that Senator MOYNIHAN has offered this amendment which will allow enough time for colleges and universities to work out the certification necessary among students, universities, and colleges, and the lending banks to permit the guaranteed student loans to be made to the students.

The important thing, in the opinion of the Senator from Vermont, is the educational opportunity for 3 million young Americans who need those guaranteed student loans to be able to go to college this year.

Just let me recap the situation as it developed which, through no fault of the students or the bankers or the colleges, has us in this dilemma that we face.

The Hayakawa amendment regulations were promulgated by the Department of Education last spring. Then a court, the Federal district court, in Minnesota, found the Hayakawa-Solomon amendment to be unconstitutional and on that basis in the very late spring the Secretary of Education, Mr. Bell, informed the appropriate universities, colleges, and lenders that the regulation would not be enforced.

Then in late June, if memory serves me correctly, the Supreme Court stayed the injunction of the Minnesota district court and upon that basis in early July, the Secretary of Education advised that regulations under the Hopkins amendment would be enforced. This brought us to a point on the calendar where it appeared impossible for the Nation's college students, scattered throughout this Nation at jobs, on vacations, and in many places across the globe, to get the paperwork done to get their loan by August 1 or by September 1.

But most of them will have returned to college at least by October 1, and if the date is extended to October 1, I am satisfied that colleges and universities will be able to supply the certification indicating that at least 99 percent of all of the students involved have complied with the Selective Service registration law, and those certificates will be delivered by the students to the lending institutions who in turn will make the money available for guaranteed student loans and thereby insure that these young people have the opportunity to go to college.

So all we are trying to do is to get colleges, universities, principally 3 million youngsters, out of the box they are in as a result of these differing court actions and, first, the on-again-off-again application of the regulations under Hayakawa.

I believe that Senator MOYNIHAN has hit upon the best way of doing it, 30 days which will be just about enough to do it, and I very much support him in his effort. If I am not, I would like to by, a cosponsor of the amendment and I would urge my colleagues, if they are listening to what we have to say this afternoon in their offices, to support the Moynihan amendment and, Madam President, I yield the floor.

Mr. MOYNIHAN. Madam President, I do want to express my appreciation to a man who is revered in this Chamber for his probity and understanding of problems of this kind. He is "Mister Education" in the U.S. Senate, and a fortunate thing it is for the United States, too.

I ask unanimous consent that the Senator from Vermont be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN. Madam President, I have two points to make, one is specific and the other general.

First, is to add a detail to what the distinguished Senator from Vermont has said about the on-again-off-again history of this law over the past few weeks. It was not the fault of the Department of Education. I would cite the case of the City University of New York, where I went to college. Dean Angelo B. Proto reports that after they had sent out half the applications for Pell grants, and did not include the compliance forms—because at the time the Department told them there was no need for these registration certificates—they now have to find the 40,000 or so people they have certified. CUNY has spent $150,000 mailing out new forms and letters because of this. So Dean Proto said, in effect, "Oh, God, can't we wait until they get back here and we can grab them?

If you have ever been involved in college affairs, you know you do not write students, you grab students. I mean it is just in the nature of the beast, it is called 19 years old.

The second point is I would like to ask unanimous consent to put in the

RECORD as if read a stirring letter from the Reverend Edmund G. Ryan, S.J., who is executive vice president for academic affairs for Canisius College, a fine Jesuit college in Buffalo. Father Ryan says in effect:

Please let us have until October 1 so we can do this. Otherwise you threaten the provision of financial aid to law-abiding students, and the cash flow of this college.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CANISIUS COLLEGE,
Buffalo, N.Y., July 15, 1983.

Hon. DANIEL P. MOYNIHAN,
Russell Senate Office Building,
Washington, D.C.

DEAR SENATOR MOYNIHAN: Due to the late decision on the constitutionality of the Solomon amendment, we have requested an extension on the implementation of the Solomon amendment from August 1 to October 1, 1983. Canisius College and other colleges demand full payment of tuition bills prior to the first session of classes. In the past students were able to pay these bills through the financial aid package offered by the institution. This package consists of federal, state and institutional funds, and personal finances.

Traditionally, our financial aid packages and the necessary paperwork involved have been completed and student aid awards were accepted by August 15. However, this year because of the Solomon amendment which requires statements on compliance with draft registration and permits students to submit them for many weeks after August 1, 1983, none of us will meet our deadlines.

This will delay the financial aid delivery process and seriously affect the college's cash flow. It also will have an adverse effect on students who need their financial aid refunds at the beginning of the Fall term for major expenses such as books, food, and rent.

We thank you for introduction of the amendment to extend the August 1 grace period to October 1, 1983.

Sincerely yours,
Rev. EDMUND G. RYAN, S.J.,
Executive Vice President
for Academic Affairs.

Mr. MOYNIHAN. Madam President, I want to see the Senator from Maryland has a moment to speak, and I see Senator DURENBERGER on the floor.

Something more than the specifics of this particular law is involved here. This is a very sensitive issue. This is the kind of issue that young people of impressionable age get aroused about, and there are some people who like to arouse them. Here is an opportunity to let them know their Government is reasonable, their Government is fair, their Government is not trying to make life impossible for them; it is predictable as a government of laws. It would not be difficult for us to do this, and it would mean a lot. I thank the Chair.

Is the Senator asking me to yield for a question? I am happy to yield the floor.

Mr. SARBANES. Madam President, I will be very brief.

Earlier the Senator from Georgia asked me the position of the University of Maryland when I was reading the letter from the American Council on Education sent on behalf of some 15 national groups and associations. I have since spoken on the telephone with Dr. John Toll, the very able president of the University of Maryland, whose vigorous leadership has made the university one of the leading public institutions of higher education in the Nation. He indicated to me that the university supports the letter sent by the American Council on Education and the position which it has taken in support of the Moynihan amendment.

(Mr. PRESSLER assumed the chair.)

Mr. SARBANES. This amendment has broad support throughout all of higher education because the amendment is simply common practical sense. The Senator from New York is absolutely right that we are going to have an absolute mess under the current arrangements, and the way to prevent that from happening is to adopt the Moynihan amendment.

Mr. MOYNIHAN. I thank my friend from Maryland.

Mr. MATTINGLY. Mr. President, in conclusion, the Department of Education has the authority to extend the grace period. The Department works on a daily basis with the administrators of colleges and universities and the Department has indicated that a further delay was not necessary. Obviously, there is a disagreement between Secretary Bell and the American Council of Education. But why should the Senate intervene in this disagreement?

It is clearly an administrative difficulty that can and should be worked out by the Department and not by the U.S. Senate.

Thank you, Mr. President.

Mr. MOYNIHAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Is there further debate? If not, the question is on agreeing to the amendment of the Senator from New York (Mr. MOYNIHAN). The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Oregon (Mr. HATFIELD), are necessarily absent.

I also announce that the Senator from New Mexico (Mr. DOMENICI) is absent due to illness.

Mr. CRANSTON. I announce that the Senator from Nebraska (Mr. EXON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 56, nays 40, as follows:

[Rollcall Vote No. 216 Leg.]

YEAS—56

Andrews	Durenberger	Metzenbaum
Baucus	Eagleton	Mitchell
Bentsen	Ford	Moynihan
Biden	Glenn	Packwood
Bingaman	Hart	Pell
Boren	Heflin	Percy
Bradley	Heinz	Pryor
Bumpers	Hollings	Randolph
Burdick	Huddleston	Riegle
Byrd	Inouye	Sarbanes
Chafee	Jackson	Sasser
Chiles	Kennedy	Simpson
Cohen	Lautenberg	Specter
Cranston	Leahy	Stafford
D'Amato	Levin	Stennis
Danforth	Long	Tsongas
DeConcini	Mathias	Warner
Dodd	Matsunaga	Weicker
Dole	Melcher	

NAYS—40

Abdnor	Helms	Proxmire
Armstrong	Humphrey	Quayle
Baker	Jepsen	Roth
Boschwitz	Johnston	Rudman
Cochran	Kassebaum	Stevens
Denton	Kasten	Symms
Dixon	Laxalt	Thurmond
East	Lugar	Tower
Garn	Mattingly	Trible
Gorton	McClure	Wallop
Grassley	Murkowski	Wilson
Hatch	Nickles	Zorinsky
Hawkins	Nunn	
Hecht	Pressler	

NOT VOTING—4

Domenici	Goldwater
Exon	Hatfield

So Mr. MOYNIHAN's amendment (No. 2061) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STAFFORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SARBANES addressed the Chair.

Mr. TOWER addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The amendment of the Senator from Virginia is pending to the amendment of the Senator from Texas.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I wish to address for a few minutes the issue of the MX, which has occupied some but not a great deal of our time in the course of deliberation on this bill. There has probably been more discussion about the procedure to be followed in considering the MX, about how much time is or is not going to be spent on the issue, than there has been to discussing the substance of the issue in a full-fledged policy debate.

Yesterday, Mr. President, I inserted in the RECORD some statements by McGeorge Bundy, the National Security Affairs Adviser in two administrations and chairman of the General Ad-

visory Committee of the Arms Control and Disarmament Agency, discussing the MX in appearances before the Senate Committees on Appropriations and Armed Services. I also inserted an article by Mr. Bundy from the New York Times commenting on the MX Report of the Scowcroft Commission.

Mr. President, as was stated in that article by Mr. Bundy, the Scowcroft Commission report is, as he describes it, at once one of the best and worst papers of the nuclear age.

He observes that it seems possible that the President will take the worst parts and not the best parts, and that the worst parts are more appealing to him. Mr. President, I ask unanimous consent that this article by Mr. Bundy be included at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 17, 1983]

MX PAPER: APPEALING, BUT MOSTLY APPALLING

(By McGeorge Bundy) [1]

Last week the Scowcroft commission published what is at once one of the best and worst state papers of the nuclear age. Unfortunately, it seems possible that the best parts will be less appealing to President Reagan than the worst. It is obvious from the elaborate White House orchestration that the report has been constructed with built-in Presidential approval and that at its core it is a selling job for the wrong missiles in the wrong place—100 MX missiles in Minuteman silos. This solution has been repeatedly reviewed and rejected both by Congress and by the executive branch over the last 10 years.

But let us begin with the good parts. First, the report deliberately and correctly destroys one of the principal myths on which Mr. Reagan campaigned in 1980—the myth of the "window of vulnerability," or the threat of a Soviet first strike on Minuteman silos. Growing Soviet missile forces with growing accuracy, it was said, would allow the Russians to knock out nearly all those silos early in the 1980's and the President would not dare respond because our cities would still be hostage. It was an unreal but chilling scenario, and until last week no one around Mr. Reagan had ever questioned it in public. Now the commission has given it a fitting burial. The commission observes that a "massive surprise attack" on our 1,000 Minuteman silos would be a very special case and concludes: "To deter such surprise attacks we can reasonably rely both on our other strategic forces and on the range of operational uncertainties that the Soviets would have to consider in planning such aggression." Thus, the window of vulnerability is slammed shut on the fearful fingers of the Committee on the Present Danger.

The commission puts one condition on this conclusion, and again it is a good one. The vulnerability of the Minuteman, considered alone, is real if uncertain, and it does raise a serious long-range question, because our bombers and submarines may not always be as survivable as they are now. If we can buy "long-term ICBM survivability" for a sensible price, we should indeed have it, and the most promising possibility is a smaller single-warhead missile, as thoughtful students have been saying for quite a while. The recommendation for careful research and development on such a new missile deserves full support.

A third good basic recommendation is allied to the first two: It is that we should seek to shift the counting rules of strategic-arms control from launchers toward warheads. This good idea is a belated but entirely sensible effort to deal with the destabilizing effects of MIRV's (multiple independently targetable re-entry vehicles)—that is, many warheads on one missile. MIRV's are the United States' worst single contribution to the nuclear arms race. What they did, as many warned at the time, was to give the attack an advantage over the defense, because a multiple-warhead missile can "kill" several opposing missiles in one shot, while it takes at least two single-warhead missiles to "kill" even one similar weapon with assurance.

SALT, for reasons of verification and habit, counted mostly launchers, not warheads. This way of counting strengthened attachment to MIRV's on both sides, because if you can have only so many missiles under an agreement, why not pack them with as many warheads as you can? We were firstest with MIRV's, but the Russians have been mostest, and the commission is right: It is time to go to work to change the counting rules. The commission is also right when it notes that some of Mr. Reagan's proposals in the strategic arms talks in Geneva move in the wrong direction on this score.

So far so good. What is wrong? Only the centerpiece of the report. It goes in exactly the opposite direction by placing the first-strike multiple-warhead MX in Minuteman silos, right where the Soviet MIRV's could knock it out if ever the Kremlin thought we were about to use it. Because the MX has 10 warheads, not the two that is the average in the Minuteman force, it will be five times as vulnerable, warhead for warhead, as Minuteman itself. It violates the fundamental rule first laid down in the Eisenhower Administration: The object of any new strategic system is to deter, and to deter safely it must be able to survive.

If there was ever a "use it or lose it" system, ill-designed for stability in crisis, it is this one. Yet it comes to us from a commission that elsewhere tells us that "stability should be the primary objective." A system of this kind is open to only one protective device, a capacity for launch-on-warning—for rapid firing on possibly fallible electronic notice of an incoming attack. But on this critical point, the commission is alarmingly silent. It would have done better to recognize more candidly its deliberate abandonment of our most important single standard for strategic force planning.

The arguments offered directly for this strange choice are thin. We need it to induce Soviet acceptance of new arms control limits, says the commission. But as the commissioners recognize, the Russians are already testing their own MX and their own single-warhead missile. The Soviet answer to new programs will be new programs, not new concessions. If the commission wants a no-new MIRV agreement, which would make good sense, it should propose just that. It should not pretend that the MX in Minuteman silos is arms control in disguise. Nor should it compare this problem with that of the antiballistic missile defense treaty. The Russians joined us in curbing ABM systems precisely to insure the deterrent effectiveness of their land-based missiles. They are not going to be driven to sea by MX. The whale will not convert the elephant by imitation.

Most of the commission's other direct arguments are thinner still. If we do not deploy MX, it says, the Russians will doubt our "national will and cohesion." Is honest disagreement on hard choices a sign of weakness? A commission of Americans should know better. But our existing land-based intercontinental missile force is aging, says the commission. So it is, but as the commissioners recognize in the very next sentence, the necessary programs for keeping this force effective are already in train. But, they argue, we need a hedge against possible Soviet antiballistic missiles. Is the commission suggesting that our existing 10,000 warheads could not be programed for this tack? But, it says, we need a new booster as a backup for the space shuttles. Well, if we do, we do. But is this a serious argument for 1,000 new first-strike thermonuclear warheads?

The real purpose is different, but the commission wraps it in jargon. The main reason for this recommendation is that a commanding majority of its authors want these first-strike weapons because the Soviet Union has them. Never mind their contribution to instability in crisis; never mind what the Russians will build in reply; never mind what else you could do with $15 billion; never mind the fact that the Russians do not have a true first-strike capability because the window of vulnerability was never open; never mind that Soviet advantages on land are fully matched by our superiority in the air and under water. Because the Russians do have weapons that can strike first at hard targets, the commission concludes that we must have them, too. When you disentangle all the report's complex language, that is all there is, and the commissioners neglect to tell us that we have plenty of weapons already that can strike hard targets second—our bomber force may be the best system in the world for this legitimate purpose.

For almost 30 years, we have made survivable second-strike strength our central strategic standard. Are we now to move, in a cloud of consensus prose and good intentions, to a nonsurvivable first-strike system?

At the very least Congress should dig deeper than the commission or its sponsor. It might begin by seeking counsel from all quarters—there are many outstanding students in its own ranks. It should not rely on a report written by a panel carefully selected to include only tested friends of MX. It might well find that the Scowcroft commission has almost everything right except the recommendation that was preplanned by the White House. In spite of the commission's unexplained insistence that all its ideas make a single package, Congress has every right and duty to take only what it finds truly needed.

[1] McGeorge Bundy was Special Assistant for National Security Affairs to Presidents John F. Kennedy and Lyndon B. Johnson. He was chairman of the General Advisory Committee of the Arms Control and Disarmament Agency from 1979 to 1981.

Mr. SARBANES. Mr. President, we have pending before us the question whether the Congress will authorize full movement ahead on the MX program. I agree with those of my colleagues who have already taken the floor in this debate to emphasize that this is a major watershed decision with

respect to nuclear strategy. I think it is very important to underscore that observation. For that reason that I have thought that is an effort to carry on a true substantive debate on this matter, the proponents of the MX would take the floor and provide some substantive arguments for their case. So far they have not done this, as a review of the CONGRESSIONAL RECORD with respect to the consideration of this bill over the last week makes very clear. There have been a number of opponents who have taken the floor to speak to the substance of this measure, but as yet in this debate the proponents have not really taken the floor to set out their substantive argument.

It is incumbent on them to do so. This is a matter of the gravest importance, and it deserves the most careful scrutiny.

It was argued that the issue was fully debated last May and therefore, apparently, there is a feeling on the part of the proponents that there is no need to debate it any further toward the end of July.

Mr. President, in that earlier debate, the distinguished senior Senator from Alaska, a supporter of MX stated—and I now quote him from page 13305 of the RECORD on the 23d of May:

So the issue before the Senate is not one of missile procurement. It is for continued research and development, full-scale development of the permanent basing mode.

Now we are in fact dealing with the next step. It seems to me the next step deserves concentrated attention on the part of the Members of the Senate.

Earlier today there was an unsuccessful effort to invoke cloture. That represented a judgment of the requisite number of Members of the Senate that the debate should continue. In fact the opponents have engaged in debate whenever given the opportunity, and I myself have been on the floor on a number of occasions waiting for the opportunity to make a statement. Often to accommodate the manager of the bill debate of all MX has been deferred so that amendments on other matters can be considered.

Mr. President, the Scowcroft Commission report proposes going forward with the MX, a first-strike multiple warhead system, and placing it in Minuteman silos—in a vulnerable basing mode.

On an earlier occasion the chairman of the Armed Services Committee, in considering such a basing, said, and I quote from an interview in U.S. News & World Report of November 2, 1981:

By stuffing the MX's into fixed silos we're creating just so many more sitting ducks for the Russians to shoot at. True, the MX missile itself will be more powerful, more accurate and we need that kind of weapon, but it's of little use to us unless the Soviets are convinced that it can survive an attack. Without that, the Russians will have no incentive to start serious arms control talks.

That is a quote from the chairman of the committee, who is now on the floor as a proponent of the amendment, although he has not yet taken the floor to present a substantive case for the committee's inclusion of the authorization in their bill, I trust he will do so before the debate on this matter is concluded.

Let me repeat. He said, "By stuffing the MX's into fixed silos we are creating just so many more sitting ducks for the Russians to shoot at." And then he went on to say, "But it is of little use to us unless the Soviets are convinced that it can survive an attack. Without that, the Russians will have no incentive to start serious arms control talks."

Now, the Secretary of Defense, testifying before the Senate Armed Services Committee, said:

I would feel that simply putting it—

meaning the MX—

into existing silos would not answer two or three of the concerns that I have, namely, that the location of these are well known and are not hardened sufficiently, nor could they be, to be of sufficient strategic value to count as a strategic improvement of our force.

Mr. President, the record is replete with comparable quotations from members of this body, from officials of this administration, from officials of the previous administration, all addressing the vulnerability of the MX in a fixed basing mode in the Minuteman silo. The MX was conceived of as a mobile missile precisely to address that very question of the vulnerability of the fixed basing mode. Now, we have now come full circle and are seeking to place the MX in the Minuteman silos, which, of course, will not improve in any way the survivability of our deterrent forces. I have not heard the contention that the MX in a silo would be any less vulnerable than the Minuteman in a silo.

So the arguments that at a previous time were being used to move down the original MX path—mobile missile, survivability—are lost completely if the MX is to be placed in the Minuteman silo.

Mr. President, of course, the MX is a much more powerful weapon than the Minuteman and will be more vulnerable in terms of warheads than the Minuteman itself. It goes against a basic rule, as Mr. Bundy had pointed out, first laid down in the Eisenhower administration, that the purpose of any new strategic system is to deter, and to deter effectively it must be able to survive.

Mr. President, one of the gravest concerns about the MX in this basing mode is that it will move us to a use-it-or-lose-it posture, a posture which is the one least designed to provide stability in a crisis.

The Scowcroft Commission itself has said that stability should be our primary objective. We do not want to destabilize the nuclear balance but to reinforce and improve it.

Now we are asked to take this powerful missile and put it in a vulnerable basing mode. This raises the question: Is it to be a first-strike weapon, because it is not being given a basing mode which enables it to be survivable—in effect, to absorb an attack and come back? It is being given a basing mode in which it is vulnerable.

The urgent question to ask is, What is the intention here? Is it to use it as a first-strike weapon, or, somewhat short of that, are we moving to a system of launch on warning?

This is a critical issue. We are talking about stability in the nuclear area, in which two superpowers have arsenals capable of destroying one another and the rest of the world. Yet we are being asked to move toward concepts which will destabilize rather than stabilize the situation.

Mr. HART. Mr. President, will the Senator from Maryland yield for a question?

Mr. SARBANES. I yield to the Senator for a question.

Mr. HART. I wonder if the Senator from Maryland is aware, as some of our colleagues are not, of the report I mentioned earlier today in my remarks, prepared by the Senate Armed Services Committee, by the Senator from Colorado and the Senator from Arizona (Mr. GOLDWATER), in October 1980, having to do with the adequacy of this Nation's strategic warning system, a system composed of satellites and ground stations and other elaborate collection capability, linked together and distributed through a network of computers and analytic machinery, and the fact that that report documents over a random period of time, a year and a half, a rather alarming number of instances in which that very sophisticated warning system broke down—namely, that it reported, obviously erroneously, that the Nation was under attack, with some consequence or another?

I know that the Senator from Maryland has addressed himself to the problems of launch under attack and launch on warning. I wonder if he was aware of those deficiencies in an otherwise very sophisticated system.

Mr. SARBANES. The Senator is aware of that report—not all the details of it—about which the Senator from Colorado has spoken.

The Senator is also familiar with the very thoughtful statement made in the May debate by the junior Senator from Tennessee (Mr. SASSER) on the whole launch-under-attack concept. In that statement he made reference to, and inserted in the RECORD, a report of the Office of Technology Assessment report with respect to the destabilizing impact of a launch-under-attack con-

cept, and the risk of error that would be involved.

In fact, I will read the concluding paragraphs of that OTA report:

Reliance on LUA * * * has some serious drawbacks. Decision time would be very short. Depending on the circumstances, decisionmakers could lack crucial information regarding the extent and intent of the Soviet attack * * * such information could be necessary to gage the proper response. Decisionmakers would also lack an interval between attack and response during which an effort could be made to assess intelligence information, consider diplomatic measures and signal the intent of the U.S. response.

No matter how much money and ingenuity were devoted to designing safeguards for the U.S. capability to launch under attack, and even if these safeguards were very robust indeed, it would never be possible to eradicate a lingering fear that the Soviets might find some way to sidestep them.

Finally, despite all safeguards, there would always remain the possibility of error; depending on the nature of the error, it could mean a successful Soviet first strike against MX or it could mean a nuclear war started by accident.

I invite the supporters of the MX to engage in a meaningful debate on the concerns that are being raised about this sytem. This is an extremely important issue, perhaps the most important we have to consider. Reasonable questions are being raised, and they ought to be answered. In fact, many of the questions now being raised were first raised by those who now support the MX. Many of those supporting it are on record as saying, at an earlier time, that basing of the MX in these fixed silos does not make sense.

It is their responsibility, it seems to me, to take the floor now and explain, in the light of their prior position, why now it does make sense. They have a responsibility to address the launch-under-attack concept.

We are asked to take this powerful missile with 10 warheads. We are asked to put it in this fixed, vulnerable silo. What do they now think is likely to happen? It would not be able to absorb a Soviet attack. It would be lost in the event of an attack.

Do we, therefore, intend to use it first? I assume not. That never has been a strategic doctrine of ours in this country, and the fact that we have never had a first-strike doctrine has been a major contribution to stability with respect to nuclear weaponry.

If that is not the case, do they then propose to launch it under attack? If so, how do they address the questions with respect to launch-under-attack which are contained in the OTA report from which I just quoted, and which was contained in the report that the distinguished Senator from Colorado referred to, in which he and the Senator from Arizona joined at an earlier time?

These are not frivolous points.

As the distinguished Senator from New York has said in this debate, this is an extremely serious matter.

These issues were not fully considered in the prior debate. I quoted from the distinguished Senator from Alaska, the minority whip, who in the prior debate indicated that that was only the first step. This is the next step. There will be others to come, and this matter needs to be considered at each point along the way.

Now, I have not done a survey on the amount of time spent on the MX in the context of the debate on the bill, but it is a very small percentage of the total time on the bill.

I would hope that before we finally move to voting on all these issues there will be some genuine give-and-take in this body between supporters and opponents of the MX where serious questions can be raised, answers offered, and counterquestions posed to answers, so that at least we recognize what the differences are.

Are the supporters now saying that it is not vulnerable in this basing mode? If they are not saying that, then what are the supporters saying about all the arguments they made at an earlier time about their placement in a vulnerable basing mode?

Mr. President, as to the arguments offered for this choice of the MX in the Scowcroft report, I find it difficult to find great substance in them.

One argument is that unless we move ahead, somehow our national will and cohesion will be in doubt.

Why pressing ahead to base this missile in a vulnerable mode, something that many of its supporters earlier said should never be done, now demonstrates a national will is beyond me. It really more clearly demonstrates a lack of good, tough, hard, practical, commonsense.

Another argument is that it is linked with arms control. Well, there are serious questions about just how seriously the administration is proceeding on arms control. But even so, leaving those very important questions to one side, it is unclear to me how this so-called bargaining chip argument will in fact work.

The past history of bargaining chips is that they become part of the nuclear arsenal, and we then escalate to the next plateau with respect to nuclear weapons on both sides.

It is fair to say that for more than 30 years the central concept of our strategic thinking has been a survivable second-strike strength. If that is no longer to be the case, that should be spelled out clearly by the supporters of this weapons system and we should then discuss the concept itself amongst ourselves. The concept of a survivable second-strike strength has served us well, and it has contributed to stability with respect to nuclear weaponry.

The MX, put simply, is the wrong missile to be going ahead with at this time. It was really advocated on the notion that it would be mobile, not that it would be based in the inviting target of a fixed silo. Furthermore, there is the question of the next step after the first 100 missiles. Is it the real intention here to replace all Minutemen in their fixed silos with MX's? Are we going down that path?

For that reason, I am sometimes led to speculate that this current proposal is but the first step to moving further along that path, since putting a limited number of multiple warhead missiles in fixed silos will only encourage the other side to concentrate greater effort and resources to neutralize these silos.

Mr. President, a number of years ago, the decision was made in this country to go to the MIRV concept. The Scowcroft Commission now, among its other recommendations, wants to move back to the single warhead missile. They have underscored the need to develop and move ahead on Midgetman. There is a growing perception on the part of many that moving to MIRV greatly and needlessly complicated the efforts to arrive at an arms control agreement and to achieve strategic stability.

With respect to its consequences the decision confronting us now with respect to the MX is comparable in significance to the earlier MIRV decision. It is for that reason I think it so important that the MX be very carefully addressed.

There is dispute within the administration itself whether in fact the MX is even negotiable. We hear different views on that question ranging from the President on down.

But what most deeply concerns me is that deployment of this weapon system in this basing mode will not enhance our security and may well further undermine our efforts to halt the nuclear arms race.

It was the theoretical vulnerability of the Minuteman system in the fixed silos that engendered the development of the MX.

If indeed the Minuteman system is vulnerable, and that can be debated, but if indeed it is, then deploying the MX in those existing silos makes no sense whatsoever.

By increasing the capabilities of this system and then deploying it in a basing mode that has admitted vulnerability, the administration has opted for the merger of two potentially disastrous concepts. In fact, I believe it was for this reason that the Armed Services Committee itself denied funding and fixed-based deployment for the MX last year.

Many respected analysts appearing before congressional committees have observed there is no effective method

to harden sufficiently the Minuteman silo against a Soviet first-strike. That was the thrust of Secretary Weinberger's quoted statement. At some point the advocates of this missile are going to have to take their prior statements and the Secretary of Defense's statement, and explain them to this body:

> Simply putting the MX missile into existing silos will not answer two or three of the concerns they have; namely, that the location of these are well known and not hardened sufficiently, and that they could not be of sufficient strategic value to count as a significant improvement in our strategic forces.

Mr. President, we are really talking about a destabilizing contribution to the international environment. The MX will inevitably have to become a targeting priority. That then raises the whole concept of launch under attack, with all of the pitfalls involved in shifting to that concept.

The contention that this deployment is necessary for serious and meaningful strategic arms control negotiations is open to serious doubt. There is no evidence that procurement of yet another system will move the Soviets in the negotiations. We are procuring other systems. It is not as though this were the only system that we are developing with respect to the nuclear triad. We are doing two bombers, not one but two, the B-1 and the Stealth. We are moving ahead on the Trident and a more powerful and effective missile to accompany it. So we are in the process of strengthening the other legs of this triad.

Of course, one of our concepts has always been that we will maintain these three legs in such a way that we can absorb an attack and be able to respond. That eliminates the launch-under-attack problem, it eliminates the mistaken attack notion, it sends a clear message that there is no intention to engage in a first-strike strategy, and therefore makes, I think, a very substantial contribution to stability with respect to strategic weapons.

I would hope that before this debate concludes there will be a time when we have a fair number of Senators on the floor. In fact I think it would be a very constructive enterprise for supporters and opponents to see whether or not that might be arranged.

I am not raising these questions simply to raise them. They are not insignificant questions. The supporters of this weapons system themselves have raised those questions on prior occasions and reached decisions on the basis of those questions that are more consistent with the position of the opponents of this weapons system at this time than they are consistent with the position which the supporters have taken. I am sufficiently concerned by the questions I have raised that they have led me to reach a decision on this weapons system.

If there are new arguments or new facts that need to be put on the record, they ought to be put there. We ought to have a chance for those questions to be put, answers made, counterquestions, and counteranswers recorded. This is a serious proposition. We are going to be making decisions here that will affect where we are going to go for many, many years to come.

I also make this observation: If these questions cannot be adequately addressed, then there is something lacking in the basic arguments that are being made with respect to this weapons system.

Will not the deployment of MX in Minuteman silos open the way to a dangerous competition in destabilizing, vulnerable first-strike weapons? That is a legitimate question. Supporters have not asserted that the MX is not vulnerable in the proposed basing mode. And will not deploying it lead to a competition in destabilizing vulnerable first-strike weapons?

Why do we need MX to prove some concept of national will? The national will is being demonstrated clearly in many other respects. I do not think we need it to prove ourselves to our allies or to the Soviets.

It is generally understood that no one was appointed to the Scowcroft Commission who did not support this system to begin with. If that is the case, it of course undercuts the credibility of the Commission. If that composition of the Commission is not the case, it ought to be stated and we ought to know that.

Mr. President, I very much hope that before we finish on this serious matter it might be possible for the managers, working with those who have been the leading opponents, to arrange a period of time on the Senate floor so that we can have a real debate on this matter.

I am not insensitive to the frustrations in this regard of the chairman of the Armed Services Committee. The situation we now find ourselves in is fairly typical. Members come and they make statements either for the system—hardly any I might observe—or against the system, and then they leave and someone else comes and makes a statement.

We ought to be working to draw the Members of the Senate to the floor, saying, "We want to have a give and take," raise these questions, see what the answers are. We should take the statements made earlier by certain people and ask, "You said that then. Why do you say something 180 degrees different now? Where is this proposal leading us in terms of our overall strategic doctrine? How does this decision square with what has heretofore been understood to be our strategic doctrine?"

I do know a number of Senators have been to the floor and waited at some length in order to speak on this issue. I know there are a number who still wish to do so, and in that regard I am gratified that the cloture motion did not carry earlier in the day.

There are occasions when this body is faced by what can be described as watershed or landmark decisions, and this is one such decision.

Mr President, I would hope that in the time now before us we might work to insure an exchange of the sort that I have outlined. It would serve a national purpose, both now and for the future. This issue will not simply go away and will continue to be with us. I think these issues and questions which have been raised need to be addressed.

Mr. President, I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I also want to state the reasons why I am opposed to the funding contained in the defense authorization bill this year for the MX missile.

The Scowcroft Commission has clearly set us on the wrong course in our modernization of the land-based leg of our strategic triad. The MX, based in vulnerable Minuteman silos, is a luxury this Nation's defense cannot afford, especially when so many needs of our conventional forces are going unmet. Last Thursday, the Senate voted to table an amendment by the junior Senator from Michigan, which would have restored 47 of the cuts that we have made in conventional funding. These would have totaled $2.7 billion. A majority of my colleagues were clearly stating that they would prefer to buy strategic weapons of marginal capability, such as the MX and B-1, rather than support a strong conventional deterrent.

That is the choice we face today and will face in spades in next year's budget which is going to see enormous growth in the procurement account, well beyond anything envisaged in this year's first concurrent budget resolution. This year, with our decisions on the MX and the B-1, we are locking ourselves into an imbalance between our conventional and strategic modernization efforts that is going to persist for years to come. I believe that in a few years we will regret that we did not take the opportunity today to reverse our priorities.

But let us look just briefly at what we are buying when we spend $4.6 billion in 1984 on research, development, production, and deployment of MX, with some $15 billion more to follow in the future.

We would be adding a net 700 warheads to our ICBM force. With these additional warheads we could destroy

almost the entire Soviet SS-18 force in a first strike. But given the fact, which has been repeated numerous times, that the United States would never employ these weapons in a preemptive strike, what would we be adding to our deterrent second-strike force with the purchase of these MX missiles?

There the answer does not appear in dispute. A coordinated attack by 20 Soviet SS-18's would leave somewhere between 10 and 80 surviving MX warheads in the latter 1980's according to the Air Force's own calculations. The Soviets would not have to retarget a single missile to carry out this attack. All we would be doing is providing more lucrative targets for the Soviets, and targets which the Soviets might be tempted to preempt given the damage the MX missiles could wreak if we got the chance to use them.

Both sides can deal with this frightening calculus by adopting a launch-on-warning policy, which also has been discussed. This seems to me an almost inevitable result of our deploying MX. This will bring us one step closer to the possibility of war by computer error. We will truly then live in a world of the "hair trigger."

Let us look at the cost effectiveness of the system for a moment. Is this worth $20 billion, especially when we have better alternatives available? I point out to my colleagues that a single Trident submarine, costing $3 billion including its complement of missiles, would add far more surviving warheads than the entire MX deployment, and by 1989 these warheads could have the same hard-target kill capability as MX.

Mr. President, we are today engaged in a massive modernization of our strategic forces with MX and Midgetman, B-1 and Stealth, ALCM-B and ALCM-C, Trident I and Trident II, the Trident submarine and hopefully the small submarine recommended by the Scowcroft Commission, and improvements in our command, control, and communications. Senator NUNN asked the Joint Chiefs during testimony before the Armed Services Committee whether they had calculated if all of this would fit under a defense budget growing 5 percent a year in real terms in the next decade. The answer was that they had not looked at growth rates this low. To his credit, General Meyer, then Army Chief of Staff, did express concern that our conventional forces could be adversely affected by pursuing all of these strategic programs.

I honestly believe that 5-percent real growth is the highest level of defense spending this country will see in the next decade. We are going to have to make choices among strategic systems and choices about strategic versus conventional modernization. And of all of our proposed strategic programs, the one which is most marginal is MX. If we do not cancel MX today, we will all see this $20 billion expenditure eat into the muscle of our defense modernization tomorrow.

Now I suspect this assessment of MX's cost effectiveness is actually shared by many of my colleagues who will vote for MX. But the claim is made that other factors are involved in this decision, questions of national will and arms control leverage. It is argued that MX is an essential bargaining chip in our START negotiations with the Soviets and that we have to deploy a missile which our last four Presidents and our last four Secretaries of Defense have favored.

I cannot agree. MX is our least effective bargaining chip with the Soviets. MX deployment will not require an additional ruble of Soviet defense expenditures. The Minuteman silos are already targeted. The Soviets are far more concerned about our cruise missile, Stealth bomber, and Trident II missile programs. These will provide more than adequate bargaining leverage in any arms control negotiation.

As for the question of political will, I ask my colleagues how much political will can we afford? We do not need to make bad decisions simply for the sake of making decisions. Why not for a change make a good decision—a decision to cancel a missile which never found a survivable home? The Soviets know about all the other strategic and conventional programs that we have underway. A decision to stop MX is not going to mean a reduction in the budget ceilings we allocated for defense in the first concurrent budget resolution. It will simply be a decision to reallocate those defense resources more effectively within the defense authorization bill we are debating today. The Soviets will know that. Our allies will know that. We will know that. We could fund the conventional programs Senator LEVIN proposed last Thursday, and $2 billion more. And we will be able to do so for several years to come were the MX canceled.

The choice we face seems clear to me. MX has become a symbol of what is wrong with our defense planning. We are simply not able to give up on bad ideas. In the next few days we will have a chance to change that and to vote for a bit of rationality in our defense program. I cannot say I am hopeful on the results of those upcoming votes. But I urge my colleagues to begin by opposing the amendment of the senior Senator from Texas.

It seems several of us this side of the argument have been struck by the Orwellian rhetoric used to defend MX—the Peacekeeper. In Orwell's novel, "1984," the Ministry of Truth uses the official doctrine of "doublethink" to justify the three official slogans of the party, "War is Peace," "Freedom is Slavery," and "Ignorance is Strength." In the May 24 issue of the Washington Post, President Reagan wrote, "* * * a vote for the MX is a vote for what all of us * * * want for our country and for posterity—peace, security, significant arms reductions, and an end to nuclear horror." The obvious conclusion, for me at least, is that Orwell's principle of "doublethink" has taken root a full year before he expected.

Mr. METZENBAUM addressed the chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I would like to begin my remarks by quoting from a column written in April of last year by the very distinguished and very conservative columnist James J. Kilpatrick.

Before doing so, I would like to commend the distinguished Senator from New Mexico for the remarks which he has just completed and for the fact that they so well zero in on this extremely delicate and sensitive question which is before us today.

I also commend the Senator from Colorado who has seen fit to lead the battle in connection with the MX, making every possible effort to make the American people aware of what this issue is all about.

Mr. Kilpatrick wrote that:

> We are beginning to understand, in ways we could not or would not understand before, what nuclear holocaust would mean.
>
> Other ideas, constructive ideas, are gathering force. A conviction is growing that the mind of man, having conceived the idea of self-destruction, is equally capable of conceiving self-salvation. An earthly Armageddon is avoidable. Means can be found—prudent, achievable means—for preventing the ultimate, irreversible madness of nuclear devastation.
>
> In this awakening process, we grow impatient with petty haggling over imaginary numbers. What earthly difference does it make if the Soviet Union has 7,868 megatons of destructive capacity and we have only 3,505 megatons? Is it really material that we have 9,480 warheads and the Soviets have but 8,040? Does any person seriously suppose that if we were to double our nuclear arsenal, while the Soviets obligingly stood still, such "parity" would have meaning?
>
> I doubt that the figures have meaning even to the military or the diplomatic mind. The theory of mutual assured destruction is a fine theory. It lacks only the virtue of reality. A point was reached long ago at which both the United States and the Soviet Union had such monstrous arsenals that further accretions became senseless. These have been 37 years of lunacy, of idiots racing against imbeciles, of civilized nations staggering blindly toward a finish line of unspeakable peril.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. METZENBAUM. I yield.

Mr. TOWER. Is the Senator aware that the doctrine of mutual assured destruction is no longer considered to be a valid doctrine?

Mr. METZENBAUM. I am aware of that, but I believe the point that Mr. Kilpatrick makes, about the fact that these have been 37 years of lunacy, of idiots racing against imbeciles, of civilized nations staggering blindly toward a finish line of unspeakable peril, is as applicable today as then. Whether it has to do with the question of mutual assured destruction or whether it has to do with who is going to have the biggest arsenal, the point that Mr. Kilpatrick makes is what difference does it really make as to how many megatons do they have or do we have, and how many bombs or warheads do they have or do we have.

There is more than enough to provide total destruction or almost total destruction of all the peoples of this world, certainly all of those who live in America and who live in the Soviet Union.

As a matter of fact, Mr. President, Mr. Kilpatrick's article, and the point he makes, is precisely what we are debating about here today—whether or not we are prepared to take the next step toward the ultimate catastrophe for life on this planet. Simply stated, the issue is survival.

Over the years, we have learned to speak in euphemisms about nuclear war.

We have grown accustomed here in the Senate to the chess game logic of the so-called experts—the ivory tower theorists who spend their time speculating about "mutual assured destruction" and "windows of vulnerability," and all the other phraseology that is applicable to the issues we debate here on the floor of the Senate this afternoon.

Well, Mr. President, we have been here on the Senate floor for many days—and we may well be here many more—because there are some of us who remember what this debate is really all about. It is not alone about the MX. It is about survival.

A 1-megaton bomb would scorch an area of 100 square miles. Dropped on a city like Cleveland or Philadelphia, it would kill half a million people.

We can debate from now until doomsday—and doomsday may be closer than we think—about this particular weapons system, that weapons system, or the MX. But what we are really talking about is what kind of world are we going to be living in or are we going to be living in this world?

We are talking about whether or not my children and my grandchildren are going to have the privilege of living a full life.

I am proud of the fact that I recently became the proud grandfather of two fine grandchildren. I want them to have an opportunity to grow up in a peaceful world, and to enjoy the bounties of this Nation and all other nations of the world.

But the MX and a nuclear holocaust would make all of that nothing but words and there would be nobody around to listen to those words.

A 10 to 20 megation bomb dropped on Times Square in New York City would level Manhattan, destroying almost every building in the Bronx, Brooklyn, and Queens and inflicting damage as far away as Hoboken and Jersey City.

How about the people, your children and grandchildren? It shocks me that we stand here on the floor of the Senate and debate this issue without any sense of awareness of what we are really talking about.

As if, somehow, we are all going to go out and build an MX and with that, we are going to win a war. Nobody is going to win the next war. The whole world will lose the next war.

In a publication entitled "The Medical Effects of Nuclear War," a group from the Harvard Medical School gave this description of the effects of a nuclear blast.

In a one megaton explosion over Boston, an overpressure of ten pounds per square inch and winds of 300 miles per hour would destroy all stone and concrete buildings within a radius of three miles. Rubble and debris from collapsed buildings would be swept up by such winds, and airborne glass, beams, and bricks would account for further injuries within a radius of eight miles. Typical blast injuries include lacerations, fractures, ruptures of internal organs, and gaping wounds of the skull, chest, and abdomen. The bomb would create an expanding pressure wave, rupturing eardrums and lungs

And, says the Harvard report, there would be a firestorm.

Such a firestorm melts glass and metal and ignites houses, buildings, foliage, oil tanks, and gasoline. This raging fire would cause severe burns of the skin, eyes, mouth, and lungs to an enormous number of inhabitants.

And there will be no medical care.

The doctors and the nurses will not be there; they will be gone. The hospitals will be destroyed. The living, in fact, will envy the dead.

I could go on about other horrifying subjects—about radiation sickness, about genetic mutations, about cancer, about the epidemics that would break out in the aftermath of a nuclear war.

But what I am getting at is this, Mr. President—when we talk about the MX, we are talking about more than just another weapons system.

We are talking about more than whether or not the administration or the Armed Services Committee or the MX opponents will win or lose a particular vote.

We are talking, Mr. President, about a system that makes nuclear war more—not less—likely. We are talking, therefore, about the ultimate in national security and about our ultimate responsibilities as representatives of the American people.

Someone recently called my attention to words that were spoken here on the Senate floor nearly 20 years ago—in September 1963.

The speaker was Senator Everett McKinley Dirksen of Illinois, one of the great Republicans to have served in this body.

Senator Dirksen was speaking in favor of the Limited Test Ban Treaty. And here is what he said.

Mr. President, late the other night I went back to refresh myself on a little history. One of the classic reports made in our generation was the one made by John Hersey to the New Yorker, on what happened at Hiroshima * * *.

As he relates the story, it was 8:15 in the morning of a bright, sunny day. The weather was a little humid and warm. At 8:15 things happened. Out of the 20th Air Wing, Col. Paul W. Tibbetts, Jr., flying that B-29 and with two escort observation planes, few over the center of Hiroshima, a town of probably 375,000 persons. Then, for the first time. The whole bosom of God's Earth was ruptured by a manmade contrivance that we call a nuclear weapon.

Oh, the tragedy, oh, the dismay. Oh, the blood. Oh, the anguish, when the statisticians came to put the cold figures on paper, they were as follows: As a result of 1 bomb—66,000 killed; 69,000 injured; 62,000 structures destroyed. That was the result of that one bomb, made by man in the hope of stopping that war. Little did he realize what this thermonuclear weapon would do, and the anguish that would be brought into the hearts of men, women, and children. At Hiroshima it caused a mass incineration such as never before had been witnessed in the history of the whole wide world. The result was almost too catastrophic to contemplate.

In the accelerated march of history, how quickly we forget. But there is the account, for all to read; and it all happened at 8:15 on a bright and shining morning, when God's day began, and when, I suppose, hundreds of thousands of people were thinking that, despite the war, they had been privileged to live another day.

Mr. President, that happened 18 years ago last month. Since then, what have we done? What steps have we taken? How far have we moved?

The President calls this treaty a first step. What sort of steps have we taken except steps to make the bombs that fell on Hiroshima and Nagasaki look like veritable toys when compared to the heavy-duty, heavy-yield weapons of today.

I want to take a first step, Mr. President, I am not a young man; I am almost as old as the oldest Member of the Senate, certainly older than a great many Senators. One of my age thinks about this destiny a little. I should not like to have written on my tombstone, "He knew what happened at Hiroshima, but he did not take a first step."

What a magnificent day it would be if Senator Dirksen were on the floor, that great orator, that great leader, in order to repeat that speech again today. Because the question is, Will we take that first step and turn back the clock with respect to moving forward and constructing the MX? Mr. President, I think it is incumbent upon all of us to ask that same question Senator Dirksen asked.

(Mr. WARNER assumed the chair.)

Mr. METZENBAUM. Mr. President, we know—we know all too well—that we are being asked to approve deployment of a deadly, dangerous nuclear missile.

The MX is more dangerous than other missiles. Why? Because it is at one and the same time very powerful and very vulnerable.

Three years ago, Ronald Reagan seemed to have understood this point. As a candidate, he observed that, "We should seek a survivable"—and I emphasize the word "survivable"—"basing mode for the next generation of ICBM's.

He was right.

Ten years ago, Mr. President, the Department of Defense concluded that the Minuteman silos, in which the administration proposes to place the MX were vulnerable to a Soviet first strike. And what with improvement in the accuracy of Soviet missiles since 1973, that vulnerability has grown enormously.

So what good is the MX?

My answer to that question is, "No good—no good at all."

The "Peacekeeper." What a farce. What an absurdity. What a contradiction in terms.

The White House public relations men call this weapon the Peacekeeper, a weapon that certainly will not keep the peace. To the contrary, it will make the world in which we live a far more dangerous place. Why?

If we know, Mr. President, that the mainstay of our land-based missile deterrent is vulnerable, we will be pushed inevitably toward a posture of launch-on-warning. Thereby, we will bring the world one very major step closer to the nuclear brink.

If the Soviets know that we are deploying a powerful, but vulnerable, nuclear missile, their defense planners will conclude that the United States might—just might—be deploying a first-strike weapon. As a result, they, too, will be pushed toward launch on warning.

It does not take much imagination to see where all of this could lead.

Mr. President, the Air Force has testified that our existing land-based missiles will remain fully effective through the year 2000.

We are building Cruise missiles and B-1 bombers. We have enormously powerful nuclear submarines. We can afford to wait for the development of a small, survivable land-based missile.

Yet we are rushing ahead to build the MX. It makes no sense.

We say that we do not have the money to provide to our frontline Army Forces the conventional weapons they will need in the event of war.

We have cut back on tanks, on maintenance, on flying hours for our combat pilots.

But we are going ahead with the MX missiles. Try as I might, Mr. President, I can think of no good reason for it.

We have no shortage of nuclear weapons or of the means to deliver them.

We gain nothing at the bargaining table from the MX.

And we gain nothing—in fact we lose—in terms of national security.

Mr. President, on Armistice Day, 1948, the late General of the Army, Omar Bradley, gave a speech that could well have been made in the course of today's debate.

"With the monstrous weapons man already has," General Bradley said, "humanity is in danger of being trapped in this world by its moral adolescents."

"The world," he continued, "has achieved brilliance without conscience. Ours is a world of nuclear giants and ethical infants."

In the end, that is the challenge before us. Are we prepared to move beyond ethical infancy and scrap this program—scrap it because it is a bad and dangerous idea?

Or will we listen once again to those who have been telling us for so many years that we can cut back on these obscene weapons only by building more of them.

Mr. President, I do not know what decision the Senate will reach on the MX. I am concerned that it will pass, that somehow it will be included. I was pleased to see that a substantially lesser number of Members of the House voted to support it yesterday. I do not know what this body will do.

I wish that Everett McKinley Dirksen was on the floor today to let his oratory speak to his colleagues on that side of the aisle. But as for me, I stand where Everett Dirksen stood 20 years ago, and I will not have it said of me that, "He knew and he would not act."

Mr. CRANSTON addressed the Chair.

The PRESIDING OFFICER (Mr. HECHT). The Senator from California is recognized.

Mr. CRANSTON. Mr. President, I strongly oppose funding the MX missile. I am opposed to spending the $2.5 billion that is contained in the bill, the fiscal year 1984 Defense authorization bill. I led the Senate fight last year in the continuing resolution against funding for MX production. Last May, I voted against the resolution of approval for the most recent basing mode proposal for the MX. The best step we could take now for our national security is to kill the MX program once and for all.

I am pleased that the Senate is devoting an extended period of time to debate the MX system, and I applaud the work of the Senator from Colorado (Mr. HART) in seeing to it that the debate has occurred. This debate is necessary because consideration of the MX has become clouded, in large part because the administration keeps changing its rationale for the MX to suit the political climate. The administration has tried to justify the MX first as being more survivable, then as a means of demonstrating how strong we are, and finally as a bargaining chip. We see little if any justification for the MX for military purposes. It certainly cannot be justified on the basis of military cost-effectiveness.

The original justification for the MX was that it would be more survivable than our Minuteman III missiles that are based in fixed silos. Much was made of the supposed vulnerability of these missiles and the need for a new mobile missile—the MX—to replace them. After spending billions of dollars over more than a decade searching for a more survivable basing mode, we have not been able to meet this objective.

After much political theater and rhetorical bombast, the Reagan administration concluded that the best place to put the new MX missile was in those same fixed Minuteman silos. Thus, the MX would be no more survivable than the Minuteman III. The one great difference is that the Reagan administration purposes to place an even more valuable target than the Minuteman III—the MX—in these silos. The MX with its 10 warheads is more accurate, lethal, and threatening than the Minuteman III. Thus the MX is a more inviting target for the Soviets. The Reagan administration cannot justify the MX on the basis that it is a more survivable weapon system. How then can the administration justify it?

Finding a justification for the MX has proved a thorny problem for the Reagan administration. After several blue ribbon commissions studied the question, the last, the Scowcroft Commission, declared that we need the MX to demonstrate national will to the Soviet Union. This is a weak and unconvincing rational for a nuclear weapons system which will cost more than $26 billion. I have seen estimates that run much higher than that. But it does not demonstrate national will to deploy a weapons system that has no satisfactory basing mode and that has no clear strategic mission. The Soviet Union already knows we are deadly serious about our commitment to defend our allies and our national interests, We have a nuclear arsenal that can obliterate our adversaries—even after absorbing a first strike. So do the Soviets. We have formidable nulcear and conventional military power that we are in the process of modernizing at great expense to our Nation. We cannot rationally claim that proceeding with the MX demonstrates national will—instead it dem-

onstrates misguided will and a lack of commonsense.

The Reagan administration is clearly uncomfortable with the national will argument; administration officials have also tried to sell the MX as a bargaining chip for negotiations with the Soviets. This is an absolute travesty. I pray that we have learned our lesson about nuclear bargaining chips. Bargaining chips, as history has proven time and again with such weapons as the MIRV'd missile, are not bargained away. They are deployed. We have degraded our own nuclear forces by pushing for the deployment of MIRV's. It is because Soviet deployment of their own MIRV'd missiles that many argue our land-based ICBM's are vulnerable today. The bargaining chip argument is a dangerous hoax.

Even if the bargaining chip rational were sound, the Reagan administration's disastrous record on arms control denies it all credibility. At the same time that some Reagan administration officials sell the MX as a bargaining chip, other administration officials claim that the MX is nonnegotiable.

This administration has dashed hopes for a comprehensive nuclear test ban.

It has refused to support ratification of the Threshold Test Ban Treaty, the Peaceful Nuclear Explosion Treaty, and SALT II.

The administration has requested funds to put the United States back in the business of producing chemical weapons.

It has poured funds into schemes that will undermine one of our most effective arms control agreements, the ABM Treaty.

It thus strains credibility to suggest that this administration will get serious about arms control just as soon as it gets 100 MX missiles with another 1,000 nuclear warheads.

Mr. President, our defense posture for decades has been based on having a stable and credible nuclear deterrent. I emphasize the word "stable" because it is the key to having a strong defense. The Reagan administration has assaulted this successful strategic policy by its inflammatory rhetoric, by its efforts to upgrade U.S. capability to fight a protracted nuclear war—as if any such absurd scenario makes any sense—and by its efforts to proceed with highly destabilizing weapons like the MX. We must reverse this trend. Pursuing such a policy invites disaster.

We need to return to serious efforts to halt the nuclear arms race and to move toward elimination of our nuclear arsenals. We must reject the tortured logic that to get fewer nuclear weapons, we must first get more, thousands more.

We do not need the MX. There is no strategic justification for it. There is no improved basing mode for it. It only serves to fuel the terribly dangerous arms race.

I strongly urge my colleagues to eliminate the MX funds.

Mr. DURENBERGER. Mr. President, I begin by reminding the Senator from Ohio wherever he is, that this is not Everett McKinley Dirksen speaking to his colleagues. It is a Senator from the State of Minnesota, to whom has relatively newly come the opportunity of being a U.S. Senator, and obviously newly come to the issue of arms control.

I recall—and I have spoken of this issue before on the floor of the Senate—that as short a time ago as 1978, when I was engaged in my first campaign for my first political office, even though it was the office of U.S. Senator, no one in the State of Minnesota—which is usually known for its perspicacity, if you will, when it comes to what is going on in the world—ever asked me about SALT II, which at that point was the linchpin in a second or third phase of arms control.

When I came to Washington, I found things somewhat different. Ever since I have been here, I have found that the policy premise on which arms control is built has become and has been much more political than it has been substantive.

I suppose in a sense the experience of the last 10 or 12 days might be in that kind of context. But I suggest that we have had an opportunity—maybe it seems like too long an opportunity—to learn a great deal about the appropriateness of our defense posture and the kind of authority it is going to take to make sure that that defense posture is as strong as the people of this country would like to see it.

At the present time, if I understand the pending business, we are being asked to consider an endorsement of the findings of the Scowcroft Commission and to express our support for the planned deployment of MX missiles, as recommended by the Commission. I am here to speak against that idea.

There is no question that the Scowcroft Commission deserves our thanks for its service. The members of the Commission performed a difficult task, and they performed it well. In particular, we owe a debt of gratitude to the Commission for at least three things: First, the Commission put to rest once and for all the rhetoric about the so-called window of vulnerability. The final report of the Commission makes absolutely clear that we do not face, and did not face, a major threat to the viability of our land-based strategic missile force. With this fact now clearly understood, much of the rationale for the MX missile disappears. We face no present danger; in fact, our situation is good.

Second, the Commission did an admirable job of focusing our attention on the fundamental importance of arms control to this country. The report clearly stated that arms control is not simply nice to have. Instead, it is a vital element of our overall national security policy, and it is urgent that we continue to pursue arms control as aggressively as possible.

Finally, the Commission made a notable contribution to the debate over national security policy by recommending a move toward de-MIRV'ing our missiles and adopting a so-called Midgetman missile with a single warhead. Integral to this idea is the adoption of an arms control posture aimed at "building down" force levels on both sides.

Clearly, the Commission did yeoman work. But it dropped the ball in one vital area. It recommended deployment of the MX missile—a recommendation which I believe flies in the face of all the other recommendations laid out in the report.

Mr. President, as several Senators have noted throughout the past few days, it is too often the case that people cling to yesterday's answers when faced with tomorrow's problems. I cannot think of anything that illustrates this better than the MX missile.

I will not bother to recite still again the bizarre history of this weapon. Through all the twists and turns, the changes in basing mode and the shifts in rationale for deployment, one thing has stood out: The MX missile is a weapon in search of a mission. It is not needed to meet any current threat. The final report of the Scowcroft Commission should have made that point abundantly clear when it threw cold water over the fears of those who talk about a "window of vulnerability." All that we seem to be left with is the assertion that we need to spend $20 billion or more on an obsolete and vulnerable missile in order to demonstrate our resolve.

What does this really mean? It means that we have spent so long convincing ourselves and others that the Soviets can destroy our current missiles—something which we now know they cannot do in the foreseeable future—that we will now look weak or stupid if we do not go ahead with deployment. Behind all the diplomatic jargon about national will and symbols of resolve, the truth is that we are being asked to add to an already overburdened defense budget in order to save face.

If we really want to avoid weakening our strength and ruining our image, we will avoid going ahead with the MX missile. The only national will we would express with deployment of the MX would be the will of the spendthrift. And if we are truly concerned about our military situation—as we

should be—we must recognize that we have underfunded too many vital things in order to pay for an investment in face-saving.

We obviously cannot remain complacent about the long-term security of our strategic nuclear arsenal. As the Scowcroft Commission has indicated, there will come a time—years from now, but within this century—when any land-based target in a fixed location can be vulnerable to attack. That time is not now, but it is coming.

The MX missile will do nothing to solve this problem, and everything to hasten it. Worse yet, by providing the Soviets with more lucrative targets than they now have, it will increase their incentive to shoot first in a crisis.

As the Scowcroft panel pointed out with impeccable logic, the answer to this potential problem is to shift to a less lucrative target, to diversify our forces among a number of small, mobile missiles which can avoid detection and attack. Such a missile—commonly called the "Midgetman"—could be available in the relatively near future. In fact, it could be deployed only a couple of year later than the MX.

Aside from the far greater military merits of the Midgetman, such a missile has one extraordinarily important advantage over the MX: It is compatible with the kinds of imaginative arms control proposals such as the build-down which are now surfacing. Let me explore this point a bit.

The build-down concept is based on a sophisticated grasp of the requisites of arms control in the late 20th century. Simply stated—and the concept is the soul of simplicity—the United States and the Soviet Union would agree to dismantle and destroy two warheads for each new warhead deployed. Note that the emphasis is on warheads—actual weapons—and not on launchers, such as missiles. The focus in the build-down is where it properly belongs: On the nose-cone of a missile rather than the engine.

The build-down does not mandate new forces. It does not even give the superpowers an incentive to modernize, at least so long as they insist on such obsolete and destabilizing weapons as the MX missile. What it does do, however, is to recognize that modernization can be made the handmaid rather than the enemy of arms control.

Why? Precisely because in order to avoid the kind of long-term threat posed to our arsenal by simple obsolescence, not to mention Soviet actions, we may occasionally wish to alter our force posture. The key is alteration, not modernization as such.

In the past, modernization has really meant only more of the same. It has meant that we have built bombs that are bigger, guidance systems that are more accurate, missiles that are faster. It has proceeded in one direction only, and a very predictable one. That is why people are rightly concerned that a focus on modernization can make the situation worse, not better. It is why the concept of a complete freeze is so appealing to many people.

Unfortunately, however, modernization of a weapon system can occur for many reasons, not all of them deliberate. Consider, for instance, that advances in such basic and nonmilitary sciences as geophysics will continue to add to our knowledge of magnetic fields, the atmosphere, and conditions in space. Clearly, this knowledge is profoundly important for all humans, for it can help us to do such things as predicting or controlling weather systems. Just as clearly, the knowledge gained in a benign area can be applied to a military area. At the minimum, for instance, raw information gained in studying the atmosphere can improve the accuracy of existing missile guidance systems, simply by improving the input in onboard computers. Data in the computer program of a guidance system cannot be frozen, for compliance with this could never be verified.

The point, therefore, is that some advances in the characteristics of weapons systems seem virtually inevitable. If we pretend otherwise, we do ourselves no great service. If we try to stop it altogether, we set ourselves an impossible task. If we seek to harness it in a benign direction, however, we may accomplish some laudable goals.

So what does the build-down do? It permits modernization, but it extracts a severe penalty. It forces on decision-makers the necessity for choice, something which they have too often avoided in the past while mindlessly piling weapon on top of weapon in a pointless arms race.

By demanding that for every new warhead deployed, two must be destroyed, the build-down incorporates into military planning two important principles. First, it directly works on actual reductions in arms levels. This goal is as old as arms control. It has been advocated by people as different as George Kennan, Jimmy Carter, and President Reagan. Little has been done to achieve it. A build-down will do so.

Second, the build-down concept will force our military planners, and those in the Soviet Union, to do something which they often fail to do. It will force them to think about nuclear weapons in two dimensions, not just one. What I mean is that it will force them to realize that instability is caused not just by one side or the other, but by how each side perceives the other at any given time.

Critics of the MX have pointed out, with good reason, that aside from the inherent problems with the missile in its own right, it is dangerous for two reasons: It suggests to the Soviets that we may be moving toward a first-strike capability, and it simultaneously raises their own stakes in striking first. It does so because it is loaded with 10 warheads per launcher. Since we will deploy only 100 of these missiles, we offer the Soviets every incentive to shoot at a relatively small number of targets, knowing that if they succeed they will have expended only a few of their own missiles. To put ourselves into such a situation makes no sense.

A build-down, however, forces this recognition on people from the outset. It does so by making clear that if we want to develop a new weapon, we must get rid of others. This means in particular that multiple-warhead missiles are—for the first time—explicitly dangerous no matter how one views the world. To arms controllers, of course, multiple warhead missiles have always been dangerous, for arms controllers are trained to think in two dimensions. To military people, or to cost-efficiency experts, on the other hand, multiple warhead missiles have too often seemed a smart investment. That is why they have been built.

From a narrow military perspective, a multiple warhead missile appears to pack more punch. From a narrow cost-efficiency perspective, multiple-warhead missiles appear to be a way to get more bang for the buck—to save money.

By capping the arms race, by forcing a focus on warhead levels rather than launcher levels, and by imposing a penalty on new weapons programs, the build-down makes it clear to everybody that multiple warhead missiles are a bad investment. Let me show an example.

We currently have an arsenal of 450 single-warhead Minuteman II missiles, and 550 multiple-warhead Minuteman III missiles, each with three weapons. Under a build-down, it is explicitly ridiculous to proceed with an MX missile, armed with 10 warheads. Why? Because to deploy the 10 warheads on each MX, we must destroy 20 other warheads. This means that we must destroy either 20 Minuteman II missiles, or 7 Minuteman III missiles for each MX we deploy. This cannot appeal to anybody. To arms controllers, such a scheme would mean that the Soviets would have still greater incentives to strike first, for we would have deployed an arsenal of relatively few missiles, each armed heavily. The incentive to shoot first in a crisis would be very high. Hence, under build-down, MX would be a horribly stupid investment, national will notwithstanding.

From the narrow perspective of a military officer, MX under a build-down approach would be just as difficult, for it would mean a net loss in actual military capability.

From the standpoint of a cost-efficiency analyst, finally, build-down would make MX a resoundingly inefficient choice, for it would impose more costs than gains.

The point, therefore, is that a build-down approach to arms control can discipline people who thus far have not demonstrated discipline, for it will explicitly force on them the kinds of hard choices they should have dealt with earlier. In particular, a build-down approach would be the most powerful kind of argument against MX, or any other multiple-warhead missile for that matter.

A Midgetman, on the other hand, would be the only sensible way to proceed, for with its single warhead, it could be traded in at a less disastrous cost in launchers. Remember, however—and this is crucial—investment in a Midgetman would still mean a 2-for-1 reduction in overall weapons levels. The key thing is that as arms levels decreased, the ratio between weapons and launchers would continue to preserve stability. When we have too many warheads packed on too few launchers—the situation in which multiple warheads have put us—the situation is unstable. When relatively few warheads are distributed over many launchers, there is no possible incentive to shoot first, and the situation is therefore far more stable. We can move in that direction by implementing a build-down, a shifting of our force posture away from a reliance on MIRV'd missiles.

So, to conclude, Mr. President, I find it impossible to understand how the MX missile makes any sense. The military rationale was invalidated along with the window of vulnerability. The current rationale seems to be only face-saving. The consequences of deployment are frightening from every possible perspective—budgetary, military, and arms control. Finally, deployment of the MX will make a build-down either meaningless or exceedingly difficult to achieve. It makes no sense to support the build-down, as I do, and to argue for the MX missile.

The principal notion which links the MX to a build-down is that we must put Soviet silos at risk in order to induce the Russians to enter a build-down regime. But existing missiles can and do threaten Soviet silos, and the oncoming Trident II missile will fill any conceivable gap in this spectrum fully as well as the MX. So we are being asked, in essence, to compound a redundant capability in order to show strength that we already have—to build up in order to build down. In my opinion, the costs are too great and the risks too severe to undertake such calculated illogic.

I therefore urge my colleagues to reject a missile which will be built only to be taken back down, and to vote against the MX missile

Mr. HART. Mr. President, will the Senator from Minnesota yield for a question?

Mr. DURENBERGER. I yield.

Mr. HART. Does the Senator from Minnesota feel that the principal concern that he has about this missile has to do with the way in which it is proposed by the Scowcroft Commission to be deployed, in other words, is his concern about it more to do with the nature of the missile or the way it is to be deployed, or is it a combination of both?

Mr. DURENBERGER. I guess I would answer my colleague from Colorado by saying that it is both.

Mr. HART. Is the Senator from Minnesota under the impression that there might be some more stable and acceptable basing mode for the missile?

Mr. DURENBERGER. I am not aware of any more stable basing mode but, as I indicated, one of my principal concerns for this missile is that it would appear to me that this Nation is moving in a more logical arms control direction that involves some form of build-down. If, as I do, you buy the notion of a builddown and a concept of 2 for 1 or 1.9 for 0.9, or whatever, it becomes very illogical from a national security standpoint while we are engaged in a builddown process for us to put in place launchers with 10 warheads on each of these launchers.

Mr. HART. Mr. President, if the Senator will yield further, the same logic applies to the so-called warhead trade off ratio, and I think that last answer has to do with that.

If an existing Minuteman silo with a missile in it with 3 warheads can presumably be targeted accurately enough to knock it out, by deploying missiles with 10 warheads all we are doing is providing 7 more warheads that can be knocked out with the same 1 or no more than 2 incoming Soviet warheads. Is that not also the case?

Mr. DURENBERGER. Yes, I think the Senator from Colorado is clearly correct. Obviously, a great deal of attention has been given in the last couple of years to the issue of survivability. There may well have been some progress, but I think the issue of survivability and vulnerability is irrelevant to the argument that I was making here.

Mr. HART. I thank the Senator from Minnesota for yielding and for his statement.

The PRESIDING OFFICER (Mr. QUAYLE). The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, the present amendment, the amendment that is pending, the so-called Tower-Warner amendment, deals with the Scowcroft Commission report, and so I wish in the context of the whole MX to address both subjects, that is, the military advisability and the economic feasibility of building the missile and also to talk about the Scowcroft Commission and its report and some salient features in it.

Now, in order for anybody to have a rational understanding of the debate, they have to understand, first, the history of the MX, the rationale for it, why we are here today debating it, and, of course, you have to bear in mind we have known for a long time that the Soviets have always put more credence in their land-based missiles than they have any other part of their strategic forces. That is one of the reasons, incidentally, that they got, that the President got, a negative response when he started talking about the Soviets cutting about a half to a two-thirds of their land-based forces. That is the thing they rely on most just as we consider our most invulnerable force to be our submarines.

But we have known for a long time that they were building the SS-18's and the SS-19's and they started MIRV'ing all their missiles almost immediately after we did, and so now they have this tremendous number of warheads on their ICBM's, and the strategic planners and advisers in this country said "If we don't want our land-based missiles overwhelmed, we have got to develop a mobile missile that is invulnerable to a massive Soviet attack." That is the only reason we started talking about mobile missiles in the first place.

So, we began to do research and development on what was then and is now called the MX. The MX was supposed to have two qualities that would deter the Soviets from trying to build more and more holes in the ground, put more and more big missiles in the ground, and to let them know we were not ever going to allow them to overwhelm our land-based missiles.

Well, in order to do that there were two or three things that ought to happen, and the first one, of course, always that should have happened was a treaty that would limit the number of warheads the Soviet Union would have that could be used to overwhelm our 1,047 land-based missiles.

Well, the treaty is a very elusive thing, and I am not going to rehash the whole debate on SALT II, good, bad, indifferent, however people may feel about it, but all during the Carter administration Harold Brown and Bill Perry labored and grunted and groaned and tried to come up with an acceptable, that is, politically acceptable, method of deploying the MX missile, that would make it both mobile and survivable.

Obviously, the mobility of the thing is not as important as its survivability. Now bear in mind I have not heard any talk about if we put the MX missile in Minuteman silos—my latest information on that I believe was in May

when the Secretary of Defense testified before the Appropriations Committee on which I sit, and said, "There is no present plan to harden these silos."

So Harold Brown and Bill Perry finally came up with the only possible method of deploying the MX that they thought would survive a Soviet attack and that was the so-called MPS, multiple protective shelters, where we would put 200 missiles in 4,000 shelters and this would require just about all of the Soviet warheads with hard-target kill capability if they wanted to overwhelm that system.

If you plan, Senator, to kill silos, you have to plan on two warheads. So far as I know, no planner, United States or Soviets, ever plans on knocking out a missile with less than two warheads and I think that is a part of our doctrine and it is a part of theirs.

But let me go on. Bear in mind I said in my first statement we were looking for a politically acceptable way to deploy this missile, and every other way deploying them by airplane—somebody came up and said, "Well, we will let a parachute drag them out of the end of a C-5," and incidentally I remember—and the Senator from Texas and I do not agree very often on a lot of matters but he and I certainly agreed with that one—I thought it was a cockamamie idea and I still do—and they talked about other things and I remember in 1980 how Ronald Reagan made fun, it was one of his standard speeches to make fun, of that race track system out in Nevada and Utah—and you know that is another one of those things that bring people to their feet but not to their senses, as we say. He did not offer any other method of deploying it. He did not say in 1980 that, "I believe in a 15-mile triangle called dense pack," or properly around here "dunce pack." He only said that this system of deploying these missiles in Nevada and Utah is silly, and people would applaud and cheer, but nobody was offering an alternative method of deploying them.

Well, the people in Utah and Nevada did exactly what the people in Louisiana and Arkansas would have done, they rose up in righteous indignation and said, "Our bodies are going to lie prostrate on the meadows when you dig our State up to that extent to deploy this missile."

Not only that, Nevada and Utah are not totally without clout in the U.S. Senate. The Senator from Nevada is by every account I have seen for 2½ years the President's best friend. And I think that is fine. I applaud their friendship. But I can tell you based on that and the fact that another Senator was chairman of the Labor Committee, another is chairman of the Banking Committee, as I say those two States were not exactly without political clout in Washington.

So the first thing you know, you know that the MPS system, which has been very carefully crafted, ain't going anywhere, and sure enough it was not. But you have to bear in mind one other factor and that is without a SALT Treaty, which would have limited the number of warheads the Soviets could put on their SS-18's and SS-19's, nothing made any sense. They agreed in the SALT II Treaty to limit the number of warheads on that big SS-18 to 10, and it was public testimony, this is not classified because David Jones testified before our committee that the Soviets could put 20, maybe 30, warheads on top of the SS-18. So the more shelters you built the more warheads, without a treaty, the Soviets would elect to put on their missiles, and so even the MPS system, the race-track system, which I favored reluctantly and grudgingly because I saw it as the only way to deploy the MX in a survivable mode, I would not have supported that without a SALT Treaty.

Well, so then the President had been going around saying, "You know everything, untoward thing, in the world that happens in the world is hatched up in the Kremlin dining room. The Soviets have this vast margin of superiority over us," and he wanted the MX missile. The Pentagon convinced him that he not only wanted it but he needed it.

But he has already made so much fun of the only system that made any sense, he cannot go to that. So he says to the Pentagon, "You fellows sit down and come and bring me another system that I can sell to the American people." You know he is great on television. I am sure he said, "I can sell this thing."

So they came with the dense pack. You know the first time I ever saw the dense pack deployment system, I felt the same way Ron Reagan did the first time he ever saw the MPS system. I thought it was absolutely laughable. And it did not take the U.S. Senate very long to make up its mind about dense pack. We did not want any part of it. It made no sense to anybody in this body.

But the President was not deterred. He was not daunted. He still wanted the MX, even though I remember Harold Brown saying, "The MX does not make any sense unless it is mobile and unless it is survivable."

The President finally said, in desperation, "We have checked about 40 different ways that we can deploy the MX and none of them looks very good, but I still want the MX and so I am going to appoint a commission."

There is nothing new about that. When I was Governor and I really got into a hot one, I always appointed a commission to bring back what I wanted in the first place. And the President very carefully selected the Scowcroft Commission. There are some truly outstanding men on the Commission, but to my knowledge there was not one single person appointed to that Commission who did not want to build the MX missile—not one—including my friend, Harold Brown.

And so they came back with this report, which we now call the Scowcroft Commission. It worked so well that now the President wants a commission to settle Central America. Lord only knows how many commissions we are going to have around here in the next couple of years if they keep working as well as the Scowcroft Commission did.

And so, the Scowcroft Commission, on page 1, says something that makes an awful lot of sense. And I am trying to be fair in analyzing this report.

> Although the United States and the Soviet Union hold fundamentally incompatible views of history, of the nature of society, and of the individual's place in it, the existence of nuclear weapons imbues that rivalry with peril unprecedented in human history.

Now, I say to my colleagues in the Senate, that is why we are here debating this today, because we face perils unprecedented in human history. Anybody who speaks on this issue without some emotion, without some passion, does not understand that line from the Scowcroft Commission.

But it gets a lot more interesting. On page 2, the Scowcroft Commission discusses deterrence. I believe in deterrence. I believe that you cannot beat something with nothing, I do not care whether it is chemical weapons or nuclear weapons or anything else too abominable to even think of. The Scowcroft Commission, in the part of its introduction, says:

> Such a policy of deterrence, like the security policy of the West itself, is essentially defensive in nature. The strategic forces that are necessary in order to support such a policy by their very existence help to convince the Soviet Union's leaders that the West has the military strength and political will to resist aggression; and that, if they should ever choose to attack, they should have no doubt that we can and would respond until we have so damaged the power of the Soviet state that they will unmistakably be far worse off than if they had never begun.

I have absolutely no quarrel with that statement. The Soviet Union and the United States must always know that if either ever chooses to attack the other, the retaliatory damage inflicted on the attacker will make them wish they had never fired the first missile.

Can either side, in a sane moment, doubt for a moment the validity of that statement?

They go on to say, "Deterrence is the set of beliefs in the minds of the Soviet leaders, given their own values and attitudes, about our capabilities

and our will." Again, no quarrel with that.

The question about the MX is: Where does it fit into the role of deterrence? Are the Soviets deterred by putting 100 missiles in silos that they already have targeted? We are doing them a great favor because we are going to put them in existing silos that are already targeted. They will not even have to reprogram their computers. But is the Soviet Union deterred by replacing missiles with three warheads, or that at least could have three warheads if we choose to modernize the rest of our Minuteman force—and certainly the modernization of the 250 remaining Minuteman III's that have not been modernized, makes eminent good sense to putting 100 MX in those silos—but the question is are the Soviets deterred any more than they already are deterred by sinking these missiles into silos that already exist with missiles in them?

I think that if you were to ask the strategic planners in the Soviet Union, "Do you want the United States to build the MX missile?", the answer would be, no. But if you were to ask them, "Do you think the United States modernization of its strategic weaponry that is already underway, not on the drawing board but already underway, is more frightening to you than the MX?", the answer would be "Yes."

Ask the Soviet Union, if they had a choice, "Would you prefer the United States build the MX or the D-5?" They will take the D-5. "Would you prefer the United States give up its cruise missile capability by deploying cruise missiles on our B-52's and later the B-1, would you prefer that or the MX?" They would prefer we build the MX.

If you were to ask them, "Would you rather the United States build the MX or the Stealth bomber loaded down with cruise missiles?", I daresay they would say, "We'll still take the MX."

Now, I say all these things just to point out the Soviets may be dumb, but they are not stupid. As I said the other day, they did not just fall off a watermelon truck. They know where our missiles are located. They have got them all targeted. They should be grateful for small favors that we are willing to put $16 billion to $30 billion into a system that they already have targeted.

Mr. HART. Will the Senator yield for a question?

Mr. BUMPERS. I am happy to yield.

Mr. HART. The Senator has made a very valid and very important point about what all this looks like in the Soviet Union.

Understanding the hazards of trying to put ourselves in their shoes, I wonder if the Senator might speculate, if he were a Soviet strategic planner or senior military official, what he would think, if the United States went forward to build this missile and put it in fixed silos, about American intentions? If he just looked objectively at the United States building this missile, given everything the Senator from Arkansas has said, and trying to figure out what is on the mind of the President of the United States and the American military command, what conclusions might he draw about American intentions in the 1980's and 1990's?

Mr. BUMPERS. I say to the Senator, as I said a moment ago, the Soviets may be dumb, but they are not stupid. And there is one and only one inescapable conclusion that the Soviet strategic planners could come to, and that is this is not a weapon to deter. It is a weapon which will be used as a first strike weapon, and that is the only possible value it could have.

Mr. HART. Is the Senator from Arkansas aware also of studies that have been done about how effective our strategic warning system is but also how it breaks down on occasion?

One of those studies is a report prepared by the Senator from Arizona (Mr. GOLDWATER) and the Senator from Colorado in October 1980, which documented the number of times over a period of a year and a half in which our very valuable, very expensive, very exotic strategy warning system broke down. In fact, four of those breakdowns over a several month period led to the collection of the assessment committee or assessment group among our senior military and political commanders as to how to respond to a presumed Soviet attack. Is the Senator aware of those studies and that report?

Mr. BUMPERS. I am, indeed.

Mr. HART. If you were continuing in the role of trying to project what the Soviets thought about this, and you saw the American political and military command go forward with this missile system, and you knew how often your warning system broke down on your side and read these reports about how often a superior American warning system broke down on the American side, what would that tell you about building and placing this missile in vulnerable silos?

Mr. BUMPERS. I will say to the Senator, I went to see a movie the other night. I went to see it to be entertained. I have already mentioned this in a previous speech I made on this subject. It was called "War Games." It was where a 16-year-old kid with a personal computer got it tied in with the Norad system and the first thing you know he had a program inadvertently put into the system showing the Soviet Union launching 1,000 missiles against the United States. This was a movie, you understand, and it was designed to be entertaining.

It is hard for me to laugh in a movie where you are constantly dealing with the possibility of the Soviets having launched 1,000 missiles. But the thing I did glean from this movie was that our system of warning, when the Soviets have launched, is far from perfect. Indeed, it is imperfect.

I have heard stories about as many as 150 first stage alerts, and stories that a Senator recited of four alerts, from false warnings in our warning system that caused our senior strategic group to get together to assess this warning.

Mr. HART. The threat is constant.

Mr. BUMPERS. Yes. Something that is terrifying about that is that our warning system is almost light years ahead of the Soviet warning system. Ours is much better than theirs.

I told this story the other day, too. Bill Perry, who was the Assistant Deputy Secretary for Research and Development during the Carter years, told me he got a warning one morning about 3 o'clock in the morning. He was called to the Pentagon and they said, "Mr. Secretary, the Soviets have just launched 1,000 missiles against the United States."

As Secretary Perry told me, that will just ruin your whole night when you get a message like that.

Think about it. Think about the warning system that does allow and does permit those things to happen. That is the reason we have never believed in launch on warning or launch on attack, even.

Mr. HART. If the Senator will yield, I will tell him when that occurred out of this report I mentioned.

Mr. BUMPERS. Fine.

Mr. HART. In 1979 and 1980 there were four threat assessment conferences. That is what happens when the Norad commander in Colorado Springs determines the possibility of a threat. That is a euphemism for your radar screens or display screens are showing missiles on the way. The next step is to convene a threat assessment conference. This happened four times in 1979 and 1980.

October 3, 1979, an SLBM radar picked up a lower rocket body close to decay that generated a false launch and the impact was aborted.

November 9, 1979, false indications of a mass raid—that may have been the one Secretary Perry was talking about—caused by inadvertent introduction of simulated data into the Norad computer system.

Do you know what that means in English?

Mr. BUMPERS. I know what it means. But state it.

Mr. HART. That means a computer technician was fooling around with

the system and practicing drills and he put the wrong tape into the computer or plugged in the wrong program.

Mr. BUMPERS. And got a simulated attack.

Mr. HART. All over the place.

Mr. BUMPERS. Maybe they ought to put some signs out there, "Don't fool with the knobs."

Mr. HART. I think they did that. But in the meantime, what if you have 100 MX's in silos.

March 15, 1980, four SN-6's were launched from the Kurile Islands as part of the Soviet troop training. One of the launches generated an unusual threat fan.

Do you know what the means?

Mr. BUMPERS. Yes.

Mr. HART. A whole lot of missiles and warheads coming in. The Kurile Islands are pretty close.

June 3, 1980. False indications caused by a bad chip in a communications processor computer.

Do you know how much that bad chip cost? About $1.89. That showed a lot of Soviet missiles and warheads headed this way, a lot of them. And it lasted quite a while.

If you have all your eggs in a handful of baskets and the baskets can be destroyed, and you know that somewhere between on the low side 70 percent and the high side 95 percent of those MX's are going to be wiped out, what are you inclined to do?

Mr. BUMPERS. You are inclined to do exactly what the Soviet Union is scared to death you are going to do, and you are inclined to believe Secretary of State George Shultz when he almost cavalierly answered that question by saying, "Well, you use them or lose them."

That is the new doctrine that seems to be gaining momentum in this country. "Use them or lose them."

Mr. TOWER. Will the Senator yield at that point just for a short comment?

Mr. BUMPERS. Yes.

Mr. TOWER. I believe that idea comes from an earlier administration, as a matter of fact.

Mr. BUMPERS. In all fairness to what I just said, I had never heard this before the last year. I know that "use them or lose them" is a statement that has been around from time to time. I must say I never heard it used in a serious vein. The way I always heard it used was it was sort of a phlegmatic comment.

Mr. TOWER. What was said was, and I do not have the precise words, if they launched an attack against us, they should not expect that all of our missiles would be in the silos when their missiles arrived

Mr. BUMPERS. I think I see the difference in those two concepts. I do not think the Soviet Union ought to ever be absolutely sure that we are going to ride out an attack. I think Harold Brown was perfectly right to say to the Soviet Union, "If you ever launched a preemptive attack, we may ride it out but you cannot be assured of that."

You cannot tell an adversary that if they want to attack you will sit and wait until all the missiles fall.

But that is quite different from building an MX missile which will be our biggest, most powerful, most accurate weapon and have the Secretary of State on the evening news saying that we will use them or lose them, or that that will be a part of our doctrine.

The Soviets have always said that their doctrine is no first use of nuclear weapons. That is what the Soviets have said. I would rather they say that than not say that. But I do not sleep better at night just because they have said it. I am not suggesting that we should say it and I am not suggesting that we have ever said it. The Senator from Texas will probably agree with me. I am not sure we should tell the world that there will be no first use, for reasons which are quite apart from this debate, which I will not get into.

Mr. HART. If the Senator will yield, is it not the case that we do not pay attention to what each other says but pay attention to what each other does? That is what is involved. It is not what we say but the positions we take and the structuring of our forces that influences the forces on the other side.

Mr. BUMPERS. What would the Senator think if he was a strategic planner? I told the Senator what I thought the inescapable conclusion would be if you were a Soviet planner, but I also will add I know a U.S. Senator who comes to the same conclusion.

Mr. HART. It is the only conclusion that a reasonable person can come to.

Mr. BUMPERS. Absolutely. That is the reason this whole concept of putting that big missile in an existing silo makes absolutely no sense at all except if one really wants to lower the threshold for nuclear war—because that is all it does. It does not give us any more deterrence. I do not think it really frightens the Soviet Union like the B-5 or the cruise or the Stealth or any of the other modernizations of our military force.

Mr. HART. If it frightens them, it frightens them for the wrong reason. That is that war could be launched by accident or miscalculation. To conclude that point, if the Senator would indulge me, I would like to read from the Goldwater-Hart report as to what we concluded. After looking at all these accidents, all these errors in our system, here is what we said:

> The missile attack warning system is an extremely critical part of the defense structure of this country. It is a highly technical and complex system spread around the world and into outer space.

This is the operative sentence:

> It is a system which must be prepared to deal with uncertainties because they will occur—

I must say that is an understatement—

> whether caused by physical phenomena similar to launch of missiles, misinterpretation of actual detection of missile launch, or simple failure within the vast array of computers and communication equipment which are necessary to make the system operate. The men and women who operate the system recognize the need to deal with uncertainties.

The key phrase is, "it is a system which must be prepared to deal with uncertainties because they will occur."

If you build your deterrent and you structure your nuclear forces as if those occurrences will not take place and those uncertainties, as we call them—false warnings is what "uncertainties" means—you are just asking for nuclear war by accident.

Mr. BUMPERS. The Senator's point is so well taken. If the MX—I suppose if the MX were the only missile that we had on the drawingboard, in advanced research and development, or in the manufacturing and production stage and ready for deployment, and that is all we had in light of what the Soviet Union has done in the past 10 years, I probably would not be standing here today, even though it does not diminish the argument about lowering the threshold of war and creating a hair-trigger situation. But when you combine all of that with the hardware that we have coming on, it just makes it absolutely unpalatable and insane.

Let me go back to the Scowcroft Commission, but before I go to the next part of the Scowcroft Commission that I want to talk about, I know the Senator from Michigan (Mr. LEVIN) has done this many times and I always do it any time I get the Chairman of the Joint Chiefs of Staff or one of the Chiefs before our committee. I always ask that same question: "General, or Admiral, would you trade our strategic forces for the Soviet Union's? Would you trade our overall deterrence posture with the Soviet Union's?"

I have never even come close to getting an affirmative answer to that, a positive yes.

Not long ago, General Vessey was before the Appropriations Committee and I asked him that question. He said, "Well, I will tell you, Senator, I wish we had a big missile like their SS-18."

I said, "Well, do you think Ustinov might like to have a submarine like our Trident? Or do you think that they might like to have a cruise missile with a 3,000-mile range that is so infinitely superior to their cruise missile there is no comparison? Or do you think he would like to have 250 of those old B-52 bombers?"

If they are going to say, well, they have this that I wish I had, that is one thing. But bear in mind, even today, not counting any of the things we have coming on between now and 1990, you cannot get an admiral or a general to say he would trade places with them.

Why is it that those charts over there in the background show the Soviet Union with all that massive throw weight, megatonnage, warheads? They do not have any advantage in warheads. Everybody agrees we have more warheads than they have, and that makes me sleep so much better at night knowing we have 10,000 and they only have 8,000.

The Senator remembers when Eisenhower asked for a study for a preemptive launch against the Soviet Union and they came back and said, "No, we had better not try, because they have four nuclear bombs and we had better not try to knock them out." At that time, we had 100-to-1 superiority over them, and the Chiefs did not dare, because they were afraid to knock out the four nuclear bombs the Soviets had built, Yet we act as though the disparities in numbers were all that relevant and important.

To go on. We talk about modernization. On page 4 of the Scowcroft report, here is what they said.

> The Soviet ballistic missile submarine force currently consists of 62 modern submarines, these are armed with 950 missiles, with a total of almost 2,000 nuclear warheads. The U.S. has fewer such submarines (34) and missiles (568), but more warheads (about 5,000) in its submarine force.

But the scenario is even better than that and the Scowcroft Commission does not mention it. That is, we keep our submarines on station and ready for strategic war. Even though they have more submarines than we have, we have more submarines on any given day ready to fire than they have.

The Scowcroft report goes on:

> While the U.S. has a substantial present advantage in the overall capability of its ballistic missile submarine force, this gap is narrowing. The U.S. also has a present advantage in antisubmarine warfare and submarine quietness, but the Soviets appear to be giving high priority to these areas.

Mr. President, any time the United States has a decided superiority, it is always but, but, but.

I occasionally get really chagrined at the way people put down the United States and our forces and our fighting men, all of those things. I do not mind looking at Soviet strengths in a realistic, objective way as long as we look at our strengths the same way. And the Scowcroft Commission is saying, we have better antisubmarine war capability, we know where their submarines are, ours are quieter than theirs, we have 3,000 more warheads on our submarines than they have and, after all, there is only one vulnerable force in the world right now to nuclear war and that is submarines.

We have a 2½ to 1 advantage in warheads on submarines. But the Scowcroft Commission says, but, but, but.

Can you imagine what the strategic planners in the Soviet Union are saying to Andropov? They are saying, "Mr. Secretary, they have a 2½ to 1 advantage over us in warheads on submarines. Why, Mr. Secretary, they have this cruise missile that can fly 3,000 miles unmanned. They can launch those things from outside the Soviet Union and put them in the Kremlin dining room. We do not have anything to even compare with it."

Mr. President, generals and admirals all over the world are pretty much alike, and I do not argue with that kind of mentality as long as you look at it objectively.

Completely aside from that, how would you like to be in the Soviet Union as the major power of the Warsaw Pact powers, faced with NATO countries, and they are depending on Poland, Czechoslovakia, Hungary, Romania to fight for them?

How would you feel if you were in the Soviet Union and depending on the Poles and the East Germans to fight for you? How would you feel if you were in the Soviet Union and had a billion hostile Chinese on your west border?

To go on, on page 5 of the Scowcroft report, they go from the submarine to the strategic bombers. They say:

> Soviet heavy strategic bombers (not including the Backfire) now number about 150—

I do not know what bomber that is, incidentally, and I am not at all sure it is strategic in the sense that it has the ability to fly to the United States and get back, It may have the ability to fly to the United States and land in Cuba, but unless it has a refueling capability, it cannot hit the United States and return to the Soviet Union.

Well, to go on, they have 150—

> around half equipped with air-to-surface missiles.

Not nuclear, air-to-surface missiles

> This force is considerably less capable than the total active U.S. bomber force, which numbers about 270 B-52 G and H bombers and about 60 FB-111 bombers. The U.S. bomber force has just begun to be equipped with long-range cruise missiles. Both U.S. and Soviet bombers have carried short-range missiles for many years. A new Soviet intercontinental bomber (the Blackjack) is now being flight-tested. It is similar in appearance to, but larger than, the U.S. B-1B now in production. The Blackjack will probably begin to enter service during the mid-to-late 1980s.

Well, so will the B-1. But before you even get to the B-1, the United States has already equipped its first squadron of B-52's with cruise missiles which have the ability to penetrate the Soviet Union.

No mention of that in the Scowcroft Commission report. A squadron of B-52's is 18 planes and each plane carries 20 cruise missiles in its belly and under its wings. That is 360 warheads that we have just deployed in the last 6 months that have the ability to penetrate the Soviet Union.

That is not classified. I read it in the New York Times, and they would not lie.

Mr. MOYNIHAN. Will the Senator permit me to observe, it is not only not classified, it is in Rome, N.Y.

Mr. BUMPERS. And we intend to equip a lot more B-52's with cruise missiles, all of which have the ability to penetrate the Soviet Union—and they are very accurate.

No mention of that in the Scowcroft Commission report.

Why, they have 150 bombers they say that carry missiles, not nuclear missiles, but they are experimenting with the Blackjack, a new strategic bomber.

No mention in the Scowcroft Commission report that the B-1 is going to be built, 100 of them, over my strenuous objection, incidentally.

No mention in the Scowcroft Commission report that the Stealth bomber is the thing they fear most.

If you were to ask the Soviets, "Do you want the B-1?" The answer would be, "No." But if you asked them, "Between the B-1 and the Stealth, which one would you take?" I can tell you it would be 100 percent for the B-1 because they have spent literally tens, maybe hundreds of billions of dollars on an air defense system in contemplation of the B-1, and that is one of the reasons the B-1 makes no sense. The only way anybody can justify the B-1 is that it cost the Soviet Union so much to build a defense system against it and if you are trying to collapse the Soviet economy by forcing them to deprive their people of more consumer goods and put more money into defense, I suppose you could make that argument.

So much for the submarine and so much for the bomber force.

Well, Mr. President, there is this question of the threat of blackmail. I was thinking the Scowcroft Commission mentioned blackmail, and maybe they did, but I cannot find it just now. But does anybody really believe in the concept of blackmail? Do you believe thay any red-blooded American citizen is going to knuckle under to blackmail any place in the world where we see our vital interests threatened?

At a time when we had a 100-to-1 superiority over the Soviet Union, they built the Berlin Wall. If anybody was going to engage in blackmail, the United States had the perfect opportunity to do it. We could have said to them, "You build the Berlin Wall and we are going to blow the Soviet Union

right off the face of the Earth." We had the ability to do it, and they had the ability to do virtually nothing about it.

At a time when we had 100 to zero superiority, they took all of Eastern Europe. Were they blackmailed? Well, of course they were not. I can tell you that any time our vital interests or national security is at stake, I do not care if we have 5,000 warheads and the Soviet Union has 25,000; this Nation is not going to be deterred from protecting its national security.

So I do not believe in the blackmail theory in this day and time.

Mr. President, let me tell you what the Scowcroft Commission report said about the Trident and the D-5.

Now, bear in mind, we have one Trident at sea operational. That Trident has 24 missiles, 7 warheads on each missile. Count them up. The figures get so numbing I do not like to do the calculations. We have another one in sea trials, we have another we have just commissioned, and we have another one we will commission within the next 8 months.

All of them, until we build, I believe it is, 12, have 24 missiles, and they are invulnerable.

Then there is that D-5 missile, popularly called the Trident II, which will be operational in 1990. And I do not know of a Senator who objects to that missile. It will have 10 warheads on it, and we will put it on our Trident submarines. Every Trident will then have 240 warheads on it.

Did you know that if the Soviet Union were to launch a preemptive strike and they knocked out all 1,047 of our land-based missiles, and somehow or other they caught all 270 of our bombers, our FB-111's and our B-52G's and H's on the ground and they destroyed every one of them, and somehow or another their submarine warfare capability has reached the point that of our 34 SSBN's, our missile-firing submarines, they destroyed all 33 of our Poseidon submarines, and all in God's world we have left is one lonely Trident submarine with 240 warheads, that is enough to destroy just about every man, woman, and child in the Soviet Union that lives in a city of over 100,000 people?

Talk about deterrence. How much does it take?

Here is what the Scowcroft Commission said about the Trident:

The Commission supports the continuation of the Trident submarine construction program.

I do, too.

It also supports the continued development and the deployment of the Trident II (D-5) missile as rapidly as its objective of range, accuracy, and reliability can be attained. The Trident submarines's significantly reduced noise level and the D-5 missile's greater full-payload range will add importantly to the already high degree of survivability of the ballistic missile submarine force. Given the increased importance of that force, both programs are essential.

I agree.

The D-5 missile's greater accuracy will also enable it to be used to put some portion of Soviet hard targets at risk, a task for which the current Trident I (C-4) missile is not sufficiently accurate.

They give great credit to the Trident. That is a part of our ongoing modernization force. They give great credit and hope for this D-5 missile, and I do, too.

Then they go on to talk again about the bomber force, and they say that our bomber and airlaunch cruise missile force is of vital importance to the maintenance of an effective deterrent.

The Commission bases its other recommendations on the assumption that a strong bomber and cruise missile program is continued.

I agree.

The Commission is unanimous in these views although it recognizes that there are legitimate differences about the best and least expensive way to provide for the necessary modernization of the bomber and cruise missile force.

Mr. President, I mention those things just to point out that despite seeming allegations to the contrary, "We ain't been sitting on the dime." We have been going full scale toward the modernization of our forces in a way that is vastly superior to what the Soviet Union has.

When the President talks about their margin of superiority and when he talks about the Soviet intentions of dominating the world, sometimes I want to ask the question: "Mr. President, do you believe the Soviet Union is hell bent on conquering the world?"

The answer, I assume, is, "Yes."

No. 2: "Do you believe that they are superior militarily to the United States?"

He has consistently said, yes, that he believed that, despite the fact that his admirals, generals, and the Joint Chiefs of Staff disagree. The answer to that is, "Yes."

The next question is: "What are they waiting for? If that is true, why don't they just come and get us?"

The answer is so palpably clear that the two questions are absolutely ridiculous.

Mr. HART. Mr. President, will the Senator yield?

Mr. BUMPERS. I yield.

Mr. HART. The Senator has served on the Senate Armed Services Committee with distinction and on the Appropriations Committee having to do with appropriating funds for the Pentagon, and he has heard the arguments relative to superiority over the years. His reference to the question of who is superior to whom, I think, raises a question that goes right to the heart of the debate about this missile.

Does the Senator agree that one of the reasons why it has been so difficult to find a home for the MX missile is its size? Is that not the case?

Mr. BUMPERS. Absolutely.

Mr. HART. I think the Senator has been involved, as the Senator from Colorado has over the years, in the debate over the size of the missile. Does the Senator recall a time on Capitol Hill, not too long ago, when little displays were made available to Members of Congress, which you could put on your desk? Some were even carried over here.

Mr. BUMPERS. I have one in my office.

Mr. HART. As I recall, the displays, scale models of the Soviet and United States missiles, show overwhelmingly—not overwhelmingly, but substantially—that the Soviet missiles are larger than the United States missiles.

Mr. BUMPERS. It is frightening. If you did not know any better and you looked at that display, you would assume that they were coming.

Mr. HART. When the Senator saw that, did he conclude that some Air Force general had made some mistakes in the past?

Mr. BUMPERS. A layman would certainly draw that conclusion.

If I wanted to scare my constituents to death, I would go around my State showing that display.

Mr. HART. Would not a more thoughtful laymen say to himself or herself, "Wait a minute, our generals made some mistakes in the past; they made big ones, and we did not?"

The Senator will recall a movie about missiles. When you see a picture of the Minutemen in silos, they look pretty big. Does the Senator believe that American generals in the 1950's and 1960's made a mistake about our missiles?

Mr. BUMPERS. The Senator knows that we were able to miniaturize all our guidance systems and electronics long before the Soviets were. The Senator knows that even during the Eisenhower years, we proceeded with a great deal of deliberation to build smaller, more accurate missiles. It was a conscious decision on our part.

Mr. HART. They were big missiles then.

Mr. BUMPERS. Go to Arkansas and look at the Titans down there, and they are big now.

Mr. HART. I mean the solid-fueled Minutemen II's and III's. They were big.

Mr. BUMPERS. At that time they were.

Mr. HART. Did the American generals really make a fundamental mistake in sizing those missiles? Of course not. They did not make a mistake. They decided they were necessary to deliver a specific payload on a specific target in order to do a specific amount of damage; is that not the case?

Mr. BUMPERS. The Senator is absolutely correct.

Mr. HART. Is it not also the case that this MX, which has wandered across the surface of the United States and its surrounding coastal waters, and under them and over them, has had such difficulty finding a home because of its size?

Mr. BUMPERS. The Senator is absolutely correct.

As the Senator from Massachusetts said yesterday afternoon, it is a missile without a mission and a missile without a home.

Mr. HART. Why is it so big? Because of those displays. The Soviets built big missiles and we had to build big missiles at that time.

This is the first nuclear weapons system that is designed to catch up with the Soviet Union, and it has no internal logic. It was built big just because they wanted it to be big.

Mr. MOYNIHAN. Mr. President, will the Senator from Arkansas allow me to comment on his statement—a missile without a mission?

Mr. BUMPERS. I am happy to.

Mr. MOYNIHAN. There has been a very widely read and appreciated special issue of the New Republic, the only one in its history which was devoted entirely to one subject, by Leon Wiesel, a young political scientist, entitled "Nuclear War, Nuclear Peace." His central idea was the Sovietization of American nuclear strategy. The MX missile does have a mission if we have a Soviet strategy. And that is what is happening in this body and in this administration, and it had its predecessor. It has been happening for some time.

The reason we find such difficulty to say what are we doing, we would never in ordinary circumstances do that, this is what the Russians do, and it happens that is what we were doing. It will find a mission once it is deployed because once it is deployed it can only be used in one manner, and that is the manner the Soviets would use a first-strike weapon.

I am sorry to say that but the technology will drive us to the doctrine.

Mr. BUMPERS. The Senator from New York cannot repeat that often enough in this Chamber and often enough for the American people to finally understand what this missile means.

Mr. HART. Mr. President, if the Senator will yield, the Senator from New York has specifically stated the case that has brought us here today. That is why this debate is going on. That is why we cannot conclude this issue because we have for the first time tried to pursue Soviet nuclear doctrine. We sized our missiles and we shaped our deterrent not for what we needed but to mimic and mirror what the Soviet Union had done.

Mr. BUMPERS. Mr. President, the Senator was talking about that display. I understood that it was a defense contractor who made those things and passed them out every place they could get someone to take them, showing those gigantic Soviet missiles and that little old Minuteman just looks like a midget.

But there is another facet to this that no one ever talks about, and that is another technological thing. We have not produced anything that was not a solid fuel rocket since we built the Titan. The reason the Titan missile shows up so well in that little display against the Soviet missile is because all of their missiles are liquid-fueled and the Titan is the only liquid-fueled rocket we have.

We have to have a gigantic chamber to hold that fuel. We have to have a gigantic chamber for combustion. We cannot build a Minuteman with a liquid-fuel propulsion system.

About half the increase in size of the Soviet rockets in that display of missiles over the United States is because theirs are all liquid. Except one they are experimenting with right now, they do not have a single solid propellant missile.

The other thing I wish to point out is talking about, is big better, and the Senator from Colorado will certainly remember this. One night he and five other Senators and I were having dinner with Deputy Secretary Bill Perry, and this was after Secretary Perry had left the Pentagon. The Reagan administration was already in power here. And we were discussing the relative capabilities of our cruise missiles against the Soviet cruise missile.

Does the Senator from Colorado remember that?

Mr. HART. I do, indeed.

Mr. BUMPERS. And the Senator from Colorado asked the Secretary:

Mr. Secretary, tell us about the Soviet cruise missile.

Without possibly getting into something we should not get into here, the truth is their cruise missiles are big, they are cumbersome, and they have a very short range. They have not had very much luck with them. They are so much bigger than ours and the range is only about 10 to 20 percent as long as our cruise missiles. Yet our cruise missiles are only—we see them on television all the time—about 21 inches in diameter and about 21 feet long with long ranges, 3,000 kilometers, or whatever.

The Senator from Colorado said:

I hope the people do not find out theirs are bigger than ours.

Mr. HART. Mr. President, does the Senator from Arkansas envision a day a year or two from now, may three or four, when there may be a debate in this Chamber urging us to build a bigger cruise missile?

Mr. BUMPERS. I do not see how we can avoid it.

I am not going to belabor this Scowcroft Commission report. I could go on for hours about it. I will just say to my colleagues that this missile makes absolutely no sense. Maybe there is someone's macho on the line or maybe people are frightened about who their opponent is going to be in the next election and he is going to say:

Well, he voted against this weapons system; he is antidefense.

I spend time in the Cloakroom and I know what happens. I know how people are worried about what their next opponent is going to say. You hear people walk into the well and say:

What is this vote?

And you can just see the wheels turning.

If I vote on this, what can my opponent do with it next time I run?

I want to help those people who may be having that difficulty. The polls show that the American people do not want the MX missile, and I can tell Senators that the number of people in America who think that we are spending too much money on defense has gone up about 35 percent in the past 2½ years.

I do not believe it is our macho on the line; I think it is our sanity.

So, Mr. President, I simply hope that at such time as we vote on this matter, sanity will prevail and that we will eliminate the funds for this missile. We do not need it. We have a modernization program that is staggering in its cost and in its capability.

Why would we build a missile that will finally be deployed in 1986 and 1987 when we have another invulnerable missile that will be deployed in 1989, 2 years later.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MATTINGLY). The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I thank the distinguished Presiding Officer.

In congratulate the Senator from Arkansas for the clarity and the true emotion he brings to this issue.

I wish to continue the theme we begun of the Sovietization of American strategy. There has been a great deal of talk over the decades about the convergence of our systems, in the state of what Lenin called infantile derangement. There was a time in the 1960's when one could hear students declaring that the United States is becoming like the Soviet Union in its politics and we felt, many of us: First, we hoped they would grow up and, second, we could live with them while they were young.

But none of us ever would have thought that with respect to the single most important element, the

single most important task of Government in the United States, which is the defense of our liberties, we would see a convergence taking place, not with the Soviets coming around to our way of thinking but the United States coming around to theirs.

One of the first things that happens in that process and one of the things that makes it possible is the thought that these are not in fact moral decisions to which leaders in Government are not just responsible to their electorate but responsible to a moral code, a moral consciousness out of which this Republic grew.

Just yesterday I was speaking with the distinguished chairman of the committee, the Senator from Texas, who at the end of my remarks observed when he said:

I suppose in that it has a first strike capability.

The MX has a first strike capability, the Senator supposed, but he said:

I wonder how one assigns morality or immorality to any weapon? We talked about binaries being an immoral weapon; about nuclear weapons being immoral weapons.

He said that there can be quite different views about the morality of possessing weapons of maximum destruction given particularly their mode of deployment.

And that is the subject which I was addressing.

Let me say in public what I said to the Senator from Texas in private that he has spoken intelligently, fairly to a question that has troubled persons concerned with such issues for as long as we have the record of men and women speculating about what is their moral responsibility. But I would stand on this floor and say there are weapons which in the situation of the nuclear age must be declared immoral, and I would turn once again to the careful assessment of a difficult, sometimes tortured, subject that the American Catholic bishops made when they addressed the subject in their pastoral letter on war and peace on May 3. They said:

The nuclear threat transcends religious, cultural and national boundaries.

They said:

As John Paul II said at Hiroshima in June 1981——

They quoted Pope John Paul:

From now on, it is only through a conscious choice and through a deliberate policy that humanity can survive.

At the site where the firest weapon was used against a population, and it was, and it was used by our own country, John Paul II said:

From now on it is only through a conscious choice and through a deliberate policy that humanity can survive.

That is what elevates this issue to the moral level so quickly. We are not speaking about the fate of individuals. We are speaking about the fate of humanity. We are speaking about the race, and that cannot be a matter of option to anybody who believes in the sacredness of life and its origin.

The bishops went on to say:

Retaliatory action, whether nuclear or conventional, which would indiscriminately take many wholly innocent lives must be condemned. This condemnation in our judgment applies even to the retaliatory use of weapons striking enemy cities after their own have been struck. We do not perceive any situation in which the deliberate initiation of nuclear warfare on however restricted a scale can be morally justified. We find the moral responsibility of beginning nuclear warfare not justified by rational political objectives.

Yet in the real world where we live, as they live, there exist countries which are not pacific in their nature and, Mr. President, may it be noted that in the 20th century a Democratic nation has never yet gone to war, and they said that in that situation they would recognize, and I quote:

The fact of a Soviet threat as well as the existence of a Soviet imperial drive toward hegemony at least in regions of major strategic interests cannot be denied.

They said:

It is imperative we confront reality,

And then again may we return to Pope John Paul who said at the United Nations in a stirring speech, which I had—in a message, rather, to the Disarmament Conference, he said:

In current conditions deterrence based on violence, certainly not as an end in itself but as a step on the way toward a progressive disarmament, may still be judged morally acceptable.

It is worth repeating:

In current conditions deterrence based on violence, certainly not as an end in itself but as a step on the way toward a progressive disarmament, may still be judged morally acceptable.

Mr. President, the bishops then concluded "These considerations of concrete nuclear deterrence policy lead us to a strictly conditioned moral acceptance of nuclear deterrence."

One cannot be more clear than that, and that is the issue we raise on this floor. We raise the proposition that the deployment of a major new missile system in targeted silos which can only be perceived as a first strike, with a first-strike mission what was perceived as a first-strike mission, is a first-strike mission, the technology drives the doctrine, and we shall not only have done what we have sworn we would never do, but we shall have done what a major community of the American religious community have declared to be immoral, which the great rationalists of the subject have declared to be insane.

I would quote a simple passage from McGeorge Bundy commenting on the Scowcroft report which he described "At once one of the best and worst state papers of the nuclear age." He said, and I wish there were just a few persons in this Chamber of a different view listening to us——

Mr. SARBANES. Will the Senator yield for a question?

Mr. MOYNIHAN. I am happy to yield.

Mr. SARBANES. The Senator has just touched on an extremely important point.

The Catholic bishops engaged in an extended debate in the course of preparing their statement on nuclear war. It is one of the most important documents issued in recent years and I think we need to recognize that. What is happening is that careful debate and examination of these issues, which ought to be taking place in this very body of the Senate of the United States, is in fact occurring elsewhere out in the country.

The Senator from New York and, just before him, the Senator from Arkansas, made extremely effective presentations with respect to the issues before us. Those presentations call out for some response from the supporters of this weapons system.

Is the supporters' case so bereft of logic or reason?

Mr. MOYNIHAN. Or morality.

Mr. SARBANES. Or morality, that they cannot take the floor to expound it?

Mr. MOYNIHAN. I can say they do not.

Mr. SARBANES. We are not asking for a lengthy exposition. But some of the very people previously made statements, the logic of which ought to lead them to oppose this weapons system. Yet they are now supporting it, and they owe this body and the American people an explanation of that position.

At some point Members of this institution have to stop being like ships passing in the night and come to grips with these issues. Members ought to yield, not stand and read a statement that has been written for them, and they ought to be prepared to focus the issue and reply to question after question. This is a fateful decision. I have heard the Senator from New York make that very statement and it is time to come to grips with the issue and try to lay it out. It is an important decision for the country and an important decision for the Members of this body. The Catholic bishop have debated it in a way that reflects credit on them and on the whole notion of reasoned dialog. That is not happening here on the floor of the Senate of the United States. I do not think the supporters of the MX system have had a half-hour of substantive exposition of their position in the course either of this particular debate or of the legislation.

Mr. MOYNIHAN. In the confrontation, we have been here 6 days asking for that exchange and we have not

had it. I see other colleagues have risen but just in response to the Senator from Maryland, if I can restate a statement he included in the RECORD yesterday of Mr. McGeorge Bundy, who said:

> For almost 30 years, we have made survivable second-strike strength our central strategic standard. Are we now to move in a cloud of consensus prose and good intentions to a nonsurvivable first-strike system? At the very least, the Congress should dig deeper then the commission or its sponsor.

At the very least, the Congress should.

Are we to see the Sovietization of American strategies occur without even comment from the world's most famous anti-Communists? I cannot imagine there are any in the world as widely renowned for their abhorrence of all Soviet doctrine than some of our colleagues, except the Soviet doctrine of first strike in nuclear war.

And where are they? Where are they? Look. You can base an MX racetrack on this Chamber, it has been so empty since we began this debate.

Mr. RIEGLE. Will the Senator yield?

Mr. MOYNIHAN. I am happy to yield.

Mr. RIEGLE. I thank the Senator for yielding. I rise to associate myself with the Senator's remarks, his very fine remarks, and also the remarks of the Senator from Maryland, because we have wanted to have this debate for some period of time. The other side on the issue, in very large measure the other side of the aisle, has challenged that. They have said that we were here to delay, that we were here with some purpose other than to have a serious debate.

We are here to debate. There are many important questions that need be addressed. I think the record should show that, on the other side, at a point at which we ought to be engaging in debate—this Chamber ought to be full and at least ought to have those advocates for this system on the floor—but, as I look at the other side of the aisle—and I think there are 54 Republicans in the Senate today—I see 1 present and I see 53 empty seats.

I take this to mean that the Senators who are supporting this cannot stand the heat of this debate. They are not able to come here and in any meaningful way defend this missile system, because it makes no logical sense on any ground, the grounds that the Senator cites, ranging from the morale ground to the arms control ground, across just to the sheer economics of what we are talking about here.

So I think the record ought to clearly show that the Senators who support this system, when it comes right down to the hard necessity of having to defend this issue in serious debate, are nowhere to be found.

I thank the Senator.

Mr. MOYNIHAN. I thank the Senator from Michigan.

Mr. METZENBAUM. Will the Senator from New York yield for a question?

Mr. MOYNIHAN. I am happy to yield.

Mr. METZENBAUM. I have been on this floor rather constantly during the entire period of this debate, not to the extent the Senator from Colorado has, but I attempted to observe what has gone on. I have offered some amendments.

Is it not a fact that this body, which is known as the greatest debating body in the world, has actually failed to enter into any debate whatsoever, notwithstanding the efforts of a number of our colleagues on this side of the aisle to explore the issue, and that we are dealing with a subject probably more serious than any subject that we will deal with during this entire session of Congress? We are dealing with whether or not our children and our grandchildren will live in a peaceful world or whether they will be consumed by nuclear confrontation.

Is it not a fact that the only response that we receive from the manager of the bill on the opposite side is that we, who have concerned ourselves and wanted to debate the merits of this issue, have been accused of dilatory tactics and delays, whereas we have totally failed in any response whatsoever, any meaningful debate, any intelligent exchange, any effort to explore the relations, but rather have only had a motion to set down, action pending at the moment, that, should this body decide to invoke cloture, would be ruled dilatory and does not strike at the very heart of the issue that has to do with whether or not there will or will not be funding for the MX?

Mr. MOYNIHAN. I think the Senator from Ohio could not be more correct. How painful it is to see a body, which has advertised itself, precipitately perhaps—we are ancient in our existence by the standards of most representative institution—but we have been a deliberative body. And when persons of good intentions rise on matters of the largest consequence, they have been able to assume that, as Senators in the Senate, they will be responded to. Silence will not be their answer.

You know, it does not follow because we hold these views that we are correct. It may well be we are wrong. It is possible our minds could be changed. No effort is made.

I suppose when I speak of the Sovietization of American strategy, one might almost begin by the degree to which the advocates of it are prepared to enter into a reasoned, open discussion thereof. The matter has been settled. It is not to be questioned. And those that question it may find themselves in exile.

Mr. SARBANES. Will the Senator yield?

Mr. MOYNIHAN. I am happy to yield.

Mr. SARBANES. I would say, in response to the Senator from Michigan, that one of the reasons that you do not hear supporters trying to make a substantive argument for this MX is this: Suppose the Senator had made a statement like the following, and I am quoting now:

> By stuffing the MX's into fixed silos, we are creating just so many more sitting ducks for the Russians to shoot at. The MX is of little use to us unless the Soviets are convinced that it can survive an attack.

If the Senator had made a statement like that not very long ago, do you think he could bring himself to come to the floor now and try to defend deploying the MX in fixed silos? Obviously, it would be very difficult.

I think that is part of the explanation. There is a real question whether there is any reason or logic that can be mustered for the system. If it is there, we ought to be hearing it in response to this question.

Mr. BIDEN. Will the Senator yield?

Mr. SARBANES. The Senator from New York has the floor.

Mr. MOYNIHAN. I do have the floor. I yield the floor to the Senator.

Mr. BIDEN. Who made such a statement? The Senator from California?

Mr. MOYNIHAN. As we have been very circumspect in this matter, I only made reference to persons not Members of the Senate. But the distinguished chairman of the Armed Services Committee made the statement, if I am not mistaken. My memory is fallible, but I believe the Senator from Maryland is quoting the distinguished manager of the bill.

Mr. SARBANES. Mr. President, I would say to the Senator from Delaware, suppose your Secretary of Defense, who is now advocating this program, had previously made this statement: "I don't think they"—meaning Minuteman silos—"can be hardened enough on a permanent basis to warrant putting MX missiles in fixed and known silos."

Suppose you had made that statement and were then called upon to defend this system?

Mr. BIDEN. I would think he would be a very good soldier in having such a pliable mind. He would be a good political ally to have. I would like to have a guy like that who would say whatever I wanted, I guess.

Mr. MOYNIHAN. Mr. President, I am sure every Senator standing is prepared to say: "All previous remarks are canceled. Can we discuss the matter at hand?"

We are not accusing anybody. We are just trying to say what a bizarre

thing we are doing and trying to make the point which they will not hear; that it does not matter what their intentions are, what matters is what are the perceptions in Moscow?

That is what makes the difference. The assessments that truly matter are those made in Moscow. They will see us doing something we have never done before and everyone said we would never do before. Doing that would be madness, given our doctrine. Now we are doing it. How can they not assume we have changed our policies, and the world is on a 30-minute notice to annihilation?

Mr. SASSER. Will the Senator yield for a question?

Mr. MOYNIHAN. I yield.

Mr. SASSER. For over 30 years now, for three decades, it has been my opinion that this Nation has relied on the concept that deterrence of nuclear war is best achieved if the Nation possesses an effective and survivable second-strike capability. Is that not the understanding of the Senator?

Mr. MOYNIHAN. That has been the avowed and explicit policy of every President.

Mr. SASSER. If I am not mistaken——

Mr. MOYNIHAN. Mr. President, may we have order? We are not having much debate with the Members who oppose us, but at least they could allow us to speak among ourselves.

Mr. SASSER. If I am not mistaken, this policy was laid down over 30 years ago by President Dwight David Eisenhower.

Mr. MOYNIHAN. That is precisely stated.

Mr. SASSER. I have heard it stated, I say to the Senator from New York, on this floor, either by himself or perhaps by the distinguished Senator from Arkansas, and I have read this in the literature, that 97 percent of these MX missiles in Minuteman silos would be destroyed by a Soviet first strike. Is that the case?

Mr. MOYNIHAN. The probability rate is from about 85 to 95 percent, yes.

Mr. SASSER. Then my question to the Senator from New York is, if we wish to save from destruction MX missiles in Minuteman silos, then we must move to a new doctrine. Would we not be forced to move to a doctrine of launch on warning rather than absorbing the first strike?

Mr. MOYNIHAN. The Senator from Tennessee is exactly right. It does not matter. With the technology in the end, we may, in fact, adopt that as doctrine after a long period of trying to avoid the reality. But the Soviets will assume we have adopted it the moment the first missile goes into the first silo.

Mr. SARBANES. If the Senator will yield on that point, there is a manager of the bill here, the distinguished Senator from Virginia.

It has now been asserted on the floor that a Soviet first strike at the MX would wipe out 85 to 90 percent of them. Does the manager of the bill dispute that?

Mr. WARNER. Mr. President, I would like to say, in response to this series of inquiries, that as chairman of the Subcommittee on Strategic Weapons we held 15 hearings, nearly 60 hours. The distinguished Member who is leading this filibuster was present at one hearing for 18 minutes. These subjects were thoroughly discussed at the hearings.

Mr. SARBANES. I will repeat my question. Does the Senator disagree with the assertion that a Soviet first strike would wipe out 85 to 95 percent of these missiles?

Mr. WARNER. The hearings covered this subject. The record is voluminous. I have no further reply.

Mr. SARBANES. I take it, then, that the Senator concedes that point.

Mr. MOYNIHAN. If the Senator from Virginia has no further comment, I might offer those of Gen. John W. Vessey, at the time the Chairman of the Joint Chiefs of Staff. He was asked about this in a hearing about the MX missiles that were then to be deployed in a heavily defended mode, not the existing Minuteman silos but in a heavily defensive mode.

He was asked, on May 5, 1983, just a few weeks ago, and how many would survive an attack in a defended, heavily defended, mode? The Senator from Delaware is on the floor. He and I have had a briefing about these matters, and we all know something of the technology involved.

How many would survive an absolutely hardened silo? Twenty-five percent, he said. Seventy-five percent would be destroyed and 25 to 30 percent would survive if we put immense efforts into defending them.

I just said what I have said here, if we put no effort into it, I estimate somewhere between 85 to 95 percent would be lost.

Mr. BIDEN. Will the Senator yield on that point?

Mr. MOYNIHAN. Yes.

Mr. BIDEN. I suppose we can ask and answer our own questions for the record, if we are not going to get answers from the managers.

I can answer the Senator's question. What was said to the Armed Services Committee in a letter by General Skrantz was that only 1 to 7 percent of the MX missiles in Minuteman silos would survive.

I think we are being unfair to our friends who support the MX.

You fellows are beating up on them. You are suggesting that they either do not know the issue, which I know they know, which is implicit, or that the proposal is that which the Senator from Tennessee is suggesting, that we are really moving to launch-on-warning.

I respectfully suggest that is not fair. There are three possible explanations. The first is the explanation given by the Senator from New York and the Senator from Tennessee, that, really, we are changing our doctrine. We are moving to a launch on warning doctrine. But there are two other equally plausible explanations.

The first is that it is a political necessity, that they have a problem within the Republican Party, that the rightwing of the Republican Party will not tolerate the notion that any major weapons system not be moved forward with.

If I were President of the United States, perish the thought, and the liberal wing of the Democratic Party was giving me a great deal of trouble and I was up for reelection, I might consider it not very politically wise, even though it may be right for America, not politically wise for my future to take on that portion of my party. That is a second possible explanation. I am not suggesting that is the one.

Quite frankly, there is a third possible explanation, and in my view is the most plausible one. That is that there are those within the administration and supporters of the administration who would like to see us move to a first-strike capability; that the combination of the MX missile and the D-5, even though we are only starting off with 100 MX missiles, combining the two and matching against the structure of the Soviet nuclear capability, leads anyone, reasonably knowledgeable in this area, to understand that we will be well on our way to acquiring a first-strike capability that would, in fact, be able to significantly—significantly—damage the Soviet Union.

I think there are those within this administration, not necessarily the President, who would seek a first-strike capability. So I think we are giving them a little bit of benefit of the doubt here that they do not deserve. That is that, in fact, what is going on here is the mild change of doctrine to launch on warning.

I would like to debate the question of whether or not what is at stake here is a fundamental change in our doctrine that has been proposed by some to suggest that we should acquire first-strike capability.

I think you are being unfair to them, suggesting there is only one possibility.

Mr. MOYNIHAN. If I may comment on what the Senator has just said, in the doctrine, if you will, there is now a serious discussion of the third strike. In this city they have been talking about the third strike.

There is the first strike that he referred to, a second strike coming back

but not in fact coming back because the adversary knows there would be yet a third strike. On the second strike, the second strike would not be overwhelming. A third strike would be in reserve and that third strike would be the incisive capacity.

I think he is onto something.

In order to think of a third strike you have to think of a first strike.

Mr. BIDEN. I agree.

I want to make it clear I am not saying that that is the position. I am not saying that I am positive that that is what is being suggested by those who support it. All I am saying is that we are being unfair when we suggest that there is only one explanation to the nondebate, nonanswer, nondefensible position. There may be more than one.

I yield to the Senator from Maryland.

Mr. SARBANES. Would the Senator perceive it to be rational then, for the other side, confronted with this change in doctrine, to seek to escalate their own preparations and their own armaments in the same direction?

Mr. BIDEN. I would assume that that would have to happen.

One of the things that amazes me when we discuss matters relative to the Soviet Union, whether it be in the Intelligence or the Foreign Relations Committee, both of which I happen to be on, is the way we assume on the one hand that the Soviets are the most conniving, the toughest, the roughest, the brightest folks out there, and in the same breath, we assume that they are stupid, that they would not reach a conclusion any reasonable man in this country would reach if faced with the same circumstances.

It is the same old argument we used to have, and the Senator was as deeply involved as I was, we used to have on SALT. We used to stand and hear people on the Senate floor say, "But the Soviet Union knows we would never use nuclear weapons." We believe that. I hope that continues to be our policy. But is it reasonable for the mythical reasonable man, assuming that he exists in the Soviet Union, to assume that the only country in the world that ever used nuclear weapons would never use nuclear weapons?

I find it staggering that, on the one hand, we ascribe to the Soviets capabilities that far exceed our own, both in a physical sense and in an intellectual sense, and on the other hand, we assume that there are no reasonable people in the Soviet Union who would draw the same conclusion any reasonable man in the United States would? That is the perplexing dilemma as far as I am concerned.

So, to answer the Senator's question, it is yes, I cannot imagine a Soviet planner sitting in the Soviet Union and saying, "Now, look, those good old boys over there in the United States of America, they have a weapon that is more powerful and precise, the combination of those two factors, than we have. They not only have one, they have two. They have this D-5"—which, by the way, this Senator from Delaware supports. That little old weapon is going to sit in a submarine, which we are so far ahead of them on now that it is laughable. That little weapon in a submarine has a new capacity. That is that it is incredibly accurate.

We used to always argue that the reason we cannot rely on any of these weapons in this counterforce jargon that we talk in, that they are, to use the jargon we all like to use to show we really know something about this, that the platform—a platform is a sub—the platform is moving. Therefore, if the platform is moving just a little bit, it knocks off the accuracy of the missile a little bit at the outset, but at the end point, it is way off. Therefore, we cannot rely on it.

Well, the ingenious people in the United States of America defense establishment came along and they figured out how to rectify that. Now we are developing this new D-5, which is one powerful weapon. That thing is not only powerful, it is extremely accurate. The accuracy is classified. But the Soviets have figured out that it is pretty accurate. And we are going forward with that program.

Now, in the same breath, we come along. You are a Soviet. You say, "Wait a minute, should we worry about that?"

Mr. MOYNIHAN. It could be a deterrent.

Mr. BIDEN. It could be something to worry about.

Mr. SARBANES. If the Senator will yield on that point, it could be a deterrent, because it is not subject to a Soviet first strike.

What about this MX? How could that be a deterrent?

Mr. BIDEN. Mr. President, that is what I am getting at. You are a Soviet and you see that coming along, which I support, the Senator from New York supports, and I hope everybody supports. Then we come along and say, "By the way. By the way, what we are going to do is build ourselves some MX missiles. And by the way, the only value that MX missile will have, the only utility it has is if the United States uses it first. Because they know that we know—we, the Soviets—they know that we know we can knock it out."

"Now, why would those dummies spend billions of dollars to put in old holes missiles we can blow away? Aha, those devious capitalists. What they do not realize is we are dumb sometimes, those devious capitalists. What they are about is building up, consistent with some of the rhetoric in the rightwing of the United States of America"—which we all say about them, "by the way, don't believe that, they really don't mean it." Every utterance every Soviet official makes that is warlike is offered to us in the Intelligence Committee as evidence of the fact that they intend to do it. Because we know they are bad.

But, you come along and the Soviet planner over there says, "Wait a minute. They have this new D-5. So that takes care of a vulnerability problem for them. But they are going ahead and building an MX. And they are putting that MX in a hole they know we can knock out, because we heard from General Skrantz and general somebody else and all of them that maximum 7 percent could survive. And we know they have budgetary problems. We know they have a big deficit. We know there is a lot of political pressure on them. But they are going ahead with this anyway. Golly, I wonder what they are going to do?"

We expect them to say, "Well, they are building it for a bargaining chip." If the real bargaining chip—and this is what worries me, I say to Senator SARBANES—if the real bargaining chip is the following, it scares the devil out of me. If the bargaining chip is that what we are implicitly saying to the Soviets is, "If you don't bargain, we are going to first strike," that is scary. But if the bargaining chip is what they say it is, "If you don't agree with us and work out an arms control agreement, we are going to build a useless missile," then we have to assume one of two things: Either that the American planners are stupid or the Soviet planners are stupid. We have to assume one of those two, I respectfully suggest.

But what worries me is, because I have learned to take this President at his word, he really might have a bargaining chip. And the bargaining chip is "If you don't, we move to first strike capability."

Now, that is the way some people in this town think. That is the way some people in this country think. And that is a prescription for annihilation. The same people who think that way are also the same people who talk to the Senator from New York and to me on that committee and to the Senator from Virginia and others on the defense committee and tell us that nuclear war is winnable. They are the same people.

What worries me, if I can take this a step further, and believe it or not, I believe it is logically consistent—I am prepared to be proved wrong. But what worries me on top of that is when you take the reasonable people who know something about arms control out of the arms control equation and you put in their place men and women who have made it for 30 years

their doctrine to suggest that arms control is tantamount to weakening U.S. capability.

Let me be more specific, and I sometimes am told it is not senatorial to be so specific, but let me be specific. We now have a man who is the funnel through which everything to the President must go on arms control who knows nothing about arms control, who does not even have the slightest—the slightest—pretext of having the remotest knowledge about arms control I refer to the distinguished judge from the great State of California.

So, when you add all of these things up, the Senator from Delaware gets worried because maybe these fellows who believe that nuclear war is winnable—and I am not suggesting that the Senator from Virginia believes this, and I am not suggesting that the Senator from Texas or any other Senator believes this, but we all know there are those in this town who do—when you add up that the people who are knowledgeable on the issue in this administration have been, which is my characterization and only mine, relegated to a position beneath those who in fact know nothing about the issue and then you add to that a theory that must assume that the Soviets are either stupid or that we are stupid, and you add to that the combined firepower that flows from an MX missile and a D-5—and I will acknowledge in case anyone wants to come and argue with me about this, I shall welcome it, but since they are not, I shall argue against my own case, I point out to you that the combination of only 100 MX's and D-5's in and of itself does not provide first strike capability. But it moves us a long way.

Now, what is going to happen to us if you watch the way this has unfolded? What will happen? One hundred MX missiles, the D-5. The Soviets then in turn will move every one of their new missile projects on line. Then we will be faced with the argument in the Senate that becomes a self-fulfilling prophecy. We will be told 100 is not enough, because in the meantime the Soviets have done A, B, and C, which some could argue would be reasonable in the face of our actions.

We are stepping onto a treadmill, and that treadmill is being run by the waters that flow from the minds of people who have an ideological bent on what the role of nuclear weapons is that is different fundamentally from what it has been in this country since the inception of the doctrine. So let us not kid anybody on this floor. What we are talking about is stepping onto something we cannot step off of.

It is a little bit like Latin America, if I can make a foreign policy analogy. We are told on the one hand that the Government cannot win in Nicaragua unless they get more help. We are told if they get more help, what will happen is that it is more likely the Cubans will move in than the Soviets. And we are told the only way they will not move in is unless we move in American forces. And the only way we can prevent them from moving in, unless we adopt the basic premise, is to commit American forces. If we commit American forces, we have committed ourselves to a conflict.

Now, you all think I am crazy maybe but read in the RECORD what I just said. I said it fast, but it is absolutely what the case is.

So where are we? We start off with a basic premise that is flawed, and we are starting with a basic premise that is flawed here. The basic premise that is flawed is that the Soviet Union will believe that the construction of 100 MX missiles in old silos, even hardened, old silos is designed to get them to yield on other issues and show the resolve of the United States of America to defend its interests.

Now, what more showing of resolve do we have to make beyond a budget of several hundred billion dollars in a time of economic difficulty, beyond continuing the rest of our weapons systems, beyond what is clearly the changed mood in this country to support increased defense capability? What makes us think that the Soviets are so stupid? And because they are, to overstate it in the interest of time, there are those who would suggest and I think history suggests—and I certainly defer to the Senator from New York on interpretations and knowledge of history, I mean that seriously, but it could be argued, I would say, that there is a strong dose of paranoia and anxiety which besets the Soviet mind that has not changed from czar through commissar, and so what is likely to happen if past is prolog, the Soviet Union, which fears our ingenuity above all else, fears our technological capability above all else—quite frankly, maybe even has more faith in it than we do—the Soviet Union, rather than concluding we are not very smart, will conclude that there is a second agenda, or as we say in politics a hidden agenda.

That is the treadmill that we are getting on, and I think it is tragic, it is absolutely tragic. That comes from a Senator who votes for covert actions, who votes for more money for the CIA, who votes for the Stealth bomber, who votes for the D-5, who votes for these systems, who cannot claim to be a God-fearing, peace-loving pacifist. I do not have claim to that. I do not feel that way. I feel very negatively about the Soviets. I do not like them a whole lot. I think they are bad guys and to really say something that will probably live with me the rest of my career, which may only be 18 months after this speech, I would suggest to you that if I had my way, if I could wave a wand and make them go away, I would wave it. I would wave it, and even though it would not comport with human rights, even though it would not be equitable and fair, it would not be moral, I would be an immoral man. I would wave the wand and put them on Mars. I would wave the wand and send them away. I would wave the wand and put them into a time warp that made it such that they did not exist in our century.

But short of being able to do that, I think it is critically important that we defend the vital interests of the United States of America.

The only way to defend the vital interests of the United States of America is to have the best, most reasoned men and women in this country arriving at the most logically consistent positions that do in fact bring about the result we are seeking. And the bottom line, to use an overly worked Washington phrase, the bottom line in my view is that short of the one explanation for the MX—and I see the Senator from Maine—there is only one, and he has come up with it—the only potentially reasonable—potentially, I add—explanation is to force this administration to put its lack of instinct—my characterization, not the Senator from Maine's—its lack of instinct for arms control before its demonstrated instinct for nuclear madness. That in fact is a fourth possible but only potentially reasonable explanation.

Mr. SARBANES. Why is that reasonable?

Mr. BIDEN. I said potentially.

Mr. SARBANES. Why should we have to build and deploy a system which is destabilizing in order to get serious consideration of arms control?

Mr. BIDEN. I will tell the Senator why. And obviously I am not speaking, God perish the thought, for my good friend from Maine, but let me tell the Senator why I think it would be remotely reasonable to adopt that position. I do not adopt it; I think it is flawed.

There is a feeling in this Chamber publicly held but also privately held, by I would argue a majority of Senators, that goes as follows: This administration, first, does not understand arms control, second, does not have any desire to pursue arms control, and third, if it had any political way of getting around it, would not even by talking about arms control now.

Now, if I am right in that assumption, then it follows that reasonable men could say, that being a disastrous policy, we should try to force this administration into a position where they put themselves into a mode of good faith negotiation that we in fact hope will bring about reasonable results because when the public light of day shines upon these negotiations,

the heat will also shine on them to force them to in fact negotiate arms control.

I believe it is the secret hope of those who pursue the President this way that they will never have to get to MX because I believe it is possible for them to believe that they can force the administration to negotiation, thereby casting public light and heat upon the administration in a timeframe that occurs more rapidly than that which is now occurring and occurs prior to the time of deploying a weapon that is useless to us.

I would argue, even though I think that is an incorrect analysis, that a reasonable man dealing with an unreasonable set of circumstances—the unreasonable set of circumstances being this administration's position thus far on arms control—that a reasonable man could say it is worth a try.

I do not believe it is going to produce the results suggested. I believe that what will happen is that the MX will get ahead of the curve; the MX will get ahead of the negotiating curve. The MX will get ahead of the pressure curve that is attempted to be built by reasonable Senators on both sides of the aisle. I think it is a real dilemma.

Mr. MOYNIHAN. Let me ask the Senator this, if I can recapitulate what he has said, because it is important.

He has made the proposal that there are people in the strategic planning circles of this administration and of this city who really have begun to think of the need for a first strike and have evolved in something the press has not reported—it will be a long time coming forward—evolved the notion that a third strike is the key event; that a first strike can be made, and then, as the adversary contemplates the second strike in the deterrence mode, they have to say, "That won't wipe out what remains. There will be a third strike coming at us. Therefore, stop it now."

Mr. BIDEN. Yes.

Mr. MOYNIHAN. The technology will begin to give a certain surface validity to that argument.

Mr. BIDEN. The Senator is absolutely correct.

Mr. MOYNIHAN. I point out what has already been said in public hearings: A launch on warning is one thing. General Vessey, in May, 2 months ago, said that even hardened Minuteman sites would lose 75 percent. He said the Soviets will have no assurance that we will ride out the attack.

That needs to be translated for the public. That means launch on warning. He does not mean that we might wait by the time half their missiles have dropped and we will let go what remains. Oh, no. That means launch on warning.

As the Senator knows, the radar situation is such that you pick up a flight at launch plus 10, you confirm it at launch plus 20, and you have 9 minutes to decide what to do.

Mr. BIDEN. That is right.

Mr. MOYNIHAN. We are here on our sixth day, and we cannot get anybody to talk with us.

It is the concept of a third strike. Nothing should be more clear, no matter what the long-term arms control objectives may be, that the worst possible way to deal with the Soviet land-based ICBM's is to duplicate them. That puts us on a hair trigger which we should not expect to survive; and if we do, it will be God's will, not our achievement.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. MOYNIHAN. I yield.

Mr. SARBANES. Is it not the fact that we have not duplicated that mode and have instead proceeded, as the distinguished Senator from Tennessee said earlier, to rely upon a survivable second strike capability—is it not that basic decision, which the United States has followed for three decades, that has provided what degree of stability there is with respect——

Mr. MOYNIHAN. There has been a degree of stability. The weapons have not been used. The Senator from Maryland is right.

I hope the Senator from Delaware has 18 more years in this Chamber, not 18 months. What he has said tonight in this Chamber is profoundly serious.

It is painful to say that there are people who are not only drifting into a doctrine which is at odds with our experience and our intentions, but also, there are people who contemplate that.

Mr. BIDEN. At the risk of having this RECORD read to me, to my embarrassment, 2, 4, 6, 8, or 10 years from now, if I am still here, let me say one more thing.

I predict that if we stepped fully on to this treadmill, it is true, as night follows day, that the following initiatives will occur in short order: The initiative to eliminate, to abrogate, the ABM treaty, No. 1.

Mr. MOYNIHAN. Yes.

Mr. BIDEN. No. 2, the initiative to not sign the Nuclear Test Ban Treaty, underground or above ground.

No. 3, a proposal to rapidly escalate—because we will be required to—the notion of nuclear weapons in outer space. The reason why that will be required, I assume, is obvious on its face. However, rather than take too much of the Senate's time—I have trespassed on it too much already—let me just focus on the last point.

Mr. SARBANES. Mr. President, will the Senator yield on that point?

Mr. BIDEN. I yield.

Mr. SARBANES. I do not think the Senator has trespassed on the Senate's time. I think that the Senator has in a most cogent and perceptive way laid out the path down which this MX decision may well lead the country. That is why this is such an important decision.

It is not only the immediate implications of the decision, as unreasonable and illogical as they appear. It is also where it will take the Nation in terms of its strategic doctrine and thinking, what the response will be from the other side, and where we will end up one day. We do not want Members one day to stand up on the floor of the Senate and say, "We didn't know back then that we are going to end up here. Had we known, we never would have started down the path."

The Senator from Delaware is charting for this body where this may well lead us and why this is therefore such a critical decision, why the Senator from Colorado has tried so hard to focus some attention on the substance of this debate.

I asked the Senator from Virginia, who is managing the bill, whether it is correct that 85 to 95 percent of the MX would not survive a strike. I get the response that the committee had so many hours in markup, and the Senator from Colorado was not there for all of them.

He offered it and the able and distinguished Senator has fought this issue for 7 years.

So let us not criticize Senators individually. This is an important, substantive issue, and the Senator from Delaware is laying out very clearly where this decision may take the country. He is making a most important contribution to this debate.

The issues he has raised call for a reasoned response from the supporters of this system. They should address the issue now, because if they do not do so, there will come a day when the question will be put to them: "How could you have helped to lead us down that path without even looking at these questions and providing some sort of sane, reasonable, and rational answers?"

Mr. BIDEN. I thank the Senator for the compliment; but I hope I am wrong. I am not positive I am right. I am just stating where my mind thinks this leaves us.

Mr. SASSER. Mr. President, will the Senator yield?

Mr. BIDEN. If I may finish, I will yield the floor.

As to the point that the Senator from New York made relative to how we always around here use the phrase "hair trigger," the Senator from New York was very explicit in what that meant. He translated it to minutes. He translated it to time. I agree with his assessment.

But if he thinks, and I know he thinks way beyond this, but if those

who listen to him think that that is as bad as it will get they are wrong.

The reason why they are wrong is that if my conclusions are correct, that we will be, without any option, led down the road to an ABM system and led down the road to at least considering nuclear weapons in outer space and testing thereof; if I am right about that, then we should understand the second phase.

I do not want to be told by the opposition when I am not on the floor, that BIDEN said the MX vote is really a vote on nuclear weapons in outer space and how could he be so stupid. I am not saying this. I am saying that the logical effect of stepping on this treadmill with the MX will be to lead us at some point in the future to there.

Let me be explicit about why that worries me above everything else that has been mentioned thus far: we are in a situation where we possess a good portion, as I would argue the Soviet's might, a good portion of the technological capability and know-how with a dedicated program to put nuclear weapons in outer space. I would argue that it is—I will not get into it—but I would challenge any Senator in the Senate to refute what I just said and we go into closed session.

Mr. MOYNIHAN. He throws down the challenge.

Mr. BIDEN. I am not suggesting anyone in the Senate would disagree with that. But let us assume that one did. I invite him in closed or open session to debate that subject.

But if they do, as I assume, agree with me that that capability is in the offing—I am not talking about Star War weapons now; I am not talking about a super-duper laser going to melt—I am talking about good old fashioned nuclear weapons, just the good old kind we have now.

If that were the case, if I am correct in that assumption, we are not talking about a technology we have to wait 50 or 75 or 100 years for, then and if I am correct, that it would put us on the treadmill we are about to get on that at least drastically increases the prospect that we will entertain that notion, based upon what I would predict in closed session, I would predict the Soviet response would be to us getting on that treadmill, then what we have done is the following:

The Senator from New York has outlined for us in effect the lack of response time that would be available to us to react reasonably.

I might note, parenthetically, I know of only one and I am positive it was made public, when the board at Norad lit up like a Christmas tree and said, "They are coming, folks; it is on the way." There was a mild alert when that happened.

It turned out that we had enough time and redundancy within the system to find out that it was not an attack; it was a malfunction.

That is fine. We had a good solid 9 minutes, 12 minutes breathing room. We should feel real good about that.

Once you go to outer space, folks—and I am a lawyer, and I became a lawyer because I was not bright enough to do much else, so I am not suggesting that I have the great technological expertise, but as a member of the Intelligence Committee I prepared for the debate on SALT years ago. I sequestered myself for over 100 hours in that little room learning all about those things that fly up in the sky so I would not be faced with the argument from some of my conservative friends, "If you knew what I knew you wouldn't say what you just said right now," because I would say, and it is a presumptuous statement but to make the point I would argue that I know as much as anybody in this Chamber knows about those things up there.

Now, one of the things I was told is that there are certain rules of physics. When you take a missile, and it is in the ground, on a submarine, or in an airplane, and it starts off within the atmosphere, even, if it leaves the atmosphere and comes back in there is a certain amount of resistance and that certain amount of resistance slows things up. It does not fly at the speed of light, for example; there are certain inhibiting factors that are physical. It is very difficult to increase the speed with which those things travel. You can move in closer proximity thereby cutting down the time but the speed is changed drastically.

But when you move to outer space, you are not asking that missile to go from point A up in an arc and down to point B. You are just asking that missile to sit in the platform and wait until it gets on top and come straight down, poof, essentially straight down. The Earth is going to move; it is not quite straight down. It is essentially straight down. You cut down the time.

Now even though I did pretty well in math in school, I remember a geometry teacher I had who was an incredibly good teacher because he started out in my case, using the correct assumption, using the assumption you knew nothing; therefore, he started off and you did not have to pretend it. He saved you the embarrassment of saying, "Gee, I do not know what that means." He used to always say—he had hand motions, he always used and he used to stand there and say when he was explaining elementary geometry to us—he was also a baseball coach—everything he did with his hands—he said the shortest distance between two points, for the purpose of this course, is a straight line, and stand out like this with the hands. The joke about this guy, Coach Philliman, you would walk up to him, and now people out of school, we say, "Hello, Coach Philliman, how are you?" And we used hand motions.

That sort of sets something moving in most people's minds.

To make the case here, and I do not want to argue it in terms of the rules of physics which apply because there are certain circumstances that the straightest line may not be the shortest distance—I understand that—but for purposes of the folks reading this RECORD and people like me in the Senate who may not be schooled in the sciences as I am not, just picture it is a shorter distance. You can start off with high speeds and you are dropping straight down.

Now what you are doing is you are talking about reducing the time to minutes. Some will argue even less than 10 minutes. When that happens, you develop a new system to detect whether or not those things are coming.

Now, the second thing happens and that is where we get to ABM—we get to ABM long before that—but whatever the system is the ABM in place or whatever it happens to be, we then say if it is only 5, 7, 10 minutes to respond, how can we continue the illusion, that the judgment whether or not to fire a nuclear weapon will be one made by an individual person, the President of the United States of America? A lot of people take solace in the notion that the President is the only one who can say, "Push the button."

That is why, when you see the President riding horseback, there is another guy riding horseback, clippety-clop, he has a little black box. It is not for show, it is not like Richard Nixon walking down the beach with the Presidential seal on his jacket, it is not an ego trip. It is real. Who thinks that once we get to the point, if we get to the point I am suggesting is the point we end up with, if we get on this treadmill of having weapons in outer space, who believes there is any longer a human component in whether or not we annihilate mankind? What happens then when the 2001 version of the 1980 malfunction of the Norad system occurs? How do you check in time and get to the President in time to make the judgment whether or not to use nuclear weapons because whether or not we say that there has never been a doctrine of launch on warning, we have all known it would be totally unreasonable for any President not to anticipate the possibility that would be it, even though it is not doctrine.

What does a President do? Does he sit there and wait? Does he say,"Golly, I wonder whether they are going to knock them all out. I will sit and see if I am still here 12 minutes from now and if I am then I will respond."

I do not think that would be the case. But anyway, we would have moved so far by then that we will have to yield, and this is some argument, this is engaging in hyperbole, but I really and truly give you my word I believe when we get to the point that we will have yielded the fate, the decisions on the fate of the Earth, to a machine, to a computer.

I will acknowledge that there is reason to argue, reasonable men can differ with me on the following proposition, which is the thesis of my whole argument here: That is, once on the MX treadmill, we are eventually in outer space figuratively and literally. That is possible. I could be wrong, I may be wrong. I pray God I am wrong. But once you get to that point, if they are right, we have changed the whole notion that reason can impact upon whether or not the Earth survives, unless you assume that the reason programed into a computer is now the definition of reason.

Mr. MOYNIHAN. I think that was a moving and chilling proposition and a persuasive one.

All the logic is there and I would remind my friend from Delaware of Leon Trotzky's observation, "He who says A says B," and when we started down that sequence, there is an inherent logic and a dreadful one.

Mr. President, because the launch on warning issue has been raised, I would like to ask unanimous consent to place in the RECORD at this point the statement by General Vessey, a report of his testimony, that the Soviets have no assurance that we will ride out the attack, which is to say the Norad syndrome that was earlier described.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 6, 1983]

SHIFT OF STRATEGY ON MISSILE ATTACK HINTED BY WEINBERGER AND VESSEY

WITH MX VULNERABLE IN SILOS, THEY SAY, QUICK REPLY MAY BE NEEDED

(By Richard Halloran)

WASHINGTON, May 5.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff, acknowledging that MX missiles in existing silos would be vulnerable, raised the possibility today of edging United States policy toward a strategy known as launching under attack.

Under this strategy, the President could order United States nuclear forces to fire at the Soviet Union immediately after the initial warhead of a Soviet attack had been detonated, but before the nation had absorbed the full brunt of the Soviet missiles.

Secretary of Defense Caspar W. Weinberger and the Chairman of the Joint Chiefs, Gen. John W. Vessey, Jr., repeatedly told a Senate committee that MX missiles deployed in existing silos would be vulnerable only "if we ride out the attack" without retaliating.

SOVIETS HAVE NO ASSURANCE

At one point, General Vessey said, "The Soviets have no assurance that we will ride out the attack."

Official United States policy for more than 20 years has been to absorb a full nuclear strike before firing back, to minimize the chances of accidental war, but declarations of the policy have left open the option of launching under attack. Today's testimony gave new emphasis to that option and was the most visible exposition of the possibility since the Reagan Administration took office.

In recent years, leaders of both American political parties have asserted that United States missiles have become vulnerable to Soviet attack. That has led to more discussion of launching under attack to permit missiles to be fired and thus escape destruction.

Mr. Weinberger and General Vessey encountered much skepticism in the Senate Appropriations Committee, where members wanted to know why they should vote to spend $16.6 billion for the Administration's MX plan when only a few missiles might survive a Soviet strike.

The Administration plans to build 223 MX missiles, of which 100 would be deployed in silos now housing Minuteman missiles in Wyoming and Nebraska. Mr. Weinberger said the rest would be used for training, testing and spares.

HE SAYS 25 PERCENT WOULD REMAIN

Several senators noted that Administration officials had repeatedly testified those silos were vulnerable to Soviet attack, asserting that MX missiles would be equally vulnerable. Mr. Weinberger agreed, saying, "They are vulnerable. Everything is vulnerable because of Soviet accuracy."

When Senator Alfonse M. D'Amato, Republican of New York, asked how many would remain after a Soviet strike, General Vessey said that 25 percent to 30 percent of the missiles would survive in reinforced silos "if we ride out the attack."

Mr. Weinberger chimed in, "If we ride out the attack, that would be sufficient for deterrence." General Vessey then observed, pointedly, "The Soviets have no assurance that we will ride out the attack."

Other senators suggested the Administration was moving toward a strategy of launching under attack, but Mr. Weinberger said he would not discuss in public policies on the release of nuclear weapons.

Another policy sometimes discussed has been that of launching United States missiles once sensors have indicated that Soviet missiles are on their way but before they hit, or launching upon warning of an attack.

Over the years, advocates of a strategy of launching under attack have contended that it would add to deterrence because Soviet planners would know they faced certain retaliation; that it would be economical because it would not be necessary to have costly reinforced silos, missile defenses or mobility and deception; and that technology has advanced enough to make the system reliable.

Opponents have argued that launching under attack would increase the possibility of war by accident since the President could not be certain that an attack had actually taken place rather than an accidental enemy launching; that it would be destabilizing because the Soviet Union would assume that the United States might mount a first strike, and that no technology would ever be absolutely reliable.

The official policy has been to deny reliance on the strategy but to leave open the option on the ground that the uncertainty left in the minds of Soviet leaders would add to deterrence.

Nevertheless, as American political and military leaders have come to accept the contention that no large, static, undefended missile can be secure on the earth's surface, there has been a gradual movement toward serious consideration of the strategy.

That tendency appears to have been accelerated with the increase of missiles launched from submarine and the deployment of Soviet medium-range missiles aimed at Europe and the planned deployment later this year of United States Pershing 2 missiles in West Germany aimed at the Soviet Union. All have relatively short flight times, 8 to 15 minutes, against the 30 minutes of an intercontinental missile.

In the late 1960's, Secretary of Defense Melvin R. Laird refused to entertain public discussion of the issue as it might generate fear that the policy could be adopted.

But Secretary of Defense James R. Schlesinger, in a 1975 report to Congress, said that whether the President would launch Minuteman missiles before they were struck, "no one, including the Soviet planners, can foretell in advance of the actual decision."

Secretary of Defense Donald H. Rumsfeld, in a similar report in 1978, said: "The President can obviously commit any or all of these three forces to their missions with or without warning of an attack." The three forces were the intercontinental missiles, bombers and missiles launched from submarines.

Mr. MOYNIHAN. I see my friend from Maine——

Mr. RIEGLE. Will the Senator yield?

Mr. MOYNIHAN. I would be happy to yield.

Mr. RIEGLE. I thank the Senator for yielding.

I would join him and associate myself with his observation about the remarks of the Senator from Delaware who, I think, has done the Senate an enormous service this evening by tracking through the logic that underlies the direction that has been proposed, and I think is the ultimate conclusion of what will follow if we go forward here with the MX decision.

I want to also observe how completely over the last 2 hours the proponents of the MX have gone into hiding. They have not been here, not been willing to engage on this issue. In fact, if we could hide the MX as well as the proponents have gone into hiding, I think we could solve the basing mode problem. It is the greatest disappearing act since we lost Jimmy Hoffa in Detroit several years ago, and I just want to say in addition in response to, a nonresponse from the Senator from Virginia the following—and I have great regard for the Senator from Virginia and I like him very much and so I do not want to be misunderstood on a personal level, but when the question was addressed to him by the Senator from Maryland as to the issue as

to what the technical information is as to the survivability of the MX and the response was a nonresponse, a response to the effect that there was a voluminous record, and there was a willingness to give a meaningful and technical response, I think that is unacceptable. I think that is unacceptable in behalf of the managers of the bill. I think it is unacceptable in terms of the proponents of this legislation. It is not sufficient for the manager of the bill to come out here and appear in person but be unwilling to respond in a pointed way to these questions.

Mr. SARBANES. Will the Senator yield?

Mr. RIEGLE. Yes, I yield.

Mr. SARBANES. Not only was there a nonresponse to a specific question but there was a wholly unjustified attack on one of our colleagues. It was completely apart from the question that had been put and there was no reason for it. I was surprised and distressed to hear it.

Mr. RIEGLE. I want to just say in addition to that, I want to join the Senator from Maryland in that comment as well and that is that I think the reference to any other Senator, whether it be the Senator from Colorado or anyone else, is absolutely irrelevant to this debate. It not only insults that Senator, it insults all Senators and anybody who engages in that, be they a committee chairman or anybody else, I think in the end lowers their own stature and lowers the stature of this institution.

The fact of the matter is this issue ought to be debated and decided on the merits and the people who favor this thing owe this country their presence on the floor to address these specific issues item by item, and if it takes hours or it takes days they ought to be here on an issue of this magnitude.

I again want it noted that they are not here and they are not here because their arguments are weak, their arguments will not hold up in the face of the kind of debate that this issue demands, and it is a sad day that that is the case.

Mr. COHEN. Will the Senator yield?

Mr. RIEGLE. I yield the floor.

Mr. COHEN. I would just like to take this opportunity to perhaps respond to one narrow subject matter for the time being and that is the allegations about the motivation of any Member of the Senate.

Yesterday on the Senate floor I tried to indicate that as far as I was concerned the Senator from Colorado has done the country a great service, that I think this is an important debate that is taking place and that he has talked to me about this issue for 5 years. He has talked about the need to move away from land-based large MIRV'd systems and as I mentioned yesterday, that was before Henry Kissinger wrote his article in Time magazine, before AL GORE, JR., of Tennessee raised the issue in his debate over on the House floor which I commend him for.

The Senator from Colorado was talking to me about it when I first came on the Armed Services Committee 5 years ago. So I think any suggestion that somehow this is coinciding with, or suggests being motivated by, his political aspersions is without foundation.

I indicated yesterday that any connection between the two happens to be coincidental. He would have raised this issue whether he was running for some other office, and so I do not join with those who would try to cast any aspersions upon the Senator from Colorado. I think this is a very healthy debate and, frankly, as I said yesterday, my support for the MX is quite tentative and I stand by the very words I spoke with Senator NUNN a year ago when we were dealing with missiles in fixed silos. There is no question they remain vulnerable. We have not reduced the vulnerability one bit.

I was going to add a point to the Senator from New York's observation that General Vessey has said the Soviet Union could not be sure that we would ride out an attack. That is not unique with General Vessey. The Senator from Colorado knows, since he sits on the same committee as I do, that statement has been made by every Chairman of the Joint Chiefs since I have been here. It was made by Harold Brown, the Secretary of Defense under the Carter administration. At every hearing we had on a mobile basing system for the MX, the question was always raised the same way. The Soviets could not be sure that we would wait to ride out a first attack. So that is not a unique thing with this administration or with General Vessey. That is something which has been part of the planning doctrine, at least the public statements of our Joint Chiefs, since I can recall.

But the other issues I think are legitimate. I think you do raise questions about vulnerability. I was not here to listen to the debate about whether it is 75 or 80 percent, and, frankly, I am not sure how far we can go or have gone in discussing charts and what has been revealed in closed briefings, but it is close in terms of whatever we are talking about in the range, yes. It is a very real possibility on a preemptive strike that so many of the Minuteman and I presume the MX missiles could, in fact, be destroyed.

And I do not think anybody can negate that. A question has been raised, could they engage in a preemptive attack on the United States at this time? The administration has come forward and the Joint Chiefs have said no, because they do not have the capability of launching a strike against the ICBM's and the bomber force simultaneously, and in all probability will not have that capability for 10 years. But that is a different issue. That is somewhat different than whether or not they have the capability of targeting silos at this time, and they do. I do not think anybody can disagree with that particular point.

Mr. HART. Will the Senator yield?

Mr. COHEN. Yes.

Mr. HART. The Senator from Colorado was not on the floor when reference was made to him by our colleague from Virginia. I regret that, because the normal course of conduct of the Senate is that if reference is made to another Senator it is done in that Senator's presence. I have only, therefore, a secondary report of what was said.

Apparently, it is a part of a—well, I will not say a pattern—but a series of incidents about the Senator's attendance or nonattendance in subcommittee hearings or committee sessions. There seems to be an occasional, if not systematic, attempt to make that the issue rather than whether this country ought to produce and deploy the MX missile.

I will not refer further to the Senator from Virginia because he is not now here, but I regret that he did not make whatever statements he made when the Senator from Colorado was here to respond.

Second, I regret that whatever pattern seems to have evolved in that regard with personal reference or efforts to sidetrack the substance of the issue from its substance to an individual Senator's attendance or nonattendance, or votes or nonvotes, both on the floor, and may I say in the press galleries, as well, is indeed unfortunate.

I wish to say to the Senator from Maine, my very good personal friend, that I very much appreciate what he said tonight and what he said the other day. I appreciate those remarks very much.

Mr. TOWER. Will the Senator from Maine yield?

Mr. COHEN. Yes.

Mr. TOWER. Mr. President, I think we can expect that there will be record votes tonight. I suggest that there might be a unanimous-consent agreement propounded to set aside the pending amendment to deal with other amendments, one or two of which might require record votes and in all probability will require record votes.

Senators have been inquiring about this throughout the evening. I thought I should say that for the benefit of Senators who are trying to make their plans for the evening.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, first, I should say to Senators, as I believe our respective cloakrooms perhaps already have, that we will be in for a while tonight. I do anticipate that there may be record votes tonight. We will be in tomorrow. I anticipate votes tomorrow. That is the bad news.

The good news, Mr. President, is that we are trying hard now on both sides of the aisle to negotiate an arrangement to bring us to final passage of this bill. That agreement has not yet been reached. There are a lot of stones to turn, a lot of clearances to be obtained, before such an arrangement can be produced. But a good faith effort on both sides is underway.

I am at least mildly optimistic that something may be worked out. I do not believe it will be worked out tonight. I think for a variety of reasons it is not possible to get an agreement this evening. I have an idea that progress will be made on tomorrow. A unanimous-consent request may be propounded shortly after we convene tomorrow. There is already an order for the Senate to convene at 10 a.m.

I feel sure our respective cloakrooms will solicit the views of Members on the shape and form of the agreement that we are trying to put together.

So, Mr. President, there are likely to be votes tonight and tomorrow.

Mr. President, in a few moments I will offer two more cloture motions. That is in no way to gage the idea that indeed we may get an agreement. I have conferred with the minority leader, Senator HART, and Senator TOWER that on the chance, maybe a small chance, that our agreement does not work out, I need to have these motions on file.

CLOTURE MOTION

Mr. BAKER. Mr. President, I send a cloture motion on the committee amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the committee amendment in the nature of a substitute for S. 675, a bill to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes.

Senators Howard H. Baker, Jr., Ted Stevens, Jake Garn, John Warner, John P. East, Don Nickles, James Abdnor, Slade Gorton, James A. McClure, Richard G. Lugar, Frank H. Murkowski, Nancy Landon Kassebaum, David Durenberger, Rudy Boschwitz, John Tower, Malcolm Wallop, Warren B. Rudman, Strom Thurmond, Thad Cochran, and Jesse Helms.

CLOTURE MOTION

Mr. BAKER. Mr. President, I send to the desk a second cloture motion pertaining to S. 675 and ask that it be read.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 675, a bill to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes.

Howard H. Baker, Jr., Ted Stevens, Jake Garn, John Warner, John P. East, Don Nickles, James Abdnor, Slade Gorton, James A. McClure, Richard G. Lugar, Frank H. Murkowski, Nancy Landon Kassebaum, David Durenberger, Rudy Boschwitz, John Tower, Malcolm Wallop, Warren B. Rudman, Strom Thurmond, Thad Cochran, and Jesse Helms.

Mr. BAKER. Mr. President, once again, let me say that I fully expect that the Senate will be in session for a while yet tonight. I think there is a good likelihood that there will be rollcall votes yet today. The Senate will be in session tomorrow beginning at 10 a.m. I fully anticipate rollcall votes tomorrow as well.

There is a cloture vote ordered for the morning, Mr. President, but as I indicated earlier, the negotiations that are underway may produce an agreement for a time certain for passage. If it does, I shall propose to ask for unanimous consent to vitiate that order. I shall not do that at this time, but I am hopeful that that may be possible.

Mr. McCLURE. Will the Senator yield?

Mr. BAKER. Yes; I yield.

Mr. McCLURE. Did I understand the Senator to say that if such an agreement is reached, it is not going to be reached tonight, that it will be sometime tomorrow before it is reached?

Mr. BAKER. Mr. President, it cannot be done tonight. There are too many clearances to be obtained, too much distance to be traveled. I am optimistic that it can be done shortly after we reconvene tomorrow.

Mr. NUNN. Mr. President, will the Senator yield for a brief question?

Mr. BAKER. Yes.

Mr. NUNN. Does that mean we shall not know tonight whether we are going to have a vote on cloture tomorrow?

Mr. BAKER. Mr. President, I am afraid it does mean that. We all tried very hard to get the arrangement worked out tonight so the request could be propounded. But for good and sufficient reasons, it appears to both Senator BYRD and me that it would not serve a good purpose to make that request this evening.

SENATOR PRESSLER RECEIVES GOLDEN GAVEL AWARD

Mr. BAKER. Mr. President, I observe that a little over 10 minutes ago—at 7:40 this evening, to be exact, the distinguished occupant of the Chair completed his 100th hour presiding over the 98th Congress, making him the first recipient of the Golden Gavel Award for this session.

I remark also that the Senator has accomplished this in the recordbreaking time of only 7 months. It is an indication of great dedication by the occupant of the Chair to the service of the Senate and I congratulate him for it.

OMNIBUS DEFENSE AUTHORIZATIONS, 1984

The Senate continued consideration of the bill (S. 675).

Mr. TOWER. Mr. President, will the Senator from Tennessee yield?

Mr. BAKER. Yes; I yield.

Mr. TOWER. I have on my list two amendments to be offered by the Senator from Minnesota (Mr. BOSCHWITZ), one possible amendment by Senator CHAFEE that has to do with intelligence, which I think we can dispose of tonight; one by Senator LEVIN on spare parts and consumables, and one by Senator HELMS on a peace-through-strength resolution. I should like to do all of those amendments tonight. I think they can be done tonight. They may not even require record votes, but I am not confident that they will not. As a matter of fact, I am reasonably certain that one will. If we could dispose of those amendments tonight, I think there are no other amendments that Senators intend to offer.

Mr. BAKER. Mr. President, I join with the manager of the bill in urging that we do as much as we can tonight.

Mr. TOWER. I think it will impact adversely on the attempts to get a con-

sent agreement tomorrow if we do not get them out tonight. Too, Senators should be on notice that they will be barred after tomorrow if the consent agreement is not objected to, and they had better get over there and do this stuff tonight.

Mr. BAKER. I thank the Senator.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TSONGAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MURKOWSKI). Without objection, it is so ordered.

Mr. TSONGAS. Mr. President, I should like to speak on an issue that has not gotten very much attention. That is the MX missile. I am sure everybody is very anxious to hear the new arguments that can be made on that particular item.

Mr. President, I am proud to join my colleague from Colorado in a debate of the most controversial weapons system of modern times—the MX missile. It is fully correct and prudent to engage the undivided attention of the U.S. Senate on the MX program.

The MX is much more than the innocuous sounding strategic modernization program its advocates lay claim to. It represents an escalation of serious proportions, a commitment in U.S. dollars and technology which will lead to outcomes I do not believe the Senate fully appreciates. We must debate this issue; we must explore its implications and its necessities; we must step away from the fusillade of special interests and lobbying groups and truly contemplate in the finest tradition of the Senate, what it is we are being asked to do.

This is an enormous task, both in scope of the data and the depth of analysis. Each of us, I think, brings their own special perspective to this debate, and I have listened with great interests to the presentations of my colleagues on both sides of this question. I will not duplicate their remarks—my purpose today is to explore what has come to be known—for good or for worse—as the bargaining chip theory of the MX missile.

My views of the MX program have had a long evolution, matching the ancient origins—1973—of this missile. At first, the missile was justified as a modernization of the Minuteman, but that was quickly replaced by the so-called window of vulnerability. I then heard from an array of experts who carefully set out for me the steady growth of counterforce ICBM's in the Soviet arsenal. By 1979, when I assembled a 25-member group of defense advisers from Massachusetts, the "window" was described as about to open. Each year thereafter, I was informed of the new increments which were bringing our ICBM's to a theoretical if not actual, vulnerability to the new breed of Soviet ICBM's, the SS-19's and SS-18's. In 1980, candidate Ronald Reagan formally opened the window to its full extent, declaring for all our vulnerability and, without much thought at all, our strategic inferiority.

The MX was, of course, to be the answer to this problem. The MX would be deployed in such a way that it could survive an all-out Soviet first strike, thereby repairing the large gash in our fabric of deterrence. I adopted a position of support for MX research and development, subject to a satisfactory basing mode.

The basing mode, as we all know, was a problem as soon as the MX was conceived. Presidents Ford, Carter, and now Reagan have proposed an astounding number of schemes, each of which lacked credibility in one crucial dimension or another, and each of which added to the growing skepticism of the missile's value among experts and laymen alike.

SALT II, negotiated by three Presidents, seemed to hold the possibility of a solution to the window of vulnerability. By virtue of the ceilings it placed on the Soviet missile force, it seemed possible to build a deceptive, mobile-basing mode which Soviet warheads, under SALT II limits, would be unable to overcome. I vigorously supported SALT II, and at that time I could visualize my support for deploying the MX with SALT II ratified.

That vision of strategic harmony did not survive Jimmy Carter's Presidency. Candidate Reagan and others saw their way clear to attack SALT II and ultimately defeat the treaty. This was justified as some sort of shock therapy to a nation grown tranquilized by arms control. The Soviet threat, the critics reasoned, was so dangerous that only an arms race would stop them. SALT II, with all those complicated limits, sublimits, and definitions, deserved burial in a diplomatic cemetery. Let the buildup begin—that was the sentiment and the battle cry. SALT II did not survive that attack.

It was a great victory for those conservatives opposing arms control, but it also took the baby with the bath water. Suddenly, there was no arms-control cradle for the MX. No limits on Soviet missiles, no limits on warhead fractionation, no ratified SALT II. How then was the MX to stand alone? How then to close the window of vulnerability? How then to justify $20 to $30 billion worth of missiles for which there was no available home? That was when my patience with the MX began to wear thin.

And that was when now President Reagan began his rhetorical campaign against the Soviet Union, against the nuclear freeze, for limited nuclear war, and for U.S. nuclear superiority. Gen. Ed Rowny was his choice to negotiate with the Soviets in Geneva. Al Haig launched hypothetical nuclear warning shots in Europe and arms control stood still. But not the MX.

In October 1981, the President canceled the Carter plan for multiple protective shelter basing and recommended an interim basing plan for 40 MX missiles in superhardened existing silos. That proposal antagonized nearly everyone, including the chairman of the Armed Services Committee, and was doomed from the start.

A year later, in November 1982, the President announced a second plan—the so-called dense pack configuration by which 100 MX missiles would be deployed in a closely spaced basing mode at Warren Air Force Base in Wyoming.

Dense pack did not survive the year. Congress stopped procurement subject to its approval of a new permanent basing mode. The President appointed the Scowcroft Commission to bail him out of his MX dilemma. The Commission's recommendation for basing 100 MX missiles in old Minuteman silos is now before us.

And lo and behold, the window of vulnerability is gone, evaporated, vaporized. General Scowcroft and his distinguished bipartisan panel of experts have simply asserted that it does not exist. In its place sit 100 MX missiles and an unratified arms-control treaty.

This has been a lengthy introduction to the announced subject of my statement, the bargaining chip theory of the MS missile, but it is pertinent.

The history of the MX is inextricably joined with the history of arms control. Different in this respect from other large systems, the fragile consensus for the MX has rested in large part on an assurance—namely that the missile was not the opening round in a new strategic arms race, but the closing of an asymmetry in the two superpower arsenals. And once this asymmetry was resolved through a combination of deployment and arms-control negotiations, the arms-race spiral would be contained. In this way, MX would be part and parcel of an integrated approach to our strategic security, a carefully negotiated framework of stability and peace. Or so the story went. Certainly events did not. And now we must deal with the MX under a new host of arms-control uncertainties.

Given the new awarness of nuclear war and the anguish among millions of our people that nuclear weapons directly causes, we can no longer look at strategic modernization as a dry, technical alteration in our force structure. The Western World is in the midst of an upheaval of popular concern. What might have happened 10 years ago—a

new nuclear weapon built and deployed without a whisper of dissent—is simply unimaginable now. I am thinking of how MIRV'ing of our ICBM's, a truly significant escalation, occurred without any major expression of popular opposition. And given the MX and its promise of new strategic instabilities built into a heavily counterforce missile strucure, even the experts must pause and consider the perils of new nuclear weapons outside of and unconstrained by effective arms control. We are on the brink of a new era in nuclear weaponry, and in my view, and perhaps the Scowcroft commission's view, we cannot proceed without an aggressive, imaginative negotiating posture. Arms control is of the essence—it is absolutely central to our security and to the future of the MX.

I do not think the President has absorbed this reality just yet. Many around him have, many here in Congress have, but his perceptions of the United States-Soviet competition do not accommodate arms control easily. His view of the Soviet union and its people seem grounded in visions of monolithic national character overlain by a brutal, almost inhuman, ideology. These images are only correct at the widest, and the simplest, levels of generalization. The Soviet state and its leadership are capable of nuance, flexibility, and negotiation, albeit in pursuit of interests often hostile to the United States, but nonetheless the capability is there. It has been demonstrated.

Let us return to the MX and arms control. There is obviously a credibility problem here. The President has asked for the MX to help him pry an agreement from the Soviets in Geneva. He and others in his administration claim they need the MX as a bargaining chip or in their words "leverage" with the Soviets to reach an agreement. The implication is that, in Secretary Shultz's words, "everything is on the table" in Geneva. The MX, like our ABM system of 1972, would be used as a true chip to gain an agreement precluding a new round in the nuclear arms race. That is what I and others in this body were asked to believe.

This brings us to the Scowcroft Commission and its findings. It is on that foundation of expert consensus that the President makes his case for the MX and arms control. The Commission recommended deploying 100 MX missiles in Minuteman silos; it also called for vigorous strategic-arms-control efforts; and it selected a small, single warhead missile as the logical follow-on to the MX, both for deterrence and arms-control reasons. I want to go into this report in some detail on two issues—ICBM vulnerability and the MX as a bargaining chip.

The report selected an MX option long favored by some strategic planners—deploy them in existing silos. These planners have for their own reasons concluded that ICBM vulnerability has been overstated due to the enormous uncertainties of a first-strike strategy faced by Soviet strategists. The theoretical accuracies of the SS-18 and 19, according to this line of thinking, are far enough removed from an actual, reliable capability that we need not restructure our ICBM force to counter it. Yet the asymmetry in land-based forces exists and must be dealt with. The reasons are essentially political and psychological. The asymmetry may lead other powers to believe the Soviets are stronger; it may affect our own decisionmaking in a crisis; and an unresolved asymmetry suggests a weakening of national will.

The Scowcroft Commission did not take that precise tack. It would have been, I am afraid, too large a fig leaf to remove. So, instead of dismantling the myth of Soviet ICBM accuracy, the Commission identified scenarios in which the MX would survive a Soviet attack and retaliate. In other words, they said the MX is survivable in spite of Soviet ICBM accuracy. The scenario goes like this and I quote:

> For example, if Soviet war planners should decide to attack our bomber and submarine bases and our ICBM silos with simultaneous detonations—by delaying missile launches from close-in submarines so that such missiles would arrive at our bomber bases at the same time the Soviet ICBM warheads (with their longer time of flight) would arrive at our ICBM silos—then a very high proportion of our alert bombers would have escaped before their bases were struck. This is because we would have been able to, and would have, ordered our bombers to take off from their bases within moments after the launch of the first Soviet ICBM's. If the Soviets, on the other hand, chose rather to launch their ICBM and SLBM attacks at the same moment (hoping to destroy a higher proportion of our bombers with SLBM's having a short time of flight), there would be a period of over a quarter of an hour after nuclear detonations had occurred on U.S. bomber bases but before our ICBM's had been struck. In such a case the Soviets should have no confidence that we would refrain from launching our ICBM's during that interval after we had been hit. It is important to appreciate that this would not be a "launch-on-warning," or even a "launch under attack," but rather a launch after attack—after massive nuclear detonations had already occurred on U.S. soil.
>
> Thus our bombers and ICBM's are more survivable together against Soviet attack than either would be alone. This illustrates that the different components of our strategic forces should be assessed collectively and not in isolation. It also suggests that whereas it is highly desirable that a component of the strategic forces be survivable when it is viewed separately, it makes a major contribution to deterrence even if its survivability depends in substantial measure on the existence of one of the other components of the force.

Later in the report, the Commission concludes that ICBM vulnerability is "not a sufficiently dominant part of the overall problem of ICBM modernization * * *" making ABM or dense packs basing unnecessary. The reason cited for this conclusion is stated as follows:

> This is because of the mutual survivability shared by the ICBM force and the bomber force in view of the different types of attacks that would need to be launched at each, as explained above (Section IV.A.)

In other words, no matter how the Soviets might attack our bomber bases and our ICBM's, they would give the game away and allow us time to use either our bombers or our ICBM's before they were hit by Soviet missiles.

This is a curious and tortured logic to justify a $26 billion investment. First of all, the Commission concedes in a footnote that "an attack in which thousands of warheads were targeted on our ICBM fields but there were no early detonations on our bomber bases from attack by Soviet submarines" would destroy all our ICBM force, MX, and Minuteman.

Second, this logic applies to any U.S.-land-based missile, not exclusively the MX. The Minuteman would be just as survivable under these scenarios as the MX. For many years MX proponents have been saying that our existing ICBM's would be vulnerable to an all-out Soviet attack. The MX in a survivable basing mode was proposed to counter that vulnerability. We have always known that our bombers would have sufficient warning to take off from their bases and therefore survive such an attack. That argument was never invoked to justify MX, because it could not.

To say that either our bombers or our ICBM's could survive a Soviet attack merely restated a truism—that ICBM's based on land are a valuable leg of the triad and a crucial complement to our bomber force.

I accept that, most experts accept that, and of course the Commission accepts it. But that argument alone does not justify MX. Nor for that matter does it address the issue of Soviet ICBM accuracy and the theoretical vulnerability of our Minuteman force. It simply skirts it by redefining vulnerability—as a bomber/ICBM problem, as opposed to a strictly ICBM problem.

So the question becomes, why do we need 100, 10-warhead, 200,000-pound, highly accurate replacement missiles for 100 Minutemen? The Commission sets out its rationale. I submit that the rationale is overwhelming political and perceptual, which will take us directly to my subject—the bargaining chip theory of the MX missile.

The Commission argues that we must demonstrate to the Soviets "national will and cohesion" by deploying the MX. Second, we must "assure our allies that we have the capability and

will to stand with them." Third, our Minuteman force is not new and will need rehabilitation. Fourth, we need a big payload missile in case the Soviets deploy an ABM, a step now prohibited by SALT I. And last, the MX is needed to persuade the Soviets to negotiate seriously in Geneva, that is, the bargaining chip we have been discussing here today.

Three of the five rationales are perceptual and political. The MX, with its hard target capability, is for the Commission more a symbol of U.S. resolve than a breakthrough in capabilities. True, the MX is more accurate than the Minuteman and true it would add some 900 new warheads ro our inventory but it is clear that the Commission regards these technical advances as a primarily political device. Indeed, the final conclusion of the Commission is essentially a political one. "Finally the Commission is particularly mindful of the importance of achieving a greater degree of national consensus with respect to our strategic deployments and arms control." One hundred MX missiles are in that context, a political compromise between 200 MX missiles, the original program, and no MX missile.

So, we are urged to spend $26 billion to demonstrate national will to the Soviets and our allies, and to help us bargain in Geneva. For all the expense and all the perils of this highly controversial missile, only one of these rationales for it could possibly convince me, and that is the bargaining chip theory. If the MX is truly a necessary bargaining chip to help us reach a far-reaching arms control agreement in Moscow, it should be considered. Unfortunately, this administration makes it impossible for me to come to that conclusion.

What is the promise the bargaining chip holds out for us? In the words of the Scowcroft Commission:

> First, arms control negotiations—in particular, the Soviets' willingness to enter agreements that will enhance stability—are heavily influenced by ongoing programs. The ABM Treaty of 1972, for example, came about only because the United States maintained an ongoing ABM program and indeed made a decision to make a limited deployment. It is illusory to believe that we could obtain a satisfactory agreement with the Soviets limiting ICBM deployments if we unilaterally terminated the only new U.S. ICBM program that could lead to deployment in this decade. Such a termination would effectively communicate to the Soviets that we were unable to neutralize their advantage in multiple-warhead ICBM's. Abandoning the MX at this time, in search of a substitute would jeopardize, not enhance, the likelihood of reaching a stabilizing and equitable agreement. It would also undermine the incentives to the Soviets to change the nature of their own ICBM force and thus the environment most conducive to the deployment of a small missile.

That is an eloquent statement and one with which I agree. The ABM Treaty of 1972 is the precedent for the START talks, and it is worth repeating here what happened. Both the Soviets and the United States were developing highly expensive and questionably effective antiballistic missile systems. On the eve of the successful culmination of the ABM negotiations, the U.S. Congress fully funded the ABM program, knowing that it was under discussion at the ABM talks. As we know, the Soviet and American delegations agreed not to deploy more than one limited ABM system each. The U.S. program and its Soviet counterpart were effectively stopped in their infancy and that particular path for the arms race was never followed by the superpowers.

The Commission urges that the MX should be regarded similarly. We, in the Congress, should support the MX program knowing that our negotiators might trade it away for an ever more secure balance of Soviet-American strategic forces.

And that is essentially what the administration was trying to have us believe until Dr. Adelman, Director of the Arms Control and Disarmament Agency unveiled the deception.

It was a delicate balancing act to promote the MX as a bargaining chip without explicitly saying so. On June 15, Secretary Shultz appeared before the Committee on Foreign Relations and asserted that the President had placed "all strategic systems on the table" in Geneva. In a letter to Senator COHEN, the President promised to "constrain the number" of MX missiles "to the minimum" and asserted that the level of MX deployment "will be influenced by Soviet strategic programs and arms reduction agreements."

Already suspected of harboring anti-arms control sentiments, the administration made these assurances and implied the MX bargaining chip with limited, but yet substantial success. The Senate and the House supported the 100-missile deployment in Minuteman silos in May.

Last month, Dr. Adelman ended the guessing game. In a closed briefing to the Foreign Relations Committee, he set out in detail the exact role the MX could play in the Geneva talks. That briefing was classified, so I cannot discuss the number or conclusions presented by Dr. Adelman.

The next day, however, the chairman, Senator PERCY, and I were surprised to receive an unclassified letter from Dr. Adelman, which sought to clarify his remarks in the closed hearing of the previous day. Let me read the letter to my colleagues.

> DEAR MR. CHAIRMAN: At yesterday's hearing, Senator PELL asked whether under any circumstances the United States would be prepared to give up the MX program?
>
> The following is my answer for the record: "The President has made clear that the scale of MX deployment will be influenced by Soviet strategic programs and arms reduction agreements. The MX is the U.S. response to a massive buildup of Soviet ICBM's over the last 10 years, and unless the Soviets are prepared to reverse this build-up and forgo their heavy and medium ICBM's, the United States will go forward with MX."
>
> I have sent letters to Senators PELL and TSONGAS, who inquired extensively about this matter.

It was signed by Dr. Adelman.

The critical phrase is of course ". . . unless the Soviets are prepared to reverse this buildup and forgo their heavy and medium ICBM's, the United States will go forward with the MX."

I suppose that Dr. Adelman regrets having written that letter on two counts—for one, it reveals to the Soviets a bargaining position which can only reduce the effectiveness of our START delegation in Geneva. And second, it sets out terms for the bargaining of the MX which are patently unnegotiable with the Soviet Union. Far from a bargaining chip, the MX, according to Dr. Adelman, is the sine qua non of our strategic program. In return for the nondeployment of MX, the Soviets would have to dismantle SS-18's, 19's, and 17's, a staggering proposition involving 1,000 U.S. warheads to be exchanged for over 5,000 SS-18, SS-19 and SS-17 warheads.

Deputy Secretary of State Kenneth Dam testified a few days later. He attempted to restore the ambiguity on the bargaining chip issue, as did Secretary Shultz, but no one disavowed the Adelman letter. It must stand as a blunt expression of the U.S. negotiating posture.

The key question haunting the President and his administration is and will be the depth of his commitment to arms control. This problem preceded the current MX debate and has found expression time after time in one misstep or misstatement after another, each casting doubt and suspicion on the arms control agenda of the President.

It is a distressing list beginning with the long delays before the President presented arms control proposals to the Soviet Union in Geneva, the constant stream of cold war rhetoric directed against the Soviet Union, the nomination of General Rowny to head the START delegation, the accelerated decline and demoralization of the Arms Control and Disarmament Agency, the refusal to support the already signed Threshold Test Ban and Peaceful Nuclear Explosion Treaties, the long hiatus in bilateral talks on antisatellite weapons, the reports from Geneva of acrimonious and fruitless exchanges between General Rowny and his Soviet counterpart, Mr. Karpov, not to mention the Adelman nomination itself which said volumes

about the importance of arms control to the President.

Seen in that light, the MX story is not all that surprising, but nonetheless, the administration's arms control cloak on the MX is striking in its transparency. The chip status for the MX is, in my view, a charade. The justifications for deploying the missile have been stripped down to a slender argument about perceptions and marginal improvements in capability.

On the other side of the issue, the MX is troubled by questions regarding its high value status as a target for Soviet missiles, its hair-trigger tendencies due to that high target value, and its contribution to an eventual first strike U.S. capability. The MX has been called a destabilizing weapon by its critics. It also must be said that the Soviet ICBM program is destabilizing and must be curtailed through negotiations.

I have always thought that the MX could make a contribution to our security if it were creatively joined with an arms control outcome. I no longer see that possibility under the Reagan administration. I will vote in favor of Senator HART's amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll

The bill clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that the amendment by the Senator from Texas and the perfecting amendment thereto by the Senator from Virginia be temporarily laid aside, that the Senator from North Carolina (Mr. HELMS) may offer an amendment, and that on the disposition of that amendment, the Senate return to the consideration of the Tower-Warner amendment.

Mr. TSONGAS. Mr. President, reserving the right to object, and I do not believe I shall object, but let me just clear it with the minority leader.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TSONGAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there objection to the request of the Senator from Texas?

Mr. TSONGAS. Mr. President, reserving the right to object, I would have no objection as long as it was agreed to that the Senator from Nebraska (Mr. EXON) would have a chance to respond to the amendment prior to any final action on the amendment. He is on his way over.

Mr. TOWER. Mr. President, let me put it this way, that if the amendment is to be brought to a vote that we would give him the opportunity to comment.

Mr. TSONGAS. Apparently he wishes to speak on it whether it comes to a vote or not. He is on his way over. I suspect by the time the sponsor's speech is over he will be here.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection to the Senator's unanimous-consent request? The Chair hears none, and it is so ordered.

The Senator from North Carolina.

AMENDMENT NO. 2062

(Purpose: To express the sense of the Congress that the foreign policy of the United States should reflect a national strategy of peace through strength)

Mr. HELMS. Mr. President, I thank the Chair, and I thank the distinguished floor manager of the bill.

I have amendment No. 2062 at the desk, and I ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from North Carolina (Mr. HELMS), for himself and others, proposes an amendment numbered 2062.

Mr. HELMS. Mr. President, if the Senate will forbear, I am going to do the unusual. I am going to ask that the clerk read the entire amendment very slowly, so that it can speak for itself.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

At the end of the committee amendment, add the following new section:

SEC. .

To express the sense of the Congress that the foreign policy of the United States should reflect a national strategy of peace through strength.

The Soviet Union has exploited United States peace initiatives in order to build up Soviet strategic and conventional warfare capabilities;

These capabilities have given the Soviet Union the means to support worldwide aggression of an increasingly bold nature;

There is a basis for concern that the Soviets may use these capabilities in armed aggression in Pakistan, Iran, and Yugoslavia;

The Soviet Union has demonstrated an unwillingness to live by the principles of international law;

The United States is the one world power that can stop Soviet expansionism; Now, therefore, be it

The sense of the Congress that the foreign policy of the United States should reflect a national strategy of peace through strength, the general principles and goals of which would be—

(1) to inspire, focus, and unite the national will and determination to achieve peace and freedom,

(2) to achieve overall military and technological superiority over the Soviet Union,

(3) to create a strategic and civil defense which would protect the American people against nuclear war at least as well as the Soviet population is protected,

(4) to accept no arms control agreement which in any way jeopardizes the security of the United States or its allies, or which locks the United States into a position of military inferiority,

(5) to reestablish effective security and intelligence capabilities,

(6) to pursue positive nonmilitary means to roll back the growth of communism,

(7) to help our allies and other non-Communist countries defend themselves against Communist aggression, and

(8) to maintain a strong economy and protect our overseas sources of energy and other vital raw materials.

The PRESIDING OFFICER (Mr. JEPSEN). The Senator from North Carolina.

Mr. HELMS. Mr. President, I express my appreciation to the clerk for having so ably presented the text of this amendment.

As I said at the outset, the amendment speaks for itself. I mention, however, that a total of 54 Senators are cosponsoring this amendment. Just to have it as a matter of record, let me identify the 54 Senators. In addition to this Senator from North Carolina, they are as follows:

Mr. SYMMS, Mr. HATCH, Mr. ABDNOR, Mr. ANDREWS, Mr. ARMSTRONG, Mr. BENTSEN, Mr. BOREN, Mr. BOSCHWITZ, Mr. CHILES, Mr. COCHRAN, Mr. COHEN, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. DENTON, Mr. DOLE, Mr. DOMENICI, Mr. EAST, Mr. GARN, Mr. GOLDWATER, Mr. GRASSLEY, Mrs. HAWKINS, Mr. HEFLIN, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. HUMPHREY, Mr. JEPSEN, Mr. JOHNSTON, Mr. KASTEN, Mr. LAXALT, Mr. LONG, Mr. LUGAR, Mr. MCCLURE, Mr. MATTINGLY, Mr. MELCHER, Mr. MURKOWSKI, Mr. NICKLES, Mr. NUNN, Mr. QUAYLE, Mr. PRESSLER, Mr. PRYOR, Mr. RANDOLPH, Mr. ROTH, Mr. SASSER, Mr. STEVENS, Mr. TRIBLE, Mr. THURMOND, Mr. WALLOP, Mr. WARNER, Mr. ZORINSKY, and Mr. RUDMAN.

Mr. President, our Nation's security is severely threatened, and an important step to correct the severe threat to America's security is for the Senate to pass the peace through strength amendment.

Soviet military and political leaders have been stating since 1971 that the correlation of forces in the world's military balance has shifted in favor of the Soviet Union. Red Star stated frankly on January 15, 1980:

With respect to the military balance, the correlation of forces has shifted—once and for all and irrevocably.

Most American defense experts agree that the Soviet Union has achieved overall military supremacy over the United States and its allies. In addition, both President Reagan and Defense Secretary Weinberger confirmed that dangerous fact in the spring of 1982. The President stated in a news conference on March 31, 1982:

The Soviet Union does have a definite margin of superiority—enough so that there is what I have called . . . a window of vulnerability.

The next day, Defense Secretary Weinberger stated, "unfortunately, it is true." The Soviets have now gained acknowledged strategic nuclear superiority, acknowledged theater nuclear superiority against NATO, the People's Republic of China, and Japan, growing naval superiority, and substantial conventional, general purpose forces superiority.

Soviet overall military superiority is very dangerous to U.S. national security, especially if crisis or war should be threatened. The Chief of the Soviet General Staff, Marshal Ogarkov, stated ominously in a January 1982, book:

Prompt and expeditious shifting of the Armed Forces and the entire national economy to a *war footing* and their *mobilization deployment* in a short period of time is much more critical today . . . we should accompany our steps toward peace with maintaining *maximum military preparedness.* (Emphasis added.)

Clearly, Marshal Ogarkov believes that Soviet military superiority will intimidate democratic leaders in the free world.

I urge Senators to support adoption of the peace through strength amendment, as one means of deterring Soviet power. The amendment will provide strong political and legal backing for American national security programs designed to restore a U.S. margin of safety.

Mr. President, I would again emphasize that this resolution has strong bipartisan support, with 54 cosponsors. It is a resolution for which, in my opinion, a consensus already exists in this body.

Moreover, it has the full support of the administration. It has been endorsed in letters from the President, the National Security Adviser, the Secretary of Defense, the Assistant Secretary of State on behalf of the Secretary, and the Chairman of the Joint Chiefs of Staff. It truly expresses our national policy and national will.

Mr. President, I ask unanimous consent that letters from these officials be printed in the RECORD at this point, together with an article from "Washington Report."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, October 15, 1981.

Mr. JOHN FISHER,
President, American Security Council,
Boston, Va.

DEAR JOHN: I am pleased to hear that 273 Senators and Representatives, a bipartisan majority of the Congress, have now joined the Coalition for Peace Through Strength Caucus. This is an important milestone in having the Resolution passed by both Houses of Congress.

I am also encouraged to hear that seven state legislatures have already passed the Resolution.

As an early member of the Coalition for Peace Through Strength, I supported the Resolution, and it was incorporated as part of the 1980 Republican Platform.

Passage of the Resolution by both Houses will be a powerful symbol of bipartisan support for our national security programs, which are designed to restore the margin of safety to our military power.

I assure you that I will sign the Resolution after it is passed by Congress and look forward to hearing of the Coalition's continuing good works.

With my best wishes,

Sincerely,

RONALD REAGAN.

THE WHITE HOUSE,
Washington, September 16, 1982.

Hon. JESSE HELMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HELMS: I understand that you and many of your colleagues intend to offer a resolution at this time reaffirming the "Peace Through Strength" language, which was incorporated into the 1980 Republican Party Platform.

As the President said when the Resolution was considered last year, "Passage of the Resolution by both Houses will be a powerful symbol of bipartisan support for our national security programs, which are designed to restore the margin of safety to our military power."

Sincerely,

WILLIAM P. CLARK.

DEPARTMENT OF DEFENSE,
Washington, D.C., September 16, 1983.

Hon. JESSE HELMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I understand that you, together with a large number of co-sponsors, are preparing to introduce the Peace Through Strength Resolution in the Senate. The passage of this Resolution will again demonstrate the strength of bipartisan support for the President's national security programs, which are designed to restore the margin of safety to U.S. military power. The Department of Defense strongly supports the intent and purpose of this initiative. We appreciate the effort you and your colleagues are making to express so effectively the support of the Senate for a strong defense program.

CASPAR WEINBERGER,
Secretary.

SEPTEMBER 27, 1982.

Hon. JESSE HELMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HELMS: The Joint Chiefs of Staff have consistently maintained the view that the security of our country and peace in the world can only be preserved if the defense of the U.S. are strong. Bipartisan support for the passage of a Peace Through Strength resolution will send a clear signal of this Nation's commitment and resolve to continue to provide for the common defense. We appreciate and support your initiative.

Sincerely,

JOHN W. VESSEY, Jr.,
Chairman, Joint Chiefs of Staff.

U.S. DEPARTMENT OF STATE,
Washington, D.C., September 22, 1982.

Hon. JESSE HELMS,
U.S. Senate.

DEAR SENATOR HELMS: Thank you for your letter of September 20 concerning the Peace Through Strength Resolution.

From the outset, this Administration established as a national priority the correction of important shortcomings in our defense posture. As the President's very difficult budget decisions reflect, we are committed to strengthening our defenses. This Administration will never accept an inferior position, recognizing that our national security and that of our Allies is at stake. A strengthened defense posture is essential to the successful conduct of our foreign policy,and is thus a critical ingredient in maintaining peace and stability in today's troubled world. It is also essential to the achievement of the balanced, verifiable and effective arms control agreements the President has proposed—agreements which would substantially reduce strategic and intermediate-range nuclear forces, and conventional forces in Europe to equal levels on both sides.

Passage of the Peace Through Strength Resolution would provide a strong measure of support for our military programs, and our arms control objectives, which are so important to the cause of peace.

With cordial regards,

Sincerely,

POWELL A. MOORE,
Assistant Secretary for
Congressional Relations.

[From the Washington Report, October 1982]

THE NEED FOR A NATIONAL STRATEGY OF PEACE THROUGH STRENGTH

(By John M. Fisher)

The most common complaint about U.S. defense and foreign policy over the past 35 postwar years has been that it is reactive and only in defense of the status quo. We have had no positive, unifying goal and thus no strategy.

On the other hand, the Soviet Union and its Communist bloc allies have the goal of a world socialist state, and they have an overall strategy for achieving it.

U.S. GOAL ESTABLISHED

President Reagan, in his speech to the British Parliament on June 8th, established the long-needed, unifying goal for the United States.

He began his talk by reviewing the failure of the Communist economic and political system everywhere in the world. He noted, for example, that 20 percent of the workforce in the USSR is engaged in agriculture; yet Soviet agriculture cannot feed the people.

He stressed that the Communist regimes in Eastern Europe, despite 30 years of control, have not yet been able to risk elections. In a memorable phrase, he declared: "Re-

gimes planted by bayonets do not take roots."

The President, pointing toward a new political order, declared that the world was at a turning point, that the tide had turned against Communism, and that a "democratic revolution is now gathering new strength." At a later point, he spoke of a "global campaign for democracy now gathering force."

He called on open and free societies to "take actions to assist the campaign for democracy."

The President made it plain that Communism cannot be overcome without effort, risk, and an organized strategy for the free world.

He said, ". . . we must not hesitate to make clear our ultimate objectives and to take concrete actions to move towards them." He added, "The objective I propose is quite simple to state: To foster the infrastructure of democracy. . . ."

Speaking for the United States, he said, "It is time that we committed ourselves as a nation—in both the public and private sectors—to assist democratic development."

In regard to the role of military power in this process, he said, "Our military strength is a prerequisite to peace, but let it be clear we maintain this strength in the hope it will never be used." In the contest between democracy and Communist totalitarianism, the "ultimate determinant," he said, will not be bombs and rockets but wills and ideas. He described the struggle as "a trial of spiritual resolve," and at stake were "the values we hold, the beliefs we cherish, the ideals to which we are dedicated."

President Reagan has long endorsed the adoption of a national strategy of peace through strength.

A NATIONAL STRATEGY OF PEACE THROUGH STRENGTH

There are eight basic principles inherent in a national strategy of peace through strength. These principles will serve to clarify the direction of the strategy and the basis of some of its details, and they will serve as a yardstick to evaluate competing programs and initiatives. Unless the United States speedily adopts such a strategy to coordinate its national security efforts, it is doomed to ineffectual policies, uncoordinated responses to Soviet aggression, and ultimately, a great growth in the power and influence of the Soviet Union.

These eight principles are:

1. Inspire, focus, and unite the national determination to achieve peace and freedom.

Public support is necessary if the United States is to implement a national strategy of peace through strength. It is a democracy, and no major policy can long be followed in the face of strong popular opposition.

But, adopting a national strategy that will influence the entire range of U.S. defense and foreign policy, including issues of such public concern as trade and military acquisition, will require far more than simple public acceptance. It must be vigorously promoted and explained.

As far as possible, all U.S. initiatives should be justified publicly in terms of their relation to the national strategy. This implies that not only will the U.S. government have to involve the isolated and compartmentalized foreign policy community with the public, but also that the entire basis for the current system of classifying government secrets will have to be reworked to share with the public more facts about the Soviet threat.

The advantages of informing the public will be enormous. Public support for U.S. defense and foreign policy has often weakened, because the people simply did not understand the realities it was based on. This lack of understanding not only has given rise to opposition to a particular policy, but also has weakened public support of defense and foreign policy as a whole.

The need to justify defense and foreign policy initiatives to the public in terms of how they further the national interest would also improve policymaking.

In short, by forcing the defense and foreign policy community to clearly identify and express U.S. national priorities and goals, a national strategy of peace through strength would not only rally the American people behind the government, but would also prove a powerful incentive to improve the quality and coherence of national policy initiatives.

2. Achieve overall military and technological superiority over the Soviet Union.

A "global campaign for democracy" must be based on the principles of strategy which utilize all elements of national strength—political, military, and economic—in achieving national goals.

Democracy does not need military power to win the fight for the minds of men. Democracy needs nothing more than energetic advocates and a world political environment in which it can demonstrate its superiority.

The key to a peace through strength strategy is to achieve our goals without armed conflict. To do this, we must deter the Soviets from starting a war.

History shows that only superior war fighting capability can deter an aggressor. Forces that cannot win cannot deter.

The United States can have a superior war fighting capability without the cost of across-the-board numerical superiority if it exploits advanced technology such as the cruise missile and space based laser.

In a recent speech at the Army War College, Secretary of Defense Weinberger summarized the need for strengthening United States military power. He said ". . . in dealing with the Soviets, peace must be purchased with strength."

3. Create a strategic defense and a civil defense which would protect U.S. citizens against nuclear war at least as well as the Soviets defend their citizens.

Since the early 1960's, the United States has structured its military forces and designed its strategies in keeping with a concept called Mutual Assured Destruction (MAD).

According to the MAD principle, the U.S. and the Soviet Union will be equally deterred, and therefore secure, if the population and industrial centers of both nations are defenseless and can be easily destroyed by either in a nuclear first strike or a retaliation. According to MAD, the absence of defensive weapons enhances deterrence.

As a matter of policy, therefore, the United States has scrapped nearly all its defenses. We have no defenses against Soviet ballistic missiles and only a few aged fighter interceptors to defend against Soviet bombers.

This MAD concept was never accepted in the Soviet Union.

The Soviets have built a modern, nationwide anti-aircraft defense system with a small Ballistic Missile Defense force around Moscow, backed by the missile defense capabilities of some of its anti-aircraft missiles (SAMs).

Over and above these active defenses, the Soviets have a very large civil defense or passive defense system. The Soviets have spent billions of dollars to build blast and fallout shelters for political and industrial leaders and key workers in and around major Soviet cities. And, they have detailed plans for the evacuation of cities in the event of a nuclear war.

It is intolerable that the Soviet government should conscientiously provide for the survival of its people while the U.S. government makes no effort at all to defend its people.

Using advanced technology, the United States can and must defend its citizens against the horror of nuclear war. For example, the Government Accounting Office has strongly advocated a satellite-based laser defense.

4. Accept no arms control agreement which in any way jeopardizes the security of the United States and its allies, or which locks the United States into a position of military inferiority.

In few areas has the lack of a national strategy had more disastrous results than in arms control. Beginning with the SALT I treaty of 1972, the United States has entered into numerous agreements with the Soviet Union that are unbalanced, self-ensnaring, unverifiable, or not enforceable. Because there is no overall standard by which treaties can be evaluated in the context of a total strategy, political leaders have found it easier to heed those advisors who counsel accommodation, appeasement, and unilateral disarmament.

But arms control is important—too important to be negotiated without reference to a clear overall strategy.

For example, it makes no strategic sense to bargain away the right (and responsibility) of the United States to defend its citizens from Soviet nuclear missiles.

Arms control can only be one of many means to reach the goal of establishing peace and freedom. It is not a goal in itself. Arms control on its own cannot create stability, but it can help to maintain stability already established, while reducing the probability of war occurring, the costs of maintaining deterrence, and the levels of damage should deterrence fail.

5. Reestablish effective security and intelligence capabilities.

Good intelligence is central to any nation's security, yet over the past ten years ferocious and disabling assaults have been made on the capabilities of the U.S. intelligence services to carry out clandestine data collection, engage in covert operations, or coordinate counter intelligence.

A national strategy of peace through strength requires the most accurate information possible, not merely for foreknowledge to forestall moves by the Soviet Union and other adversaries, but also to defend against terrorism and other internal security threats.

The United States should therefore rebuild its intelligence and internal security capabilities.

6. Pursue positive, nonmilitary means to roll back the growth of Communism.

In his notable speech to the British Parliament on June 8th, President Reagan offered "a plan and a hope for the long term." He called for ". . . the march of freedom and democracy which will leave Marxism-Leninism on the ash heap of history, as it has left other tyrannies which stifle the freedom and muzzle the self-expression of the people."

In the closing paragraph the President said: "Let us now begin a major effort to

secure the best—a crusade for freedom that will engage the faith and fortitude of the next generation. For the sake of peace and justice, let us move toward a world in which all people are at last free to determine their own destiny."

It is the positive note which is so vital in that statement. A successful strategy cannot be static. Our society, values, and way of life have been targeted for extinction by the forces of Soviet Communism, and cannot be preserved merely by attempting to maintain the status quo.

Under our value system, military force can only be used to defend the status quo when it is militarily threatened.

Communism is an ideology that has achieved its greatest successes by playing on mankind's best aspirations. It must be fought—and ultimately defeated—by having its abuses and brutal nature exposed, and by being countered by better and more honest ideas. In the end its own victims will eliminate it, a day which will come more quickly if American strength is available to blunt or prevent Soviet employment of naked force.

Once again, a focusing of the national will is a crucial precondition to forging effective policies in this area. The United States cannot convince a skeptical world of its good intentions and probability of survival if its own people are not united behind a goal and a strategy to achieve that goal.

Nor is it possible for the United States to lower its voice about the dangers posed by the Soviet system without losing much ground. In the past, U.S. policies, whether containment or detente, were based upon the hope that the Soviet Union would eventually moderate its ideology as it experienced American good will. Instead, the Soviet Union has grown more assertive and more imperialistic as its military strength and aggressive momentum have increased.

A key tool available to the United States in rolling back this Soviet momentum is communications. Chief among them are the radios—Voice of America and Radio Liberty/Radio Free Europe—and satellite television, which can reach into areas barred to other forms of American influence.

Other forms of communications should not be overlooked, including overseas libraries, language and cultural instruction in American schools, exchanges, art, and entertainment.

To date our communications have been among the most effective means of spreading the Western values of freedom and democracy, even with the minimal official encouragement they have received. This should be greatly expanded and focused.

A second means of rolling back the influence of Communism is to describe the shambles its "scientifically planned" economy makes of the lives of its citizens. Merely the existence of well-made Western merchandise is a destabilizing influence in Communist systems, which are forced to explain away their own shoddy products. Of more importance is the disruption "centralized planning" causes in the Soviet Union, where meat is rationed; or Poland, where food is rationed; or Cuba, where everything is rationed.

The greatest weakness of all in the Communist system should be exploited—its total denial of freedom to its citizens. Walls have to be built to contain people within the Soviet system. This fact should be more than enough to totally alienate all nations of the world except for those that have adopted their own form of repression.

But our lack of a strategy and our inability to explain our motive for foreign policy initiatives have in many cases opened the United States to charges of hypocrisy. Few nations are willing to believe the lack of coordination in U.S. policy is due to ineptness.

In short, the national strategy of peace through strength is built upon the understanding that military force is simply not appropriate for actions beyond deterring attack or containing aggression. The offensive role in a U.S. national strategy must be carried out by non-military means which will take many years to bear fruit.

7. Help our allies and other non-Communist countries defend themselves against Communist aggression.

The emphasis on consensus and coordination that a national strategy of peace through strength places on the formulation of American foreign policy also holds true in relations with our allies. The struggle with the Soviet Union is by no means bilateral—every nation not already in the Soviet orbit is ultimately threatened by its expansionism. Therefore it is clearly in the U.S. national interest to provide appropriate assistance to other nations whose independence or security is threatened.

By strengthening alliances and supplying aid to other nations sharing the U.S. strategic predicament, the national strategy of peace through strength not only addresses problems of U.S. security, but also demonstrates that the United States is a faithful partner whose political system deserves emulation.

8. Maintain a strong economy and protect our overseas sources of energy and other vital raw materials.

A key element of the Soviet Union's strategy is to gain control over overseas sources of raw materials and the routes for transporting them to the industrialized heartland of the West.

Yet, in few areas is the division between the United States and its allies so acrimoniously displayed as that of economic policy.

It is difficult for some Western leaders to understand why the establishment of Soviet political control over a region should be of concern, for this seldom results in access to markets being cut off. For example, Angola sells most of its oil to the United States, and Cuba its agricultural products to Europe.

It is an important premise of the national strategy of peace through strength that these differences must be resolved by explaining and publicizing the long-term consequences of a failure to secure access to vital sources of raw material. Unless this is done, the short-term self-interest of the corporations and governments concerned will continue to undermine the enormous leverage and power which could be applied by the economic system of the West.

The most effective area of competition with the Soviet Union should be in the economic field.

However, the United States and Western Europe have helped the Soviet Bloc avoid the impact of its own inefficiency by extending massive credits and loans.

The best way to accelerate the process of Communist decline, as described by President Reagan, is to let the Soviet system fall of its own weight by sharply reducing this subsidization.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. HELMS. I am delighted to yield to my friend from Texas.

Mr. TOWER. Mr. President, as the Senator from North Carolina knows, I am a very strong supporter not only of the resolution but also of the whole concept, which I have been talking about for the 22 years I have been in the Senate. It is not an original idea, but one that many of us felt at the time should be expressed in a more or less official way.

So the amendment of the Senator from North Carolina, right now, is very timely. I suggest that it should be treated as a freestanding resolution, and I would be willing to give the Senator from North Carolina assurance that if it were introduced in the Senate, we could give it speedy consideration in the Armed Services Committee, with an eye to reporting it in a reasonable time.

Mr. President, I misspoke myself. It has been submitted and is currently referred to our committee, so it is there. We will hasten the process.

Mr. HELMS. Mr. President, that was the point I wanted to make.

I say to my friend from Texas that I would prefer that this be considered as a freestanding piece of legislation. The assurance he has given me of an early markup on the measure is very encouraging.

How many members are on the Armed Services Committee? Eighteen, I believe.

Mr. TOWER. The Armed Services Committee has 18 members.

Mr. HELMS. Ten members of the Armed Services Committee are cosponsors of this amendment.

I say to the able manager of the bill that I in no way wish to complicate or frustrate the earliest possible resolution of the pending authorization bill. Therefore, with the assurance he has given me, I not only willingly but also gratefully accept his offer, and I thank him.

With the assurance of the Senator from Texas, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that the pending business, the amendment of the Senator from Texas and the perfecting amendment thereto, be temporarily laid aside to consider an amendment by the Senator from Michigan (Mr. LEVIN). On the disposition of that amendment, the Senate return to the consideration of the amendment of the Senator from Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

AMENDMENT NO. 2082

(Purpose: To direct the Secretary of Defense to issue regulations relating to the purchase of spare parts and replacement equipment when the cost of such parts and replacement equipment has increased above a certain percentage threshold established by the Secretary)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN) proposes an amendment numbered 2082.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At an appropriate part of the bill, add the following general provision:

REGULATIONS RELATING TO INCREASES IN PRICES FOR SPARE PARTS AND REPLACEMENT EQUIPMENT

SEC. . (a) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue regulations which—

(1) prohibit the purchase of any spare part or replacement equipment, except as provided in clause (2), when the price of such part or equipment, since a time in the past specified by the Secretary (in terms of days or months) or since the most recent purchase of such part or equipment by the Department of Defense, has increased in price by a percentage in excess of a percentage threshold specified by the Secretary in such regulations, and

(2) permit the purchase of such spare part or equipment notwithstanding the prohibition contained in clause (1) if the contracting office for such part or equipment certifies in writing to the head of the procuring agency before the purchase is made that (A) such officer has evaluated the price of such part or equipment and concluded that the increase in the price such part or equipment is fair and reasonable, or (B) the national security interests of the United States requires that such part or equipment be purchased despite the increase in price thereof.

(b) The Secretary shall publish the regulations issued under this section in the Federal Register for the purpose of eliciting public comment for 30 days prior to their implementation.

(c) Thirty days prior to the publication requirements in paragraph (b) of this section, the Secretary shall submit to the House and Senate Committees on Armed Services the text of the proposed regulations.

Mr. LEVIN. Mr. President, I offer this amendment on behalf of Senator COHEN and myself. This amendment directs the Secretary of Defense to limit the cost growth in the purchase of spare parts by establishing a higher standard of personal accountability for each and every contracting officer responsible for accepting or rejecting price increases proposed by defense contractors.

The Defense Department's own Inspector General, in a very recent draft report, has outlined that the Defense Department is paying millions of dollars, probably hundreds of millions of dollars, too much for spare parts. This draft Inspector General's report not only lays out how such problems occur but also details prices paid for specific items and the growth in those prices from 1980 through 1982.

The findings of the Inspector General should absolutely amaze and, I would hope, discourage everybody who cares about defense or the deficit, because the prices of nearly 30 percent of the 15,000 spare parts that were examined by the auditors increased 500 percent or more in the 3-year period from 1980 through 1982. Just think, 30 percent of the 15,000 spare part purchases which were examined by the auditors found increases of 500 percent or more in the 3-year period from 1980 to 1982.

During that same period, the Consumer Price Index increased by 27 percent. That means that spare parts prices rose nearly 20 times the rate of inflation during those 3 years.

Mr. President, in a press conference on Monday, Secretary Weinberger stated that one culprit is increased "clericalization."

He asserted that "everybody does whatever papers have to be filled out to get the parts and nobody has paid too much attention, or nearly enough attention to price or additional sources of supply." Well, the situation, which has been acknowledged by Secretary Weinberger has got to be stopped. The amendment I offer today would be the first concrete step to doing this. It would inject personal accountability into spare parts procurement, as urged by the the Inspector General's draft report. This amendment, and the regulations it mandates, would force every contracting officer described by Secretary Weinberger to pay personal attention to the number of taxpayer dollars they are spending. The Inspector General stated the Department of Defense should "reestablish cost as a primary concern of procurement activities by requiring the contracting officer to certify that the price of an item is fair and reasonable whenever the price increases by 25 percent or more in a 12-month period."

Mr. President, this serious problem threatens the integrity of the budget process and betrays the trust placed in both the Congress and the Department of Defense to procure wisely, soundly, and efficiently. As many have long suspected, and as the Inspector General's report concludes, some of our procurement methods have "provided contractors with a 'blank check' and no incentive to cut costs."

Mr. President, this amendment requires the Secretary to heed the advice of his own Inspector General under this amendment, the Secretary of Defense must draft regulations, to be implemented within 120 days after passage of this bill, setting a maximum allowable price growth for such spare parts. Before this maximum allowable figure could be breeched, the contracting officer would be required to certify that the increase is fair and reasonable. Within 60 days after enactment of this act, these regulations would have to be submitted to the Committees on Armed Services, and 30 days prior to implementation they would have to be published in the Federal Register for public notice and comment. This would reinforce the personal accountability being established by insuring Congress and the public have an adequate opportunity these regulations to determine their completeness and comprehensiveness. Mr. President, this amendment would provide an important first step to resolving this problem.

I think all of our colleagues agree that we must address this problem immediately. That is what this amendment seeks to do today by establishing personal responsibility and accountability for these outrageous payments for spare parts for the military.

Mr. President, we are asking the American taxpayer to pay $200 billion for defense in this bill. The least we can do is to insist that our contracting officers pay attention to how that money is spent. This amendment does just that.

I hope and I do expect that this amendment is going to be acceptable to the floor managers of the bill.

Mr. TOWER. Mr. President, I think the amendment that the Senator has offered is a good amendment. I am prepared to accept it.

However, there was a statement the Senator from Michigan made that I wonder if he would clarify. He said something about a certain percentage of all parts being bought increased 500 percent. Could he repeat that portion of his statement?

Mr. LEVIN. Mr. President, what I said was, and my understanding is, that the Inspector General examined purchases of spare parts as part of that draft report. My statement was that the prices of nearly 30 percent of the 15,000 spare parts purchased which were examined by the auditors increased 500 percent or more in the 3-year period to 1982, or at least that is what I intended to say and I hope I did say that.

Mr. TOWER. Mr. President, I am informed by DOD that there was a miscalculation on that; that the percentage was actually lower. I do not have the figure now, but I will supply that for the RECORD.

Mr. LEVIN. I would appreciate the opportunity to correct that, if that is wrong either in my statement; or if it is in the IG's statement incorrectly, I am sure the IG will want to correct it.

Mr. TOWER. If there is a correction, we will submit it for the RECORD.

I am prepared to accept the amendment. I defer to my distinguished friend from Washington (Senator JACKSON).

Mr. President, I ask unanimous consent that the Senator from Iowa (Mr. JEPSEN) be added as a cosponsor to the Levin-Cohen amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The names of Mr. HUMPHREY and Mr. DENTON were also added as cosponsors.)

Mr. TOWER. Mr. President, I am not authorized to speak for the distinguished ranking minority member, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I commend the Senator from Michigan for offering this amendment. It is one of the most troublesome problems we face right now, as indicated by the various press stories.

I certainly will support the amendment.

Mr. LEVIN. Mr. President, I thank my friends from Texas and Washington, and I also thank the Chair for his support.

The PRESIDING OFFICER. Is there further discussion?

If not, the question is on agreeing to the amendment of the Senator from Michigan (Mr. LEVIN).

The amendment (No. 2082) was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I ask unanimous consent that the pending amendment of the Senator from Texas, with the amendment thereto of the Senator from Virginia, be temporarily set aside to consider a technical amendment that I will offer on behalf of Senator QUAYLE—it is a noncontroversial amendment—and that on the disposition of that amendment the Senate return to the consideration of the amendment of the Senator from Texas.

The PRESIDING OFFICER. Is there objection?

Mr. HART. Mr. President, reserving the right to object, could the Senator from Texas state more clearly the nature of the amendment?

Mr. TOWER. Mr. President, it is really correcting a RECORD mistake on a Maybank amendment. It does not change any substance.

Mr. HART. I thank the Senator.

AMENDMENT NO. 2083

(Purpose: To expand and make more complete the reports required on the implementation and results of the test program to authorize a price differential to relieve economic dislocations, provided by section 1109 of the Department of Defense Authorization Act of 1983)

Mr. TOWER. Mr. President, this is an amendment I am offering on behalf of the Senator from Indiana (Senator QUAYLE).

The amendment simply expands and clarifies the information which must be included in a report from the Secretary of Defense. The report relates to the test program that allows limited price differentials to be paid to relieve economic dislocations on any contract entered into by the Defense Logistics Agency, except contracts for fuel.

Mr. President, I understand this amendment has been cleared by the distinguished Senator from Washington (Mr. JACKSON), and I yield to him.

The PRESIDING OFFICER. The clerk will report.

The acting legislative clerk read as follows:

The Senator from Texas (Mr. TOWER), for Mr. QUAYLE, Mr. MOYNIHAN, and Mr. PRYOR, proposes an amendment numbered 2083.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 134 strike out lines 5 and 6 and insert in lieu thereof the following:

"(2) by striking out the second sentence and inserting in lieu thereof the following: 'The reports shall include an assessment of the costs and benefits of the test program and shall also contain—

'(A) statistics and other information on all contracts that were awarded in each State during the previous fiscal year on which a price differential was paid to a firm located in a Labor Surplus Area and that were awarded during the previous fiscal year on the basis of competitive bidding to firms in Labor Surplus Areas (including the amount of any price differential paid and the estimated employment impact);

'(B) information, to the extent available, on amounts saved or additional amounts expended in the previous fiscal year under the unemployment compensation programs, the medicaid program (under title XIX of the Social Security Act), the food stamp program (under the Food Stamp Act of 1977), and other Federal assistance programs based on need, as a result of the operation of the program provided for in this section;

'(C) information on the extent to which the number of firms, from both in and outside Labor Surplus Areas, bidding on Defense Logistics Agency contracts in any fiscal year increased or decreased over the previous fiscal year;

'(D) information on the extent to which the program provided for in this section has increased or decreased the competitiveness in Defense Logistics Agency procurement operations, including information on any dollar savings resulting from any increased competitiveness or any additional dollar expenditures as a result of decreased competitiveness and

'(E) information on the extent to which the Department of Defense is promoting the program provided for in this section through mailings, seminars, outreach efforts, or media advertising.' ".

Mr. JACKSON. Mr. President, I support the amendment. As I understand it, it is a basic reporting requirement, which makes sense. Therefore, I ask that it be adopted.

Mr. TOWER. Mr. President, I ask unanimous consent that Senator MOYNIHAN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment.

The amendment (No. 2083) was agreed to.

Mr. PRYOR. Mr. President, I ask unanimous consent that I be added as an original cosponsor of the amendment by the Senator from Michigan (Mr. LEVIN), just agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, we are now back to the pending business. Let me say that there is an amendment now to be offered by the Senator from Maine (Mr. COHEN) and an amendment to be offered by the Senator from Montana (Mr. MELCHER). We know of no other amendments to be offered.

The amendment of the Senator from Maine is a noncontroversial amendment that I think will be accepted by both sides.

The amendment of the Senator from Montana (Mr. MELCHER) is a controversial amendment relative to pay and we expect there will be a rollcall vote on that amendment.

I now ask unanimous consent that the pending amendment be temporarily laid aside in order that the Senate might proceed to the amendment to be offered by the Senator from Maine and an amendment to be offered by the Senator from Montana.

Following the disposition of those two amendments, the Senate will return to the consideration of the pending business.

Mr. HART. Mr. President, will the Senator clarify one thing? He said that he anticipates a vote on the amendments?

Mr. TOWER. Only on one, only on the amendment to be offered by the Senator from Montana which regards pay and which I think is somewhat

similar to the one he offered the other night.

Senators should be on notice that there will be another record vote tonight.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Maine.

AMENDMENT NO. 2084

(Purpose: To permit the Navy to provide routine port services at no cost to naval vessels of an allied country if such country provides such services at no cost to U.S. naval vessels)

Mr. COHEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maine (Mr. COHEN), for himself and Mr. NUNN, proposes an amendment numbered 2084.

Mr. COHEN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of part L of title I add the following new section:

AUTHORITY TO PROVIDE ROUTINE PORT SERVICES TO NAVAL VESSELS OF ALLIED COUNTRIES AT NO COST

SEC. . Section 7227 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c)(1) The Navy may furnish routine port services to naval vessels of any allied country at no cost to such country if, by agreement, such services are provided to visiting naval vessels of the United States by such allied country at no cost to the United States.

"(2) Payment for such services furnished by the United States shall be paid for out of working-capital funds established under section 2208 of title 10, United States Code. Working-capital funds established under such section shall be reimbursed out of any operating funds available to the Navy for any payments made therefrom under this subsection.

"(3) In this subsection:

"(A) 'Allied country' means any of the following:

"(i) A country that is a member of the North Atlantic Treaty Organization.

"(ii) Australia or New Zealand.

"(iii) Any other country designated as an allied country for the purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State.

Mr. COHEN. Mr. President, I am offering this amendment on behalf of myself and Senator NUNN to the Department of Defense authorization bill. The amendment is quite simple in its provisions and fairly significant in its consequences with respect to our relationship with our allies.

The amendment would amend section 7227 of title 10, United States Code, to provide for the furnishing of routine port services at no cost to naval vessels of an allied country when by agreement that country provides these services at no cost to U.S. naval vessels.

Within the North Atlantic Treaty Organization, certain standardization agreements have been negotiated which specify that certain services are to be provided at no cost at naval ports to NATO operating units. Currently, the United States is the only signatory—and there are 15 others—with a reservation that routine port services shall be subject to reimbursement when they are furnished by U.S. Navy activities operated under the Navy Industries Fund.

Not only has the United States come under criticism for this obvious inequality, the current situation is clearly not in the U.S. interest.

The United States participates in a number of NATO multinational naval forces which operate primarily in European waters. The number of visits by these forces to foreign posts is substantially higher than to U.S. posts. Accordingly, the provision of free port services on a reciprocal basis would save money for the U.S. Government. The Navy estimates that the NATO forces in which the United States participates visits only four U.S. ports at a cost of $48,000 to the U.S. Government. On the other hand, the United States would receive in return approximately 24 free port visits from various other participating countries at a total value of $96,000. Thus, through enactment of this amendment we would be saving the U.S. Government a minimum of $48,000 annually.

Mr. President, I should note that these cost saving figures which are based on U.S. participation in three NATO multinational naval forces are probably conservative. The U.S. Navy is forward deployed in the Atlantic, Pacific, and Indian Oceans; the navies of our allies, on the other hand, tend not be be so forward deployed. For instance, U.S. naval vessels made 2,331 port visits in 110 countries in 1982. Thus, the cost savings associated with this amendment could be even more substantial than $48,000.

Mr. President, I believe that the case for this amendment is clear, and I would hope that it would be acted on favorably by the Senate.

Mr. JACKSON. Mr. President, I commend the Senator from Maine and the Senator from Georgia for offering this amendment. I think it is something that is long past due. Our NATO allies have been providing facility support and it has been on a nonreciprocal basis. They have gone out of their way to provide that support.

As I understand the amendment, it simply stipulates that there will be a reciprocal basis from here on out in which they will be treated as equal partners.

Mr. COHEN. That is correct.

Mr. TOWER. Mr. President, I am prepared to accept the amendment of the Senator from Maine.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2084) was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JACKSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, the Senator from Montana has decided not to offer his amendment tonight but will offer it tomorrow. So it appears that regardless of whatever consent agreement might be arrived at, there will be a rollcall vote tomorrow.

Mr. BAKER. Mr. President, will the Senator from Texas yield to me?

Mr. TOWER. I yield.

Mr. BAKER. Mr. President, could I inquire of the two managers if they know of any other rollcall votes that will occur this evening?

Mr. JACKSON. I know of no other amendment.

Mr. TOWER. Mr. President, I think a lot of Senators are anticipating there may be an agreement tomorrow that could vitiate the cloture motion who might be under the thought that there will not be a record vote. But if the Senator from Montana offers his amendment, there will be a record vote.

Mr. BYRD. Will the distinguished Senator yield?

Mr. TOWER. I yield.

Mr. BYRD. I hope the Senator will retract that statement because——

Mr. TOWER. Let me say there is likely to be one.

Mr. BYRD. I have had quite a long chat with the Senator from Montana. I think I know what he wants. We will meet with the majority leader, hopefully, a little later tonight and I will outline it to him. It would not be in accord with what the distinguished Senator has said.

Mr. TOWER. I would hope so. I was just going on the basis of what the Senator from Montana suggested, that it was controversial.

Mr. BAKER. Mr. President, based on the responses of the two managers, and my earlier conversation with the minority leader, I will now announce there will be no more record votes tonight.

Mr. President, I hope if there are other matters that can be dealt with without a rollcall vote, they can be dealt with now.

I gather from the silence of the two managers that there are not.

Mr. TOWER. I know of no other amendments. The Senator from Washington has informed me that he knows of no other amendments. I believe this disposes of everything except the MX amendments.

Mr. BENTSEN. Mr. President, I join my colleague from South Dakota, Mr. ABDNOR, and 18 others in cosponsoring this amendment to increase the authorized level of impact aid funding from $455 million to $600 million for fiscal years 1984 and 1985.

As one who is deeply concerned about the unprecedented budget deficit we are facing, I did not come to this decision lightly. Beginning in 1982, aid to federally impacted school districts declined by 38 percent from its 1981 level, largely as a result of the budget reductions enacted in the Omnibus Reconciliation Act of 1981 (Public Law 97-35). In my own State of Texas, that has meant a drop in Federal assistance of more than $11 million. At a time when local school administrators continue to struggle to make available resources stretch to cover ever increasing costs; when the President's Commission on Excellence in Education has told us that school districts across this Nation are unable to recruit and retain qualified instructors in several major subject areas because teachers' pay is abysmally low; and when leading officials and scholars tell us that the Federal Government must bear a share of the responsibility for educating our children, I find it unconscionable to deny school districts the full amount of impact aid to which they are entitled. Mr. President, let me share with my colleagues some information about three school districts in Texas that have been struggling to adjust to the cuts in Federal education programs.

Fort Sam Houston, Randolph Field, and Lackland Independent School Districts serve 3,586 students, children of the 2,914 military families living in base housing. In the aggregate, the districts' annual budgets total slightly more than $8 million, 50 percent of which is impact aid. As many of you know, in 1983 appropriations for the program have been sufficient to fund Impact Aid recipients at only 72 percent of full entitlement. While funding of a percentage of entitlement has been a hardship for many, access to alternative revenues from the State or local community is possible in many circumstances. The three districts I mention, however, are coterminous with the military bases they serve and therefore have no taxable property. As impact aid funding has been cut, the schools in these districts have been unable to offset the loss of more than $1.4 million—nearly 15 percent of their budgets. In real terms this loss has resulted in the termination of nine teacher contracts, including instructors in mathematics and science, foreign language, and remedial reading. It has required substantial cuts in maintenance and support staff, and has forced the elimination of programs for the gifted. A 1961 school bus driven more than 300,000 miles cannot be replaced, and in one school, masking tape is being used to repair badly splintered desks so that the children will not tear their clothing or scratch their legs. Most importantly, each of these districts is now facing possible loss of accreditation by the State.

While some might assume these districts will be able to recover their Federal funding losses with increases in States assistance, the Texas Education Agency already provides the full allocation to which the districts are entitled under the formula governing distribution of support to schools throughout the State.

As we consider this amendment, Mr. President, I think it important to note that what we are proposing is not full restitution of impact aid to the 1981 level of $707 million.

Passage of the pending amendment will establish an authorized level of $600 million—a full 15-percent cut below 1981. The $145 million that we are seeking to restore, however, will insure that the Federal Government meets its obligations to districts responsible for educating disproportionately large numbers of the children of American military personnel.

If we in the Congress are unwilling to continue to make such a commitment on behalf of federally connected children, how can we expect local school districts to take the initiative and stem that "rising tide of mediocrity" so vividly described in the report issued by the President's Commission on Excellence in Education?

Mr. BINGAMAN. Mr. President, this bill includes a provision which will permit the Secretary of Defense to protect certain kinds of unclassified technical data in possession of or under the control of the Department of Defense. I am concerned that it be clear that this provision is not intended to be restrictive of normal scientific communication. Such communication plays a key role in the strength of our scientific enterprise and, hence, in our national security. Lack of such communication in the Soviet Union has luckily hampered Soviet innovation. Therefore, I want to pose a few questions to clarify further my understanding of the meaning and intent of section 1024 of S. 675, which would add a new section 140c to title 10 of the United States Code.

First, am I correct in understanding that the only technical data which may be withheld under new section 140c are technical data with military or space application in the possession of or under the control of the Department of Defense which may not be exported lawfully outside the United States without an approval, authorization, or license under either the Export Administration Act or the Arms Export Control Act, except such data that are exportable pursuant to a general, unrestricted license or exemption? Is it true that secretarial regulations, policies, or other guidelines implementing this provision must adhere to those limits?

Mr. THURMOND. You are correct.

Mr. BINGAMAN. Second, am I correct in understanding that the categories of technical data which may not be withheld under new section 140c include data which are authorized to be exported pursuant to a general, unrestricted license or a general, unrestricted exemption in the pertinent regulations? This would include not only the category of data generally available to the public, as the Senate report specifically notes, but also the categories of scientific and educational data and patent applications described in the current regulations; these categories are specifically included under the general license GTDA established by the Commerce Department's present International Trade Administration regulations (see 15 CFR § 379.3). Is that not the case?

Mr. THURMOND. You are correct. Moreover, the new provision does not sanction or endorse the restriction of the flow of scientific information from or within the scientific community or society in general. The committee report on page 262 contains a printing error that may confuse the reader's interpretation to think such a restriction is sanctioned.

Mr. JACKSON. I want to join the distinguished Senator from South Carolina in agreeing with the responses he has given to the clarifying questions of the distinguished Senator from New Mexico.

Mr. BINGAMAN. I thank the honorable gentlemen from South Carolina and Washington for their clarifying remarks.

BINARY CHEMICAL WEAPONS

Mr. BOSCHWITZ. Mr. President, I have intended to offer an amendment to the Department of Defense authorization legislation now before the Senate that would define the scope of the chemical weapons modernization program funded in the bill.

However, it may well be that my purpose can be just as well served if I receive adequate assurance from the distinguished floor manager of the bill about his intentions with respect to my proposal.

First, Mr. President, let me describe what my amendment involves.

The DOD authorization bill contains funding which provides limited authority to begin the modernization of our retaliatory chemical arsenal by re-

placing our current stock of chemical weapons with binary munitions. Specifically, the planned modernization calls for production of 155-millimeter artillery shells and, presuming its present technical problems are worked out, of the so-called Big Eye aerial bomb.

Mr. President, I will not repeat the arguments already made by proponents of this modernization about the deficiencies in our chemical stockpile which make the modernization necessary. My concern is not with the modernization per se, but with its scope.

Many chemical weapons experts argue that the size of the present U.S. chemical retaliatory capability is sufficient for our expected military requirements. I think this is true, which is why I am interested in an amendment to clarify the scope of the administration's offensive chemical weapons program.

There is a good deal of uncertainty as the whether the replacement of our present stock of unitary munitions with binaries is an actual augmentation of or simply a replacement for our existing chemical retaliatory systems. Administration officials have been somewhat vague on the point. Therefore, I think it is up to the Senate to define just how far we want the administration's chemical program to go.

My amendment is almost identical to that which passed the Senate 92 to 0 during debate on the fiscal year 1983 DOD authorization bill. As now written, S. 675 provides that production of chemical munitions may begin only after September 30, 1985, and thereafter only once the President certifies that such production is essential to the national security. My amendment would add another certification requirement. It would require the President also to certify that for every 155-millimeter binary chemical artillery shell produced by the United States, one serviceable unitary artillery shell shall be rendered militarily useless. In addition, no new chemical weapons may be produced which exceed U.S. Force requirements.

Mr. President, it makes sense for the 1-to-1 replacement to apply to unitary artillery shells because the most usable elements of our present stockpile are the 155-millimeter and 8-inch unitary artillery shells. Under my amendment, one of these, therefore, would have to be dismantled for each new 155-millimeter shell added.

What is the appeal of this proposal, Mr. President?

Although I think a case can be made that these new binary chemical weapons offer some advantages (in handling and storing, for example), it is not clear to me that we actually need to increase the size of our chemical stockpile. A modernization of it is necessary—an augmentation is not. We in the Senate, often get the sense that we are dealing with programs in many areas, including defense, which are out of control. My amendment would place a specific limit on this program and give us all a clear idea of what the scope of our chemical modernization really is.

As I noted, my amendment is virtually identical to the compromise worked out on the issue of retaliatory chemical weapons during the Senate's consideration of last year's defense bill. Proponents of the Reagan administration's planned modernization of our chemical stockpile have no reason to object to my amendment because it does not halt modernization.

On the other hand, opponents of modernization should view the amendment as a way of placing a limit on our chemical modernization programs. In short, Mr. President, I think the amendment is a good deal for both sides of the chemical weapons debate.

It is on this basis that I intended to offer the amendment, Mr. President. I would now like to hear from the Senator from Texas about the amendment. I would yield to him at this time.

Mr. TOWER. Mr. President, I first want to commend the Senator from Minnesota on his amendment. I think it is a very useful contribution to the debate on chemcial weapons. It is indeed important for everyone who is concerned about the resumption of chemical weapons production by the United States to know that our intention is to replace our current stock of offensive chemical weapons with new ones.

The Senator from Minnesota's proposal would make it clear that our modernization program is a replacement, not an unrestrained increase in our chemical weapons. I therefore endorse the amendment. None of us want to build chemical weapons, or any other weapons, Mr. President. We do so simply to insure that an adequate and credible deterrent is maintained sufficient to deter an attack on ourselves and our allies.

Senator BOSCHWITZ' amendment would allow us to modernize our current stock of chemical weapons in order to maintain our deterrent capability, but at the same time it would place an important limit on that modernization.

Mr. President, I am comfortable enough with this amendment that I do not think the Senator from Minnesota even needs to offer it. As the Senator knows, we will soon begin conference negotiations with the House of Representatives to resolve the differences between our respective bills.

If the Senator would withhold, I can assure him that I will work to have his proposal adopted as statutory language in the final conference agreement. Would that be acceptable to my friend from Minnesota?

Mr. BOSCHWITZ. Mr. President, I would say to the distinguished floor manager that while I would prefer to have my amendment adopted on the floor of the Senate, I will accept his assurance that he will work to have it included in statutory form as part of the conference agreement on offensive chemical weapons.

Mr. TOWER. I can certainly give the Senator that assurance. As I said, his proposal has my support.

Mr. BOSCHWITZ. I thank the Senator from Texas. Mr. President, with that assurance, I will not offer my amendment. I yield the floor.

AMENDMENT TO INCREASE AUTHORIZATION FOR IMPACT AID

● Mr. MOYNIHAN. Mr. President, I join with my distinguished colleagues in support of the amendment that increases the overall authorization for impact aid, Public Law 81-874, from $455 million to $625 million for fiscal years 1984 and 1985, and increases the section 2 authorization from $10 million to $25 million.

The impact aid programs, first enacted by Congress in 1950, provides financial assistance to school districts in "federally affected areas," defined by law to include military bases, Indian land, and Federal low-rent housing projects. Much of the property in these areas is not subject to local tax levies and, therefore, school districts must provide educational services for large numbers of students from whose families they cannot raise revenue. Public Law 81-874 has provided aid for such districts to help ease the impact of the Federal presence on local taxpayers.

However, in recent years, impact aid has been drastically reduced. In fact, between fiscal years 1980 and 1983, impact aid was reduced from $707 million to $460 million, a 35-percent cut. As for my own State of New York, more than 150 school districts received $41 million of impact aid in fiscal year 1980. There are now, in fiscal year 1983, less than 100 districts receiving $12 million, a drop of $29 million or 71 percent.

The loss of impact aid has most affected those school districts with the greatest need. For example, the Highland Falls-Fort Montgomery School District lost 60 percent of its Federal impact aid between fiscal years 1980 and 1983, and now pays more than 50 percent of the tuition costs for students in the local public high school whose parents are associated with the U.S. Military Academy at West Point. While property taxes to support the district's program have risen 155 percent in 10 years, 93 percent of the land within the district is owned by the Federal Government, and is therefore not taxable. In consequence, traditionally good relations between West

Point and the surrounding community have been strained.

Our action on the floor of the Senate will alleviate the financial burden on federally impacted public schools by providing a more sufficient authorization level for the impact aid program. It allows these schools to continue meeting the educational needs of military dependents, Native American children, and students who reside in federally subsidized housing.●

SECTION 1024: TECHNICAL DATA RELEASE EXEMPTION IN THE DEFENSE AUTHORIZATION BILL

● Mr. LEAHY. Mr. President, I want to take just a moment to call to my colleagues' attention section 1024 of the Defense authorization bill. This section would create specific statutory authority to permit the Secretary of Defense to withhold from public access certain kinds of technical data with military or space applications. This statutory authority comes under exemption 3 of the Freedom of Information Act, or FOIA as it is popularly known.

The purpose of this exemption is to prevent the exploitation of public access under FOIA by military and economic competitors of the United States to acquire advanced but unclassified U.S. technology at the American taxpayers' expense. I am familiar with the problem of technology transfers abroad as a result of my work with Senator HATCH on S. 774, a bill to amend the Freedom of Information Act.

Section 11 of S. 774 was intended to address the same problem of technology transfers. However, it does so by creating a broad new categorical exemption for any technical data that is subject to Federal export restrictions. I have previously expressed my concerns that this categorical exemption lacks the precision necessary to deal effectively with this complex and highly technical area. Senator HATCH and I have agreed that every effort should be made to achieve a more narrowly focused approach before the FOIA amendments are taken up by the Senate.

I am pleased to see that the language in section 1024 and in particular the report language reflect the efforts of the Armed Services Committee to limit the scope of the exemption and to give the proper attention to the public's right to access under FOIA's disclosure mandate as well as consideration of the need to safeguard against harmful technology transfers. I understand that the record has been further clarified with regard to certain passages from the report and the definition in section 1024 of technical data to prevent any misreading which could result in broader application of the exemption them implied by the legislative language and expressly stated in the report.

While I personally may favor even more specificity in the language describing what technical data ought not be released to the public, the additional clarifications combined with the original report permit me to agree to accept this provision. The adoption of the exemption in section 1024 will go a long way toward solving the problem of the drain on U.S. technology from abroad. More importantly, the solution here is narrowly focused on the most harmful transfers, those involving technical data which directly affect our defense and space capabilities. I cannot stress enough that when Congress acts to limit the American public's right of access to Government information, we are duty bound to craft those limitations so as to correct only the specific problem and not cast them so broadly as to sweep aside other rights unnecessarily.

While section 1024 may not eliminate the entire problem of the transfer of valuable technology, especially in the area of space technology which may reside in agencies outside the Defense Department, any further action by the Senate ought to be restricted to the context of the specific technology and not intrude into the general FOIA context.●

● Mr. KENNEDY. Mr. President, as we discuss the MX, I hope that all of my colleagues will take the time to read an article by Representative PAT SCHROEDER of Colorado, a distinguished member of the House Armed Services Committee. Her article entitled "Kill the MX," appeared in yesterday's Washington Post.

The Scowcroft Commission and the President have both argued that we need to build the MX to demonstrate our "national will," but as Representative Schroeder points out:

The MX missile program is one element of a six-part Reagan administration plan to modernize our strategic nuclear forces. Other elements include the development of a single warhead Midgetman missile, the development of a Stealth Bomber, the deployment of 3,200 air-launched cruise missiles on B-52 bombers, the building of a Trident submarine per year for the foreseeable future, and the deployment of 400 sea-launched cruise missiles. The MX missile has the lowest utility, highest cost and greatest potential for destabilizing the nuclear weapons balance of any of these systems.

Going ahead with the MX will be a show of national stupidity, not of national unity or "national will."

Representative SCHROEDER makes a comprehensive and convincing case against the MX in her article, and I ask that it be printed in the RECORD.

The article follows:

KILL THE MX

(By Patricia Schroeder)

On the first page of the report of the President's Commission on Strategic Forces (known as the Scowcroft Commission after Brent Scowcroft, its chairman) there appears a list of the members of the commission as well as the names of the senior counselors to the commission. The name of Rep. Les Aspin of Wisconsin does not appear. Perhaps it should.

Both Aspin and I serve on the House Armed Services Committee. We sit one seat apart. I watched in awe last winter as he worked the phones to muster congressional support for the Scowcroft compromise. His argument was that the package should command allegiance both from those who believe that arms control should be the primary focus of our strategic decisions and from those who believe that augmenting our arsenal to combat an unprecedented Soviet threat is the first priority. Aspin's article in The Post ["It's a Good Deal—and It's in Trouble," Topic A, July 17] reveals how bitterly disappointed he is that the compromise package unraveling.

Even with the context of nuclear game theory, the argument for the MX is weak. Only by stringing a hundred "What ifs?" together can you come up with a justification for it. Yet the cost of the system is extremely high. For the MX, or any other strategic system, we ought to ask the following questions:

Is deterrence strengthened or weakened by building this system? Does building this system increase the predictability of the arms race in the future? Does it save any resources? Does it increase or decrease the incentives for nuclear war? Will the building of this system lead toward arms control negotiations in a reasonable time period? Can this weapon system be part of an arms control package that allows for reasonable verification? The MX does not produce satisfactory answers to these questions.

Each MX missile holds 10 or 12 nuclear warheads, each of which can be targeted independently. If each warhead were accurately targeted and potent enough to break the hardened concrete and steel covering Soviet missile silos, the 100 MXs provided by the Scowcroft Commission could destroy 1,000 or 1,200 of the Soviet's 1,400 land-based missiles. For a preemptive first strike, therefore, the MX would be quite effective in eliminating the ability of the Soviet Union to retaliate.

On the other hand, the fact that up to a dozen warheads may be bunched on a single missile in a single silo makes the MX not very useful for responding to a Soviet first strike. In fact, systems with multiple independent reentry vehicles (MIRVs), such as the MX, provide increasingly irresistible targets for an enemy first strike.

The MX was designed too large to ever be mobile. Weighing 192,000 pounds and being 92 inches in diameter, the MX is a monster of a machine. One vexing technical problem now faced by the Air Force is how to transport the huge third stage from its assembly point to a silo. Alas, many highway bridges cannot support the weight. Being immobile, the MX would be the primary target for Soviet missiles. They would be unavailable for retaliation. The point is that, unless we commit ourselves to launching a first, preemptive nuclear strike, a position most Americans find repugnant, the MX is a waste of $29 billion.

The MX missile program is one element of a six-part Reagan administration plan to modernize our strategic nuclear forces. Other elements include the development of a single warhead Midgetman missile, the development of the Stealth bomber, the deployment of 3,200 air-launched cruise missiles on B52 bombers, the building of a Trident submarine a year for the foreseeable

future, and the deployment of 400 sea-launched cruise missiles. The MX missile has the lowest utility, highest cost and greatest potential for destabilizing the nuclear weapons balance of any of these systems.

Aspin describes the Scowcroft package this way: "the conservatives got the MX. . . . Liberals got promises of changes in the administration's arms control approach. . . . Liberals got a commitment from the administration to shift away from multi-warhead MIRVed missiles by beginning work on a small, single-warhead weapon." Congress can and should continue to deal with the MX factually and objectively; we should not allow ourselves to be manipulated into making the MX a right-versus-left debate.

Aspin appeals for liberal votes for the MX on two grounds. First, he reports that he gave his support for the MX in exchange for a commitment from the Reagan administration to pursue arms control diligently. Second, only if Congress goes forward with the MX, Aspin warns, will the administration go forward with the single-warhead Midgetman. It's worth scrutinizing these arguments.

We all want the START talks to succeed. Yet, we have negotiators who publicly proclaim that anything the Soviets will agree to has to be bad for the United States. It takes good will to negotiate, and that commodity seems to be in short supply in Geneva. If President Reagan were committed to arms control, he would appoint some of the outstanding individuals who served on the Scowcroft Commission to serve as our negotiators, not the right-wing ideologues now serving. The letter sent to Rep. Norman Dicks by President Reagan provided no assurance of a real change in the administration's arms control posture. The first item on the arms control agenda must be the elimination of MIRVs, for MIRVed missiles are good for only one thing: a first strike. Arms control negotiations should be aimed at reducing the risk of nuclear war; eliminating MIRVs would be the best first step toward doing so.

The Midgetman is an abandonment of the MIRV philosophy that has guided our missile design for the last 20 years. Building single-warhead missiles, to the exclusion of MIRVs, is the direction we should be taking. On defense matters, and specifically on the issue of land-based strategic missiles, this administration acts like a child in a candy store. It refuses to choose between the MX and the Midgetman. It demands both. Why it is in the interest of those of us dedicated to arms control to build both systems is something that Aspin does not explain.

In his article, Aspin makes a great deal of the dramatic shifts in public attitudes on defense spending. He paints the anti-MX lobbyists as monied bruisers, buying radio ads to scare members off the fence. I wish our side had some heavy-hitters, like the bankers or the insurance industry. I certainly haven't seen them. Who I have seen lobbying on the MX issue are priests, nuns, ministers and rabbis. I have heard from students, senior citizens, environmentalists, labor union members and many others.

This great anti-MX, pro-freeze lobbying force is an honest-to-goodness grass-roots response to the government going awry. It is made up of citizens who refuse to accept the rebuke that they do not know enough to have a say in our nuclear weapons policy. Opponents of the freeze movement will not and cannot accept the reality that freeze advocates are concerned American citizens who believe that the government is making a potentially cataclysmic error with nuclear weapons. Rather than trying to discredit the movement, as this administration has tried, we ought to listen to it.

Aspin thinks that if "the right-wing fringe" would attack the Scowcroft compromise, liberals would support it. I resent this argument. Those of us who oppose the MX do so because it is an expensive and destabilizing system. We do not and should not oppose it because the right wing supports it.

We are all anxious to resolve the issue of the MX missile. I believe the issue should be resolved by terminating the program. We can resolve it by negotiating with the Soviets on all aspects of our nuclear arsenal to reduce tensions, reduce the risk of nuclear war and reduce weapons on both sides. And there is no better way to start than by negotiating a nuclear freeze.●

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, just in case there are Senators who do have other business to transact on other measures, I ask unanimous consent that there now be a period for the transaction of routine morning business, to extend not past the hour of 9:45 p.m., in which Senators may speak for not more than 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed in the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 4:19 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 419. An act to provide that per capita payments to Indians may be made by tribal governments, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

MEASURE PLACED ON THE CALENDAR

Pursuant to section 402 of the Congressional Budget Act of 1974, the Committee on the Budget was discharged from the further consideration of the following resolution; and the resolution was placed on the calendar:

S. Res. 172. A resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 675.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1482. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, the cumulative report on rescissions and deferrals as of July 1, 1983; jointly, pursuant to the order of January 30, 1975, to the Committees on Appropriations, the Budget, Agriculture, Nutrition, and Forestry, Labor and Human Resources, Commerce, Science, and Transportation, Banking, Housing, and Urban Affairs, Energy and Natural Resources, Armed Services, the Judiciary, Finance, and Environment and Public Works.

EC-1483. A communication from the Assistant Secretary of the Air Force for Manpower, Reserve Affairs, and Installations transmitting a draft of proposed legislation to make annuity payments to survivors of members of former members early in certain circumstances; to the Committee on Armed Services.

EC-1484. A communication from the Secretary of the Army transmitting, pursuant to law, the Annual Report of the U.S. soldiers' and Airmen's Home; to the Committee on Armed Services.

EC-1485. A communication from the Secretary of Commerce transmitting, pursuant to law, the first biennial report on bluefin tuna for 1981 and 1982; to the Committee on Commerce, Science, and Transportation.

EC-1486. A communication from the Secretary of the Interior transmitting, pursuant to law, the 1982 report on areas on the Registry of Natural Landmarks and National Registry of Historic Places; to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-306. A joint resolution adopted by the Legislature of the State of California; to the Committee on Agriculture, Nutrition, and Forestry:

"ASSEMBLY JOINT RESOLUTION No. 5

"Whereas, Through Section 2 of PL 95-627, the Chief Care Food Program became a permanent program which provides funds for children in any public or private nonprofit organization where children are not maintained in permanent residence, including, but not limited to, day care centers, settlement houses, recreational centers, family day care homes, Head Start centers, and institutions providing day care services for handicapped children; and

"Whereas, Under PL 95-627 the Child Care Food Program (CCFP) provided fund-

ing for five meal types per child per day: breakfast, morning supplement, lunch, afternoon supplement, supper; and

"Whereas, 8,873,000 children in the United States and 912,000 children in California have been eligible for this program; and

"Whereas, Approximately 74 percent of the program's funds went to sponsored child care centers, and nearly 75 percent of the children enrolled in these types of institutions qualified for free meals; and

"Whereas, PL 97-35, the Federal Omnibus Budget Reconciliation Act of 1981 reduced the CCFP budget by 34 percent which equals $130 million and made substantive changes in the administration and operation of the program; and

"Whereas, Under PL 97-35 funding is reduced to the extent that either two meals and one supplement or one meal and two supplements can be provided to each child per day; and

"Whereas, Nutritional habits developed in childhood can affect health throughout life and children's diets are likely to be critical in influencing their future health status; and

"Whereas, Research on nutrition states that infants and small children need small frequent feedings throughout the day for optimal development; and

"Whereas, Improved health status in early years has been found to be an important determinant of measured intelligence, years of formal schooling completed, and market wage rate and hours of work; and

"Whereas, Studies have demonstrated that the nutritional intake of children who participate in the CCFP is greater than that of poor children who do not participate, particularly needy children; and

"Whereas, The change in meal patterns from five meals to three meals poses a threat to the nutritional health of children in the CCFP: and

"Whereas, This new meal pattern provides two full meals per child per day to children in four-hour programs; and

"Whereas, It places at nutritional risk those infants, toddlers and children in 12-hour programs by providing only two full meals and one supplement; and

"Whereas, A young child in a 12-hour day care program would receive breakfast at 7:30 A.M., lunch at 10:30 A.M., and a small amount of food—the supplement—at 1:30 P.M. and this schedule would cause children to go hungry for as long as four and a half hours until the child is picked up by the parents and taken home for the next meal; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature memorializes the President and Congress of the United States to enact legislation which would restore funding for the meal pattern of five meals; breakfast, A.M. supplement, lunch, P.M. supplement, and supper to the Child Care Food Program; and be it further

"Resolved That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and each Senator and Representative from California in the Congress of the United States."

POM-307. A resolution adopted by the Legislature of the State of Missouri; to the Committee on Agriculture, Nutrition, and Forestry:

"RESOLUTION

"Whereas, the current federal administration has proposed consideration of the sale of thousands of acres of United States Forest Service land within the state of Missouri; and

"Whereas, the proposal contends that by consolidating lands, management costs can be greatly reduced, access improved and trespass on nearby lands reduced, however, this proposal ignores an ongoing existing program of exchange of lands whereby land is exchanged to consolidate the public land tracts into more manageable units; and

"Whereas, Missouri currently has less than one-half acre of public land per person and the demand for public land acquisition and use is growing; and

"Whereas, the proposal currently under consideration unfairly impacts the state of Missouri by proposing to dispose of more such land in Missouri than that proposed in Western states; and

"Whereas, the citizens of this state continue to place a high priority on preservation of the natural wonders of our great state demonstrated in the recent imposition of a sales tax to encourage the purchase of such lands by the state;

"Now, therefore, be it resolved by the members of the Missouri Senate of the Eighty-second General Assembly, First Regular Session, the House of Representatives concurring therein, that the Legislature of Missouri hereby petition the Congress of the United States, that the United States government cease and desist from the proposal to sell any of the acres in National Forest lands currently held in Missouri; and

"Be it further resolved that the Missouri Legislature hereby petition the Congress of the United States that the Forest Service lands located in this state continue unmolested and continue to be open to all citizens for hunting, fishing, camping, hiking, bird watching and other forms of outdoor recreation, as for many, they are the only lands available for these activities and if sold for private home development, timber management, or other uses, these lands will probably not remain open to the public: and

"Be it further resolved that a copy of this resolution be transmitted to the presiding officers of the Senate and the House of Representatives of Congress and the members of the Congressional Delegation from the State of Missouri."

POM-308. A resolution adopted by the city council of the city of Palo Alto, Calif., relating to the Jobs With Peace Ordinance of 1983; to the Committee on Appropriations.

POM-309. A resolution adopted by the board of supervisors of the County of Los Angeles, Calif., urging Congress to enact the legislation embodied in S. 1354 and H.R. 3103 to provide the vitally needed additional funds to restore our Federal Highways; to the Committee on Environment and Public Works.

POM-310. A joint resolution adopted by the Legislature of the Senate of Alaska; to the Committee on Finance:

"RESOLUTION

"Whereas the tax-exempt mortgage revenue bond program under 26 U.S.C. 103A (P.L. 96-499 Mortgage Subsidy Bond Act of 1980) has established a useful and effective method that enables consumers in Alaska and other states to buy needed housing; and

"Whereas the tax-exempt mortgage revenue bond program is one of the few prudent methods of providing funds necessary to meet growing housing needs in Alaska and across the nation; and

"Whereas in 1982, tax-exempt mortgage revenue bonds financed roughly 65,000 housing starts in the United States, representing approximately 10 percent of all new single family construction nationally, and a greater percentage in Alaska; and

"Whereas in 1982, new single family housing construction financed by tax-exempt mortgage revenue bonds generated about 82,500 jobs, and produced about $1.5 billion in wages nationwide; and

"Whereas 26 U.S.C. 103A(c)(1)(B) provides that the tax-exempt mortgage revenue bond program ends on December 31, 1983; and

"Whereas termination of the tax exemption on bonds for home mortgages would work a hardship on consumers who are eligible for loans under the Alaska Housing Finance Corporation tax-exempt bond program, and similar programs in other states; and

"Whereas in response to the potential for hardship created by the termination of the tax-exempt mortgage revenue bond program, H.R. 1176 has been introduced in the United States House of Representatives and S. 137 has been introduced in the United States Senate; and

"Whereas H.R. 1176 and S. 137 would amend 26 U.S.C. 103A to allow continuation of the tax-exempt mortgage revenue bond program;

Be it resolved that the Alaska State Legislature supports passage of H.R. 1176 and S. 137 in the United States Congress; and be it

"Further resolved that the Alaska State Legislature supports the principles of the tax-exempt mortgage revenue bond program.

"Copies of this resolution shall be sent to the Honorable Ronald Reagan, President of the United States; the Honorable Donald Regan, Secretary of the Treasury; the Honorable George Bush, Vice-President of the United States and President of the United States Senate; the Honorable Thomas P. O'Neill, Jr., Speaker of the United States House of Representatives; the Honorable Robert Dole, Chairman of the Senate Finance Committee; the Honorable Daniel Rostenkowski, Chairman of the House Ways and Means Committee; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress."

POM-311. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

"SENATE JOINT RESOLUTION No. 8

"Whereas, Nearly a quarter of a million Californians are employed as waitresses and waiters in this state; and

"Whereas, The average annual earnings of these workers are less than $6,000 per year; and

"Whereas, The majority of these workers are struggling to support families and children; and

"Whereas, Many of these workers are women and ethnic minorities; and

"Whereas, Most of these workers do not actually receive an amount in gratuities equal to 8 percent of the establishments' income; and

"Whereas, The net earnings of the average waitress or waiter have been reduced by an amount equivalent to one out of four monthly paychecks, in order to pay the additional federal income tax, required by the

Tax Equity and Fiscal Responsibility Act of 1982; and

"Whereas, The Legislature finds and declares that the current federal law, which assumes waiters and waitresses earn an amount equivalent to 8 percent of their employers' earnings, is not an accurate assumption or an equitable tax principle; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That the President and Congress of the United States are respectfully memorialized to modify the Tax Equity and Fiscal Responsibility Act of 1982 to restore an accurate and fair basis for assessing federal income tax obligations for waiters and waitresses; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-312. A resolution adopted by the Legislature of the State of Oklahoma; to the Committee on Finance:

"ENROLLED HOUSE CONCURRENT RESOLUTION No. 1012

"Whereas, many residents of the State of Oklahoma are currently engaged in railroad employment or have engaged in such employment in the past and look to the railroad retirement system to provide benefits when they retire; and

"Whereas, many residents of this state are currently receiving benefits under the railroad retirement system and rely on such benefits to a large extent to meet the normal costs of living; and

"Whereas, any reduction in the amount of benefits received by beneficiaries under the railroad retirement system would have a drastic effect on the ability of these beneficiaries to meet normal living expenses; and

"Whereas, projections of the financial condition of the railroad retirement system show that unless corrective action is taken, monthly annuities will have to be reduced significantly beginning with the annuity checks to be sent out October 1, 1983, with additional reductions required in the future; and

"Whereas, a bill, H.R. 1646, the Railroad Retirement Solvency Act of 1983, was introduced in the United States House of Representatives on February 24, 1983, by Mr. Florio; and

"Whereas, H.R. 1646 would resolve the short-term and long-term financial problems of the railroad retirement system, through an even-handed approach of tax increases on railroad employers and employees and adjustments of benefits to current and future beneficiaries, thereby preserving and protecting the rights and expectations of those currently receiving benefits and those who would receive such benefits in the future.

"Now, Therefore, be it resolved by the House of Representatives of the 1st Session of the 39th Oklahoma Legislature, the Senate Concurring therein:

"Section 1. The Oklahoma Legislature hereby memorializes Congress to enact H.R. 1646, the Railroad Retirement Solvency Act of 1983, to resolve financial problems of the railroad retirement system.

"Section 2. Copies of this resolution shall be distributed to the Oklahoma Congressional Delegation, the Clerk of the United States House of Representatives, and the Secretary of the United States Senate."

POM-313. A resolution adopted by the Board of Supervisors of the County of Lake, California urging enactment of the wine equity bill of 1983; to the Committee on Finance.

POM-314. A resolution adopted by the board of supervisors of the County of San Luis Obispo, Calif., urging enactment of the wine equity bill of 1983; to the Committee on Finance.

POM-315. A resolution adopted by the House of Representatives of the State of Illinois; to the Committee on Finance:

"HOUSE RESOLUTION No. 437

"Whereas, The proposed transaction between the United States Steel Corporation and the British Steel Corporation for the importation of raw steel into the United States is not in the public interest; and

"Whereas, The proposed transaction would cause the loss of more than 3,000 jobs in the American Steel industry, plus at least 6,000 jobs in related industries and would have and adverse impact on the United States economy; and

"Whereas, The proposed transaction would violate the recently negotiated United States-European Community Steel Arrangement; and

"Whereas, The proposed transaction would violate United States unfair trade laws governing subsidized imports; and

"Whereas, The proposed transaction would break faith with the United Steelworkers of America which, in the recently concluded collective bargaining agreement, made substantial wage concessions of more than $3,000,000,000 dollars in exchange for, among other things, a steel industry commitment to modernization; and

"Whereas, The proposed transaction would interject a new unfair competitive factor into the domestic steel market thereby forcing steel companies in Illinois to import cheap, subsidized raw steel, which would result in the further loss of at least 8,000 jobs in Illinois thus reducing raw steel making capacity in the United States; and

"Whereas, The proposed transaction would threaten the entire raw steel making capacity of the United States by making this country heavily dependent upon raw steel, in the same manner as we now are for imported oil from the Middle East; therefore, be it

"Resolved, by the House of Representatives of the Eighty-Third General Assembly of the State of Illinois, That we call upon the United States Congress and President to use all available legislative and administrative policy tools to prohibit the proposed transaction between the U.S. Steel Corporation and the British Steel Corporation; and be it further

"Resolved, That the Secretary of Commerce recognize that the proposed joint venture is in violation of the negotiated quota arrangement with the Common Market and that he take appropriate action to stop the violation; and be it further

"Resolved, That we call upon United States Corporation to refrain from concluding the proposed transaction with the British Steel Corporation and to make the necessary investment in modernizing its steel facilities; and be it further

"Resolved, That copies of this resolution be immediately forwarded to the President of the United States, the United States Secretary of Commerce, the Speaker of the United States House of Representatives, the President of the United States Senate and each member of the Illinois Congressional Delegation."

POM-316. A resolution adopted by the Assembly of the State of New York; to the Committee on Foreign Relations:

"LEGISLATIVE RESOLUTION—ASSEMBLY No. 1030

"Whereas, The United States and Greece have enjoyed harmonious relations throughout history as democratic nations committed to peace and international cooperation. These relations have included mutual action on behalf of freedom in World Wars I and II and the present membership of both nations in the NATO alliance; and

"Whereas, Our nation has links with Greece not only through a mutual belief in democracy, but also through the human bond formed by the millions of Greek Americans who have contributed so much to the advancement of our nation and, specifically, our state; and

"Whereas, The foreign policy of the United States has for many years wisely sought to preserve good relations with our allies by maintaining the balance of power between Turkey and Greece in the established aid ratio of ten to seven for the respective countries; and

"Whereas, The Administration now proposes to the Congress a drastic change in the aid ratio whereby military aid to Turkey would be more than doubled, thus further destabilizing the region, endangering Greek security, and undermining NATO; now, therefore, be it

"Resolved, That this Legislative Body pause in its deliberations to memorialize the President and the Congress of the United States to maintain the balance of power between Turkey and Greece by preserving the established aid ratio of ten to seven; and be it further

"Resolved, That copies of this Resolution, suitably engrossed, be transmitted to the Honorable Ronald W. Reagan, President; to Howard Baker, President Pro-Tem of the United States Senate; to Thomas O'Neill, Speaker of the United States House of Representatives: to each Member of Congress from the State of New York; to Konsantinas Tettanis, Thomas Valsamopaulos, and to Nick Mazinaki."

POM-317. A resolution adopted by the Assembly of the State of New York; to the Committee on Commerce, Science, and Transportation:

"LEGISLATIVE RESOLUTION—ASSEMBLY No. 1246

"Whereas, A vitally important piece of legislation, HR 1242 and S 1000 is being considered by the United States Congress; This legislation is co-sponsored by some one hundred sixteen House members and eight Senators presently; and

"Whereas, This legislation, known as the "Competitive Shipping and Shipbuilding Act of 1983", is aimed at revitalizing our country's merchant marine and shipping industry; and

"Whereas, The Maritime Port Council of Greater New York and Vicinity, affiliated with the Maritime Trades Department and the American Federation of Labor and Congress of Industrial Organizations is in full and visible support of this vital legislation; and

"Whereas, America depends on foreign ships to transport more than ninety-eight percent of its bulk commodities, ninety-six percent of petroleum and seventy-one percent of general cargoes. In contrast, the United Kingdom carries thirty-four percent

of its trade, France thirty-three percent, Norway over thirty percent, Japan some forty-four percent and the Soviet Union forty-four percent; U.S. corporations are building vessels in foreign yards and also registering their ships under "flags-of-convenience", avoiding taxes, shipbuilding standards and safety rules; in nineteen hundred fifty, there were seventeen hundred privately owned U.S.-flag merchant ships; today there are only five hundred fifteen; and

"Whereas, The defense of this Beloved Nation, its need for strategic raw materials so essential to national security, is most heavily dependent upon our maritime industry; and

"Whereas, HR 1242 and S 1000 offer economic benefits to the United States at no cost to the U.S. Treasury or taxpayer with the construction of two hundred sixty-eight new vessels, approximately twenty-eight thousand U.S. shipyard and seagoing labor jobs, and eighty-four thousand jobs in related industries; and

"Whereas, Ultimately, one hundred twelve thousand jobs would be created by the enactment of this vital legislation; and

"Whereas, Upon enactment of this legislation, five percent of inbound and outbound bulk shipments will be moved on U.S.-flag ships—and rise annually by one percent until twenty percent is reached; this is not a one-sided proposition; an essential element of this proposal is realistic reductions in the cost of building in American yards and operating their ships with American crews; this legislation requires these costs to be reduced by a full fifteen percent; and

"Whereas, This Legislative Body is justly proud of its long and unyielding commitment to the Maritime Industry of this nation; and

"Whereas, It is, moreover, the sense of this Legislative Body that the Maritime Industry is of inestimable value to the people of this Empire State; and

"Whereas, The port facilities of this Empire State, its shipbuilding industry, its labor force: all would be directly and positively affected by the passage of HR 1242 and S 1000; now therefore, be it

"Resolved, That this Legislative Body pause in its deliberations and most emphatically urge the Congress of the United States to enact HR 1242 and S 1000, expressing, in turn, our continued support for the goals of the Maritime Port Council of Greater New York and Vicinity; and be it further

"Resolved, That copies of this Resolution, suitably engrossed, be transmitted to the Maritime Port Council of Greater New York and Vicinity and to the Congress of the United States."

POM-318. A resolution adopted by the Western Pennsylvania Conference of the United Methodist Church calling for a ban on all additional testing, production, and deployment of nuclear weapons and a gradual, equitable, and on-site verified mutual reduction of existing nuclear warheads; to the Committee on Foreign Relations.

POM-319. A resolution adopted by the Social Democratic members of the Danish Parliament urging Congress to reconsider the policy of the United States of America in Central America; to the Committee on Foreign Relations.

POM-320. A joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations:

"ASSEMBLY JOINT RESOLUTION NO. 53—RELATIVE TO BALTIC FREEDOM DAY

"Whereas, The people of the Baltic Republics of Estonia, Latvia, and Lithuania have cherished the principles of religious and political freedom and independence; and

"Whereas, The Baltic Republics have existed as independent, sovereign nations belonging to, and fully recognized by, the League of Nations; and

"Whereas, The people of the Baltic Republics have individual and separate cultures, national traditions, and languages, all of which are distinctively foreign to those of Russia; and

"Whereas, In 1940, the Union of Soviet Socialist Republics (U.S.S.R.) did illegally seize and occupy the Baltic Republics and, by force, incorporate them into the U.S.S.R., against their national will and contrary to their desire for independence and sovereignty; and

"Whereas, Since 1940, the U.S.S.R. has systematically removed native Baltic people from their homelands by deporting them to Siberia, and has caused great masses of Russians to relocate in the Republics, thus threatening the Baltic cultures with extinction; and

"Whereas, The U.S.S.R. has imposed upon the captive people of the Baltic Republics an oppressive political system which has destroyed all vestiges of democracy, civil liberties, and religious freedom; and

"Whereas, The people of Estonia, Latvia, and Lithuania find themselves today subjugated by the U.S.S.R., locked into a union they deplore, denied basic human rights, and persecuted for daring to protest; and

"Whereas, The United States stands as a champion of liberty, dedicated to the principles of national self-determination, human rights, and religious freedom, and opposed to oppression and imperialism; and

"Whereas, The United States, as a member of the United Nations, has repeatedly voted with a majority of the members of that international body to uphold the right of other countries of the world to determine their fates and to be free of foreign domination; and

"Whereas, The U.S.S.R. has steadfastly refused to return to the people of Estonia, Latvia, and Lithuania the right to exist as independent republics separate and apart from the U.S.S.R. or permit a return of personal, political, and religious freedoms; now, therefore, be it

"Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California recognizes the continuing desire of the peoples of Estonia, Latvia, and Lithuania for freedom and independence from the domination of the U.S.S.R., and the right of the Baltic peoples to this freedom; and be it further

"Resolved, That the Legislature of the State of California deplores the refusal of the U.S.S.R. to recognize the sovereignty of the Baltic Republics and to yield to their rightful demands for independence from foreign domination and oppression; and be it further

"Resolved, That the Legislature of the State of California declares as "Baltic Freedom Day" the 14th day of June 1983, the anniversary of the mass deportation of Baltic peoples from their homelands in 1941, as a symbol of the solidarity of the American people with the aspirations of the enslaved Baltic peoples; and be it further

"Resolved, That the Legislature of the State of California urges the Governor to issue a proclamation for the annual observance of Baltic Freedom Day with appropriate ceremonies and activities; and be it further

"Resolved, That the Legislature of the State of California respectfully memorializes the President of the United States to request the United Nations to investigate the U.S.S.R.'s illegal and forceful occupation of Estonia, Latvia, and Lithuania and its continuous violations of the human rights of the Baltic peoples; and be it further

"Resolved, That suitably prepared copies of this resolution be transmitted to the Governor, the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the United States Ambassador to the United Nations."

POM-321. A resolution adopted by the City Council of the City of Tampa, Florida, urging Congress to continue to engage in talks for strategic arms limitation for the purpose of formulating agreements for a bilateral nuclear freeze which is both mutual and verifiable; to the Committee on Foreign Relations.

POM-322. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Governmental Affairs:

"JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO SUPPORT LEGISLATION WHICH WILL ESTABLISH A NATIONAL OCEANS POLICY COMMISSION

"Whereas, We, your Memorialists, the Senate and the House of Representatives of the State of Maine in the 111th Legislature most respectfully present and petition the Congress of the United States, as follows:

"Whereas, the United States Senate and the House of Representatives are currently considering bills to establish a National Oceans Policy Commission; and

"Whereas, there is a current need to examine and monitor certain long-term ocean policy issues now facing the United States; and

"Whereas, the importance of unimpaired navigation through, over and under the world oceans and the development of fisheries, oil, gas, ocean minerals and marine resources are of great concern to the Nation and the State of Maine; and

"Whereas, the purpose of the "National Oceans Policies Commission Act" of 1983 is to establish a commission in order to review and evaluate current marine policy programs during this present period of fundamental transition, and to maintain and further United States leadership in the oceans for the 1980's and 1990's; and

"Whereas, the commission shall represent the gubernatorial leadership of coastal states; and

"Whereas, the Act will ensure progressive, cooperative and mutual ocean policy developments and interests with Canada, Mexico and other countries; and

Whereas, the Act is essential to protect the interests of the State of Maine and its 3,500 miles of coastal resources; now, therefore, be it

"Resolved: That We, your Memorialists, respectfully urge and request that the 98th Congress of the United States support and enact the Act to establish a National Oceans Policy Commission to study and develop a national oceans policy encompassing both

international and domestic marine issues; and be it further

"Resolved: That a copy of this resolution, duly authenticated by the Secretary of State, be transmitted forthwith by the Secretary of State to the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States and to each member of the Maine Congressional Delegation."

POM-323. A concurrent resolution adopted by the General Assembly of the State of Missouri; to the Committee on the Judiciary:

"SENATE CONCURRENT RESOLUTION No. 3

"Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds one trillion dollars; and

"Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to limit the growth of federal spending and taxes and balance the budget; and

"Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget; and

"Whereas, knowledgeable planning, fiscal prudence and pain good sense require that the budget reflect all federal spending and be in balance on a regular basis; and

"Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

"Whereas, the federal deficit in Fiscal Year 1982 was $110.7 billion, nearly double the deficit in Fiscal Year 1981; and

"Whereas, the Congressional Budget Office projects a deficit for Fiscal Years 1983 and 1984 of $155 billion and $200 billion, respectively; and

"Whereas, the United States Senate approved a proposed balance budget amendment in response to the efforts of the thirty-one state legislatures which have requested a limited convention on this subject, and its conviction about the needs for a constitutional restraint upon Congress' fiscal authority; and

"Whereas, the Reagan Administration has indicated that the budget will not be balanced by 1984; and

"Whereas, under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenver two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states, the Congress shall call a constitutional convention for the purpose of proposing amendments which shall be valid for all intents and purposes when ratified by three-fourths of the several states, believing such action to be vital;

"Now, therefore, be it resolved by the Senate of the Eighty-second General Assembly of the State of Missouri, the House of Representatives concurring therein, that the Missouri General Assembly proposes to the Congress of the United States that procedures be instituted in the Congress to add a new article to the Constitution of the United States, and that the Missouri General Assembly requests the Congress to prepare and submit to the several states before January 1, 1984, an amendment to the Constitution of the United States, requiring a balanced federal budget and to make certain exceptions with respect thereto; and

"Be it further resolved that if, by January 1, 1984, the Congress has not proposed and submitted to the several states such an amendment, this body respectfully makes application to the Congress of the United States for a convention to be called under Article V of the Constitution of the United States for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto; and

"Be it further resolved that effective January 1, 1984, this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until the legislatures of at least two-thirds of the several states have made similar applications pursuant to Article V, but if the Congress proposes an amendment to the Constitution identical in subject matter to that contained in this resolution, then this application and petition for a constitutional convention shall no longer be of any force or effect; and

"Be it further resolved that this application shall be deemed null and void, rescinded and of no effect in the event that such convention not be limited to such specific and exclusive purpose; and

"Be it further resolved that this body also proposes that the legislatures of each of the several states comprising the United States which have not yet made similar applications apply to the Congress requesting the enactment of an appropriate amendment to the federal constitution, and making application to the Congress to call a constitutional convention for the purpose of proposing such an amendment to the federal constitution; and

"Be it further resolved that copies of this resolution be sent by the Secretary of the Senate and the Chief Clerk of the House of Representatives to each member of Congress representing Missouri; and

"Be it further resolved that the Secretary of the Senate and the Chief Clerk of the House of Representatives of this state be directed to send copies of this resolution to the Secretary of State and presiding officers of both Houses of the Legislature of each of the other states in the Union, the Clerk of the United States House of Representatives, Washington, D.C. and the Secretary of the United States Senate, Washington, D.C."

POM-324. A joint resolution adopted by the legislature of the State of Oregon; to the Committee on the Judiciary:

"Be it further resolved that

"ENROLLED SENATE JOINT MEMORIAL 5

"Whereas the identification of a group of people for restrictive or punitive action based on race or national origin is a violation of the Fourteenth Amendment of the United States Constitution and repugnant to the American ideals which uphold the rights of life, liberty and property; and

"Whereas there is a fundamental difference between a nation which is at war with the United States and the former residents of that nation and their descendants who are American citizens or resident aliens; and

"Whereas President Franklin D. Roosevelt issued Executive Order 9066 on February 19, 1942, leading to the assembly, removal and internment of more than 110,000 Americans of Japanese descent and Japanese resident aliens based solely on their race, thereby denying them their liberty and property without due process of law; and

"Whereas 3,659 Oregonians of Japanese descent and Japanese resident aliens were denied their constitutional rights and suffered severe psychological and emotional trauma and grievous losses of property, jobs and income; now, therefore,

"Be It Resolved by the Legislative Assembly of the State of Oregon:

"(1) The Congress of the United States is memorialized to consider appropriate compensation for Americans of Japanese descent and Japanese resident aliens who were denied the constitutional rights to liberty and property through detention, removal and internment.

"(2) The Congress of the United States recognize the humiliation and personal suffering experienced by Americans of Japanese descent and Japanese resident aliens during the years 1942 to 1946 and the personal embarrassment and sense of shame that Americans of Japanese descent and Japanese resident aliens have experienced since World War II because of their relocation and internment.

"(3) The Congress of the United States acknowledges this country suffers when any American is imprisoned because of race or national ancestry.

"(4) The Congress of the United States pass legislation to insure that the President of the United States or Congress, during times of crises, will not take punitive action against American citizens or resident aliens based on their race or national origin.

"(5) A copy of this memorial shall be sent to the President pro tempore of the Senate, the Speaker of the House of Representatives and to each member of the Oregon Congressional Delegation."

POM-325. A joint resolution adopted by the legislature of the State of California; to the Committee on the Judiciary:

"ASSEMBLY JOINT RESOLUTION No. 28—RELATIVE TO LAW ENFORCEMENT ASSISTANCE

"Whereas, Senator Arlen Specter has introduced in the Congress of the United States S. 53, the Justice Assistance Act of 1983, which is legislation of vital importance to the safety and well-being of the people of California and throughout the United States; and

"Whereas, This comprehensive federal legislation encompasses local assistance programs in such essential areas as crime prevention, criminal law enforcement, victim services, offender rehabilitation, drug treatment, and justice personnel training, management, and technical assistance; and

"Whereas, In the amendments made by S. 53 to Section 403(a) of the Omnibus Crime Control and Safe Streets Act of 1968, the Director of the Office of Justice Assistance is authorized to make grants to the states for these purposes; and

"Whereas, It is particularly significant that one of the major components of the Justice Assistance Act of 1983 is to amend the Omnibus Crime Control and Safe Streets Act of 1968 (Section 403(a)(6)) to "provide community and neighborhood programs that enable citizens and police to undertake initiatives to prevent and control neighborhood crime"; and

"Whereas, the legislation also establishes a Justice Assistance Board, which includes representatives of neighborhood and community-based groups, and representatives of local and state governments; and

"Whereas, The Legislature finds and declares that this "neighborhood watch" component of the Justice Assistance Act of 1983 should be a top priority in the ongoing efforts of our society to institute effective crime prevention; and

"Whereas, The Legislature further finds and declares that the concept of community crime prevention has become increasingly more recognized by citizens, law enforcement agencies, and local government as an integral element of crime control programs, and that crime prevention programs involving citizens as volunteers has enhanced law enforcement efforts to reduce crime; and

"Whereas, the Justice Assistance Act of 1983 is enacted, the State of California could obtain as much as ten million dollars for "neighborhood watch" crime prevention programs, an amount almost ten times more than the present available funding; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to enact those portions of the Justice Assistance Act of 1983 which assure that priority is given under the act to "neighborhood watch" crime prevention programs; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-326. A resolution adopted by the Southern Association on Children Under Six relating to Quality Child Care; to the Committee on Labor and Human Resources.

POM-327. A resolution adopted by the Southern Association on Children Under Six relating to Head Start; to the Committee on Labor and Human Resources.

POM-328. A joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources:

"ASSEMBLY JOINT RESOLUTION NO. 46—RELATIVE TO QANTAS AIRWAYS, LIMITED

"Whereas, The International Association of Machinists and Aerospace Workers is a bona fide labor organization in the State of California; and

"Whereas, This union represents citizens of California for collective-bargaining purposes who were employed by Qantas Airways, Limited; and

"Whereas, Qantas is the international airline of Australia and the employer of these citizens; and

"Whereas, The parties entered into lawful collective-bargaining negotiations in February of 1982 under the Railway Labor Act; and

"Whereas, The Union made every attempt to bargain in good faith on behalf of these employees; and

"Whereas, These negotiations were unsuccessful even with the aid of the National Mediation Board, an agency of the United States government; and

"Whereas, The employer, Qantas, maintained a nonnegotiable position regarding the employment of these persons; and

"Whereas, On or about February 6, 1983, Qantas discharged these employees without good or sufficient reason; and

"Whereas, These long serving and faithful employees were forced to seek unemployment and social welfare benefits instead of gainful employment; now, therefore, be it

"Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to urge Qantas Airways, Limited, to reconsider its action in discharging its California employees during collective-bargaining negotiations and to enter immediately into meaningful negotiations that will restore the discharged employees to their former positions; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, the Prime Minister of Australia, to the Chairman of the Board of Qantas Airways, Limited, and to the President of the International Association of Machinists and Aerospace Workers, with the earnest desire that they respond favorably with immediate and appropriate action to meet this grave matter concerning the citizens of this state.".

POM-329. A joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources;

"ASSEMBLY JOINT RESOLUTION NO. 55—RELATIVE TO EQUAL EDUCATIONAL OPPORTUNITY ON THE BASIS OF SEX

"Whereas, Title IX of the Federal Education Amendments of 1972 is the broadest prohibition against sex discrimination in any educational program or activity receiving federal financial assistance currently in effect; and

"Whereas, Title IX has resulted in greater equality of educational opportunity for female and male students in terms of admissions, access to courses in academic and vocational training, athletics and other extracurricular activities, and counseling and other services; and

"Whereas, Title IX has created a more equal distribution of women and men employed by educational institutions; and

"Whereas, The State of California has demonstrated a longstanding history of, and commitment to, equal opportunity in education on the basis of sex through the enactment of Chapter 2 (commencing with Section 200) of Part 1 of Division 1 of Title 1 of the Education Code, which parallels and reinforces Title IX in the State of California; and

"Whereas, The United States Department of Education has threatened to reduce the scope of Title IX and the requirements imposed by the guidelines for compliance with its provisions, limiting the protection afforded by Title IX and regulations promulgated pursuant to that law; now, therefore, be it

"Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes each Senator and Representative from California in the Congress of the United States to preserve the scope and strength of Title IX and to work for the defeat of any legislation which would weaken or dismantle Title IX; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States; and be it further

"Resolved, That the Assembly and the Senate of the State of California jointly proclaim June 23, 1983, Title IX Day."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Report to accompany the bill (S. 1341) to revise and extend the Education of the Handicapped Act, and for other purposes (Rept. No. 98-191).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S.J. Res. 116. Joint resolution to designate the week of September 4, 1983, through September 10, 1983, as "Youth of America Week"; and

S.J. Res. 131. Joint resolution designating "National Cystic Fibrosis Week."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

John P. Vukasin, Jr., of California, to be U.S. District Judge for the Northern District of California.

By Mr. McCLURE, from the Committee on the Energy and Natural Resources:

William Perry Pendley, of Wyoming, to be an Assistant Secretary of the Interior.

(The above nomination was reported from the Committee on Energy and Natural Resources with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. GARN, from the Committee on the Banking, Housing, and Urban Affairs:

Paul A. Volker, of New Jersey, to be Chairman of the Board of Governors of the Federal Reserve System for a term of 4 years.

(The above nomination was reported from the Committee on Banking, Housing, and Urban Affairs, with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. THURMOND, from the Committee on the Judiciary:

Hector M. Laffitte, of Puerto Rico, to be U.S. District Judge for the District of Puerto Rico.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WILSON:

S. 1654. A bill to validate conveyances of certain lands in the State of California that form part of the right-of-way granted by

the United States to the Central Pacific Railway Company; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 1655. A bill to provide financial assistance to States for a program designed to assess and address the problems of quality instruction and the retention of students in secondary schools, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DOMENICI:

S. 1656. A bill to amend the Water Research and Development Act of 1978 (Public Law 95-467) to establish a research and development program in the area of the Ogallala Aquifer; to the Committee on Environment and Public Works.

By Mr. BURDICK:

S. 1657. A bill to designate the week in November which includes Thanksgiving Day as "National Family Week"; to the Committee on the Judiciary.

By Mr. PERCY (by request):

S. 1658. A bill to implement the Inter-American Convention on International Commercial Arbitration; to the Committee on Foreign Relations.

By Mr. HELMS (for himself, Mr. EAST, and Mr. BINGAMAN):

S. 1659. A bill to require the Secretary of the Interior, under certain conditions, to convey the Wrightsville Beach Test Facility (a Federal desalting facility) to the town of Wrightsville Beach, North Carolina, and to convey the Roswell Test Facility (another Federal desalting facility) to the city of Roswell, New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PACKWOOD (for himself, Mr. GOLDWATER, Mr. DANFORTH, Mrs. KASSEBAUM, Mr. PRESSLER, Mr. STEVENS, Mr. TRIBLE, Mr. ABDNOR, Mr. ANDREWS, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. COCHRAN, Mr. COHEN, Mr. DENTON, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. GRASSLEY, Mr. HATCH, Mr. HATFIELD, Mr. HECHT, Mr. HEINZ, Mr. JEPSEN, Mr. LAXALT, Mr. MCCLURE, Mr. ROTH, Mr. SIMPSON, Mr. SPECTER, Mr. STAFFORD, Mr. WALLOP, and Mr. WARNER):

S. 1660. A bill relating to the preservation of universal telephone service; to the Committee on Commerce, Science, and Transportation.

By Mr. DOLE, (for himself, Mr. LONG, Mr. WALLOP, Mr. BOREN, Mr. SYMMS, Mr. BENTSEN, and Mr. TOWER):

S. 1661. A bill to amend the Internal Revenue Code of 1954 to make technical corrections with respect to the application after 1983 of the percentage depletion allowance to oil and natural gas resulting from secondary or tertiary processes; to the Committee on Finance.

By Mr. STEVENS:

S. 1662. A bill to amend title 5, United States Code, with respect to the authority of the Special Counsel of the Merit Systems Protection Board; to the Committee on Governmental Affairs.

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 1663. A bill to extend the program of Federal supplemental unemployment benefits for six additional months, to provide additional weeks of such benefits, and to provide an alternate mechanism for determining the number of weeks of such benefits for any State; to the Committee on Finance.

By Mr. STEVENS:

S. 1664. A bill to amend title 5, United States Code, to make the Chairman of the Federal Labor Relations Authority the chief executive and administrative officer of the Federal Labor Relations Authority; to the Committee on Governmental Affairs.

S. 1665. A bill to amend chapter 71 of title 5, United States Code, to provide for the operational continuity of the Office of the General Counsel of the Federal Labor Relations Authority during a vacancy in the position of the General Counsel; to the Committee on Governmental Affairs.

By Mr. CHAFEE (for himself, Mr. BENTSEN, Mr. DURENBERGER, Mr. BOREN, Mr. WALLOP, Mr. PRYOR, Mr. COHEN, Mr. NUNN, Mr. D'AMATO, and Mr. DENTON):

S. 1666. A bill to amend the Internal Revenue Code of 1954 to reduce the capital gains tax rates for individuals who hold new issues of stock at least 5 years; to the Committee on Finance.

By Mr. SIMPSON (for himself and Mr. WALLOP):

S. 1667. A bill to modify the Jackson Hole Snake River local protection flood control project in Wyoming to authorize maintenance work performed by the Corps of Engineers; to the Committee on Environment and Public Works.

By Mr. D'AMATO (for himself, Mr. PERCY, Mr. ANDREWS, Mr. COHEN, Mr. DOMENICI, Mr. HELMS, Mr. SYMMS, Mr. PRESSLER, Mr. PROXMIRE, Mr. BURDICK, Mr. DIXON, and Mr. MURKOWSKI):

S. 1668. A bill to amend chapter 37 of title 31, United States Code, to authorize contracts retaining private counsel to furnish collection services in the case of indebtedness owed the United States; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. METZENBAUM (for himself and Mr. KENNEDY):

S. Res. 180. A resolution expressing the sense of the Senate in support of affordable and decent health care for older Americans; to the Committee on Finance.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY:

S. 1655. A bill to provide financial assistance to States for a program designed to assess and address the problems of quality instruction and the retention of students in secondary schools, and for other purposes; to the Committee on Labor and Human Resources.

EDUCATION AND PARTNERSHIP FOR EXCELLENCE ACT OF 1983

Mr. KENNEDY. Mr. President, today, I am introducing the second piece of my agenda for educational excellence—the Education Partnership for Excellence Act.

In March of this year, I introduced S. 874, the National Education and Economic Development Act of 1983, dealing with math and science education. Later in June, I recommended the convening of a National Summit Conference on Education to examine the reports of the distinguished panels which have studied the problems of our schools, so that we can synthesize the various ideas for improving education into a bipartisan blueprint to upgrade the quality of our Nation's schools.

For all of us who are committed to providing a quality education to this Nation's students, the reports which have appeared over the last 4 months have raised serious concerns. In April, the National Commission on Excellence in Education issued "A Nation At Risk," which warned that "the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a Nation and as a people."

Only a month later, the Task Force on Federal Elementary and Secondary Education Policy of the Twentieth Century Fund issued a report which warned that "the Nation's public schools are in trouble. By almost every measure—the commitment and competency of teachers, student test scores, truancy and dropout rates, crimes of violence—the performance of our schools falls far short of expectations."

And last month, the Task Force on Education for Economic Growth of the Education Commission of the States issued its "Action for Excellence." In it, the task force concluded that "education for economic growth demands progress on many fronts."

These reports are a clarion call to action. I have been heartened to see the pervasive response from so many members of society all across this Nation.

The National Commission, in its final recommendation, urged the Federal Government to "provide the national leadership to insure that the Nation's public and private resources are marshaled to address the issues discussed in the report." It "calls upon educators, parents, and public officials at all levels to assist in bringing about the educational reforms proposed in the report."

The report of the Education Commission of the States even more explicitly "calls for new alliances among educators, school systems and many other groups in America to create a new ethic of excellence in public education." And it recognizes "the importance of a strong Federal commitment to education"—a commitment backed by "sufficient resources."

It is to meet these dual goals: to foster new education alliances and to provide sufficient resources to make them a productive reality, that I am introducing this bill today.

The legislation I have already introduced—the National Education and Economic Development Act—would establish a comprehensive program to

improve math and science education in our Nation. While I support the similar measure recently approved by the Labor and Human Resources Committee, I believe that such legislation is only the first step in the process. A more comprehensive program is essential.

Another essential part of my agenda will be a proposal to modernize the vocational educational system in our country. In particular, the existing system must be reformed to face the challenges of double-digit unemployment among disadvantaged groups in our society. The vocational education system can become an indispensable element of our country's efforts to meet our economic and social challenges of the 1980's, and 1990's.

We must also work to improve the language competency of all Americans, both in English and in the foreign languages, by establishing a national language policy. We must insure that all students develop a proficiency in English that allows them to function and prosper in our society. But we must also protect bilingualism where it exists and promote it where it does not. Bilingualism strengthens this Nation, both economically and socially. We must once and for all end the myth of the "tongue-tied American."

Finally, we must not forget those Federal programs which have functioned so well in raising the educational achievement of so many Americans. Programs like title I, Headstart, and Pell grants, must be expanded to receive adequate financial support.

My agenda is not a quick-fix. There are no panaceas or miracle cures. The only realistic remedy for the current crisis is a renewal of our national will and a new sense of dedication and commitment by government and citizens to the goal of excellence in education.

The cornerstone of the Education Partnership for Excellence Act is the concept of partnership—the development and support of creative local partnerships between the public and private sectors to improve American secondary schools. In particular, the education partnerships will work to improve six key areas in the Nation's high school:

First, curriculum; second, student academic competence; third, time spend on academic instruction; fourth, supply and skills of teachers; fifth, school leadership and management; and sixth, special needs of women, minorities, and other student populations.

The partnerships, working with the States, will examine the needs within a school regarding these six problem areas; they will develop plans to respond to these needs, and evaluate the success of the efforts in meeting the needs.

The partnership concept in this bill is a recognition of the magnitude of the problems our Nation's secondary schools face. The development, the financing, and the administration of these efforts are too great for any one level of government or any one sector of society to bear alone. This bill calls upon local educational agencies to unite with States, businesses, colleges and universities, private schools, parent and teacher organizations, and other institutions and groups—such as museums, libraries, and professional associations.

The bill authorizes a significant and increasing level of resources to carry out its purposes: $450 million in the first year, growing to almost $900 million by the fifth year. In conjunction with the requirement for non-Federal matching funds, this translates into almost $6 billion over the first 5 years of operation.

The majority of funds will go to the newly created local education partnerships. A portion of the funds will go to the various State and the Federal departments of education, which will provide informational and technical assistance to the local education agencies. The Federal department, in addition, will make grants to local partnerships and the States to support innovative demonstration programs.

Taken as a whole, this proposal is intended to focus a truly national effort on restoring excellence in the Nation's high schools. Other Federal programs concentrate on elementary schools and on college aid. But we have no coordinated program designed to deal with high schools. This legislation is intended to fill the gap.

America in the 1980's faces a dramatic challenge—from other nations and from a demanding future. Our success in mastering that future depends upon our people. Businesses cannot function without skilled workers or managers; scientific knowledge will not expand without well-educated researchers; our military might is in danger without well-trained forces, society itself is threatened without a well-informed citizenry. Our future depends upon the full realization of the talents of all our people. Now is the time to begin to chart the path that will lead America to a prosperous future.

As the Education Commission of the States declared:

The stakes are high. If we fail, our children will experience a growing sense of loss and of failure: a sense of falling behind that will reflect the reality of falling behind. Fortunately, however, it is within our power to succeed. And the rewards of success will be great: improved productivity; sustained economic growth; job and career opportunities for all our people; the economic wherewithal to provide adequate public services; a secure defense—and above all, the excitement and satisfaction of life in a culture whose wellsprings of creativity and accomplishment are full and flowing.

And finally, as the National Commission on Excellence in Education concludes:

It is their America, and the America of all of us, that is at risk; it is to each of us that this imperative is addressed. It is by our willingness to take up the challenge, and our resolve to see it through, that America's place in the world will be either secured or forfeited. Americans have succeeded before and so we shall again.

Mr. President, I ask unanimous consent that the bill and a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1655

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education Partnership for Excellence Act of 1983".

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this act to provide national support for local education partnerships between local educational agencies, State agencies, business concerns, institutions of higher education, private secondary schools, parent and teacher organizations and other appropriate community organizations to conduct programs which—

(1) improve the content of the curriculum available in secondary schools and make it more relevant to the academic and vocational needs of secondary school students;

(2) improve the academic competence of students in secondary schools;

(3) increase the time spent by secondary school students on academic instruction, particularly (A) by improving student discipline and motivation, (B) by reducing the high dropout rate and the chronic absentee rate and (C) by increasing study outside school hours and the school setting;

(4) improve the skills possessed by secondary school teachers and increase the quantity of secondary school teachers, particularly by improving the preparation of those teachers and the compensation and benefits received by those teachers;

(5) improve the leadership in and the management of secondary schools; and

(6) address the special needs of secondary school students, such as women, minorities and students of limited English proficiency, the economically disadvantaged, the handicapped and gifted and talented students,

and thereby to increase the number of students graduating from secondary schools in the community and to improve the academic and vocational skills of such students in order to increase their employment opportunities and to permit them to become productive citizens in the community and in the Nation.

DEFINITIONS

SEC. 3. As used in this Act—

(1) the term "equipment" has the same meaning given that term under section 198(a)(8) of the Elementary and Secondary Education Act of 1965;

(2) the term "Governor" means the chief executive of any State;

(3) the term "institution of higher education" has the same meaning given that term under section 1201(a) of the Higher Education Act of 1965;

(4) the term "local educational agency" has the same meaning given that term under section 198(a)(10) of the Elementary and Secondary Education Act of 1965;

(5) the term "local education partnership" means an agreement between—

(A) any local educational agency or a consortium of such agencies, and

(B) the State education agency, business concerns, institutions of higher education, other appropriate State agencies, private schools or other appropriate community organizations or institutions,

to conduct activities to improve secondary schools in accordance with the provision of this Act;

(6) the term "secondary school" has the same meaning given that term under section 198(a)(7) of the Elementary and Secondary Education Act of 1965;

(7) the term "Secretary" means the Secretary of Education;

(8) the term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands; and

(9) the term "State educational agency" has the meaning given that term under section 198(a)(17) of the Elementary and Secondary Act of 1965.

AUTHORIZATION OF APPROPRIATIONS

SEC. 4. (a) There are authorized to be appropriated to carry out the provisions of title I of this Act, relating to secondary education partnerships, $400,000,000 for the fiscal year 1984, $450,000,000 for the fiscal year 1985, $500,000,000 for the fiscal year 1986, $600,000,000 for the fiscal year 1987 and $750,000,000 for the fiscal year 1988.

(b)(1) There are authorized to be appropriated to carry out the provisions of part A of title II, relating to demonstration and dissemination grants, $40,000,000 for the fiscal year 1984, $70,000,000 for the fiscal year 1985, $90,000,000 for the fiscal year 1986, $110,000,000 for the fiscal year 1987 and $130,000,000 for the fiscal year 1988.

(2) There are authorized to be appropriated for the purpose of carrying out part B of title III, relating to the National Partnership Information Clearinghouse, $10,000,000 for the fiscal year 1984 and for each of the four succeeding fiscal years.

TITLE I—GRANTS TO STATES FOR SECONDARY EDUCATION PARTNERSHIPS

DISTRIBUTION OF FUNDS

SEC. 101. (a) Sixty percent of the funds appropriated to carry out this title for fiscal year 1984, and 30 percent of the funds appropriated to carry out this title for fiscal year 1985 shall be available for part A.

(b) Thirty percent of the funds appropriated to carry out this title for fiscal year 1984, 60 percent of the funds for fiscal year 1985, and 90 percent of the funds appropriated to carry out this title for each of the fiscal years 1986, 1987, and 1988 shall be available to carry out the provisions of part B.

(c) Ten percent of the funds appropriated to carry out this title for each of the fiscal years 1984 through 1988 shall be available to carry out the provisions of part C.

PART A—GRANTS TO ESTABLISH SECONDARY EDUCATION PARTNERSHIPS

ALLOCATIONS TO THE STATES

SEC. 111. (a)(1) From the sums available to carry out this part for each fiscal year, the Secretary shall reserve—

(A) not to exceed 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, and

(B) 0.5 percent for payments for children enrolled in Indian schools,

to be allotted in accordance with their respective needs.

(2) From the remainder of the amount available for this part for each fiscal year, the Secretary shall allocate to each State an amount which bears the same ratio to such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall receive less than an amount equal to 0.5 percent of such remainder.

(b) For the purpose of this part—

(1) the term "school-age population" means the population age 5 through 17; and

(2) the term "States" includes the 50 States, the District of Columbia and the Commonwealth of Puerto Rico.

USES OF FUNDS

SEC. 112. (a) No State may receive a grant under this part unless the State submits to the Secretary the State assurances required under section 113.

(b) Funds under this part shall be used to support the establishment or expansion of local educational partnerships, under which the parties participating in the partnership agree to conduct programs for—

(1) improving the content of and make it more relevant to the academic and vocational needs of secondary school students; the curriculum available in secondary schools;

(2) improving the academic competence of students in secondary schools;

(3) increasing the time spent by secondary school students on academic instruction, particularly (A) by improving student discipline and motivation, (B) by reducing the high dropout rate and the chronic absentee rate and (C) by increasing study outside school hours and the school setting;

(4) improving the skills possessed by secondary school teachers, and increasing the quantity of secondary school teachers, particularly by improving the preparation of those teachers and the compensation and benefits received by those teachers; and

(5) improving the leadership in and management of the secondary schools; and

(6) addressing the special needs of students, such as women, minorities and students of limited english proficiency the economically disadvantaged, the handicapped and gifted and talented students.

STATE ASSURANCES

SEC. 113. (a) Each State which desires to receive assistance under this part shall file with the Secretary an application containing assurances that—

(1) the State educational agency shall be designated as the State agency to administer the funds allocated to the State under this part;

(2) the State educational agency will furnish technical assistance necessary to local educational agencies or consortia of such agencies in the establishment or expansion of local education partnerships;

(3) the State shall distribute its allocation under this part to local educational agencies or consortia of local educational agencies within the State to establish or expand local education partnerships in accordance with section 112(b) and based upon the factor described in section 111(a)(2); and

(4) the application of each local educational agency or consortia of such agencies applying for funds under this part will not be denied without notice and opportunity for a hearing before the State educational agency.

(b) The Secretary shall not disapprove an application filed by the State educational agency without affording notice and opportunity for a hearing.

LOCAL APPLICATIONS

SEC. 114. (a) A local educational agency or consortia of local educational agencies may receive payments from the State under this part after submitting to the State educational agency an application which—

(1) sets forth the agencies, institutions and organizations which will be contacted to form the local education partnership;

(2) sets forth the purposes for the establishment of the local education partnership;

(3) sets forth the uses for which assistance is sought by the applicant; and

(4) provides assurances that the applicant will comply with the other provisions of this part.

(b) A local educational agency or consortia of local educational agency may, on behalf of the local education partnership, receive payments from the State under this part after submitting to the State educational agency an application which—

(1) sets forth the agencies, institutions, and organizations which comprise the local education partnership;

(2) sets forth the purpose and activities of the local education partnership;

(3) sets forth the agencies, institutions, and organizations which will be contacted to expand the local education partnership;

(4) sets forth the purposes for expanding the local education partnership;

(5) sets forth the uses for which assistance is sought by the local education partnership; and

(6) provides assurances that the local education partnership will comply with the other provisions of this part.

PART B—GRANTS FOR LOCAL EDUCATION PARTNERSHIP ACTIVITIES

ALLOCATIONS TO THE STATES

SEC. 121. (a)(1) From the sums available to carry out this part for each fiscal year, the Secretary shall first reserve—

(A) not to exceed 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, and

(B) 0.5 percent for payments for children enrolled in Indian schools,

to be allotted in accordance with their respective needs.

(2) From the remainder of the amount available for this part for each fiscal year, the Secretary shall allocate to each State—

(A) an amount which bears the same ratio to 30 percent of the amount of such remainder as the school-age population of the State bears to the school-age population of all States;

(B) an amount which bears the same ratio to 20 percent of the amount of such remainder as the excess number of unemployed in the State bears to the total excess number of unemployed in all the States; and

(C) an amount which bears the same ratio to 50 percent of the amount of such remainder as the number of children aged 5 to 17 who—

(i) are from families below the poverty level as determined under section 111(c)(2) of the Elementary and Secondary Education Act of 1965; and

(ii) are from families above the poverty level as determined under section 111(c)(2)(B) of the Elementary and Secondary Education Act of 1965; and

who were counted in the fiscal year preceding the fiscal year for which the determination is made bears to the total number of such children in all States,

except that no State shall receive less than an amount equal to 0.5 percent of such remainder.

(b) For the purpose of this part—

(1) the term "excess number of unemployed" means the number of unemployed individuals in excess of 4.5 percent of the civilian labor force;

(2) the term "school-age population" means the population age 5 through 17; and

(3) the term "States" includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

USES OF FUNDS

SEC. 122. (a) No State may receive a grant under this part unless the State submits to the Secretary the State assurances required under section 113.

(b) Funds under this part shall be used to pay the Federal share of programs and activities of local education partnerships which—

(1) improve the content of the cirriculum available in secondary schools and make the cirriculum more relevant to the academic and vocational needs of secondary school students;

(2) improve the academic competence of students in secondary schools;

(3) increase the time spent by secondary schools students on academic instruction, particularly (A) by improving student discipline and motivation, (B) by reducing the high dropout and chronic absentee rates and (C) by increasing study outside school hours and the school setting;

(4) improve the skills possessed by secondary school teachers and increase the quantity of secondary school teachers, particularly by improving the preparation of teachers and the compensation and benefits received by teachers;

(5) improve the leadership in and management of the secondary schools; and

(6) address the special needs of secondary school students, such as women, minorities and students of limited English proficiency, the economically disadvantaged, the handicapped and gifted and talented students.

STATE ASSURANCES

SEC. 123. (a) Each State which desires to receive assistance under this part shall file with the Secretary an application containing assurances that—

(1) the state educational agency will be designated as the State agency responsible for the administration and supervision of programs assisted under this part;

(2) the State will use grants made under this part—

(A) so as to supplement the level of funds that would, in the absence of such funds, be made available from non-Federal sources for the purposes of the program for which assistance is sought; and

(B) in no case to supplant such funds from non-Federal sources; and

(3) the State educational agency will furnish technical assistance necessary to local education partnerships within the State to carry out their responsibilities under this part;

(4) the State shall distribute its allocation under this part to local education partnerships within the State in accordance with the provisions of section 125; and

(5) the application of each local education partnership applying for funds under this part will not be denied without notice and opportunity for a hearing before the State educational agency.

(b) The Secretary shall not disapprove the application filed by the State educational agency without affording notice and opportunity for a hearing.

LOCAL APPLICATIONS

SEC. 124. (a) Each local educational agency or consortium of such agencies may on behalf of a local education partnership, receive payments under this part for any fiscal year in which it files with the State educational agency an application. Each such application shall—

(1) describe the programs for which assistance is sought, including—

(A) identifying the specific problems to be addressed and specifying the goals which the program is designed to serve; and

(B) describing the manner in which the programs for which assistance is sought is intended to attain the stated goals;

(2) provide assurances that the local education partnership will pay from non-Federal sources the remaining costs of carrying out the programs for which assistance is sought under this part;

(3) provide a description of expected local resources, both public and private, which will be committed to the payment of the non-Federal share of carrying out the program for which assistance is sought;

(4) provide assurances that the local education partnership will cooperate with State efforts to evaluate the effectiveness of the program assisted under this part;

(5) provide assurances that information developed as a result of the programs assisted under this part will be submitted to the State educational agency; and

(6) provide assurances that the programs for which assistance is sought will be administered in cooperation with the business concerns and other organizations in the community engaged in the development of the program, in accordance with subsection (b) of this section.

(b) Each application submitted under subsection (a) of this section shall be developed in consultation with interested parties in the community to be served by its program for which assistance is sought, including—

(1) business concerns, in particular local business concerns;

(2) private schools;

(3) institutions of higher education;

(4) parent and teacher organizations;

(5) cultural and community organizations with particular interest in both education and employment opportunities; and

(6) State and local public agencies.

(c)(1) Each local education partnership which desires assistance under this part may establish a local advisory council composed of members representing public agencies, business concerns, and private organizations involved in the development of the program for which assistance is sought.

(2) Expenses of any local advisory council established under this subsection is a permissible use for the purpose of receiving assistance under this part.

(d) An application filed by a local education partnership under subsection (a) may be amended annually as may be necessary to reflect changes without filing a new application.

WITHIN STATE ALLOCATION

SEC. 125. (a) Each State educational agency shall rank approved applications submitted by local education partnerships according to the following criteria:

(1) First, the sum of the number of children aged 5 to 17 within the geographical area of the local education partnership, who—

(A) are from families below the poverty level as determined under section 111(c)(2) of the Elementary and Secondary Education Act of 1965; and

(B) are from families above the poverty level as determined under section 111(c)(2)(B) of the Elementary and Secondary Education Act of 1965.

(2) Second, the school-age population within the geographical area of the local education partnership as a percentage of the school-age population within the State.

(3) Third, the excess number of unemployed in the geographical area of the local education partnership.

(b) The State educational agency shall distribute funds to local education partnerships in accordance with the ranking established under subsection (a) of this section.

PART C—GRANTS FOR STATE EDUCATIONAL AGENCIES

ALLOCATIONS TO THE STATES

SEC. 131. (a)(1) From the sums available to carry out this part for each fiscal year, the Secretary shall reserve—

(A) not to exceed 1 percent for payments to Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands, and

(B) 0.5 percent for payments for children enrolled in Indian schools,

to be allotted in accordance with their respective needs.

(2) From the remainder of the amount available for this part for each fiscal year, the secretary shall allocate to each State an amount which bears the same ratio to such remainder as the school-age population of the State bears to the school-age population of all States, except that no State shall receive less than an amount equal to 0.5 percent of such remainder.

(b) For the purpose of this part—

(1) the term "school-age population" means the population age 5 through 17; and

(2) the term "States" includes the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

USES OF FUNDS

SEC. 132. (a) No State may receive a grant under this part unless the States submits to the Secretary the assurances required under section 133.

(b) Funds under this part shall be used—

(1) for State administration of grants under parts A and B of this title;

(2) to assess the needs within the State relating to—

(A) attendance among secondary school students;

(B) the adequacy of course requirements and the quality of the curricula in secondary schools;

(C) the academic competence and conduct of secondary school students;

(D) the skills possessed by and quantity of secondary school teachers;

(E) leadership in and management of secondary schools; and

(F) the special needs of students, such as women, minorities and students of limited English proficiency, the economically disad-

vantaged, the handicapped and the gifted and talented students;

(3) to inventory the resources in the State available to address the educational needs of the State;

(4) to conduct independent evaluations of the effectiveness of the programs of the local education partnerships assisted under this Act; and

(5) to provide technical assistance to local education partnerships in the creation or expansion of partnerships, in the preparation of local applications, in the development and operation of programs by the local education partnership and in other activities assisted under this Act.

STATE ASSURANCES

SEC. 133. (a) Each State which desires to receive assistance under this part shall file with the Secretary an application containing assurances that—

(1) the State educational agency will be designated as the State agency responsible for the administration and supervision of programs assisted under this part;

(2) the State will use funds under this part—

(A) so as to supplement the level of funds that would, in the absence of such funds, be made available from non-Federal sources for the purposes of this part; and

(B) in no case to supplant such funds from non-Federal sources; and

(3) no more than 30 percent of the funds allocated to the State under this part shall be used for State administration.

TITLE II—NATIONAL PROGRAMS

PART A—NATIONAL DEMONSTRATION AND DISSEMINATION GRANTS

DISSEMINATION AUTHORIZED

SEC. 211. From the amounts appropriated pursuant to section 4(b)(1), the Secretary is authorized to allocate $10,000,000 to the National Diffusion Network to disseminate information on innovative projects developed under this Act.

NATIONAL DEMONSTRATION GRANTS AUTHORIZED

SEC. 212. (a) From the remainder of the amount appropriated for this part pursuant to section 4(b)(1), the Secretary is authorized to make grants to local educational agencies or consortia of such agencies on behalf of local education partnerships and to State educational agencies to develop and carry out innovative projects designed to meet the purposes of this Act.

(b)(1) From the remainder of the amount appropriated for this part pursuant to section 4(b)(1), the Secretary is authorized to make grants and to enter into contracts for the evaluation of programs assisted under this part with public agencies and private nonprofit organizations which have demonstrated the capacity to perform independent evaluations of education programs.

(2) Each evaluation conducted under this part shall examine—

(A) the number of secondary school students who graduate from secondary school;

(B) the characteristics of secondary school students who do graduate and the secondary school students who drop out of school before graduation, together with a description of the sex, race cultural background, and economic background of such students;

(C) the type of skill and degree of competence of the secondary school students who complete secondary school and the nature of the academic or employment opportunities which such students pursue;

(D) the degree of achievement in postsecondary education or employment by secondary school students who have graduated from secondary school; and

(E) the degree of the participation of interested parties in the community and the program.

Information developed as a result of the evaluations shall be disseminated under section 211.

APPLICATIONS FOR NATIONAL DEMONSTRATION GRANTS

SEC. 213. (a) No grant may be made under this part unless an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(b) Each such application for assistance under section 212(a) shall be developed in consultation with interested parties in the community to be served by the program for which assistance is sought, including—

(1) local business concerns and business concerns with establishments located in the community;

(2) private schools;

(3) institutions of higher education;

(4) parent and teacher organizations;

(5) cultural and community organizations with particular interests in both education and employment opportunities; and

(6) State and local public agencies.

(c) Each application for assistance under section 212(a) shall contain—

(1) a description of the specific problems addressed by the proposal, together with the methods which the proposal employs to meet the problems; and

(2) a description of the local resources available to carry out the proposal and the State resources, if any, which are available for that purpose.

LIMITATION

SEC. 214. No grant to a local education partnership or to a State educational agency under this part may exceed $1,500,000 in any fiscal year.

PART B—NATIONAL PARTNERSHIP INFORMATION CLEARINGHOUSE

CLEARINGHOUSE AUTHORIZED

SEC. 221. (a) From the amount appropriated pursuant to section 4(b)(2) in each fiscal year, the Secretary is authorized to establish a National Partnership Information Clearinghouse designed to gather and make available information on programs and activities which meet the purposes of this Act.

(b) The Clearinghouse shall provide information upon request regarding local partnership efforts and activities.

TITLE III—GENERAL PROVISIONS

PAYMENTS; FEDERAL SHARE

SEC. 301. (a)(1) From the amount allotted to each State pursuant to section 111, the Secretary shall, in accordance with the provisions of part A of title I of this Act, pay to each State the costs of the program to be assisted under part A of title I.

(2) From the amount allotted to each State pursuant to section 121, the Secretary shall, in accordance with the provisions of part B of title I of this Act, pay to the State an amount equal to the Federal share of the costs of the program to be assisted under part B.

(3) From the amount available for part C of title I, the Secretary shall, in accordance with the provisions of such part, pay to each State the costs of the program to be assisted under part C of title I.

(4) From the amount available for part A of title II, the Secretary shall, in accordance with the provisions of such part, pay to the recipient an amount equal to the cost of the program described in the application approved under part A.

(b)(1) The Federal share for services and activities assisted under part B of title I shall be—

(A) 70 percent for the fiscal year 1984;

(B) 60 percent for the fiscal year 1985;

(C) 50 percent for the fiscal year 1986; and

(D) 40 percent for the fiscal years 1987 and 1988.

(2) Non-Federal contributions may be in cash or in kind, fairly evaluated, including plant, equipment, and services.

WITHHOLDING

SEC. 302. Whenever the Secretary, after reasonable notice and opportunity for hearing to any State educational agency, finds that there has been a failure to comply substantially with any provision of title I or the assurances of the State approved under sections 113, 123, and 133, as the case may be, the Secretary shall notify the agency that further payments will not be made to the State under title I (or, in the discretion of the Secretary, that the State educational agency shall not make further payments under this Act to specified local educational agencies and local education partnerships whose actions caused or are involved in such failure) until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, no further payments shall be made to the State under this Act, or payments by the State educational agency under this Act shall be limited to local educational agencies and local education partnerships whose actions did not cause or were not involved in the failure, as the case may be.

SUMMARY

Purpose: The bill creates and supports creative local partnerships to address the following six problems facing America's secondary schools: (1) curriculum, (2) student academic achievement, (3) time spent on academic instruction, (4) supply and skills of teachers, (5) school leadership and management, and (6) the needs of women, minorities, the handicapped and other special populations.

Grants to establish secondary education partnerships: For the first two years of the program, the Secretary shall distribute funds for the establishment and expansion of secondary education partnerships. Funds shall be distributed on a per-pupil basis and shall be redistributed by the states to the secondary education partnerships on the same basis. Secondary education partnerships shall include local educational agencies and may include the State education agency, businesses, colleges and universities, private schools, other State agencies, and other community institutions or organizations (such as museums, libraries and professional associations). These parties may participate at their option.

Grants for secondary education partnership activities: The Secretary shall also distribute funds in support of the activities of secondary education partnerships. These activities must address the six general problems listed in the statement of purposes. Funds will be distributed to the States through the following formula: 50 percent based on the poverty population; 30 percent based on total student population; and 20 percent on the excess number of unemployed in the state. The states shall in turn distribute funds to the secondary education partnerships on the basis of approved applications. The States shall develop formulas

for distribution based first on the poverty population, second on the total student population and finally on the excess unemployed population in the secondary education partnership. Federal funds shall be matched by the secondary education partnership with non-federal funds. The non-federal share of the program shall begin at 30 percent in the first year and rise to 60 percent by the fourth year.

Grants for State education agencies: These grants shall be distributed to the States on the basis of the total student population. The States shall use these funds to provide technical assistance to partnerships; to assess the needs within the State in the six problem areas listed in the Statement of Purposes; to conduct independent evaluations of the programs operated by secondary education partnerships; and for State administration.

National demonstration grants: The Secretary shall make competitive grants to secondary education partnerships and to States to conduct innovative demonstration programs. The Secretary shall also ensure that independent evaluations of these programs are conducted.

Dissemination: The Secretary shall allocate $10 million annually to the National Diffusion Network to disseminate information on these innovative demonstration programs.

National partnership information clearinghouse: The Secretary shall allocate $10 million annually for a National Clearinghouse to gather and make available information on programs and activities related to Secondary education partnerships.

Authorization: Federal funds authorized under this bill are $450 million in the first year; $530 million in the second year; $600 million in the third year; $720 million in the fourth year; and $890 million in the fifth year. Taking into account the matching funds, the total program would receive $500 million in the first year; $710 million in the second year; $1.05 billion in the third year; $1.53 billion in the fourth year; and $1.93 billion in the fifth year.

FUNDING DISTRIBUTION

[In millions]

	1984	1985	1986	1987	1988
Partnerships	240	135			
Partnership activities	170	450	900	1,350	1,700
Federal share	120	270	450	540	675
Matching share	50	180	450	810	1,025
State activities	40	45	50	60	75
Demonstration grants	30	60	80	100	120
Dissemination	10	10	10	10	10
Clearinghouse	10	10	10	10	10

By Mr. BAKER (for Mr. DOMENICI):

S. 1656. A bill to amend the Water Research and Development Act of 1978 (Public Law 95-467) to establish a research and development program in the area of the Ogallala Aquifer; to the Committee on Environment and Public Works.

OGALLALA AQUIFER RESEARCH AND DEVELOPMENT ACT OF 1983

● Mr. DOMENICI. Mr. President, in 1976 the Department of Commerce, acting through the Economic Development Administration, the Corps of Engineers, other appropriate Federal agencies, and the private sector, were charged by Congress with the difficult task of undertaking a study of the depletion of the Ogallala Aquifer and to report back to the Congress with recommendations on how to halt the depletion.

The Ogallala Aquifer is a huge underground body of water which provides water to parts of the six States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, and Texas, called the High Plains Region. The High Plains is an extremely productive agricultural region, with significant importance in national and international markets. It produces 15 percent of the total national wheat, corn, grain, sorghum, and cotton. Furthermore, 38 percent of the total value of livestock produced in this Nation comes from the area.

The area is highly dependent upon irrigation to sustain its production. In all, there are 14.3 million acres of irrigated land with over 170,000 irrigation wells. This is a tremendous rise of irrigated land over the last 30 years; in 1950 there were only 3.5 million irrigated acres under cultivation.

With the surge in irrigation a tremendous strain has been placed on the Ogallala Aquifer. Less than 7 million acre-feet of water were withdrawn from the Ogallala in 1950, while in 1980 more than 21 million acre-feet were pumped annually.

The aquifer does receive some recharge each year, but the quantities of ground water that are withdrawn and used far exceed the quantities being replaced. If something is not done soon, we can expect severe economic consequences at the local, regional and national level.

The report sent to Congress outlines these concerns and recommends a comprehensive research and demonstration program to begin immediately. There is no question that the longer we wait, the more likely it is that we will not be able to arrest the serious depletion that has already begun.

The legislation which I am introducing today embodies the recommendations of the report, providing technical assistance and research and demonstration grants to the six High Plains States. There is critical urgency to act now, and it is my hope this legislation will receive strong support by the Senate.

Mr. President, I ask unanimous consent that the text of this legislation appear at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1656

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Ogallala Aquifer Research and Development Act of 1983."

SEC. 2. (a) The Congress finds that—

(1) The Ogallala Aquifer lies beneath, and provides needed water supplies to, the six states of the High Plains Region: Colorado, Kansas, Nebraska, New Mexico, Oklahoma, and Texas;

(2) The High Plains Region has become an important source of agricultural commodities and livestock for domestic and international markets, providing 15 percent of the nation's supply of wheat, corn, feed grains, sorghum, and cotton, plus 38 percent of the value of livestock raised in the United States; and

(3) Annual precipitation in the High Plains Region ranges from 15 to 22 inches, providing inadequate supplies of surface water and recharging of the Ogallala Aquifer needed to sustain the agricultural productivity and economic vitality of the High Plains Region.

(b) It is, therefore, the purpose of this Act to establish a comprehensive research and development program to assist those portions of the High Plains Region dependent on water from the Ogallala Aquifer to:

(1) plan for the development of an adequate supply of water in the region;

(2) develop and provide information and technical assistance concerning water conservation management practices to agricultural producers in the region;

(3) examine alternatives for the development of an adequate supply of water for the region; and

(4) develop water conservation management practices which are efficient for agricultural producers in the region.

SEC. 3. The Water Research and Development Act of 1978 (Public Law 95-467) is amended by adding at the end thereof the following new title:

"TITLE V—OGALLALA AQUIFER RESEARCH AND DEVELOPMENT

"SEC. 501. (a) The Secretary shall establish within each State of the High Plains Region (defined for the purposes of this Title as the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, and Texas, and referred hereinafter in this Title as the 'High Plains Region') an Ogallala Aquifer technical advisory committee (hereinafter in this Title referred to as the "State Committee"). Each State Committee shall be appointed by the Secretary and shall be composed of no more than 12 members, including—

"(1) a representative of the United States Department of Agriculture;

"(2) a representative of the Secretary; and

"(3) upon the recommendation of the Governor of the State, representatives from agencies of that State having jurisdiction over water resources, the agricultural community, the academic/research community, and others with a special interest or expertise in water resources.

"(b) The State Committee established pursuant to subsection (a) of this section shall—

"(1) review existing State laws and institutions concerning water management and, where appropriate, recommend changes to improve State or local management capabilities and more efficiently use the waters of such State;

"(2) establish, in coordination with other State Committees, State priorities for research and demonstration projects involving water resources; and

"(3) provide public information, education, extension, and technical assistance on the need for water conservation and information on proven and cost-effective water management.

"(c) Each State Committee established pursuant to this section shall elect a chairman, and shall meet at least once every three months at the call of the chairman, unless the chairman determines, after consultation with a majority of the members of the committee, that such a meeting is not necessary to achieve the purposes of this section.

"SEC. 502. The Secretary shall annually allocate among the States of the High Plains Region funds authorized to be appropriated for this section for research in—

"(1) water-use efficiency;
"(2) cultural methods;
"(3) irrigation technologies;
"(4) water efficient crops; and
"(5) water and soil conservation.

Funds distributed under this section shall be allocated to each State Committee for use by institutions of higher education within each State. To qualify for funds under this section, an institution of higher education shall submit a proposal to the State Committee describing the costs, methods, goals of the proposed research. Proposal shall be selected by the State Committee on the basis of merit.

"SEC. 503. The Secretary shall annually divide funds authorized to be appropriated under this section among the States of the High Plains Region for research into:

"(1) precipitation management;
"(2) weather modification;
"(3) aquifer recharge opportunities;
"(4) saline water uses;
"(5) desalinization technologies;
"(6) salt tolerant crops; and
"(7) local water transfer opportunities.

Funds distributed under this section shall be allocated by the Secretary to the State Committee for distribution to institutions of higher education within such State. To qualify for a grant under this section, an institution of higher education shall submit a research proposal to the State Committee describing the costs, methods, and goals of the proposed research. Proposals shall be selected by the State Committee on the basis of merit.

"SEC. 504. The Secretary shall annually allocate among the States of the High Plains Region funds authorized to be appropriated under this section for grants to farmers for demonstration projects for—

"(1) water efficient irrigation technologies and practices;
"(2) soil and water conservation management systems; and
"(3) the growing and marketing of more water efficient crops.

Grants under this section shall be made by each State Committee in amounts not to exceed 85 per centum of the cost of each demonstration project. To qualify for a grant under this section, a farmer shall submit a proposal to the State Committee describing the costs, methods, and goals of the proposed project. Proposals shall be by the State Committee selected on the basis of merit. Each State Committee shall monitor each demonstration project to assure proper implementation and make the results of the project available to other State Committees.

"SEC. 505. The Secretary of the Army, acting through the Chief of Engineers, is authorized to study the feasibility of water transfers into the High Plains Region, and report annually to Congress.

"SEC. 506. The Secretary, acting through the United States Geological Survey and in cooperation with the States of the High Plains Region, is authorized to monitor the levels of the Ogallala Aquifer, and report annually to Congress.

"SEC. 507 (a). For each of the fiscal years ending September 30, 1985, through September 30, 1989, the following sums are authorized to be appropriated to the Secretary to implement the following sections of this Title, and such sums shall remain available until expended:

"(1) $500,000 for the purposes of Section 501;
"(2) $6,000,000 for the purposes of Section 502;
"(3) $2,000,000 for the purposes of Section 503;
"(4) $2,000,000 for the purposes of Section 504;
"(5) $500,000 for the purposes of Section 505; and
"(6) $500,000 for the purposes of Section 506.

"(b) Funds made available under this Title for distribution to the States of the High Plains Region shall be distributed equally among the States."●

By Mr. BURDICK:

S. 1657. A bill to designate the week in November which includes Thanksgiving Day as "National Family Week"; to the Committee on the Judiciary.

NATIONAL FAMILY WEEK

Mr. BURDICK. Mr. President, I am today introducing a bill which would permanently establish the week including Thanksgiving Day as National Family Week. This week has been proclaimed National Family Week by the President and declared by the Congress every year for the past 7 years as well as in 1972. Senate Joint Resolution 45, designating National Family Week for 1983 passed the Senate on April 21, 1983, and is pending in the House of Representatives. This history clearly shows the broad support for National Family Week.

The purpose of National Family Week is very simple. It is a specific time to recognize the importance of the family in American life and the fundamental role it has played in forming the values upon which our Nation is based. National Family Week is simply a way to encourage people to pause for a moment and reflect on the way families have affected their lives and the course of this Nation.

The widespread support for the designation of National Family Week is further witnessed by the enthusiastic backing of many broad-based organizations including the American Legion, the Boy Scouts of America, the Salvation Army, and the General Federation of Women's Clubs. Last year, President Reagan added significance to the week by holding a proclamation signing ceremony.

Mr. President, I believe it is time that this celebration be permanently recognized. In addition to Human Rights Week, American Education Week, and National Employ the Physically Handicapped Week, we also have permanent designations of Save Your Vision Week, National Farm Safety Week, Fire Prevention Week, and National Safe Boating Week. While all of these are commendable, it seems to me that National Family Week represents a more fundamental theme for our society and should become a permanent week on our calendar.

Last year, 35 Senators cosponsored the National Family Week resolution with me, and over half the Members of the House cosponsored a similar measure. I urge both Houses to recognize again the value of National Family Week and to join me in making this designation permanent.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the week in November which includes Thanksgiving Day of each year be declared National Family Week and that the President of the United States be authorized and requested to issue annually a proclamation inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe such week with appropriate ceremonies and activities.

By Mr. PERCY (by request):

S. 1658. A bill to implement the Inter-American Convention on International Commercial Arbitration; to the Committee on Foreign Relations.

INTER-AMERICAN CONVENTION ON INTERNATIONAL COMMERCIAL ARBITRATION

● Mr. PERCY. Mr. President, by request, I introduce for appropriate reference a bill to implement the Inter-American Convention on International Commercial Arbitration.

This legislation was requested by the Department of State and I am introducing the proposed legislation in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with a section-by-section analysis of the bill and the letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs to the President of the Senate dated June 30, 1983.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Title 9, United States Code, is amended by adding:

"CHAPTER 3. INTER-AMERICAN CONVENTION ON INTERNATIONAL COMMERCIAL ARBITRATION

"Sec.
"301. Enforcement of convention.
"302. Incorporation by reference.
"303. Order to compel arbitration; appointment of arbitrators; locale.
"304. Recognition and enforcement of foreign arbitral decisions and awards; reciprocity.
"305. Relationship between the Inter-American Convention and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958.
"306. Applicable rules of Inter-American Commercial Arbitration Commission.
"307. Chapter 1; residual application.

"SEC. 301. ENFORCEMENT OF CONVENTION.

"The Inter-American Convention on International Commercial Arbitration of January 30, 1975, shall be enforced in United States courts in accordance with this chapter.

"SEC. 302. INCORPORATION BY REFERENCE.

"The provisions of chapter 2, sections 202, 203, 204, 205 and 207 shall apply to this chapter as if specifically set forth herein, except that for the purposes of this chapter "the Convention" shall mean the Inter-American Convention.

"SEC. 303. ORDER TO COMPEL ARBITRATION; APPOINTMENT OF ARBITRATORS; LOCALE.

"A court having jurisdiction under this chapter may direct that arbitration be held in accordance with the agreement at any place therein provided for, whether that place is within or without the United States. The court may also appoint arbitrators in accordance with the provisions of the agreement.

"In the event the agreement does not make provision for the place of arbitration or the appointment of arbitrators, the court shall direct that the arbitration shall be held and the arbitrators be appointed in accordance with Article 3 of the Inter-American Convention.

"SEC. 304. RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL DECISIONS AND AWARDS; RECIPROCITY.

"Arbitral decisions or awards made in the territory of a foreign State shall, on the basis of reciprocity, be recognized and enforced under this chapter only if that State has ratified or acceded to the Inter-American Convention.

"SEC. 305. RELATIONSHIP BETWEEN THE INTER-AMERICAN CONVENTION AND THE CONVENTION ON THE RECOGNITION AND ENFORCEMENT OF FOREIGN ARBITRAL AWARDS OF JUNE 10, 1958.

"When the requirements for application of both the Inter-American Convention and the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958, are met, determination as to which Convention applies shall, unless otherwise expressly agreed, be made as follows:

"(1) If a majority of the parties to the arbitration agreement are citizens of a State or States that have ratified or acceded to the Inter-American Convention and are member States of the Organization of American States, the Inter-American Convention shall apply.

"(2) In all other cases the Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958, shall apply.

"SEC. 306. APPLICABLE RULES OF INTER-AMERICAN COMMERCIAL ARBITRATION COMMISSION.

"(a) For the purposes of this chapter the rules of procedure of the Inter-American Commercial Arbitration Commission referred to in Article 3 of the Inter-American Convention shall, subject to subsection (b) of this section, be those rules as promulgated by the Commission on January 1, 1978.

"(b) In the event the rules of procedure of the Inter-American Commercial Arbitration Commission are modified or amended in accordance with the procedures for amendment of the rules of the said Commission, the Secretary of State, by regulation in accordance with Section 553 of Title 5, United States Code, consistent with the aims and purposes of this Convention, may prescribe that such modifications or amendments shall be effective for purposes of this chapter.

"SEC. 307. CHAPTER 1; RESIDUAL APPLICATION.

"Chapter 1 applies to actions and proceedings brought under this chapter to the extent chapter 1 is not in conflict with this chapter or the Inter-American Convention as ratified by the United States."

"SEC. 2. Title 9, United States Code, is further amended by adding to the table of chapters at the beginning a new sub-heading as follows:

"3. Inter-American Convention on International Commercial Arbitration..... 301".

SEC. 3. This Act shall be effective upon the entry into force of the Inter-American Convention on International Commercial Arbitration of January 30, 1975, with respect to the United States.

SECTION-BY-SECTION ANALYSIS OF A BILL TO IMPLEMENT THE INTER-AMERICAN CONVENTION ON INTERNATIONAL COMMERCIAL ARBITRATION

Section 1. Section 1 of the bill amends Title 9 of the United States Code by addition of a new Chapter 3, consisting of sections 301 through 307. As amended, Title 9 would thus contain three chapters: Chapter 1 (sections 1-14), the original Federal Arbitration Act; Chapter 2 (sections 201-208), the implementing legislation for the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards of June 10, 1958 ("New York Convention"); and Chapter 3 (sections 301-307), implementing legislation for the Inter-American Convention on International Commercial Arbitration of January 30, 1975 ("Inter-American Convention").

Section 301. Section 301 of Title 9 parallels section 201 of the implementing legislation for the New York Convention.

Section 302. Section 302 incorporates sections 202, 203, 204, 205, and 207 of the implementing legislation for the New York Convention: the two Conventions do not differ so as to call for different measures of implementation in these respects.

The incorporation of section 202, which provides that an arbitration agreement or arbitral award arising out of a legal relationship "which is considered as commercial" falls under the Convention (as incorporated, the reference is to the Inter-American Convention), provides the basis for a broad definition of the term "commercial" for purposes of the Convention. The Convention itself provides no definition of the term, but it is the understanding of the United States that trade, investment, and other business and financial activities which bear on "foreign commerce" are considered "commercial" and are thus within purview of the Convention.

The incorporation of section 202 also clarifies that the Inter-American Convention, like the New York Convention, shall be deemed not to apply to an arbitral agreement or award arising out of a legal relationship which is entirely between citizens of the United States, unless there is a reasonable foreign element in the relationship as defined in section 202.

The incorporation of sections 203 and 204 extends the same provisions concerning jurisdiction of the United States district courts and venue to actions or proceedings falling under the Inter-American Convention as apply to those falling under the New York Convention. Similarly, the incorporation of section 205 gives defendants the right to remove actions or proceedings relating to arbitration agreements or awards falling under the Inter-American Convention from State courts to United States district courts, as is now the case for those falling under the New York Convention.

With the incorporation of section 207, the three-year limitation period for application to a court for an order confirming an arbitral award that applies to awards falling under the New York Convention will also apply to awards falling under the Inter-American Convention. Section 207 also requires the court to confirm the award "unless it finds one of the grounds for refusal or deferral of recognition or enforcement of the award specified in the said Convention." Those grounds are specified in Article 5 of the Inter-American Convention, which was taken almost verbatim from Article V of the New York Convention in order to assure that the sole grounds for refusal of the recognition and enforcement of an award would be the same under both Conventions.

Section 303. The first paragraph of this section repeats 9 U.S.C. section 206, providing that a court may direct that arbitration be held in accordance with the agreement at any place therein provided for, whether that place is within or without the United States, and that the court may also appoint arbitrators in accordance with the provisions of the agreement. Neither the Convention nor section 303 attempts to resolve other issues which the court may be asked to address in connection with a matter which is to be submitted to arbitration.

The second paragraph of section 303 is new, reflecting Article 3 of the Inter-American Convention. Article 3 provides that when or to the extent that the parties fail to agree upon other applicable rules of procedure, arbitration shall be governed by the rules of procedure of the Inter-American Commercial Arbitration Commission, a private organization originally established in 1934 at the recommendation of the predecessor of the Organization of American States (OAS).

Neither the Federal Arbitration Act nor the New York Convention contains a comparable provision, but rather leaves the choice of rules of procedure to the court in the absence of agreement by the parties. The specification of "back-up" rules provides a desirable certainty and uniformity in the application of the Inter-American Convention.

Section 304. Section 304 provides a rule of reciprocity analogous to that applicable to the New York Convention. The latter permits a reservation, which the United States has made, that a State may on the basis of reciprocity apply the Convention to the recognition and enforcement of awards made

only in the territory of another Contracting State (Article I, paragraph 3). The United States will make a comparable reservation to the Inter-American Convention, and Section 304 has been drafted to make that reservation readily available for the reference of courts and practitioners. Also, the section has been worded in such a way as to make clear that it is intended only to be a rule of reciprocity and not a determination that arbitral decisions and awards made in the United States are excluded from the applicability of the Inter-American Convention if they otherwise fall under the Convention and the provisions of chapter 3, including in particular section 202 as incorporated in chapter 3. Litigation has been required to resolve that issue, in so far as the applicability of the New York Convention is concerned, given the less than precise wording of the two sentences of paragraph 1 and the first sentence of paragraph 3 of Article I of the New York Convention. The Inter-American Convention contains no comparable provisions; while it deals only with "international commercial arbitration," there is nothing in the language of the Convention or in the negotiating history to indicate an intent to limit the applicability of its recognition and enforcement provisions to awards made in countries other than those where recognition and enforcement are sought.

Section 305. The Inter-American Convention does not contain an express provision concerning its applicability when there is another convention on recognition and enforcement of arbitral agreements and awards which might also apply to a specific case. In particular, the United States and at least some other countries will be a party to both the Inter-American and the New York Conventions. Given the substantial identity of the two conventions, this issue is not expected to be of great consequence. However, it is nonetheless useful to resolve it explicitly in order to remove a potential ground for controversy.

The New York Convention is better established in law and in practice than the Inter-American Convention and has greater worldwide participation. The United States will therefore enter a reservation in ratifying the Inter-American Convention, to establish clearly the applicability of the New York Convention in appropriate cases.

Section 305 reflects this reservation, providing that, where both Conventions are applicable to a particular case, the United States would be bound by and apply the provisions of the Inter-American Convention only if a majority of the parties to the arbitration agreement are citizens of a State or States that have ratified or acceded to this Convention and are citizens of OAS Member States. In other cases, the United States will be bound by and apply the provisions of the New York Convention. Section 305 makes clear that, where both Conventions are potentially applicable, both parties must be citizens of OAS Member States before the Inter-American Convention would supersede the New York Convention.

Section 306. Section 306, like section 303, is necessary in order to implement the Article 3 provision of the Inter-American Convention which specifies applicable rules of procedure for cases in which the parties fail to agree on such rules. While the rules of procedure of the Inter-American Commercial Arbitration Commission are deemed useful and acceptable, the Commission is a private, nongovernmental body. It is therefore desirable that there be official review and approval of any amendments to the rules before they are made applicable to parties by law.

The United States will enter a reservation regarding article 3 that the United States will apply the rules of procedure of the Inter-American Commercial Arbitration Commission which are in effect as of ratification, unless a later official determination is made to adopt and apply any amendments to the rules which the Inter-American Commercial Arbitration Commission may make subsequently. Section 306 provides a rulemaking procedure for making such an official determination; this procedure provides a simple and efficient mechanism for soliciting the comments of interested and expert groups and individuals in order to provide an informed basis for official judgment and determination.

Section 307. Section 307 incorporates a provision parallel to 9 U.S.C. section 208.

Section 2. Section 2 of the bill adds a new subheading to the table of chapters at the beginning of Title 9 to correspond to the new Chapter 3.

Section 3. Section 3 of the bill establishes the effective date.

DEPARTMENT OF STATE,
Washington, D.C., June 30, 1983.

Hon. GEORGE BUSH,
President, U.S. Senate.

DEAR MR. PRESIDENT: I have the honor to transmit for the consideration of the Congress the draft of a bill to implement the obligations of the United States under the Inter-American Convention on International Commercial Arbitration. The Convention was transmitted to the Senate for its advice and consent to ratification on June 15, 1981; the instrument of ratification will be deposited with the General Secretariat of the Organization of American States once appropriate implementing legislation has been enacted. The Convention would enter into force for the United States on the thirtieth day after deposit of the instrument of ratification.

The Inter-American Convention on International Commercial Arbitration entered into force on June 16, 1976. At present, Chile, Costa Rica, El Salvador, Honduras, Mexico, Panama, Paraguay and Uruguay are parties. Consistent with the longstanding United States policy to facilitate the use of arbitration as a means of resolving international commercial disputes, this Convention will provide an opportunity to secure wider benefits of recognition and enforcement of international commercial arbitration agreements and awards among a greater number of countries in this hemisphere.

The Inter-American Convention on International Commercial Arbitration is modeled after the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, to which the United States became a party in 1970. The draft bill to implement the Inter-American Convention is similarly modeled after, and incorporates in large part, the legislation which implements the New York Convention, 9 U.S.C. 201-208. Several new provisions are incorporated in the draft bill, however, in order to clarify the sphere of application of the Inter-American Convention and to safeguard its provisions respecting arbitral procedures; these are described more fully in the section-by-section analysis which accompanies this letter.

The draft bill is identical in all essential respects to the bill which was introduced, by request, in the House of Representatives on February 8, 1982, by Chairman Rodino (H.R. 5478) and in the Senate on February 23, 1982, by Chairman Percy (S. 2119). Before it is reintroduced, two minor revisions should be made and are reflected in the draft which accompanies this letter. Section 304 has been reworded to eliminate a possible ambiguity, and the date in Section 306(a) has been changed to show the correct date on which the rules of procedure of the Inter-American Commercial Arbitration Commission were promulgated.

The Inter-American Convention on International Commercial Arbitration has received the support of a large number of interested and representative organizations, including the American Bar Association, the American Arbitration Association, the United States Chamber of Commerce, the Association of American Chambers of Commerce in Latin America, the American Foreign Law Association, and a number of State and local bar associations. Experts from the American Arbitration Association and American Bar Association have reviewed the proposed legislation and have advised that they consider it satisfactory.

Prompt approval of this implementing legislation will permit United States citizens and concerns seeking enforcement of commercial arbitration agreements and awards to enjoy the benefit of this Convention among the countries which are parties, and may encourage more rapid and widespread ratification by other countries as well.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposal to the Congress, and that its enactment would be in accord with the program of the President.

Yours sincerely,

POWELL A. MOORE,
Assistant Secretary for Legislative and Intergovernmental Affairs.●

By Mr. HELMS (for himself, Mr. EAST, and Mr. BINGAMAN):

S. 1659. A bill to require the Secretary of the Interior, under certain conditions, to convey the Wrightsville Beach test facility (a Federal desalting facility) to the town of Wrightsville Beach, N.C., and to convey the Roswell test facility (another Federal desalting facility) to the city of Roswell, N. Mex., and for other purposes; to the Committee on Energy and Natural Resources.

TRANSFER OF CERTAIN FEDERAL DESALTING FACILITIES

● Mr. HELMS. Mr. President, I am pleased to join with Senator EAST and Senator BINGAMAN in introducing legislation to authorize the transfer of two desalinization plants now owned by the Department of the Interior to the municipality where each is located. One plant is in my home State at Wrightsville Beach, and the other is in Roswell, N. Mex.

Under the auspices of the Office of Water Research and Technology, scientists at these two plants have worked to develop low-cost methods of converting saltwater into fresh water suitable for household use. However, the Interior Department has announced its intention to close the ORWT and, with it, the two desalinization plants.

Officials in both towns have expressed an interest in operating the plants and continuing the desalinization research. Since I am more familiar with the North Carolina facility, I will limit my comments to Wrightsville Beach. I feel sure my distinguished colleague from New Mexico will want to comment on the Roswell plant.

Mr. President, Wrightsville Beach has a twofold interest in acquiring the plant located there. First, town officials want to see desalinization research continued. Like many coastal towns, Wrightsville Beach has its share of water problems. Wells are gradually drying up and dwindling supplies of fresh water have prompted local officials to search for other sources of water. They are convinced that desalinization is the key to plentiful supplies in the future. If a cost-efficient method of converting seawater into drinking water can be developed, prospects of future water shortages will certainly be reduced.

Second, officials there have expressed an interest in using the physical plant and adjacent land for town purposes. Mayor Gene Floyd tells me Wrightsville Beach outgrew its administration building long ago and desperately needs additional office space. Aside from the space needed for desalinization research, the plant has ample room for town offices, as well as fire and police equipment.

The town is currently operating the plant under terms of a use agreement it negotiated with the Department of Interior last year. The town has contracted with a private company to continue the research and has neither asked for nor received financial support from the Federal Government in that endeavor.

Mr. President, while my bill provides for the transfer of title to the facility without cost to either party, there are certain conditions the town must abide by. First, the legislation directs Wrightsville Beach to operate and maintain the facility primarily for desalinization or other related research. Second, the bill directs the town to use the facility only for "public purposes," which, of course, provides for town use of the office space. The bill contains a reverter clause which states that title shall return to the Federal Government if the town ever uses the property for anything but public purposes. The conditions are very reasonable, I believe, and the town has pledged to comply with them.

Mr. President, the benefits of this legislation are obvious. Wrightsville Beach gains much-needed office space and vital research continues. The Federal Government will certainly benefit from this research at no cost to the taxpayers.

I urge my colleagues to consider this proposal carefully and to join with me in supporting it.

I ask unanimous consent that the text of my bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) notwithstanding any other provision of law and subject to paragraph (2), the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall convey, not later than December 31, 1983, and without consideration, all right, title, and interest of the United States in the real property described in subsection (b), which constitutes the Wrightsville Beach Test Facility, to the Town of Wrightsville Beach, North Carolina.

(2) Such conveyance shall be made on the conditions that—

(A) during the period beginning on the date of such conveyance and ending on December 31, 1987, such Facility is—

(i) maintained in a working order which is comparable to the condition of such Facility on the date of such conveyance, and

(ii) operated and maintained primarily for desalinization or other related research; and

(B) should the real property described in subsection (b) ever cease to be used for public purposes title shall revert back to the United States.

(b) The real property referred to in subsection (a) is real property located in the town of Wrightsville Beach, North Carolina, as follows:

Real property which constitutes the Wrightsville Beach Test Facility and may be described as Beginning at a point in the old northern line of U.S. Highway 76, said point located north 51 degrees 05 minutes west 530.00 feet as measured with said line from the southeast corner of Tract No. 1 as shown by "Map Showing Property of State of North Carolina" recorded in Map Book 7, Page 40, New Hanover County Registry; running thence from said Beginning north 38 degrees 55 minutes east 660.00 feet to a point; thence north 51 degrees 05 minutes west 120.80 feet to a point; thence north 38 degrees 56 minutes 30 seconds east 157.89 feet to a point; thence north 77 degrees 32 minutes 30 seconds east 101.40 feet to a point; thence north 12 degrees 07 minutes west 151.19 feet to a point in the southern line of U.S. Highway 74; thence with said southern line south 77 degrees 53 minutes west 563.57 feet to a point; thence south 38 degrees 55 minutes west 554.52 feet to a point in the old northern line of U.S. Highway 76; thence with said old northern line south 51 degrees 05 minutes east 538.47 feet to the point of Beginning, containing 9.57 acres.

Real property which is adjacent to such Facility and may be described as beginning at a point in the old northern right-of-way line of U.S. Highway 76 (Wrightsville Causeway) at the southeastern corner of Tract No. 1 as shown by "Map Showing Property of State of North Carolina" recorded in Map Book 7, Page 40, New Hanover County Registry; said southest corner located north 51 degrees 05 minutes west 862.6 feet as measured with said northern line from its intersection with the extension of the western line of Island Drive, Shore Acres; running thence from said Beginning south 38 degree 55 minutes west 150.00 feet to a point in the new northern right-of-way line of U.S. Highway 76; thence with said line north 51 degrees 05 minutes west 530.00 feet to a point; thence north 38 degrees 55 minutes east 150.00 feet to a point in said old northern right-of-way line; thence continuing north 38 degrees 55 minutes east 660.00 feet to a point; thence continuing north 38 degrees 55 minutes east 140.11 feet to a point; thence north 12 degrees 27 minutes 30 seconds west 108.44 feet to a point; thence north 77 degrees 32 minutes 30 seconds east 34.31 feet to a point; thence north 12 degrees 07 minutes west 151.19 feet to a point in the southern line of U.S. Highway 74; thence north 77 degrees 53 minutes east 240.00 feet to the northernmost corner of said Tract No. 1, Map Book 7, Page 40; thence with the eastern lines of said Tract No. 1 South 12 degrees 07 minutes east 723.8 feet to its easternmost corner; thence continuing with said eastern line south 38 degrees 55 minutes west 723.8 feet to the point of Beginning, containing 14.079 acres.

Beginning at a point in the old northern right-of-way of U.S. Highway 76 (Causeway Drive) and the southern line of tract No. 1 as shown by map, "Property of State of North Carolina" recorded in Map Book 7, Page 40, New Hanover County Registry, said point located north 51 degrees 05 minutes west 1,068.47 feet as with said line from the southeastern corner of said Tract No. 1; running thence from said Beginning with said line north 51 degrees 05 minutes west 322.62 feet to a point in the new right-of-way of U.S. Highway 76; thence with said new right-of-way north 19 degrees 27 minutes 15 seconds west 32.01 feet to an iron rod; thence continuing with said new right-of-way north 33 degrees 42 minutes 15 seconds east 94.98 feet to an iron rod in the southern right-of-way of U.S. Highway 74; thence with said southern line north 77 degrees 53 minutes east 570.17 feet to an iron pipe; thence south 38 degrees 55 minutes west 554.55 feet to the point of Beginning, containing 2.72 acres and being the western portion of said Tract No. 1 recorded in Map Book 7, Page 40.

SEC. 2. (a)(1) Notwithstanding any other provision of law and subject to paragraph (2), the Secretary shall convey, not later than December 31, 1983, and without consideration, all right, title, and interest of the United States in the real property described in subsection (b), which constitutes the Roswell Test Facility, to the city of Roswell, New Mexico.

(2) Such conveyance shall be made on the conditions that—

(A) during the period beginning on the date of such conveyance and ending on December 31, 1987, such facility is—

(i) maintained in a working order which is comparable to the condition of such facility on the date of such conveyance, and

(ii) operated and maintained primarily for desalinization or other related research; and

(B) should the real property described in subsection (b) ever cease to be used for public purposes title shall revert back to the United States.

(b) The real property referred to in subsection (a) shall consist of so much of the real property located in the county of Chaves, New Mexico, as constitutes the Roswell Test Facility. Such real property shall consist of—

(1) the lands at the Roswell site as conveyed to the United States by the city of

Roswell, New Mexico, by warranty deed dated April 13, 1961, said deed being recorded in the office of the county clerk of the county of Chaves, New Mexico, at book 205, page 406, and more fully describing such lands as being—

A tract of land lying and being situated in the southwest quarter of section 32, township 10 south, range 25 east, New Mexico principal meridian, and being more particularly described as follows: Beginning at a point on the west line of said section 32 which bears north 3 degrees 58 minutes east at 137 feet distant from the southwest corner of said section 32; thence north 3 degrees 58 minutes east, a distance of 455 feet thence north 78 degrees 03 minutes east a distance of 531.9 feet; thence south 25 degrees 00 minutes east a distance of 450.1 feet; thence southwesterly along a curve to the right, the arc which bears south 77 degrees 43 minutes west a distance of 760.4 feet to the point of beginning containing 6.94304 acres, and

(2) the lands at the Roswell site as conveyed to the United States by the city of Roswell, New Mexico, by warranty deed dated June 18, 1968, said deed being recorded in the office of the county clerk of the county of Chaves, New Mexico, at book 250, page 390, and more fully describing such lands as being—

A tract of land lying and being situated in the west half of the west half of the southwest quarter of section 32, township 10 south, range 25 east, New Mexico, principal meridian, and being more particularly described as follows: Beginning at a point on the west line of said section 32 which bears north 3 degrees 58 minutes east 592 feet distant from the southwest corner of said section 32, thence north 3 degrees 58 minutes east a distance of 911.5 feet; thence south 39 degrees 33 minutes east a distance of 179.00 feet; thence south 27 degrees 35 minutes east a distance of 1,193.00 feet; thence southwesterly along the north highway right-of-way line on a curve to the right of 5,655 feet radius through an included angle of a degrees 13 minutes a distance of 21.31 feet, thence north 25 degrees 00 minutes west a distance of 444.26 feet; thence south 78 degrees 03 minutes west a distance of 531.9 feet to the point of beginning containing 5.795 acres, more or less. Note: The east boundary of this tract of land lies 50 feet west of the center line of the Hagerman canal, together with water rights appurtenant thereto.●

● Mr. EAST. Mr. President, I am honored to join with Senator BINGAMAN as a cosponsor of this legislation offered by the senior Senator from North Carolina, Senator HELMS. This legislation would authorize the Department of the Interior (DOI) to transfer title of two desalting test facilities to the local governments where each is located: the town of Wrightsville Beach, N.C. and the city of Roswell, N. Mex.

Since the early sixties, the Office of Water Research and Technology (OWRT) has operated these test facilities to conduct research and development on desalination processes. The local governments where these sites are located have cooperated in the successful operation of the test facilities. The town of Wrightsville Beach, for instance, has provided secure easements, rights-of-way, police and fire protection, water and sewer services, refuse collection, and other necessary services without cost to the Federal Government. In addition, the town participated in original site selection and preparation for the installation. Recently, however, the Department of the Interior has discontinued the maintenance and use of these facilities under OWRT. The operation of the saline water conversion program is being shut down and the land declared surplus.

The town of Wrightsville Beach like the city of Roswell has stated an interest in acquiring these properties and continuing desalination research. To underscore this interest, I mention that the town of Wrightsville has operated the water conversion facility since January 23, 1983, under a cooperative agreement with DOI. The city of Roswell has acted in a similar manner to continue its water conversion operations. They are concerned about the facilities remaining open and believe that sooner or later desalting procedures are going to become important in supplying our water resource needs.

Mr. President, I support this legislation because it provides adequate and reasonable conditions for the transfer of a Federal program to a local government which wishes to keep up the desalination research for the benefit of its citizens. The legislation allows for continued production and research of obtaining potable water from seawater. Moreover, it contains a property reverter clause to the Federal Government should the property ever be used for anything but public purposes.

Our water resource needs of present and future generations should not be neglected. This legislation gives new lease to a viable alternative for seawater conversion. I commend this legislation to my colleagues and urge their support for it.●

● Mr. BINGAMAN. Mr. President, I am pleased to join with Senator HELMS and Senator EAST in introducing legislation that will authorize the transfer of two desalinization plants now owned by the Department of the Interior to the municipalities of Roswell, N. Mex. and Wrightsville Beach, N.C. I will limit my comments to the New Mexico facility.

The U.S. Department of the Interior decided in mid-1982 to close its Roswell Test Facility (RTF), This research complex has been operated by the Federal Government for the past two decades principally for the development of desalting technology and for related water research. A cooperative agreement was negotiated with the DOI enabling the city of Roswell to operate the RTF exclusively for water and related research through 1983. The facility is currently being used by New Mexico State University and public researchers on a contract basis with the city.

I am convinced that the facility represents great potential for water, agriculture and aquaculture research beneficial to New Mexico. The RTF is capable of producing extremely high quality water with as little as 200 parts per million to total dissolved solids. One of the city's primary goals is to make this high quality water available to prospective industries whose production is dependent on a supply of high quality water. The electronics, chemical and photo finishing industries are three that could be attracted to Roswell for its water. The expanded industrial base would help create jobs for Roswell and all of Chavez County. Light industry would broaden the county's primarily agricultural tax base and increase tax revenues for the entire region.

The State of New Mexico will realize benefits not only because of an increased prosperity in the southeastern region, but also through the direct application of RTF's experience around the State.

The desalting plant has unmet potential as a commercial research and development site. Newer, faster, and more economical methods of desalinization processes and products can be tested for efficiency. This would not only advance the technology of purifying brackish water, but also generate valuable revenue for the facility. The technology and experience gained from the facility could then be applied in areas plagued by brine water around the State and Nation.

The bill provides for the transfer of title to the facility without cost to either party. There are certain conditions set which the municipality must abide by. First, the legislation directs Roswell to operate and maintain the facility primarily for desalinization or other research. Second, the bill directs the town to use the facility only for "public purposes." This, of course, would include research conducted with the State and educational institutions. The bill contains a reverter clause which states that title to the property shall return to the Federal Government if the town ever used the property for anything but public purposes. These conditions are reasonable.

Mr. President, I believe the benefits to the public of this legislation are very clear. I urge my colleagues to consider the proposal carefully and to join me in supporting it.●

By Mr. DOLE (for himself, Mr. LONG, Mr. WALLOP, Mr. BOREN, Mr. SYMMS, Mr. BENTSEN, and Mr. TOWER):

S. 1661. A bill to amend the Internal Revenue Code of 1954 to make technical corrections with respect to the application after 1983 of the percentage depletion allowance to oil and natural gas resulting from secondary or terti-

ary processes; to the Committee on Finance.

APPLICATION OF PERCENTAGE DEPLETION ALLOWANCE

● Mr. DOLE. Mr. President, today, I am joining with Senators LONG, WALLOP, BOREN, SYMMS, BENTSEN, and TOWER introducing a bill which makes a technical amendment to the Tax Reduction Act of 1975.

PURPOSE

This bill will correct a technical drafting error in the Tax Reduction Act of 1975. Except for small independent producers and royalty owners, the intent of the conference agreement was generally to repeal the percentage depletion deduction for oil and gas production. In addition, the 1975 act provides a special rule on secondary and tertiary production which would maintain the rate of percentage depletion at 22 percent on secondary and tertiary production for calendar years 1975 through 1983. After 1983, the conference agreement provides that secondary and tertiary production will be subject to the percentage depletion rules generally applicable to production for independent producers and royalty owners.

Because of an error in the drafting of the 1975 act, it eliminates the percentage depletion from secondary and tertiary production after 1983. This was not the intent of the conference agreement. This bill will correct this drafting error so that after 1983, secondary and tertiary production will be subject to the percentage depletion rules generaly applicable to production for independent producers and royalty owners (15 percent up to 1,000 barrels a day).

BACKGROUND

Prior to the Tax Reduction Act of 1975, two methods of depletion were allowable under the Internal Revenue Code for oil and gas production: The cost depletion method and the percentage depletion method. Under the cost depletion method, a taxpayer is allowed to deduct a portion of the adjusted basis of the property equal to the ratio of units sold from the property during the taxable year over the number of units remaining. Under the percentage depletion method, a fixed statutory percentage of the taxpayers' adjusted gross income from the property is allowed as a deduction.

The Tax Reduction Act of 1975 generally eliminated the percentage depletion method for most oil and gas production except for certain sales of natural gas under a fixed contract and natural gas from geopressured brine. Under the small producer exemption, the percentage depletion rate for oil and gas production was gradually phased down from 22 percent in 1980 to a permanent rate of 15 percent in 1984.

The 1975 act also contained a special rule for percentage depletion for secondary and tertiary production. Percentage depletion is allowed at a rate of 22 percent on production resulting from secondary or tertiary recovery methods until 1984. In 1984, the 22-percent rate of percentage depletion for secondary and tertiary production was intended to be reduced to the permanent rate of 15 percent on up to 1,000 barrels a day.

When the 1975 act was drafted, the special rule for secondary and tertiary production was drafted as a separate allowance of percentage depletion on secondary and tertiary production. Since the special percentage depletion rate of 22 percent for secondary and tertiary oil production is supposed to end in 1983, the separate allowance terminates in 1983. No provision was made in the statute for making the percentage depletion rules for independent producers and owners applicable to secondary and tertiary production after 1983. Therefore, the statute has the unintended result of allowing a percentage depletion on secondary and tertiary production after 1983.

This bill corrects this unintended result in the drafting of the 1975 act and would allow independent producers and royalty owners the generally applicable percentage depletion rate of 15 percent up to 1,000 barrels a day for secondary and tertiary production, after 1983.

Mr. President, it is my understanding that Treasury does not oppose this technical amendment. Since the 1975 act as presently drafted would eliminate the percentage depletion deductions for secondary and tertiary production after 1983, I hope my colleagues will join me in passing this bill before the end of the year.●

● Mr. BOREN. Mr. President, I join with the distinguished Senator from Kansas, Mr. DOLE, in correcting an error made in the drafting of the Tax Reduction Act of 1975 with regard to the percentage depletion allowed on secondary and tertiary production of crude oil and natural gas.

The Tax Reduction Act of 1975 contained at least two errors dealing with secondary and tertiary production. The first error was corrected by the Tax Reform Act of 1976. The second error which we seek to correct is that section 613A(c)(6)(C) can be interpreted to mean that no percentage depletion will be allowed under the independent producer and royalty owner exemption for secondary and tertiary production after December 31, 1983. It is clear that Congress intended only that the 22-percent rate terminate for secondary and tertiary production on that date, but that percentage depletion continue on such production after that date at the 15-percent rate to the extent of the available-per-day exemption. However, the regulations have failed to clarify this point, so legislation is needed.

If legislation is not enacted to clarify this point, many independent producers will lose the needed incentive to rework these older wells. Large investments are needed to use the exotic tertiary techniques, such as fireflooding and polymers, which recover these significant reserves. The Department of Energy has testified that with proper inducement, over 2 million barrels of oil production per day could be recovered by 1990. The retention of percentage depletion for this type of production is crucial. It would be ridiculous to allow percentage depletion on less costly wells and deny it to those expensive projects involving secondary and tertiary recovery methods,

I urge my colleagues to join us in correcting this obvious oversight.●

By Mr. STEVENS:

S. 1662. A bill to amend title 5, United States Code, with respect to the authority of the Special Counsel of the Merit Systems Protection Board; to the Committee on Governmental Affairs.

AUTHORITY OF THE SPECIAL COUNSEL OF THE MERIT SYSTEMS PROTECTION BOARD

Mr. STEVENS. Mr. President, I am introducing a bill today to clarify certain authorities for the Special Counsel of the Merit Systems Protection Board.

The Special Counsel is responsible for investigating prohibited personnel practices, protecting whistleblowers, and assuring the merit principles of the civil service are upheld. Unlike the General Counsel of the Federal Labor Relations Authority, the Special Counsel is designed to be more independent of its parent agency.

Over the years, however, there has been a great deal of controversy surrounding the relationship between the Special Counsel and the Merit Systems Protection Board. I introduced legislation in the last Congress that would clarify the role the Special Counsel is to play in various matters. I am again introducing legislation which cleans up some of the ambiguity of the current law and establishes certain specific authority for the Special Counsel.

One, the bill authorizes the Special Counsel to prepare a separate budget to the President to be transmitted to Congress. It clarifies the current statute to insure that in budgetary matters the Special Counsel is totally independent from the Merit Board. Under current law, the Special Counsel does have a line-item appropriation, but there is ambiguity regarding the relationship between the Board and the Special Counsel in budgetary matters.

Two, the bill empowers the Special Counsel to litigate before the courts on its own behalf on any matter in which the Special Counsel has been

previously involved. Current law is again ambiguous as to the special litigating authority of the Special Counsel. The Merit Board has independent litigating authority from the Justice Department. It is not clear, however, that the Special Counsel also has special litigating authority. This bill empowers Special Counsel to litigate separately from the Merit Board and authorizes the Special Counsel to appeal decisions of the Merit Board in which the Special Counsel has been previously involved.

Three, the bill clarifies the Special Counsel's authority to administer oaths, examine witnesses, take depositions, and receive evidence without prior designation by the Board. The Board itself has that authority plus any employee designated by the Board; however, it is unclear as to the Special Counsel's role in this matter.

Four, the Special Counsel is empowered to submit directly to Congress any legislative recommendations the Special Counsel deems is necessary to further enhance the ability of its office to perform its duties under the law.

By Mr. RIEGLE (for himself and Mr. LEVIN):

S. 1663. A bill to extend the program of Federal supplemental unemployment benefits for 6 additional months, to provide additional weeks of such benefits, and to provide an alternate mechanism for determining the number of weeks of such benefits for any State; to the Committee on Finance.

EXTENSION OF FEDERAL UNEMPLOYMENT BENEFITS

● Mr. RIEGLE. Mr. President, for the past few weeks we have received reports of an economic recovery from the devastating recession that has gripped this country under the current administration. While visible signs of such a recovery would be a welcome sight to all of us, they would be particularly welcome in my State of Michigan. Michigan has just suffered its 42d consecutive month of double-digit unemployment. Media reports of an imminent recovery, however, must not delude us into thinking that the unemployed in this country no longer require our assistance. Unfortunately, signs of a meaningful decrease in our unemployment rate have proven virtually nonexistent. Despite a slight decrease in the national unemployment rate, more than 11 million workers remain unemployed today.

Michigan's unemployment situation has exhibited an erratic performance in recent months. A drop in the number of Michigan unemployed between March and May provided a welcome decrease in the unemployment rate. The June unemployment statistics, however, provide more sobering news. The number of Michigan unemployed actually rose from May to June and resulted in an increased seasonally adjusted unemployment rate of 15.2 percent. A more fundamental problem concerns the composition of this group of unemployed workers. The drop in Michigan's unemployment rate reflects more hiring by seasonal industries and a reduction in initial layoffs. Sadly, Mr. President, the decrease does not reflect large numbers of long-term unemployed securing employment. Indeed, the number of Federal supplemental compensation (FSC) recipients in Michigan has increased from approximately 55,000 in late March to approximately 125,000 in mid-June. Clearly the plight of the long-term unemployed, an inordinate number of whom live in the industrial Midwest, has not improved in recent months.

Consequently, today I am introducing legislation that addresses an immediate problem faced by thousands of individuals in this group. My bill will extend the FSC program, provide additional weeks of FSC benefits, and modify eligibility requirements that determine the number of FSC weeks for which a State qualifies.

EXTENSION OF THE FSC PROGRAM

The legislation I am introducing today extends the termination date of the FSC program from the current September 30 to March 31, 1984. The extension of these benefits is essential for those unemployed who will have exhausted other forms of unemployment benefits by the end of September.

The FSC program has proven invaluable to the hundreds of thousands of unemployed who have depended on them to provide the everyday essentials such as food and shelter for themselves and their families. Unable to secure jobs in their communities, these individuals have been forced to rely on FSC benefits through the many months of this severe recession. This has been especially true in Michigan where over 200,000 unemployed have received FSC benefits.

The continuing need for a supplemental benefit program is obvious. When Congress enacted the FSC program last year, the national unemployment rate had risen to 9.8 percent and hundreds of thousands of unemployed had begun to exhaust their benefits. Similar conditions will exist when the FSC program expires at the end of September. Several projections indicate that the unemployment rate will not decrease appreciably this year, but will hover near 10 percent. Consequently, many of those unemployed currently receiving regular unemployment benefits will remain jobless through this year. When the FSC program expires in September, we in Congress cannot simply turn our backs on the unemployed. In light of the projected continued high rate of unemployment, no good reason exists to deny these unemployed this crucial assistance. Extension of this program will not retard any recovery that materializes. Rather, it is prudent and realistic for Congress to act to insure that these jobless workers will not find themselves relegated to the welfare rolls.

PROVISION FOR ADDITIONAL WEEKS OF BENEFITS

Long-term unemployed who have begun to exhaust their FSC benefits face a more immediate crisis. As part of the social security reform legislation enacted at the end of march, Congress provided additional weeks of FSC benefits for those individuals who had exhausted them at that point. The maximum allotment of 10 additional weeks provided in that legislation has begun to expire for thousands of long-term jobless workers. Estimates indicate that anywhere from 20,000 to 65,000 FSC recipients in Michigan have already exhausted their FSC allotment. These numbers will only increase as the summer continues. If it were these long-term unemployed who accounted for a significant decrease in the unemployment rate, additional weeks of FSC benefits might prove unnecessary. As I have already indicated, however, the number of workers who have remained jobless for more than 40 weeks has not decreased appreciably. Indeed, the number of Michigan FSC recipients has more than doubled since we last acted in late March to provide additional weeks of benefits. Mr. President, these long suffering individuals and their families need our help now.

Provisions in the bill I am introducing today for additional FSC weeks reflect those enacted as part of the social security reform legislation. Like that legislation, my bill classifies FSC recipients into three categories: First, individuals who have exhausted their FSC benefits by August 1 (exhaustees); second, individuals who begin to receive FSC benefits on or after August 1 (basic claimants); and third, individuals who begin to receive FSC benefits prior to August 1 but who have some FSC entitlement remaining after that date (transitional claimants). This bill provides the same number of weeks as provided by the earlier legislation. Thus, exhaustees will receive 10, 8, or 6 additional weeks of FSC benefits depending on the tier of benefits for which their State qualifies. Basic claimants will receive 14, 12, 10, or 8 weeks depending on their State's tier. Transitional claimants will also receive additional weeks, but their total entitlement may not exceed the maximum basic entitlement alloted for their State. The bill also extends the phaseout provision to March 31, 1984, so that individuals who have not exhausted their FSC entitlement by

that date can qualify for up to 50 percent of their remaining entitlement.

MODIFICATION OF ELIGIBILITY REQUIREMENTS

The final component of this bill modifies the eligibility requirements that determine under which tier of benefits a State falls. It adopts the formula proposed by my colleague from Michigan, Senator LEVIN, in legislation (S. 1589) he introduced just prior to the July 4 recess. Thus, this bill permits a State to qualify for a certain tier based on its insured unemployment rate (IUR) or its total unemployment rate (TUR). Under the new formula, a State will qualify for: Tier 1 benefits if its IUR is 6 percent and above or its TUR is 11 percent and above; tier 2 benefits if its IUR is at least 5 percent but less than 6 percent or its TUR is at least 10 percent but less than 11 percent; tier 3 benefits if its IUR is at least 4 percent but less than 5 or its TUR is at least 9 percent but less than 10 percent; or tier 4 benefits if it does not qualify for tier 1, 2, or 3 benefits. Should a State qualify for more than one tier of benefits, it would fall under the tier that provides the greater number of benefit weeks.

Modification of the current requirements is essential because reliance on the IUR has proven illogical in many States. As Senator LEVIN indicated in his remarks, logic has been stood on its head when our State has triggered off the extended benefit program despite having an unemployment rate that is 50 percent greater than the national rate and which exceeds the rate in States that qualify for extended benefits. The same illogic applies to the FSC program, which provides different numbers of FSC weeks based on a State's IUR. Despite having one of the highest unemployment rates in the country—15.2 percent—Michigan qualifies for the second lowest tier of FSC benefits. Moreover, jobless workers in Michigan have seen their FSC allotment drop by 4 weeks in the past 5 weeks as Michigan's IUR has dropped.

Michigan's declining IUR should indicate an improving unemployment situation. In fact, Michigan's unemployment situation has not improved markedly at all. Rather, the IUR distorts the situation and ceases to act as an accurate barometer of unemployment. Reliance on the IUR penalizes States that have great numbers of long-term unemployed since the calculation of the IUR does not even include them. The IUR trigger has simply become an absurd distortion of a State's real need to provide unemployment benefits for its jobless workers. Michigan AFL-CIO Executive Vice President Sam Fishman has accurately compared this trigger mechanism to a faulty system once used to determine pollution levels in lakes. That system measured water pollution levels by relying on the rate at which fish in the lake were dying. That measure, however, categorized a lake in which all of the fish had died as pollution free. Mr. President, my bill will correct this absurd situation by permitting States to use their TUR when the IUR does not reflect accurately their unemployment situation. Consequently, those States experiencing the highest rates of unemployment will qualify for the greatest amount of supplemental compensation.

FSC REFORM REQUIRES IMMEDIATE ATTENTION

Mr. President, FSC recipients have already begun to exhaust their benefits. Consequently, an immediate need for congressional action exists. I am pleased that the chairman of the Finance Committee, Senator DOLE, has called for hearings to examine the problems associated with the use of the IUR to determine extended benefit eligibility. While I appreciate the chairman's concern in addressing this important issue, I would hope that those hearings would also examine the need to extend the FSC program and to provide additional weeks of benefits. Hundreds of thousands of unemployed depend on quick enactment of reforms in our unemployment insurance laws. I am hopeful that my colleagues will act in such a manner. I ask that the text of the bill be reprinted in full in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1663

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

EXTENSION OF PROGRAM

SECTION 1. (a) Section 602(f)(2) of the Federal Supplemental Compensation Act of 1982 is amended by striking out "September 30, 1983" and inserting in lieu thereof "March 31, 1984".

(b) Section 605(2) of such Act is amended by striking out "October 1, 1983" and inserting in lieu thereof "April 1, 1984".

NUMBER OF WEEKS FOR WHICH COMPENSATION IS PAYABLE

SEC. 2. (a) Section 602(e)(2)(A) of the Federal Supplemental Compensation Act of 1982 is amended by striking out "March 31, 1983" and inserting in lieu thereof "July 31, 1983".

(b) Subparagraph (C) of section 602(e)(2) of such Act is amended to read as follows:

"(C) In the case of the account of an individual to whom Federal supplemental compensation was payable for a week beginning before August 1, 1983, and who did not exhaust his rights to such compensation (by reason of the payment of all the amount in such account) prior to August 1, 1983, the amount established in such account for compenation payable for weeks beginning on or after August 1, 1983, shall be equal to the lesser of the subparagraph (A) entitlement or the sum of—

"(i) the subparagraph (A) entitlement reduced (but not below zero) by the aggregate amount of Federal supplemental compensation paid to such individual for weeks beginning before August 1, 1983, plus

"(ii) such individual's additional entitlement.".

(c) Section 602(e)(2)(E) of such Act is amended by striking out "March 31, 1983" and "April 1, 1983" and inserting in lieu thereof "July 31, 1983" and "August 1, 1983", respectively.

(d) Section 602(e)(2) of such Act is amended by adding at the end thereof the following new subparagraph:

"(F) In the case of the account of an individual to whom Federal supplemental compensation was payable for a week beginning before August 1, 1983, and who exhausted his rights to such compensation (by reason of the payment of all of the amount in such account) prior to August 1, 1983, the amount established in such account for compensation payable for weeks beginning on or after August 1, 1983, shall be equal to such individual's additional entitlement.".

ALTERNATE STATE TRIGGER

SEC. 3. Section 602(e) of the Federal Supplemental Compensation Act of 1982 is amended by adding at the end thereof the following new paragraph:

"(4)(A) If the application of the provisions of this paragraph result in a higher applicable limit for a State, as determined under the tables appearing in paragraphs (2)(A)(ii) and (2)(D)(ii), the applicable limit for such State shall be determined in accordance with this paragraph, rather than under subparagraphs (A) and (B) of paragraph (3).

"(B) A State shall be deemed to be in a '6-percent period', '5-percent period', or '4-percent period' if—

"(i) in the case of a State for which the Bureau of Labor Statistics compiles data on a month-to-month basis with respect to the seasonally adjusted total unemployment rate, such adjusted rate for such State for the month preceding the month in which such week begins falls within the applicable range described in subparagraph (C); or

"(ii) in the case of a State not described in clause (i)—

"(I) the average monthly total rate of unemployment for such State for the 12-month period immediately preceding the month in which such week begins falls within the applicable range described in subparagraph (C), and

"(II) the total rate of unemployment for such State for the month preceding the month in which such week begins falls within such applicable range.

"(C) For purposes of subparagraph (B), the applicable range is as follows:

"In the case of a:	The applicable range is:
6-percent period	A rate equal to or exceeding 11 percent.
5-percent period	A rate equal to or exceeding 10 percent but less than 11 percent.
4-percent period	A rate equal to or exceeding 9 percent but less than 10 percent.".

EFFECTIVE DATE

SEC. 4. (a) The amendments made by this Act shall become effective on August 1, 1983, and shall apply to weeks beginning on or after such date.

(b) The Secretary of Labor shall, at the earliest practicable date after the date of the enactment of this Act, propose to each State with which he has in effect an agreement under section 602 of the Federal Supplemental Compensation Act of 1982 a modification of such agreement designed to provide for the payment of Federal supple-

mental compensation under such Act in accordance with the amendments made by this Act. Notwithstanding any other provision of law, if any State fails or refuses, within the 3-week period beginning on the date the Secretary of Labor proposed such a modification to such State, to enter into such a modification of such agreement, the Secretary of Labor shall terminate such agreement effective with the end of the last week which ends on or before such 3-week period.●

By Mr. STEVENS:

S. 1664. A bill to amend title 5, United States Code, to make the Chairman of the Federal Labor Relations Authority the chief executive and administrative officer of the Federal Labor Relations Authority; to the Committee on Governmental Affairs.

DESIGNATION OF AUTHORITY TO THE CHAIRMAN OF THE FEDERAL LABOR RELATIONS AUTHORITY

Mr. STEVENS. Mr. President, I am introducing today a bill to designate the Chairperson of the Federal Labor Relations Authority to be the chief executive and administrative officer of the agency.

The Federal Labor Relations Authority is composed of three members who adjudicate claims of unfair labor practices in the Federal sector. The statute is ambiguous as to who has the administrative authority in the agency. Thus, what has occurred is that all administrative and executive decisions have to be cosigned by all three members. This has created a situation of great friction, confusion, and delay. In fact, the well-publicized furniture fiasco of last year can be, in part, attributed to the lack of one central person accountable for administrative matters. The empowering of the Chairperson with this authority will not in any way diminish the authority of other members in matters relating to cases before them. This is simply a clarification of administrative authority in that agency.

By Mr. STEVENS:

S. 1665. A bill to amend chapter 71 of title 5, United States Code, to provide for the operational continuity of the Office of the General counsel of the Federal Labor Relations Authority during a vacancy in the position of the General Counsel; to the Committee on Governmental Affairs.

CONTINUITY DURING VACANCY OF GENERAL COUNSEL OF THE FEDERAL LABOR RELATIONS AUTHORITY

Mr. STEVENS. Mr. President, I am introducing a bill today to simply authorize the President to designate a person as the acting General Counsel of the Federal Labor Relations Authority, for a short period, if the office of the General Counsel is vacant. Under current law only the General Counsel is empowered to investigate and prosecute unfair labor practices in the Federal sector.

The recent experience of the Office of the General Counsel highlights the critical problems created when there is a vacancy in the position of the General Counsel: On March 22, 1982, the first Presidentially appointed General Counsel of the Authority resigned. On June 28, 1982, the President designated an Acting General Counsel. The President nominated a General Counsel on November 1, 1982, and the new General Counsel took office, after Senate confirmation, on March 8, 1983. During the 3-month hiatus between March 22, and June 28, 1982, the Office of the General Counsel was required to defer issuing approximately 248 unfair labor practice complaints and 140 decisions on appeals from regional directors' refusals to issue unfair labor practice complaints. Although the Office of the General Counsel continued to investigate allegations of new unfair labor practices during this 3-month period, and regional directors continued to dismiss nonmeritorious unfair labor practice charges, although no action was taken on appeals of such dismissal actions, such continued investigation and dismissals in the absence of a General Counsel could be questioned as being inappropriate.

Upon the designation by the President of an Acting General Counsel new unfair labor practice complaints were issued and action was taken on appeals of regional directors' dismissals of unfair labor practice charges. However, legal questions exist whether the requirement for Senate confirmation contained in section 7104(f)(1) of the statute can be avoided, absent specific statutory authority, through the designation of a Federal official as Acting General Counsel to exercise the statutory authority of the General Counsel for an indefinite period.

This bill gives the President that authority.

By Mr. PACKWOOD (for himself, Mr. GOLDWATER, Mr. DANFORTH, Mrs. KASSEBAUM, Mr. PRESSLER, Mr. STEVENS, Mr. TRIBLE, Mr. ABDNOR, Mr. ANDREWS, Mr. BOSCHWITZ, Mr. CHAFEE, Mr. COCHRAN, Mr. COHEN, Mr. DENTON, Mr. DOLE, Mr. DOMENICI, Mr. DURENBERGER, Mr. GRASSLEY, Mr. HATCH, Mr. HATFIELD, Mr. HECHT, Mr. HEINZ, Mr. JEPSEN, Mr. LAXALT, Mr. MCCLURE, Mr. ROTH, Mr. SIMPSON, Mr. SPECTER, Mr. STAFFORD, Mr. WALLOP, and Mr. WARNER):

S. 1660. A bill relating to the preservation of Universal Telephone Service; to the Committee on Commerce, Science, and Transportation.

UNIVERSAL TELEPHONE SERVICE PRESERVATION ACT OF 1983

● Mr. PACKWOOD. Mr. President, today I introduce S. 1660, the Universal Telephone Service Act of 1983. A similar bill is being introduced today in the House of Representatives by the chairman of the Energy and Commerce Committee, JOHN DINGELL; the chairman of the Subcommittee on Telecommunications, Consumer Protection, and Finance, TIMOTHY WIRTH, and other members of that subcommittee. The main purpose of this bill is to establish, as national policy, that the Federal Communications Commission must insure the universal availability of basic telephone service at reasonable rates.

Recent requests for large increases in local telephone rates are of great concern to me and other Members of this body. We fear that, if these proposed increases in local rates are approved, many consumers will be forced to give up their telephones—an integral part of their daily lives—because they no longer will be able to afford telephone service. Rate increases that lead to the disconnection of telephone service threaten not only individual consumers, but also America's efficient telephone network. Our primary goal is to insure that the consumers' interests in maintaining efficient and economical telephone service are protected during this time of enormous change in the telecommunications industry.

Mr. President, this is a confusing period for this industry—AT&T is being reorganized, new technologies are emerging faster than we can keep track of them, and the FCC is changing fundamental regulatory groundrules. The apparent effect of these changes is to shift much of the responsibility for maintaining the universal telephone network from the major users of the network to residential telephone customers. If these policies continue, the result will be the destruction of universal service.

After the AT&T/Justice Department consent decree was announced in January of 1982, we and others were told, that telephone rates would not go up by more than 8 to 10 percent a year. Many recent local rate requests, totaling over $5 billion nationwide, have far exceeded that prediction. Rural telephone companies also fear that their rates will greatly exceed that prediction, if Congress does not act.

Two years ago, I was concerned about the possible impact of regulatory changes on telephone rates and consumers. A bill I sponsored, S. 898, would have protected consumers by continuing the use of long-distance revenues in subsidizing residential and rural rates. S. 898 passed the Senate in October 1981. In January of 1982, AT&T and the Justice Department agreed to break up that company, and the House Commerce Committee was not able to report out legislation similar to S. 898.

Based upon the assurances we received after the consent decree was announced, I was willing to let the dust settle before considering further legislation. However, the prospect of these rate increases and the possible impact on our universal telephone network compel me to take legislative action now.

Mr. President, it would be irresponsible to wait any longer until massive rate increases actually hit the public. We need to act now to insure that no judicial or regulatory policy results in unreasonable rate increases. Judge Greene, the judge in the AT&T divestiture case, has no jurisdiction over local or long distance telephone rates. He cannot solve the problem, but the Congress can. I believe that it is in the national interest for us to do so this year.

This bill I introduce today, with Senators GOLDWATER, DANFORTH, KASSEBAUM, PRESSLER, STEVENS, TRIBLE, ABDNOR, ANDREWS, BOSCHWITZ, CHAFEE, COCHRAN, COHEN, DENTON, DOLE, DOMENICI, DURENBERGER, GRASSLEY, HATCH, HATFIELD, HECHT, HEINZ, JEPSEN, LAXALT, MCCLURE, ROTH, SIMPSON, SPECTER, STAFFORD, WALLOP, and WARNER as cosponsors, will accomplish the major goals the Senate established 2 years ago in passing S. 898. The Committee on Commerce, Science, and Transportation will hold joint hearings on this legislation with Energy and Commerce Committee of the House of Representatives on July 28 and 29. We hope to move expeditiously on this legislation in the Senate, and the leadership of the House Energy and Commerce Committee has made a commitment to do the same in the House. We believe that the passage of this legislation is of great importance to the Nation.

I ask that the bill and a summary be printed in its entirety at this point in the RECORD. I also ask that a survey on State telephone rate requests and awards, prepared for me by the National Telecommunications and Information Administration, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1660

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Universal Telephone Service Preservation Act of 1983".

POLICY

SEC. 2. For the purpose of making available, so far as possible, to all the people of the United States, rapid, efficient, nationwide, and worldwide telecommunications services with adequate facilities at reasonable charges; for the purpose of providing universal basic telephone service at reasonable charges to rural and residential basic telephone customers; for the purpose of assuring that all providers of telecommunications services bear an equitable share of the costs of providing universal basic telephone service; for the purpose of encouraging continuing improvements in telecommunications technologies and service in all areas of the United States; and for the purpose of promoting safety of life and property through the use of telecommunications.

EXCHANGE ACCESS

SEC. 3. Section 221 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(e) The Commission shall establish a system of exchange access charges in order to—

"(1) achieve equal treatment among all interLATA carriers and other customers using the services of exchange companies through direct or indirect connection;

"(2) assure that payments and assignments of costs relating to exchange access are carried out in a manner which is open to public examination and which ensures accountability to the public;

"(3) achieve flexibility in accommodating changes in market conditions and technology;

"(4) establish incentives for efficient investment decisions and technological choices; and

"(5) ensure that exchange carriers are compensated for their costs of providing exchange access.".

UNIVERSAL SERVICE COSTS; DEFINITIONS

SEC. 4. Section 201 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsections:

"(c)(1) The joint board established pursuant to section 410(d) of this Act shall establish a Universal Service Charge Schedule to insure that basic telephone service will be available at reasonable rates throughout the United States. Such Schedule shall take effect on January 1, 1986, or on the date of the termination of the current subscriber plant factor compensation arrangement, whichever first occurs. Such Schedule shall designate Universal Service Costs to be allocated to the Federal jurisdiction and provide for their collection by means of a universal Service Charge that is payable by any interLATA carrier or any provider of interLATA services or private system that connects directly or indirectly to any exchange carrier or any local exchange switched network used to provide basic telephone service.

"(2) Each exchange company that qualifies for payments shall be entitled to receive 90 percent of its reasonably incurred Universal Service Costs, which are directly related to the efficient and economic provision of such service.

"(3) For purposes of this title, Universal Service Costs shall consist of an exchange company's costs for basic intraLATA telephone service to any points within a LATA which exceed 110 per centum of the average cost of providing comparable basic intraLATA telephone service throughout the United States.

"(d) Notwithstanding the provisions of subsection (c), any company which qualifies for payments under this section and whose costs for basic intraLATA telephone service to any points exceed 250 per centum of the average cost of providing comparable basic intraLATA telephone service throughout the United States shall be entitled to receive 100 per centum of its reasonably incurred Universal Service Costs over 25 per centum of the natioal average.

"(e) For purposes of this section, the term—

"(1) 'Basic telephone service' shall mean residential voice-grade communications provided to the general public on a universal basis over the public switched telephone network for use by natural persons to communicate with each other by voice;

"(2) 'basic intraLATA telephone service' shall mean that portion of basic telephone service provided within a local access and transport area (LATA) as that term was described in the Plan of Reorganization filed on December 16, 1982, in the United States District Court for the District of Columbia, in Civil Action No. 82-0192, and as approved by such Court, including access to such service. Such term shall include service between independent telephone companies that are associated with Bell Operating Company LATAs and service within an independent telephone company service area which is the equivalent of a LATA; and

"(3) 'exchange company' shall mean a company that offers basic telephone service and other services within one or more service areas recognized by any State regulatory commission.

"(f) On and after the date of the enactment of this subsection, no interstate nontraffic sensitive costs shall be recovered from end users.".

JURISDICTION

SEC. 5. (a) Section 2 (a) of the Communications Act of 1934 is amended by inserting immediately after "interstate" the first place where it occurs, a comma and "interLATA".

(b) Section 2 (b)(1) of the Communications Act of 1934 is amended by deleting "intrastate communication service" and inserting in lieu thereof "exchange communications service".

(c) Sections 2(b) (2) and (3) of the Communications Act of 1934 are each amended by inserting immediately after "interstate" a comma and "interLATA".

(d) Section 221 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsections:

"(f) In order to achieve consistency and uniformity of policy in regard to interstate and intrastate access charges, the Commission may assert jurisdiction over all nontraffic sensitive subscriber loop costs to the Federal jurisdiction.

"(g) The Commission may, by rule, delegate to a State commission some or all of the Commission's authority under this title with respect to (1) intrastate interLATA toll service, and (2) access charges for the interconnection of exchange communications service with interstate or intrastate interLATA toll service upon a finding that such delegation would promote the purposes of this Act.

"(h) The joint board established pursuant to section 410(d) of this Act shall establish guidelines consistent with the purposes of this Act which shall bind a State commission in its exercise of any authority delegated to it under this section.

"(i) For purposes of this section, the term—

"(1) 'non-traffic sensitive' shall have such meaning as shall be prescribed by the Universal Telephone Service Joint Board established pursuant to section 410(d) of the Communications Act of 1934; and

"(2) 'subscriber loop' means a path for communication between a subscriber's access point, excluding inside wire, and the exchange company's central switch, furnished expressly for the use of one subscriber, and in such a manner as the exchange

company elects, either by wire, radio, fiber optics, or a combination thereof.".

UNIVERSAL TELEPHONE SERVICE JOINT BOARD

SEC. 6. (a) Section 410 of the Communications Act of 1934 is amended by adding the following new subsection at the end thereof:

"(d) The Commission shall establish a joint board which shall be known as the 'Universal Telephone Service Joint Board'. Such Board shall be composed of five commissioners of the Commission and of four commissioners nominated by the national organization of the State Commissions (referred to in subsection (c)), and approved by the Commission. The chairman of the Commission, or another commissioner designated by the Commission, shall serve as chairman of such Board. The Commission shall refer any matter relating to section 201(c) and subsections (e), (f), and (g) of section 221 to the Board established by this subsection. Any decision of such Board arising out of or in connection with such matter so referred shall be adopted by the Commission as a final decision. For the purpose of acting on any such matter, such Board shall have all the jurisdiction and power of a board established pursuant to subsection (a) of this section.

"(e) Whoever, with the intent to deprive any exchange company of any revenue to which it is otherwise entitled in connection with access charges, transmits telecommunications in a manner so as to avoid accessing a local exchange for the purpose of avoiding the payment of such charges shall be fined not more than $100,000.".

(b)(1) Section 410 (a) of the Communications Act of 1934 is amended by inserting "and subsection (d) of this section" after "409".

(2) Section 410 (c) of such Act is amended by inserting "and subsection (d) of this section" after "409".

BASIC TELEPHONE LIFELINE SERVICE

SEC. 7. The Federal Communications Commission and each State regulatory authority shall take action to ensure that natural persons within the jurisdiction of such authority have access to basic telephone lifeline service which shall be the minimum capability necessary for basic telephone service.

DEFINITION

SEC. 8. As used in this Act, the term "telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information, by means of electromagnetic impulses (including impulses of light), with or without benefit of any closed transmission medium, including all instrumentalities, facilities, apparatus, and services (including the collection, storage, forwarding, switching, and delivery of such information) essential to such transmission.

SUMMARY

1. The purpose is to establish as national policy the nationwide availability of basic local telephone service to residential and rural customers at reasonable rates.

2. The FCC is to ensure that long distance services continue to subsidize local residential and rural telephone service.

3. The FCC is directed to establish a system that requires long distance telephone companies to compensate local telephone companies for the cost of placing and receiving long distance telephone calls.

4. The FCC "access charge decision," which equally divided the cost of maintaining the local system between long distance carriers and consumers, is reversed. This bill places all costs on the long distance carriers and on any companies that bypass the local telephone company.

5. A Universal Service Fund (the subsidy mechanism) is created to ensure that local basic telephone service will continue to be available in high cost residential and rural areas throughout the United States. The Universal Service Fund receives a fee from any long distance company, or other entity that directly or indirectly connects to any local telephone company, or any other company that provides local telephone service (i.e., cable system).

Only local telephone companies with local costs that are more than 10% above the national average cost are eligible for the subsidy.

A. If a local company's costs are more than 10% above the national average cost, then that local company receives a subsidy equal to 90% of those higher costs.

B. If a local company's costs are more than 2½ times the national average cost, then that local company receives a subsidy equal to 100% of those higher costs.

6. A permanent Universal Telephone Service Joint Board (Federal/State) is created to govern the subsidy mechanism. Because this Board will be made up of 4 State commissioners (along with all 5 FCC commissioners), this provision ensures that the States will have a permanent and important role in the decision-making process.

7. In order to establish uniform national policy, the FCC is given jurisdiction over all long distance calls, including those that are wholly intrastate. These calls are now within state jurisdiction.

8. The FCC is given the discretion to transfer back to the states their jurisdiction over intrastate long distance calls.

9. Fraudulent avoidance of the local telephone network (fraudulent bypass) could be punishable by a fine of up to $100,000.

10. The FCC and each State Utility Commission are directed to ensure the availability, to all people, of access to minimum basic telephone service (sometimes called "basic lifeline service"), consisting of the least expensive two-way telephone service available to the public.

STATE TELEPHONE RATE REQUESTS AND AWARDS

[In millions of dollars]

State	1982 Request	1982 Granted	1983 Request	1983 Granted	Comments
Alabama				52.5	South Central Bell.
Alaska					
Arkansas	26.1	18.7	137.9		Southwestern Bell.
Arizona	84.8	60.2	79.0		Mountain Bell.
California	475.0	50.7			GT&E.
	6.7	3.8			Roseville Telphone.
	31.1	12.7			Continental Telphone.
	597.3		819.2		Pacific Bell.
Colorado	127.9	38.5			Mountain Bell.
Connecticut	3.5	2.5			New York Bell.
	167.6	89.0			Southern New England Telephone.
District of Columbia	82.0	40.3			C&P.
Delaware	2.0	1.9	15.9		Diamond State Telephone.
Florida			285.1	113.4	Southern Bell.
			238.9		Southern Bell.
Georgia	180.0	75.4	158.5		Southern Bell.
Hawaii					Hawaiian Telephone filed for $47,600,000 rate increase in 1981.
Idaho	22.6	7.3	28.9	5.9	Mountain Bell.
Illinois	406.0	217.7	50.0		Illinois Bell.
			31.5	21.7	GT&E.
Indiana	71.5	66.8	96.0		Indiana Bell.
Iowa	31.8	24.2	44.7	18.7	Northwestern Bell.
Kansas	80.5	46.7	63.5	20.7	Southwestern Bell.

STATE TELEPHONE RATE REQUESTS AND AWARDS—Continued

[In millions of dollars]

State	1982 Request	1982 Granted	1983 Request	1983 Granted	Comments
			213.7		Southwestern Bell.
Kentucky	66.1	14.5	3.4	4.6	South Central Bell.
				6.5	Cincinnati Bell.
Louisiana			238.6	41.5	South Central Bell.
Maine	49.8	15.0			New England Bell.
Maryland	202.0	95.3	165.0	44.3	C&P.
			218.0		C&P.
Massachusetts	60.0	19.1			New England Bell.
Michigan		28.8	45.5	12.1	GT&E.
			452.0	182.3	Michigan Bell.
Minnesota	6.7	4.1	5.7	3.7	United Telephone.
	96.4	59.6	83.6	52.6	Northwestern Bell.
Mississippi	98.2	0			South Central Bell.
Missouri	134.1	12.3	254.8	63.8	Southwestern Bell.
			9.0	5.4	Continental Telephone.
Montana	27.0	8.1	20.7		Mountain Bell.
Nebraska	5.7				Lincoln Telephone.
			33.0	6.2	Northwestern Bell.
Nevada	16.4	1.9			Nevada Bell.
New Hampshire	13.7	8.4			New England Bell.
New Jersey	212.9	84.8		34.8	New Jersey Bell.
				15.8	New Jersey Bell (for depreciation).
New Mexico			76.6	30.0	Mountain Bell.
			86.1		Mountain Bell.
New York	33.4	20.6			Rochester Telephone.
	644.3	361.6	706.0	185.9	New York Bell.
		99.3			New York Bell.
North Carolina	129.0	81.8	145.0		Southern Bell.
North Dakota					Northwestern Bell, Granted $9,900,000 in 1981.
Ohio	27.8	19.4			United Telephone.
	10.6		36.2	22.5	Cincinnati Bell.
	123.4	103.0	187.5	103.6	Ohio Bell.
Oklahoma		16.4	138.5	43.7	Southwestern Bell.
			301.0		Southwestern Bell.
Oregon			1.9	1.1	Continental Telephone.
	36.6	26.3	73.9	38.4	Pacific Northwestern Bell.
				10.1	GT&E.
Pennsylvania	426.0	255.6	378.9		Bell of Pennsylvania.
Rhode Island	17.3	6.5	37.4		New England Bell.
	7.6	9.3			New England Bell.
South Carolina	87.6	72.2	98.5	20.3	Southern Bell.
South Dakota	23.4	4.6	20.2		Northwestern Bell.
Tennessee	130.5	49.4			South Central Bell.
Texas			428.8	221.8	Southwestern Bell.
			1,200.0		Southwestern Bell.
			85.4		General Telephone of Southwest.
Utah	33.2	22.6	78.8	36.6	Mountain Bell.
			43.2		Mountain Bell.
Vermont	16.5				New England Bell.
Virginia	5.2	2.2			Central Telephone.
	10.6	5.7			Continental Telephone.
			5.3	0	United Inter-Mountain Telephone.
			133.5	63.8	C&P.
Washington			146.7	56.9	Pacific Northwest Bell.
West Virginia			58.4	26.9	C&P.
Wisconsin	99.0	61.8			Wisconsin Bell.
Wyoming	5.6	1.4	20.9	2.6	Mountain Bell.

Source: Telecommunications Reports Bulletin of the National Association of Regulatory Utility Commissioners Center for Communications Management, Inc. Where a grant is specified, an attempt was made to correlate the request with the grant, even if the request was made in previous years. Compiled as of June 30, 1983.●

● Mr. DANFORTH. Mr. President, in January, 1982, the American Telephone & Telegraph Co. and the Department of Justice reached an agreement in Federal court in settlement of a 7-year-old antitrust suit. The agreement called for a monumental restructuring of the telephone industry, which both parties hailed as a positive development that would promote competition, increase consumer choice, and lead to lower costs for telecommunications services.

The months since the settlement, however, have been characterized by uncertainty and increasing concern that telephone rates are going to skyrocket—particularly in rural areas. Southwestern Bell Telephone Co. has

asked the Missouri Public Service Commission for a record $254.8 million increase in rates for local service, and the Federal Communications Commission has announced that it will require all telephone customers to pay a monthly long-distance access charge, even if the telephone is never lifted off the hook. It has been estimated that in rural Missouri this charge could be as high as $23 every month.

Mr. President, with enactment of the original Communications Act in 1934, Congress assumed the obligation of assuring "universal" telephone service; that is, it assumed the obligation of assuring that all Americans have access to affordable telephone service whether they live in urban or rural areas, whether they be healthy or disabled, whether they be young and gainfully employed, or elderly and living on a fixed retirement income. The time has come for Congress to reassert its commitment to this obligation. Today the telephone is an essential part of living. It is not luxury, nor should it be. It is a lifeline. Therefore, I am joining with my colleague from Oregon, Senator PACKWOOD, in sponsoring the Universal Telephone Service Preservation Act of 1983.

There are a number of reasons why local telephone rates are increasing. One is inflation. Local telephone rates have remained relatively stable for almost two decades while the costs for other services have risen dramatically. Until very recently, for example, the prices charged for residential telephone installations did not begin to cover labor costs, and were far below the prices charged for work done by plumbers, electricians, and other servicemen.

Another factor is the move to a move competitive marketplace. This has precipitated a drive by the telephone companies to modernize their plant and increase their rates of return. It has also led the telephone companies to begin pricing business telephone services closer to actual cost. Historically, business telephone rates have been set at rates substantially above the level of residential rates, although the actual cost of service is essentially the same, and the excess revenues have been used to subsidize residential services. This disparity in rates has been justified by the belief that telephone service is worth more to business and that business is able to pass on the added expense. Today, however, the telephone companies have a growing fear that if businesses are overcharged for service they will simply purchase their own in-house telephone system, connect directly with a long-distance carrier, and bypass the local network. Such bypass could have a devastating effect on the local telephone companies.

But the single most significant factor leading to predictions of drastically increased telephone rates is the fear of a reduction in the historic long-distance revenue subsidy to local service. This need not be the case. When the Bell System was broken up, it was assumed that the long-distance subsidy to local service would continue through imposition of charges on long-distance carriers for access to the local telephone exchange. Indeed, Federal District Judge Harold Greene assumed in his opinion approving the settlement that the local access charges would be designed to keep local phone rates from rising dramatically. Judge Greene said:

> The divestiture of the Operating Companies will not necessarily have an adverse effect upon the cost of local telephone service. The decree would leave state and federal regulators with a mechanism—access charges—by which to require a subsidy from intercity service to local service. By means of these access charges, the regulators would be free to maintain local rates at current levels or they could so set the charges as to increase or decrease local rates.

The bill introduced today by Senator PACKWOOD is consistent with this principle. It would establish, as national policy, that universal basic telephone service be available at reasonable rates through the subsidization of residential and rural telephone service. It would accomplish this goal by directing the Federal Communications Commission to establish an access charge system requiring long-distance companies to compensate local telephone companies for the cost of originating and terminating long-distance telephone calls, and would reverse a recent FCC decision which allocated long distance access costs equally between consumers and long-distance carriers. This bill would place all access costs on the carriers. It would set up a universal service fund to assure continued, reasonable telephone rates in rural areas, set up a joint board to assure the States of a permanent role in the decisionmaking process, and impose sanctions against fraudulent bypass of the local network. Perhaps most importantly, it would direct the FCC and each State public utility commission to insure the availability, to all people, of access to basic lifeline telephone service.

Mr. President, it is with enthusiasm that I join with the distinguished chairman of the Commerce Committee in sponsoring this bill. I recommend it to my colleagues, and urge speedy enactment.●

● Mr. ABDNOR. Mr. President, I join my fellow cosponsors in endorsing legislation to preserve quality telephone service at reasonable rates to virtually all Americans. A strong and extensive communications network is essential to the very social and economic structures which made the United States the greatest Nation on Earth. Let us work together constructively not only to retain the world's finest telephone system, but also to improve it.

The telecommunications industry is going through tremendous change. Emerging technologies are broadening the types and delivery of communications services. Productivity increases and resulting cost decreases have transformed telephone usage from luxury to necessity. Phone service is a convenience, without which no home or business can function effectively. Because of technological advances, the market structure of the communications industry has been subjected to intense analysis in recent years. The Justice Department took bold and controversial action last year in deciding to dismantle American Telephone & Telegraph (AT&T).

That decision will cause some disruption and adjustments initially, but the long-term results are for the better. Bell operating companies and other providers of local exchange networks are best suited to a regulated public service environment. Other services and products offered by the telephone industry probably are oriented better to a market setting, so that the benefits of competition are introduced to the public.

While this division between regulated and unregulated offerings may appear simple and straightforward, the underlying financial implications are foreboding. It is an economic fact of life that long-distance profits subsidize substantially the cost of providing local telephone service. Nationwide, that subsidy amounts to an overwhelming $10 billion annually. When Bell operating companies are separated from other profitable undertakings of AT&T, that subsidy must be replaced, and telephone customers are extremely vulnerable to rate increases to make up for that large revenue shortfall. Of every dollar spent on long-distance calls, 35 cents is dedicated to reducing the cost of local phone service. In high-cost areas like my home State of South Dakota, that subsidy factor is much higher.

A main concern of mine is establishing who will receive the benefits of telephone deregulation. I do not think it will be the average American household or small business. I am highly skeptical that reductions in long-distance rates will offset entirely the increases in rates for local service. It is my suspicion that only high volume customers will receive lower phone bills as a result of the mandated change in phone service pricing. If this is true, I am worried about the consequences. Since a small percentage of phone customers generate most of the revenue, the vast majority of phone users face dramatically increased costs.

Many factors must be considered in establishing and allocating a universal

service fund. My position on such fund is widely known through my contacts with the Federal Communications Commission, the telephone industry, and my universal service fund amendment to the findings section of S. 66, the Cable Telecommunications Act. I believe that all providers of communications services—data and voice—must contribute to the provision of a universal network at affordable rates to the customer. My colleagues agree with me unanimously. Private networks, in my estimation, have a public responsibility. To the extent that the public interest and national security are enhanced by an extensive communications network, an obligation exists for private communications systems, to contribute to the universal service fund.

A fair allocation of funds to high-cost areas deserves careful consideration as well. Economic rationale must be employed to insure efficient use of money devoted to keeping phone costs down. Besides providing assistance to high-cost areas, consideration must be given to protecting elderly, disabled and low-income individuals who will be most affected by increases in phone rates.

I commend the efforts of my colleagues on the Commerce Committee and pledge my support to achieving a fair and workable universal service fund. Universal service at reasonable rates plays as important a role to this Nation as uniform and affordable postage stamps have played historically and contemporarily. Electronic communication is of vital importance to our Nation. It contributes greatly to our security, well-being, and standard of living. I urge my colleagues to enact universal service fund legislation as soon as possible.●

● Mr. PRESSLER. Mr. President, I am pleased to join the chairman of the Senate Commerce, Science and Transportation Committee today in introducing the Universal Telephone Service Preservation Act of 1983. It is my hope that both the Commerce Committee and the full Senate will act expeditiously on this legislation.

My home State of South Dakota is one of those high-cost areas much talked about in recent media stories about rising telephone rates. One of our South Dakota telephone cooperatives has only 44 subscribers spread out over a 210-square-mile service area. Obviously, two customers per square mile do not generate sufficient revenue to cover costs for the local co-op. Yet these are the very people who are so dependent on affordable phone service because of the great distances between towns and the poor weather and road conditions during the winter months. These are the farmers, ranchers, and small businessmen who are already suffering from a depressed agricultural economy and outrageous interest rates. They are entitled to good phone service at reasonable prices.

Traditionally, long-distance phone rates have subsidized local phone service throughout the country, not just in remote rural communities. After the AT&T divestiture, this subsidy will no longer be in place. Individual phone users must pick up more of these costs. In many areas of the country, this will mean a doubling or tripling of phone bills in a matter of months. The FCC policy of burdening the American people with astronomical phone rates is simply unacceptable and must be curbed by immediate congressional action.

The legislation introduced today is an important step in Congress responsibility to protect universal telephone service. Its twofold purpose, to insure the principles of universal phone service and the establishment of an access charge system which is fair to the American public, is commendable and I strongly support these concepts. I look forward to working with the chairman and my colleagues on the Commerce Committee to act on this measure in a timely and effective manner.●

By Mr. CHAFEE. (for himself, Mr. BENTSEN, Mr. DURENBERGER, Mr. BOREN, Mr. WALLOP, Mr. PRYOR, Mr. COHEN, Mr. NUNN, Mr. D'AMATO, and Mr. DENTON).

S. 1666. A bill to amend the Internal Revenue Code of 1954 to reduce the capital gain tax rates for individuals who hold new issues of stock at least 5 years; to the Committee on Finance.

THE CAPITAL FORMATION TAX ACT OF 1983

● Mr. CHAFEE. Mr. President, today I am joined by Senators BENTSEN, DURENBERGER, BOREN, WALLOP, PRYOR, COHEN, NUNN, D'AMATO, and DENTON in introducing a bill amending the Internal Revenue Code by lowering the minimum effective capital gains tax rate on new stock held for 5 years.

During the last several years, we have seen the dynamic growth of new companies based on advance technologies. These pioneering companies have paced our economy toward recovery and contributed to our national well-being. They are a major source of new jobs.

However, such companies are capital intensive, and large capital infusions are essential to their well-being. Accordingly, an economic environment that supplies an adequate and stable source of investment capital is needed. The legislation we introduced today accomplishes this goal by fostering such capital investment.

Our bill entitles an individual taxpayer to a reduced capital gains tax, at a minimum rate of 10 percent, upon the sale or exchange of stock in a company if such stock was:

First, held for at least 5 years; and

Second, acquired through an initial or principal stock offering.

The central reason for this bill is to cash in on the benefits our high-growth companies can provide our economy.

A 1982 study completed by the General Accounting Office at the request of Senator Bentsen titled, "Government-Industry Cooperation Can Enhance the Venture Capital Process," identifies the benefits generated by growth companies. These benefits include creation of thousands of new high-quality jobs, increases in Federal, State, and local tax receipts, stimulation of supplier and allied firms, augmentation of R&D expenditures, and generation of higher export earnings.

Considering some of these known benefits separately, Doctor ED ZSCHAU, former professor at Stanford University and director of the American Electronics Association and American Council for Capital Formation and now U.S. Congressman from California, in 1978 presented a survey to the Senate Select Committee on Small Business. His survey concluded that within 5 years each dollar invested in a small business returns $1.38 each and every year forever. This $1.38 is broken down to 70 cents in exports, 33 cents in R&D expenditures, 30 cents in Federal taxes, and 5 cents paid to State and local governments.

As for jobs, a 1982 report by the Joint Economic Committee, entitled "Location of High Technology Firms and Regional Economic Development," stated that high technology industries accounted for 75 percent of the net increase in manufacturing jobs from 1955 to 1979.

The GAO report mentioned above indicates that in 1980 high-growth technology businesses produced a $30.5 billion positive trade balance as compared to a negative $54.7 billion trade balance for all other businesses.

Earlier this year, the Senate Finance Committee's Subcommittee on Savings, Pensions, and Investment Policy, which I chair, conducted 2 days of hearings at which industry leaders and economists testified. The hearing topic was "Promotion of High Growth Industries and U.S. Competitiveness."

Each of the witnesses who were asked what steps Congress could take to promote an improved environment for high-growth companies responded that a reduction in the effective capital gains tax rate would help supply the investment capital required by such companies.

Mr. David Packard, chairman of the Hewlett-Packard Co. and former Deputy U.S. Secretary of Defense, stated the Government should do as it has done in the past, that is, to provide incentives for the private sector. One incentive for capital formation has been the reduction of the capital

gains tax, which Mr. Packard argued be further lowered.

The impact of this tax policy was articulated by Dr. Frank Press, president of the National Academy of Sciences and a distinguished scientist. He said that we have already had some "dramatic illustrations of the effects of changes in the tax policy on innovative vigor. Venture capital virtually disappeared after the 1969 increases in capital gains taxes; it reappeared in 1978, when the rates were lowered and has been boosted even further by the 1981 tax revisions, which lowered the effective rate."

Similarly, according to the Securities and Exchange Commission's Government-Business Forum on Small Business Capital Formation, the report of which was published in November 1982, high capital gains taxation decreased the mobility of funds and locked investors into their holdings during the 1970's. The report advocated further capital gains tax reduction.

Now, to quell the fear that only the wealthy might benefit from this further capital gains tax reduction, let me inform you of the results of the last capital gains tax cuts. In 1982, when the effective capital gains tax rate was last cut, both the Congressional Budget Office and OMB predicted major declines in nonwithheld payments made quarterly by the wealthy. OMB said the receipts from the rich would drop from $76 billion in 1981, before the cuts, to $72 billion in 1982.

The results for 1982 were contrary to these predictions. In fact, tax payments by the wealthy rose considerably—to $85.1 billion. That is 20 percent greater than the OMB prediction and 11 percent higher than the receipts in 1981. The explanation for this is that people move out of tax shelters and invest more in companies and investments generating capital gains, interest, and other income if tax policy permits them. I submit that if we were to identify one group that benefits most, it would be those who fill the new jobs flowing from increased investments.

In addition to encouraging capital formation for new companies, our bill addresses a second aspect of the need for capital formation. This key factor is the 5-year holding period requirement.

Mr. Stanley Pratt, president of Venture Economics and a leading expert in the venture capital field, indicated at our hearings that it takes 3 to 5 years to determine if a new venture is a good investment. Thus, to create a more stable investment capital pool, it is absolutely necessary that investors make a long-term commitment to support a new company.

Therefore, our bill requires the initial investor to hold the qualified stock at least 5 years before the initial investor can receive the benefit of the reduced tax.

Finally, I would point out that the United States is one of the few countries that levies a capital gains tax. Arthur Andersen & Co. prepared a report this year comparing capital gains taxation of individuals throughout the world. Individuals in Australia, Belgium, Germany, Italy, Japan, and the Netherlands are exempt from such tax. Closer to home, California exempts from State tax on capital gains individuals who have held a security in a medium or large firm for 3 years.

It is clear that capital formation is extremely sensitive to the level of capital gains taxation. Consequently, to spur the capital intensive growth industries that lead our economy, we should improve capital gains tax treatment. Passage of this bill will be a positive step in stimulating our economy and its competitive vitality.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1666

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the Capital Formation Tax Act of 1983".

SEC. 2. 80 PERCENT CAPITAL GAINS DEDUCTION ATTRIBUTABLE TO NEW ISSUES OF STOCK HELD AT LEAST 5 YEARS.

(a) IN GENERAL.—Section 1202 of the Internal Revenue Code of 1954 (relating to deduction for capital gains) is amended—

(1) by amending subsection (a) to read as follows:

"(a) DEDUCTION ALLOWED.—

"(1) IN GENERAL.—If for any taxable year a taxpayer other than a corporation has a net capital gain, there shall be allowed as a deduction from gross income an amount equal to the sume of—

"(A) 80 percent of the lesser of—

"(i) the net capital gain, or

"(ii) the qualified net capital gain, plus

"(B) 60 percent of the excess (if any) of—

"(i) the net capital gain, over

"(ii) the amount of the qualified net capital gain taken into account under subparagraph (A).", and

(2) by inserting after subsection (c) the following new subsection:

"(d) QUALIFIED NET CAPITAL GAIN.—

"(1) IN GENERAL.—For purposes of subsection (a), the term 'qualified net capital gain' means the amount of net capital gain which would be computed for any taxable year if, in determining net long-term capital gain for such taxable year, only qualifies issues of stock held by the taxpayer for at least 5 years at the time of the sale or exchange were taken into account.

"(2) QUALIFIED ISSUES OF STOCK.—For purposes of subsection (d), the term 'qualified issues of stock' means issues of stock which—

"(A) are publicly or privately offered through an initial stock offering by any corporation,

"(B) are purchased from the initial offeror, underwriter, broker, or agent, and

"(C) represent contributions to capital or paid in surplus of such corporation.".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to sales or exchanges after December 31, 1983.

● Mr. PRYOR. Mr. President, I am pleased to be an original cosponsor of the Capital Formation Tax Act of 1983," and I commend the Senator from Rhode Island, Mr. CHAFEE, for his leadership in this effort. There is no doubt, Mr. President, that one of the most important issues for the small business sector of our economy is the need to raise capital for expansion and other improvements. This legislation will aid this effort and will not be costly. I think it is a well-reasoned and sound way to provide assistance to many small, growing businesses in this country who need additional capital.

Mr. President, the statistics about the importance of small businesses are recited so often that many people frequently tend to take this sector of our economy for granted. The statistics show that small businesses are very efficient and create many times more jobs than larger firms. Further, these small firms are leading the way for many of the new technologies currently under development. In an era of increasing competition with foreign firms for valuable markets, both here and abroad, I believe it is absolutely essential that our Government adopt policies that will aid these companies. After all, Mr. President, if these companies grow, it means one important thing—jobs. Since putting people back to work is probably the top priority at this time, I hope this bill will receive strong bipartisan support.

Mr. President, this legislation is straightforward and fairly simple. It increases the section 1202 deduction for net capital gain from 60 to 80 percent if four requirements are met. First, the stock must be purchased through an initial stock offering. Second, it must be purchased from the initial offeror, underwriter, broker, or agent. Third, the stock must represent contributions to capital of paid-in surplus of the corporation. Finally, and most importantly, there is a requirement that the stock be held for 5 years in order to qualify for this increased 1202 deduction. Under existing tax law, for long-term capital gains treatment, there is a holding period of 1 year. The effect of these changes, Mr. President, is to provide that if an investor meets these requirements, including the 5-year holding period, the maximum tax on the sale of the stock would be 10 percent, instead of 20 percent under current law.

In summary, Mr. President, I think this is a sound measure which will generate some much-needed capital for

many small, growing firms in this country. I urge my colleagues to support it and I look forward to working with the sponsor of the bill in the Senate Finance Committee on this measure.●

● Mr. D'AMATO. Mr. President, I rise today in support of legislation introduced by my distinguished colleague from Rhode Island, Mr. CHAFEE. The purpose of the bill is to increase the investment capital available to new businesses. As a member of the Small Business Committee, I am concerned about the difficulty new firms have attracting capital. Without the opportunity to raise funds, growing enterprises have their innovative ideas stifled.

The measure introduced today will help alleviate this problem. It will mandate a 10-percent capital gains tax rate on income generated from initial investments in the stock of new companies. The same individual has to hold the investment for at least 5 years. The capital raised from the issuance of stock must be utilized for working capital purposes.

This legislation will create a major incentive for individuals to make long-term investments in new companies. A lower capital gains tax rate will provide a flood of venture capital into growing young firms. In this way, jobs will be created from the capital harnessed to finance new ideas.

This legislation will broaden an existing avenue of finance available to new enterprises—venture capital. Small firms will have to rely less on commercial banks for funding. This is the best manner in which to assist small firms and protect existing jobs.

It has become vogue in Washington to discuss industrial policy. I believe that this debate should focus more on new businesses with innovative ideas. For this reason, I have introduced the Small Business Capital Formation Tax Act of 1983, S. 1043, which now has 15 cosponsors. Like the legislation introduced today, it provides tax incentives for investment in small enterprises. This is critical to the future health of our economy.

To the extent that jobs are created through increased investment, the tax base is expanded. Without a consensus in Congress to reduce spending, the only way to mitigate the impact of the budget deficit is through savings and investment. If the individual savings rate can be improved, it will be easier to finance the budget deficit. This will avoid crowding out of private financing needs. In addition, if the savings rate can be improved, new taxes will be generated and the deficit reduced.

I urge my colleagues on both sides of the aisle to cosponsor this legislation introduced today.●

By Mr. SIMPSON (for himself and Mr. WALLOP):

S. 1667. A bill to modify the Jackson Hole Snake River local protection flood control project in Wyoming to authorize maintenance work performed by the Corps of Engineers; to the Committee on Environment and Public Works.

JACKSON HOLE SNAKE RIVER FLOOD CONTROL

● Mr. SIMPSON. Mr. President, today I and my colleague, Senator MALCOLM WALLOP, are introducing legislation to correct a longstanding problem regarding flood control near the town of Jackson, Wyo. This measure is not new to this body, but it has a history that goes back to the tenure of my respected and distinguished predecessor, Senator Clifford Hansen from Wyoming. During the 95th Congress, the Senate approved a proposal that required the U.S. Army Corps of Engineers to administer the operation and maintenance of the local flood protection project at Jackson Hole, Wyo.

Testimony and documents developed in the 95th Congress indicate that the project at Jackson Hole had been inadequately designed and constructed—a fact that totally distorted the amount of local maintenance costs required to be assumed by the local citizens. The unfortunate situation still exists today.

The serious problem of flood control in that area is especially brought to mind due to the particularly heavy spring runoff of this year. Serious flood problems along the Snake River persist—even in years of relatively light or normal snowpack. Tens of thousands of dollars in property damage have already been sustained over the years that this situation has persisted.

This bill would correct the deficiencies created by the project's design as well as establish a reasonable and fair cost of local participation—a concept that I heartily endorse.

I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows;

S. 1667

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the project for Jackson Hole Snake River local protection and levees, Wyoming, authorized by the River and Harbors Act of 1950 (Public Law 81-516), is hereby modified to provide that the operation and maintenance of the project, and additions and modifications thereto constructed by non-federal interests, shall be the responsibility of the Secretary of the Army, acting through the Chief of Engineers: *Provided,* That non-federal interests shall pay the initial $35,000 in cash or materials, of any such cost expended in any one year.

● Mr. WALLOP. Mr. President, along with my colleague from Wyoming Senator SIMPSON, I am today introducting a bill which would require the U.S. Army Corps of Engineers to administer the operation and maintenance of the local flood control project on the Snake River at Jackson Hole, Wyo.

This bill would correct initial levee design deficiencies created by the U.S. Army Corps of Engineers and establish a reasonable cost for local participation of $35,000 in cash or materials for any operation and maintenance costs expended for the levee in any 1 year.

Although the Rivers and Harbors Act of 1950, which initially authorized the Corps of Engineers to construct and repair levees and flood protection projects in the Columbia Basin, normally requires local interests to maintain and operate flood protection works after completion, this is not a normal case. Despite the levees, annual flooding along the upper Snake remains a serious problem even in years of light snowpack. Over the years tens of thousands of dollars of property damage and untold losses in wildlife and ecological damage have taken place because of the levee's inadequate design. Moreover, levee erosion is much worse than is normal. Therefore local maintenance costs are prohibitively high. In short, in an area where the Federal Government owns 97 percent of the land in the county, it is an intolerable and inequitable situation.

Congress is charged with the responsibility of providing a long-range program for the conservation, development, and full use of the natural resources within the confines of the United States. As the major landowner in the Jackson Hole area, the Federal Government likewise has a major interest in the economy of the region, and a commensurate responsibility for the prevention of waste due to flooding.

Because Senator SIMPSON and I view the natural resources of the Yellowstone region as a national treasure to be protected for the benefit of all the Nation's people, we propose to correct this problem through a partnership venture with the Federal Government. This bill is the first step in the realization of that goal. I trust that my colleagues in the Senate agree so that we might move the bill quickly.

As many of you know, this legislation is a legacy to the former senior Senator from Wyoming. Cliff Hansen. He first proposed it and in the 95th Congress on three separate occasions the Senate approved a similar proposal. I hope that this year we are able to finish the task by enacting this legislation into public law.●

By Mr. D'AMATO (for himself, Mr. PERCY, Mr. ANDREWS, Mr. COHEN, Mr. DOMENICI, Mr. HELMS, Mr. SYMMS, Mr. PRESSLER, Mr. PROXMIRE, Mr. BUR-

DICK, Mr. DIXON, and Mr. MURKOWSKI):

S. 1668. A bill to amend chapter 37 of title 31, United States Code, to authorize contracts retaining private counsel to furnish collection services in the case of indebtedness owed the United States; to the Committee on Governmental Affairs.

FEDERAL DEBT RECOVERY ACT OF 1983

● Mr. D'AMATO. Mr. President, on May 25, Senator PERCY and I introduced S. 1356, the Federal Debt Recovery Act. This measure authorized the heads of various Federal agencies to contract with private law firms for the litigation of debt owed to the Federal Government.

The need for this legislation is clear. The GAO recently reported that "debts owed the government are enormous and growing each year, with billions of dollars delinquent." According to the Office of Management and Budget, some $40 billion in delinquent debt is owed to the Federal Government. Now tax delinquencies amount to $16 billion.

On October 25, 1982, the President signed into law the Debt Collection Act. Among other things, the act allows Federal agencies to charge interest and penalties on delinquent debt, offset the salaries of Federal employees having delinquent debts to the Government, report delinquent debtors to credit bureaus and use private sector contractors to collect debts owed to the Government. I commend Senator PERCY, chairman of the subcommittee which oversees Government debt, for this landmark piece of legislation and for his persistence in insuring the promulgation of regulations which will implement this act.

Although the Debt Collection Act provided for the use of private collection agencies, it did not permit the use of private firms to assist in the litigation of Government debt. Testimony at the May 25 hearing made clear that the use of private attorneys would put real teeth in Federal debt collection.

The Department of Education is currently carrying $1.7 billion in defaulted student loans. Pursuant to the Debt Collection Act, Education referred over 400,000 cases worth $676 million to collection agencies for action. To date, these agencies have collected only $21 million or 3 percent of the claims. The collection agencies have testified to the need for the use of private law firms.

The Department of Justice simply does not have the capacity to handle the massive number of cases which the Department of Education and other Federal agencies will refer to it. For example, I recently asked the Department of Education to canvass the collection agencies with which it does business in major metropolitan areas and report back with an approximate number of cases which could be brought to litigation within a reasonable amount of time if the capacity existed at Justice. Education responded that over 26,000 cases could be called back from the collection agencies and litigated. The Department of Justice simply does not have the wherewithal—in particular a developed computer system—which could deal with this volume within a reasonable time frame.

In addition, there are serious questions as to the cost effectiveness of the Department of Justice litigating Federal debt. For example, according to Department of Justice statistics, student debt represents 22.8 percent of the debt case load at the Department of Justice. However, the dollar volume on this case load represents only 3.8 percent of all loans which have been referred to the Department of Justice by all Federal agencies for action. It would make more sense to turn these cases over to the private sector for litigation. Morever, the opportunity costs of pursuing these cases which average only $12,000 is great. The Department of Justice simply has too many other pressing matters to handle.

Department of Education records reveal that the situation is much worse with regard to debt which has been turned over by other Federal agencies. Federal agencies must have the ability to contract out to private law firms for litigation services. Just as in the case of the private collection agencies, a contingency fee arrangement will provide these firms with a ready incentive to seriously collect Government debt.

Mr. President, at the hearings on May 25, the Department of Justice supported the concept of contracting out to private law firms. After extensive negotiations, we have reached an agreement on the details of a slightly modified version of S. 1356. Under the compromise, Justice will have the authority to contract with law firms for collection services, including litigation. The head of a Federal agency would thereafter be able to forward cases directly to the law firm which has been engaged. This will expedite debt collection.

The bill I and several of my colleagues introduce today permits Justice to terminate a contract if it is in the public interest. It also provides for monthly reports from the law firms to both Justice and the relevant Federal agencies. Debtors will be protected since law firms must abide by the Fair Debt Collection Practices Act.

Mr. President, millions of dollars are being lost as cases are not acted upon and lost to statute of limitation law. I urge that the Senate expeditiously pass this important legislation.●

ADDITIONAL COSPONSORS

S. 905

At the request of Mr. EAGLETON, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Rhode Island (Mr. PELL), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Indiana (Mr. QUAYLE), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Maine (Mr. MITCHELL), the Senator from North Dakota (Mr. BURDICK), and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 905, a bill entitled the "National Archives and Records Administration Act of 1983."

S. 1090

At the request of Mr. WALLOP, the names of the Senator from Iowa (Mr. JEPSEN) and the Senator from Maine (Mr. MITCHELL) were added as cosponsors of S. 1090, a bill to establish a National Outdoor Recreation Resources Review Commission to study and recommend appropriate policies and activities for government agencies at the Federal, State, and local levels and for the private sector, to assure the continued availability of quality outdoor recreation experiences in America to the year 2000, and for other purposes.

S. 1146

At the request of Mr. BENTSEN, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1146, a bill to amend the Federal Aviation Act of 1958 to provide for the revocation of the airman certificates and for additional penalties for the transportation by aircraft of controlled substances, and for other purposes.

S. 1419

At the request of Mr. SARBANES, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of S. 1419, a bill to amend title XVIII of the Social Security Act to retain the option of direct reimbursement for all providers under the medicare program.

S. 1475

At the request of Mr. WALLOP, the name of the Senator from Mississippi (Mr. STENNIS) was added as a cosponsor of S. 1475, a bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in the United States.

S. 1510

At the request of Mr. DURENBERGER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1510, a bill to establish uniform single financial audit requirements for State and local governments and nonprofit organizations and other recipients of Federal assistance, and for other purposes.

S. 1566

At the request of Mr. ROTH, the name of the Senator from Illinois (Mr. DIXON) was added as a cosponsor of S. 1566, a bill to amend title 5, United States Code, to provide civil penalties for false claims and statements made to the United States, to certain recipients of property, services, or money from the United States, or to parties to contracts with the United States, and for other purposes.

S. 1621

At the request of Mr. HUMPHREY, the name of the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 1621, a bill to amend the Federal Aviation Act of 1958 to require commercial passenger carrying aircraft to be equipped with smoke detectors and automatic fire extinguisher in all aircraft lavatories and galley areas.

S. 1650

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. DIXON) was added as a cosponsor of S. 1650, a bill to increase the accountability of, policy coordination by, and management of priorities by agencies through an improved mechanism for congressional oversight of the rule of agencies.

SENATE JOINT RESOLUTION 111

At the request of Mr. PERCY, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of Senate Joint Resolution 111, a joint resolution expressing the sense of the Congress with respect to international efforts to further a revolution in child health.

SENATE JOINT RESOLUTION 131

At the request of Mr. DOLE, the name of the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of Senate Joint Resolution 131, a joint resolution designating "National Cystic Fibrosis Week."

SENATE RESOLUTION 72

At the request of Mr. HEINZ, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of Senate Resolution 72, a resolution to assure Israel's security, to oppose advance arms sales to Jordan, and to further peace in the Middle East.

SENATE RESOLUTION 122

At the request of Mr. MOYNIHAN, the names of the Senator from Arkansas (Mr. BUMPERS) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of Senate Resolution 122, a resolution expressing the sense of the Senate that the President should reduce imports of apparel so that imported apparel comprises no more than 25 percent of the American apparel market.

AMENDMENT NO. 1539

At the request of Mr. DENTON, the names of the Senator from Alabama (Mr. HEFLIN) and the Senator from California (Mr. WILSON) were added as cosponsors of amendment No. 1539 proposed to S. 675, a bill to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes.

AMENDMENT NO. 2061

At the request of Mr. METZENBAUM, his name was added as a cosponsor of amendment No. 2061 proposed to S. 675, a bill to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes.

At the request of Mr. MOYNIHAN, the names of the Senator from Washington (Mr. JACKSON), the Senator from California (Mr. CRANSTON), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of amendment No. 2061 proposed to S. 675, supra.

At the request of Mr. TSONGAS, his name was withdrawn as a cosponsor of amendment No. 2061 proposed to S. 675, supra.

SENATE RESOLUTION 180—RELATING TO HEALTH CARE FOR OLDER AMERICANS

Mr. METZENBAUM (for himself and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 180

Whereas the medicare program is a solemn commitment by the Government to older Americans to assure the availability of affordable and quality health care;

Whereas skyrocketing health-care costs threaten the health and income security of older Americans and of all people;

Whereas the health-care needs of older Americans are not being met by the current health-care delivery system;

Whereas the medicare program pays less than half of the cost of health care for older Americans;

Whereas older Americans must pay increasing out-of-pocket costs to meet their health-care needs;

Whereas the President and the Congress have enacted budget cuts that reduce health-care services and increase costs for older Americans, low-income individuals, and working families;

Whereas the financial solvency of the Federal Hospital Insurance Trust Fund is threatened by increasing health-care costs; and

Whereas immediate legislative action is necessary to protect the ability of the medicare and medicaid programs to provide an adequate level of health care at affordable costs to older Americans;

Resolved, That it is the sense of the Senate that the Congress should enact legislation—

(1) to control the rising cost of health care, without placing the burden of such cost containment upon the elderly and those who are least able to pay for needed health-care services; and

(2) to assure that health-care dollars purchase the maximum amount of appropriate care at the lowest cost.

SEC. 2. The legislation described in the first section should provide for—

(1) the application of prospective payment methods to all payors:

(2) the avoidance of additional cost-sharing by medicare and medicaid recipients as a method of health-care cost containment;

(3) a prohibition against further Federal spending reductions with respect to the medicare and medicaid programs that increase out-of-pocket costs or reduce benefits for older Americans;

(4) incentives for States to develop and maintain their own programs to contain health-care costs; and

(5) modification of the medicare program to provide improved coverage for preventive and chronic care and to provide alternatives to institutionalization.

● Mr. METZENBAUM. Mr. President, today Senator KENNEDY and I are submitting a resolution concerning what may be the single most important issue in the coming decade—the availability of decent and affordable health care for older Americans. Our resolution calls on the Senate to enact legislation immediately to stem the rising tide of health care costs and to protect the elderly against further increases in out-of-pocket costs or further reductions in benefits.

We are all familiar with the litany of facts concerning the skyrocketing cost of health care. For the first time in history, health care costs exceed 10 percent of the GNP. In other words, Americans must now spend more than $1 out of every $10 for health care. In 1982, the rate of inflation was only 3.9 percent, yet hospital costs increased by 12.6 percent. And most analysts expect this rate of increase to continue for at least the next 10 years.

The situation for the elderly is even more serious than for the rest of the population. Older Americans must spend 20 percent of their personal income on health care costs. And medicare, the program that was originally envisioned as a comprehensive health coverage system now covers only 44 percent of the cost of health care for seniors—less than when medicare was enacted in 1965. Part B of medicare, the part that pays for physicians services, provides even less protection, with the elderly having to pay 70 percent of doctors' fees out of their own pockets—a perversion of the concept of medicare.

In the face of this crisis in health care, the administration has continued

to propose shortsighted solutions which simply increase the burden on the elderly and others who can least afford it. In his 1984 budget, the President proposed a new copayment charge for a hospital stay that would cost the medicare recipient an additional $420 for room and board during a 15-day hospital stay. Yet the inpatient deductible—a one-time charge for every hospital stay—has already risen by almost 50 percent in the last 2 years, from $204 in 1981 to $260 in 1982 to $304 in 1983. And this fee is expected to rise to $350 in 1984. the President also proposed sharp increases in the premiums for part B coverage to pay for doctors' visits.

While Congress did not go along with all of the President's recommended cuts in medicare, the budget resolution does call for $1.7 billion in medicare cuts over the next 3 years. On top of this, the Republican-controlled Senate just reported out a bill that finances health insurance for the unemployed by increasing the costs of physicians' services to the elderly.

I believe the time has come to stop forcing older Americans to bear the burden of our health-care-cost-containment efforts. The problem is that the administration and, often, Congress view the medicare program in isolation, as simply a Government budget problem. It is true that the financial solvency of medicare's hospital insurance trust fund is seriously threatened by the rising cost of health care. Yet the rapidly escalating cost of the medicare program simply mirrors what is happening in the entire health care field.

The resolution we are submitting today looks toward a more comprehensive solution to the health care crisis. It calls for expanding the concept of prospective reimbursement—where the cost of a service is decided upon in advance, rather than after the fact—to all payors instead of just the Government; it calls for legislation that would provide incentives for States to develop and maintain their own cost-control programs; and it recognizes that the medicare problem cannot be resolved until the entire health care system is made more efficient.

But, most importantly, it expresses the sense of the Senate that cost-containment legislation shall not achieve its savings through additional increases in out-of-pocket costs or reductions in benefits for older Americans.

We urge the Senate to go on record in support of true health-care reform, not harmful medicare cuts. Mr. President, we hope that the Senate can act quickly on this vital piece of legislation.●

● Mr. KENNEDY. Mr. President, when Congress enacted medicare in 1965, we made a solemn commitment to the elderly of our country. We pledged that never again should our senior citizens have to choose between putting bread on the table, heating their home, or seeing a doctor for needed health care. For those who worked hard throughout their lives to make America a great nation, medicare was to provide peace of mind and protection from ruinous medical bills in their later years.

Sadly, the reality has fallen far short of our promise. Medicare now pays on 44 percent of the health-care costs of the elderly. Seniors themselves pay on average more than $1,400 per year for health care—nearly 20 cents out of every dollar they receive. Many vital health care services—including prescription drugs, preventive care, eyeglasses, and hearing aids are simply uncovered.

And as if these shortcomings were not enough, the Reagan administration has been waging a war against medicare. The President's budget for fiscal year 1984 calls for $18 billion in medicare cuts over the next 5 years—cuts that will come directly out of the pockets of the elderly and disabled. And, under the guise of solving the looming crisis in the medicare trust fund, we can look forward to new attempts to cut medicare benefits even further.

The trust fund is in trouble. But the answer is not to blame the elderly and the sick as the Reagan administration would have it. Senior citizens do not decide what hospital to go to, what tests to order, what drugs to take. Over 70 percent of health-care decisions are influenced by the physician, not the patient. The time has come for effective action against rising health costs.

The resolution we are submitting today is an important step in that process. It calls on Congress to act promptly to address the problem of health-care inflation through a comprehensive cost-containment program that would dampen the fires of runaway health costs without imposing new and onerous burdens on the already hard-pressed elderly. I have introduced such a proposal—S. 814—earlier this year.

The resolution also directs an end to increased out-of-pocket costs for the elderly and provides for improving medicare coverage and preventive and chronic care—two critical health needs which are currently uncovered.

This resolution provides a humane blueprint for addressing the crisis that threatens the health and well-being of our senior citizens. I call on my colleagues to join with us in supporting this resolution.●

AMENDMENTS SUBMITTED

MILITARY PROCUREMENT AUTHORIZATION, 1984

DENTON AMENDMENT NO. 2073

(Ordered to lie on the table.)

Mr. DENTON submitted an amendment intended to be proposed by him to amendment No. 1539 submitted by him to the bill (S. 675) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes; as follows:

At the end of the amendment add the following new sentence: "The authority under the preceding sentence is in addition to any amounts authorized to be appropriated by this part to carry our research, development, test, and evaluation on the Ballistic Missile Defense systems technology program of the Army,".

LEVIN AMENDMENT NO. 2074

Mr. LEVIN submitted an amendment intended to be proposed by him to amendment No. 2057 proposed by him to the bill S. 675, supra; as follows:

In lieu of the matter proposed to be inserted by the amendment, insert the following:

REGULATIONS RELATING TO INCREASES IN PRICES FOR SPARE PARTS AND REPLACEMENT EQUIPMENT

SEC. . (a) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue regulations which—

(1) prohibit the purchase of any spare part or replacement equipment, except as provided in clause (2), when the price of such part or equipment, since a time in the past specified by the Secretary (in terms of days or months) or since the most recent purchase of such part or equipment by the department of Defense, has increased in price by a percentage in excess of a percentage threshold specified by the Secretary in such regulations, and

(2) permit the purchase of such spare part or equipment notwithstanding the prohibition contained in clause (1) if the contracting office for such part or equipment certifies in writing to the head of the procuring agency before the purchase is made that (A) such officer has evaluated the price of such part or equipment and concluded that the increase in the price of such part or equipment is fair and reasonable, or (B) the national security interests of the United States requires that such part or equipment be purchased despite the increase in price thereof.

(b) the Secretary shall publish the regulations issued under this section in the Federal Register for the purpose of eliciting public comment for 30 days prior to their implementation.

(c) Thirty days prior to the publication requirements in paragraph (b) of this section, the Secretary shall submit to the House and Senate Committees on Armed Services the text of the proposed regulations.

BRADLEY AMENDMENT NO. 2075

Mr. BRADLEY submitted an amendment intended to be proposed by him to the bill, S. 675, supra, as follows:

At the appropriate place in the bill insert the following new section:

SEC. . None of the funds authorized pursuant to this Act or any Act may be for the purpose of the production, procurement, testing, or deployment of the MX missile until the President has certified in writing to the Congress and the Congress has approved by Joint Resolution that procurement and deployment of the MX missile will not contribute to the underfunding of conventional weapons.

METZENBAUM AMENDMENT NO. 2076

Mr. METZENBAUM proposed an amendment to amendment No. 1539 proposed by Mr. DENTON to the bill S. 675, supra; as follows:

At the end of the amendment No. 1539 (as modified) insert the following: "In no circumstances will this additional discretionary authority be an addition to the total authorization of this bill."

LEVIN AMENDMENT NO. 2077

Mr. LEVIN submitted an amendment intended to be proposed by him to the bill (S. 675), supra; as follows:

It is the sense of the Senate that, since the Scowcroft Commission concluded that—

(1) "stability should be the primary objective both of the modernization of our strategic forces and of our arms control proposals;"

(2) "our ICBM programs should support pursuit of a stable regime of arms control agreements;"

(3) "a more stable structure of ICBM deployments would exist if both sides moved toward more survivable methods of basing than is possible when there is primary dependence on large launchers and missiles;" and,

(4) "from the point of view of enhancing such stability, . . . there is considerable merit in moving toward an ICBM force structure in which potential targets are of comparatively low value—missiles containing only one warhead;"

Therefore it is declared that deployment of fixed, accurate, land-based, multiple-warhead (MIRV'ed) intercontinential ballistic missiles (ICBMs) is destabilizing and does not promote a stable regime of arms control.

AGRICULTURAL PRICE TARGETING

ZORINSKY AMENDMENT NOS. 2078 THROUGH 2081

(Ordered to lie on the table.)

Mr. ZORINSKY submitted four amendments intended to be proposed by him to the bill (H.R. 2733) to extend and improve the existing program of research, development, and demonstration in the production and manufacture of guayule rubber, and to broaden such program to include other critical agricultural materials; as follows:

AMENDMENT No. 2078

On page 11, line 20, strike out "TARGET PRICES AND".

On page 11, beginning with line 23, strike out all down through line 5 on page 12.

On page 12, line 6, strike out "(c)" and insert in lieu thereof "(b)".

On page 12, line 20, strike out "(d)" and insert in lieu thereof "(c)".

AMENDMENT No. 2079

On page 11, line 20, strike out "EXPORT INITIATIVES".

On page 12, beginning with line 6, strike out all down through line 13 on page 13.

AMENDMENT No. 2080

In the amendment to the title to the bill, strike out "to provide discretion to the Secretary of Agriculture in the establishment of target prices,".

AMENDMENT No. 2081

In the amendment to the title of the bill, strike out "to extend agricultural export initiatives,".

LEVIN AND COHEN AMENDMENT NO. 2082

Mr. LEVIN (for himself, Mr. COHEN, Mr. DENTON, Mr. HUMPHREY, Mr. PRYOR, and Mr. JEPSEN) proposed an amendment to the bill (S. 675), supra, as follows:

At an appropriate part of the bill, add the following general provision:

REGULATIONS RELATING TO INCREASES IN PRICES FOR SPARE PARTS AND REPLACEMENT EQUIPMENT

SEC. . (a) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue regulations which—

(1) prohibit the purchase of any spare part or replacement equipment, except as provided in clause (2), when the price of such part or equipment, since a time in the past specified by the Secretary (in terms of days or months) or since the most recent purchase of such part or equipment by the Department of Defense, has increased in price by a percentage in excess of a percentage threshold specified by the Secretary in such regulations, and

(2) permit the purchase of such spare part or equipment notwithstanding the prohibition contained in clause (1) if the contracting office for such part or equipment certifies in writing to the head of the procuring agency before the purchase is made that (A) such officer has evaluated the price of such part or equipment and concluded that the increase in the price of such part or equipment is fair and reasonable, or (B) the national security interests of the United States requires that such part or equipment be purchased despite the increase in price thereof.

(b) The Secretary shall publish the regulations issued under this section in the Federal Register for the purpose of eliciting public comment for 30 days prior to their implementation.

(c) Thirty days prior to the publication requirements in paragraph (b) of this section, the Secretary shall submit to the House and Senate Committees on Armed Services the text of the proposed regulations.

TOWER FOR QUAYLE AND OTHERS AMENDMENT NO. 2083

Mr. TOWER (for Mr. QUAYLE) (for himself, Mr. MOYNIHAN, and Mr. PRYOR) proposed an amendment to the bill (S. 675), supra, as follows:

On page 134 strike out lines 5 and 6 and insert in lieu thereof the following:

"(2) by striking out the second sentence and inserting in lieu thereof the following: 'The reports shall include an assessment of the costs and benefits of the test program and shall also contain—

'(A) statistics and other information on all contracts that were awarded in each State during the previous fiscal year on which a price differential was paid to a firm located in a Labor Surplus Area and that were awarded during the previous fiscal year on the basis of competitive bidding to firms in Labor Surplus Areas (including the amount of any price differential paid and the estimated employment impact);

'(B) information, to the extent available, on amounts saved or additional amounts expended in the previous fiscal year under the unemployment compensation programs, the medicaid program (under title XIX of the Social Security Act), the food stamp program (under the Food Stamp Act of 1977), and other Federal assistance programs based on need, as a result of the operation of the program provided for in this section;

'(C) information on the extent to which the number of firms, from both in and outside Labor Surplus Areas, bidding on Defense Logistics Agency contracts in any fiscal year increased or decreaed over the previous fiscal year;

'(D) information on the extent to which the program provided for in this section has increased or decreased the competitiveness in Defense Logistics Agency procurement operations, including information on any dollar savings resulting from any increased competitiveness or any additional dollar expenditures as a result of decreased competitiveness; and

'(E) information on the extent to which the Department of Defense is promoting the program provided for in this section through mailings, seminars, outreach efforts, or media advertising.' ".

COHEN AND NUNN AMENDMENT NO. 2084

Mr. COHEN (for himself and Mr. NUNN) proposed an amendment to the bill (S. 675), supra, as follows:

At the end of part L of title I add the following new section:

AUTHORITY TO PROVIDE ROUTINE PORT SERVICES TO NAVAL VESSELS OF ALLIED COUNTRIES AT NO COST

SEC. . Section 7227 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c)(1) The Navy may furnish routine port services to naval vessels of any allied country at no cost to such country if, by agreement, such services are provided to visiting

naval vessels of the United States by such allied country at no cost to the United States.

"(2) Payment for such services furnished by the United States shall be paid for out of working-capital funds established under section 2208 of title 10, United States Code. Working-capital funds established under such section shall be reimbursed out of any operating funds available to the Navy for any payments made therefrom under this subsection.

"(3) In this subsection:

"(A) 'Allied country' means any of the following:

"(i) A country that is a member of the North Atlantic Treaty Organization.

"(ii) Australia or New Zealand.

"(iii) Any other country designated as an allied country for the purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State."

MELCHER AMENDMENT NO. 2085

Mr. MELCHER submitted an amendment to be proposed to the bill (S. 675), supra, as follows:

To the pending amendment No. 1567, strike all after "viz" and insert the following:

SEC. . Notwithstanding any other provision of this bill, compensation for all military personnel grade E-1 shall be increased 4 percent at the same time as pay adjustments for grades E-2 and E-3. *Provided further,* the amount authorized for DOD recruiting activities may be reduced by an amount sufficient to provide the 4 percent increase for military personnel grade E-1 with less than 4 months active duty.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a nomination hearing for Bruce Beaudin and Franklin Burgess to be Associate Judges for the Superior Court of the District of Columbia and Judith W. Rogers to be Associate Judge for the Court of Appeals of the District of Columbia on Tuesday, July 26, 1983 in room SD-342 of the Dirksen Senate Office Building. For further information, please contact Ms. Margaret Hecht at 224-4751.

Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on S. 905, the National Archives and Records Administration Act of 1983 on Friday, July 29, at 10 a.m. in room SD-342 of the Dirksen Senate Office Building. For further information, please contact Ms. Marion Morris at 224-4161.

Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on OMB Circular A-122 on Friday, July 29, at 2 p.m. in room SD-342 of the Dirksen Senate Office Building. For further information, please contact Mr. Paul Hewitt at 224-4718.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON SMALL BUSINESS

Mr. TOWER. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Thursday, July 21, to hold a hearing to mark up S. 628, a bill to amend section 18A of the Small Business Act, and S. 1022, a bill to amend section 8A of the Small Business Act to treat businesses owned by Indian tribes as socially and economically disadvantaged small business concerns.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. TOWER. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, July 21, to hold a monetary policy hearing required under the Humphrey-Hawkins Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. TOWER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, July 21, in order to consider and act on pending nominations, commemorative resolutions, and the following legislation:

S. 829—Comprehensive Crime Control Act of 1983.

S. 668—Sentencing Reform Act of 1983 and other agreed upon related crime bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. TOWER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, July 21, to hold a hearing on S. 593, the "Federal Meat and Poultry Products Inspection Act of 1982."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. TOWER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 21, at 2 p.m., to hold a hearing entitled "USIA: Recent Developments."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATON, AND GOVERNMENTAL PROCESSES

Mr. TOWER. Mr. President, I ask unanimous consent that the Subcommittee on Energy, Nuclear Proliferation, and Government Processes, of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, July 21, at 10 a.m., to hold an oversight hearing on S. 1356, the Debt Collection Act of 1982.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HOW THE SOVIETS USE CHEMICALS TO WAGE WAR

● Mr. ARMSTRONG. Mr. President, one of the greatest horrors in the world today is the use of chemical and biological weapons by the Soviet Union and its satellites against helpless civilians in Afghanistan, Laos, and Cambodia. A comprehensive account, from the victims' point of view, of how the Soviets and their proxies use "Yellow Rain" was written by Al Santoli in the June 26, 1983 issue of Parade Magazine. Robert L. Bartley and William P. Kucewicz of the Wall Street Journal discussed the implication of the Soviet use of chemical and biological weapons in direct contravention of treaties to which they were a party for nuclear arms control negotiations in the Spring 1983, issue of Foreign Affairs. I ask that these articles be printed at this point in the RECORD. I urge all my colleagues to read them carefully.

The article follows:

[From Parade Magazine, June 26, 1983]

HOW THE SOVIETS USE CHEMICALS TO WAGE WAR

(By Al Santoli)

THE PHU BIA MOUNTAINS OF LAOS are greenest in November. The long winter monsoon rains have ended and wildflowers are abundant in the rugged foothills. Lee Mai, a 25-year-old schoolteacher in the village of Moung Hong, was walking in a neighbor's field when he saw the helicopters come again.

He watched in horror as the metal birds circled above the community of 300 wooden and grass thatch houses. Startled parents tried to grab their screaming children and run for cover as exploding clouds of red smoke and a musty yellow rain descended from the sky. Those covered by the wet, sticky substance began spinning wildly in uncontrollable seizures, gasping for breath, blood spouting from their noses and mouths as they died.

Two years later, November 1982, across the Phu Bia range in the village of Nong Ching, 13-year-old Mai Lor was on harvest vacation from school. Early in the morning, as she was walking to begin work in her father's rice field, she saw an airplane spray the mysterious yellow substance. After cautiously waiting a few hours, Mai entered the field. She became dizzy and nauseous; her skin turned itchy and began to blister. For a week after the attack, Mai's entire family was bedridden with fever, nausea, diarrhea and burning eyes. Neighbors who had been directly sprayed died a violent death, blood pouring from every opening in their bodies.

The Lor family learned that neighboring villages, inhabited by Hmong tribespeople—many of whom had been America's allies in

the war against the Vietnamese invaders and their Pathet Lao surrogates—had experienced "yellow rain" attacks in recent months, suffering many deaths. In January 1983, the Lor family tearfully made their last visit to the Nong Ching community church and joined their neighbors in a dangerous two-week walk to seek refuge across the Mekong River in Thailand.

In 1975, the Hmong population numbered 400,000 out of a total population of 3 million Laotians. Today, it is estimated at less than 75,000. Most have been killed or driven out by starvation or lethal chemical attacks. Dr. Khamsenkeo Sengstith, former bureau director of the Laotian Communists' ministry of health, defected to Peking in 1981. He states: "The Vietnamese use chemical weapons in the air and on the ground, killing thousands upon thousands of people."

American and Thai intelligence have monitored Soviet radio transmissions inside Laos regarding shipments of chemical weapons to the Phu Bia region and a Soviet general inspecting chemical munitions depots. The Laotian Air Force is run by 500 Soviet advisers. A Laotian pilot who defected in 1979 gave a detailed description of the chemical warfare missions he flew and the overall Soviet-Vietnamese program being waged against the Hmong. His accounts were verified by previous civilian refugee and resistance-fighter testimonies and satellite photographs. The pilot said this program is named "Extinct Destruction Operations" and is intended "to wipe out the Hmong people."

In 1963, reports of chemical-biological warfare (CBW) came out of Yemen. Since then, they have come from remote mountain regions in Laos, Cambodia, Vietnam and Afghanistan. Thousands of terrified homeless people have told the same story and have shown the same horrifying medical symptoms. Soviet military manuals explain the operational use of these weapons. Soviet bloc defectors testify to their use. Physicians document and treat countless victims. Yet world governing and scientific tribunals remain paralyzed and refuse to acknowledge the use of these weapons because they fear a new chemical arms race and are intimidated by the implications of underlying Soviet intentions.

Dr. B. A. Zikria, professor of surgery at Columbia University College of Physicians and Surgeons and a pulmonary specialist, has worked inside Afghanistan, caring for Mujahidin resistance fighters and civilians. In Baluchistan, he found a large number of people suffering from a mysterious variety of symptoms including chronic nosebleeds, nausea, shortness of breath, nervous tremors and skin lesions. All the victims described being attacked by black or yellow smoke from Soviet aircraft.

Some doctors found that the victims' skin problems only responded to medicine used for chemical burns. After examining numerous patients with breathing difficulty and black spots around their lungs, which ruled out tuberculosis, Dr. Zikria discovered that in medical history this problem has only been seen in chemical warfare victims. Returning to the U.S., Dr. Zikria studied reports from Laos and Cambodia and found almost identical symptoms in reported chemical warfare victims there.

Today, in New York, Dr. Zikria says: "Though there are debates over what is causing the problem, from the clinical standpoint the evidence is overwhelming that chemical warfare is happening. The effect of the agent on the victim is more important than its identification. As with cancer, we don't know exactly what causes it, but we can diagnose it by its effects—poisoning is a medical and clinical problem. The physician's reality is that thousands of people are suffering and dying, telling the same stories and showing the same signs."

Military specialists and government scientists in the U.S., Canada, Great Britain, France, West Germany, Norway, Thailand, Israel and New Zealand have confirmed the current Soviet use of chemical warfare. Yet, at the United Nations, the Soviets and their surrogate governments in the countries where it is being used veto any attempts for on-site investigations. At a recent press conference in Bangkok, French Foreign Minister Claude Cheysson said his country was convinced that chemical weapons were being used in Asia.

Recently in Paris, PARADE spoke with a top French military scientist and a government chemical-warfare expert. These authorities said that though they have identified toxic weapons substances in field samples from Southeast Asia and Afghanistan, they still have not developed the adequate high technology to do a complete identification of all the toxins involved. They feel that we have only seen the tip of the iceberg of the Soviet CBW arsenal and are concerned that the French Army could be caught in a surprise attack.

The United States signed an international treaty with the Soviets in 1972, banning all such weapons. However, that treaty had no provisions for verification, and the Soviets have continued to produce up to 10,000 tons a year of nerve gas and toxic weapons. Military experts estimate that the Soviets' current arms stockpile contains 400,000 to 700,000 tons of poisons—15 percent to 40 percent of their total ammunition holdings.

In a Soviet military publication, Col. Oleg Penkovskiy wrote: "Soviet artillery units are all regularly equipped with chemical warfare shells, and our artillery is regularly trained in their use. Let there be no doubt; if hostilities should erupt, the Soviet Army would use chemical weapons against its opponents. The political decision has been made, and our strategic planners have developed a doctrine . . . Chemical shells and missiles may be considered just ordinary weapons available to the military commanders to be used routinely when the situation calls for it."

In 1977, Soviet bloc chemical-biological capabilities (standard for all Soviet bloc armies) were documented in the East German Textbook of Military Chemistry:

"Toxins are agents which are produced by biological organisms such as micro-organisms, plants and animals and cannot themselves reproduce. By the middle of 1960, the toxins selected for military purposes were included among biological warfare agents. Today it is possible to produce various toxins synthetically.

"Toxins are not living substances; they thus differ from the biological organisms, so that they can be included among chemical warfare agents. When they are used in combat, the atmosphere can be contaminated over relatively large areas.

"The toxic warfare agents can be aerosolized. They can be used primarily in microbombs which are launched from the air or in warheads of tactical rockets. Toxic warfare agents can be applied with aircraft spray equipment and similar dispersion systems."

This account accurately confirms what terrified tribes-people and farmers in the Near East and Asia have been trying to tell a disbelieving West. These events in far-off places may seem remote to many Americans, but a comparison of Soviet-U.S. capabilities in chemical-biological weaponry reveals some frightening facts and figures:

The Defense Department estimates the Soviets outnumber us in chemical munitions by up to a 10 to 1 ratio; in delivery systems by 5 to 1; in production by 14 to 1; and in decontamination vehicles by 10 to 1. Experts estimate 72 percent of U.S. chemical stocks are of doubtful military value because of deterioration.

Soviet chemical warfare troops number up to 100,000 compared to 6,000 in the U.S. Soviet troops and chemical specialists have battlefield experience in Afghanistan and Southeast Asia and have used this to develop tactical integration of toxic warfare. NATO commanders doubt our capability to deter a chemical attack. While Soviet armor is sealed against chemical penetration. U.S. armor is woefully unprotected.

A massive Soviet surprise attack on NATO could render our force defenseless. The Soviets have the ability to spread chemical agents over a large area by a number of means. Their FROG and SCUD missiles, similar to our Pershings, all have chemical capabilities. The U.S. Navy now feels our battleships are vulnerable to Soviet cruise missiles tipped with chemical warheads.

Small chemical rockets are now used on Soviet helicopters, jets and biplanes (crop dusters). A single 200-pound toxic bomb can cover half a square kilometer with nerve gas. MiG 27 aircraft, the kind employed in Cuba, can deploy four tanks of nerve gas, each tank capable of covering four square kilometers. Satellite photos and intelligence assets have documented the existence of a large military chemical depot and training field in Cuba, where Soviet advisers train Cuban troops in chemical-biological warfare exercises.

Some Soviet toxins derived from fungi are impossible to detect by current U.S. gas alarms, and their minuscule particles could penetrate existing gas mask filters.

Though the new generation of Soviet toxins has been grouped under the term "yellow rain," a wide variety of toxic smoke colors are being used. Each causes varying effects, ranging from incapacitation, stupor and nausea to choking, neurologic fits and massive hemorrhage, causing quick death.

Guerrilla fighters in Afghanistan have experienced fatality rates of up to 70 per cent, and large civilian populations have experienced rates of nearly 100 percent. Chemical experts believe that known chemicals like mustard gas, phosgene and sarin are being used, as well as new forms of toxins.

In June 1980, Dutch journalist Bernd DeBruin filmed two Soviet chemical helicopter attacks in Jalalabad, Afghanistan. The helicopters circled a village like a carousel, dropping canisters and shooting rockets that produced a lethal yellow smoke. A few hours later, DeBruin entered the village and photographed a corpse that had turned blue-black from extensive internal hemorrhaging (all blood vessels in the body had burst) due to chemical exposure. DeBruin suffered from blisters, facial swelling, nausea, diarrhea and cramps for 10 days following the attack and still has skin lesions. DeBruin has photographed chemical shells with Soviet nomenclature. These shells and helicopter delivery systems match reports made by Cambodians since 1978.

Afghan resistance units have captured and photographed a number of Soviet chemical protective suits, antidote kits and

gas masks contaminated with T-2 mycotoxin residue (not indigenous to the region). Soviet prisoners and defectors have confirmed the use of at least nine different types of chemical weapons, including the deadly sarin, phosgene and soman. One young soldier, Anatoly Sakharov, described an agent called "smirch," which has 100 percent mortality. His description matches reports from DeBruin, doctors in Afghanistan and Hmong refugees from Laos who described these effects to Parade.

Yuriy Povarnitsyn, a Soviet military chemical specialist, reported performing autopsies on Afghan villagers and taking soil samples after attacks. His account corresponds to stories coming out of Laos regarding the Vietnamese. In 1974, a Cuban emigré baffled U.S. analysts with descriptions of similar chemical warfare systems being taught in Cuba. He described a chemical land mine that validated a report by a Soviet defector in the 1960s. Similar reports recently have come out of Cambodia. After reading these descriptions, a Chinese official in Peking told a U.S. chemical expert, "We read your report with great fascination because we ran into the same mines on the Vietnam border." In 1980, the Vietnam's People's Army chemical warfare branch received the government's highest award, the Ho Chi Minh Medal.

In Cuba, Soviet instructors described the effect of the chemical mines as being "radiation-like"—which describes the effects of mycotoxins, once used in experiments by cancer researchers as an alternative to chemotherapy.

Sterling Seagrave, author of the book Yellow Rain, says: "Why are the Soviets using poisons? In a nuclear stalemate, only conventional weapons can be used in regional wars. Conventional weapons have become so complex and expensive—a new weapons system can bankrupt a national economy. Poisons, on the other hand, are cheap. And they have the killing power of nuclear weapons, without attracting so much attention.

"There's no big bang and there's no mushroom cloud. But all the people can be eliminated silently, as they have been in parts of Afghanistan. The new poisons are so bizarre and evaporate so rapidly that they make proof extremely difficult to obtain. But any serious study of Soviet military doctrine demonstrates that not only is CBW defensive gear a routine part of Soviet operations, so is CBW aggressive gear.

"In Afghanistan, for instance, Soviet helicopter gunships equipped with lethal chemical agents now perform routine duties like convoy security, which used to involve ground troops. This is only one of numerous examples that show the growing dependence on toxic weapons. And poison tactics and poison strategy have taken much of the role previously attached to tactical nuclear weapons in Soviet doctrine."

Dr. Bernard Wagner, professor of medical pathology at Columbia University, who just returned from a fact-finding visit to Southeast Asia, says with great concern:

"The threat of limited, controlled biological warfare is, at least for me, on a scale with nuclear war. With toxins having both acute and delayed effects, an aggressor can achieve his ends without the problems posed by a nuclear blast. Besides, toxins can be delivered in an insidious, almost undetectable manner.

"The current outcry against nuclear weapons must also extend to chemical-biological warfare. Our government, along with all other nations, must find a way to pressure the Soviet Union and its clients into halting this activity. Until then, prudence dictates that we formulate policies to safeguard populations at risk."

Today, while the urgent reality of chemical warfare is obscured in endless political and academic debate, thousands of defenseless men, women and children continue to suffer. On March 25, 1983, at Ban Vinai refugee camp on the Mekong River in Thailand, Parade spoke with Tou Xiong, a 25-year-old Hmong resistance fighter. Tou has risked his life on numerous occasions to guide members of desperate families across the Laotian mountains in frantic escape from Vietnamese-Soviet "extinct destruction" campaigns. With the quiet intensity of one who has walked with death, he said:

"It is difficult for people to live in Laos because of the poison gas. Thousands and thousands of Hmong people have died. It took my group of 100 people one month to walk to Thailand. We had to pass through many patrols of Vietnamese and Pathet Lao soldiers. By the time we crossed the Mekong River, 75 people—including many babies and children—had died by starving, drowning or shooting.

"My people asked me to come to Thailand to ask the Americans if you have any medicine to take care of the poison gas today. If the Communists keep using this gas on the fields, the forests, the water and the villages, the Hmong Lao people will no longer have any life left."

"Yellow Rain" and the Future of Arms Agreements

This Convention completely prohibits biological and toxin weapons. Since it provides for the elimination of existing weapons, it is a true disarmament measure."

So it seemed to Fred Charles Iklé, then director of the Arms control and Disarmament Agency, as he testified before the Senate Foreign Relations Committee in 1974. He expressed the Ford Administration's support for ratification of a treaty with the comprehensive if awkward title, "Convention on Prohibition of the Development, Production, and Stockpiling of Bacteriological (Biological) and Toxin Weapons and Their Destruction." At the same time, he recommended that the Senate ratify the Geneva Protocol of 1925, already ratified by all the other major military powers, which prohibited the use of both biological and chemical agents in warfare.

This seemed entirely appropriate to the full blossom of détente. In November 1969, the same month U.S. and Soviet negotiators opened the Strategic Arms Limitation Talks, President Richard Nixon undertook an experiment in unilateral disarmament, unconditionally renouncing all methods of biological warfare. Three months later this renunciation was broadened to include toxin weapons, i.e., poisons produced by biological processes but not themselves living organisms. The Administration set about destroying all stockpiles of biological and toxin weapons, and closing down the research into offensive use of such weapons that had been conducted at Fort Detrick, Maryland.

This U.S. initiative was quick to bear fruit. In early 1971, the Soviet Union dropped its previous insistence that any biological weapons treaty also include chemical weapons, which had created a negotiating deadlock because the United States and Great Britain were unwilling to destroy existing chemical weapons stock they felt served deterrent purposes. With the Soviets willing to treat biological warfare separately, the Convention was concluded a year later, and was signed by 111 nations.[1]

The 1972 Convention called for an end to development of biological and toxin weapons. Signatories pledged not to acquire or maintain stocks of biological agents "of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes." Existing stocks and delivery equipment were to be destroyed, and transfer of either stocks or technolgy to third parties were specifically banned.

Perhaps curiously, the 1972 Convention did not ban the use of such weapons in warfare, though presumably this was already outlawed by the 1925 Geneva Protocol, not to mention customary international law. The Convention made only limited provision for verification of compliance with its terms. It required state parties "to consult one another and to cooperate in solving any problems which may arise." It established no supervisory machinery, but provided that governments that find evidence of violations "may lodge" complaints with the U.N. Security Council. Final appeal could be taken by persuading a majority of signatories to convene a special meeting.

In presenting the official case for ratification of the treaty, Mr. Iklé offered three arguments: that the treaty did not deny the United States any "military viable option" since the usefulness of such weapons was "dubious at best," that "biological weapons are particularly repugnant from a moral point of view," and that the Convention would "discourage some misguided competition in biological weapons."

Mr. Iklé added one caveat, that it would be "difficult" to verify compliance with the Convention "in countries with relatively closed societies." This did not preclude an agreement because the weapons were deemed militarily unimportant, but "the limited verifiability of this Convention should not be misconstrued as a precedent for other arms limitations agreements."

Such doubts seemed footnotes, though, compared to the promise of the Convention. As President Nixon, who had first requested ratification, had put it in his official message, it was "the first international agreement since World War II to provide for the actual elimination of an entire class of weapons from the arsenal of nations." The Convention seemed an apt expression of the spirit of détente, and a significant victory for arms control. It was ratified by the Senate, along with the Geneva Protocol, December 16, 1974. With deposit of U.S. ratification in Washington, Moscow and London, the Convention went officially into force on March 26, 1975.

II

Beginning in the summer of 1975, H'Mong refugees fleeing Laos for Thailand started to carry terrifying stories. They spoke of aircraft attacking their villages with rockets that exploded overhead to release a cloud of vapor, usually described as yellow or white, but sometimes red or green. As the vapors settled over the huts and fields, they caused bizarre medical symptoms. Those most exposed frequently died, and similar though milder symptoms were reported by those on the periphery of an attack or who ate food or drank water contaminated with the yellowish powder. The refugees described dizzi-

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ness, severe itching or tingling of the skin, the formation of numerous small and hard blisters, nausea, shock, coughing of blood-tinged material, bloody diarrhea, and vomiting of massive amounts of blood.

The H'Mong are primitive mountain people historically at odds with the lowland Lao, and for that matter any central authority. During the Vietnam War many of them fought against the North Vietnamese and Pathet Lao in a force organized under General Vang Pao and supported by the United States. At the time they were referred to as the Meo, the Laotian term for the tribes. They now complained that the Pathet Lao and North Vietnamese were attacking their villages in retribution for helping the United States during the War. Having little grasp of modern technology, or even a written language, they christened the gruesome new weapon "yellow rain."

In 1975 and 1976, however, such reports remained fragmentary. The reported attacks took place in north-central Laos; the journey to Thailand was long and arduous. U.S. intelligence had no systematic procedures for collecting such reports, and the available information came from doctors working in the refugee camps and the volunteer efforts of two Bangkok embassy officials, Foreign Service Officer Edward McWilliams and Lieutenant Colonel C. Dennison Lane.

By 1977 and 1978, the number of reports of apparent chemical attacks began to increase alarmingly, especially from the H'Mong stronghold area in the Phou Bia mountains. In October 1978, U.S. officials raised the reports with the Lao Chargé d'Affaires in Washington, and Assistant Secretary of the State Richard Holbrooke went to Vientiane to express American concern over human rights for the H'Mong. In March 1979, the United States raised the issue of poison gas use at the 35th session of the U.N. Human Rights Commission. The Laotians consistently denied the use of chemical weapons.

In May 1979, Mr. McWilliams went to refuge camps in Thailand to interview H'Mong eyewitnesses, and compiled a lengthy report of his conversations. This represented the first systematic record of the reports, and became the basis for later compilations published by the State Department. In the fall a U.S. Army medical team was dispatched to Thailand to conduct interviews. In the winter of 1979, the U.S. government raised the "yellow rain" issue with the governments of the Soviet Union, Laos and Vietnam; all three denied the charges.

By 1980 similar reports were being received from Kampuchea, where Khmer Rouge forces were still holding out against Vietnamese, and from Afghanistan, where Soviet troops were fighting against local resistance. The Carter Administration became concerned enough to compile a 131-page collection of refugee reports and newspaper accounts of chemical attacks,[2] and to seek an international investigation. In December of 1980, at the urging of U.S. and Canadian delegations and over the objections of the Soviet Union, the U.N. General Assembly voted to conduct an investigation of the charges.

The material compiled by the State Department in 1980 included interviews with a defector from the Lao People's Liberation Army who said he had been directly involved in the kind of attacks described by the H'Mong. He had flown captured U.S. L-19 and T-41 aircraft dispensing toxic chemicals over H'Mong villages in the Phou Bia area. He described the directions of Vietnamese officers, and special medical precautions taken during and after the flights. He said that the missions were called "Extinct Destruction Operations," and that he had been told by his superior officer that they were intended to "wipe out the reactionary H'Mong people."

In March 1981, the State Department issued a 33-page update of its previous compilation.[3] To get a flavor of the 164 pages of documents, consider the account of Mah Hear, who had lived in the H'Mong village of Long Sa in the Phu Khao Khaoi area, and who fled to Thailand with his son in February 1981. He told of a chemical attack the previous October on a cluster of four villages in which approximately 1,000 people had died after intensive vomiting and diarrhea with blood. The dead included Mah Hear's wife and daughter, and his five-year-old son Tou Houa was questioned about the attack.

State's summary of the child's testimony reads, "Tou said that his mother and sister had been poisoned by a white plane which dropped yellow—his father said 'red'—smoke. He said that many people died vomiting. He said that many animals also died. When asked what people at the local clinic did to make him better, he responded that they played with him. When asked how he got the various sores on his body which his father had attributed earlier to the gas attacks, he responded simply that he had the injuries a long time."

III

From the start, U.S. chemical warfare experts in the Defense Department and at the Central Intelligence Agency were puzzled by the "yellow rain" reports from Southeast Asia. The symptomology, particularly the massive hemorrhaging, did not correspond to any known chemical warfare agent. Early samples of vegetation, clothing and human tissue from attack sites and victims showed no traces of familiar chemical agents.

Even though the symptoms did not fit any known chemical agents, there was no denying the numerous and consistent reports from Southeast Asia. Analysts in the intelligence community decided by 1979 that they needed to broaden the list of potential chemical agents. Analysts from the State Department, the Defense Department, the CIA, the Defense Intelligence Agency, the National Security Agency and the Surgeon General's Office met regularly to discuss the latest evidence and to compare notes on their own research.

In 1981, breakthroughs started. In March, a CIA medical expert sent to Southeast Asia was able to conduct covert autopsies in Kampuchea of victims of a "yellow rain" attack, which had taken place only 12 to 24 hours earlier. His examination showed severe deterioration of the gut and upper small bowel, from which he deduced that a small molecular-weight toxin must be at work. Vegetation and water samples were collected from the site of the same attack for subsequent laboratory analysis.

Back in Washington, meanwhile, Dr. Sharon Watson, a research specialist in toxicology at the Department of the Army, was also pondering the symptoms reported in the "yellow rain" accounts. She noticed a striking similarity with symptoms produced by trichothecene mycotoxins, rare but especially poisonous toxins produced by a certain strain of fusarium, a common fungus found on moldy grains. The known effects of trichothecenes include nausea, vomiting, dizziness, a burning sensation of the skin, failure of muscle coordination, diarrhea with blood and internal hemorrhaging.

By far the most prominent outbreak of trichothecene poisoning in the medical literature concerned the devastation of 50 counties of the Orenburg district of the Soviet Union in the winter of 1943-44 by an epidemic of a disease then called Alimentary Toxic Aleukia (ATA). The symptoms of this disease were similar to those the H'Mong attributed to "yellow rain," except that the Orenburg peasants did not experience the exceptionally rapid hemorrhaging with massive vomiting of blood. Thirty percent of the population of the district became seriously ill, and over ten percent of the population died.

During the Orenburg epidemic, peasants had been scrounging the winter fields for unharvested wheat and millet. A. Z. Joffee, who worked in the Soviet Union during the epidemic and later emigrated to Israel, identified poisonous fusarium in the wheat samples. The poisonous forms of these molds grow best in cold climates, especially with cycles of freezing and thawing. Three decades after the epidemic, Chester Mirocha of the University of Minnesota identified T-2, a trichothecene mycotoxin, as the active agent in a sample of the wheat provided by the Soviets.[4] Trichothecene poisoning is now believed to have been responsible for the Orenburg epidemic. Trichothecenes fed to animals produce symptoms similar to those at Orenburg, and are recognized in the colder regions of North America as a veterinary problem with moldy feeds. Canada has recently established tolerance levels for trichothecene residues in wheat.

While the symptoms of trichothecene poisoning reported in the medical literature do not include the spectacular hemorrhaging claimed by the H'Mong, it was easy to form speculations to explain the discrepancy. In particular, the Orenburg peasants ingested the toxins, while villagers in Laos generally inhaled the "yellow rain." Subsequently, tests by U.S. Army scientists at Fort Detrick found that inhalation of the toxins does indeed produce pulmonary and gastric hemorrhaging that is both quick and massive; this effect can also be heightened by mixing the toxin with other agents, and by dispensing it with solvents to speed absorption.

Review of the scientific literature revealed that trichothecenes had been the subject of intense Soviet scientific investigation since the 1930s. The physical and chemical properties of the toxins, especially their chemical stability, made them ideal as warfare agents; they could also easily be mass-produced. Indeed, much of the published Soviet literature on the toxins is more concerned with how to produce them in large quantities as opposed to research into prevention or antidotes. In addition, the Soviet research projects of mycotoxins were performed at institutes previously associated with other chemical and biological warfare research.[5]

Dr. Watson conferred with the CIA analyst upon his return to Washington; they discovered that their theories, independently arrived at, matched completely. Samples taken from the site of the attack that killed the autopsied victims were sent for laboratory analysis. The initial tests in government labs failed to detect any evidence of mycotoxins, but some of the "yellow rain" samples, along with negative and positive control samples, were sent to Dr. Mirocha for more sophisticated analysis. In August, his laboratory reported that the sample

taken from the attack site tested positive for trichothecene mycotoxins. Six years after the first "yellow rain" reports, the United States had finally identified at least one of the poisons being used in Southeast Asia—an agent of a kind clearly outlawed by the 1972 Biological Weapons Convention.

IV

It was against this backdrop that Secretary of State Alexander Haig decided to go public with the "yellow rain" charges. Secretary Haig was scheduled to speak in Berlin on "The Democratic Revolution and Its Future" on September 13, 1981.[6] One of his themes was a "double standard" under which democracies were "impugned and criticized" for the slightest questionable behavior, while "a forgiving and accepting eye is turned toward adversaries." He revealed that "We now have physical evidence from Southeast Asia which has been analyzed and found to contain abnormally high levels of three potent mycotoxins—poisonous substances not indigenous to the region and which are highly toxic to man and animals." He added that the use of such weapons in warfare was prohibited by the Geneva Protocol, and that their manufacture or possession violated the Biological Weapons Convention.

The next day the State Department held a press conference in Washington to give further details of the "yellow rain" evidence. Its five-page "fact sheet" said, "Analysis of a leaf and stem sample from Kampuchea has revealed high levels of mycotoxins of the trichothecene group." It continued: "The levels detected were up to twenty times greater than any recorded natural outbreak. Since normal background levels of these toxins are essentially undetectable, the high levels found are considered to be abnormal, and it is highly unlikely that such levels could have occurred in a natural intoxication. In point of fact, these mycotoxins do not occur naturally in Southeast Asia."[7]

The State Department document also included circumstantial evidence of chemical warfare, noting previously published refugee testimony. It reported that the "yellow rain" symptoms matched the known effects of trichothecene poisoning, and related some details of the 1944 Orenburg epidemic. Reporters were told that no large pharmaceutical-type facility existed in Southeast Asia which could produce these toxins, although such facilities do exist in the Soviet Union. However, no attempt was made to systematically outline the history of the discoveries. Reporters were offered an opportunity to question government experts, but the names and positions of the experts were withheld.

The press reacted to these revelations with a withering skepticism. Bob Simon, CBS State Department correspondent, reported after the briefing: "It's viewed here as far from coincidental that this information is being released with such fanfare at a time when the Reagan Administration is anxious to muster support domestically and in Europe for what it perceives as an increasing Soviet threat." When the Public Broadcasting Service's "Inside Story" went back in March 1982 to reexamine this initial coverage, Mr. Simon said: "It just seemed to me like a story that was being planted, and being planted in a rather sloppy way." Don Oberdorfer of The Washington Post said: "In the course of the questioning it came out that they were hanging this thing on one leaf and stem that had been procured from Cambodia, which struck a lot of people as not very strong evidence for a charge made by the Secretary of State in a full dress State Department briefing."[8]

However much blame should go to State's mishandling of the briefing or excessive skepticism by the reporters, clearly little had been done to prepare the ground for such charges. The briefing had been hastily drawn together; Secretary Haig's remarks had been inserted in his speech at the last minute, under pressure of a leak to Time magazine on the mycotoxin findings. State was also concerned about seeming to be behind the news because the book Yellow Rain was about to be released; author Sterling Seagrave had started out to investigate U.S. chemical warfare capabilities and the use of the herbicide Agent Orange, but concluded the real story was that the Soviets were already using chemical warfare on a massive scale. He had picked up the name for his book from the H'Mong, and remarked at the similarity of their symptoms to those of trichothecene poisoning.[9]

Prior to the State Department briefing, however, the "yellow rain" reports had received scanty public attention. There had been scattered reports in the American press, and more numerous ones in Asia. The October 1980 Reader's Digest had run a report by Jane Hamilton-Merritt, a freelance journalist and Asian studies scholar who had devoted herself to studying the H'Mong. Jim Coyne, an editor of Soldier of Fortune magazine, returned from Thailand in May 1981 with a sample of yellow powder. It was ultimately delivered to Representative Jim Leach (R-Iowa), who was vainly trying to stir up some interest in possible violations of the biological weapons treaty.[10] And there had been press reports of an anthrax outbreak at Sverdlovsk in the Soviet Union in April 1979, also suggesting biological weapons activity.

This was not much to prepare the press or public for charges of such magnitude. Then, too, many observers were struck by what seemed an anomaly. If the Administration really believed the Soviets were breaking existing arms control treaties, this would seem to call for major adjustments in its whole arms control policy. Yet the week after making these charges Secretary Haig met with Soviet Foreign Minister Andrei Gromyko to schedule talks on theater nuclear forces. In November, President Reagan made his National Press Club speech proposing new strategic weapons talks under the new acronym, START. The Administration was accusing the Soviets of breaking old treaties and simultaneously proposing to negotiate new ones.

The initial skepticism of the press was fed by the attitude taken by some key scientists knowledgeable about chemical warfare, notably Matthew Meselson, a Harvard University biologist, and Julian Perry Robinson of the University of Sussex's Scientific Policy Research Unit. "In such an important situation, one looks to our government for a very high standard of evidence," Dr. Meselson told The New York Times. "But in some respects, official government statements have contained demonstrable and serious scientific errors which damage our credibility and raise doubts about our case." Dr. Robinson told ABC News: "It's ludicrous in fact to base charges of quite such moment on one sample. No analytical chemist worth his salt would go along with that."

A Mennonite missionary, Frederick Swartzendruber, said in several forums that he had traveled the H'Mong communities in Laos, and had never heard of "yellow rain." Gene Lyons, a freelance journalist who had written previously on chemical warfare, wrote on the op-ed page of The New York Times that "yellow rain" might be a "CIA hoax." The urge to dismiss the gathering evidence reached absurd lengths. In a January 21, 1982 editorial opposing U.S. development of "binary" chemical weapons, the Times' editors brushed off "yellow rain" with the passing comment, "Reports that the Russians used toxic agents in Afghanistan and Indochina have not been fully confirmed. Besides, they describe small-scale use against unprotected people in remote areas."

Two major news organizations were exceptions to the general reaction. ABC News mounted its own expedition to Southeast Asia, and found its own trichothecene-contaminated sample.[11] And The Wall Street Journal repeatedly returned to the story, running some 50 articles in the 18 months following the Haig speech. But despite the rather extensive, if little circulated, knowledge that preceded the Haig speech, the "not enough evidence" mentality dominated press and presumably public impressions of "yellow rain" for more than a year after the Secretary first took it public.

Throughout 1982, however, wave after wave of accumulating evidence lapped at the shores of skepticism. In late January, the State Department published an analysis of blood samples taken from "yellow rain" victims in Kampuchea, showing the presence of HT-2, a metabolite of T-2 trichothecene toxin, in the blood of two victims.[12] The samples were collected by Dr. Amos Townsend, a retired Air Force physician, who began treating refugees in Thailand in 1980 and became deeply involved in the "yellow rain" issue. In March, Secretary Haig sent a 32-page report to Congress on chemical warfare in Southeast Asia and Afghanistan, providing the most complete and up-to-date information including, for the first time, intelligence reports suggesting direct Soviet involvement—the preparation of Soviet-manufactured chemical items for inspection by Soviet officers, precautions taken in receipt of Soviet crates the Vietnamese said contained "deadly toxin chemicals," and details suggesting heavy chemical contamination in the salvage operation of a ship sunk in the Blank Sea en route to Vietnam in 1975.[13]

Also in March, Representative Stephen Solarz (D-New York) held hearings on the subject in the Subcommittee on Asian and Pacific Affairs of the House Committee on Foreign Affairs. In the course of the hearings, he remarked, "I suspect that short of being hit on the head by yellow rain, nothing would convince Mr. Swartzendruber that it was going on." The Congressman remarked to a scientific skeptic that while totally controlled experiments are not always possible in the real world, "that does not relieve us of the responsibility of trying to make judgments about whether these things are going on." At the end of the hearings, Congressman Solarz, scarcely a cold warrior, concluded, "I don't see how a reasonable person can argue with the proposition that this is going on and that things are happening here which shouldn't be happening and which are presumably prohibited by treaty."[14]

When the U.N. Special Session on Disarmament opened in June 1982, the U.N. investigative team on biochemical warfare had just completed its first trip to Afghan refugee camps in Pakistan. It was not scheduled to report until the General Assembly

convened in the fall, but The Wall Street Journal obtained and published extracts from a 36-page verbatim transcript of the team's interviews with Afghan refugees.[15] These accounts paralleled reports about "yellow rain" from Southeast Asia, and indicated that other chemical warfare agents were also being used. The Afghans, for instance, spoke of "black smoke" which caused incapacitation and unconsciousness; victims found by Soviet troops were summarily shot. The Soviets also used other gases to kill or drive out people hiding in caves or in underground canals common in Afghanistan. (In its final report on December 1, 1982, the U.N. team concluded that the allegations were not proven, but that "circumstantial evidence" suggested "the possible use of some sort of toxic chemical substance in some instances.")[16]

Many heads of government addressed the summer disarmament session. When President Reagan came to speak on June 17, 1982, he had not made a major public statement on "yellow rain" despite the various State Department reports. At the United Nations, he directly accused the Soviet Union and its allies of violating the Geneva Protocol and the Biological Weapons Convention, as well as customary international law. He said that the evidence was "conclusive." He added, "Evidence of non-compliance with existing arms control agreements underscores the need to approach negotiation of any new agreements with care."

In November 1982, Secretary of State George Shultz sent yet another report to Congress, saying "the world cannot be silent in the face of such human suffering and cynical disregard for international law and agreements."[17] The report included the account of a Soviet soldier who defected to the Afghan resistance and described three chemcial warfare agents. At its press briefing, the State Department was able to display a Soviet gas mask it reported had been taken off a dead Soviet soldier in Afghanistan and which had proved to be contaminated with trichothecenes. This was the first identification of trichothecenes from Afghanistan, as well as being a far more dramatic piece of physical evidence than a leaf and twig sample.

This time the reaction was acceptance. "The administration has proven out the Soviet pattern by a standard that reasonable people would accept."—The Washington Post, December 1, 1982. "There now appears to be sufficient evidence for the world to reach a verdict of guilty."—The St. Louis Post-Dispatch, December 3, 1982. "The evidence now accumulated—blood samples, gas masks, testimony from a Soviet defector, a Laotian pilot, and Afghan refugees—indicated that something is definitely going on, Soviet denials to the contrary."—The Christian Science Monitor, December 1, 1982. And The Boston Globe, December 3, 1982: "The Soviets appear to be on the road to convicting themselves of egregious violations of civilized norms, both the 1925 Geneva Protocol and the 1972 Biological and Toxin Weapons Convention."

V

If the facts of "yellow rain" have recently become accepted, its implications have barely begun to be plumbed. What does it mean that the Soviets have supplied gruesome toxin weapons for use in a perhaps-genocidal campaign against the H'Mong? What does it mean that their own troops in Afghanistan use chemical and toxin agents in what seem to be routine military operations? What does it mean that these actions are clear and callous violations of two existing arms agreements?

To take the most obvious implications first, the discovery of "yellow rain" means that Western armed forces need to get deeply serious about defending themselves against chemical and biological weapons. After the notorious gas attacks of World War I, defense planners have of course recognized a chemical threat, and biological warfare has been a staple of science fiction. But such weapons were (perhaps miraculously) never used in World War II, presumably because the combatants felt mutually deterred. Since the Geneva Protocol had been observed even in total war, it became easy to assume it would probably also be observed in future wars. Defense planners naturally gave some prudent attention to a chemical threat, but surely gave it no high priority.

By now it is abundantly clear that the Soviets are not going to be fastidious about the Geneva Protocol. It is equally clear that they do not share our assessment that biological weapons are of "dubious" military value. Obviously they find chemicals and toxins handy in counterinsurgency operations. Nor is it any consolation from a military (let alone moral) standpoint that so far the weapons have only been used "against unprotected people in remote areas"; it can hardly be assumed they would never be used against white Europeans.

Consider, for example, the extracts from a 1977 East German military manual quoted by Richard Burt, then director of the State Department's Bureau of Politico-Military Affairs, in a 1982 speech.[18] The manual expounds on the use of toxins in warfare, remarking in passing that it is now possible "to produce various toxins synthetically." It describes how toxins can be aerosolized, or dispensed with aircraft spray equipment, though "they can be used primarily in microbombs which are launched from the air or in warheads of tactical rockets." It remarks, "When they are used in combat the atmosphere can be contaminated over relatively large areas. We can expect expansion depths of up to 6 kilometers before the toxin concentration drops below lethal concentration 50"—that is, the dosage that will kill half of those exposed will extend over large areas.

What is being described here actually may be what the "neutron bomb" was wrongly imagined to be—a way of killing people and capturing cities, or military installations, intact. Many of the standard Soviet missile systems, including the Frog, the Scud and the Scaleboard and their follow-ons, have not only conventional and nuclear but also chemical capabilities.[19] In a 1981 report for the Institute for Foreign Policy Analysis, Amoretta M. Hoeber, now a Deputy Assistant Secretary of the Army, reports that estimates of the proportion of chemical munitions in the Soviet stockpiles range from a low of 10 to 15 percent to a high of 50 percent.[20]

It bears noting, too, that while we have identified the trichothecenes, we have little idea what other chemical or biological agents we may face. The Afghan reports suggest the use of a wide variety of agents. One seems to cause rapid decomposition of bodies, another apparently induces sleep and incapacitation. Western analysts have little idea what these agents might be. Nor do we understand what mixtures might be used in biological-chemical "cocktails." In congressional testimony, Dr. Watson has said that some of the refugee accounts have included reports of a heavy garlic smell, a notable sign of DMSO (Dimethylsulfoxyd), a chemical known to rapidly penetrate the skin and other body tissues.[21]

Another little-understood aspect of toxin warfare is the possibility of environmental contamination and long-term health effects. Since 1977, H'Mong refugees in the United States have experienced an epidemic of sudden night deaths, in which healthy young males die in their sleep of what appears to be cardiac arrhythmia.[22] Because the medical histories of the dead show no special incidence of exposure to "yellow rain" attacks, investigators at the Centers for Disease Control are disinclined to accept the H'Mong belief that these deaths are associated with "yellow rain." However, there is serious scientific speculation associating trichothecenes with heart symptoms, and apparently the mycotoxins are stored in the body rather than rapidly purged. At least one prominent pathologist, Dr. Bernard Wagner of Columbia University, suggests vigorous investigation of the possibility that the deaths could be caused by long-term effects of otherwise unnoticed exposure to trichothecenes.[23]

We cannot assume, finally, that Soviet preparations for biological warfare are confined to toxins. The Sverdlovsk incident suggests otherwise. Soviet émigrés brought reports of an explosion in April 1979 at Military Compound 19, classified by U.S. intelligence as a site of Soviet biological weapons activity. The explosion reportedly released a cloud that caused an epidemic of anthrax in the region. The Soviets have resisted U.S. démarches for more information on the incident, saying that there was an outbreak of anthrax, but that it was caused by tainted meat. The description of such symptoms as sudden onset of disease and respiratory difficulties, however, suggests much more deadly pulmonary anthrax, caused by inhalation of the spores and previously seen almost exclusively in woolsorting sheds. While the incident has never been fully resolved, it does suggest the possibility of large stores of living bacteriological agents.[24]

Western armies are grossly unprepared for these threats. The best illustration concerns fighting vehicles. After the 1973 Middle East war, U.S. defense officials had an opportunity to examine Warsaw Pact tanks and armored personnel carriers supplied to Egypt and captured by Israel. They found that these vehicles were equipped with integral seals and air filters that provide a "positive atmosphere"—that is, enough air pressure within the vehicle that any leakage is toward the outside.[25] In short, by the early 1970s the Soviets were preparing their equipment to operate in a chemical environment.

It is symptomatic of the inattention that the United States has shown toward chemical and biological warfare that the M-1 tank now coming off the production lines, at a price of $1.8 million per copy, is not equipped with a positive atmosphere (though this capability is now planned as a "block" improvement in 1985). In the new Bradley armored personnel carriers, troops in a chemical environment are expected to wear individual protective suits, though such suits remain in short supply. These are not isolated instances. The Hoeber report cited Pentagon studies of chemical defenses that found them "grossly inadequate." The United States lacked, it concluded, "a protective posture capable of providing for force survival—to say nothing about provid-

ing for continued operations during a war which included chemical use." [26]

Beyond the realm of purely defensive measures lies the problem of deterrence. What capabilities do Western armies need to deter biological and chemical attacks? Should our doctrine be deterrence in kind, and, if so, should we develop toxin weapons? If we are not to deter in kind, should we have a doctrine of responding to chemical-biological attack with nuclear weapons—perhaps under the rubric of the Soviet term "weapons of mass destruction"? Any such doctrine would represent a dangerous lowering of the nuclear threshold, and for this reason would be unlikely to pose an effective deterrent threat.

Probably the least unsatisfactory solution is to maintain a separate chemical deterrent, which could be used in retaliation for either chemical or biological attacks. This in fact is current declaratory doctrine. The U.S. deterrent consists of large stocks of nerve gases produced prior to 1969, when President Nixon renounced biological weapons and ceased production of new chemical weapons. The Pentagon has periodically proposed to develop new "binary" chemical weapons, safer to use and handle than present weapons because lethal nerve gases are not produced until two nonlethal chemicals are mixed during flight. These proposals have been rejected, most recently when Congress turned down a Reagan proposal for their development in 1982. While defensive measures may have an even higher priority for chemical-warfare funding, "yellow rain" surely adds a new salience to the chemical-biological threat, and makes it plausible to believe that a 1960s-era deterrent may need modernizing to preserve a capability that looks usable and therefore presents a credible deterrent.

VI

In time the military problems can be addressed, but "yellow rain" raises even more fundamental questions about the future of arms agreements with the Soviet Union. For the easy use of such barbaric weapons and the cavalier disregard to existing arms agreements says much about the character of the current Soviet elites. Of course, not even the most enthusiastic American proponents of arms control are willing to rely on trusting the Soviets; even the "nuclear freeze" movement insists that a freeze be "verifiable." But, especially in the light of our experience with the Biological Weapons Convention, we have to ask what this word means.

Debates on verification of strategic arms agreements have had a certain sterile quality. American monitors discover that, say, the Soviets have started to encode data transmitted back from new missiles under test. Critics of the Soviets contend this violates the strategic arms pacts, which prohibit interference with "national technical means" of verification. This includes electronic monitoring, they contend, and the test data is essential to understanding the capabilities of their new missiles. Defenders of arms control reply that the agreements don't really quite prohibit what the Soviets are actually doing, and that anyway it's not that important. The argument revolves not around what the Soviets are doing, but around what the agreement means.

"Yellow rain" is different. By now the debate on the quality of evidence is from all appearances closed, at least in American circles. Persuading public opinion among the allies may take more time; a recent report in The Observer suggests this may require repeating all of the hesitations and mistakes that marked development of U.S. opinion.[27] Perhaps there is also still room for legalistic argument, along the lines of the East German hint that the toxins may be made synthetically and are thus merely chemical weapons (whose use, of course, would still violate the Geneva protocol), or along the lines that what is happening in Afghanistan is not technically a war. But there seems little disposition to follow any such line of reasoning, and, among those who have followed the debate, there is no great argument about the facts of what is happening in Southeast Asia and Afghanistan. The reality is that we have here arms control violations that are unambiguous, militarily important and totally cynical.

The record of how these violations were detected is at best an equivocal portent for future arms agreements. The violations involved actual battlefield use of the forbidden weapons, yet were detected and publicized only after many years. Even then, their exposure required heroic efforts by a handful of individuals, many of whom—Dr. Hamilton-Merritt, Dr. Townsend, not to mention the H'Mong—have felt desperately frustrated at being ignored or disbelieved even while people were being killed in most gruesome ways. To make much difference, verification would presumably require that outlawed weapons be detected before they are actually used, and on that the "yellow rain" episode provides cool comfort.

This experience comes atop several other new difficulties for verification. Dependence on signals intelligence, for example, has been called into question by the discovery that Geoffrey Prime, a linguist at the British code-breaking center at Cheltenham, had been a Soviet spy for 14 years. He was in a position to warn the Soviets that their codes were broken, or to help them plant misinformation. His conviction warns against putting too much confidence in our ability to intercept and read Soviet communications signals.

More fundamentally, in the negotiations on strategic and intermediate missiles, the trend of technology is away from large and easily detected fixed missile sites, and toward smaller and more mobile weapons. Many weapons in this new generation will be subject to concealment in a geographically large and socially closed nation. Verification of limits on them will be less like verifying missile silos, and more like trying to detect chemical and biological violations before the weapons were actually used.

Not surprisingly, there has recently been a new burst of talk about on-site inspection of arms agreements. We still have ongoing Soviet-American talks on a chemical weapons treaty, envisioned back in 1972 as accompanying the Biological Weapons Convention. To verify any chemical treaty, U.S. negotiators recently proposed an on-site inspection plan that Under Secretary of State Lawrence Eagleburger called "tough but fair." Mr. Eagleburger added that a treaty would require "a major revision of Soviet military strategy, which accepts use of these weapons."

For their part, the Soviets have recently dropped hints that they may be willing to open some of their nuclear power reactors to inspections by the International Atomic Energy Agency, and this is being seen as a breakthrough for on-site inspection. The IAEA is intended to police the Nuclear Nonproliferation Treaty, and is not an especially happy model for the future of on-site inspection. IAEA inspections, for example, require appointments made well in advance. Albert Wohlstetter has demonstrated that a nation could comply with IAEA requirements and still be within hours of assembling a nuclear weapon.[28] There is plenty of room to doubt that a few inspections on this model would suffice to give us high confidence in detecting the kind of cheating that has taken place with the Biological Weapons Convention. Final judgments will of course depend on what verification arrangements, if any, U.S. and Soviet negotiators can reach. But even on-site inspection is not a panacea.

The warning of the "yellow rain" episode is that the Soviets have the will and the cynicism to engage in determined and calculated programs of cheating on arms agreements. We must now be sure that our verification efforts take this fully into account, and it strains the imagination to come up with provisions that satisfy that need and still might be negotiable with the Soviets. Are they really going to allow us to inspect Military Compound 19 at Sverdlovsk? Will they allow us to inspect other installations where satellite photos show animal pens that for some reason must be enclosed in military-style double fences? What about light industrial buildings that could conceal cruise missiles? Basically, do we expect them to cease to be a closed society? Conceivably there are answers to these questions, but the usual rather bland talk of verification is scarcely adequate to deal with detection problems that arise when the Soviets take quite so cynical an attitude as they have with "yellow rain."

Our experience with the Biological Weapons Convention raises a second aspect of the verification problem that may prove even more acute. We have by now ascertained the facts. Indeed, despite the frustration of those involved from the beginning, in many ways the surprising thing is not how badly the various bureaucracies behaved when faced with possible violations, but how well. The Carter Administration had staked much on arms agreements with which the revelation of "yellow rain" was bound to interfere. Yet a surprising amount was done to collect evidence and even to make it public by creating a U.N. investigation. The United Nations, if you accept its considerable inherent limitations, also made its contribution to bringing the facts to light. We entered the Biological Weapons Convention knowing it to be one of the least verifiable arms proposals around, but in the end we did succeed in verifying it. The Soviets are cheating. But the problem remains, what do we do about it?

The problem "After Detection—What?" was foreseen in a brilliant 1961 article in this journal by, curiously enough, Fred Charles Iklé.[29] He warned that deterrence of arms-pact violations requires not only that a potential violator must suffer the risk of detection, but also that he may lose from the victim's reaction to it. Mr. Iklé added that "Democratic governments might experience serious political difficulties in reacting effectively to a detected evasion."

The difficulties envisioned in the 1961 article read like the history of the "yellow rain" episode. The evidence of the violation may be equivocal, or based on secret intelligence. The government may feel unsure of its ability to persuade public opinion, which in turn may be unwilling to back decisive measure such as large increases in military spending. The government may feel too much publicity on the violation may interfere with other promising policies. Finally,

in an alliance, allies must be persuaded, and will further have all of the same political difficulties with their domestic opinion.

This precisely describes the current stage on "yellow rain." The American government has for over a year repeatedly asserted that the Soviets are violating arms agreements. By now it has persuaded elite opinion in the United States and, almost certainly, allied governments. But it has yet to find a course of action that promises to impose significant costs on the Soviets for these violations, and thus to deter them from equally cynical violations of other present or future arms agreements.

Indeed, for many of the same reasons outlined by Mr. Iklé, the U.S. government seems deterred from any vigorous pursuit of even the most obvious opportunities to at least embarrass the Soviets in a persistent and determined way. The Biological Weapons convention provides procedures for taking compliance issues to the U.N. Security Council. And the United States has the option of suspending its other arms negotiations with the Soviets on the commonsense grounds that you get disputes on old contracts settled before you enter new ones.

Even the Reagan Administration, often criticized as to hawkish on arms control issues, has refrained from such measures. A noisy Security Council debate, concluding with a Soviet veto, has been judged to be too confrontational and propagandistic, too likely to interfere with efforts to keep U.S. and particularly European public opinion on the Administration's side. The Administration recognizes, of course, that to many citizens an agreement on nuclear arms seems an overriding goal, not be postponed for whatever reason. And, of course, President Reagan has been under pressure from the nuclear-freeze movement, from Senators opposing his nominee as the head of the arms control agency, and from European allies to be more, not less, accommodating to the Soviets in the strategic and intermediate-missile talks.

Even some within the Administration who are skeptical about the chances of reaching a sound agreement with the current Soviet leadership feel bound by force of public opinion to pursue the negotiations. A Gallup Poll in September of 1982 found that 49 percent of the pubic felt violations of chemical treaties should not interfere with nuclear arms talks, while 36 percent of the public felt violations were reason to suspend the talks. The Gallup analysis remarked that polls have consistently shown a strong preference for "talks" with the Soviets, and "that less than half would favor continuing talks is indicative of a strong reaction to the 'yellow rain' charges."[30] These percentages might change if "yellow rain" were as well publicized as the nuclear freeze.

Surely the stance that the Soviets are violating existing treaties but that we must negotiate new ones with them presents something of an incongruity, at the very least demanding a justification or explanation not yet offered by either the Administration or the more enthusiastic proponents of arms agreements. It will be interesting and instructive to see how this is resolved or justified over time. Perhaps the "yellow rain" charges will yet simply fade away as did earlier and less-documented reports of Soviet-backed chemical warfare in Yemen in the 1960s. (The Soviets do not seem to be cooperating, however, through any slackening of their biochemical assaults in Afghanistan.) Perhaps the panoply of arms talks will fail to reach agreement on substanive issues like deep cuts in missile numbers, so that the verification issue raised by "yellow rain" will never reach the forefront of negotiation. Perhaps future arms agreements will be reached, but their ratification will be dogged by the record the government has built on "yellow rain." Or perhaps the Reagan Administration will yet seize upon the "yellow rain" issue to rebut domestic and European critics of its arms control posture, protesting that the salient problem in arms negotiation is not American inflexibility but Soviet duplicity.

Arms agreements are not after all the only way of pursuing national security interests; a balance of power to deter aggression can be maintained even without treaties. But nearly all Americans would like to see the balance ratified in formal agreements; our national tendency is to seek the rule of law. While the record of disarmament agreements during the interwar period is not encouraging, and while a case can be made that recent arms agreements have sometimes been destabilizing by encouraging weapons systems like multiple warheads, it is possible to find successful arms agreements in the historical record. The Rush-Bagot agreement of 1817 and the Treaty of Washington of 1871 demilitarized the Great Lakes and the American-Canadian border, and arguably removed real or potential venom from the Canadian-American relationship. Surely all Americans would like to see our relations with the Soviet Union codified in a similar way.

Unhappily, that prospect seems to recede as the "yellow rain" episode is studied. The hopes expressed in Mr. Iklé's 1972 testimony have proved less prescient than the fears expressed in his 1961 article. Indeed, the question is what stance toward the Geneva Protocol and the Biological Weapons Convention is most likely to advance the goal of meaningful arms agreements. As of now, the Soviets have brazenly violated existing arms agreements, and have been called to account only in the most limited way. If that is the lesson they carry away from "yellow rain," it will be no service to the future prospects of arms control.

FOOTNOTES

[1] A standard reference work on the Convention, including its historical background and list of signatories, is Arms Control and Disarmament Agreements, 1980, U.S. Arms Control and Disarmament Agency, Washington: GPO, 1980, pp. 120–131.

[2] Reports of the Use of Chemical Weapons in Afghanistan, Laos and Kampuchea, U.S. State Department, Bureau of Public Affairs, August 1980.

[3] Update to the Compendium on the Reports of the Use of Chemical Weapons, U.S. State Department, Bureau of Public Affairs, March 1981.

[4] See A. Z. Joffee, "Biological Properties of Some Toxic Fungi Isolated from Overwintered Cereals." Mycopathol. Mycol. Applicata, XIV: 1962, pp. 201–221; A. Z. Joffee, "Alimentary Toxic Aleukia," in Microbial Toxins, Vol. 7, ed. S. Kadis, A. Ceigler and S. J. Ajl, New York: Academic Press Inc., 1971, pp. 139–189; and C. J. Mirocha and S. Pathre, "Identification of the Toxic Principle in a Sample of Poaefusarium," Applied Microbiology, Nov. 1973, pp. 719–724.

[5] Sharon Watson, Statement before the Committee on Armed Services, U.S. Senate, 97th Cong., 2nd sess., March 15, 1982, Washington: GPO, 1982.

[6] Alexander M. Haig, Jr., "The Democratic Revolution and Its Future," Current Policy No. 311, U.S. State Department, Bureau of Public Affairs, Sept. 13, 1981.

[7] "Fact Sheet" on chemical warfare, released at U.S. State Department press conference in Washington, D.C., Sept. 14, 1981.

[8] "Poison or Propaganda," Inside Story, Program #207, March 5, 1982, transcript WNET-TV, New York.

[9] Sterling Seagrave, Yellow Rain: A Journey Through the Terror of Chemical Warfare, New York; M. Evans and Co., 1981.

[10] See Yellow Rain, Hearing before the Subcommittee on Arms Control, Oceans, International Operations and Environment of the Committee on Foreign Relations, U.S. Senate, 97th Cong. 1st sess., Nov. 10, 1981, Washington: GPO, 1981.

[11] "Rain of Terror." ABC News Closeup, as broadcast over ABC Television Network, Dec. 21, 1981, transcript ABC News, New York.

[12] "Analysis of Blood Samples from Chemical attack Victims Indicates Probable Trichothecene Exposure," press release, U.S. State Department, Washington, D.C., Jan. 29, 1982.

[13] Chemical Warfare in Southeast Asia and Afghanistan: Report to the Congress from Secretary of State Alexander M. Haig, Jr., March 22, 1982, Special Report No. 98, U.S. State Department, Bureau of Public Affairs. Also see transcript of "On-the-Record Briefing on Chemical Warfare in Southeast Asia and Afghanistan," March 22, 1982, U.S. State Department, Bureau of Public Affairs.

[14] Foreign Policy and Arms Control Implications of Chemical Weapons, Hearings before the Subcommittees on International Security and Scientific Affairs and on Asian and Pacific Affairs, Committee on Foreign Affairs, U.S. House of Representatives, 97th Cong., 2nd sess., March 30 and July 13, 1982, Washington: GPO, 1982.

[15] "Chemical-Biological Warfare in Afghanistan," The Wall Street Journal, June 7, 1982.

[16] Chemical and Bacteriological (Biological) Weapons: Report of the Secretary-General, United Nations, New York, Dec. 1, 1982.

[17] Chemical Warfare in Southeast Asia and Afghanistan: An Update; Report from Secretary of State George P. Shultz, Special Report No. 104, Nov. 1982, U.S. State Department, Bureau of Public Affairs.

[18] Richard Burt, "A New Future for Security and Arms Control," speech delivered at Tutzing Disarmament Conference, Munich, Germany, March 2, 1982, U.S. State Department, Bureau of Public Affairs, pp. 19–20.

[19] Harold Brown, Annual Report to the Congress, Fiscal Year 1981, Washington: GPO, 1981, p. 92.

[20] Amoretta M. Hoeber, The Chemistry of Defeat: Asymmetries in U.S. and Soviet Chemical Warfare Postures, Special Report: December 1981, Cambridge, Mass.: Institute for Foreign Policy Analysis, Inc., p. 43.

[21] Foreign Policy and Arms Control Implications of Chemical Weapons, op. cit., pp. 68–69.

[22] See "Sudden, Unexpected, Nocturnal Deaths among Southeast Asian Refugees," Morbidity and Mortality Weekly Report, Centers for Disease Control, Dec. 4, 1981, Atlanta, Ga., and William Kucewicz, "Asian Refugees: Death in the Night," The Wall Street Journal, March 1, 1982.

[23] Bernard M. Wagner, "A Pathologist's Analysis of Yellow Rain," The Wall Street Journal, June 17, 1982.

[24] See The Sverdlovsk Incident: Soviet Compliance with the Biological Weapons Convention?, Hearing before the Subcommitee on Oversight of the Permanent Select Committee on Intelligence, U.S. House of Representatives, 96th Cong., 2nd sess., May 29, 1980, Washington: GPO, 1980; Soviet Biological Warfare Activities, Report of the Subcommittee on Oversight, Permanent Select Committee on Intelligence, U.S. House of Representative, 96th Cong., 2nd sess., June 1980, Washington: GPO, 1980; and Leslie H. Gelb, "Keeping an Eye on Russia," The New York Times Magazine, Nov. 29, 1981.

[25] Hoeber, op. cit., pp. 37–38.

[26] Ibid., p. ix.

[27] "'Yellow Rain' Evidence Fake, Scientists Say," The Observer (London), March 6, 1983.

[28] Albert Wohlstetter et al., Swords from Plowshares: The Military Potential of Civilian Nuclear Energy, Chicago: University of Chicago Press, 1979, pp. 25–26.

[29] Fred Charles Iklé, "After Detection—What?", Foreign Affairs, January 1961, pp. 208–220.

[30] "Public Perceptions of Yellow Rain: A Wall Street Journal/Gallup Survey," The Wall Street Journal, Sept. 15, 1982.

SUMMARY OF THE NATIONAL NARCOTICS INTELLIGENCE CONSUMERS COMMITTEE RECENT ESTIMATE

● Mr. BIDEN. Mr. President, the National Narcotics Intelligence Consumers Committee is a group of 11 Federal agencies that have jurisdictions over U.S. illicit drug control efforts. Its members include the Drug Enforcement Administration, the FBI, the National Institute on Drug Abuse, Department of State, the Coast Guard, Customs Service, and other agencies.

Since 1978, it has published an annual narcotics intelligence estimate, The Supply of Drugs to the U.S. Illicit Market from Foreign and Domestic Sources, which is an agreed upon assessment of the scope and nature of the illicit drug market in the United States. The N.N.I.C.C. recently published its estimate covering the year 1981. The disparity between the dates of coverage and of publication results from the enormous difficulty of assembling and analyzing all the information required to make this wide ranging estimate.

The estimate for 1981, unfortunately, does not indicate that there was any cause for celebration over the availability of or criminality associated with illicit drugs in the United States. The 1981 N.N.I.C.C. estimates that there were 4 metric tons of heroin, 34–45 metric tons of cocaine, 9,600–13,900 metric tons of marijuana, and 200 metric tons of hashish available on the U.S. market in 1981. These figures are approximately the same as those for 1980. The only bright spot on the horizon was the apparent decrease in marihuana use among young Americans.

It is interesting to note that for this 1981 estimate, the N.N.I.C.C. did not continue its familiar attempt to set a dollar figure for the retail value of the U.S. illicit drug market. The N.N.I.C.C. had earlier estimated 1980 retail sales of illicit drugs to amount to $79 billion and 1979 sales to be $65 billion. However, the 1980 N.N.I.C.C. estimate discussed in some depth the difficulty of making such appraisals and calculated how alternate methodologies yielded significantly different dollar values for the illicit drug market. The 1981 estimate says that a special working group is conducting a review of such methodologies. Consequently, the 1981 N.N.I.C.C. reports that there will be no attempt to make a retail value estimate until that review is complete. I call attention to this point because it exemplifies, I think, the difficulty of making precise estimates of many of the social, economic, criminal justice, and public health problems that come in the wake of illicit drug trafficking.

The 1981 N.N.I.C.C. estimate discusses several new developments in the international illicit drug market. The Golden Triangle in Southeast Asia, for example, after 2 years of drought, produced a bumper opium crop of 600 metric tons. Mexican opium production rose from 10 tons in 1979 to 16 tons in 1980 and 1981. In Pakistan, the emergence of the heroin refineries, which are today such a problem, had begun. So that we do not think that illicit drug production is a problem only of foreign countries, the N.N.I.C.C. reminds us that the United States produced 900–1,200 tons of marihuana in 1981.

The N.N.I.C.C. estimate indicates once again the pressing need that not only the United States but all countries afflicted by drug abuse have for attempting to control drugs in the source countries. The narcotics control efforts of the DEA, State Department's Bureau of International Narcotics Matters, and other U.S. agencies in drug source and transit countries need relentless application and intensification.

Drug crop eradication programs offer, in general, the best hope for controlling illicit drug traffic. First voluntary and then, if necessary, involuntary eradication of coca crops in Bolivia, Peru, and Colombia must be pursued. Similarly, eradication of poppy fields must be pressed in Thailand, Burma, and Pakistan and continued in Mexico. Marihuana crop eradication must be achieved in the United States as an example to other countries of U.S. impartiality in these matters. Colombia and Jamaica also contain major marihuana plantings that should not escape eradication.

Beyond crop eradication, drug source and transit countries must be supported in their law enforcement efforts against drug processing laboratories. Pakistan, for example, now reportedly contains dozens of heroin refineries that produce high grade heroin for sale on the streets of American cities. Colombia continues as the producer of approximately 75 percent of the cocaine bought and sold and consumed in the United States. These countries are all signatories of the 1961 Single Convention on Narcotic Drugs which commits them to the strict control of illicit drugs within their national territory. The full range of U.S. resources must be brought to bear to urge and assist these countries to meet their international legal and moral commitments.

Mr. President, I ask that the executive summary of the N.N.I.C.C.'s narcotics intelligence estimate for 1981 be printed in the RECORD.

The summary follows:

THE SUPPLY OF DRUGS TO THE U.S. ILLICIT MARKET FROM FOREIGN AND DOMESTIC SOURCES, 1981

1981 IN PERSPECTIVE

General

During 1981 heroin abuse increased in the New York/Washington, D.C. corridor and on the West Coast. Cocaine abuse continued to expand. Marijuana use peaked among youth in 1979, but may still be rising among older age groups. Abuse of stimulants continued to increase, while a new abuser population that has evolved out of the search for heroin substitutes emerged. (See figure 1.)

FIGURE 1.—*Supply of drugs to the illicit U.S. market, 1981*

Heroin—4.0 metric tons.
Cocaine—34–45 metric tons.
Marijuana—9,600–13,900 metric tons.
Hashish—200 metric tons.
Dangerous Drugs—3,339 million dosage units.

Source: National Narcotics Intelligence Consumers Committee (NNICC).

Heroin

Heroin abuse worsened in 1981, although the deterioration was far from uniform throughout the country. Comparing 1981 with 1977 in terms of heroin-related emergencies, the abuse situation deteriorated in New York City, Washington, D.C., Boston, and Philadelphia. There was no significant change, however, in the number of admissions for treatment of narcotic addiction, and the heroin addict population remained relatively stable at about half a million. The average age of treatment clients has risen steadily since 1975, as has the average age of patients experiencing heroin-related emergency room episodes. Price and purity indicators showed increased availability and a potential for increased heroin abuse on the West Coast.

Imports of heroin into the United States remained unchanged from 1980 to 1981 at four metric tons. Southwest Asian (SWA[1]) heroin accounted for over half of the U.S. heroin supply. The share of Southeast Asian (SEA[2]) heroin in total U.S. imports remained stable at an estimated 10 percent despite increased opium production in the Golden Triangle (Burma-Thailand-Laos) following relief from drought.

Some Mexican heroin of high purity was encountered on the West Coast. SWA heroin dominates the East Coast. Mexican heroin remains predominant in the Midwest except for Detroit, which is a secondary distribution center for SWA heroin. Mexico continues as the major heroin source for the West and Southwest.

Pakistan is the most important supplier of illicit opium for the production of SWA heroin for the international market. An estimated 100 metric tons of opium were harvested in 1981, 20 percent lower than 1980 and considerably lower than the 800 tons produced in 1979. Sales exceeded harvest replenishment, drawing down Pakistan's opium reserve stocks to an estimated 200–250 metric tons at the end of 1981. Enough land was sown to poppy to produce 75–125 tons of opium in 1982, but yields may be well below normal because of cold weather and extremely heavy rains. Large quantities of Afghan opium, amounting to 100 tons or more, were smuggled into Pakistan in 1981.

Iran made little real progress in 1981 in reorganizing its narcotics suppression efforts. The excesses of the antinarcotics cru-

[1] The abbreviation, SWA, will be used in this publication for Southwest Asian heroin. The term, "Southwest Asian heroin," refers to heroin produced from opium poppies grown in Pakistan, Afghanistan and Iran.

[2] The abbreviation, SEA, will be used in this publication for Southeast Asian heroin. The term, "Southeast Asian heroin," refers to heroin produced from opium poppies grown in Burma, Laos and Thailand.

sade were brought to an end with the forced resignation of Sadeq ("Hanging Judge") Khalkhali in December 1980. His draconian methods are apparently to be replaced by a more moderate program, but few details have been disclosed. Large numbers of traffickers have reportedly been arrested, but these are for the most part addicts and small-time dealers. The import-consumption-export equation in Iran is so complex as to preclude an estimate of production within the country's borders.

It is unlikely that opium exports from Afghanistan have been maintained at pre-invasion levels because of unsettled conditions in the countryside. Western observers there speculate that the 1981 opium poppy crop may have been as high as 200-250 tons, but this estimate cannot be verified.

The traffic in SWA heroin is a multi-national operation, crossing the borders of a number of countries and involving the cooperation of diverse ethnic groups in complementary roles. Turks and Pakistanis are the most prominent groups in heroin laboratory production and smuggling vis-a-vis Western Europe. Franco-Italian heroin production was oriented primarily toward the U.S. market. Ethnic Armenians often serve as links between Turkish morphine base suppliers and the European laboratory operators.

The Golden Triangle produced a bumper opium poppy crop of 600 metric tons in the 1980/81 growing season, far surpassing the two previous drought-depressed harvests. Burma accounted for over 80 percent of this output. Through production in its own base area along the border of China's Yunnan Province, purchases from allied insurgent and trafficking groups, and regulation of opium caravans, the Burmese Communist Party exercises control over more than two-thirds of the opium flowing through the Triangle. The Shan United Army (SUA) is responsible for an estimated 70 percent of all production of heroin and heroin intermediates in the Thai-Burma border area. The Thai government issued a warrant for the arrest of Chang Chi-fu, the notorious leader of the SUA. Thai and Burmese authorities seized contraband or eradicated poppy acreage the equivalent of about 30 tons of opium, or less than five percent of the 1980/81 crop.

The People's Republic of China emerged as a heroin transit country in 1981. Couriers have been intercepted in Bangkok as they were about to board flights for Guangzhou (Canton). Chinese authorities have made a number of narcotics arrests in Guangzhou. Evidence indicates that the heroin contraband was destined for Hong Kong.

Although the availability of SEA heroin in the United States has not increased dramatically since the Golden Triangle's bumper harvest. Thai nationals have become more adept at heroin smuggling and distribution. They are active in California and have recruited criminal elements as couriers and street-level pushers. SEA heroin made a modest come-back in Western Europe, particularly in France.

The Mexican government has continued its aggressive eradication program but countermeasures by the opium cultivators, including concealment, smaller plots and the spread of cultivation to new regions, have taxed that effort. As a result, opium production rose from an estimated 10 tons in 1979 to 16 tons in 1980 and 1981. Most of the opium cultivation remains concentrated in Sinaloa, Durango, and Chihuahua, the traditional base area. Eradication operations were carried out in this tri-state area manually by units of the Mexican Army and by herbicide-spraying helicopter units of the Mexican Attorney General's department. Helicopters are used almost exclusively in the Eastern Sierra Madre mountains and other parts of the country where poppy patches are widely dispersed. A few poppy fields were found in Guatemala along the Mexican border in 1981.

Cocaine

Cocaine abuse and trafficking activity continued to rise in 1981, although for the most part at lower rates than in 1980. Cocaine-related emergency room episodes increased seven percent and arrests five percent, while treatment admissions apparently continued a rapid climb. Although nationally the rise in cocaine-related emergencies slowed, it remained high in Denver and Los Angeles. The annual report for 1981 of drug use among graduating high school seniors shows a persistent though not statistically significant increase in cocaine use. This suggests that the conclusion in the previous NNICC estimate that cocaine use was leveling off may be premature.

Dangerous methods of cocaine administration—smoking of freebase (a modified form of cocaine hydrochloride) and "speedballing" (injection of a mixture of cocaine and heroin) have become a more severe problem. These types of ingestion are associated with high-dosage, daily use, increased dependency and overdose death. The proportion of treatment clients who used cocaine intravenously increased more than 20 percent between 1977 and 1981. According to NIDA estimates, about seven percent of the user population fall into the category of heavy use involving higher levels of purity and lower prices per unit associated with the larger quantities used. Cocaine remains the drug most frequently used by heroin addicts as a secondary drug.

In 1981 an estimated 45 metric tons of cocaine hydrochloride were imported into the United States and 34 metric tons consumed during the year. Colombia supplies upwards to 75 percent of the cocaine smuggled into the United States. Coca cultivation is expanding in Colombia to provide a cheap, reliable source of raw materials for the country's cocaine processing industry but accounted for less than four percent of potential cocaine stocks.

Coca eradication programs in South America made little progress in 1981. The Bolivian government stated its intention to implement such programs, but no eradication was carried out. Peru's program to eliminate illicit coca cultivation in the Upper Huallaga Valley within five years entered into the initial implementation phase as coordinated project agreements were signed in September 1981 with USAID and the State Department's Bureau of International Narcotics Matters. The Colombian National Police and Attorney General's office carried out periodic manual eradication of coca bushes in the Llanos region.

Colombians continue to dominate cocaine distribution. Peruvian and Bolivian traffickers enjoy the natural advantage of location close to the source of coca raw materials. As a result, they can sell cocaine more cheaply than Colombian traffickers. They cannot apparently obtain adequate supplies of essential chemicals (ether and acetone) to sustain large-scale cocaine production, nor do they have the Colombians' access to bulk customers in the United States.

Cannabis

Marijuana use has peaked among youth, and demand for marijuana in that age group is apparently decreasing, in part because of greater awareness of its health hazards. The annual survey of high school seniors showed a continuing decline in regular use and increased peer disapproval of such use. Marijuana use appears to be continuing among that segment of the population who were heavy users in the early 1970s, however. There has been much publicity regarding the popularity of high potency marijuana, but a definite trend in this direction cannot be confirmed from available abuse data.

The level of domestic commercial production of marijuana rose from 700-1,000 metric tons in 1980 to 900-1,200 tons in 1981. High-potency varieties, such as sinsemilla, account for an estimated 30-35 percent of total output. In 1981 major commercial cultivation was detected in ten states (California, Florida, Hawaii, Oklahoma, Kentucky, Mississippi, Missouri, New Mexico, Tennessee, and West Virginia). There is some evidence that common marijuana has been deceptively marketed as specialty varieties. Domestic production is typically situated in remote areas on or adjacent to national forests or other public lands.

Imports of marijuana dropped nine percent in 1981 to an estimated 8,700-12,700 metric tons. Colombia supplied 86 percent of this total. Although recent surveys in Colombian marijuana growing areas confirm that earlier production estimates of 40,000 tons annually were too high, a definitive revised estimate is not yet available. Jamaica raised production of marijuana intended for the U.S. market in 1981 but was unable to increase its shipments because of heavy rains, flooded airstrips and possibly increased competition from Colombian exports. Eradication efforts in Mexico have achieved considerable success.

Multi-ton seizures of hashish along the U.S. East Coast in 1981 indicate a continuing demand for specialty cannabis products in this country. Hashish abuse occurs predominately in the 20-29 year age group. Hashish production in Lebanon was apparently affected by the continued fighting in the Bekaa Valley, falling sharply from 650 metric tons in 1980 to an estimated 90-200 tons in 1981. Production in Pakistan, the second largest producer, was maintained near its 1980 level of 220 tons. Hashish exports from Afghanistan probably move through Pakistan.

Dangerous Drugs

Stimulant abuse, which continued to increase in 1981, accounted for over four-fifths of the total dosage units of dangerous drugs sold. It also requires heavier financial outlays than other types of dangerous drugs to support an abuse habit.

Abuse indicators reflected the emergence of a new narcotics abuser population using pharmaceutical opiates and narcotics analogs. Initially used as heroin substitutes, these substances are drugs of choice preferred to heroin or used in combination with heroin. The drugs most commonly associated with this abuse pattern are pentazocine (street name: "T's and Blues"), codeine-glutethimide (street name: "Fours and Doors") and hydromorphone (Dilaudid). Pentazocine abuse, a pattern particularly prevalent among young black males, has become a severe problem in New Orleans, Chicago, Detroit, St. Louis and other large cities. The uptrend in abuse of the "Fours and Doors" combination is relatively re-

stricted to New York City, northern New Jersey, Philadelphia and Los Angeles. Although Dilaudid abuse remains a less serious problem, it increased substantially from 1979 to 1981, notably in Washington, D.C., Chicago and the southeastern United States. There has been little apparent change in the abuse of LSD.

Clandestine laboratories supply all of the phencyclidine (PCP), nearly all of the methamphetamines and about 80 percent of the amphetamines found in the U.S. illicit market. A total of 195 laboratories were seized in 1981, down 17 percent from the previous year. Methamphetamine and PCP accounted for two-thirds of all seizures in 1981. Some LSD laboratory activity was evident on the U.S. West Coast and in the United Kingdom and The Netherlands. Federal controls on precursors critical to illicit manufacture of drugs had mixed effects in 1981. Controls on piperidine, a PCP precursor, significantly reduced illicit supplies of this drug. But methamphetamine laboratory operators were able to circumvent controls on the precursor Phenyl-2-Propanone (P2P) through imports and illicit manufacture.

Diplomatic initiatives with the governments of foreign methaqualone producers were instrumental in sharply reducing supplies to illicit channels in 1981. Reduced shipments from Europe to questionable consignees led Colombian, U.S. and Canadian traffickers to seek bulk diazepam powder in order to tablet methaqualone counterfeits.

The wholesale vending of "look-alike" drugs has become a nationwide abuse problem. Distributors continue, despite state laws, to make strenuous efforts to peddle these drugs to school children as completely safe, a claim that is patently false.

Drug Smuggling

Drug smuggling routes and techniques in 1981 were largely unchanged from those employed in 1980. SWA heroin continued moving through Europe, generally overland, en route to the United States. SEA heroin continued to enter the United States on a direct route from Thailand to the western states. Mexican heroin, showing some recovery, continued to enter the United States primarily overland, while cocaine, marijuana and counterfeit Quaaludes continued their general trends of movement from Colombia, through the Caribbean area, to the southeastern United States.

Conflict in parts of the Middle East produced some fluctuations in SWA heroin availability but, overall, the traffic continued along routes skirting disrupted areas. The Iraq-Iran war affected mainly the smuggling routes in the immediate area of the fighting at the Persian Gulf. Farther north, smuggling continued unabated across the Kurdish regions of Iran and Iraq into eastern Turkey, although the Turkish Army's public safety operations had an inhibiting effect for a time. Heroin laboratory operations in northern Lebanon were interrupted, and the flow of narcotics through Beirut fell off. Enforcement efforts and seizures in Eastern Europe prompted experiments with alternate routes by the largely Turkish-controlled SWA heroin trade. Greece became notably more active as a transit country, and variations in the routes through Yugoslavia and Bulgaria were noted. Routing through Hungary may also be in the experimental stage. Switzerland increasingly appears as a transit country for shipments destined for both West Germany and Italy. At least in the case of Eastern Europe, considerations of politics, transportation infrastructures and seasonal travel conditions will restrict departures from the principal Turkey-Western Europe route.

SEA heroin smugglers rely largely on commercial air movement. Couriers generally use the most direct flight offered by commercial airlines to their destinations. Variations were used by some smugglers during 1981. Couriers used non-source countries in Southeast Asia as transit points, sometimes changing couriers or staying a few days in order to avoid the courier profile image. A route discovered in 1980 in which the courier transited Mexico was used modestly during 1981. Couriers also entered western Canada and then either drove or flew across the northern U.S. border. Mexican heroin enters the United States primarily overland.

Colombian traffickers supplied up to 75 percent of the cocaine seized in the United States. The favored means of cocaine smuggling was commercial aviation destined for the southeastern United States. During 1981 the Colombian traffickers expanded the effort to establish their own sources of coca products in remote areas of Colombia and nearby Brazilian territory. The seizure of exceptionally large shipments concealed in air cargo suggests some pooling of resources by traffickers and confidence both in the security of such movements and assured consumer demand. Seizure of such high volume shipments can be expected to prompt similar attempts to fulfill commitments.

The principal avenue of approach for marijuana smuggling was a route from Colombia through the Caribbean to the southeastern United States. The U.S. West Coast and the Mexican border were less important avenues of approach. Most of the marijuana entering the United States continued to move by sea in 1981. There were, however, indications of some significant shifts in marijuana smuggling. In 1981, 92 percent of the marijuana vessels seized by the U.S. Coast Guard were under ninety feet in length, pointing to a trend away from large mothership operations within and near U.S. waters. There has been a growing tendency to move large vessel loads to the Bahamas for transshipment to smaller boats or aircraft. There has also been an increase in efforts to jettison marijuana cargoes and refusals to heave to when challenged by the Coast Guard. These and other changes in marijuana smuggling patterns may be responses to increased enforcement efforts in the Caribbean Basin.

Jamaican marijuana continued to appear in vessel cargo smuggling attempts, while Mexican marijuana smuggling shifted slightly in favor of general aviation. General aviation was also a significant means of smuggling Colombian and Jamaican marijuana. There were few changes noted in general aviation smuggling of marijuana; mainly a tendency to fly deeper into Colombian territory for pick-up of cargoes and the appearance of Belize as a refueling stop.

HEROIN

SWA heroin will be readily available in the United States for the foreseeable future. So long as supply remains fairly stable the possibility that a significant number of new (i.e. younger) users will be drawn into heroin abuse cannot be ruled out. Although SWA heroin is not making rapid inroads into the West Coast heroin markets, it will continue to be smuggled into the area and Los Angeles may emerge as a significant distribution center. Mexican heroin is likely to remain dominate in the West and may increase in availability in some distribution centers in the central states. SEA heroin, rarely an aggressive contender, will probably continue to occupy only a minor share of the national market if SWA and Mexican heroin remain generally available.

Notwithstanding uncertainties in estimating the size of the opium stockpile in Pakistan and poppy production in Afghanistan and Iran, it is expected that supplies of opium for Southwest Asia will continue to be abundant. The prospects for effective enforcement action in the region are not hopeful because of a variety of formidable obstacles in these countries. Pakistan will remain the principal source of supply for SWA opiates for the international traffic.

It is unlikely that the government in Iran will regain control over opium production in the near future. Demand for opiates for local consumption appears to be growing, indicating that Iran will continue for sometime to be a net importer depending on Pakistan's and Afghanistan's surplus. Tehran's preoccupation with its war with Iraq, inflation, unemployment, subversion, terrorism and the Kurdish insurgency suggest that the prospects for an effective narcotics control program in the country remain distant at best.

In Afghanistan the overriding concern of Soviet occupation forces will continue to be to deny the Afghan freedom fighters (mujahedin) an economic base to sustain their guerrilla activity. Since opium poppy is the most important cash crop for many of the villages, Soviet attacks will probably remain a major disruptive force on production.

Turkish traffickers are expanding their already considerable role in distribution. They are well situated for this, with a trafficking infrastructure that extends from the Iranian border to the markets of Western Europe and (to a limited extent) onward to the United States. Their chief concern during the next few years may well be to consolidate their position and to limit the inroads of their Pakistani competitors.

A second bumper opium harvest in the Golden Triangle—the 1981/82 crop is expected to reach 600 tons—may well induce greater efforts on the part of the Thai traffickers to penetrate the U.S. market. The bulk of SEA opiates will continue to be consumed by the large addict populations in Southeast Asia. Although SEA heroin's share of the U.S. national market has never been large, at 10 percent it is unusually low for times of relative abundance in opium supplies from that region and may rise in the near future.

The governments of Burma and Thailand have mounted military-police operations against various insurgent groups in the border area but remain unable to eradicate a significant portion of the opium supply at the source. Burma is unlikely to make marked progress in the near future in dislodging the Burmese Communist Party forces, who are solidly entrenched in prime opium-growing areas in the northeastern part of the country. Because of its remote location, its powerful military arm and its control of two-thirds of the region's opium supply, this organization will continue to be a major force in the Golden Triangle's opium trade that will hinder U.S.-supported anti-narcotics programs with the governments of Burma and Thailand.

Mexico's economic distress will tend to induce more people to take high risks to smuggle heroin across the border into the United States and may affect the govern-

ment's support for its opium eradication operations. The continued financial ability of the Mexican government to maintain the operational capability of its herbicide-spraying helicopter fleet is essential to minimizing the expansion of opium growing.

COCAINE

Cocaine abuse is likely to continue to increase, although not as rapidly as in the late 1970s. The health consequences of cocaine abuse will be more severe because of the increased use of dangerous forms of cocaine ingestion ("speedballing" and "freebasing"). Cocaine will remain a popular secondary drug for heroine users.

Although coca production in Colombia has not yet reached significant levels, traffickers there will continue to progress toward eventual self-sufficiency in raw material supply unless a vigorous eradication program is undertaken. Coca cultivation can be controlled in Colombia if the government acts swiftly to eliminate it before it becomes ingrained in the local economy. Peru will accept U.S. assistance for its eradication and crop substitution projects in the Upper Huallaga Valley, but prospects for an effective effort to control coca cultivation in the country are uncertain in view of competing Peruvian government priorities and political resistance to coca control. The new Bolivian government faces serious challenges to efforts to control illicit coca growing from pervasive corruption, as well as the threat of violent resistance from coca growers.

Despite the cocaine traffickers' easier access to coca raw materials in Peru and Bolivia, these countries are not likely to increase their share of the cocaine market at the expense of Colombia. Colombians will continue to dominate cocaine distribution in the United States for the foreseeable future. This and restricted availability of cocaine processing chemicals in Peru and Bolivia are key factors inhibiting the development of competition. It seems possible, however, the Peruvian and Bolivian traffickers may further specialize in dealing with the European market, where the Colombians are not so solidly entrenched as they are in the United States.

CANNABIS

Marijuana use should continue to decline among youth but may remain fairly high among those in the 20-30 year age-bracket for at least several years. Although it is difficult to measure the demand for high-potency marijuana, preference for this type of marijuana is likely to persist and possibly increase among long-time and regular users.

Domestic production of marijuana will continue to spread throughout the country unless it is met with a credible and sustained law enforcement deterrent. Growers apparently intend to expand output in forthcoming harvests. They will continue to emphasize specialty varieties, such as *sinsemilla*, because the profit margin is high enough to compensate them for the sizeable inputs of labor and capital equipment required.

Jamaica is a principal alternative to domestic sources for high-potency cannabis. The Jamaican government faces a broad spectrum of entrenched economic interests dependent on the marijuana trade that will make prospects for effective control measures doubtful in the foreseeable future.

Sustained interdiction efforts on Colombia's North Coast have produced commendable results in seizures, but additional measures will be required to seriously disrupt the marijuana traffic. These efforts have increased the economic losses to the traffickers but probably not to an unacceptable level given the high profit margins that prevail in the trade. Criminal sanctions could have far greater impact, as so far major traffickers have not been immobilized.

Besides an aniticipated production slump caused by unsettled conditions in hashish-producing areas of Lebanon, changes in the distribution pattern should be expected. Political instability will continue to work to the advantage of the hashish traffickers and smugglers. The Israeli military presence in southern Lebanon is likely to deter attempts to move hashish along traditional routes into Egypt, the country's leading hashish customer. Instead, an increasing number of shipments will probably take a northern route to Cyprus or Greece and then to Egypt. Hashish smugglers will have to be more wary of Israeli naval patrols along Lebanon's northern coast. If military activities in Lebanon persist, such temporary evasive measures may become permanent trafficking routes.

DANGEROUS DRUGS

Continued international cooperation should restrict the supply of bulk methaqualone to the illicit market. This shortage will probably result in the continued marketing of diazepam counterfeits as methaqualone. Abuse of the pentazocine and codeine-glutethimide combinations is likely to intensify. Although Dilaudid has also become popular as a drug of choice, it is so much more expensive than pentazocine that it may not become a major abuse pattern. Mexican "mini-bennies" may return to the illicit U.S. market if amphetamine abuse continues to grow and domestic clandestine laboratories are immobilized. LSD does not appear to be poised for a comeback in the immediate future. It is too soon to predict when "look-alike" drugs will be brought under control in view of present legal uncertainties.●

RELATIONSHIPS BETWEEN THE NEW YORK CITY POLICE DEPARTMENT AND THE MINORITY COMMUNITY

● Mr. D'AMATO. Mr. President, on July 18, 1983, hearings were scheduled in New York City by the House Judiciary Committee on relationships between the New York City Police Department and the minority community in the city.

Also on July 18 I entered in the CONGRESSIONAL RECORD the testimony of the mayor of the city of New York and other city officials. On page 19683 of the RECORD reference was made to graphs and charts in the text that were not reprinted.

Mr. President, I ask that these statistics now be printed in the RECORD.

The statistics follow:

Rate of homicide by police

Per 100,000 population:	
Detroit	1.63
Philadelphia	.94
Los Angeles	.89
Chicago	.74
New York	.48
Per 1,000 violent crimes:	
Philadelphia	1.24
Detroit	.84
Chicago	.75
Los Angeles	.70
New York	.27
Per 100 police officers:	
Detroit	.40
Los Angeles	.35
Philadelphia	.21
Chicago	.17
New York	.14

NYPD enforcement activity

Change from 1981–82:	*Percent*
Arrests (increase)	8.6
Summonses (increase)	13.4
Traffic infractions (increase)	19.3
Firearm discharge incident (decrease)	17.4
Violent crime (decrease)	9.3

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A BACKFIRING WEAPON

● Mr. TSONGAS. Mr. President, I commend to the attention of my colleagues the article in this morning's New York Times, entitled "A Backfiring Weapon." The author, Prof. Kurt Gottfried of Cornell University correctly delineates the dangers associated with an arms race in space. More importantly, Dr. Gottfried points out the fallacy of the administration's position that it is to the advantage of the United States to pursue an arms race in space. Mr. President, I ask that the article by Dr. Gottfried be printed in the RECORD.

The article follows:

A BACKFIRING WEAPON

(By Kurt Gottfried)

ITHACA.—ASAT, yet another acronym, has begun to invade the news columns. One is told that it is an antisatellite—a device that can destroy a satellite. But that still leaves many unanswered questions.

How does an ASAT differ from an antiballistic missile, or ABM, a device that can destroy an intercontinental ballistic missile, or ICBM, in flight? Satellites are much more fragile than ICBM's and stay in orbit for weeks. ICBM's are vulnerable for only a few minutes, so striking a swarm of them is a prodigious problem. Therefore, even an ineffective ABM could be a wonderful ASAT.

Do treaties show ABM's? The 1972 ABM treaty does not permit the field testing of the laser ABM's alluded to by the President in his "Star Wars" speech. To quote the Arms Control Impact Statement the President sent to Congress in April, "The ABM treaty prohibition on development, testing and deployment of space-based ABM systems applies directly to directed-energy technology," that is, to lasers, etc.

Are ASAT's forbidden by treaties? Existing treaties impose no effective restraints on ASAT development or testing, even though there is a relationship between ABM's and ASAT's. Since an ABM system could, in its infancy, already be an effective ASAT, it could masquerade as such to evade the ABM treaty. By the same token, a program to develop only ASAT's could be misperceived as a budding ABM by the other side. ASAT's could therefore trigger enormous buildups of offensive missiles, which is precisely what the ABM treaty was designed to prevent.

What are the attitudes of the superpowers to weapons in space?

The Administration will not resume negotiations on limiting ASAT's. This stance is perfectly consistent with its long-range strategy, as laid down in the Defense Guid-

ance, the Pentagon's five-year master plan. The plan assumes that the United States must be able to "prevail" in nuclear war; therefore, it must be able to "deny the enemy the use of his space systems" and "insure that treaties and agreements do not foreclose opportunities to develop these capabilities."

The White House wants to renegotiate the ABM treaty to allow spacebased ABM's, as it made clear yet again on June 18 in an amicable response to a speech by Foreign Minister Andrei A. Gromyko. Are the superpowers on the same wavelength for once?

They are not. The Kremlin has used every opportunity to suggest an interest in ASAT arms control and opposition to new-fangled ABM's, as exemplified by a remarkable advertisement in The New York Times by leading Soviet scientists attacking spacebased ABM's.

Why do the two Governments take opposite sides on what seems to be only a technical issue? The Administration's motives were spelled out in the Defense Guidance and more recently by the White House: Our technological superiority should be applied to the difficult art of space weaponry to regain and hold strategic superiority. While Soviet motives are hard to assess, they are probably the other side of the same coin: A healthy respect for American technology and a fear that an arms race in space would be terribly expensive and hazardous. Indeed, they must now see that the major accomplishment of their inept 15-year ASAT project has been to justify an American program that is about to produce a much more potent weapon.

Does that not mean that the Administration's policy is best suited to American interests? Speaking first of ASAT, the United States, with its forces spread across the globe and facing a secretive adversary, relies heavily on satellites for communication and intelligence. In contrast, Soviet forces are mainly on or close to the Eurasian landmass and depend primarily on land-based and airborne communications. The United States would therefore be the loser if both sides acquired effective ASAT's.

But will the Soviet Union ever build effective space weapons? The United States has usually been first with sophisticated weapons: nuclear bombs, multiple independently targetable missiles, or MIRV's, submarine-based missiles, etc. The Soviet Union has always followed suit. Often their weapons are blunderbusses compared with American designs, but that does not make them less lethal. And in the case of ABM's, it is far more difficult to build a missile defense than to circumvent and overwhelm it.

In short, the Administration's military space policy rests on the assumption that, for the first time, the Soviet Union will not be able to respond effectively to a major threat to its security. Whether or not this conjecture is correct is not essential. If right, we can look forward to desperate Soviet reactions at least as dangerous as the Cuba missile crisis; if wrong, we can look forward to a standoff at a drastically reduced margin of safety.●

THE IMF REVISITED

● Mr. HELMS. Mr. President, an editorial in this morning's Wall Street Journal deserves more than a passing glance by every Member of Congress. Entitled "The IMF Cliffhanger," the article drives home the point that increasing the U.S. contribution to the International Monetary Fund by $8.4 billion is absolute folly.

During the recent Senate debate on the IMF bill, I vigorously opposed pumping additional billions of tax dollars into the fund. Hard-working Americans already contribute more than $14 billion to the IMF each year. The effort to increase that amount is little more than a bailout of some big U.S. banks that have made bad loans to foreign countries. I simply do not believe the taxpayers of this Nation should be asked to pick up the tab for banks which should not have made the loans in the first place.

Unfortunately, the Senate approved the additional funding for the IMF, with only about one-third of us voting against an increase in the U.S. contribution. Now the House has an opportunity to consider the bill. I hope Members of that body will exercise prudence and limit U.S. participation at the current level. Then we can get on with reducing our contribution.

I ask that the text of the editorial be printed in the RECORD.

The editorial follows:

[Editorial from the Wall Street Journal, July 21, 1983]

THE IMF CLIFFHANGER

The proposal for an $8.4 billion increase in the U.S. contribution to the International Monetary Fund is having trouble in Congress. For one thing, the sense of crisis about the international "debt bomb" is abating. For another, there is worry that adding more liquidity to the world financial system risks touching off a new bout of global inflation.

A vote in the House may come soon, possibly today or tomorrow, and most observers say it's too close to call. President Reagan has taken to the telephones to rally support, but he would be wiser to send his advisers back to the drawing boards. In addition to the other objections to bailing out the IMF, the cost will be far more than the $8.4 billion advertised.

The IMF already has been beating the bushes for extra billions to overcome a supposedly temporary "shortfall" of hard currencies before the new quotas can be put into place. There also is talk about allowing the IMF to borrow hard currencies directly, without first having to gain approval from member nations. And against its better principles, the Reagan administration seems to be leaning toward allowing the IMF to issue vast new quantities of Special Drawing Rights, a sort of funny money that we would be obligated to redeem for dollars—as much as $15 billion or so—at the whim of the IMF's bureaucrats.

There are heavy indirect costs as well. A few weeks ago, the congressional "steel caucus" forced the administration to accept higher tariffs and quotas on steel as a condition for its support of the IMF appropriation. This protectionist outburst will result in higher prices on a broad range of products for the American consumer and encourage retaliation by other countries.

Moreover, numerous congressional sources say House Banking Committee Chairman Fernand St Germain (D., R.I) has been pushing his pet bill, a $15.6 billion budget-buster for housing, as the price for his crucial support of the IMF bill. The housing bill is at least $10 billion—*$10 billion*—over the administration's 1984 request at a time when everybody is wailing about deficits.

The list of free riders seems likely to grow. By the latest count, there are 35 amendments waiting to be tacked on to the bill when it finally reaches the House floor.

There might once have been an argument for pitching a few more bucks the IMF's day. When Mexico and Brazil seemed in danger of going belly up last summer, it was thought there was some potential for panic in the financial markets. But by now the markets have absorbed and discounted the initial rush of bad news, and the machinery for working out the debt problems of individual nations is in place.

None of the debtor countries is truly bankrupt. Most have the resources to pay their debts eventually; think of Brazil's fabulous mineral riches or Mexico's enormous oil reserves. The problem is not financial but political. What is needed most in such countries is the courage to adopt policies that will encourage equity investment, both foreign and domestic, and economic growth. This means less government intervention in the economy, less direct and indirect taxation, lower trade and investment barriers, and sound money.

A number of congressional conservatives, such as Sen. William Armstrong (R., Colo.) and Reps. Jack Kemp (R., N.Y.) and Jerry Lewis (R., Calif.), long ago mounted a lonely campaign to derail the IMF bill or at least keep taxpayer exposure to a minimum. Rep. Stephen L. Neal (D., N.C.) has been sounding the alarm against the danger of a new burst of liquidity and inflation that would be triggered by the IMF plan for a big increase in SDR allocations. (Amazingly, Fed Chairman Paul Volcker, sounding like a Keynesian of the old school, defended the SDR scheme as a tool to "forestall a global contraction of aggregate demand.")

Their efforts now seem to be paying off. Congressional Republicans are split down the middle on the IMF bill, and substantial numbers of Democrats see no reason to pull President Reagan's chestnuts out of the fire. Foreign-aid bills have never been very popular back home in most constituencies, and the IMF bill among other things includes billions more for other international development banks.

By pulling out all the stops, the administration still might be able to ram the IMF bill through. But it would be the better part of valor to back off. The price of the IMF bill was too high at the outset; today, taxpayers are facing a major heist.●

ELIMINATING TAX SHELTERS

● Mr. BIDEN. Mr. President, it has become common practice in government today to claim great benefits that will flow from some particular policy change. However, too often the results do not justify the claims.

So, when I saw an article in the New York Times on July 19, 1983, on the growth of tax shelters in recent years, I was reminded of the many claims in 1981 that the tax reductions adopted then would actually reduce the use of tax shelters. As Secretary of the Treasury Regan put it in a Senate Budget Committee hearing on February 20, 1981, the reduction in the top

marginal rate of taxation from 70 percent to 50 percent "* * * will substantially discourage the use of tax shelters. * * *"

The July 19 article, entitled "The Boom in Tax Shelters" by Robert D. Hershey, Jr., clearly demonstrates that this objective of the 1981 tax cuts was not achieved. In fact, as the title indicates, tax shelter devices are a booming business today. According to the New York Times article, in March 1983 the public sale of investments registered as limited partnerships—the form of most tax shelters—hit an all-time monthly high of $994 million. Total investments in tax shelters in 1983, the article indicates, may well be $12 billion, up from about $8 billion in 1982.

Why is the use of tax shelters rising? There are probably many reasons. But clearly the most important is that nothing has really been done to reduce the availability or attractiveness of tax shelters. In fact, there are more opportunities today than there were in 1981. Instead of eliminating shelters, we have been adding to them. Merely reducing the value of the shelters to the most wealthy will not eliminate them. In fact, the article notes a recent phenomenon, that the use of shelters is spreading from the wealthy to the middle income person, some with no more than $5,000 to invest.

That does not surprise me. Middle income people are discovering how the tax laws are stacked against them. Our tax laws are rife with opportunities to shelter income from taxation. Increasingly, the use of shelters has dumped the burden of financing government on the middle income family. The only way for such a person to avoid the crushing burden of taxes is to join the shelter game. The result is that more and more people must take unusual risks and devote great time and effort to shelter income and reduce taxes to reasonable levels.

In the final analysis, though, I predict that such efforts to hold taxes down will not work so long as we keep our present tax system. Tax shelters are not designed for use by middle income families. They are generally designed for use by special interests. And in the long run, special interests will win the race to avoid taxes and the burden of paying for government will remain where it is today, on middle income people.

Mr. President, that is why, in 1972, I was calling for a modified gross income tax to reduce both the need and the opportunity to use tax shelters. That is why, this year, I am a cosponsor of Senator BRADLEY'S proposed Fair Tax Act. That bill would reduce the maximum tax rate for 80 percent of taxpayers to 14 percent. Only those individuals with an adjusted gross income over $25,000, or couples with adjusted gross income over $40,000, would pay 26 percent or 30 percent, depending on income. Most of the tax deductions, credits, and exclusions which form the basis for tax shelters would be repealed. Only those generally available to most taxpayers, like the home mortgage interest deduction, would remain. I confidently predict that when we pass the Fair Tax Act, the use of tax shelters will this time truly be a thing of the past and our tax system will treat taxpayers in an equitable fashion.

Mr. President, as the Senate proceeds to consider the Fair Tax Act, it will be helpful to have available the kind of information about tax shelters contained in this New York Times article. So I ask that the article, along with a short summary of the Fair Tax Act, be printed in the RECORD for use by my colleagues.

The material follows:

THE BOOM IN TAX SHELTERS

(By Robert D. Hershey, Jr.)

WASHINGTON.—Tax shelters—investment devices desiged to shelter income from taxation, usually for a period of years—appear to be on the rise, despite widespread predictions that lower tax rates would reduce their use.

Furthermore, experts say the shelters are increasingly spreading from the investment portfolios of the rich to those of the middle class, some with no more than $5,000 to invest.

And although certain kinds of tax shelters, such as those dealing with oil and gas, appear to have lost some of their allure during the recent recession, others, such as those in real estate, seem to hold more attraction than ever.

"There's been tremendous activity in the past few months," said Douglas W. Banks, a real estate specialist in the Washington Office of Touche, Ross & Company, a major accounting firm.

LIMITED PARTNERSHIPS

Measuring tax shelter activity is difficult. In fact there is no formal definition of just which of a vast array of tax-favored activities should be regarded as shelters. But at least one measure, the public sale of investments registered as limited partnerships, which is how most tax shelters are sold, shows enormous growth.

In March, sales totaled $994 million, the biggest monthly volume on record, according to Robert A. Stanger & Company, a New Jersey firm that tracks the shelter industry. The first-quarter total of $1.75 billion was 53 percent higher than the comparable 1982 period.

Mr. Stanger, who publishes two industry newsletters, predicts that Americans will put $12 billion into shelters this year, up from about $8 billion last year.

Generally, a shelter is an investment vehicle designed to produce tax deductions that offset, or shelter, income form other sources. Usually, the shelter is good for a period of years. And when one shelter matures, an investor is likely to look for another. Some common kinds of shelters involve oil and gas exploration, cattle and horse breeding, sports teams, orange groves and various kinds of real estate.

A typical shelter works this way: An investment adviser gathers together a group, say, of 20 doctors to buy a small office building for $1 million. Each puts up $10,000; the $800,000 balance is borrowed. The property, excluding the $100,000 value of the land, is depreciated over 15 years, thereby generating an annual $60,000 deduction, or $3,000 for each doctor.

At the end of the 15 years, the building is sold, perhaps for $1.5 million. The doctors then get their investment back, the $800,000 mortgage (assuming there has been no amortization) is paid off and the remaining $500,000 split evenly between the doctors and the investment adviser, or general partner, who put the deal together. The doctors thus each get $55,000 worth of deductions for their $10,000 investment, plus a $12,500 share of the profit.

"ABUSIVE" SHELTERS

Incentives for many kinds of shelters were purposely created by the Government to encourage certain activities, such as real estate construction and the development of oil and gas supplies. But as shelter activity mushroomed, the feeling also grew that the use of shelters had gotten out of hand—that some investment advisers were pushing the concept beyond the point intended by Congress.

The main concerns were that the Treasury was losing tax revenues and that investment money was being siphoned off into "abusive" tax shelters rather than into constructive investments that would help the economy.

The Reagan Administration asserted that one of the major benefits of its tax-cutting program would be to reduce the use of shelters, thus paring the money going into less productive areas of the economy and increasing the efficiency of capital investment. The reasoning was that if taxes were reduced, there would be less incentive for taxpayers to seek out their own ways to cut their taxes. The two key Reagan tax cuts for wealthy individuals were the reduction in the maximum income tax rate to 50 percent from 70 percent and the reduction in the top rate on capital gains to 20 percent from 28 percent.

Although economists and tax specialists say the Administration is on solid theoretical ground, the results so far do not bear out the theory.

"WASN'T ENOUGH" FOR SOME

"For some people, it clearly wasn't enough," said Emil M. Sunley, a tax analyst at the accounting firm of Deloitte, Haskins & Sells and a former Treasury official.

Specialists list additional reasons for the continued growth of the tax shelter business:

Many years of rising taxes have made people increasingly conscious of their tax burden. Once involved with shelters, people have tended to stay involved. "Once you've learned, you many decide to stay in" even if the benefit is somewhat diminished, said J. Gregory Ballentine, Deputy Assistant Secretary of the Treasury for Tax Analysis.

A large network of financial entrepreneurs, promoters, advisers and salesmen has gradually developed. That network is constantly creating new products and trying to sell them to a tax-conscious and sometimes gullible public. "It's an enormous industry now," said Mr. Banks of Touche, Ross.

Unlike the rate cuts, some provisions of the 1981 tax act made some shelters more attractive. These included accelerated depreciation and, perhaps more important, the near certainty that the depreciation periods chosen by the taxpayer no longer would be challenged by the I.R.S.

Tax shelters have achieved wide social acceptability. They are proudly mentioned in cocktail-party conversation by status-seeking investors, leading others to become interested. Even financial institutions that previously avoided the business are joining in. "Brokerage houses and insurance companies have openly embraced this product area, and even the staunchest old-line institutions are weakening," said a recent issue of Registered Representative, a securities industry publication.

SALARY INCOME CITED

One taxpayer who says his outlook has not changed is George M. Keller, chairman of the Standard Oil Company of California. In response to an inquiry, Mr. Keller noted that he did not benefit from the reduction to 50 percent from 70 percent because his income consists mainly of salary, which had already been cut to 50 percent. He said he was staying with the real estate shelters he has held.

But while shelters in general have continued to expand, experts say that an Internal Revenue Service crackdown has reduced activity in dubious shelters.

"Gems have dried up for now," said Ralph A. Muoio, a partner in the law firm of Caplin & Dyrsdale.

The I.R.S. has identified such things as lithographs, gemstones, master recordings, manuscripts and even Bibles of vehicles likely to be "abusive," where fraud has become common. In these shelters, promoters frequently advertise first-year tax deductions four times as large as the required investment, or even greater.

According to the I.R.S., the number of tax returns under investigation for abusive shelters was 325,000 as of May 31. This compares with 285,000 for last September and 193,933 for the 1980 fiscal year. This, in large part, reflects intensified efforts to crack down on fraudulent shelters. The 1982 tax measure gave the Government new powers to police shelters and to exact stiffer penalties for underpayments.

THE 'AUDIT LOTTERY'

Even with the crackdown, however there is still a good chance that many in abusive shelters will go unpunished. The I.R.S. audits less than 2 percent of tax returns each year, which prompts many to play what Commissioner Roscoe L. Egger Jr. and others call the "audit lottery."

Some experts predict that Congress may make further changes in the tax shelter industry. Suggestions have been made, for example, that Congress curb the big jump in real estate shelters.

Congress is already considering action on other tax abuses. The House Government and Transportation Subcommittee for example, will hold a hearing on Aug. 4 into abuses of the individual income tax deduction for gifts of art work to museums and other cultural institutions. The hearing will also examine pending legislation that deals with charitable contributions.

But to some experts, there has already been a change for the better. As Lee J. Seidler, a professor of accounting at New York University, put it recently, "We have a much more healthy environment today from the point of view of tax equity than we did seven or eight years ago."

FAIR TAX ACT OF 1983

This legislation will make the federal income tax system simpler and fairer and the economy more efficient. It will reduce tax rates and eliminate most existing deductions, credits and exclusions. It also will raise revenues approximately equal to those collected under existing law without changing the tax burden for any income group.

SUMMARY OF KEY POSITIONS

For individuals:

A simple, progressive tax with three rates: 14%, 26% and 30%.

About 80% of all taxpayers will pay only the 14% rate. The 26% rate will apply only to individuals with adjusted gross incomes exceeding $25,000 and to couples with adjusted gross incomes exceeding $40,000. The top rate of 30% will apply only to individuals with adjusted gross incomes over $37,500 and couples with adjusted gross incomes over $65,000.

An increase of the personal exemption from $1,000 to $1,600 for taxpayers and spouses ($1,800 for a single head of household) and an increase in the standard deduction from $2,300 to $3,000 for single returns and from $3,400 to $6,000 for joint returns. A family of four could earn up to $11,200 before receiving their first dollar of taxable income.

Repeal of most itemized deductions, credits and exclusions except those generally available to most taxpayers. Retained will be the $1,000 exemptions for dependents, the elderly and the blind; deductions for home mortgage interest, charitable contributions, state and local income and real property taxes, payments to IRAs and Keogh plans and employee business expenses; exclusion of veterans benefits, Social Security benefits for low and moderate income persons and interest on general obligation bonds. The personal exemptions and itemized deductions will apply only against the 14% rate.

For corporations:

A tax rate of 30%.

Repeal of most existing tax deductions, credits and exemptions that distort investment decisions.

A new depreciation system that does not favor one type of asset over another.●

EXPORT-IMPORT BANK SMALL BUSINESS AMENDMENT

● Mr. BOSCHWITZ. Mr. President, I am pleased to announce that my amendment to S. 869, the Export-Import Bank amendments, is gaining much support. To date it enjoys the bipartism support of 19 Senators, along with that of the U.S. Chamber of Commerce, the National Federation of Independent Business, Small Business United, the National Small Business Association, and the National Governors Association.

This amendment is sorely needed. With our Nation experiencing record trade deficits, we in Government can no longer sit idly by. We must act now to reduce those trade deficits. One way to reduce those deficits is to help small businesses become better able to export their products.

According to the Commerce Department, at least 20,000 businesses in the United States could export but do not. In fact, only 1 percent of American manufacturers account for 80 percent of American exports. There is great potential in the untapped area of small business exports. This amendment would help small business expand into the export market.

My amendment would require Exim to actively finance small business exports. By providing small business with the access to export financing that is needed during the next 6 years and beyond, we should be able to lower these large trade deficits.

I urge my colleagues to study this amendment and to join with us in supporting it when the Export-Import Bank bill is considered by the Senate. I also ask that the letters from the organizations referred to earlier be printed in the RECORD.

NATIONAL SMALL BUSINESS ASSOCIATION,
Washington, D.C., July 18, 1983.

Hon. RUDY BOSCHWITZ, U.S. SENATE, WASHINGTON, D.C.

DEAR SENATOR BOSCHWITZ: The National Small Business Association (NSB) strongly supports your proposed amendment to the Ex-Im bank reauthorization, calling for a definite set-aside of their appropriated funds for small business.

We supported similar legislation on the House side and feel very strongly that only by a forthright commitment of funds, as provided for in your amendment can we hope to increase small business participation in the export market.

We are unalterably opposed to any effort to provide a "trigger mechanism" to your set-aside amendment, such a trigger would emasculate the set-aside and provide a disincentive for early commitment of funds to small business.

If we are truly interested in utilizing the vast capabilities of this country's small business community in attempting to reverse our imbalance of trade, we must take honest and sincere steps to assisting small business participation. Your proposed amendment does just that and we congratulate you on this effort.

Sincerely,

JEROME R. GULAN,
Vice President, Government Affairs.

SMALL BUSINESS UNITED,
Waltham, Mass., July 14, 1983.

Hon. RUDY BOSCHWITZ,
U.S. Senate, Washington, D.C.

DEAR SENATOR BOSCHWITZ: Small Business United, a coalition of 16 regional, state and metropolitan trade associations, representing more than 60,000 small businesses nationwide, enthusiastically supports your amendment to the Ex-Im Bank Authorization bill creating a small business set-aside.

We support the use of a set-aside only when it is clear that there is no other practical, monitorable means of assuring small business access to the financing programs available to other businesses. We believe this to be the case with respect to Ex-Im Bank financing programs.

Your amendment, which includes requirements that the Bank actively market the set-aside program, provides a fair, equitable way for small to have access to much needed export financing.

Sincerely,

G. THOMAS CATOR,
Washington Counsel.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, D.C., July 18, 1983.

Hon. RUDY BOSCHWITZ,
U.S. Senate, Washington, D.C.

DEAR RUDY: NFIB is pleased to note your intention to amend S. 869, the Export-Import Bank Reauthorization, so that small businesses could become more involved in exporting. You and your Senate colleagues are to be commended for taking the lead in this area.

We share your conviction that small firms can and should participate more in efforts to improve our country's balance of trade through increased exporting. The Department of Commerce estimates that there are 20,000 small manufacturers with the capability to export, that don't. In addition, with the increased effort to encourage exporting in the service industries, small firms would be able to make a significant contribution to that endeavor. Without some encouragement and assistance, their potential and the jobs they can create will never be realized. Over the years, NFIB has been disappointed that the Eximbank has made little effort to realize small business' export potential.

For these reasons, NFIB is particularly glad to see your own work in this area. While we were interested by the Banking Committee's acceptance of two amendments aimed at directing the Eximbank to address the needs of small business, we think the time to actively deal with the real financing needs of small firms is long overdue. The set aside figures proposed in your amendment are well within the export capabilities of small business without jeopardizing access to the Bank by large, multinational corporations. They are already doing all the business they can overseas and do not have much potential for increasing their present activity. Smaller businesses *must* be encouraged to export on their own and not simply participate as suppliers and subcontractors for industrial giants.

We know you and your colleagues Senators Mattingly, Sasser, D'Amato, Dixon and Glenn have put a great deal of effort into preparing your amendment. NFIB feels that this is an important first step in encouraging more small businesses to export. We look forward to working with you to get Senate acceptance of your amendment.

Sincerely,

JAMES D. "MIKE" MCKEVITT,
Director of Federal Legislation.

THE COUNCIL OF SMALL BUSINESS,
Washington, D.C., July 18, 1983.

Hon. RUDY BOSCHWITZ,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BOSCHWITZ: The U.S. Chamber supports renewal of the charter of the Export-Import Bank with amendments that will strengthen the Bank and make it a cornerstone of a forward-looking trade policy for the United States.

Among such amendments there should be changes in the way the Bank deals with smaller exporters so as to assure small business access to Eximbank programs.

In particular, the Chamber supports four concepts:

(1) A mandate that not less than six percent of the dollar amount of the Bank's loans guarantees be made to small business concerns in FY '84, and 10 percent in FY '85.

(2) A goal of 10 percent in FY '84 and 20 percent in FY '85 for small business loans and guarantees.

(3) A yearly, detailed report to Congress on Eximbank's plans to implement small business requirements for the following year, and its record of small business lending for the past year.

(4) A requirement to expand Eximbank's relationship with commercial banks to include regional and local banks in its discretionary lending program.

While the U.S. Chamber has strong reservations about the concept of set-asides in general, it recognizes the importance of providing a tangible way to measure the Bank's progress in opening its programs to small business exporters.

These provisions are essential to the successful integration of smaller exporters into Eximbank's loan and guarantee programs. Any effort to weaken these provisions (i.e. adding a "trigger mechanism" to return unused funds that have been set aside for small business to general loan and guarantee programs) would threaten small business access, and therefore would be opposed by the Chamber.

These concepts are embodied almost totally in the amendments you have proposed.

We appreciate the leadership you are providing small business in this important legislative debate, and we are ready to work with you and your staff to assure that the needs of small exporters will be met in a rechartered Export-Import Bank.

Cordially,

IVAN C. ELMER,
Manager,
Small Business Center.

GOVERNORS BACK BOSCHWITZ SMALL BUSINESS AMENDMENT

The National Governor's Association today endorsed Senator Rudy Boschwitz's small business exports amendment to the Export-Import Bank bill.

Thompson joins a bipartisan group of 17 Senators, the United States Chamber of Commerce, the National Federation of Independent Business, Small Business United and the National Small Business Association in supporting this amendment. Governor Jim Thompson (R-Illinois), incoming Chairman of the National Governor's Association, will visit Boschwitz on July 19 to discuss the amendment.

The Boschwitz amendment would:

Require the ExIm Bank to use at least 10 percent of its funding to finance small business exports;

Provide guarantees or lines-of-credit to small and medium-sized financial institutions so that they may bank together to finance small business exports;

Promote small business exports and its small business exports programs in order to let small businesses become aware of the help available to them; and

Report its efforts annually to Congress.

"We are all aware of the contributions small business makes to the economy in terms of jobs and innovative technology. Small business can also be the leading contributor in U.S. exports if competitive export financing is available," Boschwitz said.

According to Boschwitz, "The Commerce Department estimates that at least 20,000 businesses in our country could export, but do not. In fact, only 1 percent of American manufacturers account for 80 percent of the exports. As we face record trade deficits, it is imperative that small businesses become more active exporters. Because ExIm is the primary federal export finance agency, small businesses must be allowed adequate, effective participation in its programs."

Action on this amendment could come up as early as this month.

NATIONAL GOVERNORS' ASSOCIATION,
Washington, D.C. July 20, 1983.

Hon. RUDOLPH E. BOSCHWITZ,
U.S. Senate, Washington, D.C.

DEAR SENATOR BOSCHWITZ: I commend you on the excellent legislation you have sponsored to expand the Export-Import Bank's financing assistance for small businesses.

As Chairman of the International Trade and Foreign Relations Committee of the National Governors' Association, I can tell you the Governors are convinced there is great potential for expanding the export of U.S. produced goods and services, particularly with our smaller businesses. The U.S. Commerce Department estimates that 20,000 small businesses, who are not presently exporting, could profitably export their products and services and thereby create a significant number of new jobs here in the United States.

The National Governors' Association endorsed and worked for three years on export trading company legislation because of the new export opportunities it presented, particularly for smaller and new-to-export businesses. The Governors have also been enthusiastic supporters of the Export-Import Bank, and have actively opposed efforts over the past two years to reduce the Bank's lending authority. We have also taken the position that the Bank's program for small businesses need to be expanded and procedures simplified.

After an extensive study of numerous impediments to exporting, the National Governors' Association came to the following conclusions about Eximbank and small businesses:

While these (Eximbank) programs have proved quite helpful to many exporters, there remains a need for procedural simplification and targeted aid to smaller businesses.

States are particularly sensitive to the special needs of smaller businesses, which often find the "tooling-up" costs associated with export activity prohibitive. At a state level, such businesses may constitute a significant percentage of potential new exporters. * * *

To the extent possible, credit should be extended automatically to small businesses, provided there is endorsement by the businesses' local credit institution.

(The National Governors' Association Policy Positions 1982-1983.)

The small business amendments to the Ex-Im bill, including the set-aside for small business, simplified procedures, representation on the Ex-Im Advisory Committee for small business, a mandate for Ex-Im to work with more local and regional banking institutions, and a mandate for Ex-Im to promote its small business programs should result in the creation of many new jobs here in the United States.

If the other Governors or I can be of any assistance on this important issue, please let me know.

With warm regards,

GOV. BOB GRAHAM,
Chairman, International Trade and Foreign Relations Committee.●

EQUITY AND JOBS FOR THE FISHING INDUSTRY

● Mr. LAUTENBERG. Mr. President, I am pleased to join my colleagues in cosponsoring two bills, S. 254 and S. 790, that will promote fisheries development and benefit the U.S. economy as a whole. These bills represent a positive step toward fulfilling the Federal Government's commitment to optimal utilization of our Nation's fishery resources. I am proud to be a part of this effort.

The fishing industry generally consists of small- and medium-sized firms, which because of the risky nature of their business, often find it difficult to raise capital. In 1970, fishing vessel owners and operators became eligible for the capital construction fund program (CCF), which allows them to defer taxes on profits that they put into an account for the purchase of new vessels. This is not a subsidy program, because these taxes are then paid to the Government in full through a reduction in the depreciation allowance on ships purchased with CCF funds. The CCF program wrought great changes in the domestic fishing fleet, and has already generated $360 million in investment in new ships.

Now, however, harvesting capacity in the United States has outstripped processing capability. As a result, the U.S. competitive position internationally has suffered. S. 254 would address this problem by extending capital construction funds to shoreside processing facilities. A 1980 GAO report, in recommending this approach, cited the shortage of such facilities as a major impediment to the development of underutilized fisheries. According to a Commerce Department report, optimal development of only eight of these underutilized fisheries could, by 1990, raise domestic fisheries landings by 2.5 million metric tons per year and increase vessel revenues by $782 million annually. Moreover, this could add $1.2 billion to GNP, reduce the trade deficit by $1.7 billion a year, and create 43,000 jobs. Atlantic mackerel, whiting, and squid, three of these underutilized fisheries, offer tremendous growth opportunities to the New Jersey fishing industry.

In New Jersey, Mr. President, we have been buffeted by the same high unemployment which has struck our Nation as a whole. It is, therefore, necessary that we make every effort to create permanent jobs. The fishing industry in my State has witnessed strong growth in recent years, and has tremendous potential for further expansion. Already one of the leaders in harvesting and processing in the Mid-Atlantic region, New Jersey can benefit from its location, resources, and outstanding fishing fleet to diversify and grow. The dramatic development in the Cape May squid fishery in the last 2 years is indicative of the potential of New Jersey's fishing industry. Passage of S. 254 would be a significant step toward fostering growth and providing viable employment opportunities for New Jersey citizens.

By channeling fishing companies' earnings into further investment in the industry, S. 254 will promote productivity and innovation. This will make the United States more competitive internationally, and will reduce our fisheries deficit, which was nearly $3 billion in 1982. A reduction in the U.S. balance of payments deficit would benefit the Nation as a whole.

The second bill I am cosponsoring will enable the industry to enter hitherto underdeveloped export markets. S. 790 places fish and fish products within the meaning of agricultural products for the purposes of the export payment guarantee programs administered by the Agriculture Department. This bill is only fair. Fish is the only kind of basic food not now covered by the payment guarantee program. This is inequitable to States like New Jersey, which have the potential to increase fishing exports dramatically. There are many types of fish available for harvest within U.S. waters for which little or no demand exists domestically. The market for these fish is often in politically unstable countries, with which the small and midsized firms in the fishing industry cannot risk doing business. As a result, government-subsidized foreign fleets catch these fish, often within U.S. waters, and dominate in markets where the American firms should be able to compete.

Under the export payment guarantee program, the U.S. Government would assume the risk posed by nonpayment in the event of political or economic turmoil. The Commodity Credit Corporation [CCC], the financial arm of the Agriculture Department, contracts with a bank agreed upon by the country buying the American product. This bank guarantees payment to the U.S. fishing firm doing the exporting, and the CCC in turn assures the bank that it will be reimbursed. In the event that payment is delayed, the fishing company receives its money on schedule, allowing it to continue and expand its operations. In well over 99 percent of these cases, the CCC, which can afford to wait longer than a small business can, has been able to make suitable payment arrangements with the country that owes it money. The result is that the United States is able to insure accessibility to a very large market at minimal cost.

In these times of economic difficulty, we cannot afford to deny equity to the fishing industry, which enjoys such tremendous potential for export growth. The United States is the world's leader in clam production, and could increase its sales further if the markets of the Third World were more accessible. New Jersey, in the center of the vast Mid-Atlantic clam fishery, could benefit substantially from this increased market access. Squid harvesting in the Mid-Atlantic region could be increased tenfold without depleting reserves. Underdeveloped countries, especially in Africa, have the demand needed to spark this increase; this bill is an effective instrument for converting this demand into actual sales of American products. Increased exports mean increased employment, and a reduced trade deficit.

Mr. President, the two bills I am cosponsoring complement each other. Together they will encourage more optimal development of underutilized American fisheries. S. 254 is a logical on-shore extension of the capital construction fund program that has already done so much good for our fishing fleet. It will improve the U.S. fishing industry's competitiveness internationally, and allow for greater utilization of the resources with which our Nation is blessed. S. 790, in addition to giving the fishing industry the equitable treatment it deserves would aid U.S. companies to capitalize on export opportunities that currently exist. Neither bill parcels out subsidies, and neither bill imposes a great cost on the Federal Government. Both will bring in much-needed revenues, encourage investment, and create permanent jobs for Americans.

Mr. President, I urge my colleagues to support these two important measures.●

GRANNY EDGE ELECTED TO CITY COUNCIL OF NICEVILLE, FLA.

● Mr. CHILES. Mr. President, Jesse Alma Edge was just elected to the city council of Niceville, Fla.

Born in Alabama, Jesse Edge has lived most all her life in Niceville. Although she never held what she herself calls a paying job, she raised seven children while making Niceville even nicer through a host of civic and neighborly contributions to the community.

Jesse Edge bubbles with vitality and is one of Florida's most active volunteers. A lifelong member of the Pentacostal Church of Niceville, she has converted the admonitions of the pulpit into the fact of Christian living. Jesse served two full terms in Florida's pioneering silver haired legislature and represented Florida as an alternate to the White House Conference on Aging. She has been a member of the Nutrition Project Advisory Council for Okaloosa County, a member of the advisory board of the area agency on aging, and has never stopped giving her time on behalf of the senior citi-

zens in other endeavors. Always ready with a strong shoulder or a kind word, she has been the gentle strength for many older Floridians in need.

A short time back, the Niceville Hospital, a division of the Hospital Corporation of America, shut down. Jesse Edge never hesitated. She got out on the stump, raising money, cutting red-tape, banishing apathy to convert the hospital building into a home for the aged. Now that it is open as a home for the aged, she is one of their most frequent volunteer workers.

You may say that this is all nice, but lots of people run for city council and get elected, so what? "Granny" Edge as she prefers to be called is 83 years old and this is her first try at political office. That may be a record. Although one of her opponents tried to make age an issue, Granny Edge made ability the determining issue, and won more votes than both of her opponents combined.

Granny is trying to tell us something, and we would be wise to listen. Competence comes in many packages, some small, others large; some brand-new, and some seasoned in the school of achievement. Granny Edge comes from the latter. She does not feel like she has won anything. She sees the next 4 years as a broader opportunity to serve Niceville and its people. Whether she admits it or not, Granny is a winner, and so are we all.

Jesse Edge has given 83 years to her town, and that many years of inspiration to each of us. She will do Niceville proud, proud enough I am sure; come 1987, the folks of Niceville will be chanting "4 more years."●

USTTA A FIRST STEP

● Mr. SASSER. Mr. President, I am sure that my colleagues agree that a strong, comprehensive, national policy on travel and tourism makes sound economic sense. Indicative of this attitude was our passage by unanimous voice vote on May 25 of S. 212, the legislation authorizing funds for the U.S. Travel and Tourism Administration (USTTA).

Remarks made on the floor at the time reflected two basic convictions: First, that a national policy on travel and tourism, manifested in the person of USTTA, made economic sense for all Americans because an improved travel and tourism industry will mean an instant influx of dollars into our economy, as well as the source of considerable tax revenues for Federal, State, and local levels of government and the creation of industry-related jobs; and second, the United States clearly lags behind other developed and even developing nations in the level of investment it makes in attracting foreign visitors and in promoting travel and tourism overseas.

I indicated at the time that the USTTA legislation was a sound first step. As a founder and cochairman of the Senate Tourism Caucus along with my distinguished colleague from Virginia, Senator WARNER, I want to reemphasize that today. And both of us want to do so by bringing attention to today's issue of Travel Agent, a travel industry news publication. In a forceful analysis of pending issues affecting the travel and tourism industry, Cord D. Hansen-Sturm argues, among other points, that a U.S. Travel and Tourism Administration is only a first step, a part of a larger effort on behalf of a healthy travel and tourism industry.

On behalf of the Senate Tourism Caucus, Senator WARNER and I commend the article to our colleagues; I ask that it be printed in the RECORD.

The article follows:

[From the Travel Agent, July 21, 1983]

OUR BATTLE AGAINST TRAVEL BARRIERS BEGINS AT HOME

(By Cord D. Hansen-Sturm)

The travel and tourism industry in the U.S. is at a fork in the river. Its energies will either steer it into the main stream or dissipate into lesser channels and thus relegate it to the backwaters of international economic history.

A lot depends on the policy decisions the Reagan Administration is making. What are they? How can the tourism industry influence them?

The overriding issue facing the industry today is not domestic deregulation. Rather it is how large a slice America can cut itself of the expanding world tourism pie.

All other issues pale by comparison, regardless of how any segment of the trade feels about any particular one.

Closely tied in with the international issue is the critical question of whether a strong United States Travel and Tourism Administration (USTTA)—within the proposed Department of International Trade and Industry—can help keep America competitive.

Since 1960, the U.S. share of international tourism receipts has decreased from 13 to 11 percent.

As a nation we are losing ground in the ever-stronger international competition for the tourism dollar—or one might say deutsche mark or yen.

Even the Communist countries are increasing their foreign tourism revenues in the '80s faster than we are; the world's most richly endowed tourism destination still runs a travel deficit in its international account.

The nation has grown soft—lulled into complacency by the convenience of a large cohesive internal travel market while the real action was abroad where our share amounts to barely a tenth.

The complexities of international tourism aren't well understood, to say the least. Few Americans manage to climb high enough to see the whole forest instead of just the trees—those comparatively small firms struggling to compete over there.

Tourism associations, travel editors, educators, corporate leaders, congressmen and federal bureaucrats all see the forest differently and their suggestions on policy show it.

Those who make and shape foreign policy here have been mostly blind to tourism. The U.S. trade representative along with the departments of State, Treasury and Commerce concern themselves largely with the exchange of commodities and currencies. Even in theory, foreign trade counts goods crossing borders, and ignores people. But this is changing, spurred by a revolution in thinking and new data about services sector trade.

Washington's public policy is to exploit the nation's comparative advantage in international trade by facilitating high technology and its services sector exports.

If this were rationally followed, a bright future for American tourism would be assured. The sale of tourism services to foreign travelers already is our third largest export category (agriculture is first). It's number one as the largest services sector export and has the greatest potential for immediate expansion.

Because foreign policy machinery virtually ignored, if it wasn't outright hostile to, tourism, industry leaders turned to Congress in the '60s and '70s to establish a self-contained tourism department. The result was the United States Travel Service (USTS)—ostracized throughout its existence by the other agencies who feared it would elbow its way to a deservedly large tourism seat at the policy table.

Presidents have made it easy for the old guard agencies to preserve the status quo by appointing mostly weak leaders to the USTS and its successor, the USTTA, and starving them financially.

Right now the budget for administering tourism is dwarfed by Jamaica's. Worse yet, the White House reportedly is considering wasting the undersecretary post once again as a political payoff to an inexperienced constituent.

To further illustrate the traditional bias of the federal government against tourism and the USTTA, just take a look at the 26th annual foreign trade report of the President and the recent Preface to Trade "published by the Executive Office of the President to provide the private sector with a brief overview of the evolution of the United States international trade policy and the policy-making process." USTTA and the National Tourism policy Council are not even listed n the extensive glossaries.

Preface to Trade does at least contain an organization chart of the Commerce Dept. which includes a box labeled "USTTA." But there is no explanation of what the agency does or why it is listed.

There are two main approaches the government can take to help an industry compete abroad. They are the same basic strategies used for pushing grain and computers, and should be applied to tourism.

First, there's marketing strategy. Governments can accept the international market as they find it and help their industries compete by providing information, a policy forum and other marketing assistance.

EXAMPLES

Foreign governments offer outright subsidies—especially to their flag carriers.

The "I Love New York" tourism campaign is a successful example of state government involvement in the internal U.S. market. The "Friendly Jamaica" campaign is a good international example.

U.S. agricultural commodities are consistently the strongest U.S. export sector, partly because the Foreign Agricultural Service of the Agricultural Dept. is marketing U.S. grain hand in glove with the large grain companies.

Second, Negotiating strategy. Governments can alter the international environment instead of setting up national marketing strategies against trade barriers.

The Organization for Economic Cooperation and Development (OECD) and the General Agreement for Tariffs and Trade (GATT) are monuments to the foresight and power of the postwar American statesmanship.

They are guardians of free trade. The main thrust of U.S. foreign trade policy is to preserve and enhance an international system as close as possible to our own market economy. However, tourism, like banking, insurance and other service sector industries is highly regulated by government, especially abroad. Higher levels of regulation, in trade policy jargon, means there are more trade barriers against foreign tourism than against goods.

The creative thrust of current U.S. foreign trade policy involves persuading other governments to dismantle barriers to free trade in services. An excellent White House policy paper on international tourism is the cutting edge of a new strategy to reduce foreign barriers to American tourism companies.

In the past year, the Administration has launched studies in the OECD and GATT preparatory to a negotiating offensive to improve conditions abroad for promoting tourism to these shores.

A third strategy is combining the first two. Here lies the challenge, finding a way to take advantage of both marketing and negotiations—to flow around the obstacles, and, at the same time, dissolve others through agreement. This is precisely where our foreign trade policy institutions fail tourism.

The private sector and Congress advocate a marketing approach internationally. The Tourism Industry Association of America's (TIA) Pow Wow and the USTTA Marketing Plan are high on the list. However, the foreign trade bureaucracy and the White House acting through the Office of Management and Budget, regularly condemn proposed USTTA marketing budgets as unnatural subsidies.

At the same time, Congress and industry leaders fail to perceive the value of the breakthrough and great promise in Reagan Administration thinking about promoting trade in services by reducing barriers to tourism in multilateral trade institutions.

Congressional tourism leaders committed solely to a marketing strategy have restrained USTTA from developing a staff capable of representing the tourism industry in foreign trade policy circles.

For example, person for person, the policy unit at USTTA is the best in the government, but there are only two people and, without active congressional support internationally, they have been overwhelmed and mostly neutralized by other agencies.

The USTTA, as a result of this confusion, is less than the sum of its parts and lives in the worst of all possible worlds. Its budget is too tiny to effectively market the U.S. tourism destination abroad or to permit it to be a player, much less a leader, in the government's fledgling services trade policy initiative in the OECD and the GATT.

Because of the severe limitations imposed on USTTA by congressional and executive bias, the nation is not utilizing its most potent leverage—trading bilateral foreign access to the large and relatively free U.S. tourism market for equivalent U.S. access to smaller and less free foreign tourism markets. Only a strong undersecretary for Tourism backed up by an industry/congressional consensus, can speak to foreign bastions of economic nationalism in language they can understand.

Thirty years ago, in a simpler era when aviation stood for tourism, the U.S. government managed in its bilateral civil air agreements to at least balance access for airlines. Now, with unilateral U.S. air deregulation, many weak American carriers must fight subsidized foreign airlines for dominance of American as well as international skies. Once at the cutting edge of tourism policy, U.S. airlines may soon become its Achilles' heel.

A strong tourism voice in a mainstream U.S. foreign trade policy institution is mandatory. Not only companies, but nation states are players in the international arena.

That is why it is essential for the tourism industry and the tourism caucuses in Congress to insist that the Reagan Administration not only include the USTTA in the new Trade and Industry Dept., but also give it a mandate with enough money to come up with and run a comprehensive foreign tourism strategy.

We in the industry have the leverage to demand this because the Administration cannot muster enough congressional votes for the superdepartment without help from tourism caucuses in both houses.

An international trade department with a strong Undersecretary for Tourism would place this industry for the first time in a position of real foreign policy power to promote U.S. tourism interests abroad.

The initiative must come from trade association and congressional tourism leaders, and the first step must be to demand that the President appoint a competent undersecretary. Should a weak political hack receive the appointment, a humiliated industry is likely once again to retreat from the objective of achieving a coordinated national tourism policy. Also, no matter how competent the staff, if an agency head is weak, that agency and its industry constituency can expect to be snubbed by foreign trade policy leaders.

An early indication of tourism power came last month when an industry group was promised that the potential for jobs and income from tourism sales abroad would be included in the presidential kit outlining the new agency. The promise was made by an assistant secretary of commerce in the International Trade Administration.

When the President begins to justify his campaign for the new trade department also on the basis of USTTA earning power for the nation, the tourism industry advances a step toward sharing real power over trade policy.

Now is the time, while the blueprints for the new department are still being drawn, for Congress and industry to form a task force to insist on strengthening the international negotiation, marketing and data functions of the USTTA.

A budget of $10 to $15 million is laughable; $50 million in seed money will produce more tourism sales to foreigners and more tourism jobs than any other trade promotion program.

Take a look at agriculture. Foreign service sales and expenses alone have a 1984 budget of $84 million. Add $4 billion in direct support outlays.

Raw political power focused by a unified industry vision of a comprehensive tourism strategy is the key. The industry, like the American farm community, must recognize that other countries play hard ball, and only the well-managed team will win.

The tourism industry should use its influence to help give the Administration its new department in return for a strong USTTA.●

ROBBING PETER TO PAY PAUL: THE SELF-INFLICTED COSTS OF FAILING TO NEGOTIATE A TEXTILES AGREEMENT

● Mr. DOLE. Mr. President, yesterday I wrote President Reagan regarding the upcoming United States-Chinese talks designed to settle the terms of U.S. imports of Chinese textile and apparel products. The discussions in Geneva next week will be the seventh round of such negotiations. Because these talks have dragged on far too long and are costing our farmers dearly, I urged the President to seek the earliest equitable resolution of the textile quota issue consistent with our overall trade interests and with our commitment to maximizing agricultural exports.

Two decades ago the Congress wisely created the Office of the Special Trade Representative, now the U.S. Trade Representative (USTR), to insure that trade policy was divorced from the dangers of having U.S. initiatives dictated by a few powerful special interest voices. The most difficult job of the Trade Representative is the balancing of the multiple—and often conflicting—interests of the constituent segments comprising the diverse American economy. Our Trade Representatives in general have successfully found ways to meet the concerns and interests of both our importers and exporters, and to resolve differences within their respective groups.

I have supported this broker's role for the USTR because it has served well to provide an ear to one group often ignored historically in U.S. trade policy circles—farmers. U.S. history is replete with examples of how farmers have been made to bear the brunt of protectionist policies that served principally to protect inefficient manufacturers at others' expense. Fifty years ago we fortunately saw the folly of this one-sided approach, after the disastrous experience with the Smoot-Hawley Tariff Act. Since then, under the auspices of the reciprocal trade agreements program and through the leadership of the USTR, the United States has successfully balanced our domestic interests in liberalizing trade to spur economic growth. Both the manufacturing and agricultural sectors have benefited from trade expansion, and millions of jobs are now dependent on exports.

Mr. President, I wrote the President yesterday because it appears that the principles of balance and coordination are in danger of collapsing regarding

textiles trade, with a severe price to be paid by our farmers. Specifically, the continued delays in concluding a new textile accord with China costs the United States millions of dollars in exports of agricultural and other products. Our farmers have been enormously patient with this situation, and are sympathetic with the concerns of the textiles industry. But the time has come to stop robbing Peter to pay Paul—the figures clearly demonstrate what a losing proposition we have, in part, inflicted on ourselves.

The following tables show overall United States-China trade data since relations between our countries were reestablished in 1973; recent United States-China textiles trade data; and Chinese grain imports.

TABLE 1.—UNITED STATES TRADE WITH CHINA

[In millions of dollars]

Period	Exports			Imports		
	Ag.	Non-ag.	Total	Ag.	Non-ag.	Total
Year:						
1973	575	114	689	23	41	64
1974	653	154	807	30	85	115
1975	78	226	304	29	129	158
1976	0	135	135	56	145	201
1977	64	107	171	61	142	203
1978	573	245	818	74	250	324
1979	990	726	1,716	80	512	592
1980	2,209	1,540	3,749	119	939	1,058
1981	1,956	1,653	3,609	338	1,559	1,897
1982	1,498	1,439	2,937	177	2,109	2,286
Jan.–May:						
1982	778	635	1,413	75	779	854
1983	314	551	865	70	142	842

TABLE 2.—CHINA: GRAIN IMPORTS BY COUNTRY [1]

[In thousand metric tons]

Item	Calendar year—			
	1980	1981	1982	1983
Total grain	13,620	13,403	15,225	11,946
Argentina	665	126	249	3,550
Australia	2,018	1,285	2,210	230
Canada	2,627	3,142	3,526	4,425
EEC	133	622	684	985
Thailand	141	143	95	150
United States	8,036	8,085	8,461	2,606
Wheat	11,792	12,691	13,258	9,691
Argentina	665	126	94	3,000
Australia	1,998	1,261	2,102	230
Canada	2,627	3,065	3,526	4,400
EEC	133	622	666	835
United States	6,369	7,617	6,870	1,226
Coarse grain	1,828	712	1,967	2,105
Argentina	0	0	155	550
Australia	20	24	108	0
Canada	0	77	0	25
EEC	0	0	18	0
Thailand	141	143	95	150
United States	1,667	468	1,591	1,380

[1] 1980–82 data are shipments to China; 1983 data are known sales by exporting countries to China through mid-June, most of which will be shipped in 1983.

TABLE 3.—UNITED STATES-CHINESE TRADE IN TEXTILES AND APPAREL, 1978–82

Item	1978	1979	1980	1981	1982
Exports:					
Raw cotton	157.3	351.0	701.3	464.0	177.8
Manmade fibers and yarns	47.8	90.0	260.3	531.3	217.2
Textile mill products	1.9	6.0	66.9	79.2	5.8
Apparel		.4	.1	.4	.1
Total	207.0	453.5	1,028.7	1,074.8	400.9

TABLE 3.—UNITED STATES-CHINESE TRADE IN TEXTILES AND APPAREL, 1978–82—Continued

Item	1978	1979	1980	1981	1982
Imports:					
Textiles and products	65.0	59.0	134.7	232.9	233.2
Apparel	64.7	136.2	265.6	417.2	614.6
Total	129.7	195.2	400.3	650.1	847.8
Trade balance (–)	77.2	258.3	628.4	424.7	(–446.9)

Mr. President, Table 1 shows that U.S. exports to China fell approximately 30 percent the first 5 months of 1983 on an annualized basis compared to 1982 exports. The losses involve hundreds of millions of dollars, and the brunt is being borne by farmers. U.S. agricultural exports were down by more than 60 percent the first 5 months of the year, compared to the same period in 1982. The difference in dollar terms was $464 million. Table 2 shows that the Chinese have shifted to alternative suppliers, particularly Argentina, Canada, and the EEC. Table 3 shows that until last year, the United States enjoyed a trade surplus in textiles, apparel, and raw cotton trade.

The Chinese have enjoyed better harvests this year and U.S. prices occasionally have been high. But overall Chinese demand for wheat is not expected to diminish in 1983, and even where U.S. bid prices have been below other countries' offers, the Chinese have selected from the alternative sellers. Their purchases plainly are tied to our willingness to allow trade to be a two-way street. Because China must be able to sell to us if they are to buy from us, and because the United States has enjoyed a very favorable bilateral trade surplus in recent years—thanks to agricultural exports—it is understandable why the Chinese are retaliating against our imposition of higher textile quotas, even if the U.S. position is perfectly justifiable.

World textiles trade generally is covered by the multifiber agreement, and U.S. imports of textiles and apparel products are controlled through bilateral quota agreements. Tariff rates for textiles products remain among the highest of all product categories. There is hardly any other industry that approaches the textiles industry in its degree of import protection.

I do not quarrel with the need for some level of such protective measures. The textiles industry and its workers certainly would have difficulty surviving in the face of unfettered competition with the low-wage exporters. I further do not want to credit the Chinese negotiators with any particular degree of understanding, either of the terms under which an agreement must be negotiated, or of the plight of the U.S. domestic industry. Both sides must be forthcoming if an agreement is to be reached.

What I strongly object to, however, is the unwarranted delay in the negotiating process. The ever-increasing amount of lost sales due to delay is an unwarranted penalty on our farmers and other exporters. Further, there is no guarantee that these export markets, once lost, will ever be regained. Finally, a continued low level of exports threatens the U.S.-China grain agreement, and may cause much higher expense for the PIK program.

Mr. President, it is one thing to seek to attain specific negotiating goals; it is another to refuse to negotiate. This is the reason I urged President Reagan to go forward with these talks. We must balance all of our interests if our trade policy is to be successful.

VISIT OF PRESIDENT AMIN GEMAYEL

● Mr. SPECTER. Mr. President, in September of 1982, I had the opportunity of meeting with the late President-elect of Lebanon, Mr. Bashir Gemayel. As we spoke, the young President conveyed his determination to realize the dream of his forefathers: to establish peace in a nation which for so long has suffered from the pains of civil strife. Bashir Gemayel spoke with clarity and candor when he told me:

If the Government of Lebanon fails now to reunify and reunite the country, economic progress will not suffice. Without a national consensus among all Lebanese, everything will be destroyed.

Three days later, Bashir Gemayel was assassinated in a brutal act of terrorism, underscoring the need for all concerned parties to negotiate a peaceful settlement to the conflicts in the Middle East region.

Today, Mr. Bashir Gemayel's brother, Mr. Amin Gemayel, the new President of Lebanon, is here in America explaining how he is carrying on his brother's quest for peace. Mr. President, allow me to speak on behalf of the American people in welcoming this brave, courageous leader to our country.

President Amin Gemayel, in signing a peace treaty with Israel has acknowledged that the most effective avenue for pursuing peace is negotiation. With President Gemayel's heroic leadership, Lebanon has set an example for other Arab nations to follow—namely, recognizing Israel's right to exist. What Mr. Gemayel has come to realize, is that only through securing Israel's borders, can a just and lasting peace be established. I am hopeful that foreign troop withdrawals from Lebanon will proceed with all due speed, allowing President Gemayel to establish sovereign control over this democratic nation.

In connection with America's lifelong friendship with Lebanon, I am proud to announce that members of the Senate-House Appropriations Conference Committee are meeting this week to discuss the supplemental appropriations for fiscal year 1983. Fore-

most in their minds is how the U.S. can assist Lebanon in building a nation of strength. The extension of this material support reflects the confidence that the U.S. Congress and the American people have in President Gemayel and his ability to govern a free Lebanon.

I had the pleasure of having lunch with President Gemayel together with many of my fellow Senators. I was pleased to meet, greet, and discuss with President Gemayel problems of mutual concern. I am confident that together, as men of good will, we can make progress in solving our mutual problems.●

TIME TO GET TOUGH ON AGRICULTURE TRADE ISSUES

● Mr. HELMS. Mr. President, the United States recently ended 6 months of intensive negotiations with the European Community regarding agricultural trade problems with absolutely no satisfactory settlement. After 6 long months of discussion, the United States and the EEC could only agree to form a working group to continue negotiations. I see little chance of a successful resolution of the trade dispute through this process, given the Community's intransigence on the use of agricultural export subsidies.

This latest failure to settle our trading differences follows last November's GATT Ministerial in Geneva where the EEC was successful in blocking a concerted effort on the part of a number of nations to resolve the issue of agricultural export subsidies.

The United States and the EEC have been discussing this issue for years without successful resolution. As far back as 1971, then Secretary of Agriculture Clifford Hardin, in a letter to the Vice President of the Commission of the European Communities, detailed current and potential problems with the Community's pricing policies. The letter is remarkable in the accuracy of its predictions.

Dr. Hardin was a successful educator and administrator before he became Secretary of Agriculture. In this letter, Secretary Hardin cited a Michigan State University study which projected that the EEC subsidies would cause the EEC to become a net exporter of crops.

Secretary Hardin was exactly right. In 1981, the EEC changed from a net importer to a net exporter of grain, due to their unrealistic support prices and predatory export subsidies. The United States has been protesting these practices for 12 years now, and it's time our farmers had some relief. I ask that the text of Secretary Hardin's letter be printed in the RECORD.

The letter follows:

U.S. DEPARTMENT OF AGRICULTURE,
Washington, D.C., October 8, 1971.

Dr. SICCO L. MANSHOLT,
Vice President of the Commission of the European Communities, 24 Avenue de la Joyeuse Entres, Brussels, Belgium.

DEAR DR. MANSHOLT: I greatly appreciate receiving your letter of July 12 outlining the background and your views on the price increases proposed for various agricultural products in the Community. I regret the delay in replying to this letter, but you will appreciate that much has been going on here in the United States in recent weeks and I have been preoccupied with the agricultural aspects of the new economic policy.

You point out that the dominant factor in the Community's economy at present is the continuing inflation. Certainly inflation is our problem also. For some time our farmers have had to cope with the problem of having prices for the goods they use to produce increase more rapidly than the prices for their output. This is why the farmers are supporting the President's new program. We do not believe the solution to the problem of inflation lies in price increases, even if they are small ones.

As regards the Common Agricultural Policy, your letter points out that you need a price increase of 2-3 percent to bring the level of income for the 20 percent of your farmers which you characterize as the best farmers on the good farms, to the level of the rest of the economy. You indicate that you do not expect these price increases to give a further stimulus to production. Our quarrel with you on this, I think, is that we believe your prices on grain are already too high in respect of these best farmers. Let me illustrate this problem with two commodities—grain and dairy products.

On grains, between 1961 and 1971 the total production of grains in the Community has increased from 49.6 million metric tons to 74.1 million metric tons. Between 1961 and 1969, intra-EC trade increased sharply, imports outside increased for a time, then trended downward. EC exports expanded and net imports from third countries dropped from 13.3 million metric tons to about 2.6 million metric tons—a decrease of about 80 percent. In the 1970/71 crop year this situation improved considerably from our point of view, but only because of Europe's adverse weather, depleted EC stocks, and the expansion in EC pig production. EC net imports returned to about 10 million metric tons.

This present crop year, with the resumption of decent weather in Europe, the outlook is for net imports of only 5-7 million tons. We now have fairly complete estimates of 1971/72 EC grain production and these indicate a record crop of about 74 million tons. With this large crop, you have two alternatives: to stock, which we strongly urge you to do, or to move your crop onto world markets under heavy subsidy. Whichever alternative you choose, of course, will cause problems for other grain producers, who also have had good crops, but stocking is by far the best alternative of the two.

Moreover, an independent study conducted by Michigan State University indicates that unless Community prices are reduced, this trend of constantly increasing production will continue and by 1980 the Community will be a net exporter. As I have indicated on the several occasions we have discussed this serious problem, we believe the answer is to reduce prices in the Community—we have suggested a figure of $15 per metric ton—and to deal with the income problem of the 80 percent of your farmers through some form of income payments.

On dairy, in the past year we have seen a remarkable change in the international dairy situation. World prices, I am told, have increased by 50 percent in recent months. Our analysts say this is partly in response to adverse weather, but that the principal factor underlying this price change is the withdrawal of the European Community from the international market. The market is now left to the traditional suppliers. If this analysis is correct, it is striking what an impact your subsidized dairy exports have had on world market prices. What will happen when your production recovers from its present slump, as we expect it to do under Community prices at their present levels?

These problems are illustrative of the many for which we must find solutions. So far those solutions are not in sight. To arrive at them it will be necessary, I am sure, for us to do considerably more than "sit down together and provide justification" for our policies, as you put it. It will be necessary for us to sit down and provide solutions.

I have just learned that you will be coming to Washington with the EC team on the 21st and 22nd of this month. I look forward to your visit and to further a discussion of these critical issues.

Sincerely,

CLIFFORD M. HARDIN,
Secretary.

Mr. HELMS. Mr. President, while I remain committed to the negotiating process and believe we should continue to discuss these issues, I think it is becoming increasingly evident that discussion alone will not produce results. The EEC has shown its unwillingness to revise its predatory trading practices. And unless this country takes further steps to demonstrate to the Community our commitment to restoring equity in the international marketplace, the Community will continue to unfairly capture a larger and larger share of world markets.

So we have taken several important actions to demonstrate our resolve, but additional measures are clearly needed. Last year, during the Senate Agriculture Committee's consideration of agricultural programs in the budget reconciliation process, I offered an amendment directing that $175 to $190 million of Commodity Credit Corporation (CCC) funds be used in each of fiscal years 1983 through 1985 to counter the price and credit subsidies of other countries. That amendment was adopted by the committee and approved by the full Senate. In conference with the House of Representatives, this language was revised to provide the $175 to $190 million for export activities of the CCC in general. President Reagan signed the Omnibus Budget Reconciliation Act of 1982 on September 8, 1982. Approximately $100 million of this money has been used in the highly successful, new "blended credit" program. Under this program, interest-free direct credits are blended with CCC credit guaran-

tees of private lender financing at market interest rates. The total package provides interest rates at levels competitive with subsidizing countries so as to encourage potential purchasers to buy U.S. products.

In addition, as part of the agricultural appropriations act for fiscal year 1983, Congress directed that not more than $500 million be used for CCC direct export credits.

Mr. President, to counter the unfair competition from subsidized French wheat flour sales to Egypt, the U.S. Department of Agriculture agreed in January of this year to provide enough CCC owned, surplus wheat to U.S. suppliers to enable them to sell and deliver 1 million metric tons of wheat flour to Egypt at a price agreed upon by the Governments of the United States and Egypt of $155 per metric ton. Credit guarantees were also to be used.

And just within the last month, the Senate Committee on Agriculture, Nutrition, and Forestry reported legislation adjusting price support levels for several agricultural commodities. Not only will this action help improve the domestic agricultural economy by sending a more accurate price signal to farmers as well as by reducing Federal outlays by several billion dollars, it will also help the United States in our efforts to negotiate freer world trade for agricultural commodities. Unlike our counterparts in the EEC, the U.S. Congress has made and is making serious efforts to revise our agricultural support programs. Our efforts in this area certainly weaken the Community's position that such hard choices and actions are impossible. I think moving in this direction is equally difficult for both the United States and the EEC. Our country is making a difficult, but correct, choice. The EEC, however, refuses to revise its agricultural policies and programs.

This legislation also provides additional funds for export initiatives by allocating a portion of the budget savings from the target price adjustment into export promotion. The legislation provides the Secretary of Agriculture with maximum discretion to determine the most effective use of the savings to promote export sales. However, the legislation requires that repayments of any credit extended from these savings be used to fund the Agricultural Export Credit Revolving Fund, authorized by the Agriculture and Food Act of 1981. In addition, any repayments of credit extended under the Helms amendment in fiscal years 1984 and 1985 must also be used for the fund. Floor action on this legislation is expected shortly. I believe its passage is vital to the economic health of American farmers.

As part of the agricultural appropriations package, the full Senate also approved earmarking $5 million of CCC funds to be used to counter the use of unfair subsidies of other nations.

I would mention further, Mr. President, that the Senate Committee on Agriculture, Nutrition, and Forestry has also reported legislation that is designed to restore equity to the international trade of agricultural commodities and to maintain and enhance foreign markets for U.S. agricultural exports. S. 822—the Agricultural Export Equity and Market Expansion Act of 1983—authorizes the Secretary of Agriculture to take a number of actions which will convey to the EEC and certain exporting nations the seriousness with which this Nation regards their predatory trading practices. I believe enactment of the legislation will be a positive step in persuading the Community to come to the bargaining table to begin serious efforts to reduce, and ultimately eliminate, export subsidies.

Action on this legislation is vital. For every year that goes by while the EEC and others capture markets through predatory export subsidies, this country suffers from lost exports. At recent hearings on agricultural trade before the Joint Economic Committee, Under Secretary of Agriculture for International Affairs and Commodity Programs Daniel Amstutz testified that "subsidies of the EEC alone have cost the United States $5 and $6 billion a year in exports since 1980. If conditions don't change, the loss could be up to $8 billion by 1987."

Unless this country takes stronger actions, we most certainly will be faced with higher market losses because of the EEC's predatory trading practices. We cannot afford these lost markets. Lost export markets cause declines in farm income, growing agricultural surpluses, higher taxpayer costs and fewer jobs. Lost sales also have a negative impact on the U.S. balance of payments and contribute to our trade deficit. Export declines also result in a general slowdown of U.S. business activity since every dollar received from farm exports is more than doubled in the economy. The estimated annual $6 billion loss of U.S. export markets since 1980 because of EEC export subsidies represents a loss of over $48 billion in total U.S. business activity through the end of this year.

There is a growing consensus that the United States must continue to be tough and to act forcefully to defend itself against unfair trading practices of others. This was the sentiment voiced by officials from the U.S. Department of Agriculture and the U.S. Trade Representative at the recent Joint Economic Committee hearings. These officials also expressed disappointment in the lack of workable rules in international trade. I share their disappointment. Deputy U.S. Trade Representative Robert Lighthizer stated that the U.S. efforts to achieve fair trade through the GATT process "have not been very successful" and that, although this country is committed to the process itself, we should be prepared to take unilateral action because certain countries have been effective in stalling the entire process.

I entirely agree with Ambassador Lighthizer. We must continue to discuss trade problems with the European Community and other countries employing predatory trading policies. But we must also take immediate steps to protect U.S. markets and U.S. farmers in the face of heavy and unfair competition in the international market. There are certain commodities that can be clearly identified as being grievously affected by other countries' unfair trade practices. Poultry and eggs are two such commodities. In a further effort to help this Nation regain and retain its competitive edge in world agricultural markets, several Senators including myself have sent a letter to the President urging him to authorize the Secretary of Agriculture to implement an export promotion program to assist egg producers. I ask that the texts of both this letter and a letter which I sent separately be printed in the RECORD.

The letters follow:

U.S. SENATE,
COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
Washington, D.C., July 1, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Under separate cover you received a letter from a number of other Senators and me urging the implementation of an export promotion program for United States eggs. I want to emphasize again that this and other export actions are vital to the health of American agriculture, and these actions are especially timely.

It is time for the United States to take stronger steps to help American farmers counter the unfair trade practices of foreign countries. Last week, we ended 6 months of intensive bilateral negotiations with the European Economic Community on agricultural trade problems, which produced no satisfactory settlement. Similarly, consultations with Brazil have not resulted in the needed solutions. If negotiations do not produce satisfactory results, then the United States has no choice but to take stronger unilateral action to help our farmers by persuading other nations that predatory trading practices must stop.

As an indication of the sentiment in Congress, the Senate this week adopted an amendment offered by Senator Mattingly to the Agriculture Appropriations bill which requires that a minimum of $5 million in funds or commodities be used to counter the unfair trading practices of other countries. The amendment was adopted without objection.

Of course, there are already tools which the Administration can use to assist American farmers in the face of heavy and unfair competition in the international market. I hope these tools will be used in the manner

suggested in the earlier letter, and I understand that Senator Mattingly has met with Secretary Block and outlined several proposals for facilitating the sale of shell eggs to Iraq. I greatly appreciate your support in this and other export efforts.

Sincerely,

JESSE HELMS,
Chairman.

U.S. SENATE,
COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
Washington, D.C., July 1, 1983.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We urge you to immediately authorize the Secretary of Agriculture to implement an export promotion program to assist United States egg producers in filling an order for eggs from the government of Iraq.

Despite the efforts of United States negotiators to find an acceptable solution to unfair trade practices used by other nations in exporting their agricultural products, the problem still exists. The European Economic Community and Brazil are the major countries employing these practices; they are continuing to take markets away from United States farmers. The United States egg industry, in particular, has been devastated by these practices and there is no chance in the foreseeable future of our regaining an equitable share of overseas markets in the absence of Government assistance.

In 1981, after four years of developing a coordinated, cooperative export program, United States egg producers were a dependable, reliable supplier of shell eggs to Middle Eastern markets, primarily Iraq. In 1981, nearly three million cases of shell eggs were exported at fair market prices by United States producers, representing two percent of the total production. In 1982, because of practices employed by the European Community, egg exports were cut in half, and exports of shell eggs this year are virtually at a standstill. This has caused a severe price depression in the industry, since eggs are extremely price sensitive to supply and demand. The situation continues to worsen because of increased feed grain prices, placing United States producers in a desperate situation. In fact, substantial numbers of producers are no longer in business, and even more are on the verge of bankruptcy.

In the last year and a half, egg producers have patiently waited for some type of relief. They waited for the GATT decision on the section 301 wheat flour petition, which was not helpful to the United States position. They waited until after the GATT ministerial meeting last November, again with no positive result. Follow-up meetings in Geneva also gave no hope of a resolution. More recently, egg producers waited for the Williamsburg summit in the hopes of progress in agricultural trade. However, the vague statement in the Williamsburg declaration on economic recovery to halt protectionism and dismantle trade barriers said nothing about agriculture.

Congress has endeavored to improve agricultural exports by including language in the Omnibus Budget Reconciliation Act of 1982 to require the Secretary of Agriculture to spend $175 million to $190 million for export assistance during each of the fiscal years 1983, 1984, and 1985. Also, the agriculture appropriations Act for fiscal year 1983 authorized an additional $500 million. Some of that money has been used for blended credit programs. However, in the case of egg exports, blended credit programs have not been attractive enough to allow United States producers to compete with the subsidized product being provided by France and the Netherlands.

An order to Iraq was lost earlier this year because the blended credit program amounted to a price advantage of only $1.60 per case, although the price disparity between the United States and the EEC subsidized product was closer to $7.00 per case. However, another order for Iraq is again available for United States producers to fill; but there is still a price differential of about $3.50 per case.

Over $75 million is still available for fiscal year 1983 from the funds mandated to be spent by the Omnibus Budget Reconciliation Act of 1982. We respectfully urge you to see that part of these funds are used for United States eggs to make the price competitive and allow our producers renewed access to overseas markets. The use of the funds is such a manner would be consistent with the provisions of S. 822, the Agricultural Export Equity and Market Expansion Act of 1983. That bill has been reported by the Agriculture Committee and is pending on the Senate calendar.

The Department of Agriculture is aware of the problems facing the Nation's egg producers, and is capable of implementing immediately such an export promotion program for eggs. Since the Iraqi tender will be open only a short time, it is imperative that a decision be made by you as soon as possible to facilitate the economic recovery of the Nation's egg producers.

Sincerely,

Walter D. Huddleston, Thad Cochran, Roger W. Jepsen, John Melcher, Rudy Boschwitz, Paula Hawkins, Jesse Helms, David H. Pryor, Howell Heflin, David L. Boren, Mack Mattingly.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. STEVENS. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD this notice of a Senate employee who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee has received a request for a determination under rule 35 which would permit Mr. Tom Gallagher, of the staff of Senator GEORGE J. MITCHELL, to participate in a program sponsored by the Chinese Cultural University in Taiwan, from August 16 through August 26, 1983.

The committee has determined that participation by Mr. Gallagher in the program in Taiwan, at the expense of the Chinese Cultural University, to meet with government officials and those from the business and academic sectors, is in the interest of the Senate and the United States.●

PROGRAM

Mr. CHAFEE. Mr. President, did the majority leader outline the schedule for tomorrow?

Mr. BAKER. Mr. President, there is an order for the Senate to convene tomorrow at 10 a.m. It is my hope that negotiations that have gone on for a number of hours today will produce a unanimous-consent request tomorrow, the first thing, that will not be objected to. If that is the case, I would anticipate that the unanimous-consent request will include the vitiation of the cloture motion and certain other arrangements that will lead us to a time certain for final passage of this measure.

I repeat, that is not yet done. Those negotiations are still under way. But the Senate will convene at 10 a.m. and I expect to have a further announcement shortly.

Mr. CHAFEE. May I ask the majority leader, if these negotiations were successful and the order for the cloture motion were vitiated, what would he then anticipate would follow?

Mr. BAKER. Mr. President, it is not absolutely clear now what would follow in that happy event. My guess is that if the cloture vote were vitiated, we would spend a part of the day tomorrow dealing with non-MX related amendments. I do not think there are very many. Unless some develop overnight, my guess is we could dispose of them before the day is very old.

Mr. TOWER. Will the Senator yield?

Mr. BAKER. Yes; I yield.

Mr. TOWER. There is only one that can possibly be disposed of without resort to an amendment. That is regarding intelligence. That will be fully protected.

Mr. CHAFEE. If that is what I am thinking of, that has been withdrawn.

Mr. TOWER. It is my understanding that it has been withdrawn. I believe it is going to be disposed of without an amendment.

Mr. CHAFEE. That would not involve a rollcall vote at any time?

Mr. TOWER. No.

Mr. CHAFEE. What I am trying to get from the majority leader is an expression, if he could—the order now is to come in at 10 a.m. There would be negotiations, time for routine morning business and the majority and minority leaders to have their time and so forth. But if all were to work out and the order were vitiated, then the majority leader was saying he anticipated that we would dispose of these matters, non-MX matters. Then would something occur on Monday, for example, or tomorrow, on the MX matter?

Mr. BAKER. Mr. President, yes, I am really going further now than I should. What I hope is that we get rid

of all the non-MX amendments during the day tomorrow. I really hope we can do that fairly soon tomorrow and it is my hope it can be done without rollcalls. Senators should not assume there will be no rollcalls, but that is a possibility, I hope we can do that by midafternoon at the latest and that we go over then until Monday.

We would come in, I propose—we do not have an order yet—at 11 a.m. on Monday. We would spend Monday and Tuesday, I trust, on the MX amendments and specify the unanimous-consent agreement which will be proposed and then have a time certain for the vote on Tuesday.

Mr. CHAFEE. May I ask another question, and I know we are advancing at our own peril here, because the majority leader cannot guarantee anything beyond what he has outlined, or even what he has outlined. The time for the vote on the cloture motion—is there a time certain set for that now?

Mr. BAKER. Yes, Mr. President, that will occur 1 hour after the Senate convenes and after a quorum is established. At 11 a.m. there would be a live quorum call and as soon as we got that quorum, there would be a vote. I anticipate that could be at 11:50.

I understand the Senator's problem, Mr. President. All I can say is we gave serious thought to trying to bring the Senate in at 9 o'clock or even earlier and ran into complications—too many to list at this time.

Mr. CHAFEE. I understand these matters are fraught with peril. I thank the majority leader.

Mr. BAKER. I thank the Senator from Rhode Island.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, on tomorrow when the Senate reconvenes, it will do so at 10 a.m., under the order previously entered. It is anticipated that after the two leaders are recognized under the standing order, there will be a brief period for the transaction of routine morning business.

As matters now stand, a vote on cloture will occur against further debate on the substitute 1 hour after we convene and after a quorum is established, pursuant to the provisions of rule XXII.

I reiterate, Mr. President, that negotiations are underway which may result in a vitiation of that vote—that has not now been done, but it is a distinct possibility—and good progress is being made toward that end, as well as the time certain for final passage of the bill itself.

Mr. President, I cannot say with certainty whether there will be votes on Friday or not. However, I cannot assure Senators that there will not be.

I do not expect that Friday will be a late day. Barring unforeseen circumstances, I suspect that we should be able to adjourn over until Monday at a reasonably early hour in the afternoon.

I do not anticipate the need for a Saturday session at this time. I believe that when the package is finally put together tomorrow, as I hope it will be, it will provide for a convening hour of 11 a.m. or thereabouts on Monday next.

I will have a further announcement to make shortly after the Senate convenes on Monday.

Mr. President, I know of no other Senator now seeking recognition.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. BAKER. Mr. President, I move in accordance with the order previously entered that the Senate now stand in recess until the hour of 10 a.m. tomorrow.

The motion was agreed to; and the Senate, at 9:40 p.m., recessed until Friday, July 22, 1983, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate July 21, 1983:

THE JUDICIARY

Morton R. Galane, of Nevada, to be U.S. district judge for the district of Nevada vice Roger D. Foley, retired.

John F. Keenan, of New York, to be U.S. district judge for the southern district of New York vice Lloyd F. MacMahon, retired.

DEPARTMENT OF JUSTICE

James B. Roche, III, of Massachusetts, to be U.S. Marshal for the district of Massachusetts for the term of 4 years vice James I. Hartigan, retired.

Thomas C. Rapone, of Pennsylvania, to be U.S. Marshal for the eastern district of Pennsylvania for the term of 4 years vice Edward D. Schaeffer, term expired.

IN THE AIR FORCE

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Lynwood E. Clark, xxx-xx-xxxx xxx-...FR, U.S. Air Force.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Bruce K. Brown, xxx-xx-xxxx xxx-...FR, U.S. Air Force.

IN THE NAVY

The following-named lieutenants of the line of the Navy for promotion to the permanent grade of lieutenant commander, pursuant to title 10, United States Code, section 624, subject to qualifications therefor as provided by law:

UNRESTRICTED LINE OFFICER (11XX/13XX)

To be lieutenant commander

Abbott, Gerald Paul
Abel, Robert John
Abernathy, John Matthews, III
Adams, Christopher Timothy
Adamson, Robert Edward, III
Aishman, Jackie David
Albert, Paul William, Jr.
Alexander, Robert Cyril
Allbee, Gary Thomas
Allen, Charles Ted
Alvarez, Michael Patrick
Ambrose, Steven Philip
Amelon, Richard Rowland
Ames, Christopher Conlan
Anamosa, John Patrick
Andersen, Terry Lynn
Anderson, Charles
Anderson, Scott Pierce
Andrews, Vincent John
Annis, James Brent
Archer, Paul Lawrence
Areizaga, Charles
Arildsen, Jesse Arnold
Army, Denis Vincent
Arnold, Richard Ray
Arnold, Stephen Gerard
Arrowood, Roger Alan
Atkins, Tommy Harold
Augustine, Marilyn Jane
Baar, Eric Cameron
Babbitt, Homer Almon
Bader, Carolos Samuel
Baivier, Anita Gail
Baker, Francis Edmond
Baker, James Michael
Baker, Jeffery Ward
Baker, Joe Franklin
Baker, Michael Newman
Baldwin, Thomas Michael
Bange, Jeffrey Donald
Barbieri, Anthony Andrew
Barkdoll, David Owen
Barnett, George Allen
Barns, William Flemming
Barrie, Robert William
Bartsch, Rodney Otto
Bary, Charlene Granger
Basin, Mark Stephen
Bass, Luncford Lewis
Bauer, Geoffrey Lee
Bauer, Russell Arno, Jr.
Bayer, Michael Joseph
Bazemore, Paul Rudolph, Jr.
Beatty, Florence Elizabeth
Beatty, Thomas Patrick
Beck, Charles Edward
Beck, David Willis
Beck, Reece Nelson
Beckman, Brian Alfred
Beda, Thomas John
Bednash, Charles Francis
Begley, Grant Allan, Jr.
Belcher, Charles G.
Belcher, Frank Lee
Bell, Fredrick Arthur
Benavidez, Ralph Lester, Jr.
Benigno, John Christian
Benkert, Francis Michael
Berberich, Larry Russell
Bernhard, David Lee
Bernier, Brett Boulter
Bernier, Carroll Dennis
Bernstein, Lou
Berry, Douglas James
Berry, Edmund William
Berry, Judith Ann Miller
Berthrong, William Edwards

Bertsch Fred Stanley, III
Bertsche, Mark Steven
Beth, Daniel Richard
Bettinson, David Oneil
Biedermann, Steven Donald
Bielewicz, Paul Anthony
Billingsly, David Eugene
Black, Bruce M.
Black, Margaret Anne
Blake, John Terence
Blakely, Robert Graham, Jr.
Blankenship, David Delton
Blauser, David Jacob
Bledsoe, Robert M.
Bleeker Hans Jacobus
Bloss, Walter Jay
Bloxom, Elliott Lawrence
Bobb, Kenneth Allen
Boehm, Lee Irvin
Bohn, John Lloyd, II
Bois, John Joseph O., Jr.
Bolger, Randall Craig
Bolyard, John Wesley
Bonanno, Samuel Joseph
Bond, Margaret House
Bookert, Reubin Bernard
Borries, Robert Bruce
Boschert, Gregory Herbert
Boucon, Daniel Lee
Bourne, Carlton Mitchell
Bowling, Raymond Bruce
Boyce, Robert Lee
Bozin, Stanley Daniel
Bradley, David Glenn
Brainerd, Jeffery Howard
Brannon, Robert Burl
Brasel, Thomas Mitchell
Brattin, Kenneth Robert
Braunbeck, Michael C.
Breen, Michael Patrick
Brehm, Barbara Laurie
Brennan, Ainslie Sheridan
Brewer, Robert George, Jr.
Briscoe, Philip, Jr.
Brock, Donald Fred
Brody, Robert Arthur
Bronkema, Roberta North
Brooks, Forrest Hall
Brooks, Thomas Roy, II
Broughton, George Clifford, II
Broughton, Robert Lee, II
Brown, Chalker Whitner, III
Brown, Gerald Robert
Brown, Jerry Joe
Brown, Kevin Michael
Brown, Leslie John
Brown, Nancy Elizabeth
Browne, Robert Sloman, IV
Bruce, Richard Vincent
Brjeckbajer, Roger Irvin, II
Bruno, Paul Nicholas
Bryce, James Homer
Bryson, George Yates
Bullock, Robert Alan
Bultemeier, Craig William
Bulwicz, Steven
Bundy, William Francis
Burd, James Edward
Burgess, Richard Robert
Burgess, Stella Boggess
Burklund, Jo Anne
Burks, Donald Morris
Burlingame, Neil Colby
Burtis, Thomas Cline
Burton, Eugene Ralph
Bush, John Richard
Bush, Richard Albert
Bush, Richard Leroy
Bushong, Anne Louise
Bushong, Gregory Brent
Bustamante, Robert Peter
Butcher, Marvin E., Jr.
Butler, John Dale
Butts, Jeffrey Morgan
Buzby, Robert Elsworth
Byrne, John William, IV
Cabrian, Stephen Lloyd
Caddell, Marvin Ross
Cady, David Wayne
Cain, Dannie Lee
Calhoun, John Delane
Callahan, John Kevin
Callaway, Scott Edward
Camden, William Lowell, Jr.
Carey, Leslie Frank
Carl, Keith Pennington
Carlson, Carl Glynn
Carlson, David Richard
Carpenter, Edward John
Carpenter, William Arthur
Carr, James Charles
Carter, Claude Ray
Carter, James Charles
Carver, Mary Virginia
Casey, Kevin Donald
Casey, Patrick Joseph
Casey, Robert Jeffrey
Cassani, Paul C.
Cassias, Jeffrey Brian
Cattolico, Michael Anthony
Cavanaugh, Thomas Aloysius I.
Centeid, Anthony Fernades, Jr.
Centner, James Leo, Jr.
Cerino, Michael Norman
Cheesbrough, Kevin R.
Cheeseman, Edward William, Jr.
Chesson, Roy Willis
Chilton, Michael Anderson
Choley, Theodore John
Church, Richard Carl
Cihlar, Thomas James
Ciola, Joseph Paul
Cirulli, Lucio N.
Clark, Frank Neil
Clark, John Timothy
Clark, Richard Noble
Clary, Michael Dennis
Clajsen, Scott Allan
Clement, Robert H.
Coady, Jerry Jay
Coldiron, Larry Dale
Cole, Stephen David
Cole, Tyler Martin
Colegate, Gregory Allen
Collier, James Richard, Jr.
Collins, Robert Theodore
Collins, Steven Edward
Collis, Jerry Carroll
Comi, Patrick Michael
Conley, Jeffrey Martin
Conn, Stephen Alan
Conrad, Lawrence James
Conrad, Robert Daniel
Conte, Donald Vincent
Cook, Frederick Cornelius
Cooper, James Duncan
Corley Robert David
Corrigan, Dennis Michael
Costa, Joseph Russell
Coston, Phillip Wayne
Covington, Benjamin Bryan
Cox, Carson D.
Cox, David Corydon
Cox, Robert Justin
Cox, Vincent Henry
Cox, William E., Jr.
Coy, John Howard
Craft, William Patrick
Cramer, Michael Lee
Crawford, Billie Elizabeth
Crawford, Geoffrey E.
Crawford, Johnny Cody
Crews, Jeffrey Joseph
Crisp, Donna Lynn
Crissinger, Michael Aloysius
Critz, Michael Richard
Crooks, John Scott
Crosby, John Joseph, Jr.
Crow, David Lyle
Cunningham, Robert Louis, Jr.
Cupp, Richard Terrell
Curry, Patrick Francis David
Curtis, John Thomas
Curtis, Lebbeus
Curtis, Susan Eliason
Daley, William Henry, III
Dalton, Jerry Wayne
Daly, Terrence Francis
Dames, Anthony Edward
Dandeneaj, Allen Henry
Daugherty, David William
Davidson, Lyal Barclay
Davilli, Thomas Bernard
Davis, Albert Randall
Davis, Lee R.
Davis, Lee Stuart
Davis, Robert Eugene
Davis, William Thomas, Jr.
Dearth, Randolph Scott
Deas, Roseman Louis
Decker, Franklin Eugene
Defrank, Deborah Ella
Delery, Thomas Arnold
Delpino, Joseph Michael
Deming, Christopher Lee
Dempsey, James Robert
Denham, Thomas Edwin
Denis, David Arthur
Dennis, Samuel Edward
Derrick, Michael Bolton
Destefand, Robert
Detisch, John Charles
Deveaux, Charles M., III
Dewey, Brian Edward
Dick, Richard
Dickason, Clarence Wilson, Jr.
Dillon, Steven Frederick
Dixon, Deirdre Elise
Doehnert, Mark Paul
Doherty, John Thomas, Jr.
Dolan, Thomas Philip
Dolat, Stephen William
Donigan, Michael John
Donnelly, John Jay
Donovan, Thomas Joseph
Dorman, Robert Alexander
Doughty, Michael Henry
Douglas, Christopher Allen
Douglass, Stanley Wayne
Dowell, Jon Christian
Downing, Harry Eugene, III
Downing, Julie Ann
Drennan, Bruce Curtis
Drislane, Patricia Ann
Droddy, James Edward
Ducharme, James Edgar
Duffie, David Angereau
Dunaway, William Arnold
Duncan, Marshall Bruce
Dunlap, James Charles
Dunn, June Emerson
Dupajl, Gilbert Allen
Durkin, John James, Jr.
Durnan, Jaymie Alan
Durr, Richard Dale
Duym, Wade Douglas
Dyson, James Joseph
Eason, Virginia Louise
Eaton, Albert Linwood, Jr.
Eckelberry, John R.
Edgar, Leslie Irvine
Edman, Gregory Alan
Egbert, Jean Lorraine
Eichelberger, Robert Macneil
Ellis, Gary Joe
Emery, James Wallace, Jr.
Emley, James Edward
Enlow, George Wayne
Erickson, Richard Royce
Estes, Steven Craig
Ewing, Ronald John
Faber, Gerald William

Fackrell, Michael Allan
Fahrner, Gregory Charles
Fair, Christopher Kenneth
Falby, John Stephen
Falzetta, Ottavid Antonio
Fandey, Dennis Fayze
Faris, John Mark
Farley, John Peter
Farley, Michael Francis
Farrell, Paul Francis
Feeley, Stephen Lewis
Feinberg, Roy H.
Ferguson, Julian Albert, II
Ferris, William Frederick
Fichte, Susan Darlene
Fickling , Philip Johnson
Firmatura, Melodie Kathryn B.
Fischbach, Daniel Paul
Fischbeck Paul Stelling
Fischer, Wayne Douglas
Fitzmorris, Lawrence Joseph
Fitzsimons, John Vernon
Flammang, Harold Joseph, Jr.
Flannery, Brian Edward
Fletcher, James Howard
Flippin, Walter Norwood, II
Flores, Errol Jonothan
Floyd, Charles Alan
Foerster, Bernd Alwin
Foerster, John Craig
Foley, Luther Bernard, Jr.
Folly, Frank Edward
Fonnesbeck, Robert William
Ford, Richard Kent
Ford, William Alfred
Foreman, David Earl
Foster, Leslie
Foster, William Larry
Foureman, Ariadna Roy
Fowler, John D. Marcom
Fox, Leonard Anthony
Franke, Onedia H.
Freeny, Charles Louis, Jr.
French, Gerald Sylvanus
Frye, Wilson Edward
Fuchs, Kelly Wayne
Fugate, Andrew Thomas
Fuloa, Michael Joseph
Fulham, Marcia Limper
Fuller, James Thomas
Funk, Dan Richard
Fuqua, Michael Thomas
Fursman, Thomas Michael
Gabor, James Raymond
Gabriele, John
Gadzala, Thomas John
Gagliardi, Michael Joseph
Gagner, Brenda Marie
Galidki, Dennis Michael
Galinger, Kathy Ann
Gallagher, Kathleen Larson
Galle, John Lewis, Jr.
Galloway, Robert Lawrence
Gallup, Shelley Paul, Jr.
Gambin, Wayne Peter
Gardner, Stephen Gregory
Garrett, Carl Eugene, Jr.
Garrett, Gene William
Garrett, William Lee
Garrison, Robert Lee
Gates, Gregory Francis
Gerding, Gregory Scott
Geyer, Charles Edward, Jr.
Geyer, James Alan
Gheseesling, Joe Bert, Jr.
Gibson, James Harold
Gibson, Robert Douglas
Gilchrist, Lorri Page
Gilliam, Brent Garland
Glendinning, Robert Emery
Glenn, Theodore Leboutillier
Glenn, William Judson
Godbold, William Frank
Goepfert, Douglas Allen
Goldstein, Kathleen Marie
Gomez, Norma Elaine
Goodman, James Brainerd
Goodwin, John William
Goodley, William Patrick
Gordon, Royal Polk, III
Gordon, Vernard Glentress
Gore, William Preston, III
Gorski, Terence P.
Gothard, David Lee
Goughan, Laurence Douglas
Gould, Thomas Edmund
Gove, David Andrew
Graham, Randall Lee
Grahlman, Richard B.
Grant, Patrick William
Grause, Jerome Edward, Jr.
Gray, Clifford Charles
Gray, David Patrick
Greenawalt, Stanton Charles
Greenberg, Allen Joel
Greenleaf, George Anthony
Gregory, Paul Gregory
Griggs, Michael Stephen
Groothousen, Michael Robert
Guernsey, Charles Lee
Gummer, Steven G.
Gustafson, Victor George
Guth, James Donald
Haas, James E.
Haas, Jon Marlin
Hac, Zenon
Haefner, Alan Monroe
Haffey, George Francis
Hall, Douglas Allen
Hall, George Bryon
Hall, Steven Clark
Hall, William Arrington
Hallmark, Richard Gary
Halter, Stanley Frank
Hamel, David Anthony
Hamer, Dennis William
Hamilton, Douglas M.
Hamilton, George Kendall, Jr.
Hamilton, Randall Ward
Hammitt, Frank Dee
Hammond, Carl William, Jr.
Hammond, Jane Pettit
Hammond, Richard Strevig
Hancock, Dennis Duane
Hancock, Frederick John, Jr.
Hankins, Henry Douglas
Hanna, James Samuel
Hansen, Wilhelm Adolf, Jr.
Hardeman, Edward Lee
Hardie, Bradley Stephen
Harding, Warren Anthony
Hargrave, Bobby P.
Harmon, Steven Alva
Harper, Mark Joseph
Harrell, James Michael
Harrington, James Thomas
Harris, Andrew Van Vleet, Jr.
Hart, John Beresford
Hart, Kenneth Roy
Harvey, Kenneth Dale
Hasslinger Karl Michael
Hawks, Lee Alan
Hazel, Milton Ellsworth, II
Healy, John Francis
Heath, Lane Brown
Heath, Ronald Young
Heath, Timothy James
Heely, Timothy Louis
Heffley, John Michael
Heim, Ronald John
Heine, David Gleason
Heisler, David Earl
Helm, Jim Edward
Hemmer, John Paul
Hempel, James Peter
Hencken, James Edward
Henderson, James Ward
Henderson, Thomas Jeffrey
Henderson, William Joseph
Herbein, David Samuel
Herbert, Maurice Michael
Hertz, Charles Laurence
Hess, Richard Warren
Hetze, Gary Paul
Hewitt, Allan Blyth
Hiatt, Thomas Warren
Hicks, William Michie
Hill, John David
Hill, Stephen Alphonsus
Hill, Thomas Burcham
Hillery, Robert Charles
Himel, Craig Anthony
Hines, Bradley Robert
Hirabayashi, Donna Marie
Hire, Claude William
Hirsch, Thomas John
Hixenbaugh, Milady Blaha
Hixson, Ralph Scott
Hlywiak, Michael Grove
Hobday, John Douglas
Hoefer, Ronald Kenneth
Hoffman, Gregory William
Hoffman, Richard Gurney, Jr.
Holland, Edmund Daniel, Jr.
Hollinger, Patricia Ann
Holston, Thomas Houck
Holzbaur, Paul Barry
Honda, Frances Terumi
Honey, Nancy Eileen
Hood, Robin Lee
Hoppock, Ronald Eugene
Horley, Susan Lynn
Horsman, John Philip, Jr.
Hoskins, Thomas J., Jr.
Houck, Rebecca Eugenia
Houston, Carolyn Nabors
Hoverson, Jerry K.
Howard, Andrew James
Howard, Dana Alan
Howard, Karroll Lynn
Howard, Keith Charles
Howe, William Smith, III
Howell, James Robert
Huebner, William Earl
Huebscher, Mary
Huffine, Charles Henry
Hughes, Stephen Michael
Hugo, Robert John
Huie, John Eddie, Jr.
Hulsey, Joseph Fargo
Hunsucker, Charles R., Jr.
Hunt, Geoffrey Craig
Hunt, Patrick W.
Hunter, Jennifer Lind
Hunton, Lynn Meredith
Huska, Richard Charles
Hutcheson, Chester Jackson I.
Hutton, Linda Vaught
Hyde, Mild Wilt, III
Illig, Christina Fredricka
Ingles, Gregory D.
Ingram, Richard Cameron
Ives, Christopher Lloyd
Ivins, Kent Lamar
Jablonski, Edward Ronald
Jackson, Andrew Edwin
Jackson, James Talmadge, Jr.
Jackson, Michael Wayne
Jackson, Patrick Norwood
Jacob, Jodee Catlin
Jagger, Sandra Jean
Jagoe, Donald Alan
Jahnke, Larry Dale
Jamieson, Margaret Day
Janning, Michael Martin
Jarecki, John Francis, Jr.
Jaskot, Richard Dale
Jaynes, Donn Edwin, Jr.
Jenkins, Charles Conaz
Jennings, Paul Francis
Jernigan, Lawrence W., Jr.
Jeschke, Francis Norbert

Jewell, Edwin David
Johnson, Aaron Bruce
Johnson, Kirk Edwin
Johnson, Michael David
Johnson, Scott Thomas
Johnson, Warren Herbert
Johnson, William Vincent, III
Johnstone, Claudette Germain
Joller, Walter Carl, Jr.
Jonas, Jon Barnett
Jones, Albert M.
Jones, Edgar Joseph
Jones, Gary Rayfield
Jones, John Clifford
Jones, Richard Lee
Jones, Rita
Jonkers, Cornelis L.
Jordan, Edgar Alvin
Jordan, Will Henry
Jori, Carol Diane
Joyce, Maurice Stephen
Judd, Curtis Daryl
Jurewicz, Thomas Anthony
Kaeser, Dana Stephen
Kamlin, Steven Carl
Kane, Michael Bruce
Kangalos, Angelo John
Karnesky, David A.
Karstens, Michael George
Kaser, Robert Dale, Jr.
Kasky, Philip Carl
Kasten, George Dewey, III
Kearney, Francis Joseph, Jr.
Kedney, Robert Oscar, Jr.
Keeler, Donald Lowe, Jr.
Keesling, Julie Anne
Keifrider, William Frederick
Keith, Andrew MacDonald
Kelley, Thomas Carroll
Kelly, Scott Harrison
Kelm, Ronald Steven
Kennard, Charles William, Jr.
Kepferle, Michael Roy
Kern, Ludwig August, III
Kersch, Kurt William
Kersey, John Kerry Jay
Kieselbach, Kent Robert
King, William Henry, IV
Kinney, Christopher Albert
Kircher, Hartmann Joseph, IV
Kirk, Richard Roy
Kite, Milton D.
Klaren, Charles Willis, Jr.
Klauss, Mark Fredrick
Kleiser, Theodore Earnest, II
Klepper, James Melvin, Jr.
Klett, Mark Neil
Knapp, David Albert
Knight, James Todd
Knight, John Richard
Knott, Phillip Curtis
Knouse, Craig Richard
Kobelski, John Henry
Kochanik, Randall William
Koenig, Brian Edward
Kooken, Daniel Grant
Korney, James Michael
Kosloske, Douglas Lloyd
Krafft, Betty Lou
Krech, Kenneth George
Kriegel, David Alan
Krull, Rodger Pratt
Kruse, Marcia Ann
Kuehnle, Donald W.
Kupovits, Terry Michael
Kuppers, Robert Harlow, Jr.
Kusuda, Robert Alan
Laabs, Steven Richard
Lagasa, Bruce Jack
Laine, Patrick Charles
Lake, James Robert
Lamb, Larry Steven
Lamboni, Mark Wallace
Landmann, Michael Allen
Langdell, Jeanne Musil
Langdell, John Mark
Langley, Frank Michael
Lanzer, Glenn Alan, Jr.
Laska, William David
Lathrop, Johnathan Eugene
Latshaw, Todd Edward
Law, Donald Robert
Leach, Brian Steven
Learner, Robert Burton
Leblanc, Albert Paul
Leblanc, Michael
Lecky, Richard Louis
Leder, Kris Ann
Ledford, Lawrence David
Lee, James Edward, Jr.
Lee, Jeffery Scott
Lefever, Michael Angelo
Leghart, Martin James, Sr.
Leighty, Melinda J.
Leininger, Matthew J.
Lemak, Bala Francis
Lenci, Mark Richard
Lenhardt, Bruce Gale
Lennon, Gary Richard
Leopold, Gary R.
Lesher, Clifford Alan
Leslie, David Robert
Lester, Timothy Warren
Letscher, James William, Jr.
Levin, Canice Kelly
Lewis, John Richard
Lewis, Michael Keller
Libjtti, Jean M.
Licata, Lee A.
Lilly, Norvell Lee
Lindsay, Richard Howard
Lindsey, Mark Ray
Lindsey, Thomas Watson
Linscott, Jeffery Dean
Lipari, Michael Sidney
Lippert, Rollin George
Lipsmeyer, William M.
Liss, Stanley Martin
Little, Timothy Vincent
Littrell, James Ross
Lloyd, John William
Lohoski, Edward Frank, Jr.
Long, Linda Dolores
Lopez, David Raymond
Lorhammer, Donn Norman
Louzek, David Michael
Loving, Jeffrey S.
Lowell, Richard William
Lowery, Charles Daniel, III
Luck, Charles W.
Luebke, William Howard
Lueker, Randal Eugene
Luke, Richard Theodore
Lundell, Glenn William
Lupinos, Gerald
Luti, William Joseph
Lyle, Dale Edward
Lynch, John
Lynch, Johnny Ray
Lyons, William Michael, Jr.
Lytle, Richard Albert
MacConkey, Donald F.
Machala, Robert Paul
MacIntyre, John Malcolm
MacLeod, Scott Cleveland
Maclin, James Stewart
Madeen, Ronald Edward
Madison, Roger James
Madson, Richard Oscar, Jr.
Magill, David S.
Magnant, Michael Francis
Maguire, Joseph
Maloney, John Kevin
Mandigo, Alan Michael
Mann, Charles Herman, Jr.
Manthei, Jerry Lynn
Marcotte, Donald Patrick
Mardik, Walter E.
Markley, David Ray, Jr.
Marks, Harry Ernest
Marquis, Jarrett Timothy
Marsh, James Philip, Jr.
Marsh, William Edward, III
Martin, David Brownson, Jr.
Martin, Edwin Harry, Jr.
Martin, Frederick Herbert, Jr.
Martin, Richard Leroy, Jr.
Martin, Vaughn Kenneth
Mashner, Melvin Arden
Masley, Michael Camielle, Jr.
Mason, Owen Patrick, Jr.
Massicotte, Thomas Emile, Jr.
Maston, Michael Joseph
Mathews, Michael John
Mathison, Robert Craig
Matthews, Timothy Lee
Mauer, Thomas Alfred, Jr.
Mauney, Carl Vandiver
Maurer, Richard Henry, II
Mauthe, John Martin
Mawhinney, David Alan
Maybaumwisniewski, Susan C.
Mayer, George Edward
Maynard, John Phillip
Mayoral, Leopoldo Mancilla
McAlexander, Robert Kirtlin
McAnally, Nancy Dawn
McAuliffe, Wayne Keith
McCall, David Michael
McCannel, Gregory John
McCarthy, William John
McCauley, Karen Lee
McCorkle, Jack Woodward, Jr.
McCoy, Sheila Kathleen
McCrillis, Richard Thomas
McDermott, Michael John
McDonash, Daniel
McDonough, Martin Bryan
McDonough, Robert James
McDonough, William
McGloon, James William, Jr.
McHarg, Richard O.
McInnis, Marcus Alan
McInnale, Thomas Randall
McIsaac, William Anthony
McKannon, Thomas Martin
McKee, William Lee
McKelvey, Catherine Elizabeth
McKenzie, Colleen Jay
McKnight, John Hearn, III
McLaughlin, Don Owen
McLeod, Ronald Cannady
McMahan, Gerald Thomas
McMahon, Robert Joseph
McMillan, Charles Allan
McNally, Michael Thomas
McNamara, Christopher P.
McSwain, Donald William
McTighe, John Anthony, II
Mears, David William
Meissner, Robert Michael
Melnychenko, George Alexander
Merrill, Jeffrey Paige
Merrill, Roy Ashton, III
Messick, Charles Michael
Meyers, Michael James
Meyers, Timothy Walter
Miles, Paul Edward
Miller, Albert Anthony
Miller, Bruce Edward
Miller, Cathleen Ann
Miller, Frank Blake
Miller, James Pinkney, Jr.
Miller, James Russell
Miller, James Russell
Miller, Robert Kevin
Miller, Robert Lon
Mills, James Gilbert
Mills, Mark Allen
Minges, William Thomas, III
Mingle, Leo Lester
Misch, Gary Leland

Moffatt, Michael Minton
Monaco, John Duncan
Moody, Martin Louis
Moore, Charles W., II
Moore, William Eutis
Moore, William Fenton
Moran, John Francis
Morgan, James Milton
Morgan, John Steven
Morrell, Kenneth Arnold, Jr.
Morrison, Charles Ernest
Mosley, Lanny Edward
Moss, William Lester, Jr.
Mott, Robert Delmar
Moyseowicz, Thaddeus Joseph
Mozick, Donald Raymond
Mueller, Leonard, IV
Mullins, Richard Eugene
Murken, Walter C.
Murphy, Daniel Robert
Murphy, Leo Francis
Myers, Lawrence Edward
Myers, Linda Mary
Nagel, Kenneth George
Nakazawa, Shin
Nall, Steven Forrest
Naple, Timothy Michael
Nash, Robert James
Nash, Ronald James
Natale, Joseph John
Nawrocki, John Thaddeus
Neal, Laurence William
Neel, Electra Victoria
Nehring, Daniel Fredric
Nelson, Cynthia Ann
Nelson, Daniel Alan
Neshiem, Paulette Rae
Newberry, Garry Dean
Nichols, Dorothy Kendall
Nicholson, Scott Leslie
Niedermaier, David Gerard
Northam, Donald Richard, Jr.
Norton, Carleton Porter
Nortz, Joseph Edward
Nott, William Michael
Nowakowski, Michael Peter
Oakleaf, Ann Sheryl
O'Brien, David Richmond
O'Brien, Sherman Louis
O'Brien, Stephen Alan
O'Bryant, Milton Harris, Jr.
O'Connor, Thomas Joseph, Jr.
O'Day, Dale Kathleen
O'Krepkie, William Stephen
Olsovich, George Edward
O'Leary, James J.
Oliver, Michael Rolland
Oliver, Randall George
Oliveria, David Kenneth
Olson, Carl Dawson
O'Neill, Gary Sean
O'Rourke, James Joseph
O'Rourke, John Tower
Orr, John C.
Ostanock, Stephan, Jr.
Outlaw, Bert Gable
Overhauser, Judy Ann
Overturf, Richard Wayne
Owen, Richard P.
Owen, William Garrett
Owens, Christopher David
Owens, John Robert
Owens, Philip Allan
Owsley, Robert Clark
Page, Marshall Tyler
Paha, Edmund Joseph
Pair, Annie Lee
Parico, Robert Francis
Parish, David Clark
Park, Stephen James
Parker, Desley Sant
Patterson, Robert Frederick
Pattoon, Daniel Charles
Paulis, Jospeh John
Pearson, Vicki Sue
Pech, David Joseph
Pels, Bruce John
Pelz, Gerald Carlyle
Perkins, Richard Charles
Perry, John Alan
Petersen, Paul Daniel
Peterson, Gary Algot
Peterson, Wayne
Petross, Donnie Gene
Pfieffer, Jimmy Russell
Philipp, Douglas Tyler
Phillips, Daniel Eugene
Phillips, Duane John
Phillips, Joy Lynn
Phillips, Stephen William
Phillips, Thomas Frank
Piedmont, Otto Michael
Pierce, Burt Willard
Pierson, William, Edward
Pinney, Thomas E.
Place, Dana Alexander
Place, William David
Plato, Gayle Jean
Polley, David Prescott
Pollock, Louis William
Polo, Rafael Lazaro
Potopsingh, Flavius Constant
Potter, Don Hollis, Jr.
Potter, Richard Lee
Powell, Thomas David
Powers, Martin Byron
Pratt, David Lawrence
Pratt, Robert Wilson, II
Proffitt, Donald Wayne, Sr.
Pruitt, Ted E.
Pursell, Marc Lionel
Purdy, Mary Cathryn Hamilton
Quinn, Christopher Duncan
Quinn, Timothy Patrick
Quirk, Edward James
Rachko, Katherine
Radel, Timothy Lee
Ragsdale, Robert Giles, Jr.
Ramirez, Michael Thomas
Rankin, Craig Alexander
Ray, David Clark
Razalan, Patrick George
Reade, Anthony Raymond
Reed, Robert Allen
Reilly, Robert Dunham, Jr.
Reilly, Thomas James
Reily, Patricia Joanne
Reish, Robert Allen
Reitz, Edward Harris
Reynolds, Rondel Gene
Reynolds, William Wayland
Riche, Robert Sheldon
Rickenbach, Mark Douglas
Rider, Maradee
Ridley, John Dennis
Rieger, Richard Albert
Rikard, Ralph Miller, Jr.
Ringler, Thomas Jay
Rios, Patricia Barrow
Roadifer, Rodney Lewis
Roberts, Alvin Napoleon, Jr.
Roberts, Keith Alan
Robins, Sally Scott
Robinson, Decatur Maynard
Robinson, Harold Alonzo, Jr.
Robinson, Michael Ward
Robison, Russell Herman
Rocheleau, Karen Diane
Roesler, Gordon Merriam, Jr.
Rogers, Edward Joseph, III
Rogers, Walter Leo
Rohling, Henry John
Rolfe, Richard Bruce
Rollins, Richard Lee
Romano, Steven
Ronacher, Andrew Joseph, Jr.
Rose, Jimmy Van, Jr.
Rosenthal, Ellen Sue
Rosynek, Dennis James
Rothchild, Randall Lee
Roumaya, Louis Thaddeus
Rouse, Alfred Carr
Rubinkowski, Adrienne Lee
Rudd, Dee Ann Raaz
Rudti, Anthony Joseph, Jr.
Rush, Richard Crittendon
Russell, Bruce Rae
Russell, Darrell Anthony
Ryan, David Michael
Ryan, Lester Eugene
Sabol, Alexander John
Sagen, Michael Eric
Salley, Robert James
Salter, Larry Gene
Sanders, Janis Sue
Santowski, Richard Daniel
Saunders, Charles Conrad
Schaffer, Harold Frederick
Schenzel, William Paul
Scherer, Robert John, Jr.
Schiele, Elaine Overall
Schires, Brian Gerald
Schlaefer, Douglas Charles
Schmitz, Francis Joseph, Jr.
Schoenbauer, Martin Joseph
Scholes, Michael Lynn
Schonberger, Rose Ann
Schoultz, Robert Parker
Schrader, Kerry David
Scheneman, Frederick William
Schultz, Dale Edward
Schultz, John James, Jr.
Schumaker, Carl William
Schutzenhofer, Robert R.
Schwarzrock, Gary Logan
Schweiger, Jeffrey Mark
Scott, Dale Randolph
Scott, Gloria Jean Cummins
Sechrist, John Dow
Sennes, Paul Robert
Sestak, Timothy Allen
Sgro, David C.
Shannon, William Edgar, III
Sharp, Jane Kathryn
Sharp, Michael Alan
Sharrett, Patrick James
Shea, Betty June
Shegrud, Stevens Keller
Shelton, James Milton
Shepard, John August
Shippee, Randall Craig
Shughart, Robert Clifton
Shuster, Charles Patrick
Siedband, Marc Aaron
Silvast, Stevan Donald
Simmons, Larry Richard
Sisterhen, George William
Skurla, Dale George
Slack, Randall J.
Slaughter, Charles Jay
Sloss, Daniel David
Smart, Scott William
Smart, William Alan
Smith, Billie Lee
Smith, Byron Vosler, III
Smith, David Harrison
Smith, Gary Philip
Smith, John William
Smith, Luanne Joy
Smith, Mark Gregory
Smith, Peter Greig
Smith, Raymond Lawrence
Smith, Richard Lowell
Smith, Robert Dearing, II
Smith, Steven Samuel
Smith, William Benson H.
Smothers, Ernest Randolph
Sneed, Brandon Mark
Snyder, James Sidney
Snyder, Richard Lynn
Sokolowski, John Anthony
Solem, Craig Robert

Souder, Charles Curtis
Soules, Stephen Michael
Spadaro, Angelo Joseph
Spencer, Douglas Garland
Spilman, Theodore Louis, III
Spoto, Russell Anthony
Spurr, Joseph James
Squicciarini, Peter Dante
Squires, William David, Jr.
Stafford, Joe N.
Stagl, Frank Peter, Jr.
Stair, Gerald Kent, Jr.
Stakem, Anne Batchelder
Stanley, Paul Stephen
Stanton, Paul Eugene
Stark, James King, Jr.
Starzy, Virginia Lynn
Stavaridis, James
Steen, Allen Robert
Steger, James Michael
Steinbaugh, Michael Lee
Stell, Donald Earl
Stephenson, Donna Kay
Stephenson, George Martin
Stephenson, Michael Paul
Stevens, Richard Everett, Jr.
Steward, Thomas Flint
Stichter, Michael Charles
Stirling, Bruce Robert
Stoddard, Harry Charles
Straight, George W., Jr.
Strance, Kristopher Leigh
Strandquist, John Herbert, II
Strott, John Burnett
Strouse, Margaret Marie
Strjl, Gary Robin
Stufflebeem, John Dickson
Sjdhoff, Gary Michael
Sudweeks, Verl Blake
Sullivan, Christopher Paul
Sullivan, Daniel David
Sullivan, Mark David
Sullivan, Martin D.
Sullivan, Terry Hunter
Surbridge, Thomas Bond
Sutton, Donald R.
Swanton, Michael Timothy
Sweeney, Joseph Woods, III
Sweeney, Kevin John
Sweeney, Randal Clay
Sweeney, Robert Louis, III
Sweet, Robert Bruce, Jr.
Swiontek, Richard Leo, Jr.
Taggart, David Byron
Tant, Lawrence Edward
Taylor, Alfred Wayne
Taylor, David Churchill
Tenga, Richard
Tennison, Steven Leslie
Terry, Robert James
Thomas, David Lyle
Thomas, Jestine
Thompson, Anne Kountze
Thompson, Chris Allen
Thompson, David Dutasta
Thompson, Thomas Petree
Thorn, David James
Thornburg, Donald Wendell
Thorne, Stephen Douglas
Thorne, William Robert
Timm, Rodney Deayne
Timms, Donald Robert
Tindall, John Martin
Tomazic, Rocco Guy
Tomkins, Philip Austin
Tooley, Norman Edwin, Jr.
Torsney, George Patrick
Towner, Richard Louis
Townsley, Robert Hughlett
Tracy, Michael Charles
Tracy, Robert E. Jr.
Trejde, Jeffrey Woodward
Trimble, Rosalind
Tritt, Gregory Eugene
Trupp, James Charles
Tucker, Jack Wayland
Tunstall, Thomas Nelson
Tuohy, Matthew William
Tuten, Harold Redding
Tyson, David Sheldon
Udicious, Richard Anthony
Ulrich, Margaret Ann K.
Urban, Clement Dwayne
Vagts, Wayne Franz
Vandoren, Wayne Richard
Vanosdol, Donald Wayne
Vaughn, Gregory Martin
Vaughan, Thomas Veal
Vehslage, Louis Mobane
Veiga, Anthony Albert, Jr.
Velasquez, David Michael
Verdolini, Vincent James, III
Vereb, Guy Leslie
Verhofstadt, Francis Albert
Vermilyea, Sharon Lee
Vernier, William Allan
Vernon, Robert John
Veynar, Vance Yaroslav
Vibert, Joseph John
Vickers, Jimmy Ray
Vilotti, Daniel Thomas
Viscovich, Paul William, Jr.
Vollendorf, Guy Carl
Vonchristierson, Steven
Wagner, Charles Gilbert
Wagner, Wayne Avers
Walker, Farley Lee
Walker, Lambert Roger, III
Wallace, David Bruce
Wallace, Justin Lew
Wallace, Philip Bruce
Walpole, Archie Fred, Jr.
Walsh, John Joseph
Walsh, Stephen Wilson
Walters, Clyde Thatcher
Walters, John Michael
Walthall, William S.
Ward, David Thomas
Warmbrunn, Robert John
Warner, John Raymond
Warren, Darrell Wayne
Warren, Gordon Howard
Wasenius, George Thomas
Washington, Leroy Louis, Jr.
Waters, Neil Robert, Jr.
Watkins, Harry, III
Watson, John Anthony
Watson, Larry James
Watson, Michael Grant
Watt, Thomas Robb
Weaver, Brian Russell
Webber, Charles Ferguson
Weber, Bruce Allan
Weber, Frederick William
Wegner, Brian John
Wehle, John Kent
Weinhardt, Stephen Allen
Weinstein, Frank David
Wellock, Stephen Mark
Wentzel, Bruce Morris
Weronko, William Allen
Wessel, Kirk D.
Wessling, John Joseph
West, Carol
West, David Dudley, Jr.
Halen, Harold Gibbs
White, James Frederick, III
White, Scott Randall
White, Stephen Robert
White, William Richard
Whitehead, Cornelia De Grodt
Whitmer, Lynden Duane
Whitney, Peter Bradford
Whitten, Kenneth Lee
Wicks, James Henry, Jr.
Wigfall, Agistine Lenora
Wildemann, Leonard Walter, II
Wildong, Daniel John
Wilkerson, Lonnie Otto, III
Williams, Charles Eura, II
Williams, Charles Mains
Williams, Kirk Gregory
Williams, Leroy George
Williams, Richard Barry
Williams, Russell Thomas
Williams, Thomas Darius, IV
Willis, Carl Jerome
Willis, Joseph Walter, Jr.
Willis, Montogmery Paul
Willson, John Lane
Wilson, Cynthia Barth
Windsor, George Burton
Winston, Jeffrey Newell
Wittenberg, Charles Frederic
Wolff, William Steven
Wood, David William
Woodard, Trygve Mylo
Woolley, James Robin
Wooten, Hubbard Smith, III
Work, Edward Philip
Wotham, Willie Lawrence
Wren, William Christopher
Wright, William Fred
Wrona, Kenneth Walter
Wurzel, Donald Joseph
Wyatt, Charles Albert
Yankle, Robert Palmer, II
Yantis, Kathleen Mary
Yardsh, Mark Brian
Yasment, Frank Paul
Yates, John Madison, Jr.
Yost, Charles Paul
Young, Gregory Denton
Young, Robert Joseph
Young, Robert Vance
Yojree, Linda Margaret
Zambrand, Steven Paul
Zapolski, Edward Stanley
Zazworsky, Daniel Stanley
Zeller, Randel Leonard

ENGINEERING DUTY OFFICER (14XX)

To be lieutenant commander

Allen, Daryl Curtis
Anthes, Ernest Steven
Armstrong, David Thomas, Jr.
Becker, John J.
Bender, Gregory Louis
Bieseleisen, Louis King
Bloomer, James Wayne, II
Bourgeois, Neil Charles
Brooks, Jeffrey Allen
Brown, Gary Leroy
Brown, William Harold
Brunson, Fred Wendell, Jr.
Bush, Gary Lew
Cadwell, Charles Arthur, Jr.
Cecere, Michael Lewis, III
Cetel, Alan Jeffrey
Clark, David Richard
Cole, Walter Bacon
Connell, Roger John, Jr.
Coulter, Stephanie Lynne
Dilmore, William Douglas, Jr.
Dively, Rogest William, II
Ducan, Ralph Ernest
Eyman, Roy Lance
Fitzpatrick, Ulysses
Gamble, Davis Rudolph, Jr.
Graham, Jerry Lee
Hammer, David Allen
Hanrahan, John Martin, Jr.
Hedelund, Richard Donald
Hoover, Todd Jeffrey
Hundley, Ronnie
Johns, Eric Refsin
Johnson, Ralph Brian
Johnsrud, Roger Francis
Jones, Steven Allen
King, Richard Norwood
Knock, Rick Herman
Kruschke, Dale Elwood

Langan, John Richard
Langford, Leonardo Demitrius
Larson, Keith Robert, Jr.
Lockwood, Alan William
Louie, Chuck Long
Mardney, Randall Keith
Marsh, Bert
Matoushek, Ronald John
McCauley, Jeffrey Francis
McClellan, Gene Edward
Minton, Michael Olan
Morgan, Edward Benjamin
Mulholland, David Joseph
Nishimura, Rodney
Noftz, Paul Jeffrey
Nollie, Thomas Clyde, Jr.
Oslund, Lawrence E.
Parker, Frederick Hobbs
Pritchard, Nolie Delton, Jr.
Redmon, Danny Ray
Reskusich, John
Ries, Daniel Edward
Roberts, Roger William
Sander, Wayne Henry
Schonberger, James Robert
Schultz, Clarence Walters
Schwarting, Richard Alvin
Shaw, Richard Stewart
Steinberg, Robert Lee
Todd, Gregory Bran
Tritchler, Wayne Kurt
Tufte, Duane Monroe
Vasquez, Harry Wayne
Violette, Thomas F.
Vollmer, Leo William, Jr.
Walter, Ainslie Bruce
Wasson, Warren James
Webb, Kenneth Ray
Whyms, Michael Lee
Wilhoit, George Zachary
Wilken, Dennis Ray

AERONAUTICAL ENGINEERING DUTY OFFICER (AERONAUTICAL ENGINEERING) (151X)

To be lieutenant commander

Johnson, Johnny Lee
Schrinar, Samuel Reinhold

AERONAUTICAL ENGINEERING DUTY OFFICER (AVIATION MAINTENANCE) (152X)

To be lieutenant commander

Bayma, Benjamin Arthur, Jr.
Blind, Edward William, Jr.
Callinan, Maurice Michael
Cameron, Wallace Reid, Jr.
Clawiter, James Henry
Clements, Michael Ray
Connal, Edson Nelson, Jr.
Diekman, Diane Jean
Dobbs, Dennis Keller
Ezzard, Henry Speer, Jr.
Fitzgerald, Cheryl Ann
Gibson, Steven Bradley
Lanini, Ernest Dale
Livingston, Craig Bruce
Lynch, Anne
Mariani, Steve James
Marks, Kenneth Allen
Moorhead, Donald Frederick
Morgan, Ralph Alvin
Oker, William Robert
Patterson, Louis Warren
Phillipson, Richard William
Scalia, August
Vannatter, Richard P.
Vansickle, John Davis
Weakley, Randy Glenn
Wells, William Allen
Willford, James Edward

SPECIAL DUTY OFFICER (CRYPTOLOGY) (151X)

To be lieutenant commander

Bailey, Everett Daniel, III
Bateman, Dale Dewayne
Beersdorf, Jerry Wayne
Bernas, Barry Lee
Boyd, Lloyd Russell, Jr.
Burke, Theodora Lee
Carpenter, Stephen Elige
Davis, John Sigfrid, III
Dempsey, John Mains, II
Ditewig, William Thomas
Evans, Richard Lee
Kearns, John Raymond
Kemhus, Jeffrey Wayne
Kurdys, Martin Paul
Lane, Monroe Arthur
Leonard, Ellis Arvin
Loucks, Michael Joseph
Marsh, Robert Wilson
McDonald, Melvyn Kenneth
Muller, Pamela Carey
Myers, Charles Newton
Newman, James Stilson
Nixon, Ray Byron
Nothom, Charles Theodore
Peyronel, Sharon Anne
Rapin, Jerome P.
Ray, Philip Daniel
Rousseaugeraldos, Marcel C.
Scagnelli, Michael Louis
Sipe, Alan Major

SPECIAL DUTY OFFICER (INTELLIGENCE) (163X)

To be lieutenant commander

Abbott, Edwin Dale
Abbott, Thomas Ralph
Ambler, Jay C.
Askins, Larry Edward
Baptista, Armand Louis, Jr.
Barnes, Gary Clyde
Beajvais, Douglas James
Black, Michael Thomas
Brandon, Harry Marcus
Brown, Elena Weickardt
Burkhart, Grey Emery
Chow, Edward Yuen Hoy
Cook, Charles C., III
Corner, Stephen Jeffrey
Curfs, Thomas Philip
Dove, Thomas Edward
Green, Norman Kenneth, Jr.
Gutierrez, Julio Jesus
Hansen, Cindy Anne
Hubbard, Stephen Dean
Huber, David Bruce
Irwin, William Lovejoy
Kee, Scott Crawford
Keroz, Richard James
Keydash, John Melvin, Jr.
Laakso, William Leonard
Lawrence, Mark Stephen
Levi, Joseph Canan
Maughan, Richard Vernon
McCollum, Edward Manning
Merritt, Cyrus Mark
Mott, Charles Phillips
Mureett, Robert Brendan
Myers, Eric M.
Neal, Harold Lord, III
Northup, Donn Robert
Obrien, John Francis, Jr.
Ozouf, Wesley Alan
Patton, Pamela Johnston
Pearson, Robert Anthony
Peters, Jeffrey Robert
Poole, Alfred Haywood
Renner, Carol Jean
Richason, Steve Kane
Roberts, Charles Kendall
Rocker, Fredrick
Smouse, William Morton
Sorek, Eddy Louise
Strohmeyer, Donald Francis
Tate, John Caswell
Vaughn, Holly Anne
Viner, Kimberly Douglas
Weidman, Robert Paul
Weissman, Ronald Peter
Williams, Robert Gary

SPECIAL DUTY OFFICER (PUBLIC AFFAIRS) (165X)

To be lieutenant commander

Barron, William Davis
Dodge, Ryland T., III
Graham, Sheila Ann
Honda, Stephen NMN
Kudla, James Matthew
Morse, Ronal Bruce
Noonan, Ruth Shirley
Pritchard, Robert Scott
Zebrowski, Christine Anne

SPECIAL DUTY OFFICER (GEOPHYSICS) (IBOX)

To be lieutenant commander

Burger, Rolf John
Burgess, Leslie Ann
Calland, Wynn Edward
Clark, Robert Louis
Cummings, Timothy Kean
Donaldson, Thomas Quinton
Hall, Christopher James
Harrod, Robert Leslie
Hopkins, Charles Kenneth
Houtman, Bauke H.
Howell, Terry Alan
Jarramillo, Bernardino Jose
Karl, Michael Leroy
Larsen, Dennis Glenn
McMurdy, Ronald Edwin
Mundy, James Frederick
Ranelli, Peter Henry
Sellers, Charles Edgar
Stringer, Gary Lee
Tarbet, Gary L.
Warrenfeltz, Larry Lee
Williams, Dock David, Jr.
Wooster, Michael Harrison

LIMITED DUTY OFFICER (LINE) (61XX/62XX/63XX/64XX)

To be lieutenant commander

Adams, Orland I.
Addison, Leroy Elbert, II
Alston, Moses Donald
Atwood, Jack David
Austell, Theodore, Jr.
Bailey, Dallam
Barger, Edward Blanchard, Jr.
Beavers, James Edgar
Berner, Mark Donald
Best, Thomas Henry, Sr.
Bigelow, Jerry B.
Blackmore, Thomas Orlin
Blair, Richard
Blausey, Arthur Ernest
Bocchino, Alfred John
Bond, David Leon
Bonnette, John Eric
Bottorff, Jerry L.
Boyle, Robert Joseph
Breland, Don
Brink, John Heath
Brinkley, George William
Brissette, Richard James, Jr.
Bryce, Francis Peter
Budway, Edward James
Cage, Benjamin Leroy
Callaway, James Ray
Caramello, Joseph John
Cart, Harold Edward
Cassoutt, James M.
Clayborne, Earl Kenneth
Cochran, William Lee
Cope, James Oren
Cordray, David Ralph
Cornwell, William James
Crouch, William Ersel
Culberson, Arthur Lee
Curtis, Harold Roger
Dalrymple, John Edward
Davidson, James Edward
Davis, Billy Gene
Davis, Clayton Robert

Doyle, David Michael
Elliott, Boyce Wise
Ephraim, Richard
Evans, Thomas Ladd
Farr, Craig Lynn
Fitzsimmons, William Michael
Foley, Lee Michael
Fuller, William James
Gascho, Gerald Galen
Gates, Franklin Charles
Good, Steve Harold
Gosselin, Charles Louis, Jr.
Green, Robert Louie
Guidry, Dell Joseph, Jr.
Hale, Dudley Ross
Hallman, Lyston Laneda
Hampton, Gary
Harris, Robert R.
Hariman, Thomas Terry
Hedgpeth, Lewis Floyd, Jr.
Holkum, John V.
Houghton, Frank Barnwell, Jr.
Hunt, Roy L.
Iles, Douglas Merwin
Isaacson, Leroy Dean
Jacks, James Harold
Johnson, William S.
Johnston, Sydney Lee
Jolly, Edward G.
Klinehoffer, Larry Bruce
Komzelman, Edward Eubank
Lane, Benjamin C.
Leasure, Rodger Milton
Licciardi, Dominick, Jr.
Llewellyn, Ronald Alexander
Mason, Leo
McCarstle, Richard Wayne
McConville, Brian Sean
Meaker, Michael Jerome
Miller, Charles Raymond
Moore, Paul Andrew, Jr.
Morrison, Ronald Gene
Morton, George Washington
Oberst, Alan Pearce
Onken, Charles Robert
Owens, Raymond Patrick
Pearson, Richard Andrew
Peitzmeyer, Kenneth Dale
Perriman, Ronald Otis
Pesses, Thomas Michael
Petska, Lyle Raymond
Pudssey, William Edgar
Rea, Jerry Ford
Ross, Steven Scott
Rundgren, Conrad Leonard
Scarbough, Travis Earle
Shutters, William D., II
Singer, Larry
Smith, Malcolm Edward
Speer, William Wayne
Sperlich, James L.
Stiles, Kenneth R.
St. John, Charles Wayne
Sturm, John Robert
Swartz, Melvin C., Jr.
Thedbald, Robert Lewis
Irimmer, Thomas Arthur
Ursery, Ronald Maurice
Vanhook, Keith C
Walker, John Mont
Weckerle Richard Steven
Weidetz Alvin Leslie, Jr.
Whitted, George Walter
Wildey Gary Raymond
Williams, Nathanile, Jr.
Woodward Curtis Beets
Wrightson, David J.
Young, John H.
Zakrajsek, Michael J.

EXTENSIONS OF REMARKS

IRA L. CAHN'S PERCEPTIVE WARNING ABOUT AMERICA'S DEFENSE

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. LENT. Mr. Speaker, I rise today to bring to the attention of my colleagues a most perceptive and informative newspaper column concerning apparent deficiencies in our Nation's defenses.

Written by Mr. Ira L. Cahn, the publisher of the Massapequa Post in Massapequa Park, N.Y., in my Fourth Congressional District, his column should play a significant role in today's debate about the military budget. We should all take note of this warning about some of the deficiencies which seem to be plaguing our Nation's defenses.

I have asked the Department of Defense to respond to the report of deficiencies of ammunition and missiles aboard U.S. naval vessels and in U.S. Army ordnance, and, if the reports are correct, what action must be taken to remedy the deficiencies.

Mr. Speaker, I know all my colleagues join me in expressing gratitude to Publisher Cahn for investigating this serious problem in our defenses and in helping to publicize it. I believe we will all benefit from reading his excellent essay and so, Mr. Speaker, I therefore request that the entire text of Mr. Cahn's article be reprinted in the CONGRESSIONAL RECORD.

[From the Massapequa Post, June 23, 1983]

BEHIND THE NEWS

(By Ira L. Cahn)

"Praise the Lord and Pass the Ammunition" was a popular song during the worst days of World War II. And the bullets and shells, somehow, were usually on hand for our soldiers and sailors who needed the material so desperately.

Not today, according to a story that appeared in this past Tuesday's Christian Science Monitor. Despite the great prestige of the Monitor—reknown for its accuracy and unbiased, intelligent reporting—I found it hard to believe the report. I personally spoke with John Dillin, the Monitor's staff correspondent who wrote the story. Still cautious, I conducted a telephone interview with a staff member of the House Armed Forces Committee.

Dillin's story turned out to be substantially correct. I pass it along to you, as well-checked as possible:

U.S. Navy ships are so short of ammunition and missiles that inbound vessels must rendezvous with their relief ships in order to transfer weapons. Dillin claims that our 13 first-line carriers have supplies for only five such ships. There are severe shortages, he says, in air-to-air missiles such as the Phoenix, Sparrow and the Sidewinder needed for aerial dogfights.

The congressional spokesman told me that this is the situation, but he refused to confirm numbers and items for security reasons.

The Monitor story quotes a Navy study after the Falklands war caused some concern ". . . it is not possible to fill the launchers and magazines of our active U.S. Navy fleet of 514 ships even once with high technology munitions." The shortages range from the needs of supercarriers to the destroyers.

It's not only the Navy that finds itself with empty guns and empty magazines. Conventional supplies—bullets, mortars and other Army ordnance—are also in critically short supply. Dillin said that current Army supplies in Europe are estimated at only 30 days. Again, my Armed Forces Committee contact would not confirm the actual amount for security reasons, but did agree that there is a shortage.

In each instance, the fault does not seem to be at the Pentagon level. Rather, it is Congress itself that has created the shortages. Apparently, there has been over $722 million cut from various Armed Forces supplies. This is not for exotic items such as MX missiles or planes or ships and similar capital expenditures; this is from the "ammunition" budget.

We must be crazy! I want to see our ships and planes ready for combat in case there is any trouble. Either that or put them into mothballs and don't try to fool us with a false sense of security. As the Monitor report concluded, "Having a warship with empty magazines doesn't give them (Navy officers) much comfort."

CONGRESSMEN NORMAN LENT AND TOM DOWNEY: This is YOUR baby. Get on this immediately. If this checks out on the Congressional level—and it will!—demand that the situation is corrected pronto; tomorrow may be too late. Get the bucks up for the bullets and shells, even if it means cutting out a few planes or a carrier. It's a matter of first things first.●

UNITED STATES MUST ACT TO END 9-YEAR TURKISH OCCUPATION OF CYPRUS

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. FLORIO. Mr. Speaker, on July 20, 1974, Turkish aggressors began landing on the shores of Cyprus in a gross violation of a small nation's territorial integrity. Today, 9 years later, Turkish troops still occupy over 40 percent of the island and pose an ominous threat to the island's Greek Cypriot population.

Mr. Speaker, we are no closer to a solution to this grave situation in the eastern Mediterranean than we were the day the Turkish Army invaded Cyprus and displaced 170,000 people. Throughout these past 9 years, we have silently looked on as the Turkish Army raped and pillaged what was once a prosperous island, sending thousands of Greek Cypriots fleeing into the south, causing numerous casualties, desecrating churches and cemeteries, and totally disregarding public outrage.

We have silently looked on and we have ignored our own strategic interests in not doing all that we could to promote an effective and durable solution to the Cyprus conflict. We have silently looked on as Turkey created a new "Berlin wall," dividing north and south and adding a physical barrier to the already existing delicate difference between Greek and Turkish Cypriots.

It is our responsibility to help create a climate conducive to negotiating a solution to a situation that has continued for too long a time. Cyprus today itself divided into two separate communities, a partition that has been imposed by brutal force as the Turkish Army that occupied Cyprus 9 years ago still remains in place. Presently, there is no exchange of any kind between Greek and Turkish Cypriots, to the detriment of both Turkish and Greek Cypriot economies.

Furthermore, the Turkish Government has repeatedly violated a 1974 United Nations resolution that prohibits any attempt to change the demographic structure of the island of Cyprus. By sending thousands of Turkish nationals to Cyprus each year to take over land, homes, businesses, and industries owned by Greek Cypriots, Turkey is precluding the possibility of a Greek Cypriot return to the north at any future time. Families of soldiers that died in the Cyprus conflict were promised ownership of land in Cyprus as compensation for the death of their relatives and many have taken advantage of this offer causing the number of Turks in Cyprus to rise tremendously and disturbing the ratio of Greek Cypriots to Turkish Cypriots on the island.

Throughout these long 9 years, there has been absolutely no success in sustaining meaningful intercommunal talks. It is becoming increasingly difficult to find a solution as more time passes. We must continue attempts to renew these intercommunal

talks, for it is only through continued dialog that we can even come close to a solution. However, as long as the Turkish Government remains unyielding in its intention to continue occupying the northern half of the island and as long as the Turkish Government continues to retain control of an area that accounts for 70 percent of the Cypriot gross national product, it is not reasonable to expect the Greek Cypriots to be as willing to compromise.

The invasion that caused 170,000 people to flee from their homes, abandoning businesses, schools, and churches, and become refugees, resulted not only in numerous casualties on both sides but also in the disappearance on nearly 2,000 men, women, and children since 1974. Attempts by relatives to locate the missing have met brick walls. The Turkish Government has been singularly uncooperative in any attempt to locate these missing persons, despite pressure from human rights and international organizations such as Amnesty International. Even though an agreement was reached in 1982 by the United Nations to establish a committee specifically charged with investigating these cases and determining the whereabouts of those missing since 1974, the committee has yet to be formed. The cooperation of all parties is absolutely necessary in creating such a committee and in acting to end the misery that the families of those missing have unfairly undergone.

By and large, the Greek Cypriot refugees have been able to begin new lives in the south, living in public housing and receiving support from the Greek Cypriot government. I commend the Greek Cypriot people for their resiliency and their efforts. But our mission to seek a solution becomes no less pressing and we must continue to do all that is in our power to repair this tremendous injustice.

Our goal should be to seek the political unity of Cyprus and the peaceful and secure coexistence of the two communities native to the island. In the past, we have shunned away from using any type of pressure on the Turkish Government. Just recently, the U.S. Representative to the United Nations chose to abstain from voting on a U.N. General Assembly resolution deploring the lack of progress in the intercommunal talks and calling for the withdrawal of all foreign troops from Cyprus. The resolution was overwhelmingly supported by the majority of the members in the United Nations. As long as we do not deem it proper to express our outrage at the tragedy that has been visited upon the Cypriot people, we are condoning what is blatant and cruel violations of human rights.

Recently, I introduced House Joint Resolution 162, which calls for President Reagan to appoint a special envoy of recognized international stature who would seek a negotiated solution to the Cyprus situation. Through this action, our Government would be sending a clear signal to the Turkish Government that we are committed to working toward a solution. Furthermore, in a show of our displeasure with the Turkish Government for their lack of commitment to easing the situation, this resolution calls for the suspension of all military and economic aid to Turkey within 60 days of enactment. The Turkish Government would become eligible for this aid only after the President had certified that all Turkish military and civilian forces had left the island and that Turkey was cooperating in good faith in establishing a durable solution to the Cyprus conflict. The President would be required to certify that Turkey was also cooperating in seeking a solution to the Greco-Turkish conflicts over the Aegean Sea. This certification would be renewable every 6 months. As long as our Government continues to give aid to Turkey while Turkey continues to occupy Cyprus, our Government is financing and condoning the Turkish occupation of Cyprus.

The situation that currently exists on Cyprus is not acceptable to us, and we are responsible for sending a clear signal to the Turkish authorities that we are convinced that the illegal partition of Cyprus is not only contrary to the interests of the Cypriot people but also to those of the United States. It is our moral responsibility as defenders of liberty and freedom to actively speak out against this injustice and act to solve this grave situation that has continued for 9 long years.●

CONGRESSIONAL VIGIL ON SOVIET JEWRY

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. ROE. Mr. Speaker, as part of the 1983 Congressional Call to Conscience Vigil for Soviet Jewry, I would like to focus my colleagues' attention on Iosif Begun, an engineer and Hebrew teacher in Moscow who has sought unsuccessfully since 1971 to emigrate to Israel.

Begun first applied for an exit visa to emigrate to Israel in 1971. Since that time, he has been harassed by the KGB, exiled to Siberia, released from Siberian exile and rearrested. He is currently being incarcerated and punished in Vladimir Prison, awaiting a trial on charges of anti-Soviet agitation and propaganda which carries a sentence of 12 years in prison and internal exile. His son Boris has not been allowed to visit him, and his fiance Ina Schlomova may be called as a witnesses in his trial and may face possible criminal charges herself.

The Soviet Union has branded him a criminal. But what are the nature of his crimes? He has taught Hebrew, studied Jewish history and culture, and sought to emigrate to Israel. None of these activities are "criminal" and they are protected under the Helsinki accords, to which the Soviet Union is a signatory and has solemnly pledged to uphold.

Mr. Speaker, despite all of his harassment and punishment, Iosif Begun's spirits remain high. He has displayed a fortitude in adversity and courage in resisting ruthless oppression that marks him as a truly exceptional human being. His message to the authorities is clear: It is not illegal to study Hebrew and Jewish history, and whatever you do to me, I will insist on my rights.

Mr. Speaker, the Soviet Government's treatment of Iosif Begun typifies its efforts to destroy and obliterate the Jewish people and Jewish culture in the Soviet Union. The recent creation of a Soviet Anti-Zionist Committee and the publication of anti-Semitic literature are part of a well-orchestrated campaign to weaken the will and the spirit of the Jews of the Soviet Union. Innocent victims of prejudice are being harassed, arrested, imprisoned, exiled, and tortured. We cannot sit idly by and ignore this willful destruction of a people, in much the same way as an earlier generation watched the destruction of European Jewry in the Holocaust. I call upon the Soviet authorities to release Iosif Begun and the other imprisoned Jewish citizens of the Soviet Union, to allow them to peacefully and expeditiously emigrate to Israel and to fullfill the time-honored Jewish dream of "Next Year in Jerusalem."●

ONE MORE CONTRIBUTION TO THE EFFORT TO CONTROL VIOLENT CRIME

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. BROWN of California. Mr. Speaker, the causes of juvenile crime are complex and often misunderstood. While I do not profess to understand all the causes of juvenile crime, I do know that some contributing factors have been identified. However, sometimes simple problems which contribute to juvenile crime are overlooked. One such example, recently brought to my attention, was described in a feature story in last November's issue of Review of Optometry. The article described the work of one of my constituents, optometrist Stanley Kaseno,

in reducing violent crime through vision therapy.

Mr. Speaker, the connection between vision and crime seems obscure to some, but as this article clearly points out, vision problems contribute to antisocial behavior and can lead to violent acts. Nutritionists, psychologists, and educators have long been involved, although all too often in a limited way, in attempts to help juvenile crime offenders. Optometrists have not generally been involved, although Stan Kaseno's work shows that this is a mistake.

I commend the following article, and the contribution it makes to understanding juvenile crime, to my colleagues:

[From Review of Optometry, November 1982]

HARD CORE—ONE DOCTOR'S CURE FOR VIOLENT KIDS

(By Stan Herrin)

The stark, squat buildings of Juvenile Hall huddle close against the steep San Bernadino mountains.

Here, a little way east of Los Angeles, live 150 kids—many of them murderers, rapists, robbers or thugs. And here 49-year-old optometrist Stanley Kaseno has set up practice.

Driven by love for kids and a strong belief that optometry can make a difference to hard-core delinquents, Kaseno has struggled against bureaucracy, intimidation, fear and the animal hatred of criminals. And his program, just two-and-a-half years old, has made a dent—a big dent—in the lives of hundreds of teenage offenders.

Kaseno believes that most juvenile delinquents commit crimes to get attention they can't get otherwise. Kaseno believes poor vision keeps them from excelling in sports or study. In his program, Kaseno gives them that attention, and gets to the root of their vision problems.

Whether it's the attention or the vision training, Kaseno's program is working. Kids who go through the vision program have a far lower chance of being arrested again than those who don't, and Kaseno's program is lauded by correction officials, the public and, most important of all, the kids themselves.

Over the life of the program, Kaseno and his highly trained support staffers, Blanche Brandt and Andrea Fields, have screened more than a thousand hall residents, and found that 96 percent have some kind of visual problem—mostly poor eye movements.

Kids admitted to Kaseno's program average 16 years old, but read only at the fifth grade level. And although Kaseno believes all of them have above-average intelligence ("Dummies don't commit crimes—they're too passive," he says), their IQ's average only 92.

Kids who get at least 12 therapy sessions, on the other hand, improve their reading skills by four grade levels. Their IQ's improve, too, and so do their self esteem and willingness to take social risks. Their value system—the way they see themselves fitting into society—also changes for the better.

The most dramatic change is in behavior. Half the teens who don't get the treatment get rearrested. But just one of every 10 graduates of the vision program returns to juvenile hall.

Correction professionals like Claude Potts, an official with the county probation office, think the program could be even more successful with more manpower.

"The total rate at which kids got rearrested was about 50 percent before Kaseno got here," Potts says. "Now, it stands at 25 to 30 percent. And if the program were able to give treatment to everybody who needs it—which it can't possibly do—the rate would be dramatically lower."

The success of the program has won support from just about everybody, Potts says. Rather than being jealous, psychologists, nutritionists and educators who also work at the hall are "tickled pink," Potts says.

The once skeptical county officials who oversee juvenille hall, last year offered to help fund the vision program. And Potts gets inquiries about it from correctional officials all across the nation, he says.

The program has even made believers of hardened veterans like Pauly Mazziotta, who has taught reading at the hall for 10 years. "I've seen kids' grade levels immediately rise two or three grades, and their work improve by 20 percent. The children feel better about themselves, and they stop squinting and getting headaches. I get questions all the time about how much contact lenses cost. It is," she states matter-of-factly, "the most wonderful program ever developed here."

UPHILL BATTLE

But the program's success did not come easily. Kaseno battled just to get his program funded. And he and his alter ego, Blanche Brandt, relied on persistence, hard work and ingenuity to make the program go.

Kaseno first got the idea for a visual progam to help delinquents about five years ago when the parents of some of his young vision therapy patients reported improved behavior after therapy.

Fascinated, Kaseno unearthed seven studies linking learning disabilities to delinquency. The theory on which the studies were based—that vision problems cause delinquency—wasn't new. Vision pioneer Alexander Skeffington voiced it in 1932.

Kaseno immediately hit the campaign trail, drumming up support amoung county officials. Then he applied for government grants.

Two-and-one-half years later, Kaseno finally talked the Law Enforcement Assistance Administration out of $112,000 to set up and fund a one-year study. Since then, funding has come in fits and starts. Kaseno later wrangled a $70,000, eight-month continuance from the LEAA, and recently got $72,000 from another federal agency for one more year of study.

"We've been out of a job in the morning and working again in the afternoon," says Brandt, 45, the program's administrator.

But winning grants was only half of the battle. Kaseno found he also had to win the trust of the hall's hard-core residents.

"There are certain gangs in the hall, and nothing happens until key individuals give the green light," explains Kaseno. The kids were at first suspicious.

TURNABOUT

Kaseno and Brandt solved that problem with reverse psychology. With several creative strategies, the two made vision clinic visits a privilege. The clinic was a place where children could get warmth and friendship, as well as vision care. Within three months, kids were referring themselves to the vision clinic.

To get to know the patients and their problems better, Brandt and Fields take in-depth personal histories. They ask each teenager about his home and school life, how he feels inside, how he got into trouble. "Usually, there's a reason for the things they've done," explains Brandt.

Kaseno shows he cares by touching the kids often—taboo in other parts of the hall—and by letting the kids roam around the clinic. "I want the clinic to be loose, unstructured, and fun," Kaseno says.

If the kids need spectacles, they can get the latest in fashion frames and gradient tints. "The Lion's Club used to give the kids free glasses, but they wouldn't wear them," Potts says. "Now, glasses are status symbols."

After the preliminaries, the kids get a chance to blame all of their problems on their visual deficiencies. Brandt or Fields discuss each child's vision problem at an "orientation session," based on an in-depth screening and a refraction.

They explain that the child could not understand sentences or paragraphs because his eyes would not move correctly. And they explain that the "acting out" behavior for which the kids were arrested was a natural by-product of the problem.

"Since we're the first ones to understand their problems, we have an immediate inroad with them," Brandt explains.

The teens learn about each therapy exercise, and then, the program begins—slowly, and with as little stress as possible. "We want to build on successes, only," Kaseno says.

Understandably, the vision program is now one of the most popular activities in the hall. Explains Steve, a 17-year-old burglar, "I can really talk to Blanche, and Dr. Kaseno is more like a friend than a doctor. Therapy class is all right, you know? It's fun, you're improving yourself, and you're down there with people you know."

THE COLD FACTS

But when the vision team basks too much in the warm glow of kids like Steve, something always happens to remind them of the cold facts. Many of their patients are unpredictable and dangerous. And although the vision team can often change kids' attitudes, they cannot change their outside lives.

Last month, the vision people got a visit from a patient from Unit 12, the maximum security section for murderers.

The team could overlook the long string of very violent crimes—they do it all the time. But it was impossible to ignore the patient's eyes.

"They were so cold," says Brandt, "that they looked right through you. This young man had no conscience, no remorse for the things he had done. I could see that he could go off at any time."

After a session alone in the exam room with the volatile teenager, Kaseno emerged, visibly shaking. "I just couldn't get through to him," he admits.

The staff lives with the reality of physical danger each day. The team watches each teenager carefully—even a stolen pencil can be used as a weapon. Each staffer lives a secret life. "You mustn't talk about where you live, who you are married to or whether you have kids," Brandt explains. "You can't afford to have them coming after you."

In order to be effective, the staff members must also condition themselves not to think about each patient's past life. "They may sit there and tell you the details of how they

raped or mutilated someone," says Brandt. "But you must not show any fear."

For Kaseno, it is easier. Brandt spares him the nitty-gritty details of each child's life, which makes it easier to keep an even attitude. "I look at it as a debilitating illness, like a brain tumor," he says. It's really pretty clinical, as far as I'm concerned."

The conditioning and physical danger are now fairly routine. But the emotional pain of juvenile hall never will be.

The team became extremely close to one young woman. Based on her personal history, Brandt and Fields strongly believed she was innocent of the crime with which she was charged. But when her case was brought to court, the young woman was found guilty and sent to a youth prison.

The group helped a former gang leader turn his life around, and make new plans for the future. But once on the outside, the other gang members refused to let him go "straight." Three months later, he was killed.

After that, says Brandt, "I had to spend the next few days analyzing whether it was worth it. Why change a life, only to lose it?"

But for every failure, there are 10 success stories. There is the violent robber who now is studying to be a forester. There is the hot-tempered gang member who's getting ready for college. There's the kid whose behavior changed so dramatically, his parents drove him back and forth after his release so that he could finish the therapy program.

So despite the pain, danger and frustration, says Brandt, it's worth it. And it always will be, so long as the vision team's special brand of caring can keep turning failures into success stories.●

TEEN CHALLENGE: 25TH ANNIVERSARY

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. GARCIA. Mr. Speaker, I would like to bring to my colleague's attention the 25th anniversary of Teen Challenge in New York City.

In March 1958, Pennsylvania minister Rev. David Wilkerson ventured to New York City to meet with seven teenage youths being convicted for murder. The Reverend never met with the young men, but he never left New York City either. That year in Brooklyn, N.Y., the Teen Challenge Crisis Center was formed. Often the only structure and support in their lives, Teen Challenge has offered drug addicts, alcoholics, juveniles, and homeless youths, shelter, counseling, remedial education, and the words and love of the Lord. In 1973, a Government study reported that—

Teen Challenge is most successful with youngsters who are seeking some meaningful anchor or support system in their lives and are able to find it in a religious experience.

The study also concluded that 86 percent of the graduates from Teen Challenge remain drug free.

Since 1958, Rev. David Wilkerson has gone on to formulate other programs that offer longer term training to youths. His newest family ministries project has been designed to meet the unique emotional, physical and spiritual needs of young families experiencing drug or alcoholic related problems. Vocational training, job placement, and Bible teaching have also been included into the program's curriculum. Twenty-five years after its foundation, thousands of young adults have passed through the doors of the 74 Teen Challenge Centers in 38 foreign countries returning to the streets as new beings.

Today the best estimates suggest that the annual economic costs of alcoholism and problem drinking exceeds $60 billion. In 1982, it cost New York State $15,000 yearly to maintain each prisoner, an additional $100,000 for each maximum security cell, and an approximate $2,300 to provide outpatient treatment for one addict. For 25 years, the efforts of Teen Challenge have helped to relieve such costs and have worked to better the lives of the distressed and chemically dependent in our communities, Nation, and worldwide.

With great pleasure, I commend Rev. David Wilkerson and all those affiliated with Teen Challenge and its outreach programs for their devoted work and service and extend my best wishes for their continual success in the years to come.●

IT'S NOT PAPA WHO PAYS

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. FORD of Tennessee. Mr. Speaker, child support enforcement is a critical economic issue to parents who head single-parent families. This is especially true for women, who comprise 90 percent of single-parent households.

I chaired a hearing on July 14 of the Ways and Means Subcommittee on public assistance and unemployment compensation to examine the effectiveness of the child support enforcement program. Testimony was also received on several bills aimed at improving and strengthening the current program.

I was heartened by testimony given by Health and Human Services Secretary Margaret Heckler, in which the administration showed accord for legislation to protect the child support rights of non-AFDC-supported children as well as children who receive AFDC payments. Other provisions of the administration's bill fall short of what I feel is necessary to insure adequate and proper child support enforcement; however, the Secretary has offered to work with the subcommittee in a bipartisan spirit to resolve our differences.

Many articles have been written lately on the subject of "deadbeat" fathers who refuse to provide financial support for their children. I am appalled that a third of all fathers under court order to pay child support never make a single payment, and less than half pay regularly. This situation is becoming more and more critical with 8 million families currently without a male parent and 1.2 million new divorces every year. At this rate, one-half of our country's children will live apart from their fathers within the next 10 years. Many of these children will be raised in deprivation due to the failure of their fathers to contribute to their support.

A heart-rending personal account of the failure of our judicial system to enforce child support orders was given at our hearing by Gail Forsythe of Selmer, Tenn. Mrs. Forsythe testified that her former husband, a professor of nuclear physics at an Ivy League university, swore that he would never pay a dime in child-support payments for their two children. She gave a dramatic account of how on five different occasions she was forced to spend money for attorney fees and interstate travel to get court-ordered child support, only to have her husband circumvent the payment process without penalty.

I have always maintained that our children are our most precious and valuable future resource; and we must insure that they are not neglected. Every able-bodied parent has both a legal and moral obligation to support his or her children. I am hopeful that we in Congress can work together with the administration in a bipartisan fashion to produce a bill that improves the current program and, as a result, improves the financial well-being of our children.

I would like to submit for the RECORD and bring to the attention of my colleagues the following article by Mary Diebel of the Memphis Commerical Appeal which describes Mrs. Forsythe's ordeal with the court system, and provides some insight into new legislation being proposed.

[From the Memphis Commercial Appeal, July 17, 1983]

IT'S NOT PAPA WHO PAYS

(By Mary Deibel)

WASHINGTON.—To Health and Human Services Secretary Margaret M. Heckler, it's "a national disgrace."

For single mother and schoolteacher Gail Forsythe of Selmer, Tenn., the tragedy takes on highly personal dimensions.

What had both women up in arms and up before Congress last week are the millions of absent parents who don't and won't make child support payments, a situation Secre-

tary Heckler says is cheating the nation's children out of nearly $4 billion a year.

Female-headed households are the ones most affected. There were more than 8.4 million of them by the last census count, and the Census Bureau also has remarked on the increasing "feminization" of poverty in a nation where a father's income rises by 42 per cent after divorce while a mother's drops by three-fourths.

A principal reason, according to Rep. Harold Ford of Memphis, chairman of the subcommittee that held last week's hearings, is that "less than three of every 10 fatherless families receive regular child support payments from the absent father. Even when fathers are under court order, less than half pay regularly, and perhaps as many as a third never make a single payment."

To get at the trouble, a number of bills have begun making their way through Congress, starting at Ford's subcommittee. Various versions proposed by members of Congress to the joint federal-state-and-local child support enforcement program share points in common with what has been suggested by the Reagan administration.

First, states would have to adopt laws requiring mandatory withholding from wages if an absent parent falls two months behind in making payments, whether the family is on welfare or not. Second, states with income taxes would be required to intercept refunds, with states having the option to do so where nonwelfare families are owed past support under the administration plan. Third, states must set up administrative or quasijudicial methods for issuing and enforcing support orders.

Borrowing a page from Congress' own General Accounting Office, the adminstration also wants $200 million in "carrots" and a sliding penalty scale of "sticks" to encourage better enforcement by the states, whose performance to date has been spotty at best but which receive no incentive under present law for doing better.

Tennessee, for instance, is among the best in the country, spending only $1 on administrative costs for every $3.13 collected in child support for families both on and off welfare. In the last fiscal year, the state was able to eliminate welfare payments for some 1,600 families because support had been received.

In Arkansas, by contrast, $1.17 was collected in support payment for every dollar of adminstrative costs in fiscal 1982, when 507 welfare cases were closed because of more child support collections. And in Mississippi, where 206 welfare cases were closed last year as a result of child support enforcement, collections were only 11 cents more than the dollar spent trying to gather them.

Ford and other subcommittee members wonder whether the incentives included in the Reagan plan will be sufficient to cover the costs to the state of doing better.

Members on boths sides of the aisle also worry that the states will need help in a mobile nation where people frequently move—and sometimes move across state lines to escape court orders for child support. Current law permits the Internal Revenue Service to go after absent parents who refuse to make payments if the children are on Aid to Families with Dependent Children, the basic U.S. welfare program, but Ford and other members of his panel—including the Republicans—think the IRS should be called in for families not on welfare too.

Gail Forsythe agrees. Her years in the classrooms of Selmer's public schools have shown her "children whose single parents can't afford eyeglasses or dental care because they make too much money to qualify for Medicaid" but not enough to stay home from work when their child is ill.

She also knows from personal experience. As a divorced mother of two, she put herself through college to get a better-paying job to help support her children, but she says her ex-husband has been little help at all. She's been to court five times between 1972 and 1979, traveling to Pennsylvania, where her former husband moved, and paying attorney fees.

When she found it didn't pay to keep going to Pennsylvania to try gaining enforcement of its court awards, the attorney general for McNairy County, Tenn., took on her case under the Uniform Reciprocal Support Act, forwarding her petition for action by Philadelphia authorities. But, however fine Tennessee's record may be for child support enforcement, it was no match for Pennsylvania's courts, which ordered her "ex" to pay what was owed at $2 a week for 18 years at no interest or penalty.

Gail Forsythe knows even bringing in the IRS won't insure child support collections for all families, whether they get welfare or not, because she says her own former husband didn't file tax returns for several years.

Still, she says, a nationwide system is needed for everyone, regardless of financial circumstances. "At the phenomenal rate divorce is rising, no one can be sure it won't happen to you," says Mrs. Forsythe. "It's a matter of simple justice."●

DR. RAYMOND L. ENG

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. DELLUMS. Mr. Speaker, on July 31, residents of Oakland, in the Eighth California District, will honor Dr. Raymond L. Eng and his many years of civic-minded public service. The occasion of this celebration is Dr. Eng's retirement from the Oakland City Council after four terms and 16 years of service. I am pleased to join with Dr. Eng's many friends and colleagues in commending him on his tenure and I would like to share with my colleagues a few of Dr. Eng's achievements and honors.

Dr. Eng was born in Oakland in 1911. He attended Oakland public schools, the University of California, Berkeley, and undertook graduate studies at Pennsylvania State College and Louisiana State University. He has maintained his residence and optometric offices in Oakland throughout his lifetime, showing his dedication to the promise and potential vitality of the city.

Dr. Eng has played an active role in our community. He has been a member of numerous professional and civic organizations, assuming positions of leadership in many. He is a past president of the Alameda-Contra Costa Counties Optometric Society, past chair of the State Board of Social Welfare and the Optometric Advisory Committee and a past board member of Chinese Hospital. He is past district governor of the Lions International, past president of the Cosmopolitan Lions Club, a member of the National Boy Scout Council, and has served chairmanships of the United Crusade, Cerebral Palsy, CARE, Cancer Society, the March of Dimes and charitable fundraising organizations.

In 1967, he was elected to the Oakland City Council, on which he was to serve until this year. From 1973–75, he was selected vice-mayor by his colleagues, an indication of the respect in which he was held.

I am pleased to join with his council colleagues and many Oakland residents in thanking Dr. Eng for his years of dedicated service and in wishing him and his family the best of the future.●

THE LIFE OF A FOLK INSTITUTION

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. KOSTMAYER. Mr. Speaker, not long ago Pete Seeger, the American folk singer, spoke of his efforts to try to change the world. Seeger said,

> I imagine all the problems of the world as a redwood log. People wonder how to move it. I say, push wherever you can find a good foot hold. Dig in and push. I feel strongly that people should dig in their home communities.

I may not always agree with Pete Seeger's views on issues, but I greatly respect his willingness to participate actively and speak up for what he believes in. He continues today to sing his mind on major social issues and encourages discussion among all matters.

Pete Seeger demonstrates to all of us the impact one person can have when not afraid to participate. I too feel strongly that "people should dig in their home communities."

Last weekend when Pete Seeger appeared at Penns Landing in Philadelphia, the Philadelphia Inquirer wrote the enclosed story about his life. I recommend it to my colleagues as I recommend the songs and work of this extraordinary American.

THE LIFE OF A FOLK INSTITUTION

(By Lee Winfrey)

Most singers never achieve any prominence and, for many of those who do, fame is fleeting. A handful, like Frank Sinatra and Pete Seeger, endure for decades and become what are called institutions.

Not even the most dedicated fan of Seeger's folk music would dare compare his tenor voice to Sinatra's. But Seeger, 64, has

been around as long as Sinatra has, and seems equally indifferent to retirement.

Woody Guthrie and Leadbelly, the folk-music legends who were Seeger's friends in his youth, are both long dead, their voices audible now only on records. The blacklist that kept Seeger off television for 17 years is now only an artifact of history, an old nightmare that Sen. Joe McCarthy orchestrated. Seeger has outlived scores of both friends and controversies.

But he is still a mesmeric minstrel on stage. With no more props than a plain chair and two microphones, one for his voice and one for whatever instrument he is playing at the moment, no one is better at getting a crowd to join him in song. And, an even greater feat, at getting a crowd to sing along with him in harmonic unison.

Not quite a decade ago, at the Tchaikovsky Concert Hall in Moscow, Seeger coached 10,000 Russians, most of whom could not speak English, into singing fourpart harmony with him on "Michael, Row the Boat Ashore." Here, over the weekend, with the aid of a big banner behind him covered with lines written in Spanish, he coaxed an audience of several hundred at Penn's Landing into joining him in the words of a Sandinista song he learned three months ago in Nicaragua. He even included a Spanish lesson for the local crowd: "Two L's is pronounced like a Y. J is pronounced like an H, but H is silent."

Not even Sinatra, as far as I know, teaches foreign languages.

Seeger sang 26 songs during a two-hour concert Saturday night at the Seventh Annual Harbor Festival. Dressed with characteristic plainness in blue jeans and jogging shoes, a blue sports shirt and a brown fisherman's cap, he switched back and forth between a Vega banjo, a 12-string guitar made for him by a Connecticut schoolteacher, and a six-string guitar given to him a dozen years ago by the workers at a small guitar factory in Cuba. Since he dropped out of Harvard 45 years ago to take up a minstrel's life, Seeger has always made friends on the road.

Lettered on the face of Seeger's banjo are the words: "This Machine Surrounds Hate and Forces It to Surrender." He said he got the idea for that from the famous message that Guthrie displayed on his guitar. "This Machine Kills Fascists."

Seeger closed his concert with a Guthrie song. "Union Maid." With its battle cry of "You can't scare me, I'm stickin' to the union," it is an echo of the labor battles of the Depression, when the leonine John L. Lewis was a giant in the land, and workers fought to organize the auto plants in Detroit and the tire factories in Akron.

Seeger was the troubadour for many a union rally. But somehow he remains as young in heart as a lion cub, as fresh as this morning's newspaper. Without wasting regret that Henry Wallace failed to get elected president in 1948, a result Seeger would have liked to have seen, he is currently working on a song targeting President Reagan.

"It's called, 'Are You One of the 73?,'" he said during an interview in his trailer behind the Penn's Landing stage. "I'm talking about the 73 out of 100 who didn't vote for Reagan in 1980. Twenty-seven percent [the percentage of eligible voters who cast ballots for Reagan] is the great mandate. That isn't even as much as Hitler had. Hitler got 33 percent of the vote [in Germany in 1933]."

In his concert here, though, Seeger didn't sing any anti-Reagan songs. Instead, both privately and on stage, he dwelt upon the work of which he is most proud, a project called Clearwater.

Clearwater is the name of a sloop on which Seeger travels up and down the Hudson River each summer, organizing efforts to clean up the polluted river. He said about half the river is now pure enough to swim in.

The project represents, for Seeger, something of a withdrawal from the national scene, where he was so active in the 1940s, '50s and '60s, to concentrate on concerns closer to home. For 34 years, Seeger has lived on the Hudson, in a log cabin in Beacon, N.Y., that he built himself. He learned how to construct one by going to the New York Public Library, looking up all the card catalogue references to "log cabin," and making careful notes on what he found.

After decades of trying to change the world, Seeger now says, "I imagine all the problems of the world as a redwood log. People wonder how to move it. I say, push wherever you can find a good foothold. Dig in and push. I feel strongly that people should dig in their home communities."

Seeger still feels that "it doesn't make sense for one person to be born with a silver spoon in his mouth, while another baby chews on a corncob." He has believed since his teens that America would be better off under some form of communism. He thinks that the basic problem of humankind is thousands of years old.

"It started with the agricultural revolution," Seeger said here. "When human beings no longer had to scrabble and hunt berries, some people began to get rich and others poorer. The Biblical prophets raged against it."

Seeger started railing against it in 1938 when he dropped out of Harvard after going halfway through. "I was in demonstrations and parades, against war and fascism, in favor of union workers and lower rents."

Seeger's first ambition was to be a newspaper reporter, but in the Depression he could find no writing job. He remembers Gilbert Seldes, a prominent radical journalist of the time, cutting him off with, "If I wasted my time talking to people like you, I'd never get any work done."

Through his father, a prominent musicologist, Seeger knew the renowned folklorists John Lomax and his son, Alan. "They were convinced," said Seeger, "that there could be a revival of interest in folklore if the music was treated differently than in Europe, where it was treated reverently and arranged for concert and chorus. My father and Alan Lomax said, 'What's needed is to treat this music as a process, as a dynamic.' That view is fundamentally Marxist. Think of it [folk music] as a learning process which can continue."

Seeger went on the road, learning songs from seamen, field hands, hillbillies and saloonkeepers. He met Guthrie in 1940 at a benefit for migrant farm workers and they sang for a couple of years together in an old group called the Almanac Singers.

In 1948, Seeger formed a quartet called the Weavers with Lee Hays, Ronnie Gilbert and Fred Hellerman. In 1950 and 1951, their peak years, the Weavers sold more than four million records. Their hits included "Goodnight, Irene," a song written by Seeger's old friend, Leadbelly, an ex-convict who was a master of the 12-string guitar; "Kisses Sweeter Than Wine," which Seeger adapted from an Irish jig called "Drimmer's Cow"; Guthrie's "So Long," and "On Top of Old Smoky," an old mountain dirge of uncertain origin.

The Weavers' success drew close and virulent attention from the red-hunters of the early 1950s. It was not even safe to associate with the dead back then. The Weavers were attacked because they sang at the funeral of Bob Reed, the music critic for the Daily Worker.

The Weavers were blacklisted from TV in 1950. In 1961, Seeger was convicted of contempt of Congress because he refused to discuss his political associations with the House Un-American Activities Committee. The decision was overturned by a federal appeals court in 1962, but TV remained out-of-bounds to Seeger.

In 1963, an attempt was made to book the Weavers onto a new ABC folk-music show called "Hootenanny." But the producers told the Weavers' manager, presumably in reference to network executives, "The boys upstairs won't allow it."

In 1967, at the height of protests against the Vietnam War, the Smothers Brothers finally ended the blacklist of Seeger by inviting him onto their CBS variety show. Seeger sang three folk songs on the show, but CBS censored out his most controversial one, "Big Muddy." A symbolic attack on the war policies of President Lyndon Johnson, it included the lines, "We're waist-deep in the big muddy, but the big fool says, 'Push on!'"

Today, among the networks, Seeger seems bitterest toward ABC. The very title of its show, "Hootenanny," was an old expression he and Guthrie had popularized as a term for a meeting of folkies to swap songs and sing along together.

Seeger's idea of how TV should operate is something that undoubtedly will never come to pass. "I'd like to give every nation a half hour each week to tell their own history," he said. "Soon they'd discover people don't listen to speeches. Then they'd start trotting out their best music and dancing."

If America ever got around to presenting its best music on TV, instead of the narrow representation that appears on the networks, Seeger would show up as often as Joan Rivers appears on talk shows. He has been influencing people for so long that some of his achievements have almost been forgotten.

Did you know, for example, that the five-string banjo was almost extinct when Seeger first saw one at a folk festival in Asheville, N.C., in 1935? The tenor banjo, which has only four strings, was most often seen then. Seeger's book, *How to Play the 5-String Banjo*, is still a classic text. Now it is the tenor banjo that is almost extinct.

Seeger is more indifferent than most people to money, which he says is "like air or water. You need a certain amount to live." But, despite the blacklist that cut severely into the earnings from his most prosperous years, he lives comfortably off his personal appearances, more than 50 record albums, and the royalties from the few but often excellent songs he has written, which include the well-known "If I Had a Hammer" and "Where Have All the Flowers Gone?"

He remains a remarkably modest man, as he continues to take the stage in his odd choice of socks (one red and one green). Summarizing his life in one low-key line, he said here, "You're doing the best you can, and sometimes you want to think you're doing some good."●

HARBOR CITY CHAMBER OF COMMERCE PRESIDENT ANTHONY PESCETTI, A TRUE DOER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. ANDERSON. Mr. Speaker, it is unfortunate and regrettable that many an individual's devotion and contributions to an organization, community, or society sometimes may go unnoticed by all but those who are around long enough to enjoy the abundant wisdom of hindsight. Even more disheartening are those incidents where the doers are overshadowed and often displaced by noisemakers, the majority of whom are avaricious and fervently in pursuit of mere self-perpetuation.

During the evening of July 28, 1983, the Harbor City Chamber of Commerce is sponsoring a dinner honoring the new officers of the chamber. The evening also marks the last day of the current chamber president's term. When his term commenced 4 years ago, Anthony Pescetti assumed responsibility for a rather dormant civic organization. During his tenure as president, chamber memberships have tripled. This was one of Anthony's initial goals and is one he has admirably fulfilled.

Corollary to increased chamber memberships has been the much more substantive and visible role played by the Harbor City Chamber of Commerce in forging the directions of Harbor City and of the entire harbor region. Toward the achievement of this, Anthony very early on sought the counsel and cooperation of both the San Pedro and the Wilmington Chambers of Commerce. As a result, these three chambers of commerce have worked more closely with each other during his tenure as president than at any other time in recent years; and indications are that this innovative and mutually beneficial relationship will continue.

Few of us today have the foresight to determine just how propitious mutual efforts among the various chambers of commerce in the harbor region will prove to be for the vitality of the entire region, her constituent cities, and, most importantly, the residents of those cities. But I am sure it is evident to everyone that the three chambers working together will have a synergistic effect that can only benefit all of us from the area. I hope that in the years ahead each of us will remember and thank Anthony for having envisaged this and for laying such an invaluable foundation for the future.

Mr. Speaker, my wife, Lee, and I wish to extend our warmest appreciation to Anthony Pescetti for the exemplary role he has played as the president of the Harbor City Chamber of Commerce. We know that he is looking forward to the additional time he soon will be able to enjoy with his wife, Kathy, and their two children, Sarina and Anthony, Jr. We wish all of them well and hope that their futures are bright.●

UNFORTUNATE AND DISTASTEFUL EPISODE

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. WORTLEY. Mr. Speaker, I have heard from many of my constituents in recent days expressing their outrage over the behavior of two of our colleagues in cases of sexual misconduct involving minor pages.

As a Member of this body and a parent, I too am deeply distressed by what the Ethics Committee investigation revealed. Serving as a page in the U.S. Congress should be a rewarding experience for young people interested in Government, not a short course in the underside of life.

In the strictest sense, these two men did not violate their oath of office. However, I believe the spirit of their commitment to the people they represent may have been broken. Accordingly, I believe both men should resign immediately, thereby creating open seats in their respective districts. When special elections are called, in compliance with the applicable State laws, the two men can seek reelection if they so choose, giving the voters the opportunity to hold their Representatives accountable for their actions. I believe this is the fairest and most honorable way to proceed in this unfortunate and distasteful episode.

My heart goes out to the young people involved and their families, as well as to the families of my two colleagues. It is unfortunate, indeed, that in situations like this, the innocent and guilty suffer alike.●

DESPITE FORBIDDING HANDICAPS, JUSTICE TRIUMPHS IN THE CASE OF LEONARD SUCHANEK

HON. VIRGINIA SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mrs. SMITH of Nebraska. Mr. Speaker, recently, an inspiring account of the life and accomplishments of Judge Leonard Suchanek, who is blind, was published in the June 20, 1983, issue of People magazine. Judge Suchanek is from Loup City, Nebr., although he now lives and works in Washington, D.C.

This article needs the widest possible circulation so that this outstanding man's victories over incredible adversity can spur others—handicapped or not—to success. In order to share it with my colleagues, I insert the article in the RECORD today:

DESPITE FORBIDDING HANDICAPS, JUSTICE TRIUMPHS IN THE CASE OF LEONARD SUCHANEK

It is possible to push too fiercely. This is one of many lessons Leonard Suchanek has learned the hard way. Twice, in his eagerness to get somewhere fast, Suchanek, 46, has been hit by cars. Once, rushing off the subway escalator at the Pentagon three years ago, he tumbled into an open manhole. Flailing as he fell, Suchanek bumped against a pipe and held on for dear life. Incredibly, he was not even injured.

A miracle? Almost. Leonard Suchanek—chairman and chief judge for the General Services Administration's Board of Contract Appeals—is totally blind. And falling down a manhole is far from the worst thing that happened to him on his way to becoming one of the highest-ranking handicapped administrative judges in the federal system.

Suchanek, the ninth of 12 children in a poor Nebraska farm family, was born totally deaf in his right ear and with a 10 percent hearing loss in his left. His deafness proved little more than an inconvenience until, at age 5, he accidentally stabbed himself in the left eye while playing with a pair of scissors. A virulent infection set in, and, this being 1942, the pre-penicillin era, it rapidly spread to his right eye. Soon both eyes were irrevocably useless. "I was scared to death," recalls Suchanek. To help him cope, his parents sent him to the Nebraska School for the Visually Handicapped in Nebraska City, 170 miles from their home near Loup City. At first the school only added to his problems. Homesickness led to agonizing stomach pains. He was so traumatized that he forgot how to smile, how to frown, how to raise his eyebrows; he had to be taught how to move his face. "I was so depressed," says Suchanek, "it took me nearly two years to learn Braille—rather than the several months it should have."

Eventually, thanks to the gentle yet persistent prodding of a teacher named Lucy Haywood, Suchanek jumped from the fourth grade to the seventh in one year. But just as important, perhaps even more so, Suchanek learned an attitude: not merely to cope with his handicaps, but to aggressively challenge their limits. He joined the wrestling team, made handicrafts and peddled them door to door. In his senior year he entered Central Catholic High School in Grand Island, Nebr., near his family's new home, where he quickly ran into yet another handicap: the irrational squeamishness the nonhandicapped students felt in his presence.

"I was never really accepted by my high school classmates," he says, more in sorrow than rancor. "I would go to dances, stand there, and very few people ever approached me to start talking. Of course, there was no way I could walk up to someone and start talking."

Despite this lack of external support—or perhaps because of it—Suchanek looked inward and found the intensity that would drive him on. He graduated with honors, then accepted a small scholarship to

Creighton University in Omaha. Money was so scare that he often gave up eating for days at a time. When he couldn't stand it anymore, he'd buy a single beer in a local bar and fill up on free bar snacks—a primitive form of carboloading. "If not for beer and crackers," he says, "I'd never have made it."

That same fire in the gut carried him through Creighton School of Law, where he met and married his wife, Carol, a nurse. And still nothing came easy. To manage his course load, he created his own version of Braille shorthand and refined his remarkable powers of concentration even further.

After graduation and a year of successful private practice in Omaha, Suchanek moved with his wife to Washington, D.C. to seek greater challenges. At first simply finding a job proved challenge enough. "I had no idea," says Suchanek, "how difficult it would be to persuade people that a partially deaf and totally blind person could do the work."

In time he caught on with the GSA, which handles all federal government purchases and leases, everything from cars to computers to paper clips. Starting out as a junior trial lawyer representing the government in disputes with its contractors, Suchanek relied on the eyes and ears of a personal assistant to aid him in the courtroom. He rose rapidly through the ranks by his usual strategy—working seven days a week, up to 20 hours a day. Marvels Robert Lieblich, a colleague, "I've never known anybody else who pushed himself that hard." "To overcome being handicapped," says Suchanek, with a shrug, "you've got to work yourself to death."

That's one tough philosophy, placing demands not only on the philosopher but on the philosopher's family. Fortunately, wife Carol does not begrudge Suchanek the time he's spent away from her and their son, Mark, 16. "Leonard," she says "is very gifted. We have had to make sacrifices, but to be content, he must dedicate himself. He's not unlike an artist who has to paint or a writer who has to write."

Suchanek feels he has sacrificed only one thing. And what might that be? "Failure," he says flatly.

In 1978 he was promoted to his present position. (His job is to decide impartially between GSA and those with claims against it.) Though still an unabashed workaholic—he rises each morning at 4 in his comfortable Falls Church, Va. home to review his Braille shorthand notes—technology has allowed Suchanek to reduce his workday to a leisurely 10 or 12 hours. In fact, he sees technology as the "great equalizer" for the handicapped. Just as Braille gave the blind greater access to the world around them, so has the microchip. Suchanek's office computer comes equipped with a Braille printout accessory. Even closer to state of the art are his Kurzwell Reading Machine which scans a printed page, recognizes words, and reads them aloud, in a synthetic voice; and Total Talk, a computer terminal which responds verbally to typed commands, allowing Suchanek to hear whatever is in the computer.

Still, it's the man, not the machinery, that is most impressive. Says Saul Katz, director of GSA's Office of Ethics, "I don't think of Leonard as disabled. I think of him as the finest judge and best legal mind the GSA has. He's come a long way since his Nebraska days and will go a lot further."

That is, if he can stay out of manholes and away from rapidly moving vehicles. Fortunately, the judge has mellowed a mite. Now, before crossing a street, he'll raise his hand for assistance. Cab drivers, mistaking the gesture, will often stop. "I meet a lot of cab drivers that way," he says, smiling at the thought of how far he's come since no one would talk to him at his high school dance.●

KEEP SOCIAL SECURITY FOR THE LIVING

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. BIAGGI. Mr. Speaker, today I am introducing legislation aimed at further reducing the incidence of social security benefits being paid to deceased individuals.

The Social Security Administration estimates that of the 1.9 million persons who die each year in the United States—1.3 million are social security recipients. Most recent estimates indicate that more than $60 million a year in benefits are paid to the dead. This is an unacceptably high rate and represents a form of waste and abuse which must be eliminated.

My bill would specifically broaden and improve upon a provision of the massive social security reform bill adopted by the House and Senate and signed by the President earlier this year. Presently title II of the new law permits the Social Security Administration to enter into voluntary agreements with States to allow death certificates and records compiled by these States to be turned over to SSA to help them verify and correct their records.

Under my bill, in addition to the State providing this information—"hospitals, nursing homes, funeral homes, and other entities which are required under State or local law to file death certificates" could also voluntarily contract with the Social Security Administration to have such information provided to them.

I view my bill as complementary to the initiative we took earlier this year. First, there is no guarantee that all States will decide to enter into these voluntary contracts with SSA. My bill provides another avenue for SSA to utilize to obtain this important information. Further, even in those States which do enter into these agreements, one extra check and protection is warranted.

The Social Security Administration processes some 2 million death reports each year but, obviously, many are duplicative and all are voluntary. It is my intent in this legislation to have the Social Security Administration provide help to those entities filing these certificates to insure that no undue financial hardship is imposed on them. It is clear to me that any costs which might be incurred in this aspect of the legislation would be more than offset by savings achieved by the termination of paying benefits to the deceased.

Notwithstanding the improvements directed at the fiscal solvency of the social security fund with the adoption of the reform bill, we must continue to be vigilant in our efforts to weed out fraud abuse and waste in social security. Payment of benefits to the deceased continues one of the more blatant of these abuses which must be stopped and can be with cooperation on all sides. I offer my bill in a sense as a perfecting approach to title II of the social security law and hope it will gain swift approval in this House.

H.R. 3653

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 205(r)(1)(A) of the Social Security Act is amended–

(1) by inserting "(i)" after "(A)";

(2) by striking out "; and" and inserting in lieu thereof ", and"; and

(3) by adding at the end thereof the following new clause:

"(ii) hospitals, nursing homes, funeral homes, and other entities which are required under State or local law to file death certificates (or equivalent documents maintained by the States and political subdivisions) in the case of deaths occurring on their premises or within their jurisdiction, particularly entities located in States and subdivisions which have not contracted with the Secretary under clause (i), voluntarily contract with the Secretary to furnish the Secretary periodically with copies of the death certificates or equivalent documents so filed or with summaries (on forms established by the Secretary) of the information contained thereon; and".

SEC. 2. (a) Section 205(r)(1)(B) of the Social Security Act is amended by striking out "such information on such individuals" and inserting in lieu thereof "the information on such individuals obtained under subparagraph (A)".

(b) Section 205(r)(2) of such Act is amended—

(1) by striking out "under this subsection" and inserting in lieu thereof the following: "under paragraph (1)(A)(i), and each entity which furnishes the Secretary with information on deaths occurring on its premises or within its jurisdiction under paragraph (1)(A)(ii),"; and

(2) by striking out "transcribing and transmitting such information" and inserting in lieu thereof "transcribing or processing such information and transmitting it".●

THE CRISIS IN CYPRUS

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. MAVROULES. Mr. Speaker, today I wish to express my deep concern over the continuing crisis in Cyprus. Today marks the ninth anniversary of Turkey's use of American

military equipment to invade and unlawfully occupy Cyprus.

In July of 1974, the Turkish Army invaded the island nation of Cyprus. In the ensuing battles, Turkey captured 37 percent of the island. Today, 9 years later, Turkey maintains its forcible division of the island, and continues to occupy the nearly 40 percent captured. This forcible occupation has brought personal tragedy to thousands of Cypriots, and has turned nearly one-half of the population into refugees. Nine years after the invasion, 1,619 Cypriots are still missing and unaccounted for.

Over the 9 years of occupation, the Cypriot Government has made numerous attempts at negotiations for a just solution to this tragedy. Most recently, eight rounds of intercommunal talks have been conducted between representatives of the respective Cypriot communities. However, the intransient position taken by the Turkish Government once again, has resulted in there being no meaningful solution reached. Unfortunately for the oppressed residents of Cyprus, this stalemate at the negotiations table is indicative of the past 9 years.

The United Nations has by overwhelming majorities on repeated occasions promulgated resolutions which provide for the sovereignty of Cyprus in the context of the restoration of all human and fundamental rights for Cypriots of every ethnic background. The United Nations has further demanded the removal of all foreign troops from Cyprus. A recent United Nations Resolution, 37/253, restates the commitment of the United Nations to a peaceful settlement of the Cyprus issue. In the majority of these United Nations votes, the United States has abstained, thus tacitly endorsing the Turkish occupation of the island. This unspoken support for Turkish aggression, which has been condemned time after time by every nation in the free world and in the United Nations, damages our position as the leading proponent of human rights and freedom across the globe. The inconsistency of condemning Soviet aggression in Afghanistan, Poland, and El Salvador, while supporting equally egregious violations of human rights by Turkey in Cyprus, weakens our credibility around the world.

It is ironic that July 20 is also the anniversary of one of our Nation's, and all of humankind's, greatest achievements, the placing of an American on the Moon. It is imperative for the people of Cyprus, as well as for the United States, that we take affirmative action to end the occupation on Cyprus, and return that beleaguered land to peace.●

THE CASE FOR WAITING

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. RINALDO. Mr. Speaker, this country has been committed to the concept of providing universal telephone service for over 50 years. The telephone has become the lifeline of the "information age" and our commitment to insuring that all citizens have telephone service at affordable rates has increased, rather than diminished over time.

Last year, this Congress spent many long hours debating the relative merits of the divestiture of AT&T. As a result of a modified consent decree entered into between AT&T and the Justice Department, the divestiture is irrevocable and will become complete next year.

The divestiture involved many complex issues which were sorted out by Judge Green, the Federal Communications Commission, and a joint board composed of Federal and State regulatory authorities. Their combined actions are intended to produce a fair and equitable solution for all of the parties involved.

In the meantime, applications for huge rate increases are being filed by the local telephone companies to the State public utility commissions. Many of these rate filings are based upon misguided assumptions about the divestiture plan, and the record to date indicates that they are getting only a small fraction of their requested increase. Congress should continue to be resolute in monitoring this situation and be ready to act when we are certain that a real problem exists. The public must be assured that we will not sit back and permit the dissolution of universal telephone service. Yet I strongly believe that we must avoid the temptation to step in and revise the decisions that have been made by the courts and the FCC during the past year. Taking hasty action when we have no definitive results to guide us could lead to ill thought legislation.

I would like to share with my colleagues an editorial which appeared in the Washington Post on July 11, 1983.

[From the Washington Post, July 11, 1983]

FUTURE PHONE BILLS

As the divestiture of the country's dominant telephone company gets closer, the focus of public anxiety is shifting. The decision to break up AT&T is now irrevocable, and, understandably, there is increased attention to the issues of quality of service under the new decentralized system, and especially its price. How much will local phone calls cost—or, more precisely, how will the cost be divided among the many categories of users?

Judge Harold Greene, presiding over this monumentally complex reorganization, has addressed that question in his latest order. The local AT&T subsidiaries—the components of the future independent operating companies—have generated much alarm with their recent petitions for rate increases and, even if you make the usual allowance for exaggeration in rate petitions, there is in truth much to be alarmed about. If you believe that cheap local service brings important social benefits, and access to a phone is an advantage to which everyone is entitled, you need to pay attention to the terms on which the AT&T system's vast assets are being divided between the parent company, which will continue to provide long-distance service, and the local companies. Judge Greene's order is intended to strengthen the local companies and give local customers a little more protection from what's coming.

Within the AT&T system, long-distance rates have always subsidized the local phone service. How much? Among the many people who have studied it, no two have ever come up with quite the same answer. But it's pretty clear that when the two kinds of service are severed, there will be an unavoidable impact on the local companies.

There is, as always, a growing inclination in Congress to pass legislation. But that is a temptation to be resisted, precisely because of the gaping uncertainties. No one can say with any reasonable precision how this divestiture will actually affect rates over the next several years. If rates begin to go haywire, there will be a strong case for congressional intervention—but at this point it's not clear what form any intervention ought to take. Judge Greene has demonstrated that he is well aware of the standards that most people will apply to the outcome. Having come this far, he is entitled to continue, not without close congressional surveillance, but for the present without congressional interference.●

INDUSTRY OPPOSITION TO H.R. 100

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. FLORIO. Mr. Speaker, there have been many statements made about H.R. 100, a bill that would ban discrimination in insurance on the basis of race, color, religion, sex, or national origin. On July 11, 1983 (RECORD, 4900) I called upon the insurance industry to give up their absolute opposition to this bill and to sit down and talk about how the bill can be improved to address legitimate problems.

The Supreme Court's decision in the Norris case, which banned sex discrimination by insurers in pension plans, is a clear signal that the elimination of discrimination in insurance can be accomplished. The Norris case makes it even clearer that this legislation is essential.

The industry's opposition to this bill is misguided. An article from the July 25, 1983, edition of Fortune contains some insights into the tactics of different segments of the industry. And the article makes it clear that those who have decided on total opposition to the

principle of eliminating discrimination are those who have the least to lose. They like the ability to discriminate, but they will not be harmed if discrimination is outlawed. They view their opposition to the bill as a no lose proposition.

Other, more responsible parts of the industry have tried to discuss the issue on the merits. They recognize the important principle involved in eliminating discrimination and would like to reach agreement on a bill that will not harm them or their policyholders.

Those who have decided on total opposition, primarily the property casualty companies, know they have nothing to lose. As the General Accounting Office has confirmed (RECORD, April 21, 1983) women's rates for automobile insurance would not increase if gender were eliminated as a rating factor. The Fortune article makes it clear that they know that H.R. 100 will not hurt them.

I urge the Members to read this article, and repeat my request that the insurance industry return to the bargaining table. Internecine industry squabbling should not obstruct the passage of this important legislation. Responsible segments of the industry should have the courage to break with their obstructionist colleagues and help move forward with responsible legislation.

I insert a copy of the Fortune article for Members' information.

[From Fortune Magazine, July 25, 1983]

GETTING TOUGH ABOUT UNISEX

When Congress comes at you with legislation that's bad for your industry but politically potent, do you cut a deal or stand and fight? After months of dithering, life insurance companies decided to fight, and with a lobbying spectacular they appear to have derailed a bill to prohibit insurers from classifying insurance risks by sex.

The struggle began when feminist groups, defiant as time ran out on the Equal Rights Amendment, launched a compensatory crusade against sex discrimination in insurance. Senator Bob Packwood, chairman of the Senate Commerce Committee and the leading Republican advocate of women's causes, pushed a unisex insurance bill through his committee last fall. This January he reintroduced the bill with support from 130 women's, civil rights, and labor organizations, and almost immediately the proposal picked up 125 co-sponsors in the House.

Because their pricing policies are based on actuarial results—women pay less for life insurance and more for annuities because they live longer than men—life insurers, like the rest of the industry, had confidently opposed such legislation on the ground that it would undermine their products. But compromise began to seem attractive when some of the big life companies started looking at the arithmetic of the Packwood bill, which required retroactive adjustment of benefits promised under existing policies. Retroactivity posed no special danger to property and casualty companies and health insurers, whose business is rewritten annually, but for life insurers it would cost more than $14 billion—a price so high as to make the burdens of the unisex idea look small by comparison.

With the bill seemingly roaring through Congress, a handful of industry giants decided they'd rather switch than fight, provided they could strip it of the retroactivity requirement. The big mutual companies such as Prudential and Metropolitan were further disposed to cozy up to Congress because they face a steep hike in their taxes unless the legislators renew temporary tax breaks that expire this year. Says a mutual company lobbyist: "We figured we couldn't win on all three, so we preferred to give something on unisex so we could have a shot at getting our way on retroactivity and taxes."

In March the board of the 580-member American Council of Life Insurance (ACLI) broke with the four other major insurance trade associations and endorsed unisex without retroactivity. Leading the retreat: ACLI Board Chairman Robert A. Beck of Prudential—the Pru figured that retroactivity could take a $1.5-billion piece out of the rock—and Richard Schweiker, former Republican Senator, Reagan Cabinet member, ERA supporter, and since December president of the ACLI. (For the arguments of the industry's compromise clique, see box below.)

The life insurance rank and file reacted with outrage, Says Nancy Haragan, government affairs counsel for USF&G, a Baltimore insurance company: "What appalled us was how little they seemed to care about the principle of cost-based pricing. And to take the position they did, without even testing it, shows poor political judgment. If you think you're right, what's wrong with fighting first, and then compromising later, if it comes to that, from a position of strength?"

Hartford-based Phoenix Mutual Life, with Vice President Barbara Lautzenheiser in the forefront, quckly began circulating a petition to overturn the board's position. Together with USF&G, Fireman's Fund, and others, Phoenix Mutual also organized the Committee for Fair Insurance Rates, hired the Hannaford Co., a P.R. firm that represented Ronald Reagan before his election, and raised nearly $1 million to support a direct-mail and advertising campaign in the districts of 17 uncommitted congressional committee members. The ads' message: under a unisex system, women will pay $700 million a year more for auto insurance and $360 million a year more for life insurance. On May 11, as this P.R. blitz crescendoed, the ACLI membership voted overwhelmingly to repudiate the board's compromise on unisex. The ACLI promptly jumped in with full-page newspaper ads proclaiming: "Women live longer than men. Congress shouldn't penalize them because they do."

This grass-roots strategy has worked. More than 50,000 letters, many from women, have rained down on Capitol Hill, persuading Congressmen that what looked like a simple matter of women's rights is in fact a controversial, complex, and costly proposal that at least requires further study and may demand significant changes. When Packwood tried in June to bring up a slightly modified version of his bill for his committee's approval, he found himself barely able to defeat a motion to kill the whole thing. He has begun threatening his insurance company assailants with retribution—"You are asking to die by this sword, if you want to live by this sword," he warned recently—but few take such talk seriously. And what of retroactivity? "It's dead," says Linwood Holton, the ACLI's chief counsel.

Still alive, however, is an enormous residue of hostility between life's doves and hawks. Says one mutual-life lobbyist of those whose business is mainly property and casualty: "It's pretty easy to say, 'Bet everything,' when you've only 10 cents in the pot." The hardliners assail the spinelessness of the ACLI leadership. "They wimped and waffled from day one," snaps George K. Bernstein, a leading industry lawyer. "There is no compromise on this issue. We have to either win or lose."●

MEDICARE REIMBURSEMENT FOR HOSPICE CARE

HON. TOM VANDERGRIFF

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. VANDERGRIFF. Mr. Speaker, today I have introduced legislation to correct a problem that threatens the viability of hospices throughout the country.

As you know, hospices provide an interdisciplinary treatment for the terminally ill and their families, emphasizing the alleviation of pain rather than the continuation of therapy. Recognizing the fact that hospices are both good medicine and good economics, Congress, in its wisdom, authorized coverage for hospice care as a medicare reimbursement in a section of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA). Congress realized that the cost-effectiveness of hospice care rests with the ability to be a comprehensive alternative to conventional care, and called for a "cap amount" to be computed for medicare reimbursements. This was done with the clear understanding that the cap should be set at approximately $7,000 in order for hospices to be a viable alternative, since the only additional medicare reimbursements that would be allowed if hospice treatment was chosen would be for the attending physicians' fees.

The supporters of medicare reimbursement for hospice programs became alarmed, however, when the draft regulations by the Health Care Financing Administration became available. The draft regulations included a cap set for $4,332—almost 45 percent less than anticipated. This calculation, apparently the result of a statistical miscalculation or a misunderstanding, will obviously undermine the viability of hospice care and must be rectified. I realize that certain other regulations are troubling to those who are committed to these special organizations, but I believe the Secretary of Health and Human Services, Mrs. Heckler, will revise the draft regulations to better reflect the congressional mandate. I know that many of my colleagues have expressed their willingness to take corrective action if this is not the case, and I will be

among the very first to sponsor legislation should that become necessary.

Unfortunately, the revisions of regulations will not adequately deal with the cap issue. Clearly, legislation is warranted; and; it is for this reason I am introducing legislation to raise the cap to $6,500. Raising the cap will insure that those who wish to choose hospice care will be able to do so. My legislation will reaffirm the commitment of the Congress to provide the kind of quality care we have grown to expect of hospices, and to allow for a level of care for the terminally ill that we would want for our loved ones or even choose for ourselves.

I urge my colleagues to join in support of this legislation. I look forward to working with all interested parties to insure that hospice care is available to medicare recipients.

Mr. Speaker, the text of the bill follows:

H.R. 3615

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1814(i)(2) of the Social Security Act (42 U.S.C. 1395f(i)(2)) is amended—

(1) striking out "located in a region (as defined by the Secretary)" and "for the region" in subparagraph (A), and

(2) by amending subparagraph (B) to read as follows:

"(B) For purposes of subparagraph (A), the 'cap amount' for a year is $6,500, increased or decreased, for accounting years that end after October 1, 1984, by the same percentage as the percentage increase or decrease, respectively, in the medical care expenditure category of the consumer price index for all urban consumers (U.S. city average), published by the Bureau of Labor Statistics, from March 1984 to the fifth month of the accounting year."●

U.S. INVOLVEMENT IN NICARAGUA

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mrs. BURTON. Mr. Speaker, I would like to bring to the attention of my colleagues an excellent piece of investigative journalism which recently appeared in the San Francisco Examiner. The reporter, John Wallach, has brought to our attention disturbing evidence of the Reagan administration's accelerating efforts to involve the United States in an invasion of Nicaragua. As the House considers alternatives to the Reagan policies, I commend this article to colleagues.

The article follows:

WASHINGTON—The CIA reportedly asked for detailed maps of three Nicaraguan ports as part of a covert plan to mine the harbors and intercept Soviet and cuban weapons and supplies.

The agency may have planned to give the mines to anti-Sandinista rebels who intended to sabotage one of the ports in May when four Soviet ships were docked there.

A senior administration official said the maps, which included detailed information on "depths and channels," were urgently requested from the Defense Mapping Agency in early March.

Several sources said the rebels had planned the sabotage operation for mid-May but at the last minute the United States refused to provide the mines.

Intelligence sources and Pentagon, State Department and White House officials corroborated the account.

The sources disagreed over how far the planning had gone.

But they said there was little doubt that the CIA, prohibited by law from doing anything directly to overthrow the Sandinista regime, is broadly interpreting the law. The law permits covert acts aimed at interdicting arms shipped from Nicaragua to leftist rebels in El Salvador.

There also is strong evidence that the CIA, possibly with the help of the army's ultra-secret Intelligence Support Activity (ISA), has far more plans than previously disclosed to support the rapidly growing "secret army" of 12,000 to 15,000 anti-Sandinista rebels in Nicaragua and neighboring Honduras.

A Pentagon source said that in late February and again in March, a CIA-Defense Department team asked for urgent delivery of the maps for Bluefields, Puerto Cabezas and Corinto, the three ports where Soviet ships regularly unloaded military supplies.

"I didn't know whether they needed them for contingency plans to land (rebel) troops or whether they intended to mine the harbors to keep Soviet and Cuban ships out," the official said.

The Soviets, according to U.S. officials, have stepped up delivery of armored personnel carriers, multiple rocket launchers, anti-tank guns, East German trucks and field kitchens. The officials said the arms supplies are coming in at about 20,000 tons a year, or double the rate of 1981 and 1982.

A State Department official said the CIA had been approached by one arm of the "Contras", or Nicaraguan counterrevolutionaries based in Honduras and Costa Rica, to obtain underwater explosives to mine one of the harbors.

According to this official, the CIA operation was called off when a Pentagon employee tipped Rep. Clarence Long, D-Md. of the plan. Long is a strong opponent of administration policy in Central America.

Long reportedly conferred with CIA Director William Casey, warning that such a plan would violate the law and jeopardize the CIA's hopes to avoid a showdown with Congress over cutting off all money for covert activities in this hemisphere.

Long, chairman of the foreign operations subcommittee of the House Appropriations Committee, refused direct comment.

A Honduran who told the New York Times in April that he was involved in planning covert U.S. activities disclosed that the United States was providing underwater equipment and explosives to Argentine-trained sabotage teams that had infiltrated Nicaragua early this year.

The teams reportedly have had limited success in blowing up facilities in Puerto Cabezas. As a prelude to seizing the port, the Honduran defector reported, a team of Miskito Indians trained as frogmen had sabotaged some harbor installations in January.

The Honduran also disclosed that the Miskitos, who have turned strongly anti-Sandinista and claim that the Nicaraguan government has tried to exterminate them, were trained in underwater demolition at Vivorillo Island off the east coast of Honduras.

He said the Miskitos had been trained by the Argentines and the equipment and explosives used for the sabotage operation were supplied by the United States. The CIA and the Pentagon refused comment on the alleged operation.

U.S. officials disclosed in recent interviews that contrary to reports at the time, Argentina, after it invaded the Falkland Islands, did not withdraw many of its military advisors from Honduras, where it was training insurgents in guerrilla warfare.

The House Intelligence Committee said in May:

"There has been a hidden program of Central American policy . . . which has important consequences for the viability of the Reagan aims. This hidden program is the nominally covert provision of U.S. support and training to anti-Sandinista insurgents."

It went on to state that it is constrained in addressing the numerous published stories of detailed CIA covert operations because of the need "to protect intelligence sources and methods and the lives of those involved in the program." But the committee said some of the stories are accurate.

There has been increasing unhappiness on Capitol Hill with CIA Director Casey's alleged refusal to comply with the 1980 Intelligence Oversight Act.

The act reduced from eight to two the number of committees that are to be informed of covert actions but also established a firm requirement that the committees be given prior notification of all covert operations except in "extraordinary circumstances".

The law also directs the CIA and all other intelligence agencies to "furnish any information" the committees request.

One of the committees will take advantage of the act's requirements in a secret four-hour session with members of the Intelligence community on Tuesday, the fourth anniversary of the Sandinista takeover.●

SICKLE CELL OBSERVANCE

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mrs. COLLINS. Mr. Speaker, it is with a profound sense of accomplishment that I rise today in support of House Resolution 155, a resolution sponsored by Congressman JULIAN DIXON and me which directs the President to designate the month of September 1983, as National Sickle Cell Month. I say accomplishment because the national recognition of sickle cell disease as a major health problem is long overdue. A Presidential proclamation focusing attention to this genetic disease will serve to increase public awareness, make known the impact on American society, and help to insure that money for research is continued so that a cure may be found. Millions of people in our society will benefit termendously from being educated

about sickle cell disease. Babies are still being born with sickle cell anemia to parents who were unaware that they carried that trait of the disease. The National Association for Sickle Cell Disease, Inc. (NASCD), a nonprofit organization dedicated to providing an effective and coordinated approach to sickle cell disease education and visibility, estimates that 1 out of every 12 black Americans carry the disease trait and 1 out of every 500 have the disease. In real figures upward of 70,000 people are affected. In order to decrease the number of people born each year with this often fatal disease, NASCD is working hard to educate those races born in and around the Mediterranean: Greeks, Italians, Africans, and so forth, who are susceptible to having sickle cell. NASCD is also working relentlessly to see to it that every child-bearing woman in the United States is aware of a simple inexpensive blood test which can be taken in order to identify the carriers and those who have the disease.

In closing, I would like to thank my colleagues for their co-sponsorship of this resolution and urge the adoption of this measure. I would also like to take the liberty of inserting into the RECORD a fact sheet for pregnant women who have sickle cell trait.

FACT SHEET FOR PREGNANT WOMEN WHO HAVE SICKLE CELL TRAIT

ABOUT SICKLE CELL TRAIT AND SICKLE CELL ANEMIA

(By Charles F. Whitten, M.D., Professor of Pediatrics, Wayne State University School of Medicine)

In some individuals the red blood cells can change from a round to a sickle shape.

If you are born with this tendency from one parent you have Sickle Cell Trait.

If you are born with this tendency from both parents you have Sickle Cell Anemia.

A person with Sickle Cell Trait does not have sickle cells in the blood stream and does not have a disease.

A person with Sickle Cell Anemia has sickle cells in the blood stream and has a disease.

Sickle Cell Anemia causes severe pain from time to time. Pain episodes may necessitate several hospitalizations per year.

Other health problems that a person with Sickle Cell Anemia can have include growth retardation, leg ulcers, decreased exercise tolerance, pneumonia, gallstones and strokes.

Sickle Cell Anemia is highly variable in severity, ranging from mild to severe.

Sickle Cell Anemia does not affect intelligence.

Individuals with Sickle Cell Anemia are capable of handling any job that does not require heavy manual labor or exposure to cold.

The average life span for individuals with Sickle Cell Anemia is shortened.

Sickle Cell Anemia is not curable now, but extensive research to find a cure is being conducted.

The treatment of Sickle Cell Anemia primarily consists of pain killers for pain, transfusions for anemia and antibiotics for infections.

Individuals with Sickle Cell Anemia can live satisfying lives particularly if given adjustment counseling and job opportunities.

About 1 of 12 Black Americans has Sickle Cell Trait.

When a woman is pregnant and both she and the father have Sickle Cell Trait there is a 25% chance for the fetus (unborn child) to have Sickle Cell Anemia.

If only one parent or neither parent has Sickle Cell Trait there is no chance for the fetus to have Sickle Cell Anemia.

ABOUT DETECTING SICKLE CELL ANEMIA DURING PREGNANCY

At about the 16th week of the pregnancy parents who have Sickle Cell Trait can find out if the fetus has Sickle Cell Anemia.

To determine whether the fetus has Sickle Cell Anemia:

A painless procedure is used to locate the position of the fetus in the uterus.

A needle is inserted through the abdominal wall into the uterus and 1 to 2 tablespoons of the fluid which surrounds the fetus is removed. This procedure is called amniocentesis.

A test done on "skin" cells in the fluid can usually tell whether the fetus has Sickle Cell Anemia.

Amniocentesis is done on an outpatient basis and is only slightly painful.

Amniocentesis is very safe for the fetus and the mother. In only about 1 of 20 cases is there a complication such as bleeding, infection, or a miscarriage.

ABOUT CONTINUING/TERMINATING THE PREGNANCY

If the test shows that the fetus has Sickle Cell Anemia the parents can decide whether to continue the pregnancy or have an abortion.

The decision whether to continue or terminate the pregnancy is entirely up to the parents.

Counseling is available to help parents arrive at a decision they believe is in their best interest.

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THE MADRUGADA OF DEMOCRACY IN BRAZIL, AGAIN

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mrs. SCHROEDER. Mr. Speaker, last week I made note of democratic auroras in Argentina.

Today, I would like to make a similar observation about Brazil. Two recent dispatches, "Brazil's New Governors Find Cupboards Bare in Brazil" (New York Times, July 7, 1983) and "Socialist Governor Wins Points in Brazil" (Washington Post, July 19, 1983) discuss the activities of Brazil's recently inaugurated state governors, the winner of the gubernatorial elections in 17 years.

[From the New York Times, July 7, 1983]

BRAZIL'S NEW GOVERNORS FIND THE CUPBOARDS BARE

(By Warren Hoge)

RIO DE JANEIRO, JULY 6.—In São Paulo, the new government found that its predecessors had hired 51 lifeguards, 47 of whom could not swim. The only utility the new Governor of Ceará was able to keep functioning in his suddenly incommunicado executive mansion was the lights because the power company belonged to the state.

The treasury of Paraíba was so depleted that Wilson Braga had to pay for the invitations to his own inaugural, while Luiz Rocha, the new occupant of the imposing Palace of Lions in Maranhão, announced, "We are able to offer oblations to God and no one else."

The winners of the first gubernatorial elections in 17 years in Brazil have been finding life a cold bath since taking office March 15. The gulf between campaign promises and the money on hand to fulfill them turned out to be greater than any of them had expected, and they face constituencies whose impatience has become intensified by the country's deepening economic crisis.

Even Franco Montoro, the new Governor of São Paulo, was taken unawares despite the fact that, given the longtime expectation of his victory, he had had pretransition teams in action for nearly two years. Scarcely three months after his triumphant rise to the governorship, Mr. Montoro has found himself the object of public jeering and aroused editorial criticism.

SOCIALIST IS A SURVIVOR

The most buoyant survivor of these storm-tossed new public officials is proving to be Gov. Leonel Brizola of the state of Rio de Janeiro, the man who confronted the most perilous course.

The 60-year-old Socialist was a principal target of the 1964 military coup, and unforgiving officers made it clear even after his election this November that 15 years of forced exile had not atoned in their minds for his activities as a leftist firebrand 20 years ago. "This is a bone we will have to swallow and digest and get rid of at the right time," said Gen. Euclydes Figueiredo, the brother of Gen. João Baptista Figueiredo, Brazil's President.

The formerly hot-tempered Mr. Brizola has let such provocations go unanswered and has disarmed traditional enemies with a pragmatic approach that has gained him a friendly reception and pledges of federal cooperation from President Figueiredo.

He has been operating with as few resources as any of the other governors, but he has produced the appearance of concerted action and kept his popularity intact. His performance has been a study in how to be a politician, something that has been out of style in Brazil for the past two decades.

CENSURED BY KENNEDY

As a mayor, congressman and governor in the 1950's in southern Brazil, he had organized armed cells and urged enlisted men to imprison their commanding officers and once deliberately drove his car into the car of a rival. His "patriotic expropriations" of three American companies earned him the personal censure of President Kennedy and helped pass an Alliance for Progress amendment prohibiting aid to countries that permitted such confiscations.

Today he has dropped the inflammatory language and replaced it with a beneficent smile and professions of optimism in the future that would not be out of place in a Sunday morning sermon. He uses the language well, a good thing because he talks at great length.

He has taken so-called phantom functionaries off the payroll, ended police blitzes of rush-hour traffic and started a low-income

housing program based on gifts of government land, donations of building materials from business and organized construction by the future residents themselves.

AN UNEXPECTED COALITION

A commission of his is busy breaking up the vigilante death squads that have long gone unchallenged in many poor neighborhoods, and he has obtained help from Brasília in building new prisons throughout the state.

Wary that the regime in Brasília would try to sideline him by establishing a parallel power center in Rio with its own supporters, Mr. Brizola forged an unexpected coalition with the Government's Social Democratic Party and emerged with a working majority in the state legislature.

His efforts at concilation have included gestures toward two former military presidents, Gen. Emílio Garrastazau Médici and Gen. Ernesto Geisel, who during their years in office barred him from returning to Brazil. When the new Governor of Goías used the fiscal crisis his inland state confronted as reason to remove the police guard from the home of a prominent retired general, Mr. Brizola sent word to General Médici and General Geisel, both of whom live in the state of Rio, that no such action would be adopted here.

"We civilians have to understand the armed forces, and the Brazilian left and many liberals have been blind about it," he said in a three-hour interview in his beachfront Copacabana apartment.

"This is not Central America, and the military here is not like Somoza's national guard. The represent in our history a kind of skeleton that keeps the national organism on its feet. They are the best defined nation structure."

FAVORED FOR PRESIDENT

He said it was idle to speculate on why the military was now returning government authority to civilians. "Many people think they are doing so to preserve the power to step back in," he said. "It could be, but the important thing for us is to meet the challenge of keeping the open space we have and expanding it as much as possible. If we don't have the capacity, the competence and the lucidity to do that, then they will step back in."

Polls show that Mr. Brizola would be elected President if a vote were taken today, and he has made the calling of direct presidential elections a principal theme of his political pronouncements. Under the rules now in existence, President Figueiredo's successor will be chosen in January 1985 by an electoral college that is controlled by the Government's Social Democratic Party. He has said he would go along with a proposal now under discussion to give President Figuereido two more years in office in exchange for direct elections in 1987.

He has not abandoned his campaign against multinational companies. He said their "dominant" position in Brazil must end and argued that they shape the economy to their interests rather than to national ones. "I'll give you an example. We have a great seacoast and river network, but the multinationals wanted us to create an automobile industry, so now our commerce has to move by truck over roads, which is much more expensive."

He intends to create a Socialist party in Brazil and said that its goal would be to install democratic Socialism in the country gradually. "First you'd have a government of change, then a conservative one, then another one of change and so on," he said.

He said the Socialism he had in mind was one that "questioned" capitalism but did not reject it. "If Americans had the kind of capitalism we have here today, they'd send for Lafayette and have another revolution," he said.

He said that the Cuban revolution had been "fascinating" for Latin American leaders but that it had proceeded down paths that Brazil should not follow. "I remember once going to Miami and seeing the Cuban bourgeois there. I thought to myself, our bourgeois is too big to fit in Miami. We'll have to find the alternative path that doesn't exclude anybody.

[From the Washington Post, July 19, 1983]

SOCIALIST GOVERNOR WINS POINTS IN BRAZIL

(By Richard House)

RIO DE JANEIRO.—Three months after taking office, Socialist Governor Leonel Brizola has embarked on an ambitious education and social welfare program as his chief priority, which sidesteps potential conflicts with the federal administration while reinforcing his growing personality cult in the leading opposition state.

Brizola's program, which has attracted the attention of the World Bank, turns the emphasis away from Rio's chic beachfront districts to the favelas, or slums, where 36 percent of the state's population live and which were a source of support for his surprise election victory last November.

Brizola plans to build 500 schools and 1,000 kindergartens in slum areas, and to develop three large community centers in the city. They will serve growing numbers of children abandoned by the overloaded public education system who represent a reservoir of future social discontent.

When Brizola, 62, a symbol of opposition to the military that has ruled Brazil since 1964, took power along with other opposition state governors in March, he acted fast. An abandoned high-rise hotel with a panoramic view of Rio's smartest neighborhoods was requisitioned.

The unfinished hotel will become the first brizolao, or "big Brizola"—a school, sports center, teacher training nucleus and welfare unit that will deal with the social problems of the city's poor in full view of Ipanema's luxury apartment blocks.

The architect of Rio's educational and cultural policies is Vice Governor Darcy Ribeiro, 62, who was the second figure in the populist government of Joao Goulart toppled by the military in 1964, after which he spent a decade in exile. As former education minister and the creator of Brasilia's university, Ribeiro considers himself to be taking up an interrupted task.

"I opted for Brizola because he represents the path we were following 20 years ago," said Ribeiro, who described himself as an "atypical intellectual" because of his years in the Amazon forest in anthropological studies.

"Rio likes the Copacabana image, but the news is that it's suddenly accepting that it's a poor city," said Ribeiro, who recalled that a key theme in last year's election was Brizola's "indignation when he spoke of delinquent, hungry children with no schools."

Rio's public education system, where three-quarters of the children flunk literacy tests to enter third grade, is breaking down under the overload and under a shift system that provides children with just 2½ hours of schooling daily.

In contrast, the private education system ensures that 80 percent of children acquire basic skills, in part because these schools receive more federal aid than the public system. Brizola's promise of five hours of teaching, two meals and a bath for every child has doubled space requirements and has necessitated retraining 100,000 teachers.

There was money to build nuclear power stations, but not for schools—it wasn't lack of funds but lack of options" that caused the problems inherited by Brizola, according to Ribeiro. Relations with federal Education Ministry are good, while "complaints against the brizolao or our education policy here are politically inviable," a party official said.

The hotel in Ipanema will serve 500 children from the slums perched on the hillside above it, and some poorer children from the Ipanema neighborhood below also will attend. The project only awaits acceptance by hotel shareholders of Brizola's compensation offer.

Two other unused buildings in the suburbs also will be converted to centers bearing Brizola's name to look after 6,000 children a day. Rio's vice governor said the World Bank and Inter-American Development Bank are eager to aid primary education in Brazil and "would love to do something for us." Rio is pressing them for $150 million, if the federal government can match the loan.

The money will be used to provide 500 community schools and thousands of small nursery schools in slum areas where preschool children run wild during the day. Deputies from Sweden's parliament have promised up to $500,000, which Ribeiro says will be used to equip the first brizolao.

"It was always a personality cult," Ribeiro said of Brizola's politial style. Others point to his recent pact with leaders of the Social Democratic Party in Rio as proof tht he is still a caudilho, or traditional political boss. The right-of-center Social Democrats are the main party in the federal government.

"The world senses that South America's great statesman is emerging, a man capable of making important social changes. . . . He is the leader of a movement that must grow because it fulfills the needs of the majority," Ribeiro said.

Brizola has mellowed considerably since the days when he resisted the military coup against his brother-in-law Goulart and attempted to raise a guerrilla army to stop the process. Although military leaders branded him an "incendiary" last year, Brizola has found new favor with them, and even urged the reelection as Brazil's president of Gen. Joao Figueiredo, 64, who is facing a fast-deteriorating political and economic situation and personal health problems.

Figueiredo's reelection is a worst case scenario to ensure the transition to full democracy, as it would bar Brizola from running as a candidate for direct election in 1985. Brasilia has held out against direct elections, which Brizola probably would win.

Brizola has begun to articulate among other opposition parties the option of an nonpartisan candidate to be elected directly to the presidency. Ribeiro said, "I accepted the post of Rio vice governor on three conditions: that Brizola wouldn't resign, die or [become] a presidential candidate."

For Ribeiro, Brazil is "the country the United States would have been if the South had won the Civil War. We're fighting Abraham Lincoln's battles two centuries on." Back in power and with memories of the fall of "the most brilliant government Brazil has ever had, which was overthrown by an international conspiracy," Ribeiro said, "They stole 20 years of my life."

Rio's government takes a cool view of progress being made by other key opposition states. Of Sao Paulo and Minas Gerais state governors, Ribeiro said, "We have a road to travel with them, but we're different." He described the governor of Sao Paulo State, Franco Montoro, as "very backward politically, a Christian Democrat whose thinking predates Pope John XXIII."

But in Brazil's largest city, Sao Paulo, which has 600,000 jobless and was shaken by riots in April, Montoro's secretary for participation and decentralization, Franco Baruselli, said, "It's much easier to enchant the citizens of Rio than Sao Paulo."

Although aware that Montoro's cautious committee style compares unfavorably with Brizola's dexterity, Baruselli called the government fundamentally more democratic than Rio's. "It's not difficult to recreate old-style populism in this country—we, too, could have this image, but it would have zero result," he said.●

NEW YORK STATE REPORT CONFIRMS NEED FOR TOXIC SAFETY STANDARDS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. BIAGGI. Mr. Speaker, I wish to call to the attention of my colleagues a recently released report which confirms the pressing need to upgrade safety standards in our Nation's nursing homes.

Pursuant to a hearing conducted by my Subcommittee on Human Services of the Select Committee on Aging last year, I introduced legislation which would require that all medicaid and medicare-eligible nursing homes be built with materials that present a minimal risk to elderly and infirm nursing home residents. Specifically, when certain materials are exposed to high levels of heat and flame, these materials emit deadly toxic gases which can kill and maim individuals trapped inside such buildings. My bill H.R. 2806, would require that nursing homes be built with materials that present minimal toxic risks in the event of fire.

The report, completed for the New York State Department of State by the Cambridge, Mass., firm of Arthur D. Little, recommended that toxic tests be used to measure the risk of building materials and other materials that present toxic danger. Our hearing last year raised the question of the validity and relative sophistication of the use of such a "toxic test." The importance of the New York report is that it determined that such a test was both acceptable and feasible as a form of measurement as well as an appropriate tool for regulation. Therefore, based upon these fundings, the case for regulation of toxic building materials and furnishing becomes even more important.

There are 1 million nursing home residents today in health facilities which are supported by over $6 billion in medicare and medicaid dollars. If we do not require the highest standards of safety for these residents—then we are doing nothing more than subsidizing infernos.

The practical impact of toxic fumes has been witnessed on a number of occasions. Specifically, in the Air Canada fire of last month as well as the Biloxi, Miss., fire of last year, we saw people perish largely from smoke inhalation. The smoke that was produced in these fires was made even more dangerous—and ultimately deadly—because it was produced from synthetic materials which have been known to cause toxic fumes.

H.R. 2806 is a first-step approach in what I believe to be a necessity for the long-term health and safety of nursing home residents. We should be demanding that materials which present high toxic potency be eliminated from such health facilities which are largely populated by a seniors who are bedridden or who have difficulty moving about and whose susceptibility to harm from exposure to such gases is heightened because of their delicate health. This legislation is not designed to make toxicity the only standard of nursing home safety. However, it does require that toxicity be incorporated into an overall safety code.

It is my sincere hope that the New York study will enhance the move toward greater safety and health standards in all buildings by recognizing that toxic materials are harmful and demand regulation. I believe that H.R. 2806 represents a small, but significant move in this direction.●

IN SUPPORT OF H.R. 2059, A MORATORIUM ON OFFSHORE OIL AND GAS LEASING

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. PANETTA. Mr. Speaker, in San Francisco, July 2, my colleague from Oregon, Representative JIM WEAVER convened a field hearing of the Interior and Insular Affairs Committee, Subcommittee on Mining, Forest Management, and Bonneville Power Administration to consider the views of many Californians over offshore oil and gas leasing. Under consideration was legislation Representative STUDDS and I have introduced—H.R. 2059—which would impose a moratorium on offshore oil and gas leasing in certain California and Massachusetts OCS areas.

I thank the chairman for his interest in H.R. 2059, and for his insuring that those likely to both benefit from—and bear the impact of—California offshore hydrocarbon development the opportunity to voice their views. In order to insure that the fine comments expressed at the San Francisco hearing are not restricted solely to those in attendance, and to those reading the committee record. I would like to share with my colleagues one example of the many fine statements made during the San Francisco hearing: The remarks of my friend from San Mateo, Representative TOM LANTOS. I think TOM speaks for the 11th Congressional District, and for many other Californians, in his comments to the subcommittee in support of H.R. 2059.

TESTIMONY OF REPRESENTATIVE TOM LANTOS

Mr. Chairman, we are here today to close down a corner of Jim Watt's Bargain Basement Land Emporium and to prevent serious environmental damage to our California coast.

Secretary Watt's leasing program has been continually criticized by Congress and has been the subject of more legal challenges than the entire OCS leasing program since federal leasing began.

I regret that it is necessary for the Congress to take such action. My first reason for proposing the leasing of the area being considered is that the interior Secretary is determined to lease one billion acres of the Outer Continental Shelf for oil and gas drilling regardless of the demand for these leases, the impact upon the fragile areas involved, or the effect upon local economies.

This country's oil industry, even with all is financial resources, cannot keep up with the massive sales Secretary Watt has proposed. Only a fraction of the land he has offered has been taken at auction.

The Interior Department has already lowered its estimate of payments from OCS sales from $12 billion to $10 billion. At the April 27 sale, Mr. Watt's staff estimated there would be $979 million in bids, but only one-tenth of that amount was bid. In recent sales, the bids per tract were smaller than in previous auctions.

Another reflection of the decline in demand for oil and gas leases is the fact that currently 1,000 fewer offshore oil rigs are operating in the U.S. than a year ago. As a professional economist, I can assure you that it makes little sense to offer more acreage when previously leased tracts are not being developed. Those companies that participate in the auctions can purchase tracts at bargain prices—a giveaway that should not be permitted.

The Interior Department has already sold coal tracts at unconscionably low prices in the recent Powder River coal-lease sale. That action by Secretary Watt was labeled a "fire sale," because it so favored the coal industry. We should not repeat this process with our oil and gas resources in the Outer Continental Shelf. The fire sales must stop.

Rather than encourage energy self-sufficiency through additional leasing which will in no way ensure that acreage would be developed, the United States should instead intensify its efforts to fill the Strategic Petroleum Reserve.

With the current decline in oil prices, this is an opportunity to build our reserve to a prudent level so that we shall never again be at the mercy of Libya or Iran or Saudi

Arabia for the economic and security lifeblood of our nation.

Congress has mandated that the Administration build the reserve at a daily rate of between 220,000 and 300,000 barrels per day. Yet, the actual fill rate for June was only 175,000 barrels per day—a foolish economy if there ever was one.

A second reason for my opposition to lease sales off the California coast is the potential for serious environmental harm to fragile areas. There are marine life preserves and wetlands that could be damaged beyond repair. Much of the land which this bill under consideration will exclude from drilling is adjacent to state sanctuaries declared off-limits for oil rigs.

I wish to emphasize that the drilling moratorium being proposed is not the act of a selfish state anxious to shift the burden of production to others. California is the third largest producer of oil in the lower 48 states and produces the second largest amount of offshore oil. Even my home county of San Mateo has 28 working wells with applications pending for 8 new ones.

The more drilling that takes place, the greater potential for harm to the waters, the coast and the marine life. Even if all drilling operations are completely without incident, drilling muds injected into the wells inevitably seep out into the ocean. These and other byproducts are hazardous enough on land, and it is not yet known what effect they have in the water.

Frequently, however, all does not go smoothly, and the potential for environmental damage is great. To confirm that point, I am making public today a report not yet released by the U.S. Marine Mammal Commission, entitled "Assessment of Past, Present and Future Risks of Oil Spills In and Near the Present Sea Otter Range in California."

This report focuses on approximately 200 square miles between Pismo Beach and Pacifica. Between 1977 and 1981 almost 47,000 gallons of crude oil, diesel oil and other petroleum byproducts were spilled. In 1980 alone there were 49 spills. On one occasion in 1981, 1,000 gallons of crude oil were spilled because of an accident while a pipe was being cleaned. That same year, another 420 gallons of diesel fuel were spilled after it accumulated on the rig. The records are full of instances of mishandled valves, pipe ruptures and overflowing tanks in just this one area of the ocean.

In Northern California, there are no coastal refineries, therefore crude oil would have to be transported by tankers. The result of increased tanker traffic will be greater probability of another collision between ships, such as the 1971 incident that resulted in 20,000 barrels of oil being spilled near the Golden Gate Bridge.

For an area dependent as we are on our coastal economy, the effect of a major spill would be disastrous. Our tourist industry, in San Mateo County alone, produces revenues of about $2 billion, and commercial fishing is the livelihood of thousands of families.

For all these reasons, I endorse in the strongest possible terms the legislation H.R. 2059, proposed by Mr. Panetta and Mr. Studds. This legislation will prohibit leasing in only 4.6 percent of the total planned lease areas—areas with comparatively modest oil and gas potential.

The bill will inject some intelligent, long-range planning into our haphazard national energy and land-use policies. It will allow us to evaluate the situation again to adjust to changing conditions. By the year 2000 when many of the provisions of this bill expire, we will have the opportunity to determine if the resources now protected by the bill should be developed.

By then we are likely to be able to do so in an environmentally acceptable manner.

By then, and hopefully long before, I hope we will have an Administration more sensitive to the needs of the environment, more knowledgeable about the true worth of our public lands, more attuned to the realities of the energy market and more willing to listen to the Ameican people.

Thank you.●

DEPLOYMENT OF PERSHING AND CRUISE MISSILES

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. EDGAR. Mr. Speaker, a subject to which we have given insufficient attention here in the House of Representatives is the deployment of 464 cruise missiles and 108 Pershing missiles in Europe this winter. These weapons are the subject of negotiations now, the INF talks. Unfortunately, these weapons have been considered separately from the strategic weapons under discussion at the START talks. It is unfortunate because I feel that no progress will be made at the START talks until progress is made at the INF talks. It is also a mistake because these weapons should not be considered separately from the other so-called strategic weapons. The Pershing II is a powerful, accurate missile that could destroy hard targets deep inside the Soviet Union. It could reach those targets in only 6 or 7 minutes. The deployment of the Pershing II missiles would be a real impediment to the success of our European arms control talks. I hope the Congress decides to delay deployment, and I hope our negotiators work out an agreement that permanently avoids the deployment of these weapons.

Recently, Ethel Taylor, National Coordinator of Women Strike for Peace, wrote an article which appeared in the June 2 issue of the Pennsylvania Main Line Times. She puts the strike in perspective. Indeed, her organization Women Strike for Peace has for more than 20 years been putting in perspective the issue of nuclear arms. They were instrumental in achieving an atmospheric test ban in 1963, and they have continued to be a vocal organization urging that our Nation and other nations adopt a sane view of the international nuclear arms race. I recommend to you Ethel Taylor's article, "Stop Incendiary Rhetoric."

The article follows:

[From the Main Line Times, June 2, 1983]

STOP INCENDIARY RHETORIC—PREVENT DESTRUCTION OF WORLD

(By Ethel Taylor)

According to a report in the *Philadelphia Inquirer* May 22, the Bonn government has stockpiled two and one-half million tranquilizers with which to dose West Germans in the event of panic and injury as a result of a nuclear war or other catastrophes. An interior minister spokesman confirmed Friday that tranquilizers such as Valium were purchased with the aim "of having available sufficient medicine for the management of the badly injured and also for people who panicked in such an emergency. Professor Erika Hickel, a specialist in medical law, described it as "madness."

Why is the German government becoming so nervous? It's because in December, President Reagan is determined, despite the protests by millions of Europeans and British and lukewarm support from some heads of state, to place 464 cruise missiles and 108 first strike missiles in Europe—in an incredible six-minute striking distance from Moscow. Hence Valium, as an antidote to nuclear war.

These missiles will be the first U.S. missiles deployed on land in Europe since the early 60's, which have the range to reach the Soviet Union. These missiles will add to the present ability of the U.S. military to reach the Soviet Union with nuclear weapons carried by aircraft, missiles and submarines.

This is an act by a President who is often quoted as saying "No one wants peace more than I do." With these missiles facing the Soviet Union's based missiles (which incidentally are placed on their own soil and no place else) the odds will tilt intolerably in favor of accidental nuclear war. Negotiations for verifiable nuclear disarmament will be grossly undermined and infinitely more difficult.

The Pershing Two can go 15,000 miles per hour and is so accurate that it can hit targets in the Soviet Union far faster, and with greater reliability than any comparable Soviet missile can hit the U.S. It can fly over 1,000 miles and still land 60 feet from target, drilling nine stories underground before exploding, deep enough to wipe out the Russians' super-hardened silos.

The cruise missile, slated for Great Britain, Comiso, Italy and other areas, is perhaps even more dangerous. A low-flying pilotless aircraft, the cruise can deliver 200 kilotons of nuclear death—the equivalent to 10 Hiroshimas, without being detected by radar. You could hide one in back of your sofa.

These weapons are the very ones the Pentagon has said they need, according to the Defense Guidance Plan, to be able to "prevail" in the so-called "limited" nuclear war.

The Russians have warned that the placing of these super first strike weapons in Europe may force them to place missiles in Warsaw Pact countries and also may force them to place their entire nuclear arsenal on hair-trigger launch on warning. This means that Russian radar and computers could conceivably pick up a flock of geese and mistake it for a Pershing Two missile attack.

This could set off an automatic switch that would instantly launch a counter-strike against this country and against Europe, vaporizing hundreds of millions of innocent people by mistake. And when it's all over there will be few survivors left to wonder

whether it was a Canadian goose or missiles. U.S. based computers have made this mistake in the past and SAC bombers were retrieved at the 11th hour. It is evident we are heading into a world where computers will make the final decisions.

We must now act to stop this new threat to human survival. In Britain and in other parts of Europe women are demonstrating against the placement of these dangerous weapons on their soil. Women in Britain and in Comiso, Italy have created Peace Encampments surrounding the bases where the U.S. missiles will be placed. In the summer American women will be at Peace Encampments where the Pershing Two and the neutron bomb are stored ready to be shipped to Europe. One such Peace Encampment will be at Seneca Falls, N.Y. and the other in the state of Washington.

The nuclear age demands tough criteria to judge the fitness of a President, since bombs and missiles are poised for overkill at his command. George Kennan, former U.S. ambassador to the Soviet Union and the father of the containment policy in the 50's characterized the Reagan Administration's attitude toward the Soviets as "simply childish, inexcusably childish." It this is true and there is great evidence to indicate that it is, then we must be vigilant and publicly question the ability of the President to cope with the life and death decisions which face us.

The other day I read that the Soviet Union has completed field tests of its new SA12 surface to air missile and it is being deployed with the capability of intercepting the U.S. Pershing missile if that missile is placed in Europe—so the race goes on.

It really doesn't matter whether they have 4,000 warheads and we have 3,500, or any such number. The number, in this time of overkill, is irrelevant. It's only important to the manic ideologues to whom the concept of the Nuclear Freeze is anathema and the MX is a peacemaker because they believe that the problem of peace is a technological problem and it can only be solved by developing the perfect weapon.

There is only one way for the U.S. and the Soviet Union to save themselves and the world from each other's missiles and that is together. But nations must stop the incendiary rhetoric and get down to the business of trying to prevent the destruction of the world. It's like a marriage. Nobody can win a marriage. You get along or you both suffer with the kids as the helpless victims. The Soviet Union and the United States are like Siamese twins—what happens to one happens to the other. It has nothing to do with whether we love or hate the Russians or how they feel about us. It's a matter of self-preservation.

The placing of nuclear weapons in Europe aimed at the Soviet Union is a provocative act and creates a super boomerang which can streak back and destroy us.

As the President's nuclear rhetoric becomes more shrill—he portrays his grand scheme "defense space weapons as a vision of the future which offer hope"—when he castigates advocates of the freeze and opponents of the MX for failing to enlist in his Holy Crusade against the "evil empire of the Soviet Union"—when he praises a young father (*New York Times* March 9) for speaking a "profound truth" when the father said, "I would rather see my little girls die now, still believing in God, than have them grow up under communism"—we'd better start worrying about him and the nuclear button.

As he plans new weapons for fighting and prevailing in a nuclear war—when he ignores the Soviet warning that the MX will not be a bargaining chip at the negotiating table, but rather an incentive for them to create new weapons—when he envisions the defense budget as sacrosanct and more important than the needs of people then we'd better start worrying about his rationality. It may be incumbent upon us, in the name of survival, to challenge his continuing in office.●

PROTECTIONISM OR FREE TRADE IN INTERNATIONAL MARKETS

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. SUNDQUIST. Mr. Speaker, I would like to commend Morris Cunningham who recently wrote an insightful and objective article in the Memphis Commercial Appeal about free trade versus protectionism in international markets. Mr. Cunningham focused the article on U.S. Trade Representative Bill Brock's involvement and thoughts on the issue. I think that Trade Representative Brock's knowledge and judgment in this area have been and continue to be a great asset to our country. I request that Mr. Cunningham's article entitled, "Protectionism or Free Trade?" be inserted in the CONGRESSIONAL RECORD and I recommend it to my colleagues.

[From the Commercial Appeal, (Memphis, Tenn.), Sunday, June 26, 1983]

THE TRADE BATTLE

PROTECTIONISM OR FREE TRADE?

(By Morris Cunningham)

WASHINGTON.—Free trade is being pushed forward as a major issue in the 1984 presidential race, and Tennessee-born U.S. Trade Representative Bill Brock is welcoming the battle.

"I think it could clear the air and be healthy for the country," Brock said in an interview in his offices near the White House.

With free traders and protectionists already locked in battle in Congress, the presidential campaign debate next year could be the most significant since 1884, when Democrat Grover Cleveland, a free-trader, barely beat Republican James G. Blaine, a protectionist.

Adding spice to the 1984 battle is the prospect the major political parties will switch their historic positions.

Historically, Republicans have favored tariffs and other measures to protect U.S. products from foreign competition. Democrats, often led by Southerners concerned with the need to sell Southern cotton abroad, have argued for free trade.

Currently, President Reagan, Brock and other key Republicans are standing up for free trade, while Walter Mondale, John Glenn and other leading Democrats are endorsing varying degrees of protectionism.

The authors of the 1930 Smoot-Hawley Act, the last high-tariff measure passed by the U.S. Congress, were both Republicans, and the act they sponsored was passed in a Republican Congress during a Republican administration.

After Smoot-Hawley was passed, other countries retaliated with their own protectionist measures and world trade came to a comparative standstill. "The Smoot-Hawley Act," Brock said, "turned a recession into the worst depression the world has ever known."

Sen. Reed Smoot (R-Utah), a small-town businessman, and Rep. Willis C. Hawley (R-Ore.), a college economics professor, were defeated in the 1932 Democratic landslide. The incoming Democrats—President Franklin D. Roosevelt, Tennessee-born Secretary of State Cordell Hull and others—set about the difficult and complex task of dismantling the trade barriers that had sprung up worldwide.

Brock, having been born in Chattanooga Nov. 23, 1930, was a child at the time. But his grandfather and namesake was a Democratic senator who joined with his Democratic colleagues in vainly trying to stop the passage of Smoot-Hawley. Brock has some of the statements his grandfather made on the Senate floor.

Grandfather Brock was elected to an unexpired Senate term in 1929, did not seek reelection in 1930, and returned to Chattanooga in early 1931 to resume management of his business, the Brock Candy Co., of which his grandson is now one of the owners.

The world, of course, never has had truly free trade. Competing nations have refused to cooperate to that degree—leaving ups and downs in degrees of protectionism.

Recessions, with factories closed and people out of work, invariably bring demands for protection against competing foreign industries. The question now is whether a recession-hit United States, the world's greatest trading nation, will continue to fight for freer trade or will turn inward as it did in 1930 and try to protect its depressed industries from foreign competition.

While Reagan has taken the protectionist side in a few instances, such as hiking import taxes and setting quotas on Japanese motorcycles, his overall policy has been to promote free trade.

As U.S. Trade Representative, a cabinet-level position, Brock is constantly in touch with the White House, shuttling back and forth between Japan and Europe and concerning himself with an endless variety of problems.

In Congress, the auto workers are pushing a so-called "domestic content" bill that would require all foreign auto companies selling more than 100,000 cars and trucks a year in the United States to use a certain percentage of U.S. labor and parts. Toyota and Nissan (Datsun) would be required to use up to 90 percent domestic content in vehicles sold in the United States.

The bill passed the House last year but did not come up in the Senate. However, Sens. Mondale, Glenn, Ernest F. Hollings (D-S.C.), and Alan Cranston (D-Calif.), all Democratic presidential hopefuls, all went on record for the bill.

Brock calls the bill "the worst trade bill since Smoot-Hawley." In a recent radio address President Reagan called it a "cruel hoax" that would not produce the intended results.

"New cars would be more expensive and more jobs would be destroyed than protected," Reagan said. "We would buy less from our trading partners, they would buy less from us, and the world economic pie would

shrink. Recrimination and retaliation would increase."

Of the Democratic presidential hopefuls, Mondale has gone the furthest in endorsing protectionist measures. Many observers are surprised, because as a senator he once led a filbuster that killed a bill to restirct imports of textiles from Japan.

But Mondale is sensitive to the labor unions, and the auto workers, as well as the steel workers and others, are demanding action to save the jobs of their members. In a speech to the steel workers, Mondale said the United States must take a "tough" stand on trade or Americans would be reduced to "sweeping up around Japanese computers."

In a June 7 ad in the Washington Post promoting local content legislation, the auto workers said: "Americans know that the proposal is sensible and fair—and that it means jobs. They understand the vital importance of an auto industry to all sectors of our economy."

Also pending in Congress are so-called "reciprocity" bills, some under Republican sponsorship, that call for U.S. retaliation against unfair trade practices by foreign countries. Brock and other administration officials are concerned these measures would restrict rather than promote trade.

President Reagan has said he favors a positive rather than a defensive approach to world trade. "We want to enhance the ability of U.S. producers and workers to compete on a fair and equitable basis in the world marketplace," he said.

With the entire world affected by the recession, and Mexico, Brazil and other countries heavily in debt and unable to buy as they once did, world trade is going through a critical phase. If the United States suddenly turned protectionist, it could well have the disastrous results of crying "fire" in a crowded theater.

Wary representatives of the 88-nation General Agreement on Tariffs and Trade (GATT) made little progress toward resolving trade issues in Geneva last November. The rhetoric was more encouraging at the economic summit meeting at Williamsburg, Va., in late May. President Reagan and leaders of West Germany, Japan, Britain, France, Canada and Italy called for a rollback of recently imposed trade barriers. They promised to work to halt the trend toward protectionism and expressed a willingness to consider a new round of trade liberalization talks within the next decade. Before and during the conference Reagan constantly reaffirmed his dedication to free trade.

Brock is fully in accord with the newly revised plan for a Department of Trade made up of his agency and all of the Commerce Department except the Census Bureau, which would be moved elsewhere. The consolidation would clear up what he calls "gray areas" in jurisdiction and improve efficiency. Brock's agency would set policy, as it does now, and administration and negotiations would be left to the rest of the new department.

The legislation has some support in the Senate but practically none in the House. White House sources think it has little chance of passage anytime soon and foresee no fight between Brock and Commerce Secretary Malcolm Baldrige over the job of heading the new department.

In any event, Brock, who served eight years in the House, six years in the Senate, and four years as Republican national chairman before taking his present post, has a wide assortment of friends and supporters who will work to see that he comes out all right in any contest.

"I have loved all of the jobs I have had in Washington, all have been different. But this one has given me an international experience I couldn't have got any other way. It is an enormous challenge, and I have loved every minute of it. Five hundred billion dollars of our economy depends on foreign trade. It touches everything—the quality of our education system, the size of the federal deficit, negotiations with other countries—all are parts of the whole."

He said the debt problems of Mexico, Brazil, Argentina and other Latin American countries have had a sizable impact on U.S. exports. "Our exports to those countries are down 34 percent from last year—$6 billion to Mexico alone."

He foresaw little chance for improved trade in the debt-burdened countries for the next few years. "We will have to try to offset it with more trade with Southeast Asia and Europe, but it will be tough for the next few years."

Relaxing in his office, Brock talked of the progress made in recent years—20 million new jobs created in the United States in the past 10 years, U.S. trade up to $459 billion a year compared to $19 billion before World War II. But he said that even as these records were being set the seeds were being sowed for today's recession.

"Worldwide, nations turned to debt to ease the explosion of energy prices. More demands were placed on the capital pool, savings and profits declined, government shares of gross national product increased, research and development fell, prices rose, productivity declined, and the result was stagflation."

Now, he said, politicians worldwide are tempted to close doors against world competition. "It is a natural reaction. There is a basic rule of politics: 'When things go wrong, find someone to blame, and be sure they can't vote in your district.' Protectionism fills the bill nicely. Yet it is no answer."

He recalled that after Smoot-Hawley and the Great Depression, the United States devoted itself to building a world system designed to open up markets and liberalize trade. The result has been a remarkable success, but Brock isn't satisfied.

"If over the next five years we could double our exports, which is entirely within our capability, the U.S. economy would benefit by an additional $200 billion in income and 6 million more jobs. That is a great opportunity and we ought to get started on it.

"This is no time to raise the drawbridge and retreat into isolation. We must put our own house in order and seize the opportunity for new growth. The United States today is the most productive country in the world by any economic measure. Our political system is the freest, our enterprise system is the most competitive, and we have a deeply ingrained work ethic."

He pointed out something that many people are inclined to ignore, and that is that the United States would have a handsome trade surplus even today, despite the great volume of Japanese imports, if it were not for our purchases of foreign oil. "When you hear of a $43 billion merchandise trade deficit in 1982, remember that $63 billion in imported oil is being counted on the negative side."

Brock conceded that the United States at times has compromised its free trade principles.

"None of us is without sin, but having said that, it is important to point out that this President and this administration are committed to free trade and are going to take every possible step in that direction."●

H.R. 3616

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. WAXMAN. Mr. Speaker, today I am introducing H.R. 3616, a modest effort to deal with some of the inadequacies in medicare coverage of home health services.

The bill has two parts. The first clarifies in the medicare statute a definition of intermittent home health care provided on a daily basis. This definition is nothing more than a codification of current HCFA policy which allows daily home health care visits which are medically reasonable and necessary as certified by a physician.

I have learned that certain fiscal intermediaries which administer medicare's home health benefit have applied more restrictive standards to HCFA's policy on daily care, thus creating widely divergent standards among States. As a result many medicare beneficiaries are having payment improperly denied for care certified as necessary on a daily basis. Here are some examples:

An 85-year-old patient from Detroit, Mich., with peripheral vascular disease had a statis ulcer on his leg. He had already lost his other leg because of the same problem. He lived with his 85-year-old wife, who was unable to assist him. Although service was provided for this patient on a daily basis until his leg was healed, medicare reimbursement was denied by the intermediary.

A woman from Wisconsin received home care for irrigation and packing of wounds located on the stump of her right leg and on her groin. Due to the large size of the wounds and their location, the patient was unable to care for herself. She could neither see nor reach the wounds. The nurse providing care noted large amounts of foul-smelling purulent drainage. The patient also required assistance with her diabetic regime and assistance in walking. Daily care was needed, but since this patient did not meet the intermediary's interpretation of "intermittent care," medicare reimbursement was denied.

From my own district, we have an example of a 71-year-old woman who has cancer of the breast with metastasis to the bone and a deep drainage wound requiring daily irrigation and packing. Such care can be given in her home in approximately 1 hour by a visiting nurse. Despite her considerable pain, the patient is an alert, determined woman who desires to

remain independent. The Visiting Nurse Association of Los Angeles is available to assist her in achieving her goal for as long as possible and has her physician's support to do so. However, she cannot remain at home with service limited to three times per week or even five times per week; her wound must be treated daily. The fiscal intermediary has denied reimbursement for her daily care.

H.R. 3616 clarifies in the law that medicare's intermittent home health care benefit can include care on a daily basis for up to 90 days. This portion of my bill has no cost attached to it and would insure that this benefit is provided uniformly across the country.

The second part of H.R. 3616 would allow nursing and/or home health aide services to continue to be provided to a beneficiary once the need for skilled nursing care no longer exists. My bill would allow for only 20 additional home health visits, a very limited number indeed. These visits would only be authorized after the beneficiary's physician has certified that this additional care is needed. We believe that very few persons currently receiving home health care benefits under the medicare program will need these additional visits. But for those few persons this provision is vital.

For example, a man from Roswell, N. Mex., aged 86, had a primary diagnosis of congestive heart failure. He was also suffering from arthritic, widespread cancer and incontinence. His wife was an 82-year-old arthritic diabetic. He received skilled nursing and home health aide care for 2½ months. Thereafter he did not require skilled nursing care but did require aide service and periodic nursing care for drawing blood. The aide care included checking his pulse, bathing him, changing bed linens, shaving, helping him eat and dress, moving him in bed to avoid bed sores and helping move his limbs periodically to stimulate circulation. Because he did not require skilled nursing care, the care was denied.

A survey of home health care agencies in Florida, Vermont, New Mexico, Georgia, Michigan, Ohio, and Maryland indicates that the percent of patients now receiving care who would need the additional benefit ranges from 1.5 percent to 20 percent. Assuming that 10 percent of the current home health recipients will use the additional benefit, the estimated cost for this provision is about $25 million.

We want to include this very modest increase in medicare's home health benefit in order to guarantee that some beneficiaries are not unnecessarily institutionalized or left without care, and that program expenditures do not continue to be driven by increasingly expensive hospital and nursing home care.

At a time when we are all searching for ways to provide health care in the most cost-effective setting, this legislation enables medicare beneficiaries to receive care in their own homes, surely the most desirable and least costly setting of all.

H.R. 3616

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1861(m) of the Social Security Act (42 U.S.C. 1395x(m)) is amended by adding at the end the following new sentence: "For purposes of paragraphs (1) and (4), nursing care and home health aide services may be provided under such paragraphs on a daily basis (with one or more visits per day) for a period of up to 90 days with monthly physician certification of the need for services on such a basis, and after such 90-day period based on a physician certification of exceptional circumstances requiring such services on a daily basis.".

SEC. 2. (a) Sections 1814(a)(2)(D) and 1835(a)(2)(A) of the Social Security Act (42 U.S.C. 1395f(a)(2)(D), 1395n(a)(2)(A)) are each amended by inserting "or (with respect to up to 20 home health service visits) continues or continued to need nursing care or the services of a home health aide" after "continues or continued to need occupational therapy".

(b) Section 1862(a)(1) of such Act (42 U.S.C. 1395y(a)(1)) is amended—

(1) by striking out "or (D)" in subparagraph (A) and inserting in lieu thereof "(D), or (E)";

(2) by striking out "and" at the end of subparagraph (C) and inserting "and" at the end of subparagraph (D), and

(3) by adding at the end the following new subparagraph:

"(E) in the case of continued nursing care and the continued services of a home health aide referred to in sections 1814(a)(2)(D) and 1835(a)(2)(A), which are not reasonable and necessary for the safety and maintenance of the individual in the home;"

SEC. 3. The amendments made by this Act shall apply to services furnished on or after October 1, 1983.●

THE COST OF DRUG ABUSE IN AMERICA

HON. MICKEY EDWARDS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. EDWARDS of Oklahoma. Mr. Speaker, there is no doubt that drug and alcohol abuse remain major problems in America and threaten our future as a productive and free nation. This article, which appeared in a recent issue of Pharmacy Times magazine, clearly illustrates the dollar cost of drug abuse and I am pleased to bring it to the attention of my colleagues.

[From the Pharmacy Times, May 1983]

HOW THE STAGGERING COSTS OF SUBSTANCE ABUSE ADD UP TO BILLIONS OF $$

(By Mickey Smith, Ph.D., Pharmacist, Robert A. Freeman, Ph.D., Pharmacist)

It took many years for our society to recognize that alcoholism is an illness, and indeed, that any form of substance abuse must be considered an illness. Moreover, all kinds of substance abuse have been implicated in other illnesses—and all of these incur added costs. It is especially tragic that, in times of scarce health-care resources, these essentially-preventable conditions should be a continual economic drain on society. The magnitude of the economic costs of 3 kinds of substance abuse—alcohol, drugs, and tobacco—is the focus of this article.

Barbara Cooper and Dorothy Rice, of the Social Security Administration, are recognized leaders in determining the costs of various illnesses. Among the direct costs of illness they include the following:

Hospital care
Physicians' services
Dentists' services
Other professional services
Drugs
Eyeglasses and appliances
Nursing home care

Among the indirect costs of illness, according to the Cooper-Rice studies, are the following:

(1) Morbidity Costs—(a) Absence from employment because of illness, (b) failure to perform housework because of illness, and (c) failure to work at all because of illness-related disability.

(2) *Mortality Costs*—(a) Loss of earnings because of premature death.

Recently, the U.S. Public Health Service issued guidelines from cost-of-illness studies. The cost elements, which are shown in Table 1, illustrate the complexity and far-reaching effects of illness.

TABLE 1: COST ELEMENTS IN COST-OF-ILLNESS STUDIES

I. Core costs

A. Direct:
1. Hospitalization
2. Outpatient clinical care
3. Nursing home care
4. Home health care
5. Services of primary physicians, specialists, and other professionals
6. Drugs and drug sundries
7. Rehabilitation counseling
8. Rehabilitation aids

B. Indirect:
1. Lost productivity due to mortality
2. Lost productivity due to morbidity
a. Reduced productivity
b. Lost productive time

II. Other related costs

A. Direct:
1. Transportation
2. Household expenditures and help for the household
3. Special equipment or alteration of property for rehabilitation or comfort
4. Counselng, retraining, and reeducation
5. Property losses (for instance, destruction from vehicular accidents or criminal activity)
6. Criminal justice system
7. Welfare system administration (not the transfers themselves)

B. Indirect:
1. Lost productivity of family and friends
2. Lost productivity resulting from incarceration due to abuse-related problems
3. Lost productivity from full-time pursuit of a crime career in order to support a drug habit
4. Lost productivity of persons other than crash victims due to drug-caused motor vehicle accidents

(Source: Derived from T. Hodgson and M. Meiners, *Guidelines for Cost-of-Illness Studies in the U.S. Public Health Service (1979);* also used in the study conducted under federal contract by the Center for the Study of Social Behavior at the Research Triangle Institute in North Carolina.)

In January 1981, the Secretary of the U.S. Department of Health and Human Services issued the Fourth Special Report to the U.S. Congress on Alcohol and Health. Some of the findings, even without associated dollar figures, are astounding. For example, alcohol is involved in all of the following fatalities:

⅓ to ⅔ of fatal auto accidents;

At least half of fatal auto accidents involving *young* drivers;

About half of deaths from falling accidents;

About half of adult, fire-related deaths;

Probably half of deaths by drowning;

A much higher suicide rate for alcoholics—i.e., 30 times the rest of the population.

One estimate by the (then) Department of Health, Education, and Welfare set the total costs of alcohol abuse and alcoholism at $43 billion for 1975. This figure included $19.64 billion in lost production, $12.74 billion in health and medical costs, $5.14 billion in motor vehicle accidents, $2.86 billion in violent crimes, $2.86 billion in social services—counseling, rehabilitation, etc.—and $0.43 billion in fire losses. (For those who can appreciate a small social comment, a December 1982 issue of *The Wall Street Journal* reported that U.S. retail sales for "Smurf" miniature figures and specialty products exceeded $650 million in 1982—about what the U.S. government and all the state governments together currently spend on alcoholism treatment.)

Excessive alcohol consumption is not only caused by poor economic conditions, but it also results in serious economic consequences. In a study published in the December 1975 issue of the *American Journal of Public Health*, M. Harvey Brenner, professor of public health at Johns Hopkins School of Public Health in Baltimore, demonstrated a link between the consumption of distilled spirits and major stress in the economy. He noted that it is this kind of alcohol consumption, as opposed to beer and wine, which is most likely to result in painful medical, mental, and criminal consequences. (To this, we would add *economic* consequences.)

It will never be possible to put an entirely accurate dollar figure on the costs of drug abuse because such abuse is so far-reaching. Consider, for example, the following compelling quote from R. R. B. Joyce and Kenneth R. Hammond in the book *Psychotropic Drugs and Social Judgment:* ". . . we . . . need to know how drugs influence the judgment of the drugged . . . How much of our present legislation and other political activity represents interaction modified by such means? Is it better or worse for having been initiated in smoke-filled rooms and wine-filled brains? How many of our future, perhaps present, legislators are experienced users of social drugs *other* than alcohol and tobacco—and how much difference does this make to their decisions on matters other than drugs?"

ECONOMICS OF DRUG USE

This basic problem affects everyone, both directly and indirectly. In one of the hundreds of conferences which have been held on drug abuse, Durand F. Jacobs, Chief of Psychology Service at the Veterans Administration Hospital at Brecksville, Ohio, sounded this alarm: "One must consider the broader implications of a culture in which tens of millions of adult citizens have come to us . . . drugs to alter virtually every facet of their waking (and sleeping) behavior . . . What changes may be evolving in our value system?"

Some interesting insights into the economics of drug use have been provided by U.S. Navy Economists George Brown and Lester Silverman who studied the "retail" price of heroin. They estimated (for 1972) that an initial 30-kilo import of heroin eventually leads to about $12 million in consumption.

When the increase in drug usage & inflation in the last decade is also considered, the current cost of drug usage almost defies estimation, but is certainly in the billions.

Another aspect of drug abuse costs was reported by Diane Sixsmith, Director of Emergency Services at Harlem Hospital in New York City, and Professor Fred Goldman of the Columbia (N.Y.) University School of Public Health in the May 1979 issue of the *American Journal of Public Health.* Using data from the Harlem Hospital Center, they reached the following conclusions for that particular institution: ". . . drug abusers can be estimated to have absorbed 20,144 days of inpatient care in a community which is at high risk for health problems in general, and which has limited medical resources. At the Medicaid reimbursement rate of $215.83 per inpatient day, the costs of such inpatient treatment for the medical complications of drug abusers were $4.35 million."

Sixsmith and Goldman also note that costs such as these are usually *not included* in drug abuse cost estimates; consequently, the total drug abuse cost is severely *underestimated.*

Late in 1981, the U.S. Alcohol, Drug Abuse and Mental Health Administration received the final report of the most comprehensive study to date on the costs of alcohol & drug abuse and mental illness. The study was conducted under federal contract by the Center for the Study of Social Behavior at the Research Triangle Institute in North Carolina. The staggering figures uncovered by these researchers are shown in Table 2.

As Table 2 shows, in 1977, alcohol and drug abuse were responsible for more than $65 billion in costs, direct and indirect, to our society. Interestingly, some 10% of this figure was allocated for treatment & support.

Table 2.—Costs to Society of Alcohol and Drug Abuse 1977
(Dollars in millions)

	Alcohol abuse	Percent of total	Drug abuse	Percent of total	Total
Core costs	$43,161	87	$5,174	32	$48,335
Direct	6,372	13	1,290	8	7,662
Treatment	5,637	11	1,078	7	6,715
Support	735	1	212	1	947
Indirect	36,789	75	3,884	24	40,673
Mortality	10,715	22	831	5	11,546
Morbidity	26,074	53	3,053	19	29,127
Reduced productivity	23,593	48	2,830	17	26,423
Lost employment	2,481	5	223	1	2,704
Other related costs	6,213	13	11,213	68	17,426
Direct	4,441	9	4,776	29	9,217
Motor vehicle crashes	1,782	4	(1)	.....	1,782
Crime	1,685	3	4,453	27	6,138
Public	1,479	3	3,347	20	4,826
Private	191	.....	1,033	6	1,224
Property loss/damage	15	.....	73	.....	88
Social welfare program	142	.....	12	.....	154
Other	832	2	311	2	1,143
Indirect	1,772	4	6,437	39	8,209
Crime careers			5,143	31	5,143
Incarceration	1,418	3	1,294	8	2,712
Motor vehicle crashes	354	.....	(1)	.....	354
Total	49,374	.....	16,387	.....	65,761

[1] Although costs are hypothesized to occur in this category, sufficient data are not available to develop a reliable estimate. "Totals" may not add up, due to rounding off of figures. Source: Adapted from Research Triangle Institute Report.

TOBACCO'S TOLL

Another type of substance abuse which is pervasive in our society is cigarette smoking. It is well recognized that smokers are sick more often than nonsmokers and that smokers also die younger. In fact, it has been estimated that one-sixth of all U.S. deaths are tobacco-related.

Tobacco consumption affects more than just the health of the smoker. For example, according to Alvan and Betty Brody, co-authors of *The Legal Rights of Nonsmokers,* tobacco consumption is associated with the following:

33 percent of hotel fires
26 percent of apartment fires
22 percent of motel fires
21 percent of hospital fires
56 percent of all fatal residential fires
33 percent of automobile accidents

A DOLLAR VALUE?

Not surprisingly, it is difficult to place a dollar value on losses due to tobacco consumption. One estimate (also from Brody and Brody) of the total extent of the economic cost of tobacco consumption provides these figures shown directly below.

Production losses (morbidity)	$8,000,000,000
Medical care costs	5,300,000,000
Research in smoking and health	10,000,000
Property losses—fires	136,000,000
Property losses—automobile accidents	1,400,000,000
Government subsidies (agricultural)	12,000,000
Total	14,858,000,000

For the sake of comparison, it has been cited that the tobacco industry contributes $6 billion annually to federal and state taxes. While the $14.8 billion estimate of the economic cost of tobacco consumption is subject to dispute, it does present a general benchmark to compare costs against revenues.

Because pharmacists are concerned with the delivery of health care, it seems incongruous that one of the major outlets for tobacco sales is still the retail pharmacy. It would seem fitting, once again, to call on pharmacists to reconsider the appropriateness of selling products clearly deleterious to the public's health and well-being.

SUMMARY

The tragic reality of substance abuse (alcohol, drug, and tobacco) is that, in addition to causing great human suffering, substance abuse *is* a preventable disease. It would make far better sense to allocate time and other resources to the *prevention* of substance abuse than to the treatment of addiction—given the low probability of achieving successful, permanent cures. Clearly, pharmacists have an obligation to ensure proper

medication use, and this obligation extends beyond the dispensing function.

Some years ago, considerable funds were spent to educate drug abuse counselors. While this expenditure was appropriate, one cannot but wonder why pharmacists did not take a more active role. Perhaps it is time for the profession to assert its expertise and take leadership in this very important public health area—as a professional service.●

TESTIMONY OF DR. ANNE H. CAHN BEFORE THE COMMISSION ON SECURITY AND ECONOMIC ASSISTANCE

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. HALL of Ohio. Mr. Speaker, Dr. Anne H. Cahn, the director of the Committee for National Security, testified before the Commission on Security and Economic Assistance on July 11, 1983.

I have had the pleasure of appearing with Dr. Cahn on panels discussing conventional arms limitation and security assistance issues. From personal observation, I can attest to Dr. Cahn's knowledge, expertise, and eloquence on arms transfer policy questions.

The Washington Post of July 14, 1983, published an excerpt from Dr. Cahn's testimony before the Commission on Security and Economic Assistance. For the benefit of my colleagues, both the Post excerpt and the full text of Dr. Cahn's testimony follow:

[From the Washington Post, July 14, 1983]

FOR THE RECORD

From testimony by Anne H. Cahn, director of the Committee for National Security, before the Commission on Security and Economic Assistance:

Despite the administration's high hopes, increased transfers of conventional weapons . . . will not necessarily expand the influence of the United States, nor will the military and strategic benefits always be realized. To evaluate the impact of arms transfers, policy makers must understand that recipient nations will always follow their own national interests, and these may not be congruent with those of the United States. As a result, the United States does not always acquire influence through arms sales, and the strategic and military impact of security is difficult to predict. . . .

When evaluating the utility of such an agreement, the executive branch must consider that most Third World nations do not share its bipolar view of the world. The regimes of developing countries may face traditional regional rivals, or they may wish to extend their influence in their own region. Consequently, once they have purchased weapons from the United States, they wish to pursue their own interests independent of the superpowers.

Furthermore, arms sales alone will not succeed in balancing power in an unstable region. In fact, it may escalate a regional arms race, heighten tensions between neighbors, divert scarce resources from the fragile economies of developing nations, and lead to a confrontation of the superpowers. As an implement of foreign policy, security assistance has a role to play, but that role is perhaps better suited to be a supporting actor, rather than the featured player.

TESTIMONY OF ANNE H. CAHN, DIRECTOR, THE COMMITTEE FOR NATIONAL SECURITY

Unlike its predecessor, the Reagan Administration contends that the United States should place heavy emphasis on arms transfers as a foreign policy instrument. According to James Buckley, former Undersecretary of State for Security Assistance, "Security assistance is the most cost-efficient investment we can make both to meet the challenges of today and to enhance the prospects for a safer future." As a consequence of increasing security assistance, the Administration hopes to: promote peaceful solutions to regional rivalries; assure access to military facilities and strategic raw materials; confront military threats from the Soviet Union and its 'proxies'; revitalize American alliances; and boost American defense production capabilities. In addition, the Administration expects increased arms sales to result in a more favorable balance of payments, higher employment, and greater economies of scale in weapons procurement, which would result in lower unit costs.

Despite the Administration's high hopes, increased transfers of conventional weapons, however, will not necessarily expand the influence of the United States, nor will the military and strategic benefits always be realized. to evaluate the impact of arms transfers, policy makers must understand that recipient nations will always follow their own national interests and these may not be congruent with those of the US. As a result, the United States does not always acquire influence through arms sales, and the strategic and military impact of security is difficult to predict. In fact, arms transfers to the Third World may exacerbate tensions in a region instead of deterring aggression. Furthermore, arms transfers may contribute to internal tensions, thereby contributing more to instability than to stability.

Although arms transfers appear to be viable solutions to friendly regimes beset with growing internal dissent or aggression from neighbors, and in the short run may boost US national security, their impact is unpredictable in many cases. Because most arms transfers are cash sales, receipients do not always feel obligated to heed the wishes of the supplier, be it the United States or the Soviet Union. For example, shortly after Congress approved the AWACS sale, Saudi Arabia raised the price of oil, condemned Oman for permitting US military equipment to be based there, and resumed diplomatic relations with Libya. The Soviet Union has also experienced difficulties with major clients. China, Egypt, Somalia, and Indonesia have not only sought to restrict Soviet influence, they have rejected ties with the Soviet Union despite or possibly even because of massive doses of Soviet security assistance to each country. In addition, states compete for leading roles within their own regions; as a result, they may not wish to be too closely tied to either of the superpowers.

Besides seeking to maximize influence, the United States also desires to bolster political ties with friendly regimes. In addition to military sales, the US provides International Military Educational Training, which is designed to foster long-range cooperative relationships with military and civilian leaders. Although these leaders are exposed to American values, their decisions, once they return, will not necessarily reflect the beliefs to which they have been exposed; rather, they will be influenced by factors such as their nation's role as a regional actor, rivalry with other states, strengthening their own domestic power base, and their cultural heritage.

In the past, the United States has relied on security assistance to support the stability of friendly regimes faced with internal opposition. By overemphasizing arms transfers, the US may overlook several processes which will minimize its influence and destabilize the political setting of the recipient state. For examples, as a Third World nation begins to develop, the expectations of the population for economic and social advancement escalate. Also a fundamentalist reaction to a change in cultural values resulting from rapid economic development may arise. Unless the recipient state develops the capacity to meet a controlled level of demands and expectations, and the political system provides the framework for the aggregation of demands, the regime is likely to experience growing internal instability.

Often arms transfers are justified as symbols of friendship and reliability. Difficulties arise, however, when the US arms two rivals. For instance, in the Anglo-Argentine conflict over the Falkland Islands, the US had to choose between two states, both of which it had been supplying with arms. Earlier examples are India-Pakistan and Israel-Jordan.

The question of who derives political influence over whom from an arms transaction is a complicated one. The relationship is neither linear nor uni-directional. That is to say, the amount of influence does not necessarily increase with the size of the transaction nor does the influence necessarily flow from supplier over the recipient. Many variables can intervene. The following matrix illustrates some of them:

Supplier's influence is maximized when the recipient:	Recipient's influence is maximized when the recipient:
Has no alternate sources of supply	Has multiple sources of supply, especially cross-bloc.
Cannot pay for the arms	Can pay cash.
Is a "pariah" state within the international community.	Has multiple diplomatic and cultural relations within the international community.
Has no indigenous weapons-production capability.	Can produce weapons indigenously.
Does not occupy a strategic geographic position.	Occupies a strategic geographic position.
Has a small storage capacity for spare parts.	Has ample storage capacity for spare parts.
Perceives a real threat to its national survival.	Does not perceive a real threat to its national survival.
Does not possess scarce unsubstitutable raw materials.	Possesses scarce unsubstitutable raw materials.
Requires supplier personnel for weapons maintenance and training.	Has sufficient technically trained indigenous personnel.
Perceives that receiving arms from supplier is particularly prestigious.	Perceives that the seller's prestige is "on the line."
Has such a strong ideological orientation that switching suppliers is precluded.	Is ideologically unhindered in switching suppliers.

These variables are not presented in rank order nor are they mutually exclusive; indeed several are interrelated. The pariah state syndrome—the diplomatic isolation of Israel or South Korea—is intimately connected with the non-availability of alternate sources of arms.

In determining whether an arms transfer agreement will promote national security, the Executive Branch must evaluate the military and strategic effects of such a sale. The current Administration, contending that the Soviet Union has delivered substantially greater numbers of weapons to the

Third World than the US has, insists that weapons are a significant factor for countering threats of aggression from the Soviet Union and its client states. In cases in which a client of the Soviet Union clearly confronts a friend of the U.S., arms transfers has served to deter aggression as well as provide the friendly ally with the means to preserve its territorial integrity and sovereignty; examples are South Korea, Thailand, and Sudan. There are other instances in which friends of the US feel threatened, but the threat is either not as ominous or there are other variables which complicate the situation. For example, Saudi Arabia may perceive a threat from Iran or from South Yemen, yet aid to this conservative Arab state alarms Israel.

Because there are a few instances in which a friend of the US is challenged by a Soviet client state, the Administration, when assessing the security implications of security assistance, should also consider the situation from a perspective which does not stress conflict in a bipolar context. A notable example of failure to do so, is the agreement to sell Venezuela twenty-four F-16s. This deal represents the introduction of highly advanced aircraft into Latin America. Although Cuba may pose a threat to Venezuela, the nature of the threat does not warrant such sophisticated aircraft. Besides possibly provoking a Cuban response, the sale heightens tensions with other South American states such as Guyana and Colombia. Other Latin American nations will now also desire sophisticated weaponry, and the United States, wishing to be viewed as a reliable ally, may feel compelled to make available advanced armaments to other nations in the region. Thus, in attempts to achieve regional stability through a balance of power, arms transfers may actually produce undesirable consequences.

In addition to seeking regional balances of power, the United States employs security assistance as an instrument to secure strategic access to military and intelligence facilities. In return for a transfer agreement, the recipient may grant the privilege of overflight, permanent military facilities, and sites for repairs and refueling, as well as facilities for satellite tracking, submarine detection, nuclear test detection, and navigational aid systems. The right to use these facilities may be withdrawn, however, or restrictions may be placed on their use. For instance, many nations refused bases on their territory to be used during the 1973 airlift of supplies to Israel. Because arms transfers do not guarantee access to facilities, the influence and leverage on arms suppliers seeking access is diminished.

At times the US has deemed the sale of advanced weaponry necessary for its national security. Because of the nature of these arms, such transfers entail high risks because they could potentially be used against the US as well as against our friends and allies. The proliferation of advanced conventional weaponry increases the likelihood that the Soviet Union will obtain the technology and perfect counter-measures. Recent examples are the compromised F-14s with their Phoenix missiles and the AWACS in Iran. Despite these known risks, the US continues to expand the sale of highly advanced weapons systems. For instance, the US. agreed to sell F-16s to Venezuela, Pakistan, and South Korea. In addition, it has concluded with Saudi Arabia an agreement including the sale of AWACS aircraft and Sidewinder missiles.

If not carefully monitored, the sale of sophisticated weapons may reduce the preparedness of US forces. For instance, from the second quarter of 1982 to the last quarter of 1984, the US will have diverted forty F-16s from its own Air Force to the Egyptian armed forces. Furthermore, the transfer of F-16s to Venezuela and Pakistan will follow an accelerated delivery schedule, thus aggravating US inventory shortages. Besides depleting stocks of US equipment, arms transfers may reduce the pool of trained technicians who are competent in advanced avionics and who can provide logistical support for advanced armaments. Further, the presence of US technicians in volatile regions entails some risks because they may be an unintended "trip-wire."

Besides arguing that security assistance remains vital to national security, the Reagan Administration believes that it helps the economy as well. In 1982, National Security Advisor William Clark asserted, "Not only does security assistance offer a cost-effective way of enhancing our security worldwide, but it also strengthens our economy in general and our defense production base in particular." Arms sales, therefore, are seen as instrumental in enhancing defense production capability and efficiency as well as alleviating some of the costs for research and development. The Administration argues that armaments exports decrease the balance of payments deficits and provides jobs, but any exports of US products reduce the balance of payments deficits and arms production is primarily capital intensive rather than labor intensive. Thus, per billion dollar of federal expenditures, arms transfers are not good job generators. Moreover, economic criteria should never be the primary consideration in arms transfers. The critical criteria for arms transfers should always be whether they will bolster US national security.

Arms sales may mitigate balance of payments deficits, yet the consequences of these transfers may adversely affect national security. If more stringent criteria were established to determine the feasibility of the sale of military equipment, arms exports might decline, yet this reduction in trade would hardly produce devastating effects on the economy because arms comprise only a small portion of all exports. In the short run, arms exports may increase employment in defense industries; however, the overall level of employment will not be significantly affected. As arms exports increase, the dollar is likely to be strengthened relative to other currencies. This appreciation of the exchange rate could lead to a decline in the export of civilian goods and thus to a reduction in employment in nondefense industries. Because the US has targeted a greater portion of its security assistance programs to Third World nations experiencing severe economic problems, the United States faces the risk of these countries being unable to pay for the advanced weapons. Instead of refusing to sell, however, the U.S. has been willing to forgive repayment in some circumstances or at least to grant very generous terms. For instance, in 1983 the U.S. waived payment of loans to Israel, Egypt, and Sudan and offered special repayment terms—a ten year grace period followed by a twenty year repayment period—to Egypt, Greece, Somalia, Sudan, and Turkey. As a result of these generous agreements, the burden on the U.S. Treasury is increased.

Turning now to the recipient countries, military spending may have positive effects on the economies of developing countries. Before a nation can utilize advanced weaponry, it must possess roads, airports, construction equipment, and skilled technicians. If these resources are also used for civilian purposes, they will provide the foundation for the infrastructure of a growing economy. Despite the benefits, recent studies done at MIT, the University of Hamburg, and Birkbeck College, University of London, indicate no strong evidence of a positive relationship between military expenditures and growth in developing countries. In the long run, scarce resources such as capital and skilled labor are diverted from the civilian sector. In addition, arms imports soak up the foreign exchange of many developing countries. To pay for these imports, recipient nations must either export crops or raw materials. To export crops, many small farmers are displaced, and arable land is not devoted to producing food to feed the growing urban population. In some cases, co-production arrangements are concluded, but co-production does not aid development because the benefits of growth are not distributed. Because military-related industries are capital-intensive and require skilled personnel, very few people in these impoverished countries are eligible to participate in the benefits of growth.

In conclusion, decision-makers should examine closely the political, economic and strategic consequences of security assistance. When evaluating the utility of such an agreement, the Executive Branch must consider that most Third World nations do not share its bipolar view of the world. The regimes of developing countries may face traditional regional rivals, or they may wish to extend their influence in their own region. Consequently, once they have purchased weapons from the U.S., they wish to pursue their own interests independent of the superpowers. Furthermore, arms sales alone will not succeed in balancing power in an unstable region. In fact, it may escalate a regional arms race, heighten tensions between neighbors, divert scarce resources from the fragile economies of developing nations, and lead to a confrontation of the superpowers. As an implement of foreign policy, security assistance has a role to play but that role is perhaps better suited to be a supporting actor, rather than the featured player.●

NINTH ANNIVERSARY OF THE TURKISH INVASION OF CYPRUS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. YATRON. Mr. Speaker, July 20 marks the ninth anniversary of the Turkish invasion of Cyprus. Every year the tragic facts of this deplorable occupation of northern Cyprus by Turkish troops remain the same; 200,000 Greek-Cypriots continue to live as refugees in southern Cyprus and the whereabouts of 2,000 innocent civilians missing since the initial invasion in 1974 is still unresolved. As you know, this illegal act of aggression committed by the Turkish Army was undertaken with the use of American military hardware. Hence, the United States is beholden to the Cypriot

people to seek a just and lasting solution to this human tragedy.

Mr. Speaker, the fundamental objectives of U.S. policy with respect to this ongoing dispute should be crystal clear—the withdrawal of all foreign forces from Cyprus and the unification of this divided war-torn nation under one flag.

At a time when the wisdom of the Reagan administration's human rights policies in Central America is being questioned and criticized by our friends and allies, I believe it behooves us to consider the implications of executive branch initiatives in the eastern Mediterranean. Clearly, a strong military posture in Turkey serves U.S. strategic interests and our overall NATO defense system. In this connection, the administration has proposed almost $1 billion in military assistance for Turkey in fiscal year 1984. However, we must not let our military relationship with Turkey preclude us from our humanitarian obligation to peacefully resolve the Cyprus conflict. I believe the Cypriot people can succeed in realizing their legitimate goal of national self-determination, free of foreign aggression, but only with a sincere commitment from the United States. Unfortunately, the Reagan administration's efforts to promote a settlement to this 9-year dispute, notwithstanding empty rhetoric, are nonexistent.●

AGRICULTURAL RESEARCH: AN EMERGING CONSENSUS OF PRIORITIES

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. BROWN of California. Mr. Speaker, the Subcommittee on Department Operations, Research, and Foreign Agriculture of the Committee on Agriculture held 4 days of hearings on agricultural research last month. We heard testimony from witnesses representing the U.S. Department of Agriculture, academic institutions, private research organizations, and users of research. All these groups were asked to address the broad issues of national concern affecting federally supported research and development in food and agriculture.

The goal of these hearings was to set the agenda for a thorough study of the entire research system, which will prepare us for the reauthorization of these programs in the 1985 farm bill. Several issues of immediate concern to the Congress were raised at the hearings, however, and I would like to call the attention of my colleagues to them.

For the past 10 years or more, the agricultural research system in this country, and the USDA in particular, have been criticized by GAO, OTA, and many other groups. Among these criticisms has been that there is insufficient long-range planning in agricultural research. In response to these charges, and with some specific mandates from Congress, USDA has initiated an unprecedented series of strategic planning efforts.

Earlier this year the Agricultural Research Service (ARS), which is USDA's in-house research agency, issued a 6-year program plan. This plan set priorities for each major category of research and proposed a number of shifts in emphasis, particularly away from crop production and protection, toward long-term research in biology, postharvest technology, and nutrition. It also proposed a new emphasis on research in agricultural systems, that is the overall functioning of our food production and distribution system as affected by technological, economic, and management factors.

This proposed plan has caused some anxiety. There has been concern expressed, notably by the House Committee on Appropriations, that this plan means that ARS intends to abandon research on current problems of farmers in favor of theoretical studies with little or no practical value. Our subcommittee made a special effort to determine whether there was any basis for these concerns and to learn how our witnesses felt about the ARS's efforts.

We found that the ARS plan, far from being seen as a threat, enjoys strong support from nearly every segment of the agricultural research system. The representatives of our land grant colleges and universities welcomed the plan as an opportunity for dialog with ARS to clarify the roles of the State and Federal partners in research. Witnesses for a variety of national producer and commodity groups also supported ARS's effort to establish national goals, even though they might disagree with some of the particular choices made.

Many of our witnesses pointed out the importance of ARS taking the initiative in promising new areas of science. They urged us to remember that when research is directed toward solving practical problems, the distinction between basic and applied work is not clear. Work in such basic areas as cell biology, physiology, or genetics, may yield results of immediate value to plant breeding, animal reproduction, or pest control. Furthermore, many of the techniques routinely applied by farmers today came directly from so-called basic research conducted just 5 to 10 years ago. We heard numerous examples of this during the hearings.

Of course, many studies do not pay off so quickly, and there are problems which resist solution for a long time. Many of these are of great concern to farmers today. But time and again we were reminded by our witnesses that a continued effort to discover new basic scientific facts is the only way to acquire the resources to deal with such problems.

The issue is one of balance. If we assume, as the ARS did when it made its plan, that funds for research will remain constant over the next 6 years, we must decide which efforts will get more money and which must get less. This is never easy, and we can expect those who come out short to be unhappy. Adequate consultation with all affected groups and with the Congress is essential. I believe that ARS is making an honest effort to do this; for instance, we learned that the various animal agriculture groups solicited the views of their producers on priorities for research and conveyed these views to ARS. We want to be sure that all concerned groups have a similar opportunity as these plans are refined and implemented.

A related concern, which I have heard expressed on a number of occasions recently, is that USDA is attempting to impose some sort of national plan on the State agricultural experiment stations and other research organizations. In fact, the USDA has been criticized for failing to exert national leadership in research, and the agency is making a major effort to respond to these criticisms. This may have caused some fear that it intends to try to establish centralized, bureaucratic control.

What we learned, however, is that USDA recognizes that the strength of the system, which has made it one of the most effective research and development systems anywhere in the world, is precisely its diversity. This decentralized structure makes our research system responsive to the needs of each State and region. At the same time, this does make it harder for the system to respond quickly to emerging problems of national scope. The challenge for USDA is to set national policy without stifling democratic participation and broad-based initiative.

Through the Users Advisory Board and the Joint Council on Food and Agricultural Science, which were set up under the 1977 farm bill, USDA is beginning to accomplish this difficult task. Far from adopting a "top-down" approach to planning and coordination, USDA is working from the bottom up to develop a consensus on priorities for national efforts in agricultural research. The 6-year plan formulated by ARS is one part of this; the Joint Council recently issued a list of eight priorities for research and extension for fiscal year 1985; a long-term needs assessment and 10-year plan for research and extension are being prepared by the Council for re-

lease early next year. These recommendations are being taken seriously by USDA, and will form the basis for future budget requests to Congress.

I want to stress that these are not bureaucratic plans carved in stone; they are flexible, responsive, and subject to revision as new needs arise, as new scientific opportunities emerge, and as previously promising directions prove unfruitful. They attempt to balance the continuing refinement of proven techniques and the search for new breakthroughs; they attempt to balance local and regional and national concerns. They take into account the potential contributions of Federal, State, and private research efforts.

This does not mean that the subcommittee is entirely satisfied with these efforts. We intend to follow very closely the further development and implementation of these plans, recognizing that followthrough is essential for success. We want to work with other committees of Congress who are also looking into these issues, in the hope of building a consensus on future legislative action.

Finally, we see a need to consider whether our current levels of investment in food and agricultural research are adequate to maintain and improve our food and fiber production and distribution. Many of our witnesses suggested that we cannot expect to remain the world leader in agriculture if we continue to underinvest in promising new areas of technology. Agricultural research, which was once the largest category of federally supported science, has fallen to only a few percent of total Federal R&D. Other countries have been increasing their food and agriculture research budgets, while ours has begun to level off.

Several of our witnesses pointed out that we will need major new research initiatives in biotechnology and the sustainability of our soil and water resources if we are to maintain and improve agricultural production and restore profitability to farming. The proposed redirections of funds at ARS, even if they are allowed to proceed as planned, will not be nearly enough. Several witnesses endorsed the idea of a sizable new program of competitive research grants, open to all capable institutions and individuals, and targeted toward critical problems in biology of crop plants and livestock. Nobody suggested that these initiatives come at the expense of the stable base of formula funds that are provided to our State research partners. They did suggest that while we are putting out billions for new military R&D, we surely can afford to increase our investment in the food security of our Nation.

Mr. Speaker, our hearings have pointed out many difficulties ahead for agricultural research, but they also have suggested the outlines of a consensus, based on the excellent recent efforts of the USDA and its advisory bodies, under the direction of the Assistant Secretary for Science and Education, Dr. Orville Bentley. With the participation of the land-grant universities, our other academic institutions, and the many producer, commodity, and consumer organizations, I believe that a revitalized research system will begin to take shape in the coming years. Congress has an essential role to play in supporting this process of self-examination and planning. Our oversight and legislative activities can facilitate these hopeful developments, if we understand clearly what is taking place. I hope that my colleagues will come to share my strong support for the promising new direction our agricultural research system is taking.●

PUERTO RICAN DAY PARADE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. RODINO. Mr. Speaker, Sunday, July 31, marks the annual Puerto Rican statewide parade in New Jersey. The event will begin at 1 p.m. and will proceed from Lincoln Park to Washington Park in Newark. I am honored to have been asked to serve as part of the corps of dignitaries for the parade, as it is a special occasion for me every year, and one which I look forward to.

This year's parade theme is: "Register and Vote." The organizers seek, through the annual parade, to celebrate the contributions of Puerto Rican Americans to our society and to recognize the rich cultural heritage of the Puerto Rican people.

The committee has worked hard, as it does every year, to insure that the parade will be a success. This year the grand marshal will be Broadway actor Raul Davila, who will march with 15 assistants representing the achievements and creativity of Puerto Ricans in a variety of fields, including the entertainment world, the legal profession, sports figures, writers, and many others.

Despite the festive nature of the event, however, a note of sadness is unfortunately injected into the day. The parade will be dedicated to the late Johnny Cossio, who was an instructor employed by the Newark Board of Education until his tragic death last year. At the time of his death Mr. Cossio was studying for his doctorate degree from New York University, having received a master's degree from Montclair State College and an undergraduate degree from the University of Puerto Rico. It is fitting that someone of his dedication and commitment be remembered in this way.

Mr. Speaker, there are countless people who are responsible for the planning of the Puerto Rican Statewide Parade. Mrs. Luz Miriam Hernandez de Sanchez is the president of the parade committee and I take pride in saluting her for her fine work. In addition, I wish to recognize the vice presidents of the committee: Flor Morales, Luis Mercado, Norma Ronda, and Jose Maldonado; Executive Secretary Elda Maldonado; Secretary of Correspondence Juanita Giordano; Treasurer William Rivera; Coordinator General Portirio Certajana; Sergeant at Arms Mariano Colon; counselors Miguel E. Rodriguez and Antonio Perez; and the members of the committee: Jorge Moreno, Ramonita Rivera, Wilson Sanchez, Eddie Vega, Ruben Figueroa, Sixta Lopez, Lydia Trinidad, Juan Ramon Dones, Marcia Lopez, Maria Figueroa, and Gladys Vega.

In addition there are others who will participate or have worked on the parade: Bishop David Arias of Newark who will give the invocation, and Shirley Rutherford, executive director of the Human Rights Commission of Newark, who was instrumental in assisting with the parade activities.

Mr. Speaker, I look forward to participating in the parade next Sunday, and to joining my friends in the Puerto Rican community for such a memorable and enjoyable occasion.●

FCC RULING: A CHANCE FOR SMALL AND MINORITY BUSINESSES

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. GARCIA. Mr. Speaker, the Nation is confronting dramatic changes in its telecommunications industry. As these changes occur, so too must Government policy. One such change which I support is the repeal of the Federal Communications Commission's financial and syndication rules governing the television industry.

The FCC rules, originally designed to spur competition in the television program production industry, have actually limited the access of many small and minority companies to the major market for television programs represented by the three major networks. Because the rules strictly limit the number of hours the networks can produce for prime time and prohibit the eventual syndication of the programs by the networks, they have little incentive to purchase their programs from anyone but the major production companies. Small firms have difficulty obtaining financing, joint venture, and direct access to the networks. Repeal of the rules should en-

courage the networks to deal more with new, small and/or minority production companies.

A minority entrepreneur, Mr. David Ochoa, the president of the independent production company, Buenavision Cable, recently testified before the Telecommunications Subcommittee in Los Angeles on this very point. Mr. Ochoa showed the impact of the FCC rules over the past 15 years. His testimony persuasively argued against H.R. 2250, a bill to delay the FCC's repeal of its financial and syndication rules. I therefore would like to enter Mr. Ochoa's remarks for the review of my colleagues.

STATEMENT OF DAVID OCHOA, PRESIDENT BUENAVISION CABLE CO.

Chairman Wirth and members of the House Telecommunications Subcommittee: My name is David Ochoa and I am President of Buenavision Cable Company. I got my start in television with NBC, which I left several years ago to form my own production operation, a very small firm in Southern California. I now have an ownership interest in four cable companies. As a businessman, I have to meet a 72-person payroll every two weeks. I am proud of the nine Emmy nominations I have received and of the two Emmy's I have won.

As a small independent film and television producer, I am pleased to inform you that my second feature film, "The Ballad of Gregorio Cortez," will soon be released for national theatrical distribution. In short, on basis of merit, I wear the title of television and film producer. In addition, I am proud of my Hispanic heritage but ashamed at the failure of America's major television and film studios to produce prime time and syndicated programs which reflect Hispanic life, themes and experience.

Earlier this year I testified before the Federal Communications Commission urging repeal of the Financial Interest and Syndications Rules. Today, I am here before you because passage of H.R. 2250, which if enacted, will provide a five year moratorium. In short, a five year delay to persons like myself who are convinced that dealing directly with the networks can result in having minority produced and Hispanic-themed programming on network prime time television.

My colleague Topper Carew, President of Rainbow Television Workshop, has conducted a 15-year study of prime time television. The study, which is included in the appendix of my testimony, reveals that Black producers have supplied 188 hours of prime time programming in the past 15 years. In many cases black suppliers were in partnership with non-minority companies.

This paltry 188 hours compares with a total of 21,780 first-run, prime-time hours. The total volume of minority business represents 0.0086% of the overall total. Added to this is the fact that of the 188 hours, 72% are comedy/musical or variety shows . . . represented by 0.88 hours of "Flip Wilson," 18 hours of "Redd Foxx," 22 hours of "Bill Cosby's Variety Show," 5 hours of Motown music specials and one hour from Diana Ross Enterprises.

Of the remaining 28% in the dramatic or comedy category, 22 hours are from Bill Cosby's 1969-70 series and 24 are from Alex Haley's partnership with Norman Lear which resulted in "Palmerstown." The balance, eight hours, consists of two-hour movies-of-the-week . . . two from Bill Cosby's Jemmin Productions, one from Motown and one from a Motown/Universal partnership.

The 1982-83 television season is a clear case in point. Of the 1,452 prime time hours available, Motown is producing one two-hour 25th Anniversary special and one movie-of-the-week. This translates to 0.0026 percent of the 1982-83 network schedule.

Fifteen years of prime time television represents 18,480,000,000-21,780,000,000 dollars of activity. The dollar volume of activity for Black suppliers is approximately $159,800,000-188,000,000 . . . or 0.0086 percent.

It should be noted that this report has not even addressed the issue of daytime and Saturday morning television . . . an area of programming where minority suppliers have experienced total non-participation.

If the situation for Blacks on prime-time is inadequate, for Hispanics on prime time, it is a disaster.

Five more years of the same won't help.

The rules were initially aimed at increasing competition in the program supply business, but they haven't worked that way. According to industry sources, in 1969—before the rules were adopted—there were 60 suppliers of prime time entertainment programming. In the 1981-82 season there were only 41—none of whom were Hispanic and all of whom failed to support Hispanic-themed programming with any degree of consistency.

We can see in the experience of one network where the top eight program suppliers provided only half that network's prime time entertainment series in 1970 but eight program suppliers provided almost all 97% by 1980.

In short, the rules discourage the television networks from investing in projects with new and small independent producers, leaving us only one option: trying to convince major studios to provide funding for us. For Hispanic producers, the reply has been "no." "No thanks, can you call back?" "Send me a treatment or script" which, of course, is not read or returned.

How, then, does repeal of the rules assure, as Commissioner Rivera points out, that recision does "not affect adversely the public interest by limiting program choices and diversity of view points on the air?"

Hispanic independent producers have not fared well under these rules. We are non-participants. In fact, for outstanding producers such as Jose Luis Ruiz, Jesus Trevino, Moctesuma Esparza and others, success has been limited to public television and network-owned stations.

Until Hispanics become 20 percent plus stockholders in Warner Brothers, Universal, Paramount, Columbia, Syndicast, Lorimar, and others, we have no reason to believe that things will change and no way to change them. We simply lack the leverage with Hollywood.

Under the present rules, the major production companies have no reason to consider us as anything other than a nuisance. Repeal of these rules, however, brings us and other independent producers, including women, native Americans, Blacks, and Asians increased opportunity to deal directly with the networks who are also public licensees of television stations. Then and only then, will we have the necessary leverage to make sure that some prime time and syndicated programming includes Hispanic themes and can be produced by Hispanic companies.

The leverage? Each network owns stations in major metropolitan areas. In Los Angeles, there are 2.1. million Hispanics constituting 22 percent of the area's population. In New York there are one and one-half million Hispanics making up 15 percent of that city's population and growing. No one can dispute their television audience share! Eighty-eight percent of the nation's Hispanics are concentrated in metropolitan areas where, in many of which, networks have owned stations.

For Hispanics, repeal of the rules and the open competition which would follow, provides new opportunities. Few among us dreamed for this enlightened policy during the Reagan Administration. But credit must be given where it is due. It was President Reagan who appointed the nation's first Hispanic to the FCC, making it clear that the Hispanic Agenda on telecommunications matters must be represented and have a voice!

Experience makes us confident that a new relationship can be worked out with the networks and that the networks will respond to our programming tastes and needs for good business reasons. First, they must keep and expand on viewer shares.

Hispanics watch and enjoy lots of television.

Hispanic viewing trends whether or not we watch CBS, NBC or ABC is a good market lever to assure the networks are responsive. And, as always, the matter is money. Repeal of the rules will provide the networks a second good business reason to consider our programming ideas.

Program development is costly, and having the opportunity to share in syndication profits will add incentive to networks to give added consideration to Hispanic produced programming. The National Black Media Coalition put it this way:

"Removing obstacles posed by the syndication and financial prohibitions will permit the networks to pool risk efficiently for the purpose of broadening their programming choice. The resulting innovation and diversity will benefit not only the black community, but the American public generally."

I could not have put it better.

Mr. Chairman, protecting the interest of 20 million American Hispanics is in the public's interest. The Pentagon tells us that Hispanic Americans serving in World War II, Korea, and in Vietnam far outnumbered any other group of Americans in terms of casualties and heroism.

No other group has won more Medals of Honor than Hispanic Americans.

"Somos Americanos y tenemos patritismo para nuestro pais."

We are proud to be Americans and proud of America. We have served our country and made the ultimate sacrifice.

We have the same determination and skill to make our rightful contribution to the American experience via the medium of film and television if the Commission gives us the chance.

Please allow the F.C.C. to remove the largest single obstacle that prevents us from achieving this success, and repeal the financial interest and syndication rules now!

Thank you very much.●

NEW FDA BILL INTRODUCED

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mrs. OAKAR. Mr. Speaker, on June 28, the House Subcommittee on Health and Long-term Care and the Senate Special Committee on Aging held a joint hearing on the safety and efficacy of prescription drugs. Today, the House subcommittee conducted a followup hearing on over-the-counter medications.

For many years, I have been apprehensive about the inadequate protection afforded by the Food and Drug Administration in the area of drug safety and effectiveness. As a member of the House Committee on Aging and chair of the Subcommittee on Social Security and Women, my apprehension has turned into acute concern. I have seen countless elderly citizens—vulnerable because of their age and in many cases their dependency on medication—who rely on FDA to provide safe and effective treatment for many of the ailments associated with aging.

Today, I am introducing the Safe and Effective Drug Act which, if enacted, will make the Food and Drug Administration an aggressive protector of the public's health.

Modern medicine has come a long way since the early 1900's—there are over 300,000 over-the-counter medications and 7,000 prescription drugs readily available in the United States. But what is frightening about this phenomenon is that as much as $4 billion is wasted on some of these products with ingredients that are neither safe nor effective. How is a senior citizen to know what is safe and what is not? Not only do 70 percent of our elderly use OTC drugs, but the average senior citizen takes 13 prescriptions a year and it is a known fact that the elderly are twice as likely to be treated in an emergency room for an adverse drug reaction than a citizen under 60 years of age.

The Safe and Effective Drug Act mandates that the Food and Drug Administration police the safety of existing prescription and over-the-counter medications. The legislation requires that FDA exercise some responsible authority that has previously been discretionary and additionally gives the agency new authority to take action in a number of areas.

Specifically, the bill would:

Require manufacturers of over-the-counter drugs to report adverse drug reactions to FDA. Currently, drug manufacturers are not required to report adverse reactions to over-the-counter drugs.

Give FDA the authority to require drug manufacturers to conduct post-marketing surveillance of prescription and over-the-counter drugs and report findings to FDA. Currently, FDA cannot require drug companies to survey for the safety and effectiveness of drugs they produce.

Authorize FDA to restrict the marketing of a drug if adverse reactions develop after the drug has been approved. FDA currently has the authority to withhold approval of a new drug. However, the agency has only limited control over the use of a drug once it has been approved.

Grant to FDA the authority to subpena records from drug companies.

Require investigators of new drugs to report the test results of all studies to FDA for approval.

Establish a program in FDA to encourage physicians, institutional health care providers and consumers to report adverse reactions to the agency.

Establish a National Center for Drug Surveillance within FDA to monitor reports of adverse drug reactions and insure FDA action.

Mandate an annual report to Congress on reported adverse drug reactions and the actions FDA has taken in response.

Mr. Speaker, this legislation is critical if we are to assure the elderly and the general public that the prescriptions which they consume in good faith and over-the-counter drugs which so many of them rely upon and stake their lives on are safe and effective. I ask that my colleagues join me in providing peace of mind to our senior citizens by cosponsoring this legislation.●

THE CENTRAL AMERICAN DILEMMA

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. ACKERMAN. Mr. Speaker, the Wall Street Journal yesterday contained an article by the noted historian, Arthur Schlesinger, concerning U.S. involvement in Central America. Mr. Schlesinger's credentials as a scholar and an analyst of foreign policy are well known and his words should be listened to carefully by all of us.

Mr. Schlesinger scrutinizes three basic assumptions of President Reagan's Central American policy:

(a) that the insurgents in El Salvador and the Government in Nicaragua are irretrievably under Soviet control;

(b) that we can win decisive military victories; and

(c) that thereafter we can straighten things out and create a stable Central America.

Furthermore, he warns us, "When we bind ourselves to a client, as Mr. Reagan proposes we do, we become the client's prisoner." Mr. Schlesinger also cautions us that U.S. military intervention in Latin America may not be precluded as an option, as some of us may think. He notes that 3 months ago, President Reagan said that he had not any "thought of sending American combat troops to Central America." By June the thought had occurred, and he observed, "Presidents never say never."

The full text of Mr. Schlesinger's comments follows. I urge all of my colleagues to read it carefully.

[From the Wall Street Journal, July 20, 1983]

THE CENTRAL AMERICAN DILEMMA

(By Arthur Schlesinger, Jr.)

Di-lem-ma, n. A situation requiring a choice between equally disagreeable alternatives.

The Reagan administration firmly grasps one horn of the Central American dilemma when it uses military means to prevent the rise of governments hostile to the U.S. The immediate aim is to provide El Salvador's government with sufficient military aid to defeat the insurgency and to provide the insurgency in Nicaragua with sufficient military aid to defeat the government. If we don't act to stop Marxism in Central America, the argument runs, dominoes will topple to the south and to the north, and the Soviet Union will establish a bridgehead in the center of the Western Hemisphere. "Our credibility would collapse," Mr. Reagan has said, "our alliances would crumble, and the safety of our homeland would be in jeopardy."

This resort to military remedy assumes (a) that the insurgents in El Salvador and the government in Nicaragua are irretrievably under Soviet control; (b) that we can win decisive military victories, and (c) that thereafter we can straighten things out and create a stable Central America.

DEEPLY HOSTILE TO U.S.

On the first point, both the Sandinista government and the Salvadoran guerrillas are deeply hostile to the U.S. Who really can blame them? In the case of Nicaragua (population 2.9 million), our government permitted, if the CIA didn't actually organize, the training of anti-Sandinista guerrillas in Florida in contravention of our own neutrality legislation, and now we are organizing war against the government in Managua. In the civil war in El Salvador, we are helping a right-wing regime against the guerrillas. It would require uncommon forbearance for our policy's targets to retain strong feelings of affection toward the U.S. and to refrain from accepting arms from any outside source willing to provide them.

It may be that this hostility was inevitable, whatever policy Washington pursued. It also may be that, by assuming revolution in Central America would take an anti-American form, we ensured the result we predicted. We certainly gave the revolutionaries no alternative but to seek help from the communist world. Perhaps they would have done this anyway. Perhaps not. Perhaps if we had carried forward the attempt of the Alliance for Progress to deal with poverty and oligarchy in Latin America, the situation might be different. But we abandoned the alliance long ago, and we must live with the consequences.

Can we defeat this revolution by military means? That is more problematic. It sounds odd to suggest that superpowers cannot work their will in tiny underdeveloped countries. But it isn't all that easy, as we discovered in Vietnam and as the Russians are discovering in Afghanistan. The administration's theory is that American military aid will enable our clients to succeed while American political pressure will put right-wing regimes on the path toward reform. There is a fallacy here. For, once we commit ourselves to the preservation, say, of the regime in El Salvador, our ability to apply pressure rapidly diminishes.

Commitment means that we renounce the ultimate sanction—the withdrawal of support. Few regimes under guerrilla attack care about their own dispossessed. This is precisely why they are under attack. Moreover, concessions might well undermine whatever stability the regime has without winning over a long-suffering citizenry. Once committed, Washington will find it hard to force a beleaguered oligarchy to take measures it sees as fatal to its privilege and power. When we bind ourselves to a client, as Mr. Reagan proposes we do, we become the client's prisoner.

Once we start down this road, can we afford to let our client lose? This is precisely the situation that led the Soviet Union in 1979 to rescue its client in Kabul by sending the Red Army into Afghanistan. Mr. Reagan already feels the strain. In April he said that he hadn't any "thought of sending American combat troops to Central America." By June the thought had occurred, and he observed, "Presidents never say never."

Suppose we decide to commit troops, what then? "I wouldn't even know how to design, right now, a U.S. military solution," Gen. Edward C. Meyer, the retiring army chief of staff, said the other day. ". . . Guerrilla warfare is based on the legitimate concerns of the people." And Gen. Wallace H. Nutting, who has just completed his tour as chief of the Southern Command in Panama, said: "The fundamental causes of dissatisfaction are the existing social, political, economic inequalities." No doubt villains from outside exploit these inequalities. But, as Walter S. Mossberg of this newspaper summarizes the position of top Army officers, "Guerrilla uprisings, no matter how anti-American or how dependent on Soviet assistance, spring largely from genuine economic and political grievances that can't be swept away by U.S. troops."

Moreover, our Army leaders can't discern any domestic consensus in favor of intervention, and they don't want to repeat the Vietnam experience of becoming the fall guys in a war for which their civilian masters failed to win public support. Mr. Reagan is creating a hazardous position for the U.S.: On the one hand, he is doing his best to persuade the world that American power stands or falls on our capacity to dominate Central America; on the other hand, he is failing to persuade Congress or the electorate that a policy whose success very likely depends on American military intervention makes any sense. As our wisest diplomat, Averell Harriman, once said, "No foreign policy will stick unless the American people are behind it. And unless Congress understands it the American people aren't going to understand it."

History argues against the notion that we know how to meddle intelligently in the internal affairs of other nations. Not only in Vietnam but in Iran, in Guatemala, in Chile, our intervention succeeded only in distorting the country's natural evolution. In each case the ultimate result rebounded savagely against our interests. We might well be better off today had we decided to live with Muhammad Mossadegh, Col. Jacobo Arbenz and even Salvador Allende instead of setting in motion the events that have ended with the Ayatollah Khomeini and Gens. Efrain Rios Montt and Augusto Pinochet.

And suppose that, by nuking the revolutionaries back to the Stone Age or whatever, we silence the revolution: What then? "The biggest risk," observed Gen. Meyer, "is, after you've done it, that you've created this void there into which there's no one to step." We hear talk about a Marshall Plan for Central America. But the Marshall Plan was a plan for reconstruction, not for development: Political institutions, management and labor skills, infrastructure were already in place. Except for Costa Rica, there isn't any Central American government capable, in Ernest Bevin's old phrase, of seizing American aid with two hands and making a success of it. We haven't any more knowledge of how to design a long-run political and economic solution than we have of how to design a short-run military solution. Has the administration really made a serious effort to think its policy through to the bitter end?

Yet the other horn of the dilemma: What happens if we reject military intervention and promote negotiations instead, or even let nature take its course? We might well end up with Marxist regimes in Nicaragua and El Salvador. Obviously this would be a gain for the Soviet Union. Still, one doubts that Moscow, where foreign aid is about as popular as it is in Washington, is going to pour many rubles down Central American rat holes. The notion of Soviet military bases in Central America is even less impressive; given American local superiority, nothing could be more swiftly neutralized. The installation of nuclear weapons would produce the same response in 1984 that it did in 1962.

If a Marxist Nicaragua or El Salvador is a danger to the hemisphere, it is a more dire threat to Mexico, to Costa Rica, to Panama, to Venezuela, to Colombia than it is to the U.S. These countries are more vulnerable and more knowledgeable about the scene. They are governed by men reluctant to preside over their own overthrow. The administration whispers that Central American leaders really want American military intervention but dare not say so publicly. If this is by any chance true, which is doubtful, it would be better for them and for us to make them level with their own people and the world.

RECIPE FOR TROUBLE

Nothing has got us into more trouble through the years than the delusion that we know the interests of other countries better than they know their own interests. Whatever we do in Central America we must do on a multilateral basis; and if Latin American countries don't see the threat as apocalyptically as we do, who is to say that they are wrong and we are right? Do we really understand their world better than they do? Of one thing we can be sure: Unilateral military action by the U.S. in the hemisphere is a recipe for trouble.

Let the Contadora group take the lead in trying for a negotiated settlement. If it is too late for that, we will have to resign ourselves to turmoil in Central America for some time to come—turmoil beyond our power to correct and beyond our wisdom to cure. In the meantime, let's at least end our double talk. President Reagan says virtuously that we won't "protect the Nicaraguan government from the anger of its own people." OK, but why doesn't this ringing proposition apply equally to El Salvador? Why do we condemn Nicaragua for postponing elections until 1985 while we condone Chile, which postpones elections until 1989?

In our domestic politics, each party fears its own policy. Republicans are afraid of the consequences of military intervention, Democrats of the consequences of opposing intervention and "losing" Central America. Each side takes refuge in transparent evasions, such as the notion that "free elections" or Marshall Plans are sovereign remedies.

The dilemma is authentic. All choices are disagreeable. We must weigh the vivid risks of military intervention against the more speculative risk of allowing Central American countries their own Wars of the Roses. But, whatever we do, let's stop talking as if there are cost-free ways out.●

LIBERATION DAY FOR GUAM

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. WON PAT. Mr. Speaker, today marks the 39th anniversity of the liberation of Guam by American troops. It is only fitting that I rise to note this historic occasion and comment on how much this occasion means to those of us from Guam who suffered under the Japanese imperial yoke for over 3 years.

Shortly after Pearl Harbor was bombed, so was Guam. Several days later, on December 10, 1941, Guam time, the Japanese struck Guam again, this time with thousands of troops. In almost no time the small force of American military personnel on Guam was overrun. I am proud to note that despite the overwhelming odds against them, members of the Guam Insular Force fought the invading army with such fierceness that a number lost their lives.

I shall never forget the moment when the American flag was hauled down by the enemy on Guam. That was a moment of great shame and it marked the beginning of years of suffering and death by my people.

I will not now recount those horrible years in detail. Suffice it so say that hundreds of Guamanians were executed by the Japanese for their loyalty to the American Government. And I am very proud that not one islander was ever convicted of collaborating with the enemy so great was our love for the United States.

In 1944, we heard stories of American advances in the Pacific and on July 21, we saw the beginning of a massive invasion by Army and Marine Forces which ended the bloody occu-

pation of Guam and returned the island to American control. As a member of the House Armed Services Committee I am often surprised to hear so many of our countrymen and women take their liberty for granted. I can assure you that no one on Guam who lived through those trying years takes their liberty for granted.

Several of our colleagues here today fought on Guam. To them and their fellow members of the military, I, on behalf of the people of Guam say again—thank you for returning democracy to our island.●

BEDELL-GORE AMENDMENT TO H.R. 2350

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. BEDELL. Mr. Speaker, I wish to inform my colleagues of my intention to offer, along with AL GORE, an amendment to H.R. 2350, the National Institutes of Health authorization bill, that would preserve the small business innovation research program at NIH.

Last year, the House passed the Small Business Innovation Development Act, Public Law 97-219, by a vote of 353 to 57. The act passed the Senate by a vote of 90 to 0. This legislation established highly competitive research and development programs for small high, high tech companies at 11 Federal agencies. Each agency is required to expend a small portion of their R&D budgets, six-tenths of 1 percent in fiscal year 1984, to support the program.

Last year the House voted by large margins, not once, but twice, to include NIH as one of the agencies to participate in the program. But, even though Congress has demonstrated its strong support for this widely acclaimed, high quality research program, a backdoor effort is underway to dismantle the program at NIH. I want to make one thing clear to my colleagues—this effort is not coming from NIH where the program has been enthusiastically embraced by everyone from Secretary Heckler on down. Without hearing any testimony on the SBIR program, the Energy and Commerce Committee added language to H.R. 2350 that will undermine the program at NIH.

So, Mr. Speaker, once again, Members will be asked to show their support for small business and the small business innovation research program.

Our amendment is strongly supported by all of the small business associations, including the National Small Business Association, Small Business United, the National Federation of Independent Business, the U.S. Chamber of Commerce, the National Institute of Entrepreneurial Technology, the Smaller Business Association of New England, the American Association of Small Research Companies, the American Council of Independent Laboratories, the National Council for Industrial Innovation, and the Chief Counsel for Advocacy at the SBA.

We have also received letters of support for the SBIR program at NIH from the Secretary of the Department of Health and Human Services; Gov. James Hunt of North Carolina, who is the chairman of the National Governors' Association Task Force on Technological Innovation; and Milt Stewart, who is the president of the Small Business High Technology Institute.

A copy of the Bedell-Gore amendment, and letters of support from the National Small Business Association and Milt Stewart follow:

AMENDMENT TO H.R. 2350 BY MR. BEDELL

Strike section 489, line 15 on page 122 to line 18 on page 123.

Insert on line 15 on page 122 the following:

"SEC. 489. The Secretary of the Department of Health and Human Services shall report to the Congress by October 1, 1984 on the progress of the Small Business Innovation Development program (P.L. 97-219) at the National Institutes of Health.".

NATIONAL SMALL BUSINESS ASSOCIATION,
Washington, D.C., July 15, 1983.

TO ALL MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES

DEAR REPRESENTATIVE: Last year the House and Senate passed the Small Business Innovation Development Act, Public Law 97-219, by overwhelming majorities. During floor debate many efforts were made to exempt various departments from the provisions of the bill. In each and every case, these amendments were defeated.

Once again, efforts are being made piecemeal to strip various agencies from the requirements of the Act. Although those who claim that they are acting solely in the interests of providing the best research facilities are convinced of the correctness of their claims, we feel that such claims are an unwarranted indictment of small business capabilities in research and development. These capabilities have been proven repeatedly and I believe the record during debate on this legislation last year makes it abundantly clear that given even a minimal change small business can and will provide quality work, usually at a great savings to the economy.

We urgently request that you support Congressman Berkley Bedell's amendment to Section 489 of H.R. 2350. This amendment will allow small business a chance to prove conclusively that it can provide the necessary high quality of services required by the National Institutes of Health and will give the Congress an opportunity to properly evaluate the results of Public Law 97-219.

Only by giving small business a chance to prove its worth will we be able to see and prove conclusively that the Congress was correct last year when it passed this legislation.

Sincerely,

JEROME R. GULAN,
Vice President, Government Affairs.

THE SMALL BUSINESS HIGH TECHNOLOGY INSTITUTE,
Washington, D.C., July 19, 1983.

Hon. BERKLEY BEDELL,
Chairman, Subcommittee on General Oversight and the Economy, House of Representatives, Committee on Small Business, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of July 12, requesting my views on the proposed language of Section 489 of H.R. 2350, the National Institutes of Health Authorization Bill.

Two things persuade me that the proposed requirements in the bill are ill-advised and ill-timed. First, the SBIR program is a superb opportunity for government administrators to develop a new and different, and in our view better approach to extramural research management. Section 489 of H.R. 2350 is a step backward effectively denying that opportunity to the health agencies. Second, the SBIR program may provide a better means for conversion of basic science research to desperately needed technological advances. Small business has in many industries been the most effective converter of such research to industry. Section 489 of H.R. 2350 is an apparent effort to continue a 20 year old exclusion of small business for which the nation has paid in lost opportunity.

The argument that this is being done to maintain existing high standards of performance is totally unconvincing. What is missing is the very experience of what level of excellence will come in under this new program, evaluated and appraised in a manner appropriate to it. The conclusion is unavoidable that what is sought here is to foreclose a learning opportunity for NIH research managers.

The proposal may be justified or make more sense in 3, 4 or 5 years after a showing that NIH has made a good faith effort to make the program really work. If by then the SBIR grantees have not achieved enough—measured in the same way as SBIR programs are being measured in every other government agency—there may then be some reason to consider a proposal like the one offered in Section 489 of H.R. 2350.

No one questions the level of attainment of past NIH grantees in the basic science areas. What is very much in question is how best to create new bridges between basic science and industrial technology in the market place. It is exactly here that we have a burning national need to become more competitive internationally. There is no good reason to deny small business in all the fields of medical instrumentation, pharmaceuticals and other areas affected by NIH research the opportunity to help build these bridges. Moreover there is a risk that understandable resentment about Section 489 of H.R. 2350 may damage one of the most promising aspects of the SBIR program. At present the program already provides that a small business may use up to ⅓ of its grant with non-profit people or agencies but that properly is discretionary with each grantee. A turf-protecting stand-pat approach like the one in Section 489 of H.R. 2350 will inevitably diminish enthusiasm among small firms for much desired-collaboration between them and researchers at academic institutions.

At this moment, we have had the benefit only of informed discussions with responsible managers of the agencies administering the SBIR program. We have heard no suggestion that the quality of proposals is not excellent and certainly none that would jus-

tify the backward steps sought in Section 489 of H.R. 2350.

Mr. Chairman, the amendments being offered by you, in my opinion, are a necessary defense of the integrity of the SBIR program, a nationally significant effort. I support them strongly.

Sincerely,

MILTON D. STEWART,
President.●

MINNESOTA ACID RAIN RESOLUTION

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. SIKORSKI. Mr. Speaker, I wish to draw attention today to acid rain—an issue which has been called the most serious environmental threat to the North American continent. Documentation that acid rain is a potent threat mounts each day. The Environmental Protection Agency has reported that the regions of the United States that are vulnerable to acid rain stretch from Florida to the State of Washington, from California to Maine. The Reagan administration's Interagency Task Force on Acid Precipitation has cited the threat which acid rain poses to vast areas of the South, Southwest, and West, in addition to the damage it has already done in the Northeast and Midwest. The National Academy of Sciences recently stated that acid rain must be controlled in order to stop damage to forests and freshwater life. The academy has projected that acid rain costs $5 billion annually—in the Eastern United States alone.

I am pleased that recent press accounts report that the Reagan administration is redefining its position on acid rain control legislation. In fact, the New York Times in a June 9 article quoted Acting Assistant EPA Administrator Cortney Riordan saying EPA Administrator William D. Ruckelshaus is actively reassessing his predecessor's policy that not enough is known about acid rain to adopt a program to control the emissions that cause it. This turnabout by the Reagan EPA on acid rain is a welcome development.

In 1982, while waiting for the Reagan administration to take action to control acid rain, the Minnesota State Legislature enacted an acid rain deposition control law, which I strongly supported as a member of the Minnesota Senate. This law, the first by any jurisdiction in North America, is a significant first step in the struggle to protect our Nation's natural resources and the health of our citizens. While Minnesota's acid rain control legislation is helping to reduce in-State sources of acid rain-causing pollutants, it is not enough. Roughly 70 percent of the acid rain which falls on Minnesota's lakes, forests, and farms comes from out-State sources. Joan Anderson Growe, the Minnesota Secretary of State, recently sent me a copy of a resolution passed by both houses of the Minnesota Legislature. I am inserting a copy of this resolution into the CONGRESSIONAL RECORD for the benefit of my fellow Members.

RESOLUTION

A resolution memorializing the President and Congress of the United States to take immediate steps to curb the sources of acid rain.

Whereas, acid rain is becoming our number one environmental problem across the United States and Canada with a potential of destroying agricultural crops, forestry, aquatic life, and causing damage to structural buildings; and

Whereas, the long-range transport of atmospheric pollutants can cause acid rain far from emission source and is a growing interstate and international problem; and

Whereas, current provisions of the Clean Air Act are not adequate to address the problems of acid rain, and present and future generations will be more adversely affected by delayed action; and

Whereas, acid rain contributes to the increasing levels of heavy metal concentrations in public reservoirs and waterways which can pose a threat to human health; and

Whereas, acid rain has destroyed aquatic life in lakes, retarded certain forest and agricultural crop growth, and corroded metals and public buildings and statues; and

Whereas, in the Voyageurs National Park and Boundary Waters Canoe Area Wilderness, recent tests show high acidity in the lakes which scientists fear will cause serious damage to their whole ecosystems if the conditions remain unchecked; and

Whereas, the problem of acid rain is a serious threat to the tourism component of Minnesota's economy and the friendly relations with our neighbors in Canada; and

Whereas, Canada's Minister of the Environment identifies acid rain as "the single greatest irritant to the United States-Canadian relationship"; and

Whereas, Canada and the United States signed a 1980 Memorandum of Intent to combat transboundary air pollution; and

Whereas, Canada has already achieved cuts of 25 percent in sulfur emissions and a promise of 50 percent cuts by 1990 if the United States agrees to do the same; and

Whereas, the state of Minnesota has enacted a 1982 law designed to curb the sources of acid deposition within our state; and

Whereas, the Minnesota Pollution Control Agency has identified that significant areas of Minnesota may be damaged by the effects of acid precipitation; NOW, THEREFORE,

Be it resolved by the Legislature of the State of Minnesota that the President and Congress should take immediate action in this session of Congress to reduce the sources of acid rain by amendment to the Clean Air Act, or by separate legislation, and by providing adequate funding to the Environmental Protection Agency for monitoring and enforcement.

Be it further resolved that the Secretary of State of the State of Minnesota is instructed to transmit certified copies of this resolution to the President of the United States, the President and Secretary of the United States Senate, the Speaker and Chief Clerk of the House of Representatives of the United States, to the Minnesota Senators and Representatives in Congress, to the Premiers to Manitoba and Ontario and to the Ambassador of Canada to the United States.●

TRIBUTE TO THE YOUTH GROUP OF WESTWOOD BAPTIST CHURCH

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. ERDREICH. Mr. Speaker, I would like to call to the attention of my colleagues a group of young people which I had the opportunity to meet with yesterday morning. These young people are the "Joyful Praise Choir" from Westwood Baptist Church in Forestdale, Ala., and were visiting Washington in conjunction with their summer mission tour. They are special, in my view, because they have spent the past week visiting and presenting their musical program to correctional institutions in Virginia, North and South Carolina.

Although I was only able to spend a short amount of time with the youth group, I was greatly impressed with their genuine desire to help other people. Assisting those in need, spiritually and often materially, is a vital role of church organizations throughout our Nation and I was heartened to see these young people beginning to fulfill this role at such an early age. Without a doubt, they are a tribute to their families, church, community, and Nation as a whole and I would just like to add my appreciation to their efforts by bringing them to the attention of my colleagues. Thank you, Mr. Speaker.●

ARMANDO VALLADARES PEREZ HONORED

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. FASCELL. Mr. Speaker, religious repression is an issue which concerns many of us. Our Founding Fathers set forth the right of religious freedom in our Constitution. In fact, our country was created by men and women fleeing religious persecution in other countries and religious freedom became an integral part of our Nation's heritage. As Americans, we accept without reservation the concept of freedom of religion.

Just a few days ago, I had the privilege of meeting Armando Valladares, Cuban poet and former prisoner of conscience in Cuba. The occasion was a most happy one as Valladares was

receiving the 1983 Religious Freedom Award from the Institute on Religion and Democracy. For 22 years, Valladares had been imprisoned by the Castro regime for crimes he did not commit.

Both Washington dailies, the Washington Times and Washington Post, noted the award presented to Armando Valladares. Throughout the years, many Members of Congress participated in the campaign to obtain his release.

I would like to bring to our colleagues' attention "For the RECORD" piece published in the Washington Post on July 17, and the Washington Times editorial of July 19, as well as the personal remarks of Valladares upon receiving his award.

[From the Washington Post, July 17, 1983]

FOR THE RECORD

During those years, with the purpose of forcing us to abandon our religious beliefs and to demoralize us, the Cuban communist indoctrinators repeatedly used the statements of support for Castro's revolution made by some representatives of American Christian churches. Every time that a pamphlet was published in the United States, every time a clergyman would write an article in support of Fidel Castro's dictatorship, a translation would reach us and that was worse for the Christian political prisoners than the beating or the hunger. . . .

Castro political police have used these statements of support for Castro with such skill and for such a long time to confuse the prisoners and population in general that today the Christians in Cuba's prisons suffer not only the pain of torture and isolation but also the conviction that they have been deserted by their brothers in faith.

It is for this reason . . . that this distinction you give me will be very important for all Cuban prisoners. When it is known in Castro's political prisons—and it will be known—they will all be filled with joy. They will feel they are no longer alone; that they have not been forgotten; that their brothers in Christ support them from afar. Also the insidious pamphlets the political commissars read to them containing articles signed by American religious leaders, do not represent the opinion of American believers—but the point of view of a small group. We also have to forgive this small group, because they probably also "know not what they do."

[From the Washington Times, July 19, 1983]

FROM THE INFERNO

Armando Valladares Perez, poet, this week received the 1983 Religious Freedom Award from The Institute on Religion and Democracy, which rightly recognizes that some modern verse is considerably more than frivolous sophistication. From Valladares, who spent 22 years in Castro's prisons, there came what amounts to a new look at Dante's inferno.

Valladares has had plenty of opportunity to gather material. He was charged in 1960 with the illegal possession of firearms and explosives. He didn't have any. But after two 15-minute interrogations, he was sentenced to 30 years.

He shared a dungeon with 350 other prisoners and countless leeches, ticks and bedbugs. He was allowed one bath a month and fed rations of cattle feed. Later, there was a small cell with steel where the windows once were, and lights—ten in a row—burning day and night. Also, for 46 days straight, no food. And resulting paralysis. Years of this.

Here is the poet's response: Work, sometimes written in blood, smuggled out and sent around the world. So, for all of us, a look at Cuban efficiency: "The dead were perfectly murdered . . . the heads were perfectly broken." And a musing on the captive soul: "But the narrower my physical space, the broader my spiritual horizons . . . My situation is difficult, but I feel I am a free man."

Now his freedom is physical as well as spiritual. The other night, among friends including Ambassador Jeane Kirkpatrick, an old supporter, the poet Valladares stood as another witness to the nature of the communist enterprise. And to the resilience of the human spirit.

REMARKS BY ARMANDO VALLADARES, CUBAN POET AND PRISONER OF CONSCIENCE, CONFERENCE ON RELIGIOUS FREEDOM EAST AND WEST

My dear friends: For reasons which I will share with you later, this award which you are giving me tonight has a very special significance for my brothers in Castro's prisons. Before discussing this, I would like to share some thoughts about my personal religious experience.

I was unjustly imprisoned when I was 23 years old, accused of crimes that I never committed. At that time my religious convictions were genuine, but probably superficial. My religious beliefs had been learned at home and at school, in the way a child learns good manners or the alphabet. Nevertheless, that minimal religious conviction singled me out as an enemy of the Cuban communist revolution, and somehow helped convince my judges and accusers that I was a potentially dangerous adversary.

However, as soon as I was in prison, I began to feel a substantial change in my religious beliefs. In the first place, I embraced God, perhaps for fear of losing my life, since I was in danger of being executed.

Today, twenty-two years after those nights of horror and fear, that way of approaching Christ seems to me human but incomplete. Later, I had another Christian experience: grieved with pain, I saw many young people—most of them farmers and students—die, shouting "Long Live Christ the King!"

I realized then that Christ could be of help. Not merely by saving my life, but also giving my life, and my death if that was the case, an ethical sense that would dignify them.

I believe that it was at that particular moment, and not before, when Christianity, besides being a religious faith, became a way of life that in my own circumstances resulted in resistance. Resisting torture, resisting confinement, resisting hunger, and even resisting the constant temptation to join the political rehabilitation and indoctrination programs that would end my predicament.

But, resistance as a Christian could not become a blind form of temerity, nor of personal courage, but a thoughtful and calm stance in defense of my democratic beliefs; a firm commitment to maintaining my dignity and self-respect, even in the bottom of a cell, naked and being turned into human refuse.

To be Christian under those circumstances meant that I could not hate my tormentors; it meant to maintain the belief the suffering was meaningful because if man gives up his moral and religious values, or if he allows himself to be carried by a desire to hate or for revenge, his existence loses all meaning.

I should add that this experience has not been mine only—I saw dozens of Christians suffering and dying—committed like myself, to maintaining their dignity and their richness of spirit beyond misery and pain.

Today, I remember with emotion Gerardo Gonzalez, a Protestant preacher, who knew by heart whole Biblical passages and who would copy them by hand to share with his brothers in belief. I cannot forget this man who all of us called "Brother in Faith." He interposed himself before a burst of machinegun fire to save other prisoners who were beaten in what is known now as the massacre of Boniato prison.

Gerardo repeated, before dying, the words said by Christ on the cross: "Forgive them, Father, for they know not what they do". And all of us, when the blood had dried, struggled with our consciences to attain something so difficult yet so beautiful: the ability to forgive our enemies.

For God, there are no impossibles. Nor are there impossibilities for those who love and seek God. The more ferocious the hate of my jailers, the more my heart would fill with love and a faith that gave me strength to support everything; but not with the conformist or masochistic attitude; rather, full of joy, internal peace and freedom because Christ walked with me in my cell.

At the beginning of these brief words, I said that the honor which you bestow upon me today would have special significance for Cuba's political prisoners. I'd like to tell you why.

During those years, with the purpose of forcing us to abandon our religious beliefs and to demoralize us, the Cuban communist indoctrinators repeatedly used the statements of support for Castro's revolution made by some representatives of American Christian churches. Every time that a pamphlet was published in the United States, every time a clergyman would write an article in support of Fidel Castro's dictatorship, a translation would reach us and that was worse for the Christian political prisoners than the beatings or the hunger.

While we waited for the solidarity embrace from our brothers in Christ, incomprehensively to us, those who were embraced were our tormentors.

Castro's political police have used these statements of support for Castro with such skill and for such a long time to confuse the prisoners and population in general, that today the Christians in Cuba's prisons suffer not only the pain of torture and isolation but also the conviction that they have been deserted by their brothers in faith.

It is for this reason, dear friends, that I said that this distinction you give me will be very important for all Cuban prisoners. When it is known in Castro's political prisons, and it will be known, they will all be filled with joy. They will feel they are no longer alone; that they have not been forgotten; that their brothers in Christ support them from afar. Also the insidious pamphlets the political commissars read to them containing articles signed by American religious leaders, do not represent the opinion of American believers—but the point of view of a small group. We also have to forgive this small group, because they probably also ". . . know not what they do."

The lack of religious freedom in Cuba is not fully known. Freedom is an all-encom-

passing concept; either there is freedom or there is no freedom at all.

I can tell you that there is no religious freedom in Cuba today. Some Protestant churches have been closed. With my own eyes I saw a church on the Isle of Pines turned into a warehouse for fertilizer. The same thing happened to the Catholic churches of Villanueva and San Francisco.

The Seventh Day Adventists, the Congregations of Gideon, and the Jehovah's Witnesses are considered counter-revolutionary "sects". If they are discovered engaging in religious acts they go to prison. In prison I met many of them. One was jailed for transcribing Biblical texts, accused of "editing and distributing religious propaganda."

The celebration of Christmas was banned by Castro and the Christmas tree is also banned, being considered a religious and counter-revolutionary symbol.

If a student is known to attend church, he is expelled from the University.

If a young child talks about God or Christ with his classmates, his parents are called to school where it is explained that those ideas are unscientific and remnants of an obscurantist past.

If the parents insist, they can be accused of the crime of ideological deviationism according to the revolutionary code.

The very few children who attend catechism classes are warned by the priests themselves that what they talk about in church is a very intimate and personal matter and that under no circumstances should they talk about it with friends. This is done to protect the children.

I want to ask you to remember my brothers, my fellow prisoners in your prayers, especially the Protestant pastor, Humberto Noble Alexander. They suffer because of their ideas and beliefs and the only way to help them is to announce to the world that they exist and are humiliated, punished and tortured. To remain silent will never bring them out of prison. Only a campaign to make the public aware and to apply public pressure can set them free. My own case demonstrates as much.

To finish, I'd like to read from another much more successful writer than I, who also knows of persecutions, St. Matthew:

"Blessed are you when men shall revile you, and persecute you, and shall say all manner of evil against you falsely for my sake. Rejoice, and be exceedingly glad; for great is your reward in heaven; for so persecuted they the prophets which were before you.—Matthew 5:11, 12.●

CAPTIVE NATIONS WEEK

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 1983

● Mr. NOWAK. Mr. Speaker, during this third week of July 1983, we are marking the 25th anniversary of the observance of Captive Nations Week.

Since 1959, when the 86th Congress during the administration of President Eisenhower enacted Public Law 86-90 to establish Captive Nations Week, each year we have taken this time to refocus our attention and express our continuing concerns about the deprivations and sufferings of repressed peoples living under totalitarianism.

Daily news reports during the past 2 years from Poland and Afghanistan, for example, have served as frequent reminders of the plight of the millions upon millions of persons deprived of liberties we so often take for granted. Captive Nations Week, however, helps remind us of the many other nations in similar straits—the Baltic States, Ukraine, Albania, Czechoslovakia, Bulgaria, and too many others—who are not spotlighted regularly by daily news reports.

This week, therefore, is an opportunity for us to again express our solidarity with those who continue to seek basic freedoms and an occasion for us to appreciate our blessings and to recommit ourselves to our goals of promoting freedom, human rights, and individual dignity around the globe.

It is an occasion to reaffirm our commitment to provide—as we have in recent years—as much humanitarian aid as possible to the people, as opposed to the governments, of nations like Poland.

It is also an occasion to reaffirm our national policy of continuing to exert pressure on the Soviet Union—in every forum and at every opportunity—to ameliorate its repressive policies and to achieve meaningful improvements in its record on human rights.

For example, the Soviet Union continues policies of repression toward its internal dissidents and it has become apparent the Soviets are not completely honoring their obligations established by the Helsinki agreements. Thus, we must continue to follow through in urging the Soviets to meet their commitments to human rights under these accords.

It has always struck me as sadly ironic that during this month when we observe Captive Nations Week we Americans also observe our national independence. We must continue to work and hope and pray that in time all governments will share our belief that all persons are created equal and that all persons around the world will finally experience the tremendous freedoms Americans have enjoyed for more than two centuries.●

KEY POLITICAL MEDICAL ISSUES AFFECTING PRIVATE DOCTORS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. McDONALD. Mr. Speaker, on July 20 I inserted in the RECORD excerpts from Dr. Jose L. Garcia Oller's keynote speech at the 16th Annual Conference of the General Practitioner's Society in Australia which was held in Singapore entitled "The Tyranny of the Bureaucracy Versus the Freedom of Private Doctors and Patients." Dr. Oller, founder and chairman of Private Doctors of America, Inc., is an outspoken critic of government involvement in the health care field and with legitimate reason. Additional comments of Dr. Oller on this subject follow:

PSRO: COOKBOOK MEDICINE

PSRO is cookbook medicine that invades the basic rights of private practice: privacy of office medical records, choice of treatment and control of hospital admissions. In 1970 the American Medical Association was anxious to get its National Health Insurance plan considered by Congress, the plan it introduced even before Senator Kennedy, the AMA was told by Congress (Ways and Means Committee) that it had to put "teeth" to "discipline doctors" if it wanted its NHI bill considered. The AMA developed "PRO—Peer Review Organization": a proposal for all AMA and State Medical Societies to contract with the Secretary of HHS to peer review and discipline doctors. The AMA would be the official agent of government to regulate and control doctors.

The AMA presented its "PRO" proposal to Senator Bennett from Utah and Senator Long from Louisiana—it became the "PSRO" law, enacted in 1972. PDA testified against PSRO each year since 1970. PSRO is a detailed federal rulebook written under AMA contract with government for $2 million for the diagnosis and treatment of all disease. The rulebook started with the Medical Care Foundations in California, who devised a rulebook for review on behalf of insurance companies with whom they contracted. The first example is the algorithm for the Treatment for Diagnosis No. 1, the Common Cold, Uncomplicated, as taken from Congressional Testimony in 1970 by Dr. Donald Harrington, President of the California San Joaquin Foundation, a PSRO prototype.

Treatment of the federal common cold according to these guidelines cost $44. For the US population: $34 billion. At that time, this exceeded the cost of all care for all diseases in the entire US! So much for those PSRO savings. We have 383 diagnoses, according to 1983 HEW.

Government "cost control" programs always increase costs. The Cornell University report by Dr. McSherry to PDA disclosed that it cost $34,197 to find one patient with an unjustifiably long length of stay.

To document PSRO fraud and failure, recently for Testimony in Congress I wrote the book entitled "PSRO, the $8 Billion Hoax". Reviewing the estimates given by the PSRO proponents (foundations, some medical societies) in official Congressional testimony, $8 billion were to be saved by 1981. The net amount saved, according to Congressional Budget Office, General Accounting Office of Government, etc.—$0. The PSROs were estimated to spend $1.40 to save $1. 34 of 39 PSROs were investigated for inadequate accounting. Nashville PSRO was probed for fraud. Massachusetts PSRO was instructed to fire all its main officers.

PDA presented the alternative of freedom to PSRO to our 404 member medical staffs, medical societies and 44,000 doctors: one simply did not have to participate in PSRO. As a result, in our state of Louisiana, out of 130 private hospitals, only four medical staffs voted to "volunteer" to do PSRO. PSRO was "repealed" in 1982—(they just changed the name of QCPRO)—and so far

there is no funding for QCPRO or PSRO in President Reagan's 1983 budget (Feb. 1983). Some are surviving because Congress has not approved a final national budget yet for 1983. PSROs have recently invented a list of 31 reasons to allow a patient to stay in the hospital as an "acute patient".

True Peer Review can only exist when performed by the medical profession for internal quality control, education and improvement of patient care. It ceases to exist when performed as Fiscal Review for the profit interest of third parties. Peer Review must remain confidential and is not to be made available to third parties.

The American Medical Association has been our worst enemy in our battle against government regulation: Certification Utilization Review and PSRO. It supported certification and utilization review, and sponsored PRO, and testified for PSRO since 1970 and every year since until 1981.

TORCH OF LIBERTY

So far in our review of PDA action, we protect the quality of medical care, analyze and research the law and regulations, expose the deceptions voiced through the media, and through effective litigation, keep at bay those who would enslave us.

But individual Liberty, by definition requires individual action. Only if each one of us implements freedom each day in our private office, and in our hospital practice, will private and independent medicine survive. We must therefore learn to analyze the siren songs used to tempt us to accept third party contracts, by those who offer us "protection from competition", through HMOs and IPAs—and threaten us with loss of practice if we do not join.

HMO'S

Myth—Private offices should be restructured into new economical HMOs.

Let us now turn into third party contract medicine, the so-called "Alternative Health Care Systems". Alternatives, that is, to private and independent doctors. Those represent identical schemes with different names: "Prepaid Health Plans" and "Closed Panel Plans" (Kaiser Plans); and "Contract Practice" and "Medical Care Foundations". President Nixon wanted a new name to present it as a "new plan" in his State of the Union Message, and thus was born the term "Health Maintenance Organization" (HMO). As HMOs became unpopular, medical societies invented the name IPA's (Individual Practice Associations). We now have PPO's (Preferred Provider Organizations), courtesy of California legislators.

All the names are euphemisms. They try to cloak the third party scheme with the "appearance" of private practice. But in each of these schemes, the doctor is paid by the third party, not by the patient. The doctor is an HMO employee if salaried, or a HMO contractor, if unsalaried. The HMO, not the patient, pays the doctor.

IPA's, PPO's fraudulently extol "fee-for-service" billing—but this is a smoke screen. The doctor receives a cheque from the third party HMO-IPA-PPO. The PPO who determines the conditions of service, approves the "fees-for-service" and peer reviews utilization. Each of these schemes in turn claims that they are the "saviors" of private practice: "our last chance" to remain private. But they have already chosen not to be private. By accepting their discounted cheques, we are no longer in private practice. We have given away any freedom to quality care, to our own independent, unfettered professional judgement.

Common to these HMO schemes are:

1. Fewer hospital visits.
2. Fewer office visits.
3. They seldom "break even". They usually self-destruct in five years.
4. Figures taken from the Report to Congress of HMOs show: Of 127 qualified federal HMOs, only 11 are solvent (Type III). 253 Total Plans.
5. Deliberate three weeks delay in appointments in the "Group Health" in Washington, DC, the largest and oldest HMO on the East Coast of the U.S. It declared to the Washington Post that "built-in-appointment delays" are deliberate, because they are necessary in order to remain financially sound.

Kaiser Facts: Kaiser follows the HMO rules of less services than the private sector and because it owns the hospitals and has the doctors on salary, it can make a profit.

Is that why they are called "health maintenance organizations"? In three weeks, patients are either well or long ago treated by their private doctor—unless they were, as described by Kaiser Founder, Dr. Sidney Garfeld, "the worried well" who clog the Kaiser system.

Yet these failed "alternative systems" are daily touted in the media as "cost effective", as "new systems", as "providing more services for less money". And you, the doctors, are lured into a "secure cheque each month", or intimidated that "if you don't join, you'll lose your practice to colleagues who do".

Time and again the schemes will fail—contract groups simply cannot deliver more quality care at lower cost than the efficient private doctor. Witness the Michigan HMO disaster of 1982. Doctors lost $3.5 million, hospitals $2.5 million. As each fails, another newly-named scheme will be ready to intimidate doctors into joining. "Medical societies" will also often urge you to join "this new wave of the future—because times have changed". Witness the Minnesota News: In this "HMO capital of the world", the seven HMOs are now falling on hard times and laying off doctors . . .

But the deception, the fraud against our patients has not changed, and is ever touted by the media as a "cost-control solution". You, the private doctor, must hold fast to the changing principles that private medical care under a mutually agreed fee for service provides quality care at the most reasonable cost and centered on what our patients need and want, not what the government or HMO review committee dictates.

Two recent programs deserve your consideration: "Quality Assurance" by the JCAH; and the lastest government program, "pay by the numbers", or the "DRG's".

JCAH—"QUALITY ASSURANCE"

Over the years, the JCAH (Joint Commission on Accreditation of Hospitals) has been challenged repeatedly by PDA, because it acts, not as the private consultant it says it is, but as an agent of government to implement the very programs we fight.

The JCAH is composed of members from the AMA, AHA, ACS, ACP and ADA, and has been responsible for implementation of rulebook utilization review, PSRO, and quantitative medical audits with criteria, norms and standards. When the government invents a new "voluntary" program to regulate the profession, the JCAH soon makes it one of its "guidelines". Hospitals nourish the deception that Accreditation by JCAH is "required for payment" of the hospital. This myth is the source of JCAH clout and submission of the profession.

The latest device for control of doctors by JCAH is the "Quality Assurance" Committee. A JCAH requirement, most hospitals are deceiving doctors into participating in "a joint, hospital-wide committee" composed of the administration, nurses, and non-medical departments, for the purpose of assurance of quality care. Since doctors will always be the outvoted minority, this QAP-trap is designed to place the doctors under the control of lay administrators and staff.

The PDA recommendation is the medical staff will have its own, independent Quality Assurance Committee. There shall also be separate, non-medical and administrative Hospital Staff Quality Assurance committee, without doctors. This PDA scheme is also "approved" in the JCAH QA Manual, but it is rarely mentioned to the staffs by Hospital administrators.

DRG'S

What doctors need to know about DRG's. Proposed Medicare Hospital pay plan may alter medical practice.

The latest refinement in government regulation of medical care now sweeping the United States in the form of President Reagan's recommendation to Congress (Dec. 1982) is called the DRG's Program. It was an outgrowth of State Regulatory Commissions that set payments for hospitals. The first experiment was to fix the hospital room rate to cut costs. Hospitals simply increased the costs of non-hospital room costs—so-called ancillary services. The result—no savings. After rate-setting for several years, the north-eastern states still have the highest hospital costs in the country.

"Dregs" as we shall call them here—stand for 467 Diagnosis-related Groups, originally devised by Yale University. The government will now pay hospitals a national cost average on a "per case" basis by diagnosis, adjusted to local labor wage variations on 383 "DREGS". It is not certain whether the New Jersy program has saved costs, now in its third year of experiment.

No. 59, Tonsillectomies get $1,500—whether it costs that hospital $500 or $3,000. Hip replacements—let's say $3,000—instead of some for $2,000 and some for $8,000. Appendectomy is No. 167, if complicated, No. 165.

In response to the complaints of patients receiving bills for thousands of dollars for a simple thumb fracture, the system now has refinements as to region, hospital case-mix, secondary diagnosis, and expectations as to very short or very long stays. Perhaps, after another 100 qualifiers, some one may figure that they are right back where they should be: paying each patient's bill. This will allow price-competition between hospitals, and the free market will bring the price down, like, deregulation has done for the oil crisis.

But the government insists that we can't trust the market, it's too expensive to pay each bill, we'll just pay by the numbers. As a result, hospitals will now have DRG Peer Review Committees, to review individual physician DRG profiles, policed by DRG nurse co-ordinators. The doctor's hospital privilege will depend on whether he saves money for the hospital. He must reduce the number of tests and lower the lengths of stay. Quality care and innovation and new equipment will disappear, as we rush to meet the most cost-effective and most reimbursed diagnosis. The goal of hospital efforts will be to diplomatically alter physician behavior towards providing as few services as possible for the particular DREG—the hospital keeps the difference!

In the meantime, back at the ranch, the AMA and the Chamber of Commerce are urging doctors to join a new plan: "Health Care Coalitions" with business, labor unions, Blue Cross and private insurors, to "lower the cost of health care to business". How?—by instituting "voluntary" Health Planning, PSRO and HMO, of course. Do we ever learn from failure?

Eternal vigilance, it is said, is the price of liberty. That Liberty is in your hands: what you do every day, in the privacy of your medical office procedures, with third parties. PDA publishes a detailed manual of offices procedures to expand your freedom and strengthen your patient relations. The real challenge, however, is to the heart. The battle has always been to destroy the professional soul of the doctor.

I leave with you, as a parting thought, President Reagan's question:

"You can't socialize doctors without socializing patients. My plea to you is that you do not subscribe to the theory of inevitability. This idea that mankind would give up and fight only a rear-guard action in a stall for a little more time was Karl Marx' secret weapon. If you won't lead in the resistance, you who have the most to lose, how can the rest of us, the patients, hold out?"●

DR. KARL MENNINGER

HON. PAT ROBERTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. ROBERTS. Mr. Speaker, I want to thank my colleague, Mr. Slattery, for organizing a special order to honor our outstanding fellow Kansan, Dr. Karl Menninger. It is a privilege to associate myself with the remarks others have made in recognition of Dr. Menninger's contributions.

This Friday, Dr. Menninger will celebrate his 90th birthday. It would take days to fully recognize the many contributions Dr. Menninger has made throughout his career. Karl Menninger has authored more than a dozen books contributing to the understanding and advancement of the psychiatric profession. Through these books, his teachings, public lectures, numerous articles, and the countless patients he has helped directly, he has aided thousands of individuals. And, as the leader of his profession for more than 60 years, his work will long serve as a benchmark in the mental health community.

Karl Menninger has been and remains a tireless crusader. In addition to his works in the mental health field, he has been active in civic organizations, soil conservation, wildlife preservation, and American Indian life, just to mention a few of his interests. Dr. Menninger has put these interests to work by serving on the board of directors for more than 20 organizations. He has taught at six universities and training centers and has been a valuable consultant to many private and Government agencies.

Not long ago, Dr. Menninger was honored in this city at the dedication of the Wilson Memorial Window of the Healing Arts in the National Cathedral. Dr. Karl Menninger, along with Drs. C. F. and William Menninger, are represented in the window lancet representing mental health. The window's inscription, "Friend of Man" most appropriately describes Dr. Karl Menninger.●

SOVIET JEWS NEED HELP

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. SCHUMER. Mr. Speaker, I would like to call to the attention of my colleagues a letter from Seymour P. Lachman published in the July 11 edition of the New York Times. Mr. Lachman is the university dean of the City University of New York and chairman of the Greater New York Conference on Soviet Jewry. In his article, Mr. Lachman provides a clear and concise account of newly intensified Soviet anti-Semitism as well as a description of the plights of dissidents Iosif Begun and Aleksandr Paritsky and other Soviet refuseniks. I hope that my colleagues will take the time to read this timely and informative article.

SOVIET JEWS NEED HELP

(By Seymour P. Lachman)

The position of the Jews of the Soviet Union is deteriorating rapidly. There is growing harassment and muzzling of cultural and religious expression that is harsh even by Soviet standards. Iosif Begun, the mathematician, has been arrested and faces a third trial because of his attempt to teach the Hebrew language, which has been interpreted as anti-Soviet agitation and propaganda. Aleksandr Paritsky, an engineer, was arrested, tried and found guilty for the crime of defaming the Soviet state because he organized Jewish cultural and educational activities in the Ukraine.

Many now believe that this oppression is part of a campaign by the Soviet authorities to blot out the collective memory of the Jewish people. Anti-Semitic statements have also become more prevalent in officially authorized newspapers, magazines, books, military publications and even scientific journals.

Recently, "Invasion Without Arms," an officially sponsored anti-Semitic book, was published and republished in 150,000 copies in Moscow. It characterizes the Old Testament of the Bible as, among other things, "an unsurpassed textbook of hypocrisy, treachery, perfidy and moral degeneracy—all the basest human qualities." Even the young have not been spared. In a recent issue of Pionerskaya Pravda—an official publication for children under the age of 14—the authorities repeat these anti-Semitic slanders.

As in czarist days, Jews are prevented from entering Soviet universities. Two social scientists, Boris Kanevsky and Valery Sanderov, are in prison for undertaking a study that revealed that Moscow State University practiced anti-Semitism in its admissions policy. Compounding the situation is the fact that Soviet Jewish emigration has practically ceased. Emigration, which had risen to 51,320 in 1979, dropped to 2,688 last year and is down to approximately 100 a month this year. This decline of Soviet Jewish emigration of over 97 percent bears witness to the fact that, more than ever, Russia is still the "prisonhouse of peoples" and in flagrant violation of international agreements, such as the 1975 Helsinki Final Act. The State Department has branded as "patently false" the statement by the newly formed Soviet Anti-Zionist Committee that most Jews who wanted to leave have already left. Our State Department also criticized the Soviet Union for "enlisting people of Jewish ancestry to participate in their anti-Semitic diatribes."

In fact, Soviet policy is even more restrictive than that of czarist Russia, which practiced anti-Semitism but permitted, and at times even encouraged, large-scale emigration. This safety valve no longer exists, even though more than 300,000 Jews have begun the administrative process they hope will lead to departure from the Soviet Union. Some 10,000 of these Jews are now in limbo because, after completing the process, they discovered that their request to leave had been turned down. Many of them are professionals—distinguished scientists, scholars, artists and writers—who have been dismissed from their positions because of their desire to leave. We know them as refuseniks, and they are considered pariahs in Soviet society. The more fortunate have found jobs as building custodians or sweepers in movie theaters. Their creative talents have gone to waste since they are denied access to laboratories, libraries, universities, scientific institutes, scholarly journals and recital halls.

And yet they still have a lifeline to the outside world because the American Government has asked members of its diplomatic corps in the Soviet Union to establish regular and sustained contact with these refuseniks. This on-going expression of concern and solidarity has helped give the refuseniks a sense of dignity and an awareness that they are not alone. Recently a letter of protest was submitted to the United States Embassy in Moscow because of weekly visits by an American diplomat to Saturday evening gatherings outside the Moscow synagogue. The protest drew a strong response from Ambassador Arthur A. Hartman, who observed that the diplomat was acting on his instructions to gather information that would broaden the embassy's understanding of Soviet and Jewish affairs.

The refuseniks' isolation could be further broken and spirits raised if diplomats from other nations, such as our NATO allies and other democracies in the world, were to establish similar contacts with them.

Until the Soviet Union agrees to halt the persecution of its Jewish minority, it is imperative that free nations raise the issue in all forums. Furthermore, diplomats of all democratic countries stationed in the Soviet Union should be encouraged to meet with refuseniks, thus focusing on their condition and decreasing their isolation.●

NATIONAL BETA CLUB WEEK

HON. CARROLL A. CAMPBELL, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. CAMPBELL. Mr. Speaker, I am introducing a bill today which authorizes and requests the President to declare the week of March 4, 1984, as "National Beta Club Week."

In light of the abundance of recent discussion on the shortcomings of education in the United States, it gives me great pleasure to acknowledge the laudable achievements of the National Beta Club. The Beta Club is an organization dedicated to the positive accomplishments of high school students and encourages such enviable characteristics as leadership and personal integrity. All that the Beta Club stands for is comprised in its motto, "Let us lead by serving others."

I am particularly pleased to honor the National Beta Club because its origins and headquarters are located in my congresional district. John West Harris founded the Beta Club in Landrum, S.C., on January 9, 1934, with the intent of recognizing students who excel in leadership, character, and achievement. Since its original membership of 15, the organization has grown to include more than 200,000 young people and over 1.5 million alumni. There are now 4,500 chapters in 36 States.

Mr. Speaker, it is the responsibility of all Americans to acknowledge scholastic excellence and service to others. Thus, I urge my colleagues to join me in support of this bill to honor the National Beta Club during the year of its 50th anniversary.●

JERRY WEINTRAUB

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. LEVINE of California. Mr. Speaker, last Sunday, the Washington Post featured an article about a good friend of mine, Jerry Weintraub. It accurately paints a portrait of a unique and impressive man.

Jerry Weintraub embodies the Horatio Alger legend. He began his career in show business as a page at NBC. Today he is one of the most successful and respected men in the entertainment industry.

His list of professional accomplishments provides a clear indication that the success he has realized is well deserved. He serves as manager to such entertainers as Bob Dylan, John Denver, Neil Diamond, and the Beach Boys. He has produced such hit movies as "Diner," "Nashville," and "Oh God." He is now promoting cultural exchanges between the United States, the Soviet Union, and China to help foster better communication and understanding between the three nations.

But the real measure of Jerry Weintraub lies not in his professional accomplishments but his dedication to his family and his fellow man. He is married to a marvelous woman, the former Jane Morgan. Jerry and Jane are blessed with four children, Michael, Julie, Jamie and Jody.

He finds time in his busy schedule to work on behalf of organizations such as St. John's Hospital and the Holocaust Committee which sponsors the Martyrs Memorial and Museum here in Washington. He chairs the Los Angeles Israel Bonds Committee and does remarkable work on its behalf.

Clearly, he is a man of boundless energy, real compassion, and keen intelligence. I value his friendship and his counsel.

Mr. Speaker, I ask unanimous consent to print the Washington Post's article in the CONGRESSIONAL RECORD and I ask my colleagues to join with me in paying tribute to Jerry Weintraub.

The article follows:

[From the Washington Post, July 17, 1983]

ON THE HOLLYWOOD EXPRESS—JERRY WEINTRAUB, PROMOTER WITH THE MOTOR RUNNING

(By Eric Estrin)

Jerry Weintraub rarely sleeps more than four or five hours a night; he doesn't have time for it. But on the night before tickets went on sale for Neil Diamond's recent Los Angeles concert series, Weintraub was too hopped-up to sleep at all.

He got out of bed at 4:30 as usual and skimmed the paper while watching the morning news, which a receiving dish next to his Malibu home picks up by satellite from New York. Still suffering the effects of a nasty cold, he skipped his five-mile run and customary horseback ride and called his chauffeur for a ride to the concert hall.

At 6:30 or so, when Weintraub's Maserati arrived at the Los Angeles Forum, a line was beginning to form outside the ticket window. Weintraub, who is Diamond's manager, settled some last-minute details at the arena and then, when tickets went on sale at 10 a.m., allowed himself some time in the box office to watch patrons fork over up to $15.50 apiece to watch his client perform.

"Things like this are what motivate me," he explains later that day in his posh Beverly Hills office. "To do $2 million worth of business in one day, in one little place, knowing that I'm probably doing $10 million elsewhere—that motivates me. And I'm right there in the box office watching people throw their money in—to me, that's why I get up in the morning."

It should be noted that despite his enthusiasm, this is not the only big deal on Weintraub's agenda. Already today, after leaving the Forum, he has spent time at MGM Studios overseeing production of a television series based on the film "Diner," which he produced. From there he met with George Hamilton, a client of his, for whom he recently landed a CBS pilot. Next he lunched with old friend James Caan at a meeting of the Holocaust Committee about the Martyrs Memorial and Museum to be established in Washington, a project in which they're both actively involved.

Then, after participating in a board meeting at St. John's Hospital, another of his charitable causes, he finally arrived at his office and began returning as many as possible of the 200-odd phone messages that pile up daily. Before meeting with a reporter at 3:30, he found time to arrange a deal for his latest project—a big-budget Broadway play, "Madame Rosa," which he will coproduce later this year.

Incredible as it may seem, this is nothing more than a typical day's work for Weintraub: Arguably the most powerful single figure in California's entertainment industry, his wholly owned umbrella company Management III seems to be a veritable clearinghouse for all of Hollywood's business.

"The best in the business as far as I'm concerned," says John Denver, a client. And Guy McElwaine, president of Columbia Pictures, puts it this way: "There aren't many people doing what he does, and I don't know any in Jerry's league.

"One thing that's great about Jerry is he never wastes your time . . . He doesn't have time to waste."

So why a man in Weintraub's position would lose sleep over a can't-miss concert promotion like Diamond's (he sold out seven shows by the weekend, four that first day) probably says something about how he became such a heavy Hollywood power broker in the first place: "I don't care what anybody tells you," he says. "In every successful man that I've met—and I've met a lot of great, successful men—there's a salesman inside him wanting to get out. There's that entrepreneur in there, and he wants to watch the products that he develops hit the marketplace. He wants to watch people buy them.

"I'll bet the chairman of the board of IBM at some point goes into a store and watches somebody buy a typewriter. I know that Lee Iacocca, who's a guy I have a lot of respect for, I know that he must want to sit in a Chrysler showroom and peek out the door and see these convertibles get sold. I have a lot of businesses and I make a lot of money and it's great, but every once in a while you like to get in the trenches and see what the hell's going on out there. You've got to deal with the people."

And deal Weintraub does—from a position of strength. In rapid-fire, 30-second phone conversations starting before dawn sometimes to the East Coast, he speaks in a deliberate, basso profundo reminiscent of his one-time client Sylvester Stallone (they split almost immediately over a "personality thing"). For convenience, Weintraub keeps about 40 telephones, each with six or seven lines, around his Malibu estate, "Blue Heaven"—including the ones in the bathrooms, sauna and whirlpool, but not the ones in the fleet of fancy cars.

Immaculately dressed in European-cut suits, and looking tanned, fit and vigorous at 45, he's obviously come a long way since his youth in the Bronx, though he still retains the accent, the boyish exuberance and an abrupt, down-to-business demeanor. But Weintraub makes it a point to be accessible to almost everyone and never to stand on ceremony. Among the many satisfied clients who appreciate his style to the tune of up to 15 percent of their incomes: Bob Dylan, the Beach Boys, the Moody Blues.

He has staged concerts for the giants of the music business, beginning with Elvis Presley and continuing through Led Zeppelin, Eric Clapton and the Bee Gees all the way to Frank Sinatra.

And music is just the beginning of Weintraub's act. He has also produced quite a few major Hollywood films ("Nashville," "Oh, God") and had a hand in who-knows-how-many more. A company he set up with former NBC sports executive Don Ohlmeyer is shaping up as a pioneering supplier in the young cable television industry. And in a recent coup, he announced his intention to help bring about nothing less than world peace (in addition to earning another bundle of money for himself) by teaming up with industrialist Armand Hammer to promote cultural exchange among the U.S., the Soviet Union and China.

Weintraub won't discuss how wealthy these transactions have made him. (In fact, he seems uninterested in quantifying anything about himself—his PR firm doesn't keep a bio on him; he even disagrees with his wife on their wedding date.) But Weintraub's certainly at no loss for personal comfort. The eight-acre ocean-front mansion attests to that, as do the servants, the stable with 11 horses, the other homes in Beverly Hills, New York, Palm Springs and Maine, and the party invitations he and his wife regularly turn down.

"It took me years to be able to get up in front of people and speak," he says. "I'm still very shy." His loner attitude even applies to his industry's most gala event, the Academy Awards ceremony. So despite the fact that his picture "Diner" was up for top screenplay honors in April, Weintraub was at home in bed with a bag of barbecued potato chips and a beer.

Nevertheless, he seems to know everyone in town, and he's willing to make a few positive observations about his celebrity pals:

Bob Dylan—"The most perceptive guy I know. He doesn't miss a thing."

John Denver—"My best friend in the world, a man I go to when I'm troubled."

Frank Sinatra—"The best thing I could say about Frank, besides the fact that he is without question one of our great legends, is that he's a great friend and a stand-up guy."

George Bush, who owns a home near Weintraub's in Maine—"I hope he's president some day. I consider myself a leader, but he's a man I would follow."

And last, of course, his own thumbnail sketch, equally succinct: "I'm perceptive, I think, and persistent. I'm very good with people. I'm a good administrator, a good salesman—well, probably a great salesman . . . Hey, these are pretty good quotes I'm giving you, aren't they?"

Inevitably, the self-confidence shows up in his business negotiations. "When you have 'go-to-hell' money," he explains, "it's easy to say 'Go to hell.' It won't mean that you're not gonna eat tonight or your children aren't gonna have an inheritance or all the things that other people have to worry about."

Occasionally, he admits, there have been setbacks—like a production agreement with Universal that spawned a flop movie, "All Night Long," and a couple of TV projects no one's ever heard of. Weintraub took that one hard and vows to wipe the slate clean with a big hit for the studio. He's already made a start: In developing "An Officer and a Gentleman," a film he did not produce, he left Universal with a percentage of the profits. The picture turned out to be one of last year's biggest hits.

Weintraub takes solace in that, he says, because he enjoys sharing the wealth. Partner Don Ohlmeyer, with whom he recently formed Intercontinental Broadcast Systems to develop a projected $150 million worth of cable and network television programming, appreciates the way Weintraub does business. "He knows what he wants and will not let anything stand in his way," Ohlmeyer says, "and yet, people aren't alienated by him after they've made a deal."

While Weintraub gladly takes credit where it's due, he never fails to share it with his family for its support. He remembers his childhood as a happy one: A father who could sell anything, a loving mother and brother—they were a close-knit group in an ethnic neighborhood where people had what he calls "a thirst for life."

A streetwise kid, Weintraub used to skip school to watch Dorsey or Sinatra play the Paramount. And though he could always talk his way out of trouble, he also knew how to handle himself in a scrap. His brother, Melvin, who is two years younger and now works with their father selling precious stones, remembers being the safest kid in the Bronx. "Nobody would lay a hand on me for fear of having Jerry to contend with," Melvin Weintraub says.

Weintraub is still extremely close with the folks back home, but his protective instincts are best left for his three young adopted daughters. (His son by a brief, previous marriage is away at college.) "His whole life is his family," says his wife, the former Jane Morgan, whose career as a torch singer and stage performer he managed in the '60s. "We all feel that total dedication and concern."

It was Weintraub's business sense that originally brought them together. "I saw right away that he was an unusual sort of man and that he was going to be very, very successful," Jane Weintraub recalls of their early professional relationship. "For one thing, he had the creative ability to go with everything else. He could design a wardrobe for me or see a whole set design in his head just as easily as he could pick up a phone and book a date for me in Chicago."

He also had a flair for the dramatic. In the years before they were married, his wife says, her lifelong ambition of starring on Broadway had taken a back seat to her singing career ("Fascination" was her biggest hit). Characteristically, though, her future husband would not let anything drop. "One night after we were married, Jerry said to me, 'Come on, let's go for a walk, I want to show you something,' " she remembers. "It was about midnight, a very cold, blustery night in New York City. It may even have been snowing. We walked about three blocks from our home to Seventh and Broadway, the Winter Garden Theatre, and there it was on the marquee: Jane Morgan in 'Mame.' I just about flipped.

Weintraub at that time was making a name for himself as a gritty promoter and a top-notch handler of musical talent in New York. Only a few years earlier he had finished a stint in the Air Force, straight out of high school, and had taken his first job in the industry—as a page at NBC studios. Within six months he found a job in the mail room at the William Morris agency. Two weeks later, a full-fledged agent's job opened up at rival MCA and Weintraub talked his way in.

Despite his contention that "I learned about the business when the doctor took me out of my mother's womb and slapped me on the behind," it was at MCA that Weintraub first got exposed to big-time wheeling and dealing. Yet after only a couple of years he struck out on his own with such early clients as the Four Seasons and Jane Morgan.

There was another performer Weintraub had his eye on too, a hip-shaking rockabilly singer out of Memphis by the name of Elvis Presley. Weintraub got the number of Presley's manager, Col. Tom Parker, and called him nearly every day for a year. "He would ask me what I wanted," Weintraub recounts, "and I would say, 'I want to promote Elvis Presley.' And he said, "You're crazy. Why should you promote Elvis?' And I'd say, 'Why not?' "

After a year of this, Parker relented and made Weintraub an offer: Be in Las Vegas tomorrow at 9 o'clock with a cashier's check for a million dollars, and Elvis is yours. "Well, a million dollars was so foreign to me in those days, I couldn't even imagine it. I mean, Rockefeller had a million dollars," Weintraub says. "I didn't know who else. Today I could just write a check. . . ."

He must have worked the phones pretty well back then, too, because by 2 p.m. the next day, after petitioning Parker for a five-hour extension, the deal was consummated.

Not only had Weintraub landed the top box-office attraction in the world for a national tour, he had done so at a time when the business of organized concert promotion was in its infancy. Ordinarily, tours were pieced together by a band's manager and dozens of local promotors across the country. Now Weintraub was promising artists uniform, top-quality conditions and an organized promotional campaign for every venue. The clients jumped on board.

And they're still jumping, as evidenced by the gold records lining Weintraub's walls. While album sales are down throughout the struggling music industry, Weintraub hasn't felt the pinch. "My artists are not in any kind of depression, nor will they ever be," he says. "They're a very stable group."

Other promoters have voiced resentment when the acts they help break wind up jumping to Management III or Concerts West, the promotion company Weintraub co-owns, but his rebuttal is simple: "I guess jealousy is just something I have to live with," he says.

His wife is willing to elaborate: "When Jerry first took artists out on the road, he'd go out in advance to two or three cities a day—checking out every arena, every hotel, every room in the hotel. He was his own front man. When it looks easy for him now, it's because he's already done it and he knows all the people. He's paid his dues."

Now his connections are earning him dividends all over the world. Example: When Deng Xiaoping visited Washington during the Carter administration, Weintraub helped arrange a party in his honor. And when a friend in the State Department needed something to send back with Deng as a gift to the Chinese, Weintraub came through with just the thing—500 John Denver albums. Years later he finds himself in a multimillion-dollar enterprise involving a cultural exchange with communist countries, and guess which entertainer heads the Chinese priority list: That's right, the country boy himself.

As usual, Weintraub's venture behind the Iron Curtain does not hurt for grandness of scale. For those wondering why he's been spotted lately jogging atop the Great Wall of China or seated in the front row at Brezhnev's funeral in Moscow, the answer comes in the form of Occidental Petro-

leum's worldly 85-year-old chairman, Armand Hammer.

Hammer has had close ties with the Russians since he helped save their economy in the early 1920s; his company currently has a $20 billion contract with Moscow for exchange of chemicals. On the entertainment front, a company he formed has, with various partners, made films about Russia's dance and music and the evolution of Chinese society, as well as a recently completed two-hour documentary, "To the Ends of the Earth." When Hammer decided to expand his theatrical operations, he came to Weintraub.

"I told his people that I wasn't interested in piecemealing any kind of deal together," Weintraub recalls. "I said I'd love to sit down with Armand Hammer and make an overall deal." The idea sounded good to Hammer so they did it. "It took about a minute and a half," Weintraub says.

What they accomplished in those 90 seconds will ultimately involve an intermingling of American, Russian and Chinese culture on a scale never before attempted. Though dollar figures have not been announced, all the angles are covered—from actual motion picture production in all three countries to the trading of concert and dance performances, sporting events, videotape projects and more.

Naturally, Weintraub likes the action, but he's even more excited about dealing with Hammer, who he says deserves the Nobel Peace Prize. "Look, the United States is not talking with the Russians now, right? Wouldn't it be great if President Reagan and Andropov could go out to a ballet together and then walk out and talk about whatever it is they have to talk about to stop all the bombs from knocking off everybody in the world?" he says.

"He a terrific guy, a great enterpreneur, a guy I respect and a guy whose advice I can take," Weintraub says of his new mentor. "I've enjoyed every minute of this."

Indeed, ever since the two formed their partnership in September, the normally tireless Weintraub has had to expand his business hours just to keep up. "He calls me on Sundays and he calls me in the middle of the night and then he calls me again at 6 in the morning," he says, shaking his head in amazement. "I don't think he sleeps, actually."

He laughs then, recognizing a little of himself in the man. "We get along like two peas in a pod," he says.●

CAPTIVE NATIONS WEEK

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 1983

● Mr. RODINO. Mr. Speaker, I am proud to join my colleagues in this annual observance of Captive Nations Week.

For the past 25 years we have set aside this time, the third week in July, to give special attention to the plight of countless individuals around the world to whom the words freedom and liberty remain a cherished ideal, but who are denied these basic human rights. The observance of Captive Nations Week is a time for all of us to remember them, and to reiterate our unswerving opposition of the political and cultural suppression throughout the world of the people known as the captive nations.

Just recently we were, of course, reminded once again of the struggle for freedom that is going on in Eastern Europe when Pope John Paul II completed his visit to Poland. The world's attention was focused on the brave struggle of Solidarity to gain basic freedoms. The determination of the Polish people and the strength of their spirit should shine as an example to the entire world.

Mr. Speaker, as this Nation celebrates our own cherished Independence Day during the month of July, it is fitting that we should hold this observance of Captive Nations Week. As we appreciate our own freedom and celebrate 207 years of independence, let us not forget the millions of people who still live for a day when they, too, can enjoy freedom, liberty and basic human rights.●

PUBLIC HOLIDAYS ACT

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. DANNEMEYER. Mr. Speaker, this week I introducted a bill to require that all future public holidays fall on either a Saturday or Sunday. This proposal will not affect the celebration of the existing nine Federal holidays. This proposal would not entitle Federal employees to holiday pay for Saturday or Sunday observances.

In this and previous Congresses, bills have been introduced to honor such figures as Martin Luther King, Jr., Thomas Jefferson, Franklin D. Roosevelt, and Susan B. Anthony. My bill would in no way detract from the attempt to honor the individual. It would avoid the costly and inappropriate enactment of yet another fully paid holiday for Federal employees.

Congress last spoke on the issue of a Sunday observance on December 5, 1979. On that date, the House agreed to an amendment to designate the third Sunday in January as a permanent national holiday in honor of Dr. King.

Additional holidays are the wrong statement at the wrong time. I think the American people can justifiably wonder what Congress is doing in talking about paid holidays when the unemployment rate is still high. Another Federal holiday, added to the present nine, amounts to almost 2 weeks' worth of unemployment checks, some $225 million in lost productivity in the Federal work force. The extra day off is a day when checks for social security recipients and veterans cannot be processed.

OMB has estimated that 1 day's salary, wages, and benefits for Federal employees, excluding the Postal Service, is about $210 million. Premium pay of employees required to work on a holiday adds another $25 million. According to the CBO, the net impact on the Federal budget is about $25 million.

Lost productivity is not limited to the Federal work force. While the Federal Government has no jurisdiction to propose national holidays for other than the District of Columbia and Federal employees, individual States usually follow its lead. The added personnel costs of such actions by the States could result in 10 to 20 times the $235 million cost to the Federal Government. The argument that holidays are good for the economy does not hold water and has not been proven. An increase in retail sales does not offset a general industrial shutdown.

Members may be interested in a report I requested of the Congressional Research Service. I was looking for whatever policy criteria the Congress may have used in establishing the present nine holidays. In six of the nine holidays, the Congress responded to a clear majority of the States that had already enacted such holidays. I would be glad to share the complete report with Members.

It seems to me that it is entirely inappropriate to think that the only honor we can give an American citizen is to give a certain segment of our society a day off with pay. I hope we can be more creative and responsible than to merely offer a paid holiday as the best means for honoring great Americans.

Mr. Speaker, I request that the text of my bill be inserted in the RECORD at this point.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 6103 of title 5, United States Code, relating to holidays, is amended by adding at the end thereof the following new subsection:

"(d)(1) Any legal public holiday or any other day declared to be a holiday by Federal statute or Executive order—

"(A) which is established on or after the date of the enactment of this subsection, and

"(B) which does not occur on a Saturday or Sunday, shall be treated as if it occurred on the following Sunday.

"(2) The provisions of paragraph (1) of this subsection shall not be considered to be superseded by any provision of law enacted after the date of the enactment of this subsection unless such provision of law—

"(A) specifically cites this subsection, and

"(B) declares that the provisions of paragraph (1) are superseded.".

(b) Section 6103(b) of such title is amended—

(1) by striking out "with respect to a legal public holiday and any other day declared to be a holiday by Federal statute or Execu-

tive order," and inserting in lieu thereof "with respect to holidays subject to this subsection.", and

(2) by adding at the end thereof the following sentence: "Holidays subject to this subsection are legal public holidays and other days which were declared to be holidays by Federal statute or Executive order before the date of the enactment of subsection (d) of this section or which supersede subsection (d) of this section.".●

STRENGTHENING THE FEDERAL BUDGET PROCESS

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. CLINGER. Mr. Speaker, it can be said with some justification that the studies spewed forth from Government agencies and think tanks make paper perhaps the ultimate source of pollution in Washington. Thus, it is no small surprise that each and every policy study does not command the attention of Congress.

A recent study by the Committee for Economic Development, entitled "Strenghtening the Federal Budget Process: A Requirement For Effective Fiscal Control," however, bears special mention, as it offers specific suggestions for improving our fiscal policymaking.

While it is true that success in bringing the budget under control rests fundamentally with the political process, I wholeheartedly support the idea expressed by the Committee on Economic Development that a strong Federal budget process is essential to the effective function of political decisionmaking in the areas of revenue and spending. Many of us hold opinions on fiscal policy that are substantially different from others in this body, yet without the mechanism for structuring an effective debate on fiscal policy, such as the Federal budget process, the result might well be one that no single one of us would support.

Thus, with the goal of preserving the budget process, the Committee on Economic Development makes several suggestions, among them: First, Federal credit programs should be subject to most of the budget-control procedures now used in connection with direct spending, second, tax expenditures should be subject to budgetary reviews when used in place of spending programs, and third, a capital budget within the unified budget should be pursued to provide better information on investment-type programs.

Mr. Speaker, the Committee for Economic Development policy statement goes on to make several recommendations, including a gradual extension of the time period for budget and related decisions to allow experimenting with 2-year appropriations and longer funding arrangements. I wholeheartedly recommend "The Federal Budget Process: A Requirement For Effective Fiscal Control" to Members for study and discussion. This truly is a document that should not be submerged from view simply because of the constant flow of studies that engulf us.●

AN INCREASE IN IMF FUNDING IS NOT THE SOLUTION

HON. DENNY SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. DENNY SMITH. Mr. Speaker, with a lack of support for an increase in the U.S. contribution to the IMF, the legislation was today pulled off the calendar and debate of the issue delayed. Members are responding to their constituencies who are speaking out against this type of expenditure, and the grassroots lobbying seems to be working * * * the administration is finding it difficult to muster the support it needs to pass legislation authorizing the quota increase.

Americans are tired of seeing tax dollars spent on unnecessary Government programs * * * but an even greater point of contention is when tax dollars are used to bail out poorly-conceived decisions made by American business. This is exactly what is happening with regard to the request for an increase of $8.4 billion in the U.S. quota for the International Monetary Fund. This request is a result of the current international debt crisis * * * a number of countries are unable to repay moneys owed or even plan to be in a position to do so in the near future. The administration has testified that the increased U.S. contributions to the IMF are the only way to end the present crisis.

I cannot support this argument. U.S. taxpayers should not be responsible for funding the IMF so that it can make loans to developing nations enabling those countries to repay their loans to U.S. banks. By increasing our quota to the IMF, we are only encouraging banks to continue making high risk loans to developing countries.

U.S. banks loaned money to these less-developed countries because they expected to return a profit from their investment. However, with falling commodity and oil prices coupled with a loss of expected income, U.S. banks have found these to be unproductive investments with no profitable return on their money. These decisions are the problems of the banks' management and stockholders * * * not the U.S. taxpayers, and the U.S. taxpayers should not be expected to absorb those losses.

Some of my colleagues will say that the IMF quota increase has no real net effect on U.S. Government finances. I totally disagree. The figures I have been quoted are that every loan of $1 by the IMF results in a $4.40 loan by commercial banks, therefore, the net effect is a $44 billion drain on the credit markets in this country. With our Government already absorbing more than 50 percent of all available credit, the marginal effect of taking an additional $44 billion out of the private credit markets could push up interest rates again. We all know this would destroy the economic recovery.

We continue to hear from the proponents of the IMF quota increase that U.S. exports and jobs depend upon it. I cannot buy this argument. New loans would only be used to pay off old debts. For a debtor nation to revitalize its economy, it must increase its own exports and decrease its imports. Therefore, jobs are being created in the debtor nation * * * not the United States. In fact, U.S. exports to developing nations have decreased * * * an $8 billion decline for Mexico alone. Since $1 billion of export sales creates an estimated 24,000 U.S. jobs, the decline in U.S. exports to Mexico is directly responsible for the loss of 200,000 U.S. jobs.

No one wants to accept the responsibility for the debt crisis situation * * * bankers and borrowers contend that it is just a temporary liquidity problem. However, the relationship between the earnings on exports by these countries and their debt-service payments is totally out of kilter. The debt-service payments far exceed the export earnings and there seems to be no sign that this is going to change. In fact, these countries are unable to meet their obligations without additional infusions of new private bank loans which increase the current debt by the high interest they must pay.

IMF international liquidity has grown substantially over the last 20 years. It was 35 percent larger in 1982 than in 1970 and four-and-a half times larger than in 1960. Despite this increased growth, debtor countries continue to be unable to repay principal and interest on their loans. Simply put, with the IMF guarantees, debtor countries' loans are growing faster than their export earnings. As long as this guarantee is present, loans will be made without sound judgment taking into regard economic and market principles.

Another point I would like to make is that the IMF holds the world's second largest reserve of gold, 103 million ounces. Only the reserves of the United States are larger. To increase the U.S. contribution to the IMF when the IMF already possesses more assets than it needs seems unreasonable. The IMF has sold portions of its gold reserves in the recent past * * * there is

no reason why they cannot again hold such an auction.

If the Congress rejects the IMF quota increase, there are alternatives which can be taken. The United States could offer to purchase a portion of the IMF's gold. Federal Reserve Board Chairman Paul Volcker has been asked about the IMF's gold reserves and responded that the IMF holds this gold for use in time of need. The purported threat of an international economic collapse sounds like this could be a time of need. Another alternative could be the sale of bonds by the IMF. This is the route taken by many government entities in order to raise needed funds for various projects. One other approach I would like to mention is that lender banks and the IMF should renegotiate the debtor nations' loans. If the banks realize they are not going to receive the IMF increase, they will make the necessary arrangement to allow a longer period of payback on the loans, lower the interest levels, and provide additional credit. It was largely the banks' poor investment policies which got them into this mess, and it is ultimately their responsibility to dig their way out.

Again, let me reiterate that the loan decisions are the problems of the banks' management and stockholders * * * not the U.S. taxpayers, and the taxpayers should not be expected to absorb those losses.

Simply said, the United States does not need to increase its level of funding for the IMF. I intend to vote against the legislation.●

H.R. 2760

HON. JOEL PRITCHARD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. PRITCHARD. Mr. Speaker, one thing we have learned from our past experience in Southeast Asia is that the United States has an obligation to take care of its own personnel, or foreign personnel allied to our efforts, should withdrawal become necessary. It is possible that through enactment of H.R. 2760, U.S. personnel and their native allies might be placed in a life-threatening situation because of the prohibition of funding by either the CIA or the DOD for paramilitary operations in or against Nicaragua.

To help relieve this possibility, I will offer an amendment to H.R. 2760 designed to assure that funds otherwise restricted would be available for life-saving and self-defense purposes. Whenever such an expenditure is made, my amendment requires that both congressional intelligence committees be apprised.

Amendment to H.R. 2760, as reported, offered by Mr. Pritchard:

On Page 5, after line 10 add the following:

"HUMANITARIAN EXCEPTION

"SEC. 803. Fund the obligation or expenditure of which would otherwise be prohibited by subsection 801(a) of this Act may be obligated or expended notwithstanding that subsection when necessary to protect individuals from threat of death or serious bodily harm or for medical or other humanitarian assistance, *provided*, that each instance of the obligation or expenditure of funds under the authority of this section shall be reported to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate."●

MAKE NONPROLIFERATION A CONDITION OF INTERNATIONAL LENDING

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. OTTINGER. Mr. Speaker, stopping the further spread of nuclear weapons to countries not now possessing them involves more than controlling access to nuclear explosive material and the technology to produce those materials. Successful nonproliferation efforts must also include reducing the motivation of countries to acquire nuclear weapons. It is here that economic incentives and disincentives play a key role. In a recent article in the Wall Street Journal, Mr. Leonard Spector points out that although the developed Western democracies often have economic leverage with countries which could be used to achieve certain nonproliferation objectives, that leverage is not often used. In fact, Mr. Spector has found that a law enacted by Congress in 1977 which requires U.S. executive directors of multilateral bank to consider whether a country has detonated a nuclear device or refused to ratify the nuclear nonproliferation treaty is largely being ignored.

Mr. Spector's article entitled "Making Nonproliferation a Condition of International Lending," presents a thoughtful and persuasive case both for making economic leverage serve our nonproliferation objectives and for the effective enforcement of the existing law.

I commend the article to my colleagues. The article follows:

MAKE NONPROLIFERATION A CONDITION OF INTERNATIONAL LENDING

(By Leonard S. Spector)

The six countries that top the list of potential new nuclear powers—Argentina, Brazil, India, Pakistan, Israel and South Africa—have something else in common: They all sorely need economic concessions from the most affluent Western countries and from the international financial institutions these nations control.

This acute financial dependency seems to offer an unusual opportunity for the Western democracies to tighten strictures against the spread of nuclear weapons. In particular, it should be possible to extend international inspections to additional nuclear facilities in the nuclear-threshold countries and to slow their efforts to produce the special fissionable materials used in weapons.

This idea is not as radical as it might appear. To receive multilateral loans, debtor countries have already been obliged to accept highly intrustive restrictions on their behavior, restrictions severe enough to cause so-called International Monetary Fund riots in Egypt, Peru and Brazil and to help undermine civilian rule in Turkey in 1980. For the U.S. and other advanced creditor countries to condition future economic concessions on additional international inspections or on reduction of public expenditures for sensitive nuclear activities would hardly be more onerous.

Moreover, nuclear proliferation is in fair part an economic issue, since the threshold countries must spend substantial sums to build the necessary installations. These expenditures are a valid concern for international creditors seeking to implement fiscal austerity programs in debtor nations. Since 1981, Pakistan, for example, has spent $75 million for a reprocessing plant to produce the nuclear weapon material, plutonium, and for a controversial nuclear power reactor, an amount that surely dwarfs a number of other public expenditures, such as fertilizer subsidies, that the IMF targeted for elimination when it granted Pakistan a major loan in 1981.

In such countries as Argentina and Brazil budgetary crises have forced drastic cuts in nuclear construction; Argentina, for example, has had to postpone completion of its plutonium plant for two years. In these cases, unless special care is taken, expanded international credit could accelerate nuclear programs whose ultimate purpose is suspect.

Nor would opposing credit assistance to nuclear-threshold countries entail a serious risk of international financial collapse. Ample opportunities exist to use economic leverage to advance non-proliferation outside of the emergency negotiations on keeping the threshold countries afloat. Since 1980, the U.S. has objected on economic grounds to a number of multilateral loans to Argentina, Brazil, Pakistan and India. The U.S. could easily have raised non-proliferation concerns in the behind-the-scene negotiations on any of these transactions.

While the U.S. cannot grant or deny a given economic benefit unilaterally at all of the international financial institutions, this hasn't deterred us from pursuing new and sometimes controversial initiatives in these arenas. Recent U.S. attempts to gain stricter conditions for IMF loans are a case in point, as are earlier efforts to block loans to countries that expropriated foreign investments, or to those whose governments were in disfavor, such as Vietnam, Chile during the Allende years and Nicaragua today. In addition, countries with strong non-proliferation policies (e.g. Canada, Sweden, Japan and the Netherlands) ought to support behind-the-scenes use of economic leverage to help curb the spread of nuclear arms.

There is an added reason for U.S. executive directors of multilateral banks to be concerned about non-proliferation: It has been required by U.S. law since 1977, except at the IMF. Specifically, these officials must "consider in carrying out their duties" whether the recipient country has detonated a nuclear device or refused to ratify the

nonproliferation treaty. India has detonated a nuclear device and none of the six debtor countries at the nuclear threshold is a party to the treaty—under which over 115 countries have renounced nuclear arms.

While the law doesn't require U.S. executive directors to oppose all loans to the threshold countries on these grounds, these officials are virtually ignoring Congress's intent that serious weight be given to these factors. State Department non-proliferation aides, for example, have not attended the interagency working group sessions for determining U.S. policy on pending multilateral bank loans for so long that they have been dropped from the group's mailing list. And one U.S. multilateral bank executive director with whom I spoke was unaware of the law's non-proliferation requirements.

Last month in New Delhi, Secretary of State Shultz missed an extraordinary opportunity to use economic leverage in the cause of non-proliferation. India is seeking U.S. support for a $2 billion Asian Development Bank loan. At the same time, in a major setback for U.S. non-proliferation efforts, Prime Minister Gandhi has apparently revived India's long-dormant nuclear-weapon development program—possibly by preparing to set off a second test after nine years of restraint. This is why exports of spare reactor parts from the U.S. for India's Tarapur reactors are prohibited under U.S. law. Mr. Shultz might readily have suggested that U.S. backing for India's pending ADB loans would be more likely if Mrs. Gandhi curtailed India's nuclear-weapon development. Instead, he effectively turned his back on the issue by announcing President Reagan would waive or amend current law, if necessary, to allow export of the spare parts.

To make economic leverage serve non-proliferation more effectively, the administration should begin actively implementing the 1977 law, starting with the announcement that State Department—and Arms Control and Disarmament Agency—non-proliferation officials are to attend sessions of the interagency working group, where loans to India, Argentina, and possibly other nuclear-threshold countries are considered. Though not required by the 1977 law, U.S. decisions at the IMF should be included in the group's deliberations.

At the Williamsburg summit the U.S. urged participating governments, as key nuclear suppliers, to tighten nuclear export controls. The U.S. should also urge these governments, as major economic powers, to use joint economic leverage to help curb the spread of nuclear weapons. These discussions should examine both steps that could be implemented immediately and after-the-fact economic sanctions against any non-nuclear weapon nation that violates the international nuclear-inspection regime or detonates a nuclear device.●

H.R. 1010

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. SHUSTER. Mr. Speaker, H.R. 1010, the Coal Pipeline Act of 1983 has been reported by the House Public Works and Transportation Committee and the House Interior Committee. This bill is a complex, special-interest giveaway which among other things, grants the privilege of Federal sponsorship for the condemnation of private property to coal slurry companies.

This is not a simple right-of-way bill and I refer my colleagues to House Report 98-64 (part 2) that includes the dissenting views of the 18 members of the House Public Works and Transportation Committee who gave 22 reasons why this bill should be defeated.

Over the next several weeks I will be inserting into the RECORD an amplification of what this bill really does and why the House should reject this blatant attempt to confer enormous benefits on one mode of transportation over another. I am hopeful that the House leadership will allow opponents of this bill the necessary time to educate the Members adequately on what H.R. 1010 is all about in order for all to make an informed judgment.●

MERIT PAY FOR TEACHERS: THE EXPERIENCE OF LAKE FOREST COLLEGE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. PORTER. Mr. Speaker, the American people can take pride in what our schools and universities have historically accomplished. Our educational system has contributed to our preeminence in commerce, industry, and science. However, our educational foundations are now being eroded by a rising tide of mediocrity that threatens the future of our Nation. Knowledge and learning are the new raw materials of international business and, thus, we must dedicate ourselves to the reform of our educational system for the benefit of all.

On August 26, 1981, Secretary of Education Terrel Bell created the National Commission on Excellence in Education, to respond to the Secretary's concern about the widespread public perception that something is seriously remiss in our educational system. The Commission found that not enough academically able students are being attracted to teaching; that teacher preparation programs need substantial improvement; that the professional working life of teachers is on the whole unacceptable; and that a serious shortage of teachers exists in key fields.

The Commission's recommendation to resolve these problems included changes in requirements of educational standards for teachers and in incentives to attract students to enter a career in teaching; adoption of an 11-month contract for teachers to insure time for curriculum and professional developments; and finally, merit pay.

Since the publication of the Commission's report, debate has centered around the merit pay recommendation. Although opponents of this proposal argue that merit pay is simply a mechanism to pay a few people more so that many could be paid less, I do not believe this. School systems which adopt merit pay systems ought to provide excellent teachers with financial and other rewards, not punish average teachers. In an era of limited resources and limited dollars for salaries, increases should be distributed to the meritorious. Without changes in the present system, however, we will not be able to attract and retain the outstanding teachers needed to insure excellence in education.

At a number of colleges and universities, merit pay has existed for several years. In my own district, at Lake Forest College in Lake Forest, Ill., merit pay is the sole criterion for determining salary increases. Dr. Michael H. Ebner, associate professor of history at Lake Forest College, stated in reference to merit pay for educators:

> If administered properly, it will achieve such desired goals as rewarding exemplary teacher performance and attacting first-rate college graduates to pursue lifelong careers as educators.

Merit pay was instituted at Lake Forest College in 1976. The system is based on both cooperation and thrust between the administration and faculty. Dr. Baily Donnelly, dean of faculty at Lake Forest College, believes that the merit system of pay in the reward structure is the best way to achieve excellence in education. "Merit pay allows the good the opportunity to succeed according to their own virtues, regardless of background, religion or race."

Although merit pay works effectively at Lake Forest College, the system cannot be viewed as a panacea to solve all the problems in the educational system. Merit pay will only work in the proper environment; there must first be a general agreement and mutual understanding between the administration and faculty. Instituting changes to achieve excellence in education must be a common goal.

The task of rebuilding our educational system is enormous. Our twin goals of equity and high-quality schooling must never yield to the other—either in principle or in practice. The American educational system has responded to these goals with remarkable success. From the 19th century land-grant colleges that provided the research and training that developed our Nation's natural resources to the more recent institutions that have provided our scientists to transcend the boundaries of our planet, Americans are the inheritors of a past that gives us every reason to believe that

we will succeed. Merit pay for our educators is one step to the betterment of the American system of education.●

A TRIBUTE TO DR. MACK ROBERTS

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. ROGERS. Mr. Speaker, this Sunday will be an important day for my home county of Wayne, Ky. For at that time, the county and the city of Monticello will join in saluting an outstanding citizen, Dr. Mack Roberts.

Mr. Speaker, this Sunday, July 24 will mark the 80th birthday of Dr. Roberts, who has served as a general practitioner for 51 years. Dr. Roberts is not only an outstanding medical man, who has given tirelessly and effortlessly of his time for the citizens of the county, but he is also an important citizen in his community, having served on the Board of Directors of the Monticello Banking Co. for 34 years, including 5 terms as president. He is also past president of the Wayne County Hospital Executive Board of Physicians, the Kentucky Medical Association and the American Medical Association.

Mr. Speaker, I know personally of Dr. Roberts, for he was my family's doctor when I was growing up in rural Wayne County. In addition, he was one of the main supporters and devout members of our family church, Elk Spring Valley Baptist. His great love and pride for his family, his profession, his community, and his country are singularly unique.

The month of July has been designated "Dr. Mack Roberts Month" in Wayne County, and rightly so. Today, I ask my colleagues in the U.S. House of Representatives to join me in saluting a great doctor, citizen, and friend, Dr. Mack Roberts, for his service to mankind, and in wishing him well in his many years ahead.●

GOING TO TOWN

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mrs. KENNELLY. Mr. Speaker, the recent issues of Management Focus contained an article by Michael Meltzer and Chester Watson on the need for private investors, State and local governments, and local residents to work together to insure the effectiveness of enterprise zones in boosting economic activity in our inner cities.

I agree with the authors that urban enterprise zones can be part of the answer to the problems of the inner city, and have inserted their article at this point in the RECORD:

[From Management Focus, May-June, 1983]

GOING TO TOWN—DOES THE PROPOSED ENTERPRISE ZONE ACT PROVIDE ADEQUATE INCENTIVES TO LURE PRIVATE INVESTORS BACK TO THE NATION'S DEPRESSED INNER CITIES?

(By Michael Meltzer and Chester N. Watson)

Many of America's inner cities are beset by high unemployment and crime rates. Are these areas beyond redemption—or is there a mechanism that can effectively generate capital, encourage industrial and private investment, provide job opportunities, boost productivity, improve community spirit, and appeal to local groups? More cogently, will that mechanism be politically palatable and economically justifiable?

If those questions were posed to President Ronald Reagan today, he would undoubtedly answer a resounding yes.

THE PRESIDENT'S PLAN

On March 18, 1983, Senator Rudy Boschwitz (R-Minn.), on behalf of the Reagan administration, introduced in Congress a bill, S. 863—the Enterprise Zone Act of 1983—that takes an experimental, free-market approach to stimulating business development in depressed urban areas. Based upon a concept that has been used in Great Britain, the bill offers businesses that are launched in, or relocated to, these depressed areas a combination of tax incentives and regulatory relief.

Thus, for three years (effective on whichever date is later—July 1, 1983, or a date to be designated by the Department of Housing and Urban Development [HUD]), up to 75 geographic areas may be designated annually as enterprise zones. To qualify, an area must:

Be characterized by pervasive poverty, unemployment, and general distress;

Meet the requirements for federal assistance under Section 119 of the Housing and Community Development Act of 1974; and

Have experienced a population decrease of 20 percent or more between 1970 and 1980.

The designation may be effective for up to 24 years.

The designation process begins when state and local governments nominate areas to HUD. To obtain approval, the state and local governments must agree to further the objectives of the plan by, for example, reducing tax rates and fees; increasing the efficiency of services within enterprise zones; and reducing, eliminating, or simplifying regulations that affect enterprise zones. The Secretary of Housing and Urban Development is required to evaluate applications and judge which should be approved. In choosing nominated areas for designation, the Secretary is authorized to give preferential treatment to those with the greatest commitment to furthering the objectives of the plan.

INDUSTRIAL INCENTIVES

Once an enterprise zone has been designated and approved, the federal government will also be doing some reducing, eliminating, and simplifying—of taxes and regulations—in order to attract investors to the area.

There are several tax incentives included in the plan:

Elimination of any capital gains tax on the sale or exchange of qualified enterprise zone property. The umbrella term "qualified property" covers any interest in a corporation, partnership, or other entity—provided that the entity has been engaged in a trade or business within an enterprise zone for at least three taxable years prior to the disposition of such interest. It also includes real or tangible personal property located and used by the taxpayer predominantly in the active conduct of a trade or business within an enterprise zone.

Extension of the investment tax credit carry-over period for whichever time span is greater: the duration of the enterprise zone designation, or 15 years.

Restoration of the accelerated cost recovery system deduction (for property depreciation), and continuation of the tax exemption for small-issue industrial development bonds—the proceeds of which are used to finance enterprise zone facilities.

Availability of income tax credits to employers who hire certain local residents; to employees who work within the enterprise zone; and to those who invest in business property within the zone.

For example, a corporate employer would be allowed a credit of 10 percent of the amount its payroll costs had increased for the current taxable year over the previous taxable year. And certain employees would be allowed a tax credit of 5 percent of the qualified wages they had earned for the taxable year, up to $525.

In addition, private or business investors would be allowed and extra investment tax credit for property installed or constructed in the enterprise zone (10 percent of the cost of new construction and 5 percent of expenditures on personal property).

However, while such tax advantages have been clearly delineated, the bill now before Congress does not specify precisely what sort of regulatory relief would be provided. The Act would allow federal agencies to relax or eliminate nonstatutory requirements within an enterprise zone, predicated upon the written request of the state and local governments by which the zone was nominated. Only those regulations pertaining to civil rights or public health and safety would be exempt from alteration.

In addition, the bill provides:

A directive to the Secretary of the Treasury to simplify the administration and enforcement of any provision of the Internal Revenue Code of 1954 that has been added to or amended by the Act;

Authorization for government agencies to waive or modify all or part of their own regulations that might impede the attainment of the plan's objectives; and

A mandate to the Foreign Trade Zone Board and the Secretary of the Treasury to give high priority to any application for establishment of a foreign trade zone within an enterprise zone.

THE LOYAL OPPOSITION

While such directives will smooth the way for investors, many argue that the absence of impediments will not be a sufficient inducement for some—especially small businessmen—to set up shop in the inner city.

In fact, Dr. Stuart M. Butler, who has been dubbed the father of the U.S. enterprise zone concept and is senior fellow of The National Center for Neighborhood Enterprise, indicated in his testimony before the Senate Subcommittee on Savings, Pensions, and Investment Policy that the plan is imperfect because it does not appeal to small local start-up firms. He stated that "small business organizations have so far been unenthusiastic about the enterprise zone proposal because they have seen little

which meets the main obstacle of firm creation—the acquisition of start-up capital. . . ."

Other critics of the plan charge that it relies too heavily on employment-related tax credits; that it will displace low-income residents; that it will relocate economic activity from one area to another without creating new jobs and investment capital; and that it will place businesses operating within the outer boundaries of enterprise zones at a competitive disadvantage.

Reagan's own administration agrees. The General Accounting Office concluded in a report to Congress that, while tax and regulatory relief may stimulate business development in enterprise zones, it may nevertheless be difficult to attract business to distressed areas because:

The Economic Recovery Tax Act of 1981 provided significant tax reductions to businesses without imposing any geographical restrictions;

Tax relief may not be enough of a carrot to hold out, especially for businesses that have limited or no tax liabilities;

State and local governments may not have the resources to make the commitments necessary to ease distressed area problems;

The extent to which other federal programs might support enterprise zones is unclear; and

The extent of federal regulatory relief to be offered in enterprise zones has not been clarified.

CAN THE PLAN SUCCEED?

Thus, while even opponents of the plan concede that its objectives are commendable, there are no guarantees that this economic experiment will be successful. The consensus is that the plan can succeed—but only if businesses can anticipate a real payback on any potential investment; if state and local governments can offer sustained support to promising potential investors; and if local residents participate actively in the program.

The response of the private investor will be crucial to the success of the plan. And although tax incentives and regulatory relief are obviously going to be attractive, other salient considerations might include the availability of a trained work force, adequate public services, geographical sales concentration, comparative cost analyses, proximity to existing facilities, and access to supplies.

In addition, there are certain psychological barriers to locating in a deteriorating area—barriers that may be lowered too slowly and cautiously for the plan to succeed. The exodus of businesses from our urban areas did not occur overnight; perhaps they should not be expected to return immediately.

On the plus side, the plan certainly will not go unnoticed in today's sophisticated business environment. The potential tax savings, the comparatively reasonable labor costs, and the promise of regulatory relief may be too tempting for potential investors to pass up. These incentives could very well be the determining factor in the choice of a site, once a general region has been selected for start-up or relocation.

State and local governments can play a key role in creating an attractive environment for prospective investors. Improved public services and property tax concessions are but two examples of the types of specific commitments needed to help the plan succeed.

These governments have a vested interest in improving the condition of their depressed areas. They must be mindful of future revenue generation as well as cost containment. Enhanced economic conditions in these areas will benefit state and local governments by providing a solid tax base and reducing costly subsidies to disadvantaged residents. In fact, the state and local governments that are truly financially strapped are the very jurisdictions that can ill afford to withhold concessions. These governments may have to forgo short-term exigencies to establish the viable economic bases that can assure future prosperity and financial stability.

Last but not least, local residents of enterprise zones—who have much to gain from the plan—should support it actively. They can, for example, obtain necessary job training, encourage state and local governments to provide incentives and infrastructure improvements, and strive to achieve maximum productivity.

EXPERIMENTATION AND EVALUATION

Two to five years after enactment, the plan should be evaluated and, if necessary, modified to eliminate obstacles to the attainment of the original objectives. According to 1983 federal budget projections, the estimated cost of the plan in lost tax revenues—assuming all 75 enterprise zones are designated—will total $930 million by 1986 (exclusive of federal administrative costs and the cost of state and local commitments). This represents significantly less than 1 percent of the federal budget—without even considering the ultimate return on the investment.

Discussion could continue endlessly on the merits and drawbacks of the President's plan. The apparent shortcomings of past programs obviously impelled President Reagan to seek an alternative to direct subsidization and to place more responsibility on the private sector. While his alternative may not prove to be the panacea for urban ills, it is unlikely to cause any further economic deterioration.

The plan should be given a chance, because it can demonstrate, among other things, whether we need to broadly expand incentives or provide a combination of incentives and effective subsidization programs to promote business growth in depressed areas. In short, we must establish the effectiveness of incentives through experience, in much the same manner as we did with the total subsidization approach—which proved unsatisfactory for the purpose of stimulating urban economic activity. Only through such experimentation will we finally discover an economic formula that works.●

POLITICAL ACTION COMMITTEES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. HAMILTON. Mr. Speaker, I wish to insert my Washington Report of July 20, 1983, into the CONGRESSIONAL RECORD.

POLITICAL ACTION COMMITTEES

The place of money in politics presents our system of government with some of its most difficult problems. One of the problems is the growing role of the political action committee (PAC) in the financing of congressional campaigns.

PACs contributed $83 million to federal candidates in the 1982 elections, more than a 50 percent increase over the figure for the 1980 elections. Twenty winners of House campaigns received more than $200,000 from PACs, and 169 got more than $100,000. In the Senate, 12 winners took more than $500,000 from PACs, and the average was $450,000. Overall, 18 percent of Senate candidates' funds and 31 percent of House candidates' funds came from PACs. Some 66 percent of PAC money went to incumbents, but only 19 percent went to challengers.

The advantage that PACs give incumbents is a major problem, but what worries me most about PACs is the connection, whether actual or supposed, between their money and action in Congress. It is probably true, as some maintain, that PACs do not "buy" particular votes, but it is expecting much of a legislator to be generally objective with regard to interests whose advocates provide him with the vital support he needs to keep his seat. Beyond this actual conflict of interest, there is the equally serious problem of appearance of conflict. The public will even have doubts about the legislator who worries that the money affects his judgment and who scrupulously tries to avoid favoring the PACs which support him. He may not always vote with the PACs, but the public will wonder what he does for them behind the scenes.

The legislator who accepts money from a PAC with an interest in matters before his committee occasions the most serious problem. In this situation, the potential for conflict is the greatest and the appearance of conflict is at its worst. The legislator's ability to focus on the national interest, to act independently, or to lead on an issue may well be impaired when he knows that a single vote can cost him, or bring him, thousand of dollars for his campaign. The public clearly will be skeptical when it knows of the powerful influences that surround the legislator and can harm him, or help him, so directly. Anyone would question the propriety of a sheriff who took campaign money from a person under criminal investigation in his county. The same issues are raised by the legislator who takes campaign money from a PAC interested in matters under his committee's jurisdiction.

Neither the growing role of PACs in the financing of campaigns nor the public perception that PACs wield disproportionate influence over legislators can be healthy for our politics. Each causes cynicism about Congress in particular and the government in general. The foundation of government—the trust of the people—and the way we govern ourselves are at stake.

Yet some perspective on the role of PACs is needed. PACs are not bad in and of themselves. They are legitimate associations of individuals who have every right to give financial support to the candidates of their choice. Proposals for reform designed to deny then such a role could lead to PAC spending we would find quite pernicious. For example, such proposals would prompt PACs to spend more independently in a manner not directly coordinated with candidates' campaigns. PACs are now operating, thriving organizations. We should be seeking ways to channel the activities of PACs to constructive ends rather then trying to eliminate them. PACs themselves are not harmful. Candidates' heavy reliance on them and the public's belief that they unduly influence candidates are harmful.

Many proposals for reform focus on public funding of elections, not only as a way of encouraging reliance on small contributions, but also because it discourages independent spending by PACs and extensive personal spending by candidates. Candidates who accept public funding generally are subject to limits on total spending. The advantages of these proposals are obvious, but there are obvious drawbacks as well. The low total expenditure ceilings common to the proposals hinder challengers, who must spend a certain amount of money just to get name recognition. Thus, elections become less competitive. High ceilings, on the other hand, mean that campaigns will only be more expensive for the taxpayers. Perhaps the greatest drawback is the public's attitude toward these proposals. In an era of high budget deficits, it will be difficult to convince the public that funds coming from the Treasury should finance congressional campaigns. I see no consensus in favor of public funding, either in Congress or among the public, and it is simply not realistic, in the present environment, to expect the enactment of a public financing law.

Even so, I believe that something must be done to diminish undue PAC influence, whether real or perceived, on Congress. I support a bill that would do so without making elections less competitive and without using public funds. The bill would cap the total amount that candidates may get from PACs—$90,000 for House candidates and up to $600,000 for Senate candidates. Free air time on television and radio would allow candidates to respond to independently financed broadcasts against them, and additional party contributions would be authorized for candidates to counter other types of independent spending. The bill would curb large personal expenditures by candidates through higher individual, PAC, and party contributions for their opponents. It would open up sources of funds other than PACs by permitting individual contributions up to $3,500. It would strengthen the role of political parties in elections by raising party contribution and spending limits.

When I think about the way we finance congressional campaigns today, it strikes me that there is not much agreement on the major problems, let alone on solutions. The "law of unintended consequences" also makes us hesitant to change the present campaign finance law for fear of causing new problems. But on the issue of PACs, we have studied present law long enough. We should take a measured step forward by adjusting that law to rebuild the public's trust in government.●

GOOD NEWS FROM COLOMBIA

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. PATTERSON. Mr. Speaker, in this time of great consternation over the continuing human rights violations in Latin America, it is refreshing and useful to look at the progress now being made against human rights abuses in Colombia. This country has been plagued by violence from both the right and the left for over 30 years.

Recently, however, the government of President Belisario Betancur has been working to curb this violence. President Betancur granted an amnesty for insurgents to encourage them to give up their struggle, and he set up a special commission to negotiate with guerrilla leaders.

Most important, he has turned his attention toward eliminating the vicious death squads in the country. According to Americas Watch, the highly respected human rights organization, the Colombian Government has arrested and has begun prosecuting 163 members of a notorious military-backed terrorist group known as MAS, the Spanish initials for "Death to Kidnapers."

According to Americas Watch, several high-level Colombian military officials are known to oppose the recent crackdown against right-wing organizations, but even so, 59 active-duty soldiers were among those arrested in the crackdown. Because of this opposition by factions of the military, President Betancur will not have an easy time reducing the violence in his country. After 30 years of fighting, it is going to take some time to achieve peace. I do believe, however, that the President's recent actions are a necessary first step toward resolving the problems of that country. There is no chance for peace where there is no effort for justice. I commend President Betancur's efforts to end human rights violations against the people of his country, and to prosecute violators even when they are in the military. I urge him to continue these efforts.

I believe that the United States, which has a long-standing policy of working to support peace and freedom in Latin America, should encourage the efforts at justice being made in Colombia. There are still human rights abuses in Colombia and the situation is far from perfect, but in pursuing these violators the Government of Colombia is making an important move in the right direction. I hope that other governments look to the example of Colombia and make the link between justice and peace. I urge the administration and my colleagues in the Congress to pay close attention to the situation in Colombia. We should not miss this opportunity to support and encourage a moderate, democratic government in Latin America.●

DRUG TRAFFICKING AND THE 23D MEXICO-UNITED STATES INTERPARLIAMENTARY CONFERENCE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. GILMAN. Mr. Speaker, I recently had the opportunity to participate as a delegate at the 23d Mexico-United States Interparliamentary Conference that was held on June 7-10, 1983, in Puebla, Mexico, and to present to the bilateral parliamentary conference a paper on the efforts of both nations to combat narcotics trafficking. Our U.S. delegation was led by the distinguished gentleman from Texas (Mr. DE LA GARZA) and the distinguished Senator from Illinois (Mr. PERCY) and included Representes YATRON, KAZEN, KOGOVSEK, GOODLING, BEREUTER, and GILMAN, and Senators RANDOLPH and BINGAMAN.

As the ranking minority member of the Select Committee on Narcotics Abuse and Control, chaired by the distinguished gentleman from New York, (Mr. RANGEL) and in my work on the House Foreign Affairs Committee, I wish I could report to my colleagues that the drug trafficking between our two nations has subsided or that the problems associated with drug abuse has diminished.

Unfortunately the drug problems confronting our two nations is but a microcosm of the epidemic condition confronting every region in the world. Hardly a day goes by that drug law enforcement authorities do not report a substantial seizure of illegal drugs by the planeload or by the boatload and hardly a day goes by that a hospital emergency room does not report a patient succumbing to a drug overdose.

Mr. Speaker, with respect to financial contributions by member nations to the U.N. Fund for Drug Abuse Control (UNFDAC), I am deeply distressed that only 42 nations or only 13 percent of the 157 member nations of the United Nations contributed during the past year a paltry $6.5 million to the U.N. Drug Fund. Within the Latin American and Caribbean communities, only eight nations contributed a meager $26,000; hardly enough to underwrite the cost of a local drug treatment center.

Although Mexico has made significant progress in narcotic eradication, I believe that both our nations can and should do much more to apprehend major narcotic traffickers. Law enforcement agents in Mexico and the United States have identified numerous major drug trafficking violators, but unfortunately these merchants of human misery still remain beyond the reach of the law. They have not been apprehended or prosecuted for their heinous crimes.

Mr. Speaker, in the interest of sharing with my colleagues in greater detail, the problems regarding narcotics trafficking and drug abuse confronting our two nations, I am inserting at this point in the RECORD the complete text of my statement at the bilateral interparliamentary conference.

STATEMENT OF HON. BENJAMIN A. GILMAN BEFORE THE 23D MEXICO-UNITED STATES INTERPARLIAMENTARY CONFERENCE

Mr. Chairman, distinguished legislators from Mexico and the United States, I am pleased to participate again with our Mexican colleagues in the 23rd Mexico-United States Interparliamentary Conference. These bilateral conferences have been extremely important in addressing the significant issues confronting our two nations, particularly the problems of narcotic trafficking and drug abuse . . . one of our most critical problems.

As the Ranking Minority Member of the House Select Committee on Narcotics Abuse and Control, chaired by the distinguished gentleman from New York (Mr. CHARLES RANGEL), and as a member of the House Foreign Affairs Committee, chaired by the Distinguished gentleman from Wisconsin (Mr. ZABLOCKI), I wish I could report that the drug problem has diminished since we met last year in Santa Barbara, California. Unfortunately, that is not the situation. As all of us here know, the drug problem has not dissipated. To the contrary, it has reached epidemic proportions . . . not just for our two nations, but indeed throughout the world.

President Reagan stated in his message to the 30th Session of the United Nations Commission on Narcotic Drugs which met in Vienna in February of this Year: "This international drug problem requires an international response. Nations must join together in the fight against drug abuse and the great harm it causes."

That is one reason why we are here today: to consider how we can best encourage other nations to join in combatting narcotics trafficking and drug abuse.

During last year's fruitful bilateral conference, the delegations from both our nations adopted the "Santa Barbara Narcotics Accord," which I was pleased to cosponser, that strengthens the ties between our two nations in this "war" on drugs.

In adopting the Santa Barbara Accord, the United States and Mexico reaffirmed their commitment to raise to the highest priority the problems associated with narcotics production, trafficking and abuse. We committed ourselves to the development of a comprehensive, coordinated, regional drug strategy to interdict drug trafficking, to eradicate the illicit production of drugs at their sources, to increase the technical cooperation of the United States to Mexico in their campaign against the illicit production and trafficking of narcotics, to educate our citizens about the dangers of drug abuse, and to encourage the proper treatment and rehabilitation of those individuals dependent upon drugs. We also committed ourselves to support the development of crop substitution programs fostering agricultural, industrial, and commercial activities accompanied by economic incentives to insure their success.

The Santa Barbara Narcotics Accord and the Hermosillo Declaration, which was adopted by our bilateral interparliamentary conference in 1977, reaffirms our deep commitment to the "war" against drug trafficking and drug abuse. We must now do more than adopt well-intended resolutions. We should develop a narcotics consultative mechanism between our two legislative bodies to implement these two historic documents. The time for action is upon us. The citizens of both our nations expect this from us.

With respect to the United Nations Fund for Drug Abuse Control (UNFDAC), during last year, 42 nations, or only 13 percent of the 157 member nations of the United Nations, contributed just over $6.5 million to UNFDAC's budget, or an average contribution of $200,000 per nation; private contributions amounting to $581,929 brought the cash contributions to UNFDAC's budget to a paltry $7,301,158. Only a handful of nations contributed $100,000 or more to the UN Drug Fund.

We commend the Government of Mexico for its contribution to UNFDAC, and we urge Mexico to take the lead in encouraging other Latin American nations to participate in this important United Nations effort. According to UNFDAC's 1982 report, only eight Latin American and Caribbean nations contributed to the UN Drug Fund: Argentina ($7,882), Bahamas ($1,000), Barbados ($500), Bolivia ($2,000), Brazil ($5,000), Chile ($5,000), Jamaica ($562), and Mexico ($4,003), for a total of less than $26,000 . . . hardly enough to underwrite the costs of supplying one local drug treatment center.

Mexico has made significant progress in narcotics eradication and in international narcotics control efforts. However, we believe that both of our nations could and should do much more in narcotics enforcement, particularly in apprehending major violators. While we are busily engaged in spraying programs to eradicate poppy and marihuana fields, the major violators—the big traffickers are carrying on business as usual.

Our drug enforcement agencies, both U.S. and Mexican, have identified a number of the major drug trafficking violators. But their apprehension will need a great deal of support from the Executive and Legislative Branches of our respective governments.

I also wish to bring to the attention of our delegates that a treaty exists between the Government of Mexico and the United States, wherein the Government of Mexico agrees to prosecute Mexican citizens in Mexico based on testimony given and evidence obtained in the United States. Unfortunately, while a substantial number of these cases have been prepared, there is a laxity in their prosecution. Hopefully, the attention by all of us to these existing enforcement problems will bring about greater success in our "war" on drugs.

Your problems are our problems. Not only do we share a common border but we are inextricably bound to one another through our economic and social ties. Through mutual understanding, respect, and cooperation, we can solve the problems of drug trafficking, drug abuse and the other thorny issues confronting both our nations.

You are the only nation in this Hemisphere that has been able to develop an effective plan to eradicate the illicit production of opium and marihuana, which can be a model for all nations to emulate. For example, just last September your Army interdicted 343 kilograms of cocaine, making this seizure one of the largest cocaine confiscations in the world. This seizure was reportedly valued at 26 million pesos, which, if trafficked on the streets of New York City would, I am told, escalate to an astronomical $274 million. We commend you for this achievement and we admire your success.

Obviously, we live in an interdependent world. Nations of the international community need to acquire your expertise and experience in combatting drug trafficking. For us, cultivation of marihuana in the United States has become a major problem for our law enforcement authorities, and in this regard, we have much to learn from your helicopter pilots who skillfully spot the cultivation of this narcotic and who daily risk their lives performing this dangerous task.

We are grateful for your support in cooperative ventures to help rid our societies of narcotic dependency and the serious problems resulting from a drug dependent citizenry.

Under the leadership of the distinguished Chairman of the Narcotics Select Committee (Mr. Rangel), our Congressional Select Committee expects to visit Mexico this summer. We look forward to further discussing the problems of drug abuse and drug trafficking with you and your distinguished colleagues in the Executive branch and to learn in greater detail of your experiences in combatting this deadly menace that undermines our political, economic, and social institutions and that adversely affects the health of our citizens.

Mr. Chairman, I thank you for this opportunity to share with you and our distinguished delegates our thoughts regarding this vitally important issue and to express our concerns in this critical area affecting both of our nations."●

A HAPPY ENDING

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. LOWERY of California. Mr. Speaker, it is my pleasure to be able to report to my colleagues the successful conclusion of a family reunification case. In doing so, I am motivated by the fact that we so often have to report on human rights cases with a tragic ending. Thus, for me it is rewarding to relate a story with a happy ending. The case in question involved Mr. Sandor Zoboki, a constituent of mine.

On April 7, 1970, Mr. Zoboki, then a first lieutenant in the Hungarian Air Force, flew a Mig-15 fighter jet from Hungary to Udine, Italy, and requested political asylum from the U.S. Government. He arrived in San Diego, Calif., and found work as a mechanic for several years until accepting a job with National Cash Register [NCR]. Following 3 years with NCR, Mr. Zoboki worked with National Semiconductor for 4 years before moving full-time into his own computer business.

When Mr. Zoboki defected to the West, he left behind a 1-year-old son, Sandor, Jr., and an 18-year-old wife, Eva. Both were denied permission to join him in the United States during a 6-year period before Eva Zoboki's death from a liver disease at the age of 24.

Following Eva Zoboki's death, Mrs. Boroka, the young boy's maternal grandmother, was assigned guardianship, and she would not allow the boy to emigrate to the United States until 1979. At that time, the application process for emigration was renewed

and has been resubmitted each consecutive 6 months, as prescribed by Hungarian law, following each refusal. The guardianship authority, after interviewing the son—who was anxious to join his father—and with the grandmother's permission, approved the child's emigration to the United States. However, the Hungarian Ministry of Internal Affairs continued to refuse permission to issue a passport to Sandor Zoboki, Jr.

In desperation, the father telephoned my office on March 10, 1982. Subsequently, I contacted Dr. Miklos Radvanyi, a Senior Legal Specialist at the Library of Congress, and asked him to look into the case. Throughout our dealings with the Hungarian Embassy, particularly with Ambassador Janos Petran, I was gratified by the positive response we received. As a result, Sandor Zoboki, Jr., was allowed to join his father about 1 year later, on March 30, 1983.

In this context, I must commend Ambassador Janos Petran for his prompt and effective intervention on behalf of my constituent. I believe that his participation insured the successful outcome of this case. In closing, I would like to express my hope that both the Hungarian Embassy in Washington, D.C., and the Hungarian Government in Budapest will treat such cases in the future in a similar manner.●

TRIBUTE TO DR. KARL MENNINGER

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 20, 1983

● Mr. CLINGER. Mr. Speaker, July 22 marks the birthday of Dr. Karl Menninger, one of the great pioneers in mental health. For more than 60 of his 90 years, Dr. Menninger has been the leader of his profession, and with the wisdom of these years, he truly represents the ideas of what is to come, rather than what has been. With the publication of his first book, "The Human Mind," Dr. Menninger introduced psychiatry to the general public and followed thereafter with 13 more publications, the latest of which is "Whatever Became of Sin?" His role as educator led to the establishment of the Menninger Sanitarium Corp. in 1941, and the Karl Menninger School of Psychiatry in 1945. The American Psychiatric Association presented Menninger the first of many awards in 1962, the Isaac Ray Award, in recognition of his valuable scientific contributions in psychiatry. In 1970, he received the Karl Jaspers Scroll Award for humane and scholarly achievement, and in 1981, the Nation's highest civilian honor, the Medal of Freedom. This illustrious honor was created to recognize Americans who make especially meritorious contributions to world peace, culture, private endeavors, national security, or national interest.

I have had the great privilege of knowing "Dr. Karl" as he is affectionately known by his legions of admirers and friends. My family and I spend time every summer at Chautauqua Institution in upstate New York. Chautauqua is a unique summer colony which presents a 9-week program of symphony concerts, lectures, plays, operas, and popular entertainment. Dr. Menninger has attended Chautauqua just about every one of his 90 summers and usually is a program participant. I have always found his lectures to be challenging and often inspiring. In fact, he is presently visiting the institution.

He may be an old man in years but in terms of spirit and vitality he is younger and more productive than most of us. I am proud to pay tribute to this author and doctor, truly, a "Friend of Man."●

MEDICARE AND ELDERLY HEALTH ISSUES

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. MARKEY. Mr. Speaker, today I had the pleasure to address the National Senior Citizens Action Council. I know that many of my colleagues had the same pleasure to speak with some of their senior constituents about the vital issues they are interested in: Health, medicare, and housing for senior citizens. I commend to my colleagues my comments before some senior constituents from the Boston area:

MEDICARE AND ELDERLY HEALTH ISSUES

As a member of the Energy and Commerce Committee, I get a chance to review all of the major health and medicare bills before the Congress. Let me assure you that I use this position to ensure the financial integrity and maintain our promise of quality health care to our nation's senior citizens.

The financial health of the medicare system is the next crisis the elderly and Congress will have to face. Although I did not agree with the final recommendations of the Social Security Commission, I think the bi-partisan panel did a fairly good job in focusing debate on the issue. My colleague from Massachusetts, Silvio Conte, is circulating a letter to the President urging him to appoint a similar panel. To the extent that such a panel would force Congress to begin looking for some answers to this important question and avoid 11th-hour compromises, I would support it.

Let me assure you that I will not let this program upon which you depend for health care to reduce benefits or to cost you more. I work closely with the Energy and Commerce Subcommittee on Health to make sure that the human element of medicare is not lost in the debate over cost.

No one who is familiar with the recent Social Security Trust Fund report given to Congress last week, can deny the seriousness of the Medicare funding crisis. For the first time in many years, the report assured the reader that two of the three Social Security funds—Old Age Insurance and Disability Insurance—were in sound financial shape into the next century. Unfortunately, the report further states that the Medicare fund could be bankrupt by the end of this decade.

The fundamental problem of Medicare financing is rising health costs. The Social Security amendments implemented prospective reimbursement to hospitals for medicare payments. This step will force hospitals to become cost conscious and will begin to reverse the trend of rising health costs. I support measures like these to the extent that they force medical service providers to be more sensitive to costs. I do not support these measures if they produce less comprehensive and lower quality care for our senior citizens.

After yesterday's meeting with an old colleague of mine from Massachusetts, Peg Heckler, I am sure you have seen up close this administration's approach to Medicare: "Blame the Victim." I say it is time we blame the Administration for spending billions on unneeded weapons systems, like the MX which is up on the House floor today, and for cutting medicare benefits and other social services. The victims deserve no blame; they need our help and compassion. This Administration has no compassion; this Administration deserves the blame.

Prospective reimbursement of Medicare costs to hospitals is one method that could work to lower health care costs. Without compromising quality care. There are other suggestions out there to lower rising health costs. Let me assure you that I will look at each of these proposals with you in mind. I will not forget the human element of the cost debate which is too frequently forgotten. I suggest the human element should be primary when we consider rationing our health resources. I might add, when it comes to rationing health dollars, I believe some should occur at the expense of doctor's incomes.

When discussing medicare and quality health care, we can not lose sight of the fact that there is a basic element of human dignity involved here. Putting it simply, denying health care to people who are sick is inconsistent with our values and dearly held principles. It is something I cannot allow and will not tolerate.

There is one specific proposal made by the President on Medicare that I think deserves special mention. That is the proposal to force Medicare beneficiaries to pay more for hospitalization while supposedly getting a greater protection against the cost of catastrophic illness. Like so many of this administration's proposals, this is a false promise which takes alot away from our senior citizens and gives them nothing.

To suggest that our elderly citizens use too much hospital services from the 2nd to the 60th day when they could be at home, as the President has done, insults the elderly. I'm sure that the majority of our senior citizens fight to the bitter end to avoid going into a hospital, even when they are covered for the cost. To have to pay even a small portion of the cost is an impossibility. The question I have for Mr. Reagan is: How

do you pay even a small amount out of an empty pocketbook?

I regret to say that I think the Reagan Administration is a little confused about our senior citizens and health care. Maybe because Mr. Reagan has been wealthy his whole life, he doesn't have to worry about the price of goods. But I know that for most senior citizens, they do not need an incentive to stay out of the doctors office and hospitals, they already have an incentive.

Let me assure you in the strongest terms, I will oppose any legislation forcing people like you to pay a portion of their first two weeks in a hospital. The victims are not to blame; we should blame the administration for their unfair and callous policies.

Now I would like to turn to some other issues affecting the health of the elderly. Before I cite them, however, I want to call to your attention an important statistic I read in the New York Times recently: The death rate among older Americans has been dropping at "historically unprecedented rates, largely because of the rapid strides being made in medicine." I have supported these health efforts during my six years in Congress and will continue to support measures like these which are now before the Congress.

There is now a bill before the Committee I sit on which would end the mistaken and unfair practice of forcing senior citizens to bear all the cost of vision care. This bill, H.R. 3010, would include vision care as reimbursable under Medicare. I support this bill since it would end the mistaken interpretation that vision care is not necessary medical care. I'm sure that many of you think that vision care may be more important than medical care at some times and I believe the system has been unfair in not recognizing the importance of vision care to our nation's elderly.

I am happy to review some of the health and elderly issues before the Congress. I regret that this Administration would rather spend our vital resources on weapons systems instead of hospital care. Our senior citizens, through their hard work, dedication, and diligence made this country what it is today. I personally think you should be proud of your contributions and believe we all should do our part to ensure you have the medical protection you deserve. You earned quality health care and I will work to make sure you receive it. I will not let this president do more harm to you than he already has. Unlike Mr. Reagan, I believe that he is not the only old person who should live well.●

JUDGING CONGRESS

HON. DOUGLAS K. BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. BEREUTER. Mr. Speaker, several days ago, I received a troublesome letter from one of the very distinguished Federal judges of my State. In that letter, the judge pointed out clearly the serious problems Congress created for the Federal judiciary when it altered the taxation of pensions received by Federal judges in senior status.

The Wall Street Journal recently very rightly criticized Congress for this change and called for repeal of this provision. I concur in that assessment and I hope that the Ways and Means Committee will act soon to undue this change before too much damage has been done to the already strained Federal judiciary. I commend to my colleagues the Journal's editorial which follows:

[From the Wall Street Journal, July 12, 1983]

There is one thing on which all editorial writers agree: If it weren't for Congress, they would be hard put to fill up their columns day after day. But Congress always comes through. Consider the following:

The Constitution—a document surely not unknown to Congress—says that federal judges are appointed and paid for life. That is, federal judges continue to draw their full salaries after retirement. A good deal as pensions go.

There are now about 230 judges with senior status. Lesser public servants might take this kind of pension deal and retire, so to speak, to the tennis courts. Lesser public servants might even form themselves into a lobby group to demand more money. But the fact is that 200 of the judges entitled to tennis court duty are still serving on the bench. Yes, they continue to hear cases, render decisions and generally comport themselves as public servants.

Theoretically, at least, if it weren't for this "free" service, our judicial system would be even more clogged than it is now. An estimated 10 percent of the total federal caseload—civil and criminal—is now handled by senior jurists. A good deal—some might argue—for the operation of justice.

Now, enter Congress. The new Social Security law, so proudly passed by Congress, specifically double-whammies this good deal. Section 101(c) says that senior judges between the ages of 65 and 70, who continue to perform for the public weal, must pay the Social Security tax on their pensions (which are thus considered wages). In other words, judges wishing to donate their services now must pay, at minimum, $2,500 for making that donation.

There are doubtless a number of jurists we'd just as soon see driven to the tennis courts. The system of lifetime tenure serves to insulate the judiciary from political and financial pressure but it also protects some who never should have been appointed in the first place or whose mental acuity is beginning to diminish with age. And of course there's something to be said for pointed reminders to judges from time to time of how capricious laws affect the pocketbooks of innocent citizens.

But this tax is a hard lesson indeed and certainly no way to solve the problem of over-tenure, if Congress thinks it's a problem. It probably would wind up raising less revenue for the government than the cost of replacing the judges. Experienced jurists aren't easy to come by; what senior judges may lack in energy, they often make up in wisdom.

The federal judges, many of whom believe the section to be unconstitutional, are asking for a legislative remedy. Two bills repealing the section have been introduced in the Senate. We agree with the judges. Congress, having done the foolish deed, should now undo it.●

THOMAS ROGISH—TAFT SEMINAR II AWARD

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. HARRISON. Mr. Speaker, we have all heard a great deal lately about what is wrong with the American educational system. It is a pleasure for me today to talk about something that is right with it.

These 2 weeks in July, the Taft Seminar II is being conducted at American University. It is a rigorous graduate credit course on politics and government and its 33 students were admitted to the program only after steep competition from their colleagues. They are all elementary and high school classroom teachers, who have previously participated in Taft seminars in their own States and have submitted teaching ideas for treating politics and government.

I am happy to say, Mr. Speaker, that one of my constituents is one of those 33 outstanding teachers. He is Thomas Rogish, and more than being a constituent, he is a friend. I have twice appeared as a guest teacher in Tom's senior course in civics and government at Meyers High School in Wilkes-Barre. I know of the high regard in which he is held by his students and the outstanding job which he does in inspiring and educating them.

Yesterday afternoon at 5:30, it was my pleasure to present Tom with an engraved plaque representing his successful completion of Taft Seminar II. I am glad, also, to have had this opportunity to share his achievement with my friends and colleagues in the House.●

IMITATION CONTROLLED SUBSTANCES ACT OF 1983

HON. NORMAN SISISKY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. SISISKY. Mr. Speaker, today I am introducing legislation which brings attention to a problem which plagues many concerned parents and communities. That is the problem of so-called look-alike drugs which are targeted for and sold to young people with the promise of amphetamine-like effects.

The health risks from using these substances is substantial. These pills contain large amounts of caffeine and ephedrine, which are central nervous system stimulants that, when taken in large quantities, do have effects similar to those generated by amphetamines.

Children who take these drugs know little or nothing about the real dangers these pills pose. Those who do take them often suffer from an extreme state of agitation with uncontrollable nervousness, crying, depression, or manic behavior.

The Food and Drug Administration is well aware of this particular problem. The FDA has held conferences on the dangers which these substances present. More important, the FDA has treated earlier versions of look-alike drugs as untested new drugs which would require FDA approval. While this move was effective in removing some of these drugs, it has not reached those pills which are largely caffeine and ephedrine. I have contacted the FDA and urged that the full authority of that agency be used to help eradicate these substances. However, there is some confusion as to whether current FDA authority can be effective against these look-alike drugs.

As a result, I am also introducing legislation which would make it unlawful to manufacture, distribute, or possess with the intent to distribute, a drug which is an imitation of a controlled substance. I am hopeful that the FDA can find it within their existing authority to address this pressing problem. Failing that, I believe that the Congress, too, has a responsibility to help those parents and concerned communities where the distribution of these pills is rampant and harmful.

I know that the cities of Portsmouth and Chesapeake in my own district are especially alarmed by the increasing use of these drugs among our young people. I share their concern and I know that there are many other communities in Virginia and across the Nation which are also calling for action on this problem.

The Senate Labor and Human Resources Subcommittee on Alcoholism and Drug Abuse has already held hearings on this problem. Gerald Baliles, attorney general for the Commonwealth of Virginia, appeared at those hearings and detailed the problems Virginia's enforcement authorities have faced when trying to control these drugs. Senator HUMPHREY, who chairs that subcommittee, is to be commended for introducing legislation in the Senate which is designed to strengthen existing laws in this area.

Federal and State cooperation is essential if we are to effectively combat the distribution of these pills. I trust that the introduction of this legislation will highlight the dangers these drugs create and will lead eventually to their removal from the innocent hands of our children.

I ask that the full text of this legislation be printed in the RECORD following this statement.

H.R. 3636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Imitation Controlled Substances Act of 1983".

SEC. 2. (a) Title III of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following new section:

"IMITATION CONTROLLED SUBSTANCES

"SEC. 338. (a) For purposes of this section, the term—

"(1) 'imitation controlled substance' means any substance other than a controlled substance or prescription drug, or combination of such substances, which is marketed, sold, or distributed to encourage recreational drug use or abuse or any similar nonmedical use and—

"(A) by representation or appearance (including color, shape, size, and markings) would lead a reasonable person to believe that the substance is a controlled substance; or

"(B) purports to act, either alone, in multiple doses, or in combination with a substance or substances, like a controlled substance, either stimulant or depressent as defined in section 102(9) of the Controlled Substances Act (21 U.S.C. 802(9));

"(2) 'distribute' means the actual, constructive, or attempted transfer, delivery, or dispensing to another of an imitation controlled substance;

"(3) 'manufacture' means the production, preparation, propagation, compounding, or processing of an imitation controlled substance, and includes any packaging or repackaging of such substance or labeling or relabeling of its container; except that such term does not include the preparation, compounding, packaging, or labeling of an imitation controlled substance in conformity with applicable State or local law by a practitioner as an incident to his administering or dispensing of such substance in the course of his professional practice; and

"(4) 'controlled substance' is used as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

"(b)(1)(A) Except as provided in subparagraph (B), it shall be unlawful for any person knowingly or intentionally to create, manufacture, or distribute, or possess with intent to create, manufacture, or distribute an imitation controlled substance. Any person who violates this subparagraph shall be sentenced to a term of imprisonment of not more than two years, a fine of not more than $10,000, or both.

"(B) Subparagraph (A) does not apply to the creation, manufacture, distribution, or possession of an imitation controlled substance by a person if the imitation controlled substance is created, manufactured, distributed, or possessed for use as a placebo in the course of the professional practice of a practitioner registered under part C of the Controlled Substances Act or in research conducted under section 505(i) of this Act or conducted in connection with an application filed under section 505(b) of this Act.

"(2) Any person at least eighteen years of age who violates paragraph (1)(A) by distributing an imitation controlled substance to a person under eighteen years of age shall be sentenced to a term of imprisonment of not more than four years, fined not more than $20,000, or both."

(b) Subsection (a) of section 302 of such Act is amended by striking out "paragraphs (h), (i), and (j)" and inserting in lieu thereof "paragraphs (h) and (j)".●

INTERSONICS, INC., INNOVATORS IN SPACE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. PORTER. Mr. Speaker, I commend a small, high technology company in my district, Intersonics, Inc., of Northbrook, Ill. The space shuttle Challenger recently carried with it an experiment to demonstrate the feasibility of space manufacturing of glass. Intersonics, Inc., innovator of the acoustic levitator, has shown that small business in America is alive and well.

The acoustic levitator, developed by Dr. Charles A. Rey and Roy R. Whymark, simply stated, is a factory in space which can handle, move, and process materials without being touched by any objects. The gravity-free environment of space allows the molten mass to be suspended by sound waves, while it solidifies to form ultrapure products. By using such techniques, certain glass and metal compounds can be made which exhibit properties radically different from any that can be made on Earth. The glass—and by inference, drugs, semiconductors, and other highly valued items—can be made more purely in space than on Earth.

If successful in zero-gravity conditions aboard the space shuttle, the levitator will pave the way for manufacturing lenses with fantastic optical properties: Metallic glasses—noncrystallized metal—with unique magnetic characteristics; special laser glasses; lenses with optimum focusing and color correction properties; and ultrapure glass fibers that can transmit light with little or no scattering. In addition to the purity that can be achieved in a space environment, exceptionally pure semiconductors are yet another potential application. Through manufacturing a purer semiconductor in space, the avenues open for developing supercomputers is far greater.

The magnitude of space-related manufacturing has far-reaching consequences for the United States. Undesirable aspects of industrial manufacturing on Earth, such as excessive energy consumption and environmental waste could be alleviated by exploring intelligently the potential for space manufacturing. Due to the environmental conditions in space—withering radiation, absence of atmosphere, and constant space debris—pollution would never be a problem. Furthermore, the potential for lower consumer prices can be anticipated from the mastery of space manufacturing techniques. Many high-technology, high-value processes that would be

enormously expensive on Earth could be done in space at a much smaller expense. Last, the threat of declining resources is virtually nonexistent in space. Raw materials will one day be available from the Moon and the asteroid belt.

Small businesses like Intersonics, Inc., will be the most likely sector to make space exploration profitable, for the great challenge of space is rapid innovation and adaption to unexpected conditions. Small business has always been best at conquering new and undefined territories.

The acoustic levitator is the kind of project that illuminated the value of small business to the American economy. Intersonics, Inc., has welcomed the challenge of space and has given me and many others a feeling of great inspiration and hope.

Again, I commend the innovative Intersonics' staff for their outstanding achievement and encourage them to continue to use their talents to push out the boundaries of mankind's potential.●

EDUCATION, SOVIET STYLE: AN "A" IN GRENADE THROWING

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. MICHEL. Mr. Speaker, if President Reagan ever said that Soviet schoolchildren are taught to throw hand grenades as a formal part of the Soviet Union's fitness program for youths, the howls of dismay would be heard for miles. He would be accused of reviving the cold war. Learned pundits of the media would frown at what they would call an unsubstantiated charge.

But the charge happens to be true. And it is the Los Angeles Times, not President Reagan, that brought it to our attention. I hope our colleagues will take the time to read this article.

At this point I wish to insert in the RECORD, "'Ballet Drill' Just Tossing Grenades" by Robert Gillette, the Los Angeles Times, July 21, 1983.

[From the Los Angeles Times, July 21, 1983]

"BALLET DRILL" JUST TOSSING OF GRENADES

(By Robert Gillette)

Moscow.—Seen from a distance through the schoolyard fence, the students, all in their teens, seemed to be engaged in a strange ballet exercise.

They would run a few yards, then twist themselves in a half-pirouette, arcing the right arm high as in a tennis serve. Moments later, some distance away, a puff of dust would rise from the dry ground.

Witnessed by two Western military attachés at a school in Dushanbe, in Soviet Central Asia, the exercise, on closer inspection, proved to be unrelated to ballet. Like children their age all over the Soviet Union, the boys and girls in Dushanbe were engaged in a unique feature of Soviet physical education—hurling make-believe hand grenades.

Shaped like the "potato masher" grenades of World War II, but made of wood or heavy rubber, the granati are sold in sports shops in various weights for different ages. Learning to throw them is a formal requirement of the Soviet physical fitness curriculum.

Along with disassembling, assembling and firing automatic weapons, grenade throwing is taught as part of the 140 hours of military instruction Soviet students receive in the last two years of high school, the ninth and tenth grades.

"Most of our military classes are indoors," a young Moscow student said recently, "but once in a while we get to go to the firing range, or we go out to throw grenades. It's just a sport. It doesn't have anything to do with military things."

He said this in all sincerity. He seemed surprised to hear that American children, and most others in the outside world, do not learn grenade throwing in school.

Throwing a grenade, even a practice one, is no simple matter, as is made clear in a physical fitness book by one N. G. Skachkov, published last year in Moscow. Students 14 and 15 are introduced to the proper technique by hurling tennis balls; then at age 16 they graduate to practice grenades.

"Achieving good results in grenade throwing simply on the basis of physical strength is, as a rule, unsuccessful," the book warns.

Somewhat in the style of a self-help guide to a better tennis game, the book says young grenade throwers should think in terms of three phases: The grip (hold the grenade shank either like a tennis racket or a club, but loosely), the run and the launch.

The last five steps in a 20-meter run are crucial, the book says. The third of the five steps—the "cross-step—requires the runner to plant his left foot firmly, to twist his body 45 to 60 degrees from his line of motion, and fling the grenade at an angle of 40 to 45 degrees to the horizon, and don't forget the follow-through."

Without good footwork and "all-around physical development," the book warns, "it is very difficult to master the high performance of the country's best competitors—60 to 70 meters for men and 40 to 50 meters for women."●

VIOLATIONS OF HUMAN RIGHTS IN THE SOVIET UNION

HON. ALAN WHEAT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. WHEAT. Mr. Speaker, I am proud to join my colleagues today and participate in the Congressional Vigil for Soviet Jewry. The Congressional Vigal is a bipartisan program that allows members of Congress to join in a concerted protest against the gross violations of human rights in the Soviet Union.

Now more than ever, Soviet authorities are denying an increasing number of its citizens the basic freedom of choosing to practice the religion of their choice in the country of their choice. In 1982, the Soviet Government only granted exit visas to 2,688 Soviet Jews, the lowest total since the Soviet Jewry movement began more than a decade ago. Meanwhile, the number of Soviet Jews expressing the desire to leave that country is steadily increasing. The National Conference on Soviet Jewry reports that between 300,000 and 400,000 Soviet Jews have begun the process of applying for government permission to emigrate.

I would like to bring to the attention of my colleagues one of the thousands of persons being denied freedom of religion by the Soviet Government. Aleksandr Gelman is a 43-year-old Russian Jew with a wife, Valentina, and two children. Mr. Gelman lives with his family in Kaliningrad. He first applied for a visa permit in 1977 and his request was promptly turned down by Soviet authorities. Mr. Gelman and his family are currently being subjected to harassment and intimidation because they have opted to seek the freedom to practice their religion.

While our Government's stability depends on citizen participation, the Soviet Government achieves stability by instilling fear in its citizens. Mr. Gelman and his family are under subjugation because their courage threatens the Soviet system.

I strongly urge the Soviet Government to end its attempts to destroy the Jewish religion and culture in their country. And I ask my colleagues to join in a united front to assist the brave men and women who because of their courage are suffering from increased oppression in the Soviet Union.●

JURGENSEN, WARFIELD, BELL, MITCHELL, AND GILLMAN TO BE ENSHRINED IN PRO FOOTBALL'S HALL OF FAME IN CANTON, OHIO

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. KEMP. Mr. Speaker, on July 30, 1983, the Professional Football Hall of Fame in Canton, Ohio, will induct five new members into its honored ranks.

They are, quarterback Sonny Jurgensen, wide receiver Paul Warfield, linebacker Bobby Bell, running back Bobby Mitchell, and coaching great Sid Gillman, whom I had the pleasure and honor of playing for with the Chargers in the AFL. These are not only great athletes and coaches, they are great people and good friends.

To be selected as a member of the hall of fame, is one of the most prestigious honors in all of sports and the men chosen this year are not only the most deserving, they also represent all that is great in professional football and the world of sports.

In 1973, when I spoke at the hall of fame enshrinement ceremonies in Canton, I said:

The real meaning of the Hall of Fame is to serve as an example, a symbol, and a beacon, by which young men and women around this country can gain inspiration and motivation to press on, despite temporary setbacks, to their goals in life; and whether or not they reach their own Hall of Fame, it is in the competition and in the striving that the qualities are forged that make for better people, and better citizens in our great Republic.

What is being honored this year, and every year at the hall of fame, is "the transcendent quality of the human spirit that unites us all, * * * the spirit that derives strength from challenge. The spirit that never gives up."

Each of this year's inductees brings to the hall of fame his own spirit which can inspire all of us to strive for the best, to face obstacles, to overcome them, and reach goals.

Following is a marvelous article which appears in the August Football News by Roger Stanton, that highlights the playing careers of each of this years hall of fame inductees. After the article, I have included a complete roster of all the hall of famers, who over the years, have been an inspiration to all of us in their spirit and drive to be the very best they could be.

I would like to commend this article to my colleagues. I hope that the inspirational message of the hall of fame can serve to inspire all of us to do the very best that we can.

The article follows:

[From the Football News, August 1983]

HALL OF FAME TO WELCOME FIVE GREATS

(By Roger Stanton)

Golden-armed quarterback Sonny Jurgensen, smooth wide receiver Paul Warfield and three other pro football luminaries—linebacker Bobby Bell, running back Bobby Mitchell and coaching genius Sid Gillman—will join the game's immortals this summer when they are inducted into the Pro Football Hall of Fame in Canton, Ohio.

Ceremonies for the five 1983 inductees, who will raise to 119 the number of those enshrined in the pro Hall, are set for Saturday, July 30. Following the induction ceremonies, the NFL will stage its annual Hall of Fame Game, which this year matches the Pittsburgh Steelers and New Orleans Saints at 2 p.m., Eastern time. ABC-TV will broadcast the contest nationally.

Jurgensen's 18-year NFL career will always be remembered as one of great individual accomplishment—his 82.8 career passing rating is third on the all-time list—pockmarked by a lack of team success. Jurgensen never was a mighty contributor to an NFL title team. When Jurgensen played with the 1960 NFL champion Philadelphia Eagles, he served as a backup to the late Norm Van Brocklin. A dozen years later, as a Washington Redskin, Jurgensen was sidelined by a torn Achilles tendon while Billy Kilmer quarterbacked the 'Skins to the NFC crown.

He says being named to the Hall of Fame makes up for those near-misses.

"This is the ultimate," the 49-year-old Jurgensen exclaimed upon hearing of his election to the Hall. "It takes the place of all those frustrations and disappointments. This makes it all worthwhile."

Jurgensen, who played on only eight teams with winning records, captured three individual NFL passing championships. He turned 4,262 attempts into 2,433 completions, good for 32,224 yards and 255 touchdowns. In five different seasons, Jurgensen threw for over 3,000 yards. He had a stretch of 23 consecutive games during which he connected for at least one touchdown.

Jurgensen was an Eagles' starter as a rookie in 1957, but spent the following three season's caddying for Van Brocklin. He sizzled for three campaigns upon returning to the No. 1 spot in 1961, before being dealt (along with defensive back Jimmy Carr for quarterback Norm Snead and defensive back Claude Crabb) to the Redskins in 1964.

An invitation to the Pro Bowl came after Jurgensen's first season in Washington. In 1967 he garnered his first passing title.

A classic drop-back passer, Jurgensen's playing style was characterized by his ability to deliver the football at the last instant under a heavy rush.

Warfield is an example of a player being recognized by the Hall of Fame for his all-around abilities first and statistics second. Despite 13 NFL seasons and 427 pass receptions, Warfield still falls more than 200 catches short of the three all-time leaders, Charley Taylor, Don Maynard and Raymond Berry.

Warfield's playing heyday was spend with the powerful Miami Dolphins of the early Seventies. Those Dolphins teams were better known for their running than passing (the 1972 Dolphins, for instance, rushed the ball 613 times, while throwing on only 280 occasions) and Warfield's individual numbers suffered for it.

Sort of out of protest, Warfield jumped to the fledgling World Football League prior to the 1975 season.

"It's difficult to criticize the Dolphins because they have had great success." Warfield explained. "But I felt I wasn't an essential part of the offense and it became frustrating to play. I didn't enjoy being that little of a contributor."

Despite those confinements, Warfield posted some impressive personal statistics. He accounted for 8,565 yards and 85 touchdowns with his 427 receptions. His 20.1 yards-per-reception average is a lifetime record for a long-term receiver. Warfield's average of one touchdown for every five receptions only slightly trails record-holder Don Hutson, the former Green Bay great.

Warfield, now 41 broke into the NFL with Cleveland in 1964. He was an immediate success, snaring a careen-high 52 passes the first year. His trade to Miami for the Dolphins' first round draft pick was engineered in 1970.

After his one-season fling with the WFL, Warfield returned to the Browns, playing out his pro career in 1976 and 1977.

All told, Warfield was named to five All-NFL teams and was selected to play in seven Pro Bowl games.

Bell will be inducted into the Hall of Fame largely because of the way he handled his left linebacker's job with the Kansas City Chiefs. But many who saw Bell perform insist he could have made a lasting impression at one of several other positions.

Bell is only the fifth player from the old American Football League to be voted into the Hall of Fame. He is the first former Chiefs player to be so honored.

When he joined the Chiefs in 1963, Bell was employed at left defensive end because Stram had an excess of linebackers. In his second season at end, Bell was named All-AFL.

During Bell's term on the defensive line, Stram pioneered the so-called "stack" defense, an alignment that called for Bell to drop out of the line to become a fourth linebacker. The formation was a forerunner of the 3-4 defense commonly used around the NFL today.

Bell moved to exclusive linebacker duty in 1966. At that position, he won all-star designation eight straight seasons.

"I just like to play football, no matter what the position," Bell insisted. "But, if I had to pick one favorite position, it would be outside linebacker. I love to play defense and tackle people. Linebacker is one of the most difficult and challenging positions to play. You have to worry about the pass, the run, man-to-man coverage, containing the play, screens and draws. It's a spur-of-the-moment position."

By the time Bell, now 43, retired in 1974, he had been selected to nine post-season all-star games. He was named to the all-time AFL team in 1969.

Mitchell may have been the best seventh-round draft choice ever to enter the NFL. Picked by Cleveland in 1958, Mitchell, a top-drawer runner and even better receiver, amassed 14,078 combined yards (a total only Jim Brown and O.J. Simpson have surpassed) during an 11-year career with the Browns and Washington Redskins. He also tallied 91 touchdowns (the fifth-highest total in history), dividing the scores among rushing plays, pass receptions and punt and kickoff returns.

Mitchell was taken so late in the draft because he had picked up a reputation as a frequent fumbler.

"He looked good to us," recalled Paul Brown, the Cleveland coach and general manager at the time Mitchell was coming out of college. "He had tremendous speed, the ability to shift his weight without faltering and he could stop and start at full speed. We also noticed that many of his fumbles were not really his fault. We decided to take a chance. It was really one of the best moves we ever made."

Mitchell spent most of his time in Cleveland teaming with Jim Brown in the backfield. He blossomed as a receiver after hooking up with the Redskins in 1962. During the '62 and '63 campaigns, he caught a combined total of 141 passes. When Jurgensen began pitching to him in 1964, Mitchell went on a four-year tear during which he hauled in 238 passes.

Mitchell, No. 8 on the all-time receivers list with 521 catches, was an All-NFL choice in 1962 and 1964. He earned a total of four Pro Bowl berths.

Today, the 48-year-old Mitchell, who retired as a player in 1969, serves as the Redskins' assistant general manager.

Gillman realized soon after being knocked cold by Bronko Nagurski in the 1934 College All-Star Game that playing pro football did not suit him, but his fascination for the game drew him into coaching. He currently is recognized as the foremost authority on the forward pass.

Gillman is one of only four modern-era coaches to be selected to the Hall of Fame.

Gillman's coaching career has taken him through 21 years of college coaching, 18 seasons as the head man of the Los Angeles Rams, San Diego Chargers and Houston

Oilers and another decade with four other teams in an assortment of assignments.

He was the first coach to win divisional titles in both the National and American Football Leagues. Part of the success Gillman, 71, has had can be shown by a list of his proteges. Included among Gillman's former assistants and players are Pittsburgh Steelers coach Chuck Noll, Los Angeles Raiders managing general partner Al Davis, New Orleans Saints coach Bum Phillips and NFL rookie coaches Dan Henning (Atlanta) and Kay Stephenson (Buffalo).

Here is a roster of all members of the Hall:

Herb Adderley, DB
Lance Alworth, WR
Doug Atkins, DE
Morris "Red" Badgro, end
Cliff Battles, HB
Sammy Baugh, QB
Chuck Bednarik, center-LB
Bert Bell, NFL commissioner, owner
Bobby Bell, LB
Raymond Berry, end
Charles W. Bidwell Sr., owner
George Blanda, QB-kicker
Jim Brown, FB
Paul Brown, coach
Roosevelt Brown, OT
Dick Butkus, LB
Tony Canadeo, HB
Joe Carr, NFL, president
Guy Chamberlin, end, coach
Jack Christiansen, DB
Earl "Dutch" Clark, QB
George Connor, tackle-LB
Jimmy Conzelman, QB, coach
Willis Davis, DE
Art Donovan, DT
John "Paddy" Driscoll, QB
Bill Dudley, HB
Glen "Turk" Edwards, tackle
Weeb Ewbank, coach
Tom Fears, end
Ray Flaherty, coach
Len Ford, end
Dan Fortmann, guard
Bill George, LB
Frank Gifford, HB
Sid Gilliam, coach
Otto Graham, QB
Red Grange, HB
Forrest Gregg, tackle
Lou Groza, tackle-kicker
Joe Guyon, HB
George Halas, end, coach, owner
Ed Healey, tackle
Mel Hein, center
Wilbur "Pete" Henry, tackle
Arnie Herber, QB
Bill Hewitt, end
Clarke Hinkle, FB
Elroy "Crazylegs" Hirsch, HB-end
Cal Hubbard, tackle
Sam Huff, LB
Lamar Hunt, owner
Don Hutson, end
David "Deacon" Jones, DE
Sonny Jurgensen, QB
Walt Kiesling, guard, coach
Frank "Bruiser" Kinard, tackle
Earl "Curly" Lambeau, coach
Dick "Night Train" Lane, DB
Yale Lary, DB-punter
Dante Lavelli, end
Bobby Layne, QB
Alphonse "Tuffy" Leemans, FB
Bob Lilly, DT
Vince Lombardi, coach
Sid Luckman, QB
Roy "Link" Lyman, tackle
Tim Mara, owner
Gino Marchetti DE
George Preston Marshall, owner
Ollie Matson, HB
George McAfee, HB
Hugh McElhenny, HB
Johnny Blood (McNally), HB
Mike Michalske, guard
Wayne Millner, end
Bobby Mitchell, RB
Ron Mix, tackle
Lenny Moore, back
Marion Motley, FB
George Musso, DE-OG
Bronko Nagurski, FB
Earle "Greasy" Neale, coach
Ernie Nevers, FB
Ray Nitschke, LB
Leo Nomellini, DT
Merlin Olsen, DT
Jim Otto, center
Steve Owen, tackle, coach
Clarence "Ace" Parker, QB
Jim Parker, guard-tackle
Joe Perry, FB
Pete Pihos, end
Hugh "Shorty" Ray, supervisor of officials
Dan Reeves, owner
Jim Ringo, center
Andy Robustelli, DE
Art Rooney, owner
Gale Sayers, RB
Joe Schmidt, LB
Bart Starr, QB
Ernie Stautner, DT
Ken Strong, HB
Joe Stydahar, tackle
Jim Taylor, FB
Jim Thorpe, HB
Y. A. Tittle, QB
George Trafton, center
Charley Trippi, HB
Emlen Tunnell, safety
Clyde "Bulldog" Turner, center
Johnny Unitas, QB
Norm Van Brocklin, QB, coach
Steve Van Buren, HB
Paul Warfield, WR
Bob Waterfield, QB
Bill Willis, guard
Larry Wilson, DB
Alex Wojciechowicz, center●

WINDFALL PROFITS TAX: EASING THE MEDICARE DEFICIT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. BIAGGI. Mr. Speaker, today I am introducing legislation that will earmark 25 percent of revenues received by the windfall profits tax for the medicare trust fund. According to the most recent Medicare Trustees Report, released on June 24, the cost of medicare will run $200 to $400 billion ahead of its revenues between now and 1995 unless something is done.

Under this legislation, revenues for the medicare trust fund could run upward of $70 billion could be raised to offset the medicare deficit. Now that the Supreme Court has declared the tax constitutional, I believe that this approach deserves renewed attention. I have introduced similar legislation in previous years which would direct windfall profits tax profits to cover the social security shortfall. Now that Congress has acted to avert the crisis that the old age and disability programs faced, it is now time to address what could prove to be an even more serious financial deficit for medicare.

I offer this legislation as a clear alternative to cutting medicare benefits. We cannot allow medicare beneficiaries to be threatened with the possibility that their health care will be jeopardized. Despite the projection that the trust fund's life has been increased by 2 or 3 years with the passage of the Social Security Amendments of 1983, we cannot allow ourselves to be lulled into a false sense of security that everything has been fixed. We owe it to the 30 million seniors who now rely on medicare for their health needs to address this long-term problem today—not tomorrow when the picture could look bleaker and our options sufficiently narrowed.

Taxes paid by oil companies, which make up the windfall profits tax, would be directed into a new, emergency reserve created by this legislation. Funds would only be released from the emergency reserve if there is a shortage. When not used, these funds would be invested in the highest yield Government or Government-backed securities. The funds for this reserve would end with the expiration of the windfall profits tax. By law, windfall profits are phased out over a 33-month period when Federal revenues from the reserve hit $277 billion. The phaseout, however, cannot begin before January 1988 or later than January 1991. Thus, the timing is consistent with the projected needs of the medicare trust fund.

I believe that our 33 million seniors deserve more—and our oil companies deserve less. This set-aside in combination with other revenue-raising alternatives, such as taxing alcohol and tobacco which could net an added $11 billion—are clear options to cutting benefits. I urge my colleagues to join me in support of this important and timely initiative.●

THE SOVIET UNION: AN ARMED CAMP

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. MICHEL. Mr. Speaker, if there is any doubt that the Soviet Union is an armed camp which indoctrinates its children in militarism from an early age, I suggest you read a recent article in the Los Angeles Times which gives the facts about the biggest military buildup in all of history.

At this point, I wish to insert in the RECORD "Soviet Way: Militarism at Early Age" by Robert Gillette, the Los Angeles Times, July 21, 1983.

SOVIET WAY: MILITARISM AT EARLY AGE

(By Robert Gillette)

Moscow.—For the first time in its history, the Soviet Union's 4.3-million-man conscript army is now composed of young men whose training in military tactics, weapons, discipline and patriotic ideology dates from childhood.

The 18- and 19-year-olds currently entering the Soviet armed forces have been drilled in the virtues of combat heroism from the day they began primary school. Civil defense exercises, including the donning of gas masks, began in the second grade. By the end of the ninth grade they knew how to disassemble, assemble and fire an automatic rifle. They were taught, and they believe, that throwing hand grenades is a normal school sport.

WHEN CALLED, THEY GO

One of out three draftees in the Soviet armed forces learned one of 2,000 different skills, ranging from driving to karate to handling attack dogs, in military-sponsored clubs for youth. Many, probably a majority, have taken part in realistic war games for young adolescents.

To be sure, not all Soviet draftees regard the prospect of obligatory army service with enthusiasm. But to a far greater degree than their peers in the West, young Soviet men consider it natural to be drafted, and when called, they go. It is, as the 1977 constitution says, their "sacred duty," and Soviet law does not recognize conscientious objection.

The military indoctrination of Soviet youth is without parallel in the industrialized world since Germany initiated similar training for children in the name of defense and national honor half a century ago, in the 1930s. It is only part, however, of a much broader militarization of Soviet society that began in the late 1960s under Leonid I. Brezhnev, largely unnoticed in the West.

A CALL BY LENIN

The change, beginning in 1967, three years after Brezhnev deposed Nikita S. Krushchev with the army's backing, was gradual but inexorable. Ultimately, it has touched almost every aspect of daily life, from the character of newspaper and television programming to the conduct of sports and even fireworks displays on national holidays.

The emphasis on what officials call "military-patriotic education" for the nation responds to a call soon after the 1917 revolution by V. I. Lenin, the founder of the Soviet state, for the "systematic training of the entire population in military knowledge."

The Bolshevik military leader Mikhail V. Frunze, whose name is honored today in streets, military academies and a Central Asian city, went still further in 1925—well after the Bolsheviks had consolidated their victory and well before Germany posed a strategic threat—by proposing "the militarization of the entire population."

What Lenin and Frunze envisaged, Brezhnev achieved during his 18 years as Soviet leader. Soon after taking power from Khrushchev, who had resisted the further militarization of Soviet society, Brezhnev, with the army's full support, pressed systematically ahead in this direction.

The government launched its so-called Zarnitsa (Summer Lightning) war games for youth in 1967, three years after Brezhnev assumed power, to give millions of impressionable young adolescents an exciting whiff of combat. The same year, compulsory military lessons were introduced into the Soviet school system. By 1972, the Zarnitsa war games had proved so popular that a second series, the Orlyonok (Eaglet) games were organized for older teenagers.

Simultaneously, military propaganda was greatly stepped up in the news media, in films, books, and public lectures, producing what amounts to a massive and non-stop public relations campaign exalting the heroism, virtue and vigilance of the Soviet armed forces.

PRIDE IN STRENGTH OF ARMED FORCES

This, and the new emphasis on military training for the young, coincided with a sustained buildup of Soviet military power, which was made possible under Brezhnev—and now under Yuri V. Andropov—by an economic investment policy that has consistently put the needs of heavy industry and the military above the needs of Soviet consumers, whose living standards remain among the poorest in the industrialized world. Among ordinary Russians, there is, nevertheless, great pride in the strength of their armed forces.

Even casual visitors in the Soviet Union are often struck by the army's high profile. The constant presence of troops in the streets—in strolling clusters, in the convoys of green, canvas-topped army trucks that roll daily through Moscow and other major cities—gives the impression that the army has not yet demobilized from the last war. Olive-drab officer's jeeps, driven by young conscripts, are almost as common on Moscow's streets as the omnipresent official black Volga.

Russians tend to assume cities in America and Western Europe look the same. Told this is not so, one puzzled Muscovite suggested shrewdly that "maybe it's because your army keeps it soldiers hidden outside the cities," as if Westerners had reason to be as ashamed of their own armies as Russians are proud of theirs.

The Soviet army's high visibility reflects the sheer numbers of troops, but it also stems from the practice of using soldiers to perform functions that are left to civilians in other countries, where labor is not in short supply. Construction troops, for instance, can be seen any day in Moscow in their faded, olive-drab wool uniforms and calf-high leather boots hard at work patching roads or laboring on high-priority buildings. In Moscow, they are currently putting up a new headquarters for the Ministry of Defense, remodeling the KGB's grim Lyubyanka Prison headquarters on Dzerzhinsky Square and building new high-rise apartments for officers.

Soviet troops can be seen lounging around fire stations in the same faded fatigues. Army draftees make up most of the nation's firefighting service.

In the countryside, troops detailed from combat units are a common sight on late summer days, shirtless in the sun, swinging scythes in hayfields or digging potatoes.

Even fireworks displays in the Soviet Union are a military operation. Private fireworks are illegal. On the state occasions when public displays are called for—usually Revolution Day, Border Guards Day, Tank Day, Army-Navy Day and sometimes Strategic Rocket Forces Day—special army "salute" units fire pyrotechnic mortars from the backs of flatbed trucks on voice commands radioed from a central headquarters. In Moscow, where half a dozen salute units fire simultaneously around the city, police and internal security troops form a small protective ring around the launch sites to make sure no one ventures too close.

ARMED FORCES, KGB GOT NEW PROMINENCE

Building on a long, pre-revolutionary tradition in which the army and the secret police serve as vital bonding forces within centralized, authorization Russian society, the Soviet armed forces and the KGB security police took on new prominence and prestige under Brezhnev that inevitably gave them a larger role in shaping young minds.

Officially above reproach as an institution—though low-level shortcomings are subject to press criticism—the military and to a lesser extent the KGB bask in a continuous torrent of reverential praise in the state-controlled press, in films, in plays and on television.

More than a quarter of all television programming dwells on military themes. A popular military program on Sunday mornings called "I Serve the Soviet Union" is watched with equal avidity by small boys and Western military attaches, both of whom appreciate its film of Soviet ships, planes, tanks and helicopters carrying out blood-stirring tactical maneuvers.

At least one war film airs every evening on television, stressing the heroic self-sacrifice of troops during the Great Fatherland War, as World War II is known. Interspersed with the films are patriotic, sentimental tributes day after day in which children and young adults—"today's defenders of the fatherland"—are often shown listening raptly to the war stories of bemedaled old veterans. The war stories do not include tales from Afghanistan.

Not a day goes by without the national media reminding the population, and the outside world to the extent that it listens, that 20 million Soviet lives were lost in the last war. According to middle-aged Russians, this almost obsessive process of remembrance began only in the 1960s, under Brezhnev, at about the time most Soviet cities began building war memorials with eternal flames, where teen-age Young Pioneers stand in honor guards cradling rifles in their arms. The message in all these tributes is, "Never again."

"This is our way of giving thanks to the older generation," says a serious young man from the provinces who has done his share of honor guard duty. He was unaware that his country's fixation with its war dead began in earnest only two decades after the war ended.

Taking a different viewpoint, a woman in her 60s who lived through the war says, "I think all these war films are supposed to remind us of how bad things were, so that we'll forget how difficult life is today."

A REMINDER OF HOW BAD THINGS WERE

Western analysts add that the official fixation on World War II helps ensure popular loyalty and support for the military today. With Stalin an unmentionable subject except in his role as wartime leader and Khrushchev a non-person, the war victory, these analysts note, is virtually the only self-legitimizing act the Communist Party can point to between the late 1920s and the mid-1960s.

The prestige and prominence of the military in Soviet society are visible in other ways. As in the Russia of old, senior bureau-

crats in nominally civilian agencies—the Ministry of Justice and the Foreign Ministry, for instance—appear on formal occasions win their own military-style regalia, glittering with gold braid.

Military jargon and metaphors permeate official language. Work crews are "brigades." Raising livestock is not merely a top national priority, it is "a shock front." Millions of doctors and nurses in the public health system, according to the press, are "under arms" defending the homeland against disease. In the words of one of Moscow's few neon signs, the press itself is not a medium of information but the "mightiest weapon of the Leninist party."

In many ways, the focus of Soviet society's preoccupation with things military is children. In children's stores, plastic and wooden guns, tanks, planes and rockets dominate a dreary and limited selection of toys. Military bookstores, open to all, offer shelves of heroic stories about youthful sappers, partisans and parachutists.

In school, opening day ceremonies in September customarily include a patriotic speech by a military officer, usually a retired veteran, resplendent in his medals. Civil defense exercises, including the donning of gas masks, begins in second grade. Tales of war—painfully sad, joyously heroic—are the common subject of the stories in reading texts.

The formal, twice-weekly military classes that begin in the ninth grade cover the rudiments of combat, military history, and sporting skills with military application such as hand-grenade throwing and shooting. Teen-agers also learn how to strip down, assemble and fire standard automatic weapons.

"We had one girl in our high school class who could assemble a Kalashnikov (automatic rifle) in 16 seconds," a Moscow student recalls.

Obligatory military classes continue in universities and many technical institutes while the men are deferred from the draft. The lessons at this level are classified secret and notebooks are locked in safes between classes. Though women are not drafted, those in biological or medical majors will learn military skills ranging from battlefield medical aid to the handling of chemcial weapons and detoxification equipment. After graduation, some will receive reserve officer commissions along with the men.

Outside the classroom, military-patriotic education continues in the Young Pioneers children's organization (ages 8 to 15) and in the Young Communist League or Komsomol (ages 15 to 27). Beyond these groups a vast web of military-sponsored clubs exerts a powerful influence over sports and control access to all leisure-time activities with military applications, such as sky-diving, flying, cross-country motorcycle racing, karate and amateur radio.

Army sports clubs, for example, field a number of Soviet teams in international competition, from hockey to gymnastics. In a recent television program honoring its sportsmen, the army claimed credit for a total 247 Olympic medals.

By far the most influential army organization for civilians is the Volunteer Society for Cooperation with the Army, Aviation and the Fleet, known by its Russian-language initials DOSAAF.

DOSAAF currently claims 103 million members over the age of 14, or 37% of the population, organized in 355,000 units in schools, factories, on farms and even at major construction projects. In the past five years, according to Soviet press reports, members of DOSAAF sports clubs set 467 world and European sports records and another 541 Soviet records.

The organization also sponsors a nationwide physical fitness program called "Get Ready for Labor and Defense of the U.S.S.R.," in which 50 million people age 7 and over, more than a fifth of the population, are said to have taken part. Medals are awarded for passing age-grade tests in cross-country running, the 100-meter dash, swimming, small-arms shooting and the inevitable grenade throwing.

As with all such voluntary organizations in the Soviet Union, participating is considered obligatory for young people, who often belong to DOSAAF in name only. Soviet officials have recently complained that some young men still arrive in the army unable to chin themselves on a horizontal bar and not knowing how to shoot.

BRIBES NEEDED TO JOIN ORGANIZATION

Membership in a DOSAAF club often provides the only chance young people have to learn to fly, hunt, drive a car or master karate. Facilities are often overcrowded, however, with the result, according to Soviet sources, that bribes of 100 rubles or more are required for entry.

With such shortcomings evidently in mind, the Communist Party's Central Committee issued a proclamation recently ordering improvements in physical training of "pre-conscription and conscription-age youth." DOSAAF and the education ministries were told to "pay increased attention to technical and applied military sports, especially those involving motor vehicles and motorcycles, parachuting and shooting."

Despite such criticism, DOSAAF boasts that it trains one in every three conscripts in a military skill before he joins the army, navy or air force and that it prepares 2 million specialists annually for industry and agriculture. As a lieutenant general wrote earlier this year in the newspaper Trud (Labor), "It would not be an exaggeration to say that DOSAAF leaves its imprint on the life of almost every Soviet person."

In the 1980s, the Soviet Union stands as the most highly militarized of the industrial nations. In terms of the balance of weapons, it is debatable whether it is superior to the combined forces of the Atlantic Alliance. But measured by the dominance of its military ethos, by the training and indoctrination of the Soviet population and the hierarchical, quasi-military structure of the state itself, the Soviet Union is uniquely prepared to mobilize and to fight.

The Soviets believe that their system of military training, extending if not from cradle to grave, then from grade school to retirement, contributes to a superior ability to mobilize the nation in the event of war.

According to Western military estimates, the Soviet leadership could call up 2 to 3 million men—equal to or exceeding American armed forces—within 48 hours and up to 14 million within 10 days. Such estimates may overstate Soviet military efficiency, but Soviet officers themselves boast of their nation's superior ability to mobilize.

LEADERSHIP CONSIDERED CONSERVATIVE

What the Soviet leadership intends to do with its formidable capabilities can only be guessed. Western specialists in Soviet affairs generally consider the Kremlin leadership to be highly conservative, gambling on the use of military force to further its aims only when the risks appear far smaller than the potential gains, as in Czechoslovakia in 1968 and Afghanistan—rightly or wrongly—in 1979.

Soviet officials, for their part, contend that all of their preparations, including military training for children, are purely defensive. Thus, at the opening ceremonies of the Zarnitsa war games for young adolescents, they shout this oath to Soviet war dead:

"Listen, you heroes! These are your grandchildren speaking. Thank you for life, for freedom. In this game we learn to be agile, strong, brave not in order to attack, but to defend."

For good measure, officials note that Article 71 of the Russian Republic criminal code makes the "propagandizing of war, in whatever form" punishable by three to eight years in prison or labor camp. It is one of the few political offenses for which no recent arrests are known.

War propaganda is not defined in the criminal code. Militarism, on the other hand, is defined in published Soviet lexicons. But it is said to be an affliction only of other nations—"The building up of military might and the intensification of war preparation by ruling circles of the imperialist states," chief among them the United States.

Soviet definitions of defense are equally supple, allowing for the use of military force beyond Soviet borders if national interests are deemed in jeopardy. As Moscow's military power grew in the 1970s, along with its ability to project its forces to such places as Ethiopia and Afghanistan, the Soviets spoke more openly of "defense" not simply of Soviet territory but of the broader "socialist community."

When the authoritative voice of Pravda called last month for stepped-up "training of the entire population in military knowledge," the newspaper couched its call in terms of the defensive needs "of the (Soviet) homeland and of the entire socialist community," a phrase encompassing countries as disparate as Cuba and Afghanistan.

This expansive concept of national defense is widely accepted by ordinary Russians, who think it natural and logical to protect what is "theirs." Thus an earnest young party member, encountered in the central Russian city of Kazan one winter day in 1981 before Polish authorities had crushed the Solidarity independent trade union, dismissed the question of Poland in four blunt words.

UNBOUNDED RATIONALE FOR INTERVENTION

"Byila nasha, budet nasha," he said with a dismissive gesture, "It was and will be ours."

An affable student in Moscow, a veteran of both the Zarnitsa war games for youth and the real war in Afghanistan, took an identical view of national defense. He was proud to serve in Afghanistan, he said in a recent conversation.

Asked why the Soviet army was there, he replied unhesitatingly, "We're helping the revolution and defending our homeland."

"What is happening there touches on our state interests," he added, in what amounted to an unbounded rationale for foreign military intervention.

What state interests, his questioner persisted, did he have in mind?

"We just got there before you," he replied with a self-assured smile and a line all Soviet soldiers hear from their officers.

"If the Soviet army had not gone into Afghanistan when it did," he said, "then the American Army would be there now instead."●

THE HARRY S. TRUMAN STATE PARK

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. SKELTON. Mr. Speaker, during a recent trip to my district, I had occasion to participate in a park dedication program. It is the kind of event that those of us in public life frequently attend. In this case, though, I became aware of a difference.

In the course of the day's events I had the opportunity to get a good look at the Harry S. Truman State Park. I became very impressed with the park and the work and cooperation required to make it the fine facility we dedicated.

Harry Truman State Park is an example of what can happen when governments work together toward a common goal. The land is located on the Harry S. Truman Reservoir, a Corps of Engineers project. It was partially developed by the corps and then leased on a long-term basis to the State of Missouri. State officials committed the talent and resources to finishing the park and developed what I believe to be one of the finest parks in the country, either State or national.

With the beautiful scenery of the new lake and the wooded hill country it was developed from, the park accommodates campers, picnicers, and a variety of recreational activities. It will be a major asset to the area for years.

Please allow me to use this time to publicly commend the State of Missouri and the Corps of Engineers for a job well done. It is an excellent example of what can be accomplished if we are willing to work together for the common good.●

CAPTIVE NATIONS WEEK

HON. DAN LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 1983

● Mr. LUNGREN. Mr. Speaker, this week it is fitting that we acknowledge the intense international cry of oppression that currently echoes throughout the world. The litany of those whose national independence has been subjugated by the scourge of communism should be heard this week in every chamber, every hall, and every street corner by citizens who are free. Armenia, Azerbaijan, Byelorussia, Cossackia, Georgia, Idel-Ural, North Caucasia, Ukraine—all are captive nations and all are bound by Communist imperialism.

On July 17, 1959, President Dwight D. Eisenhower signed into law the first resolution to establish Captive Nations Week. Since that time, each year during the third week of July we have payed tribute to the men and women who, although politically enslaved by their governments, continue to maintain a vigil of hope. Far Eastern Republic, Turkestan, Mongolia, Estonia, Latvia, Lithuania—the list since 1920 has continued to grow.

His Holiness Pope John Paul II has called freedom of conscience "the fundamental human right." A nation that seeks to strip its citizens of the license to pursue personal convictions can never embody a policy of human rights. For us as a Republic to defend liberty of conscience is for us to defend all human rights—Albania, Bulgaria, Yugoslavia, Poland, Romania, Czechoslovakia—if we are indeed a citadel of human freedom, then it is paramount that these nations can continue to look to the United States for leadership in bringing about their individual liberties.

During the past century the greatest predator of individual freedom has been the Soviet Union. It is they who have repressed the majority of captive nations and who tragically display every indication of continuing to do so. The tightening of Soviet political controls is well documented. Those involved in the arts, writing, and other intellectual pursuits are experiencing greater and greater pressure to conform to the ideology of the state. Critics of the regime are often imprisoned and where once they were released after only a token period of time, they now are spending increasing amounts of their lives physically as well as mentally confined.

Emigration from the Soviet Union is another freedom that is strictly limited. In the United States, our quality of life is such that we must regulate the millions that desire to enter our borders. In the vast areas of the world under the governmental control of the Soviet Union, the problem is reversed: millions desire to leave but are confined.

Many of us are personally familiar with particular cases of the repression within the Soviet Union. In many instances, the profile is similar: the person is well educated, has a family, and more than anything else wants to practice his religious faith with those who hold similar convictions. His request to emigrate, however, has been denied, his job has been taken away, and he has been coerced into internal exile. He and his family have committed no crime except to believe that one should be allowed to follow the guidance of their conscience. Other countries provide similar examples—North Korea, Hungary, East Germany, Mainland China, Tibet, North Vietnam, Cuba, Cambodia, South Vietnam, Laos—the list goes on and on.

Mr. Speaker, I am struck today by the fact that we seldom in this body review the consequences of burgeoning Soviet dominance. It is my fervent hope that our acknowledgment this week will continue lest we are ready to lose other countries to tyranny.

Mr. Speaker, I would submit that we confront the tragic litany of captive nations with the words of our great patriot, Thomas Paine: "O! Ye that love mankind! Ye that dare oppose not only the tyranny but the tyrant, stand forth!"●

DR. RAYMOND L. ENG

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. DELLUMS. Mr. Speaker, on July 31, residents of Oakland, in the Eighth California District, will honor Dr. Raymond L. Eng and his many years of civic-minded public service. The occasion of this celebration is Dr. Eng's retirement from the Oakland City Council after four terms and 16 years of service. I am pleased to join with Dr. Eng's many friends and colleagues in commending him on his tenure and I would like to share with my colleagues a few of Dr. Eng's achievements and honors.

Dr. Eng was born in Oakland in 1911. He attended Oakland public schools, the University of California, Berkeley, and undertook graduate studies at Pennsylvania State College and Louisiana State University. He has maintained his residence and optometric offices in Oakland throughout his lifetime, showing his dedication to the promise and potential vitality of the city.

Dr. Eng has played an active role in our community. He has been a member of numerous professional and civic organizations, assuming positions of leadership in many. He is a past president of the Alameda-Contra Costa Counties Optometric Society, past chair of the State board of social welfare and the Optometric Advisory Committee and a past board member of Chinese Hospital. He is past district governor of the Lions International, past president of the Cosmopolitan Lions Club, a member of the National Boy Scout Council, and has served chairmanships of the United Crusade, Cerebral Palsy, CARE, Cancer Society, the March of Dimes and charitable fundraising organizations.

In 1967, he was elected to the Oakland City Council, on which he was to serve until this year. From 1973 to 1975, he was selected vicemayor by his colleagues, an indication of the respect in which he was held.

I am pleased to join with his council colleagues and many Oakland resi-

dents in thanking Dr. Eng for his years of dedicated service and in wishing him and his family the best for the future.●

WEAKNESSES OF BILINGUAL EDUCATION

HON. NORMAN D. SHUMWAY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. SHUMWAY. Mr. Speaker, as our Nation experiences the largest influx of immigrants in its history, the challenge to integrate these people into American society must be met. Mastery of the English language is vital to this assimilation; we cannot expect our Nation's linguistic minorities to become involved and productive members of society if they are unable to speak the language of their new homeland. Yet while no one will deny the value to our Nation's immigrants of proficiency in English, serious questions surround the effectiveness of bilingual education, the approach that has been used throughout the Nation for over a decade to educate students of limited English proficiency. While bilingual education seeks to increase students' English language competence, little conclusive evidence has been produced which supports the bilingual method. It is vital that we not rely on a single approach to this problem, an approach that very well may not be the most effective method in encouraging proficiency in English but which may actually impede the learning of English and maintain a separate language and culture.

In the 1974 case of Lau against Wade, the Supreme Court ruled that in accordance with the 1964 Civil Rights Act, school districts are required to provide linguistic minorities with special instruction to allow for equal educational opportunity. While the Supreme Court did not stipulate a specific educational method to be employed for these students, the Department of Health, Education, and Welfare developed guidelines in 1975 which became known as the Lau remedies. These rules require school districts with a certain number of non-English speaking students to provide instruction for these students in their native language. Though the Lau remedies were never laws or even Federal regulations, they have an impact on over 400 school districts in the Nation and have been used by the Office of Civil Rights to review schools enrolling language minority children.

Thus, with the Lau remedies, the Federal Government essentially institutionalized bilingual education as the only approach for instructive students of limited English proficiency. Mr. Speaker, with so little evidence to support the effectiveness of bilingual education in promoting English language learning among linguistic minority students, it makes little sense to continue expending Federal dollars on this one approach. Furthermore, I have serious reservations about the Federal Government dictating to school districts a specific approach to the problem of educating our Nation's limited English proficiency students. As stated by the Twentieth Century Fund in its report on Federal elementary and secondary education policy:

> It is not the responsibility of the Federal Government to mandate to schools and teachers a specific method for education of those students not proficient in English.

Rather, Federal policy should encourage State and local school districts to decide which programs best meet the unique needs and circumstances of their students.

Mr. Speaker, few will quarrel with the Twentieth Century Fund conclusion that:

> School children to whom English is an alien language are being cheated if it remains unfamiliar to them; they will never swim in the American mainstream unless they are fluent in English.

Bilingual education, however, despite the questions surrounding its effectiveness in moving limited English proficient students into our society's mainstream, continues to be utilized almost to the exclusion of other methods as the primary means of educating these students. Due to my concerns regarding this situation, I have introduced legislation—House Joint Resolution 169—which designates English the official language of the United States and which seeks to end the use of foreign languages in subject-matter instruction while allowing the instruction in non-English languages for the purpose of making students proficient in English. I share the Twentieth Century Fund recommendation "that Federal funds now going to bilingual programs be used to teach non-English-speaking children how to speak, read, and write English." To continue to rely on an approach which does not necessarily facilitate the learning of English is to prevent our Nation's limited English proficient students from becoming full and participating members of American society.

Mr. Speaker, I would like to call to the attention of my colleagues an article by Robert Rossier that recently appeared in the Washington Times which underscores the weaknesses of the bilingual approach and highlights a number of the factors involved in its longevity.

The article follows:

BILINGUAL EDUCATION: THE NEW LATIN HUSTLE

(By Robert Rossier)

Historically, one of the most important ways for immigrant children to achieve economic, social, and political access to the American dream has been through education. Besides offering these students the opportunity to carry their studies to a level not possible in most countries, American public schools have given them what may be the most important opportunity of all—the chance to learn the language of the country.

Now this critical avenue to success is being narrowed by the bilingual education movement.

A thorough review of the literature on the effectiveness of bilingual education was completed in 1981. Written by Keith Baker and Adriana de Kanter, two staff members in the U.S. Department of Education, the report concluded that the available evidence does "not add up to a very impressive case for the effectiveness of transitional bilingual education."

Rudolph Troike, former director of the federally funded Center for Applied Linguistics and a bilingual enthusiast, has allowed that the Bilingual Education Act of 1968 (Title VII) was passed by Congress "largely as an article of faith, with little research to support it." In a 1978 monograph written for the National Clearinghouse for Bilingual Education, he admitted, "We have very little more of a research base for bilingual programs than we did 10 years ago . . ."

It is not very comforting to realize that for 10 years the federal government alone had, by Dr. Troike's own admission, appropriated more than half a billion dollars (worth close to a billion now) for bilingual education without a shred of evidence that this instruction had helped anyone except the bureaucrats themselves.

Bilingual instruction retards the learning of English for several reasons. First, the amount of time that the learner has to interact with speakers of the new language is critical; in bilingual programs that time is considerably less than in other language programs. More important, because of the heavy emphasis on translation in bilingual programs, many students become inhibited about responding in English when they know the teacher understands their native language. Most immigrant students in bilingual programs become habituated to responding in their native language and find it difficult to reach the point at which they no longer translate into English but instead think in English.

The modern immigrant has been betrayed by a confederation of power-seeking politicians, unprincipled educators, and unwitting Americans.

Though no single person or group is totally responsible for this betrayal, much of the culpability can be assigned to the leaders of the bilingual education movement. My criticism is directed at those who know how bilingual programs affect the learning of English and still defend the theory despite its inefficacy in practice.

The motivating force for bilingual education has been to provide opportunity not for students to learn but for bilingual educators and others to build empires that offer lucrative and satisfying power bases.

It appears that bilingual partisans will attempt to suppress any efforts to compare alternatives with the bilingual method. A case in point: The Los Angeles school district, which claims almost 100,000 students in bilingual porograms, has not only failed to publish any study that would give objective evidence of those programs' effectiveness but also appears to have detoured, hidden, and actually aborted studies that would

compare other methods with bilingual instruction.

Perhaps this is because the transition from special English programs to bilingual education programs in Los Angeles produced explosive growth in jobs and budgets at both the supervisory and administrative levels.

During the middle 1960s the district had two language consultants, paid on the teacher salary schedule, one at the elementary and one at the secondary level. By the 1976-77 school year Los Angeles was paying a director of bilingual services $37,739, two assistant directors $32,899 each, and 11 advisers $20,899 each—a salary slightly higher than that of the district's highest-paid teacher. That was five years ago. The position of director has since been elevated to that of assistant superintendent; the salary has been elevated, too, to $50,000. Salaries for administrative and supervisory posts below this level have also increased substantially.

Bilingual education has been good business for many people outside the schools as well. There has been a veritable revolution in industries that supply educational products.

And the ethnic politician in many cases does not care whether bilingual instruction is a valid method of teaching English. In fact, it may be politically advantageous for him if immigrants continue to rely on their native language instead of perfecting their English, since dependence on the home language tends to isolate the group and make it more manipulable.

Possibly because of the Baker-de Kanter review, in March 1982 the Department of Education withdrew the guidelines that had imposed bilingual education on more than 500 school districts in the nation. Schools are now permitted to use "any effective approach including total immersion in English." This policy change applies only to the federal level, however, and does not affect California and other states that have more stringent bilingual education laws.

Future immigrant educations programs should recognize the unique linguistic, social, and educational situation in each school district but should also be built solidly on principles of language learning.

Bilingual education has been given more than an adequate chance to prove itself, and it has failed miserably. It is now time that other methods be tried—methods that put the welfare of the student ahead of that of the adults who run the program.●

H.R. 2149

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. FOGLIETTA. Mr. Speaker, in our world of rapidly advancing weapons technology and increasingly widespread political antagonism, the importance of a U.S. Peace Academy cannot be overstressed. I do not believe this Congress, after approving the largest peacetime military budget in the history of our Nation, should assume that this Nation's leadership, present and future, can learn nothing more about how to reduce the chances of war.

A vote for H.R. 1249, the bill which will establish a U.S. Academy of Peace and Conflict Resolution, is both a symbolic and substantive step toward preserving the fragile and shrinking peace. Instituting such an academy, a project over which Congress has deliberated for 8 years, undeniably would send a signal out to the rest of the world. Some are worried that this will be an indication of weakness, a lack of military resolve. If the purpose of maintaining Armed Forces is only to maximize our interests in the next war, then the Peace Academy does signify weakness and a change of course. But if our military's first purpose is to preclude the outbreak of war, then this Peace Academy can only further our national goals and enhance our international stature.

The most often cited argument against H.R. 1249 and the one advanced by the Reagan administration states that our budget simply has no room for such an expensive program. The total projected cost for the Peace Academy, which will be housed in existing buildings, is a mere $18 million over 2 years. This amount will be supplanted by student fees and private donations, which are expected to provide full funding after the initial 2 years. The total Government expenditure for this Peace Academy is less than half of what we will spend for a single F-15 aircraft, less that 3 percent of what we will spend for one nuclear attack submarine, and less than one-tenth of 1 percent of the cost of the MX missile program. I think those people who oppose H.R. 1249 on the grounds of extravagant cost should find a more convincing argument or vote for the bill.

The Academy of Peace is not designed to be a segregated cluster of elitist scholars. Quite the contrary, it will seek to impart conflict resolution skills to citizens from all walks of life. The Academy will serve as a network for research and curriculum development at universities nationwide. It will act as a distribution of information and skills, rather than as an advocate of any particular position. This Academy of Peace will provide a much needed compensating force in the direction of nonviolent resolution of conflict. Although the focus of this program is toward international cooperation, the benefits would also be felt within our borders, possibly in such areas as labor disputes and racial tension. If Congress presumes its constituents live in a harmonious, nonconflictual community, it is ignoring the real problems of discord which could be addressed by the proposed Academy of Peace and Conflict Resolution.

Support for the Academy has crossed all political and social lines. Democrats and Republicans, soldiers and civilians, professors and students, northerners and southerners, hawks and doves—all have come out in favor of the plan. The Academy will complement, not counteract a capable Armed Force. As caretakers of our Nation's welfare and survival, we must do everything feasible to lessen the chances of an unimaginably destructive war. If Congress bypasses this opportunity to give our young people an education on the preservation of society, which is ideally the task of the Peace Academy, Congress not only is shunning its responsibility to future generations, but in effect is saying that Americans have learned no useful lessons from all the fighting and bloodshed we have suffered in the past. If you believe otherwise, support H.R. 1249.●

THE UNIVERSAL TELEPHONE SERVICE PRESERVATION ACT OF 1983

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. DINGELL. Mr. Speaker, with my colleagues TIM WIRTH, chairman of the House Energy and Commerce Subcommittee on Telecommunications, AL SWIFT, RON WYDEN, and AL GORE, I am introducing today the Universal Telephone Service Preservation Act of 1983 to preserve affordable telephone service for all Americans. This bill and companion legislation to be introduced in the Senate today by Senator PACKWOOD, chairman of the Senate Commerce Committee, and others reflect a widely shared concern about the threat to universal telephone service posed by skyrocketing local telephone rates. The common approach embodied in these bills enjoys broad bipartisan support throughout the Congress.

The bill we are introducing in the House today would:

Overturn the FCC's recent access charge decision that abruptly shifts billions of dollars in telephone network plant costs from long-distance telephone companies to local customers;

Create a new system of access charges that insures that all users and providers of telecommunications services who benefit from the public telephone network pay a fair share of the costs of maintaining that network.

Establish a universal service fund to provide financial support for high cost service areas; and

Insure that State regulatory commissions have sufficient authority to maintain universally available and affordable telephone service.

These bills are essential to preserve universal service at a time when the competitive forces of the telecommunications marketplace are already exerting inevitable upward pressures

on local telephone rates. For instance, local telephone companies must increase capital costs to modernize their plant and equipment to compete with alternative distribution technologies offering specialized services to large business users. Loss of these large customers and the revenues they contribute to defraying the fixed costs of the public telephone network would substantially increase the price of telephone service for all remaining users.

We cannot turn back the clock and refuse to acknowledge the realities of the technological explosion in telecommunications and the introduction of competition into what was a monopoly environment dominated by Ma Bell. Fair, robust competition will produce long-term benefits for the American economy and ultimately for all of us. Divestiture is one consequence of this technological revolution. As such, it is a fact of life that is here to stay.

But in encouraging the development of advanced new services, we must not lose sight of the need to preserve affordable telephone service for all of our citizens. Unfortunately, the FCC, mesmerized by the glamour of new technologies, has done just that.

The FCC's recent access charge decision immediately shifts $4.8 billion of the costs of the public telephone network from long-distance companies to local customers for "access to interstate long-distance service." It will impose a further $1.7 billion on local customers over a brief transition period. As a result, local telephone customers will be burdened with extra charges of $7 to $8 per line per month when the FCC's system is fully in place. They are likely to face additional charges of $4 to $5 per line per month for "access to intrastate long-distance service" when a substantial portion of more than $5 billion of similar intrastate costs is also shifted to local customers.

In denouncing the FCC's access charge decision, U.S. District Court Judge Harold Greene, who is overseeing the AT&T divestiture, acidly observed:

> . . . Over 50 percent of the residential subscribers make only nominal use of long distance and 15 percent make no use of that service at all. Yet under the FCC policy all of them must pay for that access (to the long-distance network). It should be noted in this connection that 91 percent of all households now have telephones. As the FCC's access fee reaches $7, as it will in a few years, this is estimated to drop to 60 percent for very poor blacks, 65 percent for very poor living in rural areas, and 58 percent for very poor young people. That hardly sounds like universal service.

Although Judge Greene has charged that this decision "undermines one of the assumptions underlying the court's approval of the decree that there would be no impairment of the principle of universal service," he has acknowledged that he is without power to overturn or modify this decision.

State public utility regulators are also bereft of the tools needed to preserve universal service. They are alarmed by the magnitude of the local telephone rate increases currently pending before them. A survey taken by the staff of the House Energy and Commerce Committee reveals that in a number of States local telephone rate increases filed with State public utility commissions would result in at least a doubling of basic monthly customer charges. There are 26 pending rate increase requests totaling approximately $7.6 billion. All but two of these requests relate in part to FCC decisions and the divestiture. In a separate study, the Michigan State Public Service Commission has estimated that recent FCC decisions and the AT&T divestiture together may double basic local rates in Michigan in 1984 with the result that as many as one Michigan subscriber in six may be forced to drop off the network.

In many cases, State regulators are powerless to control these rate increases because FCC's decisions have stripped them of the power to control key elements of local rates. In a recent action the FCC preempted State authority over the depreciation methods used to recover the investments in local telephone plant and equipment. State regulators have called for and support congressional action that will give them the capacity to preserve affordable telephone service.

In the 1934 Communications Act the Nation committed itself to the goal of providing every American with affordable access to the telecommunications service essential to full participation in the Nation's commercial, political, and social life. This legislation contained a prescient recognition of the tremendous benefits universal service would confer on all Americans by unifying the diverse elements of our society through an integrated communications network.

The FCC decisions are part of a dangerous trend away from this national goal of a society unified through its communications network and toward a two-tiered telecommunications society. They make specialized services less expensive and ordinary telephone service more expensive. As a result, large business users will benefit from the recent advances in telecommunications such as teleconferencing and high-speed transmission of data and some private individuals may enjoy information-age offerings such as call forwarding, online information services, and bank and shop-at-home services. At the same time, however, ordinary telephone service may be transformed into a luxury beyond the reach of many Americans. Those who cannot afford luxury prices may be condemned to an information desert.

A democratic society ignores the development of a polarized society of telecommunications haves and have-nots at its peril. The Congress can restore some balance to a regulatory structure that jeopardizes the national goal of universal service. It can and shall reign in an FCC that has demonstrated in incredible insensitivity to its statutory mandate to assure that availability of affordable telephone service to all our citizens. By passing the legislation we will introduce today, it will reaffirm the national commitment to universal service and will guarantee that State and Federal regulators have the authority and the clear mandate to promote and preserve universal service and to insure that all who benefit from the availability of universal telephone service pay for it.

The future of the local telephone distribution system is also of vital concern. Business entities that provide essentially the same local transmission services would receive the same regulatory treatment. This is necessary to insure competitive equity, basic fairness, and a "level-playing field." It would also insure that the development and introduction of efficient new local distribution technologies benefits all, not just those with specialized needs. This issue has profound implications for the future of the public switched network and must be addressed as we consider universal service legislation.

I am confident that my colleagues of both parties in the House and Senate are committed to the preservation of universal telephone service and will join in the effort to move this legislation through the Congress to the President's desk by the end of this year.●

A PAUSE FOR START

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. GREEN. Mr. Speaker, I would like to bring to the attention of my distinguished colleagues an amendment which I intend to offer when we reach title XI of the Department of Defense authorization, H.R. 2969.

The amendment would establish a mutual, easily verifiable flight test ban on the MX missile and its Soviet counterpart the SS-24. The exact language of the amendment is as follows:

> SEC. 1111. None of the funds authorized to be appropriated by this or any other Act may be obligated for the flight testing of MX missiles during fiscal year 1984, unless and until the President certifies to the Congress that the Soviet Union has flight tested

in fiscal year 1984 a new type of MIRVed ICBM as defined under the provisions of the SALT II agreement.

I urge my colleagues to give this amendment serious consideration; not just the 207 Members of Congress who voted against procurement funds for the MX missile, but all Members of this House who are interested in arms control.

A ban on flight testing would not affect the status of the MX as a bargaining chip, but would, in fact, give the President and the negotiators at START a chance to stop the dangerous escalation of new MIRV'd ICBM's.

This is the time for such a test ban on flight testing of these weapons. Reportedly, there have not been enough successful flight tests for either side to have confidence in the capabilities of such weapons. Therefore, presumably neither side would proceed with procurement or deployment during this 1 year period.

I would like to further emphasize that this would be a mutual moratorium on flight testing. It would not dictate the terms of our START negotiations; it would not dictate a trade of our MX for their SS-24. It would be a pause, which would provide an opportunity for negotiations to go forward.

A similar resolution has been introduced in the Senate by Senators LEVIN and KASSEBAUM and has already received bipartisan support from Members of that House. It is an idea which I hope will be supported by both sides of the aisle in this House as well. In fact, it is irrelevant for purposes of this amendment, whether you think the MX is a good idea or a bad idea, as long as you believe that a mutual pause in the flight testing of new MIRV'd ICBM's, as defined by SALT II, is in the national interest.

In a sense, this amendment throws down the gauntlet. It says to the Soviet negotiators and to the U.S. negotiators: We are giving you a chance. It may be our last one.●

THE CAPTIVE NATIONS, 1983

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 1983

● Mr. MICHEL. Mr. Speaker, once again we pay tribute to the captive nations. Once again we speak about the need to remember the plight of those under Communist domination.

But do we really listen to what is said during Captive Nations Week? Have we said the same things so many times that they have become meaningless?

It would appear that this is the case. Consider the Soviet invasion of Afghanistan and the war being ruthlessly carried out against the innocent people of that land. How often do you see reports of that struggle on the television evening news? How many Congressmen speak with outrage about Afghanistan's plight when we have our 1-minute speeches at the beginning of each day? When was the last time we heard anyone in the House give us the facts and figures, so far as they are known, of what the Soviets are doing in Afghanistan?

It is almost as if we do not want to know. It is almost as if we in Congress are content to pay lipservice to certain values and appeal to certain ethnic groups once a year in captive nations speeches and then forget about them. It is as if we fear that a strong speech pointing out Soviet crimes and atrocities might be seen as cold war rhetoric by the media. No one wants to be seen as a cold warrior.

And so Poland's suffering continues. We protest. But then we forget. Afghanistan's suffering continues. We wait for a headline detailing some Soviet atrocity. We protest. Then we lapse into amnesia. There is at least reasonable suspicion that the KGB tried to assassinate the Pope. Has anyone in Congress mentioned this recently? The proud and ancient nations of Eastern Europe remain dominated by totalitarian ideology. We take it for granted as if it were the most natural thing in the world.

If anyone in the House condemns communism—except once a year during Captive Nations Week—he is looked upon as being out of step with progressive thought on geopolitical subjects, perhaps even a bit dangerous.

Castro's Cuba, a wholly owned subsidiary of the Soviet Union, has been transformed into a permanent Communist aircraft carrier, 90 miles from our coast. Castro is supplying Marxist-Leninist terrorists with arms and supplies in Central America. But when anyone mentions this, the more sophisticated among us cough a bit in embarrassment, shake their heads in dismay and tell us we must not revert to "cold war rhetoric." Heaven forbid we should be so uncouth as to repeat, day after day, the truth about communism.

And so we pay ritual tribute to the captive nations once a year during Captive Nations Week. As we speak, Radio Free Europe and Radio Liberty and the Voice of America are doing their best to inform those living under Communist domination. That, at least, is something. I wish we could redouble our efforts in this area.

I must say that when I hear some of our Members eloquently lecture us on the topic of human rights abuses in nations ruled by authoritarian but non-Communist rulers, I wonder why we do not spend more time—much more time—on the overall record of Communist atrocities around the world.

Communist totalitarianism itself—the very existence of it—is the most widespread, persistent and violent abuse of human rights in all of history. But there are times in the House when it seems as if mentioning this undeniable fact is considered bad taste, not the kind of thing one talks about in polite company.

But at least during this week we will have a chance to tell the truth. All I ask is that we are doing today, we continue to do all year. If our outrage is considered bad taste by the cynics and the sophisticates, so be it.●

STILL HOPE FOR SOVIET FORCED LABORERS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. SMITH. Mr. Speaker, since I introduced House Concurrent Resolution 100, which condemns the use of forced labor in the Soviet Union, I am pleased to report that over 110 Members of the House have joined as cosponsors of this long-overdue resolution. In addition, the resolution has been endorsed by the AFL-CIO and by such leading human rights organizations as the International Society for Human Rights.

I would like to take this opportunity to thank the chairman of the Helsinki Commission, Mr. FASCELL, and the chairman of the Subcommittee on Human Rights and International Organizations, Mr. YATRON, for cosponsoring House Concurrent Resolution 100 and for agreeing to hold joint hearings on this situation in September of this year.

It is gratifying, Mr. Speaker, that so many Members of Congress and human rights activists around the world have expressed such concern for the more than 4 million forced laborers in the Soviet Union. For those who are now held captive by this deplorable system of labor, I suggest that we are their ray of hope. It is only by our condemnation of this system that the exploited workers in the Gulag will be set free.

I also want to take this opportunity to include for the records of the House two articles which appeared recently in the Colorado Springs Gazette Telegraph. The first is an editorial written by Dan Griswold entitled "Polish Refugees Bring Hope." It appeared in the May 11 edition of the Gazette Telegraph. The second is a personal story of a Polish refugee entitled "Soviet Slaves Matter of Fact to Refugee." It was written by Bob Shaw and appeared on May 9, 1983.

I hope that these articles are helpful and enlightening to all of my col-

leagues. Thank you again for your support.

POLISH REFUGEES BRING HOPE

(By Dan Griswold)

Seldom does an issue of world importance come vividly to life in Colorado Springs. But it happened this week when four refugees from Poland who fled their homeland to settle here discussed their lives and their involvement with the Solidarity labor union in communist Poland.

Monday the Gazette Telegraph published interviews with the four refugees—two male workers in their 20s, a grandmother and her daughter. The story they told was of a productive, independent-minded people struggling under the domination of the Soviet Union.

Each left Poland before martial law was imposed in December 1981. Each found refuge in Austria before coming to the United States, where they have brought with them their experiences under communism.

When Zofia, the grandmother, returned to Poland after three years' work on the Soviet natural gas pipeline, she found Poland "much, much poorer. Everything * * * went to the Russians," she said, including rugs, curtains, spoons, knives, forks, cement and bricks, despite shortages of those products in Poland.

Solidarity leaders and activists were rounded up at night when martial law was imposed, some still in their pajamas. "They were rounded up in huge groups and sprayed with water—teachers, workers, doctors. The water froze. Some got sick, some died," according to Zofia.

The refugees told of communist rulers living in luxury while the people suffered, and of how Solidarity was a spontaneous uprising of the "96 percent of the people (who) are with Solidarity" against "the other 4 percent who hold us."

One of the most compelling accounts was by the grandmother, who witnessed the use of slave labor during her three years of work on the huge natural gas pipeline from Siberia to Western Europe. Zofia, who worked on it voluntarily, said that Soviet use of slave labor to build the pipeline was "common knowledge."

"But they only did that east of the Ural Mountains. They were careful to keep them apart from everyone else," she said. The slave workers were confined to small areas.

Her recollections carry weight not only for our humanitarian revulsion to slave labor, but because the use of slaves on the pipeline has come under heavy criticism from President Reagan and other elected officials, including U.S. Sen. Bill Armstrong of Colorado.

Last week Armstrong introduced a resolution in Congress demanding the Soviets "end the reprehensible policies of forced labor." Using slave labor violates international treaties signed by the Soviet Union, Armstrong said. American intelligence agencies estimate more than four million human beings are forced laborers in the Soviet Union, including at least 10,000 political and religious prisoners.

A similar resolution in the House, introduced by Rep. Chris Smith, R-N.J., has gained more than 60 cosponsors. It seems the Polish refugee's account here was more than just an isolated incident.

While the recollections of the Polish refugees painted a depressing picture of life under communism, the underlying message of their stories was hope. Despite a year of martial law, the plundering of the Polish economy and communist forced labor, the refugees remain confident that Solidarity will eventually change the morally bankrupt system.

SOVIET SLAVES MATTER OF FACT TO REFUGEE

(By Bob Shaw)

The controversial question of Soviet slave labor building a Siberian natural gas pipeline to Europe isn't controversial to a recent Polish immigrant.

To her, it's a matter of fact. "But they only did that east of the Ural Mountains," said 57-year-old Zofia, who worked on the pipeline from 1975 through 1977. "They were very careful to keep them apart from everyone else."

Zofia, a former Solidarity worker who wanted her last name to be omitted in print, arrived in Colorado Springs one week ago today. Through translator Christina Trozs of Colorado Springs, Zofia said the use of prisoners and slaves on the pipeline was "common knowledge"—as were rioting and sabotage by paid workers.

Zofia worked as a quality control checker for a Polish clothing factory in the 1970s. But her bills became too much for her when she had to pay for her parents' funerals and medical help for her injured son.

So when a posted notice said more pay could be had by working on the pipeline in Russia, she signed the first of two year-long contracts.

Zophia worked at Base No. 4, which moved as the line progressed past towns with names like Nowopskow, Kartyn and Maszefka. None had a population over 10,000.

She worked in a food warehouse, distributing food for the 6,000-plus workers.

"Only the men actually worked on the pipeline," she said.

The workers were segregated by nationality. In Zofia's group were about 5,700 Poles. Nearby were camps of Germans and Czechs, but no talking with them was allowed.

Several times, she said, the Germans rioted. Barracks were burned, and costly equipment damaged. "I heard it was because they were getting less money, and they were jealous."

The Polish team, regarded as superior workers, was sent in to complete the 80-kilometer section of line the Germans didn't complete.

Several American machines were used, most of them made by Caterpillar, Inc.

Italian and Japanese equipment was also used.

To keep the American machinery running, 12 Americans were also at the camp.

"The Americans really didn't work much," said Zofia. "They had their own barracks. They'd sit around a lot and drink cognac, cognac, cognac."

But their light-heartedness was appreciated. "They put on cowboy shows for us. They would do tricks with a lariat."

The communities were always happy when work crews were nearby, for that meant food supplies would be increased. "They were always embarrassed about the lack of food."

The townsfolk were told that the crews were slave labor, and not to mix with them. But in two years, she routinely spoke with townspeople, as well as workers who had seen slaves and prisoners working on the pipeline east of the Urals.

"Those who came back would tell the others. It was just general knowledge."

She heard that the slaves were permitted to move only in small areas. "It was hard to tell if there were any around us. In Russia, a sister won't allow her sister into her house" for fear she will pass along something incriminating.

The issue of slave labor is significant because shortly after taking office, President Reagan banned use of American equipment for construction of the Soviet pipeline. He said European dependence on Russian gas would weaken the West, and that America wouldn't support a pipeline built with slave labor.

Both those contentions were disputed by NATO allies, who would benefit from the gas. Reagan later changed his mind, and again allowed the American pipeline machinery to be used.

Zofia said paid workers got preferential treatment. "We ate very well. We had priority over the Russians. All our cooks were Polish."

Food was cheap, too—the equivalent of 80 cents for a meal.

The weather was very hot in the summer, and got as low as 50 below zero in the winter.

"But we weren't cold." They were given good quality rubber boots, quilted coats, and Russian hats to keep them warm.

"Everything there was made in Poland," she said. Later, when she returned to Poland, she found that massive Soviet imports of Polish goods, at the expense of Poles, was a main cause of unrest.

The pipeline was big enough so she could walk through it, ducking slightly, she said. "It was worth freezing just to see it.●

ONE MORE EPISODE IN THE GENDER GAP SERIES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. LANTOS. Mr. Speaker, I do not believe it, but they did it again. In a continuing summer series—like old movie reruns—the administration has once again turned its back on women. With unbelievable insensitivity, this administration continues to be blind and deaf concerning women's partnership with and contribution to our society. A bipartisan Commission on Central America was just named by the administration. It is not a 12-person Commission—not even a 12-member Commission—it is clearly a 12-man Commission.

These 12 men have a "man-date" to arrive at a national policy consensus on U.S. strategy in Central America. They are to make recommendations on the economic, political, and social changes needed to promote stability in Central America in the next few years.

At this time, I will not address other deep concerns I hold about the composition and purpose of the Commission. I wish to focus specifically on the administration's persistent policy of keeping women on the periphery of critical national discussions and decisions.

How can a consensus on national policy be reached when more than half the citizens of our Nation—its women—are completely overlooked in these serious deliberations?

Surely careful consideration was given to these 12 appointments. Surely the political factors and substantive issues were weighed by the administration before the appointments were made. How could the administration turn its back, once again, on the women of America who express their concerns so articulately about peace in our world, about foreign policy, about economics and world trade, about the environment, about human rights, and about the possibilities of their sons and daughters being drawn into service in yet another war?

How is it possible that not one woman in all the land was considered qualified to serve on this Commission whose purpose is to propose policy and to persuade the American public to support those policies?

In this series of blunders, the administration has succeeded in further widening the gender gap which plagues them. These repeated oversights appear to be a comedy of errors, but the real situation is far too serious to be amusing.●

REAL RECOVERY REQUIRES PUBLIC/PRIVATE INVESTMENT

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. OTTINGER. Mr. Speaker, I would like to bring to my colleagues attention to a recent Washington Post article in which the author Gar Alperovitz poses an insightful argument: Federal investment is the only means to achieve a full and stable economic recovery. Mr. Alperovitz has been working with me on the National Economic Recovery Project which outlines an economic program based on high employment, high investment, and high production. In this article, Mr. Alperovitz clearly explains how such a program will work.

IF THE ECONOMY FALTERS, WE'LL LOSE THE DEFICIT BATTLE

(By Gar Alperovitz)

Now is the time for a phased expansion of federal spending to stimulate the economy, put people back to work and make sure that we move into a period of truly sustained growth.

I know this goes against the prevailing wisdom of the Reagan administration, as well as of many Democrats in Congress. They are concerned about the huge federal deficit—and rightly so. And they argue with some conviction that with economic growth estimated to have reached 6.6 percent in the second quarter of this year, the recovery is off to a good start.

Nonetheless, the fine print beneath the rosy economic headlines reveals real dangers that the recovery could abort. If that happens the deficit will be even worse than the $200 billion a year for "as far as the eye can see" that Office of Management and Budget Director David Stockman has warned about.

A strong case can be made that the best cure for the deficit in the long run is a government investment program to put muscle behind the recovery. This is also the only sure way to reduce unemployment rapidly, a goal that will not be met under even optimistic current forecasts. The spending should be accompanied by tax increases to make sure that politicians stay the course of fiscal responsibility.

The much publicized spring recovery is modest by historical standards—as Federal Reserve Board chairman Paul Volcker acknowledged at his Senate confirmation hearings this week. The administration's official forecast is 4.7 percent real growth for this year and 4 percent thereafter. Though the official projection for the next 12 months may soon be raised slightly, warnings of a possible collapse in 1984 have been sounded by both liberal and conservative experts.

One major problem is the unusually high value of the dollar, which makes U.S. goods relatively expensive for foreigners to buy. As long as this situation continues exports will not play their traditional role in keeping the recovery going.

Related to this is an even more ominous problem: global debt that could well lead to a crisis. The indebtedness of developing countries already has reduced their ability to purchase from the United States—a iact that obviously affects the vigor of American businesses increasingly dependent on exports.

Another looming difficulty is the future of the housing industry, normally a strong factor in sustaining a recovery. New housing starts are considerably up over last year. But, again, they are low by historical standards. While the first five months of the year saw housing starts running at a rate of 1.5 to 1.8 million units a year (compared with 1.1 million units in 1981 and 1982), in 1977 and 1978 housing starts ran around 2 million units. Continued high real interest rates—and fear of even higher ones—threaten the ability of this sector to help the economy sustain its surge.

Overly optimistic government statements have also obscured the fact that business continues to sit on the sidelines, unwilling for the most part to commit itself to really substantial new investments in plant and equipment.

While investment normally does not rise significantly in the early stages of a recovery, it is not at all certain that it will rebound along traditional patterns. Why should it? Even if the economy improves considerably there will still be large amounts of excess capacity. With all the other uncertainties in the picture, and the precedent of the short-lived 1980-1981 upswing, there is every reason for business to be cautious.

Finally there are the much discussed interest rate problems, including uncertainty over the Federal Reserve Board's future policies and the impact of the recent economic spurt on interest rates.

Overshadowing everything, of course, is the deficit. Politicians on all sides are mesmerized by it. The Reagan administration and others have proposed that expenditures be reduced—but this is a sure way to weaken the recovery. So, too, near term tax increases unaccompanied by new expenditures would reduce economic stimulus just when we need it.

Doing nothing but waiting and hoping opens us to the grave risk of the administration's conservative posture. We know for sure that future deficits will grow if the recovery collapses. If this happens we could be in real trouble, with a slipping economy hammered down even further by still greater borrowing and by the additional long-term interest rate problems that would bring. Excessively cautious economic policy, like an elderly person driving below the speed limit on the highway, can cause crashes too.

A decisive strategy to expand government spending is the one sure way to offset the negative factors threatening the recovery. It offers the promise of a higher growth rate, which will guarantee lower unemployment and reduce the deficit faster. Unemployment is currently 10 percent. If it were 6 percent added tax receipts and reduced recession-related social outlays would cut the deficit by roughly $110 billion. And this, in turn, would help reduce long-term interest rates—the key to stimulating construction and other investment needed to sustain economic lift.

Federal Reserve Board action to lower interest rates would also help. But the effect of lower rates will be far less in the absence of real assurances of long-term growth.

The deficit, of course, arouses extreme fears about the effects of more government investment. After all, the $200 billion that the federal government is expected to borrow in 1983 will absorb a substantial amount of the $500 billion in funds available for investment by the private and public sectors. Experience shows, however, that there is no automatic connection between big deficits and interest rates.

In the two years since Ronald Reagan took office federal borrowing has tripled the $60 billion deficit recorded during the Carter Administration. Yet at the same time the broad trend of both short- and long-term interest rates has been down, not up. If the Federal Reserve helps accommodate an expansion, interest rates can be stabilized in the near term.

A related objection is that large deficits "crowd out" private investment. Again, however, this concern needs to be carefully examined.

In the first place, a substantial amount of private investment is generated from company profits. This is money that is available to a firm without it going into capital markets, where interest rates are sensitive to federal borrowing. In 1982, such sources of funds generated $236.1 billion for corporation—only slightly less than the $246.2 billion that they actually invested in new plant and equipment

It is also worth noting that roughly $85 billion of the deficit goes to paying the interest owed to banks, individuals and companies holding government bonds and securities. Much of this money gets cycled back into the economy and is again available for investment.

In opposing more government investment now, politicans are also responding to a fear that deficits cause inflation. But inflation has actually been declining dramatically even as the budget deficit has been rising.

None of this is to say that proposals to increase taxes so as to radically reduce the deficit when and if the recovery achieves high levels are in error. Quite the contrary. At the moment we have a window of oppor-

tunity to spur the economy with a carefully scheduled program of government investment. Later, when production picks up, "crowding out" would be a real threat. But that is not yet the case.

The Reagan tax slashes of recent years have seriously weakened our revenue base, and we badly need to repair the damage—preferably by eliminating some of the most egregious loopholes in the system and by reducing favored treatment for the wealthy. Despite lip service to a proposed "standby tax, which would go into effect if the future deficit were above 2.5 percent of the Gross National Product, however, neither the administration nor the Congress has shown serious support for a tough schedule of tax increases. Congress has passed a budget conference report that would only raise taxes modestly, but the president has already vowed to veto any new taxes in the coming year.

In fact, it would make sense to increase taxes substantially in the near term provided this were matched by new expenditures so that the economy would not be weakened. This reversal of our current fiscal mix would have the added benefit of reducing the near term deficit. The reason is that the positive economic effect of government spending is greater, especially in the near term, than tax cuts. Spending produces more jobs in the economy, dollar for dollar, than tax cuts. And more jobs means more money flowing back to the Treasury. Indeed, investment went down rather than up after Reagan administration's business tax cuts for investment.

Even intelligent deficit-reducing tax proposals, however, still put the cart before the horse. The heart of the matter is the need for decisive action to make absolutely sure the economy does not falter. Were our sights set clearly on the recovery rather than the deficit, we could plan a careful expenditure package which simultaneously strengthened our long term economic prospects. Work on this should start now so that it will be in place by 1984.

Some social safety net programs, training efforts, and low skilled, quick-hitting jobs in energy conservation, housing rehabilitation, and health care should be expanded in the near future. Mid-range investments in road maintenance, infrastructure repair, and housing could follow. If our goal is unemployment in the 5-6 percent range, there is also enough lead time for targeted industrial investments to improve both basic and high technology industries, and for longer term public works projects. In connection with recent congressional proposals for a high production strategy, American University Professor Nancy Barrett has analyzed several alternative investment options involving such a policy mix. All of these options produce more jobs, lower unemployment and, when combined with appropriate tax increases, a lower deficit by 1988.

There are risks involved in using government spending to stabilize the economy. If we do not take adequate action on the tax front, the future deficit could lead to high interest rates. If we add too much spending too fast we could produce excessively high growth. If the Federal Reserve Board, fixated with monetarist concerns about the growth of the money supply, is uncooperative, it could block the recovery.

But there are concrete answers to each of these concerns. Taxes can and should be raised. While the rate of additional government spending needs to be carefully scheduled, recent studies demonstrate that we have considerable leeway for speeding up growth without unleashing significant inflation. The administration and Congress have the power to require the Federal Reserve Board to accommodate a faster recovery. With commodity and gold markets both strongly indicating very reduced inflationary expectations, the government could legitimately exercise this power if a firm decision to reduce the deficit were taken.

Of course, there is a danger that as more and more people return to work and begin spending money we could have a new round of inflation. Accordingly, in advance of unemployment rates dipping downward toward 5 or 6 percent, the government should institute a series of new inflation-fighting measures. These should include encouraging increased productivity through research, development and training programs; targeting jobs to areas of labor surplus and weaker wage demand; negotiating a formal or informal incomes policy to slow the rise of wages and prices, and expanding oil and public grain reserves while establishing standby controls to prevent future price jolts in these areas.

Our present posture is one of vulnerability to international uncertainties, changes in bond market expectations, reactions of the Federal Reserve Board and the unpredictable forces which govern longer term business confidence. The risks of a public investment policy, on the other hand, can be insured against.

Admittedly, it is going to be difficult to persuade the Reagan administration that this is the right course. And unfortunately many Democrats, who privately acknowledge that these measures are needed, are fearful of being labelled big spenders. So politicians of both parties bicker over relatively small tax and public investment programs.

Perhaps the fairy godmother who guards Ronald Reagan will make things work out for him and us. It is, unfortunately, more likely that as in 1980 and 1981 our failure to act will ultimately produce renewed massive unemployment, business failures and industrial deterioration.

If so, we shall one day have to repair the damage. But by then we will have paid even greater costs in money and human misery for our lack of courage.●

IN COMMEMORATION OF CAPTIVE NATIONS WEEK

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. GILMAN. Mr. Speaker, I am pleased to join my colleagues in commemorating the 25th anniversary of Captive Nations Week. On July 19, 1983, along with several other Members, I attended the proclamation of the Captive Nations Week by President Reagan. The assemblace of captive nation representatives were quite enthused that the President took the time to give precedence to this important and worthy issue.

This commemoration signifies the equality of all human beings, and their natural born right to exercise individual freedoms. The people of these nations look to the United States as an outstanding example of human rights and freedom for the world of nations. For this reason, Captive Nations Week will be celebrated each year until such time as all of the nations of this world attain independence and freedom.

Ours is a nation of different ethnic, religious, and cultural backgrounds, a number of which stem from the captive nations. The people of this country have always been tireless supporters and defenders of the independence of their nations of origin. By observing Captive Nations Week, we demonstrate to these countries that they have not, and will not be forgotten, and that hopefully, one day, they shall regain their lost independence.

In his proclamation, President Reagan stated that "Free people, if they are to remain free, must defend the liberty of others." By this commemoration of the oppressed nations of the world, we not only defend their right to freedom, but the ongoing freedom of our own nation, as well.

The unabashed expansionism by the Soviets has "made a mockery of the idea of peaceful coexistence between nations." The nations overcome by Communist expansion need a sign of hope that they will not be forgotten and will again be free. The commemoration of Captive Nations Week provides that hope, and shall continue to do so until all oppressed nations regain the freedom they once had.●

VICTORY WITHOUT WAR?

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. ADDABBO. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

VICTORY WITHOUT WAR?

(By Irving Zuckerman*)

My tax accountant phoned to ask what I meant by sayng that "in former year (federal) deficits were considered to be stimulative."

Him: Would that mean that the on-going recovery might actually be due to the huge federal deficit?

Me: Possibly, because the federal government's spending is putting more dollars into the economy than it is taking out of the economy in taxes. Considering the size of the federal deficit, we should in fact be having a very, very, robust recovery.

Him: Then why isn't the recovery much more robust than it is, given such huge stimulation?

Me: I am inclined to think that the recovery is restricted by the enormous size of the accumulated debt in the economy with the related interest payments.

Him: So you could be thinking that the recovery might well be materially damaged if

*Economic consultant. Formerly an Assistant Director for Planning and Budget in the Interior Department.

we reduce the federal deficit without first reducing the size of the accumulated private debt and its related interest payments, right?

Me: The recovery is stimulated by the deficit, which seems to mean that great care is needed to reduce the restraint before reducing the deficit-stimulus. That reduction of restraint seems to require a reduction of the $6 trillion of accumulated debt, with particular reference to the $2 trillion of accumulated debt-financing of the non-financial corporations. Reduction of accumulated debt might well also prove to be a much better way to fight inflation than the austerity method.

Him: I think you have said that before. Do the higher interest rates increase the cost of building defense plants, and the cost of producing defense equipment? If I understand you correctly, the higher interest rates that curb invesment, might involve curbing the addition of plants including defense plants?

Me: Sometimes investment in defense-related plants might be curbed, since. . .

Him: The idea of both sides building frightening weapons to force favorable negotiations troubles me, because there is no guarantee they won't be used. And then, so-called conventional war also involves huge destruction. If war as we know it now is actually horrible, war as a "peace process" become dubious. Maybe we will have to settle with tossing a coin, winner take all? Or possibly a glorified crap game, to see who gets what?

Me: At issue is much more than "who gets what", it is more a matter of "how people live". The "how people live" issue is usually abbreviated as democracy versus authoritarian, capitalism versus communism, social-democracy versus authoritarian, one form of authoritarian versus another form of authoritarian where there is no middle-class, and so forth.

Him: Well, it seems to me that profit-motivated free economy system wins on the merits hands down, just on the basis of obvious experience.

Me: If you look at the condition of free economies around the world right now, and considering the way you worry about deficits, interest rates, and clients teetering on the edge of bankruptcy, not to speak of massive unemployment, it is possible that the experience in favor of free economy approach, or market economy as it is often called, is not so overwhelming in the eyes of the on-lookers. In the arena of "how people live" issue we do need more of an edge than we have, and we could have more of an edge.

Him: You mean that if we really "made a lady" out of our own free economic system we could by example sweep authoritarian systems from the face of the earth?

Me: Possibly, and despite despots, and . . .

Him: That is, of course, the kind of competition I would like to see. But, if I understand you correctly, that boils down to a sort of "clarification within" to "make a lady" out of the U.S. system itself. I do not think anybody really knows what that takes.

Me: Before installing anything on a big scale, it should be tested on a small scale. There are a number of likely small-scale economies in very bad shape, where a diversified team of professionals could work to "make a lady" of that small economy, and then apply to the economic system what is proven by test. There could be several such pilot-economies based on free economy approaches, without too many pre-suppositions otherwise. A different team in each pilot-economy of course. On small-scale, it should be possible to observe better exactly what is causing what, and what can result in what. In our over-complex economy it is too easy to blame the wrong things, and to accredit the wrong thing.

Him: As an accountant, I expect that the amount of data needed for system-analysis would be much less in a small-size economy. Do you think we could develop a standardized free economy system that could be installed in any country—just as accountants install standard basic systems in many corporations?

Me: Yes, installed and maintained. How would you try to install a standardized basic free economy system, with periodic audits? We are doing many things that are much more difficult.

Him: How many economists would you have on the diversified team of professionals?

Me: An economic system is now installed with a set of basic statutes, implemented by commercial practices, etc. Each professional on the diversified team would need to have substantial talent, and the captain of the team would have to be good enough to make one-man recommendations to a reasonably cooperative government in a pilot-economy. As a general proposition, the captain to serve only as long as his recommendations produce results. Some of the economic institutions might need to be somewhat like those in the U.S. to make the pilot-experience more transferable, but this need not be overdone.

Him: Do you have any idea as to how long it would take to obtain major results?

Me: With several small-scale pilot-economies in operation, each with its own independent "think-tank," I would not be surprised to see major progress within 2 or 3 years, with any kind of luck and a willingness to "let the chips fall where they may." It would be based on a set of technical manuals for system-installation for a fully-free economy, with "dos and don'ts" to keep it so. We are more than half-way there now.

Him: CPA firms do that sort of thing for corporations, based on generally accepted accounting principles.

Me: And engineers provide such technical manuals for many kinds of very complex machineries and systems.●

FISHERMEN'S WITHHOLDING TAXES

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. JONES of North Carolina. Mr. Speaker, I am introducing today H.R. 3629, a bill to repeal the 1976 exemptions from withholding of Federal income taxes and social security taxes for commercial fishermen.

These citizens have come to me urging that these taxes be withheld from their paychecks. They want to pay their taxes and we should allow them to do this in the most efficient, convenient manner.

Indeed, for crewmembers of fishing boats, who have been designated "self-employed" since the 1976 Tax Reform Act, this exemption policy creates a decided hardship. These crewmembers are not, in fact, "self-employed" as they must rely on boatowners who hire and fire them. Also, their wages consist of a "share in the catch"—that is, the boatowners and crewmembers divide the proceeds from the sale of the fish caught. Given the precarious nature of commercial fishing, one good fishing trip with one good paycheck may be followed by weeks when no fish are biting and no money is coming in.

Withholding of taxes was initiated in this country to enable the average taxpayer to distribute his tax burden over the full year. This procedure eases the payment of such taxes and makes it possible for the wage earner to budget his income to cover other expenses as well.

Under the present situation, however, the fishermen and their families are sometimes faced with a tax bill at a time when they can least afford it. The decision must then be made whether to spend their limited funds on food for the family and utility bills or pay their taxes and do without. They want to be able to meet their responsibilities to both their Government and their families and are asking that tax moneys be withheld to assist them in managing their funds in a steady manner despite the fluctuations of their income.

Prior to 1976, the boatowners, as employers, were required to deduct the appropriate tax from the fisherman's paycheck. This withholding procedure was and is clearly prefered by the crewmembers. In addition, a special exemption from the Federal Unemployment Tax Act (FUTA) for fishing boatowners was passed in 1981 and 1982 to exclude the boatowners from paying these taxes. As a consequence of this change in the law, the crewmembers have found themselves ineligible for unemployment benefits to their financial detriment. In essence, the crewmembers want to be removed from the self-employed status that accompanies these exemptions.

The crewmembers are not trying to shirk their responsibility as taxpayers—they want to pay these taxes by simply having them withheld. This policy makes sense as it will not only benefit fishing families, but also the Government, which will collect these revenues sooner and benefit from their receipt and use earlier than is now the case. Given the expanding Federal deficit, the Federal Government cannot afford to turn away citizens who wish to advance the date for payment of their taxes. This measure will spread out and ease the tax burden of our fishing crewmembers while bringing money into the Federal Treasury on an expedited basis and I hope it will recieve the support of my colleagues.●

ISSUES RELATING TO AGING

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. ROYBAL. Mr. Speaker, today I am pleased to introduce a concurrent resolution expressing the sense of the Congress that the United States implement its responsibilities under the plan of action resulting from the 1982 U.N. World Assembly on Aging.

I have been joined in sponsoring this resolution by the distinguished chairman of the House Foreign Relations Committee, Representative ZABLOCKI, as well as Mr. BONKER, Mr. LEACH, Mr. CROCKETT. A parallel resolution was introduced in the Senate yesterday by Senator HEINZ, Chairman of the Senate Aging Committee.

It is appropriate that the Congress adopt this resolution, since the World Assembly itself was the result of congressional initiative. In 1977, both the House and Senate passed resolutions requesting the United Nations to organize a World Assembly on Aging in order to focus on issues relating to the aging of populations in every corner of the globe.

The World Assembly on Aging was held in Vienna, Austria, from July 26 to August 6, 1982. The House Select Committee on Aging was represented at the conference in addition to 2,000 people from over 125 countries. Their deliberations focused on the enormous impact the worldwide aging of populations is having and will continue to have on the social, economic, and political fabric of both the developed and the developing countries of this world.

The purpose of this U.N. sponsored conference was to develop an "International Plan of Action on Aging." This plan of action was to provide member nations and the U.N. agencies with guidelines for formulating both national mutual assistance policies with respect to aging. As finally adopted by the participating countries, the plan of action contained 62 recommendations for national, regional, interregional, and global action.

These recommendations emphasize the enormous effect that the elderly will have on society in the coming years. They also stress the incorporation of the consideration of the elderly—their needs and their contributions, within national planning for development. Specifically, they call for closer coordination between social welfare and health care services, for self-help and nutritional training of the elderly and themselves, for the assurance that all older persons will have an appropriate minimum income, for the maximization of the social functioning of the elderly, for programs which assist them to remain in their own homes for as long as possible, and for support for maintaining family solidarity among generations.

The International Plan of Action on Aging calls for the review and update of the plan every 4 years. It requires the submission of reports by 1985 from member nations detailing the action taken by each country with respect to aging.

The final version of the plan was endorsed by each of the 125 nations at the World Assembly, and was subsequently adopted unanimously by the U.N. General Assembly on December 3, 1982.

Mr. Speaker, I believe that we, as the originators of the World Assembly, should be taking the lead in insuring that the plan of action is taken seriously by our own Government. My resolution urges the President to: First, instruct each department to take steps to implement the plan of action's recommendations, and to prepare for the upcoming, scheduled review of the World Assembly recommendations in 1985; second, to promote the free flow of aging information and aging research between State and Federal governments, international organizations and other nations; third, to continue to induce greater involvement of the private sector in responding to the concerns of the aging; and fourth, to assure Third World countries of the importance that the United States places on the issue of aging in both national and regional economic and social development plans.

It is my belief that we as a Congress have an important and useful international role for the United States with regard to aging policies and programs. Each year the Agency for International Development grants millions of dollars to countries for social and economic improvement. As their populations age, there will be a need for them to concentrate on the social and economic impact of this change. The United States must develop a policy in both multilateral and bilateral relationships that fits in with these new needs. Passage of this resolution will reaffirm our commitment to a constructive response to the issues and opportunities presented by the worldwide program in promoting longer human life. I urge my colleagues to join in cosponsoring this resolution.●

IN SUPPORT OF RULE ON H.R. 2957

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Ms. KAPTUR. Mr. Speaker, I rise in support of the rule for H.R. 2957. Although I opposed packaging of these measures during consideration in the committee, I believe that we now have the best possible rule, that is, a very generous open rule. It is time for us to move ahead and debate the various portions of this bill on their merits. We need a full debate on H.R. 2957, and that is a real possibility under this rule.●

EARLY ELECTION PROJECTIONS STILL A PROBLEM

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 21, 1983

● Mr. BIAGGI. Mr. Speaker, as one who is deeply concerned about our Nation's declining voter turnout, I want to focus my colleagues' attention on a report jointly issued today by the League of Women Voters of the United States, and the Committee for the Study of the American Electorate (CSAE).

Specifically, the report states that the three major television networks projected at least some 1982 election winners before all polls in the particular States involved had closed. These findings are especially significant because each of those networks—ABC, NBC, and CBS—had voluntarily agreed not to project election results in any State before the polls had closed in that State.

The voluntary agreement by the television networks not to make early projections came after a University of Michigan study, which was funded in part by ABC news, concluded that overall voter turnout in the 1980 Presidential election declined by 6 to 11 percent as a result of the early projections.

A number of congressional hearings were conducted after the 1980 election to examine the early election projection issue. The evidence accumulated tends to support the University of Michigan conclusion that the early projections of a Ronald Reagan victory in 1980 by the networks resulted in a reduced voter turnout, particularly in the western region of the country.

For example, a Los Angeles County Registrar's report shows that the number of Los Angeles County voters who went to the polls after the Reagan victory was projected declined by more than 3 percent when compared with the same voting period for 1976.

A Field Institute Survey, conducted in January 1981, showed that "one in ten—10 percent—of those who said they were registered but did not vote specifically blame their failure to vote on the early network projections." The Field Institute Survey polled 1,061 Californians.

A Census Bureau study conducted after the 1972 Presidential election, in

which a Richard Nixon victory was projected before polls closed in the West, revealed evening voter turnout in the West was much lower than in the East. For example, out of those surveyed in the Northeast, 21.2 percent said they voted after 6 p.m., as compared to only 14.9 percent in the West.

Two recognized experts in the area of voting behavior, Raymond Wolfinger and Peter Linquiti, studied the hour-by-hour voting patterns in 1972 and compared their findings with an hour-by-hour voting breakdown for 1974, when there was no early election projection. They discovered an unexpected 2.7 percent shortfall of votes cast after 6 p.m. in the West during the 1972 election. In an article that appeared in the February-March 1981 issue of "Public Opinion," they concluded: "In the absence of any other explanation for this gap of 2.7 percentage points, we think it reasonable to suggest that it reflects the network's early verdict on the 1972 election."

Yet, despite this evidence of early election projections having an adverse impact on voting behavior, nothing change for the 1982 election, except for the voluntary pledge by the networks that they would not make projections before polls closed. Now, it appears that even that change was not implemented, at least not to the full extent that had been suggested.

Specifically, the study conducted by the League of Women Voters and the CSAE found that:

All three networks projected election results before poll closings in some of the 13 States whose borders are within two time zones and while people were still voting in the more western time zone.

All three networks used exit polls as a basis for making their projections.

Two networks, ABC and NBC, violated their own standard by projecting some election results in Western States shortly before the polls had closed in those States.

One network, CBS, made a national projection of the party line-up of the House of Representatives while a substantial number of voters were still casting ballots for House candidates.

One network, ABC, chose to comment extensively on the likely results and relative closeness of particular races while voters were still going to the polls to cast ballots on those races.

Clearly, voluntary efforts by the networks are not enough to remedy this serious problem. However, we must also be concerned about proposals aimed at restricting the media's ability to report the news, or in this case, make projections based on available data. Simply stated, the networks have an obligation to inform the public in a prompt and effective manner. It would be extremely inappropriate for the Congress or anyone else to restrict that ability considering the high regard this Nation has for freedom of the press.

Instead, I favor a two-pronged solution to the problem. First, we must continue to encourage the voluntary efforts by the networks to restrict early projections based on exit polls, and we must demand better results from those efforts. Second, I believe election day should be moved to Sunday, with uniform voting hours during presidential elections, as proposed in my bill, H.R. 84.

First introduced prior to the 1980 election, H.R. 84 provides that all Federal general elections would be held on Sunday, and all polling places across the country would open and close at the same time—12 to 9 p.m. EST—during presidential elections. These changes would apply for a 6-year experimental period beginning with the 1984 presidential election.

It should be noted that there is simply no comparison between our Nation's dismal voter turnout rate, which was barely 50 percent during the most recent presidential election, and the 85 to 90 percent voter turnout in European countries that vote on Sunday. Sweden, Austria, west Germany, Italy, and France all held their most recent elections on Sunday and voter turnout was between 86 and 90 percent.

The facts also show that voter turnout in the United States has declined in every Presidential election since 1960, when 62.8 percent of the voting age population turned out. The 1980 voter turnout was the lowest for a Presidential election in 32 years—53.95 percent.

In non-Presidential election years, the figures are far worse, with only 40.3 percent of the voting age population participating in the 1982 elections.

Admittedly, there are a number of uncontrollable variables responsible for this disturbing trend. However, my proposal addresses two voting obstacles that can be alleviated—voter inconvenience, and early election projections by the media.

Let me emphasize once again that my proposal would in no way interfere with the media's ability to report news to the public. In fact, both CBS, Inc., and ABC, Inc., have endorsed the same time Sunday voting proposal.

To quote Leonard H. Goldenson, chairman of the Board of American Broadcasting Companies, Inc.

Congress should mandate a uniform poll closing time across the Nation. While Congress is at it, election day should be moved to Sunday from the traditional Tuesday—it is easier for most people to get to the polls on Sunday, and the highest voter turnouts are regularly reported by democracies that do their balloting on Sunday.

Mr. Speaker, clearly such statements are a strong indication that the media shares our concern about the voter turnout problem in our Nation. However, it is also clear that the Congress and the media must work together to help solve this problem; voluntary efforts are simply not enough.●

SENATE—*Friday, July 22, 1983*

(Legislative day of Monday, July 18, 1983)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Father in Heaven, in a week like this with its pressure, its tension, its anger, behind the scenes many have sacrificed and labored long hours under great stress. We thank Thee for the dedicated support of the staffs in the offices of the Secretary, the Sergeant at Arms, the cloakrooms, and the CONGRESSIONAL RECORD. We thank Thee for the productivity and efficiency of the committee experts and Senators' staffs. We thank Thee for the pages, the security, the food service folk, the elevator, subway, and maintenance people.

Gracious God, may these faithful men and women be encouraged in realizing the Senate's dependence upon them and the indispensable role they play in the final product of Senate business. Bless them, Lord, strengthen them and help them find time for family, rest, relaxation, and recreation. In Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

COMMENDATION OF THE CHAPLAIN

Mr. BAKER. Mr. President, once again I commend the Chaplain not only on the content and the quality of his prayer but for the thoroughness of his prayer. I can think of only one or two categories that he left out.

SENATE SCHEDULE

Mr. BAKER. Mr. President, a cloture vote will occur after the establishment of a quorum. The quorum call will begin at 11 a.m. unless the order for the cloture vote is vitiated.

I have just concluded a meeting, Mr. President, with the minority leader, with the chairman of the committee, with the Senator from Colorado (Mr. HART), Senator JACKSON, Senators WARNER, and MELCHER, and others, and I am encouraged now to think we may be able to reach an agreement for a time certain for final passage on this measure, and that there is a good possibility we can vitiate the cloture vote.

If that is the case, and I fervently hope for that, today would be devoted to the consideration of amendments, I suspect probably the amendment of Senator MELCHER and, perhaps, other amendments, but I would not anticipate a late day today.

If we manage that and get this thing in good shape, I think we may be treated to a speech on the history of the Senate by the distinguished minority leader, which will be another in a series of those speeches. I wonder if the minority leader knows how many speeches on the history of the Senate he has delivered.

Mr. BYRD. Either the 60th or 61st.

Mr. BAKER. Sixtieth or sixty-first speech, each of them made verbatim on the floor of the Senate, as the minority leader continues to outline the history of the Senate in a very special and insightful way.

Those presentations will be printed and bound together in several volumes, I expect at some time, and I am sure they will become definitive historical works on the history of the Senate.

ORDER FOR PERIOD OF ROUTINE MORNING BUSINESS

Mr. President, I ask unanimous consent that after the time for the two leaders has expired there be a period for the transaction of routine morning business to extend until no later than 10:30 a.m. in which Senators may speak for no more than 3 minutes each.

The PRESIDING OFFICER (Mr. COHEN). Without objection, it is so ordered.

Mr. BAKER. Mr. President, I hope we will, by 11 a.m., and certainly before 11 a.m., be able to make a further announcement about the progress of the unanimous-consent agreement and the prospect of vitiating the cloture vote.

Mr. President, I have no further need for my time and I am prepared to yield it to the minority leader if he wishes.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak out of order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I fully anticipate any time the majority leader wishes to interrupt to put the request I will gladly accept the interruption. It is important that we get that agreement.

ORDER PERMITTING MINORITY LEADER TO SPEAK ON AUGMENTED TIME

Mr. BAKER. Mr. President, if the Senator will yield to me, I will propound another unanimous-consent request.

Mr. President, I ask unanimous consent, since the minority leader wishes to speak at this point and, perhaps longer than the time provided under the standing order, that the time remaining of the two leaders be aggregated with the time for the transaction of routine morning business, which will begin at this point, and the time Senators may speak will be limited to 3 minutes each, except for the minority leader who may speak without limitation until the hour of 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the majority leader.

CENTRAL AMERICA

Mr. BYRD. Mr. President, earlier this week, I expressed my reservations about the increased use of so-called bipartisan national commissions to tackle problems we are elected to face.

I said I was becoming increasingly concerned about government by commission, noting that recently two commissions, one on social security and the other on the MX, had been appointed and had made recommendations.

It was my belief—and it is still my belief—that the Commission on Social Security was beneficial, primarily because the representation was expert and balanced. The Scowcroft Commission was also expert and balanced. My enthusiasm for the Scowcroft report was somewhat tepid. That Commission admitted it mainly reached what it felt was a viable political solution.

Now, Mr. President, the President of the United States has announced a National Commission to deal with the problems of Central America. The scope of the Commission is unclear.

However, I named two Members of the Senate as consultants to this Commission. One, Senator JACKSON, first floated the idea of a commission while

the other, Senator BENTSEN, represents a State bordering Mexico, one which can be very much affected, and in immediate terms, by Central American developments.

Two distinguished Senators from the other side of the aisle have also been appointed as counselors—Mr. MATHIAS who, along with Mr. JACKSON, originated the idea of a commission, and Senator DOMENICI whose State, as with Senator BENTSEN's State, would be immediately affected by events in Central America.

In addition, I have asked the administration if I might be permittted to appoint Senator DANIEL INOUYE to serve in an ex officio advisory capacity. In my view this would represent a balanced range of opinion from different Democrats on the advisory panel. Senator INOUYE is a member of the elected Democratic Senate leadership, and all three are senior Senators, and I would anticipate, if the administration should agree to allow the appointment of a member of the Senate Democratic elected leadership, it would also be in order for the elected Republican leadership in the Senate to appoint a Senator to act likewise as an ex officio consultant.

However, in looking over the names of the members appointed by the President to the actual Commission, I am puzzled and somewhat disappointed.

They are all distinguished individuals. They represent different segments of society. Perhaps, on another issue, the group would be collectively balanced.

But in this case, they do not appear to have the diversity nor the expertise to deal with the problems in this explosive area of the globe.

What I most wonder about now is the need for such a Commission on Central America. What is its purpose? I would much rather see a national commission to deal with America's centers of hardcore unemployment. For example, my own State had 18 percent of its work force without jobs; more miners out of work than at any time during the last 80 years; very high unemployment among the construction workers in my State; and in some counties unemployment reaching higher than 30 percent and in some communities as high as 90 percent.

I have given this Commission matter much thought. I usually try to be cautious, and I try to look carefully before I leap.

So what I say is not to denigrate the President's Commission or the people who have been asked to serve on it. I merely ask: What is it for?

My fear in this case is that the so-called bipartisan Commission represents, or could represent—and without casting any aspersions on the Commission—a smokescreen for the administration to get its way on the issues developing in Central America.

I am not sure the administration's way is the right way. I am not sure that the American people feel that it is the course that should be pursued. I want us always to be militarily secure, but I do not want us to blunder into a possible quagmire.

I have repeatedly said our Nation should not be hamstrung by the mistakes of Vietnam. We should not be militarily paralyzed by that experience, but we should learn some lessons from that decade-long war.

My concern over the administration's actions in Central America have been heightened this week.

In the same week the National Commission on Central America is announced, we learn, one, that the administration is planning massive and extended military maneuvers in the area, and, two, that the administration is going to ask for $400 million in additional economic and military aid for El Salvador.

So why have a Commission? The administration apparently has already determined the course it is going to take economically and militarily.

It almost sounds as if the Commission, which I doubt has had an opportunity to even sit at the same table, has already had its decisions made for it.

It almost sounds as if the administration has already drawn up its agenda, and merely wants a Commission to ratify that agenda.

There seems to be an element of policymaking through public relations by appointing a Commission. Is the Commission's possible recommendations already a fait accompli?

Will the Commission find, by December, when it is to report its recommendations, that the circumstances are such that its recommendations will have to be such as will accommodate the circumstances and actions that have already occurred in the meantime?

It will be more difficult for the Democrats to dodge their responsibility once the dimensions of the problem are properly framed by the Commission.

The administration seems to have second sight into the Commission's thought processes.

Mr. President, I would hope we would not rush pellmell into a military adventure in this area. I would hope we would go slow, and think about the options and the consequences.

I would hope we would have more confidence in the Contadora group—the ideas of Mexico, Venezuela, Colombia, Panama—their viewpoints, their counseling, and work toward a regional peace.

Even the Nicaraguans are talking about a regional effort. Even Nicaragua is talking about negotiations on a reasonable basis. Even Nicaragua is talking about putting a stop to the transmission of arms into the area by any foreign country, including the United States, including Cuba, including the Soviet Union, or whatever. Nicaraguans are suddenly wanting to negotiate, and on a reasonable basis.

I would hope that at a time when Nicaragua is stating a willingness for reasonable peace talks, we would not be rattling our sabers.

I saw in one of the newspapers yesterday the word "intimidate" that some unnamed official used. As far as I can remember it was anonymous. But he said that this was an attempt to intimidate. Well, I hope we are not attempting to intimidate, but, rather, to get parties to negotiate.

From the Rose Garden, the President seems to see a very clear and present danger to America's future in Central America. And I do not denigrate the President's viewpoint in that regard. But I would urge him first to look at our own people, their opinions, their viewpoints.

He has indicated heretofore that no American boys will die in the area, no American boys will shed their blood there. Well, I do not know. I am concerned about the direction in which we are going.

As to economic assistance, I would urge the President to look first at our own country. I would not suggest that we have a revolution in West Virginia or that we have a guerrilla war there in order to get the attention of the administration and some economic aid for such States as mine. My State has an unemployment rate, as I have already indicated, of 18 percent, which is the highest in the Nation. And there are other States in Appalachia and outside Appalachia that are hard hit with unemployment.

But I would like for him to go down to McDowell County, W. Va., or over to the northern panhandle of West Virginia, where a lot of steelworkers are out of jobs. I would like for the President to think in terms of a policy that would revitalize our industries and that would really throw the administration's support behind education; that words match actions in connection with education; that the administration not slash and cut and emasculate education programs by reductions in funds while around the country talking about education and merit pay and all that. And I do not disagree necessarily with the talk, but it just does not match the actions.

While we hear of a Marshall plan for Central America, has the President looked at the sad state of our Nation's steel industry? Has the President seen the people of McDowell County in southern West Virginia selling their belongings, having yard sales along the side of the road?

I have one other thought on the topic of Central America, and I believe it is an important one.

One hears a lot these days about Democrats afraid of being cast in the role of "losing El Salvador."

I believe it is politically callous to frame the turmoil in Central America in terms of "who might lose this or who might lose that."

American lives are involved already. The administration's veiled threats of charging Democrats with "losing El Salvador" have been politically crass, to say the least.

If it is wrong to increase our involvement, and if it is not in our national interest, then American blood should not be spilled.

Whatever action is taken should be taken in the interest of what is best for the United States. If it becomes our national security interest to take other action, then we have a duty and responsibility to act within those U.S. interests. But I am not going to frame my thoughts on this subject within the context of political threat as to who lost El Salvador.

Mr. President, again I emphasize that I do not denigrate the Commission or the members thereof. I think they are fine people. But what I cannot understand is the appointment of a commission to recommend in December what we should do while we go pellmell down the course that the administration is taking, trying to intimidate Nicaragua, sending a task force, naval ships, increasing the number of advisers, and so on. It leads one to wonder as to whether or not the Commission is merely an umbrella to cover the actions of the administration which have already been decided upon, apparently, or at this point I would so imagine, in which event the Commission's recommendations will be irrelevant because, as I say, they may be confronted with what is already a fait accompli.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FORMER SENATOR HENRY BELLMON

Mr. NICKLES. Mr. President, once again in Oklahoma, the man of the hour is former U.S. Senator Henry Bellmon who has just stepped down from temporary duty at the helm of Oklahoma's largest agency, the Department of human services.

Those of my colleagues who served with Henry during his two terms in this Chamber will remember him as a forthright, honest, and independent man with a strong sense of duty to his fellow man, to his State, and to his country. Henry Bellmon has just completed 6 months as interim director of the department of human services, again demonstrating his exemplary skills as an administrator. In the short time he directed the agency, Henry made changes resulting in annual savings of $58 million.

Henry's service to his country began with a tour in the U.S. Marine Corps. His hard-work attitude greatly contributed to a successful military stint that started with Private Bellmon and concluded with Major Bellmon.

As Oklahoma's first Republican Governor, Henry gained respect and stature as a State leader. His unflappable persistence and commonsense approach to problem-solving catapulted him to the U.S. Senate, where he was admired by Members on both sides of the aisle for his efforts to control the national budget. Retiring from public life in 1980, Henry returned to the farm to don the overalls he has always felt the most comfortable wearing.

But when the State of Oklahoma called for his help last January to head the troubled human services department, Henry was convinced that the State needed him more than the farm.

Henry's impeccable leadership at the welfare agency did not go unnoticed. At the end of his tenure at DHS, Henry was honored with a banquet given by more than a thousand of the most prominent members of Oklahoma society, from every political persuasion.

Now, Henry has returned to the farm, no less humble than ever before—in spite of his accolade-filled public service record. But before leaving DHS, he told the people of Oklahoma they could call on him any time he was needed. So, I for one will not be surprised if he returns to public service—a man so admired and respected cannot be left to his tractor for very long.

Thank you for a job well done, Henry Bellmon.

ASCS COUNTY AND COMMUNITY COMMITTEES

Mr. PRESSLER. Mr. President, I have joined my colleague from Nebraska, Senator ZORINSKY, in introducing legislation to require the continuation of the ASCS county and community committee system. The local ASCS committees have done an excellent job in helping to administer farm programs for years and this system should be continued.

The local committees have helped USDA administer programs and also helped farmers to better understand the programs. The local farmers involved in these committees are the best qualified to oversee and assist in the administration of farm programs because of their knowledge of the land, crops, and area farmers. The ASCS committees also allow farmers to have a more direct input in the administration of farm programs and enable them to discuss problems with fellow farmers rather than a Federal bureaucrat. Another farmer can understand problems with the administration of a farm program better than anyone else. These committees provide an important grassroots link between farmers and the Department of Agriculture.

There should be no uncertainty about the future of these local ASCS committees. They should be continued. Local farmers who participate in farm programs are the most qualified people to help administer ASCS programs. If we are to continue to have a Federal farm program, then local ASCS committees should be an important element.

Mr. President, I urge my colleagues to join me in support of this legislation.

S. 1641—NONPARTISIAN SCIENTIFIC ADVISORY COMMITTEE ACT OF 1983

Mr. SASSER. Mr. President, today I join with Senators BUMPERS, JACKSON, HART, and EAGLETON in cosponsoring S. 1641, the Nonpartisan Scientific Advisory Committee Act of 1983. I think this is a good amendment that will improve the effectiveness of scientific and technical advisers to the Federal agencies.

Scientists should be evaluated for their fitness to serve on committees specifically set up as a source of advice to the Federal agencies in their fields on the basis of their professionalism and the evidence of their expertise. Yet the chairman of the Republican National Committee, Frank Fahrenkopf, Jr., has said publicly that all Federal departments save State, Justice, and Defense routinely rely on the Republican National Committee to check out candidates politically.

Specific examples abound. Secretary of the Interior James Watt defended and stated his support for checking with the RNC on appointments to advisory committees when he was questioned about it on CBS' "Face the Nation" last March. In 1981, then-Administrator of the Environmental Protection Agency, Anne Gorsuch refused to continue the tradition of reappointing members of scientific advisory panels at her agency. It was rumoured among EPA officials that her purpose was to replace them with certified political conservatives. Career officials at the Food and Drug Administration

successfully blocked the appointment of obviously unqualified persons to a panel of science advisers on vaccine policy.

There is too much at stake for us as a nation to allow politics to play a role in the appointment of individuals to review technical or scientific issues for our Government agencies. The kind of political blackballing that has occurred under this administration robs us of many of the best and brightest of our scholars and researchers for service on these commissions.

The problems we face are too serious for that. Issues like toxic waste and clean air should be fairly reviewed by experts. These policies should be not set according to the advice of ideologists or represenatives of special-interest groups.

Senator BUMPERS is to be commended for bringing this situation to the attention of the Senate by introducing S. 1641. I am pleased to join with him in this effort. As a member of the Governmental Affairs Committee which is charged with oversight of the Federal Advisory Committee Act of 1972, I think it is high time we gave the agencies some guidance on the kinds of appointments we expect in light of current practices.

BILL BRADLEY—THE CARING KIND

Mr. SASSER. Mr. President, we are all familiar with the long list of accomplishments and achievements of our colleague from New Jersey, Senator BILL BRADLEY, during his tenure in the U.S. Senate.

His legislative initiatives have established him as a respected voice in tax matters and in issues of importance to State and local governments across America. His counsel in these matters is valued by us all.

Senator BRADLEY also devotes an enormous amount of his time and energy to make sure that the varied interests of New Jersey are advanced and respected within the Congress.

His record and reputation here would be enough to fill with pride the most committed of public officials. But BILL BRADLEY does not stop here in the Senate. No, he continues to work with, and for, young Americans dreaming of making their mark in collegiate and professional sports.

A former All-American basketball player at Princeton University and a member of the NBA champion New York Knicks, BILL BRADLEY is familiar with the realities of big-time college and professional sports.

Recently, he brought together a group of talented New Jersey high school athletes and people in college and professional sports. In short, the occasion introduced the young athletes to reality.

This was certainly more than anyone had cared to do for the Senator from New Jersey when he made the transition from high school to college athletics, but BILL BRADLEY is that special kind of person; he cares.

This quality is known well enough that the significance of the gathering sponsored by Senator BRADLEY and its focus spread well beyond New Jersey.

In fact, the Morristown, Tenn., Citizen Tribune took note of the episode and published an editorial laudatory of both the event and the Senator from New Jersey. The editorial describes many of the qualities of BILL BRADLEY that we in the Senate have come to respect and appreciate. I ask unanimous consent that the editorial be printed in the RECORD at this point.

[From the Citizen Tribune, July 8, 1983]

THE CARING KIND

Every state should have Bill Bradley. We don't mean a Democratic U.S. senator, though the Bill Bradley we refer to would so qualify. What we mean is a former all-American athlete who made it big in professional sports, so high school basketball, football and other sport players know where he is, and also in national life.

These Bill Bradley stand-ins must be active initiative-takers, just like the Senator. In late June at Sen. Bradley's invitation, 145 teenage athletes from New Jersey, young women as well as men, recipients of full college scholarships in not only basketball and football but also baseball, swimming, track and field and less well known sports, too, met at Rutgers University's Busch Campus in Piscataway to hear the non-glamorous truth about collegiate sports and what they, as individuals, could get out of college in return for what the colleges were determined to get from them as athletes.

Bradley brought to the seminar academic and sports experts, professors as well as athletic directors, coaches and players. One was Beasley Reece, player representative and defense back for the National Football League's New York Giants. He laid it out:

"You are there (at college on full athletic scholarship), because you can make a major university millions of dollars. The trade-off is you have an opportunity to get an education. If you don't, you've let them make money off you for nothing in return."

In New Jersey, 145 young people were fortunate enough to be exposed to the hard realities of the business side of sports and to receive sound advice in face-to-face meetings with All-American, NBA-All Star, Rhodes Scholar, World Championship Ring-wearer, millionaire Sen. Bill Bradley and his expert friends on becoming winners, like he is.

It doesn't take a statewide seminar or a U.S. senator. It takes a realist, a community leader who's a former sports hero, a local winner with local sponsors to help, who cares about young people, to burst the celebrity bubble and motivate those with talent of any kind to make the most of the opportunities their accomplishments have earned them.

PARENTS—THE NATIONAL LEADERS AGAINST YOUTH DRUG ABUSE

Mrs. HAWKINS. Mr. President, during the 1960's, America witnessed the birth of the drug scene on its college campuses. Drug use, particularly marihuana smoking, became linked with opposition to the Vietnam war and rejection of middle-class morality and values. The 1970's saw drug use spread from college campuses into high schools and, by the mid-1970's, into many of our junior high and elementary schools.

In 1976, a group of Atlanta parents made a shocking discovery: Their children, 11 to 14 years of age, were smoking marihuana and drinking intoxicants during a backyard birthday party for a 12-year-old.

After going through a painful process of denial, guilt, and accusation, the parents decided to join together in an effort to understand: First, why their children were routinely "getting high"; second, what the effects of such drug use might be; and finally, what they as parents should do about it.

In their preliminary investigation, the parents learned several lessons:

First, the illegal use of drugs (especially marihuana and alcohol) had become accepted and "normalized" behavior for a majority of adolescents in their community.

Second, the youngsters fervently believed in the mythology of "harmless marihuana." They viewed the herb as a new wonder drug that cured cancer, prevented nearsightedness, and cleaned tobacco smoke out of the lungs.

Third, the children had absorbed a great deal of superficial rhetoric concerning their "rights" to make their own decisions about everything from illegal drug use to choice of school curriculum.

Finally, the young people chorused that "everybody smokes pot," that drugs are everywhere, and that "partying" is synonymous with "getting high."

It became obvious to the parents that they would have to counter powerful peer and cultural forces if they hoped to free these children from drug use and prevent their younger children from becoming involved with drugs.

The prevailing consensus in 1976 among drug counselors, psychiatrists, and the media was that marihuana was a relatively benign substance and that parents should not hassle their youngsters for using it. Nonetheless, the Atlanta parents chose to trust their own instincts that their children were gradually deteriorating in personality, intellectual functioning, and physical health during their months of pot smoking.

The parents decided to take a strict antidrug position in their own families based on the argument that marihuana is a health hazard, and that parents have the right and responsibility to protect their children's health. They then devised a common behavior code of age-appropriate privileges, limits, and responsibilities for junior high school children. Making a mutual commitment to keep in touch, to share information, and to back one another, the parents implemented their plan to counter the drug-oriented peer pressure with stronger and better informed parental peer pressure.

The plan worked. It was not easy; it was often tedious, frightening, and embarrassing. But within 6 months, the parents knew that they were once again raising drug-free children. The goal had been attained.

When parents in Naples, Fla., heard about the parent groups forming in Atlanta, they decided to mount a community-wide parent education project in the summer of 1978. Urging parents to become informed and to contact the parents of their children's friends—Naples Informed Parents (NIP) continued to prove that parent power can indeed nip the marihuana epidemic in the bud.

In April 1980, Thomas Gleaton, director of the Georgia Parents Resources Institute on Drug Education and my friend Bill Barton, founder of Naples Informed Parents formed the National Federation of Parents for Drug-Free Youth. Under the leadership of Bill Barton, its first president and that of Mary Jacobson—current federation president and founder of Omaha's Pride—the national organization now speaks for nearly 3,000 parent groups across the Nation.

By rebuilding networks of neighbors and extended families—to offer consistent protection, guidance, and affection from home to home—parents have proved that they are not helpless in the face of the biggest drug epidemic in history. And by showing the courage and commitment to act as strong parents, they can also provide a healthy role model for adolescents struggling through the difficult passage to independent, mature, responsible, and proud young adulthood.

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there be a further period for the transaction of routine morning business to extend not past 11 a.m. under the same circumstances.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. I thank the majority leader.

SENATOR BOSCHWITZ CALLS FOR ENFORCEMENT OF ANTI-NUCLEAR PROLIFERATION LAW

Mr. PROXMIRE. Mr. President, for the last couple of days the Senate has been doing what it should have been doing a long time ago. It has been engaging in a vigorous, thoughtful debate on the MX missile, the prospect of nuclear war, and what policies this country should adopt to avoid a nuclear war. This unfortunately has been a one-sided debate. The pro-MX forces have chosen—so far at least—not to respond. But the remarkable speech made last night by the distinguished Senator from Delaware, Senator BIDEN, joined by Senators HART, MOYNIHAN, SARBANES, LEVIN, and others did credit to this body. Senator BIDEN challenged the Senate to recognize that the MX decision is shoving us onto a treadmill that will logically lead the Russians to react with more intense testing, production, and deployment of nuclear power, and into a more dangerously hair-trigger world of lasers and ABM's and eventual catastrophe.

In this morning's Washington Post, the article of another Senator, RUDY BOSCHWITZ, of Minnesota, appeared on another phase of the nuclear threat and still another way in which this administration seems to be taking this country toward nuclear war. As Senator BOSCHWITZ writes, nuclear proliferation is a less publicized nuclear war potential, but in my judgment an even more likely source of the beginning of a nuclear war that could engulf the world.

Senator BOSCHWITZ discusses India's requests for components for its nuclear reactor. And he flatly opposes our providing India, which has not signed the nuclear antiproliferation treaty, with the reactor equipment it needs. As Senator BOSCHWITZ points out we almost certainly cannot provide India with the part it seeks without violating the 1978 Nuclear Non-Proliferation Act, which bans exports of nuclear material to countries "engaged in activities * * * having direct significance for the manufacture or acquisition of nuclear explosive devices." Obviously, the sale by this country to India of reactor parts would be a direct violation of the law.

Senator BOSCHWITZ has written an excellent article on an issue that has not received the attention by the Congress that it deserves and needs. I ask unanimous consent that the article in today's Washington Post entitled "Stop This Nuclear Sale," by Senator BOSCHWITZ, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STOP THIS NUCLEAR SALE

(By Rudy Boschwitz)

Although the debate about strategic nuclear arms controls had dominated the news lately, the Reagan administration now has before it a true "test case" in a less publicized area of the nuclear arms question—nuclear proliferation. This case, India's request for reactor components for its nuclear plant at Tarapur (a city just north of Bombay), is important for two reasons.

First and foremost, the manner in which the U.S. government responds to the Indian request will reveal the strength of our commitment to halting the proliferation of nuclear weapons. Second, this case demonstrates the potential impact on U.S. nonproliferation policy of the recent Supreme Court decision on the legislative veto.

India has made an urgent request to the administration for component parts for two reactors at Tarapur that have developed serious radiation leaks. In my opinion, it will be difficult for the administration to honor this request without violating U.S. nonproliferation law. This law, the so-called Nuclear Non-Proliferation Act, passed by Congress in 1978, contains a provision banning exports of nuclear material to countries "engaged in activities . . . having direct significance for the manufacture or acquisition of nuclear explosive devices. . . ." The problem is that there have been strong hints that India could be preparing for a second nuclear test, and Prime Minister Indira Gandhi has in fact refused to rule out further nuclear testing.

India first exploded a nuclear device in 1974, calling it a "peaceful nuclear explosion." However, Pakistan, with which India has been in deep dispute for over three decades, does not see it quite that way. Many proliferation experts fear that the Pakistanis are clandestinely acquiring their own bomb-making capability.

Under NNPA, the president may waive the prohibition against nuclear exports to India, but Congress may overturn this decision by passing a concurrent resolution within 60 days of his action. However, the congressional veto power granted to Congress in the NNPA, and many other laws, could now be invalidated by the recent Supreme Court ruling against the legislative veto. The uncertainty here is the breadth of the court's decision: the case involved a one-house veto, while the NNPA provides that both houses of Congress must vote to block a presidential action.

The NNPA's two-house veto was a useful nonproliferation tool three years ago when Congress nearly succeeded in blocking another ill-advised nuclear export deal to India by another administration. The facts of the case were these: under the Nuclear Non-Proliferation Treaty (NPT) of 1970, signed by 115 nations including the United States and the Soviet Union, the nuclear "have" nations agreed to supply the nuclear "have-not" nations with nuclear technology for peaceful purposes in return for a pledge from the non-nuclear states to forgo the acquisition of nuclear weapons and submit all their nuclear facilities to periodic inspections by the International Atomic Energy Agency, an arm of the United Nations. These inspections are called full-scope safeguards.

Unfortunately, a number of countries that are major proliferation risks—India, Pakistan, South Africa, Brazil and Argentina to name several—have not signed the treaty.

In order to exert pressure on these countries to allow inspection of all their facilities, Congress passed the NNPA, which, in addition to the provision previously mentioned, contains another provision banning nuclear exports to countries that do not accept IAEA safeguards on all their facilities.

In 1980, President Carter wanted to continue to supply nuclear fuel to India even though the Indians do not accept full-scope IAEA safeguards. Carter exercised his authority to waive this ban granted to him by the NNPA. Although the House voted resoundingly, 298-98, to overturn the waiver, the Senate upheld Carter's action in a close vote, 48-46. On this vote I was pleased to join forces with my colleague, Sen. John Glenn, who led the fight against the fuel exports. Too bad we lost.

With our veto power now in doubt, it is all the more important for those of us in Congress to speak out loudly and try to influence public opinion on the proliferation issue. Regarding India's current request for reactor parts, the administration should not provide India with the parts it needs, nor should it arrange for other countries to do so. Instead, it should try to persuade all the major nuclear suppliers—mainly ourselves and our European allies—to withhold parts from the Indians until they: 1) make it clear that they are not planning another nuclear test and 2) accept full-scope IAEA safeguards. If we who are already in the nuclear business, either for civilian or military purposes, are really serious about wanting to stop proliferation, this is the kind of bold, forceful step that we have no choice but to take.

We must recognize that what drives countries like India and Pakistan to join the nuclear club is not some perverse affection for nuclear weapons but a much more human emotion—fear. They are afraid for their security in a hostile world, just as our concern about Soviet military power and our desire to deter its use against us forces us to deploy nuclear weapons. Therefore, it is vital that we strengthen the international nonproliferation system, or regime, as it is sometimes called, so that frightened countries will come to trust it as a way of removing the nuclear terror.

On June 7, 1981, Israeli fighter-bombers executed the first overt military attack in history on a nuclear facility, destroying Iraq's Osirak research reactor. The Israelis acted because they did not trust the peaceful intentions of a nuclear program being developed by an uncompromising enemy and because they had an equal distrust for the international nonproliferation regime. While many expressed alarm and outrage that military force was used to resolve this question, I think the Israelis did us all a favor by reminding us of our responsibility to countries afraid of a nuclear threat from hostile neighbors.

We can exercise that responsibility by taking a tough stand on the export of component parts to India. If we are not willing to take this type of action both now and in the future, we should not be surprised when another Osirak-style raid occurs by some other threatened nation, or, worse still, when one of these countries actually uses a nuclear weapon against an adversary. We have the power to prevent these horrible outcomes; the question is, do we have the will?

IGNORING THE HOLOCAUST IN SOUTHEAST ASIA

Mr. PROXMIRE. Mr. President, article II of the International Convention on Genocide defines genocide as "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part." The Nazi Holocaust is the most gruesome example of genocide in the 20 century, but similar government campaigns in Kampuchea remain largely ignored today.

In 1975, following the second Indochina war, the Khmer Rouge, led by Pol Pot, seized power in Kampuchea. Within days all the major cities of Kampuchea were emptied of people in a massive resettlement campaign. The government's purpose in evacuating the cities was to turn the nation into a vast agricultural camp. Thousands died during the forced evacuation marches and more were killed on the road. The government-instigated transformation of Kampuchean society led to mass starvations among the former city dwellers.

Along with the relocation process, the Khmer Rouge began a campaign of executions aimed at eliminating various population groups. Targeted first were officials of the deposed regime. The campaign was then broadened to include former army personnel and village leaders. These killings were followed by executions of the commercial and educated classes remaining in Kampuchea. Members of religious and ethnic minorities were also slaughtered.

Pol Pot's reign of terror lasted until the Vietnamese deposed him in 1979. Unfortunately, the destruction of the Kampuchean people has continued to the present day. The Vietnamese occupation and settlement of Kampuchea represents an attempt to eliminate a national and ethnic identity.

Charles Wick, Director of the U.S. Information Agency, estimates that one-third to one-half of the Kampuchean population was eradicated from 1975 to 1982. He writes:

> Here were all the ingredients that have sent hundreds of television crews and thousands of reporters in search of stories on the international scene: The brutal repression of human rights, invasion of national sovereignty, maiming and slaughtering the innocent and outright genocide . . . Yet there is very little network recognition of the holocaust in Southeast Asia.

Mr. President, this slaughter goes on. Must we sit idly by while tragedies like this are played out to their end? How can we strengthen our advocacy of human rights to prevent future holocausts?

Charles Wick urges the media to end its neglect of the Southeast Asian holocaust. I urge the Senate to end its 34-year neglect of the Genocide Convention. Ratification of the Genocide Convention would enable us to speak out forcefully against repressive societies. We would no longer be labeled hypocrites in international forums when we level charges against human rights violators.

I urge my colleagues to give this treaty their immediate consideration.

UNANIMOUS-CONSENT AGREEMENT—S. 675

Mr. BAKER. Mr. President, I hope and trust that we are about to realize a happy moment in the present deliberations of the Senate. For a long time now there have been intensive negotiations underway attempting to provide for the consideration of the remainder of this bill and time for final passage.

Mr. President, I would like to state now a unanimous-consent request for the consideration of the minority leader, for the managers of the bill, the principal sponsors of amendments, and other Senators. I see the Senator from Colorado is here, the Senator from Washington (Mr. JACKSON), the chairman of the committee, Senator WARNER, Senator STENNIS, Senator ANDREWS, and a number of others, I am sure, are within earshot. A great number of Senators have been consulted on this. I will now put the request.

Mr. President, I ask unanimous consent that when the Senate resumes the Department of Defense authorization bill today, the only amendments to be in order be an amendment to be offered by the Senator from Montana (Mr. MELCHER) and an amendment to be offered by the Senator from West Virginia (Mr. BYRD).

I further ask unanimous consent that on the Melcher amendment, that there be a time limitation of 90 minutes, to be equally divided between the chairman of the Armed Services Committee and the Senator from Montana (Mr. MELCHER) or their designees.

I also ask unanimous consent that following the conclusion or yielding back of time on the Melcher amendment today, the amendment be laid aside to reoccur on Monday, July 25, at 5:10 p.m., and at that time there be 20 minutes on the amendment, to be equally divided between the chairman of the Armed Services Committee and the Senator from Montana (Mr. MELCHER), or their designees, and that following the debate on the Melcher amendment the Senate proceed to vote in relation to the Melcher amendment.

I further ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday, July 25.

I ask unanimous consent that the Senate resume S. 675 at 1 p.m. on Monday, July 25.

I also ask unanimous consent that during the Senate's consideration of S. 675 on Monday and Tuesday only the following amendments be in order, with the exception of the Melcher amendment listed earlier, and that the amendments listed below not be subject to a motion to table:

First. An amendment dealing with transfer;

Second. An amendment dealing with Presidential certification;

Third. An amendment dealing with Presidential certification; and

Fourth. An amendment dealing with deleting of funds for MX.

I further ask unanimous consent that on the above-mentioned amendments there be a time limitation on each of 2 hours, to be equally divided between the chairman of the Armed Services Committee and the mover of the amendment, or their designees.

I also ask unanimous consent that there be 2 hours on the bill, to be equally divided between the majority and minority leaders, or their designees.

I further ask unanimous consent that when the Senate completes its business on Monday, it stand in recess until 9:30 on Tuesday, July 26.

I also ask unanimous consent that the Senate stand in recess between the hours of 12 noon and 2 p.m. on Tuesday.

I further ask unanimous consent that the pending amendment offered by the Senator from Texas (Mr. TOWER) and the amendment in the second degree offered by the Senator from Virginia (Mr. WARNER) be considered withdrawn.

Finally, I ask unanimous consent that a vote occur on the committee substitute, as amended, at no later than 9 p.m. on Tuesday, and a vote occur immediately on final passage of S. 675, following the vote on the committee substitute and that paragraph 4 of rule XII be waived.

I ask unanimous consent, Mr. President, that the cloture votes that would occur today and subsequent cloture votes which would occur on the next calendar day be vitiated.

Mr. President, I further ask unanimous consent that when the Senate has completed its consideration of S. 675, the Committee on Armed Services be discharged from H.R. 2972, the Military Construction Authorization Act of 1984, and that the language of title II of S. 675, as amended, be substituted therefor, and H.R. 2972 as so amended be deemed passed by the Senate and that the Senate insist on its amendments and request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate.

I ask also unanimous consent that following this action the Committee on Armed Services be discharged from S. 1107, the Department of Energy and National Security Programs Authorization Act for fiscal year 1984 and fiscal year 1985 and that the language of title III of S. 675, as amended, be substituted therefor and that S. 1107 as so amended be deemed as passed by the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object, Mr. President, with reference to an amendment by me, I may or may not call up such an amendment. I ask the majority leader to suggest the absence of a quorum at the moment.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the Chair recognized the minority leader for the purpose of reserving his right to object, and while the minority leader considers a document before him, I wonder if the Senator from Washington wishes me to yield to him.

Mr. JACKSON. Mr. President, I just have one question for the majority leader.

I assume, as has been the case in general, that technical amendments would be in order, because on amendments that we might be voting on could come an additional requirement in the nature of a technical amendment. But in the management of the bill, the manager has a problem in trying to reconcile all the amendments as we get ready for final passage. It should be made clear that it is technical amendments in the tradition of the Senate and not substantive amendments.

Mr. TOWER. Technical and conforming amendments.

Mr. BAKER. I say, in reply to the Senator from Washington, that he is absolutely correct, and perhaps I should change the request to provide that since no amendments are in order except those listed, that would include technical amendments as they may be agreed to by the two managers.

I add that to the request, Mr. President.

The PRESIDING OFFICER. The Chair advises the majority leader that at the time the majority leader made his unanimous-consent request, the Chair did not hear any reservation of objection.

Mr. BAKER. Mr. President, I must say that this is a matter of such delicacy that if the request has been granted, it be vitiated.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. BAKER. Now, Mr. President, I reput the request. I should like to include in the request technical and conforming amendments as agreed to by the two managers.

Mr. BYRD. Mr. President, I have no problem with that, so long as they are indeed technical.

Mr. BAKER. Mr. President, the two managers, Senator TOWER and Senator JACKSON, must sign off on them, under this order, before they qualify. I believe those have been prepared and actually exist. I believe they are ready. I do not believe there is any problem with that.

Mr. McCLURE. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. McCLURE. In clearing this request, was any consideration given to the possibility of allowing committees to meet until 12 noon on Tuesday next?

Mr. BAKER. No, it was not, but I am about to do so. I can tell the Senator that I will be glad to pursue that and see if we can work it out.

Mr. McCLURE. As the Senator knows, we have a markup scheduled in the Committee on Energy and Natural Resources, and a meeting is scheduled for 10 a.m. This would attenuate our meeting, without consent, by a half hour. I hope Members will not object to our being permitted to meet until 12 noon on Tuesday next.

Mr. BAKER. Let me see if I can work that out.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, does the Senator from Nebraska wish me to yield to him?

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. I thank the majority leader.

Mr. President, just for clarification, the rather delicate proceedings that have been going forward indicate a rollcall vote on the measure not later than what time on Tuesday evening?

Mr. BAKER. 9 p.m.

Mr. EXON. Under the proposal that is about to be advanced by the majority leader, I understand that there could be rollcall votes on some matters sometime during this day, Friday. Is that correct?

Mr. BAKER. I do not anticipate that. The order does not prohibit rollcall votes today, but the Melcher amendment, which will be offered, will be temporarily laid aside for the pur-

pose of the pending business to 5:10 p.m. on Monday. So that vote will not occur. The Byrd amendment may or may not be offered. So if this agreement is reached, there will not be any rollcall votes today.

Of course, these requests also exclude—by practice, they exclude—procedural votes, such as a motion to instruct the Sergeant at Arms, which I do not anticipate, or matters of that sort.

The best answer to the Senator from Nebraska is that I do not anticipate any votes today, if this agreement is entered into.

Mr. EXON. I thank the majority leader.

Let me extend that to Monday. I believe Senators here are prepared to vote today if a rollcall vote is necessary, unexpected as that might be, as the majority leader has stated. I assume, therefore, that the majority leader assumes that there will be no rollcall votes on Monday prior to 5:30 p.m., as seemingly agreed to with regard to the Melcher amendment. Is that correct?

Mr. BAKER. I think that is true. There is no actual agreement on that, because we never know what procedural votes may be necessary. But only MX votes and the Melcher amendment would be available on Monday, under this order. I do not think there are going to be any votes before 5:30 p.m.

Mr. EXON. I do not wish to complicate the difficult job of the majority leader. This might be in the interest of all Members of the Senate with regard to Monday. I ask if it could be incorporated into the unanimous-consent agreement that any rollcall votes ordered during the debate on Monday be stacked after the agreed-to rollcall vote at 5:30 p.m. on the Melcher amendment, so that we could protect the Members of the Senate from any unanticipated rollcall votes during the day on Monday, preceding the scheduled vote on the Melcher amendment.

Mr. President, I take this occasion during a lull in the proceedings to state that the intent of the Senator from Nebraska is to simply allow a rollcall vote anytime on this day Friday, anytime on Tuesday next all day long while the Senate is in session up until 9 p.m. when we assume that the final vote will be held on the controversy before us, but it would simply say that we would not have rollcall votes before 5:30 p.m. and if anything during the day Monday requires a rollcall vote the unanimous-consent agreement be so proposed that the votes would be stacked at that time.

Mr. BAKER. Mr. President, stacking votes puts me off a little, as the Senator knows, because it creates so many problems and sometimes distortions. We may debate all day long and end up with a series of votes without any time for Senators to really talk about what the essence of the subject may be.

But my policy in the past for the past several weeks has been that I will reluctantly agree to stack votes I guess during the day, but I will not agree to put it over to the next day.

This falls within that, and if the Senator wants me to, I will do that, but let me put it in this form.

Mr. President, I modify the unanimous-consent request so that any rollcall votes ordered prior to the hour of 5:30 p.m. on Monday next will not occur until after the disposition of the Melcher amendment, excepting, of course, procedural votes, which shall include, among others, motions to reconsider a vote, motions to table, motions to reconsider, or instructions to the Sergeant at Arms with respect to the attendance of Senators.

Mr. BYRD. Mr. President, reserving the right to object, will the majority leader momentarily withdraw his first request so that we do not have two requests pending.

Mr. BAKER. This is a modification. It would be included in that request.

Mr. BYRD. I see.

Mr. BAKER. The request has still not been granted, I say, but I now modify the request to include the suggestion of the Senator from Nebraska.

Mr. EXON. Mr. President, I am not sure.

Mr. President, I suggest the absence of a quorum.

Mr. TOWER. Mr. President, will the Senator withhold?

Mr. EXON. I am glad to withhold.

Mr. BAKER. Mr. President, let me say I have to do this because of the cloture vote that is going to occur at 11 a.m. I ask unanimous consent that the time for the cloture vote be extended by 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, if the Senator will yield, reserving the right to object, so I might engage the distinguished Senator from Colorado in a brief colloquy.

The amendments described in the consent agreement propounded by the majority leader would include only those seven amendments that the Senator from Colorado has submitted to be voted on.

Mr. HART. The Senator from Texas is correct.

Mr. TOWER. And that is understood. We do not need to make it part of the consent agreement, but I think we will make a little legislative history on the agreement, that only those seven amendments which the Senator from Colorado and I have will be eligible.

Mr. HART. Only those seven would be eligible for inclusion in the group of no more than four covered by the consent agreement.

Mr. TOWER. The Senator is correct.

Further reserving the right to object, could I inquire of the Senator from West Virginia the nature of the amendment that he intends to offer that is included in the consent agreement?

Mr. BYRD. I do not intend to offer an amendment. I had earlier thought I might, but I have found in discussion that the amendment I was interested in has probably been included in the others.

Mr. BAKER. Mr. President, will the minority leader permit me to modify the request further by striking the Byrd amendment?

Mr. BYRD. Yes.

Mr. BAKER. I so modify the request.

Mr. EXON. Mr. President, I thank the majority leader and minority leader for their consideration and as I understood the latest change I agree to it and do not object.

Mr. BAKER. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

Mr. BYRD. Mr. President, there are two matters in the request which lately caught my attention. I thoroughly examined them and I have no problem. I, therefore, have no objection.

Mr. BAKER. Mr. President, just one moment, if the Chair will indulge me.

Mr. President, I have no further requests.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

The text of the agreement follows:

Ordered, That on Monday, July 25, 1983, at the hour of 1:00 p.m., the Senate resume consideration of the unfinished business, S. 675 (Order No. 278), the Omnibus Defense Authorization bill.

Ordered further, That at 5:10 p.m. on Monday, July 25, 1983, the Senate resume consideration of the amendment of the Senator from Montana (Mr. MELCHER), on which there shall be 20 minutes debate, to be equally divided and controlled by the Senator from Montana (Mr. MELCHER) and the Senator from Texas (Mr. TOWER), or their designees, with a vote in relation thereto to follow.

Ordered further, That any rollcall votes, except procedural votes, which are ordered on Monday, shall occur after the disposition of the Melcher amendment.

Ordered further, That on Monday, July 25, and Tuesday, July 26, 1983, the only other amendments to be in order are the following amendments, with the time for debate on each of the first four amendments to be limited to 2 hours, to be equally divided and controlled by the majority and minority leaders or their designees, and with none of these amendments to be subject to a motion to table:

1. An amendment dealing with transfer
2. An amendment dealing with Presidential certification
3. An amendment dealing with Presidential certification

4. An amendment dealing with deleting of funds for MX

5. Technical and conforming amendments agreeable to the two managers.

Ordered further, That the Senate shall stand in recess from the hours of 12 noon to 2 p.m. on Tuesday, July 26, 1983.

Ordered further, That on the question of final passage of the bill there be 2 hours, to be equally divided and controlled by the majority and minority leaders, or their designees.

Ordered further, That no later than 9 p.m. on Tuesday, July 26, 1983, a vote occur on the committee substitute, as amended, to be followed immediately by a vote on final passage of S. 675.

Ordered further, That upon the disposition of S. 675, the Committee on Armed Services be discharged from the further consideration of H.R. 2972, and that all after the enacting clause be deemed stricken, and the language of title 2 of S. 675, as amended, by deemed inserted in lieu thereof, and that the bill as amended be deemed to have been read a third time and passed, and that the Senate be deemed to have insisted on its amendment, requested a conference with the House of Representatives on the disagreeing votes of the two Houses, and that the Chair be deemed as authorized to appoint conferees on the part of the Senate.

Ordered further, That following the appointment of said conferees, the Committee on Armed Services be deemed to have been discharged from further consideration of S. 1107, and that all after the enacting clause of that bill be deemed to have been stricken, and the language of title 3 of S. 675, as amended, be inserted in lieu thereof, and that the bill be deemed to have been read a third time and passed.

Mr. BAKER. Mr. President, the net effect of the granting of this request is to provide a time certain for the passage of this bill.

I wish to take this opportunity, first, of course, to thank the minority leader for his good efforts as usual in trying to reconcile the controversy on his side of the aisle as I have tried on mine and to bring us to this point.

He has done his usual exceptional job in that respect, and I am personally grateful to the Senator from Texas, the Senator from Colorado, and the Senator from Washington. They represent points of view that have been expressed energetically and enthusiastically and often in outright controversy, but they have done so in an effective way and having dealt with issues on a good basis we are now in a position to address the final passage of this measure and all of the reasonable components therein.

For those Senators who are not offering amendments, and there are a great number who are not offering amendments, I thank them for forbearing to do so and assure them that I will give them an opportunity, to the extent that I can do that, to address their issues as they may need to do so on other measures and at other times.

Mr. President, it is a tribute to the sense of responsibility of the Senate that this agreement has been entered into, and I thank all Senators.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. BYRD. Mr. President, I do not think I have seen a better demonstration of conciliatory attitudes on both sides of the aisle among Mr. TOWER, Mr. JACKSON, and others. I do not think I have ever seen a better attitude in that regard than we have seen here because I think all sides gave up something in order to achieve an agreement.

Mr. BAKER. Mr. President, I absolutely agree.

Mr. WARNER. Mr. President, I join with the distinguished majority and minority leaders, and others, in commending the principals here for effecting this agreement and allowing the will of the Senate to proceed on the MX issues and defense authorization bill.

At times the debate was somewhat heated. At times it may have bordered on what appeared to be a personal attack. None was ever intended by me. If a Member interpreted my remarks as being personal, I tender an apology. I am delighted the Senate will proceed with its business.

Mr. BAKER. Mr. President, the cloture vote has been vitiated. All of the cloture votes have been vitiated. The time for the transaction of routine morning business has expired. I believe the Senate is prepared now to resume consideration of S. 675.

Mr. EXON. Mr. President, the Senator from Nebraska is pleased that an agreement has been reached finally for the up-or-down vote in the Senate on the MX missile as it is addressed in the defense autorization bill. It is well known that this Senator is a strong proponent and advocate of a strong military posture and has been one of the leaders on the Armed Services Committee in the rebuilding of our strength in all areas.

It is also well known that this Senator has opposed vigorously this one defense initiative with regard to the deployment of the MX in vulnerable holes. That, in my opinion, makes this $20 billion package a waste of taxpayers' money, providing little, if any, national security enhancement and thereby robbing money from other elements of our national defense needs that could measurably increase our overall defense posture as we face the continuing threat from the Soviet Union.

It is apparent to all that the goahead on the MX decision has been made by the House and by the Senate, what I believe to be a very wrong, very expensive, and very unproductive decision with regard to national defense has been made and further delays in allowing that major mistake to be perpetrated serve no useful purpose, because the majority opinion has been locked in and will prevail under our system, as it should.

Of course, that does not make it a right or a wise decision, in my opinion. History will show that many wrong decisions have been made by the majority. Further delay under such circumstances only further diminishes the already slim chances that this wrong MX decision can be in any way helpful to the United States and the free world.

That is why, and the record will show this clearly, this Senator, although firmly opposed to what I believe to be an ill-founded logic for proceeding with MX deployment in admittedly vulnerable silos, has not previously addressed the Senate on this phase of the measure before us. I am doing so now only after time agreements have been entered into that foreclose the possibility of meaningless delay of the inevitable. That is why I voted yesterday for cloture, which would have ended debate and forced an up-or-down majority vote on this issue, the outcome of which is known as surely as night will come in a few hours today.

Congress is bound and determined to make a major mistake, as it clearly is, in my opinion, in this instance. The sooner we do it, the better, so as to get on to more productive efforts.

The MX controversy has deeply divided people of goodwill and usually sound judgment. I congratulate my many friends and colleagues on the opposite side of this issue for their diligence, even though I perceive them to be in error. I hope it will be shown eventually that they were right and I was wrong.

God placed no special wisdom, I suspect, in those of us who serve here, but he did give us minds to employ in an effort to solve problems and reach decisions.

There must be a special place in hell, though, I suspect, for those who serve in public life who cannot make up their minds when they have to and who take stands that vacillate all over the landscape. In the end, you have to make a decision. In the end, you cannot have it both ways. I submit that vacillation is not an important ingredient of virtue.

On the day before yesterday, the House again voted no on the MX in vulnerable silos. Yesterday, many of the leaders in that successful effort for the MX—I might say terribly misnamed the "Peacekeeper"—vacillated once again. You see, they are kind of for it, but they are kind of against it. They think a few "peacekeepers" might keep the peace, but six or seven more "peacekeepers" might not.

If the "peacekeeper" is good for peace, the more the merrier, I say, and the sooner we get on with it, the better. They cannot have it both ways,

regardless of how they try, and no amount of posturing, however well intentioned it is, can be described nor understood as anything but indecision on such a critical issue at this late hour and this late date.

Mr. President, it is decisionmaking time. Let us be counted for or against and not maybe.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, I want to be recognized for a moment to compliment the Senator from Nebraska, who has just spoken. He is a Senator who practices what he preaches, and although he and I may or may not see eye to eye on this measure, I have watched him during his service in the Senate. I have the highest admiration for him. He is a man of courage, he is a man of commonsense, and he exercises it. He is certainly not one who vacillates, and he has that faculty of being independently thoughtful and he demonstrates intellectual honesty.

From time to time, he stands up in my caucus and takes a viewpoint that differs from the majority of the caucus, speaks a viewpoint that differs from my own on occasion, but I admire him for that. He does not ruffle feathers and he does not offend his colleagues when he differs with them. He is simply straightforward, and you know where he stands. When he says he is for this and against that or for that and against this, whatever it may be, one does not have to go back and check the second time.

He speaks out, and I dare say he enjoys the respect of all Members on both sides of the aisle. He is a Senator who stands out in many ways. He typifies a strength of conviction. He is one who does his homework, studies matters carefully, and exercises his own will. He reaches his conclusions analytically. And I want to say, as the elected leader of the party on this side of the aisle, I not only listen to him for advice, I also seek it out, and I always feel that his statements are not made off the top of his head but they come from the heart. They are thoughtful and reflective. I compliment him. He is certainly an inspiration to this Senator.

Mr. EXON. Will the minority leader yield for just a moment?

Mr. BYRD. Yes.

Mr. EXON. I thank very much my friend and colleague from West Virginia for those kind statements. I take them all to heart very well. The thing that I appreciated most the Senator saying is that I am independent. I am independent in the sense of trying to speak out on the issues to give a perspective sometimes that may not be fully understood by my colleagues. But we in Nebraska are independent by nature. That is the nicest thing the Senator said, and I appreciate his comments.

Mr. BYRD. The Senator is a rugged individualist, and sometimes I fear there are fewer and fewer of such persons around.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

OMNIBUS DEFENSE AUTHORIZATIONS, 1984

The PRESIDING OFFICER. The clerk will state the pending business.

The legislative clerk read as follows:

A bill (S. 675) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes.

The Senate resumed consideration of the bill.

Mr. TOWER. Mr. President, all amendments to the defense authorization bill, S. 675, have now been foreclosed. So none can be considered today or hereafter, except those named in the consent agreement.

The Senator from Montana (Mr. MELCHER) had requested that the time start running on his amendment today and wanted to debate. I see he is not in the Chamber.

I, therefore, suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. RUDMAN). The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that the time just consumed by the quorum call be charged to my time on the Melcher amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time consumed be charged equally to both sides on the Melcher amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

On whose time does the Senator seek recognition?

Mr. BYRD. Mr. President, I hope we do not have a quarrel about the time here on the amendment. The Senator from Montana is on his way. He is getting his papers together. He is not dilatorily delaying. He is coming over. He will be here shortly. We checked on this.

Would the distinguished manager not allow——

Mr. TOWER. If the Senator will yield, I will simply ask unanimous consent that the time consumed by the distinguished minority leader not be charged to any side.

Mr. BYRD. It is the time on the quorum we are talking about. I would not want any of the 45 minutes that are allotted to the Senator from Montana to have been consumed until he gets here. He is on his way.

Is that agreeable with the distinguished Senator from Texas?

Mr. TOWER. That is agreeable.

Mr. BYRD. I thank the Senator.

Mr. TOWER. That the time be charged to neither side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged to neither side on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2086

(Purpose: To transfer sufficient funds from recruiting activities to provide a 4 percent COLA increase for military personnel of grade E-1 with less than four months service)

Mr. MELCHER. Mr. President, I have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER) proposes an amendment numbered 2086.

At the end of the bill add the following new section:

SEC. . Notwithstanding any other provision of this bill, compensation for all military personnel grade E-1 shall be increased 4 percent at the same time as pay adjustments for grades E-2 and E-3. *Provided further,* The amount authorized for DOD recruiting activities may be reduced by an amount sufficient to provide the 4 percent increase for military personnel E-1 with less than 4 months active duty.

Mr. MELCHER. Mr. President, I view the amendment I am offering as an amendment of great significance. It gives pay adjustments for E-1's—that is the lowest rank in the Armed

Forces—for the coming year. I view this amendment as being directed at our policy on how we regard, how we treat, how we pay, and how we give recognition to all the members, both men and women, of our armed services. That is just what is is. It is service to us and to all the United States and to all of our allies. That is what they provide for us. They provide for all of us our capability for national defense.

The significance of my amendment, which only involves $13 or $14 million for the coming fiscal year, is that, despite that small amount, it is, nevertheless, a gage of whether we truly hold military personnel in high regard and have a concern that our policy reflect that high regard.

The television advertising for purposes of recruiting young people, both men and women, to volunteer for the Armed Forces has a good jingle using the phrase, "Army, Navy, Air Force, Marines." Those 30-second ads on national television, along with other media advertising costs, amounted to $126 million for fiscal year 1982 and will reach or exceed $130 million in this current fiscal year. That advertising undoubtedly contributes to the enlistment rates for each branch of the Armed Forces for meeting the necessary goals of each of the Armed Forces for levels of personnel. So, now that the volunteer system is providing us with all of the necessary young people to meet our needs, up pops the idea so prevalent a few years ago and often in our history that we do not need to pay the troops as much as we are now paying them.

I am not indicating here, Mr. President, that anybody has suggested in this bill that we pay them less. I make my point on what the direction is. A few years ago, we found that the pay levels were counterproductive, so we made some corrections. Now, in the report on this bill, the Senate Armed Services Committee advises us that there will be a study by the Department of Defense to determine whether the levels to date of our lowest enlisted grades should be held at the present level, meaning they should continue to have adjustments when adjustments are made. Some have recommended that they are too high right now. Some have said that if they were increased, we would be returning to what has been called "compression of pay," which has proven disadvantageous to retain the middle grade noncommissioned officers, what I call the sergeants.

That judgment is in error. The contrary is the case. Let me cite the facts and figures. In 1972, the last year of the draft, the last year before the all-volunteer service, E-1's were paid $307.20 per month; E-5's were paid $488.10; E-8's were paid $766.50.

In each of these grades, the pay for E-1's and E-2's is constant, no matter how long they are in the service. But for the grades above that, if they are in the service a certain number of years, it is a different paycheck. The figures I have cited for E-5's and E-8's are for what would be the usual length of time to become an E-5 or an E-8.

For officers, I use just two examples. O-5 is a lieutenant colonel. They were paid, in the bracket of time it usually takes to make lieutenant, $1,198.80 per month. O-10's, the four-star general, in the usual time it takes to make a four-star general, is $2,794.80 per month.

Here is where we are right now. Currently, the E-1 pay level is 86 percent greater than that last year of the draft. That is where they are right now. Taking the E-5's in the same comparable brackets—that is, the number of years in service the one E-5 would have—their pay has been increased 98 percent.

The pay of E-8's has increased 97 percent.

The pay of O-5's has increased 94 percent.

The pay of O-10's has increased 94 percent.

Where is the compression, then? For the E-1's. They are a little bit lower, some 12 percent lower than the E-5's, some 11 percent lower than the percentage of pay of the E-8. So the pay compression has started all right, but it has started for E-1's.

That is bad policy. It should be corrected. Only to the extent that there be no more pay compression for E-1's and that we treat E-1's exactly as we treat the other grades in the cost-of-living adjustment does my amendment accomplish anything. That is what it is for. It does not create greater compression; it is to avoid it. It requires that the same cost-of-living adjustment percentage be applied to the E-1 pay at the same time as the 4-percent-cost-of-living adjustment will be made for E-2's and E-3's. If that is not accepted, we further compress the disparity in E-1 pay.

Mr. President, the defense against my amendment and leaving the bill as it is is based upon several arguments, none of which I agree with. In fact, I think any honest and fair appraisal finds the following arguments to lack valid concern for the recognition of not just E-1's but all of our Armed Forces personnel, at all grades. After all, the recruits of today are the sergeants of the next decade or perhaps the officers of the coming decade.

Let me list some of the arguments against my amendment. First, these recruits do not really know what they are paid. That is specious. Everyone knows what they are paid or why would they sign up? They know when they sign up and agree to a 3-year hitch not only what they are paid but what the responsibilities are and what the tight limitations are that are placed on where they live, what they do, when they have any free time, and that they are going to be subject to military discipline, living in military facilities on military bases, go where they are ordered, do what they are ordered; and that they are subject to all the restraints of military law for the coming 3 years: They get a pass to leave the base, or they do not leave. They get up when they are told. Lights go out when it is ordered. They perform their duties as required or they are going to end up in the stockade, get a dishonorable discharge, and have a blot on their record for the rest of their lives.

That is what the armed services is all about, with its necessary discipline and training for our national defense purposes.

Second, the argument is made that since they get their food and clothing and living accommodations, their base pay plus all of their provisions adds up to something like a thousand dollars a month.

While the food they get costs, we are advised by the military, about $3.36 a day, those chowlines are not really the best cuisine or, to put it bluntly, the grub is not all that good. When others argue in an expansive way that for many of them it is better food than they got at home, that argument is not only fictitious, it is a big putdown and lacks not only respect for the individual but also lacks respect for our families. I said our families because these young people are just that. They are a part of the family structure of America.

I heard the comments made by Americans in another era when I served in the Army in the early 1940's. I did not argue with them at that time, because for those that made that comment I thought it too officious and lacking in knowledge and judgment to even argue back. It is still true today.

We can talk about quarters. I think somebody mentioned that they are worth perhaps $250 a month. Well, the military does not think so. The military allows for quarters off base, off the military installation for an E-1—and very few get the opportunity to have off-base quarters allowance, but they allow about $125 per month. Considering the barracks that are available to them, the lack of privacy, the lack of space, certainly $125 does not lend itself to much of an allowance for the average E-1.

As to uniforms, surely, we supply them uniforms. If one gets a job with McDonald's, he also gets a cap and a shirt. That is allowed at McDonald's. It sort of begs the point. Those uniforms are to be worn while on duty, and that is most of the time, but who in the Armed Forces does not have

their own clothes and has to keep them up when they are off duty?

We are talking about these E–1's because they are important and significant to us. Why else would we have them in the frontlines in time of war?

The argument is also made in discussing the matter with the noncommissioned officers, the recommendations were made by the noncommissioned officers to pay recruits less. Why? That would not have been the case in the infantry units in which I served. We all had the same responsibility in a way whether we were privates, privates first class, or sergeants. We all had frontline responsibility. We were all dependent on each other. We all had the same kind of weapons and were expected to do the same things, and we did.

So I cannot believe that too many frontline noncommissioned officers would ever recommend that recruits be downgraded in pay or be held back in pay for their very lives, their very existence in times of battle depend upon the effectiveness of those E–1's, E–2's, and E–3's.

Now, the quality of recruits is perhaps the most important subject matter to be considered on this question. It has been said that 85 percent of the recruits make it successfully through basic training but that 15 percent are washed out. It is to that point I would like to address myself in particular. We want to upgrade the quality and caliber of recruits. We absolutely want to do that. That is what the Armed Forces is all about. And to do that pay is part of it. I am quoting from one of the arguments made last Saturday when I recite this. Referring to E–1's, the statement was made that "They are getting more than they can spend," inferring they are busy; they are in basic training for these first several months; they are just getting used to the discipline of the military and the requirements for long hours; duty at the particular military training base consumes practically all their time.

Well, these young people are just like the rest of us. In fact, I feel they are part of me, even though these lower grades and particularly E–1's and E–2's do not have any constituency clout of any significance, it seems.

Mr. President, let me tell you, they have plenty of clout with me because they are mine. I claim them. They are a part of me. They are just like I was. They save some money. They have their own personal aspirations. They help their families. They are building their future lives. Meanwhile, they have hired out to protect us by serving in the Armed Forces. The point of my amendment is just this. They are worth their hire and more. They are worth it.

I spoke about morale last Saturday, and perhaps morale is not the best term. Perhaps the best term is sort of a reverse: How do we in Congress feel about them? How we in Congress feel about recruits is probably how the public is going to feel about them. We should be saying and meaning that they are certainly worth their hire, that we want them, we need them, and we appreciate them.

The PRESIDING OFFICER. Who yields time?

Mr. MELCHER. Mr. President, I suggest the absence of a quorum, the time to be equally divided.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DENTON). Without objection, it is so ordered.

Mr. MELCHER. Mr. President, this amendment is structured to allow the Department of Defense to spend less on media advertising if it so chooses, so as to not increase the overall expenditures in the bill for the coming year.

I think it is obvious that the media advertising has been successful and has been principally geared for and pointed at the recruiting of the E–1's—that is, the beginners, the beginners of lowest rank in our armed services.

To the extent that it has succeeded, it is possible that the Department of Defense will find it much more advantageous—at least, it is my judgment that they will find it much more advantageous—to have the $13 million, $14 million, or $15 million that will be required as a result of my amendment put directly into pay for the E–1's, because that is a big feature of recruiting.

I feel very strongly about making this correction in the bill, because I think that all too often, when we look around to see where we are going to save some money, we start with cuts at the bottom.

So the return to a proposition where you treat the E–1's differently on a cost-of-living adjustment is a trend backward.

It is a trend backward toward pay compression. I think pay compression when it starts on E–1's, goes to E–2's, eventually and E–3's and all up the ladder, and I know none of us want to do that. So I think it is important that we draw the line right now and keep right up to the forefront that it is very important that we attract recruits and that we attract the best quality and the best caliber of recruits that is possible. Along that line I offer this amendment.

I have supported and I continue to support in a very dedicated way the upgrading of pay for all grades in our armed services. I think it is extremely necessary and to the extent that the Armed Services Committee has done that in their proposal on this bill, I very much commend them. I only suggest let us not leave out the E–1, treating them exactly the same way, giving them the cost-of-living adjustment at the same time and the same amount that we would give E–2's and E–3's.

As to the cost of the recruiting, I only mentioned the cost of media advertising. It is running around $125 million, perhaps $130 million, a little bit more this year. That is what it is per year, about $126 million to $130 million per year. That is for media advertising. But they are now spending, I am advised by the Department of Defense, a total of $1 billion per year on all recruiting and advertising costs.

A lot of that has to do with the attraction that has allowed for holding noncommissioned officers and other enlisted people, mainly noncommissioned officers, but also commissioned officers, holding them in the midlevels in the service when they can give us the best years of their experience and their training in the military.

I think it is necessary. And I support it.

I do not want to minimize that effort. And to the extent that I would make this correction for E–1, I think it fits in with the right way of doing business, the right decision by Congress, on how we treat our military.

If we were to compare this to other opportunities for those recruits, both men and women, we might want to look at what the minimum wage is and say, well, a lot of them are having difficulties getting a job right now, and if they got a job at minimum wage, it would be $3.30 or $3.40, times whatever hours they work.

If you multiply out the number of hours of duty per week for these recruits, you will find that their total pay plus the allowances for their food, their clothing, and their shelter, is at approximately sometimes, depending upon how many hours of duty they have, sometimes a little bit less than the minimum wage.

People join the armed services for a variety of reasons. Much of it has to do with the feeling, the desire to serve the military who serve our country. They are proud of it. They think it will fit their life pattern for a number of years. And I commend them for it.

I want to continue attracting those kinds of people into our Armed Forces. I hope the amendment can be agreed to because I think it is one of the factors that recruits consider when they decide to sign up for a hitch in the Army, Air Force, Navy, or Marines.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, this matter was very thoroughly debated last Saturday. The amendment the Senator offers today is not substan-

tially different from that that was defeated by a vote of 63 to 14 last Saturday. I think the arguments for the most part have been made. I have very few comments to make which I will reserve to the concluding debate on this issue on Monday.

I am, therefore, prepared to yield back the remainder of my time for today if the Senator from Montana is prepared to yield his back.

Mr. MELCHER. Mr. President, will the Senator yield the floor?

Mr. TOWER. I yield to the Senator on his time.

Mr. MELCHER. Mr. President, I am prepared to yield back the remainder of my time for today.

Mr. TOWER. I yield my time back.

The PRESIDING OFFICER. All time having been yielded back under the previous order this amendment will be laid aside until 5 p.m. on Monday.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator should be informed that the quorum call time will be charged against his time on the bill.

Mr. TOWER. Mr. President, I ask unanimous consent that the time consumed by the quorum call not be charged against either side of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JACKSON. Mr. President, I ask unanimous consent that the time I am about to consume will not be charged against the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER VITIATING ACTION WITH REFERENCE TO AMENDMENT NO. 1531

Mr. JACKSON. Mr. President, I ask unanimous consent that amendment No. 1531 that was adopted Wednesday, July 20, 1983, in connection with a military construction item be vitiated and that a colloquy between Senator THURMOND and myself be placed at this point in the RECORD.

Mr. TOWER. Mr. President, reserving the right to object, and I will not object, will the Senator specify which military construction that is?

Mr. JACKSON. Mr. President, this is the amendment that authorized the construction of a hydrant fueling system at Fairchild Air Force Base.

Mr. TOWER. I thank the Senator. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

HYDRANT FUELING SYSTEM AT FAIRCHILD AIR FORCE BASE, WASHINGTON

Mr. JACKSON. Mr. President, yesterday the Senate approved an amendment that I offered on behalf of myself and Senator GORTON. The amendment authorized the construction of a hydrant fueling system at Fairchild Air Force Base, Wash. No funds were added to the bill; the project would be constructed with any savings that may accrue from projects for which funds were provided in fiscal year 1984 or prior years.

Unfortunately, prior to offering the amendment I did not have the opportunity to consult with the distinguished chairman of the Military Construction Subcommittee, Senator THURMOND; I have now had such an opportunity. The distinguished chairman has expressed concern about any additions to the bill, whether in the form of dollars or projects authorized to be funded out of savings to the bill; he apparently has had numerous other requests in this regard which he has declined. Second, I understand that authority to fund a project out of savings does not serve as a basis for appropriating fiscal year 1984 funds for such project.

Mr. President, I know that the House Armed Services Committee has authorized funds for this project in its military construction authorization bill, so irrespective of my amendment of yesterday, this issue will be within the scope of the conference on those bills. I would ask the senior Senator from South Carolina if that is not the case?

Mr. THURMOND. The Senator from Washington is correct. Furthermore I can assure the Senator from Washington that I will support this very important project—for one of our first air-launched cruise missile facilities—when we have our conference on this bill with the House.

Mr. JACKSON. I thank the Senator from South Carolina for his assurances of support and I now ask unanimous consent that my amendment of yesterday concerning this project be withdrawn.

Mr. TOWER. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time be charged to neither side of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, if I may have the attention of the minority leader, I would like to propound a unanimous-consent request that any additional time that is used for any purpose today not be charged against the bill but that time on the bill start running Monday. I so request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TOWER. Mr. President, I suggest——

Mr. PRYOR. Mr. President, before the distinguished manager of the bill makes that request, would it be appropriate at this time for me to make a statement relating to the Defense Science Board and to discuss this matter?

Mr. TOWER. I withhold my request.

The PRESIDING OFFICER. The Senator from Arkansas.

DEFENSE SCIENCE BOARD

Mr. PRYOR. Mr. President, for a few moments this morning I would like to discuss not the MX missile. I would like to discuss a little known entity in the Department of Defense that has existed for approximately two decades that, in my opinion, reeks of conflict of interest. It is also an entity in the Department of Defense that is advising our country, our officials in the Pentagon, on major weapons and procurement decisions and national defense issues. Mr. President, it concerns me to a great extent, that this Board, called the Defense Science Board, the DSB, is a Board comprised of individuals who have some of the largest and most profitable defense contracts in the Pentagon.

There is no question but we need today to seek advice and counsel from experts in the field of science, technology, and weapons procurement. But, Mr. President, the makeup of this Board has garnered my attention for the past 4 years. I have asked questions about it. I have had very few, I think, proper answers relative to the influence and to the impact that the Defense Science Board actually has on defense decisions.

Just recently, Mr. President, a report by the Inspector General in the Pentagon has crossed my desk and in reading through it, I have asked once again a series of questions concerning a number of issues: Spending by the military, the influence of defense contractors on national security and spending decisions; the revolving door syndrome of military-industrial officials; and even the legality of major governmental advisory boards.

The report I refer to is a review of policies and procedures of the Defense Science Board, better known as DSB, and it was prepared by the Defense Department's Office of the Inspector General.

First, Mr. President, before I highlight what was in the Inspector General's report, let me just read a few names to my colleagues in the Senate of indiviudals who comprise the Defense Science Board that advised the Department of Defense in procure-

ment, in national defense issues. Norman Augustine, president of Martin Marietta Aerospace; William Anders, vice president and general manager, Aircraft Equipment Division, GE; Gen. Leonard F. Chapman, Jr., U.S. Marine Corps, retired; Hon. William P. Clements, the former Governor of Texas; Prof. James Fletcher, private consultant; Dr. John Foster, Jr., vice president, science and technology, of TRW, Inc.; Charles A. Fowler, vice president and general manager, Bedford Division, MITRE Corp.—Mr. President, the MITRE Corp., for my colleagues' edification, is one of the major consulting firms in this country with millions and millions of dollars of defense and nondefense Government contracts; Robert H. Fuhrman, president of Lockheed Missiles and Space Co., Inc.; Dr. Sayre Stevens, Systems Planning Corp., which, once again, is one of the major consulting firms to the Department of Defense; Dr. Donald B. Rice, president of the Rand Corp.—I understand that 97 percent of the Rand Corp.'s income has basically resulted from contracts with the U.S. Air Force and other parts of the Government.

I would like to commend the Inspector General for this recent report. I think it showed an act of courage and also of objectivity because it shows several major findings:

One, financial disclosure statements required by the Department of Defense and other Federal regulations to determine whether a conflict of interest existed were not always obtained or properly processed; that is, in reference to the Defense Science Board activities.

Reviews of conflict of interest were "of a superficial nature." As a stated result, the objectivity of the Defense Science Board's recommendations was routinely open to question.

Another finding: Of those financial disclosure statements on file by the members of DSB, more than one-fourth of those disclosures were not timely filed. In other words, they were completed after the members were already taking part in task force activities. It should be noted that the fact that members were participating before the statements were filed, I think suggests in and of itself, that no one involved considered a review of the disclosure statements very important.

Another finding: When the statements were examined by the Inspector General, more than half of those participating were found to have potential conflicts of interest. One person was told by DOD officials that a conflict of interest existed but he or she refused to sign a statement of disqualification.

What is going on at the Defense Science Board, Mr. President?

Why is it that they refused to sign a statement of disqualification to a conflict of interest? Despite the finding of a potential conflict of interest, the person mentioned in the IG report was allowed to take part, all the same, even with a potential conflict of interest still in existence.

Finally: Of the 37 former Government employees involved in task force activities of DSB, 31 of these had been employed by the Department of Defense at some point in their career. In addition, 19 of these people came out of the Office of the Under Secretary of Defense for Research and Engineering. The suggestion stated in the report is clear:

> Consequently, it appeared that the membership of the DSB and the task forces was based on personal knowledge rather than based on a group of technical experts drawn from a universe of knowledgeable individuals.

Mr. President, this is a clear description, in writing by an office within the Pentagon, of what I have often referred to as "the good ol' boy network."

Mr. President, what is the Defense Science Board? What is the reason for its existence? What role does it serve and what impact upon national security matters does it have?

Mr. President, the Defense Science Board has been in operation for about 25 years. It is a group of some 30 members, among them some impressive and knowledgeable people with expertise in military affairs, defense matters, science, and business. At the same time, several are retired military officers, former public officials, and industrial executives with contracts and working business agreements currently in effect with Pentagon offices.

Most of the work done by the DSB is in task forces, which I have referred to already in my remarks. These task forces—about 30 in number—approach a number of topics: Submarine warfare, arms agreements between our country and others, the various basing modes suggested for the MX missile, and so forth. These are crucial and sensitive issues that demand the best information and advice we can find. But they also require objectivity, an unbiased point of view, a professional and dispassionate capacity for evaluation. I wonder how much objectivity we are getting from the DSB, particularly when a report of this kind is issued by the Inspector General in the Department of Defense, and more specifically when many members of the Defense Science Board who comprise this select group are the very people who stand to profit financially from the Board's recommendations.

Mr. President, if I have ever seen a conflict of interest, I see one today in the Defense Science Board. It is raw, it is certain, and it is dangerous.

Mr. President, 2 years ago I raised questions about the Defense Science Board during hearings on defense procurement conducted by the Governmental Affairs Committee. At that time, I was troubled by the role of the Board in procurement contracts and questioned its chairman, Norman R. Augustine, on this point.

Included in this report by the Inspector General's Office is an interesting but disheartening response from Richard D. DeLauer, Under Secretary of Defense for Research and Engineering. His April 5 memorandum reacting to the Inspector General's report indicates much of the defensiveness characteristic of the Pentagon whenever the least breath of criticism is directed its way.

Mr. DeLauer finds the report guilty of bias and, as he puts it, "misunderstanding of the facts." He is also anxious for reports of this kind not to result in what he calls external dissemination, and suggests that the General Accounting Office should not be allowed to see it until the report is, in his terms, "accurate and balanced." Mr. DeLauer also decries "inflammatory statements" in the report. In other words, he wants to make sure that no one outside the Pentagon hears a word of criticism about the Military Industrial Complex and its role in making defense policy. More specifically, Mr. DeLauer is asking that the issue, in my opinion, of conflict of interest of the Defense Science Board be swept under the rug.

Mr. President, I find the nature of this reaction by a Pentagon official disturbing in its defensiveness and suspicion. Furthermore, it underlines so much of what the Senate last week hoped to combat when it passed an amendment establishing within the Pentagon an independent office of operational testing and evaluation. At the core of this provision is an insistence on independence, probably the most important part of the whole amendment. And it is this very independence of the Inspector General that Mr. DeLauer seems to suspect and resent in his memorandum.

Mr. DeLauer's attitude is hardly a new one for the military development community. Last month, in testimony before the Committee on Governmental Affairs, Russell Murray—former Assistant Secretary of Defense—pointed out some useful background in this connection. He said that back in 1978, when operational testing was being debated, the Defense Science Board Task Force on Acquisition had 26 members. Of these, 19 were from the technical community—employees and officials of TRW, Martin Marietta, Hughes, Lockheed, Boeing, and so on. The Chairman of that task force was Mr. DeLauer, who was then executive vice president of TRW, and now the

man in charge of operational testing in the Department of Defense.

An excerpt of Mr. Murray's testimony describes the task force's report:

The citation opens with an allegation that those of us who look to operational testing as a way of making sure that our weapons will work if we ever have to use them are, in fact, just a bunch of under-cover budget-cutters: "The inventors of OT&E are saying, in effect, 'The development process some way or other comes up with products that the user doesn't like. We can save a lot of money if we can find out which they are and then not put them into production.' "

The report goes on to say that: "Supporters of OT&E react [to pressures for producing weapon systems even if they fail their operational tests] by attempting to make OT&E even more independent, such as by attaching it to Systems Analysis [the former name for PA&E], or, for all anyone knows, perhaps by deciding it should be under the GAO . . . OT&E supporters are swimming upstream."

While that by no means demonstrates that the entire research and engineering community is hostile to independent operational testing, I think it does indicate that the prospcct has in the past made at least some of its members anxious.

Mr. President, it is my belief that Congress would be derelict in its duty if it failed to take action to assure that advice to the Government on national security matters is free of the taint of conflict of interest. We cannot ignore the Inspector General's finding that legal requirements are simply not being met.

I want to serve notice that if this situation—illegality and conflict of interest—still exists when the defense appropriation bill for fiscal year 1984 is considered, I will propose an amendment to delete any funds used in support of the Defense Science Board's work. Quite simply, if this organization does not meet the necessary legal standards, it should be put out of business. DOD is not a sacred cow and, yes, it, too, must obey the law.

I am tempted—I am tempted, Mr. President—to propose such an amendment today. But I am going to refrain, because the Defense Science Board deserves an opportunity to correct its problems. At the same time, we will need someone other than the Board itself—or the Under Secretary of Defense for Research and Engineering—to tell us that adequate corrective actions have been taken.

Mr. President, I would like to ask, and I plan to ask, that the Inspector General of the Department of Defense and the general counsel at the General Accounting Office report to us no later than September 10 as to whether adequate corrective actions have been taken in the Defense Science Board relating to potential conflict of interest. I would also hope that the Armed Service and the Governmental Affairs Committees with jurisdiction over these matters would investigate this question, if their time and resources permit such investigation, and I hope they will.

If the Defense Science Board does not meet the necessary legal requirements and if they are not complying with the law by the appropriate time, I will offer an amendment to cut off all funds for the operations of the Defense Science Board.

The Inspector General's conclusions reinforce early findings—very disturbing by others who have examined the activities of the Defense Science Board. In a section of his book "Government by Contract," John Hanrahan discussed the Pentagon's relationship with TRW, Inc. and cites an episode involving the Defense Science Board only 1 year ago.

Mr. President, I ask unanimous consent that two pages from the book, "Government by Contract," which describes this relationship of the Pentagon and TRW, Inc., be printed in the RECORD at this point.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPT

Another key to its success is that, throughout its three-decade history, the company and the Pentagon have periodically exchanged personnel. As a prime example, Richard D. DeLauer, upon his retirement as a navy commander in 1958, came to TRW and held a number of executive posts. He was also a member of a major Pentagon advisory panel, the Defense Science Board, and was chairman of the board's manpower panel. In early 1981, he left his executive vice president and director positions at TRW, upon his selection by President Reagan to return to the Pentagon as undersecretary of Defense for research and engineering, one of the key Defense Department posts. At the Pentagon, DeLauer was responsible for weapons development and acquisition, a position that assumed even greater importance in light of President Reagan's $1.6 trillion, five-year defense spending program initiated in 1982.

John S. Foster, Jr., who came to TRW in 1973 and by 1982 was vice president for science and technology, had served at the Pentagon as director of defense research and engineering from 1965 to 1973. TRW's chairman and chief executive officer in 1982, Ruben F. Mettler, had served as an aide to the assistant secretary of Defense for research and engineering in 1954-55. Stanley C. Pace, TRW's president in 1982, had been an air force colonel when he left the military service in 1953, and TRW vice president Neal A. Pritchard has served as a navy commander in both World War II and the Korean War.

In July 1982, questions were raised in Congress concerning DeLauer's role in setting up an eleven-member task force of the Pentagon's Defense Science Board to evaluate a proposed new computer procurement policy. Of the defense contractor members on the task force, only TRW had two members: Barry W. Boehm, of its defense and space systems group, and John G. Weber, of its military electronics division.

The task force became the focus of controversy when the General Accounting Office reported that seven of the eleven contractor members had a financial interest in one or more of the firms that would benefit from the proposed new policy, which pertained to standardizing computers purchased for military purposes. Two of the members did not even submit their financial disclosure forms until after the task force made its recommendations. Although the accounting office did not name the seven members of the companies, it was subsequently disclosed that TRW and its officials were among them. TRW already had an army contract, under a joint venture with General Electric Company, to develop an advanced computer. Among the other seven on the list were representatives of Control Data Corporation, Texas Instruments, Inc. and MITRE Corporation.

DeLauer and one of his top aides had, according to Representative Jack Brooks, D-Texas, chairman of the House Government Operations Committee's National Security Subcommittee, "picked out all of the members" of the task force. Because of the conflicts-of-interest question, Norman R. Augustine, chairman of the Defense Science Board, refused to approve the task force's report, pending an internal Pentagon review of the issue.

In testimony before Brooks's subcommittee, the top accounting office official, Comptroller General Charles A. Bowsher, said that "the tilt of task force membership toward interests that support the proposed policy" meant its conclusions "cannot reasonably be looked upon as having been objectively reached, irrespective of the merits of those policies." Bowsher said he would forward his information to the Justice Department for a determination of whether the conflict-of-interest laws had been violated.

A number of task force members, including Weber, contended that there were no conflicts involved. One task force member, George H. Heilmeier, of Texas Instruments, was quoted in the press before the hearing as saying that in his ten years on the Defense Science Board he had "never seen anyone vote their own special, selfish interest. I reject the inference that because a person works for a company that is in the computer business that individual is totally and hopelessly biased." It was then disclosed at the Brooks' subcommittee hearing that Heilmeier had written Texas Governor William P. Clements, Jr., to get him to pressure Brooks to "behave like a true Texan" and drop his "witch-hunt" regarding the Defense Science Board. Clements, according to Brooks, never contacted him on the matter. Clements was deputy defense secretary in the Nixon administration.

The proposed computer policy, which was also endorsed by Defense Secretary Caspar W. Weinberger, could result in billions of dollars worth of contracts to the firms that end up providing the standardized computer system to the Pentagon. The policy was opposed by a number of commercial computer firms that have both private sector and government customers and would stand to lose Pentagon contracts under a shift to the standardized system. In later testimony before Brooks's subcommittee, Deputy Defense Secretary Frank C. Carlucci said the Pentagon had been "sloppy" in not requiring the advisory panel members to file financial disclosure statements before the panel decided on the computer issue, but he insisted, nevertheless, that no conflict of interest was involved. In December 1982, the Justice Department said it had decided there was "no prosecutable violation of Federal law."

Mr. PRYOR. Few people have examined the military industrial complex as carefully as has Gordon Adams in a book entitled "The Iron Triangle: The Politics of Defense Contracting" published by the Council on Economic Priorities in 1981.

He describes the role of industry advisers to Government generally and the Defense Science Board specifically in his book.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a writing relating to advisory committees and the Defense Science Board by Mr. Adams.

There being no objection, the writing was ordered to be printed in the RECORD, as follows:

EXCERPT

[T]hese committees offer an arena in which its members present and argue for the public—and all too often the private—interest. Federal policies that have an effect on an industry are commonly discussed and sometimes formulated. Committee members have early input, carrying back from meetings information on policy developments of interest to the institutions and firms they represent; they become acquainted with Government officials and meet other influential members in their field.

Whether members of such committees "represent" the industry or are representatives of it is a moot point. They are ordinarily men with a very clear interest in what Government decides to do. By their attendance at meetings and other agency relationships, they become privy to the major issues and also to the men who must address them.

This can, and does, result in significant "advantages" to the member of the committee. He, of course is always hopeful of having influence with the Government official. The point he would like to make may not be a large one in the order of national affairs, but that does not make it less meaningful either to his industry, to his company, or to himself. The member also hopes to learn what the Government is likely to do. Even when he is not able to influence such action, the mere learning about it—or even suspecting what will happen—can be vitally important.

The major problem that results from this special early access is one of bias. Because advisory committees are concerned with a specific issue or policy area and select their own membership, they tend to reinforce a close, interacting network of policy-makers, all of whom have expertise in the area, but who share a similar interest in the preservation of the industry-Government relationship, through closed meetings and selective membership. Wider views are not represented.

* * * * *

DoD advisory groups deal with a wide agenda of issues of importance to both the agency and the industry. Most critical for early access to decisions in the "iron triangle" is the network of scientific advisory bodies, especially the Defense Science Board. The DSB has 24 at-large members, an unnamed number of associate members, plus the chairmen of the three service-related scientific advisory groups. The chairman of the DSB is chosen by the Under Secretary of Defense for Research and Engineering. The at-large members are chosen for "their preeminence in the fields of research and engineering," and a large number are drawn from defense industry companies and defense research institutions. The DSB charter indicates the range of the group's responsibility: to advise the Secretary of Defense, the Under Secretary of Defense for Research and Engineering, and the DSB's counterparts in the services—the Army Science Board, Naval Research Advisory Committee and Air Force Scientific Advisory Board. Members of these groups are generally selected by the agency and by the group members themselves. These key committees provide company members with access to decisions about new weapons at the earliest possible stage, well before Congress or the general public are aware of them.

The DoD science advisory network, moreover, is much more extensive than it appears. Each of these committees is broken down into a myriad of task forces, ad hoc groups and working subcommittees which parallel the R&D and procurement structure of the Defense Department. This large network draws even more scientific and industry representatives into the early stage of DoD policy-making.

Mr. PRYOR. Mr. President, on July 21, 1983, there appeared in the Baltimore Sun an article entitled "Pentagon Science Advisers Attacked." This article, by Vernon A. Guidry, Jr., refers to the Defense Science Board and to the Inspector General's report. I ask unanimous consent that that article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PENTAGON SCIENCE ADVISERS ATTACKED

(By Vernon A. Guidry, Jr.)

WASHINGTON.—A highly critical internal Pentagon report has questioned the objectivity of an influential panel of outsiders that advises the Defense Department on some of the most sensitive questions facing the American military.

The report on the operations of the Defense Science Board says the defense officials who run it failed to follow legal requirements on financial conflict of interest and providing balanced viewpoints, and relied too much on the old-boy network of acquaintances and former colleagues.

As a result of these failings, "the objectivity of the DSB's recommendations was open to question," concluded the report by the Pentagon's inspector general.

The report has already stirred internal controversy and was likely to generate more, since key officials were fearful of the consequences of public release even before it was finished. A copy was released to The Sun yesterday.

Among the findings of the inspector general's audit:

More than a third of the financial disclosure statements required of DSB task force members to judge whether there was a conflict of interest simply did not exist.

Of those statements that were filed, more than a quarter were completed after members were accepted and were participating in task force activities, indicating to auditors that the issue was not considered an important one.

More than half of those participating in the DSB task forces studied were found to have potential conflict of interest and were required to sign a statement promising to disqualify themselves if the conflict arose.

One person (not further identified) refused to sign such a statement but was permitted to participate.

"Reviews for conflicts of interest that were being conducted appeared to us to be of a superficial nature," the auditors concluded.

"These conditions occurred because responsible [defense] officials were not complying with applicable laws, regulations, directives and guidance and no oversight was occurring," read the audit.

The DSB, which has been in operation for about 25 years, is a group of about 30 members, including retired military officers, scientists and engineers from academe, the defense industries and elsewhere, business executives and former public officials. Some of its membership changes each year. Most of its work is done through task forces composed of some DSB members and other outside experts recruited for the purpose.

During the period convered by the audit, January, 1978, to August, 1982, topics studied by the 33 task forces included basing of the MX missile, antisubmarine warfare, international arms agreements, vulnerability of Navy ships, the cruise missile and how to supply water to the Rapid Deployment Force targeted for the deserts of the Middle East.

Defense officials have defended the DSB as vital, one of them telling Congress last year, "The advice of the board is equitable and sound and is inexorably in the best interests of the nation and its defense."

Critics of widespread use of the advisory panel, such as Gordon Adams, author of "The Iron Triangle," argue that operations like the DSB give industry members early access and influence over Defense Department decisions even before Congress is involved.

The audit noted that Defense officials say they must turn to the defense industries for advice about weapons and state-of-the-art military technology—despite the potential for conflict—because defense contractors have the expertise.

The auditors replied, however, that a check of available records of task force makeup showed membership heavily weighted toward acquaintances of Defense officials and DSB members, and former government employees, mostly of the Defense Department.

"Consequently, it appeared that the membership of the DSB and the task forces was based on personal knowledge rather than based on a group of technical experts drawn from a list of knowledgeable individuals," the audit read.

"It could also be concluded that selection was from a field of those known to the selectors because no comprehensive list of knowledgeable candidates was developed and presented to the task force chairman," it continued.

The Pentagon official in overall charge of the DSB is the Under Secretary for Research and Engineering, Richard D. DeLauer. His office reported that he could not be reached for comment, but the audit report contained a number of responses from Mr. DeLauer.

He saved his sharpest reponses for the sections on conflict of interest, balance and makeup of the task forces.

The Under Secretary said these sections "show a lack of understanding resulting from a superficial examination of data and

a clearly biased view of facts by auditors and/or authors."

Mr. DeLauer was particularly irked by an example chosen by the auditors to illustrate their points. It concerned two task forces studying military users for lasers.

The two task forces were headed by the same man, a vice president for TRW, Inc., the Cleveland-based conglomerate with more than $3 billion in assets and a good deal of Pentagon business.

At the time of his appointment, according to the auditors, defense officials were aware of a potential conflict in that TRW "was a major contractor in DoD's research and development efforts regarding laser-space technology."

The auditors said that records and minutes of the task forces were too spotty (a violation of regulations in itself) to determine exactly how influential the unnamed executive was.

But, they reported that both task forces recommended proceeding with laser research, that TRW made a "major presentation of their efforts" to one of the task forces, and that the task force was made up entirely of persons who supported the laser research program.

The auditors also quoted the TRW executive, whose name could not be learned independently last night, on the makeup of one of the task forces.

"I should point out that this group was not one which set out to find fault. In fact, every member of this panel has been a strong supporter of the U.S. laser weapon program, most of us since its inception," wrote the executive in a cover memorandum on one task force report.

In a memorandum to the Inspector General's Office, Mr. DeLauer called this section the "worst example" of audit bias and one that was "exactly opposite of the facts."

He noted that the Senate Armed Services Committee had prompted one task force report in order to determine whether research on space-based lasers should be accelerated. The task force, he went on, recommended against acceleration of the present effort, which would have been a much more expensive alternative.

The auditors replied that it was Mr. DeLauer who was missing the point. While the task force had not recommended acceleration it had recommended continuation of the program, and had excluded negative information.

"The information available in the [DSB] files raised questions about utility, cost and national policy [on space-based lasers] although none of this information made its way into the report," read the audit. "Furthermore, the intelligence estimates did not support the original concerns of the [Senate committee] which had triggered their desires for an accelerated program. Based on the information in the files, we could argue that a balanced report should have presented the negative aspects of the issue."

In his memorandum to the inspector general dated April 5, Mr. DeLauer also questioned the "appropriateness of this report, done in response to an internal request for a review, being distributed outside the department."

He said the report contained "many inflammatory statements" that "are not true and that could be harmful."

"It appears that the credibility of and indeed the usefulness of your office to the DoD will be eroded if this practice persists—review assistance is unlikely to be requested knowing the result could be external dissemination and use of your reports in a destructive way."

Mr. DeLauer went on to complain that the report had been released to the General Accounting Office, Congress's watchdog agency, without editing.

Mr. PRYOR. Mr. President, finally, I would like to say once again how concerned I am about ths whole matter, and that at the appropriate time in the appropriations process, I do plan to offer an amendment cutting off funds for the Defense Science Board if they have not complied with the conflict of interest statutes that relate to the Department of Defense.

Mr. President, I have no further statement. I yield to the minority leader.

Mr. BYRD Mr. President, I commend the Senator on his statement calling this matter to our attention. The question of efficiency in the operations of the Department of Defense is something that should be of concern to each Senator, especially in view of some of the recent revelations of items purchased by and for the Department of Defense for which the taxpayers' money has been paid and the prices of which, in many instances, as they appeared in the newspapers, were many times higher than the prices the items usually sold for. I was shocked by the news stories.

Mr. President, we have billions of dollars of the taxpayers' money tied up in this bill for the Department of Defense. The possibilities of waste are large in the expenditure of so large sums.

I want to say as a result of the efforts on both sides of the aisle last year—and specifically I mention Senators BENTSEN, PRYOR, EAGLETON, and ROTH—the post of Inspector General was established for the Department of Defense. That Department was one of the few departments of our Government that did not have an Inspector General whose responsibility it is to ferret out waste and mismanagement. That was corrected through the recent efforts of Members I have mentioned on both sides of the aisle.

As has been evident in recent weeks, the activities of that office have already begun to pay off for the taxpayers. The establishment of that office was one of the more important recent legislative achievements of Congress.

It is of great interest that the DOD Inspector General has very recently uncovered a major problem associated with the activities on the Defense Science Board. This is what the distinguished Senator from Arkansas (Mr. PRYOR) has been talking about. He renders a great service to the Senate and to the taxpayers of our country in so doing.

The Defense Science Board is the highest advisory body regarding the future development of our weapons systems, our arms control policies, and our force structure for the Department of Defense. It is composed of distinguished Americans from the academic community, from consulting concerns, industrial manufacturers, and retired flag and general officers. Its advice is an important factor in the future of our overall defense effort.

So it is extremely disturbing to read a very recent report by the DOD Inspector General that the activities of the Defense Science Board are in violation of virtually every law and regulation that governs its operation.

The Inspector General found that the Defense Science Board operations and the operations of its task forces are in violation of the Federal conflict of interest statutes as well as the law governing the establishment of this type of advisory committee. The Inspector General found that financial disclosure statements have been filed late, or, as Mr. PRYOR has indicated, not filed at all, or not filed in compliance with the law. It has found that the task forces established by the Board lacked balance in their composition and constitute a kind of "old boy" network, to use the words of the Senator from Arkansas which does not serve the national interest.

Did the Senator, may I ask, insert into the RECORD the report of the Inspector General?

Mr. PRYOR. I did not insert the entire report. I think it would be most timely and most appropriate to insert the entire Inspector General's report.

Mr. BYRD. I have it here in my hand. I would like to present it to the Senator from Arkansas for his inclusion in the RECORD. He has been the principal speaker on this matter today and I think he is entitled to do that.

I do believe that the relevant committees of the Senate should conduct an investigation into the findings in the report of the Inspector General.

When the Senator gets ready to offer his amendment a little later, I would like for him to let me know. I may want to cosponsor it.

I thank the Senator for yielding and thank him again for bringing this matter to the attention of the Senate and those who read the RECORD.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Cost Bombshells" which was published in Time magazine of July 25, 1983.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COST BOMBSHELLS—EXPLODING SPARE-PART PRICES

At a time when President Reagan is fighting with Congress over his record military budget, whistle blowers in the Pentagon are continuing to sound alarms about the wasteful way past funds have been spent. Last fall a leaked report, prepared by Air Force auditors at Oklahoma's Tinker Air Force Base, showed astounding increases in the price of aircraft engine parts made by Pratt

& Whitney: a turbine air seal for an F-111 fighter-bomber, for example, soared from $16 to $3,033.82 in one year. These findings touched off a broader study by the Pentagon's inspector general's office. Last week a leak of the resulting draft concluded that Air Force and Navy purchasing practices encourage exorbitant price increases on aircraft engine spares.

The inspector general examined price increases from 1980 through 1982 for nearly 15,000 aircraft engine parts and discovered about 65% of the prices had risen by more than 50%; 4,000 items had ballooned by more than 500% and some by more than 1,000%. A gear-and-pinion assembly supplied by Bendix Corp. jumped from $31.59 to $546, a rise of 1,628%. A spare part from Britain's Rolls-Royce was marked up from $3.70 to $54.75, an increase of 1,380%. Inflation over this period was 28.9%.

The report blames the price hikes not only on the suppliers but on Pentagon purchasing agents for failing to insist on greater competition among parts manufacturers, and for not reforming contracting procedures to prevent absurd markups. In practice, Pentagon agents tend to prefer "sole source" contracts with a major manufacturer, who will acquire the parts from subcontractors and take a profit as middleman. When bids on parts are sought, the Pentagon's buyers often deem the competition "adequate" even if the only "bidders" are the prime contractor and one of its subcontractors, whose business often depends upon remaining on good terms with the larger company. Furthermore, the report contends, Pentagon buyers are reluctant to permit new sources of parts from breaking into the circle of approved suppliers.

Such practices have been condoned, the Pentagon report contends, in part because purchasing agents are judged by their superiors mainly on the speed and quantity of the purchases they make. "Cost is not a major consideration," concluded the inspectors.

A similar admission came last week from John Melchner, director of the Pentagon's Defense Audit Service, to a House subcommittee. He testified that Navy purchasing officers "are pushed to get parts as soon as possible," even if it means bypassing the Pentagon's inventory. For instance, the Navy paid the Sperry Corp. $110 for each diode used in an F/A-18 fighter-bomber flight simulator, even though the diodes were available from the Pentagon's own spare-parts stockpile at 4¢ each. The apparent reason for this expensive shortcut: unwillingness to order through the cumbersome military bureaucracy. Declared Democratic Congressman Nicholas Mavroules of Massachusetts: "This is an abominable situation."

Thanks to yet another whistle blower, it is now known that even the cost of the one-inch-square plastic caps that the Air Force fits on the legs of stools used by navigators in B-52 bombers and other aircraft has flown as high as the planes. This became public knowledge when a maintenance crew chief at Tinker Air Force Base got angry because one cap cost more than his monthly base pay. Each cap should cost about 25¢, according to an estimate by Air Force analysts. The price the Pentagon was paying Boeing: $1,118.26. After switching suppliers, the Air Force now pays $4 for each cap.

Mr. PRYOR. I would like to say, Mr. President, in brief response to the distinguished minority leader, the Senator from West Virginia, that I thank him for his comments, for his wise observations, and for handing to me the audit report dated July 7, 1983, from the Office of the Inspector General, Department of Defense.

Mr. President, I ask unanimous consent at this time that the report in its entirety be printed in the RECORD at this point.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT ON THE AUDIT OF POLICIES, PROCEDURES, AND PRACTICES FOR OPERATION OF THE DEFENSE SCIENCE BOARD

PART I—INTRODUCTION

Background

Public Law 92-463 (PL 92-463), the Federal Advisory Committee Act, authorizes the establishment of a system governing the creation and operation of advisory committees in the executive branch of the Federal Government. The Administrator, General Services Administration is responsible for all matters relating to advisory committees. Guidelines to Agencies are contained in OMB Circular A-63 (Revised). The Department of Defense has implemented PL 92-463 and OMB Circular A-63 (Revised) through DoD Directive 5105.18 (Appendix A), which applies to the Office of the Secretary of Defense, Organization of the Joint Chiefs of Staff, Unified and Specified Commands, Military Departments and Defense Agencies. The Assistant Secretary of Defense (Comptroller) provides policy guidance and prescribes operating procedures to ensure compliance with the Public Law, the OMB Circular and DoD Directives. Specific duties were as follows:

Office of the Under Secretary of Defense for Research and Engineering

1. Has prime responsibility for establishment and operation of the Defense Science Board (DSB).

2. Recommends individuals for appointment to the DSB.

3. Recommends individual board members for appointments as chairman and vice chairman of the DSB.

4. Provides a Federal Government employee to act as an executive officer to the DSB and ensure that it functions in accordance with applicable laws and directives.

5. Provides technical and administrative support to the DSB and its ad hoc task forces.

6. Assigns formal taskings for the DSB and its ad hoc task forces consideration.

7. Appoints individual task forces' chairmen and executive secretaries. (The executive secretary of each task force becomes the designated Federal Official for that task force.)

8. Approves individuals recommended for appointment to ad hoc task forces.

9. Authorizes travel and approves compensation payments for DSB related activities.

10. Ensures that individual ad hoc task forces follow proper operating procedures.

11. Approves final reports.

Office of the Assistant Secretary of Defense (Comptroller)

1. Provides policy guidance and prescribes operating procedures for the DoD Committee Management Program.

2. Officially appoints individuals participating in DSB matters as consultants to the DoD.

3. Maintains personnel records of special Government employees. A special Government employee is a person who is retained, designated, appointed, or employed to perform, with or without compensation, not to exceed 130 days during any period of 365 consecutive days, temporary duties either on a full-time or intermittent basis.

4. Reviews financial disclosure statements submitted by advisory committee members; concurs or nonconcurs with conflict of interest evaluations; and files and maintains documentation.

5. Pays individuals that are receiving compensation for their advice.

6. Issues orders and pays vouchers for official travel conducted in connection with advisory committee meetings.

7. Ensures that DoD advisory committees comply with applicable laws and directives.

Office of the Department of Defense General Counsel

Upon request, assists in resolving the propriety of proposed actions or decisions, in regards conflict of interest, in terms of regulation or law, when cases of doubt arise.

The Guidelines for Administration of DSB Task Forces (Appendix B) state that the designated Federal Official/Executive Secretary of Task Force will:

1. suggest names of other technical experts for task force membership;

2. review potential members for conflict of interest;

3. prepare a notice for the Federal Register advising of meeting dates (30-day lead time is required);

4. make arrangements for what will be heard and read by all committee members;

5. provide detailed documentation to support conclusions reached;

6. prepare the minutes of each meeting;

7. prepare the committees report along with implementing memoranda; and

8. ensure that action is taken to implement the committees recommendations.

The DSB functions as the senior scientific advisory group within the DOD. The DSB advises the Secretary of Defense and Chairman, Joint Chiefs of Staff, through the Under Secretary of Defense for Research and Engineering (USDR&E), on scientific, technical and managerial matters of interest to the DOD. Specific recommendations, if approved by the USDR&E and/or the Secretary of Defense, are used for determining future Defense Department plans and improving existing technology and system development program efforts.

The DSB is composed of representatives from the academic community, consulting concerns, industrial manufacturers and retired general/flag officers. The Secretary of Defense designates the Chairman and Vice Chairman of the Board from among the membership upon the recommendation of the USDR&E (see Appendix C for current membership). An Executive Officer, under the direction of the USDR&E, is responsible for the proper administrative functioning of the Board in accordance with DOD Directive 5105.18. This individual, who reports to the USDR&E, also works under the direction of the Chairman for the planning, operation and coordination of the work of the DSB.

The Board works through the Chairman with the USDR&E by establishing temporary, ad hoc task forces to review and advise on specific problems. These task forces are established for a specific length of time, usually not to exceed 1 year, required for completion of an assignment. With the concurrence of the USDR&E, task force members collaborate, as representatives of the

DSB, with the Military Departments and civilian agencies in broad studies of relevance to the mission of the DoD (see Appendices B and D for task force guidance and guidelines).

Objectives and scope

Our objective was to evaluate the adequacy of DSB policies, procedures and controls to ensure that the DSB was operating in accordance with PL 92-463, OMB Circular A-63 (Revised) and DoD Directive 5105.18. We especially focused on the following requirements set forth in the Public Law and the directives governing how the DSB was to be operated.

Selection of task force members provided a balanced view of the matters being addressed.

Member participation on a specific task force did not involve an apparent conflict of interest.

Financial disclosure statements were filed timely and approved prior to the task force's first meeting.

Members were formally appointed as consultants prior to attending task force meetings.

Each task force meeting was announced in the Federal Register at least 15 days prior to the meeting date.

Detailed minutes were taken for each task force meeting.

Appropriate records are centrally filed, maintained and available for review on task force proceedings.

Our review was conducted during the period August to December 1982 and was made in accordance with generally accepted government auditing standards for evaluating financial, compliance and program results. Within the DSB Secretariat we examined the available, centrally maintained documentation for all task forces initiated between January 1978 and August 1982. At the Washington Headquarters Services we examined personnel information applicable to all the individuals associated with the task forces covered by the review period. Our review included such tests as necessary to determine whether there was compliance with applicable laws and regulations, as well as whether, in our opinion, a balance of views was obtained and presented in reports issued by the DSB.

Prior audit coverage

The General Accounting Office, at the request of the Chairman, House Committee on Government Operations, reviewed the operations of the DSB and the objectivity of its task force on Embedded Computer Resources Acquisition and Management. Their report, released on July 22, 1982, only addressed issues of that task force. No prior reviews have assessed the overall operation of the DSB, or any other DSB task force.

PART II—FINDINGS AND RECOMMENDATIONS

A. Operating procedures

Finding

The operations of Defense Science Board (DSB) task forces were not being conducted in accordance with DoD policies and Federal Regulations on advisory committee operating procedures. Although specific guidance had been given to each designated Federal official responsible for each task force, the responsible official for every committee examined did not follow some procedure, protocol or regulation. These conditions occurred because DSB task force executive secretaries assigned responsibility for DSB task force advisory committee operations did not follow prescribed procedures and the DSB Secretariat was not checking to assure its requirements were met. As a result of these conditions, requirements of Federal laws were not being complied with.

Discussion of Details

Our review encompassed only those operations of the DSB ad hoc task forces from January 1977 to September 1982. During this timeframe, 52 different individuals served as members of the DSB with another 215 individuals affiliated as associate members and senior consultants. Also, during this time span, the DSB initiated 33 ad hoc task forces looking into specific issues (see Appendix E). These task forces involved 288 different individuals; mainly DSB members, task force members who are appointed DSB associate members for the duration of a task force and DSB senior consultants cited previously.

Regulatory Guidance: DoD Directive 5105.18, "Department of Defense Committee Management Program," provides the following reasonably explicit operating guidelines for advisory committees:

A notice of each advisory committee meeting will be published in the Federal Register at least 15 days before the date of the meeting (PL 92-463, Section 10(a)(2) and OMB Circular A-63, 8.b. (1) and (3)).

Notices should state the name of the advisory committee, time, place, purpose of the meeting and whether meetings are open or closed to the public (OMB Circular A-63, 8.b.(2)).

The records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by each advisory committee will be available at a single location in the offices of the advisory committee or the Agency to which the advisory committee reports (PL 92-463, Section 10(b)).

Detailed minutes will be kept for each advisory committee meeting and will contain a record of persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory committee. Additionally, the accuracy of all minutes will be certified to by the chairman of the advisory committee (PL 92-463, Section 10(c) and OMB Circular A-63, 8.e.).

There will be designated an officer or employee of the Federal Government to chair or attend each meeting of each advisory board. This officer or employee is authorized, whenever it is determined to be in the public interest, to adjourn any such meeting. Furthermore, advisory committee meetings will not be conducted in the absence of this officer or employee (PL 92-463, Section 10 (e) and (f) and OMB Circular A-63, 8.f.).

Task Force Meeting Minutes: Our audit initially focused on 6 randomly selected task forces: Cruise Missile, EMP Hardening of Aircraft, Anti-Tactical Missiles, Water Support for the Rapid Deployment Joint Task Force in Southwest Asia, Review of the DoD Space-Based Laser Weapons Study and Application of High Technology to Ground Operations. We found that for the 46 meetings held by the task forces, minutes were available at the DSB Secretariat for only 12 of the meetings. Because of the lack of information applicable to the sample, we reviewed all 33 task forces. This expanded analysis, as shown in Appendix F, revealed that only 32 meeting minutes were on file at the DSB Secretariat for the 198 task force meetings that were actually held. The DSB's Executive Officer stated that central maintenance of records was not possible because of space limitations, or required. We were also advised that the Executive Secretary of each task force was responsible for maintaining minutes and other records; therefore, rather than being centrally located in the DSB Secretariat, documentation was held in the offices responsible for the task forces. In attempting to follow up on this situation, we tried to contract 8 former executive secretaries who represented 13 of the 33 task forces. We were able to locate only one executive secretary who had his minutes and another who thought he might have them somewhere, but was unable to locate them. Even though instructions for Executive Secretaries clearly stated requirements, the executive secretaries we contacted indicate they were unclear about the requirements to prepare and retain minutes and other records of meetings. Also, several executive secretaries were not longer employed in the responsible offices and present personnel were not aware of the existence of any task force files. Five of the 24 individuals who served as executive secretaries for the 33 task forces were no longer in the Pentagon.

DoD Directive 5105.18 requires that all documents made available to or prepared for each advisory committee be available for public inspection and copying at a single location in the offices to which the committee reports. The directive also requires that detailed minutes of each meeting be kept for all meetings. We concluded that these requirements had not been fulfilled.

Although the majority of meeting minutes were not obtainable, those that were available (32) provided little insight into the operations and deliberations of the particular task forces. Details were sparse, usually limited to an agenda and occasionally a few innocuous briefing presentations. Some minutes did not include basic information such as the list of advisory committee members present at the meeting. None of the minutes provided any description of reports reviewed, matters discussed or conclusions reached. Furthermore, many of the minutes were not certified by the advisory committee chairmen.

Federal Register Meeting Announcements. As shown in Appendix E, of the 198 task force meetings held, 158 had been announced in the Federal Register. The DSB's Executive Officer stated that the unannounced meetings were probably informal organizational meetings (many were initial task force meetings) or meetings held to review draft reports, that did not require announcements. A task force Executive Secretary confirmed that his unannounced meeting was an informal organizational meeting; however, no minutes were available and he could not remember if he had actually attended the meeting. Notwithstanding these arguments, applicable laws and regulations simply state "each" advisory committee meeting will be announced in the Federal Register. We found no exemptions, specified or implied, regarding informal organizational or report review meetings.

Administrative Procedures for Appointing Consultants to Task Forces. The Federal official (task force executive secretary) responsible for overseeing the advisory committee is administratively charged with ensuring that individual task force members are formally appointed as consultants prior to the first official task force meeting (see Appendix B).

The 33 task forces included in our audit involved 390 personnel assignments. We found that 143 of these 390 personnel assignments involved individuals who apparently were never processed or were not officially appointed until after their task forces were underway. Lack of availability of required documentation limited our review in this area; however, we were able to verify, mainly through other means such as travel orders, that 77 of these individuals had in fact attended meetings either before or without being properly cleared and appointed.

Additionally, task force correspondence disclosed that 7 individuals served as task force members although their names did not appear on the membership rosters. None of these individuals had been processed through OSD Personnel for official appointment as consultants. We were able to verify that 6 of these individuals attended task force meetings.

Other Studies: The Public Law, OMB Circular and DoD Directive emphasize that advisory committee numbers be kept to the minimum that are necessary and essential. During our audit we evaluated the subject matter of the DSB's 33 task forces in regards to the number of previous studies which had been conducted in the areas. We found that a great deal of disparity existed, relative to the amount of previous coverage. Our inquiries into the Defense Technical Information Center's data base, which is the central repository for all DoD studies and analyses, disclosed that:

Some areas had never before been analyzed, i.e., retention of critical contractor civilian employees overseas during hostilities;

Other areas had received significant coverage, i.e., laser weapons 1,184 and cruise missiles 2,671 studies; and

Still others had been literally "studied to death," i.e., electronic warfare 11,535 and countermeasures 12,493 studies.

We found no evidence in the files or task force minutes that the DSB or the task forces either reviewed or considered prior studies in their efforts.

Recommendations for Corrective Action

1. We recommend that the Under Secretary of Defense for Research and Engineering require the Executive Officer of the Defense Science Board ensure compliance with the directives requiring that:

Each advisory committee meeting is properly announced in the Federal Register;

All records, reports, transcripts, minutes, or other documents utilized or generated by each task force are maintained at an appropriate central location;

Minutes are prepared in sufficient detail to present a distinct record of task force conduct, discussions, events, actions and conclusions;

The designated Federal task force representative is fully aware of procedures and consequences of applicable laws, regulations and policies; and

Task force minutes document that prior studies have been thoroughly reviewed and analyzed to determine there relevance before a new review is undertaken.

2. We recommend that the Assistant Secretary of Defense (Comptroller) perform periodic checks of Defense Science Board operations to ensure compliance with the Public Law, and the OMB Circular as required by DoD Directive 5105.18.

Management Comments

The Under Secretary of Defense for Research and Engineering concurred in all recommendations with the exception of the recommendation in a draft of this report that prior studies be thoroughly reviewed and analyzed to determine their relevance before a new review is undertaken. Management maintained that relevant prior studies were considered before a new DSB effort is undertaken. The recommendation in the final report has been revised to require that the task force minutes document that this has been done.

The Under Secretary also provided the following additional comments.

Finding: Task Force Minutes: The findings are reasonable. Actions have been taken to correct the situation. The DSB Secretariat will insure that:

Executive Secretaries of Task Forces acknowledge they are responsible for detailed minutes of Task Force meetings.

Minutes are approved.

Minutes are filed centrally in the office of the DSB Task Force Executive Secretary.

Once the Task Force report is approved by the Secretary of Defense, separate minutes and Task Force documents will be retained for at least one year and may then be discarded (See Sec. 10b, PL 92-483).

Finding: Federal Register Meeting announcements: The Finding is appropriate. Although a majority of meeting announcements were properly advertised, action has been taken to insure that no Task Force meeting will be held without announcement consistent with governing regulations as had always been required by written DSB operating procedures.

Finding: Administrative Procedures for Appointing Consultants to Task Forces: The findings are appropriate. Corrective action has been taken: No person will serve as a Task Force member until appointed officially as an OSD consultant (this includes a review of financial interest and a determination of conflict of interest by responsible officials).

Finding: Other Studies: This finding is not true and is rejected. The finding is not derived from fact or actual practice. Relevant prior studies are considered before a new DSB effort is undertaken. Upon determination that prior studies are insufficient to address the *current* issue, Secretary of Defense, Chairman of the Joint Chiefs of Staff, or the Under Secretary of Defense for Research and Engineering decides personally that the DSB will address the subject. The resulting Task Force generally reviews relevant prior studies it deems useful to its directed effort.

The Deputy Assistant Secretary of Defense (Administration) provided the following comments. ". . . arrangements are being made to review Defense Science Board operations periodically to ensure compliance with the Public Law and DoD Directive 5105.18. This is in accord with the recommendation contained on page 18 of the draft. Further, in a memorandum dated February 10, 1983 all DoD committee managers have been requested to take action to ensure that their committees comply with the Public Law and DoD Directive 5105.18."

Audit Response

In regard to prior studies, we stated in the report that lack of required documentation prevented us from determining exactly what was and was not considered. As a result, we were forced to rely upon records at the Defense Technical Information Center (DTIC) and statements by Task Force Executive Secretaries and the DSB's Executive Officer. Our review of records at DTIC as well as discussions with Task Force Executive Secretaries and the DSB's Executive Officer did not disclose a substantial use of prior studies by DSB Task Forces. We found that there had been numerous relevant studies made by DoD contractors on the same subjects that were reviewed by the DSB Task Forces.

In replying to the final report, the Deputy Assistant Secretary of Defense (Administration) needs to describe the specific actions and planned completion dates for actions on Recommendation A.2.

B. Appointing Defense Science Board and task force members

Finding

Financial disclosure statements, required by DoD Directive and other Federal Regulations, were not always being obtained, completed and properly processed. Reviews for conflict of interests that were being conducted appeared to us to be of a superficial nature. No comprehensive list of knowledgeable candidates for task force membership was developed and presented to the task force chairman. In reviewing the pattern of membership on particular task forces, it appeared to us that appointments were based on personal knowledge rather than based on a group of technical experts drawn from a universe of knowledgeable individuals. These conditions occurred because responsible OSD/OUSDR&E officials were not complying with applicable laws, regulations, directives and guidance and no oversight was occurring. As a result, the objectivity of the DSB's recommendations was open to question.

Discussion of Details

The Civil Service Commission Regulation, "Employee Responsibilities and Conduct," Title 5, Code of Federal Regulations, Part 735, incorporates the conflict of interest laws as set forth in 18 United States Code 203-209 (18 U.S.C. 203-209). DoD Directive 5500.7, "Standards of Conduct," provides guidance to DoD components regarding prescribed standards of conduct required of all DoD personnel. This Directive also specifies that special Government employees are considered DoD personnel and therefore come under the conflict of interest proscriptions of 18 U.S.C. 203-209. DSB Task Force members are considered special Government employees.

In considering the specific conflict of interest laws, only 18 U.S.C. 208 appears to be a major issue regarding DSB task force members' actions in their special Government employee capacities. Section 208(a) specifically requires executive branch personnel to refrain from participating as Government personnel in any particular matter in which they, their spouses, minor children, or partners have financial interests or in which businesses or nonprofit organizations with which such personnel are connected or are seeking employment have financial interests. A "particular matter" as defined by DoD may be less concrete than an actual contract, but is something more specific than rule making o· abstract scientific principles. The test i· whether the individual might reasonably anticipate that his Government action, or the decision in which he participates or with respect to which he advises, will have a direct and predictable effect upon such financial interests.

While the Federal Personnel Manual, Chapter 735, Appendix C, affirms the applicability of Section 208 to advisory committee members who are special Government employees, it also recognizes that advisory

committee members may, of necessity, be drawn from a class of individuals having interest that will be affected by the advice to be given. Specifically it states:

"While it would be highly desirable, in order to minimize the occurence of conflicts of interest, for agencies of the Government to avoid appointing to advisory positions persons who are employed or consulted by contractors or others having a substantial amount of business with that agency, it is recognized that the Government has, of necessity, become increasingly concerned with highly technical area of specialization and that the number of persons expert in those areas is frequently very small. Therefore, in many instances it will not be possible for an agency to obtain the services of a competent adviser or consultant who is not in fact employed or consulted by such contractors. In addition, an advisory group may of necessity be composed largely or wholly of persons of a common class or group whose employers may benefit from the advice given. As example would be a group of university scientists advising on research grants to universities. Only in such a group can the necessary expertise be found. In all these circumstances, particular care should be exercised to exclude his employer's or clients' contracts or other transactions with the Government from the range of the consultant's or adviser's duties."

The Executive Secretary of each DSB task force is administratively charged, through guidance issued by the DSB's Chairman and Executive Officer, with overseeing the conflict of interest rules in regards to his particular committee. This guidance states:

". . . It is critically important that Task Force membership be selected to give a balanced view of the matter being addressed and that the member's participation on the Task Force not involve any conflict of interest."

Financial Disclosure Statements: The task force executive secretary's means of determining whether there are actual or apparent conflicts of interest among individual committee members is the "Confidential Statement of Affiliations and Financial Interests," DD Form 1555. The 33 task forces included in our audit involved 390 personnel assignments; however, only 288 separate individuals participated because of multiple assignments (Appendix F). Additionally, our analysis disclosed that one or more employees from several major organizations appeared on a number of task forces (Appendix G). For our review we included those personnel participating in 3 or more task forces, members from the "top ten" organizations, and all personnel assigned to the 6 task forces discussed earlier which had been randomly selected for review.

The above stratification provided 95 "outside consultants" who had participated individually in 159 separate task force assignments. There 95 individuals should have filed 189 financial disclosure statements (some task force assignments involved more than 1 year and therefore more than 1 financial disclosure statement was required). Our analyses of these 189 financial disclosure statements revealed that: 51 had been completed in a timely fashion; 51 had been completed after the task force was underway; 65 were nonexistent (documentation not on file); and 22 were on file but incomplete.

For the 22 statements that were incomplete: 20 had not been reviewed by either the DoD General Counsel's office or the Standards of Conduct Counselor; 1 did not have a disqualification statement attached even though the task force executive secretary had cited a potential conflict; and 1 involved a statement where a potential conflict had been cited, however, the member disagreed with the assessment and refused to sign the disqualification statement. The Standards of Conduct Counselor also concurred that a potential conflict existed. Notwithstanding, no further action was apparently taken and the individual did in fact participate on the task force.

Overall, of the 124 financial disclosure statements on file (51 complete and timely, 51 complete but not timely, and 22 incomplete), we found that 106 cited a significant financial interest in an organization doing business with the Department of Defense, which interest is defined by 18 U.S.C. 203-209 as a potential conflict of interest. In addition, 2 financial disclosure statements had nothing marked, and only 16 cited no apparent conflict of interest. Of the 106 persons who cited a potential conflict, 105 signed statements promising to disqualify themselves if such an occasion arose. The large number of statements which were either not processed or completed until after the particular task force was already underway, suggests to us that many of these reviews were perfunctory.

Background of Consultants: The DSB Executive Officer maintained that the DSB can only obtain the necessary expertise required for its reviews from among a class of individuals, many of whom have an appearance of conflicting interests. However, our review of the information in 64 personnel folders applicable to the 95 consultants in our sample (31 files were unavailable) disclosed that in 14 instances, the described background and expertise presented by the individual did not seem to us to be related to the technical issues being addressed by the task force. Additionally, the files showed: 17 individuals had cited DSB members as references; 18 individuals were former Government employees; and 19 individuals were former Government employees who also had cited DSB members as references.

Of the 37 former Government employees discussed above, we found that 31 were former DoD employees. Furthermore, 19 of these individuals came out of the Office of the USDR&E; including 3 who had held the position equivalent to the USDR&E. Consequently, it appeared that the membership of the DSB and the task forces was based on personal knowledge rather than based on a group of technical experts drawn from a universe of knowledgeable individuals. It could also be concluded that selection was from a field of those known to the selectors because no comprehensive list of knowledgeable candidates was developed and presented to the task force chairman.

Membership Balance on DSB Task Forces: The DSB's guidance on task force membership stresses, not only the need for technical expertise, but also the need to maintain a "balance" of membership in terms of perspectives. This "balance" requirement, as stated in the Federal Advisory committee Act (Public Law 92-463), is essentailly nothing more than a measure of fairness in that it requires the membership of the advisory committee to be fairly balanced in terms of the points of view represented and the functions to be performed.

We were told that the required balance was obtained by the Chairman who was responsible for constituting each Task Force.

The Executive Secretary stated that his staff reviewed each Task Force membership to assure that a balance was maintained. However, there was no documentation we could review to confirm these statements.

Each of the 33 task forces in our review possessed its own distinct individuality. While the scarcity of detailed information prohibited us from making definitive judgments, some of the task forces involved advice of such a general nature as to preclude us from assessing any type of direct and predictable effect upon the financial interests associated with these task force's members. However, 5 of the 6 task forces we examined in detail did involve advice whose inherent nature could predictably result in advantageous situations for the firms with which their members were affiliated.

One example of this was the DSB's Task Force on Retention of Contractor Civilians on Critical Jobs Overseas During Hostilities. This group was tasked with finding a solution to the problem of ensuring the continued support of jobs overseas performed by civilians that are critical to the readiness of our Armed Forces during periods of impending or actual hostilities. The contemplated solutions being considered by DoD were: require the civilian personnel to join the Selected Reserves; extend the Uniform Code of Military Justice to cover civilians upon a declaration of an emergency rather than a declaration of war, as it is now; require each civilian to agree, in writing, to accept active duty commissioned officer, warrant officer, or noncommissioned officer status upon declaration of an emergency; and have each civilian sign a contractual statement agreeing to remain on the job.

Appendix B of the task force's report listed the 10 panel members which included 3 representatives from Hughes Aircraft and 1 each from Grumman Aerospace, Honeywell Information Systems, General Dynamics, Raytheon, McDonnell Aircraft, the Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) and the Office of the Under Secretary of Defense for Research and Engineering. The task force's Executive Secretary stated that while some committee members were personally selected by the task force chairman, others were nominated by their companies, which had been chosen by the chairman because of their employment of overseas technical representatives.

The task force recommended rejecting all the solutions which would entail military compulsion and alternately recommended:

That in return for the employees signed statement of intent to remain at their jobs, the overseas commander provide the civilian employee with written assurances relating to exactly what the Government will do for him during hostilities;

That the Defense Acquisition Regulation be changed to include specific contractual guidelines and clauses relating to the above agreements; and

That DoD Directives be revised to assign responsibility for the motivation of contractor civilian employees and their loyalty to the organization to which they are attached (DoD must overcome the widespread perception that contractor civilian employees are only hired hands that can be treated like second-class citizens).

The task force's report repeatedly stresses "industry reaction," "[contractors] ability to recruit and retain employees," "provides no offsetting benefits . . . to the employee," "industry . . . would lose business," and "contracts . . . would be . . . partially terminated by convenience." There was no indication in the minutes or in the final report

that the Military's point of view had been considered even though the task force's terms of reference (the charter for the task force) had specifically stated: "The goal is to evolve a workable solution that can be endorsed both by the Military Services and by industry."

Another example occurred in the DSB's Task Forces on High Energy Lasers and Review of the DoD Space-Based Laser Weapons Study, wherein, both committees were chaired by the same individual, a vice president of TRW. At the time of the first appointment, a note in the DSB's files disclosed that officials at the DSB Secretariat were well aware that this individual's presence would constitute a potential conflict of interest in that TRW was a major contractor in DoD's research and development efforts regarding laser/space technology. Nonavailability of most meeting minutes, plus lack of detail in those meeting minutes which were available, prevented us from determining exactly what influence this individual may have exerted upon the committees. What was determinable from information assessable was:

That both task forces recommended proceeding with further research efforts;

That both task forces recommended proceeding with further research efforts;

That TRW made a major presentation of their ongoing efforts to the High Energy Laser Task Force;

There were no nonsupporters on the Task Force on the Review of the DOD Space-Based Laser Weapons Study, even though the review and prior studies indicated there were conflicting viewpoints by former DSB associate members. Although nonsupporters made presentations at a meeting their views were not presented in the task force's report.

That this individual included in his forwarding memorandum for the final report of the Space-Based Laser Weapons Study Task Force the following:

"In our view, it is too soon to attempt to accelerate SBL development toward integrated space demonstration for any mission, particularly for ballistic missile defense. We do find good progress, and promise that SBL will prove to be of use for some missions. All of these require further R&D, and a push toward integrated on-orbit demonstrations would seriously endanger this necessary work. Finally, we feel that the Services should be more strongly involved, and particularly that the Air Force should be in charge of space component experiments, such as TALON GOLD. A great deal of mission analysis and full systems study must be done, in concert with technical developments, before we will know the potential for accomplishing SBL missions; we strongly suggest that these be performed by competing teams, again with Service involvement.

"Some people are certain to be disappointed by our findings. I should point out that this group was not one which set out to find fault. In fact, every member of this panel has been a strong supporter of the U.S. laser weapon program, most of us since its inception. We remain strong supporters, convinced that the program is healthy and promising, as evidenced by the fact that we recommend an increase of $50 million/year."

In the case of the latter task force, DSB Officials argue that: the original DoD Study was requested by the Senate Armed Services Committee (SASC) to assess the need to accelerate development and deployment of Space-Based Laser Weapons; and that the task force's recommendation actually slowed this acceleration down. We acknowledge this fact; however, the task force's terms of reference also stated that the study address:

The potential utility of space-based laser weapons; and

The impact of the development and deployment on national policy.

The information available in the files raised questions about utility, cost and national policy although none of this information made its way into the report. Furthermore, intelligence estimates did not support the original concerns of the SASC which had triggered their desires for an accelerated program. Based on the information in the files, we could argue that a balanced report should have presented the negative aspects of the issue.

Management disagrees with the above analysis and believes that it constitutes a misrepresentation of the issues and the DSB's findings and recommendations.

Recommendations for Corrective Action

1. We recommend that the Under Secretary of Defense for Research and Engineering require the Defense Science Board's Executive Officer to speed implementation of actions recently started that should ensure that financial disclosure statements are properly prepared and filed prior to the commencement of an advisory task force, and that the conflict of interest review conducted therein, not only follow appropriate guidance, but also present a substantive examination, wherby even the appearance of a conflict of interest would be averted.

2. We recommend that the Assistant Secretary of Defense (Comptroller):

a. Revise guidance to clearly delineate:

The "particular matter," with respect to financial interest, that would disqualify an individual from participating on a specific advisory committee; and

What "balanced representation" on an advisory committee specifically entails and criteria for determining when it has been achieved.

b. Inaugurate procedures whereby periodic evaluations will be conducted of these conflict of interest reviews to guarantee compliance to this area as set forth in the Public Law, OMB Circular and DOD Directives.

Management Comments

The Under Secretary of Defense for Research and Engineering concurred in the recommendations, however, he made the following general comment on a draft of this report.

"The findings and discussion on Financial Disclosure Statements, Background of Consultants, and Membership Balance on DSB Task Forces, as written, show a lack of understanding resulting from a superficial examination of data and a clearly biased view of facts by auditors and/or authors. A majority of the writings should be deleted because of erroneous statements and most of the remaining required extensive edit for completeness and accuracy."

The Deputy Assistant Secretary of Defense (Administration), OASD (Comptroller) provided the following comments.

". . . Concerning the recommendations . . . relating to conflicts of interest and balanced membership, I believe that issuing further detailed instructions on these subjects would serve no useful purpose. It would not be possible, for instance, to define in advance for all possible cases, the 'particular matter,' with respect to financial interest, that would disqualify an individual from participating on a specific committee. With respect to balanced membership, our policy has been that committees should be fairly balanced in terms of the points of view represented and the functions be performed. This is a reiteration of the Public Law and the guidance issued by OMB.

"My memorandum of February 10, 1983 . . . reminds all DoD committee managers of the importance of both balanced membership and the recognition of potential conflicts of interest on advisory committees. It put particular emphasis on the essentiality of avoiding any conflicts of interest, or even the appearance of such conflicts."

Audit Response

While management concurred in the recommendations they did not provide specific actions planned or to be taken. We request that the Under Secretary of Defense for Reserch and Engineering and the Deputy Assistant Secretary of Defense (Administration) respond to the final report with actions to be taken regarding conflict of interest reviews along with completion dates.

OFFICE OF THE
SECRETARY OF DEFENSE,
Washington, D.C., February 10, 1981.

Memorandum for Executive Secretaries of DSB Task Forces.

Subject: Guidelines for Administration of DSB Task Forces.

Unfamiliarity with procedures concerning the administration of Task Forces of the Defense Science Board can lead to a variety of problems, including possible violation of the law. Consequently, this set of guidelines is being provided to the members of OSD or OJCS assigned as Executive Secretaries of Task Forces, both those now in existence and those being established. Copies will also be provided to Task Force Chairpersons together with a special set of guidelines for their use.

The Executive Secretary of a DSB Task Force is normally chosen by the sponsoring official within OSD or OJCS. This assignment is made to assist the Task Force in carrying out its assigned responsibility in the most effective manner possible.

The information within these guidelines, while administrative in nature, should not suggest that the Executive Secretary serves in a passive administrative capacity. As in the case for the Task Force Chairperson, the Executive Secretary is normally chosen because of expertise in the relevant area and responsibilities related to the subject of the Task Force. The Executive Secretary, generally, will be asked by the Task Force Chairperson to assist in insuring that the conduct of the Task Force activities meets the objectives of the cognizant office. The Executive Secretary should thus participate actively in the Task Force's activities.

DSB Task Force "success" is usually directly proportional to the outside effort put in by the Task Force members themselves between meetings. This in turn is usually a function of how the Task Force Chairperson manages the Task Force. The Task Force Executive Secretary should encourage such activity on behalf of the sponsoring office. Of course, careful Task Force membership selection is critical in this regard.

The following specific administrative guidelines are provided:

1. The Terms of Reference (TOR) initiating the Task Force is usually drafted by the Task Force Executive Secretary, working with the Task Force Chairperson (if already

appointed), the sponsoring official, and the DSB Chairman through the DSB Executive Officer. The TOR should be in the format of a memorandum to the Chairman, Defense Science Board, from the Under Secretary of Defense for Research and Engineering (USDRE). Since the USDRE has prime responsibility for the DSB, his formal tasking is required to initiate any Task Force. The DSB Executive Officer will review the final TOR draft with the DSB Chairman and then submit to USDRE for signature. (Sample TORs can be provided by the DSB Secretariat.)

2. The membership of a Task Force is selected by the Task Force Chairperson and the sponsoring OSD or OJCS official, subject to approval by the DSB Chairman and Executive Officer. It is critically important that Task Force membership be selected to give a balanced view of the matter being addressed and that the member's participation on the Task Force not involve any conflict of interest. At least two DSB Members should be included on a Task Force (this, in general, would include the Chairperson).

Letters appointing Task Force members as Associate Members of the DSB for the duration of the Task Force should be written by the Executive Secretary of the Task Force and forwarded to the DSB Secretariat for the signature of the DSB Chairman. In addition, all Task Force members must be formally appointed as consultants to OUSDRE unless they are full-time government employees. Note that there are time-consuming administrative procedures in appointing consultants; therefore you should initiate this process as soon as possible. (The necessary forms and procedures are available from the DSB Secretariat.) The first official meeting of a Task Force should not be held until all Task Force members have been officially appointed. (Note that a consultant who is to be paid a fee cannot be paid for services rendered before the official appointment date.)

3. In accordance with Public Law 92-463 and OMB Circular A-63 (Revised) (copy attached) a notice of each Task Force meeting must be published in the Federal Register at least 15 days before such meeting. To allow for processing time, these notices must be prepared at least 30 days before the meeting. This is a responsibility of the Task Force Executive Secretary.

If the planned agenda requires that a meeting must be closed in whole or part to the public, it must be justified in a "Determination to Close Advisory Committee Meeting" which will be prepared for the signature of the USDRE and coordinated by the Office of the DoD General Counsel. (The standard format for notice and determination are available from the DSB Secretariat, which will obtain signatures and process the needed papers once prepared.) The pervasive discussion of DoD classified information is the only basis for these determinations that has yet been employed, although PL 92-463 would allow other reasons consistent with the exemptions of the Freedom of Information Act for such a determination.

4. All Task Force meetings are to be conducted in accordance with DoD Directive 5105.18, "Department of Defense Committee Management Program." dated 25 April 1975 (copy attached). When arranging for a Task Force meeting, the Executive Secretary is responsible for:

Before meeting: Issuing an agenda as approved by the Task Force Chairperson and responsible OSD official; issuing travel orders to Task Force members; reserving meeting room and arranging for building passes or other means of entry for participants as necessary; arranging for proper clearance of participants; and securing briefers and visual aids as needed. (The DSB Secretariat can provide procedures regarding the processing of travel orders.)

During meeting: Taking notes to be used as the official record of the meeting and checking attendance to be sure unauthorized personnel do not attent. The Executive Secretary should attend all meetings because he or she is the full-time Government employee with responsibility for disbanding the meeting if it is not being conducted in accordance with PL 92-463, DoD Directive 5105.18 and/or OMB Circular A-63 (Revised). Attention is called to the section of the above documents identifying the "designated Federal employee" (in this case the Executive Secretary) as the public official responsible for compliance with the law. A meeting cannot be convened unless the Executive Secretary or authorized designee is present.

After meeting: Issuing minutes, including attendance list and a brief description of proceedings covering significant points and follow-on actions. The minutes will normally be sent to all DSB Members and Senior Consultants for their information as well as to the Task Force members. Two copies will be sent to the DSB Secretariat.

In addition to substantive participation in Task Force activities, the Executive Secretary oversees all administrative matters so that the Task Force can complete its work as efficiently as possible. The DSB Secretariat will provide counsel; however, it is necessary for the Task Force Executive Secretary to arrange for secretarial support for the Task Force.

5. The DSB Secretariat should receive copies of all agenda, minutes, and reports of each Task Force. Note that PL 92-463 and OMB Circular A-63 (Revised) specifies that agenda, minutes and reports are required by law, and the Task Force Executive Secretary is responsible to assure that the Task Force activity complies with the law. (Section 10, PL 92-463 and Paragraph 8 of OMB Circular A-63 (Revised)).

6. During the course of a Task Force's activities, the Task Force Chairperson is expected to report to the full Defense Science Board on the progress of the study . . . usually a midpoint status report and a final report. The Executive Secretary is to provide such support to this effort as is required. Also, during this time the Task Force Chairperson may feel it desirable to brief the sponsoring DoD official or others who may need to review the progress of the study. If so, the DSB Chairman and Executive Officer should be so informed and, at their option, receive the briefing first.

Within three months after the completion of the study a report prepared by joint effort of the Task Force members is submitted with a transmittal memorandum to the DSB chairman from the Task Force Chairperson. This should be accompanied by a draft memorandum from the DSB Chairman through the USDRE to the Secretary of Defense and/or Chairman for the Joint Chiefs of Staff. The Executive Secretary will coordinate with the Task Force Chairperson in determining how best to accomplish preparation of the report. In some cases the Chairperson will prepare the report with his or her own staff, and in others the report will be prepared by the Executive Secretary's office staff. The same practice exists for preparation of viewgraphs and other briefing materials.

After final approval by the full Board, a master copy of the final report is forwarded to the DSB Secretariat for publication and distribution (as recommended by the Task Force Chairperson and approved by the DSB Secretariat and the cognizant DoD office).

7. The major responsibilities of the Chairperson and the Executive Secretary are ensuring that all properly approved recommendations are directed to the appropriate office for implementation, and that the implementing office has access to members of the Task Force as necessary. The cognizant sponsoring DoD official will report to the Defense Science Board within approximately six months after completion of a study on the implementation of the report's recommendations. Unless another individual is specifically assigned, the Executive Secretary is responsible for implementation follow-up, including drafting appropriate action memoranda for the signature of the cognizant DoD officials simultaneously with, or as soon as possible after, approval of the final report. The single measure of success of a DSB Task Force is the constructive impact it has on the DoD.

The Task Force Executive Secretary is responsible for reporting the implementation status of the Task Force recommendations to the DSB Executive Officer, when requested. The Executive Secretary's responsibility in following up and reporting on recommendations is terminated only when approved actions have been completed.

8. PL 92-463 requires unclassified annual reports for all advisory committees and subcommittees. Summary reports will normally be requested of the Task Force Executive Secretary by the DSB Secretariat in November for submittal in December. Specific instructions on the preparation and format will be provided at that time.

The DSB Secretariat (3D1034, x-54157) is available to advise on any unforeseen administrative questions that may arise, to clarify any of the above material, and provide samples of the various letters, reports, forms, etc. necessary for the efficient operation of a DSB Task Force. A check-list is attached which summarizes the steps necessary to assure proper operation of a DSB Task Force.

Your assistance to the DoD and DSB in filling the important role of Task Force Executive Secretary is very much appreciated. The contribution of the Executive Secretary is a critical element in determining the success of a DSB Task Force.

PAUL J. BERENSON,
Executive Officer.

CHECKLIST OF STEPS FOR A DSB TASK FORCE

1. Official requesting a DSB Task Force submits a proposed Terms of Reference (TOR) to the DSB Chairman, including the name of the proposed Executive Secretary (usually from office of Sponsor).

2. After DSB Chairman approves proposal, DSB Chairman and Sponsoring Official select Task Force Chairperson (preferably a DSB Member), and obtain approval of USDRE.

(Items 3 and 4 below are usually done in parallel.)

3. Executive Secretary, working with Task Force Chairperson and Sponsoring Official prepares final Terms of Reference and sends to DSB Executive Officer for approval

of DSB Chairman and transmittal to USDRE for signature.

4. Task Force Chairman and Sponsoring Official select Task Force members (at least two should be DSB Members), and obtain approval by DSB Chairman.

a. After approval by DSB Chairman, prospective members are informally requested by Task Force Chairperson to serve.

b. Task Force Executive Secretary provides names, addresses and phone numbers of Task Force Members to DSB Secretariat to initiate consultant appointments, and initiates any special security clearances that may be necessary.

5. Executive Secretary prepares letters for signature of DSB Chairman to Task Force Members appointing them Associate Members of DSB, attaches signed TOR and DSB Charter, and submits them to DSB Secretariat for Chairman's signature.

After TOR is signed, consultants are appointed and security clearances completed, meetings can be held.

6. Task Force Executive Secretary and Chairperson schedule meetings as necessary, usually once a month. Checklist for meeting preparation is as follows:

a. Select a date at least 30 days in the future.

b. Reserve a meeting room with required security.

c. Prepare a notice for the Federal Register advising of meeting date. (A 30-day lead time is required.) The DSB Secretariat will assist.

d. Issue tasking to briefers scheduled on the agenda.

e. Prepare approved agenda and send to all Task Force members, briefers, other invitees and DSB Secretariat.

f. Prepare and issue necessary travel orders.

g. Prepare talking points or special material for use by the Chairperson.

7. At the meeting, the Executive Secretary:

a. Attends as the "designated Federal Employee."

b. Checks attendance and security.

c. Takes notes on material presented and resulting discussion.

8. After the meeting, the Executive Secretary:

a. Prepares brief minutes of the meeting for the Task Force Chairperson's approval. Minutes should identify major issues, key points, and interim conclusions. They must include an attendance list.

b. Distributes minutes of the meeting to each Task Force member, and others in OSD, JCS, and the Services designated by the Task Force Chairperson. (Two copies to DSB Secretariat.)

c. Arranges the next meeting (see Item No. 6.)

9. Approximately half-way through the study, the Executive Secretary through the DSB Executive Officer arranges for the Task Force Chairperson to meet with the DSB Chairman at his option and subsequently to report to the full DSB. Executive Secretary arranges for preparation of any briefing material necessary for Task Force Chairperson's presentation.

10. Item No. 9 should be repeated upon completion of the Study.

11. At the completion of the Study, the Task Force Executive Secretary:

a. Assists the Task Force Chairperson in preparing the final report.

b. Forwards the report to the DSB Chairman for approval with a covering memo from the Task Force Chairperson, and includes a proposed forwarding memo from the DSB Chairman to SecDef and/or the Chairman of the JCS through USDRE (within three months of the final meeting). This includes action memoranda for the signature of appropriate DoD officials to implement the Task Force recommendations.

12. When the DSB Chairman approves the final report and implementing memoranda by forwarding it to SecDef or the Chairman of the JCS, the Task Force Executive Secretary:

a. Arranges with DSB Secretariat for publication and distribution of the report.

b. Consults with the Sponsor and Task Force Chairperson to schedule:

(1) Implementation actions.

(2) Briefings of the final report to appropriate government offices.

13. The Executive Secretary of the Task Force is responsible to the DSB, Chairman, Task Force Sponsor and Task Force Chairperson to ensure that action is taken to implement the recommendations of the Task Force.

MEMBERSHIP OF THE DEFENSE SCIENCE BOARD, MAY 1982

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OFFICE OF THE SECRETARY OF DEFENSE,
Washington, D.C., February 10, 1983.

Memorandum for Chairpersons of Defense Science Board Task Forces.

Subject: Guidance for DSB Task Forces.

The following guidelines are offered to assist Chairpersons of Defense Science Board Task Forces in carrying out their responsibilities. The success of DSB Task Forces has in the past been found to be a strong function of leadership provided by the Chairperson, both during and after the formal study, and for this reason the Executive Secretary assigned to each Task Force, as well as the DSB Secretariat as a whole, stand ready to assist the Chairperson in any way possible.

The DSB will continue to take on only tasks that meet the following two criteria:

(1) The issue must be of high personal interest to the Secretary of Defense, the Under Secretary of Defense for Research and Engineering or the Chairman of the Joint Chiefs of Staff.

(2) The DSB must be able to have a constructive impact.

I will try to ensure that the first criterion is met; but I depend on you, working with me, to focus on the second criterion.

TASK FORCE OBJECTIVES/RESULTS

The purpose of each Task Force is to address an area of high importance to the Defense Department and to make recommendations which have a constructive impact on DoD activities. As a result, at the beginning of each Task Force, attention should be focused on formulating the kind of questions which will lead to the formulation of specific recommendations which can be implemented. Serious thought must be given to each recommendation, concentrating on the appropriate implementing organization and the specific actions which are needed. The final report must be documented in such a way that specific recommendations are clearly spelled out in a priority 1-n list. The implementing organizations should be represented in supporting the Task Force by providing information, commenting on the findings, or at a minimum, participating in discussions of the findings and recommendations. The Chairperson and the Executive Secretary have a joint responsibility to see that all approved recommendations are directed to the appropriate office for implementation and that the implementing office

has access to members of the Task Force as necessary. The Chairperson should brief the Task Force results, after approval by the DSB, to all key personnel who have significant responsibilities in the topic area.

MEMBERSHIP

The Task Force Chairperson is responsible for the selection of members of the Task Force and should be particularly mindful of the need to maintain a balance of membership in terms of perspectives and areas of expertise. At least two members of each Task Force should be members of the DSB or Senior Consultants thereto, generally including the Task Force Chairperson. Membership shall be coordinated with the sponsoring official and the Chairman, Defense Science Board. No one should be invited to participate in a DSB Task Force without prior approval of the DSB Secretariat.

CONFLICTS OF INTEREST

It is essential that any potential conflict of interest be identified and handled in accordance with the established body of regulations and law. Any questions in this regard should be directed to the DSB Secretariat for referral to the General Counsel of the Department of Defense.

CLEARANCES

Studies should not be conducted without access to all relevant information which would affect the success of the Task Force. For instances wherein this requires special clearances, it is the responsibility of the Executive Secretary to make the necessary arrangements for the granting of such clearances.

REPORTING

Formal oral reports will generally be presented by the Chairperson of each Task Force to the DSB as a whole. These reports will ordinarily consist of an interim progress report and a final report upon completion of the study.

REQUESTS FOR INFORMATION

Requests for information on the results of a Task Force before they have been approved by the DSB Chairman should be referred to the DSB Chairman or Executive Officer. A Task Force report should not be briefed to anyone outside of the DSB prior to formal approval of the report without prior approval of the DSB Chairman. Requests by the media or other organizations not possessing official "need to know" should be referred to the DSB Secretariat.

BRIEFERS

All background briefings necessary to the successful conduct of a Task Force should be arranged. Requests for such briefings are normally handled through the Task Force's Executive Secretary. Briefers are guests of the Defense Science Board and should, of course, be afforded commensurate courtesy.

DOCUMENTATION

Each Task Force shall prepare a written final report reflecting in a balanced fashion the conclusions of its membership. Where necessary, appropriate caveats and minority views should be recognized. This report should be submitted to the Chairman of the DSB for approval, publication and forwarding to the requesting official(s).

More detailed administrative guidelines are provided in the Memorandum for Executive Secretaries of DSB Task Forces, which is attached for your information.

NORMAN R. AUGUSTINE,
Chairman.

DEFENSE SCIENCE BOARD TASK FORCES ESTABLISHED JANUARY 1978 TO AUGUST 1982

Cruise Missile.
Strategic Planning Experiment in the Maritime Balance Area.
Countermeasures.
Enduring Strategic C³.
High Energy Lasers.
Naval Surface Ship Vulnerability.
EMP Hardening of Aircraft.
MX.
V/STOL, Phase II.
Particle Beam Technology.
ASW.
Anti-Tactical Missiles.
Review of M-X Environmental Impact Statement.
Water Support for the Rapid Deployment Joint Task Force in Southwest Asia.
Mapping, Charting and Geodesy.
Review of the DoD Space-Based Laser Weapons Study.
Closely Spaced Basing for M-X.
Electronic Warfare.
Defense Nuclear Agency Technology Base Program.
Application of High Technology to Ground Operations.
Retention of Contractor Civilians on Critical Jobs Overseas During Hostilities.
Embedded Computer Resources (ECR) Acquisition and Management.
Very High Speed Integrated Circuits (VHSIC) Program.
Forward Area Laser Weapons.
Continuation of Anti-Tactical Missiles (ATM).
Transition of Weapon Systems from Development to Production.
International Industry-to-Industry Armaments Cooperation.
Continuous Patrol Aircraft (CPA).
Automatic Target Recognition Technology.
Reconnaissance Regimes.
Command Support.
Rapid Deployment Forces.
AUTODIN II.

DEFENSE SCIENCE BOARD TASK FORCES—MEETING MINUTES AND FEDERAL REGISTER ANNOUNCEMENTS

	Meetings held	Minutes available at DSB	Meetings announced [1]
Cruise missile	11	5	9
Strategic planning/maritime balance	6	4	6
Countermeasures	16	0	15
Enduring strategic C3	7	0	7
High energy lasers	6	1	5
Surface ship vulnerability	7	5	7
EMP hardening of aircraft	11	0	11
MX	3	0	3
V/STOL, phase II	3	2	3
Particle beam technology	4	0	3
ASW	6	0	6
Anti-tactical missiles	12	2	10
MX environmental impact	3	0	3
Water support for RDJTF	5	3	5
Mapping, charting and geodesy	5	1	4
DOD space-based laser weapons	2	2	1
MX basing	19	0	7
Electronic warfare	8	0	6
DNA technology base	5	0	3
High technology/ground ops	5	0	5
Critical overseas civilians	2	0	2
Embedded computer resources	5	3	3
VHSIC	5	0	2
Forward area laser weapons	3	0	2
ATM, phase II	3	0	3
Transition to production	5	0	2
International armaments cooperation	4	2	4
Continuous patrol aircraft	4	0	2
Automatic target recognition	3	0	3
Reconnaissance regimes	3	0	0
Command support	6	0	5
Rapid Deployment forces	7	2	7
AUTODIN II	4	0	4
Total	198	32	158

[1] Notice published in Federal Register in accordance with DOD Directive 5105.18.

Membership of Defense Science Board task forces

Individuals participating in DSB task forces	288
Individuals participating in only 1 task force	223
Individuals participating in 2 task forces	42
Individuals participating in 3 task forces	15
Individuals participating in 4 task forces	5
Individuals participating in 5 task forces	1
Individuals participating in 6 task forces	1
Individuals participating in 7 task forces	1

"Top Ten" organizations participating in Defense Science Board task forces, January 1978 to August 1982

Organization	*Task forces* [1]
University of California	15
R&D Associates	9
The MITRE Corp	8
Bell Laboratories	8
TRW	8
Hughes Aircraft	7
E. G. Fubini Consultants	7
Texas Instruments	6
The Aerospace Corp	6
Raytheon Corp	5

[1] These are all individual task forces, e.g., where 2 employees from the same organization were on a task force, it was counted only once.

THE UNDER SECRETARY OF DEFENSE,
Washington, D.C., April 5, 1983.

Memorandum for the Assistant to the Secretary of Defense for Review and Oversight.

Subject: Defense Science Board Review.

I have read your report of the review that Norm Augustine and I requested you do on the Defense Science Board (DSB) operations. Your effort in response to our request on this important matter is appreciated. You have asked for my views on your report. My detailed comments are based on a close examination by my staff and the DSB Chairman—I hope they prove useful for preparing your final report (Enclosure 1).

In my view, the contextual balance with which your final report is framed is quite important. The DSB has been in existence for over 25 years and has issued well in excess of 100 reports on a vast variety of subjects with remarkable freedom from either fact or accusation of bias or conflict of interest in its products. I make this statement, not as an unsolicited "pat on the DSB back," but as a caution that we do not overreact to recent events. Specifically we do not wish to place unnecessary administrative burdens on the DSB staff or Task Forces, diminish in any way the quality of their people or products, nor create problems where none existed.

On the other hand, it is not impossible to be so impressed with the outstanding service provided to the Secretary and me by the DSB that we become insensitive to even the appearance of bias or conflict of interest. If I understand correctly, this is indeed why the Chairman of the DSB requested your review: to assess the appropriateness and completeness of actions already initiated to correct deficiencies and eliminate oversights

in operating procedures identified by the DSB staff—actions to preclude actual, and to minimize the chance of appearing to have conflict of interest or bias.

One question is, therefore, the appropriateness of this report, done in response to an internal request for a review, being distributed outside the Department. It appears that the credibility of, and indeed the usefulness of your office to the DoD will be eroded if this practice persists—review assistance is unlikely to be requested knowing the result could be external dissemination and use of your reports in a destructive way. For example, I am concerned that this report has already been shown to the GAO, before including the attached comments which identify some major changes that need to be made so the report is accurate and balanced.

I am also concerned about the biased tone and misunderstanding of the facts in many places in the report. The worst example of this is the description of the balance of two DSB Task Forces under Part II, Section B. In particular, the description of the laser task force report, starting on page 29, and the alleged bias is exactly opposite of the facts and should have been clear. The task force report recommended against the expensive proposed option of "accelerating Space Based Laser development" and instead recommended a far less costly option. This and other examples bring into question the objectivity and motivation of the reviewers. While much effort was clearly put into the review and useful findings and recommendations are made, there are many inflammatory statements made that do not logically follow from the stated facts, that are not true, and that could be harmful. I am sure that you intend the work of the Defense Audit Service be factual, objective, and constructive. I hope the bad examples identified in the comments on this report are not typical, and will be eliminated in the final report. In any event, I request that the attached changes be made.

These are my candid, and I hope useful, concerns. In turn, I appreciate the candor and helpful comments your team provided. I believe that our cooperative efforts will produce a balanced response to a complex and sensitive topic.

DICK.

COMMENTS ON THE REPORT

A. OPERATING PROCEDURES

Finding: Task Force Minutes. The findings are reasonable. Actions have been taken to correct the situation. The DSB Secretariat will insure that:

Executive Secretaries of Task Forces acknowledge they are responsible for detailed minutes of Task Force meetings.

Minutes are approved.

Minutes are filed centrally in the office of the DSB Task Force Executive Secretary.

Once the Task Force report is approved by the Secretary of Defense, separate minutes and Task Force documents will be retained for at least one year and may then be discarded (See Sec 10b, Public Law 92-483).

Finding: Federal Register Meeting Announcements. The finding is appropriate. Although a majority of meeting announcements were properly advertised, action has been taken to insure that no Task Force meeting will be held without announcement consistent with governing regulations as had always been required by written DSB operating procedures.

Finding: Administrative Procedures for Appointing Consultants to Task Forces. The findings are appropriate. Corrective action has been taken: No person will serve as a Task Force member until appointed officially as an OSD consultant (this includes a review of financial interest and a determination of conflict of interest by responsible officials).

Finding: Other Studies. This finding is not true and is rejected. The finding is not derived from fact or actual practice. Relevant prior studies are considered before a new DSB effort is undertaken. Upon determination that prior studies are insufficient to address the current issue, the Secretary of Defense, Chairman of the Joint Chiefs of Staff, or the Under Secretary of Defense for Research and Engineering decides personally that the DSB will address the subject. The resulting Task Force generally reviews relevant prior studies it deems useful to its directed effort.

Recommendations for corrective action

We concur in all recommendations with the exception of that on prior studies. That recommendation is not appropriate because it does not follow from an assessment of facts, and the DSB undertakes tasks at the formal direction of the SecDef and USDRE, who determine what they need. (The review of relevant, useful prior studies has generally been done by DSB Task Forces at their initial meeting.)

B. APPOINTING DSB AND TASK FORCE MEMBERS

General Comment: The findings and discussion on Financial Disclosure Statements, Background of Consultants, and Membership Balance on DSB Task Forces, as written, show a lack of understanding resulting from a superficial examination of data, and a clearly biased view of facts by auditors and/or authors. A majority of the writings should be deleted because of erroneous statements and most of the remaining require extensive edit for completeness and accuracy (See line-in/line-out details in marked-up copy of draft report).

Recommendations for corrective action

We concur in the recommendations as modified in the detailed mark-up (Pages 31 and 32).

OFFICE OF THE
ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., March 10, 1983.

Memorandum for the Associate Director, Financial and Management Audits, Defense Audit Service.

Subject: Draft Proposed Review of the Policies, Procedures and Practices for Operation of the Defense Science Board.

We have reviewed the subject draft, and have the following comments.

First, page one of the introduction should be corrected to indicate that the Administrator, General Services, rather than the Director, Office of Management and Budget, is responsible for all matters pertaining to advisory committees. This change in responsibility occurred in 1977 pursuant to Executive Order No. 12024, December 1, 1977, (copy attached at Tab "A").

Second, arrangements are being made to review Defense Science Board operations periodically to ensure compliance with the Public Law and DoD Directive 5105.18. This is in accord with the recommendation contained on page 18 of the draft. Further, in a memorandum dated February 10, 1983 all DoD committee managers have been requested to take action to ensure that their committees comply with the Public Law and DoD Directive 5105.18. A copy of this memorandum is attached at Tab "B".

Third, concerning the recommendations on page 31 relating to conflicts of interest and balanced membership, I believe that issuing further detailed instructions on these subjects would serve no useful purpose. It would not be possible, for instance, to define in advance for all possible cases, the "particular matter," with respect to financial interest, that would disqualify an individual from participating on a specific committee. With respect to balanced membership, our policy has been that committees should be fairly balanced in terms of the points of view represented and the functions to be performed. This is a reiteration of the Public Law and the guidance issued by OMB.

My memorandum of February 10, 1983 (see above) reminds all DoD committee managers of the importance of both balanced membership and the recognition of potential conflicts of interest on advisory committees. It puts particular emphasis on the essentiality of avoiding any conflicts of interest, or even the appearance of such conflicts.

If there are any other problems resulting from this review, I shall be glad to discuss them with you.

D. O. COOKE,
Deputy Assistant Secretary of Defense.

RELATING TO THE TRANSFER OF CERTAIN ADVISORY COMMITTEE FUNCTIONS

(Executive Order 12024, December 1, 1977)

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), Section 301 of Title 3 of the United States Code, Section 202 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 581c), and Section 7 of Reorganization Plan No. 1 of 1977 (42 FR 56101 (October 21, 1977)), and as President of the United States of America, in accord with the transfer of advisory committee functions from the Office of Management and Budget to the General Services Administration provided by Reorganization Plan No. 1 of 1977, it is hereby ordered as follows:

SECTION 1. The transfer, provided by Section 5F of Reorganization Plan No. 1 of 1977 (42 FR 56101), of certain functions under the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), from the Office of Management and Budget and its Director to the Administrator of General Services is hereby effective.

SEC. 2. There is hereby delegated to the Administrator of General Services all the functions vested in the President by the Federal Advisory Committee Act, as amended, except that, the annual report to the Congress required by Section 6(c) of that Act shall be prepared by the Administrator for the President's consideration and transmittal to the Congress.

SEC. 3. The Director of the Office of Management and Budget shall take all actions necessary or appropriate to effectuate the transfer of functions provided in this Order, including the transfer of funds, personnel and positions, assets, liabilities, contracts, property, records, and other items related to the functions transferred.

SEC. 4. Executive Order No. 11769 of February 21, 1974 is hereby revoked.

SEC. 5. Any rules, regulations, orders, directives, circulars, or other actions taken pursuant to the functions transferred or reassigned as provided in this Order from the Office of Management and Budget to the

Administrator of General Services, shall remain in effect as if issued by the Administrator until amended, modified, or revoked.

SEC. 6. This Order shall be effective November 20, 1977.

JIMMY CARTER.

THE WHITE HOUSE, *December 1, 1977.*

[FR Doc. 77-34952 Filed 12-2-77; 10:56 am]

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., February 10, 1983.

Memorandum for Secretaries of the Military Departments; Chairman of the Joint Chiefs of Staff; Under Secretary of Defense for Research and Engineering; Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics); Director, Defense Communications Agency; Director, Defense Intelligence Agency; Director, Defense Mapping Agency; Director, Defense Nuclear Agency; Director, National Security Agency.

Subject: Federal Advisory Committee Management.

References: (a) P.L. 92-463, "The Federal Advisory Committee Act," (b) DoD Directive 5105.18, "Department of Defense Committee Management Program."

Recently, the Defense Audit Service completed a review of the policies, procedures, and practices of one of the Department of Defense Federal Advisory Committees, including subcommittees thereof. This review was made at the request of the Committee Chairman. It was found that, although written policies and procedures were reasonably specific, actual operating practices used by the subcommittees bore little resemblance to these policies and procedures.

Specific deficiencies identified were:

Minutes were not available for all meetings held.

Some of the available minutes were inadequate.

The accuracy of the minutes were not certified to in every case by the subcommittee chairman.

Some "informal" meetings were held without a notice being published in the Federal Register.

In some cases, individuals attended meetings and served as members although not properly appointed.

Financial disclosure statements were not always obtained, completed, or properly processed.

In addition, the auditors stressed the importance of balanced membership and recognition of potential conflicts of interest on advisory committees. As you know, our policy has been that committees should be fairly balanced in terms of the points of view represented and the functions to be performed. This is essentially a reiteration of reference (a) and the guidelines issued by the Office of Management and Budget. With respect to conflict of interest concerns, it is absolutely essential that we avoid such conflicts, or even the appearance of conflicts, in appointing members to DoD advisory committees.

Accordingly, it is requested that you take action to ensure that your committee managers are operating in full compliance with references (a) and (b). Further, from time to time, the operations of selected DoD Federal Advisory Committees will be reviewed by the DoD Committee Management Officer to determine whether or not they are in compliance with references (a) and (b). These reviews will be conducted with a view toward ensuring compliance, not finding fault.

D. O. COOKE,
Deputy Assistant Secretary of Defense.

ACTIVITIES VISITED

Office of the Secretary of Defense:

Office of the Deputy Secretary of Defense, Washington, D.C.

Office of the Under Secretary of Defense for Research and Engineering, Washington, D.C.

Office of the Assistant Secretary of Defense (Comptroller), Washington, D.C.

Office of the General Counsel, Washington, D.C.

Washington Headquarters Services, Washington, D.C.

Defense Agencies: Defense Logistics Agency, Defense Technical Information Center, Cameron Station, VA.

Mr. PRYOR. Mr. President, I think the minority leader has touched on a very valid point. That point is that when the taxpayers of this country today are picking up the newspapers, they are watching television, they are listening to the radio, they are working their hearts out trying to send their children to school and get through the line at the grocery store and buy the kids new tennis shoes and make ends meet—they think, when they are paying their taxes, they are buying a strong national defense. We are spending $1.5 trillion over the next several years for a strong national defense. And when they see these absurdities, day after day, night after night, with the reporting of cost overruns, of stepladders costing thousands of dollars that could cost $100, and of nuts and bolts that are being bought by the Navy for exorbitant prices that are maybe a thousand times the price of what you could go into the local Western Auto Store or hardware store and buy, they are frustrated.

Congress is frustrated. Also, the taxpayers are bewildered, in addition. They are looking for something to do about it.

I think one of the root causes of this problem—I hope I am wrong, but I think one of the root causes of the problem is that we have advisers to the Pentagon today on weapons procurement and throughout the entire procurement process whose advice is reeking, I am afraid, of conflict of interest. I think we have to get to the bottom of this. Something is rotten in Denmark and something is rotten at the Pentagon and we have to find an answer to it.

The minority leader has been so right in his observations on this entire matter. I appreciate him as a friend; also, as a leader. I look forward to working with him and others in the Senate on this point.

Mr. BENTSEN. Mr. President, the report of the Defense Inspector General's Office on the Policies, Procedures, and Practices for Operation of the Defense Science Board has also been brought to my attention and I want to join the minority leader and the distinguished Senator from Arkansas (Mr. PRYOR) in urging the Armed Services Committee to fully investigate this matter at the earliest available opportunity.

The findings of the Inspector General raise serious questions about the credibility of the Board's recommendations to the Defense Department and the extent to which these recommendations were driven by undisclosed financial interests. However, equally disturbing is the response of the Under Secretary of Defense for Research and Engineering, Richard DeLauer, to the Inspector General's findings.

As Director of the Pentagon's research and development efforts for all new weapons systems, one would think that Mr. DeLauer would welcome any information that might suggest information on which many of his decisions are based were biased or unreliable. To the contrary, Mr. DeLauer's response to the Inspector General's report evidenced a greater concern about keeping reports of this nature quiet, than for the substance of the Inspector General's allegations. Mr. DeLauer seemed particularly annoyed that the Inspector General's report had been furnished to the General Accounting Office. In his response, Mr. DeLauer states:

> One question is, therefore, the appropriateness of this report, done in response to internal request for a review, being distributed outside the Department. It appears that the credibility of, and indeed usefulness of your office to the Department of Defense will be eroded if this practice persists—review assistance is unlikely to be requested knowing the result could be external dissemination and use of your reports in a destructive way.

Mr. President, it is apparent from the tone of Mr. DeLauer's response that he is more concerned with insulating the members of the Defense Science Board from criticism or embarrassment than he is with the substance of the Inspector General's findings.

I sincerely hope that Mr. DeLauer's opinion of and response to the work of the Defense Inspector General will be the exception—rather than the rule at the Pentagon. I certainly do not share the view that the credibility of and usefulness of the Defense Inspector General will be eroded by dissemination of information embarrassing to the Pentagon or officials therein.

Mr. President, that is precisely the reason the Defense Inspector General's Office was established—to weed out wasteful and fraudulent practices in programs and spending irrespective of who might be embarrassed. I commend the efforts of Mr. Sherrick in this regard thus far and want to assure him that at least this Senator is fully supportive of his work to elimi-

nate waste, fraud, and abuse in the Pentagon.

I know that my distinguished colleague from Texas, the chairman of the Armed Services Committee, shares my concern and I trust that he will move expeditiously to address this issue.

Mr. PRYOR. I think that is a splendid thing, because Senator BENTSEN—by the way, I have the privilege of sitting next to the distinguished Senator from Texas as his seatmate. He also has been an inspiration to me in working on developing a process for the Inspector General. He is one who has devoted a great deal of his time and attention to defense procurement and making that more efficient.

Senator BENTSEN is very serious about this, as is Senator EAGLETON from Missouri, who basically came forward several years ago with the concept of an office of an independent inspector general throughout the entire Government.

Mr. BYRD. Mr. President, I want to share in what the Senator from Arkansas has just said about Senator EAGLETON. Those words needed to be said and I am grateful to the Senator from Arkansas for saying them.

I want to yield to the majority leader because I think he is going to make possible my having a few minutes which may run beyond an hour for a statement that I have prepared.

Mr. BAKER. Mr. President, I thank the minority leader.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. COCHRAN). The majority leader is recognized.

Mr. BAKER. Mr. President, I believe that is all that is to be done on the bill today. I ask unanimous consent that there now be a further period for the transaction of routine morning business to extend no longer than 2:30 p.m., in which Senators may speak for not more than 10 minutes each, with the exception of the minority leader, for whom a time restriction will not apply except for the 2:30 p.m. limitation.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have a folder of items that I believe can be done by unanimous consent. I wonder if I could inquire of the minority leader if he still intends to make a presentation of the history of the Senate during this added period for the transaction of routine morning business and, if he does, if he would be willing for me to provide that at the conclusion of those remarks, the Senate would automatically stand in adjournment under the order previously entered until Monday next?

Mr. BYRD. Yes; Mr. President, I want to minimize as much as I can the imposition upon the Senate of speaking at some length. I am fully in accord with the majority leader and appreciate his thoughts.

Mr. BAKER. Mr. President, I thank the minority leader.

ORDER FOR ADJOURNMENT UNTIL MONDAY, JULY 25, 1983

Mr. BAKER. Mr. President, I ask unanimous consent that, after the minority leader finishes his presentation on the history of the Senate, the Chair place the Senate in adjournment pursuant to the order previously entered until noon on Monday.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

ORDER OF PROCEDURE ON MONDAY

Mr. BAKER. Mr. President, now that we have provided for an adjournment of the Senate, I would like to provide also the usual boilerplate language in respect to that adjournment which I believe has been approved by the minority leader, and I will submit it now for his consideration and that of other Senators.

I ask unanimous consent that, when the Senate convenes on Monday, July 25, 1983, the reading of the Journal be dispensed with, no resolutions come over under the rule, the call of the calendar be dispensed with, and following the recognition of the two leaders under the standing order there be a special order in favor of the Senator from New Mexico (Mr. BINGAMAN) for not to exceed 15 minutes, to be followed by a period for the transaction of routine morning business not to extend beyond 1 p.m., with Senators permitted to speak therein for not more than 5 minutes each, and provided further that the morning hour shall be deemed to have expired.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

S. 1469—PROTECTION OF CHILDREN AGAINST SEXUAL EXPLOITATION ACT OF 1983

Mr. BAKER. Mr. President, I have a request that I believe has been cleared as well by the minority.

I ask unanimous consent that the engrossed version of S. 1469, the Protection of Children Against Sexual Exploitation Act of 1983, be modified to reflect the following amendment which I send to the desk on behalf of the Senator from South Carolina (Mr. THURMOND).

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment follows:

At the end of the bill add the following new section:

SEC. . Paragraph (1)(c) of section 2516 of title 18, United States Code, is amended by adding "section 2251 or 2252 (sexual exploitation of children)," after "section 664 (embezzlement from pension and welfare funds),".

Mr. THURMOND. Mr. President, I am offering an amendment to S. 1469, relating to the sexual exploitation of children, that will include this crime in that group of offenses for which court-ordered electronic surveillance is allowed. I am sure there is unanimous agreement that child pornography and the underlying exploitation of children are scourges that cannot be tolerated. Our newspapers are full of stories of children who have suffered severe emotional, psychological, or physical abuse as a result of their involvement in pornography. Experts estimate that the number of children being sexually exploited range from the thousands to the hundreds of thousands. The Supreme Court in upholding the New York against Ferber decision, has made it clear that it is the highest duty of the State to protect these children. For this reason every investigative method available within the bounds of the Constitution should be applicable to this offense. The statutory safeguards for electronic surveillance in current law clearly meet such criteria.

The FBI and other law enforcement agencies have had understandable difficulties in the past in their attempts to build an effective case against these offenders because of the age of the children needed to testify and the reluctance of a child's parents to involve the young child in a distressful judicial proceeding. These factors, when coupled with the clandestine nature of the child pornography industry compound the problem. This amendment would simply allow Federal law enforcement officials to obtain court authorization to collect the necessary evidence to convict these criminals and put an end to this continuing tragedy.

The administration supports this amendment and has included it within S. 829, the Comprehensive Crime Control Act of 1983. This was done not to expand the law, but rather, to close the loopholes within it. The Department of Justice has reiterated that support. In its letters of January 28, 1983, the Department has recommended that child pornography be added to the list of offenses for which court-ordered surveillance is allowed. I would ask that the relevant pages of that letter be entered into the RECORD at the conclusion of my remarks.

Senators SPECTER, GRASSLEY, and DENTON have worked hard to propose a strong bill. My amendment would

strengthen it further by providing an effective means for its application. I would urge my fellow Senators to act quickly on S. 1469 so that we may put an end to this continuing tragedy.

Mr. President, the sexual exploitation of children is a tragic curse upon this proud Nation. The child pornography industry of this country has been growing at such an alarming rate that it is impossible for us to ignore the problem any longer.

With increasing frequency our lives are darkened by the news of a child who has suffered some type of severe physical, psychological, or emotional trauma as a result of his or her involvement with the multimillion-dollar child pornography industry. But what is most tragic is the amount of children we never hear about that are abused or exploited. Experts estimate the number could range from the thousands to the hundreds of thousands. Many of the children used in the production and distribution of this pornographic material are runaways or homeless. Most are easy prey for those in the industry. Often it is the child's trust in adults or the child's need for food and shelter that is used to lure them into pornography. These children are used and then discarded to carry the scars of their involvement for the rest of their lives. Many must live with a sense of guilt for something they did long before they ever understood what it was they were doing.

The exploiters of our youth are part of an industry that is thriving today in spite of laws that were passed to prohibit it. These laws are too narrowly applied and too difficult to enforce. Law enforcement efforts are continuously thwarted by legal loopholes that allow these offenders to go free with little more than a slap on the wrist; free to continue to sexually exploit our children.

S. 1469, the Protection of Children Against Sexual Exploitation Act of 1983, presents us with a chance to help the children. This legislation is designed to close the loopholes and toughen the penalties for those who violate the law. No longer will police have to prove the pornographic material was intended for sale. S. 1469 will restrict all distributions, not just those for a commerical purpose. The act will raise the age of minors protected from 16 to 18. It will increase the fines for individual offenders from $10,000 for a first offense and $15,000 for a second offense to fines of $75,000 and $150,000. In addition, the new bill includes increased fines for organizational offenders as well as civil and criminal forfeiture provisions. These changes are intended to remove the monetary incentive for producing child pornography.

Perhaps the most effective change proposed by this legislation will be the removal of the requirement that the material be obscene before it would be in violation of the law. The landmark case of New York against Ferber closed this loophole in existing law that allowed these offenders to continue in business free from the threat of conviction. This legislation would restrict the use of children in any type of sexually explicit conduct, eliminating the requirement that it meet the legal definition of obscene.

I applaud Senator SPECTER, Senator GRASSLEY, and Senator DENTON and all the other members of the Committee on the Judiciary for their hard work in producing such strong legislation. I am proud to be a cosponsor of this bill and I am happy to say that it enjoys the unanimous support of the committee and of the administration.

As a concerned parent, I urge my fellow Senators to act quickly on S. 1469 so that we may put an end to this continuing tragedy.

STAR PRINT—REPORT NO. 98-170

Mr. BAKER. Mr. President, there is a request for a star print of Report No. 98-170. I ask unanimous consent that the report be star printed and that a statement of explanation by the distinguished senior Senator from Pennsylvania (Mr. HEINZ) appear in the RECORD at this point.

I further ask unanimous consent that 500 extra copies of the report be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, due to an inadvertent error, the Government Printing Office deleted several important paragraphs from the section of Senate Report No. 98-170 indicating changes made to current law. So that the report would fully indicate the changes made to current law by the bill S. 979 as reported by the Banking Committee, we have asked unanimous consent that the report be star printed, with the appropriate corrections being made, and that 500 extra copies of the report be printed.

REREFERRAL OF H.R. 1341

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be discharged from further consideration of H.R. 1341, an act to establish the Mono Basin National Forest Scenic Area in California, and that it be referred to the Committee on Energy and Natural Resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL WILDLIFE REFUGE SYSTEM

Mr. BAKER. Mr. President, there is one item on today's Calendar of General Orders that is cleared on this side for action by unanimous consent. I inquire of the minority leader if he is in a position to consider at this time H.R. 1935.

Mr. BYRD. Mr. President, the matter has been cleared on this side.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 281, H.R. 1935.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 1935) to ratify an exchange agreement concerning National Wildlife Refuge System lands located on Matagorda Island in Texas.

Mr. TOWER. Mr. President, for the last 10 years, the State of Texas, the Federal Government, and various environmental groups have worked to solve the difficult management questions associated with Matagorda Island. Presently, the 50,000 plus acres of the island can be roughly divided into three groups. 19,000 acres are a part of the Federal Aransas National Wildlife Refuge; about 24,000 acres are owned by the Texas General Land Office (GLO); private individuals own the rest of the island. The GLO land contains most of the bayside wetlands—the island's most important wildlife habitat.

As a result of this split jurisdiction, management of the island's wildlife resources has been fragmented. The legislation before the Senate today would bring to a close debate on how to manage Matagorda Island, by ratifying a plan developed by the Federal and State governments. Essentially, the agreement puts all State-owned lands into the Aransas National Wildlife Refuge and gives Texas the management of the area, subject to provisions in the National Wildlife Manual.

It is my firm belief that passage of this bill will bring the soundest, most sensible management plan possible to Matagorda Island. Therefore, I urge my colleagues to join me in supporting the legislation.

Mr. BENTSEN. Mr. President, the legislation which we are presently considering, H.R. 1935, would ratify a memorandum of agreement between Texas and the Department of the Interior with respect to the management of Matagorda Island in the State of Texas. The agreement will improve conservation of important wildlife resources on the island, including the endangered whooping crane, and its ratification, while important to Texas, will also serve the national interest.

The bill H.R. 1935 is identical to S. 696, which I and Senator TOWER introduced on March 7, 1983. Hearings were held on the measure on May 19 and it was unanimously approved by the Committee on Environment and

Public Works on June 23. I urge my colleagues in the Senate to give this legislation their positive consideration.

Matagorda Island is a Texas barrier island of approximately 50,000 plus acres. Approximately 19,000 of its acres have been included since November 1971 in the Aransas National Wildlife Refuge through a memorandum of understanding between the Fish and Wildlife Service and the Air Force. Although portions of the island thus receive the protections accorded a National Wildlife Refuge, the Federal lands do not contain the most important wildlife habitat on Matagorda Island. That habitat instead is found on the approximately 24,000 acres of land owned by the Texas General Land Office (GLO). The GLO land contains most of the island's bayside wetlands, which are critically important to the whooping crane and many other wildlife species. Private individuals own the rest of the island.

The split jurisdiction on Matagorda Island, with the most important habitat outside the National Wildlife Refuge, raises a unique conservation challenge. The Matagorda memorandum of agreement reflects energetic and constructive efforts on the part of Texas and the Department of the Interior to meet this challenge. I understand that the National Audubon Society also participated in drafting the agreement, and they should be recognized for their contribution.

The agreement reflects a spirit of compromise on the part of all interested parties. Texas felt that it could provide the best management for Matagorda. For many years it had managed its area of the island, the portion containing the premier wildlife habitat, to the betterment of its wildlife resources, particularly the endangered whooping crane. The Federal Government, understandably, wished to include the State-owned land as part of the Aransas National Wildlife Refuge. Both the State and Federal Governments agreed that integrated management of the public lands on Matagorda would provide the best means of conserving its wildlife. The Matagorda agreement meets all of these requirements. The agreement would provide integrated management, by Texas, of the publicly owned lands on Matagorda as a unit of the National Wildlife Refuge System.

I believe that the Matagorda agreement is a sound and workable proposal. I have heard the agreement criticized as a giveaway of the 19,000 acre Federal portion of the island. Just the opposite would occur—the State owned lands, through easement, would become part of the Aransas National Wildlife Refuge.

It has been suggested that the State will manage Matagorda as a park for recreation, rather than a wildlife conservation area. In fact, the lands must be managed in accordance with the National Wildlife Refuge System Administration Act and all activities must be compatible with wildlife conservation. Additionally, the State has recently amended the language in pertinent appropriations bills to clearly delineate wildlife conservation as a management responsibility.

It is argued by some that State management of Matagorda erodes protection for the whooping crane. I believe the State has done a fine job of managing the primary whooping crane habitat for many years. For those who doubt this, the agreement, by bringing the State lands into the National Wildlife Refuge System, would extend the protection of Federal statutes to these lands for the first time. Also, the agreement would not diminish the protection currently afforded the whooping crane under the Endangered Species Act. Indeed, for hunting activities it extends the act's prohibition of jeopardizing the existence of a species to the State land for the first time.

The agreement has been criticized for allowing hunting and fishing, grazing, and oil, gas, and other mineral exploration and development on the refuge. It should be pointed out that these activities are all permitted and ongoing under present management by the Fish and Wildlife Service.

Finally, it is suggested that it is wrong, in principle, for a State to manage lands within a National Wildlife Refuge. I would disagree with this. State wildlife management agencies have historically been responsible for the management of resident species of wildlife, and bring a great deal of experience and expertise to this task. In those instances, such as the agreement for managing Matagorda, where there are assurances that the Federal lands will be managed in accordance with Federal law and subject to Federal review, State management can enhance wildlife conservation.

I know that the opponents of the agreement are sincere in their concern that it might not provide adequate protection for the islands wildlife resources and that it sets what is to them an unacceptable precedent for State management of National Wildlife Refuges. I am sure that time will allay their fears.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CAPTIVE NATIONS WEEK

Mr. PERCY. Mr. President, this is an important week in the American year. During the third week in July each year Americans remember and honor captive nations—those nations forcibly and illegally incorporated into the Soviet Union. the Ukraine, Lithuania, Latvia, Estonia, and Byelorussia were all seized by Soviet troops before World War II, their citizens repressed or deported to Siberia, their national laws and institutions overturned and replaced by the harsh Soviet system and a policy of Russification.

Yet, the national identity of each of these countries has lived on in their native inhabitants as well as in the hearts and efforts of their expatriates the world over, including so many here in America. This week I join all Americans in paying tribute to the captive nations whose national identities live on while their brave spirits endure, providing an inspiration to all of us to redouble our efforts to protect our own freedom that we so cherish.

FORMER SENATOR JACOB K. JAVITS ON THE WAR POWERS RESOLUTION

Mr. PERCY. Mr. President, the Supreme Court's decision on the constitutionality of the legislative veto raises fundamental questions regarding the future of the war powers resolution of 1973. As the principal sponsor of this legislation, our former distinguished and beloved colleague, Jacob K. Javits, is well qualified to discuss this issue and has done so in a thoughtful column which appeared in the New York Daily News on Sunday, July 10. I ask unanimous consent that the text of this column appear in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

KEEP WAR POWER ON THE HILL

(By Jacob K. Javits)

In the 207 years of our history as a nation there has been enacted into law only one restraint on the President's power as Commander-in-Chief of the armed forces to put our nation into war even without the authority of Congress. That restraint is included in the War Powers Resolution of 1973, of which I am the author, passed by the Congress over President Nixon's veto.

This resolution provided that when the President puts our armed forces into a situation involving hostilities, or the imminent threat of hostilities, he must, within 48 hours, notify both houses of Congress accordingly. The Congress then has 60 days in which to give the President authority to continue to leave our troops so involved. If Congress does not give him this authority he must withdraw our troops from such hostilities. If he finds that he cannot do so for practical reasons he has another 30 days in which to accomplish such withdrawal. Thereafter, he loses all authority to leave our troops in action.

The War Powers Resolution also requires consultation with the Congress whenever the use of our armed forces in hostilities seems likely and reporting to Congress on

the imminence of such situations. The law has been invoked in the last ten years in such varied situations as: President Ford's reports on the U.S. evacuation of Vietnam and the Mayaguez incident which followed such evacuation; President Carter's report on the doomed Iranian hostage rescue attempt; and President Reagan's two reports in 1982 on the deployment of U.S. Marines to Lebanon.

In none of these cases did any of the presidents report under that section of the resolution which would invoke the power of the Congress to require the President to withdraw these forces nor was the sanction of the Congress given to their deployment.

Now along comes the Supreme Court of the United States in a decision invalidating as unconstitutional what is popularly known as the legislative veto by Congress and immediately there is widespread speculation that this ruling also invalidates as unconstitutional the War Powers Resolution.

Particularly, say the commentators, the legislative veto decision may invalidate the War Powers Resolution's provisions which give the Congress the power to restrain the President when he seeks to turn an incident into war. Indeed, the best example of that situation was the war in Vietnam and the Gulf of Tonkin Resolution passed by Congress in 1964 which emboldened President Johnson to commit us so heavily to it.

The legislative veto is a power reserved by Congress when a law is enacted either with the President's signature or by overriding his veto by which one or both houses of Congress can overrule an action of the President or any department or agency of the federal government which is sought to be given the force of law.

I believe the Supreme Court decision on the legislative veto has not affected the War Powers Resolution adversely as many commentators may imply. In the first place the resolution has a separability clause which means that the provisions requiring detailed reports of activities to the Congress involving hostilities by the U.S. armed forces under orders of the President remain intact. These are a critically important aspect of the accountability of the President to the nation and are themselves a restraint on presidential capability of getting the country into war.

Second, as to the power of Congress to require the President to call back U.S. armed forces from a commitment of them to foreign hostilities after at most 90 days, this is a limit on presidential power as Commander-in-Chief and a specification of congressional power over the declaration of war and is, therefore, unaffected by the Supreme Court's instant decision. This power relates to exclusive congressional power to declare war granted by the Constitution.

What is most important is that the millions of Americans who fight our wars should strongly defend the War Powers Resolution. The founders of our republic gave only the Congress the power to declare war, yet we have fought over 100 wars ignited by the President's power as Commander-in-Chief to deploy U.S. forces anywhere in the world and only a handful of them have been declared by Congress. It is the people who must stand up for the War Powers Resolution as a restraint on the "hounds of war" which the founding fathers sought to restrain by giving only the Congress the power to declare war while making the President Commander-in-Chief so that only he may direct how the wars should be fought. Let us remember that there are no longer likely to be any non-combatants in another world war no matter how far from the front they are—all are in jeopardy as well as our survival as a nation.

Mr. PERCY. Mr. President, because of Senator Javits' unique expertise in this area, and his thoughtful approval to all issues, I have asked him to appear as a witness before the Foreign Relations Committee in a hearing to be held this fall on the status and future of the war powers resolution. The precise date and time, and the remaining witnesses at the hearing will be announced shortly. This hearing is one of a series the committee will be conducting to consider the specific implications of the Supreme Court decision and its impact on our responsibilities in the foreign relations area.

HEARINGS ON THE LEGISLATIVE VETO AND THE ARMS EXPORT CONTROL ACT

The first of these hearings will be held on Thursday, July 28, at 2 p.m., to consider the implications of the decision for the Arms Export Control Act and the possibility of changes in that legislation to adjust to the Supreme Court decision. As I understand it, the distinguished minority leader, Senator BYRD, will appear at this hearing to discuss his proposed legislation on arms exports. We will also hear from the Deputy Secretary of State Kenneth Dam, who will make a more general statement on the administration's view of the Supreme Court decision, as well as answering specific questions in the arms export area. Finally, we will hear from a panel of people experienced in the process of arms exports and knowledgeable about the history of congressional-executive relations in this area.

I look forward to a useful set of hearings as we continue our efforts to assess the impact of the Supreme Court's legislative veto decision.

NEW FERMILAB ACCELERATOR OPENS NEW HORIZONS FOR PARTICLE PHYSICS

Mr. PERCY. Mr. President, at 3:27 p.m. on July 3, 1983, scientists at Fermi National Accelerator Laboratory achieved record energy levels with the new Tevatron accelerator—the world's first and most powerful high energy accelerator. With the new capabilities of the Tevatron, scientists at Fermilab hope to unlock some of the most basic secrets about the universe. By smashing the protons into targets we can learn more about the basic structure of matter and perhaps something about the origins of the universe. An accelerator is like a microscope—when particles collide at tremendous speeds, we can get a glimpse into the fundamental nature of matter. In the Tevatron, a particle beam is accelerated to an energy of over 512 billion electron volts. At this energy, the beam travels 420,000 miles around the 4-mile "racetrack" of the accelerator in just 3 seconds.

The Tevatron is important to more than high energy physicists plumbing the secrets of the universe. It is the most advanced accelerator in the world and it represents the high technology and high skill we have at Fermilab and the other national labs. I am particularly proud that this revolutionary accelerator is in Illinois, not far from the site where U.S. nuclear physics began when the first nuclear chain reaction occurred at the University of Chicago under the direction of Dr. Enrico Fermi. With the Tevatron, the United States and the Midwest has recaptured its leading role in high energy physics research.

The high energies generated by the Tevatron are possible because of its use of superconducting technology. By cooling the magnets that power the accelerator to extremely low temperatures, electricity is able to flow almost without resistance allowing the accelerator to achieve record-setting energies. While this new technology is vital to this breakthrough in high energy physics, it also holds the promise of valuable spinoffs to industry.

The scientists and engineers at Fermilab working under the direction of Dr. Leon Lederman deserve praise and congratulations for the pathbreaking success they achieved underneath the Illinois prairie this month. The world is anxiously awaiting the information from the Tevatron about the small world of particle physics and the larger implications it may have for the way we know and think about the universe.

I ask unanimous consent that articles by Mr. Ronald Kotulak, science writer for the Chicago Tribune, and Dennis Byrne, science writer for the Chicago Sun-Times be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Chicago Sun-Times, July 10, 1983]

FERMILAB SCIENTISTS CREATE EXCITEMENT WITH ATOM SMASHER

(By Dennis Byrne)

With their creation of energy levels unknown since the dawn of time, physicists at Fermi National Accelerator Laboratory opened the door last week to developments of startling scientific and practical significance.

Staking careers and $130 million on a new space age atom smasher, Fermilab's scientists risked reputations on a circular, four-mile tube filled with dots of matter racing at the speed of light.

Twenty seconds of activity climaxed 10 years of work last Sunday, ending with the creation of the most powerful protons ever generated by man.

By zipping bundles of particles around Fermilab's accelerator ring almost 50,000 times a second, Fermilab more than recov-

ered its lost crown as the world's preeminent atom smasher.

Its achievement rated international acclaim and has vast potential impact on science, technology and even possibly the economic future of the Chicago metropolitan area.

In one stroke the lab, near Batavia, had:

Put America back into the thick of the international race to understand the fundamental nature of matter.

Demonstrated the Midwest is a leader in high technology. Others can base their high-tech reputation on making a better video game; Fermilab may unlock the secrets of the universe.

Opened the door to exciting advances in fields like energy and medicine by successfully breaking ground in two technologies—superconductivity and cryogenics.

It had been a huge gamble on the ability to use those two technologies to build what Fermilab Director Leon M. Lederman called the "world's most complicated machine."

An accelerator is like a microscope designed to "see" the smallest bits of matter imaginable—things like quarks and leptons, which in turn make up protons, electrons and neutrons, which in turn make up atoms.

Fermilab's accelerator flings protons at metal to smash atoms into tiny pieces. Then scientists, using sophisticated detectors and computers, examine the patterns left by the spray of these particles.

The more powerful the atom smasher the smaller the particles it can liberate from atoms. Some of these bits of matter may have not existed freely in nature since the first moments of creation.

To crank up the protons to sufficiently high energy levels, scientists at Fermilab began experimenting with superconductivity, a phenomenon that permits electricity to flow without resistance at extremely low temperatures.

Superconductivity would help power huge magnets which hold the beam of proton particles suspended in the middle of the atom smasher, to keep them from damaging the machine's walls.

Superconductivity, needed to provide sufficient energy at manageable cost, was untried on such a scale. The four miles of huge magnets would have to be cooled to within a few degress of absolute zero—minus 459.69 degrees Fahrenheit—an unprecedented project. It meant building the world's biggest liquid helium refrigeration system.

The result was a machine with so many pumps, compressors, valves, computers, pipes, fittings, cables and other gizmos that its complexity eclipses the space shuttle.

About 400 computers had to be installed and synchronized to monitor and control the system. To make sure the beam was behaving, it had to be finely tuned at 1,200 points.

Experts from universities and private companies from all over the nation helped develop and build the system. And now Fermilab is the place in the country to visit to find out about superconductivity and cryogenics—the scientific study of extreme cold.

Advances in the field of superconductivity could yield some of the most significant technological benefits of the coming generation, many scientists believe.

It could permit vastly more energy to be squeezed from fuel. It already can be used for medical devices that make super X-rays.

But more than spinoff technology, scientists turn to powerful atom smashers for help understanding the nature of matter and the universe.

"The real motivation and reward is understanding, and that is what the human spirit is all about," said Tim Toohig, a lab physicist.

And building ever more powerful accelerators is a key to unlocking some of those mysteries of nature that have puzzled mankind since antiquity. Scientists at a European atom smashing lab, for example, recently confirmed the existence of two unimaginably small subatomic particles called Z and W. They are important pieces of a puzzle that, once assembled, could provide a single, elegantly simple explanation of all the forces of nature.

Such an explanation, called the grand unified theory, is virtually a Holy Grail for physicists. By explaining the forces of nature—from a child's magnet to radioactivity—it might unlock secrets that could make energy as abundant as water.

[From the Chicago Tribune, July 10, 1983]

FERMILAB TAKES A BOLD STEP INTO THE FUTURE

(By Ronald Kotulak)

At 3:27 p.m. July 3 the icy giant buried under old corn fields west of Chicago stirred to life and physicists throughout America cheered.

Its veins were filled with liquid helium to keep its temperature stable at 450 degrees below zero. Its heartbeat was a beam of protons racing around its four-mile-circular body at nearly the speed of light [186,000 miles a second].

Like any newborn it was weak and needed tender loving care. But by the end of the year it is expected to be up to full strength, making it the world's mightiest fixed target atom smasher.

The giant is Fermi National Laboratory's newest creation, called an energy doubler/saver. It is the nation's newest particle accelerator and America's great hope for recapturing the lead in high energy physics research from the Europeans.

In just three seconds the beam of protons travels 420,000 miles around the circular race course, requiring a precision so great that it is tantamount to aiming a BB gun at the moon and hitting the eye of a fly sitting on the lunar surface.

High energy physics is a rarified area in which scientists knock apart subatomic particles in atom smashers to learn of what they are made. The goal is to understand the fundamental nature of matter—information that is vital to understanding the creation of the universe and its ultimate destiny, as well as to opening the door to man's mastery over the forces of nature.

Once eminent in this field, American physicists have recently been trounced by their European counterparts. Using atom smashers more powerful than any in full use in this country, physicists working in Europe have come up with a succession of stunning discoveries—the gluon, W particle and most recently the Z particle.

These particles are critical pieces that are taking scientists closer to solving the puzzle of how to unify the four forces of nature—gravity, electromagnetism, and the strong and weak forces.

No one really knows what benefits would accrue from unifying the forces but expectations are high. A similar unification of electricity and magnetism into one force at the turn of the century made possible all of today's electrical wonders.

While Fermilab's new energy doubler, also called the Tevatron, will not be able to ferret out all of the answers, it will permit scientists to explore a new realm of physics.

"It is the boldest, most exciting program in accelerator art and in physics potential since Galileo's vertical linear accelerator [dropping objects from the leaning tower of Pisa]," said Leon Lederman, Fermilab director.

The Tevatron is the offspring of another atom smasher occupying the same four mile circular tunnel under the plains near west suburban Batavia. The Tevatron was built directly beneath the existing machine, thereby making use of all the equipment already in place.

By piggy-backing off the other equipment, it cost $500 million less to build the Tevatron at Fermilab than at a new site where much of the equipment would have to be duplicated. The Tevatron, which was under construction for five years, cost about $130 million.

The older machine once reigned as the world's most powerful atom smasher but its new job will be feeding proton beams into the Tevatron.

With 1,000 huge superconducting magnets, the Tevatron will boost the beam strength to 1,000 billion electron volts [BEV], more than twice the power of the older unit.

But even bigger things are planned for the Tevatron. By 1985 scientists will convert the Tevatron into a super atom smasher that will be 50 times more powerful than the older Fermilab accelerator and, more importantly, four times more powerful than the biggest European machine.

The European machine, which recently uncovered the W and Z particles, is located at CERN, the European Laboratory for Particle Physics, which is operated by a consortium of 18 countries near Geneva, Switzerland.

CERN gets its immense power from headon collisions between beams of protons and antiprotons. Antiprotons are mirror images of protons except that they have a negative electrical charge. When the two meet they annihilate each other in a burst of energy.

By circulating beams of protons and antiprotons in opposite directions in the same ring at the same time, the Tevatron will produce head-on collisions that have a center of mass energy of 2,000 BEV.

"If there are new things to be discovered at higher energies they will be found here, and we expect there to be a lot of exciting new things," said Chris Quigg, Fermilab's chief theoretical physicist.

It is ironic that to study the smallest things in the world scientists must use the world's biggest machines. Outside of the Great Wall of China, the Fermilab ring is the only other manmade object that can be recognized by astronauts from earth orbit during daylight.

The big machines are needed to pry loose nature's deepest secrets. The deeper scientists probe into the hearts of elementary particles, the more energy is required to break them apart so that they can study the building blocks that make up the particles.

Strange things happen at these enormous energies. A powerful collision between a proton and an antiproton can liberate a Z particle, which, as unbelievable as it sounds, is 100 times more massive than a proton.

How can something so big be created from something so small? The answer is energy. Einstein's Theory of Relativity stipulated that energy can be converted into mass and mass can be converted into energy.

It is a neat trick that elementary particles have learned to carry out their amazing role changes. Scientists learned to do a little bit of that in the 1940s when they changed matter into eneregy to produce the atomic bomb and then later nuclear energy.

The Z particle is like a moving van that carries the weak force, which controls radioactive decay. Its life is very transient. After it carries the weak force from one point to another, an incredibly small distance, it disappears, usually in about a trillionth of a trillionth of a second.

That is why it is impossible to detect these kinds of heavy particles except under the experimental conditions in a giant atom smasher where the enormous energies can pry them out of their hiding places.

Building machines to look for these particles pushes technology to its utmost limit. One of the side benefits of the Tevatron is a significantly advanced superconducting industry in this country which could have wide applications in generating and transporting electricity.

It may also usher in the age of super fast trains that use superconducting magnets to glide over rails without touching them, thereby eliminating friction and bumpy rides.

Fermilab's 1,000, 21-foot-long superconducting magnets that keep the proton beams on course require enough niobium-titanium wire to encircle the earth. The laboratory has built the world's largest liquid helium production plant to keep the mighty machine in deep freeze.

At these tremendously low temperatures the magnets become superconducting. Atoms in the metal slow down so much that electricity can pass through with no resistance, allowing the same charge of electricity to be recycled indefinitely, as long as the deep freeze is maintained.

The superconducting magnets are vital to the Tevatron's success. They not only greatly increase the power of the beam but drastically reduce the cost of electricity. The superconductors will cut $5 million a year from Fermilab's electricity bill.

"There are still lots of unknowns in high energy physics," Lederman said. "With our new colliding beam energies we will be able to explore the domain of these massive particles, looking for the totally unanticipated types of particles that will help us to better understand nature's forces."

Besides the W and Z particles, the Tevatron will look for the Higgs particle, a third particle involved in the transport of the weak force. Finding it will provide substantial support for the Wienberg-Salam theory that attempts to unify the weak force with electromagnetism.

To understand these forces, physicists devise theories in which various particles do different things, such as carry the forces. When these particles are found, such as the W and Z, it tells them that their theories are basically correct and that they are on the right course.

The photon, which carries the electromagnetic force responsible for a wide range of things from sunlight to electricity, was the first to be discovered. Albert Einstein predicted the photon in 1905 but many scientists didn't believe it because he said the photon could act as a particle or a wave. It was discovered in 1923.

The gluon, which carries the strong force that binds the nuclei of atoms together, was found a couple of years ago. The graviton, the gravity-carrying particle that holds planets on course, has yet to be discovered.

Fermilab's new machine will look for evidence of the last quark, dubbed the top quark. Scientists believe there are six quarks and that they are nature's fundamental building blocks. Everything in the universe is thought to be made from these six quarks.

The quarks are not alone, however. Going hand-in-hand with them are six leptons, such as electrons and neutrions, which also are considered to be indivisible particles. They combine with the quarks to form particles, atoms, molecules and eventually galaxies.

The chemistry of life, for instance, is made possible when electrons [leptons] orbit a nucleus of protons and neutrons [made of quarks] to form atoms.

Some scientists have an uneasy feeling that even the quarks are made up of smaller, more fundamental particles and they hope the Tevatron will be able to find out. Every time in the past that scientists thought they had found the smallest particle that could not be divided, they were surprised when bigger atom smashers were able to break them apart, revealing an even smaller world.

Another exciting area of exploration will be the search for super symmetry particles such as the gluino, wino, zino and squark. Finding them would put scientists on the track of unifying gravity with the other three forces.

The theory binding the electromagnetic and weak forces together was developed by Steven Weinberg of the University of Texas at Austin, Sheldon Glashow of Harvard, and Abdus Salam of the International Center for Theoretical Physics in Trieste, Italy, and the Imperial College, London.

Their theory, for which they won the 1979 Nobel Prize in physics, went a long way in explaining that the four forces are simply different manifestations of one basic force. To balance electromagnetism and the weak force they had to invent the W, Z and Higgs particles.

Scientists believe that the four forces were united as one at the beginning of the universe, about one-billionth of a second after the Big Bang, when temperatures were 100 billion-billion degrees.

As the expanding universe rapidly cooled, the forces began to freeze, crystalizing into the four that now govern everything in the universe.

How they froze is somewhat like what happens when a container filled with steam is placed in a freezer.

At first there is perfect symmetry, because only one physical condition exists, steam. But as the container cools, the symmetry breaks down. Some of the steam condenses into water, and at lower temperatures some turns into ice. At one point the container will have steam, water and ice existing together, three different forms of the same thing.

Scientists know that basic research is important for two reasons. First, it helps to satisfy man's unquenchable desire to know where he came from, what he is doing here and where he, or the elementary particles that make him up, are going.

Secondly, the fruits of basic research have produced our modern technological wonders, even though at the time of their discovery they had no known practical value. The transistor, for instance, was considered a laboratory curiosity when it was invented.

As Fermilab's Quigg said, "Nothing that comes out of the grand unification theory will be in your kitchen in five years, but in 20 years there might be."

ENROLLED BILL PRESENTED

The Secretary reported that on today, July 22, 1983, he had presented to the President of the United States the following enrolled bill:

S. 419. A bill to provide that per capita payments to Indians may be made by tribal governments, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-330. A resolution adopted by the House of Representatives of the Commonwealth of Massachusetts; to the Committee on Commerce, Science, and Transportation:

"RESOLUTION

"Whereas, the U.S. Justice Department has agreed to a settlement agreement with AT&T to break up the national phone monopoly; and

"Whereas, the U.S. District Court in approving the settlement agreement stated that 'the divestiture . . . will not necessarily have an adverse effect upon the cost of local phone service. The decree would leave State and Federal regulators with a mechanism—access charges—by which to require a subsidy from intercity service to local service,'; and

"Whereas, the Federal Communications Commission has ignored the spirit of the consent decree approved by the district court and has put forward a local access charge plan that will shift $7 billion in costs from long distance users to local monoply ratepayers, which may lead to a doubling of local phone bills; and

"Whereas, the FCC local access charge plan pre-empts the State and D.P.U. from determining local access charges and thereby prevents State utility regulators from being able to protect their citizens from post-divestiture rate shock; and

"Whereas, the district court clearly contemplated the use of local access charges as a means of maintaining basic service costs for consumers at the pre-divestiture level; and

"Whereas, the FCC has, under the cover of divestiture, overturned a 50-year-old policy to use long distance revenues to provide for a universally affordable local phone service which has fully served the Nation's communications needs for the past several decades; and

"Whereas, the break up of the AT&T monopoly has not been followed with the break-up of the "monopoly" powers of the FCC to regulate local access charges; and

"Whereas, it is inconsistent for the Justice Department and Reagan administration to break up AT&T without breaking up the powers of the FCC; and

"Whereas, the Massachusetts D.P.U. will not be able to protect its citizens from the rate shock of divestiture unless it is given the authority to determine local access charges which will allow State regulations to allocate revenues in a manner necessary to maintaining universally affordable local phone service; therefore be it

"*Resolved,* That the Massachusetts House of Representatives hereby urges the Congress of the United States to remove from the jurisdiction of the Federal Communications Commission the authority to determine local access charges so that the Massa-

chusetts D.P.U. can use its expertise and apply its best judgment in developing public policy on local access charges for the citizens of the commonwealth of Massachusetts; and be it further

"*Resolved*, That copies of these resolutions be forwarded by the clerk of the House of Representatives to the presiding officer of each branch of Congress and to the Members thereof from this Commonwealth."

POM-331. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Environment and Public Works:

"HOUSE CONCURRENT RESOLUTION No. 200

"Whereas, the Bayou Rigolette drainage structure was constructed by the United States Corps of Engineers in 1956; and

"Whereas, this structure controls the runoff water in the Rigolette and Du Grappe watersheds which includes 327,000 acres of land in the parishes of Winn, Grant, and Rapides; and

"Whereas, during the past thirty years the land in these two watersheds has changed from timberlands to agricultural lands; and

"Whereas, this change in the use of the land has resulted in dramatically increased demands for drainage; and

"Whereas, the Bayou Rigolette drainage structure has not provided adequate drainage for many years; and

"Whereas, the Corps of Engineers has spent approximately six hundred thousand dollars studying this situation since 1974; and

"Whereas, the Corps of Engineers could have solved this problem in 1974 for about two hundred thousand dollars; and

"Whereas, House Concurrent Resolution No. 10 of the 1983 Extraordinary Session of the Legislature of Louisiana urged and requested the Corps of Engineers to correct this situation; and

"Whereas, the recent flooding in central Louisiana has caused untold damages to the crops grown by the farmers in that area; and

"Whereas, much of the damages to the crops is directly attributable to the failure of the Corps of Engineers to take proper action to insure proper drainage for these watersheds; and

"Whereas, the Corps of Engineers is a creature of the Congress and the Congress should take appropriate action to force the Corps of Engineers to improve the Bayou Rigolette drainage structure to insure proper drainage for the Rigolette and Du Grappe watersheds: Therefore be it

"*Resolved by the House of Representatives of the Legislature of Louisiana, the Senate thereof concurring*, That the United States Congress is hereby memorialized to take appropriate action to force the United States Corps of Engineers to improve the Bayou Rigolette drainage structure to insure proper drainage for the Bayou Rigolette and Du Grappe watersheds: Be it further

"*Resolved*, That a copy of this Resolution shall be transmitted without delay to the presiding officers of each house of the United States Congress, to each member of the Louisiana delegation to the Congress, and to the United States Corps of Engineers New Orleans headquarters."

POM-332. A joint resolution adopted by the Legislature of the State of California; to the Committee on Finance:

"SENATE JOINT RESOLUTION No. 13

"Whereas, Housing is a basic necessity for the people of the State of California; and

"Whereas, There is a significant lack of affordable single-family housing available for first-time homebuyers in California; and

"Whereas, High interest rates have made it very difficult for first-time homebuyers to obtain affordable single-family housing; and

"Whereas, The use of tax-exempt mortgage subsidy bonds has made it possible to make single-family homes affordable to first-time homebuyers in California; and

"Whereas, In 1982, over $1.8 billion in mortgage subsidy bonds were issued to build housing in California; and

"Whereas, This also provided employment in the construction industry at a time when unemployment is high; and

"Whereas, This financial source is threatened by a sunset in federal legislation on the use of this mechanism; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to extend indefinitely the authority of state and local governments to issue mortgage subsidy bonds under Section 103A of the Internal Revenue Code of 1954; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-333. A joint resolution adopted by the Legislature of the State of California; to the Committee on Banking, Housing, and Urban Affairs:

"SENATE JOINT RESOLUTION No. 14

"Whereas, The Community Development Block Grant program is a necessary and integral part of local community activities; and

"Whereas, Community Development Block Grant funds permits localities to undertake a wide range of activities directed toward neighborhood revitalization, economic development and improved community facilities and services; and

"Whereas, Specific activities that can be carried out with Community Development Block Grant funds include acquisition of real property, relocation and demolition, rehabilitation of residential and nonresidential structures, water and sewer facilities, streets and neighborhood centers; and

"Whereas, These services and activities are vital to local government's ability to function; and

"Whereas, It is necessary to maintain the Community Development Block Grant Program in order to continue its use for vital items of infrastructure and other services; now, therefore be it

"*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to maintain the Community Development Block Grant program and increase its funding level; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-334. A joint resolution adopted by the Legislature of the State of California; to the Committee on Banking, Housing and Urban Affairs:

"SENATE JOINT RESOLUTION No. 16

"Whereas, The Urban Development Action Grant program is a significant factor in encouraging urban revitalization; and

"Whereas, It is the policy of this state to encourage and aid urban revitalization efforts; and

"Whereas, Cooperation between local, state, and federal governments is necessary in revitalization efforts; and

"Whereas, The Urban Development Action Grant program has generated tens of millions of dollars in public and private investment to revitalize urban areas of this state; and

"Whereas, The Urban Development Action Grant program may be threatened with serious funding cuts; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of California, jointly*, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to maintain the Urban Development Action Grant program with its current funding level; and be it further

"*Resolved*, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives and to each Senator and Representative from California in the Congress of the United States."

POM-335. A resolution adopted by the New Jersey State Building and Construction Trades Council relating to travel and depreciation of vehicle allowance for construction workers; to the Committee on Finance.

POM-336. A resolution adopted by the City Commission of Margate, Florida supporting the continued efforts of the United States to seek the return of military personnel missing in action in Southeast Asia; to the Committee on Foreign Relations.

POM-337. A joint resolution adopted by the Legislature of the State of California; to the Committee on Governmental Affairs:

"ASSEMBLY JOINT RESOLUTION No. 14

"Whereas, The art of skillfully manipulating loops in a seemingly endless variety of tricks and catches from an inanimate rope is a display of skill which originated on this continent, and is associated with the cowboy and the charro as part of their routine daily life; and

"Whereas, This art takes great skill, intensive training, great incentive, and artistic ability, and it is noted that thousands of people of all ages, sex, and nationality can do the art of trick and fancy roping with great skill and beauty, and it is also recognized as an enjoyable exercise; and

"Whereas, Throughout the past 100 years since the first Buffalo Bill Wild West performance, the art of rope spinning has been enjoyed by audiences all over the world, and it has provided a thrilling medium for the preservation of the history and culture of the cowboy and charro; and

"Whereas, This centennial of the historic skills of trick and fancy roping with rope spinning furthers the efforts of these artists to bring admiration and beauty to our state and national culture through this art, and it

is therefore fitting that official recognition be given to help preserve this basic part of our American history; and

"Whereas, Although the earliest trick ropers may forever remain unknown, Will Rogers was recognized as a master of the art on stage, in movies, and in the arena; and

"Whereas, It has remained a performing art with growing numbers of trick ropers, and today the International Trick and Fancy Roping Association is keeping alive the art not only for the enjoyment of the roper but for the benefit, entertainment, and enrichment of the lives of all citizens; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to recognize and designate the skill of trick and fancy roping with rope spinning as both an art form and a performing art; and be it further

"*Resolved,* That the Legislature respectfully request the United States Postal Service to issue a postage stamp recognizing the art of trick and fancy roping and commemorating its centennial in the United States; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from the State of California, and to the Postmaster General."

POM-338. A joint resolution adopted by the Legislature of the State of California; to the Committee on the Judiciary:

"ASSEMBLY JOINT RESOLUTION No. 9

"Whereas, The State of California has enacted laws providing for special plates or placards to be used by disabled veterans and other disabled persons to prevent the issuance of citations or towing away of their vehicles parked in handicapped parking spaces; and

"Whereas, Disabled veterans and other disabled persons' vehicles with permits issued by other states may not be so protected, and California registered vehicles may not be so protected in other states; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to enact a law providing for a reciprocal agreement by states to permit disabled veterans' and other disabled persons' parking privileges to extend across state boundaries; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-339. A resolution adopted by the Executive Council of the Lutheran Church in America urging Congress to enact legislation providing for the establishment of January 15th, the birthday of Dr. Martin Luther King, Jr., as a national holiday; to the Committee on the Judiciary.

POM-340. A resolution adopted by the Executive Council of the Lutheran Church in America relating to the imprisonment of 120,000 Americans of Japanese ancestry during World War II; to the Committee on the Judiciary.

POM-341. A joint resolution adopted by the Legislature of the State of California; to the Committee on Labor and Human Resources:

"ASSEMBLY JOINT RESOLUTION No. 44

"Whereas, Society is increasingly aware of the needs and potential of the disabled individual; and

"Whereas, State and federal legislation is increasingly designed to "mainstream" the disabled individual into more active and normal roles in society; and

"Whereas, California State University, Northridge believes in providing all students with an education which includes the development of intellectual abilities, a heightened awareness of social, cultural, and humane values, and a competency in the methods of intellectual inquiry; and

"Whereas, California State University, Northridge provides a total environment which is attractive to the disabled person by actively reducing physical barriers and by providing special science, cartography, television production, computer science, and library facilities, as well as a special wheelchair repair and battery recharging facility; and

"Whereas, California State University, Northridge provides important support services to the disabled student through the Handicapped Students' Affairs Office, the Counseling Center, the Career Planning and Placement Office, the Student Health Center, the Admission and Records Office, and the Financial Aid Office; and

"Whereas, California State University, Northridge serves students from across the country who are enrolled in more than 30 major fields of study at the university; and

"Whereas, A substantial number of faculty, staff, and students at California State University, Northridge conduct research on issues relating to disabled individuals, provide training to students desiring to work with disabled individuals, assist disabled students to complete college degree programs, and provide community services to disabled individuals; and

"Whereas, California State University, Northridge has nationally and internationally recognized programs on: deafness; language, speech and hearing; physical achievement for the handicapped; independent living; recreation for the disabled; training teachers to integrate physically disabled students into regular classrooms in the public schools; and helping families with infants who have developmental disabilities; and

"Whereas California State University, Northridge has an outstanding reputation and has developed an excellent resource base from which to become a National Center on Disability; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the Congress of the United States to designate California State University, Northridge as a National Higher Education Center on Disability; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-342. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Veterans Affairs:

"HOUSE CONCURRENT RESOLUTION No. 146

"Whereas, tens of thousands of Americans served in the Armed Forces in Southeast Asia during the Vietnam era and were exposed to phenoxy herbicides, including Agent Orange, dioxins, and other toxic chemicals; and

"Whereas, certain adverse health effects occurring among these veterans, including birth defects of their children, may be the result of their exposure to these toxic compounds during their time of service; and

"Whereas, the United States Veterans Administration has received the results of a comprehensive review of currently available studies and research relative to the effects of such exposure; and

"Whereas, as a result of such information, H.R. 1961, also known as the Vietnam Veterans Agent Orange Relief Act, is currently before Congress with over one hundred sponsors in the House of Representatives; and

"Whereas, H.R. 1961 provides that certain diseases, related to exposure to such chemicals, shall be considered to have been incurred in or aggravated by military service when they occur in Vietnam era veterans; and

"Whereas, the Legislature of Louisiana believes that the veterans who have served their country well in its time of need should be well served by their country and all its citizens in their time of need: Therefore, be it

"*Resolved by the House of Representatives of the Legislature of Louisiana, the Senate thereof concurring,* That the United States Congress is hereby memorialized to finally pass H.R. 1961, the Vietnam Veterans Agent Orange Relief Act; be it further

"*Resolved,* That a copy of this Resolution be transmitted to the Clerk of the United States House of Representatives, the Secretary of the United States Senate, and each member of the Louisiana Congressional delegation."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SIMPSON, from the Committee on Veterans' Affairs:

Special Report of Budget Allocations of the Committee on Veterans' Affairs (Rept. No. 98-192).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MITCHELL (for himself and Mr. COHEN):

S. 1669. A bill to authorize the U.S. Army Corps of Engineers to undertake a program of research demonstration in the St. John River Basin, Maine; to the Committee on Environment and Public Works.

By Mr. DODD (for himself and Mr. ANDREWS, and Mr. STAFFORD):

S. 1670. A bill to amend title 23, United States Code, to encourage the establishment by States of effective child passenger safety programs, and for other purposes; to the

Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MITCHELL (for himself and Mr. COHEN):

S. 1669. A bill to authorize the U.S. Army Corps of Engineers to undertake a program of research demonstration in the St. John River Basin, Maine; to the Committee on Environment and Public Works.

ST. JOHN RIVER BASIN, MAINE

● Mr. MITCHELL. Mr. President, I am pleased to submit with my distinguished colleague from Maine, Senator COHEN, a bill to authorize the Corps of Engineers to undertake an irrigation-conversion research and demonstration project in the St. John River Basin of northern Maine.

The St. John River Basin in Aroostook County covers nearly one-quarter of Maine and produces 85 percent of the truck crops—principally potatoes—grown in all of New England. Farmers in this region have confronted a severe depression in the incomes they can obtain from their crops. The prices they have been receiving have been lower than the cost of production. Canadian imports have been sold at prices below those of U.S. producers. Fewer and fewer farmers are able to survive in such an environment. While being confronted with unfavorable prices and unfair foreign competition, these farmers' problems are further compounded by decreased yields per acre. These decreased yields are due to a large degree to severe soil erosion.

Aroostook County is one of the 16 counties nationwide which have been judged to have the most severe erosion problems and which are in need of the most immediate conservation work. This region is characterized by thin soils overlying a rocky base. Where erosion loss of 5 tons per acre may be acceptable for some parts of the Nation, authorities in Maine have found that 3 tons per acre is the upper limit that can be lost to erosion before we risk long-term damage to farming operations.

Sixty percent of these cropland acres today are losing in excess of 3 tons per acre per year. The soil cannot sustain that rate of loss without drastic impact on our farmers, our food production and, ultimately, on the character of the State and the entire New England region.

This project will not solve all the problems confronting this region but it will help to bring to a stop the downward economic spiral this region has been experiencing. It is designed to serve as a catalyst which demonstrates to farmers sound practices that will conserve soil and increase production. It will revitalize the soil and reduce erosion of this prime farmland and will significantly improve the quality and yield of Maine potato farms. By doing all of this, the project will help put farms in the region back on a firm economic footing and bring stability to one of New England's agricultural industries.

This project was originally proposed in 1980 by the Corps of Engineers. The Governor has made a concerted effort to fund the project through local, State, and private funds, but has been unable to secure enough backing. If we are ever to set this region back on the road to recovery, we must restore its farms to their full productive potential. This project which has both research and demonstration aspects to it will take a major step down that road. Therefore, I must strongly urge the prompt consideration and passage of this bill.●

● Mr. COHEN. Mr. President, I am pleased to join my colleague, Senator MITCHELL, in introducing legislation to authorize a major cropland irrigation and soil conservation project in northern Maine's St. John River basin.

As is commonly known, Maine is one of the leading potato producing States in this country. Potato farming is an extremely important component of the Maine economy. However, the health of the industry is heavily dependent on keeping the quality of the soil and cropland high.

The absence of conservation practices on much of Maine's cropland in recent years has resulted in declining crop yields and increased soil erosion. This is especially true in the St. John River basin in Aroostook County, which contains a majority of the cropland in New England and is a major supplier of seed potatoes for the country.

Noting these problems, the Army Corps of Engineers proposed in 1980 a research and demonstration project for cropland irrigation and soil conservation fo the St. John River basin which would provide stimulus to farmers to use new methods of conserving soil and increasing the yield and quality of their products. An effort was made to fund the project through a combination of local, State, and private funds, but these funds were insufficient and it has become necessary to seek Federal support.

This project will help put the farmers in this area back on a stable economic footing, and I urge my colleagues to join Senator MITCHELL and me in supporting this measure.●

By Mr. DODD (for himself, Mr. ANDREWS, and Mr. STAFFORD):

S. 1670. A bill to amend title 23, United States Code, to encourage the establishment by States of effective child passenger safety programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

CHILD PASSENGER SAFETY PROGRAMS

● Mr. DODD. Mr. President, today I am introducing a bill encouraging States to establish effective passenger safety programs for children. I am pleased to have Senator ANDREWS and Senator STAFFORD join me in sponsoring this legislation.

Mr. President, one out of every five American children who dies this year will die in a car crash. Hundreds of thousands more will be seriously injured—many permanently.

Despite these horrifying statistics, over 90 percent of all children under age 10 who travel in cars are unrestrained by safety seats or belts. Even when parents use seat belts, 75 percent of the children who ride with them do not.

Many people have the mistaken impression that the safest place in a car for a child, especially an infant, is in a parent's arms. Nothing could be further from the truth. Even in collisions at speeds as low as 15 miles per hour, it is physically impossible for a parent to hold a child. Thus, amendments to State child restraint laws which allow infants to ride in a parent's arms have come to be known as "child-crusher" amendments.

Many States across the country have recently passed child restraint laws, mandating the placement of children aged 1 day to 5 years in a safety seat. In my State of Connecticut, a mandatory child restraint law went into effect on October 1, 1982.

Such State laws will not actually reduce the number of childhood injuries from car crashes unless parents are educated about using safety seats and the laws are enforced. Moreover, child safety seats must be made available for parents who cannot otherwise afford them.

Mr. President, this legislation would assist States that already have child restraint laws to establish effective public education and safety-seat loaner programs. It would further encourage States to set up passenger protection programs for children over age 5 who are not typically covered by mandatory restraint laws.

The Secretary of Transportation will have the authority under this bill to distribute incentive grants to States that have already enacted child restraint laws. A set-aside of $25 million from the highway trust fund will fund such grants for fiscal years 1984 through 1986. Congressman BARNES has introduced identical legislation in the House of Representatives.

Mr. President, injuries have replaced diseases as the leading cause of death and disability among younger Americans. Over half of all serious childhood injuries are caused by auto acci-

dents. We need to do something to prevent these tragedies now.

I urge my colleagues to join with me in sponsoring this legislation as a means of doing just that.

I ask unanimous consent that the full text of the National Child Passenger Safety Act of 1983 be printed in its entirety.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress finds that—

(1) motor vehicle crashes are the leading cause of death of children;

(2) motor vehicle crashes are the leading cause of serious injury to and disability of children;

(3) child safety seats, when used properly, are 90 per centum effective in preventing deaths of children and 67 per centum effective in preventing disabling injuries to children;

(4) State enforcement of laws requiring the use of child safety seats have resulted in dramatic reductions in both deaths of and injuries to children;

(5) the use by States of child safety seat loaner programs and education programs, when combined with enforcement of child safety seat laws, can enhance significantly the effectiveness of such laws; and

(6) current State initiatives, although extremely encouraging, lack the resources needed for successful implementation of effective comprehensive statewide child passenger safety programs.

(b) It is the purpose of this Act to provide States with incentive grants to assure the timely and widespread enactment of child safety seat laws and implementation of comprehensive statewide child passenger safety programs.

SEC. 2. (a) Chapter 4 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 409. Child passenger safety programs.

"(a) Subject to the provisions of this section, the Secretary shall make grants to those States which adopt and implement effective child passenger safety programs. Such grants may only be used by recipient States to implement and enforce such programs.

"(b) No grant may be made to a State under this section in any fiscal year unless such State enters into such agreements with the Secretary as the Secretary may require to ensure that such State will maintain its aggregate expenditures from all other sources for child passenger safety programs at or above the average level of such expenditures in its four fiscal years preceding the date of enactment of this section.

"(c) A State shall be eligible for a grant under this section if it has in effect a law requiring the proper use of child safety seats meeting the requirements of the Federal motor vehicle safety standard numbered 213 (49 CFR 571.213) by children in highway motor vehicles. Such law shall require the use of such a seat by any child who meets one or both of the following criteria: (1) children who have not attained an age of five years or such lesser age as may be established by such law, or (2) children who have a weight of less than forty pounds or such lesser weight as may be established by such law.

"(d)(1) A State may receive grants during the fiscal years ending September 30, 1984, September 30, 1985, and September 30, 1986. Subject to paragraph (2), the amount of the grants made to an eligible State under this section shall be based, as determined by the Secretary by regulation, on the extent to which the State law referred to in subsection (c) requires the use of a child safety seat meeting the requirements of the Federal motor vehicle safety standard numbered 213 (49 CFR 571.213) by all children who have not attained the age of five years or who have a weight of less than forty pounds and on the extent to which such State complies with the additional standards established by the Secretary under subsection (e).

"(2) The total of all grants under this section to a State shall not exceed 25 per centum of the amount apportioned to such State for fiscal year 1983 under section 402 of this title.

"(e) The Secretary shall, by regulation, establish standards for effective child passenger safety programs. Such standards may include, but need not be limited to, requirements for—

"(1) a statewide system of child seat loaner programs;

"(2) a statewide public information and education program, including media campaigns and face-to-face education, designed to inform parents of the proper use of child safety seats and persuade parents to use child safety seats for children under the age of five;

"(3) training programs for police and health care personnel in the proper use of child safety seats;

"(4) active enforcement of child safety seat laws;

"(5) active participation of businesses within the State in the education and child safety seat loaner programs;

"(6) active participation of civic, service safety, or other volunteer organizations with statewide networks in administering education and child safety seat loaner programs;

"(7) passenger protection programs for parents and children over four years of age;

"(8) a statewide coordinator for child passenger safety activities;

"(9) fines for noncompliance with the State's law requiring the use of child safety seats; and

"(10) penalties for failure to use a child safety seat meeting the requirements of the Federal motor vehicle safety standard numbered 213 (49 CFR 571.213).

"(f) The Secretary shall issue and publish in the Federal Register proposed regulations to carry out this section not later than thirty days after the date of enactment of this section. The Secretary shall allow public comment and hold public hearings on the proposed regulations to encourage maximum citizen participation. Final regulations to carry out this section shall be issued not later than ninety days after the date of enactment of this section.

"(g) There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund, $25,000,000 for the fiscal years beginning after September 30, 1983, and ending before October 1, 1986. All provisions of chapter 1 of this title that are applicable to Federal-aid primary highway funds, other than provisions relating to the apportionment formula and provisions limiting the expenditure of such funds to Federal-aid systems, shall apply to the funds authorized to be appropriated to carry out this section, except as determined by the Secretary to be inconsistent with this section. Sums authorized by this subsection shall not be subject to any obligation limitation for State and community highway safety programs.

"(h) The Secretary shall conduct an annual evaluation, in consultation with the National Association of Governors' Highway Safety Representatives, of each eligible State's child passenger safety program to measure the effectiveness of such programs on child safety seat usage.".

(b) The analysis for chapter 4 of title 23, United States Code, is amended by adding at the end thereof the following:

"409. Child passenger safety programs.".●

● Mr. ANDREWS. Mr. President, I am proud to join my fellow colleague, the distinguished Senator from Connecticut in introducing national child passenger safety legislation.

It is certainly frightening that the leading cause of death among our Nation's youth is the result of motor vehicle crashes. In 1982, over 1,000 children were killed while passengers in automobiles involved in accidents and approximately 30,000 children suffered both mental and physical anguish.

Today I, along with my esteemed colleague, am introducing legislation which will drastically reduce the senseless and needless deaths of our Nation's future—America's children.

This proposal will allow for a $25 million set aside from the highway trust fund, whose total 1983 budget was over $10 billion, for distributing incentive grants to those States adopting legislation calling for the mandatory use of child safety seats and implementing an effective child passenger safety program.

I am proud to say that my own State of North Dakota recently passed legislation requiring child restraint seats for children under age 5 beginning in January 1984. In order for this legislation to meet its goal, an effort must be made to inform citizens of the importance of using safety seats. Through the enactment of the child passenger safety legislation, this goal can be realized.

The youth of America are our greatest resource. We must also recognize that they are our highest priority. Passage of this proposal is an important step in alleviating the leading cause of death among our Nation's children. I hope that my colleagues will join with me and Senator DODD in this effort and call for the immediate enactment of this legislation.●

ADDITIONAL COSPONSORS

S. 37

At the request of Mr. COCHRAN, the name of the Senator from Idaho (Mr. SYMMS) was added as a cosponsor of S. 37, a bill to temporarily reduce the

duty on certain disposable surgical drapes and sterile gowns.

S. 50

At the request of Mr. COHEN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 50, a bill to provide access to trade remedies to small businesses, and for other purposes.

S. 745

At the request of Mr. NUNN, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 745, a bill to amend the Small Business Investment Act of 1958 to provide debentures for State development companies licensed pursuant to section 501 of the Small Business Investment Act of 1958.

S. 790

At the request of Mr. COCHRAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 790, a bill to amend the Commodity Credit Corporation Charter Act and section 32 of the act of August 24, 1935, to include fish and fish products within the meaning of agricultural commodities.

S. 875

At the request of Mr. MATHIAS, the name of the Senator from Wyoming (Mr. SIMPSON) was added as a cosponsor of S. 875, a bill to amend title 18 of the United States Code to strengthen the laws against the counterfeiting of trademarks, and for other purposes.

S. 1132

At the request of Mr. MCCLURE, the name of the Senator from Wyoming (Mr. SIMPSON) was added as a cosponsor of S. 1132, a bill to amend the Federal Power Act to specify the annual charges for projects with licenses issued by the Federal Energy Regulatory Commission for the use of Federal dams and other structures.

S. 1306

At the request of Mr. MATHIAS, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1306, a bill to amend the patent law to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product.

S. 1641

At the request of Mr. SASSER, his name was added as a cosponsor of S. 1641, a bill to amend the Federal Advisory Committee Act to add a new section prohibiting scientific advisory committee membership from being based on the political affiliation of any candidate.

S. 1644

At the request of Mr. ARMSTRONG, the name of the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 1644, a bill to improve Federal criminal sentencing by imprisoning dangerous and violent offenders and by diverting nonviolent offenders from imprisonment to restitution or community service programs.

SENATE JOINT RESOLUTION 106

At the request of Mr. SIMPSON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of Senate Joint Resolution 106, a joint resolution designating August 3, 1983, and "National Paralyzed Veterans Recognition Day."

SENATE JOINT RESOLUTION 113

At the request of Mr. WILSON, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of Senate Joint Resolution 113, a joint resolution to provide for the designation of the week beginning June 3 through June 9, 1984, as "National Theatre Week."

SENATE JOINT RESOLUTION 121

At the request of Mr. BYRD, his name was added as a cosponsor of Senate Joint Resolution 121, a joint resolution to designate November 1983 as "National Diabetes Month."

At the request of Mr. ABDNOR, the names of the Senator from New York (Mr. D'AMATO) the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. GRASSLEY), the Senator from Idaho (Mr. MCCLURE), the Senator from Arizona (Mr. DECONCINI), the Senator from Idaho (Mr. SYMMS), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Florida (Mr. CHILES), the Senator from Massachusetts (Mr. KENNEDY), the Senator from North Dakota (Mr. BURDICK), the Senator from Alaska (Mr. STEVENS), the Senator from New York (Mr. MOYNIHAN), the Senator from Indiana (Mr. LUGAR), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Hawaii (Mr. INOUYE), the Senator from Georgia (Mr. NUNN), the Senator from North Carolina (Mr. EAST), the Senator from Kansas (Mr. DOLE), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Montana (Mr. MELCHER), the Senator from Ohio (Mr. GLENN), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Nebraska (Mr. EXON), and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of Senate Joint Resolution 121, supra.

SENATE JOINT RESOLUTION 131

At the request of Mr. BYRD, his name was added as a cosponsor of Senate Joint Resolution 131, a joint resolution designating "National Cystic Fibrosis Week."

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. COHEN, the name of the Senator from Connecticut (Mr. WEICKER) was added as a cosponsor of Senate Concurrent Resolution 21, a concurrent resolution expressing the sense of the Congress respecting the administration of title X of the Public Health Service Act.

AMENDMENT NO. 1528

At the request of Mr. ABDNOR, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of amendment No. 1528 proposed to S. 675, a bill to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes.

AMENDMENTS SUBMITTED

MILITARY PROCUREMENT AUTHORIZATION, 1984

MELCHER AMENDMENT NO. 2086

Mr. MELCHER proposed an amendment to the bill (S. 675) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operations and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of the Defense, and for other purposes; as follows:

At the end of the bill add the following new section:

SEC. . Notwithstanding any other provision of this bill, compensation for all military personnel grade E-1 shall be increased 4 percent at the same time as pay adjustments for grades E-2 and E-3. Provided further, the amount authorized for DOD recruiting activities may be reduced by an amount sufficient to provide the 4 percent increase for military personnel grade E-1 with less than 4 months active duty.

NOTICES OF HEARINGS

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. COHEN. Mr. President, I wish to announce that the Senate Oversight of Government Management Subcommittee will hold hearings on Oversight of the Management of the Synthetic Fuels Corporation on Wednesday, July 27, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building and on Friday, July 29, at 9:30 a.m, in room 628 of the Dirksen Senate Office Building.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MCCLURE. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Committee on Energy and Natural Resources to consider the nomination of William Patrick Collins, of Virginia, to be Under Secretary of Energy. The hearing will be held on Friday, July 29, beginning at 10 a.m. in

room SD-366 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit written statements for the hearing record should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510.

For further information regarding this hearing, you may wish to contact Mr. David Doane of the committee staff at 224-7144.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. TOWER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Friday, July 22, to hold an oversight hearing on Geopolitics of Strategic and Critical Minerals.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. TOWER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, July 22, in order to receive testimony concerning the following nominations:

U.S. DISTRICT JUDGE

Mr. Marvin Katz, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania.

Mr. James McGirr Kelly, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania.

Mr. Thoman N. O'Neill, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania.

U.S. CIRCUIT JUDGE

Mr. Kenneth W. Starr, of Virginia, to be U.S. circuit judge for the District of Columbia.

U.S. CLAIMS COURT JUDGE

Mr. James F. Merow, of Virginia, to be a judge of the U.S. Claims Court.

Mr. Robert J. Yock, of Virginia, to be a judge of the U.S. Claims Court.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ILA CONVICTIONS

● Mr. NUNN. Mr. President, during my work with the Permanent Subcommittee on Investigations, first as chairman and currently as ranking minority member, I have had the opportunity to see, time and again, the very serious threat which organized crime and its corrupting influence has posed and continues to pose to the integrity of the American labor union movement. The record is clear that the vast majority of union officials and members are hard-working honest, and law-abiding citizens. But in subcommittee hearings over the years, we have documented many cases where the interests of honest, hard-working, rank and file union members have been victimized by corrupt union officials and their cohorts in organized crime. The evidence has been, unfortunately, overwhelming: In hearings on the Teamsters Central States Pension Fund in 1980 and 1981; in hearings on waterfront corruption in 1981; in hearings on the Hotel and Restaurant Employees International Union, beginning in 1982 and continuing through 1983; and in hearings on organized crime in the Mid-Atlantic region, in 1983.

With that evidence in mind, I call to the Senate's attention two events which occurred within the last week. Last Friday a Federal grand jury in Cleveland, Ohio, indicted Allen Friedman, the uncle of International Brotherhood of Teamsters president Jackie Presser, on charges of embezzling some $165,000 from Teamsters Local 507 in Cleveland. On Wednesday evening, July 20, 1983, Mr. Friedman was interviewed on "NBC National News." I am deeply concerned by the allegations made by Mr. Friedman during that interview regarding possible criminal activity by Jackie Presser. Due to my continuing concern over the problem of organized crime and labor racketeering, I expect to follow the developments of these allegations very closely.

As ranking minority member of Permanent Subcommittee on Investigations, I had previously ordered an investigation by the minority subcommittee staff, with the cooperation of the majority staff, on the status of organized crime in the Great Lakes region. This probe, which will result in public hearings in the next few months, is part of my long-term effort to present a current analysis of our Nation's organized crime problem as a followup to the monumental work done by former Senator John McClellan and the Permanent Subcommittee on Investigations.

As part of that probe, the minority staff will be looking at these new allegations as well as others pertaining to labor racketeering. This investigation will be just one part of the broader analysis of organized crime that will be presented at the fall hearings.

The second event in this week's news which I wish to point out concerns an organization which our subcommittee closely examined in its probe of labor racketeering: the International Longshoremen's Association (ILA). On Monday, July 18, 1983, President Reagan spoke before the ILA, led by its president, Teddy Gleason, at the Diplomat Convention Hall in Hollywood, Fla. For the record, I would like to quote briefly from President Reagan's remarks to the ILA:

> . . . its a pleasure to be here at this gathering of the International Longshoremen's Association. And it's always a pleasure to be with Teddy Gleason. I'll tell you what I've always liked about Teddy, he sticks by his union. He sticks by his friends. And he sticks by his country, the kind of integrity and loyalty that is hard to come by today. And one reason that I wanted to come here was to thank Teddy and you members of the ILA for your generous support and encouragement. Having the support of union members like yourselves has meant a great deal to me.
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> You know I've heard, already and before, knowing Teddy Gleason you know I've heard, that ILA stands for I love America. And that's true. I don't think America has a more patriotic union than this one.

I am sure that President Reagan correctly described the membership of the ILA as among our Nation's most patriotic citizens. Those same patriotic members, however, deserve honest and honorable union leaders. Unfortunately, the record before the Permanent Subcommittee on Investigations shows that such leadership has not always existed within the ILA.

In 1975 the Justice Department launched a nationwide investigation of labor racketeering on our waterfronts, designated "UNIRAC." This sweeping inquiry culminated in the criminal convictions of more than 100 high-level ILA officials and shipping company executives. These persons were charged with a variety of offenses ranging from violating the Taft-Hartley Act to extortion, payoffs, kickbacks, threats, intimidation, obstruction of justice, and income tax evasion. For the record, I am submitting a table documenting those convictions, entered as an exhibit during the course of our hearings.

Spurred by the success of the Department of Justice's UNIRAC investigation, the subcommittee staff interviewed numerous witnesses and reviewed countless other items of evidence in order to convey to the American public an accurate portrait of the American waterfront and the ILA in the 1980's. The portrait is a dismal one.

Witness after witness described the struggle for economic survival in ports riddled with a pervasive pattern of kickbacks and illegal payoffs to union officials. My colleagues and I heard of payoffs to insure the award of work contracts, payoffs to maintain contracts already awarded, payoffs to insure labor peace, payoffs to allow management circumvention of labor strikes, payoffs to prevent the filing of fraudulent workmen's compensation claims, payoffs to expand business activity into new ports, and payoffs to accord certain companies the freedom to circumvent ILA contract requirements with impunity.

Especially disturbing is the fact that the evidence clearly suggested that,

through that system of payoffs, recognized leaders of the traditional organized crime families influence and effectively dominate the International Longshoremen's Association and large segments of the American shipping industry. We learned that criminal corruption had, in many ports, become a way of life on the waterfront.

At the time of our hearings, ILA leadership, headed by Teddy Gleason, had taken no action to remove convicted ILA officials from union office. Not only did the ILA itself fail to act to remove those officials and prevent further corruption, but Mr. Gleason himself testified that the ILA "will have to * * * run a rehabilitation center."

I must point out to my colleagues that more than 2 years later, the status quo had not changed. In February 1983, when I introduced S. 336, the Labor-Management Racketeering Act of 1983, these convicted ILA officials still remained in office, with appeals pending, controlling, and influencing union affairs:

George Barone: Convicted September 1, 1979; racketeering and extortion; president of ILA Local 1922, Miami, Fla.

William Boyle: Convicted September 1, 1979; racketeering, extortion, and kickbacks; secretary-treasurer of local 1922, Miami, Fla.

James Vanderwyde: Convicted September 1, 1979; racketeering, extortion; office manager of local 1922, Miami, Fla.

Landon Williams: Convicted September 1, 1979; racketeering, demanding prohibited payments; president of local 1408, Jacksonville, Fla.

Cleveland Turner: Convicted September 1, 1979; racketeering, demanding prohibited payments; president of local 1416, Miami, Fla.

Miles Billups: Convicted March 26, 1981; attempted extortion, unlawful payments from employer; president of ILA Local 1970, Norfolk, Va.; president, Hampton Roads District Council.

Under the provisions of S. 336, which I introduced in February 1983 and which was passed by the Senate on June 20, 1983, those officials would have been automatically removed, upon conviction, regardless of ILA inaction. The bill is now awaiting House consideration.

Clearly, the problems of labor management racketeering and corruption are still with us. They continue to seriously undercut the integrity and good intentions of legitimate labor unions. We cannot and should not close our eyes to those very sobering and frightening facts:

The table follows:

ILA CONVICTIONS

Defendant	ILA position(s)	Date	Conviction
Alexander, Joseph N	Sec. treas, local 1422–A, Charleston, SC	11/7/77	Embezzlement of union funds.
Clemon, Isom	Int'l. VP, Pres. local 1410, Mobile, AL	12/30/77	Do.
Dalton, Edward F	Int'l. VP, local 1088, Boston, MA	1/6/78	Embezzlement of employee benefit plan funds.
Sigler, Helen B	Mgr. & asst. treas., Longshoremen's Federal Credit Union, Mobile, AL	1/13/78	Falsification of credit union records.
Rivera, Guillermo Ortiz	VP, local 1575, San Juan, PR	4/28/78	Demanding & accepting prohibited payments; embezzlement of union funds; embezzlement of employee benefit plan funds.
Thomspon, Randy W	Treas., local 1330 Federal Credit Union; sec-treas, local 1330, Houston, TX	5/11/78	Falsification of credit union records.
Johnson, Romia	Bookkeeper, ILA Welfare & Pension Administration. Jacksonville, FL	5/18/78	Embezzlement of employee benefit plan funds.
King, Frank L	Exec. board, So. Atlantic & Gulf Coast District; pres., local 854, New Orleans, LA	10/4/78	Failure to maintain proper union records.
Debose, Theodore	Longshoreman, local 1428, Wilmington, NC	11/27/78	Perjury.
Formey, Albert W	Longshoreman, local 1428, Wilmington, NC	11/27/78	Do.
Lee, James Albert	Retired union marshal, local 1426, Wilmington, NC	11/27/78	Racketeering.
Moore, Bernest E	Longshoreman, local 1426, Wilmington, NC	11/27/78	Perjury.
Dixon, George W	Int'l. VP; exec. board, So. Atlantic & Gulf Coast District; pres., local 1410, Mobile, AL	1/26/79	Embezzlement of union funds.
Bateman, Robert Lee	Pres., local 1422–A, Charleston, SC	1/30/79	Conspiracy to commit racketeering.
Barone, George	Int'l. 2nd VP; organizer Atlantic Coast District; pres., local 1922, Miami, FL; bus. mgr., local 1804–1 New York, NY.	9/1/79	Racketeering; extortion; demanding & accepting prohibited payments; Federal income tax fraud.
Boyle, William	Int'l. VP; exec. board, So. Atlantic & Gulf Coast District; sec-treas., local 1922, Miami, FL	9/1/79	Racketeering; extortion; receiving kickbacks as administrator of an employee benefit plan; demanding & accepting prohibited payments; Federal income tax fraud..
Field, Fred R., Jr	Former int'l. general organizer	9/1/79	Racketeering; extortion; demanding & accepting prohibited payments.
Turner, Cleveland	Exec. board; So. Atlantic & Gulf Coast District; pres., local 1418, Miami, FL	9/1/79	Racketeering; demanding & accepting prohibited payments.
Vanderwyde, James	Coordinator, Atlantic Coast District; office mgr., local 1922, Miami, FL	9/1/79	Racketeering; extortion; demanding & accepting prohibited payments.
Williams, Landon L	Int'l. VP; exec. board; So. Atlantic & Gulf Coast District; pres., local 1408, Jacksonville, FL	9/1/79	Racketeering; demanding & accepting prohibited payments.
Durnin, August W	Pres., local 1833, Port Allen, LA	11/14/79	Embezzlement of union funds.
Anastasio, Anthony	Int'l. VP; VP, Atlantic Coast District; exec. VP; local 1814, Brooklyn, NY	11/15/79	Racketeering; demanding & accepting prohibited payments; Federal income tax fraud.
Scotto, Anthony	Int'l. general organizer; int'l. legislative director; pres., local 1814, Brooklyn, NY	11/15/79	Do.
Leonard, Rutherford	Former pres., local 1426, Wilmington, NC	11/19/79	Embezzlement of union funds; embezzlement of employee benefit plan funds.
Sutton, Willie L	Bus. agent, local 1426, Wilmington, NC	11/19/79	Embezzlement of union funds.
Seaton, Grover	Pres., local 1766, Wilmington, NC	11/19/79	Embezzlement of union funds; indictment dismissed upon surrender of union office & monetary restitution.
Green, Floyd	Fin. secretary, local 1838, Southport, NC	11/20/79	Failure to maintain proper union records.
Buzzanca, Thomas	Int'l. organizer; pres., locals 1804 & 1804–1, New York City	5/2/80	Racketeering; extortion; demanding & accepting prohibited payments.
Clemente, Michael	Former pres., local 356, New York City	5/2/80	Racketeering; extortion; demanding & accepting prohibited payments; Federal income tax fraud.
Colucci, Vincent	Int'l. VP; VP, Atlantic Coast District; pres., local 1235, Newark, NJ; sec-treas., local 1478–2, Newark, NJ.	5/2/80	Racketeering; extortion; demanding & accepting prohibited payments.
Gardner, Carol	Int'l. asst. gen. organizer; VP, Atlantic Coast District; pres., local 1233, Newark, NJ	5/23/79	Accepting prohibited loans from employer.
		5/2/80	Racketeering; extortion; demanding & accepting prohibited payments; Federal income tax fraud.
Powell, Eddie	Former pres., local 1759, Tampa, FL	9/3/80	Embezzlement of union funds.

CONTROLLED SUBSTANCES ROBBERY ACT

● Mr. HEINZ. Mr. President, I strongly support S. 422, the Controlled Substances Robbery Act, which make the robbery of any controlled substance from a pharmacist or other registrant with the Drug Enforcement Administration a Federal offense. Action is needed on this legislation and needed now.

Action by the Senate this year is long overdue and essential if we are to successfully stem the astounding increase in violent crimes against pharmacists. It has been estimated that 2,300 persons have been injured or killed in illegal attempts to obtain drugs from pharmacists in the last 10 years. Not surprisingly, the armed robber terrorizing a pharmacy is often a drug addict, and more interested in obtaining drugs than cash. As a result of these repeated crimes, many pharmacies, both hospital-run and privately owned, are refusing to stock certain controlled substances for fear of becoming targets. It is unconscionable that we continue to allow patients to suffer and pharmacists to live in fear.

The high incidence of drug-related crime has sparked nationwide concern. Indeed, one study conducted by Temple University revealed that 243 addicts committed 500,000 violent crimes in the space of 11 years. Clearly some measure is needed to reduce drug-related crime, and to protect the addicted criminals' No. 1 target: The local pharmacist.

As our distinguished colleague, the Senator from Iowa (Senator JEPSEN) stated when he introduced this legislation, it would not be ". . . A cure-all for the pharmacy robbery problem." However, making the crime a Federal offense would greatly facilitate the apprehension and prosecution of those

who do prey on pharmacies. In addition, our new statute would serve to deter many of those who now find robbery of pharmacies a risk-free occupation.

Mr. President, as long as pharmacists risk their lives to meet the health needs of our citizens, we have an obligation to protect them. The Controlled Substances Robbery Act is a substantial step forward in fulfilling that responsibility.●

INCREASED EDUCATIONAL EXCHANGE

● Mr. PELL. Mr. President, on May 9, USIA Director Charles Z. Wick testified before the Advisory Panel on International Educational Exchanges. In the statement, Mr. Wick stresses the importance of educational exchange to the national interest. I heartily concur with Mr. Wick when he says, "The Fulbright program is not a national luxury, it is a national imperative that must be attended to."

I am particularly gratified by Mr. Wick's strong support for my amendment to the pending USIA authorization to earmark funds in fiscal year 1984 and fiscal year 1985 for the Fulbright program, the international visitor program, the Humphrey program, and the private sector program. As Mr. Wick's statement points out, enactment of this provision will restore these vital programs to the 1966 levels.

I hope the Senate will concur in the judgment of the Foreign Relations Committee and USIA Director Wick and enact the necessary authorization and appropriations to bring about these increases. I ask that Mr. Wick's important statement be included in the RECORD.

The statement follows:

ADDITIONAL FUNDS REQUESTED FOR EXCHANGE PROGRAM, USIA DIRECTOR TELLS ADVISORY PANEL

WASHINGTON, May 1983.—More than $126 million may be available for Fulbright and other international exchanges in fiscal year 1985, U.S. Information Agency Director Charles Z. Wick has told the Advisory Panel on International Educational Exchange.

Increases in the amounts USIA is to spend for specific categories of exchanges are spelled out in the Pell Amendment to USIA's FY 1984 Authorization Bill, for which Mr. Wick declared his "wholehearted support."

Mr. Wick made the comments at a day-long meeting May 9 at the Dumbarton Oaks estate here. He shared the platform with former Ambassador Robert L. Payton, President of the Exxon Education Foundation, and Russ D. Gerson, President of the International Association of Students in Economics and Commerce.

The Advisory Panel on International Educational Exchange was formed in 1982 to suggest means of strengthening exchange programs vital to the national interest.

The following are excerpts of Mr. Wick's May 9 statement to the Panel:

"I can assure you that I have followed the course of your deliberations closely and look forward to receiving your recommendations. The very existence of this Advisory Panel is proof of the seriousness which I attach to educational exchange activities. Indeed I assured you six months ago that you were to approach the task you have undertaken in a spirit of complete objectivity and freedom. Toward that end, I want to restate my invitation to you to advise me on the directions you think our international educational exchange programs should take.

"The U.S. Information Agency's budget has increased sharply under the Reagan Administration. In 1981, the USIA budget was more than $458 million; in 1982, it was more than $496 million; in 1983, this budget was $597.7 million, and the figure we have requested for 1984 is $711 million. These budgets mark a reversal in the trend of declining "real dollar" budgets that the USIA faced in the past, a clear indication of the value placed by the Administration in developing and implementing important programs.

"These dollar figures do not, of course, tell the whole story of the ISIA commitment to exchange programs. Your panel is an essential element of this commitment. Other efforts, such as the President's International Youth Exchange Initiative, address the growing gap between the United States and the successor generation in Europe, a program that will increase student exchanges between young Europeans and their American counterparts and will generate considerable private sector assistance; thus freeing USIA funds for other exchange programs. In our International Visitor program, through our centers and libraries, and in our Private Sector programs, we seek to strengthen the bonds of mutual understanding.

"You may know that Senator Claiborne Pell of Rhode Island recently introduced an amendment to the USIA Authorization bill that would specify the amounts to be spent on exchanges in FY 84 and FY 85, including increased amounts for the Hubert H. Humphrey Fellowship Program and Fulbright academic exchanges. Under the terms of the amendment, the amounts for the Fulbright and International Visitors program would become $100,500,000 in FY 84 and $123,100,000 in FY 85. The Humphrey program would receive $3,729,000 in FY 84 and $435,000 in FY 85; the Private Sector program, $12,200,000 in FY 84 and $15,000,000 in FY 85.

"When the amendment becomes law, we will be able to increase exchanges by about 42%, or, by about 2000 Fulbright grants to scholars around the world over the 1982 level of 4788. This increase would almost put the Fulbright program back to the all-time high levels it had in 1966, prior to the dramatic cuts in the program made the following year. These levels have never been equaled since that time. The academic community has lamented these cuts ever since they were made.

"This commitment to exchange programs demonstrates a broad-based understanding that they serve a vital national interest. We simply cannot do without the link that they provide us to significant levels of the thinking leadership of the world. The Fulbright program is not a national luxury. It is a national imperative that must be attended to.

"Certainly a number of areas need attention if the prestige of the program is to be preserved in this period of expansion. And, its prestige is important to the linkages we expect from the program. More Americans have to be exposed to the international experience, to the thought of leaders of other countries and cultures. Stipend levels have to be made consonant with the realities of leaving home and taking up residence abroad for a period of time. More of the emerging young leaders of the Third World have to be brought to this country. We must devote serious attention to creating linkages between our young leaders and those of Europe. There should emerge from this effort new bonds between the intellectual and cultural successor generations. I do not mean to imply that the program should be an elitist one, except in the sense intended by Thomas Jefferson when he spoke of a natural aristocracy of persons with talent.

"I would like to tell you that I wholeheartedly support this amendment of Senator Pell. If so resolved by the Congress and the President, I will do my best to see that it is implemented consistent with the Agency's continuing standard of excellence."●

CONSERVATION TILLAGE

● Mr. COHEN. Mr. President, I rise to give recognition to an innovative approach to technology which promises to assist farming not only in Maine but all over the Nation. No-till and various other forms of conservation tillage are rapidly becoming popular in Maine and in other areas where crop residue management is desirable or necessary.

No-till works by scratching the soil with drills and forcing seeds into the ground, rather than turning over the entire area. In this way, existing root systems are maintained and thus farmers can guard against erosion. This style of sowing works particularly well with grains which can grow up among grasses and weeds.

To inform my colleagues of the advantages and the applications of conservation tillage, I submit for the RECORD a recent article in the Farm Bureau News, the official newsletter of the American Farm Bureau Federation. The article describes the interest in conservation tillage in Maine, and I encourage my colleagues to review the article for possible application in their own States.

The article follows:

CONSERVATION TILLAGE CATCHING ON

(Prepared by the AFBF Natural & Environmental Resources Division)

"Well, it looks like its going to be either no-till or no plant this year." That comment from one farmer at the Franklin County (Maine) conservation tillage demonstration planting day summed it up pretty well.

It has rained hard and often in Maine this spring. However, it didn't dampen the spirit and optimism of the 50 to 60 farmers who turned out on a rainy Friday the 13th in May to watch a demonstration of the latest no-till and conservation tillage equipment.

Seated on hay bales, the farmers listened intently to several speakers as the rain beat on the metal machine shed roof overhead. Then, as if on cue, the rain stopped and everyone moved across the road to see the equipment begin to work the eight test plots on Bussie York's sandy loam field.

No-till and various forms of conservation tillage have caught on rapidly, increasing by

30 percent per year from 68,000 acres in 1980 to 110,000 acres in 1982, according to Billy Abercrombie, Maine's state soil conservationist. He notes that a recent survey indicates that 90 percent of Maine's 310,000 acres of cropland has the potential to be adapted to some form of crop residue management. (Conservation tillage does not mean simply reducing the number of trips over the field, but means leaving at least 20 to 30 percent of the residue on the surface at all times during the year.)

Maine Farm Bureau members Walt Whitcomb, chairman of the MFBA Environmental Committee, and Worden Hale, president of Kennebec County Farm Bureau, have been no-tilling for seven or eight years. Hale has 100 percent of his grain and silage crops no-tilled this year.

Whitcomb is enthusiastic about his no-till. Silage yields of 15 tons per acre consistently have been as good as his neighbor's yields with conventional tillage. He also notes that the main advantage to him is that it saves time and labor during spring planting.

Because of no-till, Whitcomb's family operation is now able to farm three times as much land as with conventional tillage. When asked what his wife Nancy thought of no-till, Whitcomb grinned, "Oh, she likes it fine, except for my cap," which has imprinted on it "No-till Farmers Never Get Plowed."

Rick Beal, Maine FB Young Farmers chairman, said he had not tried no-till yet, but said it looked like a very promising tillage practice for his farm. He attended the tillage demonstrations with the intent of learning everything he could about it.

The biggest questions about no-till in most farmers' minds are how will it affect yields and how much will it cost. Abercrombie believes the side-by-side demonstration plots on York's farm would help provide much information on comparative yield data for various tillage practices. Cost of new equipment ($7,600 for an 80-inch no-till Tye Drill and $12,000 for an eight-foot John Deere power seeder as examples) may be too expensive for many farmers, said Malcolm Turner, Franklin County FB president. However, the cost did not seem to deter farmers from taking a hard look at the new system.

No-till drills and seeders are showing promise in reseeding pasture and forage crops needed for feeding dairy cattle in Maine. Whitcomb liked the results of his four years of testing no-till forage reseeding and has helped start a pilot project in Waldo County.

Last year, the project began with two plots and, in 1983, has expanded to include 30 farmers and 200 acres. A federal grant of $30,000 is being used to provide 75 percent cost-sharing, up to $250 per acre for seed, fertilizer, line and no-till drill rental.

Art Pellerin, representing a nearby John Deere dealership, said the no-till drills and power seeders would make it possible to reseed every other year instead of every four to five years. This would keep an alfalfa stand much more vigorous. The result would be more roots to hold the soil and a greater leaf density to absorb raindrop impact.

No-till is not the only practice being applied on farms operated by Keith Noyes and Tony Takacs. They were renovating old turkey ranges and also clearing some forested upland. No-till, strip dropping, crop rotation, tile drainage, a diversion ditch and a rock waterway are all being incorporated into a conservation plan according to Bill Moulten, district conservationist for Kennebec County.

Takacs was growing no-till corn for grain, rather than for silage as most area farmers do. Moulten felt this was a move in the right direction to help make the area more self-sufficient. By harvesting corn for grain, the stalks and residue could be left on the field and greatly reduce soil erosion.

One field, recently tile-drained, had an excellent stand of alfalfa. Takacs proudly pointed out that drainage reduced the fields' soil erosion. Not having to work the ground when it was too wet eliminated tractor wheel ruts, which tend to concentrate excess runoff and promote severe gully erosion. Takacs said, "I'm paying the mortgage, I want to keep my soil."

Farm Bureau has taken a passive but supportive role in developing conservation tillage thus far, with individual members taking active leadership roles. However, Maine Farm Bureau president Peter W. Curra said that the state and county Farm Bureaus would follow the lead of the American Farm Bureau Federation's 1983 Conservation Tillage Action Plan and take a much more active role in promoting conservation in the next few years.●

THE DEATH OF SEVELLON BROWN III

● Mr. PELL. Mr. President, it is with a real sense of loss that I inform the Senate of the death on July 20 of a distinguished Rhode Island journalist, Sevellon Brown III.

Jeff Brown, as he was widely known, was editor of the Providence Journal-Bulletin from 1953 to 1968 and before that served as the papers' Washington correspondent and bureau chief. In doing so, he followed the footsteps of his father and maternal grandfather, both of whom served the Journal-Bulletin as editors and Washington correspondents.

Mr. Brown's grandfather, David S. Barry, left journalism in 1919 to serve as Sergeant at Arms of the U.S. Senate, a post he held until 1932.

Jeff Brown was a journalist of clear vision and firm commitment to the notion that freedom of the press carries with it an obligation for objectivity and rigorous respect for the facts. He contributed to and vastly expanded the national stature of the Providence Journal as a newspaper that takes seriously its historic role as the defender of the freedoms on which the State of Rhode Island was founded.

He was a journalist of great candor and courage and a man of cheerful cordiality who will be missed by a wide circle of friends and professional associates. Mr. President, I ask that the obituary of Sevellon Brown III from the Povidence Evening Bulletin of July 21 be printed in the RECORD.

The obituary follows:

SEVELLON BROWN III DIES; FORMER EDITOR OF JOURNAL-BULLETIN

PROVIDENCE.—Sevellon Brown III, a former Washington correspondent and editor of the Journal-Bulletin, died yesterday at Rhode Island Hospital. He was 70.

Mr. Brown, a man born to be a newspaperman, was best known to his friends and professional associates as Jeff Brown. He worked at the Journal-Bulletin from 1939 to 1968, when he retired because of ill health.

His employment was interrupted from 1944 to 1946 by World War II, in which he served as an enlisted man and second lieutenant with the office of Strategic Services, assigned to London.

Mr. Brown was born in Washington, D.C., on April 23, 1913, the son of Sevellon and Elizabeth Bonney (Barry) Brown. The family association with the Journal-Bulletin began when Mrs. Brown's father, David S. Barry, then Washington correspondent of the New York Sun, came to Providence as editor-in-chief of the newspapers in 1904.

Two years later, Barry returned to Washington as correspondent for the Journal-Bulletin. In 1919 he was elected sergeant-at-arms of the Senate.

The elder Sevellon Brown, after working for the State Department, for several newspapers, and service in World War I as a captain of ordnance, succeeded his father-in-law as Washington correspondent for the Journal-Bulletin. The following year he came to Providence as managing editor and eventually became editor and publisher.

Jeff Brown went to Moses Brown School, graduating in 1931. He attended Amherst College until 1934, when he transferred to the Columbia Graduate School of Journalism, receiving his master's degree in 1936. At Columbia he won a Pulitzer traveling fellowship which resulted in a year of study of newspapers in Britain and on the Continent.

Back in Washington, he became associate editor of Pathfinder magazine, a national news weekly, from 1937 to 1939, and then began his long association with the Journal-Bulletin, first as Washington correspondent for the Bulletin from 1939 to 1942, then as Journal-Bulletin bureau chief from 1942 to 1944. With the war on they were lively years.

After the war and his service with the OSS in London, Mr. Brown returned to the Journal-Bulletin, first as assistant to the editor (his father) from 1946 to 1949, then as associated editor from 1949 to 1953. On Feb. 4, 1953, he was appointed editor, a position he held until he retired.

He also was a member of the Journal Co.'s board of directors from 1955 to 1967.

Mr. Brown's activities in professional journalistic organizations were numerous. For several years he was on the advisory board of the American Press Institute, was a member of the executive board and subsequently chairman of the American section of the International Press Institute, and served on several of the committees having to do with the awarding of Pulitzer prizes at Columbia University.

He also served on the committee that selected Nieman Fellowships for Journalists at Harvard University.

He was a board member and later president of the New England Society of Newspaper Editors and chairman of the New England Associated Press News Executives Association.

He was a former trustee of the Providence Public Library and of the Rhode Island Chapter of the National Multiple Sclerosis Society. At Amherst his fraternity was Delta Kappa Epsilon, and he was a former member of the Providence Art Club, the Hope Club and the National Press Club in Washington.

In 1936, Mr. Brown married Margaret Durkee of Bronxville, N.Y. Their daughters

are Deborah Stuart of Wentworth, N.H. and Bonney Kenower of Providence. There are five grandchildren. This marriage ended in divorce in September, 1958.

In December of that year, Mr. Brown married Janice O. Van De Water, associate professor of English and director of dramatics at Brown University. She survives, as does Mr. Brown's brother Barry, formerly in the editorial department of the Journal-Bulletin, and now of Washington.

Jeff Brown was a hearty, gregarious man who loved to sing. He was an entrancing story teller. Above all else, he liked swimming and fishing.

For many years, he was a summer resident of Matunuck. After his retirment, the Brown's lived there from spring well into fall, going to the West Indies for the winter months.

More recently, the Brown's lived in Providence, at 500 Angell St.

A memorial service will be held tomorrow at 1 p.m. in Swan Point Chapel, Blackstone Boulevard. Burial will be private.●

THE MORMON PIONEERS

● Mr. SYMMS. Mr. President, each year on July 24, members of the Church of Jesus Christ of Latter-Day Saints celebrate the arrival of the Mormon pioneers in the Great Salt Lake Valley.

The Mormon pioneer story is a legacy of hardship, struggle, and sacrifice turned to human triumph. The Mormon pioneers were forced in the middle of winter to leave their homes, businesses and all else they could not carry on their shoulders. Their destination was unknown, yet the Mormons knew that God would direct them to a place of permanency.

After months on the trail, they entered the Great Salt Lake Valley where Brigham Young, the Mormon prophet, proclaimed to his people that this was the place where they were to settle. The valley was a desolate area, but the hard-working Mormons changed this desert into a green western oasis.

The sense of permanency was short-lived for many of the pioneers who had just arrived in the Salt Lake Valley. Brigham Young declared, members were needed to occupy as much land as possible in order to provide for new members coming west. Therefore, Brigham Young called upon groups of pioneers to pack their belongings and settle in preselected areas, and to pattern the new community institutions after those of Salt Lake City. Unlike most American colonizing activities, the Mormon settlements were the result of careful economic and geographic planning by Church leaders, and carried out by the willing cooperation of the members.

The daily life of the settlers was not easy. Each day they organized themselves into groups to dig canals, plant crops, build roads, fences, and houses, and otherwise make a civilization in the wilderness. This day-to-day work was usually planned in meetings of all the heads of families.

Soon a total of 500 settlements were established from Canada to Mexico. A part of these 500 settlements were established in the State of Idaho.

A group of Mormon pioneers under the direction of Preston Thomas founded the town of Franklin. This was the first permanent settlement in Idaho. As time went on the Mormons spread up into Preston, and other places in Oneida and Franklin counties.

Three years later when Idaho was made a territory, 40 families established a settlement at Paris, in Bear Lake Valley. This settlement was strengthened by 16 other towns established in this area in the years that followed.

In 1870 the LDS colonizing movement in Idaho led to the building of a railroad from Ogden, Utah north to Montana. With the members of the Mormon Church doing most of the labor, the Utah Northern Railroad was completed from Ogden, Utah to Franklin, Idaho in 1874. As the railroad pushed north, a dozen different communities were settled, including Rexbury, Parker, Menan, Lewisville, and Teton.

The pioneers who settled the Idaho region displayed an independent spirit, and strong belief in God, their families, and country. It was such traits that helped them through the hardest of times on an uncompromising frontier.

One of the most inspiring aspects of the Mormon faith is the emphasis on individual initiative. The unique blend of cooperation, belief in God, and the striving for excellence is the very essence of the pioneer spirit.

Today that same pioneer spirit exists among the members of the Church of Jesus Christ of Latter-Day Saints. The aim of the Mormon Church is to help people help themselves. As in the lives of the early pioneers, work and individual responsibility is enthroned as a ruling principle in the lives of the Mormon Church membership.

The Mormon people of today are not resting on the glory of their proud past, but are continuing to show their pioneer spirit in all aspects of life; as farmers, educators, and business people. Also, because of the Mormons' strong belief in individual freedom and liberty, members of the LDS Church are active in local, State and National Government.

Brigham Young often said, "The way to achieve success as a person, as a family, as a community, and as a nation is to work hard, plan well, and trust in God." That formula, a major factor in the success of the Latter-Day Saints who crossed the plains and settled Idaho, continues in the LDS Church members today.

The Mormons have made and continue to make invaluable contributions wherever they live. I praise their achievements, their dedication to the traditional American values, and the strong pioneer spirit they have kept alive since the first day, 136 years ago, when the Mormon pioneers entered the Great Salt Lake Valley.●

GEORGE CLYDE KELL ELECTED TO BASEBALL HALL OF FAME

● Mr. BUMPERS. Mr. President, I take this occasion to honor a native Arkansan and my close friend, George Clyde Kell, who was elected by his peers, the Baseball Hall of Fame's Committee on Veterans, to be inducted in the shrine at Cooperstown on July 31, 1983.

George was born in Swifton, Ark., on August 23, 1922. His father, Clyde Kell, was the local barber and a semi-pro ballplayer who was lured away from his home in Imboden when fans in Swifton bought him a barbershop. He taught his son the basics of the game and at the age of 17, George signed a professional contract with the Brooklyn Dodger organization. He was assigned to nearby Newport of the Class D Northeast Arkansas League.

Three years later at Lancaster, Pa., George pounded the minor leagues for a .396 average and received a solid silver bat for leading all of organized baseball in hitting. The legendary Connie Mack bought his contract and signed him with the Philadelphia Athletics. In his very first major league game in old Shibe Park he hammered a triple over the first baseman's head. Thus began a glorious career that spanned 15 years in the major league where George acquired a reputation as a clutch hitter and a surehanded fielder with a strong, accurate arm.

He was the American League's premier third baseman in the forties and fifties, topping third basemen in fielding seven times, assists four times, and twice in putouts and double plays. Although he was a magnificent fielder, he made his name at bat. He hit over .300 nine times with a lifetime average of .306. In 1949 he won the American League batting title edging Ted Williams on the last day of the season with a .343 in the tightest batting race in major league history. In 1957, George left baseball and 2 years later acquired a different kind of fame as the play-by-play announcer for the Tigers, a position he has held since. He and Al Kaline, another Tiger great and Hall-of-Famer, have become as legendary to Tiger fans as telecasters, as they were players.

George has given most of his life to baseball and his record is clearly Hall of Fame caliber. This as well as his consistent dedication to his community and career of public service have

made him the kind of man every youngster in America can admire and respect.●

APSA CONGRESSIONAL FELLOWSHIP PROGRAM—30TH ANNIVERSARY

● Mr. TRIBLE. Mr. President, I want to take this opportunity to congratulate the American Political Science Association on the 30th anniversary of its congressional fellowship program. This, the oldest such program on Capitol Hill, has evolved from its modest beginnings in 1953 to become today's firmly established and widely diverse program for placing professionals on the Hill.

In 1953, APSA sponsored six congressional fellows. This number has since grown to include between 40 and 50 men and women annually. Indeed, since 1953, more than 1,000 scholars, journalists, Federal executives, and health policy experts have participated as fellows. Fellows are chosen by rigorous merit competition, leaving their jobs for 1 year on the Hill, after which they return to their previous jobs.

During their time here, fellows work with both Republicans and Democrats, conservatives and liberals, Senators and Representatives. They contribute their talents and skills in exchange for the opportunity to receive a valuable learning experience. Some work as personal staff, some as committee staff. All provide an expertise and viewpoint which might otherwise not be available. For, while the fellows come to learn, they do some teaching as well. Both sides profit from the experience.

Presently in my office is Gilbert R. Reed III, a Federal fellow from the Naval Research Laboratory. His insights into the research process have been a valued addition to my efforts with the Commerce, Science and Transportation Committee.

Following their fellowship year, the fellows return to their previous jobs, bringing with them new insights and knowledge of the political process. This knowledge of the workings of the legislative branch enhances their participation in the democratic process and, of equal importance, spreads this knowledge through discussions with friends and coworkers of the experiences on the Hill. This two-way street is very valuable, as we all are aware of the need for the voting public to have a better understanding of the political process and the ways in which they can interact with it.

I encourage my colleagues to take advantage of this program as I have done. Fellows provide a unique method for enriching their staff, and, at the same time, assist in educating the public about their legislators and their work. I wish the program well on its 30th anniversary, and trust there will be many more years to come.●

TRIBUTE TO JERRY KROMASH

● Mr. SARBANES. Mr. President, on July 7, 1983, I was saddened to learn of the passing of one of the Maryland Democratic Party's most loyal and dedicated members, Jerome Kromash. A resident of Laurel, Md., Jerry was active not only in his home county of Prince Georges, but throughout the State. He worked in every Democratic Party campaign from 1968 to 1982 and was chosen to serve on the Prince Georges County Democratic Central Committee from 1977 to 1982. From 1981 to 1983, he served as the State Democratic Party treasurer, an honor reserved for very highly respected Democratic Party activists.

At the time of his death, Jerry Kromash was the chief liquor inspector for Prince Georges County, a post to which he had been named by the Board of License Commissioners in 1978 after serving as the deputy chief liquor inspector.

Yet, despite these full-time commitments, Jerry Kromash did not limit his enthusiastic involvement to either his career or politics. Very active in the civic activities of his community, he worked with the Laurel Boys and Girls Club, the Boy Scouts, served on the Harrison Elementary School Parent-Teachers Association, and Eisenhower Junior High School PTA, and was past chancellor commander of the Knights of Pythias. In most recent years, he served as president of the Laurel Democratic Club.

A devoted family man, Jerry is survived by his wife, Sheila, three children, and five grandchildren. I know that my colleagues in the Senate join me in expressing heartfelt sympathy to his family at this time of profound sadness. Deeply committed to the American ideals of family, community, and the democratic process, Jerry Kromash will be truly missed by all who were privileged to know him.●

BROOKS CALBERT ROBINSON ELECTED TO BASEBALL HALL OF FAME

● Mr. BUMPERS. Mr. President, I take a few moments to pay tribute to a fellow Arkansan, Brooks Calbert Robinson, was elected with befitting ease by members of the Baseball Writers Association to be officially inducted into the Hall of Fame on July 31. He is only the 14th player to be elected on his first appearance on the ballot.

Brooksie, as he is known to his fans and friends, established a standard for excellence for modern-day third basemen. As a third baseman, he made the position glamorous and turned third base play into an art form.

In his time, playing a remarkable 23 seasons as No. 5 for the Baltimore Orioles, he was called the most vital personality to adorn a major league infield. He shone afield, setting major league records for third basemen in 2,896 games, putouts, assists, chances, double plays, and fielding percentage 0.971. He won 16 successive Golden Glove Awards and was a member of every consecutive American League All-Star team from 1960 to 1974. Brooks was also a fine clutch hitter with a 0.267 lifetime average, 2,896 hits, and 268 career home runs. Batting cleanup for the Orioles, he had 1,357 RBI's. Brooks' spectacular fielding and hard-hitting were best displayed as MVP in the 1970 World Series against the Reds. He batted an amazing 0.429 and persistently robbed Cincinnati sluggers of base hits with impossible flying catches and acrobatic throws. All Americans as well as all Arkansans can be proud of this great honor for one of its native sons.●

ROBERT H. GARDINER

● Mr. COHEN. Mr. President, in the State of Maine, protection of the environment is more than just a slogan—it is a way of life. We have been very fortunate in Maine during recent years to have benefited from the services of a number of dedicated, qualified individuals who have devoted their time and efforts to seeing that Maine's beauty and environmental heritage remains intact.

One of the most active and effective groups in my State is the Natural Resources Council of Maine. The success of this organization is largely due to the efforts over the past 5 years of Robert H. Gardiner, who has recently stepped down as the NRC's executive director.

I worked closely with Rob during his years as executive director of the NRC. We fought step by step together in seeking to kill the environmentally destructive Dickey-Lincoln hydroelectric project—a fight we won. On many other issues of environmental significance, Rob was in the forefront of the struggle to protect Maine's environment.

Rob has accepted a position with the State of Maine as the head of the Bureau of Public Lands, and I am very glad that he will still be working with environmental issues. He is a talented and energetic young man who will serve the State well.

I would like to include in the RECORD the text of an editorial from the Central Maine Morning Sentinel entitled "Rob Gardiner's Legacy" for the review of my colleagues.

The editorial follows:

[From the Central Maine Morning Sentinel, June 9, 1983]

ROB GARDINER'S LEGACY

Maine will never again be as pristine as it was when his ancestor came from England to the area on the Kennebec that now bears his name, but Robert H. Gardiner has devoted a good deal of energy and talent to preventing it from being unnecessarily despoiled and exploited.

For the past five years he has been running the Natural Resources Council of Maine, making it an organization respected even by those who disagree with some of its stands on environmental issues.

The Natural Resources Council has become the state's most influential environmental group because its positions generally are sound and because of Gardiner's talent for bringing diverse interests together to pursue common goals. Never strident, always reasonable, he has been successful in gaining support for programs to protect the environment and conserve resources when more dogmatic and inflexible leadership repelled it. He's done so without ever losing sight of the basic goals and principles of his organization.

This month Dr. Sylvester Gardiner's descendant moves from the role of advocate to that of regulator and administrator. He has been named by Gov. Joseph E. Brennan to head the state bureau that oversees thousands of acres of Maine public lands.

Gardiner's roots entered Maine soil during the earliest year's of white settlement, and his instincts and convictions favor preserving the heritage that make Maine unique and livable, and his good sense recognizes that people have to earn a living, too.

As Gov. Brennan observed in announcing the appointment, Gardiner has a thorough knowledge of the issues that will confront him as head of the Bureau of Public Lands. His record at the Natural Resources Council indicates that he won't see those problems with tunnel vision but will examine all the interests involved.

The state has a responsibility to husband its public lands, and Gov. Brennan has been wise in his choice of an overseer.●

ALASKA NATIONAL SPORT HUNTING ACT

● Mr. MURKOWSKI. Mr. President, the Alaska National Sport Hunting Act of 1983 is currently pending before the Energy and Natural Resources Committee, and both the distinguished senior Senator from Alaska, Senator STEVENS, and I hope to see it considered by the Senate in the near future. I will be participating in hearings before the Senate Energy Committee later this week, during which time S. 49 will be marked up by the committee. An article that appeared in the Anchorage Times on July 10 illustrates with great effect the strong support of many Alaskans for this measure. I ask that this article and another on the same subject, be printed in the RECORD.

The article follows:

[From the Anchorage Times, July 10, 1983]

PARK HUNTING INEQUITY

Environmentalists contine to try to sabotage the bill in Congress that would open up some of the new areas of national parks in Alaska to sports hunting.

Passage of the bill would correct an inequity that came into being with the Alaska National Interest Lands Conservation Act of 1990. It allows subsistence hunting, but nct sports hunting, in some of the new park areas created by the legislation. Sens. Ted Stevens and Frank Murkowski of Alaska would amend it so sports hunters would have the same privileges as subsistence hunters.

The opponents are being deliberately misleading when they continue to say the Stevens-Murkowski measure would open all national parklands in Alaska to hunters.

In fact, only a minor percentage of the national park acreage in Alaska is involved in the amendment. And only a portion of the new park acreage created by the lands act is included. All the areas affected are open to subsistence hunters already.

So why the tiresome environmentalist rhetoric? It's all part of efforts to build a case against any adjustment to their hard-won lands act, which most Alaskans opposed.

As finally approved, it was full of compromises, many of them made in heated sessions in the last feverish days of the 1980 Congress. The legislation was vast in scope, covering a geographic area larger than the state of California. Changes in its provisions were bound to come.

The environmentalists refer to what the Alaska senators are trying to do as tampering. Most others call it adjusting. The latter is a more correct term and the hunting amendment now before Congress is a proper adjustment.

[From National Rifle Association's Reports From Washington, July 15, 1983]

ALASKA HUNTING BILL HEADED FOR CRUCIAL COMMITTEE VOTE

WASHINGTON.—A showdown Senate committee vote on the hotly debated Alaska National Hunting Bill is expected after Congress reconvenes in mid-July following the July Fourth recess. In the balance hangs the fate of 12 million acres of traditional hunting lands closed to the nation's sportsmen in 1980.

Although an exact date for a vote had not been slated by press time, the Senate Energy and Natural Resources Committee is expected to take up the bill before Congress recesses again in August. One fact is certain: the vote is sure to be close.

Nearly 25 million acres of Alaska lands were sealed off to sportsmen following passage of the 1980 Alaska Lands Act, which had been endorsed by President Jimmy Carter.

The bill (S. 49) before the committee would reopen 12 million acres of the lands solely for sport hunting and trapping. Currently, only persons who hunt for survival—called "subsistence hunters"—are allowed on the lands.

The measure would reclassify the 12 million acres from "national park" to "park preserve" status, and the National Park Service would retain control over the acreage. Sport hunting, trapping and fishing are allowed on lands designated as park preserves by the U.S. government.

The bill is sponsored by Alaska's two U.S. Senators, Republicans Ted Stevens and Frank Murkowski. An identical measure has been introduced in the House by Rep. Don Young (R-Alaska). In addition to Alaska authorities, the bill is supported by the National Rifle Association, the U.S. Interior Department and a variety of wildlife groups, including the National Wildlife Federation and the International Association of Fish and Wildlife Agencies.

Environmentalists and other opponents of the legislation have charged that reopening the lands would be the first step toward eventual oil and gas drilling and other development in America's wilderness areas, including lands in other states.

But sponsors and supporters of the bill argue that it focuses congressional attention on a single issue—hunting versus non-hunting.

"The only significance (of the bill) will be to allow sport hunting and trapping. No roads will be built, nor is there expansion of any oil or mineral resource development. The nation's hunters and trappers are the true conservationists in America today, and S. 49 addresses their interests unencumbered by oil, gas, and timber concerns," Warren Cassidy, executive director of the NRA's Institute for Legislative Action, told a Senate subcommittee earlier this year.

Officials from the Interior Department told the same subcommittee that the bill would apply only to the Alaska lands and would not affect park areas in other states.

The bill "would not impair the integrity of the park system," said G. Ray Arnett, an assistant secretary of the department. He added that passage of the proposal would not create conflicts between hunters and non-hunters over use of the land, because hunters would use the areas primarily in the fall while other outdoor enthusiasts prefer to use the lands during the spring and summer.

Sportsmen are urged to contact their senators regarding passage of S. 49. Members of the committee and their home states are:

James A. McClure (R-Idaho), chairman; Mark O. Hatfield (R-Ore.); Lowell P. Weicker Jr. (R-Conn.); Pete V. Domenici (R-N.M.); Malcolm Wallop (R-Wyo.); John W. Warner (R-Va.); Frank H. Murkowski (R-Alaska); Don Nickles (R-Okla.); Chic Hecht (R-Nev.); John H. Chafee (R-R.I.); John Heinz (R-Pa.); J. Bennett Johnston (D-La.); Henry M. Jackson (D-Wash.); Dale Bumpers (D-Ark.); Wendell H. Ford (D-Ky.); Howard M. Metzenbaum (D-Ohio); Spark M. Matsunaga (D-Hawaii); John Melcher (D-Mont.); Paul E. Tsongas (D-Mass.); and Bill Bradley (D-N.J.).

All letters should be addressed to:
The Honorable (Name)
United States Senate
Washington, D.C. 20510
Dear Senator (Name):

AT A GLANCE: THE ALASKA NATIONAL HUNTING BILL (S. 49)

The bill would:

Reopen 12 million acres of traditional Alaska hunting lands.

Help generate $18.5 million annually in license fees to support Alaska wildlife management and habitat programs.

The bill would not:

Open the lands to oil, gas, or timber concerns.

Affect park areas in other states.

Lead to conflicts between hunters and non-hunters. Hunters would use the lands primarily in the fall; other outdoor enthusiasts prefer to use the lands in the spring and summer.●

POLISH NATIONAL DAY

● Mr. MURKOWSKI. Mr. President, hitherto when I have spoken in this Chamber on the subject of Poland, it

has been with the aim of chastising the Polish Communist regime and its Russian overlords.

This day, of all days, should give me ample opportunity to complain most stridently. July 22—called Poland's National Day—commemorates the adoption of the Soviet Constitution which transformed the democratic republic of Poland into the socialist Polish People's Republic. Hardly an event any of us here, nor indeed the vast majority of the Polish people, would like to celebrate.

But of course the Polish Communist authorities will try to use the day to divert the attention of the people. They call this the National Day—a euphemism I suppose for "Conquest Day"—and try to amuse the Polish people with anecdotes of their subordination to their traditional Russian enemies.

Mr. President, it would perhaps have been preferable to ignore this day as an illegitimate holiday. But better that we take a moment to remember the good that is Poland—its people, its natural resources, its history of courage and fierce independence.

Poland, with 36 million people, is second in area and population only to the Soviet Union in Eastern Europe. It has huge coal and gas reserves, and is a source of copper and sulfur. But Poland also is in serious debt. It owes the United States about $3 billion, and has a total foreign debt of $26 billion.

Poland is therefore not just depressed politically; it is depressed economically.

Yet the people who poured into the streets by the thousands to celebrate Solidarity Day, and by the millions to greet the Pope, did not appear depressed. Angry, yes, cautious, perhaps. But the fear of reprisals did not seem to deter them. They remember past freedom and fight on, no matter what the consequences. They are like George Bernard Shaw's prisoner, who, when he sees the door of his dungeon open, dashes for it without stopping to think where, or whether, he will get his dinner outside.

Mr. President, on this sad anniversary I congratulate the Polish people for their perseverance in remembering other, more authentic, national days.●

DR. KARL MENNINGER'S 90TH BIRTHDAY

● Mr. DOLE. Mr. President, today is Karl Menninger's 90th birthday. For the last 60 years I have had the privilege of sharing birthday celebrations with Dr. Karl, as he is affectionately called. This year it is an honor to be present in Topeka, Kans., for this celebration and I ask that some excerpts from my remarks on this occasion be printed in the RECORD.

The excerpts follow:

DR. KARL MENNINGER LECTURE, WASHBURN UNIVERSITY, TOPEKA, KANS., JULY 22, 1983

THE PROPHET OF PREVENTION

It has been said that years alone are no adequate measure of the aging process. People grow old only by deserting their ideals, only as self-interest or despair bow the head and wrinkle the soul. By this or any other standard of measurement, Dr. Karl is the youngest man in this room. Even now, at an age when some men survive from pill to pill, he continues to write, to lecture, to advise colleagues and challenge casual assumptions with the intellectual rigor that has made him a pioneer and prophet in his own field.

Long before I entered this world, he was leading the minds of men and women out of the dark ages into the bright light of scientific inquiry. Today, on his ninetieth birthday, the candle he lit here at the villages casts a glow reaching to Washington and beyond. He has raised his voice for more than half a century—and only now is the political process prepared to lower its guard and heed his message.

For one thing, government is learning to emulate his own preference for fresh ideas. The man we honor this afternoon may have been born in 1893, but in his creative approach to the human mind, Karl Menninger has often seemed ahead of his time. The record confirms his taste for innovation. Less than a decade after his graduation from the Harvard Medical School, he purchased a farm near Topeka, which in May, 1925 admitted its first patient to the Menninger Sanitarium. Later came the Menninger Foundation, the Topeka School for Psychoanalysis, and a school of Psychiatry which was soon training nearly a tenth of America's practicing psychiatrists. He was not yet forty when he published his landmark volume "The Human Mind," which translated the jargon of science into language accessible to the layman. In its pages, mental illness could be treated and cured. Throughout his career, Dr. Karl guided us through the labyrinth of human thought and motivation. He has thrown light on the dark corners and given hope to those anxious to escape their own imprisonment. Equally important, he has never contented himself with the scientific cloister or remote lab. His classroom has been society itself, and his students have been politicians and the general public, as well as fellow professionals.

Most of all, Dr. Karl has focused his attention on those whose minds and manners are not yet fully shaped. Samuel Johnson once wrote that it was the inevitable lot of the elderly to complain about the young, to find depravity and insolence in the rising generation. Karl Menninger has never lived bounded by such rules. Having educated us to the fact that mental illness could be cured, here at the villages, he has taught us for nearly twenty years that anti-social behavior can be prevented. In a very real and compelling sense, he remains today what he has always been—a prophet of prevention.

OUR MOST PRECIOUS POSSESSION

Of all her natural resources, America's children are the most precious. If you seek a definition of childhood's whimsy, you might turn to another Midwesterner, who also reached his ninetieth birthday and who similarly enriched American life through his humanitarian instincts. Along with his siter, Herbert Hoover once wrote, "the boy is our most precious possession. He strains our nerves, yet he is a complex of cells teeming with affection. He is a periodic nuisance, yet he is a joy forever. He is a part-time incarnation of destruction, yet he radiates sunlight to all the world * * * he is an illuminated interrogation point, yet he is the most entertaining animal that is."

Hoover spoke his words in an appeal for the boys clubs, his own proposed solution to the dangers of modern urban boyhoods, where prairie sod had given way to cement paving, and the outlets of aggression and suriosity open to earlier generations of boys had been largely closed off, or converted into back alleys and fire escapes. The number of boys per acre has vastly increased in Karl Menninger's ninety years. And whimsy has given way in many corners of this country to danger, to violence, to physical assualt or emotional emptiness.

FIGHTING CRIME—HELPING CHILDREN

One of Dr. Karl's great accomplishments has been his perception that crime, like illness, must be addressed preventively. For crime too is a form of sickness, which drains society's resources and tears the social fabric. As an early advocate of rehabilitation for criminal offenders, he went against the grain. But here as elsewhere, the man who swam upstream eventually helped dictate the river's course.

Quite simply, Dr. Karl warns us that abused children can become abusive adults. Without an alternative for development, they can even become criminals. As he himself has put it, "nearly every inmate I ever interviewed had been beaten as a child. We should expect some direct kind of retaliation." The cost of that retaliation is high; current estimates have it that perhaps a third of all violent crime in this country is committed by persons under the age of eighteen. There are many factors at work to make this so; a changing economy, rising divorce rate, educational failings, and plain demographics are all involved to some degree. With the baby boom launched after World War II came an increase in crime rates.

And those who find solace in the fact that most of those born during the fifteen years after 1945 are now past the age where an offender is likely to commit criminal acts had better take another look at the statistics. Because they tell us that a new surge in the birth rate is occurring, one which, if unaddressed, may lead to yet another explosion in lawlessness.

Dr. Karl proposes something better—a preventive approach to youthful crime.

The villages represent the logical end-product of a lifetime view that crime can be attacked through means other than incarceration. Moreover, at a time when rising crime rates give voice to calls for tougher sentencing, elimination of probation and parole for violent offenders, and other reforms in the criminal justice system, the villages offer another approach—one that seeks to instill respect for human life and human values short of the jail cell.

THE VILLAGES—A RESCUE FOR CHILDREN

Here at the villages, children without families or positive models for development are given both. They are protected, not patronized. Each house is run like any home with a large number of children, with house parents and an atmosphere of discipline matched by genuine love. Most of the foster children here are classed as "status offenders" or wards of the court for deeds that would not warrant legal action if they were adults. Their ranks include truants, runaways, and children orphaned, abused or

abandoned. Many have a brother or sister living with them. Nearly all have survived a guantlet line of foster parents, psychiatric centers or detention homes, with an average of seven previous placements before arriving here at the villages.

When they arrive, they are provided with the very stability so lacking in their previous lives. They are accorded the individualized care we associate with an ideal home setting. They are included in a wide circle of activities; from here they can attend public schools. They attend church; they delight in vacations with their foster families. They can enjoy high quality staff and support services that distinguish the villages from most traditional placement alternatives, including special attention by tutors, career advisers, or psychiatrists. In short, the villages replace the cynical, even dangerous warehouses of the past with an authentic family. Throughout it all, their residents taste the preventive concepts pioneered in by Dr. Karl.

As usual, he put it best himself. "Children without love or faith or hope," he has written, "grow up to be our vagrants, delinquents, and mentally ill. Rescued children can help save our world. If we are serious about large-scale prevention of delinquency and crime, is it not obvious and imperative that we greatly multiply our efforts to rescue these children before they are ruined?"

Society can have no higher goal. But first we must ask ourselves: What does ruin a child? The lack of family security, for one thing. The lack of regular school attendance, for another. Still more of the responsibility lies with parents who neglect their children's well-being for it is they who are a child's earliest and most influential teachers. The values they embody and the encouragement they provide will nurture or starve a child for life. We cannot expect our educational system to become substitute child care centers, to teach algebra and mould character simultaneously and without any assistance from the home. Nor can we believe that either our schools or a concerned government can by themselves instruct the basics of citizenship and social behavior if the seeds of social integration are not first planted in the family and community.

PUBLIC-PRIVATE PARTNERSHIPS FOR CHILDREN

The costs of failing to deal with the breakdown in social values are frightening. Even as I speak, there are more than 400,000 Americans locked away behind prison bars—a number swelled some 55 percent in less than ten years. Authorities in at least 36 States are under pressure—often by court order—to ease conditions of overcrowding in their prisons. Over half the Nation's correctional systems have seen at least one facility declared unconstitutional by Federal courts because of abhorrent conditions. And so we ask ourselves another question: Are we content to allocate more and more of our wealth to building prisons—or will we invest some of that wealth and still more of our imagination in saving children before it's too late?

Much has been made of a so-called conservative revolution in Washington, of budget cuts that aren't really cuts at all and a retrenching of priorities that should not be confused with retreat from social commitments. In fact, this President and this Congress are renewing those commitments. But they are listening as well as speaking out. And they are yielding to local and individual expertise in place of the heavy-handed dictation of prior years. For the first time in memory, Washington is expressing interest in partnership with the American people. This theme is being picked up and amplified by concerned individuals and institutions.

The villages itself exemplifies the advantages of such public-private partnerships. The construction costs of the homes are paid for with contributions from private individuals and foundations. The daily operating expenses are assumed primarily by the State or county that refers a child here. As a result, it cost less than half the amount spent per child per day at most institutions run by public authorities. Until now, the villages has used neither Federal revenue sharing nor United Way funds. At the same time each village voluntarily pays local property taxes. An endowment built up by friendly supporters helps to guarantee a child's care, whatever the action of his referring State or county. Private donors also contribute to scholarship funds.

A ROLE FOR WASHINGTON—AND THE FAMILY

What all of this adds up to is an encouraging alternative to people who would prefer that we simply turn to Washington for help. The Federal Government has a role to play. Headstart and other Federal programs can and should help disadvantaged children narrow the gap with their more fortunate peers. I have long supported such efforts, and I am determined that they not suffer now, when economy in Government has never been more critically needed.

But neither have I deluded myself into believing that any Federal program can take the place of a supportive homelife. A caring family, or a community bred to know children in need as its own special responsibility. Government can and should do all in its power to create conditions, both economically and socially, that blunt the rising divorce rate, that stem the increase in single-parent families, that turn desperate adults against their own offspring or simply alienate them due to the pressures of self support or economic hardship. But it cannot replace a disintegrated family by claiming family status for itself. It can punish criminals better than it prevents crime. And that brings me to my final point.

Historically, the American Republic has been decentralized for a reason. That reason was the need for experimentation, innovation, and the trial and error that States and localities have always excelled at. This Nation was designed as a kind of intellectual hot house, where many theories could take root and many alternatives be tried out. In America, public policy was meant to originate with the public itself. Government can try to play the role of parent. But it can hardly hope to succeed. How much better to encourage those like Dr. Karl and the entire staff here at the villages who are equipped, both emotionally and through professional training, to play the role of genuine family.

The results of their work offer more than just hope. Most of the villages' children graduate from high school. Some have completed college studies. A few have pursued graduate professional training for social work, art or music. None are known to have committed criminal acts. And all can attribute at least part of their success to the supportive family structure created and maintained by the man whose birthday we celebrate this afternoon.

THE UNREASONABLE MAN

Dr. Karl has been accused of seeing too much good in the human species. He has more accurately been described as "a hopeful humanist." I have my own definition of Karl Menninger. In words first spoken over a half a century ago by the great playwright and social critic George Bernard Shaw. "The reasonable man adapts himself to the world," wrote Shaw. "The unreasonable one persists in trying to adapt the world to himself. Therefore all progress depends on the unreasonable man."

For ninety years, Karl Menninger has been unreasonably dogged in his pursuit of medical and social truths * * * unreasonably dedicated to challenging the status quo and disproving ingrained cynicism * * * unreasonably generous with his time and his talent. As a result, his own profession has been raised to a higher level. His native state has been endowed with some of his own reputation for innovation tied to the old values that hold a nation together. And all of us who have been fortunate to stand in his shadow have been encouraged and inspired to be unreasonable in our own demands for a society that cares enough about its young people not to leave them to the agents of a distant government.

Ninety years is a long time for any man to live. In Dr. Karl's case, it has been a story of abundant gifts generously shared, and of a visionary mind stretched in the service of his fellow man.●

COSPONSOR OF S. 508

● Mr. MURKOWSKI. Mr. President, I rise in support of S. 508 and announce that I have been added as a cosponsor of the bill.

S. 508, which was introduced by Senator LAXALT and has 14 cosponsors, would waive the requirement in section 504(g) of the Federal Land Policy and Management Act of 1976 that fair market value fees be charged for rights-of-way across public lands.

Prior to passage of FLPMA the Federal Government traditionally granted free rights-of-way to State and local governments and to nonprofit organizations. Title V of FLPMA, as well as regulations issued in 1980 to implement the act, both impose a fee for rights-of-way over public lands. Both the statue and the regulations contain provisions allowing the Secretary of the Interior or of Agriculture the discretion to issue rights-of-way at a reduced rate or for free to State and local governments and to nonprofit corporations. However, since 1980 the two Secretaries have been authorizing the assessment of fees against rural electric and telephone cooperatives.

Rural electric cooperatives were created by the Rural Electrification Act of 1936 and rural telephone co-ops were added in 1949. The purpose of the legislation was to encourage the extension of electric and telephone service to isolated rural areas not served by central utilities. These co-ops were constructed and operated with Federal loans which were to be repaid in 25 (now 35) years. The co-ops are nonprofit corporations.

Rural co-ops are typically found in the West and in Alaska, where sparse

population and great distances preclude the development of a centralized electric grid. And these electric and phone lines must inevitably cross the public lands that are just as typically Alaskan, where over 75 percent of the land is currently federally owned.

The fees assessed against these co-ops for rights-of-way must be incorporated into rates which already average 12 percent higher than those of other utilities. The long distances and small markets, which privately owned utilities could not afford to serve and which the cooperatives were specifically set up to handle, necessitate high rates. To add an extra fee to these costs might make the cooperatives unfeasible or place an unnecessarily harsh burden on the consumers.

The Alaska Rural Electric Cooperative Association tells me that just one co-op in Alaska—Chugach Electric—pays more than $160,000 a year for rights-of-way across Federal lands. In Alaska the co-ops even have to pay right-of-way fees to the Bureau of Indian Affairs in order to cross Indian allotment land to provide the allottees with the electricity they have requested.

Alaska's difficulties are further compounded by its high rate of growth and the consequent need for additional transmission line construction. I think it is sad that the success of the rural electric cooperatives in Alaska in bringing electric service to rural consumers, which has encouraged settlement and expansion of business and industry into those areas actually serves to obstruct the avenues for further expansion. By rendering the extension of service financially unfeasible—both to the cooperative and to the consumer—we have diminished the attraction of these less-developed areas to business, to industry, and to people.

In short, Mr. President, I strongly support this legislation which would have significant and favorable impact on my State of Alaska, and urge its passage.●

60 YEARS AND GOING PROUD

● Mr. MURKOWSKI. Mr. President, July 15 marked the 60th anniversary of the Alaska Railroad. A celebration was held July 16 at Nenana, with the theme "60 Years and Going Proud." It was in Nenana that the railroad was officially opened in 1923 by President Warren G. Harding. Governor Sheffield reenacted this historic occasion by driving in a replica of the Golden Spike.

Mr. President, this anniversary is auspicious not just as a commemoration of the past but as an harbinger of the future. 1983 will be the last year that the railroad is federally controlled. Preliminary reports on the feasibility of State purchase and operation have been published and by October we should have a fair market price estimate. In January 1984 deliberations will begin in the Alaska State Legislature on whether or not the State should buy the railroad.

Mr. President, I am proud of the record of the Alaska Railroad; it was instrumental in making Alaska and it can still be a vital force in its growth. Mr. President, I ask that an article from the Fairbanks Daily News Miner of July 20 be printed in the RECORD.

The article follows:

SIXTY YEARS OF RAILROAD HONORED WITH GOLD SPIKE

(By Dan Jallog)

NENANA.—The joke on the dignitaries stand in Nenana Saturday concerned who had stopped the rain just before the start of the celebration of the Alaska Railroad's 60th birthday.

Credit generally was given to Jack Coghill, who for 20 years has been mayor of Nenana.

But Gov. Bill Sheffield noted the cloudburst didn't halt until the special train carrying him and visitors rolled into town from Fairbanks.

In any case, the sun made a timely appearance to shine through for speeches, an Army band from Fort Richardson, a salmon bake, and the reenactment of President Warren G. Harding's driving of a gold spike 60 years and one day earlier.

Harding's ceremonial labor was the culmination of nine years of sweat and blood. Interrupted by World War I and influenza epidemics, to build 471 miles of mainline track.

Backers hoped it would open up Alaska as railroads had opened up the American West.

The government stepped in after several private attempts for a railroad link to the Interior had failed. It was linked to another great federal project to the south. When President Woodrow Wilson signed the enabling legislation in 1914, it called for the use of all surplus equipment used in construction of the Panama Canal.

For 67 years, the railroad has been the lifeblood of this riverfront community at the confluence of the Tanana and Nenana rivers.

Seeking a northern headquarters for construction of the railroad, government surveyors arrived in 1916 near the native village of Tortella. A tent town like the one at Ship Creek, which became Anchorage, sprung up that year, and speculation for lots was even more frantic than at Ship Creek.

With its location for river traffic serving inland waterways, it appeared as if Nenana might replace Fairbanks as the Interior's largest permanent settlement. The railroad helped finance sewers, lights and telephones.

But without the mining industry that Fairbanks had to sustain it, Nenana receded in importance.

Saturday's occasion gave visitors the chance to see rail stops now mostly forgotten since the development of air transportation and the George Parks Highway.

Sixty years ago, Harding tapped the gold spike for the photographers, then had it replaced with an iron spike which he rammed in with two solid blows.

Sheffield showed even more enthusiasm for the task, banging the gold rod a good seven or eight times with the same red, white and blue maul used by Harding. He then started in on an iron spike next to it.

"Here's one that's loose," he told ARR General Manager Frank Jones. "Mark that down."

Harding toiled more than a mile up the line, just across the Tanana River bridge on the north bank, on a hot Sunday afternoon.

Sheffield drove his version of the shadow of the Nenana depot, where inside visitors could enjoy old photographs of the line or watch a video tape of an NBC-TV Today story aired nationally May 27.

A few on hand Saturday remembered Harding.

Solomon Luke, who was later hired by the railroad, was a boy when Harding came through.

"I was up on the bluff. Me and a couple of other kids were watching him," he said.

He was hired as a gandy dancer, or seasonal laborer, in 1935. "My wages were only 40 cents per hour then," be recalled.

Rail work was done with hand tools: shoveling out one end of a railroad tie, raising the rail with a jack and pulling the tie out with a pickaroon, a piked pole with a hook.

Heney Peterson lived in Cantwell and called Harding as a face in the crowd when the president got off the train to view a herd of reindeer.

"We didn't know too much about what the president meant," Peterson said.

Peterson also worked for the railroad, retiring after 30 years, and he saw trains before he saw cars.

"I didn't even know the name of an automobile," he said.

The crowd Saturday heard speeches from Coghill, Sheffield, Alaska Railroad General Manger Frank Jones and Federal Rail Administrator John Riley.

They focused on the accomplishments of the line, as well as the hope for the future: state ownership and possible extensions.

Coghill and other Nenana boosters are optimistic about the future of their river community.

If a western leg is ever constructed to Nome, Coghill wants to see it extend from Nenana.

"I like to visualize Nenana as the St. Louis of Alaska," Coghill said.●

ORDER OF BUSINESS

Mr. BYRD. Mr. President, this is the 60th in the number of statements I have made and will continue to make—the Lord willing—on the development of the U.S. Senate.

THE UNITED STATES SENATE

THE GILDED AGE TARNISHES: THE SENATE FROM 1877 TO 1884

Mr. BYRD. Mr. President, late on the afternoon of March 1, 1877, the regular Pennsylvania Railroad run to Washington added two special cars at the Columbus, Ohio, yards. A large crowd gathered at trackside to hear their former governor's farewell address as he headed off to the East to become President of the United States. Cheers from the edge of the crowd announced the arrival of Rutherford B. Hayes. Smiling through his

full beard, he doffed his hat and spoke briefly on national unity.[1]

As the train pulled out of the station, Hayes waved and bowed; a performance he would repeat again and again at stops along the way to Washington. It was all part of the American tradition of bidding a private citizen farewell as he goes off to assume the highest office in the land. The circumstances surrounding this particular trip, however, were unique in American history. As yet, the facts did not support Hayes' and his fellow Ohioans' calm assumption that he was president.

Though the tracks unrolled methodically behind his train, the events that brought Hayes to this trip were not so neatly arranged. My last address on the history of the Senate ended with the date of November 1876, with the results of the presidential election still in doubt. Between that cold November and the spring day when Hayes stepped aboard the train in Ohio, there unwound the most tortuous tale in American election history—one that involved the Senate more closely in the selection of a president than any before or since.

On election night in November, the headline of the New York *Tribune* proclaimed "Tilden Elected." And, indeed, it looked as though Samuel J. Tilden had carried enough Northern states along with the "solid South" to make him the first Democratic president since the Civil War. At Republican Headquarters, former Michigan senator Zachariah Chandler, party chairman, wrote the day off as a loss and went to bed. However, a flurry of telegrams between Democratic leaders, worried over the returns from Oregon and the three states still under Reconstruction governments, Florida, Louisiana, and South Carolina, raised the suspicions of a Republican newspaper editor who hurried to wake Chandler from his sleep.

When the Republicans reexamined the situation, their hopes revived. Tilden had received 4,288,546 popular votes and 184 undisputed electoral votes, one short of the 185 required to win. Hayes had won only 4,034,311 popular votes and 165 electoral votes. Together, Oregon, Florida, South Carolina, and Louisiana controlled 20 electoral votes. If every one of these were counted as Republican, Hayes would win, 185 to 184.[2]

Both sides immediately claimed the disputed votes and charged their opponents with fraud and corruption. Democrats claimed that federal troops had influenced the voting in the South. Republicans countered that the Ku Klux Klan and other "night riders" had intimidated many freedmen from casting their ballots. Each party sent "visiting statesmen" to inspect the returns. The House and Senate, controlled by Democrats and Republicans respectively, conducted investigations that exposed ballot tampering on both sides.

As Hayes' train sped east, and the traditional date for inauguration loomed only three days away, the final outcome of the election still remained uncertain. The decision rested in the hands of the five senators, five representatives, and five Supreme Court justices who made up the Electoral Commission, created by Congress to try to unravel the tangled mess after all other means had failed.

When the Electoral College had met in December, Tilden was, as the Republicans gleefully surmised, one vote short of victory. The disputed states sent two sets of certificates: outgoing Republican governors had certified the Hayes electors, while incoming Democratic governors had certified those for Tilden.

The Constitution provided only that "The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted." But who should decide *which* votes to count? Republicans believed that the President of the Senate should decide. And since Vice President Henry Wilson had died that fall (in the Vice President's room just alongside this chamber, I might add), that meant the president pro tempore, Senator Thomas Ferry, an ardent Republican from Michigan. The outcome, under such a plan, was obvious, and obviously unacceptable to the Democrats, who argued that the determination should be made by concurrent majorities in the House and Senate.

Tension mounted amid threats of violence and renewed civil war. The House and Senate gingerly took steps to defuse the crisis, and appointed committees to meet jointly in search of a peaceable solution. Finding no constitutional precedents, they finally adopted a proposal to create a special 15-member Electoral Commission composed of members of the Senate, House, and Supreme Court to decide which of the sets of votes to accept. The Senate would send 3 Republicans and 2 Democrats; the House, 3 Democrats and 2 Republicans. The Supreme Court designated 2 Republicans and 2 Democrats who in turn would elect a fifth, independent member.[3]

The three Senate Republicans were George F. Edmunds of Vermont, Oliver H.P.T. Morton of Indiana, and Frederick Frelinghuysen of New Jersey. The Democrats were Thomas F. Bayard of Delaware and Allen G. Thurman of Ohio. These five men played an important role in our history and merit a bit closer scrutiny.[4]

During his 25 years in the Senate, Edmunds was considered one of the ablest constitutional lawyers in the Congress. One of his colleagues remarked that if led blindfolded into the Senate chamber, he could tell at once, from the nature of the business under discussion, whether or not Edmunds was in his seat. When he was absent, members usually tried to rush through the petty jobbery which they were reluctant to submit to his merciless sarcasm.[5]

Morton's history-minded parents had named their son Oliver Hazard Perry Throck Morton. His strenuous war work, as governor of Indiana, resulted in a stroke which left his body paralyzed but his mind undimmed. Since entering the Senate in 1867, he had distinguished himself by his fanatical devotion to the Republican party and his intolerance of opposition. With his black hair, mustache, and chin whiskers, Morton was a dramatic sight in the chamber, where he delivered bitter diatribes either from his wheelchair or supported by canes.[6]

Frelinghuysen represented an old and distinguished New Jersey family which has sent five members to Congress, with one of whom I served in the House of Representatives several years ago.

When he arrived in the Senate in 1866 he threw himself into the campaign to impeach President Andrew Johnson. The Bayard family of Delaware surpassed the Frelinghuysens by sending six members to Congress. Democrat Thomas Bayard, son of and father of a senator, was strikingly handsome, over six feet tall. Though always in the minority, he had cut a wide swath in the Senate since he arrived in 1869.[7]

Democrat Allen Thurman knew Hayes, the man he was determined to keep from the presidency, well. He had run against him for the governorship of Ohio in 1867 and lost by fewer than 3,000 votes. The Democratic state legislature had sent him to the Senate as a consolation prize.[8]

Since the party affiliations of the senators, representatives, and four of the justices were clear, all eyes focused on the fifth justice, whom Republicans and Democrats assumed would be David Davis, an independent acceptable to both sides. (Davis loomed large on the scene in more ways than one—he weighed over 300 pounds and required a special seat when he came to the Senate.) At the last minute, however, Illinois elected Judge Davis to the Senate, and he resigned from the Court. The justices chose Judge Joseph R. Bradley, a Grant appointee, as their fifth Commission member.[9]

On February 1, 1877, with the galleries packed and lines of spectators stretching out into the East Front plaza, the Senate and House met jointly for the electoral count. Senator Ferry read alphabetically through the list of states until he reached Florida.

Footnotes at end of speech.

Florida's disputed certificates were referred to the Electoral Commission, which opened public hearings the same afternoon in the Supreme Court Chamber directly down the hall from where I stand today. (The Supreme Court had moved into the Old Senate Chamber when the Senate moved to this chamber in 1859.) [10]

One can imagine the tension in that room! Three months had passed since the election and still the nation had no president. The responsibility resting on the shoulders of the commissioners was great. The nation was watching. Indeed it must have seemed to the commissioners as if the whole nation was trying to crowd into the chamber which was quickly packed from wall to wall with legislators, cabinet members, and men and women of Washington society.

The Senate owns a large, dramatic painting that captures this important event. Painted by Cornelia A. Fassett in 1879, entitled "The Electoral Commission of 1877," it hangs above us on the third floor in the west corridor as a reminder of those momentous days. The chamber with its crimson curtains is filled to overflowing. One can almost hear the hum of tense conversation from the dozens of personalities represented. There sit the five senators on the Commission; the bearded Thurman, Bayard taking notes, Frelinghuysen listening intently, Morton with his elegant mustache, and the somber Edmunds. Above them, 62 reporters scribble and strain to catch every word.

The men and women who filled the chamber expected high drama and great oratory, and they were not disappointed. In their opening statements, counsels for the two parties established their major themes. Speaking for the Democrats, Representative David Field insisted that a great moral issue was at stake, "whether or not the American people stand powerless before a gigantic fraud." Citing evidence of corruption and voting irregularities, he urged the Commission to investigate the circumstances behind the Republican electoral certificates. "Here is the certificate," cried Field, "one feels reluctant to touch it. Hold it up to the light. It is black with crime. Pass it around; let every eye see it; and then tell me whether it is fit to bestow power and create dignity against the will of the people." [11]

Responding for the Republicans, former Attorney General William M. Evarts argued that the Commission had no such power to conduct an investigation and must accept the Republican certificates as official and legitimate. The Commission, Republican Representative John Kasson reminded the Democrats, was an extension of Congress rather than a court, and was, therefore, limited to the powers of Congress.

As the Commission advanced, it became clear that the decisive vote would be Justice Bradley's. Those who spoke with him found that he wavered between the two candidates. But on February 7, 1877, after two days of closed-door meetings, Bradley cast his vote with the seven other Republicans not to investigate evidence beyond that submitted with the electoral certificates. "It seems to me to be clear," explained Bradley, "that Congress cannot institute a scrutiny into the appointment of electors by a State." Bradley joined with the Republicans to accept the Hayes electors from Florida on February 9. The same 8 to 7 vote, always along strict party lines, gave Louisiana to Hayes on February 16, Oregon to Hayes on February 13, and South Carolina to Hayes on February 27. By the findings of the Electoral Commission, Rutherford B. Hayes received 185 electoral votes to 184 for Samuel J. Tilden. [12]

Angry Democrats in the House wanted to filibuster to further delay the final electoral count. But more conservative men on both sides were tired of fighting. As C. Vann Woodward recounts in his book *Reunion and Reaction*, these cooler heads prevailed and from their quiet maneuverings there emerged the magic word "compromise." Significant concessions by Republicans to Southern Democrats regarding patronage, internal improvements, the withdrawal of federal troops, and the end of Reconstruction finally assured their condidate's election.

After long and heated debate, in the early morning hours of March 2, sleepy pages and messengers scattered through the Senate cloakrooms and committee rooms to awaken Senators to assemble for a procession to join the representatives in the House chamber. The murky pre-dawn light fell on men with worn faces, their clothes rumpled from sleeping in unaccustomed postures and places. At 4:00 a.m., they heard Senator Ferry officially proclaim Rutherford B. Hayes President of the United States. [13]

Hayes' train was gently rocking through the night on its way toward Washington. near Harrisburg, Pennsylvania, it took on a telegram announcing the final vote. An eager aide read the news to Hayes through the door to his compartment. "I hear you," whispered Hayes. "Don't wake up everybody in the car. Good night." [14]

The crisis over, Republican Representative James A. Garfield of Ohio proclaimed, "God reigns and the government at Washington still lives." To many Americans in 1877, after years of turmoil over slavery, the Civil War, Lincoln's assassination, the impeachment of Andrew Johnson, Reconstruction, the Grant administration's endless scandals, and the recent election crisis, that the nation endured seemed a miracle indeed. The nation looked forward to the period of peace and stability promised by the respectable figure of Rutherford B. Hayes. [15]

In many respects, the last years of the nineteenth century are the lost years of United States history, recalled only as the aftermath of Reconstruction or the prologue to Progressivism. On its surface, the era may seem distant, its politicians bland, the issues uninteresting, but, in fact, during these years, the nation made its first efforts to grapple with the problems created by a gigantic surge of industrialization and its emergence as an international power. Tariff protection, free silver, and civil service reform may sound archaic, but seen in their twentieth century guise as reciprocity, inflation, and bureaucracy, they are very much alive. Rather than as an era of spoilsmen and Tweedledee-Tweedledum politics, the era is better understood if taken as part of what historian Robert Wiebe has called the American "search for order."

As I noted in past addresses on the history of the Senate, the years immediately after the Civil War were ones of weak presidents and strong congresses. Senators agreed with their colleague John Sherman of Ohio that "the executive department of a republic like ours should be subordinate to the legislative department." [16] Within the "legislative department," it was in the Senate, with its longer terms, continuity of membership, opportunities for more lengthy debate, clublike committee system, well-known members, and, above all, its hold over patronage, appointments and removals, and the awarding of subsidies, charters, and grants of natural resources, where the greatest power resided.

Some of the most powerful political bosses of the most intricate state machines directed their empires from seats in this chamber. Cunning Simon Cameron, who ruled Pennsylvania with an iron hand, left the Senate in March 1877, only after insuring that his son, J. Donald Cameron, would succeed him. Two senators shared the title of ultimate political boss. The greatest influence at first was Morton of Indiana. His province was the Southern states, whose Reconstruction governments he packed with loyal Northern job seekers and despoilers. His principal rival, who eventually superseded him, was Roscoe Conkling of New York, six foot three inches tall and enormously vain, who kept trim by boxing. Conkling ruled a vast army of ward heelers and hacks. His principal power base was the more than 1,000 jobs and enormous booty of the New York Customs House, presided over by his top henchmen, Chester Arthur and Alonzo Cornell. [17]

Closely rivaling the power wielded by Morton and Conkling were other Senate bosses. For example, there was horse-faced Zach Chandler of Michigan, who returned to the Senate in 1879. One of the few independently wealthy spoilsmen, Chandler controlled hordes of collectors, postmasters, and other state and federal jobholders while he lived above the frey, entertaining like a potentate in his Washington mansion. John "Black Jack" Logan of Illinois controlled a machine that sold every form of political job and favor. Debonaire Matthew Carpenter of Wisconsin, John P. Jones of Nevada, and Aaron Sargent of California also wielded enormous power in their states.

As early as 1871, a reform movement of Liberal Republicans, led by former senators Benjamin Gratz Brown and Carl Schurz, both of Missouri, began to talk of a Civil Service to end the corruption of the patronage system on which the boss system thrived. Criticism of the professional spoilsmen increased under Hayes, fueled by a growing group of political reformers derisively known as the "Mugwumps." During the 1876 campaign, both Hayes and Tilden promised civil-service reform. Hayes made good on his promises by naming a strong cabinet including William Evarts as Secretary of State and Senator John Sherman as Secretary of Treasury. Zach Chandler and the other bosses were shocked when Hayes named Schurz, whom one contemporary claimed looked like Mephistopheles with eyeglasses, as Secretary of Interior.[18]

Urged on by Sherman, who had ties to businessmen tired of paying tribute to the New York Customs House, Hayes launched an investigation on the heart of Conkling's machine. The resulting report, submitted in May 1877, laid bare an overwhelming record of graft and corruption presided over by Conkling's lieutenants, Arthur and Cornell. Hayes waited for a month before acting, then issued an executive order prohibiting government officials from taking part "in the management of political organizations, caucuses, conventions, or electoral campaigns," and barring the assessing of government jobholders for political purposes. Arthur and Cornell were charged with "laxity" rather than actual criminal activity, and informed that their resignations were requested.[19]

Onlookers held their breath, waiting for the other shoe to drop, for Hayes had thrown down the gauntlet to the lordliest boss of them all, Roscoe Conkling. The subject of miles of newspaper coverage, Conkling was the chief ornament of a gaudy era's public life.

Conkling's initiation to politics came early; his father and older brother were representatives before him. His Republican credentials were also sound. A representative from 1859 to 1867, except for one term in 1863–1865, he was a staunch War Republican and Radical, and earned a reputation for rigid party allegiance and cutting invective. He summed up his party philosophy in this way: "I do not know how to belong to a party a little."[20]

The public knew Conkling more as a personality than a politician, and he assiduously cultivated their attention. Tall and graceful, with a golden beard and auburn hair, he wore a single "Hyperion curl" dangling carefully down his handsome forehead. On the Senate floor, Conkling was a veritable bird of paradise amidst a barnyard of drabber fowl. While his colleagues favored black, Conkling sported green trousers, scarlet coats, gold lace, striped shirts and yellow shoes. Though charming when necessary, arrogance more often characterized him. On many mornings, enveloped in a cloud of expensive cologne, he strode scowling to his seat amid the adoring sighs of the ladies in the galleries, and nodded curt thanks for the baskets of roses they often sent to his desk. If he condescended to send a note to one of the women above, he did so on lavender paper in mauve ink, and when he needed a page to deliver it, he clapped his hands imperiously like a Roman senator. Conkling did not walk; he swaggered. James G. Blaine of Maine gained his eternal enmity by once mocking him for his "turkey gobbler" strut. Foes sneered at "the curled darling of Utica," but Conkling dismissed their criticism as envy.[21]

Conkling often regaled friends with lampoons of "snivel service reform." Now he marshalled his forces to thwart the president, who did not seem to know his place. Counseling Arthur and Cornell not to resign, Conkling left for a European vacation, certain Hayes would back down. Upon his return in August 1877, however, he was surprised to find the matter still very much alive. He learned that when the 45th Congress convened in October Hayes intended to send the Senate the nominations of two businessmen to replace his cronies.

Conkling was livid with rage over this challenge to his authority. At the state Republican convention in September, he lashed out at all reformers and at the administration. The hot lava of his contempt splashed on "the dilettanti and carpetknights of politics, men whose efforts have been expended in denouncing and ridiculing and accusing honest men . . . Their vocation and ministry is to lament the sins of other people. Their stock in trade is rancid, canting self-righteousness. They are wolves in sheep's clothing." Even his friends worried that Conkling had gone too far this time.[22]

Hayes fired the next shot. As Conkling knew he would, Hayes sent his nominations to the Hill in October. By naming moderate Republicans, not reformers, to the Customs House posts, he hoped to mollify Conkling, but Conkling was in no mood for compromise. After much blustering and fuming, his Commerce Committee unanimously rejected the nominations. Appealing to "senatorial courtesy," Conkling urged the full Senate to stand behind him. On December 12, after issuing threats, cashing in political IOU's, and invoking the "dignity of the Senate," Conkling whipped enough colleagues into line to defeat Hayes' nominations, 31 to 25.[23]

Conkling savored the victory, little noting how much it had cost him. Unbowed, Hayes confided to his diary, "I am right, and shall not give up the contest." The nation agreed with the president. At Christmas-time, vacationing congressmen found constituents disgusted by the Senate's actions. With issues like free silver and spreading economic depression to contend with, they asked, didn't senators have more important things to do than quarrel over customs houses?[24]

Hayes bided his time until July 1878. Then, after Congress adjourned and Conkling and his friends disbursed, he suspended Arthur and Cornell, and made interim appointments. In December, he sent his nominations to the Senate again. Conkling stormed about the committee rooms and corridors, but he was running scared. Sherman, on the president's behalf, made promises and pulled wires, aiming for the votes of Republican senators tiring of Conkling's diatribes. On February 3, 1879, enough of them joined with Democrats to approve the nominations. Conkling sulked but would be heard from again.[25]

Hayes' triumph was a serious blow to Conkling and the oligarchical bosses, but the victory had extracted a high price. The Republican party was left torn into three pieces: there were the administration adherents, Conkling's "Stalwarts," and the "Half Breeds" who stood between them and increasingly looked to Senator James G. Blaine for leadership. In the elections of 1878, this loss of cohesion and prestige among the Republicans combined with other elements to give the Democrats control of both houses for the first time since the Civil War.

The fight over the New York Customs House and all it represented was sharp and important, but the general public had other worries that found their way into the Senate chamber. The primary issues were economic ones and centered around the questions of silver and "greenbacks."

Though Hayes and John Sherman, "The Ohio Icicle," were determined to maintain the gold standard to assist business, the continuing effects of the depression that began in 1873 increased agitation among farmers,

workers, and debtors for an inflated currency of silver as well as greenbacks. In 1875, the uniting of agriculture interests with the silver-mining advocates of the West into a loosely organized party known as the "Greenbackers" had helped give the Democrats control of the House. In December 1876, the House passed a bill introduced by Missouri Democrat Richard Bland for the free and unlimited coinage of silver and the end of the Coinage Act of 1873, which had demonetized silver, making it the sole metal used in coins. The Republican Senate quashed the measure.[26]

To the Republicans' dismay, in the fall of 1877, the House again passed Bland's bill. The party was badly divided on the issue. Party leaders feared that enough Republicans would join Democrats to muster the votes to pass a silver bill over a presidential veto. Hoping to prevent matters from getting out of hand, Sherman enrolled William B. Allison of Iowa, the astute and influential Republican chairman of the Senate Finance Committee, to try to work out a compromise that would appease both sides.

Allison, a quiet "politician's politician," would in time become one of the most powerful men in the Senate. Forty-eight years old, a short, stocky man with a spade beard, always meticulously dressed, he had entered the House in 1862 and ten years later began what would be thirty-five years of service to the Senate. A conciliator and compromiser, he believed in reasonableness and worked constantly behind the scenes to smooth quarrels and bring opponents together. His air of caution led some to maintain that he never ventured an opinion of his own. "I always like to vote, if I can," he said, "so as not to be called upon to explain too much at home." "He was so pussy-footed," said a Senate colleague, "he could walk from New York to San Francisco on the keys of a piano and never strike a note." [27]

Allison worked through the winter to amend Bland's bill, eliminating the features most opposed by eastern moneyed interests but allowing a controlled silver coinage. After passing both the House and Senate in mid-February, the Bland-Allison Act went to the White House. Hayes vetoed the bill and sent it back. Congress was angry. The House overrode the veto, 196 to 73. A special messenger brought the bill to the Senate, which followed suit, 46 to 19. The bill was law two hours after leaving the President's desk.[28]

Whatever its economic aspects, the Bland-Allison Act was good politics. In effect, the Republicans got credit for helping silver and favoring moderate inflation, and yet managed to keep their conservative business constituency placated. It was an especially effective move in the Midwest, which had critical votes for 1880, where it blunted the edge of Greenbackism, though that party won 14 House seats in the November congressional elections. The controversy rounded out a year of strained relations between Congress and the president. To his diary Hayes confided, "The year, as I think of the scenes through which I have passed, seems an age." [29]

Hayes called the Forty-Sixth Congress into session early, on March 18, 1879, to tend to legislation left dangling at the end of the stormy Forty-Fifth. Though a majority in both Houses, the Democrats' margin of control was slender. The Forty-Sixth Congress was largely unproductive, marred by party wrangling and continuing impasses with the president. The senators' penchant to argue against petty pet peeves or for favorite whims while major issues were left languishing did little to increase the respect accorded the Senate by the people. Congress looked parochial and obstructive. It seemed intent on fulfilling Mark Twain's dictum that had Congress been present when the Deity said "Let there be light," mankind would never have had any.

Hayes usually emerged from these fracases looking better than Congress. The legislators had a bad press.

That is one of our problems today, incidentally.

"You can't use tact with a Congressman!" a cabinet member told Henry Adams. "A Congressman is a hog! You must take a stick and hit him on the snout." Legislators' personal conduct did not help their image.

That is also part of our problem in our own era, from time to time. "The Hole in the wall," the members' refreshment bar between the House and Senate, served more than lemonade. Ladies in the galleries constantly fanned aside a stale haze of cigar smoke.[30]

Incidentally, no smoking is allowed in the Senate Chamber today, whether or not the Senate is in session. The rules say there will be no smoking in the Chamber. It might be well for Senators to know that, that no smoking is allowed in the Senate Chamber, at any time.

Am I correct, may I ask the Chair?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I thank the Chair.

Also, the putting of feet on desks is another matter that, while I do not think the rules speak to it, is a bad thing to do—Senators putting their feet on their desks. What do the people in the galleries think when they see Senators putting their feet on these handsome desks?

While I think of it, perhaps I should interject another little item that is not exactly out of keeping with my statements in connection with the history of the Senate

That is that there is a motion often made in the Senate which has no place under Senate rules. That is the motion, "Mr. President, I move the amendment," or, "Mr. President, I move the passage of the bill."

There is no such motion. I ask the President if that is correct.

The PRESIDING OFFICER. The Senator is correct. That is not part of the rules of the Senate.

Mr. BYRD. Exactly. The Senate, unlike the House, does not move the previous question to shut off debate. One of my good colleagues, the other day, moved the adoption of an amendment. I said "You don't have to do that."

He said, "What do you have to do?"

I said, "Just sit down and if no one seeks recognition, the Chair will automatically put the question."

I do not want to appear as attempting to lecture my colleagues, but I do wish we would get out of the habit of "moving" the amendment or "moving" passage of a bill. The Chair will take care of that. When no Senator seeks recognition, the Chair automatically puts the question of adoptions of amendments and passage of bills.

I hope that these remarks will be helpful to Senators and staffs.

Now, if I may return to my prepared remarks, most of the party leaders in the Senate spent the Forty-Sixth Congress grooming contenders for the presidency, which Hayes had announced he would vacate after one term. Conkling, making a swift recovery after his defeat at Hayes' hands, was sent back to the Senate by New York for a third term in 1879, and immediately began scheming to regain control of the presidency by convincing his Stalwarts to nominate Grant for a third term. No amount of polish, however, could give luster to Grant's tarnished image, and he was opposed within his own party by Half Breeds James G. Blaine and John Sherman. Sherman's campaign was managed by House Republican leader James A. Garfield.

At the Republican convention, Conkling held 306 votes for Grant through 36 ballots, but they were not enough to win. On the thirty-fourth ballot, Garfield began to receive votes. On the thirty-sixth ballot, a stampede of switches from Blaine and Sherman gave the surprised Ohio congressman the nomination. As a sop to try to hold the Stalwart's loyalty in the election, the convention nominated Conkling's somewhat stained lieutenant, Chester

Alan Arthur, for vice president. The Democrats nominated Civil War Union General Winfield Scott Hancock, but it was the struggle for future power, patronage, and spoils between the Stalwart and Half Breed Republican factions of Conkling and Blaine that made the 1880 presidential campaign interesting.

Garfield received 214 electoral votes; Hancock, 155. The Republicans regained control of the House but had to settle for an evenly divided Senate. This was a very interesting situation: the first and only time the Senate has been evenly divided. And it caused all sorts of problems. During the Special Session of the Forty-Seventh Congress called by President Garfield on March 10, 1881, questions immediately arose over who would be president pro tempore and which party would hold committee control. After several days of wrangling, the Democrats selected one of their own, Thomas Bayard of Delaware, president pro tempore.

Democratic Senator George Pendleton of Ohio then proposed that the same committee make-up that existed during the Forty-sixth Congress remain in place, meaning, of course, that the Democrats would retain the chairmanships. When the question came to a vote, the result was a predictable 37 to 37 tie, which Vice President Arthur broke by voting to defeat the proposal. Immediately, Republican Senator Henry Anthony of Rhode Island popped up to offer his own proposal to organize the committees with Republican majorities. Not surprisingly, this also led to a tie vote, which, also to no one's surprise, Arthur broke with an "aye" vote. Thus the Forty-Seventh Congress got off to a delicately balanced start.[31]

Garfield's real problems began after the election when competing factions in his own party began to demand the payoffs promised them in return for their support. Conkling was not sorry to be rid of Blaine, whom Garfield had rewarded by naming Secretary of State, in the Senate, but was suspicious of the power his foe could wield in his new position. Conkling was also bitter over the lack of respect the new president was showing toward his powerful New York machine. One bright spot for Conkling was his certainty that the New York legislature, which he controlled, would send his fellow spoilsman Tom Platt, "the Machiavelli of Tioga County," to join him and bolster the Stalwart ranks in the Senate in January 1881.

Garfield, urged on by Blaine, decided to put an end to Conkling and the incessant intra-party bickering plaguing the Republicans. The drama unfolded in the Senate. On Monday, March 21, 1881, Garfield sent up a list of appointments for confirmation. Mugwumps and Half Breeds were furious—the names were all of Conkling men. But on Wednesday, March 23, Garfield dropped his bombshell. A Senate clerk carried a special message to Vice President Arthur, who was presiding. Conkling was writing at his desk. Arthur opened the paper, blanched, and signaled the senator. The reading clerk announced that the president had removed the Collector of the Port of New York and nominated another. Conkling was taken by surprise. He sputtered to a friend, "The nomination is the result, sir, of a perfidy without parallel." Senator Henry Dawes of Massachusetts wrote his wife that "Conkling raged and roared like a bull * * * for three mortal hours." [32]

As the battle lines were drawn, Senator Allison, acting as go-between, told Garfield that Conkling resented the lack of respect for senatorial courtesy as much as the personal affront. Garfield acknowledged that he saw the fight as an effort to establish presidential prestige as much as to humiliate Conkling. "It had better be known, in the outset," he proclaimed, "whether the president is the head of the government, or the registering clerk of the Senate." And he vowed, "They may take Robertson (his nominee) out of the Senate head-first or feet-first; I will never withdraw him." In May, after wooing a steady stream of senators at the White House, Garfield announced that he had enough votes to confirm his nominee.[33]

Conkling was undone, but he made a last-minute effort to avoid humiliation. On May 16, Conkling and Platt resigned from the Senate, counting on the New York legislature to immediately re-elect them in a show of confidence. Arthur read their letters of resignation to an astonished Senate.

Conkling had miscalculated the public mood. A chorus of ridicule descended on him. "He has acted the boy," a Senator complained, "and is now trying to bully the Senate." A newspaper reported that two orphans had resigned from an asylum because they got no molasses on their bread. Senator Dawes said Conkling was "a great big baby, boo-hooing because he can't have all the cake, and refusing to play any longer * * *"[34]

Instead of the instant acclaim Conkling expected from New York, the state legislature dickered and bickered and balloted throughout May and June. Conkling had the sinking feeling that he was finished. In fact, his political future ended even more suddenly then he expected.

On the morning of July 2, 1881, Garfield was about to leave the Washington train station to visit his sons at Williams College when two shots rang out; one bullet grazing the president's arm, the other lodging in his back. The crazed assassin, Charles Guiteau shouted, "I am a Stalwart, and now Arthur is President." Garfield suffered through the summer, weakening each time the doctors vainly searched for the bullet.

On July 22, the New York legislature refused to return Platt and Conkling to their Senate seats, and replaced them with relatively unknowns. Garfield murmured, "Thank God!"

The press almost universally condemned the Stalwarts, not so much for inspiring Guiteau directly, but for creating a situation where such animosity reigned. As Garfield's life hung in the balance, attacks on the spoils system increased apace with public demand for an end to the office seeking that had produced men like Guiteau. Congress was flooded with petitions demanding Civil Service reform. When Garfield died on September 19, Stalwart ascendency and Conkling's career died with him. Few expected to find an ear sympathetic to reform in the new president, Chester Arthur. But Arthur, the political hack, the "nobby dresser" with Dundreary-style side whiskers, straightened out with a start.

The mid-term elections of 1882 saw the Democrats regain their hold in the House, but, in the Senate, the Republicans won a slim margin of control. During the short December to March session of the Forty-Seventh Congress that followed, the Republicans, hoping to establish a record for 1884, treated the country to a political spectacle rare for the era—an active lame-duck session. The first of the several major issues attacked that busy winter was the long-awaited Civil Service reform.

With Arthur's forthright call for reform in his annual message to Congress in December ringing in their ears, Senators turned to consider a bill, prepared by the Civil Service Reform Association, which had passed the House. The bill's Senate sponsor was George Pendleton of Ohio. A big man, with a handsome beard and gracious style, Pendleton was known as "Gentleman George." Few expected an Ohio Democrat, especially one noted more for his cravats and manners than for his ideas, to be the chief espouser of reform. But Pendleton realized that his party could not afford to let the opposition get all the credit for implementing so popular a reform so close to election time.[35]

Throughout December, the Senate hotly debated the issue of Civil Service reform. The usual opposition to permanent presidential appointment arose. The New York Sun voiced old fears of an independent service: "The proposition that men shall be appointed of office as the result of examina-

tions in book learning and that they shall remain in office during life, is a proposition that ought to be speedily broken down and turned out." The examples of Prussia and England automatically offended certain patriots. A much more important fear sustained some opposition. At a time when few men had more than grammar-school learning, they logically assumed written examinations would produce an establishment of socially conservative rulers. The West and South feared eastern domination in the Civil Service.[36]

Most Democrats preferred to win the election of 1884, clean out the Republicans, and then enact a law to protect their own new appointees. The Democrats were hardly blind to the benefit the proposed legislation would prove to the party in power when it was passed. Democratic Senator Joseph Brown of Georgia sarcastically suggested that the bill in question be labeled "A bill to perpetuate in office the Republicans who now control the patronage of the government.[37]

Numerous amendments relieved much, but not all, of the anxiety many senators felt toward reform. In the end, most agreed with Senator Joseph Hawley of Connecticut who persuasively argued, "* * * the public sentiment has to come to absolutely demand it; the necessities of the case demand it; for with the growth of the country to 55,000,000 people, and the growth of the list of appointees up to more than 100,000, it is quite obvious that in a short time this business of peddling patronage will absolutely crush every executive department." Finally, at the end of December, with 43 percent of the members absent, the Senate passed the Pendleton Act, establishing a Civil Service Commission, by a vote of 39 to 5. Though it was, as Senator Henry Dawes of Massachusetts claimed, extremely permissive, covering only about 15,000 jobs, or 10 percent of the federal service, it was a start.[38]

Though they had hammered out a major reform act, the weary senators, many of them "lame ducks," could still not head for home. An even more abstruse problem confronted them—tariff schedules. Returning prosperity as well as the taxation policies inaugurated during the Civil War, based largely on high protective tariffs, were bringing into the Treasury embarrassing surpluses. Even Congress found itself hard pressed to spend all the extra money on pensions for Civil War veterans—whose votes gratefully supported the Republican machines that took credit for them—and "pork barrel" legislation—a term which is used at times today. Cries for an end to high protective tariffs, which opponents claimed earned huge profits for monopolists while keeping prices high for farmers and consumers, arose from several quarters.

While protection was largely a Republican doctrine befitting the party's industrial-urban constituency, President Arthur was surprisingly responsive to pleas for reduction. He favored the establishment of an expert commission to furnish Congress with information and recommendations for revisions. Congress was, however, ungrateful. Most senators did not welcome the prospect of tariff revision. They only grudgingly agreed with Senator Justin Morrill of Vermont, father of the existing tariff schedules, who grumbled, "I suppose that if the Bible has to be revised from time to time, the tariff may have to be." In May 1882, Congress had reluctantly established the commission. Its members worked throughout the summer and now, at the Congress' end, had very inconveniently made their report favoring an expanded free trade list and lower duties on major items.[39]

A Boston newspaper urged Republicans to heed the call for reform and warned them not to "pretend to reduce the tariff, and not do it." But that is exactly what they did. Republican members of the House Ways and Means Committee, led by William "Pig Iron" Kelly of Pennsylvania, ignored the Commission's report and devised a bill of their own. At the same time, the Senate Finance Committee set about independently to draw up its own version of a new tariff. The House version tended to help raw material producers; the Senate's, manufacturing interests. Both defeated the intention of the tariff reformers by yielding to the arguments of the hundreds of lobbyists who swarmed through the halls of the Capitol.[40]

As the lame duck session dragged on, an emergency arose for the protectionists. As I noted earlier, in the fall elections of 1882, the traditionally anti-protectionist Democrats won control of the House. Protectionists realized that they must pass their desired bill before the Forty-Seventh Congress ended or not at all.

By a series of skillful parliamentary rulings, House protectionists ended debate just four days before the end of the session, and sent the bill to a conference committee dominated by protectionists. In twenty-four hours, the joint committee wrote an entirely new bill, incorporating many increases and only minimal reductions. On March 3, 1883, the last day of the Congress, what opponents labeled the "Mongrel Tariff" passed both houses and was signed by President Arthur.[41]

Congress adjourned with relief and a mixed record. Senators went home to reflect on their handiwork and ponder the next year's presidential campaign. The Republicans were a minority congressional party once again. They knew as well as the Democrats that if the Democrats could produce a reasonable presidential candidate in 1884, they might capture all the citadels of power. I think I will stop here for today, leaving our predecessors on both sides of the aisle to the summer's heat and to their respective moods of dread and excitement.

FOOTNOTES TO "THE GILDED AGE TARNISHES" (1877-1884)

[1] H. Wayne Morgan. *From Hayes to McKinley: National Party Politics, 1877-1896.* (New York: 1969), pp. 1-2.

[2] Alvin Josephy, Jr. *On the Hill.* (New York: 1979), p. 243.

[3] C. Vann Woodward. *Reunion and Reaction.* (Garden City, New York: 1956), pp. 161-163; *Congressional Record.* 44th Congress, 2nd sess., pp. 713-724.

[4] *Senate Journal.* 44th Congress., 2nd sess., pp. 173-174.

[5] *Dictionary of American Biography.* Vols. V-VI. (New York: 1946), pp. 24-27.

[6] *Dictionary of American Biography.* Vols. XIII-XIV, pp. 263-264.

[7] *Dictionary of American Biography.* Vols. VII-VIII, pp. 15-16; Vols. I-II, pp. 71-72.

[8] *Dictionary of American Biography.* Vols. XVII-XVIII, pp. 515-516.

[9] Woodard, pp. 164-166.

[10] *Congressional Record.* 44th Congress, 2nd sess., pp. 1195-1198.

[11] Throughout the month of February 1877, sections of the proceedings of the Electoral Commission appeared in the *Congressional Record,* interspersed with both the House and Senate business.

[12] Woodard. pp. 166-169.

[13] *Congressional Record.* 44th Congress, 2nd sess., p. 2068; *New York Tribune,* March 2, 1877.

[14] *New York Tribune.* March 5, 1877; Harry Barnard. *Rutherford B. Hayes and His America.* (New York: 1954), p. 403.

[15] Josephy, p. 245.

[16] Josephy, p. 232.

[17] Erwin Bradley. *Simon Cameron, Lincoln's Secretary of War.* (Philadelphia: 1966); William Foulke. *The Life of Oliver H.P.T. Morton.* (Indianapolis: 1899); Donald Chidsey. *The Gentleman From New York: A Life of Roscoe Conkling.* (New Haven: 1935).

[18] Josephy, pp. 237-238.

[19] Morgan, p. 32.

[20] David Rothman. *Politics and Power: The United States Senate, 1869-1901.* (Cambridge: 1966), pp. 26-27; Josephy, p. 237; Morgan, p. 33.

[21] Ibid.

[22] *New York World,* September 27, 1877; Alfred Conkling. *The Life and Letters of Roscoe Conkling: Orator, Statesman, Advocate.* (New York: 1889), pp. 658, 538-550; Morgan, p. 37.

[23] *Senate Executive Journal.* 45th Congress, 2nd sess., p. 171.

[24] Josephy, pp. 248-249.

[25] *Senate Executive Journal.* 45th Congress, 3rd sess., pp. 502-504.

[26] Josephy, p. 252.

[27] Leland Sage. *William Boyd Allison: A Study in Practical Politics.* (Iowa City: 1956); Morgan, p. 49.

[28] *Senate Journal.* 45th Congress, 2nd sess., p. 249.

[29] Morgan, p. 50.

[30] Morgan, pp. 51, 55; Henry Adams. *The Education of Henry Adams.* (New York: 1931), p. 261.

[31] *Senate Journal.* 47th Congress, Special Session, March 10, 1881, pp. 33, 413, 416-418, 421, 423-425.

[32] Thomas Platt. *The Autobiography of Thomas Collier Platt.* Louis Lang, ed. (New York: 1974), p. 149-150; Morgan, pp. 131-134.

[33] Morgan, 132-135.

[34] Ibid.

[35] *Dictionary of American Biography.* Vols. XIII-XIV, pp. 419-420.

[36] *New York Sun.* July 24, 1884; Morgan, 163.

[37] *Congressional Record.* 47th Congress, 2nd sess., p. 66.

[38] Ibid., pp. 245, 275; Morgan, pp. 162-65; *Senate Journal.* 47th Congress, 2nd sess., p. 140.

[39] Ida Tarbell. *The Tariff in Our Times.* (New York: 1911), p. 98.

[40] *Boston Daily Advertiser,* January 6, 1883; Josephy, p. 254; Morgan, 172-173.

[41] Morgan, p. 172; Josephy, p. 254.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 3 P.M. TODAY

Mr. BYRD. Mr. President, I ask unanimous consent, at the request of the distinguished majority leader, that the RECORD remain open until 3 p.m. this afternoon to accommodate Senators.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

ADJOURNMENT TO MONDAY, JULY 25, 1983

The PRESIDING OFFICER. Under the previous order, the Senate will stand in adjournment until 12 noon Monday next.

Thereupon, at 2:19 p.m., the Senate adjourned until Monday, July 25, 1983, at 12 noon.

SENATE—*Monday, July 25, 1983*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Thus saith the Lord, What iniquity have your fathers found in me, that they are gone far from me, and have walked after vanity, and are become vain?—Jeremiah 2: 5 (KJV).

Merciful God, these words of the prophet Jeremiah remind us of our propensity and peril in forsaking the living God. We come by idolatry so easily—not that of primitive man, but the subtle idolatry of sophisticated society. Failing to worship Thee, we embrace the seductive gods of power, position, prestige, popularity and money. Incurably religious, and refusing to follow Thee, we follow false gods and change into their image. "Following hollow gods, we become hollow souls." (Paraphrase of Jeremiah 2: 5).

Forgive us Lord for starving our souls. Help us to understand that if we will not love Thee, we will find a substitute, even if that substitute is No-God with a capital "N." Renew us, gracious Father, that in worshiping Thee, we may grow into the image of the perfect human, Jesus. In His name we pray. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, it is my understanding that the reading of the Journal has been dispensed with, that no resolutions are to come over under the rule, that the calendar call has been dispensed with, and that the morning hour is deemed to have expired. Is that correct?

The PRESIDENT pro tempore. The Senator is correct.

Mr. STEVENS. There is one special order?

The PRESIDENT pro tempore. The Senator is correct.

Mr. STEVENS. Mr. President, I ask unanimous consent that the leadership time be reserved until after the special order of Senator BINGAMAN.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. BYRD. Mr. President, I yield back my time.

RECOGNITION OF SENATOR BINGAMAN

The PRESIDING OFFICER (Mr. PRESSLER). Under the previous order, the Senator from New Mexico (Mr. BINGAMAN) is recognized for not to exceed 15 minutes.

A POSITIVE U.S. ROLE IN CENTRAL AMERICA

Mr. BINGAMAN. Mr. President, on behalf of myself and the distinguished senior Senator from Hawaii (Mr. INOUYE) and 15 other Members of this body, I am today submitting a resolution which addresses one of the most critical issues that confronts our Nation—the nature of our involvement in the escalating conflict in Central America.

This resolution would express the sense of the Senate that U.S policy in Central America should be redirected toward three fundamental goals:

First, a firm commitment by this Nation to the peace proposals put forward by the four-power Contadora group;

Second, an immediate offer by the United States to halt the shipment of arms into Central America and to assist with the verification of an arms freeze if a mutual cessation of the arms traffic can be arranged; and

Third, the termination of American support for the guerrilla forces fighting against the Sandinista regime in Nicaragua.

As I see it, the choice we face today is a simple one but a very important one. Are we to assist in the complicated and difficult search for peace in our own hemisphere, or are we intent upon imposing our will by force of arms?

In his speech to a joint session of the Congress on April 27, President Reagan stated that he supported four goals in Central America—democracy, economic development, regional security, and dialog among all parties in the region. There are very few among us, either here in this Chamber or across our country, who can or should disagree with these lofty goals.

The real question is whether the actions we are taking in Central America at this very time are designed or are likely to achieve these goals. The administration says it favors peace, while it radically ups the military ante. The administration says it believes in the self-determination of nations, yet it supports those whose proclaimed intention is to unseat the government of one of the nations of Central America. There is a glaring contradiction between this activity and the administration's insistence that foreign support for an antigovernment guerrilla movement in a neighboring country is impermissible. Some insurgencies, it would appear, are more equal than others.

As the leaders of four major Latin American nations call upon all parties in Central America to stop the flow of military hardware and to withdraw all foreign advisers, our Government dispatches a carrier task force to the region, the aerial striking power of which dwarfs the combined capabilities of all Central American nations, and we are told that more is to follow. Mr. President, this is not simply gunboat diplomacy. Gunboats could not match the fire power of the armada we are talking about today.

As public and private citizens throughout the hemisphere seek to substitute dialog for destabilization, our answer is to send 5,000 troops to Honduras to participate in what are termed extended maneuvers, provocatively close to the border with Nicaragua. I am not a hairsplitter, Mr. President, but the rotation of a total of 5,000 U.S. military personnel in and out of Honduras during a period described in the press as "at least 4 or 5 months" sounds to me less like maneuvers than a semipermanent American military presence in an area where a low-grade war is already underway and a first-class conflict is only an accident or an excuse away.

My conclusion, and it is a painful and reluctant one, which I believe is shared by many of my colleagues, is that the Reagan administration is ignoring or dismissing real opportunities for dialog and negotiation while pursuing a single-minded policy of military and paramilitary action.

I am not encouraged that the administration will pay heed to anything short of a national groundswell of public opinion. Last week, the President announced the creation of an allegedly objective commission to study U.S. policy options in Central America. Its head is the distinguished former Secretary of State, Henry Kissinger. Dr. Kissinger was quoted in the April/May edition of the magazine Public Opinion as saying:

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

I support the idea of giving military equipment to guerrillas that fight the Sandinistas. That is a legitimate exercise of our intelligence function. . . .

He also observed that:

If the purpose of the covert operations is to prevent infiltration from Nicaragua through Honduras, then I would rather see an overt American military presence on the Honduran-Nicaraguan border.

As I understand the upcoming 5-month "maneuvers," Dr. Kissinger will get his wish.

Mr. President, a truly bipartisan and objective commission could provide a useful service to the Nation if it were to present us with a dispassionate and unbiased program for building trust between the United States and its Central American neighbor, but the objectivity of Dr. Kissinger and much of the rest of the Commission is very much in doubt.

In any case, the appointment of a commission cannot be used as an excuse for delay in correcting the obvious errors of this administration. It cannot be used as an excuse for continuing paramilitary activity as usual. It cannot be used as an excuse for sidestepping negotiations and ignoring opportunities for compromise. It should not deter us from pursuing a halt to the arms buildup in Central America. It cannot be used as a rubber stamp for a bankrupt policy.

Mr. President, our country needs an alternative policy in Central America that is consistent with the interests and principles of the people of the United States. We need a public commitment to a positive course of action that seeks peace and conciliation first, not confrontation. That is the purpose of this resolution. I am sure that President Reagan would want to be viewed by history as a leader who brought healing and understanding to the Americas. The course we are pursuing today is starkly reminiscent of the actions of William Walker, the Yankee adventurer, who seized power in Nicaragua in the middle of the 19th century.

What is the alternative? What should our policy be?

Eight days ago, Mr. President, the Chief Executives of Mexico, Venezuela, Colombia, and Panama appealed to the nations of Central America, to the United States, and to Cuba to take three initial steps to contain and defuse the growing crisis: First, that countries outside the immediate region stop the flow of armaments into Central America; second, that all foreign military advisers be withdrawn from the region; and, third, that all parties guarantee that the territory of one nation would not be used as a staging ground to support aggression against other nations. I was privileged to be one of three Members of the Senate to participate in an interparliamentary dialog with our Mexican counterparts in Puebla, Mexico, 2 weeks ago. We discussed the Central American situation and the Contadora initiative with Mexican Foreign Minister Sepulveda. From our conversations, I am convinced that the Contadora group is genuinely committed to preventing a wider war in Central America and is hopeful that the United States will ally itself with their efforts to achieve a negotiated resolution of the political differences in that region.

To date, the Reagan administration has paid lipservice to the Contadora initiative, but has done nothing concrete to contribute to its success. Indeed, one might say that it has done much that has detracted from the possibility of success. The administration, through its present policy, is missing a great opportunity to demonstrate that we are big enough, we are magnanimous enough, we are mature enough as a nation to follow the lead of our neighbors in Latin America, instead of ignoring their efforts to achieve a real peace in favor of crude military posturing.

It would be a sign of maturity and strength for this Government to say that Mexico, Venezuela, Colombia, and Panama are headed in the right direction and to pledge our full support for what they are trying to do. To do otherwise would not only be shortsighted and condescending, it would undermine our own ability to provide leadership for the free world. If we expect others to follow us, we must follow others when they deserve it of us.

The resolution which we are submitting today urges our Government to commit itself to the Contadora undertaking. Further, it urges the administration to be the first to pledge that it will not ship more weapons into the region, if the other major arms suppliers, such as Cuba and its allies will agree to do likewise. If such a freeze is to be effective, it must be both verifiable and verified. The resolution also would have our Government lend its considerable technical resources to help monitor any such freeze on the shipment of arms.

Mr. President, before the crisis in Central America can be resolved, it must be contained. The steps outlined by the four Contadora nations can help us toward that goal. The American people have long memories when it comes to missed opportunities, and we owe it to our friends in the hemisphere to support their efforts on behalf of peace and compromise, instead of undermining them with belligerent rhetoric and military deployments.

Mr. President, another part of the resolution deals with the specific question of U.S. support for the forces fighting against the current Sandinista government of Nicaragua. I recognize that this is a sensitive and troublesome issue not only in this body, but elsewhere. Tomorrow our colleagues in the House of Representatives will consider this very subject. Let me make it very clear that I carry no brief for the Sandinista government. Following the overthrow of the Somoza dictatorship 4 years ago, many of us had hopes that the new regime would live up to its announced promises of pluralism and free elections. Those promises have not been fulfilled, and Nicaragua has steadily assumed the trappings and the rhetoric of many of the sad Marxist failures that we have seen elsewhere in the world. Its reliance on Cuban and east bloc support is disturbing, and ultimately to Nicaragua's own disadvantage, since its economy and its security depend not on its bankrupt allies across the Atlantic but on its neighbors in the Americas.

Nevertheless, it should not be an element of American foreign policy to bankroll the violent overthrow of a government simply because we happen to disagree with it politically. Our President's own words seem to confirm that his administration's goal is not to limit Sandinista support for insurgencies elsewhere, but to do away with Nicaragua's current leadership because it is what it is. Ironically, American hostility to the Sandinista junta may have contributed, although it is certainly not the main factor, to the hardening of the political line in Managua.

The resolution which is being laid before you would express the sense of the Senate that our Government should get out of the business of using U.S. tax dollars to decide who should rule in Nicaragua. The continued administration support for such activity is in violation of the spirit of legislation passed by the Congress last December. It runs against the grain of the ideals upon which this Nation was founded. It undermines the efforts of others to bring peace to the region, and it threatens to spark a wider war in the region which could drag in other countries and even ourselves. It brings into question the credibility of our Government's pronouncements and intentions, and it cannot succeed. If the Sandinistas are driven out, the United States will be tainted as it was in Guatemala in 1954 and Chile in 1973, and we will have made heroes of revolutionaries whom history may otherwise judge much more harshly. If the Sandinistas survive, they are much more likely to remain implacably hostile to the United States, and we are likely to have many thousands of armed and disgruntled insurgents on our hands.

Mr. President, this administration should be motivated by a pragmatic and sober consideration of America's

true interests in this hemisphere, and not by rigid ideological preconceptions. The current crisis in Central America cannot be fit into a ready-made ideological framework. The complexity of Central America's own deep-seated economic and social problems cannot be dismissed. The history of U.S. intervention in the region cannot be erased.

The United States of America is the most powerful nation on Earth, economically and militarily. Our country's greatness lies not only in its ability to feed the world and to defend its interests, but it lies in our national character, in the ideas and the ideals that caused this Republic to be born and shaped its destiny. It lies in what Thomas Jefferson called a decent respect for the opinion of mankind. For over 200 years, the attraction of America has been equality and democracy. Only reluctantly have Americans shouldered arms, and then, with few exceptions, only to protect their freedoms.

The current administration seems unable to distinguish between strength of arms and strength of purpose. It is not weakness, Mr. President, to deal with our hemispheric neighbors as friends and equals. It is not weakness to choose negotiation over intimidation, if I may borrow the phrase used by my distinguished minority leader last Friday. It is not weakness to seek compromise with those who are willing to compromise. It is precisely the capability to do these things that is our Nation's strength, the strength that sets it apart from the planet's other superpower. It is no accident that we have friends, whereas the Soviet Union has only clients.

The administration's fascination with military posturing in Central America today demonstrates a contempt for our neighbors and our friends in this hemisphere, for the beleaguered nations of Central America itself and for those countries that have offered their services in the cause of peace. The ostentatious display of military power that the administration is marshalling in Central America, is unworthy of a great nation and throws away the moral advantage that the United States has always enjoyed in the international arena.

If our Nation is to remain a leader in the world, most especially a leader in preserving the peace and security we so treasure, then we must lead by example, not merely by force. We can persuade others by the power of our democratic ideals and the fruits of our free enterprise system, or we can put a gun to their heads. Our current policy seems to be the latter.

Mr. President, I hope my colleagues will take a close look at the resolution that we are submitting this afternoon. I believe it to be good commonsense. I trust that my colleagues and the American people will agree that our country and our ideals are better served by cooperating with our neighbors in the search for peace than by arousing memories of the early decades of this century. The time has passed when the answer to any problem in the Caribbean or Central America is to send in the Marines. The rest of the world has a right to expect more from us today, and we should expect more from ourselves.

Mr. President, I ask unanimous consent to have printed in the RECORD the full text of the resolution.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

ADDITIONAL ORIGINAL COSPONSORS OF RESOLUTION SUBMITTED BY MR. BINGAMAN (FOR HIMSELF AND MR. INOUYE)

Senators Kennedy, Hatfield, Zorinsky, Randolph, Tsongas, Proxmire, Levin, Dodd, Leahy, Pell, Pryor, Matsunaga, Melcher, Sasser, Hart, and Huddleston.

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Whereas the United States has legitimate security interests in Central America, as well as humanitarian concern for the suffering and deprivation caused by continuing conflict;

Whereas the present Government of Nicaragua has not fulfilled its pledges of democracy and pluralism and continues to cause concern among its neighbors, but has nevertheless indicated its preparedness to enter into regional negotiations;

Whereas the four goals outlined by the President in his April 27 address to a Joint Session of the Congress, being democracy, economic development, regional security, and the negotiated settlement of differences, are ones with which the majority of Americans would agree; and

Whereas the chronic economic, social, and political problems of Central America cannot be resolved by military force, and efforts to resist subversion and destabilization cannot succeed without the elimination of existing injustices: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it should not be an element of United States foreign policy to seek the overthrow of governments with which the United States Government disagrees politically;

(2) the President should indicate the support of the United States Government for the Contadora initiative, specifically by endorsing the proposals put forward by the Presidents of Mexico, Venezula, Colombia, and Panama in Cancun on July 17, 1983, including—

(A) the mutual cessation of arms shipments into Central America;

(B) the mutual withdrawal of foreign military advisors from the region; and

(C) a mutual guarantee that the territory of any state in the region will not be used as a base for aggression against any other state;

(3) pursuant to paragraph (2), the United States Government should announce its willingness to pursue negotiations with all nations of Central America towards political solutions as an alternative to the escalation of military conflict in that region, and to stop the shipment of arms into the five nations of Central America by a date certain if other arms suppliers, particularly Cuba and its allies, will agree to do likewise in a manner that is adequately verifiable;

(4) the United States Government should offer technical assistance to the Contadora group or to any other appropriate international bodies which might undertake the responsibility of verification, to assist in verifying that such a freeze on arms traffic has occurred;

(5) the United States Government should cease the funding of guerrilla forces seeking the overthrow of the present Government of Nicaragua, which activity—

(A) violates the spirit of legislation passed by the Congress of the United States;

(B) runs counter to the American tradition of openness and respect for self-determination;

(C) risks the escalation and widening of the existing conflicts in Central America; and

(D) undermines American credibility abroad and at home; and

(6) the United States Government should exert vigorous diplomatic efforts to persuade other governments involved in the region (A) to exercise equal restraint and (B) to cease all activities aimed at the destabilization of existing governments in Central America.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. TSONGAS. Mr. President, will the Senator yield?

Mr. BINGAMAN. I yield.

Mr. TSONGAS. Mr. President, I commend the President on his resolution.

I think the value of the resolution is the fact that it picks up on two major points.

One is that the U.S. Government is involved in activities that violate the spirit of what this country is about; and, No. 2, saying that does not in any way endorse the Sandinista administration.

I think the dilemma that many people have found themselves in is not being able to distinguish the criticism of what the United States is doing from the apprehension of what the Sandinistas are doing.

I will be going to Nicaragua in August with a group of people, and we would like to bring the message to the Sandinistas, even those of us who are not particularly pleased with what they are doing in terms of moving away from pluralism.

I am strongly opposed to U.S. involvement there and what is now building up as a forerunner of military involvement because of the internal values of the United States, and that balance which you have achieved in your resolution I think is critically important, and I commend the Senator on that balance.

Mr. BINGAMAN. I would like to thank the distinguished Senator from Massachusetts and to indicate that we are obviously honored to have him as a cosponsor of the resolution.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 1 p.m. with statements therein limited to 5 minutes each.

NO, THE RUSSIANS ARE NOT 10 FEET TALL—NOT EVEN 6

Mr. PROXMIRE. Mr. President, people ask me who was the ablest Senator you have served with in your 26 years in the Senate. It is a question I cannot answer because abilities vary so. But certainly among the wisest were Paul Douglas and Jack Javits and William Fulbright. Fulbright had a quality of impolitic frankness that was specially useful. You will rarely find a Senator who will not argue at the drop of a gavel that this is the greatest country on the face of the Earth, that our people are the salt of the Earth, and that every action this country has taken in foreign policy has been true, right, and good. And even fewer Senators seem to have any disposition to challenge those who speak out in committee or on the floor denouncing our adversaries—especially the Soviet Union. Those denunciations, of course, became a hallmark of my notorious predecessor in the Senate, Joe McCarthy. Fulbright was one of the few who stood up to McCarthy.

Fulbright showed an even stronger courage in being out in front in challenging the estimates of Soviet military strength by our military leaders. Bill Fulbright loved to do exactly that. When defense officials would argue that we had to spend billions on aircraft carriers and exotic fabulously expensive fighter planes and superdeadly missiles. Fulbright would always remind us that the Russians, as he loved to say, are not 10 feet tall. He agreed that sure they were and are a tough, formidable genuine threat. They live under an iron dictatorship which is truly totalitarian in every sense. That dictatorship has total control of every phase of national life in the Soviet Union, particularly those elements of life that determine public attitudes.

It controls the press—every aspect of the press. And how it controls the press. Think of it. It controls every picture, every word that emerges from television, from radio, from the printed press. Its iron fist rules the libraries, the schools, the bookstores. All reflect the party line, and only the party line. All promote whatever attitude the state wishes to inculcate. And, of course, this absolute monopoly over all information gives the state an immense power. The ownership of every vestige of capital—every job, every element of economic endeavor gives the state its supreme enforcement mechanism. If you are a Russian, you agree or you do not have a job. You submit and forgo any protest or you starve. And, yes, the Soviets have been able to maintain this immense internal power in that great country for some 65 years.

In spite of this suppression of the human spirit, the Soviets through focusing their resources on military strength—in all its ramifications including the scientific research that provides a military payoff, the education that inculcates necessary skills, the economic achievements that provide a military base, and the narrow exclusive concentration on military muscle—have, indeed, built a military powerhouse.

Fulbright would acknowledge their obvious military strength. But he would call on us to recognize that the Russians are human beings, fallible, limited human beings. Sure, they momentarily beat us into space with their sputnik. Yes, indeed, they have built far more tanks than we have. They have far more, in fact, three times as many, land-based missiles, three times as many nuclear warheads on their land-based missiles, and far more megatonnage throwweight and hard-target kill capacity than we have. But, in fact, their military and especially their strategic weaknesses in comparison with this country exceed their military strength. And when you compare their Warsaw Pact with out North Atlantic Treaty Organization we have the clear advantage.

In a recent editorial, the Milwaukee Journal calls attention to a new book by Andrew Cockburn, "The Threat Inside the Soviet Military Machine." Cockburn like Fulbright points out some human reasons why the Russian military constitutes a lesser threat than most Senators seem to believe. As the Journal puts it:

> Discipline in the Soviet ground forces is abominable. Drunkenness is widespread. Leadership in small military units is in short supply. And deficiencies are swept under the rug.

The Milwaukee Journal also quotes McGeorge Bundy, George Kennan, Robert McNamara, and Gerard Smith on the exaggeration of the Soviet conventional military strength. And the Journal editorial concludes with these words of wisdom:

> A balanced assessment of Soviet limitations and strengths can free this country from the extensive, unnecessary, and dangerous habit of building more and more weapons to keep up with the Joneses who live in the Kremlin. A balanced view would help Americans invest their military dollars wisely instead of blindly and fearfully—help us, in short, to be stronger.

Mr. President, I ask unanimous consent that the editorial from the July 17 edition of the Milwaukee Journal entitled: "Are They Really 10 Feet Tall?" be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ARE THEY REALLY 10 FEET TALL?

Whatever it is that makes the grass grow greener on the other side of the fence also seems to make adversaries grow 10 feet tall.

That's apparently why the Soviet Union is believed, at least by some Americans to possess a military machine that is clearly and dangerously superior to that of the United States. The Soviet Goliath, moreover, can foment successul revolutions in the farthest corners of the globe, steal our secrets and seduce our friends.

So goes the belief—and there is, of course, some evidence to support it. But on balance, the belief in Soviet military superiority is based more on fear than on fact.

Some facts and reflections that deserve to be remembered are contained in a new book, "The Threat: Inside the Soviet Military Machine," by military specialist Andrew Cockburn. The book recently received a favorable review by William E. Colby, who, as director of the Central Intelligence Agency from 1973 to 1976, learned a thing or two of his own about the Soviet threat.

Cockburn concludes, as Colby put it, "that the Soviet Armed forces are far less of a menace than usually pictured," and that "Murphy's Law can apply to the Russians as well as to ourselves." Discipline in the Soviet ground forces is abominable, Cockburn reports, and drunkenness is widespread, leadership in small military units is in short supply and deficiencies are swept under the rug.

Cockburn's is not the only authoritative challenge to the myth of Soviet superiority. "There has been some tendency, over many years, to exaggerate the relative conventional strength of the USSR and to underestimate Soviet awareness of the enormous costs and risks of any form of aggression against NATO," according to four Americans who should know: former National Security Adviser McGeorge Bundy; former Ambassador to Moscow George F. Kennan; former Defense Secretary Robert S. McNamara, and former US arms negotiator Gerald Smith. Even some specialists in the CIA reportedly believe that estimates of Soviet military spending have been overstated for the past six years.

No informed person can possibly believe that the Soviets are angels or pushovers. But it also is important to remember that, as Colby suggests, the Soviets are at least as vulnerable to snafus as anyone else—perhaps more vulnerable, given their sloppy style of government.

That vulnerability should be kept in mind when presidents, generals and defense secretaries plead for ever-larger sums for US military defense against the Soviet Union. The "threat" may not be as threatening as they say it is.

A balanced assessment of Soviet limitations and strengths can free this country from the extensive, unnecessary and dangerous habit of building more and more weapons to keep up with the Joneses who live in the Kremlin. A balanced view would help Americans invest their military dollars wisely instead of blindly and fearfully—help us, in short, to be stronger.

SOVIET JEWS NEED OUR HELP

Mr. PROXMIRE. Mr. President, for years I have urged the ratification of

the Genocide Convention. This treaty first came before the Senate in 1949 in response to Hitler's efforts to annihilate the Jewish people. Ratification of this treaty would be an important step toward helping to insure that acts of genocide and religious persecution never again occur.

Tragically, not much seems to have changed in the 34 years since the Genocide Convention was introduced. The treaty remains unratified. The Jewish people continue to suffer severe persecution no longer from the Nazis, but from the Soviet Union.

A recent article in the New York Times by Seymour Lachman, entitled, "Soviet Jews Need Help," reminds us of the continuing struggle of the Soviet Jews. I would like to draw the attention of my colleagues to some of Dean Lachman's many examples of repressive acts directed toward the Jewish people in the Soviet Union.

The Soviet Government recently arrested mathematician Iosif Begun for attempting to teach the Hebrew language, an act interpreted as "anti-Soviet agitation and propaganda." An engineer met the same fate for organizing Jewish cultural and educational activities in the Ukraine. Children under the age of 14 recently received an official anti-Semitic publication slandering the Old Testament.

The list of atrocities continues, as Dean Lachman describes what many believe to be a campaign to "blot out the collective memory of the Jewish people." Right now, Soviet Jews are trapped, denied the opportunity to emigrate. They look to the United States for help.

Unfortunatley, our protests to the Soviet Government have often been turned against us. Soviet officials accuse us of hypocrisy and a lack of commitment to human rights, using our failure to ratify the Genocide Treaty as an example.

The Genocide Convention is simple and straightforward. First, it defines those actions which, when committed with intent to destroy an ethnic, national, racial, or religious group, constitute the crime of genocide. Second, it calls on all nations ratifying this Convention to make genocide a crime in their own criminal code, consistent with their Constitution and legal practice.

We must ratify the Genocide Convention, as we intended to do in the aftermath of Hitler. Otherwise, our efforts to obtain justice for nearly 2 million Soviet Jews will be severely hampered. Soviet Jews see us as a champion of human rights. We cannot disappoint them.

Mr. President, I ask unanimous consent that a copy of "Soviet Jews Need Help," which appeared in the July 11, 1983, edition of the New York Times, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOVIET JEWS NEED HELP

(By Seymour P. Lachman)

The position of the Jews of the Soviet Union is deteriorating rapidly. There is growing harassment and muzzling of cultural and religious expression that is harsh even by Soviet standards. Iosif Begun, the mathematician, has been arrested and faces a third trial because of his attempt to teach the Hebrew language, which has been interpreted as anti-Soviet agitation and propaganda. Aleksandr Paritsky, an engineer, was arrested, tried and found guilty for the crime of defaming the Soviet state because he organized Jewish cultural and educational activities in the Ukraine.

Many now believe that this oppression is part of a campaign by the Soviet authorities to blot out the collective memory of the Jewish people. Anti-Semitic statements have also become more prevalent in officially authorized newspapers, magazines, books, military publications and even scientific journals.

Recently, "Invasion Without Arms," and officially sponsored anti-Semitic book, was published and republished in 150,000 copies in Moscow. It characterizes the Old Testament of the Bible as, among other things, "an unsurpassed textbook of hypocrisy, treachery, perfidy and moral degeneracy—all the basest human quality." Even the young have not been spared. In a recent issue of Pionerskaya Pravda—an official publication for children under the age of 14—the authorities repeat these anti-Semitic slanders.

As in czarist days, Jews are prevented from entering Soviet universities. Two social scientists, Boris Kanevsky and Valery Sanderov, are in prison for undertaking a study that revealed that Moscow State University practiced anti-Semitism in its admissions policy. Compounding the situation is the fact that Soviet Jewish emigration has practically ceased. Emigration, which had risen to 51,320 in 1979, dropped to 2,688 last year and is down to approximately 100 a month this year. This decline of Soviet Jewish emigration of over 97 percent bears witness to the fact that, more than ever, Russia is still the "prisonhouse of peoples" and in flagrant violation of international agreements, such as the 1975 Helsinki Final Act. The State Department has branded as "patently false" the statement by the newly formed Soviet Anti-Zionist Committee that most Jews who wanted to leave have already left. Our State Department also criticized the Soviet Union for "enlisting people of Jewish ancestry to participate in their anti-Semitic diatribes."

In fact, Soviet policy is even more restrictive than that of czarist Russia, which practiced anti-Semitism but permitted, and at times even encouraged, large-scale emigration. This safety valve no longer exists, even though more than 300,000 Jews have begun the administrative process they hope will lead to departure from the Soviet Union. Some 10,000 of these Jews are now in limbo because, after completing the process, they discovered that their request to leave had been turned down. Many of them are professionals—distinguished scientists scholars, artists and writers—who have been dismissed from their positions because of their desire to leave. We know them as refuseniks, and they are considered pariahs in Soviet society. The more fortunate have found jobs as building custodians or sweepers in movie theaters. Their creative talents have gone to waste since they are denied access to laboratories, libraries, universities, scientific institutes, scholarly journals and recital halls.

And yet they still have a lifeline to the outside world because the American Government has asked members of its diplomatic corps in the Soviet Union to establish regular and subtained contact with these refuseniks. This on-going expression of concern and solidarity has helped give the refuseniks a sense of dignity and an awareness that they are not alone. Recently a letter of protest was submitted to the United States Embassy in Moscow because of weekly visits by an American diplomat to Saturday evening gatherings outside the Moscow synagogue. The protest drew a strong response from Ambassador Arthur A. Hartman, who observed that the diplomat was acting on his instructions to gather information that would broaden the embassy's understanding of Soviet and Jewish affairs.

The refuseniks' isolation could be further broken and spirits raised if diplomats from other nations, such as our NATO allies and other democracies in the world, were to establish similar contacts with them.

Until the Soviet Union agrees to halt the persecution of its Jewish minority, it is imperative that free nations raise the issue in all forums. Furthermore, diplomats of all democratic countries stationed in the Soviet Union should be encouraged to meet with refuseniks, thus focusing on their condition and decreasing their isolation.

THE BOWHEAD WHALE HARVEST

Mr. STEVENS. Mr. President, over this past weekend the U.S. delegation completed work at the 35th annual meeting of the International Whaling Commission in Brighton, England. I attended that meeting at the beginning of this week to encourage member countries to understand and support the limited subsistence harvest which is conducted by the Alaska Eskimos.

I am pleased that the United States, through the able leadership of Dr. John Byrne, the Administrator of the National Oceanic and Atmospheric Administration, was successful in obtaining a quota for 1984 and 1985 for the Eskimo community. A quota of 17 whales struck in 1984 and 16 in 1985, subject to scientific review for the 1985 quota, marks an achievement of the U.S. delegation in convincing members of the International Whaling Commission of the importance in continuing the aboriginal whale hunt in Alaska.

Obtaining that quota involved an agonizing decision on the part of the International Whaling Commission and consensus which finally emerged with some 12 hours in the making, well through Friday night and into Saturday morning. I want to commend the International Whaling Commission for understanding the needs of the Alaskan Eskimos, and in particular to commend Dr. John Byrne for his

leadership and resolve on behalf of the Alaska Eskimo Whaling Commission.

Mr. President, there is a great gap of misunderstanding involving the activities of the Alaska Native people and their continued cultural and nutritional dependence upon the whale harvest. Few people understand that the bowhead whale harvest is the center of cultural activity of those Eskimos who live on the northern rim of Alaska and that the bowhead whale is an integral part of their daily diet. Continuation of this very important cultural and subsistence activity now is assured for next year, and I am hopeful that the United States will continue its very active, supportive role on behalf of the Alaska Eskimos.

SPR FILL RATES

Mr. JACKSON. Mr. President, on Thursday, July 21, 1983, the Wall Street Journal carried an article entitled, "Reagan, Senators Agree on Response to an Oil Shortage," which described the "agreement" announced by Senators MCCLURE and WARNER on reducing the strategic petroleum reserve fill rate in return for certain concessions by the administration on emergency preparedness. The article begins:

The White House and the Senate Energy Committee reached a compromise ending their long dispute over the government's role in dealing with possible future oil shortages.

I feel compelled to set the record straight on two points because this article is seriously in error.

First, the Senate Committee on Energy and Natural Resources, of which I am a member, did not agree to anything, it was not even consulted. The "agreement" is an agreement between Senator MCCLURE, Senator WARNER, and the administration. In fact the agreement is the diametrical opposite of the position of support for rapid fill of the strategic petroleum reserve consistently taken for many years by the committee. It is this committee which initially wrote the Energy Emergency Preparedness Act of 1982, which established the mandatory fill rates for the SPR, the same fill rates that the agreement would repeal.

Second, rather than being the harbinger of compromise, this agreement may well have the opposite effect. For nearly a decade now there has been a bipartisan coalition in the Congress of supporting the rapid buildup of the strategic petroleum reserve. This coalition has been critical to creation of the SPR because this program has no natural constituency. It is the Congress that has consistently forced the OMB of various administrations of both political parties to fill the SPR. A pattern has developed of each incoming administration expressing their commitment to filling the SPR, but when it came time to pay for the program OMB balked. I regret to say that the congressional coalition and bipartisan support has now apparently ended.

This is indeed unfortunate. The strategic prtroleum reserve is not just another energy program. It is the most important emergency preparedness program we have for facing another oil crisis and it is the only energy program I know of which virtually all the experts endorse. There may be other programs that would be useful to have in place when the next supply disruption occurs, but there is no substitute for having an adequate supply of oil in the strategic petroleum reserve at that time.

Mr. President, I ask unanimous consent that the article I cited be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 21, 1983]

REAGAN, SENATORS AGREE ON RESPONSE TO AN OIL SHORTAGE

WASHINGTON.—The White House and the Senate Energy Committee reached a compromise ending their long dispute over the government's role in dealing with possible future oil shortages.

Under the agreement, the Reagan administration pledged to support legislation proposed by the committee "clarifying" the president's authority to distribute petroleum supplies in crises such as the one that followed the 1973 Arab oil embargo. Among other things, administration officials agreed to act to prevent states and localities from interfering with federal allocation plans if oil imports are severely disrupted.

In March, President Reagan vetoed legislation that included many of the same safeguards. He said the bill was based on a faulty premise that giving him additional powers would ensure fair and orderly distribution of oil in a crisis.

However, the president since has dropped his opposition to such proposals and agreed to work with Congress to fashion legislation and develop additional regulations to prepare for oil shortages.

In return, Sen. James McClure (R., Idaho) and other members of the committee agreed to let the Strategic Petroleum Reserve be filled at a slower rate than they previously advocated. Instead of insisting on filling the underground caverns with crude oil at a rate of more than 200,000 barrels a day, the senators said they would accept the current rate of 145,000 barrels a day through fiscal 1988. The administration originally wanted to reduce the rate to about 100,000 barrels a day by 1985.

Continuing the current rate would cost the U.S. billions of dollars less in the next few years than adopting the higher levels previously proposed by Senate and House committees.

There still is strong support in the House for a rapid filling of the reserve and for additional legislation spelling out the president's authority to distribute oil in an emergency. But it isn't clear whether House leaders will try to gain additional concessions from the White House in this area.

LESTER L. ROSEN

Mr. QUAYLE. Mr. President, today marks an important milestone in the history of my political career and in the lives of many of us associated with the U.S. Congress. This evening many of us will gather to pay tribute to Lester L. Rosen, who is retiring as my administrative assistant. Lester has been my administrative assistant since I first came to Washington in 1976, but his unsurpassed professional abilities and personal example and leadership have touched thousands of constituents, Members of Congress, and congressional staffers who have known him over the years. Lester's retirement will create a gap not only in my life and office, but in the lives of all those who have known him over the years. If I can borrow a sports analogy, I would say that we should retire Lester's number much as they do those of the irreplaceable sports stars of this great Nation.

Lester first came to Washington from his native Kansas 22 years ago, in 1961, to head the staff of U.S. Representative Garner E. Shriver. Like many of his fellow midwesterners, Lester did not intend to make Washington his permanent home. However, the success of Representative Shriver in serving his constituents, no doubt owing much to Lester, eventually turned his brief stay into 16 years. By the time Mr. Shriver left the House in 1976, Lester's family had established roots in the Washington area. So it was my good fortune, and that of the Hoosier constituents I represent, to find Lester available to set up my office and guide me through the maze of Washington political life.

Apart from the inherent wisdom which is part of the birthright of Kansans, Lester had had a distinguished career which prepared him admirably for this service in Washington. After serving in the U.S. Army in World War II, Lester completed his B.A. degree in journalism at the University of Wichita. A mark of his prowess as a journalism student is the fact he was immediately hired by his alma mater as director of their news bureau. Then in 1950 Lester became director of public relations for Wichita State, a position he held for ten years before Congressman Shriver lured him to Washington.

I am confident that I am speaking not only for myself, but for my staff and everyone in Washington, Indiana and Kansas who has had the pleasure of working with Lester in saying that he will be sorely missed. His unmatched political and administrative skills, his evenhanded and soothing temperament, and his quiet but effective leadership form a combination of

talents rarely seen around Washington.

Lester's retirement from the rigors and often impossible demands of Capital Hill fortunately does not mean that he will be bowing out of Washington political life. I know everyone will join me in wishing Lester every success in his new career in Washington, and will be happy to know that he will still be available for advice and counsel.

Mr. President, I want to offer this tribute to Lester on the last day of his Capitol Hill career and on the eve of what will undoubtedly be an equally rewarding but hopefully less taxing second career. I know all Lester's friends and colleagues wish him well on this important occasion and join me in thanking him for his service to the people of this Nation over the last 22 years.

FORMER SENATOR LEN JORDAN

Mr. MATHIAS. Mr. President, the country lost a wise counselor, a patriotic citizen and a distinguished legislator by the death of Len Jordan, long a Senator from Idaho. But even more important, we lost a man who knew right from wrong and acted on the basis of what he knew.

Once a Vice President of the United States left the rostrum hn the Senate and approached Senator Jordan at his desk on the floor to solicit his vote on an impending issue. Senator Jordan refused to make any such commitment. At the next caucus of Republican Senators he uttered a warning that if he were ever agaij approached on the Senate floor by a Vice President and asked for his vote, he would automatically vote the opposite way as a protest against such gross impropriety.

During his last term, he was living in an apartment house oj Capitol Hill and proved that his physical courage was as stout as his moral courage. When he was accosted in the elevator by a thief who demanded his watch and wallet, he refused to deliver them and attacked the attacker. For days after that he carried the scars of battle, but he also carried his watch and wallet. His action may not have been prudent, but it was the action of a man who instinctively fought wrongs whenever he saw them.

Len Jordan's legislative record in the Senate was positive and valuable. But I doubt that the many bills and amendments he carried into law will be worth more than his personal example as a man of courage and spirit.

EUROPEAN PARLIAMENT PROJECT

Mr. MATHIAS. Mr. President, I have had the privilege to participate in a series of meetings under the auspices of the Congress—European Parliament Project. The project brings together Members of Congress and members of the European Parliament twice a year to examine political and economic issues which unite or divide us.

We met earlier this month here in Washington and, predictably, economic issues dominated our discussions. The European delegation drafted a letter to their American hosts on the trade problems which trouble relations between the European Community and the United States. This letter was signed by the chairmen of the political groups of the European Parliament and as such represents a significant expression of European opinion. I therefore ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

During our recent meetings with you and other members of the House of Representatives and the Senate, we all agreed that an unwanted but not unlikely trade war could be upon us in the next months. Each of our societies struggles with too low levels of economic activity, problems of industrial and agricultural adjustment and excessively high levels of unemployment. This is a breeding ground for an outbreak of protectionism.

Those of us who are elected representatives, in Europe as in the United States, must face each day demands from our constituents that new barriers be thrown up against imported products. We have come away from our most informative and useful discussions impressed by the need that Americans and Europeans must work together to avoid the outbreak of trade warfare that we all fear.

We agreed that there are no instant, comprehensive and magical answers. The problems that give rise to protectionist sentiment are complex and varied. We believe that a special burden falls on legislators to meet head on these pressure groups, to explain and defend an open trading system, and especially, join with our executive bodies in working out the indispensable compromises that are necessary to hold the system together. To argue for the general good, and for the long term, is not an easy task for any elected representative. But the task can be made marginally easier if both Europeans and Americans join in a common battle for a common interest.

We assure you that we will do our part with each of our political groups. We would appreciate it if you would convey this concern and commitment of ours to your own colleagues.

FORMER SENATOR LEN B. JORDAN

Mr. STEVENS. Mr. President, I would like to take this time to pay tribute to the life of a former colleague who served in this Chamber for 10 years, from 1962 to 1973. I was privileged to have been able to serve with Len Jordan for my first 5 years in the Senate. At that time, I quickly learned that I could always depend on Len for strong support. He readily provided a good listening ear and sound advice whenever I looked to him for guidance. He assumed a great sense of responsibility not only for his family, his constituents from Idaho, and his country, but for his fellow colleagues as well.

Len Jordan's lifestyle depicts the independence on which he based his political career. Having been born in Utah in 1899, he later moved to Idaho with his family in 1933, he then began ranching. He spent the next 8 years in this remote wilderness working on the ranch, building it up almost entirely with his own hands. It is this self-assurance and willingness to assume full responsibility for the welfare of his family that he later expanded to include the people of Idaho and ultimately the rest of the country, when he accepted appointment to the Senate in 1962. His determination, spirit, and ideal of service were a major contribution to the Senate Chamber. These traits helped make America what it is today are ones which we strive to preserve both in our individual lives and in the Senate as a body.

Len's working knowledge of government combined with his principal interest and expertise in our Nation's natural resources made him a valued member of the Senate Interior Committee. His involvement in influencing legislation in the area of resource development and conservation became a commitment that was not just to the Western region of the United States but to areas across the country. He, further, contributed to the shaping of the Nation's economy by sharing his personal knowledge of economic development as a member of the Joint Economic Committee.

Like Len, his wife Grace posesses all those same qualities so respected in Len. There were few people so well matched as these two were. They worked together to tackle the hard times and in the struggle to make a successful life for their family. I know that much of Len's good work and contributions to the Senate were made possible through the loyalty, encouragement, and support he was fortunate to receive from his wife. I have a tremendous amount of respect for Grace, not only for things that she accomplished in her own right, but also for the important contributions made in Len's life.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1 P.M.

Mr. STEVENS. Mr. President, it is my understanding we are to go on the pending business at 1 p.m.

I ask unanimous consent that the Senate stand in recess until 1 p.m. today.

There being no objection, the Senate, at 12:33 p.m., recessed until 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HUMPHREY).

CONCLUSION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

OMNIBUS DEFENSE AUTHORIZATIONS, 1984

The PRESIDING OFFICER. Under the previous order, the hour of 1 p.m. having arrived, the Senate will now resume consideration of the unfinished business, S. 657, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 675) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian empolyees of the Department of Defense, and for other purposes.

The Senate resumed consideration of the bill.

Mr. HART addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. HART. Mr. President, I ask unanimous consent that it be in order to suggest the absence of a quorum, with the time not being charged to either manager of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I ask unanimous consent that the time allotted to the bill be extended from 2 hours equally divided to 4 hours equally divided, consistent with the order previously entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2087

Mr. HART. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Colorado (Mr. HART) for himself and Mr. HATFIELD proposes an amendment numbered 2087. At the appropriate place in the language proposed to be inserted by the Committee substitute, insert the following section:

"SEC. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile.".

Mr. HART. Mr. President, I ask unanimous consent that the time occupied for delivery of my remarks be charged against the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado?

Mr. TOWER. Mr. President, reserving the right to object, would the Senator specify that it be charged against the time reserved to the minority on the bill or the time reserved to the minority leader or his designee?

Mr. HART. Mr. President, I ask unanimous consent that the time occupied by my remarks be charged against the time allocated on the bill to the minority floor manager or the minority leader.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado?

Mr. BYRD. Mr. President, what was the order to begin with? Was it the minority leader or his designee?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, did I make any designation on my side?

The PRESIDING OFFICER. Not as of yet.

Mr. BYRD. Mr. President, for the time being I yield to Mr. HART such time from the time allotted to me for the discussion of his amendment. That way, I retain the control of the remainder of the time under the minority leader's control. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Is that agreeable with Mr. HART?

Mr. HART. Yes.

Mr. President, I thank the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, we have before us the issue of the production and deployment of the MX missile and the basing mode proposed by the President and the administration as recommended by the Scowcroft Commission.

That issue cannot be considered in the abstract. It does have surrounding it both its decision having to do with production and deployment of a number of very serious issues, not the least of these is the issue of how that decision affects our deterrence at all levels.

Mr. President, this country must, in fact, have an ability to deter aggression at all levels.

If we are to accomplish our most important task, which is avoiding nuclear conflict, then our strategic goal must be to have sufficiently effective conventional forces to defeat any potential conventional attack in any area where we are committed. We must have a policy of deterrence at all levels: Highly effective conventional forces to deter conventional attack, tactical and theater nuclear forces to deter tactical and theater nuclear attack, and strategic nuclear forces to deter strategic nuclear attack.

One weapon in this bill relates very directly to our need for deterrence at all levels. The weapon is the MX missile. And that missile and that issue relates also very directly to the conventional forces and our conventional deterrence.

The MX relates to these levels of deterrence in three ways:

First, the money we will spend on MX if in fact we do authorize the MX missile—at least $20 billion, probably close to $30 billion—could go far to strengthen conventional deterrence in those areas where resources are a problem. For example, $20 billion or $30 billion could buy between 6,000 and 7,000 close support aircraft for use in Europe. That same amount of money could buy 20,000 M-60 tanks. It could buy 200,000 armored personnel carriers. Spent intelligently and divided among our several conventional force needs, it could provide not only the equipment but the improved training and ammunition stockpiles U.S. forces need to help make NATO's conventional deterrent credible.

But the MX relates to deterrence in a second way.

Second, MX, if approved, gives a tremendous reward to the business as usual elements in our defense establishment. By doing so, it diminishes the pressure for rethinking concepts, strategies, and force structures. As I have noted, in Korea, in Europe, and in Southwest Asia, the deficiencies in our conventional posture are due more to deficient concepts than to a lack of resources. If we are to raise the nuclear threshold in these areas, and ultimately to move to effective deterrence at all levels, basic changes in strategy, concepts, doctrine, and force structure will be required.

Today, there is a battle going on within our defense establishment between those who want to see such changes and those who oppose change in a bureaucratic sense. The MX is both an example of the policies of those who oppose change and, an important component of their reward system.

If the MX is approved they are rewarded and strengthened, those who

oppose any change in the way we approach our defenses.

If instead Congress says "We will not approve programs that reflect deficient concepts," and no program in this authorization bill more reflects deficient concepts, then those who argue that deficient concepts might be changed will be strengthened within the bureaucracy. This spillover effect is going to be extremely important if we ever get control of the way we go about structuring our national security forces.

But finally the MX is related to deterrence in other ways as well because the MX puts a hairtrigger on our strategic nuclear forces to the degree it is deployed in a vulnerable launch mode and it undermines the utility of strong conventional forces.

Should a conventional conflict erupt in which American-Soviet forces are directly engaged both sides will be asking themselves the questioj: If this conflict does escalate to the nuclear level and the other side strikes first what will the effect be? If the answer is the effect will be devastating because my own forces are very vulnerable to a first strike, then the pressure to launch the first nuclear strike instead of keeping the conflict at the conventional level will be very, very high.

Even if the conventional forces are doing their job and defeating their conventional opponents, the worry that the other side will launch a nuclear counterforce strike will become the paramount consideration.

The MX in a vulnerable mode puts us in precisely this situation, if the Air Force's testimony about the vulnerability of silo-based missiles is correct.

On these three important counts the MX works against efforts to strengthen our deterrence. We must add these important negative considerations to its other disadvantages as we consider whether to approve or reject it.

A different approach toward this budget, this defense budget, and toward our national security would reject it. It would use some of the funds saved by rejecting it to strengthen our conventional forces and it would tell the Pentagon and the President that the Congress will not fund defective concepts.

Mr. President, there is another major area where a new and different approach, if you will a reformed approach, to authorization of our national security forces would differ from this bill, and that is in the weapons that we would fund. Earlier this year the Senator from Colorado issued a detailed defense budget for fiscal year 1984. In it were identified a number of major weapons programs, about $30 billion worth, that are not likely to work in combat either because of deficiencies in the design of the weapon or because the concept which guided the design of the weapon was wrong.

Now a different approach, an alternative approach, to defense would cancel these programs not just to save money but because weapons that do not work kill our own troops and lead to our defeat. They weaken us, they do not strengthen us.

Perhaps the most glaring example of bad concepts leading to bad weapons is in our shipbuilding program. Here we are building a Navy that is almost irrelevant to this country's real military needs. The fleet we are funding in this bill is based on a small number of big aircraft carriers, 15 big carriers. If some elderly ships are kept in service and the two carriers authorized last year are actually completed over the next 10 years the majority of the ships we will build will be designed to act as escorts for these carriers. Most of the money we spend on naval aircraft will be for planes to equip the carriers. The carriers are the queen bees around which the rest of the Navy revolves. It is important to note that because of the Navy's fixation on the big carrier it seriously neglects the element of the fleet that may be the most useful in any naval conflict and that is the submarine force.

This may seem marginally related to the issue of the MX but it is directly related because the resources necessary to close that imbalance are going into a weapons system which does not add to this country's security. This in fact, in the opinion of its opponents, contributes to our insecurity.

The Navy's planned submarine program, if fully carried out—which is unlikely—will just barely keep our submarine force at its current level of around 90 attack submarines. At that level, we are outnumbered by the Soviet submarine force at a ratio of about 3 to 1.

If the carriers themselves were highly relevant to a war at sea, there might be some argument for taking so great a risk in the area of submarines. Unfortunately, they are not. They are not for three basic reasons:

First, the Soviet Navy—our principal naval opponent—is primarily a submarine navy, not a surface ship navy. How do you fight submarines with big aircraft carriers? You do not. The carrier has a few antisubmarine aircraft, but they are really not sufficient even for effective self-defense, much less for taking the offensive against the Soviet submarine force. Most of the aircraft aboard the carriers are fighters and attack planes, which are entirely irrelevant to fighting submarines.

Second, the carrier force's survivability against the Soviet Navy is very doubtful. Fifteen ships is a very small number of ships, when they are facing an opponent with about 300 attack submarines, over 300 missile-armed naval bombers, and a huge inventory of antiship missiles. In one naval exercise after another, we lose carriers—at least we do so in the exercises themselves, if not in the carefully whitewashed exercise reports submitted to the Congress. When you only have 15 ships, you cannot afford losses. You have a fragile, brittle force—the kind of force that history warns strongly against.

Third, the carrier is not very useful in its much ballyhooed role of power projection. Why? The attack aircraft on board the carriers are not suited to providing close air support or battlefield interdiction. They are too fast to be able to identify targets in the confused environment of a ground battle. They are only useful for deep interdiction—hitting rail yards, powerplants and so on deep in the enemy's territory.

Unfortunately, deep interdiction has a very poor historical record. We used it extensively in World War II, when we called it strategic bombing, in Korea, and in Vietnam. In no case did it seriously interfere with the ability of the enemy's ground forces to fight effectively. It did wreak a lot of destruction on the ememy's homeland, but instead of breaking his morale, it generally strengthened it. It can be argued from history that the net effect of this kind of bombing is usually to stiffen the enemy's resolve and thereby prolong the war.

Mr. President, does this bill with its fixation on new procurement of major nuclear weapons systems that drain resources away from our conventional deterrent address these issues? Unfortunately, the answer is no. It merely rubberstamps the business-as-usual approach that not only the Navy wants in its shipbuilding program but also the other services as well.

Mr. President, unless we change the way we think about our defenses this country is in for some really serious problems ahead and they are not going to be fixed by spending 30 billions of dollars on a vulnerable new nuclear weapons system that destabilizes the nuclear arms race instead of reducing the possibility of the use of those nuclear weapons.

This country does not have unlimited resources even for our defense. More must be done. There is a consensus for that approach. The question is how should the resources, even the resources in a vastly expanded defense budget as proposed by this administration, be used? The answer is if we continue to reward the bureaucratic thinking and the political response, not the appropriate military response, to the threat against this Nation, we will not have enough resources to provide the multilevel deterrence which is so important to this country's security in the future. Although the supporters

have not offered at this stage in debate their reason for their support, one of the presumed arguments is there is no alternative to the MX, we have to go forward with it because it is the only thing we have. That, Mr. President, turns out not to be true. There are in fact alternatives to stabilize, to maintaining, to continue the land-based leg of the strategic triad to the degree that maintaining that triad is important.

Those alternatives include modernizing the Minuteman force with new guidance systems that make the warheads on the Minuteman more accurate and increase—and warheads that are of increased yield.

We have undertaken to do much in a great part of that modernization program, but more can in fact be done. It cannot be done if we spend $30 billion on the MX missile. It can be done if we do not spend that money on the MX missile and improve the guidance systems and improve the striking power of the existing Minutemen force. And that is an option readily available to the Congress and to the Pentagon.

We can accelerate our efforts on the single warhead mobile system. Clearly in the past 6 to 12 months there has begun to form in the Congress a strong censensus behind and beyond this approach. There is a gathering concern that the decision of the last decade to go forward with MIRV'ing, to increase the number of warheads, particularly on our land-based force, has brought us to a dilemma that we have not been able to extricate ourselves from, either through negotiations or through increasing our investment in those warheads.

Now, there are two elements of the Scowcroft Commission report around which there is consensus: Moving as rapidly as possible toward that option; and deMIRV'ing through unilateral actions taken by ourselves, and through negotiations with the Soviet Union, can help back this country up from a corner in which we painted ourselves in the 1970's when we thought our lead in MIRV'ing would last forever.

We have additional alternatives as well and we are undertaking those alternatives. The Senator from Arkansas (Mr. BUMPERS) and other speakers in the past week have noted that there is strong support for going forward with the modernization of our sea leg of this deterrent in the form of Trident submarines and the new Trident missile. There is support for an air-launch cruise missile program. The Senator from Colorado has been a proponent of that program throughout. There is support for some new manned bomber, if not the B–1, then a Stealth bomber or a new technology bomber which increasing numbers of Members of Congress themselves believe in.

Again, the resources do not permit us to do everything. I know the advocates of what traditionally have been called a strong defense believe that we can and must find those resources, but the fact of the matter is this country will never, absent a time of all-out war, give every weapons planner every weapon that that planner wants.

Choices have to be made. To the degree the Senate and the Congress go forward in 1983 with the MX, that is a decision to take resources from other programs, other nuclear strategic programs, and other conventional programs that are necessary to defend this country in the future.

This decision also represents a very major set of changes and alterations in our arms control policy. It seriously challenges the concept of the SALT II Treaty, which is presently being voluntarily followed and abided by by both sides, that limits the number of new ICBM's that each side can produce and deploy. If we go forward with the MX, it may in fact preclude, if that treaty were to be ratified or at least if we wanted to keep the possibility of ratifying that treaty in our own national security interest, the possibility of building a single mobile warhead system.

Members of the Senate ought to keep in mind when they vote up or down on the MX missile, because we are today voluntarily under contract that will not permit us to go both directions at once. And we just might want to preserve that option in the future in case this President decides, and I think rightly so, to submit that treaty for ratification, or some future President, as well.

The implications of this decision are to dramatically accelerate the MIRV race in the wrong direction. We found out because the Soviets possessed larger, more powerful missiles than we did, than we chose to build when we had nuclear superiority, that they now have the throw weight, they now have the missile power to beat us in a MIRV race. It was only the SALT II treaty that prevented that from happening. As it turned out, it would be a lot cheaper to build warheads than to build missiles and find places to put them. We found that out too late. We found out, because the Soviets built those large land-based systems, that they could beat us in the MIRV race. If we adopt as a national defense policy, if we go opposite the direction that I think the vast majority of the Members of Congress want to go in, and that is in a direction of deMIRV'ing, if we build the MX missile, we will complicate our lives and complicate the efforts to negotiate agreements between us and the Soviet Union between the 1980's and 1990's immeasurably.

There is a further implication, Mr. President, as far as arms control goes, in the decision on the MX. The Senator from Colorado cannot believe that this administration intends to put those 100 or 200 MX missiles in vulnerable, unprotected silos as far into the future as we can see. What does the President have in mind? I think very clearly what he has in mind is building a ballistic missile defense system, antiballistic missile defenses. We started to go forward with those in the 1960's and 1970's and found out only that they cost an enormous amount of money but they are also at the very least highly problematic technically and probably enormously destablizing in terms of the nuclear arms race.

Do we want to get back in that direction again? Do we want to reverse 10 or 15 years of nuclear theory which says an attempt to defend ourselves is both destabilizing and costly but also unnecessary when you have the option of negotiating limitations? Because the decision on the MX missile almost necessarily implies a decision to go forward with ballistic missile defenses. And if people are opposed to the MX on economic grounds, they better add another $30 billion or $40 billion for the missiles it is going to take to defend the MX missile from the very obvious vulnerability to a Soviet first strike.

Now, I think the implications of this decision, although its proponents will not admit it nor will the White House so state, are that in the fiscal 1985 budget we are going to see a dramatic increase in the amount of money requested for research and development of ballistic missile defenses and in fact probably a proposal to go forward with the construction of those defenses. So we are not just making a $30 million decision here, Mr. President. We are probably making a decision strictly in fiscal and economic terms twice that amount. And if you want to project a bulge in military procurement in the mid-late 1980's because of MX and B–1 and a lot of other decisions like that, you better project a bulge much greater to accommodate the cost of an antiballistic missile system, because, almost necessarily, putting our most valuable, powerful, and destructive nuclear weapon in a vulnerable position will require that decision to be made.

I can just hear the President's arguments and the proponents of the MX about 6 months to 1 year from now:

Well, of course, we did not intend to leave that thing out there as a sitting duck. You can't spend $30 million putting a missile in a silo which we know the Soviets can target and just leave it there.

And the President has made very clear he does not intend to bargain it away, no matter what some people

may optimistically hope. No, if we build this missile it is going to go into vulnerable silos and then, after this vote is taken, I can hear the unnamed administration sources and Defense Department spokesmen saying, "Well, it is very clear, we are going to have to go back to some form of antiballistic missile system. We are going to have to come forward with a brand new ballistic missile defense, because we cannot leave this investment out there just sitting there to be knocked off by a Soviet first strike."

It is either that, Mr. President, or go to a launch-on-warning doctrine. You cannot have it both ways. There is yet to be made a military argument for putting this missile in vulnerable silos; that argument has not been made since April 19, when the Scowcroft Commission issued its report and the President endorsed it. There has been no jurisdiction for putting this missile in fixed vulnerable silos. There has been no argument on the floor of the Senate, other than some general statements that we need to be strong and we need to show the Soviets our intentions not to be left behind, some general rhetorical statements of that kind, but no military justification for putting this missile in a vulnerable silo that can be knocked out by a first strike.

What are our choices? To empty those silos before the incoming Soviet warheads hit them and knock them out, somewhere between 70 and 95 percent worth, or to build an expensive, exotic, technologically problematic ballistic missile defense system.

If anybody thinks that either one of those is not implied by this decision, they better think again. I would love to hear any proponent of the MX missile argue as to why one of the two of those is not going to be necessary, because the third option part in this missile program has been taken away by the President himself time and time and time again. However much people in my own party and in both Houses of the Congress might wish, the President will use this as a bargaining chip. That is all they have to go on is a wish, because the promise, the commitment of the President, by himself, by his Secretary of Defense, is that this is not a bargaining chip. "We are going to build it. We are going to deploy it and we are going to keep it in silos."

Any military expert who has given this 10 minutes' worth of thought knows you are either going to have to defend it or try to defend it with some bizarre scheme that can knock down incoming missiles with other missiles, or you are going to have to empty those silos before the Russian warheads get here, under a strategic warning system that breaks down too often for the comfort and security of this country.

Mr. President, there are some awesome implications in this decision. A lot of people would like to treat it as just another item in the military budget, albeit an expensive one, another step forward in nuclear force modernization, just another little old missile. Those old worn out Minutemen have to be replaced anyway.

But that is not the issue. The issue is that by adopting a recommendation to make this the most vulnerable aspect of our nuclear deterrent, we are probably foreclosing under the pending treaty obligations the opportunity to go forward with that single-warhead mobile system. We are accelerating a MIRV race that was mistakenly begun in the 1970's, unnecessarily begun in the 1970's, headed away from the direction in which we ought to go of de-MIRV'ing. We are probably buying a ballistic missile defense system at the same time. Or we are changing our nuclear launch doctrine.

Any way you slice it, Mr. President, those are important, dramatic implications. This Senate cannot casually endorse this program. I cannot conceive of how Senators can vote for a weapons system with no more justification than has been offered for this one. I challenge any Senator—I challenge any Senator—to look at the report of the Armed Services Committee, to read the record made on that report and on this bill in the last 2 weeks, and find one single, solitary military-national security argument for building this missile and putting it in vulnerable silos, not one.

We have the opportunity today and tomorrow to hear those arguments. I think the American people deserve to hear them.

I hope, and I believe, the day will come when every U.S. Senator, every Member of Congress, will have to go back home and explain his vote. That day will come. That day will come. It may not come in July or August of 1983. It may come in September or October of 1983. It may come later in 1983. It may be 1984 or 1985. I suppose in some respects 1984 would be the appropriate year, for literary reasons if no other.

But I hope every one of those Senators—I hope every one of those Senators, before voting on this issue tomorrow, demands and requires of the administration, of the Scowcroft Commission, of the floor managers of this bill, of the sponsors and supporters of this proposal some justification that they can take home and explain to their constituents, because we have not heard it yet.

Mr. President, this decision is one of the most important decisions, military or otherwise, the U.S. Senate has made in years, some might even say decades. It is a twofold decision. It is a decision whether to build a major new first-strike weapon, but perhaps even more importantly it is a decision whether to approve the President's recommendation to put that missile in a place that we know can be knocked out by Soviet warheads and that we know lowers the nuclear threshold rather than raising it.

This decision, Mr. President, will determine the future structure of our nuclear deterrence and of our nuclear doctrine. It will shape, in ways that we probably are not even aware of, the direction in which this country will go in the 1980's and 1990's defending itself and protecting its citizens, and in directing this country toward a peaceful resolution of our conflicts rather than a confrontational resolution.

I hope every Member of the U.S. Senate approaches this decision in that light.

If Senators come on this floor today and tomorrow and they seek just to get this decision behind them, they are going to be mistaken. This decision will not stay behind us; it is going to keep coming back. It is not going to go away, Mr. President, not because of the efforts of one, two, or a dozen or more Senators. It is going to stay around because it has no internal logic. It has no constituency. It has no means of self-justification.

In next year's elections at the congressional level, every person running for Congress is going to have to state his or her views, whether they are proponents or challengers on this issue, and they better have some answers one way or the other, whether they are "fer it" or whether they are "agin it." Right now, this Senator has not heard the arguments as to why to be "fer it." I think there are going to be a lot of people who are going to wake up down the road and ask themselves some serious questions. House Members already have. Some of them pretty casually endorsed the release of several hundred millions of dollars to flight test the missile. You can say, "Well, that is just an extension of research and development, testing, and engineering."

I suppose that is a strong argument to be made. But that is not the decision before the Congress today. The decision before the Congress today is whether to go forward and build this missile, to authorize its construction, and to give an OK, to sign off on putting this missile in vulnerable silos. That is a serious proposition. Members of the Congress in both Houses had better have their answers ready when the chickens come home to roost because they are going to come home to roost.

A lot of Americans are starting to ask questions, Mr. President. What is this MX all about? Why does it cost so much money, and why do we need it?

I have always believed, as Thomas Jefferson did, that the American

people have a lot of commonsense. I do not think they are going to continue to buy a pig in a poke, particularly a nuclear pig, because this one jeopardizes their safety as well as that of the Russians and everybody else on this planet.

This is not a decision that holds any water, Mr. President. It does not make any sense. Sooner or later, the commonsense of the American people is going to catch up with it and some tough questions are going to be asked out there, all around this country: Why in the world did you vote for this thing? Why in the world did you authorize the funds for this system to be out in these silos?

A tough question, Mr. President, a very tough question to answer. It has not been answered yet. The President has not answered it. Supporters of the missile have not answered it. There is no justification in this record, in the hearings, in the report, in 2 weeks of debate—no justification other than some general statements about we need to be strong; we need to show our will; we need to show the Russians we are serious.

That is not enough to make this decision, it is not enough to justify this decision. We are going to have to do better than that. We have a day and a half to do it.

Does this bill address any of these issues? No. It merely rubberstamps the "business as ususal" big carrier Navy the Pentagon wants.

This is particularly sad, because at one time the Senate Armed Services Committee and the Senate as a body led the fight for an innovative Navy. The Senate pushed for designs for small aircraft carriers. It pressed the Navy for a fair evaluation of the potential of conventional attack submarines, as supplements to our nuclear submarines, to enable us to procure a larger submarine force. It demanded the development of a naval fighter version of the Marines' AV-8B VSTOL aircraft. It fought for hydrofoils, for surface-effect ships, for air-capable destroyers, for programs to convert merchant ships to warships in time of crisis.

All this is over. This bill presses the Navy for nothing. It accepts the Navy's bureaucratic rejection of anything new or different, anything that is not part of the big carrier Navy. If approved, it represents a retreat on the part of the Senate, a retreat away from a Navy appropriate to the challenges, it will face in the remainder of this century. It authorizes, not a Navy, but a naval museum.

For a nation which depends on the sea as heavily as we do, this is a very dangerous action, one that may have tragic consequences of national and, indeed, historic proportions.

My military reform defense budget discusses Army and Air Force systems, as well as those of the Navy, that are deficient. I will not list them all here; I will be happy to provide a copy of my alternate budget to anyone who is interested.

But some of them are important enough to our chances on future battlefields to be worth examination here today.

They include:

THE BRADLEY FIGHTING VEHICLE SYSTEM

The Bradley is insufficiently armored to serve in its intended role as a fighting vehicle, a role which would require armor comparable to that of a tank. Yet it is overdesigned and overpriced for a troop carrier; it costs 10 times more than the M-113 it replaces. Worse, it continues the Army's practice of building combat vehicles with aluminum armor, which vaporizes and turns into a fireball when hit with a HEAT warhead, incinerating the crew. Other problems include a high silhouette, which increases vulnerability; an inaccurate gun that is too small to fight tanks and too big for fighting infantry; inability to carry a full infantry squad; inability to fit in a C-141 transport aircraft without removal of its armor; and a major cost increase in the past year. The program should be terminated.

AH-64 ATTACK HELICOPTER

The helicopter's fragility and lack of maneuverability make it less effective and less survivable as an attack aircraft than a properly designed fixed-wing airplane. The helicopter depends on long-range antitank missiles to combat enemy armored vehicles, which in turn require long-range differentiation of enemy from friendly armored vehicles. Unfortunately, this is very difficult in fast-moving armored combat, especially when weather or smoke impede visibility. Further, the missiles require long exposure times and predictable, straight flight paths by the helicopter during lock-on and launch, leading to high losses.

The fixed-wing aircraft, in contrast, can carry a cannon capable of destroying enemy armored vehicles. Cannon range is better attuned to actual target identification ranges, and the cannon requires only very brief nonmaneuvering portions of the flight. In addition, the AH-64 now costs almost $17 million, which is about four times the cost of the current attack helicopter. The program should be terminated.

THE DIVISION AIR DEFENSE GUN (DIVAD)

The DIVAD has a history of unsuccessful tests. It is also inherently flawed in its design, in that radar-guided antiaircraft guns do not work well against maneuvering aircraft or helicopters hovering a few feet above the terrain. Although the current DIVAD was selected after a design competition, reports indicate the gun chosen was in fact the loser in that competition. The program should be terminated.

"DEEP BATTLE" PROGRAMS

A series of programs are intended to support the "deep battle" concept. "Deep battle" is the attempt to strike the second echelon of Warsaw Pact armies with long-range weapons. Unfortunately, the concept is seriously flawed. It contradicts the Army's recent adoption of maneuver doctrine, as enunciated in the new field manual FM 100-5, in that it demands centralization, rigidity, and preplanning, all of which are antithetical to maneuver warfare.

It is not clear the Warsaw Pact forces in Europe still have a second operational echelon, and even if they do, it will be very difficult to locate it under combat conditions. All of the complex technology submunitions and the radar have already failed their tests, and the complex communications systems upon which "deep battle" depends are likely to fail in combat. Therefore, the following "deep battle" related programs should be terminated.

CENTRALIZED COMMUNICATIONS, COMMAND AND CONTROL (C^3) PROGRAMS

The Army is currently developing and acquiring C^3 systems which tend to result in greater command centralization and reduced latitude for initiative on the part of subordinate commanders. Again, this contradicts the Army's new doctrine of maneuver warfare, which requires mission-type orders in which the subordinate has great latitude within the commander's intent. The following programs for more centralized C^3 should be terminated:

GMF (ground mobile forces satellite communications);

PLRS and PLRS/JTIDS hybrid (position location, reporting system, and PLRS/joint tactical information distribution system);

Tactical intelligence systems.

THREE AEGIS (CG-47) CRUISERS

Three Aegis cruisers are requested this year, at a total cost of $3.7 billion. Unfortunately, serious questions still surround this ship: Will it prove stable and seaworthy under harsh weather conditions such as those encountered in the North Atlantic in winter? Since the Aegis radar apparently represents no advance in lookdown capability, can it see a sea-skimming missile like the Exocet, or a fighter-bomber coming in at 10 to 30 feet above the waves, like the Argentine A-4's did in the Falklands? Can it shoot down a sea-skimming missile? Can the radar repeatedly and quickly be turned off and on without damage, and, if not, how can the CG-47 avoid radar-homing missiles? The answers to these questions are central to the ability of the CG-47 to perform its mission. Until they are

answered further funding of the program cannot be justified.

THE DDG-51 PROGRAM

The DDG-51 is also an Aegis ship, and is intended as the follow-on to the CG-47. Until we know whether the Aegis system works, it is premature to proceed with another Aegis. In addition, the DDG-51 appears to be inferior in overall capability to the CG-47, despite costing more. In particular, the DDG-51 is weak in antisubmarine capability, since it has no helicotper hanger. The program should be terminated.

THE F/A-18 PROGRAM

The F/A-18 has proven at least second-rate and sometimes an outright failure in every role for which it was designed. Two of its original missions have already been dropped by the services: The plane is no longer to be procured as a Navy fighter—except for the two oldest and smallest carriers—or a Marine Corps light attack aircraft. Tests have shown serious range, payload and radar shortfalls in the Navy light attack version, rendering its future in that role highly uncertain. While the Marines are apparently still prepared to accept the F-18 as a fighter, it is inferior in air combat performance to the less expensive F-16. Overall, the costs of the F-18 have risen to where it is one of the most expensive programs in the defense budget—just to buy fighters for the Marines and possibly some light attack aircraft for the Navy. The F/A-18 program should be terminated.

FURTHER R&D ON THE F-16

The F-16 is possibly the best fighter aircraft in the world. Unfortunately, the Air Force is continuing to develop the aircraft into an almost all new, expensive, sluggish bomber—the F-16E. Avionics and wing size have doubled while weight has grown by at least 5 tons—all to turn one of the world's best fighters into a mediocre and unneeded interdiction bomber. The best way to enhance the F-16's capabilities is to leave it alone.

THE MSIP (MULTINATIONAL STAGED IMPROVEMENT PROGRAM) FOR THE F-16

Like the continuing R&D on this aircraft, the effect of the MSIP is to add weight—about a ton—and thereby degrade fighter performance. The four NATO countries which have purchased the F-16 have requested us to cancel MSIP. The F-16 will be a better fighter without it. Cancellation will save approximately 15 percent of the cost of the F-16.

THE LANTIRN PROGRAM

LANTIRN will add very complex electronics to an inadequate infrared TV camera to attempt to find targets and guide so-called precision guided weapons such as Maverick to them. Maverick is itself a weapon of questionable performance. Current infrared testing demonstrates the LANTIRN cannot find or distinguish useful tactical targets under combat conditions. The program should be terminated.

C-17 INTRATHEATER TRANSPORT AIRCRAFT

This potentially multibillion dollar program is intended to develop a new intratheater transport aircraft with some intercontinental lift capability. The only capability this aircraft would have that the existing C-130 does not is the ability to carry large, heavy systems such as tanks—one tank per flight. Yet the need for intratheater—and most other—airlift is not for tanks but for emergency consumables: Urgently needed fuses, special ammunition, spare parts, and so forth. The C-130 can move these adequately, and is better suited for the grass strips in forward areas where the Army will most need resupply. The C-17 program should be canceled.

At the same time, a reform budget would fund some promising programs which were not included in the Pentagon's request. Too often, we hear congressional committee's justifying a funding cut by saying that the program in question was not requested by the Pentagon. Does this not betray a certain naivete on our part? A new weapon that threatens to be both better and cheaper than one a service has already decided it wants is not likely to be requested. But is that a justification for us not to fund it? Should we limit our choices to what the Pentagon requests, when we know it rejects many good ideas for bureaucratic reasons rather than for any valid military rationale?

A reform budget would select from the whole menu of available weapons, not just from among those the military bureaucrats find comfortable. Among the initiatives a reform version of this bill would fund would probably be the following.

MILITARY REFORM INITIATIVES IN R&D AND PROCUREMENT

The military reformers have made a number of proposals for R&D and procurement programs which could lead to more effective, less expensive weapons: $2 billion would be used to fund competitive hardware prototypes of some of these proposals, leading to head-to-head flyoffs or shootoffs.

The funds should be controlled by a B-team established by the Pentagon and made up of key individuals within the reform movement, as proposed in the defense chapter of the "Agenda '83" study recently published by the Heritage Foundation. The programs established should include:

Development of a follow-on to the Air Force's A-10 close air support aircraft. The basic concept reflected in the A-10—a fixed-wing aircraft with an antiarmor gun as its main armament—is valid, and promises greater battlefield effectiveness than fragile helicopters or high-speed aircraft armed with weapons such as Maverick. However, the A-10 itself has two weaknesses: it is too large and it is sluggish. We need a follow-on aircraft that is smaller and more agile, and also less expensive so it can be acquired in large numbers.

Development of passive, radar-homing air-to-air and ground-to-air missiles. The Soviet Union has invested heavily in a new generation of tactical aircraft which depend heavily on radars and radar-guided weapons. They are, in general, poor at air combat maneuvering; for example, the Mig-23 is significantly less capable in a dogfight than the earlier Mig-21.

This gives us opportunity. If we can force the Soviets to shut down their radars and engage in traditional dogfights, they will be at a major disadvantage relative to our superior pilots and agile aircraft such as the F-16. A radar shut-down would also effectively end night and bad weather air-to-ground attacks by Soviet tactical aircraft.

Passive, radar-homing anti-aircraft missiles could accomplish this. Any aircraft switching on a radar would become a target, and, because the missiles would be passive, they would themselves be difficult to detect and avoid. A radar-homing missile is simple compared to an active radar missile, and it makes few demands on the aircraft in terms of avionics, space, or weight. A program to develop and field such missiles should be begun.

A competition among existing towed, optically-guided antiaircraft guns, the winner to be acquired by the Army and the Marine Corps. Optically-guided antiaircraft guns appear to be superior to radar-guided guns against targets that take evasive action at high speeds, because the radar-guided gun, which "leads" the target on a projected course, is left pointing in the wrong place whenever the target "jinks." Towed guns are more robust than self-propelled, are smaller targets, and can be set up for action almost as quickly as a self-propelled gun.

Antiaircraft guns, as opposed to missiles, are also very useful against ground targets. The finest antitank gun of World War II, the German 88 millimeter, was developed as an antiaircraft gun.

There are a number of modern, towed, optically-guided antiaircraft guns on the world market. A competition should be held among these guns, testing for ground as well as antiaircraft capability. The winner should be produced under license in the United States and acquired in quantity by both the Army and the Marine Corps.

Remotely piloted vehicles, sometimes called drones, have potential value on the battlefield for reconnaissance, electronic jamming, and even

attack missions. Israel used drones successfully in the recent combat in Lebanon. A number of RPV's are available on the world market, including those built by Israel. We are more likely to get an effective RPV, and to get it quickly, through a competition among existing systems than through a development program of our own. Such a competition should be initiated, with the winner to be built under license in the United States.

Antiship missiles are a serious and growing threat to all surface warships, including our aircraft carriers. Complex air-defense systems such as Aegis are of uncertain effectiveness against them. However, if our warships and task forces could operate in radio and radar silence, they could do much to avoid both the missiles and, equally attack. Three systems could be of assistance to our Navy in this regard. These systems were described in the paper, "Options for Action on the FY 1983 Defense Budget for the Military Reform Caucus":

An effective passive receiver system for locating Soviet bomber and ship search radars as well as Soviet radar Air-to-Surface and Surface-to-Surface Anti-Ship Missiles. This would include secure means of triangulating between ships and of handing over targets to suitable short-burst radars for occasional ranging.

A surface ship search radar designed for high reliability in short-burst looks. This would do for radar what the single-ping sonar has done for underwater search by submarines.

An offboard simple repeater transmitter to be towed on a sled behind all surface combatants to decoy any Soviet active radar missiles. Since no Soviet active radar missile can resist homing on such a decoy, this is a much more leakproof defense than the standard panoply of fleet radar interceptors, long-range radar SAM's, and short-range radar-guided missiles or guns.

OTHER PROCUREMENT ADDITIONS

To replace the 600 Bradley fighting vehicles deleted from the fiscal year 1984 budget, 600 M-113 armored personnel carriers should be acquired. These should be fitted with a package of survivability improvements including Kevlar antispall liners, external self-sealing fuel tanks, expanded roof/vision hatches for better troop orientation and egress, better suspension and machineguns mounted at each corner of the vehicle.

The single greatest weakness of the U.S. Navy today is that it is outnumbered approximately 3 to 1 in attack submarines by the Soviet Navy. This deficiency cannot be made up by continued procurement of the SSN-688 class nuclear attack submarine alone. With a price of over $700 million each, they are too expensive to be bought in adequate numbers. Even the Navy's ambitious program for these boats, which envisions procurement of five annually in fiscal years 1987 and 1988, will do no more than maintain the current size of the U.S. submarine force.

We can only afford a much larger submarine force if we build a mix of nuclear and conventional—diesel-electric—submarines. Since World War II, conventional submarines have made tremendous—though unheralded—strides in underwater speed, endurance and quietness. They are quieter than nuclear boats when running on battery and are highly effective, as illustrated in the Falklands conflict where an Argentine conventional submarine reportedly penetrated the British task force and, despite a massive attack on her, returned safely to base. The British also reportedly found need of a conventional submarine in their operations, despite the presence of several nuclear boats. Conventional submarines of the most modern design are available on the world market for prices as low as $100 million—about one-seventh the price of an SSN-688.

Funds should accordingly be added to the fiscal year 1984 budget for the purchase of a conventional attack submarine, leading to class of such vessels. They should be acquired as additions to, not replacements for, planned nuclear submarines, with the goal of increasing the size of the submarine force.

AIRCRAFT CARRIERS

The current plan for continued construction of *Nimitz*-class carriers—two ships were added in fiscal year 1983; will give us a carrier force no larger than 15 ships—and probably smaller. Such a force is too small to be militarily robust. Instead, we should build smaller, individually less expensive aircraft carriers in larger numbers.

I propose construction of light carriers of about 40,000 tons, capable of launching current as well as VSTOL aircraft, and costing no more than one-third as much as a *Nimitz*-class carrier. Alternative carrier designs presented to the Senate Armed Services Committee last year included a ship with these characteristics. The lead ship should be authorized in fiscal year 1985, with regular authorization of one ship annually commencing in fiscal year 1987. Assuming a 30-year life for such a ship, a building rate of one ship annually will support a fleet of 30 carriers.

ARAPAHO

Arapaho is a program to base Naval Reserve antisubmarine helicopters on merchant marine containerships in wartime. Unfortunately, the Navy recently terminated development of Arapaho and sold the equipment to Great Britain—which, after its experience in the Falklands, knows the value of such a system. The program should be restarted here, in cooperation with the British, and after development is completed appropriate equipment should be acquired and Naval Reserve units formed.

RESERVE AND NATIONAL GUARD

The Reserve and National Guard are important components of our defense. They should become more important than they are today, and adequate funds should be provided to enable them to do so.

Recently, a group of senior Army and Air Force National Guard commanders produced a study, Vista 1999, which discusses ways in which the Guard can be strengthened. These include some important innovations, innovations which have been rejected by the regular services for largely bureaucratic reasons.

To fund these proposed improvements, $1 billion should be added to the defense budget for the Guard and Reserve. The commanders of the Reserve and National Guard should be requested to propose a specific plan for allocating these funds, the plan to be reviewed and accepted or amended in the defense authorization and appropriation bills. The Guard and Reserve commanders should be free to suggest innovative uses of these funds, in line with Vista 1999, regardless of the positions of the regular services.

The essence of military reform is less equipment than concepts and policies that affect people. But equipment is also important. Cancelling programs for weapons that do not work and initiating some programs for weapons the Pentagon does not want that will work would be part of reform version of this bill. It would give us a bill that would do far more than this one toward strengthening our defenses.

A fourth way this bill would be substantially different if it reflected reform thinking would be in the way the Congress put it together.

As I have already mentioned, this bill, as it now stands, contains a number of concepts which are seriously flawed. I have singled out two for attention—the big carrier Navy and deep strike—but there are others, including our whole approach to command and control, the way we define quality in fighter aircraft, and, with the MX, the move from strategic forces designed to ride out a first strike to forces which compel a doctrine of first strike of or launch on warning.

Why has this happened? Why does the Congress so blithely approve concepts which may be so dangerous to us, and so debilitating to the ability of our conventional forces to win in combat?

The answer is that the Congress neither hears nor thinks very much about these kinds of issues, nor does it believe that it has any responsibility to do so.

One clear sign of the Congress attitude is the witnesses it hears. Virtually all the witnesses on this bill were from the Defense Department.

How would the Senate react if the Banking Committee heard testimony only from the Treasury Department and the Federal Reserve?

How would it react if Environment and Public Works heard testimony only from the Department of the Interior?

Occasionally, a few outside witnesses are heard. I do not believe we heard any this year, but in past years we have occasionally had a few.

But few committee members take such hearings seriously. They are regarded as an exercise for public consumption, not a source of possibly valid alternate views which could serve as a basis for the committee's action on the bill.

The Congress attitude is "the men in uniform are the experts, and our duty is to defer to them."

Now, I agree we are not ourselves experts. But that should not automatically lead us to assume that service witnesses are. Those witnesses come from a highly bureaucratic environment, in which expertise is defined less at knowledge of war than at knowledge of how to have a successful bureaucratic career. They come from an environment in which most decisions are made by a lowest common denominator, consensus process.

And when they testify to us, they do so as people who must go back to that environment later that day. Are they likely to tell us things that upset the bureaucratic applecart? Are they likely to throw away the career they have been so long in building by saying that their service's cherished practice or program or ship or tank is wrong? We all know what would happen to them if they did. So why do we kid ourselves by saying that we are getting objective, military advice and testimony from them?

This is not criticism of the individuals who appear before us as witnesses. They are products of and representatives of their institutions. It is criticism of those institutions.

Nor is it a suggestion that we not hear witnesses from the services. Of course we should hear them.

But we should hear others as well. There are knowledgeable people outside the Defense Department who can give us useful information. The military reform movement has found a number of such people—people like John Boyd, Steven Canby, Pierre Sprey, Norman Polmar, Adm. Tom Davies, and others. A number of my colleagues have heard these people, and know they have interesting and useful things to say. Why does the committee not hear them?

This year, the committee made a number of cuts in the defense budget proposed by the Pentagon. Were those cuts the result of independent thinking by the committee? Not at all. In fact, our committee staffs worked closely with the Pentagon in coming up with the cuts. They were largely, if not entirely, the cuts the Pentagon itself proposed.

Is that what our Constitution entends? The doctrine of separation of powers is fundamental to our system of government. If we look at how defense policy is made, we can see why that separation of powers is wise. Within the executive, bureaucratic politics often override military considerations. Innovative ideas are ignored because they challenge entrenched elements in the bureaucracy. Criticism of what entrenched interests are comfortable with its squelched.

But an independent Congress can cut through that bureaucratic thicket. It can ferret out new ideas, provide a forum for the dissenters, and insure that arguments get an evaluation on their military merits.

It can, that is, if it is independent, if it behaves like the separate power it was intended to be. If it asks the Pentagon what it should do and seldom does otherwise, then, of course, it merely becomes a part of the bureaucracy itself. It becomes a part of the executive branch.

Once this year, the committee did provide a forum for something other than the official view. It did so when it invited Mr. Franklin Spinney to testify to it, in a joint session with the Budget Committee, on trends in weapons costs. Most members of both committees would agree that was one of the more informative and useful hearings we held. It is a shame this bill does not reflect the testimony we heard then. As usual, we only acted on testimony that reflected the official line.

Why does the Congress behave this way? It is not surprising that such behavior results in the kind of bill we have before us, a bill that perpetuates rather than corrects our military weaknesses. But why do we do this?

I think the question goes to the heart of the Congress conception of its own responsibility. The Congress does not seem to believe it has a responsibility to think about issues beyond the size of the budget and program management. This was not always the case; I noted how the committee once fought for naval innovation. But it seems to be the case now.

Such behavior implies some interesting assumptions, assumptions the Senate should think about. First, it implies an assumption that the kinds of things the Pentagon is doing are automatically right. What does history say to this? Does it say that other defense departments in other times or places have seldom if ever done the wrong thing? I think not. The bureaucratic behavior we see dominant in our own Defense Establishment today has had many historical counterparts, which results like the maginot line, the retention of horse cavalry into the 1940's, the resistance to the aircraft carrier by the battleship admirals, the perpetuation of close-order infantry tactics in the face of machineguns, and so on. History gives us little reason to think that our Defense Department does not need some independent oversight on its concepts.

Second, it implies that the Congress is to be nothing but a bank for the executive branch, giving out money with little attention to what the money is given for. Is that what the Constitution intends? Is that the history of the Congress? Is that what the Congress does in other policy areas? Again, I think not.

Third, it implies that if the military reformers are right and many of the concepts that now guide our policies are deficient, and if the result of these deficiences is a failure in combat, the Congress will bear no blame in the eyes of the American people. It implies we can say in such a case, "we did what the generals, admirals and secretaries told us to do. We did not even try to think about it." And the American people will respond, "Oh, that's OK then. We did not expect you to think." Will that be the people's view of it? Will that lead them to respect us? Again, I think not.

How would a Congress that reflected military reform thinking behave differently?

First, it would recognize the bureaucratic realities within the Defense Department. It would recognize that the requests and testimony we receive from the Department are bureaucratic in nature, that they reflect bureaucratic politics within the Department and the services, not pure military judgments.

Second, it would seek to get military judgments. It would hear outside defense experts. It would have such experts on its own staff. It would hear junior as well as senior officers, and it would do so in ways where those officers could speak their minds freely. Certainly, it would put its witnesses under oath. If a witness is under oath, he can return to his bureaucracy after telling the truth and justify himself.

Third, it would not only hear this kind of testimony, it would act on it. It would seek to develop new options and get fair tests for them. It would insist the Defense Department either provide compelling answers to the critics or try their recommendations.

Fourth, it would prize its independence, and would insure that a proper separation were maintained between itself and the Pentagon. It would not ask the Pentagon to help it mark up its bill.

Fifth, above all, it would recognize the historic reality that Military Establishments do not do a very good job, in peacetime, of being innovative and imaginative. So the committee would itself become a forum for innovation and imagination. It would do for the Defense Department what the Department cannot very well do for itself, and provide a channel for new ideas around the dam of tradition and bureaucracy.

The differences between the bill before us and the bill that should be before us—differences in the balance between procurement and readiness funding, between nuclear and conventional forces, in the kinds of weapons funded, and in the way the committee operates—are fundamental. They go to the heart of the question I began with: What do we need to do differently, if we are to have a strong and effective defense?

But there is one other major difference I would like to discuss. It goes beyond this bill. In a way, it is an attempt to put this bill in perspective.

Even a reform version of this bill would still be, in large part, a funding bill. That is what an authorization bill is.

But my most basic premise is that a strong defense requires more than funding. It requires ideas. A military reform defense authorization bill would reflect ideas, not just Pentagon politics. But a strong defense requires ideas that go beyond those reflected in any funding measure.

The Congress is in many ways, not very well structured to handle the details of defense. We could do a much better job with the details than we are doing in this bill, but we are not engineers or shipbuilders or electronics experts. We are generalists.

And that could be very valuable. As generalists, we have an ability to provide a forum for broad ideas in a society that increasingly concentrates on narrow ones. In defense, that is very important. Even the best tanks or fighters or submarines are of little use, if the broad ideas that guide our policy, ideas like strategy and grand strategy, are defective.

Today, we seldom hear much about these ideas. For every hour of discussion about grand strategy, we probably hear 100 hours about whether to increase the budget 5 percent or 10 percent.

We have a responsibility to change that. We do not have to be expert strategists to do so. If the Congress shows interest in a subject that subject gets a great deal of attention among the experts. In the past, Congress has shown great interest in details of defense management, so we now have armed services full of managers. If we start showing some interest in strategy, in the art of war, in the structure of our military decision process, we will quickly see a great many others showing interest too.

And there are some ideas we can offer.

In a recent conversation with an American diplomat, a senior Chinese foreign ministry official was asked about China's claims to territories now held by the Soviet Union. The official reportedly responded, "We will recover the territories—sometime in the next 300 years."

The Chinese tend to take a long view. They understand the importance of grand strategy. Sir Basil Liddell-Hart, the great British military theorist and historian, said:

> The role of Grand Strategy * * * is to coordinate and direct all the resources of a nation, or a band of nations, towards the attainment of the political object * * * the goals assigned by fundamental policy.

Does America have a grand strategy today? Does it have a defined set of foreign policy "goals assigned by fundamental policy?" Clearly, we have certain goals: The security of our homeland, the avoidance of war, human rights for all peoples, a stable international economic order based on free trade, and so forth. As the world has grown more complex, our goals have necessarily diversified. They have also become less clear, or at least less clearly interrelated in a coherent framework.

In the process of clarifying our goals and debating a grand strategy, we must keep in mind a fundamental, given obligation arising from the closing days of World War II: Constant vigilance toward Soviet adventurism.

Our attention to this reality has been diverted for a variety of reasons: Attempts through détente to alter Soviet behavior by negotiation and bargaining; the correct realization that many of our foreign policy objectives relate less to the Soviet Union than to Third World powers, acting independently; focusing our policy of containment on an increasingly ill-defined philosophical system called communism, rather than on Soviet imperialism as a nation-state; and last, but not necessarily least, Americans' dislike of drawn out, "solutionless" situations—our characteristic desire for the "quick fix," and our loss of interest when there is no such thing.

Unfortunately, Soviet adventurism remains a reality of our time. Its origins are diverse: Traditional Great Russian chauvinism, communism—as interpreted by the leadership of the Communist Party of the Soviet Union; competing institutional interests of elements within the Kremlin, particularly the military, and the desire of the Soviet Union for "300 percent security," for a world not only where no one does threaten them, but where no one can threaten them—a world where Soviet power is indisputably preeminent.

The question is not whether restraining Soviet imperialism should be an American goal; clearly, it should. The question is whether we have an appropriated grand strategy to achieve our goal.

Our traditional grand strategy as it relates to constraints on the U.S.S.R. can generally be described as a "direct approach." We have sought to counteract Soviet moves with direct action by the United States, either in the local theater where the Soviets are active, or in bilateral relations with Moscow. We have seen U.S. action as the best counter to action by the Soviet Union.

This direct approach evolved in the late 1940's, when the Soviet Union expanded the areas under its influence or control. At that time, a direct approach was the best counter to Soviet expansionism for two reasons.

First, U.S. power was far greater than Soviet power. As remains the case today, we were superior in virtually every nonmilitary area—though our margin of superiority was greater then. Militarily, the Soviets were stronger in only one way: the Red Army in Europe was more powerful than U.S. and allied conventional ground forces in that theater.

In every other military area—strategic forces, naval forces, air forces, military technology—the United States was clearly, measurably, and generally overwhelmingly stronger than the Soviet Union.

Second, there were really only two powers in the world in the late 1940's: the United States and Soviet Union. Japan and Germany were in ruins. The other nations of Western and Eastern Europe had been devastated by war and occupation, and required all of their resources for reconstruction. China was in the midst of a bloody civil war. Nations such as Iraq and Egypt, which are important regional powers today, were semicolonial backwaters. Much of Asia and Africa were still colonial dependencies of European states. In this environment, only the United States had the power to resist the Soviet Union effectively.

Since the time the United States adopted a direct approach to restraint of Soviet expansion, the world has changed dramatically.

The United States retains its superiority over the Soviet Union in most nonmilitary areas. Particularly in our culture, with its strong emphasis on personal and economic freedom, we have retained a tremendous advantage. Not only is the cultural superiority of the West evident to most neutrals, both the substance and the outward symbols of Western culture are sought by many people in the U.S.S.R.

At the same time, the Soviet Union caught up to us in many aspects of military power. American strategic

monopoly was followed by American superiority, then by parity. The Soviet Navy may today be more capable of carrying out its missions than is the U.S. Navy. The technological level of Soviet equipment in the field is sometimes more effective than our overly complex equipment.

The one area of Soviet superiority in the late 1940's—ground forces in Europe—remains the same today.

At the same time Soviet power has increased substantially relative to American power, the capability of other nations has risen relative to the two superpowers. As we discovered in Vietnam, and as the Soviets have discovered in Egypt, in Romania, in their relations with China and in Afghanistan lesser powers can rebuff and even repulse a superpower.

We are returning to a more normal historical situation than the superpower/nonpower dichotomy of the late 1940's. As has been the case through most of history, a small power can defeat a great power in the small power's own backyard.

There appears to be two fundamental reasons for this development. The first is the spread of modern war-making capability into all regions of the world.

Nations with natural or industrial resources—hence with wealth—can and do equip themselves with modern tanks, warplanes, and missiles. Nations without wealth but with strategic position—Somalia is a good example—are equipped gratis by a major power.

In the late 1940's, only the United States, the U.S.S.R., and perhaps Great Britain had effective modern conventional forces. Today, Syria has 3,700 tanks—about one-third as many as the United States—China has 10,000 and a nation as small as North Yemen has 700. Peru has more tanks than the intervention force—airborne and Marine Corps—of the United States or the Soviet Union. The same is true of Algeria, Somalia, and Cuba, among others.

It would be difficult militarily, as well as politically, for either of the superpowers to project forces successfully against a growing number of small powers.

The second fundamental reason for the shift in power from the United States and the U.S.S.R. to smaller states has been the spread of nationalism. As the Vietnam war demonstrated, the infliction of massive devastation on a small power by a great power may not destroy the will and resistance of the small nation, if its nationalism is sufficiently strong. The Soviets know very well if they invade Yugoslavia, they face a protracted "peoples' war," fueled by the nationalistic spirit of the Yugoslavs.

As the Afghans have demonstrated, the day when a great power can defeat the army of a small power, occupy its capital and end the war is passing. Even after the army is defeated, and the capital occupied, the small power has the ability, through the nationalism of its people, to carry on a protracted campaign of terrorism, sabotage, and guerrilla warfare. The cost of such a conflict to the great power will increasingly exceed the possible gain.

The protection which these two developments give to smaller powers against military threats from the United States or the Soviet Union enable the smaller nations to take advantage of their strengths in nonmilitary areas. Most important among these, in many cases, is the control of vital natural resources, such as oil.

These twin developments—the balance of power between the two superpowers and the rise of the power of smaller nations vis-a-vis that of the superpowers—suggest that our grand strategy for containing Soviet expansionism must be rethought. The direct approach was based on a world balance of power which no longer exists.

We would be better off with a new grand strategy, one which seeks to use the second development, the rise of the power of smaller states, to counter the Soviet Union. Such a grand strategy is well described by the phrase which the Chinese have used to describe their foreign policy: "Resisting hegemony while not seeking hegemony."

The United States has no need for hegemony, for domination, over other nations. With our economic, cultural, and political advantages, other nations will want to work with us. Our technology is eagerly sought by virtually the entire world—including the Soviet Union. Our political freedoms are the envy of most other peoples. Even our fashions are the hottest black market items in the Soviet Union itself.

In contrast, the Soviet Union has virtually nothing to offer except military strength. Other than arms, few of her exports are attractive. While varieties of socialism and even communism are of interest to some developing states, Soviet-model state socialism is increasingly recognized for what it is: a new Czarism, where a small political and managerial elite lives very well, but where the legitimate desires of the majority of the population for a higher living standard cannot be met, and greater cultural and political freedom will not be granted.

Accordingly, the Soviet Union does not seek hegemony. It has few carrots to offer; it must seek to use the stick. Its behavior not only in Eastern Europe, but toward countries such as Angola and Ethiopia, reveals the heavy-handed nature of Soviet friendship. The nations of the Third World increasingly recognize Soviet policy for what it is: neocolonialism of the worst sort.

This situation gives the United States a natural advantage. The nationalism which is the dominant characteristic of most of the world's nations will automatically lead most of them to oppose Soviet hegemonism. Soviet neocolonialism has almost consistently been rejected as firmly as was Western colonialism. The rejection of the Soviet Union will not be because of U.S. pressure on smaller nations. It will be an autonomous act, rooted in their own nationalism.

Our job is not simply to convince other nations that they should reject the Soviet Union. Rather, it is to be willing and able to help them reject it successfully, despite Soviet pressure: to resist hegemony while not seeking hegemony. Four specific policies would seem to be need to accomplish this:

First, we must let the smaller nation define its relationships with the United States.

Adopting a policy of permitting another nation, particularly a Third World nation, to define the nature of its relationship with the United States may at times run counter to some short-term U.S. interests. Some U.S. corporations may not feel their interests are best served by such a policy. At times, U.S. foreign aid may appear wasted, in that it may seem that a U.S.-designed program could make more efficient use of the moneys provided.

Ultimately, however, such short-term gains are illusory. As a large percentage of the American people perceive, we have too often poured resources into a nation—again, with the best of intentions—only to find not gratitude, but anti-Americanism as our reward. Why? Because in the eyes of the recipient, our aid was neocolonialist in nature, as we defined the programs to fit our perceptions of morality and efficiency. Such an approach, however pennywise, will almost always prove pound foolish.

If we permit other nations to define our mutual relationship, we will find ourselves having different approaches in different countries. Some nations will want only government-to-government assistance; others, only private investment; and still others, a mixture of the two. We must accustom ourselves to such flexibility.

Other nations will have to understand that our resources are limited both in total quantity and in type. We cannot meet endless requests; we cannot provide certain types of assistance, such as U.S. military forces or commitments, except in a very few cases such as NATO.

Second, we must develop more associations and fewer alliances.

In the late 1940's and early 1950's, we forged a chain of bilateral and multilateral military alliances which were appropriate at that time. They are in-

creasingly less appropriate in a world where resistance to Soviet expansionism will be primarily a product of local nationalism rather than American initiatives. Too often, these alliances have been elevated into moral imperatives, no longer questionable in terms of our national interest, the interests of the other nations involved, or the objective of containing Soviet expansionism. We might do well to remember the words of General Charles de Gaulle, who remarked that "Nations have no permanent friends, only permanent interests."

Instead of military alliances, a policy of resisting hegemony while not seeking hegemony would emphasize associations, primarily nonmilitary in nature. The type and scope of the association would in each individual case be defined by the needs of the smaller nation, as seen by that nation, and the inherent limits on what America can provide. They would be flexible, designed to change as circumstances of the parties changed.

Third, while the defense of a small state will primarily be the product of its own efforts, the United States will need a military capability to counteract Soviet adventurism.

Primarily, this means the United States must have preeminent naval power. Most of the nations of the world do not share a land border with the Soviet Union. The Soviets can threaten them directly only be sea. If the United States is the dominant naval power, it can interfere with or block most direct Soviet threats to other states.

Of course, most Soviet threats will not be direct, and resistance to indirect pressures, military or other, must come from the local state. But it would clearly contribute to the security of other nations if America had much greater control of the sea.

Fourth, we must avoid involvement in the internal affairs of other nations.

In the past, and perhaps even at present, we have placed ourselves in opposition to local nationalism through well intentioned but inept attempts to tell other people what was good for them, to define their needs. An indiscriminate and crude Wilsonianism has led us to present ourselves as the model society, to prescribe to other people how they should structure their economies, reform their political structures, and even fight their wars.

This approach fails for two reasons. First, we can seldom understand the complexities of another culture well enough to prescribe effectively for it. We apply our moral principles of our sociological analyses, and in either case the programs dictated by our approach founder on complex cultural factors we do not understand.

We fail also because we become the neocolonialist, the white overseer come to direct the natives. Even the best intentions and the best analysis of another nation's needs will create only failure if they appear in a neocolonialist light.

We can only ally ourselves with local nationalism in situations where that nationalism is coherent and definable. In situations of internal conflict, that is rarely the case. However attractive or necessary it may seem at the time for us to involve ourselves in a nation's internal struggles, we must avoid the temptation. Angola is an example of such a situation, where we were wise not to intervene, and where the Soviet Union and its Cuban surrogate may find, in time, that their intervention has not helped their cause.

Ultimately, the goal of a grand strategy of resisting hegemony while not seeking hegemony is to create a polycentric resistance to Soviet imperialism. This is a major change from our cold war policy, where resistance to the Soviet Union was seen as being monolythically a product of U.S. action. It is action by the local powers, sometimes with limited and primarily nonmilitary U.S. assistance acting as a force multiplier, that will be the primary stumbling block to Soviet ambitions.

The time is ripe for such a grand strategy. We have seen the ultimate failure of a U.S.-centered policy, with the failure in Vietnam. We have also seen the emergence of independent local resistance to Soviet expansionism.

A grand strategy of polycentrism, of resisting hegemony while not seeking hegemony, would not only create greater resistance to Soviet expansionism, it would also improve our relations with the nations of the Third World. Resistance to the Soviet Union is only one of our policy goals, although it is an important one. The growth of global interdependence has created a multitude of interests in our relations with other nations. A policy which has as a guiding principle the avoidance of neocolonialism can only improve our long-run position with these nations, whose viability as nations we would be helping to strengthen.

What about our military strategy? Gen. Helmuth von Moltke defined strategy as "The practical adaptation of the means placed at a general's disposal to the attainment of the object in view."

I have suggested that if our object in view is a grand strategy of resisting hegemony without seeking hegemony, one of the ways we should adapt our means—our defense sources—is by insuring we have command of the sea. I would go further and suggest that we should adopt a maritime strategy.

I first proposed this back in 1978, in a white paper on defense issued jointly with former Senator Robert Taft, Jr., of Ohio. What is meant by a "maritime strategy?" It does not mean what the current Secretary of the Navy and some others seem to mean, which is simply spending a lot of money on the Navy—with little regard even for whether the kinds of ships we are building make sense, much less for anything strategic in nature.

A maritime strategy is one of two basic strategies an island nation—and we are an island nation—can adopt in a confrontation with a major power on the Eurasian land mass. In a maritime strategy, the island power in effect says to the continental power, "If you attack our allies on the continent, we will cut you off from all contact from areas you cannot reach directly overland. We will cut off not only your military forces, but your commerce, including imports of food. We will draw on the world's commerce, while you starve. We will harass you around your peripheries, for we will go wherever the water reaches. We will build unceasing new coalitions against you, if you defeat our first coalition. Over the long run, you will grow steadily weaker as we grow steadily stronger, and eventually you will be defeated."

This was Great Britain's historic strategy. Britain had to raise five coalitions against Napoleon. He was able to defeat four of them. But he could not defeat Britain, because his power ceased when the water reached the bellies of his horses. And the fifth coalition beat Napoleon.

It was also the way we fought World War II. The Germans conquered the Continent, except for Russia, early in World War II. But Britain, and later Britain and the United States together, cut Germany off from the sea. We used the sea to supply our remaining continental ally, the Soviet Union. When Japan entered the war, the decisive war was fought at sea. After we broke the back of Japanese seapower, her land power was doomed to defeat. We used armies, certainly, but we used them as Britain used hers against Napoleon: moved by sea; rescued, if need be, by sea; launched from the sea, supplied by sea. Control of the sea was the basis of the Allied victory and the Axis defeat.

The alternative strategy is a continental strategy, in which the island nation puts most of its effort into maintaining a large army on the European Continent. This is our strategy today. The United States today has about the same number of military personnel stationed in Europe as our European allies each have in their total armies. At the same time, we have allowed the Soviet Navy to mount a very serious naval challenge to us. We have gone so far as to allow

them to outnumber us 3 to 1 in submarines, and the submarine is today what the battleship was before World War I or the aircraft carrier in World War II—the capital ship.

The weakness of the continental strategy is that, if the land army in Europe is not sufficiently strong to defeat the continental opponent, and the price paid for maintaining that army has been to allow the continental opponent superiority at sea, the island nation is in very serious difficulty. The island nation ends up isolated, with its opponent dominant on land and at sea.

By nature, we are a maritime power, not a continental power, and we should have a maritime strategy. Our first priority for our conventional forces should be unquestioned dominance at sea. If we have sufficient resources left over after building a dominant navy and sea-mobile ground forces to go with it to contribute to the defense of the Continent, we should do so. But the priorities should be clear. Today, they are not.

These two subjects—grand strategy and military strategy—mean far more for our future security than the size of this year's defense budget. I do not propose that the Senate should decide either by legislation. But we should insure that they receive the attention they deserve. Today, we have thousands of budgeteers in the Defense Department, but where are our strategists? Their absence should be of great concern to the Senate, and should receive at least as much of our attention as the percentage increase in defense spending.

Mr. President, I do not suggest that everything I have recommended here should be adopted by the Senate in this bill. I think the bill would be a better one if much of it were adopted. But that is not my main purpose in speaking.

My purpose is to raise the real defense issues, the issues that will determine whether our deterrence and our defense is strong, whether our Armed Forces can win in combat if they are challenged. Others will undoubtedly have differnet views on many of these questions. But they are the questions we should be debating. They are the questions that are central to our national security policy.

If the Senate continues to treat defense as it has treated it in this bill, with little attention to the real issues, we will resign our fate as a Nation to the bureaucratic politics of the Pentagon. There is little reason to believe the Pentagon's bureaucratic politics produce better policies than do the bureaucratic politics of other Government agencies, and we have learned how defective those can be.

The American people deserve better from us. Our Nation exists in an unstable and dangerous world. Unless we give national defense the best thought of which we are capable, we risk our national existence.

I implore my colleagues to join me in this debate. I implore them to join me in changing the way the U.S. Senate considers defense. Business as usual will not do the job.

Mr. President, I see the Senator from Arkansas (Mr. BUMPERS) on the floor. I wonder if he would like time under the bill.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the time used for my remarks be charged against the minority leader's time on the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(Mr. DANFORTH assumed the chair.)

Mr. BUMPERS. Mr. President, the things that all of us have to say in this debate on the MX are sometimes necessarily tedious and repetitious. I regret that. But if we are going to do what we set out to do, what the Senator from Colorado set out to do, to enlighten the American people on the significance of what we are here debating, it is important to keep hammering away at the weakness, indeed, the nonexistence, of any argument for the building of this missile.

A woman in my office, the other day, said, "If I hear any more about the MX, I think I am going to scream." I can sympathize with that. I can understand it. We have been debating it now for a little over 2 weeks. But this is one time when time does not really matter, as long as we are continuing to hammer on an issue that deals with whether or not civilization is going to survive. Two weeks does not seem to me to be an awful lot of time when you put it in that context.

We politicians embellish and we dramatize and we overstate. If you cannot be righteously indignant at least once a day, you do not have any business being in the U.S. Senate. If you cannot be outraged about something at least once a week, you ought not be here. That is just a part of the political mentality and I understand that, the press understands it, and most people understand it. But, Mr. President, I want to take a slightly different tack today in addressing this issue, which, I suppose, goes more to the cost of the weapon than anything else, and our priorities.

I know of a group of people, which will remain anonymous, who are trying to get an organization together—not an organization, but a group of some of the best minds in the country, to redefine, if not for the country, at least for Congress, what is meant when we talk about national security. That is another word that is loosely bandied about here—everything enhances our national security if we are for it, or diminishes our national security, if we oppose it. It has gotten to where we can sell almost anything if we wrap it in the flag and national security. But the purpose of this organization is to try to define what really is a matter of security for this country and what is not. Though that will not stop politicians from orating on the floor and trying to sell whatever they are trying to sell under the guise of national security, it will at least give us some food for thought.

One of the points that one of the people made to me who is trying to put this thing together was, that in 1957, the World Health Organization took it upon itself to decide that they were going to eradicate smallpox throughout the world. I can remember as a youngster my next door neighbor, an elderly man, dying of smallpox. I can remember, as a child, getting my smallpox vaccination. The interesting thing about that is the World Health Organization went to work on it and, in 1977, we saw what is probably the last indigenous case of smallpox that will ever be reported in the world. Cost? Three hundred million dollars. Savings hundreds of millions annually.

To carry that a little further, HEW, at the time Joe Califano was Secretary of HEW, said, "We need to eradicate measles from the face of the country, if not the Earth, and we can do it." We used to smile and say, "Isn't that cute, little Johnnie has all those little red pimples on his face because he has measles." What we did not know is that 8 percent of all the people in mental institutions in the United States are there because they got measles.

So, in 1982, and I am reluctant to guess, but I think we had maybe 2,500 cases of measles, whereas just a few years before, we were having 55,000 cases. And we will eradicate measles and we will eradicate mumps and all the other preventable childhood diseases.

Cost? Compared to the cost of the MX missiles, just peanuts. Savings? Hundreds of millions annually. You could hardly get the crew putting the MX into production, to work for 1 day for the cost of what it took to almost eliminate measles in this country.

The other day, I was making a speech to the Arkansas Farm Bureau Federation, I very seldom use a manuscript. I usually just scribble off some notes and speak from notes. But this was a fairly significant annual meeting for them and I thought I would do some research and write a speech. If you want to be quoted in the press, it is best to hand them a manuscript anyway.

In my research in preparing that speech, I found a couple of things that I thought were pretty significant in dealing with this country's security by any definition. We have 413 million

acres of land under cultivation in this country and 25 percent of it, or 100 million acres, is under severe erosion problems right now; 5 billion tons of topsoil floating off into the gulf, into the oceans, into the rivers every year. In my State, it is 50 million tons a year.

If you just took the erosion of topsoil in my State and put it on 1 acre of ground—I use this illustration because I think President Reagan would understand this, too—it would be 5½ miles high. Six-and-a-half tons of topsoil per acre, per year floating off the land in my home State. On land that we use to grow soybeans, rice, cotton, and wheat. Six-and-a-half tons a year. If you went to a farmer in my State and said, "I would just like to take 6½ tons of this top soil right here, is that all right?" He would have you committeed for a saliva test and he would be justified. But that is what we are losing every year.

The long-range problem is that of the 413 million acres of land under cultivation right now, at the rate it is eroding, not 1 acre of it will be under cultivation in 100 years.

What is this administration's answer to a problem that, if you just look at it in absolute terms, seems totally destructive of our national security? Well, the solution is to build a missile, the MX, at a cost of somewhere between $16 billion and $30 billion, the B–1 bomber at a cost of $28 billion to $40 billion, and cut soil conservation funds 36 percent.

It seems that people really would rise up in righteous indignation about that, but they are not. You would think that people would truly be outraged about those statistics. After all, in 100 years some of my grandchildren, I hope, or greatgrandchildren, if I have either, will be wanting to eat and there will not be any land on which to grow food. That sounds like a fairly important issue to me.

Did you know that in 1988, if the President gets his way on defense expenditures, this seems like a fairly significant statistic to me, every dime of income tax collected in this country in 1988, corporate and personal, would go for defense?

Let me repeat that in case you think I need a saliva test. The Joint Committee on Taxation estimates that corporate and personal income tax collections will be $425 billion in 1988, and that is precisely what the President's projected defense budget is for 1988.

So you can see that when you eliminate entitlements like social security and a couple of retirement programs, every other function of Government from interest on the debt to the salaries of the U.S. Senators, will be paid by script, printed money, by the Federal Reserve Bank, or by borrowing. You would think people would get upset about that, and frankly I think they are getting upset.

We talk about modernizing our strategic forces. The Senator from Colorado, as well as every Senator who is for the MX, would agree on certain things. As a matter of fact, if you eliminate the B–1 bomber, which is almost obsolete as of this moment and we have not produced the first one yet, when you eliminate the B–1 bomber, we have the Stealth bomber left, and perhaps we are going to have a 2, maybe 3-year lapse between the time we get the B–1's built and the Stealth becomes operational. We are going to build both of them. It seems to me that the Pentagon can just go over to the White House and say, "Mr. President, the Stealth is a fine thing and we want it, but we want the B–1, too. We want it all."

The President says, "Well, you certainly have my support because I said in the campaign how terrible it was that Jimmy Carter was against the B–1, so I am for the B–1. You can have them both."

And they say, "Mr. President, we not only want the Trident II to go in our Trident submarines; it is deadly accurate, invulnerable, survivable in case of attack, but we want the MX, too, and those crazies over the Congress keep denying us. And the President says, "Well now, you can have them both."

So he submits dense pack theory to justify the MX, and happily and to their eternal credit, the proponents of the MX missile said, "This is the craziest cockamamy scheme we have ever seen." So the President went back to his lair and said, "I just can't get them to buy the dense pack theory. What else can we come up with?"

They said, "Mr. President, do what you do best—appoint a commission. Appoint a commission and have them study this problem and come back and tell you why you need the MX."

The President says, "That is a great idea." So he appoints a commission and, to my knowledge—which is not perfect on the subject—not one single person was appointed to that commission that had not already, on the front end committed himself to the building of the MX missile. It was not terribly shocking nor surprising when the commission came back and said, in a fairly long report, "We need the MX missile." And I confess, there were some respectable persons on that commission.

All of a sudden, all the rhetoric that had rung through this Chamber and through the Halls of Congress a year ago about how crazy the MX missile was, all of a sudden those voices were quieted and we heard no more about what a crazy idea it was to put our biggest and best missile in the most vulnerable basing mode we could conjure up.

But the point I want to make is that aside from the MX and the B–1, if I were to submit to the Senate—better still, if the President were to submit to the Senate and to the House, the question, do you favor the Stealth bomber, do you favor the cruise missile, do you favor the Pershing II missile, do you favor the D–5 or the Trident II missile, do you favor the Midgetman missile, do you favor modernization of the Minuteman III, there would not be 5 votes in the U.S. Senate against a single one of those weapons system, not 5.

So one could hardly say that those who are opposed to the MX do not want to modernize our strategic forces.

I submit to my colleagues that no weapon, no weapons as controversial as the MX and B–1 ought to be undertaken. With all the powers the President can use, with the considerable persuasive powers of that office he is just barely succeeding in getting these weapons systems. We have at least five other modern strategic systems going forth at an accelerated rate and everybody in the Congress applauding and saying those are fine. So why would we take two weapons systems that are barely squeezing by and go forward with them? I hope the President will not believe that when he wins this MX battle tomorrow night, that the vote somehow or other makes the MX all the things it is not. The fact that it is going to pass the Senate on a vote of 40 or 41 or 42 to 55 or 56 or 57, or whatever it is going to be, does not change one thing except that the money has been authorized. But it has not been appropriated yet.

Can you believe that the cost of these two weapons systems is the highest for any weapon system in the history of the world? I do not know of anything that even compares with the cost of these two—minimum, $44 billion; the maximum, $64 billion.

But on the more interesting things. Let me read some quotes, and I think this is one of the reasons why we do not seem to be getting any debate on the other side.

On December 2, a year and a half ago, this body—this August, most deliberative body in the world, 100 Members—voted by a margin of 90 to 4 on an amendment by Senators COHEN, QUAYLE, MATTINGLY, RUDMAN, and NUNN, that directed all MX research and development funds, $354 million, be taken away from the plan of deploying the MX in existing hardened silos to a more permanent solution.

The purpose of the amendment, according to its sponsors, was to "send a strong signal to the Department of Defense that deployment of the MX in Minuteman silos was the wrong direction to go in. Eighteen months ago, this body voted, 90 to 4, that this was the wrong thing to do.

In March 1982, just 3 months later, the Armed Services Committee, in strong language, criticized the idea of basing the MX in Minuteman silos, and the full Senate went along, without dissent.

Secretary Weinberger said, before President Reagan even took office, on January 6, 1981: "I would feel that simply putting the MX into existing silos would not answer two or three of the concerns that I have." Lord knows, he has had very few concerns when it comes to building weapons. But, he goes on: "Namely, that the location of these are well-known and are not hardened sufficiently, nor could they be, to be of sufficient strategic value to count as a strategic improvement of our forces."

What has happened to cause Caspar Weinberger to change his mind? Of course, when he said that one of his concerns is that the location of these things is well-known, you cannot argue with that.

I have said all along that if the Soviets have a choice of weapons for us, certainly the MX has to be the No. 1 choice, because they already have the Minuteman silos targeted, and they will not have to change their computers. They do not have to change anything. We are going to give them the same targets to shoot at that are already targeted. All we are doing is putting a missile that is about five times more expensive in an old hole.

One Senator whom I respect and whom I consider one of my dearest friends said on this floor back in October 1981, that all we would be doing if we put these things in Minuteman silos is to "give the Soviets a better target to shoot at."

On April 13, 1982, the Armed Services Committee of the U.S. Senate said that $715 million requested for research and development for interim basing of the MX "is denied. No further work is to be undertaken in support of fixed point silo basing of MX." That is what the committee said, and that is what the Senate said almost a year ago. What has changed since then?

William Perry, a brilliant former Under Secretary of Defense, said on November 13, 1981:

> My concern is that if we had this very accurate, very threatening missile in unprotected silos and if they do not go to a survivable system themselves, that simply increases the hair trigger for both sides.

That is another way of saying it simply enhances the risk of nuclear war.

He went on to say:

> Since I am pessimistic that we will get a basing mode that is both survivable and acceptable, I am opposed to putting a weapon that lethal in an unsurvivable mode, for reasons I have just described in terms of hair triggering the alert.

The other day, Senator PRYOR and I appeared on a 30-minute talk show in Little Rock. Senator PRYOR and I had never appeared jointly on the same program. I enjoyed it because I have great respect for Senator PRYOR, and it was a good session.

A woman had previously been on the same show from an organization the name of which I do not recall—Peace Through Strength, I believe. He said, "We had this woman on the other day from this organization, and she said, 'If Congress would only listen to the admirals and the generals.' "

The interviewer asked: "What do you have to say about that?"

I said: "I think she has a point. I remember David Jones, who was Chairman of the Joint Chiefs of Staff for 5 years, held a press conference about 3 weeks after he left as Chairman of the Joint Chiefs of Staff. He said that the prime responsibility of the Chairman of the Joint Chiefs is to keep down interservice rivalry. If you give the Navy $2 billion, you have to give the Army $2 billion. If you give the Army $2 billion, you have to give the Air Force $2 billion. He said, "That's the way we parcel out a lot of money at the Pentagon, and it prohibits any kind of sensible, rational defense planning."

The woman wants us to listen to the Generals so I suggest that we listen to the man who was the top military officer in the United States for 5 years.

I have a great speech, which I will not deliver—and I know you will applaud that I am not going to give another speech today—but I have a speech about all these people who tell us these things after they leave office.

I used to think that Admiral Rickover wanted to sell plutonium in every service station in America. But after he left office, he said that what we are doing in the nuclear field is insane. I could not help but think how wonderful it would have been if Admiral Rickover had said this, say, 10 years ago, 15 years ago.

I remember a Congressman from Pennsylvania, whom I thought was a remarkably courageous man, announced 2 years ago that he was not going to seek reelection; that he was not going to seek reelection because he felt he had betrayed his constituents. To summarize what he said in one of the most eloquent speeches ever made in Congress, he said:

> I have betrayed my constituency. I have voted for economic nonsense and tried to sell it for thoughtful economics. I have told my constituents what they wanted to hear instead of what they needed to hear. I am ashamed of myself, and I am not going to run for reelection.

Even though that was after the fact, one could not help but admire the Congressman.

One of the most brilliant speeches ever made in the history of this country was Dwight Eisenhower's speech on the perils of the military-industrial complex.

But do you know when he made it? Just before he left office. What a beautiful inaugural address that would have made.

So they say listen to the generals. Listen to David Jones. And let me quote Gen. Lew Allen, Air Force Chief of Staff on January 29, 1981, "An essential feature of the MX deployment is that the basing mode be survivable. And one does not obtain that through placing it in the Minuteman silos; therefore, I do not favor such a deployment."

So as to the woman who said we should listen to the generals, I agree and I have just quoted two of them.

Mr. HART. Mr. President, will the Senator yield for a question?

Mr. BUMPERS. I am happy to yield.

Mr. HART. I hope the Senator continues with those quotes because they are quite impressive and they cover the spectrum of almost everyone who is now here supporting this bill in this proposal.

Let me, by way of asking the Senator if he is aware of the committee report language in this regard, just refer to two statements that I think fit right in with what he is saying. The top of page 108 we get to the MX so-called peacekeeper program history and in the first paragraph it says—that is in 1972, after analyzing our ICBM force and the way to maintain our deterrent value of that force, the Strategic Air Command articulated the requirement for a new ICBM and then I quote.

> It was determined that this new missile should have these qualities. It should preserve the synergistic features of the strategic triad and the unique characteristics of the ICBM.

I am not sure what "synergistic features" mean but I guess the unique characteristics of the ICBM are it is located on land.

"It should provide improved counterforce capability" that gets it toward the hard target kill and then third and I quote "and be based in a survivable manner." That was the third characteristic in 1972.

Then I refer the Senator over to page 114 where we get to the paragraph called committee recommendation. After going through this whole history and it is quite an interesting history, of just about six or seven pages, where the MX wanders all over everywhere looking for a place to hide, we get to this point 13 years later.

> The Committee recommends that the MX program be adjusted in accordance with revised program proposed by the bipartisan Scowcroft Commission and endorsed by the President.

And here is the operative sentence:

The MX deployment approach contained therein—

Namely in the commission report, as endorsed by the President—

does not meet the standard of survivability for an MX basing system established in the foregoing program history.

So there in six pages of the committee's report we go from when the missile started, recommended by SAC and adopted by the Pentagon, be required to be based in a survivable manner, to a point 13 years later and six pages later, "The MX deployment approach does not meet the standard of survivability."

I cannot think of a committee since I have been here that went so directly contrary to what the whole history of the purpose of the issue involved.

Does the Senator find that startling?

Mr. BUMPERS. I find it startling that the committee would say that they were looking for a survivable home for this very lethal weapon and then report a bill to the floor that says but we are asking for somewhere between $16 million and $30 million to build it and put it in a nonsurvivable mode. That is the contradiction of this whole debate.

Mr. HART. If the Senator were to walk outside here and address a group of citizens visiting their Nation's Capitol, what does nonsurvivable mean?

Mr. BUMPERS. It is unfortunate we use such language. In simple terms it means, once the Soviets attack these missiles are not going to survive.

Mr. HART. What does that mean?

Mr. BUMPERS. That means, of course, that if the Soviets attack and we ride out the attack, it means those missiles will not survive.

Mr. HART. What does launch on warning mean?

Mr. BUMPERS. Of course, launch on warning means that when we get some kind of definitive idea that the Soviets are actually about to launch, when we know to a reasonable degree of certainty that the Soviets are about to launch, then we launch.

Mr. HART. Why is that bad?

Mr. BUMPERS. Why is that bad?

Mr. HART. Yes.

Mr. BUMPERS. Because it is a decision to destroy the planet Earth, on what cannot be perfect information, and can indeed be imperfect information.

I think the planet Earth ought to be destroyed only when we know something for sure, not when we think something.

Mr. HART. Would the Senator agree and would he not be saying to those same concerned citizens that the whole history of the American nuclear deterrent is to move toward more stability and the only way you can do that is to move toward more survivability? And the reason you want to do that is because you never are absolutely sure that you are under attack until the first bomb goes off. I know the citizens that do not have a chance to pay a lot of attention to these issues may not be able to quite grapple with that. But that attack is not going to come from bombers that we can sort of fly out over the middle Atlantic and see coming. They will come from missiles that are only detected by sophisticated satellites and reported on radars and computers and a lot of other things. That system breaks down a lot. So it is not as if you can stand out in your back yards with binoculars and see the attack coming. What you see is a bunch of blips on a radar screen.

If you decide to do what the Senator from Arkansas says press the button and get those MX's on the way, it may turn out that your warning is wrong. You have not seen it with your eyes. No human being has verified it. It all is done by machines.

Mr. BUMPERS. That would be similar on the planetary scale to the Ox Bow Incident. Has the Senator ever read that book?

Mr. HART. Yes.

Mr. BUMPERS. As he knows, a group of vigilantees hanged an innocent man and found out about 10 minute after they hanged him that he was innocent.

In this case the planet Earth would be gone and no one would ever know that it was destroyed on bad information until after it was over.

That is the reason we have never had a doctrine of launch on warning or even launch under attack. I think it is perfectly correct for the Secretary of Defense Harold Brown or President Carter or President Reagan to say to the Soviets, that if you launch against the United States you can never be sure that those missiles will still be in their silos when your missiles get here. But that is quite different from a doctrine of saying that we will not launch on warning or under attack for that matter.

Mr. HART. The history of statements that were made just within the last 18 months by some fairly, not fairly, very senior military commanders and elected officials of this country as to why it was such a bad idea to put a new ICBM in vulnerable silos, what possible reason can the Senator from Arkansas come up with for this decision, since there has been none offered on the floor of the Senate?

Mr. BUMPERS. We are left to guess here, because there has been no debate. I do not know why the unanimous-consent agreement gave any time to the proponents. All the time should have been given to the opponents because the proponents of this missile have not seen fit to come to the floor and defend this decision. Has the Senator heard it? He has been here all the time. I have not been, but I have listened on my squawk box in my office during the time I was not on the floor, and I have not heard one speech defending this decision. Not one ounce of logic. Maybe at some point today or tomorrow someone is going to come to the floor and tell us why this is just a good decision. But so far our side has argued hour after hour for 2 weeks on why this is a bad decision and I dare say there has not been more than 10 minutes total on the other side. But let us go on with the quotes.

Here is what Dr. DeLauer, Under Secretary of Defense for Research and Engineering, said on March 11, 1982, a little over a year ago:

The reason I did not relate interim basing to the survivability problem is that the resulting survivability will be no better than it is now.

That was 1 year and 3 months ago. Richard DeLauer saying this is a crazy idea.

Caspar Weinberger then—I quoted him on January 6, a while ago, 1981, let me quote him on October 5, 1981:

I don't think they (referring to the Minuteman silos) can be hardened enough on a permanent basis to warrant putting MX missiles in fixed and known silos. I think they can be hardened enough to give added strength for a few years.

Incidentally, Harold Brown also said, that by 1986, even if we hardened our silos, the Soviets would have missiles accurate enough to destroy them. So even if you were going to harden these silos, by the time you got them hardened, the Soviets will have improved their accuracy enough to defeat them. So surely that cannot be the argument.

Here is one of my most respected colleagues saying on December 3, 1981:

By placing our most advanced strategic weapon, the MX, in silos which belong to an earlier era, the President has reduced, perhaps even eliminated, the usefulness of the MX.

This was said by a fine Senator and good friend, but nothing has happened since then to change his rationale for saying that.

Another respected Senator and friend, on December 3, the very same day, 1981 said:

The primary justification for a new land-based missile must be that it is relatively invulnerable to a Soviet first strike and if it is not, it will lose its deterrent value, which is the position we are facing with our Minuteman missiles. It continues to distress me that despite years of discussion and debate we still lack an acceptable basing mode for the MX.

Here we are 1½ years later and we still do not have an acceptable basing mode, but that Senator favors the MX and nothing has happened since then.

I just do not have the heart to continue these quotes from Senators and Defense Department officials, all saying that this is the craziest scheme anybody ever came up with and the

only thing that has happened since then is the Scowcroft Commission report, and the only compelling thing in that report is that we need to show the flag, we need to show some resolve, and we need, they said, to give the President a bargaining chip.

I have inquired about the bargaining chip until I am blue in the face and I have never had any kind of satisfactory explanation for it. I have asked what we are going to bargain for, no answer.

Mr. HART. Will the Senator yield?

Mr. BUMPERS. Yes.

Mr. HART. I think the answer is very clear. The President said in December 1982, reaffirmed that statement in January 1983, in letters, first in a press conference and second in letters to Congressmen, that he does not intend to bargain the MX away, and that position was reconfirmed about 4 weeks, ago, no more than that, by the Secretary of Defense who said on national television, the Senator from Colorado happens to know that because he was on that program:

This is not a bargaining chip. We intend to build it. We intend to deploy it, and we don't intend to negotiate it away.

So anyone laboring under some false notion it will be produced and then have it bargained away had better check the record again. That is not the policy of this administration.

Mr. BUMPERS. I never have understood it because, No. 1, I did not think we could cause the President to get religion on arms control by giving him this missile. Some have said that if the President will tell us he is serious about trying to achieve an arms agreement, we will give him the MX. I always thought that was sort of perverse logic in the first place, but, in the second place, you do not change somebody's ideology by doing that. So far as the bargaining chip is concerned, as you pointed out, the President indicates he has absolutely no interest in bargaining the MX away.

There is no middle ground in this debate, Senator.

Mr. HART. Not at all.

Mr. BUMPERS. It would be a happy coincidence if we could find some kind of middle ground on which we could all agree and say, "This makes a little bit of sense." But there is not any. It does not make any sense and of the Senators and defense officials I have quoted, and could quote at least 10 more, not 1 has repudiated what he said. I have never heard a single Senator or member of the Defense Department say, "What I said in 1981 and what I said in 1982 I now repudiate. I am for the MX because I realize I was wrong then." Have you heard anybody say that?

Mr. HART. Not one individual.

Mr. BUMPERS. What we are going to get is not negotiations; we are not going to get a bargaining chip. We are not even going to get Midgetman—we may get it but not because of this. What we are going to get are 100 vulnerable missiles planted in 100 vulnerable silos and then we will be told that we must have an ABM system. We are well on the way, and we will soon be on the brink of violating the ABM treaty, just as we will foreclose the possibility of building the D-5 unless we are willing to violate SALT II. We will be in violation also if we build the MX and then the Midgetman.

So what we are doing is not only not negotiating, we are violating what we already had or at least we have started down that road.

Finally, Mr. President, I want to say one other thing in defense of my good friend and colleague from Colorado, Mr. HART. I have read all the same press accounts everybody else has. We all know he is a candidate for President; he is a very able Senator and a very able candidate, but I do not choose to look beyond this issue, and I think it is unfair for anybody else to do so.

So far as I know he has been an adamant opponent of MX for years, long before any Presidential campaign. And the fact that he happens to be in the midst of this monthly battle right now and is also a candidate for President is absolutely irrelevant so far as I am concerned. I applaud him. I thank him, and the American people owe him a debt of gratitude for causing the U.S. Senate to talk about this issue for the past 2 weeks and today and tomorrow. It has been a tough battle, and I was pleased to be a part of it.

Mr. President, I yield the floor.

Mr. HART. Mr. President, I thank the Senator for Arkansas.

Mr. LEVIN. Mr. President——

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, as long as I have been in the Senate and heard we are going to proceed with the MX, I have heard it is going to be in a survivable basing mode.

The PRESIDING OFFICER. I must ask the Senator from Michigan if he is speaking on the amendment or on the bill.

Mr. LEVIN. I thank the Chair. I ask unanimous consent that the time be charged against the minority side on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, as long as I have been in the Senate I have heard if we are going to proceed with an MX it must be in a survivable basing mode. That commitment to ourselves and our children and our posterity has been repeatedly made.

This administration, as a matter of fact, ran on a platform which called for the deployment of MX in a survivable configuration.

The Secretary of Defense and others have over and over and over again pointed out that it just does not make any sense to put MX in a nonsurvivable basing mode.

The Secretary of Defense in November 1981 said the following:

It is very difficult to get a survivable ground-based system but that difficulty, we think, should not drive us to a decision to produce a system that we know is just as vulnerable as what we have now, but costs an enormous sum without accomplishing anything.

He went on:

We do not think it would add anything to the deterrent quality of our strategic system and we do not think it would add anything to its survivability.

That is what our Secretary of Defense said in November 1981. About the same time, actually on October 5, 1981, the Secretary said:

What we think we cannot do is put a vast amount of our resources in a plan that we know is not survivable, even now.

What it seems to come down to is this: Nonsurviving fixed warheads add little deterrent—as a matter of fact, the opposite is true. Nonsurviving highly accurate warheads increase instability—they increase our danger, they are a treat to our own security, they add more and more of a nuclear hair trigger in times of tension.

Putting 10 highly accurate warheads in a fixed hole makes MX an attractive target. It does not deter. It makes a first strike against us more likely in times of tension.

Despite all of that, it is now being proposed we spend $20 billion to install such a system. And so logic is turned on its head.

This administration ran on a platform which said the following about our strategic nuclear forces, in general, and about the ICBM leg of the triad in particular. The Republican platform specifically called for "deployment of the MX missile in a prudent survivable configuration."

Indeed, when this administration rejected the last administration's plan to deploy MX in multiple protective shelters (MPS), it did so on the basis of the fact that the system was not survivable. Secretary of Defense Weinberger told the Senate Armed Services Committee on October 5, 1981, that it does not buy us a permanent solution to the problem of ICBM vulnerability, and it uses up the resources that would be available for other systems.

The President's recent decision to deploy MX directly contradicts these earlier statements. Obviously, if basing MX in a nonsurvivable MPS system "costs an enormous sum without accomplishing anything" and does not add anything to "the deterrent quality of our strategic system" and to its survivability, basing 100 MX in vulnera-

ble Minuteman silos for $20 billion will not yield any different results.

In defending this administration's programs to deter nuclear attack by the Soviets, Secretary Weinberger told the House Defense Appropriations Subcommittee on August 17, 1982:

That is exactly why we must have a capability for a survivable and enduring response—to demonstrate that our strategic forces could survive Soviet strikes over an extended period. Thus we believe we could deter any attack. Otherwise, we would be tempting them to employ nuclear weapons or try to blackmail us. In short, we cannot afford to place ourselves in the position where the survivability of our deterrent would force the President to choose between using our strategic forces before they were destroyed or surrendering.

Deploying MX in vulnerable Minuteman silos does not give us the capability Secretary Weinberger says we must have—"a capability for a survivable and enduring response—to demonstrate that our strategic forces could survive Soviet strikes over an extended period."

These nonsurvivable silos with MX will endure 30 minutes at most. The nonsurvivability of MX in Minuteman silos, in the Secretary's words, would force the President to choose between our strategic forces before they were destroyed. By Mr. Weinberger's own definition, we are tempting them—the Soviets—to employ nuclear weapons or try to blackmail us by this type of deployment.

The Defense Secretary, in his fiscal 1983 annual defense report, or posture statement, told the Congress the following in February 1982:

Nuclear weapons systems will not be funded merely to make our forces mirror Soviet forces according to some superficial tally of missiles or aircraft deployed in peacetime. Obtaining a facade of symmetry between U.S. and Soviet forces in terms of such simplistic counts is not a requirement for which I would allocate scarce defense dollars. Instead, our goal will be to gain and maintain a nuclear deterrent force which provides us an adequate margin of safety with emphasis on enduring survivability.

In testimony to our Senate Armed Services Committee on February 2, 1982, he discussed the strategic programs by saying:

Our decision, that the major thrust of our program will be survivability and endurance, was influenced by several factors.

Then he listed the first as instability, which he defined as:

Instability (incentive to strike first in a crisis and incentive for surprise attack) is substantially reduced.

Deploying MX in nonsurvivable silos not only increases this crisis instability and incentive for a Soviet surprise attack that he said most concerned him, but it also represents a proposal to mirror Soviet forces according to some superficial tally and to obtain a facade of symmetry in ICBM hard target kill. In other words, it does precisely what the Secretary said we would not do.

We do not need such mirror-imaging of Soviet ICBM's and a facade of symmetry to protect American security. We need more intelligent, less destabilizing strategic programs—the exact opposite of deploying MX in fixed, vulnerable silos.

The administration's flip-flop on survivability was also joined by Scowcroft Commission member James Woolsey, who wrote these words in February 1982, in a paper for the Center for National Policy, entitled "Survivability":

During the 1960's and into the 1970's we tended to take the survivability of our strategic forces for granted. Many, if not most, of the debates of those years centered around these other issues—for example, the wisdom, of lack thereof, of having a counterforce capability (i.e. the ability to attack military targets, especially hardened ones such as ICBM silos), or of having the doctrine and the ability to conduct limited nuclear exchanges.

The debates on many of these latter topics, although they reflect important policy disagreements, have become abstruse and entangled. Further, time and the march of technology have passed some of them by although much of the noise of strife still lingers in the air. It is time to focus the debate about our strategic forces on that which is clearly necessary—namely, survivability—and to put it ahead of discussions about those added capabilities.

That is exactly what the Commission is doing—downplaying the survivability issue and focusing on the alleged need for prompt hard target kill in limited nuclear exchanges as justification to sell MX.

Commission Member Woolsey also wrote the following about the administration's original recommendation to deploy MX in silos:

The Reagan Administration's decision on ICBM basing gives up a degree of near-term ICBM survivability—given Soviet ICBM accuracies, the Administration's decision to deploy MX in existing silos, hardened or not, provides little more than a fig leaf, and that at best, for only a short-time.

The Scowcroft recommendation to do the same is little more than a fig leaf. It is an extremely expensive and dangerous figleaf at that.

The following statement by Chairman TOWER, writing in U.S. News & World Report on January 10, 1983, directly contradicts the wisdom of deploying MX in silos:

We should not spend money on the missile if we cannot find a way to insure its survival. That would mean buying an expensive missile and putting it in holes that become increasingly less survivable as the Soviets improve their capability to beat it. To think otherwise is to think that Russia will act with restraint and not attempt to defeat MX. Well, that's false on the face of it.

In his reaction to the Reagan proposal to deploy MX in silos former Defense Secretary James Schlesinger said, on October 4, 1981, in the Washington Post:

It's a decision to punt, said Schlesinger of the plan to install the MX initially in remodeled and strengthened underground silos now used for old Titan II missiles.

It does not deal with the vulnerability issue that has been advertised at considerable length. By itself, he said in a telephone interview, it does not close the window of vulnerability. Schlesinger says his chief worry about the overall $180 billion Reagan strategic package is that it spreads around resources and may run up costs. This is a program of sizable costs while the military is under severe pressure and does not seem to achieve the goal of closing the window of vulnerability. One would want to make sure it does not result in draining away resources from general purpose force, he said.

This recommendation by the Commission certainly is also one to punt, and punts $20 billion into the wastebasket.

Dr. Schlesinger testified about the disparity between United States and Soviet hard target kill capabilities to the Senate Foreign Relations Committee April 30, 1982:

While we should not overlook this deficiency, neither should we overstate its importance. It does not gainsay our possession of the ultimate deterrent. Moreover, it is offset by certain other aspects of our forces. While seaborne weapons possess relatively little hard-target-kill capability, we must recall that the majority of U.S. weapons are carried on submarines—and therefore are essentially untargetable at this time. Our submarine forces, moreover, are considerably superior to those of the Soviet Union and the number of RV's carried in their submarines are small relative to their total forces and to our own seaborne forces.

We also possess continuing advantages in sensor technology, automatic data processing, and the capacity to design and execute attacks. We possess a major edge in cruise missile technology. The point is not that we should disregard the Soviet advantages in hard-target-kill capability, but that properly exploited, these other assets can, to a considerable extent, be utilized to right the balance.

Moreover, while I believe that we should not have allowed this strategic deficiency to develop, it strikes me as futile and inappropriate to wring our hands about it. We should also acknowledge that over the years immediately ahead the Soviet advantage in hard-target-kill capability will almost certainly increase relative to our own. There is nothing in our defense program that is going to alter this fact over, say, the next half decade. Sometimes the public rhetoric on this issue seems to suggest that strong feelings on our own part may provide an antidote for this Soviet edge. That, perhaps regrettably, is not the case. To offset what will be a continuing and growing Soviet advantage in hard-target-kill capability, we shall have to stress other, compensatory advantages.

Yet in urging deployment of MX, the Commission he advised certainly overstated the importance of hard-target-kill capabilities and failed "to stress other, compensatory advantages" in U.S. strategic programs.

During his testimony before our Armed Services Committee earlier this year on the Scowcroft Commission

recommendations, Mr. Schlesinger contradicted his previous testimony by engaging in similar overstatements about the importance of prompt hard-target-kill capabilities. He added a new dimension to the weak justification for MX by claiming such prompt counterforce capabilities are needed to prevent the Soviet Union from coercing or militarily threatening NATO with conventional forces.

Instead of MX, we would get much security for our money if we used it to improve our conventional capabilities to defend Europe, Mr. President, thereby raising the nuclear threshold and reducing our reliance on nuclear weapons. A more aggressive policy by the administration to pressure our European allies to increase their contributions to the common defense, also would yield more beneficial military results than would MX deployment, which only exacerbates their fears that the United States is trigger-happy with its nuclear weapons.

Finally, there are the contradictory statements by Commission member William Perry, former Under Secretary of Defense for Research and Engineering. In testifying before our committee in November 1981, about the administration's decision to deploy MX in fixed, super-hard silos, he stated:

I am sure it is no surprise to this committee when I say that I was disappointed at the solution that is proposed to the MX basing problem. I believe—and I testified to this committee many times—that the Minuteman vulnerability problem is real. But the proposed solution is unacceptable, in my judgment. I have read several reports describing why it is a good solution. The burden of the argument is that by superhardening the silos you make the problem of destroying them harder for the Soviets—you require them to develop a new guidance system and therefore you are buying time.

I submit that is simply not correct, that the Soviets presently have missiles which are capable of destroying those silos. All they have to do is mate their large, single RV warheads with the accuracy that they have presently demonstrated on the missiles, and they have a super hard silo-buster.

I make that statement irrespective of how hard we make our silos. The technical issue of whether they can be made harder, 3,000, 5,000, or 10,000 psi, is an interesting technical issue but it is irrelevant. The Soviets now have the capability where they can deliver their missiles with sufficient yield and sufficient accuracy so that the silo will be encompassed within the crater of the fireball, in which case hardness is quite irrelevant.

So I believe that superhard silos is not a solution to the problem. At most, it requires the Soviets to target those relatively few silos with single RV missiles rather than multiple RV missiles. Superhardening could increase the cost to the Soviets attacking our silos if we did it with many, many silos, if we did it with thousands of them. But doing it with 36 or 50 or 100 silos has a negligible impact on the Soviet war-planner.

I made a strong statement about that because I believe that is an accurate assessment of the problem.

My recommendation to the Congress is simple, which is, that you reject that proposal.

In subsequent questioning by Senator NUNN, the following exchange took place:

Senator NUNN. Dr. Perry, you are unequivocal in your expression of opposition to the funding of a hardening of the silos for a place to deploy MX; is that correct?

Mr. PERRY. That is correct.

Dr. Perry also testified that:

My preference for the MX solution was contingent on its being in a survivable basing. I have no enthusiasm for an MX system which is not in a survivable basing.

Considering this testimony, Dr. Perry's support now for deploying MX in nonsurvivable silos is unpersuasive. It is his views of 1981 which ring true. Listen to this, in an October 14, 1981 article in the San Jose Mercury News, Dr. Perry said:

It is pertinent to ask whether the proposed new programs increase our force stability, that is whether they reduce the risk of accidental war. . . .

Unfortunately, the silo-based MX has some potential for decreasing stability.

An MX missile will be substantially more threatening than any other single weapon in our force, but at the same time, it will be an easy target for a single warhead SS-18 or SS-19. This combination of high effectiveness and high vulnerability tends to be destabilizing during a crisis period.

Dr. Perry was writing about the administration's original plan to base 36 to 40 MX's in Minuteman or Titan silos, which were to be hardened. Deployment of more than twice as many MX's—100—in unhardened, even less survivable, silos as now is proposed, is even more destabilizing and dangerous.

On February 13, 1981, Dr. Perry said the following in Science magazine:

"The worst of all possible solutions," according to Perry, would be to place the new MX missiles in the old silos that now hold Minuteman III missiles. This, too, is being considered by the new Administration. Perry thinks it would do nothing to solve the problem of missile vulnerability, but would increase the Soviets' interest in striking first in a nuclear war.

"It would probably force the United States to adopt a policy of 'launch on warning' in which our missiles would be fired after military radars had spotted something resembling nuclear attack." Perry says he cannot even discuss this option "without breaking into tears." Fundamentally, "it amounts to turning over to a computer the decision to start World War III." Perry says his enthusiasm for electronics does not extend that far.

On November 13, 1981, Dr. Perry told our Senate Armed Services Committee:

My concern is that if we had this very accurate, very threatening missile in unprotected silos, and if they do not go to a survivable system themselves * * * that simply increases the hair trigger * * * on both sides.

I agonized over that and said on balance I would not go ahead with that (MX in silos) because I don't believe we will come up with a survivable basing mode that is acceptable.

Since I am pessimistic that we will get a basing mode that is both survivable and acceptable, I am opposed to putting a weapon that lethal in an unsurvivable mode, for reasons I have described in terms of hair-triggering the alert.

How is it, then, perhaps, that we are now on the verge of proceeding to deploy an nonsurvivable MX missile? How is it, if Secretary Weinberger said that a nonsurvivable MX costs an enormous sum without accomplishing anything?

(Mrs. HAWKINS assumed the chair.)

Mr. LEVIN. How is it we are on the verge of proceeding to deploy a nonsurvivable MX when, in February 1982, James Woolsey, later a member of the Scowcroft Commission, who authored most of the Scowcroft report, said:

It is time to focus the debate about our strategic forces on that which is clearly necessary, namely, survivability * * *

and that deploying "MX in existing silos, hardened or not, provides little more than a figleaf?"

How is it that we are on the verge of proceeding to deploy a nonsurvivable MX when our chairman said in January 1983 that, "We should not spend money on the missile if we cannot find a way to insure its survival?"

And how is it that we are on the verge of proceeding to deploy a nonsurvivable MX when Under Secretary Perry said that placing MX in fixed silos is "the worst of all possible solutions," and it would probably force us to launch on warning? Or when he said, "I am opposed to putting a weapon that lethal in an unsurvivable mode?"

Why all the flip-flops and contortions and the inconsistency? It cannot be to give us hard-target kill capability. We get far more of that in one Trident II submarine. A Trident II submarine has 200 surviving warheads; the entire MX deployment has from 10 to 70.

The Trident II submarine costs $2 billion in 1982 dollars, the MX costs $16 billion in 1982 dollars. So with one Trident II submarine, we get up to 20 times as much hard target kill capability for one-eighth of the cost.

No; the inconsistencies and the flip-flops cannot be explained by that. And they cannot be explained by the need for prompt hard-target kill capability either, because when we asked Gen. Charles Gabriel, the Chief of Staff of the Air Force, on April 21 of this year whether or not the hard-target kill capability of Trident II would be prompt, General Gabriel's answer to our committee was:

It would be prompt enough, yes. Not as prompt as the MX, but prompt enough.

Those views, may I say, were collaborated by the Commander in Chief of

SAC, Gen. Bennie Dawis, at about the same time, April 26, 1983, before the Armed Services Committee's Strategic Subcommittee.

So we cannot explain the flip-flops and the inconsistencies by the need for either hard-target kill capability or prompt hard-target kill capability.

I do not think we can justify it in terms of the bargaining chip, for all the reasons we have heard from the Senator from Colorado, the Senator from Arkansas, and others. Indeed, our chairman stated, back in November 1981, that:

It's of little use to us——

referring to the nonsurvivable MX——

unless the Soviets are convinced that it can survive an attack. Without that, the Russians will have no incentive to start serious arms control talks.

No; there is no logical reason that we have been able to perceive to do what we promised we would never do. Everybody said we would never put an MX in a nonsurvivable basing mode. President Reagan said it when he was running. President Carter said it when he was President. Defense Secretary Brown said it when he was Secretary of Defense. Secretary of Defense Weinberger said it; the Republican platform said it; the Democrats have said it. Over and over again, everybody said we would never put the MX in fixed silos because it would make our world more dangerous.

Then why do it? The only reason I can discern is that we just do not know what else to do with the darn thing. MX has taken on a life of its own. Unless we do something with it, we are told, we will look weak. Better to be foolish and to do something dangerous to us than to look weak.

We just do not know what to do with it. We have become slaves to technology and the victims of appearances. We are poorer, our Treasury is poorer, and life is closer to extinction because we do not have the strength and the courage to do what we always promised ourselves and our children we would do, which is to make MX survivable or not to make it at all.

Madam President, I yield the floor.

Mr. HART. Madam President, unless the distinguished chairman of the committee (Mr. TOWER), the floor manager, seeks recognition or wishes to speak, I intend at this point to ask for a brief quorum call, with time not being charged to either side.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Madam President, I have listened to this debate almost in its entirety. I have been absent from the floor periodically, but I have heard everything there is to hear because much of the argument has been repeated time and time again.

I, of course, must confess that I am somewhat flattered that so many Senators have quoted me. I think that is always flattering, for a Senator to be quoted, particularly to have been quoted so often. As a matter of fact, the same comments have been quoted repeatedly. As best I can determine, I have been quoted very accurately indeed. I suggest that I have at least a small portion of crow to eat in this particular instance. That may be the case.

But, Madam President, I submit that in matters of national security, one must maintain some degree of flexibility, because times change, systems change, the nature of the threat changes.

I have been very specific about my concern about survivability. I did support the MPS deployment mode for the MX. I think the administration made a mistake in abandoning that mode, which had already been authorized by Congress, which was on its way. But I think it is quite conceivable, too, that Congress made a mistake when the administration submitted an alternative mode and the Congress passed judgment on it before all the facts and all the evidence were in. I refer to the closely spaced basing, which I am aware a lot of scientists have a great deal of difficulty with, but we have to also understand that there were responsible elements of the scientific community that advocated it. It certainly deserved a good look, and Congress was not willing to give it that. So we come to the point of what alternatives do we have?

The President, in response to the request of Congress, formed a bipartisan commission. That was recommended to the President by Members of this body, Republican and Democratic. I am convinced it was a genuinely bipartisan approach. Many of the men who signed off on the Scowcroft Commission report were men who had some reservations themselves about various elements in that report that they found themselves advocates on.

I note Mr. Woolsey has been quoted. It is my understanding he was probably chief draftsman of the report. I am sure that nobody was completely satisfied with what was recommended from the standpoint of every element in the report. But it represented the best effort to get something that was militarily acceptable while, at the same time, it was politically possible. That is a very difficult business sometimes.

MPS had its opponents on both sides of the aisle. Closely spaced basing had some opponents. Various other alternatives have been suggested for basin mode—deep underground silos, south-facing mesa, Big Bird, small submarines. We can think of a number of alternatives that have been looked at in terms of a basing mode on the intercontinental ballistic missile.

So the Scowcroft Commission had to, in political context—this is, after all, a democracy, and defense policy is subject to the democratic process.

Now, I am sure that if the military, the professional military people in this country could have dictated the basing mode they wanted, it would have turned out differently, but that is not the way we do business in the United States. I know that some opponents of the missile said this seems to be more of a political exercise than a military exercise. I was disappointed in some of the people who said that, because they had been people who had been advocating very close civilian control of the military, very close statutory control over the military.

Now, on the issue of vulnerability and survivability, I would much prefer to see us go to a survivable mode. I would prefer MPS. I would even prefer pursuing, with all of its flaws and all of its warts, the idea of closely spaced basing, bringing in elements of hardening, fratricide, all of the various ingredients that figure into that system in terms of argument for its survivability.

But now what the Scowcroft Commission has come up with is a recommendation that we go ahead with MX and at the same time pursue an R&D program for missiles that would be more survivable.

Now, in recommending the modernization of the ICBM in that context, I think that ameliorates somewhat the distaste that we have for deploying MX in a mode that we all concede is vulnerable, very vulnerable indeed. But let us look at the issue in context.

Almost anything in the military inventory has some degree of vulnerability, even the submarine. I think we all concede that the most survivable basing mode for strategic weaponry is the submarine. The Trident sub and the C-4 missile give us a dimension of capability that is very survivable. Of course, that leg of the triad will be further enhanced by the development of the D-5 missile, but it also has problems. To begin with, you have a command-communication-control problem with submarines. Second, if the Soviets make a dedicated effort to improve their ASW capability, there could be a breakthrough. Much has been said about the vulnerability of an aircraft carrier, the survivability of it. Actually, the aircraft carrier is the most survivable ship in our Navy with the exception of the submarine and it is more survivable than the submarine once detected. Once detected, the sub becomes very vulnerable indeed.

To enhance then the survivability of every leg of the triad, it becomes incumbent on us to modernize every aspect of it and maintain the triad so that we complicate matters for the Soviet war planners.

Now, the fact is you cannot argue that you should not deploy a system

because it is vulnerable because that would argue for dismantling our Minuteman III's. We talk about our Minuteman III silos, wanting to dismantle those. That would perhaps even suggest that we should dismantle the air base leg of the triad because in fact the airfields are more vulnerable than the Minuteman silos, are vulnerable to less precise weapons than would be required to knock out a Minuteman silo.

Now, I think all of us who are interested in modernization of strategic forces would concede that it would be very preferable to have the MX deployed in a more survivable mode, but we do propose to go toward the Midgetman missile which will be more survivable. We are going to have some basing mode problems there. We are not even talking about those now. We think because it is small and can be deployed over a wide area, it sounds good. As former Senator Brady said, a member of the commission, we are all fascinated with this Midgetman missile, cute little thing, put it in your vest pocket, sounds like a good idea. And I think it is a good idea when you consider all of the problems that we have in trying to deploy the MX, for example. If you start talking about running these missiles up and down the interstate highways or even putting them on railroad tracks or deploying them around various parts of the country, you are going to run into problems everywhere. We are going to run into some very fascinating political problems. We might as well anticipate that.

The fact is MX will give us an added dimension. We do not expect the Soviets to have the capability to knock out our entire intercontinental ballistic missile force, although we expect them to have the capability to knock out the major percentage of them. How much better is it, if there is a small portion of our force that survives, that some of the components of that force be more accurate and have a greater capability?

The alternative of modernizing the Minuteman III is not a satisfactory alternative. It does not have the throw-weight, cannot establish the footprint. If you put a modern guidance system in it, it would have to sacrifice something in payload range, so we should modernize. We should go ahead with the production of the MX because, How can the Russians be certain that we will not, through research and development and test and evaluation, eventually come up with some survivability options for the MX itself? And that is a possibility.

Mr. HART. Will the Senator yield for a question.

Mr. TOWER. I yield for a question at that point.

Mr. HART. Would the Senator from Texas——

Mr. TOWER. Will the Senator make the question relatively short because we are on my time. If he is going to make a lengthy question, I will suggest he do it on his own time.

Mr. HART. The question will be brief and the Senator from Texas has an enormous amount of time.

Would the Senator from Texas agree or not agree that a Minuteman in a mobile basing mode, with a treaty limitation on the number of Soviet warheads, would be relatively more survivable than putting the Minuteman in fixed silos?

Mr. TOWER. Well, I think if you get a limitation on Soviet warheads, that is going to impact on the survivability of any system regardless of mode. We regard a mobile mode, of course, as being the most survivable. This was the theory behind MPS, mobility, unless you could prove out the theory of, say, closely spaced basing, the silo hardening coupled with other defensive measures to be taken.

Under the ABM treaty, we are permitted to maintain the defense of one site, and I would anticipate that we could make some progress in ballistic missile defense and conceivably even deploy a system without doing anything to the ABM treaty.

I believe we should go to mobile missiles. But, again, let us look at the problem the Soviet planners have.

If they launch a first strike against the United States and they, for example, launch from submarines and from the Soviet land mass at the same time, some of those missiles would arrive ahead—those that are submarine launched—would arrive ahead of those launched from the fixed land sites in the Soviet Union. We could launch, actually, not under attack but, in fact, after attack. We would have some 15 minutes' warning, which would enable us to get some of our missiles off. So that is a fact to consider.

I do not advocate launch on warning. I think it is a dangerous idea. I really have some questions in my mind about how much we could launch under attack.

However, to further examine the question that has been raised, I think that survivability would depend on numerous factors: The degree of mobility, the amount of ground over which they can roam or range or deploy themselves, the extent of the warhead limitations on Soviet systems. So I think the questions is hard to answer unless it is more clearly defined.

Mr. HART. Madam President, will the Senator yield?

Mr. TOWER. Let me pursue my thought.

It is held that because these systems would be vulnerable, there would be the temptation for us to launch under attack. The contention has been that the Soviets, because they are vulnerable, would regard them as a first-strike weapon and would consider that we are developing a first-strike capability. Some of the opponents of the MX have maintained that the Minuteman III has a hard target kill capability and that, if that is the case, we already have a first-strike capability.

In fact, however, on the idea of first strike, with which at least one or two of the speakers have been concerned—some kind of notion that we are changing to a new strategy, one of first strike—I think there is no substance to that suggestion, because the numbers we consider that we are going to deploy could hardly give us a first strike capability. We would still not have a first strike option.

If we really were going to develop a new strategy doctrine and go to first strike, I think we would probably want to develop forces that are more similar to those of the Soviet Union. For example, we have greater numbers of strategic bombers than they do. They are not regarded as a first strike weapon. So we would tend to figure more the way they do. We would emphasize in our own force structure a larger percentage of that force to be comprised of ICBM's. We would make a relatively small investment in the sea-based strategic platforms which have little less accuracy and have a command communications control process. But what is more, we would have a strategic doctrine whose central tenet holds that a surprise attack to disarm our adversary is fair game. Soviet writings suggest that that is their doctrine.

We, of course, have no such doctrine today, nor do we plan to adopt one; and I cannot conceive of how anyone would come to the conclusion that our strategic factor has changed and that we are going to a first-strike policy because we deploy a few MX missiles.

Mr. MOYNIHAN. Mr. President, will the Senator yield for a question?

Mr. TOWER. That certainly would not give us the ability to overwhelm the Soviets in a first strike, and they know that.

I yield to the Senator from New York.

Mr. MOYNIHAN. I thank the distinguished chairman for his courtesy.

Mr. President, I ask the Senator two things: First, would he agree that the Minuteman III has certainly emerged as a weapon that is capable of use as a counterforce weapon and which is now, in effect, deployed as a first-strike weapon, inasmuch as its silos have been targeted? But that was not the case when the Minuteman III was put there. That was the development that I remember, sitting in the Cabinet room, hearing Secretary Laird describe the first intelligence of the beginnings of SS-17, SS-18, and SS-19.

So when we put them there, when we decided to build the Minuteman,

under President Eisenhower, they were a weapon not vulnerable to a first strike and, therefore, wholly consistent with our deterrence doctrine.

Mr. TOWER. They were a weapon that could have executed a first strike, given the vulnerability of the Soviet systems. Of course, the Soviets have developed more survivability. In other words, they have hardened what they have.

Minuteman II was much less capable than the Minuteman III. The Minuteman III, at the time it was deployed had a far greater capability, given the configuration and the nature of the Soviet systems, than it does now. The Soviets, of course, have developed more generations of new systems since we developed the Minuteman III than we have. We are the ones who have acted with some restraint in this business.

Mr. MOYNIHAN. That is correct.

Mr. TOWER. As Harold Brown said, "When we build, they build. When we don't build, they build."

Mr. MOYNIHAN. I was present when he said it.

My point was that the difference between the Minuteman and the situation in which they were deployed and placing the MX missile in the same Minuteman silos is that we know they are targeted. They know we know, and they can only assume that we have decided to put them in a lose-them-or-use-them situation. That, after all, is their doctrine. It is readily comprehended by them.

Would not the distinguished chairman agree that it is not what we say here on this floor, that it does not matter what the President thinks? What matters is what is the perception in the Soviet mind.

Mr. TOWER. I would think that the perception might be if they thought that we would launch them against them that we would launch under attack after they had already launched against us. I do not believe that they would think that we would be suicidal enough to use this missile force that we have to launch a first strike against them when we could not destroy a substantial enough percentage of their urgent hard-target capability to prevent them from making a devastating equivalent second attack against us.

Mr. MOYNIHAN. I thank the Senator for his candid remarks.

Mr. HART. Madam President, will the Senator yield on that point?

Mr. TOWER. I yield.

Mr. HART. Is it the position of the Senator from Texas that the so-called limited deployment of 100, leaving aside the question of the second 100 Minuteman possessing 1,000 warheads at 350 kilotons apiece, a third of a megaton, is not sufficient to deliver a crippling first strike—a thousand 350-kiloton warheads?

Mr. TOWER. The Senator is talking about 100 of the MX missiles, which is not contemplated, by the way, in this authorization bill. We have not gotten that far yet, and there is some question as to whether or not we could.

But the fact that we might want to move in that direction again I think gives us leverage at the conference table. Our ultimate objective is to secure a substantial reduction in the inventories, at least, of stabilizing weapons. Yes; the MX is a stabilizing weapon. So are the Soviet weapons.

But the Soviets do not regard arms negotiations as seminars in political stability. They gave us nothing for having unilaterally given up the B-1. When it was suggested they shrugged, and they were not prepared to negotiate on an ABM system until we finally authorized one here in Congress by I think three votes in the House of Representatives and one vote in the Senate. Maybe it was a little bigger margin in the House of Representatives.

But the fact is our potential to go to that number would be the setting for negotiating a reduction.

But I would add to that that the Soviet hard targets do exceed 1,000. They are greater than 1,000. After all, they do have a total of about 1,390 of intercontinental ballistic missiles. That is down from about 1,400 because it is minus some old ones. But it is about 1,390.

Although the MX is enormously accurate, we would have to proceed under the assumption that at least a small portion of some of their more accurate systems might survive.

So I do not believe that they would think that even if we had 100 we would launch a first strike against them. I would hope that they would think we mean business, that we are not going to let ourselves be stripped naked of a land-based capability of some kind and, therefore, we would be prepared to negotiate reduction of those numbers in their own systems. That is not to say that I regard MX as a bargaining chip. I want to carefully make a distinction between negotiating leverage and a bargaining chip because I would assume that in the course of negotiations both they and we would consider reducing the number of arms and reducing probably the least modern ones first or at least a mix of the older ones and the newer ones.

So both sides would probably be left with the more modern capability but reduced numbers and in reduced numbers come some degree of safety.

I believe that, also, this fits in with the Scowcroft Commission recommendation that we go to limitation on warheads and not just on tubes, not just on launchers. I think that that is a recommendation that the administration is going to pursue.

Mr. HART. Madam President, will the Senator yield for a further question?

Mr. TOWER. I yield.

Mr. HART. The argument that has been made in favor of the MX is one that the Senator just stated. It is not a bargaining chip but a bargaining lever.

Mr. TOWER. A negotiating lever.

Mr. HART. A negotiating lever. But the Senator then confessed that what we will probably be able to negotiate is limitation on older weapons.

I have heard the MX defended at all levels as a means to get the Soviets to——

Mr. TOWER. Let me say that is not to say that at some point in time we might not agree to reduction of numbers of the MX, but the primary reason for building them is modernization of force and negotiating leverage, in my view.

Mr. SARBANES. Madam President, will the chairman yield on the modernization point?

Mr. TOWER. I interrupted the Senator from Colorado to pursue his questions. Let him finish his and then I will go to the questions of the Senator from Maryland.

Mr. HART. The only question I meant to ask was that my understanding of the administration position was they needed MX in order to get the Soviets to reduce S18's and S19's, not older weapons.

Mr. TOWER. I do not think that is specified. Obviously, we desire to get a reduction of those, but the administration can hardly specify what their negotiation posture is going to be. That is something we cannot dictate to them here.

Mr. SARBANES. Madam President, if the chairman will yield for a question, I listened carefully as the chairman was discussing the survivability point, and he made the point that, of course, the Minuteman now has survivability problems. But at the time of its deployment it did not have survivability problems, as I understand it, comparable to what the MX now has—it was not placed at the very beginning in a fixed silo that was perceived at the time to be nonsurvivable. I cannot recall any comparable development in weaponry in our strategic arsenal where we had this degree of vulnerability at the very beginning.

Subsequently, over time, as the other side changed its arsenal and improved it, it may have led to a growing vulnerability. That is the case now with the existing Minuteman.

But I cannot recall another weapons system in the strategic arsenal where we have had this vulnerability at the very outset.

Does the chairman agree that this is really a rather marked change, in terms of the survivability of the weapons system at the outset?

Mr. TOWER. I would agree that at earlier times when we had developed and deployed systems they had been in the context of that time more survivable than the Minuteman is today. There is no question about that, and there is no question that the Minuteman is going to be vulnerable. I think we could call that—I am not a lawyer—but I believe that is what the laywer calls a stipulation. I understand that.

I am just talking about what options we have now and from the military standpoint we could have better ones than this. But we are forced to do the best we can do given the political environment of the moment.

I continue to believe that if a large percentage of our force is inundated in a first strike, even if we ride it out, of those few systems that survive I would hope that some would have a counterforce capability, and the fact is if we had substantial warning such as some missiles landing before others arrived, that gives us a better prospect of getting away some of our missiles before the Soviet missiles that are targeted on them arrive. It gives us an added dimension.

One thing I think we should take into consideration is that those people who are responsible for negotiating with the Soviets, and that is something that not many of us have had any experience in around here, those people who are out on the cutting edge of negotiations, the people in the administration who have to deal with it, are convinced that deployment of this system, even though it may be vulnerable, is essential if we are to make any satisfactory progress in our efforts to reduce the inventories of strategic arms.

I think the Scowcroft Commission came to that conclusion, and the Scowcroft Commission, as I noted earlier, is made up of some men who said some of the same things about vulnerability that I have said and that you are saying now. But they have come to this conclusion after a comprehensive and careful study of all the elements involved, and I do not think that the MX should fall on one flaw alone.

As I say, what are the alternatives,

Mr. SARBANES. Will the chairman yield?

Mr. TOWER. We do not seem to have much in the way of timely alternatives for the moment.

Mr. SARBANES. If the chairman will yield further, if the MX did not prove to be a bargaining lever, which I think is the term the chairman used, what would the chairman then—

Mr. TOWER. Negotiating lever.

Mr. SARBANES. Negotiating lever.

Mr. TOWER. I try to choose my words very carefully.

Mr. SARBANES. What if that did not prove to be the case? What would the chairman envision as in modernizing the land-based leg of our strategic triad?

Mr. TOWER. The Scowcroft Commission has gone a step further, going to a recommendation of the Midgetman.

Mr. SARBANES. Does the chairman agree with that?

Mr. TOWER. Yes.

Mr. SARBANES. What would be the difficulty of going to the Midgetman directly, not proceeding with the deployment of the MX which raises the question whether there is a departure from strategic doctrine? I take it the Midgetman would not raise such a question.

Mr. TOWER. May I say I do not conceive that deploying the MX represents a change in strategic doctrine. That is what the opponents of the MX are arguing. I do not accept that argument. I do not believe it does. I do not think, because it does not give us a credible first-strike capability, therefore it does not represent a change in strategic doctrine. But the fact is we do not have the Midgetman yet, and if we wait for that, if we are going to leap-frog technology—by the way we have done that often around here on many systems, not just strategic. We say, "Well, yes this looks like a pretty good system here but we know on the drawing boards they have got something that is better so let's just wait until the better thing comes along." So the better thing comes along and we R&D it and T&E it and about that time something else comes up on the drawing boards and we say, "Let's wait a little longer."

I think it is dangerous to do that in terms of strategic systems. We do not have the Midgetman in hand. It is a concept that existing scientific and technical experience and knowledge tell us will probably work. It holds out a great deal of promise, and I hope we will not be so precipitate in passing judgment on it as we were on closely spaced basing. I do not know whether closely spaced basing would work or not. I barely passed my minimum requirement in physics to get a bachelor's degree back in the days when they required us to take a little bit of everything and I had to take physics. The course was designed for freshmen, I was a senior, it was called moron physics. I made 70 in it and that was a gift from the prof to get me out of school.

So I cannot pass judgment on closely spaced basing. Maybe it would not have worked but I think it was something that had promise. And I worry, Senator, that when Midgetman comes down the pike if there is a hitch in the development, a flaw somewhere or some people raise political or environmental questions with it, it may not make it.

Now we have the MX, a majority of the Congress has already passed one resolution authorizing expenditure of funds for it, and now let us proceed. This seems to be a course that we can proceed along, that the majority of the Congress will agree to, and I would now on a bipartisan basis, I might add—LES ASPIN and I do not get together on many things, he is a lot smarter and more articulate than I am, and I am delighted to be on his side on this one—but I think we must get on with it. We have dealt with this issue too long and I am convinced a modern missile, even though it may be deployed in a vulnerable hole, gives us additional negotiating leverage, particularly when the fact is that we are coming along with yet another modern system, the Midgetman, and when there are possibilities for survivable growth options on the MX. Congress may not agree to them. There may be all sorts of doctrinal questions raised or even technical questions. But to me we are at a point now where if we are to convince the Soviets that we can get together on something we had better get together on this already signed off on by a bipartisan commission of highly intelligent, highly experienced men who understand what the imperfections are, but who recognize we do not live in a perfect world.

I reserve the remainder of my time.

WHY WE NEED THE MX

Mr. HELMS. Mr. President, on July 15 I spoke in some detail in support of the MX intercontinental ballistic missile (ICBM) program. In the face of ruthless Soviet global expansion and unprecedented Soviet military spending, the United States must summon the national will and resources to strengthen our capability to defend our precious heritage and way of life.

Mr. President, real deterrence means the capability of this Republic to deny Soviet war objectives. Real deterrence is based upon the marshaling of our material and spiritual resources behind a sound strategy and building a sound and effective military force structure. The MX program is an effective contribution to our national defense.

During the course of the debate on MX there has been a great deal of concern about stability in the nuclear weapons area. I am deeply concerned about stability and that is why I support the MX program. It will help to bring stability into the situation which we confront today which is one of gross instability.

Senators need not be reminded that when negotiations on strategic arms control began back in 1969–70, the United States and the Soviet Union were in a situation of relative stability in terms of nuclear weapons. By that I mean that the land-based nuclear arsenal of neither side was placed at risk by the other. The United States did not have a hard-target kill capability

against hardened Soviet targets. Our intercontinental nuclear missile force inventory included only Titans, Minuteman I, and Minuteman II missiles none of which had, or has, a hard-target kill capability. The Soviets' 200 single warhead SS-9 missiles were deployed against a U.S. target base of 1,200 hard targets. That is, 1,050 U.S. missiles, 100 launch control centers, and 50 other hard targets. The Soviet SS-9 missiles were designed to neutralize our Minuteman force by destroying Minuteman launch control centers. We responded to this threat by going to an airborne launch mode which took away this Soviet advantage until the Soviets then went to a multiple reentry vehicle (MIRV) capability.

After 14 years of so-called arms control negotiations, the situation today is one of gross strategic instability which favors the Soviets. This has resulted not only from the relentless buildup of Soviet nuclear missiles, 70 to 80 percent of whose warheads have a hard-target kill capability, but also from the very agreements reached during the arms control negotiations which permit the Soviets the necessary qualitative and quantitative strategic inventory with which to put our deterrent at risk.

Secretary of Defense Weinberger has described this situation in an understated manner in his Report to the Congress of February 1, 1983. He said:

During the course of the 1970s the Soviet arsenal grew both in quantity and in quality (although the U.S. qualitative edge remained). The Soviets expanded their land-based missile force and hardened their protective silos, and continued the improvement of their defenses against air attack. At the same time, the United States made a choice to restrict its improvements to the yield and accuracy of its own missile forces, so as not to threaten the Soviet Union with a sudden, disarming first strike. The net result of this was to allow the Soviet Union a "sanctuary" for its ICBM force, since U.S. forces by now could not attack them effectively. The Soviets, however, did not follow our self-imposed restraint. They developed a new generation of ICBMs specifically designed to destroy U.S. missile silos, which were hardened far less than Soviet silos, and the B-52 bases. By the later 1970s, this combination of vulnerable U.S. missiles and a Soviet missile "sanctuary" had reduced the effectiveness of our earlier deterrent and eased the problems of the Soviet war planners. Now, the Soviets could envision a potential nuclear confrontation in which they would threaten to destroy a very large part of our force in a first strike, while retaining overwhelming nuclear force to deter any retaliation we could carry out.

WE HAVE A BIPARTISAN STRATEGY

Throughout the debate on MX during recent days, opponents of MX have argued that if we build and deploy the MX our nuclear strategy would change. The fact is, our nuclear strategy has changed owing to Presidential Directive No. 59 (PD-59) which the Carter administration put into place and which the Reagan administration is maintaining. Not once, that I can recall, have the opponents of MX taken note of PD-59 and its consequences for our nuclear strategy and strategic force posture.

Senators need not be reminded that under the leadership of then Secretary of Defense Harold Brown, the previous administration changed our nuclear strategy. Dr. Brown ordered a study to be made under the direction of Mr. Leon Sloss, a nuclear defense expert. The study, entitled the "Nuclear Targeting Policy Review," began in December 1977 and finished in late 1978. Three years ago, on July 25, 1980, PD-59 was issued based upon this study and it defined our new nuclear strategy. This new strategy replaced the false and unsound mutual assured destruction doctrine (MAD) with the realistic strategy of denying Soviet war aims. The Reagan administration has maintained this realistic strategy. The strategy is, therefore, bipartisan in nature.

Secretary of Defense Weinberger clearly stated our policy in his report to the Congress on February 1, 1983 in the following words:

We must make sure that the Soviet leadership, in calculating the risks of aggression, recognizes that because of our retaliatory capability, there can be no circumstance in which it could benefit by beginning a nuclear war at any level or of any duration. If the Soviets recognize that our forces can and will deny them their objectives at whatever level of nuclear conflict they contemplate and, in addition, that such a conflict could lead to the destruction of those political, military, and economic assets that they value most highly, then deterrence is effective and the risk of war diminished. It is this outcome we seek to achieve.

We have a bipartisan strategy in place. This strategy calls for placing the sinews of the Soviet war machine at risk and thereby denying them their war objectives. Owing to the legacy of the MAD doctrine, however, our strategic force posture is not up to the job of putting Soviet warfighting capabilities at risk. Therefore, in order to restore strategic stability, we must develop our inventory of strategic assets to fit our new strategy and make it effective.

SOVIET DOCTRINE OF PREEMPTION

Mr. President, during the many hours of debate on MX, the opponents of MX have refused to confront directly the facts about Soviet nuclear doctrine and strategy. How often have we heard that if the United States builds the MX that this would put us on a so-called hair trigger basis. It is the Soviets who, by the MX opponents' own definition, have been on a hair trigger basis for some 25 years.

Not only have the Soviets designed their strategic missile forces with the technical capabilities to destroy our strategic missile deterrent, the Soviets have oriented their strategic doctrine for employment of their strategic rocket forces toward preemption. There is ample evidence to demonstrate that the preferred Soviet doctrine for employment is preemption. By preemption, I mean launch on strategic warning during a crisis. This preferred Soviet employment doctrine has been in place for some 25 years. About 15 years ago, the Soviets added an additional employment doctrine, that of launch on tactical warning. Second strike for the soviets is their least preferred employment doctrine which exists only as a last resort.

Secretary of Defense Weinberger has described these Soviet employment doctrines in his report entitled "Soviet Military Power" the second edition of which was released to the public in March 1983. The report states the following:

Soviet intercontinental forces are designed to fulfill their missions under the best and worst of circumstances. In the Soviet view, the most favorable circumstances is a first or preemptive strike; the least favorable is a follow-on strike after nuclear weapons have hit the USSR. In between is the launch-under-attack circumstance: that is, executing offensive forces after weapons aimed at the USSR have been launched but before they hit their targets. The Soviets have wide-ranging programs designed to provide nuclear forces able to operate under each of these circumstances. Moreover, the Soviets appear to believe that nuclear war might last for weeks, even months, and have favored this into their force development.

It is a fact that preemption was one of the earliest tenets of Soviet military strategy formulated in the first stage of the post-Stalin debate (1953-55) on Soviet military doctrine and strategy in the nuclear age. In Soviet strategy, preemption is strictly on the warning that the Soviets expect to aquire in a crisis. It is not to be confused with preventive war and unprovoked surprise attack "out of the blue." Because the literal term for preemption is subject to such misinterpretation, however, the Soviets have seldom used it since the late 1950's. Instead, they use the terms "frustrate," "disrupt," and "repel," a surprise attack by the West and stress the importance of surprise and seizing the initiative. One authoritative treatment of this subject available to the public is by Herbert S. Dinerstein and is entitled "War and the Soviet Union." During the 1960's, several Soviet defense experts spelled out the meaning of "frustrating" and "repelling" an attack on the Soviet Union. This meant a combined (offensive) counterforce and defensive—air, missile, space and civil defense—operations.

Examples of such Soviet strategic thought are available to the public. They appear in the authoritative Soviet military journal, Military Thought, which has been declassified up to 1973. Among the examples of such thought are: General Major Va-

v'yalov in Military Thought, No. 10, 1965; Gen. Maj. N. Vasendin and Col. N. Kaznetsov in Military Thought, No. 6, 1968; Gen. Col. M. Povaliy, "Development of Soviet Military Strategy," in Military Thought, No. 2, 1967; and Col. V. Morozov, "The Third Edition of Marxism-Leninism on War and the Army," in Military Thought, No. 7, 1963.

Also available to the public is information illustrating the Soviet employment option of launch on tactical warning of enemy missile and aircraft launch. Marshall of the Soviet Union N. Krylov, the Commander in Chief of Soviet Rocket Forces, stated this unambiguously in Military Thought, Nov. 11, 1967.

Throughout the debate in recent days on the MX, opponents of the MX have not once, to my recollection, touched seriously on the subject of Soviet employment doctrine. How often have we in this Chamber heard about so-called U.S. hair trigger response which the deployment of the MX would allegedly bring. There has been a deluge of hair trigger rhetoric against the MX yet the fact of the Soviets being in a hair trigger mode, as defined by MX opponents, for some 25 years is totally ignored by MX opponents.

MX HAS A CRITICAL MISSION

Mr. President, there has been a great deal of talk during the debate on MX that it is a system without a mission. MX has a mission: it provides the United States with a hard-target kill capability, a counterforce capability, required by our strategic doctrine in order to regain strategic stability.

It is a fact that 70 to 80 percent of the inventory of Soviet warheads have a hard-target kill capability. We do not have such a capability against hardened Soviet targets. If we examine the target base of each country, we find that great asymmetries exist. From the strategists' and war planners' point of view, the United States offers a much easier target than does the Soviet Union.

The U.S. target base that a Soviet war planner faces is only about half as large and less than half as hard as that of the Soviet Union. From the standpoint of U.S. defense planners, we confront a situation in the Soviet Union of twice as many targets which are twice as hard at least than those in these United States. For this reason, we must do everything that we can to develop a counterforce capability to put the sinews of the Soviet war machine at risk. The MX is a system which contributes to this goal.

It is a fact that the Soviet Union has systematically hardened its key centers of military value. The Soviet Union has hardened not only its missile silos but also military and civilian command and control sites. The Soviet Union has engaged in an extensive program to develop its capabilities for evacuation and civil defense. The Soviet Union has an extensive program to disperse a wide variety of economic and military assets.

Secretary Weinberger's report, "Soviet Military Power," states the following in regard to the extensive Soviet activities in this field:

Passive Defense: The Soviet Ministry of Defense controls the nationwide civil defense programs of the USSR. THE Chief of Civil Defense is a Deputy Minister of Defense and general of the army. Full-time civil defense staffs exist at each echelon of the Soviet administrative structure. Civil defense staffs also exist at significant industrial, utility and other installations. In wartime, the civil defense administrative structure, assimilated into an integrated command system, would play a significant role in maintenance of the government and the economy. This goal is supported by the protection provided leadership through deep, hard, urban sheltering and an extensive network of hardened relocation sites outside the cities, with redundant communications systems. The program also provides for continuity of support for the economy in wartime through the protection of the essential workforce by sheltering at work and by the dispersal of off-shift workers to areas away from worksites. Although much urban shelter space is available for the use of general urban populations, their protection is to be achieved primarily through mass evacuation of cities. In peacetime, more than 150,000 people work full-time in the civil defense program. In wartime, the numbers could swell to 16 million. The program costs the equivalent of $3 billion annually.

The MX has the critical mission of restoring strategic stability by putting at risk the hardened target base of the Soviet Union. Real deterrence can be achieved by putting at risk the sinews of the Soviet war machine and thereby denying them their war objectives.

I would point out that the concept for developing a counterforce missile is not a new idea. In fact, this concept grew out of the STRAT-X studies which were conducted by the Institute for Defense Analysis at the request of the Johnson administration during 1966-67. Taking note of the Soviet ABM development as well as of the development of Soviet counterforce capability, the STRAT-X studies recommended the concept of developing a counterforce missile by the United States.

SOVIET ACTIVE MEASURES

Mr. President, during our debates on nuclear force modernization, it is well to reflect upon Soviet active measures which seek to undermine Western will and to forestall the development and deployment of military assets which place at risk the sinews of the Soviet war machine. It may well be that many people of good will, both in Western Europe and in these United States, have been unduly influenced by Soviet active measures on such matters as the so-called nuclear freeze, the MX, and the Pershing II. In the face of such Soviet active measures, we in this Senate must take special care to consider all the facts relating to our national security and the challenges posed by the Soviet Empire. We must strive to do what is best for our great Nation in the matter of strategic policy and force structure in a truly bipartisan manner.

Secretary Weinberger, in his report on "Soviet Military Power," describes Soviet active measures in words that we cannot prudently ignore. The report states:

ACTIVE MEASURES

Moscow views active measures as an offensive tool of its foreign policy aimed at influencing the decisions of governments, discrediting and undermining confidence in leaders and institutions and disrupting relations among countries. Active measures encompass both covert and overt activities such as propaganda, activities of accredited diplomats and officials, friendship and cultural societies, manipulation of the media and forgeries, use of military operations, communist parties and front organizations. One of the most important Soviet considerations in executing active measures operations is the ability to mask the Soviet government's involvement and to ensure that they appear genuine.

Active measures are an adjunct to the conventional diplomatic methods used by the Soviets. The objectives of active measures operations are to weaken the opponents of the USSR, the US in particular, and to create an environment which is favorable to Soviet views and interests.

Policy decisions on active measures are made at the Politburo level, where the general direction and themes of major campaigns are approved. The powerful International Department (ID) of the Central Committee, headed by Boris Ponomarev, serves the Politburo by receiving and coordinating inputs on Soviet foreign policy matters and by integrating the broad range of active measures and carrying out Moscow's foreign policy intentions. The International Information Department (IID), another Central Committee instrumentality, is charged with formulating, disseminating and improving the effectiveness of overt and covert propaganda worldwide. In coordination with the ID and the IID, Service A of the KGB First Chief Directorate is responsible for those active measures which must be carried out covertly.

Since early 1980, the Soviets have often employed forgeries in attempts to aggravate relations between the US and its NATO allies and to derail NATO's INF modernization program. Soviet disinformation techniques attempt to discredit individuals, governments or policies by purveying false or misleading information. Clandestine radio stations such as the National Voice of Iran (NVOI) pass on information to domestic leftist groups, attempt to incite unrest among the population and broadcast inflammatory anti-US propaganda. NVOI was used to encourage and incite the Iranians who stormed the US Embassy in Teheran in 1979.

Active measures may include military operations in order to pressure a target country to adopt certain policies which Moscow supports. Other Soviet active measures include political and economic influence operations that attempt to promote Soviet interests. The USSR has frequently used its aca-

demics, who are trusted party and government members and its journalists to promote Soviet positions and as KGB covers.

A more indirect form of Soviet active measure operations is the use of intermediaries who will undertake activities to support Soviet objectives without Moscow being directly involved in them. One such method is the use of the more than 70 pro-Soviet communist parties throughout the world. Activities of international and local front organizations dominated by pro-Soviet communists are yet another and one of the most effective the Soviets have devised to influence those who are not themselves Soviet sympathizers. These organizations are not openly pro-Soviet and are designed to attract members from a broad political spectrum. The largest and most important of these front organizations are the World Peace Council (WPC) with affiliates in over 130 countries, the World Federation of Trade Unions, the World Federation of Democratic Youth and the Women's International Democratic Federation.

The Soviet '"peace campaign" has made use of every resource available to Moscow: the WPC and its affiliates, the other front organizations and communist parties have all played an important role in organizing demonstrations and conferences against strengthening NATO militarily. In their present campaign, the Soviets have employed the fronts to support a variety of well-meaning religious groups, antinuclear movements, pacifists, environmentalists, youth and women's groups, and others. It must be noted that similar groups are not permitted to operate freely in the USSR and Eastern Europe to provide a counterpoint to Soviet military, and especially nuclear, programs.

Over the next several months, Moscow can be expected to make a determined effort to mobilize mass demonstrations, civil disobedience, and possibly violence in Western Europe as part of a major active measures campaign. It will attempt to stress anti-US themes in the "peace campaign" while deflecting world attention from Soviet defense programs and expenditures. Active measures permit the Soviets to introduce their ideas into the Western domain in such a way that the ideas are identified as Western. Soviet foreign policy will benefit from General Secretary Andropov's proven ability to direct active measures. The continuation of such measures can thus be anticipated, especially as they relate to the frustration of Western defense initiatives.

Mr. President, in a speech before this body on the first day of the new Congress, January 3, 1983, I drew attention to Mr. Andropov's skills in the active measures area. At the time, I stated:

As head of the KGB, Andropov would claim many successes over his 15-year command. On the "Active Measures" front, Andropov's KGB played a major role in various psychological offensives against the West. For example: the orchestration of the anti-Vietnam war movement in Europe and in the West, the orchestration of the anti-neutron weapon movement in the West, the orchestration of the nuclear freeze movement in the West.

Over the course of the last half year, I have seen no indications that Mr. Andropov is backing away from active measures on a broad front. If anything, as Secretary Weinberger points out, we should expect an intensification of such Soviet activity aimed at undermining Western will and at forestalling the development and deployment of military assets which place at risk the sinews of the Soviet war machine thereby denying them their war objectives.

IN CONCLUSION

Mr. President, let me say in conclusion, that while we have finally adopted a realistic deterrence strategy, in a bipartisan manner over two administrations, we do not yet have the strategic force posture with which to implement this new strategy. I would say again that it was under the leadership of then Secretary of Defense Harold Brown that the Carter administration changed our nuclear strategy with PD-59 to a strategy of denying Soviet war objectives. The Reagan administration has maintained this strategy and it is a bipartisan strategy.

The Soviet Union has designed and built its strategic missile forces to destroy our strategic deterrent. We must develop our strategic missile force in order to achieve real deterrence by having the capability to put at risk the sinews of the Soviet war machine and so to deny the masters of the Kremlin their war objectives.

Mr. President, the MX program provides these United States with a capability against hardened Soviet targets. The MX is a system that we need to break out of the weapons inventory which was bequeathed to us by the assured destructionists. The MX helps to provide today the capability that our new and realistic strategic doctrine requires. It is a bipartisan doctrine which if supported will help our great Nation to regain strategic stability. I strongly urge my colleagues to support this vital program.

Mr. MOYNIHAN. Will the chairman yield for a question, a clarification of a point?

Mr. TOWER. I will yield briefly. I want to reserve the remainder of my time. We have other people who want to speak so I do not want to monopolize the floor but I will yield briefly.

Mr. MOYNIHAN. The question is this: How does the chairman distinguish between launch on warning and launch under attack in terms of the time frame and the decision-triggering events?

Mr. TOWER. I think that launch under attack would mean you have a certainty that their missiles are already underway. It might even be an initial detonation, you are under attack but not all missiles have fallen.

Launch on warning would get some indication they are going to launch, and this is dangerous to me. I would never suggest we follow a launch on warning.

Mr. MOYNIHAN. But you would agree that launch under attack can involve the—indeed I think it was suggested that the most likely situation is that you know, you are satisfied, that the other side has its missiles under way.

Mr. TOWER. Yes. For example, if some of their submarine-launched missiles were being detonated over our airfields and the missiles had not arrived I would proceed under the assumption we are under attack.

Mr. MOYNIHAN. That is the fact where there is an actual detonation.

Mr. TOWER. Or a detonation over New York I would conclude we were under attack. There are some people who do not like New York much and would maybe not arrive at that same conclusion but I would.

Mr. MOYNIHAN. There are New Yorkers who may not know the difference. [Laughter.] But you do contemplate a situation in which about a 20-minute decision between the first radar warnings and the last moment——

Mr. TOWER. I do not think we could say—I would not want to define that precisely. We could maybe sit down and agree on certain criteria for determination of launch under attack.

Mr. MOYNIHAN. But launch under attack does contemplate letting go of your own missiles with knowledge that the other side, judging the other side has done so and that is, sir, a 20-minute time lapse.

Mr. TOWER. We do not know how long it will be.

Mr. MOYNIHAN. Not 20 days.

Mr. TOWER. I think to pursue this question we probably would have to go into a closed-door session because there are some sensitive aspects of that that I do not think we should discuss here on the floor.

Mr. MOYNIHAN. It is not 2 days.

Mr. TOWER. Which I will be glad to suggest we take the Senate into such session if you would like to do so. No, no, not 2 days, of course not. We are talking about minutes but I would not specify 20.

Mr. LEVIN. Will the chairman yield for a question on the minority's time. I ask unanimous consent the time for this question and answer be charged against the minority leader's time.

Mr. TOWER. I yield.

Mr. LEVIN. I understood the chairman to say the following: "Even with the MX we would not be able to deploy a large enough percentage of this urgent hard-target kill capability to stop them from launching a second attack." Did I understand the chairman correctly?

Mr. TOWER. Well, stop them from launching against us. What I am saying is this is their hedge against our launching a first strike against them.

Mr. LEVIN. Do I understand the chairman correctly that even with MX we will not be able to destroy a large

enough percentage of their hard target kill capability?

Mr. TOWER. Maybe I should have said a responsive target against us. It would be their first, obviously, if we launched a first attack.

Mr. LEVIN. I am wondering if these figures are the same the chairman has on this issue. The SS-18's and SS-19's, as I understand it, are the ones that have hard target kill capabilities.

Mr. TOWER. That is correct. The 17's do also.

Mr. LEVIN. My understanding is the 18's and 19's total 638—leaving out the 17's for a moment—the 18's and 19's have 638 missiles, is that correct?

Mr. TOWER. Yes.

Mr. LEVIN. Could the chairman inform us how many 17's there are?

Mr. TOWER. If the Senator will excuse me, I will have to read the numbers.

One hundred and fifty SS-17's.

Mr. LEVIN. So that roughly 788 17's, 18's, and 19's fall in the category of hard-target-kill capability?

Mr. TOWER. 810.

Mr. LEVIN. Could we round that off to 800 to make it easy.

Mr. TOWER. I did not do too well in math, I think that is about right.

Mr. LEVIN. I am with the chairman on a number of these issues, including how well we did in math.

But, assuming there are 800 of the hard-target-kill missiles on the Soviet side, would the chairman then agree with the following figures: that 100 MX's would give us 1,000 warheads?

Mr. TOWER. We are not proposing to go to 100 in this bill.

Mr. LEVIN. The Scowcroft Commission report is what you are supporting.

Mr. TOWER. Well, I know, but we are not proposing to go to that in this bill. All that is authorized is the 27 that we have.

Should we go to 100, even with 1,000 warheads, on a 2-to-1 attack, you would still fall short of the numbers required to give you a reasonable certainty of virtually destroying their offensive capability.

Mr. LEVIN. I was getting to that, because in addition to the 100 MX's, are we not also contemplating 300 Minuteman III's with hard-target-kill capability?

Mr. TOWER. No; we are not contemplating 300 Minuteman III's with hard-target-kill capability.

Mr. LEVIN. We are not contemplating 300 Minuteman III's with hard-target-kill capability?

Mr. TOWER. Not the Soviet projected hard-target-kill capabilities.

Madam President, I say to the Senator that I would suggest if we are to pursue this, we better go into a closed-door session.

Mr. LEVIN. I thank the Senator.

Mr. HART addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HART. Madam President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. HART. Madam President, could we sort out the existing time situation and could the Chair notify both sides what time remains under the 4 hours allotted on the bill?

The PRESIDING OFFICER. On the bill, the majority still has its 2 hours. The minority now has 8 minutes.

Mr. HART. Madam President, under whose time did the Senator from Texas speak for 30 minutes?

The PRESIDING OFFICER. On the amendment.

Mr. TOWER. Madam President, I think I did not specify where my time was coming from. I ask unanimous consent that the time consumed by the Senator from Texas be charged against him on the bill. That clarifies that situation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. As a matter of fact, I had only an hour on the amendment.

The PRESIDING OFFICER. The Senator had an hour on the amendment.

Mr. TOWER. I had an hour on the amendment, but we had 2 hours on the bill.

With that, could the Chair inform us how much time we have remaining on the bill on this side? The Parliamentarian is not too good at arithmetic, either.

The PRESIDING OFFICER. Seventy-six minutes.

Mr. TOWER. No time has run on the amendment of the Senator from Colorado; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HART. Madam President, I ask unanimous consent that I may proceed for 2 minutes to discuss the time situation without the time being counted against the minority's time on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Madam President, I say to the Senator from Texas that there are Senators who wish to speak today and tomorrow and the Senator from Colorado is prepared to yield some time on his amendment. But, given the situation in which it is still nuclear to the opponents of the MX how those amendments will be structured, there will come a time very shortly when I think it will be advantageous to yield more time on the bill, if we can grant that.

Mr. TOWER. Madam President, I ask unanimous consent that I may suggest the absence of a quorum without the time consumed to be charged to either side on either the amendment or the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded,

The PRESIDING OFFICER, Without objection, it is so ordered.

Mr. TOWER. Madam President, I yield 30 minutes of the time for the majority on the bill to the control of the Senator from Colorado (Mr. HART).

Mr. HART addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HART. I thank the floor manager.

Madam President, I am prepared to yield 15 minutes to the Senator from Michigan from the time yielded, if he wishes to be heard.

Mr. RIEGLE addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. RIEGLE. I thank the Senator from Colorado.

Madam President, first let me say that I think the Senator from Colorado has done the Senate a great service by his leadership attempting to focus attention on the fundamental questions that are involved in this MX decision.

I think that the effort to try to bring about a focused and pointed debate is vitally important to the country. We have not had such a debate, in my view, to the extent that it is needed. We tried last week to have such a discussion and, unfortunately, we were unable at that time to really engage the proponents of the MX in a way that would let us get to the heart of many of these issues.

In any event, I rise today to oppose the MX missile. I want to present part of my reasoning for doing so.

Madam President, nearly 2 months ago the Senate voted to join the House in releasing $220 million for MX basing studies and test flights. Very shortly now the Senate will vote again on the MX missile. The question before us will be whether or not we should actually go forward with the first 27 of 100 MX missiles at a projected cost of over $20 billion.

My own notion is that the $20 billion is a minimum figure in that in the course of time, were we to go ahead, we will see that figure balloon up by several more billions of dollars.

At the time of the vote on May 25, I opposed the MX because I believe the system to be unnecessary to our national security, an inducement to an accelerated nuclear arms race likely to increase the possibility of accidental nuclear war, and, given its question-

able military usefulness, much too expensive.

I rise today again to state those concerns and to make a final plea to my colleagues to reject the proposal that is before us.

To my mind, the fundamental question underlying the MX debate is, Will this weapons system make the United States more secure? U.S. national security in the nuclear age depends on the maintenance of the credible nuclear deterrent coupled with serious arms control efforts. Will the MX missile deployed in existing Minuteman silos contribute either to our deterrent or to arms control efforts?

My firm belief is that it will not, on either count. Neither deterrence nor U.S. security will be enhanced by deploying first-strike weapons in a vulnerable basing mode.

What, then, is the purpose of deploying 100 MX missiles in Minuteman silos? In response to this most difficult question, the Scowcroft Commission suggests that deployment is necessary for three reasons: First, to give the Soviets incentive to negotiate stabilizing arms control agreements and reshape their force structure; second——

Mr. SASSER. Will the Senator yield for just a moment at that point?

(Mr. ABDNOR assumed the chair.)

Mr. RIEGLE. Yes; I am happy to yield.

Mr. SASSER. I find myself at a loss as to how, if we adopt the first-strike philosophy, that is going to move the Soviet Union toward negotiations.

For example, if we go forward and put 100 MX missiles in silos that are already targeted, that are already vulnerable, I do not see how that is going to push the Soviet Union in the direction of negotiations. Could the Senator enlighten me on that? I know the Senator is not a proponent of the MX system, as he has said earlier, but the proponents are making that argument. I find that difficult to understand.

Mr. RIEGLE. I think the Senator raises an interesting question. If the United States should go forward now with this first-strike weapon, that would serve not only as an inducement to the Soviets not to move forward at an accelerated pace with arms control, but to accelerate development of both their defensive and offensive weapons.

Mr. SASSER. If the Senator will yield for a moment, that has been the history of the Soviets. Let me quote from a very enlightening and learned article by a distinguished American, Mr. McGeorge Bundy, which appeared in the New York Times on Sunday, April 17, 1983. Mr. Bundy said:

The Soviet answer to new programs——

In this case the MX program in Minuteman silos—

will be new programs, not new concessions.

This has been the Soviet reaction all the way through.

I well remember, and I am sure the Senator from Michigan remembers also, the great controversy in the early 1960's as to whether or not we should MIRV our missiles. Should we go forward with these multiple reentry vehicles, a technology that the Soviet Union at that time did not have, a technology which we did not anticipate they would master for many years in the future?

The great national dialog at that time was, should we go forward with these MIRV'd missiles? The argument was this: Let us go forward with MIRV's now because we have the technology and the Soviet Union does not. Those who opposed MIRV'd missiles, said, "No, let us not go forward with the MIRV'ing, because they will develop their own MIRV'd missiles in the not too distant future."

That is precisely what happened. The Soviet Union in response to this new program on our part went forward with their new program, and in a period of years did develop the MIRV missile, which is much more devastating than the single warhead missile that preceded it. Now we find ourselves engaged in another great dialog: How do we move back in the direction of a single warhead missile that we moved away from in the early 1960's?

The MIRV missile is much more dangerous. It is much more susceptible to a first-strike launching, a first-strike capability, and is, in itself, a highly destabilizing weapon.

We now find, I say to the Senator from Michigan, that we are moving right down the same road again. We are coming with a new missile, which is vulnerable to being taken out by a first strike by putting it into a vulnerable basing mode—old silos that the Soviet Union has had targeted for years.

The answer to this on the part of the Soviets is not going to be new concessions, in my judgment. It is simply going to be a movement forward on new programs of their own, I say to the Senator from Michigan.

I thank the Senator for yielding and letting me interject these thoughts.

Mr. RIEGLE. I thank the Senator for his comments. I think what this system will do is to increase the likelihood of nuclear war in this world. I think it is more likely that we will find ourselves going through a series of events that could actually cause a nuclear war to occur. It has been stated on the floor many times that by having this very potent missile system in a vulnerable basing mode, we invite a first strike by the Soviet Union.

As a matter of fact, that is why now the United States, if we take this step, will be placed in such a vulnerable position. In responding to the presumption of a Soviet attack we would have to launch on warning. Thus, the time period in which to try to assess whether or not an attack is actually taking place on our Nation by the Soviet Government becomes shorter and shorter. In order to preserve these very devastating weapons one is led to believe that they would have to be fired. In other words, we can save them only by firing them.

Mr. SASSER. If the Senator will yield on that point, we hear now the slogan "use them or lose them." That is precisely the posture that we would be forced into by putting MX missiles in a vulnerable basing mode. For over 30 years the United States has relied on the concept that deterrence of nuclear war is best achieved if this Nation possesses an effective and survivable nuclear capability, and it has worked for over 30 years. Because of our deterrent capability, because of the fact that our nuclear capability was not vulnerable to a first strike, I think we can say that for 30 years our nuclear deterrent has worked.

But now, if we move in the direction of putting MX missiles in vulnerable Minuteman silos that have been targeted, we are moving away from having a survivable second-strike capability. As the Senator from Michigan has so wisely and perceptively pointed out, we are moving, irresistibly, in the direction of a launch-on-warning philosophy.

Simply stated, this is an exceedingly dangerous approach for us to take. The running time of Soviet ICBM's, depending on where they strike in the United States, is somewhere in the neighborhood of 30 minutes. By the time they are launched, and from the time our sensors pick them up, the time is cut down even more, perhaps to as little as 20 to 15 minutes.

In the remaining 20 minutes or in the remaining 15 minutes, the President of the United States has to be found, has to be alerted, and has to make a decision. Those who are saying that the attack is underway have to make a determination: Is this really a genuine attack or is this a malfunction of our equipment, or is it an isolated malfunction, perhaps, of Soviet equipment?

So, as the Senator from Michigan has so wisely pointed out, this makes the likelihood of nuclear war by accident much more likely to come about than it would in the other case.

Mr. RIEGLE. I thank the Senator for his observations. He is exactly right. As the time shrinks here after a supposed attack has been launched against the United States, the difficulty of trying to locate the President of the United States—whoever it is, whether it is this President or another President—whether the attack occurs at night, whether the suspected attack were to occur at a time when the

President was in an awkward situation and could not be reached quickly or it would take time to focus the decision process, we would literally find ourselves with the survival of the human race on this planet, left at the mercy of a decision that might have to be made within a matter of 7 or 8 minutes or 4 or 5 minutes.

That is really an insane situation for us to be working our way into. We should be going the other way. We should be finding a way to stretch the time period out so, instead of its being 15 minutes or 20 minutes or 7 minutes, we should be trying to stretch it out to a longer period of time so we have the time to make an assessment.

There are those in this administration, as has been pointed out in the recent days of debate, who believe that a nuclear war is winnable, that a nuclear war is something we have to include in the list of options as something that may in fact occur and we should be planning to deal with it in the sense of not only surviving it but, in some manner or notion, somehow coming out on top.

I think that is a false assumption; I think it is a false notion. There is someone in this administration in the area of civil defense who, not too long ago, made the observation that should we be alerted that a nuclear attack is coming, and should there be no time left to get into a car to leave a city like Washington or Detroit or a major city—New York was mentioned—what you ought to do is go and rip a door off your house, take the door outside the house, dig a hole or a depression in the ground, get into the hole, scoop a little dirt out of the ground and put the dirt on top of the door—all of that taking place within the 8 to 10 minutes' warning time——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. RIEGLE. I ask unanimous consent to continue for 3 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. QUAYLE. Reserving the right to object, on whose time?

The PRESIDING OFFICER. There is a question as to whose time.

Mr. HART. Mr. President, I yield myself the remaining 15 minutes yielded to me by the Senator from Texas from the majority time.

Mr. QUAYLE. I have no objection.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. HART. I yield to the Senator from Michigan 3 additional minutes.

Mr. RIEGLE. I thank, the Senator for yielding.

The notion is that, after you have scooped out this earth from the ground and put it on top of the door and pulled this door over on top of yourself, the nuclear explosion takes place and you stay there for a while until the radiation dissipates and so forth, and the odds are that you have a fairly good chance of surviving and coming out whole. That is absolutely absurd thinking. It is nonsense. It leads the country into thinking that nuclear war is something that perhaps could be tolerated, perhaps is within the range of things that may have to happen.

I think we should start from the premise that nuclear war has to be avoided at all costs. In fact, if we were to get into a nuclear exchange today, with the arsenals which we and the Soviets have, it would be an act of mutual suicide. Anything that makes nuclear war more likely, anything that shortens the warning time period, anything that increases the chance of launch on warning by one side, and a counterlaunch by the other, resulting in massive destructure, the death of hundreds of millions of people, and much, if not all, of the planet being poisoned by radiation must not be permitted. The suggestion that we should go down this track, step by step, and that we do not possess the commonsense or logic to stop it is insane. It is wrong.

We in the Senate should be saying no to MX; we should be seeing that we look to other means of arms control. I do not think this administration is committed in a serious way to an arms control effort and the proof of that is that the people in this administration who are running that show know next to nothing about it. They border on being incompetent, if they are not incompetent altogether. We hang that risk over everyone. We put this country in jeopardy if not the whole world, as well. I think it is a terrible mistake.

Mr. SASSER. Will the Senator yield on that point?

Mr. RIEGLE. What time I have left, I yield, yes.

Mr. SASSER. Mr. President, there is some thought in this country in some circles that perhaps a nuclear war is survivable. I say to my friend from Michigan that the American people in their great wisdom do not buy that theory at all.

This present multibillion dollar weapons system known as the MX is being sold to the American people on the proposition that if we spend $20 billion or $30 billion more now to build 100 MX missiles, somehow this is going to make us more secure, that somehow, this is going to make our deterrent more effective.

Let me say to my friend from Michigan that during hearings in June of 1981, the Military Construction Appropriations Subcommittee, on which I am honored to serve as ranking member, heard from Gen. Kelly Burke, the Air Force Deputy Chief of Staff, who dealt with the issue of whether or not we are being made more secure by a missile in a basing mode vulnerable to a first strike. Here is what General Burke said:

I think it creates in a crisis situation a rather dangerous circumstance, a destabilizing situation of stating with certainty that we have our finger on the trigger and if you blink, we are going to let go, which, in turn, will encourage the Soviets to get into the same posture. It would, I think, add addition deterrent, but it would also, I think, add the destabilizing effect of a potentially dangerous situation. If we have an MX in a silo and an announced policy that our finger is on the trigger, then I think that has the force to force the Soviets to get a little closer to their trigger. I think, when things get very tense, when there is a crisis underway, there is at least a remote chance of inadvertence, of mistake, of miscalculation.

So said Gen. Kelly Burke, the Air Force Deputy Chief of Staff, in June of 1981, before the Military Construction Appropriations Subcommittee.

Mr. HART. Mr. President, I wonder if either the Senator from Michigan or the Senator from Tennessee is aware of the justification for this recommendation given by the Chairman of the Scowcroft Commission and other members as reported in accounts dated April 18 and April 19, because I think there is a feeling out in the countryside that if this panel of experts recommended that this $30 billion new missile be put in silos, they must have really known what they were doing.

Mr. SASSER. Will the Senator from Colorado yield on one point?

Mr. HART. Yes.

Mr. SASSER. About this panel of experts—there were experts on the Scowcroft Commission panel, but as the Senator from Colorado well knows, every individual on that Commission was a previous supporter of deployment of the MX missile. They were all pro-MX; that was a prerequisite to appointment to this dispassionate commission on the question of MX.

Mr. HART. The Senator from Tennessee is absolutely correct. Let me just followup on the point that I wish to make, and that is in spite of the predisposition and given the expertise, the American people, and I think most Members of Congress, would suppose that these men made their decision based on the best military judgment.

Not true. I quote to the Senators the New York Times story of April 18. The headline is: "Leader of MX Panel Says Politics Played Key Role in Decisions."

The first two paragraphs read as follows:

The chairman of a Presidential commission that advocates deployment of 100 MX missiles in existing silos said today that the recommendation was shaped as much by political considerations as by military requirements.

Brent Scowcroft, the chairman of the panel, told a Senate hearing that the commission "did include political practicality elements" in its deliberations. If politics had

been laid aside, he said, the recommendation would probably have been different.

I will come back to what the politics are. Let me just tell you the other news account in the Washington Post the following day, April 19. The headline is: "Politics Said To Play Role in MX Position."

Alluding to the objections of Western States to previous MX basing schemes and Reagan's rejection of Carter's plan, Cohen said that he was "to find a basing mode that would suit this President and satisfy the Western objections. Isn't that essentially where we are?" he asked Scowcroft.

"Yes, it is," the chairman acknowledged.

Well, we are lowering the nuclear threshold. We are putting our most devastating destructive weapon in the most vulnerable place we can find, and the reason is for politics.

Mr. SASSER. If the Senator from Colorado will yield for just a moment. As he well knows, in times past when we were discussing putting the MX in basing modes that were not vulnerable, such as the so-called race track system in Nevada or Utah, the Senator from Tennessee gave that concept some support. But it makes no sense at all now, based on politics, as the Senator from Colorado I think has so ably laid out this afternoon, to take this system and put it in the old silos that have been targeted for years by the Soviet Union.

It gives us no additional security. It makes the system totally vulnerable and I think moves us in the direction of a new and dangerous doctrine, and that is launch on warning. That is highly dangerous. It moves us closer to a hair trigger.

Mr. HART. And the sole reason is to satisfy the political problems the President had with his friends and supporters in two key Western States.

I yield to the Senator from Maryland.

Mr. SARBANES. Mr. President, I want to underscore first the point made by the distinguished Senator from Tennessee. That was that the Scowcroft Commission membership included people who were known to be supporters of the MX. In that sense, it was not a broad-based panel that included both supporters and opponents in any reasonably balanced way.

It is referred to as a bipartisan commission, and that is supposed, I guess, to suggest that somehow it was broad based, but it was not in fact broad based.

Second, the Commission itself, in its own report, if it is carefully read, provides very little support for proceeding with the MX, although they say do that. And as the New York Times pointed out in an editorial not long after the stories to which the Senator from Colorado has referred:

He—

meaning President Reagan—

finally convened a commission led by General Scowcroft to find a new rationale for going back to the Minuteman silos.

The commission did so, but in the feeblest way. It said the MX would induce the Russians to bargain for arms control, would affirm America's "national will" and would provide a backup booster for space shuttle flights. It had to reach that far because most of its report actually urged that we move rapidly away from the MX type of weapon.

As the commission observed, such multiwarhead weapons are simultaneously too vulnerable and too menacing. By threatening Soviet land missiles, they practically invite a preemptive strike in a crisis. And by putting 10 warhead eggs in a single missile basket, they provide a tempting target for a first strike.

As the commission did not say (but the Pentagon did), possessing a vulnerable MX will produce a "use it or lose it" mentality—

As the Senator from Tennessee has pointed out—

requiring jittery plans to launch at the first signs of an attack. The Russians, too, should give up missiles that can strike hard targets first. Until they do, the only safe way to deter their use is with weapons that reliably hit hard targets second. Wise planning in past Administrations has given America an ample supply.

The President's commission was right to tell him that the window in question now is not one of vulnerability but of opportunity. The way to open it, and let in fresh air, is to vote against the MX.

I ask unanimous consent that this editorial and three other editorials be included in the RECORD at this point.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 25, 1983]

WRONG MISSILE, WRONG CHIP

The same Congress that has been piously urging a nuclear weapons freeze now seems ready to vote for the MX, a powerful new missile that promises to accelerate the arms race. Why?

Because a President who has recoiled from an arms control treaty, who has neglected arms control planning and who has staffed his team with arms control skeptics declares that the MX is necessary to achieve arms control.

If Mr. Reagan believes that, he has fallen into a familiar trap. Throughout the history of the nuclear arms race, the Russians have answered new American weapons not with concessions but with new Soviet weapons. The MX is no more a bargaining chip than any of the others.

If Congress believes this is the best route to arms control, it is more naïve than the record suggests. It has in fact rejected the MX repeatedly because it could discern no strategic purpose or safe base for the weapon. Congress' resolve is weakening now only because many members fear the political consequences of opposing the President.

Anyone still interested in the merits of the 10-warhead MX ought at least to recall its history. President Carter asked for a mobile version in hide-and-seek shelters because he was told that our present land missile, Minuteman, was becoming vulnerable to attack by heavy Soviet missiles. Less than wholly convinced, he yielded on MX to win the Joint Chiefs' support for SALT II, the arms control treaty that nonetheless went unratified.

President Reagan termed the MX even more urgent, though not enough to risk offending the Western states that would have had to clear huge tracts for it. He suggested it be put in Minuteman silos, but Congress remembered that these were exactly the emplacements now supposed to be vulnerable. He proposed a dubious "dense-pack" basing, which hardly anyone took seriously. He finally convened a commission led by General Scowcroft to find a new rationale for going back to the Minuteman silos.

The commission did so, but in the feeblest way. It said the MX would induce the Russians to bargain for arms control, would affirm America's "national will" and would provide a backup booster for space shuttle flights. It had to reach that far because most of its report actually urged that we move rapidly away from the MX type of weapon.

As the commission observed, such multiwarhead weapons are simultaneously too vulnerable and too menacing. By threatening Soviet land missiles, they practically invite a preemptive strike in a crisis. And by putting 10 warhead eggs in a single missile basket, they provide a tempting target for a first strike.

As the commission did not say (but the Pentagon did), possessing a vulnerable MX will produce a "use it or lose it" mentality requiring jittery plans to launch at the first signs of an attack. The Russians, too, should give up missiles that can strike hard targets first. Until they do, the only safe way to deter their use is with weapons that reliably hit hard targets second. Wise planning in past Administrations has given America an ample supply.

The President's commission was right to tell him that the window in question now is not one of vulnerability but of opportunity. The way to open it, and let in fresh air, is to vote against the MX.

[From the Denver Post, July 23, 1983]

MX: MISGUIDED MISSILE

The ongoing drive by the Reagan administration to build the MX missile underscores George Santayana's maxim that "Fanaticism consists in redoubling your efforts when you have forgotten your aim."

Shaken by a narrow 220–207 House vote supporting the missile Thursday, the administration redoubled lobbying efforts for the MX. But all this effort is being put behind a missile which even its advocates admit no longer has a chance of carrying out its original aim: closing a supposed "window of vulnerability" opened by increasing accuracy of the Soviet land-based missile force.

Reaganites delight in painting former President Jimmy Carter as a wimp who was soft on defense.

However, the fact is that the MX missile-basing system Carter proposed was virtually invulnerable to Soviet attack. Carter proposed building 200 MX missiles, each with 10 warheads. They were to be moved randomly among 2,600 shelters. Since the Soviets would never have been certain which shelters were loaded, they would have had to attack all 2,600. Allowing two warheads per shelter, a Soviet first strike would have expended 5,200 of their most accurate warheads to destroy an MX force totaling only 2,000 of our most accurate warheads.

But when that "race track" proved politically unpopular, the new Reagan administration cast about for other basing schemes.

In the end, Reagan settled for the unimaginative—and not very strategic—solution of plopping 100 MX missiles in silos near Cheyenne that now shelter Minuteman missiles.

That idea keeps the military bureaucracy and defense contractors happy. But it in no way closes the "window of vulnerability." If the 100 Minutemen in the silos are vulnerable now to the Soviets, then the 100 MXs in those sites will be equally vulnerable. Worse, by packing the 1,000 most accurate U.S. warheads into 100 silos, Reagan would create a system that could be destroyed by only 200 Soviet warheads.

Thus, under Carter, the Soviets would have had to fire 2.6 of their most accurate warheads for each of the best U.S. weapons to be destroyed: a ratio that would make a Soviet attack a kind of unilateral disarmament. Under Reagan, a supposed defense "hawk," we are offered a system that allows each Soviet warhead to destroy five of the best U.S. ones. Such a deployment is inherently destabilizing, since it tempts rather than deters a first strike.

Congress should reject the Reagan plan. If it is desperate to have MX at any cost, it should go back to the original Carter scheme, which is still the only sensible way to deploy the weapon. A better alternative would be to scrap the MX and push for the smaller single-warhead mobile missiles recommended by the Scowcroft commission.

[From the New York Times, May 29, 1983]

VOODOO ARMS CONTROL

The people who brought you the biggest tax cut ever as an exercise in revenue raising now present: the biggest American missile ever as an exercise in arms control.

Orwellian, says Senator Hatfield. A hoax, says Senator Cranston. But listen to legislators who take their paradoxes literally:

Senator Quayle—"We are voting for MX and for arms control."

Senator Specter—"My vote is a tentative vote. It is based on what the President does on arms reduction."

Senator Mathias—"I am reluctantly willing to agree to this appropriation but . . . the Administration must produce some evidence that it is willing to adopt a new arms control strategy."

Senator Kassebaum—"If I could vote with my heart, I would vote against. But . . . I see it, hopefully, as leverage with the Russians in arms control."

What are they talking about? Well, they intend to stop further funding of the MX if the Reagan Administration makes no convincing progress toward a new arms control treaty.

And how will building 100 of these missiles, with 1,000 warheads, induce the Russians to accept American proposals? Well, it should make the Russians think. The MX's are silo-killers, and if we ever go on to build several hundred more, they would threaten a first strike that could theoretically destroy the Russians' silo-killers before they are fired at us.

And what if the Russians therefore decide that in a crisis, they had better be the first to fire? Well, then the MX's would be sitting ducks, but maybe by then we'll have thought up some way to protect them.

And would not the Russians by then have built new weapons to overwhelm such protection? Well, if they prefer accelerating the arms race to controlling it, what can we do?

We could build mobile single-warhead missiles that the Russians could never hope to knock out in a single blow. Well, the President is for that, too, and will soon change his arms control proposals to make it possible.

So why bother with the MX? Well, he feels weak entering negotiations with missiles that look so much smaller than the Russians'.

But aren't the Russians worried enough about our new cruise and Trident missiles to want to make a deal? Well, actually they fear them more than the MX, and for good reason.

So how does the MX promote arms control? Well, the President wants it so badly it can be used as an inducement to make him negotiate.

Incredible as it sounds, that is now the policy of a decisive faction of Congress. And that faction is desperately searching for ways actually to measure the President's promised conversion on arms control Though we don't think much of its tactics, we can suggest some ways:

First, press the President to appoint an experienced arms control coordinator to serve in the White House and thus overcome the lack of Cabinet expertise in the subject. It should be someone like Gen. Brent Scowcroft, who commands the confidence of the President, Congress and key Soviet officials.

Second, ask for evidence that this coordinator has been encouraged to re-establish informal communication between the President and top Soviet leaders. A good deal of private talking is needed to overcome suspicions and to define promising areas for the next round of bargaining.

Third, the MX development to an agreed schedule of negotiation, and let key Congressmen serve on the negotiating teams to appraise the progress.

Is that any way for Congress to extract a mature policy from the executive branch? Well, people who raise spending and lower taxes to eliminate a deficit are capable of anything.

[From the New York Times, July 20, 1983]

MAKE IT THE EX-MX

The MX, a new missile that threatens the United States more than it does the Soviet Union, has nonetheless outlived three Administrations, 34 basing systems, a half-dozen Congressional vetoes and two arms control treaties. Today, however, Congress may finally drive a stake through its heart.

A shift of sentiment in the House of Representatives has made possible a critical vote to shelve it, perhaps for the last time. This time around, there are alternative weapons on the way that are more likely to deter nuclear war—and less likely to provoke it.

The big, 10-warhead MX has survived because of fear that America's land-based Minuteman missiles are vulnerable. Various combinations of mobility and deceptive basing were supposed to assure the MX the ability to survive a first strike by the Russians and the power to strike back, or to strike first with equivalent force and accuracy. But where would it be put? Every basing mode studied has serious flaws, and last year Congress finally refused funds to build the MX until a secure mode could be designed.

The Scowcroft commission, appointed by President Reagan to save the MX, suggested abandoning fixed land missiles with multiple warheads as both too threatening and too vulnerable. It urged a shift to small, mobile single-warhead missiles, limited on both sides by a new arms control treaty. But it also proposed that 100 MX's be deployed meanwhile in vulnerable Minuteman silos. That compromise persuaded the House to release $625 million for MX flight testing.

Many Congressmen have since had second thoughts. Senator Gary Hart has managed to delay matters in the Senate, where the Administration seems to have enough votes for the MX, so now the House will vote first. That's why there's a fighting chance today to kill $2.5 billion in MX production funds. Even so, there will be approximately $2 billion left for continued research and development, retaining some of MX's questionable value as an arms control "bargaining chip."

The Administration says America needs a threat to Moscow's heavy, multiple-warhead missiles to induce parallel Soviet movement toward single-warhead missiles. But 300 Minuteman III missiles already are equipped with 900 warheads like those in the MX; they are capable of destroying Soviet ICBM silos. And it will be late 1986 before the first MX is operational, mid-1989 before 100 are deployed.

War-gaming shows that at most 10, with 100 warheads, would survive a Soviet first strike—and that would add precious little to the American deterrent. Meanwhile, by 1989, the first Trident II submarine will put 24 invulnerable missiles at sea carrying 240 warheads. And the single-warhead Midgetman missile could be stepped up for deployment between 1988 and 1990.

Defeating MX production funds in the House would advance both arms control and a stable nuclear balance. Production and deployment of the MX would undermine both. The sensible vote today is to make it the ex-MX.

Mr. RIEGLE. Mr. President, nearly 2 months ago, the Senate voted to join the House in releasing funding for MX basing studies and test flights. Shortly, this body will again vote on the MX issue. The pending question will be whether we should procure the first 27 of 100 MX missiles at a projected cost of over $20 billion.

Mr. President, at the time of the May 25 vote, I opposed the MX because I believed the system to be unnecessary to our national security, an inducement to an accelerated nuclear arms race, likely to increase the possibility of accidental nuclear war, and given its questionable military usefulness, too expensive.

I rise today to again state those concerns and to make a final plea to my colleagues to reject the proposal before us.

U.S. NATIONAL SECURITY

To my mind, the fundamental question underlying the MX debate is: Will this weapons system make the United States more secure?

U.S. national security in the nuclear age depends on the maintenance of a credible nuclear deterrent coupled with serious arms control efforts.

Will the MX missile deployed in existing Minuteman silos contribute to either our deterrent or our arms control efforts? My firm belief is that it will not. Neither deterrence nor U.S. security will be enhanced by deploying

first strike weapons in a vulnerable basing mode.

What then is the purpose of deploying 100 MX missiles in Minuteman silos? In response to this difficult question, the Scowcroft Commission suggests that deployment is necessary:

First, to give the Soviets incentive to negotiate stabilizing arms control agreements and reshape their force structure;

Second, to provide the United States with militarily vital time urgent hard target kill capability; and

Third, to demonstrate our national will to protect our vital interests.

I. ARMS CONTROL

The arms control implications of deploying MX in Minuteman silos are many. Unfortunately, those implications are overwhelmingly negative. There is little hope that MX would pressure the Soviets to negotiate. More likely, the Soviets will respond by augmenting and improving both their defensive and offensive weapons.

Dr. William Kincade, executive director of the Arms Control Association, in testimony before the Senate Appropriations Committee on May 10, 1983, stated:

> There is no warrant in postwar history for believing that the Soviet Union can be coerced by U.S. nuclear build-ups into winding down its own weapons production. Indeed the evidence supports the contrary view. When the United States had overwhelming numerical and technological superiority in nuclear weapons, this did not deter the U.S.S.R. from catching up. Now that approximate parity has been reached, it is even less likely that the Soviet Union will sit still while the United States seeks a marginal increment of nuclear superiority in qualitative or quantitative terms.

The Soviet leadership already has more than enough incentive to negotiate on arms control. Lessening the chance of a nuclear holocaust is clearly in Soviet as well as American interests. Moreover, the Soviets have good reason to feel very threatened by the current U.S. nuclear arsenal and by many other weapons systems scheduled for deployment in the near future—even without the MX. The Pershing II missile is designed to destroy hardened command and control posts and will cut down Soviet warning time from about 30 minutes to about 8 minutes. In addition, the extensive American cruise missile program, our virtually invulnerable submarine force, and our new radar-evading bombers all provide more than enough incentive for the Soviets to negotiate.

BARGAINING CHIP

The administration has no intention of bargaining the MX away. President Reagan and Secretary of Defense Weinberger have referred to the new missile as a bargaining tool while at the same time clearly indicating that the first 100 MX missiles are not up for negotiations. Indeed, the President's START proposal carefully allows for the deployment of 100 MX missiles with their 1,000 warheads. The administration has explained that this reputed bargaining chip will come into play only as a second batch of up to 100 more MX missiles are considered for deployment. That decision would not come until 1987 or so, after the administration is well along in its arms buildup. In his speech, Reagan specifically held out the prospect of building even more silos: "We would prefer that the Soviets dismantle SS-18's, rather than we build more holes."

Moreover, the missile would only be useful as a bargaining chip before it is built. As our SALT I and II negotiators have learned, "It is really the potential, rather than the actualization of that potential, that gives you the major bargaining position * * * once you have gone ahead and done that which you are threatening to do, the threat is no longer of any particular use to a negotiator."

Bargaining chips are notorious for their staying power. In 1971, the U.S. Deputy Secretary of Defense testified that "the MIRV is a very important bargaining chip." Today, the superpowers have many thousands of MIRV'd warheads. Once the United States has committed itself to going ahead with the MX, a decision to tear it down would be very unlikely. The much more probable result would be to once again accelerate the nuclear arms race.

AFFECT ON EXISTING ARMS CONTROL AGREEMENTS

Of critical importance are the likely effects of MX deployment on existing arms control agreements which are being honored by the United States and the Soviet Union. The SALT II accord prohibits the extensive flight testing of two new types of land-based ICBM's. If the United States decides to deploy both the MX and the Midgetman, as recommended by the Scowcroft Commission, we will violate this stabilizing provision. SALT II also prohibits certain alterations of existing silos which would be necessary to harden Minuteman silos.

In addition, the Anti-Ballistic Missile (ABM) Treaty, probably our most useful arms control achievement to date, prohibits the deployment of large scale ballistic missile defense systems on both sides. Deployment of MX in increasingly vulnerable silos will endanger this treaty by prompting future requests for a ballistic missile defense (BMD) system to protect our land-based missile force.

Mr. President, we cannot expect success from nuclear arms negotiations unless both sides demonstrate the will to reach agreement. A decision to proceed with the MX missile would, I believe, signal a serious lack of commitment to ending the arms race and would likely provoke further escalation.

The MX missile is an anachronism, and a dangerous one. It perpetuates the costly mistake of building MIRV'd land-based ICBM's; it increases instability because of its theoretical accuracy; and its new warheads add nothing except for meaningless overkill. Moreover, it threatens to undercut important existing arms treaties and retard progress toward further agreement.

Principled and realistic negotiations offer more substance and more promise than the MX missile. We should choose this alternative while it is still available.

II. HARD-TARGET KILL CAPABILITY

The Scowcroft Commission maintains that a serious imbalance in "prompt hard target kill capability" exists between Soviet and United States Forces, and that the imbalance must be corrected by deployment of the MX.

The debate about U.S. nuclear inferiority is a red herring. We do not need the MX to "catch up." At this advanced stage of the nuclear arms race, questions about who is ahead and who is behind are worse than irrelevant—they are misleading.

It is true that the number of U.S. land-based ICBM's has remained steady at about 1,050 over the last decade or so, while the Soviets deployed about 1,400 ICBM's by 1980. But the Minuteman II missile with its precise guidance system and multiple warheads is clearly not the same weapon as the single-warhead Minuteman I which it replaced, nor could the progression from Polaris submarine missiles (with 3 nonindependently targetable warheads each) to Poseidon missiles (with 10 to 14 independently targetable warheads each) to Trident missiles (with twice the range or Poseidon) be viewed as stagnation. Qualitative measures aside, the stark quantitative face is that the United States added over 5,000 nuclear weapons to its strategic arsenal between 1970 and 1980.

A review of the facts will demonstrate that the Soviet Union has indeed expanded its ICBM force beyond its legitimate needs, but that the United States too has moved quickly to increase its nuclear arsenal. This has resulted in two bloated nuclear superpowers with vast amounts of overkill, not one force which is dominant in any meaningful military sense.

CURRENT STRATEGIC BALANCE

Where has this intense and sustained arms race left us? The overall statistics by January 1983 were as follows:

The U.S.S.R. had about 7,500 strategic nuclear warheads and bombs; 7 percent on bombers, 24 percent on submarines and 69 percent on land-based ICBM's; the United States had about 10,000 strategic warheads and bombs; 28 percent on bombers, 50 per-

cent on submarines, and 22 percent on ICBM's.

Beyond illustrating simply that both superpowers have very large arsenals of strategic nuclear weapons, these figures show significant differences in the distribution of weapons among the three components of the strategic triad. The United States has a fairly even distribution, with an emphasis on submarine missile warheads. The Soviets, however, have a lopsided emphasis on land-based ICBM warheads.

At current levels of armaments, the question of "who is ahead" becomes meaningless. In terms of actual military capability, both sides have many times the nuclear forces needed to destroy the society of the other under any conceivable circumstance.

ICBM VULNERABILITY

The MX missile has been proposed as a means of addressing the alleged vulnerability of our land-based missiles to a disarming Soviet first strike.

Those who subscribe to the "window of vulnerability" theory seem to base their conclusion on two critical, but unrealistic assumptions. First, they assume that it is necessary for the United States to maintain an ICBM force which, without regard to our bombers and submarines, would deter the Soviets from resorting to nuclear weapons.

The wisdom of this assumption has been challenged by President Reagan's own blue-ribbon commission on the MX. The Scowcroft Commission emphasized that "the different components of our strategic forces should be assessed collectively and not in isolation." If the Soviets were to contemplate an all-out attack, they would have to "make choices which would lead them to reduce significantly their effectiveness against one component in order to attack another."

The second assumption underlying the window of vulnerability theory: that the theoretically accurate Soviet ICBM warheads could, in fact, destroy our ICBM force, was also questioned by the Scowcroft Commission. The Commission referred to the "operational uncertainties" that make total ICBM vulnerability unlikely.

Alan B. Sherr, president of the Lawyers Alliance for Nuclear Arms Control, Inc., offers several important conclusions that can be drawn from a realistic appraisal of the ICBM vulnerability issue.

First, a "worst case" approach is neither the best nor the safest way to analyze ICBM vulnerability. The most likely consequence of making unrealistically pessimistic assumptions about the strategic importance of Soviet warheads would be for the United States to deter itself more than the Soviet Union. This would happen if the United States unnecessarily deployed a new generation of ICBM's, instead of reaching important arms agreements that would freeze the deployment of additional ICBM warheads on both sides.

Second, we have time to consider and negotiate. There is no imminent peril to our national security which requires immediate ameliorative action. That is not to say that our ICBM's are invulnerable; they are not. But it is unmistakably the case that, for the present, both superpowers could respond to a surprise attack by launching significant numbers of surviving ICBM's and/or by using its bomber and submarine forces.

Moreover, if technological advances over the next decade or two present even a remote threat to our overall ability to retaliate, there will be ample time for a military response. In addition, verifiable agreements banning testing and deployment of antisubmarine warfare systems and other potentially threatening technological advances could provide added insurance against even the smallest possibility of sudden loss of our deterrent. It would be far better to expend our time and energy pursuing such mutually beneficial agreements than to waste billions of dollars on the counterproductive deployments of new MX warheads.

Third, adding theoretically accurate MX missiles to our arsenal would do nothing to decrease our supposed ICBM vulnerability. To the contrary, it would only increase it. If a 10-warhead missile, with each warhead having 17 times more destructive power than the bomb which destroyed Hiroshima in 1945, replaced a smaller 3-warhead Minuteman II missile, the larger missile would become a more inviting target. The MX would provide an increased incentive for the Soviet Union to do just what we do not want them to do—to strike first to eliminate this threat.

It makes no sense for the United States to deploy "silo-killing" MX warheads merely to match the Soviet deployments of such destabilizing weapons. To do so is to permit the Soviets to dictate the size and shape of U.S. nuclear forces. It is time we gave up the reflexive behavior of matching every Soviet move without regard to whether our action adds to our security.

The submarine-launched Trident D-5 missile, for example, is a capable alternative to the MX that will perform the same functions as the MX, yet will be almost invulnerable to Soviet attacks and can be deployed at one-third the price of the MX. This option is particularly attractive in light of an Air Force study which estimates that only 1 MX missile out of 100 would survive a Soviet surprise attack in 1989, due to ongoing improvements in missile accuracy and increases in numbers of Soviet warheads.

In addition to our sea-launched missiles, the United States has already retrofitted 300 Minuteman III missiles with new, more accurate mark 12A warheads. This means we have a total of 900 warheads, which are equal indestructive capability to the MX warheads.

Thus, the MX would only augment our capability if we we were to use it first—that is, before a Soviet ICBM attack on U.S. silos. MX is incompatible with the doctrine of deterrence upon which our nuclear strategy has been based. By seeking a first strike capability with this weapons system, we dramatically change the nature of the nuclear arms race. With the nuclear firepower in the world's arsenals sufficient to kill every human being 12 times over, we now propose to introduce a weapon, with 5 to 6 times more destructive power than any we have now, which is designed to fight and win a nuclear war, not deter one.

Our security depends on keeping the Soviets away from the nuclear button, not pushing them toward it with threats of a disarming first strike. Our goal should be to eliminate the danger posed by Soviet ICBM's through negotiations, not to double the danger by following their unwise lead.

Fourth, the United States is doing itself a grave disservice by perpetuating and fueling the myths of ICBM vulnerability and inferiority. By repeatedly stating that the United States is inferior and vulnerable, we create the impression among our allies and other nations that this is so. Having created a political problem out of a nonexistent military one, we then claim that the solution to the political problem is to build the MX missile and thus redress our military inferiority and vulnerability. We can break the circle by stating the truth: That the United States is in a better strategic position than the Soviets, that both sides have massive overkill capabilities, and that neither side is at the mercy of the other.

III. NATIONAL WILL

The Commission argues that MX is needed as an expression of our national will to protect our vital interests.

I do not believe that the United States must deploy the MX to prove it has the will to meet a Soviet threat. Rather, I believe rejection of the MX proposal would demonstrate to the Soviets that we have the sense to invest our defense dollars in weapons that meet our strategic needs without destabilizing the nuclear balance.

Mr. President, there is no logical reason for considering the MX as an integral part of the Scowcroft Commission recommendations. Its proposals concerning research and development of a small, single-warhead missile are laudable and deserve approval. Experts estimate that it would take only 4 years to research, develop, and

produce the Midgetman missile if work begins now.

The further recommendation that the United States shift its focus from counting launchers to counting warheads in arms control negotiations is also sound.

The Scowcroft Commission package is a curious mix of solid national security policy proposals and politics. Clearly, the MX is the political component. It is also a costly and dangerous component, and one that should be rejected. Congress must not authorize the spending of tens of billions of dollars on a missile that is to be phased out almost as soon as it is completed, and that can only be useful if used in a first strike.

The time has come for a consensus on our strategic nuclear policy. That consensus should include a cancellation of the MX program for which there is no military justification.

Mr. HART addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. HART. I ask unanimous consent that the two newspaper articles that I referred to appear in the RECORD at this point in the debate.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 19, 1983]

LEADER OF MX PANEL SAYS POLITICS PLAYED KEY ROLE IN DECISION

(By Steven V. Roberts)

WASHINGTON, April 18.—The chairman of a Presidential commission that advocates deployment of 100 MX missiles in existing silos said today that the recommendation was shaped as much by political considerations as by military requirements.

Brent Scowcroft, the chairman of the panel, told a Senate hearing that the commission "did include political practicality elements" in its deliberations. If politics had been laid aside, he said, the recommendation would probably have been different.

MOBILE PLAN PREFERRED

Mr. Scowcroft, a retired Air Force general who was national security adviser to President Ford, and Harold Brown, Secretary of Defense under President Carter and a consultant to the commission, said that from a purely military standpoint, they both preferred basing the huge missiles in some sort of mobile system instead of in fixed silos that are more vulnerable to attack.

But that option was precluded, Mr. Scowcroft said, by "the nature of the environment in which the decision was made."

Under the panel's recommendation, the MX would be only a temporary weapon, lasting into the 1990's. In an important shift, the panel also recommended accelerated research into a smaller and more maneuverable missile that would eventually replace the larger and less flexible MX.

A mobile system was proposed by President Carter, and Ronald Reagan attacked the concept in the 1980 presidential campaign. Mr. Reagan scrapped the idea in his first year in office after he was heavily lobbied by two of his strongest supporters on Capitol Hill, Senator Paul Laxalt of Nevada and Senator Jake Garn of Utah.

The mobile system proposed by President Carter, sometimes known as the "racetrack" plan, would have shuttled the missile across the desert in an attempt to deceive the Russians. In so doing, it would have used large sections of the states represented by President Reagan's friends Mr. Laxalt and Mr. Garn.

After abandoning the racetrack plan, the Reagan Administration suggested basing the MX in the silos now occupied by Minuteman missiles. When Congress objected, the White House suggested basing all of the missiles in a small area of Wyoming. Congress rejected that idea as well, and mandated creation of the Scowcroft commission.

President Reagan is expected to give his formal endorsement to the recommendations on Tuesday. After that, Congress will have 45 days to approve the basing mode. The lawmakers' approval is needed to release $560 million in engineering funds that have been blocked since last December.

The panel's recommendation has received mixed reviews on Capitol Hill. Senator John Tower, the Texas Republican who is chairman of the Armed Services Committee, which staged today's hearing, called the report "a clear and comprehensive vision of America's deterrent and arms control policies."

But Senator Gordon J. Humphrey, Republican of New Hampshire, voiced doubts about deploying the MX, which stands for missile experimental.

"I'm a hawk, in plain English," said Mr. Humphrey, who faces re-election next year. "But I have to agree that we have enough warheads already."

Nineteen Republican Senators complete their terms in 1984, and many of them are worried that White House arms control policies could cause them problems at the polls. If enough of them agree with Senator Humphrey and turn against the commission recommendation, it could have trouble passing the Senate.

Today's hearing presaged many of the arguments that will be heard on Capitol Hill in the weeks ahead. Mr. Scowcroft acknowledged that the panel's recommendation was not an "optimal solution," and that the MX would not be invulnerable to a Soviet attack.

But deploying the missile was necessary, he said, for redressing what he called the "substantial imbalance" that exists between Soviet and American strategic forces.

Second, he said, the missile "is essential to induce the Soviets toward negotiations" on arms control.

Third, Mr. Scowcroft added, the weapon was needed "to demonstrate U.S. national will and cohesion" to Moscow and to American allies in Europe.

The debate between the Senators and the commission members produced other points.

While acknowledging that basing the MX missile in existing silos would leave them vulnerable to enemy attack, the panel members maintained that the entire American strategic force, taken as a whole, could survive any assault.

The recommendation to deploy 100 missiles was designed to strike a balance between two aims: that the number be large enough to concern the Russians but not so large that the MX could be seen as a first-strike weapon.

[From the Washington Post, Apr. 19, 1983]

POLITICS SAID TO PLAY ROLE IN MX POSITION

(By Michael Getler)

Members of a presidential commission acknowledged before Congress yesterday that political and environmental pressures, rather than purely military factors, figured most prominently in their unanimous recommendation that 100 new MX missiles be placed in existing Minuteman missile silos.

They also acknowledged in response of questions that, had they been able to put aside these nonmilitary considerations and start over on the problem of how to base the MX, they would have favored an elaborate "shell game" of the sort advocated in the Carter administration in which about 200 missiles would have been hidden among thousands of shelters to improve their chances of surviving an attack.

But commission chairman Brent Scowcroft, former Carter secretary of defense Harold Brown, and former dean of the Massachusetts Institute of Technology John M. Deutch all told the Senate Armed Services Committee that it was too late to start over now.

There is an urgent need, they said, to approve the panel's recommendations, which are expected to be endorsed by President Reagan today.

Their appearance kicked off what are expected to be extensive hearings in the Senate and the House on the controversial report released by the 11-member MX panel earlier this month.

Aside from recommending that the big multiple-warhead MX be fielded quickly in existing silos to begin to offset Soviet weapons with similar capabilities, the panel also urged development of a much smaller single-warhead missile for the 1990s that might be more difficult for the Russians to find and hit and thus perhaps reduce the temptation of either side to strike first in a crisis.

Although the commission's work was praised by such influential senators as Barry Goldwater (R-Ariz.) and Sam Nunn (D-Ga.), its recommendations to put MXs into theoretically vulnerable existing silos ran into considerable skepticism from a number of Democrats and two leading Republicans, who questioned the role of politics in what was ostensibly a military decision.

Sens. J. James Exon (D-Neb.) and Carl Levin (D-Mich.) emphasized that for years all the experts and Congress had said that the Minuteman silos were vulnerable to attack and that Reagan had campaigned hard on this point in 1980. But now the panel wants to put the missiles in such silos anyway. Exon called the panel's work "more of a political report and a political consensus rather than a military one concerning the security of the United States."

"Environmental and political considerations really have dictated the commission's current dilemma," said Sen. William S. Cohen (R-Maine). Alluding to the objections of western states to previous MX basing schemes and Reagan's rejection of Carter's plan, Cohen said the need was "to find a basing mode that would suit this president and satisfy the western objections. Isn't that essentially where we are? he asked Scowcroft.

"Yes, it is," the chairman acknowledged.

Sen. John W. Warner (R-Va.) repeatedly came back to the question of "what is the best system militarily for the nation?"

"Politics be damned," he said adding that "I think we have a responsibility to go back and reexamine" the multiple-shelter plan proposed by Carter, which Scowcroft and Brown had supported in the past.

The exchange with Warner captured one of the basic challenges the administration now faces on Capitol Hill. Officials who in the past argued strongly against use of Minuteman silos on grounds that they were vulnerable to attack are now trying to convince Congress that vulnerability is not that serious a problem because they believe that a Minuteman silo plan is the only one possible politically and that it is crucial that the MX missile be deployed any way it can.

"There may, looking back in history, have been better ways to do this," said Brown. "However, I think we are now facing a situation where we have to proceed from where we are now. I think there is no way to go back."

Warner also put his finger on a second key question certain to figure prominently in a congressional decision: why not skip MX and go directly to the small missile being considered as a successor to MX?

Brown and Scowcroft said that neither the Russians nor anyone else would believe that the United States would actually wind up with such a missile if it failed to field the MX first to show its determination to bolster its forces. They also said the small missile was many years away and there were no guarantees that it would not run into political trouble as did the MX.

Mr. PROXMIRE. Mr. President, will the Senator yield me 6 minutes?

Mr. HART. Mr. President, I yield 6 minutes off the bill to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, last week at one point a Tower amendment was pending to the defense authorization bill. That Tower amendment had referred to the MX as an "indispensable component of a sound national security posture." Then this body unanimously passed a Warner amendment which, among other things, deleted those lines that called the MX an indispensable component of a sound national security posture.

Before the Senate cast that vote, I had a colloquy with Senator WARNER about the significance of that Warner amendment and pointed out its passage would leave the prime justification of the MX in the judgment of this body—unanimous vote—that it would serve as a bargaining chip. It was not on the basis of that amendment an indispensable component of a sound national security posture.

Now, Mr. President, the MX, as we all know, has many disadvantages, but its most serious disadvantage is that it would provide the world's worst bargaining chip. Let me say why.

Every day or so during this debate the distinguished Senator from Idaho (Mr. MCCLURE) trots out a chart that tells us exactly why. The chart does not tell us that the Russians are way behind us in submarine-based missiles. In fact, at any given time the Soviets may have 300 submarine-based missiles actually at sea while this country has 3,000. And that the Soviets also suffer overwhelming disparity in bomber-based missiles. Again, we have far more and we have a particular advantage in the number we have constantly in the air compared to the Soviets.

What the McClure charts do show is that the Soviets have over 1,000 land-based missiles with 6,000 warheads, giving them a decisive advantage over this country even if we build and deploy the 100 MX's.

Of course, the answer is that the Soviets have some 70 percent of their nuclear arsenal packed into these vulnerable, stationary, land-based, hard-target kill weapons and only 30 percent in their less vulnerable bombers and submarines. We have the reverse. We have only about 25 percent of our nuclear deterrent in land-based, hard-target bases and 75 percent in the less vulnerable submarine and bomber mode.

What has all this got to do with the MX weakness as a bargaining chip? Well, just put yourself in the position of Russian general commanding their land-based nuclear arsenal. There you sit, up to your neck in hard target kill, heavily MIRV'd missiles, facing a U.S. force of submarines and bombers that you cannot find and cannot hit.

Let me repeat: The Russians sit there, up to their necks in hard target kill, heavily-MIRV'd missiles, facing a U.S. force of submarines and bombers that they cannot find and cannot hit.

But there comes a U.S.-based deployment of 100 MX missiles with a thousand warheads. Suddenly, your massive advantage in hard target kill stationary land-based missiles has a mission it can fight and win. If you were not a Communist atheist, you would go down on your knees and pray that Congress does not derail that MX. You would hope against hope that the Americans would not divert their strategic defense money from those beautiful sitting-duck targets for your preponderant Russian missiles to kill. You would be cheering, hoping, pulling hard for the MX. Would you want to trade off your massive advantage in land-based missiles to eliminate the MX? Whom are you trying to kid? Never, never, never.

Oh, of course, you would do your best to convince the Americans that you feared the MX. You would do all you could to encourage them to pour as much of their defense budget as possible into building the 100 now planned and hundreds more if possible. And why not? Our own U.S. Air Force has told us that the Russians will be able to knock out 99 percent of our land-based missiles. And, oh, what a tempting target, when the Russians can use just 1 warhead to knock out 10 U.S. warheads because of our super MIRVing of the MX.

Yes, indeed, I can see some genuine, if quiet, rejoicing in the Kremlin, if we go ahead with the MX. All this means, Mr. President, is that the MX is standing naked as a jaybird out there, bereft of any merit save for its sole fig leaf, as a bargaining chip. And, alas, now it finds even its bargaining chip status, its little fig leaf, blasted away by the cruel, cold winds of reality. It has no bargaining chip value at all, none. So there it stands, absolutely barren of any justification or any merit, a $20 billion, absolutely naked jaybird, or maybe I should say—turkey.

Mr. President, I thank my good friend from Colorado, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I yield 5 minutes on the bill to the Senator from Indiana.

Mr. QUAYLE. Mr. President, I realize that the upcoming votes we are going to have tomorrow will be difficult for many. The issue of the MX has been debated a long time during the last couple of weeks. It has been with us for well over a decade, debated back and forth.

However, I should like to pay tribute at the outset of my remarks to the Scowcroft Commission for the fine work they did. I know many of these individuals, as other Senators do. They are intelligent, thoughtful, sincere people who are interested in the security of our Nation. They volunteered their time for this work. The Scowcroft Commission took more than 3 months and held 28 full meetings and numerous smaller conferences. They heard from more than 200 technical experts and reviewed U.S. strategic policy and forces.

Mr. President, these people come from both sides of the political spectrum—some Republicans, some Democrats—individuals with outstanding credentials. Yet, if one listened during the last couple weeks of discussion, one would think that the Commission recommended something that was of tremendous disservice to this Nation.

I remind those who may not necessarily agree with the Commission that the recommendations and the thought that went into the Scowcroft Commission report are not something that just came out overnight. There were many meetings during the 3 months.

We have heard a lot of discussion about whether this MX missile that will be put into the Minuteman silos would be destabilizing and would be a first-strike weapon. I know that members of the Scowcroft Commission certainly do not consider this to be a first-strike weapon. There may be a disagreement in the Senate, but this was a unanimous report.

On page 18 of the Scowcroft Commission report, they say:

A program of deploying on the order of 100 MX missiles in existing Minuteman silos would, on the other hand, accomplish the objective set forth in this section and it would do so without threatening stability.

That is the key—threatening stability.

The question is, How does the Scowcroft Commission define "stability"?

In the report, stability is defined as "the condition which exists when one strategic power believes it can significantly improve its situation by attacking first in a crisis or when it does not feel compelled to launch its strategic weapons in order to avoid losing them." In other words, stability excludes the use-it-or-lose-it theory that has been bouncing around like a ping-pong ball over the last few weeks.

The Scowcroft Commission—and there are those who take exception with the commission—comes down decidedly that this weapon, deployed in the Minuteman silos, would not be a first-strike weapon.

Furthermore, I do not believe anybody would stand up and say—if they would, I would be the first to correct them—that the policy of the United States is a first strike policy. That decidedly is not the policy of the United States and has never been the policy of the United States.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. QUAYLE. I yield myself 3 additional minutes.

Mr. President, the Commission has come down squarely on the position that this is not a first-strike weapon.

Finally, the Scowcroft Commission was a package deal that was intricately related to arms control. Where we are today is that the package deal was ratified by Congress just a couple of months ago, with large votes in the House and in the Senate. Whether we like it or not—and there are people who do not like it—the MX missile, and Congress signing off on the 27 missiles in this bill, is intricately related to the negotiations going on in Geneva in the START talks.

I daresay that if Congress were to cut the legs out from under the arms control talks right now by denying the MX missile funds, we would severely set back those negotiations and any real chance of getting an arms control treaty this year or next year. I do not believe that is the objective of anyone. I know that is not the objective of the opponents of the MX missile. By and large, they want an arms control treaty. But I do believe that what they are doing would be counterproductive to getting an arms control agreement.

It seems to me that we are in the middle of a very difficult situation in our Nation's history, where Republican Presidents have a very difficult time sustaining modernization programs and Democratic Presidents have a very difficult time getting arms control treaties ratified. That is a very unfortunate predicament.

I do not think this week or even in the next few months the House of Representatives or the Senate will, but if we would deny the Scowcroft Commission package deal that Congress signed off on within the last 2 months and would abruptly change our mind and say "no deal," then I think that this would be a tremendous setback to the pursuit of an arms control treaty that we need and that we want. We are not heading for arms escalation; hopefully, it is going to be arms reduction. Much of what is in the Scowcroft Commission report regarding shifting to counting warheads is a very important part of the report that is being discussed presently in Geneva. I think we would be doing a tremendous disservice to arms control and the momentum that appears to be underway right now if Congress would change its mind on the Scowcroft Commission and on the procurement of 27 MX missiles.

Mr. HART. Mr. President, will the Senator yield for a question?

Mr. QUAYLE. I yield to the Senator on Senator HART's time.

Mr. HART. Mr. President, I ask unanimous consent that I may ask the Senator from Indiana a question and have my question and his reply come out of the time of the opponents on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, would the Senator be willing to explain just how? I understand the allegation made that this would set back arms negotiations. But how and in what way?

Mr. QUAYLE. I believe, as Mr. Rowny said before the Armed Services Committee last year, that he needed for Congress to go ahead with the MX missile to use as leverage in his negotiations with the Soviet Union. He said that before the Senate Armed Services Committee. He has said it publicly before. I take him at his word. He is the one who is over there negotiating for us and when he says this is a central part that he needs as leverage with the Soviet Union, I believe him.

I also believe that the administration, whether rightly or wrongly—the Senator from Colorado can disagree with that—rightly or wrongly the administration has put a lot of stock in the talks at Geneva on the MX missile. They are in power. They are the ones who are negotiating a treaty and hopefully I think will be able at some time to submit a treaty to the Senate for ratification.

I would hasten to say that if a treaty is submitted, my inclination would be to support it. We have to wait and see what it is going to say and all the details, but I think it has probably a good chance of getting through. I believe that even though the Senator from Colorado supports arms control and a treaty as much as the Senator from Indiana does, I believe that what he is pursuing would be counterproductive to the goals that both Senators subscribe to.

Mr. HART. Mr. President, if the Senator will yield further, that is restating what he said before. I think the answer to my question is we are to build the MX missile because General Rowny wants it.

Would the Senator further care to explain his statement that there is momentum underway? What is that about?

Mr. QUAYLE. I believe that, with the Scowcroft Commission recommendation that was adopted by Congress, there is an express desire for serious, intense negotiations by the administration. They now have a package deal, they have a strategy where they are going to begin to talk more about warheads and move toward the counting of warheads rather than just launchers. There is certainly a momentum moving forward to an arms control treaty.

I would say that if Congress would change its mind and turn its back on the Scowcroft Commission recommendations, which it just adopted less than 2 months ago, that would set in reverse any kind of momentum that is building up to reaching some sort of an arms control agreement.

Mr. HART. Mr. President, let me just comment that Congress has never approved the Scrowcroft Commission report, and I do not think it will ever be called upon to approve the Scowcroft Commission report, so that argument does not seem to hold water.

All that the Senator responded was to the effect that there is momentum between the President and Congress. I did not think that that was where the arms control negotiations were being conducted. I thought they were between the United States and the Soviet Union.

So I am pleased to hear that momentum has been restored between the President and Congress, but it was not by Congress approving the Scowcroft Commission report.

I yield the floor.

Mr. QUAYLE. Mr. President, I yield 1 minute off the bill to respond to the Senator from Colorado.

I would certainly say that the debate and the vote that took place on May 25, 1983, where the votes were 59 to 39, was perhaps not direct endorsement of the Scowcroft Commission but it was certainly implicit support of the Scowcroft Commission.

There was a lot of debate before that vote. There was a lot of discussion whether we were going t^ go ahead. The Scowcroft Commission was set up after having the closely spaced basing mode rejected in December.

This Commission was set up under an expedited process. Congress voted on it and basically voted to affirm—if not directly, certainly implicitly—the Scowcroft Commission report.

Mr. President, with regard to the question of momentum, I ask unanimous consent to have printed in the RECORD a letter sent to Mr. Melvin Price from Brent Scowcroft concerning the arms control negotiations at Geneva.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PRESIDENT'S COMMISSION
ON STRATEGIC FORCES,
July 19, 1983.

Hon. MELVIN PRICE,
Chairman, Committee on Armed Services, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your letter of today, I have been encouraged by the initial steps that have occurred since the Congress voted in May to support, in effect, the package of: revision in our strategic arms control proposals, initation of a small ICBM program, and deployment of the MX missile.

In the field of arms control we have seen the beginning of an important review by the Administration of its strategic arms control proposals. Since May this has already resulted in an increase in the level of the ballistic missile launcher limitations we are proposing at Geneva—an increase bringing the Administration's proposal more nearly in line with our Commission's recommendation to concentrate restrictions on warhead rather than launcher limits. We have also, since May, seen the Administration both table a draft START treaty at Geneva and issue new instructions to our START delegation. Thorough reassessments are also now well underway, under the responsibility of the National Security Council, of several key arms control issues, including those related to the build-down approach suggested by members of the Congress.

Following these steps by the U.S. government, the Soviet Union has also tabled new proposals at Geneva—not perfect by any means, but closer to our own positions on several issues than were the previous Soviet positions.

In short, a negotiation is now underway. No one can responsibly predict its exact outcome or pace, but some progress is demonstrably occuring.

I believe strongly that the recommendations of our Commission, supported by the Administration and by many in the Congress, can only succeed as a package. Unilateral cancellation of the MX program would, in my judgment (a judgment in which, by the way, I feel confirmed by the recently-published views of Mr. Andrei Sakharov) abort the progress at Geneva by removing a major Soviet incentive to negotiate. Such cancellation would also, I believe, fracture the bipartisan consensus that you and I and many others have worked to begin to bring about over the last several months on these important and difficult questions. I would thus recommend support for the 1984 authorization for the MX missile.

Sincerely,

BRENT SCOWCROFT,
Chairman, President's Commission on Strategic Forces.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. TRIBLE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2086

The PRESIDING OFFICER. Under the unanimous-consent agreement, the clerk will report the Melcher amendment.

The legislative clerk read as follows:

The Senator from Montana (Mr. MELCHER) proposes an amendment numbered 2086.

Mr. MELCHER. Mr. President, my amendment to S. 675 allows COLA's for all E–1 grade pay and authorizes the necessary transfer of needed funds which CBO estimates to be approximately $14 million for this coming fiscal year. The amendment authorizes the transfer of those needed funds from the Pentagon paid media advertising.

Mr. President, the reason I believe that the amendment is necessary is to avoid military pay compression for E–1's. While all military pay grades will receive a 4-percent COLA under the bill, for E–1's it is delayed 4 months. The $14 million necessary to pay all E–1's the same cost-of-living adjustment as the other grades is a small amount and it can be paid out of the annual $130 million media advertising cost that the Pentagon buys each year.

There is a total of $1 billion annually spent on recruiting advertising and incentives to retain middle-grade enlisted and officer personnel. For recruitment and retention of members of the Armed Forces, it is most urgent that Congress avoid a return to the pay compression, which has been partially corrected over the past several years by raising military pay. A reversal of that policy now exists in the House Armed Services Committee bill which disallows the cost-of-living adjustment for E–1's and E–2's.

The real catch here, Mr. President, is whether or not, by just skinnying back a little bit on E–1's in the Senate bill and skinnying back on E–1's and E–2's in the House bill, we might find out in the conference committee report, when we have it before us, that indeed we have a start of compression for these lower grades.

Furthermore, the report on this bill we have before us, S. 675, calls for a Department of Defense study of possible further delays in E–1 and E–2 pay adjustments.

Third, you have to remember that the President's budget proposal provided no COLA's for any of the military. Clearly, there is already considerable indication that military pay compression for the middle-grade noncom and enlisted personnel could mean that they will again become the scapegoats to hold down military costs. I seek to avoid that with this amendment by not starting even with E–1's by delaying their cost-of-living adjustment.

Recruiting goals for both enlisted and officer recruits have been met. However, the quality and caliber of the recruits can and should be upgraded. The beginning pay is important. The issue is simply this: Do we start the pay compression syndrome again? I believe the answer should be no. I hope all Senators will carefully consider my amendment and support it in this vote we are about to take in a few minutes.

Now for a comparison with other jobs available to young people, McDonald's hamburgers and other foods are well known. If we look at their basic pay, a young person, 17 to 18 years old, could be earning about $4 per hour at McDonald's. In their 40-hour week, that is $640 a month. They get two meals a day free off the menu and perhaps that is worth $120 per month, maybe more, depending upon how hungry they are and how much they eat there. They are also issued a work uniform, with cap, shirt, and jacket.

The difference is this: E–1's and E–2's are typically on duty up to 60 hours a week. They are subject to unlimited duty, subject to strict discipline, and subject to a 3-year hitch. That is what we want them for. That is what we attract for our military is a recruit for 3 years. Hopefully, they will stay on much longer.

Well, McDonald's is one thing. But let us look at a larger company that might be hiring, such as a growth company like Xerox or IBM. If Xerox were recruiting new employees, would they advertise in this manner:

Wanted: Young men and women for steady employment. We will give you $573 per month. Required hours of work will likely be about 60 hours, but it could be a lot more. There is no overtime nor even any extra pay for those extra hours. It is $573 per month. We are going to allow you some food that will not be ordered off the menu, but it is food and it costs us about $3.30 per day or $1.10 per meal. Take your turn at clean up rotation in the kitchen. You will get some housing, a bunk, footlocker, sheets, pillow, and blankets. You may not get much leave time, but we plan to give you some. We don't know exactly when, but we plan to give you some leave time. We may want you in any number of States or any of a number of countries.

P.S. We may want to put you in a very dangerous part of the world and may call upon you any time to do that. Your pay won't vary from $573 for a while. We may up it over a year or two to around $650, and possibly even a little higher. But we want you for 3 years. We want you completely and we want you subject to our call, our whim, and our discipline.

Xerox or any other growth company does not advertise that way.

I am not saying we should change much, but we should change in this bill to allow a cost-of-living adjustment for these recruits exactly as for the other grades.

Mr. President, I reserve the remainder of my time.

Mr. TOWER addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, let me note that there is a strong array of opposition to this amendment. We have had expressed opposition from Larry Korb, the Assistant Secretary of Defense; from Major General Porter of the Army, the Director, Military Personnel Management; from Ty McCoy, Assistant Secretary for Manpower for the Air Force; from Rear Admiral Harlow, the Navy Assistant Deputy CNO for Manpower; and from Lieutenant General Maloney, Marine DCS Personnel Policy, all of whom oppose the Melcher amendment.

I might say that every NCO I have talked to opposes it. Many of them think that E-1 pay is too high as it is; that, actually, recruiting is working very well now; and a freeze of recruit pay will not have an adverse impact on recruiting, but the money that the Senator from Montana proposes to cut out of the recruiting budget would have a very adverse impact.

We have already reduced requests, including funds, by $17 million. Further reductions suggested by the Senator from Montana would be very adverse to our recruiting efforts.

I trust the Senate will do the same thing it did with this amendment Saturday a week ago when it defeated it by a vote of 63 to 14.

Mr. President, I yield 3 minutes to the distinguished Senator from Nebraska.

Mr. EXON. Mr. President, will the Senator yield me 4 minutes?

Mr. TOWER. I yield 4 minutes to the Senator from Nebraska.

Mr. EXON. Mr. President, I rise to oppose this amendment, just as I did over a week ago. I refer my colleagues to my remarks in the RECORD of Saturday, July 16, on page S10189, for further details.

A similar proposal was tabled by an overwhelming vote of 63 to 14. I thought the matter had been disposed of at that time.

As I said then, this Senator has been in the forefront of improving all conditions of the service people on pay and other benefits, as a member of the Armed Services Committee Subcommittee on Manpower and Personnel. The only difference between today's amendment and the one which was tabled 9 days ago is that, at least at this time, the sponsor has offered to pay for it. This would be accomplished by reducing the recruiting media advertising budget proposed for the Defense Department in fiscal year 1984.

Unfortunately, however, the minor change does not enhance its appeal one iota. Mr. President, the Armed Services Committee decided on these questions of pay after a complete review of the current situation and after much thought. There is today a careful mix of inducements to join the Army. Entry-pay level and recruiting advertising each have an important role to play. In 1970 problems were caused by reducing the recruiting and advertising budgets right after the huge entry-level pay increases which came along for the all volunteer force. Hopefully all of us who are involved with the military pay issues have learned the lessons of the past. We need a mix of inducements and I believe the mix contained in this bill that we have before us is appropriate without the amendment that has been offered by the Senator from Montana.

During his introductory remarks on this amendment on Friday, the Senator from Montana spoke of equal pay raises for those who will be in the front lines. Mr. President, I repeat what I said 1 week ago Saturday, personnel in pay category E-1 with less than 4 months of service are not in the front lines. The vast majority are in basic training and in their skill training for specialization. Had it been otherwise, I would have supported the pay increase for this group. When people begin to be exposed to potential or real hazards they are beyond the 4-month point and will receive their cost-of-living increase.

Last week reference was made to the food and living conditions as not the best. Of all the GAO reports which we have reviewed in the Armed Services Committee I have never seen reference to poor living conditions of recruits in basic or initial training. In short, the food and barracks are completely acceptable.

In summary, Mr. President, pay compression for E-1 is not the problem. Pay compression for middle and senior level NCO's and petty officers remains somewhat of a problem and the pay tables in this bill will help fix that. I urge once again the defeat of the pending amendment. If we defeat the authorization for MX deployment in the vulnerable silos, which, in my opinion, we will not do, but if we do that then we can employ the moneys saved to enhance E-1's and other well-known higher priorities, in the opinion of this Senator, to meet our national defense needs.

Mr. President, I reserve the remainder of my time. I yield it back to the manager of the bill.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I yield to the Senator from Iowa.

Mr. JEPSEN. Mr. President, I rise in strong opposition to the amendment. As chairman of the Subcommittee on Manpower and Personnel, I can tell my colleagues that the committee provision not providing an increase in the pay of E-1's with less than 4 months of service was the result of extensive hearings and study on the compensation system.

It is a very appropriate thing to create a new pay raise after 4 months of active duty. The first 4 months of active duty are spent in training—a raise at the 4-month point is a good incentive to complete training and a justifiable reward for doing so, it certainly parallels personnel management in the business world.

It should also be remembered that during that initial 4-month training period, the recruit, in addition to receiving $573 in basic pay, is also provided food, housing, clothing, and medical care. His needs are taken care of.

This is confirmed by the fact that at the existing level, each of the services is easily meeting its recruiting quotas. In fact, there are now approximately 150,000 already in the delayed enlistment program who have signed up to come in and are just waiting for an opening.

Mr. President, this amendment is not needed and should not be adopted. I urge my colleagues to vote no on the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. MELCHER. Mr. President, I yield myself the remainder of my time.

Mr. President, of course, there is always interest in who supports this. Well, there is not very much constituency around here for E-1's. I am glad to hear what has been said about E-2's and about the middle grade of noncommissioned officers. I hope that holds true. But the important thing is it is a little bit off the E-1's here, just 4 months, and over in the House they are not going to give the E-1's or E-2's a cost-of-living adjustment. So what are we facing here in this Senate? We are facing a little backward step here, and in conference possibly a much larger step in order to get a bill out of conference. I say draw the line right now.

Why should we want to take off from the very bottom, the lowest paid people, any of the cost-of-living adjustment? I do not know of any good reason. As it is right now, E-1's are sitting at 86 percent of their increase in pay going back to the time before the All-Volunteer system was started. That is about 10 years ago or a little over 10 years ago. But the other grades are all higher. They are about 100 percent and some of them, after this bill is passed, thank goodness, will

be at a little bit more than 100 percent.

There is pay compression for the E-1's. That is where it is right now, and this takes a little more of a lick at pay compression for E-1's, who are at the very bottom of the ladder.

Fourteen million dollars is a small amount and perhaps it should not even be argued on this floor, but I am arguing because the principle is great. It is whether or not we are going to treat everybody the same on a cost-of-living adjustment, everybody who is in the armed services the same, at least 4 percent. I think that is worth fighting for. And particularly in view of what the House is doing. We all understand very thoroughly that during conference with the lower amount for E-1's and E-2's in the House, this Senate bill will come back with a further reduction after conference.

That is the start of not just pay compression for E-1's, but it will be the start of pay compression for all of the lower grades.

Who supports this? Who supports my amendment? Well, I talked to the Air Force sergeants' representative this afternoon and he said, "Go to it. You are absolutely right. I see it exactly the same."

That is an association that knows what pay compression is because they have experienced it. They see a little bit off here for E-1's now, and the House has no cost-of-living adjustment for E-1's and E-2's, and they see that marching right through all the ranks. Why should we do that?

I have talked to Stars and Stripes, published all over this world. They say, "Go for it MELCHER." they say, "Your amendment is right."

I will go on what they say.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JEPSEN. I yield our remaining time to the Senator from Nebraska.

Mr. EXON. How much time remains?

The PRESIDING OFFICER. Three minutes in opposition.

Mr. JEPSEN. I yield 2 minutes.

Mr. EXON. I listened with interest to the statement made by the sponsor of the amendment. I believe first he should understand that those of us on the Manpower Subcommittee have gone into the very subject he has addressed himself to in great detail. We must remember, though, that during that time when we started the All-Volunteer service, we actually caused great concern among the senior and middle level NCO's. We raised the level so high, the pay for the people coming in, that there was not the spread that there should be to encourage people to work their way up.

I would remind the Senator from Montana that after 4 months these people move on up into a higher grade so they are not stuck in any one grade that is going to be harmful to them at all. They have to wait 4 months only.

I share his concern, and I hope, and would say now that I hope, that our conferees with the House will not agree to any reduction at all in the level that we are presently paying the E-1's. I congratulate the Senator from Montana for bringing up that point. I would not be happy with that and I hope that our conferees will not give in. I hope to be a conferee myself and I assure the Senator from Montana that I will fight the cause he has just outlined. I do not think we are going to reduce the level of E-1's for the very reason that the Congress has just voted themselves a handsome increase in pay. I cannot imagine what the Congress would look like if, while giving themselves an increase in pay, they reduce the pay of E-1's, and I do not think it will happen. I reserve the remainder of the time in opposition to the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. JEPSEN. Mr. President, have the yeas and nays been requested?

The PRESIDING OFFICER. They have not been.

Mr. JEPSEN. They have been or they have not been?

The PRESIDING OFFICER. They have not been.

Who yields time?

Mr. TOWER. Mr. President, is there any time remaining for either side?

The PRESIDING OFFICER. There are 54 seconds remaining to the opposition. The proponents have none.

Mr. TOWER. I am prepared to yield back the remainder of my time.

Mr. President, with regard to the vote pursuant to the consent request, is there a tabling motion in order?

The PRESIDING OFFICER. The agreement provides for a vote in relation to the amendment. That would allow a tabling motion.

Mr. TOWER. Mr. President, I move to lay the amendment of the Senator from Montana on the table. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay the amendments of the Senator from Montana on the table. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Utah (Mr. GARN), the Senator from Washington (Mr. GORTON), the Senator from Utah (Mr. HATCH), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Alaska (Mr. MURKOWSKI), the Senator from New Hampshire (Mr. RUDMAN), and the Senator from Connecticut (Mr. WEICKER), are necessarily absent.

I also announce that the Senator from New Mexico (Mr. DOMENICI) is absent due to illness.

Mr. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Oklahoma (Mr. BOREN), the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Kentucky (Mr. FORD), the Senator from Ohio (Mr. GLENN), the Senator from Alabama (Mr. HEFLIN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Louisiana (Mr. LONG), and the Senator from Georgia (Mr. NUNN), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 56, nays 26—as follows:

[Rollcall Vote No. 217 Leg.]

YEAS—56

Abdnor	Grassley	Percy
Andrews	Hatfield	Pressler
Armstrong	Hawkins	Proxmire
Baker	Hecht	Quayle
Bentsen	Heinz	Roth
Boschwitz	Helms	Simpson
Bradley	Humphrey	Specter
Chafee	Jackson	Stafford
Cochran	Jepsen	Stennis
Cohen	Kasten	Stevens
D'Amato	Kennedy	Symms
Danforth	Laxalt	Thurmond
Denton	Lugar	Tower
Dixon	Mathias	Trible
Dole	Mattingly	Wallop
Durenberger	McClure	Warner
East	Nickles	Wilson
Exon	Packwood	Zorinsky
Goldwater	Pell	

NAYS—26

Baucus	Huddleston	Mitchell
Bingaman	Inouye	Moynihan
Bumpers	Johnston	Pryor
Burdick	Lautenberg	Randolph
Byrd	Leahy	Riegle
DeConcini	Levin	Sarbanes
Dodd	Matsunaga	Sasser
Eagleton	Melcher	Tsongas
Hart	Metzenbaum	

NOT VOTING—18

Biden	Garn	Kassebaum
Boren	Glenn	Long
Chiles	Gorton	Murkowski
Cranston	Hatch	Nunn
Domenici	Heflin	Rudman
Ford	Hollings	Weicker

So the motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE TECHNICAL DATA PROVISION SECTION 1024 OF S. 675, THE DEFENSE AUTHORIZATION BILL

Mr. KENNEDY. Mr. President, section 1024 of the defense authorization bill would add a new section 140c to title 10 which would permit the Secretary of Defense to withhold from public access certain kinds of technical data with military or space application.

It is clear from the accompanying report of the Committee on Armed Services that this provision is intended to provide the Defense Department with specific statutory authority—qualifying under the third exemption from the Freedom of Information Act (FOIA) (5 U.S.C. 552(b)(3))—to deny public access under the FOIA to such technical information. This provision will prevent the FOIA from being used by military and economic competitors of the United States and U.S. industry as a means of acquiring valuable but unclassified U.S. technical data at the American taxpayers' expense.

I believe that section 1024 of the defense authorization bill and its accompanying report language address the problem of technology transfer in a precise and deliberate manner that carefully balances the need for appropriate protections with the need for continued public accessibility of many Defense Department records.

I emphasize the importance of the report language accompanying section 1024 because the Committee on Armed Services has done an excellent job of addressing many of the key concerns that have arisen concerning the scope and intent of such a proposed statutory solution to the FOIA technology transfer issue. The report language is indispensable to an accurate understanding of the purpose and effect of the proposed withholding authority as it is intended to be employed.

With respect to some points raised by section 1024, however, I have several additional clarifying questions.

First, I note that the statutory definition of technical data with military or space application enumerates specific items that embody technical data—that is, blueprints, drawings, plans, instructions, computer software and documentation—and then broadens to include other technical information that can be used or adapted for use to design, engineer, produce, manufacture, operate, repair, overhaul, or reproduce any military or space equipment or technology concerning such equipment. Unless the phrase other technical information is understood to mean other technical information that is similar or comparable to the listed items in its nature, purpose, or utility for achieving the specified objectives, the worthy effort to focus on the kinds of technical data covered could be undermined. It is therefore correct that other technical information that can be used or adapted for use to achieve the indicated objectives must be similar or comparable in nature, purpose, or utility to blueprints, drawings, and the like in order to be covered by this provision?

Mr. THURMOND. That is correct.

Mr. KENNEDY. Second, the committee report indicates that a substantial amount of the data intended to qualify for this provision are data which have been developed for the Defense Department under contract by private companies and in which the Department now holds unlimited rights. Am I correct in reading this provision as intended to apply to such data only where the data are of the kind that could constitute a trade secret or commercial or financial information within the meaning of the fourth exemption from the FOIA (5 U.S.C. § 552(b)(4)) if the private contractor retained its own rights to the data? Obviously, the provisions of that exemption which require a showing that the data be privileged and confidential would not apply.

Mr. THURMOND. That is correct. Let me also make it clear that this criterion will not apply when the technical data which the Secretary seeks to withhold have been developed by a governmental entity or a nonprofit contractor. In such cases the Secretary would not have to show that the data are the kind that could constitute a trade secret or commercial or financial information. They could be withheld so long as the other statutory criteria were satisfied.

Mr. KENNEDY. Third, the report also indicates that information relating to cost-overruns, cost-effectiveness evaluations, concept evaluations, and performance or reliability evaluations in connection with Defense Department programs would not be covered by section 1024. Such information should continue to be publicly available to the extent it is now. Am I correct that section 1024 would similarly be inapplicable to the formulation, declaration, and implementation of unclassified information concerning policies governing, for example, the priority or importance of a particular weapon system, or other defense program, or our willingness to make such systems or programs available to other nations?

Mr. THURMOND. That is correct.

Mr. KENNEDY. Fourth, the report indicates that the reasonable segregability principle of the FOIA—requiring an agency to release the nonexempt remainder of a record after exempt portions have been deleted—applies to this provision so that, to the extent technical data subject to this provision are included in studies and reports relating to cost and effectiveness, such data may be deleted but the remaining nonexempt portions including data representing the results of the evaluation, must be released. Is it not correct that segregability is required with respect to any Defense Department record that may contain exempt technical data, and is not limited simply to reports relating to costs and effectiveness?

Mr. THURMOND. That is correct.

Mr. KENNEDY. In light of the report language and these additional clarifications, I support this section 1024 of the defense authorization bill.

PROGRAM

Mr. BAKER. Mr. President, if I may have the attention of the Senate, I have indicated to both sides——

Mr. BYRD. Mr. President, I beg the majority leader's pardon for the interruption, but we should have some order in the Senate. We are about to hear the program.

The PRESIDING OFFICER. The Senate will be in order. Those Senators wishing to converse should retire to the cloakroom.

Mr. BAKER. Mr. President, I wish to announce that there will be no more record votes tonight.

Tomorrow morning, the Senate will come in at 9:30.

After the recognition of the two leaders under the standing order, there probably will be a period for the transaction of routine morning business. The Senate will then resume consideration of the Department of Defense authorization bill.

We will recess from 12 until 2 p.m., in order to accommodate the caucuses of both parties, which will require the attendance of Senators off the floor.

At 2 p.m., the Senate will resume consideration of this measure, and the vote on final passage will occur at 9 o'clock tomorrow evening. I hope we can substantially improve on that time for final passage. I am going to consult with the Senator from Colorado, the Senator from Texas, and the minority leader and get a better estimate about how many amendments will be offered of those that are permitted under the order and how long they are likely to take, so that after we convene in the morning, I can make a better judgment of how long we will be.

I hope we can finish this bill by 6 or 7 p.m. instead of 9 o'clock or 9:30 tomorrow evening. I think we can do so, based on the face of things today and the way the matter appears to be unfolding.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. TOWER. Senator HART and I have discussed this, and it appears probably that the opponents of the MX will offer two amendments. I believe it is the preference of the Senator from Colorado that we debate his amendment, which is the pending amendment—it has already been laid down—for a good part of the afternoon, and then vote on it, and perhaps with a vote on the other amendment to be offered.

That is only a tentative suggestion, but it gives Senators an idea of the situation. I think we should restructure the time agreement slightly to accommodate that. We are almost out of

time on the bill, and we might wish additional time on the bill.

Mr. METZENBAUM. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. METZENBAUM. On July 13 of this year, I had a colloquy with the majority leader and Senator HELMS concerning the intention of the majority leader to proceed to the agricultural bill immediately after the DOD bill. Is it still the intent of the majority leader to proceed along that line?

Mr. BAKER. Yes, Mr. President, it is. During the same period—not in the colloquy to which the Senator refers—I believe I indicated that, if possible, I would like to do the MilCon appropriation bill. As it turns out, there probably will be two appropriations bills that can be disposed of in a very short time—the MilCon appropriation bill and the D.C. appropriation bill.

What I should like to do if we can—indeed, when we finish this bill—is move directly to the target price bill, but temporarily lay it aside so that we can do those two appropriations bill, under a time agreement, and then go back to the target price bill.

Mr. METZENBAUM. I thank the majority leader.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. BYRD. I hope the majority leader would include the Interior appropriations bill.

Mr. BAKER. By all means. I do include that, to do it as soon as we can.

We started out with a highly controversial bill, and I was advised we might be able to do it in a day. I am now advised that we might be able to do it in less than a day. Negotiations continue; and if we can get that down, we will do it in the same package. To get three appropriations bills out of the way on short time agreements will be a very major accomplishment, and I would like to do that.

To answer the Senator from Ohio, I do intend to honor the commitment that was made.

Mr. BYRD. From past experience, I would think the military construction bill and the D.C. appropriations bill probably would take a lot of time, without a time agreement. Also, there is the Interior appropriations bill.

In any event, I will try on this side to secure time agreements.

Mr. BAKER. I thank the minority leader. I pledge to him that I will work with him.

Mr. BYRD. I am a member of the subcommittee, and that is a reason for stating my interest. From time to time, I have appointed a designee to handle the bill.

Mr. SARBANES. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. SARBANES. Is the majority leader in any position to indicate what we will be doing next week? I take it that will be the final week before the recess.

Mr. BAKER. Mr. President, it is my firm intention to finish the business of the Senate and permit us to adjourn on schedule on August 5. Barring an absolute emergency of some sort, I think we will meet that, even if we might leave some loose ends dangling.

I previously supplied the minority leader a list of must items and in order to get out on August 5 we are going to have to postpone many of those items. I am sorry for that. But I am determined to try to get us out on August 5.

The general schedule would include the three appropriation bills that I have discussed with the minority leader in this colloquy just preceding, the target price bill and the only one I can think of that I absolutely am committed to try to take up is Radio Marti. I might say by the way that both the target price bill and Radio Marti are threatened to be filibuster situations or at least extended debate.

I know this is asking a lot, but I would like Members to consider and I especially ask the sponsors of these measures to consider that it might be advantageous for the Senate to doubletrack those two items so that we would do the best we can with them before we go out on August 5.

Other matters some of which are near and dear to my heart, including the revenue sharing reauthorization and a number of others, we are just going to have to slip until we come back.

Mr. President, further answering the minority leader on the general situation, I am told that we will have two nominations before us before long, the Volcker nomination and the Jensen nomination, which is already on the calendar. I do not think they will take a long time.

If we can find time early in the morning or late in the afternoon or some time when we could do it, I wish to consider doing those two nominations as well.

Mr. BYRD. Mr. President, if the majority leader will yield again, may I ask whether or not in his studies of the crystal ball and considering all matters pertinent thereto does he anticipate a Saturday session this week?

Mr. BAKER. Mr. President, I have run out of money for roses, and I think we probably will not have one. I do not now foresee the need for a Saturday session before we go out.

There are three other things, though, that I guess I should mention, and it bothers me to even do it.

But we probably will have three conference reports to deal with. They are the supplemental conference which is in progress now and I guess the House of Representatives will act on perhaps tomorrow; the transportation conference report, if there is one, and the distinguished chairman of the Appropriations Subcommittee indicated to me that he thought they might succeed in getting that; and withholding on interest and dividends which has to be dealt with.

I do not think they will unduly complicate the schedule, but as and when those conference reports get here, I feel obligated to take them up.

Export Administration I wish to take up and still have on the list, but we have a jurisdictional dispute between committees on that as well as a difficulty of time.

So I will talk to the sponsors about that as we go along.

Mr. METZENBAUM. Mr. President, would the majority leader and minority leader be in position to advise the troops as to what the plan is about coming back after the recess, in view of the fact that we are scheduled to come back on a Wednesday and that Wednesday evening begins the holiday for some of us.

Mr. BAKER. Mr. President, I discussed this I believe with the minority leader, and I told a number of Senators, and I thought I announced it on the floor, but maybe I have not. I thank the Senator from Ohio for prompting me. But that is in the middle of the week, the way the recess schedule is done now, and it does fall in the midst of the religious holiday season. It is my intention then to include in the adjournment resolution that we return at noon on September 12.

Mr. METZENBAUM. I thank the majority leader very much and I thank the minority leader for taking it up.

Mr. BYRD. I thank the Senator.

Mr. BAKER. Mr. President, there are a few items that we might ordinarily do on wrapup, including a number of items on the Executive Calendar, but some Members who are interested in those matters are not immediately available. Therefore, we will postpone the wrapup until tomorrow.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I now ask that there be a period for the transaction of routine morning business to extend not past 6:15 p.m. in which Senators may speak for not more than 2 minutes each.

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered.

THE RELATIONSHIP BETWEEN DRUGS AND CRIME

Mrs. HAWKINS. Mr. President, epidemic levels of drug abuse and drug-related violent crime threaten to cripple our youth and our Nation. Narcotics trafficking has become one of this

country's largest businesses. Only one corporation in the entire world, Exxon, has greater gross revenues. Significantly, even Exxon's profits pale before the estimates of that earned by the tax-free illegal narcotics industry. The estimated value of illegal drug sales in this country totaled more than $79 billion in 1980—up approximately 22 percent from the previous year. Perhaps the most disturbing thing about the illegal drug traffic is that it is responsible for the growth in other illegal enterprises.

The threat drugs present to the youth of America is particularly distressing. In October of 1982, First Lady Nancy Reagan told the First National Conference of Parents for Drug-free Youth, "Drug abuse is tearing our children and our families apart. Unless we act now we may lose our whole next generation to drugs." Indeed, one of the most worrisome aspects of the drug culture is its inevitable association with the criminal world. For the sake of our future, illegal drug trafficking must be curbed.

The link between crime and drug abuse was first described in detail more than 50 years ago by Dr. Louis Lewin, a German scientist, in his critically acclaimed book, "Phantastica." One of Lewin's most telling observations was that "the infringements of law committed by addicts are numberous and various." The offenses he noted included theft and fraud to obtain money to buy drugs, and assault and murder committed by drug-intoxicated addicts. Lewin's observations have truly stood the test of time. More than half a century since the publication of his treatise, social scientists and psychiatrists continue to document the important link between drug addiction and crime.

A more recent study by Dr. John Ball and his colleagues found that the criminal activity of most confirmed drug addicts is staggering in scale and scope. Dr. Ball, and others, studied 243 heroin addicts over an 11-year period. Of the addicts in his study, he discovered that 237 were active criminals, most of them thieves. He described 156 as career thieves: 57 engaged in at least one theft a month, 58 committed at least a theft a week, and 41 scored a theft every day. Besides theft, the addicts in the study also dabbled in the full range of street crime—armed robbery, assault, burglary, and, of course, drug trafficking. The findings of this study shocked even law enforcement officers. During the 11-year study, the 237 drug addicts chalked up more than 500,000 crimes.

Dr. Ball's findings echo equally startling results found in other studies. In 1972, two criminal justice scholars—James Inciardi and C. D. Chambers—found that 26 drug addicts out on the streets committed 22 major crimes every day. In a later study focusing on Miami, Fla., Inciardi linked 80,644 crimes committed during a 12-month period to 239 male heroin users. Although most of these crimes were nonviolent the figure is simply astounding. A significant footnote to Inciardi's work is his discovery that, of the 80,644 crimes committed, arrests were made in only 160 cases. Of course, the arrest rate does not even touch on trial and conviction.

In fact, Inciardi found that the ratio of drug-related crimes to arrests was phenomenally lopsided. In the drug sales area, the ratio for the number of crimes committed to arrests made was 440 to 1. By comparison, the ratio for crimes against persons to arrests was 293 to 1, while the ratio for crimes against property was 273 to 1.

Underscoring this close correlation between drug dependency and crime was a finding in the Ball study that addicts who were able to overcome their drug dependency were also able to overcome, in large measure, their criminal tendencies. Criminal activities of rehabilitated addicts decreased by a remarkable 84 percent. On the other hand, of addicts who continued to depend on drugs, two-thirds committed crimes at frequencies ranging from one every 3½ days to one every day of the year during the course of their addiction.

Federal authorities estimate that at least 550,000 individuals are currently addicted to heroin. Many thousands are addicted to other illicit and dangerous drugs. In light of the evidence revealed by study after study, it is clear that a tremendous amount of the crime plaguing our society today can be attributed directly to the growing problem of drug abuse in the United States.

WALTER H. ANNENBERG RECEIVES THE 1983 RALPH LOWELL AWARD

Mr. PERCY. Mr. President, as Members of the Senate we all at one time or another stand and ask that some words that are not our own be included in the CONGRESSIONAL RECORD. It is rare that one requests that his or her own daughter's words be inserted in the RECORD, but that is what I seek today. I ask this not because I wish to be a proud father when I see her words follow mine—and I certainly would be a proud father to see this—but because I believe that the man that she speaks of, the Honorable Walter H. Annenberg, should be especially recognized today by the Senate.

Ambassador Annenberg has led a long and distinguished career as a publisher, diplomat, educational pioneer, and philanthropist. Recently he was awarded the 1983 Ralph Lowell Award for his dedication to and generosity for public television. As chairman of the board of Corporation for Public Broadcasting, my daughter Sharon Rockefeller had the honor of presenting Walter Annenberg with the Lowell Award signifying an outstanding contribution to the advancement of public television. And I must say that Ambassador Annenberg's contribution to public television is outstanding. In and of itself, the $150 million donation that Walter Annenberg so generously gave to public television warrants recognition.

But if we consider more fully the significance of this donation, we can truly understand that Ambassador Annenberg is deserving of this award. Traditionally the Lowell Award has been given to that individual, who like Ralph Lowell, worked to further the dream of public television and public education through the great medium of television. Indeed Walter Annenberg has done that. For through his gift, Ambassador Annenberg has established a fund that will be used to underwrite programs for higher education. Today the Annenberg project is already allowing 60 million Americans to experience an educational program directed and planned for the college level thinker.

For 60 million Americans, the principal means of obtaining a college education are not available. Perhaps the money is not available; perhaps there are other reasons why these Americans cannot attend college, but now Ambassador Annenberg has begun an unconventional program of education. I can think of no better way to describe his program than to quote from my daughter and comment that "Walter Annenberg's gift is to the minds of America."

Mr. President, I ask unanimous consent to have printed in the RECORD remarks made in presentation of the 1983 Ralph Lowell Award by Sharon Percy Rockefeller.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

PRESENTATION OF THE RALPH LOWELL AWARD TO HON. WALTER H. ANNENBERG BY SHARON PERCY ROCKEFELLER

INTRODUCTION

I think I thank David Ives for those remarks—We'll find a way to get even soon enough.

Public television is indeed blessed with extremely competent, far-sighted and financially conservative leaders. Ed Pfister, the President of the Corporation, and I have met regularly with Dallin Oaks, Larry Grossman, David Ives and Bruce Christensen. It's a real pleasure both professionally and personally to work with men of such integrity. You should be proud of the men who represent you nationally. As we are.

Now, before I begin, I'd like to publicly thank my husband for joining us in today's celebration. Jay and our guest of honor share a warm friendship and a very lively, even irreverent, sense of humor.

Just like our friends from Philadelphia, we have a nearly perfect marriage. We be-

lieve in things being more or less equal. That is to say that Jay is more equal and I am less equal. Now, Sally Ride has given me some ideas this week. She wouldn't stand for that kind of treatment. I don't think I will, either, in the future. So, like two good politicians, Jay and I have learned to make trades. We have invented our own definitions of the fairness doctrine and equal time. I have attended precisely ten thousand bean dinners (I'm not done, just wait), ox roasts (something like what you had for lunch), and fish fries in 17 years. That was after I left Illinois, you understand. Jay has attended precisely six CPB or PBS lunches and dinners. Now according to the way Rockefellers calculate, things are now equal. Which means that I now owe him again.

Now, for our guest of honor.

RALPH LOWELL AWARD REMARKS: 1983

Today, we are gathered for one of the most enjoyable moments in public television. We are here to present the highest honor that our profession bestows—the Ralph Lowell Medal—to someone who has made an outstanding contribution, in many ways, to the advancement of public television.

Before I begin my remarks, and to dispel the remaining suspense, let me say that our Lowell recipient this year is the distinguished publisher, diplomat, educational pioneer and philanthropist—Ambassador Walter H. Annenberg. Would the Ambassador and Mrs. Annenberg please stand?

We are especially delighted to have Walter's talented and distinguished wife, Lee, with us today. She is an accomplished woman, in her own right. In fact, to my knowledge, the Annenbergs may be the only couple in American history who have both obtained Ambassadorial rank—Walter, as the American envoy to the Court of Saint James; and Lee, as President Reagan's first Chief of Protocol.

Mr. Ambassador, I would be the first to confess that what you've done for public television strikes close to home for me. Like many in this room, I was drawn to public broadcasting as a way to widen educational opportunities for my family. But millions of Americans find the doors—particularly to higher education—closed to them.

Many people have the ambition, the brains and the perseverance to want a college education, but they are barred:

because they lack the money;

because they have children to raise;

because they have to work;

because they are handicapped; or

because there are just not the facilities near where they live.

Now, fortunately, there is a man, concerned about the people who face these lost opportunities. He was determined to do something about this situation. He did, and that is why we are gathered here today.

Let me tell you how it all came about. Let's begin with the kind of man that Walter Annenberg is.

A perfect illustration is the story the Ambassador likes to tell about how he launched TV Guide. He started his market research watching people around news stands. When they bought the TV magazines, if you can call them that, which were available in the early days, Mr. Annenberg would go up and ask them why they had purchased that magazine and what they liked about it. Judged by his and TV Guide's phenomenal success, he certainly did figure out what they like and what they want. This capacity to get close to people and to sense their needs and aspirations is a clue to this remarkable man. He believes that life is best lived as a state of "continual becoming;" all that we are given is the possibility, or, by education, the opportunity, to make something of ourselves.

There has been much discussion recently in this country about the report, "A Nation at Risk" from the National Commission on Excellence in Education. One of the most fascinating sentences very early in the report is a concept clearly understood by Ambassador Annenberg:

"Part of what is at risk is the promise first made on this continent: All, regardless of race or class, or economic status, are entitled to a fair chance and to the tools for developing their individual powers of mind and spirit to the utmost."

Walter Annenberg understood this truth a long time ago. He was a pioneer in this country in recognizing the potential of television to fulfill the American dream of self-betterment through education.

Over thirty years ago, in 1950 to be exact, Mr. Walter Annenberg's innovative leadership won the coveted DuPont Award for launching "The University of the Air." Again I remind you: In 1950, for WFIL-TV, in Philadelphia.

His concern for widening opportunities for others has never ended. A few years ago, it came up again during a conversation that Ambassador Annenberg had with Newt Minow over dinner. Walter is a passionate and discerning art collector. In fact, he's on his way to the National Gallery right after our luncheon. And he was telling Newt: "If I want to go see a great art treasure, I am able to pick up and go, (I wanted to add, and "pick it up and go". But I had better stick to the facts). And then he said most people just cannot do that." He said he wished there were some way to make great art accessible to more people.

Now Newt, whom I had the chance to roast last year at this time, is never caught unaware when opportunity is knocking. He immediately said that there is this chance through public television.

Out of the seed of that conversation, and after two years of negotiation between the Annenberg and public broadcasting officials—led by Bob Fleming, who was then President of CPB—there emerged the largest private grant, not only to public broadcasting, but to all of education in general—that has ever been made in the United States.

Through the Annenberg School of Communications, founded by the Ambassador, he has established a $150 million fund (that's very impressive to Rockefellers, Mr. Ambassador. I'm just trying to get Jay thinking along the right lines.) a $150 million fund—$10 million a year for fifteen years—to underwrite projects for higher education.

During those two years, the original idea had grown far beyond merely expanding the audience for art. Ambassador Annenberg realized that public broadcasting's most fundamental purpose was to contribute to the educational progress of the Nation and that technology had much to offer to higher education. And here I'd like to recognize Lee Annenberg's role once again. Lee was closely involved every single step of the way. She made shrewd, sensible and useful contributions throughout these negotiations.

Today, the Annenberg Project is already beginning to open the doors to college-level courses for a potential audience of nearly sixty million Americans, for whom the conventional road to higher education is closed. The Annenberg Project has already underwritten fourteen important educational projects—including the critically acclaimed series helped along by Fred Friendly on "The Constitution," and the upcoming series on the "The Brain"—which I predict is going to be a smashing success.

We are eagerly looking forward to the additional courses that this invaluable gift will be bringing to all three of the project's potential audiences—the distant learner, the resident student, and the vast general audience.

Now, I'd like to say one last thing about the character of the man who made this unparalleled contribution. During the discussion stage, it quickly became apparent that Walter Annenberg was not looking for a personal monument to enshrine a rigid idea of what his grant was supposed to finance. He was always open-minded and flexible as we sought out the best way of achieving his goal of expanded higher education.

I have not only the deepest respect, but also the warmest affection for Ambassador and Mrs. Annenberg. It is not surprising that Queen Elizabeth made only one departure from her official schedule during her recent trip to our country. She paid a private visit to the Annenbergs in California, whom she first met as American Diplomats, and who came to become her close and valued personal friends.

It's always difficult to know how a new idea may look to posterity.

A long time ago, John Harvard made a generous bequest, and it created the famous university that bears his name.

Andrew Carnegie's gift lead to a nationwide system of libraries from which we still all benefit.

The Annenberg project has the potential to achieve far more, because—through the power of television—we can reach not hundreds of thousands of people, but millions upon millions of people hungry for information and knowledge and wisdom.

Walter Annenberg's gift is to the minds of America. The vision that he has exhibited has the capacity to change the delivery of higher education in the United States.

With his gift, Walter Annenberg continues to lengthen the list of good works that has characterized his life, and brought so much esteem to his family name.

It gives me enormous pleasure to present the 1983 Ralph Lowell medal to

—a champion,

—a benefactor, and

—an extraordinary friend to all life-long learners

—Ambassador Walter H. Annenberg.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of

the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed in the end of the Senate proceedings.)

ANNUAL REPORT OF THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS—MESSAGE FROM THE PRESIDENT—PM 68

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I herewith transmit the Fourteenth Annual Report of the independent National Corporation for Housing Partnerships and the National Housing Partnership, as required by Section 908(a) of the Housing and Urban Development Act of 1968.

RONALD REAGAN.

THE WHITE HOUSE, *July 25, 1983.*

ANNUAL REPORT OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION—MESSAGE FROM THE PRESIDENT—PM 69

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report which was referred to the Committee on Environment and Public Works:

To the Congress of the United States:

Pursuant to the requirements of Section 10 of the Saint Lawrence Seaway Act of May 13, 1954, I hereby transmit the Saint Lawrence Seaway Development Corporation's Annual Report for 1982.

RONALD REAGAN.

THE WHITE HOUSE, *July 25, 1983.*

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:20 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2637. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1487. A communication from the Acting Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess royalty payments to Arco Oil & Gas Co., Mobil Oil exploration, Chevron U.S.A., and Mobil Oil Corp.; to the Committee on Energy and Natural Resources.

EC-1488. A communication from the Acting Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess royalty payments to Chevron U.S.A., Mobil Oil Corp., and Columbia Gas Development Corp.; to Committee on Energy and Natural Resources.

EC-1489. A communication from the Acting Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess royalty payments to Mobil Oil Corp., Chevron U.S.A., Gulf Oil Exploration & Production Co., and Shell Oil Co.; to the Committee on Energy and Natural Resources.

EC-1490. A communication from the Assistant Secretary of the Interior, transmitting, pursuant to law, a report on royalty rates for noncompetitive oil and gas leases, to the Committee on Energy and Natural Resources.

EC-1491. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation entitled "The Patent and Trademark Office Procedures Improvement Act of 1983"; to the Committee on the Judiciary.

EC-1492. A communication from the Administrator of the Environmental Protection Agency transmitting a draft of proposed legislation to authorize three additional Presidentially appointed and Senate confirmed Assistant Administrators for the Agency; to the Committee on Environment and Public Works.

EC-1493. A communication from the Federal Emergency Management Agency transmitting, pursuant to law, a report on the Integrated Emergency Management System; to the Committee on Armed Services.

EC-1494. A communication from the Assistant Secretary of the Army for Installations, Logistics, and Financial Management transmitting, pursuant to law, a report on the decision to convert the bulk liquid storage activity at Fort Sam Houston, Texas to performance under contract; to the Committee on Armed Services.

EC-1495. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on the decision to convert the shelf stocking function at the Commissary Store, Pearl Harbor, Hawaii to performance under contract; to the Committee on Armed Services.

EC-1496. A communication from the Chairman of the Securities and Exchange Commission transmitting, pursuant to law, a report of the SEC advisory Committee on Tender Offers; to the Committee on Banking, Housing, and Urban Affairs.

EC-1497. A communication from the Chairman of the Consumer Product Safety Commission transmitting, pursuant to law, the Commission's fiscal 1982 annual report; to the Committee on Commerce, Science, and Transportation.

EC-1498. A communication from the Acting Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of excess royalty payments to Chevron U.S.A., ARCO Exploration Co., and Mobil Oil Corp.; to the Committee on Energy and Natural Resources.

EC-1499. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on State medicaid compliance under the Social Security Act; to the Committee on Finance.

EC-1500. A communication from the Assistant Secretary of State for Legislative and Intergovernmental Affairs transmitting, pursuant to law, an agreement between the American Institute in Taiwan and the Coordination Council for North American Affairs; to the Committee on Foreign Relations.

EC-1501. A communication from the Deputy Secretary of the Treasury transmitting a draft of proposed legislation to increase the pay level of the Treasurer of the U.S. to executive level IV; to the Committee on Governmental Affairs.

EC-1502. A communication from the Assistant Attorney General of the U.S. for Administration transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-1503. A communication from the District of Columbia Auditor transmitting, pursuant to law, a copy of the District's revenue report for May 1983; to the Committee on Governmental Affairs.

EC-1504. A communication from the District of Columbia Auditor transmitting, pursuant to law, a report on the D.C. Office of Personnel's policies and procedures for recruitment and hiring; to the Committee on Governmental Affairs.

EC-1505. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-56, adopted by the Council on July 12, 1983; to the Committee on Governmental Affairs.

EC-1506. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-57, adopted by the Council on July 5, 1983; to the Committee on Governmental Affairs.

EC-1507. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act adopted by the Council on July 12, 1983; to the Committee on Governmental Affairs.

EC-1508. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-52, adopted by the Council on July 12, 1983; to the Committee on Governmental Affairs.

EC-1509. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-54, adopted on July 12, 1983; to the Committee on Governmental Affairs.

EC-1510. A communication from the chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 5-55, adopted by the Council on July 12, 1983; to the Committee on Governmental Affairs.

EC-1511. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the Physician Exchange Visitor Programs; to the Committee on the Judiciary.

EC-1512. A communication from the Deputy Director of the Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to transfer custodianship and operating responsibility for Pershing Hall in Paris, France, and provide for its administration as a memorial; to the Committee on Rules and Administration.

EC-1513. A communication from the President of the United States, transmitting pursuant to law, a message relating to the prevention of the spread of nuclear weapons; to the Committee on Foreign Relations.

EC-1514. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, a report entitled "Accrual Accounting for Military Retirement: Alternative Approaches"; to the Committee on Armed Services.

EC-1515. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report on the operations of the Exchange Stabilization Fund for fiscal year 1982; to the Committee on Banking, Housing, and Urban Affairs.

EC-1516. A communication from the chairman of the Board of Governors of the Federal Reserve System, the mid-year Monetary Report of the Board; to the Committee on Banking, Housing, and Urban Affairs.

EC-1517. A communication from the Secretary of Transportation and the President of the National Railroad Passenger Corporation, transmitting jointly, pursuant to law, the annual report on progress achieved and work in progress with respect to the completion of the Northeast Corridor Improvement Project for 1982; to the Committee on Commerce, Science, and Transportation.

EC-1518. A communication from the Deputy Secretary of the Treasury transmitting a draft of proposed legislation to amend certain provisions of the Internal Revenue Code of 1954 relating to distilled spirits and for other purposes; to the Committee on Finance.

EC-1519. A communication from the Employee Benefits and Risk Manager of the Fourth District Farm Credit Institutions, transmitting, pursuant to law, the annual report for the Farm Credit Institutions in the Fourth District Amended Retirement Plan for 1982; to the Committee on Governmental Affairs.

EC-1520. A communication from the plan administrator of the Farm Credit Banks of New Orleans, transmitting, pursuant to law, the annual report of the Farm Credit Retirement System and Production Credit Associations Retirement plans for 1982; to the Committee on Governmental Affairs.

EC-1521. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "GAO's Second Biennial Report on the Transfers of Federal Personal Property to Grantees and Other Eligible Organizations"; to the Committee on Governmental Affairs.

EC-1522. A communication from the Manager of the Hawaii State Chapter of the American Red Cross, transmitting, pursuant to law, the annual report of the Hawaii State Chapter for 1982-83; to the Committee on Labor and Human Resources.

EC-1523. A communication from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting, pursuant to law, notice of the recent discovery and emergency disposal of suspected chemical agent munitions at Dugway Proving Ground, Utah; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOLE, from the Committee on Finance, with an amendment in the nature of a substitute and an amendment to the title:

S. 951. A bill to provide health care coverage for the unemployed (Rept. No. 98-193).

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 500. A bill entitled "The Christopher Columbus Quincentenary Jubilee Act" (Rept. No. 98-194).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. METZENBAUM (for himself, Mr. MITCHELL, Mr. TSONGAS, and Mrs. HAWKINS):

S. 1671. A bill to amend the Internal Revenue Code of 1954 to exclude from the gross income of an employee certain adoption expenses paid by the employer, and for other purposes; to the Committee on Finance.

By Mr. MITCHELL (for himself and Mr. CHAFEE):

S. 1672. A bill to amend the trade laws of the United States to streamline trade relief procedures, to make trade relief more accessible to small businesses, and for other purposes; to the Committee on Finance.

By Mr. INOUYE:

S. 1673. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income reduced airline fare benefits received by airline employees and their families; to the Committee on Finance.

By Mr. MATHIAS:

S. 1674. A bill for the relief of Mrs. Ghodsi Motamen; to the Committee on the Judiciary.

By Mr. WALLOP (for himself, Mr. DURENBERGER, and Mr. CHAFEE):

S. 1675. A bill to amend the Internal Revenue Code of 1954 to promote transfers of real property interests to certain organizations for use for conservation purposes, and for other purposes; to the Committee on Finance.

By Mr. DURENBERGER (for himself, Mr. DOLE, Mr. WEICKER, Mr. ANDREWS, Mr. HEINZ, Mr. BIDEN, and Mr. CRANSTON):

S. 1676. A bill to provide that registration and polling places for Federal elections be accessible to handicapped and elderly individuals, and for other purposes; to the Committee on Rules and Administration.

By Mr. LAUTENBERG:

S. 1677. A bill relating to the provision of lifeline telephone service; to the Committee on Commerce, Science, and Transportation.

By Mr. McCLURE:

S. 1678. A bill to amend the Energy Policy and Conservation Act to strengthen our Nation's energy emergency preparedness consistent with the policy set forth in section 271 of said act, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BINGAMAN (for himself, Mr. INOUYE, Mr. KENNEDY, Mr. HATFIELD, Mr. ZORINSKY, Mr. RANDOLPH, Mr. TSONGAS, Mr. PROXMIRE, Mr. LEVIN, Mr. DODD, Mr. LEAHY, Mr. PELL, Mr. PRYOR, Mr. MATSUNAGA, Mr. MELCHER, Mr. SASSER, Mr. HART, and Mr. HUDDLESTON):

S. Res. 181. Resolution expressing the sense of the Senate that the U.S. Government should support the peace initiatives of the four-nation Contadora group, should indicate its willingness to cease the flow of arms into Central America in conjunction with other nations, and should terminate all programs of assistance to guerrilla forces in Nicaragua; to the Committee on Foreign Relations.

By Mr. DOLE:

S. Res. 182. Resolution expressing the sense of the Senate with respect to travel by Members of the Senate to the Soviet Union; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. METZENBAUM (for himself, Mr. MITCHELL, Mr. TSONGAS, and Mrs. HAWKINS):

S. 1671. A bill to amend the Internal Revenue Code of 1954 to exclude from the gross income of an employee certain adoption expenses paid by the employer, and for other purposes; to the Committee on Finance.

ADOPTIVE FAMILIES ASSISTANCE ACT OF 1983

● Mr. METZENBAUM. Mr. President, Senators MITCHELL, TSONGAS, and HAWKINS join me today in introducing the Adoptive Families Assistance Act of 1983, a bill designed to help defray the costs of adopting children.

During the last Congress, I introduced a package of legislation whose intent was to strengthen family life. The 1981 tax bill incorporated two parts of that package—expanded day care tax credits and deductions for certain adoption-related expenses. The Social Security Act Amendments of 1983 include provisions eliminating certain gender-based distinctions in social security, another component of my stronger families package.

These actions went in the right direction. But in spite of these helpful changes, I do not believe that the current law on adoption expenses goes far enough.

Although the Government has not kept adoption statistics since 1975, recent reports place the number of adoptions at around 100,000 per year. In fact, the number of adoptions in this country has declined steadily since 1970, when a record 175,000 chil-

dren were adopted. And since 1960, the number of children in foster care has doubled to approximately 500,000.

The issue, Mr. President, is stability for children and their family relationship. Congress has recognized this problem in the past. We responded with the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Adoption Assistance and Child Welfare Act of 1980. These acts increased funding for child welfare services and required States to move in the direction of making foster care what it has always been intended to be—a temporary solution.

Yet despite these congressional efforts, adoption is still not a reality for far too many children. Last year, the New York Times reported that fewer than 20 percent of the children available for legal adoption in New York's publicly assisted agencies were actually placed. The Washington Post reported that the District of Columbia's foster care system is overburdened and understaffed.

And unfortunately, the Reagan administration has cut by more than half the major Federal program to encourage the placement of older, handicapped, and minority children.

In 1981, the Congress provided a new deduction for the costs of adopting a child with special needs. These are children who qualify for adoption-assistance payments because of a special condition which prevents them from having a reasonable chance of being adopted. This deduction is limited to $1,500.

At a time when so many children face the prospect of homelessness and the emotional handicap that the lack of a loving home environment creates, we cannot afford to stop halfway. We must fully recognize the financial hardships of adoptions on the family. I believe that the bill we are introducing today does just that.

Our bill permits all families that adopt to claim the costs of adoption as a tax deduction. They will be limited to a $1,500 deduction. And in recognition of the unique hardships posed by the adoption of special-needs children, our bill increases to $2,000 the allowable deduction for such children.

In addition, our bill takes note of the fact that at least 20 major companies have in recent years begun to assist their employees with the costs incurred in adopting children. IBM, for example, has had an adoption-assistance program since 1972, and has averaged approximately 350 to 400 claims per year. The Smithkline Corp. paid employees $400 per adoption at the time it began its program. Now, Smithkline pays $1,000 and intends to increase the benefit each year until the amount of the benefit is comparable to the cost of a normal obstetric delivery.

More corporations should be encouraged to adopt such socially responsible policies. But unfortunately, they are today discouraged by the Tax Code from doing so. Adoption assistance is considered regular income for tax purposes, and so companies providing it must incur the costs of social security taxes and an extra paperwork burden. That should not be—and my bill corrects the inequity by excluding adoption benefits from employee income.

Wishful thinking cannot make the problem of homeless children disappear. Earlier this year, the Subcommittee on Family and Human Services heard testimony that at least 500,000 children have been removed from or abandoned by their biological families; 120,000 of these children are ready and waiting for homes right now.

I believe that our bill is a small, but very helpful gesture by this Nation to those who take as their own any of the thousands of children who need homes.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Adoptive Families Assistance Act of 1983".

SEC. 2. EXCLUSION FROM THE INCOME OF AN EMPLOYEE OF ANY BENEFITS RECEIVED FROM, OR CONTRIBUTIONS OF AN EMPLOYER TO, AN ADOPTION EXPENSE PLAN.

(a) EXCLUSION FROM INCOME.—Subsection (b) of section 105 of the Internal Revenue Code of 1954 (relating to amounts received under accident and health plans) is amended to read as follows:

"(b) MEDICAL CARE AND ADOPTION EXPENSES.—Except in the case of amounts received by a taxpayer attributable to, and not in excess of, deductions allowed under section 213 (relating to medical, etc., expenses) or section 222 (relating to adoption expenses) for any prior taxable year, gross income does not include—

"(1) amounts referred to in subsection (a) if such amounts are paid, directly or indirectly, to the taxpayer to reimburse the taxpayer for expenses incurred by him for the medical care (as defined in section 213 (d)) of the taxpayer, his spouse, and his dependents (as defined in section 152), or

"(2) amounts—

"(A) received by an employee under an adoption expense plan, or

"(B) contributed by an employer on behalf of an employee to an adoption expense plan.".

(b) DISCRIMINATORY PLANS.—Subsection (h) of section 105 of such Code (relating to amounts paid under a discriminatory self-insured medical expense reimbursement plan) is amended—

(1) by striking out "self-insured medical reimbursement plan" each place it appears and inserting in lieu thereof "self-insured reimbursement plan",

(2) by inserting "or adoption benefits" after "health benefits" in clause (iv) of paragraph (3)(B), and

(3) by striking out "Self-Insured Medical Expense Reimbursement Plan" in the heading and inserting in lieu thereof "Self-Insured Reimbursement Plan".

(c) DEFINITION OF SELF-INSURED REIMBURSEMENT PLAN.—Paragraph (6) of section 105(h) of such Code is amended to read as follows:

"(6) SELF-INSURED REIMBURSEMENT PLAN.—For purposes of this section, the term 'self-insured reimbursement plan' means—

"(A) a plan of an employer to reimburse employees for expenses referred to in subsection (b)(1) for which reimbursement is not provided under a policy of accident and health insurance, or

"(B) an adoption expense plan.".

(d) DEFINITION OF ADOPTION EXPENSE PLAN.—Section 105 of such Code is amended by adding at the end thereof the following new subsection:

"(i) ADOPTION EXPENSE PLAN.—For purposes of this section, an adoption expense plan is a written plan of an employer to reimburse employees for qualified adoption expenses (as defined in section 222(c)(1)) incurred by such employees.".

(e) CONFORMING AMENDMENTS.—

(1) The heading of section 105 of such Code is amended by inserting "; ADOPTION EXPENSE PLANS" after "PLANS".

(2) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting "; adoption expense plans" after "plans" in the item relating to section 105.

(3) Paragraph (20) of section 3401(a) of such Code (relating to the collection of income tax at source) is amended—

(A) by striking out "medical care", and

(B) by striking out "self-insured medical reimbursement plan" and inserting in lieu thereof "self-insured reimbursement plan".

SEC. 3. DEDUCTION FOR ADOPTION EXPENSES PAID BY AN INDIVIDUAL IN ADOPTING ANY CHILD.

(a) ADOPTION OF CHILDREN WHO DO NOT HAVE SPECIAL NEEDS.—Paragraph (1) of section 222(b) of the Internal Revenue Code of 1954 (relating to deduction for adoption expenses) is amended to read as follows:

"(1) MAXIMUM DOLLAR AMOUNT.—The aggregate amount of adoption expenses which may be taken into account under subsection (a) with respect to the adoption of a child shall not exceed—

"(A) in the case of an adoption of a child with special needs, $2,000, or

"(B) in any other case, $1,500.".

(b) QUALIFIED ADOPTION EXPENSES.—Paragraph (1) of section 222(c) of such Code (relating to qualified adoption expenses) is amended to read as follows:

"(1) QUALIFIED ADOPTION EXPENSES.—The term 'qualified adoption expenses' means reasonable and necessary expenses which are directly related to the legal adoption of a child by the taxpayer, but only if—

"(A) such adoption has been arranged—

"(i) by a public welfare department (or similar State or local public social service agency with legal responsibility for child placement), or

"(ii) by a not-for-profit voluntary adoption agency authorized or otherwise licensed by the State or local government to place children for adoption, and

"(B) such expenses are not incurred in violation of State or Federal law.

Such term includes, but is not limited to, legal fees, medical expenses, adoption fees, temporary foster care expenses, transportation costs, and expenses related to the pregnancy of the natural mother of such child.".

SEC. 4. EMPLOYER CONTRIBUTION TO ADOPTION EXPENSE PLAN TREATED AS AN ORDINARY AND NECESSARY BUSINESS EXPENSE.

Section 162 of the Internal Revenue Code of 1954 (relating to trade or business expenses) is amended—

(1) by redesignating subsection (j) as subsection (k), and

(2) by inserting after subsection (i) the following new subsection:

"(j) CONTRIBUTIONS TO ADOPTION EXPENSE PLAN.—For purposes of subsection (a), any contribution made by an employer to an adoption expense plan (as defined in section 105(i)) for, or on behalf of, an employee shall be treated as an ordinary and necessary expense incurred in carrying on a trade or business.".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall apply to taxable years beginning after December 31, 1983.●

● Mr. MITCHELL. Mr. President, the Senate recently voted on a proposed amendment to the Constitution on abortion. It was preceded by many hours of debate. It was the most recent example of meaningful consideration being given to the important and difficult issue of abortion.

But we unfortunately do not devote sufficient time or attention to related matters which could help to deal with a serious national problem. This bill will do that, so I am especially pleased to join Senators METZENBAUM, TSONGAS, and HAWKINS in introducing this legislation, the Adoptive Families Assistance Act of 1983, which is designed to help parents meet the expenses of adoption. Although I voted against the proposed constitutional amendment, I have a deep personal conviction against abortion. Those of us who feel that way have an obligation to try to help make decent lives available for the thousands of unwanted children in our society.

One provision of the Economic Recovery Tax Act of 1981 that has received little public attention is the provision that allows adoptive parents of special needs children to deduct adoption costs, up to $1,500. This was a modest step in the right direction, but further action is warranted. During the Finance Committee in deliberation on the Tax Equity and Fiscal Responsibility Act of 1982, I tried unsuccessfully to make that deduction available to all adoptive parents. We must keep trying until we succeed.

Our Tax Code allows no deduction for the adoption of infants and children without disabling conditions. Although the tax law permits deduction of maternal care costs, the costs that many adoptive parents pay, which can include medical care for the natural mother as well as legal costs which natural parents do not face, have been borne by those willing to give a home to adopted children.

Today, some 30 corporations offer their workers adoption assistance to parallel maternal benefits. Yet the Tax Code treats such assistance as "income" to the family, and requires taxes to be paid on it. I do not believe we should be discouraging corporations from undertaking such significant steps in meeting both employees' and society's needs.

A revision in the tax law is overdue. Budget cuts have almost halved the major Federal program of assistance for State-level efforts to find adoptive homes for the children in foster care. We are asking private individuals to take on more and more of such costs. When we do so, the least we can do is to make certain that those who choose to adopt are given the same tax treatment for their costs that natural parents receive for theirs.

The economic argument for adoption over foster care is clear. Not only is the basic cost of food and shelter immediately assumed by the adopting family, but the future costs of education, job training, and other services which foster children so often need, are no longer a tax-supported expense.

But there is a much better argument than the economic one for adoption. In our Nation, the family unit remains the most important foundation for bringing up and educating children, for supporting them until they are adults, and for developing an awareness of and a commitment to those values which are the real foundations of our society.

Nationally, adoptions have been falling in recent decades. Since 1960, the number of children in foster care doubled, to 500,000. But in the past decade the number of children adopted each year fell dramatically, from 175,000 in 1970 to around 100,000 today. In 1981, fewer than 20 percent of the adoptable children in New York State found families willing to adopt them.

Costs alone do not explain this dramatic decline in adoption. But for those 100,000 families each year who are willing to adopt, it is only fair that they be given the same tax deductions for their expenses as natural parents.

The Adoptive Families Assistance Act would extend the existing deduction to all families that adopt. Second, recognizing the importance of employer-paid programs, the bill provides an exclusion from income for such assistance. Finally, the deduction for special needs adoptions is increased to $2,000.

Mr. President, these are important steps that we can take to defray adoption expenses and to strengthen family life. I encourage my colleagues to support this legislation.●

By Mr. MITCHELL (for himself and Mr. CHAFEE):

S. 1672. A bill to amend the trade laws of the United States to streamline trade relief procedures, to make trade relief more accessible to small businesses, and for other purposes; to the Committee on Finance.

UNFAIR TRADE REMEDIES SIMPLIFICATION ACT

● Mr. MITCHELL. Mr. President, I am pleased to introduce, along with Senator CHAFEE, the Unfair Trade Remedies Simplification Act of 1983. The provisions of this bill are designed to reduce the cost and complexity of antidumping and countervailing duty proceedings. This should be particulary beneficial for small businesses seeking relief from subsidized or dumped imports.

It is important to understand the role played by the laws governing antidumping and countervailing duty actions, which are contained in title VII of the Tariff Act of 1930. The general goal of U.S. trade policy is to promote free trade. An open trading system will tend to produce the greatest economic benefits for all concerned. Trade patterns will largely be determined by the comparative advantages each country enjoys.

Certain actions by foreign governments and producers can substantially alter such trade patterns, however. Provision of subsidies by foreign governments or the sale of imports below their fair market value can give foreign products an unfair competitive advantage in U.S. markets. These trade-distorting actions not only result in lost sales and employment in the United States, but they undermine support for our trade policies.

Congress clearly recognizes the problems posed by subsidized and unfairly priced imports. According to the Senate report on the Trade Agreements Acts of 1979:

> Subsidies and dumping are two of the most pernicious practices which distort international trade to the disadvantage of United States commerce.

To remedy these practices, title VII of the Tariff Act of 1930, with substantial amendments by the 1979 act, allows for the imposition of countervailing duties, to offset the value of foreign subsidies, and antidumping duties to offset the difference between the fair market value and the price at which dumped goods are sold in the United States.

The importance of measures to grant relief from unfair trade practices is demonstrated by the number of cases handled by the Department of Commerce and the International Trade Commission, which jointly administer title VII cases. Since January 1, 1980, the Federal Government has concluded more than 330 cases in which a domestic industry alleged unfair trading practices. Although most of these cases do not result in the imposition of a duty, this statistic

illustrates the concern by U.S. businesses over the impact of foreign trading practices in U.S. markets.

Clearly, title VII is used more extensively than any other statute dealing with trade relief. Thus, it deserves special attention by Congress. The amendments made by the 1979 act largely made U.S. laws conform to codes negotiated under the multilateral trade negotiations. In addition, specific changes in the handling of title VII cases were enacted. While many improvements were made, problems have become apparent that were not foreseen when Congress considered the act.

One of the most serious of these problems is the added cost to domestic petitioners in title VII cases. Much of this added cost is due to excessive litigation that is not required to fulfill the intent of Congress when the 1979 Trade Act was passed.

The purpose of the antidumping and countervailing duty laws is not served if small firms in industries that are not well organized and do not have substantial financial resources to draw on are effectively denied import relief. In fact, in many cases the weak financial condition of the industry is directly related to the level of subsidized or dumped imports.

I believe that this problem can be solved by modifying the current antidumping and countervailing duty laws without changing the underlying policies adopted in the 1979 act.

Perhaps the most important reason for the increased costs is that, as a result of the 1979 act, antidumping and countervailing duty proceedings have become more litigious. This is largely a byproduct of desirable changes that have increased opportunities for domestic petitioners to participate in the proceedings and to seek judicial review of agency decisions. This legislation would preserve these advantages and yet reduce the overall costs of the process.

A factsheet that I will enclose at the end of my statement describes the provisions of this legislation in more detail. I will only briefly describe those provisions now.

The first section of the bill sets up a special "fast track" option that petitioners in title VII cases could elect. In fast track cases there would be no preliminary determinations at either the ITC or the Commerce Department. By eliminating these steps, cases would be decided 75 days sooner than under current law, and potentially major savings in legal fees could be achieved.

In addition to these benefits to petitioners, all market participants would benefit from a shorter time period for investigations. Furthermore, since the fast track would be optional, this legislation would allow a petitioner to choose the track more suitable to its own situation. I believe that this fast-track proposal is a significant simplification that offers small business a superior option to obtain import relief.

The second section of the bill establishes within the Commerce Department a Small Business International Trade Advocate. The purpose of creating the advocate's office is to enhance the assistance currently provided to firms interested in filing a petition. In addition, the advocate would be authorized to intervene on behalf of small, financially strained businesses in title VII cases.

In addition to providing general assistance to small firms with trade problems, the advocate's office would have two specific functions. First, the advocate would be authorized to self-initiate cases on behalf of small firms. The Commerce Department already has the authority to self-initiate cases, but it rarely does so. This legislation builds on this existing authority by explicitly allowing the advocate to initiate cases for small businesses.

Second, the advocate's office would be authorized to request the International Trade Commission to conduct a limited number of factfinding investigations to small businesses in preparing their cases. Such investigations have been helpful in the past, and this authority will strenghten the assistance that the office could provide to small businesses.

The third section simplifies the preliminary injury determination at the ITC. The current administration of this stage in the process seems to require information that is sufficient to conduct a final investigation. Such a high standard is not required by our international agreements. This provision would allow the ITC to make its determination on the basis of information provided in the petitioner by interested parties in the case of information that is publicly available. Under this provision, the expenses associated with detailed ITC questionnaires would be avoided.

The last section of the bill addresses the issue of judicial review. The costs associated with judicial review are frequently cited as a major reason for the escalation in the costs of title VII cases. This bill seeks to reduce these costs by eliminating one level of judicial review. Under the provisions of the bill, appeals in title VII cases would go to the court of appeals for the Federal circuit.

I believe that these recommended changes are a responsible solution to the problem of excessive costs of seeking relief from unfair trade practices. I welcome further recommendations on other solutions to this problem.

I ask unanimous consent to insert a copy of the fact sheet on this legislation in the RECORD.

There being no objection, the factsheet was ordered to be printed in the RECORD, as follows:

UNFAIR TRADE REMEDIES SIMPLICATION ACT OF 1983

The purpose of the bill is to improve the access of small and financially strained domestic firms to the antidumping and countervailing duty (AD/CVD) laws. Current law imposes substantial costs, particularly legal fees, on firms using these statutes. For many small firms, these costs have become prohibitive, effectively putting relief from unfair trade practices out of the reach of these firms.

FAST TRACK FOR AD/CVD CASES

Under the bill, petitioners could elect a "fast track" procedure in AD/CVD cases. The fast track is designed to give domestic industry quicker and less costly relief. This would be accomplished by eliminating the preliminary determinations at the ITC and Commerce.

The time limit for the Commerce determinations would be 15 days later than the current limits on preliminary determinations by Commerce in AD/CVD cases. The additional time for "extraordinarily complicated" cases available under current law would also be available in fast track cases. The ITC determination would follow the Commerce determination by 30 days. For most cases, the following timetable would apply:

TIMETABLE (DAYS FROM FILING)

	CVD	AD
Commerce initiates investigation	20	20
Commerce decision	100	175
ITC decision	130	205

Fast track cases would be decided 75 days sooner than under current law. Expenses would be reduced by eliminating two stages in the process. Since there would be no preliminary determinations, no provisional duties would be imposed.

SMALL BUSINESS ADVOCATE FOR INTERNATIONAL TRADE

The bill would create within the Commerce Department an independent office to advise and, in some cases, to argue at the agency level on behalf of domestic petitioners who, because of their financial condition, are unable to prosecute fully AD/CVD investigations.

Under current law, both the Commerce Department and the ITC assist domestic petitions by providing information that may be helpful in their cases. These activities would be performed in the Advocate's office. To enhance the assistance that this office could offer, the Advocate's office would be authorized to request a limited number of fact-finding investigations by the ITC, similar to those conducted under section 332 of the Tariff Act of 1930.

AD/CVD cases involve substantial litigation in which advocacy as well as information are essential. Under the bill, the Advocate would be available in certain cases to provide both counsel and advocacy at critical points in proceedings. At present, the ITC provides a somewhat analogous service in Section 337 unfair trade practice cases. In addition, the Advocate would be able to exercise the Commerce Department's existing authority to initiate case on behalf of small businesses.

SIMPLIFYING THE ITC PRELIMINARY DETERMINATION OF INJURY

Under current law, the ITC makes a preliminary determination of a "reasonable indication" of injury under AD/CVD investi-

gations, bases upon the "best information available to it."

In practice, this stage has become a very costly part of the proceedings because the ITC conducts exhaustive investigations. The ITC solicits information from the domestic industry, usually through extensive questionnaries. Neither the Antidumping Code nor the Subsidies Code requires such an elaborate investigation.

The bill would simplify this step in AD/CVD cases by providing for less exhaustive investigations at the preliminary stage. Under the bill, information included in the petition, supplied by the parties to the case, and available from public sources would be a sufficient basis for the preliminary injury determination.

JUDICIAL REVIEW

Under current law, the U.S. Court of International Trade is the court for review of AD/CVD cases. The bill would assign this responsibility to the Court of Appeals for the Federal Circuit.

AD/CVD cases are currently subject to a two-step appeals process, in which determinations are first appealed to the Court of International Trade and then to the Court of Appeals for the Federal Circuit. The only function of the courts in these cases is to conduct an appellate review of the agency proceedings. Such review is more appropriate for a court of appeals than for a trial court. By eliminating the first step in this process, the bill brings the import relief area into conformity with the usual administrative practice and reduces the costs associated with appellate review by two different courts.●

● Mr. CHAFEE. Mr. President, I am delighted to join my colleague, Senator MITCHELL, today in introducing the "Unfair Trade Remedies Simplification Act." This legislation will simplify and expedite the procedures for import relief under the antidumping and countervailing duty laws. Nearly all these provisions will be available to all domestic businesses, but their benefit should be most helpful to small- and medium-size businesses in particular.

I am deeply concerned about the difficulty and expense associated with import remedies. Frequently, it is the smallest industries in the manufacturing sector that are in greatest need of the relief provided under our antidumping and countervailing duty laws. Unfortunately, these small industries are least able to afford to avail themselves of the remedies provided under these laws. The legal costs associated with the filing and prosecution of an antidumping case, for example, can be as high as $1 million.

Last year, I cosponsored another small business import bill with Senator MITCHELL. This bill bears some similarity to our previous proposal. However, it offers several new, and I think innovative, ideas.

Perhaps the most important is the "fast-track" option, which allows a party claiming injury to elect an expedited review of its countervailing duty or antidumping case. The investigation would be shortened by dispensing with preliminary determinations by the International Trade Commission and the Department of Commerce. This would save 75 days and, I anticipate, very significant expense. Because the preliminary determination would be eliminated, however, the respondent would not be required to post the bond normally required after an affirmative preliminary determination.

For those who do not elect the fast track, the bill reduces the redundancy of the ITC preliminary determination by limiting the extent of the investigation carried out in making this initial determination. Often the ITC requires very extensive data from petitioners, through questionnaires. Similar information may be required again for the final decision. While the bill does not alter the reasonable-indication standard upon which preliminary determinations are based, it provides guidance as to the comprehensiveness of the initial ITC inquiry.

Another important feature is the elimination of the Court of International Trade (CIT) review of antidumping and countervailing decisions.

Under current law, countervailing duty and antidumping determinations are appealed first to the Court of International Trade, and then may be appealed to the court of appeals for the Federal circuit. This procedure is unusual, as most administrative appeals are taken directly to the court of appeals. It is also redundant because only the final appeal can be binding. And, of course, such repetition is almost by definition time consuming and costly.

By cutting out the CIT appeals, the bill brings appeals of countervailing duty and antidumping cases into line with most administrative appeals and cuts the time and expense associated with the interim appeal process.

One provision, directed exclusively at small businesses, is the creation of "Small Business International Trade Advocate" located in the Department of Commerce. The advocate would assist small business in pursuing administrative procedures, and it could initiate investigations by petition on behalf of an industry consisting of small businesses.

Foreign competition poses a real challenge to U.S. businesses. I believe our businesses can meet that challenge if that competition is fair competition. When that competition is unfair, affected industries should not be burdened with the additional unfairness of unnecessary cost and delay in the relief process. The efficient procedures this bill establishes should benefit all parties. Particularly for smaller businesses for whom time and cost may be the critical factors in determining whether to process import legislation at all, this legislation can provide access to import relief remedies that as a practical matter have been unavailable to them.

Mr. President, the bill Senator MITCHELL and I are introducing today is a needed reponse to a number of shortcomings in our existing trade remedy procedures. I fully expect substantial modifications of these proposals will be offered. Indeed, there are a number of other ideas I believe are deserving of consideration. For example, I would like to examine the possibility of extending the advocate's jurisdiction to assisting domestic respondents in deserving cases, as many importers are themselves small businesses. I would welcome additional ideas and approaches both to matters addressed in the bill and those not specifically treated. However, I think this bill provides a fertile beginning for improving our existing import remedies. And, I look forward to hearings on this legislation in the coming weeks.●

By Mr. WALLOP (for himself, Mr. DURENBERGER, and Mr. CHAFEE):

S. 1675. A bill to amend the Internal Revenue Code of 1954 to promote transfers of real property interests to certain organizations for use for conservation purposes, and for other purposes; to the Committee on Finance.

PUBLIC LANDS ACQUISITION ALTERNATIVES ACT OF 1983

● Mr. WALLOP. Mr. President, since this country established its first national park in my home State of Wyoming, we have achieved a record second to none in the preservation of our natural wonders, scenic lands, natural habitats, recreation areas, and open spaces. With over one-third of our total land areas in Federal ownership, we have created a vast system of national forests, national parks, wildlife refuges, open space, and recreation areas which are the envy of every other nation on this planet. Protected forever from indiscriminate use, we have created a legacy which will pass from generation to generation of Americans to enjoy, discover, marvel, and appreciate. Our commitment past, present, and future to preserve and protect these lands is indeed one of our most noble efforts and primary responsibilities.

Because of good luck and as much foresight, we, as a nation, have been able to purchase vast areas of land at bargain basement prices. With a mere $15 million, France, in 1803, deeded the 800,000 square mile Louisiana Purchase to the United States. The 375 million acres of Alaska was purchased for what is now considered pocket change, $7.2 million. It was from these vast areas of public domain that a majority of our national parks, wildlife refuges, and recreation areas have been carved. But additions to these magnificent inventories carry price tags not in the millions of dollars, but in the billions of dollars. For one third

of the 48,000 acres to be added to the Redwoods National Park, we have already paid $330 million. The Santa Monica National Recreation area was authorized for purchase by the Congress for $125 million, but in reality it is likely to cost many times that amount: In the last decade we experienced unparalleled expansion of our National Park System. In this decade we have already approved $4 billion in new Federal land acquisition. We have also approved a budget deficit approaching $200 billion and a national debt six times that amount.

There is a growing realization that we can no longer afford to gobble up all of those lands in this great country of ours which are worthy of protection. Indeed it is our formost obligations to husband those lands we already won while we search for new and creative ways to protect those other worthy resources short of Government purchase. In 1980, the Senate Interior Appropriations Committee wrote, "too often Federal land acquisition is seized as a quick fix for recreation, resources conservations, preservation and environmental protection." Several years ago, the GAO reported that some Federal agencies had been following the practice of acquiring as much private land as possible regardless of need, alternative land control methods, or impacts on private landowners.

Over the past several years, I have chaired and participated in workshops and hearings on land protection and alternatives to Federal land acquisitions. From ranchers in Jackson Hole, Wyo., to the leaders of such organizations as the Nature Conservancy, the Conservation Foundation, Resources for the Future, Conservation Resources Group, and the Jackson Hole Land Trust, ideas to protect our lands in addition to full-fee purchase have been offered, discussed, debated, and in many instances, included in the legislation I am offering today. Building from concepts found in the Tax Treatment Extension Act of 1980 and legislation which I introduced late last year, this legislation incorporates sale, estate, and donation tax incentives which do not rely on Federal acquisition, but on private individuals and organizations who are dedicated to the preservation of those national resources most worthy of protection.

Mr. President, there are great expanses of land in this country which were acquired by individuals and corporations at relatively low prices. In large part, this land has no known mineral potential, but because of the low cost involved in maintaining this land there is reluctance, if not little need, on the part of the owners to sell or dispose of the property. But, as all of us well know, it is always a possibility that a vital, thriving nation may well discover some valuable resources on or under that land, that makes that land more valuable for them to hold than to sell. Until December 1980, the Internal Revenue Code prevented landowners from making charitable contributions of land with the retention of the underlying mineral rights. With the Tax Treatment Extension Act, these partial interests could be donated, but only if the surface fulfilled the conservation purpose test as outlined in the Code. What that means is that the land must be permanently retained by the organization receiving the contribution for dedication to the conservation purpose. However, most of these lands would probably not meet the requirements of the conservation purpose test, but yet, according to many of the conservation groups we have spoken with, these lands can still make great contributions in their conservation efforts.

It is also somewhat contradictory that if an individual or corporation only owns the surface estate, there is no question that the land can be contributed without meeting the conservation purpose test. One provision of the legislation I am introducing today will allow landowners who own the underlying mineral rights to make a charitable contribution to qualified conservation organizations without respect to the conservation purpose test. However, for purposes of the tax incentives which I will describe below, the conservation purpose test must be met in all events.

As many of you will recall, the Tax Treatment Extension Act set out several important guidelines with respect to the contribution of partial interests in land for conservation purposes. First, tax benefits are only provided with regard to carefully defined natural resource areas. Second, the Congress established that the gift of a partial interest in land must be for a conservation purpose. Third, Congress established that the recipient of the gift—which may either be a governmental unit or a publicly supported charity—must be qualified to manage the resource. The contributions must be made to organizations which have the commitment and the resources to enforce the conservation restrictions and purpose indefinitely. These basic principles are fundamental to the use of the Tax Code for conservation purposes in the future, and are incorporated in the legislation which I am introducing today.

Building on an idea forwarded by a longtime Jackson Hole, Wyo., rancher, Rod Lucas, we have provided a dollar-for-dollar tax credit against estate taxes equal to the fair market value of the property for estate tax gifts of partial and entire interest of land which are left to the Federal Government. This provision is of particular importance to those landowners who wish to pass their land to their sons and daughters, but find that the cash necessary to pay their estate taxes requires that they sell much of their land. Initially we have limited this treatment to those gifts which fit the conservation purpose test and the Federal Government accepts. Many interested individuals and organizations have expressed an interest in broadening this provision to include all qualifying conservation organizations. It is my hope that the other tax incentives in the legislation will provide the incentive to put qualifying lands into the conservation use sooner rather than later, and to provide a broader incentive for bequests than for living contributions may encourage prospective donors to wait to dedicate their lands to a conservation use. I look forward to an open discussion on this issue and will be very interested in the observations and opinions which come out in the hearing on this legislation which I intend to hold later this year.

There are several new tax incentives in this bill designed to make it more attractive for landowners to consider sales and contributions of lands, which fit the conservation purpose test, to organizations which will preserve and protect those lands indefinitely. For outright sales of conservation purpose property to a conservation organization, the bill provides for a maximum capital gains rate of 15 percent. In the event the landowner does not want to recognize any gain on the sale, we have provided a provision whereby the landowner can avoid present taxation by taking the proceeds from the sale and investing them in investment real property within a 3-year period. This treatment is similar to tax treatment presently provided in section 1033 of the Code dealing with the reinvestment of proceeds from property sold under threat of condemnation. It should also be noted that it is my intent that these provisions apply to full and partial interests in property.

The bill also included provisions to encourage contributions of conservation purpose property. Current law imposes a 30 percent of adjusted gross income limitation on deductions for contributions of capital gains property. Because this limitation poses a frequent barrier to the full use of the tax benefits from substantial gifts, I am proposing a change in that limitation to 50 percent with respect to contributions of qualified conservation property. In addition, carryover of unused contributions had previously limited to 5 years. If the deductions were not entirely used within that period then they were lost. This legislation provides for an unlimited carryover. Because of the past ravages of inflation the importance of the carryover provision had been significantly diminished. However, with the prospect of continued control over the inflation spiral,

the allowance of an unlimited carryover should be of considerable help and importance. As an added safeguard the bill also provides that in the event the donor dies with outstanding contribution deductions, those deductions can be taken into his estate for the purpose of computing the donor's estate tax liability.

Mr. President, in conclusion let me note that while I believe that the Tax Code can provide a very efficient mechanism for implementing land acquisition alternatives, we must all recognize there is still a cost to the Treasury. As I reminded everyone last year, the present state of our budget requires that we prioritize legislative proposals like no time before in our history. This legislation is no exception. When this package is examined and analyzed it is most important that we identify those provisions which offer the most promise and establish them as our first priority as we work toward providing efficient alternative mechanisms to protect and preserve some of our most precious resources.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1675

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Lands Acquisition Alternatives Act of 1983".

SEC. 2. INCREASE AND CLARIFICATION OF DEDUCTION FOR CONTRIBUTIONS FOR CONSERVATION PURPOSES.

(a) INCREASE IN DEDUCTION FOR CONTRIBUTIONS FOR CONSERVATION PURPOSES.—Subparagraph (C) of section 170(b)(1) of the Internal Revenue Code of 1954 (relating to percentage limitations for individuals on deductions for charitable, etc., contributions and gifts) is amended by adding at the end thereof the following new clauses:

"(v) For purposes of applying this subparagraph with respect to contributions of capital gain property which are qualified conservation contributions (within the meaning of subsection (h))—

"(I) this subparagraph shall be applied first to contributions which are not qualified conservation contributions and then to contributions which are qualified conservation contributions,

"(II) clauses (i) and (ii) shall be applied by substituting 'the applicable percentage' for '30 percent', and

"(III) clause (ii) shall be applied by substituting 'each of the succeeding taxable years' for 'each of the 5 succeeding taxable years'.

"(vi) For purposes of clause (v), the term 'applicable percentage' means the excess of—

"(I) 50 percent, over

"(II) the percentage of the taxpayer's contribution base for the taxable year which is equal to the amount of the deduction which was allowed for the taxable year under subsection (a) for contributions of capital gain property which were not qualified conservation contributions.".

(b) CONTRIBUTIONS OF PROPERTY TO GOVERNMENTAL ENTITIES FOR OPEN SPACE.—Paragraph (4) of section 170(h) of such Code (relating to qualified conservation contribution) is amended by adding at the end thereof the following new subparagraph:

"(C) Gift to governmental entity to preserve open space treated as for conservation purposes.—Any contribution of a qualified real property interest—

"(i) to an organization described in clause (v) of subsection (b)(1)(A), and

"(ii) for the preservation of open space,

shall be treated as meeting the requirements of subparagraph (A)(iii).".

(c) REPEAL OF RESTRICTION ON SURFACE MINING. —Paragraph (5) of section 170(h) of such Code (relating to protection of conservation purposes) is amended to read as follows:

"(5) Exclusively for conservation purposes.—For purposes of this subsection, a contribution shall not be treated as exclusively for conservation purposes unless the conservation purpose is protected in perpetuity.".

SEC. 3. DEDUCATION FOR CONTRIBUTIONS OF CERTAIN PARTIAL INTERESTS IN PROPERTY.

Subparagraph (B) of section 170(f)(3) of the Internal Revenue Code of 1954 (relating to exceptions to denial of deduction in case of certain contributions of partial interests in property) is amended—

(1) by striking out "and" at the end of clause (ii),

(2) by striking out the period at the end of clause (iii) and inserting in lieu thereof ",and", and

(3) by adding at the end thereof the following new clause:

"(iv) a contribution of the taxpayer's entire interest in real property other than the qualified mineral interest (as defined in section 170(h)(6)).".

SEC. 4. CREDIT ALLOWED AGAINST ESTATE TAX.

(a) IN GENERAL.—Part II of subchapter A of chapter 11 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by redesignating section 2016 as section 2017 and by inserting after section 2015 the following new section:

"SEC. 2016. CREDIT FOR CERTAIN QUALIFIED CONSERVATION CONTRIBUTIONS TO THE UNITED STATES.

"(a) IN GENERAL.—At the election of the executor, there shall be allowed as a credit against the tax imposed by section 2001 the amount of all bequests, legacies, devises, or tansfers of real property to the United States which would have been treated as qualified conservation contributions (as defined in section 170(h)) if such property had been contributed by the decedent immediately before death.

"(b) DISALLOWANCE OF DEDUCTION.—No deduction shall be allowed under section 2055 with respect to any contribution for which any credit is allowed under subsection (a).".

(b) CLERICAL AND CONFORMING AMENDMENTS.—

(1) The table of sections for such part is amended by striking out the item relating to section 2017 and inserting in lieu thereof the following new items:

"Sec. 2016. Credit for certain qualified conservation contributions to the United States.

"Sec. 2017. Recovery of taxes claimed as credit.".

(2) Sections 6040(3), 6213(h)(2)(B), and 6501(c)(5) of such Code are each amended by striking out "2016" and inserting in lieu thereof "2017".

(3) Subsection (f) of section 2055 of such Code is amended by adding at the end thereof the following new paragraph:

"(12) For disallowance of deduction where credit allowed, see section 2016(b).".

SEC. 5. ESTATE TAX DEDUCTION FOR UNUSED CARRYOVER DEDUCTIONS OF DECEDENT.

Section 2055 of the Internal Revenue Code of 1954 (relating to transfers for public, charitable, and religious purposes), as amended by section 3, is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) CARRYOVER DEDUCTIONS FROM DECEDENT OF QUALIFIED CONSERVATION CONTRIBUTIONS.—If, but for the death of a decedent, the amount of any qualified conservation contribution (within the meaning of section 170(h)) would be allowed as a deduction under section 170(b)(1)(C)(ii) for any taxable year after the last taxable year of the decedent, such amount shall be allowed as a deduction under subsection (a) in computing the taxable estate of the decedent.".

SEC. 6. ROLLOVER OF GAIN PERMITTED.

(a) IN GENERAL.—Part III of subchapter O of chapter 1 of the Internal Revenue Code of 1954 (relating to common nontaxable exchanges) is amended by adding at the end thereof the following new section:

"SEC. 1041. ROLLOVER OF GAIN FOR SALE OF REAL PROPERTY FOR CONSERVATION PURPOSES.

"(a) NONRECOGNITION OF GAIN.—If—

"(1) a taxpayer sells any qualified real property interest to a qualified organization for use exclusively for conservation purposes, and

"(2) within 3 years after the close of the taxable year in which any part of the gain upon such sale is realized, the taxpayer purchases any real property interest to be held for investment,

then, at the election of the taxpayer, gain on such sale shall be recognized only to the extent that the amount realized by the taxpayer on such sale exceeds the taxpayer's cost of purchasing real property to be held for investment.

"(b) DEFINITIONS.—For purposes of this section—

"(1) *Qualified organization.*—The term 'qualified organization' means an organization described in paragraph (2) of section 170(h), other than the United States.

"(2) *Qualified real property interest.*—The term 'qualified real property interest' has the meaning given such term by section 170(h)(2).

"(3) *Conservation purpose, etc.*—The terms 'conservation purpose' and 'exclusively for conservation purposes' have the meanings given to such terms by subparagraph (A) of section 170(h)(4) (determined without regard to clause (iv) thereof) and section 170(h)(5), respectively.

"(c) ADDITIONAL REQUIREMENTS.—

"(1) *Gain must be long-term capital gain.*—Subsection (a)(1) shall only apply to gain which is long-term capital gain.

"(2) *Application with sections 1031 and 1033.*—Subsection (a) shall not apply to any sale, exchange, or conversion to which section 1031 or 1033 applies.

"(d) TERMINATION.—Subsection (a) shall not apply to any sale occurring more than 10 years after the date of the enactment of this section, unless such sale is of a taxpayer's entire interest in real property which remains after the contribution by the tax-

payer of an interest in such property which constituted a qualified conservation contribution (as defined in section 170(h)).".

(b) CLERICAL AMENDMENT.—The table of sections for such part is amended by adding at the end thereof the following new item:

"Sec. 1041. Rollover of gain for sale of real property for conservation purposes.".

SEC. 7. INCREASE IN CAPITAL GAINS DEDUCTION WITH RESPECT TO CONSERVATION PROPERTY.

Subsection (a) of section 1202 of the Internal Revenue Code of 1954 (relating to deduction for capital gains) is amended to read as follows:

"(a) DEDUCTION ALLOWED.—

"(1) *In general.*—If for any taxable year a taxpayer other than a corporation has a net capital gain, there shall be allowed as a deduction from gross income an amount equal to the sum of—

"(A) 70 percent of the lesser of—

"(i) the net capital gain, or

"(ii) the qualified conservation property net capital gain, plus

"(B) 60 percent of the excess (if any) of—

"(i) the net capital gain, over

"(ii) the amount of the net capital gain taken into account under subparagraph (A).".

"(2) *Qualified conservation property net capital gain.*—For purposes of paragraph (1)—

"(A) *In general.*—The term 'qualified conservation property net capital gain' means net capital gain for any taxable year which is attributable to the sale or exchange of any qualified real property interest to a qualified organization exclusively for conservation purposes.

"(B) *Definitions.*—For purposes of this paragraph—

"(i) Qualified organization.—The term 'qualified organization' has the meaning given to such term by paragraph (3) of section 170 (h), excluding the United States.

"(ii) Qualified real property interest.—The term 'qualified real property interest' has the meaning given such term by section 170 (h) (2).

"(iii) Conservation purpose, etc.—The terms 'conservation purpose' and 'exclusively for conservation purposes' have the meanings given to such terms by subparagraph (A) of section 170 (h) (4) (determined without regard to clause (iv) thereof) and section 170 (h) (5), respectively.

"(3) *Termination.*—Subparagraph (A) of paragraph (1) shall not apply to any sale or exchange which occurs 10 years after the date of the enactment of such subparagraph unless such sale or exchange is of a taxpayer's entire interest in real property which remains after the contribution by the taxpayer of an interest in such property which constituted a qualified conservation contribution (as defined in section 170 (h)).".

SEC. 8. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in this section, the amendments made by this Act shall apply with respect to contributions, sales, or exchanges after the date of the enactment of this Act, in taxable years ending after such date.

(b) ESTATE TAX PROVISIONS.—The amendments made by sections 4 and 5 shall apply to estates of decedents dying after the date of the enactment of this Act.

By Mr. LAUTENBERG:

S. 1677. A bill relating to the provision of lifeline telephone service; to the Committee on Commerce, Science, and Transportation.

HOME PHONE ACT OF 1983

Mr. LAUTENBERG. Mr. President, today I am introducing the Home Phone Act of 1983, a bill to help preserve affordable, universal, residential telephone service for all Americans.

Beginning as early as next year, rates for local telephone service may rise significantly as a result of the divestiture of AT&T and regulatory decisions by the FCC. These include mandates to speed up the depreciation and replacement of outmoded equipment and to impose a flat charge on all telephone subscribers to defray costs of maintaining the local network that until now have been borne by long distance.

I recognize that these decisions are intended to promote competition, to move toward more efficient pricing of telephone services, and to reduce long-haul telephone rates. However, the pursuit of these goals could force many current telephone subscribers, such as the poor, unemployed, and elderly, to drop basic local residential telephone service as prices soar. As this Nation moves ahead in the information age, these people would be denied access to the most basic and pervasive of our information networks—the telephone system. I do not believe we can afford to let that happen. We must find ways to promote competition and efficiency without disconnecting millions of our neighbors.

The Home Phone Act is intended to insure the continuation of basic telephone access for people who, in the wake of recent regulatory and legal developments, would otherwise be unable to afford such access. The bill would establish a universal lifeline telephone service fund, capitalized through contributions from both interstate toll carriers who connect into the local telephone network—like AT&T Long Lines, MCI, and Sprint—and from private telephone and telecommunications systems—so-called bypass carriers—that do not.

The fund would be distributed to local telephone companies providing basic service at rates below cost. The service and rate package would conform to plans established by the various State public utility commissions. These plans would be designed to insure that the supported service reaches the people who need it and to otherwise provide for accountability. Support from the Federal pool would be designed to be supplemented by subsidies established through State ratemaking.

The bill I introduce today would also postpone for at least 1 year the imposition of new flat charges on all telephone subscribers, as mandated in the FCC's so-called access charge decision. The access charge decision is a significant contributor to the predicted increases in local rates. It is by no means the only cause for increases. However, because the decision is scheduled to take effect in January 1984, it has pressed Congress to act quickly if it wishes to act at all. There is nothing magical about January 1984. Staving off the imposition of the access charges would enable the Congress to move deliberately in the area of how best to allocate the costs of maintaining the local network.

Mr. President, I recognize that the challenge of preserving universal telephone service has concerned many of my colleagues, some of whom have already introduced thoughtful proposals on the subject. I do want to emphasize, however, that the Home Phone Act differs significantly from most of those bills. Those proposals would create a mechanism for subsidizing only those areas of our Nation where the cost of providing telephone service is high. They would subsidize the rates of everyone in high cost areas, whether they need help or not. They also risk removing the incentive to economize and cut the costs of operation in such areas.

Finally, they would provide little, if any assistance, for the multitude of elderly, poor, or unemployed telephone subscribers in relatively low cost areas for whom telephone rates may still be too high.

Mr. President, just this morning, I met with a group of senior citizens from Newark—living on fixed incomes, whose telephones are truly a "lifeline." Each morning, they call each other, to find out how they are doing, to find out if they need help from a friend. Substantial rate increases could force many of these seniors to drop telephone service, tearing apart an important network for mutual support and assistance.

Mr. President, under one plan proposed by my colleagues, New Jersey ratepayers would contribute $57 million in additional surcharges to a Federal fund in order to receive little over $1 million in help. This clearly neglects the poor, elderly, and unemployed in low-cost areas where rates may still be beyond their budgets. Our neighboring States of New York and Pennsylvania would not fare much better, paying $62 million and $35 million, respectively, to get back roughly $6 million and $2½ million.

Rather than favor some regions at the expense of others, my bill is intended to target assistance to people everywhere who cannot otherwise afford continued access to the telephone network. Moreover, by focusing help on those who need it, we can keep down the total cost of the program—costs that must be borne by business and residential users of long-distance and bypass services.

Mr. President, the chairman of the Senate Committee on Commerce, Sci-

ence, and Transportation and the House Committee on Energy and Commerce have scheduled hearings on this issue this week. I am hopeful that after receiving appropriate comment, the committees will produce legislation that enables us to preserve residential telephone service for all Americans. I look forward to participating in that effort.

I ask that the text of the bill be printed in its entirety in the CONGRESSIONAL RECORD, along with an analysis, prepared by the staff of the New Jersey Board of Public Utilities of the possible increases in rates in New Jersey.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEW JERSEY BOARD OF PUBLIC UTILITIES—STAFF ANALYSIS

Preliminary estimate of the potential effect of FCC orders and divestiture on local monthly telephone rates to be in effect in early 1984 (based upon a worst case scenario and information available as of May 13, 1983).

Monthly local rate effect per customer

	Amount
FCC actions: New depreciation parameters and methodologies	$1.00
Charges for access to toll market:	
Interstate	4.00
Intrastate	1.00
New accounting treatment for connecting station apparatus	1.17
Loss of toll support for existing terminal equipment leasing	1.50
Modified final judgment and divestiture, including loss of intrastate toll profit, legal expenses, cost of equal access, etc	3.00
Total	11.67
Existing average single party residential rate with a single leased telephone	8.58
1984 potential residential rate	20.25

If the full impact of depreciation and the new accounting treatment for connecting station apparatus had been placed on basic rates, approximately $1.48 per month of the $11.67 would already be in place. However, the Board has been able to increase other rates to avoid placing the full impact on basic rates. As a result, a $.15 increase has occurred in such rates. Nevertheless, as such as $10.19 per line per month is yet to be encountered.

S. 1677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Home Phone Act of 1983".

SEC. 2. (a) The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by redesignating title VI as title VII, and by redesignating sections 601 through 609 of such Act, and all references to such sections, as sections 701 through 709, respectively.

(b) The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by inserting immediately after title V the following new title:

"TITLE VI—UNIVERSAL LIFELINE TELEPHONE SERVICE

"FINDINGS

"SEC. 601. The Congress hereby finds and declares that—

"(1) it is in the national interest that, to the extent possible, all people of the United States have access to rapid, efficient telephone service;

"(2) due to many factors, telephone exchange rates are increasing;

"(3) significant increases in telephone rates may cause subscribers who cannot afford such increases to discontinue service and to lose the personal benefits of access to telephone service;

"(4) first among such subscribers will be people of moderate means in urban and rural areas, including the elderly and unemployed;

"(5) if significant numbers of subscribers discontinue service as a result of telephone rate increases, the value of access to telephone service will be depreciated for remaining subscribers; and

"(6) to the extent possible and consistent with other national goals, rates for telephone service should reflect the cost of providing such service.

"PURPOSE

"SEC. 602. It is the purpose of this title to establish residential lifeline telephone service to ensure that, to the extent possible, all people in the United States have access, at rates they can afford, to telephone service.

"DEFINITIONS

"SEC. 603. As used in this title—

"(1) The term 'by-pass carrier' means a common carrier or a private communications service, as determined by the Commission pursuant to rules that it shall promulgate, that provides telecommunications service essentially similar to service provided by carriers that connect to the telephone exchange.

"(2) The term 'lifeline subsidy' means the amount by which the cost of providing lifeline telephone service exceeds the rate actually charged for such service.

"(3) the term 'lifeline telephone service' means residential telephone service established by an order of a State commission in accordance with this title which allows natural persons to have access to telephone service, and which is made available by an exchange carrier solely to select groups of subscribers such as the elderly, the unemployed, and persons of low and moderate income, who otherwise would be unlikely to be able to afford such access. In addition to such access, lifeline telephone service includes the ability to make calls within the telephone exchange at rates such that use of the access is not unreasonably discouraged.

"ESTABLISHMENT OF UNIVERSAL LIFELINE TELEPHONE SERVICE JOINT BOARD

"SEC. 604. (a) The Commission shall establish, in accordance with section 410(c), the Universal Lifeline Telephone Service Joint Board (hereinafter in this title referred to as the 'Board').

"(b) The Board shall function and conduct proceedings in accordance with section 410(c). Proceedings of the Board shall be made available to the public, to the same extent as proceedings of the Commission.

"UNIVERSAL LIFELINE TELEPHONE SERVICE FUND

"SEC. 605. There is hereby established a Universal Lifeline Telephone Service Fund (hereinafter in this title referred to as the 'Fund'). As provided in this title, the Fund shall consist of contributions from carriers providing telephone toll service and by-pass carriers, and shall be distributed pursuant to this title to eligible exchange carriers for the support of lifeline telephone service.

"CONTRIBUTIONS TO THE FUND

"SEC. 606. (a) The Board, with the approval of the Commission, shall establish rules to determine the annual total lifeline subsidy and the amounts to be contributed annually to the Fund by carriers providing telephone toll service and by-pass carriers. Such rules shall ensure that—

"(1) except as provided in subsection (b), the total annual contributions to the Fund equal 50 percent of the total lifeline subsidy projected by the Board, with the approval of the Commission, for that year;

"(2) any amount contributed under this section is equitable and, to the extent possible, discourages neither efficient investment decisions nor the expansion of technological choices; and

"(3) to the extent possible, the collection of contributions to the Fund does not interfere with the economics of the marketplace.

"(b) If the contributions to the Fund under this section in any year are not equal to 50 percent of the total lifeline subsidy in that year, the Board, with the approval of the Commission, shall increase or decrease the amounts to be contributed to the Fund under this section in the following year, in order to account for the previous shortfall or surplus.

"DISTRIBUTION OF THE FUND

"SEC. 607. (a) The Board, with the approval of the Commission, shall establish uniform rules governing the distribution of amounts in the Fund. The Board, with the approval of the Commission, shall annually distribute amounts in the Fund to all eligible exchange carriers in order to defray 50 percent of the lifeline subsidy.

"(b)(1) No exchange carrier shall be eligible to receive amounts from the Fund unless such carrier offers lifeline telephone service pursuant to an order of a State commission issued in accordance with rules promulgated by the Board, with the approval of the Commission.

"(2) Any order issued by a State commission under this subsection shall verify, to the extent possible, that the lifeline telephone service to be offered by the exchange carrier shall in fact be offered only to such people and at such rates as are necessary and sufficient to ensure that access to the telephone service remains available to the same percentage of households served by the exchange carrier on January 1, 1983.

"(3) Any such order of a State commission shall verify the cost of providing such lifeline telephone service by the exchange carrier and shall compute the total lifeline subsidy associated with such service.

"(4) Any such State commission shall establish rules and accounting procedures, in accordance with rules established by the Board, with the approval of the Commission, to ensure that amounts distributed from the Fund under this section are used in accordance with the provisions of this title.

"REPORTING REQUIREMENT

"SEC. 608. One year after the effective date of the Home Phone Act of 1983 and annually thereafter, the Board and the Commission shall report to the Congress on the administration of this title, the costs of the program established by this title, the distribution of amounts from the Fund under

this title, and the extent to which the purposes of this title have been achieved, together with any recommendations for revisions and improvements in the program established by this title.".

SEC. 3. After the effective date of this Act, neither the Federal Communications Commission nor any joint board established pursuant to section 410 of the Communications Act of 1934 (47 U.S.C. 410), other than the Joint Board which is established by the amendment made by section 2 of this Act, may establish or administer a program to expend funds to any carrier to ensure the provision of adequate lifeline telephone service (as that term is defined in section 603(3) of the Communications Act of 1934) at a reasonable charge, or to subsidize the provision of telephone service in an area solely because the average cost of providing such service in that area is higher than the average cost of providing such service in the Nation as a whole.

SEC. 4. Section 2(b) of the Communications Act of 1934 (47 U.S.C. 152(b)) is amended by inserting immediately after "section 224" the following: "and in title VI".

SEC. 5. Notwithstanding any other provision of law, the Federal Communications Commission shall neither order nor allow interstate non-traffic sensitive costs to be recovered through the imposition of flat per line charges assessed end users before January 1, 1985.

SEC. 6. Except for the provisions of section 5, this Act shall become effective 180 days after the date of enactment of this Act.

By Mr. McCLURE:

S. 1678. A bill to amend the Energy Policy and Conservation Act to strengthen our Nation's energy emergency preparedness consistent with the policy set forth in section 271 of said act, and for other purposes; to the Committee on Energy and Natural Resources.

ENERGY EMERGENCY PREPAREDNESS ACT AMENDMENTS OF 1983

● Mr. McCLURE. Mr. President, as a nation the United States has long accepted the fact that it should be prepared for the possibility of emergencies affecting national security. The contingency planning efforts of the Department of Defense are widely understood and accepted.

Energy emergencies also affect national security. This was dramatically demonstrated—not only in 1973—but in 1978 and 1979 when a marginal shift in world oil supplies resulted in a doubling of oil prices. Many of us believe that we dare not allow ourselves to be put in the same position again; a position that we have found ourselves in twice during the last 10 years; a position where those who produce oil overseas for political reasons—not economic reasons—can distort the market in such a dramatic fashion as to endanger the welfare of not just the United States, but the world.

I am certain these occurrences were not good for the American economy; and I am absolutely positive they were threatening to our national security. The implications of a repeat of this experience are of critical importance for the security of the American people.

Mr. President, earlier this year I discussed these concerns with the President's National Security Adviser, William Clark, and with Secretary of Energy Donald Paul Hodel. And it is precisely because of these concerns that last year the Congress and the administration jointly formulated the Energy Emergency Preparedness Act of 1982 which set forth as national policy that:

The Federal government shall be prepared prior to any shortage of petroleum products to respond to energy emergencies pursuant to authorities under provisions of law other than this part, as a supplement to reliance on the free market to mitigate the adverse impacts of a shortage of petroleum products on public health, safety, and welfare (Sec. 271(b)).

The Energy Emergency Preparedness Act of 1982 authorized a series of actions by the Department of Energy to upgrade the status of the U.S. energy emergency preparedness to respond to a severe oil supply interruption, an interruption sufficiently large enough to cause severe economic dislocations and hardships, or constitute serious threat to public health, safety, and welfare.

Consequently considerable progress has been made during the last year to improve the U.S. energy emergency preparedness; yet we are still not adequately prepared. Recent, and ongoing, tests and exercises by the Department of Energy have documented areas for improvement in the U.S. energy emergency response capability. Some of the areas of improvement were recently outlined in Secretary of Energy Donald Paul Hodel's letter of July 19, 1983. That letter was part of a two-part agreement negotiated with the administration to save approximately $1 billion annually while insuring that the United States will be more fully prepared for an international oil supply interruption. The other part of the agreement, which is set forth in a letter from OMB Director David Stockman, will assure completion of the strategic petroleum reserve.

The agreement will, first, provide a strong multiyear commitment to completion of the strategic petroleum reserve to the full 750 million barrels approved by the Congress and, second, support for the necessary administrative and legislative actions to insure full implementation, in a timely fashion, of the current energy emergency preparedness policy established by the Energy Emergency Preparedness Act of 1982.

Mr. President, the Congress and the administration share a strong commitment to the strategic petroleum reserve as part of our Nation's energy emergency preparedness efforts. The initiatives in letters from OMB David A. Stockman and from Secretary of Energy Donald Paul Hodel reflect the determination of the administration and the Congress that the United States maintain and improve its defense and national security positions in the event of petroleum supply interruptions.

The agreement includes a multiyear programmatic commitment by the administration to completion of the strategic petroleum reserve to the congressionally mandated level of 750 million barrels. The agreement also endorses maintenance of an annual fill rate of approximately 145,000 barrels per day through fiscal year 1988. This will insure a continuous, predictable, and relatively level and constant filling of the reserve to full capacity, as the construction of permanent storage facilities proceeds. Significant budget savings of approximately $769 million in fiscal year 1984 and $972 million in fiscal year 1985 will result from more realistic fill rates in the near term.

In addition, construction of additional major permanent storage facilities can proceed at a fairly constant and predictable pace which reflects fiscal and national security considerations. Under the agreement, the Big Hill facility will begin construction by mid-fiscal year 1985.

This construction schedule and fill rate will avoid the use of interim storage facilities, thus keeping storage costs to a minimum. This construction schedule and fill rate also will enable the strategic petroleum reserve to provide approximately a constant level of protection of the American economy in the event of a petroleum disruption. Under the agreement in 1985 the United States will have the ability to replace all imports with SPR oil for 73 days compared to 82 days supply—or 9 days more of supply—under a fill rate of 220,000 barrels per day. And the difference in cumulative fill at the end of fiscal year 1984 will be only 27 million barrels, or 6 percent.

Under existing economic circumstances and improvement in conservation and efficiency in the use of energy in the United States current import levels are markedly reduced. The world oil market is dramatically changed for the better since establishment of the strategic petroleum reserve. Instead of importing 11 million barrels per day in 1985 as projected in 1977, recent Department of Energy forecasts project U.S. imports at only 6.1 million barrels per day; this represents a 45-percent reduction from those earlier forecasts. As a consequence the United States will be provided 73 days of protection instead of the 60 days that would have been provided based upon projections made as recently as 1980.

Moreover, the OPEC share of U.S. oil imports has declined from a peak

of 70 percent in 1977 to 30 percent in 1983. Concurrently the share of imports from Arab OPEC countries has declined from 37 percent in 1977 to 10 percent in 1983. The decline in volumes of Arab OPEC oil imports is even more dramatic; imports in 1983 will be 350,000 barrels per day compared to a 1977 peak of 3.2 million barrels per day.

Thus the possibility exists to reduce the Federal budget deficit by the stretch-out of the strategic petroleum reserve outlined without a threat to the health of our economy and national security.

This agreement, Mr. President, is representative of the great and significant potential that exists for cooperation between the Reagan administration and the Congress; working together we can achieve the dual purpose of urgently needed Federal budget savings while advancing policies and programs which are critical to our Nation's economic and national security.

Mr. President, I ask unanimous consent that a summary of this agreement regarding the strategic petroleum reserve and energy emergency preparedness appear at this point in my remarks.

There being no objection, the summary was ordered printed in the RECORD, as follows:

ELEMENTS OF AGREEMENT ON STRATEGIC PETROLEUM RESERVE AND ENERGY EMERGENCY PREPAREDNESS

The agreement includes the following elements to strengthen our Nation's energy emergency preparedness which are outlined in Secretary Hodel's letter of July 19, 1983 to Chairman McClure:

(1) legislation to assure legally the availability and effectiveness of the Executive Manpower Reserves in domestic and international energy emergencies in order to meet both defense-related and non-defense-related needs;

(2) extension of Section 252 of the Energy Policy and Conservation Act (EPCA), pertaining to the International Energy Agency antitrust defense, to coincide with the EPCA expiration date of June 30, 1985;

(3) identification and Administration support for legislation to correct shortfalls in existing emergency preparedness legislation, such as current provisions which require clarification or which contain inconsistencies which may impede proper implementation of the current energy emergency preparedness policies established in Section 271 of the EPCA;

(4) appropriate legal resolution to protect against the possibility that States or local governments may, by the adoption of price and allocation laws, interfere in the domestic marketplace and thereby worsen energy emergencies, so as to preserve the ability of the domestic marketplace to work effectively in the event of a severe petroleum supply disruption;

(5) appropriate administrative action on a timely basis to continue an effort to improve and to upgrade the Comprehensive Energy Emergency Response Procedures contemplated by the Energy Emergency Preparedness Act of 1982 so as to assure achievement of the preparedness policies and purposes of Section 271 of EPCA, including a continuing effort to determine, in light of results of ongoing tests and exercises, the improvements which may be needed in the areas of internal Department of Energy organization, inter-agency coordination, decision-making procedures and emergency alert systems and logistics support; and

(6) administrative actions, commensurate with the existing SPR drawdown plan and other presently effective, associated legal authorities with a view to development of measures necessary (a) to assure that the SPR will be applied to meet domestic needs, including regional hardships, and foreign obligations, including those under the International Energy Agency and NATO agreements, and (b) to assure that SPR oil, including any SPR oil distributed by directed sales, enters the market during the emergency and will be protected against speculation and hoarding.

The agreement includes the following elements which form a commitment to completion of the Strategic Petroleum Reserve which are set forth in OMB Director Stockman's letter of July 19, 1983:

(1) development of the full 750 million barrel reserve by the end of fiscal year 1991;

(2) requesting funds for major construction at Big Hill in the budget for fiscal year 1985 that will be submitted to Congress next January;

(3) requesting funds for oil acquisition sufficient to maintain a fill rate over the 1984-88 period of at least 145,000 barrels per day, with some necessary year-to-year flexibility to accommodate especially favorable purchases that may arise in the future; and,

(4) completion of Big Hill on a schedule that will allow fill of the facility to begin no later than the third quarter of fiscal year 1987.

Mr. President, at this time I wish to introduce the Energy Emergency Preparedness Act Amendments of 1983. This measure would provide for implementation of the agreement with the administration on the strategic petroleum reserve and energy emergency preparedness. The measure would support those administrative initiatives which OMB Director Stockman and Secretary Hodel have indicated the executive branch is prepared to undertake. The bill also would provide those additional authorities which are necessary to fully implement the policy set forth in section 271(b) of the Energy Emergency Preparedness Act of 1982, which I enunciated earlier.

Mr. President, I ask unanimous consent that the text of the bill and the relevant letters of July 19, 1983, from OMB Director David Stockman and Secretary of Energy Donald Paul Hodel be reprinted following these remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This act may be cited as the "Energy Emergency Preparedness Act Amendment of 1983".

(b) TABLE OF CONTENTS.—

Sec. 1. Short Title; Table of Contents.
Sec. 2. Congressional Findings and Purposes.
Sec. 3. Energy Emergency Preparedness Organizations: Executive Reserve, and Voluntary Agreements and Plans of Action.
Sec. 4. International Energy Program Amendments.
Sec. 5. Strategic Petroleum Reserve Amendments.
Sec. 6. Effect on State Laws.
Sec. 7. Report to the Congress.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) legislative and administrative actions are needed to strengthen and improve our Nation's energy emergency preparedness in order to implement fully section 271 of the Energy Policy and Conservation Act (42 U.S.C. 6281), which established the policy that the Federal Government shall be prepared prior to any shortage of petroleum products to respond to energy emergencies, as a supplement to reliance on the free market to mitigate the adverse impacts of a shortage of petroleum products on public health, safety, and welfare; and

(2) individual State and local pricing and allocation of petroleum could frustrate free market price and allocation of available petroleum supplies, and the response of the Federal Government to energy emergencies.

(b) PURPOSE.—The purpose of this Act is to furhter carry out the policy set forth in section 271(b) of the Energy Policy and Conservation Act (42 U.S.C. 6281) (b)) by—

(1) amending existing energy emergency authorities to—

(A) assure that such authorities are adequate for, and remove any inconsistencies which may impede, proper implementation of the energy emergency preparedness policy established by section 271(b) of the Energy Policy and Conservation Act (42 U.S.C. 6281(b));

(B) assure the availability and effectiveness of organizations for utilizing the assistance of the private sector, including the Energy Emergency Executive Reserves, and Voluntary Agreements and Plans of Action, in domestic and international energy emergencies in order to meet both defense-related and non-defense-related needs;

(C) extend the expiration date of section 252(j) of the Energy Policy and Conservation Act (42 U.S.C. 6272(j)) to June 30, 1985; and

(D) preserve the ability of the domestic marketplace to work effectively in the event of a severe petroleum supply disruption by protecting against the possibility that States or local governments may, by the adoption of price and allocation laws, interfere in the domestic marketplace and thereby worsen energy emergencies;

(2) undertaking appropriate administrative actions to—

(A) Improve and upgrade, on a timely basis, the Comprehensive Energy Emergency Response Procedures provided for by the Energy Emergency Preparedness Act of 1982, by incorporating improvements that are needed in light of the results of ongoing tests and exercises relating to the energy emergency response capabilities of the United States; and

(B) assure, commensurate with the Strategic Petroleum Reserve Distribution Plan and with existing legal authorities, that—

(i) the Strategic Petroleum Reserve will be applied to meet domestic needs, including

regional hardships, and can be applied to meet international obligations of the United States (including those under the International Energy Agency and NATO agreements); and

(ii) petroleum products from the Strategic Petroleum Reserve, including any such petroleum products distributed by directed sales, enter the market during the energy emergency and are protected from speculation and hoarding; and

(3) completing the Strategic Petroleum Reserve by:

(A) developing a 750 million barrel Reserve by the end of Fiscal Year 1991;

(B) maintaining an average annual fill rate over the Fiscal Years 1984 through 1988 of at least 145,000 barrels per day, with some necessary year-to-year flexibility to accommodate especially favorable purchases that may arise in the future; and

(C) completing the Big Hill facility on a schedule that will allow fill of the facility to begin no later than the third quarter of Fiscal Year 1987.

SEC. 3. ENERGY EMERGENCY PREPAREDNESS ORGANIZATIONS: EXECUTIVE RESERVES, AND VOLUNTARY AGREEMENTS AND PLANS OF ACTION.

(a) Part C of Title II of the Energy Policy and Conservation Act (42 U.S.C. 6281), relating to energy emergency preparedness, is amended by adding at the end thereof the following new subsections:

"ENERGY EMERGENCY EXECUTIVE RESERVES

"SEC. 273. EMPLOYMENT OF PERSONNEL; APPOINTMENT POLICIES; AND EXECUTIVE RESERVES.—(a)(1) The President is authorized, to the extent he deems it necessary and appropriate in order to implement the Comprehensive Energy Emergency Response Procedures provided for in section 272(b), and subject to such regulations as he may issue, to employ persons of outstanding experience and ability without compensation in connection with the activities of the Emergency Petroleum and Gas Executive Reserve, the Emergency Solid Fuels Executive Reserve, and the Emergency Electric Power Executive Reserve of the Department of Energy.

"(2) The President shall be guided in the exercise of the authority provided in this subsection by the following policies:

"(A) So far as possible, operations to carry out the provisions of this part shall be carried on by full-time, salaried employees of the Federal Government, and appointments under this authority shall be to advisory or consultative positions only.

"(B) Appointments to positions other than advisory or consultative may be made under this authority only when the requirements of the position are such that the incumbent must personally possess outstanding experience and ability not obtainable on a full-time, salaried basis.

"(C) In the appointment of personnel and in assignment of their duties, the President shall take steps to avoid, to as great an extent as possible, any conflict between the governmental duties and the private interests of such personnel.

"(3) Appointees under this subsection shall, when policy matters are involved, be limited to advising appropriate full-time salaried Federal Government officials who are responsible for making policy decisions.

"(4) Notwithstanding any other provision of law, the President, upon finding that the national interest requires such action, may exempt persons who become employed pursuant to paragraph (1) from the operation of:

"(A) All Federal laws pertaining to conflict of interest including, but not limited to:

"(i) sections 202 through 209 of title 18, United States Code;

"(ii) sections 201 through 211 of title 5, United States Code, Appendix I; and

"(iii) sections 601 through 608 of the Department of Energy Organization Act (42 U.S.C. 7211–7218); and

(B) the antitrust laws (as defined in Section 3(9)).

"(5) Appointments under this subsection shall be supported by written certification by the Secretary of Energy that—

"(A) the appointment is necessary and appropriate in order to implement the Comprehensive Energy Emergency Response Procedures;

"(B) the duties of the position to which the appointment is being made require outstanding experience and ability; and

"(C) the appointee has the outstanding experience and ability required by the position.

"(6) The Secretary of Energy shall publish in the Federal Register a statement including the name of the appointee, the title of his position, and the name of his private employer. The appointee shall file with the Secretary of Energy a statement listing the names of any corporations of which he is an officer or director or within sixty days preceding his appointment has been an officer or director, or in which he owns, or within sixty days preceding his appointment has owned, any stocks, bonds, or other financial interests, and the names of any partnerships in which he is, or was within sixty days preceding his appointment, a partner, and the names of any other businesses in which he owns, or within such sixty-day period has owned, any similar interest. At the end of each succeeding six-month period, the appointee shall file with the Secretary a statement showing any changes in such interests during such period.

"(7) At least once every three months the Director of the Office of Personnel Management shall survey appointments made under this subsection and shall report his findings to the President and the Congress and make such recommendations as he may deem proper.

"(8) Persons appointed under the authority of this subsection may be allowed transportation and per diem in lieu of subsistence while away from their homes or regular places of business pursuant to such appointment, in accordance with title 5 of the United States Code.

"(b) The President may utilize the services of Federal, State, and local agencies and may utilize and establish such regional, local, or other agencies, and utilize such voluntary or uncompensated services from them, as may from time to time be needed to implement this section; and he is authorized to provide by regulation for the exemption of persons whose services are utilized under this subsection from the operation of:

"(1) all Federal laws pertaining to conflict of interest including, but not limited to:

"(A) sections 202 through 209 of title 18, United States Code;

"(B) sections 201 through 211 of title 5, United States Code, Appendix I; and

"(C) sections 601 through 608 of the Department of Energy Organization Act (42 U.S.C. 7211–7218); and

"(2) the antitrust laws (as defined in section 3(9)).

"(c)(1) The President is further authorized to provide for the establishment and training of the Emergency Petroleum and Gas Executive Reserve, the Emergency Solid Fuels Executive Reserve, and the Emergency Electric Power Executive Reserve for employment in executive positions in the Federal Government to assist in implementing the Comprehensive Energy Emergency Response Procedures provided for in section 272(b). Members of these executive reserves who are not full-time Federal Government employees may be allowed transportation and per diem in lieu of subsistence, in accordance with title 5 of the United States Code (with respect to individuals serving without pay, while away from their homes or regular places of business), for the purpose of participating in the executive reserve training program. Notwithstanding any other provision of law, the President, upon finding that the national interest requires such action, may exempt members of these executive reserves who become employed by the Federal Government during or in preparation for periods of domestic or international energy emergency, or who are engaged in the executive reserve training program, from the operation of:

"(A) All Federal laws pertaining to conflict of interest including, but not limited to:

"(i) sections 202 through 209 of title 18, United States Code;

"(ii) sections 201 through 211 of title 5, United States Code, Appendix I; and

"(iii) sections 601 through 608 of the Department of Energy Organization Act (42 U.S.C. 7211–7218); and

"(B) the antitrust laws (as defined in section 3(9)).

"(2) The Secretary of Energy shall publish in the Federal Register a statement including the name of a member of these executive reserves who has become employed by the Federal Government, the title of his position, and the name of his private employer. The employee shall file with the Secretary of Energy a statement listing the names of any corporations of which he is an officer or director or within sixty days preceding his employment has been an officer or director, or in which he owns, or within sixty days preceding his employment has owned, any stocks, bonds, or other financial interests, and the names of any partnerships in which he is, or was within sixty days preceding his employment, a partner, and the names of any other businesses in which he owns, or within such sixty-day period has owned, any similar interest. At the end of each succeeding six-month period, the employee shall file with the Secretary a statement showing any changes in such interests during such period.

"(d) Notwithstanding any other provision of law, personnel used under this section, including persons employed without compensation, the executive reserves and any members of the executive reserves who become employed by the Federal Government during or in preparation for periods of domestic or international energy emergency, or who are engaged in the executive reserve training programs, are exempt from the operation of all Federal laws, rules, and regulations pertaining to advisory committees.

"VOLUNTARY AGREEMENTS AND PLANS OF ACTION FOR ENERGY EMERGENCIES

"SEC. 274. (a) The President is authorized to consult with representatives of the energy industry, energy consumers and other interests, with a view to encouraging the making by such persons of voluntary agreements and plans of action which would be in the public interest and contribute to

the objectives of this part by facilitating preparation for, or a response to, a domestic or international energy emergency.

"(b) The President shall prescribe standards and procedures by which persons may develop and carry out voluntary agreements and plans of action provided for in subsection (a).

"(c) The standards and procedures prescribed under subsection (b) shall include the following requirements:

"(1)(A) Except as provided in subparagraph (B), meetings held to develop or carry out a voluntary agreement or plan of action under this section shall—

"(i) permit attendance by representatives of committees of the Congress and interested persons, including all interested segments of the energy industry, energy consumers, and the public;

"(ii) be preceded by timely and adequate notice with identification of the agenda of such meeting to the Attorney General, the Federal Trade Commission, committees of the Congress, and (except during an energy emergency with respect to meetings to carry out a voluntary agreement or to develop or carry out a plan of action) the public; and

"(iii) be initiated and chaired by a regular full-time employee of the Department of Energy.

"(B) The President may determine that a meeting held to carry out a voluntary agreement or to develop or carry out a plan of action shall not be open to interested persons or that attendance by interested persons may be limited, if the President finds that a wider disclosure would be detrimental to the interests of the United States.

"(C) No meetings may be held to develop or carry out a voluntary agreement or plan of action under this section unless a regular full-time employee of the Department of Energy is present.

"(2) Interested persons permitted to attend such a meeting shall be afforded an opportunity to present, in writing and orally, data, views, and arguments at such meetings, subject to any reasonable limitations with respect to the manner of presentation of data, views, and arguments as the Secretary of Energy may impose.

"(3) A full and complete record, and where practicable a verbatim transcript, shall be kept of any meeting held, and a full and complete record shall be kept of any communication (other than in a meeting) made, between or among participants or potential participants, to develop or carry out a voluntary agreement or a plan of action under this section. Such record or transcript shall be deposited, together with any agreement resulting therefrom, with the Secretary of Energy and shall be available to the Attorney General and the Federal Trade Commission. Such records or transcripts shall be available for public inspection and copying in accordance with section 552 of title 5, United States Code; except that (A) matter may not be withheld from disclosure under section 552(b) of such title on grounds other than the grounds specified in section 552(b)(1), (b)(3), or so much of (b)(4) as relates to trade secrets; and (B) in the exercise of authority under section 552(b)(1), the President shall consult with the Secretary of State and the Attorney General with respect to questions relating to the foreign policy interests of the United States.

"(4) No provision of this section may be implemented so as to prevent representatives of committees of Congress from attending meetings to which this section applies, or from having access to any transcripts, records, and agreements kept or made under this section. Such access to any transcript that is required to be kept for any meeting shall be provided as soon as practicable (but not later than 14 days) after that meeting.

"(d)(1) The Attorney General and the Federal Trade Commission shall participate from the beginning in the development, and when practicable, in the carrying out of voluntary agreements and plans of action authorized under this section. Each may propose any alternative which would avoid or overcome, to the greatest extent practicable, possible anticompetitive effects while achieving substantially the purposes of this part. A voluntary agreement or plan of action under this section may not be carried out unless approved by the Secretary of Energy and by the Attorney General, after consultation with the Federal Trade Commission. Prior to the expiration of the period determined under paragraph (2), the Federal Trade Commission shall transmit to the Attorney General its views as to whether such an agreement or plan of action should be approved, and shall publish such views in the Federal Register. The Attorney General, in consultation with the Federal Trade Commission and the Secretary of Energy, shall have the right to review, amend, modify, disapprove, or revoke, on his own motion or upon the request of the Federal Trade Commission or any interested person, any voluntary agreement or plan of action at any time, and, if revoked, thereby withdraw prospectively any immunity which may be conferred by subsection (f) or (i).

"(2) Any voluntary agreement or plan of action entered into pursuant to this section shall be submitted in writing to the Attorney General and the Federal Trade Commission at least twenty days before being implemented; except that during a domestic or international energy emergency found by the President to exist, the Secretary of Energy, subject to approval of the Attorney General, may reduce such twenty-day period. Any such agreement or plan of action shall be available for public inspection and copying, except that a plan of action shall be so available only to the extent to which records or transcripts are so available as provided in the last sentence of subsection (c)(3). Any action taken pursuant to such voluntary agreement or plan of action shall be reported to the Attorney General and the Federal Trade Commission pursuant to such regulations as may be prescribed under subsections (e) (3) and (4).

"(3) A plan of action may not be approved by the Attorney General under this subsection unless such plan—

"(A) describes the types of substantive actions which may be taken under the plan, and

"(B) is as specific in its description of proposed substantive actions as is reasonable in light of circumstances known at the time of approval.

"(e)(1) The Attorney General and the Federal Trade Commission shall monitor the development and carrying out of voluntary agreements and plans of action authorized under this section in order to promote competition and to prevent anticompetitive practices and effects, while achieving substantially the purposes of this part.

"(2) In addition to any requirement specified under subsections (b) and (c) of this section and in order to carry out the purposes of this section, the Attorney General, in consultation with the Federal Trade Commission and the Secretary of Energy, may promulgate rules concerning the maintenance of necessary and appropriate records related to the development and carrying out of voluntary agreements and plans of action authorized pursuant to this section.

"(3) Persons developing or carrying out voluntary agreements and plans of action authorized pursuant to this section shall maintain such records as are required by rules promulgated under paragraph (2). The Attorney General and the Federal Trade Commission shall have access to and the right to copy such records at reasonable times and upon reasonable notice.

"(4) The Attorney General and the Federal Trade Commission may each prescribe such rules as may be necessary or appropriate to carry out their respective responsibilities under this section. They may both utilize for such purposes and for purposes of enforcement any powers conferred upon the Federal Trade Commission or the Department of Justice, or both, by the antitrust laws or the Antitrust Civil Process Act; and wherever any such law refers to "the purposes of this Act" or like terms, the reference shall be understood to include this section.

"(f)(1) There shall be available as a defense to any civil or criminal action brought under the antitrust laws (as defined in section 3(9)) in respect to actions taken to develop or carry out a voluntary agreement or plan of action (provided that such actions were not taken for the purpose of injuring competition) that—

"(A) such actions were taken—

"(i) in the course of developing a voluntary agreement or plan of action pursuant to this section, or

"(ii) to carry out a voluntary agreement or plan of action authorized and approved in accordance with this section, and

"(B) the persons taking such actions complied with the requirements of this section and the rules promulgated hereunder.

"(2) Except in the case of actions taken to develop a voluntary agreement or plan of action, the defense provided in this subsection shall be available only if the person asserting the defense demonstrates that the actions were described in, or within the reasonable contemplation of an approved voluntary agreement or plan of action.

"(g) No provision of this section shall be construed as granting immunity for, or as limiting or in any way affecting any remedy or penalty which may result from any legal action or proceeding arising from, any act or practice which occurred prior to the date of enactment of this section or subsequent to its expiration or repeal.

"(h) The Attorney General and the Federal Trade Commission shall each submit to the Congress and to the President, at least one annually, a report on the impact on competition and on small business of actions authorized by this section.

"(i) In any action in any Federal or State court for breach of contract, there shall be available as a defense that the alleged breach of contract was caused predominantly by action taken during a domestic or international energy emergency found by the President to exist, to carry out a plan of action authorized and approved in accordance with this section.

"(j) Notwithstanding any other provisions of law, participants in voluntary agreements or plans of action, when acting in compliance with the requirements of this section, the rules promulgated hereunder, and the

provisions of the voluntary agreement or plan of action, are exempt from the operation of all Federal laws, rules and regulations pertaining to advisory committees.

"(k) The authority provided by this section shall not apply to the development or carying out of voluntary agreements or plans of action to implement the allocation and information provisions of the international energy program.

(b) CONFORMING AMENDMENT.—Section 271 of the Energy Policy and Conservation Act (42 U.S.C. 6281) is amended—

(1) in subsection (b), by deleting "other than this part" and inserting in lieu thereof, "other than section 272".

(2) in subsection (c), by deleting "other than this part" and inserting in lieu thereof, "other than section 272, and by making available to the President authorities for utilizing the private sector in implementing this policy".

(c) The table of contents of the Energy Policy and Conservation Act is amended further by inserting after the item relating to section 272 the following:

"Sec. 273. Energy emergency executive reserves.
"Sec. 274. Voluntary agreements and plans of action for energy emergencies.".

SEC. 4. INTERNATIONAL ENERGY PROGRAM AMENDMENTS.

(a) EXTENSION.—Subsection (j) of section 252 of the Energy Policy and Conservation Act (42 U.S.C. 6272(j)) is amended by striking out "December 31, 1983" and inserting in lieu thereof "June 30, 1985".

(b) OTHER AMENDMENTS.—Section 252 of the Energy Policy and Conservation Act (42 U.S.C. 6272) is amended—

(1) in subsection (d)(3), by deleting "known circumstances" and inserting in lieu thereof, "circumstances known at the time of approval";

(2) in subsection (e)(2), by deleting "shall" and inserting in lieu thereof, "may";

(3) in subsection (f)(2), by inserting after "approved", the phrase "voluntary agreement or"; and

(4) in subsection (i), by deleting "once every six months" and inserting in lieu thereof, "annually".

SEC. 5. STRATEGIC PETROLEUM RESERVE AMENDMENTS.

(a) CONFORMING AMENDMENTS.—Section 160 of the Energy Policy and Conservation Act (42 U.S.C. 6240) is amended—

(1) in subsection (c)(1)(A), by striking "500,000,000" and inserting in lieu thereof "750,000,000";

(2) by striking subsections (c)(1) (B) and (C), and inserting in lieu thereof the following:

"(B) The minimum required fill rate shall be 145,000 barrels per day for the purposes of subparagraph (A).";

(3) in redesignating subsection (c)(1)(D) as subsection (c)(1)(C);

(4) in redesignated subsection (c)(1)(C), deleting "(C)" and inserting in lieu thereof "(B)"; and

(5) in subsection (c)(2), by striking "300,000" and inserting in lieu "145,000".

(b) CLARIFYING AMENDMENTS.—Section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241) is amended by adding the following new subsections:

"(g) Nothing in this part shall be construed to limit the authority of the Secretary of Energy to conduct sales of petroleum products stored in the Strategic Petroleum Reserve for purposes of testing drawdown and distribution of the Reserve; such sales shall not be considered to be drawdown and distribution under this section.

"(h) The President is hereby authorized to require that performance under any contracts or orders (other than contracts of employment) which he deems necessary or appropriate to implement drawdown and distribution of the Strategic Petroleum Reserve, including service contracts, shall take priority over performance under any other contract or order, except a conflicting contract or order issued pursuant to section 101(a) of the Defense Production Act (50 U.S.C. App. 2071(a)), and for the purpose of assuring the priority transportation of Reserve petroleum products during drawdown and distribution, to require acceptance and performance of such contracts or orders in preference to other contracts or orders by any person he finds is capable of their performance or could be made capable without an unreasonable change in that person's normal business practices.

"(i) Notwithstanding any other provision of law, the President may permit any crude oil withdrawn from the Strategic Petroleum Reserve in accordance with the provisions of this section to be exported to any country pursuant to an arrangement for the delivery of refined petroleum products to the United States.".

SEC. 6. EFFECT ON STATE LAWS.

(a) Part C of Title II of the Energy Policy and Conservation Act, relating to energy emergency preparedness, is further amended by adding at the end thereof the following new section:

"EFFECT ON STATE LAWS

"SEC. 275. (a) PREEMPTION.—(1) Except as provided in paragraph (2) and subsection (b), any law or regulation adopted or promulgated by a State or any political subdivision thereof, to the extent that such law or regulation provides for the pricing or allocation of residual fuel oil or any other petroleum product, is hereby preempted.

"(2) The President may, by rule or order, exempt from the operation of paragraph (1) classes or categories of laws or regulations, or specific laws or regulations, which would otherwise be preempted under paragraph (1), to the extent that the President determines that such laws or regulations would—

"(A) preserve a significant State or local interest;

"(B) not unduly burden interstate commerce; and

"(C) not interfere with the policy established by section 271.

"(b) STATE SET ASIDE.—(1) The Governor of any State may notify the President of the Governor's intent to implement, under State law and in accordance with the requirements of this subsection, a State set-aside program for residual fuel oil or any other refined petroleum product.

"(2) For purposes of this subsection, the term 'State set-aside program' means with respect to residual fuel oil or any other refined petroleum product, a program administered by the State under State law and which—

"(A) is implemented only upon a determination by the Governor that the program is required to meet a petroleum supply shortage within the State which will significantly impair essential public services or essential economic activity;

"(B) continues in effect for no more than 90 days;

"(C) authorizes the Governor to require a prime supplier of residual fuel oil or any other refined petroleum product subject to the program to set aside in any month a volume of such residual fuel oil or other refined petroleum product for distribution under the program which volume does not exceed 5 percent of the total supply, as estimated by such supplier, of such residual fuel oil or other refined petroleum product which will be sold by the supplier in the State for consumption within the State in that month;

"(D) defines a prime supplier as a supplier which makes the first sale of that residual fuel oil or other refined petroleum product subject to the State set-aside into the State distribution system for consumption within the State; and

"(E) does not unduly burden interstate commerce.

"(3)(A) The Governor shall provide the President with notice under paragraph (1), accompanied by a request for approval of the State set-aside program the Governor intends to implement, at least 10 days prior to the date on which the Government intends to implement the program.

"(B) Within 10 days after receipt of such notice and request transmitted by the Governor, the President shall, in his discretion, either approve or disapprove such request and notify the Governor of the President's action.

"(C) To the extent that the President approves the request within such 10-day period, the program shall then be exempt from the operation of subsection (a).

"(D) If the President does not approve such request within such 10-day period, the request shall be considered disapproved and the program shall not be exempt under this subsection from the operation of subsection (a).

"(E) The President's approval of any program under this subsection may be in whole or in part; but only so much of any State set-aside program as the President approves under this paragraph may be implemented.

"(4) Notwithstanding the 90-day limitation in paragraph (2)(B), an exemption under this subsection allowing implementation of any State set-aside program may be extended by the President for successive 90-day periods if the Governor transmits a notice and request therefor to the President and the President approves such request prior to the expiration of the applicable 90-day period. For such purposes, the preceding provisions of this subsection shall apply with respect to any notice and request for such an extension as if it were for exemption for initial implementation.

"(5) Any approval or disapproval by the President of a request under paragraph (3) shall not be subject to judicial review.

"(c) PROTECTION OF CERTAIN INVENTORIES.—(1) Notwithstanding subsection (b), no State shall have authority to—

"(A) provide for the allocation of consumer petroleum inventories,

"(B) impose restrictions on the consumption of such inventories, or

"(C) consider or take into account the existence or size of such inventories in determining the amount of petroleum products to be allocated to any such consumer.

"(2) For purposes of paragraph (1)—

"(A) The term 'consumer petroleum inventory' means an inventory of residual fuel oil or other refined petroleum products which is—

"(i) held by and in the custody of a consumer (other than a refiner, except to the extent provided in subparagraph (C)) for such consumer's own end-use consumption,

"(ii) held by and in the custody of such consumer on the day before the date on

which a State set-aside program is implemented, and

"(iii) not thereafter sold by such consumer, but only to the extent that such inventory does not exceed the inventory of residual fuel oil and refined petroleum products held by and in the custody of that consumer for its own end-use consumption on the 30th day prior to the date of such implementation.

"(B) The term 'held by and in the custody of', when used with respect to an inventory, means any such inventory owned by the consumer and in the direct possession of the consumer, such as on the consumer's site.

"(C) The term 'end-use consumption', in the case of an inventory of residual fuel oil or other refined petroleum products of any consumer which is a refiner, means the use of the refiner of such residual fuel oil or other refined petroleum products to meet normal fuel requirements necessary for operating refinery equipment and facilities."."

(b) CONFORMING AMENDMENTS.—Section 271 of the energy Policy and Conservation act is amended—

(1) in subsection (a)(2), by deleting "and";

(2) in subsection (a)(3), by deleting the period and inserting in lieu thereof a semicolon and the word "and";

(3) in subsection (a), by adding the following new paragraph:

"(4) individual State and local pricing or allocation of petroleum could frustrate free market pricing and allocation of available petroleum supplies, and the response of the Federal Government to energy emergencies,"; and

(4) in subsection (c), by inserting after, "than this part", a semicolon and "further, by preventing individual State and local petroleum pricing or allocation laws or regulations from interfering with the carrying out of this policy.".

(c) the table of contents of the Energy Policy and Conservation Act is amended by inserting after the new item relating to section 274 the following:

"Sec. 275. Effect on State laws.".

SEC. 7. REPORT TO THE CONGRESS.

(a) The Energy Emergency Preparedness Act of 1982 is amended by adding at the end thereof the following new section:

"SEC. 7. REPORT TO THE CONGRESS.

"(a) The Secretary of Energy shall undertake, pursuant to authorities otherwise available under existing law, additional actions necessary to strengthen and improve our Nation's energy emergency preparedness in order to implement fully the policy established by section 271(b) of the Energy Policy and Conservation Act (42 U.S.C. 6281(b)). The Secretary shall as specified in subsection (b), to the Congress on any such actions taken, including but not limited to measures to—

"(1) improve and upgrade on a timely basis, the Comprehensive Energy Emergency Response Procedures provided for by section 272(b) of the Energy Emergency Preparedness Act of 1982 (42 U.S.C. 6282(b)) by incorporating improvements (including improvements in Department of Energy organization, inter-agency coordination, decision-making procedures, and emergency alert systems and logistics support) that are needed in light of the results of ongoing tests and exercises relating to the energy emergency response capability of the United States;

"(2) assure the availability and effectiveness of organizations for utilizing the assistance of the private sector, including the Energy Emergency Executive Reserves, and Voluntary Agreements and Plans of Action, in domestic and international energy emergencies in order to meet both defense-related and non-defense-related needs;

"(3) preserve the ability of the domestic marketplace to work effectively, in the event of a severe petroleum supply disruption, by protecting against the possibility that States or local governments may, by the adoption of price and allocation laws, interfere in the domestic marketplace and thereby worsen energy emergencies;

"(4) assure, commensurate with the Strategic Petroleum Reserve Distribution Plan and with existing legal authorities, that—

"(A) the Strategic Petroleum Reserve will be applied to meet domestic needs (including regional hardships) and can be applied to meet international obligations of the United States (including those under the International Energy Agency and NATO agreements); and

"(B) petroleum products from the Strategic Petroleum Reserve, including any such petroleum products distributed by directed sales, enter the market during the energy emergency and are protected from speculation and hoarding; and

"(5) complete the Strategic Petroleum Reserve by:

"(A) developing a 750 million barrel Reserve by the end fiscal year 1991;

"(B) maintaining an average annual fillrate over the fiscal years 1984 through 1988 of at least 145,000 barrels per day, with some necessary year-to-year flexibility to accommodate especially favorable purchases that may arise in the future; and

"(C) completing the Big Hill facility on a schedule that will allow fill of the facility to begin no later than the third quarter of fiscal year 1987.

"(b) Within three months after the date of enactment of this section, and annually thereafter, the Secretary of Energy shall submit a report to the Congress containing a description of the actions taken pursuant to subsection (a) and any other actions taken to strengthen and improve our Nation's energy emergency preparedness in order to further carry out the policy set forth in section 271(b) of the Energy Policy and Conservation Act (42 U.S.C. 6281(b))."

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., July 19, 1983.

Hon. JAMES A. MCCLURE,
Chairman, Subcommittee on Interior and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR JIM: I appreciate the opportunity to clarify for you the Administration's plans for funding completion of the Strategic Petroleum Reserve.

As is evident from the rapid acceleration of oil purchases undertaken by this Administration soon after the President's inauguration, we share the strong commitment to the Strategic Petroleum Reserve expressed by the Congress through the actions of both the appropriations and authorizing committees.

The plan to which we are committed, developed after consultation with the Congress, calls for the following:

Development of the full 750 million barrel reserve by the end of fiscal year 1991.

Requesting funds for major construction at Big Hill in the budget for fiscal year 1985 that will be submitted to Congress next January.

Requesting funds for oil acquisition sufficient to maintain a fill rate over the 1984–88 period of at least 145,000 barrels per day, with some necessary year-to-year flexibility to accommodate especially favorable purchases that may arise in the future.

Completion of Big Hill on a schedule that will allow fill of the facility to begin no later than the third quarter of fiscal year 1987.

We believe that this plan balances fiscal policy objectives and the need to complete our energy security preparations in timely fashion. In this regard, it is very important to note that other actions of this Administration, such as immediate decontrol of oil, have greatly enhanced the level of protection provided by the more than 400 million barrels we will have in storage by next year.

The Strategic Petroleum Reserve is just one facet of our energy emergency preparedness effort. As part of our continued effort to work with Congress to take the necessary steps to ensure such preparedness, we plan to implement certain additional actions, which are outlined in a letter to you from Secretary Hodel sent under separate cover.

I am certain that Secretary Hodel and I would be pleased to provide any further clarification you might require on these important issues.

Sincerely,

DAVID A. STOCKMAN,
Director.

THE SECRETARY OF ENERGY,
Washington, D.C., July 19, 1983.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As recent correspondence to you from the Director of the Office of Management and Budget makes clear, this Administration shares with the Congress a strong commitment to the Strategic Petroleum Reserve (SPR). However, as Mr. Stockman has stated, the SPR is just one part of our Nation's energy emergency preparedness efforts. Such efforts, in turn, constitute but a facet of the President's determination that the United States maintain and improve its defense and national security positions.

I publicly have recognized that adequate energy emergency preparedness may require certain, carefully defined legislative action. Specifically, I have testified to my willingness to seek legislation to assure legally the availability and effectiveness of the Executive Manpower Reserves in domestic and international energy emergencies in order to meet both defense-related and non-defense-related needs. I have supported extension of Section 252 of the Energy Policy and Conservation Act (EPCA), pertaining to the International Energy Agency antitrust defense, to coincide with the EPCA expiration date of June 30, 1985. In addition, I have promised to identify, and to support corrective legislation in regard to, shortfalls in existing emergency preparedness legislation, such as current provisions which require clarification or which contain inconsistencies, which I believe may impede proper implementation of the current energy emergency preparedness policies established in Section 271 of the EPCA.

You and others have called to my attention the possible need for legislation to preserve the ability of the domestic marketplace to work effectively in the event of a severe petroleum supply disruption. The concern has been expressed that states or

local governments may interfere, and thereby worsen the situation, by adoption of petroleum price and allocation laws. My understanding is that members of your Committee may be considering legislation designed to protect against such interference, and we agree to work with you to achieve an appropriate legal resolution to this problem.

A principal purpose of this letter is to express the commitment of this Administration to enter into a prompt and meaningful dialogue with you and other members of the Congress who have expressed interest or concern about these matters, with a view to developing acceptable legislation which appropriately deals with these issues. Such acceptable legislation having been developed, the Administration will lend its full support to the required legislative program. On the other hand, I must inform you I will not hesitate to recommend to the President that he veto any energy emergency preparedness legislation, including but not limited to petroleum price or allocation controls, which exceed the scope of the legislative possibilities described above.

Comprehensive energy emergency preparedness may be furthered also by appropriate administrative action on a timely basis. The Department of Energy already has embarked upon, and I am determined to continue, an effort to improve and to upgrade the comprehensive energy emergency response procedures contemplated by the Energy Emergency Preparedness Act of 1982 so as to assure achievement of the preparedness policies and purposes of Section 271 of EPCA. Among other things, we shall continue to determine, in light of results of ongoing tests and exercises, the improvements which may be needed in the areas of internal Department of Energy organization, inter-agency coordination, decision-making procedures and emergency alert systems and logistics support.

An analysis of prudent administrative actions, commensurate with the existing SPR drawdown plan and other presently effective, associated legal authorities, already is underway, and will continue, with a view to development of measures necessary to assure that the SPR will be applied to meet domestic needs, including regional hardships, and foreign obligations, including those under the International Energy Agency and NATO agreements, and also to assure that SPR oil, including any SPR oil distributed by directed sales, enters the market during the emergency and will be protected against speculation and hoarding.

As plans for the abovementioned administrative actions progress, I shall communicate appropriately with the Congress.

Incidentally, I am informed by Mr. Stockman's office that there was a typographical error in the sentence of his letter to you pertaining to completion of Big Hill. The sentence was intended to referr to "completion of Big Hill on a schedule that will allow fill of the facility to begin no later than the third quarter of fiscal year 1987."

The long-standing concerns you and other members of Congress repeatedly have expressed about the energy emergency preparedness of our Nation are taken most seriously by the Administration. We look forward to working with you and with them on this all-important subject.

Sincerely yours,

DONALD PAUL HODEL.●

ADDITIONAL COSPONSORS

S. 553

At the request of Mr. HART, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 553, a bill to authorize a national program of improving the quality of education.

S. 591

At the request of Mr. INOUYE, the names of the Senator from Vermont (Mr. LEAHY), the Senator from North Dakota (Mr. BURDICK), and the Senator from Idaho (Mr. SYMMS) were added as cosponsors of S. 591, a bill to amend the Internal Revenue Code of 1954 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the United States Olympic Committee.

S. 719

At the request of Mr. THURMOND, the names of the Senator from Montana (Mr. MELCHER), the Senator from Maine (Mr. COHEN), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 719, a bill to amend subchapter II of chapter 73 of title 10, United States Code, to eliminate the social security offset against annuities provided for under such subchapter to the extent that the social security benefits of the annuitant are based on the annuitant's own employment.

S. 801

At the request of Mr. THURMOND, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as cosponsor of S. 801, a bill to amend title 10, United States Code, to establish a program to provide high school graduates with technical training in skills needed by the Armed Forces in return for a commitment for enlisted service in the Armed Forces.

S. 1090

At the request of Mr. WALLOP, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 1090, a bill to establish a National Outdoor Recreation Resources Review Commission to study and recommend appropriate policies and activities for Government agencies at the Federal, State, and local levels and for the private sector, to assure the continued availability of quality outdoor recreation experiences in America to the year 2000, and for other purposes.

S. 1132

At the request of Mr. MCCLURE, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1132, a bill to amend the Federal Power Act to specify the annual charges for projects with licenses issued by the Federal Energy Regulatory Commission for the use of Federal Dams and other structures.

S. 1145

At the request of Mr. DENTON, the names of the Senator from New York (Mr. D'AMATO) and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 1145, a bill to recognize the organization known as the Catholic War Veterans of the United States of America, Inc.

S. 1348

At the request of Mr. MOYNIHAN, the names of the Senator from Wisconsin (Mr. PROXMIRE), the Senator from New York (Mr. D'AMATO), and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1348, a bill to authorize the President of the United States to present on behalf of Congress a specially struck gold medal to the widow of Roy Wilkins.

S. 1359

At the request of Mr. METZENBAUM, the names of the Senator from Tennessee (Mr. SASSER) and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of S. 1359, a bill to amend the Internal Revenue Code of 1954 to increase the amount of the credit for household and dependent care services, and for other purposes.

S. 1435

At the request of Mr. WALLOP, the names of the Senator from Georgia (Mr. MATTINGLY) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1435, a bill to amend the Internal Revenue Code of 1954 to allow a deduction for contributions to housing opportunity mortgage equity accounts.

S. 1498

At the request of Mr. SPECTER, the name of the Senator from Maine (Mr. COHEN) was added as a cosponsor of S. 1498, a bill to amend title 23, United States Code, to modify the apportionment formula for resurfacing, restoring, rehabilitating, and reconstructing the Interstate System.

S. 1580

At the request of Mr. HEINZ, the names of the Senator from New Jersey (Mr. BRADLEY), the Senator from North Dakota (Mr. ANDREWS), and the Senator from Massachusetts (Mr. TSONGAS) were added as cosponsors of S. 1580, a bill to provide awards to local educational agencies for individual school implementation of the recommendations of a national study on education, and for other purposes.

S. 1584

At the request of Mr. DANFORTH, the name of the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 1584, a bill to amend the Internal Revenue Code of 1954 to conform the treatment of overall domestic losses with the treatment of overall foreign losses and to conform the foreign tax credit carryover and ordering

rules with similar investment credit rules.

S. 1602

At the request of Mr. McCLURE, the name of the Senator from Utah (Mr. GARN) was added as a cosponsor of S. 1602, a bill to amend the Internal Revenue Code of 1954 to provide a partial exclusion for dividends and interest beginning in 1983.

S. 1613

At the request of Mr. TRIBLE, the names of the Senator from Hawaii (Mr. INOUYE), and the Senator from Colorado (Mr. ARMSTRONG) were added as cosponsors of S. 1613, a bill to amend title 10, United States Code, with respect to the provision of medical benefits and post and base exchange and commissary store privileges to certain former spouses of certain members or former members of the Armed Forces.

S. 1621

At the request of Mr. HUMPHREY, the names of the Senator from Nebraska (Mr. ZORINSKY) and the Senator from Montana (Mr. MELCHER) were added as cosponsors of S. 1621, a bill to amend the Federal Aviation Act of 1958 to require commercial passenger carrying aircraft to be equipped with smoke detectors and automatic fire extinguishers in all aircraft lavatories and gallery areas.

S. 1623

At the request of Mr. DOLE, the name of the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 1623, a bill to establish a National Commission on Neurofibromatosis.

S. 1666

At the request of Mr. CHAFEE, the names of the Senator from Rhode Island (Mr. PELL), and the Senator from Connecticut (Mr. WEICKER) were added as cosponsors of S. 1666, a bill to amend the Internal Revenue Code of 1954 to reduce the capital gains tax rates for individuals who hold new issues of stock at least 5 years.

S. 1668

At the request of Mr. D'AMATO, the names of the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) were added as cosponsors of S. 1668, a bill to amend chapter 37 of title 31, United States Code, to authorize contracts retaining private counsel to furnish collection services in the case of indebtedness owed the United States.

SENATE JOINT RESOLUTION 48

At the request of Mr. McCLURE, the name of the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of Senate Joint Resolution 48, a joint resolution to amend the Constitution of the United States to limit budget outlays for a fiscal year to not more than 20 per centum of gross national product for such fiscal year.

SENATE JOINT RESOLUTION 106

At the request of Mr. SIMPSON, the name of the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of Senate Joint Resolution 106, a joint resolution designating August 3, 1983, and "National Paralyzed Veterans Recognition Day."

SENATE JOINT RESOLUTION 110

At the request of Mr. STEVENS, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of Senate Joint Resolution 110, a joint resolution proposing an amendment to the Constitution of the United States with respect to limiting campaign contributions and expenditures.

SENATE JOINT RESOLUTION 112

At the request of Mr. INOUYE, the names of the Senator from North Dakota (Mr. BURDICK), the Senator from Arizona (Mr. DECONCINI), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Tennessee (Mr. SASSER) were added as cosponsors of Senate Joint Resolution 112, a joint resolution to proclaim the month of March 1984 as National Social Work Month.

SENATE JOINT RESOLUTION 120

At the request of Mr. SASSER, the names of the Senator from Texas (Mr. BENTSEN), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from Minnesota (Mr. DURENBERGER), were added as cosponsors of Senate Joint Resolution 120, a joint resolution to provide for the awarding of a special gold medal to Danny Thomas in recognition of his humanitarian efforts and outstanding work as an American.

SENATE JOINT RESOLUTION 128

At the request of Mr. MOYNIHAN, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Mississippi (Mr. COCHRAN), the Senator from Kansas (Mr. DOLE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Iowa (Mr. JEPSEN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Nevada (Mr. LAXALT), the Senator from Michigan (Mr. LEVIN), the Senator from Rhode Island (Mr. PELL), the Senator from Illinois (Mr. PERCY), the Senator from Delaware (Mr. ROTH), the Senator from Maryland (Mr. SARBANES), the Senator from Tennessee (Mr. SASSER), the Senator from Mississippi (Mr. STENNIS), the Senator from Alaska (Mr. STEVENS), and the Senator from Idaho (Mr. SYMMS) were added as cosponsors of Senate Joint Resolution 128, a joint resolution to designate the day of October 22, 1983, as "Metropolitan Opera Day."

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. SPECTER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of Senate Concurrent Resolution 32, a concurrent resolution to express the sense of the Congress concerning the legal minimum age for drinking and purchasing alcohol.

SENATE CONCURRENT RESOLUTION 54

At the request of Mr. QUAYLE, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of Senate Concurrent Resolution 54, a concurrent resolution expressing the sense of the Congress that the President, the Board of Governors of the Federal Reserve System, the Secretary of the Treasury, and the Chairman of the Council of Economic Advisers should insure the compatibility of fiscal and monetary policy in order to achieve a stable and vigorous economic recovery and a significant reduction in the rate of unemployment.

SENATE RESOLUTION 100

At the request of Mr. WALLOP, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of Senate Resolution 100, a resolution relating to the building of weapons for deployment in space.

SENATE RESOLUTION 180

At the request of Mr. METZENBAUM, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of Senate Resolution 180, a resolution expressing the sense of the Senate in support of affordable and decent health care for older Americans.

SENATE RESOLUTION 182—RELATING TO TRAVEL OF SENATORS TO THE SOVIET UNION

Mr. DOLE submitted the following resolution; which was referred to the Committee on Rules and Administration.

S. RES. 182

Whereas since 1945, American foreign and defense policy has regarded the Soviet Union as of central importance to the security of the United States;

Whereas the Senate bears extensive constitutional responsibilities in shaping both the foreign and defense policies of the United States, and Senators frequently are required to vote on related issues;

Whereas a majority of the Senate's Members has not yet travelled to the Soviet Union; and

Whereas a greater firsthand knowledge of the Soviet people, the perceptions of their leaders, and the physical condition of Soviet society would strengthen the abilities of Senators to fulfill their constitutional responsibilities: Now therefore, be it

Resolved, That it is the sense of the Senate that travel by Members of the Senate to the Soviet Union serves the interests of the United States and should be, and is hereby, encouraged.

Mr. DOLE. Mr. President, I rise today to address a matter of personal

concern to all Senators, Republican and Democrat, liberal and conservative, from whatever part of the United States. During the course of our service here, we are called upon frequently to make judgments on the national security. We exercise our constitutional responsibilities in the area of national defense and foreign policy. Our Senate committees hear witnesses who are expert in these fields, and we listen to them because of their special knowledge, often including travel and firsthand expertise, and then we deliberate and vote accordingly, with great care.

Of all of the relationships that our national security treats, Mr. President, surely none is as fundamental as that with the Soviet Union. Much of the concern underlying the MX debate in the defense authorization bill was about the perceptions that Senators have of the Soviet Union and their defense posture. And virtually all of the debate about arms control—from freeze to build-down to my own triad plan—involves perceptions about the Soviet Union.

We are not called upon to negotiate with the Soviet Union, Mr. President, but we are called upon, and repeatedly, to vote for costly programs of national defense significance that depend upon judgments of Soviet behavior, and allocations of their own resources. Surely, few of our votes are as important as those which involve our view of the only other nuclear superpower on this Earth.

The Senator from Kansas believes that all of this is indisputable. Now, we can and do differ strongly about the best way to deal with the Soviet Union, and about the advisability of this or that proposed defense system, or arms control approach. But we all can share the view that the Soviet Union is of central importance to the United States, and as long as that is true, we do well to understand as clearly as possible that land, its people, and its rulers.

Since that is the case, Mr. President, we should devote some time to getting to know the Soviet Union at firsthand. I know that my visit to that country last November has been of considerable help to me as I have considered a range of matters from defense and arms control to my proposal for a long-term grain agreement. Other Senators, I believe, have had similar reactions. We understand a bit more about the Soviet Union from having been there and from having talked with the people, the leaders, and seen what we can of the country.

Now the Senator from Kansas is under no illusions, Mr. President, that visitors—and certainly visiting U.S. Senators—would ever get a free rein to roam about the Soviet Union as we might prefer, and talk to people at will. That simply does not happen, and will not happen. But I think that we are sharp enough to know facades when we see them, to recognize a Potemkin Village when it is presented, to discount what we see and hear, and to learn what we can in the process.

I was therefore surprised to learn recently that as with the House, a clear majority of Senators has never visited the Soviet Union. One wonders why this is the case. The Russians themselves have often noted that visitors become more anti-Soviet because of impressions gained during their visits. Is there some fear that Senators will be accused of junketing? Well, Moscow is not Paris in the spring at any time of year. People who are stationed at our Embassy there admired for their dedication, not for their living conditions.

Mr. President, I could and perhaps should share experience and impressions about the Soviet Union, which remain vivid in my memory. But instead, I will urge the general principle of travel to the Soviet Union. That majority which has never been there should be encouraged to go. That minority of Senators which has already made the trip should consider returning at appropriate intervals to update their knowledge and impressions.

That is why I today offer a sense of the Senate resolution encouraging travel by Members of the Senate to the Soviet Union, and I ask that it be printed in the RECORD. It has as its aim a better informed Senate, on that relationship which is central to our foreign policy and national defense. I urge Senators to join me in its sponsorship, consideration, and passage.

AMENDMENTS SUBMITTED

MILITARY PROCUREMENT AUTHORIZATION, 1984

HART AND HATFIELD AMENDMENT NO. 2087

Mr. HART (for himself and Mr. HATFIELD) proposed an amendment to the bill (S. 675) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes, as follows:

At the appropriate place in the language proposed to be inserted by the committee substitute, insert the following section:

"Sec. . Notwithstanding any other provision of this Act, no funds are authorized to be appropriated under this Act for the production, procurement, or deployment of the MX missile.".

TOWER AMENDMENT NO. 2088

(Referred to the Committee on Labor and Human Resources.)

Mr. TOWER submitted an amendment intended to be proposed to the bill (S. 1630), to provide general assistance to local educational agencies for the provisions of educational services to alien children, and for other purposes; as follows:

On page 6, line 16, strike out "paragraph (2)" and insert in lieu thereof "paragraphs (2) and (3)".

On page 7, between lines 2 and 3, insert the following:

(2) The local educational agencies to which clause (A) of paragraph (1) applies are local educational agencies in which the sum of the number of alien children who are enrolled in elementary or secondary public schools under the jurisdiction of such agencies, or in elementary or secondary nonpublic schools within the districts served by such agencies, during the fiscal year for which the payments are to be made under this title, and are receiving supplementary educational services during such period, is equal to—

(A) at least 500; or

(B) at least 5 per centum of the total number of students enrolled in such public or nonpublic schools during such fiscal year;

whichever is less.

On page 7, line 3, strike out "(2)" and insert in lieu thereof "(3)".

On page 8, line 7, insert "(b)" after "section 201".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. QUAYLE. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Monday, July 25, to hold a hearing on S. 1132, to amend the Federal Power Act.

The PRESIDING OFFICER. Without objection, it is os ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. QUAYLE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Monday, July 25, at 2 p.m., to consider the nomination of Thomas Enders to be Ambassador to Spain.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION, ARTS, AND HUMANITIES

Mr. QUAYLE. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts, and Humanities, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Monday, July 25, at 2 p.m., to hold a hearing to consider S. 1630, the Alien Education Assistance Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

HUNGARIAN REVOLUTION COMMEMORATION

● Mr. DOLE. Mr. President, I rise today to inform our colleagues of a sad commemoration in the history of the suppression of freedom. We all remember the glorious, heady days of the uprising in Budapest in October and early November 1956. With reason and with pride we joined in celebrating those days, during a commemoration and national observance here in Washington in October 1981.

Last month, Mr. President, we marked a commemoration of another sort. This time, we marked the 25th anniversary of the deliberate execution of the leaders of the Hungarian revolution, on June 16, 1958, by their captors. Accordingly Congressman FRANK HORTON, also one who has long stood with us in supporting the Hungarian people, and I cohosted a commemorative observance of that event last month in the Mansfield room.

I will not attempt on this occasion, Mr. President, to summarize the eloquence of all who spoke then. But I would like to call to the attention of our colleagues the stirring words of the chairman of the International Rescue Committee, Leo Cherne, Mr. Cherne reminds us all graphically of the events of 1956, of the meaning of betrayal, and of the lasting nature of that lesson.

Mr. President, an issue remains from those days that may surprise many people who wish the Hungarian people well, and even some who profess understanding of Hungary today. That is the failure of the Hungarian authorities to provide adequate information concerning the graves of those who died during the days of the 1956 Hungarian revolution, or were killed later.

I have written to Secretary of State Shultz to express my concern in this matter, and I am glad to note that in response to my letter, appropriate representations have been made by our Embassy in Budapest. Mr. President, I ask that my letter to the Secretary of State, and the remarks by Leo Cherne be included in the RECORD in the hope that, in the words of President Reagan, "The graves of the gallant men and women of the revolution" will at length be identified and their families and friends, "after so many years of anguish * * * secure access to their remains for proper burial."

The letter follows:

U.S. SENATE,
Washington, D.C., April 29, 1983.

Hon. GEORGE P. SHULTZ,
Secretary, Department of State,
Washington, D.C.

DEAR MR. SECRETARY: As you are aware, I have long been interested in our policy towards Hungary, and I am an admirer of the brave Hungarian people, their fight for freedom in 1956, and the outstanding contributions that the Hungarian Freedom Fighters have made as citizens of the United States.

In October, 1981, I helped commemorate the 25th anniversary of that revolution. On June 16, 1983, I will host another observance of those days—the 25th anniversary of the execution of Prime Minister Imre Nagy, General Pal Maleter, and symbolically, of others who fell for their country's liberties.

It would, of course, be unrealistic for us to expect that the present Government of Hungary would view these great events in a similar light. And yet I am aware that First Secretary Janos Kadar himself has said that "he who is not against us is with us," a signal of sorts that the Hungarian Government would not actively return to the terrible days that brought on the Hungarian Revolution.

In the spirit of this anniversary, Mr. Secretary, I would like to suggest that representations be again made on behalf of bereaved family members who have no idea where deceased who fell during and after the 1956 Revolution are buried in Hungary. I am aware that Ambassador Bergold has raised the matter previously with the Hungarian authorities in Budapest. The present graves should be identified, with remains made accessible for reburial should family members so request. I believe that it is in the broader best interests of the Hungarian Government itself to be forthcoming on this sensitive issue, of great concern to many Americans. A forthcoming message from the Hungarian Government would be an appreciated healing gesture, and particularly timely in view of the anniversary that we will mark in June.

Sincerely yours,

BOB DOLE,
U.S. Senate.

REMARKS BY LEO CHERNE, CHAIRMAN, INTERNATIONAL RESCUE COMMITTEE

My words will be very few. There's nothing I say that can match the eloquence of those who have already spoken. Clearly even though I'm here as a voice for the 18 prominent Americans who signed appeal regarding the location of gravesites of those who died in the Hungarian Revolution, an appeal which went to the Government of Hungary, we can not add to the importance of those who have been heard from today. Reference has been made to the fact that I was in Budapest during a portion of that extraordinary and heroic period in 1956, and that I carried with me a substantial supply of antibiotics, having learned that in the want and bloodshed that had already been caused, lives could be saved among the very young students, who were the Freedom Fighters, who needed these drugs. But I must tell you I could not have brought those drugs with me had it not been a fact that a person in this room secured those drugs to make sure they would be on the plane which carried me to the Austro-Hungarian border. That gentleman is John Richardson. Those drugs played another function, quite extraordinary and altogether accidental, at least one part of it.

Those drugs were the reason that gave me the opportunity to meet within hours of his release from prison, Cardinal Joszef Mindszenty. Several of the leaders of the Student Freedom Fighters learned of his release and took me to his home high on a hill in Buda. I would not have imposed on the Cardinal in that circumstance were it not for the fact that those drugs gave me the reason to see him and to present them on behalf of the American people as a gesture of our deep fellow feeling for all Hungarians, enjoying freedom, brief as it was. We hoped that it would be forever, but it wasn't. For those drugs had an additional effect. They made it possible for me to meet briefly and altogether accidentally, Imre Nagy and Pal Malester because I was entering the home of the Cardinal, the home that had not been his during the seven years of his imprisonment, and to which he had just returned. As I was about to enter, out came the Prime Minister and the General. The students took this occasion to introduce this American to these two Hungarians.

I'll never forget that moment anymore than, of course, anyone who was in Budapest during those days. That's a personal memory, but there is also a collective memory that is of far greater importance to which this occasion is dedicated and to which those signatures are attached. It is not simply a collective recollection of these men. Freedom will be served, if there is a collective recollection of a propensity for betrayal that brought about their death. Their death indeed will have served freedom and humanity well, if we do not for a moment forget that betrayal that it brought about. It is quite extraordinary that the Soviet Union, because it was the Soviet Union, was willing to record into history of a statement concerning the original wish of Imre Nagy and his companions by permitting the publication of the following in the leading Communist newspaper in Budapest on November 27, 1956. "We made it possible that they leave the territory of the Hungarian People's Republic. We have promised that we would not start criminal proceedings against them. We shall keep our promise." I repeat that last line, "We shall keep our promise."

This is betrayal. It is so tempting to accept the promises of the powerful. It is so tempting to see them in our own mirror image. It is so tempting, time and time again, to listen to those who suggest that if we take the first step they will surely follow. It is so tempting to believe that inspection is not essential to arms control or with even greater acts of faith simply to make a verbal statement that we shall freeze our weapons. Somehow or another we are confident that they, too, will do likewise. There are a hundred other such questions which include the government, ours included. Betrayal is a fact which cannot be lost sight of as we wrestle with a painful, costly, difficult and unpleasant present and future.

To two heroic men, I join you in recollection to salute the heroic dead of that war. I prepare to pay eternal tribute to living men who keep their purposes alive. I'd like to pay comparable tribute and I would be false to a great debt if I did not do so in the presence of the gentleman who read Senator Dole's great words. I have never known an occasion in the cause of any of those who fled tyranny and sought freedom anywhere on the face of this earth whose cause came to the attention of Bob Dole that he did not act, and I know of no better tribute to pay to Imre Nagy and Pal Maleter and the countless others. I would also like to salute those like Frank Horton and Bob Dole who make their sacrifice meaningful by courage today.●

RONALD McDONALD HOUSE

● Mr. MOYNIHAN. Mr. President, I would like to commend to my col-

leagues' attention the activities of the Central New York Ronald McDonald House in Syracuse. On July 19, 1983, there will be a dinner gala to help raise funds to insure the continued success of this fine institution.

As many of my colleagues may know, Ronald McDonald House was established to provide a human residence for the families of children who suffer from cancer and other serious illnesses. For many families, the emotional hardship of a sick child is compounded by the difficulties attendant to remaining with their children at hospitals that are often far from home. For financial reasons, some are forced to sleep on cots in hospital rooms, and others are forced to remain at home and visit their children only when time permits and they can afford the cost of travel.

Ronald McDonald Houses are established close to major hospitals serving children needing critical care. They provide inexpensive and livable accommodations for the families of seriously ill children, accommodations which otherwise would not exist.

The Central New York Ronald McDonald House in Syracuse provides living arrangements for seven families. There is a living room, dining room, playroom, laundry facilities, and bedrooms for seven families. Indeed, there are even kitchen facilities to save the families the expense of dining out. And all of these facilities cost but $10 per family per night. Even this small fee can be waived if it proves a burden to the families. Funded by the McDonald's owners/operators, the Ray Kroc Foundation, and several individuals and other organizations, the Central New York Ronald McDonald House in Syracuse is owned and operated by the Children's Oncology Services of Central New York, a local not for profit corporation of unpaid services.

Mr. President, I urge my colleagues to support the work of the Ronald McDonald House in Syracuse and of the almost 50 other such houses throughout the world. They provide vital services to the families of seriously ill children, a service which would go unfilled without the efforts of Ronald McDonald House.

I would like to commend all the workers at Ronald McDonald House and those who support them. My special best wishes go to those who are involved with Ronald McDonald House in Syracuse. Their work is sincerely appreciated, by both those whose children are ill and those who know of their work.●

COMMENTARY BY JEAN GERARD, U.S. DELEGATE TO UNESCO

● Mr. D'AMATO. Mr. President, I would like at this time to insert in the RECORD a commentary by our distinguished U.S. Delegate to UNESCO, Jean Gerard. She has ably represented our Nation in UNESCO since last year. Her observations regarding Simon Bolivar and our own George Washington are most penetrating. They were, as Mrs. Gerard points out, men who shared "a common, steadfast fidelity to freedom, to service, and to the defense of rights on behalf of the people * * *."

In order to share this and other insights in this excellent commentary, I ask that it be printed in the RECORD.

There being no objection, the commentary was ordered to be printed in the RECORD, as follows:

SIMON BOLIVAR AND GEORGE WASHINGTON

(By Ambassador Jean Broward Shevlin Gerard)

The one dream, the one yearning, the one aim which has fired the human heart from the beginning has been the ideal of freedom. It still is.

Everywhere, men have risen up in bravery, hardship, sacrifice, and honor to achieve it, and to sustain it. Those who have fought for freedom have done so it many different eras, cultures, and societies; and against different sorts of enemies, from inertia to the coldly inefficient police states. But freedom itself is unitary—remember the dictum that no single person is truly free while any other is enslaved—and so is the struggle to achieve it. So, it is not surprising that the pages of history reveal striking similarities in the lives and qualities of heroes in mankind's persistent struggle to be free. Tonight, I shall speak to you of two: George Washington and Simon Bolivar.

Mr. Chairman, Excellencies, Ladies and Gentleman: It goes without saying that it is a great honor to participate on behalf of the United States of America in the celebration of the two hundredth anniversary of the birth of Simon Bolivar.

But, it is quite a responsibility as well. I think, perhaps, we each think more readily of our own heroes, as our "Liberators." Bolivar was a genius, who took from our own revolution, certainly, but who drew on his personal background and his own convictions to struggle on a broader plane than our 13 states constituted. Was he thus greater? I do not know. And I am not here to judge. Both were great; what is important for us today is to share their visions of the human spirit and its potential for individual betterment, whatever the obstacles. So, if I occasionally seem to be comparing the two, that is not intentional. What is essential is to recognize that the figure of Bolivar, the "Liberator", as the symbol of freedom and liberty for all the peoples of the world is justly associated with the figure of George Washington, Father of the United States and first president. While there are considerable differences between George Washington and Simon Bolivar, both are symbols of the common ideals which bond our nations, and both represent a crucial moment in the historical development of the continent.

George Washington and Simon Bolivar were born in the colonial period of their respective countries, and both reflect the social-economic system which had evolved, first in the New England colonies as an example of self-government, and in the Spanish Empire as the outcome of bureaucratic concentration of power. While Simon Bolivar's father was a marquis, who never used his title, George Washington's family belonged to the landed gentry of Virginia. It is significant that both were orphaned at an early age and that, in the case of Bolivar, his education was entrusted to a tutor, Don Simon Rodriguez, who was a disciple of Jean Jacques Rousseau, an assiduous student of the French encyclopedists.

In the case of George Washington, his education was entrusted to his older half-brother, Lawrence Washington, who emphasized training and teaching in the traditional values of the Protestant ethic, so that, while the Great Liberator became a most learned and amazing intellectual whose favorite author was Voltaire, George Washington concentrated his activities in the service of his immediate region and the establishment of a well-run and growing Virginia plantation.

Both Bolivar and Washington initiated themselves while very young in the military service and achieved the rank of colonel by the age of twenty-three. However, Washington was an officer in the colonial army while Bolivar served only the revolutionary army and, therefore, he was never at the service of the colonial power.

While both inherited considerable fortunes, Bolivar died totally penniless, having spent his entire immense wealth in the cause of independence; having freed the hundreds of slaves that he had inherited; and having refused any compensation for his services. Washington died a much richer man than he was when he began his career and received compensations and reimbursements for his services, as well as considerable grants of land, and, although he highly disapproved of the institution of slavery, nevertheless, he did have slaves. In terms of their personal honesty, both Washington and Bolivar are shining examples of complete integrity, and there has never been the slightest shadow of a doubt about the way they administered the public funds entrusted to them.

The outstanding quality that both Bolivar and Washington shared was their fearless leadership and their ability to utilize their officers' talents to the fullest. And they were both highly admired by their foot soldiers. Time and again, conscripts and would-be conscripts flocked to Bolivar's camp. He had the knack of raising a volunteer army and keeping it, or at least a workable percentage of it, in the field under incredibly bad conditions. His greatness lay in the fact that he was a man in whom men put their faith, for whom they were willing to face the worst terrors of jungle, mountains or hostile armies.

The same quality shows up in George Washington. As a youth during the war with the French and Indians in 1754, he won the trust of men and officers alike. Long before the fervor of the Revolution, experienced men of twice Washington's age recognized in him the traits of a leader. His talent for commanding men probably reached its peak when he maintained an army outside Boston for over six months despite the expiration of almost every soldier's enlistment period.

Both Bolivar and Washington were prolific writers, and the Liberator employed as many as five different secretaries at the same time, sometimes dictating to them even in different languages, as he knew well at least five languages. However, the primary concern of George Washington was the creation and stability of a democratic and independent United States of America, while Bolivar was a visionary who concerned

himself with many ideas and projects, and who did not hesitate to dream great dreams about the future of the nations that he had fathered.

The two most important documents of Bolivar and Washington are the Letter from Jamaica and the Farewell Address. In the first, the Liberator analyzes the economic and social ills affecting American society at the beginning of the nineteenth century and establishes the basis for the foundation of the new republics. In the Farewell Address, George Washington outlines his philosophy of government and stresses the need to preserve what the young United States had achieved in the early years of their independent life. While the Farewell Address represented some of the ideas of Alexander Hamilton, it was, nevertheless, a kind of political testament which was rewritten and finalized by the Father of our Country and which also represented a summation of his experience during his eight years as President.

Bolivar's letter was written long before independence has been achieved, and while he still had to taste victory and defeat and the experience of government. George Washington's document remains the cornerstone of the United State's foreign policy, together with the Monore Doctrine, while Bolivar's letter is the best analysis of Latin American reality and prospects, and it has proven to be inspired and prophetic both in tone and in content.

If we analyze the wars fought and won by Bolivar and Washington, we must conclude that they were both great military leaders and strategists. Both were fighting powerful, well-armed regular military forces of the colonial power, and both were counting on meager resources, depleted treasuries, untrained, voluntary and unruly forces which had no experience of military life and which had to be improvised at every step of the way.

Washington had a great talent for organization, for method, endless patience and determination, together with imagination, courage and great intelligence. Bolivar operated more out of genius and passion, so that his victories, in a sense, were more surprising, as his enemy was, at that time, the great empire in the world, and he was fighting always against far superior forces. Bolivar considered himself primarily a military man, while for Washington, military service and career were a part of his overall plan for life and for his country.

It is necessary to remember that George Washington was elected a representative to the Virginia Assembly and participated, for many years, in deliberating bodies until he was elected President of the Continental Congress and, in that capacity, presided over the drafting of the Constitution of the United States, which, later on, he was going to swear to uphold as first President. In his life, he had the experience and first-hand knowledge of representative government, which was to become the essential structure of American democracy.

For Bolivar, constitutional government and the system of democracy were intellectual concepts in which he deeply believed, but which were completely foreign to the history and the life of colonial Spanish America. In discussing the Constitution of the United States, which Bolivar studied very deeply, he concluded that it provided for a government that would be far too weak to resist the rising difficulties of the new nations, and, therefore, he sought to strengthen both the executive as well as the legislative, and seriously considered the possibility of creating lifetime senators who thereby would be free from the vicissitudes of seeking elective office.

Here, we find one of the considerable differences in the political ideologies of the two leaders. Washington wanted to preserve and enhance the traditional privileges and rights of the colonies in an independent state; Bolivar wanted to create a utopian state inspired by the wisdom of ancient Greece and Rome and forged in the rationalist ideology of the French encyclopedia.

The philosophical roots of Bolivar's ideology are to be found primarily in the Republic of Plato, but, as he was a voracious reader, there was no important book in French, Spanish, English, and Italian that was not well known to him. Therefore, many of his suggestions and some of his difficulties as a statesman can be attributed to a superabundance of ideas, theories of government and political doctrines. His mind was filled with information, quotations, doctrines and theories far above and beyond the capacity of most of his contemporaries.

George Washington, on the other hand, was well acquainted with the British constitution and with the English governmental tradition. His great strength was in his capacity to simplify and to find practical solutions to concrete political problems. Furthermore, George Washington, as President, had a cabinet composed of the greatest political thinkers that the United States has ever produced, starting with Thomas Jefferson, John Adams and Alexander Hamilton, while, in that sense, Bolivar was a solitary figure.

There was considerable difference of style between the two men. There was, nevertheless, a common, steadfast fidelity to freedom, to service, and to the defense of rights on behalf of the people and nations. The Great Liberator, Simon Bolivar, is frequently portrayed wearing his general's uniform with no decorations, but with a single medallion in the middle of his chest.

This medallion had an effigy of George Washington, and was sent personally to Bolivar by the Father of our Country as a token of his friendship and admiration and as a perennial symbol of the bonds of solidarity and cooperation that must exist between our peoples. When Bolivar died in Santa Marta on December 17, 1830, penniless and almost alone, the medallion with the face of George Washington was around his neck.

I cannot help, for the moment, pausing here to reflect on this awesome man's devotion to and love of freedom and his immense exertions in its behalf and the need for such devotion and love in the present days. The President of the United States, a veteran of the greatest conflict in freedom's behalf, has been at frequent pains to point out that his policies are directed at one purpose and one purpose alone: the preservation of that freedom for which Bolivar gave his life. President Reagan shares the vision of what can be wrought for freedom through the friendship of the two continents, united in the spirit of goodwill, on behalf of Bolivar's and Washington's ideals.

The two testaments of Bolivar and Washington both contain a moving appeal for unity among our peoples. Bolivar said: "If my death contributes so that partisanship ceases and union becomes consolidated, I shall go down calmly into my grave."

A celebration such as this is a fitting occasion to renew our commitment to the lofty ideals for which both Bolivar and Washington lived and worked, and which inspired the creation of their nations. It is to their memory that we owe a strengthened effort in the preservation of the rights and freedoms which we inherited from them and which we must pass on to our children together with a sense of respect and veneration for them. As Chokehuanca said: "Bolivar, with the passing of the centuries, your glories will increase as the shadows increase at sunset."●

S. 1306—THE PATENT TERM RESTORATION ACT OF 1983

● Mr. D'AMATO. Mr. President, I rise today in support of S. 1306, the Patent Term Restoration Act of 1983. I commend Senator MATHIAS, the distinguished chairman of the Subcommittee on Patents, Copyrights and Trademarks, for authoring and introducing this measure. Hearings on this important initiative were held on June 22 and July 19, 1983.

The predecessor of S. 1306 in the 97th Congress passed the Senate by voice vote on July 9, 1981. It is my hope that S. 1306 will pass both Houses and become law during the 98th Congress.

In accordance with article I, section 8, of the Constitution, the Congress has enacted laws to promote the development of new products by providing patent holders with 17 years of protection for their inventions and discoveries. Our inventors, in turn, have provided the American people with the health and other social benefits of the world's leading pharmaceutical and agricultural chemical discoveries.

We have also enacted, over the years, a series of laws to protect the public and the environment from harmful products. These laws require extensive and time-consuming tests before products affecting the public health and environment may be introduced into the marketplace. However, while such premarketing review is pending, the clock continues to run on the patent involved. In the case of pharmaceuticals, for example, the average review can last for well over half the life of a patent. Medicines approved during 1981 lost an average of 10.2 years of their statutory 17-year patent lives before their first sales. In other words, new medicines had an effective patent life of 6.8, rather than 17, years. In 1979, they had 9.5 years remaining after their regulatory clearances. During the period 1962-66, there were 14.9 years of patent life remaining after Food and Drug Administration approval. Thus, it is apparent that the period of useful patent life is growing continually shorter.

It is important to note that S. 1306 does not dilute the strength of the premarket review process. It merely restores the patent life that may be consumed during that process. Under its terms, the 17-year clock would start to run only after a new product ob-

tains marketing approval, rather than when the patent application is filed.

There are three reasons to support S. 1306. The first of these is that is will guarantee fairness to all patent holders. No longer will some inventors be penalized excessively for the necessary, but increasingly time-consuming, premarket testing we require for certain drugs and chemicals.

The second reason is that the bill will promote technological innovation. A growing number of drugs and chemcials are being discovered or licensed today in foreign countries, where the patent rules are more favorable. In 1981, only 7 of 20 new chemical entities were United States originated.

The third reason is that S. 1306 will encourage lower prices for new drugs, chemicals, and other products by stimulating their development. The resultant lower prices for new drugs and medicines will be of special benefit to our Nation's elderly, who are, per capita, the largest consumers of these products.

To assist American scientific development and maintain our lead in the face of rising costs and growing foreign competition, to promote fairness, and to preserve the original intent of the patent system, namely, the societal benefits that flow from the progress of science, I urge my colleagues to support S. 1306.●

S. 1146: AVIATION DRUG-TRAFFICKING CONTROL ACT

● Mr. D'AMATO. Mr. President, I am pleased today to add my name as a cosponsor of S. 1146, the Aviation Drug-Trafficking Act, which would combat the use of aircraft in illegal drug trafficking. I commend my distinguished colleagues, Mr. BENTSEN, Mr. DECONCINCI, and Mr. DOMENICI on offering this much-needed legislation.

This Nation's drug abuse problem has reached epidemic levels:

Heroin-related deaths have surpassed 800 per year for the first time since 1976. There are nearly 500,000 heroin users in the United States.

Illegal drug consumption exceeds $80 billion per year, an amount in excess of $350 per capita, and about the amount spent for gasoline.

While the health of all other Americans have been improving, the death rate for young Americans between the ages of 15 and 24 is higher than it was 20 years ago. Medical experts are convinced that drug abuse has been the major factor in this frightening trend.

A recent Justice Department survey revealed that almost a third—32 percent—of the inmates interviewed in State prisons said they were under the influence of an illegal drug when they committed their crime; 30 percent of the inmates said they used heroin, as compared to a figure of only 2 percent for the general public.

Over 90 percent of the illegal drugs abused in the United States are produced abroad. Most are smuggled into the country, the majority by air. According to 1981 Drug Enforcement Agency estimates, 50 percent of the cocaine, 35 percent of the marijuana, 75 percent of southwest Asian heroin, 55 percent of southeast Asian heroin, and 80 percent of the synthetic dangerous drugs entering the United States were smuggled in by air.

If enacted, this bill would require the Federal Aviation Administrator to revoke the airman's certificate of any pilot who has been convicted of violating any law relating to controlled substances—other than a law prohibiting simple possession—whom he finds to have operated an aircraft with knowledge that it was being used to transport controlled substances in violation of law or in connection with the violation of a law.

In addition, in those cases where the Administrator makes this finding, but the certificate holder has no prior convictions for a drug related offense, the bill would empower the Administrator to revoke the airman's certificate for not less than 1, nor more than 5 years, if he determines that the owner has knowingly permitted the aircraft to be used to transport a controlled substance. To protect the rights of certificate holders, the Administrator would be required to provide notice and an opportunity to answer charges prior to the revoking of any certificate.

Similarly, the bill empowers the Administrator to revoke a certificate of aircraft registration for up to 5 years, but not less than 1, if he determines that the owner has knowingly permitted the aircraft to be used to transport a controlled substance. The same procedural safeguards would apply in this instance.

Finally, the bill would create penalties of up to $25,000 and imprisonment of up to 5 years for persons who knowingly fly without a certificate or with a fraudulent certificate in order to transport illegal drugs.

In cosponsoring the bill, and urging its enactment, I reiterate the need for the Federal Aviation Administration to expand its efforts in working with the FBI, the DEA, the Customs Service, and other Federal and local law enforcement agencies in order to obtain information on drug-related arrests, to exchange information supportive of the efforts of other agencies, and to implement the intent of this proposed legislation.

In my statement of July 11, 1983, at the Senate Judiciary Committee hearing on organized crime, I called upon U.S. attorneys, the FBI, the DEA, and all others involved in fighting organized crime to make crushing heroin trafficking their No. 1 goal. Enactment of this bill will aid in the attainment of that goal and in reducing drug trafficking by all other segments of the population as well.

I commend my colleagues for introducing this bill, and I urge all Senators to support its enactment.●

NATIONAL DIABETES MONTH

● Mr. D'AMATO. Mr. President, I am pleased to join today as a cosponsor of Senate Joint Resolution 121, designating the month of November 1983, as "National Diabetes Month."

I am particularly interested in this resolution. Although diabetes is a well-known disease, most people do not fully realize its seriousness. Over 16 million people have diabetes, including 5 million people who do not know they are afflicted. Over $10 billion is spent every year on diabetes. This disease ultimately affects a variety of bodily functions and organs, even though it is primarily a digestive disease.

I believe Senate Joint Resolution 121 will help serve the cause of fostering a deeper understanding for this chronic disease. An increased awareness will promote research and improve methods of treatment for diabetes. I urge speedy passage of this resolution.●

TRIBUTE TO BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS SPECIAL AGENT EDDIE BENITEZ

● Mr. DECONCINI. Mr. President, once again the country was shocked to learn of the tragic death of another of our brave Federal law enforcement officers, BATF Special Agent Eddie Benitez of Miami, Fla.

Eddie Benitez died on July 12 from a fatal gunshot wound to his head during a shooting incident in a northwest Miami parking lot on July 8. As I understand it, Agent Benitez was on duty investigating a weapons buy when he was shot in the head by a suspect gunman. The suspect was arrested at the scene of the shooting, was charged with Federal firearms and assault charges, and remains in custody at the Metro Dade County Jail without bond.

Special Agent Benitez was a 3-year veteran of the Bureau of Alcohol, Tobacco, and Firearms, and was previously a police officer with the Metro Dade County police force. He was 27 years old, unmarried, and is survived by his parents and three sisters.

Mr. President, as the country mourns the death of Agent Benitez, let us in the Senate put aside for just a moment the issue of the MX missile, the issue of the budget, and the other important matters that are before us to consider what this brave young man has given to his country. He has given his life so that my children, your children, and the people in his home city

of Miami could be safer as they work and play. He put his life on the line without fanfare and without thanks. Agent Benitez is a hero and he deserves our praise for making the ultimate sacrifice for us.

My sympathies go out to Eddie's parents and his sisters. And I hope that they somehow know that this is one Senator who wants to say "thank you" to Eddie and the sacrifice he made so that this country can be a safer place for my family and me.●

JACOB JAVITS ON THE WAR POWERS ACT

● Mr. MOYNIHAN. Mr. President, it is my great pleasure to call to the attention of my colleagues an article written by our altogether distinguished former colleague and friend Jacob K. Javits. In a challenging and enlightening article Senator Javits offers his insightful and prescient thoughts on the implications of the Supreme Court's decision concerning the legislative veto. Many are concerned, quite justifiably, by the effect of this decision on the War Powers Act.

Senator Javits offers his interpretation of the Court's decision. As the author of the War Powers Act, he is indeed qualified as an expert on the matter. I ask that "Keep War Power on the Hill" be included in the RECORD.

The article follows:

[From the New York Daily News, Sunday, July 10, 1983]

KEEP WAR POWER ON THE HILL

(By Jacob K. Javits)

In the 207 years of our history as a nation there has been enacted into law only one restraint on the President's power as Commander-in-Chief of the armed forces to put our nation into war even without the authority of Congress. That restraint is included in the War Powers Resolution of 1973, of which I am the author, passed by the Congress over President Nixon's veto.

This resolution provided that when the President puts our armed forces into a situation involving hostilities, or the imminent threat of hostilities, he must, within 48 hours, notify both houses of Congress accordingly. The Congress then has 60 days in which to give the President authority to continue to leave our troops so involved. If Congress does not give him this authority he must withdraw our troops from such hostilities. If he finds that he cannot do so for practical reasons he has another 30 days in which to accomplish such withdrawal. Thereafter, he loses all authority to leave our troops in action.

The War Powers Resolution also requires consultation with the Congress whenever the use of our armed forces in hostilities seems likely and reporting to Congress on the imminence of such situations. The law has been invoked in the last ten years in such varied situations as: President Ford's reports on the U.S. evacuation of Vietnam and the Mayaguez incident which followed such evacuation; President Carter's report on the doomed Iranian hostage rescue attempt; and President Reagan's two reports in 1982 on the deployment of U.S. Marines to Lebanon.

In none of these cases did any of the presidents report under that section of the resolution which would invoke the power of the Congress to require the President to withdraw these forces nor was the sanction of the Congress given to their deployment.

Now along comes the Supreme Court of the United States in a decision invalidating as unconstitutional what is popularly known as the legislative veto by Congress and immediately there is widespread speculation that this ruling also invalidates as unconstitutional the War Powers Resolution.

Particularly, say the commentators, the legislative veto decision may invalidate the War Powers Resolution's provisions which give the Congress the power to restrain the President when he seeks to turn an incident into war. Indeed, the best example of that situation was the war in Vietnam and the Gulf of Tonkin Resolution passed by Congress in 1964 which emboldened President Johnson to commit us so heavily to it.

The legislative veto is a power reserved by Congress when a law is enacted either with the President's signature or by overriding his veto by which one or both houses of Congress can overrule an action of the President or any department or agency of the federal government which is sought to be given the force of law.

I believe the Supreme Court decision on the legislative veto has not affected the War Powers Resolution adversely as many commentators may imply. In the first place the resolution has a separability clause which means that the provisions requiring detailed reports of activities to the Congress involving hostilities by the U.S. armed forces under orders of the President remain intact. These are a critically important aspect of the accountability of the President to the nation and are themselves a restraint on presidential capability of getting the country into war.

Second, as to the power of Congress to require the President to call back U.S. armed forces from a commitment of them to foreign hostilities after at most 90 days, this is a limit on presidential power as Commander-in-Chief and a specification of congressional power over the declaration of war and is, therefore, unaffected by the Supreme Court's instant decision. This power relates to exclusive congressional power to declare war granted by the Constitution.

What is most important is that the millions of Americans who fight our wars should strongly defend the War Powers Resolution. The founders of our republic gave only the Congress the power to declare war, yet we have fought over 100 wars limited by the President's power as Commander-in-Chief to deploy U.S. forces anywhere in the world and only a handful of them have been declared by Congress. It is the people who must stand up for the War Powers Resolution as a restraint on the "hounds of war" which the founding fathers sought to restrain by giving only the Congress the power to declare war while making the President Commander-in-Chief so that only he may direct how the wars should be fought. Let us remember that there are no longer likely to be any non-combatants in another world war no matter how far from the front they are—all are in jeopardy as well as our survival as a nation.●

GENERAL REVENUE SHARING FORMULA MODIFICATIONS

● Mr. DURENBERGER. Mr. President, on June 29, 1983, the Senate Finance Committee reported a 3-year extension of the general revenue sharing program at the current annual funding level of $4.6 billion. The committee also adopted my amendment providing that any increase in funding beyond the current level be accompanied by improvements in the intrastate allocation formula. These improvements would relax certain constraints on the formula that prevent it from targeting funds to those local governments most in need of assistance. The modifications deal with the maximum and minimum payment constraints, the "tiering" process, and the budget constraint.

The committee's changes will permit the formula freer reign to target revenue sharing dollars in an equitable and effective manner. At the same time, the bill contains a 100-percent hold-harmless provision, guaranteeing that no local government will have its payment reduced due to the formula modifications. The formula modifications will have no effect on the interstate distribution of funds. If Congress were eventually to authorize a percentage increase in funding above current levels, every State would enjoy that same percentage increase in its revenue sharing payment.

The reason I proposed these formula changes is quite simple. I could not justify sending out increased revenue sharing under a flawed formula, especially when the defects disadvantage those very governments most adversely affected by current economic conditions. If Federal assistance to local governments is to be increased during this period of historic Federal deficits, revenue sharing is the program that deserves the increase. At the same time, if revenue sharing is to be increased, Congress must insist that the existing flawed formula used to allocate revenue sharing be improved to target these scarce Federal dollars in a more equitable and effective manner. The Senate Finance Committee's modifications achieve a marked improvement in targeting by directing additional funding to the very jurisdictions whose fiscal problems provide a rationale for increased spending for other programs far less efficient than revenue sharing.

Mr. President, the formula modifications contained in the Finance Committee bill have been studied over a period of years. Most of them have been recommended at one time or another by the Department of the Treasury and the General Accounting Office. Most of them have in the past been endorsed by both the National League of Cities and the U.S. Conference of Mayors.

I am delighted to say the U.S. Conference of Mayors has reaffirmed its support for improving the intrastate revenue formula along the lines of the Finance Committee bill. In a recent letter, the conference put the proposed modifications in perspective:

We do not view your proposals as a formula change, but rather as a way to permit the basic formula, agreed to by the representatives of the states, the counties and the cities in 1972, to fully function. This artificial cap on the top and floor on the bottom restrain the formula rather than promote adherence to it.

I urge my colleagues to support the Finance Committee bill when it comes to the floor. I ask that the letter from the U.S. Conference of Mayors of July 13, 1983, be printed in the RECORD.

The letter follows:

U.S. CONFERENCE OF MAYORS,
Washington, D.C., July 13, 1983.

Hon. DAVID DURENBERGER,
U.S. Senate,
Washington, D.C.

DEAR DAVE: I am sorry that we have not been in touch with you earlier as to the Conference of Mayors' specific position on your proposed adjustments in the revenue sharing program.

However, as you know, your earlier proposals would, in fact, make major changes in the basic formula. May I suggest that once we get the current law extended, we all spend a couple of years studying how the whole program might better be improved. A study is needed before basic changes such as you have proposed earlier can be adequately considered.

With respect to the current Finance Committee Bill, the Conference of Mayors supports the proposed increase in the maximum per capita grant from 145 percent to 160 percent; a reduction in the minimum per capita grant constraint from 20 percent to 15 percent, and deterring the formula so that all jurisdictions in the state divide the funds on a common basis.

With respect to the question of replacing the budget constraint with a tax constraint that responds to the fiscal structure of each state, the United States Conference of Mayors has not given this matter necessary policy consideration and, therefore, we cannot take a position.

We do not view your proposals as a formula change, but rather as a way to permit the basic formula, agreed to by the representatives of the states, the counties and the cities in 1972, to fully function. This artificial cap on the top and floor on the bottom restrain the formula rather than promote adherence to it.

We understand that the last thing we need is losers in revenue sharing assistance. Therefore, we endorse your proposition that additional funds be authorized so that the foregoing amendments can be put into place without diminishing the funds currently received by any unit of government.

As you know, revenue sharing is not only important to cities in terms of the dollars received, but it has over the past eleven years become a symbol of the understanding of the Congress and the President of the very real revenue problems facing local government which must rely so heavily on the property tax.

It is unfortunate that the Congress and the President have failed to adjust the level of revenue sharing to at least take into account some measure of the ravages of inflation. We understand fully the problem of the level of the national debt, but we do urge that revenue sharing not be regarded as one of the few items in the budget which must bear the full burden of inflation.

We are pleased to work with you and your colleagues and look forward to the early reenactment of revenue sharing.

Sincerely,

JOHN J. GUNTHER,
Executive Director.●

S. 1090—TO ESTABLISH A NATIONAL OUTDOOR RECREATION RESOURCES REVIEW COMMISSION

● Mr. D'AMATO. Mr. President, I rise today to cosponsor S. 1090, to establish a National Outdoor Recreation Resources Review Commission. I feel that such a commission is necessary to increase the efficiency and quality of our recreational facilities. We must pursue the recreational interests and demands of the American public, and see that these demands are not limited by inadequate coordination, increased fiscal constraints, and growing demands on land, water, and recreational facilities. We must pursue the recreational interests and demands of the American public, and see that these demands are not limited by inadequate coordination, increased fiscal constraints, and growing demands on land, water, and recreational resources. I believe that to best serve the American people, a commission responsible for insuring the availability of quality recreational resources and facilities for this and future generations must be organized.

To assure the continued quality and quantity of recreational resources and opportunities, a bipartisan National Outdoor Recreational Resources Review Commission must be created. The American public seeks an increasing variety of recreational experiences, and I believe that it is our responsibility to assist in meeting the desires and needs of the people. Therefore, the Commission would examine the existing management of outdoor recreational lands and resources as well as future needs of outdoor recreational management systems.

We are a country of hard workers, and the limited amount of leisure time our citizens enjoy must be maximized by quality outdoor recreational experiences. It is my hope that the establishment of a National Commission will better serve the public. I urge my colleagues to adopt this vital and timely legislation.●

RECESS UNTIL TOMORROW AT 9:30 A.M.

Mr. BAKER. Mr. President, I see no other Senator now seeking recognition. I move, in accordance with the previous order, that the Senate now stand in recess until 9:30 a.m. tomorrow.

The motion was agreed to; and the Senate, at 6:08 p.m., recessed until Tuesday, July 26, 1983, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 25, 1983:

ENVIRONMENTAL PROTECTION AGENCY

Alvin L. Alm, of Massachusetts, to be Deputy Administrator of the Environmental Protection Agency, vice John Whitlock Hernandez, Jr., resigned.

DEPARTMENT OF STATE

Edmund DeJarnette, of Virginia, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Central African Republic.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Henry F. Schickling, of Pennsylvania, to be a member of the Board of Directors of the Overseas Private Investment Corporation for a term expiring December 17, 1985 (new position).

FOREIGN SERVICE

The following-named persons of the agencies indicated for appointment as career members of the Senior Foreign Service of the classes stated, and also for any other appointments indicated:

For reappointment in the Foreign Service as a career member of the Senior Foreign Service, class of Minister-Counselor, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

James E. Sarn, M.D., of Arizona.

For appointment as a career member of the Senior Foreign Service, class of Counselor, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

Hugh Byron Hollingsworth, Jr., of Virginia.

The following-named persons for appointment in the Foreign Service as Foreign Service Officers or Foreign Service Information Officers of the classes stated, and also for the other appointments indicated herewith:

For appointment as a Foreign Service Officer of class 2, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

Marie Murray, of Maryland.

For appointment as Foreign Service Officers of class 3, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Shirley Marie Hartman, of Texas.

Bismarck Myrick, of Virginia.

For appointment as Foreign Service Information Officers of class 3, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Sheldon E. Austin, of Florida.

Robert B. Laing, of Washington.

For appointment as Foreign Service Officers of class 4, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Gerald Christopher Anderson, of Illinois.

Walter E. Andrusyszyn, of New York.

Bryon Swanson Barlow, of Connecticut.
Robert Walter Boehme, of New Jersey.
Sandra J. Campbell, of Oregon.
Peter H. Chase, of Washington.
Ronald Ashley Dwight, of Louisiana.
Mitchell H. Feigenberg, of California.
Philip Charles French, of California.
Edward Herman Goff, of Virginia.
Eva Jane Groening, of New Jersey.
Mary Allyn Haines, of Missouri.
John Arthur Hedges, of Washington.
Heather M. Hodges, of Ohio.
Miriam Kahal Hughes, of Florida.
Peter Graham Kaestner, of Maryland.
Craig Richard Lingel, of California.
John D. Long, of Ohio.
Robert Paul Ludan, of California.
Sharon E. Armour Ludan, of New Jersey.
Johnnie Mary Miller, of Mississippi.
Ann C. Montgomery, of New Jersey.
David Alan Ochmanek, of New Jersey.
Douglas Poe Ryan, of New York.
Edward Thomas Smith, of Texas.
Gabrielle M. Solleder, of New York.
Andrew Walter Steinfeld, of New Jersey.
Howard Stoffer, of New York.
Francisca Ana Thomas, of Virginia.
Carol van Voorst, of Virginia.
Pamela Ann Ward, of Virginia.

The following-named Members of the Foreign Service of the Departments of State and Commerce to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Anna Maria F. Adamo, of Florida.
Charles E. Adams, of Virginia.
Gerald Richard Andersen, of Washington.
Edward E. Anderson, Jr., of California.
Alfred M. Andersson, of Texas.
Theodore Howard Andrews, of California.
Timothy Duane Andrews, of Missouri.
Kathleen Williamson Barmon, of Florida.
Paul S. Berg, of Wisconsin.
Frank L. Bill, of Virginia.
Robert I. Blau, of Ohio.
William F. Buckley, of the District of Columbia.
Frankie Reed Calhoun, of California.
William Robert Carlson, of Massachusetts.
Elizabeth Ferre Carroll, of Arkansas.
Carroll A. Caulfield, of Pennsylvania.
Phillip T. Chicola, of Florida.
Anne M. Clagett, of Virginia.
Gene A. Coyle, of Virginia.
Peter E. Cozzens, of Illinois.
Patricia de la Sota, of Virginia.
James Dillon, of the District of Columbia.
David Tannrath Donahue, of Indiana.
Robert A. Dooling, of Virginia.
David Ross Dreher, of Alabama.
Hugh Timothy Dugan, of Wisconsin.
Kaara N. Ettesvold, of the District of Columbia.
Robert James Feron, of New York.
Jonathan Lyman Fishbein, of Virginia.
Daniel Volmer Friedheim, of Virginia.
Steven G. Ghitelman, of Wisconsin.
John J. Gilbride, Jr., of Virginia.
Brian L. Goldbeck, of Wisconsin.
Michael R. Gorbell, of Virginia.
Barbara Jean Goss, of the District of Columbia.
Daniel Campbell Peter Grossman, of California.
Jeanette Anne Keewaydinodin Hantke, of California.
Kevin James Harris, of Indiana.
Clifford Awtrey Hart, Jr., of Virginia.
Richard A. Hayhurst, of Maryland.
Karl William Hofmann, of California.
Sarah S. Holcomb, of the District of Columbia.
James N. Hubbard, of Virginia.
Norman Imler, of Virginia.
Eric Grant John, of Indiana.
Judith Ann Jones, of Florida.
Martha Ann Kelleran, of Virginia.
Mark E. Kelton, of Virginia.
Donald M. Kidwell, of Virginia.
David A. Kiel, of Virginia.
John Brady Kiesling, of California.
Patrick C. Kilpack, of Virginia.
George Knowles, of New York.
Gerald J. Komisar, of Maryland.
Leonard A. Kusnitz, of Connecticut.
Eleanor B. Leech, of Maryland.
George William Lithco, of New York.
Kenneth J. Lyons, of New York.
David Michael Marks, of Maryland.
Michael Anthony Matera, of California.
Douglas F. McCallum, of Virginia.
Melvin R. McCoy, Jr., of Virginia.
James Aidan McVerry, of Connecticut.
Max Miles, of Florida.
John Patrick Mondéjar, of Virginia.
Carla L. Mortensen, of California.
Lloyd Woodson Moss, of Alabama.
Jonathan D. Mueller, of Pennsylvania.
Michael John O'Keefe, of New Hampshire.
Maximilian J. Ollendorff, of Virginia.
William B. O'Steen, of Virginia.
Craig P. Osth, of Virginia.
Donald Joseph Palke, of Illinois.
Gregory Eugenio Phillips, of Illinois.
Paul L. Quaglia, of Virginia.
Eileen Jane Quinn, of Pennsylvania.
Robert G. Rapson, of Virginia.
Linda M. Rhoades, of Virginia.
SandraLee Miller Robinson, of Iowa.
Andrew C. Rothman, of Texas.
Paul Edward Rowe, of Virginia.
Wayne Steven Salisbury, of Washington.
Mark Douglas Scheland, of New York.
Louise Anita Scott, of Maryland.
Tim Allan Sears, of Michigan.
Edward Dennis Sevilla, of Illinois.
Ann Bardsley Sides, of Florida.
Daniel B. Smith, of California.
Eugene Paul Sweeney, of Massachusetts.
Eugene Phillip Tadie, of Virginia.
Alyce J. Tidball, of Minnesota.
Paul Norman Timmer, of Michigan.
Jeffrey Stewart Tunis, of Massachusetts.
Frank Craigo Turley, of the District of Columbia.
Mary Burce Warlick, of Wisconsin.
Richard Charles Weston, of Missouri.
Curtis Eugene Wilson, of Maryland.
Karen Elizabeth Wishart, of California.
Shirely Y. Wong, of Virginia.
John R. Yackley, of Virginia.

Consular Officer of the United States of America:

Rudy G. Hall, of Virginia.

Secretary in the Diplomatic Service of the United States of America:

Wanda L. Ale, of Maryland.

The following-named career member of the Foreign Service of the Department of State for promotion into the Senior Foreign Service to the class indicated, effective October 17, 1982:

Career member of the Senior Foreign Service, class of Counselor:

George Clay Nettles, of Alabama.

The following-named career member of the Foreign Service of the U.S. Information Agency for promotion into the Senior Foreign Service to the class indicated, effective August 8, 1982:

Career member of the Senior Foreign Service, class of Counselor:

John F. Cannon, of Massachusetts.

IN THE AIR FORCE

The following cadets, U.S. Air Force Reserve Officers Training Corps, for appointment in the Regular Air Force in the grade of second lieutenant under the provisions of section 531, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force.

Alford, Howard L., xxx-xx-xxxx
Allen, Bruce A., xxx-xx-xxxx
Allen, Roy M., Jr., xxx-xx-xxxx
Amundson, Hugh A., xxx-xx-xxxx
Andres, Robert A., xxx-xx-xxxx
Andrews, Christopher J., xxx-xx-xxxx
Annecchini, Frank C., Jr., xxx-xx-xxxx
Anthony, David L., xxx-xx-xxxx
Applegate, Mark P., xxx-xx-xxxx
Ashelin, Keith F., xxx-xx-xxxx
Avollone, Curt V., xxx-xx-xxxx
Bakalian, Samuel R., Jr., xxx-xx-xxxx
Barlow, Robert G., xxx-xx-xxxx
Barr, James A., xxx-xx-xxxx
Bartlett, Paul K., Jr., xxx-xx-xxxx
Belfield, Christopher R., xxx-xx-xxxx
Bender, William J., xxx-xx-xxxx
Benitez, Nannette, xxx-xx-xxxx
Bennett, William IV, xxx-xx-xxxx
Benson, Bryan J., xxx-xx-xxxx
Betz, Kevin T., xxx-xx-xxxx
Biagini, Carlo A., xxx-xx-xxxx
Biermacher, Karl J., xxx-xx-xxxx
Binder, Sheri L., xxx-xx-xxxx
Bingham, Marc S., xxx-xx-xxxx
Bolton, Gary C., xxx-xx-xxxx
Bowles, Jeffrey B., xxx-xx-xxxx
Bowser, Marvin J., xxx-xx-xxxx
Boyd, Keats F., III, xxx-xx-xxxx
Brady, Brian J., xxx-xx-xxxx
Bratton, Randolph M., xxx-xx-xxxx
Bresette, Richard H., Jr., xxx-xx-xxxx
Bricker, Christopher L., xxx-xx-xxxx
Brodsky, Beryl L., xxx-xx-xxxx
Brown, Gary W., xxx-xx-xxxx
Bunty, George, xxx-xx-xxxx
Burke, Darryl W., xxx-xx-xxxx
Burke, John D., xxx-xx-xxxx
Butler, Perry L., xxx-xx-xxxx
Byrne, Rudolph T., xxx-xx-xxxx
Cain, Mark T., xxx-xx-xxxx
Carlin, Bernard T., Jr., xxx-xx-xxxx
Carsten, Elizabeth T., xxx-xx-xxxx
Carter, Jesse D., xxx-xx-xxxx
Celentano, Ronald J., xxx-xx-xxxx
Charchian, Daniel J., xxx-xx-xxxx
Charles, Kyle A., xxx-xx-xxxx
Chartrand, Michael K., xxx-xx-xxxx
Childs, Beth A., xxx-xx-xxxx
Childs, Clayton W., xxx-xx-xxxx
Christensen, Elise A., xxx-xx-xxxx
Chrostowski, Andrew E., xxx-xx-xxxx
Clark, Jerald V., xxx-xx-xxxx
Claypool, William R., III, xxx-xx-xxxx
Clifton, James D., xxx-xx-xxxx
Cobern, William V., xxx-xx-xxxx
Cockerill, Mickey D., xxx-xx-xxxx
Cole, Ma K. K., xxx-xx-xxxx
Coleman, Catherine G., xxx-xx-xxxx
Coleman, Gerald P., Jr., xxx-xx-xxxx
Comer, Thomas R., xxx-xx-xxxx
Commo, Michael J., xxx-xx-xxxx
Compton, Michael B., xxx-xx-xxxx
Conlon, Susan E., xxx-xx-xxxx
Coombs, Matthew E., xxx-xx-xxxx
Cosby, Michael G., xxx-xx-xxxx
Cosgrove, Colin B., Jr., xxx-xx-xxxx
Costa, John, F., Jr., xxx-xx-xxxx
Costales, Glen D., xxx-xx-xxxx
Covington, Anthony B., xxx-xx-xxxx
Cowan, Robin P., xxx-xx-xxxx
Cox, Kevin S., xxx-xx-xxxx
Cox, Susan A., xxx-xx-xxxx
Craddock, Amy S., xxx-xx-xxxx
Cramer, James H., xxx-xx-xxxx

Crane, Ronald H., xxx-xx-xxxx
Croon, Gregory S., xxx-xx-xxxx
Crowder, Blake D., xxx-xx-xxxx
Czapiewski, Michael R., xxx-xx-xxxx
Dabbs, Dana L., xxx-xx-xxxx
Daub, Leo E., xxx-xx-xxxx
Davidson, William T., xxx-xx-xxxx
Decesari, Mark, xxx-xx-xxxx
Delagarrigue, John E., III, xxx-xx-xxxx
Deleeuw, John F., xxx-xx-xxxx
Denney, Jay T., xxx-xx-xxxx
Denton, James A., xxx-xx-xxxx
Deremer, Lee E., xxx-xx-xxxx
Dewan, Raman N., xxx-xx-xxxx
Dickenson, Kirk R., xxx-xx-xxxx
Dodson, Jon C., xxx-xx-xxxx
Dowden, Paul E., xxx-xx-xxxx
Driessnack, John D., xxx-xx-xxxx
Ducker, Terri J., xxx-xx-xxxx
Duddy, Brian J., xxx-xx-xxxx
Eastman, David J., xxx-xx-xxxx
Eden, Keith L., xxx-xx-xxxx
Edlind, Carol R., xxx-xx-xxxx
Erickson, Lynne E., xxx-xx-xxxx
Esposito, Andrea M., xxx-xx-xxxx
Evanovich, Paul G., xxx-xx-xxxx
Evans, Jeffrey A., xxx-xx-xxxx
Everhart, Carlton D., xxx-xx-xxxx
Eversole, Kurt T., xxx-xx-xxxx
Farmer, Rebecca L., xxx-xx-xxxx
Feehs, David A., xxx-xx-xxxx
Ferguson, Craig D., xxx-xx-xxxx
Ferrero, Joachim P., xxx-xx-xxxx
Fields, Frank E., xxx-xx-xxxx
Fillmore, Brian G., xxx-xx-xxxx
Fletcher, Daniel A., xxx-xx-xxxx
Folsom, David C., xxx-xx-xxxx
Fortmann, Troy A., xxx-xx-xxxx
Foulk, Zachary H., xxx-xx-xxxx
Fox, Eric Edward, xxx-xx-xxxx
Frazier, Coennie F., xxx-xx-xxxx
Fredell, Robert S., xxx-xx-xxxx
Friend, Terry N., xxx-xx-xxxx
Furlong, Rebeca, xxx-xx-xxxx
Garcia, Oswaldo, Jr., xxx-xx-xxxx
Gardner, Wonzie L., Jr., xxx-xx-xxxx
Gass, Robert F., xxx-xx-xxxx
Gates, Percival T., III, xxx-xx-xxxx
Gayton, James P., xxx-xx-xxxx
Gehringer, Ralph W., xxx-xx-xxxx
Geis, John P., II, xxx-xx-xxxx
Gesellschap, Wayne R., xxx-xx-xxxx
Gibson, Suzanne J., xxx-xx-xxxx
Glance, Walter J., Jr., xxx-xx-xxxx
Gochenaur, John E., xxx-xx-xxxx
Graney, Mark M., xxx-xx-xxxx
Griffin, Edward M., xxx-xx-xxxx
Gunter, Dana L., xxx-xx-xxxx
Hall, David J., xxx-xx-xxxx
Hamilton, Kirk L., xxx-xx-xxxx
Hampton, James D., xxx-xx-xxxx
Hancock, William T., xxx-xx-xxxx
Hanford, Kevin M., xxx-xx-xxxx
Harbin, Gregory A., xxx-xx-xxxx
Harris, Steven, xxx-xx-xxxx
Haueter, Kenneth P., xxx-xx-xxxx
Havard, Richmond S., Jr., xxx-xx-xxxx
Hawkins, Allen D., xxx-xx-xxxx
Heier, Jeffrey E., xxx-xx-xxxx
Henry, Eugene H., xxx-xx-xxxx
Hepner, John J., xxx-xx-xxxx
Hertz, John F., Jr., xxx-xx-xxxx
Hesse, Paul J., xxx-xx-xxxx
Hildenburg, Stephen R., xxx-xx-xxxx
Hockett, William N., xxx-xx-xxxx
Hodgkins, Steven E., xxx-xx-xxxx
Hoffman, Lawrence A., xxx-xx-xxxx
Holloway, Davis L., xxx-xx-xxxx
Hostettler, Ronald A., xxx-xx-xxxx
Hudgens, Michael W., xxx-xx-xxxx
Hufford, Diane K., xxx-xx-xxxx
Hughes, Charles H., Jr., xxx-xx-xxxx
Hunt, Jeffery A., xxx-xx-xxxx
Hunter, Stephen E., xxx-xx-xxxx
Hutchins, Mark E., xxx-xx-xxxx
Ilnitzki, Stephen P., xxx-xx-xxxx
Irwin, Don C., xxx-xx-xxxx
Ivins, Kelly J., xxx-xx-xxxx
Jacobson, Jennifer S., xxx-xx-xxxx
Jacques, David R., xxx-xx-xxxx
Jeffrey, Derek N., xxx-xx-xxxx
Jones, Carelton W., xxx-xx-xxxx
Jones, Derek S., xxx-xx-xxxx
Jones, Wilmer T., III, xxx-xx-xxxx
Joyce, Patrick M., xxx-xx-xxxx
Joyner, Paula L., xxx-xx-xxxx
Kashimoto, Joy A., xxx-xx-xxxx
Keller, Justin M., xxx-xx-xxxx
Kilpatrick, Maurice L., Jr., xxx-xx-xxxx
Kindler, Ralph P., xxx-xx-xxxx
King, James R., xxx-xx-xxxx
Kinney, Stevens P., III, xxx-xx-xxxx
Kirkpatrick, James E., xxx-xx-xxxx
Knight, Marvin D., xxx-xx-xxxx
Knights, Markham C., xxx-xx-xxxx
Koechle, Mark E., xxx-xx-xxxx
Kohout, Shirley R., xxx-xx-xxxx
Kondas, David M., xxx-xx-xxxx
Konneker, David P., xxx-xx-xxxx
Krisp, Theron L., xxx-xx-xxxx
Krumm, Kimberly K., xxx-xx-xxxx
Kunz, Andrea, xxx-xx-xxxx
Kuwashima, Gary R., xxx-xx-xxxx
Lake, Thomas L., xxx-xx-xxxx
Lang, Jerry M., xxx-xx-xxxx
Laughbaum, Ronald K., xxx-xx-xxxx
Lawlis, Mark C., xxx-xx-xxxx
Laxton, Gregory E., xxx-xx-xxxx
Leach, Robin A., xxx-xx-xxxx
Lee, Donald D., xxx-xx-xxxx
Lee, Gregory D., xxx-xx-xxxx
Lewis, Joseph J., xxx-xx-xxxx
Lima, Peter, Jr., xxx-xx-xxxx
Lindley, Virginia M., xxx-xx-xxxx
Lindsey, Mark W., xxx-xx-xxxx
Lorenzo, George M., xxx-xx-xxxx
Lovelady, Wylie E., III, xxx-xx-xxxx
Lowry, Stephen P., xxx-xx-xxxx
Maga, Darlene, xxx-xx-xxxx
Magazu, Brian, xxx-xx-xxxx
Maneely, Mark A., xxx-xx-xxxx
Mattson, Douglas D., xxx-xx-xxxx
Maynard, Helen L., xxx-xx-xxxx
Mayo, Jeffrey R., xxx-xx-xxxx
McAlum, Gary D., xxx-xx-xxxx
McCain, John M., xxx-xx-xxxx
McCain, Moira M., xxx-xx-xxxx
McCausland, Patrick D., xxx-xx-xxxx
McCaw, Donna J., xxx-xx-xxxx
McCoy, Wayne L., Jr., xxx-xx-xxxx
McIntosh, Paul D., xxx-xx-xxxx
McIntyre, Marsue A., xxx-xx-xxxx
McKinney, Jeffrey B., xxx-xx-xxxx
McLaughlin, Thomas E., xxx-xx-xxxx
McLeod, Jerome N., III, xxx-xx-xxxx
McManus, Jeffrey J., xxx-xx-xxxx
McMinn, William B., xxx-xx-xxxx
McNamara, Margaret R., xxx-xx-xxxx
McSpadden, Richard G., xxx-xx-xxxx
Melitz, Stephan J., xxx-xx-xxxx
Melroy, Pamela A., xxx-xx-xxxx
Melucas, Marc P., xxx-xx-xxxx
Miller, Mikel M., xxx-xx-xxxx
Mills, William G., xxx-xx-xxxx
Moore, Glenn R., xxx-xx-xxxx
Moore, Kelly A., xxx-xx-xxxx
Moriset, Stephen M., xxx-xx-xxxx
Morris, Michael F., xxx-xx-xxxx
Morrison, Bradley S., xxx-xx-xxxx
Mueller, Michael R., xxx-xx-xxxx
Mullins, William M., xxx-xx-xxxx
Murphy, Thomas J., xxx-xx-xxxx
Nally, James J., xxx-xx-xxxx
Negron, David, Jr., xxx-xx-xxxx
Nickson, Mark M., xxx-xx-xxxx
Norris, Cletus G., xxx-xx-xxxx
Northcutt, Christopher R., xxx-xx-xxxx
Novicki, Claudia Lee, xxx-xx-xxxx
Nutt, William D., xxx-xx-xxxx
Ogden, Royden K., III, xxx-xx-xxxx
Oliver, Brendaly N. A., xxx-xx-xxxx
Oliver, Jeanne D., xxx-xx-xxxx
Oniell, Inga M., xxx-xx-xxxx
Orth, William C., xxx-xx-xxxx
Owens, Marc E., xxx-xx-xxxx
Packard, Mark Alan, xxx-xx-xxxx
Painter, Blaine J., xxx-xx-xxxx
Painter, Daniel Q., xxx-xx-xxxx
Paradies, William T., xxx-xx-xxxx
Parker, Stuart B., xxx-xx-xxxx
Pelletier, Gary M., xxx-xx-xxxx
Petersen, Karl S., xxx-xx-xxxx
Pohly, Daniel D., xxx-xx-xxxx
Pollard, Todd J., xxx-xx-xxxx
Powers, Winston D., xxx-xx-xxxx
Prestage, Jeffrey, xxx-xx-xxxx
Rasmussen, Kevin D., xxx-xx-xxxx
Reed, Rodney E., xxx-xx-xxxx
Reynolds, David L., xxx-xx-xxxx
Roberts, Craig A., xxx-xx-xxxx
Rodgers, Louis Q., xxx-xx-xxxx
Rodgers, Clark T., xxx-xx-xxxx
Ruegg, Raymond S., xxx-xx-xxxx
Russell, Barbara A., xxx-xx-xxxx
Rylander, Bart I., xxx-xx-xxxx
Sabin, Lynda K., xxx-xx-xxxx
Sanborn, Roderick S., xxx-xx-xxxx
Santiago, Canting Jaun R., xxx-xx-xxxx
Satrom, John B., xxx-xx-xxxx
Sawin, Norman O., Jr., xxx-xx-xxxx
Sawyer, Randolph W., xxx-xx-xxxx
Scheller, Anna J., xxx-xx-xxxx
Schelling, Mark E., xxx-xx-xxxx
Schmitt, David L., xxx-xx-xxxx
Schneidmiller, Walter E., xxx-xx-xxxx
Scotland, Jamie C., xxx-xx-xxxx
Shefchik, Gary L., xxx-xx-xxxx
Shields, John F., xxx-xx-xxxx
Shomper, Keith A., xxx-xx-xxxx
Shultz, Ellen Lee, xxx-xx-xxxx
Simpson, Judy D., xxx-xx-xxxx
Slotness, Glenn N., xxx-xx-xxxx
Sly, Thomas P., xxx-xx-xxxx
Smith, Garland D., xxx-xx-xxxx
Smith, Michael A., xxx-xx-xxxx
Smoots, Renard H., xxx-xx-xxxx
Sopko, Michael E., xxx-xx-xxxx
Sorice, Steven J., xxx-xx-xxxx
Stauffer, John D., xxx-xx-xxxx
Steadman, Anthony L., xxx-xx-xxxx
Stearns, James R., xxx-xx-xxxx
Stetina, Clara L., xxx-xx-xxxx
Stewart, Susan J., xxx-xx-xxxx
Stoehr, Daniel J., xxx-xx-xxxx
Sullivan, Kevin L., xxx-xx-xxxx
Swartz, Robert L., xxx-xx-xxxx
Sylvester, Carla S., xxx-xx-xxxx
Szeles, David R., xxx-xx-xxxx
Taggett, Jon G., xxx-xx-xxxx
Tate, Robert F., xxx-xx-xxxx
Taylor, Christopher L., xxx-xx-xxxx
Taylor, Glenn M., xxx-xx-xxxx
Taylor, Jack W., xxx-xx-xxxx
Taylor, John R., xxx-xx-xxxx
Theisen, Eric E., xxx-xx-xxxx
Tifford, Franklin G., xxx-xx-xxxx
Tonn, Lisa H., xxx-xx-xxxx
Treat, Darryl G., xxx-xx-xxxx
Tucker, Allan T., Jr., xxx-xx-xxxx
Tucker, Eugene L., xxx-xx-xxxx
Turner, Timothy P., xxx-xx-xxxx
Unwin, Gregg W., xxx-xx-xxxx
Van Wirt, Peter M., xxx-xx-xxxx
Vangerpen, Merrill W., xxx-xx-xxxx
Vaughn, Robert B., xxx-xx-xxxx
Vigstol, David J., xxx-xx-xxxx
Walker, Richard N., xxx-xx-xxxx
Wallen, Carter S., xxx-xx-xxxx
Wallin, John E., xxx-xx-xxxx
Watson, Everett D., xxx-xx-xxxx
Watts, Claudius E., IV, xxx-xx-xxxx
Waugh, Paul C., xxx-xx-xxxx

Weimer, James R., xxx-xx-xxxx
Weirath, Harry Charles, xxx-xx-xxxx
Weisz, David L., xxx-xx-xxxx
White, Nancy R., xxx-xx-xxxx
Whitehurst, Ralph Alan, xxx-xx-xxxx
Williams, Donald F., xxx-xx-xxxx
Williams, Frederick E., xxx-xx-xxxx
Williams, Thomas L., xxx-xx-xxxx
Willits, Craig J., xxx-xx-xxxx
Wood, Mark K., xxx-xx-xxxx
Worley, George J., xxx-xx-xxxx
Wright, James C., xxx-xx-xxxx
Yocum, Susan D., xxx-xx-xxxx
Young, Philip M., xxx-xx-xxxx

IN THE NAVY

The following-named Naval Reserve officers for permanent appointment in the Line or staff corps of the U.S. Navy in the permanent grade of ensign, subject to qualification therefor as provided by law:

Cox, Steven C.
Dishong, Larry A.
Dunlea, Fred W.
Grieco, Louis W.
Lessard, Bernard O.
Molter, Steven I.
Moranville, Ronald B.
Moulton, Jeffrey C.
Oservig, Brian J.
Raisor, Ralph C.
Rogge, Stephan A.
Tuggle, Terry L.
Turner, Henry V.
Weatherbie, Malcolm L.
Yehlen, Mark H.

Chief Warrant Officer, W-3 Michael D. Stone, U.S. Navy, to be appointed a permanent chief warrant officer, W-2, in the U.S. Navy, subject to qualification therefor as provided by law.

Lawrence G. Armstrong, Navy enlisted candidate, to be appointed a permanent chief warrant officer, W-2, in the U.S. Navy, subject to qualification therefor as provided by law.

Chief Warrant Officer, W-3 Richard E. Goldsberry, U.S. Navy, retired, to be reappointed a temporary chief warrant officer, W-3 from the Temporary Disability Retired List, subject to qualification therefor as provided by law.

Commander William R. Hix, ex-U.S. Navy Officer, to be appointed a permanent captain in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

Bernard W. Freund, Jr., medical college graduate, to be appointed a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

Gerald J. Morrow, ex-Naval Reserve officer, to be appointed a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

Commander Peter L. Washburn, U.S. Navy, to be appointed a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

IN THE NAVY

The following-named Navy enlisted candidates to be appointed permanent chief warrant officer, W-3, in the U.S. Navy, subject to qualification therefor as provided by law:

NAVY ENLISTED CANDIDATES

CHIEF WARRANT OFFICER, W-3 PERMANENT

Barfield, Johnny F.
Cantu, Alberto Jr.
Duncan, Donald L.
Hall, Burl G.
Johnson, James C.
Krabbe, Richard B.
Niccum, Harold E.
Thompson, Peter L.

The following-named Navy enlisted candidates to be appointed permanent chief warrant officer, W-2, in the U.S. Navy, subject to qualification therefor as provided by law:

CHIEF WARRANT OFFICER, W-2, PERMANENT

Aboy, Jose N.
Akers, James T.
Allen, Billy G., Jr.
Bailey, Edwin E.
Bails, John D., Jr.
Barrett, Michael G.
Barrois, Joseph P., Jr.
Bazzell, Larry G.
Berkner, Thomas C.
Bjella, Neil H.
Bradley, Gerald W.
Branch, Milton, E., Jr.
Brasher, Danny E.
Brown, Donald R.
Buchanan, Dennie W.
Buckler, William K.
Burrows-Johnson, John H.
Campbell, Robert D.
Chadwick, John S., Jr.
Coates, James D.
Collins, William A.
Davenport, Roy A., Jr.
Dodson, Herbert C.
Donaldson, James R.
Doster, James W.
Doty, John A.
Drenning, David R.
Eaves, William D.
Emery, Theo. W.
Filipiak, John P., Jr.
Flannagan, John J., Jr.
Flood, George, III
Foley, Thomas C.
Gabriel, Reynaldo L.
Garcia, Oscar S.
Garrett, Marcus J.
Grant, Robert J., Jr.
Harrison, Donald E.
Hobson, Timothy W.
Hoover, Stephen W.
Horowitz, Dennis C.
Huntington, Ronald C.
James, Dan P.
Jemison, Samuel E., Jr.
Josafat, Rogelio C.
Joy, Daniel P.
Keegan, Michael J.
Kogutiewicz, Stanley C.
Lassen, Donald L.
Lindblad, Lonnie L.
Mahoney, Timothy M.
Marting, Lloyde M., Jr.
Mason, Jerry W.
Mason, Kenneth D.
Mason, Ronald W.
McCall, Kenneth E.
Medina, Avelino M.
Melvin, Robert B., Jr.
Merz, Stephen F.
Mistler, Dennis L.
Mitchell, Henry L.
Mustoe, James L.
Myers, Paul P.
Nichols, Eddie D.
Nycz, Edmund T., Jr.
Oldman, William G.
Olsen, Calvin D.
Palermo, Adonis D.
Palmer, Ralph J., Jr.
Palmos, William P.
Post, Edwin M.
Pray, John H.
Quinonez, Salvador R.
Rainey, Robert E.
Raley, George M.
Reeves, Dennis R.
Roddy, Eugene J., Jr.
Scott, Paul A.
Scroggins, Nathaniel O.
Shabazz, William Y.
Slicer, Donald W.
Smith, Patrick L.
Stanley, Fred E.
Stevens, David R.
Stevens, Earl
Stewart, Paul C.
Thomas, James S.
Thome, Allan J.
Thompson, Steven G.
Troup, Sammy L.
Turner, Walter H.
VanWyck, Wayne J.
Walker, Lee E.
Walsh, Ronald L.
Wardell, Roger D.
Warren, Paul G.
Weaver, Howard V.
Weed, William J.
Weierbach, John A., III
Weisser, Robert C.
Wildberger, Arthur B.
Wojtyto, John P.
Wood, William A.

HOUSE OF REPRESENTATIVES—*Monday, July 25, 1983*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for all the gifts that You have given, and especially are we thankful for the gift of hope. As we see the havoc and destruction that results from conflict between nations and peoples we pray that our attitudes will not be hardened in despair or that we will become cynical about the possibilities for peace. Remind us that Your power and purpose support us in our quest for understanding, so that we, armed with the hope You have given, will continue to be ambassadors of good will, of messengers of peace. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1935. An act to ratify an exchange agreement concerning National Wildlife Refuge System lands located on Matagorda Island in Texas.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1469. An act to amend title 18 of the United States Code relating to the sexual exploitation of children.

SAVINGS AND LOANS MISREADING PROVISIONS OF GARN BILL

(Mr. WEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEAVER. Mr. Speaker, I am concerned that some savings and loans are using the Garn-St Germain bill to browbeat some of their customers who need to sell their mortgaged properties into raising the interest rate to the buyers.

The due-on-sale provision of the Garn bill enacted in 1982 has nothing to do with the contractual agreements on interest rates. It simply precludes States from outlawing due-on-sale provisions.

But some savings and loans threaten their mortgagors by saying the Garn provisions makes creditworthy provisions of the mortgages due-on-sale provisions. This is simply not the case. This deliberate misreading of the law should be looked into.

LOOK-ALIKE DRUGS

(Mr. SISISKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SISISKY. Mr. Speaker, several localities in my district are troubled by retail outlets which specialize in selling so-called look-alike drugs to young people. The drugs consist primarily of caffeine and ephedrine. But they are sold to teenagers and children with promises that they will perform just like amphetamines. They are advertised and sold under names like pink footballs, black mollies, or pink hearts.

If these drugs were harmless frauds, then parents and teachers in cities like Portsmouth and Chesapeake, Va. would not be so alarmed. But, these drugs do pose a serious health risk. Taken in large enough quantities, they can and do act like amphetamines. Young people are taking heavy dosages of these drugs for just this effect. They then suffer extreme agitation, hysteria, depression or manic behavior.

I asked the Food and Drug Administration for help. I have asked the FDA to subject these drugs to their approval or to place them on the controlled substances list. I have also introduced legislation which would make these substances illegal.

I hope that the FDA can move quickly to help now as it has done in the past. Failing that, we in the Congress must solve this problem.

COAL LEASING MORATORIUM

(Mr. YATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YATES. Mr. Speaker, after reviewing the Powder River basin coal leasing sale in April 1982, the GAO found that the Secretary of the Interior had failed to receive fair market value by at least $100 million. The GAO report recommended that there be no further leasing until the Department corrected deficiencies in its leasing procedures.

The Appropriations Subcommittee on Interior and Related Agencies adopted the recommendation of the GAO in the 1983 supplemental appropriations bill and provided, for a moratorium on coal leasing during the remainder of fiscal year 1983. The subcommittee also included a moratorium in the appropriations bill for the Department of the Interior and related agencies for fiscal year 1984. At the same time, it provided for creating an independent commission to review the coal leasing procedures and within 6 months to make recommendations for changes in the Department's leasing procedures and to make appropriate changes to strengthen the program in the public interest. The provisions were subsequently approved by the full Appropriations Committee and by the House.

In the conference on the fiscal year 1983 supplemental appropriations bill last week, one of the most spirited discussions related to the coal leasing moratorium. When it appeared that the coal lease sale scheduled by the Secretary of the Interior later this year had slipped to late August and probably for the remainder of fiscal year 1983, the House conferees receded to the demand of the Senate and agreed to vacate the moratorium in the supplemental. In exchange the Senate agreed to advance the appointment of the commission to review the coal leasing program.

Mr. Speaker, the provision for a moratorium in fiscal year 1984 until the commission reports and its recommendations are adopted, is still in force and effect in the appropriations bill for the Department of the Interior, approved by the House, which is now pending in the other body. As the GAO report makes clear, the provision is important in order to protect the American public against giveaway coal-leasing practices and to assure fair value to the American people for their resources. I believe the House position should be sustained.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

CLASSIFIED ANNEX TO THE INTELLIGENCE AUTHORIZATION BILL

(Mr. BOLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOLAND. Mr. Speaker, I would like to announce that the classified annex to the report of the Permanent Select Committee on Intelligence—House Report 98-189, part 1—to accompany H.R. 2968, the Intelligence Authorization Act for fiscal year 1984, will be available to all Members of the House henceforth at the offices of the committee, room H-405 of the Capitol, from 9 a.m. to 5 p.m. The classified annex provides a detailed description of the intelligence budget and the committee's recommendations for the authorization bill which will be considered by the House within the next few weeks.

LEGISLATION PROVIDING PAYMENT OF OPERATING EXPENSES OF FEDERAL ELECTION COMMISSION

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, today I am introducing legislation to provide for payment of the operating expenses of the Federal Election Commission from the Presidential Election Campaign Fund.

A large share of the operating expenses for the national conventions of our major political parties are paid from the Presidential Election Campaign Fund. I believe the financial requirements of the Federal Election Commission should have first priority in the dispensing of funds so made available.

Section 9006 of the Internal Revenue Code establishes the Presidential Election Campaign Fund on the books of the Treasury of the United States. Section 6096 of the Code provides for the voluntary designation by the individual taxpayer of $1 (or $2 in the case of a joint return) for transfer to the Presidential Election Campaign Fund from the general fund of the Treasury. It is the Treasury's experience that $34 million to $35 million are voluntarily designated to the fund annually by 25 percent to 28 percent of the taxpayers filing returns.

Payments from the Presidential Election Campaign Fund are now made by the Treasury upon certification by the Commission. Payments are made to eligible political candidates to help defray the costs of Presidential primary and general elections, and to eligible national political parties to help defray the costs of Presidential nominating conventions. Under the bill I am introducing today, payment would also be made to defray the costs of operating the Commission. The Commission estimates there will be $200 million available to defray costs of the 1984 political campaign.

During the 4-year cycle beginning January 1, 1977, and ending December 31, 1980, $156 million were designated to the fund. At the beginning of the cycle there was a $23 million balance in the fund. From the $179 million available, $100.6 million were expended on the 1980 presidential election campaign as follows: $29.7 million were paid to 10 primary election candidates, $62.8 million were paid to 2 general election candidates, and $8.1 million were paid to 2 political parties. In the event there is ever an insufficient amount in the fund, section 9006(c) provides for pro rata sharing of the available sum.

The Federal Election Commission operating budget for the fiscal year 1980 was $8,946,000; for fiscal year 1981, $9,662,000; for fiscal year 1982, $9,174,307, and for fiscal year 1983, $9,787,408. The adoption of my bill would reduce the Federal budget by at least these amounts annually.

Mr. Speaker, I urge my colleagues to support this measure so that all necessary operational costs of Federal elections can be paid from the same fund.

CONGRESS SHOULD VOTE "NO" TO INCREASING COMMITMENT TO IMF

(Mr. BATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, I rise today to speak in opposition to the administration request for an additional $8.4 billion in funding for the International Monetary Fund.

I cannot stress strongly enough that with this request for additional funding, the President seeks to shift the responsibility for imprudent foreign loans issued by U.S. banks to the shoulders of the American taxpayer.

The banks would be only too happy to see this additional funding appropriated. In all probability, our $8.4 billion will be used by debtor countries to service the interest on currently outstanding loans issued by City Corp., Chemical Bank, and others. In essence, the American taxpayer is being asked to insure that repayment of these loans—to bail out the banks.

I cannot, in good conscience, advocate the appropriation of another dollar of our citizens' hard earned money to line the coffers of our banking institutions, or to increase the size of the International Money Fund. Our current contribution to the fund of $10 billion is already a substantial burden for the United States to bear in the light of our own Federal budget deficit of $200 billion.

It is not the responsibility of the American taxpayer to bail out the banks. Let us stand "no" on increasing our already sizable commitment to the Fund.

DRAFT REGISTRATION

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I rise to respectfully request all my colleagues to point out to their constituents that several recent developments concerning draft registration clearly indicate the Government's intent to enforce this obligation, so vital to our national security.

First, the U.S. Supreme Court has unanimously cleared the way for the enforcement of an amendment I was privileged to offer on the House floor about 1 year ago, denying Federal aid to students who fail to register for the draft.

Second, Mr. Speaker, the Selective Service System has announced plans to forward to the Justice Department the names of 70,000 young men for possible prosecution for their willful refusal to register.

And finally, a U.S. appeals court in California has just overturned a lower court ruling, ordering the prosecution of draft protester David Alan Wayte. This decision lays to rest once and for all, Mr. Speaker, any question as to the legality of the Presidential proclamation ordering draft registration.

Mr. Speaker, may I remind my colleagues and all Americans of the twin purpose for these actions. First, we seek to educate young men that draft registration exists as a fundamental obligation essential to the preservation of freedom. And second, we want to let the handful of resisters know that the Government means business when it comes to enforcing this obligation.

Our efforts have been successful. Compliance rates have risen from 75 percent to nearly 99 percent over the past 2 years. Over 10 million patriotic young Americans have lived up to their obligation to the law and to their country. I commend all of them.

A TRIBUTE TO MRS. REVA BECK BOSONE

(Mr. NIELSON of Utah asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NIELSON of Utah. Mr. Speaker, I rise today to pay tribute to Mrs. Reva Bosone, the first woman elected to Congress from my home State of Utah, who died last week of congestive heart failure at the age of 88.

Mrs. Bosone was a remarkable woman, and accomplished during her

88 years enough to fill many lifetimes. She was perhaps best known for her political career. In an era long before our national attention focused on women's rights, Mrs. Bosone was elected to two terms in the Utah State Legislature and was the first woman to serve as its majority leader. While there, she authored a landmark wage-and-hour law for women and children and became known for her battle on behalf of child labor and unemployment insurance laws. She was also a respected judge with a reputation of being very strict with violators of Utah drunk driving laws.

The first woman from Utah elected to the U.S. Congress, she was a respected member of both the House Interior and the House Administration Committees. Continuing in her commitment to the protection of women and children, she served on a special congressional committee designed to battle pornography.

An educated and articulate attorney, she acted as legal counsel to the House Education and Labor Committee. Until her retirement in 1968, she was chairman of the post office's contract board of appeals.

It is difficult to try to pinpoint any one accomplishment of a woman so dedicated to the fight against the corrupting forces of society. We will remember her with pride for all she achieved and for all she represented.

FOURTEENTH ANNUAL REPORT OF THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS AND NATIONAL HOUSING PARTNERSHIP—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Banking, Finance and Urban Affairs:

(For message, see proceedings of the Senate of today, July 25, 1983.)

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION'S ANNUAL REPORT FOR 1982—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Public Works and Transportation:

(For message, see proceedings of the Senate of today, July 25, 1983.)

□ 1215

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules and on each question of passing bills on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 or rule XV.

Such rollcall votes, if postponed, will be taken on Tuesday, July 26, 1983.

DISTRICT OF COLUMBIA BUSINESS

The SPEAKER. This is District of Columbia Day. The Chair recognizes the gentleman from California (Mr. DELLUMS), chairman of the Committee on the District of Columbia.

TRANSFERRING PAROLE AUTHORITY TO THE DISTRICT OF COLUMBIA

Mr. DELLUMS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 3369) to give to the Board of Parole for the District of Columbia exclusive power and authority to release on parole, to terminate the parole of, and to modify the terms and conditions of the parole of, prisoners convicted of violating any law of the District of Columbia, or any law of the United States applicable exclusively to the District, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3369

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The first sentence of the first section of the Act entitled "An Act to reorganize the system of parole of prisoners convicted in the District of Columbia", approved July 17, 1947 (D.C. Code, sec. 24-201a; 61 Stat. 378), is amended by striking out "for the penal and correctional institutions of the District of Columbia" and inserting in lieu thereof "for prisoners convicted of violating any law of the District of Columbia or any law of the United States applicable exclusively to the District of Columbia".

SEC. 2. The Act entitled "An Act to establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes", approved July 15, 1932 (D.C. Code, sec. 24-203 through sec. 23-209; 47 Stat. 696-699), is amended—

(1) in section 6 (D.C. Code, sec. 24-206)—

(A) by striking out "(a)" in subsection (a); and

(B) by striking out subsection (b); and

(2) by striking out section 10 (D.C. Code, sec. 24-209) and inserting in lieu thereof the following new section:

"SEC. 10. The Board of Parole for prisoners convicted of violating any law of the District of Columbia or any law of the United States applicable exclusively to the District of Columbia, created pursuant to the first section of the Act entitled 'An Act to reorganize the system of parole of prisoners convicted in the District of Columbia', approved July 17, 1947 (D.C. Code, sec. 24—201a; 61 Stat. 378), has exclusive power and authority, subject to the provisions of this Act, to release on parole, to terminate the parole of, and to modify the terms and conditions of the parole of, any prisoner convicted of violating a law of the District of Columbia, or a law of the United States applicable exclusively to the District of Columbia, regardless of the institution in which the prisoner is confined.".

SEC. 3. Section 304(a) of the District of Columbia Law Enforcement Act of 1953 (D.C. Code, sec. 4-134(a); 67 Stat. 100) is amended by striking out ", or the United States Board of Parole has authorized the release of a prisoner under section 6 of that Act, as amended (D.C. Code, sec. 24-206),".

SEC. 4. (a) After the date of enactment of this Act, individuals convicted of violating both a law of the District of Columbia (including any law of the United States applicable exclusively to the District) and a law of the United States shall be given separate and distinct sentences for such convictions.

(b) The United States Board of Parole shall retain parole authority over individuals who, prior to the date of enactment of this Act, received unified sentences for violations of both a law of the District of Columbia (including any law of the United States applicable exclusively to the District of Columbia) and a law of the United States.

SEC. 5. Within one year after the date of enactment of this Act, the Board of Parole for the District of Columbia, under applicable guidelines, shall make parole eligibility determinations and shall set a date certain for full parole hearing for all individuals brought within the parole authority of such Board under this Act. Each such individual shall be notified in writing of any determinations made under this section.

SEC. 6. (a) The amendments made by sections 1, 2, and 3 of this Act shall take effect one year after the date of enactment of this Act.

(b) The provisions of sections 4 and 5 of this Act shall take effect on the date of enactment of this Act.

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this bill will correct an inequity in the present law and prevent local offender's from receiving unequal treatment.

Mr. Speaker, for a full explanation of the bill, H.R. 3369, I would suggest the recognition of my distinguished colleague, the gentleman from California (Mr. DYMALLY), who chairs the Subcommittee on Judiciary and Education of the Committee on the District of Columbia that brought forward the bill that we are considering in the House today.

Mr. DYMALLY. Mr. Speaker, I move to strike the last word.

(By unanimous consent, Mr. DYMALLY was allowed to proceed for 2 additional minutes.)

The SPEAKER. The gentleman from California (Mr. DYMALLY) is recognized for 7 minutes.

Mr. DYMALLY. Mr. Speaker, H.R. 3369 addresses longstanding constitutional and legal concerns underlining the present parole system as it affects men and women violators of D.C. laws confined to Federal correctional facilities.

Most importantly, this legislative proposal is consistent with the committee's historical concern to transfer greater, and ultimately, full home rule to the D.C. government.

Most male offenders of D.C. laws, Mr. Speaker, are incarcerated at Lorton correctional facility. However, approximately 20 percent of male D.C. offenders are placed in Federal facilities for special protection, selective custody and other reasons. This is a practice common to most States.

Due to a lack of appropriate correctional facilities in the Washington area for women, the majority of women offenders are confined at Alderson, W. Va., a Federal institution, nearly 300 miles from the District of Columbia.

Mr. Speaker, section 24-209 of the D.C. Code is the provision at the heart of the legislation before this House. This provision became law in 1934, nearly 50 years ago, as an amendment to the Board of Indeterminate Sentence and Parole Act of 1932. I would add, its enactment precedes the enactment of the Home Rule Act by almost 40 years.

Under section 24-209, parole authority over violators of District law is shared by the D.C. Board of Parole and the U.S. Parole Commission. Parole jurisdiction is determined by an offenders place of confinement.

In respective class action law suits, male and female D.C. offenders in Federal facilities have challenged the constitutionality of section 24-209. Male offenders, in Cosgrove against French Smith, argue that under section 24-209 parole decisions are to be made by the U.S. Parole Commission—according to D.C. criteria for parole eligibility.

The Court of Appeals, D.C. Circuit, recently considered this case, reversed and remanded it. It is still pending and likely will not go to trial for another year at least.

The female offenders case, Lana Phoebe Garnes against Patricia Taylor, filed in 1972, was settled in 1976 by an agreement of parties, commonly known as the Garnes decree. The U.S. Bureau of Prisons and the D.C. Department of Corrections officially implemented this decree in 1982, 6 years after settlement.

Combined, resolution of the constitutionality and equity of the present parole system and section 24-209 has been tied up in the courts for the last 10 years and remains tied up in a spiderweb of litigation.

This is the case because section 24-209 is in part ambiguous. Its ambiguity is largely related to an absence of clear legislative history as to the provision's legislative intent and the court of appeals realized this.

On this question, the court in Cosgrove noted:

> The import of Section 24-209 is an open question for us, despite—and complicated by—the fact that the statute is more than forty years old.

As the court agrees, section 24-209 is antiquated. For this body its antiquity is particulary revealing in view of congressional passage of the Home Rule Act in 1973. This act granted self-government authority to the District of Columbia and in many instances intended it to be treated like a State. Further, all States which presently house their prisoners in Federal institutions retain parole authority over them. The District should be treated likewise.

Hence, Mr. Speaker, the record before us virtually mandates appropriate legislative reconsideration of section 24-209. This is required in order to dissolve existing ambiguities regarding the provision's legislative intent and to consider the self-government and equity implications of the Home Rule Act of 1973.

Mr. Speaker, the cost associated with this legislation is minimum. It would save the Federal Government approximately $1 million and cost the District of Columbia somewhat less than that amount.

Mr. Speaker, this legislation is fair, wise, and equitable. It saves the Federal Government money. It takes unnecessary and costly litigation from the judiciary calendar and transfers appropriate parole authority and management responsibility to the Government of the District of Columbia.

The full committee has reported the bill to the floor with the full support of its majority and minority members. I ask that this House give a similar endorsement. I yield back the balance of my time.

Mr. McKINNEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, there is little that I can add to the statements already made concerning the particulars of this legislation. However, since I am not a lawyer, and since I know that some of our colleagues share that status with me, I will attempt to explain in simple terms what this bill seeks to accomplish, and why the Committee on the District of Columbia feels its enactment is important.

For the sake of example, I will use my home State of Connecticut, but it would make no difference which State one might choose. If an individual is convicted of violating the criminal code of the State of Connecticut, he or she would be ordered to serve a sentence in a State institution, and for the purposes of parole, would be subject to the decisions of the State parole board. If, for some reason, this individual could not serve the sentence in a State institution, say because of overcrowding or the unavailability of properly secure facilities, that person might instead serve the term in a Federal facility. But since the crime was a violation of the State codes, parole would still be determined and granted by the State parole board. The Federal Government would be reimbursed by the State of Connecticut for each day this prisoner is housed in the Federal institution, but that would be the extent of the involvement of the Federal Government.

While that scenario would be accurate no matter which State we are talking about, it would not be true in the case of the District of Columbia. Currently, any violator of the D.C. Criminal Code who is housed in a Federal prison facility is subject to the decisions of the U.S. Board of Parole. The powers of the D.C. Board of Parole with respect to those who violate the D.C. Code, are limited only to those violators housed in D.C. prisons or penal institutions.

Plainly stated, the determination of who has parole jurisdiction over an offender of the D.C. Code is based on the place of confinement, not on the law that was violated. I can think of no reason for the residents of the District of Columbia to be treated differently from the residents of any of the 50 States in this regard. It is, to the nonlawyer such as myself, a simple question of equity.

Mr. Speaker, I am of course pleased to recommend to the House any legislation which grants additional authority to the D.C. Government in dealing with local matters. This bill clearly falls into that category and I do urge its passage. I would hasten to add that with any additional authority comes additional responsibility. At the hearing held on this legislation it was made very clear that the caseload of the D.C. Parole Board will be dramatically increased when these provisions become law. Clearly, additional staffing and funding will be required in order to permit a responsible exercise of authority. We have addressed this potential problem by including in the bill a 1-year delay in the effective date of the operable provisions. In so doing, we are putting the city on notice that future budget submissions must contain additional resources allocated to the parole board. There will not be, as some have suggested, a special Federal contribution authorized to offset increased costs. I am confident that the city will rise to the challenge and ap-

prove whatever funding is necessary to finalize this step toward greater home rule.

Mr. Speaker, the gentleman from Virginia (Mr. BLILEY) is unable to be present at this time. He has asked me to inform the House of his complete support for this legislation. In addition, I wish to compliment Mr. BLILEY who, as ranking member of the Subcommittee on Judiciary and Education, has clearly exhibited his ability to faithfully deal with legislation in a bipartisan fashion, all the while never losing sight of the fact that the ultimate goal is to enact into law changes which are of mutual benefit to the city and the Congress.

U.S. ATTORNEY'S OFFICE RESPONSE TO ADMINISTRATION OPPOSITION

Comment. The transfer is premature and the D.C. Parole Board is not ready to assume additional responsibility.

Response. That is exactly why the bill has a one-year delay in the effective dates of the operable provisions. The Committee fully expects that the city will accept the responsibility that comes with this additional authority by including necessary resources in future budget submissions to Congress.

Comment. Parole standards for prisoners in Federal institutions should be consistent; this bill would apply different standards to D.C. offenders.

Response. Unfortunately, the parole standards for prisoners in Federal institutions are not now standardized, since nearly every State at one time or another houses their offenders in Federal prisons. In such cases, the State parole standards are applied. This bill would simply give D.C. offenders that same status.

Comment. Litigation is pending that could moot the need for this bill.

Response. I am not a lawyer, but my reading of the courts' deliberations on this issue is that a clarification of legislative intent is being requested. That statute in question is from 1934. Any legislative intent that could be ascertained would clearly be superseded by the fact that we passed the Home Rule Act in 1973. It is in the spirit of home rule that I feel this bill should go forward.

Mr. FAUNTROY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise in support of H.R. 3369, a bill to give to the Board of Parole for the District of Columbia exclusive power and authority to release on parole, to terminate the parole of, and to modify the terms and conditions of the parole of prisoners convicted of violating any law of the District of Columbia, or any law of the United States applicable exclusively to the District.

Uniformity and equality in decisionmaking concerning how D.C. prisoners are treated is a very difficult and elusive goal. That goal is made even more difficult and elusive under the present dual system which provides for some decisions to be made by the Federal parole authorities and some to be made by District parole authorities.

H.R. 3369 seeks to cure this problem. Its provisions are not only consistent with the manner in which most other States have addressed the issue of dealing with their inmates who are incarcerated in Federal facilities, but equally important, it is consistent with the idea of local self-government.

I believe most will agree that with the divided authority we now have regarding the release of a district prisoner on parole, the inevitable result is disparate treatment. No law, rule, regulation, or guideline can overcome such disparity. The only just solution is the creation of a single authority.

H.R. 3369 will affect some 1,200 D.C. prisoners now confined to Federal institutions. With the transfer of authority, some of these prisoners may ultimately be treated more leniently and some may be treated more harshly by the D.C. Parole Board than they would have been treated by the Federal Parole Board, but they will all be treated equal to other D.C. prisoners, and I believe they will be treated fairly.

We have purposely left implementation of this proposal wholly to the District Government. It can be done in any one of several ways currently used by other States. The cost will depend upon the chosen method of implementation. There will, however, be no cost to the Federal Government. All new costs will be assumed by the District Government, and even the most expensive method of implementation will involve minimal cost to the District.

Mr. Speaker, it should also be noted that this measure will help ease the threat of litigation which constantly looms as a result of the dual system we now have.

H.R. 3369 embodies concepts of fairness, equality and the spirit of home rule. Moreover, it comforms with the approach to this kind of problem that other States have used. I urge passaage of this bill. Thank you.

□ 1230

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

First of all, Mr. Speaker, I would like to thank my distinguished colleague, the ranking minority member of the full committee, the gentleman from Connecticut (Mr. MCKINNEY), for his candid and timely remarks.

Second, I would like to thank the gentleman from California (Mr. DYMALLY), and the gentleman from Virginia (Mr. BLILEY), for their diligence in pursuing this legislation and bringing it before the body today.

With that statement, Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ECKART). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NIELSON of Utah. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were refused.

So the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous matter, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3369, TRANSFERRING PAROLE AUTHORITY TO THE DISTRICT OF COLUMBIA

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill (H.R. 3369) to give the Board of Parole for the District of Columbia exclusive power and authority to release on parole, to terminate the parole of, and to modify the terms and conditions of the parole of, prisoners convicted of violating any law of the District of Columbia, or any law of the United States applicable exclusively to the District, the Clerk be authorized to correct section numbers, punctuation, and cross-references, and to make such other technical and conforming changes as may be necessary.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

TRANSFER OF TITLE TO THE DISTRICT OF COLUMBIA OF THE ROBERT F. KENNEDY STADIUM

Mr. DELLUMS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 3425) to amend the District of Columbia Stadium Act of 1957 to direct the Secretary of the Interior to convey to the Government of the District of Columbia all right, title, and interest to the Robert F. Kennedy Memorial Stadium vested in the United States, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3425

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the District of Columbia Stadium Act of 1957 (D.C. Code, sec. 2-326) is amended—

(1) by inserting "(a)" after "SEC. 7."; and

(2) by inserting after subsection (a) the following new subsections:

"(b) The Secretary of the Interior (hereinafter in this section referred to as the 'Secretary') shall convey without consideration to the government of the District of Columbia all right, title, and interest of the United States in and to the stadium constructed under this Act.

"(c) The conveyance of real property under subsection (b) shall be subject to such terms and conditions (which shall be set forth in the instrument of conveyance) as will insure that the property will be used only—

"(1) for stadium purposes,

"(2) for providing recreational facilities, open space, or public outdoor recreation opportunities, and

"(3) for such other public purposes for which the property was used prior to January 1, 1983.

"(d)(1) The instrument of conveyance referred to in subsection (c) shall provide all rights, title, and interest conveyed to the District of Columbia pursuant to such instrument shall revert to the United States if—

"(A) the terms and conditions referred to in subsection (c) have not complied with, and

"(B) such noncompliance has not been corrected within ninety days after written notice of such noncompliance has been received by the Mayor of the District of Columbia.

Such noncompliance shall be treated as corrected if the District of Columbia and the Secretary enter into an agreement which the Secretary, with the concurrence of the National Capital Planning Commission, deems adequate to insure that the property will be used in a manner consistent with the purposes referred to in subsection (c).

"(2) No person may bring an action respecting a violation of any term or condition referred to in subsection (c) before the expiration of ninety days after the date on which such person has notified the Mayor of the District of Columbia of the alleged violation. The notice shall include notice of such person's intention to bring an action to declare a reversion under paragraph (1) of this subsection.

"(3) Any property which reverts to the Secretary under this subsection shall be administered by the Secretary as part of the Park System of the Nation's Capital in accordance with the provisions of the Act of August 25, 1916 (16 U.S.C. 1, 2-4), and other provisions of law generally applicable to units of the national park system.".

SEC. 2. Section 11 of the District of Columbia Stadium Act of 1957 (D.C. Code, sec. 2-330) is amended by inserting "including any motor vehicle parking area designated as area A, C, D, or E on a map entitled 'Map to Designate Transfer of Stadium and Parking Lots to the District', partially prepared by the National Capital Parks for scheme 1, site development to accompany estimate of July 1, 1959 (NCP 1.7-146)," after "property of any kind".

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this bill will transfer title of R.F.K. Stadium from the National Park Service to the city of the District of Columbia. The city has paid most of the capital costs of the construction and operates the stadium at present.

Mr. Speaker, for a full explanation of this bill, the gentleman from the District of Columbia (Mr. FAUNTROY), the Chair of the Subcommittee on Fiscal Affairs and Health is here and would be more than happy to fully explain the bill.

Mr. FAUNTROY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise in support of H.R. 3425, a bill to amend the District of Columbia Stadium Act of 1957 to direct the Secretary of the Interior to convey to the government of the District of Columbia all right, title, and interest to the Robert F. Kennedy Memorial Stadium.

H.R. 3425 recognizes the substantial financial commitment that the government of the District of Columbia has made to the construction and maintenance costs of the stadium, and it reflects the view that local government should own and control purely local facilities within their boundaries. It is the final step necessary to implement the recommendations of the 1977 Presidential Task Force on the District of Columbia.

The Subcommittee on Fiscal Affairs and Health of the Committee on the District of Columbia held a hearing on H.R. 3425 on July 14, 1983. Several witnesses appeared in behalf of the District government along with several representatives of the Department of the Interior. All witnesses urged support of this measure, and no testimony was received or submitted for the record in opposition to the bill. Following the hearing, the subcommittee unanimously approved the measure.

On July 19, 1983, the Committee on the District of Columbia unanimously approved H.R. 3425.

Construction of the stadium was authorized by the D.C. Stadium Act of 1957. In 1960, the District of Columbia Armory Board issued 20-year revenue bonds at an annual interest rate of 4.2 percent. The bonds were to be fully paid on or before December 1, 1979. R.F.K. Stadium was constructed in 1961 at a cost of $19.8 million.

The Stadium Act authorized a sinking fund to be established from stadium receipts for amortization of the revenue bond issue. The revenues in the sinking fund were to be used first to meet the interest and principal necessary to redeem the bonds. After construction, however, the stadium did not produce enough revenue to retire any of the principal. The Stadium Act also provided that the District government would advance funds if the principal and interest payments could not be met, and the District would be reimbursed for any of the amounts advanced.

Over the years, the District, through its annual budget, became the sole source for interest payments, totaling approximately $12.8 million.

The Presidential Task Force on the District of Columbia addressed the issue of repayment of the R.F.K. Stadium bonds during its deliberations in the spring of 1977. The task force included Members of Congress, city and Federal representatives, and was chaired by the Vice President. An understanding was reached by the participants which provided a three-point plan regarding the stadium. First, the $19.8 million principal would be jointly funded by the District and Federal Governments. Second, the District would absorb the $12.8 million advanced for interest payments on the bonds. And third, title to the stadium and surrounding land areas would be transferred to the District upon redemption of the bonds.

Notwithstanding the fact that the stadium was never intended to be the District's financial responsibility, the District agreed to the task force plan. A total of $19.8 million was appropriated in the District of Columbia appropriations acts for fiscal years 1978 and 1979, and all bonds were redeemed as originally contracted for on December 1, 1979.

Mr. Speaker, H.R. 3425 is the result of a series of changes to legislation first proposed during the last Congress. The changes were proposed primarily by the Department of the Interior. Among the changes is a provision which insures that the stadium will always remain in the public domain by providing that the stadium will revert back to the United States if it is used for any purpose other than a stadium.

In committee, we passed one simple amendment, including as part of the transfer an area designated as "Area F" on the map. Areas B and G would be retained by the Department of the Interior as part of the open space system of the Nation's Capital. We intend also that in area F, the Department will retain a minimum of 200 feet of shoreline along the Anacostia River for trail continuity, open space, and recreational purposes. Only the paved area in area F would be transferred. The total conveyance would be approximately 130 acres.

Mr. Speaker, I urge support of H.R. 3425.

Mr. McKINNEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, again, there is very little I can add to the explanations already presented on this matter. I will

say that this bill was a long time coming, since it responds to a recommendation of the 1977 Presidential Task Force on the District of Columbia, of which I was a member. Also, I think it important to note that our committee began serious efforts in the last Congress on this issue, and this is the fourth bill to be considered.

I feel absolutely safe in stating that all of the concerns that have been expressed, either from the executive branch or from other congressional committees, have been addressed and have the agreement of all parties involved.

One of the first concerns which surfaced in the hearing process was the development of a precise description of exactly what property is involved in the legislation. In the last Congress, a provision was drafted which made it clear that the parking areas surrounding the stadium itself would also be transferred. This has been further perfected so that in the current bill, all parking areas, including that portion of area "F" used for parking, are part of the conveyance. This still leaves in Federal jurisdiction a 200-foot easement along the Anacostia River for continued recreational development.

Another concern expressed early on was whether or not the city would be able to sell the stadium to a private interest once it held title. The report accompanying this bill makes it clear that title shall not be transferred by the District of Columbia to any person or entity other than the United States.

Finally, there was the question of how the facility could be used once the city holds title. The bill provides that title will revert back to the Federal Government if the facility is used for anything other than normal stadium use, recreational purposes, or purposes for which it has been used prior to January 1, 1983.

Mr. Speaker, enactment of this bill will accomplish one of the recommendations of the Presidential Task Force on the District of Columbia made in 1977. Adequate safeguards have been built into the legislation and concerned congressional committees. I urge support, and yield back the remainder of my time.

Mr. DELLUMS. Mr. Speaker, I would just like to compliment and thank the gentleman from the District of Columbia (Mr. FAUNTROY) and the gentleman from Connecticut (Mr. MCKINNEY) for their diligence in bringing this legislation to the floor of Congress.

● Mr. SEIBERLING. Mr. Speaker, I am pleased to rise in support of H.R. 3425, a bill to amend the District of Columbia Stadium Act of 1957 to direct the Secretary of the Interior to convey to the District title to the Robert F. Kennedy Memorial Stadium.

When similar legislation was proposed last year, I expressed a number of concerns about it to the chairman of the House District Committee, Mr. DELLUMS. Of particular concern is the fact that the stadium, and the adjacent parking lots, are under the administration of the National Park Service. The lands were acquired prior to the 1957 Stadium Act as part of the Park System of the Nation's Capital. It had been brought to my attention that in 1980 the District of Columbia, had expressed interest in developing some of the property with public or private construction of buildings. This could have had a major, adverse impact on the riverfront parks along the Anacostia River.

Furthermore, any legislation relating to the acquisition, exchange, or transfer of Federal parkland is under the jurisdiction of the Interior Committee's Subcommittee on Public Lands and National Parks, which I chair. It has long been our practice, in those rare occasions when parkland has been statutorily transferred to a State government, to include certain stipulations to protect the land and a reversionary clause to take effect if the stipulations were violated. During the 97th Congress, such provisions were included in land transfers relating to the Indiana Dunes National Lakeshore, Ind., and Voyageurs National Park, MN.

In the case of R.F.K. Stadium, the members of the District Committee, particularly Mr. DELLUMS, Mr. FAUNTROY, and Mr. MCKINNEY, have been most cooperative in working out the details of the legislation. As a result, the present bill carefully spells out the terms and conditions of the transfer to insure that the property will be used for stadium open space and other compatible public purposes and that if the terms and conditions are not complied with, the land may revert to the United States. The intent is that present uses will be allowed to continue and that the property will remain under the ownership of the District of Columbia.

I would like to thank Mr. DELLUMS, Mr. FAUNTROY, and Mr. MCKINNEY for their work on this legislation. I would also like to thank their staff, including Dan Lindheim, Johnny Barnes, and John Gnorski, and also Loretta Neumann of the staff of the Subcommittee on Public Lands and National Parks.

I urge all Members to support the bill.●

COMMITTEE AMENDMENT

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, line 4, strike "or E", and insert in lieu thereof "E, or F".

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. DELLUMS. Mr. Speaker, I move the previous question.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous matter, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EXTENDING BORROWING AUTHORITY FOR THE DISTRICT OF COLUMBIA

Mr. DELLUMS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 3547) to amend the District of Columbia Self-Government and Governmental Reorganization Act to extend the authority of the Mayor to accept certain interim loans from the United States and to extend the authority of the Secretary of the Treasury to make such loans, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 723(a) of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 47-421 note) is amended by striking out "October 1, 1982, or the date of enactment of the appropriation Act for the fiscal year ending September 30, 1983, for the government of the District of Columbia, whichever is later" in the first sentence and inserting in lieu thereof "October 1, 1983, or the date of enactment of the appropriation Act for the fiscal year ending September 30, 1984, for the government of the District of Columbia, whichever is later".

Mr. DELLUMS. Mr. Speaker, I move to strike the last word.

Mr. Speaker, this bill will allow the U.S. Treasury to advance funds for capital projects as requested in the President's fiscal year 1984 budget.

The gentleman from the District of Columbia (Mr. FAUNTROY), the Chair

of the Subcommittee on Fiscal Affairs and Health, will provide a full explanation of the bill.

□ 1245

Mr. FAUNTROY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I rise in support of H.R. 3547, a bill to extend the authority of the Mayor to accept certain interim loans from the United States and to extend the authority of the Secretary of the Treasury to make such loans.

This is a simple, 1-year extension of current law which will allow the District to continue to borrow funds from the U.S. Treasury for capital improvement projects.

The authority of the District of Columbia to borrow funds from the U.S. Treasury is not new. It predates home rule. When we passed the Home Rule Act, we terminated the District's permanent authority to borrow from the Treasury. Instead, we authorized the District to finance its capital improvement projects by borrowing funds on the open market through the issuance of tax-exempt, general obligation bonds. In order to provide a bridge for the transition from Treasury borrowing to open-market borrowing, we allowed a 2-year period of interim loan authority.

Because of unexpected and unpredictable delays in the development and implementation of the District's bonding program, we granted three extensions, authorizing continued U.S. Treasury loans to finance the District's capital improvement projects. To date, the District's bonding program is yet not in place, and one further extension is needed.

Mr. Speaker, it should be noted that while the District's authority to borrow from the Treasury technically expires at the close of this fiscal year, the House has already passed an appropriations bill for the District which includes $115 million in Treasury loan authority for fiscal year 1984. It is possible that a question could arise as to the authority to proceed with projects funded by fiscal year 1984 loan money in light of the expiration of the authority.

The House by including the fiscal year 1984 loan authority relied upon the Omnibus Budget Reconciliation Act of 1981. In the act, we granted continued loan authority through fiscal year 1984. Thus, we have two subsections of the Home Rule Act in conflict—section 723(a) which limits further Treasury borrowing to fiscal year 1983, and section 723(c) which extends it through fiscal year 1984.

H.R. 3547 would bring those two subsections into conformity. It would not create any new authority, nor would it expand existing authority. It will not result in any additional spending. It is a simple, technical amendment to the Home Rule Act, urged by the administration, unopposed by the Office of Management and Budget, supported by the District of Columbia government, and deserving of the support of Congress. Thank you.

Mr. McKINNEY. Mr. Speaker, I move to strike the last word.

Mr. Speaker, it is a rare event when this Member can come before his colleagues and recommend a bill concerning the District of Columbia which is purely technical in nature. That, however, is exactly the case with respect to H.R. 3547.

The subject of this bill is the temporary authority of the District of Columbia to borrow from the U.S. Treasury for capital improvements. In order to allay any fears that this bill grants new authority to the city, or somehow expands existing authority, one need only look to the text of Public Law 93-198.

The interim loan authority of the District of Columbia is found in section 723 of the Home Rule Act (Public Law 93-198). Section 723(c), which was amended to reflect its current wording by the 1981 Omnibus Reconciliation Act (Public Law 97-35), reads as follows:

(c) Subject to the limitations contained in section 603(b), there is authorized to be appropriated to make loans under this section, the sum of $155,000,000 for the fiscal year ending on September 30, 1982, the sum of $155,000,000 for the fiscal year ending on September 30, 1983, and the sum of $155,000,000 for the fiscal year ending on September 30, 1984.

It is clear that we have authorized up to $155 million for fiscal year 1984, subject only to the provisions of section 603(b), which provides for an annual debt repayment ceiling of 14 percent of District revenues. Not only have we authorized that amount, but in June this body approved an appropriation bill for the District of Columbia for fiscal year 1984 which appropriated $115 million in borrowing authority.

Given all of this, one might well wonder where the problem lies. I would be pleased to enlighten my colleagues on that count.

Section 723(a) of the Home Rule Act (Public Law 93-298) constitutes the basic authority for the Mayor to seek loans from the U.S. Treasury, and includes a cutoff date for such borrowings. That section reads as follows:

(a) The Mayor is authorized to accept for the district from the Treasury of the United States, and the Secretary is authorized to lend to the Mayor such sums as the Mayor may determine are required to complete capital projects for which construction and construction services funds have been authorized or appropriated, as the case may be, by Congress prior to October 1, 1982 or the date of enactment of the Appropriation Act for the fiscal year ending September 30, 1983, for the Government of the District of Columbia, whichever is later.

What we have done is provide specific dollar authority for these loans under subsection 723(c) for fiscal year 1984, but we have failed to extend the cutoff date for eligible projects contained in subsection 723(a). If this situation is not corrected, questions could be raised as to whether or not any of the specific projects approved in the city's fiscal year 1984 appropriation bill would be eligible for financing through the U.S. Treasury loans provided for in the very same appropriations bill.

What H.R. 3547 seeks to do is bring subsection 723(a) into conformity with subsection 723(c). It would not expand the existing interim authority, nor would it create new authority. It would merely insure that the city has the authority to proceed with its capital improvements program during fiscal year 1984 without a cloud of uncertainty.

Mr. Speaker, I wish to stress that it is the hope of this Member, and I believe that of all the members of the Committee on the District of Columbia, that the city enter the private bond market for capital improvements beginning in fiscal year 1985, if not sooner. Continuing to borrow from the U.S. Treasury for this purpose is, in essence, a penalty for the city, since the interest paid to the Treasury exceeds what would be required with bonds. This bill does not in any way lend support to delaying entry into the private market for the city. If it did, I would not be here urging passage. Rather, it reaffirms the position taken by Congress in the Omnibus Reconciliation Act of 1981 that the city will not borrow from the U.S. Treasury for capital purposes after the end of fiscal year 1984.

Finally, Mr. Speaker, I would note that this bill has the support of 11 of the 12 members of the Committee on the District of Columbia, including all Republican members; and based on my informal discussions, the support of the other body. I urge an affirmative vote on passage.

Mr. DELLUMS. Mr. Speaker, I move the previous question.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous matter, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

IMPLEMENTING OBJECTIVES OF THE UNITED NATIONS DECADE OF DISABLED PERSONS

Mr. YATRON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 39) expressing the sense of the Congress with respect to implementing the objectives of the United Nations Decade of Disabled Persons (1983-92), as amended.

The Clerk read as follows:

H. CON. RES. 39

Whereas, a new era in recognition of human rights and universal respect for these rights has begun;

Whereas, The United Nations General Assembly has declared 1983 through 1992 as the United Nations Decade of Disabled Persons;

Whereas, The United States has made great strides during the last decade in improving the lives of thirty-five million American citizens with physical and mental disabilities;

Whereas, there is still much to be done to open doors to the full participation and equality of disabled persons in society throughout the world;

Whereas, handicapped individuals should be able to participate fully in the mainstream of society through education, employment and community living opportunities;

Whereas, the United States recognizes the need for further progress in strengthening public understanding and awareness of the needs and aspirations of disabled persons;

Whereas, there is hope that this spirit of carrying out the goals of the International and National Years in 1981 and 1982 will continue throughout this decade;

Whereas, a framework for national action has been established by these previous initiatives and the improvement of programs for the disabled over the last decade; and

Whereas, further progress should be made in the United States toward achieving the following long-term goals of and for disabled persons promoted during the International Year of Disabled Persons: (1) expanded educational opportunity; (2) improved access to housing, buildings, and transportation; (3) expanded employment opportunity; (4) expanded participation in recreational, social, and cultural activities; (5) expanded and strengthened rehabilitation programs and facilities; (6) purposeful application of biomedical research aimed at conquering major disabling conditions; (7) reduction in the incidence of disability by expanded accident and disease prevention; (8) expanded application of technology to minimize the effects of disability; and (9) expanded international exchange of information and experience to benefit all disabled persons: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should take all steps within his authority to implement, within the United States, the objectives of the United Nations Decade of Disabled Persons (1983-1992), as proclaimed by the United Nations General Assembly on December 3, 1982.

SEC. 2. The President should report to the Congress annually during the United Nations Decade of Disabled Persons on the plans developed by the executive branch in accordance with United Nations General Assembly Resolution 37/53 to implement, within the United States, the objectives of the United Nations Decade of Disabled Persons and on the steps taken pursuant to those plans.

SEC. 3. The Clerk of the House shall transmit a copy of this resolution to the President.

The SPEAKER pro tempore. Is a second demanded?

Mr. McKINNEY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. YATRON) will be recognized for 20 minutes, and the gentleman from Connecticut (Mr. McKINNEY) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. YATRON).

Mr. YATRON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 39, as amended. The resolution expresses the sense of the Congress with respect to implementing the objectives of the United Nations Decade of the Disabled Persons, which runs through 1992. The resolution calls on the President to take all steps within his authority to carry out the purposes of the U.N. decade as proclaimed by the General Assembly on December 3, 1982.

Mr. Speaker, the resolution has 138 cosponsors. The Subcommittee on Human Rights and International Organizations held a lengthy hearing on the resolution on April 5 with 13 witnesses representing a broad cross section of organizations concerned with issues affecting our disabled citizens. The witnesses were unanimous in their support of the resolution.

On April 13, the subcommittee approved the resolution, as amended, requesting the President to provide an annual report to Congress on plans developed by the executive branch to implement the objectives of the U.N. decade.

On June 9, the Committee on Foreign Affairs unanimously approved House Concurrent Resolution 39, as amended.

Mr. Speaker, this resolution follows the lead undertaken by the United Nations to establish the year of the handicapped and disabled. There are approximately 500 million disabled people throughout the world who contribute to the economic, political, and social well-being of their countries. Unfortunately, societal attitudes toward these people have not progressed with the times. We simply do not do enough to promote international awareness of the needs of the disabled. Nor are we providing ample opportunities for these people to expand their horizons in a broad range of areas including educational advancement, employment, and housing.

In view of all these circumstances, it is apparent why the Foreign Affairs Committee ordered House Concurrent Resolution 39 reported favorably to the House by a unanimous voice vote. I believe it merits the same degree of strong support by Members of this body.

I want to commend the sponsors of the resolution, Congressman WINN and Congressman COELHO. Both gentlemen deserve all of our appreciation for the outstanding leadership they have shown in focusing our concern on ways to assist the disabled.

I strongly urge the adoption of the resolution and I reserve the balance of my time.

● Mr. ZABLOCKI. Mr. Speaker, I rise in support of House Concurrent Resolution 39, expressing the sense of Congress with respect to implementing the aims of the U.N. Decade of Disabled Persons and the committee amendment thereto.

The resolution introduced by the gentleman from Kansas, (Mr. WINN) was referred to the Committee on Foreign affairs in January 1983. The Subcommittee on Human Rights and International Organizations held a hearing on House Concurrent Resolution 39 and favorably reported it with an amendment. The committee considered the resolution in open markup and favorably reported it as amended by a unanimous voice vote on June 9, 1983.

The 1982 General Assembly proclaimed the period 1983-92 as the U.N. Decade for Disabled Persons. This designation will contribute to raising international awareness of the need to improve the lives of millions of people everywhere, including 35 million Americans who are handicapped with physical or mental disabilities. By supporting this U.N. General Assembly measure the Foreign Affairs Committee has recognized the need to strengthen public understanding and awareness of the needs and aspirations of disabled persons and to this end improve their educational, housing, and employment opportunities. The amendment adopted by the committee would require the President to report annually to Congress during the Decade of Disabled Persons on plans developed by the executive branch to implement the goals of the U.N. Decade of the Disabled and steps taken to fulfill those goals.

Neither the resolution nor the amendment require expenditure of additional moneys. My understanding is that the requirements of the resolution can be met from existing moneys.

Mr. Speaker, the resolution now has 138 cosponsors, a fact which testifies to the widespread support which it enjoys in this Chamber. I would urge its immediate adoption.●

The SPEAKER pro tempore. The Chair recognizes the gentleman from Connecticut (Mr. McKINNEY).

Mr. McKINNEY. Mr. Speaker, I yield the minority's time to the gentleman from Kansas (Mr. WINN).

The SPEAKER pro tempore. The gentleman from Kansas (Mr. WINN) is recognized for 20 minutes.

Mr. WINN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to speak on behalf of the passage of House Concurrent Resolution 39, which I introduced on January 27 and which requests that the President take all steps in his present authority to implement within the United States the objectives of the U.N. Decade of Disabled Persons. The concurrent resolution serves well to express congressional sentiment in support of the 35 million disabled Americans, and to encourage private and public sector action on their behalf.

Amid growing international concern for the world's disabled, the U.N. General Assembly last December unanimously approved a resolution adopting a World Program of Action for Disabled Persons and a companion resolution on the Decade of Disabled Persons. The purpose of the U.N. decade is to improve public awareness around the world of the unique situation of the disabled and of the opportunities available to them. In addition, the U.N. decade seeks to promote over its 10-year term the full participation in society of the half billion persons—10 percent of the world's total population—who are physically or mentally disabled.

During the decade, U.N.-sponsored activities will address primary health care, disability prevention, rehabilitation and training, counseling, and special technical aid development to help disabled persons participate more fully in society. Business, labor, and other groups will be actively involved, working with the United Nations and its member nations to develop and implement programs.

The United States has been the world leader in broadening opportunities for the 35 million disabled Americans. Many of the U.N. programs and strategies will be modeled after successful U.S. programs. But this country can still do a great deal to aid disabled persons. That is why congressional approval of the U.N. Decade of Disabled Persons is so important. This body's active involvement in proclaiming 1981 the International Year of Disabled Persons and 1983 the National Year of Disabled Persons were important actions that spurred many local, regional, and national activities. I was proud to sponsor both these previous resolutions and see them become law. Now, congressional affirmation of the U.N. Decade of Disabled Persons is needed to insure the continuance of the important initiatives and to assure further progress on behalf of disabled Americans.

FACTSHEET ON HOUSE CONCURRENT RESOLUTION 39—DECADE OF DISABLED BILL

Legislative history

January 27.—LW introduced with Coelho as original cosponsor. Referred to Foreign Affairs Committee, Human Rights and Int'l Organizations Subcommittee.

April 5.—Subcommittee hearings held. Strong support for the measure by Members of Congress, the Administration, communities, and the private sector.

April 13.—Subcommittee mark-up, amending the bill to request the President submit an annual report to Congress on U.S. progress toward implementing the objectives of the U.N. Decade. Approved in subcommittee by voice vote without objection.

June 9.—Committee consideration and approval, again by voice vote. Favorable executive comment received from State Dep't April 4. The Senate approved similar resolution June 23 by voice vote. At present the House bill has 143 cosponsors.

Highlights of the bill

1. Notes that the U.N. has declared 1983-1992 the U.N. Decade of Disabled Persons.

2. Notes that the U.S. has made great progress in improving the lives of 35 million disabled Americans but that further progress can be made. The bill specifies eleven areas of need, including education, access to buildings, research on disabling diseases, and employment opportunities.

3. Expresses the sense of Congress that the President should take all steps in his present authority to implement the objectives of the U.N. Decade of Disabled Persons in the United States.

4. Requests that the President submit to Congress an annual report on U.S. progress toward meeting the objectives of the U.N. Decade.

Need for the bill

International disabled community.—In other countries the needs of the disabled are not met as they are in the U.S. Seeing this the U.N. last December proclaimed 1983-1992 the U.N. Decade of Disabled Persons to focus international attention on the plight of the disabled. A ten year plan of action based largely on U.S. initiatives was adopted at the U.N. It is important and proper that the U.S. Congress acknowledge and support what the U.N. has done.

U.S. disabled community.—Recognizing the U.N. Decade of Disabled Persons will underline the continuing need of the disabled in the U.S., and spur greater involvement by local community groups and the private sector in implementing the objectives of the Decade.

Cost of the bill

The bill does not appropriate any funds from the U.S. Treasury.

Related actions

At LW's request, U.S. Aid made a one-time contribution of $100,000 out of FY 83 appropriations to the U.N. Trust Fund of Disabled Persons. The U.S. had not previously contributed to this trust fund, and this important show of support should do much to encourage additional contributions to the fund.

● Mr. LEACH of Iowa. Mr. Speaker, I want to take this opportunity to express my strong support for House Concurrent Resolution 39, a resolution calling on the President to take all steps within his authority to implement the objectives of the U.N. Decade of Disabled Persons in the United States, and to commend my colleague from Kansas (Mr. WINN), for introducing this resolution. I also want to thank the chairman of the Foreign Affairs Committee, Mr. ZABLOCKI, and the chairman of the Subcommittee on Human Rights and International Organizations, Mr. YATRON, for bringing this measure to the House floor today.

The problems of disability affect most of us or our families in one way or another. It is estimated that 35 million Americans suffer from some form of physical or mental disability, including some 42 percent of those over age 65. About a fifth of those 35 million Americans are children. The cost to all levels of government in the United States, as a result of the disabilities which afflict our citizens, is estimated at $80 billion a year and includes the cost of medical care, disability payments, workmen's compensation, and rehabilitation.

Neither is this problem unique to the United States. Again, it is estimated that perhaps 500 million people worldwide are disabled, many of them in poor, developing countries.

The resolution before us today represents an opportunity to affirm our national commitment to the objectives of this decade and to express a greater desire and willingness to cooperate with other nations in an effort to reduce the incidence and effects of disability—whether because of war, disease, or accident-related injury—and to maximize efforts to more fully integrate those who are disabled into the mainstream of our national and international life.

On April 5, 1983, the Subcommittee on Human Rights and International Organizations held a hearing on House Concurrent Resolution 39, at which time testimony was heard from the chief sponsor of the resolution and from several administration witnesses including the State Department, the Department of Health and Human Services, and the Department of Education.

I am pleased to report to my colleagues that the administration has expressed strong support for this initiative, and would like to take this opportunity to commend U.S. Ambassador John W. McDonald for his active leadership role in the passage in December 1982 of two United Nations resolutions proclaiming 1983-92 the U.N. Decade of Disabled Persons and adopting a program of action which addresses the issues of rehabilitation, prevention of disability through improved health, equal opportunity for the disabled, expanded application of technology to ameliorate the effects of

disabilty, and protection of the right of the disabled.

Dr. Jean Elder, Commissioner on Developmental Disabilities of the Department of Health and Human Services, also expressed strong support on behalf of her department for the U.N. Decade of Disabled Persons and described the activities in which HHS is engaged, including health research and deinstitutionalizing the handicapped. Mr. George A. Conn, Acting Assistant Secretary for the Office of Special Education and Rehabilitative Services, testified on the emphasis his department has placed on initiatives in such areas as special education, vocational education, rehabilitation, independent living centers, and joint projects with private industry.

Private witnesses included Alan Reich, president of the National Organization on Disability, who has been a national leader in this field, and Dr. Robert Broshar, president of the American Institute of Architects, from Waterloo, Iowa, who served on the Iowa Governor's Committee on Employment of the Handicapped.

Mr. Speaker, I would like to close with a quote from our colleague, Mr. WINN, who has long been a congressional leader in promoting the rights of the disabled and who has previously authorized legislation regarding the International Year of the Disabled and the National Year of the Disabled. He reminded us during his testimony before the subcommittee that:

> As a nation committed to human rights, to the dignity of all persons, to equality of opportunity, especially in the areas over which our citizens have no control, we, as a nation, should not fail to set the example that we have traditionally set and to take the lead as we always have, symbolized in this case by our full participation in and observance of the U.N. Decade of Disabled Persons.

Mr. Speaker, on behalf of the millions of Americans who suffer from some form of disability as well as the hundreds of millions worldwide who are similarly afflicted, I urge the unanimous adoption of House Concurrent Resolution 39. Thank you.●

● Mr. ROE. Mr. Speaker, I take great pride today in rising to offer my strong support for House Concurrent Resolution 39, declaring the United States as an active participant in the U.N. Decade of Disabled Persons.

Because of a growing concern among the international community for the world's estimated 450 million handicapped, the United Nations declared 1981 as the International Year of Disabled Persons.

The International Labor Organization has reported that about 10 percent of the world's population is seriously handicapped by blindness, deafness, polio, leprosy, and other diseases.

The purpose of establishing an International Year of the Disabled was to call worldwide attention to this suffering and to promote opportunities for the handicapped. The program was so successful that the United Nations decided to devote the entire decade to this effort.

The United States has always been a world leader in offering help to its estimated 35 million citizens suffering from both physical and mental disabilities. Our participation in the International Year of the Disabled will provide the impetus for other nations of the world to more fully provide equality for their disabled citizens. As this resolution so eloquently states, "handicapped persons should be able to participate fully in the mainstream of society, through education, employment, and community living opportunities."

Passage of this most important resolution will also spur increased awareness and rededication on the part of the American Government to provide expanded opportunities for our handicapped in the areas of education, improved access to housing, buildings, and transportation and increased emphasis on technological research to minimize the effects of those disabilities.

Mr. Speaker, our participation in the Decade of Disabled Persons will enable the varied American charitable and civic organizations the opportunity to join with the counterparts the world over in sharing informatiion and common long-term goals in seeking solutions to problems afflicting handicapped persons of all nations.

I am proud to be a sponsor of this most worthwhile legislation and I strongly urge its passage.●

● Mr. WALGREN. Mr. Speaker, House Concurrent Resolution 39, designating the next 10 years as the Decade of Disabled Persons in conjunction with a similar worldwide initiative by the United Nations, is before the House today.

Encouraging disabled persons to participate in national and community life can do much to open doors to full participation in American life by those who are disabled. The ability of disabled people to find the same opportunity that others have requires both the disabled person's initiative and the society's response. The resolution, in proclaiming the years 1983 to 1992 as the United Nations Decade of Disabled Persons, encourages both expanding educational, empolyment, recreational, and housing opportunities for the disabled and helps strengthen public awareness of disabled persons' needs and aspirations.

In connection with the Decade of Disabled Persons, I want to urge support for House Concurrent Resolution 142, which would establish a uniform identification symbol for handicapped citizens' vehicle license plates to be used in all 50 States and to provide handicapped people access to special parking facilities. If enacted, this bill would provide a nationwide symbol for the handicapped that would lead to broader recognition and awareness of this area. I hope the Congress will give this bill full support.

It is also important that the House give special attention to H.R. 1250, the Equal Access to Voting Rights Act, which would make registration and voting more accessible to the handicapped and elderly. While we have overcome many prejudices and physical barriers that the elderly and handicapped face, there are still impediments and lapses in sensitivity when it comes to providing full opportunity to register and vote to the handicapped. Some polling places are not accessible to people in wheelchairs; voting may be held on the upper floors of buildings without ramps or elevators because "that's the room we've always used." Voting machines may be difficult or even impossible for some disabled people to operate. Often, individuals do not learn that these barriers interfere with voting until they arrive at the polling place on election day. Then, they have little recourse.

Those of us who happen to be presently able-bodied should try to think about what those facing some handicap see. Voting is essential to our view of ourselves as citizens. Any message that we are not welcome in that process diminishes our view of ourselves—and may be one stop in a process of isolation that is so damaging to many people.

The framers of our Constitution never intended for voting to be a privilege only of the able-bodied. They also never meant to deny participation to the blind and deaf. We should do all we can to encourage—not discourage—people to vote and be involved in our country. Just as we removed the disincentive of the poll tax in voting, we must remove all other arbitrary barriers to exercising this most basic right.

The United States has a commitment to equality for all men and women. By declaring the next 10 years the Decade of the Disabled, by establishing a uniform symbol for handicapped citizens' vehicle license plates, and by providing the elderly and handicapped with better access to registration and polling places, we will encourage equal treatment of all persons. I hope the Congress will give full attention to these important bills.●

● Mr. CORRADA. Mr. Speaker, I rise in full support of House Concurrent Resolution 39, which expresses the sense of the Congress that the President should implement, within the United States, the objectives of the United Nations Decade for Disabled Persons (1983–92).

The American way of equality among all individuals is the hallmark

of our democratic society. The United States prides itself on the leadership role it has always played in insuring equal rights and opportunity to all of its citizens, including those with physical and mental disabilities.

Throughout the years, we have taken steps to improve the quality of life for the disabled, to help in their education, to train them in job skills, to alleviate their debilitating conditions. Federal laws prohibit discrimination on the basis of handicaps, and our judicial system vigorously enforces these laws.

Currently, the more than 35 million disabled American citizens in our country have been given full participation in all aspects of life, attainment of which the United States can be justifiably proud.

However, the problems of our disabled brothers and sisters have not been solved. While conditions are decidedly improved from those of 50 years, 20 years, or even 1, year ago, there is still much progress to be made. The objectives of the United Nations Decade for Disabled Persons present a challenge for all governments, for all peoples, in further integrating the disabled into our society.

I join my colleagues in urging the President to work to the best of his ability to continue our leadership in this field and to strive to improve the quality of life of all Americans.●

● Mr. FEIGHAN. Mr Speaker, today the House is considering House Concurrent Resolution 39, to implement the objectives of the U.N. Decade for Disabled Persons. I am proud to be a cosponsor of this legislation which will bring increased awareness of the need to expand opportunities for America's 35 million disabled persons.

The efforts of America's handicapped have often been hampered by society's perceptions of their abilities. While great strides have been made in the past 10 years to heighten public awareness of the varied capabilities of the handicapped and to improve opportunities for disabled Americans, there remains much to be done. Improvement is still necessary in the areas of education, employment, and community living for the disabled. The 1981 International Year, and the 1982 National Year of Disabled Persons established a framework for national action to advance programs in these areas.

House Concurrent Resolution 39 presents a good opportunity for Congress to merge the long-term goals established in 1981 and 1982 with an immediate international effort to recognize the special problems, needs, and accomplishments of the disabled. The passage of House Concurrent Resolution 39 will assure continued success and visibility for programs already established, while providing a forum to develop new ways to aid the handicapped. House Concurrent Resolution 39 will promote the effort to afford the disabled new opportunities to participate more equally and fully in our society.

I urge my colleagues to support this resolution today in recognition of disabled Americans.●

Mr. YATRON. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. YATRON) that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 39) as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YATRON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just approved.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DEATH BENEFITS FOR LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS

Mr. KILDEE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 622) to amend title 5 of the United States Code to provide death benefits to survivors of Federal law enforcement officers and firefighters, and for other purposes.

The Clerk read as follows:

H.R. 622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) subchapter I of chapter 81 of title 5, United States Code, is amended by inserting after section 8147 the following new section:

"§ 8148. Death benefits for law enforcement officers and firefighters

"(a) For the purpose of this section—

"(1) 'law enforcement officer' means an employee—

"(A) the duties of whose position include performing work directly connected with—

"(i) the control of crime or juvenile delinquency;

"(ii) the enforcement of the criminal laws; or

"(iii) the protection of Federal officials, public buildings or property, or foreign diplomatic missions; and

"(B) who, at the time the personal injury referred to in subsection (b) of this section is sustained, is—

"(i) engaged in the detection of crime;

"(ii) engaged in the apprehension of an alleged criminal offender;

"(iii) engaged in the keeping in physical custody of an alleged or convicted criminal offender; or

"(iv) assaulted or subjected to the conduct of criminal activity in the line of duty;

"(2) 'firefighter' means an employee the duties of whose position include performing work directly connected with the control and extinguishment of fires and who, at the time the personal injury referred to in subsection (b) of this section is sustained, is engaged in such work in the control or extinguishment of a fire or other emergency operation;

"(3) 'child' means any natural, illegitimate, adopted, or posthumous child or stepchild of a deceased law enforcement officer or firefighter (as defined in paragraphs (1) and (2)) who, at the time of such law enforcement officer of firefighter's death, is—

"(A) 18 years of age or under;

"(B) over 18 years of age and a student; or

"(C) over 18 years of age and incapable of self-support because of physical or mental disability;

"(4) 'dependent' means substantially reliant for support upon the income of the deceased law enforcement officer or firefighter;

"(5) 'intoxication' means a disturbance of mental or physical faculties resulting from the introduction of alcohol, drugs, or other substances into the body; and

"(6) 'detection of crime' means the physical pursuit, investigation, or interviewing of any individual at a crime scene, but shall not include laboratory investigation, studies, or other similar acts of a nondangerous nature.

"(b)(1) In any case in which the Secretary of Labor determines, under regulations prescribed pursuant to this section, that a law enforcement officer or firefighter has died as the direct and proximate result of a personnal injury inflicted by an outside force and in the line of duty, the Secretary shall pay a benefit of $50,000 as follows:

"(A) if there is no surviving child of such law enforcement officer or firefighter, to the surviving spouse of such law enforcement officer or firefighter;

"(B) if there are one or more surviving children and a surviving spouse, one-half to the surviving children in equal shares and one-half to the surviving spouse;

"(C) if there is no surviving spouse, to the surviving children of such law enforcement officer or firefighter in equal shares; or

"(D) if none of the above, to the dependent parent or parents of such law enforcement officer or firefighter in equal shares.

"(2) In any case in which the Secretary determines, upon a showing of need and prior to taking final action, that the death of a law enforcement officer or firefighter is one with respect to which a benefit will probably be paid, the Secretary may make an interim benefit payment not exceeding $3,000 to the individual entitled to receive a benefit under paragraph (1) of this subsection.

"(3) The amount of an interim payment to any individual under paragraph (2) of this subsection shall be deducted from the amount of any final benefit paid to such individual.

"(4) In any case in which there is no final benefit paid, the recipient of any interim payment under paragraph (2) of this subsection shall be liable for repayment of such amount. The Secretary may waive all or part of such repayment, considering for this purpose the hardship which would result from such repayment.

"(5) The benefit payable under this section shall be in addition to any compensation or other benefit that may be due under

this subchapter or from any other source, but shall be reduced by payments authorized by section 12(k) of the Act of September 1, 1916, as amended (D.C. Code, sec. 4-531(1)).

"(6) No benefit paid under this section shall be subject to execution or attachment.

"(7) No benefit shall be paid under this section—

"(A) if the law enforcement officer or firefighter's death was caused by the intentional misconduct of the law enforcement officer or firefighter or by such law enforcement officer or firefighter's intention to bring about such death;

"(B) if voluntary intoxication of the law enforcement officer or firefighter was the proximate cause of death; or

"(C) to any individual who would otherwise be entitled to a benefit under this section if such individual's actions were a substantial contributing factor to the law enforcement officer or firefighter's death.

"(c) The Secretary may prescribe rules, regulations, and procedures to carry out the purpose of this section. Such rules, regulations, and procedures will be determinative of conflict of laws and issues arising under this section. Rules, regulations, and procedures prescribed under this section may include regulations governing the recognition of agents or other persons representing claimants under this section before the Secretary. The Secretary may prescribe the maximum fees which may be charged for services performed in connection with any claim under this section before the Secretary, and any agreement in violation of such rules and regulations shall be void.".

(2) The table of sections for chapter 81 of title 5, United States Code, is amended by inserting after the item relating to section 8147 the following new item:

"8148. Death benefits for law enforcement officers and firefighters.".

(b)(1) Section 8101(9) of title 5, United States Code, relating to definition of "child," is amended by inserting after "means" the following: ", except as provided in section 8148(a)(3) of this title,".

(2) Section 8101(12) of such title, relating to definition of "compensation", is amended by striking out "Fund, but this does not in any way reduce the amount of the monthly compensation payable for disability or death;" and inserting in lieu thereof the following: "Fund, except that—

"(A) this paragraph does not in any way reduce the amount of the monthly compensation payable for disability or death; and

"(B) such term does not include benefits paid under section 8148 of this title;".

SEC. 2. The authority to make payments under section 8148 of title 5, United States Code (as added by the first section of this Act), shall be effective only to the extent provided for in advance by appropriation Acts.

SEC. 3. The amendments made by this Act shall take effect October 1, 1983, and shall apply with respect to injuries sustained on or after such date.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Michigan (Mr. KILDEE) will be recognized for 20 minutes, and the gentleman from Illinois (Mr. ERLENBORN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. KILDEE).

□ 1300

Mr. KILDEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 622 would provide a $50,000 death benefit to the survivors of Federal law enforcement officers and firefighters killed in the line of duty.

Now, we, the Federal Government should at least do for our own what we have already done for State and local firefighters since 1976. Congress in that year found that these occupations were especially hazardous and established this special benefit.

They did that because when we demand that someone face special danger, we should provide for some compensating factor for that danger. This compensating factor helps us to attract and retain people in these hazardous occupations. They have at least the assurance that if they are killed in the performance of their duties, there will be some additional help for their families. Crime and fire by their very nature are uncontrolled actions and highly uncontrollable. In other professions and occupations, other workplaces, safety rules, inspections, safety equipment are highly effective, but not so in police and firefighting. Indeed, in these professions, these men and women are expected and are required to act immediately and without consultation in the most dangerous situations.

This is, to my mind and the mind of the committee that reported this bill out, a question of equity. We should at least treat our own police and firefighters as well as we rightly treat the local and State police and firefighters.

The Congressional Budget Office in a letter dated July 19, 1983, says that based upon historical information, that is, about five Federal police and firefighters would be killed in a given year, that the total cost of this bill would be $250,000 per year.

Now, we all recognize that in our enormous Federal budget that is not a large amount, but it is a very significant amount, that $50,000, for those who have lost a husband or a father in the pursuit of their duties.

This bill passed this House under suspension during both the last two Congresses. In the 96th Congress it passed by 313 votes to 56. In the last Congress, it was passed by 327 to 82.

I think the House should pass this bill early so the Senate will have time to act upon it this year; so I urge support for this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. ANNUNZIO. Mr. Speaker, will the gentleman from Michigan yield?

Mr. KILDEE. I am glad to yield to the gentleman from Illinois.

Mr. ANNUNZIO. Mr. Speaker, I appreciate the gentleman yielding.

I rise to commend the gentleman for all of the hard work that he has done on this legislation.

Mr. Speaker, I rise today in support of H.R. 622, a bill to amend the United States Code to provide a lump sum death benefit of $50,000 for Federal law enforcement officers and firefighters who are killed in the line of duty, and I commend both Congressman GEORGE MILLER, chairman of the Subcommittee on Labor Standards, and Congressman CARL D. PERKINS, chairman of the House Education and Labor Committee, on their diligent efforts in bringing this legislation to the House floor.

The Congress already has provided identical Federal benefits for State and local law enforcement officers and firefighters through the Public Safety Officers Benefits Act of 1976, and the bill now before the Congress simply puts their Federal counterparts under this same coverage. My support for providing such benefits to individuals employed by the Federal Government goes back to the late 1960's, and although variations of this legislation have been passed by both the House of Representatives and the Senate in previous sessions of Congress, it has not yet become law.

At the beginning of the 98th Congress, I introduced a bill to provide this death benefit to cover all Federal law enforcement officers and firefighters, including those who died after September 29, 1976, the date of enactment of the Public Safety Officers Benefits Act of 1976, and the date of which State and local individuals first became eligible for this payment. In the spirit of fairness and equity, I urged the Subcommittee on Labor Standards to provide these benefits retroactively, but under the present bill, as approved by the House Education and Labor Committee, only deaths which occur after October 1, 1983, will be covered. Although I would have preferred to see all Federal individuals covered who died in the line of duty after September 29, 1976, I strongly support the legislation as reported by the full committee, since it finally brings Federal law enforcement officers and firefighters under this Federal coverage.

I can think of no group more deserving of this survivor protection than our Federal law enforcement officers and firefighters. These dedicated men and women risk their lives daily to protect the property, the physical well-being, and the lives of their fellow Americans. When these public servants report to their duty assignments each day, they have no idea what dangers they will face or whether they will live to see their families. The least we can do is to provide them with the peace of mind of knowing that if they do not survive, our Nation will not

turn its back on them, and their dependents will have some financial assistance to carry on alone.

Although these Federal employees originally were excluded from the 1976 act because they were eligible for other benefits, these payments have been eroded by inflation, and have become woefully inadequate for officers with large families to protect. To correct this inequity, the passage of the bill before the House of Representatives today, is a small price to pay to the survivors of those who sacrifice their lives so that the property and lives of others might be preserved.

Mr. Speaker, it is time to provide more security and peace of mind for the families of all Federal public safety officers and firemen who must take risks in the pursuit of a safer society. We must not and cannot, in good conscience, turn our backs on the anguish and poverty suffered by the families of law officers slain while protecting our rights and liberties, and of firemen who die while protecting our lives and our property. I strongly urge my colleagues to approve this legislation.

Mr. ERLENBORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the third time since 1980 that the House is asked to approve legislation amending the Federal Employees' Compensation Act (FECA) to give the survivors of the Federal law enforcement officers and firefighters a lump-sum $50,000 death benefit in addition to monthly FECA death benefits.

In 1980 and again in 1982 the House passed similar, if not identical bills. In 1980 President Carter pocket vetoed the bill, saying that the "special benefits it would provide are preferential and unwarranted, and * * * would become a precedent for extension of similar benefits to other Federal employees."

In 1982 the provisions of the House-passed bill essentially were considered by the Senate as an amendment, not to FECA, but to the Public Safety Officers' Benefits Act, and included in the continuing appropriations resolution late last year, but deleted in conference.

Like a bad penny, the bill has now come back again; and my opposition to it remains as firm as ever. This bill is blatant, special interest legislation.

By providing special benefits to a select group of Federal employees based upon the nature and potential hazards of their occupation, the bill violates a major principle of workers' compensation, discriminates against all other Federal employees, and creates new inequities between Federal and State safety officers.

It is alleged that it is unfair for the Federal Government to pay a $50,000 benefit to survivors of State and local law enforcement officers and firefighters under the Public Safety Officers' Benefits Act of 1976 and to deny this benefit to their Federal counterparts. As with most claims of equity, this has superficial appeal; but let us look at the record.

The 1976 act was predicated on findings that the physical risks to public safety officers are great, the financial and fringe benefits are not usually generous, the officers are generally young with growing families and heavy financial commitments, and providing greater financial security through Federal death benefits would attract more people to law enforcement careers. Behind these findings was a recognition that State workers' compensation benefits were generally inadequate and the nature of their employment prevented purchase of sufficient life insurance.

It was my position then, as it is now, that it is not the Federal Government's responsibility to provide these benefits, by having done so is no reason to compound the error by extending the benefit to Federal employees. Indeed the House and Senate Committees on the Judiciary made specific findings during consideration in 1976 of the PSOB legislation against inclusion of Federal law enforcement officers and firefighters. Workers' compensation benefits under the Federal Employees' Compensation Act were deemed adequate, as were life insurance opportunities under the Federal Employees' Group Life Insurance Act which pays a double indemnity on accidental death. Nor was there testimony in the hearing record in support of including the Federal counterparts—not even from police and firefighter unions.

That was 1976. What is the situation today? First, although the specifics vary among States, overall, State workers' compensation laws have improved markedly since the 1972 report of the National Commission on State Workmen's Compensation Laws. Certainly, the same case for a $50,000 State and local benefit could not be made today. Second, FECA benefits remain among the most generous in the Nation.

FECA pays a monthly death benefit of 75 percent of a decedent's gross salary tax free for a widow's life or until remarriage and until children reach age 18 or 23, if students. Moreover, these benefits, unlike the rule among State workers' compensation laws, are indexed annually to increases in the Consumer Price Index. No State even approaches FECA's generosity, except Alaska which exceeds it. For the typical Federal law enforcement officer or firefighter (GS-5, step 4) currently paid at $14,707 per year, FECA would pay a maximum weekly death benefit of almost $212 or $11,030 per year—tax free.

Federal law enforcement officers and firefighters, as all Federal employees, are eligible for generous life insurance benefits at low costs. The Group Life Insurance Act was liberalized in 1980 so that our typical Federal policeman or firefighter under age 36 could qualify for over $161,000 in coverage.

The bill will spawn new inequities between State and local officers and their Federal counterparts. Under some circumstances, State and local police are eligible for FECA benefits. In such cases the $50,000 benefit is offset against monthly FECA benefits. H.R. 622, however, would pay this $50,000 benefit in addition to monthly FECA benefits.

These circumstances inevitably will lead to a game of leap frogging. Indeed, there is legislation already proposed to increase the State and local benefit from $50,000 to $100,000—perhaps in anticipation of H.R. 622's enactment. What will be the House's position on this bill? After all, it will be argued, it is fair, given the generosity of Federal benefits—on top of a spanking new $50,000 benefit—to treat State and local officers with less dignity by providing them the same $50,000 benefit? The ante is upped again, and we are faced with the escalation of Federal entitlement programs.

The bill will also spawn inequities in FECA. Here is legislation which pollutes FECA. FECA is a workers' compensation law. Benefits are based on lost wages irrespective of the nature of the specific employment. H.R. 622, by amending FECA, says essentially that the hazardous nature of employment will govern the level of benefits. If this is so, are we willing to deny this same benefit to Federal mine inspectors, nuclear powerplant inspectors, or any other Federal employee group with enough political clout to push its cause?

Speaking of equity and political clout, to bolster their cause, some proponents of this bill have seized upon the benefits available to Federal and non-Federal officers involved in the assassination attempt on President Reagan.

OK, let's see how their bill would produce equity. Had deaths resulted, under current law, the D.C. police officer's survivors would have been eligible for FECA death benefits because the officer was involved in prevention of a Federal crime. The Secret Service agent's survivors also would have received FECA death benefits. Under the bill, as under current law, the D.C. officer's survivors would have received a $50,000 benefit but have it effectively eliminated through the offset. The Secret Service agent's survivors under the bill would receive both benefits in full. Equity?

And what about Jim Brady or the President himself? Can their jobs be considered any less dangerous? Yet their survivors would have received only FECA death benefits. Why? We assume White House press secretaries and Presidents do not have the political clout of the special interests pushing this bill.

There is still more. For example, FECA's definition of injury encompasses occupational diseases, so it is sufficiently broad to include most heart attacks stemming from coronary disease. The 1976 act excludes occupational diseases. For the Department of Justice to compensate a heart attack it must find that the job incident was a substantial causal factor. Under FECA, a significantly lighter burden need be carried, where it could be argued that the job incident was a contributing cause of the death.

So, although both State and local officers and firefighters and their Federal counterparts would be receiving the same $50,000, entitlement in cases of occupational disease would be significantly easier for the Federals. Perhaps recognizing this, some Members have already introduced bills broadening entitlement under the PSOB Act to compensate for coronary and lung diseases.

Mr. Speaker, this bill proclaims equity but is it antithesis. It misrepresents the benefits already available to Federal law enforcement officers and firefighters, is unfair to State and local officers, and unfair to other Federal employees without the political clout to win similar concessions from this Congress.

All in all, there is no good reason to vote for this bill, and I urge you to vote "no."

● Mr. BONER of Tennessee. Mr. Speaker, I rise in strong support of the Federal Law Enforcement Officers and Firefighters' Death Benefits Act. As an early cosponsor of this bill, I want to commend the bill's sponsor, Representative DALE KILDEE, and the members of the Education and Labor Committee for bringing this important measure to the floor of the House so quickly.

Mr. Speaker, this bill addresses a major imbalance in the Public Safety Officers Benefits Act. Under current law, Federal law enforcement officers and firefighters, or more specifically their surviving spouses and dependent children, are not eligible to receive the death benefits now afforded the surviving spouses and dependent children of State and local law enforcement officers and firefighters killed in the line of duty. This bill corrects this inequity by redefining "law enforcement officer" and "firefighter" to include Federal personnel and their surviving family members.

The Federal Law Enforcement Officers and Firefighters' Death Benefits Act restores equal treatment and recognizes the great hazards associated with law enforcement and firefighting activities at all levels of government, not just the State and local level. I urge my colleagues to join in support of this bill.●

● Mr. PARRIS. Mr. Speaker, the bill before us today would provide death benefits to survivors of Federal law enforcement officers and firefighters. It has my support and commendation.

I am sure I do not need to remind this body that because of the police officers of this country, America is "the land of the free." We are free from the type of crime and terrorism that is at this moment threatening many other societies in the world—societies where citizens who do not have capable and dedicated law enforcement cannot leave their homes without fear of harm.

Because of the police officers in this country, America is "the home of the brave." In this city a police officer and a Secret Service agent were wounded while protecting the President of the United States. It is because of acts of bravery like this, that America continues to be the land of the free.

I also would ask my colleagues to recall the valiant firefighters of this country who protect lives and property and risk their own lives daily for those in extreme danger. They deserve the full support of Congress.

Currently, local firefighters and law enforcement officers receive survivors death benefits under Public Law 94-430. Should we not provide the same benefits to hard-working Federal safety officers?

Over 5,000 Federal law enforcement officers and almost as many firefighters enlist our support for this legislation. I strongly urge my colleagues to support this worthwhile endeavor.●

● Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 622, a bill to amend title V of the United States Code to provide death benefits to survivors of Federal law enforcement officers and firefighters and for other purposes.

This bill which provides $50,000 lump sum death benefit to survivors spouses, minor or dependent children or dependent parents of Federal law enforcement officers and firefighters who died as a result of an injury inflicted in the time of duty, reduces an imbalance between Federal law enforcement officers and firefighters and those employed by State and local governments who received Federal death benefits under Public Safety Officers Benefits Act of 1976.

H.R. 622, does justice to the families and dependents of Federal law enforcement officers and firefighters who live in Puerto Rico and in the States, and recognizes the great hazards associated with law enforcement and firefighting activities. Also it will assist Federal agencies in recruiting and retaining qualified law enforcement officers and firefighters.

I urge my colleagues to support H.R. 622.●

● Mr. FORD of Michigan. Mr. Speaker, I rise in strong support of H.R. 622, a bill to provide death benefits to survivors of Federal law enforcement officers and firefighters. If ever there was a legislative proposal that required minimal debate and swift approval, it is this bill. A similar bill was passed by the House in the 96th Congress, and last year—in the 97th Congress—the House passed a bill identical to H.R. 622. On both occasions the measures were passed by overwhelming margins.

No intervening event has altered the circumstances which require this corrective legislation. Only time has accelerated the need for its enactment. It has been 6 years since the Congress enacted legislation to provide a lump sum death benefit to survivors of State and local public safety officers. Our Federal public safety officers deserve no less. They should not have to wait any longer for this remedial legislation.

H.R. 622 would provide a $50,000 lump sum death benefit to surviving dependents of Federal law enforcement officers and firefighters who are killed in the line of duty. This is the same benefit to which survivors of State and local officers are now entitled under the Public Safety Officers' Benefits Act of 1976. Federal public safety officers, like their counterparts on the State and local level, are engaged in the same hazardous occupations. Federal law enforcement officers must apprehend suspects or convicted criminals and face confrontations involving deadly weapons.

These situations are no less life threatening because the officers involved are Federal employees. Similarly, Federal firefighters are no less threatened than their State and local counterparts because the fires they are called upon to extinguish happen to be in Federal buildings or on Federal property. To paraphrase the statement of a witness at our recent hearings, when a Federal officer and a local officer are killed, the deaths are no less grievous for one officer's family than the other.

Let us not forget that frequently our Federal safety officers work side by side with State and local officers. If those officers are killed performing their assigned duties, each family of the State and local officer would receive $50,000 from the Federal Government. The families of the Federal officers would receive nothing. We should not expect our Federal law enforcement officers and firefighters to continue facing the ever-present perils of death in the line of duty and then disregard the need to protect their families from financial disaster.

Since additional death benefits have been provided to State and local public safety officers working in dangerous occupations, it is only fair that similar benefits are extended to Federal public safety officers who perform equally dangerous jobs. This legislation will remove the existing disparity in benefits and insure the financial security of the surviving dependents of Federal public safety officers who risk their lives daily to protect the property and lives of our citizens.●

● Mr. BIAGGI. Mr. Speaker, I rise to join with my colleagues in expressing my support for this vital legislation which will give Federal law enforcement officers a $50,000 death benefit in order to bring their compensatory programs up to the same levels as their colleagues on the State and locals.

H.R. 622 provides a $50,000 lump sum payment to officers killed in the line of duty—anticipated to be approximately five to seven officers per year. As a 23-year veteran of the New York City Police Department, I know firsthand the threat to life and limb that our law enforcement officials face on a daily basis. I have attended scores of funerals of police and firefighters killed in the line of duty. The loss their families face—their wives, husbands, and children—are tremendous. H.R. 622 is a small but important step toward compensating these families. I would hope that this would be a first step toward improving benefits to law enforcement officials who daily must place their own lives on the line in order to make our own lives safer.

I have authored legislation which would provide scholarships to children of law enforcement officials who are also killed in the line of duty. This bill, H.R. 3035, has been referred to the Education and Labor Committee. I would hope that we could build upon the fine record of our committee in protecting working men and women—and their families—by holding hearings on H.R. 3035 in the near future.

Prompt action is necessary on H.R. 622. During the 97th Congress, the House—with my strong support—passed identical legislation, H.R. 756, on August 4, 1982, by a vote of 327 to 82. It was adopted by the Senate in the continuing resolution on December 18, 1982. This bill came before our committee this year on July 14 and was adopted without dissent.

I urge prompt action on this bill today. I also commend my colleagues on the House Education and Labor Committee, Mr. KILDEE who introduced the bill, and my chairman, CARL PERKINS, who facilitated its timely passage. It is time to give proper recognition for the many sacrifices our police and firefighters make for us on a daily basis. H.R. 622 is appropriate recognition and should be passed.●

● Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 622, a long-needed measure that would extend death benefits to survivors of Federal law enforcement and firefighting personnel killed in the line of duty. We must share a common commitment to ease the suffering of the families of dedicated men and women who die while protecting the lives of others.

In extending a $50,000 death benefit to the spouses and children of these dedicated people, we must remember that their counterparts in State and local government jobs already receive such a benefit. Therefore, we would simply be erasing an injustice at a minimal cost to the Nation.

Existing benefits to these employees are simply inadequate to support their families in the event of a tragedy. This is especially true of our Nation's younger, lower paid officers; their survivors must often meet, at the same time, the increased costs of child rearing, mortgage payments, and other living costs.

We must never forget the anguish of families in the loss of a loved one; we cannot erase their physical and mental suffering. However, by adopting this measure, we can lessen their financial burdens and somehow reaffirm the values that might otherwise have been shattered by the immenseness of their personal tragedy.

These firefighters and law enforcement officers engage in dangerous occupations that often require them to risk their lives. Accordingly, I urge my colleagues to adopt this measure; the constant risks these brave men and women face should not leave their families open to the risks of financial stress.●

Mr. ERLENBORN. Mr. Speaker, I yield back the balance of my time.

Mr. KILDEE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. KILDEE) that the House suspend the rules and pass the bill, H.R. 622.

The question was taken.

Mr. ERLENBORN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRESSIONAL ADVISORY COMMISSION ON BOXING

Mr. FLORIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2498), to establish a Congressional Advisory Board on Boxing, as amended.

The Clerk read as follows:

H.R. 2498

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Congressional Advisory Board on Boxing Act".

ESTABLISHMENT

SEC. 2. There is established an advisory board to be known as the Congressional Advisory Board on Boxing (hereinafter in this Act referred to as the "Advisory Board").

PURPOSE OF COMMISSION

SEC. 3. The purpose of the Advisory Board is to make legislative recommendations to the Congress, consistent with this Act, based on its studies undertaken with respect to all aspects of professional boxing events held in the United States or broadcast or otherwise transmitted in interstate commerce.

MEMBERSHIP

SEC. 4. (a) NUMBER AND APPOINTMENT.—The Advisory Board shall be composed of ten members as follows:

(1) One physician with special knowledge or expertise with respect to the health and medical dangers associated with professional boxing, to be appointed by the Speaker of the House of Representatives.

(2) One physician with special knowledge or expertise with respect to the health and medical dangers associated with professional boxing, to be appointed by the majority leader of the Senate.

(3) One member to be appointed by the Speaker of the House of Representatives from among individuals involved in the presentation or regulation of professional boxing events, including boxers, promoters, and State athletic commissioners.

(4) Two members to be appointed by the majority leader of the Senate from among individuals involved in the presentation or regulation of professional boxing events, including boxers, promoters, and State athletic commissioners.

(5) Three members to be appointed by the Speaker of the House of Representatives from among individuals not involved in the presentation or regulation of professional boxing events.

(6) Two members to be appointed by the majority leader of the Senate from among individuals not involved in the presentation or regulation of professional boxing events.

(b) BASIC PAY.—Members of the Advisory Board shall each be paid at a rate not to exceed the daily equivalent of the annual rate of basic pay for GS-18 of the General Schedule for each day (including travel-time) during which they are engaged in the actual performance of duties vested in the Advisory Board.

(c) CHAIRMAN.—The Chairman of the Advisory Board shall be designated by the Speaker of the House of Representatives. The Vice Chairman of the Advisory Board shall be designated by the majority leader of the Senate.

(d) ORGANIZATIONAL MEETING.—Not later than thirty days after all members have been appointed to the Advisory Board, the Advisory Board shall hold an organizational meeting to establish the rules and procedures under which it will carry out its responsibilities. Such rules and procedures shall provide that all Advisory Board meetings shall be open to the public, that half of the total Advisory Board membership shall

constitute a quorum, and that a majority of those voting shall be required to authorize any recommendation or other official action of the Advisory Board.

STAFF OF ADVISORY BOARD; EXPERTS AND CONSULTANTS

SEC. 5. (a) STAFF.—Subject to such rules as may be prescribed by the Advisory Board, the Chairman may appoint and fix the pay of such personnel as the Chairman considers appropriate.

(b) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The staff of the Advisory Board shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(c) EXPERTS AND CONSULTANTS.—Subject to such rules as may be prescribed by the Advisory Board, the Chairman may procure temporary and intermittent services under section 309(b) of title 5 of the United States Code.

(d) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairman, the head of any Federal agency shall detail any of the personnel of such agency to the Advisory Board to assist the Advisory Board in carrying out its duties under this Act.

POWERS OF ADVISORY BOARD

SEC. 6. (a) HEARINGS AND SESSIONS.—The Advisory Board may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Advisory Board considers appropriate.

(b) OBTAINING OFFICIAL DATA.—The Advisory Board may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairman of the Advisory Board, the head of such department or agency shall furnish such information to the Advisory Board.

(c) MAILS.—The Advisory Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(d) ADMINISTRATIVE SUPPORT SERVICES.—The head of any department or agency of the United States shall provide to the Advisory Board such administrative support services as the Chairman may request.

(e) OFFICE SPACE.—The Advisory Board shall be provided with appropriate office space to enable it to carry out its responsibilities under this Act, at no expense to the Advisory Board.

(f) SUBPENA POWER.—(1) The Advisory Board may issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Advisory Board. Such attendance of witnesses and the production of such evidence may be required from any place within a judicial district at any designated place of hearing within such judicial district.

(2) If a person issued a subpena under paragraph (1) refuses to obey such subpena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may (upon application by the Advisory Board) order such person to appear before the Advisory Board to produce evidence or to give testimony relating to the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) The subpenas of the Advisory Board shall be served in the manner provided for subpenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) All process of any court to which application may be made under this section may be served in the judicial district in which the person required to be served resides or may be found.

REPORT

SEC. 7. The Advisory Board shall transmit to the Congress not later than nine months after the organizational meeting of the Advisory Board is held under section 4(d) of this Act a report which shall contain a detailed statement of the findings and conclusions of the Advisory Board, together with its recommendations for such Federal legislation as it considers appropriate, including whether or not to establish a Federal agency for the purpose of overseeing professional boxing and the appropriate role of such agency, and including minimum national standards with respect to—

(1) licensing requirements, including proficiency and training standards, for boxers, promoters, referees, judges, ringside physicians, timekeepers, and all other ring officials;

(2) health and medical requirements applicable to professional boxers, including periodic physical examinations which shall be administered to boxers and referees, and including minimum standards for pre- and post-fight physical examinations of boxers by physicians specializing in pertinent medical disciplines, including, but not limited to, ophthalmology and neurology;

(3) safety requirements and performance standards for equipment and facilities used in professional boxing events;

(4) bonding requirements for promoters of professional boxing events;

(5) accountability in all aspects of professional boxing;

(6) health, life, and accident insurance requirement for professional boxers;

(7) the reporting to a national authority of information on the health, medical condition, physical characteristics (including size and weight), background, and ring record of professional boxers, as well as background information on promoters, and the reporting of information on all professional boxing matches to be held in the United States; for use in establishing and maintaining an accurate and current account of a classification and ranking of professional boxers, and for the purpose of facilitating the protection of the safety and well-being of such boxers; and

(8) fines and penalties, including the denial or revocation of licenses, for violations of the national standards so established under Federal law.

TERMINATION

SEC. 8. The Advisory Board shall cease to exist sixty days after submitting its report pursuant to section 7.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There is authorized to be appropriated $880,000 to carry out this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. ERLENBORN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. FLORIO) will be recognized for 20 minutes, and the gentleman from Illinois (Mr. ERLENBORN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FLORIO).

Mr. FLORIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, recent boxing tragedies have caused many to call for strong regulation of the boxing industry, and in some cases, for its prohibition. Congress has looked at boxing at different times in the past, although legislation has never been enacted into law. This is the first time, in fact, that a committee of either the House or the other body has reported boxing legislation in almost 20 years.

The regulation of boxing is best described as a "nonsystem." Each State determines the extent to which it will or will not regulate boxing. Many States do not have a statewide governing body at all. And most importantly, there is no central data source to which the States can turn in order to obtain comprehensive fight and injury records on boxers.

Currently, 43 States have athletic commissions which regulate both amateur and professional boxing. Two States, Florida and Ohio, regulate boxing through county commissions. Five States, Georgia, Oklahoma, South Carolina, Wyoming, and Colorado do not have any form of boxing regulations.

The quality of regulation varies widely from State to State on such key issues as: "Physical examinations; ringside medical attendance; licensing of facilities and promoters, as well as fighters; ring and equipment standards; division of revenues, including revenues from television coverage; bonding; staff resources, powers and duties of the State regulatory authority.

For example in a report prepared for my subcommittee, the Congressional Research Service of the Library of Congress determined that:

Because of the disparity in State medical requirements, as well as the absence of a national medical recordkeeping system, an unscrupulous manager could conceivably transport an unhealthy or injured boxer from a highly regulated State (such as New York) to compete in a boxing match in an unregulated State (such as Georgia) in order to avoid a mandatory suspension due to injury. Thus, it can be argued that under current regulations the medical safety of participants is not fully protected or assured.

The Congressional Research Service also found that the "power vested in the State boxing commission or the

State commissioner may be either limited or extremely broad." They also found that State boxing commissioners have the authority to suspend State boxing standards. According to the Library's reports, "such broad discretion to suspend explicit regulations can lead to arbitrary relaxation of rules in the interest of accommodating political and public influence."

The report concluded that:

What is clear from even a cursory examination * * * is that boxing regulation varies considerably among the States. Without minimum national standards in the areas of medical treatment, training, equipment, and enforcement, State regulation is arguably a limited method for "protecting (society) against the evils that once led society to ban the sport."

During the hearings my subcommittee held, with the great leadership of Congressman RICHARDSON, as well as Congressman RITTER, in a bipartisan way, we heard from boxers, State athletic commissioners, the media, referees and the medical community. Overwhelmingly, these individuals, like the Library, spoke of the need to establish minimum uniform standards in professional boxing.

The legislation which we are dealing with today, which had bipartisan support unanimously offered at the subcommittee and at the full committee level we are considering today would accomplish this goal through the establishment of the Congressional Advisory Board on Boxing. Under the legislation, this Commission would report back to Congress within 9 months concerning the establishment of minimum, uniform national standards in boxing. For example, the bill requires the Board to report back concerning the need for a national authority to maintain up-to-date information on the health and ring records and background of boxers. The Board would also look at the question of whether a national authority should be established to develop and maintain classifications and rankings of professional boxers.

I believe it is important to point out that the establishment of uniform minimum standards under Federal law does not necessarily mean that the States' regulatory function would be preempted. Instead, the Federal role could be limited to the establishment of minimum standards which the States then could enforce and add to.

At the same time, I think it is important to understand that the absence of uniform minimum standards and a central source of data on medical and ring records poses a continuing threat to the health and safety of boxers. For example, the State of Ohio has no statewide authority to regulate boxing; instead, boxing in that State is regulated by eight local commissions. As a result, it is extremely difficult to tract the careers of boxers from Ohio.

A constituent of mine, Ralph Citro, has spent the last several years developing a national data base of information on boxers. Information from Mr. Citro's records demonstrates that the absence of up-to-date information enables many fighters to go on fighting in violation of commission regulations. For example, a "junior welter- weight" boxer from Columbus, Ohio, named Chico Rodriguez was knocked out in seven different fights in 1982.

On January 22, 1982, he was knocked out in Toronto, Canada, and just 4 days later he was knocked out again in a fight in Monroeville, Pa. He fought again on February 12, March 7, April 18, November 9, and November 27. In each fight he was knocked out, and, therefore, required by regulations of various States not to fight for at least 30 days.

The legislation we are considering would help prevent this type of thing from occurring by developing proposals for the type of national authority which is needed to insure that the States have the information they need to enforce their own regulations.

Under this legislation, the Board would have 10 members. The Board would have the authority to utilize staff and administrative resources of government agencies so as to avoid duplication of effort and unnecessary Federal expenditures. In addition, the Board would have a budget of $800,000 to fund its activities.

Mr. Speaker, I believe this is an important piece of legislation, and I urge my colleagues to support it.

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Mr. ERLENBORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are those who are never shy about having the Federal Government assert itself. There are those who feel there is no problem existent that is not subject to some Federal solution. I think it is only those who have that sort of philosophy who would want to support the bill before us to create the Boxing Commission or Board.

This, Mr. Speaker, is clearly intended to lead to a recommendation for Federal legislation regulating boxing.

I would just point out that no other sport has such a Federal regulatory scheme. In other words, when problems have arisen in other sports, whether football, basketball, collegiate sports, baseball, wherever there have been problems with a professional sport or a collegiate sport the people engaged in that activity have found a method of policing themselves rather than turning to the Federal Government.

I think it is quite clear that the sponsors of this legislation envision a recommendation within the 9 months, I believe it is, that the study is to be carried on, that would lead to the introduction and in their mind the hopeful passage of a Federal regulatory scheme of some nature.

Mr. Speaker, I think this is a mistake. I know that boxing is in very poor repute. I think that the public will respond by not attending matches, by not watching the television, and if there are those in the sport who would like to save it they will join together to save the sport through self-regulation.

I would like to comment apart from the substance of this bill on the procedure. In our Committee on Education and Labor we had a record vote on an amendment that would include, among the matters to be studied under this legislation, the question of abolishing boxing altogether.

Now before us in an amendment agreed to by the sponsors in each of our two committees which eliminates that as one of the charges to the commission.

In addition, in our committee we, by agreement, reduced the amount of authorized appropriation from I believe it was $950,000 to $350,000. I understand that the amendment that has been offered by the agreement of the managers will increase that back to $880,000.

Mr. Speaker, I am sorry to see these changes made. They do not reflect the wishes of the Committee on Education and Labor as expressed in the meeting where we considered this legislation.

One other thing, Mr. Speaker. I would like to call my colleagues' attention, particularly my colleague from the Education and Labor Committee, to the agreement that we had in the House Education and Labor Committee version that the power given to the commission to gather information in the possession of other Federal agencies was not meant to be construed as superseding or otherwise affecting any law, regulation or executive order which governs the confidentiality of such information.

We had in the House report specific language on page 12 in the first full paragraph to that effect.

I would ask the gentleman from Montana (Mr. WILLIAMS) and would yield to him for that purpose, whether it is the intention of the managers of this legislation that the same interpretation be put on the compromise version, even though the House report does not directly affect it?

Mr. WILLIAMS of Montana. Mr. Speaker, will the gentleman yield?

Mr. ERLENBORN. I yield to my colleague.

Mr. WILLIAMS of Montana. I thank my colleague for yielding and will tell him that that is the understanding of the sponsors of this legislation. We want to assure that this bill protects the confidentiality of information, and

I join my colleague in that understanding.

Mr. ERLENBORN. I thank my colleague.

Mr. Speaker, I reserve the balance of my time.

Mr. FLORIO. Mr. Speaker, I yield 7 minutes to the gentleman from New Mexico (Mr. RICHARDSON).

Mr. RICHARDSON. Mr. Speaker, every Member of Congress was saddened last year by the unfortunate death of the Korean figher Kim, who died during a match with Ray Mancini. All of us watched in horror as the networks replayed video accounts of the young fighter's tragic demise. Many of us in the Congress felt the profession needs a critical examination with an eye toward structural changes designed to protect the health and safety of boxers and to insure the profession continues to have the respect and confidence of the public.

Earlier this year, the distinguished chairman of the Subcommittee on Commerce, Transportation and Tourism (Mr. FLORIO), convened hearings on professional boxing. At these hearings, I and other members of the subcommittee heard testimony from a broad range of witnesses involved in professional boxing. We heard from boxers, from referees, from media, from State athletic commissioners, and from national and international organizations involved in sanctioning professional boxing events.

On April 12, after the conclusion of these hearings, I introduced H.R. 2498, a bill to establish a Federal Advisory Board on Boxing. This Board, which would be composed of 10 members, 5 appointed by the Speaker and 5 appointed by the majority leader of the Senate, would spend 9 months closely examining issues identified at our hearings as being important to the future of professional boxing. These issues include: Licensing requirements, including proficiency and training standards for boxers, promoters, referees, judges, ringside physicians, and other ring officials; health and medical requirements, including prefight and postfight testing and examination by physicians specializing in cardiological, neurological, and ophthalmological treatment for professional boxers; and the reporting to a national authority of information on the health and medical condition and background of boxers for use in establishing and maintaining an accurate and current account of a classification and ranking of professional boxers.

At the end of the 9-month period, the board would be required to report to the Congress with specific recommendations of each of these issues, including any proposed legislation.

The board is not designed to become another faceless bureaucracy that could burrow away in a government office building and perpetuate itself each year in the appropriations process. Rather, this is a temporary body which would exist only for less than 1 year. Sixty days after the report to the Congress is filed, the board would cease to exist.

During our consideration of the bill before the full Energy and Commerce Committee, several cost-savings measures were adopted, including requiring the General Services Administration to provide surplus office space and allowing existing civil service employees to be detailed to the board on a temporary basis. As a result the authorization for the board has been cut from $2 million to $880,000.

Mr. Speaker, boxing is the third or fourth most popular sport in our country. Millions of Americans watch fights every year. In my own State of New Mexico, boxing is an immensely popular amateur sport, particularly among Hispanic youth. Competition is very intense at the local level and New Mexico has produced its fair share of amateur champions and professional fighters as well.

Mr. Speaker, this legislation is urgently needed. We must establish a board and allow the best minds in the profession to sit down together with adequate resources and hammer out a series of recommendations for the Congress to consider and, hopefully, adopt into law. We cannot continue under the fragmented and dangerously ineffective State regulation scheme under which the boxing profession currently operates.

I commend the floor manager of the bill, the chairman of the Commerce, Transportation and Tourism Subcommittee for his strong support. I also appreciate the input of my friend from Montana (Mr. WILLIAMS).

I strongly urge my colleagues to vote to suspend the rules and pass H.R. 2498. We must not wait until another tragedy occurs before we are moved to act.

Mr. ERLENBORN. Mr. Speaker, I yield 3 minutes to my colleague from Utah (Mr. NIELSON).

Mr. NIELSON of Utah. Mr. Speaker, I rise in opposition to this bill. I serve on both the Committee on Education and Labor and the Committee on Energy and Commerce which had this bill and I think the compromise before us adopts the worst features added by both committees.

The Committee on Energy and Commerce set up a commission to look at, among other things, licensing, health, medical, and safety requirements for professional boxers. They made no mention of establishing a Federal regulatory agency to regulate boxing but, rather, a set of uniform national standards to be adopted and enforced by the States.

However, the Education and Labor Committee agreed as part of the compromise to include language specifically directing the commission to look at the establishment of a Federal regulatory body for the purpose of regulating all aspects of professional boxing.

This typifies the mentality which has brought us so much Federal regulation—if there is a problem, there must be a Federal solution. In other words, they took the worst provision of the Education and Labor bill and put that in the bill instead of the more sensible Energy and Commerce approach.

On the other hand, as the gentleman from Illinois (Mr. ERLENBORN) has mentioned, they left out the possibility of looking at boxing as being dangerous and cruel and perhaps a sport that ought to be abolished. This very desirable provision of the Education and Labor Committee was deleted in the compromise.

The compromise bill also raises the money to the excessive amount of $880,000, very near the extravagant Energy and Commerce figure of $950,000, and much above the reasonable $350,000 recommended by the Education and Labor Committee.

In my view, they have incorporated in this bill all of the undesirable things that were done in both the Committees on Education and Labor and Energy and Commerce.

If they had taken the best parts of the actions of these two committees, I think we would have a much better bill and one which I could support. Unfortunately I must oppose it as it now stands.

Mr. FLORIO. Mr. Speaker, I yield 7 minutes to the gentleman from Montana (Mr. WILLIAMS).

Mr. WILLIAMS of Montana. I thank my colleague and rise in support of H.R. 2498.

I want to thank the gentleman from New Jersey (Mr. FLORIO), and the gentleman from New Mexico (Mr. RICHARDSON) and both the Energy and Commerce Committee and the Education and Labor Committee for their work on this important piece of legislation.

I also want to particularly note the support by the gentleman from California (Mr. MILLER) of the Labor Standards Subcommittee.

H.R. 2498 has been the product of hard work and much compromise. I must say, frankly, sometimes I have believed that the compromise was too much.

On March 2, I introduced H.R. 1751 entitled the Federal Boxer Protection Act. This legislation called for the Labor Department to establish a Federal Boxing Commission that would, through regulation, set minimum health and safety standards for boxers in their workplace, the ring.

□ 1330

Shortly after introduction of that bill, Congressman FLORIO introduced a boxer study panel which serves as the basis of today's legislation.

My bill had significant support within the Education and Labor Committees and from many Members of Congress. My legislation calling for a Federal Boxing Commission, however, was not heard in the Energy and Commerce Committee. They did report out H.R. 2498 calling for this study. I am still convinced that the only way to stop the loss of life and increasing injury in this sport is to have the Labor Department set minimum standards and enforce them. It is my belief that the study commission will come to the same conclusion and I am hopeful that we can get on with protecting a group of workers who labor without benefit of basic labor protection.

I am a boxing fan and as a fan I am extremely concerned about the sport. When Congress first looked into boxing 22 years ago, it found a desperately unhealthy sport. In 1979 I participated in hearings conducted by former Congressman Ed Beard and we found that same sick sport.

In the intervening years between Kefauver and Beard's hearings, 190 men died in the ring. There is no way to estimate the cost to boxers who suffered injury or death because of fighting.

In the 22 years since Senator Kefauver's efforts boxing has not improved; in fact, it has gotten worse.

Anyone only has to witness the recent events in boxing to see how out of control this sport is. This legislation before us now which enjoyed good support from both the majority and minority within the Education and Labor Committee is the bare minimum response to these problems. It establishes a panel to look into what should be done. The study panel will hopefully be able to report back before the end of the second session of this Congress.

Along with basic recommendations on minimum standards, the study panel is instructed to decide if Federal intervention is necessary and if it is what type of regulatory body should be enacted in the negotiations that ultimately arrived at this bill. The study panel's purpose was focused and its goals clearly defined. I believe this is an important compromise because in dealing with boxing it is far too easy to attempt more than can be achieved.

We must focus on the protection of fighters and ultimately the other problems in boxing will, in my judgment, also be solved.

In my mind, to do less than H.R. 2498 or perhaps as some have said to do nothing will mean that sooner or later as a major American sport, boxing will die.

H.R. 2498 takes this country on an important move toward the protection of boxers in their workplace, the ring. I uge my colleagues to pass it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman yields back 2 minutes.

GENERAL LEAVE

Mr. ERLENBORN. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

● Mr. LENT. Mr. Speaker, I rise in support of H.R. 2498, a bill to establish a Congressional Advisory Board on Boxing. But my support today is not without some hesitation because of events which have transpired since the Energy and Commerce Committee reported its bill on April 26.

As reported by the Commerce Committee, H.R. 2498 set up a commission to make legislative recommendations to the Congress for the establishment of minimum Federal standards for professional boxing events. The Commission was to examine numerous areas related to professional boxing including health and medical requirements, safety and proficiency requirements for boxing equipment and facilities, and licensing and training standards for all ring officials. I was particularly pleased with the Commerce Committee's bill because there was no reference to the establishment of a Federal regulatory body to regulate professional boxing. In fact the Commerce Committee's report on H.R. 2498 said, "The committee directs the Commission to include in its report to Congress an assessment of the State's ability to implememt and enforce uniform standards."

While I believe there are special circumstances involved in the issue of boxing which dictate review by the Congress, in my view the far preferable way to handle any regulation which may be imposed is through uniform standards implemented by the States. Permanent Federal regulation of this sport is, in my view, an undesirable result.

That is why I was distressed to learn that, as part of compromise to bring this bill to the floor, it was decided to include language specifically referencing the establishment of a Federal regulatory body for the purpose of regulating all aspects of professional boxing. I believe this type of language sends the wrong message to the Boxing Commission as to the direction of its mandate.

So, while I am not withdrawing my support for this measure, I want to make it very clear that I am not pleased with the addition of this new language. When this bill was drafted by the Energy and Commerce Committee every effort was made to avoid including a direct reference to permanent Federal regulation of boxing. Addition of such a reference, in my view, sends the Commission down a dangerous and undesirable path.●

● Mr. ECKART. Mr. Speaker, throughout the course of our hearings I was impressed by the unanimous opinion among our witnesses. Every witness, from Howard Cosell, Floyd Patterson, State boxing commissioners, referees, to the American Medical Association, agreed that our custom of relying on each State to regulate the sport has not worked. Inconsistent and weak State rules have not protected fighters and may have even led to cases of fraud.

Virtually every witness agreed that a few commonsense precautions could prevent serious injuries and deaths. The most common serious injuries—brain and eye—could be alleviated by such measures as requiring regular physical examinations, the presence of qualified ringside physicians, and maintaining complete health records of active boxers.

The tragic death of Korean fighter Duk Koo Kim and his mother's subsequent suicide have focused national attention on the need to provide basic safety protections for boxers. While his death may not have been avoidable, we can take steps to insure that fewer fighters are injured needlessly.

So many serious questions were raised by both the Energy and Commerce Committee's hearings and the Education and Labor Committee, that the establishment of a Commission to make legislative recommendations should be noncontroversial.

The Commission would make recommendations to Congress, all interests in boxing would be represented, and the Commission would look at all aspects of boxing including everything from medical standards to standards governing the classification and ranking of professional boxers.

Many Members of Congress, including myself, love the sport of boxing; we want to make sure that the sport, called sick by many of our witnesses, is brought back to health soon.●

Mr. FLORIO. Mr. Speaker, I yield myself 2 minutes to conclude the debate.

I think it is important that we have the record straight, the representation was made that this is a regulatory piece of legislation and that is not the case. This is a piece of legislation that will authorize this advisory council to report back to this Congress with its recommendations. Should their recommendations be in the nature of regulations or the need to establish legislation, we of course at that time would

be able to address the problems that would be pointed out to us.

I think it almost comes down to a position where one has to say that you are pleased with the status quo and if you are pleased with the status quo with regard to this multimillion dollar industry that has no public accountability at all then one can oppose this.

On the other hand, if you feel there is a need to address some of the problems that the hearing record of both committees is full of examples of serious mismanagement and practices that are questionable at best, then you cannot in good conscience oppose this legislation because we want to get to the heart of what those problems are and see what, if anything, should be done to address them.

So, I would ask this body to consider and to support this initiative to learn what the problems are in depth and have the opportunity to consider them for potential legislative enactment, should it be determined that is needed.

Mr. ERLENBORN. Mr. Speaker, will the gentleman yield?

Mr. FLORIO. I yield to the gentleman.

Mr. ERLENBORN. Mr. Speaker, I wonder if the gentleman agrees with his colleague. Our colleague has described this as sort of an Occupational Safety and Health Act for the boxing profession. He said it was necessary to regulate the conditions in the workplace for these boxers for the protection of their safety and health.

And if you do agree with that, I wonder how we would then avoid the conclusion that safety standards are necessary for football players and basketball players and others whose workplace happens to be the sports field?

Mr. FLORIO. As the gentleman well knows, the other industries other than boxing have self-regulation because there is a finite universe of participants. What we have now are 50 different systems, some of which are nonexistent. If the gentleman wants to offer amendment to have antitrust immunity given to the boxing profession, that is his right.

I do not think it makes terribly too much sense. But that is what these other industries, other sports have. There is something unique about boxing. It is so decentralized.

This is something concerned about the health and well being of boxers. The more we looked into this industry, the more we found that if you are going to deal with the problems of safety and health of boxers in the ring, that there were practices outside the ring that had to be addressed.

Mr. ERLENBORN. Mr. Speaker, I yield back the balance of my time.

Mr. FLORIO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. FLORIO) that the House suspend the rules and pass the bill, H.R. 2498, as amended.

The question was taken.

Mr. ERLENBORN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. KILDEE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 622, which was considered earlier today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

HEALTH RESEARCH EXTENSION ACT OF 1983

The SPEAKER pro tempore. Pursuant to House Resolution 208 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2350.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2350), to amend the Public Health Service Act to revise and extend the authorities under that act relating to the National Institutes of Health and the National Research Institutes, and for other purposes with Mr. BREAUX in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from California (Mr. WAXMAN) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. MADIGAN) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I am pleased to present H.R. 2350, the Health Research Extension Act of 1983. The provisions are similar to legislation overwhelmingly approved by the House during the 97th Congress.

I am especially pleased to speak in support of this bill because it represents a forceful statement of support for our Nations's excellent biomedical research programs. It is the product of extensive subcommittee and committee consideration over the past 2 years. The committee has held over 20 days of hearings and markup sessions on this issue. The hearing transcript runs over 1,600 pages. Members and subcommittee staff have spent hundreds of hours with representatives of medical, scientific, and public health associations in preparation of this proposal.

The Committee on Energy and Commerce and its Subcommittee on Health and the Environment are committed to an effective national effort to prevent and cure cancer, heart disease, arthritis, diabetes, and many other fearsome diseases.

The National Institutes of Health are at the vanguard of our commitment to these goals. The NIH is the finest biomedical research institution of its kind in the world. At a time when so many of our Federal programs are under attack, NIH is unique in its excellence. It is well deserving of the congressional support and recognition embodied in this legislation.

H.R. 2350 extends for 3 fiscal years the authorization of appropriations for expiring research authorities. These authorities include: First, the National Cancer institute; second the National Heart, Lung and Blood Institute; third, the National Library of Medicine; fourth, national research service awards; and fifth, various diabetes, arthritis, digestive, and kidney diseases activities. The administration has recommended significantly lower funding levels for these activities but the committee turned back these proposals.

The legislation also makes a number of important changes to promote the more effective and efficient management of the NIH. These changes include procedures for peer review of intramural research and contracts, as well as establishment of a system for reviewing reports of scientific misconduct. Within the NIH and each national research institute, increased emphasis was placed upon sponsorship of prevention-related research. The committee recognizes that research on the prevention of disease has been underemphasized by NIH in the past yet holds the greatest promise of one day reducing the incidence of a wide range of illnesses.

Mr. Chairman, one of the most important provisions of H.R. 2350 is the establishment of a new institute, the National Institute of Arthritis and Musculoskeletal Diseases. Creation of an arthritis institute has been a special interest of the distinguished chairman of the Rules Committee, Mr. PEPPER. Congressman PEPPER has over many years of public service carefully studied the progress of arthritis research in this country. At his urging the legislation expands the Federal commitment to arthritis research through establishment of a separate arthritis research institute.

In addition, the Health Research Extension Act of 1983 contains a non-

substantive, technical redraft of title IV of the Public Health Service Act. This redraft, the first since 1944, is long overdue and necessary to adequately define the responsibilities of the NIH and to streamline redundant or inconsistent authorities. The redraft includes a consolidation of annual congressional reporting requirements into a single biennial report and provides statutory authority for those NIH research institutes and agencies which have been created administratively.

Mr. Chairman, support of the committee reported bill is important to the conquest of cancer, arthritis, diabetes, and other serious diseases facing the American people. An effective biomedical research program will lead to a healthier, more productive population. H.R. 2350 provides the foundation necessary to maintain a strong, accountable health research program.

I urge each Member's support for this important legislation.

□ 1340

Mr. MADIGAN. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from North Carolina (Mr. BROYHILL), the ranking minority member of the Committee on Energy and Commerce.

Mr. BROYHILL. Mr. Chairman, legislation is needed this year to reauthorize the National Cancer Institute and also the National Heart, Lung, and Blood Institute. As well as the other expiring authorities of the National Institutes of Health.

H.R. 2350 reauthorizes these authorities, but unfortunately it goes too far by making extensive and unjustified changes in the organizational structure of NIH and the research activities conducted there at that most important and valuable institute.

These changes, in my judgment, will severely disrupt NIH research endeavors and therefore, I do take strong exception to the bill as written and reported by the Committee on Energy and Commerce.

Later this week, as we continue debate on this bill, I will offer an amendment in the nature of a substitute and would ask the consideration of Members of the House for this substitute.

First, I believe it is only fair that I should state what my concerns are about the bill as written. I strongly oppose what I believe are some of the underlying principles of H.R. 2350. The record does not support the drastic changes called for in H.R. 2350 in the manner in which NIH manages its programs and allocates its research dollars.

Second, the record does not support the drastic changes that are called for in this bill in the organizational structure of NIH.

The Waxman bill includes a wide variety of line item authorizations, earmarking funds for several new disease centers, grants for specific research, and also there are two new national commissions that are authorized in this legislation.

I do not argue with the gentleman from California in his statement that Congress should be responsive to constituencies in supporting research in specific disease areas, but I am concerned that this authorizing legislation has become the vehicle for a variety of special interests at the expense of stable and consistent support of research in all fields.

For example, there are 17 absolutely new authorizations in this bill that total over $600 million for fiscal years 1984 through 1986. What these authorizations represent are a reallocation of research dollars mandated by the Congress rather than by the process that is presently in place at NIH, the process of scientific peer review.

It would only seem reasonable that dollars to fund these activities are going to have to be taken from existing programs, that is moneys that are already committed to research in various areas.

So it would follow that this legislation will significantly disrupt the NIH process of awarding research dollars based upon scientific excellence and merit.

In addition, I am concerned about this legislation because of the many management directives and administrative practices that H.R. 2350 would seek to lock into Federal statute. Many of these directives represent current practices and activities at NIH. These have been initiated not by Congress but they have been initiated by the Director of NIH, by the Institute Directors and by the staff at the NIH.

I am concerned that Congress by putting these practices and activities in the law may tend to tie the hands of an agency that has been and continues to be one of the most effective organizations in the public health service.

Much of what the Waxman bill calls for is currently being done at NIH without specific legislative mandate and it is this inflexible detail, excessive specificity, if you would, in the language of the bill which would inhibit NIH from responding to scientific changes or new opportunities in the future and could likely lead to future administrative problems at NIH.

H.R. 2350 would significantly change the organizational structure of NIH by wastefully transferring the National Centers for Health Services Research and Health Statistics and also the National Institute of Occupational Safety and Health to NIH.

These agencies have significantly different missions from NIH and they are more appropriately located and managed where they presently exist. The transfer of these centers would, in addition, significantly drain resources from the existing NIH research program to reallocate funds and resources to administer these new programs.

So for these reasons that I have outlined very briefly today, I cannot support this legislation as written.

□ 1350

Therefore, I feel the responsibility to offer a substitute, and I am being joined by my colleague, the gentleman from Illinois (Mr. MADIGAN), in this effort. We will offer a substitute to H.R. 2350 during later floor consideration. Our substitute reauthorizes expiring authorities at NIH for 3 fiscal years at the same funding levels that are contained in the Waxman bill.

Reauthorization for NIH expiring authorities are as follows under the Broyhill-Madigan substitute:

[In millions of dollars]

	1984	1985	1986
National Cancer Institute	1,322.0	1,400.0	1,500.0
National Heart, Lung and Blood Institute	713.0	818.0	936.0
National Library of Medicine	10.0	11.0	12.0
National Research Service Awards	191.0	220.0	251.0
Programs needing reauthorization in National Institute of Arthritis, Diabetes, Digestive and Kidney Disease:			
Diabetes research centers	16.0	18.0	20.0
Diabetes and digestive disease advisory boards	.4	.4	.4
Diabetes data system	1.0	1.0	1.2
Arthritis data system	1.0	1.1	1.2
Multipurpose arthritis centers	15.0	18.0	21.0
Arthritis advisory board	.4	.4	.4

In addition, our amendment creates a new National Institute of Arthritis and Musculoskeletal Diseases. Our substitute has the support of a number of professional organizations. I believe that the Congress must insure that the NIH and the Institutes there are able to continue their pacesetting course in research exellence. For that reason, our substitute contains funding levels which permit continued growth and support for high-quality biomedical research, but at the same time maintains the flexibility that NIH needs and requires to respond to an ever-changing scientific environment.

I want to thank my colleague, the gentleman from Illinois (Mr. MADIGAN), for joining me in offering this preferred alternative. In this substitute we provide NIH with the necessary funds to carry out its mission of improving the health of the Nation through the conduct of supportive research, but we take out the language that would provide for the inflexible, detailed, excessive specificity that is contained in the Waxman legislation.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I am interested in the provisions of the substitute which the gentleman plans to offer. The gentleman stated that his substitute will include the same authorization levels as those provided by the bill reported by the Commerce Committee. Is that correct?

Mr. BROYHILL. The funding levels in the substitute are the same funding levels in H.R. 2350, as I interpret it. The National Cancer Institute would be authorized at $1,322,000,000 in 1984, $1,400,000,000 in 1985, $1,500,000,000 in 1986, and so forth.

Mr. WAXMAN. The gentleman indicated that he plans to include in his substitute a provision for the creation of a new Arthritis Institute. Is that accurate?

Mr. BROYHILL. That is correct.

Mr. WAXMAN. Does the substitute include any of the other provisions that were adopted in the committee bill?

Mr. BROYHILL. Yes. The substitute includes reauthorization for the National Heart, Lung and Blood Institute, the National Library of Medicine, National Research Service Award, and the other programs needing reauthorization in the National Institute of Arthritis, Diabetes, Digestive and Kidney Disease. Those include diabetes research centers, diabetes and digestive disease advisory board, diabetes data system, arthritis data system, multipurpose arthritis centers, arthritis advisory board. In addition, the substitute creates the new National Institute of Arthritis and Musculoskeletal Diseases, which includes arthritis demonstration products for fiscal years 1984-86 at funding levels of $2 million each year.

Mr. WAXMAN. Would the gentleman agree to place the text of his substitute in the RECORD at this point so that all Members may have a chance to review it?

Mr. BROYHILL. I will be glad to do so. It has already been in the RECORD. If it has not, then it will be placed in the RECORD today.

Mr. WAXMAN. Does the gentleman have within his substitute a line authorization for cancer centers?

Mr. BROYHILL. The National Institute of Cancer would be funded at the levels that I enumerated a few moments ago.

Mr. WAXMAN. My question is as to cancer centers. Is there a specific authorization for centers?

Mr. BROYHILL. There is no line item authorization for the centers that the gentleman is talking about, but the dollar levels, of course, are included, so that there will be flexibility at NIH to make the grants, dependent upon scientific peer review that presently goes on every day at NIH .

Mr. WAXMAN. If the gentleman will yield further, I wonder if the gentleman is aware that, notwithstanding scientific peer review, the Reagan administration is proposing to terminate support for many of the Nation's best comprehensive research centers. If these centers are not authorized by a specific line item, their support will be in jeopardy.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Illinois.

Mr. MADIGAN. Mr. Chairman, I think that the gentleman from California (Mr. WAXMAN) may be speaking about what the Reagan administration proposes to do; but we are speaking here about the Broyhill-Madigan substitute for the Commerce Committee reported bill, which is certainly not the same as the administration position, even with regard to the total amounts of moneys that would be considered.

Mr. WAXMAN. Mr. Chairman, if the gentleman will yield to me further——

Mr. MADIGAN. Mr. Chairman, we have several speakers on this side. We have only 30 minutes, and the gentleman is using all of our time.

Mr. WAXMAN. Mr. Chairman, we will be glad to yield additional time to the gentleman.

Mr. MADIGAN. If the gentleman would seek his own time and then ask these questions, we would be delighted to respond to them.

Mr. BROYHILL. Mr. Chairman, let me just sum up by saying that the dollars have been included. We are not arguing over that with the gentleman. We are not going to debate the dollars. All we are saying is that those who have responsibilities for administering NIH are far better qualified than those of us on the House floor, operating in a political environment like this, to make the determination as to where those dollars go.

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume, so that I may pursue some questions with my colleagues on the other side of the aisle, specifically the gentleman from North Carolina (Mr. BROYHILL) or the gentleman from Illinois (Mr. MADIGAN).

Mr. Chairman, I would like to know from the gentleman from North Carolina (Mr. BROYHILL) whether he has a specific line item authorization for cancer centers in his substitute?

Mr. BROYHILL. If the gentleman will yield, I will repeat what I said just prior to this, and that is that the dollar levels are included but not a specific authorization for and mandate that they be spent in a specific way. We leave this to the discretion of the health professionals at NIH.

Mr. WAXMAN. Well, I might comment, then, that the decision is not just that of the health professionals at NIH. The Reagan administration is proposing to terminate support for a majority of the Nation's finest comprehensive cancer research centers. As a matter of fact, many of the Nation's major cancer research centers—Sloan-Kettering in New York City, M. D. Anderson at Houston, and Fred Hutchinson in Seattle—believe that a line authorization is necessary to protect them from attacks such as the one this year by a shortsighted OMB.

Mr. BROYHILL. If the gentleman will yield, is the gentleman saying that the Director of NIH has made this decision?

Mr. WAXMAN. I am not suggesting that at all, but I would submit that the Reagan administration position is to disregard the support that Congress has given in the past to these cancer centers. Without spelling out in the gentleman's substitute a line item authorization for cancer centers, they are vulnerable to an OMB intent upon reducing funding to this program.

Mr. BROYHILL. If the gentlemen will yield, the gentleman knows that if these levels of authorization are approved by the Appropriations Committee, then there is no way that those appropriations can be impounded by the Reagan administration.

The gentleman well knows that we have a law on the books which is called the Budget Control and Impoundment Act, and there is no way that the Reagan administration can impound funds without coming back to Congress.

Mr. WAXMAN. The distinguished gentleman from North Carolina is the ranking member of the Energy and Commerce Committee. We are the authorizing committee for the NIH. If we are going to stand on the sidelines and merely hope the Appropriations Committee will protect those biomedical research priorities we think are important, I submit we are abdicating our responsibility.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Illinois.

Mr. MADIGAN. Mr. Chairman, if what the gentleman is saying is true, then could the gentleman explain to the Committee of the Whole why it is that the Association of American Medical Colleges, the Federation of American Societies for Experimental Biology, the National Society for Medical Research, the American Physiological Society, the Association for Academic Health Centers, the National Institutes of Health, and the American Medical Association all oppose the gentleman's bill?

If the gentleman is such a protector of these things, why are all of these people in the universities, in the professional organizations, in the research centers, all cpposed to the bill being offered by the gentleman from California?

Mr. WAXMAN. Mr. Chairman, I would submit to my colleague that the organizations that support the committee bill are equally impressive, if not more impressive: The American Cancer Society; the American Lung Association; the American Academy of Orthopaedic Surgeons; the Association of American Cancer Institutes; the Coalition of Digestive Disease Organizations which includes the American Celiac Society, American College of Gastroenterology, the American Gastroenterological Association, the American Liver Foundation, American Society for Gastrointestinal Endoscopy, American Society for Parenteral and Enteral Nutrition, Center for Ulcer Research and Education Foundation, Children's Liver Foundation, Gluten Intolerance Group, International Association for Enterostomal Therapy, National Foundation for Ileitis and Colitis, North American Society for Pediatric Gastroenterology, Pediatric Liver Research Foundation, the Society for Surgery of the Alimentary Tract, and United Ostomy Association; the American Diabetes Association; the Arthritis Foundation; the Juvenile Diabetes Foundation International; and the Association of Schools of Public Health.

□ 1400

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I would be pleased to yield to the gentleman from Illinois.

Mr. MADIGAN. I thank the gentleman for yielding.

Mr. Chairman, the list that the gentleman has read, I believe with two exceptions, and the gentleman was reading very quickly, but I believe the list the gentleman has read is a list made up almost entirely, except for the two exceptions, of organizations that one would regard as special interest organizations interested in dollars as opposed to the list that I read, which are organizations entirely of health professionals actually engaged in doing the research that we are talking about when we talk about authorizing the National Institutes of Health.

Mr. WAXMAN. Mr. Chairman, if I might reclaim my time, its surprising to think that people who are organized to fight diseases are viewed as a special interest group while the medical schools are not, when the medical schools are the ones who receive grants from the Federal Government. To answer your questions more specifically, why the medical schools would oppose the committee proposal and support your substitute, they do not want Congress to review how this money is spent. They would rather the money go right to them and that they made the decisions.

But when we have a $4 billion program, it seems to me Congress has a responsibility to determine whether this money is being spent for the purposes that our constituents want addressed.

Mr. MADIGAN. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I will have to ask the gentleman, as he asked me, to seek some time on his own rather than to take up time from our side.

Mr. Chairman, I might indicate that the Broyhill-Madigan substitute deletes the sections of H.R. 2350 that relate to fraud and abuse, and I would like to go into that when we debate the substitute. Further, the committee bill establishes a National Commission on Orphan Diseases to review NIH's treatment of research regarding rare diseases. This is deleted as well in the substitute.

The provisions on spinal cord regeneration, which will have an impact on helping those people who are paralyzed, many of whom are veterans who served this Nation, would be deleted from this legislation.

The attention that is paid to Alzheimer's disease in the committee bill would also be stricken, and the prevention centers program would be deleted by the Broyhill-Madigan substitute.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield at that point for a correction in the RECORD?

Mr. WAXMAN. I certainly would be pleased to the gentleman to make a correction.

Mr. BROYHILL. Is the gentleman indicating that we have cut dollars from this? All we are saying is that if the professional scientific professionals want to allocate more than the gentleman had in his bill, they could do so if they felt that it was justified.

Mr. WAXMAN. Mr. Chairman, if I might reclaim my time, the gentleman, I know, has had other commitments, but over the many hours that we sat in hearings in our subcommittee, we were told that not enough was being done for spinal cord regeneration projects, that the cancer centers were vulnerable to an OMB attack, that Alzheimer's disease was not getting the attention it should, and that the prevention centers were something that the people at NIH would rather not deal with because they are used to dealing in the way they have always dealt; that is, to make the decisions by themselves and not to consider these other important priorities.

We who are responsible for spending the taxpayers' money in the sum of $4 billion a year, ought to spell out some sense of priorities rather than just saying, "Here is a pot of $4 billion; spend it as you see fit."

That, of course, in no way interferes with peer review or the very proper decisions that scientists ought to make for themselves.

Mr. Chairman, I would like to yield 5 minutes to our colleague from the State of Pennsylvania (Mr. WALGREN), who played a very important role in this legislation, to speak on the general debate on this issue.

Mr. WALGREN. I thank the gentleman for yielding this time to me.

Mr. Chairman, I want to say how much I think of the work product of this committee, the bill that was developed by the Subcommittee on Health and the Environment to extend for 3 years the authorizations for the 11 National Health Research Institutes.

Cerrtainly the fear of death and disease is a fear every human being lives with daily. By providing and guiding the funding for the National Institutes of Health, we do what we can and should to give people hope that some day we may alleviate the afflictions that they or people they are close to may suffer.

There is hardly a more important task for a country as wealthy as ours than finding cures for diseases like cancer, arthritis, diabetes, and other "scourges" of mankind.

This bill has several important initiatives. Overall, it provides an increase in the Federal effort in health research. Instead of the 1.8-percent increase requested by the Reagan administration which really represents a reduced effort since costs are rising, this bill provides a 15-percent increase. This increase reflects the values and responsiveness that Members of the House of Representatives develop in their relationships with their constituents.

Inasmuch as the substitute does not move to recude the dollar amount authorized in this legislation, clearly both sides of the aisle are unified in our assessment of the value of this research, the contribution it can make, and the priority that it deserves compared to other programs funded by the Federal Government.

The bill includes new emphasis on preventive health, recognizing that the prevention of health problems is more prudent and cost effective than correcting problems after the fact. The bill creates a new National Commission on Orphan Diseases, to bring greater focus on research into rare diseases and disorders. Because these diseases affect such a small number of people, it is difficult to say they are receiving appropriate attention from the research community and the Federal research agencies. This Commission can certainly bring a more sensitive and proper focus to the many compelling needs that Federal research must address, such as neurofibromatosis and tourette syndrome.

I am particularly pleased that the committee is directing the NIH to prepare a study on the adequacy and availability of health professionals to care for the growing aging population. Congressional testimony is overwhelming that few doctors receive adequate

training in caring for the elderly, and that medical schools are not really inclined in that direction. In the face of an up-welling of numbers of elderly people in our population by the year 2020, it is critical that we come to grips with this area so that we will have proper numbers of health care professionals with proper training to serve such a compelling need.

The committee has also expressed its concern about the adequacy of Federal research into Alzheimer's disease, a little understood, irreversible affliction that is widespread in our society. It is estimated that Alzheimer's disease affects nearly 750,000 to 1 million Americans at a cost of $20 billion a year in nursing home care. Unfortunately, there is little known about it. All that we do know is that we ought to be focusing our Federal research establishment on that in a much better way, and this bill would do that.

The committee adopted language similar to my bill, H.R. 1552, which would create a specific authorization for research on spinal cord injury regeneration and establish an interagency task force on spinal cord injury. We included these provisions because we believe that the Federal Government is the only entity capable of bringing together all the Nation's efforts to find a cure for injury to the spinal cord and the resulting paralysis. The tragedy of paralysis is a very real tragedy and can happen to any of us at any time—from a fall in the bathtub to an automobile accident. There are 300,000 to 500,000 paraplegics and quadriplegics in the country today; 7,000 soldiers came home from Vietnam in wheelchairs. Spinal cord injuries cost the Nation $3 to $6 billion a year. One neurological procedure for a paraplegic or quadriplegic can cost $2,500. One month in a rehab hospital costs $15,000; an aide for 1 year costs $10,000. The tragedy of spinal cord injury, however, is not one of numbers. The suffering and emotional trauma are very real. We must do more to find a cure and help those victimized cope and lead a productive life.

The committee also adopted provisions I offered relating to the care and treatment of animals used in health research. Because there was a great deal of misunderstanding about these provisions, I want to clarify several points.

The committee bill includes basically three provisions:

First, a modest authorization of funds for research in the development of nonanimal methods of research; second, statutory recognition and authority for customary NIH guidelines on the care and treatment of animals in research; and third, a requirement that institutions receiving NIH funds have animal care committees.

These provisions evolved from over 2 years of discussion in two committees and from extensive negotiations with scientists, researchers, college and university officials, Government officials, and animal care organizations.

To meet the concerns expressed, particularly by the university community, the original proposals were significantly changed. No provision for accreditation of laboratory facilities has been included in this legislation. We reduced the animal care committees' reporting requirements. We removed all language that might suggest that the committee make judgments about the appropriateness of research methods. We stipulated that standards of animal care and treatment be in the form of guidelines, not regulations, to avoid any duplicative or conflicting standards under other laws and to encourage NIH to build on guidelines currently in use. We require that committee members be appointed by the research institution itself.

Our hearings revealed that two out of three research institutions now have animal care committees. Testimony also revealed that the cost of complying with the animal care committee requirement would be minimal since serving on the committees currently in existence is frequently voluntary. Most major universities now have a "lay" or outside person on their animal care committees. The requirements of this bill, therefore, are not a dramatic departure for responsible institutions since the requirements are not really "new." What we have done is to give a uniform, consistent, legal underpinning for what is largely recognized as proper current practice.

It is important to understand that these provisions can in no way interfere with or impede health research. The animal care committees' concern would be restricted to care and treatment; they would have no authority to second guess the appropriateness of research. Nor would the animal care committee be able to veto any research. Their only role would be to cause discussion about broker care and treatment of animals used in specific research and to raise a warning flag if agreed to guidelines in this area are broken.

□ 1410

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. WALGREN) has expired.

Mr. WAXMAN. Mr. Chairman, I yield 2 additional minutes to the gentleman from Pennsylvania (Mr. WALGREN).

Mr. WALGREN. Mr. Chairman, it is important to understand that these provisions would in no way interfere with or impede health research. I include with my remarks at this point a number of comments from deans of medical schools from Pennsylvania in support of these provisions as follows:

"I fully agree with and endorse amendment of the animal care legislation presently before the House Committee on Energy and Commerce. Your amendment addresses the primary issues raised by those concerned with humane animal care and are consistent with our own institutional policies on this matter. We appreciate your efforts on this important legislation and response to our concerns in the original bill on animal welfare."—Harry Prystowsky, Penn State University College of Medicine.

"I strongly support your amending provision to the animal care legislation (H.R. 1555) that is now before the House Committee on Energy and Commerce.

"The changes contained in your amendment are not cumbersome, and are generally consonant with current policy and practice in our animal care programs.

"I fully appreciate your diligent efforts in resolving our original concerns over prior language on this subject."—Donald F. Leon, M.D., Dean, School of Medicine, University of Pittsburgh.

"I am writing to express our appreciation for the efforts that you have made in resolving initial concerns regarding wording of amendments to the animal care legislation now before the House Committee on Energy and Commerce. I wish to indicate our endorsement of and support for your current proposed amendments to this legislation. The proposed new provisions create requirements that are very close to our current practices in the way we administer our animal care programs. We do not see this proposal as being unduly cumbersome or difficult. Again, I wish to tell you of our appreciation for your taking into consideration our inputs in this matter."—Leo M. Menikoff, M.D., Dean and Vice President for Medical Affairs, Temple University School of Medicine.

"This is to confirm my general agreement with your proposal on animal care practices."—Robert W. England, D.O., Dean, Philadelphia College of Osteopathic Medicine.

"I endorse your amendment to the animal care legislation presently before the House Committee on Energy and Commerce. The amendment is generally in agreement with our present animal care policies. I appreciate your resolving our concerns about earlier language on this matter."—Leah M. Lowenstein, M.D., Dean and Vice President, Jefferson Medical College.

"On behalf of the faculty and students of Hahnemann University School of Medicine, I would like to express our support for your amendment to the animal care legislation which is currently before the House Committee on Energy and Commerce.

"The provisions generally agree with our current practices in our animal care program.

"The medical scientists and the administration of our institution appreciate the efforts you have made in resolving the many concerns were had regarding the language of the previously proposed legislation."—E. T. Angelakos, M.D., Ph. D., Interim Dean, Hahnemann University School of Medicine.

Similarly, on May 25, 1983, Dr. Michael DeBakey wrote Me: "Certainly, the modifications you have made, as far as I am concerned, are acceptable."

Mr. Chairman, in closing, I have some difficulty understanding the position taken by those offering the substitute for the committee bill. I think

we all understand that this is an area that has had little attention by the authorizing committees of the Congress because all that was required for funding has been action by the Appropriations Committee.

We know that the distribution of responsibility in this body should require us to go beyond the approval of the Appropriations Committee, or a subcommittee thereof. We all know that the research community would like to decide exactly where all these dollars are to go.

There are two aspects of the research community that we must account for in spending public money. One is their professionalism and expertise about scientific research. The other is the fact that the research community includes special relationships and special backgrounds that limit or determine their view of what efforts deserve support.

I am concerned that the professionals at NIH never saw the potential of present research breakthroughs in spinal cord injury. They were not sensitive to new approaches and not focused on the public need in this area. Certainly it is our responsibility to be sure that the discussion of the wide range of research opportunities in the health area is fully developed in the Congress. That can only happen through the authorizing process. I do not believe it is proper to leave the disposal of this number of dollars to the decisionmaking of the research community alone, with no guidance from the general public, through the Congress, about what directions would serve the Nation best.

Mr. Chairman, I encourage my colleagues to support the bill as reported by the committee.

Mr. MADIGAN. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from Illinois (Mr. O'BRIEN).

Mr. O'BRIEN. Mr. Chairman, I rise in opposition to the committee bill (H.R. 2350).

I serve on the funding counterpart in this particular discussion the Appropriations Committee and on the subcommittee which has among its responsibilities the funding of the National Institutes of Health. It does seem to me that if there is something that this Government has done correctly, that, perhaps, the Congress, along with the executive branch, has done correctly, it is the establishment of the NIH and the constitution of those institutes in a relatively independent atmosphere. In short, it seems to me that congressional and political influence have been kept rather antiseptically clear from the National Institutes.

In our situation on the subcommittee of the Appropriations Committee, when the NIH budget comes before us, not infrequently will we increase an Institute because we would like to enhance what it seems to be doing well, but I cannot recall in the years I have served on the committee that we have ever attempted to reduce one or insert our judgment in place of the judgment of the men in the National Institutes who are professionals. I really do not think it is our particular prerogative nor are we qualified to say, for example, that Spinal Cord Regeneration should get $21 million and Alzheimer's disease should get $17 million. I think other people are better qualified than we to make that decision.

I also believe that there is an addition of commissions, task forces, studies, and reports required that probably are not necessary. I likewise think that there is an additional bureaucracy that will be established, and I am not satisfied that the Institutes are going to profit from that.

Finally, Mr. Chairman, I do believe that the elimination of section 301 of the act is dangerous elimination. That is not to say that this is an authorization bill that may well go through this House, but in the event that we end up without an authorization, there should be some emergency escape hatch authority so that the Appropriations Committee could take care of the needs such as that represented last year by the National Cancer Institute and the National Heart, Lung and Blood Institute.

As a consequence, Mr. Chairman, I urge my colleagues in this instance to oppose H.R. 2350.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield so I may make a comment on that point?

Mr. O'BRIEN. I am happy to yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, there seems to be a misunderstanding that the bill in some way eliminates section 301. I want to point out that our bill does not—in anyway—limit the current broad authority of section 301. The bill does not do this because we want to insure there is no disruption of NIH. The eliminator of section 301 has not been proposed in our legislation.

Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. WYDEN), a distinguished member of our subcommittee.

Mr. WYDEN. Mr. Chairman, I thank the chairman of the subcommittee, and I rise in support of H.R. 2350.

If I could have the attention of the gentleman from North Carolina (Mr. BROYHILL), I would just like to engage the ranking minority member of the Committee on Energy and Commerce in a colloquy and just ask a few brief questions.

I think the gentleman knows that I am very fond of him and appreciate all the help he has given me as a young member of the Committee on Energy and Commerce, but I was very concerned about the "Dear Colleague" letter he sent on July 21, 1983, in which he called H.R. 2350 a "political pork barrel which guarantees NIH's downfall."

I think the gentleman is aware that the spinal cord regeneration proposal was proposed by the Paralyzed Veterans of America. Now, does the gentleman really feel that this proposal is a political pork barrel for the paralyzed veterans?

Mr. BROYHILL. Mr. Chairman, if the gentleman will yield, under the past practices, the Congress has authorized and appropriated substantial moneys for research to the various Institutes at the NIH. Now, we are not talking about anything specific here, but when we are looking at the bill as a whole, it means that the Congress is now going to be making a determination of where these research moneys go and not the scientific professionals at NIH.

The gentleman could read into it whatever he wants, but when the Congress starts making decisions of where various moneys are going to be spent, which may be different from those of the scientific professionals, then I say that politics will always tend to rear its ugly head.

Mr. WYDEN. Mr. Chairman, reclaiming my time, I want to say to the gentleman that I do not think a National Commission on Orphan Diseases made up of scientists and lay experts is political pork barrel. I do not think the bill's provisions dealing with scientific misconduct are political pork barrel, nor the effort to continue support for the world's best cancer research centers.

The one part of the substitute I like is that part dealing with the National Institute on Arthritis. Because I know the gentleman supports that so strongly, I hope he will stay with us and, after the substitute fails, support H.R. 2350 so we can have a good strong bill and a separate Institute on Arthritis.

Mr. WAXMAN. Mr. Chairman, I reserve the balance of my time.

Mr. MADIGAN. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. NIELSON).

Mr. NIELSON of Utah. Mr. Chairman, I would first like to commend the chairman of the subcommittee for holding a series of hearings which were very helpful. We talked with many people at the National Institutes of Health and the various groups within that area, and I believe it was very instructive.

Let me indicate some of my concerns about the bill. First of all, let me say that I have some concerns about the substitute as well. I still believe there is too much money involved. I refer to the Shelby motion to raise the cancer amount to several times the increase which was proposed by the subcom-

mittee chairman, the gentleman from California (Mr. WAXMAN). I was opposed to that, although I admit it can be used.

I think there are too many line items, and it is too restrictive. I think it will restrict the NIH. They testified they did not want that much proliferation. The arthritis fund is probably justified in view of the special nature of that item, but all the others that were mentioned, the National Centers of Health, the NIOSH, and the other things, were not justified as being included in the bill.

□ 1420

I think there are two sections about the use of animals in research which are in the bill; while they are somewhat conflicting, one is a study and the other is a rather restrictive set of rules which is opposed by the veterinarian groups in the country. I believe that needs to be straightened out.

I do not like the fact that it bypasses the H&HS budget process. It locks in some rather dubious management practices in the NIH. Those have been referred to before.

I would like to see this bill amended even further than the gentleman from North Carolina (Mr. BROYHILL) and the gentleman from Illinois (Mr. MADIGAN) like in reducing some of the money so that it is more in line with the budget resolution and more in line with what we can afford; but I will support the bill if it is amended properly in the substitute.

Mr. WAXMAN. Mr. Chairman, I yield 4 minutes to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Chairman, I wish to take a moment during this general debate on H.R. 2350, the National Institutes of Health authorization bill, to inform my colleagues of my intention to offer, along with our colleague, AL GORE, an amendment that would preserve the small business innovation research program at NIH.

Last year, the House passed the Small Business Innovation Development Act (Public Law 97-219) by a vote of 353 to 57. The act passed the Senate by a vote of 90 to 0. This legislation established highly competitive research and development programs for small, high-tech companies at 11 Federal agencies. Each agency is required to expend a small portion of their R&D budgets—six-tenths of 1 percent in fiscal year 1984—to support the program.

Last year the House voted by large margins, not once, but twice, to include NIH as one of the agencies to participate in the program. But even though Congress has demonstrated its strong support for this widely acclaimed, high quality research program, a backdoor effort is underway to dismantle the program at NIH. I want to make one thing clear to my colleagues: This effort is not coming from NIH, where the program has been enthusiastically embraced by people from Secretary Heckler on down. Without hearing any testimony on the SBIR program, the Energy and Commerce Committee added language to H.R. 2350 that will undermine the program at NIH.

So, Mr. Chairman, once again, Members will be asked to show their support for small business and the small business innovation research program—and I might add support for the taxpayers and improved health research as well.

Our amendment is strongly supported by all of the small business associations, including the National Small Business Association, Small Business United, the National Federation of Independent Business, the United States Chamber of Commerce, the National Institute of Entrepreneurial Technology, the Smaller Business Association of New England, the American Association of Small Research Companies, the American Council of Independent Laboratories, the National Council for Industrial Innovation, and the Chief Counsel for Advocacy at the SBA.

We have also received letters of support for the SBIR program at NIH from the Secretary of the Department of Health and Human Services; Gov. James Hunt of North Carolina, who is the chairman of the National Governors' Association Task Force on Technological Innovation; and Milt Stewart, who is the president of the Small Business High Technology Institute.

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I am glad to yield to the gentleman from Nebraska.

Mr. DAUB. Mr. Chairman, I just want to say from our side of the aisle that we are particularly supportive. I want to point out the amendment that the gentleman in the well and the gentleman from Tennessee (Mr. GORE) will offer is not only supported by the groups the gentleman has mentioned, but indeed the Small Business Committee and our chairman, the gentleman from Maryland (Mr. MITCHELL) has a letter which ought to be circulated with unanimous support for the provision that the gentleman is talking about.

If we read the section 489 from pages 122 and 123 of the bill, we get a good idea of what the gentleman is trying to accomplish by his amendment.

I would like to say finally that if the chairman of the committee does not accept deletion of this section 489, then it would be in order for all Members to consider voting for the substitute which does not contain this provision as their only assurance that their vote will be cast for small business and for the great efforts that we undertook to accomplish last year.

I thank the gentleman for his efforts.

Mr. BEDELL. Mr. Chairman, I thank the gentleman from Nebraska and I particularly thank him for his effort in this regard.

Mr. MADIGAN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Chairman, I would like to take a moment to discuss the proposed authorization in H.R. 2350 for cancer research and demonstration centers.

Recently I received a letter from Dr. Timothy R. Talbot, who for many years was the president of Fox Chase Cancer Center in Philadelphia, and who is now president emeritus there, and who also serves as the chairman of the board of directors of the Association of American Cancer Institutes. Dr. Talbot has been active in biomedical research efforts since the early 1940's and has distinguished himself as an outstanding administrator of the Fox Chase Cancer Center where many of my constituents have received treatment.

Dr. Talbot has written to me expressing support for the specific authorization of cancer centers and raising his concerns about the proposed substitute bill in this regard.

Dr. Talbot makes the following points: First, that the proposed substitute to H.R. 2350 does not include a specific authorization for cancer centers; second, that such an authorization would provide greater stability for cancer research; third, that the administration's proposed budget for fiscal year 1984 would result in the defunding of 16 of the 20 cancer centers up for renewal in that fiscal year regardless of their excellence and peer review scores; and fourth, that the impact of this budget proposal has been to create considerable instability in the research work carried out at cancer centers.

If I may, I would like to ask the gentleman from California (Mr. WAXMAN) two questions. First, is it correct that the committee bill, H.R. 2350, includes an authorization for cancer centers, and is it also correct that the proposed substitute does not have such a provision?

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. COUGHLIN. I am glad to yield to the distinguished chairman.

Mr. WAXMAN. Mr. Chairman, that is a correct statement. Our bill does have a specific line item authorization for cancer centers. The substitute does not.

Mr. COUGHLIN. Second, is it correct that under the administration's proposed fiscal year 1984 budget 16 of 20 cancer centers would be defunded, regardless of the excellence of their

work or the peer reviews they have received?

Mr. WAXMAN. The gentleman is correct in his statement. That is why we have specifically authorized these cancer centers so that the officials who make these political decisions will not have the opportunity to terminate these important scientific research centers.

Mr. COUGHLIN. In the gentleman's view, would the proposed authorization, if written into law and enacted, help to prevent such reduction proposals in the future?

Mr. WAXMAN. Yes, it would.

Mr. COUGHLIN. Mr. Chairman, I thank the distinguished chairman.

Mr. MADIGAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Rhode Island (Mrs. SCHNEIDER).

Mrs. SCHNEIDER. Mr. Chairman, I would like to commend my colleague, the chairman, for his leadership in promoting a Presidential Commission on Orphan Diseases. As I see it, the Commission will play an integral role in carrying out the mandate of the Congress which passed orphan drug legislation, recently signed into law by President Reagan, and I have a distinct honor of serving on the Science and Technology Committee which has had numerous hearings on orphan drugs.

I would also like to point out that while I am supportive of many of the efforts to combat all the various orphan diseases, I would like to comment, if I may, on a genetic disorder of particular concern which is neurofibromatosis, or NF. NF is a genetic disorder of the nervous system which today afflicts some 80,000 to 100,000 Americans, or 1 out of every 3,000 children.

Despite its commonness, there is a real void of knowledge that exists as to the cause or the treatment of this disease. Misdiagnosis by many physicians has caused a great deal of heartbreak and agony for the families of those afflicted

So while I understand that the National Institute of Neurological and Communicative Disorders and Stroke of NIH has begun to evaluate the state of knowledge of orphan diseases such as NF, I believe a commission on orphan disease is necessary to insure NIH procedures which promote orphan drug research. Knowing of the chairman's past support for NF research, I am curious to know whether or not my colleague has any intent to focus particular attention on NF through the creation of this Commission?

Mr. WAXMAN. Mr. Chairman, will the gentlewoman yield to me?

Mrs. SCHNEIDER. I am happy to yield.

Mr. WAXMAN. Neurofibromatosis would be one of the disease areas about which the National Commission on Orphan Diseases would be concerned. In fact, concern over the adequacy of research in this area was a major impetus for creating this National Commission.

I might point out that the substitute to be offered by our colleagues would delete the mandate for this National Commission in its entirety.

Mrs. SCHNEIDER. Mr. Chairman, I thank the gentleman.

Mr. MADIGAN. Mr. Chairman, I yield myself such time as I may consume.

At the outset, Mr. Chairman, if I may, I would like to respond to the concerns just expressed by my two distinguished colleagues, the gentleman from Pennsylvania (Mr. COUGHLIN), and the gentlewoman from Rhode Island (Mrs. SCHNEIDER) who just spoke.

With regard to the question of whether or not we should continue to have 20 cancer research centers, that ought to be an administrative decision. It ought to be made by the National Institutes of Health. Perhaps 20 is the right number. Perhaps there should be 21 or 22. Maybe 19 is the right number or 18.

Maybe some of the research being done at one of those centers is redundant and 19 of the 20 centers would be an adequate number; but when we begin to line item everything, specifically within the NIH authorization bill, those kinds of administrative decisions are not going to be able to be made anymore.

The gentlewoman was concerned about a particular disease. Let me point out that under the present system, the National Institutes of Health on their own hook were able in 1 year to increase the funding for research into acquired immunity deficiency syndrome from $3 million to $8 million, because they have the flexibility to do that. Under the committee bill, or the Waxman bill, H.R. 2350, that flexibility is taken away.

Everything is line itemed by the Congress for a 3-year period of time.

□ 1430

So what you may be interested in may be locked in at a particular moment. But if NIH a year from now wants to increase the amount of effort being spent in that area they cannot do it unless they come back to Congress and get specific authorization from Congress to do it, where under the present system, as I said in the example with AIDS, they were able to more than double the research from 1 year to the next without having to check with anybody because they have the administrative freedom to do that sort of thing.

For those reasons, and for other reasons which I am going to enumerate, I rise to oppose H.R. 2350 and to support the substitute that will be offered by my colleague and friend from North Carolina (Mr. BROYHILL).

Before outlining my arguments against the Waxman bill and explaining why I believe the Broyhill substitute is the preferred alternative I think it is important to include some historical perspective in this debate.

The gentleman from California has been trying to move an NIH reauthorization bill through Congress since 1980. In fact, an NIH reauthorization bill has not been signed into law since December 1980 when the House and the other body reached a stalemate in conference and threw out both bills, replacing them with a simple reauthorization.

This is a curious phenomena. Two questions come to mind.

Why should legislation reauthorizing the Federal Biomedical Research Authority be so controversial and how can we expect the National Institutes of Health to maintain a level of research excellence when we in Congress cannot pass authorizing legislation which would allow for the funding NIH needs for proper growth and expansion?

I believe the major reason for the failure of these bills is not because they have provided for a generous level of funding for the expiring authorities in NIH, but because their focus has been to control NIH's research activity by setting up an inflexible administrative framework through this detailed legislative mandate again contained in H.R. 2350 which is a prime example of the wrong approach.

Much of the specificity of the bill is contained within section 2, a total rewrite of title IV of the Public Health Service Act.

I am also bothered by the repeal of section 478 and the deletion of all references to section 301 of the Public Health Service Act which represents the general research authority of the Secretary of HHS.

With these changes it is unclear to me if new research programs, without a specific authority in title IV, could be funded and if Congress does not pass reauthorizing legislation whether certain NIH programs would lapse.

I am also deeply troubled by such new line item authorizations for disease centers and I will not argue with the gentleman from California about the merits of Federal research in these disease areas. But I question whether it is the role of Congress to determine so specifically what type of research deserves funding.

More appropriately, our role through our Appropriations Committee, and our authorizing committee, is to provide oversight and to allow NIH and its scientific peer review process to award research dollars based on scientific merit and scientific excellence.

Many of the administrative directives in H.R. 2350 represent current practices at NIH. Examples include the system to handle scientific fraud and misconduct which the gentleman from Califrnia says we are trying to strike out of the bill. And in fact what he is doing is trying to put into the bill that which they are already doing out there, so there is no question about fraud or abuse in these two legislative proposals.

The gentleman from North Carolina and I will offer a substitute which will reauthorize the National Cancer Institute, the National Heart, Lung, and Blood Institute, the National Reseach Service Awards, the Medical Library Assistance Act, and several smaller programs whose authorities expire this year.

We will authorize those for 3 years at the very same levels contained in the Waxman bill. That is a 35-percent increase for cancer research, a 15-percent increase for the other authorities, all over the 1983 continuing resolution levels.

Our substitute also creates the Institutes for Arthritis. As I said earlier, the American Medical Association, the Association of American Medical Colleges, the Federation of American Societies for Experimental Biology, as well as several other research and medical organizations have endorsed the Broyhill substitute.

The Broyhill substitute recognizes the unparalleled excellence of NIH activities and it seeks to reward that with significant financial support and no congressional interference like that contained in H.R. 2350.

In short, we do not create a pork barrel for biomedical research.

The gentleman from California said the record of NIH had been fine. In his opening remarks he said the record of NIH was excellent.

All we are suggesting is that if it is all that good, and the gentleman from North Carolina (Mr. BROYHILL), and I believe that it is, we should allow them to continue to have the administrative judgment they have had in the past. We should allow them the necessary discretion to be able to make administrative decisions, and the substitute for H.R. 2350 does that and does that at the same funding levels contained in the Waxman bill.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield 3 minutes to the distinguished chairman of the Committee on Energy and Commerce, the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, the proposal that the committee has come forward with is a good one. It is one which meets the needs and carries out the necessary and proper legislative oversight that this committee and this Congress must deal with.

More importantly, it deals with a number of the problems that the committee has found over the years.

It does something which I believe is extremely important. It says that in the setting up of new institutes, that the new institute should not divert moneys from the conduct of substantive programs to administration.

Beyond that, it corrects another defect that the committee has found over the past year. The charge has been made that the proposal would do away with the small business set-aside. That statement is untrue and let me tell what the proposal does.

First, it says that no grant set-aside may be funded if it has less scientific merit than grants submitted under the standing process. What it requires is that small business set-asides should meet the same tests in terms of scientific merit that any other program meets.

Remember, we are talking about the Nation's health and we are talking about a program where Nobel Prize laureates are not able to get their programs funded.

In addition to this, it requires that the standing peer review group for each discipline will be required to evaluate set-aside applications. In other words, the same team, the same skills which evaluate the applications for general NIH grants must perform the same evaluation for this particular set-aside program.

Beyond this, it does something else which I think is important. It says that funds for set-aside programs shall be made available only from the budget of the institute with authority over the subject of the grant application. There will not be moneys shifted from the budget of one institute to another, something which the Congress has the clearest responsibility and concern over.

Beyond this, it says that if there are not applications of sufficient merit or not a sufficient number of applications so that funds would lapse, that the funds then are returned to the National Institutes of Health. Thus, funds which are in desperately short supply for urgent programs like cancer, arthritis, heart, stroke, diabetes, AIDS, and all of the other scores of undefeated health scourges will not be lapsing into the General Fund of the Treasury and so become unavailable for NIH research programs where, today, we are unable to fund most of the current applications for grants.

□ 1440

I would urge my colleagues, when this issue is before us, to understand that the SBIR program remains intact. It is simply perfected by seeing to it that it is conducted in a fashion which is in accord with the basic purposes of the National Institutes of Health, and that is the protection of the health of the American people.

I yield back the balance of my time.

Mr. MADIGAN. Mr. Chairman, I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman is recognized for 2 minutes.

Mr. WAXMAN. Mr. Chairman, NIH is a gem; it is a remarkable institution, one we can be justifiably proud in and rejoice in its accomplishments.

But the NIH is also a $4 billion Federal agency. As a $4 billion agency, NIH is in need of periodic oversight and, when necessary, direction from the authorizing committees of the Congress.

The gentleman from Illinois (Mr. MADIGAN) has characterized some of the provisions of this bill as political pork barrel. It seems to me that to say we want the cancer centers protected is not political pork barrel; to say we want more attention to Alzehimers disease is not political pork barrel. Spinal cord regeneration is an urgent need and we ought to spell out we want that accomplished in this area by the NIH. And we should tell NIH that we want more consideration given to those myriad conditions known as orphan diseases which have been ignored for so long.

It is not unreasonable for the Congress to require NIH to adopt procedures for the investigation of scientific fraud in light of the growing number of misconduct cases in recent years. Do not academic institutions, which receive hundreds of millions of dollars each year from NIH in overhead costs have a responsibility to properly supervise their researchers and investigate misconduct episodes when they arise?

We will oppose the substitute when it is offered and urge Members to support the committee bill because it leads to accountability for the expenditures of these Federal research dollars. It, in no way, is in denigration of the efforts of NIH. It is an ethusiastic endorsement of NIH programs and is necessary to keep them on the right track, under the supervision of those who were elected to spend the Federal taxpayers' dollars, those Members of Congress who have committee jurisdiction over the NIH and the Members of Congress who will vote on the committee recommendations.

Mr. Chairman, I yield back the balance of my time.

Mr. MADIGAN. Mr. Chairman, I yield myself the balance of my time.

I just say very quickly in rebuttal to my distinguished friend from California, who again has referred to the National Institutes of Health as being a gem. If it is a gem, then why do we not leave it alone? Why do we not give them the money to pursue the mission

to which they are so dedicated and not try by line item to say point-by-point everything that they will do and everything that they will not do for the next 5 years.

This question of pork barrel is not a term thought up by Mr. BROYHILL or by myself. It is a term being used to describe the committee bill by the health researchers all across the United States who point out that if, by line item, we say $500 million is to be spent on this kind of research and if there is only one institution in the United States doing that kind of research, then what we have just done is directed to that State and that congressional district $500 million of their health research money, and if that is not political pork barreling, nothing ever will be.

NIH is an excellent institution with an excellent reputation; it deserves the support of Congress. We are here to support it at the funding levels prescribed by the gentleman from California, but we do not believe in interfering with their mission; we do not think we have the expertise to do that.

With all due respect to my distinguished colleague, we submit he does not, either.

Thank you.

Mr. Chairman, I yield back the balance of my time.

● Mr. LUJAN. Mr. Speaker, I urge my colleagues to support the animal provisions in H.R. 2350. It is vital to the interests of human health that laboratory animals receive the very best care we can provide.

These provisions put some teeth into what NIH already stresses in its own Guide. Functioning animal care committees would be required of each facility receiving Federal funding. Already, two-thirds of the facilities, including all major medical schools, have some sort of animal care committee. These provisions would bring into line the remaining 30 percent who have no committee. The commitee would not consider research decisions, goals, or methods.

Committee membership would include a veterinarian and an outside member whose responsibility is animal welfare; the research facility would select the outside member.

Much misinformation has been circulated about the costs of such a committee. First of all, a facility must have one in order to be in compliance with the NIH Guide. It is not unreasonable to require a functioning committee charged with assurances of proper care of lab animals when that research facility receives thousands of Federal dollars. That is simply accountability.

In testimony before the Health Subcommittee in December 1982, a representative from Colorado State University's animal care committee stated that the annual cost to the university was approximately .45 percent of the research budget. Service on committees is universally accepted as part of a faculty member's responsibilities, making implementational costs minimal.

I urge my colleagues to support these important and unobtrusive provisions. We should take this opportunity to improve the lot of animals in research and protect the interests of human health, too.●

● Mr. MOODY. Mr. Chairman, I urge my colleagues to support both of the Walgren laboratory animal provisions contained in the National Institutes of Health reauthorization bill (H.R. 2350).

I would like to call attention to one of these provisions which would make it possible for NIH to begin, for the first time, the systematic development of alternatives to the use of animals in research and testing.

Some alternatives, such as the use of microorganisms and bacterial cultures, have already been developed and widely used by private industry because they are cheaper than using animals.

In addition, alternatives to the use of animals in research and testing have passed reliability tests necessary for assuring good scientific data. The National Academy of Sciences, in a spring 1983 report, determined that alternative tests—tests not using animals—are sufficiently reliable for most regulatory and manufacturing decisions on toxicological and environmental health hazards. The NAS report concluded that it is important to have available several rapid, sensitive, inexpensive nonanimal tests.

Thus, Mr. Chairman, there is clear evidence that it is not only more humane and scientifically reliable to develop alternatives to the use of animals in laboratory research, but that the development of these alternatives would be cost effective.

This provision would not prohibit the use of animals in scientific research. The Walgren provision merely directs the NIH to develop alternatives to lab animal use, at an authorization level of $20 million for a 3-year period. Currently, the NIH budget exceeds $2 billion annually for lab animal-related research and testing. This $20 million authorization is a relatively small investment for what may be significant savings in the future.

Again, I urge support for these humane and cost-effective provisions.●

● Mr. CORRADA. Mr. Chairman, I rise in support of H.R. 2350, a bill to amend the Public Health Service Act to revise and extend the authorities under that act to the National Institutes of Health and the National Research Institutes, and for other purposes.

The NIH is the cornerstone of our Nation's biomedical research program. Through its 11 institutions, NIH is responsible for important advances against cancer, arthritis, coronary diseases, diabetes, high blood pressure, respiratory distress, and many other serious health conditions.

Even if we agree with the statement that we Americans are healthier today than we ever have been, we are nonetheless in the dark when it comes to the cause, treatment, and cure of many life threatening diseases. This bill, in my opinion, is one of the most important bills that we will consider during the 98th Congress. It targets many health problems of the Nation and recognizes the need for the Federal Government to provide substantial financial support to make the health of our people better. Good health is a matter of the highest priority.

In Puerto Rico, the National Institutes of Health plays an important role in providing research grants for numerous programs at the medical science campus of the University of Puerto Rico. This school has provided fertile ground for various research programs funded by NIH such as the Caribbean Primate Research Center, the Puerto Rico Cancer Center, and the Neurobiology Laboratory, to name only a few.

The Caribbean Primate Research Center has been jointly funded by the NIH and the University of Puerto Rico since its full ranging rhesus colony was established in 1940. It is a unique program where the genealogy of the primates is traced and a study is made of the different social groups they have formed. Records have been kept on sex-rates, feeding habits, behavioral and social interaction, and so forth. There is also a unique skeletal collection to be studied to obtain important information about the genetic inheritance of anatomic characteristics in these primates.

The Puerto Rico Cancer Society, sponsored by the National Cancer Institute, coordinates an island-wide network for cancer services and information. It provides investigation and treatment facilities including the physiological effect of the disease, environmental diagnosis, and therapeutic and basic cancer research program. There are three funded study groups participating in clinical research with groups on the mainland; the Radiation Therapy Oncology Group, the Southeastern Cancer Study Group, and the Obstetrics/Gynecology Oncology Group.

The Neurobiology Laboratory, jointly supported by the NIH and the University of Puerto Rico, is a highly respected laboratory in neurological sciences having collaborative research with scientists and students from the University of Puerto Rico, the U.S. mainland, and international institutions. During the past year, 16 scien-

tists and 10 students have been involved in these research activities. Actually the laboratory is coordinating the Ciguatera project, a study of the scientific, clinical, and epidemiological aspects of this disease.

Another important program for Puerto Rico sponsored by the NIH is the minority biomedical research support program. Students are encouraged through this program to develop careers in biomedical research and at the same time assist faculty in innovative and worthwhile research projects. Actually the main campuses of the University of Puerto Rico at Río Piedras and Mayaguez and the medical sciences are benefiting from this program as well as the Catholic University of Puerto Rico, Interamerican University, and Cayey Medical School.

Another important achievement of this bill is the creation of a National Institute of Arthritis and Musculoskeletal Diseases. It is estimated that over 37 million Americans are affected with some form of arthritis or musculoskeletal disease, and that some 250,000 children are afflicted with juvenile arthritis and congenital malformation of the musculoskeletal system. H.R. 2350 recognizes the need for meaningful research on these pervasive chronic diseases and raises the level of funding in proportion to the national health impact of these diseases. I am confident that the creation of a National Institute of Arthritis and Musculoskeletal Diseases will launch a focused, directed, and vigorous attack against arthritic and rheumatic diseases and other musculoskeletal disorders.

Mr. Chairman, as you and my colleagues can appreciate, the programs presently under the sponsorship of the NIH in Puerto Rico provide the means for serious, scientific, and useful biomedical research not only for us, but for the whole Nation as well. We should not overlook the importance of these programs.

I urge my colleagues to support this bill.●

The CHAIRMAN. All time has expired.

Mr. WAXMAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. KAZEN) having assumed the chair, Mr. BREAUX, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2350) to amend the Public Health Service Act to revise and extend the authorities under that act relating to the National Institutes of Health and the National Research Institutes, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to add extraneous material on the subject of the debate just completed on the bill (H.R. 2350).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection

INTERNATIONAL RECOVERY AND FINANCIAL STABILITY ACT

The SPEAKER pro tempore. Pursuant to House Resolution 249 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2957.

The Chair designates the gentleman from Ohio (Mr. PEASE) as Chairman of the Committee of the Whole and requests the gentleman from California (Mr. WAXMAN) to assume the chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2957) to extend the authority of the Export-Import Bank of the United States, encourage balanced worldwide economic growth, provide for continued participation in the International Monetary Fund, strengthen the supervision of international lending by U.S. banks, and provide for continued U.S. participation in multilateral development banks with Mr. WAXMAN (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Rhode Island (Mr. ST GERMAIN) will be recognized for 1 hour, and the gentleman from Ohio (Mr. WYLIE) will be recognized for 1 hour.

The Chair recognizes the gentleman from Rhode Island (Mr. ST GERMAIN).

Mr. ST GERMAIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before us—the International Recovery and Financial Stability Act (H.R. 2957)—is critically important to the economic well-being of the United States and the rest of the world. Drawing on knowledge gained from over 10 years of hearings and investigations into international banking operations, it is clear to me that passage of this bill is critical to restoring global financial stability.

Our present international financial condition is serious and complex. Legislation addressing every level of the problem is needed if it is to be resolved. H.R. 2957 does precisely this. Title I will augment U.S. recovery prospects and thereby increase world trade by extending the authority of the Export-Import Bank to assist U.S. exports. Title II will enhance the prospects for sustained and noninflationary growth worldwide by encouraging the industrialized nations to coordinate their fiscal, monetary, and bank regulatory policies. Title III will strengthen the IMF by increasing the IMF commitment to this vital international agency and providing needed guidance to the U.S. representative on critically important policy matters such as the U.S. position on lending to nations which practice apartheid. Title IV will bring about much needed reforms in how the foreign lending activities of U.S. banks are monitored and regulated, particularly with regard to disclosing the true nature and extent of U.S. bank foreign lending, assuring the adequacy of bank capitalization, and providing for proper fee and loan reserve accounting. Title V will improve the long-term economic strength of the developing nations by authorizing continued U.S. participation in the Inter-American Development Bank, the Asian Development Bank, and the African Development Fund.

As we all know, H.R. 2957 is controversial. We are being asked to vote billions of dollars for institutions which are not fully within our control, institutions governed by treaties and agreements with nations with different goals and which compete with us economically. While very few of us disagree with the basic, long-term objectives of this legislation, we differ as to tactics and timing and all have misgivings about approving allocations of U.S. funds for what on the surface appears to be for the benefit of distant nations. Increasing the U.S. commitment to the International Monetary Fund by $8.4 billion, in particular, is a source of concern to many of our colleagues. They feel the IMF funding increase in title III will benefit no one but the big banks. Ironically, the banking industry deeply believes that the foreign loan reforms and write-down provisions in title IV are too harsh. Make no mistake about it, the foreign lending reform provisions in H.R. 2957 will prevent private bank lenders from engaging in the kind of unsound loan practices that flourished in recent years. However, the bill will enable soundly based credit to continue to flow and support the development and growth absolutely essential to peace and prosperity around the world.

Before asking my distinguished colleagues, STEVE NEAL, chairman of the International Trade Subcommittee, and JERRY PATTERSON, chairman of the International Development Subcommittee, to provide further comment

and elaboration on H.R. 2957, I would like to comment on several aspects of the bill about which I have very strong personal views. I want to explain why I personally feel the U.S. commitment to the IMF should be increased, and why the strong reform provisions concerning our banking system are needed.

Mr. Chairman, I have during my entire tenure as a Member of this House, supported and voted for strong international financial institutions. In my judgment, the nations of the world are today more economically and politically interdependent than at any time in human history. The transportation and communication advances of recent years have made places like Singapore and Hong Kong only a telephone call away and their financial market actions immediately critical to us here at home. The advances which have caused the nations of the world to become so interdependent cannot be reversed. They cannot be halted. They will continue, day by day and year by year, to make the world seem smaller and smaller. And just as every advanced nation found it necessary to establish and maintain effective central banking and regulatory institutions to assure sustained domestic development, strong international banking and regulatory entities are needed to assure the steady and sustained growth of world trade and development.

I want to see world trade expanded. I want to see more world trade and economic growth for the good of the world and the United States, and particularly for the good of the people in my home State, Rhode Island. There are 372,000 civilian workers in Rhode Island; 25,000 of these people earn their income from work related to international trade, and the number of Rhode Islanders involved in world trade increases every year. My home State is not unique in the benefit it derives from exports.

Mr. Chairman, at this point I insert in the RECORD a tabulation of the exports and jobs related to exports in each State.

EXPORTS AND THE U.S. ECONOMY, JOBS RELATED TO MANUFACTURED EXPORTS AND VALUE OF AGRICULTURAL EXPORTS, 1981

	Jobs related to mfd. exports (1,000 people)	Percent private sector employment	Agricultural exports [1] (In millions of dollars)
U.S.A	4,794.0	5.6	43,788.5
Alabama	71.1	5.5	357.6
Alaska	6.3	4.7	
Arizona	53.7	5.4	488.3
Arkansas	40.8	5.2	1,205.2
California	526.5	5.6	3,588.5
Colorado	49.4	4.0	779.5
Connecticut	103.5	8.1	24.6
Delaware	15.1	7.3	77.8
District of Columbia	4.1	2.0	
Florida	129.9	3.5	617.4
Georgia	106.1	5.1	561.9
Hawaii	6.4	1.9	58.6
Idaho	15.4	4.6	634.3
Illinois	275.4	6.3	3,622.0
Indiana	140.3	6.7	2,011.8
Iowa	60.0	5.3	3,737.2
Kansas	47.2	5.1	2,262.8
Kentucky	58.7	4.7	606.7
Louisiana	63.7	4.4	676.0
Maine	20.9	5.3	29.3
Maryland	53.8	3.5	198.7
Massachusetts	155.1	6.4	18.8
Michigan	218.9	6.9	943.6
Minnesota	90.9	5.3	2,344.1
Mississippi	36.9	4.5	725.9
Missouri	94.7	5.1	1,318.6
Montana	7.9	2.6	513.4
Nebraska	24.4	3.9	2,113.8
Nevada	5.4	1.4	25.1
New Hampshire	24.3	6.5	3.5
New Jersey	175.0	6.4	61.0
New Mexico	9.5	2.3	151.1
New York	372.0	6.0	261.1
North Carolina	150.3	6.6	1,219.7
North Dakota	7.8	3.1	1,143.7
Ohio	284.0	7.3	1,633.0
Oklahoma	54.4	4.7	930.6
Oregon	58.7	5.7	512.5
Pennsylvania	284.1	6.5	267.8
Rhode Island	24.9	6.7	.8
South Carolina	76.4	6.5	332.2
South Dakota	8.1	3.2	708.2
Tennessee	102.5	6.4	435.8
Texas	285.5	4.9	2,576.7
Utah	20.5	4.0	114.3
Vermont	10.1	4.6	7.1
Virginia	88.3	4.6	277.8
Washington	121.9	7.9	1,017.6
West Virginia	30.7	5.1	23.4
Wisconsin	114.9	6.2	778.3
Wyoming	5.1	2.6	93.7

[1] Fiscal year—unallocated: 1,697.1 million.

International trade jobs are good jobs, and they can be steady jobs if the large swings in international business can be avoided. The only way I know of to moderate global business cycles is to provide the credit-sustaining resources the international lending agencies need to prevent cyclical downturns and to finance economic development and growth. For these reasons, I strongly support increasing the U.S. commitment to the IMF.

The need for international regulatory reforms to respond to the petrodollar gluts became clear to me during hearings by the Financial Institutions Subcommittee in 1977. At that time as the subcommittee chairman, I was concerned about the alarming rate of growth in loans to less-developed nations—the so called LDC's. The response from regulators and bankers alike to the questions I and other subcommittee members raised was the same: "Don't worry. Trust us. We are setting up systems to monitor country lending risks. There is nothing to worry about."

When the agencies finished setting up their country-risk monitoring system, a GAO study of its effectiveness got underway also. In its formal report to Congress, the GAO said the agencies' foreign loan exposure control system "had little impact in restraining the growth of specially commented exposure." Unfortunately, there was no time to correct the situation. About the time the implications of the GAO's report were being fully understood, the whole developing nation debt situation began to unravel.

The Banking Committee's reponse to the present debt situation has been quite different from our response in 1977. The banking agencies again tried to get us to accept their assurances that they would on their own toughen their supervision and regulation of international lending. They prepared an extensive reform proposal indicating what they intended to do and formally recommended that Congress not attempt to legislate foreign lending reforms. Accepting their assurances again was unthinkable. The House Banking Committee instead reported legislation containing the most extensive foreign lending reforms in U.S. banking history. H.R. 2957 directs the bank regulatory agencies to assure that foreign lending risks are taken into consideration in evaluating bank capital adequacy. It requires the agencies to establish special reserves on troubled international loans, amortize rescheduling fees over the life of the loan, and work toward consistent supervisory practices with foreign bank regulatory agencies. In addition, the bill requires banks to prepare loan economic feasibility evaluations of foreign loans, clarifies the GAO's international regulatory audit authority and provides for civil penalties of up to $1,000 per day for violations of this title.

Mr. Chairman, in every respect, this bill is a fair and equitable balancing of all aspects of the present problem and is supported by a majority of the members of the Banking Committee. We were able to construct a balanced compromise by anticipating Member concerns and holding the most extensive set of hearings in the committee's history on international financial conditions and the funding of the international lending agencies. These hearings extended over 6 months, involved the full committee and three of its subcommittees. We heard from the administration, the Federal Reserve, and other officials, bankers, public- and private-interest groups, and experts from foundations and academic institutions. These hearings clearly revealed the enormous size and complexity of our present global economic situation and the need for all the components of H.R. 2957.

No shortcuts have been taken on the House bill, Mr. Chairman. It is the result of extensive hearings, regular order, and a tough amendatory process. It has required sacrifice and compromise by everyone involved in its development, and will continue to require the same by Members of the House, conference participants, and ultimately by the public and private entities affected by it.

To those who would have us delay consideration until September or later, I point out that every day's delay means more international uncertainty and risk. The IMF has not grown as fast as the world's economy, and the oil price increases of the 1970's, recent recessions, and high interest rates would have necessitated an IMF funding increase even if the debt crisis had not erupted last year. If any Members of the House doubt that we are on the verge of a global financial crisis, they should review the most recent lending report of the Bank for International Settlements. Around the world lending levels are falling rapidly. Without the funding provisions for the Eximbank, the multilateral development banks, and the IMF, economic disruption and possibly depression are very likely to result from the financial contraction that would follow from the inability of public and private international lending institutions to maintain the flow of credit needed to finance world trade and growth.

The time for action is now. I ask your support in obtaining House approval of the International Recovery and Financial Stability Act.

Mr. Chairman, I believe it would be useful at this point to place in the RECORD the letters of support for the legislation before the House today from the administration, beginning and ending with the letters from the President of the United States. His letter of May 5 appears on page 102-103 of House Report 98-175 accompanying H.R. 2957.

THE WHITE HOUSE,
Washington, May 5, 1983.

Hon. CHALMERS P. WYLIE,
House of Representatives,
Washington, D.C.

DEAR CHALMERS: As the House Banking Committee considers the legislation I have requested authorizing increased U.S. participation in the International Monetary Fund, multilateral development banks, and reauthorizing the Export-Import Bank, I want to reiterate the importance which I attach to these measures. Taken together, these proposals will strengthen international financial stability, promote sustainable economic growth in the developing countries, and enhance our economic recovery here at home.

The request to provide an increase in the U.S. quota in the IMF and in U.S. participation in the IMF's General Arrangements to Borrow is part of an internationally-agreed strengthening of the IMF's resources, designed to enable the Fund to play its central role in promoting an orderly, cooperative resolution of current international debt and financial problems. With our growing interdependence with the world economy, this request represents an essential part of our own efforts to achieve sustainable economic recovery, preserve jobs in this country, and maintain a stable world economic foundation for pursuit of our international economic, foreign policy, and security interests abroad.

For this reason, the proposed increase in the IMF's resources is of major importance to every American citizen, no matter how distant international financial problems may seem. I am confident that this legislation should, as it has in the past, warrant the broadest bipartisan support in the Congress.

Similarly, the authorizations for the multilateral development banks and Export-Import Bank represent an investment in economic growth, at home and abroad, and merit strong support by Members from both sides of the aisle.

I want especially to commend you for your efforts to assure prompt consideration of this legislation by the Committee. You can be sure of my continued strong and active support for these measures which form a crucial part of my legislative program.

Sincerely,

RONALD REAGAN.

The letter of June 20, jointly signed by the Secretaries of State and Treasury and for emphasis let me read the final paragraph of that letter:

The world economy continues to confront major difficulties. We hope and believe that upon careful review you will agree that the strategy the U.S. has adopted for resolving current international financial problems is sound and that Congressional approval of the legislation providing for contained U.S. participation in these important institutions is vital.

DEPARTMENT OF THE TREASURY,
Washington D.C., July 20, 1983.

DEAR MEMBER: The House of Representatives will soon consider legislation providing for U.S. participation in an increase in the resources of the International Monetary Fund (IMF), and for U.S. participation in replenishments of the Inter-American and Asian Development Banks and the African Development Fund. The legislation also reauthorizes the Export-Import Bank. We are writing to emphasize the importance of this legislation to our own economic prospects and to international efforts to resolve current problems in the world economy.

Economic recovery in the United States is now underway and we are succeeding in putting Americans back to work. It is critical that this recovery be steady and sustained and not one that provides us only temporary gains. As the world's largest trading nation, the U.S. depends importantly on a sound, open world economy as a source of economic growth and jobs. Unless we deal with current strains in the international trade and financial system in an orderly and constructive manner, these strains would pose a major threat to the strength and sustainability of our recovery.

Leaders of the industrialized nations, meeting in Williamsburg with President Reagan, agreed on a comprehensive strategy to deal with current international financial problems. The IMF is the centerpiece of this strategy. It is the world's central monetary institution, designed to promote a growing world economy and an open system of international trade. The IMF's ability to do its job depends on assuring that it has adequate resources to lend temporarily to countries experiencing balance of payments difficulties. By doing so, the Fund helps countries help themselves, giving them necessary time to make needed adjustments in their economies. The Fund's efforts do not just help the borrowing countries; they help the United States as well. Nearly 20 percent of total U.S. goods are exported. The jobs of millions of Americans, the health of our banking system, and the prospects for a sustained U.S. economic recovery all depend on the IMF's success in maintaining the stable financial framework essential for world trade to prosper.

Failure of the United States to participate in the increase in IMF resources would thus have serious consequences for our own economic recovery and the preservation of American jobs. Moreover, it would severely undercut U.S. leadership on world economic matters and cast doubts as to our ability effectively to confront important international economic problems. It could also lead to the collapse of efforts to restore the economic health of many developing countries of vital strategic interest to the United States. Such a collapse could result in economic and political instability in those countries that could have very serious consequences for U.S. security and foreign policy objectives. Without adequate Western support for their difficult adjustment efforts, many countries might be tempted to renounce their international obligations, seek support from other sources, and engage in irresponsible international behavior.

U.S. participation in the replenishments for the multilateral development banks is also an important means of demonstrating our continued commitment to a cooperative effort to promote stable economic development in the less developed countries. The proposed replenishments will provide vitally needed development resources to countries of strategic importance to the United States throughout the developing world, such as Kenya, Thailand, and Mexico, and to some of the poorest countries of the world, such as Chad, Haiti, and Bangladesh. The proposed replenishment levels maintain a strong U.S. position and influence in the institutions, while reducing the level of appropriations required by 19 percent below the previous replenishments for the same institutions.

Reauthorization of the Export-Import Bank will help ensure our continued ability to compete in international markets and contribute to expanded U.S. exports. As President Reagan noted in his letter to the House Banking Committee on this legislation, "Taken together, these proposals will strengthen international financial stability, promote sustainable economic growth in the developing countries, and enhance our economic recovery here at home."

The world economy continues to confront major difficulties. We hope and believe that upon careful review you will agree that the strategy the U.S. has adopted for resolving current international financial problems is sound and that Congressional approval of the legislation providing for continued U.S. participation in these important institutions is vital.

With best wishes.

Sincerely,

GEORGE P. SHULTZ,
Secretary of State.
DONALD T. REGAN,
Secretary of the Treasury.

We are all interested in jobs and trade. I feel that the views of our distinguished U.S. Trade Representative, Bill Brock, a former colleague and member of the House Banking Committee, should be considered carefully by us all. Ambassador Brock in part said:

As the chief trade representative for the President and the Congress, I feel I must

tell you of the negative trade consequences our nation will face if this legislation is not passed. Without an increase in IMF resources, billions of dollars of U.S. overseas sales will simply not occur and thousands of U.S. job opportunities will be lost because international trade finance, both public and private, will decline dramatically.

And concluded his letter by saying:

In sum, this country needs legislation increasing the level of U.S. support for the International Monetary Fund. The future success of U.S. exporting efforts and of the U.S. economy as a whole depends on it. Therefore, I strongly urge your support for this legislation.

The full text of his letter is inserted in the RECORD at this point:

U.S. TRADE REPRESENTATIVE,
Washington, July 12, 1983.

Hon. FERNAND J. ST GERMAIN,
U.S. House of Representatives,
Washington, D.C.

DEAR FRED: I am writing to urge your support for legislation before the House which would authorize a U.S. quota increase for the International Monetary Fund (H.R. 2957). Similar legislation recently passed in the Senate (S. 695).

As the chief trade representative for the President and the Congress, I feel I must tell you of the negative trade consequences our nation will face if this legislation is not passed. Without an increase in IMF resources, billions of dollars of U.S. overseas sales will simply not occur and thousands of U.S. job opportunities will be lost because nternational trade finance, both public and private, will decline dramatically. As a result, many developing countries will be unable to finance the purchase of reasonable levels of imports. The consequential drop in international trade will severely hurt U.S. exporters, since we sell 40 percent of our manufactured exports—indeed, nearly 30 percent of our total exports—to developing countries. In other words, IMF financing that helps countries adjust to balance of payments difficulties is essential for the maintenance and expansion of current levels of international trade. This in turn results in greater markets for U.S. exports and more jobs for Americans.

You should also be aware that if the more restrictive provisions of the bill are not modified (e.g., reserve requirements), there will still be a substantial reduction in the level of international trade finance that the U.S. private banking sector will be able to make available. This will certainly have a negative effect on future U.S. export levels. For this reason, I heartily endorse the Administration's position previously communicated to the House urging modification of specific provisions of the bill.

Legislation approving an increase in the U.S. quota to the IMF is part of an integrated U.S. strategy which will enable the United States and the world to respond successfully to the current international liquidity crisis and to sustain the economic recovery now underway. It is not designed to extend foreign aid or to rescue U.S. banks. The future health of both the U.S. and the world economies depends heavily on the successful implementation of this strategy.

On June 29, the President's Advisory Committee for Trade Negotiations (ACTN), a prestigious 45-person committee of high-level respresentatives from the U.S. private sector chaired by Edmund T. Pratt, Chief Executive Officer of Pfizer, approved a resolution expressing its general support restrictive measures. While the ACTN does not, and cannot under its charter, lobby for the particular legislation now before the Congress, I felt that you should know about the concerns of the ACTN regarding the need for adequate IMF facilities to meet the needs of our international trading system. I have attached a copy of this resolution for your information.

In sum, this country needs legislation increasing the level of U.S. support for the International Monetary Fund. The future success of U.S. exporting efforts and of the U.S. economy as a whole depends on it. Therefore, I strongly urge your support for this legislation.

Very truly yours,

WILLIAM E. BROCK.

OFFICE OF THE U.S. TRADE REPRESENTATIVE, EXECUTIVE OFFICE OF THE PRESIDENT,
Washington.

To: The President; the Speaker of the House of Representatives; the President of the Senate; the U.S. Trade Representative.

Subject: Resolution of the Advisory Committee for Trade Negotiations.

The Advisory Committee for Trade Negotiations (ACTN) has the honoi to submit to you the attached resolution expressing the ACTN's sentiment with regard to adequate financing of the International Monetary Fund.

Issue: The recent developments in the world economy have led to strains in the world trade and financial environment.

Within this context it has been proposed that the resource base of the International Monetary Fund be increased to accommodate the adjustment necessary to restore stability to the world trade and financial community.

The ACTN Believes:

The strains in the international trade and financial systems have had an adverse effect on U.S. export-related interests which has resulted in an increase in unemployment.

The IMF serves a crucial and unique role in the international trade and financial systems. It is the only organization which provides short term balance of payments assistance while requiring that borrowing countries implement economic stabilization measures to solve their current external account disequilibrium. The countries borrowing from the IMF constitute an important fast growing market for U.S. exports (40% of manufactured exports; total grew 30% in the past 10 years.) IMF funding will help to alleviate LDC debt pressures, and thus help then pay for imports.

The IMF currently has a funding problem. A replenishment of resources would help to alleviate the problem in the short run.

The IMF is a buttress to an open trading system and without IMF adjustment programs many countries are likely to impose protectionist measures.

IMF funding is a vital part of the current global debt management process. Without IMF participation commercial banks are unlikely to pledge new funds to troubled countries.

Without quota increases the IMF would have to either reduce members' access to quotas or borrow in private credit markets in its own name.

Therefore, the ACTN finds that:

International trade and finance are inextricably linked and a reduction in international bank lending would result in a reduction in export finance. U.S. exports and the labor force could be adversely affected if an alternative source of finance was not available.

An IMF replenishment is needed and that if overly restrictive measures are imposed in tandem with this replenishment, the positive economic benefits would be negated.

We (ACTN) conclude that:

The IMF resource base should be replenished with minimum restrictive measures.

Positive resolution of this issue is in the best economic interest of the country.

A letter from the Secretary of Agriculture makes it very clear that a viable IMF is absolutely essential to the agricultural economy of this Nation and the letter follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., July 14, 1983.

Hon. FERNAND J. ST GERMAIN,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ST GERMAIN: In view of pending legislative actions on the increase in the United States' quota in the International Monetary Fund (IMF), I want to call your attention to the importance of this institution to the U.S. farm economy. In the environment we all work in, we may often overlook relationships between our domestic economy and international institutions.

The U.S. farmer over the last decade has become increasingly dependent on foreign markets for a substantial portion of his income. Today, exports provide one-fourth of farm marketing receipts. In the final analysis our agricultural exports require a stable, healthy world economy.

The IMF is a major linchpin to achieve this. In today's world of complex economic interdependence, a central monetary institution is necessary. If the IMF did not exist, we would have to create it. All member nations, including the United States, at times need assistance in managing balance of payments problems. Debt problems face many countries including some which are major markets for U.S. agricultural commodities. The IMF is essential to manage this current difficult situation.

In view of the role of the IMF in a healthy economy and the importance to U.S. agriculture of such an economy, I urge your support of the IMF quota increase.

Sincerely,

JOHN R. BLOCK,
Secretary.

The Chairman of the Federal Home Loan Bank Board raises the specter of the increased impact on interest rates, which, in turn, would further devastate the thrift industry which we have spent so much time seeking to assist. The full text of this letter follows:

FEDERAL HOME LOAN BANK BOARD,
Washington, D.C., July 20, 1983.

DEAR MEMBER: This is to urge your support for pending legislation to authorize and appropriate the U.S. contribution to an increase in the resources of the International Monetary Fund.

I make this request because I believe that if the legislation fails there will be strong upward pressures on interest rates. This would be devastating for much of the savings and loan industry which, because of the recent rise in rates, has slipped back into the red. This is a critical period for the sav-

ings and loan business which remains in a very fragile state. The kind of increase in rates which I fear could occur—if the legislation does not pass—would represent a very significant setback for savings and loan institutions in their quest for recovery. Clearly, the recovery of the entire homebuilding and real estate industry in this country may be at stake as a direct consequence of increases in interest rates.

Again, I strongly urge your support for the legislation which is scheduled to be voted on tomorrow, Thursday, July 21.

Sincerely,

EDWIN J. GRAY,
Chairman.

Continuing on the subject of interest rates, Chairman Volcker in his appearance before the House Banking Committee on July 20, reiterated his belief that the failure to pass an IMF bill would have a significant impact on interest rates, both domestically and abroad, further exacerbating the already critical situation. Chairman Volcker's letter in the strongest possible terms supports the assistance provided by this bill for the IMF concluded his letter as follows:

I cannot emphasize too strongly that failure of the U.S. to participate in providing the IMF with adequate resources to do its job, as an essential part of an international effort joined by virtually every country of the Western World, would deal a devastating blow to the effort to manage the international financial situation, with clearly adverse consequences for U.S. credit markets and our own economic growth.

I insert the entire letter in the RECORD at this point.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
Washington, D.C., July 20, 1983.

HON. FERNAND J. ST GERMAIN,
Chairman, Committee on Banking, Finance and Urban Affairs, House of Representatives, Washington, D.C.

DEAR CHAIRMAN ST GERMAIN: As the House of Representatives prepares to take up the International Recovery and Financial Stability Act, H.R. 2957, I would like to underline the importance of prompt and favorable action by the Congress on the proposed increase in the U.S. quota in the International Monetary Fund (IMF) and in the U.S. commitment to the IMF's General Arrangements to Borrow. I believe U.S. support for this increase in IMF resources is essential to maintain stability and confidence in the international financial system at this critical time.

As you know, an extraordinary cooperative effort is underway to deal with the strains arising out of the heavy indebtedness of many developing countries. That effort involves continuing action by debtors and creditors, and by the governments and central banks of leading countries. But the IMF is the linchpin for the entire effort, providing, as part of its leadership role, a critically needed margin of financing.

Current and prospective demands on the Fund growing out of this process could well exhaust its usable present resources. To strengthen its ability to deal with this situation and to maintain a stable international financial system, these resources must be increased.

I cannot emphasize too strongly that failure of the U.S. to participate in providing the IMF with adequate resources to do its job, as an essential part of an international effort joined by virtually every country of the Western World, would deal a devastating blow to the effort to manage the international financial situation, with clearly adverse consequences for U.S. credit markets and our own economic growth.

Sincerely,

PAUL A. VOLCKER.

And finally, the President's letter of July 13 which was sent to all Members of the House is as follows:

THE WHITE HOUSE,
Washington, July 13, 1983.

HON. FERNAND J. ST GERMAIN,
House of Representatives, Washington, D.C.

DEAR FRED: The House of Representatives will soon consider my request for increased United States participation in the International Monetary Fund (IMF). In my letter transmitting this request, I expalined that the IMF plays the central role in a comprehensive strategy to resolve current world debt and financial problems. Since then, I have met with leaders of the other industrialized nations at Williamsburg where we affirmed the correctness of this strategy and pledged to secure early ratification of the increase in IMF resources. I would now like to emphasize the major importance I attach to this request.

The world economy is currently facing a number of serious strains, including a heavy international debt burden which threatens to stifle growth in the developing countries and, if not handled properly, thwart economic recovery in the United States and other industrialized nations. To assure orderly resolution of current global economic problems, there must be better coordination of policies in developed countries to promote sustainable, noninflationary growth; appropriate policies in LDCs to set their economies on a path to sustainable growth; continued official and private financing at adequate levels to maintain a viable international trading system; and reduction of protectionist barriers to trade.

The IMF is the centerpiece of these efforts, and it must have adequate resources to do its job. Those resources are now nearly exhausted. If they are not augmented in the very near future, as agreed to by all member countries, the IMF will be unable to provide financial support and policy advice to countries facing balance of payments problems. Without this, commercial lending will dry up, and economic conditions in developing countries will deteriorate, forcing severe contractions in imports and possible defaults.

The U.S. economy could not escape the after-effects of such events. The legislation I have requested to fulfill our share of the increase in IMF resources is necessary to protect our own interests in a stable financial system, a growing world economy, and sustained economic recovery and higher employment levels. It is also necessary to help protect U.S. foreign policy and security interests overseas.

Because of the importance of early ratification of the proposed increase of help stabilize the international financial system, I have pledged to other world leaders my full efforts to ensure prompt enactment of the legislation to authorize and appropriate the proposed U.S. share. I believe this legislation is in our Nation's best interests and warrants, as it has in the past, the broadest bipartisan support in the Congress. I therefore urge its prompt approval by the House of Representatives.

Sincerely,

RONALD REAGAN.

□ 1500

Mr. Chairman, I reserve the balance to my time.

Mr. IRELAND. Mr. Chairman, it is very difficult to address a piece of legislation such as this one. It is almost as if one is confronted with a box of eggs containes six beautiful large fresh eggs but also contains six rotten one. What does one do?

First, let me address the Export-Import Bank. There are 15,000 banks in this country of which Eximbank does business with primarily only 300. Only 1 percent of American manufacturers export over 80 percent of our exports, and Eximbank makes loans mainly to these exporters only. Eximbank Chairman William Draper has acknowledged that the Bank only had an exposure of less than 3 percent with small business in 1982.

I find a certain irony in this, for the greatest potential for export expansion, for new job creation and new industries, lies with small business. For the last several years, I have traveled this country. I have held field hearings and hearings here in Washington. I have canvassed the opinions of business leaders. The conclusion that they, and I, have come to is that this country has yet to begin to realize its potential for small business exports. The Department of Commerce acknowledges that there are at least 20,000 businesses in this country that could export but do not. This year, we will approach a $70 billion trade deficit. The time to act is now.

As the result of a bill I introduced, several amendments were added to this bill to aid small business. Specifically, they are:

A mandate that the Export-Import Bank support exports on terms and conditions which are fully competitive with exports of other countries;

A requirement that 6 percent of the Export-Import Bank's loans, guarantees, and insurance be set aside for small business in year one, 10 percent in year two. A report by January 1 of each year for the preceding fiscal year which will contain a list of all loans made, to whom the loans were made, how much money was involved, and which loans were to small business; and

Encouragement for the Export-Import Bank to reach out to regional and local banks not now dealing with them.

These reforms are needed and they are needed as we speak. I urge all Members to oppose any attempt to weaken these small business initiatives including the use of a 9-month trigger on unspent funds. I should tell the House that the Chamber of Commerce

of the United States, the National Federation of Independent Business, the National Small Business Association, Small Business United, and the Small Business Council of the Democratic National Committee all support what we have done and all firmly oppose any floor amendments to weaken our efforts.

As for the IMF section of the bill, there is no way that I or the Nation's small business community can allow section 410(d) to stand. This section would provide an exemption for the banking agencies from the Regulatory Flexibility Act and the Paperwork Reduction Act—two of the cornerstones of the small business triangle of hope. I see no need for such exemptions and plan to support an amendment to delete said section. I understand the committee will accept the amendment after a colloquy on the problem. I intend to take an active part in that discussion.

In conclusion the Eximbank is a very important part of our trade policy. The Nation cannot afford to wait for a bureaucratic organization to waive a magic wand—we need positive action now. New efforts to expand the export marketplace at Eximbank would be a major step in the right direction.

Mr. WYLIE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, President Reagan, in his radio talk on Saturday, put the prestige of his office on the line in support of the IMF quota increase. He feels it is that important and said: "It means jobs for our Nation." I am convinced beyond doubt that we have no other recourse than to pass this bill. H.R. 2957 has more to do with jobs than most so-called jobs bills we have enacted. In my own State of Ohio, almost 300,000 jobs have been identified as being directly related to the export trade business. Quick passage of this legislation will go a long way toward maintaining Ohio's exporting community. The same can be said of almost any other State. The President said that IMF is not a foreign giveaway but a critical cog in sustaining a worldwide economic recovery that will "keep Americans at work."

Ten former Secretaries of Treasury have signed a letter in support of this legislation.

I became convinced a long time ago that it was in our best interest and the best interest of nations who would be our friends to have a strong IMF.

Many nations came out of World War II without the capacity to rebuild on their own and the United States could not finance the recovery of every nation or impose its will on other nations—so the IMF was formed to help enable nations to help themselves.

Each nation loaned the Fund a certain amount of money and received in return a comparable right to draw out that much in case of an emergency. This is called a reserve position with the Fund.

That money is then loaned to governments. There are no gifts or foreign giveaways.

And in each case the amount which we are asked to loan is returned with interest.

The IMF helped put our returning soldiers back to work after World War II by helping to expand our export markets.

In 1980, U.S. exports accounted for 19 percent of the total U.S. production of goods.

From 1978 to 1980, three-fourths of the growth in U.S. gross national product was directly attributable to the rapid growth in our international trade sector; in 1981 and 1982, most of the decline in U.S. Gross National Product can be attributed to the worldwide decline in trade; contracting markets abroad have had a greater impact on the domestic recession than the decline in the U.S. housing or automobile industries; it has been estimated that 80 percent of the new jobs created in the United States between 1977 and 1980 derive their existence from the increase in U.S. exports; more than a million jobs have been lost in the last 2 years due to the decline in U.S. exports; one out of three acres of farmland produces crops for exports; one out of seven jobs in manufacturing is related to U.S. exports.

Obviously, the United States has a strong interest in insuring that the international economy remains strong.

It was said last week in the debate on the rule for this bill that we should encourage IMF borrowing independently in the capital markets rather than have the U.S. Treasury borrow the funds and then make them available to the IMF. Let me say there is no difference because they both access the same pool of funds when they borrow. If anything, if there is a difference, IMF would cost more, because we would be borrowing perhaps up to $8.4 billion over a period of 5 years. IMF would have to borrow $32 billion. And, besides, it is unrealistic because it would take an 85-percent vote of the membership to effect this kind of borrowing mechanism.

It was also said last week that the IMF should use the IMF gold to collateralize the debt of troubled countries of the world. That would put the IMF's gold, and thereby our gold tranche in the IMF at greatly increased risk. It is a highly unwise suggestion which I feel the honorable Member will withdraw when he sees that the full implications of his suggestion weakens the whole IMF structure.

It was suggested that the IMF borrow in the open marketplace for the money it needs for the short-term. I am here as a fiscal conservative to tell you that it is better for the United States to do the borrowing in the open market after full and free debate by the Congress. We should have this kind of debate and put this bill through the amendment process. We should not abdicate our responsibility over our money markets by saying to the IMF, in effect, go ahead and use our dollars and our gold we have given you in the past to collateralize an SDR borrowing. Put them up as collateral to enter the New York market and borrow what you can or what you want. That is abdication of our duty. It is walking away from our responsibility. It is saying to one and all, the Congress will not vote for these funds to be raised by the U.S. Treasury in our capital markets. Instead, the Congress wants the IMF to go ahead and take the money from U.S. capital markets on its own without Congress having to be involved.

Those who want the IMF to proceed on its own would set a precedent for a run-away IMF. They want to wash their hands of the need to decide the great issue of our time, namely, how best to guarantee the continued expansion of our export markets. They want supply-side economics to work, but they are not willing to vote for aggregate demand. American agriculture and industry have excess capacity in abundance, but exports are faltering because foreign demand is weakening. Foreign economies are in turmoil. They need the expert advice provided by the IMF, and they need the pressure supplied by the IMF to take the measures necessary to restore domestic stability to their economies.

A wisdom born after the event is the cheapest wisdom of all. Anybody could have discovered America after 1492.

We have an agreement with other nations in the IMF subject, of course, to ratification by the U.S. Congress and although other nations know the Congress must approve, I think we would look bad if we did not support our President. We have in the past supported Republican and Democratic Presidents in expanding the resources of the IMF. The IMF was a stroke of genius that has worked and should be encouraged to strengthen its performance.

The President in his broadcast on Saturday said further:

> In addition, it creates jobs because it keeps the wheels of world commerce turning. Exports account for one out of five manufacturing jobs in the United States.

That is the principal argument.

Even more so than after World War II we are dependent on other countries to avoid an international financial breakdown which could imperil our economic recovery.

Mexico, our third largest trading partner behind Japan and Canada, was in serious trouble. Through bridge

financing and the imposition of some austerity measures, Mexico is coming out of a very serious financial crisis and promises to remain a strong trading partner.

Last week the IMF saved Brazil from default. This would not have been possible without an IMF and its resources.

The IMF acts as a catalyst in helping to devise sound economic adjustment programs and mobilizes capital from private banks to provide bridge financing.

One of the big bugaboos—is this is a bailout for big banks. It is not. The IMF loans go to countries at market interest rates.

But what if a big or little U.S. bank is saved. It is our bank—and is not that better than letting a bank fail with American stockholders and depositors losing money—I think so.

I believe as the President, that this legislation is in our best interest and deserves bipartisan support as in the past.

I join the Chairman in urging approval by this body.

□ 1510

Mr. ST GERMAIN. Mr. Chairman, I yield 8 minutes to the gentleman from North Carolina (Mr. NEAL), the chairman of the subcommittee.

Mr. NEAL. I thank the gentleman for yielding this time to me.

Mr. Chairman, two of the major titles of H.R. 2957 contain legislation reported by the Banking Committee's Subcommittee on International Trade, which I chair. Title I incorporates the committee's bill to reauthorize the Export-Import Bank, and title III authorizes the United States to consent to an increase in our quota in the International Monetary Fund.

Our subcommittee and the full committee engaged in extensive hearings—on the world's financial conditions. In marking up these bills we considered a number of very substantive amendments, and adopted several of them. The total package is undoubtedly one of the most comprehensive and far-reaching initiatives in international economic policy to come out of the Banking Committee in some time. Permit me to review, briefly, the highlights of these two titles.

Title I reauthorizes the Export-Import Bank for 2 years, from September 30, 1983, its present expiration date, to September 30, 1985. While there is nothing sacrosanct about the 2-year limit, the committee agreed that a 6-year extension, as adopted by the Senate Banking Committee, would be too long for effective congressional oversight of, and influence on, Exim policies.

The committee adopted new language to clarify Exim's mandate, making it clear that the Congress directs the Bank to be competitive in all its programs, as its first priority, but also to give some weight to its own cost of funds in setting interest rates on its loans. In the past few years Exim has been roundly criticized for setting rates thought to be uncompetitive. The clarification we have adopted should preclude future uncompetitiveness.

The Eximbank title also contains several other policy initiatives, all spelled out in the committee report. I would like to mention two in particular. It establishes a special program for the granting of so-called tied aid credits, also known as mixed credits. This type of credit, which Exim does not now extend, is, in effect, a blending of conventional export credit with outright grants, to produce a total package for the financing of exports on extremely generous, highly subsidized terms. At present, our foreign competitors use this technique only modestly, but they could easily escalate their use of it in the future. The use of mixed credits is not yet adequately constrained by the international agreements that govern official export credit. If our competitors try to exploit and abuse this loophole to steal our markets, we should have in place a mechanism to protect U.S. exporters. The competitive tied aid fund established by this bill would defend our exporters from such abuses. The Senate bill also has a kind of mixed credits program, but it is, I fear, too open ended and ill-defined, and would push us into excessive use of this costly practice. Our version is more carefully defined and controlled, is defensive in nature, and is designed to discourage the practice worldwide.

I would also note the provision in the Exim title on small business. It requries a set-aside for Eximbank loans, and guarantees, to small business, of 6 percent in fiscal year 1984 and 10 percent in fiscal year 1985. These set-asides have real teeth: They reserve those percentages of Exim's budget, of its loan budget of its guarantee/insurance budget, exclusively for the support of exports by small business. Another way of expressing the impact of these set-asides would be to say that no more than 94 percent of Exim's budget in fiscal year 1984, and no more than 90 percent of Exim's budget in fiscal year 1985, can be used for "non-small business."

Some of us argued in principle against rigid set-asides, and contended that, in practice, Exim may not be able to meet these percentages. If the Bank does fall short of these percentages, the set-asides could turn out to be nothing more than indirect budget cuts, since budget authority reserved for small business, but not utilized, could not be shifted to meet the demands of other exporters. Nonetheless, the committee stuck with these rigid set-asides. If they are finally enacted into law, they will likely prove to be either a great boon to small business, or a serious impediment to U.S. exports.

Title III of H.R. 2957 grants the administration its request for an increase in U.S. participation in the IMF. The total increase would amount to about $8.4 billion, divided between a quota increase of about $5.8 billion, and an increase in our commitment to the "general arrangements to borrow" of about $2.6 billion.

Misperception of the IMF is widespread. I want to give you a few simple reasons for supporting this increase in our support for the IMF, and to answer, briefly, the major arguments against it.

By helping to sustain foreign markets for American exports, this IMF bill will do as much or more to protect American jobs than any other legislation before Congress. Our economic recovery depends, in part, on reviving world demand for our goods and services. But to sell more abroad, we must ensure that developing countries can get temporary IMF assistance.

Developing countries are among our best customers, buying more than a third of our exports. They need our high technology and our farm products. When they stop buying, we suffer. About a third of the decline in U.S. production last year was attributed to lost export sales.

Because of recession and abnormally high interest rates, some developing nations are unable to repay their debts on schedule. If forced to default, they could no longer borrow or trade on normal terms. Widespread defaults could threaten the stability of our own financial markets. U.S. banks might be forced to reduce lending at home, as well as abroad, and thereby jeopardize our recovery. Remember that the ripple effects from the collapse of a major international bank in Austria was one of the inaugural events of the Great Depression.

It is, thus, clearly in our interest that the IMF be able to help debtor countries recover their financial strength. The Fund extends medium term loans to help them maintain a modest level of imports while working to correct their underlying balance-of-payments problems. In return, the borrowers must design and adopt economic adjustment programs approved by the Fund. Those programs are often tough and demanding, designed to redress the debtor's balance of payments and restore its international credit standing.

The IMF is the only mechanism we have for linking temporary financial relief with effective financial discipline and reform. A debtor in distress may understand quite well the reforms it should adopt, but its government may lack the political will or support

to make those tough choices. Think how hard it appears to be for us to balance our own budget. In those cases the Fund can be an external catalyst for effective reform by appearing to "impose" discipline on the debtor, and taking the blame for "requiring" the government to do the right things.

Without an effective IMF, many countries might default and then erect ever higher trade barriers to shut out the imports they could no longer afford. Financial defaults, escalating protectionism, and the collapse of world trade were the falling dominoes of the Great Depression—precisely the kind of calamity the IMF was founded to combat.

International financial stresses are now most acute among a few developing countries. But we should not forget that some of the IMF's largest programs have helped revive industrial countries in distress, including some of our most important allies. IMF assistance to Great Britain in the mid-1970's was indispensable to the restoration of British financial stability. More recently, an IMF program in Turkey played an important role in rescuing that key NATO ally from economic calamity. Even the United States has drawn heavily on the IMF as a convenient source of foreign exchange when we needed to support a weak dollar. In fact, we have been the second largest user of IMF resources. Our cumulative drawings of foreign currencies from the IMF total about $6.2 billion, second only to Britain's drawings of about $13.4 billion.

Mexico provides a good example of how the IMF works. A year ago, Mexico was near bankruptcy, with more than $80 billion in foreign debt and its income diminished by sagging oil exports. The IMF agreed to lend Mexico $3.8 billion, spread over 3 years. Mexico agreed to devalue the peso, cut government spending and take other belt-tightening measures. With an IMF program in place, private banks agreed to reschedule old loans and lend Mexico another $5 billion. Now, Mexico's IMF program appears to be working even better than expected. The Mexican Government has just announced it will not need all those loans because its recovery is ahead of schedule.

What does this mean of us? When Mexico, our third largest customer, reduced purchases from us by $6 billion in 1982, about 145,000 American jobs were lost. Moreover, consider the political nightmare of a Mexico bankrupt, destitute and hopeless on our southern border, overshadowing Central America.

Misconceptions about the IMF bill are legion. Without getting into technicalities, I would like to set straight a few of the more egregious ones:

First, it is not a "bank bailout." IMF loans are a small percentage of a borrowing country's debt; in Mexico's case, about 5 percent. The IMF's total resources, in fact, are but a fraction of developing country debt. The IMF could not bail out the banks if it wanted to. Banks benefit mainly from the IMF-approved economic reform programs that improve debtor nations' financial stability and thus help to insure loan repayment. Often, banks cease lending to countries that do not have stabilization programs with the IMF seal of approval.

In the past, U.S. banks lent excessively to some countries. To curb excessive, high risk lending in the future, the bill includes tough new regulations to foster greater prudence.

Second, our participation in the IMF is not foreign aid, of any kind. Our "quota" in the IMF is a deposit in an international credit union. It must be repaid in full, with interest. All members deposit money in the IMF and, if qualified and in need, may borrow from the IMF. These deposits are perfectly safe; no country has ever defaulted or rescheduled an IMF loan. Moreover, an increase in our lending to the IMF would not add to the Federal budget deficit. For every loan we make we receive an offsetting asset in our IMF account, so there is no budget impact. Our only cost is the difference between the interest rate the IMF pays us and our Government's borrowing costs on the funds we invest; in most years, that cost is slight.

Third, the IMF does not "impose austerity" or stifle growth. Any country borrowing conditional funds from the IMF—the international "lender of last resort"—has already reached the end of its rope. An absolute prerequisite for the revival of growth is a restoration of that country's international creditworthiness, which can only be accomplished through some significant improvement in its balance of payments. The debtor could not avoid "austerity" by eschewing IMF policies; austerity is inevitable in these desperate situations. The choice is between austerity in isolation, an austerity of financial collapse and trade protectionism, or a more moderate austerity mitigated by the new credit flowing from banks confident that the IMF program will eventually work.

What the IMF typically recommends—reducing inflation and budget deficits, controlling domestic credit and monetary expansion, reducing subsidies and making markets more responsive to price incentives—are tried and proven policies, not painless, not infallible in every detail, but essential for sustainable growth. There are no shortcuts.

From Franklin Roosevelt through Ronald Reagan, the United States has given strong bipartisan support to the IMF. The IMF has been a remarkable success. It cannot solve all the world's problems, but we may be sure that the problems would be a lot worse without the IMF. I urge you to consider seriously the great risk we would run if we endangered our fragile and uncertain recovery by turning our backs on the IMF precisely at the moment it is most needed. I urge you to avoid that danger by supporting this bill.

□ 1520

Mr. WYLIE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Connecticut (Mr. MCKINNEY), who has been most helpful on this legislation.

Mr. MCKINNEY. Mr. Chairman, to say that the International Recovery and Financial Stability Act is a matter of controversy would be to put it very lightly.

I think it would be irresponsible for me to start my comments without congratulating my good friend, the chairman of the full committee, the gentleman from Rhode Island (Mr. ST GERMAIN), the ranking minority member of the full committee, the gentleman from Ohio (Mr. WYLIE), and the chairman and ranking members of both subcommittees involved with this matter. They have shown something that has been sadly lacking in this debate, and that is statesmanship and a realization of the real world we live in.

I have received, I think it is safe to say, hundreds of postcards from my constituents asking me to vote against the funding of the International Monetary Fund. If I were to walk down the streets of Bridgeport, Conn., a grinding industrial city that I represent, the biggest city in the State of Connecticut, I have no question that a majority of the people I might stop and ask would say, "Please vote against funding the International Monetary Fund." However, if I in fact had the ability and the time to speak to all of them as I have to some, I think they would realize that I should vote for it.

One of the reasons I would congratulate the committee chairman, the subcommittee chairmen, and the ranking members is that they have realized the situation and risen up to the very heart of what being a Burkean representative is. Edmund Burke, probably one of the greatest parliamentarians in the history of the Western World, stated very clearly that a representative must represent, but he in fact does the least representation possible if he does not lead.

It would be very easy to listen to what is, I am sure, the well-intentioned wailing of those who send out multi-issue postcards, who come at us and tell us that this is a bailout of the big banks and foreign aid to Communist governments, but I would suggest that if every Member of this body really looked at the situation in the world we live in today, they would

know that it in fact becomes their duty to vote for this legislation.

How can any Member who represents a farming district, where across the Nation one out of every three acres in production is devoted to export, vote against increasing the International Monetary Fund? I do not know.

How any Member who represents a manufacturing district can vote against this, when in fact from 1980 to 1982 80 percent of the increase in our GNP growth and the greatest increase in our manufacturing jobs, three quarters of the increase in our manufacturing jobs, has come from exports, I do not know.

But let us look at some of the arguments that are put forth. They say that this is a big bank bailout bill. That is one argument. It is false. This is in fact probably the only entity that can keep the big banks involved and keep them in for greater participation.

I have never noticed a proclivity on the part of the Bank of England or the German banks or the French banks or the Bank of Italy to finance American exports. Yet in Connecticut, if exports were to cease, within 6 months 150,000 jobs in that small State would be gone.

We are told that this is an outlay from our budget, that it is cash out of our pockets. It is not. It is in fact the United States saying that there will be x number of dollars laid aside upon which the International Monetary Fund may draw should they fall short and upon which we will be paid interest. There is no deficit impact.

A third point that is often brought up to try to confuse the American people is the argument that this is just a bank loan to those ne'er-do-wells out there, those LDC's, those "Commies." To that I say, "Wait a minute, ladies and gentlemen." The second biggest borrower from the IMF is the United States of America. The United States is the second biggest borrower, I believe, to the tune of well over $5.8 billion.

□ 1530

Think about it. What Communist countries have the IMF actually loaned to or reorganized?

Mr. Chairman, the record is very clear: Romania, $184 million; Hungary, $153 million; Yugoslavia, $1.2 billion.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. WYLIE. Mr. Chairman, I yield 3 additional minutes to the gentleman.

Mr. McKINNEY. Mr. Chairman, each one of the so-called Communist bloc nations that have in fact opened up their trade to the United States of America and to the Western World.

I have never recently seen an issue that is going to require the depth of leadership from this body that this issue requires.

This is one very small world. It was so easy in the United States to say, "Go West, young man, go West," and we would always have a wonderful domestic market. We have run out of market space in which to grow. Our capacity in automobile construction ability is so much higher than the demand, but we have run out of domestic market growth. The market for this country has got to be the world. The Japanese realize it. The British realize it. The Germans realize it. The Italians realize it. What is wrong with us?

Our fellow Western trading friends beat us on interest rates, beat us on protected markets, beat us on value-added taxes and do everything possible to finance the sale of their goods in this country and jobs for their people.

We have the technology. We have the strengths. We have the ability, and yet I ask: Is this House seriously going to sit here and say, "We won't finance it?"

The only thing that will keep order in this Western World, that will keep jobs in this country, that will do what we want to have happen in Bridgeport, in California, or anywhere else, is to do our duty.

Let me tell you, if getting reelected is more important than that, I would just as soon not come back. We have got to once and for all stand up for what is statesmanship, what is right, what is the future of the working men and women of this country. When I see a trade association that says, "Oh, we are not going to support this because we haven't done this for housing or we haven't done this for steel or we haven't done this for food stamps," what in God's name do they think is going to happen to interest rates and to their business?

Paul Volcker told it straight and told it plain to the Banking Committee last week. If the U.S. Congress fails in this task, unemployment will rise, interest rates will rise, and the banks withdrawing from the capital markets will take out the very capital we need for this country to move ahead.

Mr. Chairman, it is not popular, it is not pleasant, it is nothing to run down the street waving a banner for, but it is vitally necessary. Please do the right thing for your country and the American people.

Mr. ST GERMAIN. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. LUNDINE) a distinguished member of the Banking Committee.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. LUNDINE. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Chairman, as we consider H.R. 2957, the International Financial Stability Act, I rise in strong support of the language that seeks to improve small business access to export financing from the Export-Import Bank. H.R. 2957 requires that the Eximbank earmark 6 percent of its authority for small business in fiscal year 1984 and 10 percent in fiscal year 1985. Furthermore, H.R. 2957 mandates that the Eximbank be competitive in its financing.

Without a doubt, our Nation has failed to realize its full export potential. Our failure to exploit our competitive advantage in certain industries costs us much-needed jobs and business opportunities.

It is apparent that our Nation has a lot to learn about international marketing. It may be good politics to preach laissez-faire economics on the campaign trail, but it is all too clear that other governments do not play by the same rules that we have imposed on our industry, especially on small businesses. The simple fact is that our Government does precious little to help U.S. small businesses develop markets overseas, even when they must compete with firms who are actively supported by their governments.

In the last Congress, as the chairman of the Small Business Energy Subcommittee, I chaired hearings to explore what our country was doing to encourage renewable energy products exports. Our Nation is recognized as being the world's leader in the development of renewable energy technologies, including photovoltaics. Yet, the Germans, French, Japanese, and Italians are beginning to run us out of the international market, using our own technologies.

I would like to share with my colleagues a quote from the testimony of one of our witnesses at that hearing. The gentleman in charge of our international trade efforts at the Department of Commerce told my subcommittee:

> Despite our technological edge, U.S. firms face stiff competition in international market development in photovoltaics. Our competitors, primarily Japan, France, Italy, and West Germany, have utilized their extensive marketing network in place in the developing world to promote their photovoltaic systems. Japanese and French Government agencies in particular appear to rely on noncompetitive means, that is donation of equipment or grants of financial and/or financial assistance to promote the export of their respective photovoltaic technologies and systems.

Instead of crying that our competitors do not play fair, it is time that we began to respond in kind. The earmarking of a portion of the Eximbank's authority for small business is a step in the right direction.

Ninety-seven percent of the Eximbank's authority went to big business in the past year. This provision reduces this big business set-aside to 94

percent in fiscal year 1984 and 90 percent in fiscal year 1985.

I also want my colleagues to realize that this provision will not end the problems that small companies have with U.S. export agencies. Small businesses still have problems with everything from commodity credits that help convert soft currencies to dollars to export insurance that helps stabilize their investments. But this provision is a very big step in the right direction.

As an original sponsor of title I of the Solar Energy National Security and Employment Act (SENSE—H.R. 1595), I wish to point out that this small business reserve at the Export-Import Bank conforms with a similar provision in the SENSE Act. That provision reads:

SEC. 105. AMENDMENT TO EXPORT-IMPORT BANK ACT OF 1945.

Section 7(a) of the Export-Import Bank Act of 1945 is amended by adding at the end thereof the following:

"(3) Not less than 12 percent of the loan authority of the Export-Import Bank in any fiscal year shall be made available only to businesses with $25,000,000 or less in previous-year sales and shall include an amount of loan authority for transactions involving renewable energy that is appropriate to the demand for such loans."

Finally, Mr. Chairman, I want to recognize the fine work on this issue by our colleagues Mr. IRELAND from Florida, and Mr. ROEMER from Louisiana. I urge my colleagues to support this pro-small-business language.

Mr. LUNDINE. Mr. Chairman, I rise in support of H.R. 2957, the International Recovery and Financial Stability Act. This comprehensive legislation, which includes the reauthorization and amendment of the Export-Import Bank charter and an increase in the U.S. quota for the IMF, will advance U.S. trade and financial interests as well as increase the stability of the international economic system.

In today's economy, trade is an increasingly important determinant of a nation's economic vitality. In the United States, 40 percent of our agricultural production is exported, and 20 percent of our manufactured goods are exported. Of the manufacturing jobs created in the United States in the late seventies, 80 percent were linked to exports. Clearly, exports are critical to growth and employment in our economy.

The United States, however, has been negligent in its support of its export sector, particularly in comparison with the aggressive financing policies of our major foreign competitors. Foreign countries subsidize their exports to a much greater extent than the United States. According to a 1980 study, the United Kingdom and Japan supported 35 percent of their exports with export incentives, France gave support to 29 percent of its exports, and Germany supported 12 percent of its exports. In contrast, the Eximbank supported just 6 percent of U.S. exports.

This high level of foreign export subsidization has affected the strength of the U.S. export sector. In 1982 the U.S. merchandise trade deficit was a sizable $42.7 billion. In part, this large deficit was a result of the lack of adequate competitive financing provided by the United States.

Given this trade situation, it is clear that a healthy international economy is essential to support U.S. trade, which is imperative for a sustained U.S. economic recovery. An effective Eximbank is also needed to strengthen and support our export sector. While an Exim strategy based on market forces would be preferable, we cannot ignore the reality of foreign export subsidization. In addition, a strong Eximbank would be an effective means to pressure foreign governments to moderate their financing practices.

EXIMBANK PROVISIONS

Title I of H.R. 2957 would strengthen the Eximbank in several ways. I would like to comment on several of these provisions which I think are particularly noteworthy. The legislation would clarify the Bank's mandate by emphasizing that the Bank's primary objective is to provide financing which is fully competitive with foreign financing. While the Exim should not ignore its own costs, an effective Bank must place its need to be competitive as its foremost consideration.

In an effort to counter the abuse of mixed credit by other nations, this bill creates a competitive tied aid fund. Mixed credit refers to a combination of export credits and foreign aid funds given at highly concessional terms. As authorized by this bill, the competitive tied aid fund would enable the Eximbank to use mixed credits as a defensive device, in order to counter the foreign use of this financing method. The Bank would not be able to use mixed credits to subsidize exports which would not otherwise be competitive. The effect of this provision would be to make the Eximbank more competitive with foreign financing.

The Exim also helps U.S. firms compete against foreign subsidized sales within the United States. Current law allows the Exim to offer domestic financing to U.S. firms competing against predatory financing if the Treasury determines that foreign predatory financing is a determining factor in a domestic sale. H.R. 2957 would facilitate the ability of the Exim to engage in domestic financing by strengthening the criteria governing a positive Treasury determination and placing a 60-day time limit on this determination. Protections would still exist to insure that the Exim's resources are not diverted from its primary purpose of financing exports.

This bill provides for the Exim to give greater consideration to the promotion of small business exports. For the first time, budget set-asides for small businesses would be required within the Bank. By 1985, 10 percent of the Bank's loan and loan guaranty authority would be reserved for small business exports. The bill sets even higher goals for small business participation, hoping to issue 20 percent of its loans and guarantees to small businesses in 1985.

Overall, these proposed changes in the Exim charter constitute a realistic response to the pressing problems of world trade and will contribute to strengthening the competitive position of the United States. An equally important and necessary response is the proposed increase in the U.S. contribution to the IMF, as authorized by title III of H.R. 2957.

IMF QUOTA INCREASE

The world economic recession has contributed to the serious economic problems currently facing a large number of important developing nations, including close U.S. trading partners like Mexico, Brazil, and Argentina. The volume of Third World debt has grown to alarming proportions, amounting to more than $600 billion at the end of 1982, with much of this debt owed to U.S. banks. A number of developing nations are now so deeply in debt that it is questionable whether they can pay even their annual interest payments due this year. Should one or more of these countries give up attempting to honor its debts and declare default, it could severely damage world trade and finance. In such an international crisis, the damage would not be confined to our largest international banks, but would reach down to small institutions and depositors as well.

A default by any combination of these countries would also have tragic consequences for our domestic economy, affecting U.S. trade and employment. Developing nations provide the most important growth market for U.S. goods. The closing of major foreign markets such as Brazil or Mexico would force further declines in domestic production and employment. Furthermore, in writing off their massive foreign debts, U.S. banks would be forced to curtail new domestic lending that is essential to a domestic economic recovery.

The IMF proposal to increase the quota for the United States and all IMF nations is designed to help avert these problems by providing the international agency with additional funds to provide interim financial and economic assistance to debt-burdened developing nations, as well as increase its trade-related services to member nations. The proposal would help indebted nations continue their interest pay-

ments on their commercial loans, which in turn will permit them to continue purchasing imports which they otherwise would have to curtail.

This added contribution would not come at great cost to the U.S. taxpayer. The increase in the U.S. IMF quota is actually an increase in the U.S. credit line to the IMF. The IMF can borrow up to the amount provided by the credit line of a particular nation, and pays interest to the nation on the funds which it borrows. So, the cost of the U.S. credit line is the difference between the rate of interest which the IMF pays the United States and the rate of interst paid by the U.S. Treasury to borrow the funds which it contributes to the IMF. Since the U.S. credit line is funded through Treasury borrowing, it does not add anything to the Federal budget deficit.

Opponents of this quota increase have termed it a "bailout" for the large international banks. Large United States and foreign banks did indeed extend many questionable loans to Third World nations during the seventies. As the world sunk into recession and the borrower nations found themselves in economic trouble, so did the banks. While it is true that the international bankers were imprudent and even arrogant in their actions, animosity toward these institutions should not obscure the fact that a quota increase is now warranted and essential.

It is important to point out that a strong case could have been made for an increase in the U.S. contribution to the IMF even if a debt crisis had not occurred. Since the fifties, the growth of world trade has far outpaced increases in IMF resources. World trade will have increased 50 percent faster than the IMF quota, even if the proposed quota increase in included. New borrowing to finance trade would have strained the resources of the IMF this year even in the absence of a debt crisis.

For these reasons, I support increasing the U.S. contribution to the IMF and voted with the majority of the Banking Committee in reporting the legislation for consideration by the House. I should add, however, that my support is qualified on the condition that the quota increase is accompanied by new restrictions on bank lending and requirements that banks and their stockholders assume reasonable share of my losses that may be incurred.

Banks must be forced to correct their loose lending practices and prevented from imposing excessive fees for new loans to borrowers they had once enticed with easy money. The legislation before the House would achieve these objectives by requiring new bank reserves on highly questionable loans, by removing incentives for banks to charge excessive fees, by encouraging debt restructuring, and by imposing more strict Federal supervision of bank lending.

I am concerned, however, about the possible effect of the reserve requirement contained in section 304(a) of this bill. This section requires banks to maintain special reserves whenever it is likely that a loan will not be repaid additional borrowing or major restructuring. This requirement would discourage banks from participation in debt restructuring or from extending new loans to nations with restructured debts. These reserves would reduce the amount of credit available to finance international trade, as well as make such credit more expensive for debtor nations. Domestically, banks continuing to participate in restructured loans will find their capital and earnings reduced. This would lead to a reduced ability of banks to lend to all borrowers, both domestic and international, which would harm U.S. trade and employment.

MULTILATERAL DEVELOPMENT BANKS

Last, H.R. 2957 provides for increases in U.S. participation in three multilateral development banks, the African Development Bank, the Inter-American Bank, and the Asian Development Bank. These additions to the Banks' resources are an efficient means to aid in Third World development efforts. Economic growth in the Third World will also aid U.S economic growth, given the importance of the Third World as a market for U.S. goods.

I have only addressed some of the important provisions contained in H.R. 2957. The bill includes many additional provisions which will strengthen both the United States and the international trade and financial conditions. I believe that this legislation makes an important contribution toward solving the serious long-term problems which we face in world trade and finance. I support the International Recovery and Financial Stability Act and urge its adoption.

Mr. WYLIE. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. PAUL), a member of the committee.

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding.

I rise in strong opposition to this bill. Since I have been in Congress I have cast my votes on very strong principles, based on my understanding of what the free market ought to be doing and the way I interpret the Constitution.

Frequently and unfortunately this has allowed me many times to vote with a small minority. Today I feel very comfortable and very happy to be taking the position I am taking on the IMF and the other foreign aid bailouts in this bill, because it happens to be a very popular position. I do not have to worry about any political risk in voting "no" on H.R. 2957.

Today the proponents of this bill will have to sustain all the political risks and all the heat, because it is the most vulnerable vote that I think we will cast this year. It is the biggest foreign aid bank bailout type of bill that we have ever worked on.

By putting these several bills together and appropriating and authorizing nearly $30 billion, this is one of the most outrageous pieces of legislation and one of the most politically dangerous bills that we have ever worked on.

□ 1540

This bill we are told is not a bailout. But there is no doubt about it. Not only is it a bailout of our banks, it literally bails out the banks other other nations as well because the IMF is an international body.

When you understand how the international system works, one finds out that banks have no national boundary lines; so it is a bailout of the system.

It is true, it assists some foreign nations. It assists some Socialist nations. But it does not create jobs. It happens to go to the nations who have the least amount of jobs. Countries we have been trying to help for dozens of years and yet we have never helped any of them.

The argument that giving foreign aid will produce jobs does not hold up. This is based on a fallacy. It is based on a fallacy that if you take money out of one pocket and you put it into another pocket you are richer. The whole idea that you can take money out of your pocket and put it in the pocket of a foreigner we become wealthier has no validity whatsoever. There is no way you can defend that position.

The plain truth is, on the short term, and on some occasion by funding some company or some country, yes, you will create a sale. But it is always with an expense. That is what is never asked. It always costs something.

If you take $1 billion out of our economy and you give it to a Third World nation, and that Third World nation purchases an airplane, sure enough, the airplane company benefits and some workers benefit. But it is always at the expense of somebody else.

And it is a disruptive system. It is not market oriented and it eventually collapses because it is built on a fallacy and it is built on debt and it is built on inflation.

So it is for this reason the jobs argument does not hold. This is especially true with the IMF.

Some of the grants, given through the development banks and the Exim, I can see that argument in the short run, but in the long run it does not hold up.

The IMF is absolutely nothing more than the taking of a few dollars and casting them out and giving them to somebody that is going to pass it on to the bank, supposedly to sustain the system for a while longer, to put a Band-Aid on a cancerous growth in this Nation—the first paper monetary system.

It has been said that this is off budget and that there is a transfer of assets, and it is not going to cost the American taxpayers anything. I think this is one of the most astounding arguments I have ever heard.

Besides not only is it on budget, it is going to cost the American taxpayers plenty of money or we would not be here. The funding is in the supplemental appropriation.

If you look at H.R. 3069 it has an appropriation where it is appropriating to the Treasury Department, to the Exchange Stabilization Fund $8.4 billion. That is where the IMF gets the money.

What happens? They give us a piece of paper that comes across with a computer and they tell us we are going to earn a little interest. Well, if this was not costing us anything, we would not have to go through this charade.

It costs us a lot and it is very, very expensive to the American taxpayers.

Another thing I find rather interesting is if you read the bill you find out they are striking the term "dollars," and inserting SDR's.

Do you know what that means? That means that we in the Congress, I believe, are doing something absolutely unconstitutional. We are committing to the future an appropriation, that you cannot tell me what it is going to be. There is no way in the world you can know what this bill is going to cost. I believe that is absolutely unconstitutional and wrong.

H.R. 2957 says we are going to commit so many SDR's.

For instance, the dollar is strong today. There is strong pressure by our industrialists right now, today, to weaken the dollar. The dollar is about to peak out in terms of other currencies and if the dollar would drop 10 percent in the next 6 months this appropriation and the cost to the American taxpayers will go up $800 million because the appropriation is in terms of the SDR's.

This is not a fixed appropriation and it is an authorization and an appropriation which is totally illegal and unconstitutional in my understanding.

I will later on introduce four amendments when we get into the amendment process. We are going to talk a lot more about gold.

If this is such an emergency the IMF can sell their gold or collateralize their gold. There is no reason, absolutely no reason today to beg and plead and put the burden on the backs of the American taxpayers. The IMF already has adequate assets.

Sure enough, there is going to be a cost but the costs should be borne by the people who are making the profits, the people who are holding the stocks in the big banks. Let them write this off over a longer period of time. If the cost is going to be borne it should not be by the American taxpayers. The penalty should be laid on the bankers who have been raking in very high profits have in the last several years.

Mr. ST GERMAIN. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. ANNUNZIO), a member of the committee.

Mr. ANNUNZIO. Mr. Chairman, there is a major retail department store that throughout the sales day holds shoppers blue light specials. To call attention to a particularly attractive item on sale, the store flashes blue lights to attract shoppers' attention. The IMF bill is a legislative blue light special, and it should attract the attention of every Member of this House.

This is going to be a critical vote, and I honestly feel it will be one of the more significant votes of the 98th Congress. In fact, a Member's political future may well ride on how he or she votes on the IMF bill.

I make that statement because I have heard Members say that their constituents are not concerned about the IMF situation. I think that if there is a lack of concern on the part of constituents in some districts, it is only because the full facts surrounding the IMF bill have not been explored. But I predict that by November 1984, that your constituents will be concerned about IMF, and it will be a ballot box issue.

There has been a great deal of armtwisting in connection with this legislation. But I suggest that the real twisting will occur in November 1984 when voters twist the levers of the voting machines, and if you vote wrong on the IMF bill, you may well be twisted right out of the House.

I do not support the IMF increase. It is the wrong bill at the wrong time and for the wrong reasons.

Mr. Chairman, if legislation were being considered to grant a United States multimillion-dollar loan to Vietnam, I do not think there would be a Member of this House who would be a supporter. Why then are there Members who are willing to take hard-earned American dollars and give them to an international lending agency which is heavily involved in financing Communist operations in Vietnam?

Are our memories so short that we cannot recall that nearly 58,000 American men and women lost their lives in the Vietnam conflict? How can we tell the families of those Americans who died in Vietnam that we condone the financing of the Government that was responsible for killing their loved ones?

I know there are some who feel that I am injecting improper political considerations into this debate, but let me make my feelings clear. I will not vote for any legislation that in any way, no matter how indirectly, supports the Communist regime in Vietnam. I feel that as a Member of the House of Representatives I have the obligation not to turn my back on those Americans who gave their lives in Vietnam.

I am not asking anyone to share my vote, but I am suggesting that the IMF issue will not disappear if the quota increase is passed today. And those constituents who do not have an interest in the IMF bill are suddenly going to become very interested in how their Congressmen voted.

In recent weeks I have seen a number of Dear Colleague letters and factsheets concerning the International Monetary Fund. One such letter entitled "Is the IMF a Giveaway for Communist Countries?" stated that while Vietnam was a member of the IMF, it was not currently an IMF borrower. I have checked with the officials at the International Monetary Fund and they have told me that contrary to that Dear Colleague factsheet, Vietnam is very much an IMF borrower.

Let us look at the real facts. In 1977 Vietnam received $28.5 million in trust fund loan disbursements, and in 1981 Vietnam received another $37.7 million from that source. These two loans total $66.2 million, and Vietnam has not begun to repay the loans. In 1977 Vietnam received $34.4 million in commodity financing facility loans. At the end of 1982 that loan had a balance of $27.1 million. In total, Vietnam has received $100.6 million in IMF loans. It is true that Vietnam does not have loans in all IMF categories, but let me use an analogy.

A commercial bank offers consumers many different types of loans. If a consumer borrows money from a bank for an automobile loan, is the bank correct in saying that the consumer does not have any loans with the bank solely because the consumer had not made a loan to buy a washing machine?

The bottom line is that the International Monetary Fund has supplied funds for the operation of the Communist government in Vietnam, and if you want to support that kind of lending, then that is a decision that each Member will have to make.

A few days ago, Chairman Paul Volcker of the Federal Reserve Board testified before the House Committee on Banking, Finance and Urban Affairs. He spoke in passioned tones about the need for an IMF quota bill. He stated that if the IMF quota bill is

not passed that interest rates in this country will rise. He made that statement as a flat declaration without any qualification. However, when I asked Chairman Volcker if we passed an IMF quota bill will interest rates go down, He acted like a prisoner of war giving no more than his name, rank and serial number. But his performance got even better. In response to a question as to whether there was any money in the IMF bill to bail out American banks, Chairman Volcker responded with a resounding "No".

Of course, fact and logic clearly dictate that most of the IMF $8.4 billion increase will go directly into the pockets of the major banks of this country. True the IMF increase will not go directly to the banks, but the money will go to a host of foreign nations which will then use the money to pay off their bank creditors. And I might add, if the money is not going to the American banks then why do we have to worry about interest rates going up?

What Mr. Volcker was not saying because it would have blown his cover was that if the banks do not get the money from the IMF quota increase, they are going to have to write-off many foreign loans. And in order to make up for their losses, they will raise interest rates.

You can believe the Paul Volckers of the world, you can believe the Donald Regans of the world, and you can believe all of the administration officials and economists of the world, and I only hope that enough of these people live in your congressional districts to reelect you. But if you believe in the American people, then I suggest you vote "No" on IMF, because if you do not the American people may well vote no on you in November 1984.

We have talked about the IMF's role in funding Vietnam. Let us look at the track record in some of the other IMF lending activities. Zaire has received at least $912 million from the IMF. And though everyone talks about the conditionality of IMF loans, the fact is that Zaire has spent $1 billion on a power line that it did not need and has since been shut down. In addition, Zaire has a $5.1 billion foreign debt, and in 1982 it only paid an estimated $250 million of the $946 million debt service it owned. This surely shows that whatever else Zaire may be, it is not a good credit risk; nor is it a country that seems to be benefiting from all the money that it has been lent.

Or consider the Central African Republic. Earlier this year, the IMF announced that it had received a loan arrangement of $18 million. This is the same country that got into financial hot water when it spent $50 million, roughly half the country's annual budget, on coronation ceremonies for since deposed Emperor Bokassa.

And we have all heard about South Africa. That last year the IMF approved two loans totaling $1.1 billion to this country's apartheid government. Well, we all know that people around the world hold demonstrations every time South Africa's soccer team plays abroad. I wonder how these citizens would feel if they knew that the IMF has loaned this country more than $1 billion. They might very well move the picket lines from the playing fields to IMF headquarters.

I could go on with the horror stories. For example, consider Togo, a country which spent millions on an oil refinery even though it had no crude oil. Today the refinery stands unused. But let us move on. These few examples clearly show that all IMF money does not always go the worthiest of causes.

Though there are those who say that this is not a bank bail-out bill. I believe that it is reasonable to argue that some of this money will go to this Nation's largest banks. After all, many of the financially troubled countries that may come knocking at the IMF's door owe billions—about $145 billion at last count—to American banks. $43.7 billion of that is owed to America's 10 largest banks. In fact, these countries owe so much money to these banks that the banks will not lend them any more—at least not until the banks are assured that the countries can service the debts. The only way the countries can do that is to borrow more money. And where else will that money come from than the lender of last resort, the IMF?

Now I do not know about you, but I have had a lot of trouble trying to think of a reasonable way to justify spending $8.4 billion to bail out some large American banks and the questionable economic practices of some foreign countries. After all, $8.4 billion is a lot of money, and the American people—our constituents—deserve to hear a good reason for giving it away. Frankly, I have no problem understanding why many think that giving $8.4 billion to the IMF is just a case of throwing good money after bad.

Those who support this legislation argue that it is the American people who will really benefit from the $8.4 billion. They say that the IMF bill is really a jobs bill. That's because giving this money to the IMF to give to debt-ridden developing countries will supposedly help these countries pay for their U.S. imports.

OK, let us suppose that this $8.4 billion was going to help American workers. Don't you think that this is an awfully roundabout way of helping our own people? Would not it be far more beneficial to American workers if the money did not have to wind its way through the IMF and the developing countries to get back to the United States?

Of course it would. The only American workers that are going to benefit from this legislation are the executives of Chase Manhattan, Citibank, and the other huge financial institutions that made billions of dollars worth of shaky loans to these troubled nations. The IMF bill is a jobs bill if you consider those individuals to be American workers. Are those the American workers who need the assistance of this Congress? No, I think not. This argument about the IMF bill being a jobs bill for all Americans is nothing more than a smokescreen—a vain attempt by its supporters to rationalize an otherwise meritless piece of legislation.

□ 1550

Mr. WYLIE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman I join the distinguished subcommittee chairman in strong support of the title V of the bill before you.

The rest of the world is watching closely to see whether this administration will be able to deliver what it promised in international negotiations. The replenishment to the three regional development banks incorporated in this bill were all negotiated by this administration. In winning concessions from other donor countries, the administration pledged that they would be able to deliver a solid majority of the Congress in favor of this legislation. Other donor countries remain skeptical, I suspect, having seen what this Congress did to the last IDA replenishment. But the numbers for the U.S. share of the replenishment reflect an understanding of Congress budget priorities.

We should remember that there are important foreign policy implications attached to these programs. The regional development banks, in most cases, represent the only source of U.S. foreign assistance for most of the borrowing countries. In many poorer countries, MDB assistance is the only source of outside capital for investment purposes.

The bill before you actually represents a very lean request. These new replenishments reflect the same budgetary toughness that we have seen this administration display on domestic programs. In almost every instance, the U.S. share of the contributions is lower and the total size of the package is smaller than in years past. This was not an easy position for the administration to take within these international negotiations, given the worldwide recession and the critical need for development assistance in the Third World. The administration is to be commended on its tough, but realistic stance.

The bill contains funds for the three regional development banks. For the African Development Fund, we authorize $150 million over 3 years. For

the Inter-American Development Bank, our paid-in share of the hard loan replenishment is $232 million which will cover a 4-year period. The fund for special operations (which is the soft loan window of the IDB) will receive $380 million, again over 4 years. Finally, the Asian Development Bank replenishment calls for $66 million to be paid in over a 5-year period, and a soft loan contribution of $250 million.

It is easy to be misled by the figures in this bill. Because so much of the money we pledge is in the form of callable capital (in effect a loan guarantee, which enables the MDB's to borrow on commercial markets), the annual expenditures resulting from this bill will amount to only about $230 million, even though the total dollar figure of the U.S. commitment is $7.5 billion.

The bill also contains an amendment of which I am the author. The amendment is designed to increase the amount of resources from the private sector that could be available for development purposes. It seems to me that the MDB's can plan a valuable role in helping to channel foreign direct investment resources into Third World projects. My amendment instructs the Treasury and the MDB's to study whether there is the potential to use the auspices of the MDB's to help increase flows to the Third World without any further assistance from taxpayers in donor countries.

There are many compelling reasons for moving expeditiously on this legislation, but I will close by emphasizing only one—the need for replenishment action for the African Development Fund. That fund is virtually out of money, through no fault of their own. The United States is about 1 year behind schedule in its pledge to the African Fund, and this has delayed the activation of contributions from other donor countries as well. The African Development Fund has, therefore, actually had to suspend lending operations for the time being and has been approving new projects only subject to future contributions. Our inability to keep our contributions on schedule has injured our credibility in a part of the world which has very important foreign policy implications for the United States. In addition, most of the borrowers from the African Development Fund do not have access to commercial credit, which makes them even more dependent on African Fund resources. In a continent where a large number of inhabitants are experiencing starvation conditions, and their government extreme economic conditions, this action cannot be further delayed.

Mr. Chairman, these are good agreements, negotiated in such a way as to minimize the cost and maximize the benefits to the American taxpayers. Many Members may be surprised to learn that these replenishments will be supported on the House floor by some of the most vocal, traditional opponents of MDB legislation, because of their understanding of the important work of these institutions and the benefits to the United States from our participation in them.

I urge strong support for title V of H.R. 2957.

Mr. ST GERMAIN. Mr. Chairman, I yield 3 minutes to our ranking member, the very distinguished gentleman from the State of Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I am impelled to rise on this occasion because I voted no in the committee against this combined legislation.

Whether it is wise or not to bring it up, I leave up to the leaders who determined that this was the best way to do it.

However, just the IMF component alone in my opinion is so unresponsive to what I consider to be a great responsibility resting on the Congress at this point, and that is the recognition of the transformation of the world in less than 5 years and also the nature and the activities of the IMF.

The IMF today is looked upon by the banks involved—and let me say here that I have heard all these arguments about this not being a bailout for the banks, but the truth is that it is, it is nothing else but a bailout of the banks. And I think as much as we try to obscure that, it is to be deplored because the main facts are that now more than ever it is. The banks are looking upon IMF to serve a purpose that it was not founded for, and that is as sort of a superglobal FDIC, as if it is an insurer of last resort.

And this is bad because it cannot serve that purpose. The IMF has never been funded at the level that, realistically, carrying out its basic mission would have required.

Second, the contest from the very inception it was between IMF and BIS, the Bank for International Settlements. Banks for International Settlements is clearly the champion now. This is where the Congress and the American managers of its economy are turning over the decisionmaking process.

Actually, let me say that I deplore very much that we did not rise to the occasion at the time and offer the type of legislation that would recognize the need for conditions other than the minimal conditions that the distinguished chairman had the foresight to place, by providing for minimal collateral or whatever you want to call it, which is actually minimal and is being fought all the way from Mr. Volcker to the main bankers and probably will be stripped in the conference committee.

When we get it back, I doubt seriously that proviso will be in it.

□ 1600

But I think that the Members should know that in voting for this replenishment all they are doing is feeding intravenously a corpse.

Mr. WYLIE. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Virginia (Mr. PARRIS), a member of the committee.

Mr. PARRIS. Mr. Chairman, the bill we have before us today is a mammoth package that does obligate the Federal Government to billions of dollars in commitments over the next several years.

The International Monetary Fund authorization amounts to $8.4 billion in 1983.

The Multilateral Development Banks' authorization totals over $7 billion for capital subscriptions and contributions for an unlimited number of years.

And finally, the Export-Import Bank authorizes direct loans and loan guarantees of nearly $15 billion in each of the next 2 years.

But in the interests of an honest debate it should be remembered that this legislation represents only something in the order of $2 billion in outlays.

As House Members know well, there has been keen interest among constituents in this bill. Many of the people in my district have told me, "Let's get our own house in order before we send money overseas to take care of others." I am sure I am not the only Member who has heard that suggestion.

Debate on this bill will clearly, therefore, center on whether it is in our best interest to renew our commitments in these three areas. Because this is a trade bill, supporters of this measure must establish that our contributions to the IMF, the Multilateral Development Banks, and the Eximbank will be returned through greater U.S. exports which ultimately generate new jobs, economic growth, and tax revenues in our domestic economy.

In any event, there will certainly be extended discussion about the perceived cost of this legislation.

Well, whatever that cost is, let me give you a suggestion of how to reduce it by $1 billion.

When we reach the amendment process later this week, I will offer an amendment to delete the new $1 billion program which I believe should more properly be considered in foreign aid legislation, not in a trade bill. Under title I, the Export-Import Bank would be authorized to spend up to $1 billion to match foreign aid offered by countries as a means for subsidizing their exports. This $1 billion would be available through a so-called competi-

tive Tied Aid Fund at Eximbank's disposal. Very simply, mixed credits provide highly concessioned credit terms that essentially give away a large part of the benefit from exporting while benefiting the borrowers.

Ironically, both the Eximbank itself and the U.S. Chamber of Commerce, many of whose members are largely dependent on foreign trade, oppose the establishment of this fund. Their opposition makes good sense:

First, foreign mixed credit financing is not a serious problem today, largely because of successful negotiations conducted by the administration to deter its use.

Second, turning the Eximbank into a foreign aid agency is not likely to discourage offers of tied aid by countries abroad. On the contrary, the fund may well expand the use of tied aid and invite retaliation by our trade competitors.

Finally, my amendment would delete the new fund, while leaving intact the Eximbank's present authority to offer tied aid financing when it deems necessary and which it can do under presently existing authority. I encourage Members who have heard complaints from their constituents about sending American tax dollars overseas to support this amendment when it is offerred.

Mr. ST GERMAIN. Mr. Chairman, I yield 3 minutes to the gentleman from the prairies of North Dakota (Mr. DORGAN).

Mr. DORGAN. Mr. Chairman, there is an old saying, "Owe me $100 and you don't sleep. Owe me $1 million and I don't sleep."

These days the bankers in this country, particularly the big ones, are not sleeping very well because they are owed a great deal of money by some foreign governments that they made some imprudent loans to in the past 6 to 8 years.

Some of the largest banks in this country and elsewhere have made some very large loans at high-interest rates and of short duration to countries who now cannot repay.

The question is, What do we do about that? Now some in this Chamber say what we should do is provide some money to the International Monetary Fund, the IMF. Others say if we do that that is simply bailing out the big banks.

The response to that by some is, "Well, that is not a bailout to the big banks, that is just part of the international order of things." And if you do not support funding the IMF, you are not a statesman.

Anyone in this Chamber who suggests that taking taxpayers' money and sending it to the IMF is not bailing out the big banks had better suggest it without a grin because clearly to anybody who is looking at the facts, this is a bailout of the largest banks in the country.

Money is fungible, we know that. But I guarantee you that if we could dye those dollar bills purple, within a month after the IMF got the money, the bankers on Wall Street would have deep purple pockets. That money is going to circulate from the IMF to the big bankers through the hands of the developing countries. Why on Earth would it make any sense to give the money to the IMF if it is not going to get back to the bankers who hold that debt?

Before we fund the IMF we should ask the banks to write down the terms of these bad loans. Correct the terms, lower the interest rates, extend the length. That is what has to be done, otherwise the banks will continue to, as they do today, profit from these shaky loans. And that does not make any sense.

They are saying the U.S. taxpayer should underwrite this debt mess. I am saying the banks ought to own up to their responsibility. It is not going to bring the international banking system down to a collapse. The bankers are simply yelling "fire" in the theater, but no fire exists. The fact is the bankers have to be responsible for the risks they assumed, and write down the terms of these loans.

Now some say, well, those who do not support the IMF are isolationists. That is nonsense. Those who do not support the funding of the IMF are those who can see through the fog.

John Maynard Keynes once said something very instructive about bankers. To paraphrase him, he said, "It is so much the bankers' stock-in-trade that their position not be questioned, that they do not even question it themselves until it is too late."

It is our responsibility to raise the questions that the bankers want to obscure, the questions they shroud in "bankspeak." And the answer to some of those questions will be tighter supervision in international lending, ask the banks to correct the debt instruments that are out there, and ask for special loss reserves for the next 10 years, and deal with the problem that way.

What is the message we are sending to the banks in this country if we adopt this bill? The message is, invest in Main Street and you are on your own; invest around the world in foreign governments, and the Federal Government will back you up. That is not a message I support.

Mr. ST GERMAIN. Mr. Chairman, I would like to yield myself 30 seconds.

Mr. Chairman, I would like to observe that when I look at the jobs related to manufacturing exports in value of agricultural exports, I just observed that agricultural exports from North Dakota are $1,143,000,000.

Mr. DORGAN. Mr. Chairman, would the gentleman yield on the export question?

Mr. ST GERMAIN. That is just reading one number and that is all.

I yield 2 seconds.

Mr. DORGAN. I yield back my 2 seconds.

Mr. WYLIE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York (Mr. WORTLEY), a member of the committee.

Mr. WORTLEY. Mr. Chairman, this Congress has spent a great deal of time discussing jobs bills.

Today, we are debating a very important jobs bill. Yes, a jobs bill. Not a public service employment program, not an expensive public works program, but a real jobs preservation and creation vehicle—the International Monetary Fund. It is been said that the International Monetary Fund has no constituency. However, the 5 million Americans whose jobs depend on exports might take issue with that statement.

The United States exports 20 percent of its manufactured goods and 40 percent of its agricultural products. The Commerce Department and others who keep tabs on these things estimate that every billion dollars of exports translates into 24,000 jobs. If you extrapolate from those figures, Mr. Chairman, it is clear that maintaining free and open markets for our manufactured goods and agricultural products is a key component in global economic recovery.

However, should the quota increase for the IMF be denied, the markets for our products will contract severely, jeopardizing the jobs of the millions of American working men and women and stifling the recovery now underway. Lesser developed countries that need the IMF's help with balance-of-payments problems are good customers of the United States. In fact, they buy about 40 percent of exports. Closing off these markets is both shortsighted and dangerous.

Recessions are contagious and so are recoveries. The economic downturn of the late 1970's and the first 2 years of this decade were felt throughout the world. We do not live in an isolated world. Mexico's serious economic difficulties in 1982 resulted in a reduction of U.S. imports by $8 billion. At stake in just this one instance were over 200,000 American jobs. To deny that there is no relationship between what happens to our trading partners and our own economic well-being is nonsense.

Jobs and interest rates are inextricably linked. When rates are high, jobs decrease. Yet some would have us play Russian roulette under the misguided assumption that we can somehow separate the two. If the bill we debate today fails, we can count on two

things. Interest rates will skyrocket resulting in higher borrowing costs at home and abroad. Imports of American goods and products by the LDC's will plummet and so will our GNP.

The choice is clear. We can vote for the quota increase and continue down the road of global economic recovery or we can bury our heads in the sand and await the inevitable crash.

I urge each and every Member of this body to listen carefully to the debate on the International Recovery and Financial Stability Act.

Mr. Chairman, H.R. 2957 deserves our support.

□ 1610

Mr. St GERMAIN. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. GARCIA).

Mr. GARCIA. Mr. Chairman, I rise in support of H.R. 2957, the International Recovery and Financial Stability Act.

Mr. Chairman, the vote on this issue is a very interesting one, because I guess politically the easy vote is a no vote; let us forget about IMF, let us pack it up and let us let those people in Brazil and Mexico and all those Third World nations know that we are not fooling around anymore.

I think the hard vote at this time is a yes vote, because I think it is very difficult sometimes to go back to our constituency and to explain the necessity that we as the world leader in today's society must help and benefit those countries, especially the Third World nations.

I want to make it clear that this decision that I came to was not one that I took very easily or lightly because the fact is that in a district like mine, where the people are predominantly poor, it is hard to explain that the international situation is one that affects us even at the local level.

During the course of the debate in full committee, I want to make it clear there was one section that was worked on as a committee quite strenuously, and that was the question of South Africa. And I think we should all go on record as opposing IMF loans to South Africa because there is no question in my mind that apartheid is a grotesque rendering of a so-called democratic system. And to perpetuate that system directly or indirectly through IMF loans is not in keeping with our democratic principles.

Both the House Banking and Foreign Affairs Committees have been supporters of a mandatory application of the Sullivan principle as part of the markup of this legislation. And I would like to say to some of my colleagues who are here today that during the debate, during that portion of the debate on this where amendments will be offered, if they really want to make certain that they are covered and protected, politically then they should support the Schumer amendment. What the Schumer amendment is going to do, very simply, it is going to, over a longer period of time, give the banks an opportunity and these nations which are in debt time to repay that so that these moneys do not come right off the top.

I would hope that the Schumer amendment passes.

I would go on, beyond that, if I may, in closing, and say that the United States should increase its share for the developing nations because it is the only hope that many of these countries have. And in order to achieve some equilibrium in the economic chaos which is choking the developing world, the United States must do what it can to aid these nations. The IMF offers one substantive way to express that support. Let us not kid ourselves, we are living it right now in Central America, in the many nations in the Caribbean. We live in an interdependent world. Our economy and the jobs of many Americans are dependent upon what happens in the world economy.

I do not believe H.R. 2957 is the perfect bill. But in view of all that is happening across this world today, there is no question that we are better off supporting it than taking the politically easy way out and saying we are against the bill because it is a bailout of banks. It is a hard decision for many of my colleagues, I know; but in the long run—I say this without hesitation—we are better off supporting this legislation now.

Mr. Chairman, I rise in support of H.R. 2957, the International Recovery and Financial Stability Act. Given the current state of the world economy, the increase in the IMF quota and the other provision of this bill are necessary to restore confidence and legitimacy to the struggling world economic order.

THIRD WORLD DEVELOPMENT

Much of our discussion has focused on the size of the debt confronting many of the Third World nations. Indeed, in some instances, it is quite large. Brazil and Mexico each face debts totaling more than $80 billion.

However, we cannot lose sight of just what these funds are used for. There has been a tremendous amount of development both economical and social within these nations.

I have to ask my colleagues, how else was the economic cycle to begin without the infusion of massive amounts of private funds secured, in part by the IMF's participation? Surely, not foreign aid from the United States.

As we debate the economic status of these nations, let us not lose sight of the major reason for the IMF's existence—the encouragement of the private investment that no one lesser developed nation can sustain on its own and which no one major nation could provide through foreign assistance.

The IMF, while a financial leverager, is also a policy lever. In essence, it pulls the development picture together. Without it, Third World financing would break down.

Indeed, the IMF's funds are relatively small when compared to the amounts of money committed in private lending. Nations such as Brazil and Argentina have drawn down IMF funds totaling $2.2 billion and $2.6 billion respectively. Mexico has only drawn $1.4 billion. These numbers are totals; they do not reflect reimbursements and contributions from these nations over the years.

Nigeria has borrowed a total of $328 million in IMF funds since the Fund's beginning. Zaire, $689 million and Zambia, $1 billion.

As can be seen, the IMF funds are in essence, the backstop—in part, leveraging private moneys to undertake the massive jobs of developing economies from scratch throughout the Third World whether it be in Latin America or in Africa, and instilling confidence to private lenders. Afterall, a nation such as Brazil is economically prosperous though currently suffering a balance-of-payment problem because of the world recession. The IMF is maintaining confidence in Brazil. In a few years, Brazil will be attracting capital on its own once again.

The new IMF quota increase is important to maintain economic growth in these nations. With the IMF we send a signal that we are committed to the development of these nations. Refusal to increase U.S. participation sends just the opposite signal.

While the recession has had an obvious impact on the developed nations, it is having an even more dramatic impact on the lesser developed countries. The LDC's are dependent on IMF funds to maintain a positive balance of trade.

To deny the quota increase is in effect saying to the poorer nations of the world that we want to enjoy the success of our economic recovery at their expense. Such an attitude does not recognize the impact of the world economy on the United States.

The U.S. balance of trade is very much at issue here. Those nations dependent on IMF funds are importers of U.S. products. What we are talking about is jobs in the United States. In New York State alone, it is estimated that 1 million jobs are directly or indirectly related to export activity. The impact would be even more pronounced on a national scale. We risk affecting our own economy by denying additional funding to the IMF.

SOUTH AFRICA

Despite my support for H.R. 2957, I want to go on record as opposing IMF loans to South Africa. Apartheid is a

grotesque rendering of a so-called democratic system. To perpetuate that system, directly of indirectly, through IMF loans, is not in keeping with American democratic principles.

Both the House Banking and Foreign Affairs Committees have been supportive of a mandatory application of the Sullivan principles, as part of their markup and review of the Export Administration Act, outlined by Reverend Leon Sullivan. These principles basically establish a set of legally enforceable labor standards for U.S. firms in South Africa; a ban on bank loans to South Africa except for loans made for education, housing, or health facilities; and a ban on importation of gold coins minted or offered for sale by the South African Government. These are the kinds of principles we have to maintain in our relationship with South Africa.

More importantly, in this legislation, the Banking Committee adopted an amendment that would prohibit the United States from supporting loans to any country which practices apartheid. This again is the type of principle we must follow with regards to South Africa. I am fully supportive of this amendment as adopted by the House Banking Committee.

Racial injustice is a disease, and it must be treated as such. Support for loans to South Africa only serves to help feed this disease. We must remain firm in our commitment to stamp out apartheid by any and all means available to us.

INCREASED SUPERVISION OF LENDING

Critics have complained about the prospect of increasing the U.S. quota. I disagree. In fact, the bulk of the increase will be divided among the 145 other nations of the IMF. The actual percentage that the United States is responsible for will be less because of increased participation by the other nations.

An increase in the U.S. quota would result in an increase in the reserve fund upon which the United States could draw. Budget outlays for this increase are relatively small, but more importantly, they are necessary to help restore confidence and stability to the international monetary system.

Some critics of the measure complain that the bill constitutes a bailout of banks who have unwisely made loans to nations which were unable to meet interest obligations. This bill addresses that problem. Section 403 of the bill stipulates that appropriate bank regulatory agencies must evaluate banking institutions to assure that factors such as previous credit history be taken into account in evaluating the appropriateness of the lending. If a loan of this sort is to be made, the bill requires that a special reserve be established by the loaning bank to avert any possibility of a crisis.

Also, the banks making loans to foreign nations must submit quarterly reports on these loans. Special disclosures must be filed for exceptionally large loans, and this measure is but a partial indication of the attempts made in this bill to insure the stability of the world banking system by establishing long needed controls and reporting devices.

CLOSING

The United States should increase its share of funding for the IMF. The developing world is at the end of its rope. In order to achieve some equilibrium in the economic chaos which is choking the developing world, the United States must do what it can to aid these nations. IMF offers one substantive way to express that support.

We live in an interdependent world; our economy and the jobs of many Americans are dependent on what happens in the world economy; H.R. 2957 recognizes this, and I therefore urge my colleagues to vote for its adoption.

Mr. WYLIE. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. I thank my colleague for yielding.

Mr. Chairman, I would like to express my appreciation to the chairman for bringing this most difficult measure to the floor. Particularly I would like to express my appreciation and my empathy for the position you are in at this moment. A couple of weeks ago I was in your position, carrying a bill having to do with funding the legislative branch, one of the more unpopular responsibilities around here. I can totally appreciate the discomfort that you may have in dealing with a very tough problem and in having to represent the administration in an issue that, to say the least, is complicated and controversial.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I appreciate the empathy, and it sounded like sympathy, but I do not feel discomfort in advancing the administration's position on this legislation, may I say.

Mr. LEWIS of California. I have noticed your enthusiasm, Mr. WYLIE.

Having said that, I would like to remark further on the process that we have been through.

It seems to me that it is most unfortunate that we must bring this bill to this floor today, a bill that perhaps includes not just one but at least three of the most important issues dealing with foreign affairs and foreign trade to come to this floor in a single year. It is further disconcerting to have that bill before us on a Monday, when virtually all the Members of any number are on their way back from their districts, so that they cannot either participate in the debate or be in their offices where they can watch the debate on television. It is most unfortunate and not of service to the issues that are involved. We need a full and timely debate on these issues, not only for the Members to be able to examine some of the superficial statements which have been made on the IMF's behalf, but also to have a debate which occurs reasonably close to when we will vote on these important issues.

Having said that, I must further state that it is the intention of those who are concerned about this measure to fully develop the debate itself in the amendment process. We will have no choice but to go into great detail regarding the pros and cons of all of the elements of this very complex bill, which go far beyond just the IMF question.

I had not intended to mention the trade area, for it is an important issue, but I must say that, because of the remarks regarding the district of the gentleman from North Dakota (Mr. DORGAN), I would have to say that Mr. DORGAN's export problems will not be helped by this IMF measure. As a matter of fact, the conditionality that is imposed on countries to be helped by the IMF restrict, put pressure on reducing imports. Indeed, they will have a negative impact if this bill is passed insofar as export concerns Mr. DORGAN's district.

What is the relationship between the IMF and American jobs and exports? Some of the rhetoric regarding the upcoming IMF vote suggests this bill will create jobs for Americans. There exists evidence to the contrary, some of which I would like to bring to your attention:

First, opportunity costs—if this Nation provides $8.4 billion to the IMF, that means that $8.4 billion will be added to the U.S. Treasury's borrowing needs, there will be $8.4 billion further upward pressure on interest rates and there will be $8.4 billion less for U.S. citizens to spend, save, or invest domestically. There are no free lunches, wealth transferred from our economy to the Third World entails a loss of real economic opportunities for us.

Second, unfair subsidized foreign competition—present lending practices of the IMF underwrite and often encourage foreign subsidized and uneconomic production of copper, steel, and other commodities, while our own industries are struggling for survival and struggling to save jobs. For example, some 40 percent of the world's copper is produced by nationalized mines in less developed countries, which in many cases operate without regard to profit, economic conditions, or the laws of supply and demand. When losses occur, these copper producers are able to secure credit from the IMF,

supported in large part by U.S. contributions, and continue or even increase their copper production, resulting in a depressed price for copper worldwide. The U.S. copper industry bears the burden of depressed copper prices with closures, curtailments, and widespread unemployment.

Third, excessively costly exports.—Are we really creating sustainable employment in this country by lending funds to foreign nations to purchase U.S. goods they cannot afford with debt obligations which cannot be repaid? The end result is that U.S. citizens ultimately pick up the tab in the form of higher taxes, higher deficits, and/or higher Treasury borrowings. This creates a fiscal drag on economic activity here, yet the benefits—in terms of who receives the taxpayer purchased goods—are distributed abroad. Moreover, encouraging excessive current consumption and debt in the Third World will make those markets less promising for future exports and future jobs; and

Fourth, IMF conditionality.—There is a line of argument which suggests that conditions attached to IMF loans actually reduce U.S. exports. At a Hill briefing arranged by a New York banker, the banker was asked, "How can IMF conditionality work in the aggregate, if all Third World countries which trade with each other are simultaneously asked to decrease imports and increase exports?" The banker responded that the IMF advice was not for Third-World nations to trade less with each other, but to export more and import less from the United States. To put it in a simpler form, U.S. citizens are being asked to provide more resources to the IMF which will then use this money to persuade Third-World nations to sell more and buy less from the United States.

Although not exhaustive, these points suggest that the IMF is not the job- and export-producing institution some would like us to believe.

Mr. WYLIE. Mr. Chairman, will the gentleman yield on that point?

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, what the gentleman is saying, I submit, is just not so. When the IMF steps in, borrowing countries have already drastically cut back on their imports. When the IMF puts its seal of approval on the practices of a country, almost without exception those countries are able to buy through credit, which is extended through the IMF. Studies have shown that in 19 out of 26 countries where they recently completed the IMF negotiations, they experienced growth in their imports within the first year after an IMF agreement.

□ 1620

Mr. LEWIS of California. Mr. Chairman, if I may reclaim my time, I am afraid I must say that the ranking Member's statement is not correct, does not reflect the facts, and indeed the future will clearly indicate that.

The conditions of the IMF will restrict trade in those countries for some considerable time and will negatively impact the economies of those states involved.

What is the real truth between the IMF and the effects of its conditionality program? Some would have us believe that the IMF is responsible for the vast majority of all U.S. exports or all recent increases in exports. Others would have us believe that whenever a LDC comes out of a recession and increases its imports, it is the IMF which is responsible. The answers are not that simple as these are complex economic questions. Economic markets can work without the IMF and economic recoveries can occur without the IMF. Just let me point out that by the time the IMF becomes involved with a LDC's recession, that recession has likely hit bottom and thus the normal process of the business cycle will result in higher employment, income, and imports.

Having said that, there has not been much light shed today upon how we got into this dicey international financial situation and, indeed, what the alternative solutions to this problem are.

First let me suggest this: The problem is directly a result of two lines of activity. The first is the worldwide recession of the last 3 years in which even prudent banks and prudent borrowing nations have suffered financial problems and liquidity problems.

In addition, over the last decade there has been an explosion of international lending—much of it imprudent in the sense that the borrowed funds were not used for projects which could generate returns which could repay the loans—insolvency problems.

The first problem is a legitimate area for government action, the second is not. The proposed quota increase for the IMF does not distinguish between the two.

The CHAIRMAN. The time of the gentleman from California (Mr. LEWIS) has expired.

Mr. WYLIE. Mr. Chairman, I yield 1 additional minute to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, the major argument for increased IMF funding is based upon intimidation and fear. If we do not provide these funds, we are told, the world financial system may well collapse causing catastrophic effects for our constituents. While I do believe we have serious long-term problems with international debts, there is no immediate crisis to which the solution is a permanent increase in IMF funding.

I suggest further, Mr. Chairman, that there exist other available solutions to the debt problem, many of which have already been employed. Let me outline some of them:

First, economic recovery and lower interest rates worldwide are significantly easing debt service burdens. The recently released World Economic Outlook by the IMF predicts strong output growth in both developed and Third World nations.

Second, banks and debtor nations are rescheduling loans to avoid defaults and to ease debt service burdens. Banks have voluntarily found this to be in their own best interests as it avoids immediate bad debt losses.

Third, bank earnings can be used to absorb losses and create reserves for bad debts. For those banks which have significant amounts of bad loans this will mean lower dividends for their stockholders, but this also interjects desirable market discipline into the process which will make it less likely that future uneconomic loans will be made.

Fourth, the IMF can borrow funds in open credit markets using its gold and developed nation backing as collateral.

Fifth, bilateral aid can be used to help selective countries strategic to U.S. interests. Mexico and Brazil have already received U.S. bilateral assistance, while European countries and Japan have their own bilateral aid programs.

Sixth, the Federal Reserve System has also used its influence and resources to ameliorate the situation. The Fed has participated in foreign exchange swap arrangements with troubled nations and stands ready as a lender of last resort to infuse liquidity into our banking system.

Seventh, the World Bank has sought and is playing a new role in helping managing world debt. With its structural adjustment lending, the Bank is seeking to become a major player in putting together rescue packages. There are also the regional development banks which supply liquidity to the Third World. The Congressional Research Service has calculated that the resources made available to the IMF, World Bank and three regional development banks have increased nearly 400 percent from 1970 to 1982—from $64 billion in 1970 to $231 billion in 1982.

Eighth, the IMF can and has sought ad hoc borrowings from the major industrialized countries to meet emergency situations. Indeed, the IMF sought such funds this month in Paris, but was turned down because no such emergency existed. If necessary, ad hoc borrowings can be arranged.

Ninth, the Bank of International Settlements in Switzerland is the central bank of central banks. It is often-

times the first institution to devise a rescue package for nations with debt problems. It is already using its considerable resources in the current situation.

In the unlikely event that all the above alternatives are insufficient, then I would favor increased IMF funding but in a different form than sought by the administration.

Tenth, as the immediate debt problems are largely temporary due to the severe worldwide recession, I believe the solution should involve temporary but not permanent increases in IMF funding. Therefore, I could only support temporary and self-liquidating increases in IMF resources until the economic recovery is in full enough force to ease current debt problems.

I ask your support to help defeat the administration's ill-conceived approach to the international debt problem, and then join with me in recommending a viable and responsible congressional resolution to the problem. The bottom line is that if the House rejects the proposal before us, the Interim Committee of the IMF will be forced to renegotiate their proposed solutions, forced to consider alternatives such as those listed above and forced to consider more positive conditions to bring about economic growth in t' .e economies of those countries overburdened by debt.

It is very clear that the problem we face is serious but that is no excuse for our just automatically increasing the quota permanently for the IMF. Remember that we increased their quota by 50 percent less than 3 years ago, and it was just 1 year ago that they approved $5.6 billion of long-term loans to India—a country with no serious balance of payments problems but one which has been buying military arms all over the world.

So it would appear that the IMF is using this as an excuse as much as anything for a higher base for their own bureaucratic activity.

Mr. ST GERMAIN. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. SCHUMER).

Mr. SCHUMER. I thank the gentleman for yielding this time to me.

Mr. Chairman, before I begin, I, too, would like to add my accolades to the chairman of our committee, and the chairman of the subcommittee and the ranking minority of the committee.

This debate has been extensive and, most important, it has been done completely in the open. While there are many differing views on the subcommittee and on the committee, not once have we been precluded from bringing our views before the committee, before this body, and before the people. I greatly appreciate that opportunity today.

I would like to say, ladies and gentlemen, that basically we have before us 2 alternatives, neither of which I find very palatable. On the one hand, some people are saying, that we ought to vote down the money for the IMF.

I agree with the gentleman from Connecticut, the gentleman from Rhode Island, the gentleman from North Carolina, and the gentleman from Ohio that we are an interconnected world. We cannot abandon our responsibilities. Ladies and gentleman, unemployment in Detroit and Pittsburgh is related to prosperity in Brazil and Nigeria. That is something we cannot turn back from. Therefore, it seems to me sadly mistaken to simply say we should have no part of the IMF.

But on the other hand, proponents of the present bill are also making, in my opinion, a mistake. We have heard much talk today about jobs and about exports, whether they be agricultural or manufacturing. We all want to increase jobs and exports. Ladies and gentlemen, the unfortunate situation is that the present bill before us will not increase jobs and exports, although it is an internationalist bill and I am an internationalist. Instead, it will actually decrease jobs and exports more than they have to be decreased.

Why? Two reasons: A paradox and a pyramid. Let me explain these terms.

The pyramid is what is called the pyramiding of debt. We are asking Third World countries to get out of their debt problem by giving them more loans at higher interest rates and at fees that even some bankers have described as obscene, simply so that they can repay their old loans. That is not giving them any opportunity to grow and to buy exports.

The second is the paradox of austerity. What is the IMF asking Mexico and Brazil and Argentina to do? Ladies and gentlemen, the IMF is asking those countries to reduce their imports; in other words, purchase fewer to our exports.

So this bill does not increase our exports as it stands because Third World countries, in order to pay the fees and pay the interest, are being asked to decrease their purchases of U.S. goods so they can use their foreign exchange to repay all their loans.

Mr. ST GERMAIN. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I would be delighted to yield briefly to the chairman.

Mr. ST GERMAIN. Let us examine this argument that the gentleman is making, and that has been made by others.

What is the alternative, kind sir?

Mr. SCHUMER. That is what I was getting to, Mr. Chairman.

Mr. ST GERMAIN. What is the alternative?

The CHAIRMAN. The time of the gentleman from New York (Mr. SCHUMER) has expired.

Mr. ST GERMAIN. I yield 2 additional minutes to the gentleman from New York.

Now, I would say to the gentleman, if Mexico or Brazil or any of the other countries involved do not have assistance, do not gain assistance from the IMF, if there is not a restructuring of the loans with or without the gentleman's amendment, let us forget his amendment for a moment.

Mr. SCHUMER. I find that difficult to do, Mr. Chairman.

Mr. ST GERMAIN. I know the gentleman has difficulty doing it, but he is a brilliant gentleman and he can put himself in that position.

The fact of the matter is, exports from this country or imports to those countries just become nil. They are obliterated. They no longer exist. Is that not correct?

Mr. SCHUMER. That is correct. If they were to be default and we were not to step in, there would be no exports.

Mr. ST GERMAIN. And who knows when in the future these countries could resume importing? No one knows. No one knows. But we do know that despite the difficult conditions—and I do not say I agree with what Mr. de Larosiere and the IMF does in imposing conditions all the time; just because his name is French does not mean he has all knowledge—the fact remains that some conditions have to be imposed upon these nations. That having been done, there is a reasonable expectation that they will resume importing in the future and exporting in the near term so that they can resume importing in the future. That is what we, in our self-interest, look at in this legislation to accomplish. Is that not the case?

Mr. SCHUMER. That is the case in a way, Mr. Chairman.

Mr. ST GERMAIN. I say with or without the gentleman's amendment.

Mr. SCHUMER. That is correct.

Mr. ST GERMAIN. That is the philosophy we espouse, because I feel that the gentleman in the long run is going to support this legislation. I think he is working hard on his amendment.

The CHAIRMAN. The time of the gentleman from New York (Mr. SCHUMER) has again expired.

Mr. ST GERMAIN. I yield 2 additional minutes to the gentleman from New York.

Beyond that, I think the important thing is that the gentleman is a very responsible individual. I have gotten to know him very well over the years that he has been here and I know he wants to support this legislation because he believes in his heart that we have to do something. Is that not correct?

□ 1630

Mr. SCHUMER. Mr. Chairman, I believe we do have to do something.

Mr. ST GERMAIN. Now, Mr. Chairman, I will allow the gentleman to complete his statement, and I thank him for allowing me to interrupt.

Mr. SCHUMER. Mr. Chairman, I thank the gentleman from Rhode Island (Mr. ST GERMAIN) very much, and I will go on with what I was saying. First, let me say that I agree with the committee chairman's viewpoint that to just turn our backs on this situation would be the worst of all possible worlds, there is no doubt about that.

However, it seems to me that the IMF has leaned too far in favor of short term, high interest solutions and they have not paid enough attention to the needs of the world economy, of U.S. jobs, and of Third World countries. We do not need so much austerity that there are riots in Sao Paulo while bankers get extra fees or an extra percentage point that they do not need now the IMF has leaned too far in terms of preventing exports from this country so that the little banks will be content with the sweetness of the new loans. And on that points, I ask the Members to look in today's newspaper at the profit statements of the banks.

What we need is something in the middle. We need an amendment. We need something that says, yes, we must stay in the international game, but we must stretch out those loans at a lower interest rate. As the committee chairman said—and as he knows, I have enormous respect for him—we need some austerity, but not the kind of short-term, quick-hit, overly tough austerity that will defeat the whole plan the next time around.

So I would say to the Members on this floor that the choice is not just a vote of "no."

The CHAIRMAN. The time of the gentleman from New York (Mr. SCHUMER) has expired.

The Chair will advise the Members of the House that there are 10 minutes remaining on the majority side and 21 minutes remaining on the minority side. In an effort to even that out, the Chair recognizes the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Jersey, Mrs. Roukema.

Mrs. ROUKEMA. Mr. Chairman, I thank the chairman of my committee and the ranking minority member for their statements. I was particularly interested in the statement of the chairman of the committee regarding the need to manage this situation.

I simply submit to you that the burden of proof is on those who oppose this legislation yet offer no viable or rational alternative.

There will be those that propose we sell off IMF gold in lieu of a quota increase. Proponents of this approach ignore the fact that this is not a decision for the United States to make alone—85 percent of the IMF members would have to agree to such a sale. In light of the current world debt crisis, now may be the time to consider an international conference to engage in a fundamental reappraisal of the international economic system as a whole and to consider options relating to gold standards and fixed exchange rates. But we presently face a situation that requires immediate attention. The Washington Post editorial in today's paper best states the problem:

Without a vigorous and continuous effort to stengthen the world's monetary system, the chance of defaults approaches 100 percent. A default by any of the larger Latin American debtor nations would have two immediate effects in this country. It would shut off an important market for U.S. exports and, by shaking American banks, it would mean higher-than-ever interest rates. If frightened banks then began refusing any more foreign loans, as some of the smaller ones have already, trade would begin spiraling rapidly downward. The last time that happened was in 1929-33, when America's unemployment rate rose to 25 percent.

The article goes on to say:

The world's structure of trade and finance is immensely productive, but it is not stable. It does not balance itself. It has to be managed. An essential part of that job of management now falls to the IMF, which needs larger resources to ensure that it can meet its responsibilities in the tricky passage ahead. No country has a greater interest in its success than the United States, the world's leading trader.

Mr. Chairman, I would point out to the Members that both the chairman of the committee and others have spoken today about the need to manage this debt, and I think indeed that this bill does it.

I cannot deny that I had my doubts about the necessity of this legislation in the beginning, but as a member who sits on the Banking Committee and has participated in the hearing after hearing on this subject, I say without question that the legislation before us today is as much an investment in American jobs and the health of the American economy as almost any other legislation we are likely to consider this year.

Many have charged that the quota increase is no longer necessary. The debt crisis has lessened, and economic recovery is underway both here and abroad. While this is certainly encouraging news, many variables remain in doubt. The two most decisive variables, a renewed increase in interest rates or another break in oil prices could precipitate a new round of debt crisis for several key countries. Past experiences have taught us that crises can rarely be predicted and that prevention is less expensive than a cure. Consequently, I strongly believe that it would be foolish indeed to be without the contingency arrangements agreed upon by the members of the IMF.

I ask my colleagues to consider what is at stake for the United States. Last year, 70 percent of our decline in GNP was caused by setbacks in our foreign trade balance. Developing countries, which have much of today's outstanding debt, account for roughly $4 of every $10 of U.S. manufactured exports and $3 of every $10 of total exports. In 1982, 5 million U.S. jobs depended directly on exports. Clearly the health of the U.S. recovery depends directly and heavily on avoiding future debt and trade crises. The provisions in H.R. 2957 will be a major defense—a margin of safety.

Critics of the IMG have labeled this bill a "big bank bailout." But international debt is not just a concern to the banking industry, but to American laborers, farmers, manufacturers, and investors as well.

It is true that banks have in some instances, overextended themselves and that commercial banks will benefit from IMF loans to developing countries to whom they have loaned. Countries such as Mexico and Brazil will use IMF money in part to pay interest on their commercial debt, but they will also use it to pay for imports—which will benefit U.S. export industries, workers, and farmers.

In an effort to address the charges that banks have made imprudent loans, the Banking Committee has included provisions in H.R. 2957 that not only tighten the controls on the banks' international lending practices, but will also require that they absorb the cost of a significant portion of their bad foreign loans.

The bill requires banks to establish special loan loss reserves to offset their bad loans. This provision, would essentially put the burden of bad foreign loans on the banks. Second, the bill would require that fees charged by banks for rescheduling problems loans be amortized over the life of the loans rather than allowing banks to negatively realize fee profits in the first year. Both these provisions indirectly impact bank profits.

The regulations proposed in this legislation put conditions on both the borrowing countries and the banks while continuing to shore up a strong international trading economy that, in turn, provides billions of dollars annually to our gross national product, and creates millions of American jobs.

Each one of us must justify this vote to our own State constituency as well as to the country as a whole. I ask each and every one of you to examine what exports mean to your State. In New Jersey alone, 103,900 jobs are directly related to exports; 813,100 are directly related to manufacturing; 12.7

percent of total employment in New Jersey is attributable to exports as compared to 13.7 percent of total jobs in the United States being attributed to exports.

I urge my colleagues to act quickly and give their prompt approval to this important legislation.

Mr. WYLIE. Mr. Chairman, I yield such time as he might consume to the gentleman from California (Mr. SHUMWAY).

Mr. SHUMWAY. Mr. Chairman, I rise in strong opposition to the proposed IMF quota increase. I do so with some hesitation because I, too, am concerned with the health of the international financial system, and am aware of the extremely difficult and complex economic problems faced by the largely Third World nations confronted with massive foreign debts. I understand that the existence of healthy economies in these nations is of great importance to the economic well-being of the United States. In a more narrow sense, I recognize that this legislation is generally supported by the business, financial, and academic communities in this country, by the administration, and many of my good friends on this side of the aisle, and by all other members of the IMF itself.

Nevertheless, I intend to vote "no." My reasons for doing so are relatively straightforward. I quite simply do not believe that the possible transfer of some $8.4 or $8.5 billion in U.S. assets to debtor nations through the IMF, particularly at a time when Federal budget deficits and the prospect of continued high interest rates threaten our own economic recovery, is the answer to the debt problem. To quote Howard Banks:

> However you cut the situation the quota increase is another taxpayer bailout of other people's mistakes.

The commercial banks who lent billions of dollars overseas did so with the expectation of making substantial profits. In most cases, they were successful; the bulk of the earnings realized by the largest U.S. banks in recent years has accrued from their foreign operations. These same banks are now supporting the IMF quota increase on the grounds that, without the additional IMF financial assistance that could thus be made available, the debtor countries will be unable to meet even their current interest payments. Further, without the economic discipline imposed by the IMF as a condition of its help, proponents argue, even the banks themselves may be hesitant to lend further.

This gets to the fundamental question: the fact that continued IMF and bank lending, even if intended only to deal with what proponents claim is a temporary liquidity problem, distorts the implicit risk-reward calculation which should govern all lending, whether domestic or foreign, and glosses over the likelihood that much of the debt now outstanding may never be repaid. To put it another way, why should the Federal Government and, by extension, the American taxpayer subsidize foreign nations in a way which may be said to encourage U.S. banks to throw good money after bad?

To informed observers, it is in fact increasingly clear that the bulk of the loans outstanding will never be paid back; IMF assistance is expected to do little more than help with current interest payments. As former Treasury Secretary Bill Simon has written:

> • • • piling debt upon debt cannot ultimately succeed. It not only delays the day of reckoning but exacts a high price: By extending credit to countries beyond their ability to repay, the final bankruptcy is worse; and by trying to bail out the irredeemable, we risk turning important institutions like the IMF into welfare agencies.

I share the view that it makes little sense to attempt to prop up old loans by making new ones; this can only compound the problem in a way that allows lending institutions and recipient nations alike to ignore the self-correcting process of the free market. This is especially true given the alternative available; alternatives which may not have been adequately considered. These include, with regard to the banks, a partial write down of existing loans to a more rational and realistic value and the renegotiation of specific loan agreements. These are common procedures in the commercial loan area and, although bank profits would suffer, the global financial system would afforded a greater chance of recovery, as the debt burden is eased.

If the IMF continues to assert that it is absolutely essential that it reserves be increased, alternatives to a quota increase do exist. These include IMF borrowing in world credit markets, the packaging and sale of IMF assets—outstanding loans—and the sale of IMF gold reserves.

Mr. Chairman, not only do I oppose the quota increase, I have very real concerns with certain of the provisions contained in the legislation, as reported by the Banking Committee. I feel strongly that it is largely the responsibility of the banks responsible for the country loans in question to attempt to work out the debt problem, even if the process results in losses for the banks and their shareholders. This, after all, is the way the marketplace should function; loans are made with the expectation of profit; the greater the risk, the greater the potential reward. With risk, however, comes the possibility of financial loss as well—it is this side of the equation that supporters of this legislation seem to overlook.

If we expect the commercial banks to adjust to market forces, we should not attempt to regulate the parameters of such adjustment. Through the imposition of special reserves and other requirements, the legislation before us would place the Federal Government in the role of telling the banks how they must deal with their problems. While the establishment of extraordinary loan loss reserves is certainly a valid option of commercial banks as they attempt to ease the current situation, it is not the only one, or necessarily the best one.

What I am saying, in other words, is that while the taxpayers should not be called upon to assist the banks, through the IMF, neither should the Federal Government impose additional regulations, of the sort contemplated in this legislation, on the banking industry. U.S. commercial banks demonstrated much creativity and aggressiveness in making billions of dollars of country loans; this same creativity, unhampered by Government interference, will serve the banks well as they work to resolve the debt problem.

Finally, Mr. Chairman, I would like to say a word about the manner in which this legislation has been presented to the House. While I understand the reasons for packaging Eximbank and Multilateral Development Bank legislation with the IMF quota increase, it puts many of us in a difficult position. I, for one, support the Eximbank reauthorization, and was prepared to vote for it. I will now, of course, be unable to do so.

Mr. WYLIE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. CORCORAN).

Mr. CORCORAN. Mr. Chairman, I thank the gentleman from Ohio for yielding this time to me.

Mr. Chairman, I rise today in opposition to H.R. 2957, the International Recovery and Financial Stability Act. In its present form, title III of the bill would authorize an $8.4 billion increase in the U.S. contribution to the International Mountary Fund. I will confine my objections to that increase.

During the past couple of weeks, we have seen the emergence of a grassroots effort spearheaded by citizen's groups and Members of this body to fight the proposed funding increase. After talking with many of my colleagues, I am convinced that this effort has been extremely effective.

I think we must focus on the implications of this bank bailout. Lending practices by the big banks are at the root of the IMF's current difficulties. If one subscribes to a policy of sound lending, basic to that policy should be a determination of the ability to repay the loan. I submit that lenders do not take that responsibility seriously. An increase in funding will do little to assist needy nations unless the banks alter their lending practices.

We are being told by the Treasury, the administration, and the IMF that

this funding request is for emergency use. They contend that anything short of $8.4 billion will spell disaster for several countries, and the international economic system as a whole. In actuality, the funding request breaks down into two parts. The largest portion of the request, $5.8 billion, would not go toward backing up nations near default, but would be designated as an additional U.S. quota contribution. The amount designated for emergency use would total $2.6 billion. If the need is as great as we have been told, why are we being asked to contribute more than twice as much to our quota than to emergency funding—general arrangements to borrow? What new loans will be made, and what new borrowers will be added as a result of the quota increase? For purposes of this debate, I suggest that a distinction be made between the general arrangements to borrow—used strictly for emergency use—and the increase in the U.S. quota. They clearly demand separate consideration.

The administration has stated that it will attempt to obtain a reduction in access to quotas. If access is reduced, and member nations' loan requests restricted to below current amounts, which can reach 450 percent of a country's quota, I must again question the rationale behind a quota increase. I commend the administration for suggesting a reduction in access to IMF funds, but reduced access means an additional reserve from current funds in lieu of a quota increase.

I request the 1984 IMF administrative budget from the Treasury. They have not only failed to provide this document, which is the only source material on IMF expenditures, but my staff aide was told that they did not have such a document and that that information would have to come from the IMF itself. As you might guess, the IMF had referred me to the Treasury Department. I would suggest to the administration that it is difficult to determine whether the IMF is responsibly managing its current funds without an examination of actual budget outlays. I have no intention of supporting increases to such an unknown quantity.

What does such an increase imply about the future stability of Third World nations? It is my understanding that most Third World nations (LDC's) cannot even meet the interest payments on their debts. It follows that the money requested in H.R. 2957 will be used for those interest payments, and rescheduling fees charged by the banks. Old loans are rolled open and the banks reap the profits of rescheduling fees. In the meantime, little if any money is available for substantive and badly needed Third World development. I fail to see how such a policy could be termed "productive investment."

Internal IMF practices warrant examination also. The Fund offers 5-percent home loans up to the full amount of an employee's salary, and first-class air travel. I would venture to say that if the IMF would practice a litle belt tightening itself, this body would look more favorably upon funding requests.

Mr. Chairman. I intend to offer several amendments to address the many shortcomings in this legislation. There is no explanation I could give my constituents that would explain a vote in favor of an IMF funding increase.

I urge my colleagues to listen to and participate in the debate today and tomorrow. We must block this $8.4 billion IMF request.

Mr. Chairman, let me say that, as the Members know, I do not have the privilege of serving on the Committee on Banking, Finance and Urban Affairs, but I do, in evaluating H.R. 2957, have a number of questions which I think need to be answered and which I do not believe have been resolved to the satisfaction of all the Members of the House.

First of all, I look at this pending legislation from the standpoint of a member of a board of directors. I am not an expert, as is the gentleman from Ohio, the gentleman from Rhode Island, or the gentleman from North Carolina, on this particular legislation. I would visualize myself, in evaluating this proposal, as someone who might serve on the board of directors of a local commercial bank, a country bank in my district, and in that respect I would have a number of questions about this proposal. I would wonder, for instance, whether or not this is the first proposal that has come to the Congress of the United States from the International Monetary Fund. I would wonder, for example, whether or not the Congress of the United States has been consulted about the particular terms of the legislation before us.

I know, from having done some reading in this area, that the representatives from the United States to the International Monetary Fund have had some questions and they have raised some issues with their member partners, but I do not think that the Congress has been involved, so inasmuch as we have a fiduciary responsibility to our constituents, to the taxpayers that we represent, I really believe that before we complete action on this legislation, those questions need to be resolved.

Second, Mr. Chairman, we are told that this is an emergency crisis. We are told that unless we can provide the assistance that is contained in H.R. 2957, a number of problems are going to occur, a number of loans are going to go into default, and a number of banks in the United States may even have to shut their doors.

But, Mr. Chairman, when we look at title III of the pending legislation, we find that there is a lot more involved. In fact, the bulk of the money is not going to help in some emergency crisis that an individual bank may have. In fact, only $2.6 billion of the money involved goes to the so-called general arrangements to borrow fund.

So when we get into that portion of the debate where amendments will be permitted, I intend to offer an amendment to separate and draw a distinction between emergency assistance and the U.S. quota increase. In contrast, H.R. 2957 is a poorly disguised attempt to bring in new borrowers and new governments into the IMF at a time when we have a few emergencies with existing borrowers. Let us deal with that crisis. If that is the problem, let us find out whether or not the proponents of this legislation want to deal directly with that problem or whether, under the guise of an emergency, they want to come forward and expand the quota and expand the resources of the United States at a time when we have a budget deficit which is, unfortunately, growing every day.

□ 1640

So, Mr. Chairman, it seems to me that there are a number of things that need to be revised in this legislation, a number of questions which need to be answered.

I would hope that as we complete consideration, probably this week, maybe next week, maybe the week after that, who knows—it has had quite an interesting history in that respect—that we get all these questions answered.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WYLIE. Mr. Chairman, I yield 1 additional minute to the gentleman.

Mr. CORCORAN. Mr. Chairman, I thank my friend and colleague, the gentleman from Ohio, for yielding me an additional minute.

I simply want to close by saying that one of the other issues that has been raised here is whether or not if we turn our backs, and I do not think we should completely turn our backs in this regard, I am talking about revising substantially and restructuring this legislation; but the point is made that if we do vote down this legislation that will be a worldwide catastrophe, that there will be a domino effect on the international banking system as we saw in the case of the Great Depression.

Well, Mr. Chairman, the reason we have staff and it is growing every day is because the Congress of the United States should pay attention to the staff. We have as an authority on this subject a senior economist for the Joint Economic Committee, Dr. Robert Weintraub, who has written an

analysis on what would happen if, in fact, there would be a default. He points out that the Federal Reserve System can expand the reserves to the banks that have difficulty, can through the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Reserve itself, extend the time so that the banks who are having difficulties with a particular default, which by the way would not go to zero immediately, can handle and manage the crisis quite well.

Mr. Chairman, in a recent study entitled, "International Debt: Crisis and Challenge," dated April 1983, Dr. Weintraub says:

However, under analysis, the threat of widespread bank failures, of the collapse of our banking system, is found to be imaginary. Although some banks might fail, there is no reason why banks should "fall like ninepins," provided that the Federal Reserve "furnish(es) an elastic currency,"as it is charged under law to do, and that bank regulators use common sense in dealing with the loss of bank capital from LDC defaults. These are the only safety nets required to keep our banking system functioning.

Heroic actions by policymakers are not needed to install the safety nets. The chairman and members of the Federal Reserve Board, the chairman and directors of the Federal Deposit Insurance Corporation, and the Comptroller of the Currency need only give banks that hold defaulted loans on their books time to write them off and the Federal Reserve, acting in its capacity as the nation's monetary authority, need only perform its long assigned "lender of last resort" role in a timely fashion. In essence, the Federal Reserve must keep the nation's money supply from contracting in the event of a run on banks.

Because the banking system collapsed in the early 1930s, some believe that it could happen again. As William R. Cline wrote in a 1982 essay for the Joint Economic Committee, "Most analysts consider such a scenario to be remote, although there is a historical precedent from the 1930s." However, what happened in the 1930s could have been prevented if the Federal Reserve had kept the money supply from contracting, as it could have done.

In the early 1930s, fear of bank failures drove depositors to demand payment in currency in massive measure. Banks liquidated other assets to replenish the currency they paid out. They called in demand loans, did not renew maturing term loans, and did not make new loans. As a result, the money stock, M1, fell by 27 percent, from $26.1 billion to $19.2 billion, between June 1929 and June 1933. The contraction of the money supply greatly exacerbated the economic contraction of 1929 to 1933.

The Federal Reserve could have supplied banks with reserves by making open market purchases or reducing the discount rate to encourage discounting on whatever scales were required to prevent a fall in M1. There was no statutory or logical reason for it not to have done so. If it had, the fall in M1 would have been prevented and the decline in economic activity would have been small.

Discussing why the Federal Reserve failed to carry out its responsibilities in the early 1930s would take us too far afield. The crucial point is that the Federal Reserve still has the power to prevent monetary contractions in the event of runs of banks.

Mr. Chairman, I look forward to further debate on this legislation and hope that we either restructure H.R. 2957 in order to send it back to the IMF drawing board or soundly reject it altogether.

Mr. ST GERMAIN. Mr. Chairman, I yield myself 2 minutes.

I would like to make a point here. A few months back there were some country bankers that came into my office. They came in to make two points. One was to eliminate, repeal, the requirement for withholding of the taxes on interest. We all recall the campaign of misinformation that was waged by the financial institutions of this country on that one. They scared our senior citizens to death, making them think we were imposing a new tax upon them; so as a result of that, we—perhaps before we go home for the August recess—will finalize action in repealing that requirement that people pay their legitimate taxes by requiring withholding taxes on interest and dividends.

The same bankers in the same breath said, "And whatever you do, do not bail out the big banks."

I looked them straight in the eye and I said, "How hypocritical can you be? If it is coming out of your pocket, if there is a subsidy to go, why are you opposed?"

Because it was going to eat into their profits, they thought, for them to withhold taxes on interest in their institutions.

Well, by cracky, they were against and are still against increased participation in the IMF, because they think that is a bailout.

In other words, they want it all their way, but never any other way or anyone else's way. They have all knowledge.

Talking about all knowledge, yes, we should listen to staff; but you see, the Banking Committee has a fantastic staff, a bipartisan, excellent staff. It is much better now than it was before, because certain individuals are no longer on that committee as staffers. They have gone to other places, thank God. We do not listen to them there any more than we did when they were with us.

Mr. WYLIE. Mr. Chairman, I yield 6 minutes to our very distinguished minority leader, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, I know there are those on my side who sincerely and vigorously oppose this bill.

It is a traditional Republican conservative view to be skeptical about this sort of thing. It is not a foreign-aid bill. But it looks something like a foreign aid bill. So conservatives are suspicious.

As you know, I usually share such a view. But I can vote for this bill because I sincerely believe it will help my district and the Nation.

The Department of the Treasury estimates that inadequate funding of IMF could result in export losses to the United States of $12 billion.

There is another estimate of a possible loss of up to 300,000 American jobs if IMF cannot meet its commitments.

One in six manufacturing jobs in this country depend on exports. One in three acres produce agricultural goods for export.

And in my district those percentages are higher.

Caterpillar Tractor Co., for example, the largest employer in my district, has $1.5 billion in sales to less developed countries alone.

This represents 15,000 jobs worldwide and roughly 7,000 in my own district.

So you can see that a bill that has at least the possibility of helping our exports will be viewed favorably by folks in my district.

We are told this bill is a "bank bailout." The big banks made bad loans. Now the people must pay for them. So the story goes.

Is it true big banks made some bad loans to underdeveloped countries in recent years?

You bet your life it is true. Government has not yet cornered the market on economic folly. The private sector has its fair share.

There is nothing easier for a politician than to publicly give big banks a good swift kick in the assets.

It is good, clean fun. It does not cost anything and it makes you look like David going up against Goliath.

But I am going to resist this temptation. I am supporting the President because working people in my district have been victims of a worldwide depression. Exports have dwindled.

Go to Peoria and Decatur and tell the folks that a program designed to increase exports is bad for them, just because it might be good for the banks.

Let me address one aspect of this question, concerning IMF's impact on the nations involved.

The IMF imposes stringent conditions on countries receiving these loans.

It is argued that such economic discipline actually reduces imports from the United States. In a short-term sense, this is true. But the case is more complicated than that.

It is the experience of knowledgeable people in exporting industries that this initial restriction on imports does not last.

Yes, the period in which these nations restructure their domestic economies has limited short-term effects on their ability to import.

But they are not exactly booming export markets right now.

They must get IMF funds if they are to become dependable permanent long-term markets of American exports.

In the case of some of these nations, you will not find any less ability to import goods. These nations are in desperate shape.

If we do not help IMF to help other nations, our export markets will disappear. I am not going back home and tell folks I voted against this chance for increased exports just because some bank may get some of the money owed to it.

Our exporting capacity is at present the "sick man" of the American economy. Things will get much worse unless these nations get a chance to help themselves—and to help us in return.

I would rather support IMF with all the problems involved, than just sit and do nothing. That would mean the certainty of an international disaster in the export market.

An IMF loan can provide breathing space for nations that have been our best customers for American products goods in the past and who can once again become so.

Does it cost the American taxpayers? Yes; but a lot less than they are led to believe.

Our commitment to IMF is not a direct cash gift to the fund. It is a loan, backed by an interest-bearing asset which we can retrieve at any time. Some years we have actually made a profit from IMF transactions.

As I have said, I am going to vote for this because I am convinced it can help the people of my district. But it also can help America. I beleive that and so does our President.

I hope there will be significant support for the President's position on our side of the aisle to assure its passage.

□ 1650

Mr. WYLIE. Mr. Chairman, I yield myself 30 seconds.

I thank the gentleman for a truly excellent statement. The gentleman certainly has honed in on the problem and I appreciate the way he has hit on the issues that are in this bill before us today. To me I think he has been very persuasive.

Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Chairman, I am not privileged to be a member of the Committee on Banking, Finance and Urban Affairs, but I have studied the testimony of some of the experts who have testified before it. One of the portions of the testimony that interests me a little is just the statement by, what do you know, the Chairman of the Federal Reserve Board, Mr. Volcker.

When he was asked:

Mr. Volcker, if the IMF is in need of additional capital why doesn't it use its $44 billion in gold which it now holds as a means of raising this capital it so badly needs?

Do you know what his response was? He said:

We will use that gold in time of need. We will use that gold in time of need.

That is just another way of saying, friends in Congress, if we can con you as Representative of the people into voting $8.3 billion out of the taxpayers' hide we will not be in a time of need.

When your constituents ask you, "Mr. Congressman, is it true what I hear about the lending rate of the IMF to Mexico and Brazil, that it is the London Interbank rate?"—that is, between 10⅛ and 10¾.

"Mr. Congressman, how come when I go to my bank to borrow money to buy a house, if I can find a loan, I have to pay 12¾ percent on a fixed rate mortgage and you are voting my taxpayer's dollars so those bankers can lend it out to Mexico and Brazil for less money than I have to pay to my bank? Mr. Congressman, are you truly being reflective of the sense of stewardship that I think you should have?"

I think each of us should be able to answer that question in November of 1984.

I think Mr. Anthony Solomon, currently serving as president of the New York Reserve Bank, and former Under Secretary of the Treasury, has said it very well for all of us. He said:

The U.S. budgetary deficit is the biggest single international issue in the world today.

The $200 billion deficit which this Congress is responsible for is the reason we are standing here talking about proposals to bail out the IMF to the tune of $8.3 million today.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I am happy to yield.

Mr. WYLIE. This does not increase the deficit. The gentleman is aware of that?

Mr. DANNEMEYER. I am aware in the first concurrent budget resolution passed in March there is an item for appropriating dollars to purchase SDR's. You can say that it is in the budget. But that budget contains a deficit of $200 billion, and I would suggest to my colleague that you can strike a blow here to reduce the deficit by $8.3 billion. You can reduce the deficit by $8.3 billion by not voting for this unmeritorious piece of legislation.

When this bill comes up under the 5-minute rule this Member from California has sent out a "Dear Colleague" and I intend, if recognized, to offer an amendment that will tie this assistance to the U.S. Government establishing a formal link between the dollar and gold 18 months after the adoption of the bill, because sooner or later, friends, we are going to have to get down to the basics of where the problem is today.

This world of ours is in a fiscal and in a monetary mess and we are not going to begin to straighten it out until this Nation once again ties the dollar to gold and dramatic things happen to economic growth, to the ability of the U.S. Government to borrow money, to service its debt, and the ability of this country to service its debt that is outstanding today.

I look forward to the opportunity of discussing all of those things when time permits, and I yield back the balance of my time.

Mr. ST GERMAIN. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN) a distinguished member again of our committee, a very distinguished committee replete with distinguished members.

Mr. LEVIN of Michigan. I thank the distinguished chairman of the committee. I rise in strong support of the legislation.

Let me first say a word about conditionality. Several years ago it was argued that the IMF was much too stringent in conditionality with some of the smaller LDC's such as Jamaica and Peru and now it is argued that the IMF is much too rigorous in its conditionality as to the larger, middle-income countries such as Brazil and Mexico.

I would suggest that if we look at the record, while the performance of the IMF is not perfect, it is shown to be more on the mark than off the mark.

For example, as to Mexico, I believe we have noticed that abiding by the conditions it is beginning to bounce back.

As to the lesser developed countries, I was reviewing over the weekend documents that came from AID. For example, one is to the Sudan and the document points out that in 1978 the Government of Sudan turned to the IMF for assistance and with the advice of the Fund and the World Bank developed a set of policies aimed at restoring economic stability during the 1980's. The program consists of devaluation, elimination of subsidies, fiscal restraint, concentration on increasing the productivity, of increasing projects, restructuring incentives in the trade and agricultural sectors to encourage greater production of export crops, and reducing the role of the public sector in economic decision-making.

Ladies and gentlemen, I would suggest that this kind of conditionality is healthy for the developing countries in most cases. When a developing country is in shambles it will not be a good customer for the United States

or, most importantly, for its own citizens.

This bill involves issues which reach out for bipartisanship.

Let me add that there are other issues which call for the same measure of bipartisanship and we will soon be facing them. I want to express the hope that the administration will indicate its willingness to be bipartisan on those other matters such as health insurance for the unemployed, as many of us are so indicating on this bill.

These measures are equally vital for the livelihood and quality of life, the livelihood and quality for life for working families throughout this country.

I hope we will keep this in mind as we support, and I hope strongly support H.R. 2957.

I yield back the balance of my time.

Mr. ST GERMAIN. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. BARNARD). Georgia, believe me, exports more than just peaches and it grows more than just peaches. It grows airplanes and carpeting and chickens and it grows Barnards.

□ 1700

Mr. BARNARD. I thank the gentleman.

Mr. Chairman and Members of the House, today we have heard very excellent debate from both sides, both for and against this important legislation.

In the committee that handled this legislation and I at this point want to also compliment the distinguished chairman of the committee and the senior member and the subcommittee chairman, this same debate ensued.

We had good debate. This was nct an issue that has been brought to the floor of this House very lightly; but all aspects were considered as they have been discussed today.

But I must say that nearly 40 years ago our country engaged in an agreement known as the Bretton Woods agreement. It has served the world well for nearly 40 years. There has been no criticism up to this point of the success of this agreement up until recent years.

The problem that we have today is a problem with less developed countries which we, our own country, has already had. America is an example to the world today because we have been able to pull ourselves out of the recession.

It is just unfortunate that some of the less developed countries do not have the potential that we have.

This legislation is going to help those countries help themselves.

My friends, this is not foreign aid. This is an opportunity to help the balance of payments. Not one time has that been brought before this body today. The only purpose of the IMF is to finance balance of payments. It is not to finance debt that banks have already made to these less developed countries; its purpose is in order to let these countries buy more goods.

But you say, you are going to put such austerity in the countries that they cannot import; there will be things that they will have to have. They will have to have food, they will have to have many other necessities, they may even have to have manufactured goods to help them in their development processes.

How are they going to get the credit to do that if it does not come through the IMF?

I have heard a lot of criticism about the IMF, its policies; but there has not been uttered one time, either today or last week when we discussed the rule, an alternative to the IMF financing.

Until I hear of a better plan, as a conservative I am compelled to support this legislation and all aspects of it, because it is not only good for the world, it is good for our country.

Mr. WYLIE. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. ZSCHAU).

Mr. ZSCHAU. Mr. Chairman, I rise in support of the commitment to the IMF.

As we debate the theory of the world economy, international lending, and the role of the IMF in both, it is important to recognize the practical implications of this issue: This is not just a question of whether or not the United States should increase its investment in the IMF. The question we are facing is whether or not there should be an IMF at all.

There are many people, including me, while believing that the IMF must be improved, who feel that it serves a useful purpose and must be retained. It is needed to increase international financial stability and economic growth in developing countries.

But make no mistake: If we fail to continue our support of the IMF, we will jeopardize its continued existence. It will be difficiult for the other IMF countries to justify their continued support when the United States is unwilling to do so.

With the current strain in the international financial situation and such a fragile recovery underway in the United States, this is no time to pull the plug on the IMF. Rather, we should continue our support but, in addition, initiate actions to improve the procedures and criteria of the IMF so that it will function more effectively and lead to a stronger and more stable world economy.

I urge my colleagues to support the increase in our commitment to the IMF and, with a sense of urgency, develop plans for improving the IMF objectives and procedures, so we are not faced with this dilemma again in the future.

● Mr. PATTERSON. Mr. Chairman, today, we are debating the International Recovery and Stability Act of 1983, and as chairman of the International Development Institutions and Finance Subcommittee, I want to comment on the importance of this legislation.

I want to thank, first, the chairman, of the Banking Committee Mr. ST GERMAIN, for the outstanding job he has done in shepherding this bill through the Banking Committee and making the legislation palatable to a wider range of Members than one would have thought humanly possible. Notwithstanding his efforts and those of President Reagan, however, this bill is by no means assured of passage. Votes on the IMF and multilateral development banks have never been politically popular and given the current budget situation, they have never been tougher. However, it is also true that the international financial system has rarely faced the extent of strain that we have been witness to over the past months.

My subcommittee dealt with one aspect of this legislation: The authorizations requested by the President for continued U.S. participation in the regional multilateral development banks. The subcommittee held three hearings on this legislation and heard testimony from witnesses, including Deputy Secretary of the Treasury R. Tim McNamar, and six private witnesses from financial institutions, business organizations, and foundations. These witnesses from Treasury and private financial community all testified as to the important role these institutions play in fostering economic development in the developing countries.

These institutions are a sound investment in areas of the world with significant development needs. U.S. participation in the regional development banks is an important signal of our commitment to peaceful change in the world's poorest countries.

As President Reagan noted in a letter to me last week requesting support for this legislation, "U.S. participation in the multilateral development banks is an important means of promoting economic growth and development in the less developed countries, and complements our bilateral assistance programs." The President went on to say, "It is essential that the United States demonstrate its continued commitment to the cooperative effort undertaken through these institutions by completing promptly the necessary legislative steps to contribute to these replenishments."

The proposed replenishments will provide critical development resources for countries of strategic importance

to the United States in Latin America, Africa, and Asia. The development assistance which the MDB's provide and the financial policy advice furnished by the International Monetary Fund enhance stability in many of the countries which are important to the national security interests of the United States. It is only when people have hope for the future and a stake in the present that peaceful change can occur. When the government of a developing country is one with a genuine concern for the economic welfare and human rights of its people, the MDB's and IMF can help foster that hope for the future.

It is also true that the efforts of the IMF to help developing countries meet their obligations cannot be successful indefinitely if the proposed quota increase is not enacted. Simply put, the IMF is running out of money. The alternative, if we do not approve the President's request, may not be a depression on a worldwide scale but it makes such a possibility much more likely. I would submit that we are talking about more than an international commitment. Support for the IMF is in our self-interest.

Both the IMF and the multilateral development banks help strengthen the economies of the developing countries making them less vulnerable to disruption and more valuable as important markets for U.S. exports. These institutions are important to trade, and without trade, the U.S. economy would be in very serious trouble. For every dollar that the United States contributes to the MDB's, $1.57 worth of American goods and services are purchased. Presently, one of every five manufacturing jobs and 1 of every 3 acres of American farmland produce for export. Forty percent of all U.S. exports are sold to the developing countries.

It is not difficult to envision the harsh economic consequences for the United States if there was a serious contraction in world trade. I know, for example, that in my home State of California, five of the six largest importers of California products were developing countries, some of who are currently receiving IMF assistance and policy advice. Those five countries, including Mexico, accounted for $8.4 billion in purchases from California—almost 30 percent of the $28.6 billion in exports from California in 1982. It is estimated that 720,000 jobs result from these exports in California.

In closing, Mr. Chairman, these institutions will contribute to economic recovery in the United States and the world. President Reagan termed the issue as being of "the utmost importance to the world economy, to the strength of the recovery and to the U.S. position of leadership in world affairs." I believe the President is correct and would urge favorable consideration of this legislation.●

Mr. WYLIE. Mr. Chairman, I yield myself the balance of the time on this side.

The CHAIRMAN. The gentleman from Ohio is recognized for 2½ minutes.

Mr. WYLIE. The gentleman from Georgia suggested that no one has come up with an alternative and the gentleman from California thought that he had come up with an alternative when he suggested that we tell the IMF that they sell their gold.

Now that has an appealing ring, if I may say so, but the solution just will not work. IMF will have to sell off all its gold at current prices if it is to meet the quota increase recommended by the Board of Governors.

At the current rate of sale, this would cause prices to collapse almost immediately and, therefore, the price of gold would be depressed.

So, we are not exactly certain how much they would get from their 103 million ounces.

It would also depress the price of our own gold which we hold in reserve and make it less valuable. Besides, the proposal needs an 85-percent vote of the Board of Directors of the International Monetary Fund before it could go into effect and there is no way we could get that kind of approval.

It would be foolhardy to vote for such a proposal.

Now, I just received a copy of President Reagan's handwritten statement which he made on Friday. I have just received a letter from Treasury Secretary Regan, a letter from Federal Reserve Board Chairman Volcker, and a letter from Federal Home Loan Bank Board Chairman Gray. They all believe that the failure to pass this bill would result in higher interest rates, higher unemployment in the United States, and injure our prospects for economic recovery at home.

Now, ladies and gentlemen, I do not want to take a chance when people like that suggest that if we do not pass this, we will have higher interest and higher unemployment rates. A vote "yes" is for recovery and low interest rates; a "no" vote risks higher interest rates and jeopardizes our own economic recovery. I am persuaded that we must vote aye on final passage on this bill.

Mr. ST GERMAIN. Mr. Chairman, I yield myself my remaining time.

Initially, I would like to say that if the IMF sold its gold at this point in time, it certainly would have a very dramatic adverse impact on our own markets. That will be discussed in further detail when admendments are offered to the legislation.

I would like to thank everyone who participated in this debate today, whether they be for or against the legislation.

It was a debate in which people, in all sincerity, expressed very deep-felt views. But I would say the debate on the floor today is also a reflection and a repeat of the very extensive debate and hearings held in the Committee on Banking, Finance and Urban Affairs, because certainly in that committee, we have a diverse membership. We have liberals, we have conservatives, we have goldbugs, we have just about every ilk possible in the economic strata and in the political strata. And they were all afforded ample opportunity to discuss this legislation, to question the witnesses, to listen to the testimony, to ask that witnessess be heard.

And when it was all over, after a very thorough amendatory process, a very tough one, the legislation was reported from that committee with a very substantial vote. And that is because after giving it very serious thought, the members of that committee determined that, yes, indeed it was in the best interest of this country.

Mr. BARNARD gave us a very, very excellent talk a few minutes ago. Yes, indeed, over 40 years we have been well served in the world by the IMF. And to those who might come up at the last minute now and say that some staff member here or there or somewhere has come up with a solution that far excels and perfects the system, even though no hearings have been held on it, even though there has been no opportunity to investigate the facts on which it is based, I think that is not in order.

The CHAIRMAN. The time of the gentleman has expired.

All time has expired for general debate.

Mr. ST GERMAIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore, Mr. BARNARD, having assumed the Chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2957) to extend the authority of the Export-Import Bank of the United States, encourage balanced worldwide economic growth, provide for continued participation in the International Monetary Fund, strengthen the supervision of international lending by U.S. banks, and provide for continued U.S. participation in multilateral development banks, had come to no resolution thereon.

GENERAL LEAVE

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent that I be allowed to insert in the RECORD, in one instance, a statement that would appear within my opening statement

on the legislation before the Committee of the Whole House on the State of the Union. At the time I gave my statement, I stated I would put the facts as to the employment situation, as to agricultural exports, and a table.

In addition to that, I have a number of communications, six in number, letters of support for the legislation that we have just been debating in the Committee of the Whole. I ask unanimous consent to insert those in the RECORD at the conclusion of my opening statement.

The SPEAKER pro tempore (Mr. BARNARD). Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

□ 1710

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

NATIONAL ANIMAL AGRICULTURE WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 77) designating "National Animal Agriculture Week", and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. DANNEMEYER. Mr. Speaker, reserving the right to object, I do not intend to object, but I take this opportunity of advising the Chair that the minority has no objection to the House considering this Senate joint resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 77

Whereas the American Society of Animal Science is celebrating its seventy-fifth anniversary in July 1983; and

Whereas its seven thousand five hundred members comprise the largest scientific society which provides information through research, extension and teaching to all segments of animal agriculture in the United States and much of the world; and

Whereas the application of scientific information has markedly improved the efficiency of meat production and enhanced end-product desirability; and

Whereas foods from animal origin supply 70 per centum of the protein, 35 per centum of the energy, 80 per centum of the calcium, 60 per centum of the phosphorous, and important quantities of the "B" vitamins and trace minerals to the average American's diet: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and requested to issue a proclamation designating the week of July 24 to July 31, 1983, as "National Animal Agriculture Week" to honor the tremendous progress made in the past seventy-five years by applying scientific principles to animal agriculture production and the role of animal products in our daily life.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FEDERAL CREDIT UNION WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 139) to designate the week beginning June 24, 1984, as "Federal Credit Union Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. DANNEMEYER. Mr. Speaker, reserving the right to object and I do not intend to object, I take this opportunity to advise the Chair that the minority has no objection to the House taking up the joint resolution at this time.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 139

Whereas on June 26, 1934, President Franklin Roosevelt signed into law the Federal Credit Union Act;

Whereas the enactment of the Federal Credit Union Act enabled credit unions to be organized throughout the United States under charters approved by the Federal Government;

Whereas Federal credit unions are cooperative associations organized in accordance with the provisions of the Federal Credit Union Act for the purpose of promoting thrift among their members and creating a source of credit for provident or productive purposes;

Whereas Federal credit unions have consistently reflected the cooperative spirit of people helping people and the philosophical tradition that gave birth to the Federal Credit Union Act; and

Whereas June 26, 1984, is the fiftieth anniversary of the date of the enactment of the Federal Credit Union Act: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning June 24, 1984, hereby is designated "Federal Credit Union Week", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolutions just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

THE ALTERNATIVE BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANNEMEYER) is recognized for 30 minutes.

Mr. DANNEMEYER. Mr. Speaker, for several weeks now we have been hearing and reading about the various signs pointing to economic recovery: housing starts, automobile sales, increased productivity, declining unemployment, consumer spending and so on.

Despite these indications that things are really getting better, exceedingly few Americans are jumping for joy. "Proceed with caution" seems to be the order fo the day.

An ABC/Washington Post survey taken this past May illustrates this residual doubt. Although more people feel that the economy is getting better rather than worse, by a 43- to 17-percent margin, they also maintain that the recession is not yet over, by 67 to 18 percent.

Technically, according to Government economists who measure the statistical input, the recession is supposed to have officially ended last November; recovery began in December. But the perception of recovery is only beginning to permeate the public consciousness.

Astoundingly, despite the generally acknowledged fact that inflation has been reduced to the lowest level in 11 years, 32 percent of Americans feel it is getting worse; 50 percent agree that the situation is better, while 16 percent notice no change.

There would appear to be some contradictory opinions here. Certainly

there is always a lag time of varying duration between causes and events, between economic changes and public recognition of those changes. But there is also a nagging awareness that there remains something seriously wrong with our economic system, something which increased auto sales and stabilizing prices will not correct.

The American people have historically been averse to budget deficits; national debt has always been relegated to dirty word status. So regardless of how rosy the economic outlook may appear on paper, persistent and projected Federal deficits have significantly clouded the picture.

Moreover, there is increasing frustration that the Federal Government is either unable or unwilling to come to grips with reality. A Yankelovich poll illustrates the rising sentiment of helplessness and despair: those holding the Government responsible for our country's economic problems comprised 39 percent in 1978, 47 percent in 1981, and 48 percent in 1982.

□ 1720

Big brother is not solving the problem. It is the problem.

A major and critical step can and needs to be taken to counteract the psychological malaise of the American people. They will believe that genuine economic recovery can occur if and when Congress decides to combat these deficits which threaten to strangle the young and fragile recovery currently underway.

Just a few moments ago, the House considered a bill which would increase the U.S. contribution to the IMF by some $8.3 billion in 1984. The reason that that bill is being brought up and debated in the House right now is related to the subject that I take this special order to discuss this evening.

The deficit of the United States, close to $200 billion in the next fiscal year, illustrates that spending by this Government is out of control, and the inevitable result of the deficit of that magnitude is that the U.S. Government is in the credit markets and overpowering every other creditor who may want to borrow there. This means that when people of this country want to buy a home, they have to pay a 12¾-percent rate on a fixed rate mortgage rather than 7 or 8 percent as we did 15 years ago as short a time as 5 years ago, and if you want to buy a car, up until most recently your banker told you that the rate was 15 percent or 16 percent or 17 percent, and we know that if we want the automobile industry to recover, those rates have to get down to 8 or 9 percent.

The reason that we Americans are required to pay those huge interest rates for home loans and auto loans is because our friendly U.S. Government is in the credit markets and overpowering those markets to such an extent that in 1983 it is estimated by the Manufacturers Hanover Bank in New York that the U.S. Government will borrow in excess of the net savings produced by the American people. That is not all of the credit. That is just the net savings produced by business and individuals in this country.

Now, 5 years ago the U.S. Government was borrowing about 45 to 48 percent of the net savings, but in this current year the borrowing requirement of the U.S. Government is of the magnitude I have just described, and the result is that the interest rates that the Government has to pay are extraordinarily high. Those high interest rates, because of Federal Government spending out of control and the borrowing requirements that it entails, are the primary reason that the IMF is now reflecting the uncomfortable position that it claims to be in. Countries like Mexico and Brazil are having difficulty borrowing money because interest rates are high not only in the United States but all over the world. Why? Because the U.S. Government is borrowing far in excess of what it should be.

In March of this year this Member from California presented an alternative budget for consideration by the Members of the House. I relate to my colleagues, with sadness, that I must take the well and point this out: The first concurrent resolution on the budget, adopted in March of this year for the fiscal year 1984, beginning on October 1, provided for spending of $863 billion. Now, the alternative budget resolution that this Member from California presented provided for spending of $760.51 billion, a reduction of $103 billion.

You would think anybody who would hear this would be able to say, "Well, how did the Members vote on that proposal?"

Well, the answer is that the Members never got a chance to vote on the proposal.

"Well, how can that be? Are you not elected to the Congress for the purpose of establishing by a voting record whether you favor deficits of this magnitude or something to reduce them?"

The answer that is the only one that is the truth as to why we were not able to vote on that is because the leadership of this House did not want the Members of the House to vote on whether or not we wanted to cut spending.

You will say, "How can that be? Why would they want to do that?"

Very simple. The leadership of this House, led by TIP O'NEILL, our Speaker, does not want the Members of this House, particularly the members of the Democratic Party who control it by 62 to 38 percent, to have to answer in November of 1984 why they voted against reducing spending of this magnitude, because they are afraid of the political consequences which that vote would bring to the Members who would vote that way.

How do they do that? The Democrats control the Rules Committee by a majority of 2 to 1, and as a result of that control, they refused to make this alternative budget which this Member from California prepared so that Members on the floor of the House could vote on whether or not they wanted to cut spending of that magnitude or any amount.

I would hope than when we take up the second concurrent resolution on the budget in September of this year, which the law requires that we do, the Rules Committee will see fit to present an opportunity for this alternative budget to made in order, or for some other, prepared by some other Member of the House, that will give the Members of the House a chance to vote on whether or not they want to cut spending by an amount approximately $100 billion, or something close to that.

When I have talked to my colleagues about this proposal, they say, "Well, how are you going to cut spending in that amount? It really cannot be done."

I would suggest that, yes, it can be done. There are 21 categories provided for in the Budget Act where we enumerate spending, and I propose in this brief time this evening to talk about the proposed spending cuts in category 550, dealing with health, and category 600, income security.

In category 550, the items which I will enumerate, provide for reductions in spending for the next fiscal year of some $2.7 billion and the reductions in category 600, income security, provide for reductions of $12.5 billion.

I admit that these reductions are tough for Members to approve. But I know of no other way that we in this House can bring runaway spending under control other than to impose on ourselves a measure of discipline by voting to cut spending in some rational, reasonable, logical way.

In Category 550, Health, Health Care Services, Department of Health and Human Services, Health Care Financing Administration, Federal supplementary medical insurance trust fund, Federal hospital insurance trust fund: Cap funding to level commensure with annual increase in defense spending, 10.4 percent average annual increase in defense, through 1988, implement cost reduction policies designed to inhibit vendors from excessive and unnecessary charges.

Grants to States for medicaid: Cap funding to allow for inflation and expected number of beneficiaries, adopt cost reduction policies designed to inhibit vendors from excessive and unnecessary charges.

Health Resources and Services Administration, health resources and services: Reduce funding to level proposed by the President.

Indian Health Facilities: Delete funding in accordance with the President's proposal.

Office of Assistant Secretary for Health, retirement pay and medical benefits for commissioned officers: Reduce 1984 funding to level proposed by the President, cap outyears to allow for inflation.

Other Independent Agencies, Office of Personnel Management, Government payment for annuitants, employees health benefits, employees health benefits fund: Incorporate President's proposal to base Government contributions on the average contribution indexed to the GNP deflator.

552, Health research, Department of Health and Human Services, National Institutes of Health, health research: Reduce funding to level proposed by the President, cap outyears to an aggregate of $3.905 billion.

553, Education and training of health care work force, Department of Health and Human Services, Health Resources and Services Administration, health resources and services: Reduce funding to level proposed by the President, cap outyears at $180 million.

554, Consumer and occupational health and safety, Department of Health and Human Services, Food and Drug Administration, program expenses: Cap outyear funding at $370 million.

Department of Labor, Occupational Safety and Health Administration, salaries and expenses: Reduce funding to level proposed by the President, cap outyears at $210 million.

Mine Safety and Health Administration, salaries and expenses: Reduce funding to level proposed by the President, cap outyears at $150 million.

Other independent agencies, Consumer Product Safety Commission: Reduce funding to level proposed by the President, cap outyears at $32 million.

Occupational Safety and Health Review Commission: Terminate funding, transfer activities to OSHA.

Federal Mine Safety and Health Review Commission: Terminate funding, transfer activities to OSHA.

□ 1730

Category 600, income security. Members will recall that the deductions in this category total for fiscal year 1984 some $12.5 billion. The resolution adopted by the House was for $284.4 billion. The alternative budget this Member from California is suggesting would entail spending in this category $271.8 billion, a saving of $12.5 billion.

General retirement and disability insurance, Department of Health and Human Services, Social Security Administration, Federal old-age and survivors' insurance trust fund, Federal disability insurance trust fund, cap funding to include one-half CPI-based COLA in 1984 and 60 percent of CPI COLA in outyears, allowing for increase in recipient level.

Special benefits for disabled coal miners, reduce funding for 1984 to level proposed by the President. Cap outyears to allow for 60 percent of CPI COLA. Recipient level expected to decrease.

Department of Labor, Employment Standards Administration, black lung disability trust fund, reduce funding to level proposed by the President.

Pension Benefit Guaranty Corp., reduce funding to level proposed by the President. Increase receipts due to termination of single-employer plans and added premiums are expected.

Employment and Training Administration, reduce funding to level proposed by the President.

Other Independent Agencies, Railroad Retirement Board, eliminate windfall subsidy.

602 Federal employee retirement and disability, Department of Labor, Employment Standards Administration, special benefits, reduce funding to level proposed by the President. No COLA in 1984.

Other independent agencies, Office of Personnel Management, civil service retirement and disability fund, cap funding to include one-half CPI-based COLA in 1984 and 60 percent of CPI COLA in outyears.

603, Unemployment compensation, Department of Labor, Employment and Training Administration, Federal unemployment benefits and allowances, reduce funding to level proposed by the President.

Department of Transportation, Federal Railroad Administration, Conrail labor assistance, eliminate the subsidy.

604, Housing assistance, Department of Agriculture, Farmers Home Administration, rural housing for domestic farm labor, mutual and self-help housing, very low-income housing repair grants, terminate these programs.

Department of Housing and Urban Development, housing programs, subsidized housing programs, terminate public housing projects, retain section 8 housing, cap outyears to CPI. Congregate services program, terminate this activity.

605, Food and nutrition assistance, Department of Agriculture, Food and Nutrition Service, special milk program, delete funding; 90 percent of recipient households earn in excess of $16,000 annual income. Use surplus milk to support program where needed.

Food donations program. Reduce funding to level proposed by the President. Elderly feeding to be consolidated with HHS. Cap outyears at $50 million.

Food stamp program. Waste is endemic in this program and savings ought to be achieved without adversely affecting the truly needy; 32.5 percent of recipients were above the poverty level in 1981, $404 million in overpayments were issued in 1982, according to the General Accounting Office, and fraud is estimated to consume 10 percent of the entire program. Target States to reduce erroneous payments, goal is 7 percent or $700 million, change eligiblity of 125 percent of the poverty level, disallowing those above that line, require job search for heads of households unless a single mother with young children, and reinstate purchase requirements, which should recover 9 percent of costs.

Special supplemental food programs. Reduce funding to level proposed by the President. Cap outyears at $1.1 billion.

Commodity supplemental food program. Consolidate activity with WIC program in accordance with the President's proposal. Delete separate funding.

Child nutrition programs. Considerable waste can be reduced without adversely affecting the truly needy; 50.5 percent of recipient households were above the poverty level in 1981. Reduce funding to level proposed by the President and cap outyears at $3 billion. Use surplus dairy stock to support program where needed. Have eligibility determined by food stamp offices.

Agricultural Marketing Service. Funds for strengthening markets, income and supply. Farm commodity prices ought not to be determined by the Federal Government. Terminate program. Surpluses can be targeted for child nutrition and milk programs.

609, other income security, Department of Health and Human Services, Social Security Administration, supplemental security income. Institute assets test to determine eligibility. Strengthen administrative procedures to curtail overpayments.

Assistance payments program. Reduce funding to level proposed by the President. Target assets test, requirement workfare, eliminate WIN program, and reduce the number of erroneous payments estimated by GAO to be $140 million in 1982.

Low-income home energy assistance. Adopt President's proposal to target those States with severe winters and large low-income populations.

To reiterate and conclude with this special order, let me make this statement: I would hope that when we take up the second concurrent budget resolution schedule for September of this year that some Member of the House will have an opportunity to offer an alternative budget whereby the Members can establish by their votes whether or not they want to continue

spending by the Federal Government at a lower level, in this instance some $103 billion lower, or at the level which was adopted in the first concurrent budget resolution of $863,055 million.

ALTERNATIVES TO O'NEILL PROJECT IN NEBRASKA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. BEREUTER), is recognized for 15 minutes.

Mr. BEREUTER. Mr. Speaker, on July 22, 1983, this Member prepared a statement on the subject of proposed studies of alternatives to the O'Neill project, an authorized Bureau of Reclamation project in north central Nebraska, in preparation for a meeting on that subject convened by the junior Senator from Nebraska on that same date. While this statement was not released at that time as this Member was not, to my knowledge, contacted by the news media representatives or others for comment on that meeting, it is important that this Member's reservations and concerns be registered at this time. Accordingly I repeat that statement for the CONGRESSIONAL RECORD at this point:

STATEMENT BY CONGRESSMAN DOUG BEREUTER, JULY 22, 1983

WASHINGTON.—My position on the O'Neill Project is clear, as is that of the House of Representatives.

For Congress to approve of and provide funds for a water project which serves the needs of north central Nebraska, there must be a less expensive alternative that does not build the Norden Dam or another major dam on the Niobrara River. With each passing year, more and more of our state's citizens have come to that realization. Clearly, a majority of my constituents now oppose the O'Neill Project as currently conceived.

With this in mind, it is imperative that this latest effort to examine alternatives goes forward in an unbiased, objective manner. One of the unfortunate lessons we have learned from our past study of alternatives is the reluctance—indeed, outright refusal—of supporters and appointed Federal and State officials conducting the study to abandon their past biases in favor of the Norden Dam in order to examine, without prejudice, alternative proposals. Misleading public statements that seek to imply what Congress can and cannot do within the existing or amended authorization also do not serve the need to arrive at a consensus on an alternative.

While I have in the past supported efforts to secure a fair and objective examination of any and all such cost-effective alternatives to the authorized O'Neill Unit, I continue to have grave reservations as to the ability and willingness of the Bureau of Reclamation to conduct such an unbiased and objective study of the Nature Conservancy alternative, the Carns Pump Diversion alternative, or any other alternatives—even with State officials involved. Are they really able or willing to present serious recommendations for a responsible and realistic future course of action? Accordingly, I shall not consider myself or my constituents bound in any way by the recommendations of the joint State-Federal study authorized in the FY 1983 Supplemental Appropriations bill.

In short, I continue to have reservations as to whether an objective study, with concrete results, will emerge from this latest effort. I hope that all participants in this newest study effort will proceed with the realization that the Norden Dam is no longer a viable option for funding by the U.S. Congress. If that is the case, we may finally be on the road to finding a more cost-effective, publicly acceptable alternative. If not, we have simply taken another turn in a path that leads nowhere.

This completes the statement of this Member on July 22, 1983, but I must also report that this Member's concerns are only deepened by an article in the July 23, 1983, edition of the Omaha World Herald which included a report on the statements of the director of the Nebraska Department of Water Resources, Mr. Michael Jess. In referring to a study to be financed through specific reference in the supplemental appropriation legislation now being considered by this Congress, the article indicates as follows:

What the state will study, he (Jess) said, is how to serve the original 77,000 acres through a combination of groundwater recharge and direct diversion of surface water to areas where recharge wouldn't work.

If the study of alternatives therein contemplated carries with it the limitation that any alternative must irrigate 77,000 acres or even the same 77,000 acres proposed for irrigation by the authorized O'Neill project, as Mr. Jess reportedly seems to infer—then the results are unfortunately almost certainly preordained and the study is not worth the effort or money involved.

□ 1740

LIMITED ANTITRUST LIABILITY FOR RESEARCH AND DEVELOPMENT JOINT VENTURES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FISH) is recognized for 5 minutes.

● Mr. FISH. Mr. Speaker, last December, Control Data, Honeywell, RCA, and a number of other companies created a research joint venture to develop fundamental technologies in microelectronics and computer science. In due course, the various participants in this enterprise expect to make use of this new technology to develop products and services of their individual conception and design, with which they will compete against each other as well as others in the industry.

Where 13 companies of the high frontier of American business enterprise are willing to venture forth, however, others fear to tread, and perhaps rightfully so. They perceive antitrust obstacles in their path, and are thereby discouraged from entering into their own research and development joint ventures. Critics will maintain that these impediments are far more a matter of perception than of reality. But there appears to be little doubt that to at least some degree antitrust anxiety inhibits business conduct which we wish to encourage as a matter of national policy. We must, therefore, make an appropriate legislative response, and I believe that the bill which I am introducing today does just that.

I have sought to combine the advantages of brevity, clarity, and certainty in drafting this proposal. My bill reduces treble damages to actual (single) damages for injury resulting from a research joint venture, plus interest and costs. It will award attorney's fees to defendants when plaintiffs fail to prove their case. And it draws a bright line between research and development programs, which are protected, and the marketing or commercial use of the discovery, which is properly subject to the full application of the antitrust laws. This is what is absolutely necessary to be done, in my judgment, and this is all which needs to be done to relieve the concerns of would-be participants in joint R&D ventures.

My bill eschews questions of notification, open membership, outside directors, specific limitations on size, access to the fruits of research and similar requirements found elsewhere. But it is fully sufficient, in my opinion, to protect members of joint research ventures against the threat of private treble damage actions, particularly nuisance suits brought to compel a quick settlement from "deep pocket" defendants by alleging a collective refusal to deal or denial of access to the venture or the technology developed by it.

Section 1 of this bill limits a person's Federal and State antitrust law liability to actual damages, the cost of suit, including a reasonable attorney's fee, and any interest awarded, when it results from attempting to make, making or performing a contract to carry out a research and development program jointly with another person. The term "results" was deliberately chosen to require a proximate cause relationship between the reseach program and the protected conduct. Price-fixing or market allocation is never integral to research and development. It would not have the necessary causal relationship, therefore, and it would be subject to treble damages. Under several other bills which have been introducted the argument could be made that such conduct might be shielded as arising from or otherwise tangentially related to the joint venture. This would be wrong, in my view, and it may not have been the intention of the sponsors. It is also important to note that section 1 limits pros-

ecutions under State antitrust laws to single damages.

Pursuant to section 2, if the plaintiff fails to prevail on a claim resulting from a joint R&D program, then the court shall award a reasonable attorney's fee to the defendant. I believe that placing this risk on the plaintiff will go far to discourage the filing of strike suits which are without real merit. Section 3 authorizes the award of interest on actual damages from the date of service of the complaint to the date of judgement. The interest now provided under sections 4, 4A, and 4C of the Clayton Act for dilatory tactics is eliminated for a joint R&D claim; the interest specified on actual damages should be a sufficient disincentive for such conduct.

Section 4 generally adopts the Clayton Act definitions of "antitrust laws," "persons," and "State." The term "research and development program" is defined as theoretical analysis, exploration, or experimentation, or the extension of investigative findings and theories of a scientific and technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials and processes. This may include the establishment of research facilities, the collection and exchange of research information and the conduct of R&D on a protected and proprietary basis. A line is drawn, therefore, between scientific and technical investigation and the translation of findings into a plan or design for a new or improved product or process, on the one hand, and the commercial use or marketing of the product. The former is protected conduct which if proven to be wrongful can only result in actual damages; the latter is quite properly fully subject to treble damages under the antitrust laws.

Reducing treble damages to actual damages for injuries which result from research joint venture activity leaves untouched the substantive antitrust law standards, and this is as it should be. Sections 15 and 16 of the Clayton Act, for instance, will be available to the Government and private parties to enjoin the formation of a research and development program whose membership is so extensive as to threaten loss or damage to another person by substantially lessening competition.

Every Member is aware that limiting antitrust liability for research joint ventures has been a popular subject for legislation in this Congress. The alternative approaches which have already been introduced in this House and in the other body have great merit. But it is possible that they attempt to do more than is necessary. Many of them, for instance, employ a system of certification or self-certification. The Justice Department has said repeatedly, however, that it does not wish to be a regulatory body with responsibility for cutting off private rights under the antitrust laws, which would necessitate its involvement in elaborate hearing and appeal procedures. It is also clear that there are many complexities in the conditions attached to the certification and self-certification process which can provide fertile ground for litigation. In some proposals, for instance, membership in a joint venture is tied to the would-be participants' market share of goods or services, but that market may not yet exist and it inevitably will be subject to being defined—and argued—in a great many different ways depending upon one's particular interest.

The Assistant Attorney General for Antitrust has also suggested in recent testimony that the open membership and mandatory licensing requirements in several proposals could impair rather than promote competition, the former by increasing the number of market competitors participating in a venture and the latter by diminishing existing incentives for innovation. Some may question this assertion and others may not, but the point I wish to make is that setting conditions for research joint ventures is a highly uncertain art with considerable potential for litigious fallout.

Mere notification to the Department of Justice that a joint venture is being formed, as some proposals would require, may also be of little value when it is not associated with a clearance or certification process. Notice to the Department of Justice and, in fact, to the world would be important if it had the effect of cutting off compensatory rights, but that is not the purpose or effect of my bill, for under my proposal anyone actually injured may be fully compensated.

All of us who have sponsored R&D joint venture bills in this Congress are seeking to encourage the formation of enterprises which we believe are essential if this Nation is to maintain its technological leadership and competitive advantages in international trade. I am introducing this bill because I believe that it provides a swift, simple and effective means to achieve that goal. Those who share my view will be welcomed as cosponsors.

The bill follows:

H.R. 3641

A bill to reduce the extent of liability for violations of Federal and State antitrust laws which arise from carrying out research and development programs jointly with other persons, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no person shall be liable under the antitrust laws, or under any State law similar to the antitrust laws, for an amount in excess of the actual damages sustained by the claimant by reason of the violation of any such law, the cost of suit (including a reasonable attorney's fee), and any interest awarded with respect to such damages if such liability results from attempting to make, making, or performing a contract to carry out a research and development program jointly with another person.

SEC. 2. In any action which is brought under the antitrust laws and which includes a claim that results from attempting to make, making, or performing a contract to carry out a research and development program jointly with another person, the court shall award to the defendant against whom such claim is made a reasonable attorney's fee attributable to such claim if the claimant fails to prevail on such claim.

SEC. 3. Notwithstanding sections 4, 4A, and 4C of the Clayton Act (15 U.S.C. 15, 15a, 15c) and in lieu of any interest authorized to be awarded under any such section to a claimant with respect to liability under such section resulting from attempting to make, making, or performing a contract to carry out a research and development program jointly with another person, the court shall award, with respect to all such liability, simple interest on actual damages for the period beginning on the date of service of the pleading setting forth the claim and ending on the date of judgment.

SEC. 4. For purposes of this Act—

(1) the term "antitrust laws" has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 relates to unfair methods of competition,

(2) the term "person" has the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)),

(3) the term "research and development program" means—

(A) theoretical analysis, exploration, or experimentation, or

(B) the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes,

and may include the establishment of facilities for the conduct of research, the collection and exchange of essential research information, and the conduct of such research and development on a protected and proprietary basis, and

(4) the term "State" has the meaning given it in section 4G(2) of the Clayton Act (15 U.S.C. 15g(2)).●

BUSINESS FAILURES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, there has been so much talk about the economic recovery in the last few months that you would think that all of our problems are over. Unfortunately, this is simply not true. In fact, according to data recently released by Dun & Bradstreet, commercial and industrial bankruptcies are still dangerously high.

According to the new figures for the week which ended June 30, commer-

cial and industrial bankruptcies rose to 550 from 47 in the previous week. This number is particularly alarming since there were 522 reported during the same time period just 1 year ago.

And that is not all of the bad news. In the first 6 months of 1983, 15,137 businesses failed. During the same period in 1982, in the worst period of the recession, 11,948 businesses failed. The 1983 figure represents a 27-percent increase in business failures over 1982.

The number of business failures with liabilities of $100,000 or more also climbed. There were 288 reported for the week which ended June 30, up from 208 the week before.

And finally, the number of smaller business failures—those with liabilities of less than $100,000—was 262 for the week which ended June 23. This figure is also substantially higher than the 219 reported for the same period 1 year ago. The 1983 figure represents a 20-percent increase over 1982.

Mr. Speaker, I mention this data because I believe that it should serve as a warning to those who continue to talk about the robust recovery. These figures illustrate that there are some who will never recover. More important, perhaps, is for us to keep in mind that there are many who have not yet recovered; they are on the border, still alive but hardly thriving.

Yet the Federal Reserve Board and others keep talking about restricting the availability of credit. All that will do is lead to higher interest rates. And higher interest rates are hardly the prescription that will help keep our businesses alive. In fact, I can think of nothing that will choke off this feeble recovery quicker than an increase in interest rates. I certainly hope that the recently released figures on business failures do not indicate that that has already started to happen.●

EXPORT-IMPORT BANK FINANCING NOTIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 5 minutes.

● Mr. NEAL. Mr. Speaker, I am submitting to the House today a notification from the U.S. Export-Import Bank on proposed financing to enable the Republic of Indonesia to obtain American project management services for a nuclear science and engineering center at Serpong, near Jakarta.

The Eximbank is prepared to extend a direct credit of $4,104,750 and a financial guarantee of $547,300 to Indonesia's nuclear energy agency, Badan Tenaga Atom Nasional (BATAN) which wants to contract with Bechtel Petroleum, Inc., of San Francisco for management of the project.

The nuclear center is part of a $422 million project, for which contracts so far have been awarded to French, Italian, German, and United States suppliers. By winning the management contract, Bechtel Petroleum will be able to provide 23 man-years of work for its employees. Bechtel's nuclear specialists also will be enabled to maintain their skills and jobs at a time when nuclear-related construction projects are rare in the United States.

This Eximbank notification was referred to me as chairman of the Banking Committee's Subcommittee on International Trade, Investment and Monetary Policy. Section 2(b)(3)(iii) of the Export Import Bank Act of 1945, as amended, requires that the Bank notify Congress of proposed loans or financial guarantees involving the purchase of nuclear equipment or services. Unless the Congress determines otherwise, the Eximbank may give final approval to the transaction after 25 days of continuous session of the Congress following notification.

I am submitting for the RECORD material from the Eximbank spelling out the details of the proposed Indonesian transaction. I would welcome any comments or questions my colleagues might have about this financing proposal.

The Eximbank notification follows:

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., July 14, 1983.

Hon. STEPHEN L. NEAL,
Chairman, Subcommittee on International Trade, Investment and Monetary Policy, House Banking Committee.

DEAR MR. CHAIRMAN: Eximbank has submitted a statement to the Speaker of the House of Representatives and the President of the Senate in accordance with the provisions of Section 2(b)(3)(iii) of the Export-Import Bank Act of 1945. I am taking the liberty of providing you with a copy of this statement.

Sincerely,

NANCY S. PIGMAN,
Congressional Relations Officer.

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., July 14, 1983.

The SPEAKER,
U.S. House of Representatives, the Speaker's Rooms, U.S. Capitol, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Section 2(b)(3)(iii) of the Export-Import Bank Act of 1945, as amended, Eximbank hereby submits a statement to the United States House of Representatives with respect to the following transaction involving U.S. exports to the Republic of Indonesia ("ROI").

A. DESCRIPTION OF TRANSACTION

1. Purpose

Eximbank is prepared to extend a direct credit in the amount of $4,104,750 and a financial guarantee in the amount of $547,300 to the ROI to facilitate the purchase from the United States of project management services for a nuclear science and engineering center at Serpong, near Jakarta, Indonesia. The nuclear center will be operated by Badan Tenaga Atom Nasional ("BATAN"), the national atomic energy agency of the ROI. Bechtel Petroleum, Inc. will be the U.S. supplier of management services for this project.

The nuclear science and engineering project consists of eight facilities with a total cost estimated to be $422 million, a portion of which is the subject of the Eximbank financing. Contracts have been awarded to French, Italian, German and U.S. suppliers for five of the facilities to be constructed through 1987. Eximbank has previously notified Congress of its intent to provide financing for the associated laboratory facility to be supplied by General Atomic which will be used to produce radio-pharmaceuticals and radio-isotopes for industrial application.

BATAN is seeking management assistance in view of the complexity of the project and the various nationalities of participants. The project management services will be provided by P.T. Purna Bina Indonesia, a joint venture between Perusahaan Pertambangan Minyak dan Gas Bumi Negara ("Pertamina") and Bechtel Petroleum, Inc. The total U.S. export value of this sale is $5,473,000. This proposed credit and guarantee are based upon a preliminary commitment issued previously to the U.S. supplier of services for the project.

2. Identity of the parties

The ROI will be the borrower and will issue an unconditional full faith and credit obligation to repay the Eximbank Credit and the Eximbank Guarantee. BATAN, the national energy agency of the ROI, will be the user of the services.

3. Executive branch approval

Eximbank requested through the Department of State the views of the Executive Branch on the proposed transaction. The State Department has advised Eximbank that the Executive Branch has no objection to Eximbank proceeding with this transaction.

4. Nature and use of the services

The services to be exported from the United States will relate to a nuclear science and engineering center at Serpong to develop technical infrastructure required for Indonesia's nuclear power program. The scope of supply for this work will include project management, construction management, procurement management, quality assurance services, project control, training and transfer of technology. In addition to the placing of U.S. nationals at BATAN's offices and at the site, some of Bechtel's management services will be undertaken at the company's offices in San Francisco.

B. EXPLANATION OF FINANCING

1. Reasons

In December, 1982, Eximbank issued a preliminary commitment offering to provide financing for project management services required for a nuclear science and engineering center. The preliminary commitment was issued on terms considered necessary to meet officially supported foreign competition.

The performance of the engineering and management services will provide more than 23 man-years of employment. Financing for the export of the services will provide employment in the nuclear engineering sector at a time when employment opportunities in the United States are limited. Also, the financing permits the U.S. supplier to keep its employees involved in a very important technological area so that they may maintain their skills and expertise.

2. The financing plan

The total cost of the U.S. management and engineering services to be exported from the United States for the project is estimated to be $5,473,000 which will be financed as follows:

	Amount	Percentage
Cash payment	$820,950	15
Supplier credit (with Eximbank guarantee)	547,300	10
Eximbank credit	4,104,750	75
Total	5,473,000	100

The Supplier Credit to be provided by Bechtel will be guaranteed by Eximbank and will bear interest at the rate of 10 percent per annum.

(a) Eximbank Charges: The Eximbank Credit will bear interest at the rate of 10 percent per annum, payable semiannually. There will be a commitment fee of 0.5 percent per annum charged on the undisbursed portion of the Eximbank Credit and a guarantee commitment fee of 0.125 percent per annum charged on the undisbursed portion of the Supplier Credit. In addition, there will be a guarantee fee of 0.5 percent per annum charged on the disbursed and outstanding amount of the Supplier Credit and a credit application fee of 2 percent of the amount of the Eximbank Credit.

(b) Repayment Terms: Indebtedness incurred by the ROI under the Eximbank Credit and the Supplier Credit will be repaid in twenty equal semiannual installments of principal beginning June 30, 1988. This date is six months after the estimated completion date of the project management services. The supplier will be repaid from the earlier installments and Eximbank will be repaid from the later installments.

Attached is additional information of Eximbank activity in and economic data on the Republic of Indonesia.

Sincerely,

WILLIAM H. DRAPER III.

Eximbank exposure in the Republic of Indonesia as of May 31, 1983

[In thousands of dollars]

Direct loans	757,655
Financial guarantees	35,000
Bank guarantees and other	3,924
Insurance	10,195
Medium-term	(1,826)
Short-term	(8,369)
Total exposure	806,774

REPAYMENT EXPERIENCE

Payment of principal, interest and fees due on Eximbank loans to Indonesian borrowers have usually been prompt.

INDONESIA—KEY ECONOMIC INDICATORS

[Exchange rate: 1981: U.S.$1 = 630 rupiah; 1982: U.S.$1 = 660 rupiah; 1983: U.S.$1 = 970 rupiah]

	1981	1982	1983 [1]
Population (million midyear)	150	153	156
GDP (percent growth in constant 1973 prices)	7.6	2–3	3
GDP (in millions of dollars, current prices)	85,190	88,740	75,000
Per capita GDP ($)	530	580	480
Consumer price index	180	198	[2] 211
Money supply (in millions of dollars—Dec. 31)	10,295	10,789	[2] 7,460
Foreign investment approvals (nonoil) (in millions of dollars)	1,012	1,291	1,000
Net official international reserves (in millions of dollars—Dec. 31)	6,244	4,154	3,000
External official debt [3] (disbursed—in millions of dollars—Dec. 31)	15,709	19,000	21,000
Debt service (in millions of dollars)	2,100	2,500	2,700

INDONESIA—KEY ECONOMIC INDICATORS—Continued

[Exchange rate: 1981: U.S.$1 = 630 rupiah; 1982: U.S.$1 = 660 rupiah; 1983: U.S.$1 = 970 rupiah]

	1981	1982	1983 [1]
	Fiscal year—		
	1981–82 actual	1982–83 actual	1983–84 budget
Government budget (in millions of dollars): [4]			
Routine expenditures	11,076	10,600	10,467
Development expenditures	11,015	11,151	13,366
Domestic revenues	19,385	18,815	19,890
Development receipts (external loans and grants)	2,712	2,939	3,945
	Actual	Actual	Estimate
Official balance of payments (in millions of dollars): [5]			
Overall balance (change in official reserves)	−988	−3,300	−1,000
Current account	−2,270	−6,797	−6,000
Exports, merchandise	23,606	19,150	18,200
Oil and LNG (gross)	19,436	15,246	13,800
Nonoil	4,170	3,904	4,400
Imports, merchandise	19,833	20,264	19,000
Oil and LNG	5,497	5,532	5,000
Nonoil	14,366	14,732	14,000
	1981	1982	1983 [1]
United States-Indonesian trade (in millions of dollars): [6]			
Indonesian exports to the U.S.	6,022	4,224	4,400
U.S. share of Indonesian exports (percent)	18.3	20.6	20
Indonesian imports from the U.S.	1,297	2,017	1,800
U.S. share of Indonesian imports (percent)	13.5	14.2	14.0

[1] Estimate.
[2] April.
[3] Government debt, including debt of state corporations such as Pertamina.
[4] Indonesian fiscal year April 1 to March 31 (Source: Fiscal year 1982–83 budget and fiscal year 1983–84 budget). Fiscal year 1983–84 budget is based on Rps. 695 = $1 which was the rate when budget was prepared in January, 1983.
[5] Fiscal year 1983–84 budget. Fiscal year 1983–84 all embassy estimates.
[6] Trade flows based on U.S. Department of Commerce statistics, while market share is calculated using Indonesian official statistics.

Source: Bank Indonesia, Central Bureau of Statistics, Ministry of Finance, Investment Coordinating Board, U.S. Department of Commerce, Embassy estimates.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ANTHONY (at the request of Mr. WRIGHT), for July 25 and 26, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ZSCHAU) to revise and extend their remarks and include extraneous material:)

Mr. LEWIS of California, for 60 minutes, today.

Mr. LEWIS of California, for 60 minutes, on July 26.

Mr. LEWIS of California, for 60 minutes, on July 27.

Mr. LEWIS of California, for 60 minutes, on July 28.

Mr. DANNEMEYER, for 30 minutes, today.

Mr. DANNEMEYER, for 30 minutes, on July 26.

Mr. DANNEMEYER, for 30 minutes, on July 27.

Mr. BEREUTER, for 15 minutes, today.

Mr. FISH, for 5 minutes, today.

(The following Members (at the request of Mr. GARCIA) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. BONIOR of Michigan, for 60 minutes, on July 26.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. IRELAND, immediately following Mr. ST GERMAIN in the Committee of the Whole today.

(The following Members (at the request of Mr. ZSCHAU), and to include extraneous matter:)

Mr. BLILEY in two instances.

Mr. WILLIAMS of Ohio.

Mr. MICHEL.

Mr. WOLF.

Mr. GINGRICH.

Mrs. JOHNSON.

Mr. SHUMWAY.

Mr. COUGHLIN.

(The following Members (at the request of Mr. GARCIA) and to include extraneous matter:)

Mr. ANDERSON of California in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. BROWN of California in 10 instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. MARKEY in two instances.

Mr. DINGELL.

Mrs. BURTON of California.

Mr. RODINO.

Mr. RICHARDSON.

Mr. MILLER of California.

Mr. LEHMAN of Florida.

Mr. SKELTON.

Mr. BONIOR of Michigan.

Mr. ZABLOCKI.

Mr. BARNES in two instances.

Mr. MAZZOLI.

Mr. DYMALLY.

Mr. WON PAT.

Ms. KAPTUR.

Mr. ROSE.

Mr. FORD of Michigan.

Mr. OTTINGER in four instances.

Mr. OBERSTAR.

Mr. BOLAND.

Mr. SAM B. HALL, JR.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1469. An act to amend title 18 of the United States Code relating to the sexual exploitation of children; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2637. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia.

ADJOURNMENT

Mr. GARCIA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 43 minutes p.m.), the House adjourned until tomorrow, Tuesday, July 26, 1983, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1593. A letter from the Secretary of the Treasury, transmitting the annual report on the operations of the exchange stabilization fund for fiscal year 1982, pursuant to 31 U.S.C. 5302(c)(2); to the Committee on Banking, Finance and Urban Affairs.

1594. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee and insurance transactions supported by Eximbank during June 1983 to Communist countries; to the Committee on Banking, Finance and Urban Affairs.

1595. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-52, "Foster Care Goals Act of 1983," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1596. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-53 "Lower Income Homeownership Tax Abatement and Incentives Act of 1983," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1597. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-54, "D.C. Income and Franchise Tax Conformity Act of 1983," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1598. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-55, "Weights, Measures, and Markets Act Amendment Act of 1983," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1599. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-56, "Real Property Tax Rates for Tax Year of 1983," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1600. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. Act 5-57, "Lead-Based Paint Poisoning Prevention Act of 1983," pursuant to section 602(c) of Public Law 93-198; to the Committee on the District of Columbia.

1601. A letter from the District of Columbia Auditor, transmitting a report entitled "Revenue Report for May 1983," pursuant to section 455(d) of Public Law 93-198; to the Committee on the District of Columbia.

1602. A letter from the District of Columbia Auditor, transmitting a report entitled "Review of the D.C. Office of Personnel's Policies and Procedures for Recruitment and Hiring," pursuant to section 455(d) of Public Law 93-198; to the Committee on the District of Columbia.

1603. A letter from the Secretary of Agriculture, transmitting the annual report on horse protection enforcement for 1982, pursuant to section 11 of Public Law 91-540, as amended; to the Committee on Energy and Commerce.

1604. A letter from the Secretary of Health and Human Services, transmitting a report on State compliance with the medicaid utilization control requirements, for the quarter ending March 31, 1983, pursuant to section 1903(g)(6) of the Social Security Act, as amended; to the Committee on Energy and Commerce.

1605. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting the annual report of the Commission for fiscal year 1982, pursuant to section 27(j) of Public Law 92-573, as amended; to the Committee on Energy and Commerce.

1606. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting copies of the agreement on the tonnage of ships engaged on international voyages, between the American Institute on Taiwan and the Coordination Council for North American Affairs, pursuant to section 12(a) of Public Law 96-8; to the Committee on Foreign Affairs.

1607. A letter from the Director, Defense Security Assistance Agency, transmitting a report covering the quarter ending June 30, 1983 listing the price of availability estimates provided to the countries and the requests for issuance of letters of offers received, pursuant to section 28 of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

1608. A letter from the Assistant Secretary for Legislative and Intergovernmental Affairs, Department of State, transmitting notice of the proposed issuance of a license for the export of certain defense equipment sold commercially to the Government of Kuwait (Transmittal No. MC-15-83), pursuant to section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

1609. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112(a); to the Committee on Foreign Affairs.

1610. A letter from the Comptroller General of the United States, transmitting a list of all reports issued or released in June 1983, pursuant to section 719(h) of Public Law 97-510; to the Committee on Government Operations.

1611. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting notice of proposed new Privacy Act records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1612. A letter from the American Council of Learned Societites, transmitting the Council's annual report for 1981-82, pursuant to 36 U.S.C. 1103; to the Committee on the Judiciary.

1613. A letter from the Secretary of Transportation, transmitting a final regulation to increase disadvantaged business participation in the highway and mass transit financial assistance program; to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted July 22, 1983]

Mr. PRICE: Committee on Armed Services. H.R. 3231. A bill to amend the authorities contained in the Export Administration Act of 1979, and for other purposes; with an amendment (Rept. No. 98-257, Pt. II). Ordered to be printed.

[Submitted July 25, 1983]

Mr. DELLUMS: Committee on the District of Columbia. Supplemental report filed on H.R. 3369 (Rept. No. 98-303, Pt. II). Ordered to be printed.

Mr. PERKINS: Committee on Education and Labor. H.R. 622. A bill to amend title 5 of the United States Code to provide death benefits to survivors of Federal law enforcement officers and firefighters, and for other purposes (Rept. No. 98-309). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, the following action was taken by the Speaker:

[Submitted July 22, 1983]

The Committees on Banking, Finance and Urban Affairs and the Judiciary discharged from the further consideration of the bill H.R. 3231.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANNUNZIO:

H.R. 3639. A bill to amend section 9006 of the Internal Revenue Code of 1954 to provide for funding of the Federal Election Commission from amounts designated for the Presidential election campaign fund under section 6096 of such Code; to the Committee on House Administration.

By Mr. BATES:

H.R. 3640. A bill to impose a moratorium on offshore oil and gas leasing, certain licensing and permitting, and approval of certain plans, with respect to geographical areas located in the Pacific Ocean off the coastline of the State of California, and to provide for studies of the effects of seismic activity on Outer Continental Shelf development; to the Committee on Interior and Insular Affairs.

By Mr. FISH (for himself, Mr. CROCKETT, Mr. EDWARDS of California, Mr.

FRANK, Mr. HYDE, Mr. LUNGREN, Mr. MAZZOLI, Mr. MOORHEAD, and Mr. SAWYER):

H.R. 3641. A bill to reduce the extent of liability for violations of Federal and State antitrust laws which arise from carrying out research and development programs jointly with other persons, and for other purposes; to the Committee on the Judiciary.

By Mr. HEFTEL of Hawaii (for himself, Mr. AKAKA, Mr. WON PAT, Mr. CORRADA, Mr. VENTO, Mr. KILDEE, Mr. DE LUGO, Mr. KOSTMAYER, Mrs. BURTON of California, Mr. WEAVER, Mr. SUNIA, Mr. MOODY, and Mr. COELHO):

H.R. 3642. A bill to establish the Kamehameha the Great National Monument in the State of Hawaii; jointly, to the Committees on Interior and Insular Affairs and Armed Services.

By Mr. OLIN:

H.R. 3643. A bill to repeal the second 50-cent assessment on milk marketed commercially; to the Committee on Agriculture.

Mr. WAXMAN (for himself, Ms. MIKULSKI, Mr. WYDEN, Mr. WALGREN, Mr. LELAND, and Mr. RANGEL):

H.R. 3644. A bill to amend title XVIII of the Social Security Act to provide for medicare coverage of administration of hepatitis B vaccine; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. PEPPER (for himself, Mr. WAXMAN, Mr. ROYBAL, and Mr. RANGEL):

H. Res. 281. Resolution expressing the sense of the House of Representatives in support of affordable health care for the elderly and all Americans; jointly, to the Committees on Ways and Means and Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII,

230. The SPEAKER presented a memorial of the Legislature of the State of Alaska, relative to an equal rights amendment; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. FORSYTHE introduced a bill (H.R. 3645) for the relief of Alejandro Ravancho and Zenaida Ravancho; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 493: Mr. BARNES, Mr. LEATH of Texas, Mr. BENNETT, Mr. SPENCE, Mr. KAZEN, Mr. VANDERGRIFF, Mr. MCCURDY, and Mr. MCDONALD.

H.R. 507: Mr. ANTHONY and Mr. GEJDENSON.

H.R. 714: Mr. STUMP.

H.R. 1016: Mr. CONYERS and Mr. REID.

H.R. 1092: Mr. GONZALEZ and Mr. CORCORAN.

H.R. 1176: Mr. BADHAM, Mr. MCGRATH, Mr. BONIOR of Michigan, and Mr. MCDONALD.

H.R. 1249: Mr. DE LUGO.

H.R. 1285: Mr. HARRISON, Mr. VANDER JAGT, Mr. FRANK, Mr. LUNDINE, Mr. BARNES, Mr. GEPHARDT, Mr. ACKERMAN, Mr. SWIFT, Mr. BATES, Mr. GREEN, Mrs. SCHNEIDER, Mr. FISH, Ms. KAPTUR, Mr. MCEWEN, Mr. CHANDLER, Mrs. BOXER, Mr. HUGHES, and Mr. LUKEN.

H.R. 1596: Mr. PATTERSON.

H.R. 1797: Mrs. SCHROEDER and Mr. GEPHARDT.

H.R. 1598: Mr. MITCHELL, Mr. FEIGHAN, Mr. TAUKE, Mr. LEVINE of California, Mr. SCHEUER, Mr. FOGLIETTA, Mr. FLORIO, Mr. PANETTA, Mr. SWIFT, Mr. MINETA, Mr. SOLARZ, Ms. SNOWE, Mr. FAZIO, and Mr. MCKINNEY.

H.R. 1693: Mr. STARK.

H.R. 2382: Ms. FIEDLER, Mr. LEACH of Iowa, Mr. ORTIZ, Mr. MCCANDLESS, Mr. BATEMAN, Mr. RAHALL, Mr. REGULA, and Mr. BADHAM.

H.R. 2432: Mrs. BOXER.

H.R. 2714: Mr. WEISS, Mr. SHELBY, Mr. CONYERS, Mr. KOSTMAYER, and Mr. FRENZEL.

H.R. 2715: Mr. EDWARDS of California and Mr. HUTTO.

H.R. 2911: Mr. ROE, Mr. PATTERSON, Mr. HEFTEL of Hawaii, Mr. OLIN, and Mr. ROBERTS.

H.R. 2956: Mr. WIRTH.

H.R. 2987: Mr. SCHUMER, Mr. MOLLOHAN, Mr. SIKORSKI, Mr. BEVILL, Mr. RAHALL, Mr. BONIOR of Michigan, Mr. BOLAND, Mr. BARNES, Mr. EDGAR, Mr. FRANK, and Mr. FLIPPO.

H.R. 3072: Mr. SKELTON and Mr. LEVINE of California.

H.R. 3106: Mr. WIRTH.

H.R. 3137: Mr. WEAVER, Mr. MRAZEK, Mr. MORRISON of Connecticut, and Mr. GEJDENSON.

H.R. 3305: Mr. WEISS, Mr. MRAZEK, and Mr. MORRISON of Connecticut.

H.R. 3338: Mr. WILSON and Mr. KINDNESS.

H.R. 3348: Mr. STENHOLM, Mr. TALLON, Mr. EDWARDS of Oklahoma, Mr. LONG of Louisiana, Mr. DURBIN, Mr. DE LA GARZA, Ms. SNOWE, Mr. NICHOLS, Mr. YOUNG of Alaska, Mr. MOODY, and Mr. GREGG.

H.J. Res. 176: Mr. ADDABBO, Mr. LAGOMARSINO, Mr. ERDREICH, Mr. SAWYER, Mr. FUQUA, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. NATCHER, Mr. MCEWEN, Mr. MORRISON of Washington, and Mr. BRITT.

H.J. Res. 283: Mr. ANNUNZIO, Mr. BROWN of Colorado, Mr. DE LA GARZA, Mr. DE LUGO, Mr. FRENZEL, Mr. GONZALEZ, Mrs. HOLT, Mr. HUGHES, Mr. HYDE, Mr. JENKINS, Mr. KASICH, Mr. KOGOVSEK, Mr. MARTIN of New York, Mr. MCEWEN, Ms. MIKULSKI, Mr. RAHALL, Mr. TOWNS, Mr. WHITTAKER, Mr. WOLPE, and Mr. YOUNG of Florida.

H. Con. Res. 13: Mr. RUSSO.

H. Con. Res. 25: Mr. MORRISON of Connecticut, Mr. MARKEY, Mr. GEJDENSON, and Mr. LANTOS.

H. Con. Res. 26: Mr. LANTOS.

H. Con. Res. 39: Mr. MCDADE, Mr. SIKORSKI, and Mr. WILLIAMS of Montana.

H. Res. 190: Mr. LEVINE of California, Mr. BETHUNE, Mr. GINGRICH, Mr. HARKIN, Mr. GORE, Mrs. ROUKEMA, Mr. COLEMAN of Missouri, Mr. OLIN, Mr. D'AMOURS, and Mr. MICHEL.

PETITIONS, ETC.

Under clause 1 of rule XXII,

173. The SPEAKER presented a petition of the City Council, Madison Heights, Mich., relative to the Cable Telecommunications Act; which was referred to the Committee on Energy and Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1646

By Mr. BROYHILL:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3619).)

—Strike out line 25 page 56 and all that follows through line 19 on page 58 and insert in lieu thereof the following:

"(2) Not later than 30 days after the end of each fiscal year that begins after September 30, 1983, the Board shall determine the balance in the Railroad Retirement Account at the end of that fiscal year (which shall include amounts available to that Account under section 7(c)(4) this Act). If such balance is below 30 percent of the benefits paid out of the Railroad Retirement Account during such fiscal year other than benefits taken into account in determining the amount of transfers made under section 7(c)(2) of this Act and benefits consisting of supplemental annuities, the Board shall certify to the Secretary of the Treasury the amount by which such balance is below such percent. Such Secretary, upon receipt of such certification, shall transfer such amount from the general fund of the Treasury to the Railroad Retirement Account. The total transferred under this subdivision shall never exceed the amount, which, as of the date of the enactment of the Railroad Retirement Solvency Act of 1983, would, as determined by the Secretary of the Treasury, place the Railroad Retirement Account in the same position as such Account would have been on that date if no annuity amounts had been paid during the period beginning January 1, 1975, and ending September 30, 1981, under sections 3(h), 4(e), and 4(h) of this Act and under sections 204(a)(3), 204(a)(4), 206(3), and 207(3) of Public Law 93-445, and no sums had been appropriated as authorized in section 15(d) of this Act.".

By Mr. FLORIO:

(Amendment to the Pickle amendment.)

—Add at the end of the Pickle amendment the following:

Page 2, strike out line 17 and all that follows through line 13 on page 3 insert in lieu thereof the following:

"(i) for each month prior to the first month throughout which the individuual is age 62, the amount (after any reduction on account of age but before any deductions on account of work) of the old-age insurance benefit to which such individual would have been entitled under the Social Security Act as of the date on which such individual's annuity begins to accrue if such individual had attained age 62 on the first day of the month in which his or her annuity begins to accrue and if all of such individual's service as an employee after December 31, 1936, had been included in the term 'employment' as defined in that Act, using for purposes of this computation the number of benefit computation years applicable to a person born in the year in which such individual was born; and".

Page 6, strike out line 3 and all that follows through line 8 and insert in lieu the following:

(c) The amendments made by this section shall become effective on July 1, 1984, and shall apply only with respect to awards in cases where the individual's annuity under section 2(a)(1) of the Railroad Retirement Act of 1974 began to accrue on or after that

date and the individual had not completed thirty years of service and attained age 60 prior to that date. In the case of an individual who has completed thirty years of service and has attained age 60 before January 1, 1986, the amount of the reduction on account of age in the annuity amount provided to such individual under section 3(a)(3) of the Railroad Retirement Act of 1974 and the amount of the reduction on account of age in the annuity amount provided to the spouse of such individual under subdivision (3) of section 4(a) of the Railroad Retirement Act of 1974 shall be only one-half of the amount by which such annuity would be reduced on account of age except for the provisions of this sentence.

Page 57, line 2, strike out "July 1, 1984" and insert "January 1, 1984" in lieu thereof.

Page 57, line 9, strike out "July 1, 1984" and insert "January 1, 1984" in lieu thereof.

Page 57, line 15, strike out "July 1, 1984" and insert "January 1, 1984" in lieu thereof.

Page 57, line 17, strike out "July 1, 1984" and insert "January 1, 1984" in lieu thereof.

(Amendment to the amendment in the nature of a substitute (text of H.R. 3619).)

—Page 66, line 7, strike out the close quotation mark and the period which follows.

Page 66, immediately after line 7 insert following:

"(g) Notwithstanding any other provision of law, the Board shall not, after the date of the enactment of the Railroad Retirement Solvency Act of 1983, enter into any contract with any carrier or carriers (as defined for the purposes of section 1842(g) of the Social Security Act) to perform the functions set out in section 1842 of the Social Security Act with respect to individuals entitled to benefits as qualified railroad retirement beneficiaries described in such section 1842(g) and shall not, after September 30, 1984, continue any contractual relationship under any such contract.".

(Amendment to the amendment in the nature of a substitute (text of H.R. 3619).)

—Page 68, after line 21, insert the following new section:

SEC. 419. (a) Section 14 of the Railroad Retirement Act of 1974 is amended—

(1) by striking out "Notwithstanding" and inserting in lieu thereof "(a) Except as provided in subsection (b) of this section and the Internal Revenue Code of 1954, notwithstanding";

(2) by striking out ": *Provided, however,* That the provisions of this" and inserting in lieu thereof the following:

"(b)(1) This "; and

(3) by adding at the end the following:

"(2) This section shall not operate to prohibit the characterization or treatment of that portion of an annuity under this Act which is not computed under section 3(a), 4(a), or 4(f) of this Act, or any portion of a supplemental annuity under this Act, as community property for the purposes of, or property subject to, distribution in accordance with a court decree of divorce, annulment, or legal separation or the terms of any court-approved property settlement incident to any such court decree. The Board shall make payments of such portions in accordance with any such characterization or treatment or any such decree or settlement.".

(b) The amendments made by this section shall apply with respect to annuity amounts payable for months beginning after the date of the enactment of this Act.

By Mr. LENT:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3619).)

—Page 15, strike out line 14 and all that follows through line 3 on page 17.

Redesignate succeeding sections accordingly.

(Amendment to the amendment in the nature of a substitute (text of H.R. 3619).)

—Page 65, strike out line 17 and all that follows through line 7 on page 66.

Redesignate succeeding sections accordingly.

By Mr. PICKLE:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3619).)

—Page 22, line 10, strike out "JULY 1, 1984" and insert in lieu thereof "JANUARY 1, 1984".

Page 23, line 7, strike out "June 30, 1984" and insert in lieu thereof "December 31, 1983".

Page 28, line 17, strike out "June 30, 1984" and insert in lieu thereof "December 31, 1983".

Page 38, line 18, strike out "January 1, 1986" and insert in lieu thereof "January 1, 1984".

Page 39, line 24, strike out "January 1, 1986" and insert in lieu thereof "January 1, 1984".

By Mr. RIDGE:

(Amendment to the amendment in the nature of a substitute (text of H.R. 3619).)

—Page 63, after line 25, insert the following:

SEC. 412. (a) Section 1(k) of the Railroad Unemployment Insurance Act is amended in the sentence beginning "For the purpose of this subsection, the term 'subsidiary remuneration' "—

(1) by striking out "(i)"; and

(2) by striking out ", and (ii) is" and all that follows through "occupation".

(b) The amendments made by this section shall apply with respect to remuneration for work occuring on or after the date of the enactment of this Act.

Redesignate succeeding sections accordingly.

H.R. 2350

By Mr. DANNEMEYER:

—Page 13, strike out line 21 and all that follows through line 2 on page 15 and insert in lieu thereof the following:

"(g) The Director of NIH and the director of any national research institute may not conduct or support research or experimentation, in the United States or abroad, on a living human fetus or infant, before an abortion which the researcher involved knows or has reason to know is intended or after an abortion, unless the research or experimentation is for the purpose of improving the probability of the survival of, or ameliorating developmental or congenital defects in, such infant.".

H.R. 2969

By Mr. COURTER:

—At the end of the bill add the following new section:

ENDORSEMENT OF REPORT ON IMPROVED STRATEGIC COMMUNICATIONS

SEC. 1111. (a) The Congress finds that the report to the Congress by the Secretary of Defense entitled "Direct Communications Links and Other Measures to Enhance Stability", dated April 11, 1983, and submitted to the Congress pursuant to section 1123 of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 756), contains several significant proposals that if implemented would, taken together, make singificant progress toward eliminating the danger of accident or misinterpretation leading to nuclear war. Among the proposals in that report that Congress specifically finds constructive are proposals—

(1) to enhance the speed and quality of communications between the Governments of the United States and the Soviet Union;

(2) to establish a communications link between the senior military commands of the United States and the Soviet Union; and

(3) to develop a system of prior notification between the United States and Soviet Union of missile launches and military exercises by either nation that could be misinterpreted by the other and therefore be destabilizing.

(b) The Congress—

(1) endorses the findings in the report described in subsection (a) and urges the President and the Secretary of Defense to implement as rapidly as possible the proposals made in that report;

(2) suggests that, when practicable and not harmful to the national security of the United States, the United States should unilaterally implement confidence-building measures (such as prior notification of missile launches and military exercises) on a temporary, voluntary basis and should invite the Soviet Union to join in implementing those measures; and

(3) endorses proposals that the United States, through its arms control negotiators, should seek a separate, limited agreement with the Soviet Union on confidence-building measures, such as those recommended in the report described in subsection (a), designed to reduce the danger of accident or misinterpretation leading to nuclear war.

EXTENSIONS OF REMARKS

U.S.S. GUAM LEADS EXCITING LIFE

HON. ANTONIO BORJA WON PAT
OF GUAM
IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. WON PAT. Mr. Speaker, it is no secret that I am deeply proud of my island, Guam, and our people and their accomplishments. This pride comes naturally and extends to all things associated with our territory, including the actions of the U.S.S. *Guam* (LPH-9), a helicopter landing ship which recently saw extensive service off the coast of Lebanon.

I was very pleased to read in the summer 1983, issue of Wings of Gold magazine, a lengthy and well-written article about the exploits of the U.S.S. *Guam* last year in a very troubled part of the world.

The article was written by Maj. Mel W. DeMars (USMCR), who flew helicopters from the ship. No relation to Adm. Bruce De Mars, who until last month was Commander of the Naval Forces in Guam, Major DeMars is, obviously, a man who loves the military very much and is a credit to this Nation, his service, and to the U.S.S. *Guam*.

Before I place the major's article in the CONGRESSIONAL RECORD, I want to note my great pleasure in reading his comments. We on Guam are always watching the latest developments of the U.S.S. *Guam* with considerable interest. Any vessel which bears the name of our territory is expected by my people to carry on our tradition of unquestioned service to this Nation and the U.S.S. *Guam* carries out this goal with honor and dignity.

For those Members who have not been fortunate to read "Wings of Gold", I heartily recommend this excellent publication. The magazine is published by Vice Adm. M. W. Cagle (USN Ret.) for the Association of Naval Aviation, Inc., located in Falls Church, Va. As opposed to some other military-minded counterparts, "Wings of Gold" brings to its readers thrilling accounts of bravery and devotion to duty in a manner which is easy to read and informative. I have long enjoyed the publication and am confident that others will share my enthusiasm once they have begun reading it.

Following the article is a short biography of Major DeMars. I certainly thank him for sharing his experiences with us. He is, obviously, a man of high professional standards as well as an excellent writer.

At this time, Mr. Speaker, I request that the article "With the Bulls in Beirut," be inserted in the RECORD. Thank you.

[From the Wings of Gold Magazine, Summer 1983]

WITH THE BULLS IN BEIRUT

(By Maj. Mel W. DeMars, USMCR)

We sailed aboard USS *Guam* (LPH-9) from Morehead City, North Carolina on May 25, 1982, looking forward to some rigorous amphibious training exercises in Portugal, Italy, Turkey and Somalia. Also on our schedue were port visits at Lisbon, Palma, Naples, Mombasa and Cannes. Everyone anticipated a rewarding cruise with lots of good flight time experience in an unfamiliar but interesting environment.

The Bulls of Marine Medium Helicopter Squadron 261 with twelve CH-46E's commanded by Lieutenant Colonel Grady Geske were designated the base squadron for the 32nd Marine Amphibious Unit under then Colonel, now Brigadier General James Mead. Joining the Bulls were detachments of four AH-1T Cobras from HMA-269, two Hueys from HML-167 and four CH-53D's from HMH-362. The composite squadron was formed just ninety days prior to our sailing date.

Colonel Mead, an aviator himself, was a firm believer in the effectiveness of night amphibious assualt operations and was determined that the helicopter crews assigned to him would be proficient in landing the ground combat element (2nd Battalion, Eighth Marines) on any shore designated. To this end, training was planned with heavy emphasis on night operations.

We arrived at Rota, Spain on the 6th of June and were greeted with the news of the Israeli invasion of southern Lebanon. In less than 24 hours, the ships of Amphibious Squadron Four had sortied from Rota and were headed toward a location off the coast of Lebanon. Speculation ran high that our mission would involve the evacuation of Americans from Beirut.

The task force steamed at 20 knots on the most direct route to Lebanon. Along the way, the CH-53's were dispatched to Sigonella, Sicily and to Souda Bay, Crete on logistic flights. Since all helo assets would be needed for evacuation flights if the necessity arose, there was some concern over sending the big cargo-capable 53's off on long hauls where mechanical difficulties could develop which would keep them on the ground for repairs or parts and force them to play catch-up with the task force. But shortfalls in supplies, including ammunition, decided the question. It was a matter of risk versus immediate need.

There was an air of excitement as cargo was onloaded at the pick-up points. Terminal officials and cargo handlers knew that something was up and flight personnel were bombarded with questions. But the crews had no answers. They knew only that they were headed east and were in a hurry to get wherever they were going.

Meanwhile, those remaining aboard *Guam* prepared themselves for any contingency. Flight operations were highlighted by night exercises as well as ordnance and aerial gunner training.

The task force arrived on-station off the coast of Lebanon on June 12. This was known as MODLOC for "modified location" and it will long be remembered by the men of the 32nd Marine Amphibious Unit and Amphibious Squadron FOUR. As the Israelis tightened their stranglehold on the PLO, preparations continued for the anticipated evacuation of American citizens from Beirut. The planners planned, the maintainers maintained, the sailors kept the ships in fighting trim and the ground forces readied their minds and bodies for any eventuality. It was a waiting game but there was no let-up in readiness.

In late June, the evacuation finally took place, not from Beirut where the fighting was still raging, but from the port of Juniyal, six miles to the north.

The squadron had already transferred by helo on June 16 to the two line companies embarked on *Guam* to *Nashville* and *Hermitage*. Eight days later these ships sailed to within two miles of Juniyal to conduct a waterborne evacuation of Americans. Two landing craft transported 581 U.S. and foreign nationals from Juniyal to *Hermitage* and *Nashville*. The Marines of the amphibious unit, meanwhile, were poised to deal with any trouble which might present itself and the squadron was similarly disposed, ready for an airborne response. The operation came off without a hitch and the evacuees were delivered to Larnaca, Cyprus the next day.

The evacuation completed, most assumed we would resume our schedule of exercises and port visits. Curiously, we remained in MODLOC. The American Embassy staff and countless other Americans were still in Beirut. Evacuation plans were once again begun in earnest with the focus on the U.S. Embassy in the north end of Beirut. Intelligence flowed in on various factions and parties of Palestinians who controlled West Beirut. During this period, two civilians arrived aboard the *Guam* to brief us on Beirut in general and the U.S. Embassy in particular.

Though their official capacity was a bit hazy, their information was detailed and of inestimable value. The tangled web of Palestinian organizations all vying for control were explained in detail by the two men.

One of the briefers could have easily been cast in a spy movie. He was guarded about his past, possessed a vast knowledge of foreign arms, and had an incredible recall of detail. He had spent time with many of the Palestinian groups and provided us with useful information on their activities and modes of operation.

Then one day, as mysteriously as they had appeared, the two men were gone.

In addition to the evacuation alert, the squadron picked up another standby mission on June 22. There was a requirement to transport the principals of shuttle diplomacy between Cyprus, Tel Aviv and Beirut. Nine days of alert passed before the first of these missions was flown. Two Hueys, our only VHF equipped aircraft, and two CH-46's composed the special transport package. Time and time again, flights were laid on (invariably at 0100), briefed, and aircraft

manned only to be cancelled or left on five minute standby.

All these frustrations were forgotten, however, with our first mission which took place on the first of July. We were to launch from 40 miles off the shore, navigate to Juniyal, make a passenger pick-up, return to *Guam* for fuel, and go on to Tel Aviv.

Sidearms were the only weapons authorized. Navigation was a sticky point as radio aids were nonexistent and any error to the south or north would cause the aircraft to break the shoreline over hostile Beirut or over Syrian held territory to the north. A key navigational and communications assist was arranged with E-2C aircraft based on the USS *Forrestal*, which was also operating in MODLOC.

I watched the two Hueys disappear in the haze, then made my way from Primary to the Helo Direction Center to monitor their progress on radar. They made their way toward the beach on vectors initially from *Guam* and then from the W-2 aircraft of VAW-124.

The helos caught sight of the coastline and after a few anxious moments over Juniyal Harbor, spotted the landing zone. Radio contact was finally made with the Embassy staff at the landing site and the aircraft landed to pick up their passengers.

Returning to *Guam*, the aircraft were refueled for their flight to Tel Aviv. The flight path, altitudes, and IFF procedures had been dictated by the Israelis. It was to be followed precisely. An enrout navigational aid in the form of a Navy destroyer with Tacan was provided to form the southern point of the "Gater airway." This ship was located about 65 miles south of our MODLOC and became a sort of stepping stone to the Tel Aviv FIR. The flight to Tel Aviv, was carefully plotted and flown to keep the helos out of SAM range from the Lebanese coast.

While our Hueys were south in Tel Aviv, another mission was called away and another pickup was made in Juniyal. This time the destination was Larnaca, Cyprus to the north. The two CH-46's employed communicated with Larnaca through the E-2C which relayed traffic. This aircraft followed the helos' progress on radar, made all the necessary calls to the tower, and even "watched" the taxi evolutions on radar from a distance of 100 miles. What capabilities those aircraft and their crews have! This evolution began a cooperative association with VAW-125 and VAW-122 that lasted throughout the Beirut operations. Time and again airborne E-2C's served as our eyes and voices in the eastern Med on flights between Lebanon, Israel, and Cyprus.

We remained in MODLOC continuing our training, standing by, and flying special diplomatic missions. Ordnance training was conducted for Cobra crews and for the transport door gunners.

Meanwhile, negotiations were being conducted by the Special Envoy to the Middle East, Ambassador Philip Habib and his assistant Mr. Morris Draper. Both were carried into and out of Lebanon by HMM-261, who acquired the nickname the "Cammie Cab Company."

In late July, after having been at sea for 66 days, *Guam* was released to a 72-hour recall and allowed a Naples port visit. In order to continue necessary support for the shuttle diplomacy mission, two Hueys were crossdecked to the on-station CV, *Independence*.

Our small detachment land on the *Indy* on July 26 expecting to stay a week and then ride the ship to Naples. We were to perform our shuttle missions from *Independence* and then brief the SH-3 crews on *Forrestal* who were scheduled to relieve us on July 31. Little did we know that we would remain on station bouncing back and forth betwen *Indy* and *Forrestal* before *Guam* returned on August 20.

We soon got used to our new surroundings in the CV Navy, although I suspect the carrier people never got completely accustomed to seeing our two green Hueys disrupting the orderly chaos of the CV flight deck. We must have been a curious sight strapping on our .38's, and launching off into the haze to return a few hours later from somewhere in the east.

Our most interesting mission came on August 7 as we were returning to *Forrestal* from Juniyal carrying the U.S. military liaison team following its first meeting with Mr. Habib in Beirut. There was no E-2C airborne this time so Rear Admiral Chatham ordered USS *Wainwright* to a point 30 miles off Juniyal to provide the necessary radar coverage.

An SH-3H from HS-3 accompanied us to provide radio relay while we were in the landing zone. The H-3 accompanied us to the mouth of Juniyal Harbor and remained airborne as we landed to make our pickup. As we took off and headed seaward, he warned us of two F-16's overtaking us. We had seen Israeli aircraft and gunboats on previous missions and weren't too concerned about their presence in the area. But as the bright blue Star of David, camouflage paint, and mounted Sidewinders on the wings of the F-16's flashed directly in front of our windscreen at about 100 feet, we had some second thoughts. For the next 15 minutes, the two fighters took turns splitting our formation, passing in front, over, and below us, and buffeting our aircraft as we proceeded back to *Forrestal* at 100 knots and 300 feet. This harassment continued for approximately 30 miles whereupon the planes broke off, climbed, and headed south toward Israel.

When we returned the team to Juniyal the next morning, Israeli soldiers met them in the landing zone. The Israelis demanded identification, the nature of their business, and detained them for 45 minutes before allowing them to be on their way.

After crossdecking back to *Independence*, we rejoined *Guam* on August 20 as she came back on station. Enroute from Naples, the squadron had picked up 103 passengers, 15,000 pounds of mail and 40,000 pounds of cargo that had been waiting in Sigonella and Souda Bay for transport to the contingency forces.

By this time the decision had been made to insert a Multinational Force into Beirut to effect the evacuation of the PLO. Having made a helo recon of the port facility the day prior, Colonel Mead led the 32nd MAU ashore in the Port of Beirut on August 25.

While the battalion and service support group were ashore effecting the PLO withdrawal, the squadron remained aboard *Guam* three miles offshore.

We supported the operation by flying daily logistical flights between ships and shore. Numerous flights were also made to Cyprus for high priority cargo and personnel. Several VIP's appeared on the manifest during this period including the Secretary of Defense on September 1st, when he came to have a look at the evacuation operation.

Throughout this period, an alert force was maintained consisting of six CH-46's, two CH-53's, one Huey, and three Cobras . . . ready for immediate missions. The operation proved particularly frustrating to Cobra crews who, due to political sensitivity and the aggressive nature of their mission, were not utilized in Beirut. Their ordeal was perhaps the hardest—standing alert constantly for a period of 17 days without being called upon to take an active part.

One of the more important operations consisted of the airlift of communications equipment for the Lebanese Armed Forces who were endeavoring to establish their authority in the area. This equipment was airlifted into Larnaca by Air Force transports then ferried by squadron aircraft to the waiting arms of the Lebanese in the Port of Beirut. With Beirut International Airport unavailable for use, the only rapid means of moving this gear was via the helicopter link between Cyprus and the Beirut landing zone. Over 100,000 pounds of gear was transported during the operation.

With the PLO evacuation completed, the Marines were airlifted back to the ships on September 10 and the force retired toward Naples. The operation had been eminently successful and we all figured we would not see Beirut again this cruise. It seems we guessed wrong! While we were in Naples, the massacres at the Sabra and Shatilla refugee camps took place.

And so, on September 21, the force sortied from Naples Harbor en route to Lebanon once again. We crossdecked our Cobras to the *Nashville* on the 23rd where they would remain throughout the Beirut II operation. This strategy provided for more rapid response and freed up spots on the *Guam* flight deck for transports.

The heliborne insertion of two companies was planned at the Beirut International Airport with another company to go ashore at the Port. All elements would link up and occupy a line around the airport while the Italians and French occupied positions to the north. Political considerations delayed the landing until 29 September. At 1400 on that date, Lt. Col. Geske led eight CH-46's, three CH-53's, and two Hueys into the airport.

Two reinforced rifle companies, nine jeeps, four M274 Mules and 126,000 pounds of cargo were landed by air in three hours. For the next month, logistics flights were flown daily from *Guam*. Special diplomatic missions and log flights to Cyprus were also routinely conducted. A medevac detachment was established ashore to respond to emergencies. This support was tested on September 30 when ordnance clearing operations resulted in injuries to four Marines. A CH-46, flown by our Executive Officer, Major Gary Rainey, responded to an urgent request and quickly carried the injured Marines to *Guam* for treatment.

Our relief came over the horizon on October 29 as HMM-263 embarked on *Inchon* arrived on station. Turnover was conducted expeditiously and *Guam* departed Lebanese waters on November 1.

Operations over the previous five months had been intense, exciting and meaningful. Despite the hours of frustration that go hand-in-hand with an operation of this sort, it was a rewarding experience. The Bulls were going home with a new sense of confidence and accomplishment.●

FORGET THE MAINE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. MARKEY. Mr. Speaker, doctrines have been a staple of American diplomacy for several decades. I am sure my colleagues learned of the Monroe Doctrine while still in grade school. We were taught that the Monroe Doctrine is a fundamental element of American foreign policy. As an editorial in yesterday's New York Times points out, however, perhaps we should reconsider the role of doctrines since they can take us to a place where I, this Congress, and the American people do not want to go. I recommend the column to my colleagues:

[From the New York Times, July 24, 1983]

FORGET THE MAINE

(If you want war, nourish a doctrine. Doctrines are the most frightful tyrants to which men ever are subject, because doctrines get inside of a man's own reason and betray him against himself. . . . Doctrines are always vague; it would ruin a doctrine to define it, because then it could be analyzed, tested, criticized, and verified. . . . Somebody asks you with astonishment and horror whether you do not believe in the Monroe Doctrine. . . . You do not know what it is; but you do not dare to say that you do not, because you understand that it is one of the things which every good American is bound to believe in. Now when any doctrine arrives at that degree of authority, the name of it is a club which any demagogue may swing over you at anytime and apropos of anything.)—From "War," by William Graham Sumner, 1903.

The ideologues and idealists who inspired that warning, from a noted conservative, are swinging their club again. They have stampeded the country into Caribbean military ventures in virtually every decade of this century. Their alarms—anti-Spanish or anti-British or anti-Soviet—have rarely proved justified, and their interventions have done vastly more harm than good. But here they go again.

You don't believe in the Monroe Doctrine? You accept the Brezhnev Doctrine of Irreversible Revolution? You want Another Cuba? Never heard of the Domino Theory?

For such slogans, the Treasury is opened, the Navy sets sail, C.I.A. armies cross borders and American commitments are drawn in quicksand. When the people balk, the flags are raised still higher and the President merges all slogans into one unreasoned cry:

"There can be no question: The national security of all the Americas is at stake in Central America. If we cannot defend ourselves there, we cannot expect to prevail elsewhere. Our credibility would collapse, our alliances would crumble, and the safety of our homeland would be put at jeopardy."

The problem, it's easy to forget, is not a Soviet attack or missile base but El Salvador, a small, long-misgoverned country whose feeble rulers are unable to put down either a Marxist-led revolt or the counterterror of the right. Though his Ambassador said this civil war will take a decade to resolve, Mr. Reagan has made it America's war.

Why? Probably because of Nicaragua, whose welcome revolution produced an unwelcome Cuban-style regime. The Sandinista rebels now running Nicaragua have been rooting for an helping the rebels in El Salvador and, anticipating Yankee hostility, taking arms from Cuba and other Soviet friends.

Mr. Reagan says he'll go to any lengths to stop Nicaragua's interference. But the evidence grows that this a pretext for efforts to overthrow the Sandinista regime. Honduras has been made a base for American-led campaigns in both El Salvador and Nicaragua, and people in Washington now expect—intend?—that provocations will permit the Honduran Army, supported by American forces, to crush the leftists in both countries.

The Administration insists it will thus provide for the "safety of our homeland" with a few billion dollars and without many American troops. Its private documents, however, already stress the value of at least threatening direct American action.

With the public unmoved, and Congress torn between doubt and loyalty, Mr. Reagan has now summoned Henry Kissinger and a chorus to justify his course or suggest a better one. But what kind of approach is that to a problem the President puts at the top of his list? This commission is a chorus of amateurs and won't even report for five months. And Choirmaster Kissinger, though a most agile diplomat, brings no open mind. He long ago raised his own voice in the Administration's sloganeering:

"If we cannot manage Central America, it will be impossible to convince threatened nations in the Persian Gulf and in other places that we know how to manage the global equilibrium. We will face a series of upheavals . . . it escapes me why we have to apply the Brezhnev Doctrine in Central America and assert that any Communist government that has established itself can never be changed."

There they are: Monroe Doctrine, Global Equilibrium, Domino Theory, Brezhnev Doctrine, Irreversible Revolution. He might as well yell "Remember the Maine"—as Mr. Reagan did last month in refusing to rule out combat troops.

The mystery sinking of the U.S.S. Maine in Havana harbor became the bloody shirt of the jingos who pushed for war with Spain in 1898 to stretch America's empire to Puerto Rico and the Philippines. They at least had a naval imparative, as did the Presidents who for the next 50 years colonized the Caribbean for its sea lanes and Panama Canal. If Mr. Reagan would but remember the Canal treaties, which he meanly opposed, he might update his knowledge of Latin reality and diplomatic possibility.

Presidents Eisenhower and Kennedy "lost" Cuba on their watch, but the United States survived. So well, in fact, that for the next 20 years, it mostly ignored Latin America. Mr. Reagan may "win" back Nicaragua, as Guatemala was won back in 1954, but that would only prolong the misery and resentment on which radicals prey and build anti-Yankee plots. We may have forgotten who saddled Nicaragua with the Somoza dictatorship; Nicaraguans have not.

Forget the Monroe Doctrine. It was a young America's prayer for isolation from Europe's conflicts and later a pretext for aggrandizement. It is resented by Latins and, like the Maine, irrelevant to the nuclear age. Keeping Soviet bases out of the Americas is a matter for the superpowers to resolve, as they did in Cuba after a confrontation that neither should want to repeat.

Forget the Global Equilibrium. That is nothing more than a pitch for spheres of influence, and those have to be earned, as in Europe. Nicaragua is no more surely "ours" than Pakistan, or Afghanistan, is the Russians'. Mr. Kissinger is right to say that mismanaging power anywhere can dissipate power everywhere, but wisdom does not flow only from the barrel of a gun. Nicaragua's deplorable passage from a right- to left-wing dictatorship is an object lesson, not a threat to world peace.

Beware the dominoes, by all means. Nicaragua, like Cuba, should be prevented from exporting weapons, by joint action of hemisphere nations. But blockades won't keep radical ideas from reaching frail societies.

Does that mean acquiescing in the triumph of communism in one Cuba after another, in the doctrine of the Irreversible Revolution? Of course not. Even Cuba will not forever be a Soviet ally. Much depends on what the United States has to offer Latin Americans, including its revolutionaries. Fidel Castro's renown owes as much to our hysterical opposition as it does to his own accomplishments.

Revolutions are unsettling, but not inevitably Communist. If Communist, they are not inevitably pro-Soviet. If pro-Soviet, they are not irreversible. Only the Red Army keeps Eastern Europe Communist; Chinese and Yugoslav Communists have become America's friends. The idea that the whole world is tilting from right to left and threatening to bury the Americas in a Marxist avalanche is a dangerous delusion—just one more doctrine.

There are many things the United States should be doing for hemisphere stability, democracy and propserity, to defend its genuine interests, diminish Soviet influence and dispel the impression that it is threatened by social justice in Latin America. What it should not be doing is overthrowing containable leftist regimes or fighting for lost reactionary causes, launching invasions and war games in the service of blind doctrine.

The President who remembers the Maine in the Caribbean forgets the Maddox and Turner Joy in Tonkin Gulf. He is inviting, perhaps provoking, incidents, practicing neither vigilance nor diplomacy but adventurism. He is drifting into war turning minor problems into colossal defeats.●

KISSINGER COMMISSION

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. DYMALLY. Mr. Speaker, in light of the President's recent appointment of Dr. Henry Kissinger to a commission dealing with the practices of Central America, I would like to bring to the attention of the House an editorial published in the July 22, 1983, edition of the Sacramento Bee by C. K. McClatchy. I ask that it be reprinted in the CONGRESSIONAL RECORD.

[From the Sacramento (Calif.) Bee, July 22, 1983]

THE KISSINGER SMOKE SCREEN

(By C. K. McClatchy)

The Reagan administration has embarked on a dangerously aggressive, confrontational policy in Latin America that should be sending shock waves of anger and fear through the American public. Thus far, however, the opposition has been muted by a combination of the administration's anti-Communist rhetoric and public relations molasses.

The politically blind have silenced the politically fearful.

The latest dose of molasses has been to call Henry Kissinger back to center stage to head a presidential commission that will recommend long-term economic and security measures for the region. Kissinger, the manipulative directing force of past controversial government actions in Chile, Cambodia and Vietnam, seems a strange choice if one is seeking consensus, but the name, if nothing else, has grabbed public attention.

Presidential commissions can serve a useful purpose if they are created to study a problem and present a solution, but a meaningful analysis requires consideration of opposing views. This is not likely to happen because Kissinger and most of his fellow commissioners fully accept Reagan's essential thesis that the basic problems we now see in Latin America are primarily the result of Russian machinations through its agents in Cuba and Nicaragua. That premise, so firmly held by the president and his chief advisers, predetermines that the commission will be a cheerleader for those policies the administration already has decided it must implement to fight what Reagan describes as "Communist aggression on the American mainland . . . fueled by the Soviets and the Cubans."

Although the commission has not been set up to find a solution or reach a compromise—it is really a smoke screen designed to defuse criticism—it must not be used as a shelter for political leaders to hide behind. Congress has primary responsibility for monitoring the foreign policy activities of the administration, including ongoing covert operations that are escalating an already dangerous conflict.

What action should Congress take? Admittedly, it is in a political box. The hawks who dominate this administration are making it clear that those who fail to back the president should be prepared to assume responsibility for "losing" El Salvador. Congressional leaders must cut through the threat of the administration's posturing and become the source of accurate information for the American public.

First of all, it should be made clear that no American is going to "win" or "lose" El Salvador. It isn't ours to lose. In the long run, the fate of that nation will be determined by the people who live there. Our support, economic and military, can help the government just as aid from Cuba and Nicaragua can help the rebels. But no amount of arms and advice will keep the government of El Salvador in power if the population of that country joins the opposition.

It is the Reagan administration's belief that revolutionary ferment in Latin America has been created by the Russians and Cubans. As a result, it comes to the dangerously false conclusion that it can be contained by primarily military means. This has led to the creation of American bases in Honduras, making it almost inevitable that country will be drawn into wars in El Salvador and Nicaragua. What happens if Nicaragua attacks the camps in Honduras which serve as bases for attacks on Nicaragua?

There is more than a little reason to believe that there are elements in the administration who would welcome that as an opportunity to send American troops in and "clean up the mess once and for all." Only Congress can prevent this from happening by setting clear and firm limits on overt and covert military action.

If, indeed, it is true that the solution the United States desires cannot be achieved by military action, then what are the other options? Unfortunately, they run from poor to bad. But stating this candidly is also a necessary function of leadership.

We should cease our economic and covert military actions against Nicaragua. The Reagan administration has missed whatever chance may have existed to co-opt the Sandinistas. We will never know whether it was inevitable that they would become dependent on the Russians and Cubans, but we are not going to make the Sandinistas go away by associating ourselves with the despised forces of Somoza.

In El Salvador, we should continue to support the government but only if it starts to serve the needs of the people as well as it serves the needs of the oligarchy. If the government ends the killing of innocent people and re-establishes a program of reform that can win support from the population, it makes sense to continue the support. On the other hand, if right-wing, neo-fascist elements gain full control, it would be in our best interest to cut off all support. We will gain little and lose much every day we are associated with a regime that is hated by the people and continues in power only because of our support.

This means that we should be prepared to live with governments in Latin America that are Marxist and anti-American. If that happens, it will not be the most desirable circumstance, but it would be more promising than our trying by force of arms to impose on Latin American countries governments of our choosing. Short of occupying the area with American soldiers, we would not be successful, a lesson well-learned in Vietnam.

In the long run, Marxist governments in Latin America, whether they are in Nicaragua, Cuba, or even El Salvador, have more to gain from peaceful coexistence with the United States than confrontation. We are their natural trading partners, regardless of political incompatibility. Given time and opportunity, a Latin American Marxist regime should be happy to trade dependence on the Soviet Union for a live-and-let-live relationship with the United States.

Cuba made overtures to the United States during the Carter administration, but a combination of Carter's political weakness and lack of courage killed that effort. Ironically, Reagan has been in the strongest possible position to pursue relations with Cuba and end that nation's dependence on Russia. Like Nixon going to China, Reagan would be acclaimed for the move. Reagan, however, unlike Nixon, is not solving problems; he is compounding them. Instead of moving to neutralize Cuba by normalizing relations, he is throwing gasoline on the flames of conflict in Latin America. Unless Congress alters his course, the fruits of his machismo will be a bevy of new Cubas.●

FORGET THE MAINE

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. BARNES. Mr. Speaker, if someone in the administration would pause long enough in his or her headlong rush to war in Central America to ponder yesterday's New York Times editorial on the subject, we might save ourselves and our neighbors a lot of sadness and suffering.

The Times devoted its entire editorial space to this one issue yesterday. It laid out at length how the sloganeering that masquerades as policy in this administration is leading us inexorably to war in Central America. The President, says the Times, "is inviting, perhaps provoking, incidents, practicing neither vigilance nor diplomacy but adventurism. He is drifting into war and turning minor problems into colossal defeats."

I fully share the alarm that is suggested by this unusual editorial. So do the people of this country. So, I know, do many of my colleagues. It is our responsibility as Members of this body not to let ourselves be driven by slogans into another Caribbean adventure that does not serve our interests and does not respond to the real situation there. We must raise the level of debate in this body above the level at which the administration, for its own purposes, seeks to keep it. We must know our interests, and we must pursue them intelligently. At the moment we are doing neither.

Mr. Speaker, I include the editorial at this point:

[From the New York Times, July 24, 1983]

FORGET THE MAINE

If you want war, nourish a doctrine. Doctrines are the most frightful tyrants to which men ever are subject, because doctrines get inside of a man's own reason and betray him against himself. . . . Doctrines are always vague; it would ruin a doctrine to define it, because then it could be analyzed, tested, criticized, and verified. . . . Somebody asks you with astonishment and horror whether you do not believe in the Monroe Doctrine. . . . You do not know what it is; but you do not dare to say that you do not, because you understand that it is one of the things which every good American is bound to believe in. Now when any doctrine arrives at that degree of authority, the name of it is a club which any demagogue may swing over you at any time and apropos of anything.—From "War," by William Graham Sumner, 1903.

The ideologues and idealists who inspired that warning, from a noted conservative, are swinging their club again. They have stampeded the country into Caribbean military ventures in virtually every decade of this century. Their alarms—anti-Spanish or anti-British or anti-Soviet—have rarely proved justified, and their interventions have done vastly more harm than good. But here they go again.

You don't believe in the Monroe Doctrine? You accept the Brezhnev Doctrine of Irreversible Revolution? You want Another Cuba? Never heard of the Domino Theory?

For such slogans, the Treasury opened, the Navy sets sail, C.I.A. armies cross borders and American commitments are drawn in quicksand. When the people balk, the flags are raised still higher and the President merges all slogans into one unreasoned cry:

There can be no question: The national security of all the Americas is at stake in Central America. If we cannot defend ourselves there, we cannot expect to prevail elsewhere. Our credibility would collapse, our alliances would crumble, and the safety of our homeland would be put at jeopardy.

The problem, it's easy to forget, is not a Soviet attack or missile base but El Salvador, a small, long-misgoverned country whose feeble rulers are unable to put down either a Marxist-led revolt or the counter-terror of the right. Though his Ambassador said this civil war will take a decade to resolve, Mr. Reagan has made it America's war.

Why? Probably because of Nicaragua, whose welcome revolution produced an unwelcome Cuban-style regime. The Sandinista rebels now running Nicaragua have been rooting for and helping the rebels in El Salvador and, anticipating Yankee hostility, taking arms from Cuba and other Soviet friends.

Mr. Reagan says he'll go to any lengths to stop Nicaragua's interference. But the evidence grows that this is a pretext for efforts to overthrow the Sandinista regime. Honduras has been made a base for American-led campaigns into both El Salvador and Nicaragua, and people in Washington now expect—intend?—that provocations will permit the Honduran Army, supported by American forces, to crush the leftists in both countries.

The Administration insists it will thus provide for the "safety of our homeland" with a few billion dollars and without many American troops. Its private documents, however, already stress the value of at least threatening direct American action.

With the public unmoved, and Congress torn between doubt and loyalty, Mr. Reagan has now summoned Henry Kissinger and a chorus to justify his course or suggest a better one. But what kind of approach is that to a problem the President puts at the top of his list? This commission is a chorus of amateurs and won't even report for five months. And Choirmaster Kissinger, though a most agile diplomat, brings no open mind. He long ago raised his own voice in the Administration's sloganeering:

If we cannot manage Central America, it will be impossible to convince threatened nations in the Persian Gulf and in other places that we know how to manage the global equilibrium. We will face a series of upheavals . . . It escapes me why we have to apply the Brezhnev Doctine in Central America and assert that any Communist government that has established itself can never be changed.

There they are: Monroe Doctrine, Global Equilibrium, Domino Theory, Brezhnez Doctrine, Irreversible Revolution. He might as well yell "Remember the Maine"—as Mr. Reagan did last month in refusing to rule out combat troops.

The mystery sinking of the U.S.S. Maine in Havana harbor became the bloody shirt of the jingos who pushed for war with Spain in 1898 to stretch America's empire to Puerto Rico and the Philippines. They at least had a naval imperative, as did the Presidents who for the next 50 years colonized the Caribbean for its sea lanes and Panama Canal. If Mr. Reagan would but remember the Canal treaties, which he meanly opposed, he might update his knowledge of Latin reality and diplomatic possibility.

Presidents Eisenhower and Kennedy "Lost" Cuba on their watch, but the United States survived. So well, in fact, that for the next 20 years, it mostly ignored Latin America. Mr. Reagan may "win" back Nicaragua, as Guatemala was won back in 1954, but that would only prolong the misery and resentment on which radicals prey and build anti-Yankee plots. We may have forgotten who saddled Nicaragua with the Somoza dictatorship; Nicaraguans have not.

Forget the Monroe Doctrine. It was a young America's prayer for isolation from Europe's conflicts and later a pretext for aggrandizement. It is resented by Latins and, like the Maine, irrelevant to the nuclear age. Keeping Soviet bases out of the Americas is a matter for the superpowers to resolve, as they did in Cuba after a confrontation that neither should want to repeat.

Forget the Global Equilibrium. That is nothing more than a pitch for spheres of influence, and those have to be earned, as in Europe. Nicaragua is no more surely "ours" than Pakistan, or Afghanistan, is the Russians'. Mr. Kissinger is right to say that mismanaging power anywhere can dissipate power everywhere, but wisdom does not flow only from the barrel of a gun. Nicaragua's deplorable passage from a right- to left-wing dictatorship is an object lesson, not a threat to world peace.

Beware the dominoes, by all means. Nicaragua, like Cuba, should be prevented from exporting weapons, by joint action of hemisphere nations. But blockades won't keep radical ideas from reaching frail societies.

Does that mean acquiescing in the triumph of communism in one Cuba after another, in the doctrine of the Irreversible Revolution? Of course not. Even Cuba will not forever be a Soviet ally. Much depends on what the United States has to offer Latin Americans, including its revolutionaries. Fidel Castro's renown owes as much to our hysterical opposition as it does to his own accomplishments.

Revolutions are unsettling, but not inevitably Communist. If Communist, they are not inevitably pro-Soviet. If pro-Soviet, they are not irreversible. Only the Red Army keeps Eastern Europe Communist; Chinese and Yugoslav Communists have become America's friends. The idea that the whole world is tilting from right to left and threatening to bury the Americas in a Marxist avalanche is a dangerous delusion—just one more doctrine.

There are many things the United States should be doing for hemisphere stability, democracy and prosperity, to defend its genuine interests, diminish Soviet influence and dispel the impression that it is threatended by social justice in Latin America. What it should not be doing is overthrowing containable leftist regimes or fighting for lost reactionary causes, launching invasions and war games in the service of blind doctrine.

The President who remembers the Maine in the Caribbean forgets the Maddox and Turner Joy in Tonkin Gulf. He is inviting, perhaps provoking, incidents, practicing neither vigilance nor diplomacy but adventurism. He is drifting into war and turning minor problems into colossal defeats.●

WHY KOWTOW TO INDIA?

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Ms. KAPTUR. Mr. Speaker, I believe that the United States should take a tough stand on the export of reactor components for India's nuclear plant at Tarapur. The manner in which we respond to the Indian request will reveal the strength of our commitment to halting nuclear proliferation.

It appears that the Reagan administration may violate U.S. nonproliferation law if it grants India's request. The Nuclear Nonproliferation Act bans exports of nuclear material to nations, such as India, "engaged in activities having direct significance for the manufacture or acquistion of nuclear explosive devices."

Another provision of the act bans nuclear exports to countries, such as India, that do not accept IAEA safeguards on all their facilities. In 1980, former President Carter exercised his authority to waive this ban, and although the House voted to overturn this waiver, the Senate failed to do so. Prime Minister Gandhi has refused to rule out the possibility of a second nuclear test.

The United States must withhold parts from India until they assure us that they are not planning another nuclear test and until they accept full-scope IAEA safeguards. As Senator BOSCHWITZ stated:

If we who are already in the nuclear business, either for civilian or military purposes, are really serious about wanting to stop proliferation, this is the kind of bold, forceful step that we have no choice but to take.

Mr Speaker, I would like to share with my colleagues an editorial along these lines, from the Toledo Blade, July 10, 1983. The editorial follows:

WHY KOWTOW TO INDIA?

Despite a U.S. law explicitly forbidding the sale of nuclear fuel to any nation that does not sign the international Nuclear Non-Proliferation Treaty, the Government repeatedly has ignored it by sending or arranging to send fuel to India.

Now, in the wake of Secretary of State Shultz's recent visit to new Delhi, it appears that the same kind of blinders are being donned in order to supply spare parts to India's Tarapur nuclear-power reactor.

There really is no excuse for this. Ohio Senator Glenn has characterized these sales as "undermining our nonproliferation efforts around the world," and he is right. Prime Minister Indira Gandhi never has made any secret of her dislike for just about everything American and her preference for Soviet military equipment for her country's armed forces. One government spokesman, in fact, has gone on record as stating that when the U.S.-Indian agreement on the Tarapur reactor expires in 1993, India will regard it as having lapsed and would not be bound by any further obligations.

Not that India has observed its obligations since the agreement was signed in 1963. It set off an atomic explosion in 1974 and could very well do so again. And it repeatedly has refused to accept safeguards against the production of weapons-grade plutonium for nuclear devices from the spent fuel at Tarapur.

To make matters worse, the United States caved in and shipped an order of uranium to Tarapur in 1980 and actually arranged for France to send India more fuel last year. Now it appears that the Administration is planning to either send spare parts to the plant from this country or else arrange for them to be supplied by a third country, as yet unnamed; just as it did in the case of fuel from France.

Obviously neither the 1963 Tarapur pact nor the U.S. law prohibiting sales of uranium fuel to nations in violation of the nonproliferation treaty has any meaning. And in view of India's behavior over the years, this is baffling to say the least. Not only does it put the U.S. Government in a bad light but it also sets unnecessary and unwise precedents in terms of relations with other nations carrying on nuclear experiments.

Congress has been just as lax as have successive administrations in skirting the clear mandates of these obligations. If other countries want to get into this kind of mess with India, that is their business. But it is time Washington woke up and treated India the way it deserves to be treated when it comes to nuclear supplies—cut them off.●

IMMIGRATION REFORM AND CONTROL ACT OF 1983

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. MAZZOLI. Mr. Speaker, there are many important and difficult issues before this body at the present time. In my mind, one of the most important is the need to reform our Nation's immigration laws.

The Immigration Reform and Control Act of 1983, H.R. 1510, is now ready for floor consideration. It passed the Judiciary Committee on May 5 by a vote of 20 to 10. Because of its broad scope, it was referred to four other committees. These committees completed their deliberations on H.R. 1510 on June 28.

More than 180 Members of the House have examined the bill in detail through the various committee deliberations. This bill has received the type of intensive scrutiny a major piece of legislation—making thoroughgoing changes in the Nation's immigration laws for the first time in 30 years—must receive.

Now it is time to move H.R. 1510 to the floor and to a vote.

I believe most of our colleagues are familiar with current conditions which have generated the need for this bipartisan legislation—the continued large-scale flow of undocumented aliens into our country, some of whom take jobs from U.S. citizens; the underground society in which these undocumented aliens must live, often exploited by unscrupulous employers; and the backlog of 150,000 cases filed by those who are asylum seekers. These problems are worse today than they have ever been and will continue to worsen unless this House acts.

Members of this body are also aware of the extensive background on the legislation which has brought us this far. Twice in the early 1970's, under the leadership of the distinguished chairman of the Judiciary Committee, PETER W. RODINO, JR., this House overwhelmingly adopted immigration reform legislation only to see it die because of inaction by the other body.

Four successive Presidents—Democrat and Republican alike—have endorsed the central concepts of this bill. The major study commission headed by Father Theodore Hesburgh, president of my alma mater, Notre Dame University, after conducting the most massive examination of immigration and refugee policy in over 70 years, developed and refined the concepts in this bill, recommending it to the Congress in March 1981.

This year, my Subcommittee on Immigration, Refugees, and International Law held 7 days of hearings on H.R. 1510, requiring more than 26 hours of testimony from 74 witnesses. During the 97th Congress, we held more than 100 hours of hearings with over 300 witnesses in an earlier version of H.R. 1510.

Three other committees involved in the sequential referral—the Committees on Agriculture, Energy and Commerce, and Education and Labor—also held hearings this year and last year on the bill.

In short, the bill and the issues it addresses have been studied as much as they can. Again I say, Mr. Speaker, it is time for a vote.

The other body has at long last acted on immigration reform, with the strong push of my distinguished Senate colleague, Senator ALAN SIMPSON of Wyoming. Last year and this, by overwhelming votes, the other body passed its own version of the Immigration Reform and Control Act.

The version of this bill—H.R. 1510—as adopted by your House Judiciary Committee is better than the Senate version, I believe, but both bills contain elements essential to meaningful immigration reform—sanctions against employers who knowingly hire undocumented aliens, a strengthened Immigrantion and Naturalization Service, reform of the asylum process, a generous, but careful, case-by-case legalization program, and a carefully controlled temporary worked program to take jobs Americans will not take, even at reasonable wages.

One of the States most affected by our present immigration chaos is Texas. Its newly elected Governor, Mark White, realizing the importance of immigration reform for the people of the Lone Star State, appointed a blue ribbon panel to study the issues entailed in revamping the Nation's immigration laws. Its members included those whose views and backgrounds ranged across the board—agricultural employees, labor union representatives, INS officials, Hispanic Americans, religious leaders, and individuals from every walk of life.

After conducting its own hearings across Texas, Governor White's panel has now issued its interim report which, I am pleased to report, supports the elements of H.R. 1510. This is a courageous step by the panel and by the people whom they represent throughout Texas. They deserve our thanks. At the end of my remarks, I am including an editorial from the Dallas Times Herald commending Governor White's task force.

I am also enclosing an editorial from the Washington Post of July 19 calling upon this body to act on H.R. 1510 as soon as possible. As the Post notes, this is critical time for the bill.

This body cannot allow this opportunity—to reform our Nation's immigration laws in a fair and balanced way—to pass it by. I am confident this body will not.

[From the Dallas Times Herald, June 30, 1983]

REPORT ON ALIENS BALANCED

A task force made up of Texans with diverse interests and backgrounds has delivered a balanced report on the difficult and emotional issue of illegal immigration, and we hope it will influence the state's 27 congressmen to support the reforms contained in the comprehensive Simpson-Mazzoli immigration legislation now pending before the U.S. House of Representatives.

After holding seven public hearings around the state, the task force, appointed by Gov. Mark White, gave its approval to the imposition of federal penalties against businessmen who knowingly hire illegal aliens. Such sanctions are at the heart of the Simpson-Mazzoli bill, we believe.

Conceding that its position was reached as the result of a compromise and the realization that employer sanctions were "inevitable," the group suggested it would be best if the penalties initially were put in force for a three-year trial period, to be renewed only with congressional approval. That strikes us as rather unnecessary, given the obvious enormity of the problem. But the fact that such a diverse group, which included minority, labor, business and agricultural representatives, could arrive at the conclusion that employer sanctions were a necessary part of any immigration-reform package—even for a trial period—is a positive sign. Texas, after all, is one of the three or four states most affected by illegal immigration.

We support employer sanctions unequivocally. Most persons who enter this country illegally come here looking for work, and many of them end up at jobs that pay above the minimum wage and could be held by citizens or legal aliens. At the same time, there has been a good deal of exploitation of undocumented workers by unscrupulous employers.

The task force agreed with the Simpson Mazzoli bill that some sort of an amnesty program was needed. It called for a one-time amnesty and the granting of permanent status to undocumented persons who had lived in the U.S. as of an unspecified date and had established "substantial roots"—as opposed to the two-tiered amnesty plan in the Simpson-Mazzoli measure, under which long-time undocumented residents would be granted permanent resident status while those who had been here shorter lengths of time would be granted temporary resident status. The task force idea is worth considering, since the two-tiered plan might cause confusion and misunderstanding for families whose members arrived at different times.

The group made one other good suggestion. It said the federal government should increase aid to local governments and to border school districts that would be hit hard by changes in the immigration laws. That strikes us as only fair, since the federal government in effect has opened the door to the illegal entry of millions of persons by waiting so long to update and enforce the laws.

The task force, it should be noted, might have been tempted to issue a one-sided report that played strictly to parochial interests. But, instead, it produced a balanced report containing reasonable suggestions that can be utilized by the state's congressional delegation as a blueprint of Texas' desires and concerns. For that, it is to be commended.

[From the Washington Post, July 19, 1983]

READY FOR AN IMMIGRATION VOTE

The Simpson-Mazzoli immigration reform bill, which has been passed twice by the Senate, is at a critical stage in the House. Five separate committees have considered the bill, four have issued reports and, predictably, the interests represented on those committees vary greatly. Agriculture, for example, wants to ensure the availability of foreign workers to harvest crops; Education and Labor has a primary concern for preserving the jobs of Americans. Now it's up to the Rules Committee to devise an orderly method for dealing with these diverse interests, organizing a plan for floor votes on all important issues, while at the same time foreclosing the kind of hundred-amendment nit-picking that killed the bill in the House last year.

There are fewer than half a dozen major areas of disagreement on this bill, with two or three alternatives proposed in each case. The most important is employer sanctions, for unless these are preserved and made effective the main purpose of the bill will be destroyed. Disputes over record-keeping, penalties and potential discrimination can be settled with a few votes. Similarly, the date of the proposed amnesty for illegal aliens already in this country is easily determined. The question of foreign agricultural workers is a hot one, but the choices are clear-cut, the interest groups backing each alternative easily identified. Finally, in the category of major disagreements is the question of whether an overall ceiling on legal immigration should be imposed, as the Senate-passed bill requires. A single roll call can settle that straightforward and uncomplicated matter.

It would not be difficult for the Rules Committee to send the bill to the floor with either a time limit or a plan limiting amendments to these major areas. Immigration reform is badly needed and has been exhaustively studied in the executive and legislative branches and by a blue-ribbon select commission. Good momentum was achieved earlier this year when the Senate passed a bill, 76-18. All relevant House committees have had an opportunity to review the bill and to propose amendments. If it is delayed through the summer, that momentum begins to erode. As election year approaches, action on this politically sensitive question becomes less likely. It's time for the House Democratic leadership to get the bill to the floor, and it's possible to do so under conditions that will allow debate and orderly decision without either chaos or stalemate.●

HOW FREE SOCIETY CAN SURVIVE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. MARKEY. Mr. Speaker, Walter Lippman was a great observer of the American political scene for many decades. His thoughts on freedom and the obligations of a free society should continue to serve as guideposts for our democratic society. The Boston Globe recently reprinted a column Mr. Lippman wrote in 1961 about the Bay of Pigs invasion. His comments ring true today for Central America as they were painfully accurate in 1961.

I call this column to the attention of my colleagues who take to heart the words of Samuel Taylor Coleridge:

If men could learn from history, what lessons it might teach us! But passion and party blind our eyes, and the light which experience gives is a lantern on the stern, which shines only on the waves behind us!

[From the Boston Globe, Apr. 29, 1983]

HOW FREE SOCIETY CAN SURVIVE

(By Walter Lippmann)

[This article by Walter Lippmann, the late columnist, first appeared in the Globe May 9, 1961, shortly after the unsuccessful Bay of Pigs invasion of Cuba.]

We have been forced to ask ourselves recently how a free and open society can compete with a totalitarian state. This is a crucial question. Can our Western Society survive and flourish if it remains true to its own faith and principles? Or must it abandon them in order to fight fire with fire?

There are those who believe that in Cuba the attempt to fight fire with fire would have succeeded if only the President had been more ruthless and had had no scruples about using American forces.

I think they are wrong. I think that success for the Cuban adventure was impossible.

In a free society like ours a policy is bound to fail which deliberately, violates our pledges and our principles, our treaties and our laws. It is not possible for a free and open society to organize successfully a spectacular conspiracy.

The United States, like every other government, must employ secret agents. But the United States cannot successfully conduct large secret conspiraces. It is impossible to keep them secret. It is impossible for everybody concerned, beginning with the President himself, to be sufficiently ruthless and unscrupulous.

The American conscience is a reality. It will make hesistant and ineffectual, even if it does not prevent, an un-American policy. The ultimate reason why the Cuban affair was incompetent is that it was out of character, like a cow that tried to fly or a fish that tried to walk.

It follows that in the great struggle with communism, we must find out strength by developing and applying our own principles, not in abandoning them.

Before anyone tells me that this is sissy, I should like to say why I believe it especially after listening carefully and at some length to Mr. Khrushchev. I am very certain that we shall have the answer to Khrushchev if, but only if, we stop being fascinated by the cloak and dagger business and being true to ourselves, take our own principles seriously.

Mr. K. is a true believer that Communism is destined to supplant capitalism as capitalism supplanted feudalism. For him this is an absolute dogma, and he will tell you that while he intends to do what he can to assist the inevitable knowing that we will do what we can to oppose the inevitable, what he does and what we do will not be decisive. Destiny will be realized no matter what men do.

The dogma of inevitabilty not only gives him the self-assurance of a man who has no doubts but is a most powerful ingredient of the Communist propaganda.

What do we say to him, we who believe in a certain freedom of the human will and in the capacity of men to affect the course of history by their discoveries, their wisdom, and their courage?

We can say that in Mr. K's dogma there is an unexamined permise. It is that the capitalist society is static, that it is and always will be what it was when Marx described it a hundred years ago, that—to use Mr. K's own lingo—there is no difference between Gov. Rockefeller and his grandfather. Because a capitalist society cannot change, in its dealings with the underdeveloped countries it can only dominate and exploit. It cannot emancipate and help. If it could emancipate and help, the inevitability of communism would evaporate.

I venture to argue from the analysis that the reason we are on the defensive in so many places is that for some 10 years we have been doing exactly what Mr. K. expects us to do.

We have used money and arms in a long losing attempt to stabilize native governments which, in the name of anticommunism, are opposed to all important social changes.

This has been exactly what Mr. K's dogma calls for—that communism should be the only alternative to the status quo with its immemorial poverty and privilege.

We cannot compete with communism in Asia, Africa, or Latin America if we go on doing what we have done so often and so widely—which is to place the weak countries in a dilemma where they must stand still with us and our client rulers, or start moving with the Communists.

This dilemma cannot be dissolved unless it is our central and persistent and unswerving polilcy to offer these unhappy countries a third option, which is economic development and social improvement without the totalitarian discipline of communism.

For the only real alternative to communism is a liberal and progressive society.●

REV. S. L. ROBERSON

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. FORD of Michigan. Mr. Speaker, I am pleased to take this opportunity to call your attention to an article that appeared in the Ypsilanti Press on July 16 concerning the Reverend S. L. Roberson and the Metropolitan Memorial Baptist Church.

Reverend Roberson and his wife, Hollie, have been outstanding members of the Ypsilanti community for their entire lives, and it is an honor to share this information with you. Although I was unable to attend the scheduled events, I heard that each and every one was very successful.

Mr. Speaker, I am proud at this time to call to my colleagues' attention the work of Rev. S. L. Roberson and his wife.

METROPOLITAN FLOCK TO FETE ROBERSONS

The congregation at Metropolitan Memorial Baptist Church, 431 Hawkins, has set aside the week beginning Monday to honor the Rev. S.L. Roberson and his wife, Hollie.

Rev. Roberson has been pastor of the church for 29 years. He is a retiree of the Industrial Relations Department of the Ford Motor Co., is a past member of the Human Relations Board, Community Chest Board of Directors and the Housing Commission. He was the recipient of community service awards from Ford in 1955 and 1964.

In 1975, he was given the Liberty Bell award from the Washington County Bar Association. He also has received awards, special recognition and citations from community organizations including the Patsy Chandler Club, the Optimist Club and the Ypsilanti Police Department.

In 1977, he was selected to receive the "Citizen of the Year Award" from the Michigan Police Hall of Fame. In 1979, he was the recipient of the "Big 10" award of the Washtenaw County United Way.

He presently is chaplain of the Ypsilanti Police Department and the Washtenaw County Sheriff's Department. He also is a member of the board of directors of the American Red Cross and is director of the Ex-offender Contract Center of Washtenaw County Inc.

Guest speakers slated to address the congregation of Metropolitan Memorial Baptist during the week include:

Monday: The Rev. Garther Roberson of Mt. Oliver Baptist Church in Ypsilanti, 7 p.m.

Tuesday: The Rev. Thomas Evans of the Church of Our Father in Detroit, 7 p.m.

Wednesday: The Rev. Wallace Mills of New St. John Baptist Church of Detroit, 7 p.m.

Thursday: The Rev. Charlie Knighten of Pilgrim Travelers Baptist Church of Detroit, 7 p.m.

Friday: Elder Herb Dudley of Detroit Church of God in Flint, 7 p.m.

Sunday: The Rev. Eugene Rhodes of Leland Baptist Church of Detroit, 3:30 p.m.

At 6:30 p.m. Saturday, the church community will present a "special tribute" featuring the Graceway Singers.●

RAPE AND INCEST EXCEPTION NOT NEEDED AND UNWARRANTED

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. BLILEY. Mr. Speaker, we will be asked this week to decide a question once again that this House has already set policy on several times: the addition of unnecessary rape and incest exception to limits on Federal funding for abortions. I would point out to my colleagues that a rape and incest exception is unnecessary because of the extremely low rate of pregnancy resulting from such incidents. It would cause substantial law enforcement problems by encouraging reporting of nonexistent rapes. In addition, the exception to be offered would gut the amendment by allowing abortions to be funded in any case whatsoever as long as rape or incest was alleged, without any time limit or reporting requirements.

Following are materials relating to these points which were developed when the House last debated this question in 1979. I urge my colleagues to review these arguments and reject the Waxman amendment.

RAPE AND INCEST EXCEPTION NOT NEEDED AND UNWARRANTED

"Some people disclaim their natural habitat. I always name my origin. It didn't hold me back and neither has my color. I was born in poverty. My father raped my mother when she was 12. Now they've named a park for me in Chester, Pennsylvania." (Ethel Waters)

BRIEF SUMMARY STATEMENT

The argument in favor of abortion that elicits the most sympathetic response is the pregnancy resulting from rape or incest. The woman/girl, someone's wife or daughter, was assaulted, unwillingly became pregnant and is faced with the humiliation of nine months of pregnancy and childbirth. Few would be so heartless and cruel as to prevent her from obtaining an abortion.

But what are the facts associated with this very sensitive subject? Such an exception is:

UNNECESSARY

Pregnancy from forcible rape rarely occurs, even in the absence of prompt medical treatment, due to a number of physical and emotional factors.

Every state permits medical treatment which prevents pregnancy 100% of the time.

UNFAIR

If the very rare case of pregnancy resulting from rape did occur, then:

Whatever the circumstances of his/her conception, the unborn child possesses an inalienable right to life. The mother's lack of responsibility for the conception does not remove the child's right to life.

The unborn child is not the attacker but is, in fact, a second innocent victim who should not receive capital punishment for his/her father's crime. Even the rapist is spared the death penalty.

Good adoptive homes are available in cases where a woman is unable to raise a child conceived by rape or incest.

HARMFUL TO THE WOMAN/GIRL

Undergoing an abortion may only compound the psychological wounds already endured, by adding the memory that she destroyed the developing baby. Numerous studies document how psychologically damaging abortions can be and a recent study concluded, "Whatever may be the case at the conscious level, at a much deeper level, abortion is regarded by many women as infanticide."

Also, undergoing the abortion poses a major physical health risk to the woman—both in terms of immediate and long term complications, and including the subsequent ability of a woman to bear children and to have healthy children.

BAD LAW

The old adage "hard cases make bad laws" has special application here. Law enforcement agencies are wary of any law which makes it financially profitable to allege that a crime has occurred. Such a law invites fraud and is therefore detrimental to law enforcement. Such fraud overburdens police departments, provides actual rapists with a defense maneuver, creates police-community relations problems, and creates cynicism among the police and general public toward these crimes.

Incest is rape on a relative in many cases, consequently, the aforementioned points would apply. The pregnancy rate from incestuous relationships is very low. When pregnancy does occur and becomes apparent, obtaining an abortion for the girl and returning her to the same environment would not solve the underlying problems associated with incest.

BACKGROUND INFORMATION

A. A Rape/Incest Exception is Unnecessary

1. Pregnancy resulting from rape is extremely rare, even in the absence of treatment, for a variety of physical and psychological reasons. Furthermore, prompt medical treatment, excluding abortion, following rape always prevents pregnancy.

a. Studies and experience in several major cities indicate that pregnancy resulting from rape is practically non-existent.

Chicago (1967 study) . . . no pregnancy from confirmed rape in over 9 years.[1]

Washington, D.C. (1968 study/report) . . . one pregnancy in over 300 rape victims.[2] V. Edward Tate, Captain of the Sex Squad of the D.C. Metropolitan Police recalled only three pregnancies from forcible rape in 15 years.[3]

Buffalo, New York (1969 study) . . . no pregnancy from confirmed rape in over 30 years.[4]

St. Paul, Minnesota (1972 study) . . . no pregnancy from confirmed rape in over 10 years.[5]

Philadelphia, Pennsylvania (1977 report) . . . during a period of 19½ years in Philadelphia, 1958-1977, Trial Judge Armand Della Porta of the Court of Common Pleas, and formerly an Assistant District Attorney, did not encounter a single instance of conception in a real rape case.[6]

Washington, D.C. (1977 report) . . . Sergeant Roy Perry of the Sex Squad of the D.C. Metropolitan Police, "Rape shows little conception." [7]

Footnotes at end of articles.

b. Allegations that 10,000 pregnancies result from rape annually in America are totally false.

During the Labor/HEW Appropriations Bill Conference Committee Meeting, 9/15/76, Senator Brooke quoted the Uniform Crime Report indicating over 50,000 forcible rapes annually in America and said the FBI adds that this is probably only 10 percent of the actual number. He then said that in every 100 such cases, two pregnancies occurred resulting in 10,000 pregnancies anually from rape. This, frankly, is fabrication. It is based on the estimated rate of pregnancy from unprotected (consented) intercourse between fertile individuals. It cannot be used when dealing with rape cases for a variety of reasons.

Respecting rapists:

Impotence, 16 percent.[8]

Premature or retarded ejaculation, 18 percent.[8]

Non-surgically sterile, 1.3 percent.[9]

Sterile, ? percent.

Vasectomies (see note), 11.1 percent.[9]

Clinical evidence of sperm injected, 46 percent.[8]

Respecting victims:

No. within fertility range of 12 to 50 years, ? percent.

Non-surgically sterile, 1.3 percent.[9]

Tubal ligation (see note) 17.9 percent.[10]

Contraceptive pills user (see note) 26.3 percent.[10]

IUD users (see note) 6.4 percent.[10]

Severe emotional trauma prevents ovulation (or implantation), ? percent.

To repeat, this 10,000 figure is a fabrication. It does not represent actual people, but rather is simply the produce of false assumptions (JIJO). Dr. Willard Cates, Chief, Abortion Surveillance Branch, Center for Disease Control, HEW, wrote on October 7, 1976, "I know of no good studies documenting this (10,000 figure). . . . We don't want this type of misinformation attributed to CDC."

2. Prompt Medical Treatment of the Victim (Not Abortion) Following Rape Pregnancy. Such Medical Treatment is Permitted in Every State.

"As an emergency room physician and a member of the American College of Emergency Physicians, I would like to share with you my knowledge regarding abortion for rape and incest. Rape is a routine occurrence treated in the emergency room of hospitals. No competent doctor would expose a woman to the hazards of an abortion, when a simple medical curettage is available to prevent a pregnancy in true rape. The patient is given Estrogen for five days, which makes it impossible for the woman to conceive. As a physician, we are more concerned about venereal disease and tetanus in the rape victim." (Ada B. Ryan, M.D., September 13, 1977, Letter to Congressman Flood)

"Nor do they need it (rape exception) since with within 48 hours of the rape, hospitals can perform any needed procedure before the total process of conception and implantation would be completed, without any legal . . . difficulties." (Armand Della Porta, Judge, Court of Common Pleas, Philadelphia, Letter to Senator Schweiker, July 12, 1977)

"A study of 1,000 rape victims who were treated medically right after the rape also had no pregnancies." (L. Kuchera, "Postcoital Contraception with Diethylstilbesterol", JAMA, 10/25/71)

According to Dr. Philip A. Corfman, Director, Center for Population Research, National Institute of Child Health and Development, ". . . with a very high degree of certainty, if treatment (with Estrogen) is instituted at an appropriate time, then pregnancy can be effectively prevented . . . According to data from Ann Arbor, when DES is taken according to directions there are essentially no failures." Respecting the possible cancer effect of DES on female children Dr. Corfman said the cancer problem did not relate because . . . "in order to induce vaginal cancer in offspring, women have to take large dosages for a long time, quite late in pregnancy, much later than at the time of conception . . . DES must be taken between 70 and 80 days of pregnancy in order to induce this effect on the vagina of a female fetus." (May 9, 1975 testimony before the Senate Judiciary Subcommittee on Constitutional Amendments. Found in Senate hearings on Proposed Constitutional Amendments on Abortion, GPO, pp. 626-628)

It is interesting to note that those complaining of the alleged consequences of taking DES on the female offspring fail to mention that the DES makes it "impossible for the woman to conceive".

B. A Rape/Incest Exception is Unfair

Assuming the extreme exception (pregnancy from an untreated rape) does occur, consider the following:

1. Whatever the circumstances of his/her conception, the unborn child is a separate human being possessing an unalienable right to life. The child is innocent of any crime and punishment by death would be more severe than the rapist's punishment. Although the woman may experience severe mental anguish following the attack, a civilized society must never subordinate this most fundamental human right (i.e., life) for the mother's right to be free of a burden she did not invite.

2. Lack of fault for being pregnant does not justify denying another innocent human being his/her life. Where preservation of basic rights is at stake, society has the right to require of its members personal sacrifice. An individual would not personally be responsible for his country being attacked by an unjust aggressor, but he is still bound to oppose that aggression at great personal sacrifice and risk. (Frank Bartos)

3. No woman is forced to raise a child. While a woman may not willingly become pregnant, the child should be permitted to experience the love of one of the thousands of American couples who have been waiting years for a child to adopt. The unborn baby is indeed "wanted" and should not be denied his/her right to live and be loved.

C. Rape/Incest Exception Encourages Abortions and Is, Therefore, Harmful to the Woman

1. The victim's psychological wounds may only be compounded when coupled with the memory that she destroyed the developing baby. While there is little evidence, if any, that abortion is psychologically therapeutic for rape victims, there is substantial evidence that abortions are often psychologically damaging to the women who undergo them. According to a study done at the University of British Columbia's Department of Psychiatry and reported in the March 3, 1978 issue of Psychiatric News (an American Psychiatric Association publication): "Whatever may be the case at the conscious level, at a much deeper level, abortoin is regarded by many women as infanticide."

Commenting on women who have undergone psychotherapy following an abortion, Dr. Ian Kent, the author of the study, states: "Their feelings were invariably of intense pain involving bereavement and a sense of indentification with the fetus."

2. When abortion is viewed as the solution to pregnancy from rape, the longterm needs of a rape victim who has obtained an abortion may go unmet; on the surface, the victims's problems has been "solved". Dr. E. F. Diamond, M.D., Professor of Pediatrics at Loyola University, Stritch School of Medicine, maintains that:

". . . pregnancy due to alleged rape is capable of the same sort of therapeutic support as another crisis pregnancy. The continuation of the pregnancy increases the possibility that the alleged rape victim will receive continuing psychological support in the crucial post-rape interval."[11]

3. Furthermore, the abortion procedure itself poses a major health risk to the woman—both in terms of immediate and long-term complications. In addition, the future ability of a woman to bear children, and to produce healthy children, is greatly impaired by having had an abortion.

D. Rape/Incest Exceptions are Bad Law. They Invite Fraud and Are Detrimental to Law Enforcement by:

1. Overburdening Police Departments

"We do however wish to comment on the . . . provision that would allow federal funds to be paid for abortions performed for the treatment of rape or incest victims only . . . the wording would lead a person desirous of an abortion to make false reports to law enforcement agencies which would have to be checked and investigated at some length. These crimes are not easy ones to prove or disprove and resultantly require many manhours of investigation. American law enforcement agencies are presently overburdened and do not have this vast amount of time available." (Ferris B. Lucas, Executive Director, National Sheriffs' Association, July 18, 1977)

In Pennsylvania, in 1972, a District Attorney and State Policeman opposed a rape provision for this reason in a proposed restrictive abortion bill; it was subsequently eliminated.

"Furthermore, if it were found that the complaint was false, then further police time could be invested in charging the individual with making a false report." (Glen Murphy, Director, Bureau of Governmental Relations and Legal Counsel, International Association of Chiefs of Police, Inc., July 18, 1977—see attached letter)

2. "Providing actual rapists with a defense maneuver whereby they contend that the victim is charging rape only in order to provide a basis for a funded abortion." (Michael Donohoe, Major, Pennsylvania State Police)

3. Creating Police-Community Relations Problems

"When police investigations reveal the falsehood, they will incur the enmity of the female reporting it and that of her supporters. In short, it will create police-community relations problems." (Michael Donohue, Major, Pennsylvania State Police)

4. Creating Cynicism Among the Police and General Public Toward This Crime

The present law allows a woman to obtain a free abortion if she reports the crime of rape or incest to a Public Health Agency. Under the Privacy Act of 1974, the police and other crime investigating agencies are prohibited from learning any details at all about the crime, including the victim's name. The result is that a number of vicious crimes are reported and statistically recorded which the police are prohibited from in-

vestigating and solving. These higher crime figures in turn reflect on their law enforcement capability, thereby lowering police morale. Such occurrences may generate cynicism toward the women who bypass the police which could carry over to women who report these crimes directly to the police.

As the reported incidents of rape and incest increase, the public may initially hold the police responsible. However, as the public learns that these reports do not actually represent true crimes, public sensitivity to the crime of rape may become jaded. Those who are actually raped may be confused with those who are only crying wolf to receive a publicly funded abortion. Thus, the true victims of forced rape may be treated with less compassion and the progress that has been made to date in this area may be reversed.

E. Incest Presents a Very Complicated Situation

1. Often incest is rape on a relative; consequently in those cases all of the aforementioned points apply.

2. The pregnancy rate from incestuous relationships is very low, according to: (a) Robert Carroll of the famous Santa Clara County Child Sexual Abuse Treatment Program, San Jose, California [12] and (b), Dr. George E. Maloaf, Psychiatrist at the Community Mental Health Center in Daly City, California.[13] However, if the incestuous relationship is not ended and the individual provided adequate treatment, many victims end up being very promiscuous, resulting in higher ratios of pregnancy.

3. Pregnancy from incest frequently does not become apparent until the second trimester, at which point the abortion procedure is extremely dangerous and can be more traumatic to the girl than continuing the pregnancy with competent, supportive, and loving care.

4. Incest represents a family situation where help is needed. Obtaining an abortion for the girl and returning her to the same environment will not solve the primary problem.

5. There are no nationwide statistics on the incidence of incest and few, if any, local statistics maintained by law enforcement agencies.

6. According to Dr. Carl Henry Olstrom, a Swedish psychiatrist and authority on incest: "There is no evidence to support the assumption that children resulting from incestuous relationships run a greater risk of being malformed than other children." (Medical World News, 2/4/67)

FOOTNOTES

[1] Diamond, E. F., in "ISMS Symposium on Medical Implications of the Current Abortion Law in Illinois," IL Medical Journal, pp. 677-680, May, 1967.

[2] Hayman, C. R., Stewart W. F., Lewis, F. R., and Rant, M., "Sexual Assault On Women and Children in the District of Columbia". Public Health Reports, pp. 1021-1028, December 1968.

[3] Granfield, David, The Abortion Decision. Doubleday and Co., New York, pp. 107-8.

[4] Sims, B. M., "A District Attorney Looks at Abortion." Child and Family, 8:176-180, Spring, 1969.

[5] Bailey, D., Sex-Homicide Division of the St. Paul Police Department: Personal Communication with Fred E. Mecklenberg, M.D., Thomas W. Hilgers, M.D., and Dennis J. Horan, Abortion and Social Justice, Sheed and Ward, New York, 1972, p. 48.

[6] Letter to Senator Richard S. Schweiker from Judge Armand Della Porta, Court of Common Pleas, Philadelphia, Pennsylvania, 7/12/77.

[7] Telephone Communication with Sergeant Roy Percy, 9/20/77.

[8] Groth, A. Nicholas, and Burgess, Ann Wolbert. "Sexual Dysfunction During Rape", The New England Journal of Medicine, pp. 764-766, October 6, 1977.

[9] Telephone communication with Dr. Pratt, Survey of Family Growth Division, Natural Center for Health Statistics, April 4, 1978.

[10] Telephone communication with Planned Parenthood-World Population, April 4, 1978. These figures were derived from studies on married men and women. Extent applicable to non-married males and females has not been scientifically determined.

[11] Diamond, E. F., M.D., Professor of Pediatrics, Loyola University, Stritch School of Medicine, 10/78.

[12] Telephone communication with Robert Carroll, 4/5/78.

[13] Presentation made at the Symposium on the Psychological Aspects of Abortion, at the Loyola Univ. School of Medicine, 11/1/78.●

THE CELEBRATION OF THE DISCOVERY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. RICHARDSON. Mr. Speaker, on June 21 of this year, my colleagues gave their support to H.R. 1492, the Christopher Columbus Quincentenary Jubilee Act. A simliar piece of legislation is now awaiting action in the Senate.

The Christopher Columbus Quincentenary Jubilee Act would allow all Americans to begin a new voyage of discovery of the cultural ties between Spain, Italy, and the United States and to reflect within themselves on the spirit and determination that led explorer Christopher Columbus to his discovery of America.

Mr. Speaker, I would like to draw my colleagues' attention to the English version of an article which appeared, in Spanish, in the column "Vistas Hispanas" in the New Mexican, a daily newspaper in my District, on June 8, 1983, under the byline of A. Samuel Adelo. In the article Mr. Adelo points out the special relationship that is shared by Santa Fe Granada, Spain and Santa Fe, N. Mex. Santa Fe, N. Mex., is the largest city in my Third Congressional District and the State capital of New Mexico. I hope that my colleagues will take the time to read this thoughtful piece:

THE CELEBRATION OF THE DISCOVERY

On April 17th of this year the sister city relationship between Santa Fe, New Mexico and its sister city Santa Fe de Granada was established. On that same date in that city of the province of Granada the 491st anniversary of the signing of the pact between Columbus and the Catholic kings Isabel and Ferdinand was celebrated. Thanks to this agreement signed in Santa Fe, Granada on 17 April 1492, the discovery of the New World was set in motion.

This act of the 491st anniversary celebration initiated the series of events which will be held during the next decade dedicated to the fifth centenary of the discovery which will culminate in the year 1992. Those events have been scheduled not only in Spain and in Santa Fe, Granada but they will be held also in many other countries during the next ten years.

The honorable Mayor of Santa Fe Granada, Don Antonio Callejas Arenas, with his emotional and simple words during the acts of the sister city relationship stated that the acts of the decade were being initiated and right there will terminate with the fifth centenary of the discovery of the New World.

Don Antonio, on that occasion, stated that the bonds between the two Santa Fes have been alive for five centuries through the faith, the culture, the language, the manner of being and of thinking. The mayor added, "We have been the depositaries of a historic legacy which we must defend and activate." All of this under the name of Hispanicity (Hispanidad) which today counts with 300 million people throughout the great extensions of the mother country, Spain, and the New World. All these 300 million persons, with their different nuances, have their common background, a common origin in their philosophy, their Hispanic attitudes, their language and their customs.

Mayor Callejas told us, in the presence of the people who had gathered on the 17th of April, in the Plaza de España, that in 1992 we will meet again to celebrate the fifth centenary of the discovery of the New World.

The previous day, in the address made by U.S. Ambassador the Honorable Mr. Terence Todman, he reminded all of us present that the Spaniards who came to the territories north of the Rio Grande inhabited those lands and founded various cities. Among them Santa Fe, New Mexico, stands out; founded in 1610 by the distinguished Don Pedro de Peralta. In that same address the ambassador emphasized that the spirit of Santa Fe, New Mexico has been to promote the culture, the civilization and the well-being of its people.

It was affirmed there also that the two Santa Fes, the one from Spain and the other from New Mexico, have always been bound together by the bonds of blood, brotherhood and culture; those bonds were there sealed with the official establishment of the sister city relationship which was being celebrated by both cities.

Worthy of mentioning also is the sister city relationship that took place between Santa Fe, Granada and another Spanish city, Palos de la Frontera, the place from which the caravels left, under the command of Christopher Columbus, when they came to discover the New World. With all this background as a basis, we exhort all the authorities, our representatives in the Congress of the United States and the officials of the state government in New Mexico, as well as the local authorities, to exercise their best efforts so that Santa Fe, New Mexico be designated officially the city in the United States of America that will carry this standard in the preparations for the fifth centenary which will celebrate the discovery of America in 1992.

LA CELEBRACION DEL DESCUBRIMIENTO

(Por A. Samuel Adelo)

El 17 de abril del presente año quedó establecido el hermanamiento de Santa Fe de Nuevo Méjico con su homónima Santa Fe de Granada. En esa misma fecha se celebraba en esa ciudad de la provincia de Granada el 491 aniversario de las Capitulaciones que formaron Colon y los Reyes Católicos, Isabela y Fernando. Merced a este pacto que se firmó en Santa Fe de Granada el 17 de abril 1492, se consiguió el descubrimiento del Nuevo Mundo ese mismo año del 1492.

Ese acto de la celebración del 491 aniversario dió comiwnzo a la serie de actos que se

celebrarán durante la próxima década dedicados al quinto centenario del descubrimiento que culminará en el año 1992. Esos actos se han programado, no solo en España y en Santa Fe de Granada, sino también en muchos otros países se irán perfilando durante los próximos diez años.

El honorable Alacalde de Santa Fe de Granada, Don Antonio Callejas Arenas con sus emotivas y sencillas palabras indicó, durante los actos del hermanamiento dijo que allí se iniciaban los actos de la década que terminará en el quinto centerario del Descubrimiento del Nuevo Mundo.

Don Antonio, en esa ocasión, expresó que los lazos entre las dos Santa Fes están vivos desde hace cinco siglos por medio de la fe, la cultura, el idioma, la forma de ser y de pensar. El Sr. Alcalde agregó "hemos sido depostarios de un legado histórico que nos corresponde defender y potenidar." Todo esto bajo el nombre de la Hispanidad que hoy día cuenta con 300 milliones de personas a través de grandes extensiones de la Madre España y del Nuevo Mundo. Todas estas 300 millones de personas, con sus distintos matices, tienen sus antecedentes comunes; un fondo común en su filosofía, sus actitudes hispánicas, su lenguaje, y sus costumbres.

Nos expresó el Alcalde Callejas ante aquel público que se había reunido ese 17 de abril en la Plaza de España que el año 1992 sea la fecha en que reunidos podamos celebrar el Quinto Centenario del Descubrimiento del Nuevo Mundo.

El dia anterior, en el pregón que estuvo a cargo del Embajador norteamericano, el Honorable Señor Terence Todman nos recordó a todos los allí presentes que los españoles que llegaron a los territorios al norte del Rio Grande recorrieron estas tierras y fundaron varias ciudades. Entre elles se destaca Santa Fe de Nuevo Méjico fundada en el 1610 por el insigne Don Pedro de Peralta. En ese mismo pregon el Señor embajador hizo hincapie en que el espiritu de Santa Fe de Nuevo Méjico ha sido siempre el de promover la cultura, la civilización y el bienestar.

Se afirmó allí también que si las dos, Santa Fe de España y la de Nuevo Méjico siempre han estado ligadas por los lazos de la sangre, de la hermandad y de la cultura; esos lazos quedaron sellados con el hermanamiento oficial que entoncese celebraban ambas ciudades.

Muy digno de mencionarse también, es el hermanamiento que tuvo lugar entre Santa Fe de Granda y otra cuidad española, Palos de la Frontera, lugar de donde partieron las naves que, dirigidas por Cristobal Colon vinieron a descubrir el Nuevo Mundo.

Con todos estos antecedentes que sirvan de fondo, exhortamos a todas las autoridades, a nuestra Representación en el Congreso de los Estados Unidos, a todos los funcionarios del Gobierno estatal de Nuevo Méjico tanto como a las autoridades locales que ejerzan sus mejores esfuerzos para que Santa Fe de Nuevo Méjico sea designada oficialmente de Ciudad, en los Estados Unidos de Norteamérica, que lleve el estandarte en los preparativos del V Centanario que celebrará el Descubrimiento de América en el 1992.●

A PECULIAR DIVISION

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. SKELTON. Mr. Speaker, recently, in a magazine, Leaders, I read an article by Sanford N. McDonnell, chairman of the board of directors of McDonnell Douglas dealing with the need for a better understanding of modern advanced technology. I commend this article to the Members:

A PECULIAR DIVISION

My media relations people keep a very interesting scrapbook. It's divided into two sections and both are filled with copies of published articles on the question of whether the United States is wasting defense dollars on weapons systems that are too complicated, too expensive and impossible to keep in good working order.

On one side are articles taken from publications specializing in technology, aerospace and defense. These articles are, as a rule, extensively researched and based on a firm grasp of detail. They're aimed at small, well-informed audiences. They're not the sort of thing you're likely to find on a drugstore magazine rack.

On the other side of the divider are stories from more general, more widely circulated print media—the dailies and weeklies that make up the popular press. These stories are, not surprisingly, less impressive in depth of detail and command of subject matter. But they're aimed at, and reach, impressive numbers of readers. The really remarkable thing we discovered after separating the articles according to type of publication is that we had also divided them according to editorial point of view.

Virtually without exception, the specialized publications and their technically sophisticated writers all came to the same conclusion. No, they decided, it can't be said in any generally valid way that the U.S. is weakening its defenses by misguided reliance on impractical Buck Rogers weaponry.

The articles from the more popular publications were equally unanimous in adopting the opposite point of view. Yes, they agreed, the Defense Department is following an alarmingly wrong path. It's squandering shameful amounts of money on weapons that are too exotic and too fragile to serve a useful function in the real world.

One could spend a good deal of time, and even have a good deal of fun, guessing at the reasons for this peculiar division of opinion. Observers with divergent points of view might ask widely divergent questions:

Has the technical press somehow fallen under the thumb of a Military-Industrial Complex eager to spend more and more money for less and less and less firepower?

Are the popular media the slaves of their own hunger for controversy? Are the incapable of arriving at non-controversial positions because controversy attracts attention?

The first question is a laughable one to anyone who has ever been stung by the rugged independence of publications that cover the rugged independence of publications that cover the military services and military contractors in depth. Those publications, and their writers, are obviously under no thumb. And the questions about the mass media are, at best, idle amusements.

First and plainest among the facts is the sheer volume of articles published over the past few years on the question of technological complexity—a question that we at our company have nicknamed the quantity-quality issue. Our scrapbook is a substantial one and it grows steadily thicker. People in large numbers are being encouraged—one might almost say they are being taught—to worry about current defense procurement policy where it relates to technology. Anyone who fails to recognize the quantity-quality issue's prominence in the public arena is making a serious mistake.

Second, if our scrapbook is a representative sample of media attention to the quantity-quality issue (and we've been thorough in trying to make it so), the most widely read publications in the country are reflecting only one side of a complicated and important question.

It's not impossible, of course, that the mass media are correct in the position they've taken. Certainly the fact that most such media seem to have come to the same conclusion doesn't make that conclusion wrong. But the fact that limited-circulation publications of proven competence and independence are coming to a radically different conclusion should, at least, be cause for disquiet. It is not comforting to realize that voters who get their information about defense from the popular media—and that means a decisive majority of voters, surely—are hearing a story that contradicts the one being told by those writers best qualified to judge. Nor is it comforting to realize that the best qualified writers are, almost invariably, reaching narrowly limited audiences.

The consequences could be profound if voters in large numbers decide that the nation's defensive procurement policies are fundamentally misguided. If the voters arrive at such a decision on the basis of bad information, the consequences could be profoundly unfortunate. Voter sentiment shapes politics and politics affects policy. It is not inconceivable that we could see a groundswell of support for a defense system built on high quantities of low-capability weapons Such a development might not be worse than its opposite-reliance on very low numbers of high-capability weapons—but it is far more plausible. Therefore it is far more worthy of our concern.

As a nation we have learned, sometimes the hard way, that defense policy, like foreign policy, cannot be effective over the long term unless it is based on consensus. And what is true for defense policy generally is equally true for defense procurement policy in particular. The assent of the people is indispensible. High among the responsibilites of leadership is the job of building consensus through communications. This is not, and it never should become, a question of hucksterism. It's a matter of creating policy in the clear light of reality and then sharing the facts with the people. The bedrock strength of our system of government is the ability of the people to embrace the truth when it is made available to them.

Citizens of the U.S. are perfectly capable of understanding that in the development of today's weaponry emphasis is placed not on using the most advanced technology possible, but on the best, most effective use of technology so as to reach specific, necessary goals. And it is entirely possible to make this understood—because the facts support it. Preference is consistently given to the

simplest, most dependable technology capable of performing the mission at hand and meeting potential threats. Less-costly technology gets preference also—as long as it can do the job.

Everyone involved with military hardware and its development knows that this is true. The problem is not with the facts, but with misunderstanding or misrepresentation of the facts. Such misunderstanding or misrepresentation—they aren't always easily distinguished—sometimes reaches extremes that would be hilarious if they weren't so damaging in their possible results. A good example was an editorial published by one of my home city's daily papers in February of this year. That editorial observed, in words conveying both scorn and dismay, that the F-100 Sabrejets of thirty years ago cost much, much less than the air superiority fighters used by the U.S. Air Force today. The implication, clearly, was that increasing costs were the result of an entrenched obsession with fancy gadgetry.

This editorial failed, rather predictably, to make note of certain significant details. It neglected to observe, for example, that F-100s were single-engine jets armed with 20mm cannons, while today's air superiority fighter has two engines and an awesome assortment of air-to-air and air-to-ground weapons. Today's air superiority fighter has four times the thrust of the F-100. It flies twice as fast and twice as far and is so superior in radar and flight control systems as to make comparison seem absurd.

None of this was considered in the editorial. If any of it had been, it very likely would have been viewed as another example of wasteful spending for airborne hot rods. But U.S. citizens are capable of understanding that the improvements in fighter capability achieved since the early 1950s didn't result from someone's whim. Those improvements were achieved because they were needed. The offensive forces of our potential enemies are always improving. We develop and build better fighters because without them we'd be left undefended. Voters can understand such things. But they need and deserve the facts.

Without facts, people will be ill-equipped to deal constructively with another thing they often hear today—that modern technology makes weapons undependable because of its terrible, uncontrollable complexity. This is demonstrably untrue, and again a detailed comparison of the F-100 with today's air superiority fighter is both typical and illuminating. F-100s, though far more rudimentary in virtually every kind of technology, had a record of 34.4 crashes with damage beyond repair per 100,000 flight hours; this record was accumulated over a total of 500,000 flight hours for the F-100 fleet. Today's air superiority fighter fleet, having now accumulated well over 600,000 total flight hours, has a loss rate of 4.7 aircraft per 100,000 hours. Thus the F-100's loss rate was more than seven times higher—and newer, better technology accounts for the difference. Improvements in technology also explain why F-100s averaged about 2200 flight hours per aircraft, while today's F-15 is designed for 8000 hours of useful service.

Examples of this kind could be listed almost to infinity. And there are still other perspectives from which the question can be viewed; all are valid and all demonstrate that an alarmist response to the quality-quantity issue is not only unnecessary but unjustified.

The attractions of thinking that we might somehow defend the free world and save money by choosing a low-technology, low-capability option are all too obvious. In a way it really is too bad that no number of fighters capable of attacking an enemy at 60,000 feet can stop in invader capable of flying at, and shooting down from, 70,000 feet. Too bad, perhaps, but true.

Many such things need to be said. People need to understand that the days are long gone when numbers alone were the decisive element in warfare. They need to understand that option for less advanced technology doesn't necessarily mean saving money. All these things need to be said. and they need to be heard.●

CENTRAL AMERICA: A SOUND POLICY PROCESS—NOT ADVENTURISM

HON. CHARLES ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. ROSE. Mr. Speaker, tomorrow the House will begin open consideration of H.R. 2760. This important measure would end funding for the covert paramilitary action in Nicaragua while authorizing overt security assistance funds for friendly countries in the region.

Having had the privilege of serving on the Intelligence Committee from 1977 to 1983, I feel compelled to inform my colleagues of the conclusions I have reached regarding the war in Central America.

In his appearance before a joint session of Congress in April, President Reagan eloquently argued that the United States has a stake in Central America. I strongly agree that "the region's freedom and our security" are at stake. As chairman of the Subcommittee on Oversight and Evaluation of the House Permanent Select Committee on Intelligence for 5 years, I carefully watched events in Central America, including the growth of guerrilla strength in El Salvador and the progressive loss of pluralism in Nicaragua. With the President, I oppose "pacifity, resignation and defeatism" in the face of these and other developments. To his rhetorical questions I respond, "No, a democracy does not have to be passive; no, we must not 'stand by while independent nations are integrated into the most aggressive empire the world has ever seen.' "

But, while the President speaks of the threat posed by an aggressive empire, and the need for nations—as Harry Truman urged—to choose between two ways of life, I believe the issue is not whether we stand up to the challenge, but how. Indeed, I see a sad irony. Despite all its zeal to defend our security interests, this administration has—through some short-sighted policies—helped diminish our Nation's security.

By arming and directing paramilitary forces which include exiled members of Somoza's National Guard, the United States has more fully identified itself with the late Nicaraguan dictator than seemed possible in 1979, when we finally distanced ourselves from that despotic regime. The predictable effect inside Nicaragua has been to consolidate support for the Sandinistas and to discredit the internal opposition.

The image of hemispheric meddling is straining the bonds of confidence and shared interest which form the basis of U.S. relations with Latin America and other allies.

Concerned about these strains, a distinguished panel of Latin American and U.S. leaders led by Sol Linowitz and Galo Plaza cautioned:

> Sharp external confrontation with revolutionary regimes is more likely eventually to breed intensified nationalist and revolutionary sentiment. * * * Policies that magnify a danger out of proportion can themselves become part of the problem.
>
> If reciprocal and mutual security is to be fashioned in a region that has often experienced overt and covert U.S. intervention, it would be useful to provide unmistakable assurances that the United States will refrain from reverting to these practices.

FAULTY POLICY PROCESS

Recent policies directed at resisting Soviet and Cuban encroachment and defending democracy in Central America have failed. Part of the explanation lies in a policy process that has systematically neglected the two principal ingredients of sustainable foreign policy: Precise definition of our national security interests and fundamental respect for the American democratic system.

The dilemma posed for the Congress is complex. The United States launches a secret war which immediately becomes public; it backs groups whose aim is and has always been to overthrow the Sandinistas, but claims it supports no such objective; it argues that vital hemispheric security interests are in peril, but cannot devise an effective and consistent policy toward the region and marshal the national consensus necessary to support it.

Developing sound relations with a revolutionary Nicaragua posed ample challenges to policymakers both under the previous and the current administration. This administration, with its contrasting approach in foreign policy, has failed to define clearly U.S. interest, communicate them effectively, and address them through a full range of diplomatic, economic, and security policies. Instead, there has been inflated rhetoric and inconsistent policies which, for example, offer "negotiations" simultaneously with an undeclared war. Asked what our policy is toward Nicaragua, the administration explains that we seek to influence Nicaragua's internal policies in the direction of greater democracy. It is unclear how paramilitary raids are con-

sistent with that objective, or even whether those actions have been seriously examined against that goal.

Instead, we have seen reliance on a covert war that shortcuts a sound policy process. We have seen greater efforts to establish positions and play the aggrieved party than to define U.S. interests and work creatively to achieve them.

Intelligence—the critical eyes and ears of the Government in foreign affairs—has also been jeopardized by this polarization and by subtle pressures to tell policymakers what they want to hear. Last fall the Permanent Select Committee on Intelligence issued a staff report that cited intelligence weaknesses, including "occasional oversimplification and the suggestion of greater certainty than warranted by the evidence." I emphasized at the time that, although I was not accusing intelligence officials of having given in to policy pressures, these weaknesses, if not corrected, "could lead to the intelligence community being manipulated by administration policy rather than policy being guided by properly evaluated intelligence." Beyond the accuracy and integrity of intelligence, there is the potential for an even greater casualty—the reputation of the intelligence community.

PARAMILITARY ACTION IS NOT THE ANSWER

". . . perhaps the most important question the United States must ask, is the risk worth the potential pain? Has there been a true evaluation of the chance of success or failure by an objective group not directly or emotionally involved with its implementation? Do the policymakers have a realistic understanding of the operation?"—Kirkpatrick, Lyman J. Jr., "Paramilitary Case Study: Bay of Pigs."

PAST HISTORY

In my tenure as chairman of the Subcommittee on Oversight and Evaluation, I saw firsthand and beginning steps in a process that has cost the United States so much in Central America. A first step was the reawakening within the CIA of an enthusiasm for paramilitary activity. I became aware of this early in 1980, and took the occasion of a committee briefing with a senior CIA official to ask, "When was the last time that we had a paramilitary operation you would characterize as successful?" Unable to answer the question at the time, he agreed to provide a written response. When it came, the response was unsettling, for it cited a very small number of successes—chief among which was the CIA's paramilitary involvement in the Angolan war. As former CIA Director William Colby wrote in "Honorable Men," the effect of U.S. assistance to NFLA and UNITA during the summer of 1975 was to drive the MPLA "in their desperation" to call "for open help from their Soviet and Cuban allies, who responded with a massive airlift of tanks, artillery, and rockets, and the dispatch of some 12,000 to 15,000 Cuban military personnel * * *."

CIA's list of successes showed that nothing had been learned from history. The only study to have systematically examined the classified records for a wide range of covert and military programs—the final report of the committee chaired by Senator Frank Church—in 1975-76 found paramilitary operations to be "an anomaly, if not an aberration, of covert action." It argued that, in terms of achieving the policy goal and maintaining deniability, "the evidence points toward the failure of paramilitary activity as a technique of covert action." I never found any indication that this administration seriously evaluated previous U.S. experience with paramilitary activity before committing the country to it in Central America.

THE OVERT-COVERT WAR

The presence of a U.S.-backed forces . . . was already well known throughout Latin America. . . . Inevitably the operation became as secret as Christmas Day. Wyden, Peter, "Bay of Pigs: The Untold Story."

. . . It began as a relatively small and low level operation. However, as planning developed, it began to grow larger and larger and U.S. government participation in this activity began to become more and more apparent. Wyden, Peter, "Bay of Pigs: The Untold Story."

In December 1981, when first apprised of a paramilitary program against Nicaragua, I was struck by the arrogance and even the cynicism of those who briefed us. Questioning the complexity of the program, I asked, "How likely is it that U.S. involvement can be kept secret?" The response was, "If it is not leaked in Washington, there is probably a good chance that it will be kept secret." As I considered that response, I doubted that the purpose was a truly secret effort limited strictly to interdicting arms—there was in my view an unacknowledged objective—to reveal U.S. muscle.

I found the parallels so similar to the disaster that befell the United States in the Bay of Pigs that I circulated to the members of the committee excerpts from Peter Wyden's book, "Bay of Pigs: The Untold Story." One only has to substitute Nicaragua for Cuba and Honduras for the U.S. training base in Guatemala to bring Wyden's book up to date.

It became clear in March 1982 that there was an unacknowledged objective—the flexing of U.S. muscle—when NSC documents related to the operation became public. Since those documents were not provided to the two congressional intelligence committees, it was evident that the executive branch was behind the revelation and the White House did little to deny it.

While a covert paramilitary activity was inconsistent with a sound policy process, its overt acknowledgment made it more so. It precluded developing necessary congressional backing for the policy or, conversely, gaging the degree of congressional oppposition to it. Equally important, an unstated objective such as muscle flexing is an untested objective. Costs and benefits are not weighed, and possible consequences are not considered.

While the press was beginning to know as much about the operation as the oversight committees, I was reading reporting dating back to the fall of 1981 that Nicaraguan exiles were waiting for the United States to give them the green light. It was clear that if the Nicaraguan exile community was waiting for the green light from the United States, it would be no secret to the Cubans or the Sandinista government of Nicaragua. As the operation grew in strength the people who were being supported became more vocal, not in their desire to interdict arms but in their intention to overthrow the Government of Nicaragua.

Although from the start the operation risked sparking a war between Nicaragua and Honduras. I was convinced that insufficient attention had been given either to estimating this possibility or to considering what U.S. response might be required. The great danger of such activities is that they can lead to miscalculation on one side or the other. It might lead to an expanded Cuban presence in Nicaragua. It might lead to the presence of combat aircraft. It might lead to an extended border clash with Honduras which could result in a general conflagration which would involve not only Honduras and Nicaragua but all of the countries in Central America, and could include the United States and Cuba and, yes, possibly the Soviet Union. Wars have started over less—much less. And the provocation between Honduras and Nicaragua is certainly there.

With the Gulf of Tonkin in mind, I was equally concerned that such a paramilitary operation could be used as a pretext by the United States for committing U.S. forces to the defense of Honduras under the Rio Treaty. In fact, there are some who believe this was the objective but the Sandinistas did not bite.

With this overt-covert was being featured nightly on network news, with journalists being invited to travel with the anti-Sandinista FDN forces in Nicaragua, no doubt with the administration's blessing, it is little wonder that the American people and the Congress find themselves in conflict with such a policy.

Admiral Stansfield Turner, with whom I had my share of differences when he was Director of Central Intelligence, correctly emphasized recently the need to ensure that covert actions are undertaken only when they are likely to be supported by a national consensus, and that careful judgments

are needed to establish the nature of our national interests and the way in which these can best be served. Since it is impossible to calculate the degree of public consensus supporting a covert action, a sound policy process requires that any covert action be "consistent with, and in support of, the publicly avowed foreign policy of the United States." That is, in fact, one of the requirements provided for in the Intelligence Activities Oversight Improvement Act, recently introduced by the current chairman of the Subcommittee on Oversight and Evaluation, Congressman WYCHE FOWLER.

Whether or not covert techniques are ever employed, a sustainable, problem-solving approach to foreign policy requires that national interests be systematically defined. Without such definition, realistic strategies cannot be developed, and policy becomes little more than static position-taking. This administration—any administration—must recognize and accept the need for public and congressional support for the principal goals and means of foreign policy. Ad hoc exhortation by the President—even a greater communicator—is no substitute for sound process in the development and implementation of foreign policy; and guerilla warfare is no substitute for sound policy.

Mr. Speaker, I urge my colleagues to support passage of H.R. 2760.●

MIAMI CENTRAL SENIOR HIGH SCHOOL BAND GOES TO BERLIN

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. LEHMAN of Florida. Mr. Speaker, during the school year of 1981–82, John Frege was an exchange teacher from West Berlin at Miami Central Senior High. He had a dream as well as a challenge that seemed truly impossible: he wanted to take his inner city high school band and marching team to Germany.

The cost was in the thousands and these were students from mostly lower middle and even lower income families. How the money was raised is as much a story as the story of their adventures in Berlin. First, Air Florida donated free round trip airfare from Miami to London and arranged a low-cost charter to West Berlin. Then there were several donations from various individuals and groups. But a lot of money was still needed. The band held a spring concert, car washes, and tent sales; sold Miami Dolphin T-shirts and Martin Luther King T-shirts; and rented themselves out individually for a day to do odd jobs. When the fundraising dust had cleared, the band had raised nearly $30,000.

The overriding theme of this story is that of young American determination to overcome impossible odds to realize a vision, an American impossible dream that came true in West Berlin. Certainly we have a right to be proud of these young people of Florida's 17th Congressional District who overcame so much adversity to travel so far.

Following are two Miami Herald articles about this trip.

THEY ARE THE STARS IN BERLIN

(By Ann Macari)

BERLIN.—Bernhard Behrendt rode his bike into his hometown Wednesday to do some shopping when he heard strains of Wagner and glimpsed the green and white flags waving above a crowd.

He raced back home, grabbed his camera and sped back to the park in front of the Zehlendorf town hall in a West Berlin suburb.

"They all look very good together," he said, watching the high school band members standing erect and tall in their green and gold uniforms and the drill team swirling their flags. "They don't look so young."

He placed his camera inches from the cheek of a clarinetist. He clicked the shutter. Lots of other cameras in the crowd clicked, too.

This was the third day of the debut of the predominantly black Miami Central Senior High band in West Berlin. And it felt good.

"They accepted us," trombonist Kelvin Massie, 17, said with a grin. "They appreciated the music and the color we are. They seem glad we're here."

"There should be more of this," said Detlef Mohaupt, a 21-year-old German. He tapped his fingers on his bike seat to the music's beat. "We should have better contact between people of both nations through this kind of music and performance. It doesn't make a difference at all if they're black or white."

Which doesn't mean a predominantly black band still isn't something of a curiosity item. Few blacks live in this city of 2 million people, where about 233,000 of them are foreigners. Most residents come from Turkey, Greece, Yugoslavia and Italy. West German consulate press officers in Miami and Atlanta say only "a minute percentage" are blacks from Africa and the United States.

Since arriving Monday, resplendent in silk dresses and pin-striped suits, the 70 marching Rockets have been a focal point as they strolled down the Kurfustendamm, the city's main shopping street, and rode the buses and subways.

"Everywhere we go, we're always being stared at or whispered at," said drill team member Regina Howard.

But even so, all the students readily agreed on one thing:

"This is not a prejudiced town."

It's been a trip of firsts for many of the students: the first plane ride, the first subway ride, the first time to hear a church bell ringing the noon hour. Some expectations fall a bit short—except for the wildly dressed punk rockers with wild clothes and psychedelic hair, students found people dress pretty much the same.

So the teenagers have been trading dance steps with German kids at a disco, buying out a secondhand store of its mohair suits, hitting the tourist spots and winning smiles and applause from the crowds that gather to hear them play.

There's been just one snag. Call it disorganization.

Until a few hours before the band member's first performance at the Zehlendorf town hall, city officials did not know they were coming. There were no musical stands available.

When the band showed up Thursday to march in the parking lot of Berlin's town hall, the cars were still there and couldn't be moved. Police at the town hall said there was no way they could rope off the lot for the 30 minutes the band needed.

And though the band will play for an hour and give a marching show Monday at American Liberty Day celebrations, it wil not march in the parade as the program stated.

The band never could have, said Lt. Col. Robert Ahrens of the American Armed Forces. The parade is strictly military. Always has been, always will be.

"It's been disappointment after disappointment after disappointment," said band director Kenneth Tolbert. "But the kids are survivors . . . and they will always remember this trip as a positive influence."

"It's really a big scandal," said a German journalist from one of the local papers, referring to the mismanagement.

Reporters here—tipped by John Frege, the German exchange teacher who taught at Central last year and who instigated the trip—picked up on the story at Thursday's performance in front of the Schoneberg City Hall, West Berlin's political center where John F. Kennedy won the hearts of Berliners when he declared, "I am a Berliner" in German.

Wolfgang Oergel, deputy director of the Berlin tourist office, said he does not know why the confusion occurred. He said the Berlin Tattoo—the contest the band was to compete in originally until Tolbert was told last week it had been canceled because of lack of participation—actually was called off in March. And he said he knew in February the band could not march in the Fourth of July parade. Oergel said the travel agency organizing the American end of the program was told about the changes in May.

But spokesmen for the Educational Travel Agency in Allentown, Pa., said Thursday they didn't know about any of it until last week.

Oergel said, however, events should go as planned from now on.

"We are trying to get something in order so they are not disappointed," he said. "But things do go wrong."

But the band has forged ahead despite the setbacks.

Friday night, the band gave a symphonic performance at an open-air theater that holds up to 20,000 people. The concert was the opening act to a ballet the band watched afterward.

Today, the band will march down the Hermanstrasse. Oergel said police and tourist officials are expecting several thousand spectators. The band will march Sunday in front of the Reichstag, Germany's former Parliament building.

And Monday's festivities are expected to draw up to 100,000 people, according to police, media and military estimates. It is the first time Independence Day will be celebrated with Berliners, to commemorate the 300th anniversary of the first German emigration to America and part of the city's German-American summer festivities.

"They [the band members] are the stars in Berlin," Oergel said.

The "stars" are enjoying every bit of their week-long stay. Except for the food.

Most strongly dislike the stroganoff and veal in sauces. They said they're used to fast-food hamburgers and fried chicken. So they buy fruit and eat at Burger King.

And nobody can get over the taxis—almost all are Mercedes-Benzes.

"That's unbelievable," said clarinetist Patrisa Coleman. "I had to take a picture of that because they wouldn't believe me back home."

Coleman also couldn't believe the Victory Column, either. A gold-plated angel tops the towering monument.

"I've got to get a picture of that," she said. "In Miami, they'd climb up there, chip it off, take a piece of it and leave."

On their second day, the students toured in a double-decker bus, practically climbing over each other to snap pictures.

The bus rode by the Allied Control Council building. It rode by the Brandenburg Gate, the triumphant arch that stands just inside East Berlin. By the Charlottenburg Palace, once home to kings and queens. By the Soviet memorial, where Soviet guards stand immobile.

"Are they real men?"

"They can't even move? God!"

"I'm out of film!"

"Move your head!"

They visited the Olympic Stadium where black American track and field athlete Jesse Owens won his four gold medals during the 1936 Olympics. Students gazed toward green grass on the center of the field where they would have played in the canceled Tattoo.

"Just let me touch it," said Marcus Jerkins, a ninth-grader who plays the trumpet. "Just let me stand on it. Imagine how these green uniforms would have looked. We would have echoed,"

And finally they got to the Berlin Wall and Checkpoint Charlie.

Students stood on the platform and gazed into the East Berlin compound laced with mines, iron blockades and guards who shoot on sight.

"It looks so quiet and gloomy," said clarinetist Adrian Alexander, 17.

"A lot of people's attitudes changed after that," Regina Howard said later. "It makes you take life more seriously."

But the teenagers said what they really can't get over is that college is free and people respect the law.

They are astonished shops put racks of books and shoes outside for people to look at or try on. That bicycles are left on sidewalks without chains. That people don't cross streets until the green light comes on. That people don't throw rubbish on the ground.

"I don't see how police earn their money," said tuba player Troy Henderson. "They don't give you tickets. There's no need for the police. Everybody respects each other's privacy. I like it over here."

And they like the way people treat them.

"If someone was in the elevator—say it was a lady—and a group was to come up to you, she would put her purse in her arms and take her jewelry off and hold it," Henderson said. "Here, they smile and say, 'How are you?' "

MIAMI BAND'S FINALE STIRS PULSES IN BERLIN

(By Ann Macari)

BERLIN.—The distant drumbeat grew louder as the green-and-gold line snaked its way closer to the bandstand. Then, like the parting of the Red Sea, the multitude made way for Miami's marching Rockets as they took their places and stared to play *Under the Linden Trees.*

It was the grand finale Monday to a week-long adventure: young American musicians stirring pulses and winning raves.

Thousands of miles away from home, the Miami Central High School Band that had beaten the odds to get to West Berlin made music for more than 20,000 Germans and Americans in the city's largest-ever Fourth of July celebraton.

"It was the greatest performance we ever had," said band member Rodney Little, 18, a French horn lying-across his lap.

"Its different and special," said trumpet player Eric Chisolm. "It's something we can look back on and brag about—and say we played 4,000 miles away from home and we did a good job."

The band members left Miami June 26 for West Berlin to take part in the Berlin German-American Summer festivities commemmorating the 300th anniversary of the first German emigration to the United States.

They had to pay their own way. It wasn't easy, but in six months the students from the predominately black, low-income area that surrounds the school at 1781 NW 95th St., accumulated nearly $30,000 through fund-raisers and donations. In addition, they got a major boost from Air Florida, which provided free round-trip airfare between Miami and London and helped the 70-member aggregation arrange a low-cost charter between London and West Berlin.

The crowd that blanketed the lawn and grassy hillside Monday near the Wannsee, West Berlin's largest lake, welcomed the Rockets warmly. The spectators clapped and cheered and whistled as the band played selections ranging from a symphonic suite through a medley of Broadway show tunes to the Star Spangled Banner.

"The music is beautiful," said German nurse Eli Dietze.

Officials estimated that by night's end the crowd would exceed 50,000, said Wolfgang Oergel, deputy director of the Berlin tourist office.

It was the first time that an American high school band had helped their countrymen in West Berlin celebrate the Fourth of July. For the 12,000 Americans there, the Central students brought a piece of the motherland to Germany's largest city.

"I think it's great," said 1st Lt. Mark Jaworski, sitting on a blanket with his wife and four-month-old daughter. "It's a little bit of home."

To the Berliners, the high school band was something new.

"It's pretty good," said 17-year-old Thomas Sommarfald. "It's something different from what we're used to."

High schools in West Germany have no marching bands.

The students had worked their magic earlier in the trip, as scheduled performances—at first plagued by disorganization—started to run smoothly. On Sunday, the band marched for several hundred people in front of the Reichstag, or parliament building.

But it was on Saturday that the band, directed by Kenneth Tolbert, achieved stardom. The marching Rockets bewitched the residents of Neukolin, West Berlin's largest district. The students marched through the heart of the working-class neighborhood, a one-band parade that drew thousands of men, woman and children to hear music and see the green-and-gold uniforms.

All stopped to watch. Some leaned from balconies. Many chose to follow the band as it marched up the Hermannstrasse and back down to a plaza where the students gave a short concert.

"This is great, super, really wonderful," said Felix Schmidt, 58, a brewery worker. "It should happen more often—something like this. It's evidence that there is a tie with the United States."

Besides getting a plaque and commemorative pins from the mayor of Neukolin, the band got a gift of 350 marks—about $150—from a local merchants association, Aktion Hermannstrasse, which wanted to help defray the cost of the trip from Miami.

After the performance, spectators crowded around the students asking for autographs, getting their pictures taken with band members, then finally waving goodby.

"We never had a band like this," said Neukolin Mayor Arnulf Kriedner. "You see, the people are very happy."

The residents of Neukolin weren't the only blissful ones. Central's band reveled in the moment's glory.

Said Rosa Eberhart, 17, one of the flag twirlers: "They made us feel like movie stars."●

REMEMBER THE "MAINE"

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. BONIOR of Michigan. Mr. Speaker, there has been no more telling indictment of Reagan administration policy than the President's own admonition to "Remember the *Maine*" when stating that he would not forswear the use of U.S. troops in Central America. As columnist Philip Geyelin underscored in his recent articles in the Washington Post, we would indeed do well to remember the lessons and legacy of the U.S. battleship *Maine.*

We would do well to remember that, when the *Maine* blew up in Havana harbor in 1898, no one knew who did it, but the explosion was used as a rallying cry to justify U.S. entrance into the Spanish-American War and to launch an era of U.S. imperialism in the region.

And we would do well to remember the conclusions of Adm. Hyman Rickover in his definitive study of the incident:

With the vastness of our government and the difficulty of controlling it, we must make sure that those in "high places" do not, without most careful consideration of the consequences, exert our prestige and might. Such uses of our power may result in serious international actions at great cost in lives and money—injurious to the interest and standing of the United States.

Yet, as I read the front page of recent newspapers, I fear that President Reagan's remarks should be heeded not as history but as prophesy. Next year, the President plans to request a 40-percent increase in military aid for the region. Next month, the

United States will begin extended military exercise near the Honduran-Nicaraguan border. These are expected to last at least 4 or 5 months, involve over 5,000 U.S. military personnel and keep one or two carrier battle groups off the coast for the duration.

Can there be a situation more clearly designed to remind us of the fate of the *Maine*? Or has the President already taken us irrevocably beyond that turning point? It is time we realize that, in spite of the lessons of the past, current public opposition, and explicit constraints on the President's war powers, we are already mired in a widening regional war in Central America.

The President seems to be groping, not for a peaceful solution, but rather for a jingoistic slogan, a symbol of consensus, some justification for the "cost in lives and money" and the "injury to our national interest and standing" that is already being incurred in Central America.

I commend to my colleagues the two articles by Philip Geyelin and yesterday's editorial from the New York Times, which warn of the dangers of failing to come to terms with our own history.

[From the Washington Post, July 7, 1983]

REMEMBERING THE MAINE

(By Philip Geyelin)

"You know, they blew up the Maine," the president said in his familiar, offhand manner, by way of illustrating why presidents should never say never when it comes to the question of committing American forces to foreign wars. The press conference turned to the question of whether he is a rich man's president and a 15th futile effort to find out what he knew about Jimmy Carter's briefing book and when did he know it. Time ran out before anyone asked him precisely why he wanted us to remember the Maine.

Yet the president could hardly have employed a more arresting, not to say explosive, analogue. And he could hardly have picked a less propitious time to incite debate and heighten anxiety over how, and by whose hand, American forces are committed to combat in a foreign land. Even as the president was speaking, congressional critics of his Central American policy were already struggling to constrain the creeping "Americanization" of the counterinsurgency efforts of the army and government of El Salvador.

Meantime, the foreign policy powers-that-be on Capitol Hill were assessing the damage done to the War Powers Act by the recent Supreme Court ruling that the congressional veto is unconstitutional. Hardly the time, one would have thought, to be hauled all the way back to Havana harbor in 1898 and the explosion that sank the U.S. battleship Maine.

For if the public frenzies and abuses of power in that egregious episode are to be our guide, the president was opening up a loophole large enough for the 82nd Airborne and several battalions of U.S. Marines even as he was "seeing no need" for American combat forces in Central America. It's true, there is one crucial connection: high-profile American military presence in the vicinity of an armed conflict. The Cubans were in revolt against Spanish rule. And, true, the Maine blew up.

There was no evidence of who "they" were who did it. But some 250 American sailors died, and that was grounds enough for Teddy Roosevelt, as assistant secretary of the Navy, to blame Spain and exploit a willing press to fan the flames of war. Carried along by public hysteria, an overheated Congress announced Cuba's independence, authorized intervention by American forces and ultimately declared war. Thus began the first (and final) American fling with imperialism.

All this, and more, is set down in Merlo Pusey's primer on "The Way We Go to War": heavy-handedly, and more often than not unconstitutionally. Pusey concluded. With remarkable prescience he argued that "under the impact of ideological upheavals and sudden acquisition of superpower responsibilities, we have drifted a long way from the restraints that the founding fathers put upon war making"—by which he meant the authority vested in Congress to "declare" war.

The prescience was in the timing: Pusey's book came out in 1969; just one year later Richard Nixon arrogantly expanded the Vietnam War (itself undeclared)—with no prior notice to Congress—by ordering a surprise American attack across the borders of neighboring Cambodia. The targets were "enemy" concentrations of North Vietnamese forces in privileged Cambodian sanctuary.

But the consequences to Cambodian political stability were catastrophic, and the political impact in the United States was to be profound. For it was the Cambodian "incursion," according to a House report of the legislative history, that provided the "initial impetus for a number of bills and resolutions on the war powers" that culminated in the passage of the War Powers Act in 1973. Its provisions would permit the president to commit troops to hostile situations, even without necessarily consulting Congress in advance, though that is the law's clear preference. It also provides that if the troops are not withdrawn within 60 days, Congress must authorize their continuing presence by legislation.

Finally, if Congress disapproves of the mission, it assumes the right to veto it, which would require the president to withdraw the forces.

Most legal experts seem to agree that this last feature of the act has been wiped out by the Supreme Court's ruling on legislative veto power.

So now the lawmakers, already wrestling with the Central American case in hand, must address themselves to the larger question of how to strike a reasonable and effective balance between the war-making powers, rights and responsibilities of Congress and the executive. They will find scant inspiration in the past, whether recent, as in Vietnam and the murky matter of the Tonkin Gulf incident, or remote, as in the equally dubious origins of the Spanish-American War. But they will find useful lessons.

Merlo Pusey did. "If Congress will not authorize a war, limited or full-fledged, after reasonably full knowledge of the facts and sober deliberations, the American people should not be in it," he wrote. "Our first and largest constitutional obligation . . . is to move toward restoration of that principle."

[From the Washington Post, July 21, 1983]

ADMIRAL RICKOVER, TOO, REMEMBERS THE MAINE

(By Philip Geyelin)

In the United States Navy, congressional hearing rooms and the Oval Office of at least half-dozen presidents, Adm. Hyman Rickover was a gale force. A man of terrible temper and single-minded, disciplined dedication, he was the creator of the nuclear Navy and an inspiration to Jimmy Carter in Carter's formative Navy days.

In their first encounter, Rickover asked junior officer Carter how he'd done at the Naval Academy. Pridefully, Carter said he finished 29th. "Did you do your best?" Rickover demanded. "Not always," Carter replied, to which Rickover snapped back: "Why not?" Thus the title (subtly adjusted to the purpose at hand) of Carter's campaign autobiography, "Why Not the Best?"

His reputation having thus preceded him, I was braced when Rickover called the other day to deliver a brisk critique on a recent reference in my column to the blowing up of the U.S. battleship Maine. Ronald Reagan had cited the incident as reason enough for presidents never to foreclose the possibility of sending U.S. combat troops to war, and it had struck me as a godawful analogy.

Rickover has missed my point, but he did add considerably to my knowledge of the story of the Maine. He powerfully reinforced, as well, the case that Ronald Reagan's grasp of history's great moments is Reader's Digest-thin. He also gave evidence that, at age 83, the gale has lost none of its force.

Had I not, he asked, read his definitive study, published in 1976 by the naval history division of the Navy Department, entitled "How the Battleship Maine was Destroyed"? I had not. Was I not aware that he had proved conclusively that it could not have been an external explosion (suggesting the work of Spanish saboteurs) as had been concluded by a court of inquiry at the time; it had to have been "internal" (suggesting an accident). I didn't know that.

And so it went: "What did they teach you in high school?" I was developing a deep sympathy for Jimmy Carter. "You're the guy that [bleeped] it up," Rickover almost shouted, "and it's up to you to un-[bleep] it."

Minutes later he was back on the phone, reading from the final passage of his 1976 report: "With the vastness of our government and the difficulty of controlling it, we must make sure that those in 'high places' do not, without most careful consideration of the consequences, exert our prestige and might. Such uses of our power may result in serious international actions at great cost in lives and money—injurious to the interests and standing of the United States."

Precisely my point—and precisely the theme of Rickover's report. When Ronald Reagan says casually "You know, they blew up the Maine" in justification of the use of American military force, he is overlooking the fact that even as Teddy Roosevelt was exploiting the Maine to whip the nation into war with Spain, there was no evidence of just how the Maine was blown up.

Rickover to the contrary, there is still no evidence. Appendix A of his own report convincingly makes the case against an "external" source exploding inward, as with a mine. As for "possible internal sources," the report leans toward the theory of a coal bunker fire, but does not exclude "crew sabotage, a small arms accident, a bomb plant-

ed by a visitor"—which is therefore not to exclude a Spanish visitor.

But no matter. Leave aside the relevance of a study conducted in 1976 on policy-making in 1898. The admiral's report is no less relevant in 1983, on that account, whether we are talking about the Maine, or the "battle" in the Gulf of Tonkin that triggered the first bombing of North Vietnam, or the extreme vulnerability of an expanding American presence in Central America to terrortists' reprisals of uncertain origin. As between Reagan's reading of the lesson of the Maine and Rickover's, I recommend the penultimate paragraph of his seven-year-old report.

"In the modern technological age," he wrote, "the battle cry, Remember the Maine, should have a special meaning for us. With almost instantaneous communications that can command weapons of unprecedented power, we can no longer approach technical problems with the casualness and confidence held by Americans in 1898. The Maine should impress us that technical problems must be examined by competent and qualified people; and that the results of their investigation must be fully and fairly presented to their fellow citizens."

I hope that un-[bleep]s it.

[From the New York Times, July 24, 1983]

FORGET THE MAINE

(If you want war, nourish a doctrine. Doctrines are the most frightful tyrants to which men ever are subject, because doctrines get inside of a man's own reason and betray him against himself. . . . Doctrines are always vague; it would ruin a doctrine to define it, because then it could be analyzed, tested, criticized, and verified. . . . Somebody asks you with astonishment and horror whether you do not believe in the Monroe Doctrine. . . . You do not know what it is; but you do not dare to say that you do not, because you understand that it is one of the things which every good American is bound to believe in. Now when any doctrine arrives at that degree of authority, the name of it is a club which any demagogue may swing over you at any time and apropos of anything.—From "War," by William Graham Sumner, 1903.)

The ideologues and idealists who inspired that warning, from a noted, conservative, are swinging their club again. They have stampeded the country into Caribbean military ventures in virtually every decade of this century. Their alarms—anti-Spanish or anti-British or anti-Soviet—have rarely proved justified, and their interventions have done vastly more harm than good. But here they go again.

You don't believe in the Monroe Doctrine? You accept the Brezhnev Doctrine of Irreversible Revolution? You want Another Cuba? Never heard of the Domino Theory?

For such slogans, the Treasury is opened, the Navy sets sail, C.I.A. armies cross borders and American commitments are drawn in quicksand. When the people balk, the flags are raised still higher and the President merges all slogans into one unreasoned cry:

"There can be no question: The national security of all the Americas is at stake in Central America. If we cannot defend ourselves there, we cannot expect to prevail elsewhere. Our credibility would collapse, our alliances would crumble, and the safety of our homeland would be put at jeopardy."

The problem, it's easy to forget, is not a Soviet attack or missile base but El Salvador, a small, long-misgoverned country whose feeble rulers are unable to put down either a Marxist-led revolt or the counter-terror of the right. Though his Ambassador said this civil war will take a decade to resolve, Mr. Reagan has made it America's war.

Why? Probably because of Nicaragua, whose welcome revolution produced an unwelcome Cuban-style regime. The Sandinista rebels now running Nicaragua have been rooting for and helping the rebels in El Salvador and, anticipating Yankee hostility, taking arms from Cuba and other Soviet friends.

Mr. Reagan says he'll go to any lengths to stop Nicaragua's interference. But the evidence grows that this is a pretext for efforts to overthrow the Sandinista regime. Honduras has been made a base for American-led campaigns into both El Salvador and Nicaragua, and people in Washington now expect—intend?—that provocations will permit the Honduran Army, supported by American forces, to crush the leftists in both countries.

The Administration insists it will thus provide for the "safety of our homeland" with a few billion dollars and without many American troops. Its private documents, however, already stress the value of at least threatening direct American action.

With the public unmoved, and Congress torn between doubt and loyalty, Mr. Reagan has now summoned Henry Kissinger and a chorus to justify his course or suggest a better one. But what kind of approach is that to a problem the President puts at the top of his list? This commission is a chorus of amateurs and won't even report for five months. And Chairmaster Kissinger, though a most agile diplomat, brings no open mind. He long ago raised his own voice in the Administration's sloganeering:

"If we cannot manage Central America, it will be impossible to convince threatened nations in the Persian Gulf and in other places that we know how to manage the global equilibrium. We will face a series of upheavals . . . It escapes me why we have to apply the Brezhnev Doctrine in Central America and assert that any Communist government that has established itself can never be changed."

There they are: Monroe Doctrine, Global Equilibrium, Domino Theory, Brezhnev Doctrine, Irreversible Revolution. He might as well yell "Remember the Maine"—as Mr. Reagan did last month in refusing to rule out combat troops.

The mystery sinking of the U.S.S. Maine in Havana harbor became the bloody shirt of the jingos who pushed for war with Spain in 1898 to stretch America's empire to Puerto Rico and the Philippines. They at least had a naval imperative, as did the Presidents who for the next 50 years colonized the Caribbean for its sea lanes and Panama Canal. If Mr. Reagan would but remember the Canal treaties, which he meanly opposed, he might update his knowledge of Latin reality and diplomatic possibility.

Presidents Eisenhower and Kennedy "lost" Cuba on their watch, but the United States survived. So well, in fact, that for the next 20 years, it mostly ignored Latin America. Mr. Reagan may "win" back Nicaragua, as Guatemala was won back in 1954, but that would only prolong the misery and resentment on which radicals prey and build anti-Yankee plots. We may have forgotten who saddled Nicaragua with the Somoza dictatorship; Nicaraguans have not.

Forget the Monroe Doctrine. It was a young America's prayer for isolation from Europe's conflicts and later a pretext for aggrandizement. It is resented by Latins and, like the Maine, irrelevant to the nuclear age. Keeping Soviet bases out of the Americas is a matter for the superpowers to resolve, as they did in Cuba after a confrontation that neither should want to repeat.

Forget the Global Equilibrium. That is nothing more than a pitch for spheres of influence, and those have to be earned, as in Europe. Nicaragua is no more surely "ours" than Pakistan, or Afghanistan, is the Russians'. Mr. Kissinger is right to say that mismanaging power anywhere can dissipate power everywhere, but wisdom does not flow only from the barrel of a gun. Nicaragua's deplorable passage from a right- to left-wing dictatorship is an object lesson, not a threat to world peace.

Beware the dominoes, by all means. Nicaragua, like Cuba, should be prevented from exporting weapons, by joint action of hemisphere nations. But blockades won't keep radical ideas from reaching frail societies.

Does that mean acquiescing in the triumph of communism in one Cuba after another, in the doctrine of the Irreversible Revolution? Of course not. Even Cuba will not forever be a Soviet ally. Much depends on what the United Stated has to offer Latin Americans, including its revolutionaries. Fidel Castro's renown owes as much to our hysterical opposition as it does to his own accomplishments.

Revolutions are unsettling, but not inevitably Communist. If Communist, they are not inevitably pro-Soviet. If pro-Soviet, they are not irreversible. Only the Red Army keeps Eastern Europe Communist; Chinese and Yugoslav Communists have become America's friends. The idea that the whole world is tilting from right to left and threatening to bury the Americas in a Marxist avalanche is a dangerous delusion—just one more doctrine.

There are many things the United Stated should be doing for hemisphere stability, democracy and prosperity, to defend its genuine interests, diminish Soviet influence and dispel the impression that it is threatened by social justice in Latin America. What it should not be doing is overthowing containable leftist regimes or fighting for lost reactionary causes, launching invasions and war games in the service of blind doctrine.

The President who remembers the Maine in the Caribbean forgets the Maddox and Turner Joy in Tonkin Gulf. He is inviting, perhaps provoking, incidents, practicing neither vigilance nor diplomacy but adventurism. He is drifting into war and turning minor problems into colossal defeats.●

THE WAXMAN AMENDMENT TO H.R. 3021

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. BLILEY. Mr. Speaker, among the more disturbing aspects of the Waxman amendment to H.R. 3021 allowing Federal funding for abortions in cases of alleged rape or incest is the effect it could have on the enforcement and investigation of actual rape cases. Police officials inform me that the reporting of nonexistent rapes in

order to receive free abortion funding divert a substantial amount of investigative time from actual crimes. In addition, such an exception might actually provide a new defense for a rapist who could claim that the victim alleged rape only to get the free abortion.

I insert three letters from law enforcement officials expressing these and related concerns in the RECORD.

I would also point out to my colleagues that pregnancies resulting from rapes are extremely rare, and that even when pregnancy results, adding another victim by killing the child is hardly a proper response. I am including with my statement an article by noted authority on gynecology, Dr. Carolyn Gerster on this subject.

The subsequent material was submitted for the RECORD.

DILLSBURG, PA., *July 14, 1977.*

Hon. DANIEL J. FLOOD,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE FLOOD: I make the following observations and requests on the basis of nearly thirty-one years of experience with the Pennsylvania State Police in which I currently hold the rank of Major. However, the views expressed herein are my personal views and do not represent those of the Pennsylvania State Police.

My purpose in writing to you is to urge that you oppose the language of the H.E.W. Appropriations Bill currently before your Committee. As I understand it, the language of the Bill would permit funding of abortions when the pregnancy resulted from rape.

I oppose funding of rape related abortions on the following grounds:

1. It seems logical to assume that, in order to acquire funding for abortion, some females will attribute an unwanted pregnancy to rape when, in fact, no rape occurred.

2. In order to lend authenticity to spurious rape claims, many females may resort to filing false rape complaints with police agencies.

3. Rape investigations, whether or not they are based upon fact, are very time consuming.

4. Most police agencies here in Pennsylvania, including the State Police, are suffering critical manpower shortages which are likely to get a great deal worse before they improve.

5. False reports of rape would exacerbate these manpower problems.

6. When police investigations reveal the falsehood, they will incur the enmity of the female reporting it and that of her supporters. In short, it will create police-community relations problems.

7. Making rape related pregnancy an exception to the prohibition against funding of abortions may provide actual rapists with a defense maneuver whereby they contend that the victim is charging rape only in order to provide a basis for a funded abortion.

8. While it is true that rape may, in a very few cases, result in pregnancy, publicly funded abortion is not the answer. Rather, society or government should institute a program to educate females regarding the vital importance of notifying the police and seeking medical attention immediately after having been raped. Prompt medical attention at that point would nearly preclude the possibility of pregnancy.

For these very pragmatic reasons, I urge that you delete rape related pregnancies as an exception to the prohibition against abortion funding as expressed in the language of the H.E.W. Appropriations Bill.

I sincerely thank you for any consideration you may accord this request.

Respectfully,

MICHALE DONAHOE.

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, INC.,
Gaithersburg, Md., July 18, 1977.

Hon. HENRY J. HYDE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HYDE: Thank you for your inquiry of July 13, 1977. We understand that within the next two weeks, a Senate-House Conference Committee will be meeting to resolve the differences between both chambers' versions of the 1978 Labor/HEW Appropriations Bill. Section 209 of the bill deals with the matter of federal funding of abortions. The House version completely prohibits such funding, while the Senate version allows funding under certain circumstances. We believe of definite relevance from a law enforcement perspective, is the proposed Senate provision that would allow federal funds to be paid for abortions performed for the treatment of rape or incest victims.

If this Senate provision ultimately becomes law, the federal government would have created a situation whereby a woman wishing to obtain a free abortion (at government expense) would be required to report that a crime of rape or incest had occurred. Obviously if the reporting of a crime becomes financially profitable, we can expect innumerable false reports. Each such report would have to be investigated requiring considerable man-hours of already overburdened police departments.

Furthermore, if it were found that the complaint was false, then further police time could be invested in charging the individual with making a false report.

While the International Association of Chiefs of Police takes no position on the issue of federal funding of abortions, the Association opposes the inclusion of the language regarding rape and incest in the Senate version of H.R. 7555 for the aforementioned reasons.

Sincerely,

GLEN R. MURPHY,
Director, Bureau of Governmental Relations and Legal Counsel.

NATIONAL SHERIFFS' ASSOCIATION,
Washington, D.C., July 18, 1977.

Hon. HENRY J. HYDE,
Longworth House Office Building,
Washington, D.C.

DEAR MR. HYDE: The National Sheriffs' Association does not want to place itself on record as commenting on federal funding for abortions per se. We do not feel this issue is germain to our association.

We do however, wish to comment on the proposed Senate provision that would allow federal funds to be paid for abortions performed for the treatment of rape or incest victims only.

We feel this provision undesirable from several viewpoints. Firstly, the wording would lead a person desirous of an abortion to make false reports to law enforcement agencies which would have to be checked and investigated at some length. These crimes are not easy ones to prove or disprove and resultantly require many manhours of investigation. American law enforcement agencies are presently overburdened and do not have this vast amount of time available.

If the complaint is, in the end, proved to be false, much additional time must be consumed in filing charges against the complaining individuals which can also further cause backlogs in our already overburdened courts.

Thirdly, we do not feel that legislation which induces a citizen make a false statement merely to obtain benefits can be considered a just law. If we are truly to seek justice for all, I feel this type of wording should be avoided.

Cordially,

FERRIS B. LUCAS,
Executive Director.

[From the National Right to Life News, November 1975]

WHY NOT KEEP LEGALIZED ABORTION FOR RAPE AND INCEST?

(By Carolyn F. Gerster, M.D.)

PREGNANCY FROM RAPE

Eliminating the cases of freely consented intercourse with a minor (statutory rape), what is the reality of pregnancy from forcible rape? Like all acts of violence, rape is increasing. There has been a 112 per cent rise in reported cases in the past twelve years.[5] Interestingly enough, as in the case of the battered child, the most rapid rise has occurred after the passage of permissible abortion laws. The problems created by rape are not solved by abortion.

There are, oddly, no national statistics on the number of pregnancies from unconsented intercourse. We may, however, take a representative year, 1967. There were 27,100 assaults with rape or intent to rape reported by the FBI Crime Report.[6] Of these, 18,000 were recorded as forcible rape (labial penetration with or without emission whether interrupted or not).

The ovum can be fertilized for only 24 hours after ovulation. The sperm remain viable for only 48 hours. In reality, the possibility of fertilization, as stated by Dr. Guttmacher[7] (under the most optimum conditions) exists from two days prior to ovulation to one half day after (2½ days during the 28 day cycle). Statistically, the chance of rape during fertility would be 10 percent. The rate of pregnancy from unprotected (consented) intercourse between fertile individuals has been estimated as 3 percent.[8]

PERCENTAGE USE INVALID

This figure of 3 percent (540 pregnancies) for 18,000 rape cases cannot be used for a variety of reasons: (1) Even with penetration, ejaculation may not have occurred or may have been interrupted: (2) Rape victims are in an age range from infancy to 100 years. Only an unknown per cent fall into the fertility range of 12 to 50 years of age: (3) Some victims are sterile or have had a tubal ligation: (4) An unknown number of fertile women are on contraceptive pills or have an IUD, and are thus not "unprotected"; (5) The age of the rapist has been recorded as 12 to 80 years. He may be sterile or have no emission: (6) An increasing number of rapists have had vasectomies (Couples, John Updike) and (7) The most

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Footnotes at end of article.

important factor in the rarity of pregnancy from forcible rape is that there is very firm evidence that the severe emotional trauma prevents ovulation (or implantation).

In a macabre experiment during the Third Reich, scientists sent women about to ovulate to a mock execution in a gas chamber. An extremely high percentage of the women failed to ovulate during that cycle.[9]

The second documentation for the suppression of ovulation was the rarity of pregnancy among the young Catholic nuns and female Protestant missionaries raped by marauding soldiers in the Congo. Those about to ovulate, did not.[9]

For the above reasons, pregnancy even from untreated rape is rare. The captain of the Sex Squad of the Washington, D.C. metropolitan police, V. Edward Tate, was able to report only three pregnancies from forcible rape in fifteen years.[10]

CORRECT MEDICAL TREATMENT

Pregnancy after correct medical treatment of rape is zero.

This is substantiated by the documentation of 3,500 cases of treated rape in Minneapolis and St. Paul over a ten-year period,[11] and 1,000 rapes victims treated with diethylstilbestrol and reported in the J.A.M.A. October, 1971.[12] There were no pregnancies from the total of these 4,500 cases.

The most common mode of action of diethyilstilbestrol, now the usual treatment for rape cases that are promptly reported, is to suppress ovulation, rendering fertilization impossible during that menstrual cycle. And, in view of the recent publicity given to the findings that DES has caused cancer of the vulva in daughters of women who were treated for threatened spontaneous abortion (miscarriage), it should be noted that danger exists only for the pregnancy during which the DES was given. The large dosage given in rape cases prevents 100 percent of pregnancies from rape. Since it is only the child in utero at the time the DES is given which could be affected, patients need not fear a threat of cancer to subsequent children.

Despite the availability of treatment, only an estimated 30 percent of rape cases are reported. Much of this failure is due to lack of public education and the improper handling of the rape victim.

BRITISH TEST CASE

Does pregnancy, however rare, still occur among these unreported cases? Of course it does. The most celebrated case was the 1938 trial of Dr. Aleck Bourne, an eminent English gynecologist, who performed an abortion on a 14-year-old girl who had been gang raped by a number of horseguardsmen.[13] Dr. Bourne made this a test case because he honestly believed that the law should permit those abortions in which the doctor, acting in good faith, believed that the pregnancy would result in severe mental or physical damage. This plea was made 37 years ago, before the medical and contraceptive advances of today. However, the so-called "Bourne Principle" was the basis for the 1967 legalization of abortion in England for a myriad of social and economic reasons amounting to de facto abortion on demand. Aleck Bourne was so appalled by the result of what he had envisioned as a provision for a very limited number of abortions for "hard cases" that he became a founding member of the Society for the Protection of the Unborn Child in 1967.

The emphasizes the wisdom of the legal adage, "hard cases make bad laws."

As Dr. Jack Willke has pointed out . . . "laws must speak to the general norm. Judges have always allowed certain exceptions to laws or to punishment out of mercy for a hard or tragic case. To our knowledge no physician has been prosecuted in recent times in the United States or Canada for doing an abortion in such a case though the law forbade it."[14]

From the so-called "humanitarian" exception clauses of the American Law Institute we have progressed to the annual killing of an estimated one million unborn children in eight short years.

IRREFUTABLE ARGUMENTS

In the final analysis, there are two irrefutable arguments against the legalization of abortion for rape: (1) Pregnancy from reported, medically treated rape is zero—rendering the exception clause unnecessary. (2) Unreported rape—after all evidence of penetration has disappeared and without corroborating witnesses—cannot be proved rendering the law unenforceable.

If the court were to accept the statement of the mother weeks or months after the alleged assault, we would be faced with the all too frequent late abortion done now after 28 weeks for rape. A recent example is the death of a 31-32-week-old infant girl on March 19, 1974, in Pittsburgh, Pa.[15] A 27-year-old married woman, whose husband had had a vasectomy, requested an abortion, claiming to have been raped in September, 1973. The request was refused by four physicians at Magee Woman's Hospital after the gestation age of the fetus by sonography was estimated up to 31 weeks. A vaginal hysterectomy was done by Dr. Leonard Laufe, a well known abortion proponent, on March 19, 1974.

There is very substantial evidence, including a three-minute film sequence, that the baby girl was born alive and, as in the Edelin case, not resuscitated. Whether the baby was born alive or not is a moot point in the light of medical ethics. The baby was only 8 or 9 weeks premature and clearly alive a few minutes before the abortion. She would have had an excellent chance of survival in any neo-natal intensive care unit. This was clearly infanticide. Dr. Laufe was acquitted by a coroner's jury and has never been brought to trial elsewhere.

FOOTNOTES

[5] Medical Insight, April, 1974, page 225.

[6] Uniform Crime Reports 1967 (Wash. D.C., 1968) page 13.

[7] Alan Guttmacher, M.D. et al, The Consumer's Union, 1962.

[8] A "Probability of Pregnancy from Single Unprotected Coitus," Fertility and Sterility, Vol. 11 Oct., 1960 pages 485-88.

[9] A. Hellegers, USCC Abortion Conference, Wash. D.C., October, 1967.

[10] The Abortion Decision, David Granfield, page 107.

[11] "Zero Pregnancies in 3500 Rapes" The Educator, Vol. 11, No 4, September, 1970.

[12] L. Kuchera, "Post Coital Contraception with Diethyistilbestrol, Journal of the American Medical Association, October 25, 1971.

[13] "Rev. v. Bourne," Lancet, July 30, 1938, 11:280.

[14] Handbook on Abortion, Dr. and Mrs. J. C. Willke, page 41.

[15] Journal of Legal Medicine, September, 1975, page 49.

THE 21ST ANNIVERSARY OF JAMAICA'S INDEPENDENCE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. RODINO. Mr. Speaker, in honor of the 21st anniversary of Jamaica's independence, a social event will take place on July 30 for hundreds of people from the Caribbean region living in New Jersey along with their American friends and relatives. The Association of Caribbean Americans of New Jersey is sponsoring the event, to be held in Newark.

The organization was established in 1979 to assist in the identification of problems of concern to Caribbean Americans and to work toward their eventual solution. Among the many programs of the association are immigration and citizens assistance, voter registration, housing, business, and economic development, and education. The organization is committed to enhancing the quality of life of Caribbean Americans living in New Jersey, as well as the greater goal of community development.

I am very proud to represent a district which includes a large population of Caribbean Americans, who have come to our country from Jamaica, Trinidad, Tobago, Guyana, Barbados, and Grenada among other islands.

The proceeds for the event will be used for scholarships for young people, and I am certain that it will be a success. I would like to recognize Phyllis M. Biggs, president of the Association of Caribbean Americans of New Jersey, along with the association's chairman, Dudley Christie; vice president, Cedric Thompson; treasurer, Donald G. E. Reynolds; secretary, Mary Comerie, and members of the executive committee, Roy Phillips, Harry Wilson, and Carl O. Earl. All of them have worked hard to insure the success of Saturday's event.●

ORGANIC AND CONVENTIONAL AGRICULTURE: NEW COMMON GROUND

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. BROWN of California. Mr. Speaker, recently I described for my colleagues a new consensus on priorities for agricultural research and development which is beginning to emerge. Today, I want to report further on the Agriculture Committee, Department Operations, Research, and Foreign Agriculture Subcommittee's recent hearings, and describe

some very interesting testimony on the subject of organic agriculture.

American farmers are having a tough time lately. Caught between low prices and high costs, they are struggling financially, and Federal programs to control surpluses and maintain farm income are imposing unprecedented costs on the taxpayer. According to witnesses at our recent hearings on research, farmers presently lack the kind of flexible management options that would enable them to control the variable costs of production in order to obtain maximum profit. Instead, they almost universally go for maximum yields, and we end up with huge surpluses, increased erosion, and other problems.

Getting information to the farmer is part of the solution. The minicomputer, coupled with advances in economic research, may soon give individual farmers the ability to develop management strategies that give higher profits and spare our resources of soil, energy, and water. But some physical limitations remain. There are problems in shifting from heavy use of fertilizer, water, and pesticides, to low input approaches, and this discourages many farmers from trying. Even though we now have a number of studies which show that organic farmers, who use few, or no, synthetic fertilizers and pesticides, are generally about as profitable as conventional farmers, we lack scientific information on the problems of making a transition to such methods.

We also do not understand the long-term possibilities for flexible strategies that would combine the low input, resource conserving practices of organic farmers with the intensive methods developed over the years by our State and Federal agricultural research programs. We learned at our hearings, however, that there is an increasing sense among agricultural scientists that we need to investigate these issues. We need to increase research on agro-ecosystems, to look closely at how farming practices influence long-term soil fertility and nutrient relations. We need to study the dynamics of populations of weeds, fungi, bacteria, insects, and other animals. And most important, we need to study this as a total system, under different types of management. For instance, much needs to be done to comprehend the long-term implications of reduced tillage and no-till farming systems, which are becoming much more common.

One of our witnesses was Mr. Robert Rodale, president of the Regenerative Agriculture Association, publisher of Organic Gardening magazine, and the leader of a large private research program in organic farming. He reported on his recent participation in a meeting of the American Phytopathological Society, in Ames, Iowa. At a plenary session on the sustainability of agricultural systems, specialists in the study of plant disease discussed the need for new paradigms for agriculture, both to find better ways to control plant diseases, and to improve the economics of farming.

It appeared to some at that meeting of scientific experts that the present, intensive, chemically based approach is not working very well. Organic farming is beginning to be seen as a serious alternative, indeed as the only alternative presently available. Mr. Rodale reported that one representative of a large agriculture company told him privately, "Look, we have to meet you halfway."

I believe these statements, which would have been considered utterly heretical by mainstream agricultural scientists not long ago, reflect a growing consensus on the need for new approaches. We cannot continue to consume our resources to produce huge food surpluses that deplete our treasury. Despite the attractive appeal to produce all we can, because the world is hungry, we must reconsider our approach. Mr. Rodale also told us of his work with Tanzania, funded by AID. They succeeded in developing sustainable agriculture systems, based on regenerative principles, rather than large amounts of synthetic inputs, in a nation which has very severe food problems.

We are getting beyond the time when a Secretary of Agriculture could say that organic farming was OK as long as somebody decides which 50 million people are going to starve. We are ready to begin learning from successful organic farmers and to study management strategies that sustain production without destroying irreplaceable resources or contaminating our environment.

The scientists, at least, seem to be moving to meet halfway on this, but I am not sure that our agricultural leaders in Washington have the message. ARS has not included funds for organic farming research in its 6-year plan, and it is not clear if USDA policymakers really understand the issue at all. We are not seeing efforts to develop these alternative, reduced input management approaches being supported at the Federal level.

Mr. Speaker, the Department Operations, Research, and Foreign Agriculture Subcommittee will hold a hearing August 3 on the Agricultural Productivity Act of 1983, introduced by my colleague Mr. WEAVER and numerous cosponsors. This bill will create a program of research, using demonstration farms located throughout the country. The research will focus on ways to enable producers to switch to low input management techniques and regenerative methods without loss of profitability. I intend to give this proposal a thorough examination and to support an enhanced program of research in this area.

It is time we put aside the differences that have divided proponents of differing approaches to food production, and begin to use our scientific and farming knowledge and skills to help solve our production and resource conservation problems. I believe some very promising new ways are beginning to open up, and I hope we in Congress will do all we can to encourage these exciting developments.●

TIME TO PUT A CLAMP ON PENTAGON SPENDING

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. OTTINGER. Mr. Speaker, cost overruns on Pentagon contracts have become so commonplace that many exorbitantly high bills get paid without a second glance. But recent information regarding the absurd prices the Pentagon has been paying for the most mundane equipment must bring us back to reason. The Pentagon begs for billions of dollars with which to build new weapons systems, and does nothing to control the simplest of costs. More is needed than official dismay. If the Pentagon cannot police its costs with greater care, it is up to Congress to enforce frugality. We have spared the rod and spoiled the child for much too long.

I call to the attention of my colleagues an editorial from last Thursday's New York Times:

CAP THE COMPLACENT

The Navy has confessed to Congress that it's been paying $110 for diodes that should have cost 4 cents. That's not 20 times the right price, or even 200 times, but 2,750 times. Defense Secretary Weinberger told Navy Secretary Lehman that he was "extremely displeased." Displeased? What fiscal enormity would make him mad?

Paying the Sperry Corporation $80,000 for spare parts that cost $3,000 was evidently insufficient to evoke the Defense Secretary's choler. Letting McDonnell Douglas charge $3.2 million for parts that cost less than $700,000 also falls below Mr. Weinberger's indignation threshold.

Since Congress is at present pondering the Pentagon's plans for new hardware purchases, for which it is requesting $99 billion, these findings by the Pentagon's Inspector General have come at an awkward moment. So too has his verdict that in many cases "little effort was being made to limit exorbitant cost growth." Compelled to do something, Mr. Weinberger has responded by reassigning one officer and reprimanding another.

Even as gestures, these wrist slaps lack conviction. They are irrelevant to the underlying problem, a relationship between the Pentagon and its contractors in which most forms of competition have been fenced out.

When he was Budget Director, Caspar Weinberger earned the sobriquet Cap the Knife. Now he can summon little more than a yawn at the grossest spending habits. Evidently in 30 months of running the Defense Department the Secretary has witnessed so many horrors that he's simply jaded.

What he needs to manage the Pentagon is to regain his capacity for outrage. A little outrage would go a long way toward reforming the design, testing and procurement of weapons. "Extreme displeasure" will cow no one and change nothing.●

A TRIBUTE TO ELOUISE WESTBROOK

HON. SALA BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mrs. BURTON of California. Mr. Speaker, on July 16, 1983, Elouise Westbrook was honored at the Bayview-Hunter's Point facility in San Francisco for her years of dedicated service to the community of San Francisco.

Mrs. Westbrook has lived in San Francisco for more than 30 years and has been a personal friend of mine and Phillip's. During these years she has been extraordinarily active in the civic life of the city.

Mrs. Westbrook is currently president of the Housing Authority of San Francisco. She is also director of the patient advocate multicultural program at San Francisco General Hospital where she is actively involved in building better ambulatory health care services. In the past she has served on the mayor's advisory committee on community development and the Golden Gate transportation advisory committee among others.

Two of her many awards for contributions to the betterment of our community are the Living Legend Award from the Bay Area Community Black Women Organized for Action, which she received in 1974, and the John Gilbert Award from the National Association of Community Health Centers, Inc., which she received in 1977.

In addition to her many activities, Mrs. Westbrook is also the mother of two daughters, the grandmother of 14, and the great-grandmother of 17.

It is my pleasure to share with my colleagues this acknowledgment of Elouise Westbrook's contributions to the city of San Francisco. I join with the entire community of San Francisco in commending her on this special day.●

A BILL TO AUTHORIZE THE MEDICARE PROGRAM TO PAY FOR VACCINATION FOR HEPATITIS B

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. WAXMAN. Mr. Speaker, today I am introducing a bill authorizing the medicare program to pay for vaccinations for hepatitis B.

This bill will not only improve the health status and quality of life of thousands of medicare beneficiaries, it will also save the medicare program over $7 million over the next 5 years.

Hepatitis B is a viral infection of the liver, with severe acute and chronic effects. According to a June 25, 1982, report by the Public Health Service's Centers for Disease Control, about 200,000 people are infected with the hepatitis B virus each year, resulting in over 10,000 hospitalizations and 250 deaths of acute disease. Moreover, many of those infected become carriers of the disease and develop chronic active hepatitis. The CDC report indicates that about 4,000 people die each year from hepatitis B related cirrhosis and more than 800 die from hepatitis B related liver cancer.

This disease is transmitted primarily by contact with infected blood and blood products. Consequently, the populations most at risk include health care workers who routinely handle blood, patients who receive blood or blood products, and members of these patients' families.

A particularly high-risk population identified by CDC consists of patients undergoing maintenance dialysis for end-stage renal disease, over 90 percent of whom are eligible for medicare under special eligibility rules enacted in 1972. This year, there are over 60,000 dialysis patients in the medicare ESRD program, and in the future will rise an average of 5 percent annually.

Because of their high risk of exposure to hepatitis B virus, these patients must undergo regular periodic blood tests, typically on a monthly basis, to screen for hepatitis. These tests cost about $15 each time they are administered.

There is now a safe, effective, and cost-saving alternative to this testing. In late 1981 the FDA approved a new vaccine for hepatitis B and it is now available on the market. The vaccine is administered in three doses over a period of 6 months and has been shown to be effective in producing immunity in about 90 percent of those tested to date. The effectiveness rate for ESRD patients may be lower, and may vary inversely with age, but will probably still be in the range of 75 to 80 percent. No risks have been identified in connection with the vaccine's use, other than mild irritation at the injection site. It retains its effectiveness for at least 3 years.

The vaccine would cost about $215 to administer to each patient. Therefore, the cost during the first year of vaccinating the existing population of dialysis patients would exceed the cost-savings derived from foregoing frequent blood tests. The Congressional Budget Office estimates a first year net cost of $2.2 million. However, the cost of vaccinating some 20,000 new ESRD patients each year would be greatly outweighed by the savings gained for these, and previously vaccinated, patients. CBO estimates savings in the second year after approval of $1.5 million and net savings over 5 years of $7.2 million.

These estimates, in my view, are conservative. They do not take account of earnings due to reduced hospitalizations associated with hepatitis B infections. Nor do they take account of costly precautions which dialysis facilities must undertake now to minimize the risk of exposure.

Nor do cost savings tell the whole story of the benefits of this vaccine. Dialysis patients, who typically need three dialysis treatments per week, are currently hampered greatly in their mobility, since facilities other than their own are reluctant to treat them due to the high risk of infection. Concern about the risk of infection may also inhibit the use of home dialysis. The vaccine, then, is clearly of great advantage to the ESRD population.

The Veterans' Administration has authorized the use of the vaccine for ESRD patients and staff providers since June, 1982 and the State of Maryland also reimburses for it. Most facilities will now provide, or even require, the vaccine for the professional staff working in dialysis facilities and the medicare program has agreed that this is an allowable expense as part of the staff's employment benefits. However it is not being furnished to patients because the medicare statute specifically excludes payment for immunizations and other preventive measures—my colleagues will recall that 2 years ago, we amended the statute specifically to authorize medicare payments for pneumoccocal vaccine.

Our bill would amend the Social Security Act to provide medicare payment for this safe, effective, and clearly valuable vaccine. The bill would also waive the deductible and coinsurance requirements on beneficiaries, as we did for the pneumoccocal vaccine. It is our intention that the vaccine be furnished as a specific service and not be incorporated into the new composite rate which will be used to pay for dialysis treatments beginning on August 1 of this year.

Although we have not limited coverage under the bill to the ESRD population, that is the group most in need of the vaccine. It is our intention that the vaccine be furnished under this bill only for persons at high risk of exposure, such as medicare beneficiaries who are receiving certain blood products, assisting ESRD patients with dialysis or members of the ESRD patient's family, and others mentioned in the CDC report. Therefore, it is our expectation that there will not be a large number of beneficiaries, other than ESRD patients, for whom the vaccine is prescribed. We expect the Health Care Financing Administration, after consultation with the Assistant Secretary for Health, to issue guidance regarding the proper indications for use by beneficiaries other than ESRD patients. However, we do not want coverage delayed until such guidance is available.

I hope my colleagues in the House will support this sound, and much needed amendment.●

THE CRISIS IN HEALTH CARE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. PEPPER. Mr. Speaker, with the enactment of medicare and medicaid in 1965, Congress confirmed a basic human right and established a sacred trust—access to quality health care shall not be limited by age or income.

There can be no doubt that medicare and medicaid have greatly benefited the poor and elderly. But recently the cost of these programs in a time of growing fiscal constraint has lead some to suggest we must break our covenant with the poor and elderly and shift the burden of caring. In 1982, when the inflation rate was 3.9 percent, hospital costs increased by 12.6 percent. Similar increases are projected for the forseeable future leading the Congressional Budget Office to estimate that medicare's health insurance trust fund could be bankrupt within 4 years.

Most of the solutions so far suggested to the emerging medicare crisis are based on reimbursement reductions and increased cost sharing:

In 1981 medicare benefits were cut by $3 billion over 3 years. Eighty percent of these cuts were borne by medicare beneficiaries.

In 1982 the administration's proposals would have reduced benefits by $2 billion in 1983. Fortunately for seniors, Congress rejected most of these proposals. Still, direct beneficiary costs were increased by more than $100 million.

The administration's 1984 budget includes $2 billion in medicare cuts. Seventy-five percent of this reduction would be passed on to the beneficiaries. If adopted, the President's proposals would shift $10.4 billion costs to the elderly over the next 4 years.

These proposed solutions are short term and short sighted. They do not address the fundamental problems leading to the escalation of costs and inappropriately restrict services. Moreover, as a practical matter, there is a limit to how much cost shifting can be done. Seniors already spend 20 percent of their income on medical care—as much as they did in 1965 when medicare was enacted.

The resolution I introduce today with my distinguished colleagues, Congressman WAXMAN, Congressman ROYBAL and Congressman RANGEL, rejects this piecemeal, patchwork approach and calls for a more comprehensive solution to our health care crisis. It calls for the expansion of prospective reimbursement to all payors; it calls for legislation providing incentives for States to develop and maintain their own cost-control programs; and it recognizes that the medicare problem cannot be resolved until the entire health care system is made more efficient.

Mr. Speaker, this issue is as important as any matter likely to come before Congress over the next few years. It is a difficult problem, but one we can remedy. We can solve our immediate problems and find ways to make these vital programs better. I hope this resolution, a reflection of that promise, will be speedily adopted.

PROPOSED RESOLUTION

Resolution concerning "The Crisis in Health Care" introduced in the House of Representatives.

The sponsors of the resolution are: Congressman CLAUDE PEPPER, Congressman HENRY A. WAXMAN, Congressman EDWARD R. ROYBAL, and Congressman CHARLES B. RANGEL.●

TRIBUTE TO DR. SIDNEY BERKOWITZ

HON. LYLE WILLIAMS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. WILLIAMS of Ohio. Mr. Speaker, the Tri-State Region Conference of the Zionist Organization of America will be held in my congressional district this weekend, and I am very proud to have been asked to participate. I am even more proud of the fact that this conference is being dedicated to the memory of a close, personal friend of mine, and a truly great Youngstowner, Dr. Sidney Berkowitz.

Dr. Berkowitz, a Zionist leader, served as president of the Youngstown Zionist District and as a member of the National Executive Committee of the Zionist Organization of America. He was a great humanitarian who devoted much of his lifetime to the welfare of the Youngstown community and to the support and security of the State of Israel.

All those assembled at the conference will know that to list Dr. Berkowitz's many accomplishments would be a very lengthy undertaking.

Quite simply, what speaks most for the worthy lifetime of Dr. Sidney Berkowitz is this gathering of friends and colleagues, and more importantly, the resolve of this group to strengthen and support the causes that were so close to his heart. This is the single greatest honor a man could hope for.

I take this opportunity to offer my wholehearted support for the activities of this group which will keep Dr. Berkowitz's spirit alive in the community for many, many years to come.●

THE 25TH ANNIVERSARY CELEBRATION OF ACA

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. MICHEL. Mr. Speaker, on June 28, 1983, the Americans for Constitutional Action held their 25th anniversary celebration at the Mayflower Hotel in Washington, D.C.

The Americans for Constitutional Action have been at the forefront of the conservative movement in our great Nation. They have grown from a small band of Americans dedicated to conservative principles to one of the most important voices of the American political process. Their efforts on behalf of conservative causes and candidates has contributed greatly to a better understanding of those values and principles which have long made our country great. I know many will join me in applauding what they have achieved during the past 25 years and hope this will continue long into the future.

At this point I wish to insert into the RECORD, the welcoming remarks of Mrs. Charlene Baker Craycraft, the esteemed chairman of the board of trustees of Americans for Constitutional Action.

REMARKS OF MRS. CHARLENE BAKER CRAYCRAFT

Welcome to the 25th Anniversary Celebration of the Americans for Constitutional Action. Tonight is indeed a milestone . . . not just for ACA, but for the entire Conservative movement in America.

With the tremendous growth of public interest groups supporting a variety of causes today, I think it's difficult for many of us to recall the days twenty-five years ago when groups such as ours were not in existence. In fact, ACA was established because a small group of very dedicated, Conservative Americans believed that there was a need for balance in the American political

system. The Americans for Democratic Action had been established and there was no credible Conservative voice to represent a positive alternative to ADA.

So, ACA was established to provide that kind of positive Conservative voice that America needed. You may recall that among the founders of our group was Admiral Ben Moreell, an outstanding American and the man who built the Navy's Seabees. For many years, Admiral Moreell led ACA and no one man better exemplified the guiding principles of our group than he. Governor Charles Edison was ACA's first Treasurer and held that position until his death. Governor Edison was the son of Thomas Edison and a man whose name is even today still synonymous with philanthropy and patriotism.

ACA, as most of you know, has been a quiet organization for most of its years. We have never sought the limelight; we've never looked for headlines; rather we've just simply tried to do our best to elect solid Conservatives to the House and to the Senate. Beyond that we have, of course, published what I believe is the finest Conservative vote rating for Members of Congress for the past twenty-five years. Though we've been a quiet group, I hope you'll allow me to boast for just a minute. During the past twenty-five years, ACA has assisted countless candidates for public office in every state of the union. During the early years we were often the only Conservative voice to be heard.

For the last thirteen years we have been helping to raise funds for our Conservative friends. As a matter of fact, ACA handled approximately 4 million dollars in the 1981 and 1982 campaign years alone. The checks went directly to the incumbents and candidates, something no other group does. This was accomplished on an annual budget of $100,000 for ACA. Imagine what we could accomplish on twice that amount.

We have finally reached the point in America today where we have a winning Conservative coalition. Now it is our charge to keep that coalition going, to keep it strong, to keep it fresh, to keep it responsive to the needs of the American people. We still have major obstacles in our way. We still need more Conservatives in the Congress. We need to improve the Conservative ranks at the state and local level, too. Working together, I know that we can achieve our goals. We've come so far already, we must not stop now.

I know most of you here this evening gave personal donations to ACA because you believe in our work as strongly as I do. With a rent increase of 150% beginning in August, we will not be able to continue this important work without your support and I know we can count on you.

In less than a week we will celebrate the 207th Birthday of the United States of America. As we approach that important birthday I invite each of you to reflect upon the values that have made this Nation great—our commitment to the free enterprise system, to a strong national defense, to the freedoms we so cherish, to local self-determination and to individual rights and the responsibilities that come with them. In short, to have the opportunities to enjoy the liberties that our system of government insures to each of its citizens. This is what our Nation is all about. This is what ACA is all about.

Thank you for being with us tonight to celebrate 25 good years. I hope that you will be with us in the years to come.●

CAPTIVE NATIONS WEEK

HON. BARBER B. CONABLE, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 1983

● Mr. CONABLE. Mr. Speaker, this is the 25th observance of Captive Nations Week, a sober anniversary of the oppression and subjugation of nations by the Soviet Union.

This year the courage and determination of the Polish people and their leader, Lech Walesa, have continued to fuel a spark of hope for the people of other nations dominated by the Soviet Union. To most of these people resistance may often seem futile, but supporters of Solidarity have demonstrated the penetrating power of united public action and civil disobedience. Yet the initiatives of the Poles will falter and lose momentum unless they are complemented by external pressure on the Polish Government.

It is difficult for most of us to envision the restrictive societies that exist in captive nations, and so we must remind ourselves constantly that the liberties we cherish as inalienable are accompanied by an obligation to perpetuate liberty. The struggles of the people of Poland afford us the opportunity to meet this obligation.

If the cause of liberty advances in Poland, the spark her people have ignited will spread to those in other captive nations. Thus, we remind ourselves this week of the solemn obligation we all share to condemn human rights violations around the world and to endeavor to advance the cause of freedom at every opportunity.●

DELAY THE PERSHING AND CRUISE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. OTTINGER. Mr. Speaker, I would like to call to my colleagues' attention an article written by Mr. Jack Schiff, a constituent of mine from New Rochelle, N.Y. Mr. Schiff argues a point that I wholeheartedly endorse: do not deploy the Pershing and Cruise missiles.

Our colleague, Mr. DELLUMS, will offer an amendment to the Department of Defense authorization that would delay such deployment. A delay would provide us more time for reasonable arms negotiations without alarming our friends in Western Europe. Such a delay deserves the support of the House.

MODERN PAUL REVERES NEEDED

(By Jack Schiff)

I have just finished reading an anguished appeal by 11 former NATO generals from eight European nations. It strikes a warning bell to the people of the United States that should resound throughout the land.

They say: "Americans, we beseech you: Do not deploy Pershing II and cruise missiles in Europe!

For the sake of humankind—Don't do it!"

The appeal was signed by Marshal Francisco da Costa Gomes, former president of Portugal; and these retired generals: Michael N. Harbottle, U.K.; Michael Hermann van Meyenfeldt, Netherlands; Nino Pasti, now a senator, Italy; Gunter Vollmer, Federal Republic of Germany; Miltiades Papathanasiou, Georgios Koumanakos and Michalis Tombpoulos, Greece; Gert Bastian, Federal Republic of Germany; Johann Christie, Norway; and Adm. (ret.) Antoine Sanguinetti, France.

All of these military leaders were intimately involved in NATO affairs when the Soviet Union began modernizing its 20-year-old SS-4 and SS-5 nuclear missiles in 1977 by replacing them with SS-20s. Since the latter had three warheads instead of the single one on the older missiles, it withdrew three of the old ones for every new one. The total throw-weight, however, was less.

Although the SS-20 was more accurate and of longer range, none of these generals, nor NATO officially, including the U.S., thought this was a new threat. It was regarded as a normal modernization along the lines that the U.S. had taken a number of times in up-dating its nuclear arsenal.

No protest was made. NATO and top U.S. authorities, including the secretary of defense, felt confident that there was approximate nuclear parity between NATO and the Warsaw Pact nations. NATO had 640 warheads on four U.S. submarines attached to NATO (that had replaced the landbased missiles the U.S. considered vulnerable), plus aircraft carriers and bombers in the area, all equipped with nuclear weapons. In addition, the British and French had separate nuclear missiles that actually gave us superiority.

These generals know that the introduction of the Pershing II and cruise missiles in Europe would give the U.S. a strategic first-strike capabilitiy that can reach the USSR in only six minutes. The Soviets have nothing comparable against the U.S. directly, and the fear is that the situation would become destabilized with "launch on warning" replacing the checking precautions presently in effect.

These generals are trying to warn the American people that the Reagan administration is bent on destructive path. It has refused to pledge a no-first use of nuclear weapons, as the Russians have done, unilaterally. It has rejected the more than equitable proposal by the Soviets to reduce its SS-20 missiles to the same number just as the French and British arsenals, not even counting the present official NATO weapons. It has voted against the U.N.

General Assembly's resolution for a nuclear freeze, which the Soviet Union accepted. It continues to make unacceptable, lop-sided proposals which would result in the complete elimination of all SS-20s in return for the non-deployment of our new missiles. Or, as a concession to the world-wide disarmament movement, a reduction of both the Soviet missiles and the number of Pershing II and cruise missiiles to be deployed, ignoring the French and British weapons altogether.

These generals do not want any of these new missiles in Europe, because they know that a freeze would become almost impossi-

ble to negotiate thereafter, and the arms race would escalate to the point of no return. A nuclear holocaust, in their opinion, would be inevitable.

That is why they are appealing to the American people to become, in effect, modern Paul Reveres, and sound the alarm in every town and city, to mount a campaign that will force the Reagan administration to renounce the Euromissiles.●

TESTIMONIAL TO JUDGE MANUEL ROSE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. MILLER of California. Mr. Speaker, on July 30, members of the legal community will join numerous other citizens of Contra Costa County to pay tribute to Hon. Manuel Rose, who is retiring after a judicial career spanning 30 years. I am pleased to have been invited to participate in this event honoring Judge Rose and want to take this time to share the highlights of his career with my colleagues in the House of Representatives.

The American lawyer plays many roles—counselor, advocate, public servant, public leader. Yet, perhaps the most central figure in our judicial process is that of judge. As officer of the court, the judge assumes the responsibility to insure the swift delivery of justice for all citizens. Judge Rose has devoted his legal career to the achievement of this principle.

Manuel Rose's career has been marked by accomplishment since his initial appointment to the bench in 1953. Shortly after his graduation from Boalt Hall School of Law at Berkeley, Judge Rose was appointed to serve on the Antioch Justice Court. Following a merger of the Antioch and Pittsburg Courts, Judge Rose continued to serve as the single judge of the River Municipal Court. A second merger with the Delta Justice Court formed a new court, the Delta Municipal Court where Judge Rose has served since 1973. During his many years of public service, Manuel Rose has developed a solid reputation for fairness and honesty.

Beyond his responsibilities of the administration of justice, Judge Rose has assumed obligations of leadership in community affairs. He and his wife of 35 years, Willie, have raised five children.

The high standards required for effective judicial performance and public trust have been consistently maintained by Judge Rose. The residents of Contra Costa County are proud of his accomplishments and grateful for his service. I ask my colleagues in the House to join me in congratulating him on his career and wishing him and his wife the best for the future.●

CAPTIVE NATIONS WEEK

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 18, 1983

● Mr. COUGHLIN. Mr. Speaker, this week we commemorate the 25th annual observance of Captive Nations Week. I speak today to remember the brave people of Latvia, Estonia, and Lithuania who hunger for freedom from Soviet repression.

One must go back almost for 44 years when Nazi Germany and the Soviet Union signed a nonaggression pact whereby the countries of Estonia, Latvia, Lithuania, Finland, and Poland were divided between these two superpowers. In the years that followed this agreement, the Soviet invaded Finland and participated in the breaking up of Poland which had been under the repression of Nazi Germany during World War II. In 1940, the Red Army invaded the Baltic States of Lithuania, Latvia, and Estonia, annexing them as part of the Soviet Union after giving these nations 24 hours to hold "elections" as to the government the people desired. After these so-called elections, the Soviet Union installed puppet rulers to carry out "the will of the people."

Since 1940, the Soviet Union has fought against the desire of the Baltic people to have independence restored to their homeland. Dissidents are forced into mental hospitals for psychiatric evaluations or sentenced to years of hard labor in work camps. Over 4 millon people have been forced into slave labor and over 10,000 have been imprisoned for political and religious "extremism."

Despite Soviet oppression, the people of the Captive Nations continue to hope for freedom in their homeland. As a nation which was first settled by a small group of people seeking religious freedom, we should feel particularly akin to the plight of the Baltic countries.

We recently celebrated the 207th anniversary of our independence. As a nation, we often take for granted the freedom of expression for which the founders of this Nation fought so diligently. However, this liberty serves as a symbol of hope to all those who do not have this freedom. Just as the first Puritans who settled in the colony of Massachusetts sought to set their city of Boston upon a hill as a beacon of truth for all civilization to see, so should we serve as a beacon of hope for those currently hungering for the ability to express their individual political, religious, and cultural heritge.

Although Soviet oppression continues in the Baltic States, we must seek to asssure these people of our commitment to their fight for freedom. May we serve as an inspiration to those brave and courageous people who fight daily in the war for their release from the grasp of the iron hand.

Mr. Speaker, I urge that each one of us closely examine the example set by the Baltic peoples and continue to recognize their strong spirit and firm determination in the fight for national integrity, human rights, and self-determination.●

KAMEHAMEHA THE GREAT NATIONAL MONUMENT

HON. CECIL (CEC) HEFTEL

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. HEFTEL of Hawaii. Mr. Speaker, I am introducing legislation today to designate Fort DeRussy, the only significant remaining open area on Waikiki Beach, Hawaii, as "Kamehameha the Great National Monument."

In 1795, Kamehameha the Great landed with his troops in the vicinity of what is now known as Fort DeRussy. It was from this spot that Kamehameha led his army across the Makiki plain to fight the Battle of Nuuanu. This decisive battle, where Kamehameha forced his enemies back up into the Nuuanu Valley and over the Pali, resulted in the unification of the Hawaiian Islands and the end of bloody and destructive civil wars that had blighted the land and decimated the population for so long. Kamehameha then established cultural, social, and economic institutions in the islands and began trade with other nations.

The land comprising Fort DeRussy thus qualifies as a nationally significant landmark and should be preserved as such. Further, Kamehameha the Great deserves to be recognized by the Congress of the United States as a statesman and defender of a unique culture.

Designation as a national monument assures that the land will never be developed commercially. Since the land is already under Federal control, this bill simply transfers jurisdiction of the property from the Department of Defense to the Department of the Interior. The Hale Koa Hotel and the Kalani Center would continue to be administered by the Department of Defense.

I conducted two polls of Fort DeRussy in my congressional district in which most respondents favored keeping the property as open space. I am now responding to this sentiment with legislation which will benefit the hundreds of thousands of tourists from the 50 States and from nations around the world each year who visit Waikiki. I am pleased that my colleague from Hawaii, DAN AKAKA, and a number of my colleagues on the House Interior

Committee have joined with me in sponsoring this legislation.●

ON LOCAL TELEPHONE RATES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. DINGELL. Mr. Speaker, last week, I introduced the Universal Telephone Service Preservation Act of 1983 (H.R. 3621) to preserve affordable telephone service for all Americans. Today, I would like to draw to all of my colleagues' attention the problem of skyrocketing telephone rates and the dangers this poses to the national goal of universal telephone service.

This survey of local telephone rate increases in all 50 States and the District of Columbia was compiled by the staff of the Committee on Energy and Commerce in July 1983. The staff contacted public utility commissioners and asked them to provide an overview of recently granted, pending, and anticipated requests made by telephone companies in their jurisdictions for increases in basic monthly subscriber rates. The State commissions were asked to identify the amount of such requests, their contributing factors, and their impacts on local customers.

Complete information in each State is not available due to the nature of filing practices which vary from jurisdiction to jurisdiction. For instance, certain States require historical test years while others permit projected test years. Thus, where a historical test year is used, the impacts of the FCC access charge and depreciation decisions, the divestiture, and other recent developments by law cannot be factored into rate designs until they have been in effect for at least 1 year.

Nevertheless, the survey demonstrates a pattern of local rate increases awarded and requested significantly in excess of the historical norm. There are 26 pending rate increase requests totaling approximately $7 billion. All but two of the increases relate in part to FCC decisions and the divestiture. The full consequences of these rate increases and requests cannot be precisely ascertained at this time, but in a number of States they would result in at least a doubling of basic monthly customer charges.

In Alabama, South Central Bell was granted a $117 million rate increase which took effect January 11, 1983. This increase is attributed to the FCC depreciation decision and to normal increases in operating costs. The full increase would affect residential and business customers equally. The PSC expects South Central to file another rate increase request after January 1, 1984. That increase is expected to incorporate the effects of the FCC access charge decision, the divestiture, the deregulation of CPE, and the loss of intrastate toll revenues.

In Alaska, Alascom has no rate increase requests on file at the present time.

In Arizona, Mountain States Bell has a $79 million rate increase pending. The case was filed on February 21, 1983. This increase is attributed to a loss of revenues due to long-distance competition and normal increases in operating costs. The full increase would raise basic service rates by over 100 percent, with average residential rates going up by 67 percent. These rate requests incorporate an 8-percent drop in intrastate toll rates. The PUC could not predict what Mountain States will ultimately be granted.

In Arkansas, Southwestern Bell has a $138 million rate increase pending. The case was filed on March 23, 1983. The increase is attributed to the FCC access charge decision, the FCC depreciation decision, $69 million of the increase, the deregulation of CPE, and new State access charges. The full increase would affect residential and business access line charges equally. The PSC historically awards between two-thirds and three-fourths of Southwestern's rate requests.

In California, Pacific Telephone has an $838 million rate increase pending. the case was filed in January 1983. The increase can be attributed to normal increases in operating costs. On July 5, 1983, Pacific amended its filing by requesting an additional $500 million to incorporate the effects of the FCC depreciation decision and the divestiture. An additional $745 million has also been requested to incorporate the FCC access charge decision. The full increase would raise average residential flat rate service from $7 per month to $18.35 per month, a 162-percent increase. Business rates would rise from $14.55 to $27.25 per month, a 87-percent increase. To date, the PUC has recommended that Pacific receive $297 million of its $838 million request. Residential customers are expected to be hurt the most by the rate increase.

In Colorado, Mountain States Bell was granted a $38 million rate increase in May 1983. It had requested $105 million. This increase is attributed to the FCC depreciation decision and to Computer II. The full increase would affect residential and business customers equally. The PUC expects Mountain States to file another rate increase request around January 1, 1984. That increase is expected to incorporate the effects of the divestiture.

In Connecticut, Southern New England Telephone was granted an $89,024,000 increase which took effect November 24, 1982. It had requested $127.9 million. This increase is attributed to normal increases in operating costs. The PUCA expects Southern New England to file another rate increase request after January 1, 1984. That increase is expected to incorporate the effects of the divestiture.

In Delaware, Diamond State Bell Telephone has a $25.9 million rate increase pending. The case was filed on June 1, 1983. The increase is attributed to the FCC access charge and depreciation decisions, and to the divestiture. The access charge decision alone would mean a $2 and $4 increase in per line residential and business rates respectively.

In the District of Columbia, the Chesapeake & Potomac Telephone Co. has an $82 million rate increase pending. The case was filed on March 15, 1983. The increase is attributed to the FCC depreciation decision, the deregulation of CPE, and the loss of PBX's. C&P has proposed raising residential rates by $39 million, business rates by $33 million, and government rates by $8.6 million. C&P has requested that $26 million of the request be granted immediately to preserve its AAA bond rating.

In Florida, Southern Bell was granted a $113 million rate increase which took effect on June 22, 1983. It had requested $404 million. The increase is attributed to normal increases in operating costs. The PSC could not predict whether Southern Bell would refile after January 1, 1984.

In Georgia, Southern Bell has a $158,463,000 rate increase pending. The case was filed on March 2, 1983. This increase is attributed to the FCC depreciation decision, the deregulation of CPE, and normal increases in operating costs. The full increase would raise residential rates from an average of $7.35 per month to $11.55 per month, a 57-percent increase. Business rates would increase from $15.50 per month to $21.80 per month, a 41-percent increase.

In Hawaii, the Hawaiian Telephone Co. has an $82,368,000 rate increase pending. The case was filed on December 30, 1983. The increase is attributed to the FCC depreciation decision and the deregulation of CPE. On the island of Oahu, the full increase would raise residential rates from $10.90 to $19, a 74-percent increase and business rates from $29.85 to $45.50, a 52-percent increase. A ruling is expected in early 1984.

In Idaho, Mountain States Bell has a $34 million increase pending. The case was filed on December 20, 1982. This increase is attributed to normal increases in operating costs. The full increase would raise basic exchange service rates by 80 to 120 percent and business rates by 50 to 75 percent. Intrastate toll rates would decrease by 10 to 12 percent. The PUC has recommended an intrastate toll increase and a 10-percent rise in basic exchange service

rates. The PUC expects Mountain States to file another rate increase request at the conclusion of the current case. That increase is expected to incorporate the effects of the FCC depreciation decision.

In Illinois, Illinois Bell was granted a $21 million rate increase in February 1983. The increase is attributed to normal increases in operating costs.

In Indiana, Indiana Bell Telephone has a $96 million rate increase pending. The case was filed in May 1983. The increase is attributed to the FCC access charge decision, the deregulation of CPE, and to the divestiture. The PSC believes that residential customers will feel the greatest impact of the increase.

In Iowa, Northwestern Bell has a $49.7 million rate increase and a $19.1 million rate increase pending. The first case is attributed to normal increase in operating costs and the second case is attributed to the deregulation of CPE and inside wiring in Iowa. The full increase would raise residential and business telephone rates equally in the first case. The ISCC has commented that it would not be receptive to a postdivestiture rate increase.

In Kansas, Southwestern Bell has a $213 million rate increase pending. The case was filed on May 5, 1983. The increase is attributed to normal increases in operating costs and to a Kansas access charge decision. The full increase would raise local exchange rates $110.5 million and intrastate toll rates $11.4 million. The KSCC should rule on this request by the end of the year.

In Kentucky, South Central Bell filed an intent to increase telephone rates. South Central is expected to file its request by July 29, 1983.

In Louisiana, South Central Bell was denied a $238 million rate increase request on May 19, 1983. South Central appealed the decision to U.S. district court, which ordered the PSC to grant South Central an increase commensurate with the higher costs the company will face due to the FCC access charge and depreciation decisions. After the PSC awards that amount, South Central is expected to appeal to the Louisiana Judicial Court to get the remainder of the $238 million.

In Maine, New England Telephone & Telegraph was granted a $11.4 million rate increase. It had requested $49.8 million. The PUC expects New England to file another rate increase request in the fall of 1983. That increase is expected to incorporate the effects of the divestiture.

In Maryland, Chesapeake & Potomac has a $218 million rate increase pending. The case was filed on June 3, 1983. The increase is attributed to the FCC access charge decision, the deregulation of CPE, the divestiture, and increased competition in the long-distance market. The full increase would raise residential rates by $156 million or 36.9 percent. Business rates would rise by 10.3 percent. Intrastate long-distance rates would decrease by 3.3 percent. The PSC will rule on the request by December 1983.

In Massachusetts, New England Telephone is expected to propose a rate increase which would incorporate the FCC access charge decision sometime in the future.

In Minnesota, Northwestern Bell Telephone is expected to propose a rate increase in excess of $100 million around September 1, 1983. Northwestern was granted a $56 million increase in April 1983 which raised residential and business rates by 24 percent.

In Michigan, Michigan Bell has a $450 million rate increase pending. The case was filed in November 1982. The increase is attributed to the FCC depreciation decision and the deregulation of CPE. The PSC expects to grant $182 million of Michigan's Bell's request. This amount would increase residential rates by $3 per month and business rates by $5 per month. Michigan Bell has also requested an additional $100 million due to the FCC access charge decision.

In Mississippi, South Central Bell was denied a $98 million rate increase. South Central has appealed this ruling. The PSC expects South Central to file another rate increase request in September 1983. This filing is expected to incorporate the effects of the FCC access charge and depreciation decisions.

In Missouri, Southwestern Bell Telephone has a $254 million rate increase pending. The case was filed on February 1, 1983. The increase is attributed to the FCC access charge and depreciation decisions, the deregulation of CPE, and to the divestiture. The full increase would raise average residential rates from $7.65 to $17.10 per month, a 124-percent increase. Average business rates would rise from $20.13 to $42.66, a 112-percent increase.

In Montana, Mountain States Bell has a $20,710,000 increase pending. The case was filed in March 1983. The increase can be attributed to the FCC access charge decision, the deregulation of CPE, and normal increases in operating costs. The full increase would raise average residential rates from $6.78 per month to $7.64 per month, a 13-percent increase and raise average business rates from $17.64 to $19.88, also a 13-percent increase.

In Nebraska, Northwestern Bell was granted an $8,033,000 increase January 11, 1983. It had requested $42,700,000. The increase is attributed to the FCC depreciation decision. The PSC expects Northwestern Bell to file another rate increase request shortly. That increase is expected to incorporate the effects of the FCC access charge decision, the deregulation of CPE, and the divestiture.

In Nevada, Nevada Bell was granted a $5,857,000 increase on June 27, 1983. It had requested $17.4 million. The increase is attributed to normal increases in operating costs. A prior increase incorporated the effects of the deregulation of CPE. The PSC expects Nevada to file another rate increase request around January 1, 1984. That increase is expected to incorporate the effects of the FCC access charge decision and the divestiture.

In New Hampshire, New England Telephone & Telegraph was granted an $8,380,000 rate increase which took effect on July 17, 1982. The increase is attributed to normal increases in operating costs. Local exchange service rates rose by 7½ percent overall. The PUC expects New England Telephone to file another rate increase request after January 1, 1984. That increase is expected to incorporate the effects of the FCC access charge decision and the divestiture.

In New Jersey, New Jersey Bell has a $245 million increase pending. The case was filed on November 18, 1982. In May 1983, $29 million of that filing had been acted upon. The increase is attributed to the FCC depreciation decision and to normal increases in operating costs. New Jersey Bell has proposed that $157 million of the increase be paid by basic exchange customers. The BPU expects New Jersey Bell to file another rate increase. That increase is expected to incorporate the effects of the divestiture.

In New Mexico, Mountain States Bell has a $86.1 million rate increase pending. The case was filed on June 17, 1983. The increase is attributed to the FCC access charge and depreciation decisions, the deregulation of CPE, the divestiture, and Computer II. The full increase would raise residential flat-rate service from an average of $9.91 to $27.92, a 182-percent increase and raise business service from an average of $28.91 to $55.83, a 93-percent increase.

In New York, New York Telephone is expected to file a rate increase request in excess of $1 billion by the end of the year. The PSC believes the increase will be attributed to the deregulation of CPE and the divestiture. The PSC also believes the full increase would double residential telephone rates and more than double business rates.

In North Carolina, Southern Bell has a $143,974,447 rate increase pending. The case was filed on February 8, 1983. The increase is attributed to the FCC depreciation decision and the divestiture. The full increase would raise average residential rates from $11.15 to $17.50, a 57-percent increase and raise average business rates from $29.61 to $40.99, a 38-percent increase.

In North Dakota, Northwestern Bell is expected to file a rate increase request on July 22, 1983. The PSC believes the increase will be attributed to the FCC access charge decisions and the divestiture.

In Ohio, Ohio Bell has a $179,838,000 rate increase pending. The case was filed on April 1, 1983. The increase is attributed to the FCC access charge decision and the divestiture. The full increase would raise residential rates from an average of $9 to $13.10, a 45 percent increase and raise business rates from an average of $22.58 to $28.18, a 25 percent increase.

In Oklahoma, Southwestern Bell has a $301 million rate increase pending. The case was filed on June 24, 1983. The increase is attributed to the FCC access charge and depreciation decisions, the deregulation of CPE, and the divestitute. The OCC will rule on the request by mid-October.

In Oregon, Pacific Northwest Bell was granted a $36.4 million increase on a nonannual basis on March 30, 1983. It had requested $73.9 million. The increase is attributed to the FCC depreciation decision, the deregulation of CPE, the divestiture, and Computer II. The full increase is expected to raise both residential and business rates by about $3 monthly.

In Pennsylvania, Bell of Pennsylvania has a $378 million increase pending. The case was filed on March 29, 1983. The increase is attributed to FCC decisions, the deregulation of CPE, the divestiture, and normal increases in operating costs. The full increase is expected to raise residential rates by 62 percent and raise business rates by 38 percent.

In Rhode Island, New England Telephone & Telegraph has a $21,139,000 increase pending.

In South Carolina, Southern Bell has filed a letter of intent to file for a rate increase. The PSC believes the increase will be attributed to the FCC access charge and depreciation decisions, the deregulation of CPE, and the divestiture. The full increase is expected to raise local rates by 95 percent. Intrastate long distance rates are expected to drop by 30 percent. The PSC expects the increase to affect residential customers more than business customers.

In Tennessee, South Central Bell has a $280 million increase pending. The case was filed in July 1983. The increase is attributed to the FCC access charge and depreciation decisions, the deregulation of CPE, and the divestiture. The full increase would raise residential rates from an average of $12.35 to $31.00, a 151 percent increase and would raise business rates from an average of $38.55 to $74.50, a 93 percent increase. The PSC predicts that the full increase would cause 15 to 35 percent of the population to discontinue telephone service.

In Texas, Southwestern Bell has a $1 billion increase pending. The case was filed in June 1983. The increase is attributed to the FCC access charge decision, the depreciation decision, $450 million of the increase, the divestiture, and the loss of the long-distance subsidy. The full increase would raise average urban monthly residential rates from $10.75 to $30.75, a 186 percent increase and would raise average monthly business rates from $27.50 to $37.75, a 37 percent increase. The Texas PUC is expected to decide the case by February 1984.

In Utah, Mountain States Bell has a $43,961,000 rate request pending. The case was filed in May 1983. The increase is attributed to the FCC depreciation decision and the deregulation of CPE.

In Vermont, New England Telephone & Telegraph as a $16 million increase pending. The case was filed on December 1, 1983. The increase is attributed to normal increases in operating costs. Residential and business rates are expected to increase at equal rates. The PSB expects New England Telephone to refile around January 1, 1984.

In Virginia, Chesapeake & Potomac Telephone of Virginia was granted a $63,826,000 increase on April 5, 1983. It had requested $133,497,105. The increase is attributed to normal increases in operating costs. The increase is expected to affect residential and business customers equally. The SCC expects C&P to file another rate increase request by mid-August 1983. The SCC believes this increase will be attributed to the divestiture.

In Washington, Pacific Northwest Bell Telephone was granted a $71 million increase in April 1983. The increase is attributed to the FCC depreciation decision. The increase is expected to affect residential and business customers equally. The UTC expects Pacific Northwest to file another rate increase request around January 1, 1984. The UTC believes the increase will be attributed to the FCC access charge decision, the deregulation of CPE, and the divestiture.

In West Virginia, Chesapeake & Potomac Telephone of West Virginia is expected to file a rate increase request in August 1983. The PSC expects the increase to have a greater impact on residential customers than on business customers.

In Wisconsin, Wisconsin Telephone Co. was granted a $55,113,000 increase on May 24, 1983.

In Wyoming, Mountain States Bell was granted a $2.6 million rate increase. The increase is attributed to the FCC access charge and depreciation decision, the divestiture, and normal increases in operating costs.

The accompanying chart depicts the status of filings in each State by major component:

SUMMARY OF LOCAL TELEPHONE RATE INCREASES

State	1982 increase	1983 increase	Anticipated increases	Stated rationale						
				FCC access charge decision	FCC depreciation decision	Deregulation of CPE	AT&T divestiture	Long-distance competition	Loss of long-distance subsidy	Normal increases operating expenses
Alabama		[1] 117,000,000	C	C	A	C	C			A
Alaska										
Arizona		[2] 79,000,000						B		B
Arkansas		[2] 138,000,000		B	B	B				
California		[2] 1,400,000,000		B	B		B			B
Colorado		[1] 38,000,000	C		B		C			
Connecticut	[1] 89,024,000		C				C			A
Delaware		[2] 25,900,000		B	B		B			
District of Columbia		[2] 82,000,000		B	B		B			
Florida		[1] 113,000,000								B
Georgia		[2] 158,463,000			B	B				B
Hawaii	[2] 82,368,000				A	A				
Idaho	[2] 34,000,000		C		C					A
Illinois		[1] 21,000,000								B
Indiana		[2] 96,000,000		B		B	B			
Iowa		[2] 68,800,000				B				
Kansas		[2] 213,000,000								B
Kentucky			C							
Louisiana			C	C	C					
Maine		[1] 11,400,000	C				C			
Maryland		[2] 218,000,000		B		B	B	B		
Massachusetts			C	C						
Michigan	[2] 550,000,000			A	A	A				
Minnesota		[1] 56,000,000	C							
Mississippi			C	C	C					
Missouri		[2] 254,000,000		B	B	B	B			

SUMMARY OF LOCAL TELEPHONE RATE INCREASES—Continued

State	1982 increase	1983 increase	Anticipated increases	Stated rationale						
				FCC access charge decision	FCC depreciation decision	Deregulation of CPE	AT&T divestiture	Long-distance competition	Loss of long-distance subsidy	Normal increases operating expenses
Montana		[2] 20,710,000		B		B				B
Nebraska		[1] 8,033,000	C	C	B	C	C			
Nevada		[1] 5,857,000	C	C			C			B
New Hampshire	[1] 8,380,000		C	C			C			A
New Jersey	[2] 245,000,000		C		A		C			A
New Mexico		[2] 86,100,000		B	B	B	B			
New York			C			C	C			
North Carolina		[2] 143,974,447			B	B				
North Dakota			C	C			C			
Ohio		[2] 179,838,000		B			B			
Oklahoma		[2] 301,000,000								
Oregon		[1] 36,400,000			B	B	B			
Pennsylvania		[2] 378,000,000				B	B			B
Rhode Island		[2] 21,139,000								
South Carolina			C	C	C	C	C			
South Dakota		[2] 21,500,000					B			B
Tennessee		[2] 218,000,000		B	B	B	B		B	
Texas		[2] 1,000,000,000		B	B		B			
Utah		[2] 43,961,000			B	B	B			
Vermont	[2] 16,000,000		C	C	C	C	C			
Virginia		[1] 63,826,000	C				C			
Washington		[1] 71,000,000	C		B	C	C			
West Virginia			C	C						
Wisconsin		[1] 55,113,000								
Wyoming			C	C	C		C			C
Puerto Rico										
Virgin Islands										

[1] Granted. [2] Pending.

A=1982 increase; B=1983 increase; C=anticipated increase.●

RISKING WAR FOR WHAT?

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. OTTINGER. Mr. Speaker, the issue of U.S. involvement in Central America has become the premier international issue in the press and in the minds of our citizens. National unity on this issue is growing against intervention, against Mr. Reagan's desire to demonstrate our might to Nicaragua, and against what is now the constant haranguing for more military aid and advisers to El Salvador and Honduras. Mr. Reagan's blue-ribbon Kissinger Commission is hardly the way to gain national unity.

Instead of trying to gain a national consensus by saying the same things more loudly, Mr. Reagan would do well to listen to the consensus that has already formed: it is time to stop our warmongering in Central America. It is time to recognize the potential of helping these nations develop, safely and peacefully. We must let the political and civil strife work itself out. We must listen to the opinions of the Contadora group and recognize the value of what they say, and what can be accomplished through peaceful, rational debate. We must live up to our promise to support human rights, reward land reform and encourage economic development.

This is the theme of three very fine articles from the New York Times. I call my colleagues' attention to the Times editorial, and the articles by Mr. John B. Oakes and Mr. Tom Wicker:

A PEACE SCARE FROM MANAGUA

What is a reasonable bargain that could promote stability and perhaps even peace in Central America? Here is one idea: Call off the dogs of war, insist on absolutely no military intervention across any border, ban the shipment of offensive weapons to all governments in the region, buy one-way tickets home for all foreign military advisers, reward respect for human rights and democratic elections and encourage true reconciliation all around.

You may be forgiven for not realizing that this is precisely the plan the Reagan Administration says it favors. It is the program proposed by Central America's democratic states at a meeting in Costa Rica last October. And in crucial respects, it overlaps proposals just offered by Nicaragua and by the Contadora group of mediators comprising Mexico, Venezuela, Columbia and Panama.

This week, just as the White House was cranking up Caribbean war games, Nicaragua was obviously hoping to take the wind out of American sails. Its leftist rulers dropped their insistence on direct talks only with the United States and Honduras. They came around instead to the American view that meaningful talks to stabilize Central America have to be regionwide.

Yes, said the State Department, that's a "positive step." But where are Nicaragua's clearly articulated ideas for verification? Why was nothing said about letting democratic elections resolve internal problems, And how can the Sandinistas put the insurgents in El Salvador on the same level as an elected government?

That is a weak and suspect response. The plan the Administration says it favors also treats both Salvadoran sides the same way: it would compel the recall of *all* foreign advisers. And the talk of elections cuts both ways: Who elected Guatemala's right-wing dictator? Verification? Sure, that's a subject for negotiations, not a precondition for them.

The greatest awkwardness concerns military intervention. Mr. Reagan has had trouble proving any significant Nicaraguan role in El Salvador. Yet America's support of rebels in Nicaragua is now blatant.

The President justifies supporting the "contras" by comparing the Sandinistas to the European Communist regimes kept in power by Soviet tanks. If that were the case, he should welcome Nicaragua's offer to send away its Cuban helpers along with all foreign advisers in the region.

The hostilities of years are not going to be dispelled by the semantic maneuvers of a few days. Plainly, it would take a lot of strings to make any such diplomatic package hold. But some promising ideas are now on the table, put there by allies as well as adversaries. They call for something more considered than Mr. Reagan's remark that dealing with the Sandinistas is difficult because "they're being subverted or directed by outside forces."

Generously testing the sincerity of Nicaragua's overture would cost little. Perhaps the Nicaraguans want to be more reasonable only because they are scared of the new Yankee belligerence. But isn't that what Mr. Reagan hoped for?

RISKING WAR FOR WHAT?

(By Tom Wicker)

MEXICO CITY, July 21.—Where is the Reagan Administration's hardline policy against the Sandinista Government of Nicaragua taking us? Public opinion in the United States seems not much concerned, but the Mexican Government fears that the militaristic Reagan approach may lead to war between Nicaragua and Honduras at almost any time.

This is not just an abstract worry. Commenting on Mr. Reagan's new commission on Central America, to be headed by Henry Kissinger, a high Mexican official said the situation was "too urgent" to wait for the commission's scheduled December report. War could come before then, he said, if the C.I.A.-sponsored "contras" continue their

incursions into Nicaragua from their sanctuaries in Honduras.

War is clearly on the mind of Daniel Ortega Saavedra, too; as the coordinator of the Sandinista junta, he warned the Nicaraguan people to prepare for more fighting, in a speech marking the fourth anniversary of the revolution that brought the junta to power. Nicaraguan officials have been openly predicting a U.S.-supported invasion from Honduras.

But that's not the only way war could start. The border clashes could get out of control on either side. Or the Nicaraguans might strike into Honduras, although they are not believed eager to bring on an open clash with the U.S.

However it begins, in the Mexican view, such a Central American war would be a disaster, and far more of a threat to U.S. interests and those of other nations in the region than the Sandinista regime—in a small, impoverished country—could ever be.

The United States certainly could not remain unengaged in a Nicaraguan war. Having armed and equipped the "contras," including many elements of the old oppressive Somoza Government overthrown in 1979 by the Sandinistas, and having led Honduras from a week but democratic form of government toward right-wing military leadership, Washington could scarcely abandon its ally if war broke out. And it's by no means clear that such a war could be long pursued, much less won, without United States troops coming to the aid of Honduran forces generally considered ineffective.

Depending on the extent of Washington's participation and the threat to Nicaragua, Cuba would almost surely be drawn in, to some degree. Having helped the Sandinistas to power, as well as to sustain them for four years, Fidel Castro would be forced to come to their assistance, although some analysts think that the last thing he, too, wants is an open clash with the U.S.

Cuba's participation in a Central American war, of course, would raise the question of the Soviet Union's response. Even if it were only to send arms and supplies, that would lead to a direct Soviet-American confrontation that no one wants.

Even if the most dangerous side effects could be averted, the Mexican view is that a Nicaraguan-Honduran war would be worse than anything that could be achieved by it. Even if the Nicaraguan regime could be overthrown—which surely could not be done without Cuban and perhaps Soviet intervention having first been overcome—the Sandinistas have made it clear that they would resume guerrilla warfare and perhaps foment it throughout the region.

"I don't see a military intervention that will end the conflict in Central America," the Mexican offical said. He thought it would bring, instead, "a period of turmoil for many years," in which the U.S. inevitably would be entangled. That's why the Reagan policy of initiating and supporting the contras' military attacks on Nicaragua—Mr. Ortega said they'd already caused 600 deaths this year and $70 million in damages—is seen in Mexico City as "extremely dangerous."

It's hardly likely, of course, that Mr. Reagan actually wants a Nicaraguan-Honduran war, so clearly would the U.S. have to be heavily involved and so great are the dangers. That would not be the best campaign plan for a President who is almost certainly seeking re-election.

But since the military pressure on Nicaragua clearly risks such a war, it's fair to ask what that policy can achieve that's worth the risk.

Stopping the arms flow into El Salvador? Even if Washington had been able to produce a shred of evidence that this flow is of substantial importance to the Salvadoran guerrillas, there should be better ways to stop it than military attacks on Nicaragua that could bring on general war.

Forcing the Sandinistas toward a more democratic or pro-U.S. policy? Military attacks don't seem likely to accomplish that.

Overthrowing the regime? As the Mexicans see it, that would not be the end but the beginning of real trouble.

So what is Mr. Reagan's goal? Where does his Nicaraguan policy lead? If he knows, now's the time to let the people decide if they want to follow.

RIPE FOR REVOLUTION

(By John B. Oakes)

President Reagan's bully-boy policy in Central America has baffled every one of our major Latin American friends, and virtually every one of our European allies.

It has not only baffled them; it has also frightened them, which explains the frantic attempts by the Presidents of Colombia, Venezuela, Mexico and Panama (the "Contadora group") to reach a negotiating formula to satisfy both the United States and Nicaragua.

Nicaraguan junta's acceptance this week of one of the key American demands—multilateral as distinct from bilateral peace talks—reflects at least partial success for the Contadora group's efforts. It also makes it increasingly difficult for Mr. Reagan to maintain, with even the pretense of legitimacy, his undeclared wars against both the Nicaraguan regime and the Salvadoran guerrillas. It makes it harder than ever to justify to Congress the steady escalation of United States arms in Central America, with the obvious goal of overthrowing the Nicaraguan regime.

The Reagan policy has in fact reduced the United States to defending democracy in the Western world by mirroring the Soviet Union, by competing with it as arms suppliers, as agents provocateurs and interventionists, and even—as is the case in Nicaragua—as armed subversives.

The way to undercut what influence the Soviet Union and its satellites have is not to ape them, nor to send arms to every tin-pot dictator who calls himself an anti-Communist. It is to accept the inevitability of social revolution in countries such as El Salvador and Nicaragua that are ripe for it—and to try to guide it along democratic lines, not fight it along undemocratic ones.

With its bloody history of military dictatorship, oligarchical control and peasant uprisings, there has never been a country on the American continent more in need of fundamental change than El Salvador.

Smallest of the Central American republics, almost exactly the size of Massachusetts, El Salvador is the most densely populated. It has one of the highest birth rates in the Americas and, significantly, one of the lowest per capita incomes. El Salvador would have been ripe for revolution even if Marx or Lenin or Castro had never existed, as a study prepared for an agency of the United States Government makes clear. It states:

"The majority of Salvadorans are hungry, illiterate, infested with parasites, malnourished, poorly housed, underemployed and have little opportunity for self-improvement. There is also a chronic housing shortage and a higher percentage of labor underutilization than anywhere else in the Western Hemisphere. Coupled with this dismal social and economic situation are environmental problems of enormous magnitude, including almost complete deforestation, massive soil erosion and loss of soil fertility, extinction of flora and fauna, deteriorating water quality and widespread environmental pollution.

"The majority of the most fertile land is owned by a privileged minority. This sector has emphasized cash crops for exports. By contrast, subsistence food crops, grown primarily by the land-poor or landless, have been inadequate to feed El Salvador's burgeoning population."

That population, now estimated at five million, has more than doubled in the last 30 years and is expected to double again in the next 20. In that statistic lies the kernel of the real danger to El Salvador, to the United States and to world security.

American revolutions—past or present—aren't caused by the Communists, don't need the Communists and won't be settled by the Communists. However, partly because of President Reagan's ineptitude, the Communists will probably play a larger part in the ultimate settlement of the El Salvador revolution than they would have if we had concentrated on economic and social aid with half the fervor and money that we are now devoting to the military.

If Congress seriously wants "to keep the light of liberty alive in Central America"—in President Reagan's phrase—it will put a stop to the Reagan policy that is extinguishing it.

El Salvador's revolution was no more the result of "Communist aggression" than were the Cuban revolution or the Nicaraguan revolution or the Mexican revolution early in this century or the French and American revolutions two centuries ago. Nearly all of these revolutions, including our own, were helped by outsiders but they were not caused by them and they were not settled by them either.

The belief that we can maintain our dominance, enhance our prestige and keep the Communists out by building up a military presence directly or through surrogates might have worked in the days of Teddy Roosevelt nearly a century ago, but it won't and it can't work now.●

BAHA'I EXECUTIONS IN IRAN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. WOLF. Mr. Speaker, I am very concerned about the recent executions of Baha'is in Iran because of their choice of religion.

I am alarmed at reports of persecution of these people solely for their religious beliefs. The Baha'i faith is an independent religion that promotes the unity of humanity, world peace, and the equality of men and women. Iran's clerical rulers regard it as a heresy, and since the 1979 revolution have waged an intensive campaign of persecution against the minority religion. I believe that such atrocities must stop.

President Reagan had appealed to Ayatollah Khomeini to spare the lives of those Baha'is recently executed. Khomeini is reported to have said that President Reagan's appeal was "proof" of their guilt.

I am appalled and dismayed that such inhumanitarian and uncivil acts are occuring in the world today.●

THE FEDERAL REPUBLIC OF GERMANY HONORS DR. JOHN R. SILBER

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. BOLAND. Mr. Speaker, Dr. John R. Silber, the president of Boston University, has long been recognized as one of our country's most able and innovative educators. On July 13, 1983, his reputation acquired international dimensions when he was awarded the Knight Commander's Cross with Star of the Order of Merit of the Federal Republic of Germany.

In the certificate of investiture which accompanied the award, the Federal President, Karl Carstens, cited Dr. Silber for his "extraordinarily meritorious service" to the Federal Republic. John Silber's interest in, and study of, his German roots has prompted him to promote several activities which have encouraged better relations between Germany and the United States. Through his efforts, the Boston German Language School has been made a part of Boston University, and the university's overseas program has expanded its course offerings and its enrollment. The overseas program provides American military and civilian employees stationed in Europe with the opportunity to pursue graduate degrees. Since it was established in 1964, 4,400 students have obtained graduate degrees, and thousands more have had their educational horizons broadened, through their exposure to the overseas program. The value of this program to our Department of Defense personnel, both civilian and military, is incalculable, and its ability to stimulate a better understanding in thousands of Americans of the European countries in which they serve can not be underestimated.

Mr. Speaker, no one who has met Dr. Silber could help but be impressed by his intelligence, his wit, and his forthright manner. His recent selection as a member of the Kissinger Commission on Latin America is further evidence of the kinds of judgments made about his abilities. I want to add my congratulations to those of his many friends and admirers on his many achievements, and in particular on the high honor recently accorded to him by the Federal Republic of Germany.●

ARTHUR M. WIRTZ

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. ANNUNZIO. Mr. Speaker, last Thursday Chicago lost one of its giants, Arthur M. Wirtz, my friend for over 40 years, and a philanthropist, humanitarian, sportsman, and business leader in our community.

Arthur Wirtz was beloved, admired, and respected by all who knew him. He was a brilliant man, who despite his vast real estate and business holdings, never lost his warmth and compassion.

Born in Chicago in 1901, he graduated from the University of Michigan in 1922. During the twenties, he went into the real estate business, and during the Depression, he became adept at reorganizing failing building corporations to save them from receivers. During that time, he formed a partnership with James Norris, a grain speculator, and began branching into sports franchises. Arthur ran the business end of the partnership, while Mr. Norris and his son, Jim, took charge of the sports aspects.

In 1933, they bought the Olympia Stadium in Detroit, along with the city's professional hockey franchise. During the 1930's Mr. Wirtz signed Sonja Henie, the Olympic figure-skating champion, for the Chicago Stadium, and the successful Hollywood Ice Revue was launched. In 1935, they added the Chicago Stadium to their holdings, and later, acquired stock in Madison Square Garden in New York City, leases on stadiums in Omaha and Indianapolis, and they purchased the St. Louis Arena in 1949. When Jim Norris died in 1966, the Norris-Wirtz interests were separated, and Arthur Wirtz and his sons were left with the Chicago Stadium, the Chicago Black Hawks hockey team, and Consolidated Enterprise, Inc.

Between the years 1949 and 1955, Arthur Wirtz and Jim Norris, through their International Boxing Club, promoted 47 of the 51 championship fights in the Nation. In 1977, in recognition of his many fine contributions to the sports world, the Chicago Boys Clubs designated Arthur Wirtz "Chicagoan of the Year."

Arthur Wirtz was a truly outstanding individual who will be sorely missed, for our city of Chicago greatly benefited from his leadership over the years. Mrs. Annunzio and I extend our deepest sympathy to his sons, William and Michael, and to his daughters, Cynthia MacArthur and Elizabeth, and to their families.

An excerpt from Kup's Column, which appeared in the July 22, 1983, Chicago Sun-Times, about the life of Arthur Wirtz follows:

KUP'S COLUMN

(By Irv Kupcinet)

The one word that best describes Arthur Wirtz is "giant"—he was a giant of a man, 6-4 and 300 pounds in his prime. He was a giant intellectually. And he was a giant financially, with vast holdings in real estate, banks, liquor distributorships, sports and show business. An indication of what the future held for him came at the U. of Michigan, where a professor labeled him "The Brain." His acumen in the many fields in which he operated later in life substantiated that designation. His death was the third tragedy to strike the family in recent months. His wife, Virginia, died last December, and his daughter-in-law, Mrs. William "Jo" Wirtz, a month ago. The death of his wife—after 56 years of marriage—caused a stroke from which he never recovered.

Of all his accomplishments, Wirtz, most enjoyed transforming the Chicago Stadium, a white elephant when he took it over, into a highly successful venture and once the chief rival to New York's fabled Madison Square Garden for boxing supremacy. In partnership with Jim Norris, he staged some 70 major bouts there, including many world championships. He was proud, too, of originating the lavish ice revues, starring Sonja Henie, which added to the glamor of the Stadium. Sonja had been an Olympic ice skating champion when Wirtz conceived the idea of signing her to star in the first ice extravaganza. The success of the revues added a new dimension to show biz, and Wirtz and Henie reaped millions of dollars as a result.

Wirtz also was a pioneer in professional basketball. Long before the Bulls, of which he was a part owner, Wirtz brought the Chicago Stags to the Stadium in cooperation with two of his closest associates, now departed, Judge John Sbarbaro and attorney Arthur Morse. The latter, again supported by Wirtz, was the "father of double-header college basketball," which also once flourished in the Stadium. Wirtz was long a vital figure in the National Hockey League, in which his Black Hawks played a major role in the Bobby Hull era. . . . The mantle of the Wirtz empire now passes, de jure, to his son, Bill, as it had, de facto, after his illness. Those are large shoes to fill.●

FREE MARKET COPYRIGHT ROYALTY ACT OF 1983, H.R. 3419

HON. SAM B. HALL, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. SAM B. HALL, JR. Mr. Speaker, I have recently introduced H.R. 3419, the Free Market Copyright Royalty Act of 1983, that could have a profound impact on the television programing viewed in millions of American homes. Cable television has exploded on the scene of American life in recent years and has provided millions of citizens access to new sources of news, sports, entertainment, and other programing. It has proved especially beneficial to the rural areas of

our Nation providing access to television programing never before enjoyed. In addition, it has provided copyright owners with additional sources of revenue as well as spurring new businesses across the Nation. In short, cable television has proven itself to be a valuable asset and has enriched the lives of many Americans.

My bill is designed to preserve and promote one specific area in the cable television field where market forces, which are working quite well, are threatened by Government controls. In addition, H.R. 3419 would streamline and otherwise improve decisionmaking at the Copyright Royalty Tribunal (CRT).

The need for this legislation arose because of the CRT decision of November 19, 1982, that increased by 400 to 1,600 percent the copyright royalty fees that cable television systems must pay to carry the signals of distant broadcast signals above a minimum number. While the CRT decision was intended to compensate program owners for the additional use of their property on cable systems, the CRT failed to distinguish different categories of broadcast signals on cable. Specifically, the CRT failed to recognize the ability of some distant broadcast stations—the so-called superstations whose signals are retransmitted nationally by satellite—to aggregate a national audience and, through direct negotiations with copyright owners, to compensate those owners fully for the use of their programing on such stations.

Where market forces are adequate to insure fair reimbursement to copyright owners who willingly license their programing to such networks, there is no need for Government intervention and regulation. Accordingly, and upon a finding by the CRT that a broadcast station is functioning as a "national cable broadcast network," the bill would exempt cable systems carrying such signals from the CRT's rate increase of November 19, 1982.

Basically, the CRT decision ignored the successful workings of the free market and imposed unnecessary, artificial, and potentially devastating increased fees cable operators must pay for carriage of a national cable broadcast network. The immediate impact of this decision was a reduction in television service to the public, particularly in rural areas of America, because many cable operators discontinued carriage of distant signals to reduce their copyright fees. The long-range effect of the decision is even worse. The prohibitive new fees have foreclosed new markets to national cable broadcast networks, restricting the diversity of media available to the public that is one of our basic public objectives.

The Free Market Copyright Royalty Act would insure the continued success of the free market forces by:

First, allowing cable systems to carry the signals of national cable broadcast networks without being subject to the prohibitive new royalty rates established by the CRT;

Second, reducing the membership of the CRT from five commissioners to three commissioners, effective when the terms of two current commissioners expire; and

Third, directing the CRT to use the personnel funds freed by the elimination of two commissioner positions to build a professional staff capacity it does not now have, by appointing a General Counsel and a Chief Economist.

In the 1976 Copyright Act, we recognized that there is a fine line between communications policy and copyright liability. The CRT has failed to respect this line. We should act now to promote the availability of creative television works to the public, to protect the diversity in the national distribution of electronic media, and to assist the Tribunal in doing its job more effectively in the future.●

PLIGHT OF KAMPUCHEAN REFUGEES WORSENS

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. OBERSTAR. Mr. Speaker, after 8 years of social and political turmoil in Southeast Asia over 70,000 refugees remain in camps along the Thai border without adequate food, shelter, or health care. In addition, there are almost 200,000 refugees living in wretched squalor outside the camps. I recently met with representatives from the Cambodian Crisis Committee who traveled to Southeast Asia to assess the increasing problems of Kampuchean refugees living in camps along the Thai border. Members of the committee described the plight of these refugees and the administrative bottlenecks which have prevented their expeditious and orderly processing and relocation to less troubled countries of the world, including the United States. While the recent National Security Directive from the President (No. 93) is encouraging, there is growing concern that the guidelines it included will not be enforced on the field level and that administrative problems will continue to mount. The directive: One, instructed the U.S. Immigration and Naturalization Service to follow established guidelines when considering refugee applications for relocation; two, called for central guidance in refugee processing; and, three, established a Senior Interagency Group for Refugee Policy, designed to "insure that important refugee policy issues receive full, prompt and systematic consideration."

I include the full report of the Cambodian Crisis Committee in the RECORD today and urge my colleagues to join in efforts to ameliorate the plight of these Kampuchean refugees, including the letter I shall send to President Reagan next week.

A REPORT FROM REPRESENTATIVES OF CHURCHES IN AMERICA CONCERNED WITH REFUGEE PROCESSING AND RESETTLEMENT, VISITING THAILAND JUNE 18 TO JULY 1

PROLOGUE

After almost four years, some 70,000 victims of the war in Cambodia remain living in fear, pain and uncertainty in camps in Thailand. In this part of the world, we Americans are often perceived as having forgotten the plight of these hurting people. We, the Cambodian Crisis Committee II, appeal to the government of the United States and all citizens to alleviate, rather than ignore, their suffering.

The Cambodian Crisis Committee II has sent three delegations to these camps since January 1983.

The concerns and recommendations below emerged from the delegation that visited the camps between June 18 and July 1, 1983.

Although the conditions we found remain extremely serious and the policy and administrative problems are far from solved, we wish to affirm the efforts of all those involved—U.S. government personnel, UN staff and agencies, voluntary agencies and others. There seems to be a new spirit in the air as all here in the field await new guidelines, based on National Security Decision Directive No. 93.

Our concerns and recommendations are as follows:

1. We are concerned that while 70,000 Khmer remain in the camps, NSDD No. 93, signed by President Reagan, has not been implemented. The document calls for guidance to be issued to INS officers "NO LATER THAN JUNE 10" (emphasis added). Yet, the guidelines are not expected until mid-July or, possibly, even later.

We recommend that the guidelines be issued forthwith and that they acknowledge that persons who fled the Pol Pot regime and/or the Vietnamese occupation are political refugees who should be admitted to the United States and other countries in an orderly, efficient and humane fashion.

2. We are concerned that orphans and other children who have been separated from their parents (unaccompanied minors), have been in the camps for up to four years. As a result, many have lost their "unaccompanied minor" status simply by growing older while they waited. Through no fault of their own, this has subjected them to still further delays.

We recommend that these unaccompanied minor children be immediately offered third country resettlement and foster care and that they be resettled by the end of the summer of 1983. In addition, we recommend that those who were unaccompanied minors on the date of their arrival in Thailand be given special consideration by the United States to the extent possible. The Cambodian Crisis Committee II has a team now in Thailand willing to assist, where appropriate, in this effort.

3. We are concerned that the utterly devastating effect of the Pol Pot regime's brutality and the further disruption following the Vietnamese invasion and occupation has instilled wide-spread trauma and deep fear among the persons being interviewed by the UN and U.S. agencies. This has led to understandable errors and misrepresentations which now threaten to deny permanent refuge to these victims.

We recommend a procedure be developed for those who may have misrepresented facts or made errors during any interviewing process which takes our concern into account and that the following considerations, taken from President Reagan's National Security Decision Directive #93 be the prime considerations:

Flight from Cambodia because of occurrences during the Pol Pot regime.

Former membership in the military.

Close family relationships in the United States.

Refusal to work with the new regime in Cambodia.

4. We are concerned that thousands of the Khmer now living in Thai camps have been rejected by the United States.

We recommend that an informal review process, reflecting the spirit of National Security Decision Directive #93 by implemented to deal with these cases. The Cambodian Crisis Committee team will offer assistance if appropriate.

5. We are concerned that a huge backlog of unprocessed cases exists and, because the rate of resettlement is diminishing, the Thai government is concerned that our commitment to resettle the refugees may be weakening. The Thai concern was expressed personally to representatives of the Cambodian Crisis Committee II by General Rien of the Thai Supreme Command and also was given front page press coverage in Bangkok during our visit.

We recommend that the U.S. government formally reassure the Thai government and that it demonstrate its good faith by increasing its efforts, especially for the refugees at Khao I Dang. We further recommend that present allocations be filled.

CONCLUSION

Certainly the Presidential Decision Memorandum, the new staff from INS and the State Department, the developing new guidelines and revised In-Country Papers, have brought an enormously positive cumulative effect to the processing system for Khmer in Thailand. It is hoped that nothing would hinder this progress and every hope continues for the final guidelines which should arrive in mid-July. At the same time parallel issues which affect Vietnamese and Laotian refugees and processing must be considered in the near future as well.

Respectfully submitted: Virginia Sobergh-Rhyne, Refugee Resettlement Coordinator, Lutheran Family Services, 301 S. Elm Street—Room 507, Greensboro, NC 27401; Joan Marie Hill, Lutheran Social Services of Minnesota, 2414 Park Ave., Minneapolis, MN 55404; Nona Stewart, Syracuse Area Inter-religious Council, Refugee Resettlement Coordinator, 910 Madison, Syracuse, NY 13210; David Slade, Attorney, 278 Main Street, Greenfield, MA; James H. Walsh, Inter-Governmental Consultant, 21 High Street, Nahant, MA 01908; Father Daniel Trainor, 791 Potters Ave., Providence, RI 02907; Ann Sandgren, Director of Follow-on Services, Lutheran Social Services of North Dakota, Box 389, Fargo, ND 58107; Pat Scott, Rt. #1, Maddock, ND 58348; Judge Ted Weisenberger, Court House, Grafton, ND 58237; Maha Ghossananda, Khmer New England Buddhist Center, Providence, RI 02902; Barb Korpi, ESL Coordinator for North Dakota, P.O. Box 1057, Dickinson, ND 58601; Jeaninne McAllister, 1307 South 6th Street, Fargo, ND 58103; Barry Nelson, Director of Unaccompanied Refugee Minor Program, Lutheran Social Services of North Dakota, Box 389, Fargo, ND 58107; Rev. Duane Neugebauer (Lutheran), Box 219, Maddock, ND 58348; Renee Pan, 1506 18th Street South, Grand Forks, ND 58201; and Rev. Peter Pond, Lutheran Service Association, 160 Speen Street, Framingham, MA 01701.●

PROGRESS IN SCHOOLS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. GINGRICH. Mr. Speaker, as the debate over education continues, I think we should note the progress made in certain school districts across the country. One such district is that in Douglas County in my congressional district in Georgia.

Administrators in that district studied the success of their system and found that the proposals in the report of the National Commission on Education were on target for the needs of their community schools.

A letter from Virginia S. Slate, principal of the Chapel Hill Elementary School in Douglas County to the Douglas Neighbor newspaper shows the care that her district has taken in studying the education needs of students in Douglas County.

DOUGLAS READER COMMENT

EDITOR: Douglas County schools are top-notch now and promise to be even better next year as a result of the year-long emphasis on school effectiveness. This emphasis culminated in an administrative workshop for all school system leaders June 14 and 15 at the Fulton Industrial Holiday Inn.

In the wake of the recent Report of the National Commission on Education which deplored the widespread mediocrity in U.S. education, workshop participants reflected on the progress made in Douglas County during the last decade to improve school programs. Building on foundations laid by former superintendents Frank Cloer, Robert Alexander and Eugene Sheets, current administrators have committed themselves to continue to emphasize excellence in education.

Taking the Report of the National Commission on Education as a guide, Douglas County school leaders are comparing their own recommendations for improving education with the commission's recommendations. The similarities are phenomenal.

Douglas County citizens may take pride in their educational system and the foresight of its leaders.

VIRGINIA S. SLATE,
Principal, Chapel Hill Elementary School.●

HIDING BEHIND HENRY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. OTTINGER. Mr. Speaker, the Reagan administration is falling into a pattern of policy by commission, an attempt to claim broad bipartisan support for insupportable positions by hiding behind the recommendations of a supposed objective group of experts.

Unfortunately, objectivity has not been the hallmark of Mr. Reagan's two most recent commissions. The Scowcroft Commission was established to find arguments in favor of the MX. Now Mr. Reagan has appointed Henry Kissinger to justify his military abuse of Central America. Mr. Kissinger, with no experience in Latin America, and who has already expressed support for our military policy in Central America, will now be able to lend the same skills to Central America as he applied so viciously in Chile and Indochina.

I would remind my colleagues that the man now responsible for advising the President on our continued involvement in Central America is the same man who publicly disdained the whole region in 1969. At a meeting of Latin American ambassadors at the White House, Mr. Kissinger addressed Chile's Gabriel Valdez:

Mr. Valdez, you come here speaking of Latin America, but this is not important. Nothing important can come from the South. History has never been produced in the South. The axis of history starts in Moscow, goes to Bonn, crosses over to Washington, and then goes to Tokyo. What happens in the South is of no importance. You're wasting your time.

To "lay the foundation for a long-term, unified national approach" to the problems of Central America," as Mr. Reagan put it, we do not need another parroting Presidential commission; we need a new approach. Mr. Kissinger is not the man to bring clarity or national unity to this situation. Instead, we can look forward to a rubber-stamped approval of the escalating military involvement already causing a national schism in this country, and perhaps doing permanent damage to our future relations with our neighbors to the South.

I call to my colleagues' attention the article in last Thursday's New York Times by Mr. Tom Wicker:

[From the New York Times, July 19, 1983]

HIDING BEHIND HENRY

(By Tom Wicker)

President Reagan's decision to set up a "bipartisan" national commission to underpin his unpopular Central American policy is bad news for more reasons than the rebirth of Henry Kissinger.

It's tricky politics, too, calculated to generate for Mr. Reagan the Congressional and

public support he hasn't otherwise achieved, and to give cold-footed opponents an easy way out of standing up to the President as an election year approaches.

Worse, the plan extends the already worrisome practice of turning over hard-fought political issues to supposedly blue-ribbon, nongovernmental commissions. When such a panel delivers what appears to be an arbitrator's Solomonic decision in substitute for the political judgments of Congress and the President, the result is dangerous to oppose and even difficult to modify.

Both the Greenspan commission on Social Security and the Scowcroft commission on the MX, the predecessors of the Kissinger commission, insisted that their conclusions were "package" decisions, to be accepted in full. The current difficulty of MX opponents in trying to defeat the 100 missiles recommended as part of the Scowcroft report suggests the effectiveness of the "package" tactic.

How long will it be before President and Congress give the Federal budget to, say, a Milton Friedman commission, or the school prayer issue to a Jerry Falwell commission? Maybe the Democrats, next time in office, could handle world trade policy with a Lane Kirkland commission.

None of these would be more incongruous than the proposed Kissinger commission, to be headed by the Great destabilizer of Chile; a less appropriate person to act as arbiter of policy anywhere in Latin America could not be found this side of General Pinochet. Dr. Kissinger's well-known world view, moreover, does not allow the possibility that an insurgency in El Salvador might not have been conceived in Moscow and planned in Havana; and even if it did, his oft-proclaimed geopolitical concepts won't tolerate even an elected Marxist government in this hemisphere, let alone one achieved by revolution.

Besides, the commission gambit is misdirected at such a relatively narrow foreign policy issue as the Central American problem—one certainly no more complex and not generally considered as serious as the Middle East.

The Greenspan commission, partly appointed by Speaker Tip O'Neill, dealt with a genuine party and Presidential-Congressional deadlock on a serious domestic institutional question. Social Security outlays were forcing some kind of decision. Enormous public interest attended the question; political posturing on both sides obscured it. Difficult technical, financial and actuarial questions were involved. And the final "package" pretty well split the differences between contending approaches.

The Scowcroft commission was more nearly a mere instrument of the President. The White House made no secret of the fact that the commission was appointed to legitimize some form of MX deployment over Congressional objection, and a fair reading of the membership left little doubt that the commission would do so. While it also performed useful service (dismissing the "window of vulnerability" and recommending a shift to single-warhead missiles), the commission's labored MX recommendation did not settle the question nor suggest a totally disinterested inquiry.

The Kissinger commission is even more suspect and less necessary. Mr. Reagan's stated aim is to build a "national consensus" on Central American policy, which means behind his policy; after all, he could change it without a commission. With such sponsorship and under such a leader, the panel is unlikely to recommend a new direction; it's doubtful there will even be enough dissenters of sufficient weight to shake the predictable "package" recommendation.

Why isn't the usual play of Presidential and Congressional power as proper here as in the case of, say, the Awacs sale to Saudi Arabia? What's at issue other than whether Congress puts up the money for the Reagan policy? Mr. Reagan apparently fears it won't unless he provides opponents a shield to hide behind; and the Scowcroft precedent suggests that the tactic works.

But whatever weight the new commission may achieve here, a group headed by a born-again Henry Kissinger and organized to develop a consensus around a military attack on Nicaragua and a military approach to El Salvador—both of which require the Reorganization of Honduras—will not be welcome south of the border.

The Contadora group (Mexico, Venezuela, Colombia and Panama), for instance, has just called on states interested in Central America to "contribute their political influence in strengthening the cause of understanding and commit themselves without reservation in favor of the diplomatic option for peace."

That's hardly what Mr. Reagan expects to hear from the Kissinger commission; else he wouldn't establish it.●

CANCER CENTERS

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. COUGHLIN. Mr. Speaker, I recently received a letter from Dr. Timothy R. Talbot, president emeritus of the Fox Chase Cancer Center in Philadelphia, who also serves as the chairman of the board of directors of the Association of American Cancer Institutes. Dr. Talbot has been active in biomedical research efforts since the early 1940's and has distinguished himself as an outstanding administrator of the Fox Chase Cancer Center where many of my constituents have received treatment. Because Dr. Talbot's letter bears directly upon the Health Research Extension Act (H.R. 2350) now under consideration by the House, I ask that it be inserted in its entirety in the RECORD at this point.

ASSOCIATION OF AMERICAN CANCER INSTITUTES,
July 21, 1983.

Subject: Cancer Centers and House Debate on H.R. 2350, the Health Research Extension Act of 1983.

Hon. LAWRENCE COUGHLIN,
U.S. House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE COUGHLIN: Thank you for requesting my written views on H.R. 2350, The Health Research Extention Act of 1983, particularly as they relate to the upcoming House of Representatives debate on the line-item authorization of Cancer Centers.

As I indicated by phone, my concerns are quite specific: In the bill H.R. 2350, soon to be debated, there is a line item authorization for cancer centers, whereas it is my understanding that there will be proposed a substitute bill without such a line item authorization for cancer centers. I am hopeful that the following information will assist you in your judgment of whether to vote for the committee-reported bill with the item, and not vote for the substitute without the item.

I write to you both as Chairman of the Board of Directors of the Association of American Cancer Institutes, and as its immediate past President, and as the President Emeritus of Fox Chase Cancer Center, in Philadelphia, where I have served, in effect, since 1957 (then I was Director of the Institute for Cancer Research, now allied to the Fox Chase Cancer Center).

My experience in biomedical research dates back to 1942, so that the views I express on the National Institutes of Health and the National Cancer Institute may have at least some long-range understandings of the matters under discussion.

There are several reasons why I urge you to support H.R. 2350 and its authorization for cancer centers:

1. That bill contains the authorization, whereas its proposed substitute (according to the information we have—the bill is not yet printed in final form) does not;

2. Such an authorization will put the stamp of official approval by the Congress of the cancer center program in a form which will lend considerable stability to the program (even though, as I note below, bill report language in each of five separate authorization and appropriations bills in the last two years have spoken highly of cancer centers);

3. The authorization would also, in large measure, cause the Administration to recognize that they should no longer attempt to defund existing centers through the appropriations process, as they have done this year (this is expanded upon later in this letter);

4. And the authorization of cancer centers by law would lend stability to this portion of the national cancer research effort at a time when we are having very serious difficulties attracting and keeping bright young investigators, who sense not only that they would have an insufficient career in research, but that even cancer centers might have so much instability that they could not work well there.

As to the first point: Last September, when the predecessor to this legislation was debated (the Congress ended before a biomedical research bill could be passed by both Houses), the issue was essentially the same. The committee bill, then H.R. 6457, the Health Research Extension Act of 1982, was debated and passed by the House, with the authorization for the cancer centers included and the substitute which did not contain the authorization was defeated (I am pleased to remind you that you voted for H.R. 6457 at that time, and thank you again for that).

In the bill report accompanying H.R. 6457, there was considerable comment about the cancer centers authorization, part of which I quote here:

"• • • the Committee proposal provides a separate authorization of appropriations for support of national cancer research and demonstration centers, authorized in Section 415. The Committee believes that cancer center core grants are essential to the national cancer program, and should, during periods of fiscal restraint, not incur program reductions disproportionate to other institute activities.

"Cancer center core grants enable cancer centers to pay for research resources which can be shared by investigators whose individual research grants would not otherwise cover the costs of their work. Cancer center core grants provide central support services and highly specialized laboratory services that are uniquely suited to the common interests of several investigators working in close proximity within a cancer center.

"The specific authorization of appropriations for cancer center research and demonstration activities is intended to represent the Committee's strong support for the cancer center core grant program. * * *

This excellent bill report language of last year's bill is very much like the supporting language in this year's bill (I quoted from the earlier version simply because it more fully explains the core grant program).

As I see it, this authorization is simply formalization of a program which is already two decades old, and which has consistently won the support of the NIH, the National Cancer Institute, and the Congress, especially in appropriations bills. Historically, and cancer centers were begun in the 1960's, in response to the need for a multidisciplinary cancer research program, which included a program to promote basic and clinical research, improve diagnosis and treatment of patients, train an effective cancer research cadre for the future, and influence the upgrading of cancer care in surrounding communities.

The program expanded throughout the 1960's, was strongly endorsed in the National Cancer Act of 1971, and has continued to grow stronger and more valuable to the cancer research program throughout the years.

A two-decade old program, with continuing high marks for effectiveness, participating in a rigorous peer review system, now needs considerable further support, in terms of the proposed authorization, as I will explain in my next two points.

The second point is that while the Congress continually lends bill report language support is appropriations and authorizations bills, actions by the Administration continually undermine the stability of the centers. In the bill reports accompany the last two biomedical authorization bills in the House, as I have said, there was excellent support language. In the Senate bill reports on the same legislation, for the last two years we have seen similar strong support. In both the Senate and House appropriations bills for fiscal year 1983, excellent supportive bill report language was given. There can be no question, then, or strong and continuous congressional support. In spite of that, and especially in the last several months, there has been developing a serious destabilizing process because of the Administration's proposed appropriations bill for fiscal year 1984.

That is my third point: The Administration's proposed fiscal year 1984 appropriations bill would effectively dismantle the cancer center program. I attach for your information an official document made available to both the Senate and the House appropriations committees, which indicates that under the Administration's proposed budget, 16 of 20 centers would be defunded, regardless of the excellence of their programs. (There is little doubt that if the Congress would accede to this proposal this year, in the next two years nearly all cancer centers would be defunded, as nearly all are on a three year funding cycle, approximately one-third up for renewal each year.)

I do not believe that there could have been a more serious blow to the cancer centers than this. It has created an uncertainty not only among those who must administer the centers, but also among all the researchers working in those centers. There is little question in my mind that the Congress will restore funding for those centers which are proposed to be defunded, but you know as well as I how difficult it is for researchers and administrators who know little about congressional processes to fully understand such a budget proposal and the likely outcome. I will not go into the machinations that went into this proposal, nor into the requirement of the Office of Management and Budget that NIH officials hew to the line and support the proposal whether or not they wanted to, but suffice it to say that it is sufficiently political and convoluted that personnel in centers who singlemindedly pursue research could not, and would not care to, attempt to understand it.

I believe that if the Congress were to accept a specific authorization for cancer centers in this bill, future Administrations, regardless of political party, would not seek to defund the centers in this manner. And that leads me to my fourth point: Stability of the centers, and of the work of the researchers in them, would be provided by the adoption of this authorization. And let me reassure you: stability does not mean any relaxation of the need for excellent work. This authorization would in no way change the rigorous peer review process through which every center grant must go, nor would it in any way distort any of the NIH mechanisms which have led to excellent research efforts across our Nation. I have supported, and I know that my colleagues in all the centers support, the continuation of the most rigorous possible processes at the NIH to assure quality research, and we all believe that the authorization would in no way change that.

Those are my arguments, Mr. Coughlin. They are long, I know, but I believe that the case has not yet been adequately debated on the floor of the House, in regard to this issue, and wanted you to have as much information as you need to arrive at a decision.

I hope you understand that this letter in no way is intended to disparage the efforts of those in Congress who will support the substitute which does not contain the centers authorization. I have the most profound respect for the Congress' efforts over the years to support the NIH and biomedical research—I believe it is correct to say that always authorization legislation in support of the NIH has been bipartisan in the Congress, and also that every appropriations bill by the Congress since the early 1950's has increased funding for the NIH above the level proposed by the Administration, regardless of the politics of the Administration and the Congress. As I see it, all those debating the matter of the NIH authorization bill seek the best biomedical research program possible; the disagreements are only about how, not whether, this should occur.

Thank you for the consideration of these views.

Sincerely, and with personal regards,

TIMOTHY R. TALBOT, JR., M.D.,
Chairman, Board of Directors,

Attachment: Official NIH list of cancer centers to be defunded under proposed fiscal year 1983 Administration budget.

NATIONAL INSTITUTES OF HEALTH, RESEARCH CENTERS SCHEDULED FOR COMPETING RENEWALS IN FISCAL YEAR 1984 FOR WHICH FUNDING WOULD BE ELIMINATED

NCI: Cancer Research Centers.

Note.—Based on priority scores, 16 of the following would not be funded: Bowman Gray Hospital, University of Southern California, Salk Institute, Howard University, Northwestern University, University of California, Los Angeles, Roswell Park Medical Center, University of North Carolina, New York University Medical College, Yale University, M. D. Anderson Hospital, University of Texas, Galveston, St. Jude Hospital, University of Vermont, Michigan Cancer Foundation, University of Arizona, Dartmouth University, Purdue University, University of Iowa, La Jolla Cancer Research Foundation.●

INDUSTRIAL POLICY

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 25, 1983

● Mr. SHUMWAY. Mr. Speaker, as the debate over industrial policy grows increasingly intense, it is important to recognize that the United States now has, and has always had, an industrial policy. Wherever Government intervenes in the marketplace in order to achieve economic or noneconomic goals, with the result that market decisions are distorted, industrial policy can be said to exist. This has been the case since the tariff acts of the early Republic and, in view of our wide-ranging tax, trade, antitrust, environmental, and labor statutes, rules, and regulations (among others), it is certainly the case now.

The problem, then, is not that we lack an industrial policy, but that existing policy tends to be inconsistent, incoherent, and quite often counterproductive. For some, the solution is a greater Government role in economic decisionmaking. Through mechanisms such as economic planning boards and national investment banks, it is believed, resources can be more efficiently allocated and market distortions eased. Of course, here the question of just how a board or commission composed of illustrious citizens, supported by the Federal bureaucracy and the Federal Treasury, can impose on the marketplace a more rational allocation of resources remains unanswered. In my view, to assume the success of a more interventionist industrial policy reflects a lack of understanding of both politics and economics.

In a recent editorial in Reason magazine, Robert Poole argues that "what we need, instead, is a thorough overhaul of the Government's existing anti-industrial, antientrepreneurial policy." In other words, rather than attempting to involve the Government in the economy further, we would be better off taking a close look at Feder-

al policies and programs which thwart competition and impede dynamic economic performance. It is not new policy that is needed; it is reform of existing policy.

The entire editorial follows:

[From Reason magazine, August 1983]

HEALING AMERICAN INDUSTRY

(By Robert Poole, Jr.)

With each passing week, the call for an "industrial policy" grows louder. Every Democratic presidential hopeful has some version of this idea, and Walter Mondale was reportedly ecstatic at the recent publication of Harvard professor Robert B. Reich's The Next American Frontier, which argues for such a policy. Business Week and Wall Street potentate Felix Rohatyn have been beating the drum for an industrial policy for several years.

Most conservatives and libertarians reflexively denounce such proposals for further government intervention, asserting that all we need is the free market. But this response, while technically correct, is simply not adequate.

In fact, we have an industrial policy today, though it is more implicit than explicit. The net effect of the U.S. tax system, regulatory system, and even the public school system amounts to a policy toward business and industry. And, unfortunately, as free-marketeers have been pointing out for years, that policy is very damaging to economic growth.

The damage has been growing more obvious for years, but the recent recession managed to bring it into sharp focus. What were once "basic" U.S. industries—autos, steel, machine tools—have failed to adjust to a changing world economy and are now being undersold by lower-cost, higher-tech firms overseas. This has led to wrenching unemployment and severely depressed regions. The only way such firms can survive is by drastic restructuring—yet in most cases, their remaining work forces refuse to accept competitive (lower) wage scales or to give up obsolete work rules. Moreover, interest rates remain so high that the billions needed for modernization are simply not being invested.

So it's quite clear that there is a problem, one of massive proportions. What should be done about it? Unfortunately, what is being offered as an industrial policy fails to address the causes of the problem and would only make matters worse. Whether it's the United Auto Workers, congressional Democrats, or the Business Week/Wall Street crowd, their basic proposal includes some sort of business-labor-government planning body and a development bank to provide grants, loans, and loan guarantees at taxpayer expense.

It should be crystal-clear by now why such a scheme will not work. First, there is no reason whatever to expect the individuals running either body to be able to obtain better information or make better decisions than the current participants in the capital markets—who, after all, have their own money at risk. Moreover, it is naive to expect such bodies to operate from some sort of godlike perspective outside the normal political process. As Sen. William Proxmire (D-Wisc.) recently put it:

"Money will go where the political power is. . . . It will go where the union power is mobilized. It will go where the campaign contributors want it to go. It will go where the mayors and governors as well as congressmen and senators have the power to push it. Anyone who thinks government funds will be allocated to firms according to merit has not lived or served in Washington very long."

The most likely result of this sort of industrial policy is the preservation of obsolete firms, technologies, and processes ("lemon socialism") plus the funding of a few politically sexy high-tech boondoggles like the Concorde supersonic jet and the Synthetic Fuels Corporation.

What we need, instead, is a thorough overhaul of the government's existing anti-industrial, anti-entrepreneurial policy. Such a policy should be based on Joseph Schumpeter's insight that true capitalism is a process—not an end state—a process he called "creative destruction," whereby inefficient, outdated firms and technologies are continually displaced by new and more productive ones.

What might such a policy consist of? Its first element would be a tax policy that rewards enterprise rather than discouraging it. For starters, as both conservative Ronald Reagan and neoliberal Lester Thurow have urged, abolish the corporate income tax and the entire patchwork of inefficient credits, loopholes, deductions, exemptions, and paperwork that go with it. Corporations don't really pay the tax, anyway—consumers do. Second, abolish all taxation of savings and investment, including both the capital gains tax and taxation of dividends and interest. The final element in ensuring a strong flow of new business investment would be to abolish antitrust restraints—especially those on joint R&D efforts—as urged by both Thurow and many free-market economists. Together, these changes would put US entrepreneurs on at least an equal footing with the Japanese.

But to restore competitive flexibility—the ability of both companies and their work forces to adapt to change—a heavy burden of regulation must be lifted, too. Labor laws that put the government's hand on the union's side of the scale must be abolished. Without their more-than-equal bargaining position, it is doubtful that US auto and steel workers would have been able to force their wages up to more than twice that of their Japanese competitors or to resist the kind of flexible work rules that enable Japanese cars to be produced with half the number of labor hours of US cars. Likewise, all restrictions on imports must be removed. The constant spur of world competition is essential to the process of "creative destruction" that will bring us all the benefits of innovation and growth.

Finally, if we are to move into the high-tech, flexible, decentralized economy in which our future competitive advantage lies, it's essential that we have a work force of competent, literate, adaptable people. To get them, we need to break the monopoly of the bumbling public school system, introducing real competition into the educational marketplace. Only then will schools be held truly accountable for results by those who pay the bills.

Advocates of liberty must do more than simply arm-wave about free markets. Today's anti-industrial policy is the cause of our stagnation. A big-government industrial policy would only make matters worse. But a policy that fosters entrepreneurship and competition—that sort of "industrial policy" is worth fighting for.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, July 26, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 27

9:30 a.m.

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To continue oversight hearings on the implementation of the Staggers Rail Act (Public Law 96-448).
SR-253

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To hold oversight hearings on the Environmental Protection Agency's implementation of laws regulating the manufacture, distribution and use of toxic chemicals.
SD-406

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on the management of the U.S. Synthetic Fuels Corporation.
SD-342

Judiciary
Juvenile Justice Subcommittee
To hold hearings on proposed Federal financial assistance to State and local law enforcement agencies.
SD-226

Labor and Human Resources
Business meeting, to consider S. 1133, to authorize funds for fiscal years 1984, 1985, and 1986 for the Legal Services Corporation, the nomination of James B. Hyland, of Virginia, to be Inspector General, Department of Labor, and other pending committee business.
SD-430

10:00 a.m.

Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for certain defense programs, focusing on intelligence programs.
SD-116

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Judiciary
Administrative Practice and Procedure Subcommittee
To hold hearings on S. 1520, to authorize redress payments to certain residents of the United States of Japanese-American, Aleut, or other ancestry who were interned, detained, or forcibly relocated by the U.S. Government during World War II.
SD-562

2:00 p.m.
Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To hold hearings on S. 1568, proposed Political Risk Insurance Act.
SD-538

Judiciary
To hold hearings on pending nominations.
SD-226

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 873, establishing a fund within the Department of the Treasury to provide assistance for research and training in Soviet and Eastern European studies to certain organizations.
SD-430

JULY 28

9:00 a.m.
Commerce, Science, and Transportation
To hold joint hearings with the House Committee on Energy and Commerce on S. 1660 and H.R. 3621, bills to assure nationwide telephone service at affordable rates, assure that costs for maintaining such service is allocated equitably among all users, and assure that States have sufficient regulatory authority to maintain universally available and affordable telephone service.
SR-325

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 5, to designate certain public lands in the State of California as wilderness, and H.R. 1437 and S. 1515, bills entitled the "California Wilderness Act of 1983."
SD-366

9:30 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold hearings on S. 596, to allow farmers who have suffered a loss as a result of a grain warehouse insolvency to receive payment-in-kind (PIK) commodities as compensation subject to certain restrictions.
SR-328A

Banking, Housing, and Urban Affairs
Economic Policy Subcommittee
To hold hearings on a proposed resolution expressing the sense of the Congress with respect to monetary policy, as required by section 6 of House Concurrent Resolution 91, first budget resolution for 1984.
SD-538

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To continue oversight hearings on the Environmental Protection Agency's implementation of laws regulating the manufacture, distribution and use of toxic chemicals.
SD-406

Special on Aging
To hold hearings to review fire safety issues regarding the elderly.
SD-628

10:00 a.m.
Appropriations
Defense Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1984 for certain defense programs, focusing on Navy and Air Force aircraft procurement programs.
SD-192

*Armed Services
To hold hearings on the organization, structure, and decisionmaking procedures of the Department of Defense; and to consider routine military nominations.
SD-138

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Select on Indian Affairs
To hold oversight hearings on Indian health issues.
SR-485

2:00 p.m.
Finance
Social Security and Income Maintenance Programs Subcommittee
To hold hearings on S. 960, to assist women in making career choices in the home or the labor force.
SD-215

Foreign Relations.
To hold hearings to review the effect on the Arms Control Act (Public Law 90-629) of the recent Supreme Court decision deeming the legislative veto as being unconstitutional.
SD-419

Select on Ethics
Closed business meeting, on pending committee business.
EF-100, Capitol

JULY 29

9:30 a.m.
Commerce, Science, and Transportation
To continue joint hearings with the House Committee on Energy and Commerce on S. 1660 and H.R. 3621, bills to assure nationwide telephone service at affordable rates, assure that costs for maintaining such service is allocated equitably among all users, and assure that States have sufficient regulatory authority to maintain universally available and affordable telephone service.
2123 Rayburn Building

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To continue oversight hearings on the Environmental Protection Agency's implementation of laws regulating the manufacture, distribution and use of toxic chemicals.
SD-406

Finance
International Trade Subcommittee
To hold hearings on the President's authority to waive the freedom of immigration provisions of the Trade Act of 1974 (Public Law 93-618).
SD-215

Governmental Affairs
Oversight of Government Management Subcommittee
To resume oversight hearings on the management of the U.S. Synthetic Fuels Corporation.
SD-628

10:00 a.m.
Energy and Natural Resources
To hold hearings on the nomination of William P. Collins of Virginia, to be Under Secretary of Energy.
SD-366

Governmental Affairs
To hold hearings on S. 905, to establish the National Archives and Records Administration as an independent executive agency.
SD-342

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To resume oversight hearings on government management of natural gas import issues.
SD-562

Judiciary
Constitution Subcommittee
To hold hearings on Senate Joint Resolution 1, proposing an amendment to the Constitution of the United States with respect to fixing the compensation of Members of Congress.
SD-226

Judiciary
Courts Subcommittee
To hold hearings to review the Department of Justice's identification systems.
SR-385

AUGUST 1

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on miscellaneous tax bills, including S. 1600, S. 1579, S. 108, S. 1464, and S. 1549.
SD-215

10:00 a.m.
Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold hearings on the economic situation along the United States-Mexico border.
SD-562

2:00 p.m.
Environment and Public Works
To hold hearings on the nominations of Alvin L. Alm, of Massachusetts, to be Deputy Administrator of the Environmental Protection Agency, and Howard M. Messner, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency.
SD-406

Finance
Taxation and Debt Management Subcommittee
To continue hearings on miscellaneous tax bills, including S. 1600, S. 1579, S. 108, S. 1464, and S. 1549; to be followed by the Subcommittee on Savings, Pensions and Investment Policy

holding oversight hearings on the extended unemployment benefits programs, and S. 1113, to provide that tax-exempt interest shall not be taken into account in determining the amount of social security benefits to be taxed.
SD-215

AUGUST 2

8:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

9:00 a.m.
Labor and Human Resources
To hold hearings on the nomination of A. Wayne Roberts, of Massachusetts, to be Deputy Under Secretary for Intergovernmental and Interagency Affairs, Department of Education.
SD-430

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, on pending calendar business.
SR-253

Judiciary
Constitution Subcommittee
To hold hearings on proposed legislation authorizing funds for the Civil Rights Commission.
SD-226

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To resume hearings on S. 1306, to encourage American innovation by restoring the patent system as it affects certain products subject ot premarket testing by the Federal Government.
SD-628

Labor and Human Resources
To resume oversight hearings on the Department of Labor's law enforcement activities, focusing on the organized crime and racketeering section of the Department of Labor's Office of Inspector General's investigation of allegations involving the International Brotherhood of Boilermakers.
SD-430

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
Business meeting, to mark up pending calendar business.
SD-406

Finance
To hold hearings on proposals to guarantee secure financing of the railroad retirement system, including S. 1074, S. 1076, and the substance of H.R. 1646.
SD-215

AUGUST 3

8:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings to review the economic state of the inland waterway industry.
SR-253

Finance
Taxation and Debt Management Subcommittee
To hold hearings on H.R. 2163, to authorize funds for fiscal years 1984 through 1988 to assist States in administering and enforcing recreational boating safety programs, S. 927, to extend the time for payment of the manufacturer's excise tax on sport fishing equipment, and S. 1183, to exempt from the tax on unrelated business income certain debt-financed income of educational institutions.
SD-215

10:00 a.m.
Environment and Public Works
Business meeting, to mark up pending calendar business.
SD-406

AUGUST 4

8:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on the administration's proposed renewal of the Generalized System of Preferences which permits duty-free entry of articles from developing countries, subject to certain conditions and limitations.
SD-215

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

SEPTEMBER 8

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on the historical perspective and societal implications.
SD-430

SEPTEMBER 15

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on causes and remedies.
SD-430

SEPTEMBER 20

10:00 a.m.
Foreign Relations
Business meeting, to consider certain arms reduction proposals, including Senate Resolution 57, Senate Joint Resolution 2, Senate Joint Resolution 29, Senate Resolution 159, Senate Joint Resolution 74, Senate Concurrent Resolution 46, Senate Resolution 107, and Senate Resolution 83.
SD-419

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on a Presidential commission report on excellence in education.
SD-430

11:00 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the American Legion.
SR-325

SEPTEMBER 21

10:00 a.m.
Governmental Affairs
Business meeting, to mark up S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government.
SD-342

SEPTEMBER 22

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on a Presidential commission report on excellence in education.
SD-430

SEPTEMBER 23

9:30 a.m.
Finance
Economic Growth, Employment and Revenue Sharing Subcommittee
To hold hearings on the future of U.S. basic industries.
SD-215

SEPTEMBER 27

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 19 and S. 918, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women, and the substance of S. 372, to promote interstate commerce by prohibiting discrimination in the writing and selling of insurance contracts.
SD-430

SEPTEMBER 29

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on a Presidential commission report on excellence in education.
SD-430

OCTOBER 3

9:30 a.m.
Finance
Economic Growth, Employment and Revenue Sharing Subcommittee
To resume hearings on the future of U.S. basic industries.
SD-215

OCTOBER 18

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on vocational education programs administered by the Department of Education.
SD-430

OCTOBER 25

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on vocational educational programs administered by the Department of Education.
SD-430

CANCELLATIONS

JULY 26

2:00 p.m.

Energy and Natural Resources

Public Lands and Reserved Water Subcommittee

To hold oversight hearings on the acquisition of land, and acquisition and termination of grazing permits or licenses issued by the Bureau of Land Management at the White Sands missile range in New Mexico.

SD-366

JULY 27

10:00 a.m.

Appropriations

District of Columbia Subcommittee

To hold oversight hearings on the District of Columbia court system, focusing on the prosecution of repeat offenders.

SD-138

Select on Intelligence

To hold closed hearings on intelligence matters.

S-407, Capitol

SENATE—*Tuesday, July 26, 1983*

(Legislative day of Monday, July 25, 1983)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Our prayer this morning will be offered by the Reverend L. Stephen Smith, Jr., associate pastor, Falls Church Presbyterian Church, Falls Church, Va. Reverend Smith is sponsored by JOHN W. WARNER, of Virginia.

PRAYER

The Reverend L. Stephen Smith, Jr., offered the following prayer:

Let us turn our hearts and our minds to God in prayer.

Compassionate God of the world who witnesses the rising and setting of the Sun on people in London, Moscow, Peking, and Mexico City and on persons in such lesser known communities as Rochester, Mich., Falls Church, Va., and McKeesport, and Jamestown Pa., we pray for Your presence with this grouping of Senators and their staffs as a new day has dawned in Washington, D.C.

By Your spirit guide this unique collection of Senators as they interact with one another. Give each one a keen mind and a sensitive heart for the work that lies ahead. Help this body to realize its full potential as it draws on its collective talents and abilities and proceeds to make decisions.

Lastly, we pray that this day's business will ultimately be more than senseless busyness. We pray that the work that is accomplished today will promote the well-being of people in this Nation and all nations. As You once more witness the setting of the Sun on Washington, D.C., tonight, we pray that the world will be a better place for what has been said and done in this particular place today.

This prayer we humbly offer in Your name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

HISTORIC BEALE STREET, MEMPHIS, TENN.

Mr. BAKER. Mr. President, I was pleased to read in the Wall Street Journal yesterday a letter written by Greer Simonton, president of Commitment Memphis, Memphis, Tenn., responding to a Wall Street Journal article which dealt with the economic strife that has beset Memphis, Tenn.

Mr. Simonton correctly points out in his letter the invigorated forces at work in Memphis, forces that are fueling the economy and creating more and more jobs. I congratulate Mr. Simonton for setting the record straight as to exactly what is happening in Memphis, and I would like to take this opportunity to read his letter. I think this letter is important, not only in terms of the special effort that has gone forward in that city, but also because of the example it can set for other cities:

BEALE STREET NEWS

Your July 12 page-one story "Memphis Blues" failed to mention that Historic Beale Street will open this fall as a thriving, renovated shopping, dining, entertainment and business district. The Beale Street Development Corp., City of Memphis, State of Tennessee and private investors continue to invest millions of dollars in restoring the four-block stretch to an economic asset for the area.

Starting in two months, 1,900 permanent jobs will be the result of these combined efforts. Many of these jobs will be the unskilled ones that can put the residents of Fourth and Vance and other inner-city neighborhoods back to work.

Unfortunately, nearly every major city has its hard core of inner-city unemployed. But jobs created by projects like the Beale Street renovation can help make our cities enjoyable places for all to work and live. No city is trying harder or progressing faster than Memphis.

GREER SIMONTON,
President, Commitment Memphis,
Memphis, Tenn.

Mr. President, I read this letter today because I want to underscore my own observations as to what is happening in Memphis. I personally recall with great clarity the assassination of Martin Luther King, Jr., in Memphis. I especially recall it because I was supposed to, and did indeed, appear in Memphis to speak to a civic club the following day. Just as there was great turmoil here in Washington, there were even greater signs of turmoil in Memphis. The Tennessee National Guard was mobilized, and the city was virtually under martial law.

My staff, friends, and city officials in Memphis urged me not to go to Memphis the next day. But I gave it a great deal of thought and decided that failing to attend the meeting I was scheduled to attend, one which had been publicly announced, could contribute to the sense of unrest and emergency there. So, I went and I made my speech, without incident.

But that night, as I sat in my room in the Peabody Hotel and saw tanks and armored personnel carriers, uniformed troops, and machineguns, traveling through the streets of that city, I really was concerned about what the future might hold for Memphis. With that in mind, I want to say that it has been a continuing source of excitement and pleasure to me to witness civic leaders, community leaders, ethnic and religious leaders gather together to heal wounds and make Memphis the premier city in the mid-South. And nothing personifies this so clearly as the Beale Street development project.

Anybody who travels to Memphis and sees the renovated Peabody Hotel, the renovated shops, stores, hotels, and apartments along the banks of the Mississippi, and sees the newly reconstructed establishments along Beale Street, that famous street immortalized in so many Memphis jazz songs, cannot fail to be exhilarated.

Memphis still has many problems, as do most other major cities. But I do not know any city, Mr. President, that has done more than Memphis to lean against adversity and gather together to solve difficult problems. Memphis has produced a resounding success in the renovation of the downtown area and Beale Street.

I congratulate Memphis, I congratulate Mr. Simonton, and I congratulate all who had some part to play, on their success. I am privileged, Mr. President, to offer these congratulations for the RECORD today.

SENATE SCHEDULE

Mr. BAKER. Mr. President, today the order provides that the Senate will conclude its debate on the Department of Defense authorization bill. I expect that we may be able to complete that before the hour of 9 p.m. as provided for in the order. I hope so in any event.

As I announced on last evening, if we do finish this bill today, I intend to ask the Senate to go to the agricultural target price bill.

But after we have done that, it would be my hope that we could lay it aside immediately and take up at least two, perhaps three, appropriations bills that are available and on which we may be able to get time agreements. We are committed as a group and obligated I think to do appropriations bills as they become available

and when they are available. It is my intention, however, to continue on the agriculture target price bill as long as necessary. And while I hope we do not have a filibuster on that measure, if we do, I am prepared to file a cloture motion to limit debate on that measure.

In addition to that bill, Mr. President, we also have Radio Marti to deal with. That also is a highly controversial issue. It may be that the better part of discretion of the Senate would be to double track those two measures if necessary and spend a half day on each debating them in order to accommodate the work schedule we have between now and August 5. I will discuss that and other arrangements with the minority leader as the day progresses, if he is agreeable to doing so.

Mr. President, we also have conference reports that we may have to deal with, certainly a supplemental appropriations conference report, and maybe others; transportation, for instance, if that is completed today, and I think it may be.

There are a number of other matters that we ought to do if we can, including Export Administration, Outer Continental Shelf, revenue sharing reauthorization, and others. I will not try to complete the list. But the ones that absolutely must be done are the appropriation bills, agriculture target pricing, Radio Marti, and conference reports.

I hope we can finish today well before 9 o'clock. We will be in session, of course, tomorrow. I expect a full day tomorrow and on Thursday. Senators should assume that we may be in late.

Mr. President, we will be in on Friday. I know Senators would like to have Friday off, but I have already had to defer so many items on the must list that I dare not lose the days that are available to us between now and August 5.

So Senators should expect the Senate to be in session all of this week including Friday and all of next week if we are to make our August 5 adjournment date. It is my intention to ask the Senate to adjourn on August 5. Plans have been made, and, barring an extreme emergency, we are going to go out on the 5th day of August.

Mr. President, I believe that is all I have to say this morning.

Mr. BYRD. Mr. President, would the distinguished majority leader indicate again, as he did on yesterday, I believe, the date on which he expectd the Senate to reconvene following the August break?

Mr. BAKER. Yes; Mr. President, I do not know why a quirk of my personality makes me outline all the bad news and leave off the good news. But I did announce last evening and indicated earlier to a number of Senators, perhaps on the floor, but I did officially announce last night that we are going to extend the August recess to reconvene on September 12. The reason for that, as I also explained last evening, is that to come back on September 7 as originally announced would bring us back in the middle of the week, which is never really productive, during a period of religious holidays and observances, and that the better part of discretion suggested that we come back on the 12th of September instead. So that would be my intention.

Mr. BYRD. I thank the majority leader.

Does the majority leader feel that we need to get an order for more time on this bill or would he rather wait and confer with the two managers?

Mr. BAKER. Mr. President, I must wait. I will be glad to take that up with the minority leader. I am afraid at this moment, at least, there would be some difficulty with tinkering with the unanimous-consent order at all. As the minority leader knows, we had to cover an awful lot of bases to get the order we got. When I made a tentative inquiry last week about some kinks in it, I drew back a bloody nub, as the saying goes.

Mr. BYRD. I think we had 2 hours to be divided between the leaders, so it may be something that the majority elader would want to explore.

Mr. BAKER. I will explore that.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER (Mr. SYMMS). The minority leader is recognized.

ACID RAIN AND THE CONGRESSIONAL RESEARCH SERVICE REPORT

Mr. BYRD. Mr. President, as many of my colleagues know, I have been very concerned about economic impacts of the acid rain control proposal reported by the Environment Committee last year.

My concern has been justified by a recent report by the Congressional Research Service, entitled, "Mitigating Acid Rain: Implications for High Sulfur Regions." The CRS report analyzes the impacts of the Environment Committee's proposal for an 8-million-ton SO_2 reduction.

The report analyzes the impacts of strategies for achieving such a reduction on the coal-producing regions of six Midwestern and Northern Appalachian States: Illinois, Indiana, western Kentucky, eastern Ohio, western Pennsylvania, and northern West Virginia.

CRS focused on eight northern West Virginia counties—Barbour, Harrison, Marion, Marshall, Monongalia, Preston, Randolph, and Upshur—which account for about 80 percent of northern West Virginia's coal production. These counties have also been experiencing high unemployment rates as a result of the recession. Coal mining in most of these counties, is the single most important source of income and provided over 14,000 jobs in 1980. Unfortunately, much of the coal produced in the region would be rendered unmarketable by the Environment Committee's bill.

According to CRS, an 8-million-ton SO_2 emission reduction would result in a reduction of 2.5 to 17.9 million tons of coal production in northern West Virginia. The wide disparity between the two numbers is due to the uncertainty in predicting the actions of individual utilities in their efforts to comply with the provisions of such a program. For example, if low-cost dry scrubbers are available for use by utilities, and the cost of purchasing, installing, and operating the technology is competitive with switching to low-sulfur coal, then the impact on high sulfur coals producing regions will be minimized. If, on the other hand, such technology is not available, or is not cost competitive with fuel switching, then the impact on high sulfur coal regions, such as northern West Virginia, will be greater.

A reduction of coal production in these eight West Virginia counties of 2.5 to 17.9 million tons represents between 7 and 47 percent of the 37.4 million tons produced by those counties in 1980. CRS calculates that such production losses translate into a loss of between 1,050 and 7,550 in jobs, and a loss of between $30 and $200 million in personal income, minus any benefits or unemployment compensation from the State. The loss of jobs represents from 7 to 51 percent of the total mining employment for the eight counties in 1980.

These figures relate to the losses of jobs and income directly tied to the coal industry. However, those losses would also be felt in related areas as well. CRS estimates that additional job losses would be between 2,350 and 17,000. Direct and indirect job losses combined would be between 3,400 and 24,550 for the eight West Virginia counties.

The CRS analysis confirms that the Environment Committee's acid rain proposal will have a substantial negative impact on West Virginia. Simply stated, it will cost the jobs of thousands of West Virginians. I urge those who advocate costly acid rain control programs to consider the employment implications of their proposals. So far, too little consideration has been given to this issue. The report contains similar findings for the other States examined, and I urge my colleagues to read it.

Mr. President, I do not see any Senator asking for time. I yield back my time.

Mr. BAKER. I yield back my time.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend not past the hour of 10 a.m. in which Senators may speak for not more than 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NUCLEAR PROLIFERATION—THE FORGOTTEN THREAT

Mr. PROXMIRE. Mr. President, for the past 2 weeks this body has been concentrating on a useful and constructive debate on this country's nuclear arms policy vis-a-vis the Soviet Union. It would be hard to conceive of a more important issue. Certainly, the policy we adopt will have a heavy bearing on the very survival of this Nation, indeed on the survival of civilization itself. Both sides in this debate sincerely believe that the adoption of the policy they advocate will help advance the cause of peace by reducing the likelihood of nuclear war.

Meanwhile another threat to peace gallops ahead—the spread of nuclear weapons to other countries, the process known as nuclear proliferation continues. In the judgment of many experts this almost forgotten danger constitutes an even more serious threat of nuclear war than the less likely possibility of a nuclear exchange between the United States and the Soviet Union. Any kind of a nuclear war anywhere on Earth would be a terrible catastrophe no matter how quickly it were terminated nor how strictly it were limited. Unfortunately we have no way of limiting a nuclear war once it breaks out, and the grim prospect that both the United States and the Soviet Union could be drawn into such a war would be severe.

In its June issue that mass media blockbuster, the Reader's Digest, examines this situation in an article entitled "The Peaceful Atom Bares its Teeth." Mr. President, there is nothing quite like the Reader's Digest. Last year it carried an article I wrote on another subject, and no matter where I traveled in Wisconsin—in parades, at baseball games, in supermarkets, my constitutents would bring up that article they had read in the Reader's Digest over and over again. So it is good news that the Reader's Digest has told its tens of millions of readers about the danger we face from nuclear proliferation.

James Nathan Miller, the author of the article, points to the reliance that this Nation and other countries have placed on the International Atomic Energy Agency and its inspections to insure that signatories to the Nuclear Non-Proliferation Treaty—118 nations—are not diverting peaceful atoms from reactors to enrichment or reprocessing plants where they could be transformed into potential triggers for nuclear war.

Mr. Miller explains how easy that transportation has become. I ask unanimous consent that the section of the Miller article entitled "Only a Trigger Away" be printed at this point in the RECORD.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

ONLY A TRIGGER AWAY

Natural uranium is 99.3 percent the kind of uranium atom that doesn't chain react. The atom that does chain react (called U-235) comprises only 0.7 percent of natural uranium's mass. To improve natural uranium's capability of producing a chain reaction, its U-235 content must be built up to 1.5 to 3 percent at an enrichment plant. This Low Enriched Uranium is the main "peaceful atom" fueling most nuclear-power reactors. It can produce a chain reaction that will generate enough heat to run a turbine, but it can't produce a fast, explosive chain reaction. To make a bomb out of this fuel, its U-235 content must be converted to Highly Enriched Uranium—enriched to over 90 percent.

Besides Highly Enriched Uranium, the other main bomb material is plutonium, a man-made element. Plutonium is produced spontaneously in all nuclear reactors as natural uranium is exposed to neutron absorption, a standard-sized reactor produces about 500 pounds of plutonium a year, enough for about 50 medium-sized nuclear weapons.

But when plutonium is first produced, it's not yet ready to be made into a bomb. It's a weak mixture that must be sent to a reprocessing plant, where it is dissolved in an acid bath so that the pure plutonium can be recovered. Then it's only a trigger away from being a bomb.

Mr. PROXMIRE. Mr. President, Mr. Miller also explains that the International Atomic Energy Inspectors are: First. Forbidden to look for clandestine facilities, such as hidden stocks of materials; second, not allowed to surprise anyone with unannounced inspections; third, has only 200 inspectors and therefore can do only half the inspections required; fourth, and does not have the proper equipment to watch the plant in long intervals between inspections.

Miller quotes an inspector who was asked how he felt about the job he was doing as replying: "You try to forget that you have just been a party to a very misleading process."

Mr. President, the Reader's Digest has sounded an alarm for all who care about the future of this country and indeed the civilized world, and for sounding that alarm, the Digest and Mr. Miller deserve our thanks. I ask unanimous consent that the rest of this article in the June issue of the Digest entitled "The Peaceful Atom Bares Its Teeth," by James Nathan Miller, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PEACEFUL ATOM BARES ITS TEETH

(By James Nathan Miller)

On June 7, 1981, Israeli bombers wiped out an Iraqi nuclear reactor near Baghdad. The Israelis claimed the reactor was actually a nuclear-bomb factory. But the U.S. State Department condemned the raid, pointing out that the U.N. agency responsible for monitoring international atomic trade had certified the Iraqi plant as peaceful.

Who was right? The controversy triggered a Congressional investigation by the foreign-affairs committees of both Houses. What came out in the hearings threw a chilling light on the international trade in "Atoms for Peace"—atoms for such benign uses as nuclear-power plants, research reactors and medical isotopes.

In the current state of nuclear technology, any country that buys a peaceful reactor needs just one more critical facility in order to become a bomb maker: either an enrichment plant, which can make uranium fuel rich enough for a bomb, or a reprocessing plant to make bomb-grade plutonium.

Under the 1968 Nuclear Non-Proliferation Treaty, the United States, the Soviet Union and the United Kingdom have agreed that they won't export peaceful atoms to countries without nuclear bombs unless those countries allow periodic inspections by the U.N.'s International Atomic Energy Agency (IAEA). The inspections supposedly ensure that signatories to the treaty (118 countries so far) are not diverting "peaceful atoms" from reactors to enrichment or reprocessing plants where they could be transformed into potential triggers for nuclear war.

Until 1981 no government agency had ever publicly asked how well the IAEA was doing its job. Each year, the IAEA had reported to its members that there had been no cases of fuel diversion, and these reports had been accepted at face value by the atom-exporting countries. Then came the Israel attack on the Baghdad reactor.

Israeli fears were well founded—not only on suspicious design features of the plant but also on statements by Iraqi leaders. For example, Naim Haddad, senior member of Iraq's ruling revolutionary command council, stated at a meeting of the Arab League in 1977, "The Arabs must get an atom bomb. The Arab countries should possess whatever is necessary to defend themselves." That didn't influence IAEA reports, though. "We do not comment on intentions," says an IAEA spokesman. "We report only on facts." And, according to the IAEA, it found no evidence of diversion.

Flawed Process. The Congressional investigation that followed pointed up the fact that the IAEA of itself wields no power; it is a watchdog agency run by the people it watches. Under the U.N.'s one-nation, one-vote system, the inspected nations on the agency's board of governors outnumber the United States, Russia and England 31 to 3. Many of these countries accepted the whole inspection process only because they thought it would help them in getting atomic technology. They resent being forced to allow foreigners to snoop around their plants, and they resist efforts to im-

plement an effective monitoring system. The results:

Inspectors are forbidden to look for clandestine facilities—hidden stocks of bomb-making material, secret enrichment or reprocessing plants, etc. The rules say they can inspect only material that a nation has "declared" to the IAEA.

IAEA inspectors are not allowed to surprise anyone (least of all a country like Iraq, a former member of IAEA's governing board). They must announce their arrival weeks in advance. In Japan, when an inspector failed to do this, the Japanese complained and he was immediately pulled off the job. (Every country has the unqualified right to blackball any inspector it doesn't like, with no explanation required. Iraq, for instance, barred all U.S. inspectors from its reactor.) One inspector testified that the advance notice required at the Iraqi plant gave its operators ample time to get rid of all signs of bomb-making before each inspection.

Since the governing board sees the IAEA's real function as promoting the atomic trade, not policing it, only $33.6 million of its $129.5-million budget for 1983 will be spent on inspections. Its 200 inspectors simply aren't enough, and even the IAEA admits it can do only half the inspections needed.

The IAEA doesn't have the proper equipment to watch the plants in the long intervals (up to a year) between visits. The main IAEA surveillance device is an off-the-shelf home-movie camera that suffers what one former IAEA official's report called "an alarming rate" of breakdowns. The report said a simple way of fooling the device is to dim a plant's lights, since even under normal illumination the pictures IAEA cameras take are "typically not clear enough to be meaningful." It's also easy to circumvent the seals the agency clamps on the cameras to prevent tampering. One inspector deliberately broke a seal, put it back together again to make it appear untouched, and then turned it in to the IAEA laboratory for examination. Technicians detected no sign that it had been broken.

A Case in Point. How do the inspectors themselves feel about the job they are doing? "You try to forget that you have just been a party to a very misleading process," says Roger Richter, a former inspector who testified at the congressional hearings.

The hearings showed that U.S. nuclear officials knew all these problems before but had done their best to conceal them. Why? The Nuclear Regulatory Commission (NRC) and, even more so, the State Department are strong supporters of the peaceful-atom trade, and they don't want to do anything to hurt the agency that serves as the trade's main legitimizer. Time and again, when Congress asked them for information on the IAEA, they classified it secret and refused to turn it over. One of these secret reports concluded that the agency was performing only ten percent of the inspections necessary to ensure technical standards.

Even the IAEA has since backed away from its former assurances. In April 1982, IAEA director-general Hans Blix told Reader's Digest, "The United States is misinformed if it believes our safeguards are a guarantee against proliferation. That ascribes to us too big a role."

What then is IAEA's role? It's just a warning device, says Blix. Others must act on its warnings. But when asked to rate its adequacy as an alarm sounder, he declined. The reason becomes obvious when you look at the agency's record to date. Take, for instance, Pakistan, a country widely known in intelligence circles to be in hot pursuit of an atomic bomb.

In the early 1970s Pakistan embarked on a multibillion-dollar bomb-building project. A key element in it was a Canadian-built, IAEA-inspected power reactor whose used fuel could be converted to plutonium in a reprocessing plant that was to be built by France. In 1976 Canada became so suspicious that it cut off all atomic supplies to Pakistan, and in 1979 the United States, for similar reasons, cut off all economic aid to the country. In both these years the IAEA continued to tell the world that it was confident no diversion was going on anywhere.

In 1980 things became even more suspicious at the Pakistani plant as a rash of unexplained failures broke out in the surveillance cameras guarding its fuel. When the IAEA requested permission to install additional monitoring equipment, Pakistan refused. Even this did not cause the IAEA to sound an official alarm.

Only in November 1981, six months after the start of the Congressional hearings, did the IAEA make its first public admission that all might not be well in the atoms-for-peace business. It could no longer give "the requisite assurances," it told the U.N., about what was going on in Pakistan. By then, most experts were convinced that Pakistan already had what it needed from the Canadian reactor to start building a bomb.

Back in Business. In 1974, Pakistan's traditional enemy, India, had become the first nation to successfully convert peaceful atoms into an explosive. (Since then, Israel and South Africa are believed to have joined India in the bomb-capability ranks.)

The Indian explosion was accomplished with American and Canadian atoms-for-peace material. This caused the United States to suspend export of atomic material to India and to slap tough new restrictions on shipments to all nations. When Jimmy Carter became President, he tried to make the controls even tighter. Unfortunately, they proved tougher on the U.S. nuclear industry than on would-be bomb builders—Brazil, for instance.

During the 1970s Westinghouse had what appeared to be a lock on one of the juiciest nuclear deals of the century: a contract to build as many as nine huge power plants in Brazil, at a cost of up to $14 billion. But there was a catch for the American company. The Brazilians wanted enrichment and processing plants too, and these were on the U.S. list of forbidden exports.

Result: a West German company, whose government had no such list, got the contract. Jimmy Carter tried to pressure West Germany into canceling the deal, but all that accomplished was a worsening of relations with both West Germany and Brazil. (Today Brazil is on the road to having what it needs to build its own bombs, and Argentina is even further along, mainly through deals the two countries have made with West Germany.)

There were similar incidents with other countries, and by the time Ronald Reagan took office, both our allies abroad and the nuclear industry at home were fuming over our attempt to control the peaceful-atomic trade. President Reagan is out to put America back into the atom-export business.

As a result of the Congressional hearings, some lawmakers have a renewed interest in granting the NRC the authority to examine the adequacy of the IAEA's safeguards and inspections. The Administration is against this. It wants to give the IAEA more credibility. How, it asks, can we convince customers that we'll be a reliable supplier if we—alone among the exporting nations—reserve the right to second-guess the official watchdog of the trade? Instead of opening up the IAEA to further criticism, says the State Department, we should be working to make the agency "even better."

Many observers strongly disagree. Says Peter Bradford, who retired recently as an NRC commissioner, "If we must have nuclear development on the Reagan Administration's terms—or none at all—we should choose not to have it at all. A conclusion, incidentally, which I persist in describing as pronuclear."

Then what should we do about the IAEA?

Supporters of the IAEA, pointing out it's the only safeguard we have, say all this criticism is dangerous because the organization could fall apart if we put too much pressure on it. Warren Donnelly of the Congressional Research Service, a top adviser to Congress on peaceful-atom matters, replies, "How can you strengthen an agency if it is so fragile you can't criticize it?"

Meanwhile, the destroyed Baghdad facility is still rated as above suspicion by the IAEA, and this has enabled France to announce that it will rebuild the reactor. Says Paul Leventhal, head of the Nuclear Control Institute, a Washington citizens group seeking to prevent the spread of nuclear weapons, "The IAEA doesn't merely lack the capability to detect diversions. It facilitates them, by putting its stamp of approval on exports of sensitive nuclear equipment to nations suspected of wanting the bomb."

Still, the very fact that debate is taking place about the IAEA's role represents progress. Until recently, attention has been focused almost exclusively on the vertical escalation of the weapons in U.S. and Soviet arsenals. This new shift in focus to the horizontal, country-by-country spread of bombs is critically important. If we ever do manage to control the U.S.-Russian nuclear-arms race, it will be cold comfort if dozens of other countries are capable of starting a nuclear war.

A QUEST FOR ACTION

Mr. PROXMIRE. Mr. President, 34 years ago the United States authored the Genocide Convention and pushed it through the United Nations. Yet, today the United States is the only developed nation in the world which has not ratified the treaty.

Unfortunately, acts of genocide have taken place throughout history. One such case was the forced famine which occurred in the Soviet Ukraine in 1933.

I recently read a piece in The Wall Street Journal entitled, "Forced Famine in the Ukraine; A Holocaust the West Forgot," which dealt with this tragedy. The author of this article, Adrian Karatnycky, remembers the enormity of the cataclysm. Academic estimates place the number of Ukrainian victims of starvation at 4.5 to 7 million. The artificial famine was part of Stalin's effort to collectivize Soviet agriculture and crush the nationalistic Ukrainian peasantry.

Karatnycky writes of the silence of the Western press regarding the genocide in the Ukraine. According to Kar-

atnycky, one of the few accounts of the events there came from Malcolm Muggeridge, writing in the London Morning Post in 1933. Muggeridge wrote:

If you go now to the Ukraine or the North Caucasus, exceedingly beautiful countries and formerly amongst the most fertile in the world, you will find them like a desert; fields choked with weeds and neglected; no livestock or horses; villages deserted; peasants famished, often their bodies swollen, unutterably wretched.

You will discover if you question them that they have had no bread at all for three months past; only potatoes and some millet, and they are now counting potatoes one by one. . . . They will tell you that many have already died of famine and that many are dying every day; that thousands have been shot by the government and hundreds of thousands exiled.

Clearly, Stalin and the Soviet Union used the artificial famine as part of a political strategy aimed at crushing all vestiges of Ukrainian national sentiment. The famine was accompanied by an extensive purge of the Ukrainian cultural and political elite in the cities.

Why is it important to remember these barbarous acts? Because, as Karatnycky says:

Our moral obligation (is) to honor the memory of the nameless victims by depicting the truth. Moreover, it is important to understand the forced famine as a pivotal event in Soviet history, whose consequences remain to this day.

But, for 50 years the full story behind these heinous events has remained untold. Not one serious book on this tragedy is available in English, according to Karatnycky.

Just as the Western press has ignored the forced famine in the Ukraine, the U.S. Senate has neglected to take action on the Genocide Convention. Ratification of this treaty is an important step. It places us on record in the condemnation of mass murder.

Mr. President, I urge my colleagues to act without further delay.

DEFENSE AUTHORIZATION BILL, 1984

Mr. STEVENS. Mr. President, the Armed Services Committee, its chairman, members, and staff, should be commended by the Senate for handling a most difficult task this year—attempting to balance our defense needs against difficult and arbitrary budget constraints. As it is presented, the Defense authorization bill for fiscal year 1984 keeps within the congressional budget authority target of $268.7 billion. Based on preliminary estimates of the Congressional Budget Office, outlays are reasonably close to the $240 to $241.3 billion goal we discussed in the Senate when we took up the conference report on the budget resolution. This is calculating in the military pay costs that will be presented in a separate bill.

At a time when we are finally getting to the task of rebuilding our military resources, when we are modernizing our defense systems and improving the readiness of our Armed Forces—both urgent tasks, in my judgment—it is difficult indeed to cut up a defense budget that has been drafted to reach those goals. We will disagree over individual programs or weapons systems, but I doubt that very many in the Senate would disagree with what I have just said.

Mr. President, I do not like what the Armed Services Committee has had to do in this bill to meet the defense budget targets. I know the Armed Services Committee is not happy with what it had to do. I believe the chairman of the Armed Services Committee will agree with me when I say that most of the reductions taken in the defense bill are unwise in the long run. They provide short term savings, but they will drive up costs in the outyears, particularly in the procurement account.

I think it is ironic that we find ourselves systematically undoing the initiative launched by the Reagan administration just 3 years ago that was designed to get the Nation more for its defense dollar. All these reductions in aircraft and missile production have us stepping back from the goal of achieving the most economical and efficient production rate. We are also turning away from the concept of putting the bucks up front and maximizing production efficiency through multiyear contracting and other approaches.

All this means is that we are going to have to pay more for less in the long haul to strengthen our defenses.

But we still have our 600-ship goal for the Navy. We are still pointing toward expanding our tactical air power. We are still bound to modernize our strategic forces. And we are still expanding our global military commitments, including Europe and the Middle East. Just how we carry out this expansive program with little or no increase in active military manpower and only a minimal increase in the Guard and Reserve Forces is beyond me.

The Senate authorization approves less than half the 37,300 budgeted increase in active military manpower. The House authorization provides no increase in this area. There is a badly needed 46,000-man increase in the Guard and Reserves, but will this fill the breach? How do we man our 600-ship Navy? How do we continue the growth in military manpower stationed in Europe without creating shortages here at home or in other theaters? How do we man all these modern new weapons systems we are building?

I submit, Mr. President, that we in Congress are not really willing to pay for all the commitments we want to make. I submit further that if we are going to continue shortchanging our long overdue modernization program, then we should also lower our sights when it comes to global commitments and force expansion. Otherwise we will again be fielding a hollow army, floating an empty fleet, and flying an underpowered air force.

I make all these charges without criticism of the Armed Services Committee which has done the best job it can within the constraints Congress has imposed. It will be the job of the Appropriations Committee to carry out the guidelines established by the authorization bill, and I am sure we will take our own turn at criticism when we bring the 1984 defense appropriation bill to the floor. My purpose in speaking now is simply to warn that Congress cannot long put off facing the facts about defense. We cannot continue to talk about rearming America if we are not willing to pay the cost.

This is not to say that we should not also try to reduce these costs through better management and more realistic procurement and manpower policies. We hear a lot of criticism about the rising costs of defense weapons systems, but there are also the burgeoning costs of manpower. We have brought military pay up to equitable levels, but the costs of benefits continue to rise. Manpower costs take up 60 percent of the defense budget now, according to estimates from the Department. I see no sign now that Congress is willing to face up to this problem.

Mr. President, we will do what we have to do to meet congressional budget targets for the 1984 fiscal year. But I hope Senators will keep in mind the much bigger problems that await us if we do not take a more responsible course and gear our military commitments and our spending and manpower policies more closely to what we are willing to pay to maintain a fully adequate defense.

CIVILIAN RESERVE AIR FLEET

Mr. STEVENS. Mr. President, I have noted with some concern the recommendations of the Armed Services Committee on funding the Civilian Reserve Air Fleet program, commonly called CRAF. On page 103 of the committee report, the recommendation not only deletes the $144.3 million budgeted for CRAF enhancement in fiscal year 1984 but presumes the transfer of $47.7 million in unobligated appropriations from prior years. The reasoning behind these reductions, apparently, is a recent leak to the press that CRAF funding is not now contemplated in preliminary Air Force budget planning for fiscal year 1985.

This recommendation, in my judgment, undermines a program that Congress has supported and that the Air Force is finally getting underway. For those who are not familiar with the program, it is designed to make commercial transport aircraft available for military airlift requirements in times of emergency at only a fraction of the cost of procuring and maintaining such aircraft as part of the regular transport fleet. In recent years the Air Force has not been too active in pursuing the program, but Congress has recently instituted improvements that have made it much more attractive to the airline industry. The Air Force issued a request for proposals to the airlines just last June 8, and responses due by July 7 are most encouraging. At least three air carriers have made proposals involving 24 aircraft and there is every reason to believe that the Air Force will be able to obligate available funds by the end of the current fiscal year. This would permit modifying these commercial aircraft so that they are suitable for military missions when and if they are needed. The estimated 5-year cost of the program is $1.2 billion which, as I say, is only a fraction of the alternative cost of buying and maintaining a similar number of aircraft in the Air Force over a similar period.

Details of the initial proposals are not yet available because of their proprietary nature, but Air Force program officials indicate there is every reason to believe they are attractive proposals that can culminate in contracts this fiscal year.

As far as the budget outlook for fiscal year 1985, there is every reason to believe the Air Force will alter its preliminary position and give the CRAF program a higher priority.

At any rate, Mr. President, I believe it is unwise at this time to undermine a program that is finally beginning to pay off. There is nothing in the authorization bill itself to amend since the committee recommendation is restricted to report language. I simply want to serve notice that, in view of the high priority assigned to military airlift, I do not agree with the proposal to divert available funds for CRAF to other programs. Nor do I agree that no funding should be available to continue the program in fiscal year 1984. The House Armed Services Committee supported the CRAF budget, I understand, and I would hope that the Senate conferees will be sympathetic to that position so that we can continue this program in the final appropriations bill without any differences over the authorization-appropriation processes.

Mr. President, there was a news story concerning recent developments in the CRAF enhancement program in Aviation Week and Space Technology. I ask unanimous consent that this item in the July 4 issue of the magazine be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Aviation Week and Space Technology, July 4, 1983]

THREE CARRIERS ACCEPT CRAF PROGRAM

WASHINGTON.—The Civil Reserve Air Fleet (CRAF) enhancement program of the Air Force is being accepted by at least three U.S. commercial airlines, with the service planning to obligate $84.8 million by the end of Fiscal 1983 and approximately $1.2 billion over the next five years for aircraft modifications.

USAF issued a request for proposal to the airlines June 8, and responses are due back by July 7. The service plans to accelerate contract awards before the end of the present fiscal year with options to obligate the remainder of the $1.2 billion when Congress completes work on the Fiscal 1984 budget request.

Anticipated funding for the CRAF program would permit retrofit of 22 Boeing 747 wide-body aircraft or 35-40 McDonnell Douglas DC-10s. A mixture of the 747s and DC-10s is likely to emerge from the program.

Air Force Chief of Staff Gen. Charles A. Gabriel recently emphasized the importance of the CRAF program. He said the Air Force retains a 6:1 favorable ratio in terms of the capability it obtains for the money spent on modifying commercial wide-body transports to provide a cargo airlift capability. This is based on the cost to procure, operate and maintain a commercial aircraft as opposed to CRAF enhancements.

One reason why at least three commercial airlines are expressing a desire to participate in the CRAF enhancement program, the general said, are changes instituted in the program.

Congress has added some attractive features for the airlines. These help reduce airline risks for taking part in the enhancement program. If a wide-body aircraft is converted for cargo use in an emergency, and the airline later sells the aircraft and suffers a loss as a result of added weight for the modifications to make the aircraft cargo capable—strengthened floors and adding cargo doors—the government will make up the loss resulting from modifications.

The program also includes funding to the airlines to pay for conversion and to operate a heavier aircraft. It pays for 16 years of operations with the converted aircraft at a life cycle cost of $43 million in Fiscal 1983 dollars. "This is approximately a sixth of what it would cost to buy a 747 and operate it over the same period," Gabriel said.

The Military Airlift Command held a June 15 preproposal conference for airlines planning to respond to the request, and representatives of United, Pan American and Airlift International took part along with Boeing and McDonnell Douglas company representatives.

Gabriel also stressed the importance of the multiyear procurement program for 44 McDonnell Douglas KC-10 tanker/cargo aircraft, bringing the inventory total to 60, and procurement of 50 new Lockheed C-5Bs.

Gabriel is considering assignment of Lockheed C-141s to Air Force Guard and Reserve units. The crew ratio on these cargo aircraft already is 50% Guard and Reserve. "This would require less flying with the C-141s and extend the aircraft service life approximately 16 years," he said. "It would maintain the full airlift capability and save money at the same time."

EUROPEAN TROOP STRENGTH

Mr. STEVENS. Mr. President, I hope Senators have noted section 193 of the defense authorization bill dealing with a limitation on U.S. military personnel stationed in Europe. At first glance, this provision appears to carry on the limitation adopted by Congress in the fiscal year 1983 Defense Appropriation Act, as contained in the continuing resolution for that year. But a close reading reveals the limitation is really no limitation at all. Upon a simple certification to Congress by the President, 7,000 or more troops can be added to those already stationed in Europe in fiscal year 1984.

Instead of a limitation, Mr. President, I fear this provision will quickly be interpreted by the Defense Department as endorsing a continuing buildup of U.S. forces in Europe—despite the fact that Congress made it clear in its action last year that there was a need to control these annual increases.

Let me point out, Mr. President, that the limitation itself does not apply to all our forces in Europe. It is limited to forces stationed ashore and in no way constrains the deployment of naval forces afloat. We have not cut back on forces already stationed in Europe although I personally think a case could be made for bringing back on a gradual basis some of the more than 360,000 already in Europe in support of the North Atlantic Treaty Organization. All we have tried to do is put a halt to the continuous growth of these forces in absence of any clear and urgent need to put more of our servicemen on the continent.

The Defense Department should justify in detail to Congress why it is necessary to continue expanding our troops in Europe, particularly at a time when the pending defense authorization bill is cutting back sharply on requested total military end strength.

With restraints being made on the growth of our overall active duty end strength, we must ask where these additional troops for Europe will come from. Undoubtedly, they will have to be taken from the continental United States if not from other theaters of operation in the Pacific or elsewhere. Is this necessary? Is this what Congress wants? These are questions that should be answered before we endorse any additional buildup of troops in Europe.

It is not my intent now to offer an amendment to the provisions offered by the Armed Services Committee but I do want to serve notice on the Department of Defense that we are not through with this issue. As chairman of the Defense Appropriation Subcom-

mittee, I intend to resume hearings on our global military commitments, with an emphasis on NATO. It will be the goal of these hearings to determine whether the United States, in the current climate of budget constraints, has the capability to fulfill all the commitments it is undertaking. We will also examine whether our allies are shouldering a fair share of this military buildup. And we will insist on examining all the costs to the American taxpayer of these overseas commitments.

On that last point, I might add that the Department of Defense has failed to supply to the committee, despite repeated requests, any detailed accounting of the total cost of our NATO commitment. Last year the Department represented to Congress that these costs amounted to $133.3 billion, or more than half the total defense budget. In our hearings in the spring of that year, the Department appeared to be disavowing those figures but assured the committee it would supply updated estimates for fiscal year 1983 very soon. Those updated estimates have never been delivered, nor has the Department given us any information at all on the cost of our NATO commitment within the pending fiscal year 1984 budget.

But while the costs of our NATO commitment remain unclear, other events have been occurring. We have been moving ahead with our plans to deploy Pershing II and ground-launched cruise missiles with an attendant increase in military manpower in Europe. The President just last month sent a message to Congress waiving the onshore troop ceiling because of an overriding national security requirement, as permitted by the 1983 restriction. The reason for this waiver was to add 1,380 military personnel associated with the ground-launched cruise missile deployment. The message did not explain why, within a military personnel deployment of more than 360,000, this small increase could not be readily absorbed. What is clear, however, is that the Department of Defense has not hesitated to go beyond the congressional limitation, and I am sure we can expect a similar performance in fiscal year 1984 if the language of the defense authorization bill limitation is adopted.

To date, Mr. President, the only information available to Congress that I am aware of concerning the fiscal year 1984 troop increase is a three-paragraph letter on June 23 from Assistant Secretary of Defense Lawrence J. Korb, who stated a "stringent, detailed review of our European manning plans" developed an estimate of a "minimum" of 322,500 military personnel permanently assigned ashore in Europe NATO nations at the end of fiscal year 1984. This, I assume, is the basis of the increase that would be authorized by the language of the defense authorization bill.

Before I finish, Mr. President, let me add that, even without a Presidential waiver, the Pentagon was busy with plans to circumvent the congressional ceiling on military personnel. Documentation reveals active efforts to shift military functions to civilian personnel, either to Federal civilian employees or to contractors. Thus, a limitation on military personnel appears to be triggering and increase in civilian personnel. And the expansion goes on.

To reiterate, Mr. President, the question of our ever-increasing NATO troops will continue to be raised, regardless of whether the modified ceiling in the defense authorization bill is adopted. The Defense Appropriations Subcommittee will hold hearings and collect all the useful information it can. On the basis of those hearings, I will be prepared of offer a revised NATO troop ceiling. I will also attempt to propose a restriction that will not be so easy to circumvent in the future.

Mr. President, to round out my statement, I ask unanimous consent that two recent news stories dealing with the defense spending patterns of our allies, the message from the President, and a copy of the letter I referred to earlier from Assistant Secretary Korb be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 29, 1983]

PENTAGON REPORT TO CONGRESS HITS NATO ALLIES' DEFENSE SPENDING

Defense spending by NATO nations other than the United States probably will increase by only about 1 precent this year, the Pentagon said yesterday in a report reflecting U.S. displeasure.

In a report to Congress on "allied contributions to the common defense," the Pentagon said that 1982 and 1983 figures indicated that "the allies will fail to meet the NATO aim for 3 perent annual increase" in defense spending after allowing for inflation.

The Pentagon called this a matter of "particular concern" as the United States has boosted its defense spending in real terms by 7.5 percent in 1982 and projects an 8.7 percent increase this year.

"These trends . . . threaten to undermine the progress achieved in prior years toward a more equitable distribution of the allied defense burden," the report said.

The Pentagon also told Congress that no one nation should be expected to carry "a disproportionate share of the common defense burden."

[From the Washington Post, July 13, 1983]

JAPAN TO LIMIT 1984 INCREASE IN MILITARY BUDGET TO 6.9 PERCENT

(By Tracy Dahlby)

TOKYO, July 12.—Amid renewed efforts to prune Japan's huge government deficits, Prime Minister Yasuhiro Nakasone's Cabinet announced plans today to hold increases in the 1984 military budget to a maximum of 6.9 percent, a figure that is likely to mean further delays in the country's defense buildup programs.

The spending target, which sets an upper limit on defense appropriations next year of $12.3 billion, is important because it comes at a time when Japan is under pressure from the United States to shoulder a greater military burden more in keeping with its economic clout.

If previous years are any guide, analysts said, today's preliminary figure is almost certain to be whittled down substantially by the time the government makes its final budget decision in late December. Last year, for example, the initial estimate of a 7.3 percent increase for defense ultimately was rolled back to 6.5 percent in 1983 outlays of $11.5 billion.

Today's defense decision, still subject to internal government debate here, reflects a tricky political dilemma Nakasone faces in trying to honor his pledge to strengthen military ties with the United States while, at the same time, keeping a promise to Japanese voters to trim a massive cumulative budgetary deficit of $416 billion.

In setting spending ceilings for all government departments today, senior officials stressed that defense was given a clear priority over other appropriations, which, with a few key exceptions, are scheduled to be slashed by as much as 10 percent over 1983 levels. A more disproportionate boost for defense, they said, would risk reigniting criticism of Nakasone's hawkish stand on security issues, which, earlier this year, brought about a sharp decline in his support among the Japanese public.

The apparent lowering of Japan's defense sights, however, "will certainly bring dissatisfaction from the United States," said a prominent defense analyst. The more austere spending target, one of the lowest in two decades, will make it "virtually impossible" for Japan to meet weapons procurement plans outlined under its current five-year military buildup program, he said.

At stake are the purchases of more of the antisubmarine patrol planes, jet fighters, warships and other sophisticated military hardware that Pentagon officials say is necessary for Japan to meet its pledge to defend the country's airspace and sea lanes out to a distance of 1,000 miles by the end of the decade.

A perception that Japan is shirking its defense responsibilities has renewed calls on Capitol Hill in recent weeks for the Japanese to increase sharply their military spending. This comes at a time when Japan is piling up a record surplus on trade with the United States that is expected to hit $22 billion this year. American officials in Tokyo said they expect U.S. pressure on Japan to escalate in advance of an official visit to Japan by President Reagan, who is now scheduled to arrive here in early November.

The 1983-87 military plan calls for strengthening Japan's air and sea defenses with the purchase of 50 P3Cs beyond the currently ordered level of 25 aircraft. It also provides for the purchase of 75 F15s to add to 80 planes already ordered, plus an additional 14 destroyers and frigates, 6 submarines and 13 mine sweepers.

The 1983 budget, however, allowed for the purchase of only 13 F15s instead of 20 originally planned, seven instead of 10 P3Cs, and two instead of three destroyers. To meet force levels envisioned on paper by 1987, analysts estimate that Japan would have to expand its yearly budgets by between 8 and

10 percent, something they regard as highly unlikely given Tokyo's fiscal austerity drive.

THE WHITE HOUSE,
Washington, June 23, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of Section 799A of the Department of Defense Appropriation Act, 1983, I am waiving the fiscal year 1983 ceiling on troops permanently stationed ashore in European NATO countries by the number of personnel (1,380) associated with the planned deployment of Ground-Launched Cruise Missiles to Europe.

I am taking this action because, barring a successful agreement in Geneva, the Ground-Launched Cruise Missile program will be a critical U.S. defense-related objective in NATO for 1983. It is an essential aspect of NATO's dual-track approach involving intermediate-range nuclear force modernization and arms reductions. The overriding national security requirement necessitates a waiver of the provisions of Section 799A.

Sincerely,

RONALD REAGAN.

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., June 23, 1983.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: When I forwarded the Defense Manpower Requirements Report for FY 1984 on March 1, 1983, I noted that the report was incomplete because the Department had not decided what actions to take to meet the European troop strength ceiling imposed by the FY 1983 Appropriations Act.

We have just completed a stringent, detailed review of our European manning plans, which resulted in a significant reduction from our previously planned end-FY 1984 strengths. We now estimate that we must have a minimum of 322.5 thousand military personnel permanently assigned ashore in European NATO nations at end-FY 1984 (including 2,600 to support our INF modernization plans) in order to meet our essential national security objectives in NATO Europe.

I will be forwarding the standard by-country breakout of our new planned FY 1984 military end-strengths within the next few weeks.

Sincerely,

LAWRENCE J. KORB,
Assistant Secretary of Defense.

NATIONAL STUDENT/PARENT MOCK ELECTION

Mr. KENNEDY. Mr. President, on October 28 of last year, over a quarter of a million parents and students in all 50 States participated in a national student/parent mock election. By bringing parents and students together to discuss the 1982 elections and to predict the results, this project attempted to motivate students and their parents to become more active and involved in the democratic process. This event, begun in 1980 as a pilot program and organized by the Teachers Guides to Television Family Institute, can be an important component in an effort to reverse the recent and dangerous decline in voting in American elections.

The statistics regarding voting patterns in America are shocking. During America's Bicentenial, half of the eligible voters under the age of 30 did not even bother to vote. Four years later, only an incredible 15 percent of the citizens between 18 and 24 who were eligible to vote did so. Moreover, students who will soon become voters are remarkable in their lack of knowledge about their Government. According to the National Assessment of Educational Progress, half of the students tested did not know that their State had two Senators. They also believed that Members of Congress were appointed by the President and not elected by the public. I believe that it is imperative that we work to eliminate this widespread ignorance among our next generation and I believe that mock election effort is an excellent way to do so.

In 1984, the mock election anticipates the participation of millions of parents and teachers in a nationwide vote for the President, Governors, and legislators. In addition, the mock election will include a referendum on a variety of major national issues. This well-proven program to encourage participation in our democracy and to reverse the path leading toward civic illiteracy deserves our highest commendation and greatest support.

Mr. President, I ask unanimous consent that an article appearing in the spring 1983 issue of the Teachers Guides to Television describing the national student/parent mock election be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

GETTING READY FOR '84—NATIONAL STUDENT/PARENT MOCK ELECTION

(By Renee Silverman, Project Coordinator)

Somewhere in the 50 United States, there must be a young girl who wonders whether she might not be the first woman President. (Boys always wonder, too.) More than one, of course, and if so, they probably participated in the 1982 National Student/Parent Mock Election. A quarter of a million students and parents were all part of the historic event organized by The Teachers Guides to Television Family Institute. All 50 states participated, as well as the Department of Defense Dependents Schools. It was a resounding success, far beyond expectations, and we will share some highlights of this "dry run" for '84 with you.

Americans of all ages are fascinated by elections and, while most of the "voters" were close to voting age, or already able to vote, some were as young as fifth or sixth graders, and even younger. Students from every state in the nation generated enough excitement to be courted by press and politicians, observed with curiosity by professional polltakers, and commended by candidates and teachers for some of the toughest questions and in-depth sessions of the campaign trail.

The Baltimore Convention Center served as Election Headquarters—complete with a computerized map that changed colors as the votes came in. Two networks, the Cable News Network, local news broadcasts in 25 major cities, 2 PBS documentaries, 3 cable stations, 2 wire services, and innumerable newspapers and radio stations covered the results. The event had grown from an initial pilot in 1980 cosponsored by Aloha High School, in which 30 states and Japan (DODDS) participated and Portland, Oregon, served as national "Election Headquarters."

The only requirements for participation in 1982 were that parents and students meet to discuss the elections and cast prediction votes on which party would win control of the House and the Senate and phone the results to election headquarters.

Although the results were accurate in foretelling the Democratic gains in the House and the Governors' races, and the Republican gains in the Senate, scientific polling was not the purpose. The project was designed to motivate students and their parents to become active participants in the democratic process and to experience its excitement.

With half the nation's 17-year-olds ignorant of the most basic processes of government [1] and only one-quarter of the electorate voting into office the last two Presidents, the need to educate America's young people and their parents to think about the elections is apparent. The Carnegie Foundation warns that unless current "civic illiteracy" is reversed, "we run the risk of drifting unwittingly into a new dark age—a time when small cadres of specialists will control knowledge and thus control the decision-making process."

The Mock Election provided the structure for schools and school districts to tie into a national network, while still being flexible enough to accommodate the community's needs. Groups gathered in family living rooms, school cafeterias, Presidential libraries, TV stations, even in remote villages in Alaska.

Activities ranged from Camp Fire girls meeting in the leader's home with their parents for a pot-luck dinner, to 70,000 voting in Georgia's school districts and phoning in their results to Georgia's election headquarters at the Atlanta PBS station, and 80,000 reporting to the State Library in Michigan.

About one-third of the states had a state "Election Headquarters" that reported to the national headquarters. The following synopses are a small sampling of the events that took place around the country. Significantly, every school, school district, and State Department of Education reporting back plans a vastly expanded National Student/Parent Mock Election for '84!

Maryland, Baltimore—National Election Headquarters, Mal Dutterer, Faculty Advisor for the Baltimore Student Congress. . . "We are eager to host the Mock Election in 1984." [2]

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[1] The National Assessment of Educational Progress found 1 of every 2 of these soon-to-be voters did not know each state has two Senators, and believed the President could appoint members of Congress. 46 percent of 13-year-olds believed newspapers could not publish criticism of public officials.

[2] Baltimore will have lots of competition. Many others have expressed the same desire!

Students and parents from metropolitan Baltimore gathered at the Convention Center to watch 1982's election returns as they were flashed on the computer map. (The computer was loaned by Apple). Adult volunteers from Baltimore Gas and Electric Company and students manned the phone banks. Ted Venetoulis, a veteran political reporter, hosted the evening, offering a political commentary on the predictions as they were tallied. Members of the Baltimore Student Congress and their parents participated in a workshop on the election held by Venetoulis, City Comptroller Hyman Pressman, and CBS Station Manager Mal Potter, then cast their own prediction vote.

In Maryland, approximately 10,000 members of the Maryland Association of Student Councils cast their prediction votes. Activities ranged from informal election polling of schools to formal election procedures complete with registration, voting machines, and mock campaigners who gave impromptu speeches in their schools.

Georgia—Dr. Lucille Jordan, Associate State Superintendent, Dept. of Education . . . "Extremely beneficial." Over 70,000 students voted in the Georgia Mock Election with results tallied on-the-air at the Atlanta PBS station. During the program, hosted by veteran reporter Ray Moore, students debated controversial aspects of the American political system, such as the function of political polls, voting rights for the feeble, and the place of the political party in the U.S. system of government. The young anchors also discussed the results of the statewide mock election as they were posted. The program included prerecorded segments of school election activities.

Prior to the election, young people were involved actively with campaigns, working at campaign headquarters, or canvassing the community. The Georgia Mock Election was reported on the national CBS Morning News.

North Carolina—Dr. Jessie Vunccannon, Social Studies Consultant, Dept. of Public Instruction . . . "Excellent results." Raleigh served as state headquarters where students were also involved in Mock Election preparation. They staged a news program on which some played the role of candidates, others of reporters. In East Mecklenberg, students researched the issues for videotaped interviews with candidates. According to the Charlotte Observer, Democratic candidate Preston Cornelius called the East Mecklenberg group "the best group I've appeared before. The questions were tough and relevant—very penetrating on all the issues. In fact, I've told people that was the best candidate forum I've been exposed to." The tapes of all candidates were presented on Mock Election night. The student body accompanied by their parents came to see the interviews conducted by their fellow students and make their own decisions. Prior to the interviews, the student interviewers canvassed 10th, 11th, and 12th graders to find out which issues were most pertinent to them. In both North Carolina and Virginia, at least one school in each Congressional District was involved in the Mock Election.

Virginia—Dr. Thomas Elliot, Associate Director for Social Studies, Dept. of Public Instruction. Richmond was the site of the Virginia Mock Election Headquarters where, in addition to a state tally of votes, students presented their evaluations of their representatives to a crowd of 700 students and 500 parents. Among their discoveries: one member of the House had introduced 46 bills and only two had passed.

In Rocky Mount, students borrowed a tape of the senatorial candidates Davis-Trible debate from a TV station and participated in their own debate representing Davis and Trible. The students' debate was taped and shown. Students also polled local citizens and announced the results on Mock Election Night. The county chairmen from the Democratic and Republican parties presented the candidates' positions on the issues at a pot-luck supper for parents and students.

In Virginia Beach, students were given the opportunity to align themselves with their preferred candidate and actively campaign. Some students and parents attended social functions for the candidate; others interviewed members of the staff. Each side filmed a videotape that was shown to parents and students on Mock Election Night. At the Mock Election reception, guest speakers came for local and state politicians. Parents and students "amazed" educators by rushing into line to vote and staying well past 10 p.m. to find out the results. Virginia Ledger-Star reporter Lisa Hogberg wrote a three-part series on the mock election headlined, "Expanded Student Mock Election Sought."

Alaska—Dawn Middleton, Coordinator for Informational Services and the Learn/Alaska Network Dept. of Education . . . "Fantastic learning experience." The Department of Education in Alaska used its Learn/Alaska audio conferencing equipment and ordinary telephones as the means of connecting students scattered at vast distances. Even remote villages with four students and one telephone were able to participate in the audio conference interview with Congressman Don Young. Pupils from the 11 schools were asked to prepare ten questions per school for the Congressman. Issues ranged from subsistence, the capitol move resolution, capitol construction projects, to the nuclear freeze movement, Reaganomics, and the draft. Both Middleton and Young commented on the breadth of the questions from students who live in widely separated and often isolated communities.

Students who did not have access to a phone received tapes of the audio conference as well as the candidates' promotional materials and curriculum materials. They, in turn, cast prediction votes by mail. Computers in Juneau completed the tally.

Texas, Austin—Joan Burnham, Resource Planning Specialist. The Austin Independent School District reports, "The atmosphere was charged with excitement. The auditorium was full. Television camera crews stood by. Everyone was eagerly awaiting the results of the 1983 Senate, district, and gubernatorial races.

"The gathering had all the makings of a real election, except for one thing. The audience was made up of parents and children in the 5th and 6th grades. And the election results were actually predictions garnered from a statewide poll conducted the week before the election. . . ."

The gathering at the Lyndon Baines Johnson Presidential Library was the climax to a month-long unit relating to the upcoming election. The three participating schools, Doss, Read, and Pleasant Hill Elementary Schools, each chose to concentrate on a particular race. Students visited campaign headquarters and made videotaped interviews of the candidates or their representatives which were shown at the Presidential Library on Mock Election Night. (Representative J. J. Pickle comments, "It was my pleasure to be interviewed—or grilled—by two inquisitive and well-informed sixth graders.")

Students also wrote computer programs that were used in conjunction with the telephone poll that made the local TV news broadcasts for all three stations.

To end their unit, pupils compiled scrapbooks about the candidates and the election for the gala affair at the LBJ Library.

Dallas—Dr. Larry Ascough, Associate Superintendent. Dallas Independent School District. Five thousand students voted in the Dallas Mock Election, where results were broadcast Mock Election Night by Warner Amex Communications, channels 35/51. The weekly news program "Page One," featured a special edition with Dr. Ascough, high school junior Don Gonzales, and local political analysts.

District-wide voting was coordinated by students and staff at the Magnet Center for Public Services. Government and Law students compiled study materials which were distributed to participating schools, and many volunteered to work on campaigns.

A follow-up program was broadcast one week after the Mock Election to discuss the outcome of the mock versus the real election.

Houston—Dr. Leo Gallegos, Social Studies Coordinator, Houston Independent School District. Houston's Education Mall was "convention headquarters" for students in the Houston school district. Student delegations reported on their government class findings. Prior to the convention, individual classes selected a particular campaign, specific issues, of media techniques to examine, aided by the Mock Election curriculum materials prepared by their school district. Students first cast votes for their schools and then tabulated them. Gallegos plans to request that the mock election participation not be left on a selected class basis as in '82 but become part of the school curriculum.

Florida, Orlando—Edna Stanford, Program Coordinator, Social Studies, Orange County Public Schools. . . . "Approximately 20 percent more people actually voted in the election in Orange County this year and I know that the Mock Election had something to do with this."

Ten thousand cast mock election predictions in the Orange County School District. Junior high students phoned in their results to senior highs. Students there called in the collective results to central offices that were hooked into the county offices. Phone banks at the county offices were operated by teachers who had volunteered.

The school staff was so motivated that it decided to conduct its own prediction poll. The day following the election, a larger group gathered at lunchtime to check the accuracy of the predictions.

Stanford, encouraged by the increase of voters at the polls this year, plans a competition for 1984 to see which county will have the greatest percentage of people casting real votes as part of the Mock Election activities.

Washington, D.C.—Caroline Preston, Principal, Bunker Hill Elementary School . . . "Fantastic." Elementary students from six schools were joined by their parents to participate in "political circles." The nine circles consisted of local candidates who fielded questions as the students and parents moved from circle to circle. Students had prepared and researched issues they wanted to raise with the candidates—school prayer, federal subsidy for private schools, statehood for the District of Columbia, etc.

Every seven minutes the groups changed so the candidates had to be concise and direct with their responses. Students were "registered to vote" by the League of Women Voters and cast their predictions at the end of the evening.

Washington, D.C.'s Mock Election made ABC's Good Morning America news.

Massaschusetts—Dr. Brunetta Wolfman, Executive Planner, Massachusetts Department of Education . . . "An excellant program." The Kennedy Presidential Library in Boston served as the focus for Mock Election Day events. An afternoon conference was held for students and parents. College students led a discussion on the issues and related what it was like to work on the campaign. Dr. Beard, of the University of Massachusetts, gave a lively review of the techniques and reliability of forecasting election results. Officials at the Republican and Democratic National Committee Headquarters in Washington were interviewed by telephone on the national issues of 1982. Boston Globe political reporter David Nyham surveyed the state situation.

Utah—Dr. Gail Mladejovksy . . . "Extremely favorable." Rather than involving all school districts, Utah piloted the Mock Election with three schools as representative of the state, with plans to expand for the 1984 election. The model schools were selected at the junior high and senior high levels. Students disseminated information and handmade pamphlets to parents and neighbors and offered free child care for the real election day. Utah is working with Sperry Univac on plans for computer tallies in 1984, and plans to expand to all 95 school districts.

Michigan—Rachael Moreno, Office of the Superintendent, Dept. of Education; Gary Cass, Education Consultant; John Chapman, Social Studies Specialist. Michigan sponsored the largest mock election participation—80,000—involving 22 senior high schools and 66 junior high schools. Students, in preparation for casting predictions, researched the history of voting patterns such as the women's vote, the black vote, etc. On Mock Election Day, students chosen from the State Superintendent's Student Outreach Program acted as mock election officials. These students tallied votes as they were called into the state headquarters at the Lansing State Library. A computer printout assisted the students in keeping track of who was the leading candidate.

Prior to the mock election, Michigan's Department of Education designed a full National Student/Parent Mock Election curriculum that was available through The Teachers Guides to Television Family Institute to other school districts across the nation. The Genesee Intermediate School District, in which 20,000 students participated, is now working to incorporate mock election materials into the regular curriculum.

Oregon—Bob Pratt, Social Studies Specialist, Multnomah County; Al Redsun, Associate Professor, Education, Western Oregon State College. Oregon's mock election effort which was organized by the Multnomah County (Portland) schools and Western Oregon State College involved 10,000. Students not only cast their predictions but voted on issues ranging from educational loans, funds for public and private schools, to land use and the nuclear freeze. Pratt plans to set up an interactive TV with state convention headquarters in Portland and local participating schools for '84.

Ohio; Akron, Canton, Youngstown—Charlotta Grana, Media Specialist, Talmadge City Schools, State Coordinator . . . "Excellent project." The Ohio Department of Education used Channel 45/49, the instructional TV station, as its election headquarters for the Akron, Canton, and Youngstown areas. Local student hosted the show Students Choice on which they fielded questions from the audience, tallied votes, and manned phone banks. Pretaped segments of school activities were also broadcast. Students earned praise from the Akron Beacon Journal. They [the students] "held such a smooth election that real election officials would be envious. . . . They televised the results with a John Chancellor-like polish."

Shaker Heights—Terry Pollak, Teacher . . . "Most positive." Mock election preparation at Shaker High started with an intensive in-class speaker network with politicians coming into individual classrooms to discuss issues. "The election allowed for total social studies participation . . . it allowed for both the community and the school to integrate together for a common purpose . . . it allowed for an educational program to continue beyond the structure of a Shaker eight-hour day," Pollak says. Ohio's Secretary of State, Anthony Celebrezze, sponsored that state's project.

Illinois, Chicago—Dr. Joyce Clark, Director of Pupil Personnel Services. The Board of Education chambers turned into a convention center as students donned straw hats and carried signs for an afternoon Mock Election activity. The representatives from 12 high schools present reports ranging from polls of entire neighborhoods, with detailed questionnaires, to Mock Election issues of a school newspaper. Superintendent of Chicago Schools Dr. Ruth Love addressed the students commending their degree of involvement in the upcoming election.

Carbondale—Charles Lemings, Social Studies Teacher, Carbondale Community High School. Students videotaped candidates as they addressed an assembly of students and parents as part of the Mock Election.

Kentucky—Michael Haines, YMCA Executive Director. The Lexington Holiday Inn served as Election Headquarters for Kentucky as 74 schools from across the state phoned in results. The mock election was the high point of a Y convention. Over 600 junior high students and parents participated. Two Congressional candidates from different districts generated much excitement in their debate on the issues.

Michael Haines reports, "At least 40 students lined up to ask questions of a technical nature such as defense spending versus education spending when the debate was over. The questions posed by the students were quite tough, and the candidates only had a minute in which to answer. Both confided in me later that they really were surprised at how knowledgeable the students were and how much they had to keep on their toes. . . . The kids were really eager to cast their votes in the mock election . . . !"

Delaware—Jim Gervan, State Supervisor, Art and Music Education, Dept. of Public Education. The Student Council in Delaware provided impetus for the Delaware participation in the Mock Election. Students researched candidates by examining voting records, attendance, visibility, and other related factors. Political groups such as the League of Women Voters, the PTA, and the Citizens Advisory Committee were contacted for discussion of the issues. Students met with parents prior to the Mock Election to agree on an initial prediction. The statewide meeting sponsored by the Student Council gave parents, student council representatives from the individual high schools, and the teachers a chance to discuss the school's findings. The school representatives went into a caucus session to decide whether they should change their predictions based on the information presented, and then cast their prediction as a school.

Pennsylvania—Dr. Bruce Martin, Vice President, Academic Affairs, Dr. Kenneth Burrett, Professor of Education, Duquesne University. Mock election activities are still in progress in Pittsburgh which piloted the involvement of Duquesne college faculty and students in the training of high school students in Pittsburgh's public and parochial schools. The college students, who volunteered because of their interest in the community, mediated the debates between high school students on the substance and process of politics. Students were also requested to answer questions devised by the political science department to analyze voting patterns.

Duquesne's School of Education is planning a paper on the experiment that will serve as a guide to other colleges seeking to upgrade voter education projects in local high schools.

The schools have been following the results of the actual election to find out what can be learned by the way people vote. College students have been invited back to the high school classrooms and plan on participating in a post-election session with Governor Thornburgh.

Alabama, Birmingham—Clemme Collins, Parent Education, Birmingham Public Schools. A political "Family Feud" was the Mock Election event for students in 12 high schools in Alabama. Busloads of students came to cheer on their school's team. The questions tested a general knowledge of American government. Missed questions were turned over to the audience. There was a cash prize and a TV interview for the winning family. Collins reports, "I've never seen spirits and enthusiasm so high."

Mr. LAXALT. Mr. President, I have the privilege today of speaking in support of the national student/parent mock election. I say that it is a privilege because I feel that the mock elections fulfill an extremely vital function in our democratic system of government. I am speaking of participation.

With each passing year, our society becomes more and more complex, leading to confusion at first and eventually to apathy and withdrawal. The complexity of our society is especially confusing for our young people who, in the midst of their adolescence, are inundated and confronted with news and information which is oftentimes contradictory. It is no small wonder why many of our children find it difficult to develop their own ideas about the world and society in which they live.

This leads to two problems in this country which are of particular concern to me and, I think, a number of Americans. Our Nation cannot survive if our children do not come to understand and participate in our system of government; and, more importantly, our most sacred institution—the

family—cannot survive unless there is a similar understanding and participation in our homes.

I have learned that many times the best solutions to our problems are the simplest and least expensive. Simple, inexpensive, and effective surely apply to the national student/parent mock elections.

By bringing together parents and students to cast a prediction vote on the national elections, the mock election addresses both the threat to the American family and the erosion of the participating citizenry in our country. In 1984, more than 2 million parents and students in the 50 States are expected to participate in the mock elections. Together, they will learn about our system of government, grow to understand one another, and prove that an informed and caring public can make all the difference.

I highly support the efforts of the Teacher's Guide to Television Family Institute for organizing the mock elections. Their work is strengthening the foundations upon which this country was built. Indeed, there is nothing so patriotic as participation.

BROOKS CALBERT ROBINSON, JR.

Mr. SARBANES. Mr. President, this Sunday, Brooks Calbert Robinson, known to all modern-day baseball fans as Mister Third Base, will take his rightful place in Baseball's Hall of Fame in Cooperstown, N.Y.

Mr. President, Brooks is best known for his ability in the field and at the plate, remarkable abilities that have contributed mightily to making the Baltimore Orioles the winningest team in the major leagues for the last 26 years, since 1957. I also want to thank Brooks for his leadership in our community, his qualities of ability and character, the almost unlimited intangibles that have made him both the most important and most beloved Oriole of all time.

Earl Weaver once said that "Brooks leads the league every year in everything that's right." He was elected in January in a landslide—92 percent of the 374 votes cast, the ninth highest percentage in the 46 years of all of fame elections, and only the 14th ever elected in his first year of eligibility.

Mr. President, much, much more can be said about this remarkable American, this outstanding athlete, this champion. I ask unanimous consent that several articles chronicling Brooks' Hall of Fame career, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BROOKS ROBINSON . . . A HALL OF FAMER IN EVERY SENSE OF THE WORD

Brooks Robinson is one of only 184 men to have been elected to the National Hall of Fame . . . from among the many thousands who have played a role in major league baseball during its 107 year history.

His outstanding playing credentials can be well documented. But, they represent only the tip of the iceberg. What also distinguishes Brooks from the rest of the field are the unlimited intangibles that he brought to his game and to his team. Qualities that made him both the most important and most beloved Oriole of all time.

It is this combination of ability and character that truly qualifies him for membership in the most prestigious institution in all of sport, The National Baseball Hall of Fame.

As Earl Weaver once said about him, "Brooks leads the league every year in everything that's right."

Here are some facts and figures about Brooks' election and the Hall of Fame:

92 PERCENT OF THE VOTE

Brooks was officially elected on January 12th in a landslide. He received 344 of 374 votes cast or 92 percent, the 9th highest percentage in the 46 years of Hall of Fame elections (now conducted by The Baseball-Writers Association of America, BBWAA).

The only players to have received a higher percentage were Ty Cobb, Hank Aaron, Honus Wagner, Babe Ruth, Willie Mays, Bob Feller, Ted Williams and Stan Musial.

14TH ELECTED ON FIRST BALLOT

He became only the 14th player to have been elected to the Hall in his first year of eligibility (Frank Robinson is also a member of that distinguished group), excluding the five original members who were chosen in 1936: Babe Ruth, Ty Cobb, Honus Wagner, Christy Mathewson and Walter Johnson.

MARICHAL, KELL AND ALSTON ALSO CHOSEN

Juan Marichal, the stylish former Giant righthander (243-142) joined Brooks after gaining 83.6% of the vote and thus became the first Latin American to have been tapped in the general elections (Roberto Clemente and Martin DiHigo were both chosen in special elections). Marichal is also the first from the Dominican Republic to have been elected to the Hall of Fame.

In March, George Kell, Brooks' predecessor at third base for the Orioles in '56 and '57, was added to the roll by the Veterans' Committee and also granted well-deserved admission was the Dodgers manager of 23 years, Walter Alston.

Kell who finished his playing career in Baltimore has since worked for many years as a play-by-play broadcaster for the Tigers along with other Hall of Famers, Al Kaline and Ernie Harwell. Kell had a .306 career average in 14 American League seasons. Lancaster, Pa. fans will remember George as the man who batted .396 for the Lancaster Red Roses in the old Inter-State League in 1943.

Alston managed the Dodgers from 1954 thru 1976 and led them into seven World Series. His lifetime won-lost record was an impressive 2040-1613 (.558).

APARICIO AND KILLEBREW

Harmon Killebrew who produced 573 home runs in the big leagues was 12 votes shy of the 281 needed (75 percent) for election in his second year of consideration, but should make it next year. Luis Aparicio, the O's shortstop in their first world championship season (1966) was the biggest gainer. Louie, in his fourth year of eligibility, polled 252 votes, 78 more than he received the year before. Another ex-Oriole, Hoyt Wilhelm, ranked 5th in the voting with 243.

BROOKS AND KELL 3RD AND 4TH EX-MODERN ORIOLES IN HALL

The modern Orioles will be doubling their membership in the Hall of Fame this year. The first two chosen were Robin Roberts in '76 and Frank Robinson last year. Roberts, of course, was far better known for his achievements with the Phillies, but the 286-game winner did pitch for the Orioles from 1962 to 1965.

Frank was elected last year, along with Hank Aaron, after polling 89 percent of the vote (370 of 415). In his six Baltimore seasons ('66 thru '71), the Orioles won four pennants.

BROOKS 13TH MAJOR LEAGUE ORIOLE CHOSEN

The following nine "old" Orioles from the National Association, National League and American League teams that represented Baltimore in the late 1800's and early 1900's are also Hall of Fame members:

Roger Bresnahan, Dan Brouthers, Candy Cummings, Hughie Jennings, Willie Keeler, Joe Kelley, Joe McGinnity, John McGraw and Wilbert Robinson.

26 IN HALL HAVE MARYLAND CONNECTION

Twenty six of the 184 Hall of Fame members (14 percent) have a Maryland connection. In addition to the 13 major league Orioles listed above, the following 13 are also enshrined: Luke Appling (O's coach in '63) . . . Frank "Home Run" Baker ('07 Eastern League O's and Trappe, MD native) . . . Chief Bender (pitcher for Maryland Terrapins in outlaw Federal League in '14).

Burleigh Grimes (O's scout from '60 to '71) . . . Lefty Grove (won 109 games for International League Orioles and .300 in the majors and was born in Lonaconing, MD). Rogers Hornsby (coach and pinch hitter for '38 I.L. O's and manager in '39) . . . Judy Johnson (Snow Hill native) . . . Al Kaline (Baltimore native) . . . Bob Lemon (International League Oriole 3rd baseman in '42) . . . Rube Marquard (pitcher for '27 I.L. O's and lived in Baltimore over a span of six decades . . . Babe Ruth (I.L. Oreolein '00 and a Baltimore native) . . . and George Weiss (Orioles G.M. from '29 thru '31).

BROOKS' INDUCTION JULY 31ST

Brooks' induction will be held on Sunday afternoon, July 31st at the Hall of Fame in Cooperstown, N.Y. Special plans are being made now by a special committee appointed by Mayor Schaefer to honor him just before he leaves for Cooperstown, and the Orioles have a Brooks Robinson Hall of Fame night—planned for the week after the induction (Friday night, August 5).

On Monday, August 1st the Orioles will play the World Champion St. Louis Cardinals in the annual Hall of Fame game at Doubleday Field in Cooperstown.

BROOKS CALBERT ROBINSON, JR.

(Born: May 18, '37; 6'1"; 190; Batted, R; Threw, R; Position, 3B)

Birthplace/Residence: Born in Little Rock, Arkansas, but has been a permanent resident of the Baltimore area since 1960. Now lives in Lutherville, in Baltimore County.

Tenure: 20 years, 72 days.

Originally Signed By: Baltimore.

Brooks Robinson is one of only 182 men to have been elected to the National Baseball Hall of Fame (not including those who may be chosen by the special committees in March). His playing credentials are well documented below.

But, they represent only the tip of the iceberg. What really distinguishes Brooks from the field are the unlimited intangibles that he brought to his game and to his team. Qualities that made him both the most important and most beloved Oriole of all time.

They are what truly qualify him for membership in the most prestigious institution in all of sport, The National Baseball Hall of Fame.

As Earl Weaver once said about him, "Brooks leads the league every year in everything that's right."

HALL OF FAME

92 percent: On January 12, Brooks was officially elected to the Baseball Hall of Fame in a landside. He received 92 percent of the votes cast (344 of 374) which was the 9th highest percentage in the history of the BBWAA Hall of Fame elections (surpassed only by Cobb, Aaron, Wagner, Ruth, Mays, Feller, Williams, and Musial).

14th on 1st Ballot: He became only the 14th player elected to the Hall in his first year of eligibility (excluding the 5 who were picked in the Hall's first election).

Marichal Also Earns Honor: Juan Marichal, the stylish former Giant righthander (243-142), joined Brooks, gaining 83.6 percent of the vote (313 of 374) on this his 3rd year of eligibility. He became the first Latin American elected to the Hall in a general election (Roberto Clemente and Martin DiHigo were both chosen in a special election) and the first from his country (Dominican Republic) to take his rightful place in Cooperstown.

Luis & The Killer: Harmon Killebrew, who produced 573 home runs in his big league career, was 12 votes shy of the 281 needed for election (75 percent in his 2nd year of consideration. Luis Aparicio (in 4th year of eligibility), the great shortstop who played for the O's on their 1st world championship team ('66), was the biggest gainer with 252 votes, an increase of 78 from the year before (174). . . Another ex-Oriole, Hoyt Wilhelm, ranked 5th with 243 votes.

Brooks 3rd Modern Oriole: Brooks, at the formal induction on July 31 will become the third Oriole to make it along with Frank Robinson (89 percent, 370 of 415) who was chosen on the 1st ballot a year ago along with Hank Aaron and Robin Roberts, the 286-game-winner who spent most of his career with the Phillies but pitched for the O's from '62 thru '65. Roberts entered the Hall in 1976 (87 percent, 337 of 388).

12th Major League Oriole of All-Time: Roger Bresnahan, Dan Brouthers, Candy Cummings, Hughie Jennings, Willie Keeler, Joe Kelley, Joe McGinnity, John McGraw, Robin Roberts, Frank Robinson, and Wilbert Robinson, Chief Bender, the former Philadeplhia A's standout, never played with the O's but did pitch for the Baltimore Terrapins in the 1914 outlaw Federal League.

25th With Maryland Ties: In addition to the 12 former major league Orioles plus Chief Bender of the Terrapins (Federal League), there are 12 others in the Hall who have had a Maryland connection (year of induction follows name): Luke Appling-'64 (O's coach in '63); Frank (Home Run) Baker-'55 ('07 Eastern League O's & Trappe, Md. native); Jimmie Foxx-'51 (Sudlersville, Md. native); Burleigh Grimes-'64 (O's scout from '60 to '71); Lefty Grove-'47 (won 109 games for I.L. O's & 300 in A.L., native of Lonaconing, Md.); Rogers Hornsby-'42 (coach & pinch-hitter for '38 O's & manager in '39); Judy Johnson-'75 (Snow Hill native); Al Kaline-'80 (Baltimore native); Bob Lemon-'76 (International League Oriole); Rube Marquard-'71 ('27 O's & lived in Baltimore over a span of 6 decades); Babe Ruth-'36 (former International League Oriole and Baltimore native); George Weiss-'71 (O's G.M. '29-'31).

Induction: The induction will be held in Cooperstown on Sunday, July 31. On Monday, August 1, the annual Hall of Fame Game will be played at Doubleday Field between the Orioles (not a coincidence) and the World Champion St. Louis Cardinals.

PERSONAL

Brooks is doing color commentary on the Orioles' television network with Chuck Thompson for the 6th straight year (and 5th on WMAR, Channel 2, the Orioles' flagship station).

He is also active as a vice-president of Personal Management Associates (PMA)[1] and as a special assistant with the Crown Central Petroleum Company.

Brooks and his wife, Connie, a former United Air Lines flight attendant whom Brooks met on an Orioles' charter flight (K.C. to Boston) in 1959, have been married for 22 years. They live in Lutherville, Md. (north of Baltimore) with their four children: Brooks David (7/24/61), Chris (2/22/63), Michael (3/11/64), and Dianna (2/22/68).

Brooks' uniform #5 was officially retired on opening day, 1978, the year after he retired. Frank Robinson's #20 and Earl Weaver's #4 are the only other numbers that have been retired by the Orioles.

BIG LEAGUE CAREER

Brooks officially spent 20 years and 72 days as a player in the American League, spanning 23 seasons.

He played in 2,896 major league games, all of them with the Orioles, 7th on the all-time list (Hank Aaron leads at 3,298).

Only Carl Yastrzemski (3,189) and Ty Cobb (3,033) have played more American League games, and only 3 others in history have played more with one franchise, Yastrzemski (3,189), Aaron (3,076), and Stan Musial (3,026).

Durability: Played in 97 percent of all Orioles' games from July 9, '59 (when he returned from minors for the last time) thru May 16, '76, a period of more than 16½ years . . . Played at least 153 games in 14 of 15 years from '60 thru '75 . . . The only exception was 1965 when he missed 18 games as a result of a broken thumb (hit by a Hank Aguirre pitch) and a shoulder injury.

His durability was even more astounding when it is considered that he was "beaned" seven times: Earl Wilson ('55), Ned Garver ('57), John Buzhardt ('63), Phil Niekro ('67), Steve Blass ('68), Mike Nagy ('70), and Woodie Fryman ('72).

In Orioles' 29-year history, only one other third baseman has played as many as 200 games at third base (Doug DeCinces—792).

Opening Days: Started 20 consecutive opening day games for the Orioles from '57 thru '76, and batted .316 (25-for-79) with six home runs 17 rbi.

Home Runs/RBI: Led A.L. in rbi (118) in '64 and also achieved career high of 28 homers that year . . . Hit 17 or more homers nine times, 11 or more 11 times . . . His last year in "double figures" was 71 when he hit 20 . . . holds record for most lifetime homers in Memorial Stadium (139).

Had six career grand slams, four of them in Baltimore: July 31, '60 vs. Cle. (H) off Gary Bell . . . May 6, '62 vs. Cal. (at Dodger Stadium) off ken McBride . . . May 9, '62 vs. K.C.A's (H) off Ed Rakow . . . July 7, '70 vs. N.Y. (H) off Lindy McDaniel . . . July 8, '71 vs. Oak. (A) off Blue Moon Odom, and Aug. 14, '76 vs. Chi. (H) off Terry Forster . . . His two grand slams in '62 were in consecutive games.

Hitting: Had lifetime averages of .293 (267-for-911) vs. Texas Rangers (nee Washington Senators) and .287 (90-for-324) vs. K.C. Royals . . . Hit most home runs (37) and drove in most runs (167) against the Red Sox . . . Twice put together strings of eight straight hits: July 10 thru 15, '60, and Aug.. 21 thru 23, '63.

Ranks 31st on the all-time major league hit list . . . Holds A.L. record for most sacrifice flies, career (114).

Holds club career records for games, at bats, runs, hits doubles, triples, total bases, rbi and extra base hits . . . Has one-season marks for games (163, '61 & '64), at bats (668, '61), and doubles (38, '61).

Fielding: Committed only 263 errors in 9,165 chances at third base for a lifetime percentage of .971 . . . Appeared in a total of 29 games at second base (24) and shortstop (5) and committed only one boot in 31 tries . . . Did not play anywhere defensively but at third base after '63.

Major League Lifetime Records, 38: Highest fielding percentage, 100 or more games (.971) . . . Most seasons (23) . . . Most games (2,871) . . . Most chances accepted, excluding errors (8,902) . . . Most putouts (2,697) . . . Most assists (6,205) . . . Most double plays (618) . . . Most seasons leading league in games (8) . . . Most seasons leading league in assists (8).

American League Lifetime Records, 38: Most seasons leading league in fielding (11). . . . Most seasons leading league in chances accepted, excluding errors (8 tie) . . . Most games season (163, '61 and '64) . . . Most home runs (266) 2nd to Graig Nettles (300).

Triple Plays: Has started three of the eight triple plays executed by the orioles in their 29-year history . . . All three were of "around the horn" ground ball variety . . . Was the batter in four of the 13 triple plays hit into by the Orioles. Only one of these was "around the horn."

Gold Gloves: Won 16 straight "gold gloves" (Rawlings Sporting Goods/The Sporting News) from '60 thru '75 as the top defensive third baseman in the A.L. . . . The string was snapped by Detroit's Aurelio Rodriquez in '76 . . . Rodriquez, former Red Sox third baseman Frank Malzone ('57-'59) and the Yankees' Graig Nettles ('77) were the only others in the A.L. to have won a "gold glove" at that position while Brooks was active.

Believe-it-or-Not: Committed three errors in one inning against the A's in Baltimore on July 28, '71 (6th inning) . . . O's won the game, however, when Frank Robinson hit a three-run homer in the 9th inning to erase a 0-2 deficit.

All-Star Play: Played in 18 consecutive all-star games from '60 thru '74 (including two per year in '60, '61, '62) . . . Had lifetime average of .289 (13-for-45).

Selected "mvp" in 1966 at St. Louis when he had three hits, including a home run, while handling eight chances in the field . . . Also homered in '67 game at Anaheim . . . Was also a serious contender for the award in '64 (at Shea Stadium) and '70 (at Cincinnati), when he went 2-for-3, hit a triple, scored a run, and drove in two others.

[1] PMA is a company which provides athletes comprehensive counseling and support in their professional, financial, and personal lives.

Hit three triples in all-star play and didn't make an error in 43 fielding chances.

Was elected to starting lineup in Gillette-sponsored fan vote four times ('71, '72, '73, '74) after selection was returned to fans in '70 . . . Led A.L. players in votes in '71 (1,110,469) . . . Started a total of 11 games . . . Had last hit in '71 game at Detroit.

World Series/A.L. Championship Series: Played in 1st 39 post-season games in which the Orioles have been involved and batted a composite .303 (44-for-145)—.348 in 18 ALCS games and .263 in 21 WS games.

WS: Homered in first WS at bat in first inning against Dodgers (at Dodger Stadium) in '66 immediately following Frank Robinson's two-run homer (both were off Don Drysdale).

Was landslide "mvp" in '70 vs. Reds . . . Hit .429 (9-for-21), and was brilliant on defense . . . His nine hits tied record for most hits in five-game series . . . He also contributed six rbi, two doubles, and two homers . . . Erred on first fielding chance then handled 23 more flawlessly, many of them brilliantly . . . Stole at least two hits each from Johnny Bench and Lee May . . . It was during the series that Lee gave him the nickname "Hoover" (as in vacuum cleaners).

Was among leading hitters in '71 series vs. Pirates—.318 (7-for-22) with five rbi . . . Made three errors in '76 world series chances.

CS: Had .486 average (18-for-37) after first three championship series (O's swept them all in three straight games) . . . His lone hit in last CS in '74 was a first game homer off Oakland's "Catfish" Hunter.

MAJOR AWARDS/HONORS

Most Valuable Player, American League—1964 . . . Finished 2nd in "mvp" voting by BBWAA in '66 and 3rd in both '60 and '65.

Most Valuable Player, All-Star Game—1966.

Most Valuable Player, World Series—1970.

Most Valuable Oriole—4 times . . . 1960, 1962, 1964, 1971 (shared with Frank Robinson).

Gold Gloves—16 straight from 1960 thru 1974.

Commissioner's Trophy (now known as Roberto Clemente Memorial Award)—1972 as player best exemplifying the game of baseball.

Orioles' Hall of Fame—1977 . . . He and Frank were the first to be named to the new Orioles' Hall of Fame originated in '77 by the Oriole Advocates, Inc. to honor outstanding players, managers and coaches from the Birds' modern era, '54 to present.

Joe Cronin Award (presented annually by the American League to an A.L. player for significant achievement)—1977.

American League All-Star (Game) Squad—15 straight years from '60 thru '74 . . . Started 11 of the 18 games in which he played (including two each in '60, '61, '62).

The Sporting News' American League All-Star Team—nine times—1961, '62, '64, '65, '66, '67, '68, '71, '72.

Hickok Belt, January, 1971 . . . "Man of the Decade" Award by Baltimore Advertising Club, January, 1972 . . . "Most Memorable Personality" in Orioles' history by vote of the fans in 1975.

Winding Down, '76: Brooks started the '76 season as the Orioles' regular 3rd baseman. He started 27 of the first 28 games before being replaced by Doug DeCinces. From then on, he drew only 29 more starts in the O's final 103 games.

Nothing Is Forever, '77: His 268th and last home run provided one of the most emotional experiences in Orioles' history. It was April 19 at Memorial Stadium, the O's trailed the Indians, 5-2, in the 10th. With one out and runners on 1st and 2nd, Lee May singled in a run. The O's now trailed by 2 as Brooks came to the plate as a pinch-hitter for Larry Harlow. He ran the count to "3 & 2," fouled off a number of pitches, then hit a home run into the left field stands off southpaw Dave LaRoche to win the game 6-5.

There were only 4,826 fans at the ballpark that night, but none of them will ever forget the moment.

Brooks made his final actual appearance as a pinch-hitter at California on Friday, Aug. 5, and his last base hit was a June 3, 7th-inning single off lefthander Steve Mingori at K.C. the night the O's turned the game-winning triple play in the 9th.

His last game appearance at Memorial Stadium was on July 25 as a pinch-hitter against the Brewers, and his final start was at Seattle on July 30.

Signed for 1977 as player-coach, but became a coach exclusively on Sunday, Aug. 21, when he went on the voluntarily retired list (in Minnesota) to make room on the roster for catcher Rick Dempsey who was returning to duty after six weeks on the disabled list.

An Orioles' record regular season crowd of 51,798 attended "Thanks, Brooks" Day on Sunday, Sept. 18, against the Red Sox to pay tribute to the most important and beloved Oriole of modern times.

SIGNIFICANT "FIRSTS" AND MILESTONES

First Hit and Game . . . September 17, 1955, off lefthander Chuck Stobbs of Washington Senators in second big league at bat, at Memorial Stadium. Brooks started at third base as a last minute replacement for another rookie, Kal Segrist, who was scratched because of illness . . . After his 2-for-4 debut that day, Brooks went 0-for-18 the rest of the year.

First Home Run . . . September 29, 1956, off Evilio Hernandez of Washington Senators at Griffith Stadium.

First Memorial Stadium Home Run . . . April 17, 1958, off Russ Kemmerer of Washington Senators (it was his 4th career homer) . . . Brooks hit his first five home runs off Washington pitching, four of them at Griffith Stadium.

First Grand Slam Homer . . . July 31, 1960, off Gary Bell of Cleveland Indians at Memorial Stadium.

First All-Star Game Hit . . . July 31, 1961, off Sandy Koufax of Los Angeles Dodgers at Fenway Park, Boston (2nd, '61 game).

1,000th Hit: June 6, 1964, off Dick Stigman of Minnesota Twins at Metropolitan Stadium in Minnesota.

100th Home Run . . . July 25, 1965 off Dick Stigman of Minnesota Twins at Memorial Stadium.

First World Series Hit: October 5, 1966, off Don Drysdale of Dodgers, a home run in first world series at bat, at Dodger Stadium.

First ALCS Hit . . . October 4, 1969, off Jim Perry of Minnesota Twins, a single in his first ALCS at bat, at Memorial Stadium (first ALCS game ever played).

200th Home Run . . . May 7, 1970, off Tommy John of White Sox at Comiskey Park.

2,000th Hit . . . June 20, 1970, off Joe Coleman, Jr. of Washington Senators, a three-run homer at Memorial Stadium.

2,500th Hit . . . August 20, 1973, off Bill Hands of Minnesota at Memorial Stadium.

[From the Baltimore Sun, Jan. 13, 1983]

"DESERVING," THAT'S BROOKS

(By Bob Maisel)

NEW YORK—Maybe other organizations have more players in the Hall of Fame than the Orioles, but how many have ever had two elected in back-to-back years, both named Robinson, first Frank and now Brooks?

The good people at Cooperstown can consider themselves warned that if they thought Baltimore dominated the installation audience last year, they haven't seen anything. When Brooks is honored this time along with Juan Marichal, it is guaranteed that Oriole fans will take over the town.

Actually, this piece wasn't planned as a love story when I hopped a train in Baltimore early yesterday morning for the trip here on the chance that Robinson would make it into the Hall of Fame on the first ballot. But, when you have been in the business of writing sports long enough, you learn to expect anything.

More about that later, after a few words concerning the baseball side. Everybody knows Brooks Robinson belongs in the Hall of Fame. It is just gratifying to see the vote uphold that opinion so overwhelmingly. It was Frank Cashen, once the Oriole executive vice president and now general manager of the Mets, who probably summed up Robinson the baseball player as well as anybody yesterday.

Standing in the back of the room just before the ceremonies began, Cashen said, "There are players you win with, players you lose with, and often it doesn't have a lot to do with offensive statistics and earned run average. Brooks was that kind of guy you won with. He was one of the best defensive players who ever lived, and a much better hitter than most people realized, especially in late innings with the game on the line.

"Heck, he hit fourth on some of our best teams, behind Frank. One of my best recollections is of Frank hitting a home run off Don Drysdale in the first of the opening game of the 1966 World Series.

"You hear about a team like the Dodgers for so long, then you play them in your first World Series, and wonder if you can beat them. When Frank hit his homer, we started feeling better about things, and you figured Drysdale might brush Brooks back. Instead, Brooks hit another homer, even farther than Frank's. That set the tone of the whole Series. Now the same two guys have gone into the Hall of Fame back-to-back. Fantastic!"

Overhearing Cashen's remarks, a New York reporter, who is supposed to be a tough guy, said, "The best thing about it, in this day when so many athletes are pains in the neck, is to see this happen to one of the truly nice guys who ever played the game."

That line was probably repeated 100 times before the day was over.

The love story? Well, I thought one of the stars of this show was a beautiful woman by the name of Connie Robinson . . . Mrs. Brooks Robinson for the past 22 years. In the background as usual after Brooks had been whisked away to face batteries of TV cameras, she sat there by herself, taking in the scene, wearing an expression seen only on a person very much in love.

After spotting a friend from Baltimore and making it sound as though he should at least be elected president for making the train ride to be in on the announcement,

she just had to tell somebody how she felt. The words wouldn't stay inside any longer.

"I'm so happy for him," she said as she watched Brooks being interviewed. "He is so deserving, a great player and such a nice guy. He is a marvelous, marvelous husband, a marvelous father, and . . . my best friend. He is such an easy-going person, I tell him he'd probably be happy married to anybody. You never hear a cross word out of him."

What made Connie, the beautiful young stewardess making her first trip on an Oriole charter from Kansas City to Boston in 1959, decide on Brooks as her dinner companion in Boston that night when she must have had her choice of at least 25 others?

Silly question. "Oh, he was soooo cute," she said, eyes dancing at the flashback. "He was about 21, blue eyes, obviously a nice guy, and . . . I think what impressed me most was that he was just a very clean-cut person. We had dinner and had a great time, did nothing but laugh that night.

"That started our association. Now, here it is four children and 22 years of married life later, and do you know something? Brooks is still the same guy. I think he is probably even more thoughtful and considerate of me now than he was then, if that's possible. He is just so deserving."

I was going to finish this off by saying all sports love affairs should have this kind of ending, but then, that would be entirely wrong. This one sounds as though it is just beginning. Nice of you to share him with an entire town, Connie.

[From the Baltimore Sun, Jan. 13, 1983]

THEY ALL AGREE ON BROOKS: FAMILY, FRIENDS ADMIRE HIM BOTH ON AND OFF FIELD

(By Susan Reimer and Lou Hatter)

If there were a spot in a baseball box score for admirers, Brooks Robinson would probably lead the league in that category, too.

Those who played beside him, coached him, wrote about him and—in the case of his mother—raised him, had only good wishes and good memories on the occasion of Robinson's election to the baseball Hall of Fame.

Most of those whose thoughts follow said they were not surprised Robinson made it into Cooperstown on the first ballot, and they said they believed his gentlemanly nature off the field was a factor in his election as his skill on it.

Here's what they had to say:

Paul Richards—As the 1955-61 Oriole general manager-manager Richards was responsible for signing Robinson as an 18-year-old Little Rock (Ark.) high school prospect. Richards, still living in Waxahachie, Texas, now is a Texas Ranger front office consultant.

"There was never any doubt in my mind that Robinson would make it to the Hall of Fame. And that 91.9 percent of the vote is sensational. I'm proud for Brooks.

"I do recall sending a couple of scouts to watch him in high school. One of them said he couldn't run, throw or hit and couldn't play. The other scout said he could play. We took a chance on the scout who said Robinson could play—fortunately.

"Robbie didn't hit 400 right away but, my, how he could field. We needed hitting, and I threatened to take him out of the lineup. But our pitchers wouldn't stand for it. They wanted Brooks in there for his glove and didn't care if he ever got a hit. After that, he began to hit.

"I've always said that Brooks never had a great arm, but he never failed to throw a runner out. One of his greatest assets was throwing on the double play, quickly and in position where the second baseman could handle it, get out of the way [of the runner] and make the double play."

Hank Peters—Oriole general manager for seven years. Peters earlier served in executive capacities for Kansas City and Cleveland, starting in 1953, and observed Robinson's star rise from the beginning.

"I was associated with Brooks here only for a short time, but saw him perform all during his career and—like everyone else—marveled at the way he played the game. Brooks always will be the yardstick by which third basemen are gauged, and that's the mark of a true champion."

Hank Bauer—While Robinson was blossoming into peak consistency, Bauer—now a Yankee major league scout in Kansas City—managed the Orioles from 1964 through '68.

"He caught everything hit down his way. But Robinson had other things going for him, too—pretty good power at times, and he came through so often when a base-hit meant something.

"And he was a hell of an easy guy to manage. Just put his name down and let him play. If they were all that easy, I might still be working [as a manager]. I can still see him hitting a home run off Don Drysdale—back-to-back with Frank Robinson, I think—in the first inning of the first game of the 1966 World Series. I'll never forget that."

Jerold C. Hoffberger—As a major stockholder in the Baltimore franchise, beginning in 1954, and Oriole owner from 1965 to 1979, Hoffberger—now on a business vacation in Key Biscayne, Fla.—has been close to Robinson throughout his career.

"I'm looking forward to another good time in Cooperstown this summer. This couldn't happen to a better guy or a better town. I know Baltimore must be jumping. Brooks's years were the best our town ever had.

"And he's the kind of guy who'll be cheering for somebody to do better than he did, because he just wants to see Baltimore have the best."

Jack Dunn—In a variety of front-office capacities, dating back to the International League Orioles, Dunn has observed Robinson's progress almost daily from an 18-year-old Baltimore rookie to Cooperstown.

"If anybody ever typified a Hall-of-Famer, it has to be Brooks. I'm happy to have been there the first day he walked into Memorial Stadium and the day he played his last game here.

"I was also on the bench in June, 1955, when Paul Richards worked Brooks out at second base.

"Paul had never seen him at third base, but after Robbie worked out at second for a while, Richards said, 'There may be the best third baseman of all time.' A little later during the workout. Brooks was moved over to third base. It was Richards's judgment of Robinson's hands and reflexes, I guess."

Joe Altobelli—With long experience as an Oriole farm system manager, Baltimore's new dugout chief is acquainted, too, with Robinson's career and enthusiastic over his Hall of Fame election.

"I never managed Brooks, but helped out in spring training six times while managing Rochester. That was close enough to know a wonderful guy and a fine ball player. He was always among the first to talk to the young guys and welcome them to the Oriole camp."

Cal Ripken, Sr.—Twenty-five years in pro baseball, all with the Baltimore organization as player, scout, coach and farm manager, qualifies the Oriole third-base coach as a Robinson expert.

"Any manager or coach can give help to players on certain little things along the way but, basically, the good ball player helps himself. I know Brooks has done that in so many areas to become outstanding. He worked at the job and made himself a great player. That's the secret in any job."

Ethel Robinson—Mrs. Robinson has known Brooks since the day he was born. She's his mother, and she still lives in his hometown of Little Rock, Ark.

"I knew all the time he'd get it some day. I was just hoping it would be the first time. His father always thought he'd make it sooner or later, as well as he played the game and as much as he loved it.

"We lost his dad four years ago. I just wish he were here to see this."

(Note: Efforts to reach retired former Oriole manager Earl Weaver were unsuccessful.)

BROOKS SOMETHING SPECIAL

Bob Maisel—Now sports columnist of The Sun, Maisel has been writing about Robinson since the day Brooks reported to the Orioles.

"It is one of the rare privileges in the business of writing sports to have been around the day Brooks reported to the Orioles as an 18-year-old kid and then to cover his career through all the stages, right into the Hall of Fame," Maisel said.

"Brooks is not only one of the greatest players I've ever seen, but probably the nicest guy. And one of the most unusual things about him is that he still hasn't found out he is a celebrity."

Lou Hatter—Now in his 42d year with The Sun, Hatter has covered the Orioles for 30 seasons—the first 27 full-time—and wrote the first feature in this city on Robinson.

"It was evident from the beginning that Brooks was something special, as a player and a person," Hatter said. "That hasn't changed. Nobody could be happier for him and his family.

"He was tenacious, too. I remember an Oriole charter flight from Kansas City to Boston, on which a pretty stewardess named Connie caught his eye.

"Brooks told her, 'Don't pay any attention to the rest of these guys. They're all married—except me.' And guess what? Brooksie wound up marrying that lovely lady."

[From the Baltimore Sun, Jan. 13, 1983]

BROOKS, MARICHAL RAMP INTO "HALL"—ORIOLE ACE RECEIVES 92 PERCENT OF VOTES

(By Kent Baker)

NEW YORK.—Brooks Calvert Robinson, Jr., passed third base yesterday and reached his rightful home, baseball's Hall of Fame.

The most popular Oriole in the history of the franchise swept to the game's highest individual honor as only the 14th player elected in his first year of eligibility (exclusive of the five named in the first election). He was named on a surprisingly solid 92 percent of the ballots (344 of 374).

Robinson and former San Francisco Giants pitcher Juan Marichal will be inducted into the shrine at Cooperstown, N.Y., July 31. The third time was the charm for Marichal, who amassed 313 votes (281 were needed) after he had missed election during his first two years of candidacy—by a skimpy 7 votes last year.

The percentage received by Robinson from the Baseball Writers Association of America was the ninth best ever, surpassed only by the select company of Ty Cobb, Hank Aaron, Honus Wagner, Babe Ruth, Willie Mays, Bob Feller, Ted Williams and one of Robinson's boyhood idols, Stan Musial.

Named in that first election in 1936, covering all players going back to the start of major league baseball in 1875 and restricted to the five receiving the most votes, were Cobb, Wagner, Ruth, Christy Mathewson and Walter Jackson.

In his typical self-effacing manner, Robinson said: "This is something I never thought would happen. It seemed like something unobtainable. I never dreamed about the Hall of Fame, only that I was going to be a big leaguer. Never in my wildest imagination did I think that one day I would be the leading candidate for the Hall, because so few guys get the call.

Robinson, who has retained the zest of the 18 year old signed by the Orioles out of Little Rock (Ark.) Central High School in 1955, seemed happier for Marichal than for himself, and more concerned for those who did not make it.

"I was hoping he [Marichal] would be the guy I would get to go in with," continued the third modern Oriole to be chosen for the Hall of Fame. "I had a little reason to be apprehensive because there doesn't seem to be any set criteria. [Harmon] Killebrew, with his 573 homers, had a great impact, and Luis Aparicio was the greatest all-around shortstop I've ever seen."

Killebrew missed by 12 votes, and former Oriole Aparicio by 29.

The needless doubt was based primarily on Robinson's national reputation as a peerless defensive player and the voters' history of preference for candidates with overall offensive statistics.

But the glove, his ability to be at his hitting best in the most important games (.303 post-season batting average) and his universal appeal as a human being combined to work in his favor.

In essence, Brooks Robinson's election is the first that belongs exclusively to the Orioles. Whereas Frank Robinson was a bird of passage, coming to the Birds after 10 years in Cincinnati and leaving an indelible mark of his leadership and awesome skills in Baltimore before he was traded to Los Angeles, and Robin Roberts (1962-65 with the Orioles) spent the majority of his career in Philadelphia, the third honoree is the most beloved Oriole of all time.

Brooks and the franchise grow together, they were a perfect union. The idea that No. 5 would play anywhere else was unthinkable.

"When the Orioles had made up their mind to go with [Doug] DeCinces, I could have made a deal with Seattle or Toronto," Robinson recalled, "or stay here as a player-coach in 1977. I though I could still play, but in the long run I thought it would be much better to stay. I valued being in Baltimore. It's a good thing I did, because the last five years have been just as exciting."

While Frank, chosen to the 'Hall' in his first attempt last year, won games and respect, Brooks won games and hearts for 23 very special seasons. He simply did his job with enthusiasm and durability while managing to avoid all personality conflicts, and he was a friend to everyone.

One unidentified teammate compared him to the Empire State Building: "Neither has much to say, and neither gets headlines every day, but both are one of a kind," he said of Brooks.

The cigars he smoked, occasional cocktail he consumed, and the slight profanity he uttered in rare cases disqualified him from sainthood, and proved what Baltimoreans have always known—the man is a human treasure, forever a Hall of Famer in their minds.

The biggest thrill of his playing career, Robinson readily answers, was his appearance in the 1966 World Series, swept by the Orioles from the Dodgers. The response is predictable: The accomplishment was the team's, not his own.

"Frank and I hit back-to-back home runs right away off [Don] Drysdale," he remembered at yesterday's press conference. "And that set the tone for the whole Series."

But despite a 1964 season, during which he was the American League's most valuable player, and that team breakthrough two years later, there is no doubt when Brooks Robinson was fully implanted in the minds of the nation.

A storybook week in October of 1970 convinced baseball watchers everywhere what Oriole fans already took for granted—that nobody had ever played third base better.

He stole hit after hit from the Cincinnati Reds with the glove that would precede him to Cooperstown, and his niche in baseball in a five-game series, tied five other offensive records, and won the most valuable player award.

To Oriole fans, it was strictly old hat.

Robinson, now 45 years old, won 16 straight Gold Glove awards, the first in 1960 when he blossomed and finished third in the MVP voting to the New York Yankees' Roger Maris and Mickey Mantle. He played in 18 consecutive All-Star games, and was the most valuable All-Star in 1966 at St. Louis.

He still holds nine major league and four American League defensive records, including a .971 fielding percentage. By comparison, Pie Traynor, generally considered the other defensive wizard at third base, fielded .945.

From July 9, 1956, when he returned from the minor league system to stay, until May 16, 1976, Robinson played in 97 percent of all Oriole games. While others relished an occasional rest, Brooks wanted none of it.

Among his lesser-known records are 114 lifetime sacrific flies, the mark for hitting into the most double plays, and the dubious distinction of hitting into four triple plays.

The association with the Orioles began May 28, 1955, when scout Art Ehlers signed Robinson to a major league contract for $4,000, the maximum allowable without the player being declared a bonus baby. The figure meant Robinson could be farmed to a level no lower than Class B, in the days when Class D was at the bottom.

He was scouted by 13 teams, but signed with the Orioles because he reasoned that they provided a quicker route to the major leagues. "If he can hit .270 in the majors, he'll be a heck of a ballplayer," said Baltimore manager Paul Richards at the time.

"I thought he hung the moon," Robinson said of Richards. "He was ahead of his time knowing baseball strategy. He was a real teacher, right at the top."

In his first big league game, Brooks, then a second baseman, rapped two hits. He mistakenly thought it was all that easy. He went hitless the rest of that September.

Three more trips to the minors and a knee operation followed for the kid who, by his own admission, "was not fast and had an average arm. I didn't think of myself as a superstar."

During this period of apprenticeship, he was beaned for the first of seven times by Ned Garver, twice played in the winter leagues and received excellent counsel from people like Al Vincent, George Staller, Joe Schultz and the incumbent Oriole third baseman, George Kell.

"Al Vincent is the greatest fungo hitter in the world," deadpanned Richards. "No matter where Brooks puts his glove, he [Vincent] hits it right in it."

The most depressing portion of Robinson's career came in 1959 when he was sent to Vancouver in Triple-A after spending the previous winter in the military and reporting to spring training just before camp broke.

"At the time, it was most disappointing," Brooks said, "because I had spent all the previous year in the majors. But it turned into the best thing that happened to me. I played well at Vancouver and came back with a lot more confidence than I ever had. Richards knew what he was doing."

There was no stopping the first product of the farm system from staying on the Oriole roster. The nicknames started flowing: "Mister Impossible." "The Man With The Golden Glove." Umpire Ed Hurley said: "He plays third base like he came down from a higher league."

By 1976, Robinson was making $125,000 annually, had avoided crippling injury, and has spread more goodwill than entire teams. He ran into a fence which ripped his arm, lost portions of teeth when a bat caromed off the batting cage into his face, and endured the beanings. Nothing, seemingly, could keep him sitting.

The marvelous reflexes stayed with him in the field, but in 1975 his bat began to droop. He did not make the All-Star team, and in July was removed for a pinch hitter.

"Defensively, I feel I could play until I'm 70," said Brooks. But the inevitable was near. He vowed to retire if he couldn't play regularly, and in July of 1976, DeCindes permanently took over at third.

Brooks had one last flicker of glory after agreeing to return one more season as player-coach. His 3-run, game-winning homer against Cleveland in April of 1977 provided one of the most emotional moments in Oriole history.

Later that year, he voluntarily retired to make room on the roster for Rick Dempsey. He did not want to go onto the field in Minnesota that August day, but was forced to leave the dugout twice to respond to the ovation of enemy fans.

The man who has given Gold Gloves to relatives and friends, telephoned families of Baltimore area servicemen after returning from a Vietnam tour, and given countless hours of his own time, often without reimbursement, is now where he belongs. And, with characteristic unselfishness, he said: "Maybe this is a blow for the defensive player more than anything else."

Marichal also savored the moment, diplomatically avoiding the judgment as to whether the bat-wielding incident involving Dodger catcher John Roseboro in 1965 had worked against him in previous voting. The Dominican Republic native, who won 243 games with a 2.89 lifetime earned run average, said, "I don't think any person on earth right now is as happy as I am."

He added, "I wish I could learn [to pitch] the knuckleball. I could still be pitching today."

MILESTONES

May 28, 1955—Signed first major league contract for $4,000.

Sept. 17, 1955—Got first major league hit, a single vs. Chuck Stobbs of Washington.

1960—Named to play in his first of 18 consecutive All-Star games; named most valuable Oriole and won first of 16 Gold Glove awards.

June 6, 1964—Collected 1,000th career hit, a single vs. Dick Stigman of Minnesota; named most valuable player in the American League after leading league with 118 runs batted in and achieving a career high 28 homers.

1966—Named most valuable player of the All-Star game in St. Louis.

June 20, 1970—Got 2,000th career hit, a 3-run game-clinching homer vs. Joe Coleman of Washington; named most valuable player of the World Series after dismantling Cincinnati with his defense and batting .429 in the series; presented the Hickok Belt as the professional athlete of the year for 1970.

1972—Presented the Commissioner's Trophy (now the Roberto Clemente Memorial Award) as the player best exemplifying the game of baseball.

1975—Won his final Gold Glove and was named the "most memorable personality" in Oriole history by a vote of the fans.

May 17, 1976—Unofficially, the date he was replaced as Oriole third baseman by Doug DeCinces, who became the full-timer less than two months later.

April 19, 1977—Stroked last major league homer, a 3-run, game-winning hit vs. Dave LaRoche of Cleveland while pinch hitting for Larry Harlow in the ninth inning.

June 3, 1977—Got last hit, a single vs. Steve Mingori of Kansas City.

July 30, 1977—Last play afield. Started a double play against Seattle.

Aug. 21, 1977—Went on voluntarily retired list to make room for return of Rick Dempsey from the disabled list.

Sept. 18, 1977—Saluted before 51,798 spectators on "Thanks Brooks" day; presented the Joe Cronin Award for significant achievement, and, with Frank Robinson became a charter inductee into the Orioles' Hall of Fame.

April, 1978—His uniform No. 5 was officially retired.

FORMER CABINET MEMBERS OPPOSE COVERT ACTION IN NICARAGUA

Mr. BINGAMAN. Mr. President, five distinguished former Cabinet members—including three who served as Secretary of State—today released a joint statement opposing covert activity directed against the Government of Nicaragua. Their position is in accord with the sense of Senate Resolution 181, which I submitted yesterday on behalf of myself, Senator INOUYE, and 16 of our colleagues. I commend their statement to my colleagues and I request unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT

As former senior government officials intimately involved with the making of national security policy at the Presidential level, we are opposed to the current American covert operation directed at the government of Nicaragua. We recognize that the government of El Salvador has a right to request and receive international support in seeking to end any secret and illegal intervention in its internal affairs by Nicaragua, but any action in support of this right of self-defense should be overt and not covert. We urge the Congress to enact legislation which will bring an end to the covert operation and which will insure that American activities in Central America conform to domestic and international law, are conducted openly, and are aimed at negotiating a political settlement.

McGEORGE BUNDY,
Special Assistant to the President for National Security Affairs, 1961-66.
ROBERT MCNAMARA,
Secretary of Defense, 1961-68.
EDMUND MUSKIE,
Secretary of State, 1980-81.
DEAN RUSK,
Secretary of State, 1961-69.
CYRUS VANCE,
Secretary of State, 1977-80.

SENATOR BUMPERS SPEAKS ON ECONOMIC AND SOCIAL ISSUES AT BONN CONFERENCE

Mr. KENNEDY. Mr. President, an important conference was held in Bonn, West Germany, over Memorial Day weekend in which a number of prominent American and German leaders met to discuss problems which Germans and Americans face in our domestic economic and social agendas and alternative approaches to United States-European economic cooperation. This body was represented extremely ably by my good friend and colleague, Senator DALE BUMPERS.

The conference was sponsored by the Center for National Policy, a research institute formed 2½ years ago by prominent Americans concerned about public policy, and by the Friedrich Ebert Foundation, an institute organized by the German Social Democratic Party.

I have encouraged and supported the Center for National Policy since its founding because I believe that it plays the valuable role of encouraging the rethinking of approaches to public policy and governance. Its publications and conferences have been outstanding. The center is also sponsoring two major study groups. One, which focuses on industrial revitalization, is cochaired by Lane Kirkland, president of the AFL-CIO, Felix Rohatyn, of Lazard Freres, and Irving Shapiro, retired chairman of Du Pont and the Business Roundtable. I am serving as a member of that study group. Its report, later this year, will be of great value to all of us in the Congress who are developing approaches to the questions of industrial revitalization and the restoration of America's competitive position in the world economy.

A second study group is examining all aspects of U.S. foreign and domestic food and agriculture policy with the goal of developing a comprehensive new approach to this complex and difficult problem.

In his impressive, wide-ranging address in Bonn, Senator BUMPERS presented a number of thoughtful new ideas for economic strategy, industrial policy, interest rates, agriculture, immigration, health, crime, environmental protection, and education. Among the most cogent points made by Senator BUMPERS is his emphasis on the need for an active role by Government, in particular with business, labor, and other sectors of the economy to revive our basic industries and revitalize our free enterprise system. As he told the conference:

To the best of my knowledge, the United States is the only industrial nation on Earth that has no industrial strategy.

Mr. President, I commend to my colleagues a summary of the Bonn meeting contained in the Center for National Policy's June newsletter, as well as the full text of Senator BUMPERS' excellent keynote speech, and I ask unanimous consent that these be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Center For National Policy, Washington, D.C., June 1983]

U.S., GERMAN LEADERS IN BONN MEETING

A number of Americans involved in public policy and their German counterparts were brought together May 29-31, in Bonn, West Germany, in a seminar co-sponsored by the Center and the Friedrich Ebert Foundation.

The meeting dealt with common U.S. and European domestic problems and alternative approaches to U.S.-European economic cooperation.

In his keynote speech at the conference, Senator DALE BUMPERS (Arkansas) called for the forging of a U.S. consensus around an economic strategy which might provide "sustained growth with full employment." To this end, he proposed "a new partnership in which the government develops a planning system jointly with representatives of business, labor, agriculture, and academia."

Senator BUMPERS' remarks included policy recommendations in the areas of defense, trade, agriculture, immigration, health care, crime prevention, environmental protection, and education.

Papers were prepared as discussion documents by four American panelists.

Peter Edelman, Georgetown University Law Professor, discussing the search for a coherent governing ideology, declared that "with no clear new or reformulated ideological direction in sight (as an alternative to President Reagan's ideology), this will have to be a time of experimentation. Any new or reformulated ideology, especially in domestic matters, will only emerge from synthesis of those creative efforts as they occur in their disparate ways. * * * Perhaps there is some comfort in the idea that, if the Right reemerged after having been in pronounced disarray not too long ago, the season for progressives may not be so far off."

William Nordhaus, Yale University economics professor and co-chair of the Center's economic policy study group, declared that "our countries are sick, but not termi-

nal . . . the remedies cannot return us to the peak of good health we enjoyed in the 1960's, yet we can certainly enjoy better performance than over the last decade. But to enjoy a more prosperous world, we shall need major steps to stimulate demand for global output—preferably by a movement to a markedly more stimulative monetary policy. Structural steps that attempt to improve the supply side by increasing productivity or reducing structural imbalances can help pave the road to more rapid growth; those that impede adjustment or second-guess the market . . . are likely to shift jobs to Peter at the expense of Paul."

Richard P. Nathan, Princeton University social scientist, said that "in the current grim period for social policy, more attention needs to be given to sustained work by social scientists to help build a foundation for policy initiatives that will win public support in the future." He called for large, collaborative demonstration projects and an interdisciplinary approach in applied social science studies; research to serve the broad, pragmatic needs of politicians; objectivity; and generally conservative social science methodologies.

Former Wisconsin Rep. Henry S. Reuss analyzed the questions scheduled to be posed at the Williamsburg Summit the same weekend: "Stagnation is at the root of almost every world economic problem," he said. "In a nutshell, the U.S. should be propelled by monetary stimulus, Britain by fiscal stimulus, Japan by a lot of both and Germany by a little of both, and France and Italy must sit out the dance. . . . The overvalued dollar can be rectified by whatever rectifies U.S. high interest rates—mainly get out-year deficits under control, and rid monetary policy of the vestiges of monetarism."

Other Americans participating included economists Lester Thurow, M.I.T., and Francis Bator, Harvard; Washington attorneys and former government officials Adam Yarmolinsky, Jane Frank Harmon and Frank Weil; union leaders John Joyce and William Lindner; former California Governor Jerry Brown; Minneapolis Mayor Don Fraser; former Deputy Secretary of Commerce Sidney Harman; Peter Rosenblatt, President, Coalition for a Democratic Majority; and Center advisory board members Smith Bagley, Anne Martindell, Ruth Morgenthau, and Juan Garcia-Passalacqua.

German leaders participating included Dr. G. Grunwald, General Secretary of the Ebert Foundation, Dr. Peter Glotz, General Secretary of the SPD (Social Democratic Party), and Peter von Oertzen, SPD executive board member; Members of Parliament Dr. H. J. Vogel, SPD parliamentary whip, Horst Ehmke, SPD deputy whip, and Manfred Lahnstein, Hans Matthoefer, Wolfgang Roth, Anke Fuchess; professors H. J. Krupp, German Institute for Economics; Karl W. Deutsch, Harvard and Berlin, and Peter Loesche, University of Goettingen.

The Friedrich Ebert Foundation is a German policy research foundation managed by the Social Democratic Party and financed with government funds. Papers from the conference are available through the Center.

REMARKS BY SENATOR DALE BUMPERS, BONN, WEST GERMANY, CENTER FOR NATIONAL POLICY-EBERT CONFERENCE, MAY 30, 1983

I am honored to have been asked to be the keynote speaker at this conference sponsored by the Friedrich Ebert Shiftung and the Center for National Policy. It is but one small effort in what must become a growing exchange of ideas and knowledge among nations, especially the industrial ones on whom the world economy depends. But the international problems are not solely economic. There are other problems, but economic or not we can discuss the problems and benefit from the experience each has had in dealing with them. By discussing a range of problems, we also get a better understanding of why and how certain economic decisions are made—for good or bad.

While our discussions will hopefully not be limited, I have chosen a few at random which should give the German participants a somewhat better understanding of what the United States faces, and how it might affect both bilateral relations as well as U.S., OECD and NATO relations.

TOWARD A DEMOCRATIC ECONOMIC STRATEGY

I hope that the Democratic Party, in disarray since the election of President Reagan in 1980, can begin to forge a consensus for a viable alternative economic strategy. The President's formula of cutting taxes for the rich and social programs for the poor has been tested and found wanting. It has produced unprecedented deficits, over 11 million unemployed and unprecedented business bankruptcies. Although it has slowed inflation, interest rates remain high, choking any hopes of a quick recovery.

The Democratic Party does not seek to return to government intervention and response to every problem, but as Senator Moynihan said of our party heritage, "The Democratic Party has prevailed because at heart we have embodied a great idea, which is that an elected government can be the instrument of the common purpose of a free people; that government can embrace great causes and do great things."

It is not a return to the New Deal approach that we offer. This is a different era requiring differing answers. Indeed, as in West Germany, entitlement programs have encountered major difficulties. There simply is not enough money available to offer everybody a rich, full life from womb to tomb. Nevertheless, the Democratic Party, which has always been the party of compassion, is in a better position to revamp these programs. Beyond this task, we Democrats are coming to grips with the outlines of an industrial strategy that holds out hope for sustained growth with full employment. To the best of my knowledge, the United States is the only industrial nation on earth that has no industrial strategy.

STRATEGY FOR INDUSTRIAL RENEWAL

Like West Germany and other advanced industrial countries, the U.S. faces difficulties that the market place alone is incapable of solving. High on the list is the need to rebuild our industrial heartland. We need new answers to the human problem of managing the transition of workers and communities where their entire existence has been linked to the declining mass production industries. Wassily Leontief underscored the severity of this problem when he said that for the first time in the modern history of technological innovation, the new technology will disemploy more workers than it will employ.

What ails smokestack America is readily quantifiable. Productivity growth in the U.S. averaged about 3.2 percent yearly between 1948-65, but it leveled off during the next decade. From 1978 to 1981 American productivity actually began to decline—at a rate of 0.1 percent per year.

The relative decline of the U.S. economy is rooted in changes in the world market. Until the mid-1960s foreign trade did not figure significantly in the U.S. economy. By 1980, however, more than 70 percent of all goods produced in the U.S. were forced to compete with foreign-made goods.

The U.S. has not fared well in this new competition. Such industries as automobiles and industrial machinery—once the core of our industrial strength—are losing their previous share of the market. Last year the U.S. ran a record trade deficit of $42 billion and the deficit is predicted to be almost twice that this year. Consequently, the U.S. is losing hundreds of thousands of jobs to imports each year.

To Western Europeans the challenge of competing in world markets is nothing new. Like you, we have now learned that to survive we must accelerate the shift away from high-volume standardized production, where the LDCs have developed an advantage, toward technically-advanced, skill-intensive industries. In making this adjustment, however, we can no longer pretend that a completely unregulated market exists for our products. It is clear that an unplanned domestic economy is no longer a competitive advantage. Rather, the competitive advantage has been going to those nations that have done the best job of planning.

While we Democrats agree on the need for a new mechanism for economic decision-making, we are also mindful of the American people's instinctive distrust for an overweening government role. For government alone to shape the contours of the economic revival at home would be alien to our political culture. What is required instead is a new partnership in which the government develops a planning system jointly with representatives of business, labor, agriculture, and academia. This would enable us to determine national and international trends, assess our long-term needs, and then begin to act accordingly. Such planning will, of necessity require cooperation and collaboration among our Western Allies along the lines suggested, for example, by former Chancellor Schmidt in an interview in The Economist earlier this year.

INTEREST RATES

Although it appears that the United States is finally emerging from its severest recession in recent memory, it is too soon to tell whether the recovery will be sustained. It could very well fizzle because of high interest rates. The only good thing about the recession is that the inflation rate has declined dramatically. Of course, if we simply put a few more million people out of work, we could get it down to zero.

It is true that market rates of interest have declined dramatically from their 1981 record levels. In January 1981, the short-term prime lending rate was 21.5 percent. It is 10.5 percent today. In August 1981, the AAA long-term corporate bond rate was 15.85 percent, and it is down to 11.5 percent today. But with the inflation rate expected to average from three to five percent this year, "real" interest rates—the difference between market rates and inflation—are still high.

I don't see the interest rates declining substantially in the near future, primarily because of the staggering budget deficits the U.S. is facing. The deficit will top $200 billion this year, and probably won't be much less next year. Government demand will put upward pressure on rates and will keep inflationary expectations high.

There are three primary causes of our deficits. First, as a general rule, each per-

centage increase in unemployment costs the federal treasury $25 to $30 billion in reduced tax receipts and in increased expenditures for food stamps, unemployment compensation, and other programs targeted for the unemployed. If the unemployment rate in the U.S. were 8.2 percent rather than its current 10.2 percent, the projected deficit would be roughly $60 billion less. Second, in 1981, at the President's request, Congress passed the largest tax cut in American history, which may end up costing the federal treasury as much as $750 billion for a five-year period. The President argued that the tax cut would stimulate the economy so that the tax cut would actually decrease deficits. I am proud to say that I was one of 11 members of the Senate who voted against this foolishness. Many of us believe that one of the key ways to reduce the deficits is to eliminate portions of the tax cut passed in 1981, but I think most economists would agree that raising taxes while coming out of a recession is risky business.

The President has now moved 180° on the original rationale for the tax cut. The original argument was that people would save their tax cut, thereby creating a huge pool of new capital that would be available to borrowers at a low rate of interest. Now that that theory has been proved false, the rationale for continuing with the tax cuts is that the additional spending power given consumers will aid the recovery.

Finally, if President Reagan has his way, the defense budget will increase from $176 billion in FY 81 to $425 billion in FY 88, a devastating increase. The President is asking for a 10 percent real increase in defense spending this year. I think there is bipartisan agreement that increases must be scaled back to a more reasonable level, perhaps in the 5-percent range.

AGRICULTURE

Agriculture employs either directly or indirectly 24 percent of the American workforce and accounts for 22 percent of our gross national product. Our multi-billion dollar agriculture market is the major U.S. counterbalance to our staggering oil import cost. On the average, each American farmer feeds 78 people, up from 50 just 10 years ago. But American agriculture has fallen on hard times, with 1982 net farm income at $19 billion the lowest since the Great Depression. Massive production, declining exports, and high interest rates have combined to put farmers out of business. In an attempt to pull them out of the "bust" cycle, the U.S. Department of Agriculture implemented the so-called Payment-in-Kind program which idles 82 million acres out of a total of 413 million crop-production acres. The U.S. has taken the lead in combating the worldwide glut of agricultural commodities in the gamble to improve U.S. farm incomes.

U.S. agricultural exports, which account for 39 percent of all U.S. agricultural production, fell in 1982 for the first time in 13 years from $44 billion in 1981 to $39 billion in 1982. Percentages of U.S. exports for individual commodities have suffered: course grain exports in 1980 accounted for 72 percent of the world market, but are projected to decline to 58 percent in 1983; wheat in 1980 was 43 percent, in 1983 it will be 37 percent; rice in 1980—23 percent, in 1983—15 percent; soybeans/oil in 1980—38 percent, in 1983—26 percent; cotton in 1980—41 percent, in 1983—28 percent; poultry in 1980—17 percent, in 1983—3 percent (poultry exports dropped 71 percent, shell eggs dropped 30 percent, and egg products dropped 45 percent). These declines have seriously affected my home state of Arkansas, which is number one in rice production, number one in broiler production, fourth in eggs, fourth in turkeys, and seventh in soybeans.

The reasons for these declines are the world recession, high interest rates coupled with a strong dollar, overproduction, and subsidized competition, primarily from the European Community. Subsidies have raised the European Community's share of the world agriculture export market from 8 percent in 1976 to 17 percent in 1982. The European Community promotes its agricultural policy through its Common Agricultural Policy (CAP). The CAP is budgeted over $13 billion, of which $5.6 billion, or 44 percent, is used to subsidize grain exports, $107 million to subsidize poultry and egg exports. Euopeans have argued that our price and income support programs are no different from theirs as to subsidization. However, U.S. policy is to pay farmers a guaranteed price and then to store the commodities until the market improves and they can be sold. On the other hand, Europeans pay farmers a guaranteed price and then sell the commodities on the world market at a subsidized price. The policy of the EC is more economically beneficial for its farmers, although consumers pay a high cost along with the taxpayers.

The EC also props up its agriculture prices through a system of levies and tariffs on imports. Another major difference is that the EC places no production controls on its farmers. Any surplus is dumped overseas. When the U.S. announced the Payment-in-Kind program, many European nations rushed to plant more acreage in response. West Germany increased corn planting to historically high levels for 1983.

This year so far 12 bills have been introduced in the Senate to promote exports by combatting subsidies, primarily those in the EC. I think Europeans have underestimated the resolve of the American farm groups to push for a trade war, if necessary, and the resolve of Congress to respond to the plight of our farmers. American agriculture is determined to recapture its predominant position in the agricultural export market, and some members of Congress believe that export counter-subsidies are the only answer if the EC is unwilling to negotiate a compromise.

I don't think a trade war is the answer, but American farmers cannot compete with those in the European Community without similar subsidies.

IMMIGRATION

Immigration has become a growing problem for the U.S. Net immigration—legal plus illegal—probably exceeds 750,000 per year. These two categories now appear to account for 30 to 50 percent of the U.S. annual population growth of about two million. The immigration flow has had particularly marked effects in some regions. For example, under present settlement patterns the population of California would double by 2080 and over one-half of the State's population would consist of post-1980 immigrants and their descendants.

The social implications of the migration flow are causing increasing concern. The growing number of immigrants generally has had adverse job impacts, especially on low-income, low-skilled Americans. A recent study showed that only 5 percent of the immigrants of Mexican origin who remain in the U.S. at the end of seven years have become naturalized. This raises the problem that if a substantial portion of these new persons and their descendants do not assimilate into the society, they have the potential to create a measure of the same social, political, and economic problems which exist in the countries from which they chose to depart.

The Senate has passed and the House is now considering legislation that would make a major effort at beginning to control the immigration flow. The bill aims at setting responsible limits on immigrants, and for the first time provides sanctions against employers who hire illegal aliens. As we strive to establish control over our borders, we need to remember that pluralism within a united American nation has been an enduring strength of our country. We are anxious not to discriminate against Hispanics and abuse human rights of migrants, but we are determined to stop the massive influx of aliens.

HEALTH

The primary problems with health care in the United States are cost and availability. For the well-insured who can pay for it, the finest medical care in the world in available. Highly sophisticated medical treatment is available and continues to advance with technological progress. But 30 million Americans lack basic health care. The United States ranks 18th in the world in infant mortality, and this is a decline from 6th in 1952. Infants born to minority mothers are twice as likely to die during the first year of life as infants of non-minority mothers, and minority mothers are three times as likely to die during childbirth.

Health care costs in the United States are becoming exorbitant. Inflation in the health care industry is three times greater than the overall inflation rate, and health care costs now represent 11 percent of the gross national product as opposed to 6 percent in the mid-1960s. Access to health care could decline still further unless these costs are brought under control.

Proposals for national health insurance have not fared well in recent years primarily because of the cost of providing such coverage. I believe we should focus more of our resources on preventive health care. The Maternal and Child Health Block Grant Program, which provides money to states for infants and pregnant women, is a highly cost-effective example. Estimates are that for each dollar invested in the program the federal government may save as much as $10 in the long run. The statistics on the cost-effectiveness of childhood immunization are similar.

I agree with the conclusion reached by the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research that society has an ethical obligation to ensure equitable access to health care for all.

CRIME

I am sure that the people of Europe are well aware of America's tragic problems with violent crime. The murder rate in the U.S. is about six times that in West Germany. The theft rate is almost one and one half times greater in the U.S.

What are the causes?

One of the reasons we have experienced a rising crime rate over the past two decades is the so-called "baby boom" generation—the products of a large increase in the birth rate immediately following World War II. We know that in the United States a disproportionate number of crimes are committed by males in their teens and early 20s. Fortu-

nately, from a crime-prevention point of view, that generation is now passing into maturity, and sure enough, we have seen a decrease in the overall crime rate over the past two years. But the problem is still severe.

Our criminal justice system has begun to come unhinged under the sheer numbers of accused felons passing through the system. This, combined with a history of Supreme Court rulings that are protective of the rights of accused criminals, has led to dismissals, delays, plea bargains, judge-shopping, and lenient sentencing. Add to this the problems caused by overcrowding in our jails and prisons, an almost total lack of real job training, and early parole just to make room for more prisoners and one can see that the system is in serious trouble. We do know how to solve many of the problems, but unfortunately the solutions require a lot of money and there has never been much of a consistency to fund progressive penal procedures in the U.S.

We would not have the problems caused by an overused criminal system if there weren't some fundamental problems with American society, and here we must become more subjective. It is difficult to quantify the problem, but surely young people would not be turning to a life of crime in such high numbers if our educational system and the traditional family structure were fairing better. Several recent national studies have focused American awareness on the mediocrity of our educational system, and statistics show that the traditional family is beginning to make a comeback, so let us hope these developments will turn things around before our society becomes even more frayed at the seams.

In the United States there may be as many as 175 million firearms—no one knows for sure. This goes back to our early history, when keeping a firearm was a patriotic duty in order to resist what we perceived to be the odious presence of our English masters. But the situation has gotten out of hand. In 1978 in West Germany there were only 120 homicides involving the use of a firearm. In that same year in the United States there were well over 12,000 homicides involving firearms.

ENVIRONMENTAL PROTECTION

During the 1970s, Congress responded to the increased public awareness of environmental degradation and passed major legislative programs to clean up pollution. Americans overwhelmingly support full enforcement of the environmental laws passed since 1970—in one recent poll, more than 60 percent of those surveyed favored making existing water pollution controls even stricter, and only 3 percent favored relaxing those controls. The regulatory approaches developed in the seventies have generally worked well. Most urban areas now meet the primary health standards for air quality outlined in the Clean Air Act. While water quality nationwide has not significantly improved, it has held its own despite a 40 percent increase in real GNP in the ten years since passage of the 1972 Clean Water Act, and most of the serious local pollution problems have abated. Some administrative fine-tuning of environmental protection programs is likely in this Congress, but the basic regulatory schemes will be maintained. For water and air resources, that generally means enforcement of technology-based emissions standards and ambient air and water quality standards designed to protect public health.

Problems that are receiving new attention are acid precipitation and control of hazardous wastes and toxic pollutants. Last year, the Senate Environment Committee endorsed a strong acid rain control proposal, but the measure never reached the Senate floor. A similar proposal will probably be considered this year. However, because of the implications of a sulphur emissions control program for the coal industry and for consumer utility rates, any such program will be controversial. Some members of Congress and the Administration have insisted on conducting more research before a control program for sulphur emissions is initiated. Other members, as well as researchers, have advocated an aggressive program to control emissions. The National Academy of Scientists concluded that the "evidence is overwhelming" that acid precipitation is related to sulphur emissions and that the situation is serious enough to merit restrictions on sulphur dioxides. In the end, scientific data may be less important than pressure from other governments in forcing the U.S. to adopt some regulatory program. More than 140 acidified lakes in Canada are devoid of fish populations, and thousands more are threatened. Canada and the U.S. have signed an agreement to negotiate a cooperative strategy for pollutants that cross their borders, but the Canadians are understandably concerned that negotiations have slowed considerably since 1981.

Control technologies for conventional air and water pollutants are well established. But toxic pollutants such as organic chemicals are less well understood and potentially much more serious. The Environmental Protection Agency has developed standards for only four of these chemicals. Another 43 have been identified for priority consideration, and studies have been initiated to determine their toxicity. Most of the debate about regulation of these substances concerns the degree of health and environmental risk that is acceptable and the degree to which the costs of regulation should be considered in setting standards. Unfortunately, recent reductions in federal research have exacerbated the problem of making regulatory decisions based on inadequate data.

Probably the most pressing problem, and certainly the one receiving the most media attention, is the health hazard presented by abandoned hazardous waste dumps. The Love Canal site focused attention on the issue, the EPA now estimates that more than 2,000 other inactive waste sites pose significant risks. In 1980, a comprehensive federal program was established for cleaning up these sites. A $1.6 billion "Superfund" financed by a tax on manufacturers of certain chemicals and petroleum feedstocks is available to pay for clean up of the most dangerous sites. Many members of Congress now believe that the fund may be inadequate to take care of the number of potentially hazardous sites that have been identified, and proposals have been introduced which would greatly expand the "superfund" authority by extending the clean up tax on other sectors of industry. More than 57 million metric tons of industrial hazardous waste—or more than 550 pounds per person—are generated in the U.S. each year, and this figure does not include nuclear wastes. Finding suitable disposal sites for this material has generally been left to the private sector in the U.S., but state governments are beginning to take a more active role in planning and authorizing hazardous waste sites in order to prevent future Love Canals and eliminate the need for costly clean ups.

It should also be noted that construction of nuclear power plants is at a standstill in the United States for three cogent reasons. (1) The costs have soared to the point that such plants are no longer economical. (2) Compliance with new safety requirements is difficult. (3) No suitable method of disposing of spent fuel has been developed or found.

EDUCATION

In April, the National Commission on Excellence in Education, appointed by Secretary of Education Terrel Bell, reported on the state of education in the United States. The title of the report is frightening—"A Nation at Risk: The Imperative for Educational Reform." Comparisons of student achievement in the United States with other nations reveal that on 19 academic tests American students were never first or second, and, in comparison with other industrialized nations, were last seven times. Twenty-three million American adults are functionally illiterate. Average achievement of high school students on most standardized tests is now lower than 26 years ago when Sputnik was launched. The college board's Scholastic Aptitude Test (SAT) demonstrated a virtually unbroken decline from 1963 to 1980. Nearly 40 percent of 17-year-olds cannot draw inferences from written material; only one-third can solve a mathematics problem requiring several steps; and only one-fourth can write a persuasive essay. The science achievement scores of U.S. 17-year-olds declined steadily in 1969, 1973, and 1977.

The Department of the Navy reported to the Commission that one-quarter of its recent recruits cannot read at the ninth grade level, the minimum needed simply to understand written safety instructions. Business and military leaders complain that they are required to spend millions of dollars on costly remedial education and training programs in basic skills such as reading, writing, spelling, and computation. In sum, the Commission spoke of "a rising tide of mediocrity" that threatens "our very future as a nation and as a people."

On May 6, a Twentieth Century Fund task force composed of prominent educators issued a scathing indictment of federal elementary and secondary education policy: "The nation's public schools are in trouble. By almost every measure—the commitment and competency of teachers, student test scores, truancy and dropout rates, crimes of violence—the performance of our schools falls far short of expectations."

Education is one of the fundamental underpinnings of any civilized society, and it is clearly a valid measure by which society should be judged. We now live in a global society, and our competitors are passing us by in many respects. Our nation is no longer preeminent in science, industry, and technological innovation. There are many reasons for this, but one of them is no doubt the decline of education in the United States. And there is another dimension to the problem as well. Being educated means more than proficiency in science and math. It means having some fundamental understanding of languages, philosophy, and having a sense of history. The technology man has created is awesome. We can now destroy the world many times over, and I wonder whether mankind has the moral fibre to resist the temptation of doing so. Through technology, we can now keep dying people alive much longer than they want to be kept alive in many instances, and so men and women

are forced to make life and death decisions that only God should make. Education also has a role in developing human values, ethics, and moral integrity necessary to make such awesome decisions.

Clearly, we must renew our commitment to educational excellence. We must lift our educational standards. We must attract the best and the brightest to teaching, and we must pay them well. All of this will require a sustained financial commitment at the federal, state, and local level, but even more than this it will require parents and pupils alike to demand a basic level of competence. I am convinced that the American people, once they are made aware of the problem, have the national will to improve substantially the quality of education in the United States.

ROBBING PETER TO PAY PAUL—INCONSISTENCIES BETWEEN PROTECTIONIST TEXTILE NEGOTIATIONS AND AGRICULTURAL COMMODITY PROMOTION GOALS COSTLY TO FARMERS

Mr. ZORINSKY. Mr. President, as the Senate meets to consider the Reagan administration's proposal to freeze target prices on wheat, feed grains, cotton, and rice, thereby reducing farm income by $485 million in fiscal year 1984 and $1,562 million in fiscal year 1985, negotiators from the White House Office of the Special Trade Representative are meeting in Geneva with representatives of the Chinese Government to develop a protectionist textile agreement which has already cost U.S. wheat farmers $550 million in lost trade.

The inconsistency of the Reagan administration's agricultural policy is astounding. On one hand, farmers are being told that the only way to increase export sales is to become more competitive in the world market, and that the way to achieve this competitiveness is to lower income protection by freezing target prices and make cheap grain even cheaper by reducing price supports. On the other hand, the administration is pursuing a trade policy with the People's Republic of China and other nations which is wrecking our farmers' opportunity to maintain and expand export sales of wheat and other commodities. This policy course defies economic logic. And it can only be motivated by political objectives.

The White House will have the dubious honor of celebrating the first anniversary of its PRC textile negotiations next month. These talks have droned on into their seventh round, and the prospects for reestablishing regular grain trade with the Chinese appear to be no closer than they were nearly 8 months ago when China announced that it would stop approving contracts for purchases of cotton, synthetic fibers, and soybeans from the United States, and "reduce its planned imports of other U.S. agricultural commodities."

Can the Reagan administration not understand that the only way that the Chinese are going to buy American farm products and the technology offered by U.S. industries is to earn exchange by selling products on the world market? By far, the most significant U.S. export to China has been grain. The 4-year United States-China grains agreement, which began in 1981, calls for a minimum purchase level of 6 million tons of U.S. wheat and corn with 80 to 85 percent of this amount to be wheat. Chinese commitments for 1983 now stand at just 1.2 million tons, and there have been no wheat purchases since United States-People's Republic of China textile negotiations broke down in January of this year.

Meanwhile, Argentine wheat sales to China stand at 3 million tons, compared to only 94,000 tons in all of 1982. Sales by the European Community could exceed 1.5 million tons, compared to just 666,000 tons last year, and Canadian sales will be higher under a new long-term purchase agreement with an increased maximum of 4.2 million tons.

The value of U.S. farm exports to China in 1983 is estimated by the U.S. Department of Agriculture at about $800 million, down 57 percent from a year earlier and 64 percent less than the record 1981 level of $2.2 billion. Despite near-record Chinese wheat imports, U.S. sales are expected to be 5 million tons less than last year.

The evidence is clear. Millions of dollars of U.S. grain sales which could bolster depressed farm income, create jobs, and improve this Nation's balance-of-trade position are being sacrificed to carry out political commitments to the domestic textile industry. This directly contradicts the espoused agricultural trade policy of the Reagan administration, and it is also in direct conflict with the President's firm commitment to aggressive expansion of exports.

I submit that it is not the farm programs themselves which are the cause of Federal farm spending, but the trade policies of the administration which have triggered needed assistance to farmers through our agricultural programs. If it is the public interest to restrict textile imports into this country and devastate our export grain trade, then it is imperative that farmers have continued income protection through the target price program.

I am also becoming increasingly concerned about the ramifications of our international textile policy on the business community.

We hear now that the textile industry has been pressing the White House to postpone or stall negotiations until a White House working group can develop an even stricter import regime. I should point out that this working group is composed of senior officials from a number of departments—but excludes any representation from the Department of Agriculture. Given the loss of U.S. farm exports resulting from the present textile policy, it appears essential that this oversight be corrected and a representative of the Agriculture Department be included in these deliberations.

Since the beginning of this year, the United States has taken 86 new import restraint measures on textile and apparel products. Thirty of these came in January against the Peoples' Republic of China. Actions on single categories were taken in February against Romania, in March against Mexico, and in April against Malaysia. Four were taken in April against Taiwan. What followed was a shocking and unprecedented number of protectionist actions; 45 quota actions were taken in the period of May 6 to July 8: 17 against Korea, 18 against Taiwan, and 10 against Hong Kong. The new restraints cover trade valued at over $280 million, based on 1982 levels. Moreover, these recent restraints have been taken against many of the emerging countries in the Far East which represent our largest potential market for agricultural exports.

These restraints, an inflexible attitude toward negotiations with China and other countries, and the increasingly protectionist regime on textiles and apparel, have disrupted the entire import and retail trade and jeopardize the strong recovery of retailing in the first half of this year. A chaotic situation for importers and retailers has resulted. They will be unable to rely upon imports planned and ordered well in advance of the selling season, and will be forced to take extraordinary and expensive measures to cope with the situation.

These actions are completely inconsistent with U.S. trade policy and contradict the serious commitment to freer international trade made at the Williamsburg Summit, a commitment urged and supported by President Reagan:

> We commit ourselves to halt protectionism, and as recovery proceeds to reverse it by dismantling trade barriers.

What we have seen in the weeks immediately before and after this unequivocal pledge at Williamsburg is an astonishing intensification of protectionism in the face of signs of a strong recovery in the textile and apparel sector.

Protectionist policies can only hurt American exports of agricultural and manufactured products, impede the development of an internationally competitive U.S. economy, and penalize consumers.

With this in mind, we should seriously start to rethink our present textile policy in the broadest context of how it affects the Nation's economic welfare.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

OMNIBUS DEFENSE AUTHORIZATIONS, 1984

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the unfinished business, which the clerk will state.

The bill clerk read as follows:

A bill (S. 675) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes.

The Senate resumed consideration of the bill.

Mr. TOWER. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time consumed by the quorum call be charged to neither side on the bill or the amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TRIBLE). Without objection, it is so ordered.

Mr. TOWER. Mr. President, for the benefit of interested Senators, the delay is caused by an attempt to work out a modification of the time agreement for the convenience of various Senators. I hope we will have that worked out shortly and we will then resume debate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATTINGLY). Without objection, it is so ordered.

Mr. TOWER. Mr. President, a very thoughtfully written editorial appeared in the Wall Street Journal of Thursday, July 21, 1983, by Morton M. Kondracke. Mr. Kondracke is the executive editor of the New Republic.

The title of this article is "Let the President Conduct Foreign Policy."

Mr. Kondracke points out the dangers of trying to second-guess the President when he is trying to negotiate. He notes among other things:

No one actually knows which side of the argument is correct, but it should give opponents of the President pause to know that the father of the Soviet hydrogen bomb, Andrei Sakharov, supports him—at least on the issue of heavy missiles.

"While the U.S.S.R. is in the lead in this field," Mr. Sakharov wrote in a recent letter, "there is very little chance of its easily relinquishing that lead. If it is necessary to spend a few billion dollars on MX missiles to alter this situation, then perhaps this is what the West must do."

Mr. Kondracke concludes his editorial by saying:

Those who favor U.S.-Soviet nuclear freeze . . . say that it will be mutual, verifiable and negotiated. An MX cut-off by Congress constitutes unilateral disarmament of the President.

Mr. President, I ask unanimous consent that this article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LET THE PRESIDENT CONDUCT FOREIGN POLICY

(By Morton M. Kondracke)

The MX missile is a dangerous weapon and nerve gas is terrible stuff, but liberals and Democrats are getting themselves into an untenable position by trying to kill these two programs right now in Congress.

In 1980, the people of the U.S., bless them, did elect Ronald Reagan as president. According to tradition and the Constitution, and by reason of practical necessity, the president is responsible for conducting U.S. foreign policy, and Mr. Reagan should be allowed to conduct it.

This obviously doesn't mean that Congress hasn't any power to affect foreign policy and must let a president do entirely as he pleases. Especially when a president's policy seems to be leading inevitably to war or disaster, the Congress should intervene.

But that isn't the situation prevailing with the MX and binary nerve gas, which have been voted down or narrowly sustained in congressional action recently and remain in precarious condition.

In both cases, the argument concerns how best to negotiate with the Soviet Union. The president and his opposition have very different ideas, which were illustrated July 13 during the Senate debate on the authorization of nerve-gas production.

Both sides agreed that negotiations in Geneva for an international agreement banning chemical-warfare agents have been stymied, largely by lack of Soviet cooperation. The question was how best to get the talks moving.

Nerve-gas opponents, led by Democrat David Pryor of Arkansas, argued that the U.S. should maintain the moral "high ground" by forgoing production and should keep international opinion focused on Soviet intransigence.

If the U.S. goes ahead with production, the opposition argued, we can no longer effectively make an issue of the actual use of chemical warfare by the Soviet Union in Afghanistan and by their satellites in Southeast Asia. Also, we would "escalate the arms race" to new levels and cause the negotiating atmosphere in Geneva to deteriorate.

For the president's side, Sen. John Tower responded by reminding the Senate that Germany in World War II was deterred from using chemical warfare by knowledge that the Allies could do the same. He said that the Soviets haven't any incentive to negotiate a chemical ban because they are far ahead in chemical-warfare preparation.

Sen. Tower recalled "a chilling thing said to me at Geneva one time when I was engaged in conversation with Alexandr Shchukin, the scientific adviser to the Soviet negotiator on SALT II. I said to him, 'We have unilaterally given up the B-1 bomber. What will you do in response?' He said to me, 'Senator, I am neither a pacifist nor a philanthropist.' "

On both nerve gas and the MX, the Reagan theory of negotiating is to build up to build down—to create threats to the Soviets' position so as to induce them to negotiate arms reductions.

No one actually knows which side of the argument is correct, but it should give opponents of the president pause to know that the father of the Soviet hydrogen bomb, Andrei Sakharov, supports him—at least on the issue of heavy missiles.

"While the U.S.S.R. is in the lead in this field," Mr. Sakharov wrote in a recent letter, "there is very little chance of its easily reliquishing that lead. If it is necessary to spend a few billion dollars on MX missiles to alter this situation, then perhaps this is what the West must do."

The president's negotiating strategy deserves a try. He was elected president, and the Soviets aren't philanthropists. This isn't the same as voting to get the U.S. into a war. These are reversible decisions. If the president can't produce agreements through tough-guy bargaining, or if he seems to be bargaining in bad faith, the programs authorized in 1983 can be de-authorized in 1985. No MXs are scheduled for deployment, anyway, until 1986.

Congressional pressure on President Reagan has produced some good results. It led to appointment of the Scowcroft Commission, out of which came a compromise whereby the president would get the MX, but his arms-control critics would get adjustments in his START negotiating strategy and a commitment to deploy a single-warhead missile system.

But, out of anti-nuclear passion or hope of partisan advantage in 1984, many Democrats seem intent on wrecking the compromise by cutting off funding for the MX.

On grounds of arms control, practical politics and their own credibility, though, Democrats should let the president have his MX this year.

There are some indications that the Soviets just now have decided to agree to major cuts in their strategic arsenal. If the Reagan

strategy is working, then the Democrats would be working against arms control to deny him his lever.

Some Democrats think they would hand away a potent "peace issue" in 1984 by funding the MX, but that isn't so at all. Every single Democratic presidential candidate is against the MX, so the voters know that it won't be deployed if one of them is elected. Let the MX and the rival nuclear bargaining strategies be a major campaign issue and see what the electorate thinks.

Finally, Democratic credibility is at stake. Those who favor a U.S.-Soviet nuclear freeze—including five out of the six Democratic presidential candidates say that it will be mutual, verifiable and negotiated. An MX cutoff by Congress constitutes unilateral disarmament of the president.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The acting assistant legislative clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, it has been suggested that Senators must in acting on this amendment consider only the MX basing component thereof in isolation and without reference to other key elements of the package.

The findings and recommendations of the President's Commission on Strategic Forces are well known to all Members of the Senate. I would like at this time to highlight several of the points made by the Scowcroft panel which are especially noteworthy and which, as a result of their subsequent endorsement by President Reagan, now constitute the official views and policies of his administration.

Let me begin by noting that General Scowcroft and his colleagues have indicated—in my view correctly—that we, as a nation, stand at a most important crossroad. At long last, we are making the critical decision as to whether or not this Nation will modernize its aging intercontinental ballistic missile force—elements of which have been in the inventory since the early 1960's—with modern systems of vastly greater reliability and capability. In its report, and in congressional testimony, the Scowcroft Commission has elucidated carefully the implications this decision holds for us, for our allies and for our adversaries. I would like to dwell for a moment on these potential implications—both adverse and positive.

There can be little doubt that our failure to proceed with deployment of the MX missile at this time in the manner recommended by the blue-ribbon Scowcroft Commission and the President, will have severe and untoward consequences. One can only speculate what such consequences might be. It does not seem unreasonable to me, however, that they might include some or all of the following:

The emergence of complete Soviet intransigence at the negotiating table in Geneva, effectively foreclosing realistic possibilities for substantive progress in talks on strategic arms reductions and intermediate-range nuclear forces;

The Soviets may interpret our inability to muster the necessary political resolve to modernize that component of strategic power—the ICBM force—which they consider to be the most important, as a sign of paralysis. The fact that we might forgo such modernization—even when confronted by the enormous investment of resources in such weapons by the Soviets themselves—could lead to a reevaluation by the Soviet leadership of the so-called correlation of forces, a development which might encourage increased assertiveness and aggression on the part of the U.S.S.R.

A refusal on the part of our Western European allies to proceed with deployment of Pershing II and ground-launched cruise missiles on their soil;

Dissipation of public support in the United Kingdom and France for the planned modernization of their independent nuclear deterrent forces.

In short, the weight of expert testimony before the committee has indicated that significant risks attend a decision not to go forward with production and deployment of the MX missile as recommended by the bipartisan Scowcroft Commission and by the President.

What is more, testimony taken by our committee from supporters and critics of the Scowcroft report has indicated, on balance, that the decision to proceed at this time with the package of initiatives recommended by General Scowcroft and his copanelists holds significant promise for a strategic balance characterized by greater stability, smaller numbers of nuclear weapons, and a reduction in the risk of nuclear war.

Specifically, many of our expert witnesses, including the Chairman and members of the Scowcroft Commission, the Secretary of State, the Secretary of Defense, the Joint Chiefs of Staff, and the Comander in Chief of the Strategic Air Command, stated their common belief that a production go-ahead on MX was indispensable to the success of our arms control negotiating efforts. Where we have tried previously to afford both the carrot and the stick as incentives to Soviet negotiators we have achieved notable successes. The ABM accord is an oft-cited case in point and the recent Andropov proposal regarding intermediate-range nuclear forces suggests that this principle still applies.

Absent credible bargaining leverage, however, we have seen negotiations aimed at achieving such objectives as mutual, balanced force reductions, bans on chemical and antisatellite warfare, and verifiable agreements on, among other things, nuclear testing, drag on and on inconclusively. The Soviets are unrivaled masters of diplomatic intransigence when they perceive such behavior to be in their interest.

Mr. President, how much time do I have remaining on the amendment?

The PRESIDING OFFICER. Eleven minutes and forty-nine seconds.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, on July 22, the Senate adopted a unanimous-consent request relating to the separate enactment of S. 1107 with the text of title III of S. 675 once S. 675 has passed the Senate. It has come to my attention that the title of S. 1107 should also be amended to conform with the content of title III of S. 675. Accordingly, I ask unanimous consent that the title of S. 1107 be amended to read as follows:

Ant act to authorize appropriations for the Department of Energy for national security programs for fiscal year 1983 and fiscal year 1984, and for other purposes.

Mr. President, this is purely a technical request that conforms and is consistent with the consent agreement we obtained relative to the matter of splitting of the military construction title and the Department of Energy title in the bill. It has been cleared with the distinguished minority manager of the bill.

Mr. HART. Mr. President, reserving the right to object, it was the last sentence that I want to clarify on behalf of the minority leader. Has the proposal of the Senator from Texas been cleared?

Mr. TOWER. It has. This is a part of the consent agreement that permitted us to split up the two titles relative to military construction and the Department of Energy. It is purely technical. It is merely a change in the title.

Mr. HART. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time consumed be charged to neither side under the bill or on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I believe there is a unanimous-consent request that has been agreed to by the respective managers of the bill and the amendment, meaning Senators TOWER and JACKSON, and Senator HART. I have not yet had an opportunity to show a copy of it to the minority leader. I am going to do that, then I hope I will be in a position to put the request before the recess hour at 12 noon.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that I may proceed for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT PROPOSED

Mr. BAKER. Mr. President, I now have a unanimous-consent request which I will propose for the consideration of the minority leader, the managers of the bill, the authors of the principal remaining amendments, and other Members.

First, Mr. President, I ask unanimous consent that the vote on the Hatfield-Hart amendment now pending dealing with the deletion of the funds for the MX occur at 7:30 p.m. this evening.

I further ask unanimous consent that following the disposition of the Hart-Hatfield amendment, and without intervening debate, motion, appeal, point of order, or further amendment, that a vote occur on the Moynihan amendment dealing with the transfer of funds.

I then ask unanimous consent that following the vote on the Moynihan amendment, the Senate proceed to vote, without intervening amendment, debate, motion, appeal, or point of order, on the Levin amendment, which will be a sense-of-the-Senate resolution dealing with destabilizing weapons.

I further ask unanimous consent that following the Levine vote, without intervening amendment, debate, motion, appeal, or point of order, the Senate proceed to vote on the committee substitute, as amended.

I then ask unanimous consent, Mr. President, that following the vote on the committee substitute, that the Senate proceed to vote, without intervening amendment, debate, motion, point of order, or appeal, on final passage of S. 675, as amended, and that paragraph 4 of rule XII be waived.

I ask unanimous consent, Mr. President, that only the amendments just identified be in order, that no second-degree amendments to the amendments be in order, that the time remaining between 2 p.m. today and 7:30 p.m. today be divided equally, and that the control of the time be in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Mr. President, reserving the right to object, and I do not intend to object, is it my understanding that a quorum call would be in order in connection with a vote, prior to voting on any unanimous-consent request?

Mr. BYRD. That is always understood. There would be no waiving of that right.

Mr. METZENBAUM. There would be no waiving?

Mr. BYRD. The majority leader did not say that.

Mr. BAKER. I am not sure we could waive that right since it is a constitutional prerogative.

In any event, Mr. President, the answer is yes, a quorum call would be in order.

Mr. President, I am advised that I have to go to my cloakroom. If someone wants me to yield——

Mr. TOWER. Mr. President, reserving the right to object, it is my understanding that this does not foreclose us from proceeding as in the colloquy of last Friday night, which would permit us to split out the titles in the bill such as dealing with the Department of Energy authorization.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, there is one other point to cover, and I believe the Senator from Texas should listen to this, as well as the minority leader and the Senator from Colorado. I assume this waives the right to table these amendments. Is that correct?

The PRESIDING OFFICER. It would.

Mr. TOWER. Mr. President, it is my understanding that this unanimous-consent request is not inconsistent with any portion of the agreement entered into last Friday, except in the specific instances enumerated.

Mr. BAKER. My point is the way this was put, a vote would occur on the amendment and not on the tabling motion.

Mr. TOWER. That is my understanding.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the unanimous-consent request is pending, is it not?

The PRESIDING OFFICER. Yes, it is.

Mr. BAKER. And there is an order for the Senate to stand in recess at this time?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. When the Senate resumes its session at 2 p.m., is it not so that the unanimous-consent request would still be pending?

The PRESIDING OFFICER. That is correct.

RECESS UNTIL 2 P.M.

Mr. BAKER. Mr. President, I am prepared for the Chair to put the Senate in recess.

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 2 p.m.

Thereupon, at 12:20 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. LUGAR).

OMNIBUS DEFENSE AUTHORIZATIONS, 1984

The Senate continued with the consideration of the bill S. 657.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I hope that soon we will be able to complete the unanimous-consent request which is now pending. I believe that the principals on the other side are not presently available. Therefore, I suggest the absence of a quorum. I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that I may yield the floor so that the Chair may permit a messenger and then I might be rerecognized to suggest the absence of a quorum under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will receive a message from the President of the United States.

(A message from the President of the United States was received at 2:02 p.m.)

Mr. BAKER. Mr. President, on the same terms and conditions, I suggest the absence of a quorum

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, there is a unanimous-consent agreement now pending that I put before the noon recess for the two caucuses. I regret to report to the Senate that there is an objection to that unanimous-consent request. Good faith efforts have been made on both sides to negotiate the differences away, and they have not yet succeeded. Perhaps we can still work out elements of that agreement and different parts, but I am afraid we will waste the whole day if we do not get started. In a moment I am going to withdraw that request, but may I urge the managers to go forward with the bill and perhaps substitute another amendment—I understand the Senator from New York is prepared to go forward with his amendment at this time—and I will continue to explore the possibility of a further unanimous-consent agreement to deal with the remainder of this day.

Several Senators addressed the Chair.

Mr. BAKER. Mr. President, let me yield first to the Senator from Colorado.

Mr. HART. The majority leader has been extremely cooperative in trying to work out the arrangements for this afternoon and this evening. Would he agree that under the time agreement we are operating with it complicates the resolution of the MX issue and that there does in fact need to be some agreement on the disposition of the time remaining?

Mr. BAKER. Yes. Mr. President, it is clear to me that we ought to try to work out the disposition of time but that interdepends on how other matters fall into place. I will continue to work with the Senator from Colorado, with the chairman of the committee, and with the ranking minority member to see if we cannot work these things out. I think I know what the Senator from Colorado is speaking of, and I am sympathetic and I will try to help.

Mr. President, I withdraw my request.

Mr. LEVIN. Will the Senator yield?

Mr. BAKER. Yes, I yield.

Mr. LEVIN. It appears through inadvertence of staff that the earlier version of my amendment was submitted to Senator TOWER and Senator JACKSON, indeed to Senator HART. A later version of the amendment which was listed in the unanimous-consent agreement which was reached was the correct one, and I will be submitting that in the interim period so that we can add the final version which was intended by me to be listed as the one which is in fact likely to be offered.

Mr. TOWER. Mr. President, I ask unanimous consent that the amendment of the Senator from Colorado be temporarily laid aside and that the Senator from New York be recognized to offer his amendment; that on the expiration of the time allotted to the amendment of the Senator from New York, the Senate return to the consideration of the Hart amendment, with no intervening vote on the Moynihan amendment, and that the Moynihan amendment be voted upon following the disposition of the Hart amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. Mr. President, reserving the right to object, why does the Senator from Texas object to voting on the Moynihan amemdment at the conclusion of the time on that amendment?

Mr. TOWER. The Senator from Texas is trying to accommodate the Senator from Colorado and the Senator from New York. If the Senator from Arkansas wants to object, he can take it up with those Senators. It does not matter to me.

Mr. BUMPERS. I will not object, if that is agreeable to the Senator from New York and the Senator from Colorado.

Mr. TOWER. This is on their behalf.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 2089

(Purpose: To limit the use of funds for the production, procurement, or deployment of MX missiles)

Mr. MOYNIHAN. Mr. President, first, I express my appreciation for the graciousness and courtesy of the distinguished chairman of the Committee on Armed Services, who has made it possible for us now to get to the business of the day, which is very much the business of this country and the world.

I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from New York (Mr. MOYNIHAN) proposes an amendment numbered 2089:

Strike out Sections 109 and 275, and renumber the remaining sections accordingly.

At the end of the bill, add the following new section:

"SEC. . (a) Notwithstanding any other provision of this Act, no funds authorized to be appropriated under this Act shall be obligated or expended for the deployment of an MX missile.

"(b) It is the sense of the Congress that efforts to modernize the land-based strategic force should be focused on a small, single-warhead inter-continental ballistic missile that is either mobile or able to be deployed in deceptive fashion.

"(c) The President shall submit a written report to Congress by March 1, 1984 detailing the prospects for operational deployment of a small, single-warhead inter-continental ballistic missile in sufficient strength by December 1, 1986.".

Mr. MOYNIHAN. Mr. President, I thank our most able clerk for having read the statement. As Members will have noticed, it is succinct and direct, and it makes two points.

First of all, it says that we will not deploy the MX missile. I wish to say, and be explicit about it, that my amendment offers to those Members of this body who desire that we should produce that missile in order to have it available as a true bargaining chip, so to speak, in arms negotiations, the opportunity to vote for that option.

It has been arranged that we should first vote on the amendment proposed by the Senator from Colorado and our colleague from Oregon. I see the Senator on the floor, and I ask if I am correct. That will be an amendment that simply says there will be no production, nor procurement, nor deployment of the MX missile.

Mr. HART. The Senator is correct—no production, procurement, or deployment.

Mr. MOYNIHAN. No production, procurement, or deployment.

I will vote for that measure. Perhaps not everyone will. We are aware of that. It is to those Senators who will vote against Senator HART's amendment that I would direct my next few remarks.

There may yet be those who think there might be an intermediate position in which an MX should be produced but not deployed and, most particularly, not deployed in existing Minuteman silos, which is now to be the case.

Mr. President, the thought that animates my proposal of this second option is drawn from a most significant letter, written by Andrei Sakharov to be American physicist Sidney Drell, which appears in the current issue of "Foreign Affairs" and which has been referred to time and again in this debate, a debate of 2 weeks' duration.

In that article, Dr. Sakharov makes several statements which I dare to think may have surprised many persons who know of him only as an informed and persuasive advocate of nuclear disarmament. He reaffirms his commitment to disarmament, but says it may not be a realistic option just now. It may take years to finally witness the dismantling of these weapons,

and we must be prepared for those years.

He writes early in his letter that the 100 MX missiles, the number proposed by the Reagan administration for the first round of deployment, would carry 1,000, 600-kiloton warheads. I think that may not actually be the case. I think they may be 350-kiloton warheads, though—at 350 kilotons—you already have 20 times the Hiroshima power.

He goes on to state:

A specific danger associated with silo-based missiles is that they can be destroyed relatively easily as a result of enemy attack, . . . At the same time, they can be used to destroy enemy launch sites in an amount four to five times larger than the number of missiles used for the attack. A country with large numbers of silo-based missiles (at the present time this is primarily the U.S.S.R. but if the United States carries out a major MX program, then it too) could be "tempted" to use such missiles first before the enemy destroys them. In such circumstances, the presence of silo-based missiles constitutes a destabilizing factor.

In view of the above, it seems very important to me to strive for the abolition of powerful silo-based missiles at the talks on nuclear disarmament.

Mr. President, what is this proposition—this "destabilizing factor" cited so warily by Dr. Sakharov? A phrase was used for it in a brilliant article by the young writer Mr. Leon Weiseltier in: The New Republic magazine. He referred to it as the Sovietization of American strategic policy—that we, too, should deploy and come to depend upon a large number of silo-based missiles subject to destructive attack on a first-strike basis, tempting to use, tempting and dangerous altogether in that respect.

Mr. SASSER. Mr. President, will the Senator from New York yield for a question?

Mr. MOYNIHAN. I am happy to yield.

Mr. SASSER. Is the Senator from New York describing to this body today what could be a basic departure in the future from the nuclear policy that has been pursued by this country over the last three decades; that policy being that we relied primarily on our nuclear deterrent?

Mr. MOYNIHAN. Precisely.

Mr. SASSER. If we move in the direction of relying on large land-based intercontinental ballistic missiles, then we are indeed moving in the direction of a launch-on-warning concept. Is that what the Senator from New York is advising the Senate today?

Mr. MOYNIHAN. He has said it over and again, and he is happy to repeat it for his friend from Tennessee.

Deployment of the MX in Minuteman silos will represent the largest deliberate change in American strategic policy since the dawn of the age of such policy under President Eisenhower. It was at that time there was conceived the triad of land-based, sea-based, and air-based missiles, each of which was to be used in the aftermath—and only in the aftermath—of an unmistakable first strike by the enemy. Peace was secured by our deterrent reaction being so assured and so overwhelming as to deter any first strike.

I was a member of the Cabinet when the Secretary of Defense, a distinguished former Member of Congress, Melvin Laird, first came and reported to the Cabinet that the Soviets had produced the SS-9, a huge and accurate silo busting missile. This meant that in due course our Minuteman silos would be subject to a first strike. Therefore, they would not be a deterrent weapon, a retaliatory weapon.

Consequently, it was soon realized, the United States would have to respond. In very short order the MX, the missile experimental, was agreed to. We began in 1972 and spent 11 years looking for a place that it could be deployed in a deterrent mode. Then, with a proposal that makes all thinking persons wonder how sane society remains, the present administration has recommended we go right back into the very silos that because they became vulnerable 11 years ago we decided we had to leave.

What does this mean? One has only to ask the most senior military officer in the United States.

The chairman of the Joint Chiefs of Staff, Gen. John W. Vessey, Jr., testified on May 5 before the Senate Appropriations Committee. He was asked whether these Minuteman silos could not be hardened, or strengthened, against a nuclear attack.

Oh, yes, he said they could be.

What then would be the likelihood of their surviving an attack?

Oh, he said, 25 percent would survive, 20 to 25, if you hardened those silos as best we know how.

If you did not, and we are not planning to, I say to the Senate, the probably ratio is that 85 to 95 would be destroyed. Seventy-five will be destroyed if you go to great expense; 85 if you do nothing.

But, General Vessey, according to the New York Times the following day, said the Soviets have no assurances that we will ride out the attack.

The Senator has just used the words "launch under attack," "launch on warning." The idea that there is a difference between launch on warning and launch under attack is altogether specious and wrong. The deterrent doctrine has always held that the first time a nuclear warhead lands on your territory or your military a war has begun. You know it. You cannot mistake it. It has unmistakably occurred, and you retaliate.

Mr. SASSER. Will the Senator yield for a question right there?

Mr. MOYNIHAN. Yes.

Mr. SASSER. The Senator is describing a scenario in years past where we have followed a plan of launching after actual detonation.

Mr. MOYNIHAN. An unmistakable boom.

Mr. SASSER. We are now moving in the direction, as the Senator describes it, of an effort to safeguard these very large MX missiles, put into vulnerable Minuteman solos. We are moving in the direction or in order to save them we will have to launch under attack or launch on warning. I would say to the Senator from New York, reading from the Scowcroft Commission's own report, a mere definition of launch under attack, and I quote: "Sometimes used interchangeably with launch on warning."

Mr. MOYNIHAN. Exactly. And that means, sir, is as follows: It means that your computers pick up evidence, first, of a flight of missiles having taken off. You know your computers could never be trusted. The Canadian geese problem is real. One set of computers will not give it to you. At launch plus 10 comes your first warning. At launch plus 20 a second set of computers gives you a second warning. The probability of veracity is very high. Then you have 9 minutes to decide whether or not the third world war has already begun or if you will begin it, either way.

Mr. SASSER. If the Senator from New York will yield for just a moment, he is describing a scenario in which there is approximately 30 minutes running time between the launching of ICBM's and their detonation in the continental United States.

Mr. MOYNIHAN. That is correct. As to the decisionmaking time available for the response, the distinguished Senator from Texas, who is on the floor, responded to this question yesterday. I would take the liberty of reading from the RECORD what he said.

Mr. SASSER. If the Senator will yield one moment, I want to make sure that I understand this. We have 30 minutes running time between launch and detonation in the United States?

Mr. MOYNIHAN. That is right.

Mr. SASSER. Launch from the Soviet Union to detonation here?

Mr. MOYNIHAN. That is right.

Mr. SASSER. It will take our computer at least one-third, or 10 minutes, of that running time to make the distinction between whether this is actually a launch?

Mr. MOYNIHAN. To make the first, to make the first——

Mr. SASSER. To make the first decision——

Mr. MOYNIHAN. Judgment that this is real.

Mr. SASSER. That this is real?

Mr. MOYNIHAN. Yes.

Mr. SASSER. We have 20 minutes left?

Mr. MOYNIHAN. That is right.

Mr. SASSER. At that juncture?

Mr. MOYNIHAN. That is right.

Mr. SASSER. Then it will take an additional 10 minutes to verify that the initial warning was correct?

Mr. MOYNIHAN. To raise the assurance that the report is correct from 95 to 98 percent.

Mr. SASSER. So what the Senator from New York is telling us, as the Senator from Tennessee understands it, is that we would have approximately 9 to 10 minutes to find the President of the United States, make a determination that there should be a launch, and then launch our ICBM's or we lose them.

Mr. MOYNIHAN. That, sir, is the truth, the case, the fact.

Yesterday on this floor, the distinguished chairman of the committee said to me "We are talking about minutes * * *."

Mr. SASSER. The question I would propound to the Senator from New York is, then does this not make the probability of error much larger and does this not make it much more probable in the final analysis that we could have a nuclear war or a launch by accident?

Mr. MOYNIHAN. It makes it far more probable. It would take a political crisis which could be one of many that we have encountered over 25 years. It would take a crisis that is real, is dangerous. Until now everybody has had time. Suddenly it would become a political crisis in which you have 30 minutes. Every second another 30-minute starts, and you do not know.

But it does not matter what we say in this Chamber about why we are deploying these MX in targeted silos.

The question is what is their perception? Launch under attack is launch on warning. It is in effect, letting a machine decide. It has the makings, sir, of ruin.

If the American people knew we were doing this they would not stand still for it.

May I say something now without going beyond the confines of this Chamber's general openness in these matters? It is my understanding we have tested launch on warning. I do not exaggerate if I say it took almost a week. We have tested it with our best people, our actual facilities in place. I may exaggerate, sir, when I said it took almost a week. Let me say it has been reported that it required a considerable time after the simulated warning of attack, and the simulated confirmation, to come to a judgment to retaliate. The time was altogether beyond the bounds of any effective response, once we set the limit at 30 minutes.

Does any Member of the Senate need to be told ours is not a society that responds on 9 minute's notice?

Mr. LEAHY. Mr. President, I wonder if my two friends, my friend from New York and my friend from Tennessee, will yield for a moment to make sure I fully understand what is being said here. If we were to go ahead and deploy the MX in vulnerable silos, this would make it a first-strike weapon. Everyone, proponents and opponents of MX, will agree that silo basing will be vulnerable, and vulnerability will make it a counterforce weapon.

Let us assume that we go ahead with full deployment of MX and that the Soviets go ahead with full deployment of whatever their form of MX would be—because if we can develop such a missile, obviously, they can. Assuming also that we are unrestrained by any arms limitation treaties—and we have none now that have been ratified; SALT II was never ratified—if we do that, then we would put both sides on the same level of hair-trigger readiness.

The Senator talked about a situation where our computers may have made a mistake. I think my friend from New York describes the Canadian geese situation which resulted in a computer mistake. But we have to make decisions about whether we are being attacked and whether to launch our missiles in a matter of minutes. Of course, there is no way of knowing whether there may have been a mistake or not. Thus the beginning of world war III could be caused by a faulty computer.

You could also flip it the other way. We might also end up—without arms agreements, without some changes in this pellmell rush to arm—in a situation where world war III could start because of a foul up in Soviet computers.

Mr. MOYNIHAN. I say to the Senator that is far the greater probability. Because the Soviets, up until now, have known that our doctrine, our deployment, our deepest conviction is never to strike first. So, whatever their computers would say, they know enough about their computers, and own methods, that they are probably inclined to discount the first report that an attack has been launched. They would say, "Well, that is not what the Americans do. That is not their tactics. That is not their strategy." Now, however, they would say, "Oh, no, these are new Americans. These are Americans who, unaccountably to us, under a new administration that talked about war fighting, that talked about third strikes, put these most powerful weapons in exactly the place where they could only use them to launch a first-strike."

May I make this further point: The great irony is that, at just the moment the Soviets seem to be beginning to see the wisdom of what Sakharov said—that the most undestabilizing thing on Earth is that big silo-based missile—we would go to this same deployment. The Soviets have begun testing of a small, mobile missile. We call it the PL-5, for Plesetsk. We sense it is what the Midgetman is.

The greatest irony and the one that could make you weep is that there is emerging in the world the notion that perhaps first of all we will count warheads in arms negotiations. That is what we are going to count—warheads. That is what explodes. Silos can hurt you if you fall into one; but if you do, it is your own fault. But it is warheads that explode.

We are just beginning to get an idea—it is coming out of the time that 8,000 warheads on either side is enough; it is about what either side has—that if we could count the intermediate range Pershings and SS-20's, go up another 1,500, and you are at 9,500. That is enough. Well, is it the end of arms? No. Is it the end of the arms race? Yes, just possibly.

At just that moment when they see mobility as a force of stability, when they see their silos in the same way we have always seen them, the way Dr. Sakharov describes them—just when they are beginning to talk about leveling off we seem to have changed the way we view stategic policies.

I mean 8,000 is enough. We have not got more. There are not that many targets. You know, this is one of the limiting factors of the use of warheads: How many real targets do you have?

Mr. SASSER. Will the Senator yield?

Mr. MOYNIHAN. I am happy to yield.

Mr. SASSER. I think the Senator from New York is doing the country a great service today in exploring this fundamental change in the nuclear doctrine that this country is, I believe, on the verge of pursuing if we build and deploy the MX missile. The fundamental change is it moves us in the direction of a launch on warning concept.

The able Senator from Vermont propounded a question, just a moment ago, as to what the ultimate impact of this would be. Would it not, indeed, put us more on a hair trigger alert than we have heretofore been?

Well, this is the statement made by a distinguished Air Force general, Gen. Kelly Burke, the Air Force Deputy Chief of Staff, a statement made before the military construction——

Mr. MOYNIHAN. Is General Burke not in charge of the MX development? I believe he is.

Mr. SASSER. He was testifying before the Military Construction Appropriations Subcommittee, I say to the Senator from New York, and I assume he has something to do with at least the construction of the missile.

He was asked about the issue of launch under attack or launch on warning. They are used synonomously, together, now, those two terms. And he said this:

It is a destabilizing situation of stating with certainty that if we have our finger on the trigger and if you blink we are going to let go, which will in turn encourage the Soviets to get in the same posture. And if we have MX in a silo, an announced policy that our finger is on the trigger, then I think that has to force the Soviets to get a little closer to their trigger.

Mr. MOYNIHAN. An announced policy that our finger is on the trigger.

Mr. SASSER. And our finger is on the trigger, I say to the Senator from New York, and this will force them to get closer to their trigger, to use his words.

Mr. MOYNIHAN. You quote one of this country's most highly regarded Air Force generals describing a reality, thinking like a professional and saying, "What will my counterparts in the Soviet Union have to conclude?"

Not: what do we say here? Rather: what do they think there? And this, that we are preparing to launch on warning, will be their conclusion. And they will have justification.

I do not mean in any sense to be deprecatory of the administration, but surely no one here will dispute that we have heard an awful lot of talk these past 2½ years about demonstration nuclear detonations, and war fighting ability, and, in the higher reaches, the more arcane discussion groups, they talk about the third strike. That is the one that really matters. First strike, you knock out so much but you have so much in reserve. The object of your aggression knows that, even though they launch a second strike, a third strike is still coming and, therefore, they do not launch a second strike. Incapacity, therefore, effectively to launch—even to contemplate—a second strike. Deterrence is undone, and only the first strike will count.

Is it wrong to observe that they would associate this change in practice with a change in ideas and statements? The Senator from Vermont has been eloquent on this score, as has the Senator from Colorado. The Soviets hear us saying different things. They see us doing different things. They see an Air Force general describe an administration proposal as putting our finger on the trigger. What are they to conclude?

Mr. LEAHY. I could not help but recall, if my friend from New York will yield just a moment, that on May 5, in the Appropriations Committee—and my good friend from Tennessee is on that committee and well remembers—that several of us asked questions of Secretary Weinberger and General Vessey about MX and launch under attack. In answer to a question I asked and to follow-up questions, General Vessey stated the administration did not rule out launch on warning for MX. Secretary Weinberger stated the same thing. And reference was made to their answers in articles in the New York Times the next day, on May 6.

I am struck, not only in rereading those articles and the testimony, but also in listening to the debate here. What we are saying is that time is running out. We have had opportunities in the past. We had opportunities with the MIRV missiles.

Mr. MOYNIHAN. But we did not take advantage of them.

Mr. LEAHY. But we did not take advantage of them. Now it is recognized by those who advocated the MIRV's, that it was a shame we did not take the opportunity then. It is an opportunity that perhaps will never come back. In all of these nuclear matters we get an opportunity to stop them but we miss it, and it never comes back.

Yet, it is not a minor question. We are talking about life and death matters, not only for our Nation but for the nations of the world.

Mr. SASSER. If the Senator will yield on that particular point, I quite agree with the statement made by the Senator from Vermont that we made a fundamental mistake in the early 1960's when we went to the MIRV'ing of our missiles. One writer has said that this was a reaction on the part of the U.S. Air Force to an edict laid down by the then Secretary of Defense, Robert McNamara, that we were going to stop the production of Minuteman missiles at 1,000 missiles. So in an effort to get around this limitation, they came up with the concept of putting more than one warhead on missiles at that time.

That is how at least one writer states we got into the business of MIRV'ing our Minuteman missiles. Never mind that by MIRV'ing them and putting more warheads in place of a single warhead they become more inaccurate; we had more warheads.

To the ever-lasting credit of the Senator from New York, today I think he is moving us away from making a first effort, to move us away from the danger of MIRV'd missiles, and MIRV'd missiles favor the attacker.

Mr. MOYNIHAN. That is the point.

Mr. SASSER. Precisely. But the Senator from New York today I think is quite right in saying that we should move away from MIRV'd missiles and move back to the single warhead missile. It is for that reason, and others, that I am supporting the amendment he is offering.

Mr. MOYNIHAN. I very much appreciate what the Senator has had to say. If what we are discussing here is as important as we think it is, would you not suppose there would be more than one person on the other side of the aisle present? We have been 2 weeks at this. I have been moved to suggest that if it keeps up that way you could deploy the MX in a racetrack mode on the east half of the Senate Chamber. There is never anybody there, excepting the valiant and gallant chairman of the Committee on Armed Services.

I do not know what it is that people fear to come and discuss. Does the subject frighten? It intimidates, surely. But we, each of us, came to the Senate to deal with difficult matters. We presented ourselves to the people of our respective States as persons capable of—yes, thinking about the unthinkable, in the memorable phrase of the late Herman Kahn.

Truly, we have an opportunity to do something immediate, and something that Andre Sakharov himself suggests. He says the world is a better one in which there are no ICBM silos.

It would be wiser to agree now to reduce nuclear and conventional weapons and to eliminate nuclear weapons entirely." But, he says, "Perhaps talks about the limitation and reduction of these most destructive missiles could become easier if the United States were to have MX missiles, albeit only potentially".

I am saying this comes from a serious well informed and persuasive source. The amendment I offer would make it possible.

Mr. TOWER. Will the Senator yield?

Mr. MOYNIHAN. I am happy to.

Mr. TOWER. I think the Sakharov statement can be misquoted by both sides of the debate because it says many things to many people. I think it has to be taken in context.

Here is what Sakharov said:

In view of the above, it seems very important to me to strive for the abolition of powerful silo-based missiles at the talks on nuclear disarmament.

That we agree on.

While the U.S.S.R. is the leader in this field there is very little chance of its easily relinquishing that need. If it is necessary to spend a few billion dollars on MX missiles to alter this situation, then perhaps this is what West must do.

He goes on further.

But at the same time, if the Soviets, in deed and not just word, take significant verifiable measures for reducing the number of land-based missiles (more precisely, for destroying them) then the West should not only abolish MX missiles (or not build them) but carry out other significant disarmament programs as well.

That is what he says. He does make the point of our taking steps toward disarmament. But he makes that contingent on the Soviets, in deed and in word, taking significant verifiable measures in reducing the numbers.

Mr. MOYNIHAN. I both agree with Sakharov and I take it that I am agreeing with the Senator from Texas. I am saying that because of the destabilizing nature of the weapons and

that hair trigger that has been spoken of, I would never like to see a single MX ever, under any circumstance, put into a Minuteman silo.

I ask you to consider an intermediate position which could be thought of as producing them but not deploying them.

I see my friend from Colorado, who has been our leader in this debate and who has listened patiently to us, standing. I yield to him.

Mr. HART. What was the date of the Sakharov letter?

Mr. MOYNIHAN. It is undated. But judging from some of his passages, one believes it to be January of this year.

Mr. HART. Would Mr. Sakharov, therefore, have been addressing himself to the Reagan-Scowcroft proposal, which was not only to build MX missiles but to put them into fixed, vulnerable, destabilizing silos?

Mr. MOYNIHAN. I wish we had him here to speak. Oh, how I wish Sakharov could speak to us here. I cannot imagine that he would have any view other than that of General Burke, that the deployment of MX in Minuteman meant putting your hand on the trigger.

Mr. HART. So the issue is not whether Dr. Sakharov is for or against the MX missile. The reason that Dr. Sakharov is involved in this debate at all is whether speculatively he would favor building the MX missile and putting it in the most vulnerable place we could put it and, therefore, lowering the nuclear threshold.

Mr. MOYNIHAN. I cannot imagine, reading this letter or his other works, that one could come to any conclusion different than what the Senator just stated. Sakharov is unequivocal in his judgment that the land-based missile, the ICBM, is a fundamentally destabilizing weapon and that the sooner we get rid of all of them the better. It may be that the species will not find time.

He uses precisely the language that the Senator from Colorado suggests. He says:

> A country with large numbers of silo-based missiles (at the present time this is primarily the U.S.S.R., but if the United States carries out a major MX program, then it too) could be "tempted" to use such missiles first before the enemy destroys them. In such circumstances, the presence of silo-based missiles constitutes a destabilizing factor.

I think it is the case, Mr. President, that Mr. McGeorge Bundy, former National Security Adviser to President Kennedy and then President Johnson, and later chairman of the General Advisory Committee at the Arms Control and Disarmament Agency, from 1979 to 1981, has written on this point.

He says:

> The most important thing we can do is not imitate the Russians.

He said:

> The very worst way to deal with the Soviet ICBM force would be to duplicate it. Let us simply consider how unstable the balance of terror would be today if our present strategic forces were the same as those of the Soviet Union. The existence of two large vulnerable MIRVed ICBM forces, each on a hair trigger, would be much more dangerous than the relatively stable balance we have today.
>
> I conclude that MX-in-Minuteman has no large-scale value for the encouragement of arms control; yet its value is not zero, and there is no need to cancel the program entirely without seeking a trade of some sort.

Do not deploy it—do not do it, in the face of 25 years not just of doctrine but of successful management of a world which we started, we created, yet which we cannot seek eventually or always to control. If we eliminate every nuclear weapon on Earth, the knowledge of how to make them will never disappear. Yet we have succeeded in keeping the nuclear peace for a generation and we could reasonably hope to do so.

I would like the Senate just to consider that perhaps when least expected, the idea has emerged about how much is enough in nuclear weaponry. People start talking about 8,000 warheads, is that not about all you can possibly use? Yes. Well, what about counting intermediates; would that not be a limit, too? Yes.

Then, suddenly, this notion of the curve flattening out begins to make sense, begins to be talked about on both sides. At just that moment, we risk this disastrous mistake.

I ask this Chamber, think about the next global political crisis, real crisis, the two nations with their missiles pointed at each other on 30 minutes notice from time of launch to time of landing. Think of the intensity of that crisis. Think of the pressure on people; think about it.

Go back to the Cuban missile crisis in October 1963. I see the distinguished Senator from Massachusetts is on the floor. We remember the brilliant, unforgettable intelligence of the then Attorney General, his brother and our late colleague in this body.

The United States having received two messages from Mr. Khrushchev, he said, "Let us take the more amiable one. Let us respond to the one that seems least hostile. Let us take the chance that if we give a soft answer to a softer letter, we will get a soft answer in return." It worked.

Would he have done that knowing the Soviets would have had an ICBM advantage on us if they launched first? They did not have it then.

I do not think it would have been—was it 10 days? You do not have 10-day political crises in a nuclear world of first strike forces, where you use them or lose them.

We tend to speak in somewhat extravagant terms about this, but is there anything more extravagant, is there anything more real in the world than our capacity to destroy it in 30 minutes with our accumulation of weapons, and now this difficult situation that verges on the less than rational?

I do not want to use terms that are irretrievable in respect to persons I admire and respect and serve with. I quoted last week the observation of George Santayana, in volume 1 of The Life of Reason, that "fanaticism consists in redoubling your efforts when you have forgotten your aim."

Our aim was to revitalize the land-based leg of the strategic triad, deployed in a deterrent mode. We set out 11 years ago to find a place to hide the MX so it would be a deterrent. We looked many places—34 different basing modes. None of them worked. The last was called duncepack. Having seemingly forgotten what it is that ever sent us out on this mission, we went right back to those silos for which, because we had to get out of them fast, we had set out to build the MX.

Mr. President, there is something irrational about that, something irrational about men who, having committed so much of their careers to the start of the MX program, gave us a report which said, what you really need is a small mobile missile which you can use in a deterrent mode—but, since we have already designed the MX which I have testified about so often, you will use 100 of them, will you not? One hundred meaning missiles, and 1,000 warheads.

Dr. Sakharov, in his article, refers to each warhead as having 600 kilotons. I think our own estimate would be lower. It is an inconceivable volume of charge, as the Russians say for warhead. Already, they overestimate by a factor of two the power of the individual warheads. Think what else they overestimate about our forces—see that one reference as evidence.

Andrei Sakharov, who was the principal developer of the hydrogen weapon, a careful man, a physicist, a man who can make one of these things—he has overestimated by a factor of two the power of the warheads. What will the generals do? What will the commissars do? How will they interpret this?

Nothing could be more important than the understanding that the single most important event that falls from our decision is how it is interpreted in the Soviet Union. And if it is interpreted in the Soviet Union no differently from the way McGeorge Bundy has done, the way Gen. Kelly Burke has done, we have put the world on 30 minutes' notice. We have created an atmosphere in which unanticipated political crises can overwhelm us, paralyze us and, indeed, destroy us.

I suppose it was inevitable that there would be those who would not want to come and take part in this debate. I wish to thajk my friends from Vermont and Tennessee and Colorado for listening, my good friend from Hawaii for being present, my friend from Massachusetts for being present. For the CONGRESSIONAL RECORD, I note there are none on the other side of the aisle, or the argument, save the gallant Senator from Texas.

I see the Senator from Massachusetts on his feet.

Mr. KENNEDY. Mr. President, one of the arguments we have heard during the consideration of the MX is that we need this weapon system in order to move the process of arms control in a more constructive direction.

I am mindful that the President himself has made a number of comments about the value of the MX missile in negotiations with the Soviet Union. In many instances—and I will have an opportunity to elaborate on this point later in the discussion—we find some basic conflicting statements. On occasion, the President indicates that there may be some opportunity for significant reductions in the MX force level; at other times, he indicates that under no circumstance will the MX be used as a bargaining chip.

It does seem to me, having followed this issue over the period of the past years, that the President willingness to consider using the MX as a bargaining chip depends almost on the mood, the atmosphere in the Congress. It would almost appear that when the Congress gets close to voting on the MX, there appears to be a greater degree of flexibility or willingness by the President, his administration, and his negotiators to talk about using the MX as a bargaining chip. Then if it appears that they are in a stronger position vis-a-vis the vote in the Congress, it appears that they are less willing to consider the MX as a bargaining chip. Their attitude on this issue depends on the temperature of the Congress, so to speak.

I am just wondering what the view of the Senator from New York is on this issue, because I do think that there are a number of Members of this body who are committed to a strong arms control policy and who genuinely believe that by somehow voting in favor of the MX we will in effect get a more satisfactory arms control result. I think many of us have been troubled by the action of some Members of the House of Representatives who have had a very long and distinguished career and interest in the whole field of arms control, and who have been enormously positive and constructive in leading that dialog and debate, but now have abased their stature on such issues.

I am just wondering whether the Senator from New York, who has followed the negotiations that have taken place in Geneva through a number of administrations and a variety of arms control issues has found any consistency in statements of the President or his chief arms negotiators on the bargaining chip argument.

Mr. MOYNIHAN. I do not believe this will ever be used as a bargaining chip. It will not be seen as a bargaining chip. It is not labeled a bargaining chip.

We have coming on line some of the most powerful weapons systems in the history of the world.

Did I say some? I correct myself—the most powerful weapons systems in the history of the world: the D-5 missile in the Trident submarine is the most powerful, secure, destructive weapon known to mankind. The ships are at sea. The missiles are under development. You can reach out and touch the day they will be deployed.

That is a bargaining chip.

The cruise missile on the B-1 bomber is going to be available in 3 to 4 years' time when the new B-1 comes along, a supersonic plane, wings swept back, armed to the bellyful and wing-laden with the most accurate nuclear weapon ever conceived. You could send one out the east door of the Senate and it would come in the west door and have traveled halfway to California and back in the meantime. Those planes will be aloft one day soon, with their cruise missiles aboard. Those are bargaining chips.

You can go down the list of weapon development systems being purchased by largest military budget in American history. There are some to be traded for something. They are concrete things that can be traded for concrete returns. The MX, however, is a destabilizing first-strike weapon which can only say one thing to the Soviets, that we have pointed our missiles at you and put our finger on the trigger.

Mr. KENNEDY. On this issue again about the MX as a bargaining chip, when questioned, I understand the administration made a clarification of its position when the new Director of ACDA made the statement that the administration's idea of a fair trade for abandoning the MX was for the Soviets to dismantle all of their SS-18's and all of their SS-19's.

Mr. MOYNIHAN. Which they will not do.

Mr. KENNEDY. I would certainly agree that such a proposal is completely unrealistic.

Mr. MOYNIHAN. If you want to prove the Soviets are disinclined to agree with us, put an unreasonable proposal to them. I am not saying they are nice, but I am saying you can negotiate with them. There have been times we have reached agreement with them.

Mr. KENNEDY. But such proposal as was made clearly would indicate to the Senator from New York that on this issue of the MX for bargaining purposes, if we look at both the statements that the President and those that have responsibility for these negotiations have made, really there is no basis whatsoever for giving the benefit, so to speak, of the doubt to the administration based upon its position.

I thank the Senator from New York because I do think that that is one of the arguments that clearly had a very profound impact on the debate in the House of Representatives over the period of the past——

Mr. MOYNIHAN. But which impact, I say, appears to be diminishing.

Mr. KENNEDY. I agree with the Senator from New York. I think more and more the Members of this body, as the debate has continued, and certainly more and more in the House of Representatives believe that argument has not had weight. I think that it is rapidly falling by the wayside for the reasons that have been outlined during this dialog and during the earlier debate. I appreciate the comments of Senator Moynihan.

Mr. MOYNIHAN. I thank the Senator.

Mr. TOWER. Will the Senator yield for a question?

Mr. MOYNIHAN. I am happy to.

Mr. TOWER. The Senator from New York, I believe, regards the MX as a destabilizing first strike weapon but does not regard the Trident II or D-5 as a destabilizing first strike weapon. Am I correct in that?

Mr. MOYNIHAN. I regard the D-5 as a weapon that can come on line with accuracy that would be the equivalent of a first strike, yes. So would the MX, had we found a deployment mode that allowed it to be used in a deterrent fashion. The MX has always been a counterforce weapon, but we were seeking a way in which it would be useful, and demonstrably so, as a second-strike weapon, which is manifested the condition of the D-5 in the Trident. It is survivable.

Mr. TOWER. I understand that the Senator from New York supports going ahead with engineering and development of the D-5.

Mr. MOYNIHAN. I do. I also support the Midgetman missile. I voted for the B-1 bomber. I do not know what I have not voted for in this Chamber. But I will not vote for putting the MX in the Minuteman silo.

Mr. TOWER. So the Senator from New York would not agree with his colleague from New York, Representative TOM DOWNEY, that the D-5 is a more destabilizing weapon than the MX?

Mr. MOYNIHAN. With great respect, I would not, because of the nature of the deployment mode. The

MX today is the MX it was 5 years ago, when Jimmy Carter wanted to put in on a race track. If we could have got the agreement of the people of Nevada and Utah, which as I said at the time was always an ulikely prospect, we at least would be telling the Soviets we are not deploying this on a hair trigger. It is there in the deterrent mode consistent with our previous deployment of nuclear weapons. It can be used in a second strike to counter an attack. That, I think, is the difference.

I note the Presiding Officer is looking at me with an apparently deliberate air of patience that suggests his patience may be running thin.

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. MOYNIHAN. I see.

Mr. President, I will close my argument. At issue in the deployment of the MX missile is whether we are to abandon a generation of strategic nuclear doctrine based upon deterrence and move, instead, to a first strike mode which would put the world on a permanent, 30-minute notice to annihilation.

I thank the Chair for his courtesy.

Mr. TOWER. Mr. President, I appreciate the distinguished Senator from New York referring to my gallantry on more than one occasion during the course of his address. I think that is not the case. Probably, the fact is that I am the only one actively interested in this issue who does not have a committee meeting this afternoon.

At this point, I am going to suggest the absence of a quorum, because there are some Members who want to speak on this side of the issue. Therefore, Mr. President, I suggest the absence of a quorum.

Mr. HART. Mr. President, on whose time will it be.

Mr. TOWER. It will be on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, I yield 5 minutes on the Moynihan amendment to the Senator from Idaho (Mr. McCLURE).

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. McCLURE. Mr. President, I thank the Senator for yielding.

Mr. President, I have been listening with a great deal of interest to the debate that has been going on in this Chamber for now over 2 weeks but the latter part of it in particular dealing with the deployment of the MX.

NINE ARGUMENTS FOR DEPLOYING MX

There are nine main reasons for deploying the MX intercontinental ballistic missile in existing Minuteman ICBM silos. In summary such deployment of MX is the absolute minimum U.S. response to the relentless Soviet strategic buildup of the 1970's. The Soviets are already a generation of ICBM's ahead of the United States—13 years—and they are forcing the United States to solve a problem in the 1980's which they created for the United States in the 1970's. Meanwhile, in the 1990's the Soviets will be free to increase their already overwhelming strategic offensive superiority while augmenting their defensive countermeasures to our belated MX deployment.

I call attention to the chart which President Reagan used on a television broadcast in November 1982. This chart shows the numbers of launching vehicles before a first strike by either side. This chart shows clear Soviet strategic superiority in launchers. The Soviets have over 2,700 missiles and bombers, compared to only 1,800 for the United States.

The first reason to deploy the MX is the fact that the Soviets have already deployed 820 new ICBM's equivalent to our MX. Moreover, last year, the Soviets deployed more MX-sized warheads—over 1,000—than the United States plans to deploy between 1987 and 1989 on the entire MX program. Indeed, the Soviets have been deploying MX-size warheads at the rate of 1,000 per year since as long ago as 1975.

The second reason to deploy MX is the fact that the Soviets are 13 years ahead of the United States in deploying ICBM's equivalent to the MX, and also 13 years ahead of the United States in deploying a new small mobile ICBM. I refer Senators to the chart showing Soviet ICBM warhead deployment. This chart shows that the Soviets already have 6,000 ICBM warheads, compared to only 2,000 for the United States. MX deployment in existing Minuteman silos will only add 700 additional warheads, because 300 Minuteman III warheads will be retired. Thus with MX deployment, the United States will go up to only 2,700 ICBM warheads, compared to over 6,000 Soviet ICBM warheads. Moreover, these Soviet warheads are on the average three times as powerful and more accurate than the U.S. warheads.

Third, the Soviets are already following both of the main Scowcroft Commission recommendations. Before the United States has even finished flight testing the MX, the Soviets are almost ready to deploy both their new PL-4 and their new PL-5 ICBM. Moreover, the PL-4 is probably more capable than the MX. Thus with the PL-4, the Soviets are already about to replace the MX-equivalent ICBM's they deployed in the mid to late 1970's with the new, more capable PL-4 ICBM. The PL-5, already well along in flight testing, is better than the U.S. Midgetman small mobile missile, which will not be flight tested until about 1990.

The fourth reason to deploy the MX is the fact that deployment of 100 MX CBM's is only one-eighth of the counterforce capability the United States would need to have counterforce parity with the Soviets. This is because the Soviets have well over twice as many hard targets as the United States, which are themselves on the average over three times as hard as U.S. hard targets. And the Soviets have over three times the U.S. hard target counterforce capability as the comparison on the chart shows. Again, I invite my colleagues attention to the chart showing Soviet ICBM war head superiority.

The fifth reason to deploy the MX is the fact that the MX will add, albeit marginaly, to the survivability of U.S. strategic forces and ICBM's. This is because the deployment of MX will allow a few more war heads to survive if the United States must ride out a Soviet first strike on our ICBM's. Moreover, if the United States were to launch our ICBM's from under a Soviet attack, the MX would provide somewhat more counterforce capability.

Sixth, many experts believe that the Soviets are "breaking out" of the SALT I Anti-Ballistic Missile Treaty. The Soviets have developed and are deploying a prohibited nationwide ABM defense. The Deployment of the MX will increase somewhat U.S. ability to penetrate Soviet AVBM defenses.

Mr. President, I ask unanimous consent that a discussion of the Soviet ABM treaty violations, which amplifies this point further, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. McCLURE. Seventh, massive U.S. unilateral restraint seen in strategic force cutbacks over the last 15 years makes MX deployment all the more necessary. Since the late 1960's, the United States has deactivated over 8,000 nuclear warheads. Since 1972, the United States has cut over 710 strategic delivery vehicles either existing or planned for deployment, carrying over 6,000 strategic nuclear warheads. The Reagan administration itself has deactivated 292 strategic delivery vehicles carrying over 500 warheads, about one-third of our existing strategic megatonnage. In the face of these massive U.S. unilateral strategic deactivations, the United States needs to modernize its ICBM force by deploying MX.

Eighth, in addition to MX deployment in Minuteman silos, the United States should also deploy 100 stockpiled Minuteman III MIRV'd ICBM's

at the same time we deploy MX existing silos. If the MX is suitable for deployment in existing Minuteman silos, then so are 100 stockpiled Minuteman III ICBM's also suitable for deployment in existing Minuteman silos. If the United States were to make these stockpiled Minuteman III's MX's additive to our MIRV'd ICBM force, by redeploying Minuteman ICBM's replaced by 100 MX ICBM's and the stockpiled Minuteman, the United States could have 750 MIRV'd ICBM's in our existing silos. While this option would violate the unratified SALT II Treaty and negate the "build-down" concept, it would strongly bolster U.S. strategic deterrence capability.

Ninth and finally, over three-quarters of all Soviet strategic warheads are carried on delivery vehicles less than 5 years old. I refer to the chart showing the comparative age of the United States and Soviet arsenals. In contrast, over three-quarters of all U.S. strategic warheads are carried on delivery vehicles 15 years or more old.

Mr. President, for all of these reasons and more, I think it is important that we deploy the MX ICBM in existing Minuteman ICBM silos.

Mr. President, I would like to conclude by quoting from the late British statesman and leader, Sir Winston Churchill. Churchill had this to say about the 1920's and 1930's, the period between World War I and World War II:

> We must regard as deeply blameworthy before history the conduct . . . of [all parties], both in and out of office, during this fatal period. Delight in smooth-sounding platitudes, refusal to face unpleasant facts, desire for popularity and electoral success irrespective of the vital interests of the state, genuine love of peace and pathetic belief that love can be its sole foundation, obvious lack of intellectual vigour . . . all of these constituted a picture of British fatuity and fecklessness which, though devoid of guile, was not devoid of guilt, and, though free from wickedness or evil design, played a definite part in the unleashing upon the world of horrors and miseries, which, even so far as they have unfolded, are even beyond comparison in human experience.

President Reagan's efforts to rearm and bolster our strategic deterrent with MX can be supported by such Churchillian eloquence.

I urge my colleagues to support MX deployment, as we did on May 25, 1983.

EXHIBIT 1.

SOVIET ABM TREATY VIOLATIONS

Mr. MCCLURE. Mr. President, the ABM Treaty is a legacy of "detente" politics. It was based on the theory that it is possible to deal with the Soviet Union the same way one can deal with gentlemen—that they will respect the spirit as well as the letter of the agreement. A decade of experience with the Soviet Union in arms control has proved that to be wrong.

The ABM Treaty attempts to put serious limitations on the components of an ABM System. It bans such a system or laying the basis of such a system, on a nationwide scale. It places substantial limitations on the construction of ABM radars and interceptor missiles—yet it defines neither one of these in any meaningful sense. It does not even define what type of testing of radars and interceptor missiles constitute testing in the ABM mode—in a manner in which the components can actually intercept and destroy attacking missile warheads.

All of this was rationalized during the detente era on the theory that the Soviet Union would comply with whatever agreement it signed and even avoid actions that would raise compliance concerns. This belief was clearly mistaken. The evidence we have today should be interpreted to indicate that the Soviet Union is at this very moment deploying components of a nationwide ABM system—the long lead time components.

There is now increasing recognition that there is, at the very least, a major threat of Soviet abrogation, violation, circumvention or breakout of the ABM Treaty. There are four references to this problem in the recent report by the President's Scowcroft Commission on Strategic Forces.

First, the Scowcroft Commission reported that: "The possibility of either a sudden breakthrough in ABM technology, a rapid Soviet breakout from the ABM Treaty by a quick further deployment of their current ABM systems, or the deployment of air defense systems having some capability against strategic ballistic missiles all point to the need for us to be able to penetrate some level of ABM defense."

Second, the Scowcroft Commission also concluded that: "It is important to be able to match any possible Soviet breakout from that [ABM] treaty with strategic forces that have the throw weight to carry sufficient numbers of decoys and other penetration aids; these may be necessary in order to penetrate the Soviet defenses which such a breakout could provide before other compensating steps could be taken."

Third, the Scowcroft Commission noted the threat posed by: "Their vigorous research and development programs on ballistic missile defense provide a potential . . . for a rapid expansion of Soviet ABM defense, should the Soviets choose to withdraw from or violate the Treaty. Soviet potential is enhanced by continued deployment of modern and capable Soviet air defense missile systems. At least one new Soviet defensive system is designed to have capability against short-range ballistic missiles; it could perhaps be upgraded for use against the re-entry vehicles of some submarine-launched missiles and even ICBMs."

Fourth, the Scowcroft Commission concluded that: "Improvements in Soviet air defense systems—to give them some capability against some submarine-launched ballistic missile warheads, and even against some warheads fired by ICBMs—are likely to continue as such air defenses are made capable of dealing with modern aircraft, cruise missiles, and shorter range ballistic missiles."

As far back as 1976 the U.S. Government reported that the Soviet Union had developed "a prototype of a rapidly deployable ABM system." Secretary of Defense Caspar Weinberger recently reported in the 1983 edition of "Soviet Military Power," that ". . . the Soviets have continued to pursue extensive ABM research and development programs, including a rapidly deployable ABM system and improvements for the Moscow defenses."

Of greatest concern is the radar base that is now being constructed by the U.S.S.R. All the other developments that we see in the Soviet Union—the development of rapidly deployable ABM systems, possible testing of bomber defenses in the ABM mode and the development of a tactical ABM system, are substantially enhanced in their threatening nature by the Soviet construction of a base for a nationwide ABM system through the construction of very large and capable radars that could be ABM battle management radars.

During the last days of the Carter Administration the Joint Chiefs of Staff reported that: "Soviet phased array radars, which may be designed to improve impact prediction and target handling capabilities for ABM battle management, are under construction at various locations throughout the USSR. These radars could perform some battle management functions as well as provide redundant ballistic missile early warning coverage. The first of these radars is expected to become operational in the early 1980's."

Secretary of Defense Weinberger, in "Soviet Military Power," reported "additional construction of large phased-array radars around the periphery of the U.S.S.R." He also reported "new ABM deployment around Moscow to include a new, large phased-array radar and deployment of new ABM intercepters."

These developments are particularly threatening in relation to the ABM system the Soviet Union has previously built. The Soviet have "Dog House" and "Cat House" ABM battle management radars at Moscow and they have constructed a series of "Hen House" long range acquisition and tracking radars around the periphery of the U.S.S.R. All of these new radars are being built in addition to the substantial ABM potential the Soviets already had.

Over ten years ago Dr. John Foster, then Director of Defense Research and Engineering, described the Hen House as the size of "three football fields lined up end to end and standing on their sides," and noted that, "They in the near term provide the same radar coverage we will have some eight years from now if all the Safeguard system is completed."

But the ABM Treaty brought the U.S. Safeguard ABM system to a halt. All of our ABM sites have been dismantled. Yet the Soviet Union goes on building advanced radars that clearly have ABM potential and developing rapidly deployable ABM components.

The radars we are seeing the Soviet Union construct are not cheap items. They cost billions of dollars each, and as the JCS noted, they are redundant to existing radars if the Soviets are building them for early warning purposes. The only reasonable explanation of these radars is that they are being built to serve as the base of a future nationwide ABM system.

The radar associated with the Soviet rapidly deployable ABM system, the ABM-X-3, is itself an ABM Treaty compliance issue. It is rapidly deployable and at least semimobile in that it can be moved and set up anywhere in the Soviet Union within a short period of time. The deployment of this radar to Kamchatka, an area which we did not regard as an ABM test range when the Treaty was signed in 1972, is in itself an important compliance issue.

A variety of Soviet actions, which the President's Commission must have had in mind when it dealt with the Soviet ABM, involve breakout potential. One of the most important of these is the possible testing of Soviet bomber defense missile radars (SAM

systems) in the ABM mode. Even the Carter Administration reported that Soviet tests in 1973-75 (some 40-50 instances have been reported in the press) "could have been part of an effort to upgrade the SA-5 system for an ABM role or to collect data for use in developing ABM systems or a new dual SAM/ABM system," then Secretary of State Cyrus Vance reported in 1978. Henry Kissinger referred to this as a "violation" of the ABM Treaty in 1982.

In 1979 and 1980 there were many press reports that the Soviet Union was again testing SA-5 radars and the new SA-10 missile radar in the ABM mode. There were also reports that the Soviet Union was developing a so-called tactical ABM system, the SA-12. The President's Commission report clearly confirms these press reports.

In addition, Air Force magazine of July 1983 reports the following: " . . . The Soviets have practiced a two-hour reload of the SHO-8 endoatmospheric ballistic missile interceptor that is part of the ABM system around Moscow. The SALT I ABM Treaty prohibit rapid reload of ABMs"

The question becomes: What do we do in response to all of this? The President's Scowcroft Commission suggests that we develop penetration aids and devices for our missiles and deploy the MX missile to assure that we can penetrate Soviet defenses. These actions are necessary, but alone they will not be enough. We are paying a major price to maintain the illusion of security we are obtaining from the ABM Treaty. The recent evidence of Soviet violation of other arms control treaties increases the likelihood that the compliance issues we face with the ABM Treaty constitute actual Soviet violations. We simply cannot take the chance that they are not.

Without a U.S. ABM capability, it will prove impossible to deploy the MX missile in a survivable mode, and we are doomed to maintain population vulnerability.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

Mr. KENNEDY. Mr. President, on whose time?

The PRESIDING OFFICER. The time is automatically charged to the side of the Senator from Texas.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GOLDWATER. Mr. President, parliamentary inquiry. How much time remains to the Senator from Texas?

The PRESIDING OFFICER. There are presently 39 minutes remaining to the Senator from Texas.

Mr. BAKER. Mr. President, will the Senator from Texas yield me 1 minute?

Mr. TOWER. I yield 1 minute to the Senator from Tennessee.

Mr. BAKER. Mr. President, could I inquire how much time remains on the bill?

The PRESIDING OFFICER. The majority has 22 minutes and the minority has 3 minutes.

Mr. BAKER. Mr. President, it is clear that time remaining will not accommodate all of the speakers on both sides. I have discussed this with the minority leader, the distinguished chairman of the committee, and the distinguished Senator from Colorado.

I ask unanimous consent that there be 2 additional hours of debate on the bill to be equally divided, and control to be in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. McCLURE. Reserving the right to object, Mr. President, do I understand that this would extend the time for debate or would we still get to the final passage at the same hour of not later than 9 o'clock this evening?

Mr. BAKER. Mr. President, I will put the question to the Chair, but it is my interpretation that the request just made would not change the not later than 9 o'clock p.m. time.

The PRESIDING OFFICER. The leader is correct.

Mr. McCLURE. Would that extend the time before we get to the first vote by an additional 2 hours?

Mr. BAKER. Mr. President, it could have that effect.

Mr. McCLURE. Mr. President, I have no objection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. TOWER. Mr. President, how much time do I have on the Moynihan amendment?

The PRESIDING OFFICER. Thirty-seven minutes.

Mr. TOWER. Mr. President, I yield back my time on the Moynihan amendment.

The PRESIDING OFFICER. The question recurs on the Hart amendment. The Senator from Colorado has 60 minutes.

AMENDMENT NO. 2087

Mr. HART. Mr. President, I yield 20 minutes to the Senator from Massachusetts.

Mr. President, a parliamentary inquiry. Under whose control is the time on the bill?

Mr. TOWER. It is my understanding that the Senator from Colorado (Mr. HART) is the designee for time on the bill. The minority leader is not here, so I do not want to speak for him, but that is my understanding.

Mr. HART. Parliamentary inquiry, Mr. President. Who controls the time on the bill?

The PRESIDING OFFICER. As previously announced, the Senator from Colorado has control of the minority's time.

Mr. HART. Mr. President, I yield 20 minutes of the time on the bill to the Senator from Massachusetts (Mr. KENNEDY).

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank the Senator from Colorado. I also thank the majority leader for the additional time.

I make note that there are still a number of us who would like to address this issue as the Senate is about to make a judgment on the MX. I think we can see that, as a result of these past few days of discussions, even though there is going to be a vote this evening on this issue, clearly this debate is not terminating. It will continue in the House of Representatives when the House debates this issue on the defense appropriations bill later in the fall and certainly we will have an opportunity to debate it even further when the Senate Appropriations Committee addresses this issue.

It does seem to me that, as a result of the efforts that have been made to present some alternate views to those that support the MX and the Scowcroft Commission's recommendations, the longer this matter has been before the Senate, an increasing number of questions are being addressed by the Members of the Senate, and I believe that those that are opposing the MX have an increasingly strong case.

I rise now, Mr. President, in the final hours of this debate and discussion, to at least make some additional points to the statement and speech that I made previously on this issue and to underline my principal reasons for supporting the Hart-Hatfield amendment.

Mr. President, I would at the outset like to commend Senators HART, BUMPERS, HOLLINGS, and SASSER, and many others who have participated in this debate over the MX.

What we have tried to do in the Senate over the past several days is really what our Founding Fathers intended this institution to do. That was to conduct a full and free debate on issues that are vital to the welfare of this Nation and, in so doing, to educate the American people on these issues.

The number of different weapons systems which are included in this defense authorization, the complexity of these weapons systems, and the cost of these weapons systems, Mr. President, justify the kind of debate we have had over the period of the past days, specifically on the weapons system we are addressing this afternoon, the MX missile.

The more the American people learn about this weapons system, the less they approve it. The longer the debate goes on, the more apparent is the contradiction between what we ought to be doing about the arms race and what we propose to do with this dangerous and destabilizing new weapons system.

One paradox is particularly striking. The more we discuss the MX, the more apparent is the contrast between the theory of the Scowcroft Commission and the practical recommendation that it makes.

The theory says that both sides should move to single warhead ICBM's in a mobile basing mode, in the interest of arms control and crisis stability. But the recommendation advocates building the multiwarhead missiles and basing them in the Minuteman silos, a disastrous blunder that will work against any realistic conception of arms control and crisis stability.

The Senator from Michigan later in this debate and discussion will be addressing that particular issue of multiwarhead versus single-warhead missile systems. I would urge my colleagues to listen to that dialog and debate because I think his presentation on this issue will be an extremely persuasive one. I will not delay the Senate further on that aspect of the debate.

The fundamental rule of medicine is that the cure must not be worse than the disease. Similarly, the first rule for multibillion dollar strategic weapons system should be that they make us more secure, not more vulnerable. Yet today, years before the proposed deployment of MX, that system is already vulnerable, destabilizing, and obsolete. We are about to decide on a $20 billion weapons system that, if deployed, will move both sides closer to the nuclear precipice of a launch-on-warning posture and to a strategic relationship that will invite first strike.

I believe, Mr. President, that that point has been very well made by the Senator from Tennessee, who is on the floor at the present time.

In reviewing the record of those who support the MX missile, we really do not hear very much debate or attention given to the concern many of us have that we are changing in a fundamental way the nuclear posture of the United States.

Many of us have pointed out the issue that putting these MX missiles in the fixed silos is going to make them extraordinarily vulnerable. In my previous statement, I reviewed the Air Force projections that unless we went to a launch on warning strategy, that in the latter part of the 1980's, by the Air Force's own estimate, if the Soviet Union should have a first strike, there would only be one MX missile remaining.

That being the case, Mr. President, we are wasting $20 billion, particularly when we know that you can expend $20 billion in the national security interest in other more cost-effective ways and get a much bigger bang for the buck. This decision has to raise the kind of serious questions that the Senator from Tennessee has raised during this debate, specifically whether or not there is going to be a major alteration in strategic policy.

I am just wondering whether the Senator from Tennessee has been able to receive an adequate response to what I think has been one of the most important contributions to this dialog, one of the most important interventions in this debate; that is, the point that emerges about the first strike. Does he not agree with me that that issue certainly should be addressed and certainly should be debated because it will be a major departure for this country, a major departure from our nuclear policy in the last 25 or 30 years.

Mr. SASSER. If the Senator from Massachusetts will yield on that point, I have received no satisfactory answer from the proponents of the MX missile system. As a matter of fact, I continue to encounter alarming statements from proponents of this system in the administration, within the Military Establishment of this country, which would lead me to believe that if this missile system is adopted, that is, placing MX missiles in Minuteman silos that have been targeted by the Soviet Union, many of them for over a decade, this pushes us irresistibly in the direction of a launch-on-warning concept. These MX missiles will be vulnerable, obviously, to a first strike by the Soviet Union, and the only way to save them is to launch them on warning, the so-called use-them-or-lose-them doctrine.

The shocking thing about this, as the Senator from Massachusetts well knows, is that it means we are departing from a well-established doctrine that has served us well for over three decades in this country. That is that we rely on our nuclear weapons as a source of deterrence, and that these nuclear weapons were placed in places where they would not be vulnerable—on submarines, on aircraft which could be launched and recalled, I might say. But we are departing from this doctrine in this controversy because we are putting an MX missile in a silo where it is vulnerable to attack. The only way to safeguard it is to launch it on warning. This very seriously telescopes the time within which we can act.

Mr. KENNEDY. I think the Senator has stated what I believe to be an obvious fact. That is a point which has been made, I think, by most Senators here. It really has not been controverted, that I have heard, in any satisfactory way by those who support the system. That is the vulnerability of the sites. Therefore, it is going to require a change in strategy.

I am just wondering, since this is such an important departure, whether the President of the United States should not have spoken on this question at issue, or whether those who have a responsibility, whether it is the Secretary of Defense or the Joint Chiefs of Staff, should have addressed this issue. I am just wondering whether the Senator from Tennessee, who has followed the general debate and contributed to it, but has focused a great deal of attention on this aspect of it, has received any statements or comments by any of those in responsible positions which would relieve the Senator from his very legitimate concerns about the altering of strategic doctrine.

The second point I would like to debate is if the administration believes that we are not going to move to a launch on warning, would the Senator not agree with me that maybe they are planning an abrogation of the ABM treaty, and build an ABM system to protect these sites. That would be the only potential way of perhaps protecting some of those sites, and it has significant implications in terms of the arms race. I think the testimony before the Armed Services Committee and in the House would show that ballistic missile defense on silo hardening would not be effective, and would in fact be a good deal more costly than the system itself.

I am wondering whether the Senator has received any assurances by those in the administration, or whether the Senator is concerned about the real possibilities that there may be some other departures from previously signed treaties which may have profound implications in the escalation of the nuclear-arms race.

Mr. SASSER. I say to my friend from Massachusetts that the Senator from Tennessee has received no assurances.

(Mrs. KASSEBAUM assumed the chair.)

Mr. SASSER. No; I think the American people have received no assurances from the President or from any duly authorized member of his administration. Quite to the contrary, what we are hearing from at least one highly placed officer in the military services is that we are not offering the Soviets any assurance that these weapons would not be launched on warning, that we are not going to give the Soviet Union any assurance that these missiles would remain in their silos if we perceive or believe that an attack might be underway, even though that perception might be false. As the Senator from Massachusetts well knows, the time for reacting to a perceived attack by Soviet ICBM's is perhaps no more than 10 or 15 minutes after the danger of it is first sensed or perceived.

Our experience has been that there have been false alarms, there have been false warnings. What some of our military officers are saying is that we are going to act, based on warning, to save these missiles, which would mean

that if we get a false warning, if there is a malfunction, perhaps, of equipment, that 100 MX missiles containing, as I recall it, 10 warheads apiece, could be launched against the Soviet Union by accident. If the Soviet Union then perceives that these missiles are on the way, then they would have no alternative except to launch their ICBM's in order to use them and not lose them. Then we have the ultimate nuclear holocaust.

Mr. KENNEDY. The Senator may be aware that the chairman of the Committee on Appropriations, the Senator from Oregon (Mr. HATFIELD), has pointed out in his presentation that over the period of the last 20 months, there have been 140 malfunctions of our early warning systems. A number of those went to what they call the red alerts and even with the sophistication, the capabilities that the United States has in terms of computers and its protection system, which I think most of the intelligence community would feel is significantly superior, certainly, to the Soviet Union's, we find that moving or changing this doctrine, given the record of malfunctions in recent times, really does bring us immeasurably closer to the very real danger of a nuclear holocaust.

Those are items, Madam President—the number of malfunctions in our early warning system, our capability of being able to determine actions in some instances of our adversaries—which pose very well the kind of real dangers that the Senator from Tennessee has spoken about so well.

Mr. SASSER. If the Senator would yield on just that one point, I remind my colleagues that, in 1982, on June 3 and June 6, back-to-back alerts occurred in the NORAD system, caused by a malfunctioning computer accessory, a 46-cent electronic chip no bigger than a nickel, which caused two back-to-back alerts in the NORAD system. There was an earlier alert in November 1981. A war-games tape simulating nuclear attack on the United States began coming in over a live feed at NORAD, and the North American Air Defense Command in Colorado was picking it up and the alert lasted for 6 harrowing minutes, half the time it would take a missile launched from a Soviet submarine about 1,500 miles away to reach the United States.

That is the danger that we are playing with here, as the Senator from Massachusetts has so ably laid out here today.

Mr. KENNEDY. I thank the Senator.

Mr. SARBANES. Will the Senator yield?

Mr KENNEDY. The final point I make is at what cost? I think that point has been made clear: Anywhere from $14 to $20 billion and how much additional security are we purchasing with it?

I thank the Senator from Tennessee and yield to the Senator from Maryland.

Mr. SARBANES. Madam President, I think the Senator from Massachusetts, in this exchange with the Senator from Tennessee, has pointed out enormously——

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

Mr. HART. Madam President, I yield to the Senator from Massachusetts 5 more minutes on the bill.

Mr. KENNEDY. I thank the Senator.

Mr. SARBANES. Madam President, the connection between the survivability of the MX and the potential shift in strategic doctrine is enormously important. The chairman of the Committee on Armed Services conceded yesterday, and I am now quoting him when he said that:

> We are deploying MX in a mode that we all concede is vulnerable, very vulnerable indeed.

Those are not my words; those are the words of the chairman of the Committee on Armed Services. He then went on to say:

> Almost anything in the military inventory has some degree of vulnerability, even the submarine.

The important point is that in the past, when we have moved with these strategic systems, they have not been vulnerable at the very outset in terms of positioning. It is true that today, the Minuteman, positioned at an earlier time, has vulnerabilities. It did not have those vulnerabilities at the time we positioned it.

At that time, it was perceived to be a survivable weapons system; therefore, it was consistent with a doctrine that has marked our strategic weapons systems for 30 years. That is that we have made survivable second-strike strength our central strategic standard. Now, here we are moving to emphasize a system conceded to be very vulnerable indeed, to use the words of the chairman of the committee, at the very outset.

If that is the case, Madam President, obviously, it is reasonable to draw the conclusion that there is a shift in doctrine taking place. That is what the Senator from Tennessee has been underscoring that we are moving to a launch-on-warning or a launch-on-attack concept. The Senator from Delaware took the floor the other evening to go one step further and say it may well be the beginning of a first-strike concept with respect to the use of our nuclear weapons.

Any of those—launch on warning, launch on attack, obviously first strike—is to increase the instability with respect to the use of nuclear weapons. That is why the whole question of the survivability of this weapons system is so important.

In fact, Madam President, this weapons system originally was going to be developed to address the very question of the perceived vulnerability of the existing land-based missile. It was to be mobile for that reason. Now we have come full circle and we are placing it in these fixed silos, conceded to be vulnerable at the very outset.

I think it is very important to underscore what a reasonable observer could conclude from all of this, and we are concerned with that because how the other side perceives what we are doing is very important, just as how we perceive what they are doing is very important. A reasonable observer could conclude that this represents a basic shift in strategic doctrine.

Therefore, the implications of this decision are very significant for the future prospects of stability with respect to the nuclear strategic weapons systems.

Mr. KENNEDY. The Senator from Maryland would agree with me that that is one of the very unique aspects of this particular weapons system and one of the reasons why it should be debated and that the American people ought to get the kind of assurances which the Senator from Tennessee has spoken about—what the view of this administration, this President, this Secretary of Defense would be on the whole strategic doctrine.

We have not received this. That issue really has not been debated or discussed at any length other than by those who have opposed the MX having raised it. It has not been responded to with any degree of certainty or assurance.

Mr. SASSER. If the Senator will yield on just that one point, on May 5 of this year, in testimony before a congressional committee, the chairman of the Joint Chiefs of Staff, Gen. John W. Vessey, Jr., stated that MX missiles deployed in existing silos would be vulnerable to loss in a first strike, but he went ahead to say they would be vulnerable only "if we ride out the attack."

Then General Vessey was joined by the Secretary of Defense, Mr. Weinberger, who went on to emphasize, "The Soviets have no assurance that we would ride out the attack," clearly stating, I think, that this country is moving in the direction of launch on warning. This is a dramatic and, I think, very dangerous departure from the doctrine of nuclear deterrence that we have followed for the past 30 years.

Mr. KENNEDY. Sometimes our arguments about nuclear strategy become so convoluted that we lose sight of commonsense. Sometimes we wander around in the strategic wasteland so long that when we return to a

familiar spot it looks like new ground. That is what we have done with the proposal to put MX missiles in Minuteman silos.

Let us remind ourselves that the MX concept really took hold and took off in the mid-1970's, as we became increasingly concerned about the theoretical vulnerability of our Minuteman silos. We considered a number of schemes for mobile basing; while each basing mode had its problems, virtually the entire community of defense strategists and arms controllers agreed on one point. If we needed a new missile, it had to be invulnerable. Every time the preposterous idea of putting new MX missiles into old Minuteman silos was offered, we heard a chorus of protests from the right and left.

In November 1981, the distinguished chairman of the Armed Services Committee said:

> By stuffing the MX's into fixed silos, we are creating just so many more sitting ducks for the Russians to shoot at. . . . True, the MX missile istelf will be more powerful, more accurate—and we need that kind of weapon. But it is of little use to us unless the Soviets are convinced that it can survive an attack. Without that, the Russians will have no incentive to start serious arms-control talks.

Gen. Richard Ellis, at that time Commander in Chief of the Strategic Air Command, said:

> We must correct our vulnerability by deploying the MX in a mobile basing configuration. . . . If we had the mobility in the Minuteman force that we are building into the MX force we would not need an MX force.

In January 1981, Defense Secretary Caspar Weinberger said:

> I would feel that simply putting it (the MX) into existing silos would not answer two or three of the concerns that I have: Namely, that (the location of these) are well known and are not hardened sufficiently, nor could they be, to be of sufficient strategic value to count as a strategic improvement of our forces.

When we look solely at the technical merits, there is still overwhelming opposition to the deployment of MX in Minuteman silos. It is a spectacularly bad idea, a tragic waste of money on a system that will make nuclear war more likely, not more remote.

Why then is the administration proposing to build the MX? Not because it makes any strategic sense, and not because it is a serious expression of American will. There is only one argument in support of MX deployment even worth debating, and that is the argument that we need it as a bargaining chip or lever to force the Soviets to negotiate seriously on strategic arms control.

Let us be clear about one fact central to this debate. There are perhaps 20 to 25 Senators who strongly oppose MX, but who may vote for the missile because they hope it will enhance prospects for arms control. This group holds the balance in the Senate between victory and defeat for the MX, and it is to this group, and their concern over the lack of arms control progress—a concern that I share—that I would now like to turn.

We have heard a lot about the MX being used as a potential bargaining chip with the Soviet Union to achieve arms reduction. But frankly, I have wondered for some time whether the President has really been using talk of arms negotiation as a bargaining chip with the Congress to achieve the construction of the MX. Since last fall, the President's view of the MX as a bargaining chip has changed with the seasons, while only his failure to submit a negotiable START proposal has remained constant.

Toward the end of last year, there seemed to be little doubt in the President's mind that he would never trade away his minimum deployment of 100 MX missiles. President Reagan's START proposal carefully allowed for the deployment of 100 MX missiles with their 1,000 warheads. The administration in the fall of 1982 explained that the MX as a bargaining chip would only come into play when a second batch of up to 100 more MX missiles was to be considered for deployment. In December, the President made clear in a news conference that:

> Even if we get a reduction of arms . . . (the MX) would not be the missile that would be taken out of circulation.

And in January, the President stated in a letter to Congressman JACK KEMP that the U.S. bargaining position in START "is based on the assumption that our force structure will include MX."

However, when the MX ran into trouble in Congress this spring, suddenly we began to hear new, ambiguous rhetoric from the White House about the MX and arms control. The President declared in May that the overall level of MX deployment would be "influenced by Soviet strategic programs and arms reduction agreements"—thus seemingly repeating his earlier view that he would build more than 100 MX missiles if the arms talks failed, while hinting that perhaps the MX program would be trimmed if progress at START were achieved.

Last month, the administration clarified its bargaining chip position when the new Director of the Arms Control and Disarmament Agency made the unbelieveable statement that the administration's idea of a fair trade for abandoning the MX was for the Soviets to dismantle all of their SS-18's and SS-19's. Such proposals are not the product of an administration which is sincerely committed to serious arms control.

With the MX continuing to face difficulties in the Congress, the President recently decided to revamp his view of the MX as a bargaining chip yet again. On July 16, the President for the first time clearly acknowledged that he was now ready to use the MX as a bargaining chip; as he stated:

> The level (of MX missiles) ultimately deployed will clearly be influenced by the outcome (of talks) in Geneva. If an agreement is reached which calls for deep reductions * * * the number of missiles could certainly be adjusted downward.

Every time the MX finds itself in trouble in Congress, the President has jumped to soften his stance on the bargaining chip status of the MX, and has jumped to make new promises of new flexibility in U.S. arms talk proposals. But even at this late date, the Reagan administration has not produced any negotiable START proposals. In his Saturday radio address last week, the President said he may reduce levels of MX deployment, but his offer is meaningless until he defines the circumstances under which he would be willing to do so.

In short, the President has persistently asked us for prompt approval of the MX while paying the least possible lip service to arms control in return. I urge my colleagues not to be taken in by these cynical administration tactics as my distinguished colleague from Vermont (Mr. LEAHY), so rightly pointed out after Mr. Reagan's Saturday speech, the President's offer to reduce the number of MX missiles as part of an arms agreement is "Like offering to swap a moo for a cow."

I commend and admire the efforts of my fellow Senators to secure a commitment from Mr. Reagan; but with all due respect for my colleagues, I find the President's responses utterly unconvincing. His string of vague arms control proposals has been used primarily to lull Congress into providing sufficient votes for the MX. The Reagan administration's record on arms control over the past 2 years is dismal. Since the President obtained initial approval of the MX last spring, there has still been no agreement, no evidence of flexibility, no evidence of progress. Despite the administration's stepped-up public relations program with Congress, what we hear from the actual negotiators, Paul Nitze and Edward Rowny, is that there are no new signs of progress.

What we are getting from President Reagan is a Scarlett O'Hara performance—he will think about arms control tomorrow, while he builds MX today. I urge my colleagues not to be bamboozled by this false bargain. The MX does not help arms control. It is a radical and indefensible escalation of the nuclear arms race. MX is an Rx for nuclear war, and that is a prescription which Congress should never swallow.

The PRESIDING OFFICER. If the Senator will yield, the time has expired.

Mr. HART. Madam President, I yield 10 minutes on the bill to the Senator from Vermont (Mr. LEAHY).

Mr. LEAHY. Madam President, I ask unanimous consent to have printed in the RECORD an article I wrote for the Washington Post regarding the MX decision. I do this in reference to the comments of my distinguished colleague from Idaho (Mr. MCCLURE) speaking of the United States and Soviet military balance.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MX DECISION

(By Patrick J. Leahy)

Speaking to the nation on Nov. 22, President Reagan painted a frightening and misleading—picture of overwhelming Soviet military might contrasted with a stagnant and aging American nuclear deterrent. After hearing the president, you have to wonder what has been holding the Soviets back. But, fortunately, the president was doing a commercial for basing the MX in Dense Pack and not describing reality.

Let's look at the facts rather than the caricature put forward by President Reagan. First and most important, his glossy television graphics omitted the principal measure of destructive capability, nuclear warheads. It is warheads, not missiles, that explode and kill. Had he shown this comparison, the country would have seen that the United States and the Soviet Union each has roughly 7,500 missile warheads. When bombs and short-range missiles on strategic bombers are added, the United States has a substantial lead, some 9,500 to perhaps 8,000 for the Soviets.

It is true, as the president said, that the Soviets have more missiles. But, again, let's look at the facts. By the mid-1970s, the United States completed placing multiple, independently targetable warheads on its missile force. The Soviets are still doing that. The Soviets have indeed introduced new types of land-based missiles since the United States began fielding the Minuteman, but Minuteman III is still more accurate then Soviet missiles, and a new, more powerful warhead and advanced guidance system is being deployed on it. To think of the modernized Minuteman of the 1980s as equivalent by the 1960's vintage Minuteman I is absurd.

The situation with regard to missiles at sea is overwhelmingly favorable to the United States. The Soviets do have more sea-launched missiles, but only recently began introducing multiple warheads on them. Many of their sea-based missiles are short-range and aging; their submarines cannot compare with ours technically or in capability. In our forces all the old Polaris SLBMs have been replaced by longer-range Poseidons, and the Trident I is now entering the force, both in Poseidon submarines and in the brand new Trident boats. Carried on virtually invulnerable submarines, the U.S. SLBM force has over 5,000 warheads, while the Soviets have only about 1,500. Although the president did not say so we are fortunate that U.S. defense planners had the foresight to put over 50 percent of the American deterrent at sea. By contrast, the Soviets, with better than 65 percent of their warheads on land-based missiles, will face a grave vulnerability of the bulk of their deterrent by the end of this decade when the super accurate Trident II is introduced.

Another comparison the president neglected to mention is the enormous bomber advantage possessed by the United States, both in numbers and capability. The United States has now begun deployment of air-launched cruise missiles on B52s, which will enable these planes to launch an attack hundreds of miles away from Soviet air defenses. The Soviets do not have a comparable capability. The United States plans to deploy more than 3,000 air-launched cruise missiles (and hundreds more on surface ships and submarines).

The president also made it appear that NATO is almost naked in the face of the Soviet SS20 intermediate-range missile. He ignored the hundreds of nuclear bombers the United States, Britain and France maintain in Western Europe and on aircraft carriers in adjacent waters. Nor did he allude to the fact that our British and French allies have about 1980 sea- and land-based missiles aimed at the Soviet Union, or that they have ambitious modernization programs to upgrade these forces.

Finally, the president dredged up the old comparison of U.S. and Soviet defense spending, with the graphics showing the Soviets spending vastly more than we. The sad fact is that no one (outside the Kremlin) really knows how much the Soviets spend on their military. The United States estimates Soviet military spending by calculating how much it would cost us to buy and maintain equivalent forces. That means that every time the U.S. military gets a pay raise, estimates of Soviet defense spending go up. Every time there is a cost overrun on a big American defense program, Soviet weapons cost more.

By distorting reality to make a case of basing the MX in Dense Pack, the president is doing a serious disservice to the American public. He is making us appear weak when we are immensely strong. He is making the Soviets look superior, when in fact, there is overall nuclear balance. Concern for America's security did not begin with Ronald Reagan's election. Congress and every administration, Republican and Democratic, have worked hard to maintain adequate defenses—and although one can quarrel about whether priorities between nuclear and conventional forces were right, I believe that in terms of quality and capability, U.S. forces are second to none. To imply otherwise is not the way for the president to make his argument for Dense Pack.

Perhaps the most objectionable aspect of the president's speech was his attempt to portray the MX Dense Pack decision as designed to advance the cause of arms control. His message to Congress was either support Dense Pack or undermine the hope for serious reductions. This is the old bargaining-chip theory all over again—support something whether it makes sense or not just so we can trade it in arms control negotiations. I don't buy it.

The way to halt the nuclear arms race is to freeze it immediately before there is another dramatic escalation. There is a nuclear balance now, and it is time to stop.

Mr. LEAHY. Madam President, I would tell my good friend from Massachusetts and friends from Colorado, Maryland, and Tennessee, when they refer to the comments of General Vessey and Secretary Weinberger, I recall them well because they came in answer to questions I had asked in the Appropriations Committee. It was very clear that they were not absolutely sure what their doctrine might be. They engaged in the same kind of groping we are having on MX itself, as we have gone through 30 or more basing modes which have been considered and rejected. But it was also very clear from the discussion with them that launch under attack or launch on warning was not ruled out.

In listening to them, I got the distinct feeling that this weapon pushes doctrine, and we are lurching from one strategic policy based on survivability to another where MX's, costing billions of dollars, are put into silos that the same people said just a few months ago would be vulnerable; we are asked to adopt a plan now backed by both the President and the Secretary of Defense, a plan that both of them had rejected previously as unworkable.

In listening to the debate today, of the hair-trigger readiness on our side, the hair-trigger readiness on the Soviet side, the possibility of a mistake precipitating world war III, I thought I would be frightened by what I heard. But I think a better description of my feeling is that I am saddened, because I have to hearken back to earlier debates, whether on MIRV or any other major strategic issue, where nothing was accomplished. The thought occurs to me as to how many more opportunities we can miss until we reach such a point where we cannot look at the history of what we have missed because there is no history; we may reach a point finally when, because of some cataclysmic, tragic miscalculation by the Soviets or by us, we face extinction. At that point, of course, there is no future, no past, and no present; we will have been obliterated.

Madam President, last Wednesday Senator MOYNIHAN, Senator HART, and I engaged in a discussion of an aspect of the MX missile system that is deeply troubling to us. That is, whether the vulnerability of the Minuteman silos into which these 10-warhead giants are to be placed leads directly to the conclusion that it will be viewed by Soviet leaders—and perhaps even by American leaders—as a first strike rather than a retaliatory weapon.

As I noted, when Secretary Weinberger and General Vessey testified before the Appropriations Committee on the MX in early May, they left me with the clear impression the administration could be considering adopting the so-called launch-on-warning or launch-under-attack strategy for the MX. I would like to go into this point in more depth. Last night I went back and looked over their testimony. I must admit that I found no categorical statement that we had adopted a launch-on-warning posture. Instead, as the New York Times reported the next day on May 6, Secretary Weinberger and General Vessey hinted that our

strategic doctrine was changing. When asked about MX survivability, they conceded that it would be low, but repeatedly added the qualifier, as my friend from Tennessee has accurately stated, "If we ride out an attack."

Now, if their hint is true, this Nation is in dire danger. The risks of leaving our fate not only to American but Russian computers should be enough to scare any sane person. I am not sure I want to know the actual number of Soviet computer failures, but as Senator MOYNIHAN and I have discussed, we have certainly heard of our own. None of us should sleep any easier knowing that a foulup in a computer terminal in Moscow could mark the beginning of the holocaust we must avoid.

Let us, for a moment, not use this worst case scenario. After all, Secretary Weinberger only "hinted" that we will have a shift in strategy. Perhaps I and the New York Times and so many others have misinterpreted the remarks that were made. Instead, let us do some cold analysis of the MX's second strike potential.

Madam President, I ask unanimous consent that the New York Times article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. In our discussion on Wednesday, my friend from New York referred to a Congressional Budget Office study of MX survivability in the late, unlamented Dense Pack basing scheme. That study indicated that the contribution of MX to American retaliatory capability after riding out a Soviet attack would be marginal, measured in only a few percentage points of our total remaining warheads.

The CBO recently completed a new study of this question reflecting the President's new silo basing plan. My colleague from New York, who follows these matters so closely, will not be surprised to learn that the results are the same.

The new CBO study indicates that even with some warning, and a conscious American decision to ride out the attack—despite what Secretary Weinberger and General Vessey signal to the contrary—the MX would provide only 3 percent of our surviving hard target capable warheads by 1990.

Before MX supporters leap to their feet to say that MX would contribute nearly all of surviving prompt hard target capability in those circumstances, let me concede the point. It is true that in 1990, most of our hard target warheads would be on cruise missiles, which do not fly at ballistic speeds. I would merely wonder what purpose 200 or 300 surviving MX warheads—assuming Secretary Weinberger's surprisingly optimistic 25 percent survivability rate is accurate—would accomplish with their "prompt" hard target capability once 2,000-plus Soviet warheads had detonated on American soil.

Returning to the CBO figures, by 1996, when the Trident II is deployed, the percentage contribution of MX will shrink to 1 percent. One percent, Madam President.

We are about to commit roughly $20 billion—and who believes that number will not grow—to a system that will provide us with only a minuscule addition to the number of surviving warheads available for retaliation.

Madam President, I ask unanimous consent that the summary of the May 1983 CBO study be inserted at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

What can we conclude from this analysis? Put in a mathematical equation, MX accuracy and hard target kill capability plus vulnerability equals either launch under attack or first strike. If that is true, we are reaching a situation of phenomenal magnitude, marking a major change in American strategic policy. We should not only be having the debate on the floor of the Senate. It is something that should be the subject of national debate, something that the people of this country should not only hear, but participate in.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. One minute and thirteen seconds.

Mr. LEAHY. Other than launch under attack or first strike, the MX missile system has next to no military value. I will say as strongly as I can that it is reckless and irresponsible to move to a launch-on-warning posture. A strategic first strike is utterly contrary to this country's traditions, morality, and supreme interests. I condemn such a strategy for the United States. Yet, to allege that the MX will enhance our second strike potential in any meaningful degree is simply incorrect.

Of course, we do have an out. Stopping the procurement of this destabilizing and costly weapon system appears the only logical answer. Some of the money thus saved could be used not only to strengthen the two survivable legs of the triad, but could also go into a top priority program for a single-warhead, mobile survivable, second-strike, land-based missile, as called for by the Scowcroft Commission.

I will not belabor this point, for my views are well known to all. If we all are really as concerned with upgrading our defenses as we claim, we would find ways that really made us safer, rather than squandering billions of dollars of the taxpayers' money, while gambling with a peace that none of us can afford to lose.

Madam President, I say just one thing in conclusion: I think the Senate owes a debt of gratitude to the Senator from Colorado for initiating the MX debate, and guaranteeing that it has gone forward.

I have heard a lot of misinformation regarding the procedure that the Senator from Colorado has followed on the floor of the Senate. I have seen it in the newspapers in Vermont, and I have seen it in the national press.

The Senator from Colorado has abided scrupulously by the Rules of the Senate. He has done it for nearly 2 weeks, biding his time on the MX while we debated every issue from the National Guard to nerve gas—many of these were very important. But for 2 weeks we voted on item after item, none relating to MX. Every day, somebody would troop up to the press gallery or talk in backgrounders to the national press and say, "Is it not terrible that the Senator from Colorado is holding up the Department of Defense authorization bill?"

The Senator from Colorado did not delay at all during those 2 weeks. That is something that every one of us, all 100 Senators, knew; but I think we are probably the only 100 people in the country who knew it, because the press would print over and over again, "Is it not terrible that he is holding up this debate?"

The Senator from Colorado did not delay. He waited until everybody else had brought up all their items, items that took 2 weeks. Then, in a very limited period of time for such a major item, he brought it up to debate. He has moved this debate, and I believe a majority of the American people support his position. I commend and applaud the Senator from Colorado for what he has done.

EXHIBIT 1

SHIFT OF STRATEGY ON MISSILE ATTACK HINTED BY WEINBERGER AND VESSEY

WITH MX VULNERABLE IN SILOS, THEY SAY, QUICK REPLY MAY BE NEEDED

(By Richard Halloran)

WASHINGTON, May 5—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff, acknowledging that MX missiles in existing silos would be vulnerable, raised the possibility today of edging United States policy toward a strategy known as launching under attack.

Under this strategy, the President could order United States nuclear forces to fire at the Soviet Union immediately after the initial warhead of a Soviet attack had been detonated, but before the nation had absorbed the full brunt of the Soviet missiles.

Secretary of Defense Caspar W. Weinberger and the Chairman of the Joint Chiefs, Gen. John W. Vessey, Jr., repeatedly told a Senate committee that MX missiles deployed in existing silos would be vulnerable only "if we ride out the attack" without retaliating.

Soviets have no assurance

At one point, General Vessey said, "The Soviets have no assurance that we will ride out the attack."

Official United States policy for more than 20 years has been to absorb a full nuclear strike before firing back, to minimize the chances of accidental war, but declarations of the policy have left open the option of launching under attack. Today's testimony gave new emphasis to that option and was the most visible exposition of the possibility since the Reagan Administration took office.

In recent years, leaders of both American political parties have asserted that United States missiles have become vulnerable to Soviet attack. That has led to more discussion of launching under attack to permit missiles to be fired and thus escape destruction.

Mr. Weinberger and General Vessey encountered much skepticism in the Senate Appropriations Committee, where members wanted to know why they should vote to spend $16.6 billion for the Administration's MX plan when only a few missiles might survive a Soviet strike.

The Administration plans to build 223 MX missiles, of which 100 would be deployed in silos now housing Minutemen missiles in Wyoming and Nebraska. Mr. Weinberger said the rest would be used for training, testing and spares.

He says 25 percent would remain

Several senators noted that Administration officials had repeatedly testified these silos were vulnerable to Soviet attack, asserting that MX missiles would be equally vulnerable. Mr. Weinberger agreed, saying, "They are vulnerable. Everything is vulnerable because of Soviet accuracy."

When Senator Alfonse M. D'Amato, Republican of New York, asked how many would remain after a Soviet strike, General Vessey said that 25 percent to 30 percent of the missiles would survive in reinforced silos "if we ride out the attack.

Mr. Weinberger chimed in, "If we ride out the attack, that would be sufficient for deterrence." General Vessey then observed, pointedly, "The Soviets have no assurance that we will ride out the attack."

Other senators suggested the Administration was moving toward a strategy of launching under attack, but Mr. Weinberger said he would not discuss in public policies on the release of nuclear weapons.

Another policy sometimes discussed has been that of launching United States missiles once sensors have indicated that Soviet missiles are on their way but before they hit, or launching upon warning of an attack.

Over the years, advocates of a strategy of launching under attack have contended that it would add to deterrence because Soviet planners would know they faced certain retaliation; that it would be economical because it would not be necessary to have costly reinforced silos, missile defenses or mobility and deception; and that technology has advanced enough to make the system reliable.

Opponents have argued that launching under attack would increase the possibility of war by accident since the President could not be certain that an attack had actually taken place rather than an accidental enemy launching; that it would be destabilizing because the Soviet Union would assume that the United States might mount a first strike, and that no technology would ever be absolutely reliable.

The official policy has been to deny reliance on the strategy but to leave open the option on the ground that the uncertainty left in the minds of Soviet leaders would add to deterrence.

Nevertheless, as American political and military leaders have come to accept the contention that no large, static, undefended missile can be secure on the earth's surface, there has been a gradual movement toward serious consideration of the strategy.

That tendency appears to have been accelerated with the increase of missiles launched from submarine and the deployment of Soviet medium-range missiles aimed at Europe and the planned deployment later this year of United States Pershing 2 missiles in West Germany aimed at the Soviet Union. All have relatively short flight times, 8 to 15 minutes, against the 30 minutes of an intercontinental missile.

In the late 1960's, Secretary of Defense Melvin R. Laird refused to entertain public discussion of the issue as it might generate fear that the policy could be adopted.

But Secretary of Defense James R. Schlesinger, in a 1975 report to Congress, said that whether the President would launch Minuteman missiles before they were struck, "no one, including the Soviet planners, can foretell in advance of the actual decision."

Secretary of Defense Donald H. Rumsfeld, in a similar report in 1978, said: "The President can obviously commit any or all of these three forces to their missions with or without warning of an attack." The three forces were the intercontinental missiles, bombers and missiles launched from submarines.

EXHIBIT 2

MODERNIZING U.S. STRATEGIC OFFENSIVE FORCES: THE ADMINISTRATION'S PROGRAM AND ALTERNATIVES

PREFACE

(Alice M. Rivlin, Director, CBO, May 1983)

Over the next several months, the Congress will be debating the Administration's plan for upgrading U.S. strategic forces, particularly land-based missiles. At the request of the House Budget Committee, the Congressional Budget Office (CBO) is preparing a study of the Administration's strategic plan and alternatives to it. This document summarizes the results of the full study. It is being made available separately in order to be useful at the beginning of the debate; the full study will be available in a few weeks. In accordance with CBO's mandate to provide objective and impartial analysis, this summary contains no recommendations.

By many commonly used measures, the Administration's strategic plan will result in a substantial buildup of U.S. strategic forces. It also represents a decision to maintain a triad of forces each able to survive a Soviet first strike, thereby retaining the insurance inherent in such a combination of forces.

The scope and cost of the Administration's strategic buildup have prompted debate over alternative approaches. This summary outlines three alternatives. One would forgo deployment of the 100 MX missiles in existing silos. Another would forgo deployment of the MX and the development of a follow-on land-based missile; instead, it would expand the number of Trident submarines to replace the warheads lost by not deploying more land-based missiles. The study also discusses an alternative that would rely on upgrades of existing B-52 bombers and more air-launched cruise missiles instead of continued procurement of the B-1 Bomber.

Lawrence J. Cavaiola and Bonita J. Dombey of CBO's National Security and International Affairs Division prepared this summary under the general supervision of Robert F. Hale and John J. Hamre. Bill Myers of CBO's Budget Analysis Division provided detailed cost analysis. Rich Davison, formerly of CBO, participated in earlier stages of the analysis. Valuable assistance was also provided by Julie Carr, Roberta Drews, T. Keith Glennan III, and Greg Schulte. Thomas A. Brown of the Rand Corporation provided helpful comments. (The assistance of external reviewers implies no responsibility for the final product, which rests solely with CBO.) Robert L. Faherty and Francis Pierce edited this summary.

SUMMARY

In October 1981, the Administration announced its plan to modernize all parts of the U.S. strategic deterrent. Representing the most comprehensive and far-reaching such effort in the past 20 years, the plan would expand and upgrade the triad of strategic "offensive" forces: land-based and sea-based intercontinental ballistic missiles plus long-range bombers. It would also improve the triad's communications and control systems, and strengthen U.S. defenses against attack by Soviet bombers.

U.S. strategic forces are primarily intended to deter the Soviet Union from initiating a nuclear war. To do so, they must be able to survive a Soviet nuclear strike and retaliate in an appropriate and timely manner. In recent years, the Soviets have expanded and improved their strategic forces. The Administration apparently believes that in response the United States must increase not only the numbers of its forces and their chance of surviving a Soviet strike, but also their destructive capability, endurance, and responsiveness. The broad scope of the buildup—and the relative share of the nation's resources to be devoted to defense in general—has sparked debate, as has the high cost of individual weapons systems. Most recently, debate has centered on the Administration's proposal to deploy the MX missile.

This study assesses the scope and costs of the Administration's planned modernization, taking into consideration the effects that arms cnntrol agreements could have on it. The study alsn considers proposals to modify the Administration's program by (1) dropping the MX missile, (2) focusing modernization efforts on submarine-based missiles rather than land-based missiles, or (3) terminating the B-1B bomber program in favor of improving existing bomber capability.

THE ADMINISTRATION'S MODERNIZATION PLAN

Scope of the effort

The Administration's plan would involve all three of the triad forces. While not all of the details are available on an unclassified basis, this study assumes that modernization would include the following programs:

Deployment by 1988 of 100 MX intercontinental ballistic missiles (ICBMs) in silos formerly housing Minuteman missiles;

Deployment in the early 1990s of a new, single-warhead, small ICBM (SICBM) in one or more basing modes;

Deployment by the late 1980s of 100 B-1B bombers and in the early 1990s of 132 Advanced Technology—or "stealth"—bombers;

Deployment by the early 1990s of about 3,200 air-launched cruise missiles, initially on refitted B-52 bombers and eventually on both B-52 and B-1B bombers;

Continued procurement through 1993 of Trident submarines at the current rate of one per year to a total of 20, and deployment on most Trident submarines by 1996 of the new, larger Trident II (or D-5) missile currently being developed;

Deployment by 1988 of about 400 nuclear-armed, sea-launched cruise missiles on some attack submarines and surface ships.

Costs of the plan

The Congressional Budget Office (CBO) estimates that it would cost approximately $50 billion a year in budget authority—or a total of about $250 billion over fiscal years 1984-1988—to build, modify, and operate all of the strategic forces and their associated elements. The estimates include both direct costs and indirect costs, such as personnel support. (These approximations are based on estimates made last year, since details of direct and indirect costs beyond 1984 are not available for the Administration's latest five-year defense plan. The costs should, however, provide a rough guide to likely totals under the latest program.)

Within this total, investment costs of strategic offensive forces would reflect the timing and production of key systems: the MX missile and B-1B bomber in the mid-1980s; the Advanced Technology bomber, Trident II missile, and SICBM in later years. Operating costs would increase during the late 1980s and early 1990s as new forces were added and only a few older systems were retired. Later, when many currently deployed systems are retired, operating costs would decrease.

A major expansion

The Administration's modernization plan would represent a quantitative and qualitative buildup of U.S. strategic forces. It would mean not only an increase in the numbers of nuclear warheads that could be delivered in the event of a Soviet attack, but also a response to changes in Soviet strategic forces and doctrines and a decision to maintain the U.S. strategic nuclear triad.

The buildup in quantitative terms.—The quantitative effects of the Administration's proposed buildup on capabilities can be assessed using two measures common to strategic analysis:

Total number of warheads, a measure that serves as a rough guide to the number of targets that can be attacked; and

Number of "hard-target" warheads that can destroy targets hardened against nuclear effects, such as missile silos and command bunkers.

The Administration's plan would result in a substantial increase in U.S. strategic capabilities, relative to current levels. The size of the increase depends on the scenario assumed for a nuclear war. In one plausible scenario, the Soviets mount a major nuclear attack on U.S. weapons, but the attack comes after a period of warning long enough so that almost all U.S. forces are poised to retaliate. In these circumstances, the Administration's plan would increase the numbers of surviving U.S. warheads available for retaliation by 65 percent, from 6,000 in 1983 to 9,900 in 1990 (see Summary Figure 1). By 1996, the number of available surviving warheads would fall back to 9,300 as some older submarines and bombers were retired. (These results assume that the follow-on SICBM land-based missile supplied 600 surviving warheads—approximately the midpoint of survivability estimates attributed last fall to the Air Force for MX missiles deployed in the closely spaced basing mode.)

The increase in capabilities would be more dramatic if measured by the numbers of available surviving warheads that could destroy hardened targets. That number would rise from 1,400 in 1983 to 3,900 by 1990 (an increase of more than 175 percent) and to 6,700 by 1996 (an increase of more than 375 percent).

The subset of these surviving hard-target warheads that are considered "prompt" would grow even more substantially. Prompt warheads are those that can be launched and delivered to a target in a relatively short period of time, possibly destroying Soviet military forces before they launch another strike.

If the Soviets were to attack with no warning at all, the Administration's plan would still result in a buildup over today's levels. The measures of effectiveness would, however, be roughly 60 percent of those in an attack with warning, because fewer forces would be poised to escape the Soviet attack. Although such a scenario must be considered in planning, many believe that a "bolt-out-of-the-blue" attack is less plausible than one occurring after a period of tension, nonnuclear war, or other warning.

Finally, the Administration's plan would increase the total counts of warheads available before any attack from 8,800 today to about 14,000 in 1990 and 1996. These simple counts of pre-attack warheads are not the best measure of strategic capability, though they are useful for comparative purposes.

The buildup in perspective.—The scope of the Administration buildup must be judged in the perspective of changing Soviet forces and in terms of what might be needed to deter the Soviets from initiating a nuclear war. Since the early 1960s, the Soviets have been engaged in a consistent expansion of their strategic offensive and defensive forces. Land-based ICBMs have been the centerpiece of this modernization, but the Soviets have also deployed a substantial sea-based force and are modernizing their strategic bomber force. Within the past ten years or so, they have more than quadrupled the number of nuclear warheads in their strategic offensive forces, to a present level of about 9,000 strategic warheads. By the mid-1990s, in the absence of arms control limits, regular replacements and additional force expansion could result in another doubling of this inventory.

Over the same period, U.S. defense planners have modified their view of the forces and strategies needed to deter the Soviets. In the early 1950s, plans called for striking urban areas. Under the mutual assured destruction (MAD) philosophy of the 1960s and 1970s, deterrence rested on the threat of inflicting "unacceptable damage" on the Soviet Union if it attacked. Current strategic doctrine holds that deterrence requires that the United States not only have the capability to wage an all-out attack, but also the means to engage in a nuclear war that could involve a series of limited attacks. Not everyone agrees with this view, however. Some, for example, would prefer simpler, more direct approaches such as retaining an assured capability to destroy a large number of Soviet cities and industrial facilities. By this last metric, both superpowers have many times the needed numbers of nuclear warheads.

This study does not attempt to measure the deterrent capability of the Administration's program or alternatives to it. Instead, it concentrates on quantifying the changes in U.S. strategic weapons inventories that would be brought about by these approaches and on explaining their qualitative effects.

Important qualitative aspects of the Administration's plan.—The Administration's plan has some aspects that cannot be readily quantified. Most important, it seeks to maintain a triad of strategic nuclear forces, each able to survive a Soviet first strike. A survivable triad serves as a hedge against a technological breakthrough that might neutralize any one element; it also complicates Soviet planning for both attack and defense; and it requires the Soviets to spread their research and development efforts against three different types of systems. Moreover, in a nuclear war the triad of forces would act in concert; for example, an attack on U.S. land-based missiles could provide several minutes of warning that would enable the bomber force to respond. The Administration also argues that maintenance of the traditional force configuration is essential to the U.S. bargaining position in arms control negotiations.

The modernization of all three triad elements over a number of years would also provide open production lines for the manufacture of additional systems should the threat increase. Finally, modernization would decrease the average age of U.S. forces and equipment, presumably improving their reliability and maintainability. In 1990, for example, 60 percent of bomber weapons would be carried by aircraft less than 15 years old, compared with only 10 percent today.

HOW THE ADMINISTRATION'S PLAN WOULD BE AFFECTED BY ARMS CONTROL

Arms control agreements could be expected to modify the Administration's modernization program, but not to a great extent. The Administration's proposals in the Strategic Arms Reduction Talks (START) would limit both the United States and the Soviet Union to 5,000 ballistic missile warheads—half of which at most could be on land-based missiles—and 850 ballistic missiles.

It might be necessary to change the ballistic missile limit to accommodate the follow-on land-based missile (SICBM), especially if it has only one warhead. This could be done by raising the limit to more than 850 missiles, changing to a new type of limit, or relying solely on the warhead limits.

With this exception, the Administration's modernization program could be completed under START, so long as enough older systems were retired first. Because of the high priority accorded strategic modernization, the Administration might choose to implement a START agreement by retiring older systems, though it has not publicly said so. This might mean 15 to 20 percent fewer surviving warheads, but would not greatly affect the numbers of surviving hard-target warheads because these are primarily on new systems. Investment costs would not be much reduced. Operating costs would decrease as older systems were retired, but there would probably be added costs to dismantle these systems. On balance, costs would be lower by about $16 billion through the year 2000—a few percent of total strategic costs in this period.

Continued adherence to the numerical limits of the Strategic Arms Limitation Talks (SALT) would have less effect on the modernization program than would START. For example, relative to the Administra-

tion's program unconstrained by SALT, counts of surviving warheads after a Soviet first strike would be 6 percent less under the SALT limits in 1990, and there would be almost no difference by 1996.

ALTERNATIVES TO THE ADMINISTRATION'S PLAN

The scope and high cost of the modernization program has led to some alternative proposals. The Congress could terminate the MX missile. It could make an even more far-reaching decision and discontinue funding for new land-based missiles, emphasizing submarine-based missiles instead. Or it could terminate the B-1B bomber program, in favor of upgrading existing B-52 bombers and expanding the air-launched cruise missile program.

Alternative 1: Adopt the administration's plan without the MX missile system

As part of its modernization of the land-based missile force, the Administration proposes to substitute 100 MX missiles for currently deployed Minuteman missiles in silos near Cheyenne, Wyoming. The system would probably be fully deployed by 1988. An alternative would be to cancel production and deployment of the MX missile, but provide for research and development—and possible production and deployment—of the small ICBM recommended by the President's Commission on Strategic Forces.

Arguments favoring the MX.—Although the discussion below suggests that few of the 100 MX missiles would be likely to survive a Soviet first strike should the United States choose to ride out the attack, deploying the MX would nonetheless provide some advantages. The calculations of Soviet ability to attack and destroy Minuteman silos are theoretical. In an actual attack, the Soviets could not be certain of destroying all or even most of the MX missiles, and this might contribute to deterrence. They might be further deterred by the consideration that the United States could conceivably launch all of the MX missiles after receiving warning of a Soviet attack but before Soviet missiles reached their ICBM targets. This could occur if the United States launched its ICBMs on warning—which is neither assumed nor precluded by current U.S. policy—or if it launched them after other strategic forces had been attacked.

Deployment of the MX missile, the first new U.S. land-based missile in 13 years, might also facilitate reaching an arms reduction agreement with the Soviets. This, according to the President's Commission on Strategic Forces, would hold down the costs of deploying a survivable land-based missile force using the SICBM. Deploying the MX would facilitate arms reduction by showing determination to keep pace with Soviet deployment in recent years of a whole new generation of land-based missiles, plus continuing Soviet modernization of its ICBM force. The MX would also give the United States the capability to destroy those Soviet targets most hardened against nuclear blast, just as the Soviets can destroy such targets in the United States with their modern, land-based missiles.

In addition, deploying the MX would open a production line for land-based missiles, which would facilitate expansion of the land-based missile force if required by Soviet actions or by problems with other U.S. forces. Finally, proponents of the MX point to the positive attributes of a land-based missile force such as sureness of command and control, accuracy of warheads, high peacetime alert rates, and targeting flexibility.

Small quantitative contribution of the MX.—Despite these advantages, the MX in Minuteman silos would be no more survivable in the face of Soviet attack than the missiles they replaced. CBO estimates that a major Soviet strike that the United States rides out could destroy all but 10 percent of them in 1990, and all but 5 percent by 1996 as accuracy continues to improve.

This limited survivability, coupled with the major buildup in other U.S. strategic forces, means that deploying the MX would contribute relatively little to U.S. retaliatory capabilities. Specifically, 100 MX in Minuteman silos would contribute:

3 percent in 1990, and less than 1 percent in 1996, of all U.S. hard-target warheads that would be expected to survive and be available for retaliation in the nuclear scenario considered most likely—a Soviet first strike occurring after some warning.

5 percent in 1990, and 1 percent in 1996, of all hard-target warheads that would be expected to survive a Soviet attack occurring without warning.

By other measures, the contribution of the MX would be larger, though in most cases still modest. In 1990, for example, MX would contribute 11 to 52 percent of all prompt, hard-target capability that would survive a Soviet first strike that occurred after warning of the attack; the total warheads of this type contributed by MX, however, would be fewer than 100. By 1996, as many new submarines and land-based missiles entered the force, the contribution of MX would fall to between 1 percent and 7 percent of the prompt, hard-target capability remaining after a Soviet first strike. The ranges depend on whether or not Trident submarines equipped with the new Trident II missile are counted, and assume that 600 surviving warheads are provided by SICBM. Prompt, hard-target weapons could be most important in deterring, or, should deterrence fail, in fighting a limited nuclear war involving a series of exchanges with the Soviets.

The MX would contribute more substantially if the United States chose not to ride out a Soviet first strike. If the United States launched all land-based missiles, including the MX, before they came under actual attack, then the contribution of the MX would increase significantly. It would contribute between 17 and 35 percent of available surviving prompt, hard-target weapons in 1996 under this assumption. The range depends again on whether or not Trident II missiles contribute to this measure. U.S. policy neither assumes nor precludes such a launch-on-warning strategy.

Qualitative arguments against the MX.—Some fear that the MX missile, if deployed in a nonsurvivable basing mode, would be destabilizing in a crisis. According to this view, the Soviets might be tempted to launch first to preclude a U.S. first strike. Moreover, even without the MX, the United States would retain some of the advantages of land-based missiles with the 1,000 remaining Minuteman missiles. In reply to the argument that the MX is needed to keep the Soviets interested in arms control, opponents contend that the rest of the U.S. strategic buildup may be enough to ensure serious negotiations.

Savings from terminating the MX.—Terminating the MX would mean spending no more money on missiles or basing in 1984 and beyond. According to the Air Force, this would yield total savings in 1984–1988 of $17.9 billion in budget authority (see Summary Table 1). This would represent about 7 percent of total strategic costs in this period. Total savings in 1984 and beyond would be $18.4 billion. There would be no significant change in operating costs, because the United States would continue to operate the Minuteman missiles scheduled to be replaced by the MX.

For consistency with recent Administration announcements, this study shows savings relative to the current MX plan. Savings relative to the President's January 1983 Budget would be higher because that budget assumed an earlier, more expensive version of MX. In 1984 and beyond, savings relative to the budget would total $28.6 billion of budget authority.

An alternative approach.—The Congress could decide to spend some of these savings on improving existing Minuteman missiles. At least the same increase in prompt hard-target capability generated by the MX could be obtained at lower cost by upgrading the present force of Minuteman III missiles. Specifically, by installing the MX guidance system on 550 Minuteman IIIs, and higher-yield warheads on 250 missiles not currently having them, a force of hard-target Minuteman IIIs could, according to the Air Force, be in place by around fiscal year 1993 at a cost of about $14 billion. This would save about $4.4 billion over the Administration's current MX plan.

Nevertheless, the upgrading might not produce a force with as much operational flexibility as the MX system. Neither would it be deployed as soon or offer all of the qualitative benefits that might come from deploying the MX missile, such as a demonstration of steadfastness of purpose that would strengthen the hand of U.S. arms control negotiators.

Alternative 2: Substitute missiles on submarines for land-based missiles

For more than a decade, the United States has sought a basing mode for a land-based missile that could guarantee survivability against a Soviet first strike and also respond to environmental and political concerns in this country. Cost considerations, plus continued difficulties in meeting the other concerns, might prompt the Congress to abandon the quest for a survivable land-based missile force in favor of increasing the capability of the submarine-based forces. The following discussion examines the consequences of terminating all efforts toward new land-based missiles—including the MX and the small ICBM—in favor of building more Trident submarines equipped with the new Trident II (D-5) missile.

Quantitative contributions of submarine-based missiles.—Deploying additional submarines would roughly compensate for the loss of the land-based missiles. CBO estimates that five to nine additional Trident submarines, equipped with the new Trident II missile, would about equal the surviving capability of the 100 new MX missiles plus the 600 surviving warheads, assumed to be contributed by the follow-on SICBM land-based missile planned for the 1990s. Five additional submarines would be needed to match the number of hard-target warheads, while nine additional submarines would be needed, given current operating procedures, to match the number of prompt, hard-target warheads.

Assuming production of Trident submarines was increased to three every two years starting in 1985, these added submarines could be produced with existing shipyard capability and would all enter the fleet around the turn of the century. This would be just

a few years later than the full deployment of the follow-on SICBM land-based missile, to occur in the middle to late 1990s.

Savings from submarines.—Five additional Trident submarines and their missiles would cost about $12.8 billion to buy and $0.3 billion a year to operate, for 20-year costs of $18.8 billion. Nine additional submarines would cost roughly twice as much.

The cost of land-based missiles would be substantially more than even the nine additional Tridents. The cost for the Administration's current MX plan alone would be $18.4 billion in 1984 and beyond. Should a road-mobile, small ICBM eventually be deployed as part of the Administration's plan, its cost would be substantial. According to the Department of Defense, fielding 1,000 such missiles would cost $46.2 billion to buy, plus about $3 billion in annual operating costs, for a 20-year life-cycle cost of $107 billion. Taken together, the life-cycle costs of the MX and small ICBM would exceed those of nine additional Tridents by a factor of more than three.

Aside from its potential long-term savings, this approach would clearly cut costs over the next five years. Despite the added costs of beginning even a nine-submarine addition, net savings would amount to a total of $19.9 billion in budget authority (see Summary Table 1). Most of the savings would come from terminating deployment of the MX missile.

Forgoing the key advantages of a survivable triad.—Giving up attempts to develop a survivable, land-based missile would mean forgoing many of the important advantages of a triad of U.S. forces, each able to survive a Soviet first strike. A triad hedges against a loss of capability in any single element, and makes it more difficult for an opponent to develop a successful attack. Striving for survivability in each triad leg also minimizes the risk of a future Soviet technological breakthrough. Moreover, land-based missiles have an advantage over the other legs of the triad in greater responsiveness and more assured command and control.

Under this alternative, the United States would be concentrating more of its strategic deterrent in the submarine force. Even though submarine-based missiles are thought by many to be invulnerable through the 1990s, there can be no absolute certainty of it. Again, some maintain that failure to deploy a new land-based missile would show a lack of resolve on the part of the United States.

This alternative would not, however, mean forgoing all of the advantages of land-based missiles. The United States would still have 1,000 Minuteman missiles, with their 2,100 warheads, at least through the end of this century.

Alternative 3

The Administration proposes to buy and deploy 100 B-1B bombers by 1988, to be followed in the early 1990s by deployment of 132 Advanced Technology—or "stealth"—bombers (ATBs). Given the promise of a capable ATB and the ability to upgrade the B-52 and air-launched cruise missile (ALCM) forces to provide some of the near-term capabilities of the B-1B, the Congress might elect to cancel the B-1B program.

Upgrading the B-52 and ALCM forces.—The United States could upgrade its existing bomber force by further improvements to B-52s so that more could be retained through the 1990s, and by converting them to carry more air-launched cruise missiles. In addition, the total number of cruise missiles could be expanded and the rate of buy maintained at current levels in the near term.

These actions, along with termination of the B-1B, would leave U.S. forces with about the same number of weapons before a Soviet first strike. After a Soviet attack without warning, this alternative would contribute 4 percent fewer warheads to U.S. retaliatory capability than the Administration's program in 1990, and 3 percent fewer in 1996. These differences would be smaller if the attack came after some warning. The difference occurs primarily because the B-1B would be better able to escape a Soviet attack on its bases than would the B-52, and because the newer force would presumably be able to sustain a somewhat higher peacetime alert rate.

Savings from terminating B-1B.—Stopping further production of the B-1B would cut costs. Even when offset by the added costs of improving the B-52 force and buying more cruise missiles, this alternative would save a total of about $12.8 billion in budget authority in 1984-1988 and $15.5 billion through the end of the century (see Summary Table 1). Critics of the B-1B argue that these savings may be needed, in a period of constrained defense budgets, to ensure that sufficient funds are available to develop and deploy the ATB, which they see as offering the greatest long-run promise.

Key advantages of the B-1B.— These cost and effectiveness differences do not necessarily capture the whole issue. For example, if the B-1B were canceled in favor of upgrading the current force of B-52 bombers and ALCMs, there would be only a modest reduction in warheads able to survive a Soviet first strike and retaliate. But this does not take into account the B-1B's greater ability to penetrate Soviet air defenses and deliver its warheads. Unclassified estimates of the B-1B's greater potential are not available, but it may be substantial.

The B-1B would also, as a new bomber, offer a hedge against the risk that the technically sophisticated ATB might not be developed on time or at a reasonable cost. Moreover, the B-1B would hold down the average age of the U.S. bomber fleet, leading to improved reliability and maintainability. By 1996, even with the ATB, the fleet would average 23 years without the B-1B, but only 14 years with it.

Finally, the B-1B could make a substantial contribution to U.S. nonnuclear forces. It would, for example, provide a highly capable aircraft for the long-range missions envisioned in support of the Rapid Deployment Forces.

SUMMARY TABLE 1.—SAVINGS FROM ALTERNATIVES TO THE ADMINISTRATION'S STRATEGIC PROGRAM

[By fiscal year, in billions of 1984 budget authority dollars]

	1984	1985	1986	1987	1988	Total 1984 to 1988	Total 1984 to 2000
Alternative I—Cancel MX:[1]							
Investment	4.6	5.0	3.6	2.8	1.8	17.9	18.4
Operating							
Total	4.6	5.0	3.6	2.8	1.8	17.9	18.4
Alternative II—Substitute sea-based forces for land-based forces:[1]							
Investment	4.9	4.1	3.9	2.4	4.6	19.9	41.4
Operating							19.6
Total	4.9	4.1	3.9	2.4	4.6	19.9	61.0
Alternative III—Cancel B-1B bomber:							
Investment	3.9	7.0	4.3	−1.6	−2.0	11.7	10.8
Operating		(2)	0.1	0.4	0.6	1.1	4.8
Total	3.9	7.0	4.4	−1.2	−1.3	12.8	15.5

[1] Savings would be higher relative to the President's January 1983 budget, which assumes an earlier, more expensive MX plan.
[2] Less than $100 million.
Source: Congressional Budget Office.
Notes: Numbers may not add to totals because of rounding. Costs do not include those funded by the Department of Energy.

Mr. HART. Madam President, I thank the Senator from Vermont for his kind remarks.

Mr. TOWER. Madam President, I yield 10 minutes to the Senator from Washington.

Mr. JACKSON. Madam President, we have spent many days now in debate on the fiscal year 1984 defense authorization bill. As our deliberations on the bill draw to an end, I should like to place what we have done in a positive context. Reasonable people may differ about the specifics of a bill such as this, but we are all in agreement that America must be a strong, confident, and resolute leader among the nations of the world.

A powerful America can be a mighty beacon and example, providing encour-

agement to forces of liberty and democracy throughout the Earth. If America maintains a strong deterrent—and only if it does—this Nation will continue to be a leader in the crucial quest for enduring peace among nations.

Madam President, negotiations on arms reductions are a vital component of the quest for peace. The United States is now engaged in two very significant sets of negotiations in Geneva. We are negotiating with the Soviet Union to attain mutual reductions in our strategic nuclear arsenals and to achieve a balance of thermonuclear weapons in Europe. By voting to authorize funds for the MX missile and other programs, we are sending a clear message to the world that we intend to negotiate seriously. We thereby signal that the United States has the will to restore strategic parity in nuclear weapons. Our actions here may give pause to our adversary and will improve the chances for concluding successful arms-control treaties.

One of the most courageous and visionary men of our era is Andrei Sakharov, the Soviet physicist, who developed a thermonuclear device, and a great human rights advocate. There is no one who understands better than Andrei Sakharov the tragic consequences of nuclear war and the necessity of effective arms control. Sakharov has recently highlighted the close link between strategic parity and the prospects for arms control. Sakharov considers that the MX, for example, may be a necessary part of the negotiating process—an important element in our bargaining with the Soviet Union. He notes that while the Soviet Union is the leader in the field of powerful silo-based missiles, there is very little chance of it easily relinquishing that lead:

> If it is necessary to spend a few billion dollars on MX missiles to alter this situation, then perhaps this is what the West must do. But, at the same time, if the Soviets, in deed and not just in word, take significant, verifiable measures for reducing the number of land-based missiles (more precisely, for destroying them), then the West should not only abolish MX missiles (or not build them!) but carry out other significant disarmament programs as well.

Madam President, the United States needs a strong deterrent both to defend our national security and to enable our leaders to conduct a vigorous diplomacy in the interests of global stability, human rights, and arms control. I urge my distinguished colleagues to maintain the MX program in the defense authorization bill.

Madam President, I yield back the remainder of my allocated time to the distinguished chairman of the committee.

Mr. TOWER. Madam President, a great deal has been said about the launch on warning. I do not believe that anyone seriously entertains the notion or has the perception that we would launch on warning. That would be a very dangerous thing indeed.

Some discussion has come forth on the issue of launch under attack.

Let me read a statement made by Dr. Harold Brown in June 1980. He said:

> The launch-under-attack situation * * * is that the Soviets probably will not be able to be sure that we don't have the capability of launching under attack. I think under any circumstances we would want to keep them somewhat worried about that. To some extent, that does provide a deterrent effect.

Those are the words of Harold Brown, not of some hawkish Republican. They are the words of Harold Brown, who I think is a very thoughtful man on such matters.

This was made, of course, during the time of debate on the SALT II Treaty. There was no reclaimer to what he said by the Soviets. They continued to support ratification of the SALT II agreement. Therefore, they apparently did not find anything so threatening in that statement by Harold Brown.

Madam President, I reserve the remainder of my time.

Mr. SARBANES. Madam President, will the chairman yield on that point?

Mr. TOWER. Yes, I yield.

Mr. SARBANES. I think there is a vast difference between having a weapon system which is survivable so that its only rationale is not a launch on attack and then reserving as it were the possibility of its use in those circumstances. But when it can also be clearly perceived that it has the use as a deterrent because it has a survivable mode, there is a vast difference between that and in placing a weapons system which at the very outset is conceded as very, very vulnerable and, therefore, leads to the reasonable and logical question that the only way it can be used is to be used under the doctrine of launch on attack. There is a vast difference between those two concepts.

Mr. TOWER. I do not concede that is the only way it could be used. We presume there would be other uses.

Comment was made about the Minuteman which was then in the silos when we contemplated deploying the MX. Let us go a little further on this issue and see what the Scowcroft Commission had to say:

> In such a case (Soviet preemptive SLBM attack) the Soviets should have no confidence that we would refrain from launching our ICBMs during the interval after we have been hit. It is important to appreciate that this would not be a "launch-on-warning," or even a "launch under attack," but rather a launch after attack—after massive nuclear detonations had already occurred on U.S. soil.

I might say that this statement was made to illustrate the synergism of our strategic triad, and the difficulty associated with attacking and defeating all three legs simultaneously.

Madam President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Madam President, how much time remains on the bill under the control of the Senator from Colorado?

The PRESIDING OFFICER. There are 25 minutes remaining.

Mr. HART. Madam President, I yield 10 minutes to the Senator from Montana (Mr. MELCHER).

Mr. MELCHER. Madam President, there is very little that we know about the effects of use of nuclear weapons, and on this lack of knowledge I wish to address my comments on the matter before us.

The first of mankind's knowledge of the devastation caused by nuclear weapons came from Hiroshima and Nagasaki in our use of the first nuclear bombs to bring to a rapid conclusion the war with Japan in 1945. The devastation of those two cities proved to be more than the Los Alamos scientists had thought possible. The loss of life from those two explosions, the fire storms, and the effects of radiation was grossly underestimated and outstripped the calculations of the scientists who had developed those first two bombs.

Those bombs were only 15 kilotons each, or the equivalent of 15,000 tons of TNT.

Since that time, nuclear physicists, in constructing larger warheads in both this country and the Soviet Union, have far advanced the devastation caused by nuclear warheads. For example, each of the 10 warheads that will be carried in an MX missile is 20 times larger than those first atomic bombs dropped on Japan. The resulting increase in the amount of destruction from these larger nuclear warheads has never been calculated exactly. We do not know for sure what will be the amount of loss of life from today's modern nuclear weapons or the loss of life from resulting fire storm and the effects of radiation, both directly from the blast and radiation following the blast, which will be carried on wind currents and disseminated through the air, carried by the winds or water.

Mankind cannot comprehend nor even currently calculate the devastation to life that the genius of man has grasped from the unknown in discovering the know-how to explode the atoms of uranium and hydrogen.

How much do we know? All too little. We have moved much faster in developing and mastering the ability to explode atoms than we have in learning to gage, calculate, and assess the effects of these atomic explosions. Here are some of the scant calcula-

tions that the Defense Department and scientists in the United States have made:

First. In 1979, the Office of Technology Assessment, in a report to Congress estimated that the explosion of a single 1-megaton warhead over New York City on a clear day during working hours would cause a fire storm of 250 square miles and 2 million people would be killed immediately with another 3.4 million seriously injured, most of which would die shortly thereafter.

Second. In 1975, the Department of Defense told the Senate that somewhere between 3 and 16 million Americans might be killed in a limited nuclear attack on strategic U.S. military bases.

Third. Again in 1979, the U.S. Office of Technology Assessment estimated that a full-scale attack on U.S. strategic bases would kill between 24 and 45 million people.

Fourth. OTA, at the same time, also said that a full-scale attack on all U.S. military and economic targets could cause up to 160 million deaths in the United States.

Fifth. The effects of a full-scale nuclear exchange between the United States and the Soviet Union actually extends beyond the bounds of human comprehension. According to military analysts in the Department of Defense, there are today more than 40,000 nuclear weapons of various sizes in the world. Of just the large size, the Soviet Union has 6 1-megaton warheads, 400 5-megaton warheads, 100 to 200 25-megaton size. Those 25-megaton weapons are the equivalent of 25-million-ton bombs that could be used in an attack on the United States. One 25-megaton warhead would level all buildings and kill all people within a 12-mile radius; that is, a single such weapon could completely destroy New York City.

Aside from the hundreds of millions of people who would be immediately killed in a full nuclear exchange between the United States and the Soviet Union, as many more would be so seriously injured that they would not survive according to testimony by Dr. H. Jack Geiger, one of the founding members of the Physicians for Social Responsibility, in testimony before the House Science and Technology Committee last September. Among the wounded, there will be skull fractures, paralyzing lesions of the spinal cord, crushing lesions of the chest and limbs, penetrating wounds, hemorrhage, shock, and as many as one-quarter of the wounded would have third-degree burns over 25 percent of their bodies.

Even those who survive in fallout shelters in the initial blast could still be struck down. A large proportion of those, perhaps as many as one-third, according to Dr. Geiger, could succumb to long-term radiation sickness: respiratory disease, infectious diseases such as plague, cholera, yellow fever, or could starve to death.

The Physicians for Social Responsibility also remind us that many doctors and other medical personnel would be killed in the initial devastation, vastly reducing medical care for the injured and other survivors. According to a study by this group, in any large city that suffered nuclear attack, as many as 73 percent of the doctors could be killed and probably only some 9 percent would remain uninjured. This would result in approximately 1,700 acutely injured persons to each functioning physician. Problems of this nature were seen in Nagasaki, where fewer than 30 of the city's 150 doctors were available to attend to thousands of victims and only 7 percent of the city's approximately 1,800 nurses were available to assist the injured. It is also estimated by this group that the entire United States has adequate intensive care facilities for treating severe burns for fewer than 2,000 people.

Beyond the immediate deaths and injuries, we know there will be long-term health effects. However, it is not known what chronic exposure over months to the kind of doses of radiation that will exist—1,000 to 2,000 times those now considered permissible for the general public—would mean in terms of individual illness and death. Much more study is needed. Doctors such as Dr. Geiger are sure that the incidence of virulence of infectious diseases could be expected to increase enormously in the months and years after the nuclear attack. Environmental conditions will contribute to the abundant spread of diseases—for example, overcrowding of the population, both in the shelters and afterward; inadequate ventilation; destruction of sanitary systems with accumulation of sewage and waste; the presence of millions of corpses; and the spread of insects. Further, they feel that the incidence of malignancies, congenital malformations, and genetic mutations would increase significantly and would alter the longevity and quality of life.

The effects of nuclear war are not limited to human casualties. The Pentagon tells us that a 1-megaton-bomb ground burst would yield radiation of 500 to 1,000 rads over 1,000 square miles. Jonathan Schell, in his book "Fate of the Earth," states that the lethal dose of gamma radiation is 180 rads for cattle, 240 rads for sheep, 350 rads for horses, 550 rads for swine, and 800 rads for poultry. And that kills every one of them in an area where there is 1,000 rads of exposure. Thus, most mammals and birds would be destroyed in a full nuclear exchange. Fish are killed at a dose of between 1,000 and 5,600 rads. It is not clear whether the water would shield the fish. Dr. Schell says that insects are impervious to gamma radiation up to doses of 2,000 and 10,000. Plants have a higher tolerance of radioactivity than do any animals. The trees would be destroyed first, and the grasses last. Lethal doses for grasses range between 6,000 and 33,000 rads, so some of the grasses may survive. In comparison, most crops are killed by doses below 5,000.

These numbers seem to tell us a lot about what would happen in a nuclear exchange between the United States and Russia. But in the end, it is almost all theory and it does not really describe the devastation that would result in a nuclear war. What we have really learned is that if any nuclear weapons are ever used, it is likely that most or all of them will be used. The results are too horrible to comprehend. In all we know on the effects, we only know so little as to only ascertain we cannot foretell the extent of the devastation.

In his book "Cosmos," Dr. Carl Sagen tried to capture the effect of a full nuclear exchange between the United States and Russia by pointing out if the United States and the Soviet Union expended their nuclear weapons on each other, it would amount to the total destructive power of all the bombs dropped in World War II, once every second for 6 hours: 60 times 60 times 6.

We are bearing witness to the build-up of more and more capability to obliterate life of all types on Earth.

If people knew the completeness of destruction of life—holocaust for all on Earth—Earth itself.

If people understood, would mankind continue to risk additional build-up?

Probably not.

Hopefully not.

We need time to further assess the effects: By thorough research; by measurement of effect on domestic animals and domestic fowl, and wildlife and wild fowl; by transportation of radioactive material in water and by the air measurement of dissemination of radioactive materials; and by knowing and understanding the radiation of plantlife and crops and the soil—the effect on the trees, the Earth itself.

We need comprehensive study, assessment by select group of physicists, pathologists in human, plant, and animal fields—by scientists, physicians, veterinarians, hydrologists, biologists, meteorologists, and all nuclear experts.

Are we hesitant to measure the horrible effects of the holocaust of the nuclear devices? Are we afraid to assess what man has wrought?

We should proceed immediately to simulate the effects of nuclear explo-

sion on man and all other living creatures.

Test the effects; learn the fate of those that survive for 1 day—1 week—1 month—1 year—1 decade—1 generation; test the threats of life on man and all creatures great and small, the attack blast, the fire storm area, the radiation area.

When we do the best we can to measure the holocaust, perhaps mankind will draw back, limit, and then verify the elimination of nuclear weapons from planet Earth. But until we do—let us measure.

I shall introduce a resolution to formulate joint research and assessment of nuclear attack. From this day forward, I shall attempt to warn all that we know too little. I shall attempt to warn so as to teach and practice restraint of nuclear proliferation, and in so doing let all comprehend the consequences.

Better to know what we have not measured or assessed in the devastation of the blast, the fire storm, and the radiation that kills animals and plant life than to assume that such knowledge will never be needed.

If we were certain of never needing to reap the seeds of nuclear destruction, withstand the inferno of nuclear fire storm, never to withstand a virulent radiation rot of nuclear explosion, then we would never build another nuclear weapon, never deploy any.

The PRESIDING OFFICER. Will the Senator from Montana yield? His time has expired.

Mr. HART. I yield 2 additional minutes to the Senator from Montana.

Mr. MELCHER. And we would joyfully dismantle those now in existence.

Better to know the degree of the holocaust and devastation than to blindly continue our buildup of nuclear destruction without knowledge of its effect of explosive power on the Earth, the inhabitants of this planet and its other living things, its vegetation, its atmosphere and its future as a place of man's habitation.

In our knowledge of science: We have outdistanced our yearning for living by our ability to destroy mankind collectively. Collectively, that is—all. Now we must learn what and how to survive.

People ask me, members of my family ask me, "What can be done to halt the march toward destruction? What can be done to halt the arms race toward nuclear destruction?" Particularly, these questions are asked after thoughtful, studious concern. Serious and compassionate members of society ponder these points. The answer is we do not know. We have not found a way.

I further believe and I further respond, until more of the public knows of the little we do know about the effects of nuclear devastation, there will be no halt nor slowdown in developing more and more nuclear weapons.

We will not slow down until the public is not too busy with everyday problems of earning a living or giving their attention, at least part of their attention, in holding down their jobs and business or their farm together, and developing their family.

Until public knowledge develops a public comprehension and concern of this threat to all mankind and all life, the grassroots will not demand a halt.

Witness our debate here. People are prone to leave this huge question to others, to Government, to officials, or to chance, or to faith, or to God.

Who is in charge of the future?

We are.

● Mr. EAST. Mr. President, the experts have come down fully on the side of the MX Peacekeeper missile. The last three Secretaries of State, the last three Presidents, the Scowcroft Commission, and from his unique perspective of living in internal exile in the Soviet Union, Nobel prizewinning physicist, Andrei Sakharov, have all supported the building of the Peacekeeper. The advice and warnings of these eminent and knowledgeable experts should be heeded.

The name "Peacekeeper" is an appropriate one, for that is just what the purpose of this missile program is. The vast majority of the American people can support this program if the comments of the Scowcroft Commission and Mr. Sakharov are explained to them in as much detail as the arguments of the opponents of this program have been. Peace, freedom, and stability are the aims of our foreign policy, and any honest and thorough examination of the Peacekeeper program will show that this is not an attempt to provoke war as some opponents have intimated.

If we are really serious about arms control and disarmament, we must have the Peacekeeper missile. The record is clear as to the good intentions of the United States, and the record is equally clear that the Soviet Union never gives away something for nothing. If we are to negotiate successfully a lasting and effective arms control agreement with the U.S.S.R., we must have something with which to negotiate. The continual and dramatic arms buildup of the Red armed forces has seriously eroded the stability of the world. A decade ago the Soviet invasion of Afghanistan would have been unthinkable. Clearly peace through strength is a concept the Soviets understand. Weakness invites armed aggression.

Earlier I spoke of the unique perspective of Andrei Sakharov. The commitment of this gentleman to peace and freedom cannot be doubted by any honest observer. I urge the Members of the Senate to listen to his words now:

> . . . Of the powerful silo-based missiles. At present the U.S.S.R. has a great advantage . . . Perhaps talks about the limitation and reduction of these most destructive missiles could become easier if the United States were to have the MX (Peacekeeper) missiles . . . While the US.S.R. is the leader in this field there is very little chance of its easily relinquishing that lead. If it is necessary to spend a few billion dollars on MX missiles to alter this situation, then perhaps this is what the West must do.

This is precisely what we must do to maintain peace, freedom, and stability in a world already suffering from Soviet invasions, incursions, and orchestrated "revolutions." The experts have spoken; let us heed their counsel.●

Mr. HUDDLESTON. Mr. President, I am supporting deletion of funding for the MX missile.

After reviewing the available date yet once again, I can still find little reason to support the MX. MX missiles placed in Minuteman silos offer practically no additional strategic security for our Nation—but cost a lot.

As the Congressional Budget Office noted in a May 1983 study:

> Assuming that the United States "rode out" a Soviet first strike of its ICBMs, CBO estimates that about 10 percent of the MX missiles would survive such an attack in 1990, and about 5 percent would survive in 1996 as the accuracy of Soviet missile systems improved. These estimates assume that the MX missiles would be placed in existing Minuteman silos, where they would be about as blast-resistant as Minuteman missiles are today.
>
> Recently, Administration spokesmen have indicated that it might be possible to "superharden" existing Minuteman silos containing the MX to levels nearly 13 times their current hardness. Indeed, the Administration's modernization plan includes funds for further research on silo hardening over the next five years, although not for actual hardening.
>
> Superhardening would be very effective against today's Soviet threat, but CBO estimates that the combination of improving accuracy and potentially higher warhead yields will eventually render even superhardened silos vulnerable. This would be especially true if the number of such targets was limited—say, to 100 MX missiles—because the Soviets could concentrate on them more easily.

Yet this is a system which will cost us perhaps $18 billion over the next few years.

There are simply other, better ways of meeting our strategic requirements. The potential of the so-called Midgetman is one. The Trident II is another. In a different way, the B–1 for which I voted recently is yet a third.

The President's own appointed Commission, the so-called Scowcroft Commission, has told us, for the moment, to look at the asymmetries of the nuclear equation and, for the longer term, to seek a policy based on more stabilizing systems.

I agree with such an approach, but I disagree with the Commission's sug-

gestion that the MX is necessary to the approach. Even the Commission was reduced to arguing that the principal justification for the MX was the need for a demonstration of national will, not for the strategic means to maintain the existing asymmetries or to move to more stable systems.

But, such a demonstration of will would place 10 warheads in a single vulnerable silo, creating an especially inviting target. Furthermore, such deployment could initiate a process leading the United States away from our present retaliatory nuclear strategy toward a war-fighting one. Both developments would be destabilizing. Both could lead toward, not away from, nuclear war.

Our strategic weapons and the arms control policies which our Nation develops to go hand in hand with them should have but one objective: The deterrence of nuclear disaster, either by accident or design. Deployment of the MX in Minuteman silos enhances deterrence of neither type.

An MX in a Minuteman silo remains a missile in search of a justifiable mission. It is time to pack it away and concentrate on systems which contribute to nuclear stability and security.

Mr. DIXON. Mr. President, I will make my comments brief on this subject, since I have addressed it many times before.

I believe my feelings on the MX missile are well-established: I have supported it as a logical and defensible step in our national security effort, but have maintained the conviction that the basing mode for the missile must be mobile or deceptive.

On May 24 I offered an amendment to Senate Concurrent Resolution 26 that would have delayed procurement of the missile until the President brought us a plan for a mobile or deceptive basing mode. It was defeated.

On May 25 I voted against Senate Concurrent Resolution 26 because it called for a significant expenditure of funds for the MX, while deploying it in the worst of all possible choices—the totally vulnerable, precisely targeted, unhardened Minuteman silos.

I characterized the May 25 vote on MX as a "take it or leave it" proposition, and the basing mode proposed compelled me to "leave it."

The missile itself and its deployment in Minuteman silos are now permanently attached to each other, it seems. For that reason, and although I could support this missile were it deployed deceptively, I must cast my vote against it by supporting the Hart amendment.

MX AND THE SOVIET START PROGRAM

Mr. DOLE. Mr. President, current debate on the defense authorization bill has centered largely, as have previous related debates, on the merits of the MX program. There are proposals to delete funding for the MX entirely. Some say that going ahead with the missile will lead to a new spiral of arms with the Soviet Union. Others point to the alleged shortcomings of the missile and its basing mode. How should Senators concerned both with national security and with arms control view the issue?

We begin with the views of the Scowcroft Commission that recommended a limited deployment of the missile. Some are beginning to decry "Goverment by commission," but I think we have to take very seriously the measured views of national security experts, with long service to this country, whose judgments are reflected in the Commission report.

Through three administrations the MX program advanced from a design concept to today's Peacekeeper missile. The missile program was developed to redress a growing, massive strategic arms buildup by the Soviet Union and the increased aging of American ICBM forces. The MX program was designed to meet this growing threat. In the meantime, the accuracy, range, throw-weight, and hard-target capability of Soviet ICBM's have contributed to their attaining a first-strike capability with substantial forces in reserve. Bearing this firmly in mind, the Scowcroft Commission recommended deployment of the missile that is central to our current Senate debate.

Now let us look at the MX deployment from the standpoint of arms control. The Scowcroft Commission report has rightly stressed the central importance of arms control. We must continue with our attempts at Geneva to limit these weapons by mutual agreement. But I do not see how a failure to respond to the Soviet challenge in nuclear ICBM's is going to make them any more amenable to reason at the bargaining table at Geneva. All of our experience is to the contrary. So the MX is not a bargaining chip. It is a necessary updating of our nuclear defenses which will increase the likelihood that an agreement will be reached at Geneva.

We now have received word of a new Soviet proposal at the START negotiations at Geneva. Although the full details are not public, it seems apparent that what they have basically done is to offer some lowering of the SALT II systems limitations.

Now, that is progress of sorts. But surely, Mr. President, we ought to expect something more if the Soviets want to negotiate serious controls on nuclear weapons. And certainly we must bear in mind the present configuration of their nuclear weapons, with their heavy preponderance on destabilizing, land-based ICBM's, and how that would be treated under their latest proposal. For after all, our deliberations do not take place in a vacuum. They are held against the background of sustained ICBM development by the Soviet Union.

According to press accounts, the Soviets have proposed a ceiling of 1,800 delivery vehicles, of which 1,200 would be MIRV systems. The comparable SALT II totals were 2,250 and 1,320. The Soviets further propose that there be 1,080 MIRV SLBM's and ICBM's, with an ICBM subtotal of 680, versus SALT II limitations of 1,200 and 820, respectively.

Now all of this sounds like some progress, Mr. President, and perhaps in a way it is. But the Senator from Kansas is discouraged to note that there is no mention of throw-weight in this proposal—so that the Soviets could keep their massive lead in that category without further regulation. There is no disincentive on MIRV weapons at all—and in view of the Scowcroft Commission report, and the views of many that the development of MIRV weaponry made arms control far more difficult, that omission is to be regretted. The dangerous Soviet predominance in land-based ICBM's is consolidated and it would even get worse. For now the Soviet SS-18, the massive land-based ICBM that our MX is designed to help offset, carries 10 warheads. The Senator from Kansas has been told, however, that with further fractionization, each of those warheads could carry a total of 32 warheads each. And finally the Soviet proposal does not use warheads as a unit of account, unlike the American start proposal, so that the total warheads could continue to spiral upward.

Mr. President, Senators will remember my previous expressions of interest in arms control, both in this Chamber and before the Foreign Relations Committee. Together with seven concerned colleagues, I have introduced Senate Concurrent Resolution 46, that addresses this subject. In addition, I have provided Senators with an example of how our proposal could be fleshed out. On the strategic level, the implementation would reduce total warheads to 6,500 for each side. It would compensate for any Soviet reconfiguring of their present heavy dependence on land-based ICBM's through inclusion of our heavy manned bombers, with air-launched cruise missiles. And it would address the critical issue of intermediate-range nuclear weaponry as well, while the nuclear triad itself was preserved in a balanced and deterring way.

Mr. President, my staff has put together a rough force study that shows where the Soviet Union could be by 1990 if their proposal became accepted. And these totals illustrate not only the wisdom of our funding for the MX missile, but also the imperative need for serious and sustained bilateral arms control negotiations. I ask that

this brief compilation be printed for the purposes stated in the RECORD. It will show that far from advancing arms control seriously, the Soviet proposal would permit a total of over 10,000 strategic nuclear weapons of the most modern and destabilizing sort.

Mr. President, I am for real arms control. I am also concerned about our national security. And those are the reasons why my vote will be for the defense authorization bill, and against attempts to delete funding for the MX program.

The compilation follows:

Soviet arms proposal at START permits

ICBM's:	
308 SS-18 times 10 MIRV's	3,080
330 SS-19 times 6 MIRV's	1,980
42 SS-17 times 4 MIRV's	176
280 SS-11 (single missile)	280
Warhead totals	5,516
Total ICBM's (of which 680 MIRV's)	960
SLBM's:	
20 Delta III SSBN's times 16 (MIRV 7)	2,240
4 Typhoon SSBN's times 20 (MIRV 9)	720
18 Delta I times 12 SSBN 8's (single)	216
4 Delta II times 64 SSBN's (single warhead)	64
Warhead totals	3,240
Total SLBM's (of which 400 MIRV's)	680
Manned bombers:	
120 Blackjack times 12 weapons	1,440
Total warheads/bomber weapons	10,196
Total delivery vehicles	1,760
Total MIRV delivery vehicles	1,200
Total single warhead delivery vehicles	560

DEFENSE POLICY AND THE MX

Mr. BAUCUS. Mr. President, this year President Reagan requested $280 billion in budget authority for national defense. Of this total request, $213 billion was requested for programs authorized in the Armed Services Committee defense authorization. These programs included procurement, research and development, operation and maintenance, civil defense, military construction, and Department of Energy weapons programs.

Subsequently, the Senate Armed Services Committee took a close look at the President's proposal, and reduced it by $13.4 billion.

The legislation before us is a 1984 DOD authorization bill costing approximately $199 billion. Now, it is up to the full Senate to decide whether or not the programs funded within this $199 billion bill present the proper balance between strategic and conventional weapons, and whether we have adequately funded current and future procurement needs.

Is $199 billion enough to defend America? I believe that it is. If sound national defense cost more, I would vote to authorize higher expenditures. However, I do not believe we are spending that $199 billion wisely. I am particularly concerned with the B-1 program, which authorizes the production of 100 soon-to-be obsolete bombers at $410 million a piece. I am also concerned with the MX which will cost over $20 billion, while complicating our arms control efforts. That MX and B-1 money could have been used far more effectively in other areas of our defense budget.

OUR OVERALL DEFENSE STRATEGY

Today we have a vast nuclear arsenal. Our strategic forces are formidable.

We have 1,000 Minuteman II's and III's, and 43 Titan II's. The Minuteman III's can carry three warheads each. We currently have 300 long-range bombers—modernized B-52's and FB-111's—in the Air Force's strategic bomber squadrons. These bombers are capable of launching our most modern cruise missiles. At the end of 1983, we will have deployed about 500 air-launched cruise missiles (ALCM's). Eventual plans call for the deployment of 2,880 ALCM's.

Our sea-based strategic force is also strong. Presently, the U.S. submarine force consists of 31 Poseidons, each carrying 16 missiles, and 2 Trident submarines, each carrying 24 missiles. Current authorizations call for the completion of at least 12 Trident submarines. In addition, *Los Angeles* class attack submarines and selected surface ships will be fitted with nuclear armed sea launched ballistic missiles (SLBM's) beginning in 1984.

The objective of these strategic forces is to prevent war. They deter an enemy's attack because they could survive a first-strike. Their capability to inflict massive destruction discourages aggression.

Make no mistake about it, our strategic forces are impressive. And the capability of our Navy and our bombers to deliver some of these strategic weapons is a critical element in our strategic triad.

But while we have spent tremendous amounts of money in recent years to develop these strategic systems, we have fallen behind in other areas of our national defense.

CONVENTIONAL FORCES

It is our conventional forces that have declined and which must be increased.

In recent years, strategic weapons such as MX, MIRV's, cruise missiles, and Stealth have been the buzzwords of the entire defense debate.

Too often, we have ignored land-based and conventional forces.

In this year's defense authorization, the procurement funds allocated to the Army, Navy, and Air Force tell the story. The committee recommendation for Air Force procurement, which includes most new strategic weaponry, is $37 billion—$5 billion more than the Navy, and $19 billion more than the Army.

I believe that we must renew our commitment to our conventional forces by taking four steps:

First, we should give military personnel higher priority;

Second, we must spend more money to improve the readiness of our forces;

Third, we should develop an ability to respond more rapidly to diverse tactical situations, rather than overemphasize complicated and risky strategic nuclear force response;

Fourth, we must arm personnel with effective weapons tailored to actual combat needs which will provide us with the flexibility we will need on the battlefield of tomorrow.

THE MX

Mr. President, it is within this context of the need for additional spending on our conventional forces, that we must examine the MX.

All of us are aware that the MX missile has had a long and shaky history. It is one of the most controversial, and misunderstood weapons ever created. An insightful political journalist, a few weeks ago, stated it succinctly; "At some future time, historians may look back and wonder how it was that politicans and policymakers made the decision to proceed with the development of a weapon that they knew had lost its original rationale, might escalate the arms race, and could put their own country's military force at greater risk."

The MX has been debated in many forums, and many times here on the Senate floor. Arguments have been made as to its effectiveness, as well as its effect on current world arms control efforts.

In this latest round, the overwhelming justification for MX is its role as a "bargaining chip." Many Members of Congress, painstakingly trying to pick their way through the complicated issues surrounding nuclear politics, laid aside their substantive doubts as to the need and viability of the MX missiles by convincing themselves that the missile has a significant role in our negotiations with the Russians.

Frankly, I do not believe that the MX is a weapon which we can use as a bargaining chip in our arms control discussions.

THE ADMINISTRATION'S COMMITMENT TO ARMS CONTROL

Many of us fear that proponents of the MX have defined it as a bargaining chip in the arms control negotiations to take advantage of the public's fervent desire to control nuclear weapons through arms control negotiations.

However, there is reason to believe that there is less than 100 percent commitment to the START talks by this administration.

It has been reported both publicly and privately that serious problems have developed in the strategic arms reduction talks in Geneva.

I would like to include in the RECORD excerpts of an article by James McCartney, from the Knight-Ridder newspaper chain, which outlines some of the issues that concern me.

This article, and other reports, leads one to the conclusion that linkage between MX and arms control is a devious political ploy, based on faulty logic, which will inevitably produce the wrong decision.

Excerpts of the text follow:

START SESSIONS ARE CALLED ACRIMONIOUS AND CONTENTIOUS

Serious problems have developed in the seven man U.S. delegation to the Strategic Arms Reduction Talks (START) in Geneva, according to the Administration officials directly involved and others who have closely monitored the negotiations.

The problems range from internal dissension in the delegation to extreme tension between the head of the delegation, retired Lt. Gen. Edward L. Rowny, and other key figures in the Administration's arms control apparatus, officials said.

Officials who agreed to discuss the situation on condition they not be quoted by name, have characterized the sessions as the "most acrimonious" and contentious since arms control talks with the Soviets began in 1969.

In addition to serious problems among the Americans, according to sources, the talks have degenerated into "shouting matches" with the Soviets on several occasions. At least three times, officials said Rowny has squared off for more than 4 hours of loud and angry arguments with his Soviet counterpart, Viktor Karpov. Some members of the delegation have called Rowny's conduct unprofessional.

One source, with first hand information, said Rowny and Karpov once argued bitterly for more than 5 hours over the relative military strengths of the two countries. According to this source, there also have been bitter personal exchanges between Karpov and Rowny across the negotiating table.

A former top negotiator said, "nothing like this has happened previously in these negotiations. In the past, they have almost always been conducted in keeping with rigid diplomatic formalities."

Rowny, who has a reputation as a rigid conservative, appears to be at the heart of virtually all of the reported problems.

Even top White House officials have conceded that the delegation has been torn with dissension. Asked about reports of unhappiness in the delegation, one official said, "Yes, I have heard that from several sources."

This picture of a delegation in disarray, with Rowny appearing to show little serious interest in an arms control agreement, differs markedly from the ones suggested by public statements from the White House. The Administration has generally depicted a smooth-running U.S. delegation, operating under newly "flexible" Presidential instructions and ready and eager to make a deal with the Soviets.

Some members of Congress have told top Administrative officials privately that they do not believe Rowny is "helpful to the arms control process," as one official put it. White House sources said, however, that President Reagan continues to stand behind Rowny.

Rowny, according to several sources, has an extremely negative relationship with Paul H. Nitze, top U.S. negotiator in Intermediate Nuclear Force (INF) talks in Geneva.

The two sets of negotiations are so interrelated that most arms control experts say it will be impossible to achieve an agreement in one unless it is tied to agreement in the other.

Yet, one high level source said the two top negotiators do not communicate directly with each other and instead maintain necessary contact through aides.

Officials uniformly describe Rowny as a "difficult" personality. Several said that he also has had a tense personal relationship with Eugene V. Rostow, Adelman's predecessor. Rostow was fired by Reagan in Janurary for reasons as yet unclear.

Rowny originally became involved in strategic arms negotiations as a member of the SALT II delegation in 1973. He later resigned from the delegation and devoted himself to fighting the unratified treaty, saying that it would benefit the Soviets. Some officials who have worked closely with Rowny said they seriously doubt whether he would favor any agreement with the Soviets.

"His view," one official said, "seems to be that if the Soviets were for it it must be bad."

Mr. President, it is reports such as these which make those of us who are committed to real and constructive arms control negotiations nervous and suspicious as to the value of the MX as a tool in the administration's negotiations.

If these reports are true, they belie the administration's stated commitment; and if the commitment to true and constructive arms control negotiations is not there, then the whole MX justification as a bargaining chip is simply a house of mirrors.

Mr. President, we owe America a better examination of the justification behind recent MX decisions than we have already given them, particularly since our history of justifying new weapons systems as bargaining chips is long and unsuccessful.

THE LEGITIMACY OF THE "BARGAINING CHIP" ARGUMENT

We have already had plenty of experience with weapons that were justified and brought into existence primarily because of their value as a negotiating tool—as a bargaining chip. Again, a noted analyst points out that:

The decision to develop MIRV (for Multiple Independently Targeted Re-entry Vehicles) was made during the Johnson administration, and the decision to deploy them was made early in the Nixon administration. The deployment was opposed by a large number of Senators and Representatives who urged a moratorium until an arms control agreement banning MIRV's might be reached.

The Nixon administration's response was that MIRV's were needed to offset potential Soviet advantages, and that only by planning to deploy MIRV's might the United States get the Soviet Union to agree to withhold development of a similar weapon. The rationale was that the MIRV would be a "bargaining chip."

The result was that both sides deployed MIRV's.

This is now seen as one of the most destabilizing steps in the arms race. It lead Henry Kissinger, who approved their deployment, to state "I wish I had thought through the implications of a MIRV'd world." Now Kissinger is among those who are trying to wrestle the MIRV out of existence.

Both the MIRV's and cruise missiles were justified on political as much as military grounds. Proponents said that they would demonstrate our commitment to the Soviet Union to go forward with the weapons. These new weapons would supposedly cause the Soviet Union to give something up at the bargaining table. The MX has been justified on the same grounds.

Mr. President, let us not make the same mistake again.

OTHER ARGUMENTS AGAINST MX

Not only must we avoid repeating history's mistakes, there are other substantive reasons that dictate against deployment of the MX.

The proposed MX deployment in fixed silos makes the MX just as vulnerable as existing 3-warhead Minuteman missiles. And the increased number of warheads carried by MX—10—makes it an even more attractive target than Minuteman.

The implications of basing MX in such a vulnerable mode increases its appearance and utility as a launch-on-warning weapon.

How can we expect Soviet planners not to feel threatened by such a weapon? If Soviet officials conclude that we could only protect MX by launching it on warning that a Soviet attack was imminent, they will almost certainly look for new ways to escalate and strengthen their attack capabilities. Virtually all arms specialists agree that a launch-on-warning policy is dangerous and highly destabilizing.

There is another problem with the MX: A growing consensus believe that to improve stability and enhance chances for arms control, we should move to single warhead missiles with a survivable basing mode.

The MX is the exact opposite of that kind of missile.

Mr. President, the MX will weaken, not strengthen deterrence. The MX will put more of a hair trigger on our nuclear retaliation forces, and it will complicate and set back constructive arms control negotiations.

CONCLUSION

Let us not be swayed by 11th-hour arguments of desperation. These arguments have not served us well in the past, and they do not serve us well now when the American public is so clearly committed to reducing the nuclear arms race.

Mr. President, I feel strongly about the spending priorities of the defense budget, and especially about the MX

program. Like many of my colleagues, I have devoted a tremendous amount of time examining the program, and I have come to the conclusion that its net effect will be to drain this defense budget of needed capital, and add little or nothing to our overall defense capabilities in coming years.

Mr. President, the MX votes were critical votes. There is a need to strengthen our military power, but this should not be done in ways that undermine arms control efforts.

In this time of record budget deficits and tightly disciplined Federal budgets, I will continue to search for realistic ways to make our military stronger and I will continue to find the most efficient way to spend our defense dollars when we are examining major and costly programs such as the MX.

THREE QUESTIONS FOR THE MX

Mr. MATSUNAGA. Mr. President, I have been listening to the debate on the MX here on the floor, and on the office monitor and have been reading the arguments, pro and con, in the RECORD, for the past 2 weeks. Earlier in May I voiced my own opinion on the issue at some length and introduced into the RECORD as article from the New York Times written by McGeorge Bundy, who pointed out the contradictions of the Scowcroft Commission report. I now rise in support of the Hart amendment.

Mr. President, I have heard it said that this debate is not being heard by the American people or reported to any great degree by the media, whose focus is elsewhere. Hence it is suggested that our deliberations are futile because the votes are at hand to pass the defense authorization measure, including the MX. But surely it must be admitted that great cogency has been imparted by distinguished Members of this body discussing this questionable weapon from a number of perspectives, both utilitarian and moral. In this regard, I wish to commend the Senator from Colorado, Mr. HART, for his inspirational leadership in forcing a meaningful debate to focus the attention of the Nation on this vital issue.

Hope springs eternal, Mr. President, and it is my hope that the cumulative effect of this debate would be one of giving the majority Members pause in casting their votes. I urge that they weigh the arguments on both sides with special care in this instance—not only from the standpoint of national politics at this time, or of this session, or even in light of the year that is to come. Rather, I would ask that their vote be weighed from the vantage point of an even longer historical reach. We owe this to our constituents—to our country—on an issue of this importance. Mr. President, the MX must be distinguished from Thoreau's "pop gun." It could easily be that destabilizing contribution to the MAD balance of mutually assured destruction, "a crack of doom."

Mr. President, I propose that we here support the committee position, only if we are convinced of positive responses to at least three basic questions: First, will the construction and placement of the MX add to the security of the Nation? Second, will the MX serve to promote peace? And third, will the MX tend to deter the Soviets, or any other aggressor, from employing the first nuclear strike against us?

It is possible, I must admit, for men and women of ability, integrity, and goodwill to answer these questions differently, even in the aggregate, and I do not imply an order of priority or importance in listing them. They are entwined but they are, I submit, of some use in anaylsis.

For my part, I have concluded that the answer to the first question regarding the MX's contribution to national security is in the negative. At one time the "shell game" basing mode had my dubious support, but the more I studied the matter the more dubious I became. Can it really be said that placing the MX in deteriorating Minuteman silos addresses the survivability problem that other Congresses have found to be insurmountable? About all that can be said for this particular catapult scheme, among all the others that have been offered over the years, is that it may have some appeal in terms of economy if we can be assured they are never required to come into play. But if they are, these particular holes in the ground may not amount to more than any hole in the ground.

The MX represents a multibillion-dollar expenditure to acquire an unwieldy weapon, one that is immobile and inflexible and which, while supposedly for defense, is extremely vulnerable to first-strike attack and whose technological shelf-life is expected to be, at best, only a few years. Its cost-benefit price tag is an unfavorable one by any reasonable analysis, unless it is viewed as an offensive weapon, not a defensive one. I find the case for low utility weighed against high cost to be a compelling one.

But is there a case to be made for the MX in terms of the second question, the promotion of peace? Here the logic of the President, asking for a "big stick" bargaining chip, escapes me. Are not the Soviets far more apt to react to the deployment of a first-strike weapon such as the MX by accelerating their own missile programs? What would be the inducement to come to the bargaining table instead when they know full well that, based in Minuteman silos, the MX is not survivable. I find the case for the MX as a negotiating tool for achieving arms control hardly persuasive.

On the other hand, while a faulty defensive weapon without a plausible basing mode, the MX can be a persuasive weapon in destabilizing the nuclear balance and in giving free rein to the arms race.

This brings us to the third question of deterrence. Mr. President, if the MX is not survivable in its basing mode, it cannot function as a deterrent; it is far more likely to function as a spur.

As an investment in defensive hardware, I submit the MX does not meet the most rudimentary tests for judging its efficacy.

As an offensive weapon, it raises those awesome moral questions surrounding "the central issue of our time," about which the senior Senator from New York (Mr. MOYNIHAN), so wisely counseled us last week in discussing the document of the American Catholic Bishops.

My fear is that the MX could alter our policy on national security from one of deterrence to one of "use it or lose it." And the contribution of the Senate toward that fateful shift in policy will be traced to the vote we cast today.

Mr. President, ours is the greatest deliberative body in the world, but we have our limitations. I believe it was the distinguished junior Senator from Vermont (Mr. LEAHY), who told us last Tuesday that if a weapons system could improve with age and repeated debate, the MX should be flawless by now. Such is not the case. As a defensive weapon, it is overpriced and of dubious utility. As an offensive weapon, it raises a specter that the people of this country have firmly rejected, as evidenced by the polls, and rightly so. We as their elected representatives should do no less. I urge an affirmative vote on the pending Hart amendment.

Mr. SPECTER. Mr. President, on July 16, 1983, I cast a vote in favor of the MX missile and set forth my reasons. In supporting the MX today, I again think it important to set forth my reasons. I do so with serious reservations. But I do so with the knowledge that the time is not yet before us for the Senators in this Chamber to fairly judge whether the administration has indeed made significant progress in its arms reduction efforts that can be traced to our support this spring of continued funding of the MX program. The time for that judgment will be when we consider the defense appropriation bill later in the year.

There are troubling and far-reaching questions which we will have to confront before the final decision can be made on whether to fund the MX missile system in the fiscal 1984 defense budget. We must address the military implications of placing such a powerful nuclear missile in a vulnerable

basing mode. If a nuclear weapon is to deter a nuclear attack against us, it must be able to survive such an attack. We must be convinced of its survivability and the Soviets must be convinced as well. It was my concern about this issue which caused me to vote against the MX missile last December when the administration was proposing that it be placed in the so-called dense pack basing mode.

We must also remember, however, that the real issue before us is how we can best encourage the Soviet Union to negotiate serious and substantial reductions in our nuclear arsenals. This Congress has emphasized to the President the importance we attach to this goal. As a result, we received important assurances this past May from the President that arms control negotiations would reflect the fullest American commitment to reaching agreement with the Soviets if that could be realistically believed consistent with our national interests. Because of the success of our efforts to extract significant assurances from the President on arms control, I voted on May 25 to support the spending of MX research and development moneys during the current fiscal year.

However, the next day, I joined with 18 of my Senate colleagues who also voted for this funding, to remind the President that we would be continuing to look long and hard at the progress made in coming months by the administration in furtherance of its commitments made to us at that time.

So, today's votes on MX are preliminary to our final review of progress made in nuclear arms reduction efforts. There has been insufficient time since the May 25, 1983 vote to give the President a fair opportunity to fulfill his commitments. The timely occasion for that appraisal will be on appropriations for the MX in the defense appropriations later this year.

Mr. HEINZ. Mr. President, the fiscal year 1984 defense authorization bill contains over $4.5 billion in procurement and research and development funds for the MX missile. In addition, the committee has included $604 million for research and development associated with the small intercontinental ballistic missile, the Midgetman.

I intend to support this authorization request.

However, let me make it clear that my support for the MX in the future, specifically when the Senate considers the fiscal year 1984 defense appropriations bill will be based on the efforts of the administration to implement the recommendations of the Scowcroft Commission.

It will further be based on the administration's ability to incorporate the concept of a mutual guaranteed builddown into our negotiations with the Soviet Union at the strategic arms reduction talks.

Mr. President, immediately following the Senate's decision to release funds for the flight testing of the MX missile, I, along with 18 of my colleagues wrote the following to President Reagan:

> We wish to emphasize that our support for releasing fiscal year 1983 funds does not represent a consensus on the need to deploy 100 MX missiles in Minuteman silo launchers. Rather we effected our part of an agreement with your Administration to proceed with a militarily controversial program in exchange for a strong commitment to proceed seriously and immediately with a reformulation of the start proposal, a meaningful guaranteed build down proposal, development of a more survivable, small, single warhead ICBM, and creation of a bipartisan, durable arms control panel.

I am encouraged by the fact that the administration has already shown its good faith in implementing some of our recommendations. The life of the Scowcroft Commission has been extended by the President. The START proposal has been reformulated to accommodate a larger number of launchers, thereby making the reduction of warheads the principal objective of the arms reduction talks.

Let me emphasize that much more work needs to be done in the reformulation of the U.S. START position. The difference in the Soviet and American force structures will require a flexible and realistic American approach to the negotiations. The administration's ability to make a good faith effort to conclude a mutual and verifiable arms control agreement, based on a realistic and sincere negotiating position will certainly be one very important factor this Senator considers when voting to approve procurement dollars for the MX missiles.

The real litmus test for the administration, however, will be its ability to adopt an arms control formula which recognizes the necessity of limiting and ultimately eliminating weapons with a first-strike capability from the arsenals of both the Soviet Union and the United States.

Our negotiating posture must clearly seek to create a more stable strategic environment by moving toward reliance on weapons systems with a high deterrent value, or, in other words, weapons which neither can effectively initiate nor will invite a first strike.

The mutual guaranteed builddown introduced by my distinguished colleagues Senators COHEN and NUNN recognizes that we must act now to alter a strategic environment which is heavily reliant on destabilizing MIRV'd land based warheads. It further recognizes that in order to achieve a more stable strategic environment some limited, carefully designed strategic modernization must occur.

In effect the rule established by the mutual guaranteed builddown is that there can be no strategic modernization without sacrifice. For each new warhead deployed two older warheads must be retired. The principle would enforce a much-needed discipline upon Soviet and American leaders and halt strategic modernization simply for its own sake.

The builddown concept, if properly implemented by the administration will be tied to arms control objectives which emphasize a reduction in destablizing MIRV'd warheads and the ultimate elimination of weapons possessing first strike capabilities.

It is my hope that the administration will soon act to incorporate this innovative concept into the START talks.

The administration must understand that it is not out of the woods with regard to MX procurement. The burden of proof clearly now clearly rests with the administration.

● Mr. KASTEN. Mr. President, I wish to express my continued support for the production and deployment of the MX. I support this system, not as an end in itself, but as a means of achieving two goals: First, a survivable deterrent; and second, meaningful negotiations with the Soviet Union leading to a reduction in the nuclear arsenals of both countries.

In strategic deterrence we want to reach a point where our systems provide less of a target to the enemy and are therefore more survivable and less destabilizing. Our goal here is the small, mobile, single-warhead ICBM recommended by the Scowcroft Commission. We want to encourage the Soviets to move in the same direction.

In arms control, we want to move toward an approach that counts warheads and not missiles or silos. After the lessons of SALT I and SALT II we desire an arms-control agreement that leads to a reduction in weapons rather than an agreement for agreement's sake.

If I thought we could reach these goals without the transition provided by the MX I would not hesitate to vote against it. But I do not believe this is the case. The goals we seek cannot be reached overnight. The Soviets have no incentive to negotiate toward these goals as things presently stand. The Scowcroft report was very clear on this. The MX, paradoxical as it may seem, is necessary to move us from where we are now in strategic weaponry and arms control to where we want to be. The Soviets, after all, already possess a large number of MX-type MIRV'd weapons and are now working on a fifth generation ICBM that is even more accurate and destructive. It is likely that they will deploy these missiles regardless of our action on MX. I believe that the MX is necessary in order to give us some leverage in arms-control negotiations.

Mr. President, defense issues are too often treated within the context of a

conservative versus liberal debate. This is certainly the case with the MX, with liberals supposedly against the system and conservatives for it. But the views I have expressed are supported by two individuals whose liberal credentials are impeccable. The first is Morton Kondracke, executive editor of the New Republic, whose excellent analysis of the MX debate appears in the Wall Street Journal of July 21. Mr. Kondracke sees the MX exactly as I do, as a lever in our negotiations with the Soviets. He writes:

There are some indications that the Soviets just now have decided to agree to major cuts in their strategic arsenal. If the Reagan strategy is working, then the Democrats would be working against arms control to deny him his lever.

My second witness is Andrei Sakharov, the Soviet dissident, and father of the Soviet hydrogen bomb. In his open letter to Dr. Sydney Drell, published in the most recent issue of Foreign Affairs, he states:

* * * It seems very important to me to strive for the abolition of powerful silo-based missiles at the talks on nuclear disarmament. While the USSR is the leader in this field there is very little chance of its easily relinquishing that lead. If it is necessary to spend a few billion dollars on MX to alter this situation, then perhaps this is what the West must do * * * if the Soviets in deed, and not just in word, take significant verifiable measures for reducing the number of land-based missiles (more precisely for destroying them), then the West should not only abolish MX or (not build them!) but carry out other significant disarmament programs as well.

Mr. President, this is what I want, and I am sure it is what every other Member of this Chamber wants as well. But I suggest that there will be no agreement with the Soviets until they recognize our intention to process with strategic modernization. I think Dr. Sakharov and Mr. Kondracke confirm my view that at least the intention to move ahead with the MX is necessary before the Soviets will begin to negotiate seriously.

Mr. President, I ask that Dr. Sakharov's letter, and the article by Mr. Kondracke, be entered into the RECORD.

The material follows:

[From the Wall Street Journal, Thursday, July 21, 1983]

LET THE PRESIDENT CONDUCT FOREIGN POLICY

The MX missile is a dangerous weapon and nerve gas is terrible stuff, but liberals and Democrats are getting themselves into an untenable position by trying to kill these two programs right now in Congress.

In 1980, the people of the U.S., bless them, did elect Ronald Reagan as president. According to tradition and the Constitution, and by reason of practical necessity, the president is responsible for conducting U.S. foreign policy, and Mr. Reagan should be allowed to conduct it.

This obviously doesn't mean that Congress hasn't any power to affect foreign policy and must let a president do entirely as he pleases. Especially when a president's policy seems to be leading inevitably to war or disaster, the Congress should intervene.

But that isn't the situation prevailing with the MX and binary nerve gas, which have been voted down or narrowly sustained in congressional action recently and remain in precarious condition.

In both cases, the argument concerns how best to negotiate with the Soviet Union. The president and his opposition have very different ideas, which were illustrated July 13 during the Senate debate on the authorization of nerve-gas production.

Both sides agreed that negotiations in Geneva for an international agreement banning chemical-warfare agents have been stymied, largely by lack of Soviet cooperation. The question was how best to get the talks moving.

Nerve-gas opponents, led by Democrat DAVID PRYOR of Arkansas, argued that the U.S. should maintain the moral "high ground" by foregoing production and should keep international opinion focused on Soviet intransigence.

If the U.S. goes ahead with production, the opposition argued, we can no longer effectively make an issue of the actual use of chemical warfare by the Soviet Union in Afghanistan and by their satellites in Southeast Asia. Also, we would "escalate the arms race" to new levels and cause the negotiating atmosphere in Geneva to deteriorate.

For the president's side, Sen. JOHN TOWER responded by reminding the Senate that Germany in World War II was deterred from using chemical warfare by knowledge that the Allies could do the same. He said that the Soviets haven't any incentive to negotiate a chemical ban because they are far ahead in chemical-warfare preparation.

Sen. TOWER recalled "a chilling thing said to me at Geneva one time when I was engaged in conversation with Alexandr Shchukin, the scientific adviser to the Soviet negotiator on SALT II. I said to him, 'We have unilaterally given up the B-1 bomber. What will you do in response?' He said to me, 'Senator, I am neither a pacifist nor a philanthropist'."

On both nerve gas and the MX, the Reagan theory of negotiating is to build up to build down—to create threats to the Soviets' position so as to induce them to negotiate arms reductions.

No one actually knows which side of the argument is correct, but it should give opponents of the president pause to know that the father of the Soviet hydrogen bomb, Andrei Sakharov, supports him—at least on the issue of heavy missiles.

"While the U.S.S.R. is in the lead in this field," Mr. Sakhorov wrote in a recent letter, "there is very little chance of its easily relinquishing that lead. If it is necessary to spend a few billion dollars on MX missiles to alter this situation, then perhaps this is what the West must do.

The president's negotiating strategy deserves a try. He was elected president, and the Soviets aren't philanthropists. This isn't the same as voting to get the U.S. into a war. These are reversible decisions. If the president can't produce agreements through tough-guy bargaining, or if he seems to be bargaining in bad faith, the programs authorized in 1983 can be de-authorized in 1985. No MXs are scheduled for deployment, anyway, until 1986.

Congressional pressure on President Reagan has produced some good results. It led to appointment of the Scowcroft Commission, out of which came a compromise whereby the president would get the MX, but his arms-control critics would get adjustments in his START negotiating strategy and a commitment to deploy a single-warhead missile system.

But, out of anti-nuclear passion or hope of partisan advantage in 1984, many Democrats seem intent on wrecking the compromise by cutting off funding for the MX.

On grounds of arms control practical politics and their own credibility, though, Democrats should let the president have his MX this year.

There are some indications that the Soviets just now have decided to agree to major cuts in their strategic arsenal. If the Reagan strategy is working, then the Democrats would be working against arms control to deny him his lever.

Some Democrats think they would hand away a potent "peace issue" in 1984 by funding the MX, but that isn't so at all. Every single Democratic presidential candidate is against the MX, so the voters know that it won't be deployed if one of them is elected. Let the MX and the rival nuclear bargaining strategies be a major campaign issue and see what the electorate thinks.

Finally, Democratic credibility is at stake. Those who favor a U.S.-Soviet nuclear freeze—including five out of the six Democratic presidential candidates—say that it will be mutual, verifiable and negotiated. An MX cutoff by Congress constitutes unilateral disarmament of the president.

[From Foreign Affairs, July 3, 1983]

THERMONUCLEAR WAR

AN OPEN LETTER TO DR. SIDNEY DRELL

(By Andrei Sakharov)

(Andrei Sakharov is the distinguished Soviet physicist, winner of the 1975 Nobel Peace Prize, currently in internal exile in Gorki. Among his works available in English are Alarm and Hope and Collected Scientific Works. This article was written for publication in response to the materials noted, which had been sent to him by Professor Drell of Stanford. The translation from the Russian was done by Richard Lourie and Efrem Yankelevich. Copyright Andrei Sakharov.

Dr. Drell's speech at Grace Cathedral (in San Francisco) is unpublished but available from him on request. His opening statement before the Subcommittee on Investigations and Oversight of the House Committee on Science and Technology is contained in the Committee's record of those hearings, The Consequences of Nuclear War on the Global Environment, September 15, 1982, p. 6. A more comprehensive statement of Dr. Drell's views will be found in his Danz Lectures, to be published by the University of Washington Press in June 1983 under the title Facing the Threat of Nuclear Weapons.

The Editor is grateful to Professor Drell and to Strobe Talbott for their help in refining the translation of technical terms, and in preparing the explanatory Editor's Notes, for which of course the Editor takes responsibility.)

Dear Friend: I have read your two splendid lectures—the speech on nuclear weapons at Grace Cathedral, October 23, 1982, and the opening statement to Hearings on the Consequences of Nuclear War before the Subcommittee on Investigations and Oversight. What you say and write about the appalling dangers of nuclear war is very close to my heart and has disturbed me profoundly for many years now. I decided to address an open letter to you, feeling it necessary to

take part in the discussion of this problem, one of the most important facing mankind.

In full agreement with your general theses, I will express certain considerations of a more specific nature which, I think, need to be taken into account when making decisions. These considerations in part contradict some of your statements and in part supplement and, possibly, amplify them. It seems to me that my opinion communicated here in open discussion can prove of interest in view of my scientific, technological, and psychological experience, acquired in the period when I took part in work on thermonuclear weapons, and also because I am one of the few independent participants in this discussion in the U.S.S.R.

I fully agree with your assessment of the danger of nuclear war. In view of the critical importance of this thesis, I will dwell on it in some detail, perhaps repeating what is already well known.

Here, and later on, I use the terms "nuclear war" and "thermonuclear war" nearly interchangeably. Nuclear weapons mean atomic and thermonuclear weapons; conventional weapons mean any weapons with the exception of three types with the capability of mass destruction—nuclear, chemical, and bacteriological weapons.

A large nuclear war would be a calamity of indescribable proportions and absolutely unpredictable consequences, with the uncertainties tending toward the worse.

According to data from United Nations experts, by the end of 1980 the world's overall supply of nuclear weapons consisted of 50,000 nuclear charges.[1] The total power of these charges (most of which are in the 0.04- to 20-megaton range) amounts to 13,000 megatons according to the experts' estimates. The figures you have presented are not in conflict with those estimates. In this regard you mention that the total power of all the explosives used in the Second World War did not exceed six megatons (three megatons, according to the estimates with which I am familiar). However, when making this comparison one must take into account the greater relative efficacy of smaller charges with the same total power, but that does not alter the qualitative conclusions about the colossal destructive power of the nuclear weapons that have been amassed.

You also cite data according to which the U.S.S.R. at the present time (1982) has 8,000 thermonuclear charges deployed and the United States 9,000.[2] Many of these charges are warheads on ballistic missiles, and many of these are multiple independently-targetable reentry vehicles (MIRVs). It should be noted that the basis of the U.S.S.R.'s arsenal (70 percent, according to statements by TASS) consists of gigantic land-based missiles (in silos) and somewhat smaller intermediate-range missiles, on mobile launchers. Eighty percent of the U.S. arsenal consists of submarine-based nuclear missiles, much smaller but less vulnerable than silo-based missiles, and also of strategic bombers carrying nuclear bombs, some of which are apparently very powerful. It is doubtful whether masses of aircraft could penetrate Soviet territory deeply—but a more precise assessment of their capabilities must take the possibilities of cruise missiles into account; these would probably be able to penetrate the enemy's air defense systems.

Currently, the most powerful American ICBMs (I am not speaking of the planned MX) possess several times less throw-weight than the principal land-based Soviet missiles.[3] The American ones carry fewer MIRVs, and the yield of their warheads is less. (It is assumed that when dividing the throw-weight of a missile among several warheads—let's say ten—the aggregate yield of the multiple warheads is less than the yield of a large single warhead on the same missile. But MIRVs greatly increase the ability of one side to attack compact targets on the other. MIRVs are also highly destructive against targets spread out over a wide area such as large cities. The aggregate yield may be less than that of a large single warhead, but the destructiveness will remain high because of the multiple blasts spread out over the area. I have dwelt on these details since they may prove of substance in further discussion.)

You cite the estimates of the international journal of the Royal Swedish Academy, according to which an attack on the principal cities of the Northern Hemisphere by 5,000 warheads with a total power of 2,000 megatons will kill 750 million people as a result of the shock wave alone.[4]

I would like to add the following to that estimate:

1. The overall number of long-range nuclear weapons possessed by the five nuclear powers is three or four times greater than the figure used in the Swedish estimate and their overall power is six to seven times greater. The accepted average number of casualties per missile—250,000 people—cannot be considered an overestimate if one compares the accepted average power of a thermonuclear charge of 400 kilotons with the power of the 17-kiloton explosion at Hiroshima and the number of victims from its shock waves, no fewer than 40,000.

2. An extremely important factor in the destructive capability of nuclear weapons is thermal radiation. The fires at Hiroshima were the cause of a significant portion (up to 50 percent) of the fatalities. With the increase of the charges' power, the relative role of thermal radiation increases. Therefore, this factor significantly increases the number of direct casualties.

3. During an attack on especially dense, compact enemy targets (like silo-based missile launchers, command points, communication centers, government institutions, shelters, and other of the more important targets) it must be assumed that a significant portion of the explosion will be ground-level or low. In such cases there inevitably will be "traces," bands of dust fallout raised by the explosion from the surface and "impregnated" by the products of uranium fission. Therefore, although the direct radioactive effect of a nuclear change takes place in a zone where everything alive is, in any case, annihilated by the shock wave and by fire, its indirect effect—through fallout—proves very substantial. The area contaminated by fallout so that the total dose of radiation exceeds the safety limit of 300 roentgens is, for a typical one-megatron nuclear charge, thousands of square kilometers!

During the ground-level test of the Soviet thermonuclear charge in August 1953, tens of thousands of people were evacuated beforehand from the zone where fallout was possible. People were only able to return to the settlement of Kara-aul in the spring of 1954! In war conditions an orderly evacuation is impossible. Hundreds of millions will flee in panic, often from one contaminated zone into another. Hundreds of millions of people will inevitably become the victims of radioactive irradiation, the mass migrations of people will make the chaos, the deterioration of sanitary conditions and the hunger all the greater. The genetic consequences of irradiation will threaten man as a biological species and all animal and plant life on the Earth.

I entirely agree with your basic idea that mankind has never encountered anything even remotely resembling a large nuclear war in scale and horror.

No matter how appalling the direct consequences of nuclear explosions, we cannot exclude that the indirect effects will be even more substantial. The indirect effects could be fatal for modern society, which is extraordinarily complex and thus highly vulnerable.

The general ecological consequences are just as dangerous, although by virtue of the complex nature of ecological interdependencies, forecast and estimates are extremely difficult here. I will mention some of the problems discussed in the literature (in your talks, in particular) without assessing their seriousness, although I am certain that many of the dangers indicated are entirely real:

1. Continuous forest fires could destroy the greater part of the planet's forests. The smoke involved would destroy the transparency of the atmosphere. A night lasting many weeks would ensue on Earth followed by a lack of oxygen in the atmosphere. As a result, this factor alone, if real, could destroy life on the planet. In less pronounced form, this factor could have important ecological, economic, and psychological consequences.

2. High-altitude wartime nuclear explosions in space (particularly the thermonuclear explosion of ABM missiles and the explosion of attacking missiles whose purpose is to disrupt enemy radar) could possibly destroy or seriously damage the ozone layer protecting Earth from the sun's ultraviolet radiation. Estimates of this danger are very imprecise—if the maximal estimates are true then this factor is sufficient to destroy life.

3. Disruption of transportation and communication could prove critical in the complex modern world.

4. No doubt there will be a (complete or partial) disruption in the production and distribution of food, in water supply and sewage, in fuel and electric service, and in medicine and clothing—all on a continent-wide scale. The public health-care system will be disrupted, sanitary conditions will revert to a medieval level and may become even worse than that. It will be impossible in practice to provide medical assistance to the hundreds of millions who have been wounded, burned, or exposed to radiation.

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[1] Editor's Note: "Charge" is a standard Soviet term—used frequently in arms control negotiations—embracing warheads on ballistic missiles and also armaments aboard bombers, which may be in bomb or missile form. There is a separate Russian word for warheads.

[2] Editor's note: These totals refer to the number of charges deployed on intercontinental ballistic missiles, submarine-launched missiles, and intercontinental-range bombers.

[3] Editor's Note: The term "throw-weight" is normally defined as the weight of effective payload that can be delivered to an intended distance, effective payload may include penetration aids and navigational equipment as well as the nuclear charge itself. The term "yield" refers to destructive power, and the term "compact targets," as used in this paragraph, clearly refers to military targets in general and to specially hardened ICBM sites in particular.

[4] Editor's Note: This estimate is contained in the publication of the Royal Swedish Academy, Ambio, Vol. XI, Nos. 2-3, 1982.

5. Hunger and epidemics in a context of chaos and devastation could take more lives than the nuclear explosions would take directly. It is also not out of the question that, along with the "ordinary" diseases which will inevitably spread far and wide—influenza, cholera, dysentery, typhus, anthrax, plague, and others—entirely new diseases could arise as the result of the radiation-caused mutation of viruses as well as especially dangerous forms of the old diseases against which people and animals would have no immunity.

6. It is especially difficult to foresee mankind's maintaining any social stability in conditions of universal chaos. Great gangs will kill and terrorize people and struggle among themselves in keeping with the laws of the criminal world: "You die today, I'll die tomorrow."

Of course, our experience of social upheaval and war demonstrates that mankind possesses unexpected reserves; people's vitality in extreme situations surpasses what could have been imagined a priori. But even if mankind were able to preserve itself as a social body, which seems highly unlikely, the most important social institutions—the foundation of civilization—would be destroyed.

In sum, it should be said that all-out nuclear war would mean the destruction of contemporary civilization, hurl man back centuries, cause the deaths of hundreds of millions or billions of people, and, with a certain degree of probability, would cause man to be destroyed as a biological species and could even cause the annihilation of life on earth.

Clearly it is meaningless to speak of victory in a large nuclear war which is collective suicide.

I think that basically my point of view coincides with yours as well as with the opinion of a great many people on earth.

I am also in complete agreement with your other conclusions. I agree that if the "nuclear threshold" is crossed, i.e., if any country uses a nuclear weapon even on a limited scale, the further course of events would be difficult to control and the most probable result would be swift escalation leading from a nuclear war initially limited in scale or by region to an all-out nuclear war, i.e., to general suicide.

It is relatively unimportant how the "nuclear threshold" is crossed—as a result of a preventive nuclear strike or in the course of a war fought with conventional weapons, when a country is threatened with defeat, or simply as a result of an accident (technical or organizational).

In view of the above, I am convinced that the following basic tenet of yours is true: Nuclear weapons only make sense as a means of deterring nuclear aggression by a potential enemy, i.e., a nuclear war cannot be planned with the aim of winning it. Nuclear weapons cannot be viewed as a means of restraining aggression carried out by means of conventional weapons.

Of course you realize that this last statement is in contradiction to the West's actual strategy in the last few decades. For a long time, beginning as far back as the end of the 1940s, the West has not been relying on its "conventional" armed forces as a means sufficient for repelling a potential aggressor and for restraining expansion. There are many reasons for this—the West's lack of political, military, and economic unity; the striving to avoid a peacetime militarization of the economy, society, technology, and science; the low numerical levels of the Western nations' armies. All that at a time when the U.S.S.R. and the other countries of the socialist camp have armies with great numerical strength and are rearming them intensively, sparing no resources. It is possible that for a limited period of time the mutual nuclear terror had a certain restraining effect on the course of world events. But, at the present time, the balance of nuclear terror is a dangerous remnant of the past! In order to avoid aggression with conventional weapons one cannot threaten to use nuclear weapons if their use is inadmissible. One of the conclusions that follows here—and a conclusion you draw—is that it is necessary to restore strategic parity in the field of conventional weapons. This you expressed somewhat differently, and without stressing the point.

Meanwhile this is a very important and non-trivial statement which must be dwelt on in some detail.

The restoration of strategic parity is only possible by investing large resources and by an essential change in the psychological atmosphere in the West. There must be a readiness to make certain limited economic sacrifices and, most important, an understanding of the seriousness of the situation and of the necessity for some restructuring. In the final analysis, this is necessary to prevent nuclear war, and war in general. Will the West's politicians be able to carry out such a restructuring? Will the press, the public, and our fellow scientists help them (and not hinder them as is frequently now the case)? Can they succeed in convincing those who doubt the necessity of such restructuring? A great deal depends on it—the opportunity for the West to conduct a nuclear arms policy that will be conducive to the lessening of the danger of nuclear disaster.

In any case, I am very glad that you (and earlier, in another context, Professor Panofsky) have spoken out in favor of strategic parity in the area of conventional weapons.[5]

In conclusion, I should stress especially that a restructuring of strategy could of course only be carried out gradually and very carefully in order to prevent a loss of parity in some of the intermediate phases.

As I have understood them, your further thoughts on nuclear weapons per se amount to the following:

It is necessary to conduct a balanced reduction of the nuclear arsenal, and a first stage in this process of nuclear disarmament might be a mutual freeze on the currently existing nuclear arsenals. I will quote you: "Decisions in the area of nuclear weapons should be based simply on the criterion of achieving a reliable deterrent and not on other additional demands relating to nuclear war since, generally speaking, such demands are not limited by anything and are not realistic." This is one of your central theses.

For talks on nuclear disarmament you propose that one quite simply—and, within the limits of the possible, fair—criterion for assessing nuclear strength be worked out. As that criterion you propose taking the sum total of the number of delivery vehicles and the total number of nuclear charges which can be delivered (probably one should assume the maximal number of certain standard or conventional charges which can be delivered by a given type of missile with a corresponding division of the usable weight).

I will begin by discussing that latter proposal of yours (made jointly with your student, Kent Wisner).[6] This proposal seems practical to me. Your criterion takes into account delivery vehicles of various throw-weights by assigning them various weight factors. This is very imporant—the assigning of an equal weight factor to both the small American missiles and the large Soviet missiles was one of the points for which I, at one time, criticized the Salt I Treaty (while in general viewing the very fact of the talks and the concluding of the Treaty in a positive light). Here, in distinction to criteria using the power of the charge, as a rule not published officially, the number of deliverable charges is easy to determine. Your criterion also takes into account the fact that, for example, five missiles each carrying one warhead have a significant tactical advantage over one large missile carrying five warheads. Of course, the criterion you propose does not encompass all the parameters like distance, accuracy, or degree of vulnerability—they will have to be allowed for supplementarily or, in some cases, not taken into account so as to facilitate agreements.

I hope that your (or some analogous) criterion will be accepted as the basis for negotiations both on intercontinental missiles and (independently) on medium-range missiles. In both cases it will be much more difficult than it now is to insist on unfair conditions in the agreements and possible to move from word to deed more swiftly. Most likely, the very acceptance of your (or an analogous) criterion will require a diplomatic and propaganda struggle—but it's worth it.

From this relatively specific question I will move to one more general, more complex and controversial. Is it actually possible when making decisions in the area of nuclear weapons to ignore all the considerations and requirements relevant to the possible scenarios for a nuclear war and simply limit oneself to the criterion of achieving a reliable deterrent—when that criterion is understood to mean an arsenal sufficient to deal a devastating blow in response? Your answer to this question while perhaps formulating it somewhat differently—is positive and you draw far-reaching conclusions.

There is no doubt that at present the United States already possesses a large number of submarine-based missiles and charges carried by strategic bombers which are not vulnerable to the U.S.S.R and, in addition, has silo-based missiles though they are smaller than the U.S.S.R.'s—all these in such amounts that, were those charges used against the U.S.S.R., nothing, roughly speaking, would be left of it. You maintain that this has already created a reliable deterrent—independently of what the U.S.S.R. and the United States have and what they lack! Therefore, you specifically consider the building of the MX missile unnecessary and similarly consider irrelevant the arguments which are advanced in support of developing it—the U.S.S.R.'s substantial arsenal of intercontinental missiles with large

[5] Editor's Note: The reference here is to Wolfgang K. H. Panofsky, Professor of Physics at Stanford and Director of the Stanford Linear Accelerator Center. Professor Panofsky notes that the statement accurately reflects his views.

[6] Editor's Note: The proposal was originally set forth in Sidney D. Drell and Kent F. Wisner, "A New Formula for Nuclear Arms Control." *International Security*, Winter 1980/81, pp. 186-194, and is refined in Dr. Drell's "L + RV: A Formula for Arms Control," *The Bulletin of the Atomic Scientists*, April 1982, pp. 28-34.

throw-weight which the United States does not have; and the fact that Soviet missiles and MX missiles have multiple warheads so that one missile can destroy several enemy silos during a missile duel. Therefore you consider it acceptable (with certain reservations) for the United States to freeze the nuclear arsenals of the United States and the U.S.S.R. at their current numerical levels.[7]

Your line of reasoning seems to me very strong and convincing. But I think that the concept presented fails to take into account all the complex realities of the opposition that involves two world systems and that there is the necessity (despite your stance) for a more specific and comprehensive unbiased consideration than a simple orientation toward a "reliable deterrent" (in the meaning of the word as formulated above, i.e., the possibility of dealing a devastating retaliatory strike). I will endeavor to explain this statement.

Precisely because an all-out nuclear war means collective suicide, we can imagine that a potential aggressor might count on a lack of resolve on the part of the country under attack to take the step leading to that suicide, i.e., it could count on its victim capitulating for the sake of saving what could be saved. Given that, if the aggressor has a military advantage in some of the variants of conventional warfare or—which is also possible in principle—in some of the variants of partial (limited) nuclear war, he would attempt to use the fear of further escalation to force the enemy to fight the war on his (the aggressor's) own terms. There would be little cause for joy if, ultimately, the aggressor's hopes proved false and the aggressor country perished along with the rest of mankind.

You consider it necessary to achieve a restoration of strategic parity in the field of conventional arms. Now take the next logical step—while nuclear weapons exist it is also necessary to have strategic parity in relation to those variants of limited or regional nuclear warfare which a potential enemy could impose, i.e., it is really necessary to examine in detail the various scenarios for both conventional and nuclear war and to analyze the various contingencies. It is of course not possible to analyze fully all these possibilities or to ensure security entirely. But I am attempting to warn of the opposite extreme—"closing one's eyes" and relying on one's potential enemy to be perfectly sensible. As always in life's complex problems, some sort of compromise is needed.

Of course I realize that in attempting not to lag behind a potential enemy in any way, we condemn ourselves to an arms race that is tragic in a world with so many critical problems admitting of no delay. But the main danger is slipping into an all-out nuclear war. If the probability of such an outcome could be reduced at the cost of another ten or fifteen years of the arms race, then perhaps that price must be paid while, at the same time, diplomatic, economic, ideological, political, cultural, and social efforts are made to prevent a war.

Of course it would be wiser to agree now to reduce nuclear and conventional weapons and to eliminate nuclear weapons entirely. But is that now possible in a world poisoned with fear and mistrust, a world where the West fears aggression from the U.S.S.R., the U.S.S.R. fears aggression from the West and from China, and where China fears it from the U.S.S.R., and no verbal assurances and treaties can eliminate those dangers entirely?

I know that pacifist sentiments are very strong in the West. I deeply sympathize with people's yearning for peace, for a solution to world problems by peaceful means; I share those aspirations fully. But, at the same time, I am certain that it is absolutely necessary to be mindful of the specific political, military, and strategic realities of the present day and to do so objectively without making any sort of allowances for either side; this also means that one should not proceed from an a priori assumption of any special peace-loving nature in the socialist countries due to their supposed progressiveness or the horrors and losses they have experienced in war. Objective reality is much more complicated and far from anything so simple. People both in the socialist and the Western countries have a passionate inward aspiration for peace. This is an extremely important factor, but, I repeat, itself alone does not exclude the possibility of a tragic outcome.

What is necessary now, I believe, is the enormous practical task of education so that specific, exact, and historically and politically meaningful objective information can be made available to all people, information that will enjoy their trust and not be veiled with dogma and propaganda. Here one must take into account that, in the countries of the West, pro-Soviet propaganda has been conducted for quite a long time and is very goal-oriented and clever, and that pro-Soviet elements have penetrated many key positions, particularly in the mass media.

The history of the pacifist campaigns against the deployment of missiles in Europe is telling in many respects. After all, many of those participating in those campaigns entirely ignore the initial cause of NATO's "dual decision"—the change in strategic parity in the 1970s in favor of the U.S.S.R.—and, when protesting NATO's plans, they have not advanced any demands on the U.S.S.R. Another example: President Carter's attempt to take a minimal step toward achieving balance in the area of conventional arms, i.e., to introduce draft registration, met with stiff resistance. Meanwhile, balance in the area of conventional arms is a necessary prerequisite for reducing nuclear arsenals. For public opinion in the West to assess global problems correctly, in particular the problems of strategic parity both in conventional and in nuclear weapons, a more objective approach, one which takes the real world strategic situation into account, is vitally needed.

A second group of problems in the field of nuclear weapons about which I should make a few supplementary remarks here concerns the talks on nuclear disarmament. For these talks to be successful the West should have something that it can give up! The case of the "Euromissiles" once again demonstrates how difficult it is to negotiate from a position of weakness. Only very recently has the U.S.S.R. apparently ceased to insist on its unsubstantiated thesis that a rough nuclear parity now exists and therefore everything should be left as it is.

Now, the next welcome step would be the reduction of the number of missiles—which must include a fair assessment of the quality of missiles and other means of delivery (i.e., the number of charges deliverable by each carrier, its range and accuracy, and its degree of vulnerability—the last being greater for aircraft and less for missiles;[8] most likely, it would be expedient to use your criterion, or analogous ones). And what is absolutely at issue here is not moving the missiles beyond the Urals but destroying them. After all, rebasing is too "reversible." Of course, one also must not consider powerful Soviet missiles, with mobile launchers and several warheads, as being equal to the now-existing Pershing I, the British and French missiles, or the bombs on short-range bombers—as the Soviet side sometimes attempts to do for purposes of propaganda.

No less important a problem is that of the powerful silo-based missiles. At present the U.S.S.R. has a great advantage in this area. Perhaps talks about the limitation and reduction of these most destructive missiles could become easier if the United States were to have MX missiles, albeit only potentially (indeed, that would be best of all).

A few words about the military capabilities of powerful missiles: they can be used to deliver the largest thermonuclear charges for destroying cities and other major enemy targets—while for exhausting the enemy's ABM systems there will most likely be a simultaneous use of a "rain" of smaller missiles, false targets and so on. (Much is written about the possibility of developing ABM systems using super-powerful lasers, accelerated particle beams, and so forth. But the creation of an effective defense against missiles along these lines seems highly doubtful to me.) We present the following estimates to give an idea of what a powerful missile attack on a city would be like. Assuming that the maximal power of an individual charge carried by a large rocket would be of a magnitude of 15-25 megatons, we find that the area of complete destruction of dwellings would be 250-400 square kilometers, the area affected by thermal radiation would be 300-500 square kilometers, the zone of radioactive traces (in case of a ground-level explosion) would be 500-1000 kilometers long and 50-100 kilometers wide!

Of equal importance is the fact that powerful MIRVed missiles could be used to destroy compact enemy targets, in particular, similar silo-based enemy missiles. Here is a rough estimate of an attack of that type on launch sites. One hundred MX missiles (the number proposed by the Reagan Administration for the first round of deployment) could carry one thousand 600-kiloton warheads.

Considering the ellipse of concentration[9] and the hardness assumed for the Soviet

[7] Editor's Note: Professor Drell notes that maintaining the U.S. and Soviet nuclear arsenals at their present numerical levels is not the same as the kind of "freeze" usually discussed today—in that it would not preclude changes in the types of weapons within the numerical level. As to a strict "freeze" as usually discussed, Professor Drell's position, stated in his Grace Cathedral speech, is that "the freeze movement has been very helpful in creating . . . a constituency for arms control. Though I recognize some deficiencies of the freeze as literal policy, I support it and will vote for it as a mandate for arms control. . . ."

[8] Editor's Note: The reference to greater relative vulnerability of aircraft vis-a-vis missiles apparently refers to vulnerability to defensive measures in the execution of a mission.

[9] Editor's Note: This phrase is a literal translation from the Russian. It apparently refers to the shape and size of the area in which a given missile is likely to land in accordance with its accuracy characteristics. The comparable American term is "circular error probable," or "CEP," defined as the area within which a given missile has a 50-percent chance of landing. Such an area is in fact usually elliptical in shape rather than circular.

launch sites, each of the warheads has, according to the data published in the American press, a 60-percent probability of destroying one launch site. During an attack on 500 Soviet launch sites, with two warheads targeted for each site, 16 percent will remain undamaged, i.e., "only" 80 missiles.

A specific danger associated with silo-based missiles is that they can be destroyed relatively easily as a result of enemy attack, as I have just demonstrated. At the same time, they can be used to destroy enemy launch sites in an amount four to five times larger than the number of missiles used for the attack. A country with large numbers of silo-based missiles (at the present time this is primarily the U.S.S.R., but if the United States carries out a major MX program, then it too) could be "tempted" to use such missiles first before the enemy destroys them. In such circumstances the presence of silo-based missiles constitutes a destabilizing factor.

In view of the above, it seems very important to me to strive for the abolition of powerful silo-based missiles at the talks on nuclear disarmament. While the U.S.S.R. is the leader in this field there is very little chance of its easily relinquishing that lead. If it is necessary to spend a few billion dollars on MX missiles to alter this situation, then perhaps this is what the West must do. But, at the same time, if the Soviets, in deed and not just in word, take significant verifiable measures for reducing the number of land-based missiles (more precisely, for destroying them), then the West should not only abolish MX missiles (or not build them) but carry out other significant disarmament programs as well.

On the whole I am convinced that nuclear disarmament talks are of enormous importance and of the highest priority. They must be conducted continuously—in the brighter periods of international relations but also in the periods when relations are strained—and conducted with persistence, foresight, firmness and, at the same time, with flexibility and initiative. In so doing, political figures should not think of exploiting those talks, and the nuclear problem in general, for their own immediate political gains but only for the long-term interests of their country and the world. And the planning of the talks should be included in one's general nuclear strategy as its most important part—on this point as well I am in agreement with you.

The third group of problems which should be discussed here is political and social in nature. A nuclear war could result from a conventional war, while a conventional war is, as is well known, a result of politics. We all know that the world is not at peace. There are a variety of reasons for this—national, economic and social reasons, as well as the tyranny of dictators.

Many of the tragic events now occurring have their roots in the distant past. It would absolutely be wrong to see only Moscow's hand everywhere. Still, when examining the general trend of events since 1945 there has been a relentless expansion of the Soviet sphere of influence—objectively this is nothing but Soviet expansion on a world scale. This process has spread as the U.S.S.R. has grown stronger economically (though that strength is one-sided), and in scientific, technological and military terms, and has today assumed proportions dangerously harmful to international equilibrium. The West has grounds to worry that the world's sea routes, Arab oil, and the uranium, diamonds, and other resources of South Africa are now threatened.

One of the basic problems of this age is the fate of the developing countries, the greater part of mankind. But, in fact, for the U.S.S.R., and to some degree for the West as well, this problem has become exploitable and expendable in the struggle for dominance and strategic interests. Millions of people are dying of hunger every year, hundreds of millions suffer from malnutrition and hopeless poverty. The West provides the developing countries with economic and technological aid, but this remains entirely insufficient due largely to the rising price of crude oil. Aid from the U.S.S.R. and the socialist countries is smaller in scale and, to a greater degree than the West's aid, military in nature and bloc-oriented. And, very importantly that aid is in no way coordinated with world efforts.

The hot spots of local conflicts are not dying but are rather threatening to grow into global wars. All this is greatly alarming.

The most acutely negative manifestation of Soviet policies was the invasion of Afghanistan which began in December 1979 with the murder of the head of state. Three years of appallingly cruel anti-guerrilla war have brought incalculable suffering to the Afghan people, as attested by the more than four million refugees in Pakistan and Iran.

It was precisely the general upsetting of world equilibrium caused by the invasion of Afghanistan and by other concurrent events which was the fundamental reason that the SALT II agreement was not ratified. I am with you in regretting this but I cannot disregard the reasons I have just described.

Yet another subject closely connected to the problem of peace is the openness of society and human rights. I use the term the "openness of society" to mean precisely what the great Niels Bohr meant by it when introducing it more than 30 years ago.

In 1948, the U.N.'s member states adopted the Universal Declaration of Human Rights and stressed its significance for maintaining peace. In 1975, the relationship of human rights and international security was proclaimed by the Helsinki Final Act, which was signed by 35 countries including the U.S.S.R. and the United States. Among those rights are: the right to freedom of conscience; the right to receive and impart information within a country and across frontiers; the right to a free choice of one's country of residence and domicile within a country; freedom of religion; and freedom from psychiatric persecution.

Finally, citizens have the right to control their national leaders' decision-making in matters on which the fate of the world depends. But we don't even know how, or by whom, the decision to invade Afghanistan was made! People in our country do not have even a fraction of the information about events in the world and in their own country which the citizens of the West have at their disposal. The opportunity to criticize the policy of one's national leaders in matters of war and peace as you do freely is, in our country, entirely absent. Not only critical statements but those merely factual in nature, made on even much less important questions, often entail arrest and a long sentence of confinement or psychiatric prison.

In keeping with the general nature of this letter, I refrain here from citing many specific examples, but must mention the fate of Anatoly Shcharansky, who is wasting away in Chistopol Prison for the right to be visited by his mother and to write to her,[10] and Yuri Orlov who, now for a third time, has been put for six months in the punishment block of a Perm labor camp, after having been beaten unmercifully in the presence of a warden.

In December 1982 there was an amnesty to honor the U.S.S.R.'s sixtieth anniversary but, just as in 1977 and in the preceding amnesties, there was a point made of excluding prisoners of conscience. So distant is the U.S.S.R. from the principles it proclaims, a country which bears such great responsibility for the fate of the world!

In conclusion I again stress how important it is that the world realize the absolute inadmissibility of nuclear war, the collective suicide of mankind. It is impossible to win a nuclear war. What is necessary is to strive, systematically though carefully, for complete nuclear disarmament based on strategic parity in conventional weapons. As long as there are nuclear weapons in the world, there must be a strategic parity of nuclear forces so that neither side will venture to embark on a limited or regional nuclear war. Genuine security is possible only when based on a stabilization of international relations, a repudiation of expansionist policies, the strengthening of international trust, openness and pluralization in the socialist societies, the observance of human rights throughout the world, the rapprochement—convergence—of the socialist and capitalist systems, and worldwide coordinated efforts to solve global problems.●

● Mr. D'AMATO. Mr. President, I have opposed all moves to delete funding for the MX missile program or to delay the progress of the program. I have listened closely to all of the arguments raised against the MX and I have not found them persuasive.

The underlying reasons for proceeding with the MX program as planned are the dynamics of the balance of power between the United States and the U.S.S.R. and the impact of time on shifts in this balance. The U.S.S.R. has been embarked upon an unprecedented military buildup, particularly in the area of strategic nuclear forces. The main thrust of their effort in strategic nuclear forces has been the successful creation of a superior ICBM force. We must respond to this effort in a timely manner, or face a loss of even rough strategic parity with them.

The ICBM is today's dominant weapon. The ICBM possesses a unique combination of great destructive power, accuracy, and speed of response. An imbalance in ICBM's can be counterbalanced only to a certain extent by other strategic forces because they each lack one or more of the characteristics which make the ICBM the weapon of choice. No one in this Chamber will dispute the statement that the Soviet Union has succeeded in constructing the largest and most powerful ICBM force on Earth. We have so far maintained only a

[10] Editor's Note: At the time this Open Letter was written, Shcharansky was on a hunger strike, because he was denied all contact with his family. He has since been permitted an exchange of letters with his mother, and has ended his fast.

rough strategic parity through improvements in the SLBM leg of the triad. Further improvements in this leg and improvements in the air breathing leg will not be enough to assure our ability to deter nuclear war unless we promptly redress the ICBM imbalance.

Time is a decisive factor. Many have spoken in favor of moving ahead with the so-called Midgetman missile. They have not, however, convincingly addressed the adverse consequences to our national interests flowing from the continued shift in the world balance of power in favor of the Soviet Union which is certain to occur while we wait another 10 years for development of Midgetman to be completed. As others have so ably pointed out, we have planned to modernize our ICBM force every 5 years for the last 15 years. We have yet to actually modernize our forces, because of political problems, not technical problems. The time has come to approve the MX program and modernize our ICBM forces. There is no time left to just talk about how we might proceed after yet another decade's development work.

The Soviet Union recognizes the military utility of the ICBM. They are proceeding with the development of still another generation of new ICBM's. They have already tested the SS-24 and the PL-5 and are reportedly preparing to test two more new ICBM's in the near future. They prize the ICBM because of the military effectiveness it obtains from its unique combination of characteristics. They now have enough ICBM warheads to achieve multiple warhead coverage of the strategic targets in the United States they consider critical.

This force structure was developed for a specific reason. It is part of their strategy combining the destruction of our offensive forces and the destruction of our overall military capability in the event of a nuclear war. They appear to have structured their offensive forces to accomplish the twin goals of defeating any opponent and limiting damage to themselves from any opponent's offensive forces. The great power, accuracy, and speed of response of an ICBM force suits these goals perfectly.

From our perspective, the need to move ahead with the modernization of our ICBM force is threefold. First, the MX is an essential ingredient of our arms control negotiations posture. Second, its military effectiveness is necessary to hold at risk enough of the Soviet silos and command and control assets to encourage them to move away from large, MIRV'd ICBM's and toward small, mobile single warhead ICBM's like our Midgetman concept. Finally, producing and deploying the MX provides us with the technical base and the open ICBM production line we require as a hedge against a Soviet arms control agreement breakout.

I coupled my support for the MX program to the guaranteed verifiable mutual nuclear build down concept. I was gratified that President Reagan indicated his acceptance of this concept and his willingness to incorporate it in his negotiating strategy. There are already indications of some positive movement in our arms control negotiations with the Soviet Union. I believe we will have a good, equitable, verifiable agreement sooner than most people would expect. I am certain our steadfast determination to proceed with our strategic modernization program has played a major role in producing these indications. So long as we continue to pursue a consistent national security policy, the Soviet Union can know what to expect from us and can plan and negotiate accordingly.

The Scowcroft Commission's report dealt with the issues of launch on warning and strategic stability. Nothing which has been said here has rebutted the arguments made by this panel of distinguished defense experts from both parties. It also addressed the issue of the vulnerability of the MX when based in Minuteman silos. A point which has not received enough public emphasis is the fact that several courses of action were intended to be explored to minimize this vulnerability problem as the MX nears deployment. The several options discussed involved superhardening of silos, ballistic missile defense, and other potential courses of action.

I believe it is critical that we move ahead promptly with the MX program. We must not delay our modernization program yet again. The Soviet ICBM program is moving relentlessly ahead and has produced a perceptible shift in the world balance of power in favor of the Soviet Union. If left unanswered, we will see a still larger shift in the balance of power. The negative results of this shift on our allies around the world will cause the danger of war to rise, not decrease, as our opponents are emboldened by their successes. The MX is the key to our ability to deter nuclear war. It is further the key to the confidence of our allies in our will to defend ourselves. I urge my colleagues to continue to support this vital program as we move ahead with our efforts to preserve peace and protect freedom.●

Mr. HART. Madam President, I yield myself such time as may remain on the bill.

Madam President, I notice the Senator from New Jersey (Mr. BRADLEY) is here on the floor and has expressed considerable concern himself about the recommendations to go forward with the MX missile, particularly as proposed by the President's Scowcroft Commission. I know he has raised questions himself about this notion and has sought to express concern about whether this is in the best interest of this country. I yield any time that he may require to make his own views known or to respond to any comments or questions he may have.

Mr. BRADLEY. If the Senator will yield for several questions, I found that, as I said on the floor last week when we were discussing this issue, while strategic deterrence is important, I think we have to look at the whole defense, which means the balance between strategic and conventional forces. And I hope to return to that shortly.

Over the weekend, I was interested to read an article by McGeorge Bundy, in which he said the following sentence, which I thought was particularly relevent to this discussion. He was referring to the Scowcroft Commission report and to recommendations of the Commission, which seemed, possibly to one who has not followed the issue nearly as closely as the Senator from Colorado, to be somewhat contradictory in that the Commission says that there is no window of vulnerability, but that we should go ahead and build 100 MX's. It seems to me that is rather contradictory.

Mr. Bundy says that good compromises like the social security package come out of reciprocal concessions which permit real progress to agreed goals, not out of a sudden decision to call a bad scheme a good one. It seems to this Senator that throughout most of the deliberations of the Scowcroft Commission they were confirming the contention that many of us on this floor have stated over the past several days that the MX is a bad scheme.

Would the Senator from Colorado not agree that their ultimate recommendation of 100 MX's is indeed contradictory?

Mr. HART. The Senator from New Jersey is exactly correct. Unfortunately, in this discussion there has been too much blurring of the distinction between the issue of whether to build the MX or not, and whether that represents a signal of strength and determination to the Soviet Union, as compared with the issue of whether to build the MX and put it in the most vulnerable targeted site anyone could conceive of.

In the course of the discussion yesterday, the Senator from Colorado introduced into the RECORD two news stories, one from the New York Times, I believe, on April 19, the day following the Scowcroft Commission report, and another on April 18, as I recall from the Washington Post, in which the chairman of that committee, General Scowcroft, was frank to say in testimony before congressional committees that the principal determinate in deciding to recommend basing the MX in vulnerable silos was a political deci-

sion. He followed that up by admitting under questioning, I believe from the Senator from Maine (Mr. COHEN), that given those political considerations being removed, they would have come up with another basing scheme.

This is a very important point and it goes, I believe, directly to the question the Senator from New Jersey is asking. That is the wisdom of this decision and the degree to which the decision or recommendation adopted by the President put forward in this committee report and bill is internally contradictory. The fact is that it is. Not because of military considerations, arms control considerations, or national security considerations, but political considerations.

Mr. BRADLEY. If the Senator will yield further, by political considerations does the Senator mean political considerations within the Congress or does the Senator mean the fabled bargaining chip consideration.

Mr. HART. No, political considerations in the strictest sense of the word. I may or may not be able to find right off the bat in the RECORD, the two stories to which I have referred, but it is very clear from the direct statements that General Scowcroft made on behalf of the Commission that the Commission was precluded by those political considerations from, for example, recommending a mobile basing system in Nevada, Utah, or anywhere else.

Mr. BRADLEY. So the Senator would say that if you were going to deploy the MX, it would make more internal logic in the overall proposal to deploy it in a basing mode that would indeed be survivable. Is that not correct?

Mr. HART. Indeed. The Scowcroft Commission itself made a passive gesture at that 12-year commitment which began at the very outset of the consideration as to whether or not to have an MX missile. I cited yesterday the reference on page 108 of the committee report where it says, "It was determined that this new missile" this is the history of the MX going back to 1972 "this new missile should have these qualities," and it lists two others, "and be based in a survivable manner."

The committee concludes on page 114 the MX deployment approach contained in the Scowcroft Commission report and endorsed by the President does not meet the standard for survivability for an MX basing system.

So there it is.

Mr. BRADLEY. The Senator has been on this floor leading this debate for many days. I am curious, does anyone make the argument persuasively that putting the MX missiles in fixed silos is a survivable basing mode?

Mr. HART. None whatsoever. Indeed, the distinguished chairman of the committee and the manager of this bill himself stated yesterday—I cannot quote him directly but I can paraphrase—that this is not a survivable basing mode, and, in fact, it is a very unstable, nonsurvivable basing mode.

Mr. BRADLEY. Would the Senator from Colorado also agree that if you put the MX missile in silos that are not survivable, you are inexorably led into the direction of trying to protect those nonsurvivable silos that leads you almost directly to an ABM system?

Mr. HART. Exactly. That issue has not been addressed here on the floor because the United States, if we buy this missile and put it into silos, will have only two choices, if it intends to retain its sanity at all. One of those may preclude retaining sanity. That is, on the indication that the silos are under attack, to launch the missiles so they are not destroyed, or to build a very expensive system and a very technologically problematic system to defend them by trying to knock down incoming missiles with missiles of our own, namely, ballistic missile defense.

Mr. BRADLEY. If we can turn to the whole issue of the MX missile, since it is based in a nonsurvivable basing mode, maybe we should look at the issue of are we actually going to build them? It does not make a lot of sense to build a missile that puts you no better off than you were prior to building it because you stuffed it into a silo. The Soviets had these silos targeted, just as today they have them targeted, and last year, and they will have them targeted 2 years from now when we stuff MX missiles into them instead of Minuteman missiles. Is that not correct?

Mr. HART. They will have more targeted 2 years from today. The accuracy will be increased. They will fulfill the prophesy the Senator from Texas made, I think, on November 2, 1981, that they will, in fact, be shooting at them like sitting ducks.

Mr. BRADLEY. If we deploy this missile in a basing mode that is clearly nonsurvivable, and they are sitting ducks, then that raises the question of whether we will be able to avoid deploying the missile, which means is it a bargaining chip?

I have heard no confirmation that this President is prepared to bargain the MX missile away.

Mr. HART. If I may respond, the President is on record in December 12, 1982, I think, or 14th, at a press conference, reiterated in the form of a letter to the Members of Congress published in January 1983, that he has no intention whatsoever of bargaining the MX away. That was to get strong support from his own side of the aisle and those opponents of the MX who were afraid that that was in fact the President's intention. The President's intention was further confirmed as recently as the last 4 to 5 weeks by the Secretary of Defense who said there is no intention to bargain MX away.

Mr. BRADLEY. Can the Senator from Colorado think of in a negotiation with the Soviet Union why they might want to prevent the United States from deploying the MX missile, keeping in mind that they signed a treaty, the SALT II agreement, which allowed deployment of the MX missile?

Mr. HART. If I understand the question of the Senator from New Jersey correctly——

The PRESIDING OFFICER (Mr. GORTON). The Chair will inform the Senator from Colorado that all of his debate time on the bill has now expired. The Senator from Colorado does, however, have 1 hour remaining on the amendment.

Mr. HART. May I say to the Senator from Texas that the Senator from Michigan (Mr. LEVIN) wishes to call up his amendment and begin debate on that. He is on his way to the floor.

I will ask unanimous consent that a quorum call which the Senator from Colorado will ask for while the Senator from Michigan (Mr. LEVIN) is coming to the floor not be charged against either side.

Mr. TOWER. Mr. President, I shall have to object to that request.

Mr. HART. I wish the Senator from Texas would not do that, since it is just a moment or two. It is in the interest of getting a good flow of the amendments completed.

Mr. TOWER. Mr. President, after the amendments of the Senator from Colorado and the Senator from New York are disposed of, the Senator from Michigan could bring up his amendment at that time. He will not be foreclosed.

Mr. HART. But the effort, as the Senator from Texas knows, is to get debate completed on all amendments, then have votes in sequence on all of those. That will be the request the Senator from Michigan will make.

Mr. TOWER. I shall object to the request.

The PRESIDING OFFICER. The objection is heard.

The Senator from Colorado does have the floor and does have 1 hour on his amendment.

Mr. HART. Mr. President, I yield 5 minutes to the Senator from New Jersey.

Mr. BRADLEY. Mr. President, the debate and exchange that I was having with the Senator from Colorado really leads to a further point, which is, Is there any better way that we could spend this $20 billion to insure our national security? The key here, I think, is that we need to see our defense as we see our individual health. We need to be interested in the whole defense, just as we are inter-

ested in the health and strength of the whole body. With all this overemphasis on the MX and on strategic systems generally at the expense of intelligence gathering and analysis capability, command and control systems, and skilled and equipped manpower, we become similar to the weightlifter who lifts arm weights to build his biceps only to die of a heart attack because he neglected the rest of his body.

Mr. President, defense, like health, requires emphasis on the whole range of actions—conventional as well as strategic—to give maximum assurance of strength and survivability.

The Defense authorization bill that we are now debating contains major cuts in conventional weapons. The bill includes $2.4 billion for the MX. That $2.4 billion could have funded the very conventional systems that the Joint Chiefs of Staff say are essential to the Army's new strategy of air-land battle.

In the critical area of intelligence gathering, we should recognize that information on enemy movement and targets is not free. It costs money to acquire this information. In the area of early target acquisition, the committee cut $49 million from the joint tactical fusion program, a system that will provide early detection, identification, and location of enemy forces.

In the area of the deep strike into enemy rear areas, the committee cut: $20 million for the joint tactical missile system; $8 million for development of the Air Force's standoff attack weapon; $31 million for development of wide area antiarmor munitions; and $20 million for the remotely piloted vehicle.

In addition, mobility and conventional firepower are essential elements to the conventional defense capability of NATO. Again, the committee cut deeply into these programs: $105 million for 16 AH-64 Apache attack helicopters; $226.6 million for 60 M-1 Abrams main battle tanks; $233 million for the Patriot air defense system; $206.2 million for 12 F-15 Eagle fighter aircraft; and $13 million for development of the C-17 transport aircraft.

In addition, the committee cut other programs crucial to our conventional defense. It cut: $78.9 million for the Navy computer acquisition program; $30 million to develop a new search and rescue helicopter; $16 million for standard missile improvements.

All of these programs, Mr. President, could be fully funded if not for the $2.4 billion going to the MX missile. Is it not clear that the MX funding has already led to underfunding of conventional capabilities?

Mr. President, I might also say that the irony of the events of the last few days has not been lost on the Senator from New Jersey. Here we are practicing war games in Central America and arguing that the strategic interests of the United States are affected. The basis of that is that 50 percent of our oil travels through the Caribbean. Yet we are shortly, in a supplemental appropriations bill, going to be cutting funds for the strategic petroleum reserve. So we are ready to send troops into Central America to protect sealanes that will prevent a disruption in our oil supply, but we are not willing to stockpile oil. Again, it proceeds, in my view, from a lack of an overall strategy in this area just as we are willing, it appears, to spend $2.4 billion for an MX missile while we are not prepared to spend adequately to keep our conventional defense strong.

Mr. President, I wish to submit for the RECORD an article written by the Senator from New York (Mr. MOYNIHAN) and ask unanimous consent that it be printed in the RECORD in full.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Newsday, July 26, 1983]

REAGAN MX PLAN COMMITS U.S. TO FIRST-STRIKE POLICY

(By DANIEL PATRICK MOYNIHAN)

The proposal before the Senate to put MXs in unimproved, Minuteman silos is a perilous departure from the policy of deterrence.

It is now all but certain the Senate will vote tonight to proceed with construction of the first of 100 MX missiles, for deployment in unimproved Minuteman silos, as President Reagan has proposed. After a generation and more of nuclear peace based on the doctrine of "deterrence," the United States will have changed its strategic policy to one of "launch-on-warning." The result will be a world set on a hair trigger, ready to be catapulted into holocaust one day on about nine minutes notice—like as not by accident, because a Russian computer will have momentarily gone down.

From the time Americans learned that the Soviet had developed the capacity to deliver a nuclear bomb to the United States, deterrence has guided both our thinking about how to build nuclear weapons and our planning about how to avoid nuclear war.

Deterrence is a simple idea, and it is defensive in character. It calls for the nuclear power to deploy its forces so they are able to survive a pre-emptive attack by the other side in sufficient strength to inflict unacceptable retaliatory damage on the aggressor. War is deterred by making it clear war cannot succeed.

Though it clearly would work best if both sides accepted the premise, and acted accordingly, we have never been given any reason to think the Soviets had adopted deterrence as a working proposition. To the contrary, Soviet military leaders speak frequently about launching preemptive strikes, about fighting nuclear wars and expecting to "win" something. They conduct training exercises along these lines. And, until quite recently, they have relied almost exclusively on a nuclear force that is not very survivable, consisting almost entirely of large, powerful, ever more accurate—and stationary—land-based missiles. Sitting ducks, you might call them. the Soviet force has seemed designed for the purpose of launching a first strike, not at all capable of launching a second strike.

Somehow it has always seemed to be in the nature of things that this asymetry should exist. After all, as long as *we* were able to threaten a credible *second* strike, there was not going to be a *first* strike. We're us, and they're them. We knew this; they knew; we knew that they knew.

Crucial to this "second strike" concept at the heart of deterrence is the requirement that our nuclear forces be deployed in ways enabling them to survive attack. American policy therefore evolved toward a strategic triad, in which our nuclear weapons are deployed in airplanes, at sea and in land-based silos. Each has strengths and weaknesses; the diversity, moreover, makes it still more difficult for the Soviets to be certain they could destroy them all simultaneously.

Almost 15 years ago, our intelligence agencies began to sense that the Soviets were developing a new class of missile large and accurate enough to destroy our Minuteman sites in a first strike. These, in the main, constituted the land-based leg of our triad. (The missiles, known as the SS-17, -18, and -19 began to deployed in 1974.)

America had to respond if deterrence were to survive as a working doctrine. In 1972, the U.S. set out to develop a new intercontinental ballistic missile. All parties concurred in the Air Force judgment that it would have to be based in a survivable manner. When reports surfaced that the Air Force might be straying from this course, Congress asserted (in the defense authorization bill for fiscal years in 1976 and 1977) that "studies will not be conducted for a fixed base ICBM because of its questionable survivability."

Yet, in April of this year, after reviewing 35 basing modes and examining the state of the American deterrent force, the President's highly regarded Commission on Strategic Forces recommended that we deploy the new MX missile in *the very Minuteman silos whose vulnerability had caused us to look for a new basing mode in the first place.* Reagan passed this extraordinary recommendation to the Congress with his endorsement, and this week the Senate will complete its consideration of the legislation that will authorize that the scheme be put in place.

For the first time, the U.S. will have deployed a nuclear weapon in a fashion we *know*—and *they* know—cannot survive a first strike. (Already there are at least two Soviet warheads dedicated, as they say, to each Minuteman silo.) And this is not just any nuclear weapon we will be placing in these silos: the MX, at 195,000 pounds, with 10 warheads on each of the 100 missiles and the best in inertial guidance systems, will be the most powerful weapon we have ever produced—for effectiveness, range and accuracy.

The MX is so powerful and so accurate, in fact, that it possesses "counterforce" capability—that is, the ability to destroy a heavily fortified, or hardened, Soviet missile silo. A counterforce weapon, deployed in sufficient numbers, can undermine deterrence regardless of how it is based. It can, if known to be powerful and accurate enough, raise the possibility that it will be used to conduct an effective first strike, knocking out all Soviet missiles in one blow and eliminating the ability to retaliate.

Thus the MX, a weapon that had the *capacity* to be used to great advantage in a first strike, is going to be deployed in a fashion in which it can *only* be used as a first strike weapon.

"For what purpose have the Americans done this," Soviets will ask themselves, "After 10 years of development and billions of investment?"

They will have no choice but to conclude that the U.S. has abandoned deterrence, and resorted to the long-standing Soviet posture, based on heavy, vulnerable missiles suited to a first strike. Under the most outspokenly anti-Communist President yet elected, ironically, the world has witnessed the Sovietization of American strategic policy!

But the irony is richer still, the gaping sense of opportunities lost far greater. For in the same period in which the U.S. has moved for the first time to deploy a first-strike weapon system in the Soviet style, the Soviets have provided evidence they may finally be willing to come to terms with deterrence.

In the past year, the Soviets have begun testing two new missiles, the SS-X-24 and the PL-5. The distinguishing characteristic of the two is that both are solid fuel missiles. Solid fuel is a condition for mobile missiles.

Small, mobile missiles are the way of the future in intercontinential ballistic missiles, and also the way to stability in the nuclear balance. For they are infinitely better suited to deterrence than are the behemoths of which the Soviets have hitherto seemed so fond. Small mobile missiles are also better suited to deterrence than the MX.

Indeed, the President's Commission on Strategic Forces, which recommended in passing that the U.S. deploy MX in Minuteman silos, devoted more lengthy and more persuasive analysis to a proposal that we accelerate efforts to develop and deploy such a small mobile missile. Being mobile, it could be hidden much more easily and so would not be as vulnerable to attack. Being small, with fewer warheads, it would make a less attractive target.

I will offer today an amendment that, while halting the MX deployment, would double the money spent on research and development of a small, single-warhead ICBM. It won't pass. The Congress will go forward with the President's proposal to deploy the MX as a first-strike weapon.

This means that on that day in the not-far-off future when the Soviet leader is told that their computer indicates a missile attack has been launched at Moscow, he will know two things: that the computer issued false reports before, and that the U.S. recently deployed an MX good for nothing but a first strike. He will have only nine or 10 or 12 minutes to give the order to launch a retaliatory attack. In that kind of pressure—especially if the moment should arrive in the midst of a global political crisis—what will that Russian leader think about American decision to deploy the MX? What can he possibly think? And what order will he give?

What order will our strategic command be inclined to give when our computer indicates we are under attack? With a weapon as capable and as defenseless as the MX in our arsenal (the American queen of the nuclear chessboard?), will there be added pressure to unleash it early, before it is destroyed on the ground? This is precisely the scenario the Chairman of the Joint Chiefs of Staff, General John W. Vessey Jr., set forth for a Senate committee on May 5. Yes, he said, the MX in Minuteman silos could not be defended from a first strike by the Soviets. But; he said, "The Soviets have no assurance that we will ride out the attack?" Translation? That we too will Launch on Warning. A warning we may not have time to double-check, triple-check. Machines, not men, will decide.

Though this is reason for the gravest concern, it is not quite time to despair. Happily, it is the nature of the American political system that decision are rarely made irrevocably—more money will have to be appropriated; elections intervene; popular sentiment, which government tends in the end to reflect pretty well, shifts or becomes energized. Our hope is that, at some point before the first MX missiles are lowered into their silos at Warren Air Force Base in Wyoming in the middle of 1986, this dreadful course can be reversed, and deterrence re-established.

The PRESIDING OFFICER. The time of the Senator from New Jersey has expired.

Who yields time?

Mr. HART. Mr. President, I see the Senator from Michigan is on the floor. I am prepared again to make the unanimous-consent request in the interest of his amendment, or he may do so himself.

If I may have the attention of the Senator from Michigan, I ask unanimous consent that it be in order to set aside the pending amendment so that the Senator from Michigan may call up his amendment and present some debate on that, with the understanding that, upon the completion of that debate, attention will be returned to the amendment of the Senator from Colorado and the vote be the first vote to occur thereon.

Mr. TOWER. Mr. President, there are some objections on this side, so I shall have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. HART. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to the pending amendment: Senator BAUCUS, Senator BIDEN, Senator BUMPERS, Senator DODD, Senator KENNEDY, Senator LAUTENBERG, Senator LEVIN, Senator MELCHER, Senator MOYNIHAN, Senator PROXMIRE, Senator GLENN, Senator BINGAMAN, Senator BRADLEY, Senator TSONGAS, Senator SASSER, and Senator SARBANES.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, I would not want anyone to think the objection I have lodged reflects my position on the amendment of the Senator from Michigan, and he will be fully protected and will have an opportunity to bring up that amendment and get some debate on it in due course.

Mr. President, I yield 10 minutes to the distinguished Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER. Is the Senator from Texas yielding time on the bill?

Mr. TOWER. The Senator from Texas is yielding on the bill. It is my understanding I have no time on the amendment.

The PRESIDING OFFICER. The Senator is correct; 10 minutes is yielded to the Senator from Mississippi on the bill by the Senator from Texas.

Mr. STENNIS. Mr. President, I thank the Senator from Texas. It is always a privilege to take some time of the Senate, especially on a subject like this. I am not an expert on weaponry. I have never made a minute, inexhaustible study of weapons as such, but I have had these problems on my mind for a good while.

In my mind, the missile policy and the missile program and the missile comparison go back to the days when we had Wernher Von Braun before the Senate Armed Services Committee as a witness. Most will recall that he was the man in charge of the missiles thrown on London just before the end of World War II. He told the story about how he tried to be captured later by us rather than by some of our allies. I remember how animated he was and how dedicated he was to these weapons.

I know the history of when we made decisions under guidance from both military and academic witnesses, experts in the field of weaponry of all kinds. I remember so well the policy that we had. From the beginning I have looked upon the value of these weapons as a deterrence to keep down any possible adversary, make it less likely that they would plan or risk an attack upon us. You cannot tell exactly how responsible or reliable a weapon is or what it can do, but we all know those senses we have of safety and preservation.

Long before our supply of intercontinental weaponry and others was made known and was public knowledge, I advocated strongly, "Yes, let us tell our adversaries what we have and then prove to them that we do have it. That makes it less likely that they will take a chance of making an attack upon us."

I felt that way about it, but I did not violate the rule that required it to be kept classified.

Now we have reached the point where we have gone all the way in the other direction and have debate on these matters and explain everything in detail, in every particular, and where every explanation is demanded and required.

That is not bad, but I am as firmly convinced as ever that in the world in which we are living, like it or not, we cannot afford to not take a chance, much less an unnecessary chance, to have the wherewithal, the power, and the will even to make these things come out for our side and thus protect our people.

I remember 10 years ago we first started on the MX, a new missile, a new big missile. There has been a lot of bad luck on it, in a way. The right choices have been made but were impossible to carry out. We could enact it on paper, but we could not carry it out and make it usable, build it with all of the underground work. It would not fit. So we have had to go from one step to another.

There is no doubt about it, even though it might not be perfect, it might not be modern, with the recommendation from this very valuable Scowcroft Commission, this is a plan of tremendous value, admittedly temporary, but in this particular field it is all we have to maintain the triad.

That is the No. 2 point with me, and it has been for years. I have never gotten away from it. I am proud of the fact I did what little I could to see that all three elements of that triad were carried out. We were just not going to take the chance of letting any one of those three legs be separated or out of order.

We have this tremendous submarine, a product of the famed and fine officer-scientist, Admiral Rickover, and others. Many contributed to it, and it is there today. You do not see it. They do not write articles about it, but it is there. It is incomparable to anything else in the world that has ever been built or even successfully planned, on the move every day, with all the advantages that our ingenuity has built into it, under the surface of the sea.

And do not think we are slouches with our bombers. In fact, I think we are going too fast maybe with too many. Even though they are subject to age, we have the B-52's that carry great potential for destruction, and others that I will not enumerate. They are known. The bomber wing of our triad is still in business in a big way, and there are replacements coming. They will arrive; they will be here. We have to carry the load. I still have enough Scotch in me to dislike spending these billions of dollars. I would like to see them put in more constructive, more serviceable purposes, but we are living in a world where we have to tough it out. I am thankful that our economy is strong enough that we can do it. We have more and better bombers coming. We must keep these missiles the same way, We have better ones coming.

Mr. President, we cannot willingly and voluntarily take the chance that goes with the neglect of any part of these weapons. I know something about the difficulties of arms control, arms treaties. I have had to deal with them to some degree in helping to pass them through our committee and the Senate.

It has been long years, too, going back to the ABM and that tie vote we had. It scared me out of my senses almost. I happened to be the floor manager of that bill. There was a tie vote. That was something new. I recall that Senator Margaret Chase Smith was here then and how courageous she was.

We must, if at all possible, bring about a collective arms limitation. Otherwise, we can destroy our economy, having to carry larger and more complicated and more expensive worldwide armaments.

Mr. JACKSON. Mr President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Washington, if I have time.

The PRESIDING OFFICER. The 10 minutes yielded to the Senator from Mississippi have expired.

Mr. TOWER. Mr. President, I yield 5 additional minutes to the Senator.

Mr. STENNIS. I yield to the Senator from Washington.

Mr. JACKSON. Mr President, I want to salute the distinguished senior Senator from Mississippi for his lucid and sensible analysis of the challenge facing the Senate.

As he ably points out, it is this everlasting question of deterrence. God forbid that any of these weapons systems, the triad that he discussed, ever be fired in anger. The whole purpose of it is to prevent such an event from occurring.

I have had the privilege of serving during a substantial period of the service of the distinguished senior Senator from Mississippi on the Armed Services Committee and have been through a number of the battles to which he has referred.

I must say, Mr. President, that the Senate—all of us—is in his debt for his wisdom and for his judgment and for his stability in dealing with these difficult problems.

Mr. STENNIS. Mr. President, I thank the Senator very much. I appreciate his words. He was holding my hand during very much of what I went through, as did the Senator from Texas.

Mr. JACKSON. You have been the steady hand in an often unsteady world.

Mr. TOWER. I certainly agree.

Mr. President, I join the Senator from Washington in his accolades to my good and dear friend, JOHN STENNIS, from whom I have learned a great deal from the first day I came to the Senate as a freshman Member. I have served with him in many endeavors since that time.

I served under his able chairmanship on the Armed Services Committee. I remember how helpful he was to me in the transition of control of the committee when the Republicans took over and I became the chairman. Nobody could have been more gracious, helpful, and cooperative, and he continues that. I continue to learn from him, and I thank him very much.

Mr. STENNIS. Mr. President, I thank both Senators. There is a great deal of mutuality to what you have said, with respect to what you have meant to me. I am most grateful.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, in the Senate, unfortunately, debates become personalized, and the perception of the American people too often is that it is a struggle between individuals, often one or two individuals. That may be the case on some occasions. But an issue as important and as historic as this is by no means a contest between personalities or individual Senators. It is a struggle—a struggle, at the very least, between points of view and, perhaps at the very most, over the future direction of this country.

Many have been involved in this struggle for the past 2½ weeks—indeed, for the past number of months and years. Many Senators have spoken up since the President endorsed the recommendation that the MX missile be built and placed in vulnerable silos, and many of those Senators have spoken up throughout the previous months and years, throughout their public careers, against a mindless, often irrational, nuclear arms race. Among those are the supporters of the pending amendment.

The Senator from Oregon (Mr. HATFIELD) has given much of his public life and his private life to the cause of diminishing conflict.

I wish to acknowledge, also, the contribution in this specific debate and to that cause—particularly the persistence and determination—of the Senator from Maryland (Mr. SARBANES); the thoughtfulness of the Senator from Tennessee (Mr. SASSER); the brilliance and articulation of the Senator from New York (Mr. MOYNIHAN); the compassion and commonsense of the Senator from Arkansas (Mr. BUMPERS); the strength of the Senator from Massachusetts (Mr. KENNEDY); the experience of the Senator from Wisconsin (Mr. PROXMIRE); the commitment to this cause and related causes of the Senator from Montana (Mr. BAUCUS), the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Michigan (Mr. LEVIN), the Senator from Montana (Mr. MELCHER), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New Jersey (Mr. BRADLEY), the Senator from Massachusetts (Mr. TSONGAS), and many other Senators who have spoken and who have voted against a notion which a number of Senators serving their Nation today believe represents folly.

Without their willingness to step forward, without their commitment to rationality in a period of what often seems to be irrational behavior, the

Senate would be a lesser institution in the cause of enlightenment and education, and our collective constitutents would have suffered enormously.

Mr. President, clearly, the administration and its supporters in this matter would have preferred that this issue go away. They would have preferred that a vote be taken on perfunctory debate, occupying no more than a few minutes or a few hours, 2 weeks ago, and to have had this matter behind us. Happily, the best traditions of the Senate prevailed. Senators rejected an effort to close off debate. A requisite number of Senators, under our rules, insisted throughout that this issue was too important to be dismissed.

I think that the contribution of the Senators who voted against closing off debate and who have insisted on a free, open, and fair debate has served the interests of this Nation and has served the best positions of the Senate as an institution, to let the American people know not only how their tax dollars are being spent but also how their lives may or may not be jeopardized.

This issue will not go away regardless of its sponsors on the floor of the Senate, the floor managers, indeed of the President. The question of building this missile and changing the nuclear strategy of our Nation is too great an issue even to be disposed of in a matter of days.

Under the laws of this country and the process of Congress, this issue will be back before the Senate in a matter of weeks. I hope and I pray in the period that intervenes the American people of whatever political ideology of persuasion who care about their own safety, about the safety of all people on this planet, perhaps particularly about the safety of future generations, will exercise the highest degrees of citizenship and inform themselves of the implications of the decision that is being made in Congress and the halls of Government during this summer period because, once that decision has been made and implemented, there may be no turning back.

This is not a casual decision. This is not a decision which can be lightly taken and then lightly reversed. Once production lines are started, once employees are hired, once the die is cast, once the MX is under full production and finally under deployment, it will take its place with every other major weapon system in the history of this country for all practical purposes, and it will not be reversed. There may be those who think that the decision today is perhaps over 21 MX missiles. That is not the case. All thoughtful Senators know it is not the case. The decision today is over whether to produce and deploy 100 MX missiles as recommended by the Scowcroft Commission and supported by the President and Members of Congress.

It may be very difficult to turn back, Mr. President. It may be like other weapons systems, the B–1 bomber and others that have achieved a life of their own, that once the full momentum of production, of employment, of economics, of strength or perceived strength, of national will or perceived national will, of national commitment or perceived national commitment, once all that is loaded into this decision, there may be no turning back.

So we should not deceive ourselves into believing that this is some sort of interim decision. It may well be, and I hope it is if in fact that decision is to build this missile because that is a bad decision. It is a bad decision from the standpoint of national security. It is a bad decision from the standpoint of national economics. It is a terrible decision from the standpoint of national morality.

So we should not take it lightly, and we should not diminish it, we should not shade it or hedge it, and we should not treat it as if it is just another weapons system because it is not. It is not even just another nuclear weapons system.

This decision represents a historic turning point for this Nation, a turning point that goes beyond the traditional arguments that we hear on the floor of the Senate about national strength. I think the American people, many of them, are probably at the point where they are getting tired of hearing every new weapons system justified on the grounds that we need to be strong. They are smarter than that, Mr. President. They know, for example, that there is such a thing as spending yourselves weak.

The Senator from Mississippi says that we are a great and a prosperous Nation and that we can afford things like this and to a degree he is correct. But I wonder whether we can afford things like this when 10 million or 12 million Americans are out of work and we are cutting programs to train them for jobs. I wonder if we can afford it when 2 to 3 million schoolchildren have been cut off the school lunch program. I wonder if we can afford it when elderly people have been cut back in terms of energy assistance and nutrition programs, when virtually every segment of this society has been asked to sacrifice to get this economy back on its feet but one, the most wasteful, most bureaucratic department in the U.S. Government, and that is called the Pentagon.

And any Senator who wishes to stand up and deny today that the Pentagon does not waste money I would like to hear from him. Any Senator who believes we are going to get 100 MX missiles for $16 billion I would like to hear that Senator stand up and make that commitment. It cannot be made.

There is not a Senator in the United States who believes we are going to buy the MX missile for $16 billion.

So we may be able to afford it. I suspect we can afford it for $20 billion or $30 billion. And I strongly suspect if we do make this commitment we are going to have to spend another $30 billion or $40 billion on a ballistic missile defense system to defend it, and if the option is what I think it is to launch the MX under a warning of attack, then I will probably be forced to vote for a ballistic missile defense because I think it is outrageous for the United States of America, at this stage in our history, to talk about spending 30 billion hard-earned taxpayers' dollars on a missile that is going to bring this Nation and the world to the hair-trigger brink of nuclear disaster. So we will probably be required to spend another $30 billion or $40 billion on a makeshift system of firing missiles to knock down incoming missiles so that the MX does not become that kind of hair trigger.

Senators would probably like to get this decision behind them and get on to other things. I know there are a lot of them who would; 2½ weeks is a long time. I think the managers of the bill would like to have disposed of this in about 2½ hours or 2½ minutes.

Looking at the quotations from many Members of this body and many so-called defense experts, who are now queasily defending the Scowcroft Commission report, I can understand why they would like to get it behind them. There is not just one or two crows to be eaten. That represents a whole flock.

And for those who saw a decision to put a new 195,000-pound land-based ICBM in silos as a ridiculous decision 1 year or 1½ years ago, I say to them nothing has changed but one thing, and that is the accuracy of the Soviet guidance systems.

The Russians have been laughing up their sleeve. If the President believed 2 years ago that the silos that contained the Minuteman missiles were vulnerable, what has changed in 2½ years? One thing. They are more vulnerable today than they were 2½ years ago. Does anyone seriously believe that the accuracy of Soviet missiles has diminished in the last 2½ years or the last year and a half when serious Senators, arms experts, and chairmen of committees were making statements that if we put these missiles in fixed silos they were going to be sitting ducks? What are they today?

The Soviets can target those 100 Minuteman silos today. If they can target those silos today, they can knock out 300 warheads. What happens when in those 100 silos we put 100 MX's? With the same ammunition,

they will be able to knock out 1,000 American warheads. Is that not a sweet deal? The Russians will buy that one every day.

They do not have to spend a dime. They do not have to spend a dime for the $30 billion the MX is going to cost.

They have the capability today? Does anyone doubt it? Is any Senator willing to stand up and deny that the Soviets have the capability to knock those silos out today?

What are we going to do—put $30 billion of American taxpayers' money into those silos? We are making it easy for the Soviet generals. It is a piece of cake.

This Nation has had a policy for 30 years to develop weapon systems that were harder and harder for the Soviets to knock out. That is called survivability. This debate has used a lot of language that maybe the men and women on the street do not use every day. We throw it around here—survivability, stability, launch doctrine, accuracy, and a lot of things like that.

Well, survivability only means one thing in common ordinary language. It means the ability of a nuclear weapons system to withstand an attack by the other side.

For 30 years this Nation has invested hundreds of billions of dollars in making our nuclear weapons system survivable. Now, for the first time, for the first time, we are going to spend tens of billions of dollars in producing and deploying a weapons system which everyone admits cannot survive a Soviet first-strike attack.

Now does anyone want to seriously stand up on the floor of the U.S. Senate and say that that adds to American strength? I challenge any Senator to make that argument. It contributes to American weakness.

I do not have the time to talk about how this $30 billion could be used. I wish I did. Even if we wanted to give every dime to the Department of Defense—and I do not believe the American people would stand for that—there are $30 billion worth of conventional force modernization and personnel requirements that would incredibly strengthen this country compared to the MX missile.

But, no, this President proposed denying our military personnel a pay increase this year so he could finance the MX missile and the B-1 bomber. That is sound defense thinking; really smart.

I would not even begin to try to document the human needs in this Nation for job training, the education of our young people, the nutrition of our children, the health of our entire population, cleaning up this Nation's environment, and rebuilding our roads and transportation systems. It is an outrage in the 1980's that the strongest democracy on Earth, with 10 million to 12 million people out of work, loses American lives because the Interstate Highway System is collapsing. Can anyone tell me that this Nation has its priorities straight? I do not think so.

Mr. President, the MX missile is a historic departure for this Nation. It is the first time in this Nation's history that we have consciously and purposely designed and shaped a nuclear weapon to Soviet specifications. The size of this missile, the number of warheads on this missile, and the configuration of this missile are all in response to Soviet weapons design—first time.

For the first time, this country has consciously and purposely abandoned the goal of survivability. That is important. For the first time, consciously and purposely abandoned the goal of survivability. That is an awesome decision.

For the first time, this country consciously and purposely contemplates a drastic change in the launch policy of this Nation.

With this decision, for the first time, this Nation is taking a conscious and purposeful step to invite a Soviet first strike.

For the first time in the history of nuclear weaponry, this Nation is prepared to take a step that will threaten a first strike from this Nation to the Soviet Union.

And for the first time in the history of nuclear weaponry, this Nation is consciously and purposely moving from a doctrine and policy of deterrence to a policy of war fighting.

Mr. President, Senators wish they could get this issue behind them. It is not going to go away. Sooner or later this administration is going to be required by the Congress—if not by the Congress, the American people—to respond, to perform, to perform in Geneva, in beginning to negotiate seriously reductions in nuclear weapons. And it is going to have to respond to the increasing demand of thoughtful people in the Congress and outside these Halls that we move away from the dangerous policy of continued arms race and MIRV'ing our weapons systems and in making them less and less stable.

The proponents of this missile 2 weeks ago wanted this issue to go away. They had a strong desire to minimize this question, and no wonder.

What have been the feeble arguments offered on the floor of the Senate to defend this proposition? It has been called a negotiating lever. That is a clever phrase to get out of the box of whether or not it is a bargaining chip, because half the people who have voted for this weapons system, holding their nose all the way, go home and tell their constituents that they did so because the President is going to bargain it away. Well, he is not going to bargain it away. He has already said so.

You can call it whatever you want to—a negotiating lever or anything else—but it is not going to contribute to this Nation's efforts to reduce nuclear arms.

I defy any Senator to cite one weapons system we have built which has brought the Soviets closer to the bargaining table. There are not any.

Senators, Members of Congress, have supported this system, holding their nose and justifying it, because they believe it means a way to get the President of the United States serious about arms control.

We had an argument on the other side of this issue a day or two ago by a Senator who said, "We have momentum. We cannot vote against the MX because we have momentum."

I said, "What momentum?" And he said, "We are making progress in getting the administration and the Congress together on the question of strategic policy."

Well, is that not interesting? For the first time in American history in the nuclear arms race, we have negotiations under way between the Congress and the President.

Members of Congress have supported this weapons system, holding their noses, as a means to get a single warhead survivable mobile system. Well, what kind of a tradeoff is that? Why in the world should we have to vote for something and waste money on something and jeopardize the security of this Nation on something to get what everyone now agrees is in the best interest of this country?

Mr. President, all we will do, if we vote for the MX, is to provide a more inviting target for the Soviet Union. That is not arms control and that is not a negotiating lever.

You tell me what there is in the MX missile, outside of pure fear and intimidation, that is going to cause the Soviet Union to want to negotiate with us when we are wasting our dollars on a system that they could already destroy and we merely invite that destruction. That is not an invitation towards arms control; it is an invitation to nuclear war.

The arms control implications of this decision, Mr. President, are awesome. In fact, under the SALT II treaty that this President claims to be abiding by, if we go forward with this decision today and reconfirm it later this year, we will have precluded ourselves from developing the weapons system that everyone now says we must have—the single warhead survivable mobile system. The SALT II treaty will not permit it. So if you vote for this today, you are voting for cancellation of any chance of ratification of the SALT II treaty.

Instead of controlling the MIRV arms race, the increased numbers of warheads on missile systems, which

everyone now agrees was a mistake, we are voting to accelerate that race and we are going in exactly the wrong direction.

We had almost universally agreed that ballistic missile defenses and antiballistic missile weapons systems are wasteful and destabilizing. And yet, if we vote for this weapons system, unless we intend to empty those silos before any warheads have come into this country, we are going to be forced to go back to a ballistic missile defense system which very thoughtful people think is a waste of money and a waste of time.

Mr. President, I have additional arguments to be made in the remaining time that we have. Other Senators wish to be heard. I wish to reserve some time for myself so I yield the floor.

The PRESIDING OFFICER (Mr. ARMSTRONG). Who yields time?

Mr. TOWER. Mr. President, I have no more time on the amendment.

Mr. BUMPERS. Mr. President, a parliamentary inquiry. How much time does the Senator from Colorado have?

The PRESIDING OFFICER. Who yields time to the Senator from Arkansas?

Mr. HART. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Colorado has 21 minutes and 50 seconds remaining.

Mr. HART. I yield 5 minutes to the Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. BUMPERS. Mr. President, I want to explain to my colleagues and my constituents that since I have been in the Senate I have only voted against one defense authorization or appropriation bill. In 1981 I voted against the first defense bill I have ever voted against since I have been here. Tonight I anticipate casting my second vote against the total bill. It is not because I favor a weak America; rather it is because I think this bill weakens America.

Two weapons systems are included in this bill for production and deployment that will start us down the road that ultimately cost American taxpayers between $44 and $64 billion. They are the MX and the B-1B. As I say, these two programs will actually weaken America. I often wonder why we cannot just stand up to the Pentagon in the U.S. Senate. I do not think I have ever seen it happen since I have been here. I do not think I have seen the Pentagon defeated on any weapons system it wanted. I wonder why that is. Maybe it is just the male personality. But, apparently, we cannot stand on the floor of the U.S. Senate and collectively say, "This does not make any sense, it is wrong, and we cannot support it."

Sometimes I wonder what the proponents of this missile ask themselves before they go to sleep at night. Surely they ask, "What are we getting for the MX?" Do they get arms control? Some say, "Well, I am voting for it because the President has promised that if I give him the MX missile, he will truly give me a reduction of the nuclear weapons on the face of the Earth."

Does anyone think the President's religion will change on this subject simply because we give him the MX? There is no indication of it. This has been a popular idea around here for some time.

Is it because we can make the Soviets spend a lot of money maybe $100 or $200 billion, on a new air defense system? Hardly.

As the Senator from Colorado and I have pointed out for 2 weeks, the Soviets do not even have to reprogram their computers to defeat MX. They have our Minuteman silos targeted. If we take the Minuteman out and put a much more expensive weapon in, the Soviets do not have to do anything. So they are not out any money.

I would assume that while the Soviets, in the grand scheme of things, would rather we not build the MX, if you gave them a choice between that and almost any other strategic weapon they certainly would pick the MX as their favorite, especially if we are going to deploy it in silos they already have targeted.

As the Scowcroft Commission suggested, will it give the Soviets an incentive to be more serious about arms negotiations? The President says the Soviets are not serious.

Well, it is difficult for me to believe they are going to get serious about arms control and negotiate a treaty because we decide to build the worst of all possible strategic weapons from our standpoint and the best from their standpoint.

And when it comes to deterrence and trying to force the Soviets out of these holes, if the whole thrust of this MX scheme is to cause the Soviets to quit building big missiles and putting them in those big holes, what does MX do? Nothing.

Consider the fact that we have the Trident submarine coming along, with the Trident II missile on board, which we hope will be very accurate, have hard target kill capability, and every other single feature that the MX has. The only difference is it will be on submarines which are invulnerable.

If I were a strategic planner in the Soviet Union I would be paying a lot more attention to the Trident submarine and the missiles we were going to put on it than I would this MX, because the star of all the Soviet forces—will the Senator yield 1 more minute?

Mr. HART. I yield 1 more minute.

Mr. BUMPERS. The star of the Soviet forces is their SS-19, the big missile that has 10 warheads on it, constrained only by SALT II, that could carry 30 warheads. They have 308 of them. And one Trident submarine with 24 missiles with 10 warheads on top of each missile has the ability to destroy a substantial proportion of their entire inventory.

Now, there is something that might cause the Soviets to think twice about building more of those big missiles.

Mr. President, let me just close by saying that we in the United States are a very powerful Nation. We have the ability to destroy Earth. But we also have the ability to save it. I sometimes wonder, does our strength lie in our confidence, our feelings about each other, our system, our freedoms? Is not our inner strength as important as our military strength?

We need both. They ought to be balanced.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Colorado has 15 minutes and 23 seconds remaining.

Mr. HART. I yield 2 minutes to the Senator from Maryland.

Mr. SARBANES. Mr. President, I commend the Senator from Colorado for his very effective leadership in this debate and consideration of this issue. I want to underscore a point he made a few minutes ago. That is that this decision is so important because it involves with it a fundamental change in nuclear strategy.

We have debated other issues in the context of this bill, the B-1 bomber and whether we ought to do that rather than the Stealth, whether that was a good use of money or whether we should skip a technological generation and try to go to the Stealth directly. People differed on that issue, they came down on different sides, but that was not an issue that involved the same dimension that this one involves, which is to position this major new weapons system in a vulnerable mode for the first time in our history of nuclear strategy. It is a movement away from maintaining a second-strike capability, maintaining a deterrent strategy.

That is the reason why this decision is so important and that is the reason why I agree with the Senator from Colorado that it is not an issue which is simply going to go away, because the logic of the issue itself does not make sense. The proponents of this missile system have not addressed that issue on the floor of the Senate in the course of this debate.

One thing which is clear is they have not been prepared to rise and take the floor, to have a genuine closing on the issues involved with respect to this missile system.

We have heard arguments made that it is going to contribute to arms control. There is a very strong case that it will do just the contrary, just the contrary.

I do not understand for the life of me why you would move on a strategic weapons system which in itself did not make sense in order to try to get a contribution toward arms control. It does not prove our will. It proves our lack of commonsense and our lack of intelligence.

There is not a question involved here of national will. There are many manifestations of our national will in this bill and in other measures. This runs counter to good sense and, therefore, counter to a real demonstration of national will.

Mr. HART. Mr. President, I yield 3 minutes to the Senator from Delaware.

Mr. BIDEN. I thank the Senator.

Mr. President, I shall be brief because I have to be and because I said much of what I want to say again last week.

THE STILL-VULNERABLE MX

Mr. President, the MX missile is a costly and unnecessary weapon system. It is a fatally flawed concept which will weaken rather than improve our national security.

RENAME MX THE ACHILLES MISSILE

In the decade this program has been alive, it has been called the MX, for Missile eXperimental. Recently the administration suggested a more permanent name, Peacekeeper. I believe that rather than naming this deadly and powerful system after a western six-shooter, we should follow instead the time-honored tradition of taking a name from classical mythology.

Many of our strategic and tactical missiles already have such names: Trident, Poseidon, Phoenix, Aegis, Nike-Zeus, Nike-Hercules, Atlas, and Titan. These names evoke ancient stories and symbolize modern power.

If we are to build and deploy the MX, we should give it a name commensurate with its military capabilities.

I prepared an amendment to give the MX such a name—the name of the greatest Greek warrior; the hero of Homer's epic poem "The Iliad;" the fighter who stayed in his tent for much of the battle, only to charge forth to avenge the death of his closest comrade; and the slayer of the Trojan warrior Hector.

Mr. President, my amendment would rename the MX missile after the Greek hero Achilles. That name is especially appropriate, not only because of the deadly power and war-fighting skill of each, but also because each contains a fatal vulnerability.

In the legend of Achilles, he was vulnerable in the heel because his mother Thetis held him there when she dipped him in the River Styx, whose waters made him invulnerable everywhere else on his body. When the Trojan warrior, Paris, shot his arrow into Achilles' heel, he was mortally wounded.

As I shall demonstrate in greater detail, the MX based in Minuteman missile silos will be similarly vulnerable to Soviet attack. Indeed, only one to seven missiles might actually survive a first strike in 1989, according to Air Force estimates.

Changing the name of the MX to Achilles would thus be a constant reminder of both the MX's power and its vulnerability.

SURVIVABILITY THE "ONLY PURPOSE"

Mr. President, in 1972, the Air Force developed a requirement for a new ICBM that would not only be capable of destroying targets hardened against nuclear blasts but would itself be able to survive a similar attack. Thus, from the start, the MX missile was intended and designed to be survivable—a retaliatory system, not a first-strike weapon.

Time and again in subsequent years, as we have approved more than $6 billion for this program, the Congress insisted that the MX meet the basic criterion of survivability. In 1976, when the Air Force was toying with the notion of putting the MX into existing and potentially vulnerable fixed silos, the conferees on the defense authorization bill reported their firm view "that providing a survivable system should be the only purpose of this effort * * *." The Senate Armed Services Committee repeated that directive. Just before President Carter's decision in favor of the Multiple Protective Shelter (MPS) basing plan, the House Armed Services Committee reiterated the same point on May 15, 1979:

> Whatever the decision, the committee will not consider, under any conditions, an approach that leaves the MX missile with no basing mode other than the current fixed Minuteman silo. This fixed-silo basing mode is the principal cause of the Minuteman vulnerability, and a system using an advanced ICBM with fixed silos would only be worse—in fact highly destabilizing.

Although most military experts believed that the MX would have been sufficiently survivable in the MPS basing mode—if the SALT II Treaty's limits on Soviet launchers and warheads were in effect—there was considerable public opposition to the construction costs and the disruptive consequences of deploying those missiles in large areas of Utah and Nevada. The 1980 Republican platform pledged "the earliest possible deployment of the MX missile in a prudent, survivable configuration" but Governor Reagan made known his opposition to the MPS basing plan. President Reagan then canceled that plan and began a search for a different one.

In October 1981, the administration proposed superhardening of a few dozen Minuteman silos for the MX, while continuing a search for a better long-term solution. The President said at the time: "We have concluded that these basing schemes would be just as vulnerable as the existing Minuteman silos." And the Secretary of Defense told the Senate Armed Services Committee: "What we think we cannot do is put a vast amount of our resources in that plan that we know is not survivable even now."

Congress rejected superhardening and directed the President to find a better, survivable system. In November 1982 the President announced his support for closely spaced basing, more commonly known as dense pack. Once again, military experts pointed out the flaws in that system, and Congress denied funds for the MX pending approval of a new basing plan.

The Scowcroft Commission reviewed the more than 30 basing schemes previously studied by the Air Force and concluded that long-term survivability of our ICBM force could be achieved only by developing a new, small, mobile single-warhead missile, often dubbed "Midgetman." The Commission also endorsed silo basing of 100 MX missiles as an interim measure, notwithstanding their theoretical vulnerability to attack, primarily as a demonstration of U.S. determination to modernize its ICBM's in the hope that such visible evidence would improve the chances for arms control agreements with the Soviet Union.

Mr. President, although I do not agree with the Commission's judgment with regard to the MX, I commend that group for its cogent analysis of the strategic balance, especially its deemphasis of the so-called window of vulnerability, and for its strong support of arms control measures to improve our security, I believe that the United States already has sufficient modernization programs, underway, without the MX, to pressure the Soviet Union, in its own military interest, to agree to mutual and verifiable limitations on strategic weaponry.

MX VULNERABILITY

Now we face the decision of whether to approve another $5.2 billion in this bill to begin procurement of MX missiles and to continue work on the basing of those missiles in Minuteman silos. Before doubling our previous investment in this program—an investment premised on the achievement of a survivable ICBM—we should take stock of whether this program will achieve its purpose and should be continued.

Regrettably, the MX missile is not survivable, and thus it provides only the illusions of deterrence. It is not a symbol of American determination to remain strong, but only a symbol of waste and folly.

Perhaps, the Soviet Union could not achieve the requisite missile accuracies and command and control to launch a first strike that would disarm our ICBM force. There are many reasons for doubting that they could successfully conduct such an operation. But prudent planners cannot ignore the hypothetical capability which renders our fixed-based ICBM's theoretically vulnerable. If the threat to our land-based missiles is as serious as MX supporters have always argued, then those new ICBM's will also be vulnerable. And if by chance that threat has been exaggerated, then we can remain confident of the deterrent power of our Minuteman force.

Last September, in a report on MX basing since substantially declassified, the U.S. Air Force declared Minuteman basing of MX to be inadequate. The Air Force concluded:

> The Soviet's strategic arsenal is sufficient to destroy the majority of the present Minteman force, while expending a relatively small proportion of their force in the process. If MX is based in Minuteman silos, the incentive for a Soviet first strike and the survivability from a first strike remain the same. The Soviets could attack MX in Minueman silos in the same manner as they can our present Minuteman force and, consequently, the MX missile would be at risk.

In the same report, the Air Force said:

> The use of current Minuteman silos has obvious advantages in environmental and programmatic areas since existing land and facilities would be used. This option would be least costly and provide the least schedule risk. However, it does not provide the required prelaunch survivability to withstand a Soviet first strike and promote strategic stability. It is also not resilient to future threats.

More recently, the Air Force has estimated that a surprise Soviet attack in 1989 could destroy between 93 and 99 percent of our silo-based MX force. Since only 100 missiles are planned to be deployed, that would leave us with at most seven surviving MX missiles and perhaps as few as one. Those few weapons would be able to retaliate with between 10 and 70 warheads—a tiny fraction of surviving U.S. military capability. I cannot understand how such a small marginal addition to our huge second-strike arsenal would deter the Russians from launching what would in any event be a suicidal attack.

Compared with our other strategic modernization programs,the MX does not provide military benefits commensurate with its enormous cost. If those Air Force estimates are correct, each surviving MX warhead will have cost U.S. taxpayers at least $300 million and as much as $2 billion. That is a ridiculously high price to pay when there are numerous less costly alternatives to provide a strong retaliatory capability. The Congressional Budget Office has concluded, in a May 1983 study, that 100 MX missiles in Minuteman silos would contribute:

> Three percent in 1990, and less than 1 percent in 1996, of all U.S. hard-target warheads that would be expected to survive and be available for retaliation in the nuclear scenario considered most likely—a Soviet first strike occurring after some warning.
>
> Five percent in 1990, and 1 percent in 1996, of all hard-target warheads that would be expected to survive a Soviet attack occurring without warning.

These capabilities do not warrant spending and additional $20 billion on the MX program—or even more if the current cost estimates turn out to be too low.

SUBSTANCE OF STRENGTH

Mr. President, we do not need a symbolic MX when we already have the substance of strength. As a member of the Intelligence and Foreign Relations Committees, I know how strong the Russians are—and how strong U.S. defenses are. I know that we lead the Soviet Union in numbers of strategic nuclear weapons and that our forces are more diverse, balanced, and survivable. I believe that the Russians know that they would be utterly devastated by U.S. retaliation in the event of nuclear war—today, tomorrow, and for the foreseeable future, even without the MX.

According to the CBO, the United States in 1990 even without MX will have about 6,000 surviving strategic nuclear warheads after a surprise Soviet attack—more than we have today. Those figures should be sufficient to deter any rational decision for war.

We need a strong national defense, including both nuclear and conventional weapons. I have supported steady, reasonable increases in our defense budgets in order to modernize our forces and to provide decent compensation for our men and women in uniform. I believe we will have to continue to make large investments in defense, particularly for our nonnuclear forces, in order to maintain our strength and security. But instead of adding to our nuclear arsenal, we should be strengthening our conventional capabilities with modern weapons and decent pay. That is where we are most deficient today—in readiness, not in retaliatory capability, on the open oceans, not in land-based ICBM's. The $20 billion more for the MX will siphon funds away from these more urgent tasks, and we will ultimately be weaker as a result.

THE DESTABILIZING MX

Instead of improving our security, the MX program threatens to make the nuclear balance less stable and thus increases the danger of nuclear war. Since it is not considered survivable in its fixed silos, the MX can be militarily effective only in a first-strike—which we have renounced as national policy—or in a launch on warning of impending attack. If the Russians base their defenses on our capabilities rather than our intentions, they are likely to respond to the MX by putting some of their own ICBM's on a hair trigger. Similarly, U.S. planners may seek to solve the "launch or lose" dilemma by putting our own missiles on a hair trigger.

These actions, each logical in the circumstances, demonstrates the dangerous illogic of the nuclear arms race. As each side takes minimal protective steps, both sides become less secure. A hair trigger on nuclear weapons would be recklessly destabilizing. Thus far in the nuclear era we have been lucky, despite occasional false warnings of attack. We have built into our nuclear forces time for reflection, for reconsideration, for double-checking, before the President has to make the fateful decision. We built a triad of strategic forces to avoid the consequences of the catastrophic failure or vulnerability of any one component. We remain secure but uneasy today because we know that any attack on one leg of that triad would give warning and escape time to the other legs.

But if both sides move toward a hair trigger, we sharply compress the time for decision and leave ourselves subject to the vagaries of machines. Radar malfunctions or computer glitches on either side could plunge both nations into accidental holocaust.

Future technology is frightening enough, since it threatens to reduce warning and reaction time to seconds or just a few minutes. Under those circumstances, human beings would lose control of war fighting and hence of their own destinies. Let us not hasten that day by deploying MX missiles which put the bulk of the Soviet ICBM force at risk, and which we cannot rely on for retaliation without our own hair trigger.

THE ARMS CONTROL ALTERNATIVE

Mr. President, we should be backing away from the brink, not plunging ahead with unnecessary weapons. Instead of brandishing our technological prowess, we should be mustering the wisdom and ingenuity and dedication to seek and achieve agreements which would lessen our dependence on these terrifying weapons and reduce the risks of nuclear war.

I believe that we could be more secure if we limited the nuclear arms race with tough, cheatproof agreements with the Soviet Union designed to freeze the development of dangerous new weapons and to reduce both nations' huge arsenals.

As a first step, therefore, we should cancel the MX program and then proceed swiftly with the diplomatic and technical alternatives which can enhance our security. These include: Ratification of the SALT II and threshold test ban treaties to sharply limit new weapons developments by the Soviet Union; acceleration of research and development on a survivable, single warhead ICBM, on the Stealth bomber, and on the Trident II missile; vigorous pursuit of other mutual and verifiable arms control agreements, such as on antisatellite weapons and a comprehensive ban on nuclear weapons testing.

These are practical steps toward achievable goals. They are far preferable to spending an additional $20 billion on a dangerous but vulnerable MX missile.

Mr. President, history will judge us not on what we spent, but what we achieved; not on what we could destroy, but on what we saved; not on how strong we were, but on how we used that strength—and whether we tempered that strength with wisdom and compassion. But there will be no history, no civilization, unless we learn to harness, if not eliminate, the terrifying weapons we have already devised.

Mr. President, let me just add two things. I do not think this is all about survivability, I do not think this is about whether or not it is a bargaining chip; I do not think this is about any of the things that the proponents speak of, even though I think they are well-intentioned and mean it.

I think this is about a calculated decision on the part of some in this administration to seek a first-strike capability because they believe that is the only way we will have security. I believe there are well-meaning men and women in the Pentagon who believe very strongly that what we have to be is nuclear superior to the Soviet Union. That is what this is all about.

The reason why the opponents do not spend time defending this, in my opinion, is that they cannot defend the survivability question. They have trouble defending the bargaining chip notion, and they have great difficulty defending it on any other ground.

What this program does is put us on a treadmill. The treadmill inevitably will lead us to the following point—mark my word, if we approve this missile in this part of the bill, we will next be debating abrogation of the ABM Treaty. That will be the next step before us, because we will be told the Soviets took certain action, which they will take because they are not people who are stupid. We will be told they took certain action based upon our building the D-5 and the MX and a number of other weapons. They will take certain action on the belief that this missile gives us first-strike capability. Then we will be told because they took certain actions we will, in turn, take certain actions. One of those actions will be to abrogate the ABM Treaty.

Then we will be told the next step is we must investigate the possibility of nuclear weapons in outer space because we have that advantage and should not give up that advantage. Mark my words, that is what is going to happen if this goes through.

I am not suggesting all MX supporters are seeking first-strike capability. I am suggesting they are blinded by the reasoning of the administration which is, in fact, seeking a totally different nuclear force structure and capability in relation to what we have now.

Mr. SARBANES. Will the Senator yield for a question?

Mr. BIDEN. Yes, Mr. President.

Mr. SARBANES. Does the Senator not indicate that one path down which we shall be pushed is to more than 100 MX missiles?

Mr. BIDEN. I will; yes.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATFIELD. Will the Senator yield?

Mr. HART. Mr. President, I yield 5 minutes to the Senator from Oregon.

Mr. HATFIELD. Mr. President, having just come back from my constituency, I am sure most of my colleagues have had similar experiences to what I have had. That is that people stand at public meetings and ask us why certain programs have to be cut or reduced because we are so conscious of budget balancing and all of the conservative lingo we hear about making Government fiscally responsible. Then we stand there and give them all kinds of answers about how we have to cut back Federal spending—except we escalate military spending. Let me just give some trade offs.

When some little, old lady comes up and asks you, do not wring your hands and woe, woe, woe with her in some kind of false piety, giving her a lot of sweet talk about this business of having to balance the budget and cut back Federal spending when we have only a 1-percent increase in all nonmilitary programs in the last 3 years, while we have an 18-percent increase in military spending. So we are being very selective in our fiscal morality.

Mr. President, let me tell you what $2.5 billion would buy in lieu of this monstrous weapon that we are now so determined to have. It would provide a year of remedial education programs in primary and secondary schools for 4 million underprivileged children in this country at a time when we have a commission report about the diminution of the quality of education. We get so concerned about that and issue all sorts of pious rhetoric on that problem. Yet, when you vote for this, go back and tell the people how you could find $2.5 billion to spend on this questionable weapon but you cannot find enough money to educate the children of this country. We are going to solve all that problem by merit pay for teachers.

Second, it would provide for a year's medicaid coverage for $6.9 million low-income people. Tell the elderly people that they have to bundle up in order for us to go ahead with this insatiable appetite we have for exotic weapons.

It would allow 1 million children who would otherwise not receive a kindergarten education to go through the Head Start program. That is what this amount of money would do.

It would provide for 24 years of AFDC programs.

The same $2.5 million, if it were used on the international front to stabilize the world in which we are living, rather than further destabilize it with this escalation of the arms race, could, in any one of the following programs, provide for the construction of 12 million shallow wells, providing irrigation in underdeveloped countries, a lack of which is a major cause of death and disease in the less-developed world.

It could provide for 24 billion oral rehydration tablets which save children from dehydration, the No. 1 killer of children in the world's underdeveloped countries.

This same amount of money could provide for 22,000 refrigeration systems which could enable an underdeveloped country to mount a campaign against polio. Even today, 75,000 cases of polio are reported annually in Third and Fourth World countries.

There, Mr. President, we could do far more to stabilize the world against hunger, poverty, and disease, the basic causes of war. Those are the things we are neglecting as we move on with ever-accelerating speed with chemical weapons and now the MX.

Bear in mind, Mr. President, you will never satisfy the military mentality for weapons. Give them one, they will want three new ones. Give them three, they will want five new ones. They have a list as long as my arm. So do not think we are going buy them off by giving them an MX missile. They will be back up here crying for more.

Also, do not fail to go home and tell your constituents where you put your priorities when you vote for this MX missile. It is people who have need and programs which we can develop to sustain life or the alternative, to develop greater efficiency to destroy life. To destroy life, Mr. President, God's created life.

I think it is the height of blasphemy, and I think it is the ultimate obscenity.

The PRESIDING OFFICER. Who yields time?

Mr. TOWER. Mr. President, I yield 4 minutes to the distinguished Senator from California.

The PRESIDING OFFICER. Does the Senator yield time from the bill?

Mr. TOWER. I yield time from the bill. I have no time on the amendment.

The PRESIDING OFFICER. The Senator from California is recognized for 4 minutes.

Mr. WILSON. I thank the Chair.

Mr. President, I urge my colleagues to vote against the amendment on the floor.

As the manager of the bill, my distinguished colleague from Texas, has so eloquently observed, the time has simply come for us to modernize the land-based portion of our strategic nuclear deterrent.

I shall not pretend to argue, Mr. President, that MX missiles in Minuteman silos are any more survivable than their predecessors. However, Mr. President, enhanced survivability is only one feature of urgently needed improvements in our land-based deterrent—improvements that, I might add, the MX provides.

Our land-based strategic forces, Mr. President, are desperately in need of improvements in accuracy, speed of retargeting, reliability, and payload flexibility in order to pace changes in the Soviet threat and thereby to continue their deterrent mission. In all of these categories, Mr. President, the MX represents a vast improvement over our aging Minuteman force.

Over the last 15 years, the Soviet Union has relentlessly pursued the development and deployment of an integrated nuclear warfighting capability. These improvements to Soviet capabilities have made them growingly confident that they could engage in a major nuclear exchange with the United States and emerge from it with their leadership intact, with vital command, control, and communications links intact, with dispersed and hardened conventional military forces intact, and with vital elements of industrial capability intact.

As their confidence in these capabilities has grown, so has grown their boldness.

Mr. President, simply put, the deployment of the MX missile will retard and reverse that growing confidence and will create doubts in the minds of the Soviets about ever creating an exploitable strategic advantage over the United States. Only when the futility of attempting to establish such an advantage is made clear to the Soviets, will they engage in serious negotiations to eradicate the mutual nuclear threat. It is this ultimate goal, Mr. President, that all members of this body so fervently pursue.

Let me add in closing, Mr. President, that we might well remember, as many of our colleagues urge us to forgo this program in favor of an even newer generation of land-based strategic missiles, that the lengthy delays in modernizing these forces is less the product of delays in technology than the unfortunate consequence of the otherwise natural, appropriate, and desirable deliberations and debates of this body and the public at large. Recognizing this fact should make us all the more resolved in the need to proceed with this vital modernization even as we pursue other needed modernizations, like the mobile Midgetman missile also recommended by the Scowcroft Commission.

Mr. President, I urge all Senators to vote nay on this amendment and yea on the bill.

The PRESIDING OFFICER. Who yields time?

Mr. HART addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. HART. Mr. President, it is the strong hope, indeed prayer, of the opponents of this missile, whether they oppose the missile for its own sake or whether they oppose the proposed deployment mode, that we succeed in this vote that is about to take place.

As I indicated earlier, Mr. President, this issue will not go away even if we do not prevail today. It will most certainly be back before the Senate this fall in the appropriation round. Those of us committed to seek assurance from the administration not only that it intends to achieve arms control and arms reduction but that it in fact is working as hard as it can to achieve that result, for those of us who believe this is a poor strategic decision and a misallocation of national resources, we intend to bring this issue back up if we do not prevail today.

Mr. President, in that regard, to assure that no one is mistaken about that intent, I send an amendment to the desk and I will read that amendment.

The amendment is to the Department of Defense Appropriations Act for fiscal year 1984. And it reads as follows——

Mr. TOWER. Would the Senator yield on my time?

Mr. HART. As soon as——

Mr. TOWER. Is this amendment being offered by the Senator from Colorado? I am sorry.

Mr. HART. The Senator from Colorado sent it to the desk. The amendment reads as follows.

Mr. TOWER. Would the Senator yield further? I am sorry. There was some confusion over here and I could not hear. Is the Senator sending this amendment to the desk for the purpose of being called up now?

Mr. HART. The Senator is merely sending it to the desk. The Senator will read the amendment, and then I will yield to the Senator from Texas on his time.

The amendment is to the Department of Defense Appropriations Act for fiscal year 1984 and it reads as follows:

At the appropriate place in the bill insert the following new section:

Notwithstanding any other provision of this Act, none of the funds appropriated under this Act should be expended for production, procurement or deployment of the MX missile.

Mr. President, that amendment which will be offered by a number of Senators, if we do not prevail today, on the appropriations bill will permit the American people in the weeks ahead to make their views known about the wisdom of this decision, whether in fact it is going to strengthen this Nation or whether in fact it is going to weaken it. This institution, which all of us cherish, is designed as much as anything else as a means of educating the American people about their own welfare and their own security.

I believe this debate has gone a long way in that direction and this debate is not over. I believe the American people, as Thomas Jefferson believed, possess commonsense and good judgment. If they are permitted to have the facts on this issue, there is no question in my mind how they would vote on the question of production and deployment of the MX missile in vulnerable silos. It is our fervent hope, those of us who believe that this is such an unwise decision, that the views of the American people will be heard, not today, in the days ahead, because when those views are heard there is little doubt as to what the American people intend for us as their stewards to do with their resources, and that is to use those resources in such a way that this Nation is in fact made more secure, is in fact made stronger, is in fact brought back from the nuclear abyss and is in fact set on a course which will secure peace and secure the happiness of not only the present generation but generations yet to come.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. METZENBAUM. How much time is left of the Senator from Colorado?

The PRESIDING OFFICER. There remains to the Senator from Colorado 1 minute and 9 seconds.

Mr. METZENBAUM. Will the Senator yield?

Mr. HART. I yield the time to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. I rise to indicate my support for the magnificient job that the Senator from Colorado has done in connection with this very weighty issue. I think he has alerted the American people to the crisis that

this country faces; that the MX missile issue is more than just another issue before the U.S. Senate, it is one that has to do with the future peace of the this world. He has stood on this floor for about 2 weeks attempting to make the issue, and doing it very wisely and courageously with the effective help of a number of his colleagues in this body. I think it is evident at this point, regardless of the outcome of the vote this evening, that the American people, if called upon to respond as to whether they would want the MX missile to indeed go forward as a program of the United States, would vote in the negative. We may not vote in the affirmative this evening, but before too long I predict that by reason of the leadership and the effort of the Senator from Colorado, this body will indicate its disapproval of the MX missile.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HART. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. TOWER addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. I yield myself 3 minutes on the bill.

Mr. President, the argument has been made, or I have heard the term used in the course of the argument, the argument we advance in support of the Scowcroft Commission report and what is embodied in it is feebleminded, lacking in commonsense. I submit the Scowcroft Commission was made up of some of the most prestigious names and minds in the United States of both parties, men who have served in several administrations under both Democratic and Republican Presidents. Harold Brown was associated with the Scowcroft Commission. He recognized the folly of putting things off, of refusing to accept in hand state of the art technology in the hope that something better would come along. Here is what he said before the Senate Armed Services Committee on April 18 of this year:

> We said in the early 1970's that we would modernize with the new missile in the late 1970's. In the midseventies we said we would do it in the early 1980's. In the late seventies we said we would do it in the mid-1980's.
>
> So far we have not done any of those things, even though during that same period the Soviets were deploying 600 new ICBM's, each with a payload equal to or greater than that of the MX and with accuracies that now match those of the most accurate ICBM's in the U.S. forces. And so to say that the U.S. will modernize in the early 1990's with a strong single-warhead missile, if you do not do the MX deployment at all in the meantime, it is just not going to be believable. I will not believe it and I doubt that anyone else will, either.

I am sure he was referring to the Soviets in that connection.

Mr. President, I will conclude by reading what our negotiator says, a man who has negotiated with the Russians before. He has intimate knowledge of how they negotiate and what their mentality is, and he speaks their language fluently. Ambassador Edward Rowny said on May 30 of this year:

> Like you, I do not believe in funding strategic forces just to be used as bargaining chips. I do believe, however, that investment in research, development, testing, and even deployment, (of MX) will persuade the Soviets of our resolve to take care of our security needs. It will also add to my negotiating leverage in Geneva. I would remind you that we were able to persuade the Russians to agree to a treaty on Anti-Ballistic Missile defense systems only after the U.S. Congress had committed the United States to fielding an ABM system. The accomplishments embodied in that Treaty were possible only after the Soviets were convinced, by firm evidence, of American resolve to take care of our own security. Rest assured that if we do not take care of our own security, the Soviets are unlikely to do it for us.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New Mexico (Mr. DOMENICI) is absent due to illness.

The VICE PRESIDENT. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 41, nays 58, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—41

Andrews	Ford	Metzenbaum
Baucus	Glenn	Mitchell
Biden	Hart	Moynihan
Bingaman	Hatfield	Packwood
Boren	Hollings	Pell
Bradley	Huddleston	Proxmire
Bumpers	Humphrey	Pryor
Burdick	Inouye	Riegle
Cranston	Kennedy	Sarbanes
Dixon	Lautenberg	Sasser
Dodd	Leahy	Stafford
Durenberger	Levin	Tsongas
Eagleton	Matsunaga	Weicker
Exon	Melcher	

NAYS—58

Abdnor	Hatch	Percy
Armstrong	Hawkins	Pressler
Baker	Hecht	Quayle
Bentsen	Heflin	Randolph
Boschwitz	Heinz	Roth
Byrd	Helms	Rudman
Chafee	Jackson	Simpson
Chiles	Jepsen	Specter
Cochran	Johnston	Stennis
Cohen	Kassebaum	Stevens
D'Amato	Kasten	Symms
Danforth	Laxalt	Thurmond
DeConcini	Long	Tower
Denton	Lugar	Trible
Dole	Mathias	Wallop
East	Mattingly	Warner
Garn	McClure	Wilson
Goldwater	Murkowski	Zorinsky
Gorton	Nickles	
Grassley	Nunn	

NOT VOTING—1

Domenici

So Mr. HART's amendment (No. 2087) was rejected.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JACKSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 2089

Mr. TOWER. Mr. President, I believe the question now recurs on the amendment of the Senator from New York (Mr. MOYNIHAN). I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from New York. The clerk will call the roll.

The legislative clerk called the roll.

I announce that the Senator from New Mexico (Mr. DOMENICI) is absent due to illness.

The PRESIDING OFFICER (Mr. HECHT). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—42

Andrews	Exon	Melcher
Baucus	Ford	Metzenbaum
Biden	Glenn	Mitchell
Bingaman	Hart	Moynihan
Boren	Hatfield	Packwood
Bradley	Hollings	Pell
Bumpers	Huddleston	Proxmire
Burdick	Humphrey	Pryor
Chiles	Inouye	Riegle
Cranston	Kennedy	Sarbanes
Dixon	Lautenberg	Sasser
Dodd	Leahy	Stafford
Durenberger	Levin	Tsongas
Eagleton	Matsunaga	Weicker

NAYS—57

Abdnor	Hatch	Nunn
Armstrong	Hawkins	Percy
Baker	Hecht	Pressler
Bentsen	Heflin	Quayle
Boschwitz	Heinz	Randolph
Byrd	Helms	Roth
Chafee	Jackson	Rudman
Cochran	Jepsen	Simpson
Cohen	Johnston	Specter
D'Amato	Kassebaum	Stennis
Danforth	Kasten	Stevens
DeConcini	Laxalt	Symms
Denton	Long	Thurmond
Dole	Lugar	Tower
East	Mathias	Trible
Garn	Mattingly	Wallop
Goldwater	McClure	Warner
Gorton	Murkowski	Wilson
Grassley	Nickles	Zorinsky

NOT VOTING—1

Domenici

So Mr. MOYNIHAN's amendment (No. 2089) was rejected.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. JACKSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I yield to the distinguished Senator from Georgia 2 minutes on the bill.

UNANIMOUS-CONSENT AGREEMENT—AMENDMENT NO. 1474

Mr. NUNN. Mr. President, on July 13 the Senate agreed to amendment No. 1474 to the committee substitute for S. 675. That amendment affected the funding of programs in both titles I and III of the committee substitute. As long as that substitute remained intact, as it is currently before the Senate, inclusion of this amendment in either title I or title III would preserve the effect of the amendment in a conference with the House. However, the unanimous-consent request agreed to by the Senate on July 22 would provide for the passage of title III as an amendment to S. 1107, a bill dealing with Department of Energy nuclear weapons programs.

I understand that the House may require a separate conference on title III, which means that S. 1107, as amended, would be the conference vehicle. In light of this, it is necessary to insert the language of amendment No. 1474 in both titles I and III of the committee substitute in order to insure that the Senate's position, as reflected in the amendment, is taken to conference on what now may be two separate bills. Therefore, Mr. President, I make the following unanimous-consent request.

Mr. President, I ask unanimous consent that the text of amendment No. 1474, as offered by the senior Senator from Georgia and as agreed to by the Senate on July 13, 1983, be considered to have been offered as an amendment to both titles I and III of the committee substitute to S. 675 and to have been agreed to by the Senate as so offered and that the text of such amendment be engrossed in the general provisions of both titles I and III of the committee to S. 675.

Mr. President, I believe this uanimous-consent request has been cleared on both sides of the aisle. It is simply taking the full amendment which was adopted by the Senate by a substantial margin and putting it into two titles.

Mr. TOWER. It is, in effect, a housekeeping amendment; is that correct?

Mr. NUNN. The Senator is absolutely correct.

Mr. TOWER. The request has been cleared on this side. I have no objection.

The PRESIDENT OFFICER. Is there objection? Without objection, it is so ordered.

Mr. TOWER. Mr. President, the distinguished Senator from Michigan (Mr. LEVIN) has an amendment that he is going to offer. He is not on the floor now. As far as I know, it is the only other amendment to be offered tonight. Of course, another amendment could qualify.

Mr. RIEGLE. Will the Senator yield?

Mr. TOWER. I yield to the Senator from Michigan.

Mr. RIEGLE. I am told that my colleague from Michigan is on his way to the floor.

Mr. TOWER. Mr. President, I see the Senator from Michigan has now arrived in the Chamber.

AMENDMENT NO. 2091

(Purpose: To express the sense of the Senate regarding single warhead missiles)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The acting assistant legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN) for himself, Mr. WARNER, Mr. HART, Mr. NUNN, Mr. QUAYLE, Mr. KASTEN, and Mr. HEINZ, proposes an amendment numbered 2091.

AMENDMENT No. 2091

At the end of part L of title I add the following new section:

SENSE OF THE SENATE WITH REGARD TO SINGLE WARHEAD MISSILES

SEC. . It is the sense of the Senate that, since the Scowcroft Commission concluded that—

(1) "stability should be the primary objective both of the modernization of our strategic forces and of our arms control proposals";

(2) "our ICBM programs should support pursuit of a stable regime of arms control agreements"; and

(3) "a more stable structure of ICBM deployments would exist if both sides move toward more survivable methods of basing than is possible when there is primary dependence on large launchers and missiles";

therefore, be it declared that from the point of view of enhancing strategic nuclear stability, the Union of Soviet Socialist Republics and the United States of America should seek to move toward an ICBM force structure in which missiles contain only one warhead.

Mr. TOWER. Will the Senator from Michigan yield?

Mr. LEVIN. I yield.

Mr. TOWER. Would the Senator agree to a truncated time agreement? Under the previous unanimous-consent agreement, the Senator would have 2 hours equally divided.

Mr. LEVIN. Would the Senator repeat that?

Mr. TOWER. Would the Senator agree to reducing the amount of time on the amendment? It is currently 2 hours equally divided.

Mr. LEVIN. Absolutely. I would be happy to have 15 to 20 minutes to a side.

Mr. TOWER. Twenty minutes to a side.

Mr. President, I ask unanimous consent that the time on the amendment be limited to 40 minutes to be equally divided between the Senator from Michigan (Mr. LEVIN) and the manager of the bill.

The PRESIDING OFFICER. It is the understanding of the Chair that the amendment offered by the Senator from Michigan was not contemplated in this unanimous-consent agreement as an additional amendment.

Mr. TOWER. Mr. President, in constructing the agreement, it was intended to be. That is revealed, I think, in the legislative history by virtue of the fact that Senator HART and I agreed to certain amendments that would be eligible. In the descriptions of the amendments, however, the amendment of Senator LEVIN was left out.

I think it is clearly the intent of those who compounded the agreement that the amendment of the Senator from Michigan should be in order. Therefore, Mr. President, I ask unanimous consent that, notwithstanding the provisions of the unanimous consent request agreed to on Friday, July 22, 1983, it be in order to consider the amendment of the Senator from Michigan which has been sent to the desk, so long as such amendment shall be considered as one of the four amendments permitted to be offered under that request and shall be considered under the same conditions as specified for other amendments in that request.

I further ask unanimous consent that paragraph 4 of Rule XII be waived.

The PRESIDING OFFICER. Is the Senator also including the reduction of time? The other amendment had a 2-hour debate provision.

Mr. TOWER. Mr. President, I add to that request that the time allocated to the amendment be no more than 40 minutes, to be equally divided between the Senator from Texas and the Senator from Michigan.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Who yields time?

The Senator from Michigan.

Mr. LEVIN. Mr. President, I yield myself 15 minutes. First, let me thank the Senator from Texas for propounding that unanimous-consent request which did, indeed, I believe, carry out the intention of the Senate. I appreciate it.

Mr. President, the Senate, as a whole, is obviously deeply divided over MX. I believe most of the Senate, however, regardless of our position on the first 27 MX missiles, is deeply concerned about the destabilizing effect of putting 10 warheads in a fixed nonsurvivable silo. This amendment gives us a chance to say that we are worried about the destabilizing effect of the multiple-warheaded missiles in nonsurvivable silos. It gives us a chance to say to the President, to the Defense

Department, to the world: "Look, we may differ regarding the first 27 MX, but we want to move away from these fixed MIRV'd ICBM; for God's sake, let us move away from them."

When you put MIRV's in nonsurvivable silos, you create one of the greatest and gravest dangers to mankind's own survival. The Scowcroft Commission itself said in part the following:

> Finally, and of great importance, our ICBM programs should support pursuit of a stable regime of arms control agreements.

The Scowcroft Commission itself said:

> A more stable structure of ICBM deployments would exist if both sides moved toward more survivable methods of basing than is possible when there is primary dependence on large launchers and missiles.

Dr. Perry, former Under Secretary of Defense, put it this way. He said that putting the MX in the old silos is "the worst of all possible solutions."

He said that he is opposed to putting a weapon as lethal as the MX in an unsurvivable mode.

We all know about the destabilizing nature of putting the MIRV'd, the multiple-warheaded missile, into fixed silos. These MIRV'd ICBM's constitute a threat and I think most of us believe that, whether or not we voted for MX or against MX.

The concern which this amendment expresses is not a new one. Back in 1970, Senators Brooke and Case and Fulbright and Muskie and PERCY and Javits and Phil Hart and others saw that the deployment of fixed MIRV'd ICBM's would increase the risk of a nuclear holocaust. Senator Brooke introduced a resolution expressing the sense of the Senate that there was grave concern about these MIRV'd ICBM's and he told the Senate on April 9, 1970, that we must decide "what to do about land-based ICBM's, which are becoming vulnerable as missile accuracy on both sides improves, and which invite attack on our own territory."

During that debate, Senator FULBRIGHT, among others, joined in and he referred to a statement of Marshall Shulman, director of the Russian Institute at Columbia University, which said in part that the:

> Third rationale has been the need for MIRV's as hard-target killers. And here it is most evident that the development of MIRV's capable of destroying adversary missiles would be destabilizing and, therefore, undesirable since it would create understandable apprehensions on the Soviet side about our intentions.

Director Shulman went on to say that the:

> Argument that we should proceed with MIRV . . . in order to have a bargaining counter in our hand is shortsighted. To enter upon these programs in order to have something to bargain with or in order to apply pressure upon the Russians is likely to have an effect opposite to what is intended. The logical Soviet reaction to such actions would be to question our real intentions and to redouble their own military efforts. If SALT proceeds over a long period, as it may do, and if both sides argue the need for continuing their buildup to improve their bargaining advantage, the effect of the SALT negotiations will be to leave us both worse off than if they had never been begun. Negotiating about strategic weapons is not entirely like a poker game—both sides can lose.

Mr. President, Henry Kissinger, who was in office when we began this MIRV process, is quoted as follows:

> I wish I had thought through the implications of a MIRVed world more thoughtfully in 1969 and 1970 than I did.

And in Time magazine in March 1983, just a few months ago, he wrote:

> There is no effective or intellectually adequate solution to this problem except to seek to eliminate multiple-warheads within a fixed time.

Mr. President, this concern indeed is not a new one, and the unease about placing the multiple warheaded, MIRV'd missile in fixed silos is clearly expressed in the division in the House and in the Senate most recently in our vote a few minutes ago.

This amendment will give us an opportunity to express this concern. There will be additional ways of expressing our concern in the Senate in the weeks and months ahead. There will be additional battles over the MX. There will be efforts calling for mutual pauses in the flight testing of MIRV'd ICBM's. There will be resolutions on freezes, and so forth. But for tonight, the amendment which is pending simply says let us move away from fixed MIRV'd ICBM's. It says let us move toward an ICBM force structure in which missiles contain only one warhead.

Mr. President, there are differences among us, indeed among the cosponsors of this amendment, as to how to move toward an ICBM force structure in which missiles contain only one warhead. Some of us think that somehow or other a MIRV'd MX will lead us in the opposite direction, will lead us away from MIRV'd MX's and missiles like it. Others hope, as I do, that the way to move toward a structure in which missiles contain only one warhead would be not to build the MX at all. Others will support Midgetman as a way of moving toward that ICBM force structure in which missiles contain only one warhead, as this resolution calls for. And indeed others will say let us maintain our Minuteman II as the single warhead referred to.

There is not going to be agreement on how to get there from here, how to get to the force structure which I believe most of us believe would be the only stabilizing one and how to move away from a force structure which is becoming more and more destabilizing. Some might build our way there; others would negotiate our way there, but I hope that what we will do in this amendment, if we adopt it, is to say to the President and to the world that it is the solemn goal of the Senate that we move away from MIRV'd fixed ICBM's. That is the goal of this amendment.

Mr. President, this Senate, regardless of that vote, I think is worried about the road that we are heading down. Many Senators who voted for the MX tonight are indeed worried about the road that we are heading down, and clearly all of us, or most of us who voted against the MX have a very, very deep concern about it. We want to change the direction, we want to move away from these MIRV'd fixed ICBM's because they could bring down the curtain on life on this planet.

Mr. President, I ask unanimous consent that Senators WARNER, HART, NUNN, QUAYLE, KENNEDY, COHEN, and CHAFEE be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I yield the floor.

Mr. TOWER. Mr. President, I yield myself such time as I may require on the amendment.

Mr. President, the amendment endorses the recommendation of the bipartisan Scowcroft Commission to move in a deliberate way as progress in arms control talks permit toward the deployment of small ICBM's. As to the Levin amendment as modified from its original draft, may I make this point. I advised Senators on this side of the aisle in our party conference today to vote against the Levin amendment as it was originally drawn, but as presently drawn I support it because I believe it makes a helpful contribution to the Senate's consideration of the optimal long-term approach to our ICBM modernization program. Within the context of the Scowcroft Commission's package of recommendations, recognizing a need for arms control agreements, which makes small, single-warhead missiles sensible and survivable, the Levin amendment establishes a useful goal to which both the United States and the Soviet Union should aspire. I am certainly prepared to support the amendment.

Have the yeas and nays been ordered on the amendment, Mr. President?

The PRESIDING OFFICER. No: they have not.

Mr. TOWER. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. TOWER. Mr. President, I yield such time as the Senator from Washington needs.

Mr. JACKSON. Mr. President, I commend the Senator from Michigan for bringing us all together on the basic thrust and approach of the Scowcroft Commission, addressing the issue of strategic stability. I am very pleased to join in support of the amendment offered by the Senator from Michigan. I hope it will be a unanimous vote.

Mr. TOWER. Mr. President, I am prepared to yield back the remainder of my time on the amendment.

Mr. LEVIN. Mr. President, I thank my friends from Texas and Washington for their support. As I indicated in introducing this amendment, some of us who support this amendment feel that we should best move away from the MIRV'd ICBM's by negotiation.

Others think we should move away from these MIRV'd ICBM's and toward the ICBM force structure in which missiles contain only one warhead, by building Midgetman. There are varying points of view as to how to get the regime where we have force structure in which missiles contain only one warhead. I think we are in agreement.

But what my friends from Texas and Washington have now expressed is that we want to get there. There may be a difference over how, but we want to get there.

This represents the solemn statement of the U.S. Senate, in this amendment, if it is agreed to, that we want to get away from the fixed MIRV'd ICBM's which are destabilizing and which threaten the very future of life on this planet.

Again, I thank my friends.

Mr. EXON. Mr. President, will the Senator from Texas yield for a question?

Mr. TOWER. Mr. President, I yield back the remainder of my time on the amendment, and I yield 2 minutes on the bill to the Senator from Nebraska.

Mr. EXON. Mr. President, I have listened with interest, and I support the amendment. It seems that everyone agrees on this. Is it necessary to take the time for a rollcall vote on this amendment? If so, may I ask why?

Mr. TOWER. I think a number of Senators would like to express, with a record vote, their dedication to the peace process and to the reduction of inventories of destabilizing arms, regardless of how they have voted. Therefore, a number of Senators have suggested that we have a record vote on this, and I think there should be.

Mr. EXON. There is no way I can stop it. It is one of those votes on which people want an excuse, and I am against it, but let us go ahead and vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The acting assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New Mexico (Mr. DOMENICI) is absent due to illness.

I further announce that the Senator from Oregon (Mr. PACKWOOD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 92, nays 6, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—92

Abdnor	Glenn	Moynihan
Andrews	Gorton	Murkowski
Armstrong	Grassley	Nickles
Baker	Hart	Nunn
Baucus	Hatch	Pell
Bentsen	Hawkins	Percy
Biden	Hecht	Pressler
Bingaman	Heflin	Proxmire
Boren	Heinz	Pryor
Boschwitz	Hollings	Quayle
Bradley	Huddleston	Randolph
Bumpers	Humphrey	Riegle
Burdick	Inouye	Roth
Byrd	Jackson	Rudman
Chafee	Jepsen	Sarbanes
Chiles	Johnston	Sasser
Cochran	Kassebaum	Simpson
Cohen	Kasten	Specter
Cranston	Kennedy	Stafford
D'Amato	Lautenberg	Stennis
Danforth	Laxalt	Stevens
DeConcini	Leahy	Thurmond
Denton	Levin	Tower
Dixon	Long	Trible
Dodd	Lugar	Tsongas
Dole	Mathias	Wallop
Durenberger	Matsunaga	Warner
Eagleton	Mattingly	Weicker
Exon	Melcher	Wilson
Ford	Metzenbaum	Zorinsky
Garn	Mitchell	

NAYS—6

East	Hatfield	McClure
Goldwater	Helms	Symms

NOT VOTING—2

Domenici	Packwood

So Mr. LEVIN's amendment (No. 2091) was agreed to.

Mr. TOWER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, during the coming decades, we have a solemn obligation to insure that the way of life we have can continue. The ability to maintain a military presence that is capable of protecting us is of course essential. Further, there are two components to maintaining a strong military force that need to be continually addressed. The technologist and military analyst address only one of these, how to make more and more capable weapon systems using the newest and often increasingly complicated technology. The second aspect may be even more critical to our future existence than the first; namely, how to provide trained manpower that are dedicated, motivated, and skilled at operating and maintaining our weapon systems. These highly trained young people must reside in both the active as well as the Reserve Forces. The fundamental problem this country will be facing during the next two decades will be developing enough skilled people to make use of the military equipment we are now capable of providing. Our effectiveness as a country is clearly a function of the effectiveness of our equipment as realized through the ability of people to operate and maintain it.

The SASC had dramatically reduced the military budget for training and personnel research and development by a factor of 5 over any other reduction. The success of the all-volunteer force during times of economic distress and high unemployment is certainly a no good predictor of the military's personnel future. Everyone wants and expects the unemployment picture to improve. A healthy economy, coupled with a steadily decreasing number of 18-year-old youth will change, if not the number, at least the quality mix of young people coming into the services. If this were not true, last year's Congress would not have required the Department of Defense to begin long-term research and development programs aimed at: First, computer-based training and testing technologies, second, field demonstrations of our training technology capabilities, and third, measuring job performance and relating it to recruit capabilities prior to their selection of an occupation and entrance into technical training.

Moreover, the impact of these SASC cuts extend well beyond the military and its readiness. These cuts will have serious, long-term consequences on the well-being of our Nation's communities. Just as the military services are increasing the complexity of their equipment, so are our factories and repair shops. In addition, virtually every occupation is being impacted by computer technology and related microdesigned parts. Across this country, there is escalating awareness that our educational systems are facing inordinate difficulties in trying to meet the needs of our fast-changing and increasingly technological society. It appears that we are and have been, raising a generation that lacks the understanding and basic skills necessary to participate fully in a technological work environment. This has certainly been born out by low SAT scores and the reading level of our young people.

The military took it upon themselves to establish a strong and responsive research, development, and application program to train our youth. Today, we have a strong foundation for education and training technology in the military that is capable of helping us broaden the pool of students

who could be well prepared and highly motivated for civilian careers. Why not encourage the military to press on and transfer as much of this knowledge to the Nation as possible. For example, computer assisted instruction teaches very effective electronic troubleshooting and at a rate governed by the student's ability to learn. Other "simulations" train powerplant operators, drivers, computer programers, second languages, engine repair, and so forth. The future opportunities are unlimited. To cite another example, if current military research and development continues on portable training and performance aids, not only will the military save millions through improved on-the-job training capabilities but you and I can benefit from improved quality control, lower worker training costs, and reduced production costs in industry.

In short, we have in the military the most extensive and intensive vocational educational institutions in the country. Regardless of the initial quality of the student, it must produce a worker who can perform on the job in a safe and effective way. During good times, these workers leave the service and take a job "back home." Often they stay in the Reserves through a sense of loyalty and a desire for continuing education.

However, the military training system is far from perfect. That is why there is so much need for increased R&D funding. In fact, the Secretary of Defense's own Defense Science Board recommended at least a 15-percent increase in the funding of these technologies. That is why the budget request was as you saw it.

The military personnel and training system can be improved in a fraction of the time it will take to make a change in our domestic educational system. By directing and monitoring our military training R&D, we can provide our local school districts with effectiveness data on improved training methods and techniques that would never be available to them on their own. We in Congress have a strong obligation to meet the increasing and parallel requirements of a well-trained military and a civilian industrial sector that is competitive in world markets.

I urge the SASC members to fully reinstate the personnel and training research and development budget as submitted by the Secretary of Defense.

Mr. HOLLINGS. Mr. President, the 1984 defense authorization bill is a flawed bill because of the administration's plans to produce and deploy the MX and B-1 programs.

Those two programs contain approximately $12 billion in funds for 1984 and about $60 billion over the next 5 years. Our economy cannot afford this extravagance. Our Armed Forces cannot afford this extravagance.

The defense authorization bill should be the mechanism by which our national defense capabilities are strengthened. The bill before us does not accomplish that aim. Rather, our national security will be weakened in future years because the MX and B-1 programs will deprive very critical needs of the DOD from being funded at adequate levels—if indeed they are ever funded.

Why are we going ahead with the MX and B-1? For years, the justification for a new ICBM, the MX, has been predicated on the need for survivability. The MX proponents of today—all of whom continually bemoaned the survivability issue—now are championing the cause of a truly vulnerable ICBM system. What makes our strongest defense proponents no longer care about the survivability of the ICBM leg of the triad? Perhaps, the MX in the vulnerable Minuteman silos is their way of leading us to a DIAD where we move from three to two basing modes for our strategic forces.

I will not prolong the debate on the missile issue. We should forgo MX and move expeditiously to a small, single-warhead missile, and an upgraded Minuteman III force. We must—and this should be our No. 1 priority—increase the numbers of proposed Trident submarines. If we can accomplish these aims in a timely manner—we will improve our strategic missile forces and save money.

Regarding the B-1, I have led the fight against this system for over 2 years. It is a $40 billion waste, we should stop this program and move straight to the Stealth bomber. The issue is clear cut. The B-1 will not perform its mission as advertised. Stop wasting the money.

Mr. President, we have economic problems—$200 billion deficits, 10-percent unemployment, and interest rates on the rise. We have crucial education and medical problems that must be solved.

We have strategic needs—the Trident, cruise missiles, Stealth bomber, and a new ICBM requirement We have critical conventional needs—tactical air power, land forces, the Guard and Reserves, the Rapid Deployment Force, readiness. We have manpower needs such as the GI bill and the draft.

The list is endless, Mr. President. It is up to us to make choices on priorities. This authorization bill with the MX and B-1 is clearly the wrong way to improve on defenses.

We must stop the waste now. Voting against the MX and B-1 is the first step.

Mrs. HAWKINS. Mr. President, I rise today to express my concern over certain cuts that have been made in the research, development, testing, and evaluation accounts in this defense budget. I speak now as one who supports a higher level of defense spending than is contained in this bill because I believe it is essential to our national security. According to the committee's own report language, many of the drastic program reductions that concern me might have been spared, had higher levels of defense spending been permitted under the budget resolution. But we all know, all too well, that when budget cuts have to be made, the area of research and development is one of the easiest targets. Few programs in research and development have gained wide political support. Many of the programs are not part of the so-called big ticket items that inspire so much emotion on both sides of the defense priorities controversy. So we make these cuts and, in essence, mortgage the future in order to try and sustain the present.

Most of the program cuts that concern me are from small programs, but programs with significant potential for furture cost savings. In fact, these programs are designed to solve the education, training, and manpower problems that plague the military. And, as with so many research and development programs, their repercussions can make a positive impact on the civilian sector, as well.

The Department of Defense devotes an immense portion of its budget to education and training: $13.4 billion in fiscal year 1984. Rightly so, because people power is what the military is all about. Without highly trained, properly educated, motivated, and creative people, our military would be in sad shape. And, considering the very real threat of the Soviet Union today, our country's very existence depends upon soldiers with highly specialized and up-to-the-minute training. At any given time, one out of every 10 active-duty personnel are in a defense education or training program, with better than half receiving specialized skill training. And this does not take into account the continued formal training given to our guardsmen and reservists. The importance of training and education in the military is likely to increase in the future, not decrease. As our military hardware continues to grow more sophisticated and complex and, as the number of 18-year-olds eligible for the Armed Forces shrinks, it is critical that we be able to train and retrain our officers and enlisted men efficiently and well. We can build more powerful and more complicated hardware for the military, but unless our people have the necessary skills to operate and maintain this new equipment, it is likely to be left rusting in the fields. We make a terrible mistake if we place machines or systems over

people. In the military, people are important; they are essential; without them the weapons are useless.

I recognize that budget constraints imposed by the budget resolution require the Armed Services Committee to scrutinize all possible savings in this budget. The committee subsequently cut 8.6 percent from requested levels for the RDT&E budget. But when you look at the nonhardware education, training, manpower, and personnel costs within the RDT&E budget, you find that it was slashed by 34 percent. The cuts in these kinds of programs were almost four times greater than those made in the RDT&E budget as a whole. Obviously, these education R&D programs carried a disproportionate share of the R&D cuts, and I am concerned that this indicates a lack of concern for manpower, education, and training problems.

These cuts will have an adverse effect on the civilian sector, as well. The future and vitality of our Nation's economy depends on an ever-increasing technology base. These new technologies open up new job opportunities. To curb education and training is to threaten these opportunities. Some may fear, however, that these new technologies will threaten their current occupations. But whether you are joining a new industry or making a transition to a new occupation education and training remains a vital part of sustained economic growth. In fact, it can significantly help people gain the necessary skills to move into new jobs. As far as I am concerned, anyway that we can soften the harsh reality of joblessness or ease the transition from one occupation to another is well worth pursuing.

A recent report on training conducted by the Defense Science Board showed that through the use of advanced computer techniques, up to 30 percent of instructional time can be saved, with no loss in training value. This kind of research is only one example of the kind of important contributions from a modest R&D budget for manpower and training. It is this kind of information that can be of value to both the military and civilian sectors.

I believe that it is important for us to continue and promote the kind of research funded by an employment and training budget. No one knows better than the Defense Department the importance and difficulty in training and retraining people for skilled positions. It is essential to the readiness and effectiveness of our military, and it is important to the vitality of our civilian economy. I hope that the committee will have an opportunity to reconsider in conference its recommended cuts for education and training cuts. I hope that it will restore these sorely needed funds.

Mr. President, I ask unanimous consent that a table listing nonhardware education, training, and manpower cuts be included in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

NON-HARDWARE TRAINING AND PERSONNEL SYSTEMS MARKS RDT&E

[In millions]

	Request	SASC	HASC
Army			
Manpower and personnel	12.3	−4.0	
Human factors in training and operational effectiveness	8.3	−4.0	
Education and training	11.7	−4.0	
Education and training systems	12.3	−12.3	
Training simulation	3.1		
Navy			
Human factors and simulation technology	8.4	−.9	
Personnel and training technology	7.7	−1.9	
Manpower control systems development	2.9	−1.1	
Education and training	2.8	−.6	
Personnel productivity	.7	−.7	−.7
Joint manpower/personnel prototypes	7.3	−7.3	
Human factors engineering	1.2		
Navy technology information presentation system	3.3	−3.3	
Training device technology program	6.6		
Air Force			
Training and simulation technology	22.5	−3.9	−3.5
Crew systems technology	7.9		−1.9
Manpower and personnel systems technology	1.8		−1.8
Innovations in education and training	6.3		
Marine Corps			
Marine Corps, advanced manpower training system	2.1		
Total	129.2	85.2	121.3
Percent (down)		34	6.1

Mr. LEVIN. Mr. President, before the Senate completes its consideration of the fiscal 1984 Defense Authorization Act as reported out by our Armed Services Committee, I want to explain briefly why I am voting against its final passage in the Senate.

As reported out by the committee, this legislation was deficient, especially in its overemphasis on development and procurement of strategic nuclear weapons systems at the expense of much more needed, and higher priority, improvements to our conventional forces, especially the Army.

This deficiency remains, unfortunately, despite the attempt by myself and others to add $2.7 billion for combat readiness and conventional force improvement programs, and to cancel the nonsurvivable MX missile and superfluous and the militarily deficient B-1B bomber.

Any defense authorization must allocate the limited resources available among the services in a balanced manner which addresses the most urgent needs of each component, and which apportions more of these resources to those components with the greatest needs, relative to the other services and to the Soviet threat.

Unfortunately, the Senate's version of the fiscal 1984 Defense Authorization Act, S. 675, fails both these critical tests of balance.

This bill significantly distorts what should be a better balance between strategic and conventional forces investments and among the resources being allocated to the Army, Navy, and Air Force.

In the strategic arena, two programs which do not adequately help us to maintain and improve our deterrent to nuclear war and diplomatic blackmail—the MX missile system and the B-1B bomber—were approved. The huge investments these programs require—6 percent of this year's entire authorization act and substantially more in the next 5 years—could be much better spent on improving our conventional forces, or even on some other strategic programs.

The MX missile, to be deployed in a nonsurvivable basing mode, is a particularly egregious and dangerous waste of our defense dollars.

The B-1B bomber, which will be deployed fully just a few short years before the far more effective and survivable advanced technology bomber—Stealth—will be ready, is the other example of an unnecessary and unwise expenditure of our scarce defense resources.

Deployment of MX means we are asking the American taxpayer to pay $22 billion—inflated dollars—for 10 to 70 surviving warheads. That is an absurd cost per warhead for such a minimal gain in retaliatory and deterrent capability.

The B-1B bomber could cost about $40 billion for 100 bombers whose survivability is questionable shortly after full deployment.

These huge sums could be much better spent to improve our conventional forces in those areas needed, such as Rapid Deployment Force capabilities—airlift, sealift, desert equipment, et cetera—or could be more productive not being spent at all during the next 5 years, when crushing deficits threaten economic recovery. We would be stronger militarily, the nuclear threshold would be higher, and we would be stronger economically, without the MX and the B-1B.

The committee's conventional forces allocations remain seriously flawed, even after floor action on this bill.

Now that the Army is finally in a position to introduce several new and needed systems, the committee is proposing to undercut this program by again robbing the Army budget to pay for additions to the other services which compared to the Army, have been modernized much more in the recent past. We again are robbing the poorer to pay the richer. There is ample evidence this occurred in the past few years, despite the rhetoric of the administration's campaign platform that the Army's "critical and

long-delayed modernization programs must be restored to economical production rates and must be speeded into the field."

This bill does more of the same in fiscal 1984.

This bill reduces the Army's programs in the Tactical Warfare Subcommittee—the major subcommittee dealing with that service—much more than it reduced programs for both the Air Force and the Navy.

The most serious example of these misplaced priorities are in the reductions to the M-1 tank program from the request for 720 in fiscal year 1984 to 600; the cut in the Patriot missile system; and the reduction in the AH-64 advanced attack helicopter. Basic Army essentials in the "Other Procurement" accounts also were slashed by half a billion dollars.

Finally, the bill also fails to provide sufficient funds in the area of combat readiness programs. For instance, depot maintenance backlogs continue at unacceptable levels for all the services, the Army's maintenance support accounts are underfunded, and the Navy's flying hours per combat aircrew still fail to meet the requirement.

This represents a repetition of the "sins of the past" which Congress committed by underfunding our readiness and pay accounts during the late 1970's. Unless we reverse these trends, we again will discover that, despite the many dollars we have devoted to procurement of "big-ticket" items, especially those militarily unjustified and sometimes dangerous strategic nuclear programs, we will have the Armed Forces less capable, rather than more, to defend us in the future.

Senate floor action has improved this legislation in several areas, including: An amendment to prevent the reallocation of funds away from the advanced technology bomber—Stealth—bomber program to pay for other, more dubious programs, such as the B-1B bomber; an amendment diverting funding away from production facilities for the 155-millimeter neutron warhead artillery shell to accelerate development of conventional, precision guided munitions and thereby reduce our dependence on nuclear weapons for defense of Western Europe; an amendment, of which I was privileged to be an original cosponsor, establishing an independent Office of Test and Evaluation in the Pentagon to test more rigorously the weapons we are developing to insure they can meet combat requirements before they are fielded. Establishing this office could significantly improve our national security by increasing the prospects that the billions spent annually for new weapons actually results in the deployment of systems which work as intended. This office better safeguards the lives of our military personnel and the pocketbooks of our taxpayers; an amendment which strengthens the provisions governing leasing of ships and aircraft by the Department of Defense and which could result in a savings of more than $4 billion to the Federal taxpayers, according to the distinguished chairman of the Senate Finance Committee; an amendment I authored to take the first step to halt the spare parts procurement abuses which waste hundreds of millions of dollars, by making Defense Department contracting officers personally responsible for examining proposed price increases to prevent the Government from routinely paying exorbitant fees for spare parts.

These last three amendments, Mr. President, while they are in the relatively dry, less eyecatching areas of defense management and procurement procedures, could well have far-reaching, beneficial institutional impacts on our military establishment and may well have the potential to save the most taxpayer dollars.

My amendment declaring that, from the point of view of enhancing strategic nuclear stability, the Soviet Union and the United States should seek to move toward intercontinental ballistic missile force structures in which missiles each contain only one warhead. This is an important endorsement of the conclusion that continued deployment of large ICBM's with multiple warheads increases nuclear instability and creates a more dangerous world for ourselves and our children.

This bill, as approved, also represents full Senate endorsement of two other actions I strongly support:

Language I authored strongly criticizing our allies, especially Japan, for failing to contribute their fair shares to the burdens of our common defense. Japan's grossly inadequate defense efforts are singled out for Senate criticism in the form of our body's declaration that we are "extremely disappointed" by such meager contributions. This declaration is particularly appropriate and needed at this time, since, despite past statements and commitments to increase defense spending, Japan's Government has just announced it will increase its 1984 defense budget by no more than 6.8 percent compared to 1983. Some powerful factions of the Japanese Government want that increase to be 3.7 percent. Japanese defense officials have admitted that an annual 8.9 percent increase is needed to meet the procurement and self-defense improvement goals of the now well-outdated 1976 defense plan. Thus, these projected increases even further retard Japan's efforts, to say nothing of casting further doubt on when she will be able to keep her commitment to develop the forces needed to defend the air and sea lines of communication out to 1,000 miles.

This bill also sends a blunt message to the U.S. Air Force, Mr. President, that its procedures are sadly deficient for making and announcing changes to its force structure which affect both the military security of the Nation, and the economic security of its individual States and regions.

By endorsing with only a technical change language I authored requiring detailed cost- and military-effectiveness analyses and justifications of recently proposed changes, as well as mandating appropriate, prior consultation with Congress, the Senate has told the Air Force it should change its ways of doing business in this area. Since my own State of Michigan was to be affected adversely by one of these proposed changes, I am particularly gratified that the full senate has agreed with my language, which was drafted not only to prevent this recent action, but to warn against future repetitions of such precipitous and inappropriate proposals.

However, Mr. President, when all is said and done, the deficiences of this bill unfortunately outweigh its positive notes.

As a member of the Armed Services Committee, I have stated repeatedly that I would support in fiscal 1984 an increase of 3 percent, after inflation, over those funds authorized and appropriated for defense in fiscal 1983. Such an increase would mean many additional billions of dollars would be allocated for one national security, after inflation, in fiscal 1984. It also would represent our keeping our commitment to our NATO allies, when many of them are failing to do likewise.

The bill before us does have needed growth. But it inordinately funds the unjustified and unneeded strategic programs for the MX missile and the B-1B bomber. I, therefore, reluctantly must cast my vote against its final passage.

Mr. PELL. Mr. President, I have decided to vote against the 1984 Defense Authorization bill. I do so with some reluctance, because any vote against a defense authorization bill is a difficult one to cast. This legislation, however, with its tremendous imbalance between strategic and conventional forces, leaves me little choice. S. 675 commits the United States to a massive and long-term buildup of new strategic weapons systems. These weapons will not enhance our national security; they will only serve to escalate the arms race and increase the danger of nuclear war. Moveover, by irrevocably committing ourselves to the B-1, the MX, and other programs, we have started down a path that will produce continued unrestrained budget deficits and severely hinder efforts to bring about a sustained na-

tional economic recovery. For these reasons, I intend to vote against S. 675.

I oppose this bill because of its overwhelming emphasis on funding for the production of the B-1, the MX, chemical munitions and other weapon systems that are wasteful or destabilizing. The commitment of funding for the MX is, in my view, a serious mistake. The Congress has in the past wisely rejected administration proposals to put the MX in fixed silos, and there is absolutely no evidence today that silo basing is any more survivable than it was a year ago. Surely its implications for destabilization are no less frightening today than they were a year ago.

The American people, perhaps even more than their elected representatives in Washington, have signified their fear that nuclear war is becoming more, rather than less likely. Millions of our constituents favor a nuclear freeze because they want the arms race halted. Deployment of the MX will not stop the arms race or enhance our national security. By embracing the MX proposal contained in this bill, we fail to solve the vulnerability problem, and we take another needless step down the road of escalation and destabilization. As I have previously indicated during the debate on the MX, there is hardly any basis to believe that the MX is a credible bargaining chip in arms control negotiations with the Soviets.

This bill's misplaced emphasis on strategic programs will ultimately result in a weaker and less flexible defense program. I am particularly disturbed that, in order to accommodate full funding for strategic programs, the committee was forced to make a number of cuts in conventional programs. There is no doubt in my mind that as the economic consequences of the multiyear, multibillion-dollar strategic programs become evident, there will have to be further reductions in readiness and conventional programs or neglect of our manpower needs. As the bill comes due for the MX, the B-1, and other strategic programs, other essential areas of our defense program will inevitably suffer. Thus the final legacy of this administration's defense program may well be that more and more spending will have bought a less effective defense.

In announcing my intention to vote against S. 675, I want to emphasize that there are many positive elements in the bill which I strongly support. I commend the committee for its continued strong support of our submarine building program. This bill's authorization of $1.7 billion in funding for three new attack submarines as well as the authorization for the eleventh Trident will enable these vital deterrent programs to move forward. The Trident and attack submarine programs contribute strongly and effectively to our national defense, and I fully support this provision of the bill. I also commend the committee for wisely overriding the administration's elimination of the military pay raise. The military pay increase contained in S. 675 will hopefully avoid the personnel retention crisis that would have occured if the administration's proposal had been adopted. S. 675 has also been strengthened by the adoption during debate on the bill of an amendment I cosponsored creating an independent agency of weapons testing and evaluation within the Pentagon. This amendment, first proposed by Senators PRYOR, ROTH, and KASSEBAUM, will help to reduce a great deal of the waste in procurement of new weapons. Finally, S. 675 provides strong support for our Guard and Reserve programs, and provides for the creation of the position of Assistant Secretary of Defense for Reserve Affairs.

Mr. President, I support a strong national defense, and remain convinced that we can achieve that objective at a reasonable cost. Before we can move in that direction, however, we must reexamine the priorities contained in S. 675 and reconsider what is militarily necessary and effective for a strong national defense. Needed growth in defense programs must not come at the expense of other important programs or add to the already staggering burden of massive Federal deficits. S. 675 commits our Nation to more strategic weapons programs than we need or can reasonably afford, and for that reason I intend to vote against the bill.

BRIEFING ON CENTRAL AMERICA

Mr. BAKER. Mr. President, I have conferred with the minority leader on the matter of a briefing for Senators on the situation in Central America. As a result of his initiative and mine, I am pleased to announce that the Secretary of State, Mr. Shultz, and the President's National Security Adviser, Judge Clark, will be in S-407—which is the secure briefing room of the Capitol—at 9:30 in the morning. The briefing will be for Senators and Senators only. No staff will be permitted.

The briefing will necessarily be short, because there is a similar briefing on the House side from 9 until 9:30 and here from approximately 9:30 until a little after 10. But because of the visit of our Israeli friends and other matters, both Judge Clark and Secretary Shultz will have to leave shortly after 10 o'clock. Rather than postpone the briefing until the later time, after conferring with the minority leader, I have suggested that we go ahead at that point. There will be time for questions and answers.

Once again, the briefing will begin at 9:30 a.m. or a few minutes after that—as long after that as it takes the Secretary and the adviser to come from the House to the Senate. That is tomorrow morning.

Mr. BYRD. Will the majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. BYRD. What the majority leader is saying is we have a half hour.

Mr. BAKER. Yes, we do.

Mr. BYRD. That includes time for questions and answers, also.

Mr. BAKER. Yes, Mr. President, it does. I regret it is a brief time. The House was scheduled for an hour and the only way we could work this thing was to cut down their time and add it to our time or, in the alternative, to wait until perhaps tomorrow.

Rather than wait that long, knowing the intensity of the interest in that situation, I urged the Secretary and the National Security Adviser to go ahead with that briefing. I anticipate that their statements will be brief and that there will be time for questions and answers.

Mr. BYRD. If the majority leader will yield for one further observation on my part, this means that we have to be punctual in arriving in order to get the full 30 minutes.

Mr. BAKER. Exactly so. I expect they will be punctual, and I expect if we are going to get any good out of it, we ought to all be there at 9:30 in the morning.

Mr. RIEGLE. Will the majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. RIEGLE. I appreciate the majority leader yielding.

As we all try to make sense out of the events in Central America and the military announcements and actions, and so forth, it is very difficult to sort it all out. I thank the Senators for their efforts to get the representatives of the administration in tomorrow morning, but the word that I have received so far is that consultation in the normal sense has not been going on between either the leadership on the minority side or the majority side.

I would like to establish whether that is true, because I am very much concerned that in the long tradition and history of the Senate, if we are going to be involved in any kind of military activities, I would hope that the administration would be counseling in an active way before the fact with the leaders on both sides. But I am told that that has not been the case.

Mr. BAKER. Mr. President, I think what I better do in this case is simply limit myself to saying that the minority leader and I together arranged this briefing tomorrow. We are grateful for the briefing. We regret that it is a brief time, only 30 minutes. But beyond that, I really do not think I should comment on the question put by the Senator from Michigan.

Mr. RIEGLE. If the Senator will yield further, I will make a comment in brief of my own, and that is that I would hope that we can reestablish thorough consultation before the fact if we are going to be involved in any kind of a military exercise abroad, as has been the tradition in the Senate over many long years.

Mr. BYRD. Will the majority leader yield to me?

Mr. BAKER. Yes.

Mr. BYRD. I want to thank the majority leader for arranging this meeting with the administration. In answer to the Senator from Michigan, I must say I have not been briefed. At least this is a step in that direction, and the majority leader is to be complimented.

Mr. BAKER. I thank the minority leader.

OMNIBUS DEFENSE AUTHORIZATIONS, 1984

The Senate continued with the consideration of S. 675.

VOTE ON THE COMMITTEE SUBSTITUTE

Mr. TOWER. Mr. President, it is the intention of the manager of the bill to suggest that we voice vote the committee amendment in the nature of a substitute and have a rollcall vote on final passage of the bill, which should occur very, very shortly.

Mr. President, on what does the question recur?

The PRESIDING OFFICER. The question is on the committee substitute. The question is on agreeing to the committee substitute.

The committee substitute was agreed to.

The PRESIDING OFFICER. If there be no further amendments, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and to be read a third time.

The bill was read the third time.

Mr. TOWER. Mr. President, let me yield to the majority leader.

Mr. BAKER. Mr. President, is it the intention of the manager to ask for the yeas and nays on final passage?

Mr. TOWER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BAKER. Mr. President, may I announce that this will be the last record vote tonight.

SENATE SCHEDULE FOR TOMORROW

Mr. BAKER. The Senate will convene tomorrow at 10 a.m., and Members should know there will be eight rollcall votes before noon, one vote to count for seven on treaties, and one on the nomination of Paul Volcker to be Chairman of the Federal Reserve Board.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. Yes.

Mr. BYRD. The Senator said the Senate will come in at 10 a.m. and our briefing will last from 9:30 a.m. to 10 a.m?

Mr. BAKER. Yes, Mr. President. What that means is that you and I will perhaps have to have someone to open the Senate.

But to reiterate what I said before, there will be a briefing in S-407 for Members only, a classified briefing to be given by the Secretary of State and the President's National Security Adviser on Central America from 9:30 until 10 a.m.

Mr. President, there will also be votes tomorrow afternoon. It is the hope of the leadership that we can go to the Milcon appropriations bill and the D.C. appropriations bill, both of which should be fairly brief, and then go to the agriculture target price bill in the course of the day.

The PRESIDING OFFICER. Is all time yielded back?

Mr. TOWER. Mr. President, I yield back my time on the bill.

The PRESIDING OFFICER. The question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Oregon (Mr. PACKWOOD) is necessarily absent.

I also announce that the Senator from New Mexico (Mr. DOMENICI) is absent due to illness.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 83, nays 15, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—83

Abdnor	Garn	Murkowski
Andrews	Glenn	Nickles
Armstrong	Goldwater	Nunn
Baker	Gorton	Percy
Baucus	Grassley	Pressler
Bentsen	Hatch	Pryor
Biden	Hawkins	Quayle
Bingaman	Hecht	Randolph
Boren	Heflin	Riegle
Boschwitz	Heinz	Roth
Bradley	Helms	Rudman
Burdick	Huddleston	Sarbanes
Byrd	Humphrey	Sasser
Chafee	Inouye	Simpson
Chiles	Jackson	Specter
Cochran	Jepsen	Stafford
Cohen	Johnston	Stennis
D'Amato	Kassebaum	Stevens
Danforth	Kasten	Symms
DeConcini	Lautenberg	Thurmond
Denton	Laxalt	Tower
Dixon	Long	Trible
Dodd	Lugar	Wallop
Dole	Mathias	Warner
Eagleton	Matsunaga	Weicker
East	Mattingly	Wilson
Exon	McClure	Zorinsky
Ford	Mitchell	

NAYS—15

Bumpers	Hollings	Metzenbaum
Cranston	Kennedy	Moynihan
Durenberger	Leahy	Pell
Hart	Levin	Proxmire
Hatfield	Melcher	Tsongas

NOT VOTING—2

Domenici Packwood

So the bill (S. 675), as amended, was passed as follows:

S. 675

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLES

SECTION 1. (a) This Act may be cited as the "Omnibus Defense Authorization Act, 1984".

(b) Title I may be cited as the "Department of Defense Authorization Act, 1984".

(c) Title II may be cited as the "Military Construction Authorization Act, 1984".

(d) Title III may be cited as the "Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act, 1984".

TITLE I—PROCUREMENT, COMPENSATION, AND PERSONNEL MATTERS

PART A—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 101. (a) Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement of aircraft, missiles, weapons and tracked combat vehicles, and ammunition, and for other procurement for the Army, as follows:

For aircraft, $3,230,900,000.

For missiles, $2,806,900,000.

For weapons and tracked combat vehicles, $4,531,016,000.

For ammunition, $2,144,589,000.

For other procurement, $4,758,170,000.

For Army National Guard equipment, $100,000,000.

(b) The Secretary of the Army shall continue to evaluate the feasibility of establishing a second production source for the M-1 tank engine and submit the results of his evaluation to the appropriate committees of the Congress at least 30 days before any funds are obligated under a second source contract for such engine.

AUTHORIZATION OF APPROPRIATIONS, NAVY AND MARINE CORPS

SEC. 102. (a) Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement of aircraft, weapons (including missiles and torpedoes), shipbuilding and conversion, and for other procurement for the Navy, as follows:

For aircraft, $10,457,400,000.

For weapons (including missiles and torpedoes), $3,769,400,000.

For shipbuilding and conversion, $11,391,600,000.

For other procurement, $4,375,338,000.

(b) Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement for the Marine Corps (including missiles, tracked combat vehicles, and other weapons) in the amount of $1,808,149,000.

(c) None of the funds appropriated pursuant to an authorization of appropriations in this or any prior Act may be used to equip any Naval Air Reserve unit with F/A-18 aircraft.

(d) None of the funds appropriated pursuant to any authorization of appropriations contained in this or any other Act may be obligated or expended for the purchase of the 5-inch semiactive laser guided projectile until the Navy has caused to be published, after the date of the enactment of this Act, a notice of the proposed procurement of such projectile, as provided in section 8(e) of the Small Business Act (15 U.S.C. 637(e)),

reflecting up-to-date information on such projectile. Such notice shall give reasonable opportunity, but in no event less than 90 days, for response before the award of any contract is made for procurement of such projectile.

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 103. (a) Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement of aircraft and missiles, and for other procurement for the Air Force, as follows:

For aircraft, $21,286,690,000.

For missiles, $8,095,334,000.

For other procurement, $7,150,902,000.

For Air National Guard equipment, $25,000,000.

(b) Of the funds authorized to be appropriated in this section for aircraft for the Air Force, the sum of $112,100,000 is available only for contribution by the United States as its share of the cost for fiscal year 1984 of acquisition by the North Atlantic Treaty Organization of the Airborne Warning and Control System (AWACS).

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

SEC. 104. Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement by the Defense agencies in the amount of $969,091,000.

CERTAIN AUTHORITY PROVIDED THE SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM

SEC. 105. Effective on October 1, 1983, section 103(a) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1100) is amended by striking out "fiscal year 1983" both places it appears and inserting in lieu thereof "fiscal year 1984".

SECURE COMMUNICATIONS EQUIPMENT AND A SPECIAL CLASSIFIED PROGRAM

SEC. 106. The Secretary of Defense is authorized to procure secure telephone communication systems, including equipment and related items, during fiscal year 1984 for the Department of Defense and other Government agencies and entities to support a national program to provide secure telephone service. Of the funds authorized to be appropriated pursuant to this title, not more than $60,000,000 may be used to provide secure telephone equipment and related items to the Department of Defense and other Government agencies and entities in support of such a national program. Equipment provided to Government agencies and entities outside the Department of Defense under the authority of this section, and such related services as may be necessary, may be furnished by the Secretary of Defense with or without reimbursement. In addition, of the funds authorized to be appropriated pursuant to this title, not more than $220,000,000 is authorized for a special classified program.

AUTHORIZATION OF MULTIYEAR CONTRACTS FOR THE B-1B AIRCRAFT; PROHIBITION ON MULTIYEAR CONTRACTS FOR CERTAIN EQUIPMENT

SEC. 107. (a) Notwithstanding any other provision of law, procurement of the B-1B aircraft program may be carried out under a multiyear procurement contract in accordance with section 2306(h) of title 10, United States Code.

(b) The Department of Defense is denied the authority to execute multiyear procurement contracts, as proposed in the Department's fiscal year 1984 budget request, for procurement of any of the following:

(1) AH-64 helicopter engines.

(2) F-18 aircraft engines.

(3) LSD-41 class amphibious ships.

(4) F-15 aircraft.

(5) KC-135 reengining (airframes).

(6) Mark 30 targets.

(7) AN/SSQ-62 DICASS sonobouys.

(8) TB-16 towed arrays.

LIMITATIONS AND REQUIREMENTS WITH RESPECT TO THE PROCUREMENT AND DEPLOYMENT OF THE MX MISSILE

SEC. 108. (a)(1) Funds appropriated pursuant to the authorization of appropriations in section 103 may be used to procure not more than twenty-one operational MX missiles for deployment.

(2) MX missiles procured with funds authorized to be appropriated by section 103 shall be deployed in existing Minuteman missile silos that are part of the 319th and 400th Strategic Missile Squadrons and supported by Francis E. Warren Air Force Base, Wyoming. The first ten MX missiles procured for deployment by the Air Force shall be placed on alert status, with appropriate security and logistics facilities in operation, not later than December 31, 1986.

(b)(1) The Secretary of the Air Force shall prepare a full draft and final environmental impact statement in accordance with all terms, conditions, and requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) on the proposed deployment and peacetime operations of MX missiles in the Minuteman silos referred to in subsection (a). The final environmental impact statement on the proposed deployment of such missiles shall be published not later than January 31, 1984.

(2) Notwithstanding any other provision of law, the Secretary of the Air Force (A) may immediately commence planning, facility and equipment designing, surveying, and other predeployment activities with respect to the MX missile, and (B) shall proceed promptly following the publication of the final environmental impact statement referred to in paragraph (1) with deployment of MX missiles in the missile silos referred to in subsection (a).

(c) The President shall submit to the Committees on Armed Services of the Senate and the House of Representatives, coincident with the submission to the Congress of any request made after the date of the enactment of this Act for funds for the procurement of operational MX missiles intended for deployment, a written assessment relating to the requirement for and the anticipated impact of the procurement of such missiles. This assessment shall include the President's judgment with respect to—

(A) the degree to which current and projected international conditions require the procurement of such missiles for operational purposes;

(B) the expected impact the procurement of such missiles will have on the stability of the strategic balance between the United States and the Soviet Union; and

(C) the effect the procurement of such missiles, if approved by the Congress, will likely have on achieving negotiated reductions in the nuclear forces of the United States and the Soviet Union through sound, equitable, and verifiable arms control agreements.

PART B—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 111. (a) Funds are hereby authorized to be appropriated for fiscal year 1984 for the use of the Armed Forces for research, development, test, and evaluation, in amounts as follow:

For the Army, $4,193,364,000.

For the Navy (including the Marine Corps), $7,652,642,000.

For the Air Force, $12,936,116,000.

For the Defense agencies, $2,468,537,000, of which $55,800,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

(b) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1984 such additional sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a).

(c) Of the amount authorized for Air Force Research and Development not less than $22,477,000 shall be available for research and development of Training and Simulation Technology.

(d) Of the funds authorized to be appropriated pursuant to this section, $20,500,000 shall be available for research and development by the Department of the Army for the Military Computer Family. The Secretary of Defense shall make offsetting reductions in lower priority computer application projects authorized in this Act.

RESTRICTION ON USE OF FUNDS FOR THE C-17 AIRCRAFT PROGRAM

SEC. 112. None of the funds appropriated pursuant to the authorization of appropriations in section 111 may be obligated or expended for the C-17 aircraft program until (1) a Selected Acquisition Report on the C-17 aircraft program has been submitted to the Committees on Armed Services of the Senate and House of Representatives, (2) the Secretary of Defense has submitted to such committees a report validating the requirement, concepts, and design of the C-17 aircraft, and (3) a period of 30 days has elapsed after the date on which such committees receive such submissions.

RESTRICTION ON THE USE OF FUNDS FOR THE JOINT TACTICAL MISSILE PROGRAM AND THE JOINT SURVEILLANCE AND TARGET ATTACK SYSTEM

SEC. 113. (a) None of the funds appropriated pursuant to the authorization contained in section 111 may be obligated or expended for the Joint Tactical Missile Program or the Joint Surveillance and Target Attack System until the Secretary of Defense and the Chairman of the Joint Chiefs of Staff have jointly submitted a report to the Committees on Armed Services of the Senate and the House of Representatives containing a comprehensive and coordinated plan for the development and procurement of such program and system and submunitions associated with such program and system. The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall clearly define the integration of such program and system within the Air-Land Battle concept developed in the Department of Defense and the expected contribution of such program and system to the disruption and destruction of follow-on enemy forces.

(b) The President shall submit a written report to the Congress, within 30 days after the receipt by the Committees on Armed Services of the Senate and the House of Representatives of the report referred to in subsection (a), containing his views and recommendations on the subjects discussed in that report.

ANTIBALLISTIC MISSILE DEFENSE SYSTEM RESEARCH

SEC. 114. The Secretary of Defense may use not more than $50,400,000 of any funds appropriated pursuant to an authorization of funds contained in this part, and which are not obligated for any other purpose, to carry out research, development, test, and evaluation on the Ballistic Missile Defense systems technology program of the Army. The authority under the preceding sentence is in addition to any amounts authorized to be appropriated by this part to carry out research, development, test, and evaluation on the Ballistic Missile Defense systems technology program of the Army. In no circumstances will this additional discretionary authority be an addition to the total authorization of this Act.

PART C—OPERATION AND MAINTENANCE

AUTHORIZATION OF APPROPRIATIONS

SEC. 116. (a) Funds are hereby authorized to be appropriated for fiscal year 1984 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follow:

For the Army, $17,460,900,000 of which $4,600,000 shall be available only for physical fitness center purposes.

For the Navy, $22,538,100,000.

For the Marine Corps, $1,552,100,000.

For the Air Force, $18,017,000,000.

For the Defense agencies, $6,726,600,000, of which $10,000,000 shall be used only to increase the number of full-time auditors in the Defense Contract Audit Agency of the Department of Defense by at least 400 above the number of full-time auditors requested for such agency in the President's fiscal year 1984 budget request.

For the Army Reserve, $654,000,000.

For the Naval Reserve, $675,300,000.

For the Marine Corps Reserve, $52,429,000.

For the Air Force Reserve, $785,700,000.

For the Army National Guard, $1,126,400,000.

For the Air National Guard, $1,808,900,000.

For the National Board for the Promotion of Rifle Practice, $899,000.

For Defense Claims, $172,900,000.

For the Court of Military Appeals, $3,372,000.

(b) There are authorized to be appropriated for fiscal year 1984, in addition to the amounts authorized to be appropriated in subsection (a), such sums as may be necessary—

(1) for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a);

(2) for unbudgeted increases in fuel cost; and

(3) for increases as the result of inflation in the costs of activities authorized by subsection (a).

AUTHORIZATION OF APPROPRIATIONS FOR ASSISTANCE FOR 1984 GAMES OF THE XXIII OLYMPIAD

SEC. 117. (a) Notwithstanding any other provision of law, the Secretary of Defense is authorized—

(1) to provide logistical support and personnel services to the 1984 Games of the XXIII Olympiad;

(2) to lend and provide equipment in support of the 1984 Games of the XXIII Olympiad; and

(3) to provide such other services in support of the 1984 Games of the XXIII Olympiad as the Secretary may consider advisable.

(b) There is authorized to be appropriated to the Department of Defense for fiscal year 1984 an amount not to exceed $25,000,000 for the purpose of carrying out subsection (a). Except for funds used for pay and nontravel-related allowances for members of the Armed Forces other than members of the Reserve components thereof called or ordered to active duty to provide support for the XXIII Olympiad, no funds may be obligated for such purpose unless specifically appropriated for such purpose. The costs for pay and nontravel-related allowances of members of the Armed Forces, other than members of the Reserve components thereof called or ordered to active duty to provide support for the XXIII Olympiad, may not be charged to appropriations made pursuant to this authorization.

(c) None of the funds appropriated pursuant to the authorization contained in this section may be obligated until the President approves the justification for the assistance described in subsection (a) submitted by the Olympic Law Enforcement Coordination Council. The justification shall include an explanation of the necessity for the requested support for security, medical services, and for related equipment or other support. The justification shall also include the operational responsibilities and financial limitations of each governmental agency represented on the Council. Such justification shall be presented in such detail as the Secretary of Defense considers necessary.

(d) Upon approval of the justification referred to in subsection (c) by the President, a copy of such justification shall be forwarded to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives.

FORCE STRUCTURE CHANGES, AIR FORCE

SEC. 118. None of the funds appropriated pursuant to an authorization contained in this or any other Act for "Operation and Maintenance, Air Force" or "Operation and Maintenance, Air National Guard" may be obligated or expended to carry out alterations in the planned changes with respect to F-106, F-4, and F-15 aircraft types announced by the Air Force on January 31, 1983, in its plan for "Tactical and Air Defense Force Structure Changes", until—

(1) the Secretary of the Air Force has conducted a study of the cost-benefit, cost effectiveness, and military-effectiveness of the proposed alterations to such plan and has submitted a written report to the Congress, in conjunction with the submission of the Department of Defense's budget request for funds for fiscal year 1985, or in conjunction with any other formal budget request for the Department of Defense, or after September 30, 1983, in conjunction with any other formal budget correspondence for the Department of Defense, containing the results of such study, including an analysis of (A) the impacts on the regional economies of the areas that would be affected by the proposed alterations to such plan and of the nonmilitary costs to the United States, including increases in Federal outlays for unemployment compensation, for other benefits and services to individuals and communities, and for economic adjustment activities, and (B) the environmental, strategic, and operational consequences of the proposed alterations to such plan; and

(2) a period of 60 days has expired after the date on which such report is received by the Congress and the appropriate committees have had ample opportunity to consider fully the fiscal, economic, environmental, and military ramifications of these proposed alterations to the plan announced January 31, 1983.

LIMITATION ON AMOUNT THAT MAY BE MADE AVAILABLE FROM THE REVOLVING AND MANAGEMENT FUNDS FOR FISCAL YEAR 1984

SEC. 119. Not more than $2,519,166,600 may be made available out of the Revolving and Management Funds of the Department of Defense for fiscal year 1984.

PART D—ACTIVE FORCES

AUTHORIZATION OF END STRENGTH

SEC. 121. The Armed Forces are authorized strengths for active duty personnel as of September 30, 1984, as follows:

(1) The Army, 780,459.

(2) The Navy, 565,782

(3) The Marine Corps, 196,872.

(4) The Air Force, 599,561.

QUALITY CONTROL ON ENLISTMENTS INTO THE ARMY

SEC. 122. Effective on October 1, 1983, section 302(a) of the Department of Defense Authorization Act, 1981 (Public Law 96-342; 10 U.S.C. 520 note), is amended by striking out "October 1, 1982" and "September 30, 1983" and inserting in lieu thereof "October 1, 1983" and "September 30, 1984", respectively.

EXTENSION OF AUTHORITY FOR THE TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS

SEC. 123. Section 5721(f) of title 10, United States Code, is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1984".

PART E—RESERVE FORCES

AUTHORIZATION OF AVERAGE STRENGTHS FOR SELECTED RESERVE

SEC. 131. (a) For fiscal year 1984, the Selected Reserve of the Reserve components of the Armed Forces shall be programed to attain average strengths of not less than the following:

(1) The Army National Guard of the United States, 424,400.

(2) The Army Reserve, 273,700.

(3) The Naval Reserve, 112,600.

(4) The Marine Corps Reserve, 40,300.

(5) The Air National Guard of the United States, 103,400.

(6) The Air Force Reserve, 68,600.

(7) The Coast Guard Reserve, 12,000.

(b) The average strength prescribed by subsection (a) for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized

strength of such units and by the total number of such individual members.

AUTHORIZATION OF END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES

SEC. 132. (a) Within the average strengths prescribed in section 131, the Reserve components of the Armed Forces are authorized, as of September 30, 1984, 45,098 Reserves to be serving on full-time active duty for the purpose of organizing, administering, recruiting, instructing, or training the Reserve components.

(b)(1) The end strengths for Reserves prescribed in subsection (a) shall be apportioned among the Army National Guard of the United States, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air National Guard of the United States, and the Air Force Reserve in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within 60 days after the date of the enactment of this Act on the manner in which the initial allocation of such Reserve personnel is made and shall include the rationale for each allocation.

(2) Upon a determination by the Secretary of Defense that such action is in the national interest, the end strength prescribed in subsection (a) may be increased by a total of not more than the number equal to 2 percent of the total end strengths prescribed.

INCREASE IN NUMBER OF CERTAIN PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS

SEC. 133. (a) The table in section 517(b) of title 10, United States Code, is amended to appear as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E–9	314	156	143	6
E–8	1,494	381	617	56".

(b) The table in section 524(a) of such title is amended to appear as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	1,948	823	408	95
Lieutenant Colonel or Commander	967	520	303	48
Colonel or Navy Captain	338	177	171	23".

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1983.

BONUSES FOR ENLISTMENTS, REENLISTMENTS, AND VOLUNTARY EXTENSIONS OF SERVICE IN ELEMENTS OF THE READY RESERVE OTHER THAN THE SELECTED RESERVE

SEC. 134. (a) Chapter 5 of title 37, United States Code, is amended by inserting after section 308f the following new sections:

"§ 308g. Special pay: bonus for enlistment in elements of the Ready Reserve other than the Selected Reserve

"(a) An eligible person who enlists in a combat or combat support skill of an element (other than the Selected Reserve) of the Ready Reserve of an armed force for a term of enlistment of not less than six years, and who has not previously served in an armed force, may be paid a bonus as provided in subsection (b) of this section.

"(b) Eligibility for and the amount and method of payment of a bonus under this section shall be determined in accordance with regulations prescribed under subsection (g) of this section, except that the amount of such a bonus may not exceed $1,000.

"(c) A bonus may not be paid under this section for a term of enlistment to any person who fails to complete satisfactorily initial active duty for training or who, upon completion of initial active duty for training, elects to serve the remainder of the term of enlistment in the Selected Reserve or in an active component of an armed force.

"(d) A person who receives a bonus payment under this section and who fails during the period for which the bonus was paid to serve satisfactorily in the element of the Ready Reserve with respect to which the bonus was paid shall refund to the United States an amount which bears the same ratio to the amount of the bonus paid to such person as the period which such person failed to serve satisfactorily bears to the total period for which the bonus was paid.

"(e) An obligation to reimburse the United States imposed under subsection (d) of this section is, for all purposes, a debt owed to the United States.

"(f) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an enlistment for which a bonus was paid under this section does not discharge the person receiving such bonus payment from the debt arising under subsection (d) of this section. This subsection applies to any case commenced under title 11 after the date of the enactment of the Department of Defense Authorization Act, 1984.

"(g) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when it is not operating as a service in the Navy.

"(h) A bonus may not be paid under this section to any person for an enlistment after September 30, 1985.

"§ 308h. Special pay: bonus for reenlistment, enlistment, or voluntary extension of enlistment in elements of the Ready Reserve other than the Selected Reserve

"(a)(1) An eligible person who is or has been a member of an armed force and who reenlists, enlists, or voluntarily extends an enlistment in a combat or combat support skill of an element (other than the Selected Reserve) of the Ready Reserve of an armed force for a period of not less than three years beyond any other period the person is obligated to serve may be paid a bonus as provided in subsection (b) of this section.

"(2) A bonus may not be paid under this section to a person who has failed to complete satisfactorily any original term of enlistment in the armed forces.

"(b) Eligibility for and the amount and method of payment of a bonus under this section shall be determined under regulations to be prescribed under subsection (f) of this section, except that the amount of such a bonus may not exceed $900.

"(c) A person who receives a bonus payment under this section and who fails during the period for which the bonus was paid to serve satisfactorily in the Ready Reserve shall refund to the United States an amount which bears the same ratio to the amount of the bonus paid to such person as the period which such person failed to serve satisfactorily bears to the total period for which the bonus was paid.

"(d) An obligation to reimburse the United States imposed under subsection (c) of this section is, for all purposes, a debt owed to the United States.

"(e) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a reenlistment, enlistment, or extension for which a bonus was paid under this section does not discharge the person receiving such bonus payment from the debt arising under subsection (c) of this section. This subsection applies to any case commenced under title 11 after the date of the enactment of the Department of Defense Authorization Act, 1984.

"(f) This section shall be administered under regulations to be prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when it is not operating as a service in the Navy.

"(g) A bonus may not be paid under this section to any person for a reenlistment, enlistment, or voluntary extension of an enlistment after September 30, 1985.".

(b)(1) Section 308d of such title is repealed.

(2) The table of sections at the beginning of such chapter is amended—

(A) by striking out the item relating to item 308d; and

(B) by inserting after the item relating to section 308f the following new items:

"308g. Special pay: bonus for enlistment in elements of the Ready Reserve other than the Selected Reserve.

"308h. Special pay: bonus for reenlistment, enlistment, or voluntary extension of enlistment in elements of the Ready Reserve other than the Selected Reserve.".

(c) The amendments made by subsections (a) and (b) shall take effect on October 1, 1983.

MODIFICATION OF VARIABLE HOUSING ALLOWANCE FOR MEMBERS OF RESERVE COMPONENTS SERVING SHORT TOURS OF ACTIVE DUTY

SEC. 135. (a) Section 403(a)(2) of title 37, United States Code, is amended—

(1) by striking out "A member" in the first sentence of subparagraph (A) and inserting in lieu thereof "Except as provided in subparagraph (D) of this paragraph, a member"; and

(2) by adding at the end thereof the following new subparagraph:

"(D) Under regulations prescribed by the Secretary of Defense, a member of a reserve component is not entitled to a variable housing allowance while on active duty for annual training or for any other purpose under a call or order specifying a period of duty of less than 140 days.".

(b) The amendments made by subsection (a) shall take effect on October 1, 1983, and shall apply to entitlements to a variable housing allowance for active duty performed on or after that date by members of the Reserve components of the Armed Forces.

EXTENDING MEDICAL AND DENTAL CARE FOR RESERVISTS IN CERTAIN CIRCUMSTANCES

SEC. 136. (a)(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074 the following new section:

"§ 1074a. Medical and dental care for members of the uniformed services for injuries incurred or aggravated while traveling to and from inactive duty training

"(a) Under joint regulations prescribed by the Secretary of Defense and the Secretary of Health and Human Services, a member of

the uniformed services is entitled to the medical benefits described in subsection (b) for an injury incurred or aggravated while the member is traveling directly to or from the place at which he is to perform, or has performed, inactive duty training.

"(b) A person described in subsection (a) is entitled to—

"(1) the hospitalization, rehospitalization, medical care (including outpatient medical care), and dental care appropriate for the treatment of his injury until the resulting disability cannot be materially improved by further hospitalization or treatment; and

"(2) subsistence during hospitalization or rehospitalization.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074 the following new item:

"1074a. Medical and dental care for members of the uniformed services for injuries incurred or aggravated while traveling to and from inactive duty training.".

(b) Section 204 of title 37, United States Code, is amended by adding at the end thereof the following new subsection:

"(j) A member of the uniformed services who is entitled to hospitalization, medical, or dental care under section 1074a is entitled to travel and transportation allowances, or a monetary allowance in place thereof, for necessary travel incident to his hospitalization and medical care, and return to his home upon discharge from treatment.".

(c) The amendments made by subsections (a) and (b) shall apply only in cases of injuries incurred or aggravated on or after the date of the enactment of this Act.

INCREASE IN THE PERIOD FOR WHICH MEMBERS OF THE SELECTED RESERVE MAY BE ORDERED TO ACTIVE DUTY

SEC. 137. Section 673b(a) of title 10, United States Code, is amended by striking out "90 days" and inserting in lieu thereof "180 days".

AUTHORITY OF PRESIDENT TO SUSPEND CERTAIN LAWS RELATING TO PROMOTION, RETIREMENT, AND SEPARATION

SEC. 138. (a) Chapter 39 of title 10, United States Code, is amended by adding after section 673b the following new section:

"§ 673c. Authority of President to suspend certain laws relating to promotion, retirement, and separation

"(a) Notwithstanding any other provision of law, during any period members of a Reserve component of the armed forces are serving on active duty pursuant to an order to active duty under authority of section 672, 673, or 673b of this title, the President may suspend any provision of law relating to promotion, retirement, or separation applicable to any member of the armed forces who the President determines is essential to the national security of the United States.

"(b) A suspension made under the authority of subsection (a) shall terminate (1) upon release from active duty of members of the Reserve component ordered to active duty under the authority of section 672, 673, or 673b, as the case may be, or (2) at such time as the President determines the circumstances which required the action of ordering members of the Reserve component to active duty no longer exist, whichever is earlier.".

(b) The table of sections at the beginning of chapter 39 of such title is amended by inserting immediately below the item relating to section 673b the following new item:

"673c. Authority of President to suspend certain laws relating to promotion, retirement, and separation.".

AUTHORITY TO INCREASE TOTAL TERM OF SERVICE IN THE ARMED FORCES

SEC. 139. (a)(1) Section 511 of title 10, United States Code, is amended—

(A) in subsection (b), by striking out "six years" and inserting in lieu thereof "not less than six years nor more than eight years"; and

(B) in subsection (d), by striking out "six years" and inserting in lieu thereof "not less than six years nor more than eight years".

(2) The amendments made by paragraph (1) shall apply only with respect to persons who enlist under the authority of subsection (b) or (d) of section 511 of title 10, United States Code, sixty or more days after the date of the enactment of this Act.

(b)(1) Subsection (a) of section 651 of title 10, United States Code, is amended to read as follows:

"(a) Each person who becomes a member of an armed force, other than a person deferred under the next to the last sentence of section 6(d)(1) of the Military Selective Service Act (50 U.S.C. App. 456(d)(1)) shall serve in the armed forces for a total period of not less than six years nor more than eight years, as provided in regulations prescribed by the Secretary of Defense for the armed forces under his jurisdiction and by the Secretary of Transportation for the Coast Guard when it is not operating as a service in the Navy, unless such person is sooner discharged under such regulations because of personal hardship. Any part of such service that is not active duty or that is active duty for training shall be performed in a reserve component.".

(2) The amendment made by paragraph (1) shall apply only with respect to persons who enter the Armed Forces sixty or more days after the date of the enactment of this Act.

AUTHORITY TO RETAIN IN AN ACTIVE STATUS CERTAIN RESERVE OFFICERS WHO ARE SUBJECT TO ELIMINATION FROM ACTIVE STATUS BECAUSE OF FAILURE OF PROMOTION

SEC. 140. (a) Section 3846 of title 10, United States Code is amended—

(1) by striking out "Except as provided in" and inserting in lieu thereof "(a) Except as provided in subsection (b) and"; and

(2) by adding at the end thereof the following new subsection:

"(b) The Secretary of the Army may retain in an active status an officer described in subsection (a) who is in the reserve grade of first lieutenant or captain for such period as the Secretary prescribes or until such officer's removal from an active status is required by another provision of law.".

(b) Section 8846 of such title is amended—

(1) in subsections (a) and (b), by striking out "Except as provided in" and inserting in lieu thereof "Except as provided in subsection (c) and"; and

(2) by adding at the end thereof the following new subsection:

"(c) The Secretary of the Air Force may retain in an active status an officer described in subsection (a) or (b) who is in the reserve grade of first lieutenant or captain for such period as the Secretary prescribes or until such officer's removal from an active status is required by another provision of law.".

PROMOTION OF CERTAIN RESERVE COMMISSIONED OFFICERS SERVING ON ACTIVE DUTY

SEC. 140A. (a)(1) Section 3380 of title 10, United States Code, is amended to read as follows:

"§ 3380. Commissioned officers: promotion of reserve commissioned officers on active duty and not on the active duty list

"(a) Notwithstanding any other provision of law, a reserve commissioned officer on active duty for duty described in clause (1)(B), (1)(C), or (7) of section 523(b) of this title who is recommended by a selection board for promotion to, or found qualified for Federal recognition in, a higher reserve grade may, in accordance with regulations prescribed by the Secretary of Defense and subject to the limitations of section 524 of this title, be promoted to or extended Federal recognition in such higher reserve grade and may continue to serve on active duty, or be ordered to serve on active duty, in such higher reserve grade.

"(b) Notwithstanding any other provision of law, the service in grade for promotion purposes only of any reserve commissioned officer who is promoted to or extended Federal recognition in a higher reserve grade but whose promotion to or recognition in such higher reserve grade was delayed solely because of limitations imposed in accordance with regulations prescribed by the Secretary of Defense under subsection (a) or contained in section 524 of this title, is the date such officer would have been promoted to or recognized in such higher reserve grade if the limitations did not exist. In computing service in grade for the purposes of determining the date for discharge or transfer to the Retired Reserve under chapter 363 of this title, the date the officer would have been promoted to or recognized in such higher grade had the limitations not existed shall be considered the date of promotion to or recognition in such higher grade.".

(2) The item relating to section 3380 in the table of sections at the beginning of chapter 337 of such title is amended to read as follows:

"3380. Commissioned officers: promotion of reserve commissioned officers on active duty and not on the active duty list.".

(b)(1) Section 8380 of title 10, United States Code, is amended to read as follows:

"§ 8380. Commissioned officers: promotion of reserve commissioned officers on active duty and not on the active duty list

"(a) Notwithstanding any other provision of law, a reserve commissioned officer on active duty for duty described in clause (1)(B), (1)(C), or (7) of section 523(b) of this title who is recommended by a selection board for promotion to, or found qualified for Federal recognition in, a higher reserve grade may, in accordance with regulations prescribed by the Secretary of Defense and subject to the limitations of section 524 of this title, be promoted to or extended Federal recognition in such higher reserve grade and may continue to serve on active duty, or be ordered to serve on active duty, in such higher reserve grade.

"(b) Notwithstanding any other provision of law, the service in grade for promotion purposes only of any reserve commissioned officer who is promoted to or extended Federal recognition in a higher reserve grade but whose promotion to or recognition in such higher reserve grade was delayed solely because of limitations imposed in ac-

cordance with regulations prescribed by the Secretary of Defense under subsection (a) or contained in section 524 of this title, is the date such officer would have been promoted to or recognized in such higher reserve grade if the limitations did not exist. In computing service in grade for the purposes of determining the date for discharge or transfer to the Retired Reserve under chapter 863 of this title, the date the officer would have been promoted to or recognized in such higher grade had the limitations not existed shall be considered the date of promotion to or recognition in such higher grade.".

(2) The item relating to section 8380 in the table of sections at the beginning of chapter 837 of such title is amended to read as follows:

"8380. Commissioned officers: promotion of reserve commissioned officers on active duty and not on the active duty list.".

AUTHORITY TO ORDER RETIRED MEMBERS OF RESERVE COMPONENTS TO ACTIVE DUTY

SEC. 140B. (a) Section 675 of title 10, United States Code, is amended by inserting "or 688" after "672(a)".

(b) Section 688 of such title is amended—

(1) in the first sentence of subsection (a)—

(A) by striking out "or" before "Regular Marine Corps"; and

(B) by inserting ", a retired member of a reserve component who has completed at least twenty years of active service, or a member of the Fleet Reserve or Fleet Marine Corps Reserve" after "Marine Corps"; and

(2) in subsection (b) by striking out "A retired member of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps" and inserting in lieu thereof "A member ordered to active duty under this section".

(c) The section heading of section 688 of such title is amended to read as follows:

"§ 688. Authority to order retired members to active duty".

(d) The table of sections at the beginning of chapter 39 of such title is amended by striking out the item relating to section 688 and inserting in lieu thereof the following:

"688. Authority to order retired members to active duty.".

DETERMINING YEARS OF SERVICE FOR TRANSFER TO THE RETIRED RESERVE

SEC. 140C. (a) Section 3853(l) of title 10, United States Code, is amended—

(1) by inserting "and" at the end of clause (A);

(2) by striking out the comma and "and" at the end of clause (B) and inserting in lieu thereof a semicolon and "and";

(3) by striking out clause (C); and

(4) by striking out the last sentence.

(b) Sections 3360(b), 3360(c), and 3853 of such title are each amended by striking out the last sentence.

(c) Section 8853 of such title is amended—

(1) by inserting "and" at the end of clause (1);

(2) by striking the semicolon and "and" at the end of clause (2) and inserting in lieu thereof a period; and

(3) by striking out clause (3).

GRADE DETERMINATION FOR PERSONS RECEIVING ORIGINAL APPOINTMENTS AS RESERVE OFFICERS IN MEDICAL CORPS OF THE ARMY OR AIR FORCE

SEC. 140D. (a) Section 3359 of title 10, United States Code, is amended—

(1) by striking out "Based" at the beginning of such section and inserting in lieu thereof "(a) Except in the case of a person originally appointed as a reserve officer in the Medical Corps of the Army, based"; and

(2) by adding at the end of such section the following new subsection:

"(b) Based upon the service credited under section 3353 of this title, the commissioned grade in which a person credited with service under that section is originally appointed as a reserve officer in the Medical Corps of the Army is:

"(1) For persons with at least 4, but less than 14, years of service—captain.

"(2) For persons with at least 14, but less than 21, years of service—major.

"(3) For persons with at least 21 years of service—lieutenant colonel.

"(4) For persons with at least 23 years of service—lieutenant colonel or colonel, as the Secretary of the Army determines.".

(b) Section 8359 of title 10, United States Code, is amended—

(1) by striking out "Based" at the beginning of such section and inserting in lieu thereof "(a) Except in the case of a person originally appointed as a reserve officer in the Medical Corps of the Air Force, based"; and

(2) by adding at the end of such section the following new subsection:

"(b) Based upon the service credited under section 8353 of this title, the commissioned grade in which a person credited with service under that section is originally appointed as a reserve officer in the Medical Corps of the Air Force is:

"(1) For persons with at least four, but less than 14, years of service—captain.

"(2) For persons with at least 14, but less than 21, years of service—major.

"(3) For persons with at least 21 years of service—lieutenant colonel.

"(4) For persons with at least 23 years of service—lieutenant colonel or colonel, as the Secretary of the Air Force determines.".

(c) Reserve officers in the Medical Corps of the Army and Air Force who have at least four years of commissioned service shall be eligible for immediate promotion to the grade of captain if otherwise qualified.

AUTHORITY TO PERMIT RETIRED ENLISTED MEMBERS OF REGULAR COMPONENTS TO VOLUNTARILY BE PLACED IN THE READY RESERVE

SEC. 140E. Section 269(d) of title 10, United States Code, is amended to read as follows:

"(d) Under such regulations as the Secretary concerned may prescribe, any qualified member of a Reserve component or any qualified retired enlisted member of a regular component may, upon his request, be placed in the Ready Reserve. However, a member of the Retired Reserve entitled to retired pay or a retired enlisted member of a regular component may not be placed in the Ready Reserve unless the Secretary concerned makes a special finding that the member's services in the Ready Reserve are indispensable. The Secretary concerned may not delegate his authority under the preceding sentence.".

VALIDATION OF CERTAIN ARMY APPOINTMENTS MADE IN GRADES ABOVE THE GRADE OF SECOND LIEUTENANT

SEC. 140F. (a) The appointment of a person as a reserve commissioned officer of the Army in a grade above second lieutenant that was made during the period beginning on September 15, 1981 (the effective date of the Defense Officer Personnel Management Act (Public Law 96-513; 94 Stat. 2835)), and ending on August 24, 1982 (the date of a Department of the Army directive which terminated the appointments of reserve commissioned officers above the grade of second lieutenant under appointment criteria in effect before the effective date of the Defense Officer Personnel Management Act) shall be held and considered to be a valid appointment in the grade in which the appointment was made, subject to the consent of the officer concerned.

(b)(1) A reserve commissioned officer whose appointment in a grade above second lieutenant is validated by subsection (a) is entitled to all the rights, privileges, and benefits of the grade to which appointed as of the original date of that appointment, except that such officer is not entitled to any increase in pay or allowances for any period prior to the date of the enactment of this section by virtue of the enactment of this section.

(2) Appointments validated by subsection (a) supersede subsequent appointments or enlistments.

PART F—CIVILIAN PERSONNEL

AUTHORIZATION OF END STRENGTH

SEC. 141. (a)(1) The Department of Defense is authorized a strength in civilian personnel, as of September 30, 1984, of 1,054,555, of which 400 shall be used only to increase the number of full-time auditors in the Defense Contract Audit Agency of the Department of Defense by at least 400 above the number of full-time auditors requested for such agency in the President's fiscal year 1984 budget request.

(2) In computing the authorized strength for civilian personnel prescribed in paragraph (1), any increase during fiscal year 1984 in civilian personnel employed in Department of Defense industrially funded activities in excess of the number of civilian personnel employed in such activities on September 30, 1982, shall not be counted.

(3) In computing the authorized strength for civilian personnel prescribed in section 601(a) of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 727), any increase during fiscal year 1983 in Department of Defense industrially funded activities in excess of the number of civilian personnel employed in such activities on September 30, 1982, shall not be counted.

(b) The strength for civilian personnel prescribed in subsection (a) shall be apportioned among the Department of the Army, the Department of the Navy, the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within sixty days after the date of enactment of this Act on the manner in which the initial allocation of civilian personnel is made among the military departments and the agencies of the Department of Defense (other than the military departments) and shall include the rationale for each allocation.

(c)(1) In computing the strength for civilian personnel, there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the

temporary summer aid program, the Federal junior fellowship program, and personnel participating in the worker-trainee opportunity program.

(2) Personnel employed under a part-time career employment program established by section 3402 of title 5, United States Code, shall be counted as prescribed in section 3404 of that title. Personnel employed in an overseas area on a part-time basis under a nonpermanent local-hire appointment who are dependents accompanying a Federal civilian employee or a member of a uniformed service on official assignment or tour of duty shall also be counted as prescribed by section 3404 of that title.

(3) Whenever a function, power or duty, or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense, or from another department or agency within the Department of Defense, the civilian personnel end-strength authorized for such departments or agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

(d) When the Secretary of Defense determines that such action is necessary in the national interest, the Secretary of Defense may authorize the employment of civilian personnel in excess of the number authorized by subsection (a), but such additional number may not exceed 2 percent of the total number of civilian personnel authorized for the Department of Defense by subsection (a). The Secretary shall promptly notify the Congress of any authorization to increase civilian personnel strength under this subsection.

PART G—MILITARY TRAINING STUDENT LOADS

AUTHORIZATION OF TRAINING STUDENT LOADS

SEC. 151. (a) For fiscal year 1984, the components of the Armed Forces are authorized average military training student loads, as follows:

(1) The Army, 71,817.

(2) The Navy, 66,911.

(3) The Marine Corps, 21,105.

(4) The Air Force, 49,007.

(5) The Army National Guard of the United States, 21,105.

(6) The Army Reserve, 12,724.

(7) The Naval Reserve, 2,886.

(8) The Marine Corps Reserve, 3,223.

(9) The Air National Guard of the United States, 2,845.

(10) The Air Force Reserve, 1,705.

(b) The average military student loads for the Army, the Navy, the Marine Corps, and the Air Force and the Reserve components authorized in subsection (a) for fiscal year 1984 shall be adjusted consistent with the manpower strengths authorized in parts D, E, and F of this title. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the Reserve components in such manner as the Secretary of Defense shall prescribe.

SELECTION OF PERSONS FROM FOREIGN COUNTRIES TO RECEIVE INSTRUCTION AT THE SERVICE ACADEMIES

SEC. 152. (a)(1) Section 4344 of title 10, United States Code, is amended to read as follows:

"§ 4344. Selection of persons from foreign countries

"(a)(1) The Secretary of the Army may permit not more than 40 persons at any one time from foreign countries to receive instruction at the Academy. Such persons shall be in addition to the authorized strength of the Corps of the Cadets of the Academy under section 4342 of this title.

"(2) The Secretary of the Army, upon approval by the Secretary of Defense, shall determine the countries from which persons may be selected for appointment under this section and the number of persons that may be selected from each country. The Secretary of the Army may establish entrance qualifications and methods of competition for selection among individual applicants under this section and shall select those persons who will be permitted to receive instruction at the Academy under this section.

"(b)(1) A person receiving instruction under this section is entitled to the pay, allowances, and emoluments of a cadet appointed from the United States, and from the same appropriations.

"(2) Each foreign country from which a cadet is permitted to receive instruction at the Academy under this section shall reimburse the United States for the cost of providing such instruction, including the cost of pay, allowances, and emoluments provided under paragraph (1) unless a written waiver of reimbursement is granted by the Secretary of Defense. The Secretary of the Army shall prescribe the rates for reimbursement under this paragraph.

"(c)(1) Except as the Secretary of the Army determines, a person receiving instruction under this section is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a cadet at the Academy appointed from the United States. The Secretary may prescribe regulations with respect to access to classified information by a person receiving instruction under this section that differ from the regulations that apply to a cadet at the Academy appointed from the United States.

"(2) A person receiving instruction under this section is not entitled to an appointment in an armed force of the United States by reason of graduation from the Academy.

"(d) A person receiving instruction under this section is not subject to section 4346(d) of this title.".

(2) Section 4345 of such title is repealed.

(3) The table of sections at the beginning of chapter 403 of such title is amended by striking out the items relating to sections 4344 and 4345 and inserting in lieu thereof the following:

"4344. Selection of persons from foreign countries.".

(b)(1) Section 6957 of title 10, United States Code, is amended to read as follows:

"§ 6957. Selection of persons from foreign countries

"(a)(1) The Secretary of the Navy may permit not more than 40 persons at any one time from foreign countries to receive instruction at the Academy. Such persons shall be in addition to the authorized strength of the midshipmen under section 6954 of this title.

"(2) The Secretary of the Navy, upon approval of the Secretary of Defense, shall determine the countries from which persons may be selected for appointment under this section and the number of persons that may be selected from each country. The Secretary of the Navy may establish entrance qualifications and methods of competition for selection among individual applicants under this section and shall select those persons who will be permitted to receive instruction at the Academy under this section.

"(b)(1) A person receiving instruction under this section is entitled to the pay, allowances, and emoluments of a midshipman appointed from the United States, and from the same appropriations.

"(2) Each foreign country from which a midshipman is permitted to receive instruction at the Academy under this section shall reimburse the United States for the cost of pay, allowances, and emoluments provided under paragraph (1) unless a written waiver of reimbursement is granted by the Secretary of Defense. The Secretary of the Navy shall prescribe the rates for reimbursement under this paragraph.

"(c)(1) Except as the Secretary of the Navy determines, a person receiving instruction under this section is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a midshipman at the Academy appointed from the United States. The Secretary may prescribe regulations with respect to access to classified information by a person receiving instruction under this section that differ from the regulations that apply to a midshipman at the Academy appointed from the United States.

"(2) A person receiving instruction under this section is not entitled to an appointment in an armed force of the United States by reason of graduation from the Academy.".

(2) The item relating to section 6957 in the table of sections at the beginning of chapter 603 of such title is amended to read as follows:

"6957. Selection of persons from foreign countries.".

(c)(1) Section 9344 of title 10, United States Code, is amended to read as follows:

"§ 9344. Selection of persons from foreign countries

"(a) The Secretary of the Air Force may permit not more than 40 persons at any one time from foreign countries to receive instruction at the Academy. Such persons shall be in addition to the authorized strength of the Air Force Cadets of the Academy under section 9342 of this title. The Secretary of the Air Force, upon approval by the Secretary of Defense, shall determine the countries from which persons may be selected for appointment under this section and the number of persons that may be selected from each country. The Secretary of the Air Force may establish entrance qualifications and methods of competition for selection among individual applicants under this section and shall select those persons who will be permitted to receive instruction at the Academy under this section.

"(b)(1) A person receiving instruction under this section is entitled to the pay, allowances, and emoluments of a cadet appointed from the United States, and from the same appropriations.

"(2) Each foreign country from which a cadet is permitted to receive instruction at the Academy under this section shall reimburse the United States for the cost of providing such instruction, including the cost of pay, allowances, and emoluments provided under paragraph (1) unless a written waiver of reimbursement is granted by the Secretary of Defense. The Secretary of the Air Force shall prescribe the rates for reimbursement under this paragraph.

"(c)(1) Except as the Secretary of the Air Force determines, a person receiving instruction under this section is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a cadet at the

Academy appointed from the United States. The Secretary may prescribe regulations with respect to access to classified information by a person receiving instruction under this section that differ from the regulations that apply to a cadet at the Academy appointed from the United States.

"(2) A person receiving instruction under this section is not entitled to an appointment in an armed force of the United States by reason of graduation from the Academy.

"(d) A person receiving instruction under this section is not subject to section 9346(d) of this title.".

(2) Section 9345 of such title is repealed.

(3) The table of sections at the beginning of chapter 903 of such title is amended by striking out the items relating to sections 9344 and 9345 and inserting in lieu thereof the following:

"9344. Selection of persons from foreign countries.".

(d) Sections 4344(b)(2), 6957(b)(2), and 9344(b)(2) of title 10, United States Code, as added by this Act, do not apply to the cost of providing instruction to a person who, before the effective date of this Act, entered the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy under section 4344, 4345, 6957, 9344, or 9345 of such title, as in effect on the day before such date. Any such person shall be counted against the maximum of 40 persons who may attend the Academy concerned at any time under any of those sections.

(e) The amendments made by this Act shall take effect one year after the date of enactment of this Act and shall apply to each person entering the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy after that effective date.

PART H—CIVIL DEFENSE

AUTHORIZATION OF APPROPRIATIONS

SEC. 161. There is hereby authorized to be appropriated for fiscal year 1984 to carry out the provisions of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251-2297) the sum of $161,497,000.

AMOUNT AUTHORIZED FOR CONTRIBUTION FOR STATE PERSONNEL AND ADMINISTRATIVE EXPENSES

SEC. 162. Notwithstanding the second proviso of section 408 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2260), $54,000,000 of the amount authorized to be appropriated by section 161 is available for appropriations for contributions to the States under section 205 of such Act (50 U.S.C. App. 2286) for personnel and administrative expenses.

PART I—PAY, TRAVEL AND TRANSPORTATION, AND RETIRED PAY MATTERS

PAY INCREASE OF FOUR PERCENT FOR MEMBERS OF THE UNIFORMED SERVICES EFFECTIVE ON APRIL 1, 1984

SEC. 171. (a) The adjustment required by section 1009 of title 37, United States Code, in certain elements of the compensation of members of the uniformed services to become effective on October 1, 1983, shall not be made.

(b)(1) Subject to the provisions of paragraphs (2) and (3), each element of compensation specified in section 1009(a) of title 37, United States Code, shall be increased for members of the uniformed services by 4 percent effective on April 1, 1984.

(2)(A) The increase provided for in paragraph (1) shall not apply to enlisted members in pay grade E-1 with less than 4 months active duty.

(B) The basic pay of enlisted members in grade E-5 shall be increased by 6 percent effective on April 1, 1984.

(C) The basic pay of enlisted members in grade E-6 shall be increased by 5 percent effective on April 1, 1984.

(3) The President may allocate the percentage increase specified under paragraphs (1) and (2) in the same manner and to the same extent the President is authorized under subsections (c) and (d) of section 1009 of title 37, United States Code, to allocate any percentage increase described in subsection (b)(3) of section 1009 of such title.

(c) Notwithstanding the effective date of April 1, 1984, prescribed in subsection (b) for the increase in compensation of members of the uniformed services, if an adjustment is made after the date of the enactment of this Act in the General Schedule of compensation for Federal classified employees and such adjustment is to become effective before April 1, 1984, the increase in the compensation of members of the uniformed services provided for in subsection (b) shall become effective on the first day of the first pay period for members of the uniformed services which begins on or after the effective date of the adjustment made in the compensation of Federal classified employees.

MODIFICATION OF PROVISIONS RELATING TO THE ANNUAL ADJUSTMENT OF PAY OF MEMBERS OF THE UNIFORMED SERVICES

SEC. 172. (a) Subsections (a) and (b) of section 1009 of title 37, United States Code, are amended to read as follows:

"(a)(1) The Secretary of Defense shall prepare and submit to the President on or before July 1 of each year a written report in which the Secretary—

"(A) compares the level of the elements of military compensation described in paragraph (2) of this subsection with the wage and salary levels in the civilian sector in March of that year as reflected in the Employment Cost Index For Wages and Salaries Only for Civilian Workers (including private industry and State and local government workers, but excluding farm, household, and Federal Government workers) published by the Bureau of Labor Statistics of the Department of Labor; and

"(B) recommends an overall percentage adjustment, based upon the comparison referred to in clause (A) of this paragraph, in the elements of military compensation described in paragraph (2) of this subsection.

"(2) When the President receives the report of the Secretary of Defense, he shall immediately transmit a copy of the report to the Congress and, in accordance with the recommendations of the Secretary, make an adjustment in—

"(A) the monthly basic pay authorized members of the uniformed services by section 203(a) of this title;

"(B) the basic allowance for subsistence authorized enlisted members and officers by section 402 of this title; and

"(C) the basic allowance for quarters authorized members of the uniformed services by section 403(a) of this title.

"(b) An adjustment under this section shall have the force and effect of law and shall—

"(1) become effective on October 1 following the date on which the report of the Secretary of Defense is submitted to the President;

"(2) be based on the rates of the various elements of compensation as defined in, or made under, section 402 or 403 of this title or this section; and

"(3) subject to subsections (c) and (d) of this section, provide all eligible members with an adjustment in each element of compensation set forth in subsection (a)(2) of this section of the same overall percentage recommended by the Secretary of Defense under subsection (a)(1)(B) of this section.".

(b)(1) Subsection (c)(1) of section 1009 of title 37, United States Code, is amended—

(A) by striking out "average"; and

(B) by inserting "(2)" after "subsection (a)".

(2) Subsection (c)(2) of such section is amended—

(A) by inserting "(2)" after "subsection (a)"; and

(B) by inserting "of this title" after "section 403 (b) or (c)" the first time it appears.

(3) Paragraph (2)(B) of subsection (d) of such section is amended—

(A) by inserting "(2)" after "subsection (a)"; and

(B) by striking out "in the General Schedule rates of basic pay for civilian employees" and inserting in lieu thereof "that becomes effective for members of the uniformed services".

(c) The amendments made by this section shall be effective with respect to adjustments in military pay to become effective on and after October 1, 1984.

EXTENSION OF SPECIAL PAY FOR AVIATION CAREER OFFICERS

SEC. 173. (a) Section 301b(e) of title 37, United States Code, is amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) During the period beginning on October 14, 1981, and ending on September 30, 1984, only agreements executed by officers of the Navy or Marine Corps may be accepted under this section.

"(3) During the period beginning on October 1, 1983, and ending on September 30, 1984, only an agreement—

"(A) that is executed by an officer who—

"(i) has at least six but less than eleven years of active duty;

"(ii) has completed the minimum service required for aviation training; and

"(iii) has not previously been paid special pay authorized by this section; and

"(B) that requires the officer to remain on active duty in aviation service for either three or four years;

may be accepted under this section. An officer from whom an agreement is accepted during such period may be paid an amount not to exceed $4,000 for each year covered by that agreement if that officer agrees to remain on active duty for three years or an amount not to exceed $6,000 for each year covered by that agreement if that officer agrees to remain on active duty for four years. An agreement that requires an officer to remain on active duty in aviation service for six years may also be accepted during such period if the officer meets the requirements of clause (A) of this paragraph and the officer has completed less than seven years of active duty. An officer from whom such an agreement is accepted may be paid an amount not to exceed $6,000 for each year covered by the agreement.

"(4) An officer may not receive incentive pay under section 301 of this title for the performance of hazardous duty for any period of service which the officer is obligated to serve pursuant to an agreement entered into under this section.".

(b) Section 301b(f) of title 37, United States Code, is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1984".

(c)(1) It is the sense of the Congress that eligibility for special pay for aviation career officers under section 301b of title 37, United States Code, should be made available only to officers who will likely be induced to remain on active duty in aviation service by receipt of the special pay.

(2) The Secretary of the Navy shall submit to the Congress not later than July 1, 1984, a written report, approved by the Secretary of Defense, on the payment of special pay for aviation career officers under section 301b of title 37, United States Code, since the date of the enactment of this Act. Such report shall include—

(A) a list of the specific aviation specialties by aircraft type determined to be critical for purposes of the payment of special pay under such section since the date of the enactment of this Act;

(B) the number of officers within each critical aviation specialty who received the special pay under such section since the date of the enactment of this Act by grade, years of prior active service, and amounts of special pay received under such section;

(C) an explanation and justification for the Secretary's designation of an aviation specialty as "critical" and for the payment of special pay under section 301b of such title to officers who have more than eight years of prior active service and who are serving in pay grade O–4 or above, if payment of such pay was made to such officers; and

(D) an evaluation of the progress made since the date of the enactment of this Act toward eliminating shortages of aviators in the aviation specialties designated by the Secretary as critical.

FREEZE ON THE RATES AT WHICH VARIABLE HOUSING ALLOWANCES MAY BE PAID DURING FISCAL YEAR 1984

SEC. 174. Notwithstanding the provisions of subsection (a)(2)(B) of section 403 of title 37, United States Code, the monthly amount of a variable housing allowance payable to a member of a uniformed service during fiscal year 1984 shall be at a rate not to exceed the rate to which members serving in the same pay grade and assigned to duty in the same high housing cost area were entitled on September 30, 1983.

CLARIFICATION OF ALLOWANCE FOR TRANSPORTATION OF MOTOR VEHICLE

SEC. 175. Section 406(b)(1) of title 37, United States Code, is amended—

(1) by inserting "(A)" before "Except as provided in paragraph (2)"; and

(2) by striking out the third and fourth sentences; and

(3) by adding at the end thereof the following:

"(B) Subject to uniform regulations prescribed by the Secretaries concerned, in the case of a permanent change of station in which the Secretary concerned has authorized transportation of a motor vehicle under section 2634 of title 10 (except when such transportation is authorized from the old duty station to the new duty station), the member is entitled to a monetary allowance for transportation of that motor vehicle—

"(i) from the old duty station to—

"(I) the customary port of embarkation which is nearest the old duty station if delivery of the motor vehicle to the port of embarkation is not made in conjunction with the member's travel to the member's port of embarkation; or

"(II) the customary port of embarkation which is nearest to the member's port of embarkation if delivery of the motor vehicle to the port of embarkation is made in conjunction with the member's travel to the member's port of embarkation;

whichever is most cost-effective for the Government considering all operational, travel, and transportation requirements incident to such change of station; and

"(ii) from the customary port of debarkation which has been designated by the Government as most cost-effective for the Government considering all operational, travel, and transportation requirements incident to such change of station to the new duty station.

Such monetary allowance shall be established at a rate per mile that does not exceed the rate established under section 404(d)(1) of this title.".

LIMITATION ON APPLICABILITY OF ONE YEAR LOOK-BACK PROVISION

SEC. 176. (a)(1) Subsection (e) of section 1401a of title 10, United States Code, is repealed.

(2)(A) Notwithstanding the repeal of such subsection, the provisions of such subsection shall apply in the case of any member or former member of the Armed Forces eligible to retire on the date of the enactment of this Act for a period of three years after such date in the same manner such provisions would have applied had they not been repealed.

(B) The amount of retired or retainer pay of any member or former member of the Armed Forces who was eligible to retire on the date of the enactment of this Act and who becomes entitled to such pay at any time after the end of the three-year period beginning on the date of the enactment of this Act may not be less than it would have been had he become entitled to retired or retainer pay on the day before the end of such three-year period.

(b) Subsection (f) of such section is amended by striking out ", subject to subsection (e) of this section," in the second sentence.

ROUNDING OF RETIRED PAY AND SURVIVOR ANNUITIES TO NEXT LOWER WHOLE DOLLAR AMOUNT

SEC. 177. (a)(1) Section 1401(a) of title 10, United States Code, is amended by inserting after the second sentence the following new sentence: "The amount computed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(2) Section 1401a of such title is amended by adding at the end thereof the following new subsection:

"(g) Retired or retainer pay of a member or former member of an armed force as adjusted under this section, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(3) Section 1402(a) of such title is amended by striking out "as follows:" in the first sentence and inserting in lieu thereof "according to the following table. The amount recomputed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(4) Section 1402(d) of such title is amended by striking out "as follows:" in the first sentence and inserting in lieu thereof "according to the following table. The amount computed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(5) Section 1402a(a) of such title is amended by striking out "as follows:" and inserting in lieu thereof "according to the following table. The amount recomputed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(6) Section 1402a(d) of such title is amended by striking out "as follows:" and inserting in lieu thereof "according to the following table. The amount computed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(7) Section 3991 of such title is amended by inserting after the second sentence the following new sentence: "The amount computed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(8) Section 3992 of such title is amended by striking out "as follows:" and inserting in lieu thereof "according to the following table. The amount recomputed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(9) Section 6151 of such title is amended by adding at the end thereof the following new subsection:

"(e) Retired pay computed under subsection (b) or (c), if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(10)(A) Chapter 571 of such title is amended by adding at the end thereof the following new section:

"§ 6333. Treatment of fractions of dollar amounts in computing retired and retainer pay

"Retired or retainer pay computed under this chapter, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(B) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"6333. Treatment of fractions of dollar amounts in computing retired and retainer pay.".

(11) Section 6383 of such title is amended by adding at the end thereof the following new subsection:

"(k) Retired pay computed under subsection (c), if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(12) Section 8991 of such title is amended by inserting after the second sentence the following new sentence: "The amount computed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(13) Section 8992 of such title is amended by striking out "as follows:" and inserting in lieu thereof "according to the following table. The amount recomputed, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(14)(A) Section 1437(a) of such title is amended by adding at the end thereof the following new sentence: "The monthly amount of an annuity payable under this subchapter, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(B) Section 1451 of such title is amended by adding at the end thereof the following new subsection:

"(e) The monthly amount of an annuity payable under this subchapter, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(b) Section 423(a) of title 14, United States Code, is amended by adding at the end thereof the following new sentence: "Retired pay, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(c) Section 16(a) of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853o) is amended by adding at the end thereof the following new sentence: "Retired pay, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(d) Section 211(a) of the Public Health Service Act (42 U.S.C. 212(a)) is amended by adding at the end thereof the following new paragraph:

"(7) Retired pay computed under section 210(g)(3) or under paragraph (4) or (5) of this subsection, if not a multiple of $1, shall be rounded to the next lower multiple of $1.".

(e) The amendments made by this section shall take effect on October 1, 1983.

REIMBURSEMENTS FOR ACCOMMODATIONS IN PLACE OF QUARTERS

SEC. 178. (a) Paragraph (3) of section 7572(b) of title 10, United States Code, is amended to read as follows:

"(3) The total amount of reimbursement under this subsection may not exceed $9,000,000 for fiscal year 1981, $6,300,000 for fiscal year 1982, $1,700,000 for fiscal year 1983, and $1,300,000 for fiscal year 1984.".

(b) Section 3 of Public Law 96-357 (94 Stat. 1182; 10 U.S.C. 7572 note) is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1984".

ADVANCE PAYMENT OF TRAVEL AND TRANSPORTATION ALLOWANCES FOR ESCORTS AND ATTENDANTS OF DEPENDENTS

SEC. 179. (a) Section 1036 of title 10, United States Code, is amended by adding at the end thereof the following new sentence: "The allowances authorized to be paid under this section may be paid in advance.".

(b) The last sentence of section 1040(a) of such title is amended by inserting "and may be paid in advance." after "attendants".

(c) The amendments made by subsections (a) and (b) shall apply to travel performed by escorts or attendants of dependents on and after the date of the enactment of this Act.

TRANSPORTATION OF REMAINS OF PERSONS ENTITLED TO RETIRED OR RETAINER PAY WHO DIE IN MILITARY MEDICAL FACILITIES

SEC. 180. (a)(1) Chapter 75 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1490. Transportation of remains of members entitled to retired or retainer pay who die in military medical facilities

"(a) Subject to subsection (b), when a member entitled to retired or retainer pay or equivalent pay dies while properly admitted under chapter 55 of this title to a medical facility of the armed forces located in the United States, the Secretary concerned may transport the remains, or pay the cost of transporting the remains, of the decedent to the place of burial of the decedent.

"(b)(1) Transportation provided under this section may not be to a place outside the United States or to a place farther from the place of death than the decedent's last place of permanent residence, and any amount paid under this section may not exceed the cost of transportation from the place of death to the decedent's last place of permanent residence.

"(2) Transportation of the remains of a decedent may not be provided under this section if such transportation is authorized by sections 1481 and 1482 of this title or by chapter 23 of title 38.

"(c) In this section, 'United States' includes the Commonwealth of Puerto Rico and the territories and possessions of the United States.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1490. Transportation of remains of members entitled to retired or retainer pay who die in military medical facilities.".

(b) Section 1490 of title 10, United States Code, as added by subsection (a), shall apply with respect to the transportation of the remains of persons dying on or after the first day of the month beginning after the date of the enactment of this Act.

TRANSPORTATION FOR DEPENDENT CHILDREN ATTENDING SCHOOL IN THE UNITED STATES WHEN THE MEMBER-PARENT IS STATIONED OVERSEAS

SEC. 180A. (a) Chapter 7 of title 37, United States Code, is amended by inserting after section 429 the following new section:

"§ 430. Travel and transportation: dependent children of members stationed overseas

"(a) Under regulations to be prescribed by the Secretary of Defense and subject to the provisions of subsection (b) of this section, a member of a uniformed service who—

"(1) is assigned a permanent duty station outside the United States,

"(2) is accompanied by his dependents at or near his oversea duty station (unless his only dependents are in the category of dependent described in clause (3) of this subsection), and

"(3) has a dependent child who is under 23 years of age attending a school in the United States for the purpose of obtaining a secondary or undergraduate college education;

may be paid the allowance set forth in subsection (b) of this section if he otherwise qualifies for such allowance.

"(b) A member described in subsection (a) of this section may be paid a transportation allowance for each unmarried dependent child, who is under 23 years of age and is attending a school in the United States for the purpose of obtaining a secondary or undergraduate college education, of one annual trip between the school being attended and the member's duty station in the oversea area and return. The allowance authorized by this section may be transportation in kind or reimbursement therefor, as prescribed by the Secretaries concerned. However, the transportation authorized by this section may not be paid a member for a child attending a school in the United States for the purpose of obtaining a secondary education if the child is eligible to attend a secondary school for dependents that is located at or in the vicinity of the duty station of the member and is operated under the Defense Dependents' Education Act of 1978.

"(c) Whenever possible, the Military Airlift Command or Military Sealift Command shall be used, on a space-required basis, for the travel authorized by this section.".

(b) The table of sections at the beginning of chapter 7 of such title is amended by adding at the end thereof the following new item:

"430. Travel and transportation: dependent children of members stationed overseas.".

(c) The amendments made by this section shall become effective October 1, 1983.

DELAY OF THE PAYMENT OF TEMPORARY LODGING EXPENSES BEFORE OCTOBER 1, 1984

SEC. 180B. No member of the uniformed services may be paid or reimbursed under section 404a of title 37, United States Code, for any subsistence expenses incurred before October 1, 1984, by the member or the member's dependents while occupying temporary quarters incident to a change of permanent station.

PART J—MISCELLANEOUS PERSONNEL PROVISIONS

TEMPORARY INCREASE IN THE NUMBER OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY

SEC. 181. (a) Notwithstanding section 811(a)(1) of the Department of Defense Appropriation Authorization Act, 1978 (10 U.S.C. 131 note), effective on the date of the enactment of this Act and ending on September 30, 1984, the total number of commissioned officers on active duty in the Army, Air Force, and Marine Corps above the grade of colonel, and in the Navy above the grade of captain, may be a number in excess of 1,073, but not in excess of 1,100.

(b) Of the additional number of commissioned officers authorized by subsection (a) to be on active duty during the period specified in such subsection, in the grades specified in such subsection, the Navy shall be entitled to not less than seven and the Marine Corps shall be entitled to not less than two.

(c) Effective on the date of the enactment of this Act and ending on September 30, 1984, the number of officers of the Navy authorized under section 525(b)(2) of title 10, United States Code, to be on active duty in grades above rear admiral is increased by three. None of the additional officers in grades above rear admiral authorized by this section may be in the grade of admiral.

AUTHORITY FOR VARIABLE ENLISTMENT PERIODS

SEC. 182. Subsections (c) and (d) of section 505 of title 10, United States Code, are amended to read as follows:

"(c) The Secretary concerned may accept original enlistments of persons for the duration of their minority or for periods of at least two but not more than six years that are determined appropriate by the Secretary, in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be.

"(d) The Secretary concerned may accept reenlistments in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, for periods of at least two but not more than six years that are determined appropriate by the Secretary. No enlisted member is entitled to be reenlisted for a period that would expire before the end of his current enlistment.".

AUTHORITY FOR INCREASED USAGE OF CONTRACT HEALTH CARE PROVIDERS

SEC. 183. (a)(1) Chapter 55 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1091. Contracts for direct health care providers

"(a) The Secretary concerned may contract with persons for personal and nonpersonal services for the purpose of obtaining direct health care services determined by the Secretary concerned to be required by the armed force under his jurisdiction.

"(b) A person who contracts under this section to provide direct health care services to members, former members, or dependents may be compensated at a rate prescribed by the Secretary concerned, but at a rate not greater than the rate of basic pay and allowances authorized by chapters 3 and 7 of title 37 for a commissioned officer in pay grade O-6 with twenty-six or more years of service computed under section 205 of such title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1091. Contracts for direct health care providers.".

(b)(1) Section 4022 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 373 of such title is amended by striking out the item relating to section 4022.

(c)(1) Section 9022 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 873 of such title is amended by striking out the item relating to section 9022.

(d) Section 201 of title 37, United States Code, is amended—

(1) by striking out subsection (b);

(2) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively; and

(3) by striking out "subsections (d) and (e)" in subsection (e), as redesignated by clause (2), and inserting in lieu thereof "subsections (c) and (d)".

(e) Chapter 7 of title 37, United States Code, is amended—

(1) by striking out section 421; and

(2) by striking out in the table of sections at the beginning of such chapter the item relating to section 421.

(f) The amendments made by this section shall take effect on October 1, 1983. Any contract of employment entered into under the authority of section 4022 or 9022 of title 10, United States Code, before the effective date of this section and which is in effect on such date shall remain in effect in accordance with the terms of such contract.

TRANSFER OF PUBLIC HEALTH SERVICE OFFICERS TO OTHER UNIFORMED SERVICES

SEC. 184. (a)(1) Section 716 of title 10, United States Code, is amended to read as follows:

"§ 716. Commissioned officers: transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service

"(a) Notwithstanding any other provision of law, the President, within authorized strengths and with the consent of the officer involved, may transfer any commissioned officer of a uniformed service from his uniformed service to, and appoint him in, another uniformed service. The Secretary of Defense, the Secretary of Transportation, the Secretary of Commerce, and the Secretary of Health and Human Services shall jointly establish, by regulations approved by the President, policies and procedures for such transfers and appointments.

"(b) An officer transferred under this section may not be assigned precedence or relative rank higher than that which he held on the day before the transfer.

"(c) In this section, 'uniformed service' means any of the armed forces, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the Public Health Service.".

(2) The item relating to such section in the table of sections at the beginning of chapter 41 of such title is amended to read as follows:

"716. Commissioned officers: transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service.".

(b)(1) Chapter 53 of such title is amended by adding at the end thereof the following new section:

"§ 1043. Service credit: service in the National Oceanic and Atmospheric Administration or the Public Health Service

"Active commissioned service in the National Oceanic and Atmospheric Administration or the Public Health Service shall be credited as active commissioned service in the armed forces for purposes of determining the eligibility for separation pay under section 1174, determining the retirement eligibility of a member of the armed forces, and computing the retired or retainer pay of a member of the armed forces.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1043. Service credit: service in the National Oceanic and Atmospheric Administration or the Public Health Service.".

(c)(1) Section 533(a)(1) of such title is amended by inserting ", the National Oceanic and Atmospheric Administration, or the Public Health Service" after "in any armed force".

(2) Section 3353(a)(1) of such title is amended—

(A) by striking out "chapters 337 and 363" and inserting in lieu thereof "this chapter and chapter 363"; and

(B) by inserting ", the National Oceanic and Atmospheric Administration, or the Public Health Service" after "in any armed force".

(3) Section 5600(a)(1) of such title is amended by inserting ", the National Oceanic and Atmospheric Administration, or the Public Health Service" after "in any armed force".

(4) Section 8353(a)(1) of such title is amended—

(A) by striking out "chapters 837 and 863" and inserting in lieu thereof "this chapter and chapter 863"; and

(B) by inserting ", the National Oceanic and Atmospheric Administration, or the Public Health Service" after "in any armed force".

(d) An individual who is a former commissioned officer of the Public Health Service who resigned from the Public Health Service after March 9, 1981, and who after such date and before the date of the enactment of this Act was given an original appointment as a commissioned officer in one of the Armed Forces—

(1) may be reappointed by the President in that Armed Force; and

(2) may be credited with any period of active commissioned service that such officer performed as a commissioned officer in the Public Health Service.

(e) Clause (13) of section 3(a) of the Act of August 10, 1956 (33 U.S.C. 857a(a)), is amended to read as follows:

"(13) Section 716, Commissioned officers: transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service.".

EXTENSION OF PERIOD DURING WHICH CERTAIN ACCUMULATED LEAVE MAY BE USED

SEC. 185. (a) The last sentence of section 701(f) of title 10, United States Code, is amended by inserting "third" after "end of the".

(b)(1) The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to leave accumulated under section 701(f) of such title after September 30, 1980.

(2) A member of the Armed Forces who was authorized under section 701(f) of such title to accumulate ninety days' leave during fiscal year 1980, 1981, or 1982 and lost any leave at the end of fiscal year 1981, 1982, or 1983, respectively, because of the provisions of the last sentence of such section, as in effect on the day before the date of the enactment of this Act, shall be credited with such lost leave and may retain leave in excess of sixty days until (A) September 30, 1984, or (B) the end of the third fiscal year after the year in which such leave was accumulated, whichever is later, but in no case may such a member accumulate leave in excess of ninety days.

(3) Section 404 of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 725), is repealed.

AUTHORITY TO WAIVE AGE REQUIREMENT FOR ORIGINAL APPOINTMENT AS A COMMISSIONED OFFICER IN CERTAIN CASES

SEC. 186. Section 532 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) Under regulations prescribed by the Secretary of Defense, the Secretary concerned may waive the requirement of subsection (a)(2) in the case of any person if the Secretary concerned determines that the waiver should be made because of exceptional or unusual circumstances and because the person with respect to whom the waiver is being made has a particular skill needed by the armed force concerned.".

PERFORMANCE OF CIVIL FUNCTIONS BY MILITARY OFFICERS

SEC. 187. (a) Subsection (b) of section 973 of title 10, United States Code, is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b)(1) This subsection applies—

"(A) to a regular officer of an armed force on the active-duty list (and a regular officer of the Coast Guard on the active duty promotion list);

"(B) to a retired regular officer of an armed force serving on active duty under a call or order to active duty for a period in excess of 180 days; and

"(C) to a reserve officer of an armed force serving on active duty under a call or order to active duty for a period in excess of 180 days.

"(2)(A) Except as otherwise authorized by law, an officer to whom this subsection applies may not hold, or exercise the functions of, a civil office in the Government of the United States—

"(i) that is an elective office;

"(ii) that requires an appointment by the President by and with the advice and consent of the Senate; or

"(iii) that is a position in the Executive Schedule under sections 5312 through 5317 of title 5.

"(B) An officer to whom this subsection applies may hold or exercise the functions of a civil office in the Government of the United States that is not described in subparagraph (A) when assigned or detailed to that office or to perform those functions.

"(3) Except as otherwise authorized by law, an officer to whom this subsection applies may not hold or exercise, by election or appointment, the functions of a civil office in the government of a State, the District of Columbia, or a territory, possession, or commonwealth of the United States (or of any political subdivision of any such government).

"(4) Nothing in this subsection shall be construed to invalidate any action undertak-

en by an officer in furtherance of assigned official duties.

"(c) The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall prescribe regulations to implement this section.".

(b) Nothing in section 973(b) of title 10, United States Code, as in effect before the date of the enactment of this Act, shall be construed—

(1) to invalidate any action undertaken by an officer of an Armed Force in furtherance of assigned official duties; or

(2) to have terminated the military appointment of an officer of an Armed Force by reason of the acceptance of a civil office, or the exercise of its functions, by that officer in furtherance of assigned official duties.

(c) Nothing in section 973(b)(3) of title 10, United States Code, as added by this section, shall preclude a Reserve officer to whom such section 973(b)(3) applies from holding or exercising the functions of an office described in such section 973(b)(3) for the term to which the Reserve officer was elected or appointed if, prior to the effective date of this Act, the Reserve officer accepted an appointment or election to the office in accordance with the laws and regulations in effect at the time of such an appointment or election.

REDUCTION IN MILITARY AND CIVILIAN PERSONNEL ASSIGNED TO DUTY OR EMPLOYED IN THE DEPARTMENT OF DEFENSE TO PERFORM CERTAIN MANAGEMENT ACTIVITIES

SEC. 188. (a)(1) Not later than September 30, 1984, the Secretary of Defense shall reduce the total number of military personnel and the total number of civilian personnel assigned to duty in the Office of the Secretary of Defense to perform management headquarters activities or management headquarters support activities. The Secretary shall reduce the total number in each such category of personnel to a number which is at least 10 percent less than the total end strength in each such category of personnel requested by the President for fiscal year 1984 to perform such activities.

(2) Not later than September 30, 1984, the Secretary of Defense shall reduce the total number of military personnel and the total number of civilian personnel assigned to duty in the agencies of the Department of Defense to perform management headquarters activities or management headquarters support activities. The Secretary shall reduce the total number in each such category of personnel to a number which is at least 5 percent less than the total end strength in each such category of personnel requested by the President for fiscal year 1984 to perform such activities.

(b) The Secretary of each military department shall reduce, by not later than September 30, 1984, the total number of military personnel and the total number of civilian personnel assigned to duty in each such department to perform management headquarters activities or management headquarters support activities. Each Secretary concerned shall reduce the total number in each such category of personnel to a number which is at least 5 percent less than the total end strength in each such category of personnel requested by the President for fiscal year 1984 to perform such activities.

(c) Any reduction in military or civilian personnel assigned to perform management headquarters activities or management headquarters support activities in the National Security Agency/Central Security Service, the Defense Intelligence Agency, the Organization of the Joint Chiefs of Staff, or the Naval Intelligence Command may not be included for the purposes of complying with the requirements of subsection (a) or (b).

(d) In this section, the terms "management headquarters activities" and "management headquarters support activities" have the same meanings as prescribed for such terms in Department of Defense Directive 4100.73 entitled "Department of Defense Management Headquarters and Headquarters Support", dated March 12, 1981.

ADJUSTMENT OF CONSTRUCTIVE SERVICE CREDIT IN THE CASE OF CERTAIN NAVAL MEDICAL AND DENTAL OFFICERS

SEC. 189. (a) The Secretary of the Navy shall convene boards of officers to review the records of each officer of the Medical Corps or the Dental Corps of the Navy who was appointed in either such corps before September 11, 1979, and adjust the service credited to any such officer to reflect any active commissioned service performed by such officer before such appointment or to reflect any professional civilian medical or dental experience gained by such officer in the United States before such appointment if that service or experience has not been credited to such officer. The credit granted for such prior service or experience shall be equal to that granted to similarly situated officers in the Army and Air Force.

(b) If an officer is credited under the authority of subsection (a) with additional service or experience, the Secretary of the Navy shall adjust the date of rank of such officer accordingly, and such officer shall be given precedence for promotion or advanced to a position on the active-duty list (or to a position on a corresponding list in the case of a Reserve officer not on the active-duty list) in accordance with such adjusted date of rank.

(c) If, as a result of an adjustment of his service credit under subsection (a), an officer in the Medical Corps or Dental Corps of the Navy attains precedence for promotion purposes over any other officer on the active-duty list or attains a position on the active-duty list equivalent to another officer who—

(1) is a member of the same corps as the officer whose service is adjusted under subsection (a);

(2) is serving in a grade (not above captain) higher than the grade of the officer whose service is adjusted under subsection (a); and

(3) has not been selected for early promotion to such higher grade or is on a promotion list to the next grade higher than his current grade and has not been selected for early promotion to such higher grade,

then the officer whose service is adjusted under subsection (a) may be promoted to the higher grade appropriate to his adjusted credit if he is recommended for promotion to such grade by a board of officers convened under subsection (a), and, upon promotion to such higher grade, may be assigned a position on the active-duty list (or to a position on a corresponding list in the case of a Reserve officer not on the active-duty list) commensurate with his adjusted service credit.

(d) An officer whose date of rank has been changed by virtue of service credited to him under this section shall not be entitled to any increase in pay or allowances or other compensation for any period before the date of that change, and an officer who is credited with additional service under this section and is promoted to a higher grade pursuant to the recommendation of a board convened under this section shall not be entitled to any increase in pay or allowances or other compensation for the grade to which promoted for any period before the date of the promotion.

(e) Failure of an officer for selection for promotion under the procedures provided for in this section shall not count as a failure of selection for promotion for any other purpose.

(f) As used in this section, the term "active-duty list" means the active-duty list for the Navy provided for in section 620 of title 10, United States Code.

STUDIES AND DEMONSTRATION PROJECTS ON HEALTH-CARE DELIVERY SYSTEMS

SEC. 190. (a)(1) Chapter 55 of title 10, United States Code, as amended by section 183, is amended by adding at the end thereof the following new section:

"§ 1092. Studies and demonstration projects on health-care delivery systems

"(a)(1) The Secretary of Defense, in consultation with the Secretary of Health and Human Services, shall conduct studies and demonstration projects on the health-care delivery system of the uniformed services with a view to improving the quality, efficiency, convenience, and cost effectiveness of providing health care services (including dental care services) under this title to members and former members and their dependents. Such studies and demonstration projects may include the following:

"(A) Alternative methods of payment for health and medical care services.

"(B) Cost-sharing by eligible beneficiaries.

"(C) Methods of encouraging efficient and economical delivery of health and medical care services.

"(D) Innovative approaches to delivery and financing of health and medical care services.

"(E) Alternative approaches to reimbursement for the administrative charges of health-care plans.

"(2) The Secretary of Defense shall include in the studies conducted under paragraph (1) alternative programs for the provision of dental care to the spouses and dependents of members of the uniformed services who are on active duty, including a program under which dental care would be provided the spouses and dependents of such members under insurance or dental plan contracts.

"(3) The Secretary of Defense shall submit to Congress from time to time written reports on the results of the studies and demonstration projects conducted under this subsection and shall include in such reports such recommendations for improving the health-care delivery systems of the uniformed services as the Secretary considers appropriate. The Secretary shall submit the first such report not later than March 1, 1984.

"(b) The Secretary of Defense may enter into contracts with public or private agencies, institutions, and organizations to conduct studies and demonstration projects under subsection (a).

"(c) The Secretary of Defense may obtain the advice and recommendations of such advisory committees as the Secretary considers appropriate. Each such committee consulted by the Secretary under this subsection shall evaluate the proposed study or demonstration project as to the soundness

of the objectives of such study or demonstration project, the likelihood of obtaining productive results based on such study or demonstration project, the resources which were required to conduct such study or demonstration project, and the relationship of such study or demonstration project to other ongoing or completed studies and demonstration projects.

"(d) A demonstration project may not be conducted under this section that provides for the furnishing of dental care under an insurance or dental plan contract.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1092. Studies and demonstration projects on health-care delivery systems.".

(3) The amendments made by paragraphs (1) and (2) shall take effect on October 1, 1983, or the date of the enactment of this Act, whichever is later.

(b)(1) The Secretary of Defense, in consultation with the Secretary of Health and Human Services, shall conduct demonstration projects for the purpose of comparing and evaluating the cost-effectiveness, accessibility, patient acceptance, and the quality of medical care contracted for by the Secretary of Defense under sections 1079 and 1086 of title 10, United States Code, with the medical care provided in those facilities deemed to be facilities of the uniformed services by virtue of section 911 of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c). The Secretary of Defense shall begin conducting such projects within one year after the date of the enactment of this section and continue conducting such projects for not less than three years.

(2) The projects carried out by the Secretary of Defense under this subsection shall utilize various alternative mechanisms for the payment of medical services provided eligible persons, including capitation, prospective payment, all-inclusive fee-for-service charges, and other concepts and programs consistent with the purpose of this subsection.

(3) If the Secretary of Defense and the Secretary of Health and Human Services determine such action is necessary in order to permit a meaningful evaluation of alternative methods of providing medical care to persons eligible for such care under sections 1079 and 1086 of title 10, United States Code, they may jointly designate additional civilian medical facilities to be facilities of the uniformed services for the purposes of section 1079 of such title. The Secretary may designate a facility under the authority of this paragraph for such purposes only if such action is agreed to by the governing body of the facility.

(4) The Secretary of Defense, in consultation with the Secretary of Health and Human Services, shall submit annually to the Committees on Appropriations and on Armed Services of the Senate and the House of Representatives a written report on the results of the studies and projects carried out under this subsection. The first such report shall be submitted not later than one year after the date of the enactment of this subsection. The last such report shall be submitted not later than one year after the completion of all such studies and projects.

(5) The Secretary of Defense and the Secretary of Health and Human Services may terminate, for purposes of chapter 55 of title 10, United States Code, the status of any facility referred to in paragraph (1) to furnish medical or dental care to members and former members of the uniformed services or their dependents at any time after the expiration of one year following submission to the Congress of the final annual report required under paragraph (4). The termination of such status in the case of any such facility may be effected only by an order jointly issued by the Secretary of Defense and the Secretary of Health and Human Services which identifies the facility whose status is being terminated and specifies the date on which such status is being terminated. A copy of each such order shall be furnished to the affected facility and the Committees on Appropriations and on Armed Services of the Senate and the House of Representatives and shall become effective in accordance with the terms of the notice, but not earlier than six months following the date on which a copy of the notice has been furnished to the facility and the committees. Any facility described in paragraph (1) or facility designated under paragraph (3) may terminate its status described in clause (1) or its designation made under clause (3), as the case may be, at any time after the expiration of six months following the date on which a copy of the order terminating the status or designation has been furnished the facility.

(6) Section 911(b) of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c(b)), is amended by striking out "at any time after" and all that follows through the end of the second sentence and inserting in lieu thereof: "as provided for in section 190(b)(5) of the Department of Defense Authorization Act, 1984.".

LIVER TRANSPLANTS COVERED UNDER CHAMPUS

SEC. 190A. (a) section 1079(a) of title 10, United States Code, is amended—

(1) by striking out the period at the end of clause (5) and inserting in lieu thereof a semicolon and "and"; and

(2) by adding at the end thereof the following:

"(6)(A) liver transplant operations for dependents under age 18 may be provided at hospitals which have been approved for such purposes by the Secretary of Defense and deemed appropriate based upon demonstrated rates of survival and demonstrated abilities to perform the operation after consulting with the Secretary of Health and Human Services and such other parties as the Secretary deems appropriate; and (B) such costs as the Secretary of Defense, after consulting with the Secretary of Health and Human Services, considers appropriate for the acquisition and transportation of any liver donated for any liver transplant operation provided under any such contract may be paid by the Department of Defense under such contract.".

(b) Notwithstanding any other provision of law, the Secretary of Defense or his designee shall take such action as is necessary in the case of contracts entered into before the date of enactment of this Act, including modifying such contracts and making advance payments under such contracts, to provide under such contracts for liver transplant operations and payments authorized by section 1079(a)(6) of title 10, United States Code (as added by subsection (a)).

AWARD OF CAMPAIGN AND SERVICE MEDALS TO CERTAIN PERSONS

SEC. 190B. (a) Subsection (b) of section 401 of the GI Bill Improvements Act of 1977 (Public Law 95-202; 91 Stat. 1449; 38 U.S.C. 106 note) is amended by adding at the end thereof the following new paragraph:

"(3) Under regulations prescribed by the Secretary of Defense, any person who is issued a discharge under honorable conditions pursuant to the implementation of subsection (a) of this section may be awarded any campaign or service medal warranted by such person's service.".

(b) The amendment made by subsection (a) of this section shall apply to all persons issued discharges under honorable conditions pursuant to section 401 of the GI Bill Improvements Act of 1977, whether such discharges are awarded before, on, or after the date of enactment of this Act.

SERVICEMEN'S GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE

SEC. 190C. (a) Section 767 of title 38, United States Code, relating to the servicemen's Group Life Insurance program, is amended—

(1) in the first sentence of subsection (a) by inserting "$100,000, $95,000, $90,000, $85,000, $80,000, $75,000, $70,000, $65,000, $60,000, $55,000, $50,000, $45,000, $40,000," after "(B) to be insured in the amount of";

(2) in the first sentence of subsection (C)—

(A) by striking out "the amount of $30,000, $25,000, $20,000, $15,000, $10,000, or $5,000"; and inserting in lieu thereof "an amount other than $35,000"; and

(B) by striking out "in the amount of $35,000, $30,000, $25,000, $20,000, $15,000, or $10,000", and inserting in lieu thereof "in another amount authorized by subsection (a) of this section"; and

(3) by adding at the end thereof the following new subsection:

"(d) Notwithstanding any other provision of this section, any member who, on the effective date of this subsection, is assigned to, or who upon application would be eligible for assignment to, the Retired Reserve of a uniformed service, may obtain increased insurance coverage under this subchapter up to a maximum of $100,000 in increments of $5,000, if the member (1) is insured under this subchapter on such effective date or, within one year after such effective date, reinstates insurance which lapsed before such date for nonpayment of premiums, and (2) submits, within one year after such effective date, a written application for increased coverage to the office established pursuant to section 766(b) of this title.".

(b) Section 777(a) of such title, relating to Veterans' Group Life Insurance, is amended—

(1) by striking out "or $35,000 only" in the first sentence and inserting in lieu thereof "$35,000, $40,000, $45,000, $50,000, $55,000, $60,000, $65,000, $70,000, $75,000, $80,000, $85,000, $90,000, $95,000, or $100,000 only";

(2) by striking out "$35,000" in the second sentence and inserting in lieu thereof "$100,000"; and

(3) by striking out "$35,000" each place it appears in the fourth sentence and inserting in lieu thereof "$100,000".

(c) The amendments made by subsections (a) and (b) shall take effect on the first day of the first month which begins at least sixty days after the date of enactment of this Act.

EXTENSION OF PROHIBITION ON CONTRACTS FOR THE PERFORMANCE OF FIREFIGHTING AND SECURITY FUNCTIONS

SEC. 190D. (a) None of the funds appropriated pursuant to an authorization contained in this or any other Act may be obligated or expended prior to October 1, 1985, for the purposes of entering into any contract for

the performance of firefighting or security-guard functions at any military installation or facility, except when such funds are for the express purpose of providing for the renewal of contracts in effect on the date of the enactment of this Act or when such funds are for new contracts for functions under contract on the date of the enactment of this Act.

(b) The provisions of this section shall not apply (1) to overseas locations excluding Hawaii and Alaska at which military personnel would have to be used for the purposes described in subsection (a) at the expense of unit readiness, or (2) to government-owned but privately operated installations.

(c) The Secretary of Defense shall submit to the Congress not later than March 1, 1984, a written report, compiled in consultation with the United States File Administrator, containing an assessment of the special needs of the Department of Defense with respect to firefighting and base security and an assessment of how those needs are met by both Federal employees and contract personnel.

PART K—NATO AND RELATED MATTERS

NORTH ATLANTIC DEFENSE COOPERATIVE PROGRAMS

SEC. 191. In order to fulfill the international obligations incurred by the United States under the North Atlantic Treaty Organization's Long-Term Defense Program for the rapid reinforcement of Europe, and recognizing that such action is in the national interest of the United States, the Secretary of Defense is directed to carry out commitments of the United States under the United States-German Wartime Host Nation Support Agreement of April 15, 1982, and under the Prepositioned Materiel Configured in Unit Sets (POMCUS) program not later than December 31, 1988. The Secretary of Defense shall include in his annual report to the Congress a statement describing the status of implementation of such agreement and program, including his assessment of whether our allies are bearing their equitable share under such agreement and program and whether the implementation of such agreement and program adversely affects the readiness of the reserve components of the Armed Forces of the United States.

REPORT ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE

SEC. 192. (a) In recognition of the increasing military threat faced by the Western World and in view of the growth, relative to the United States, in the economic strength of Japan, Canada, and a number of Western European countries which has occurred since the signing of the North Atlantic Treaty on April 4, 1949, and the Mutual Cooperation and Security treaty between Japan and the United States on January 19, 1960, it is the sense of the Congress that—

(1) the burdens of mutual defense now assumed by some of the countries allied with the United States under those agreements are not commensurate with their economic resources;

(2) since May 1978, when each NATO member nation agreed to increase real defense spending annually in the range of 3 percent, most NATO members except for the United States have failed to meet the 3 percent real growth commitment consistently and performance toward this goal in 1983 is estimated to be the most deficient, on average, since the goal was established; and since May 1981, when the Government of Japan established its policy to defend the air and sea lines of communication out to 1,000 nautical miles from the coast of Japan, progress to develop the necessary self-defense capabilities to fulfill that 1,000 nautical mile defense pledge has been extremely disappointing;

(3) Japan, as the ally of the United States with the greatest potential to improve its self-defense capabilities, should accelerate current efforts to increase its contributions to the common defense, and, as a tangible sign of commitment to this, as well as other aims, Japan should immediately increase its annual defense spending to the levels required for its forces to deploy fully by 1990 an effective conventional self-defense capability, including the capability to carry out its 1,000-mile defense policy; and

(4) the continued unwillingness of such countries to increase their contributions to the common defense to more appropriate levels will endanger the vitality, effectiveness, and cohesiveness of the alliances between those countries and the United States.

(b) It is further the sense of the Congress that the President should seek from each signatory country (other than the United States) of the two treaties referred to in subsection (a) acceptance of international security responsibilities and an agreement to make contributions to the common defense which are commensurate with the economic resources of such country, including, when appropriate, an increase in host nation support.

(c)(1) The Secretary of Defense shall submit to the Congress not later than March 1, 1984, a classified report containing—

(A) a comparison of the fair and equitable shares of the mutual defense burdens of these alliances that should be borne by the United States, by other member nations of the North Atlantic Treaty Organization (NATO), and by Japan, based upon economic strength and other relevant factors, and the actual defense efforts of each nation together with an explanation of disparities that currently exist and their impact on mutual defense efforts;

(B) a description of efforts by the United States and of other efforts to eliminate existing disparities;

(C) estimates of the real growth in defense spending in fiscal year 1983 projected for each NATO member nation compared with the annual real growth goal in the range of 3 percent set in May 1978;

(D) a description of the defense-related initiatives undertaken by each NATO member nation within the real growth in defense spending of such nation in fiscal year 1984;

(E) an explanation of those instances in which the commitments to real growth in defense spending and to the long-term defense program have not been realized and a description of efforts being made by the United States to ensure fulfillment of these important NATO commitments;

(F) a description of the activities of each NATO member and Japan to enhance the security and stability of the Southwest Asia region and to assume additional missions for their own defense as the United States allocates additional resources to the mission of protecting Western interests in world areas not covered by the system of Western Alliances;

(G) a description of what additional actions the executive branch plans to take should the efforts by the United States referred to in clauses (B) and (E) fail, and, in those instances where such additional actions do not include consideration of the repositioning of American troops, a detailed explanation as to why such repositioning is not being so considered;

(H) a description of the annual financial resources, and the military procurement and programs those resources would acquire, required for Japan to deploy fully by 1990 an effective self-defense capability, including the capability to carry out its 1,000 mile defense policy, and a description of any disparities between these requirements and the financial resources and military programs contained in the Japanese defense budget for 1984 and each succeeding annual budget in its current, multiyear defense plan, and the year by which Japan would develop the required capabilities, if not 1990; and

(I) a description of those United States forces stationed in Japan whose forward deployment in Japan is only for the purposes of defending that nation, as opposed to those United States forces stationed in Japan whose primary mission is to contribute to the defense of other nations in the Pacific Ocean and Indian Ocean regions whose security is of importance to the United States.

(2) The Secretary of Defense shall also submit to the Congress not more than 30 days after the submission of the report required under paragraph (1) an unclassified report containing the matters set forth in clauses (A) through (I) of such paragraph.

LIMITATION ON NUMBER OF MILITARY PERSONNEL STATIONED IN EUROPE

SEC. 193. (a) Except as provided in subsections (b) and (c), none of the funds authorized to be appropriated by this or any other Act may be used for the purpose of supporting an end strength level, as of September 30, 1984, of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization (NATO) at any level in excess of 315,600.

(b) A number of United States military personnel in excess of 315,600, but not in excess of 320,000, may be permanently assigned to duty ashore in such European nations as of September 30, 1984, if—

(1) the Secretary of Defense determines and certifies to the Congress in writing that on September 30, 1984, the total number of military personnel of NATO member nations, other than the United States, stationed in the Federal Republic of Germany will not be less than the total number of military personnel of such member nations stationed in that country on the date of the enactment of this Act;

(2) the Secretary of Defense certifies to the Congress in writing on or after June 1, 1984, that the budget for the Department of Defense for fiscal year 1985 and the Five-Year Defense Plan of the Department of Defense for fiscal years 1985 through 1989 give significant priority to programs directly intended to improve NATO's conventional capabilities, particularly its capability for deep interdiction;

(3) the Department of Defense has conducted a thorough and detailed analysis of NATO's defense posture which the Secretary of Defense submits to Congress on or after June 1, 1984, with his certification in writing that a number of United States military personnel in excess of 315,600 is required to meet the United States commitment to NATO; and

(4) the studies required by sections 194 through 197 have been conducted and the reports and recommendations resulting from such studies have been submitted to the Congress.

(c) A number of United States military personnel in excess of 315,600 or in excess of 320,000 may be assigned to permanent duty ashore in European member nations of NATO as of September 30, 1984, without the conditions specified in subsection (b) having been met if the President (1) determines and certifies to the Congress in writing that overriding national security interests require a number of such personnel to be assigned to permanent duty ashore in such nations in excess of 315,600 or 320,000, as the case may be, and (2) includes in the certification the total number of such personnel required and an explanation of the overriding national security interests that require such number of personnel.

(d) In computing the limitation specified in subsections (a) and (b), there may be excluded not more than 2,600 military personnel assigned to the Ground Launched Cruise Missile program and the Pershing II Missile program.

REPORT ON IMPROVEMENT OF CONVENTIONAL FORCES OF NATO

SEC. 194. At the same time the President submits the budget for fiscal year 1985 pursuant to section 1105 of title 31, United States Code, but not later than March 1, 1984, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a comprehensive report and plan for improving conventional defense capabilities of the North Atlantic Treaty Organization (NATO). The Secretary shall include in such report—

(1) his recommendations on how NATO's strategy and military program could and should be changed to improve substantially the chances of a successful conventional defense of Europe;

(2) a statement and explanation of what the aggregate NATO conventional defense requirements are;

(3) a current assessment and statement of the status of the Air-Land Battle concept within the Department of Defense and NATO;

(4) an explanation of how and to what extent the various doctrines of NATO military forces are coordinated, and how variations in doctrine can be rectified or exploited to NATO's advantage;

(5) his judgment on the most effective means by which NATO military forces can be operationally integrated to implement the Air-Land Battle concept;

(6) the United States programs which are necessary to support improved NATO conventional capabilities, the changes which are needed, and what the fiscal year 1985 budget and Five-Year Defense Plan of the Department of Defense for fiscal years 1985 through 1989 provide for with respect to NATO conventional capabilities;

(7) the United States conventional programs and weapons that are provided for in the fiscal year 1985 budget and Five-Year Defense Plan of the Department of Defense for fiscal years 1985 through 1989 to enhance the disruption and destruction of Soviet follow-on echelons;

(8) the new weapons or systems which are available for such purpose that are not in the current budget or Five-Year Defense Plan of the Department of Defense;

(9) a determination of what are the achievable NATO-wide improvements in conventional defense capability; and

(10) a separate addendum and assessment by the Commander-in-Chief, Allied Forces Europe, on measures necessary to improve NATO conventional defense capabilities, including a recommended plan for such measures.

(b) The President shall submit to the Congress not later than April 1, 1984, his recommendations and plan for improving NATO conventional defense capabilities.

REPORT ON THE NUCLEAR POSTURE OF NATO

SEC. 195. (a) The Secretary of Defense shall conduct a study on the tactical nuclear posture of the North Atlantic Treaty Organization (NATO) and submit a report on the results of such study to the Committees on Armed Services of the Senate and the House of Representatives not later than March 1, 1984. Such study shall include—

(1) a detailed assessment of the current tactical nuclear balance in Europe and that projected for 1990;

(2) an assessment of the current, respective operational doctrines for the use of tactical nuclear weapons in Europe of the Warsaw Pact and NATO;

(3) an explanation of how the threat of the use of such weapons relates to deterrence and to conventional defense;

(4) an identification of the number and types of nuclear warheads, if any, considered to be inessential to the defense structure of Western Europe, the quantity and type of such weapons that could be eliminated from Europe under appropriate circumstances without jeopardizing the security of NATO nations and an assessment of what such circumstances might be;

(5) an explanation of the steps that can be taken to develop a rational and coordinated nuclear posture by NATO in a manner that is consistent with proper emphasis on conventional defense forces and the doctrine of Air-Land Battle; and

(6) an identification of any notable, relevant developments that have occurred since the submission to the Congress in April 1975 of the report entitled "The Theater Nuclear Force Posture in Europe", prepared by the Secretary of Defense pursuant to section 302 of the Department of Defense Appropriations Authorization Act, 1975 (Public Law 93-365), which might cause the findings and conclusions of that report to require revision and such revisions in such report as the Secretary considers appropriate.

(b) The President shall submit a written report to the Congress on or before April 1, 1984, containing his views on the Department of Defense study and report required under subsection (a) together with such recommendations with respect to such study and report as he deems appropriate.

REPORT ON COMBAT-TO-SUPPORT RATIO OF UNITED STATES FORCES IN EUROPE IN SUPPORT OF NATO

SEC. 196. (a) The Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and House of Representatives not later than March 1, 1984, on the combat, combat support, combat service support, and noncombat components of the Armed Forces of the United States assigned to permanent duty ashore in Europe in support of the North Atlantic Treaty Organization (NATO). The Secretary shall include in such report—

(1) an analysis of the current combat, combat support, combat service support, and noncombat components of the Armed Forces of the United States assigned to permanent duty ashore in Europe in support of NATO and their relationship to each other;

(2) a review of the requirements for such combat, combat support, combat service support, and noncombat components;

(3) an analysis and comparison of such components and the history of their ratios to each other since 1974 as well as the projected ratios to each other during fiscal year 1985 and during each year of the Five-Year Defense Plan of the Department of Defense for fiscal years 1985 through 1989; and

(4) his recommendations for improving the combat portion of the Armed Forces of the United States deployments in Europe or, if in his judgment, no improvements are practicable, the reasons they are not.

(b) For the purposes of the report required by subsection (a)—

(1) the combat component of the Army includes only the infantry, cavalry, artillery, armored, combat engineers, special forces, attack assault helicopter units, air defense, and missile combat units of battalion or smaller size;

(2) the combat component of the Navy includes only the combatant ships (aircraft carrier, battleship, cruiser, destroyer, frigate, submarine, and amphibious assault ships) and combat aircraft wings (fighter, attack, reconnaissance, and patrol); and

(3) the combat component of the Air Force includes only the tactical fighter, reconnaissance, tactical airlift, fighter interceptor, and bomber units of wing or smaller size.

REPORT ON UNITED STATES EXPENDITURES IN SUPPORT OF NATO

SEC. 197. (a) The Secretary of Defense shall review and analyze the fiscal year 1983 expenditures of the Department of Defense in fulfilling the United States commitment to the North Atlantic Treaty Organization (NATO) and the expenditures projected for such purpose for each of the fiscal years 1984 through 1989.

(b)(1) The Secretary of Defense shall submit a detailed written report to the Congress not later than June 1, 1984, on the review and analysis required under subsection (a). The Secretary shall set out in such report, in current and constant fiscal year 1983 dollar figures, the expenditures made in fiscal year 1983 and expenditures projected to be made in fiscal years 1984 through 1989 by the United States in fulfilling its commitment to NATO in each of the following categories:

(A) Procurement.

(B) Operations and maintenance.

(C) Military construction.

(D) Military personnel.

(E) Research, development, test, and evaluation.

(2) The Secretary of Defense shall also include in such report a separate breakout of the fiscal year 1983 Department of Defense expenditures in each of the categories specified in paragraph (1) for the Armed Forces of the United States assigned to permanent duty ashore in the European member nations of NATO and the expenditures projected to be incurred by the Department of Defense in each of those categories in each of the fiscal years 1984 through 1989 for personnel of the Armed Forces of the United States planned to be assigned to permanent duty ashore in such nations during each of those fiscal years. The Secretary of Defense shall also include in such report similar separate breakouts for all classes of United States forces reflected in the data

submitted to the Committee on Armed Services of the Senate and printed in part 1, pages 61-68, of that Committee's hearings on Department of Defense Authorization For Appropriations For Fiscal Year 1982.

(3) The Secretary of Defense shall also include in such report the estimated percentage growth in each of the five categories specified in paragraph (1) of subsection (b), after allowing for inflation, from one year to the next for the fiscal years 1983 through 1989. In the case of each category of expenditures for which the annual projected rate of expenditure growth after fiscal year 1983 exceeds 3 percent, after allowing for inflation, over the previous fiscal year, the Secretary shall include his assessment of the impact on NATO of limiting the growth of expenditures in that category to 3 percent real growth.

PART L—GENERAL PROVISIONS

LONG-TERM LEASE AND CHARTER OF AIRCRAFT AND NAVAL VESSELS

SEC. 1001. (a)(1) Section 138(a) of title 10, United States Code, is amended—

(A) by striking out "or" at the end of clause (8);

(B) by inserting "or" at the end of clause (9); and

(C) by adding after clause (9) the following new clause:

"(10) the long-term lease or charter of any aircraft or naval vessel or the lease or charter of any aircraft or naval vessel the terms of which provide for a substantial termination liability on the part of the United States;".

(2) Section 138(f) of such title is amended—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following new paragraph (2):

"(2) In subsection (a)(10):

"(A) The term 'long-term lease or charter' means—

"(i) a lease, charter, service contract, or conditional sale agreement the term of which is for a period of five years or longer, or the initial term of which is for a period of less than five years, but contains an option to renew or extend the agreement for a period which, when added to the initial term (or any previous renewal or extension), is five years or longer. Such term includes the extension or renewal of a lease or charter agreement if the term of the extension or renewal thereof is for a period of five years or longer or if the term of the lease or charter agreement being extended or renewed was for a period of five years or longer; or

"(ii) in the case of any agreement under which the lessor first places the property in service under the agreement or the property has been in service for less than one year, and there is allowable to the lessor or charterer an investment tax credit or depreciation for the property leased, chartered or otherwise provided under the agreement under section 168 of the Internal Revenue Code of 1954, as amended, (unless the lessor or charterer has elected depreciation on a straightline method for such property), a lease, charter, service contract, or conditional sale agreement the term of which is for a period of three years or longer, or the initial term of which is for a period of less than three years, but contains an option to renew or extend the agreement for a period which, when added to the initial term (or any previous renewal or extension), is three years or longer. Such term includes the extension or renewal of a lease or charter agreement if the term of the extension or renewal thereof is for a period of three years or longer or if the term of the lease or charter agreement being extended or renewed was for a period of three years or longer.

"(B) 'Substantial termination liability' means an agreement by the United States to pay an amount that is equal to more than 15 percent of the value of the aircraft or vessel under lease or charter as calculated on the basis of the present value of the termination liability of the United States under such charter or lease, as determined under regulations prescribed by the Secretary of Defense.".

(3) The amendments made by paragraphs (1) and (2) shall not apply in the case of any lease or charter agreement entered into by the Department of Defense before the date of the enactment of this Act.

(b)(1) Any request made to the Congress for the authorization of funds for the Department of Defense for the long-term lease or charter of aircraft or naval vessels or any request for the authorization of funds for such department for a lease or charter of aircraft or naval vessels which provides for a substantial termination liability on the part of the United States shall be accompanied by an analysis, submitted by the Secretary of Defense, of the cost to the United States, including lost tax revenues, of any such lease or charter arrangement compared with the cost of direct procurement of the aircraft or naval vessels by the United States.

(2) Any such analysis shall be reviewed and evaluated by the Director of the Office of Management and Budget and the Secretary of the Treasury within 30 days after the date on which the request and analysis are submitted to the Congress. The Director and Secretary shall conduct such review and evaluation on the basis of the guidelines issued pursuant to subsection (c) and shall report to the Congress in writing on the results of their review and evaluation at the earliest practicable date, but in no event more than 45 days after the date on which the request and analysis are submitted to the Congress.

(3) When a request is made to the Congress for the authorization of funds for the Department of Defense for the long-term lease or charter of aircraft or naval vessels, the Secretary of Defense shall indicate in the request what portion of the requested funds is attributable to capital-hire and shall reflect such portion in the appropriate procurement account in the request.

(4) As used in this subsection, the terms "long-term lease or charter" and "substantial termination liability" shall have the same meanings given such terms, respectively, in subparagraphs (A) and (B) of section 138(f)(2) of title 10, United states Code, as amended by subsection (a)(2) of this section.

(c) The Director of the Office of Management and Budget and the Secretary of the Treasury shall issue jointly guidelines for determining under what circumstances the Department of Defense may utilize lease or charter arrangements for aircraft and naval vessels rather than directly procuring such aircraft and vessels. Such guidelines shall be issued not later than 90 days after the date of enactment of this Act.

(d) None of the funds appropriated pursuant to an authorization contained in this Act may be used to indemnify any person under the terms of any contract entered into with the United States on or after June 14, 1983, for any amount paid or due by any person to the United States for any liability arising under the Internal Revenue Code of 1954, as amended, or to pay any attorney fees in connection with such contract unless such contract was awarded before June 14, 1983.

(e)(1) At the same time that the President submits the budget request for the Department of Defense to the Congress for fiscal year 1985, the Secretary of Defense shall submit a written report to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives concerning leases or charters described in paragraph (2).

(2) Such report shall include a list of all leases, charters, service contracts, or conditional sales, the term of which is for a period of one year or longer, for major items of defense equipment, including aircraft and naval vessels, which are to be funded either directly or indirectly by any portion of the funds contained in such budget request. Such report shall also include an estimate of the funding level and the source of funding for each such lease, charter, service contract, or conditional sale.

(f) No funds available to the Department of Defense may be used to enter into any contract the term of which is for three years or more, inclusive of any option for contract extension or renewal, for any vessels, aircraft, or vehicles, through a lease, charter, or similar agreement, that imposes an estimated termination liability (excluding the estimated value of the leased item at the time of termination) on the Government exceeding 50 percent of the original purchase value of the vessel, aircraft, or vehicle involved for which the Congress has not specifically provided budget authority for the obligation of 10 percent of such termination liability.

(g) Nothing in this section shall impede or affect the ability of the Navy to proceed to acquire the use of thirteen T-AKX class Maritime Prepositioning Ships and the use of five new T-5 class tankers in accordance with the long-term charter arrangements negotiated by the Navy before the date of the enactment of this Act.

TRANSFER OF CERTAIN AIRCRAFT FROM EXPORT-IMPORT BANK TO THE AIR FORCE

SEC. 1002. (a) The President of the Export-Import Bank of the United States is authorized to transfer to the Secretary of the Air Force, within 30 days after the date of the enactment of this Act (1) the five DC-10-30 aircraft and associated spare parts in the ownership of such Bank as the result of a default on a loan made by such Bank, or (2) other suitable widebody aircraft of equivalent value in the possession of such Bank. Upon the transfer of such aircraft to the Secretary of the Air Force, the Secretary is authorized to transfer not to exceed $125,000,000 to the appropriate account of the Export-Import Bank, subject to the enactment of appropriations for this purpose.

(b) None of the aircraft transferred to the Secretary of the Air Force under the authority of subsection (a) may be used as a replacement for Air Force 1 or Air Force 2, the President's aircraft.

REPEAL OF PROHIBITION AGAINST CONSOLIDATING FUNCTIONS OF THE MILITARY TRANSPORTATION COMMANDS

SEC. 1003. Section 1110 of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 747), is repealed.

AUTHORIZATION TO PROVIDE RECIPROCAL COMMUNICATIONS SUPPORT OR RELATED SUPPLIES AND SERVICES

SEC. 1004. (a) Chapter 147 of title 10, United States Code, is amended by inserting after section 2482, the following new section:

"§ 2483. Reciprocal communications support or related supplies and services

"(a) The Secretary of Defense may, subject to the concurrence of the Secretary of State, enter into agreements with the Government of any allied country or North Atlantic Treaty Organization subsidiary body under which the United States agrees to provide communications support or related supplies and services to such country or subsidiary body in return for the reciprocal provision of an equivalent value of communications support or related supplies and services by such country or subsidiary body.

"(b) In this section:

"(1) 'Allied country' means any of the following:

"(A) A country that is a member of the North Atlantic Treaty Organization.

"(B) Australia or New Zealand.

"(C) Any other country designated as an allied country for the purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State.

"(2) 'North Atlantic Treaty Organization subsidiary body' means any organization or international military headquarters described in section 2331(2) of this title.".

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2482 the following new item:

"2483. Reciprocal communications support and related supplies and services.".

INDEPENDENT COST ESTIMATES OF MAJOR DEFENSE ACQUISITION PROGRAMS

SEC. 1005. (a)(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 139b the following new section:

"§ 139c. Independent cost estimates of major defense acquisition programs

"(a) The Secretary of Defense shall not approve the full-scale engineering development or production and deployment of a major defense acquisition program unless an independent estimate of the cost of the program first has been prepared and submitted to (and considered by) the Secretary of Defense.

"(b) In this section:

"(1) 'Major defense acquisition program' has the same meaning as provided in section 139a(a)(1) of this title.

"(2) 'Independent estimate' means, with respect to a major defense acquisition program, an estimate of the cost of such program prepared by an office or other entity that is not under the supervision, direction, or control of the military department, defense agency, or other component of the Department of Defense that is directly responsible for carrying out the development or acquisition of the program.

"(3) 'Cost of the major defense acquisition program' means, with respect to a major defense acquisition program, all elements of the life-cycle costs of the program, including—

"(A) the cost of all research and development efforts, without regard to the funding source or management control;

"(B) the cost of the prime hardware and its major subcomponents; support costs including training, peculiar support, and data; initial spares; military construction costs; and the cost of all related procurements (including modifications to existing aircraft or ship platforms, where applicable), without regard to the funding source or management control of the program; and

"(C) all elements of operating and support cost.".

(2) The table of sections at the beginning of chapter 4 of such title is amended by inserting after the item relating to section 139b the following new item:

"139c. Independent cost estimates of major defense acquisition programs.".

(b) The provisions of section 139c of title 10, United States Code, as added by subsection (a), shall become effective on October 1, 1983.

(c) On the same date as the President submits the Department of Defense budget request for fiscal year 1985 to the Congress, the Secretary of Defense shall submit a written report to the Committees on Armed Services of the Senate and the House of Representatives on the use of independent cost estimates in the planning, programing, budgeting, and selection process for major defense acquisition programs in the Department of Defense. Such report shall include an overall assessment of the extent to which such estimates were adopted by the Department in making decisions on the fiscal year 1985 budget and a general explanation of why such estimates might have been modified or rejected. In addition, the Secretary shall report on current and future initiatives to make greater or more productive use of independent cost estimates in the Department of Defense.

(d) It is the sense of the Congress that the Secretary of Defense should ensure that adequate personnel and financial resources are allocated at all levels of the Department of Defense to those organizations or offices charged with developing or assessing independent estimates of the costs of major defense acquisition programs.

EXTENSION OF PERIOD FOR TRANSFER OF DEFENSE DEPENDENTS' EDUCATION SYSTEM TO DEPARTMENT OF EDUCATION

SEC. 1006. Section 302(a) of the Department of Education Organization Act (20 U.S.C. 3442(a)) is amended by—

(1) striking out "not later than May 4, 1984" and inserting in lieu thereof "not earlier than May 4, 1986"; and

(2) adding at the end thereof the following: "The transfers contemplated by this section shall occur only if the President or Congress determines that such transfers will not be detrimental to the quality of education available to dependent children of military personnel stationed overseas, to the protection and benefits available to teachers under various status of forces agreements, and to the morale and welfare of military personnel stationed overseas whose dependent children attend overseas schools operated by the Department of Defense.".

USE OF POLYGRAPHS BY THE DEPARTMENT OF DEFENSE

SEC. 1007. (a) The Secretary of Defense may not, before April 15, 1984, use, enforce, issue, implement, or otherwise rely on any rule, regulation, directive, policy, decision, or order that would permit the use of polygraph examinations in the case of civilian employees of the Department of Defense or members of the Armed Forces in any manner or to any extent greater than was permitted under rules, regulations, directives, policies, decisions, or orders of the Department of Defense in effect on August 5, 1982.

(b) The restrictions prescribed in subsection (a) with respect to the use of polygraph examinations in the Department of Defense shall not apply to the National Security Agency of the Department of Defense.

(c) Prior to April 15, 1984, the Senate Select Committee on Intelligence and the Committee on Armed Services shall hold hearings on the use of polygraphs in the Department of Defense.

ONE-YEAR EXTENSION OF TEST PROGRAM TO AUTHORIZE PRICE DIFFERENTIAL TO RELIEVE ECONOMIC DISLOCATIONS

SEC. 1008. (a) Subsection (a) of section 1109 of the Department of Defense Authorization Act, 1983 (10 U.S.C. 2392 note), is amended by striking out "fiscal year 1983" each place it appears and inserting in lieu thereof "fiscal years 1983 and 1984".

(b) Subsection (b) of section 1109 of such Act is amended—

(1) by inserting "and April 15, 1984," after "1983" in the first sentence; and

(2) by striking out the second sentence and inserting in lieu thereof the following: "The reports shall include an assessment of the costs and benefits of the test program and shall also contain—

"(A) statistics and other information on all contracts that were awarded in each State during the previous fiscal year on which a price differential was paid to a firm located in a Labor Surplus Area and that were awarded during the previous fiscal year on the basis of competitive bidding to firms in Labor Surplus Areas (including the amount of any price differential paid and the estimated employment impact);

"(B) information, to the extent available on amounts saved or additional amounts expended in the previous fiscal year under the unemployment compensation programs, the medicaid program (under title XIX of the Social Security Act), the food stamp program (under the Food Stamp Act of 1977), and other Federal assistance programs based on need, as a result of the operation of the program provided for in this section;

"(C) information on the extent to which the number of firms, from both in and outside Labor Surplus Areas, bidding on Defense Logistics Agency contracts in any fiscal year increased or decreased over the previous fiscal year;

"(D) information on the extent to which the program provided for in this section has increased or decreased the competitiveness in Defense Logistics Agency procurement operations, including information on any dollar savings resulting from any increased competitiveness or any additional dollar expenditures as a result of decreased competitiveness; and

"(E) information on the extent to which the Department of Defense is promoting the program provided for in this section through mailings, seminars, outreach efforts, or media advertising.".

PROTECTION OF REPORTS OF MILITARY AIRCRAFT ACCIDENT SAFETY INVESTIGATIONS

SEC. 1009. (a)(1) Part I of subtitle A of title 10, United States Code, is amended by adding at the end thereof the following new chapter:

"CHAPTER 19—AIRCRAFT ACCIDENTS

"Sec.

"391. Definition.

"392. Investigation reports: limitation on use.

"§ 391. Definition

"In this chapter, 'safety investigation' means an investigation conducted solely to determine the cause of an aircraft accident and to obtain information which may prevent the occurrence of similar accidents.

"§ 392. Investigation reports: limitation on use

"(a) The Secretary concerned may conduct a safety investigation of any accident involving an aircraft under the jurisdiction of the Secretary.

"(b) No part of any record or report of a safety investigation described in subsection (c) may—

"(1) be released outside of the armed force concerned, unless expressly authorized by the Secretary concerned to be released for safety purposes;

"(2) be subject to discovery in any judicial or administrative proceeding; or

"(3) be used as evidence, or to obtain evidence, in any disciplinary action or suit or other judicial or administrative proceeding.

"(c) Subsection (b) applies to any part of a record or report of a safety investigation relating to—

"(1) the deliberative portions of an investigation, including any discussion, analysis, opinion, conclusion, finding, or recommendation;

"(2) statements or information obtained under an express or implied promise of confidentiality from a witness or manufacturer; or

"(3) life science reports.

"(d) This section does not limit or alter the authority of the National Transportation Safety Board under section 702(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1442(a)), section 304(a)(1)(A) of the Independent Safety Board Act of 1974 (49 U.S.C. 1903(a)(1)(A)), and section 6(d) of the Department of Transportation Act (49 U.S.C. 1655(d)).

"(e) The Secretary concerned shall prescribe regulations to carry out this section.".

(2) The table of chapters at the beginning of subtitle A, and the table of chapters at the beginning of part I of subtitle A, of title 10, United States Code, are each amended by adding the following new item after the item relating to chapter 18:

"19. Aircraft Accidents ..... 391".

(b) The amendments made by subsection (a) shall apply to safety investigations of aircraft accidents that occurred before the date of the enactment of this Act and to aircraft accidents that occur after such date.

AUTHORIZATION OF FUNDS FOR UPGRADING THE INTERNATIONAL COORDINATING COMMITTEE (COCOM) LOGISTICAL SUPPORT

SEC. 1010. The Secretary of Defense may use, out of any funds available to the Department of Defense for fiscal year 1984, not to exceed $2,000,000 for the purpose of upgrading and improving the logistical support of the International Coordinating Committee (COCOM) in order to strengthen control over the export of technology and equipment to certain countries by the United States and certain of its allies.

ASSISTANT SECRETARIES

SEC. 1011. (a)(1) Section 136(a) of title 10, United States Code, is amended by striking out "seven" and inserting in lieu thereof "eleven".

(2) Section 136 of such title is amended—

(A) by striking out "Manpower and Reserve Affairs" in the fourth sentence of subsection (b) and inserting in lieu thereof "Active and Civilian Manpower";

(B) by striking out "manpower and reserve component" in the fifth sentence of subsection (b) and inserting in lieu thereof "active duty and civilian manpower";

(C) by inserting after the fifth sentence of subsection (b) the following: "One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Reserve Affairs. He shall have as his principal duty the overall supervision of all matters relating to reserve component affairs of the Department of Defense. One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence. He shall have as his principal duty the overall supervision of command, control, communications, and intelligence affairs of the Department of Defense."; and

(D) by striking out subsection (f).

(b) The first sentence of section 3013 of title 10, United States Code, is amended by striking out "four" and inserting in lieu thereof "five".

(c) The first sentence of section 5034(a) of such title is amended by striking out "three" and inserting in lieu thereof "four".

(d) Section 5315 of title 5, United States Code, is amended—

(1) by striking out "(7)" after "Assistant Secretaries of Defense" and inserting in lieu thereof "(11)";

(2) by striking out "(4)" after "Assistant Secretaries of the Army" and inserting in lieu thereof "(5)"; and

(3) by striking out "(3)" after "Assistant Secretaries of the Navy" and inserting in lieu thereof "(4)".

COMPENSATION FOR INJURIES INCURRED IN THE PERFORMANCE OF DUTY BY MEMBERS OF THE CIVIL AIR PATROL

SEC. 1012. (a) Section 8141 of title 5, United States Code, is amended—

(1) in subsection (a), by inserting "under 18 years of age" after "Civil Air Patrol Cadet"; and

(2) in subsection (b)(1), by striking out "$300" and inserting in lieu thereof "the rate of basic pay payable for step 1 of grade GS-9 in the General Schedule under section 5332 of this title".

(b)(1) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

(2) The amendment made by subsection (a)(1) shall apply only to deaths or injuries occurring on or after the date of the enactment of this Act.

(3) The amendment made by subsection (a)(2) shall apply only to the computation of compensation payable for periods commencing on or after the date of the enactment of this Act.

DELAY ON USE OF FUNDS FOR THE PRODUCTION OF BINARY CHEMICAL MUNITIONS

SEC. 1013. (a)(1) Funds appropriated pursuant to the authorization of appropriations for the Army in section 101 of this Act may be used for the establishment of a production base for binary chemical munitions and for the procurement of components for 155-millimeter binary chemical artillery projectiles, but such funds may not be used for the actual production of binary chemical munitions before October 1, 1985.

(2) Notwithstanding the provisions of paragraph (1), before the production of binary chemical munitions may begin after September 30, 1985, the President must certify to Congress in writing that, in light of circumstances prevailing at the time the certification is made, the production of such munitions is essential to the national interest. The absence of constructive movement toward a negotiated, comprehensive, and verifiable ban on chemical weaponry would contribute to circumstances which justify the initiation of such production.

(b) For purposes of this section, "production of binary chemical munitions" means the final assembly of weapon components and the filling or loading of components with binary chemicals.

EMPLOYMENT PROTECTION FOR CERTAIN NONAPPROPRIATED FUND INSTRUMENTALITY EMPLOYEES

SEC. 1014. (a)(1) Chapter 81 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1587. Employees of nonappropriated fund instrumentalities

"(a) In this section:

"(1) 'Nonappropriated fund instrumentality employee' means a civilian employee who is paid from nonappropriated funds of Army and Air Force Exchange Service, Navy Resale and Services Support Office, Marine Corps exchanges, or any other instrumentality of the United States under the jurisdiction of the armed forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the armed forces.

"(2) 'Civilian employee' has the meaning given the term 'employee' by section 2105(a) of title 5.

"(3) 'Personnel action', with respect to a nonappropriated fund instrumentality employee (or an applicant for a position as such an employee), means—

"(A) an appointment;

"(B) a promotion;

"(C) any disciplinary or corrective action;

"(D) a detail, transfer, or reassignment;

"(E) a reinstatement, restoration, or reemployment;

"(F) a decision concerning pay, benefits, or awards, or concerning education or training if the education or training may reasonably be expected to lead to an appointment, promotion, or other action described in this paragraph; and

"(G) any other significant change in duties or responsibilities that is inconsistent with the employee's salary or grade level.

"(b) Any civilian employee, nonappropriated fund instrumentality employee, or member of the armed forces who has authority to take, direct others to take, recommend, or approve any personnel action shall not, with respect to such authority, take or fail to take a personnel action with respect to any nonappropriated fund instrumentality employee (or any applicant for a position as such an employee) as a reprisal for—

"(1) a disclosure of information by such an employee or applicant which the employee or applicant reasonably believes evidences—

"(A) a violation of any law, rule, or regulation; or

"(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

if such disclosure is not specifically prohibited by law and if the information is not specifically required by or pursuant to executive order to be kept secret in the interest of national defense or the conduct of foreign affairs; or

"(2) a disclosure by such an employee or applicant to any civilian employee, nonappropriated fund instrumentality employee, or member of the armed forces designated

by law or by the Secretary concerned to receive disclosures described in clause (1), of information which the employee or applicant believes evidences—

"(A) a violation of any law, rule, or regulation; or

"(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

"(c) This section does not apply to an employee in a position excluded from the coverage of this section by the President based upon a determination by the President that the exclusion is necessary and warranted by conditions of good administration.

"(d) The Secretary of Defense shall be responsible for the prevention of actions prohibited by subsection (b) and for the correction of any such actions that are taken. The authority of the Secretary to correct such actions may not be delegated to the Secretary of a military department or to the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics.

"(e) The Secretary of Defense, after consultation with the Director of the Office of Personnel Management and the Special Counsel of the Merit Systems Protection Board, shall prescribe regulations to carry out this section. Such regulations shall include provisions to protect the confidentiality of employees and applicants making disclosures described in clauses (1) and (2) of subsection (b).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1587. Employees of nonappropriated fund instrumentalities.".

(b) Section 1587 of such title, as added by subsection (a), shall apply with respect to any conduct prohibited by subsection (b) of such section which occurs after the date of the enactment of this Act.

AMENDMENT TO MAKE COMMANDANT OF THE MARINE CORPS A MEMBER OF THE ARMED FORCES POLICY COUNCIL

SEC. 1015. Section 171(a) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of clause (9);

(2) by striking out the period at the end of clause (10) and inserting in lieu thereof a semicolon and "and"; and

(3) by adding after clause (10) the following new clause:

"(11) the Commandant of the Marine Corps.".

RETIREMENT DEDUCTIONS FROM THE PAY OF JUDGES OF THE UNITED STATES COURT OF MILITARY APPEALS

SEC. 1016. (a) Section 8334 of title 5, United States Code, is amended—

(1) in the first sentence of subsection (a)(1) by inserting "and a judge of the United States Court of Military Appeals" before the period; and

(2) by adding at the end of the table contained in subsection (c) the following:

"Judge of the United States Court of Military Appeals for service as a judge of that court	6	May 5, 1950, to October 31, 1956.
	6½	November 1, 1956, to December 31, 1969.
	7	January 1, 1970, to (but not including) the date of the enactment of the Omnibus Defense Authorization Act, 1984.
	8	On and after the date of the enactment of the Omnibus Defense Authorization Act, 1984.".

(b) Section 8336 of such title is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection (k):

"(k) A judge of the United States Court of Military Appeals who is separated from the service after becoming 62 years of age and completing 5 years of civilian service or after completing the term of service for which he was appointed as a judge of such court is entitled to an annuity. If an annuity is elected before the judge becomes 60 years of age, it shall be a reduced annuity.".

(c) Section 8337(a) of such title is amended by inserting the following after the third sentence: "A judge of the United States Court of Military Appeals who completes 5 years of civilian service and who is found by the Office to be disabled for useful and efficient service as a judge of such court or who is removed for mental or physical disability under section 867(a)(2) of title 10 shall be retired on the judge's own application or upon such removal.".

(d) Section 8338 of such title is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) A judge of the United States Court of Military Appeals who is separated from the service after completing 5 years of civilian service is entitled to an annuity beginning at the age of 62 years. A judge of such court who is separated from the service after completing the term of service for which he was appointed is entitled to an annuity. If an annuity is elected before the judge becomes 60 years of age, it shall be a reduced annuity.".

(e) Section 8339 of such title is amended—

(1) in subsection (d), by adding at the end thereof the following new paragraph:

"(6) The annuity of an employee who is a judge of the United States Court of Military Appeals, or a former judge of such court, retiring under this subchapter is computed under subsection (a) of this section, except, with respect to his service as a judge of such court, his service as a Member, his congressional employee service, and his military service (not exceeding five years) creditable under section 8332 of this title, his annuity is computed by multiplying 2½ percent of his average annual pay by the years of that service.".

(2) by adding at the end of subsection (h) the following new sentence: "The annuity computed under subsection (d)(6) for a judge of the United States Court of Military Appeals retiring under section 8336(k) or 8338(c) of this title is reduced by 1/12 of 1 percent for each full month not in excess of 60 months, and 1/6 of 1 percent for each full month in excess of 60 months, the judge is under 60 years of age at the date of separation.".

(f) The increase in deductions from the pay of a judge of the United States Court of Military Appeals required by section 8334(c) of title 5, United States Code, as amended by subsection (a) of this section, shall be effective with respect to the first pay period that begins after the date of enactment of this Act.

CLARIFICATION OF SURVIVOR BENEFITS COVERAGE FOR FORMER SPOUSES

SEC. 1017. (a)(1) The second sentence of subsection (a)(5) of section 1448 of title 10, United States Code, is amended by inserting "except in accordance with subsection (b)(3)" after "may not be revoked".

(2) Subsection (b) of such section is amended to read as follows:

"(b)(1) A person who is not married and does not have a dependent child when he becomes eligible to participate in the Plan may elect to provide an annuity to a natural person with an insurable interest in that person. In the case of a person providing an annuity under this paragraph by virtue of eligibility under subsection (a)(1)(B), such an election shall include a designation under subsection (e).

"(2) A person who has a former spouse when he becomes eligible to participate in the Plan may elect to provide an annuity to that former spouse. In the case of a person with a spouse or a dependent child, such an election prevents payment of an annuity to that spouse or child, including payment under subsection (d). If there is more than one former spouse, the person shall designate which former spouse is to be provided the annuity. In the case of a person providing an annuity under this paragraph by virtue of eligibility under subsection (a)(1)(B), such an election shall include a designation under subsection (e).

"(3)(A) A person—

"(i) who is a participant in the Plan and is providing coverage for a spouse or a spouse and child (even though there is no beneficiary currently eligible for such coverage), and

"(ii) who has a former spouse who was not that person's former spouse when he became eligible to participate in the Plan,

may (subject to subparagraph (B)) elect to provide an annuity to that former spouse. Any such election terminates any previous coverage under the Plan and must be written, signed by the person, and received by the Secretary concerned within one year after the date of the decree of divorce, dissolution, or annulment.

"(B) A person may not make an election under subparagraph (A) to provide an annuity to a former spouse who that person married after becoming eligible for retired or retainer pay unless—

"(i) the person was married to that former spouse for at least one year, or

"(ii) that former spouse is the parent of issue by that marriage.

"(C) An election under this paragraph may not be revoked except in accordance with section 1450(f) of this title and is effective as of the first day of the first calendar month following the month in which it is received by the Secretary concerned. This paragraph does not provide the authority to change a designation previously made under subsection (e).

"(D) If a person who is married makes an election to provide an annuity to a former spouse under this paragraph, that person's spouse shall be notified of that election.

"(4) A person who elects to provide an annuity to a former spouse under paragraph (2) or (3) shall, at the time of making the election, provide the Secretary concerned with a written statement (in a form to be prescribed by that Secretary and signed by such person and the former spouse) setting forth whether the election is being made

pursuant to a written agreement previously entered into voluntarily by such person as a part of or incident to a proceeding of divorce, dissolution, or annulment and (if so) whether such voluntary written agreement has been incorporated in, or ratified or approved by, a court order.".

(3) Section 1450 of title 10, United States Code, is amended—

(A) by striking out "at the time the person to whom section 1448 applies became entitled to retired or retainer pay" in subsection (a)(4); and

(B) by inserting "(without regard to the eligibility of the person making the change of election to make an election under such section)" before the period at the end of the third sentence of subsection (f)(1).

(b) In the case of a person who on the date of the enactment of this Act is a person described in subparagraph (A) of subsection (b)(3) of section 1448 of title 10, United States Code (as amended by subsection (a)(2)), such subsection shall apply to that person as if the one-year period provided for in subparagraph (A) of such subsection began on the date of the enactment of this Act.

(c)(1) Section 1447(8) of title 10, United States Code, is amended by striking out "annulment, or legal separation," both places it appears and inserting in lieu thereof "or annulment".

(2) Section 1448(a)(3) is amended—

(A) by inserting "for a former spouse" after "an annuity" the second place it appears in subparagraphs (A) and (B); and

(B) by striking out "of this section" both places it appears.

(3) Section 1450(f) of such title is amended—

(A) by striking out "of this subsection" in paragraph (1); and

(B) by striking out "annulment, or legal separation," in paragraph (2) and inserting in lieu thereof "or annulment,".

(4) Section 1006(e)(3) of the Uniformed Services Former Spouses' Protection Act (title X of Public Law 97-252; 96 Stat. 738) is amended by striking out "section" and all that follows and inserting in lieu thereof "section 1072 of title 10, United States Code.".

CLARIFICATION OF CONTINUING RESPONSIBILITY FOR FUNDING OF CERTAIN SURVIVORS' BENEFITS

SEC. 1018. Section 156(g)(1) of Public Law 97-377 (96 Stat. 1922) is amended—

(1) by striking out "fiscal year 1983" and inserting in lieu thereof "each fiscal year";

(2) by striking out "from the 'Retired Pay, Defense' account of the Department of Defense"; and

(3) by inserting between the first and second sentences the following: "During fiscal year 1983, transfers under this subsection shall be made from the 'Retired Pay, Defense' account of the Department of Defense. During subsequent fiscal years, such transfers shall be made from such account or from funds otherwise available to the Secretary for the purpose of the payment of such benefits and expenses.".

AUTHORITY FOR REGULAR MEMBER OF THE ARMED FORCES TO SERVE AS THE FEDERAL COMMISSIONER ON THE RED RIVER COMPACT COMMISSION

SEC. 1019. The Act entitled "An Act to grant the consent of the United States to the Red River Compact among the States of Arkansas, Louisiana, Oklahoma, and Texas", approved December 22, 1980 (94 Stat. 3305), is amended by adding at the end thereof the following new section:

"SEC. 5. (a) The President may appoint a regular officer of the Army, Navy, Air Force, or Marine Corps who is serving on active duty as the Federal Commissioner of the Commission.

"(b) Notwithstanding the provisions of section 973(b) of title 10, United States Code, acceptance by a regular officer of the Army, Navy, Air Force, or Marine Corps of an appointment as the Federal Commissioner of the Commission, or the exercise of the functions of Federal Commissioner and chairman of the Commission, by such officer shall not terminate or otherwise affect such officer's appointment as a military officer.".

TEST PROGRAM ON LIMITED USE OF COMMISSARY STORES BY MEMBERS OF THE SELECTED RESERVE

SEC. 1020. (a) The Secretary of Defense shall carry out in one or more areas of the United States a test program under which members of the Selected Reserve of the Ready Reserve of a Reserve component of the Armed Forces will be permitted to use commissary stores of the Department of Defense a number of days each year equal to the number of days the member performs active duty for training as a member of the Selected Reserve. Under any such test program, a member of the Selected Reserve shall be permitted a period of one year, from the date on which the member performs active duty for training, to use a day of eligibility for using commissary stores.

(b) The Secretary of Defense shall report the results of the test program to the Congress no later than June 1, 1984, together with such comments and recommendations as he determines appropriate.

REPORT ON PROPOSED LEGISLATION FOR CODIFICATION OF CERTAIN PROVISIONS OF LAW

SEC. 1021. The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives not later than January 1, 1984, proposed legislation for codification into appropriate titles of the United States Code, or for incorporation into other existing laws, those provisions of law that have been enacted during the past five years as a part of the annual Department of Defense Authorization Act or the annual Department of Defense Appropriation Act under the heading "General Provisions" and that in the opinion of the Secretary should be so codified or incorporated.

REQUIREMENT FOR PROPOSALS OF SUBSTANTIVE LEGISLATION PERTAINING TO THE DEPARTMENT OF DEFENSE BE SUBMITTED TO THE COMMITTEES ON ARMED SERVICES

SEC. 1022. On and after the date of the enactment of this Act, the Secretary of Defense shall require that all proposals or requests by the Department of Defense for legislation which would confer new or expanded authority on the Department of Defense or which would amend, supersede, or otherwise charge any existing law pertaining to any program administered by the Department of Defense shall be submitted or directed only to the Committees on Armed Services of the Senate and the House of Representatives. The preceding sentence does not apply to proposals or requests for legislation that would prohibit or limit the expenditure of funds or to proposals or requests for legislation that is not within the jurisdiction of the Committees on Armed Services of the Senate and the House of Representatives.

COMMITTEES ON ARMED SERVICES TO BE FURNISHED COPIES OF ALL DEPARTMENT OF DEFENSE REGULATIONS

SEC. 1023. (a) The Secretary of Defense shall furnish to the Committees on Armed Services of the Senate and the House of Representatives copies of all regulations promulgated by the Department of Defense, and of all regulations proposed to be promulgated by that department, on and after the date of the enactment of this Act. The Secretary shall furnish such copies to the Committees within five days after the date on which such regulations are first promulgated or first proposed to be promulgated, as the case may be.

(b) The Secretary of Defense shall, within 30 days after the date of the enactment of this Act, furnish to the Committees on Armed Services of the Senate and the House of Representatives a complete set of all regulations of the Department of Defense that are in effect on the date of the enactment of this Act.

AUTHORITY TO WITHHOLD FROM PUBLIC DISCLOSURE CERTAIN TECHNICAL DATA

SEC. 1024. (a) Chapter 4 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 140c. Authority of Secretary of Defense to withhold from public disclosure certain technical data

"(a) Notwithstanding any other provision of law, the Secretary of Defense may withhold from public disclosure any technical data with military or space application in the possession of or under the control of the Department of Defense, if such data may not be exported lawfully outside the United States without an approval, authorization, or license under the Export Administration Act (50 U.S.C. App. 2401-2420) or the Arms Export Control Act (22 U.S.C. 2751 et seq.), except that technical data may not be withheld under this section if regulations promulgated under either such Act authorize the export of such data pursuant to a general, unrestricted license or exemption in such regulations.

"(b)(1) Within 90 days after enactment of this section, the Secretary of Defense shall propose regulations to implement this section, which shall be published in the Federal Register for a period of not less than thirty days for public comment prior to promulgation. Such regulations shall address, where appropriate, releases of technical data to allies of the United States and to qualified United States contractors for use in performing United States Government contracts.

"(2) In this section, 'technical data with military or space application' means any blueprints, drawings, plans, instructions, computer software and documentation, or other technical information that can be used, or be adapted for use, to design, engineer, produce, manufacture, operate, repair, overhaul, or reproduce any military or space equipment or technology concerning such equipment.".

(b) The table of sections at the beginning of chapter 4 of such title is amended by adding at the end thereof the following new item:

"140c. Authority of Secretary of Defense to withhold from public disclosure certain technical data.".

REDUCTION IN AUTHORIZATION OF FUNDS FOR CERTAIN INTELLIGENCE ACTIVITIES

SEC. 1025. The authorization of appropriations contained in this Act are reduced by $100,000,000 in accordance with the classified appendix of the Senate Committee on Armed Services to the classified schedule of appropriations for fiscal year 1984 prepared by the Select Committee on Intelligence of the Senate.

PROHIBITION AGAINST USING FUNDS APPROPRIATED FOR THE ADVANCE TECHNOLOGY BOMBER PROGRAM FOR ANY OTHER PURPOSE

SEC. 1026. None of the funds appropriated pursuant to an authorization of appropriations in this Act to carry out the Advanced Technology Bomber program may be used for any other purpose.

LIMITATION ON PRODUCTION OF CERTAIN WEAPON SYSTEMS

SEC. 1027. (a) None of the funds appropriated pursuant to an authorization contained in this Act may be obligated or expended to commence or carry out the full-scale production of any weapon system which has not successfully completed operational testing, until the date on which the Secretary of Defense has transmitted to the Congress a notice as provided in subsection (b).

(b) Each notice transmitted under subsection (a) shall be in writing and shall include a statement that the Secretary intends to commence and carry out the full-scale production of such weapon system, a description of the problems with the weapon system revealed by the operational testing, and a discussion of the risks and the benefits associated with commencing and carrying out full-scale production of the weapon system before operational testing of the weapon system is successfully completed.

REPORT ON COST OVERRUNS AND SHORTAGES OF SPARE PARTS

SEC. 1028. (a) The Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives, at the same time the President submits the proposed budget to the Congress for fiscal year 1985, a detailed written report on the management ability of each military department to monitor, control, and correct the problems associated with all categories of spare parts for military equipment. The Secretary shall include in such report—

(1) an analysis by the Secretary of cost overruns on spare parts and shortages of spare parts; and

(2) the actions, if any, each military department is taking to solve the cost overruns and shortage problems associated with spare parts.

(b) The Secretary shall submit an interim report on the subject of the report required under subsection (a) to the committees referred to in such subsection not later than September 15, 1983.

(c)(1) The Secretary of Defense shall formulate and put into effect at the earliest practicable date policies and procedures for the long term solution of problems related to cost overruns on and shortages of spare parts for military equipment. The Secretary shall submit a written report to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives not later than March 31, 1984, describing the policies and procedures developed and being carried out to solve such problems.

(2) The Secretary shall implement immediately such interim controls as may be practicable to minimize the effect on military preparedness of cost overruns and shortages related to spare parts and include a description of such actions in the report required under paragraph (1).

MILITARY SERVICE CREDIT FOR CIVIL SERVICE RETIREMENT

SEC. 1029. Section 8334(j)(2)(A) of title 5, United States Code, is amended by striking out "1982" and inserting in lieu thereof "1983".

STUDY TO RE-ESTIMATE THE COST OF THE B-1B BOMBER PROGRAM

SEC. 1030. (a) The Secretary of Defense shall conduct a detailed financial analysis on the projected cost of procuring one hundred B-1B bomber aircraft and, on the basis of such analysis, shall as necessary make any revisions to the estimate of the total projected cost for the procurement of such aircraft certified to by President Reagan on January 18, 1982.

(b) The Secretary shall submit a written report to the Congress not more than sixty days after the enactment of the Department of Defense Appropriations Act for fiscal year 1984, but in no event later than January 31, 1984, setting forth the results of such analysis. The Secretary shall include in such report the new estimate of the projected total cost for the procurement of 100 B-1B aircraft.

(c) The Secretary shall also transmit a copy of the report referred to in subsection (b) to the Comptroller General of the United States for his review and shall make available to the Comptroller General such additional data and information as the Comptroller General requires for the purposes of his review consistent with the Budget and Accounting Act of 1921, and such additional authority as was conferred by Public Law 96-226. Such data and information as the Comptroller General receives under this section shall not be disclosed to anyone other than those persons specially designed by the Comptroller General to have access thereto. Any report by the General Accounting Office concerning data and information provided pursuant to this section may, consistent with the classification of such report, be provided to the Congress and shall be prepared with due regard to the sensitivity of the information received in such a manner as to avoid disclosure of data which could adversely affect ongoing contract negotiations or the national security.

ESTABLISHING CRITERIA GOVERNING THE TEST OF ANTISATELLITE WARHEADS

SEC. 1030A. Notwithstanding any other provision of this Act or any other Act, none of the funds appropriated pursuant to an authorization contained in this Act or any other Act may be obligated or expended to test any explosive or inert antisatellite warheads against objects in space unless the President determines and certifies to the Congress (a) that the United States is endeavoring, in good faith, to negotiate with the Soviet Union a mutual and verifiable ban on antisatellite weapons; and (b) that, pending agreement on such a ban, testing of explosive or inert antisatellite warheads against objects in space by the United States is necessary to avert clear and irrevocable harm to the national security.

REQUIREMENT FOR THE USE OF COMPETITIVE BIDDING PROCEDURES FOR THE LEASE OF CT-39 REPLACEMENT AIRCRAFT

SEC. 1030B. None of the funds appropriated pursuant to an authorization of funds contained in this Act may be used by the Air Force for the lease of any CT-39 replacement aircraft unless competitive bidding procedures are followed in the awarding of the lease for such aircraft and the bidding on the lease is open to all qualified domestic firms. Such bidding procedures shall include consideration of the total costs to the Government of leasing such aircraft, including maintenance, logistics and training costs.

IMPACT AID AUTHORIZATION

SEC. 1030C. (a)(1) Section 505(a)(1) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "section 2" the second place it appears and inserting in lieu thereof "section 7".

(2) Section 505(a)(1) of the Omnibus Reconciliation Act of 1981 is further amended—

(A) by striking out "1983, and 1984" and inserting in lieu thereof "and 1983, and $625,000,000 for each of the fiscal years 1984 and 1985"; and

(B) by inserting after "$10,000,000" in clause (A) the following: "for each of the fiscal years 1982 and 1983 and $25,000,000 for each of the fiscal years 1984 and 1985".

(3)(A) Section 505(a)(3) of the Omnibus Reconciliation Act of 1981 is amended by striking out "or 1984" and inserting in lieu thereof "1984, or 1985".

(B) Section 505(b) of the Omnibus Reconciliation Act of 1981 is amended by striking out "or 1984" and inserting in lieu thereof "1984, or 1985".

(b) Section 3(d)(2)(E) of the Act of September 30, 1950 (Public Law 874, 81st Congress) is amended—

(A) by inserting "or 1984" after "fiscal year 1983" in clause (ii); and

(B) by striking out "1984" in clause (iii) and inserting in lieu thereof "1985".

EXTENSION OF THE GRACE PERIOD FOR THE ENFORCEMENT FOR THE PROVISIONS RELATING TO THE FAILURE TO REGISTER AND THE DENIAL OF FEDERAL EDUCATIONAL ASSISTANCE

SEC. 1030D. The provision of the notice regarding the implementation of regulations entitled "Student Assistance General Provisions; Registration With Selective Service" (48 Federal Register No. 130, July 6, 1983), relating to the schedule under which an institution of higher education may certify first and then inform the student of the requirement that the student file a Statement of Registration Compliance for the period prior to July 31, 1983, is extended from July 31, 1983, through September 30, 1983.

REGULATIONS RELATING TO INCREASES IN PRICES FOR SPARE PARTS AND REPLACEMENT EQUIPMENT

SEC. 1030E. (a) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue regulations which—

(1) prohibit the purchase of any spare part or replacement equipment, except as provided in clause (2), when the price of such part or equipment, since a time in the past specified by the Secretary (in terms of days or months) or since the most recent purchase of such part or equipment by the Department of Defense, has increased in price by a percentage in excess of a percentage threshold specified by the Secretary in such regulations, and

(2) permit the purchase of such spare part or equipment notwithstanding the prohibition contained in clause (1) if the contracting office for such part or equipment certifies in writing to the head of the procuring agency before the purchase is made that (A) such officer has evaluated the price of such

part or equipment and concluded that the increase in the price of such part or equipment is fair and reasonable, or (B) the national security interests of the United States requires that such part of equipment be purchased despite the increase in price thereof.

(b) The Secretary shall publish the regulations issued under this section in the Federal Register for the purpose of eliciting public comment for 30 days prior to their implementation.

(c) Thirty days prior to the publication requirements in paragraph (b) of this section, the Secretary shall submit to the House and Senate Committees on Armed Services the text of the proposed regulations.

AUTHORITY TO PROVIDE ROUTINE PORT SERVICES TO NAVAL VESSELS OF ALLIED COUNTRIES AT NO COST

SEC. 1030F. Section 7227 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) (1) The Navy may furnish routine port services to naval vessels of any allied country at no cost to such country if, by agreement, such services are provided to visiting naval vessels of the United States by such allied country at no cost to the United States.

"(2) Payment for such services furnished by the United States shall be paid for out of working-capital funds established under section 2208 of title 10, United States Code. Working-capital funds established under such section shall be reimbursed out of any operating funds available to the Navy for any payments made therefrom under this subsection.

"(3) In this subsection:

"(A) 'Allied country' means any of the following:

"(i) A country that is a member of the North Atlantic Treaty Organization.

"(ii) Australia or New Zealand.

"(iii) Any other country designated as an allied country for the purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State.

DEPARTMENT OF DEFENSE DIRECTOR OF OPERATIONAL TESTING AND EVALUATION

SEC. 1030G. (a)(1)(A) Chapter 4 of title 10, United States Code, is amended by inserting after section 136 the following new section:

"§ 136a. Director of Operational Testing and Evaluation: appointment; powers and duties

"(a) There is a Director of Operational Testing and Evaluation of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The Director performs all duties relating to operational testing and evaluation in the Department of Defense including—

"(1) being the principal adviser to the Secretary of Defense on operational testing and evaluation in the Department of Defense;

"(2) prescribing the administrative organization in each of the military departments for planning and conducting operational testing and evaluation;

"(3) prescribing policies and procedures for the conduct of operational testing and evaluation in the Department of Defense;

"(4) monitoring, reviewing, and providing guidance for all operational testing and evaluation in the Department of Defense;

"(5) determining in advance the adequacy of the plans and the available funds for operational testing and evaluation to be conducted in connection with each major development program and each potential major development program in the Department of Defense;

"(6) coordinating operational testing and evaluation conducted jointly by more than one military department;

"(7) analyzing the results of the operational testing and evaluation conducted for each major development program and each potential major development program in the Department of Defense and reporting to the Secretary of Defense on (A) whether the testing and evaluation performed was adequate, and (B) whether the testing and evaluation results confirm that the items or components actually tested were effective and suitable for combat; and

"(8) reviewing and making recommendations to the Secretary of Defense on all budgetary and financial matters relating to operational testing facilities and equipment, in the Department of Defense.

"(c) The Director shall report directly, without intervening review or approval, to the Secretary of Defense. The Director and his staff are independent of all research and development offices or organizations in the Department of Defense.

"(d) The Director shall have access to all records and data in the Department of Defense, including the records and data of each military department, that the Director considers necessary to review in order to carry out his duties under this section.

"(e) The Director may require that such observers as he designates be present during the preparation for and the conduct of the testing part of any operational testing and evaluation conducted in the Department of Defense.

"(f) The Secretary of a military department shall report to the Director all results of all operational testing and evaluation conducted by the military department and of all studies conducted by the military department in connection with operational testing and evaluation in the military department.

"(g) The Director shall respond to requests from the Congress for information relating to operational testing and evaluation in the Department of Defense.

"(h) No funds may be obligated or expended by the Secretary of a military department to conduct any operational testing and evaluation if such operational testing and evaluation is not approved in advance by the Secretary of Defense, in consultation with the Director, or is not conducted within the scope, or in accordance with the conditions, specified by the Secretary of Defense in approving the operational testing and evaluation.

"(i) For the purposes of this section 'operational testing and evaluation' means the field testing, under realistic combat conditions, or any item or, or key component of, weapons, equipment, or munitions for the purpose of determining the effectiveness and suitability of the weapons, equipment, or munitions for use in combat by typical military users and the evaluation of the results of such testing.".

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 136 the following new item:

"136a. Director of Operational Testing and Evaluation: appointment; powers and duties.".

(2) The President shall include in the budget transmitted to the Congress pursuant to section 1105 of title 31, United States Code, a separate request for new budget authority for, and an estimate of the outlays by, the Director of Operational Testing and Evaluation of the Department of Defense in carrying out the duties and responsibility set forth in section 136a of title 10, United States Code (as added by paragraph (1)).

(3) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new item:

"Director of Operational Testing and Evaluation, Department of Defense.".

(b)(1) The Comptroller General of the United States shall have access to all records and data in the Department of Defense, including the records and data of each military department, relating to operational testing and evaluation in the Department of Defense.

(2) The Secretary of Defense shall cooperate with the Comptroller General of the United States in carrying out paragraph (1).

(3) For the purposes of this section, the term "operational testing and evaluation" has the same meaning as provided in section 136a(i) of title 10, United States Code (as added by subsection (a)(1)(A) of this section).

(c) The provisions of this section shall be effective November 1, 1983.

SMALL, MOBILE, SINGLE WARHEAD ICBM'S

SEC. 1030H. It is the sense of the Congress that the design, development, and testing of small, mobile, single warhead ICBM's be pursued as a matter of the highest national priority. To achieve this objective, the administration should proceed without delay to engineering design of a small, single warhead ICBM capable of mobile deployment. Key elements of such a program which should be pursued immediately include missile design, guidance accuracy, hardened mobile transporter design, mobile basing and survivable Communication, Command and Control (C3). Program emphasis should be consistent with past top national priorities such as Polaris, Minuteman, and Apollo, and program management structure should also reflect such priority. The Department of Defense should set forth funding and production schedules consistent with the earliest possible Initial Operational Capability (IOC), at or prior to 1992, in its submission to Congress to authorize appropriations for fiscal year 1985.

RESTRICTION ON FUNDS TO COUNTRIES NOT TAKING ADEQUATE MEASURES TO CONTROL ILLEGAL DRUG TRAFFICKING

SEC. 1030I. (a) None of the funds appropriated pursuant to an authorization contained in this Act may be available for any country if the President determines that the government of such country is failing to take adequate measures to prevent narcotic drugs or other controlled substances cultivated or produced or processed illicitly, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from being smuggled into the United States. Such prohibition shall continue in force until the President determines and reports to the Congress in writing that—

(1) the government of such country has prepared and committed itself to a plan presented to the Secretary of State that would eliminate the cause or basis for the application to such country of the prohibition contained in the first sentence; and

(2) the government of such country has taken appropriate law enforcement measures to implement the plan presented to the Secretary of State.

(b) The provisions of subsection (a) shall not apply in the case of any country with respect to which the President determines that the application of the provisions of such subsection would be inconsistent with the national security interests of the United States.

DENIAL OF THE USE OF FUNDS FOR PROJECT 82-D-109

SEC. 1030J. Notwithstanding any other provision of this Act or any other Act, all funds authorized to be appropriated for Project 82-D-109 of the Department of Energy are hereby repealed. No other funds authorized or appropriated by this or any other Act may be used for this project. There is hereby authorized to be appropriated $50,000,000 for procurement, research and development of improved conventional munitions and submunitions.

SENSE OF THE SENATE WITH REGARD TO SINGLE WARHEAD MISSILES

SEC. 1030K. It is the sense of the Senate that, since the Scowcroft Commission concluded that—

(1) "stability should be the primary objective both of the modernization of our strategic forces and of our arms control proposals",

(2) "our ICBM programs should support pursuit of a stable regime of arms control agreements", and

(3) "a more stable structure of ICBM deloyments would exist if both sides moved toward more survivable methods of basing than is possible when there is primary dependence on large launchers and missiles";

therefore, be it declared that from the point of view of enhancing strategic nuclear stability, the Union of Soviet Socialist Republics and the United States of America should seek to move toward an ICBM force structure in which missiles contain only one warhead.

PART M—TECHNICAL AMENDMENTS

TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE

SEC. 1031. Title 10, United States Code, is amended as follows:

(1) Section 139b(g)(2) is amended by striking out "procurment" and inserting in lieu thereof "procurement".

(2) Section 140 is amended by striking out "of this section" in subsections (a) and (c).

(3) Section 520(a) is amended—

(A) by striking out "For the fiscal year beginning on October 1, 1980" and all that follows through "1982, the" and inserting in lieu thereof "The";

(B) by striking out "such fiscal year" the first place it appears in the last sentence and inserting in lieu thereof "any fiscal year"; and

(C) by striking out "number of such" and all that follows through "into" in the last sentence and inserting in lieu thereof "total number of persons originally enlisted or inducted to serve on active duty (other than active duty for training) in".

(4) Section 1079 is amended—

(A) by striking out "thirty" in subsections (a) and (d) and inserting in lieu thereof "30"; and

(B) by striking out "of this section" in subsection (g).

(5)(A) The heading of section 1081 is amended by striking out the semicolon and the last word.

(B) The item relating to that section in the table of sections at the beginning of chapter 55 is amended by striking out the semicolon and the last word.

(6) Section 1085 is amended by inserting a comma after "or his dependent" the first place it appears.

(7) Section 1090 is amended by striking out "(a)".

(8) Section 1126(a)(1) is amended by striking out "Who" and inserting in lieu thereof "who".

(9) Section 1489(a)(2) is amended by striking out "the date of the enactment of this section" and inserting in lieu thereof "October 14, 1980".

(10) Section 2005 is amended—

(A) by striking out "of this section" each place it appears in subsections (c) and (d); and

(B) by striking out "section—" in subsection (e) and inserting in lieu thereof "section:".

(11) Section 2101 is amended—

(A) by striking out "chapter—" and inserting in lieu thereof "chapter:";

(B) by striking out " 'program' " and inserting in lieu thereof " 'Program' ";

(C) by striking out the semicolon at the end of paragraph (1) and inserting in lieu thereof a period;

(D) by striking out " 'member' " and inserting in lieu thereof " 'Member' ";

(E) by striking out "; and" and inserting in lieu thereof a period; and

(F) by striking out " 'advanced' " and inserting in lieu thereof " 'Advanced' ".

(12)(A) Section 2116 is repealed.

(B) The table of sections at the beginning of chapter 104 is amended by striking out the item relating to section 2116.

(13) Section 2120 is amended by striking out "chapter—" and inserting in lieu thereof "chapter:".

(14) Section 2134 is amended by striking out the second sentence of such section.

(15) The table of chapters at the beginning of subtitle A and the table of chapters at the beginning of part II of such subtitle are amended by striking out "and" in the item relating to chapter 60 and inserting in lieu thereof "or".

TITLE II—MILITARY CONSTRUCTION MATTERS

PART A—ARMY

AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 201. The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

UNITED STATES ARMY FORCES COMMAND

Fort Bragg, North Carolina, $31,100,000.
Fort Campbell, Kentucky, $15,300,000.
Fort Carson, Colorado, $17,760,000.
Fort Devens, Massachusetts, $3,000,000.
Fort Douglas, Utah, $910,000.
Fort Drum, New York, $1,500,000.
Fort Hood, Texas, $76,050,000.
Fort Irwin, California, $27,150,000.
Fort Lewis, Washington, $35,310,000.
Fort Meade, Maryland, $5,150,000.
Fort Ord, California, $6,150,000.
Fort Polk, Louisiana, $16,180,000.
Fort Richardson, Alaska, $940,000.
Fort Riley, Kansas, $68,700,000.
Fort Stewart, Georgia, $29,720,000.
Presidio of Monterey, California, $1,300,000.

UNITED STATES ARMY WESTERN COMMAND

Schofield Barracks, Hawaii, $31,900,000.

UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND

Fort Benjamin Harrison, Indiana, $5,900,000.
Fort Benning, Georgia, $21,750,000.
Fort Bliss, Texas, $40,580,000.
Fort Jackson, South Carolina, $39,190,000.
Fort Knox, Kentucky, $4,200,000.
Fort Leavenworth, Kansas, $13,550,000.
Fort Lee, Virginia, $5,930,000.
Fort Leonard Wood, Missouri, $12,600,000.
Fort McClellan, Alabama, $4,220,000.
Fort Rucker, Alabama, $9,650,000.
Fort Sill, Oklahoma, $25,150,000.
Fort Story, Virginia, $9,000,000.

MILITARY DISTRICT OF WASHINGTON

Fort Myer, Virginia, $2,750,000.

UNITED STATES ARMY MATERIEL DEVELOPMENT AND READINESS COMMAND

Aberdeen Proving Ground, Maryland, $26,400,000.
Detroit Arsenal, Michigan, $270,000.
Harry Diamond Laboratories, Maryland, $400,000.
Kansas Army Ammunition Plant, Kansas, $1,150,000.
Louisiana Army Ammunition Plant, Louisiana, $4,250,000.
Milan Army Ammunition Plant, Tennessee, $550,000.
Picatinny Arsenal, New Jersey, $460,000.
Red River Army Depot, Texas, $1,250,000.
Redstone Arsenal, Alabama, $25,400,000.
Rock Island Arsenal, Illinois, $26,500,000.
Sierra Army Depot, California, $3,950,000.
White Sands Missile Range, New Mexico, $310,000.

AMMUNITION FACILITIES

Iowa Army Ammunition Plant, Iowa, $2,000,000.
Lake City Army Ammunition Plant, Missouri, $600,000.
Lone Star Army Ammunition Plant, Texas, $1,300,000.
Longhorn Army Ammunition Plant, Texas, $270,000.
Milan Army Ammunition Plant, Tennessee, $340,000.
Radford Army Ammunition Plant, Virginia, $4,620,000.
Scranton Army Ammunition Plant, Pennsylvania, $1,000,000.

UNITED STATES ARMY COMMUNICATIONS COMMAND

Fort Huachuca, Arizona, $2,750,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, New York, $12,840,000.

UNITED STATES ARMY HEALTH SERVICES COMMAND

Fort Detrick, Maryland, $1,650,000.
Walter Reed Army Medical Center, Washington, District of Columbia, $4,200,000.

CLASSIFIED PROJECT

Various Locations, $1,300,000.

OUTSIDE THE UNITED STATES

UNITED STATES ARMY, JAPAN

Okinawa, $1,400,000.

EIGHTH UNITED STATES ARMY

Korea, $59,580,000.

BALLISTIC MISSILE DEFENSE SYSTEMS COMMAND

Kwajalein, $5,620,000.

UNITED STATES ARMY FORCES COMMAND OVERSEAS

Fort Buchanan, Puerto Rico, $1,550,000.
Panama, $1,460,000.

UNITED STATES ARMY, EUROPE

Europe, $19,000,000.
Germany, $286,920,000.
Italy, $2,710,000.
Turkey, $5,250,000.

UNITED STATES ARMY INTELLIGENCE AND SECURITY COMMAND OVERSEAS

Korea, $260,000.

FAMILY HOUSING

SEC. 202. The Secretary of the Army may construct or acquire family housing units (including land acquisition), and acquire manufactured home facilities at the following installations, in the number of units shown, and in the amount shown, for each installation:

Various Locations, Alaska, six units, $1,158,000.

Aliamanu, Hawaii, community center, $9,900,000.

Various Locations, Europe NATO, five hundred units, $40,000,000.

Fort Greely, Alaska, thirty-eight units, $5,203,000.

Fort Polk, Louisiana, two hundred units, $15,342,000.

Fort Stewart, Georgia, two hundred and forty-four units, $14,626,000.

Wildflecken, Federal Republic of Germany, one hundred and fifty-three units, $12,157,000.

Bayreuth, Federal Republic of Germany, thirteen units, $1,132,000.

Kitzingen, Federal Republic of Germany, one hundred and three units, $11,140,000.

Vicenza, Italy, two units, $354,000.

CONTRACTING FOR CERTAIN PROJECTS

SEC. 203. (a) The following projects authorized in sections 201 and 202 may be carried out only as provided in subsection (b):

Operations Building in the amount of $2,000,000 at Fort Carson, Colorado.

Child Care Center in the amount of $3,000,000 at Fort Devens, Massachusetts.

Bulk Fuel Storage Facility in the amount of $4,200,000 at Fort Hood, Texas.

Multipurpose Training Range in the amount of $3,350,000 at Fort Hood, Texas.

Hangar Addition in the amount of $2,800,000 at Fort Lewis, Washington.

Instrument Landing System in the amount of $870,000 at Fort Lewis, Washington.

Barracks in the amount of $5,900,000 at Fort Benjamin Harrison, Indiana.

Infantry Remote Target Systems Ranges in the amount of $3,000,000 at Fort Bliss, Texas.

Physical Fitness Training Center in the amount of $2,850,000 at Fort Bliss, Texas.

Chapel/Child Care Center in the amount of $6,400,000 at Fort Jackson, South Carolina.

Education Center in the amount of $5,200,000 at Fort Jackson, South Carolina.

Trainee Barracks in the amount of $26,800,000 at Fort Jackson, South Carolina.

Trainee Barracks with Dining Facility in the amount of $23,000,000 at Fort Sill, Oklahoma.

Brigade Headquarters in the amount of $1,500,000 at Fort Huachuca, Arizona.

Bridge Repair in the amount of $4,500,000 at Rock Island Arsenal, Illinois.

Construction of Family Housing in the amount of $40,000,000 at various North Atlantic Treaty Organization locations in Europe.

(b) A contract for a project listed in subsection (a) may be entered into only if the funds to be obligated for the contract are derived from the total amount of funds (if any) available from (1) the net savings from the execution of the projects authorized by section 201 other than those listed in subsection (a), (2) total savings from cancellations of such projects, and (3) other sources, including savings from projects authorized for the Army in previous military construction authorization Acts.

(c) Before the Secretary of the Army may advertise for bids, or may negotiate, for a contract described in subsection (b), the Secretary shall submit a written report to the appropriate committees of Congress certifying that funds for the contract are available in accordance with subsection (b) and identifying the source of the funds. Such a report may not be submitted before January 1, 1984.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 204. Subject to section 2825 of title 10, United States Code, the Secretary of the Army may make expenditures to improve existing military family housing units in an amount not to exceed $102,893,000, of which $26,623,000 is available only for energy conservation projects.

ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN

SEC. 205. The Secretary of the Army may carry out architectural and engineering services and construction design in connection with military family housing construction (including improvements), in the amount of $6,750,000.

PROJECTS USING UNOBLIGATED PRIOR YEAR AUTHORITY

SEC. 206. (a) The Secretary of the Army may carry out the following projects (for which funds are not authorized under section 251) as provided in subsection (b):

Unspecified Minor Construction projects in the amount of $4,600,000 at various locations.

Construction projects of $1,000,000 or less in the amount of $6,800,000 at various locations.

(b) A contract for a project listed in subsection (a) may be entered into using authorization amounts available from approved projects authorized under title I of any previous Military Construction Authorization Act.

PART B—NAVY

AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 211. The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

UNITED STATES MARINE CORPS

Marine Corps Air Station, Beaufort, South Carolina, $3,530,000.

Marine Corps Base, Camp Lejeune, North Carolina, $31,760,000.

Marine Corps Base, Camp Pendleton, California, $39,070,000.

Marine Corps Air Station, Cherry Point, North Carolina, $1,805,000.

Marine Corps Air Station, El Toro, California, $14,030,000.

Marine Corps Air Station, Kaneohe Bay, Hawaii, $7,900,000.

Marine Corps Air Station, New River, North Carolina, $2,730,000.

Marine Corps Camp Detachment, Camp Elmore, Norfolk, Virginia, $1,160,000.

Camp H. M. Smith, Oahu, Hawaii, $2,700,000.

Marine Corps Development and Education Command, Quantico, Virginia, $2,570,000.

Marine Corps Recruit Depot, San Diego, California, $10,690,000.

Marine Corps Air Station, Tustin, California, $465,000.

Marine Corps Air-Ground Combat Center, Twentynine Palms, California, $25,120,000.

Marine Corps Air Station, Yuma, Arizona, $8,920,000.

CHIEF OF NAVAL OPERATIONS

Naval Academy, Annapolis, Maryland, $6,650,000.

Naval Station, Annapolis, Maryland, $405,000.

Naval Space Surveillance Field Station, Hollandale, Mississippi, $495,000.

COMMANDER IN CHIEF, UNITED STATES ATLANTIC FLEET

Naval Air Station, Brunswick, Maine, $7,800,000.

Naval Air Station, Cecil Field, Florida, $17,670,000.

Naval Station, Charleston, South Carolina, $43,150,000.

Naval Air Station, Key West, Florida, $27,435,000.

Naval Amphibious Base, Little Creek, Virginia, $9,170,000.

Naval Station, Mayport, Florida, $25,520,000.

Naval Submarine Base, New London, Connecticut, $8,200,000.

Naval Station, Norfolk, Virginia, $2,560,000.

Naval Air Station, Oceana, Virginia, $415,000.

Tactical Training Group, Atlantic, Virginia Beach, Virginia, $3,750,000.

COMMANDER IN CHIEF, UNITED STATES PACIFIC FLEET

Naval Station, Adak, Alaska, $2,970,000.

Naval Submarine Base, Bangor, Washington, $8,040,000.

Naval Air Station, Barbers Point, Hawaii, $890,000.

Naval Amphibious Base, Coronado, California, $21,222,000.

Naval Air Station, Fallon, Nevada, $11,900,000.

Naval Air Station, Lemoore, California, $20,920,000.

Naval Air Station, Miramar, California, $2,020,000.

Naval Air Station, Moffett Field, California, $1,870,000.

Naval Air Station, North Island, California, $20,650,000.

Fleet Intelligence Center, Pacific, Pearl Harbor, Hawaii, $990,000.

Naval Station, Pearl Harbor, Hawaii, $3,350,000.

Naval Submarine Base, Pearl Harbor, Hawaii, $2,590,000.

Tactical Training Group, Pacific, San Diego, California, $3,260,000.

Naval Station, San Diego, California, $980,000.

Naval Submarine Base, San Diego, California, $6,660,000.

Naval Station, Mare Island, Vallejo, California, $210,000.

Naval Air Station, Whidbey Island, Washington, $3,160,000.

NAVAL EDUCATION AND TRAINING COMMAND

Naval Air Station, Chase Field, Texas, $2,625,000.

Naval Air Station, Corpus Christi, Texas, $495,000.

Fleet Combat Training Center, Atlantic, Dam Neck, Virginia, $12,190,000.

Naval Guided Missiles School, Dam Neck, Virginia, $1,860,000.
Naval Air Station, Kingsville, Texas, $4,830,000.
Naval Air Station, Memphis, Tennessee, $11,800,000.
Naval Air Station, Meridian, Mississippi, $610,000.
Naval Education and Training Center, Newport, Rhode Island, $1,110,000.
Fleet Anti-Submarine Warfare Training Center, Atlantic, Norfolk, Virginia, $4,130,000.
Fleet Training Center, Norfolk, Virginia, $1,120,000.
Naval Training Center, Orlando, Florida, $19,690,000.
Naval Technical Training Center, Pensacola, Florida, $210,000.
Fleet Training Center, San Diego, California, $10,000,000.
Fleet Anti-Submarine Warfare Training Center, Pacific, San Diego, California, $14,200,000.
Naval Air Station, Whiting Field, Florida, $3,270,000.

BUREAU OF MEDICINE AND SURGERY

National Naval Medical Center, Bethesda, Maryland, $37,170,000.
Naval Regional Medical Center, Long Beach, California, $8,370,000.
Naval Regional Medical Clinic, Pearl Harbor, Hawaii, $8,490,000.

NAVAL MATERIAL COMMAND

Naval Air Rework Facility, Alameda, California, $21,560,000.
David W. Taylor Naval Ship Research and Development Center, Bethesda, Maryland, $5,030,000.
Naval Supply Center, Puget Sound, Bremerton, Washington, $200,000.
Naval Ordnance Test Unit, Cape Canaveral, Florida, $57,000,000.
Charleston Naval Shipyard, Charleston, South Carolina, $15,000,000.
Naval Weapons Station, Charleston, South Carolina, $1,570,000.
Naval Air Rework Facility, Cherry Point, North Carolina, $20,040,000.
Naval Weapons Center, China Lake, California, $31,100,000.
Naval Weapons Station, Concord, California, $2,720,000.
Naval Surface Weapons Center, Dahlgren, Virginia, $5,355,000.
Fleet Combat Direction Systems Support Activity, Dam Neck, Virginia, $4,000,000.
Naval Weapons Station, Earle, New Jersey, $465,000.
Naval Construction Battalion Center, Gulfport, Mississippi, $2,960,000.
Naval Ordnance Station, Indian Head, Maryland, $1,950,000.
Naval Air Rework Facility, Jacksonville, Florida, $2,875,000.
Naval Submarine Base, Kings Bay, Georgia, $118,129,000, of which $6,019,000 may be used to provide community impact and planning assistance to the communities near the submarine base.
Naval Air Engineering Center, Lakehurst, New Jersey, $4,195,000.
Naval Air Rework Facility, Norfolk, Virginia, $3,020,000.
Naval Supply Center, Norfolk, Virginia, $6,400,000.
Naval Coastal Systems Center, Panama City, Florida, $670,000.
Naval Air Test Center, Patuxent River, Maryland, $10,150,000.
Pearl Harbor Naval Shipyard, Pearl Harbor, Hawaii, $1,440,000.
Navy Public Works Center, Pearl Harbor, Hawaii, $13,100,000.
Pacific Missile Test Center, Point Mugu, California, $840,000.
Portsmouth Naval Shipyard, Kittery, Maine, $7,600,000.
Norfolk Naval Shipyard, Portsmouth, Virginia, $8,850,000.
Puget Sound Naval Shipyard, Bremerton, Washington, $7,300,000.
Naval Transmitter Facility, Republic, Michigan, $13,000,000.
Naval Ocean Systems Center, San Diego, California, $8,000,000.
Naval Supply Center, San Diego, California, $1,110,000.
Navy Public Works Center, San Francisco, California, $220,000.

NAVAL OCEANOGRAPHY COMMAND

Naval Oceanographic Office, Bay St. Louis, Mississippi, $6,320,000.
Fleet Numerical Oceanography Center, Monterey, California, $6,980,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Area Master Station, Atlantic, Norfolk, Virginia, $1,690,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Detachment, Sugar Grove, West Virginia, $7,400,000.

OUTSIDE THE UNITED STATES

UNITED STATES MARINE CORPS

Marine Corps Air Station, Iwakuni, Japan, $750,000.

COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Air Station, Bermuda, $810,000.
Naval Facility, Bermuda, $1,110,000.
Naval Station, Guantanamo Bay, Cuba, $730,000.
Naval Station, Keflavik, Iceland, $6,850,000.
Naval Station, Roosevelt Roads, Puerto Rico, $1,300,000.
Atlantic Fleet Weapons Training Facility, Roosevelt Roads, Puerto Rico, $1,945,000.

COMMANDER IN CHIEF, PACIFIC FLEET

Commander, U.S. Naval Forces Korea Detachment, Chinhae, Korea, $460,000.
Navy Support Facility, Diego Garcia, $32,500,000.
Naval Station, Subic Bay, Republic of the Philippines, $7,860,000.

COMMANDER IN CHIEF, NAVAL FORCES, EUROPE

Navy Personnel Support Activity, Naples, Italy, $640,000.
Naval Support Activity, Naples, Italy, $4,700,000.
Naval Station, Rota, Spain, $9,250,000.
Naval Air Station, Sigonella, Italy, $19,610,000.

NAVAL OCEANOGRAPHY COMMAND

Naval Oceanography Command Center, Rota, Spain, $980,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Station, Harold E. Holt, Exmouth, Australia, $3,020,000.
Naval Communication Area Master Station Western Pacific, Guam, Mariana Islands, $980,000.
Classified Location, $1,280,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Detachment, Guantanamo Bay, Cuba, $1,700,000.

HOST NATION INFRASTRUCTURE SUPPORT

Various Locations, $2,970,000.

CONTRACTING FOR CERTAIN PROJECTS

SEC. 212. (a) The following project authorized in section 211 may be carried out only as provided in subsection (b):

TRIDENT Training Facility in the amount of $81,700,000 at the Naval Submarine Base, Kings Bay, Georgia.

(b) A contract for the project in subsection (a) may be entered into only if the funds to be obligated for the contract are derived from the total amount of funds (if any) available from (1) the net savings from the execution of the projects authorized by section 211, (2) total savings from cancellations of such projects, and (3) other sources, including savings from projects authorized for the Navy in previous military construction authorization Acts.

(c) Before the Secretary of the Navy may advertise for bids, or may negotiate, for a contract described in subsection (b), the Secretary shall submit a written report to the appropriate committees of Congress certifying that funds for the contract are available in accordance with subsection (b) and identifying the source of the funds. Such a report may not be submitted before January 1, 1984.

FAMILY HOUSING

SEC. 213. The Secretary of the Navy may construct or acquire family housing units (including land acquisition), and acquire manufactured home facilities at the following installations, in the number of units shown, and in the amount shown, for each installation:

Marine Corps Air Station, El Toro, California, one hundred and thirty units, $11,666,000.
Marine Corps Base, Camp Pendleton, California, three hundred units, $23,160,000.
Navy Public Works Center, Subic Bay, Republic of the Philippines, three hundred units, $29,300,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 214. Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may make expenditures to improve existing military family housing units in an amount not to exceed $13,240,000, of which $3,953,000 is available only for energy conservation projects.

ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN

SEC. 215. The Secretary of the Navy may carry out architectural and engineering services and construction design in connection with military family housing construction (including improvements), in the amount of $7,395,000.

MODIFICATION OF LEASING LIMITATION FOR NAVAL AIR STATION, LEMOORE, CALIFORNIA

SEC. 216. Section 2 of Public Law 92-378 (86 Stat. 530) relating to leases of lands for agricultural and grazing purposes at the Naval Air Station, Lemoore, California, is amended by striking out "160 irrigable acres" and inserting in lieu thereof "960 irrigable acres".

MODIFICATION OF AUTHORITY FOR PROCUREMENT OF STEAM SUPPLY FOR THE CHARLESTON NAVAL STATION

SEC. 217. Clause (1) of section 205(a) of the Military Construction Authorization Act, 1982 (Public Law 97-99; 95 Stat. 1366), is amended to read as follows:

"(1) construct steam lines and any other needed facilities, or pay a connection fee, to make use of energy generated by a waste heat recovery facility or a process related coal-fired cogeneration facility to be built by the Macalloy Corporation or a successor to its interest; and".

LAND ACQUISITION FOR FUTURE FAMILY HOUSING REQUIREMENTS, SAN DIEGO, CALIFORNIA

SEC. 218. The Secretary of the Navy may acquire up to 125 acres of real property in San Diego, California (or the surrounding area), that the Secretary determines to be suitable as a site or sites for future construction of military family housing for the Department of the Navy. Such property may be acquired by exchange or by purchase using funds derived from savings in carrying out previously authorized projects. The Secretary may acquire options on such property as provided in section 2677(a) of title 10, United States Code, and (notwithstanding section 2677(b) of such title) may pay, from funds available for projects under section 2805 of title 10, United States Code, not more than $1,000,000 for such options.

PART C—AIR FORCE

AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS

SEC. 221. The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Utah, $16,155,000.
Kelly Air Force Base, Texas, $22,590,000.
McClellan Air Force Base, California, $10,200,000.
Newark Air Force Station, Ohio, $800,000.
Robins Air Force Base, Georgia, $18,780,000.
Tinker Air Force Base, Oklahoma, $12,560,000.
Wright-Patterson Air Force Base, Ohio, $5,923,000.

AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tennessee, $12,552,000.
Brooks Air Force Base, Texas, $10,110,000.
Cape Canaveral Air Force Station, Florida, $9,400,000.
Eastern Launch Site, Florida, $6,000,000.
Edwards Air Force Base, California, $12,400,000.
Eglin Air Force Base, Florida, $9,840,000.
Laurence G. Hanscom Air Force Base, Massachusetts, $3,670,000.
Johnson Space Center, Texas, $700,000.
Los Angeles Air Force Station, California, $2,670,000.
Patrick Air Force Base, Florida, $2,392,000.

AIR NATIONAL GUARD

Buckley Air National Guard Base, Colorado, $2,000,000.

AIR TRAINING COMMAND

Chanute Air Force Base, Illinois, $89,210,000.
Columbus Air Force Base, Mississippi, $2,180,000.
Goodfellow Air Force Base, Texas, $10,140,000.
Gunter Air Force Station, Alabama, $6,750,000.
Keesler Air Force Base, Mississippi, $24,620,000.
Lackland Air Force Base, Texas, $10,700,000.
Lowry Air Force Base, Colorado, $6,100,000.
Mather Air Force Base, California, $4,460,000.
Reese Air Force Base, Texas, $1,550,000.
San Antonio Area, Texas, $12,000,000.
Sheppard Air Force Base, Texas, $16,080,000.
Vance Air Force Base, Oklahoma, $1,250,000.
Williams Air Force Base, Arizona, $4,700,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Alaska, $58,390,000.
Elmendorf Air Force Base, Alaska, $12,070,000.
Galena Airport, Alaska, $13,350,000.
Shemya Air Force Base, Alaska, $45,600,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Oklahoma, $18,200,000.
Andrews Air Force Base, Maryland, $1,786,000.
Charleston Air Force Base, South Carolina, $3,200,000.
Dover Air Force Base, Delaware, $1,300,000.
Kirtland Air Force Base, New Mexico, $2,240,000.
Little Rock Air Force Base, Arkansas, $3,120,000.
McChord Air Force Base, Washington, $12,410,000.
McGuire Air Force Base, New Jersey, $620,000.
Pope Air Force Base, North Carolina, $6,500,000.
Scott Air Force Base, Illinois, $790,000.
Travis Air Force Base, California, $1,200,000.

PACIFIC AIR FORCES

Hickam Air Force Base, Hawaii, $3,150,000.

PEACEKEEPER CONSTRUCTION

Various Locations, $46,700,000.

SPACE COMMAND

NORAD Cheyenne Mountain Complex, Colorado, $5,660,000.
Peterson Air Force Base, Colorado, $78,700,000.

SPECIAL PROJECT

Various Locations, $24,000,000.

STRATEGIC AIR COMMAND

Barksdale Air Force Base, Louisiana, $34,970,000.
Beale Air Force Base, California, $5,550,000.
Blytheville Air Force Base, Arkansas, $6,950,000.
Carswell Air Force Base, Texas, $4,110,000.
Castle Air Force Base, California, $6,500,000.
Dyess Air Force Base, Texas, $14,300,000.
Ellsworth Air Force Base, South Dakota, $6,700,000.
Fairchild Air Force Base, Washington, $24,050,000.
Forsyth Air Force Station, Montana, $4,225,000.
Grand Forks Air Force Base, North Dakota, $8,525,000.
Griffiss Air Force Base, New York, $3,450,000.
Grissom Air Force Base, Indiana, $10,330,000.
Havre Air Force Station, Montana, $4,936,000.
K. I. Sawyer Air Force Base, Michigan, $40,460,000.
Loring Air Force Base, Maine, $36,400,000.
Malmstrom Air Force Base, Montana, $630,000.
March Air Force Base, California, $3,550,000.
McConnell Air Force Base, Kansas, $2,840,000.
Minot Air Force Base, North Dakota, $13,800,000.
Offutt Air Force Base, Nebraska, $39,020,000.
Pease Air Force Base, New Hampshire, $7,200,000.
Plattsburgh Air Force Base, New York, $1,765,000.
Vandenberg Air Force Base, California, $46,002,000.
Whiteman Air Force Base, Missouri, $16,600,000.
Wurtsmith Air Force Base, Michigan, $5,000,000.

TACTICAL AIR COMMAND

Bangor International Airport, Maine, $10,100,000.
Bergstrom Air Force Base, Texas, $20,310,000.
Cannon Air Force Base, New Mexico, $6,800,000.
Davis-Monthan Air Force Base, Arizona, $5,850,000.
England Air Force Base, Louisiana, $3,857,000.
George Air Force Base, California, $220,000.
Holloman Air Force Base, New Mexico, $20,500,000.
Homestead Air Force Base, Florida, $4,060,000.
Langley Air Force Base, Virginia, $8,300,000.
Luke Air Force Base, Arizona, $9,663,000.
MacDill Air Force Base, Florida, $6,360,000.
Moody Air Force Base, Georgia, $1,300,000.
Mountain Home Air Force Base, Idaho, $6,590,000.
Myrtle Beach Air Force Base, South Carolina, $1,550,000.
Nellis Air Force Base, Nevada, $4,490,000.
Seymour-Johnson Air Force Base, North Carolina, $5,240,000.
Shaw Air Force Base, South Carolina, $9,990,000.
Tyndall Air Force Base, Florida, $29,040,000.
Unspecified Location, $500,000.

UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado, $10,085,000.

OUTSIDE THE UNITED STATES

AIR FORCE SYSTEMS COMMAND

Ascension Island, South Atlantic Ocean, $4,010,000.

MILITARY AIRLIFT COMMAND

Lajes Field, Portugal, $1,400,000.
Rhein-Main Air Base, Germany, $1,870,000.

PACIFIC AIR FORCES

Clark Air Base, Republic of the Philippines, $8,850,000.
Diego Garcia Air Base, Indian Ocean, $58,200,000.
Kadena Air Base, Japan, $11,260,000.
Korea, Various Locations, $5,900,000.
Kunsan Air Base, Korea, $31,013,000.
Kwang-Ju Air Base, Korea, $210,000.
Misawa Air Base, Japan, $1,700,000.
Osan Air Base, Korea, $42,150,000.
Saechon Air Base, Korea, $210,000.
Suwon Air Base, Korea, $400,000.
Taegu Air Base, Korea, $2,750,000.
Yokota Air Base, Japan, $1,250,000.

STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam, $24,710,000.

TACTICAL AIR COMMAND

Howard Air Force Base, Canal Zone, $613,000.

UNITED STATES AIR FORCES IN EUROPE

Camp New Amsterdam, The Netherlands, $2,050,000.

Germany, Various Locations, $52,954,000.

Italy, Various Locations, $30,430,000.

Morocco, Various Locations, $28,000,000.

Oman, Various Locations, $28,600,000.

Spain, Various Locations, $6,832,000.

Turkey, Various Locations, $73,220,000.

United Kingdom, Various Locations, $46,580,000.

Various Locations, $70,180,000.

CONTRACTING FOR CERTAIN PROJECTS

SEC. 222. (a) The following projects authorized in section 221 may be carried out only as provided in subsection (c):

Non-Destruct Inspection Facility in the amount of $5,900,000 and Depot Production Support Facility in the amount of $3,500,000 at McClellan Air Force Base, California.

Alter Unaccompanied Enlisted Personnel Housing in the amount of $1,450,000 at Robins Air Force Base, Georgia.

Alter F-107 Engine Facility in the amount of $420,000; Combat Communications Headquarters in the amount of $2,150,000; and Communications Electronic Installation Facility in the amount of $960,000 at Tinker Air Force Base, Oklahoma.

Fire Protection-Bulk Fuel Farm in the amount of $382,000 at Arnold Engineering Development Center, Tennessee.

RAPCON/CCF Facility in the amount of $490,000 at Edwards Air Force Base, California.

Central Heat Plant in the amount of $79,000,000 at Chanute Air Force Base, Illinois.

PMEL Laboratory in the amount of $530,000 at Columbus Air Force Base, Mississippi.

Alter Electrical Distribution System in the amount of $1,600,000 and Voice Processing Training Facility in the amount of $7,800,000 at Goodfellow Air Force Base, Texas.

Unaccompanied Enlisted Personnel Housing/Senior NCO Academy in the amount of $5,000,000 at Gunter Air Force Station, Alabama.

Computer Training Facility in the amount of $11,900,000 and Unaccompanied Enlisted Personnel Housing with Dining Hall in the amount of $6,400,000 at Keesler Air Force Base, Mississippi.

Chapel in the amount of $2,900,000 at Lackland Air Force Base, Texas.

Academic Classroom (Weapons) in the amount of $6,100,000 at Lowry Air Force Base, Colorado.

Gymnasium in the amount of $3,180,000 at Sheppard Air Force Base, Texas.

Addition to EMCS in the amount of $2,000,000 at Williams Air Force Base, Arizona.

Composite Operations in the amount of $3,700,000 and Composite Support Facility in the amount of $5,700,000 at Galena Airport, Alaska.

Composite Wing Facility in the amount of $3,200,000 at Charleston Air Force Base, South Carolina.

Base Transportation Complex in the amount of $3,700,000 at Pope Air Force Base, North Carolina.

Upgrade Power Plants ADWS in the amount of $710,000 at Carswell Air Force Base, Texas.

Unaccompanied Enlisted Personnel Housing in the amount of $8,500,000; Dining Hall in the amount of $3,730,000; Alter Consolidated Base Personnel Office in the amount of $1,100,000; and Alter Unaccompanied Enlisted Personnel Housing in the amount of $5,000,000 at Fairchild Air Force Base, Washington.

Add to and alter Vehicle Maintenance Shop in the amount of $1,030,000; Dining Hall in the amount of $3,200,000; and Military Personnel Support Center in the amount of $5,600,000 at Grissom Air Force Base, Indiana.

Heating Plant Addition in the amount of $35,000,000 at K. I. Sawyer Air Force Base, Michigan.

Unaccompanied Officer Personnel Housing in the amount of $4,000,000 at Offutt Air Force Base, Nebraska.

Base Civil Engineer Maintenance Complex in the amount of $7,200,000 at Pease Air Force Base, New Hampshire.

Alter Heat Plant in the amount of $1,800,000; Unaccompanied Enlisted Personnel Housing in the amount of $8,600,000; Dining Hall in the amount of $3,300,000; and Vehicle Maintenance Shop in the amount of $2,900,000 at Whiteman Air Force Base, Missouri.

Base Support Center in the amount of $6,500,000; Composite Wing Facility in the amount of $1,280,000; Education Center in the amount of $2,750,000; and Alter Base Entrance/Land Acquisition in the amount of $3,000,000 at Bergstrom Air Force Base, Texas.

Consolidated Support Center in the amount of $6,800,000 at Cannon Air Force Base, New Mexico.

Aircraft Maintenance Hangar in the amount of $7,700,000; Munitions Storage in the amount of $3,700,000; add to Aircraft Maintenance Unit in the amount of $600,000; add to Engine Inspection and Repair in the amount of $1,000,000; Aircraft Corrosion Control in the amount of $1,400,000; alter Unaccompanied Enlisted Personnel Housing in the amount of $3,100,000; and Airmen Dining Hall in the amount of $3,000,000 at Holloman Air Force Base, New Mexico.

Unaccompanied Officer Personnel Housing in the amount of $4,600,000; Unaccompanied Enlisted Personnel Housing in the amount of $4,500,000; Civil Engineer Science Lab in the amount of $4,650,000; Education Center in the amount of $2,000,000; and Base Support Center in the amount of $6,500,000 at Tyndall Air Force Base, Florida.

(b) The following advance payment to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, may be carried out only as provided in subsection (c).

Access Roads/Widen Tippacanoe Avenue Bridge in the amount of $6,400,000 at Norton Air Force Base, California.

(c) A contract for a project listed in subsection (a) may be entered into and the advance payment listed in subsection (b) may be made only if the funds to be obligated for the contract or advance payment are derived from the total amount of funds (if any) available from (1) the net savings from the execution of the projects authorized by section 221 other than those listed in subsection (a), (2) total savings from cancellations of such projects, and (3) other sources, including savings from projects authorized for the Air Force in previous military construction authorization Acts.

(d) Before the Secretary of the Air Force may advertise for bids, or may negotiate, for a contract described in subsection (a) or make the advance payment under subsection (b), the Secretary shall submit a written report to the appropriate committees of Congress certifying that funds for the contract or advance payment are available in accordance with subsection (c) and identifying the source of the funds. Such a report may not be submitted before January 1, 1984.

FAMILY HOUSING

SEC. 223. The Secretary of the Air Force may construct or acquire family housing units (including land acquisition), and acquire manufactured home facilities at the following installations, in the number of units shown, and in the amount shown, for each installation:

Lajes Field, Portugal, one hundred and fifty units, $12,262,000.

Havre Air Force Station, Montana, five units, $496,000.

Forsyth Air Force Station, Montana, fifty units, $4,000,000.

Camp New Amsterdam, The Netherlands, fifty units, $5,218,000.

RAF Upper Heyford, United Kingdom, three hundred units, $33,982,000.

RAF Greenham Common, United Kingdom, two hundred and fifty units, $24,246,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 224. (a) Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may make expenditures to improve existing military family housing units in an amount not to exceed $63,161,000, of which $10,877,000 is available only for energy conservation projects.

(b) Within the amount specified in subsection (a), the Secretary of the Air Force may, notwithstanding the maximum amount per unit prescribed in section 2825(b) of title 10, United States Code, carry out projects to improve existing military family housing units at the following installations, in the number of units shown, and in the amount shown, for each installation:

Carswell Air Force Base, Texas, two hundred and three units, $7,477,500.

Kadena Air Base, Japan, three hundred and forty-two units, $20,586,200.

ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN

SEC. 225. The Secretary of the Air Force may carry out architectural and engineering services and construction design in conjection with military family housing construction (including improvements), in the amount of $5,000,000.

PART D—DEFENSE AGENCIES

AUTHORIZED CONSTRUCTION PROJECTS AND LAND ACQUISITION FOR THE DEFENSE AGENCIES

SEC. 231. The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations:

INSIDE THE UNITED STATES

DEFENSE LOGISTICS AGENCY

Defense Fuel Support Point, Adak, Alaska, $14,200,000.

Defense Property Disposal Office, Anchorage, Alaska, $2,500,000.

Defense Fuel Support Point, Ozol, California, $1,100,000.

Defense Fuel Support Point, Long Beach, California, $42,100,000.

Defense Depot, Tracy, California, $480,000.
Defense Property Disposal Office, Vandenberg, California, $880,000.
Defense Property Disposal Office, Colorado Springs, Colorado, $810,000.
Defense Fuel Support Point, Escanaba, Michigan, $1,000,000.
Defense Depot, Memphis, Tennessee, $750,000.
Defense Property Disposal Office, San Antonio, Texas, $500,000.
Defense Property Disposal Office, Tooele, Utah, $420,000.
Defense Property Disposal Office, Norfolk, Virginia, $940,000.
Defense Property Disposal Office, Fort Lewis, Washington, $650,000.

DEFENSE MAPPING AGENCY

Hydrographic/Topographic Center, Brookmont, Maryland, $1,830,000.

NATIONAL SECURITY AGENCY

Fort Meade, Maryland, $31,000,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified Activity, Fort Belvoir, Virginia, $3,000,000.
Defense Systems Management College, Fort Belvoir, Virginia, $4,700,000.
Presidio of Monterey, California, $29,100,000.

DEFENSE INVESTIGATIVE SERVICE

Fort Holabird, Maryland, $210,000.

DEFENSE NUCLEAR AGENCY

Armed Forces Radiobiology Institute, Bethesda, Maryland, $10,900,000.

DEFENSE COMMUNICATIONS AGENCY

Pentagon Building, Virginia, $1,000,000.

OUTSIDE THE UNITED STATES

DEFENSE LOGISTICS AGENCY

Defense Property Disposal Office, Hanau, Germany, $1,300,000.

DEFENSE NUCLEAR AGENCY

Johnston Island, $600,000.

OFFICE OF THE SECRETARY OF DEFENSE

Classified Location, $10,000,000.

NATIONAL SECURITY AGENCY

Classified Location, $21,550,000.
Classified Location, $25,200,000.

DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS

Ansbach, Germany, $4,800,000.
Baumholder, Germany, $1,200,000.
Darmstadt, Germany, $6,000,000.
Giessen, Germany, $6,040,000.
Spangdahlem Air Base, Germany, $6,350,000.
Wildflecken, Germany, $5,200,000.
Comiso, Italy, $12,990,000.
Vicenza, Italy, $2,310,000.
Lajes Field, Portugal, $4,590,000.
Zaragoza Air Force Base, Spain, $680,000.
Incirlik Air Base, Turkey, $5,800,000.
RAF Greenham Common, United Kingdom, $12,770,000.
RAF Lakenheath, United Kingdom, $1,120,000.
RAF Wethersfield, United Kingdom, $2,832,000.
Classified Location, $9,690,000.

FAMILY HOUSING

SEC. 232. The Secretary of Defense may construct or acquire family housing units (including land acquisition), and acquire manufactured home facilities at the following installations, in the number of units shown, and in the amount shown, for each installation:
Classified Locations, eleven units, $1,210,000.

IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

SEC. 233. Subject to section 2825 of title 10, United States Code, the Secretary of Defense may make expenditures to improve existing military family housing units in an amount not to exceed $35,000.

PART E—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

AUTHORITY OF THE SECRETARY OF DEFENSE TO MAKE CONTRIBUTIONS

SEC. 241. The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the amount authorized to be appropriated in section 255.

AUTHORITY TO USE UNOBLIGATED PRIOR YEAR AUTHORITY FOR CONTINGENCY CONSTRUCTION

SEC. 242. (a) The Secretary of Defense may carry out contingency construction projects in fiscal year 1984 under section 2804 of title 10, United States Code, as provided in subsection (b) in an amount not to exceed $16,000,000.

(b) A contract for a project entered into under the authority of subsection (a) may be entered into using authorization amounts available from Defense Agency contingency construction funds authorized under any previous Military Construction Authorization Act.

PART F—AUTHORIZATION OF APPROPRIATIONS AND RECURRING ADMINISTRATIVE PROVISIONS

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 251. (a) Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1983, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,426,173,000 as follows:

(1) For projects authorized by section 201 that are to be carried out inside the United States, $564,980,000.

(2) For projects authorized by section 201 that are to be carried out outside the United States, $362,950,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $27,400,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $188,000,000.

(5) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, including minor construction, improvements to existing military family housing units and facilities, relocation of military family housing units under section 2827 of title 10, United States Code, and architectural and engineering services and construction design, as authorized by part A, $165,655,000;

(B) for support of military family housing (including operating expenses, leasing expenses, maintenance of real property expenses, payments of principal and interest on mortgage debts incurred, payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m)), $1,117,188,000, not more than $86,258,000 of which may be obligated or expended for the leasing of military family housing units in foreign countries.

AUTHORIZATION OF APPROPRIATIONS, NAVY

SEC. 252. Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1983, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,741,483,000 as follows:

(1) For projects authorized by section 211 that are to be carried out inside the United States, $851,751,000.

(2) For projects authorized by section 211 that are to be carried out outside the United States, $96,705,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $22,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $115,600,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $900,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, including minor construction, improvements to existing military family housing units and facilities, relocation of military family housing units under section 2827 of title 10, United States Code, and architectural and engineering services and construction design, as authorized by part B, $74,961,000; and

(B) for support of military family housing (including operating expenses, leasing expenses, maintenance of real property expenses, payments of principal and interest on mortgage debts incurred, payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m)), $579,566,000, of which not more than $149,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $18,063,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 253. Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1983, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,428,908,000 as follows:

(1) For projects authorized by section 221 that are to be carried out inside the United States, $841,234,000;

(2) For projects authorized by section 221 that are to be carried out outside the United States, $511,586,000;

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $19,000,000;

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $147,000,000;

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $3,250,000;

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, including minor construction, improvements

to existing military family housing units and facilities, relocation of military family housing units under section 2827 of title 10, United States Code, and architectural and engineering services and construction design, as authorized by part C, $136,111,000; and

(B) for support of military family housing (including operating expenses, leasing expenses, maintenance of real property expenses, payments of principal and interest on mortgage debts incurred, payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m)), $770,727,000, of which not more than $492,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than $56,438,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

SEC. 254. Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1983, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $341,836,000 as follows:

(1) For projects authorized by section 231 that are to be carried out inside the United States, $143,070,000.

(2) For projects authorized by section 231 that are to be carried out outside the United States, $126,022,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $4,000,000.

(4) For construction projects under the contingency construction authority of the Secretary of Defense under section 2804 of title 10, United States Code, $16,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $33,000,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, including minor construction, improvements to existing military family housing units and facilities, relocation of military family housing units under section 2827 of title 10, United States Code, and architectural and engineering services and construction design, as authorized by part D, $1,245,000; and

(B) for support of military family housing (including operating expenses, leasing expenses, maintenance of real property expenses, payments of principal and interest on mortgage debts incurred, payments of mortgage insurance premiums authorized under section 222 of the National Housing Act (12 U.S.C. 1715m)), $18,499,000, of which not more than $15,231,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

AUTHORIZATION OF APPROPRIATIONS, NATO

SEC. 255. Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1983, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of construction projects for the North Atlantic Treaty Organization Infrastructure program as authorized by part E, $150,000,000.

PART TOTAL LIMITATION ON COST VARIATIONS

SEC. 256. Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects, excluding projects contained in sections 203, 212, and 222, carried out under each of parts A, B, C, and D may not exceed the total amount authorized under sections 251, 252, 253, and 254, respectively, to be appropriated for the military department concerned or the Secretary of Defense, as the case may be.

EXPIRATION OF AUTHORIZATIONS: EXTENSION OF CERTAIN PREVIOUS AUTHORIZATIONS

SEC. 257. (a)(1) Except as provided in paragraph (2), all authorizations contained in parts A, B, C, D, and E for military construction projects, land acquisition, family housing projects, and contributions to NATO Infrastructure, and all authorizations of appropriations therefor contained in sections 251 through 255, expire on October 1, 1985, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1986, whichever is later.

(2) The provisions of paragraph (1) do not apply to authorizations for military construction projects, land acquisition, family housing projects, and contributions to NATO Infrastructure, land acquisition, and authorizations of appropriations for such projects, for which appropriated funds have been obligated before October 1, 1985, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1986, whichever is later, for construction contracts or land acquisition.

(b) Notwithstanding the provisions of section 606 of the Military Construction Authorization Act, 1983 (Public Law 97-321, 96 Stat. 1549), authorizations for the following item authorized in section 101 of the Military Construction Authorization Act, 1982 (Public Law 97-99, 95 Stat. 1359), shall remain in effect until October 1, 1984, or the date of enactment of the Military Construction Authorization Act for fiscal year 1985, whichever is later:

Solid Waste Incinerator construction in the amount of $4,100,000 at Fort Dix, New Jersey.

(c) Notwithstanding the provisions of section 606 of the Military Construction Authorization Act, 1983 (Public Law 97-321, 96 Stat. 1549), authorization for the following items authorized in section 201 of the Military Construction Authorization Act, 1982 (Public Law 97-99, 95 Stat. 1359), shall remain in effect until October 1, 1984, or the date of enactment of the Military Construction Authorization Act for fiscal year 1985, whichever is later:

(1) Crane and Equipment Maintenance Shop in the amount of $13,600,000 at the Charleston Naval Shipyard, Charleston, South Carolina.

(2) Steam Plant in the amount of $150,000,000 at the Puget Sound Naval Shipyard, Bremerton, Washington.

(3) Aircraft Parking Apron in the amount of $3,200,000 at the Naval Air Station, Oceana, Virginia.

(d) Notwithstanding the provisions of section 606 of the Military Construction Authorization Act, 1983 (Public Law 97-321, 96 Stat. 1549), authorization for the following item authorized in section 201 of the Military Construction Authorization Act, 1981 (Public Law 96-418, 94 Stat. 1749), and extended in section 606(d) of the Military Construction Authorization Act, 1983 (Public Law 97-321, 96 Stat. 1549), shall remain in effect until October 1, 1984, or the date of enactment of the Military Construction Authorization Act for fiscal year 1985, whichever is later:

Nautilus Memorial in the amount of $1,930,000 at the Naval Submarine Base, New London, Connecticut.

(e) Notwithstanding the provisions of section 606 of the Military Construction Authorization Act, 1983 (Public Law 97-321, 96 Stat. 1549), authorization for the following items authorized in section 201 of the Military Construction Authorization Act, 1980 (Public Law 96-125, 93 Stat. 928), and extended in section 705(d) of the Military Construction Authorization Act 1982 (Public Law 97-99, 95 Stat. 1359), shall remain in effect until October 1, 1984, or the date of enactment of the Military Construction Authorization Act for fiscal year 1985, whichever is later:

(1) Industrial Waste Collection and Treatment construction in the amount of $6,500,000 at the Long Beach Naval Shipyard, Long Beach, California.

(2) Aircraft Maintenance Hangar Addition in the amount of $1,500,000 at the Naval Air Facility, Sigonella, Italy.

ESTABLISHMENT OF CERTAIN AMOUNTS REQUIRED TO BE SPECIFIED BY LAW

SEC. 258. For projects or contracts initiated during the period beginning on October 1, 1983, and ending on the date of the enactment of the Military Construction Authorization Act for fiscal year 1985 or October 1, 1984, whichever is later, the following amounts apply:

(1) The maximum amount for an unspecified minor military construction project under section 2805 of title 10, United States Code, is $1,000,000.

(2) The amount of a contract for architectural and engineering services or construction design that makes such a contract subject to the reporting requirement under section 2807 of title 10, United States Code, is $300,000.

(3) The maximum amount per unit for an improvement project for family housing units under section 2825 of title 10, United States Code, is $30,000.

(4) The maximum annual rental for a family housing unit leased in the United States, Puerto Rico, or Guam under section 2828(b) of title 10, United States Code, is $6,000.

(5)(A) The maximum annual rental for a family housing unit leased in a foreign country under section 2828(c) of title 10, United States Code, is $16,800.

(B) The maximum number of family housing units that may be leased at any one time in foreign countries under section 2828(c) of title 10, United States Code, is 29,000.

(6) The maximum rental per year for family housing facilities, or for real property related to family housing facilities, leased in a foreign country under section 2828(f) of title 10, United States Code, is $250,000.

EFFECTIVE DATE FOR PROJECT AUTHORIZATIONS

SEC. 259. Parts A, B, C, D, and E of this title shall take effect on October 1, 1983.

PART G—GUARD AND RESERVE FORCES FACILITIES

AUTHORIZATION FOR FACILITIES

SEC. 261. There are authorized to be appropriated for fiscal years beginning after September 30, 1983, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of

acquisition of land for those facilities) the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $59,300,000; and

(B) for the Army Reserve, $54,700,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserves, $26,810,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $78,900,000; and

(B) for the Air Force Reserve, $41,200,000.

PART H—GENERAL PROVISIONS

ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN

SEC. 271. Subsection (a) of section 2807 of title 10, United States Code is amended—

(1) by deleting "such purposes" the first time it appears and inserting in lieu thereof "military construction and military family housing"; and

(2) by inserting ", family housing projects, and projects undertaken in connection with the authority provided under section 2854 of this title," in the first sentence after "projects".

SMALL BUSINESS SET-ASIDE FOR ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN

SEC. 272. (a) The Secretary of Defense shall conduct a comprehensive review of current policies and practices of the Department of Defense with regard to the award of contracts for architectural and engineering services and construction design for military construction projects. The Secretary shall conduct such review with a view to determining whether current policies and practices of the Department of Defense result in a reasonable distribution of contracts to firms of all sizes throughout the architect-engineer community.

(b) Upon the completion of such review, the Secretary shall modify current policies and practices, to the extent necessary to insure–

(1) that small business concerns (as defined in section 3 of the Small Business Act) are assured of a reasonable share of such design contracts, and

(2) that large architect-engineer firms are not precluded from competing for such design contracts when the estimated amount of such contracts is greater than a reasonable threshhold amount prescribed by the Secretary.

(c) The Secretary shall submit a written report on the results of the review required by subsection (a) and on the changes made to current policies and practices required by subsection (b) to the appropriate committees of the Congress not later than March 1, 1984.

(d) For the purposes of this section:

(1) The term "reasonable share" means an appropriate percentage share of all contracts referred to in subsection (a) as determined by the Secretary of Defense after consultation with the Small Business Administration and representatives of the architect-engineer community.

(2) The term "reasonable threshold" means an appropriate estimated contract dollar amount determined by the Secretary of Defense after consultation with the Small Business Administration and representatives of the architect-engineer community.

REQUIREMENT WITH RESPECT TO FAMILY HOUSING CONSTRUCTED IN FOREIGN COUNTRIES

SEC. 273. (a) The Secretary of Defense shall require the use of manufactured or factory built housing for all military family housing constructed in any foreign country after the date of the enactment of this Act.

(b) Subsection (a) shall not apply to the two housing units authorized by this Act to be constructed by the Army at Vicenza, Italy.

FEDERAL CONTRIBUTION FOR MOVING LANDFILL NEAR LANGLEY AIR FORCE BASE

SEC. 274. (a) The Secretary of the Air Force may contribute, as the fair share of the United States, a sum equal to not more than 50 percent of the cost of moving the existing landfill adjacent to Langley Air Force Base, Langley, Virginia, to a new location, but may not contribute more than $3,750,000. The Secretary may not make any contribution under this section unless the new location of the landfill meets the minimum standards for the location of landfills on or near airport facilities prescribed by the Federal Aviation Administration in Order Number 5200.5 (Guidance Concerning Sanitary Landfills on or Near Airports).

(b) The Secretary shall obtain such assurances as he determines necessary (including the execution of covenants and easements) to ensure that the present landfill location, adjacent to Langley Air Force Base, will be used in the future only in a manner compatible with the Air Installation Compatible Use Zone (AICUZ) for Langley Air Force Base.

IMPACT ASSISTANCE FOR AREAS AFFECTED BY THE DEPLOYMENT OF THE MX MISSILE

SEC. 275. Section 802 of the Military Construction Authorization Act, 1981 (10 U.S.C. 139 note), is amended—

(1) in subsection (a)—

(A) by inserting "MX Missile System sites, communities located near" before "the East Coast Trident Base" the first time it appears; and

(B) by striking out "East Coast Trident Base" the second time it appears and inserting in lieu thereof "MX Missile System or the East Coast Trident Base, as the case may be,";

(2) in subsection (b)—

(A) by striking out "East Coast Trident Base" in paragraph (1)(C) and inserting in lieu thereof "MX Missile System site or the East Coast Trident Base, as the case may be"; and

(B) by striking out "East Coast Trident Base" in paragraph (3) and inserting in lieu thereof "MX Missile System sites or the East Coast Trident Base, as the case may be"; and

(3) in subsection (d), by inserting "MX Missile System deployment program and the" before "East Coast Trident Base".

LAND CONVEYANCE, VENTURA COUNTY, CALIFORNIA

SEC. 276. (a) Subject to subsection (b), the Secretary of the Navy (hereinafter in this section referred to as the "Secretary") shall convey to the Oxnard Harbor District, a special district of the State of California, all right, title, and interest of the United States in and to a tract of land, together with the improvements on such land, located in the City of Port Hueneme in the County of Ventura, California, consisting of the United States Navy Wharf Number 2 and approximately 18.546 acres and more particularly described in the Official Records on file in the Office of the County Recorder of the County of Ventura, California, in Book 665, page 349.

(b) In consideration for the conveyance under subsection (a), the Oxnard Harbor District shall pay to the United States an amount equal to the appraised fair market value of the property to be conveyed (as determined by the Secretary).

(c) The exact acreage and legal description of the property to be conveyed under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the Oxnard Harbor District.

(d) The Secretary may require such additional terms and conditions with respect to the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(e) In the event of a war or a national emergency declared by the Congress or a national emergency declared by the President after the date of the enactment of this Act, and upon a determination by the Secretary of Defense that the property conveyed under subsection (a) is necessary or would be useful for military or other national defense purposes, the United States shall have the right, upon payment to the Oxnard Harbor District of just compensation, to reenter upon the property and use the property or any part of it, including any and all improvements made thereon, for the duration of the war or emergency plus six months.

SALE AND REPLACEMENT OF REAL PROPERTY

SEC. 277. (a) Chapter 169 of title 10, United States Code, is amended by adding at the end of Subchapter I the following new section:

"§ 2809. Sale and replacement of real property

"(a) The purpose of this section is to permit the sale of real property under the control of the Department of Defense, and to provide for the effective and efficient replacement of Defense functions displaced thereby. To facilitate this purpose, there is hereby established on the books of the Department of the Treasury the Department of Defense Facilities Replacement Management Account (hereinafter in this section referred to as the 'management account'), which shall be administered by the Secretary of the Defense as a single account.

"(b)(1) The Secretary of Defense, subject to subsections (c) through (g), may propose to the Congress transactions consisting of (A) the sale of any real property under the control of the Department of Defense, excluding public domain lands, property which can be considered excess under the provisions of the Federal Property and Administrative Services Act of 1949, and property determined by the Secretary of the Interior, in accordance with section 203(k)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)(2)) to be suitable for use as a public park or recreation area, and (B) such land acquisition, construction of replacement facilities, and relocations as may be required to insure efficient and effective continuity of defense functions.

"(2) All transactions proposed under this authority shall be authorized under a separate title of the annual military construction Act.

"(3) The authority to sell real property conferred by this section shall be in addition to any authority conferred by any other law, including the Federal Property and Administrative Services Act of 1949.

"(c) All transactions proposed pursuant to subsection (B)—

"(1) shall consist of a description of the property to be sold, its specific location, and estimate of its fair market value, an explanation of the need for any replacement

property or facilities, an estimate of replacement or relocation costs, a schedule of expected payments, and a schedule of the anticipated proceeds to be realized from the sale;

"(2) shall be accomplished using competitive bid procedures or qualified contract realty brokers to the extent feasible;

"(3) shall not be entered into unless the property to be conveyed will be sold for at least the equivalent of its fair market value;

"(4) shall not be entered into unless the estimated proceeds from the sale of such property exceeds the amount of the costs set forth in subsection (e);

"(5) shall not be entered into unless the activities intended to be performed in the replacement facilities are substantially similar in character or nature to those performed in the property to be sold; and

"(6) shall not be proposed to the Congress until the Secretary of Defense has first notified the Secretary of the Interior in writing of the proposed sale and the Secretary of the Interior has determined whether the property proposed to be sold is suitable for use as a public park or recreation area. The Secretary of the Interior shall notify the Secretary of Defense in writing of his determination not later than 60 days after his receipt of the notification made by the Secretary of Defense.

"(d) The sale of any real property pursuant to this section shall be conducted by the Administrator of General Services. The Administrator may sell such property upon such credit terms and financial conditions as he and the Secretary of Defense may agree upon. The Administrator shall execute such documents for the transfer of title and take such other actions as he deems necessary and proper to dispose of such property under the provisions of this section. The Administrator shall receive reimbursement for expenses incurred in making such sales in accordance with subsection (e)(1).

"(e) The Secretary of Defense may, to the extent provided for in appropriations Acts, obligate a portion of the proceeds from any sale made under the authority of subsection (b) (including bonded proceeds contracted for in any sales agreement) to pay—

"(1) all expenses incident to such sale;

"(2) the reasonable and necessary costs of land acquisition and the construction of replacement facilities incident to such sale; and

"(3) the reasonable relocation expenses made necessary by the sale.

"(f)(1) Ninety-five percent of the proceeds remaining from any sale made under the authority of subsection (b), after subtracting the applicable costs described in subsection (e), shall be covered into the Treasury.

"(2) Five percent of the proceeds remaining from any sale made under the authority of subsection (b), after subtracting applicable costs described in subsection (e), shall be credited to the management account, which may be used for—

"(A) advances, where necessary to meet expenses of authorized transactions prior to the receipt of proceeds, and

"(B) advanced planning, design, and other expenses related to future proposed transactions.

"(3) Any unobligated moneys in the management account at the end of a fiscal year in excess of $50,000,000 or in excess of any lesser amount determined by the Secretary of Defense to be sufficient for the purpose of this section, shall be covered into the Treasury.

"(g) The Secretary of Defense and the Administrator of General Services are authorized to issue regulations as appropriate to implement this section.".

(b) There are authorized to be appropriated to the Defense Facilities Management Account, for purposes of initial capitalization, such amounts as may be necessary not to exceed $50,000,000.

(c) The table of sections at the beginning of subchapter I of chapter 169 of such title is amended by adding at the end thereof the following new item:

"2809. Sale and replacement of real property.".

(d) Notwithstanding any provision of this or any other Act, the Secretary of Defense shall not take any action to initiate the sale, lease, rental, excessing or disposal of any portion of land identified on the date of enactment of this Act as Fort DeRussy in the State of Hawaii.

AUTHORITY FOR THE SECRETARY OF THE NAVY TO ACQUIRE LAND FROM THE CITY OF LOS ANGELES, CALIFORNIA

SEC. 278. The Secretary of the Navy may acquire approximately 55 acres of land from the City of Los Angeles at a cost not to exceed $750,000.

PROHIBITION ON THE ACQUISITION OF ADDITIONAL LANDS AT BRUNSWICK NAVAL AIR STATION

SEC. 279. Notwithstanding any other provision of law, the Secretary of the Navy may not initiate any action after the date of the enactment of this Act, or complete any action commenced before such date, to acquire any land adjacent to or in the vicinity of Brunswick Naval Air Station, Brunswick, Maine, in connection with the Air Installation Compatible Use zone program for such air station without the consent of the owners of the property to be acquired.

LAND CONVEYANCE, ALABAMA SPACE SCIENCE EXHIBIT COMMISSION

SEC. 280. (a) Subject to subsection (b), the Secretary of the Army (hereinafter in this section referred to as the "Secretary") is authorized to convey, without monetary consideration, to the Alabama Space Science Exhibit Commission (hereinafter in this section referred to as the "Commission"), an agency of the State of Alabama, all right, title, and interest of the United States in and to two tracts of land, consisting of 61 acres (more or less), located on the northwestern boundary of Redstone Arsenal, Alabama.

(b)(1) The conveyance authorized under subsection (a) shall be subject to the condition that the real property conveyed shall be used by the Commission (A) to display suitable public exhibits of United States weaponry and allied subjects, public exhibits of the activities of the National Aeronautics and Space Administration, and space-oriented public exhibits of other departments, agencies, and instrumentalities of the United States Government, (B) to carry out educational and recreational activities related to the purposes described in clause (A), or (C) for purposes described in both clauses (A) and (B). The use of a portion of such real property for construction of a proposed interstate highway, and such access roads as necessary, and any use of such real property in accordance with existing easements and rights-of-way shall not be considered a use which is inconsistent with the purposes described in clause (A) or (B).

(2) If the property conveyed pursuant to subsection (a) is not used for one or more of the purposes described in paragraph (1), all right, title, and interest in and to such property shall revert to the United States which shall have the right of immediate entry thereon.

(3) The Secretary shall reserve to the United States a drainage and utility easement for use in connection with Redstone Arsenal.

(c) The exact acreage and legal description of the property to be conveyed under subsection (a) and of the easement to be reserved under subsection (b)(3) shall be determined by surveys approved by the Secretary of the Army. The cost of any such survey shall be borne by the Commission.

(d) The Secretary may require such additional terms and conditions in connection with the conveyance authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

LAND EXCHANGE, FORT LAUDERDALE, FLORIDA

SEC. 281. (a) The Secretary of the Navy (hereinafter in this section referred to as the "Secretary") is authorized to convey to Broward County, Florida (hereinafter in this section referred to as the "County"), all right, title, and interest of the United States in and to approximately 6.3 acres of unimproved land comprising portions of the Naval Surface Weapons Center Detachment, Fort Lauderdale, Florida.

(b) In consideration for the conveyance authorized by subsection (a), the County shall convey to the United States all right, title, and interest in and to approximately 4.805 acres of unimproved land adjacent to the Naval Surface Weapons Center Detachment.

(c) The County shall pay to the United States an amount equal to the amount, if any, by which the fair market value (as determined by the Secretary) of the lands to be conveyed by the United States to the County under subsection (a) exceeds the fair market value (as determined by the Secretary) of the lands to be conveyed by the County under subsection (b).

(d)(1) The exact acreages and legal descriptions of all lands to be acquired or conveyed under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of any such surveys shall be borne by the County.

(2) The Secretary may require such additional terms and conditions with respect to the acquisition and conveyance authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

TITLE III—DEPARTMENT OF ENERGY MATTERS

PART A—NATIONAL SECURITY PROGRAMS, FISCAL YEAR 1983

OPERATING EXPENSES

SEC. 301. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1983 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For naval reactors development program, $331,760,000 including $9,660,000 for program management.

(2) For weapons activities, $2,765,491,000 to be allocated as follows:

(A) For research and development, $644,600,000.

(B) For weapons testing, $420,400,000.

(C) For the defense inertial confinement fusion program, $140,000,000, of which—

(i) $75,100,000 shall be used for glass laser experiments;

(ii) $41,800,000 shall be used for gas laser experiments;

(iii) $20,000,000 shall be used for pulsed power experiments; and

(iv) $3,100,000 shall be used for supporting research and experiments, except that none of such funds may be used for the research, development, or demonstration of the use of heavy ion devices as drivers for defense inertial confinement fusion experiments and defense inertial confinement fusion systems.

(D) For production and surveillance, $1,507,200,000.

(E) For weapons program management, $53,291,000.

(3) For verification and control technology, $52,400,000 including $1,800,000 for program management.

(4) For defense nuclear materials production, $969,100,000, to be allocated as follows:

(A) For uranium enriching, $109,000,000.

(B) For production reactor operations, $345,460,000.

(C) For processing of defense nuclear materials, $210,600,000.

(D) For special isotope separation research, $63,000,000.

(E) For supporting services, $227,040,000.

(F) For program management, $14,000,000.

(5) For defense nuclear waste, $288,929,000, to be allocated as follows:

(A) For interim waste management $190,313,000.

(B) For long term waste management technology, $53,861,000.

(C) For terminal waste storage, $14,000,000.

(D) For byproducts beneficial uses, $10,000,000.

(E) For decontamination and decommissioning, $12,655,000.

(F) For transportation research and development, $6,100,000.

(G) For program management, $2,000,000.

(6) For nuclear materials security and safeguards development program (defense programs), $43,160,000, including $5,850,000 for program management.

(7) For security investigations, $28,500,000.

PLANT AND CAPITAL EQUIPMENT

SEC. 302. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1983 for plant and capital equipment (including planning, construction, acquisition, and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows—

(1) For naval reactors development:

Project 83-N-101, general plant projects, various locations, $1,500,000.

Project 83-N-102, additions to the radioactive materials laboratory, Knolls Atomic Power Laboratory, Schenectady, New York, $1,500,000.

Project 82-N-111, Materials Facility, Savannah River, South Carolina, $40,000,000, for a total project authorization of $55,000,000.

(2) For weapons activities:

Project 83-D-101, general plant projects, various locations, $15,800,000.

Project 83-D-122, Los Alamos Airport improvement, Los Alamos National Laboratory, New Mexico, $3,100,000.

Project 83-D-123, general plant projects, various locations, $16,300,000.

Project 83-D-124, standard missile-2 (SM-2) warhead production facilities, various locations, $2,000,000.

Project 83-D-200, plant capacity expansion, Pinellas Plant, St. Petersburg, Florida, $18,300,000.

Project 82-D-106, weapons assembly facilities, Pantex Plant, Amarillo, Texas, $16,500,000 for a total project authorization of $40,000,000.

Project 82-D-107, utilities and equipment restoration, replacement, and upgrade, Phase III, various locations, $132,900,000, for a total project authorization of $220,400,000.

Project 82-D-108, nuclear weapons stockpile improvement, various locations, $27,800,000, for a total project authorization of $42,800,000.

Project 82-D-109, 155-millimeter artillery-fired atomic projectile (AFAP) production facilities, various locations, $30,000,000, for a total project authorization of $65,000,000.

Project 82-D-110, exhaust plenum modifications, Rocky Flats Plant, Colorado, $500,000, for a total project authorization of $12,500,000.

Project 82-D-111, interactive graphics system, various locations, $6,000,000, for a total project authorization of $15,000,000.

Project 82-D-144, simulation technology laboratory, Sandia National Laboratories, New Mexico, $3,000,000, for a total project authorization of $4,200,000.

Project 82-D-146, weapons production and production support facilities, various locations, $40,000,000, for a total project authorization of $48,000,000.

Project 82-D-150, weapons material research and development facility, Lawrence Livermore National Laboratory, California, $5,000,000, for a total project authorization of $7,500,000.

Project 82-D-152, new detonator facility, Los Alamos National Laboratory, New Mexico, $9,100,000, for a total project authorization of $17,100,000.

Project 82-D-153, tritium facility, Los Alamos National Laboratory, New Mexico, $2,600,000, for a total project authorization of $7,600,000.

Project 81-D-115, MX warhead production facilities, various locations, $34,100,000, for a total project authorization of $74,100,000.

Project 81-D-133, earthquake damage restoration, Lawrence Livermore National Laboratory, Livermore, California, $1,500,000, for a total project authorization of $5,500,000.

Project 81-D-134, earthquake damage restoration, Sandia National Laboratories, Livermore, California, $1,700,000, for a total project authorization of $3,700,000.

Project 79-7-c, proton storage ring, Los Alamos National Laboratory, Los Alamos, New Mexico, $2,800,000, for a total project authorization of $21,800,000.

Project 78-17-d, steam plant improvements, Y-12 Plant, Oak Ridge, Tennessee, $1,500,000, for a total project authorization of $27,000,000.

(3) For materials production:

Project 83-D-135, general plant projects, various locations, $26,000,000.

Project 83-D-136, plant engineering and design, various locations, $2,000,000.

Project 83-D-138, PUREX canyon and dissolver filter systems improvements, Richland, Washington, $4,250,000.

Project 83-D-142, fuel dissolver off-gas transfer and treatment system, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $3,500,000.

Project 83-D-146, water pollution control, Feed Materials Production Facility, Fernald, Ohio, $1,400,000.

Project 83-D-147, pollution discharge elimination, Savannah River, South Carolina, $1,000,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, $1,000,000.

Project 83-D-180, facility storage modifications, various locations, $9,300,000.

Project 82-D-124, restoration of production capabilities, Phases II and III, various locations, $8,700,000, for a total project authorization of $134,700,000.

Project 82-D-126, reactor safety and reliability, various locations, $2,000,000, for a total project authorization of $44,900,000.

Project 82-D-136, fuel processing facilities upgrade, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $6,000,000, for a total project authorization of $46,000,000.

Project 82-D-201, special plutonium recovery facilities, F-chemical separations area, Savannah River, South Carolina, $9,000,000, for a total project authorization of $11,000,000.

Project 81-D-142, steam transfer header, Savannah River, South Carolina, $3,000,000, for a total project authorization of $11,000,000.

Project 81-D-143, L-reactor upgrade, Savannah River, South Carolina, $19,000,000, for a total project authorization of $134,000,000.

(4) For defense nuclear waste:

Project 83-D-156, general plant projects, interim waste operations, various locations, $19,145,000.

Project 83-D-157, additional radioactive waste storage facilities, Richland, Washington, $19,000,000.

Project 83-D-159, general plant projects, long-term waste management technology, Savannah River, South Carolina, $500,000.

Project 82-BU-1, byproducts beneficial uses demonstration plants, various locations, $10,000,000.

Project 81-T-104, radioactive waste facilities improvements, Oak Ridge National Laboratory, Tennessee, $1,000,000, for a total project authorization of $21,000,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, $40,000,000, for a total project authorization of $70,000,000.

Project 77-13-f, waste isolation pilot plant, Delaware Basin, Southeast, New Mexico, $76,200,000, for a total project authorization of $233,800,000.

(5) For nuclear materials security and safeguards development:

Project 83-D-175, general plant project, New Brunswick Laboratory, $500,000.

(6) For capital equipment not related to construction—

(A) for naval reactors development, $11,000,000;

(B) for weapons activities, $196,000,000;

(C) for verification and control technology, $1,500,000;

(D) for materials production, $107,700,000;

(E) for defense nuclear waste, $31,646,000; and

(F) for nuclear materials security and safeguards development, $3,700,000.

AUTHORITY TO USE FUNDS FOR PROJECT 82-D-109

SEC. 303. Notwithstanding any other provision of law, the Secretary of Energy may ob-

ligate and expend funds to carry out Project 82-D-109 if the President approves the use of funds for such project and certifies to the Congress in writing that such project is essential to the national security.

PART B—NATIONAL SECURITY PROGRAMS, FISCAL YEAR 1984

OPERATING EXPENSES

SEC. 311. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1984 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For naval reactors development, $370,000,000.

(2) For weapons activities, $3,133,125,000.

(3) For verification and control technology, $65,300,000.

(4) For materials production, $1,182,200,000.

(5) For defense waste and byproducts management, $318,900,000.

(6) For nuclear safeguards and security, $48,000,000.

(7) For security investigations, $29,500,000.

PLANT AND CAPITAL EQUIPMENT

SEC. 312. Funds are authorized to be appropriated to the Department of Energy for fiscal year 1984 for plant and capital equipment (including planning, construction, acquisition, and modification of facilities, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

(1) For naval reactors development:

Project 84-N-101, general plant projects, various locations, $2,500,000.

Project 83-N-102, addition to the radioactive materials laboratory, Knolls Atomic Power Laboratory, Schenectady, New York, $6,500,000, for a total project authorization of $8,000,000.

Project 82-N-111, materials facility, Savannah River, South Carolina, $70,000,000, for a total project authorization of $125,000,000.

Project 81-T-112, modifications and additions to prototype facilities, various locations, $1,000,000, for a total authorization of $104,000,000.

(2) For weapons activities:

Project 84-D-101, general plant projects, various locations, $27,100,000.

Project 84-D-111, general plant projects, various locations, $25,000,000.

Project 84-D-103, hardened central guard force facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $600,000.

Project 84-D-104, nuclear materials storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $700,000.

Project 84-D-107, nuclear testing facilities revitalization, various locations, $38,500,000.

Project 84-D-112, TRIDENT II warhead production facilities, various locations, $19,300,000.

Project 84-D-114, consolidated manufacturing facility, Rocky Flats Plant, Golden, Colorado, $24,100,000.

Project 84-D-115, electrical system expansion, Pantex Plant, Amarillo, Texas, $1,500,000.

Project 84-D-117, inert assembly and test facility, Pantex Plant, Amarillo, Texas, $1,500,000.

Project 84-D-118, high-explosive subassembly facility, Pantex Plant, Amarillo, Texas, $7,000,000.

Project 84-D-119, railroad track replacement and upgrade, Pantex Plant, Amarillo, Texas, $800,000.

Project 84-D-120, explosive component test facility, Mound Facility, Miamisburg, Ohio, $3,100,000.

Project 84-D-121, safeguards and site security upgrading, Rocky Flats Plant, Golden, Colorado, $10,000,000.

Project 82-D-107, utilities and equipment restoration, replacement, and upgrade, Phase III, various locations, $209,200,000, for a total project authorization of $429,600,000.

Project 82-D-108, nuclear weapons stockpile improvement, various locations, $4,000,000, for a total project authorization of $46,800,000.

Project 82-D-111, interactive graphics systems, various locations, $10,600,000, for a total project authorization of $19,600,000.

Project 82-D-144, simulation technology laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $8,000,000, for a total project authorization of $12,200,000.

Project 82-D-146, weapons production and production support facilities, various locations, $14,200,000, for a total project authorization of $62,200,000.

Project 82-D-150, weapons materials research and development facility, Lawrence Livermore National Laboratory, Livermore, California, $2,900,000, for a total project authorization of $10,400,000.

Project 81-D-101, particle beam fusion accelerator-II, Sandia National Laboratories, Albuquerque, New Mexico, $5,400,000, for a total project authorization of $42,150,000.

Project 81-D-115, Missile X warhead production facilities, various locations, $30,000,000, for a total project authorization of $104,100,000.

(3) For materials production:

Project 84-D-125, general plant projects, various locations, $28,000,000.

Project 84-D-126, plant engineering and design, various locations, $2,000,000.

Project 84-D-130, modification processing facility substations, Savannah River, South Carolina, $5,600,000.

Project 83-D-138, PUREX filter systems improvements, Richland, Washington, $8,500,000, for a total project authorization of $12,750,000.

Project 83-D-142, fuel dissolver off-gas transfer and treatment system, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $4,100,000, for a total project authorization of $7,600,000.

Project 83-D-146, water pollution control, Feed Materials Production Center, Fernald, Ohio, $4,000,000, for a total project authorization of $5,400,000.

Project 83-D-147, pollution discharge elimination, Savannah River, South Carolina, $2,000,000, for a total project authorization of $3,000,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, $3,000,000, for a total project authorization of $4,000,000.

Project 82-D-118, N plant security and surveillance, Richland, Washington, $400,000, for a total project authorization of $4,400,000.

Project 82-D-124, restoration of production capabilities, Phases II, III, and IV, various locations, $103,600,000, for a total project authorization of $238,300,000.

Project 82-D-136, fuel processing facilities upgrade, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $6,000,000, for a total project authorization of $46,000,000.

Project 82-D-201, special plutonium recovery facilities, JB-Line, Savannah River, South Carolina, $26,000,000, for a total project authorization of $37,000,000.

Project 81-D-142, steam transfer header, Savannah River, South Carolina, $7,400,000, for a total project authorization of $18,400,000.

(4) For defense waste and byproducts management:

Project 84-D-150, general plant projects, interim waste operations and long-term waste management technology, various locations, $25,830,000.

Project 83-D-157, additional radioactive waste storage facilities, Richland, Washington, $31,000,000, for a total project authorization of $50,000,000.

Project 81-T-104, radioactive waste facilities improvements, Oak Ridge National Laboratory, Tennessee, $1,000,000 for a total project authorization of $21,000,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, $142,000,000, for a total project authorization of $212,000,000.

Project 77-13-f, waste isolation pilot plant, Delaware Basin, Southeast, New Mexico, $109,700,000, for a total project authorization of $343,500,000.

(5) For capital equipment not related to construction—

(A) for naval reactors development, $19,000,000;

(B) for weapons activities, $222,600,000;

(C) for verification and control technology, $1,750,000;

(D) for materials production, $97,500,000;

(E) for defense waste and byproducts management, $31,900,000; and

(F) for nuclear safeguards and security, $4,000,000.

PART C—GENERAL PROVISIONS

REPROGRAMING

SEC. 321. (a) Except as otherwise provided in this title—

(1) no amount appropriated pursuant to this title may be used for any program in excess of 105 percent of the amount authorized for that program by this title or $10,000,000 more than the amount authorized for that program by this title, whichever is the lesser, and

(2) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress,

unless a period of thirty calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the appropriate committees of Congress of notice from the Secretary of Energy (hereinafter in this part referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or unless each such committee before the expiration of such period has transmitted to the Secretary written notice to the effect that such committee has no objection to the proposed action.

(b) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

LIMITS ON GENERAL PLANT PROJECTS

SEC. 322. (a) The Secretary may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated costs of the construction project does not exceed $1,000,000.

(b) If at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $1,000,000, the Secretary shall immediately furnish a complete report to the appropriate committees of Congress explaining the reasons for the cost variation.

(c) In no event may the total amount of funds obligated to carry out all general plant projects authorized by this title exceed the total amount authorized to be appropriated for such projects by this title.

LIMITS ON CONSTRUCTION PROJECTS

SEC. 323. (a) Whenever the current estimated cost of a construction project which is authorized by section 302 or section 312 of this title, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of (1) the amount authorized for the project, or (2) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to the Congress, construction may not be started or additional obligations incurred in connection with the project above the total estimated cost, as the case may be, unless a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three days to a day certain) has passed after receipt by the appropriate committees of the Congress of written notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of the action, or unless each committee before the expiration of such period has notified the Secretary it has no objection to the proposed action.

(b) Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

FUND TRANSFER AUTHORITY

SEC. 324. To the extent specified in appropriation Acts, funds appropriated pursuant to this title may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

AUTHORITY FOR CONSTRUCTION DESIGN

SEC. 325. (a)(1) Within the amounts authorized by this title for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In any case in which the total estimated cost for such planning and design exceeds $300,000, the Secretary shall notify the appropriate committees of Congress in writing of the details of such project at least thirty days before any funds are obligated for design services for such project.

(b) In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such design must be specifically authorized by law.

AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

SEC. 326. In addition to the advance planning and construction design authorized by section 302 or 312, the Secretary may perform planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

SEC. 327. Subject to the provisions of appropriation Acts, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

ADJUSTMENTS FOR PAY INCREASES

SEC. 328. Appropriations authorized by this title for salary, pay, retirement, or other benefits for Federal employees may be increased by such amounts as may be necessary for increases in such benefits authorized by law.

AVAILABILITY OF FUNDS

SEC. 329. When so specified in an appropriation Act, amounts appropriated for "Operating Expenses" or for "Plant and Capital Equipment" may remain available until expended.

NAVAL NUCLEAR PROPULSION PROGRAM

SEC. 330. The provisions of Executive Order No. 12344, dated February 1, 1982, pertaining to the Naval Nuclear Propulsion Program, as in effect on May 1, 1982, shall remain in effect until such time as the Congress provides otherwise by law.

TERMINATION OF USE OF CERTAIN SEEPAGE BASING; REQUIREMENT FOR PLAN

SEC. 331. The Secretary of Energy shall terminate the use of seepage basins associated with the fuel fabrication area within 24 months after the date of enactment of this Act.

(b) Not later than January 1, 1984, the Secretary of Energy shall submit a plan to the appropriate committees of Congress for the protection of groundwater at the Savannah River Plant. The Secretary shall include in such plan—

(1) various methods for discontinuing the use of seepage basins associated with the materials processing areas;

(2) provide for the implementation of other actions appropriate to mitigate any significant adverse effects of on-site or off-site groundwater and of chemical contaminates in seepage basins and adjacent areas, including the removal of such contaminates where necessary; and

(3) include provisions for continuing the expanded monitoring program of groundwater impacts involving the appropriate South Carolina agencies in accordance with the statutory responsibilities of such agencies.

CONTRACTOR LIABILITY FOR INJURY OR LOSS OF PROPERTY ARISING OUT OF ATOMIC WEAPONS TESTING PROGRAMS

SEC. 332. (a) The remedy against the United States provided by sections 1346(b) and 2672 of title 28, United States Code, for injury or loss of property or personal injury or death shall apply to any civil action for injury or loss of property or personal injury or death due to exposure to radiation based on acts or omissions by a contractor in carrying out a contract in the conduct of the United States atomic weapons testing program. This remedy shall be exclusive of any other civil action or proceeding for the purpose of determining civil liability arising from any act or omission of the contractor without regard to when the act or omission occurred. The employees of such a contractor shall be considered to be employees of the Federal Government, as provided in section 2671 of title 28, United States Code, for the purposes of any such civil action or proceeding and the civil action or proceeding shall proceed in the same manner as any action against the United States filed pursuant to section 1346(b) of such title and shall be subject to the limitations and exceptions applicable to those actions.

(b) A contractor against whom a civil action or proceeding described in subsection (a) is brought shall promptly deliver all processes served upon that contractor to the Attorney General of the United States. Upon certification by the Attorney General that the suit against the contractor is within the provisions of subsection (a), a civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place wherein it is pending and the proceedings shall be deemed a tort action brought against the United States under the provisions of section 1346(b), 2401(b), or 2402, or sections 2671 through 2680 of title 28, United States Code. For purposes of removal, the certification by the Attorney General under this subsection establishes contractor status conclusively.

(c) The provisions of this section shall apply to any action now pending or hereafter commenced which is an action within the provisions of subsection (a) of this section. Notwithstanding section 2401(b) of title 28, United States Code, if a civil action or proceeding pending on the date of enactment of this section is dismissed because the plaintiff in such action or proceeding did not file an administrative claim as required by section 2672 of that title, the plaintiff in that action or proceeding shall have 30 days from the date of the dismissal or 2 years from the date upon which the claim accrued, whichever is later, to file an administrative claim and any claim or subsequent civil action or proceeding shall thereafter be subject to the provisions of section 2401(b) of title 28.

(d) For purposes of this section, "contractor" includes a contractor or cost reimbursement subcontractor of any tier participating in the conduct of the United States atomic weapons testing program for the Department of Energy (or its predecessor agencies, including the Manhattan Engineer District, the Atomic Energy Commission, and the Energy Research and Development Administration). "Contractor" also includes facilities which conduct or have conducted research concerning health effects of ionizing radiation in connection with the testing under contract with the Department of Energy (or its predecessor agencies).

DENIAL OF THE USE OF FUNDS FOR PROJECT 82-D-109

SEC. 333. Notwithstanding any other provision of this Act or any other Act, all funds authorized to be appropriated for Project 82-D-109 of the Department of Energy are

hereby repealed. No other funds authorized or appropriated by this or any other Act may be used for this project. There is hereby authorized to be appropriated $50,000,000 for procurement, research and development of improved conventional munitions and submunitions.

L-REACTOR AND WATER QUALITY

SEC. 334. (a) Prior to the restart of the L-Reactor at the Savannah River Plant, Aiken, South Carolina, the Secretary of Energy shall implement such miligating measures as are determined to be necessary to reduce the thermal impacts of heated water discharged from such reactor to levels not exceeding those permitted under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(b) If the President determines that implementation of the mitigrating measures described in subsection (a) prior to the restart of the L-Reactor at the Savannah River Plant would jeopardize the national security interests of the United States by unreasonably delaying the restart of such reactor, then, as provided in the Memorandum of Understanding between the Department of Energy and the State of South Carolina, dated April 27, 1983, the Secretary of Energy may seek and the State of South Carolina may issue for such reactor a National Pollutant Discharge Elimination System permit accompanied by a schedule which requires compliance with the Federal Water Pollution Control Act at the earliest practical date, but not later than December 31, 1987.

(c) At least 5 legislative days before the President issues any determination permitted by subsection (b), he shall confer in writing with the appropriate committees of Congress and the Congressional delegation and the Governors from the States of South Carolina and Georgia his intention to make such determination and he shall provide to such committees, delegations and Governors the justification for making such determination.

(d) The Secretary of Energy shall submit to the appropriate committees of Congress, to include the Senate Committee Environment and Public Works and the House Committee on Public Works, not later than October 1, 1983, his plan for implementing the requirements of this section.

(e) The Department of Energy shall be subject to all Federal and State environmental statutes and regulations in regard to all activities conducted at the Savannah River Plant, except as provided in subsection (b).

TITLE IV—MISCELLANEOUS PROVISIONS

UNITED STATES-SOVIET UNION RELATIONS

SEC. 401. Since relations between the United States and the Union of Soviet Socialist Republics are currently characterized by considerable tension.

Since ongoing nuclear arms negotiations on strategic and theater force reductions being conducted by the duly appointed representatives to the respective parleys have not achieved satisfactory results to date.

Since a carefully prepared summit could facilitate the accomplishment of the objectives of these negotiations and lead to a reduction in the risk of nuclear war.

Since a carefully prepared summit could also lead to progress in resolving other major issues troubling relations between the two superpowers.

Since both President Reagan and President Andropov have indicated their willingness in principle to participate in such a carefully prepared summit.

It is the sense of the Senate that the President of the United States and the President of the Union of Soviet Socialist Republics should meet at the earliest practical time to discuss major issues in United States-Soviet relations and to work for the realization of mutual, equitable and verifiable reductions in nuclear arms.

COMMEMORATION OF THE MUTUAL DEFENSE TREATY BETWEEN THE UNITED STATES AND THE REPUBLIC OF KOREA

SEC. 402. (a)(1) The Congress finds that—

(A) this year is the thirtieth anniversary of the signing of the Mutual Defense Treaty between the United States and the Republic of Korea;

(B) for a period of 30 years the Korean people have faithfully fulfilled their commitments to the defense of Korea as provided in the Mutual Defense Treaty; and

(C) the Mutual Defense Treaty between the United States and Korea has significantly contributed to the maintenance of peace and stability on the Korean peninsula and in East Asia.

(2) The Congress recognizes that the Mutual Defense Treaty between the United States and the Republic of Korea obligates both nations to participate in a system of collective security "pending the development of a more comprehensive and effective system of regional security in the Pacific Area".

(b) It is the sense of the Congress that—

(1) the thirtieth anniversary of the signing of the Mutual Defense Treaty between the United States and the Republic of Korea should be commemorated and observed with appropriate programs and activities which celebrate and reaffirm the long-standing commitments of the people of both nations to mutual security and the preservation of peace on the Korean peninsula and in East Asia; and

(2) it is in the best interest of both the United States and the Republic of Korea to take such action, in an appropriate forum and with private and official participation, as is necessary and appropriate to discuss, promote, and expand cooperation between both nations and to perpetuate the mutual security and the preservation of peace on the Korean peninsula and in East Asia.

COMMEMORATIVE MEDAL FOR FAMILIES OF AMERICAN PERSONNEL MISSING IN SOUTHEAST ASIA

SEC. 403. (a) The Congress finds and declares that—

(1) 2,494 Americans, military and civilian, are listed as missing or otherwise unaccounted for in Southeast Asia;

(2) those missing or otherwise unaccounted for Americans have suffered untold hardship at the hands of a cruel enemy while in the service of their country;

(3) the families of these Americans retain the hope that they will return home, and the loyalty, hope, love, and courage of these families inspire all Americans;

(4) the Congress and the people of the United States are committed to a full accounting for, and release of, all Americans missing or otherwise unaccounted for in Southeast Asia; and

(5) the service of those missing and otherwise unaccounted for Americans is deserving of special recognition by the Congress and all Americans.

(b)(1)(A) The Speaker of the House of Representatives and the President pro tempore of the Senate are authorized jointly to present, on behalf of the Congress, to those American personnel listed as missing or otherwise unaccounted for in Southeast Asia, to be accepted by next of kin, bronze medals designed by an artist who is an in-theater Vietnam veteran, in recognition of the distinguished service, heroism, and sacrifice of these personnel, and the commitment of the American people to their return. For such purpose, the Secretary of the Treasury is authorized and directed to cause to be stricken bronze medals.

(B) There is authorized to be appropriated not to exceed $20,000 to carry out the provisions of subparagraph (A).

(2) The Secretary of the Treasury may cause miniature duplicates in bronze to be coined and sold, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof (including labor, materials, dies, use of machinery, and overhead expenses), and the appropriation used for carrying out the provisions of this subsection shall be reimbursed out of the proceeds of such sale.

(3) The medals provided for in this subsection are national medals for the purpose of section 5111 of title 31, United States Code.

The title was amended so as to read:

"A bill to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, to authorize certain construction at military installations for fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes.".

Mr. TOWER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. Mr. President, I move to table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. TOWER. Mr. President, I ask unanimous consent that S. 675, S. 1107, and H.R. 2972 be printed as passed by the Senate

The PRESIDING OFFICER. Without objection, it is so ordered.

Pursuant to the unanimous-consent agreement of July 22, 1983, the Chair hereby appoints the following Senators conferees on H.R. 2972: Mr. THURMOND, Mr. WARNER, Mr. HUMPHREY, Mr. QUAYLE, Mr. EAST, Mr. HART, Mr. JACKSON, Mr. STENNIS, and Mr. EXON.

Mr. BAKER. Mr. President, I will take only a moment to express my admiration, appreciation, and gratitude for the distinguished chairman of the Armed Services Committee and the ranking minority member for their excellent handling of this bill over a long period of time. Tempers occasionally flared. The issues were complex and difficult. Emotions ran high, on occasion. But the Senate once more performed what the Constitution and the people of this country expect of it. It resolved those issued and finally pro-

duced a result, the passage of this measure by a resounding vote.

Fundamentally important decisions in matters of national policy were made in this bill and the Senate was aware of it. I wish to congratulate especially the Senator from Texas (Mr. TOWER), whose patience and dedication have made it possible for the Senate to act in the way that it did. His determination has produced an earlier consideration of this measure to its final conclusion. I wish to express to him my personal gratitude.

Senator JACKSON exhibited those qualities that have made him so long an outstanding and historic Member of the U.S. Senate. The two of them did a great job of managing this bill.

To those who offered amendments, particularly Senators HART and others who were deeply involved in the controversy, I offer them my compliments as well. They conducted themselves in the best tradition of the Senate.

The Journal Clerk has indicated that as of 8:19 p.m. this evening the Senate deliberated on this bill for 9½ hours. There were 40 record votes over a period of 13 days.

Mr. President, that is not unduly long for a bill of this complexity and controversy, but it is a long time for the Senate to devote to this piece of legislation. Notwithstanding the length of time it took, I think the Senate performed its job exceptionally well.

Mr. BYRD. Will the majority leader yield?

Mr. BAKER. Yes, I yield to the minority leader.

Mr. BYRD. I join the majority leader in complimenting the fine work that has been done by the managers of the bill (Mr. TOWER) and the ranking minority member (Mr. JACKSON), also complimenting those who offered amendments, and for the high level of debate that was carried on with respect to items about which such Senators felt strongly. They are to be complimented.

I associate myself with the remarks of the majority leader.

Mr. BAKER. Mr. President, I would be remiss if I did not also congratulate the staff on both sides for their diligent effort. I think both staffs have shown themselves to be fully professional and, in the tradition of great staffs, have rendered great service to the Senate.

Let me also say that I am as always grateful to the minority leader for his cooperation. Without his cooperation, understanding and guidance it would be impossible, virtually, for the Senate to act in the way it does, in the relatively brief time that it does act.

Mr. BYRD. While we are talking, may I take 1 more minute?

There is a problem which I have become aware of during consideration of this bill. I never said anything about it during the debate because I did not want to complicate matters.

Amendments are being drafted by legislative counsel to the bill. I think there should be a clear distinction between those amendments which are indeed to the bill and those amendments which are meant to be offered to the substitute, because amendments to the bill do have precedence over amendments to the substitute. Yet, that distinction was not made in the case of several amendments to the bill just passed.

Senators who offered the amendments probably do not pay that much attention to the parliamentary form of the amendments.

I think that the Chair is acting appropriately in assuming that such amendments are intended to the substitute. The majority leader and I have not had a chance to discuss this at length. I believe we should write a letter to the legislative counsel urging the counsel to find out from Senators, which is which—whether they want, indeed, to offer their amendments to the "substitute" or to the "bill" because, if there were to arise a situation in which a Senator wanted to get a vote on an amendment ahead of an amendment to the substitute, he might be discouraged from even offering an amendment to the bill because a pending amendment to the "substitute" inaccurately specifies that it is to the "bill." Amendments to a bill have precedence over amendments to a committee substitute.

Once in a while, we do get into that situation in which there is a vying as to whose amendment will have preference over other amendments. I suggest that we could avoid a problem down the road if we very carefully watch ourselves and instruct the legislative counsel to be very mindful of the distinction and Senators and staffs should likewise be careful to make the distinction.

Mr. BAKER. It could indeed, Mr. President. I say to the minority leader that I agree with him absolutely and I shall be happy to join in such a letter to the legislative counsel.

Mr. TOWER. Will the majority leader yield to me?

Mr. BAKER. Yes, Mr. President, I yield.

Mr. TOWER. First, I want to thank him for his very kind remarks. I also thank the minority leader for his kind remarks.

I want to associate myself particularly with the remarks that have been made about my distinguished colleague (Mr. JACKSON). Senator JACKSON and I have fought shoulder to shoulder on defense issues for as long as I have been in the Senate. It is a pleasure to work with him. He has a peculiar ability always to subordinate any partisan considerations to getting on with the business of providing for the national security of this country. I commend him for it and would like to say that it is a great pleasure to work with him.

I also want to associate myself with the remarks made about the staff on both sides of the aisle. They have performed splendidly and have headed off many difficulties before they developed and have done very professional and statesmanlike work on the bill. I commend them all.

I thank the distinguished leaders.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I think that completes our action on this measure. There are certain other details to be attended to, but I now ask unanimous consent that there be a brief period for the transaction of routine morning business to go not past 8:45 p.m., in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIMON BOLIVAR

Mr. GLENN. This year is the bicentennial that will be celebrated by most of America, for on July 24, 1783, Simon Bolivar was born. Inspired by the American Revolution, he was destined to lead the great revolutionary upheaval that gave birth to the nations of Venezuela, Colombia, Ecuador, Peru, and Bolivia. His example opened the way for other leaders in the hemisphere so that by the end of the 19th century, all of Spain's former colonies were independent. For his central role in this struggle he is known throughout the Americas as the "Great Liberator."

As we revere George Washington, the "Father of Our Country," so do Latin Americans revere Simon Bolivar. His talents were not limited to the battlefield and his vision called for deep changes in society. He espoused the abolition of slavery and advocated universal sufferage. His call for unity among the States of the Americas at the first Pan American Conference in Panama in 1826 went unheeded, but few doubt the wisdom of that call.

Today, once again, the nations of the hemisphere face turmoil, revolutionary change, and economic difficulty. We must be true to our own heritage, also born in revolution, and seek the new Bolivars who will lead their people in these difficult times. That is the way to honor this great man. Too often in the years since Bolivar's death we have been viewed by our neighbors as the replacement of the colonial Spain, sending in military forces when change was in the wind. We must correct that image.

As the rest of the Americas celebrate this 200th anniversary, let us dedicate

ourselves to seeing that Bolívar's dream of an independent, prosperous, free and increasingly united hemisphere becomes a reality. We join with our fellow American Republics in paying tribute to the memory of one of the world's finest statesmen—Simón Bolívar.

ORGANIZED CRIME AND DRUG TRAFFICKING

Mrs. HAWKINS. Mr. President, during this past Saturday, Senator THAD COCHRAN and I held an investigative hearing into Gulf Coast Drug Interdiction. This joint hearing of the Senate Drug Enforcement Caucus and the Senate Appropriations Subcommittee on Defense revealed shocking facts related to the role of organized crime in drug trafficking.

Mississippi Bureau of Narcotics Director Tom Dial presented the Biloxi, Miss., hearing with a partial list of an illegal drug operation's standing orders his office confiscated during one of their investigations. It directed:

Very little drinking, and no drugs allowed during the course of a job.

Two workers per room. Rooms are preregistered by a female advance worker.

No telephone calls allowed from the motel room. Calls must be made on a pay telephone at least 5 miles from both the motel and the jobsite. Contact with family will be through a message service.

Eat all meals away from the motel.

Top off the gas tank at every stop en route.

Carry $500 petty cash.

He indicated that drug smugglers have Mississippi law enforcement outfunded, outequipped and outstaffed.

"The entire budget of the Gulfport Police Department is $2.1 million," said its acting chief, Hayward Hargrove. "But one drug operation can net $40 million."

In recent years this Nation has been plagued by an outbreak of crime unparalleled in our history and unequaled in any other free society.

The perniciousness of crime in America has been fostered of late by two interrelated developments. Crime has become increasingly organized and sophisticated. And organized crime has become especially lucrative because of the enormous market for illicit drugs. Drugs and organized crime have combined to wreak havoc on our communities and our lives. The combination of drug trafficking and organized crime represents the most serious crime problem facing this country today. Directly or indirectly, it threatens each person and institution in this country. It threatens the fabric of society—and the gown of public integrity.

In 1983, illicit retail drug sales are estimated to total more than $100 billion, an increase of about 100 percent from 1977. To give you a little perspective, in 1980 illicit drug sales were about equal to the combined profits of America's 500 largest industrial corporations. It is, however, organized crime that reaps the overwhelming bulk of these profits and more, because drugs are just one of the businesses of organized crime. And no taxes were paid on these enormous sums.

On a human level, the drug problem caused by organized crime is even more staggering. Drugs victimize not only addicts, but also those whom addicts assault, rob, and burglarize to obtain the large sums of money need to feed their drug habit. There is no doubt that drug trafficking spawns an unbelieveable amount of related crime. One recent study demonstrated that over an 11-year period some 243 addicts committed about one half million crimes—an average of 2,000 crimes each or a crime every other day—just to support their habits. In fact, half of all jail and prison inmates regularly used drugs before committing their offenses. According to a very recent Rand study, addicted offenders in my home State, for example, committed nearly nine times as many property crimes each year than did nonaddicted offenders.

The drug trafficking that creates these other crimes is itself organized crime. Large-scale drug dealers must organize their operations. They obtain the illicit substances, or the rights to the substances, overseas. In many cases, they make payoffs to foreign officials so that their foreign operations divisions run smoothly. They arrange for the processing of the drugs overseas—the making of poppy into heroin, the making of coca into cocaine—and they develop operations to smuggle the product into this country. Within our borders, the drug dealers have set up elaborate enterprises for cutting the pure imported drugs and distributing them over wide geographical areas.

And the organization does not stop there. Drug money is laundered through legitimate businesses set up as fronts for drug dealers. The profits are then plowed back into the drug business, just as in a legitimate major enterprise. Increasingly, some of the profits are actually invested in legitimate businesses, including real estate in Florida, restaurants in California, and other businesses across the Nation.

The popular notion that the syndicate—or traditional organized crime—stays out of drugs is simply not true. Many of the syndicate's families have developed elaborate drug trafficking networks. Virtually every one of them is involved in drug trafficking in one way or another.

By achieving the amendment of the Posse Comitatus law, we have been able to utilize the military's resources—and its tracking and intelligence capabilities—in the fight against drug traffickers. Through amendments to the Tax Reform Act, more crucial information is more readily available to law enforcement—and more tax cases are possible against drug dealers and organized crime.

The Senate must more aggressively promote legislative and administrative initiatives to address America's drug crisis. I hope that the Senate Drug Enforcement Caucus will serve as a lightning rod for action.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on Environment and Public Works.

(The nomination received today is printed in the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10 a.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 77. Joint resolution designating "National Animal Agriculture Week".

ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 12:05 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 1935. An act to ratify and exchange agreement concerning National Wildlife Refuge System lands located on Matagorda Island in Texas; and

S.J. Res. 77. Joint resolution designating "National Animal Agriculture Week".

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. THURMOND).

At 2:21 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following measures, in which it requests the concurrence of the Senate:

H.R. 3369. An act to give to the Board of Parole for the District of Columbia exclusive power and authority to release on parole, to terminate the parole of, and to modify the terms and conditions of the

parole of, prisoners convicted of violating any law of the District of Columbia, or any law of the United States applicable exclusively to the District;

H.R. 3425. An act to amend the District of Columbia Stadium Act of 1957 to direct the Secretary of the Interior to convey to the government of the District of Columbia all right, title, and interest to the Robert F. Kennedy Memorial Stadium vested in the United States;

H.R. 3497. An act to defer proposed amendments to the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure;

H.R. 3547. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to extend the authority of the Mayor to accept certain interim loans from the United States and to extend the authority of the Secretary of the Treasury to make such loans; and

H.R. Res. 139. Joint resolution to designate the week beginning June 24, 1984, as "Federal Credit Union Week".

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 39. A concurrent resolution expressing the sense of the Congress with respect to implementing the objectives of the United Nations Decade of Disabled Persons (1983-1992).

HOUSE MEASURES REFERRED

The following measures were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3369. An act to give to the Board of Parole for the district of Columbia exclusive power and authority to release on parole, to terminate the parole of, and to modify the terms and conditions of the parole of, prisoners convicted of violating any law of the District of columbia, or any law of the United States applicable exclusively to the District; to the committee on Governmental Affairs.

H.R. 3425. An act to amend the District of Columbia Stadium Act of 1957 to direct the Secretary of the Interior to convey to the government of the District of Columbia all right, title, and interest to the Robert F. Kennedy Memorial Stadium vested in the United States; to the Committee on Governmental Affairs.

H.R. 3547. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to extend the authority of the Mayor to accept certain interim loans from the United States and to extend the authority of the Secretary of the Treasury to make such loans; to the Committee on Governmental Affairs.

HOUSE MEASURE HELD AT DESK

The following bill was ordered held at the desk until the close of business on Monday July 29, 1983, by unanimous consent:

H.R. 3497. An act to defer proposed amendments to the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure;

HOUSE JOINT RESOLUTION HELD AT THE DESK

The following joint resolution was ordered held at the desk pending further disposition by unanimous consent:

H.J. Res. 139. A joint resolution to designate the week beginning June 24, 1984, as "Federal Credit Union Week";

HOUSE CONCURRENT RESOLUTION PLACED ON THE CALENDAR

The following concurrent resolution was read and placed on the calendar:

H. Con. Res. 39. A concurrent resolution expressing the sense of the Congress with respect to implementing the objectives of the United Nations Decade of Disabled Persons (1983-1992).

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary reported that on today, July 26, 1983, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 77. Joint resolution designating "National Animal Agriculture Week".

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on Labor and Human Resources:

Report to accompany the bill (S. 1087) to authorize appropriations for the National Science Foundation for fiscal year 1984, and for other purposes (Rept. No. 98-195).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. TRIBLE (for himself, Mr. GARN, Mr. PROXMIRE, Mr. GORTON, Mr. DOMENICI, Mr. ARMSTRONG, Mr. MATTINGLY, and Mr. HECHT):

S. 1679. A bill to amend the Federal Financing Bank Act of 1973 to require that programs financed through the Federal Financing Bank be included in the Federal budget, to require that certain types of obligations be offered for sale to the Bank, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GOLDWATER:

S. 1680. A bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws; to the Committee on the Judiciary.

By Mr. HELMS (by request):

S. 1681. A bill to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act to authorize the Secretary of Agriculture to determine the degree of inspection to be conducted in meat, poultry, and egg processing plants, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GARN (for himself and Mr. PROXMIRE) (by request):

S. 1682. A bill to redefine "bank" for purposes of application of the Bank Holding Company Act of 1956, to equate unitary savings and loan holding company and multiple savings and loan holding company activities, and to apply the provisions of the Glass-Steagall Act equally to insured depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. TOWER (for himself, Mr. HUMPHREY, Mr. SYMMS, and Mr. NICKLES):

S. 1683. A bill to facilitate the efficient use of barter in managing agricultural commodities and the stocks of the National Defense Stockpile; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HUDDLESTON (for himself, Mr. HELMS, Mr. BOREN, Mr. BOSCHWITZ, Mr. COCHRAN, Mr. DIXON, Mrs. HAWKINS, Mr. HEFLIN, Mr. JEPSEN, Mr. LUGAR, Mr. PRYOR, Mr. ZORINSKY, Mr. BENTSEN, Mr. BUMPERS, Mr. CHILES, Mr. COHEN, Mr. DOMENICI, Mr. DURENBERGER, Mr. EAST, Mr. HOLLINGS, Mr. INOUYE, Mrs. KASSEBAUM, Mr. MATSUNAGA, Mr. MCCLURE, Mr. NUNN, Mr. SASSER, Mr. STENNIS, Mr. SYMMS, Mr. THURMOND, Mr. TOWER, and Mr. TSONGAS):

S.J. Res. 134. A joint resolution to provide for the designation of the week of November 27 through December 3, 1983, as "National Entomology Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHAFEE:

S. Res. 183. A resolution dealing with the prevention of arson; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TRIBLE (for himself, Mr. GARN, Mr. PROXMIRE, Mr. GORTON, Mr. DOMENICI, Mr. ARMSTRONG, Mr. MATTINGLY, and Mr. HECHT):

S. 1679. A bill to amend the Federal Financing Bank Act of 1973 to require that programs financed through the Federal Financing Bank be included in the Federal budget, to require that certain types of obligations be offered for sale to the Bank, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

HONEST BUDGETING ACT OF 1983

Mr. TRIBLE. Mr. President, the off-budget "underground Federal economy" has expanded enormously in recent years, and off-budget spending financed by the Treasury's Federal Financing Bank has been an exceptionally large part of the problem.

Federal agencies using the Federal Financing Bank, or FFB, have exploited creative accounting with a vengeance: In less than 10 years, the FFB has financed $96.5 billion in off-budget

Federal spending; in the next 5 years, FFB will finance $85 billion in new spending, and most of that also will be off-budget.

Creative accounting and off-budget spending on such a massive scale are intolerable, and create many serious problems. Every year, actual Federal spending and Federal deficits are grossly underreported in the unified budget—by $21 billion in 1981, and by $14 billion both in 1982 and 1983—so that Congress and the public are seriously misled about what is actually going on. Federal agencies spend billion of dollars, yet are not charged for the outlays. Programs with equal budget numbers are grossly unequal—hindering the rational setting of budget priorities and the allocation of Federal resources. Programs authorized as loan guarantees end up as unauthorized, off-budget direct loans from the FFB. Congressionally imposed limits on individual credit programs are thwarted.

All these problems result from budget accounting loopholes which Congress created; only Congress can correct these practices. Today, I am introducing legislation with Senators GARN, PROXMIRE, GORTON, DOMENICI, ARMSTRONG, MATTINGLY, and HECHT to do just that.

Mr. President, this legislation, the Honest Budgeting Act, would close significant budget accounting loopholes.

It would make the unified Federal budget a much more accurate reflection of the fiscal operations of the Federal Government.

It would eliminate the present understatement of Federal spending, lending, and borrowing now associated with programs financed by the Federal Financing Bank.

It would provide for a more precise measure of the impact of Federal borrowing on the Nation's credit markets.

It would charge Federal agencies for the outlays for which they are responsible. This would improve the informational content of the Federal budget, and would allow the Congress to establish priorities among competing Federal programs in a more informed and rational way.

It would insure that loan programs which involved equal Federal outlays and repayments would appear as equals in budget documents. This would eliminate an important source of confusion and misinformation from budget considerations.

It would strengthen congressional control of direct Federal loans. Under the bill, a Federal agency could no longer exceed congressional direct lending limits by selling loan assets or certificates of beneficial ownership to the FFB, or by getting FFB to provide direct loans to persons who are only authorized to receive loan guarantees.

The Honest Budgeting Act would reform accounting procedures to prevent the conversion of programs approved by Congress as loan guarantee programs into off-budget direct loans financed by the FFB. If Congress wanted to provide a borrower with a direct loan from FFB, it would follow the usual procedures: provide budget authority for that purpose and charge the loan outlays to the responsible Federal agency. In this way, a direct loan financed by FFB and an identical loan provided by a Federal agency would receive equal budget treatment—an entirely appropriate outcome.

This bill would in no way hinder Congress from creating pure loan guarantee programs in the future. Nor would it prevent Congress from providing FFB direct loans, if it so desired. But it would insure that if Congress intends to make a loan guarantee, a loan guarantee results; and if Congress intends to make a direct loan, a direct loan results. Loans and loan guarantees would be clearly separated for budget accounting purposes.

And just as important, no program or activity now financed outside the Bank would be forced into the Bank and on-budget. Loan guarantee programs now financed in the market would remain there, unaffected by the legislation.

For all these reasons, Mr. President, I strongly urge my fellow Senators to support the Honest Budgeting Act. A more detailed analysis of the provisions of the bill follows.

PROVISIONS OF THE HONEST BUDGETING ACT

EXPLANATION

The Honest Budgeting Act has two parts: accounting provisions and a "no escape" clause to make them effective.

1. Accounting Provisions. A number of federal activities which are financed by the Federal Financing Bank are chronically underreported in the unified federal budget. The accounting provisions of the bill eliminate the "creative accounting" which makes underreporting possible.

The Honest Budgeting Act addresses a significant and growing budgetary problem: the conversion of Congressionally authorized loan guarantee programs into unauthorized, off-budget direct loans financed by the Federal Financing Bank.

At present, FFB is empowered to purchase loan obligations guaranteed by a federal agency. In so doing, the FFB makes a direct federal loan. However, since FFB is off-budget, its outlays for this loan do not appear in the unified federal budget.

This procedure allows a federal agency to guarantee a private borrower's note, then send that borrower to the FFB for an off-budget direct loan. By fiscal alchemy, the government's guarantee is transformed into an unauthorized, off-budget loan outlay.

This practice is objectionable for several reasons.

First, it leads to significant underreporting of agency outlays, federal outlays, and the federal deficit in the unified budget.

Second, as the Congressional Budget Office has noted, it "permits federal agencies to increase their direct lending without requesting additional budget authority," thereby weakening Congressional control of federal lending and spending. This is a significant problem, and one which is likely to grow. During fiscal year 1982, for example, one federal agency, the Department of Defense, was able to increase its direct loans from $.4 billion authorized to $3.5 billion extended, using loan guarantees for the Foreign Military Sales program. Another agency, the Rural Electrification Administration, stretched its $1.1 billion authorization into $5.8 billion in direct loans through the same device. Those added oulays did not appear in the responsible agencies' budgets.

Third, converting loan guarantees into direct loans converts a contingent federal liability, the loan guarantee, into a direct spending program which requires immediate federal outlays and federal borrowing. This undermines Congressional control of outlays and of contingent liabilities.

Fourth, the guarantees-into-loans process provides a double subsidy to borrowers which Congress may not have intended. With a federal guarantee, a borrower can borrow more cheaply than he could without federal assistance; but with a direct loan from FFB, that borrower gets an added benefit of further interest reduction, since FFB lends at one-eighth of a percent above Treasury's own cost of funds. Congress, not a federal agency, should decide whether it wants to provide this added subsidy.

Mr. TRIBLE. Mr. President, for all these reasons, it is important to reform budgetary treatment in this area. My bill does that. If adopted, the Honest Budgeting Act would require Federal agencies sending guaranteed borrowers to FFB for direct loans to secure budget authority for that purpose; further, the guaranteeing agency would be charged with the loan outlays.

The Honest Budgeting Act also addresses a second class of transactions with the Federal Financing Bank which cause serious budget accounting problems: agency sales of "loan assets" to the FFB.

In a loan asset sale, a Federal agency will sell a loan note, or a security "backed" by loans, to the FFB, and subtract the sales proceeds from its own outlays—by special accounting rules, available only to certain Federal agencies, loan asset sales to FFB generate negative outlays, or "offsetting receipts" for the agency. Using loan asset sales, an agency with a lending ceiling of $1 billion could make $1 billion in direct loans, sell $1 billion worth of loan notes to FFB and record zero outlays on its budget. That agency could then resume lending, above the $1 billion ceiling.

As the example suggests, loan asset sales to FFB allow agencies to exceed congressional lending limits. They also mean that the actual spending by agencies exceeds the amounts of spending charged to them in the budget.

Loan asset sales result in misleading information about the amount spent on various programs. During fiscal year 1982, for example, loan asset sales reduced recorded onbudget outlays for rural housing 70 percent, for

rural development 73 percent, and for agricultural credit 42 percent. One Federal entity, the rural electric telephone revolving fund, was able to use loan asset sales to reduce its recorded outlays 100 percent in 1982—to pretend it had spent nothing when in fact it had disbursed nearly half a billion dollars in direct loans.

Because they understate recorded agency spending, loan asset sales also understate recorded Federal spending, Federal deficits, and the annual increase in the national debt. This means that Federal deficits and Federal impacts on credit markets are really much larger than the reported deficit figures suggest.

Through the device of loan asset sales, and the related device of converting loan guarantees into offbudget direct loans, Federal spending and Federal deficits recorded in the unified budget were understated $21 billion in 1981, and $14 billion in 1982; the 1983 understatement will be close to $14 billion as well. In fact, the accounting trickery in loan asset sales and FFB direct loans to guaranteed borrowers has hidden at least $97 billion in off-budget Federal spending since 1974. An abuse of this magnitude must not be allowed to continue.

The accounting provisions of the Honest Budgeting Act would correct all the problems associated with loan asset sales to the FFB. The provisions would prevent Federal agencies from subtracting the proceeds of loan asset sales to FFB from the agencies' own spending. Sales may continue, but they will no longer produce improper "offsetting receipts." Instead, when an agency sells loan assets to FFB, the proceeds will be treated merely as a "means of financing" that agency. There will be no subtraction from the agency's own spending total, so that agency's outlays will be recorded in full.

These new accounting provisions would take effect in fiscal year 1985. The delayed effective date will allow budget planners in the administration and Congress to accommodate the increase in budget authority and outlays which necessarily attends bringing off-budget activities back into the budget.

"NO ESCAPE" CLAUSE

To make the accounting provisions binding on activities financed through the Federal Financing Bank, and to preserve the savings possible when Federal programs use the bank, the Honest Budgeting Act also contains a "no escape" clause. Activities financed through the bank prior to the effective date would remain in the bank thereafter. Thus, when the new accounting provisions "kick in," these activities will be fully and correctly recorded in budget documents.

By itself, bringing off-budget FFB-financed activities into the unified budget would create an incentive for Federal agencies to leave the bank and to sell securities in the open market. By doing that, Federal agencies could escape the budget control which the bill provides through its accounting provisions. To prevent this outcome, the bill requires that securities of a type issued, sold, or guaranteed by a Federal agency prior to the effective date would continue to be offered for sale to the bank thereafter.

A second reason for the "no escape" clause is to preserve the FFB as a tool for efficient debt management, and to prevent an unnecessary increase in the cost of financing Government operations. If agencies could depart from the bank and return to financing in the market, they would recreate the chaotic and uncoordinated financing which preceded the bank's creation. By preventing departure from the bank, the bill preserves existing financing efficiencies available only from the bank.

Mr. President, I ask unanimous consent that the Honest Budgeting Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SHORT TITLE

SECTION 1. This Act may be cited as the "Honest Budgeting Act of 1983".

REPEAL OF BUDGET EXEMPTION

SEC. 2. Section 11 (c) of the Federal Financing Bank Act of 1973 (12 U.S.C. 2290 (c)) is amended to read as follows:

"(c) All transactions of the bank shall be reflected in the unified budget of the United States Government. Amounts of loans which are guaranteed by a Federal agency and which are financed by the Bank shall be recorded as outlays of that agency and shall not exceed amounts of budget authority provided to that agency for such purpose. Amounts which are disbursed by the Bank for the purchase of loans guaranteed, loan assets sold, and debt obligations issued, by a Federal agency shall be treated as a means of financing that agency. The Director of the Office of Management and Budget shall issue regulations to carry out the provisions of this subsection.".

LIMITATIONS ON AGENCY FINANCING

SEC. 3. Section 7 of the Federal Financing Bank Act of 1973 (12 U.S.C. 2286) is amended by adding at the end thereof the following:

"(d) A federal agency may not issue, sell, or guarantee an oligation of a type which was during the period beginning October 1, 1981, and ending September 30, 1984, issued, sold, or guaranteed, and financed through the Bank unless that obligation is first offered for sale to the Bank. The Secretary of the Treasury shall issue regulations to carry out the provisions of this subsection.".

EFFECTIVE DATE

SEC. 4. (a) The amendments made by this Act shall take effect on October 1, 1984.

(b) The amendments made by this Act shall not be deemed to be superseded, modified, or repealed except by a provision of law which is enacted after the date of enactment of this Act, and which amends the Federal Financing Bank Act of 1973.

By Mr. GOLDWATER:

S. 1680. A bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws; to the Committee on the Judiciary.

MALT BEVERAGE INTERBRAND COMPETITION ACT

Mr. GOLDWATER. Mr. President, I am today introducing the Malt Beverage Interbrand Competition Act.

This legislation is necessary to help preserve State authority over the existing and highly competitive distribution system for beer in the United States. This is the distribution system under which the price of beer, including State and local excise taxes, has increased far less than the increase in the cost of the great majority of goods on the Consumer Price Index. It is also a system which decades of experience has proved to be most effective for the States in controlling the distribution and sale of alcoholic beverages and the equitable and efficient collection of State excise taxes on beer sales.

Mr. President, I believe it is incumbent upon the Congress to take this necessary step to preserve this system.

The Malt Beverage Interbrand Competition Act would simply preserve the legality under the Federal antitrust laws of traditional exclusive territorial agreements between breweries of beer and the wholesale distributors for those breweries' particular brands of beer. It would do so by stating that these traditional brewery-wholesaler agreements are not per se violations of the antitrust laws.

This would codify for the beer industry the prevailing Supreme Court case law on this question. In Continental TV against GTE Sylvania in 1977, the Court held, speaking generally for all products, that a territorial agreement between a manufacturer and wholesaler is not a per se antitrust violation. The court said a determination should be made in each case, using a "rule of reason."

The same decision held that competition is best served by promoting vigorous interbrand competition among differing brands of the same product. The Court also found that territorial agreements may be necessary for a wholesaler to risk a substantial capital investment, to hire the required number of employees, to advertise and promote the product, to guarantee quality control and to meet the commitment to serve all potential retailers of the product. All of those conditions are particularly applicable to the beer industry.

Codification of this principle into law for the beer industry is necessary, Mr. President, to avoid unnecessary

litigation challenging the beer distribution system. Congress embodied this same principle for the soft drink bottling and distribution industry in the Soft Drink Interbrand Competition Act of 1980.

The Malt Beverage Interbrand Competition Act would not exempt wholesale beer distributors from any provisions of the antitrust laws. It would not eliminate any wholesale or retail outlets for beer not available in any State.

Twenty-two States now mandate by State law the assignment by breweries of exclusive territories to wholesale distributors of beer within those States. All other States permit the territorial agreements, except Indiana, which prohibits them by administrative ruling. My bill would not supersede or change any laws or regulations of any State, including Indiana.

The alternative to territorial agreements for the wholesale distribution of beer is transshipping, which is a polite term for a legalized form of beer bootlegging.

Mr. President, beer is an alcoholic beverage. As such, it must be distributed with more controls than such products as bread, soap, widgets, or automobiles.

Ever since enactment of the 21st amendment to the Constitution, which repealed prohibition, the States have required a three-tier distribution system for beer. The three tiers are: brewery, wholesale distributor, and retail outlet.

The existing wholesale distribution system comprises 4,500 beer wholesalers—independent small businesses serving all licensed retail sellers of beer: large, medium, and small. The average local wholesaler carries one or two major brands of beer in addition to a few lesser selling brands. Thus, there is stiff competition among local wholesalers and their brands. This interbrand competition insures competitive prices to the consumers.

Under the present system, the local wholesaler is required by his contract with the brewery to service all accounts, whether they but 1 case or 1,000.

The local wholesaler's responsibilities do not stop at delivery. The wholesaler's driver-salespersons must check for any stale beer or damaged product on the retailer's shelves and replace it at the wholesaler's cost. The wholesaler is also responsible for the maintenance and cleanliness of beer taps and coils.

In contrast, wherever transshipping of beer flourishes, freshness of product and quality of service suffer.

Finally, Mr. President, I would point out that the territorial system for the wholesale distribution of beer best enables the States to exercise the necessary control in this period of increased concern over the abuse of alcholic beverages, specifically as it is reflected in the carnage upon our highways.

In fact, the National Conference of State Liquor Administrators recently adopted a resolution urging passage of the Malt Beverage Interbrand Competition Act precisely for the purpose of greatly strengthening "the ability of State liquor administrators to effectively discharge their responsibilities for controlling malt beverages * * *."

Mr. President, the consumer is best served by a proven system of State regulated, wholesale distribution of beer which makes a wide variety of the freshest product readily available through all types of retail outlets at highly competitive prices. The public in general is best served by a system which allows State regulators to easily monitor, record, and control the distribution and sale of beer within State boundaries. That is the traditional wholesale beer distribution system in the United States. That is the system which the Malt Beverage Interbrand Competition Act seeks to preserve.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Malt Beverage Interbrand Competition Act".

SEC. 2. Nothing contained in any antitrust law shall render unlawful the inclusion and enforcement in any written contract in effect on or entered into after the effective date of this Act by any brewer, importer, trademark owner, or trademark licensee of a trademarked malt beverage with any wholesale distributor of provisions granting the wholesale distributor the sole and exclusive right to distribute and to sell such product in any defined geographic area within any State and limiting such exclusive distributor to the distribution and sale, directly or indirectly, of such product only for ultimate resale to consumers within that defined geographic area when such product is in substantial and effective competition with other malt beverage products within that defined geographic area.

SEC. 3. Nothing in this Act shall be construed to legalize the enforcement of provisions described in section 2 of this Act in any written contract described in that section by means of price-fixing agreements, horizontal restraints of trade, or group boycotts, if such agreement, restraints, or boycotts would otherwise be unlawful.

SEC. 4. As used in this Act, the term "antitrust law" means the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies" (Sherman Act), approved July 2, 1890, the Federal Trade Commission Act, approved September 26, 1914, and the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes" (Clayton Act), approved October 15, 1914, and all amendments to such Acts.

SEC. 5. As used in this Act, "malt beverage" shall mean and include beer of all types and varieties as defined in any Federal or State statute, ale, porter, stout, and all other similarly designated fermented beverages containing one-half of 1 per centum or more alcohol by volume.

SEC. 6. As used in this Act, the term "State" includes the District of Columbia and any territory or possession of the United States.

SEC. 7. This Act shall not invalidate or affect any provision of the laws of any State.

By Mr. HELMS (by request):

S. 1681. A bill to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act to authorize the Secretary of Agriculture to determine the degree of inspection to be conducted in meat, poultry, and egg processing plants, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

MEAT, POULTRY, AND EGG PRODUCTS INSPECTION

● Mr. HELMS. Mr. President, at the request of Secretary of Agriculture, John R. Block, I introduce the Department of Agriculture's proposed bill to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act to authorize the Secretary of Agriculture to determine the degree of inspection to be conducted in meat, poultry, and egg processing plants, and for other purposes.

The bill would give the Secretary of Agriculture more discretion in determining appropriate methods of food processing inspection on a plant-by-plant basis and would reduce the required number of shell egg surveillance visits from four to one per year. The Secretary feels that making these proposed changes in the law would continue to assure that all meat, poultry, and egg products are wholesome and would contribute toward controlling costs of Federal meat, poultry, and egg product inspection programs as well as effect substantial cost savings in the future.

Mr. President, I ask unanimous consent that the text of the bill and Secretary Block's transmittal letter be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Meat, Poultry, and Egg Products Inspection Amendments of 1983".

TITLE I—FEDERAL MEAT INSPECTION ACT AMENDMENTS

SEC. 101. Section 6 of the Federal Meat Inspection Act (21 U.S.C. 606) is amended by deleting everything before the proviso and inserting in lieu thereof:

"That for the purposes hereinbefore set forth, the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of meat food

products prepared for commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment. Such examination and inspection shall be conducted in such manner and with such frequency as the Secretary deems necessary and in accordance with regulations promulgated under this Act, based on consideration of factors which shall include: (1) the nature and frequency of the establishment's processing operations; (2) the adequacy and reliability of the establishment's product monitoring system; (3) the establishment's history of compliance with inspection requirements; and (4) such other factors as the Secretary may deem appropriate. All such products found to be not adulterated shall be marked, stamped, tagged, or labeled as 'Inspected and passed'; all such products found to be adulterated shall be marked, stamped, tagged, or labeled as 'Inspected and condemned' and all such condemned products shall be destroyed for human food purposes, as hereinbefore provided. The Secretary may remove inspectors from any establishment which fails to so destroy such condemned meat food products. For the purposes of any examination and inspection, said inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of the establishment:".

SEC. 102. Section 21 of the Federal Meat Inspection Act (21 U.S.C. 621) is amended by deleting ", or meat food product therefrom,".

TITLE II—POULTRY PRODUCTS INSPECTION ACT AMENDMENTS

SEC. 201. Section 6 of the Poultry Products Inspection Act (21 U.S.C. 455) is amended by redesignating subsection (c) as subsection (d) and inserting a new subsection (c) as follows:

"(c) That for the purposes hereinbefore set forth, the Secretary shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of processed poultry products prepared for commerce in each official establishment processing such poultry products. Such examination and inspection shall be conducted in such manner and with such frequency as the Secretary deems necessary and in accordance with regulations promulgated under this Act, based on consideration of factors which shall include: (1) the nature and frequency of the establishment's processing operations; (2) the adequacy and reliability of the establishment's product monitoring system; (3) the establishment's history of compliance with inspection requirements; and (4) such other factors as the Secretary may deem appropriate.".

TITLE III—EGG PRODUCTS INSPECTION ACT AMENDMENTS

SEC. 301. Section 5(a) of the Egg Products Inspection Act (21 U.S.C. 1034(a)) is amended to read as follows:

"(a) For the purpose of preventing the entry into or flow or movement in commerce of, or the burdening of commerce by, any egg product which is capable of use as human food and is misbranded or adulterated, the Secretary, whenever processing operations are being conducted, shall cause to be made, by inspectors appointed for that purpose, an inspection of the processing of egg products, in each plant processing egg products for commerce, unless exempted under section 15 of this Act. With the exception of egg breaking operations which shall be continuously inspected, such inspection shall be conducted in such manner and with such frequency as the Secretary deems necessary and in accordance with regulations promulgated under this Act, based on consideration of factors which shall include: (1) the nature and frequency of the official plant's processing operations; (2) the adequacy and reliability of the official plant's product monitoring system; (3) the official plant's history of compliance with inspection requirements; and (4) such other factors the Secretary may deem appropriate. Without restricting the application of the above to other kinds of establishments within its provisions, any food manufacturing establishment, institution, or restaurant which uses any eggs that do not meet the requirements of section 15(a)(1) of this Act in the preparation of any articles for human food shall be deemed to be a plant processing egg products, with respect to such operations.".

SEC. 302. Section 5(d) of the Egg Products Inspection Act (21 U.S.C. 1034(d)) is amended by deleting the words "at least once each calendar quarter" and inserting in lieu thereof "at least once each year".

SEC. 303. Section 17(a) of the Egg Products Inspection Act (21 U.S.C. 1046(a)) is amended by deleting the words "an approved continuous inspection system" and inserting in lieu thereof "an approved inspection system, including the continuous inspection of egg breaking,".

TITLE IV—INSPECTION REQUIREMENTS

SEC. 401. Nothing in the amendments set forth in sections 101, 201, or 301 of this Act shall be construed as authorizing the Secretary of Agriculture to require any establishment to participate in a total plant quality control program as a prerequisite to inspection being provided under the Federal Meat Inspection Act, the Poultry Products Inspection Act, or the Egg Products Inspection Act.

TITLE V—EFFECTIVE DATE

SEC. 501. The provisions of this Act shall become effective on enactment.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., February 2, 1983.

Hon. GEORGE BUSH,
President of the Senate, U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: We enclose for the consideration of Congress a draft bill "to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act and the Egg Products Inspection Act to authorize the Secretary of Agriculture to determine the degree of inspection to be conducted in meat, poultry and egg processing plants, and for other purposes."

Under these laws, USDA administers in-plant inspection programs which are designed to assure that consumers receive wholesome, unadulterated meat, poulty and egg products and these products are properly marked, packaged and labeled. The Department also administers periodic inspection under the shell egg surveillance portion of the Egg Products Inspection Act. This Act requires that all shell egg handlers packing eggs for the ultimate consumer be visited at least once each calendar quarter to assure that eggs which are not fit for human consumption are being destroyed or diverted to nonhuman food use.

Federal involvement in meat inspection began with the Meat Inspection Act of 1890 as the result of concern over the wholesomeness of livestock and the sanitary conditions under which meat products were prepared in this country. Subsequent refinements of this law came with the enactment of the Federal Meat Inspection Act of 1906 and the Wholesome Meat Act of 1967. Combined with the passage of the Poultry Products Inspection Act of 1957, the Wholesome Poultry Products Act of 1968, and the Egg Products Inspection Act of 1970, these Acts, taken as a whole, represents a Federal commitment designed to assure the safety of meat, poultry and egg products distributed to consumers.

In view of the conditions which existed in the meat, poultry and egg industries at the time the major inspection laws were passed, it was determined that an intensive system of inspection was needed. This intensive inspection system involving the daily, on-site presence of inspectors has come to be known as "continuous" inspection. A less intensive, periodic review of other foods is conducted by the Food and Drug Administration under the provisions of the Federal Food, Drug and Cosmetic Act.

During the years in which USDA has conducted its inspection program, processing methods have evolved from relatively simple procedures such as cutting and boning meat and hand-breaking eggs into highly sophisticated, technologically advanced operations. Food technology, as well as processing and information-gathering techniques, has changed greatly. There are now thousands of processed food products containing a wide range of ingredients. Mass production equipment has been introduced, and there is a greater variety of processes. Improved methods of monitoring processing operations also have been developed. With these innovations, continuous inspection is no longer necessary or practical in every instance.

USDA needs the flexibility to allocate its inspection resources in a way that will deal more efficiently and economically with the many different kinds of inspection situation faced today. Accordingly, the Department is recommending that the statutes authorizing meat, poultry and egg product inspection activities be changed to give the Secretary more discretion in determining appropriate methods of food processing inspection on a plan-by-plant basis and to reduce the required number of shell egg surveillance visits from four to one per year.

Factors to be considered by the Secretary in determining what inspection shall be necessary include: (1) the nature and frequency of the establishment's processing operations, (2) the adequacy and reliability of an establishment's product monitoring system, (3) the establishment's history of compliance with inspection requirements, and such other factors as the Secretary deems appropriate.

Making such changes in the law would continue to assure that all meat, poultry and egg products are safe and wholesome and would contribute toward controlling the cost of Federal meat, poultry and egg product inspection programs. Enactment of this legislation is expected to effect a cumulative $62.9 million saving in inspection activities over the next five years. As contained in the President's fiscal year 1984 budget this measure would reduce outlays by some $3.5 million.

The Office of Management and Budget advises that enactment of this legislation would be in accord with the Administration's program.

An identical letter has been sent to the Speaker of the House of Representatives.

Sincerely,

JOHN R. BLOCK,
Secretary.●

By Mr. GARN (for himself and Mr. PROXMIRE) (by request):

S. 1682. A bill to redefine "bank" for purposes of application of the Bank Holding Company Act of 1956, to equate unitary savings and loan holding company and multiple savings and loan holding company activities, and to apply the provisions of the Glass-Steagall Act equally to insured depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

DEPOSITORY INSTITUTION EQUITY ACT OF 1983

● Mr. GARN. Mr. President, Senator PROXMIRE and I are introducing, by request of the Federal Deposit Insurance Corporation, the Depository Institution Equity Act, a bill to impose a prohibition on acquisitions of banks and thrift institutions by nondepository organizations.

This proposal is comparable in certain respects to the Federal Reserve proposal, S. 1502, and to the administration's legislation, S. 1609, in that they all would stop or limit the recent proliferation of affiliations between nondepository organizations (such as securities firms, insurance corporations, and retailers) and depository institutions. However, the FDIC's proposal is unique in at least two ways: It would require divestiture of depository institutions by nondepository organizations, no matter when such affiliations commenced; and the FDIC would really prefer that it not be enacted.

In developing and submitting this proposal, the FDIC's clear intent is to have it considered only if Congress does not act on substantive financial institutions and regulatory reform issues by next year. As indicated in Chairman Isaac's transmittal letter, the FDIC supports and urges congressional consideration of statutory revisions broadening banking powers such as matters covered in the administration's bill (S. 1609), but also believes attention must be focused on the deposit insurance system and on the confusing and overlapping regulatory structure which has been established over the past 50 years. Chairman Isaac's letter contains some excellent reasons why Congress should consider legislation which not only deals with which institution does what, but also with which agency does what.

A week ago yesterday the committee opened its hearings on the administration's bill and moratorium bill with Treasury Secretary Regan as the witness. In an ongoing effort to inform affected organizations about the bill and to receive comments from such organizations regarding their views on the legislation, Treasury Deputy Secretary McNamar is holding discussions with several groups and is asking for their comments on the bill. This process is ongoing and will result in final views being sent to Treasury within the next few weeks.

While I had intended that the committee conduct additional hearings before the August recess, the committee is busy with nominations, monetary policy, and other issues. It is clear that the Federal regulatory agencies are still developing and finalizing their views on appropriate financial institutions legislation, many affected groups are still formulating their positions on the pending bills and, as mentioned above, the Treasury Department is still meeting with representatives of the affected groups to discuss the administration's proposal. In order that the hearings be a forum for full and complete review of the pending legislation, I intend to continue them when we return from the Labor Day recess. The hearings will reconvene during the week of September 12 with the heads of the Federal supervisory agencies as witnesses. A more complete schedule will be released in the near future.

It remains my intention to expedite committee consideration of pending financial institutions legislation. With the FDIC's recommendations on regulatory restructuring and on the Depository Institution Equity Act, the administration's proposal, and the Federal Reserve's moratorium bill, the committee has before it a smorgasbord of ideas and legislative approaches. Now it is up to the committee to test the food and set the menu.

I request unanimous consent that the bill and the transmittal letter from the FDIC be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SHORT TITLE

SEC. 1. This Act may be cited as the "Depository Institution Equity Act of 1983".

TITLE I—AMENDMENTS TO THE BANK HOLDING COMPANY ACT

DEFINITION OF BANK

SEC. 101. Section 2(c) of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(c)) is amended to read as follows:

"(c) 'Bank' means (1) an 'insured bank' as that term is defined in section 3(h) of the Federal Deposit Insurance Act, as amended; (2) any institution that is eligible to become an insured bank under section 5 of the Federal Deposit Insurance Act, as amended; or (3) any institution organized under the laws of the United States, any State of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, American Samoa or the Virgin Islands, that accepts deposits that the depositor may withdraw by check or similar means for payment to third parties and is engaged in the business of making commercial loans. The term 'bank' does not include (A) any foreign bank having an insured branch; (B) an 'insured institution' as that term is defined in section 408(a)(1) of the National Housing Act, as amended; (C) any organization operating under Section 25 or Section 25(a) of the Federal Reserve Act; or (D) any organization that does not do business in the United States except as an incident to its activities outside the United States.".

BANK HOLDING COMPANY ACTIVITIES OTHER THAN BANKING

SEC. 102. Section 4(a)(2) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(a)(2)) is amended by inserting after ", after December 31, 1980,", the first place it appears, the following: "or, in the case of any company which becomes, as a result of the enactment of the Depository Institution Equity Act of 1983, a bank holding company on the date of such enactment, two years after the date of such enactment,".

TITLE II—AMENDMENTS TO THE FEDERAL DEPOSIT INSURANCE ACT

AFFILIATION OF INSURED NONMEMBER BANKS WITH ORGANIZATIONS DEALING IN SECURITIES

SEC. 201. Section 18(j) of the Federal Deposit Insurance Act (12 U.S.C. 1828(J)) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and by adding the following new paragraph (3):

"(3) The provisions of section 20 of the Banking Act of 1933, as amended, relating to affiliations between member banks and organizations engaged principally in the issue, flotation, underwriting, public sale, or distribution at wholesale or retail or through syndicate participation of stocks, bonds, debentures, notes or other securities, shall be applicable to every nonmember insured bank in the same manner and to the same extent as if such nonmember insured bank were a member bank: *Provided*, a nonmember insured bank which prior to the date of enactment of the Depository Institution Equity Act of 1983 was affiliated with such an organization is not prohibited from continuing that affiliation for a period of two years after the date of enactment of such Act. The provisions of this subsection shall not apply to any foreign bank having an insured branch with respect to any affiliation between such bank and any company organized under the laws of a foreign country that is not engaged in business in the United States except as an incident to its activities outside the United States."; and

(2) in the first sentence of paragraph (4)(A), as so redesignated under paragraph (1), by inserting after "or any lawful regulations issued pursuant thereto," the following: "or any provision of section 20 of the Banking Act of 1933, as amended,".

PERSONS EXCLUDED FROM SERVING AS OFFICERS, DIRECTORS, OR EMPLOYEES OF STATE NONMEMBER BANKS

SEC. 202. Section 18 of the Federal Deposit Insurance Act (12 U.S.C. 1828) is amended by adding at the end thereof the following:

"(m)(1) No officer, director, or employee of any corporation or unincorporated association, no partner or employee of any partnership, and no individual, primarily engaged in the issue, flotation, underwriting, public sale, or distribution, at wholesale or retail, or through syndicate participation, of stocks, bonds, or similar securities, shall serve at the same time as an officer, director, or employee of any nonmember insured bank except in limited classes of cases in

which the Board of Directors may allow such service by general regulations when in the judgment of the Board it would not unduly influence the investment policies of such bank or the advice it gives its customers regarding investments. The provisions of this subsection shall not apply to any officer, director, or employee of any foreign bank, as defined in section 1(b)(7) of the International Banking Act of 1978, having an insured branch in the United States, but shall apply to officers and employees of the insured branch.

"(2) A person who at the time of the enactment of the Depository Institutions Equity Act of 1983 was serving in a position as an officer, director, or employee of any nonmember insured bank and in a position otherwise prohibited by this subsection is not prohibited from continuing to serve in such positions for a period of two years after the date of enactment of such Act.".

TITLE III—AMENDMENTS TO THE NATIONAL HOUSING ACT

UNITARY SAVINGS AND LOAN HOUSING COMPANY ACTIVITIES

SEC. 301. Section 408 of the National Housing Act (12 U.S.C. 1730a) is amended by adding at the end thereof the following:

"(o) A saving and loan holding company, or any subsidiary thereof which is not an insured institution, shall not commence, after the enactment of the Depository Institution Equity Act of 1983, or continue for more than one hundred and eighty days after becoming a savings and loan holding company or subsidiary thereof, any business activity other than those specified for multiple savings and loan holding companies and their subsidiaries under subsection (c)(2) of this section: *Provided, however,* That a company existing as a savings and loan holding company on the date of enactment of the Depository Institution Equity Act of 1983, whose business activities or the activities of any subsidiary become subject to the restrictions of subsection (c)(2) as a result of such enactment, may continue such activities for not more than five years after such enactment.".

AFFILIATION WITH ORGANIZATION DEALING IN SECURITIES

SEC. 302. Section 408 of the National Housing Act (12 U.S.C. 1730a) is amended by adding at the end thereof the following:

"(p)(1) The provisions of section 20 of the Banking Act of 1933, as amended, relating to affiliations between banks that are members of the Federal Reserve System and organizations engaged principally in the issue, flotation, underwriting, public sale, or distribution at wholesale or retail or through syndicate participation of stocks, bonds, debentures, notes, or other securities, shall be applicable to every insured institution in the same manner and to the same extent as if such insured institution were a bank that was a member of the Federal Reserve System: *Provided,* That, notwithstanding section 408(o) of this Act, and insured institution which prior to the date of enactment of the Depository Institution Equity Act of 1983 was affiliated with such an organization is not prohibited from continuing that affiliation for a period of two years after the date of enactment of such Act.

"(2) For every violation of this subsection the insured institution involved shall be subject to a penalty not exceeding $1,000 per day each day during which such violation continues. Such penalty may be assessed by the Corporation, in its discretion, and, when so assessed, may be collected by suit or otherwise."

PERSONS EXCLUDED FROM SERVING AS OFFICERS, DIRECTORS OR EMPLOYEES OF INSURED INSTITUTIONS

SEC. 303. Section 408 of the National Housing Act (12 U.S.C. 1730a) is amended by adding at the end thereof the following:

"(q)(1) No officer, director, or employee of any corporation or unincorporated association, no partner or employee of any partnership, and no individual, primarily engaged in the issue, flotation, underwriting, public sale, or distribution, at wholesale or retail, or through syndicate participation, of stocks, bonds, or similar securities, shall serve at the same time as an officer, director, or employee of any insured institution except in limited classes of cases in which the Corporation may allow such service by general regulations when in the judgment of the Corporation it would not unduly influence the investment policies of such insured institution or the advice it gives its customers regarding investments.

"(2) A person who at the time of the enactment of the Depository Institutions Equity Act of 1983 was serving in a position as an officer, director, or employee of any insured institution and in a position otherwise prohibited by this subsection is not prohibited from continuing to serve in such positions for a period of two years after the date of enactment of such Act.".

INSURED INSTITUTIONS ENGAGING IN SECURITIES BUSINESS

SEC. 304. Section 408 of the National Housing Act (12 U.S.C. 1730a) is amended by adding at the end thereof the following:

"(r) The civil and criminal provisions of section 21 of the Banking Act of 1933, as amended, relating to dealers in securities engaging in banking business, shall be applicable to insured institutions' activities and uninsured institutions' activities in the same manner and to the same extent as if the institutions were banks that engaged in the business of receiving deposits.".

TITLE IV—EFFECTIVE DATE

SEC. 401. This Act shall take effect upon enactment.

FEDERAL DEPOSIT INSURANCE CORPORATION,
Washington, D.C., July 25, 1983.

Hon. JAKE GARN,
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you know, the FDIC has for years been an advocate of expanded authorities for financial-services firms. We are convinced that a number of restrictions on competition and the regulatory and insurance systems put in place over 50 years ago have been rendered obsolete or ineffective by advances in technology and marketplace initiatives.

Inequities abound in the current statutory framework. For example, securities firms, such as Shearson/American Express, are permitted to acquire insured banks while member banks are precluded from underwriting securities. Nonmember banks can affiliate with securities underwriters while member banks cannot. A major insurance company, Prudential, has acquired both an investment banking firm and an FDIC-insured bank. Retailers, such as McMahan Furniture, have acquired FDIC-insured banks and others, such as Sears, own insured savings and loan associations with their recently broadened banking powers.

At the same time, the deposit insurance system is in need of significant reforms. The FDIC and FSLIC recently submitted reports to the Congress calling for modifications in the insurance system to instill a greater degree of marketplace discipline. We simply cannot maintain order and stability in the financial system in a deregulated environment if we continue to provide a de facto federal guarantee of all deposits at banks and savings and loan associations.

The regulatory system is in a state of disarray. Five different regulatory agencies plus the SEC and the Antitrust Division of the Department of Justice are responsible for regulating the affairs of insured depository institutions at the federal level alone. To cite but two examples, Citicorp is currently regulated by the Federal Reserve, its lead bank by the Comptroller of the Currency, and its California savings and loan by the Federal Home Loan Bank Board. It proposes to acquire a bank in South Dakota (presumably to engage in the insurance business, among other things), which apparently will be regulated by the FDIC. In addition, numerous state agencies, the Justice Department and the SEC play various roles. The Butcher organization also illustrates the problems inherent in the current regulatory scheme. In that case, some 40 affiliated banks, savings and loan associations and an industrial bank were regulated by seven different state and federal agencies, making accurate identification and assessment of the problems extraordinarily difficult.

The Treasury has recently submitted a bill which attempts to rationalize the permissible-activities issue for financial-services firms. While we have substantial concerns about the particulars of that proposal, it represents an attempt to move in the right direction.

The FDIC will soon submit to the Congress statutory language to implement some of the deposit insurance reforms recommended in our study. The Bush Task Group will shortly offer its recommendations for reforms to the regulatory system.

We feel strongly that all three of these initiatives should be considered by the Congress this fall as a package. In our judgment, it would not be responsible to proceed further with bank and thrift deregulation without making concomitant reforms in the deposit insurance and regulatory systems.

We recognize that these issues are difficult and that it may not be possible to forge a consensus behind comprehensive legislation until 1984. If necessary, we can live with this timeframe for final action on the package; however, if it appears that comprehensive reform cannot be accomplished by the summer of 1984, we would recommend that the enclosed bill be enacted at that time.

Briefly, the bill redefines the term "bank" as used in the Bank Holding Company Act to close down the "nonbank bank" exception, includes nonmember banks and savings and loan associations in the Glass-Steagall Act prohibitions and subjects unitary savings and loan holding companies to the affiliation rules applicable to multiple savings and loan holding companies. The bill does not permit grandfathering and requires divestiture of nonconforming activities within two years under the provisions of the Glass-Steagall and Bank Holding Company Acts and five years under the Savings and Loan Holding Company Act.

Although the bill does not address the issue, we would have no objection if lan-

guage were inserted granting an exception to the affiliation rules (but not from any of the Glass-Steagall prohibitions) for unitary savings and loan holding companies where the association is and continues to be almost exclusively engaged in the provision of residential mortgage lending services. Moreover, we would not object to a provision barring any state from authorizing its banks to engage in activities outside the borders of its state that are prohibited to banks inside the state.

I want to take this opportunity to reiterate our strong opposition to a moratorium. In our judgment, a moratorium would only serve to perpetuate the current inequities, reward those who have exploited the weaknesses of the existing statutory framework and further delay attempts to come to grips with urgently needed reforms. The enclosed bill would, in our judgment, be far superior to a moratorium should our efforts to enact comprehensive legislation fail.

In the past you have shown great courage in resisting piecemeal, quickfix financial legislation. As a result, the Garn-St Germain Act is now law. We believe similar strength and vision is needed now more than ever.

Sincerely,

WILLIAM M. ISAAC,
Chairman.●

By Mr. TOWER (for himself, Mr. HUMPHREY, Mr. SYMMS, and Mr. NICKLES)

S. 1683. A bill to facilitate the efficient use of barter in managing agricultural commodities and the stocks of the national defense stockpile; to the Committee on Agriculture, Nutrition, and Forestry.

BARTER PROMOTION ACT OF 1983

Mr. TOWER. Mr. President, I am pleased to introduce, with my distinguished colleagues Senators STEVE SYMMS, GORDON HUMPHREY, and DON NICKLES, the Barter Promotion Act of 1983. Our bill will reduce Commodity Credit Corporation (CCC) surplus inventories, especially dairy products, and will help rebuild our national defense stockpile of strategic and critical materials. Our comprehensive approach will overcome existing legislative and institutional impediments to efficient and effective barter.

I am sure my colleagues are all aware of the staggering proportions of our store of surplus dairy products. As of June 24, 1983, the dairy surplus included 470 million pounds of butter, 851 million pounds of cheese, and 1.3 billion pounds of nonfat dry milk. These and other commodities are acquired and stored at an enormous expense to the U.S. taxpayer. Net CCC expenditures for the dairy price support program alone were approximately $2.2 billion in fiscal year 1983.

We know, too, how important it is to the dairy farmers of this Nation that we reduce this surplus hanging over the market and keeping dairy prices artificially low. Responsible disposal of the CCC surplus dairy product inventory is essential to the recovery of our agricultural sector while reducing Federal expenditures.

It is clear that we have made progress in reducing much of this surplus. Through the national school lunch program, the bonus dairy commodities program, special distributions of cheese and butter to the needy, and foreign sales and donations, the Secretary of Agriculture has been able to dispose of a great deal of the CCC surplus. Utilization—total commitments to use—of surplus cheese increased from 175 million pounds in fiscal year 1981, to 367 million pounds in fiscal year 1982; utilization of surplus nonfat dried milk rose slightly from 508 million pounds in 1981, to 529 million pounds in 1982. Utilization of butter fell from 410 million pounds in fiscal year 1982, to 208 million pounds in 1982, due to lower noncommercial export sales.

However, in the words of one CCC official, "We can't give the stuff away fast enough." Uncommitted inventories, as of September 30, 1982, substantially increased from the level of the same date a year earlier. Uncommitted inventories of surplus cheese, for example, rose from 554 million pounds in 1981, to 825 million pounds in 1982, an increase of 50 percent; uncommitted inventories of surplus nonfat dried milk climbed from 811 million pounds in 1981, to 1.18 billion pounds in 1982, a rise of 45 percent. Clearly, we need to identify and promote new ways of responsibly disposing of our dairy surplus. As we shall see, barter is such an option deserving closer attention.

Classically defined, barter is the exchange of goods or services without the use of money. As used today, the word describes any transaction in which goods or services substitute, in whole or in part, for hard currency or credits. Barter has many variations, all of which share a point in common: each participant must have something to trade, and something to trade for.

Given the ever-growing inventories of Government-owned agricultural products, the United States certainly has something to trade. A quick check of the current state of the national defense stockpile of strategic and critical materials shows that, indeed, the United States has something for which to trade.

To prevent a dangerous and mostly dependence on foreign supply sources during national emergencies, the United States maintains a national defense stockpile of 61 materials. The stockpile goal for each material represents the estimated requirements for the first 3 years of a national emergency, above those expected to be available from domestic production and reliable imports. Revised goals were last announced on May 2, 1980.

To fill the 1980 goals would require the purchase of additional materials valued at approximately $10 billion. Yet, projected appropriations for stockpile acquisitions for fiscal years 1983–87 total only $660 million. Since stockpile purchases are funded out of the National Defense Stockpile Transaction Fund, our ability to fund even this amount of stockpile acquisition is contingent upon the sale of a like amount of stockpile materials currently in excess of goals. We cannot take 100 or more years to rebuild our national defense stockpile. Congress must seek to acquire strategic minerals in ways which do not increase the Federal deficit. Again, barter is a viable option.

Experience shows us that barter can be an effective means of reducing CCC inventories and building our strategic stockpile. The U.S. Department of Agriculture (USDA) conducted a successful barter program from 1950 to 1973. The first barter contract was signed in March 1950, and provided for the exchange of CCC cotton for chrome ore from Turkey. From 1950 to 1969, when USDA ceased exporting CCC-owned commodities in exchange for strategic materials, the United States acquired strategic minerals and materials worth nearly $1.7 billion through barter.

This USDA barter program owed its success to several conditions: low world prices for many agricultural commodities and many strategic materials; continuing Presidential and congressional interest, spurred by substantial surpluses of U.S. Government-owned commodities and significant deficits in some categories of strategic and critical minerals; and balance-of-payment and currency conditions which made especially attractive transactions that did not require hard currency. Barter agreements were bilateral and multilateral, and involved private trading firms. The United States ceased exchanging agricultural commodities for strategic materials because stockpile needs changed, CCC inventories were depleted, and the legislative authority was amended to allow only bilateral barter agreements.

Barter has recently experienced a revival of significant proportions. Many private American companies participate in international barter agreements. Pepsico has a widely known arrangement with the Soviet Union; Pepsi sends syrup and technical assistance to the U.S.S.R.; the Soviets pay, in part, with Stolichnaya vodka; and Monsieur Henry, a Pepsico subsidiary, acts as the sole international distributor of the Russian products. Closer to home, Chrysler is bartering trucks for Jamaican bauxite. In the Export Trading Company Act of 1982, Public Law 97-290, Congress provided for certain exceptions to domestic antitrust and banking laws, in order to encourage the formation of private export trading companies that will pursue a variety of exporting activities, including barter and countertrade. American firms do not shy away from barter.

Some companies, in fact, openly pursue barter agreements and maintain that bartered business is better than no business at all.

Even the Federal Government has shown a renewed interest in barter. In November 1981, President Reagan took a bold step by announcing an agreement with Jamaica. Through a combination of cash sale, exchange of surplus stockpile commodities, and barter of CCC dairy products, the United States acquired from Jamaica 1.6 million tons of bauxite valued at $55 million. Bauxite, a top priority of U.S. stockpile planners, is the basic raw material used in producing aluminum, a vital component in U.S. aerospace and military weapons systems.

What does our experience with barter teach us?

First, barter can be a successful method of reducing surpluses of certain agricultural commodities without unduly disrupting world prices or U.S. commercial sales.

Second, barter can overcome certain adverse hard currency and balance-of-trade conditions, thus permitting entry of U.S. agricultural products into new markets and, over time, resulting in increased commercial sales.

Third, barter can complement and promote U.S. foreign policy goals. President Reagan announced the Jamaican agreement by noting: "The stability and strength of Jamaica are important to our national security interests in the Caribbean."

Several nations could be our partners in a revival of the USDA barter program so successful years ago. Brazil, Peru, Thailand, the People's Republic of China, the Philippines, Venezuela, Turkey, and Indonesia have current agreements to barter various materials and supplies for food, or have entered into such agreements in the recent past. These countries supply a variety of strategic and critical materials, including bauxite, copper, lead, manganese, platinum, and zinc. But if barter agreements with these and other nations are to be entered into, the United States will have to overcome certain major obstacles.

First, current law authorizes only bilateral bartering, forcing us to rely upon an unlikely double coincidence of wants. The USDA barter program of the 1950's and 1960's showed opportunities for strictly bilateral barter to be severely limited.

Second, government-to-government barter may be prohibitively inefficient. Our earlier barter program relied upon private U.S. trading companies to initiate and propose barter transactions which were then reviewed by Federal contract specialists. Private firms often have the best available knowledge of international commodity market conditions. Furthermore, private parties are driven by the profit motive, an incentive lacking in government bureaucrats throughout the world.

Third, barter seems to require institutional impetus and coordination in order to operate successfully over a given period of time. U.S. officials participating in the recent Jamaican barter agree that President Reagan's enthusiasm provided overall guidance and motivation for the project.

Fourth, intragovernmental accounting conventions may preclude any effort to pursue barter. Under existing law, CCC must be reimbursed from the National Defense Stockpile Transaction Fund for the fair market value of the commodities bartered to acquire strategic materials. This, in effect, places barter in a catch-22. Barter is useful as a means of complementing open market operations. But this reimbursement requirement causes barter to displace cash sales of stockpile materials, since funds used for reimbursement are therefore unavailable for cash purchases. Barter is the only program under which CCC is required to be reimbursed. In point of fact, the Commodity Credit Corporation Charter Act, 50 U.S.C. 98c(b), authorizes the CCC to transfer agricultural commodities to the national defense stockpile "without reimbursement from funds appropriated for the purposes of the Strategic and Critical Materials Stockpiling Act."

In sum, barter is an attractive policy option that is presently limited by certain legislative and institutional constraints. After several months of study and consultation with administration officials and leaders of the private sector, we are pleased to introduce the Barter Promotion Act of 1983. Our bill provides the framework for a comprehensive revision of existing barter legislation so that Congress and the American people will have the full benefit of this latest trend in international trade. Briefly, our bill includes provisions to:

First, require barter policy to be coordinated within the Executive Office of the President;

Second, allow multilateral barter, provided such agreements do not displace cash sales of U.S. agricultural products or disrupt world market prices;

Third, require utilization of private U.S. trading companies to initiate and propose barter transactions;

Fourth, eliminate present requirement that CCC must be reimbursed for materials bartered to acquire strategic and critical materials; and

Fifth, require the Secretary of Agriculture to report to Congress on the activities of the administration's ad hoc interagency barter discussion group.

I thank my colleagues, Senators SYMMS, HUMPHREY, and NICKLES, for working with me on this effort over the past few months. I welcome additional cosponsors, and look forward to hearings in the Agriculture and Armed Services Committees to perfect this legislation. I am confident we are taking a responsible step forward by promoting effective and efficient barter on CC commodities for strategic and critical materials.

● Mr. NICKLES. Mr. President, I am pleased to lend my support to the introduction today of the Barter Promotion Act of 1983. The legislation would facilitate the use of barter to supply needed strategic and critical materials for the National Defense Stockpile, provide an increased market for the Nation's farmers, and reduce the cost of storing surplus commodities.

America's farmers are the best in world. Our burgeoning commodities storage facilities are a testimony to their efficiency. Yet, the cost of storing surplus commodities continues to grow burdensome on the taxpayer, totaling $1 billion in fiscal year 1982. This surplus is also no help to our farmers who, for the most part, remain in a state of economic depression. This legislation would tap into Commodity Credit Corporation (CCC) inventories of surplus commodities and use them as barter to obtain strategic minerals rather than adding to our enormous national debt to finance their purchase.

The PIK program conducted this year moved about 550 million of the 1.8 billion bushels of wheat in storage, and an estimated 30 million acres went unplanted in conjunction with the farm program. But, another bumper crop, coupled with a drop in export and domestic demand is forcing the Federal Government to continue subsidizing the storage of 1.5 billion bushels of wheat alone. As a national farm policy initiative, I believe the Barter Promotion Act of 1983 is a positive step toward getting the American farmer back on his feet. And as a defense policy initiative, the legislation provides vital materials that otherwise would only be obtained by increasing overall Federal spending.

As a practical matter, barter has already demonstrated its effectiveness in U.S. trade policy. The Reagan administration conducted a successful agreement with Jamaica last year. The United States traded 9,143 metric tons of milk products for 400,000 tons of bauxite. Bauxite is the basic raw material used to produce aluminum. Out of the negotiations arose the shortcomings of existing law; problems addressed by the Barter Promotion Act of 1983.

This legislation would remedy difficulties under present law by providing for better coordination of policy through the White House; permitting multilateral bartering; and utilizing private U.S. trading companies.

Mr. President, I urge my fellow colleagues to quickly enact this legislation to encourage the use of barter.●

● Mr. HUMPHREY. Mr. President, many times in the past on this floor and in committee hearings, I have expressed my concerns over the inadequacies on the national defense stockpile. I have also tried through subcommittee hearings and legislative initiatives to both highlight and correct the problems associated with the strategic stockpile.

Stockpile problems exist in management, budget handling, political restrictions, and inadequate stocks of materials. The United States has an insufficient natural resource inventory to support a national emergency and/or an industrial mobilization. A large amount of the necessary raw materials can only be obtained from unstable foreign sources. The purpose of the stockpile is to provide the necessary supply of critical raw materials at a time of national emergency and industrial mobilization. We need a way to tie together the need for the materials and the sources with a common means of exchange which will bypass the existing restrictions and will require a minimum amount of funding.

On the other hand, we have surplus commodities that could be used in exchange for the raw materials for the stockpile. The United States either trades foodstuffs and agricultural commodities or makes loans, frequently not repaid, to a number of countries on which we depend for our critical raw materials for the stockpile.

In the past the stockpile material purchases have been made with moneys from the transaction fund. However, political and budget restrictions, and low authorization and appropriation funding to the transaction fund have choked off any chance the fund has to procure the needed materials. This has created a requirement to find creative ways to finance the procurement of the necessary stockpile materials.

The total stockpile material and funding requirements would require a significant national effort coupled with the removal of the stockpile restrictions.

This barter legislation that we are introducing today will not solve the total material requirements. I will continue to address these needs with further legislation. This legislation will have multiple national benefits because it will provide another innovative financing method to address a portion of the stockpile problems; it will relieve our overstocks of agricultural commodities; and the legislation as proposed will require no additional funding.

I join with Senator TOWER and Senator SYMMS in the introduction of this legislation in the hope it will provide relief to both the strategic stockpile and the agricultural commodity problems.●

By Mr. HUDDLESTON (for himself, Mr. HELMS, Mr. BOREN, Mr. BOSCHWITZ, Mr. COCHRAN, Mr. DIXON, Mrs. HAWKINS, Mr. HEFLIN, Mr. JEPSEN, Mr. LUGAR, Mr. PRYOR, Mr. ZORINSKY, Mr. BENTSEN, Mr. BUMPERS, Mr. CHILES, Mr. COHEN, Mr. DOMENICI, Mr. DURENBERGER, Mr. EAST, Mr. HOLLINGS, Mr. INOUYE, Mrs. KASSEBAUM, Mr. MATSUNAGA, Mr. MCCLURE, Mr. NUNN, Mr. SASSER, Mr. STENNIS, Mr. SYMMS, Mr. THURMOND, Mr. TOWER, and Mr. TSONGAS):

S.J. Res. 134. Joint resolution to provide for the designation of the week of November 27 through December 3, 1983, as "National Entomology Week"; to the Committee on the Judiciary.

NATIONAL ENTOMOLOGY WEEK

● Mr. HUDDLESTON. Mr. President, I am pleased to introduce a joint resolution to designate the week of November 27 through December 3 as "National Entomology Week". The purpose of the resolution is to give recognition to the science of entomology and help make the public aware of the important work done by entomologists.

Through research and extension, entomologists—those scientists who study insects and their life cycles—help U.S. farmers take advantage of beneficial insect species and protect their crops from harmful insects.

Entomologists breed and rear insects for research and biological control, study methods of storing food and other products, work to keep farm products safe from insect damage, and serve as consultants to farmers to increase crop production. Without entomologists, U.S. agriculture would not be as productive as it is today.

Further, the management of insects is crucial to protecting homes, maintaining human health, and preserving a balanced ecology. Entomologists play an important role in controlling insect species and eliminating insect pests.

The Entomological Society of America plans to hold its annual meeting this year from November 28 through December 3. Thousands of entomologists from around the world, including scientists from our own Government and commercial laboratories, colleges, universities, and experiment stations, will attend the conference to discuss international developments, new techniques, and increased productivity in the world. In addition, the society will be celebrating its 30th anniversary of service to the profession of entomology.

I believe it appropriate that special tribute be paid to this important science in conjunction with the annual meeting; and I urge my colleagues to join me in supporting this joint resolution.●

● Mr. BENTSEN. Mr. President, I am pleased to join in introducing this joint resolution to establish "National Entomology Week" in recognition of the important contributions that entomologists make to the health and well-being of every American. Entomologists and their research work have enabled us to become the best-fed Nation in the world by enabling us to control insect pests that would otherwise ravage crops and stored food products. They have also enabled us to control many deadly insect-borne diseases, such as malaria.

At a time when there is growing concern over problems of environmental pollution, entomologists have taken the lead in developing new systems of pest management which are more responsive to both the economic and environmental needs of the 1980's. One such major contribution, and one in which Texas has been among the Nation's leaders, is Integrated Pest Management.

Integrated Pest Management (IPM) is a system of crop protection where all available cultural, chemical, and biological techniques of pest suppression are used in an environmentally sound manner to protect crop yields. In IPM, the farmer tries to manage the crop in a manner which reduces the severity of pest infestations. This may involve the growing of insect- and disease-resistant varieties, crop rotation, stalk destruction, preservation of insect parasites and predators, and the judicious use of chemical pesticides.

IPM does not attempt to eradicate insect pests with massive chemical attacks. Instead, IPM tries to limit their damage, using chemical insecticides only when damaging insects reach economically harmful levels and when other control measures, such as beneficial insects or cultural practices, cannot fully do the job. By dramatically reducing the use of expensive pesticides, IPM has been successful in increasing farmer profits while preserving environmental quality.

The Texas Integrated Pest Management Association was formed in 1978 and currently has some 2,000 members. The growth and success of IPM in Texas has been due in large part to the pioneering work of entomologists. A Texas A&M University entomologist, Dr. Perry Adkisson, was named Man of the Year in Texas Agriculture in 1978 for his role in developing and encouraging the use of IPM systems. Dr. Adkisson, who is now Deputy Chancellor of the Texas A&M University System, has helped to develop a research consortium of 17 universities which is doing IPM research work and also played a major role in the estab-

lishment of the Texas Pest Management Association.

The Federal Government has supported research and extension programs in IPM. The cost to Government for these programs has amounted to only a few cents per acre for the involved crops, but the returns to farmers have ranged from $14 to $33 per acre.

In Texas, IPM programs developed for cotton, sorghum, citrus, rice, and peanuts have been highly successful in increasing yields, reducing production costs, and increasing profits to growers. For example, cotton growers in the Lower Rio Grande Valley have increased their profits by as much as $100 per acre.

They accomplished this by growing new short-season pest-resistant varieties that require less irrigation and fewer insecticide treatments. Similar results have been obtained in the other cotton producing regions of Texas and with the other crops mentioned above.

The IPM concept has been widely accepted by farmers who now are anxious to adopt additional and improved pest control technologies which may be made available to them. The State agricultural experiment stations, with Federal support, are doing the R&D work necessary to improve current IPM systems and to develop new ones. Continued Federal support is necessary and is a good investment for public funds. The returns to farmers and the general public produced by IPM have far exceeded their development costs.

Mr. President, as a strong supporter of Integrated Pest Management, I am pleased to recognize the vital work of our Nation's entomologists in this and many other important areas through the recognition of "National Entomology Week."●

ADDITIONAL COSPONSORS

S. 49

At the request of Mr. STEVENS, the names of the Senator from Wyoming (Mr. WALLOP) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 49, a bill to reopen hunting and trapping lands in Alaska.

S. 113

At the request of Mr. ABDNOR, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 113, a bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in heavy trucks.

S. 337

At the request of Mr. PACKWOOD, the name of the Senator from Wyoming (Mr. SIMPSON) was added as a cosponsor of S. 337, a bill to amend the Internal Revenue Code of 1954 to make permanent the deduction for charitable contributions by nonitemizers.

S. 551

At the request of Mr. ROTH, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of S. 551, a bill to amend the Tax Reform Act of 1976 to extend, for an additional 4 years, the exclusion from gross income of the cancellation of certain student loans.

S. 764

At the request of Mr. WARNER, the names of the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Vermont (Mr. LEAHY), and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of S. 764, a bill to assure the continued protection of the traveling public in the marketing of air transportation, and for other purposes.

S. 1108

At the request of Mr. DANFORTH, the name of the Senator from West Virginia (Mr. RANDOLPH) was added as a cosponsor of S. 1108, a bill to amend various provisions of law to provide for more effective highway and motor vehicle safety regulations and enforcement, and for other purposes.

S. 1132

At the request of Mr. MCCLURE, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 1132, a bill to amend the Federal Power Act to specify the annual charges for projects with licenses issued by the Federal Energy Regulatory Commission for the use of Federal dams and other structures.

S. 1271

At the request of Mr. RANDOLPH, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of S. 1271, a bill to encourage citizen participation in wildlife conservation programs and to establish the National Fish and Wildlife Foundation.

S. 1324

At the request of Mr. GOLDWATER, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1324, a bill to amend the National Security Act of 1947 to regulate public disclosure of information held by the Central Intelligence Agency.

S. 1566

At the request of Mr. ROTH, the name of the Senator from Mississippi (Mr. STENNIS) was added as a cosponsor of S. 1566, a bill to amend title 5, United States Code, to provide civil penalties for false claims and statements made to the United States, to certain recipients of property, services, or money from the United States, or to parties to contracts with the United States, and for other purposes.

S. 1596

At the request of Mr. TRIBLE, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1596, a bill to amend the Internal Revenue Code of 1954 to exempt farm trucks from the heavy truck use tax where use on public highways does not exceed 10,000 miles.

S. 1613

At the request of Mr. TRIBLE, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1613, a bill to amend title 10, United States Code, with respect to the provision of medical benefits and post and base exchange and commissary store privileges to certain former spouses of certain members or former members of the Armed Forces.

S. 1661

At the request of Mr. PRYOR, his name was added as a cosponsor of S. 1661, a bill to amend the Internal Revenue Code of 1954 to make technical corrections with respect to the application after 1983 of the percentage depletion allowance to oil and natural gas resulting from secondary or tertiary processes.

SENATE JOINT RESOLUTION 84

At the request of Mr. GARN, the names of the Senator from Connecticut (Mr. DODD), the Senator from Illinois (Mr. DIXON), the Senator from new Jersey (Mr. LAUTENBERG), the Senator from Pennsylvania (Mr. HEINZ), the Senator from West Virginia (Mr. BYRD), the Senator from Illinois (Mr. PERCY), and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S.J. Res. 84, a joint resolution to designate the week beginning June 24, 1984, as "Federal Credit Union Week."

SENATE RESOLUTION 122

At the request of Mr. MOYNIHAN, the name of the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of S. Res. 122, a resolution expressing the sense of the Senate that the President should reduce imports of apparel so that imported apparel comprises no more than 25 percent of the American apparel market.

SENATE RESOLUTION 127

At the request of Mr. ANDREWS, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. Res. 127, a resolution to make the Select Committee on Indian Affairs a permanent committee of the Senate.

SENATE RESOLUTION 130

At the request of Mr. GORTON, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. Res. 130, a resolution expressing the sense of the Senate that the President should award the Presidential Medal of Freedom to Barney Clark, to be presented to his family in his memory.

SENATE RESOLUTION 181

At the request of Mr. BINGAMAN, the names of the Senator from Maryland (Mr. SARBANES), the Senator from California (Mr. CRANSTON), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Michigan (Mr. RIEGLE) were added as cosponsors of S. Res. 181, a resolution expressing the sense of the Senate that the U.S. Government should support the peace initiatives of the four-nation Contadora group, should indicate its willingness to cease the flow of arms into Central America in conjunction with other nations, and should terminate all programs of assistance to guerrilla forces in Nicaragua.

AMENDMENT NO. 1528

At the request of Mr. ABDNOR, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from Hawaii (Mr. MATSUNAGA) were added as cosponsors of Amendment No. 1528 proposed to S. 675, a bill to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes.

AMENDMENT NO. 2087

At the request of Mr. HART, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Delaware (Mr. BIDEN), the Senator from Arkansas (Mr. BUMPERS), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Michigan (Mr. LEVIN), the Senator from Montana (Mr. MELCHER), the Senator from New York (Mr. MOYNIHAN), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Ohio (Mr. GLENN), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New Jersey (Mr. BRADLEY), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Tennessee (Mr. SASSER), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of Amendment No. 2087 proposed to S. 675, a bill to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes.

SENATE RESOLUTION 183—RELATING TO THE PREVENTION OF ARSON

Mr. CHAFEE submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 183

Whereas arson for profit is a devastating crime which claims over 1,000 lives and 10,000 injuries in the United States each year, and

Whereas over 177,000 fires are deliberately set in buildings each year, accounting for property losses of more than $2 billion, and

Whereas arson disrupts lives, displaces families and demoralizes communities, straining city budgets and services and threatening the safety of firefighters, and

Whereas arson erodes the character and identity of neighborhoods, and

Whereas the fight against arson involves local fire and police departments, state law enforcement agencies, and several Federal agencies including the Federal Bureau of Investigation, Bureau of Alcohol, Tobacco, and Firearms, and the U.S. Fire Administration, and

Whereas these effective forces have been joined in recent years by community-based arson prevention organizations comprised of citizens who are concerned about the causes, costs, and consequences of arson, and

Whereas these community organizations have formed partnerships with local governments to increase public awareness about arson and to develop prevention strategies, and

Whereas these strategies have included identification of high-risk arson structures, surveillance activities to deter arson, public education and training about arson prevention, and enactment of ordinances to discourage arson, and

Whereas community arson prevention groups have been effective in helping to reduce the rate of arson in many cities where such groups are active, and

Whereas the U.S. Fire Administration has done a commendable job in coordinating firefighting, prevention and control programs in conjunction with community organizations, and

Whereas the Fire Administration is working to develop a national fire prevention policy: Now, therefore, be it

Resolved by the Senate of the United States of America, That gratitude and commendation be extended to community arson prevention organizations throughout the United States for the important role which they are playing in the development of antiarson strategies and greater citizen awareness and activism in combating arson, and further, that the U.S. Fire Administration be encouraged to continue to work with community organizations in carrying out its goals of reducing this grave and destructive crime, and to make such organizations an integral part of its development of a national fire prevention policy.

Mr. CHAFEE. Mr. President, arson for profit is one of the most devastating problems confronting our society today. It is a grave and growing crime which claims over 1,000 lives and 10,000 injuries across the United States each year, according to the U.S. Fire Administration. Over 177,000 fires are deliberately set in buildings each year in this country, accounting for property losses of more than $2 billion.

The toll extends far beyond this tragic loss of life and destruction of property. Arson disrupts lives, displaces families and demoralizes communities. It imposes tremendous burdens on our cities to provide housing and services to citizens whose homes are damaged or destroyed. Arson strains city budgets. It drives tax bases down and consumer insurance costs up. It threatens the safety of dedicated firefighters. It erases historic and cultural imprints which cannot be retraced and erodes the character and identity of neighborhoods.

The partnership working to combat arson has included municipal fire and police units, State law enforcement agencies, and such Federal agencies as the FBI, the Bureau of Alcohol, Tobacco, and Firearms, and the U.S. Fire Administration which, with a modest budget, has coordinated effective firefighting, prevention, and control programs.

It is important for Congress to recognize that another extremely effective force has emerged in the fight against arson. Community-based arson prevention groups have become organized in many cities during the last several years. They are comprised of people who have the most to lose in neighborhoods threatened by arson, and the most to gain by assuring its prevention—people who live with the fear or arson on a daily basis and who know its causes, costs, and consequences.

One of the most successful community arson prevention programs has been organized in Providence, R.I., by the citizens group "Stop Wasting Abandoned Property." SWAP was formed in 1976 as a nonprofit homesteading organization whose goal was to reduce the city's housing abandonment rate. SWAP has helped revitalize the community by acquiring and arranging for the sale and renovation of some 250 vacant houses. However, the persistent problem of arson threatened to eliminate many structures before SWAP could save them.

Through the efforts of Ms. Marty Gruer and other members of SWAP, a city-wide coalition was formed in 1981 to reduce arson through preventive efforts. City agencies, historic preservationists, social service units, housing organizations and others joined with SWAP to mount a campaign of public awareness and to develop arson prevention strategies.

One of the organization's most notable successes has been to secure the enactment of legislation requiring those who own buildings to file information pertaining to their insurance coverage with the city clerk. The group has worked to develop an early warning system which begins with research into a building's cycle of deterioration and leads to the pinpointing of high-risk structures. Working with the arson prevention unit of the Providence Public Safety Department, citizen volunteers conduct surveillance of

these buildings in order to deter those who contemplate arson.

The result of the coalition's efforts has been striking. Since arson prevention activities began, Providence's rate of arson in buildings has decreased by 31 percent, according to Chief Michael Moise of the Providence Fire Department. Other cities have witnessed similar improvements as the result of arson prevention programs in which community organizations have played a prominent role.

These groups include People's Firehouse in New York City, Urban Education Systems in Boston, the Cleveland Anti-Arson Coalition, as well as organizations in Seattle, Wash.; Springfield, Mass.; New Haven, Conn.; and other cities.

Arson-for-profit is often motivated to offset financial loss, collect inflated insurance claims or to empty buildings for demolition or rehabilitation. An alarming incidence of suspicious fires has occurred in buildings for which government rehabilitation loan moneys have been approved. Arson prevention programs include efforts to identify potential arson crimes by tracking a building's history of fires, fire code violations, title transfers, tax arrears, and vacancies. This leads to priority code enforcement, watchdog activities, building management assistance, seal up and rental of vacant buildings, foreclosures and ownership transfers. Community groups have also assisted in providing education and training programs for residents to alert citizens about the causes of arson and involve them actively in preventive efforts.

The U.S. Fire Administration is planning to establish a national arson prevention program in which community-based organizations will play a role. Clearly, arson prevention activities which originate from within neighborhoods can do a great deal to supplement the work of city, State, and Federal governments in this critical endeavor.

Congress owes a tremendous debt of gratitude to these community activists. They should be encouraged to press forward with their efforts through increased recognition and support. It is my hope that the U.S. Fire Administration and other agenices will continue to involve community organizations in arson prevention programs. Congress should follow these activities carefully and work to encourage an approach which enables community arson prevention organizations to pay a prominent role in combating this devastating crime.

I am, therefore, today submitting a resolution to acknowledge the outstanding contribution which is being made by community arson prevention organizations and convey to them our gratitude and commendation. In addition, my resolution encourages the U.S. Fire Administration to continue to utilize the support and resources of these community groups in implementing its future arson prevention programs and activities. I hope my colleagues will join with me in adopting this resolution.

AMENDMENTS SUBMITTED

MILITARY PROCUREMENT AUTHORIZATION, 1984

MOYNIHAN AMENDMENT NO. 2089

Mr. MOYNIHAN proposed an amendment to the bill (S. 675) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes; as follows:

Strike out Sections 109 and 275, and renumber the remaining sections accordingly.

At the end of the bill, add the following new section:

"SEC. . (a) Notwithstanding any other provision of this Act, no funds authorized to be appropriated under this Act shall be obligated or expended for the deployment of an MX missile.

"(b) It is the sense of the Congress that efforts to modernize the land-based strategic force should be focused on a small, single-warhead inter-continental ballistic missile that is either mobile or able to be deployed in deceptive fashion.

"(c) The President shall submit a written report to Congress by March 1, 1984 detailing the prospects for operational deployment of a small, single-warhead inter-continental ballistic missile in sufficient strength by December 1, 1986.".

DEPARTMENT OF DEFENSE APPROPRIATION

HART AMENDMENT NO. 2090

(Ordered to be referred to the Committee on Appropriations.)

Mr. HART submitted an amendment intended to be proposed by him to the Department of Defense Appropriations Act of 1984; as follows:

At the appropriate place in the bill, insert the following new section:

"SEC. . Notwithstanding any other provision of this Act, none of the funds appropriated under this Act shall be obligated or expended for the production, procurement, or deployment of the MX missile.".

MILITARY PROCUREMENT AUTHORIZATION, 1984

LEVIN AND OTHERS AMENDMENT NO. 2091

Mr. LEVIN (for himself, Mr. WARNER, Mr. HART, Mr. NUNN, Mr. QUAYLE, Mr. KASTEN, and Mr. HEINZ) proposed an amendment to the bill (S. 675), supra, as follows:

At the end of part L of title L add the following new section:

SENSE OF THE SENATE WITH REGARD TO SINGLE WARHEAD MISSILES

SEC. . It is the sense of the Senate that, since the Scowcroft Commission concluded that—

(1) stability should be the primary objective both of the modernization of our strategic forces and of our arms control proposals;

(2) our ICBM programs should support pursuit of a stable regime of arms control agreements; and

(3) a more stable structure of ICBM deployments would exist if both sides moved toward more survivable methods of basing than is possible when there is primary dependence on large launchers and missiles;

therefore, be it declared that from the point of view of enhancing strategic nuclear stability, the Union of Soviet Socialist Republics and the United States of America should seek to move toward an ICBM force structure in which missiles contain only one warhead.

EXTENSION OF DISABILITY BENEFITS

WEICKER AMENDMENT NO. 2092

Mr. BAKER (for Mr. WEICKER) proposed an amendment to the bill (S. 1340) to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disability Assistance and Bill of Rights Act, and for other purposes; as follows:

On page 4, line 2, strike out "in each such year".

On page 4, between lines 4 and 5, insert the following new section:

ADMINISTRATIVE AMENDMENTS

SEC. 104. (a)(1) Section 15(b) of the Act is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Education".

(2) Section 101(a)(11) of the Act is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Health and Human Services".

(3) Section 102(d)(2) of the Act is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Education".

(4) Section 202(i)(2) of the Act is amended by striking out "Bureau of Education for the Handicapped" and inserting in lieu thereof "Office of Special Education and Rehabilitative Services".

(5) Section 204(b)(7) of the Act is amended by striking out "Office of Education" and inserting in lieu thereof "Department of Education".

(b)(1) Section 202(g) of the Act is amended by striking out "Commissioner of Education" and inserting in lieu thereof "Secretary of Education".

(2) Section 203(a)(1) of the Act is amended by striking out "Commissioner of Education" and inserting in lieu thereof "Secretary of Education".

(3)(A) The first sentence of section 501(a) of the Act is amended by striking out "the Chairman of the Civil Service Commission" and inserting in lieu thereof "the Chairman of the Office of Personnel Management" and by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education and Health and Human Services".

(B) The second sentence of such Act is amended by striking out "Secretary of Health, Education, and Welfare and the Chairman of the Civil Service Commission" and inserting in lieu thereof "Secretary of Education and the Chairman of the Office of Personnel Management".

(C) Section 501 of the Act is amended by striking out "Civil Service Commission" each place it appears and inserting in lieu thereof "Office of Personnel Management".

(D) Section 501 of the Act is further amended by striking out "Commission" each place it appears and inserting in lieu thereof "Office".

(E) Section 501(d) of the Act is amended by striking out "Civil Service Commission's activities" and inserting in lieu thereof "the activities of the Office of Personnel Management".

(F) Section 501(f)(1) of the Act is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education".

(4) Section 507 of the Act is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education, the Secretary of Health and Human Services," and by striking out "Chairman of the United States Civil Service Commission" and inserting in lieu thereof "Chairman of the Office of Personnel Management".

(5) Section 614 of the Act is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

(c)(1) Section 401(a) of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education".

(2) Section 402 of such Act is amended by striking out "Commissioner of Education" and inserting in lieu thereof "Assistant Secretary of Education for the Office of Special Education and Rehabilitation Services".

On page 6, line 23, before the period insert "under this Act".

On page 13, line 17, insert "the second time it appears" before the semicolon.

On page 15, between lines 3 and 4, insert the following:

(e)(1) Section 304 is amended by striking out "(d)" the second time it appears and inserting in lieu thereof "(e)".

On page 15, line 4, strike out "(e)" and insert in lieu thereof "(2)".

On page 15, line 4, strike out "304(d) of the Act" and insert in lieu thereof "304(e) of the Act (as redesignated by paragraph (1))".

On page 22, line 12, insert "of" after the quotation marks.

On page 23, line 19, insert "(1)" after "(a)".

On page 23, between lines 20 and 21, insert the following:

(2) The table of contents of the Act is amended by striking out "SEC. 731" after part E and inserting in lieu thereof "SEC. 741".

On page 24, between lines 11 and 12, insert the following:

ADMINISTRATIVE AMENDMENT

SEC. 201. Section 102(11) of the Developmental Disability Assistance and Bill of Rights Act (hereafter in this title referred to as the "Act") is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

On page 24, line 13, strike out "SEC. 201." and insert in lieu thereof "SEC. 202.".

On page 24, beginning with "the" on line 13, strike out through the end parenthesis on line 15 and insert in lieu thereof "the Act".

On page 24, line 20, strike out "SEC. 202." and insert in lieu thereof "SEC. 203.".

On page 24, line 24, strike out "make allotments to".

On page 25, line 2, strike out "SEC. 203." and insert in lieu thereof "SEC. 204.".

On page 25, line 9, strike out "SEC. 204." and insert in lieu thereof "SEC. 205.".

HATCH AMENDMENT NO. 2093

Mr. BAKER (for Mr. HATCH) proposed an amendment to the bill S. 1340, supra; as follows:

On page 2, line 22, before "and" insert "types of facilities or agencies which furnished services and whether each such facility or agency is public or private,".

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON EDUCATION, ARTS, AND HUMANITIES

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Education, Arts, and Humanities, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Tuesday, July 26, at 2 p.m., to hold a hearing entitled, "Quality in Education—Recommendations of the Report of the National Commission on Excellence in Education."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Tuesday, July 26, to hold a hearing to consider the nominations of Paul Enns and Joseph Kyser, to be members of the Federal Farm Credit Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, July 26, 1983, to continue markup of criminal law reform legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SURFACE TRANSPORTATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Surface Transportation of the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, July 26, to hold a hearing on the oversight of the Staggers Rail Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, July 26, until 12:15 p.m., for the purpose of marking up S. 757, solid waste amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

POOR SCHOOLS ARE FALLING BEHIND IN COMPUTER PROGRAMS

● Mr. LAUTENBERG. Mr. President, last month I made my first speech on the floor of this body. I spoke then about my concern that as this country moves forward into the so-called information age, we must be mindful that all of our citizens share in its benefits. One aspect of these developments lies in disparities between school districts with respect to access by their students to computers and programs of computer learning. Schools which are equipped with computers and teachers who are trained to use them are enormously advantaged in their ability to prepare students for the future. As the less well-off school districts find that they cannot afford the same ambitious, up-to-date programs as the richer districts, they are becoming understandably concerned. A Newark school official recently stated his concern this way: "We look at this as another form of segregation, as discrimination against the underprivileged child."

A recent article in the New York Times provides a graphic illustration of the contrasts in computer education between a school in an affluent area in my State of New Jersey and an inner city school. As we move toward considering legislation to improve the quality of American education, I ask that this article be printed in the RECORD for the information of my colleagues.

The article follows:

RICH SCHOOLS GETTING RICHER IN COMPUTERS

(By Michael Winerip)

NEWARK, June 23.—Luis Pereira once read a guidance brochure at East Side High here that said computers were the way to get ahead in America, and since ahead is precisely where 18-year-old Luis wants to be, he signed up for the school's computer programming course.

Because there were so few terminals at East Side, he often went to school a half hour early and skipped lunch to be with the computers. "I went to learn the machine language," he told friends who asked what he was up to.

At first the friends thought his interest odd—only 55 of East Side's 2,200 students are taking computer programming this year, and many Newark high schools have no computers at all. But as they approach graduation, said Luis, a junior who wants to be an engineer, "they see how it helps me get ahead."

Yet if Luis Pereira is far ahead by Newark standards, he has already fallen as much as two years behind his peers at nearby suburban schools, such as Westfield High School.

THREE YEARS IN WESTFIELD

At Westfield High, a student can take up to three years of programming; in Newark, if he is lucky enough to be at a school with computers, he can take one year.

At Westfield High next year more than 40 percent of the students will take a five-day-a-week course in computer programming; at East Side High School in Newark fewer than 5 percent will be able to. At Westfield High they work on terminals that connect with a large, central computer memory; in Newark the computers are simple, self-contained units that cannot handle the more sophisticate programming done in Westfield.

This widening gap in computer literacy between richer and poorer school districts, suburban and urban, is causing concern among education, business, political and civil rights leaders and was the topic of Frank R. Lautenberg's maiden speech in the Senate earlier this month.

"Federal cutbacks in education aid are helping to widen the gap," the New Jersey Democrat said this week in a follow-up interview to his Senate speech. "The wealthier districts find a way to go ahead with computer purchases, while the poorer districts cannot."

NOT GETTING THEIR SHARE

As a founder of Automatic Data Processing, the largest company of its kind in the nation, Mr. Lautenberg said he and his partners were aware that children in large, poor urban districts such as Newark were falling behind in computer training, and so were not getting their share of jobs in the industry.

"We look at this as another form of segregation, as discrimination against the underprivileged child," said Joseph Harris, executive director of management information for the Newark Schools. "Our child doesn't have the same opportunity—we have a dismal number of computers compared to our population."

Companies that use computers as a daily tool in the work place have noticed, too. "Given a choice between two equal candidates, one who knows computers, and one who does not, we hire the person with computer training," said Nancy Thomas, a personnel manager for Prudential Insurance Company of America, one of Newark's largest employers.

It is not that Newark educators are unaware of the importance of computers.

At a staff meeting last September, the Newark Superintendent, Columbus Salley, emphasized that computer literacy for all children is a top priority. He has for the first time created a centrally administered districtwide computer department, which has applied for several grants to buy equipment.

Principals are being encouraged to put any extra money they have into computers, even if it means denying funds for more traditional programs. At Ann Street elementary school on Newark's east side, children sold Hershey bars, and parents acted in "Joe White and the Seven Dwarf-ettes", raising $20,000 so the school will have computers in the fall.

SUMMER COMPUTER CAMP

The number of students at East Side High who can take computer programming in the next academic year will nearly double, to 96, and beginning in 1984 the school will offer a second year of computer science. A district computer camp this summer will give an additional 150 students, teachers and parents a crash course in programming.

Yet for Newark, the largest school system in the state with 57,000 students, computer literacy is a long, long way off. Five of Newark's 17 high schools have no computer courses at all. There is enough money for only three of the system's 50 elementary schools to install computers, according to Angela Caruso, who is in charge of the district's computer curriculum. She estimates she needs 1,000 terminals to make computer literacy possible in the first eight grades—and has just 25.

Federal and state grants are likely to be limited, if available at all. And Newark school officials say they have had little luck when they approached major computer companies such as Apple, Radio Shack and I.B.M. for help. All volunteered lecturers, but not the costly equipment that Newark schools need so badly.

LOOKING FOR CONTRIBUTIONS

"The only thing that will save us," Mr. Harris said, "is if some computer company looks at us as needy and donates equipment—otherwise we'll never get anything going."

Ironically, the Newark school system was an early experimenter with computer education, beginning 15 years ago, through Federal pilot programs begun after the city's riots.

But just as computers began to win widespread acceptance from educators nationally, the Federal dollars dried up, and nearby suburban school systems such as Westfield caught up with Newark and then far surpassed it.

Westfield, which is about 15 miles southest of Newark, and hardly had a program at all until six years ago, is a particularly dramatic example.

An upper middle class community filled with white-collar workers and professionals who commute to Manhattan, Westfield has a reputation for being fiscally conservative. Twice in recent years the community has turned down school budgets as exorbitant.

DEMANDED MORE COMPUTERS

Yet at the same time, residents have demanded that the system's computer offerings be expanded. Between 1982 and 1984, Westfield will spend $250,000 of local money on computer equipment—the same amount it spent for all of the previous 10 years. Newark, which has 10 times as many students as Westfield, has no local money to budget for computers.

The Westfield parents—lawyers and brokers and engineers—often work with computers in their offices, have them at home and are usually the ones who urge their children to take courses at the high school.

"My father works at Merrill Lynch—his whole place is just computers," said Jill Zeikel, 17, a senior in computer science who is going to Sarah Lawrence next fall.

About five years ago, Adam Buchsbaum's father, a vice president for customer systems at Bell Labs, brought a terminal home that hooks up to the Bell Lab system. Adam was 12 and unknown then, but today he is considered the computer whiz of Westfield High.

MORE SOPHISTICATED SYSTEM

Last fall, the 17-year-old junior finished his third semester of computer science on the school's Hewlett-Packard system—a system more sophisticated than anything they have in Newark. In the fall he will begin the school's advanced placement computer course on the PRIME 550-II system. He is looking forward to working with the PRIME's larger, 3-megabyte memory. "I think the Hewlett-Packard was a little tame," he said.

Next May, Adam and several of his Westfield classmates will be taking the College Board's advanced placement test in computer science for high school seniors. It is the first time the College Board is offering the test, and indication of the growing importance computers are playing in secondary schools. If the students do well enough, they will qualify for advanced computer studies in college.

Newark will not have an advanced placement computer preparatory course next year; it may have one at a few high schools two years from now.

In Newark, more often than not, it is the children who tell the parents—many of whom are longshoremen and laborers, janitors and mechanics—about the greatness of computers.

PARENTS WERE IMPRESSED

"My parents didn't know the first thing about computers," said Daene Aureliano, who is completing East Side High's yearlong computer science program. "They understand now, because I explained to them—I brought them home some of the programs we did. They were impressed. There are a lot of things they didn't think a computer can do."

When Luis Pereira could not get enough time on the classroom computer, he saved $250 from his afterschool job as a janitor, and talked his father into giving him the other $250 for a small home computer. Luis's father, a truck driver at a chemical plant, was unsure it was a wise idea at first, having heard that children used computers for games, but in the end, he trusted his bright son, and was impressed with what computers could do for a person.

Now, Luis said, "when I do a program, I feel good, that I accomplished something." He is sorry only that next year, as a senior, there is no second-year course at East Side High for him. He has heard teachers say that other schools, away from Newark, are filled with computers.●

THE YORK COUNTY COMMUNITY ACTION CORP.

● Mr. MITCHELL. Mr. President, it is a pleasure to take the opportunity here today to call some well-deserved attention to the accomplishments of a community service organization in my State of Maine, the York County Community Action Corp. I have long watched and admired the work of this group, which provides a wide range of valuable and needed services to almost 200,000 people in 29 communities along Maine's southern coast.

Locally the group is known widely as CAP. It was incorporated in 1965 under the original Economic Opportunity Act, and has 18 board members. Among its activities are programs such as fuel assistance, Head Start, housing and community development, outreach services, transportation, and weatherization.

A glance at just a few of the grateful notes and letters which have come to CAP from the people it helps gives some idea of how effective it is. "If it hadn't been for CAP, I would probably be stuck out in the cold right now," wrote a mother of two who recently moved to York County from another State. "They helped in locating an apartment, helped me travel to and from apartments and agencies and shopping and medical care, and even helped me locate furniture and household items. . . ."

A woman of 86 who lives alone, wrote that "CAP has helped me get a hearing aid, and with fuel and many other problems. I hope you can do as much for other old people as you have done for me." Another writer said, "We are eternally grateful for your deep concern and help in our time of desperation. You made us realize there are people who still care. . . ."

"I am sending this card to say thank you," wrote still another recipient of help. "I don't know what I would have done if your agency and its people had not helped me—I would have had to sell my home. I'm still home and hope to stay here for a long time yet." And, finally: "I'm such a lucky old girl. I have so much to be grateful for. I do love the people at York County Community Action for all they do for everybody."

Mr. President, CAP had its annual meeting on the 21st of this month of July. I think it is the right occasion to commend and congratulate them, and to wish them continued long years of successful effort. They have clearly earned the kinds of tributes I have cited here, and they can be exceptionally proud of their achievements.●

A NEW IDENTIFICATION OF THE NATIONAL INTEREST IN EDUCATION

● Mr. ANDREWS. Mr. President, local school board members are the Nation's elected officials closest to the grassroots of communities. They are responsible for raising a large proportion of the local taxes and using them prudently to operate our largest local unit of government, our public school system. In North Dakota, for example, they operate the largest transportation system, the largest feeding program, maintain the most square footage of space, in addition to hiring the largest number of public employees in the State. Consequently, their views on appropriate forms of Federal intervention established by Congress are important to me.

Thomas A. Shannon, executive director of the National School Boards Association, which is the national organization representing local school board members, acknowledges the importance of a Federal role in public education. In recent years, there has been much discussion of the intrusion of Federal Government into local matters. Mr. Shannon outlines a Federal role in education that enhances local community control of schools rather than undermines it. I urge my colleagues to read it.

The article follows:

A NEW IDENTIFICATION OF THE NATIONAL INTEREST IN EDUCATION

(By Thomas A. Shannon)

"A Nation at Risk: The Imperative for Educational Reform" is the title of the newly issued report of the National Commission on Educational Excellence. It says all there is to say about the issue of a federal role in elementary and secondary education.

In brutal candor, the report's title declares that the United States will succeed or fail as a nation—and not as a collection of states or communities—in the increasingly stiff competition in an increasingly complex technological world. Success is predicated upon an educated citizenry able to cope with modern technology and to lead the way into the 21st Century. Ninety percent of that citizenry is educated in the public schools. Thus, the existence of an urgent national interest in public elementary and secondary education is manifest. And whenever there is a vital national interest there also is a federal role to be played by our nation's government.

Is the National Commission on Educational Excellence the only group to comprehend the relationship between education and economic productivity, reindustrialization, and national defense? The answer is a resounding "No." Another agency of the federal government, the National Science Foundation (NSF), is studying the issue through its Commission on Precollege Education in Mathematics, Science and Technology. Its preliminary report (entitled "Today's Problems, Tomorrow's Crises") concludes that "The current and increasing shortage of citizens adequately prepared by their education to take on the tasks needed for development of our economy, our culture and security is rightly called a crisis by leaders in academe, business and government."

In this "phase 1" report, the NSF Commission endeavored to identify the problem. It found a shortage of superior teachers in mathematics and science with few opportunities to upgrade their skills; too many inadequately equipped science classrooms; too little instructional time; too many problems of student discipline; a need to revise curricula in science and mathematics; and too little use of computers in the classroom.

The NSF Commission's report on "phase 2" will contain recommendations to provide the United States with a broader pool of students who leave high school prepared and motivated for advance courses in science and technology, with an expanded range of high-quality educational offerings at all grade levels, and with citizens equipped with mathematics and science skills sufficient to fit them for "full participation in the society of the future." The "phase 2" report should be issued before the year is out.

Another report that buttresses the federal role in education soon will be made public by the Education Commission of the States (ECS). ECS (a compact among the states designed to bring leaders of state governments and education together to deal with educational issues) last year established a Task Force on Education for Economic Growth. That Task Force, under the leadership of Governors James Hunt of North Carolina and Pierre DuPont of Delaware, published its report this summer. The foreword of the report's preliminary draft carries on the crisis theme mirrored in the reports of the National Commission on Educational Excellence and the NSF's Commission on Precollege Education in Mathematics, Science and Technology. Its title: "A Conviction That a Real Emergency is Upon Us." The draft foreword also states unequivocally that the Task Force members "acknowledge the importance of a strong Federal commitment to education—a commitment which is backed by sufficient resources."

What these three prestigious groups are groping for is not a redefinition of the federal role in education calling for a repudiation of the public schools and a virtual bail-out by the federal government (as the Administration apparently misinterpreted the report of its National Commission on Education Excellence when the President used the occasion of the report's release to renew his call for tuition tax credits and vouchers for private schools and the abolition of the U.S. Department of Education).

Rather, the reports of all three groups so far point to a steadfast confirmation of the thinking about the appropriate federal role in education that has evolved gradually over the past six decades. That role has four dimensions:

1. To finance high-cost programs of overriding national significance. (Isn't this the natural category in which to place new efforts by the federal government to replicate the National Defense Education Act first introduced because of Sputnik. Wouldn't action in this role by the federal government go a long way toward addressing the national emergencies perceived by the several national commissions? Couldn't the federal government provide financing to raise America's newly emerging commitment to instructional excellence to the level we now enjoy in equal educational opportunity or access? The answers to all of these questions led ineluctably to an expanded federal role to respond to a burgeoning national interest as identified by the three studies—not in federal regulations, paperwork, and program guidelines that stifle local imagination, but in dollars to enable local school boards to approach the problems in a constructive way best suited to the realities of the local community.)

2. To finance needs of special categories of students whom the Congress believes are not receiving the attention they deserve at state and local levels. (Won't our nation benefit by extending to the youngsters of poor and disadvantaged families a chance to raise their educational competency levels so that they can be full participants economically producing and politically active in the complex world of tomorrow? Are states and cities really doing as much as they should for impoverished children in America's big cities and rural areas to make them truly contributing members of our society? Any answer to these questions must imply that much is yet to be done to respond adequately to the national emergencies articulated by the several national commissions.)

3. To advance the cause of civil rights throughout the United States. (and),

4. To serve as a liaison and clearinghouse for educational research. (Surely there is nothing in the conclusions of the three studies that is inconsistent with the third and fourth dimensions of the federal role in education. Indeed if the first two dimensions are addressed effectively, the last two dimensions will benefit from a positive "fall out.")

School board members are the natural leaders of public dialogue about education in the local community. Indeed, the final recommendation of the National Commission on Educational Excellence admonishes citizens to hold "educators and elected officials responsible for providing leadership to achieve" reform education. It is up to local school boards to convince their citizen constituencies, in the words of the National Commission on Educational Excellence, to "provide the fiscal support and stability required to "bring about the reforms" proposed. Reform is never a short-run project—it is for the long-term, and goals to institute reform should reflect this fact.

While, unquestionably, the old story that "the buck stops at the local school board" remains true—it also is true that the new conditions of today place that buck before the federal and state governments as well. But, unless the demand that education attain a new and higher federal and state priority emanates clearly from the local community, the federal government, especially, will wait for somebody else to do the job so integrally linked with our long-term national survival.●

TRIBUTE TO CAPT. BILL CONNOR

● Mr. NUNN. Mr. President, during the past 3 years I have had the privilege of working with Capt. Bill Connor, until recently the officer in charge of construction at the Trident submarine base at Kings Bay, Ga. Captain Connor is an outstanding naval officer who recently retired from the Navy.

Captain Connor's military career has been exemplary from the time he first joined the Navy. He is a highly qualified professional engineer who holds a bachelor of science degree in electrical engineering from Duke University and a master of science degree in engineering electronics from the naval post graduate school in Monterey, Calif. His engineering expertise and thorough work is widely acknowledged, and the Navy has depended on Bill Connor's skill during his assignment to a number of demanding posts over the years including tours on the staff of the officer in charge of construction, Republic of Vietnam; the Office of the Chief of Naval Operations; and the staff of the officer in charge of construction at the west coast Trident submarine base in Bangor, Wash.

I first met Bill in the mid-1970's when he was on the west coast helping build the Bangor Trident base. I was immediately impressed with the Navy's actions there—under his leadership—to forge a strong link between the base and the local community. In fact, I asked Navy leaders for assurance that they would provide the same expertise on the Kings Bay project and make sure that individuals like Captain Connor would be associated with the base throughout the entire construction period.

I was delighted to learn of Bill's assignment in 1980 to the Kings Bay project, and I believe that his work as the officer in charge of construction at this naval submarine base was one of his most challenging assignments during his Navy career. When Bill Connor came to Georgia, the Kings Bay area was rapidly changing from a quiet coastal community to the site of the largest peacetime construction project the Navy has ever undertaken. The Kings Bay Trident-related construction will cost approximately $1.5 billion, and the base is expected to create about 11,540 new jobs and increase the population of the surrounding Georgia counties by approximately 14,000 people by 1998. The local community and the Navy faced the difficult challenge of channeling this massive impact and of making the area's transition as smooth as possible.

Today the partnership between the Navy and the Kings Bay community is strong and growing. The Kings Bay experience is a model for communities which support developing bases, and this is an achievement which is due in great part to Bill Conner. Bill's careful administration of the early construction on the base and his equally careful attention to the requirements of the growing community surrounding the installation has earned him the respect and admiration of the many people he has worked with during his tenure at Kings Bay. I believe the bond between the towns and the base which has been formed in the early years is strong and enduring, and I know that it will stand as a tribute to Bill Connor's extraordinary dedication.

The State of Georgia is deeply in Captain Connor's debt for his commitment to the smooth development of a large and vital submarine base, and I personally, am grateful that our Nation had an officer of his high caliber in the armed services. Bill has now started a new career with Raymond Kaiser architectural and engineering firm in Tallahassee, Fla., and I hope that he and his lovely wife, Gayle, will now have the opportunity to enjoy some well-deserved vacations. I want to express my thanks to Bill for his service to his country and extend congratulations and best wishes as he begins a new career.●

GUSTAVO ARCOS BERGNES

● Mr. CHILES. Mr. President, on July 26, 1953, Fidel Castro led an early morning attack against the Cuban Army barracks in Moncada, Oriente Province, Cuba. Among the 134 men attempting the takeover of the barracks was Gustavo Arcos Bergnes, a trusted and loyal friend of Fidel Castro. On this 30th anniversary of the beginning of the Cuban revolution, it is the plight of Gustavo Arcos to which I call your attention.

Gustavo Arcos was with Fidel Castro from the very beginning of what many participants hoped would be a democratic movement to overthrow the corrupt government of Fulgencio Batista. He was wounded while fighting in the Moncada Barracks attack. The attack on the barracks was quite bloody and unsuccessful, but it had lasting significance for the Cuban revolution movement. After the failed attempt, the established leader of the revolutionary movement against Batista was without question Fidel Castro. Taking its name from the date of this unsuccessful effort, the "26th of July" now had the momentum to continue in its campaign against the Batista government.

The campaign continued in Mexico when Castro and Arcos planned the second stage of the anti-Batista revolution. The outcome this time was successful, and the Batista government was toppled in 1959.

For his efforts, Gustavo Arcos was named Ambassador to Belgium and the Netherlands. But his service in this position was short lived. In 1965, he was called back and pressured to join the Communist Party. Arcos refused to do this and as a result was sentenced to 7 years in jail. It was at this time that Ambassador Arcos found out how Castro repays the service of his friends.

After 7 years in prison, Arcos was released but kept under virtual house arrest. His appeals to leave the island were denied. In a desperate effort he was caught trying to escape and sentenced to an additional 14 year prison sentence for his "crime."

Mr. Arcos' only crime is that he dared to stand up for the principles he believed in and defied the pressure by Castro to join the Communist Party. His attempted escape was an effort to rejoin his family now residing in the United States. It is crucial that he be allowed to rejoin his family. On hu-

manitarian grounds, I appeal to the government of Fidel Castro for the release of Gustavo Arcos.

Mrs. Arcos is suffering from cancer and Gustavo Jr. is lying paralyzed and semicomatose in a hospital bed as a result of a traffic accident. Doctors say that the sight of his father could bring young Arcos out of this state. It was after hearing this news that Arcos made his attempt to escape Cuba.

Mr. President, I and my distinguished colleague from South Dakota, Senator PRESSLER, have written Premier Castro requesting on humanitarian grounds the release of Gustavo Arcos. We have been joined by 20 of our colleagues who also express the desire that Mr. Arcos be allowed to leave Cuba and rejoin his family. On the House side, Representatives GUS YATRON, MICHAEL BARNES, and JAMES LEACH have circulated this petition and have been joined by 56 cosponsors.

Mr. President, I ask that a copy of the letter to Fidel Castro be included in the RECORD.

The letter follows:

U.S. SENATE,
Washington, D.C., July 26, 1983.

Presidente FIDEL CASTRO RUZ,
Presidente del Consejo de Estado, y del Consejo de Ministros, La Habana, Repbulica de Cuba.

DEAR MR. PRESIDENT: We are writing to you to bring to your attention the case of Gustavo Arcos Bergnes who is presently serving a seven year prison sentence for attempting to leave the country. Mr. Arcos was trying to join his family in the United States.

His family now resides in the United States for medical reasons. His wife is suffering from a crippling cancer which has left her unable to work, and his twenty-one year old son lies paralyzed and semi-comatose following a traffic accident. Doctors say that his only hope for recovery is the sight of his father.

We understand that Mr. Arcos was among those wounded with you during the July 26, 1953 attack on Batista's Moncada army barracks. Therefore, on this thirtieth anniversary of the Moncada attack we ask for your personal attention to this matter, and we appeal to you on humanitarian grounds to arrange Gustavo Arcos' release and allow him to rejoin his family abroad.

Sincerely,

Larry Pressler, Jesse Helms, Rudy Boschwitz, Robert Dole, Carl Levin, Lawton Chiles, Walter Huddleston, Richard Lugar, Charles E. Grassley, Don Nickles, Quentin N. Burdick, Dave Durenberger, Jeff Bingaman, Jennings Randolph, John Heinz, Dale Bumpers, Dan Quayle, Ernest F. Hollings, Alan Cranston, John Glenn, Floyd Bentsen, William S. Cohen.●

TREATING SOVIET PSYCHIATRIC ABUSE

● Mr. ARMSTRONG. Mr. President, Mr. David Satter, one of the few Westerners who knows the Soviet Union well, had an article in the Wall Street Journal of Friday, July 8, which, through the eyes of one of its victims, provides considerable insight into the nature of that very strange society. I urge all my colleagues to ponder it well.

The article follows:

[From the Wall Street Journal, Friday, July 8, 1983]

TREATING SOVIET PSYCHIATRIC ABUSE

(By David Satter)

The fate of Alexei Nikitin, a miner who tried to defend workers' rights in the Ukrainian coal fields, is being decided behind the walls of a Talgar psychiatric hospital in Soviet Kazakhstan—far from the scene of next week's congress of the World Psychiatric Association in Vienna.

Yet Mr. Nikitin's odyssey through Soviet prisons and psychiatric hospitals and the experiences of Anatoly Koryagin, the Soviet psychiatrist who defended him, are of immense relevance to the West.

If, as Mr. Nikitin's story helps to show, the Soviet regime abrogates to itself the right to decide what is true and false and in this way redefines sanity, how is it possible to count on any "dialogue" between the U.S. and the Soviet Union that presumes shared values and an agreed set of facts?

Soviet psychiatrists resigned from the WPA in February in order to avoid being expelled. The WPA must now decide on further steps to induce the Soviet Union to end the abuse of psychiatry. In doing so, the group should consider—as national psychiatric associations have increasingly in recent years—the history of the Nikitin case. The harrowing consequences for Mr. Nikitin of trying to discover objective truth in the monolithic Soviet system shows the fundamental—and unbridgeable—psychological divide between East and West.

Mr. Nikitin's difficulties began in 1969 when he, as a naive young Communist, led a group of workers to see Viktor Savitch, the director of the Butovka-Donetsk mine, to complain that no bonus was being paid for extra coal mined on Sundays. Mr. Savitch dismissed the protest contemptuously and had Mr. Nikitin fired. Most of the other miners were forced to renounce the protest. Those who did were able to find work. But Mr. Nikitin found it impossible to get another job in the famous coal mines of the region.

Had Mr. Nikitin accepted his "mistake" and lived quietly, surviving on odd jobs, nothing further would have happened to him. But, convinced that he had done nothing wrong and unwilling to accept his helplessness, he took the step that sealed his fate. He went to Moscow to appeal against his dismissal to the central authorities.

The majority of the sane people in Soviet mental hospitals started out in the same way. These people are known as "truth seekers" in Russia and they end up in mental hospitals because they indeed learn more of the truth than the Soviet leaders wish them to know.

PROPAGANDA APPARATUS

Deep anger over the abuses of authority by local party bosses exists almost everywhere in the Soviet Union. But the discontent is limited by the fact that most citizens believe the abuses aren't a product of the system but rather an exception against which the central authorities are constantly fighting. The entire Soviet Propaganda apparatus is organized to reinforce this impression.

The truth seekers, out of faith in the Soviet leaders, put this essential fiction to the test.

Like any truth seeker, Mr. Nikitin, when he went to Moscow, began to visit the reception halls, going from the foyer of the Central Committee of the Communist Party to that of the Soviet procurator to that of the Supreme Soviet.

He fully expected that the authorities would correct the injustice against him. But as the months passed, he was confronted with constant, arbitrary delays and shuttled from place to place, obliged at every step to fill out new and ever more voluminous forms. He was confronted by bureaucrats, who, it seemed to him, behaved somehow like actors. Sometimes they abused him, sometimes they sympathized and promised action, sometimes they shouted over the phone to subordinates, but they always ended up referring him to someone else until, after two years of exhausting effort, he was referred back to the local authorities in Donetsk who had fired him in the first place.

Only a few of the truth seekers have the determination to see this process through to the bitter end but those who do slowly begin to understand something about the essence of Soviet society.

They see that their complaints will never be answered and that the abuse of power they experienced wasn't an isolated exception but the logical expression of the system. It is at this moment of realization that the truth seekers are likely to be seized in the reception halls and put in mental hospitals.

Once a truth seeker has been seized, everything is done to convince him that he is deluded and it only seems to him that the Soviet Union is based on lies because he is mentally ill.

Mr. Nikitin's arrest came in Donetsk Jan. 13, 1972. He was taken to Donetsk prison and then transported in June to what, at first, appeared to be a prison in the Ukrainian industrial city of Dnepropetrovsk.

After he had changed clothes in a basement corridor, the orderlies brought him to a small room that held about 30 persons who, it was indicated, shared his mental outlook. As he looked around, Mr. Nikitin realized to his horror where he was.

In the dimly lit chamber, inmates with deranged expressions on their yellow faces and with wildly contorted limbs were lying on narrow beds. Some sat with their tongues hanging out, looking blankly at the new arrivals, while others were unable to look at anything continuously because their faces were disfigured by horrible tics. The air was poisoned by the smell of unwashed bodies and the breath of men who had been treated with powerful drugs. It was all Mr. Nikitin could do to keep from vomiting.

In the months that followed, he met, among the hundreds of patients who were genuinely mentally ill, other sane persons like himself. They included a Soviet soldier who while serving in Egypt had tried to cross the border into Israel, a student who had displayed a Ukrainian flag, Baptists who had circulated religious leaflets, and a Soviet emigre who had returned from Australia and then wanted to leave again.

The doctors tried to induce Mr. Nikitin to acknowledge that he was "sick," as the first step toward his "recovery." He, like other patients, was treated with sulfazine, which raises body temperatures to barely endurable levels and was "like a drill boring into a man's body that got worse and worse until it

was more than a person could stand." The treatments often continued for months until the patients showed signs of complete physical and moral submission.

Mr. Nikitin was freed in March of 1976 after four years at the special psychiatric hospital but he had not been "cured." His experiences only deepened his determination to live in a world organized on truthful principles.

STEPS TO CONVERT OR SILENCE

On Feb. 22, 1977, he entered the Norwegian Embassy and requested political asylum. The Norwegians denied his request and he was seized on the street and sent back to Dnepropetrovsk, where he was subjected to renewed drug treatment.

I met Mr. Nikitin in Moscow in the autumn of 1980, after he had been released again and had been examined by Dr. Koryagin, the psychiatric consultant to a now-suppressed dissident group that investigated the Soviet abuse of psychiatry. Dr. Koryagin pronounced him completely sane. Intrigued by the story, which Mr. Nikitin hoped would be recorded somewhere in the West, a colleague and I traveled to Donetsk to speak again to Mr. Nikitin about his experiences and to talk to other miners about conditions there.

On Dec. 12, three days after we left Donetsk, Mr. Nikitin was arrested and taken back to Dnepropetrovsk where he began again to be treated with drugs, apparently sulfazine. A month later, Dr. Koryagin, reacting to Mr. Nikitin's arrest, stated publicly in Kharkov that Mr. Nikitin was sane. On Feb. 13, 1981, Dr. Koryagin was arrested. He was later sentenced to seven years in a labor camp and five years of internal exile for anti-Soviet agitation.

As preparations for next week's quadrennial WPA congress progressed and sentiment in favor of expelling the Soviet Union gained strength, the Soviet authorities took steps to "convert" Mr. Nikitin and Dr. Koryagin or to silence them.

Dr. Koryagin was transferred in July 1982 from a labor camp in the Perm region to the Chistopol prison, where conditions are even worse; he was reportedly moved because of his total refusal to renounce his objections to political psychiatry prior to the WPA meeting.

In early 1982, Mr. Nikitin was transferred from the mental hospital in the Ukraine to the special psychiatric hospital in Talgar outside of Alma Ata near the Chinese border, where he is reported to be undergoing further "treatment" and is in deteriorating condition. The transfer was apparently an attempt to keep news of his condition from reaching the West.

At the Vienna meeting, Western psychiatrists will have the opportunity to pass a definitive verdict on Soviet psychiatry. They will decide in light of these and similar events whether to vote specifically on a French resolution to ban the Soviet Union from the WPA until all abuse of psychiatry has been ended. Such a vote would cut off "dialogue" with the Soviets but it would also be a clear sign that the West is every bit as ready to defend its sense of reality as the Soviets are prepared to try to impose theirs.●

INDEXING CAPITAL GAINS: TRUE TAX REFORM

● Mr. ARMSTRONG. Mr. President, not often do the House Ways and Means Committee, the full House of Representatives, Treasury Secretary Don Regan and Council of Economic Advisers Martin Feldstein agree on how to cut taxes and enact real tax reform. When they do, its worth a national celebration, replete with fireworks, hot dogs, and apple pie.

Exactly this sort of celebration should occur since these diverse interests have supported what ought to be the top tax priority of Congress—enactment of capital gains indexing.

Capital gains indexing, when enacted, will solve one of this Nation's most serious tax inequities. Under current law, taxes are imposed on phony profits and gains with the result that taxes are paid on capital gains that never actually occurred.

Legislation I am introducing today corrects this problem by eliminating this tax on phantom capital gains. The legislation is simple: It permits automatic inflation increases in the basis computation of the capital gains tax. The need for this legislation is clear when current capital gains tax law is understood.

Under current law the capital gains tax is applied on the increased portion of the value of an asset prior to its sale. While assets held for several years usually increase in value, in many instances the increase is a fictional, a paper, gain. It is an inflation gain rather than a real gain in purchasing power or value. In other words, in its present form the capital gains tax now imposes not a tax on profit or gain or income but merely a tax on inflation, and it amounts to an unfair levy on capital.

The legislation I am proposing removes the inflation tax by permitting taxpayers to adjust the basis of certain assets for inflation using the GNP deflator. The inflation adjustment is the percent of increase in inflation as measured by the GNP deflator from the time of the purchase of the asset or the effective date of legislation until the time the asset is sold. As a result, the capital gains tax will apply only to real gains and not to the inflation gain.

Because of the obvious tax equity this bill provides, it is no wonder then that this legislation has been:

Endorsed by the House Ways and Means Committee in 1978.

Passed the full House of Representatives that same year by an overwhelming vote.

Passed by the Senate in 1982, and this legislation would now be law had the Senate action coincided with House approval.

Supported by Treasury Secretary Don Regan when he was chairman of the board of Merrill Lynch, Pierce, Fenner & Smith.

Supported by the chairman of the President's Council of Economic Advisers, Martin Feldstein.

Endorsed by the U.S. Chamber of Commerce.

Endorsed by the U.S. Industrial Council.

There are two critical reasons why this legislation has attracted such bipartisan support: First, it corrects a serious impairment in the capital formation process. Second, it corrects a severe tax inequity. A recent report of the National Bureau of Economic Research highlights these two issues.

NBER reported that for 1 year, there occurred $4 billion in capital gains transactions which were subject to capital gains taxes of $1.1 billion. However, this was inflation-gain tax, and if there had been an inflation adjustment as proposed by my amendment in fact the capital losses would have exceeded $1 billion. In other words, the current capital gains tax prevents the sale and exchange of property and the subsequent freeing up of capital for other investment.

We have put a provision in the Tax Code which inadvertently freezes people into marginal or unproductive investments. So the first reason to be in favor of this is because it will improve the marginal efficiency of the entire economy.

Mr. President, there is another more direct and more personal reason why every taxpayer has stake in the passage of this amendment, and it is simply one of equity.

As a matter of basic fairness it is wrong to tax somebody on a gain which has not occurred. Let me give you a very specific example. Let us suppose someone bought an automobile repair business for, say, $20,000 10 years ago. Let us suppose also during the last 10 years the value of that business increased 106 percent in nominal dollars, and then you sold the business.

Under the present law you would have a large capital gain. In fact, you would have the capital gain on about $21,000 to pay. In fact, there has been no real increase in value, no increase in purchasing power. All that has occurred is a depreciation in the value of money because in the last decade the GNP deflator has increased 106 percent.

What this legislation seeks to do is to avoid in the future taxing people on paper gain, an unreal gain, an inflation gain.

The question this legislation puts is this: Is it fair to put a heavy tax, indeed a tax virtually on the entire value of these properties, at the time they are sold when the increase in value results entirely from inflation? I think the answer to that very clearly is that it is not fair to do so.

Mr. President, I wish I could go back and index things back to 1900 or 1940 or 1960 to take care of all of the people who are already frozen into

these investments. It would be impossible to do so, however, so this legislation takes effect January 1, 1984, after which time we will not further tax inflation gains.

To underscore the significance of tax indexing, let me quote from three tax authorities.

First, I quote from the 1978 report of the House Ways and Means Committee, the report which accompanied legislation which went to the House at the time an amendment virtually identical to the legislation I am introducing today.

The substantial inflation which our country has experienced over the past decade and is likely to face in the near future has produced serious problems with the present law taxation of gains from the sale of assets held for long periods of time. Because a taxpayer's basis for tax purposes is determined by historical cost, a taxpayer can have substantial gains for tax purposes even though the real value of the assets (i.e., adjusted for inflation) has not increased. Even though the tax treatment of capital gains is modified significantly by other provisions of this bill, gains which reflect only inflationary increases in value would nonetheless remain subject to tax in many cases. Moreover, in many instances individuals with the same marginal tax rate may have an equal amount of real gain taxed at a different rate due to the combination of inflationary pressures and the length of their holding period for the asset. For these reasons, bill includes a provision for inflation adjustments to a taxpayer's basis in certain assets for purposes of determining any gain on the sale or exchange of that type of asset.

I also wish to call attention to an explanation of the reason and the justice and the fairness of this amendment which was contained in an article published in the Wall Street Journal on July 27, 1978, by the distinguished economist Martin Feldstein, which makes the same point. I ask to have it printed in the RECORD.

The material follows:

[From the Wall Street Journal, July 27, 1978]

INFLATION AND CAPITAL FORMATION

(By Martin Feldstein)

During the past decade, effective tax rates have increased dramatically on capital gains, on interest income and on the direct returns to investment in plant and equipment. Investors in stocks and bonds now pay tax rates of nearly 100 percent—and in many cases more than 100 percent—on their real returns.

This change has taken place without public debate and without legislative action, though Tuesday's vote by the House Ways and Means Committee to "index" capital gains may finally have placed the matter on the political agenda. Our tax system was designed for an economy with little or no inflation. But if current rates of inflation persist, the existing tax laws will continue to impose effective tax rates of more than 100 percent on investment incomes. To make matters even worse, the current tax laws imply that future tax rates will depend haphazardly on future rates of inflation and therefore cannot be predicted at the time that investment decisions are being made.

These extremely high tax rates and the uncertainty about future tax rates are a cloud that hangs over both the stock market and business investment decisions. Several recent studies at the National Bureau of Economic Research that quantify the effect of inflation on the taxation of investment income and therefore on the incentive to investment show these dramatic effects.

A SUBSTANTIAL INCREASE

Inflation is particularly harsh on the taxation of capital gains. Under current law, when corporate stock or any other asset is sold, a capital gains tax must be paid on the entire difference between the selling price and the original cost even though much of the nominal gain only offsets a general rise in the prices of consumer goods and services. Taxing nominal gains in this way very substantially increases the effective tax rate on real price-adjusted gains. Indeed, many individuals pay a substantial capital gains tax even though, when adjustment is made for the change in the price level, they actually receive less from their sale than they had originally paid.

In a recent study at the National Bureau of Economic Research, Joel Slemrod and I measured the total excess taxation of corporate stock capital gains caused by inflation and the extent to which this distortion differs capriciously among individuals. We found that in 1973 individuals paid capital gains tax on $4.6 billion of nominal capital gains on corporate stock. When the costs of these shares are adjusted for the increase in the consumer price level since they were purchased, this gain becomes a loss of nearly $1 billion.

The $4.6 billion of nominal capital gains resulted in a tax liability of $1.1 billion. The tax liability on the real capital gains would have been only $661 million. Inflation thus raised tax liabilities by nearly $500 million, approximately doubling the overall effective tax rate on corporate stock capital gains.

Although adjusting for the price change reduces the gain at every income level, the effect of the price level correction is far from uniform. In particular, the mismeasurement of capital gains is most severe for taxpayers with incomes under $100,000.

In the highest income class, there is little difference between nominal and real capital gains; in contrast, taxpayers with incomes below $100,000 suffered real capital losses even though they were taxed on positive nominal gains. In each income class up to $50,000, recognizing real capital gains makes the tax liability negative. At higher income levels, tax liabilities are reduced but remain positive on average; the extent of the current excess tax decreases with income.

Inflation not only raises the effective tax rate, but also makes the taxation of capital gains arbitrary and capricious. Individuals who face the same statutory rates have their real capital gains taxed at very different rates because of differences in holding periods. For example, among taxpayers with adjusted gross incomes of $20,000 to $50,000, we found that only half of the tax liability on capital gains was incurred by taxpayers whose liabilities on real gains would have been between 80 percent and 100 percent of their actual liabilities. The remaining half of tax liabilities were incurred by individuals whose liabilities on real gains would have been less than 80 percent of their actual statutory liabilities.

In short, our study showed that inflation has substantially increased—roughly doubled—the overall effective tax rate on corporate stock capital gains. Although this estimate relates to 1973 (because that is the only year for which data of this type are available), the continuing high rate of inflation means that the tax distortion for more recent years is likely to be even greater.

The second major problem that inflation causes in our tax system is in the treatment of depreciation. Under current law, the amount of depreciation that is allowed on any asset depends on its original cost. When inflation raises the price level, the real value of these depreciation allowances is reduced. This reduction in the real value of depreciation that is caused by the historic cost method of depreciation is equivalent to a substantial increase in the rate of tax on corporate and other investment income.

In 1977, the historic cost method of tax depreciation caused corporate depreciation to be understated by more than $30 billion. This understatement increased corporate tax liabilities by $15 billion, a 25 percent increase in corporate taxes. This extra inflation tax reduced net profits by 28 percent of the total 1977 net profits of $53 billion. This is the single most important adverse effect of inflation on capital formation.

This brings me to the final tax problem caused by inflation, the failure to distinguish between nominal interest and real interest. This problem is fundamentally different from the problems involved in capital gains taxation and in depreciation. The nature of this difference is still not widely appreciated. The difference is extremely important, however, because it implies that changing the tax treatment of interest is less urgent than the other changes. Let me explain why.

It is clear that taxing nominal interest income imposes an unfair burden on bond owners and other lenders. But allowing a deduction for nominal interest expenses also provides an unfair benefit to corporations and other borrowers. When markets have had a chance to respond fully to the higher rate of inflation, interest rates will adjust to reduce the unfair burden on lenders and to reduce the unfair advantage of borrowers.

If all borrowers and lenders had the same marginal tax rate, the market adjustment of interest rates could eliminate all inequities, leaving borrowers and lenders with the same real after-tax rates of interest that they would face in the absence of inflation.

Let me emphasize, however, that this rough, long-run justice would only be achieved if the current method of depreciation is replaced by price-indexed or current cost depreciation. If we stay with our current system of depreciation, interest rates will fail to adjust fully and bondholders will suffer a substantial permanent fall in their real after-tax returns.

In a recent NBER study Lawrence Summers and I showed that, roughly speaking, with our current system of depreciation and taxation, each 1 percent rise in the expected rate of inflation will induce a 1 percent rise in the market rate of interest. The real rate of interest will remain unchanged, but the real after-tax rate of interest will fall sharply. This is, in effect, the mechanism by which firms transfer some of the adverse effect of historic cost depreciation to bondholders.

The magnitude of this effect is large enough to imply effective tax rates of more than 100 percent on interest income. Consider what has happened since the early 1960s. The inflation rate was then only 1 percent, and the 5 percent nominal yield of

Baa bonds provided a real yield of 4 percent. An investor with a 40 percent marginal rate obtained an after-tax yield of 3 percent, and a real after-tax yield of 2 percent. By comparison, during the past three years a Baa bond yielded 10 percent, but consumer prices rose 6 percent. An investor with a 40 percent marginal rate obtained a 6 percent after-tax yield but a real after-tax yield of zero. In short the effect rate of tax on real income was 100 percent.

IMPERFECT BUT . . .

The meaning of this calculation is clear. If historic cost depreciation is continued, tax-paying bondholders will receive little or no after-tax income. This can be remedied by allowing bondholders and other lenders to include only real interest receipts in their taxable income. But this should be seen as only an imperfect way of dealing with the more basic problem of depreciation. Moreover, it is important to limit this change in the treatment of interest to bondholders; reducing the deduction taken by corporations to their real interest payments without adjusting depreciation rules would only transfer the full burden of mis-measuring depreciation to equity investors.

Replacing the current method of depreciation is, therefore, the key problem. If this is done, adjusting the taxation of interest income is of secondary importance. The specific method of depreciation that is adopted—replacement cost depreciation, general price indexing or immediate expensing of investment—is a much less important issue than the general principle that the value of depreciation must be insulated from the effects of inflation.

Mr. President, I also invite the attention of my colleagues to the observations of Donald T. Regan, who, at the time this article appeared in the May 21, 1978, issue of the New York Times, was the chairman and chief executive officer of Merrill, Lynch, Inc. He points out:

"A recent study by two Harvard University researchers for the National Bureau of Economic Research concludes that our theoretical taxpayer is far from alone in losing money in real terms—partly because of inflation and partly because of the capital gains tax on the phantom profits he records when selling his investment. The study concludes that the $4.5 billion of nominal capital gains by individuals on corporate stock sold in 1973 becomes a real capital loss of nearly $1 billion when inflation is taken into account. And to add insult to injury, the study says the individuals paid nearly $500 million of capital gains taxes because of the distorting effect of inflation."

So, Mr. President, the only real issue here is the extent to which we should tax phantom gains, appreciations in nominal values which do not reflect the real value increase, the extent to which we are willing to tax only profits.

This legislation is not drastic. It does not change the capital gains tax rates. It merely says that when a taxpayer computes his tax, he may first escalate his basis, the cost of acquisition of an asset, but the amount of change in the gross national product deflator from January 1, 1984, to the date of the sale.

I point out the 1984 date for two reasons: First, to make clear that there is no substantial effect during this critical 3-year period of projected large budget deficits. Second, to make absolutely clear that this does not apply to any assets which may have been held for long periods of time. It does not relate to any assets that are now in the hands of any person. It is purely prospective, both in its computation and in its effective date.

I urge enactment of this legislation.

MORGAN CITY COMMENDS U.S. ARMY CORPS OF ENGINEERS

● Mr. JOHNSTON. Mr. President, the recent flooding in the lower Mississippi River Valley was the third largest flood in the history of that area. Untold property losses and possible loss of human life were averted due to the professional manner which the Corps of Engineers in the lower Mississippi Valley division directed their efforts to combat this flooding. I have received a resolution from the Morgan City, La., harbor and terminal district commending Maj. Gen. William E. Read and Col. Robert C. Lee and their civilian and military staffs for their dedication and expertise in this effort which I would like to insert into the RECORD at this point. In addition, I would like to add my personal commendation to those expressed in the resolution for the magnificent performance by these individuals and to express equal appreciation to Col. Dennis J. York and his military and civilian staff for their efforts during this same flood. We can all take justifiable pride in the accomplishments of these individuals in preventing what could have been a disaster of major proportions.

The resolution follows:

RESOLUTION

Whereas, the Morgan City Harbor and Terminal District has been informed that the Spring Flood of 1983 was the third largest flood in the history of the area as far as water levels in the Mississippi River are concerned; and,

Whereas, the U.S. Army Corps of Engineers utilized its expertise in the manipulation of those flood waters in such fashion as to protect the people of the lower Atchafalaya Basin and of the Morgan City Harbor and Terminal District from potentially disastrous loss of life and property; and,

Whereas, the Morgan City Harbor and Terminal District, in gratitude for such actions by the Corps of Engineers, desires to commend Maj. General William E. Read, Division Engineer and his civil and military staff; and Col. Robert C. Lee, District Engineer and his civil and military staff;

Now, therefore, be it resolved by the Morgan City Harbor and Terminal District, acting through its Board of Commissioners, the governing authority thereof that:

1. Maj. General William E. Read, Division Engineer and his civil and military staff; and Col. Robert C. Lee, District Engineer and his civil and military staff be and they are hereby gratefully commended by the Morgan City Harbor and Terminal District for their successful containing of the flood waters of the Mississippi River and its tributaries in such fashion as to protect the people of the lower Atchafalaya Basin and the District from great loss of life and property.

2. Because of the dedication and expertise of the Corps of Engineers, exercise through its above-named officials and staffs, the way of life of the people of the area has been preserved, and great losses have been prevented.

The Resolution, having been put to a vote, the vote thereon was as follows:

Yeas: David B. Graf, Lloyd J. Guillory, Mervin Leonard, Roland Verret, and Shirley Bailey.

Nays: None.●

CONGRATULATIONS TO WILLIAM A. KEHLER

● Mr. PRYOR. Mr. President, yesterday Col. William A. Kehler assumed command of the 314th Tactical Airlift Wing at Little Rock Air Force Base, Ark. Colonel Kehler is certainly no stranger to the wing, having capably served as its vice commander since August 1981.

Colonel Kehler is a native of Cincinnati, Ohio, and received his bachelor's and master's degrees from Ohio State University. He has had a distinguished military career including service in Vietnam.

He has earned the Distinguished Flying Cross, Meritorious Service Medal with two oak leaf clusters, Air Medal with 11 oak leaf clusters, Combat Readiness Medal, Armed Forces Expeditionary Medal, National Defense Medal, Vietnam Service Medal with five stars, and Vietnam Cross of Gallantry, among others.

Colonel Kehler is married to the former Barbara Griffin of Lackland, Ohio, and is the father of two sons, Tom and Kris.

We are indeed fortunate to have individuals like Bill Kehler serving our country. I congratulate him on assuming command of the 314th Tactical Airlift Wing.●

SMALL BUSINESS PARTICIPATING DEBENTURES

● Mr. PELL. Mr. President, I applaud the efforts presently underway to advance legislative consideration of the small business participating debenture (SBPD). I am pleased to have joined in cosponsoring S. 842, Senator WEICKER's bill to provide tax incentives for the issuance of such debentures.

During the past year, the SBPD security, an instrument especially designed for small firms, has been ranked at the top of the priority list by many business organizations, including: The Smaller Business Association of New England; the National Association of Regional Small Business Groups, Small Business United; the advisory committees to the Senate Small Business Committee and the

Small Business Administration; and the Small Business Committee of the American Institute of Certified Public Accountants.

In addition, the SBPD was one of the 15 highest ranking recommendations of the White House Conference on Small Business in January 1980. The conference delegates were elected by 25,000 small-business owners who attended regional and local conferences throughout the Nation.

The proposal was first made in a May 1978 Senate Small Business Committee public hearing at the American Stock Exchange conducted by the present chairman of that committee, the Senator from Connecticut, (Mr. WEICKER), and the former Senator from Maine (Mr. Hathaway). As part of a panel assembled oy the distinguished chairman of the American Stock Exchange, Arthur Levitt, the accounting firm of Authur Andersen & Co., put forward the SBPD as a means to attract new captial investment to smaller business enterprises.

To describe this proposal simply, the security would combine two streams of return to the investor:

First. Conventional interest, and

Second. A negotiated share of profits for a limited period of time.

The major advantage is a lower interest rate, because the lender/investor can look forward to an additional avenue of compensation.

As persons familiar with the business world know very well, a high fixed rate of interest is dangerous to the health of a smaller business, because payments must be made in bad times as well as good.

It is likely that such high fixed costs are a significant factor in the record number of bankruptcies occurring over the past 2½ years, because some excellently managed firms just could not meet their monthly payments.

A tradeoff for this low interest is that the business must relinquish part of its future profits. However, the profit-share paid to the lender/investor would be for only a limited period of time, and not forever. Thus, the owners of the enterprise—and the overwhelming majority of the 16 million ventures in the United States are closely held—would not be required to part with any of their precious ownership equity.

The key to this proposal, in a technical sense, would be a change in the tax treatment of the lender/investor's share of the profits. Under existing law, this would be classified as a "dividend" and would be taxable at a maximum ordinary income rate of 50 percent. The proposal would reclassify these payments as capital gain, which would reduce the tax to a maximum of 20 percent.

The challenge is to develop a bill that is technically adequate with appropriate safeguards to suppliers and recipients of capital, the Treasury, and the public, and in a manner that is not too costly of revenue.

These features make the SBPD uniquely suited to small, closely held firms. The SBPD is thus an ingenious proposal, and accordingly has received ever increasing support by the small business community.

The question of revenue loss resulting from any such tax incentive proposal is of paramount importance, of course. In these times of high deficits, excessive defense expenditures, and insufficient offsetting revenues, many worthwhile concepts that utilize fiscal devices to achieve desirable goals must be carefully scrutinized for their ultimate impact. In this case, the goal—namely facilitating capital accumulation for small business—is not only desirable but will ultimately lead to compensating expansion of the revenue base. It is my understanding that this aspect of S. 842 is now being thoroughly reviewed, and the legislation may be further modified and fine tuned to take the results into account. I applaud these efforts and urge that they continue so that we can enact a small business participating debenture bill that will have minimum adverse impact on the Federal budget.●

CLINCH RIVER BREEDER REACTOR

● Mr. McCLURE. Mr. President, I was greatly encouraged last week in hearing of President Reagan's strong commitment to the supplemental financing proposal for the Clinch River breeder reactor. I have received reports that the President personally committed the full support of the White House and his administration to work with senior representatives of labor, the nuclear industry, the electrical utility industry, and the scientific and Wall Street financial communities to persuade Congress of the complete merit of the supplementary financing package. The plan was carefully drawn up by this unique task force, representing the strongest elements of our society, to assure the continued construction of the Clinch River project.

In a meeting with these groups last Thursday, President Reagan said that he is determined to see that the Clinch River breeder reactor is completed. Further reports have indicated that the administration has decided to make formal transmission of the necessary legislative language and report to the Senate and the House in a timely fashion to allow for prompt congressional action on the package prior to October 1 of this year, the beginning of fiscal year 1984. This will insure predictable and continued funding for the project with no interruption in current construction activities.

The industry task force has developed this plan for raising $1 billion of private capital for the CRBR, which represents 40 percent of the estimated remaining cost to complete the project. Two-thirds of the private funds available for Clinch River will be raised through borrowings supported by revenues from future power sales; one-third will be raised through new equity participations plus funds already committed by the utility industry and others. Four leading investment banking firms have endorsed the plan, providing a statement that, with adequate Federal assurances, significant private funding can be obtained for the project. The industry task force has received letters from vendors and contractors expressing interest in investing in CRBR.

Income attributable to private investment in the project will be subject to Federal income tax. Conventional construction-related tax incentives will be available, but only to the extent available to in other comparable projects. No such incentives will be available with respect to any expenditures which are covered by Federal appropriations. Construction will result in a significant potential gain to the U.S. Treasury.

The task force is implementing their financing plan to the maximum extent possible in advance of specific legislation by incorporating the American Energy Development Corp., a financing vehicle, preparing organizational and financing documents, and recruiting executive personnel. Having taken preliminary steps toward putting the task force plan in effect, prompt enactment of appropriate legislation is now needed to enable the group to raise the $1 billion. Since the financing plan will significantly reduce total Federal budgetary outlays at a time when budget requirements are of critical importance, and holds the prospect of net future gain to the Treasury, it is clearly responsive to the 1982 congressional mandate.

With this commitment of the President, Mr. Meese, Secretary Hodel, Mr. Stockman, and other senior officials of the administration, coupled with the support demonstrated at last Thursday's meeting by the American labor movement, the electrical utility, the nuclear industry, the scientific community, and Wall Street, I am absolutely convinced that Congress will complete timely and successful action to enact the supplemental funding package for the Clinch River project.

As the groups identified in the advertisement on page 6 of the July 21 Washington Post so accurately express, the supporters of the Clinch River breeder reactor have "met the challenge" and it is abundantly clear that the President and his administration are prepared to pick up that challenge, and, working with Congress, insure that the United States has the

capability to provide for domestic and international energy security for the industrialized free world as we approach and enter into the 21st century.

As responsible legislators and representatives of the American people, we now can do no less to assure the economic and national security well-being of this generation, our children, and grandchildren. I am anxious to work with my colleagues in the Senate in the weeks and months ahead to persuade an overwhelming majority of both Houses to enact this critically important finance package. The Clinch River project can and will be completed with financial support which provides maximum benefit for the American people and health for our economy.

Mr. President, I ask that a letter to President Reagan from Robert A. Georgine, president, Building and Construction Trades Department of the AFL-CIO, and chairman of the Committee on Jobs, Environment, and Technology, be included in the RECORD along with a response from Danny J. Boggs, Assistant Director of the White House Office of Policy Development.

The letters follow:

COMMITTEE ON JOBS,
ENVIRONMENT, AND TECHNOLOGY,
Washington, D.C., June 15,1983.

President RONALD REAGAN,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: Over the last several years, citizen concern about energy has dwindled dangerously. Once an area of key concern, America's energy future is a matter rarely discussed and even more rarely understood.

Yet the fact remains that America faces a serious dilemma. Even if one assumes modest growth rates, the nation will need to double its electric energy supply by early in the next century. Nonetheless, no one really knows what energy sources we will be able to count on and at what cost.

That is why we formed the Committee on Jobs, Environment and Technology. As you can see, our membership is extremely broad, and includes business and labor, minorities and women, scientific and professional associations. While we disagree on many subjects, on this one we fully agree. We all recognize the pivotal role energy plays and we are all committed to seeing our nation achieve the prosperity, strength and vitality that has been so much a part of our history. Without adequate and affordable energy supplies, as you well know, none of that can be possible.

Along those lines, our first area of focus, because it represents a technology with virtually unlimited potential, is the Clinch River Breeder Reactor. Long the subject of debate, the fact remains that Clinch River is today our nation's only technological demonstration of an almost unlimited energy resource. Its design is 90% complete, 75% of the equipment is on site or on order and site preparation is underway—ahead of schedule and under budget.

More importantly, the Department of Energy and the electric utility industry have, at the direction of the Congress, developed a new financing plan for the project that will help substantially to reduce Clinch River's strain on the federal budget. This plan, which will allow for 40 percent reduction in actual budget expenditures and a corresponding investment of nearly $1 billion from the private sector, is an excellent example of the kind of private involvement you have spoken about so often. In fact, the remaining on-budget funding required by the plan is only slightly more than the nation spends every week for imported oil.

Clinch River will be responsible for more than 8,000 jobs. It will also help the United States retain a position as a world technological leader. But more importantly, it will provide the operating experience we need in order to tap the vast potential of breeder reactor technology—a potential that exceeds, three times over, all of OPEC's oil. In short, the Clinch River project represents the best traditions of American commitment to utilizing and developing new technologies to meet our needs and the needs of generations to come.

The cost-sharing plan described will need your full and active support if we are to be successful in completing this important project.

America's energy future is truly a matter of national and international importance. On this issue especially, the weight and influence of your good offices will be crucial.

I look forward to your support.

Sincerely,

ROBERT A. GEORGINE,
Chairman, Committee on Jobs, Environment, and Technology, and President, Building and Construction Trade Department, AFL-CIO.

THE WHITE HOUSE,
Washington, July 11, 1983.

Mr. ROBERT GEORGINE,
Chairman, Committee on Jobs, Environment, and Technology, Washington, D.C.

DEAR MR. GEORGINE: President Reagan has asked me to respond to your letter of June 15 concerning new plans for the funding of the Clinch River Breeder Reactor. The Administration remains strongly in support of the Clinch River Reactor. Secretary of Energy Hodel has met several times with an advisory group proposing additional private funding, in an effort to work our details that will be acceptable to Congress. The Administration strongly supports those efforts, and greatly appreciates the efforts, of you and your group in behalf of this important step for America's energy security.

Sincerely yours,

DANNY J. BOGGS,
Assistant Director,
Office of Policy Development.

Mr. McCLURE. Mr. President, I ask that materials distributed at a press conference immediately following last Thursday's meeting with the President also be printed in full. These include a press release and statements of Mr. Georgine, James J. O'Connor, chairman and chief executive officer, Commonwealth Edison Co., and Miner H. Warner, vice president and manager of Salomon Brothers, Inc.

The material follows:

ENERGY EXECUTIVES MEET WITH PRESIDENT

(Press Statement by Bob Georgine)

WASHINGTON, July 21.—A coalition of industry and labor organizations interested in the importance of electric power to economic recovery and growth met with President Reagan, Energy Secretary Donald Hodel and Presidential Counselor Ed Meese today to express their opinions on a broad range of issues related to nuclear power.

The group formally presented to the President an 11-page document entitled "Nuclear Power Assembly: Agenda for the '80's", and voiced particular interest in three national policy issues. The coalition expressed:

1. The hope that the President and senior Administration officials will voice their support of nuclear power to assist the industry in building better public understanding of the benefits of this vital fuel source.

2. Concern that action is needed to insure implementation of the Nuclear Waste Policy Act of 1982.

3. Endorsement of Administration bills pending in Congress to reform nuclear electric plant licensing and regulatory procedures.

4. Their hope that the President will support the private financing plan developed to assure completion of the Clinch River Breeder Reactor.

Those in attendance at the Whilte House meeting included:

Wallace B. Behnke, Vice Chairman, Commonwealth Edison, Chicago, IL; Chairman, Atomic Industrial Forum.

John T. Conway, Executive Vice President, Consolidated Edison Co. of New York; Chairman, American Nuclear Energy Council.

Joyce P. Davis, Chief Licensing Engineer for Engineering and Research Division, General Physics Co. and Member, American Nuclear Society, Columbia, MD.

Charles J. Dougherty, Chairman and Chief Executive Officer, Union Electric Co., St. Louis, MO; Chairman, Edison Electric Institute.

Harold B. Finger, President, U.S. Committee for Energy Awareness, Washington, DC.

Robert A. Georgine, President, Building & Construction Trades Department, AFL-CIO, Washington, DC.

Thomas R. Kuhn, President, American Nuclear Energy Council.

Floyd W. Lewis, Chairman, President and Chief Executive Officer, Middle South Utilities, Inc., New Orleans, LA.

William McCollam, President, Edison Electric Institute, Washington, DC.

Manning Muntzing, Past President, American Nuclear Society; Partner, Doub & Muntzing, Chartered, Washington, DC.

James J. O'Connor, Chairman, President and Chief Executive Officer, Commonwealth Edison Company, Chicago, IL.

Robert D. Patridge, Executive Vice President and General Manager, National Rural Electric Cooperative Association, Washington, DC.

Alex Radin, Executive Director, American Public Power Association, Washington, DC.

Robert W. Scherer, Chairman and Chief Executive Officer, Georgia Power Co., Atlanta, GA; Chairman, U.S. Committee of Energy Awareness.

Lelan F. Sillin, Jr., Chairman, Institute for Nuclear Power Operations, Atlanta, GA: Chairman of Executive Committee, Northeast Utilities Hartford, CT.

Sherwood H. Smith, Jr., Chairman and President, Carolina Power & Light Co., Raleigh, NC; Chairman, Nuclear Power Assembly.

Carl Walske, President, Atomic Industrial Forum, Washington, DC.

Miner H. Warner, Vice President and Manager of Government Finance Group, Salomon Brothers Inc., New York, NY.

I am pleased today to have joined with this broad group in urging Administration support for the completion of the CRBRP. I continue to believe, as I have for many years, that nuclear energy and breeder technology in particular hold an important key to the economic well-being of all our citizens.

As an energy source that could potentially equal all of the U.S. coal reserves or three times the OPEC oil, it is important that Congress keep its commitment to demonstrate this new technology.

Not only are many immediate jobs at stake in this endeavor, but we must remain farsighted enough to see that as an energy source, breeders could provide new employment opportunities in ways we can only dream about. In order to work our way out of this recession and regain the economic stability and vitality we all want we must be assured of constant available and affordable supplies of energy. Only breeder technology is far enough developed for demonstration, and we must proceed with this next phase in order to see the fruits of 30 years of research and development. To turn back now would be senseless—economically, socially and technologically.

As Chairman of CJET I have seen many individuals from the private sector join together to urge completion of this project. And this new finance plan that has been drawn up represents a real commitment to see that the project is completed with the least budgetary stress. We will continue to talk with our CJET members around the country to explain this plan and urge that they too join in efforts to see the project completed.

STATEMENT OF JAMES J. O'CONNOR

We believe the Clinch River Breeder Reactor Project is an essential step in the Federal/private sector research and development effort to advance breeder technology to the point where commercialization decisions can be made. It provides a focus and continuity for the breeder reactor program, which is the most viable means currently available for assuring the long-term electrical energy security of the nation.

In response to Congressional direction to DOE, a task force of utility industry and investment banking representatives, in consultation with DOE representatives, has developed and presented to DOE a specific plan for raising one billion dollars of private capital for the CRBR Project.

Four leading investment banking firms (all represented on the task force) have endorsed the plan, providing a statement that, with adequate Federal assurances, significant private funding can be obtained for the Project.

After the Project has been completed and operated successfully for several years, it may be feasible, with the Government's permission, for the corporation established as a financing vehicle under the plan, the American Energy Development Corporation, to sell common shares and use the proceeds to purchase the CRBR Project facilities from the Federal Government.

The financing plan will significantly reduce total Federal budgetary outlays at a time when budget requirements are of critical importance, and the plan holds the prospect of net future gain to the Treasury. The incentives built into the plan, together with a multi-year appropriation, will assure an expeditious construction schedule and minimum Federal outlays.

STATEMENT OF MINER H. WARNER

I am pleased to be here today with this distinguished group to add my firm's voice to those who support and endorse this finance plan which has been drawn up to raise $1 billion in private capital to complete the CRBRP.

We believe the plan is sound—that it does indeed represent a major private commitment to a project of this sort—and that it is achievable.

As presented, the plan allows for a 40 percent on-budget reduction in funds for the plant's completion. Of the $1 billion to be raised, two-thirds is projected to come from future power sales, and one-third will be raised through new equity participation in addition to funds already committed by the utility industry and others.

We believe that potential lenders might include banks, insurance companies, pension funds and other financial institutions. In advance of specific legislation, the American Energy Development Corporation will be incorporated as a financing vehicle to prepare organizational and financing documents. Thus, having taken these preliminary steps toward putting our plan in effect, prompt enactment of appropriate legislation will allow us to begin raising the one billion dollars.●

FROM THE HILLS OF ARKANSAS TO THE HALLS OF COOPERSTOWN

● Mr. PRYOR. Mr. President, the State of Arkansas has always been particularly proud of its native sons in athletics, and this week I would say that we are specially privileged in our State. On Sunday, the Baseball Hall of Fame in Cooperstown, N.Y., will induct two of our homegrown heroes—George Kell and Brooks Robinson—and I want to take a minute to commend these fine athletes for their contribution to America's favorite sport.

George Kell is a native of Swifton, Ark., up in the northeast corner of Jackson County. His family came from nearby Imboden, and George got his start playing in Newport, Ark., as a member of the Class D Northeast Arkansas League.

In 1943, George led organized baseball by batting 396 for Lancaster, Pa., in the International League. Then, following 2 years in Philadelphia, he went to Detroit in the 1946 season. And for the next 8 years, George never had a batting average below 304. Look at the figures: In 1949, a 343 average, and in 1950, a mark of 340, while at the same time leading the league with 218 hits and 56 doubles.

George left baseball in the late fifties and became the familiar radio announcer for the Tigers, a position he has held since that time. In every respect, George Kell is a hero—to me, and to the thousands of American young people who grew up admiring his ability as an athlete and his commitment to good sportsmanship.

No less deserving, Mr. President, is Brooks Robinson, or "Brooksie" as his friends know him in Little Rock. Brooks played a total of 23 years for the Baltimore Orioles, retiring in 1977 with a record of 16 Gold Gloves and a model career for all third basemen to follow.

Brooks Robinson's fielding records include a special one—the highest fielding percentage of any third baseman in baseball history. This goes a long way toward explaining how he became only the 14th player to be voted into the Hall of Fame in his first year of eligibility.

Brooks was the American League's Most Valuable Player in 1964, when he batted 317 with 28 home runs and 118 runs batted in. His lifetime record is 267, with 2,848 hits, 268 home runs, and 1,357 runs batted in. His truly spectacular fielding had the entire country talking about Brooks during the 1970 World Series.

Brooks Robinson graduated from Little Rock's Central High School in 1954, a hero then and a hero ever since. I join is friends and family in recognizing him on this special occasion, and I hope the American people are as proud of his record as we are in his native State.

One final word about George Kell and Brooks Robinson: We have always recognized them as belonging in special categories of their own. It is good to see the World of Baseball extending its official recognition as well.●

THE WANDERING COMPANY

● Mr. MOYNIHAN. Mr. President, 1983 is a year of particular celebration of the Indian film producer Ismail Merchant and the American director James Ivory.

The Museum of Modern Art in New York and the British Film Institute of London have collaborated on a superb study "The Wandering Company, Twenty-One Years of Merchant Ivory Films." Now the American Film Institute at the John F. Kennedy Center has announced that the first of its film club series this year will be the Merchant Ivory production "Heat and Dust." This epic film has already opened to unequaled reviews in Europe.

The script for "Heat and Dust," as with so many of Merchant Ivory's most distinguished films, is the work of Ruth Prawer Jhabvala.

One notes that "Merchant Ivory" has become a term of its own, just as this longest running collaboration of genius and ingenuity has had a life of its own without equal in the modern film.

I trust the Senate will indulge me in a special sense of relationship to James Ivory whose father came from Ireland in the 1870's and settled in Norwich, a beautiful small city in Chenango County, upstate New York,

not far from our home in Delaware County.

Ismail Merchant is, of course, a citizen of India. Ruth Jhabvala, born in Poland, after long residence in India, has now moved to New York City.

"This then is the praise of Shakespeare," wrote Dr. Johnson, "that his work is the mirror of life." And so also Merchant Ivory and, if imaginable, on a vastly wider stage. For they have taken to depicting much of the modern world—and its primitive throwbacks and remnants—through much of the modern age, and over three continents: Asia, Europe, and America. They are known and celebrated the world over for their singular sensitivity to the merger and clash of cultures in all these settings: "Shakespeare Wallah," "The Guru," "Adventures of a Brown Man in Search of Civilisation," "Roseland," "The Europeans," "Jane Austen in Manhattan," "Quartet," and now "Heat and Dust," to mention but a few of their many films.

It has become a mark of prestige among the finest actors of our age to have appeared in their films, which invariably attain to heights of technical virtuosity. Let others claim them for their continent. Americans are fully entitled to claim them for ours, and to take genuine pride in their vast achievement.●

S. 1661

● Mr. PRYOR. Mr. President, I am pleased to add my name as a cosponsor of S. 1661, a bill which makes certain technical corrections in section 613A of the Internal Revenue Code dealing with percentage depletion for secondary and tertiary recovery of oil and natural gas. The bill corrects a drafting error made in the Tax Reduction Act of 1975.

Mr. President, in 1975 Congress decided to repeal percentage depletion for oil and gas production. Certain exceptions, however, were put into the Tax Code which continued percentage depletion for small, independent producers and royalty owners. The percentage rate was reduced over several years from 22 to 15 percent starting in 1984. The 15-percent rate applies for 1984 and later years. Also, the depletable quantity was reduced from 2,000 barrels per day to 1,000 barrels per day in 1984 and later years.

However, Mr. President, for secondary and tertiary production, the percentage rate was supposed to be 22 percent until 1984, at which time it was to drop to 15 percent on a permanent basis. Section 613A(c)(6)(C) was drafted so that the percentage depletion was terminated for secondary and tertiary production on December 31, 1983. This was not the intent of the 1975 act, and this bill simply makes the percentage depletion rate 15 percent for secondary and tertiary production after December 31, 1983. It would be very inconsistent, Mr. President, for the Tax Code to allow percentage depletion on production of oil and natural gas, but disallow it for secondary and tertiary production, which is much more costly. I urge my colleagues to support this measure and I hope it can be approved by the full Senate before the end of this year.●

ORDER OF BUSINESS

Mr. BAKER. Mr. President, tomorrow is going to be a busy day. It is the intention of the leadership to try to dispose of the military construction appropriations bill, the District of Columbia appropriations bill, and get on the agricultural target price bill tomorrow. We do not yet have time agreements on any of those bills. I do not know whether we can get time agreements or not. I am advised by the managers that on the two appropriations bills, District of Columbia and military construction, we ought to be able to go in fairly short order. So sometime early tomorrow, it is the intention of the leadership to ask the Senate to go to those two measures, then to follow with the agricultural target price bill.

Before any of that, however, Mr. President, it is the hope of the leadership that we can dispose of two nominations and seven treaties that are on the Executive Calendar. I am prepared now to make a unanimous-consent request to effectuate that purpose.

ORDER FOR RECESS UNTIL 10:15 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10 a.m. tomorrow.

Mr. BYRD. Reserving the right to object, and the majority leader, I think, has already considered this matter. I am sure for justifiable reasons, he has put the request to begin at 10 o'clock. I wonder if the majority leader would make that meeting time 10:15 in view of the briefing.

Mr. BAKER. Yes, Mr. President. I wonder if I can make a counterrequest.

Another request I am about to make is that at 10:25 tomorrow, we go into executive session to take up the two nominations and seven treaties. The only way we can make that fit is to do that at 10:25. I wonder if the minority leader would agree that on tomorrow only, we could reduce the time of the two leaders under the standing order to 1 minute each.

Mr. BYRD. That would be quite all right with me.

UNANIMOUS-CONSENT AGREEMENT

Mr. BAKER. Mr. President, let me state a request in more than one part.

First, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10:15 a.m. tomorrow.

Mr. President, I ask unanimous consent that on tomorrow and tomorrow only the time allocated to the two leaders under the standing order be reduced to 1 minute each.

Mr. President, I further ask unanimous consent that any time remaining after the recognition of the two leaders under the standing order and prior to 10:25 a.m. be devoted to the transaction of routine morning business in which Senators may speak for not more than 1 minute each.

Mr. President, as in executive session, I ask unanimous consent that at 10:25 a.m. on Wednesday, July 27, tomorrow, the Senate go into executive session to consider the nomination of D. Lowell Jensen to be Associate Attorney General and that it be considered under the following time agreement: 20 minutes on the nomination to be equally divided between the chairman of the Judiciary Committee and the Senator from Idaho (Mr. SYMMS) or their designees, and that following the conclusion or yielding back of the time on the nomination, the Senate proceed to a voice vote on the confirmation of Mr. Jensen.

Mr. President, I further ask unanimous consent that following the confirmation vote on the Jensen nomination the Senate turn to the nomination of Paul A. Volcker to be Chairman of the Board of Governors of the Federal Reserve System and that it be considered under the following time agreement: 1 hour on the nomination to be equally divided between the chairman of the Banking Committee and the ranking minority member thereof or their designees, and that at 11:45 a.m. the Senate proceed to vote on the confirmation of Mr. Volcker.

Mr. President, I also ask unanimous consent that following the confirmation vote on the Volcker nomination the Senate turn to the consideration of treaties on the Executive Calendar, Executive Calendar items 9 through 15, and I ask unanimous consent that the treaties be advanced through their various parliamentary stages up to and including the presentation of the resolutions of ratification. I then ask unanimous consent that the vote occur immediately on the resolutions of ratification en bloc and that one vote then count for seven.

Mr. President, I ask unanimous consent that it may be in order to ask for the yeas and nays on the treaties and the Volcker nomination at this time.

Finally, I ask unanimous consent that following the one for seven vote

the Senate return to legislative session.

Mr. BYRD. Mr. President, reserving the right to object, I only have one problem with the majority leader's request, and that is that he has included in the request a provision that the vote on D. Lowell Jensen be by voice. I know of no one who wants a rollcall vote on that but not all Senators are on the floor tonight. Would he leave that part out of the request?

Mr. BAKER. Yes. Mr. President, I will do that. I amend it to remove the language "by voice vote" in reference to the Jensen nomination. I also do not know of any demand for a rollcall. I really doubt that it would be constitutional for us to prohibit a demand for the yeas and nays, and I think the suggestion is well taken. Therefore, I modify the request in that respect.

Mr. BYRD. I thank the majority leader and I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

THE REVISED NICE AGREEMENT CONCERNING THE INTERNATIONAL CLASSIFICATION OF GOODS AND SERVICES FOR THE PURPOSES OF THE REGISTRATION OF MARKS, DONE AT GENEVA ON MAY 13, 1977

The PRESIDING OFFICER. Without objection, the first treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will state.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senator present concurring therein), That the Senate advise and consent to the ratification of the Revised Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, done at Geneva on May 13, 1977.

INTERNATIONAL COFFEE AGREEMENT, 1983

The PRESIDING OFFICER. Without objection, the next treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will state.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Coffee Agreement, 1983, signed by the United States on March 23, 1983.

CONVENTION ON FUTURE MULTILATERAL COOPERATION IN THE NORTHWEST ATLANTIC FISHERIES

The PRESIDING OFFICER. Without objection, the next treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will state.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (the NAFO Convention), signed in Ottawa on October 24, 1978, by nine parties, not including the United States, and subsequently entered into force on January 1, 1979.

EASTERN PACIFIC OCEAN TUNA FISHING AGREEMENT

The PRESIDING OFFICER. Without objection, the next treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will state.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Eastern Pacific Ocean Tuna Fishing Agreement, signed by the United States on March 15, 1983.

AGREEMENT WITH THE PEOPLE'S REPUBLIC OF CHINA WITH RESPECT TO MUTUAL EXEMPTION FROM TAXATION OF TRANSPORTATION INCOME OF SHIPPING AND AIR TRANSPORT ENTERPRISES

The PRESIDING OFFICER. Without objection, the next treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will state.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Agreement between the Government of the United States of America and the Government of the People's Republic of China with Respect to Mutual Exemption from Taxation of Transportation Income of Shipping and Air Transport Enterprises, signed at Beijing on March 5, 1982.

TAX CONVENTION WITH NEW ZEALAND AND RELATED PROTOCOL

The PRESIDING OFFICER. Without objection, the next treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will state.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the United States of America and New Zealand for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (the Convention), Together with a Related Protocol, signed at Wellington on July 23, 1982.

TAX CONVENTION WITH AUSTRALIA

The PRESIDING OFFICER. Without objection, the next treaty will be considered as having passed through its various parliamentary stages up to and including the presentation of the resolution of ratification, which the clerk will state.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the Government of the United States of America and the Government of Australia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income, signed at Sydney on August 6, 1982.

PROGRAM

Mr. BAKER. Mr. President, tomorrow the Senate will convene at 10:15 a.m. After the recognition of the two leaders under the standing order for a period of 1 minute each, there will be a period for the transaction of routine morning business to extend until 10:25 a.m. in which Senators may speak for not more than 1 minute each. At 10:25 a.m. the Senate will go into executive session for the purpose of considering the nomination of D. Lowell Jensen to be an Associate Attorney General to be considered under a time agreement. Following the disposition of the Jensen nomination, the Senate will turn to the consideration of the nomination of Paul A. Volcker to be Chairman of the Board of Governors of the Federal Reserve System on which there will be a time limitation of 1 hour and the vote to occur at 11:45 a.m. A rollcall vote is expected on the Volcker nomination.

After the Volcker nomination is disposed of, the Senate will proceed to vote with one vote to count for seven in considering the resolutions of ratification of seven treaties, calendar items 9 through 15 on the Executive Calendar. Following that, Mr. President, the Senate will return to legislative session.

It is anticipated that the leadership then will ask the Senate to turn to the consideration of the military construction appropriations bill, to be followed by the D.C. appropriations bill, to be

followed by the agriculture target price bill.

Mr. President, pursuant to the unanimous-consent request just entered, I now ask unanimous consent for the yeas and nays, with one showing of hands, on the Volcker nomination and the resolutions of ratification of the seven treaties.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I have three items on today's calendar of nominations that are cleared for action by unanimous consent. While we have the opportunity, is the majority leader in a position to approve for consideration, by unanimous consent, items numbered 233, 234, and 237?

Mr. BYRD. Number 233 has been cleared. Number 237 has been cleared. What was the other one?

Mr. BAKER. Number 234.

Mr. BYRD. No; that has not been cleared.

Mr. BAKER. Mr. President, would the minority leader object if we went into executive session to consider the two nominations that have been cleared on both sides?

Mr. BYRD. Not at all.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering two nominations—Calendar No. 233, under United Nations, Jose S. Sorzano, of Virginia, to be Deputy Representative of the United States to the United Nations, with the rank and status of Ambassador; Calendar No. 237, under the Judiciary, Hector M. Laffitte, of Puerto Rico, to be U.S. District Judge for the District of Puerto Rico.

There being no objection, the Senate proceeded to the consideration of executive business.

Mr. BAKER. Mr. President, I ask unanimous consent that the nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

UNITED NATIONS

Jose S. Sorzano, of Virginia, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

THE JUDICIARY

Hector M. Laffitte, of Puerto Rico, to be United States District Judge for the District of Puerto Rico.

Mr. BAKER. Mr. President, I move to reconsider the votes by which the nominations were confirmed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. BAKER. Mr. President, I have a few items in my folder of routine business. I invite the consideration of the minority leader to three calendar items. They are Calendar Nos. 312 and 313, to be considered for passsage, and No. 314 would be indefinitely postponed.

Mr. BYRD. There is no objection.

Mr. BAKER. I thank the Senator.

YOUTH OF AMERICA WEEK

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Joint Resolution 116, Calendar No. 312.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 116) to designate the week of September 4, 1983, through September 10, 1983, as "Youth of America Week."

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. KASTEN. Mr. President, as sponsor of this resolution, I urge the Senate to act quickly in designating September 4-11 as "Youth of America Week."

Youth are the key to our future, yet they often find themselves in a world that largely ignores them. There are over 60 million children in this country and many are already making significant contributions to society. Still others, whose potential has been left untapped, have great things to offer, given the proper direction and a sense of purpose.

It is my hope that this week of recognition will give youth an added sense of value, and adults a greater awareness of the importance children hold.

The National Football League Alumni have been involved with children in their communities for years and this year they plan to involve even more individuals in activities with children during Youth of America Week. By calling attention to these activities, we will encourage other civic and community leaders as well as other individuals throughout the country to reach out to children in need. Like the NFL Alumni, people across the Nation can put a little of themselves back where it counts most, with the kids.

Senate Joint Resolution 116 now has 34 cosponsors and strong support from both sides of the aisle. Similar legislation enjoys overwhelming support in the House of Representatives. I urge my colleagues to join in support of this resolution and give the youth of America the long overdue recognition they deserve.

The joint resolution was considered, ordered to be engrossed for a third reading, read a third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 116

Whereas, the children of our Nation are the most valuable natural resource for the future of the country;

Whereas, the sharing of knowledge, experiences, and wisdom by adults with children will help to nurture the development in our youth of democratic principles and strong moral and spiritual values, so important to the survival and future betterment of our Nation; and

Whereas all of the people of the United States can be involved in the development of such important principles and values in the youth America: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 4, 1983, through September 10, 1983, is designated as "Youth of America Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL CYSTIC FIBROSIS WEEK

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate, Senate Joint Resolution 131.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 131) designating "National Cystic Fibrosis Week."

The PRESIDING OFFICER. Without objection, the joint resolution will be considered as having been read the second time at length, and the Senate will proceed to its consideration.

The joint resolution (S.J. Res. 131) was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 131

Whereas cystic fibrosis is the number one genetic killer of children in America, and about thirty thousand children and young adults in this country have cystic fibrosis; and

Whereas public knowledge about cystic fibrosis contributes to early detection and treatment of the disease and to improved understanding about the symptoms of cystic fibrosis; and

Whereas increased national awareness of cystic fibrosis and of the young people whose lives are affected by the disease stimulates public concern and increased attention to research seeking control and cure: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 18 through 24 1983, is designated as "National Cystic Fibrosis Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER POSTPONING INDEFINITELY S. RES. 172

Mr. BAKER. Mr. President, I ask unanimous consent that Calendar Order No. 314, Senate Resolution 172, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER THAT H.R. 3497, A BILL TO DEFER PROPOSED AMENDMENTS TO THE FEDERAL RULES OF CIVIL AND CRIMINAL PROCEDURE, BE HELD AT THE DESK

Mr. BAKER. Mr. President, the next unanimous-consent request is in respect to H.R. 3497 which I will state for the consideration of the minority leader and other Members.

Mr. President, I ask unanimous consent that this measure, which is a bill to defer proposed amendment to Federal Rules of Civil and Criminal Procedure, be held at the desk until the close of business on Friday, July 29.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEASING OF CERTAIN LANDS BY THE TWENTY-NINE PALMS BAND OF INDIANS

Mr. BAKER. Next, Mr. President, is a message from the House of Representatives on S. 143.

Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 143.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 143) entitled "An Act to authorize the Twenty-nine Palms Band of Luiseno Mission Indians to lease for ninety-nine years certain lands held in trust for such band", do pass with the following amendments:

Line 6, strike out [Indians," immediately], and insert: Indians, and the lands held in trust for the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana",

Amend the title so as to read: "An Act to authorize the Twenty-nine Palms Band of Luiseno Mission Indians and the Confederated Salish and Kootenai Tribes of the Flathead Reservation to lease for ninety-nine years certain lands held in trust.".

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

The motion was agreed to.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have two other matters.

First, I propose to call up S. 1340, Calendar Order No. 218, for consideration of the Senate at this time if the minority leader is similarly prepared.

Mr. BYRD. Mr. President, there is no objection.

Mr. BAKER. I thank the minority leader.

REHABILITATION AMENDMENTS OF 1983

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate Calendar Order No. 218, S. 1340.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1340) to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disability Assistance and Bill of Rights Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

There being no objection, the Senate proceeded to consider the bill.

Mr. WEICKER. Mr. President, today I am very pleased to recommend to my colleagues passage of S. 1340, the Rehabilitation Amendments of 1983.

This legislation is the result of 2 days of hearings held earlier this year by the Subcommittee on the Handicapped, as well as the review of written testimony submitted to the subcommittee. The information received has established an extensive record on which the provisions of this bill are based. I am pleased to report that S. 1340 was reported unanimously by both the subcommittee and the full Committee on Labor and Human Resources.

The focus of the Rehabilitation Amendments of 1983 is on continuing and improving services to the individual handicapped client. The basic State grant program allowing vocational rehabilitation services to be provided to almost 1 million disabled Americans annually continues to be a necessary Federal responsibility. S. 1340 provides for a 3-year extension of this program at authorized funding levels to account for inflation. The bill also provides for a new and independent role for client assistance programs in this country, mandating a client assistance program that is independent of service providers in every State.

Additionally, the Federal Government's own established voice for handicapped persons, the National Council on the Handicapped, has been given an expanded role and greater independence in reviewing and evaluating all policies, programs, and activities within the executive branch and in the Congress that concern disabled citizens. Other client-centered provisions include training rehabilitation counselors in the provisions of section 504 as they apply to the vocational rehabilitation client and new demonstration programs to assist mentally retarded persons and handicapped youth to be better prepared to enter the work force.

I would also like to make a specific comment regarding research training. The committee believes that research training is an important element in the research program of the National Institute of Handicapped Research. By reauthorizing the general provisions of title II of the Rehabilitation Act regarding research and related activities, specifically section 204, and the fellowship program of section 202, we provide the necessary authority to NIHR to support education and training activities in research. Such a research training program would involve support to individuals to enable them to undertake a program of training at a qualified research institution and under a recognized scientist. It will enable young people interested in research in the rehabilitation field to become qualified researchers. Such awards should be treated as scholar-

ship support and, therefore, be nontaxable.

Also contained within the National Institute of Handicapped Research's reauthorization is the mandate that research and training centers focusing on pediatric rehabilitation and the unique rehabilitation needs of the Pacific basin be established. Both these R&T centers are needed and increased authorization has been provided to NIHR for these centers and for other purposes.

Mr. President, overall the basic framework of the Rehabilitation Act of 1973 remains intact under the provisions of S. 1340. The changes that are made in this bill are to strengthen, stabilize, and insure continuation of the successful vocational rehabilitation services offered under the act. The successes of the Vocational Rehabilitation Act are a tribute to the Federal-State partnership that exists to serve the disabled citizens of this country.

I urge passage of this bill.

Mr. HATCH. Mr. President, as a Member of Congress who is very interested in improving the quality of life for our handicapped citizens, I recommend to my colleagues passage of S. 1340, a bill to extend and revise the Rehabilitation Act of 1973.

The Rehabilitation Act has been a Federal categorical program since 1920. During fiscal year 1982, this act provided services to approximately 224,900 handicapped individuals under the basic State grant program, including 2,582 individuals in my own home State of Utah. This program has benefitted disabled people by increasing their lifetime earnings and has allowed them the opportunity to become taxpaying citizens thus decreasing their need for other forms of public assistance and institutional care.

As with any other endeavor, a successful program needs to be constantly reevaluated and updated to improve its effectiveness. The vocational rehabilitation program is no exception. For several years now the Subcommittee on the Handicapped, plus major advocacy and other provider groups have reviewed the current legislation. Their recommendations are now reflected in S. 1340. This bill was so important to me that I even held a full Labor and Human Resources field hearing in Utah to review this legislation.

At this time, I would like to commend Senator WEICKER for his efforts in initiating this legislation. His fine leadership deserves our recognition. This bill has recognizable bipartisan support as evident by the fact that it was unanimously approved by both the Subcommittee on the Handicapped and my full committee. In addition, may I remind my colleagues that a vote in the affirmative for S. 1340 is vote to provide services for our 36 million disabled citizens.

Mr. RANDOLPH. Mr. President, this legislation is highly important. I support Senate bill 1340, a measure to extend and revise the Rehabilitation Act of 1973 and to extend the Developmental Disability Assistance and Bill of Rights Act. The measure extends the Rehabilitation Act of 3 years and establishes new program initiatives to benefit handicapped Americans. The Developmental Disabilities Act is extended for 1 year, and it is my understanding that the chairman of the subcommittee, the Honorable LOWELL WEICKER, intends to review this program carefully before reauthorizing it for a longer period of time.

I commend Senator WEICKER, the chairman of the committee (Mr. HATCH) and the other members for their diligent efforts to improve and expand rehabilitation services to handicapped citizens. Handicapped Americans want to be contributing members of their local, State, and national communities, and the rehabilitation services, programs, and other activities authorized by the Rehabilitation Act of 1973 assist handicapped and severely handicapped Americans to prepare for and obtain employment as well as assisting severely handicapped Americans to live as independently as possible.

The rehabilitation program has a long and proud history; it was established in 1920 and for 63 years has been of great benefit to handicapped citizens. The Federal Government and the States have forged a highly effective partnership that in 1982 was responsible for the rehabilitation of 226,924 handicapped individuals. It is a very cost-effective program; for each dollar spent on rehabilitation, it is estimated that $10 are returned through the payment of taxes and savings in subsistence payments.

This measure make a number of changes to the existing Rehabilitation Act. The reporting requirements are strengthened, standards for evaluation of programs are mandated, and evaluations of the projects with industry programs and independent living programs are mandated. There are new initiatives established in the research program, the training program, and the special projects program. The measure strengthens the role of the National Council on the Handicapped by establishing it as an independent agency within the Federal Government.

The discretionary client assistance program authority is amended to require that all States have a client assistance program in effect by September 30, 1985. This program informs and advises all rehabilitation clients and client applicants of services and programs available under the act. Although the program has the authority to pursue legal, administrative, and other remedies to protect the rights of handicapped individuals who are receiving services and treatment or rehabilitation under the act, it is expected that to the maximum extent possible that every effort will be made to resolve client or client applicant concerns through mediation procedures first.

The research authority is amended to clarify that the research and training centers shall include both comprehensive centers dealing with multiple disabilities and centers focused on specific disabilities. Recent actions taken by the administration have resulted in research and training centers being able to focus only on a single area of disability and a single research area. Historically, many centers have addressed rehabilitation techniques of many types applied to a number of disabilities. The language in this measure will provide the flexibility to encourage multidisability comprehensive centers as well as centers that focus on a single disability or a single research area. In addition, this measure clarifies that grants to centers need not automatically terminate at the end of a project period as has been required by the Education Department's general administrative regulations (EDGAR). Instead, the grant may be renewed on the basis of a thorough evaluation and peer review, including site visits. The amendments allow the Director of the National Institute of Handicapped Research the flexibility to continue the centers, but do not require the Director to take this course. The committee bill also includes a provision to provide the Director of the National Institute of Handicapped Research with the flexibility to respond expeditiously to special needs and initiatives.

The projects with an industry program have been very effective. However, there is not a project in every State. 26 States, Puerto Rico, and the District of Columbia have projects, and some States have more than one project. This measure amends the projects with industry authority to encourage equitable distribution of funding and the development of projects in all States.

Mr. President, it is my belief that this is a very important and effective program—not only to handicapped Americans but to all Americans. Everyone benefits when all of our citizens have an opportunity to develop their talents and abilities to the fullest. This measure will continue the proud service tradition of the 63-year-old program.

AMENDMENT NO. 2092

(Purpose: To make administrative and technical corrections)

Mr. BAKER. Mr. President, I send a technical amendment to the desk on behalf of the distinguished Senator

from Connecticut (Mr. WEICKER) and ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of Mr. WEICKER, proposes an amendment numbered 2092.

Mr. BAKER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, line 2, strike out "in each such year".

On page 4, between lines 4 and 5, insert the following new section:

ADMINISTRATIVE AMENDMENTS

SEC. 104. (a)(1) Section 15(b) of the Act is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Education".

(2) Section 101(a)(11) of the Act is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Health and Human Services".

(3) Section 102(d)(2) of the Act is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Education".

(4) Section 202(i)(2) of the Act is amended by striking out "Bureau of Education for the Handicapped" and inserting in lieu thereof "Office of Special Education and Rehabilitative Services".

(5) Section 204(b)(7) of the Act is amended by striking out "Office of Education" and inserting in lieu thereof "Department of Education".

(b)(1) Section 202(g) of the Act is amended by striking out "Commissioner of Education" and inserting in lieu thereof "Secretary of Education".

(2) Section 203(a)(1) of the Act is amended by striking out "Commissioner of Education" and inserting in lieu thereof "Secretary of Education".

(3)(A) The first sentence of section 501(a) of the Act is amended by striking out "the Chairman of the Civil Service Commission" and inserting in lieu thereof "the Chairman of the Office of Personnel Management" and by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education and Health and Human Services".

(B) The second sentence of such Act is amended by striking out "Secretary of Health, Education, and Welfare and the Chairman of the Civil Service Commission" and inserting in lieu thereof "Secretary of Education and the Chairman of the Office of Personnel Management".

(C) Section 501 of the Act is amended by striking out "Civil Service Commission" each place it appears and inserting in lieu thereof "Office of Personnel Management".

(D) Section 501 of the Act is further amended by striking out "Commission" each place it appears and inserting in lieu thereof "Office".

(E) Section 501(d) of the Act is amended by striking out "Civil Service Commission's activities" and inserting in lieu thereof "the activities of the Office of Personnel Management".

(F) Section 501(f)(1) of the Act is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education".

(4) Section 507 of the Act is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education, the Secretary of Health and Human Services," and by striking out "Chairman of the United States Civil Service Commission" and inserting in lieu thereof "Chairman of the Office of Personnel Management".

(5) Section 614 of the Act is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

(c)(1) Section 401(a) of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education".

(2) Section 402 of such Act is amended by striking out "Commissioner of Education" and inserting in lieu thereof "Assistant Secretary of Education for the Office of Special Education and Rehabilitation Services".

On page 6, line 23, before the period insert "under this Act".

On page 13, line 17, insert "the second time it appears" before the semicolon.

On page 15, between lines 3 and 4, insert the following:

(e)(1) Section 304 is amended by striking out "(d)" the second time it appears and inserting in lieu thereof "(e)".

On page 15, line 4, strike out "(e)" and insert in lieu thereof "(2)".

On page 15, line 4, strike out "304(d) of the Act" and insert in lieu thereof "304(e) of the Act (as redesignated by paragraph (1))".

On page 22, line 12, insert "of" after the quotation marks.

On page 23, line 19, insert "(1)" after "(a)".

On page 23, between lines 20 and 21, insert the following:

(2) The table of contents of the Act is amended by striking out "Sec. 731" after part E and inserting in lieu thereof "Sec. 741".

On page 24, between lines 11 and 12, insert the following:

ADMINISTRATIVE AMENDMENT

SEC. 201. Section 102(11) of the Developmental Disability Assistance and Bill of Rights Act (hereafter in this title referred to as the "Act") is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

On page 24, line 13, strike out "Sec. 201." and insert in lieu thereof "Sec. 202.".

On page 24, beginning with "the" on line 13, strike out through the end parenthesis on line 15 and insert in lieu thereof "the Act".

On page 24, line 20, strike out "sec. 202." and insert in lieu thereof "Sec. 203.".

On page 24, line 24, strike out "make allotments to".

On page 25, line 2, strike out "Sec. 203." and insert in lieu thereof "Sec. 204.".

On page 25, line 9, strike out "Sec. 204." and insert in lieu thereof "Sec. 205.".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (No. 2092) was agreed to.

AMENDMENT NO. 2093

(Purpose: To make a technical correction)

Mr. BAKER. Mr. President, I send to the desk an amendment on behalf of the distinguished Senator from Utah (Mr. HATCH) and ask that it be stated by the clerk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of Mr. HATCH, proposes an amendment numbered 2093.

On page 2, line 22, before "and" insert "types of facilities or agencies which furnished services and whether each such facility or agency is public or private.".

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment (No. 2093) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and to be read a third time, was read the third time, and passed, as follows:

S. 1340

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Rehabilitation Amendments of 1983".

TITLE I—REHABILITATION PROGRAM

DEFINITIONS

SEC. 101. (a) Section 7(7) of the Rehabilitation Act of 1973 (hereafter in this title referred to as "the Act") is amended by adding at the end thereof the following new paragraph:

"(C) The term 'individual' with respect to a handicapped individual means, for the purposes of title I, any individual who has attained sixteen years of age.".

(b) Section 7(12) of the Act is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education".

REPORTS

SEC. 102. (a) Section 13 of the Act is amended by adding after the first sentence the following: "The Commissioner shall annually collect information on each client whose case is closed out in the preceding fiscal year and include the information in the report required by this section. The information shall set forth a complete count of such cases in a manner permitting the greatest possible cross-classification of data. The data elements shall include, but not be limited to, age, sex, race, ethnicity, education, type of disability, severity of disability, key rehabilitation process dates, earnings at time of entry into program and at closure, work status, occupation, cost of case services, types of services provided, and reasons for closure. The Commissioner shall take whatever action is necessary to assure that the identity of each client for which information is supplied under this subsection is confidential.".

(b) The last sentence of section 13 is amended by inserting "also" after "shall".

EVALUATION

SEC. 103. (a) Section 14(a) of the Act is amended by adding after the first sentence the following new sentence: "The Secretary shall establish and use standards for the evaluation required by this subsection. The standards shall, to the extent feasible, for all appropriate programs include standards relating to the increases in employment and earnings taking into account economic factors in the area to be served by the program and the characteristics of the handicapped individuals to be served.".

(b) Section 14 of the Act is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) Not later than September 30, 1984, the Secretary shall evaluate, in accordance with the standards required under section 621(a)(3) and section 711(e) of this Act—

"(1) the effectiveness of the projects with industry program authorized under section 621 of this Act; and

"(2) the effectiveness of, and alternative means of financing for, Independent Living Services and Centers authorized by section 711 of this Act.

The Secretary shall prepare and submit to the Congress interim reports every ninety days in each such year and a final report of the evaluations required by this subsection not later than December 31, 1984.".

PART A—VOCATIONAL REHABILITATION SERVICES

AUTHORIZATION OF APPROPRIATIONS

SEC. 111. (a) Section 100(b)(1) of the Act is amended to read as follows:

"(b)(1) For the purpose of making grants to States under part B of this title to assist them in meeting the costs of vocational rehabilitation services provided in accordance with State plans under section 101, there is authorized to be appropriated $993,900,000 for the fiscal year 1984, $1,047,600,000 for the fiscal year 1985, and $1,103,000,000 for the fiscal year 1986.".

(b) The first sentence of section 100(b)(2) of the Act is amended to read as follows:

"(2) For the purpose of allotments under section 120(a)(1), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

(c) Section 100(b)(3) of the Act is amended by striking out "the fiscal year ending September 30, 1979, and for each of the three fiscal years thereafter" and inserting in lieu thereof "each of the fiscal years 1984, 1985, and 1986".

ADDITIONAL PAYMENTS REPEALED

SEC. 112. (a)(1) Section 110(b) of the Act is repealed.

(2) Section 110 of the Act is amended by redesignating subsection (c) as subsection (b).

(b) Section 111(a) of the Act is amended—

(1) by striking out "(including any additional payment to it under section 110(b))";

(2) by striking out "(and its additional payment under subsection (b), if any)"; and

(3) by striking out ", and except that the amount otherwise payable to such State for such year under this section shall be reduced by the amount (if any) by which expenditures from non-Federal sources during such year under this title are less than expenditures under the State plan for the fiscal year ending June 30, 1972, under the Vocational Rehabilitation Act".

(c) The repeals and amendments made by this section shall take effect October 1, 1986.

CLIENT ASSISTANCE

SEC. 113. (a) Section 112 of the Act is amended to read as follows:

"CLIENT ASSISTANCE PROGRAM

"SEC. 112. (a) From funds appropriated under subsection (g), the Secretary shall, in accordance with this section, make grants to States to establish and carry out client assistance programs to provide assistance in informing and advising all clients and client applicants of all available benefits under this Act, and, upon request of such clients or client applicants, to assist such clients or applicants in their relationships with projects, programs, and facilities providing services to them under this Act, including assistance in pursuing legal, administrative, or other appropriate remedies to ensure the protection of the rights of such individuals under this Act.

"(b) No State may receive payments from its allotment under this Act in any fiscal year unless the State has in effect not later than September 30, 1985, a client assistance program, which—

"(1) has the authority to pursue legal, administrative, and other appropriate remedies to ensure the protection of rights of handicapped individuals who are receiving treatments, services, or rehabilitation under this Act within the State;

"(2) is not administered by the State Vocational Rehabilitation Agency; and

"(3) is independent of any agency which provides treatment, services, or rehabilitation to handicapped individuals.

"(c) The Governor shall designate a public or private agency to conduct the client assistance program required by this section and be accountable for the proper use of funds appropriated for its use.

"(d)(1)(A) The Secretary shall allot the sums appropriated for each fiscal year under this section among the States on the basis of relative population of each State, except that no State shall receive less than $50,000.

"(B) The Secretary shall allot $30,000 each to American Samoa, Guam, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(C) For the purpose of this paragraph, the term 'State' does not include American Samoa, Guam, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(2) The amount of an allotment to a State for a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary from time to time on such dates he may fix to other States with respect to which such a determination has not been made, in proportion to the original allotments of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period; and the total of such reduction shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any such amount so reallotted to a State for a fiscal year shall be deemed to be a part of its allotment for such fiscal year.

"(3)(A) The Secretary shall pay to the Governor from the allotment of the State the amount specified in the application approved under subsection (e).

"(B) For the purpose of this paragraph and subsection (c), the term 'Governor' means the chief executive of the State.

"(e) No grant may be made under this section unless the State submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems necessary to meet the requirements of this section.

"(f) The Secretary shall prescribe regulations applicable to the client assistance program which shall include the following requirements:

"(1) No employees of such programs shall, while so employed, serve as staff or consultants of, or receive benefits of any kind directly or indirectly from, any rehabilitation project, program, or facility receiving assistance under this Act in the State.

"(2) Each program shall be afforded reasonable access to policymaking and administrative personnel in the State and local rehabilitation programs, projects, or facilities.

"(3) Each program shall contain provisions designed to assure that to the maximum extent possible mediation procedures are used prior to resorting to administrative or legal remedies.

"(4) The program shall submit an annual report to the Secretary on the operation of the program during the previous year, including a summary of the work done and the uniform statistical tabulation of all cases handled by such program. A copy of each such report shall be submitted to the appropriate committees of the Congress by the Secretary, together with a summary of such reports and his evaluation of the program, including appropriate recommendations.

"(g) There are authorized to be appropriated $6,000,000 for the fiscal year 1984, $6,300,000 for the fiscal year 1985, and $6,700,000 for the fiscal year 1986.".

(b) The table of contents of the Act is amended by striking out the item relating to "Sec. 112" and inserting in lieu thereof the following:

"Sec. 112. Client assistance program.".

INNOVATION AND EXPANSION

SEC. 114. The first sentence of section 121(a) of the Act is amended by striking out all that follows "rehabilitation services," and inserting in lieu thereof the following: "including—

"(1) programs to initiate or expand such services to individuals with the most severe handicaps;

"(2) special programs under such State plan to initiate or expand services to classes of handicapped individuals who have unusual or difficult problems in connection with their rehabilitation; and

"(3) programs to maximize the use of technological innovations in meeting the employment training needs of handicapped youth and adults.".

PART B—RESEARCH

AUTHORIZATION OF APPROPRIATIONS

SEC. 121. Section 201(a) of the Act is amended to read as follows: "There are authorized to be appropriated $36,000,000 for the fiscal year 1984, $38,000,000 for the fiscal year 1985, and $40,000,000 for the fiscal year 1986 to carry out the provisions of this title.".

NATIONAL INSTITUTE OF HANDICAPPED RESEARCH

SEC. 122. (a) Section 202(a) of the Act is amended by striking out "health, education,

and welfare" both times it appears and inserting in lieu thereof "education" each such time.

(b) Section 202(c) of the Act is amended by adding after the first sentence the following new sentence: "The Director shall be an individual with substantial experience in rehabilitation and in research administration.".

(c) Section 202 of the Act is amended by adding at the end thereof the following new subsection:

"(j)(1) The Director shall make a grant to an institution of higher education for the establishment of a program of pediatric rehabilitation research at an institution of higher education.

"(2) The Director shall establish, either directly or by way of grant or contract, a Research and Training Center in the Pacific Basin.".

RESEARCH

SEC. 123. (a) Section 204(b)(1) of the Act is amended by adding at the end thereof the following: "Rehabilitation Research and Training Centers shall include both comprehensive centers dealing with multiple disabilities and centers focused on particular disabilities. Grants to Centers need not be automatically terminated at the end of a project period and may be renewed on the basis of a thorough evaluation and peer review including site visits. Training of students preparing to be rehabilitation personnel through centers shall be an important priority. Grants may include faculty support for teaching of rehabilitation-related courses of study for credit and other courses offered by the institutions of higher education affiliated with the Center.".

(b) Section 204(b)(3) of the Act is amended by striking out "pursuant to section 303(b)" and inserting in lieu thereof "pursuant to sections 310 and 311(b)".

(c) Section 204(b) of the Act is amended by inserting after paragraph (12) the following new paragraph:

"(13) Conduct of a rehabilitation research program under which financial assistance is provided in order to (A) test new concepts and innovative ideas, (B) demonstrate research results of high potential benefits, (C) purchase prototype aids and devices for evaluation, (D) develop unique rehabilitation training curricula, and (E) be responsive to special initiatives of the Director. No single payment under this paragraph may exceed $50,000 in any fiscal year and all payments made under this paragraph in any fiscal year may not exceed five per centum of the amount available under section 204 to the National Institute of Handicapped Research in any fiscal year. Regulations and administrative procedures with respect to financial assistance under this paragraph shall, to the maximum extent possible, be expedited.".

PART C—SUPPLEMENTARY SERVICES AND FACILITIES

GRANTS FOR CONSTRUCTION

SEC. 131. Section 301(a) of the Act is amended by striking out "October 1, 1982" in the first sentence and inserting in lieu thereof the following: "October 1, 1986"; and by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1987".

VOCATIONAL TRAINING

SEC. 132. (a) Section 302(a) of the Act is amended by striking out "October 1, 1982" and inserting in lieu thereof "October 1, 1986".

(b) Section 302(b) of the Act is amended by adding at the end thereof the following new paragraph:

"(4) No grant under this subsection shall be continued for more than two years unless the project meets standards relating to employment and earnings prescribed by the Commissioner or unless the Commissioner determines that acceptable remedial measures have been taken by the grantee.".

TRAINING

SEC. 133. (a)(1) Section 304(a) of the Act is amended—

(A) by inserting "(A)" after "including";

(B) by inserting after "placement services" a comma and the following: "(B) personnel specifically trained to deliver services to individuals who may benefit from receiving comprehensive services for independent living, personnel specifically trained to deliver services in client assistance programs,"; and

(C) by inserting "(C)" after "and" the last time it appears in such section.

(2) Section 304(a) of the Act is further amended by adding at the end thereof the following new sentence: "In carrying out the provisions of this subsection, the Commissioner shall, in addition to furnishing training in the services provided under this Act to rehabilitation counselors, furnish training to such counselors in the applicability of the provisions of section 504.

(b) Section 304(a) of the Act is further amended by inserting "qualified" before "personnel" each time it appears in such section.

(c) Section 304(b) of the Act is amended by striking out "will be utilized to provide a balanced program of assistance to meet the medical, vocational, and other personnel training needs of both public and private rehabilitation programs and institutions, to include" and inserting in lieu thereof "shall be targeted to areas of personnel shortage which may include".

(d) Section 304(c) of the Act is amended by adding at the end thereof the following new sentences: "The Commissioner shall prepare and submit to the Congress, simultaneously with the budget submission for the succeeding fiscal year for the Rehabilitation Services Administration, a report setting forth and justifying in detail how the training funds for the fiscal year prior to such submission are allocated by professional discipline and other program areas. The report shall also contain findings on personnel shortages, how funds proposed for the succeeding fiscal year will be allocated under the President's budget proposal, and how the findings of personnel shortages justify the allocations.".

(e) The first sentence of section 304(d) of the Act is amended to read as follows: "There are authorized to be appropriated to carry out this section, $22,000,000 for the fiscal year 1984, $26,800,000 for the fiscal year 1985, and $28,300,000 for the fiscal year 1986.".

AUTHORIZATION OF APPROPRIATIONS FOR COMPREHENSIVE REHABILITATION CENTERS

SEC. 134. Section 305(g) of the Act is amended by striking out "the fiscal year ending September 30, 1979, and for the three succeeding fiscal years", and inserting in lieu thereof "for each of the fiscal years 1984, 1985, and 1986".

AUTHORIZATION OF APPROPRIATIONS FOR SPECIAL PROJECTS

SEC. 135. Section 310(a) of the Act is amended—

(1) by inserting after "313" the following: "and section 316"; and

(2) by striking out "such sums as may be necessary for each fiscal year ending prior to October 1, 1982" and inserting in lieu thereof "$12,900,000 for fiscal year 1984, $13,600,000 for fiscal year 1985, and $14,300,000 for fiscal year 1986.".

SPECIAL DEMONSTRATION PROGRAMS

SEC. 136. (a)(1) Section 311(a)(1) of the Act is amended by striking out "individuals with spinal cord injuries and".

(2) Section 311(a) of the Act is amended by adding at the end thereof the following new sentence: "The Director of the National Institute of Handicapped Research may make grants to States and to public or nonprofit agencies and organizations to pay part or all of the costs of special projects and demonstrations for spinal cord injuries.".

(b) Section 311(b) of the Act is amended by adding at the end thereof the following new sentence: "The Director of the National Institute of Handicapped Research shall coordinate each grant made under this subsection with the Commissioner.".

(c) Section 311 of the Act is amended by adding at the end thereof the following new subsections:

"(c)(1) The Commissioner may make grants to public and nonprofit agencies and organizations to pay part or all of the costs of special projects and demonstrations including research and evaluation for applying new types or patterns of services for individuals with mental retardation to enter into the labor force.

"(2) Services under this subsection may include—

"(A) jobs-search assistance;

"(B) on-the-job training;

"(C) job development including worksite modification and use of advance-learning technology for skills training;

"(D) dissemination of information on program activities to business and industry; and

"(E) followup services for individuals placed in employment.

"(d)(1) The Commissioner may make grants to public and nonprofit agencies and organizations to pay part or all of the costs of special projects and demonstrations including research and evaluation for handicapped youths to provide job training and prepare them for entry into the labor force. Such projects shall be designed to demonstrate cooperative efforts between local educational agencies, business and industry, vocational rehabilitation programs, and organizations representing labor and organizations responsible for promoting or assisting in local economic development.

"(2) Services under this subsection may include—

"(A) jobs search assistance;

"(B) on-the-job training;

"(C) job development including worksite modification and use of advance-learning technology for skills training;

"(D) dissemination of information on program activities to business and industry; and

"(E) followup services for individuals placed in employment.

"(3) The Commissioner shall assure that projects shall be coordinated with other projects assisted under section 626 of the Education of the Handicapped Act.".

HELEN KELLER NATIONAL CENTER AUTHORIZATION OF APPROPRIATIONS

SEC. 137. (a) Section 313(e) of the Act is amended by striking out "such sums as may be necessary for each fiscal year before Oc-

tober 1, 1982" and inserting in lieu thereof "$3,700,000 for fiscal year 1984, $3,900,000 for fiscal year 1985, and $4,100,000 for fiscal year 1986".

SPECIAL RECREATIONAL PROGRAMS
AUTHORIZATION OF APPROPRIATIONS

SEC. 138. Section 316 of the Act is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) There are authorized to be appropriated to carry out this section $2,000,000 for the fiscal year 1984, $2,100,000 for the fiscal year 1985, and $2,200,000 for the fiscal year 1986.".

PART D—NATIONAL COUNCIL

ADMINISTRATIVE AMENDMENT

SEC. 141. Section 400 of the Act is amended by striking out "with the Department of Health, Education, and Welfare" and inserting in lieu thereof "within the executive branch of the Federal Government".

DUTIES

SEC. 142. Section 401 of the Act is amended—

(1) by striking out "Commissioner, the appropriate Assistant Secretary of the Department of Health, Education, and Welfare" in clause (3) and inserting in lieu thereof "President and the Congress";

(2) by striking out "the Secretary, the Commissioner" in clause (5) and inserting in lieu thereof "President and the Congress";

(3) by striking out "and" at the end of clause (5);

(4) by striking out "the Secretary," in clause (6);

(5) by striking out the period at the end of clause (6) and inserting in lieu thereof a semicolon and the word "and"; and

(6) by adding at the end thereof the following:

"(7) provide to the Congress on a continuing basis advice, recommendations, and any additional information which the Council or the Congress deems appropriate.".

STAFF

SEC. 143. (a) Section 403(a) of the Act is amended by striking out "up to seven technical and professional employees" and inserting in lieu thereof "an Executive Director".

(b) Section 403(a) of the Act is further amended by adding at the end thereof the following new sentence: "The Executive Director shall be appointed from among individuals who are experienced in the planning or operation of programs for handicapped individuals.".

(c) Section 403(a) of the Act is further amended by inserting "(1)" after the section designation and by adding at the end thereof the following new subsection:

"(2) The Executive Director is authorized to hire not to exceed seven technical and professional employees to assist the National Council to carry out its duties.".

PART E—ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

AUTHORIZATION OF APPROPRIATIONS

SEC. 151. Section 502(i) of the Act is amended by striking out "October 1, 1982" and inserting in lieu thereof "October 1, 1984".

PART F—EMPLOYMENT OPPORTUNITIES

AUTHORIZATION OF APPROPRIATIONS FOR COMMUNITY SERVICE EMPLOYMENT PILOT PROGRAMS

SEC. 161. Section 617 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 617. There are authorized to be appropriated to carry out the provisions of this part such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

PROJECTS WITH INDUSTRY

SEC. 162. (a) The matter preceding clause (A) of section 621(a)(1) of the Act is amended by inserting after "employers" a comma and the following: "designated State units".

(b) Section 621(a) of the Act is amended by adding at the end thereof the following new paragraphs:

"(3) The Commissioner shall develop and publish standards to assure satisfactory performance under agreements entered into under this subsection not later than July 1, 1984. No standards may be established under this paragraph unless the standards are approved by the National Council on the Handicapped.

"(4)(A) The Commissioner shall continue to provide financial assistance under each agreement of this section if—

"(i) the parties to that agreement include provisions for agreement which are at least as stringent as the standards established under paragraph (3); and

"(ii) the Commissioner determines that the parties to that agreement have substantially met the performance standards set forth in the agreement.

"(B) The parties to each agreement receiving assistance under this section in the fiscal year in which this paragraph is enacted shall continue to receive assistance until October 1, 1984, unless the Commissioner determines that there is a substantial failure to comply with the agreement.".

EQUITABLE DISTRIBUTION

SEC. 163. Section 621 of the Act is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

"(c) The Commissioner shall to the extent practicable assure an equitable distribution of payments made under this section among the States.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 164. Section 623 of the Act is amended by striking out "this part for each fiscal year beginning before October 1, 1982" and inserting in lieu thereof "for section 621 $13,000,000 for fiscal year 1984, $14,400,000 for fiscal year 1985, and $15,200,000 for fiscal year 1986; and for section 622, such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986".

PART G—SERVICES FOR INDEPENDENT LIVING

EVALUATION

SEC. 171. Section 711 of the Act is amended by adding at the end thereof the following new paragraphs:

"(e)(1) The Commissioner shall, not later than July 1, 1984, develop and publish standards to review and evaluate the operation of independent living centers receiving assistance under this title and make recommendations for the improvement and continuation of each such center and for the support of new independent living centers. No standards may be established under this paragraph unless the standards are approved by the National Council on the Handicapped.

"(2) In the development of the standards required by this subsection the Commissioner shall obtain the recommendations of independent living centers and professionals and associations serving handicapped individuals, particularly associations engaged in rehabilitation research.

"(f) Each independent living center receiving assistance under this title in the fiscal year in which this subsection is enacted shall continue to receive assistance until such time as the final evaluation report required by section 14 has been submitted to the appropriate committees of the House of Representatives and Senate, unless the Commissioner determines that there is a substantial failure to comply with the provisions of the approved application.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 172. (a) Section 731 of the Act the second time it appears is redesignated as section 741.

(b)(1) Section 741(a) of the Act (as so redesignated) is amended to read as follows:

"(a) There are authorized to be appropriated to carry out part A of this title such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

(2) Section 741(b) of the Act (as so redesignated) is amended to read as follows:

"(b) There are authorized to be appropriated to carry out part B of this title $21,000,000 for each of the fiscal years 1984, 1985, and 1986.".

(3) Section 741(c)(1) of the Act (as so redesignated) is amended to read as follows:

"(c)(1) There are authorized to be appropriated to carry out part C of this title such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

TITLE II—DEVELOPMENTAL DISABILITIES

PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS

SEC. 201. The first sentence of section 113(b)(2) of the Development Disabilities Assistance and Bill of Rights Act (hereafter in this title referred to as "the Act") is amended to read as follows: "There is authorized to be appropriated for allotments under paragraph (1) $8,400,000 for fiscal year 1984.".

UNIVERSITY AFFILIATED FACILITIES

SEC. 202. (a) Section 123 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 123. There is authorized to be appropriated to make allotments to carry out this part $7,800,000 for fiscal year 1984.".

GRANTS FOR PLANNING AND THE PROVISION OF SERVICES

SEC. 203. Section 131 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 131. There is authorized to be appropriated to carry out the provisions of this part $45,400,000 for fiscal year 1984.".

SPECIAL PROJECTS

SEC. 204. Section 145(f) of the Act is amended to read as follows:

"(f) For the purpose of making grants under subsection (a), there is authorized to be appropriated $2,600,000 for fiscal year 1984.".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

H.J. RES. 139 HELD AT THE DESK

Mr. BAKER. Mr. President, the final item I have is a request to hold at the desk House Joint Resolution 139, and if I could inquire from the minority leader if there is any objection, I will not proceed with it. If not, I will make the request.

Mr. BYRD. I have no objection.

Mr. BAKER. Mr. President, I ask unanimous consent that House Joint Resolution 139, a joint resolution to designate the week of June 24 as "Federal Credit Union Week," be held at desk pending further disposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, that completes my folder of business this evening. It has been a long day.

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended under the same terms and conditions until 9 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. I yield the floor, Mr. President.

BRIEFING ON CENTRAL AMERICA TOMORROW

Mr. RANDOLPH. Mr. President, I ask the majority leader, in view of his statement about the conference set, if I understand it, for tomorrow in room S-407, the discussion to be led by Secretary Shultz and Judge Clark, there are meetings of committees tomorrow at the same hour, and I am wondering whether there has been any contact as to those meetings, and I am thinking particularly of the Labor and Human Resources Committee, an important session tomorrow morning.

Personally—and I have not talked with the chairman of our committee, Senator HATCH—it would seem to me that I would want to be at the briefing that you have called our attention to at 9:30 tomorrow morning.

Mr. BAKER. Mr. President, the Senator from West Virginia makes a painfully good point, which is that there are committee meetings tomorrow and there are appointments and commitments tomorrow that are in direct conflict with the period of the briefing by the Secretary of State and the National Security Adviser to the President.

I accept full responsibility for setting that time. I must say by way of explanation that I did so without consulting anyone else except the minority leader simply because that was the only time we could get those two gentlemen without waiting what I thought of as an unduly long time. So I took what I could get.

They will be in the House in the morning at 9 o'clock and then meet with us shortly after 9:30, a few minutes after 9:30, and that was the best I could do. So I am sympathetic to the Senator's plight and that of all Senators who have conflicts.

But I do urge that they attend the briefing in the morning. I think it will be an important one and, perhaps, put to rest concerns some Senators have, even some concerns which have not been realized. But in any event it is going to be an important briefing on an important subject, and I think it justifies the inconvenience I am afraid I have caused.

Mr. RANDOLPH. Mr. President, I appreciate the very candid comments of the leader. It will be a matter of concern for me because of matters that will be brought up, at least they were scheduled to be brought up, before the Committee on Labor and Human Resources. But I do understand the arrangement necessarily having been made at a time you and the minority leader and, perhaps, others believed it should be with such a conference with Secretary Shultz thus far.

I hope I can be there and I hope, perhaps, I can talk to the chairman of our committee, Senator HATCH, with reference to having a little later meeting, later than 9:30, as has been announced.

I thank the majority leader very much.

Mr. BAKER. I thank the Senator.

I have nothing further. May I inquire if the minority leader has a further matter he wishes to address to me?

Mr. BYRD. No; just to say that I thank the majority leader for arranging for the briefing. He should not have to make excuses for this arrangement. This is a duty that is incumbent upon the administration. But I find no one around here on each side of the aisle—and this is not meant to be a criticism of the majority leader, it is meant to be complimentary—and I think the Senate is in his debt for making this request.

Mr. BAKER. I thank the minority leader.

Mr. President, the minority leader and I consulted at length repeatedly on this subject today and I believe the best interests of the Senate will be served as we have made these arrangements. I am grateful for his remarks.

RECESS UNTIL 10:15 A.M. TOMORROW

Mr. BAKER. Mr. President, I have nothing further. I see no other Senator seeking recognition.

I move, in accordance with the order previously entered, that the Senate now stand in recess until the hour of 10:15 a.m. tomorrow.

The motion was agreed to; and at 8:55 p.m., the Senate recessed until Wednesday, July 27, 1983, at 10:15 a.m.

NOMINATIONS

Executive nominations received by the Senate July 26, 1983:

NUCLEAR REGULATORY COMMISSION

Frederick M. Bernthal, of Tennessee, to be a member of the Nuclear Regulatory Commission for the term of 5 years expiring June 30, 1988, vice John Francis Ahearne, term expired.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 26, 1983:

UNITED NATIONS

Jose S. Sorzano, of Virginia, to be the Deputy Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

Hector M. Laffitte, of Puerto Rico, to be U.S. district judge for the district of Puerto Rico.

HOUSE OF REPRESENTATIVES—*Tuesday, July 26, 1983*

The House met at 12 o'clock noon.

The SPEAKER. Today we have the honor of having a distinguished visiting chaplain. We all recall reading in the newspapers some time ago about the clergyman who adopted a son out in Chicago. He is our chaplain today, the Reverend George H. Clements, Holy Angels Church, Chicago, Ill.

PRAYER

Father George H. Clements, Holy Angels Church, Chicago, Ill., offered the following prayer:

On this 26th day of July 1983, I believe that the cry heard all over the world is for peace, peace in the world and peace in ourselves.

St. Francis of Assisi is the patron saint of peace and I am going to pray today his prayer for peace as it applies to the Government of the United States of America.

O Lord make the men and women who hold the reins of the U.S. Government instruments of your love.

Where there is hatred may President Ronald Reagan sow love.

Where there is injury may Vice President GEORGE BUSH bring pardon.

Where there is doubt may the Members of the 98th session of the U.S. Congress bring faith.

Where there is despair may the 21 women in the House bring hope.

Where there is darkness may the 21 Members of the Congressional Black Caucus bring light.

Where there is sadness may the 11 Hispanics in the House bring joy.

O Divine Master, grant that Speaker of the House, THOMAS "TIP" O'NEILL, may not so much seek to be consoled as to console.

May majority leader, JAMES WRIGHT, seek not so much to be understood as to understand.

May minority leader, ROBERT MICHEL, seek not so much to be loved as to love.

For it is in giving that majority whip, THOMAS FOLEY, will receive.

It is in pardoning that minority whip, TRENT LOTT, will be pardoned.

And it is in dying that all of us, black and white, Protestant and Catholic, Jew and gentile, Democrat and Republican, are born to eternal life. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

FATHER GEORGE H. CLEMENTS

(Mrs. COLLINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. COLLINS. Mr. Speaker, today I am deeply proud and honored that Father George H. Clements has agreed to be our guest chaplain and deliver such a fine spiritual benediction. Father Clements, the priest and pastor of Holy Angels Church in Chicago, is long noted for his devout commitment to the spiritual, emotional, and political well-being of his parishioners.

It is particularly significant that Father Clements could be here today to bestow his blessings upon us on this, the very same day on which is being held the special primary election to fill the seat of the First Congressional District of Illinois which was vacated by Mayor Harold Washington. This significance is highlighted by the fact that Father Clements has for years been in the forefront as an organizer of massive voter registration drives in Chicago and was a moving force in Mayor Washington's victory. As the pastor of Holy Angels Church, located in the First District, Father Clements played a pivotal role in encouraging community residents to seize the moment by the use of the ballot.

Many may remember 3 years ago, that it was Father Clements who made national headlines as the first priest in the United States to adopt a youngster—action he took to call attention to the pitiful plight of black orphans.

Father Clements was born in Chicago and ordained in 1957. He has served as pastor of Holy Angels Church since 1969. He is founder/former executive director of the Black Catholic Clergy Caucus. He also serves on the board of numerous organizations, including the Better Boys Foundation, the NAACP, the Paul Hall Boys Club, and the Black United Fund.

On behalf of the people of Chicago, let me say that we are all proud of Father Clements' accomplishments and unselfish acts of humanitarianism.

REPORT ON RESOLUTION PROVIDING FOR FURTHER EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT IN 1ST SESSION OF 98TH CONGRESS

Mr. ANNUNZIO, from the Committee on House Administration, submitted a privileged report (Rept No. 98-310) on the resolution (H. Res. 276) providing amounts from the contingent fund of the House for further expenses of investigations and studies by the Committee on Standards of Official Conduct in the 1st session of the 98th Congress, which was referred to the House Calendar and ordered to be printed.

DEFENSE DEPARTMENT PROPOSES MAIMING HELPLESS ANIMALS IN THE NAME OF SCIENCE

(Mr. ROSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSE. Mr. Speaker, my colleagues and I were appalled this morning to learn that the Defense Department is pursuing plans to establish a wound laboratory here in the Washington area where live dogs and other animals will be shot at close range by high-powered weapons so that medical students can study the effect that bullet holes have on such animals for purposes of helping them in their studies.

Mr. Speaker, this is a preposterously bad and inhumane idea. I realize that the Nation's hospitals probably do not present to medical students the kinds of bullet wounds that they require for their studies to be good doctors, but for God's sake, let us send these young men and women to Lebanon and El Salvador and let them see bullet wounds firsthand, rather than maiming and crippling helpless animals in the so-called name of science.

LEGISLATION TO DIRECT USGS TO STUDY EFFECTS OF SEISMIC ACTIVITY ON OUTER CONTINENTAL SHELF

(Mr. BATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, today in San Diego, the Governor of California and the Secretary of the Interior are

holding hearings on the southern California offshore lease offering scheduled for February 1984. This area of the Outer Continental Shelf which the Department of the Interior would like to see developed is laced with a number of active and inactive earthquake faults. In fact, just last month the San Diego area experienced a 4.6 magnitude earthquake—the largest ever in the San Diego area. This earthquake was centered 10 miles off the coast of San Diego in the very area that the Department of the Interior is offering. Had there been oil platforms at the quake's epicenter, the shock could have triggered a major disaster causing the platform to topple into the sea.

While I agree that this is an extreme example, I nevertheless am concerned that we do not know enough about earthquakes and their effect on Outer Continental Shelf development. For this reason, yesterday I introduced the Seismic Outer Continental Shelf Protection Act. At the same time as this bill would impose an oil and gas leasing moratorium until the year 2000 on tracts 20 miles off the California coastline in southern California, this bill also would direct the U.S. Geologic Survey to study the effects of seismic activity on Outer Continental Shelf development.

I encourage my colleagues to join me in supporting this legislation.

HIGHER INTEREST RATES

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, once again we have started to hear much talk and rhetoric over the possibility of higher interest rates. Some Members of this body and the administration seem ready to place full blame on the Federal Reserve Board, with the growing likelihood of the Board reverting back to a tighter fiscal policy.

However, this is not the full story. There is no single, simple cause for high interest rates; the rates are determined by a number of factors including the money supply and, more importantly, the size of the Federal deficit. Over the past 2½ years this administration has been responsible for the largest deficits in history. While these massive Federal deficits—which appear likely to continue to grow—do indeed provide a certain amount of economic stimulus, they do so at the expense of higher interest rates. The cure for one economic problem is sometimes the cause of another.

We need to do all we can to keep interest rates down, especially since it is farmers, small business proprietors, and working men and women who suffer most from these high rates of interest.

The time has come for cooperation on both sides of the aisle—let us do what we can to remove this aura of confrontation on the budget. The Congress, administration, and the Federal Reserve Board need to work together to devise an economic strategy that is acceptable to all. In the meantime, the administration needs to stop pointing fingers, and spend more time working on recommendations to lower the deficit.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the provisions of section 201(a)(2) of the Congressional Budget and Impoundment Control Act of 1974, Public Law 93-344, the Speaker of the House of Representatives and the President Pro Tempore of the Senate did, on Wednesday, July 20, 1983, appoint Mr. Rudolph G. Penner as Director of the Congressional Budget Office, effective September 1, 1983, for the term of office beginning January 3, 1983.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 3329, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS

Mr. LEHMAN of Florida. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 3329) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from Florida?

There was no objection.

FLOODING IN BRAZIL

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, an international disaster has taken place in our hemispheric neighborhood. Hundreds of thousands of the already poor and destitute have been ravaged in Brazil by unprecedented flooding. The flooding has devastated at least three states: Parana, Santa Catarina, and Rio Grande do Sul. Small towns of 3,000 to 5,000 have been totally wiped out. In Santa Catarina, there are at least 200,000 homeless. Crops have been drowned out of existence, livestock losses continue to mount, and worst of all, gastrointestinal problems in the homeless population have begun to occur.

The U.S. Embassy has generously donated $25,000 to help the Brazilian Government, and the United States has provided an additional $182,000 for local procurement of 19,000 wool blankets. Obviously, this is not enough. Why has the United States been slow to respond to this crisis? Because the State Department Agency for International Development's activities in Brazil were terminated in the 1970's and only a minimal program remains for Brazil. Our Nation can overcome any technicality such as this, and it can be overcome in the case of a disaster. Although the stricken country must formally request the aid. They are our hemispheric neighbors and we as a Nation must find a vehicle for immediate assistance.

Mr. Speaker, I am appealing to you, all our colleagues in this body, and to the President and his administration to find some way to help the Brazilians in their time of need. Mother Nature does not obey the strictures of politics; she strikes randomly in spite of political technicalities. These are people suffering, and we have the ability to help them but we must rise above our political limitations. Can we not do something? There is no better way to show our neighbor nations that we care about them (despite other differences) than to lend a helping hand during an emergency—a disaster they did not ask for. If we do not help now, in some way, it would be the same as if a man—looking out the window of his home—saw his neighbor's house afire and simply drew his curtains. We cannot—should not—turn our backs and many years later name a commission to study what went wrong—and perhaps recommend a long-term policy for the future. Mr. Speaker, and my colleagues, the future is now for our neighbors in Brazil.

NATIONAL ARTS STABILIZATION FUND

(Mr. DOWNEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY of New York. Mr. Speaker, I would like to take this opportunity to commend three of this country's most respected foundations for recognizing the important contributions of the arts to American society by jointly establishing a multimillion-dollar fund to assist cultural institutions in this period of growing financial uncertainty.

Organized by the Ford, Rockefeller, and Andrew W. Mellon Foundations, the new National Arts Stabilization Fund will provide grants to dance, theater, symphonic and opera organizations, art museums and arts-training institutions. This funding will assist these groups in achieving financial stability by improving their budgeting and marketing practices. Built into

this unique program is careful monitoring of the grants to assure competent fiscal management—a condition necessary for each institution's creative talent to have the time and resources to devote to their art.

This new fund is based on a model of "stabilization grants" initiated by the Ford Foundation during the 1970's. It anticipates securing $33 million by 1987 in order to award approximately 100 grants during the first 5 years.

Mr. Speaker, this joint project, established by three foundations which have previously been strong supporters of cultural institutions, is an extremely laudable effort and deserves our highest commendation.

REAGAN ADMINISTRATION'S POLICIES IN CENTRAL AMERICA

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, I rise today out of apprehension and deep concern that the Reagan administration's gunboat diplomacy in Central America may be setting the stage for another Gulf of Tonkin incident.

At least one aircraft carrier is on its way to Central America, probably accompanied by significant additional warships.

The White House has directed the Pentagon to station several thousand marines in Honduras for at least the next 6 months. To accommodate U.S. military aircraft personnel and weapons, the Reagan administration plans to lengthen airstrips in Honduras.

These actions come at a time when the Nicaraguan Government and Salvadoran guerrilla leaders have shown a willingness to come to the negotiating table to seek an end to hostilities in the area.

To placate critics of our policies, the President has appointed a commission composed primarily of supporters of administration policy. Its Chairman, Henry Kissinger, is best known in Latin America as the architect of covert U.S. intervention in Chile.

The administration's actions run a grave risk of involving this country in a land, sea, and air war for the first time since Vietnam.

The President's policies promise to widen the war, not end it. The Congress has an obligation to reject this administration's dangerous policies of military confrontation.

□ 1215

ANOTHER VIETNAM UNFOLDING IN CENTRAL AMERICA

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, the Vietnam we all thought could never happen is again unfolding before us in Central America.

We all thought:

No way would an administration involve this country in another Vietnam, what with Americans overwhelmingly opposed to our fighting in Central America. But now the administration plans to send 4,000 troops to Honduras.

No way would Americans be sent to die in the jungles of El Salvador. But now the administration is thinking about doubling the number of military advisers in El Salvador.

No way would Congress allow America to slip into another Vietnam. But now a fleet of U.S. ships is steaming to Nicaragua for what could be another Cuban-style blockade.

No way could we get into another Vietnam, you say?

I say it is happening before our very eyes.

Make no mistake about it.

We are at the same point today in Central America that we were almost 20 years ago with the Gulf of Tonkin resolution.

Do we slip into another Vietnam like we did with the Gulf of Tonkin resolution 20 years ago?

Or do we begin to stop another Vietnam from occurring and vote for the Boland-Zablocki bill?

AMERICAN PEOPLE REJECT WARLIKE POLICIES

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, I thought this was a country that, after the lessons of Vietnam, would not only think twice before sending troops into an area, I assumed we would carefully weigh the results of such a decision not just within the White House but within the committees of this Congress and on the floor of this House.

What has this administration learned from Vietnam?

Well, according to its newfound spokesperson, Henry Kissinger, a lesson has been learned. He said today in the Washington Post: "I think it is imperative that we avoid the bitter debate that characterized the Vietnam period."

Mr. Kissinger wants to avoid the debate. Well, I guess you can avoid the debate if you wage a secret covert war; I guess you can avoid the debate if you try to discredit Members of Congress who seek peaceful solutions to this problem.

Well, I think the American people are way ahead of the Reagan administration. The American people overwhelmingly reject these warlike policies, and many of us will be speaking for them on the floor of this House.

LEGISLATION TO ELIMINATE TOLLGATING FROM AMERICAN POLITICAL SCENE

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANNUNZIO. Mr. Speaker, today I am introducing legislation to eliminate the possible use of Federal appropriations for political purposes by Government contractors.

"Tollgating" is the term used internationally to describe the collection and distribution of contributions in return for Government favors. The very fact that there is an internationally accepted term for such behavior is testament to the fact that there is nothing new under the Sun about political corruption, and that the fight against it is universal and never ending. However, even the appearance of corruption is corrupting. It demoralizes the citizen who can not believe there is no fire when he sees smoke. It is the purpose of my bill to eliminate tollgating from the Federal political scene.

The Judiciary Committee of this House, in 1939, determined that the soliciting, collection, and distribution of political contributions by Government contractors was a pernicious political activity. They outlawed it in the Antipernicious Political Activity Act which became the law of the land in 1940.

Direct political contributions by Government contractors was and is prohibited by the Antipernicious Political Activity Act. Well and good. In 1974, however, in the name of political reform, the prohibition was compromised by allowing Government contractors to do indirectly what they cannot do directly.

Subsection (a) of 2 U.S.C. 441c prohibits direct contributions by Government contractors. Subsections (b) and (c) allow Government contractors to solicit, collect, and make political contributions, which are otherwise prohibited by subsection (a), providing they do so indirectly through separate segregated funds.

In most instance, the allowable separate segregated funds carry fictitious names. They thereby become fronts or laundries for the financing of political activity by Government contractors with legally clean money that under the Antipernicious Political Activity Act is politically dirty money and prohibited. The money is available because the donor has access by contract to the taxpayer's till.

In this case, the critical citizen is right. Where there is smoke in the law, there is fire. My bill puts it out. I

urge my colleagues to join with me in this effort to eliminate tollgating from the American political scene.

WPPSS PROJECTS IN DEFAULT

(Mr. WEAVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEAVER. Mr. Speaker, yesterday the Washington Public Power Supply System projects 4 and 5 were officially declared in default, the largest municipal bond default in our history, $2.25 billion worth of bonds.

Before we weep too much for the bondholders, let me say that they were clearly warned. On the floor of this House for many years I have foretold the bankruptcy of the WPPSS projects, and 2 years ago I met with 80 of the major brokerage houses in New York City and I told them then that the Northwest would not be played for suckers, that the contracts were invalid and that the projects would likely go into bankruptcy, that they should not sell any more bonds, that they do so at their own risk. They continued to sell billions of dollars' worth of bonds because of the lucrative fees.

But I make this point: The bondholders were warned and the brokerage houses were warned.

ISRAELI REDEPLOYMENT IN LEBANON

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, during the Memorial Day recess at the end of May and beginning of June, I, together with a number of other Members of this House, participated in a study mission to the Middle East. During the week that we were there, five Israeli soldiers stationed in Lebanon were killed. The week we came back, five more Israeli soldiers were killed. Since the ceasefire in August of last year, somewhere between 160 and 175 Israeli soldiers have been killed in Lebanon.

In order to stop their people from being picked off as sitting ducks, the Israeli public has insisted that the Israeli defense forces be removed to more defensible lines, and that is what the Israeli Cabinet have voted to do. It would be the height of arrogance for our Government to insist that Israeli defense forces, who are still in Lebanon only because the Syrians refuse to remove themselves from that country, continue to remain in a vulnerable deployment. We ought to be supportive rather than condemnatory of the Israelis who long ago entered into an agreement to leave Lebanon. If we want to exert pressure on anyone, we ought to be pressuring Syria.

THE IMF BILL

(Mr. LEWIS of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of California. Mr. Speaker and my colleagues, unfortunately a number of you were on airplanes returning from your districts yesterday when we had a most interesting debate in the House, a debate which centered around one of the major bills of this session (H.R. 2957), the International Recovery and Financial Stability Act. It actually was not a debate; it rather was a love-in, you see, because the time was controlled on the majority side and the minority side by those who support the programs that are involved in funding the International Monetary Fund. Proponents had the luxury of not having to respond to serious questioning of their argument.

Today we are going to have a chance to make up for the debate we missed yesterday. I am rising today to urge all of my colleagues to participate in the full committee amendment process of the IMF bill. During that time we will have the opportunity to discuss such questions as to how American bankers moved to the position of having $500 billion in loans in lesser developed countries. We are going to learn such things as how we can add to solving the problems of the lesser developed countries by addressing their debt burden by adding more debt upon them.

And as if Disneyland did not provide enough, we are going to even discuss a number of questions like: How we are going to improve American trade for agriculture when the International Monetary Fund solves problems by reducing imports in the countries involved? Are we not creating a system whereby the gains from private banking are privitized while losses are socialized?

How serious can be the IMF's shortage of funds when it has granted India a $5.6 billion loan, when India was having no credit problems? As the debt crisis is largely temporary due to the worldwide recession, should not the solution be a temporary infusion of liquidity into the IMF? Why are U.S. banks now backing off their support for H.R. 2957 when it includes a little regulation? Do U.S. citizens really want to provide money, via the IMF, to OPEC countries such as Venezuela and Nigeria or to such unfriendly nations such as Vietnam, Nicaragua, Grenada, and Syria? If the United States really wanted to help other nations increase their economic activity, why are we increasing restrictions on their exports? Are we really creating sustainable employment in this country by lending funds to foreign nations to purchase U.S. goods they cannot afford with debt obligations which cannot be repaid?

MEDICAL RESEARCH OF DUBIOUS NECESSITY

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Speaker, today's newsstories are detailing the plans of the Department of Defense to cause inhumane suffering and pain to dogs and other animals in the pursuit of medical research of dubious necessity. I would like to take a moment of the House's time to further explain this issue to my colleagues.

The Department has constructed a wound laboratory at the Uniformed Services University of the Health Sciences, and it is there that they plan to shoot as many as 80 dogs a year with high-powered weapons so that military medical students can study combat-type wounds. As I understand it, the dogs will be purchased from dealers who buy them from animal shelters and then sell them to the Department of Defense.

I appreciate the unfortunate but sometimes necessary needs of the medical and scientific community to perform research on live animals. But in this instance, significant research has already been done on combat wounds, and the suffering these animals undergo, as well as the cost to taxpayers, cannot be justified for this duplicative research.

TO SILVIO AND HIS "MUDVILLE NINE"

(Mr. CHAPPELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CHAPPELL. Mr. Speaker, I take this 1 minute to discuss briefly the ballgame tomorrow night.

Silvio . . . my Silvio . . . I rise, to salute
Your Congressional Team (of dubious repute),
T'will cause me great anguish, great pain
To know that your ballteam will journey, in vain.
To Four Mile Run Field—where they hadn't oughta,
The site of our game, the scene of your slaughter!
Silvio, my friend, in just two short days,
We'll take the field, our spirits ablaze!
Your Nine will not fall to some devious trick . . .
But rather will feel the sting of our "kick"
And as, from that field, they carry your men,
We'll loan 'em ace bandages and liniment, then.
You must know, Oh Silvio, respect you I do,
(And extoll your prowess as a Congressman, too!)
But when "playing ball" is the pathway to fame,
Great Scott, Silvio! We, the Democrats, invented the game!

So send on your Chandler, Lungren, Kasich and Paul,
Oxley, Pursell and Fields—send 'em all!
For Williams, Schaefer, McKernan and Crane,
Will all fall back . . . in definite pain!!
You see, my dear Colleague, the trouble you're in,
Is that Democrats are taught, from childhood, to win!
But one fond hope, Silvio . . . when that contest ends:
Promise me . . . Paisan . . . that we'll still be friends!

THE INTERNATIONAL MONETARY FUND

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BONKER. Mr. Speaker, today the House is scheduled to take up H.R. 2957, legislation to stabilize the international financial system and increase U.S. funds to the IMF by $8.4 billion.

During the debate, we will undoubtedly hear a great deal about IMF practices or bailing out the big banks. Already there are numerous amendments pending that strike the entire increase and propose to alter the structure and policies of the IMF.

Well, IMF is not perfect, the big banks are not blameless, debtor countries are overextended, but the real issue is preserving the international economic system.

Defeating the IMF quota increase or tampering too much with IMF policies will only exacerbate efforts to stabilize the international financial system.

Such stability is needed if we are to benefit in international trade.

Fully 40 percent of U.S. exports is now destined for Third World countries. But because of LDC debt problems, our trade deficit this year will be $10 to $20 billion larger. Mexico alone cut its imports from the United States last year by $6 billion, a move that cost over 150,000 U.S. jobs.

Mr. Speaker, if our budding recover is to have any chance of surviving and if Americans are to be put back to work, the IMF quota increase must be adopted.

VOODOO DEFICITS

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, today's news reports indicate that the administration, by using new economic assumptions, is now claiming a lower deficit for fiscal year 1984 of $180 billion instead of $190 billion.

What the administration is not saying, however, is that these assumptions are based on the enactment of the President's original budget for fiscal year 1984—a budget that was overwhelmingly rejected by the Congress. It was not even offered in the House, it was defeated unanimously in the Senate Budget Committee and it was not offered on the floor of the Senate. It is the budget equivalent of keeping landing lights on for Amelia Earhart.

This is the kind of economic mumbo jumbo that, unfortunately, has characterized projections over the last 2 years. The administration's figures assume the following:

First, that Congress will accept the President's recommendation to cut over $8 billion from domestic programs, including cuts of $2.3 billion in medicare, $200 million in medicaid, $300 million in child nutrition, $100 million in guaranteed student loans, and $300 million in education programs. All of these proposed reductions have been rejected by the Congress. They have not happened and they will not happen.

Second, that the administration can continue to assume income from the interest withholding provisions when, in fact, the Congress is prepared to repeal those provisions and the $2.4 billion in revenue that will flow from them; and

Third, that the Congress will adopt the administration's request for $57 billion in additional taxes when, at the same time, the administration is opposing any effort by the Congress to provide any kind of additional revenues.

The bottom line is that when the realities of the budget situation are considered, the real deficit of the administration is back to the vicinity of $200 billion for fiscal year 1984 and, more importantly, for fiscal years 1985 and 1986.

We have learned that budget voodoo does not change the path of deficits. Tough decisions do. No administration can replace the realities of deficits with the rhetoric of deficits. It is a lesson that, unfortunately, must still be learned.

FATHER GEORGE CLEMENTS—AGITATOR AND INNOVATOR

(Mr. SAVAGE asked and was given permission to address the House for 1 mintue and to revise and extend his remarks.)

Mr. SAVAGE. Mr. Speaker, I am honored to join Congresswoman CARDISS COLLINS, my distinguished Illinois colleague and friend, to say a few words about Father George Clements. I share a special love for Father Clements, of the Holy Angels Church in Chicago, because he wears the label of agitator and inventor. Indeed, the Scriptures teach us that so did Jesus Christ.

In the 1960's, when it was not the popular thing, Father Clements was an activist leader in the struggle for civil rights, and he joined Dr. King in the historic marches in Selma and Montgomery, Ala., and also in the march on Washington, D.C., some 20 years ago next month.

In 1981, by adopting a child, he called attention to the special plight of black orphans.

Father Clements, you see, does not merely preach concern for the poor and less fortunate from his pulpit; he comes down from the pulpit and puts his faith and convictions into practice.

So I am pleased that my long-time friend gave the opening prayer today, and may we take from his example and may we renew our resolve to be activists in the name of peace, justice, and equality.

END REVOLUTIONARY PRACTICES OF SANDINISTAS IN CENTRAL AMERICA

(Mr. BURTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON. Mr. Speaker, many of my more liberal colleagues on the other side of the aisle have indicated our President is making a terrible mistake by taking positive action to show our strength in Central America.

I would like to remind them that two-thirds to three-fourths of all of our commerce goes through the Caribbean area and that the Central American situation directly affects commerce in this country.

I would like to inform them that 66,000 tons of war materials were sent by the Soviet Union to Cuba the year before last, much of it going on to Nicaragua, and last year 68,000 tons went to Cuba from the U.S.S.R. and much of it went to Nicaragua; that they are unloading more war materials every day at the Nicaraguan docks and borders; that three Libyan planes were intercepted in Brazil taking war materials, to Nicaragua when they said they were taking medical supplies; that 400-plus PLO terrorists are in Nicaragua, whose sole purpose is to expand the revolution throughout Central America.

If they equate Nicaragua and Central America with Vietnam, then they should look at the whole picture. One of the problems we had in Vietnam was that we allowed sanctuary to the enemy. If we do not do something to interdict the supply lines and stop the sanctuary we have been allowing the terrorists in Nicaragua, then surely the war will expand.

It is my feeling that we should give the President of the United States the support he needs to make sure that we end the revolutionary practices of the Marxist in Central America.

REPORT ON RESOLUTION AUTHORIZING PRINTING OF TRANSCRIPT OF PROCEEDINGS OF COMMITTEE ON SCIENCE AND TECHNOLOGY

Mr. GAYDOS, from the Committee on House Administration, submitted a privileged report (Rept. No. 98-311) on the resolution (H. Res. 270) authorizing printing of the transcript of proceedings of the Committee on Science and Technology incident to presentation of a portrait of the Honorable DON FUQUA, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION AUTHORIZING PRINTING OF TRANSCRIPT OF PROCEEDINGS OF COMMITTEE ON WAYS AND MEANS

Mr. GAYDOS, from the Committee on House Administration, submitted a privileged report (Rept. No. 98-312) on the resolution (H. Res. 277) authorizing printing of the transcript of proceedings of the Committee on Ways and Means incident to presentation of a portrait of the Honorable DAN ROSTENKOWSKI, which was referred to the House Calendar and ordered to be printed.

DEFERRING PROPOSED AMENDMENTS TO FEDERAL RULES OF CIVIL PROCEDURE AND FEDERAL RULES OF CRIMINAL PROCEDURE

Mr. RODINO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3497) to defer proposed amendments to the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure, as amended.

The Clerk read as follows:

H.R. 3497

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 2072 of title 28 and sections 3771 and 3772 of title 18, United States Code, the amendments to the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure as proposed by the Supreme Court of the United States and transmitted to the Congress by the Chief Justice on April 28, 1983, shall not take effect until December 1, 1983.

The SPEAKER pro tempore (Mr. KILDEE). Is a second demanded?

Mr. GEKAS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. RODINO) will be recognized for 20 minutes, and the gentleman from Pennsylvania (Mr. GEKAS) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on April 28, 1983, the Supreme Court transmitted to Congress, pursuant to the Rules Enabling Acts, proposals to amend the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure. These rules govern the operation of cases in Federal courts.

The Enabling Acts authorize the Court to promulgate amendments to the rules of "practice and procedure." The amendments must be submitted to Congress after the start of a regular session but before May 1, and they take effect 90 days after transmittal, unless legislation to the contrary is enacted.

The recent proposals have stimulated much controversy. The committee has received numerous complaints—from Federal judges, various bar organizations, individual and Government practitioners, and law professors—that Congress will have insufficient time to properly consider the changes wrought by amendments that drastically affect the conduct of cases in the Federal courts. Indeed, some have questioned the Court's powers under the Enabling Acts to promulgate what arguably are substantive changes, as well as the wisdom of the proposed changes. The proposals have generated a number of law review articles raising serious questions both about specific proposals and about the rulemaking process generally. The letters and articles call for Congress to delay or disapprove the amendments in order to obtain the time necessary to review the proposals thoroughly.

Let me discuss just a few of the proposals. The changes in rules 7, 11, 16, and 26 of the Civil Rules are designed to curtail discovery abuse and to expedite litigation by expanding the role of the judge. Accordingly, under proposed rule 16, a judge must issue a scheduling order within 120 days of the filing of the complaint. That order will bind the parties to the types of permissible discovery and the date for completion of discovery. The judge is given new power to eliminate evidence and claims and to impose sanctions, including attorneys fees, for failure to abide by the order. Under rules 7 and 11, as amended, attorneys must certify that all discovery devices used are reasonable, "given the needs of the case * * * and the importance of the issues at stake in the litigation." Under rule 26, as amended, the judge must impose sanctions for failure to comply with the certification requirement. And such sanctions may be imposed without willful or "bad faith" conduct, even though Congress rejected a similar proposal when it amended 28 U.S.C. 1927 in 1980, for fear that such legislation would dampen the legitimate zeal of attorneys. In addition, the judge, for the first time, would be authorized to limit discovery based on the judge's assessment of the needs of the case.

Clearly, these changes will alter the character of the relationship between the litigants and court. Under the current rules, the judge is an arbiter between the parties.

The letters we have received raise significant questions about the proposals:

Is there as much discovery abuse as these proposals assume?

If so, is the abuse so pervasive that it warrants such strenuous judicial management in every case?

Should litigants fear, as some do, that this new judicial power is not sufficiently circumscribed?

Is it fair to the litigants to force them to display their case pretrial so as to convince a judge that the litigation warrants the discovery requested?

Will these changes actually result in more work for the courts because the courts will be called upon to cope with satellite litigation about the "reasonableness" of some discovery divice?

These are merely some of the questions raised.

The proposals to change the Criminal Rules are similarly far reaching. For example, the proposal to change rule 23(b) would sustain a verdict rendered by an 11-person jury when a juror has been excused after the jury's deliberations have begun. Rule 11, which governs pleas, sets forth in some detail the procedures that must be followed and the advice that must be given when the court accepts a plea of guilty or nolo contendre. The proposed amendment permits the court to disregard those procedures unless a substantial right is affected.

These and other questions should be answered before these rules take effect. My bill merely defers the effective date of the proposals so as to provide Congress with the time it needs to examine these proposals. The 90-day period provided under the Rules Enabling Acts is simply insufficient time for us to examine such substantial changes.

The bill, as introduced, deferred indefinitely the date of the proposals. As a result of conversations and negotiations between the Department of Justice, the ranking minority member of the committee, and myself, the bill has been changed. It now provides a deadline. If no legislation is enacted by December 1, 1983, then the proposals will take effect.

This is a reasonable accommodation between Congress need to examine closely such far-reaching proposals and the judiciary's interest in seeing its work come to fruition. Congress has a tremendous task before it: examining proposals that affect virtually

every aspect of litigation in the Federal courts. I am confident that Congress will rise to that task.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the chairman of the Committee on the Judiciary has quite accurately portrayed the chronology and the background of the legislation which is before us, and he is quite correct in asserting that this Congress has not had the opportunity, for a variety of reasons, to review the substance and the impact of the promulgated rules as they are before us.

He has also accurately stated that the only thing that this bill does is delay the process so that perhaps the Committee on the Judiciary, in its own right and representing the Congress, will have an opportunity before December 1 to review those matters in controversy to which he has alluded, including some others.

But I do want to make it clear that had this compromise not been achieved, as the chairman stated and as it was propounded among the Justice Department and Mr. FISH on one side and others who wanted to effect a workable compromise, I would have had to at least have interposed one voice in opposition to the indefinite delay that was characterized by the language of the original bill.

As it stands now, we do have this opportunity to review, and I concur with that and hope that by December 1 that the voices of the individual members of the Committee on the Judiciary may be heard on these matters. But as I say this, I do want to make it abundantly clear that I, for one, have a clear faith in the Supreme Court's procedure under the Rules Enabling Acts for propounding these particular types of rules. After all, it is the Supreme Court which guides the process of the Judiciary throughout the land, and if indeed a rules-making process which is inherent within the Supreme Court itself is what brings about the final act of Congress in approving those, then at least we have the expertise and the background and the constitutionality presumed of those rules already intact.

Therefore, even though I approve myself of the process in which the Congress has to again engage in a kind of legislative veto if it finds it necessary, I want to hasten to say that the rules-making process is an excellent one in which the bench and the bar have full opportunity to examine——

Mr. RODINO. Mr. Speaker, will the gentleman yield?

Mr. GEKAS. Certainly I yield to the gentleman from New Jersey.

Mr. RODINO. Mr. Speaker, since the gentleman has mentioned that this could be, in effect, a legislative veto, I would like to reassure the gentleman that this is not a legislative veto in view of the fact that the Congress must take action and the President must act.

Mr. GEKAS. I thank the gentleman for pointing that out. I did not mean to imply that this was the type of legislative veto that was recently found to be unconstitutional. I meant that the process calls for, in what turns out to be a legislative veto, the gentleman would have to agree, even though it would have to follow the bill's structure all the way to the President's desk.

□ 1245

But the Congress does have a right to reject. That is why we are here. That is what I meant to imply.

At any rate, the only other point remaining to be made is that although I trust fully the rules-making process of the Supreme Court and feel that it does give rise to a full examination and cross-examination of all the issues obtained in promulgating new rules, I do reendorse the process by which the Committee on the Judiciary and the Congress have a secondary right to review the rules. So the chairman of the committee anticipated a bit of what I was going to say. In that regard, I join with the chairman of the committee and others in urging approval of this legislation.

Mr. Speaker, I now yield such time as he may consume to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding this time to me. Mr. Speaker, I rise in support of H.R. 3497, as amended.

On April 28, 1983, the Supreme Court promulgated amendments to the Federal Rules of Criminal and Civil Procedure to take effect on August 1. From the beginning, the process that produced these amendments has progressed deliberately and openly, first with drafting and circulation by the respective advisory Committees on Criminal and Civil Rules in 1981, then to the Standing Committee on Rules, after that to the Judicial Conference itself for approval and ultimately to the Supreme Court for formal promulgation.

The Subcommittee on Criminal Justice of the Judiciary Committee has received comment on these amendments since their promulgation, the merit of which is difficult to assess without an opportunity for public hearings.

As introduced, H.R. 3497 called for an indefinite delay of the amendments, an approach which the administration opposed and which I felt strongly was unwarranted. However, as amended, with a December 1, 1983, effective date, H.R. 3497 strikes a proper balance between the role of the Congress and the purpose of the Rules Enabling Acts.

Congress has a responsibility in the drafting process for the Federal Rules of Civil and Criminal Procedure, a responsibility which H.R. 3497 facilitates while at the same time recognizing that the role of the Congress is primarily supervisory and should be handled with dispatch.

Mr. Speaker, the Department of Justice has no objection to this legislation, as amended. In a letter dated July 25, 1983, addressed to the minority leader of this body, Assistant Attorney General Robert A. McConnell, writes as follows:

> We have discussed the issue of delaying implementation of the amendments to the Rules of Criminal Procedure with the Committee on the Judiciary. It has been suggested that in order for the Congress to review more fully the proposed amendments the implementation date be delayed until December 1, 1983. We believe this is a reasonable resolution to the matter. Accordingly, we have no objection to enactment of H.R. 3497 if it is amended to delay the proposed amendments until December 1, 1983.

Mr. Speaker, I urge adoption of H.R. 3497, as amended.

● Mr. KASTENMEIER. Mr. Speaker, I share my chairman's concern over the rules process, and I support the intent behind H.R. 3497 to delay the implementation of controversial rules changes until the Congress has been able to adequately scrutinize them. The time period for congressional review of proposed rules changes is simply too short to subject them to meaningful hearings. My subcommittee is currently engaged in a reevaluation of the rules process. To this end we held a hearing in April, and have been working with the Judicial Conference to draft consensus legislation that would open up the rule-drafting process and extend the legislative review period.

While I thus support H.R. 3497, I would like to point out that there are some rules changes in the affected package that have been the subject of hearings in the past and have been previously approved by the Judiciary Committee. Specifically, I have in mind some of the proposed changes in rule 32 of the Federal Rules of Criminal Procedure. Among other things, rule 32 governs the disclosure of presentence investigation reports to defendants prior to sentencing. Modifications to improve the disclosure process were explored and in fact were passed by the Judiciary Committee as part of the Criminal Code Revision Act of 1980 (H.R. 6915, 96th Congress). These changes are now part of the rules amendments before us, in a somewhat milder form than the changes we approved in 1980 (see 96-1396, pp. 440-44).

I note especially the proposed change to section (c)(3)(D) of rule 32, which would require the sentencing judge to make a factual finding on any

contested matter in the presentence investigation report that is to be taken into account in sentencing. This change stops short of the reform adopted by the committee in 1980, which would have required the judge to make findings on all disputed matters (H.R. 6915, section 3104(b)(2); Rept. No. 96-1396, p. 444). I hope that we can take advantage of the extra time for review afforded by Chairman RODINO's bill to strengthen this and possibly other provisions of the rule changes.

I would also like to point out that among the rules subject to the delay are rules affecting magistrates—rules 72 to 76 of the Federal Rules of Civil Procedure. These rules essentially codify the magistrate reform legislation which Congress passed in 1976 and 1979. As these changes are both important to the magistrate system and noncontroversial, it is my hope that their enactment will not be delayed unnecessarily.

Nonetheless, while there may be specific rules changes that individual members feel ought not be delayed, I recognize the need to address the rules as a whole. I thus defer to my distinguished chairman's desire to delay all of the pending rules amendments in a blanket fashion. Again, I reiterate my desire to see structural changes in the rules process to obviate these sorts of problems in the future.●

Mr. GEKAS. Mr. Speaker, having no further requests for time, I yield back the balance of my time.

Mr. RODINO. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. RODINO) that the House suspend the rules and pass the bill, H.R. 3497, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspened and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3497, the bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair will now put the question on each motion on which further proceedings were postponed on Monday, July 25, 1983, in the order in which that motion was entertained.

Votes will be taken in the following order: H.R. 622, by the yeas and nays; and H.R. 2498, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

DEATH BENEFITS FOR LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 622.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. KILDEE) that the House suspend the rules and pass the bill, H.R. 622, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 390, nays 33, not voting 10, as follows:

[Roll No. 266]

YEAS—390

Ackerman	Coleman (TX)	Fowler
Addabbo	Collins	Frank
Akaka	Conte	Franklin
Albosta	Cooper	Frost
Anderson	Corcoran	Fuqua
Andrews (NC)	Coughlin	Garcia
Andrews (TX)	Courter	Gaydos
Annunzio	Coyne	Gejdenson
Anthony	Craig	Gekas
Applegate	Crockett	Gephardt
Aspin	D'Amours	Gibbons
AuCoin	Daniel	Gilman
Barnard	Daschle	Gingrich
Barnes	Daub	Glickman
Bartlett	Davis	Gonzalez
Bateman	de la Garza	Goodling
Bates	Dellums	Gore
Bedell	Derrick	Gradison
Bennett	DeWine	Gramm
Berman	Dickinson	Gray
Bethune	Dicks	Green
Bevill	Dingell	Guarini
Biaggi	Dixon	Hall (IN)
Bilirakis	Donnelly	Hall (OH)
Bliley	Dorgan	Hall, Ralph
Boehlert	Dowdy	Hall, Sam
Boggs	Downey	Hamilton
Boner	Duncan	Hammerschmidt
Bonior	Durbin	Hance
Bonker	Dwyer	Harkin
Borski	Dymally	Harrison
Bosco	Dyson	Hartnett
Boucher	Early	Hatcher
Boxer	Eckart	Hawkins
Breaux	Edgar	Hefner
Britt	Edwards (AL)	Hertel
Brooks	Edwards (CA)	Hightower
Broomfield	Edwards (OK)	Hiler
Brown (CA)	Emerson	Hillis
Broyhill	English	Holt
Bryant	Erdreich	Hopkins
Burton (CA)	Evans (IA)	Horton
Burton (IN)	Evans (IL)	Howard
Byron	Fascell	Hoyer
Campbell	Fazio	Hubbard
Carper	Feighan	Huckaby
Carr	Ferraro	Hughes
Chandler	Fiedler	Hunter
Chappell	Fish	Hutto
Chappie	Flippo	Hyde
Clarke	Florio	Ireland
Clay	Foglietta	Jacobs
Clinger	Ford (MI)	Jenkins
Coelho	Ford (TN)	Johnson
Coleman (MO)	Forsythe	Jones (NC)
Jones (OK)	Mollohan	Shaw
Jones (TN)	Montgomery	Shelby
Kaptur	Moody	Shumway
Kasich	Moore	Shuster
Kastenmeier	Moorhead	Sikorski
Kazen	Morrison (CT)	Siljander
Kemp	Morrison (WA)	Simon
Kennelly	Mrazek	Sisisky
Kildee	Murphy	Skeen
Kogovsek	Murtha	Skelton
Kolter	Myers	Slattery
Kostmayer	Natcher	Smith (FL)
Kramer	Neal	Smith (IA)
LaFalce	Nelson	Smith (NJ)
Lagomarsino	Nichols	Smith, Robert
Lantos	Nowak	Snowe
Latta	O'Brien	Snyder
Leach	Oakar	Solarz
Leath	Oberstar	Solomon
Lehman (CA)	Obey	Spence
Lehman (FL)	Olin	Spratt
Leland	Ortiz	St Germain
Lent	Ottinger	Staggers
Levin	Owens	Stangeland
Levine	Oxley	Stark
Levitas	Packard	Stenholm
Lewis (CA)	Panetta	Stokes
Lewis (FL)	Parris	Stratton
Lipinski	Pashayan	Studds
Livingston	Patman	Sundquist
Lloyd	Patterson	Swift
Loeffler	Pease	Synar
Long (LA)	Penny	Tallon
Long (MD)	Pepper	Tauzin
Lott	Perkins	Taylor
Lowery (CA)	Pickle	Thomas (CA)
Lowry (WA)	Porter	Thomas (GA)
Lujan	Price	Torres
Luken	Pritchard	Torricelli
Lundine	Pursell	Towns
Lungren	Quillen	Udall
Mack	Rahall	Valentine
MacKay	Rangel	Vander Jagt
Madigan	Ratchford	Vandergriff
Markey	Ray	Vento
Marlenee	Regula	Volkmer
Marriott	Reid	Vucanovich
Martin (IL)	Richardson	Walgren
Martin (NC)	Ridge	Walker
Martin (NY)	Rinaldo	Watkins
Martinez	Roberts	Waxman
Matsui	Robinson	Weaver
Mavroules	Rodino	Weiss
Mazzoli	Roe	Wheat
McCain	Roemer	Whitehurst
McCandless	Rogers	Whitley
McCloskey	Rose	Whittaker
McCollum	Rostenkowski	Whitten
McCurdy	Roth	Williams (MT)
McDade	Roukema	Williams (OH)
McEwen	Rowland	Winn
McGrath	Roybal	Wirth
McHugh	Russo	Wolf
McKernan	Sabo	Wolpe
McKinney	Savage	Wortley
McNulty	Sawyer	Wright
Mica	Schaefer	Wyden
Michel	Scheuer	Wylie
Mikulski	Schneider	Yates
Miller (CA)	Schroeder	Yatron
Mineta	Schumer	Young (AK)
Minish	Seiberling	Young (FL)
Mitchell	Sensenbrenner	Young (MO)
Moakley	Shannon	Zablocki
Molinari	Sharp	Zschau

NAYS—33

Archer	Dannemeyer	Miller (OH)
Badham	Dreier	Nielson
Bellenson	Erlenborn	Paul
Bereuter	Fields	Petri
Brown (CO)	Gregg	Ritter
Carney	Gunderson	Rudd
Cheney	Hansen (ID)	Smith (NE)
Coats	Hansen (UT)	Smith, Denny
Conable	Jeffords	Stump
Crane, Daniel	Kindness	Tauke
Crane, Philip	McDonald	Weber

NOT VOTING—10

Alexander	Frenzel	Wilson
Boland	Heftel	Wise
Conyers	Schulze	
Foley	Traxler	

□ 1300

Messrs. CHENEY, ARCHER, WEBER, GUNDERSON, and BROWN of Colorado changed their votes from "yea" to "nay."

Mrs. ROUKEMA changed her vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces again that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

CONGRESSIONAL ADVISORY COMMISSION ON BOXING

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 2498, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. FLORIO) that the House suspend the rules and pass the bill, H.R. 2498, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 167, nays 254, not voting 12, as follows:

[Roll No. 267]

YEAS—167

Ackerman	de la Garza	Hall (IN)
Addabbo	Dellums	Harkin
Anderson	Dingell	Hawkins
Annunzio	Donnelly	Hertel
Applegate	Dorgan	Hillis
Aspin	Dowdy	Horton
AuCoin	Downey	Howard
Bates	Duncan	Hoyer
Bedell	Dwyer	Huckaby
Beilenson	Dymally	Hughes
Bennett	Dyson	Hunter
Berman	Early	Jeffords
Biaggi	Eckart	Kastenmeier
Boehlert	Edgar	Kennelly
Boggs	Edwards (CA)	Kildee
Boland	Evans (IA)	Kogovsek
Boner	Evans (IL)	LaFalce
Bonior	Fazio	Lantos
Bonker	Feighan	Leach
Borski	Ferraro	Lent
Boucher	Fiedler	Levin
Boxer	Florio	Levine
Breaux	Foglietta	Lewis (CA)
Brown (CA)	Ford (MI)	Lipinski
Bryant	Ford (TN)	Long (LA)
Burton (CA)	Frank	Lowry (WA)
Coats	Garcia	Lundine
Collins	Gaydos	Madigan
Conte	Gejdenson	Markey
Courter	Gilman	Marlenee
Coyne	Gray	Martinez
Daschle	Green	Matsui
Davis	Guarini	Mavroules
McDade	Price	Swift
McGrath	Rangel	Synar
McHugh	Ratchford	Tauzin
McKernan	Richardson	Torres
McNulty	Rinaldo	Towns
Mikulski	Ritter	Udall
Miller (CA)	Rodino	Vento
Mineta	Roe	Waxman
Minish	Rostenkowski	Weaver
Moakley	Roukema	Weiss
Moody	Roybal	Wheat
Morrison (CT)	Russo	Williams (MT)
Mrazek	Sabo	Wirth
Murphy	Savage	Wolf
Murtha	Scheuer	Wolpe
Nowak	Schumer	Wortley
O'Brien	Seiberling	Wright
Ortiz	Sikorski	Wyden
Ottinger	Smith (FL)	Yatron
Owens	Solarz	Young (AK)
Panetta	St Germain	Young (MO)
Patterson	Staggers	Zablocki
Pepper	Studds	

NAYS—254

Akaka	Frost	Mazzoli
Albosta	Fuqua	McCain
Andrews (NC)	Gekas	McCandless
Andrews (TX)	Gephardt	McCloskey
Anthony	Gibbons	McCollum
Archer	Gingrich	McCurdy
Badham	Glickman	McDonald
Barnard	Gonzalez	McEwen
Barnes	Goodling	McKinney
Bartlett	Gore	Mica
Bateman	Gradison	Michel
Bereuter	Gramm	Miller (OH)
Bethune	Gregg	Mitchell
Bevill	Gunderson	Molinari
Billirakis	Hall (OH)	Mollohan
Bliley	Hall, Ralph	Montgomery
Bosco	Hall, Sam	Moore
Britt	Hamilton	Moorhead
Brooks	Hammerschmidt	Morrison (WA)
Broomfield	Hance	Myers
Brown (CO)	Hansen (ID)	Natcher
Broyhill	Hansen (UT)	Neal
Burton (IN)	Harrison	Nelson
Byron	Hartnett	Nichols
Campbell	Hatcher	Nielson
Carney	Hefner	Oakar
Carper	Hightower	Oberstar
Carr	Hiler	Obey
Chandler	Holt	Olin
Chappell	Hopkins	Oxley
Chappie	Hubbard	Packard
Cheney	Hutto	Parris
Clarke	Hyde	Pashayan
Clay	Ireland	Patman
Clinger	Jacobs	Paul
Coelho	Jenkins	Pease
Coleman (MO)	Johnson	Penny
Coleman (TX)	Jones (NC)	Perkins
Conable	Jones (OK)	Petri
Cooper	Jones (TN)	Pickle
Corcoran	Kaptur	Porter
Coughlin	Kasich	Pritchard
Craig	Kazen	Pursell
Crane, Daniel	Kemp	Quillen
Crane, Philip	Kindness	Rahall
Crockett	Kolter	Ray
D'Amours	Kostmayer	Regula
Daniel	Kramer	Reid
Dannemeyer	Lagomarsino	Ridge
Daub	Latta	Roberts
Derrick	Leath	Robinson
DeWine	Lehman (CA)	Roemer
Dickinson	Lehman (FL)	Rogers
Dicks	Levitas	Rose
Dixon	Lewis (FL)	Roth
Dreier	Livingston	Rowland
Durbin	Lloyd	Rudd
Edwards (AL)	Loeffler	Sawyer
Edwards (OK)	Long (MD)	Schaefer
Emerson	Lott	Schneider
English	Lowery (CA)	Schroeder
Erdreich	Lujan	Sensenbrenner
Erlenborn	Luken	Shannon
Fascell	Lungren	Sharp
Fields	Mack	Shaw
Fish	MacKay	Shelby
Flippo	Marriott	Shumway
Forsythe	Martin (IL)	Shuster
Fowler	Martin (NC)	Siljander
Franklin	Martin (NY)	Simon
Sisisky	Stenholm	Walgren
Skeen	Stokes	Walker
Skelton	Stratton	Watkins
Slattery	Stump	Weber
Smith (IA)	Sundquist	Whitehurst
Smith (NE)	Tallon	Whitley
Smith, Denny	Tauke	Whittaker
Smith, Robert	Taylor	Whitten
Snowe	Thomas (CA)	Williams (OH)
Snyder	Thomas (GA)	Winn
Solomon	Valentine	Wylie
Spence	Vander Jagt	Yates
Spratt	Vandergriff	Young (FL)
Stangeland	Volkmer	Zschau
Stark	Vucanovich	

NOT VOTING—12

Alexander	Heftel	Torricelli
Conyers	Leland	Traxler
Foley	Schulze	Wilson
Frenzel	Smith (NJ)	Wise

□ 1315

Mr. WILLIAMS of Ohio and Mr. TAUKE changed their votes from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

COMMUNICATION FROM THE CHIEF OF POLICE OF THE U.S. CAPITOL POLICE

The SPEAKER pro tempore laid before the House the following communication from the Chief of Police of the U.S. Capitol Police:

U.S. CAPITOL POLICE,
Washington, D.C., July 25, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: This is to inform you, pursuant to the provisions of House Rule L (50), that James M. Powell, Chief of Police has received a subpoena from the Superior Court of the District of Columbia. In the matter of United States vs. Monty Nolan, Docket No. M-6572-83.

After consulting with counsel, I have determined that compliance with the subpoena is consistent with the privileges and rights of the House.

Sincerely,

JAMES M. POWELL,
Chief of Police.

PERSONAL EXPLANATION

Mr. LEWIS of California. Mr. Chairman, I take this moment to explain to the House that because of a serious family emergency I will not be able to participate in the debate that will take place today.

INTERNATIONAL RECOVERY AND FINANCIAL STABILITY ACT

The SPEAKER pro tempore. Pursuant to House Resolution 249 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2957.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2957) to extend the authority of the Export-Import Bank of the United States, encourage balanced worldwide economic growth, provide for continued participation in the International Monetary Fund, strengthen the supervision of international lending by U.S. banks, and provide for continued U.S. participation in multilateral development banks, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, July 25, 1983, all time for general debate had expired.

Pursuant to the rule, the bill is considered by titles and each title is considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "International Recovery and Financial Stability Act".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—EXPORT-IMPORT BANK ACT AMENDMENTS OF 1983

SHORT TITLE

SEC. 101. This title may be cited as the "Export-Import Bank Act Amendments of 1983".

EXTENSION OF THE EXPORT-IMPORT BANK ACT

SEC. 102. Section 8 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking out "September 30, 1983" and inserting in lieu thereof "September 30, 1985".

COMPETITIVE TIED AID FUND; FINDINGS AND PURPOSE; ESTABLISHMENT

SEC. 103. (a)(1) Tied aid credit is defined by the Arrangement on Guidelines for Officially Supported Export Credits established through the Organization for Economic Cooperation and Development (hereinafter in this section referred to as the "Arrangement") as credit which is provided for development aid purposes and which is financed either exclusively from public funds, or, as a mixed credit, partly from public and partly from private funds. Tied aid credit is tied to the purchase of exports from the country granting the credit.

(2) Tied aid credit can easily be abused. In general, such abuse occurs when—

(A) tied aid credit is utilized primarily to promote exports, in the name of foreign aid;

(B) the country to which the credit is granted is in a sufficiently strong financial position to be a creditworthy borrower on commercial or Arrangement terms;

(C) tied aid credit is used to finance exports for projects whose potential contributions to the economic development of low income countries is relatively modest, compared to alternative development projects to which foreign aid funds could be devoted; or

(D) tied aid credit is utilized to finance exports on terms which do not carry a large grant element, but are nonetheless somewhat more concessionary than the terms permitted on official direct credit under the Arrangement.

(3) The abuse of tied aid credit by other governments is likely to be especially injurious to American exporters, since it may deny them opportunities for which they could offer highly competitive goods or services, but for which they cannot obtain financing equivalent to the highly subsidized tied aid credit offered by foreign governments.

(b)(1) It is the policy of the United States to insist that participants in the Arrangement honor their pledge not to offer tied aid credit containing a grant element less than the minimum specified in the Arrangement.

(2) The United States Government shall make every effort to negotiate an increase in such minimum, since the incentive to abuse tied aid credit will diminish as its grant element is increased.

(3) It is the purpose of the Competitive Tied Aid Fund to counter the abuse of tied aid credit by other governments, and to induce them not to abuse tied aid credit, by offering substantially equivalent financing to American exporters, subject to the conditions of the amendment made by subsection (c).

(c) Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended by adding at the end thereof the following:

"(d)(1)(A) There is hereby established a fund to be known as the 'Competitive Tied Aid Fund' (hereinafter in this section referred to as the 'Fund'). The Fund shall be administered by the Board of Directors.

"(B) Amounts appropriated for use by the Fund shall be used to cover a portion of the subsidy contained in any credit granted by the Bank to counter the abuse of tied aid credit by foreign governments or by their export finance agencies.

"(C)(i) When the Bank makes its first disbursement of the credit granted under subparagraph (B), it will calculate the portion of the subsidy to be covered by funds from the Fund, will draw funds from the Fund in that amount, and those funds will be added to the capital stock of the Bank.

"(ii) For the calculation of this portion, the Bank will use, as a discount rate, the standard interest rate it charges on loans of similar maturity to the country of the borrower, or, if the Bank has no such rate, it will use the interest rate on current borrowings from the Federal Financing Bank.

"(2) Credit granted under paragraph (1) shall be extended by the Bank only if the Board of Directors and the Secretary of the Treasury determine that—

"(A) the credit will assist United States exports competing with exports assisted by foreign official financing in the form of tied aid credit;

"(B) the foreign official financing is found to be an abuse of tied aid credit; and

"(C) the Secretary of the Treasury determines that the Bank has properly calculated the portion of the subsidy to be covered by funds drawn from the Fund.

"(3) For purposes of paragraph (2), an abuse of tied aid credit is defined by the following criteria:

"(A) A tied aid credit offer which contains a grant element less than the percentage below which participants in the Arrangement have pledged not to offer tied aid credit is an abuse of tied aid credit.

"(B)(i) A tied aid credit offer which contains a grant element equal to or above a percentage stipulated by the Secretary of the Treasury will not constitute an abuse of tied aid credit.

"(ii) The Secretary of the Treasury will determine such percentage once each calendar year, but may change it one or more times during any calendar year to refect changes in the method adopted by the Development Assistance Committee of the Organization for Economic Cooperation and Development for calculating the grant element.

"(iii) A tied aid credit offer whose grant element falls between the percentages established by subparagraph (A) and this subparagraph shall not constitute an abuse of tied aid credit if offered to countries eligible to borrow from the International Development Association, or to countries of category III of the Arrangement, but will constitute an abuse if offered to other countries, unless the Board of Directors or the Secretary of the Treasury finds that it is in the nature of foreign aid extended primarily for purposes of economic development.

"(4) The Board of Directors may not approve tied aid credit unless a portion of its subsidy is covered by funds drawn from the Fund.

"(5) Not later than thirty days after the Board of Directors approves a credit, a portion of whose subsidy is covered by funds drawn from the Fund, the Board of Directors shall prepare and transmit a report to the appropriate committees of both Houses of the Congress regarding such credit. Each such report shall—

"(A) state the purpose for granting the credit, including the reasons why the foreign financing offer was deemed to be an abuse of tied aid credit;

"(B) state the type of United States export and the parties involved;

"(C) state the terms and conditions of the credit, including the portion of its subsidy to be covered by funds from the Fund, and state the discount rate used to calculate this portion; and

"(D) contain such other information as the Board of Directors considers advisable.

"(6) There are authorized to be appropriated not to exceed $1,000,000,000 to carry out the provisions of this subsection. Such funds shall be available without fiscal year limitation.

"(7) For purposes of this subsection, the grant element of any tied aid credit is its concessional portion calculated in accordance with the method adopted by the Development Assistance Committee of the Organization for Economic Cooperation and Development.".

CAPITAL LEVEL OF THE BANK

SEC. 104. The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended by adding at the end thereof the following:

"SEC. 13. If, at the end of any quarter of any fiscal year after fiscal year 1983, the value of the total capital stock and retained earnings of the Bank falls below 50 per centum of the value of the total capital stock and retained earnings of the Bank at the end of fiscal year 1983, the Board of Directors shall notify the Congress of the decrease in the level of the capital stock of the Bank not later than thirty days after the end of the quarter of such fiscal year and the Congress shall take appropriate action.".

PRIMARY PURPOSE OF THE BANK

SEC. 105. (a) The second sentence of section 2(b)(1)(A) of the Export-Import Act of 1945 (12 U.S.C. 653(b)(1)(A)) is amended by striking out "which are competitive with" and inserting in lieu thereof "which are competitive, in all its programs, with".

(b) Section 2(b)(1)(B) of the Export-Import Act of 1945 (12 U.S.C. 635(b)(1)(B) is amended by striking out "(B) It is further the policy of the United States" and all that follows through "with exports of other countries;" and inserting in lieu thereof the following: "(B) It is further the policy of the United States that loans made by the Bank shall bear interest at rates determined by the Board of Directors of the Bank, taking into consideration, foremost, the Bank's mandate to support United States exports, in all of the Bank's programs, at rates and on terms and conditions which are competitive with exports of other countries and, second, the average cost of money to the Bank;".

ASSISTANCE TO SMALL BUSINESSES

SEC. 106. (a) Section 2(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(a)) is amended by adding at the end thereof the following:

"(2) In furtherance of the Bank's policy of actively assisting in the development of small business exports—

"(A)(i) not less than 6 per centum of the principal amount of new direct loans the Bank may approve, as provided in appropriation Acts, for fiscal year 1984, shall be reserved for the financing of exports by small business concerns (as defined in section 3 of the Small Business Act);

"(ii) not less than 6 per cent of the principal amount of loans the Bank may guarantee, as provided in appropriations Acts, for fiscal year 1984, shall be reserved for guaranteeing loans to such small business concerns;

"(iii) not less than 10 per cent of the principal amount of new direct loans the Bank may approve, as provided in appropriation Acts, for fiscal year 1985, shall be reserved for the financing of exports by such small business concerns; and

"(iv) not less than 10 per centum of the principal amount of loans the Bank may guarantee, as provided in appropriation Acts, for fiscal year 1985, shall be reserved for guaranteeing loans to such small business concerns; and,

"(B) it shall be a goal of the Bank to provide not less than 10 per centum of the dollar amount of the Bank's loans and guarantees during fiscal year 1984 and not less than 20 per centum of the dollar amount of such loans and guarantees during fiscal year 1985 to such small business concerns.".

(b) Section 9(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635g(a)) is amended to read as follows:

"SEC. 9. (a) The Export-Import Bank of the United States shall transmit to the Congress on January 1 of each year a complete and detailed report of its operations for the preceding fiscal year."

(c) Section 9(b) of such Act (12 U.S.C. 635g(b)) is amended—

(1) by inserting "comprehensive and detailed" after "contain a"; and

(2) by inserting after the first sentence the following: "The report shall also contain a comprehensive and detailed description of plans which the Bank will implement during the next fiscal year in order to carry out the provisions of section 2(a)(2) of this Act regarding loans and guarantees to small business concerns. With respect to each loan or loan guarantee made during the previous fiscal year, each such report shall specify the amount of such loan or loan guarantee, the company which received such loan or loan guarantee, and whether or not such company is a small business concern.".

(d) Section 2(b)(1)(A) of such Act (12 U.S.C. 635(b)(1)(A)) is amended—

(1) in the fourth sentence, by inserting ", including the Small Business Committees," after "Committees of Congress";

(2) by inserting after the fourth sentence the following: "This report shall be transmitted to the Congress not later than three months after the end of the reporting period."; and

(3) in the sixth sentence, as in effect before the amendment made by paragraph (2)—

(A) by inserting ", including small business exporters," after "a representative number of United States exporters"; and

(B) by inserting ", including regional and local banks," after "commercial lending institutions".

BOARD OF DIRECTORS

SEC. 107. (a) Section 3(c) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(c)) is amended by inserting after the second sentence thereof the following: "Of the five members of the Board appointed by the President, not less than one such member shall be selected from among the small business community and shall represent the interests of small business.".

(b) In order to carry out the amendment made by subsection (a), the first member appointed by the President to the Board of Directors of the Export-Import Bank of the United States after the date of the enactment of this section shall be selected from among the small business community and shall represent the interests of small business.

COMPETITIVE INSURANCE

SEC. 108. Section 2 of the Export-Import Bank Act of 1945 (12 U.S.C. 635) is amended by adding at the end thereof the following:

"(d)(1) In carrying our its responsibilities under this Act, the Bank shall work to ensure that United States companies are afforded an equal and nondiscriminatory opportunity to bid for insurance in connection with transactions assisted by the Bank.

"(2) In furtherance of that effort, the Chairman of the Bank shall review Bank policies and programs in regard to this issue, and in coordination with the United States Trade Representative and the appropriate agencies of the Department of State, the Department of the Treasury, and the Department of Commerce, undertake actions designed to promote equal and nondiscriminatory opportunities to bid for insurance in connection with all aspects of international trade activities.

"(3) The Bank shall report to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate not later than May 15, 1984, regarding—

"(A) the existing obstacles to equal and non-discriminatory bidding for insurance related to transactions assisted by the Bank;

"(B) the efforts that the Bank has taken in addressing such problems; and

"(C) any recommendations for additional action by the appropriate agencies of the executive branch or the Congress.".

ADVISORY COMMITTEEE

SEC. 109. Section 3(d) of the Export-Import Bank Act of 1945 (12 U.S.C. 635a(d) is amended to read as follows:

"(d)(1) There is hereby established an Advisory committee to consist of twelve members who shall be appointed by the Board of Directors on the recommendation of the President of the Bank, and who shall be broadly representative of production, commerce, finance, agriculture, labor, services, and State government, except that not less than three members appointed to the Advisory Committee shall be representative of the small business community.

"(2) The Advisory Committee shall meet at least once each quarter.

"(3) The Advisory Committee shall advise the Bank on its programs, and shall submit, with the report specified under section 2(b)(1)(A) of this Act, its own comments to the Congress on the extent to which the Bank is meeting its mandate to provide competitive financing to expand United States exports, and any suggestions for improvements in this regard.".

REPORT

SEC. 110. Section 1911 of the Export-Import Bank Act Amendments of 1978 is amended by adding at the end thereof the following: "After October 1, 1983, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.".

NONCOMPETITIVE FINANCING DETERMINATION

SEC. 111. Section 1912 of the Export-Import Bank Act Amendments of 1978 is amended—

(1) in subsection (a)(1), by ading at the end thereof the following: "The inquiry, and, where appropriate, the determination and authorization to the Export-Import Bank of the United States referred to in this section shall be completed and made within sixty days of the receipt of such information."; and

(2) in subsection (b)(1), by striking out "determining factor" and inserting in lieu thereof "significant factor".

AMENDMENT OFFERED BY MR. PARRIS

Mr. PARRIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PARRIS: On page 4, after line 10, strike all that follows through page 8, line 7.

Mr. PARRIS. Mr. Chairman, title I, which reauthorizes the Export-Import Bank, includes language creating a new program called the competitive tied aid fund. As we have heard, the new program is designed to counter the abuses by foreign countries that offer foreign aid to countries that buy their exported products. In these cases, subsidizing exports with foreign aid affords the exporting country with an unfair trade advantage over countries that do not provide similar subsidies.

Under the new competitive tied aid fund, Congress would appropriate up to $1 billion which the Eximbank could use to offer foreign aid of its own to counter these abuses.

Now, no one disagrees that export subsidies of this kind are harmful to international trade, nor that the Ex-

imbank should do whatever is necessary to curb the abuse of these mixed credits. Nevertheless, I have offered an amendment to delete this proposed fund because I feel that it would create two precedents that could damage the effectiveness of the Eximbank.

First, establishment of a so-called competitive tied aid fund would require that the Eximbank come before the Congress for periodic appropriations. Unlike the present arrangement wherein Eximbank borrows—with interest—from the Federal Financing Bank to pay for its export credit activities, the new tied aid fund would give the Eximbank the status of other spending programs, adding to the Federal deficit.

Second, under this proposal, Exim will become something akin to a foreign aid agency. While the Eximbank is currently empowered to offer mixed credits in the course of fulfilling its mandate, this new program expands Exim's scope—explicitly earmarking a large appropriation for foreign aid.

Finally, the simple fact is, this new $1 billion program is not needed at this time.

The only real answer to the problem of mixed credits is negotiating stringent restrictions on their use. And since last October, the administration has done just that. It was then that an agreement was reached concerning restrictions on mixed credits under the arrangement on export credits, the basic international agreement concerning the terms of Government export financing. Under the new guidelines, the grant element of an export loan cannot exceed 20 percent. Tied aid has therefore become more expensive for foreign countries to offer. This fall, the administration will begin new negotiations to raise the minimum grant element level to 25 percent or higher.

The progress of the administration's negotiations is encouraging because it has helped us to avoid an all-out confrontation with our foreign competitors over who can offer the most foreign aid to win exports. Mixed credits are wasteful and expensive and therefore harm both the country initiating their use as well as those which respond to them. The use of these credits negates the commerical benefit to the exporter while principally benefiting the borrowers.

My amendment therefore strikes the language creating a competitive tied aid fund and the $1 billion authorization. It does, however, leave intact the policy language providing guidelines on how the Eximbank should respond to foreign offerings of mixed credits, specifying that negotiations for their removal should be the first priority. In addition, my amendment will do nothing to restrict the Eximbank's current authority to offer internally financed mixed credits when necessary.

I urge the adoption of the amendment.

Mr. NEAL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the competitive tied aid fund (CTAF) established in title I of H.R. 2957 is readily misunderstood. Let me clarify a few of these misperceptions:

First, the bill authorizes the appropriation of $1 billion on which CTAF can draw to finance so-called mixed credits. But the cost of CTAF is certainly not $1 billion, despite this authorization. The cost could be very little, perhaps nothing at all. This paradox is best explained by pointing out that Exim lending—all Exim lending, including these so-called mixed credits—cannot exceed the annual ceilings on Exim lending set in appropriations acts. Since this $1 billion appropriation to CTAF does not raise that annual ceiling, it provides Exim with absolutely no additional lending authority. Exim would not be able to lend even one extra dollar because of this authorization or a similar appropriation.

Moreover, Exim can, at present, already lend any amount of these so-called mixed credits it wants, within its annual loan ceilings. What, then, does this appropriation accomplish? It simply enables Exim to do some mixed credits—those that meet the strict criteria laid down in this bill—without depleting its capital. Mixed credits will entail losses, since they are highly subsidized loans. If Exim had to finance these loans by borrowing from the Treasury—as it finances its normal lending—it would suffer these losses on its own books, eroding its own capital base. By drawing on appropriated funds, however, it can make these loans at no loss to itself. The loss is still there, but it will be recorded in the budget as a normal expenditure of the Government, covered by an appropriation. If Exim made the same loan without the appropriation, which it can certainly do under existing authority, the loss would be exactly the same, but would appear as a loss attributable to the Export-Import Bank, and would appear on the books as a depletion of Exim's capital.

Economically, it makes absolutely no difference which of these bookkeeping devices are used to account for the loss. The only difference—I repeat, the only difference—is one of political accountability: if the loss is attributable to Exim, Exim's Board will, quite understandably, be somewhat reluctant to make these loans even when they are needed to protect American exporters. After all, they—Exim's Board—will be accused of losing the money. It is far better, and more honest, to recognize the loss for what it is, and appropriate some money to cover it. That way, we the Congress take full responsibility for this expenditure of funds, as we should. Exim should then be more willing to grant these loans, when needed.

Second, while making it politically more palatable for Exim to grant these mixed credits, the bill also significantly restricts Exim's freedom to do so. In fact, it takes away Exim's current unrestricted authority to do mixed credits. It establishes precise definitions for the abuse of mixed credits by other governments, and permits Exim to grant mixed credits only to counter abuses by others. It says, in short, we do not want Exim developing a large and expensive mixed credits program. We want all countries to stop the practice, or to confine it to cases where it is genuinely used as foreign aid for economic development purposes. But we want to have a mechanism available to protect our exporters if other countries try to abuse it mixed credits, that is, try to use them primarily to steal our foreign markets. For that mechanism to operate honestly and effectively, for it to convince other governments that we mean business, Congress must step up and appropriate the funds.

Third, the Senate has an entirely different version of a mixed credits fund. It is open ended, ill defined, potentially very costly. Congressional Budget Office cost estimates of the two versions indicate that the House version will be considerably less expensive—and, I submit, much more effective in deterring mixed credit abuses worldwide. When we begin to bargain with the Senate over this bill, I think we will need an effective and responsible program of our own on mixed credits. We should not go into conference empty handed. I urge defeat of this amendment.

□ 1330

Mr. WYLIE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by my friend, and a valuable member of the Banking Committee, Mr. PARRIS of Virginia.

This amendment simply strikes the authorization for a new competitive tied aid fund in section 103. In my opinion, this is a constructive amendment and one that is strongly supported by the administration.

By deleting the additional $1 billion in new funding we will be keeping the Export-Import Bank within the President's budget request. Moreover, if we approve this extra $1 billion today, we will simply be creating another new entitlement program, something we can ill afford to do, given existing budget deficits. There is enough upward pressure on rates today without compounding that problem with new entitlement programs.

The administration has serious problems with mixed credits; that is, the blending of foreign aid and export financing, because of the distorting effects on U.S. trade. It is true that other countries use mixed credits, but the increasing use of mixed credits undermines the discipline of the export credit arrangement that this administration, as well as the previous one, have negotiated. Moreover, the Reagan administration has been working to curb the use of such credits.

Mr. Chairman, Mr. PARRIS offers the House a reasonable compromise. He leaves intact the statement of U.S. policy regarding the use of such mixed credits and states, while retaining the language of the bill which says that "tied aid credit can easily be abused." In addition the amendment says:

It is the policy of the United States to insist that participants in the arrangement honor their pledge not to offer tied aid credit offered by foreign governments.

Furthermore, Mr. PARRIS' amendment leaves in place the statement which says:

The United States Government shall make every effort to negotiate a minimum, since the incentive to abuse tied aid credit will diminish as its grant element is increased.

At the same time, the gentleman takes away the new $1 billion "war chest" to fund such credits. The Export-Import Bank's existing authorization should provide sufficient leeway to offer such financing where it deems appropriate.

Mr. Chairman, the additional $1 billion for a new entitlement program in times of record budget deficits is unnecessary and, as I said before, will only add upward pressure in interest rates. I urge all of my colleagues to support the Parris amendment to strike the funding for section 103 and help keep interest rates down in the process.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman.

Mr. NEAL. I thank the gentleman.

Mr. Chairman, let me just point out to the gentleman that it is not an entitlement program. It was not designed as an entitlement program at all. There is absolutely no right on the part of any exporter to this fund. It is a tool that can be used by the Eximbank at its discretion to try to counter subsidized exports by other countries.

The Congressional Budget Office has said that this approach would be much less expensive than the approach contained in the Senate bill. I just think we would be well advised to go to conference with the Senate with something in our bill that makes more sense, that in fact makes us more competitive, but limits the ability of the Eximbank to engage in unrestricted subsidized exports, than to go to the Senate with nothing.

I would urge the gentleman to recognize this as an important objective.

Mr. PARRIS. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman.

Mr. PARRIS. I appreciate the gentleman yielding.

Mr. Chairman, I say to the chairman of the subcommittee, for whom I have enormous respect, basically what we are debating here today is a question of judgment, a difference in judgment on a complex problem. I say to the gentleman that suggesting that the other body's provision is worse is like saying they have terminal cancer, so let us go to conference only with whooping cough and that will be better.

I submit to the gentleman we ought to go clean and healthy by not having any provision for tied aid credit in this legislation other than the statement of principles which remain.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. PARRIS and by unanimous consent, Mr. WYLIE was allowed to proceed for 2 additional minutes.)

Mr. WYLIE. I yield further to the gentleman from Virginia.

Mr. PARRIS. Mr. Chairman, the arrangement on guidelines for officially supported export credits, the so-called arrangement has one major gap, it does not prohibit mixed credits; where you extend foreign aid to improve your export market. That is what we are talking about here. I submit to you that the grant elements that now exist leave the opportunity for serious abuse. That is the real judgment question that we are addressing here today and I say to my friend from North Carolina (Mr. NEAL) that his approach in the bill is in fact superior to that of the other body. But I respectfully submit that it is unnecessary under the circumstances in the world as we find it.

Mr. WYLIE. May I say that I do respect and understand the gentleman's (Mr. NEAL) view. It was well expressed during the committee's deliberations. I appreciate the contribution he has made on this. It is not from that viewpoint that I am coming. There is a difference of opinion may I say, and I think it is an honorable one, to suggest that this might be a new entitlement program.

Since it is a new program and with these differences of opinion we think that it would be better to explore it at another time; it is from that perspective that I am of course endorsing the amendment of the gentleman from Virginia today.

Mr. NEAL. Will the gentleman yield further?

Mr. WYLIE. I yield to the gentleman.

Mr. NEAL. I thank the gentleman.

Mr. Chairman, we sort of weaken what we are trying to do by even talking about it in these terms at this time. We are trying to do what we did in the Banking Committee in the last Congress by setting up an Eximbank war chest fund—to show other countries that we intend to be competitive, if they are not willing to agree to reduce export subsidies.

□ 1340

This gives our negotiators, in seeking such an agreement, a very powerful tool. Not one dime of that war chest was ever used, but it had a very beneficial effect on negotiations that reduced the level of subsidies in the world. That is what this is all about.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. WYLIE) has expired.

(At the request of Mr. NEAL and by unanimous consent, Mr. WYLIE was allowed to proceed for 2 additional minutes.)

Mr. NEAL. That really is the main point I wanted to make. What we are really trying to do here is stop other countries from subsidizing their exports. That is the heart of it.

Now, if this body makes the decision that that is not an important objective, then of course we will abide by that. I am surprised to learn, by the way, that the administration is opposed to the tied aid fund because Assistant Secretary McNamar, for instance, mentioned all over Europe during the last Congress the fact that the House Banking Committee had reported the war chest bill. It was taken seriously by the other trading nations of the world. And he found it to be a useful tool. I think this would be a useful tool, also.

Mr. WYLIE. Well, I understand the gentleman's position and I respect it. As I said in my statement a little earlier that the administration does have serious problems with the so-called mixed credit arrangement, that is, the blending of foreign aid with export financing in the Export-Import Act. I think the gentleman understands our position. They feel that it might distort the effect of U.S. trade and we do know that other countries use mixed credits, but that is not necessarily a reason why we should go to this new program at this time.

Mr. Chairman, I want the record to show the amount of authority, wisdom and cumulative interest lined up behind the IMF quota increase bill.

I include letters from President Reagan; Federal Reserve Board Chairman, Paul Volcker; Secretary of the Treasury, Donald T. Regan; Secretary of Agriculture, John R. Block; Secretary of State, George P. Shultz; signed

letters from 10 former Secretaries of the Treasury; the Chairman of the Federal Home Loan Bank Board, Edwin J. Gray; statements from the chief economist of the AFL-CIO; Mr. C. T. Conover, Comptroller of the Currency; William M. Issac, Chairman, Federal Deposit Insurance Corporation; Robert Solomon, the Brookings Institute; William H. Kennedy, Jr., president, American Bankers Association; and Lawrence A. Fox, vice president and manager, National Association of Manufacturers.

Mr. Chairman, this is just a partial list of the leaders favoring the passage of this legislation, but it is evidence of the overwhelming support this measure has among knowledgeable experienced leaders.

THE WHITE HOUSE,
Washington, July 13, 1983.

HON. CHALMERS P. WYLIE,
House of Representatives,
Washington, D.C.

DEAR CHALMERS: The House of Representatives will soon consider my request for increased United States participation in the International Monetary Fund (IMF). In my letter transmitting this request, I explained that the IMF plays the central role in a comprehensive strategy to resolve current world debt and financial problems. Since then, I have met with leaders of the other industrialized nations at Williamsburg where we affirmed the correctness of this strategy and pledged to secure early ratification of the increase in IMF resources. I would now like to emphasize the major importance I attach to this request.

The world economy is currently facing a number of serious strains, including a heavy international debt burden which threatens to stifle growth in the developing countries and, if not handled properly, thwart economic recovery in the United States and other industrialized nations. To assure orderly resolution of current global economic problems, there must be better coordination of policies in developed countries to promote sustainable, noninflationary growth; appropriate policies in LDCs to set their economies on a path to sustainable growth; continued official and private financing at adequate levels to maintain a viable international trading system; and reduction of protectionist barriers to trade.

The IMF is the centerpiece of these efforts, and it must have adequate resources to do its job. Those resources are now nearly exhausted. If they are not augmented in the very near future, as agreed to by all member countries, the IMF will be unable to provide financial support and policy advice to countries facing balance of payments problems. Without this, commercial lending will dry up, and economic conditions in developing countries will deteriorate, forcing severe contractions in imports and possible defaults.

The U.S. economy could not escape the after-effects of such events. The legislation I have requested to fulfill our share of the increase in IMF resources is necessary to protect our own interests in a stable financial system, a growing world economy, and sustained economic recovery and higher employment levels. It is also necessary to help protect U.S. foreign policy and security interests overseas.

Because of the importance of early ratification of the proposed increase to help stabilize the international financial system, I have pledged to other world leaders my full efforts to ensure prompt enactment of the legislation to authorize and appropriate the proposed U.S. share. I believe this legislation is in our Nation's best interests and warrants, as it has in the past, the broadest bipartisan support in the Congress. I therefore urge its prompt approval by the House of Representatives.

Sincerely,

RONALD REAGAN.

THE WHITE HOUSE,
Washington, May 5, 1983.

Hon. CHALMERS P. WYLIE,
House of Representatives,
Washington, D.C.

DEAR CHALMERS: As the House Banking Committee considers the legislation I have requested authorizing increased U.S. participation in the International Monetary Fund, multilateral development banks, and reauthorizing the Export-Import Bank, I want to reiterate the importance which I attach to these measures. Taken together, these proposals will strengthen international financial stability, promote sustainable economic growth in the developing countries, and enhance our economic recovery here at home.

The request to provide an increase in the U.S. quota in the IMF and in U.S. participation in the IMF's General Arrangements to Borrow is part of an internationally-agreed strengthening of the IMF's resources, designed to enable the Fund to play its central role in promoting an orderly, cooperative resolution of current international debt and financial problems. With our growing interdependence with the world economy, this request represents an essential part of our own efforts to achieve sustainable economic recovery, preserve jobs in this country, and maintain a stable world economic foundation for pursuit of our international economic, foreign policy, and security interests abroad.

For this reason, the proposed increase in the IMF's resources is of major importance to every American citizen, no matter how distant international financial problems may seem. I am confident that this legislation should, as it has in the past, warrant the broadest bipartisan support in the Congress.

Similarly, the authorizations for the multilateral development banks and Export-Import Bank represent an investment in economic growth, at home and abroad, and merit strong support by Members from both sides of the aisle.

I want especially to commend you for your efforts to assure prompt consideration of this legislation by the Committee. You can be sure of my continued strong and active support for these measures which form a crucial part of my legislative program.

Sincerely,

RONALD REAGAN.

BOARD OF GOVERNORS,
FEDERAL RESERVE SYSTEM,
Washington, D.C., July 20, 1983.

Hon. FERNAND J. ST GERMAIN,
Chairman, Committee on Banking, Finance and Urban Affairs, House of Representatives, Washington, D.C.

DEAR CHAIRMAN ST GERMAIN: As the House of Representatives prepares to take up the International Recovery and Financial Stability Act, H.R. 2957, I would like to underline the importance of prompt and favorable action by the Congress on the proposed increase in the U.S. quota in the International Monetary Fund (IMF) and in the U.S. commitment to the IMF's General Arrangements to Borrow. I believe U.S. support for this increase in IMF resources is essential to maintain stability and confidence in the international financial system at this critical time.

As you know, an extraordinary cooperative effort is underway to deal with the strains arising out of the heavy indebtedness of many developing countries. That effort involves continuing action by debtors and creditors, and by the governments and central banks of leading countries. But the IMF is the linchpin for the entire effort, providing, as part of its leadership role, a critically needed margin of financing.

Current and prospective demands on the Fund growing out of this process could well exhaust its usable present resources. To strengthen its ability to deal with this situation, and to maintain a stable international financial system, these resources must be increased.

I cannot emphasize too strongly that failure of the U.S. to participate in providing the IMF with adequate resources to do its job, as an essential part of an international effort joined by virtually every country of the Western World, would deal a devastating blow to the effort to manage the international financial situation, with clearly adverse consequences for U.S. credit markets and our own economic growth.

Sincerely,

PAUL A. VOLCKER.

DEPARTMENT OF THE TREASURY,
Washington, D.C., July 20, 1983.

DEAR MEMBER: The House of Representatives will soon consider legislation providing for U.S. participation in an increase in the resources of the International Monetary Fund (IMF), and for U.S. participation in replenishments of the Inter-American and Asian Development Banks and the African Development Fund. The legislation also reauthorizes the Export-Import Bank. We are writing to emphasize the importance of this legislation to our own economic prospects and to international efforts to resolve current problems in the world economy.

Economic recovery in the United States is now underway and we are succeeding in putting Americans back to work. It it critical that this recovery be steady and sustained and not one that provides us only temporary gains. As the world's largest trading nation, the U.S. depends importantly on a sound, open world economy as a source of economic growth and jobs. Unless we deal with current strains in the international trade and financial system in an orderly and constructive manner, these strains would pose a major threat to the strength and sustainability of our recovery.

Leaders of the industrialized nations, meeting in Williamsburg with President Reagan, agreed on a comprehensive strategy to deal with current international financial problems. The IMF is the centerpiece of this strategy. It is the world's central monetary institution, designed to promote a growing world economy and an open system of international trade. The IMF's ability to do its job depends on assuring that it has adequate resources to lend temporarily to countries experiencing balance of payments difficulties. By doing so, the Fund countries help themselves, giving them necessary time to make needed adjustments in their economies. The Fund's efforts do not just help

the borrowing countries; they help the United States as well. Nearly 20 percent of total U.S. goods are exported. The jobs of millions of Americans, the health of our banking system, and the prospects for a sustained U.S. economic recovery all depend on the IMF's success in maintaining the stable financial framework essential for world trade to prosper.

Failure of the United States to participate in the increase in IMF resources would thus have serious consequences for our own economic recovery and the preservation of American jobs. Moreover, it would severely undercut U.S. leadership on world economic matters and cast doubts as to our ability effectively to confront important international economic problems. It could also lead to the collapse of efforts to restore the economic health of many developing countries of vital strategic interest to the United States. Such a collapse could result in economic and political instability in those countries that could have very serious consequences for U.S. security and foreign policy objectives. Without adequate Western support for their difficult adjustment efforts, many countries might be tempted to renounce their international obligations, seek support from other sources, and engage in irresponsible international behavior.

U.S. participation in the replenishments for the multilateral development banks is also an important means of demonstrating our continued commitment to a cooperative effort to promote stable economic development in the less developed countries. The proposed replenishments will provide vitally needed development resources to countries of strategic importance to the United States throughout the developing world, such as Kenya, Thailand, and Mexico, and to some of the poorest countries of the world, such as Chad, Haiti, and Bangladesh. The proposed replenishment levels maintain a strong U.S. position and influence in the institutions, while reducing the level of appropriations required by 19 percent below the previous replenishments for the same institutions.

Reauthorization of the Export-Import Bank will help insure our continued ability to compete in international markets and contribute to expanded U.S. exports. As President Reagan noted in his letter to the House Banking Committee on this legislation, "Taken together, these proposals will strengthen international financial stability, promote sustainable economic growth in the developing countries, and enhance our economic recovery here at home."

The world economy continues to confront major difficulties. We hope and believe that upon careful review you will agree that the strategy the U.S. has adopted for resolving current international financial problems is sound and that Congressional approval of the legislation providing for continued U.S. participation in these important institutions is vital.

With best wishes.

Sincerely,

GEORGE P. SHULTZ,
Secretary of State.
DONALD T. REGAN,
Secretary of the Treasury.

THE SECRETARY OF THE TREASURY,
Washington, July 25, 1983.

Hon. CHALMERS P. WYLIE,
House of Representatives,
Washington, D.C.

DEAR CHALMERS: As we have discussed in the past, maintenance of a stable international financial system is essential for a sound U.S. economy. In particular, failure to deal with the current debt problems of many developing countries in an orderly manner could lead to higher U.S. interest rates which would abort the strong recovery now underway.

Absent adequate new financing, some developing countries could be forced to default on their outstanding loans. Under U.S. banking rules, the resulting shrinkage in bank capital would force the banks to cut back on their outstanding loans and new lending by a multiple of the foreign loan losses. The reduced availability of bank financing would result in higher interest rates and a cutback in expenditures by private corporations and local governments. Indeed, concern about the international financial situation is already affecting confidence in financial markets and may be causing higher interest rates than warranted given the reduction in inflation and the improved economic outlook.

The IMF is at the center of international efforts to deal with current economic problems but must have adequate resources. However, the IMF's loanable resources are virtually exhausted and prompt passage of the IMF legislation is critical to ensure that the IMF can fulfill its responsibilities. The jobs of millions of Americans, the health of our banking system, and the prospects of sustained U.S. and world recovery could hang in the balance.

With best wishes.

Sincerely,

DONALD T. REGAN.

DEPARTMENT OF AGRICULTURE,
Washington, D.C., July 14, 1983.

Hon. EDWARD J. MARKEY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MARKEY: In view of pending legislative actions on the increase in the United States' quota in the International Monetary Fund (IMF), I want to call your attention to the importance of this institution to the U.S. farm economy. In the environment we all work in, we may often overlook relationships between our domestic economy and international institutions.

The U.S. farmer over the last decade has become increasingly dependent on foreign markets for a substantial portion of his income. Today, exports provide one-fourth of farm marketing receipts. In the final analysis our agricultural exports require a stable, healthy world economy.

The IMF is a major linchpin to achieve this. In today's world of complex economic interdependence, a central monetary institution is necessary. If the IMF did not exist, we would have to create it. All member nations, including the United States, at times need assistance in managing balance of payments problems. Debt problems face many countries including some which are major markets for U.S. agricultural commodities. The IMF is essential to manage this current difficult situation.

In view of the role of the IMF in a healthy economy and the importance to U.S. agriculture of such an economy, I urge your support of the IMF quota increase.

Sincerely,

JOHN R. BLOCK,
Secretary.

HENRY H. FOWLER,
New York, N.Y., June 28, 1983.

Hon. THOMAS P. O'NEILL,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: The House will shortly consider legislation providing for the U.S. share in an increase in the resources of the International Monetary Fund (IMF). A group of ten former Secretaries of the Treasury, including the undersigned, met with President Reagan this morning to present a Joint Statement of support for U.S. participation in this shared increase in IMF resources—a share that is less than 20 per cent of the total increase. I am writing to request that you circulate this Joint Statement of the ten former Secretaries of the Treasury to the Congress, of which a copy is attached.

As former Secretaries and former U.S. Governors of the IMF over a span of nearly forty years since World War II, under different administrations of seven Presidents, affiliated with both the Democratic and Republican parties, we are acutely aware of the central role the IMF plays in promoting a sound world economy and stable financial system essential for United States economic prosperity, expanding world trade and the protection of our vital security interests. At a time of severe strain on the system, brought about by the international debt crisis, it is critical that the IMF have adequate resources to deal with the current problems that threaten a U.S. and Free World sustained recovery in both the industrialized democracies and the Third World alike and the maintenance of a sound and effective private international commercial banking system.

As explained in our statement, the IMF has served as a cornerstone for U.S. foreign economic policy and has received strong bipartisan support over the years. We believe that it continues to merit U.S. backing and urge that the Congress approve the IMF legislation.

Sincerely,

HENRY H. FOWLER.

JOINT STATEMENT BY FORMER SECRETARIES OF THE TREASURY: THE NEED FOR AN INCREASE IN IMF RESOURCES, JUNE 28, 1983

As former Secretaries of the Treasury, we want to affirm our belief that legislation providing for increased U.S. participation in the International Monetary Fund (IMF) is vital to American interests and voice our strong support for this legislation.

The IMF has been a cornerstone of U.S. foreign economic policy under Republican and Democratic Administrations for nearly forty years. It was established under U.S. leadership to avoid the economic restrictions and financial disruption of the interwar years and to promote the sound world economic and financial system essential to prosperity of all countries. The IMF has been remarkably successful in fulfilling its responsibilities and as such has served well the broadest of U.S. economic, foreign policy, and security interests.

The world economy is currently experiencing economic and financial strains without precedent in the postwar period. Many developing countries are no longer able to earn the foreign exchange to pay for needed imports and to service their debts, and could be forced to implement excessive economic contraction and disruptive trade and financial measures reminiscent of the Depression. The success of cooperative efforts to

achieve an orderly resolution of these difficulties depends to a great extent on the IMF. However, the resources of the IMF are being depleted rapidly, and its ability to provide financing in support of members' balance of payments adjustment efforts will soon be exhausted.

After intensive negotiations, international agreement has been reached on measures to assure that the IMF has adequate resources to fulfill its important responsibilities. The Congress is now being asked to approve legislation providing for the U.S. share of the increase in IMF resources—a share that is less than 20 percent of the total increase. Failure of the United States to participate in this increase in resources, for the institution that is at the center of international efforts to deal with current global financial problems, would have serious consequences for our own economic recovery and the preservation of millions of American jobs. Moreover, it would have a devastating impact on international confidence in U.S. leadership and result in severe economic and political instability in countries of vital interest to the United States.

The IMF was created in response to the lessons of the Great Depression. Unless we learn from the lessons of the past, we will inevitably repeat earlier mistakes. The costs to the United States would far exceed the investment the Congress is now being asked to approve. For these reasons, we urge prompt approval of this legislation.

Robert B. Anderson, Joseph W. Barr, W. Michael Blumenthal, John B. Connally, C. Douglas Dillon, Henry H. Fowler, David M. Kennedy, G. William Miller, George P. Shultz, John W. Snyder.

THE U.S. TRADE REPRESENTATIVE,
Washington, July 12, 1983.

Hon. THOMAS P. O'NEILL, Jr.,
House of Representatives,
Washington, D.C.

DEAR TIP: I am writing to urge your support for legislation before the House which would authorize a U.S. quota increase for the International Monetary Fund (H.R. 2957). Similar legislation recently passed in the Senate (S. 695).

As the chief trade representative for the President and the Congress, I feel I must tell you of the negative trade consequences our nation will face if this legislation is not passed. Without an increase in IMF resources, billions of dollars of U.S. overseas sales will simply not occur and thousands of U.S. job opportunities will be lost because international trade finance, both public and private, will decline dramatically. As a result, many developing countries will be unable to finance the purchase of reasonable levels of imports. The consequential drop in international trade will severely hurt U.S. exporters, since we sell 40 percent of our manufactured exports—indeed, nearly 30 percent of our total exports—to developing countries. In other words, IMF financing that helps countries adjust to balance of payments difficulties is essential for the maintenance and expansion of current levels of international trade. This in turn results in greater markets for U.S. exports and more jobs for Americans.

You should also be aware that if the more restrictive provisions of the bill are not modified (e.g., reserve requirements), there will still be a substantial reduction in the level of international trade finance that the U.S. private banking sector will be able to make available. This will certainly have a negative effect on future U.S. export levels. For this reason, I heartily endorse the Administration's position previously communicated to the House urging modification of specific provisions of the bill.

Legislation approving an increase in the U.S. quota to the IMF is part of an integrated U.S. strategy which will enable the United States and the world to respond successfully to the current international liquidity crisis and to sustain the economic recovery now underway. It is not designed to extend foreign aid or to rescue U.S. banks. The future health of both the U.S. and the world economies depends heavily on the successful implementation of this strategy.

On June 29, the President's Advisory Committee for Trade Negotiations (ACTN), a prestigious 45-person committee of high-level representatives from the U.S. private sector chaired by Edmund T. Pratt, Chief Executive Officer of Pfizer, approved a resolution expressing its general support for replenishing the IMF's resource base with a minimum of restrictive measures. While the ACTN does not, and cannot under its charter, lobby for the particular legislation now before the Congress, I felt that you should know about the concerns of the ACTN regarding the need for adequate IMF facilities to meet the needs of our international trading system. I have attached a copy of this resolution for your information.

In sum, this country needs legislation increasing the level of U.S. support for the International Monetary Fund. The future success of U.S. exporting efforts and of the U.S. economy as a whole depends on it. Therefore, I strongly urge your support for this legislation.

Very truly yours,

WILLIAM E. BROCK.

OFFICE OF THE U.S. TRADE REPRESENTATIVE, EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, D.C.

RESOLUTION OF THE ADVISORY COMMITTEE FOR TRADE NEGOTIATIONS

To: The President; the Speaker of the House of Representatives; the President of the Senate; the U.S. Trade Representative.

The Advisory Committee for Trade Negotiations (ACTN) has the honor to submit to you the attached resolution expressing the ACTN's sentiment with regard to adequate financing of the International Monetary Fund.

Issue: The recent developments in the world economy has led to strains in the world trade and financial environment.

Within this context it has been proposed that the resource base of the International Monetary Fund be increased to accommodate the adjustment necessary to restore stability to the world trade and financial community.

The ACTN Believes:

The strains in the international trade and financial systems have had an adverse effect on U.S. export-related interests which has resulted in an increase in unemployment.

The IMF serves a crucial and unique role in the international trade and financial systems. It is the only organization which provides short term balance of payments assistance while requiring that borrowing countries implement economic stabilization measures to solve their current external account disequilibrium. The countries borrowing from the IMF constitute an important fast growing market for U.S. exports (40% of manufactured exports; total grew 30% in the past 10 years.) IMF funding will help to alleviate LDC debt pressures, and thus help them pay for imports.

The IMF currently has a funding problem. A replenishment of resources would help to alleviate the problem in the short run.

The IMF is a buttress to an open trading system and without IMF adjustment programs many countries are likely to impose protectionist measures.

IMF funding is a vital part of the current global debt management process. Without IMF participation commercial banks are unlikely to pledge new funds to troubled countries.

Without quota increases the IMF would have to either reduce members' access to quotas or borrow in private credit markets in its own name.

Therefore, the ACTN finds that:

International trade and finance are inextricably linked and a reduction in international bank lending would result in a reduction in export finance. U.S. exports and the labor force could be adversely affected if an alternative source of finance was not available.

FEDERAL HOME LOAN BANK BOARD
Washington, D.C., July 20, 1983.

DEAR MEMBER: This is to urge your support for pending legislation to authorize and appropriate the U.S. contribution to an increase in the resources of the International Monetary Fund.

I make this request because I belive that if the legislation fails there will be strong upward pressures on interest rates. This would be devastating for much of the savings and loan industry which, because of the recent rise in rates, has slipped back into the red. This is a critical period for the savings and loan business which remains in a very fragile state. The kind of increase in rates which I fear could occur—if the legislation does not pass—would represent a very significant setback for savings and loan institutions in their quest for recovery. Clearly, the recovery of the entire homebuilding and real estate industry in this country may be at stake as a direct consequence of increases in interest rates.

Again, I strongly urge your support for the legislation which is scheduled to be voted on tomorrow, Thursday, July 21.

Sincerely,

EDWIN J. GRAY,
Chairman.

TESTIMONIALS IN FAVOR OF IMF QUOTA INCREASE

C. T. Conover, Comptroller of the Currency (April 21, 1983): "It is therefore vital that the IMF continue to have funds available for countries experiencing financial difficulties. Given the Fund's existing commitments and the likely additional demands upon its resources in the future, the proposed increase in IMF funding is essential to maintaining the stability of the worldwide financial system."

William M. Issac, Chairman, Federal Deposit Insurance Corporation (April 21, 1983): "By working with countries to develop appropriate adjustment programs, the IMF is in a unique position to impose and maintain discipline during the adjustment process. As such the IMF's actions cannot only have a positive impact on U.S. banks with international loans but equally important on the United States and world economies."

Robert Solomon, The Brookings Institute (May 3, 1983): "In addition to the growth of trade, financial interdependence among nations has increased markedly * * * with the growth of interdependence, the need for an institution like the International Monetary Fund is even greater now then it was at its reception * * * from the point of view of our (U.S.) own potential financing needs as well as from the broader perspective of helping to sustain a well-functioning world economy on which American prosperity depends, the case for providing the Fund with adequate resources is a strong one."

William H. Kennedy, Jr., President, American Bankers Association (May 6, 1983): "An increase in the IMF quota will assure its continued ability to provide balance of payments aid to all countries, including the United States. This will result in continued growth in international trade and more employment opportunities producing goods for exports by the U.S."

Lawrence A. Fox, Vice President and Manager, National Association of Manufacturers (February 24, 1983): "All members of the international community have a responsibility to play an appropriate role in assisting world economic recovery. One way in which the U.S. can carry out its role in overcoming present difficulties is by helping to increase the IMF quota * * * Under the present circumstances of a world economy under strain, it is appropriate that international institutions, such as the IMF, assume a larger role in easing that economic strain."

Henry B. Schechter, Director, Office of Housing and Monetary Policy, AFL-CIO (April 26, 1983): "In the absence of a vigorous worldwide economic recovery, there soon may be a need for expanded IMF fund infusions, which would require new draws upon U.S. participation quotas * * * The AFL-CIO recognizes the serious consequences of potential large debtor nation defaults to the world economy and the need for IMF action to help debtor nations out of their precarious positions."

Mr. ST GERMAIN. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

With all due deference and respect to the sponsor and to my very respected ranking minority member, I have to differ with them.

The purpose of this section is very pure and simple. Let us call a spade a spade.

I rise in opposition to the amendment because abuse of tied aid credits by foreign countries for years and years and years, long before I even came to this Congress, cost us jobs in our export industries. Now this competitive tied aid fund will allow us to counter these abuses and help preserve jobs in our export industries. It is necessary and it is long overdue. That is why I oppose this amendment.

Now, if the administration now finds—and I have not heard from them previously that they have some reservations about this—my door is always open, I will be happy to chat with them. This legislation has a bit of traveling to do; we have a few highways to negotiate. And between now and then and at the time of the conference, I am sure we will have ample time to further discuss it, but if we do not have it in the bill, we will not have anything to discuss. I certainly would rather come down on the side of jobs for U.S. citizens, for Americans, and then if it occurs to us, or it can be demonstrated to us on this side, that some changes have to be made that are perfecting or that will improve the section, certainly we will be sympathetic and cooperative.

For that reason, Mr. Chairman, I have to rise in strong opposition to the amendment.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. I think this is an improvement on the bill overall. I think the entire bill is a disaster. I think the IMF is especially bad, but I cannot think any higher, really, of the Export-Import Bank, even though I do know that generally speaking there is a lot more support of Exim than there is for IMF, but in many ways it is very much the same thing. So cutting out $1 billion is an improvement and I will strongly support that.

Yesterday we had our colleague and friend from Illinois (Mr. ANNUNZIO) point out very clearly how the IMF funding is used to subsidize Communist nations. He mentioned in particular Vietnam. I would like to point out today something that the Members will have to defend when they vote for this in terms of the subsidies that the Members give to Communist nations.

And this is something that one would think would be cut back with the new administration who has been strongly anti-Communist, and militantly opposed to Communist aggression and expansion around the world, and yet, something very dramatic is happening behind the scenes in the banking world and the business world. Instead of this type of funding to Communist nations being reduced, it is being massively increased.

I compared 27 months prior to the time Carter left office to the first 27 months of the Reagan administration. And what do we find? I know these statistics will not please the conservatives. I know they will not please our side of the aisle. But the plain truth is something terrible is happening. And we will participate in the further funding of the enemies that we are always asked to build more weapons for in order to defend ourselves against.

During the last 27 months of Carter's administration, they allowed funding to Communist nations through the Eximbank to the tune of $493,287,000. The average rate of interest was 8.18 percent, way below market rates. So here the Communists can come into our marketplace, buy our goods and services at 8-percent interest, where the average prime rate was 13 percent.

Now the prime rate was 13, but what was the consumer paying during this period of time, during 1978 to 1980? Probably 15 to 16 percent. That is a pretty good deal for the Communists at the expense of the American taxpayers.

But the American people are sick of that, so they get a new administration. They say, "Let's be tough on the Communists." So are we tough? Between January 1981 and March 1983, we increased funding the Eximbank to Communist nations by 43 percent. It went from $493 million to $606 million to Communist nations.

Now the rate of interest went up dramatically. It went from 8 to 9 percent. But the average prime rate during this period of time we were giving this gift to the Communists, our prime rate was 16 percent, which meant our consumer rate was probably 20 percent.

How anybody can stand up here and vote for this bill and look their constituents in the eye, I cannot understand it. It is total insanity. But that is what is happening. I think there is no economic justification for this type of financing. There certainly is no moral justification and someone show me where it tells us we have the authority to do this in the Constitution. There is no authority for this. Some day we are going to have to stop doing this. The American people do not want it. How many people come to the Members and ask them to vote for low subsidized loans to the Russians so they can buy goods and services from us in order to perk up our business. That is foolish. It does not work. If you give the Communist nations $600 million of subsidized loans, all you have done is you have stolen the credit from the American consumer. He pays more for what he has to borrow and he does not get something. You do not create anything. Government has never created a single job. All they can do is steal the job from somebody else and cause harm and suffering to the innocent.

And this is why this type of interventionist legislation is so bad. It creates a victim. Some innocent victim who does not even know why he is being hurt and why interest rates are high. So the Fed says it is the Congress and the Congress says it is the Fed and it is we passing legislation like this that makes the people suffer.

This is based on the fallacy that if you export money, if you take money out of one pocket and put it into another, you can create wealth. But what happens is you steal money from one, you give it to another, they get the product, and some businessman gets the benefit.

□ 1350

(By unanimous consent, Mr. PAUL was allowed to proceed for 3 additional minutes.)

Mr. PAUL. Mr. Chairman, there is another fallacy that is involved here that people accept in order to accept the notion that Exim money is good. That fallacy is that you have to retaliate. If Japan gives their car company a subsidy, you have to react and do the same thing for our car companies. But just carry that argument to full extension: Let us say that if Japan offers everybody in this country a free car. Would the country be poorer or richer? Everybody gets a free car, we save that money, we spend it on something else, and we are richer and Japan goes broke.

But why is it that Japan and other countries can subsidize their companies? Very precisely because we give the money to them. We subsidize Japan to the tune of $30 billion, $40 billion, $50 billion a year by taking care of all of their defense. So we save them money and they give their subsidy to the car company and they come in and undersell us. And no wonder we suffer; we are paying for their subsidies.

But there is nothing wrong with accepting a gift. If they want to discount their products, accept it gracefully, quickly they would go bankrupt unless we give them the money. But we continue foolishly to give them this money.

Our main problem with this type of legislation is that it is based on a superficial analysis. Instead of looking at the basic problem, and that is the currency. When the currency breaks down, trade breaks down, so you have to go into subsidies and trade barriers and all sorts of things to compensate. So until we address the subject very basically about the currency and why the unit is unstable and how countries inflate at different rates and why the international banking system is breaking down. I can guarantee you that this will go on for years and there will be absolutely no benefit to us. This is painful, and the American taxpayer is going to suffer severely by funding the Eximbank or the IMF.

Mr. PARRIS. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Virginia.

Mr. PARRIS. Mr. Chairman, there is one other point that has not been discussed in this debate as yet—and I appreciate the gentleman yielding to permit me to mention it briefly. The use of tied aid credit is an onerous process, everybody agrees with that, but we may be in a sort of backhanded way authorizing the Eximbank of this Nation to engage in this kind of activity and authorizing a billion dollars to be used for that purpose. In the way that Federal agencies sometimes work I think it is important for the Members of this body to contemplate what might very likely be the result in 5 years or 10 years from now when the Export-Import Bank, whose very purpose is to promote exports, might tend, as time goes by, to utilize this authority we would now grant to say, "Well, we will do just a little bit of foreign aid with this export subsidy, and then as time goes by we will do a little more," and pretty soon, instead of being a $1 billion authorization, it will be $5 billion or $10 billion or $25 billion, as these programs inevitably grow, as we have seen so very often.

Mr. PAUL. Mr. Chairman, I think the gentleman is exactly right.

Mr. BETHUNE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had not intended to speak on the gentleman's amendment, but I thought I would address the one point that was raised by the chairman of the subcommittee in that all we are doing here is creating the authority, which, of course, is subject to the appropriations process.

I was persuaded by that argument a couple years ago, and, in fact, in a couple of instances in the Banking Committee I spent my time being sure that we had such a provision in the bill so that the authority that we were dispensing would in fact be subject to the appropriations process. My idea in those days was that if we would do that, that that would constrain the growth of lending. Regrettably, it has not.

As most Members on the Committee know, at some point in the discourse on every bill that concerns new lending authority that comes to this floor, I take the occasion to make my speech about the growing Federal lending problem that we have in this country. And I will do that at this point, because I think it is the appropriate point.

Everyone in the country is familiar with the fact that Federal spending is out of control. And so as recently as 5 or 6 years ago when we had the ongoing discussions between the Carter administration and the Congress, there was a great effort made to constrain the growth of spending, and all the focus in the country among constituents and Members of the Congress has been to hold down the growth in spending.

I think some progress has been made in that respect. But what happened along the way is that the creative applicants for Federal assistance are simply moved from the spending window over to the lending window, and what we have noticed in the last 4 or 5 years now is that, while we have managed to hold down Federal spending a little bit, Federal lending is out of control. In the last 5 years the Federal lending programs—and this is the case today—are growing faster than Federal spending programs.

Now, some people say, "Well, so what? They do not cost anything. If there is a repayment, there is no expenditure." And in some instances we have cleverly moved it off the budget so that we do not even have to account for it and, therefore, it does not really constitute a deficit—all incorrect because we all know there is an impact.

The gentleman from Texas made an excellent statement about what happens when we increase the Federal lending programs. We simply take available credit away from other people. In many instances the more productive businesses suffer because the people who get the credit assistance are the politically powerful, like the big banks who are here today for their share at the trough, or in past instances, where New York City and Lockheed, if you are big, if you are strong, if you are powerful, and if you can exert pressure on this Congress, you will get some lending assistance, just flex your muscles and go to work, and you will get whatever it is that you seek.

Now, let me come back to the point that I want to make here. We have got a situation that is out of control. In every case where we have added to the lending authorities, I have come to the floor and said, "Do you not think we ought to try to hold down this runaway Federal lending problem before we grant any more?" And everyone generally concedes, "Yes, we really need to do something about that because it is a first-class problem, just like spending is a first-class problem."

And so we go through these convoluted explanations about the fact that, well, we are going to make it subject to appropriation. Well, I can assure you that does not work. We have been doing that for the last 2 or 3 years. Federal lending continues to go up because the appropriations process is subject to the same pressure as we are here.

The only way we are ever going to constrain the growth of Federal lending programs is to do it right here. When new authority is requested, we have got to say no, because we have a problem, and until we are able to make sense out of all of this credit that we are dispensing—and we are not in that position right now—everyone knows that we do not have a mechanism for making sense out of the credit assistance programs that we dispense. So until such time as we can get the cart before the horse, I would suggest that we should never increase the authority for lending, lending assistance, credit assistance, entry subsidies, until we know more about what we are doing. And unless we have the discipline and the determination to stop that in each instance, the prob-

lem is going to get worse year after year after year. Now, I regret that, because I find that in some instances the credit assistance programs are quite useful, and I have never suggested that we ought to obliterate them. All I am suggesting is that we must constrain this growth in Federal lending, just as we are trying to constrain the growth in Federal spending, and make sense out of it.

I think the gentleman is right to bring this issue to the floor, and I hope that Members will support his amendment. It is an untested idea. It is the very type of thing that we can say no to here painlessly, and we will be then setting a precedent, I think, that will be important in the future as we deal with this very important problem.

Mr. AuCOIN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I suppose that our colleagues on the other side of the aisle could kill this provision if they chose to. I would hope that they would not because it seems to me that those Members who have been urging our colleagues to resist the tendency to try to raise protectionist barriers around various commodities and goods produced in this country had better have something affirmative to offer on their part in order to equip U.S. exporters to secure foreign sales.

□ 1400

If they do not have something affirmative to offer as a substitute to protectionist proposals, then they are going to quickly find that the United States is going to be absolutely at the mercy of foreign competitors who have the will and who have the wherewithal to capture growing market shares in the international marketplace. They are going to put this country at the mercy of more and more products coming into our markets, displacing our workers, closing our factories, and making this country even more pathetic as an industrial power.

I am surprised to hear the opposition from the Republican side of the aisle to this modest provision—a provision that I have some technical difficulties with myself, but which at least points in the direction of meeting the determined competition that our foreign countries are providing.

You can talk to exporters all over this country and they will tell you that the competitors they are up against in the world do provide mixed credits, are providing these kinds of tools for their exporters, and all I have to say to my collegaues on the Republican side of the aisle is, if we fail to do the same for our American exporters, we are going to find a steady deterioration of wealth, of profits, and of jobs in this country.

I urge my colleagues to defeat the amendment and support the committee.

Mr. WEBER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I was interested in the comments of our colleague from Texas (Mr. PAUL) and I wonder if he could respond to some questions, because I claim no expertise on this subject and I was not quite sure I understood his point.

If the gentleman would answer a couple questions, did the gentleman say that on the financing of this program, some of the money actually does go to Communist countries?

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. WEBER. I yield to the gentleman from Texas.

Mr. PAUL. I thank the gentleman for yielding.

Yes, there is no doubt about it. I quoted a figure, that in the first 27 months of the Reagan administration, when we would have thought that the funding to Communist nations would have gone down, it actually went up 43 percent, to the tune of $606 million.

I see this as a major problem. So if there is a need to help our exporters, it seems as if the first thing we do is cut off all the support to the enemy. To give our money away to the Communists and let them buy our goods is hardly good for business. It is somewhat like the comparison of saying that if one is in the hotel business and your census is down, you say, "I want to do something for jobs. I want to do something for my business. I have a gambling casino and I want things jumping." So you go to your savings account and take out a million dollars and you go out on the street and you pass out the money.

You come in, and sure enough, business is good. They come in and they buy food, they go to the gambling casino, business is good and you think you are making a lot of money. It is "good" for jobs.

But you are consuming wealth. That is what we are doing in this Nation. We are consuming wealth by giving away this money in order to make it look like business is good. Superficially it looks that way.

Mr. WEBER. Mr. Chairman, if I could reclaim my time for just a minute, would the gentleman please specify for us some of the Communist countries that have received aid?

Mr. PAUL. Mr. Chairman, if the gentleman would yield further, they have been very specific. Over the years I have watched the inserts into the Federal Register, because if it is a Communist nation, under the law, the way I understand it, the President has to sign a little document. The document, in essence, says in the national interest we have to give this money to the Communists. So I have found documents to the effect that we have granted loans to Yugoslavia, Bulgaria, Czechoslovakia, and Romania.

We all know that the Soviet bloc is a bloc, so, therefore, if we give money to the Eastern bloc nations, this helps the Soviets. So the Soviets send their money to Cuba, Cuba sends it to Nicaragua, and the reaction is, "Send in the troops" to pressure Nicaragua or El Salvador.

Mr. AuCOIN. Mr. Chairman, will the gentleman yield to me?

Mr. WEBER. I would be pleased to yield to the gentleman from Oregon.

Mr. AuCOIN. I thank the gentleman for yielding.

Mr. Chairman, what I am trying to determine at this point in the debate is whether or not the colloquy between the two gentlemen goes to the IMF provisions of the bill or if the gentlemen are suggesting that their points run toward the Export-Import Bank provisions of the bill.

Could the gentleman clarify that?

Mr. WEBER. I believe that the gentleman's remarks were directed toward the Export-Import Bank, and it is in that area that I was trying to clarify in my own mind exactly what he meant, but I would be glad to yield to my colleague for a clarification of his own remarks.

Mr. PAUL. Mr. Chairman, if the gentleman would yield further, these figures I have quoted are Exim. I referred to the talk of the gentleman from Illinois (Mr. ANNUNZIO) yesterday that referred to the IMF, the way they subsidize Communists, but I am pointing out something that was not discussed or debated in general debate: that some of the Exim money also goes to the Soviet bloc.

The important point is, we support the Soviets this way. Another point: A few years back we literally used Eximbank to build the Kama river truck plant in Russia, the plant that built the trucks that were used for the invasion of Afghanistan. So the Soviets invaded Afghanistan, and our reaction was, "We have to be tough. Let us have a draft. Let us have registration."

What I am pointing out is, we make one mistake and it causes two mistakes later on.

Just to follow up with this, this is not going to stop. This is continuing, because at this very time there is legislation in the Senate requesting that we change the definition of China. This is unbelievable. They are going to ask, at the request of the State Department, that we no longer declare that China is a Communist nation so they can qualify for these loans automatically.

Mr. NEAL. Mr. Chairman, will the gentleman yield to me on that point?

Mr. WEBER. I yield to the gentleman from North Carolina.

Mr. NEAL. I thank the gentleman for yielding.

Mr. Chairman, I am not quite clear what the gentleman said either. I thought at one point he was talking about loans, but then he said that somehow we give money to these Communist countries.

Could the gentleman help clarify that for me?

Mr. PAUL. Mr. Chairman, if the gentleman would yield further, yes, I would say that if the Russians or the Soviets or the Eastern bloc nations can borrow $606 million in the first 27 months of this administration at a 9-percent rate of interest, when the prime is 16 and the rate of interest to the consumer is 18 or 20 and there is never an obligation to pay back.

Mr. NEAL. Are these loans to the Soviet Union?

Mr. PAUL. No, these are to Eastern bloc nations. I would say that is a gift. That, to me, is a gift.

Mr. WEBER. Mr. Chairman, if I could reclaim my time, I would like to yield to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH of Iowa. Mr. Chairman, I just wanted to comment that I think the gentleman in the well has a point but one that should not be driven too far.

The fact of the matter is, the money all comes back to the United States. There is no "gift." We are selling American goods that have to be paid for with interest. Now, the gentleman in the well is correct that that interest is subsidized, and to that extent, the interest subsidy does represent a subsidy to our trading partners.

One of the great questions we, as a country, have to deal with is: Is it better to trade materials or trade bullets? Many of us feel very strongly that it is preferable to trade materials, if at all possible, to create American jobs.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. PARRIS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. LUNDINE

Mr. LUNDINE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LUNDINE: Page 15, after line 3, insert the following:

REPORT TO CONGRESS

SEC. 110. Section 9 of the Export-Import Bank Act of 1945 is amended by adding at the end thereof the following:

"(c)(1) The report shall include a detailed description of all actions which have been taken by the Bank or which will be taken by the Bank—

"(A) to maintain the competitive position of key linkage industries in the United States;

"(B) to support industries which are engaged in the export of high value added products;

"(C) to support industries which are engaged in the development of new capital goods technology;

"(D) to preserve and create high skilled jobs in the United States economy; and

"(E) to enhance the opportunity for growth and expansion of small businesses and entrepreneurial enterprises.

"(2) Such report shall include the comments of the Advisory Committee regarding the objectives specified in paragraph (1).".

□ 1410

Mr. LUNDINE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LUNDINE. Mr. Chairman, this amendment requires the Export-Import Bank to report to the Congress on how their programs are affecting several objectives which are central to U.S. industries remaining internationally competitive. These objectives include preserving the competitive position of linkage industries in our economy and industries which are engaged in the export of high value added products or new capital goods technology. In addition, these objectives include efforts to preserve and create high-skilled jobs in our economy and enhance the opportunity for growth of small businesses and entrepreneurial enterprises. This amendment also seeks the comments of the Advisory Committee created under this legislation on the efforts of the Bank to address these objectives.

The United States is facing intense international competition in almost all aspects of industrial production. In many industries, we are loosing or have lost our competitive edge to foreign industries who benefit from government supported export financing that is coordinated with an overall forward-looking industrial strategy to make and keep their industries internationally competitive. As such, our Export-Import Bank is an important tool available to our industries to insure that they remain competitive with their international counterparts.

We must begin to think about how we can utilize our Export-Import Bank as a lever to improve the competitiveness of our industries. By and large, the Export-Import Bank in the past has been a reactive institution which has not sought to develop export markets abroad. They have had no strategic dimension to their activities, in part because for a long time our industries held the competitive edge over their foreign counterparts. We can no longer afford to operate as we have in the past, but rather must begin to articulate what our long term export policy objectives are and how the Export-Import Bank can best function to achieve these objectives.

If we examine the record of Export-Import Bank lending over the last few years, in general, we find that their activities have been concentrated in certain industries such as aircraft, energy, and mining. While these efforts have been assisted, other industries with a potential for export have gone wanting. In part, this concern is what has led to an emphasis in this bill on efforts to increase Eximbank support for the small business community. A General Accounting Office report issued earlier this year concluded that the small business community did not have access to the Export-Import Bank. And yet, we know that small businesses, on average, are more innovative and create more higher skilled jobs than larger firms.

This amendment attempts to interject some discipline into the decision-making process which goes into decisions at the Eximbank. It also, hopefully, will help the Congress focus on what is a terribly critical issue—how we can utilize our Export-Import Bank more effectively to acheive objectives which we all agree will insure that we improve productivity, stimulate economic growth, and stay internationally competitive.

I am reminded by a remark which was made by Lee Iacocca about his experience at Chrysler. He said that one of the most valuable exercises they had done was to develop a 5-year strategy. Whether they followed it precisely was not important. What was important was that such an exercise provided them with the discipline needed to force them to take a look around at world realities and to take a long-term view of how they might begin to address these realities to improve their competitive position.

I think this amendment is an important step forward to interject this type of discipline into the policymaking process at the Eximbank and to help Congress focus on the role of the Eximbank can play in our overall objectives to improve the international competitiveness of our industries.

Mr. ST GERMAIN. Mr. Chairman, will the gentleman yield?

Mr. LUNDINE. I yield to the gentleman from Rhode Island.

Mr. ST GERMAIN. Mr. Chairman, I would like to say to the distinguished member of our committee that I have, along with other members of our committee, looked at this amendment very carefully. It is brilliantly crafted, and I want to commend the gentleman and say that we are most happy to accept his amendment. And I will bet that if the gentleman would yield to the gentleman on the other side of the aisle, he would get some good news.

Mr. LUNDINE. Mr. Chairman, I thank the gentleman from Rhode Island.

Recalling the story about the Member who had offered an amendment on this floor one day, had it accepted by both sides, insisted on continuing to speak, and then had his amendment defeated, I understand the wisdom of the suggestion of the chairman of the committee.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. LUNDINE. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I have just now had a chance to look at the gentleman's amendment. I do not believe he offered it before; is that correct?

Mr. LUNDINE. Mr. Chairman, I apologize to the gentleman for the lateness with which it was delivered, but it was delivered to the chairman of the committee at the same time, and as he said, he has had an opportunity to look into it in detail.

Mr. WYLIE. Mr. Chairman, let me say that I have gone over it, and the purpose of the amendment seems laudable. At first blush it seems like it might entail a lot of additional requirements and additional paperwork by Exim, but I cannot feel myself constrained to the point that I would oppose the gentleman's amendment.

Mr. LUNDINE. I am sorry, I did not understand the gentleman.

Mr. WYLIE. I would not oppose the gentleman's amendment.

Mr. LUNDINE. Mr. Chairman, I thank the gentleman from Ohio, (Mr. WYLIE).

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. LUNDINE. I yield to the gentleman from North Carolina.

Mr. NEAL. Mr. Chairman, I just want to take this opportunity to commend the gentleman from New York (Mr. LUNDINE) for all the leadership he has shown in the whole area of international trade. It is often a subject that is vastly misunderstood by many of our constituents. I would say to the gentleman from New York that I think his constituents are very fortunate that they have him here looking out for their interests.

Mr. LUNDINE. Mr. Chairman, I thank the gentleman from North Carolina (Mr. NEAL), and I will simply say that I appreciate the bipartisan expression of support for this amendment.

These reports are already required. We are not adding any new reporting requirement. This amendment simply seeks to focus the U.S. efforts on industrial competitiveness, and I appreciate the words of encouragement by both sides and urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. LUNDINE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. AUCOIN

Mr. AUCOIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. AUCOIN: Page 15, after line 21, insert the following:

MEDIUM-TERM FINANCING

SEC. 112. Section 2(a) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(a)) is amended by adding at the end thereof the following:

"(3) In order for the Bank to be competitive in all of its financing programs with countries whose exports compete with United States exports, the Bank shall—

"(A) provide medium-term financing—

"(i) at rates of interest to the customer which are equal to the rates established by the Organization for Economic Cooperation and Development; and

"(ii) in amounts up to 85 percent of the total cost of the exports involved; and

"(B) cooperate fully with the Secretary of Commerce and the Administrator of the Small Business Administration to develop a program for purposes of disseminating information, using existing private institutions, to small business concerns regarding the medium-term financing provided under this paragraph.".

Mr. AUCOIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. AUCOIN. Mr. Chairman, I am pleased to join my colleague from Minnesota (Mr. FRENZEL) in offering an amendment that will encourage small businesses to use the Export-Import Bank.

The foundation upon which this Nation's economic prosperity rests has been, and remains, small business. Small business has been the key to much of our economic growth, its technological innovation and job creation.

H.R. 2957 makes important strides on behalf of small business, and the committee should be commended for its actions. Our colleagues Mr. LUNDINE, Mr. ROEMER, and Ms. KAPTUR deserve particular credit for their efforts on behalf of small business. The thrust of our amendment today is to complement and supplement what they have already accomplished.

Mr. Chairman, the greatest potential for export expansion, for new job creation and new industries, lies with small business. The Department of Commerce estimates that there are at least 20,000 businesses in this country that could export but do not. Ninety-two percent of all American firms sell only in the United States while 93 percent of the world's population is outside the United States. There ought to be improvement when one considers that exports represent some 9 percent of our GNP and that for every $1 billion in exports, at least 25,000 new U.S. jobs are created.

The greatest problem these small- and medium-sized exporters face, according to a recent survey conducted by the Commerce Department, is the availability of competitive export finance support. The problem of adequate export credit support for smaller companies is addressed in the Eximbank provisions of H.R. 2957, but the problem of assuring the availability of competitive programs for smaller companies was not adequately resolved.

The amendment I am offering with Congressman FRENZEL would direct the Bank to institute a medium-term credit program. This program is currently available to all users, but could be of particular help to those engaged in smaller transactions and those just breaking into the export market.

Our amendment will establish an Eximbank medium-term credit program which will compete with comparable programs offered by our trading partners. The program would establish interest rates at the lowest rates permitted under international guidelines adopted by the member nations of the Organization for Economic Cooperation and Development. The program would also require the Eximbank to cover up to 85 percent of the exports involved and would establish a program to promote the medium-term program among small businesses.

We are pleased that the Eximbank has agreed with our conclusions and announced the creation, on July 19, of a medium-term credit program precisely along the lines we propose. We are encouraged by the Bank's actions. The Bank's action, however, does not obviate the need for our amendment. Rather, it points out the necessity of our amendment. The Bank can institute this program today, as it has in the past, and withdraw it another day. It is imperative that Congress state clearly that this is a program that is too important to America's small businesses to be removed ever again.

The Bank itself has estimated that there is a $3 to $5 billion demand for medium-term credit. Constant changes in the Bank's medium-term program have made it impossible for U.S. exporters, particularly small businesses, to develop orderly overseas marketing strategies. Our amendment would require the Eximbank to develop and retain a predictable program that U.S. exporters will use.

Today, the U.S. Eximbank is considered the least competitive institution of its kind in the world. Adoption of our amendment will improve the position of the Bank and will encourage our smaller exporters to use the services of the Bank. Failure of our

amendment will only result in what has become an all too familiar story—questions about U.S. supplier reliability, lost markets, and most important, lost jobs.

I urge my colleagues to join us in promoting U.S. exports, small business and jobs.

Mr. ST GERMAIN. Mr. Chairman, will the gentleman yield?

Mr. AUCOIN. I yield to the gentleman from Rhode Island.

Mr. ST GERMAIN. Mr. Chairman, I thank the gentleman for yielding.

I might say that this is getting almost to be a habit, but again I must commend the gentleman from Oregon (Mr. AUCOIN) for his excellent assistance to the committee and to the Eximbank in this instance. I want to say that we are most happy to join him in support of his amendment. I commend the gentleman for offering it.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. AUCOIN. I yield to my colleague, the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, may I say that the minority is prepared to accept this amendment, and I want to suggest that this is a program which I understand has been recently instituted by Eximbank.

The gentleman from Minnesota (Mr. FRENZEL) regrets that he is not able to be here because of an emergency in the family, and I understand that he did cosponsor this amendment with the gentleman. But he had to return to Minnesota today because of this emergency, and he asked me to rise in support of the gentleman's amendment, which I am pleased to do.

Mr. AUCOIN. Mr. Chairman, I appreciate the gentleman's remarks, and I do want to give full credit to my colleague, the gentleman from Minnesota (Mr. FRENZEL), who worked very hard in the drafting of the amendment before us.

● Mr. FRENZEL. Mr. Chairman, the present title I of H.R. 2957, pertaining to the reauthorization of the Eximbank for 2 years is a reasonable approach which was the product of a thorough examination of the Bank by the House Banking Committee. The language attempts to order some priorities under the Bank's mandate which would encourage it to become more competitive. This is good, as far as it goes, and it has encouraged the Bank to take some positive actions in the last few years which have in fact provided for competitive loans on some projects. But, the Bank's record has been spotty. It is not consistent in its efforts to provide competitive rates.

Our amendment establishes an Eximbank medium-term loan program. Many small- and medium-sized businesses have long complained that they no longer even contact the Bank for loans because the kind of program needed to promote sales of smaller companies abroad just is not available. These companies have given up on the Bank, and they will not be driven back with promises that certain programs are available.

It is true that Exim, just last week, agreed to establish a medium-term program at precisely the same terms we have requested. The program would cover up to 85 percent of the export involved, and interest rates would be available to customers at the lowest rate provided under the OECD agreement. I applaud the Bank's decision to establish this program, but I am nervous about the Bank's past record. I am not sure whether this program will be a permanent one, or if, once the President signs this bill, we will be right back where we were before wondering when the Bank will pull the program in favor of some of its other programs.

The only way we can get smaller exporters to use the bank, and in fact to even export at all, is to write the medium-term program into the Bank's charter. I have a high regard for the Bank, but I would still feel far more comfortable if this program is permanent.

I greatly prefer this approach over the small business set asides that are in the current bill. I find the set asides far more restrictive and hope a compromise can be worked out in conference which would allow the set aside funds to revert back to the general loan authority if they have not been used within a certain time each year.

Mr. Chairman, I urge support of the AuCoin-Frenzel amendment, and support of the whole bill.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. AUCOIN).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—INTERNATIONAL ECONOMIC RECOVERY

FINDINGS

SEC. 201. The Congress hereby finds that—

(1) efforts by one nation to improve its economic well-being without regard to that of other nations are ultimatley self-defeating;

(2) the well-being of all United States citizens depends on world economic growth and prosperity; and

(3) world economic recovery is being impeded—

(A) by high interest rates, particularly in the United States;

(B) by the enormous magnitude and short maturity of the foreign debt of some nations; and

(C) by the risk and uncertainty associated with a competitive international banking system in which bank regulatory programs, which differ markedly from nation to nation—

(i) were designed to meet national rather than international safety and soundness concerns;

(ii) may have contributed significantly to the international debt problem; and

(iii) are not adequate to address potential future threats to international bank safety and soundness;

(4) millions of American jobs have been lost through the worldwide recession; and

(5) a substantial portion of the decline in the United States gross national product in recent years was due to a sharp drop in exports;

(6) renewed growth in the developing countries would help to restore United States export markets and millions of American jobs;

(7) the financial resources within the developing countries could be turned to renewed growth; and

(8) the international debt crisis would substantially ease if the time allowed for debt repayment were lengthened for those nations most severely burdened by foreign debt.

ECONOMIC GROWTH; SUPERVISION OF INTERNATIONAL LENDING

SEC. 202. (a) The President shall encourage the industrialized nations—

(1) to take actions on a cooperative, multilateral basis to adopt fiscal and monetary policies which will result in sustainable, noninflationary economic growth and increased employment on a worldwide basis;

(2) to develop plans for reducing the financial pressures on nations whose growth is being constrained by the size and short maturity of their foreign debt by extending, where appropriate, the maturity of such debt; and

(3) to begin immediately to promote the effectiveness and the consistency of the regulation and supervision of international banking.

(b) Not later than one year after the date of the enactment of this Act, the President shall transmit a report to the Congress—

(1) regarding actions taken to carry out the provisions of subsection (a); and

(2) which includes such recommendations as the President considers advisable for legislative actions needed to assure sustainable and noninflationary economic growth on a worldwide basis.

The CHAIRMAN. Are there amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—INTERNATIONAL MONETARY FUND

QUOTA INCREASE

SEC. 301. That the Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended—

(1) in section 17(a)—

(A) by inserting "as amended in accordance with its terms," after "1962,"; and

(B) by striking out "$2,000,000,000" and inserting in lieu thereof "4,250 million Special Drawing Rights, limited to such amounts as are provided in advance in appropriation Acts,";

(2) in section 17(b), by striking out "$2,000,000,000" and inserting in lieu thereof "4,250 million Special Drawing Rights";

(3) by adding at the end of section 17 the following:

"(d) Unless the Congress by law so authorizes, neither the President, the Secretary of

the Treasury, nor any other person acting on behalf of the United States, may instruct the United States Executive Director to the Fund to consent to any amendment to the Decision of February 24, 1983, of the Executive Directors of the Fund, if the adoption of such amendment would significantly alter the amount, terms, or conditions of participation by the United States in the General Arrangements to Borrow."; and

(4) by adding at the end thereof the following:

"SEC. 40. The United States Governor of the Fund is authorized to consent to an increase in the quota of the United States in the Fund equivalent to 5,310.8 million Special Drawing Rights, limited to such amounts as are provided in advance in appropriation Acts.

"SEC. 41. (a) It is the sense of the Congress that—

"(1) the lack of sufficient information currently available to allow lenders to make sound and prudent decisions concerning their international lending threatens the stability of the international monetary system; and

"(2) in recognition of the Fund's duties, as provided particularly by Article VIII of the Articles of Agreement of the Fund, to act as a center for the collection and exchange of information on monetary and financial problems, the Fund should adopt such measures as are necessary and appropriate to ensure that more complete and timely financial information will be available.

"(b) To this end, the Secretary of the Treasury shall instruct the United States Executive Director to the Fund—

"(1) to initiate relevant discussions with other directors of the Fund and with the Fund management; and

"(2) to propose, and vote for the adoption of, procedures, within the Fund—

"(A) to collect and disseminate information, on a quarterly basis, from and to Fund members, and to such other persons as the Fund deems appropriate, concerning the extension of credit by banks or nonbanks to private and public entities, where such banks or nonbanks are not principally established within the borders of the member country to which the credits are extended; and

"(B) to publicly disseminate information which is developed in the course of the Fund's collection efforts and which the Fund determines would serve to enhance the informational base upon which international borrowing and lending decisions are made.

"(c) The President is authorized to use the authority provided under section 8 of this Act to require any person (as defined in such section) who is subject to the jurisdiction of the United States to provide such information as the Fund determines to be necessary in order to carry out the provisions of this section.

"(d) Within one year after the date of the enactment of this section, the Secretary of the Treasury shall prepare and transmit to the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, a report regarding the progress made toward establishing collection, review, comment, and reporting procedures within the Fund, as provided by this section.

"(e) For purposes of this section, the term 'credit' includes—

"(1) outstanding loans to private and public entities, including government entities, instrumentalities, and central banks of any member; and

"(2) unused lines of credit which have been made available to such private and public entities of any member.

where such loans or lines of credit are repayable in freely convertible currency."

SPECIAL DRAWING RIGHTS

SEC. 302. Section 6 of the Special Drawing Rights Act (22 U.S.C. 286q) is amended to read as follows:

"SEC. 6. Unless Congress by law authorizes such action, neither the President nor any person or agency shall on behalf of the United States vote to approve any new allocation of Special Drawing Rights.".

INSTRUCTIONS TO THE EXECUTIVE DIRECTOR REGARDING THE ECONOMIC IMPACT OF APARTHEID

SEC. 303. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following:

"SEC. 42. The Congress hereby finds that the practice of apartheid results in severe constraints on labor mobility and other highly inefficient labor supply rigidities which contribute to balance of payments deficits in direct contradiction of the goals of the International Monetary Fund. Therefore, the President shall instruct the United States Executive Director of the Fund to actively oppose any credit drawings on the Fund or any of its facilities by any country which practices apartheid.".

ELIMINATION OF IMPORT RESTRICTIONS

SEC. 304. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following:

"SEC. 43. (a)(1) The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to present proposals to the Executive Board of the Fund for the purpose of ensuring that each member country using Fund resources takes steps to eliminate expeditiously all import restrictions and unfair export subsidies which have been determined to be inconsistent with the General Agreement on Tariff and Trade, or other international agreements, and which have a serious adverse impact on United States, or any other member's, exports or employment.

"(2) If the Fund does not adopt such proposals, the Secretary of the Treasury shall consult with the appropriate committees of the Congress prior to instructing United States Executive Director to vote to provide Fund resources for a country whose policies are inconsistent with the above instructions.

"(b) As part of this effort, the United States Trade Representative, the Secretary of Labor, and the Secretary of Commerce shall inform the Secretary of the Treasury and the Congress of all import restrictions and export subsidies by member countries which have been determined to be inconsistent with the General Agreement on Tariffs and Trade or other multilateral agreements and which have a serious adverse impact on exports from, or employment in, the United States.".

REPORT ON FUND POLICIES

SEC. 305. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following:

SEC. 44. (a) Not later than one hundred and eighty days after the date of the enactment of this section, the Secretary of the Treasury shall transmit to the Congress a report containing a thorough review and detailed analysis of the policies of the International Monetary Fund regarding—

"(1) the ability of the Fund to promote real economic growth and sustained, noninflationary recovery, pursuant to its mandate in article I of the Articles of Agreement, in countries which enter into stabilization programs with the Fund;

"(2) the feasibility of the Fund issuing securities in the private capital markets as a means of increasing its resources, either in lieu of, or in addition to, future quota increases, together with an evaluation of how such borrowing would affect the credit markets of the United States;

"(3) the feasibility of returning all or part of the Fund's gold reserves to Fund members or of selling the Fund's gold reserves in the private markets, together with an evaluation of how such sales would affect the credit markets of the United States;

"(4) the feasibility of establishing temporary, supplemental financing facilities at the Fund; and

"(5) recommendations for amendments to the Fund's Articles of Agreement, if any, to improve the role of the Fund in the international monetary system.

"(b) Such report on the policies of the Fund shall be referred to the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and to the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate.".

SUSTAINING ECONOMIC GROWTH

SEC. 306. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following:

"SUSTAINING ECONOMIC GROWTH

"SEC. 45. (a) To ensure the effectiveness of economic adjustment programs supported by Fund resources, the United States representatives to the Fund shall recommend and work for changes in Fund policies and decisions which would—

"(1) ensure that such economic adjustment programs take account, where appropriate, of the need of a country to reschedule its bank debt;

"(2) facilitate, where appropriate, the formulation and negotiation of a realistic rescheduling of its bank debt, on terms that relieve the country's liquidity problems, within the context of the policies the country will follow in implementing its economic adjustment program;

"(3) assure that the total amount of principal and interest payments required of the country is a manageable portion of the country's projected export earnings over the life of the proposed economic adjustment program; and

"(4) provide that the Fund, in approving economic adjustment programs, take into account their impact on aggregate world economic growth, trade, employment in other countries, and the solvency of banks.

"(b) The National Advisory Council on International Monetary and Financial Policies shall include in its annual report an analysis of the extent to which Fund policies and practices reflect the recommendations made under subsection (a).".

POLICIES ON INTERNATIONAL LENDING

SEC. 307. The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to propose that the Fund adopt the following policies with respect to international lending:

(1) in its consultations with a member government on its economic policies pursuant to Article IV of the Fund Articles of Agree-

ment, the Fund should intensify its examination of the trend and volume of external indebtedness of private and public borrowers in the member country and comment as appropriate in its report to the Executive Board from the viewpoint of the contribution of such borrowings to the economic stability of the borrower, and the Fund should consider the extent that and form in which these comments should be made available to appropriate national bank regulatory authorities, the international banking community, and the public;

(2) as part of any Fund—approved stabilization program, the Fund should give consideration to placing limits on public sector external short- and long-term borrowing; and

(3) as a part of its annual report, and at such other times as it may consider desirable, the Fund should publish its evaluation of the trend and volume of international lending as they affect the economic situation of lenders and borrowers, and the smooth functioning of the international monetary system.

AMENDMENT OFFERED BY MR. SCHUMER

Mr. SCHUMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHUMER: Page 25, strike out line 21 and all that follows through Page 27, line 5, and insert the following in lieu thereof:

"SEC. 306. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following:

SUSTAINING ECONOMIC GROWTH

"SEC. 45. (a)(1) The President shall instruct the Secretary of the Treasury, the Secretary of State, and other appropriate Federal officials, including the Chairman of the Board of Governors of the Federal Reserve System, to use all appropriate means to encourage countries to formulate economic adjustment programs to deal with their balance of payment difficulties and external debt owed to private banks.

"(2) Such economic adjustment programs should be designed to safeguard, to the maximum extent feasilbe, international economic growth, world trade, employment, and the long-term solvency of banks, and to minimize the likelihood of civil disturbances in countries needing economic adjustment programs.

"(b) To ensure the effectiveness of economic adjustment programs supported by Fund resources,

"(1) The United States representatives to the Fund shall recommend and shall work for changes in Fund guidelines, policies, and decisions which would—

"(A) convert short-term bank debt which was made at high interest rates into long-term debt at lower rates of interest;

"(B) assure that in no case shall such lower rates of interest, including all points, restructuring fees, and all other charges imposed on the borrower, be more than one-half percentage point above the London Interbank Offer Rate for debt with a maturity of six months;

"(C) assure that the annual external debt service, which shall include principal, interest, points, fees, and all other charges required of the country involved, is a manageable and prudent percentage of the projected annual export earnings of such country; and

"(D) provide that in approving any economic adjustment program the Fund shall take into account the number of countries applying to the Fund for economic adjustment programs and the aggregate effects that such programs will have on international economic growth, world trade, exports and employment of other member countries, and the long-term solvency of banks.

"(2)(A) Except as provided in subparagraph (b)(2)(B) below, the United States Executive Director of the Fund shall vote against providing assistance from the Fund for any economic adjustment program for a country in which the annual external debt service exceeds 85 percent of the annual export earnings of such country unless the United States Executive Director first determines and provides written documentation to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives that—

"(i) the economic adjustment program converts short-term bank debt which was made at high interest rates into long-term debt at lower rates of interest;

"(ii) the interest rates, including all points, restructuring fees, and all other charges imposed on the borrower are not more than one-half percentage point above the London Interbank Offer Rate for debt with a maturity of six months;

"(iii) the annual external debt service required of the country involved is a manageable and prudent percentage of the projected annual export earnings of such country; and

"(iv) the economic adjustment program will not have an adverse impact on international economic growth, world trade, exports and employment of other member countries, and the long-term solvency of banks.

"(B) The provisions of subparagraph (A) shall not apply in any case in which the United States Executive Director of the Fund first determines and provides written documentation to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance, and Urban Affairs of the House of Representatives that—

"(i) an emergency exists in a nation that has applied to the Fund for assistance that requires an immediate short term loan to avoid disrupting orderly financial markets; or

"(ii) a sudden decrease in export earnings in the country applying to the Fund for assistance has increased the ratio of annual external debt service to annual export earnings, to greater than 85 percent for a period projected to be no more than one year; or

"(iii) other extraordinary circumstances exist which warrant waiving the provisions of such subparagraph.

"(c) The National Advisory Council on International Monetary and Financial Policies shall include in each of its annual reports to Congress copies of the analyses and any written documentation prepared by the United States Executive Director pursuant to paragraphs (2)(A) or (2)(B) of subsection (b) of this section and a statement detailing the actions and progress made in carrying out the requirements of subsections (a) and (b) of this section.".

Mr. SCHUMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SCHUMER. Mr. Chairman, this bill has engendered strong responses from all sides. Some Members have said that they are unalterably opposed to any IMF quota increase; others have said that without any IMF quota increase, the international financial system will fall into chaos.

I believe the IMF can play a useful role in stabilizing the international financial system, but I also believe that under its current operating procedures, the IMF is not doing all that it could to foster world growth, trade, and employment. In fact, it may be acting in ways that only perpetuate the current crisis.

My amendment would help insure that the IMF quota increase will be used in ways to promote more rapid growth both at home and abroad, and it will also help to preserve an open international trading system for U.S. exports.

More specifically, my amendment would require the Executive Director to vote against IMF adjustment programs that do not incorporate the following changes in fund guidelines, policies, and operating procedures.

Mr. ST GERMAIN. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I yield to our distinguished chairman, the gentleman from Rhode Island.

Mr. ST GERMAIN. Mr. Chairman, I want to say to the young gentleman from New York (Mr. SCHUMER)—and he is a young gentleman—and to the members of the committee that I know the gentleman has been working very diligently on this amendment for a long period of time. We have had innumerable conferences with each other, as well as with staff, and as we know, the amendment was offered in the full committee. It came close to passing, but it did not prevail.

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However, since that time there has been a great deal of additional effort put into the amendment. I think that the gentleman has improved it substantially.

As far as this side of the aisle is concerned, we are very happy to commend the gentleman and to accept his amendment.

I would suggest that the gentleman might want to look to his left and yield to the genial gentleman from Ohio.

Mr. SCHUMER. Mr. Chairman, it is my pleasure to yield to the genial, distinguished gentleman from Ohio.

Mr. WYLIE. Well, maybe I will not always be so genial.

Mr. SCHUMER. Well, a week ago we were a little less genial. We are back to congeniality.

Mr. WYLIE. Mr. Chairman, we have had a chance to look at the gentle-

man's amendment. He has worked very hard on it.

I must say that I think it is an improvement over the amendment which was in the bill, which was knocked out by the full Banking Committee on a 22-to-21 vote, if I recall.

I would suggest, as I read through on page 2 at paragraph (B), I was wondering about the full import of the London Interbank Offer Rate provisions.

I will want to discuss that a little further with the gentleman in the well if I may and withhold acceptance of that particular amendment until we get to conference; but today I think in the interest of expedition and proceeding with the bill, that the minority is prepared to accept the amendment of the gentleman from New York with that little bit of reluctance on our part that this provisions and may be others might want to be modified.

Mr. SCHUMER. Mr. Chairman, I appreciate that.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I yield to the gentleman.

Mr. VENTO. Mr. Chairman, I want to commend the gentleman from New York. Indeed, the subject of this amendment was brought up in the hearings.

I think it points out the strengths of the extensive hearings that we did have in the Banking Committee which were led by our chairman, the gentleman from Rhode Island (Mr. ST GERMAIN), and the dogged persistence of the gentleman in dealing with what most of us see as a very important problem.

The IMF legislation would be very difficult to vote for for anyone, but without this amendment I think that many of us were concerned that we would be back here in 1½ or 2 years with virtually the same problem that we are facing today.

I think this amendment means that we are putting our best foot forward, that indeed, we will have a possibility for those nations that have amassed this tremendous debt to really resolve that problem. It is not going to be an easy task but I think this amendment clearly puts Congress on a sound basis in terms of this increase in allocation for the IMF. At least it means that we are putting our best foot forward.

I commend the gentleman from New York for that reason.

Mr. SCHUMER. Mr. Chairman, I thank the gentleman very much.

Mr. BARNARD. Mr. Chairman, will the gentleman yield?

Mr. SCHUMER. I yield to the gentleman from Georgia.

Mr. BARNARD. Mr. Chairman, will the gentleman just briefly tell me: What is the difference between this amendment and the one that was offered in the Banking Committee, specifically?

Mr. SCHUMER. Well, the gentleman asks a very important question. There are several differences between this amendment and the amendment that was offered in the Banking Committee.

One difference is that in the Banking Committee we said that the IMF Director should vote no unless certain criteria were met; but we gave him an out, and that out was that there had to be unusual and exigent circumstances——

The CHAIRMAN. The time of the gentleman from New York has expired.

(On request of Mr. BARNARD and by unanimous consent Mr. SCHUMER was allowed to proceed for 3 additional minutes.)

Mr. SCHUMER. In any case, Mr. Chairman, we have changed that language as is listed on page 3 of the amendment under subsection (B) to delineate with more specificity under what circumstances the U.S. Director would escape from voting no.

Mr. BARNARD. Now, these are IMF loans?

Mr. SCHUMER. That is correct.

Mr. BARNARD. These are not loans made by the banks of the country?

Mr. SCHUMER. Well, we do specify some things in terms of loans of the banks of the country as well.

Mr. BARNARD. In this amendment?

Mr. SCHUMER. In this amendment.

Mr. BARNARD. Now, what are they?

Mr. SCHUMER. They are specifically, as the gentleman from Georgia, my good friend knows, I have always felt that it was quite wrong for the banks to be charging large fees and high interest rates at a time when they are asking the U.S. Government to come in and put in $8.4 billion.

So I propose in part (B) on page 2 of the amendment that the interest rates for these specific loans where the IMF is giving money can be no more than one-half percentage point above LIBOR, which is the standard and set rate.

Mr. BARNARD. Does the gentleman mean the interest rate charged by the IMF or the interest rate charged by the banks?

Mr. SCHUMER. Both.

Mr. NEAL. Mr. Chairman, will the gentleman yield to me?

Mr. SCHUMER. I yield to the gentleman from North Carolina.

Mr. NEAL. On what looks like page 3 of the amendment that I have the gentleman says something about exempting countries in which the annual external debt service exceeds 85 percent of the annual export earnings.

Mr. SCHUMER. That is correct.

Mr. NEAL. Can the gentleman tell me which countries they might be?

Mr. SCHUMER. Yes. Once again I salute the gentleman from North Carolina whose devotion to the IMF and to internationalism is superceded by none. But most of the Third World countries, just about every one of the Third World countries that has run into serious problems and has come to the IMF for debt restructuring and for stretchouts, has an annual external debt service to annual export ratio that exceeds 85 percent. In fact, in almost every one of the countries, surprisingly enough, the ratio exceeds 100 percent.

In other words, even if all the proceeds from their exports were used to repay the loans, they would not have enough.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(On request of Mr. NEAL and by unanimous consent, Mr. SCHUMER was allowed to proceed for 3 additional minutes.)

Mr. SCHUMER. Korea, for instance, South Korea, which most people regard as not in the same hole as Brazil or Mexico or Argentina, has approximately a 60-percent ratio.

Mr. NEAL. Mr. Chairman, will the gentleman yield further?

Mr. SCHUMER. I yield.

Mr. NEAL. Is the point then that those countries that have this high debt ratio would be exempted from the amendment or included in the amendment?

Mr. SCHUMER. No; the other countries would be exempted.

Mr. NEAL. It is other countries that would be exempted?

Mr. SCHUMER. That is correct.

For instance, as the gentleman from North Carolina knows, I believe he and the gentleman from Michigan and some others on the committee said, "What if France wanted to go to the IMF for some kind of temporary liquidity loan, when our earlier amendment did not deal with that situation." It now does.

France would not be under the provisions of this nor would Korea; but Argentina, Brazil, Mexico, Nigeria, and Venezuela would.

Mr. NEAL. Mr. Chairman, will the gentleman yield further?

Mr. SCHUMER. I yield to the distinguished gentleman.

Mr. NEAL. This means then that any bank—any American bank, because obviously we cannot do anything about foreign banks—any American bank that had a loan to a high-risk country would be required to lower the interest rate on that loan and stretch out the terms; therefore, essentially turning the bank into some sort of welfare agency for those particular high-risk nations. Is that not the point?

Mr. SCHUMER. Well, I might take two exceptions to what the gentleman from North Carolina has said.

In the first case, this does not impose anything unilaterally on U.S. banks.

In other words, someone could come on this floor and say that the Federal Reserve shall not allow U.S. banks to do X, Y, Z.

I rejected that approach, because if German banks, British banks, Japanese banks, were stretching out their loans at lower interest, the whole plan would be counterproductive and U.S. banks would be put at a severe competitive disadvantage.

You need world cooperation, as the gentleman who has been a distinguished leader in that respect knows.

Mr. NEAL. The gentleman is correct.

Mr. SCHUMER. So what we have done in the first point is say that the U.S. delegate to the IMF shall work for this plan and vote no if a different type of plan is put on the table at the IMF; but if he is overruled by all the other countries, then of course the U.S. banks are not bound.

Now, one would hope that with the leadership of the United States, other countries would go along.

The second point which the gentleman raises, is, "Are we making our banks into welfare agencies?"

Well, I find that a sort of difficult question to answer because I would wonder if the gentleman is referring to the fact that we are putting some kind of restriction on the amount of interest they might charge or to the fact that they are coming to the IMF for additional help.

I think both answers make it clear that we are not in the free market. We are not in the free market in this situation.

First, you have a consortia of all the banks cooperating together. It is not the case that one bank will be able to underbid another consortium, so you have one lender, so to speak.

The CHAIRMAN. The time of the gentleman from New York has again expired.

(On request of Mr. NEAL and by unanimous consent Mr. SCHUMER was allowed to proceed for 2 additional minutes.)

□ 1430

Mr. SCHUMER. The second point that I would make, and we have discussed this at some length, is that one has to make a choice in this legislation.

The first choice was when the banks and the IMF came to Congress asking for some kind of governmental help. We can debate what kind of governmental fashion, but it is clear that the Government is helping.

Once that happens, the question is: Does the Government, does our Congress, have a responsibility to try and craft the best solution?

I do not regard that as welfare for the banks. I do not regard setting a discount rate as welfare for the banks. I do not regard setting reserve requirements as welfare to the banks.

The banks are a regulated industry.

Mr. NEAL. Will the gentleman yield?

Mr. SCHUMER. I will be happy to yield.

Mr. NEAL. We will be going over this, I am sure, as the bill progresses. But I would say now that in no way should this bill be thought of as a bailout for the banks. It is not.

We will get into this subject in great depth as we progress because this is one of the major myths about this bill.

But let me say to the gentleman that what he would be doing is putting our IMF executive director, our national interest in the International Monetary Fund in an untenable position. Clearly the banks of the world are not going to go along with this. The IMF cannot force the banks of the world to go along with this, so our executive director to the Fund will be in the position of having to vote against every single loan that comes along because other countries are not going to follow a plan that does not, frankly, make any sense.

As a result, we will lose our leadership role in the IMF. We will lose our influence in this most important world organization, and we will not be able to stop any loans.

It puts us in a totally untenable position in the IMF.

I know the gentleman's motivation in this measure. He wants to see that lesser developed countries of the world have easier terms on their loans. That would be wonderful if we could find a way of doing it, but I do not know how it could be done. The IMF does not have the power to do this.

The CHAIRMAN. The time of the gentleman from New York (Mr. SCHUMER) has again expired.

Mr. NEAL. Mr. Chairman, I ask unanimous consent that the gentleman from New York (Mr. SCHUMER) be allowed to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. ST GERMAIN. I object, Mr. Chairman.

Mr. NEAL. Mr. Chairman, if the gentleman objects, I will be forced to object when he asks unanimous consent.

Mr. ST GERMAIN. Fine. Fine.

Mr. NEAL. Does the gentleman object?

Mr. ST GERMAIN. Yes. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. PATMAN. Mr. Chairman, I move to strike the requisite number of words.

I would like to yield to the distinguished gentleman from New York who has done so much work on this amendment and the bill itself to answer a few questions if I may, please.

Mr. SCHUMER. Will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from New York.

Mr. SCHUMER. I will be happy to answer the questions of the gentleman from Texas.

Mr. PATMAN. Let me ask you if your cutoff point of 85 percent was present in the amendment the gentleman had before the Committee on Banking, Finance and Urban Affairs?

Mr. SCHUMER. If I might answer the gentleman from Texas, it was not. I think that was a flaw in the bill as it was originally drafted, because there are countries that do not have these severe economic problems that many of the countries we are talking about now do. Yet they still have to go to the IMF for short-term liquidity loans.

Our own country has done that. We would not want to mandate a stretchout at low interest rates for those.

But I assure the gentleman it will include all of the countries that have any kind of trouble that we have been talking about so far.

Mr. PATMAN. In your judgment, how many countries and which are those countries that would be affected by this cutoff limit?

Mr. SCHUMER. The largest countries that would be included under the provisions of this bill in terms of debt—the largest debtor nations would be Brazil, Mexico, Argentina, Chile, Venezuela, and Peru. Those would be the six largest debtor nations that would be included under this.

The seventh, the only one that would not, would be Korea, and most experts think that South Korea will not be coming to the IMF for help because they are in relatively good shape.

Mr. PATMAN. Would you describe just how this cutoff will work? What will be the effect upon the loans that will be extended to these countries by the banks in the United States or by the IMF?

Mr. SCHUMER. The effect would be, No. 1, loans would be stretched out over a long period of time.

Mr. PATMAN. What is that period of time?

Mr. SCHUMER. We do not specify how long a period of time they ought to be stretched out because for different countries it should be a different amount. But I would guess, since I know the gentleman is trying to clarify the language, that anywhere between a 7- and a 30-year period would

probably be the amount, and most of the time over 10 years.

Mr. PATMAN. Is there any specification as to 7 or 30 or any particular figure?

Mr. SCHUMER. No; there is not.

Mr. PATMAN. Would it not be within the construction of the banks or other regulatory authority that it would be 24 months, perhaps?

Mr. SCHUMER. No; it could not be 24 months. That is not a long-term loan.

We do specify that they be long-term loans, and the lowest definition I have ever heard is 7 years.

If I might explain to the gentleman from Texas why we did not specify an amount of time, we do specify an interest rate, as the gentleman knows, and that is what the gentleman from North Carolina and I were talking about. We do not specify the length of the loan because it seems to me that the best decision place for that is at the IMF, and one has to trust that if one instructs the IMF to come up with a long-term loan, they will not come back to Congress and say 2 years is a long-term loan because they will also be coming back to us for more money in the future.

So I do not think they can flaunt the will of Congress.

Mr. PATMAN. They will be coming back and that is one of my concerns. In fact, I am afraid that this bill is just a foot in the door to many, many trips to Congress to ask for additional funds for the IMF.

But let me ask you about the effect upon the banks themselves. Would the definition not hold for them as well, the long-term extension?

Mr. SCHUMER. For sure. Banks do not want to give long-term extensions.

Mr. PATMAN. But without something in the statutes, within the laws, or in the regulations defining long-term loans, will that not be left to the judgment of the individual banks that are participating?

Mr. SCHUMER. No. As the plans have worked thus far, it is the IMF that sets the length of time of the loans. Where we have had real difficulty, I would say to the gentleman from Texas, is that the IMF has refused to set interest rates, and therefore when they come to the banks they come to a consortium of banks and say we need $5 billion for Mexico, you will be repaid over six years, and you decide the interest rates and fees. The IMF has refused to get involved in interest rates, and to me that has led to the high interest rates and fees that have been charged so far.

Mr. PATMAN. Let me ask the gentleman, I understand that the banks oppose the gentleman's amendment substantially.

Mr. SCHUMER. They do.

Mr. PATMAN. And vigorously in the committee.

Do I now understand that the gentleman's amendment has been accepted by the sponsors of this legislation on both the Republican and the Democratic sides?

Mr. SCHUMER. I know the chairman of our committee, who hardly can be called a toadie for any special interests, has accepted the amendment.

I believe the gentleman from Ohio has said that he will go along with the amendment, although he objects to certain provisions in the amendment.

Mr. PATMAN. Do the banks now accept the gentleman's amendment?

Mr. SCHUMER. No. They are more strongly against it now, in fact.

Mr. BETHUNE. Mr. Chairman, I move to strike the requisite number of words.

I seek this time to ask some questions of the gentleman from New York about his amendment.

I remember the comments the gentleman made in the committee and I heard his comments here on the floor the other day. I believe one of the motivations that the gentleman had for offering the amendment was his belief that the banks had charged exorbitant fees and interest rates and that the gentleman sought to redress what he perceived to be an unfair or an unjust enrichment, and feels that one of the best ways to do that is to try to get the money out of the pocket of the bank and put it to some good use. That is why he designed this amendment which would say that they would use what they have already pocketed to extend the loans and reduce the interest rates from that which they would otherwise charge.

Mr. SCHUMER. Will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman from New York.

Mr. SCHUMER. That is a correct interpretation.

I would only add to the good uses by reducing what I consider to be the too severe or overly severe austerity on the countries.

Mr. BETHUNE. I understand.

I am much less concerned about the arguments here that we are going to make the banks into a welfare agency by adopting the gentleman's amendment than I am by the concern that I have and the gentleman has that if we do not adopt his amendment, or something like it, that in fact the recipient of the welfare is going to be the banks. They will be receiving what we have described in many instances around here as corporate welfare because they will have pocketed fees and profits that are uncalled for given the fact that we are not coming along and extinguishing the risk that they contended they had, which justified the charge of the great risk premiums that they made in connection with the loan.

□ 1440

So, I have a similar motivation.

In the course of the committee deliberations and here again, I wonder just how we are going to apply this. How are we going to determine which banks did charge the exorbitant fee or which banks did charge the excessive interest rate; therefore which bank and which particular loan should be singled out for this treatment if in fact that is the motivation? How do we determine that? I would like very much to know A, do we know which banks ripped off other States or which banks have taken advantage of this situation? And if we do, to what extent should we and can we and is this the right way to proceed to recover some of that either for the taxpayer or for the interest of promoting the trade we all seek? Those are the questions I have on my mind.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I think this has often been called a bail-in, the banks are going to be putting money into it; because many of them are holding the loans that are at great risk.

So, very much this would be an incentive since they do have an interest to in fact place money in at different rates and under different terms than what has been the existing practice and indeed what might be the practice in the absence of the Schumer amendment.

The other point I wanted to make is that there have been some representations that the U.S. representative to the IMF does not have adequate influence. The fact of the matter is that it takes an 85-percent vote of the IMF to approve the loan agreement. Our representative controls about 20 to 21 percent of that vote. The point is that indeed we have some great degree of influence over the direction and character and the quality of the credit that is being extended here. So, it is toward this working solution that this amendment is addressed. I thank the gentleman for yielding.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman.

Mr. SCHUMER. I thank the gentleman.

Mr. Chairman, if I may add, I know where the gentleman is coming from. I would just remind the gentleman from Texas (Mr. PATMAN) who had asked those questions, just one other point before I answer, which is related.

The fact that we are capping the interest rate the banks could charge which we did not do in the committee amendment makes this amendment

much tougher and in fact it is my guess that a lot of the leading banking institutions want to get that provision out and would be happier with the old amendment. To answer the question of the gentleman from Arkansas (Mr. BETHUNE) I am not out to cast blame as I am sure he is not. What I am out to do is prevent the same thing that happened in the past from happening again.

So, when we say that on these specific loans the interest rate charged should be no more than half a percent above LIBOR, we are saying to every bank, whether they were involved in previous loans or not, "You cannot charge overly rapacious rates of interest at a time when the world economy is in jeopardy and also at a time when you are coming to the governments of the world for help."

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. BETHUNE was allowed to proceed for 3 additional minutes.)

Mr. BETHUNE. Mr. Chairman, I would like to get the gentleman from New York to follow up.

One of the points that I made is how do we know which banks charge the fees and the excessive interest rates? Is the gentleman in a position to know that?

Mr. SCHUMER. Well, as the gentleman knows, I believe that in the Senate bill and in the committee amendments there are far more strict disclosure provisions.

One of the great problems that occurred in the past is no one was disclosing what the specific terms were. Now we know the general rates of interest because by and large for the major loans they were done by a consortium of banks; 500 banks would get together and one bank called the lead bank would negotiate the rate of interest and fees that would be set for all of them.

Therefore, we do have a general idea overall what the rates of interest are. In my opinion, during these exigent times they are too high.

I might add if we were in normal times, if the world economy were prospering, if there were not six countries teetering on the brink but maybe only one country, perhaps we should not be involved. But I think the situation is too serious. And the fact as the gentleman from Texas has said, we will be back again. That means it behooves us to take some kind of corrective action. That is what this amendment does.

Mr. BETHUNE. Does the gentleman think banks engaged in this practice should disclose to us the rates they are charging?

Mr. SCHUMER. Yes, I do.

Mr. BETHUNE. Inasmuch as there is really no risk, if the gentleman from Texas is correct, that we are going to come along and bail them out or whatever terminology one may use.

Mr. SCHUMER. As the distinguished gentleman from Arkansas knows, there is some debate as to how much risk.

I share his judgment, not that there is no risk but the fact that since the governments of the world are involved, the risk is minimized.

One of the things all of us in the Committee on Banking and in the House will have to work out is how much real risk is there going to be in the banking industry as deregulation occurs, de facto or de jure?

It seems to me at this point right now, given the needs of the world economy, that interest rates are too high vis-a-vis the risk and vis-a-vis the future of our banking system and of our world economy.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BETHUNE. I yield to the gentleman.

Mr. BURTON of Indiana. I thank the gentleman.

Mr. Chairman, one of the things that really concerns me about the gentleman's amendment is that the last quarter of last year most American businessmen were paying 15.4 percent for their money, at least that much. At the same time IMF members were paying 8.9 percent interest for their money. To start talking about reducing interest rates to those countries when we have American small businessmen going bankrupt by the thousands seems unbelievable.

I do not believe that Third World and Communist countries who are beneficiaries of the IMF should get any kind of a break that small businessmen of this country do not get.

I intend to follow his amendment with a subsequent amendment which says exactly that.

I hope the Members of the House will think about their constituents when they go back home, because they are going to have to justify interest rates substantially lower than their small businessmen can get.

Mr. ST GERMAIN. Mr. Chairman, I move to strike the last word.

I rise in further support of the amendment.

Mr. Chairman, at this time I would like to speak in support of the amendment offered by the gentleman from New York, my distinguished colleague, CHARLES SCHUMER.

As I said yesterday, no shortcuts were taken in the Banking Committee's consideration of H.R. 2957. This legislation is the result of thorough subcommittee and full committee hearings and a tough amendatory process. In fact, during committee markup, an earlier version of Mr. SCHUMER's amendment was defeated. Since that markup almost a month and a half ago, the gentleman from New York has sought and obtained the advice and counsel of the best minds in international finance and economics, consulted widely with his House colleagues, and made important revisions in his amendment. In its present form, the gentleman's amendment should be accepted wholeheartedly by this House. Let me explain why.

During general debate on this legislation yesterday, Mr. SCHUMER and I discussed the nature and importance of IMF adjustment programs. Our conclusion was simple—without an IMF adjustment program to enable a borrowing nation to rectify its finances over time, it would have to go into total and immediate default. The consequences of such an event on the economic, social, and political fabric of a borrower nation would be devastating. All trade finance would halt, unemployment would soar, indescribable economic hardship would spread throughout the Nation accompanied with social unrest and violent political disruptions. No mention need be made of the effects of public and private lending institutions. My colleague from New York and I agreed that as painful as IMF adjustment programs are, they are better for borrowers and lenders alike than not having an IMF at all, and for this reason the IMF's resources must be increased.

I also pointed out yesterday that this legislation has required sacrifice and compromise by all parties involved with it. It has and will continue to require a statesmanlike acceptance of change by all concerned including the borrowing nations, the banks, and the IMF itself.

The IMF's adjustment programs are better than outright default, but they are by no means perfect. As has been pointed out by Member after Member in the debates on H.R. 2957 at every level of its consideration, IMF programs have major deficiencies. In my judgment the most serious deficiency, and the one which Mr. SCHUMER's amendment addresses directly, is the tendency of IMF programs to allow private bank lenders to continue the short-term, high-interest rate, high rescheduling fee lending habits they have engaged in for so long. The result is record bank profits and borrower nations being drained of vitally needed financial resources.

This concern on my part is not a new one. In my Williamsburg resolution, which formed the basis of title II of H.R. 2957, I urged the governments of the industrialized nations to take coordinated actions to reduce the financial pressures on the developing countries so they would be able to regain their political stability and grow economically. A major reason for my insistance on the strong loan write-down reserve provision in section 404, is also

related to reducing the debt burdens on borrower nations.

In my judgment, a major cause of the present international debt problem is the tendency of banks to impose unrealistic loan repayment schedules on developing nations. As a consequence, international credit markets are continuously buffeted by the uncertainties of risky debt reschedulings, and the borrowing nations are required to pay enormous rescheduling fees on top of quite high interest rates. While such fees add to bank profits, they also drain these nations of financial resources desperately needed to enable them to accommodate the drastic changes the IMF and the present situation imposes on them. The special reserve provision, particularly section 404(a)(2), would encourage banks to make loans which are realistic and do not have to be rescheduled and refinanced with new, larger borrowings. To me it is absolutely clear that if bank lenders fail to adopt a realistic outlook on the repayment abilities of the developing nations, the result in these nations will be political, social, and economic injury of historic proportions.

The Schumer amendment addresses these concerns by requiring the U.S. executive director to work to get the IMF to adopt policies, which would encourage not just U.S. banks, but lending institutions around the world, to increase the maturity of their loans and reduce interest rates to levels which the countries can afford to pay.

The Federal Reserve has suggested that such an amendment will stimulate a wave of stretchout efforts by borrowing nations. Unfortunately, this is already happening. Countries are looking at the example Argentina set last year when it unilaterally stretched out billions of dollars in loans. These actions are being considered, however, without the overall controlling leadership of the IMF. What Mr. Schumer's amendment will do is stabilize this process in a most constructive way.

To the question of whether Mr. Schumer's amendment will make banks change their foreign lending practices; the answer is "yes." Will this amendment make the IMF change its adjustment program policies? Yes. Are these changes the kind that must take place if our international financial problems are to be resolved? In my judgment, the answer is again a resounding "yes," and I ask you to join me in making this amendment a part of the International Recovery and Financial Stability Act.

Mr. Chairman, I have just received a communique that I want to share with Members of the House.

It is addressed to me from the Deputy Secretary of the Treasury dated July 26:

DEAR MR. CHAIRMAN: On behalf of Secretary Regan, I wanted to send you this letter that was received today from the Public Securities Association. It is the premier group of bond dealers who make the primary market in government securities.

As you will see, it expresses their concern as to the adverse impact on interest rates—

And that would apply to the small businessmen of this country as well—

if the House of Representatives fails to pass the authorization for the United States' increase in the International Monetary Fund. You may wish to use it in the debate this afternoon.

Best personal regards,

R. T. MCNAMAR.

I repeat I am going to read the letter to you, ladies and gentleman, but I repeat the words, it is "As you will see it expresses their concern as to the adverse impact on interest rates" in this Nation to each and every small businessman, each and every potential home purchaser in this country. The letter reads as follows: "Dear Secretary Regan: As investment bankers," and believe me investment bankers are not bankers. As chairman of the committee I have watched the fracases between them, they fight like cats and dogs and have been before my committee for years.

DEAR SECRETARY REGAN: As investment bankers charged with advising the Treasury Department on debt management, we are heartened at the signs of vigorous economic recovery in the United States, and growing consumer and business confidence. The Congress is now considering legislation which will have a vital impact on the management of the international debt problem. If this issue is not handled correctly, confidence could be seriously damaged and our economic recovery derailed.

Unless they receive adequate flows of new financing, some key developing countries may be forced to default on their outstanding loans. In writing off these loans, U.S. banks would lose capital, and U.S. banking regulations would then force them to cut back on their loans to all customers, both foreign and domestic, by a multiple of the foreign loan loss. This reduction in bank credit would raise U.S. interest rates and depress domestic spending and investment.

Exactly what Paul Volcker told us before our committee when he appeared before us last week—

We believe that concern about the potential effects of the international debt situation has already reduced confidence in financial markets and may be putting significant upward pressure on interest rates.

The IMF has a crucial role in encouraging troubled countries to come to grips with their economic problems in an orderly manner, and in creating the necessary conditions for the continued flows of private financing which are essential to managing the debt problems. However, the IMF's loanable resources are virtually exhausted, and prompt passage of the IMF legislation is essential if the IMF is to continue to play its central part. The continued health of the U.S. economy and the jobs of millions of Americans may depend on this, and we strongly support the proposed legislation to permit U.S. participation in the increase in IMF resources.

With best wishes.

Sincerely,

——— ———,

Chairman, PSA Committee.

1983 PUBLIC SECURITIES ASSOCIATION, GOVERNMENT AND FEDERAL AGENCIES SECURITIES COMMITTEE

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George W. Hall, Vice President, Kidder, Peabody & Co. Incorporated, 10 Hanover Square, New York, NY 10005.

Gedale B. Horowitz, Managing Director, Salomon Brothers Inc., One New York Plaza, New York, NY 10004.

□ 1450

Mr. Chairman, I will be putting some other letters in as we go along and reading other letters to my colleagues.

Yes, there are alternatives that will be proposed. And it is easy to oppose this legislation. Believe me, I understand the problems of many of the Members. But, by the same token, if we are concerned about our constituents, our small business people, the people in this country who want to buy a home, they are looking to buy a home for their family, then God Almighty, let us think seriously on this vote. I will not question anybody's vote. We are going to have full debate, it will continue on here, but gosh almighty, it is not an easy vote, I realize it, but I think it is a very necessary vote. Please give it your best consideration.

Mr. KAZEN. Mr. Chairman, will the gentleman yield?

Mr. ST GERMAIN. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

Mr. Chairman, I have heard the distinguished chairman on several occasions and other speakers in the well state that if this bill does not pass that interest rates will go up. Now I heard that right, did I not?

Mr. ST GERMAIN. The gentleman heard me correctly. Just a moment. I just read a letter from the Investment Bankers Association of this country. They are not commercial bankers, they have no loans to these lesser developed countries. They are in the bond business. And they are the ones who are concerned.

The CHAIRMAN. The time of the gentleman from Rhode Island (Mr. ST GERMAIN) has expired.

(At the request of Mr. KAZEN and by unanimous consent, Mr. ST GERMAIN was allowed to proceed for 1 additional minute.)

Mr. KAZEN. If the gentleman will continue to yield, let me follow through, if this bill is passed, will interest rates come down?

Mr. ST GERMAIN. That question no one could answer. Interest rates are not controlled by this bill and no one act is going to get interest rates down. I am not Merlin the Magician nor is Paul Volcker. By the same token, we do know what does increase interest rates and we can have and do have control over some areas that will prevent an increase.

If the gentleman is willing to take a chance, so be it. As I say, I respect everybody's conclusion when they reach their conclusion.

But I cannot say, "this will bring interest rates down." I would not stand here on this floor and lie to the people of America. That would be a lie because I do not have the sagacity to make that statement, nor does anyone else on this whole wide Earth.

But I do say that the odds are that interest rates would go up.

Mr. WYLIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there seems to be a great deal of misinformation surrounding President Reagan's request to increase the resources of the International Monetary Fund. I rise to bring to the attention of all Members what I consider to be a crucial point to keep in mind as the House considers H.R. 2957, and that point is the potential negative impact on U.S. interest rates if we fail to fulfill the U.S. commitment to the IMF.

Throughout this process, President Reagan has stated over and over the importance of the IMF to the United States. In his most recent letter, President Reagan declared:

> The legislation I have requested to fulfill our share of the increase in IMF resources is necessary to protect our own interests in a stable financial system, a growing world economy, and sustained economic recovery and higher employment levels.

In last Saturday's radio address, the President reaffirmed that this legislation is vital to help maintain international financial stability.

Many Members may be skeptical about the importance of the IMF legislation for our own domestic economy. Let me point out for my colleagues what some of the financial experts in this Nation have to say about the very real prospects for higher interest rates here at home if we fail to enact this bill.

First, Ed Gray, the new Chairman of the Federal Home Loan Bank Board (which regulates and supervises thousands of savings and loan associations in this country) believes that many of the S&L's in the United States will be directly injured if we fail to pass this legislation. Interest rates probably will go up. Here is what Mr. Gray has to say:

> . . . I believe that if the (IMF) legislation fails there will be strong upward pressures on interest rates. This would be devastating for much of the savings and loan industry which, because of the recent rise in rates, has slipped back into the red. This is a critical period for the savings and loan business which remain in a fragile state. The kind of increase in rates which I fear could occur—if the legislation does not pass—would represent a very significant setback for savings and loan institutions in their quest for recovery.

Second, Paul Volcker, President Reagan's newly reappointed Chairman of the Federal Reserve System, told the House Banking Committee last week:

> I cannot emphasize too strongly that failure of the U.S. to participate in providing the IMF with adequate resources to do its job, as an essential part of an international effort joined by virtually every country of the Western World, would deal a devastating blow to the effort to manage the international financial situation, with clearly adverse consequences for U.S. credit markets and our own economic growth.

When asked directly by the chairman of the House Banking Committee, our colleague, FERNAND ST GERMAIN, about the impact on domestic interest rates of not enacting the IMF quota increase, Chairman Volcker solemnly replied:

> I think the effect would be to increase interest rates in the U.S. market. . . . (The IMF) is in the midst now of dealing with a situation that is more difficult, a situation in which its presence and strength is more necessary than ever before in its history, and I think it is terribly important to our own economic welfare, our own recovery, and our own level of interest rates that the legislation be passed.

And finally, Secretary of the Treasury, Donald T. Regan, himself a product of the financial world, categorically states:

> In particular, failure to deal with the current debt problems of many developing countries in an orderly manner could lead to higher U.S. interest rates which would abort the strong recovery now underway. . . . The jobs of millions of Americans, the health of our banking system, and the prospects of sustained U.S. and world economy could hang in the balance.

Mr. Chairman, I cannot stand here today and give you an absolute assurance that failure to enact this legislation will raise interest rates in the United States. Nor can I insure that passage of H.R. 2957 will lead to lower interest rates. I wish that were true, but in the final analysis, the only credible way to lower interest rates in this country is to pursue sound and complementary monetary and fiscal policies, a subject better left for another day.

What I can offer the membership, however, is the considered judgment of responsible men who are all in a position where they should know something about interest rates and the workings of our Nation's financial markets. All of these gentlemen have encouraged us to pass this bill to reduce upward pressures on interest rates. All of these experts are fearful that failure to enact this legislation will in the final analysis place upward pressure on interest rates. Whether their fears are well founded, only time will tell.

In closing, Mr. Chairman, we must ask ourselves if we can afford to gamble—and gambling it is—that interest rates will not rise if we do not pass this bill. I, for one, am not willing to gamble in this fashion, and I would argue that we can ill afford to risk any further rise in interest rates and the negative impact that such a rise would have on our economic recovery.

I believe that passage of this measure in a timely fashion will give the IMF the resources it needs to do its job and will in fact add stability to our financial markets, both at home and abroad. The Members of this Chamber must be the ultimate judges on the outcome of the President's request to fund the IMF.

Mr. Chairman, I respectfully submit that a vote for the IMF bill is a vote for continuing economic recovery and promoting a stable climate where interest rates can continue to decline. Opposing the President's bill runs the very real risk of raising interest rates here at home and choking off our much needed recovery.

□ 1500

Mr. NEAL. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman and members of the committee, I would like to get back to the amendment before us for a minute.

Now, this amendment requires that the United States try to get the IMF to force banks to grant significant debt forgiveness on bank loans by stretching out short-term, fairly high-interest loans to long-term, low-interest loans.

Now, if any of you here were a banker, would you want to do that? Would you think that is a good idea? Could you do that and make a living?

Well, as a practical matter, of course, it is unworkable. Neither the IMF nor any other governmental agency has the power to do it. We could not get our own banks to do it. We certainly could not get the banks of the world to do it. It may or may not be desirable, but it is simply impractical.

The banks have no intention, let me assure you, of becoming foreign-aid institutions, neither our banks nor the banks of the world. They would not cooperate. The possibility of IMF requiring other banks of the world to do this is zero.

Now, we might be able somehow to force through legislation on our banks to do it. And then what would happen? Well, the banks of the world would hold back. They would keep an eye on us to see what kind of damage we were doing to our own banks and hope that our banks would grant all of the relief to debtor nations.

Well, the likelihood, let me emphasize again, that the IMF would adopt such a proposal is absolutely zero.

Here is the problem, another major problem: If somehow we were able to force our banks to do this against their own best interests and against the interests of our economy and of our people, then the banks would say, "Well, you did it to me once, you will never do it again." So the banks would refuse to lend in these countries again. And, as you know, the IMF portion of funding available to world debt is a tiny fraction of total financing available for world debt. The total resources of the IMF, even after this quota increase, are a drop in the bucket compared to world debt. The real purpose of the IMF is to get countries moving back in the right direction again so that they can increase earnings and repay their debt.

Private credit is what will handle the problem. If we try to force some unrealistic, unworkable program onto our banks and somehow think it is going to affect other banks, which, of course, it will not, all our banks will do is pull out, and then we can virtually assure massive debt problems in the world.

I really think it is a mistake on the part of both the committee chairman and the ranking minority Member to accept this amendment, thinking that somehow we will knock it out in conference. I am worried that we might not be able to knock it out in conference and, therefore, it would negate the whole purpose of this IMF quota increase.

Mr. ST GERMAIN. Mr. Chairman, will the gentleman yield to me on that point?

Mr. NEAL. I will yield at this point to our distinguished chairman.

Mr. ST GERMAIN. The chairman of this committee has no thoughts of knocking it out in conference. I just have to make that clear.

Mr. NEAL. In other words, the chairman will want to keep this provision in the IMF bill in the conference?

Mr. ST GERMAIN. I stated that I do not intend to knock it out in conference.

Mr. NEAL. Well, that makes me feel much more strongly that we ought to defeat this amendment here on the floor. This is a dangerous amendment.

Let me make one other point: You are saying to these banks that you want to grant concessional loans to foreign countries. What about our own people in this country?

Let me ask the distinguished gentleman on this side and our distinguished chairman: How about it? Shall we not tell our banks that they ought to grant concessional loans to our own people?

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I will yield on this point.

Mr. SCHUMER. Mr. Chairman, I will ask the gentleman, did not our banks do the very same to International Harvester and lots of other large companies that went bankrupt in this country? Did they not stretch out their loans and reduce interest rates? And why did they do it?

Mr. NEAL. Let me answer the gentleman's question. As a matter of fact, some $100 billion in international debt now is being restructured between the private sector and the banks. That happens. It certainly happens when the banks think it is the only way that debt can be repaid. But it is their decision.

Do we really want to tell our banks that it is in the interest of this country or in their interest to force them to write down loans that they might collect on?

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. NEAL) has expired.

(On request of Mr. SCHUMER and by unanimous consent, Mr. NEAL was allowed to proceed for 2 additional minutes.)

Mr. NEAL. Let me just make this point: Why should we grant debt relief to foreign countries and not grant it here at home?

Mr. SCHUMER. If the gentleman will yield: No. 1, we grant that debt relief every day in this country, and we grant it not only to the International Harvesters, but when banks traditionally try to work out a problem with someone who cannot pay, what they always do is stretch out the loans and reduce the interest rates. Why? Because it is in their own self-interest that they are more likely to be repaid.

The second point I would make is: The banks have repeatedly said—and the gentleman from North Carolina seems to have bought their argument—that they will never be lending again if the Congress or the Government of the United States has the temerity to tell them what to do.

Well, let me ask the gentleman: Are the banks investing in real estate today?

In 1975, with the failure of the REIT's, we heard the same hue and cry, "The banks will never invest again."

The answer is that the banks will invest again.

A third point: The banks, without this stretchout, without reduced interest rates, have already begun to pull back. There is no doubt about it. Nothing we do, just as with the real estate investment trusts, will prevent them for a year or two from pulling back from foreign investment.

And what I am saying is that while they are pulling back and not giving new money, at the very least what we ought to be doing is reducing that burden to those debtor countries so that they can repay. In effect we are preventing the banks, from pursuing a short-term policy from cutting off their long-term noses to spite their short-term faces in the long run.

Mr. NEAL. The gentleman's suggestion as to how the banks will react is pure speculation. We have no way of knowing.

Mr. ST GERMAIN. Mr. Chairman, if the gentleman will yield, I would remind the gentleman that I do not know how he voted on it, but we had legislation on the floor of the House from our committee not too long ago on mortgage forebearance. Did the gentleman support that legislation?

Mr. NEAL. Well, I am trying to recall exactly how it was written.

Mr. ST GERMAIN. Well, that is the one where we encouraged the regulators to forebear on foreclosures because of the high rate of unemployment.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. NEAL) has again expired.

(On request of Mr. ST GERMAIN and by unanimous consent, Mr. NEAL was allowed to proceed for 2 additional minutes.)

Mr. ST GERMAIN. Does the gentleman recall the legislation now?

Mr. NEAL. I am sorry, I am having trouble recalling it.

Mr. ST GERMAIN. If the gentleman will yield for two points: Indeed, the House adopted that legislation. It was a controversial piece of legislation, but I think most of the Democrats did indeed support it. We asked our financial institutions around the Nation to forebear. Many of them were doing it anyway, but we asked additional ones. In other words, to stretch out for a period of time.

Second, the gentleman stated that what the gentleman said about what the banks might do in the future is

speculative. Frankly, either side of this is speculative, is it not?

Mr. NEAL. Well, I do not think so, Mr. Chairman.

Mr. ST GERMAIN. Because the gentleman thinks his side is right and everybody else's side is speculative, the whole world is out of step,

Mr. NEAL. No. Let me just say, Mr. Chairman, that here is where we would be: We would be in the IMF opposing loans, we alone. We cannot stop loans, by the way. So we would be there opposing the loans. The loans would be made. No other country is going to go along with this. Certainly no other country is going to put its banks in a position of having to weaken their financial structure.

Mr. ST GERMAIN. If the gentleman will yield, is the gentleman convinced of that?

Mr. NEAL. I will not yield on that point. I want to make this point: We would be in a position of being alone in opposing loans.

Mr. ST GERMAIN. Now, if the gentleman will yield on that point, the amendment states that if our sister nations do not agree on this, it would not go into effect.

So if the gentleman is convinced that no banks of other nations will agree, then he has won his point, even though the amendment is adopted.

Mr. NEAL. I am sorry, I do not make that point.

Mr. DORGAN. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I yield to the gentleman from North Dakota.

Mr. DORGAN. Mr. Chairman, the gentleman made a point earlier that I think needs to be cleared up. The gentleman pointed out that nearly $100 billion in loans is now being renegotiated by the banks with their debtor countries. What is important for this House to understand is, yes, there are some renegotiations going on, but the renegotiations always include higher interest rates.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. NEAL) has again expired.

(On request of Mr. DORGAN and by unanimous consent, Mr. NEAL was allowed to proceed for 2 additional minutes.)

Mr. DORGAN. These renegotiations not only include high interest rates for the debtor country, but also include substantial renegotiation fees, up to 1½ percent. All of this makes it less likely that these countries are going to be able to meet their obligations to the banks. So when the gentleman says that these renegotiations are proceeding anyway, it is important to point out to this House that the renegotiations that are now underway at higher interest rates, with substantial fees attached to them, do not do anything to solve the problem but simply exacerbate the problem.

□ 1510

Mr. BARNARD. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I yield to the gentleman from Georgia.

Mr. BARNARD. I thank the gentleman for yielding.

Mr. Chairman, I would like to ask the gentleman from North Dakota how he can substantiate that statement? Give us some examples of how interest rates have been increased and how fees have been increased. The gentleman has referred dogmatically to new loans to Brazil and Mexico. Well, what are some of the rates? I would like to know what the rates are.

Mr. DORGAN. If the gentleman will yield further, I will be glad to get the information and bring it the gentleman very shortly.

Mr. BARNARD. I think the gentleman will be surprised to find out that the rates have been reduced; that the banks are cooperating with the new extensions of credit to Brazil.

Mr. Chairman, I want to say this: What are we trying to do in this legislation? We are trying to help the less developed countries. With the Schumer amendment, we are not doing a thing but driving the banks away from making these loans. This is still a free market. Banks are still going to go to places where they can make loans and make good loans. OPEC and other reasons have caused these less developed countries today to be in the situation they are, and they need additional help, but the American banks and the foreign banks have shown an attitude to cooperate.

But what we are doing by putting them in this straitjacket is driving them out of the market. Already the regional banks of this country, who are so much in demand and needed for foreign credits, are saying, "Do not count on me. If Congress is going to try to straitjacket me on how I am going to make loans, if they are going to sit on my Board of Directors, count me out."

That is going to exacerbate the problem. We are trying to help. We are not trying to create more problems. The more people we get into foreign credit, the better we will be.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. NEAL) has again expired.

(On request of Mr. SCHUMER and by unanimous consent, Mr. NEAL was allowed to proceed for 2 additional minutes.)

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I yield to the gentleman from New York.

Mr. SCHUMER. I thank the gentleman for yielding.

Mr. Chairman, I would just like to make 2 additional points, and the gentleman can correct me if I am wrong.

First, the gentleman from Georgia (Mr. BARNARD) asked what the rates were. Some of the early rates were approximately a half to a point above LIBOR, including fees. Those were in 1978 and 1979. On December 20 of last year, the renegotiation with the Brazilian bank, with Brazil, was 2½ points above LIBOR plus more than 1 point in fees.

That is a significant increase.

Mr. BARNARD. What was the rate of LIBOR?

Mr. SCHUMER. LIBOR then was 9¾; now it is 10¾.

Mr. BARNARD. It is still not reaching the American marketplace.

Mr. SCHUMER. In reply to my friend from Georgia, what we were talking about in this amendment are the spreads, and the spreads have skyrocketed.

The second point I would make to both the gentleman from Georgia and the gentleman from North Carolina: No one is forcing the banks to do anything in this amendment. What we are saying is, no safety net if you do not moderate your fees. If you want to go out in the free market without an IMF, without an $8.4 billion, and negotiate your own loans, go right ahead. But let us not pretend that this is a free market. Let us not pretend that the Government is not being involved here. They are being involved.

To say on the one hand that we want your money, we want your moral support, but on the other, you cannot tell us how much our fees should be or our profits should be, is unfair. That is just taking with one hand and not giving back with the other.

So there is a free market, but the banks themselves have opted not to use it. They can go back to the free market any time they want.

Mr. LEACH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I yield to the gentleman from Iowa.

Mr. LEACH of Iowa. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman from New York (Mr. SCHUMER) has a number of thoughtful points, but I would say that there is one fundamental fallacy not so much to his arguments but to the effect of his amendment, and that is the fallacy relating to the arrogance of this body intervening in banking to too intrusive an extent.

Certainly Congress has the right to do certain things structurally by law, but the moment that we think that we can make better banking decisions than the private sector we are going to cause greater problems than we are going to heal.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. NEAL) has again expired.

(On request of Mr. BETHUNE and by unanimous consent, Mr. NEAL was allowed to proceed for 3 additional minutes.)

Mr. BETHUNE. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I yield to the gentleman from Arkansas.

Mr. BETHUNE. I thank the gentleman for yielding.

Mr. Chairman, I think some good points are being made by the chairman, his concerns about the Schumer amendment and the prospective application that it has there.

The gentleman from Georgia (Mr. BARNARD) makes a good point.

The thing that I discussed with the gentleman from New York (Mr. SCHUMER) a while ago was our similar motivations in that we are deeply concerned by the fact that the banks have been permitted, in the absence of any oversight or any sort of control, to charge exorbitant fees and interest rates, and that they now have that money in their pockets. That is the thing that is driving people up the wall.

It seems to me that the gentleman from New York is right in trying to find a way to recover some of that. I do not want to see them walk out of here and keep that money in their pockets, and I think a lot of Members feel the same way.

But regrettably, some attacks are now being made on the gentleman's amendment to the effect that it will not work, or that it will somehow disturb the careful negotiations that have to take place.

What I am seeking, and what I have been looking for and what I am trying to work on is some way by which we could calculate the amount that they are going to pocket as a result of excessive fees and profits, and to simply seek that from them by way of reimbursement as a quid pro quo if we are going to pass this legislation. I think people would feel much more comfortable with that, and then we would not have this terrible problem.

Mr. BARNARD. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I yield to the gentleman from Georgia.

Mr. BARNARD. I thank the gentleman for yielding.

Mr. Chairman, I can answer that question. All we have to do is what is occurring in States like Arkansas: Put a usury rate on international lending, a international usury rate, and drive the bank out of the international market. That is what you are doing.

In other words, we know that usury ceilings do not work, have not worked in the gentleman's State, and this is exactly what the Schumer amendment is doing. We are putting artificial rates on what banks can charge, and it is not going to work.

Mr. NEAL. Let me say this to the gentleman: There are limits. I think the points made by the gentleman from Iowa (Mr. LEACH) is a very good one. There are limits on what we can do. We certainly do not want to reduce our influence within the IMF. It is important for us to maintain it.

These loans are not the key element of IMF programs. The key element is the conditionality. The amounts loaned by the IMF to countries are in every case a tiny fraction of the amount that that country needs. Mexico is a good example. They have $80 some billion in foreign debt now. The IMF program with Mexico is for about $3.8 billion over 3 years. It is a drop in the bucket.

What really matters is, for that little bit of money, what change in policy Mexico will pursue. What is necessary is this IMF seal of approval on an economic stabilization plan so that private capital will flow back into Mexico.

That is the purpose of the IMF. Even though the amount of IMF assistance sounds big, it is a tiny fraction of the amount of money that the countries need.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. NEAL) has again expired.

Mr. NEAL. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. LAFALCE. Mr. Chairman, reserving the right to object, I think we ought to return to some sense of order where individuals can speak 5 minutes for or 5 minutes against at some point in time, rather than just continuing this ad hoc approach.

Mr. NEAL. If the gentleman will yield, I agree. I certainly will not ask for additional time beyond this 2 minutes.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The gentleman from North Carolina is recognized for 2 additional minutes.

Mr. BETHUNE. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I yield to the gentleman from Arkansas.

Mr. BETHUNE. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman addressed the concern.

By the way, does the gentleman know? We keep talking about whether the banks have been unjustly enriched by this process or not. Was the gentleman, in the course of the subcommittee hearings, which I do not serve on, able to calculate the amount of interest and fees charged in any instances? What were some of the worst-case scenarios that the gentleman ran across?

□ 1520

Mr. NEAL. Mr. Chairman, I do not recall any instance of that being a major topic of discussion. The IMF funds involved in every case small percentages of the total funds.

The IMF acts as a catalyst. It provides a sort of "Good Housekeeping seal of approval" on an economic plan that will let private capital flow into a country again. The rates on private capital are simply set in the marketplace. They are not administered in some way, as the gentleman from New York implies. They are set in the competitive marketplace. Often loans will be renegotiated at higher rates, sometimes at lower rates. As I understand it, some hundreds of billions of dollars of loans are under renegotiation now to these countries in the private sector, with no Government control over rates.

Mr. Chairman, let me make just one other point. I think it is an important one. What we would do in approving the Schumer amendment is put our Executive Director of the fund in an untenable position. He would be in a position of voting against virtually every loan. The loans would go through anyway. We would lose our influence. Even if we were somehow to manipulate our banks into doing something once or twice, it would not last. They would find a way to get out of the foreign loan business, do something else with their capital, and then we would face the very serious problem of major defaults on loans.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. NEAL) has expired.

Mr. LAFALCE. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, when this amendment was offered on the floor of the House by the gentleman from New York (Mr. SCHUMER), I was in my office and I watched the proceedings on TV as the distinguished chairman of our committee accepted the amendment on behalf of this side and the distinguished ranking minority member accepted it, I believe, on behalf of the Republican side. I was a little bit confused as this was going on, because I remembered a rather vehement debate taking place in the Banking Committee where an amendment that was very, very similar to this was offered to the bill as it was considered by the full committee and was defeated by a very close vote.

I thought that I would come over to the floor to see exactly what this amendment is, to see if it is markedly different. It does differ, but not that markedly, and I was interested to find

out that the chairman of the subcommittee that considered it and the ranking minority member of the subcommittee that considered it are both opposed to the amendment. I understand why, and I think that is the reason that the Reagan administration is opposed to it and the Federal Reserve Board is opposed to it.

So if anybody was watching the floor proceedings from their offices before and got the impression that this is a minor amendment that was going to be gleefully accepted by all, or that there was some compromise that had been agreed to, or that it was apparently going to be agreed to and then dropped in conference, let those thoughts be dispelled. That is not quite true.

Mr. Chairman, let us get down to this substance of the amendment. I think it would be counterproductive. It could even be dangerous. I think it would be counterproductive in the following way:

First of all, if banks are considering whether to loan money to foreign countries, but they realize that if any restructuring is required by any country that is a participant with the IMF, the U.S. Government will mandate its Executive Director to vote to increase short-term debt to long-term debt in any restructuring and to decrease the interest rates on the loan. As a matter of course, I think they are going to be reluctant to come in with money.

So while we want, on the one hand, to increase the quota of the IMF, the offering of this amendment is at cross-purposes with that intent.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LAFALCE. At the conclusion of my remarks, I would be glad to yield.

Second, Mr. Chairman, one of the things we want to do is try to get the countries to show a little bit greater economic discipline—not too much, because that could injure the prospects for economic growth, and economic growth is the way out of the difficulties. But economic discipline is also required for economic growth.

Now, how much economic discipline is there going to be when you know that if you do go in for a restructuring, you are going to get more favorable conditions, that you will automatically be able to get your debt maturity increased and your interest rates reduced? Might that not be an incentive for a lack of discipline? I think it might well be.

Mr. Chairman, let me make another point. How are we to act as Members of this House of Representatives? I think we are to act in the best interests of the American people at all times. We are representatives of the American people; we are not representatives of Argentina, of Brazil, or of Mexico or of any of the almost 100 countries or so that are members of IMF.

Were I a representative of a foreign country that I anticipated might be in need of restructuring, then I would vote for this amendment. But I am a representative of the United States, and there is a decided difference. To automatically reduce the interest rates and to increase the maturity of debts to foreign countries is automatically going to have some adverse impact upon the economic situation here in the United States.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. LAFALCE. I am pleased to yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Chairman, I would like to commend my colleague on the Banking Committee for his statement and, particularly, his observation—and it is the same observation I made yesterday in general debate—that the stretchouts could literally be conceived as another system of foreign aid and giving preferential treatment to these countries.

Also, I think the experience of Brazil, with the restructuring and the agreements reached between the IMF and Brazil just a week or so ago, is a good object lesson in terms of the discipline that should be brought upon managing the debt vis-a-vis Brazil and the other countries.

Third, I would like to hear the gentleman's comments specifically on the relationship of this restructuring to increasing interest rates in this country.

The CHAIRMAN. The time of the gentleman from New York (Mr. LAFALCE) has expired.

Mr. ST GERMAIN. Mr. Chairman, I rise for the purpose of making a unanimous-consent request.

We have been debating this amendment for 1 hour and 5 minutes. Many Members have now been up on their feet for a long period of time, and we have had quite a bit of repetition. I wonder if we could agree to cease all debate on this amendment, and all amendments thereto, in 15 minutes.

Mr. Chairman, I make that as a unanimous-consent request.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

Mr. PATMAN. Mr. Chairman, I object.

Mr. KEMP. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ST GERMAIN. Mr. Chairman, we have been here 1 hour and 5 minutes on this amendment.

Mr. KEMP. Well, Mr. Chairman, I have objected.

The CHAIRMAN. Objection is heard.

Mrs. ROUKEMA. Mr. Chairman, I ask unanimous consent that the gentleman from New York (Mr. LAFALCE) be allowed to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield further?

Mr. LAFALCE. I yield to the gentlewoman from New Jersey.

Mrs. ROUKEMA. Mr. Chairman, the reason I bring up the issue of the interest rate question, although it may have been discussed prior to the gentleman's entrance onto the floor, is that there has been considerable discussion as to whether this will adversely affect interest rates in the United States or if it can be expected interest rates to rise as a consequence of the Shumer amendment.

I have here a Republican Research Committee report that makes a very good case that this will cause interest rates to rise in this country, and I would like to hear the gentleman's comments on that.

Mr. LAFALCE. Mr. Chairman, I cannot predict what is going to happen with interest rates, but I do think that if we artificially and arbitrarily establish lower interest rates for one category—foreign loans—we might have to resort to higher interest rates in another category—domestic loans—which might not otherwise require higher interest rates.

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman for sharing his analysis with us.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. LAFALCE. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I think, with respect to the interest rate question, basically the IMF bill could almost be considered interest rate-neutral, but we do know that if we have a catastrophic event in terms of the failure of the world economy, obviously interest rates and a lot of other things are going to be increased and we are going to have very significant problems. That is one of the looming questions and concerns that all of us have with regard to this IMF bill.

The point I was going to make specifically with regard to the Schumer amendment is that we hear a lot of discussion about the fact that the Federal Reserve Board does not want this amendment, certainly the Executive Director of the IMF does not want it, and the administration does not want it, and so forth and so on, but the fact of the matter is that I think this discussion is very important. I favor this amendment, as the gentleman from New York knows, the reason being that I think it is implicit that Congress actually provide some parameters with respect to the extension of the IMF loan program. I think this is

very appropriate. This amendment says that they could work toward the objectives stated in this amendment.

Mr. LAFALCE. Mr. Chairman, if I may reclaim my time, it does more than that. I would not object strenuously if it simply stated they should work in that direction, because then we would be dealing simply with established guidelines.

The CHAIRMAN. The time of the gentleman from New York (Mr. LAFALCE) has again expired.

(On request of Mr. VENTO, and by unanimous consent, Mr. LAFALCE was allowed to proceed for 2 additional minutes.)

Mr. LAFALCE. But, Mr. Chairman, if I may continue, the amendment goes on and requires that the Executive Director of the Fund shall vote against providing the assistance under a set of circumstances.

□ 1530

I understand that there are exceptions to the proviso calling for a vote against it.

I commend the gentleman from New York for modifying the amendment that he initially had in the full committee bill so that it is not quite as stringent and demanding; but it is still, nevertheless, a mandate.

Mr. VENTO. Mr. Chairman, if the gentleman will continue to yield, he has a little time, I think that the exceptions are important. They should be noted.

There is a provision to opt out; but I think it is also important that we have a right to expect that this bill, which is only about nine pages long in terms of length, and we are providing $8.4 billion worth of credit. I remember the Chrysler bill. I remember other legislation, the New York City bill. They were quite a bit longer in terms of the credit that we established and what our expectations and requirements were in those examples.

I know that the gentleman, Mr. LAFALCE, worked very hard on those and now chairs the Economic Stabilization Committee that deals with those loan guarantees and I hope that the gentleman recognizes the interest of those of us who are supporting this and what the purpose of that support is and what our intention is with the enactment of this proposal.

I hope we can accept this amendment. Frankly, I do not think without this sort of amendment that I could vote for this bill.

I do not think this is a killer amendment, as some have painted it on the floor today. I think it is a reasoned, I think it is a logical approach. I think philosophically I can understand that the administration would like the flexibility and the IMF would; but I think based on where we have been and where we are going, that they need the guidance that is inherent in the Schumer amendment.

Mr. LAFALCE. Mr. Chairman, if I might comment, if I have time.

First of all, I do think we should provide guidelines. However, I think there is a decided difference between providing guidelines and mandating a no vote, even though one might have some exceptions. I think that is going too far.

I do not think any Member of this House would like to be mandated to vote yes or no. There is something repugnant about that to me.

The second point, the gentleman said that he would find it difficult to vote for final passage of this bill if this amendment did not pass. If enough Members felt this way, then I would say support this amendment; but I do not think that ought to be the case. I do not think that Members who are in basic support of the IMF should be so narrow in vision and so demanding that passage of this, or any amendment, would be a condition of their support.

Ms. OAKAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been listening to the debate on this amendment and the initial debate yesterday for many hours.

I would just like to make one specific point. There are a lot of pros and cons about this amendment. Let us not lose sight of the fact that we would not be here today if it were not for the fact that some banks participated in indiscriminate actions. We have every right to place restrictions on the manner in which we participate in the International Monetary Fund. No bank participates in this funding unless it is profitable to them.

I think one of the questions that American taxpayers are asking is, "How does this relate to me?"

We have to have a sense of our participation in the global community.

I support the Fund in general, but I do not support the abuses that have existed. For any Member to say that it is arrogant for Congress to question the manner in which the banks have participated, well, I tell you, that is to me supremely ironic. We are here today because there were some real problems in our participation. That is why I commend the gentleman from New York who has spent hours and hours looking at this participation and had the foresight to work very, hard on this bill.

Now, you can disagree with the particulars, one side or another, but please do not tell us that we are arrogant for participating with respect to some certain elements with respect in the manner in which the banks will participate.

Mr. SCHUMER. Mr. Chairman, will the gentlewoman yield?

Ms. OAKAR. I am happy to yield to the gentleman.

Mr. SCHUMER. Mr. Chairman, I thank the gentlewoman from Ohio for her comments and for her help as we developed this amendment.

I agree with the gentlewoman's point. I was sort of squeezed in my seat when the amendment was called arrogant. I thought the arrogance was the other way around. It seems to me kind of arrogant, not to disagree with this amendment or its effects, obviously men and women of good will can disagree on these issues but for an agency to say, Give us everything that will help us but do not dare put limits upon us. To not call that arrogant indicates that 1984 and doublethink may be closer than we think.

Ms. OAKAR. Mr. Chairman, I think there are really relevant arguments on both sides with respect to this amendment. I think the chairman of the subcommittee has given some very poignant facts about this point of view. I certainly commend him and the gentleman from New York and our chairman and minority leader. We have all really tried to get a handle on what is in the best interests not only of our own country, but the global community.

I really believe very strongly that we have a real responsibility to place certain degrees of limitations on the participation of the banks. I think it is very important that we scrutinize this issue on behalf not only of our own constituents, but on behalf of the global community.

Mr. LEACH of Iowa. Mr. Chairman, will the gentlewoman yield?

Ms. OAKAR. I am happy to yield to the gentleman from Iowa.

Mr. LEACH of Iowa. Mr. Chairman, I am not sure the gentleman from New York is all wrong or that the gentleman from North Carolina is all right on this issue; but I am sure that there are points beyond which Congress should not go. Congressmen are not bankers.

Ms. OAKAR. Thank God for that, on some issues.

Mr. LEACH of Iowa. I have led some very strong efforts to try to tighten these controls on the banks. I think the banks hate to come under tighter control; but for this Congress to decree that loans should be stretched out or not stretched out, that this Congress should decree that loans should be at one rate or another rate, is nonsense. We are not bankers. We are legislators. We should put the banks under greater control with regard to adequacy of their capital base. We should demand that the banks be much more prudent in their lending practices; but for this Congress to say a bank can only loan at one rate and not at another is something that I think does not recognize

what the prudent role of a Congressman or Congresswoman is.

I would urge that this amendment be defeated, not because it necessarily is wrong. I think a good part of the intent behind it makes sense. The banks will, in effect, have to deal with it in the ways the gentleman from New York has described; but it should not be legislated.

Mr. FRANK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Iowa is right. Congressmen are not bankers, but there is an important corollary. Bankers are not Congressmen. The bankers cannot pass this bill. It seems to me that that is one of the relevant factors.

The supporters of this bill who are fighting this amendment are like people who are drowning but who do not like the shape of the life preserver that is being thrown to them. Whether or not with this amendment this bill can pass may be in doubt.

Let me state one incontrovertible fact about which we and not the bankers are the experts. Without this amendment, "You ain't got a bill."

Now, that seems to me, peple ought to keep in context; so the question is not whether we should extend this aid with or without these conditions. The question is, it is a matter of numbers, should we extend the aid with these conditions or should we not extend it at all.

Now that we have got to the heart of the question, we can get to the merits. The merits seem to me also to be on the side of the gentleman from New York.

The gentleman from Iowa says that it is not that these specifics are wrong. It is that we should not interfere with the bankers' work. If the bankers' work did not need interfering with, we would now to debating some other bill. We are here because bankers not being infallible made an error. I do not think the bankers make terrible errors. I do not say they do terrible things.

On the other hand, the fact is that it is a failure of business judgment on the part of the banks that requires them to ask us to make this extraordinary $8.4 billion additional loan to the IMF.

The question we have is this: Do we have a right when we send $8.4 billion of American taxpayers' money to the IMF to say that these are conditions under which we want the loans and not conditions which are aimed at the selfishness of Americans.

I am a little skeptical of the banks here on this point. We have been told by the bankers, "This isn't for us. This is not for Citicorp or Bank of America. This is for the poor people of Brazil. This is for the laboring men and women of Argentina and the peasants of Mexico."

They are all for advancing this money on the grounds not that we are helping them, but that we are helping the international financial system and these poor, hard-working people.

Well, to a certain extent, they are right. There is, I believe, a congruence of influence between the banks and those individuals in those countries; but there are some points of divergence. What this amendment says is yes, we are going to try to keep the international monetary system from going askew, but we are going to try to do it in a way that minimizes the pain that innocent people in the world have to suffer because other people made errors. That is what this amendment says; so that when the interests of the poor and the working people of the world and the bankers diverge, as they do when you get to the terms of the loans, we are going to say that we go with the interests of those people.

Mr. ST GERMAIN. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I am glad to yield to the chairman.

Mr. ST GERMAIN. Mr. Chairman, I thank the gentleman for yielding.

I just would like to make another point here. For many, many years, we have had what is known as regulation Q. No banker or anyone in the financial industry ever came to me as chairman of the Subcommittee on Financial Institutions or subsequently as chairman of the full committee and said "Please remove regulation Q; it is not right for you to tell us that we cannot pay over 4 percent or 4.5 or 5.25 percent to the depositors of this Nation." They never complained about that; they welcomed it.

□ 1540

The only reason they came to us and said, eventually, "Please, get us out from under," was that the money market funds came along and changed the whole spectrum. But in that instance we were not arrogant. We were their beneficent fathers, were we not, and mothers?

Mr. FRANK. Yes. As the chairman points out, the attitudes of the banks as to whether or not we should limit interest rates depends in part on whether we should limit what they pay or what they charge.

Apparently it was well within the province of Members of Congress and well within free market principals for the Government to limit what they could pay depositors. But when it comes to what they can charge borrowers, somehow those principles become radically different.

Mr. BETHUNE. Will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Arkansas.

Mr. BETHUNE. I just wanted to make a quick point because a couple of references have been made to the fact that Congressmen are not bankers and this Congress and this Government is not a bank.

We have got over $600 billion in credit assistance programs out there. Let us not fool ourselves now. We are very involved in the dispensation and allocation of credit and the interest rates that are charged. So let us not let that go by much further without correcting that point.

Mr. FRANK. I thank the gentleman. I think the gentleman from Iowa would say that we are lenders. We are not bankers.

Mr. NEAL. Will the gentleman yield?

Mr. FRANK. I yield to the gentleman from North Carolina.

Mr. NEAL. Here is the problem I see with it in a nutshell.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

(On request of Mr. NEAL and by unanimous consent Mr. FRANK was allowed to proceed for 2 additional minutes.)

Mr. NEAL. Will the gentleman continue to yield?

Mr. FRANK. I yield to the gentleman.

Mr. NEAL. We might be able to say this to our own bankers: We want you to convert your short term, relatively high-interest loans into long term, low-interest loans. We might be able to force them to do that for a short time.

But what about the other bankers of the world?

Is it really a good idea, I would ask the gentleman, to turn our banks into welfare agencies in this regard, but do nothing, as a practical matter, regarding the rest of the banks in the world. Is that a good idea?

Mr. FRANK. No. I do not think it is a good idea to turn our banks into welfare agencies, which is why neither I nor the gentleman from North Carolina is for that. If the gentleman finds a bill that turns the banks into welfare agencies I will be glad to join him in fighting it.

I think it is reasonable for us to say to the American banks, who have prospered, who have charged very good interest rates, who have charged renegotiation fees well above the LIBOR rate, to say to them now, when you are coming to us and say it is our turn to get in there with you, we do not want you to make further high profits off this; we want you to have lending terms which will allow people to borrow.

I think what we are doing here is what the banks tell us to do. They come to us and say put the money into the pot, please, because you do not

want these other countries to stop being our customers.

They point out, with a great deal of accuracy, that we are talking here about keeping buyers of American goods in business. What we are saying, what the gentleman from New York is saying is fine, but to do that, by putting up our money, and then to impose on them a degree of austerity which cuts them off from us, means we do part of it but we do not get the compensating advantage.

So, yes, I do think it is reasonable for us to say that to the American banks. The gentleman's point is we can get the American banks to do what is in our reasonable interests and not the foreign banks. I would say I would rather have some of the banks doing the right thing than none of the banks doing the right thing.

Mr. NEAL. Will the gentleman yield again?

Mr. FRANK. I yield to the gentleman from North Carolina.

Mr. NEAL. You are right. There could be a way to force our banks into this sort of activity for the short term.

For the long term, unless you want to nationalize them, of course, you cannot force this kind of policy.

We are putting our banks at a decided disadvantage.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. FRANK) has again expired.

(By unanimous request Mr. FRANK was allowed to proceed for 2 additional minutes.)

Mr. NEAL. The point I am trying to make is, we would be putting our banks at a decided disadvantage vis-a-vis the other banks of the world.

The other banks of the world would sit back, look at us, laugh, and let our banks grant all kinds of concessions, and then go back in and make market rate loans to these countries.

Mr. FRANK. First, I do not think that is true with regard to this current situation. If the gentleman is saying in the future foreign banks would be able to get into foreign lending situations and charge higher interest rates than the American banks, my understanding is we are not talking now about setting up international lending policy forever. We are talking about this particular workout situation in which we find ourselves, and I am not claiming that absent this kind of extraordinary levy on the American Treasury where we put the $8.5 billion into the IMF that they then have the right, in the absence of that, to govern their interest rates.

What I am saying is in this particular situation conditioning the $8.5 billion is OK. For future loans not yet contemplated and not yet made, in a new situation, no, I do not think the amendment assumes that we would do that.

Mr. SCHUMER. Will the gentleman yield?

Mr. FRANK. I yield to the gentleman from New York.

Mr. SCHUMER. I would like to amplify what the gentleman from Massachusetts has said. The gentleman from North Carolina made a number of arguments and I can see his point. He said maybe we should not get involved in what the IMF does and Congressmen should not be bankers and bankers should not be Congressmen, and so forth.

But one argument I believe he is way off base and that is he said this would impose something on our banks and then not do that to the rest of the world. I assure the gentleman from North Carolina if I had wanted to do that there would not have been an IMF involvement here at all.

What could have been done is simply asked the Federal Reserve to place stringent requirements on our banks alone.

The very reason that we go to the IMF, and simply urge our director to vote "no," is because we need world agreement on this. We are asking the United States to throw its weight around, to help persuade Germany and Japan and Britain to do these things. But, if we cannot persuade them, or cannot get a majority of the votes on the IMF (and we ourselves only have 19 percent) we are not ordering imposing the solution.

So with a great deal of deference and respect, I would say to the gentleman from North Carolina that in no way does this bill impose anything on United States banks that will not be imposed on other banks as well.

I yield back to the gentleman.

Mr. FRANK. I thank the gentleman because what we are saying is this is a policy that we want the IMF to impose. We are talking here about austerity policies and other policies in part imposed by the IMF.

Mr. LEVIN of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to address my words to my colleagues on the Committee on Banking, Finance and Urban Affairs Committee as well as to those who are not. We have labored long on this bill.

I agree with the gentleman from New York that it is not arrogance for us to determine terms for these loans. I also agree that there is nothing wrong with out setting restrictions. Indeed, we have set restrictions in other parts of the bill, restrictions in terms of reserve requirements.

I also agree with the gentleman from Massachusetts that some lifeline is better than nothing.

But the question is whether this is going to be a lifeline at all with this kind of an amendment. I would ask the gentleman from New York, if he would, to give me his attention, because I would welcome if he would ask me to yield if he has any comments regarding my remarks. I very much admire not only his efforts in this body in general but his intentions in this particular case, and I agree with him that it is very important that we look at the impact of IMF procedures and bank procedures in this country on less developed countries.

But the question is: Is this amendment workable? The question is: Will this lead to the result that we want to lead to? Will this bring about greater international economic stability? Will these developing nations—most of them with large loans are really middle-income countries, Mexico, Argentina, and Brazil—will they, with the help of this authorization, be able to find their way and fight their way back to financial soundness?

□ 1550

And here are the questions I have. Where are most of the loans coming from? As I understand it, they are not coming from the United States. The majority of the money is being loaned from banks and other institutions outside of the United States.

Why one-half percent? Who are we here to say that this system will work with one-half point beyond LIBOR, when the system up until now has been operating at 2.5, 3, 3.5 percent above LIBOR as the gentleman said? What is the evidence that we have that a half would work, as the gentleman from Iowa asked?

The next question I have: If we think we can stand here and set the nature of the loan in terms of percentage of interest, why are we not doing the same with the length of the loan? That, for some developing countries, is probably more important an item than the percentage of interest.

Next, I thought I heard a statement that this would apply not to future loans. I think that point was made by somebody.

I do not understand that, because it strikes me that the way this is worded, this would apply, in essense to all future loans from banks where the IMF was part of the system.

Another question I have is, and it relates believe me, not to anything but the workability, not to the intent of this: It has been said by the gentleman from New York (Mr. SCHUMER) that if the banks do not want to participate in the system involving the IMF, then they can go out into the marketplace outside of the IMF and they can set any rate they want. But I think the fact of the matter is that the bank loans that have been given and that have been renewed, in each important case, have been part of a system of which the IMF has been an essential cog, an essential cog.

(By unanimous consent, Mr. LEVIN of Michigan was allowed to proceed for 2 additional minutes.)

Mr. LEVIN of Michigan. The IMF has not been providing the bulk of the money; it has been providing a small percentage of the money. But what it has been is the center of expertise, it has been the adhesive portion of this international system and it also has been, as I understand it, an instrumentality driving banks to renew.

A lot of the smaller and regional banks are looking for a way out. They would like some of the other banks to carry this burden and they withdraw.

So, what we have here is a delicate, a kind of, house of cards. The question, and this relates to the American taxpayer and the American worker, is: If this delicate balance is upset by a law of this House that says one-half percent rate, no more, or otherwise the key voting member in the IMF must vote no, whether the whole house of delicate balance will be brought down? So, I ask the gentleman these questions because I think, that while the system is imperfect, that those who enter to change it have a burden to make sure they do not bring it down on our heads, on the heads of developing countries. Bringing it down on their heads means also that it brings down the ceiling on the heads of millions of people in this country.

So, I would urge the gentleman from New York to answer these questions. I personally have not heard answers that allow me to vote for this amendment, no matter how well-intentioned. Therefore unless there is new information, I intend to vote against this amendment.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. LEVIN of Michigan. I yield to the gentleman.

Mr. SCHUMER. The gentleman asks a series of, I think, very perceptive and pointed questions.

(On request of Mr. SCHUMER and by unanimous consent, Mr. LEVIN of Michigan was allowed to proceed for 3 additional minutes.)

Mr. SCHUMER. If my colleague will yield further I went through the same cerebrations in thinking of what the best alternative—check me if that is not the right word.

Mr. LEVIN of Michigan. We went through it together whatever it was.

Mr. SCHUMER. Whatever it was I did a lot of thinking before I came up with this proposal.

They are valid questions. I think most of the questions the gentleman from Iowa, the gentleman from North Carolina talked about are questions not as to the intent of this bill. If we were Czar of the World we would rather impose the plan contained in this bill rather than live with the condition that exists now. But the workability, is in question, how do we get from here to there? These are valid questions.

Let me answer the four specific questions and then speak generally.

In terms of will it work at half a percent? The only answer I can give to the gentleman from Michigan is that it did. It did for years. In 1978, 1979, 1980, loans that were made to these very same countries were made at about that rate of interest. Those loans did not cause the banks to take losses. But they certainly did prevent them from taking enormous profits.

The second question about the length of the loan: We could have proposed that in the legislation as well, but let me tell the gentleman why we did not. Basically the way these loans are negotiated, and I ask him to hear me out because I think this is an important, although a technical, point. The country goes to the IMF and says, "We cannot pay our previous debt." The IMF then comes up with three things. No. 1, they come up with a plan, an austerity plan. No. 2, they come up with an amount of money that they will put in, which, as the gentleman from Michigan has correctly stated, is not the lion's share of the money going into the country. No. 3, they come up with a length of time before which the loans should be repaid.

That is technically 1 year, but they often wink at each other and say, "You do not really have to repay principal at all, just repay interest."

They do not come up with the rate of interest, because—they do not come up with the rate of interest, they then go to the consortium of banks to set the interest rate. And by the way, this consortium of banks is not competing with another or three other consortia. This one consortium is it. There is too much money to be lent to have competition. So, they all get together and negotiate together. There is no free market setting these interest rates.

So there may be a free market but not once the IMF becomes involved.

And that consortium of banks sets the interest rate and the fees. I will tell the gentleman that the majority of regulators and a large minority of bankers that I have spoken to have said privately that the interest rate and fees are too high. They have told me that.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. SCHUMER and by unanimous consent, Mr. LEVIN of Michigan was allowed to proceed for 2 additional minutes.)

Mr. SCHUMER. Mr. Chairman, will the gentleman yield further?

Mr. LEVIN of Michigan. I yield to the gentleman.

Mr. SCHUMER. That is why we stuck to interest rates. In terms of future loans this will not affect all future loans. It will only affect future loans from troubled countries. This was not in the amendment when it was before the committee, but because of the gentleman's objections: "What about a France, Britain, United States, who want short-term loans for purely liquidity purposes?" We have set a floor that the country's annual external debt must be 85 percent of their exports. That will include all countries in real trouble but not the Britain's, France's and the United States'.

So, a Korea, a Turkey, a Philippines, as well as a France and a Britain will not be included.

The final question, what about going outside the marketplace, the gentleman from Michigan asks? He says it is so important to get all the small banks to come in and let them. So, we must lure them with the high interest rates, not with fees because they do not gain the fees; so that they will not back out.

Well, there are two answers to that. No. 1, it seems to me it is just as difficult for small banks to put in additional money which they must do if there is no stretch out of the loan, as it is to forgo a high interest rate.

A number of the small banks that I have talked to said they prefer my plan, because at least at that point they are in for a finite amount of loan, they do not have to keep putting in more and more money, pyramiding the debt.

The second answer is that if a few small banks pull out, that does not collapse the system. What it means is that the larger banks which syndicated those loans have to take up the slack. The larger banks do not want that, admittedly, but it certainly does not collapse the system.

Finally, let me say to the gentleman: It is difficult to enact our mutual goals in a workable system. I think I have done it. I think I have done it because I have tried to walk that tightrope between stringency and gaping escape clauses.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. LEVIN) has expired.

(By unanimous consent, Mr. LEVIN of Michigan was allowed to proceed for 1 additional minute.)

Mr. SCHUMER. There are some escape clauses, but those escape clauses are not wide. You cannot just jump right through them. You must really explain yourself and go through a number of different procedures before you can get to those escape clauses.

But I can assure the gentleman that at least in my heart I am 100-percent certain, despite the doomsday prophesies, that if this amendment becomes law it will not collapse the system or the IMF for sure and there is a very good chance it will make things better.

Mr. LEVIN of Michigan. I appreciate the gentleman's comments, And my judgment is that you have not really carried that burden and two things are likely to happen. No. 1, the system will not work. And No. 2, do not raise this specter just automatically, but I think it is true that if we try to intervene this far into the marketplace, you are going to drive up interest rates for Americans. I think that, on balance, this amendment is a bad idea.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take all of my time, but it is hard to get a word in with the gentleman from Michigan (Mr. LEVIN) and the gentleman from New York (Mr. SCHUMER) with regard to the questions that were raised and I think there were some very provocative questions.

The fact of the matter is that with regard to the IMF and the activities of the IMF, I think that it is not just the interest rates and the long-term debt, for instance, that are being considered, but it is also something called conditionality that is required and imposed upon debtor nations by the IMF loan requirements.

Now the gentleman from Michigan is well aware of the conditionality that exists because of his work in terms of the international community in past administrations. And the fact of the matter is you might stop and consider that if you have these long-term lower interest rates on debts closer to what the market would dictate, maybe some of those conditionalities that we are concerned about and the stability of the governments in those countries may not need to be as harsh.

It is not just a question of the IMF coming on board because nobody has the credit. The issue of the IMF coming on board with regard to this is because they can act as the police officer the enforcer in terms of imposing certain types of conditions that no creditor, that no bank in this country or any other country, dare raise with regard to these debtor nations. I think that has been a concern of mine and I am sure it is a concern of most of the Members of this body when we talk about the extension of international credit and the question of conditionality.

The other aspect is related to the IMF commitment. If we make an $8.4 billion commitment, what is the total number of dollars that will be required to be extended by the banks in this and other countries? And the fact of the matter is that the amount of U.S. credit that will be extended will be far in excess of that $8.4 billion. It will be about five or six times that amount and that will relate proportionately to the amount of debt that is carried in this country, not to the $8.4 billion, not four or five times $8.4 billion, but five times $15 billion, which is perhaps the outside debt that we hold in this country in terms of the total impact, in terms of the credit market.

So this specific credit that we are making in terms of a commitment drives a good amount of debt, a good amount that will improve the circumstances in these nations that vitally need improved conditions. However, I say that we do not want the credit going in just to be soaked up and paid back to the banks in this country and other countries as interest without really addressing the root problem. We do not want this issue back here in 1 year. We do not want to impose such conditionality that will result in the demise of the democracies and the other governments of those countries.

I think in the absence of an amendment like that, we are considering that this House will run the risk of exactly doing that.

Mr. LEVIN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Michigan.

Mr. LEVIN of Michigan. I thank the gentleman for yielding.

Let me, if I might, just say one word about conditionality because it has been discussed on this floor time and time again. The IMF at certain points has been too stringent and I think the IMF now would do well to be more responsive to the difficulties in balance-of-payment problems of developing countries. But the IMF conditionality has been shown more often than not to be helpful to the very evolution that the gentleman discusses and that is sound economies and the development of democratic institutions in those countries. That is why we have international institutions so that they can discuss with developing and other countries conditions that sovereign nations one to another have difficulty raising.

I do not see how the gentleman thinks that, by making the terms easier as to interest and to length, it is going to change the dynamics as to sound conditionality that we ask the IMF to set as a term of a loan.

Mr. VENTO. I had not intended to take all my time, but let me just say that I do not think that we will jetison conditionality on the basis of this type of amendment. But I would just suggest to the gentleman that this will in fact, I think, build the type of confidence and structure in the IMF system that we are currently lacking. I think in the absence of this amendment you are bound to have more stringent conditions, they may indeed be necessary, but I think there ought to be alternatives. I think that there ought to be a mix. I think that the Schumer amendment will provide that type of assurance to permit the LDC work their way out of the crisis situation that now prevails.

Mr. McCOLLUM. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment not for the purpose of saying that I do not agree with the gentleman from New York that we need to encourage the stretch out, because we do need to encourage that. There is no question in my mind that that basic sentiment, as several of the last few speakers have indicated, is one of the things that should be expressed in this legislation.

But I do not believe that the language in here indicating that there should be an international usury ceiling, if you will, the LIBOR language, is appropriate. And that does not mean that this Member has always or will always oppose some kind of a usury limit. I have even introduced upon occasion legislation dealing with that subject in our country where there would be required a type of interest rate limitation. I am not a purist on that subject.

But I cannot imagine that we would try to impose the kind of percentages of interest rate limitations that the gentleman from New York does on the IMF under the conditions of this legislation. It is something beyond the judgment call that this body has the background to make. It is something we have not held extensive hearings about. It is something that seems very inappropriate under the circumstances.

As a matter of fact, I might take the occasion to comment on the fact it seems to me that though we have had hearings directed in our committee and subcommittee to the issue of the restrictions that we would like to place on the American banking system and the American banks' involvement in their overseas loans, that we have been very shallow in dealing with the question of what type of restrictions, what type of changes in the participation of the United States in the IMF we are going to have in the future, and what kind of changes that we would like to encourage be made by the IMF in its future dealings with other countries.

And I would submit to my colleagues that what we should be doing is to be defeating this entire provision on the International Monetary Fund when the vote comes at the appropriate time, either by amendment or on this bill and send back to committee this portion of the bill dealing with the International Monetary Fund so that we might, in reasonably expeditious order, have those kinds of hearings and deliberations and hear both sides of the question and come up with a resolution of basically where this country is going to go with respect to the IMF in the future, what kind of

encouragement we want to give to those of our participants in this fund as to changing the policies of the IMF.

We have had all too much involvement up to this particular period of time with the question of the Chicken Little Sky is Falling question over the IMF and the issue of the crisis in the international banking system that is supposed to lead us down the road to needing to replenish the funds and add to our quota and I think a just amount of time has been spent on what restrictions that we want to place or should place on the American banks who overextended themselves very clearly, but we have a very minimal discussion outside of debate so far on the floor of this House about the kind of big overall question that we have, and that is to what extent do we want to continue our participation in the IMF and in what manner do we want to continue it, and in what way do we want to encourage those of our IMF participants to proceed to attempt to reform the manner in which the International Monetary Fund conducts its business.

□ 1610

So I reluctantly—and I say that because I do favor the extension, the idea of encouraging the extension of these loans; I think that is a reasonable thing for the gentleman from New York to request—but I reluctantly oppose the detailed language and particularly the usury limits and the LIBOR limits on interest rates, which are in this amendment, which I think would unduly hamper what little functioning the International Monetary Fund can do and which I think is inappropriate under the circumstances.

Mr. MORRISON of Connecticut. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

I think that we are hearing much about the need for the kind of remedy that this amendment would provide; that is, that the countries which are burdened by these foreign loans will not gain the benefits of this $8.4 billion extension of credit if adjustments are not made in the maturity and interest rate of the loans that will be made in order to renegotiate and work our way through this situation.

We are faced with a serious problem, and that problem requires this kind of adjustment.

It seems to me that the claims that this is unworkable demand some alternative plan that is going to get us down the road with this kind of adjustment. Yet I do not hear alternative plans, although we have been working on this matter, we have been having hearings in the committee and discussing it in committee and discussing it on the floor.

It may be that there are some problems and some bugs in the approach of the gentleman from New York. Yet his approach is not ironclad. It has escape clauses. It can be modified. A report to this body and to this body's committee can lead to flexibility. However, it seems to me imperative that this House say and this Congress say and this country say as strongly as possible that we are not putting out $8.4 billion as a bailout to the banks, we are putting out $8.4 billion for a relief of an international banking crisis, an international credit crisis, and we want a solution. We want a solution that is going to mean jobs here in the United States, because these countries are going to be able to continue to buy here in the United States, a solution in terms of not coming back here year in and year out for the same kind of relief because the credit terms are too stringent and the countries cannot pay back.

The gentleman from New York has crafted with a great deal of work and research a workable provision. It is sufficiently flexible but sufficiently strong that we will send a message and that we can get the job done. I urge my colleagues to support the amendment. Without the amendment we will not get this aid because it will be too easily seen as—and too likely to be—merely a bailout of the banks and not the kind of bailin, structured work that we need to solve the problem.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Connecticut. I yield to the gentleman from North Carolina.

Mr. NEAL. Mr. Chairman, I would like to submit to the gentleman that the IMF itself is a constructive answer. It was conceived under the Roosevelt administration toward the end of World War II as an attempt to deal with vicious trade protectionism that helped to create and to deepen the Great Depression. I wish the Members would look at the IMF's tremendous record of success. The IMF has been operating effectively for about 40 years. It saved Great Britain. It saved Portugal. It saved Turkey. It has been of immense benefit to our country.

The IMF, I would suggest to the distinguished gentleman, is the alternative that he seeks. I just have to say that this amendment is unworkable because it puts regulations on our banks but does nothing about the other banks of the world, which would benefit enormously by our hogtying our own banks.

Mr. MORRISON of Connecticut. If I could reclaim my time, I would merely make two points: This does not hogtie American banks and do nothing with foreign banks. The reason this provision is so difficult and the reason it is being subjected to claims of unworkability is for the very fact that it is attempting to regulate the way that the IMF structures credit arrangements.

As the gentleman from New York has repeatedly said, if we merely wanted to regulate U.S. banks we could do that quite simply and directly. That is not the case here.

As to the gentleman's initial point about the IMF, certainly the IMF is a constructive institution and has been a constructive institution. However, it has never faced this level of crisis.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. MORRISON) has expired.

(By unanimous consent, Mr. MORRISON of Connecticut was allowed to proceed for 1 additional minute.)

Mr. MORRISON of Connecticut. The IMF is a constructive institution, but it has never before faced this level of crisis. It has never before called on this country to make this kind of commitment. These are extraordinary circumstances and I think extraordinary remedies are required.

Mr. LEVIN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Connecticut. I yield to the gentleman from Michigan.

Mr. LEVIN of Michigan. Mr. Chairman, I think the gentleman is aware, in terms of bailout, that we earlier placed in the bill restrictions on banks, including those relating to reserves. I would vote against this bill if it were a bailout. With those restrictions in it, already there without this amendment, I do not think you can call it that.

Also, Mexico is now beginning to bounce back within the present parameters of IMF restrictions, and I think the question everyone has to ask is whether the Schumer amendment is necessary to protect Mexico. I think what it does is to threaten the whole system rather than protecting Mexico.

Mr. KEMP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise reluctantly in opposition to the amendment of my friend, the gentleman from New York.

I sympathize, as I think many Members do, with regard to the intent of the gentleman from New York. He has made a very constructive effort to point out what has happened with the high rates of interest and the heavy burden of debt imposed upon our friends, and neighbors, and allies in the Third World, that it has caused a great deal of distress, caused economies to contract, and led our friends to the point where they must accept austerity—austerity for nations already in grinding poverty—in order to maintain their financial lifelines.

The gentleman from New York and I, and others, have been constantly reiterating the theme that the IMF is making it very difficult for those countries to establish the conditions for

economic growth that are essential to pay off that debt. So in that regard I think we are all indebted to the gentleman, as well as the gentleman from North Dakota, and others.

But I join many of my colleagues on both sides of the aisle in my belief that this amendment cannot work. Does anybody really believe that banks are going to go into Mexico or Brazil at one-half point above the London Interbank offer rate?

The gentleman from New York (Mr. LAFALCE) made the point a little bit earlier that this could very well prevent banks from going in and helping to restructure that debt. I personally believe that one of the avenues out of this crisis is to restructure that debt and to provide a way in which it can be repaid. In that sense I am very sympathetic. But again going back to the point of several of my colleagues, particularly on the Democratic side of the aisle, it will not work. You cannot tell the banks to go into Third World countries at half a point above a particular rate.

Let us face it, the London Interbank rate is not much different in the international sphere as the Federal fund's rate here. Both are the cost of overnight money lent between banks. As the gentleman knows, that is either close to prime or right below prime. Does anyone rationally believe that banks are going to rush into Mexico or Brazil or Sudan or Argentina at around the prime rate? I think that is a mistake in the gentleman's otherwise very sincere amendment, and it gives me a lot of trouble.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I would like to know what the gentleman thinks of this comment. We have talked about banks not wanting to go in and lend this money at half a point above prime.

□ 1620

I would go much further in the opposite direction. I would say even if the banks were required to go at below LIBOR, which means they would lose money, they would have no choice but to go in because the only other alternative is default. The reason, the only reason, that the banks have been able to charge the large rates of interest that they have is neither the Congress nor the IMF nor the Federal Reserve nor the other world regulators have said to them: "You must stop."

The banks in this country are in a hole.

Mr. KEMP. Yes.

Mr. SCHUMER. They are in a hole, and they must lend the money, whether there is an IMF or not an IMF. They must lend the money to these countries.

Mr. KEMP. Mr. Chairman, let me say to my friend that I think I can anticipate his argument, and I do not necessarily disagree. So from that standpoint he may be right.

But I think it is also obvious that we cannot drive those banks into new agreements with debtor countries. Even though in some cases those loans must either be written off or restructured, we cannot drive the banks into making loans that are as unprofitable as the gentleman seems to suggest by the implication in his comments.

But I really took this time to address a broader question, which is raised in the Schumer amendment, which is: What are we telling those countries? This is an ironic piece of legislation, because I think all of us are familiar enough with the IMF's policies in the international banking arena to recognize that they are telling countries, "You need to export more and import less."

The CHAIRMAN. The time of the gentleman from New York (Mr. KEMP) has expired.

(On request of Mr. ROEMER and by unanimous consent, Mr. KEMP was allowed to proceed for 3 additional minutes.)

Mr. KEMP. I thank my colleague from Louisiana.

Mr. Chairman, one of the real dilemmas into which we are being pushed in this bill, and particularly as it contains both the IMF and Export-Import Bank is that the IMF is telling those countries: "You need to export more, build up more foreign exchange so you can pay off debt; do not import."

Now, my dear friend from Ohio sincerely believes that this is a jobs bill because 40 percent of our gross national product depends upon exports, and 1 out of every 8 jobs or 1 out of every 10 jobs depends on American exports, but yet the bill that we are being asked to pass is to finance an organization which is telling our trading partners: "You need to export." In effect the IMF is going around the world telling every country which gets IMF conditionality: "Do not buy from the United States, sell to it."

The gentleman from North Carolina pointed to the 1930's and the Smoot-Hawley Tariff Act and what protectionism did to exacerbate the depression, and I submit that the gentleman is right on target. But what has happened, is that the IMF—an organization set up to maintain a stable exchange rate system—cannot deal with short-term problems created by the abandonment of Bretton Woods. Every country is being told by the IMF to devalue its currency, boost its exports, limit its imports. The absence of a monetary system and the shortsighted advice from a rudderless IMF is driving the world into the very protectionism that the gentleman is very sincerely opposed to, and I share that opposition.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. KEMP. Since I raised the name of the gentleman from North Carolina, let me yield to him, and then I will be glad to yield to my colleague from Ohio.

Mr. NEAL. I thank the gentleman for yielding.

Mr. Chairman, I think the point is that, very fortunately for the world economy, there are not that many countries that are in deep difficulty; that is, it is not that all the countries of the world must import less. It is that a few countries must import less, and that for a relatively short period of time, we hope; that as a matter of fact they will work their way out of these difficulties and then be able to import more.

Mr. KEMP. Mr. Chairman, let me say to my friend, then, because I can anticipate his argument, which appears well reasoned, except that the advice that is being given to countries in trouble, is that the only way in which they can adjust their balance of payments is to reduce imports and increase exports. IMF economists ignore crucial elements from the development of the industrialized nations. They seldom mention, much less require, the lifting of restrictions on foreign equity investment. In their zeal to deal with immediate government debt problems they lead nations into crippling tax increases which destroy incentives for work, saving, and investment. The nations which we are attempting to help will not grow and prosper, enabling them to pay their debts and buy our products, by following policies which restrict and limit their economies.

Yet, as the IMF is insisting on these damaging policies, we are engaged in patching together legislation to pick up the pieces.

The CHAIRMAN. The time of the gentleman from New York (Mr. KEMP) has again expired.

(On request of Mr. ROEMER and by unanimous consent, Mr. KEMP was allowed to proceed for 3 additional minutes.)

Mr. KEMP. On the one hand we are being asked to pass an $8½ billion bill to tell the IMF to give advice about importing less and then we are asked to turn around and pass a huge subsidy of $13 billion to subsidize exports. This is what we do to be more competitive in a world in which the IMF is telling friends and neighbors: "Do not import; you need to export to boost your balance of payments."

It is a terrible dilemma in which we find ourselves.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I have to yield to my friend, the gentleman from Louisiana, before I yield to my friend from Ohio.

Mr. ROEMER. I thank the gentleman for yielding.

Mr. Chairman, listening to the gentleman address the problem in this amendment and describing his version of the zero-sum society worldwide in terms of imports and exports, I feel that the gentleman's objection is as much to the bill as a whole as it is to the amendment in particular.

Am I right about that? Do you support the bill?

Mr. KEMP. I do not support the bill in its present form. I have been making that point in the debate for several months now. I am very sympathetic, I would say to my friend from Louisiana, about having an IMF able to act as a facility in the international community to help countries on a temporary basis.

But what is happening, we are providing a permanent quota increase in the IMF that will ultimately be a transfer of resources from the industrialized nations to the less developed nations, and I think it is a serious mistake. Given that the administration is not seeking the systemic changes which would move the world toward a more liberal trade evironment and toward more stable exchange rates, I cannot support legislation to permanently transfer resources to the IMF.

Mr. ROEMER. Mr. Chairman, if the gentleman would yield further briefly, if to the point of the bill, the gentleman from New York is in opposition currently, could he use this time to point out the two or three things that we, as a body, might do to improve our standing within the IMF, world economic conditions, and/or this bill in particular?

Mr. KEMP. Well, it looks like we agreed to ask each other these questions prior to the debate, but I want to say in the brief time that I have, there are a couple of things we should be doing.

No. 1, let us not forget that the IMF quota increase was negotiated at a time in which there was a far more serious situation in the world than there is today. I am not saying the problems are over, but the world recovery, particularly the U.S. recovery, and the accompanying lower interest rates have changed the situation which led to a hurried negotiation which was made over 1 year ago.

Second, the IMF itself says the problem is temporary. Why should we have a permanent quota increase? Why should we not use the GAB, the general arrangements to borrow, which was the facility within the IMF designed to temporarily help countries with short-term balance of payments problems when the stability of the financial system is judged to be in jeopardy? This is the situation we are told exists and we should use those facilities designed specifically to deal with it.

Third, I have said this, and the gentleman from North Dakota and others have said this: There is $44 billion of gold reserves in the IMF.

The CHAIRMAN. The time of the gentleman from New York (Mr. KEMP) has again expired.

(By unanimous consent, Mr. KEMP was allowed to proceed for 2 additional minutes.)

Mr. KEMP. I thank my colleagues for their patience.

Mr. Chairman, there are $44 billion of gold reserves in the IMF that could be used to help reach the goal that the gentleman from New York has, which is to restructure this debt in a way that is more advantageous to those countries growing their way out of this debt. These reserves can be used as collateral—not sold but used as an asset—to provide the temporary funding which many believe is required.

Also, I think we should require as a Congress that the IMF—an institution set up to support the time of the Bretton-Woods international monetary system—be judged and that this bill be judged by what impact they have on rebuilding international monetary stability and more stable exchange rates so that we can truly have a liberal world trade climate with less protectionism and fewer nations floating their currencies one against the other in a giant zero-sum game. I guess that is where I protest the most.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to my friend, the gentleman from Ohio.

Mr. KASICH. I thank the gentleman for yielding.

Mr. Chairman, I would like to associate myself with the comments the gentleman from New York made about the amendment.

Let me say another thing. There has been debate here about the fact that if the IMF does not pass, we are going to see higher interest rates. Let me point out that according to the Secretary of the Treasury, Donald Regan, in his testimony before Congress, from 1977 to mid-1982, our private banks loaned $4.30 abroad for every dollar in IMF loans.

□ 1630

If that ratio continues to hold, our participation in the IMF-led bailout will drain $44.5 billion from our own capital markets, and that creates a serious problem.

Mr. NEAL. Mr. Chairman, will the gentleman yield on that point?

Mr. KASICH. Let me finish my comment.

William Simon, former Secretary of the Treasury, says that for every dollar we borrow from the the IMF fund that we put in as an increase, that is a dollar we drain away from our own financial marketplaces.

The CHAIRMAN. The time of the gentleman from New York (Mr. KEMP) has expired.

(By unanimous consent, Mr. KEMP was allowed to proceed for 2 additional minutes.)

Mr. KASICH. Mr. Chairman, if the gentleman will yield further, we can look back to a statement made in 1980 by Representative David Stockman, the President's own budget chief, where he talked about the fact that that "in this time of economic stringency, when Federal deficits are placing heavy borrowing requirements on the capital markets of this country, the American public should not be called upon to fork over $5.5 billion to the IMF."

So in addition to the difficulties the gentleman from New York has expressed, do we have the idea that somehow not passing this bill the way it is written, with a permanent increase in the fund, draining $44.5 billion from our capital markets, is not going to have an inpact on higher interest rates? This increase will drain money away from farmers and from small businessmen all throughout this country, and cause higher interest rates.

Mr. Chairman, I am sorry to take up so much of the gentleman's time.

Mr. KEMP. Mr. Chairman, I appreciate my friend's comment, and I do not want to keep extending my time.

I think the argument over interest rates, frankly, has been a little bit out of perspective. I think it is overblown on both sides. I agree with the gentleman from Ohio when he says that the failure to pass IMF is not going to have the adverse impact upon interest rates that has been suggested by some of our colleagues.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. KEMP. Mr. Chairman, I want to make one last point, and then I will be glad to yield to the gentleman from North Carolina.

Mr. Chairman, let me say to my friends that I am concerned that something should be done. I think it is important that something be done. My serious concern to amend my remarks to the gentleman from Louisiana (Mr. ROEMER) is that in effect the IMF, in exchange for money, is imposing conditions. We debated earlier about conditionality on the banks. I think we should also consider the conditionality that is being imposed upon those countries.

Mexico, as I pointed out in general debate, has 50 percent unemployment, and the IMF economists are saying that we need more austerity from Mexico. Mexico is being asked to enforce a 50-percent increase in its value-

added tax, to double the tax on savings and dividends, to put a 10-percent surtax on income taxes, and to devalue the peso even more than it has already been devalued. And we know what happens when they devalue the currency; it wipes out the assets of the lender, and it wipes out the debt of the borrower and it substantially lowers exports to that nation by its trading partners. It is the ultimate zero sum game, and in many nations it is causing a flight of capital, further discouraging the opportunities for economic growth.

Mr. Chairman, I hope that my colleagues will vote no on this amendment.

The CHAIRMAN. The time of the gentleman from New York (Mr. KEMP) has again expired.

(On the request of Mr. KAZEN, and by unanimous consent, Mr. KEMP was allowed to proceed for 2 additional minutes).

Mr. KAZEN. Mr. Chairman, will my colleague, the gentleman from New York yield?

Mr. KEMP. I am glad to yield to my colleague, the gentleman from Texas.

Mr. KAZEN. Mr. Chairman, I am very interested in what the gentleman has just said in describing the situation in Mexico.

As the gentleman knows, I represent a district along the border of Mexico, my hometown being Laredo, which now is the highest unemployment center in the entire United States, simply because of the peso devaluation and because of these restrictions placed upon Mexico by IMF.

We have had more bankruptcies since the beginning of the year than we have ever experienced in the history of the city. Everything has stopped. There are no exports whatsoever. Forwarding agents, exporting businesses, everybody, you name the industry and it is unemployed.

Most of our economy depended upon trade with Mexico. Mexico is now no longer importing.

Mr. Chairman, I can understand that in the longrun Mexico has to get back on its feet, but that may be after all of my business people have gone bankrupt. In the shortrun, I do not know how many are going to survive. That is the situation that I am faced with in Laredo; that is the situation in Eagle Pass, in Del Rio, and everyplace from Brownsville to San Diego, Calif.

Mr. Chairman, that is what these conditions that IMF has imposed on Mexico have done to us in the United States, and yet I hear my colleagues say that this bill is going to create jobs.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I will be glad to yield, but first let me comment on what my friend, the gentleman from Texas, just said.

In 1976, or 1977, when Mexico reduced the value of the peso by 40 percent, it automatically wiped out 40 percent of the assets of all the lenders and it wiped out 40 percent of the debt of all the borrowers, and it exacerbated the problem.

The CHAIRMAN. The time of the gentleman from New York (Mr. KEMP) has again expired.

(On the request of Mr. NEAL, and by unanimous consent, Mr. KEMP was allowed to proceed for 3 additional minutes.)

Mr. KEMP. Mr. Chairman, I will just finish my comment, and then I will yield to the gentleman from North Carolina.

Now we are telling Mexico to devalue the peso again, which only compounds the problems so eloquently testified to by my friend, the gentleman from Texas (Mr. KAZEN). This devaluation has resulted in a trade surplus for Mexico in recent months but at the cost of massive unemployment on both sides of the border and the creation of dangerous instability is trade relations.

But, unfortunately, the damage is not limited to Mexico. When the IMF told the Sudan to devalue, the price of gasoline went from $1.90 to $3.10 in 48 hours, and there were riots in Khartoum, which almost brought down a government which is very friendly to the United States.

Mr. Chairman, I object to the conditions that the IMF is imposing on our friends.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from North Carolina.

Mr. NEAL. Mr. Chairman, this is the point I want to make. The IMF, let me say to my friend, the gentleman from Texas, does not impose conditions on countries.

The IMF says, "We want you, the country, to act." And Mexico is a good example. Their finance minister—I believe his name is Silva-Herzog—said he proposed this exact same plan on the last administration. That administration would not go for it. He said that he proposed this economic plan this time to this administration, and the administration agreed to it and the IMF agreed to it.

The IMF does not impose conditions.

Mr. KEMP. Mr. Chairman, the gentleman has made his point. Let me give the argument to that.

Mr. NEAL. Mr. Chairman, will the gentleman yield further?

Mr. KEMP. Mr. Chairman, I would just like to give an answer to that, and then the gentleman can get more time.

The IMF does not impose, in the strictest sense of the word, de jure, the conditions. What happens is that they go into the country with their team of economists and they work with Silva-Herzog in Mexico or with the finance minister, or the chancellor of the exchequer, and they end up saying, "In exchange for the help we are going to give you, you have got to impose budget austerity as the means of correcting your current account imbalance."

I submit that the budget austerity being practiced in the world today is to raise consumption taxes on the poor, to raise taxes on savings and investment and channel these resources into the central government. Credit is then allocated through the national policy board or the development bank or whatever government agency has been established to make political decisions on distribution of credit. That is why we are losing so many friends in the Third World.

We have got to reconsider what the IMF was set up to do. It was set up to temporarily help countries with short-term foreign exchange problems under a system of fixed exhange rates. Now that we have gone in 1971 from fixety to floating exchange rates and countries are using their currencies one against the other, there is such a disruption in the world's trade traffic that countries now are getting these conditions imposed upon them in such a malevolent way that it is going to push them to pursue no-growth policies for a number of years.

I think that is a shame. We should be trying to work with the administration and the IMF to work out a more liberal trade environment with more stable exchange rates, and it is too bad that this IMF bill was not a vehicle for that purpose. That is my biggest problem with this IMF bill.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. KEMP. I yield to the gentleman from Louisiana.

Mr. ROEMER. Mr. Chairman, the gentleman mentioned earlier, almost casually, because he did not have enough time, the subject of what happens to interest rates if this bill passes or fails to pass.

The CHAIRMAN. The time of the gentleman from New York (Mr. KEMP) has again expired.

(On request of Mr. ROEMER, and by unanimous consent, Mr. KEMP was allowed to proceed for 2 additional minutes.)

Mr. ROEMER. Mr. Chairman, if the gentleman will yield further, on the question of interest rates and this amendment, the case, I think, could be made that if the amendment passes, interest rates will go up, not down.

If we look at the banking structure, we see they are required in this amendment to lower interest rates and stretch out loans. Where are they going to get their money to blend their needs with the needs of their banks? They can raise interest rates domestically if this amendment passes.

Mr. KEMP. Mr. Chairman, let me cite to my friend that I am not unsympathetic with the point he makes.

Earlier I made the statement that I am very sympathetic with the comment of my friend, the gentleman from New York, about trying to get interest rates down, but I think his approach is focusing attention on the wrong place. The real source of the problem is that 70 percent of the world trade is denominated in U.S. dollars, and the real source of the pain for our friends and allies in trading with the United States is the high interest rate policy that has been practiced and targeted that way for the last 3 or 4 years. They are finally coming down, but not fast or far enough.

What we should be doing is getting interest rates down in the United States. Every 1 percent drop in the U.S. interest rate saves Mexico $700 million of debt service, and every 1 percent drop in U.S. interest rates saves Brazil $500 million.

□ 1640

I would suggest that the IMF bill is a sideshow compared to what happens with the Federal fund's rate, the discount rate, and Federal Reserve policy in this country.

I hope my colleagues will take a look at this, as other Members are beginning to do. That is where the action is, it seems to me. That is what we can do for the rest of the world: Get our own interest rates down, get the world trade system repaired, help move toward an international monetary system with stable exchange rates. That would do more for our friends and allies and neighbors in world growth than this $8½ billion burden imposed on U.S. taxpayers.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

Mr. CHANDLER. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Washington.

Mr. CHANDLER. Mr. Chairman, the House of Representatives has been considering the merits of the proposed increase in our IMF quota for some weeks now. As the final vote approaches, there remains considerable controversy over the prudence of such a move. Many observers are concerned that the increase will amount to a bailout for American banks who have made loans to countries now in danger of default. Others are concerned that default on the part on these countries is imminent, and would result in the loss of our IMF investment. Having considered this complex issue in some detail, however, I am convinced that neither consideration is overriding.

The International Monetary Fund is a respected institution which we helped to develop and in which we have participated since 1946. The purpose of the IMF, as you know, is to extend short term credit to member nations suffering temporary balance-of-payments problems. The United States has been the second largest beneficiary of IMF loans, drawing on the Fund 24 times over the years, most recently in 1978. As a condition of their IMF loans debtor nations are generally required to make comprehensive economic adjustments designed to stabilize their economies and end their payments imbalances. As a result, no borrower has ever defaulted on an IMF loan.

Our participation is essential, in my view, not only to the prosperity of the international economy, but to our own domestic economic recovery, as well. Expanding international markets, particularly in the developing nations, have provided an increasing demand for U.S. exports. It is estimated that every $1 billion in export trade generates roughly 25,000 American jobs. Yet recently, due to balance-of-payments problems among the developing nations, we have seen these important new markets begin to contract. This has resulted, in turn, in a deepening of our recession and an increase in unemployment here. With IMF intervention, the developing nations may be able to resolve the financial crisis they are now facing and these young markets will have the opportunity to expand again. Without our support, however, the IMF will lack the financial backing to make the needed loans and impose the necessary economic reforms. Should this happen, improvement in our economy will be seriously impeded. Denying the IMF quota increase could ultimately jeopardize our ability to put unemployed Americans back to work.

Approval of the IMF quota is not an expenditure, it is an investment. I am hopeful that a majority of my colleagues will join me in acknowledging the importance of this investment by voting in favor of H.R. 2957, the IMF bill.

Mr. PAUL. Mr. Chairman, much has been said about interest rates. It was just a few days ago that Chairman Volcker appeared before the Banking Committee and made the statement which has been quoted here extensively.

The statement was essentially this: That if we did not pass the IMF bill, interest rates would go up; but this was in complete contradiction to a previous statement which he has stated for many, many years that if we, the Congress, continue with large deficits, interest rates will go up.

Now, that means that if you go out and borrow $8.5 billion because of a deficit, that we are going to do the "crowding out" and cause interest rates to go up; but if you borrow money for the IMF, then the interest rates will either stay the same or go down. There really is not a good explanation for that, unless he would like us to believe that he is able to do this and possibly with the tools at the Fed he is able to do this; but he cannot have it both ways. He cannot say that interest rates will go up if we borrow for deficits and at the same time interest rates will not go up if we borrow for the wonderful organization called the International Monetary Fund.

I think this also brings up the problem that we have when we discuss where this money is coming from. We have all been told that it will not cost us anything, that it is off budget. If it is off budget, you might ask yourself why it is in the supplemental appropriation for the Treasury Department for the precise amount of $8.4 billion for IMF funding.

Now, they take that money and they put it into the exchange stabilization fund. When the IMF needs funding, they get the fund out of the exchange stabilization fund and we get, of course, a certificate saying that we have an asset that is going to earn interest. Therefore, since we have an asset on the books, it does not cost us anything. It is an equal exchange of assets.

That is sort of like saying that the defense budget does not cost us anything because we give away money and we buy tanks; so therefore, we have an asset on the books that did not cost us anything.

Mr. KASICH. Mr Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I wonder if the gentleman is aware of an article that appeared in the April 6 Wall Street Journal by William Simon, former Secretary of the Treasury, where he says:

> An IMF quota increase is equivalent to a larger Federal deficit because the Treasury has to finance it by borrowing in the credit markets. This borrowing offsets dollar for dollar any reductions in Federal borrowing achieved by gaining control over our own budget. Proposals for authorizing the IMF to circumvent Congress and borrow directly to private markets would have the same effect.

And Representative David Stockman in July of 1980 said about the IMF quota increase:

> This is bad legislation. Proponents argue that the IMF needs this increase to help prevent economies in the Third World from collapsing under the burden of excesive external debt and thereby becoming vulnerable to Communist takeover subversion; but the IMF does not have a record of success in strengthening unstable economies in the Third World. Indeed, it has been counterproductive.

Then he goes on to say that if we borrow this $5.5 billion, it will put additional restraints on our own credit markets, and this was said in July of 1980. Yet in July of 1983, we are back

again for $8.5 billion and again, Secretary Donald Regan pointed out, for every dollar in IMF money lent, the private banks will lend $4.30. If that is not a drain on our capital resources and if that does not cause interest rates to go up ane even increase our deficit, I wish the gentleman would tell me what does.

Mr. WYLIE. Mr. Chairman, if the gentleman will yield, both gentleman are wrong on the point.

Mr. PAUL. Mr. Chairman, let me have my time and then I will answer the gentleman because I think he makes an extremely good point and the source is good. The gentleman, Mr. Simon, knows Wall Street and he knows the Government. He knows the IMF. He has been Secretary of the Treasury and the information is correct, as far as I am concerned; but I do think that the pressure of the IMF borrowing on the markets is very significant.

There is something I would like to point out here to my colleagues, something that I have not heard discussed; but we are not appropriating dollars. Do you know that we are appropriating SDR's? Can you believe that? We have an appropriation bill here where we are appropriating SDR's

We are internationalists now, folks. This is it. We have joined the international banking system; no longer are we going to appropriate dollars.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. PAUL was allowed to proceed for 3 additional minutes.)

Mr. PAUL. Now, what does that mean? It is very important, because it means that it might cost you a lot more than you think. The dollar today is very strong in terms of other currencies and we do know that currencies in the system that we have today are always fluctuating. In 1979 the dollar was very weak. The dollar is probably peaking out. Before we fund this, the dollar may be 10 percent weaker in terms of other currencies. This could mean a billion dollar more in cost to us than it is currently thought mainly because we are not even being precise on what we are telling the American people. I think that alone ought to have us a vote against this legislation.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I am glad the gentleman yielded to me, because the gentleman should know that over the last 5 years the IMF quota increase has actually cost the U.S. Treasury approximately $42 million. That is not billion, that is $42 million.

Now, part of the reason for that is that we take more in deposits abroad than we actually lend abroad; so there is an offset in balance there.

Additionally, this does not impact on the budget, because we have a reserve position for a comparable amount.

Also, this $8.4 billion amount is over a period of 5 years and is dependent upon a draw. It is really an extension of a letter of credit that we are extending the IMF.

Now, the gentleman from Ohio (Mr. KASICH) has been quoting here from a publication called Free the Eagle, which has been put out by Mr. Howard Ruff. I would suggest that we ought not to pay too much attention to Mr. Ruff, because Saturday's Barron magazine had an article which contained a rating of all the major investment advisory newsletters and among those rated was the Ruff Times, and guess who was rated very low on that list. Well, it was Mr. Howard Ruff.

But you also quoted from Bill Simon. Now, Secretary Simon, and I am not sure where he is coming out on this, but I would like to have the real Simon please return or stand up. When he was Secretary of the Treasury, he was one of those persons who advised me to vote for the IMF quota increase. He told me how important it was to the world economy and that it was not a bailout of the big banks.

I just wonder why the change in his position is with respect to the present market that we have today.

Mr. PAUL. Mr. Chairman, let me respond and then I will yield in 1 minute; but I think it is very important. The figures, I think, are very accurate. If this is so, that it does not cost us anything, it is positively bewildering to me why we have to come up with $8.5 billion and we know eventually this will encourage another $44 billion to be loaned overseas.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I thank the gentleman for yielding.

I would like to point out to my colleague, the gentleman from Ohio, that the article I read from is an article where Mr. Simon guest editorialized in the Wall Street Journal, certainly not a newspaper that could be seriously questioned on this point.

The CHAIRMAN. The time of the gentleman from Texas (Mr. PAUL) has expired.

Mr. KASICH. Mr. Chairman, I ask unanimous consent that the gentleman from Texas (Mr. PAUL) may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. ST GERMAIN. Reserving the right to object, Mr. Chairman, we have now been on this amendment since 2 o'clock, almost 3 hours.

I wonder if we could agree to a time limitation of 15 minutes, and to recognize not the Members who have talked ad nauseam. I do not want to be heard again, but if there are any other Members who would like to be heard and who have not been heard, they may be recognized. That is my unanimous consent request.

The CHAIRMAN. Would the gentleman restate the request?

Mr. ST GERMAIN. Mr. Chairman, I will withdraw it. I am prepared to stay until midnight.

The CHAIRMAN. The Chair will advise the Committee that there is already pending one request for an additional 2 minutes of time for the gentleman from Texas (Mr. PAUL), and that request must be disposed of first.

Mr. ST GERMAIN. Well, Mr. Chairman, I would ask to be recognized subsequent to that then.

I withdraw my request.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio (Mr. KASICH) that the gentleman from Texas (Mr. PAUL) may proceed for an additional 2 minutes?

There was no objection.

Mr. ST GERMAIN. Mr. Chairman, I withdraw my request for any time limitation.

□ 1650

Mr. KASICH. I appreciate the gentleman yielding.

Let me say I was in a meeting no more than 2 weeks ago with former Secretary Simon who pointed out that at one point in time when he was here he felt that this quota increase perhaps was necessary. He now believes that governments have taken money and used it to subsidize their steel industries, have not really used much of this money to improve and expand their economies. He now thinks we are piling debt on debt and ultimately it is going to collapse.

He also argued in the Wall Street Journal that to borrow this money is to simply borrow it and it depletes other resources that would be available within this economy.

Mr. PAUL. I would like to take one moment here and make one comment because I did rise under the amendment before us and I would like to state that I am strongly opposed to this amendment because I think it will to exactly what the gentleman from Georgia (Mr. BARNARD) said. It is going to act as a usury bill and if you are really for the IMF you cannot possibly vote for this amendment because it really will play havoc, and it will be meddlesome and compound the problems that we already face internationally.

Mr. WYLIE. Will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Ohio.

Mr. WYLIE. I would just like to point out for the record that 10

former Secretaries, 10 out of 11, and that is not bad, have signed a letter in support of this International Monetary Fund quota increase. The only one of those former Secretaries, who did not sign is Mr. Simon.

As I said, in 1976 he was all for it. So I cannot imagine why he made this change.

Mr. PAUL. Let me answer the gentleman and say that the truth has never been determined by numbers or percentages.

Mr. BETHUNE. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Arkansas.

Mr. BETHUNE. I just wanted to say that Abe Lincoln said that there are two ways to sell a proposition. One is by logic and one is by the weight of authority. They cannot sell this by logic and so they are weighing in all of these letters and authoritative statements by people up to their ears in the banking establishment and who find it in their interest to make these recommendations.

Mr. ST GERMAIN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto end in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

Mr. PATMAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. ST GERMAIN. Mr. Chairman, I move all debate on this amendment and all amendments thereto end in 15 minutes.

The CHAIRMAN. The motion is not debatable.

PARLIAMENTARY INQUIRY

Mr. BURTON of Indiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. BURTON of Indiana. Mr. Chairman, I am not sure that I heard the motion. Was that on all other amendments thereto?

Mr. ST GERMAIN. Mr. Chairman, the motion covers just this amendment and all amendments thereto. It would include all amendments to this one.

The CHAIRMAN. The question is on the motion offered by the gentleman from Rhode Island (Mr. ST GERMAIN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. PATMAN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1700

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from Texas (Mr. PATMAN) for a recorded vote.

A recorded vote was refused.

So the motion was agreed to.

The CHAIRMAN. Members standing at the time the unanimous consent request was agreed to will be recognized for 50 seconds each.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana (Mr. ROEMER).

Mr. ROEMER. I thank the Chairman.

The question on the IMF bill in total is not does it bail out the big banks? It does. But that is not the question.

The question is does it help America while it bails out the big banks? That question has yet to be answered.

On this amendment, however, the questions are two: One, does this amendment truly help the LDC's, our good customers around the world? The evidence grows that it does not because of its complexity and because of its direct nature, many of the banks might get out of international lending because of this amendment.

Second question to the amendment: Will it raise interest rates in America? I could. Because if a bank loans domestically and internationally and you cut off its interest-raising rate capability internationally, it could well raise the rates domestically to compensate. In both cases the answer to the amendment is a "no" vote.

□ 1710

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas (Mr. BETHUNE).

Mr. BETHUNE. Mr. Chairman, if the IMF bill passes in the present form, some banks will be unjustly enriched. That is all there is to it.

Now the Schumer amendment is well intentioned and the motivation is right in that if it were to pass, he would seek to recover some of that unjust enrichment by simply saying that the loans should be renegotiated, the terms extended and the interest rates held down in a certain way.

I think it is the workability of the Schumer amendment that troubles me and that is why I will vote against it.

I am trying to put together an amendment that will achieve the purpose by recovering by way of reimbursement from the banks which have been unjustly enriched the moneys that are now in their pocket. And I think that we can have the objective that the gentleman from New York (Mr. SCHUMER) is looking for.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, before us at the moment is a vote on the Schumer amendment. I rise in opposition to this amendment, although it was not with ease that I decided to vote against it because being in total opposition to the IMF, I think this is a very good thing to put in the bill to make sure the IMF does not function very well.

I think somebody who is against the IMF could vote either way, quite frankly. I do think though that if you are for the IMF you certainly should not vote for it because it is a very cumbersome type of legislation, it will regulate to the degree that it will make it very difficult for the banks to function. I think the banks will resist it. And therefore, it will make it very difficult for the IMF to be efficient.

But in spite of all that, I do think that I will use my best judgment and vote with the market and say that the best vote is to vote "no" on this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. PATMAN).

Mr. PATMAN. Mr. Chairman, I rise in opposition to the amendment and I rise in opposition to the bill. I will be stating my position on that later.

Mr. Chairman, the passage of this bill will result in our adding to the national debt some $8.4 billion at a time when we are fighting $200 billion a year deficits. It will add to interest rates in this Nation. It certainly is the effort of the sponsors of this bill to come to the aid of the big banks. And let me state that the nine largest banks in America have loaned to these foreign nations in excess of 100 percent of their capital, 222 percent of their total capital to the non-oil-producing developing countries.

Mr. Chairman, I strongly oppose the $8.4 billion authorization for the International Monetary Fund which is contained in title III of H.R. 2957.

Dr. Paul Craig Roberts, the highly respected former Assistant Secretary of the Treasury, in a speech last month at the Argentine-United States seminar, listed some of the factors which must be considered if we are to avoid worsening the international debt problem. I believe he made, rather forcefully, the point that increasing our quota in the IMF is not the solution to current problems in international finance.

Because I agree with Dr. Roberts' views on the proposed increased, and I insert the text of his speech into the RECORD at this point.

THE PROBLEM OF INTERNATIONAL BORROWING
BY DR. PAUL CRAIG ROBERTS

The problem of international borrowing is that there is too much of it. Relative to the expected export earnings of the borrowers at the current rate of inflation, the private banks have too much exposure—in many cases more than twice their capital. This situation itself tends to place a limit on the expansion of international borrowing. The United States Treasury and President Reagan were initially opposed to the 50 percent quota increase for the IMF. Doubts about the further expansion of funds for international lending organizations will reassert themselves when the second round of funding for the growing debt burden comes up. At some point it will be obvious that the problem is that the countries have more debt than they can service and the banks have more exposure than they can stand. Therefore, piling debt on debt, which worsens the debt burdens and worsens the exposure, does not solve the problem.

There are other factors that will produce a reluctance to continue building up the pile of international debt. What is the impact on United State credit markets? According to the Chairman of the Federal Reserve Board, Paul Volcker, there is not enough domestic credit to go around to finance both the domestic recovery and the deficits in the federal budget. If that is true then foreign borrowing, which increases the strain in the U.S. financial markets, does have a cost that will be increasingly perceived. Take for example the increased resources for the IMF of $8.5 billion. The total impact on U.S. credit markets is not limited to the U.S. Treasury borrowing the $8.5 billion as the IMF draws upon the quota subscription. The IMF lending packages require additional loans by U.S. banks. In the case of Brazil, for example, there was a rollover of $4 billion; new loans of about $4.5 billion; new trade credits of about $10 billion. That comes to about $20 billion in additional lending by private banks. Considering all of the countries in line for these lending packages, the effect on the U.S. is a multiple of the additional resources committed to the IMF. According to testimony that the Secretary of the Treasury gave to the Congress, between 1977 and mid-1982 private banks lent $4.30 abroad for every dollar of IMF loans. That sort of multiple has an effect on domestic credit markets facing large deficits in the federal budget.

Another factor is the implication that the IMF is being gradually turned into a aid-giving agency. These loans may have to be permanently underwritten, which is the implication of piling debt upon debt when the borrowing countries cannot service their existing debt. If the loans have to be permanently underwritten then the IMF is turned into an aid-giving agency, and I believe there will be some resistence to the transformation of that institution.

What is and has been going on is that international lending agencies and the borrowing governments have been trying to compensate for the failure of the domestic policies of the borrowing nations by bringing in debt from abroad. This cannot ultimately succeed, as we have heard already this morning in comments from participants in this conference. Government investment programs have not been very successful. I think that the willingness of private banks to lend has been somewhat reduced; they felt safe lending to foreign governments in conjunction with the IMF and the World Bank, but they see that this exposure is now heavy and the prospects for new lending at expansionary rates that have taken place in the past simply are not there. The problem is the debt burdens need to be reduced not built up, and the fact that the approach to the problem has been to build them up shows that no one has yet seriously faced the situation.

The problem in the Latin American countries is that property rights are not secure. That would be the reason there is so much investment from Latin America in the United States. Until property rights are secure, the problem of capital is likely to continue. Therefore, the solution to this general problem does not lie in loans from abroad or in the hope that these loans will become permanent wealth transfers by being permanently underwritten by international lending organizations. The industrial democracies cannot finance their own domestic transfer payments, and that puts a tight constraint on their ability to engage in any extensive international transfer payments through international lending organizations. The fate of the Third World depends on the security of capital in the developing nations themselves, and that is subject to the politics and policies of those nations.

If the current situation is, as many advocates of increased resources for the IMF claim, merely one of temporary liquidity problems on the part of some of the borrowing countries, then one alternative to lending the money to pay interest would be for debtors and creditors to negotiate a temporary moratorium. If the problem is more serious, an alternative would be to leave it to the market and let the creditors and debtors negotiate a long-term funding out. This would not involve forgiveness of the debt, but it could be renegotiated such that the liquidity demands of the debt were reduced. That would also have the advantage of not piling debt and exposure upon exposure. It would mean that the loans would not be as profitable as the banks had counted on, but the Congress could allow the banks to carry larger tax deductible loan loss reserves. If the United States banks had adequate reserves against their foreign loans, there would be less potential for a crisis.

The economic recovery in the U.S. will itself help the debtor countries. The claim that the U.S. budget deficit is a threat to the recovery is false. Economic recoveries always take place in the face of large budget deficits, because it is impossible to have a recession without having large budget deficits.

The threat to the recovery comes from monetary policy. The Federal Reserve Board has apparently again let the money supply get out of control. It is growing at a very rapid rate as measured by M1, and if markets expect that this growth of money cannot be sustained without a rise in interest rates or a rise in the inflation rate, then the interest rates will rise in the market regardless of whether or not the Fed tightens. Any interest rate pressures will come from the fact that the monetary policy is still on the rollercoaster cycle. U.S. monetary policy was too tight in 1981–82, thereby contributing to the international debt crisis by reducing the rate of inflation far below what it was expected to be. Then reacting to its own previous policy, the Fed has let money grow very rapidly for the past year. Today the question is whether the markets believe that rate of money growth can be sustained.

Long-term domestic deficits in the United States and also in most of the other industrial countries preclude the possibility of significant wealth transfer from "North" to "South." These deficits are due largely to the fact that the domestic transfer payments (in the U.S. it is the social security system and the medical programs) are growing faster than economies can handle. As long as government is creating property rights for certain classes of people in other people's income and expanding these property rights faster than the economy is growing, there will be long-term budget problems. As long as the transfer payments and the entitlements remain a favored part of what is believed to be some sort of morally necessary move toward a welfare society, then these deficits will remain as a threat to economic growth in the developed countries and as a constraint on the ability of the "North" to aid the "South."

Speaking as a former official in the Treasury Department, it seems to me that economic problems need to be insulated from the diplomats. We always will face the situation where the U.S. State Department thinks that it can solve a problem by making another loan for diplomatic reasons. Part of the problem today is the belief that economic policy should be conducted for diplomatic reasons. But debt does not solve economic problems. The buildup of debt is more likely a sign that economic policy is on the wrong course. In domestic economies such as the U.S. the buildup of debt is the result of the tax system. For tax reasons debt is preferable to equity, and therefore there has been over a number of decades a buildup in debt relative to equity. The solution to the problem is capital. Countries need equity, and to get it they need to take measures to make people feel more secure in their property rights and to build up the rate of saving in order that the over-expansion of debt will not be something that politicians and diplomats will press their finance ministries and treasuries to continue to rely upon.

Mr. Chairman, the arguments against the proposed $8.4 billion authorization for the International Monetary Fund, as contained in title II of H.R. 2957, have been stated quite eloquently and succinctly by Dr. Paul Craig Roberts, the highly respected former Assistant Secretary of the Treasury for economic policy. In a question-and-answer interview published last April in the weekly publication Human Events, Professor Roberts summed up the IMF's present situation this way: "I would call it a problem that is in danger of being turned into a crisis by the solution that is being adopted."

I commend the interview to all of my colleagues who are considering this bill, and I insert it into the RECORD at this point:

(Prof. Roberts, former assistant secretary of the treasury for economic policy in the Reagan Administration, is William E. Simons Professor of Political Economy at the Center for Strategic and International Studies at Georgetown University.)

Q. Mr. Roberts, Federal Reserve Chairman Paul Volcker recently told the Congress that the threat of default by foreign governments on their loans to our banks poses "a threat to the recovery, the jobs, and the prosperity of our own country, a threat essentially without parallel in the postwar period." What is your opinion of the situation?

A. I believe that Mr. Volcker's rhetoric is excessive and that the atmosphere of crisis has prevented prudent and careful thinking about the situation. As a result the Congress is about to go along with a "solution" that will: (1) impose substantial costs on the U.S. economy that are being ignored; (2) worsen the international debt problem; (3) enfeeble U.S. diplomacy; and (4) transform the International Monetary Fund from an agency that provides temporary liquidity in the event of balance-of-payments problems into an aid-giving agency.

Q. What are the costs to the U.S. economy of participating in the eighth quota increase for the IMF?

A. There are several costs. One is that the Treasury has to finance the $8.4 billion that we are due to turn over to the IMF by borrowing in the credit markets.

In other words, the IMF quota increase is the same as a larger federal deficit. It offsets dollar for dollar any reduction in the budget deficit achieved by cutting defense spending, reducing Social Security benefits, and raising taxes. The total impact on our credit markets is greater than the $8.4-billion figure, because the IMF bailout packages require additional foreign lending by U.S. banks, thus reducing their ability to purchase U.S. government and corporate bonds at home.

According to Secretary of the Treasury Donald Regan's testimony before Congress, from 1977 to mid-1982 our private banks lent $4.30 abroad for every dollar in IMF loans. If that ratio continues to hold, our participation in the IMF-led bailout will drain $44.5 billion from our capital market ($8.4 billion+4.3×$8.4 billion).

In testimony before the Joint Economic Committee Mr. Volcker warned that there is not enough credit to go around and that unless Treasury borrowing is reduced, higher U.S. interest rates will work against the economic recovery at home.

Clearly, in Mr. Volcker's mind, the cost to the U.S. of a larger IMF quota is either higher interest rates and a weaker recovery or higher taxes or reduced defense and social spending. These costs are being ignored by the same U.S. policymakers who are responding to the federal deficit by trying to force President Reagan to abandon his supply-side tax policy and to cut his defense program.

There is a great deal of talk about how the International Monetary Fund forces troubled borrowers to retrench in order to straighten out their economies. However, if Congress goes along with the quota increase, we have to retrench too. We have to give up the use of $8.4 billion of our resources. Either the private capital markets or the Treasury or the taxpayers or the military or Social Security recipients—somebody has to do without the $8.4 billion because it is a real resource transfer. There is no way to disguise that fact. It is a transfer of $8.4 billion of our resources from our purposes to other countries' purposes on a permanent basis, and as such is equivalent to a higher tax on American incomes.

Q. Why does the IMF bailout of the foreign loans worsen the international debt problem?

A. The problem is that the Third World and Eastern European governments that are the troubled foreign borrowers already have more debt than they can service, and some of our large banks have more exposure in loans to those countries than the risk justifies. The IMF bailout loads up the debtor countries with more debt and forces more exposure on our banks.

In defending the Administration against the charge that it is using taxpayer money to bail out big bankers, government spokesmen like Secretary of State George Schultz have described the policy as one of bailing the banks in deeper.

Consider, for example, the Brazilian bailout. the $5.5-billion IMF loan to Brazil is conditional upon the private banks that are Brazil's creditors rolling over $4 billion in existing loans, making $4.4 billion in new loans, providing $10 billion in new trade dollars on deposit with Brazilian financial institutions. It is, in other words, piling debt on debt, so the risk of ultimate default worsens.

This brings us back to the cost to the U.S. consumer. The more our government and our banks get involved in propping up old loans with new ones, the greater the stake they acquire in the resurgence of world inflation. Rapidly rising oil and commodity prices would provide Third World countries with rising revenues to service a depreciating debt. It would be a shame if the one benefit—lower inflation—of the recession that the Federal Reserve has put the American people through was sacrficed to an inflationary bailout of a mountain of foreign debt.

Q. But what about the present crisis? Do you agree that there is one, and how would you address it?

A. I believe that the approach that is being taken to deal with the international debt problem is a greater danger than the "crisis" itself, if that is what it is. I would call it a problem that is in danger of being turned into a crisis by the solution that is being adopted.

I agree with George Champion, former chairman of Chase Manhattan Bank, that the best approach to the current problem is not to pile debt upon debt, but to allow the banks to build up larger tax-deductible loan loss reserves against their questionable foreign loans and require the banks to write down the value of the loans to what they can reasonably expect to collect. My solution would be to reduce the foreign exposure of our banks and to reduce the debt burden on the debtor countries.

Q. You said that by participating in the IMF bailout we run the risk of enfeebling our diplomacy. Would you explain what you mean? Many people believe that we need to go along with an enlarged IMF quota in order to help important countries like Mexico and Brazil in our back yard.

A. It does not help countries to load them up with more debt when they can't pay off what they already have. Loans are different from grants. If we want to give aid, we should do so bilaterally. When you give aid through a multilateral middleman, you lose control over whom the aid goes to and end up subsidizing Socialist and Communist governments. Also, when aid passes through a middleman, the donor country cannot extract a quid pro quo. The ultimate result is to divorce foreign aid from our foreign policy interests.

I agree with former Treasury Secretary Bill Simon that bilateral aid lets us control the decision whom to give to and when to give more, whereas the multilateral approach subjects our diplomacy to endless demands by the bloc of aid-receiving countries. Indeed, in a multilateral setting like the IMF, Third World countries can put pressure on our European allies to pressure us to enlarge the IMF's resources.

Q. Is that what you mean by the International Monetary Fund being turned into an aid-giving agency?

A. Yes, and there is an even greater threat to the integrity of the IMF. There is a danger that the pressure for wealth transfers from the West to the Third World will turn the IMF and other international financial organizations into agencies through which the West makes international transfer payments.

The IMF is supposed to make shorterm loans to provide liquidity to tide over countries with temporary balance-of-payments problems, but as the international debt mounts up, the IMF is in danger of having to permanently underwrite deficits in the Third World's balance of payments. In other words, the IMF could become a *de facto* international IRS through which the Third World taxes us.

Q. But what if the alternative to turning the IMF into an aid-giving agency or even a tax man is the collapse of our banking system as a result of foreign governments defaulting on their loans? Which is worse?

A. The alternative to an IMF-led bailout is not default, but a partial writedown of the loans. Bank profits would be down temporarily as well as would management bonuses, and a few banking reputations would be bruised. But everyone would survive it and come out strengthened. Even in the event of default, it would not bring down our banking system unless the Federal Reserve was derelict. The Federal Reserve would provide reserves to the banking system and prevent a default from causing a contraction.

Q. But wouldn't this be inflationary?

A. No. The Federal Reserve would provide new reserves to offset the contraction of reserves caused by default. It would be a wash. The danger of inflation comes from getting everyone's prestige involved in the success of a bailout that piles debt on debt until it has to be inflated away. We are heading for trouble when we lend money to pay interest.

Q. What about the argument that by lending more abroad we will experience a rise in demand for our exports, thereby helping to reduce our unemployment rate?

A. Our exports would go up, but not dollar for dollar, because some of the money will be spent in other countries.

For example, say we lend $10 abroad instead of spending it at home and that $6 comes back and $4 is spent in other countries. The result is less spending on our goods and a rise in unemployment. Also, U.S. exports have high value-added but they are relatively low in labor intensity, so the result of lending abroad is to direct demand toward capital-intensive goods. The IMF-led bailouts cannot be described as a domestic jobs program.

Q. What about the conditions that the IMF imposes on troubled borrowers? Does the IMF make them reduce the size of the public sector and adopt free market principles?

A. The International Monetary Fund usually requires countries to take actions to reduce their imports and increase their exports in order to build up their foreign exchange holdings. In other words, the IMF requires troubled borrowers to reduce do-

mestic consumption. Most often this means a tax increase, so the result of IMF conditionality is to cut back the private sector.

Rep. Jack Kemp has led the fight to convince the IMF that the higher taxes hurt incentives in the private sector, thereby further weakening the economy of the troubled country.

The IMF conditions were designed to pull a single country around. But today there are a large number of troubled countries. It is not possible for them all to increase exports and reduce imports at the same time. If no one is importing, who can export? In the current situation it means that the West is expected to import more and export less—which is another reason the IMF quota increase cannot be seen as a jobs program.

Q. How much control do we have over the IMF?

A. We have just under 20 per cent of the vote—enough to veto any changes to the IMF charter, but not enough to run the show. Based on our contribution to the IMF we should have about 40 per cent of the vote. However, the way the IMF is set up, countries can pay 75 per cent of their quota in their own currencies. Since the currencies of most countries are not convertible, that is, they are not acceptable as means of payment in international settlements, many of the IMF's members are not paying in anything real when they subscribe to a quota increase.

In other words, they are allowed to buy their share of the vote with play money. Most of the IMF's resources come from the U.S. and its allies. That is why a majority of the IMF's members favor a quota increase.

The quota increase was in the works prior to the threat of default, but the U.S. Treasury and President Reagan were resisting a 50 per cent increase in the quota. The alleged international banking crisis served as a tool to break down the resistance of the Treasury and the President. They were frightened by the threat of a banking crisis into coughing up more money, but as I have said, the alternative to a bailout is not default, and the solution that is being adopted is more likely to lead to a crisis than the problem itself.

If there really is a crisis requiring a bailout, we should do it by setting up a temporary revolving fund. Then when the crisis is over the donor countries could withdraw their funds for their own use.

What is happening is that in the name of a temporary liquidity crisis we are being pushed into making a permanent transfer of our resources to the IMF. The quota increase was having trouble when its case was argued in its own name. Now it is sailing through in the guise of a bank bailout. I think this is a political mistake for the banks as well as for the government, because people will resent having their Social Security benefits reduced in order that the government can bail out the banks and foreign governments. The resentment spreads across the society.

For example, the military hears the government talk about pay freezes and bank bailouts. Farmers are losing their farms, people's cars are being repossessed, and the government is bailing out foreigners. I think we have to find a way to help the banks and foreign debtors without demoralizing our own population.

Q. If you were still in the Treasury, what would you advise the President to do?

A. He should tell the Treasury and the Federal Reserve to find out what percentage of the loans have to be written down in order to make the remainder good. If it is a reasonable amount, and I believe it would be, it would let the crisis be solved rather than prolonged, worsened and perhaps turned into a lever for extracting international transfer payments from the U.S. and its allies to the rest of the world.

It wasn't that long ago that the U.S. stood astride the world like a colossus. Our financial and diplomatic power was respected, and countries sought to be in our good graces. We even managed to conduct our diplomacy through our own institutions. But today, after subordinating our interests to international organizations, we stand before the world as Uncle Sap who antes up for foreigners while the President's tax cuts and defense buildup fall under the budgetary knife.

The world has serious problems that require U.S. leadership, but the U.S. cannot lead as long as it acquiesces to demands. We must strongly resist the notion that foreign debtors have our banks over a barrel or they will take advantage of the situation to extract ever more American resources through the International Monetary Fund.

The CHAIRMAN. The Chair recognizes the gentleman from North Dakota (Mr. DORGAN).

Mr. DORGAN. Mr. Chairman, let me express some disappointment that after all of the members of the Banking Committee have had more than an opportunity for generous discussion on the bill that the debate is cut off limiting other Members of the House who want to discuss this issue.

I want to make two quick points, however, in the time that I have remaining.

One, trade. Those who say that we are going to injure our opportunity for trade with other nations if we do not vote for the IMF funding I think are steering this House in the wrong direction. The fact is the IMF almost always imposes trade restrictions by asking countries who receive IMF aid to limit imports. How on Earth will we increase exports if the countries receiving the money from the IMF are limiting imports?

Second, interest rates. What kind of twisted economic logic would lead one to conclude that if our Government borrows $8.4 billion more out on the credit market, there will not be upward pressure on interest rates? Clearly, funding the IMF for the $8.4 billion will put upward pressure on interest rates here in this country.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Chairman, for those who are interested in taking a pound of flesh from the banks, I suppose you ought to vote for this amendment. That is one way of giving additional voice to that sentiment.

If, on the other hand, we are interested in preserving the stability of the international economic and financial system, then I think we ought to reject this amendment. If we are interested in a productive rather than a counterproductive measure, I think we ought to reject this amendment.

If you adopt this amendment, you are going to create a disincentive for the banks to participate in the restructuring of foreign countries with additional moneys; you are going to create a disincentive for the countries to bring about economic discipline upon themselves, because if they fail to bring that economic discipline upon themselves and are forced to go into restructuring, then the United States would have to lead the way toward extending the maturity and reducing their interest rates.

Mr. Chairman, I think that is the reason that the chairman of the subcommittee and ranking minority member of the subcommittee both, in bipartisan fashion, are against this amendment. That, too, is why I am against it.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. NEAL).

Mr. NEAL. Mr. Chairman, this amendment is totally unworkable. It would have the IMF attempt to place limits on American banks, which perhaps they could for a very short period of time. They can put no limitations on the other banks of the world, so that would put our banks at a clear disadvantage. It is not in the interest of the United States and it is totally unworkable.

I urge rejection of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, I had suggested a little earlier that I would accept the amendment hoping that we could work something out on the LIBOR portion of that amendment.

I do plan to vote for the amendment. The debate, however, took another thrust and the reason—in answer to the gentleman from Arkansas (Mr. BETHUNE)—why interest rates will rise if we have a default by a country like Brazil on loans made to it is that it will so scare the capital markets in the United States that bond prices will surely fall and interest rates will rise.

I am willing to take the judgment of President Reagan, Secretary Donald Regan, Paul Volcker, gentlemen like that, Secretary of Agriculture John Block, and others, who have spoken out that failure to pass this quota increase will surely cause interest rates to rise. I take this judgment over some other quotes that have been made here on the floor.

The CHAIRMAN. To close the debate on this amendment, the Chair recognizes the gentleman from Rhode Island (Mr. ST GERMAIN).

Mr. ST GERMAIN. I would like to say to the gentleman from Texas (Mr. PATMAN) that as a sponsor of this legislation I am not up here representing

the nine big banks of this country. And that is what the gentleman said in his remarks. I wish he would look at them when he reviews his remarks later on. Certainly no one could say that I represent the big banks.

This amendment that I support certainly is opposed by the banks. I want to make that clear as well.

We have had very extensive debate here, most of it not on the amendment, but on IMF and Exim and everything else. I am hoping that when we take subsequent amendments we could sort of stick to the amendments themselves, as well as the broad legislation.

But, in conclusion, I think that on balance that we should give very serious consideration to this amendment. A lot of work has been put into it. I think that it could be workable and for that reason I support and endorse the amendment.

□ 1720

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SCHUMER).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SCHUMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 157, noes 268, not voting 8, as follows:

[Roll No. 268]

AYES—157

Ackerman	Ferraro	McNulty
Addabbo	Fish	Michel
Anderson	Foglietta	Mikulski
Anthony	Ford (TN)	Miller (CA)
Aspin	Frank	Miller (OH)
AuCoin	Frost	Mineta
Bateman	Garcia	Minish
Bates	Gejdenson	Mitchell
Beilenson	Gekas	Moakley
Bennett	Gephardt	Moody
Berman	Gibbons	Morrison (CT)
Biaggi	Gilman	Mrazek
Boehlert	Glickman	Murtha
Boland	Gray	Oakar
Borski	Guarini	Oberstar
Boxer	Gunderson	Obey
Brown (CA)	Hall (IN)	Ortiz
Bryant	Hall (OH)	Ottinger
Burton (CA)	Harrison	Owens
Clay	Hawkins	Packard
Coelho	Hertel	Panetta
Collins	Hillis	Pashayan
Conte	Howard	Pease
Coyne	Hughes	Penny
Crockett	Jeffords	Pepper
D'Amours	Jones (NC)	Pickle
Davis	Kastenmeier	Rangel
Dellums	Kildee	Ratchford
Dicks	Kostmayer	Regula
Dingell	Latta	Reid
Dixon	Lehman (CA)	Richardson
Donnelly	Lehman (FL)	Rodino
Downey	Leland	Rostenkowski
Durbin	Levine	Roth
Dwyer	Lipinski	Rowland
Dymally	Lowry (WA)	Roybal
Dyson	Markey	Russo
Early	Martin (IL)	Savage
Eckart	Martinez	Scheuer
Edwards (CA)	Mavroules	Schneider
Evans (IL)	McDade	Schroeder
Feighan	McKinney	Schumer
Seiberling	Swift	Weiss
Shannon	Tallon	Williams (MT)
Shaw	Taylor	Wirth
Slattery	Thomas (GA)	Wolpe
Snowe	Torres	Wright
Solarz	Torricelli	Wylie
St Germain	Towns	Yates
Staggers	Vento	Young (MO)
Stark	Volkmer	Zablocki
Stokes	Waxman	
Studds	Weaver	

NOES—268

Akaka	Frenzel	McDonald
Albosta	Fuqua	McEwen
Andrews (NC)	Gaydos	McGrath
Andrews (TX)	Gingrich	McHugh
Annunzio	Gonzalez	McKernan
Applegate	Goodling	Mica
Archer	Gore	Molinari
Badham	Gradison	Mollohan
Barnard	Gramm	Montgomery
Barnes	Green	Moore
Bartlett	Gregg	Moorhead
Bedell	Hall, Ralph	Morrison (WA)
Bereuter	Hall, Sam	Murphy
Bethune	Hamilton	Myers
Bevill	Hammerschmidt	Natcher
Bilirakis	Hance	Neal
Bliley	Hansen (ID)	Nelson
Boggs	Hansen (UT)	Nichols
Boner	Harkin	Nielson
Bonior	Hartnett	Nowak
Bonker	Hatcher	O'Brien
Bosco	Hefner	Olin
Boucher	Hightower	Oxley
Breaux	Hiler	Parris
Britt	Holt	Patman
Brooks	Hopkins	Patterson
Broomfield	Horton	Paul
Brown (CO)	Hoyer	Perkins
Broyhill	Hubbard	Petri
Burton (IN)	Huckaby	Porter
Byron	Hunter	Price
Campbell	Hutto	Pritchard
Carney	Hyde	Pursell
Carper	Ireland	Quillen
Carr	Jacobs	Rahall
Chandler	Jenkins	Ray
Chappell	Johnson	Ridge
Chappie	Jones (OK)	Rinaldo
Cheney	Jones (TN)	Ritter
Clarke	Kaptur	Roberts
Clinger	Kasich	Robinson
Coats	Kazen	Roe
Coleman (MO)	Kemp	Roemer
Coleman (TX)	Kennelly	Rogers
Conable	Kindness	Rose
Cooper	Kogovsek	Roukema
Corcoran	Kolter	Rudd
Coughlin	Kramer	Sabo
Courter	LaFalce	Sawyer
Craig	Lagomarsino	Schaefer
Crane, Daniel	Lantos	Sensenbrenner
Crane, Philip	Leach	Sharp
Daniel	Leath	Shelby
Dannemeyer	Lent	Shumway
Daschle	Levin	Shuster
Daub	Levitas	Sikorski
de la Garza	Lewis (FL)	Siljander
Derrick	Livingston	Simon
DeWine	Lloyd	Sisisky
Dickinson	Loeffler	Skeen
Dorgan	Long (LA)	Skelton
Dowdy	Long (MD)	Smith (FL)
Dreier	Lott	Smith (IA)
Duncan	Lowery (CA)	Smith (NE)
Edgar	Lujan	Smith (NJ)
Edwards (AL)	Luken	Smith, Denny
Edwards (OK)	Lundine	Smith, Robert
Emerson	Lungren	Snyder
English	Mack	Solomon
Erdreich	MacKay	Spence
Erlenborn	Madigan	Spratt
Evans (IA)	Marlenee	Stangeland
Fascell	Marriott	Stratton
Fazio	Martin (NC)	Stump
Fiedler	Martin (NY)	Sundquist
Fields	Matsui	Synar
Flippo	Mazzoli	Tauke
Florio	McCain	Tauzin
Ford (MI)	McCandless	Thomas (CA)
Forsythe	McCloskey	Traxler
Fowler	McCollum	Udall
Franklin	McCurdy	Valentine
Vander Jagt	Whitehurst	Wortley
Vandergriff	Whitley	Wyden
Vucanovich	Whittaker	Yatron
Walgren	Whitten	Young (AK)
Walker	Williams (OH)	Young (FL)
Watkins	Wilson	Zschau
Weber	Winn	
Wheat	Wolf	

NOT VOTING—8

Alexander	Heftel	Stenholm
Conyers	Lewis (CA)	Wise
Foley	Schulze	

□ 1730

Messrs. HIGHTOWER, LENT, HORTON, and RAHALL changed their votes from "aye" to "no."

Mr. GARCIA changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. LEACH OF IOWA

Mr. LEACH of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEACH of Iowa: On page 24, line 10 insert the following new section and renumber the succeeding sections accordingly:

SEC. 305. The Bretton Woods Agreement Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following:

"SEC. 44. (a) Within 90 days of enactment of this section, the President shall report to the appropriate committees of Congress outlining the role of the International Monetary Fund and the United States Government with regard to maintaining realistic, market-related exchange rates with other major currencies and making recommendations as to what can be done to avoid exchange rate manipulation. In particular, such report shall examine the policies of major trading partners which (1) maintain a substantial trade surplus with the United States, and (2) encourage export of capital to such an extent that exchange rates do not appear to reflect adjustments based on trade patterns alone. Such report shall also include the status of the proposals set forth in subsection (b) of this section."

"(b) The President shall instruct the Secretary of the Treasury to propose and work for the adoption of proposals by the Fund to promote conditions contributing to the stability of exchange rates and avoid the manipulation of exchange rates between major currencies. Among other initiatives, the Secretary or his designee shall propose: (1) a comprehensive study by the Fund of exchange rate problems with recommendations as to steps that can be taken to correct any structural imbalances identified and (2) strengthening the Article IV consultation procedures of the Fund to attempt to ensure that countries which are artificially maintaining undervalued or overvalued rates of exchange agree to adopt realistic, market-related exchange rates."

"(c) The Secretary of the Treasury shall take into account in determining his vote whether a country's policies are consistent with the requirements of Article IV."

Mr. LEACH of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

□ 1740

Mr. LEACH of Iowa. Mr. Chairman, I am presenting this amendment on behalf of the gentlewoman from Illinois (Mrs. MARTIN) and the gentleman from Oregon (Mr. AUCOIN), who has a complementary amendment to follow.

The amendment does four things. First, it calls on the President to report to the Congress on the problem of exchange rate disequilibrium.

Second, it calls on the Treasury to work with the IMF to take steps to correct structural imbalances in exchange rates.

Third, it strengthens the article IV consultation procedures of the fund to attempt to assure that countries which artificially over or undervalue rates of exchange agree to adopt market-related exchange rates.

Fourth, it requires the Secretary of the Treasury to take into account at our country's voting in the fund whether a country artificially values its currency.

In describing the purport of the amendment, let me stress that the issue is anything except abstract. The misalinement of exchange rates, particularly between the dollar and the Japanese yen, threatens the recovery of the American economy.

In a nutshell, the problem we are dealing with is whether the United States will develop an economy disproportionately consumer rather than producer oriented. The artificial undervaluation of the currencies of our principal trading partners, particularly the Japanese, jeopardizes the competitive position of American industry, although admittedly in the short term it may be good for some sectors of the consumer economy.

Failure to do anything about the problem makes protective countermeasures inevitable. In addition, it hurts producers, such as farmers, even when they make foreign sales. For example, an unnaturally strong dollar not only causes soybeans to be high-priced in Japan, but it means that the return to the American farmer on sales made remains low in relation to production costs. Fair farm prices cannot be obtained with unfair exchange rate relationships.

In sum, Mr. Chairman, we cannot afford to continue to duck this issue. Jobs matter. Heavy industry is an integral part of American culture. It is time this Congress stood up for those who work and not simply those who consume.

In the strongest possible terms I urge adoption of the amendment.

Mr. ST GERMAIN. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the Chairman.

Mr. ST GERMAIN. Mr. Chairman, as the gentleman knows, we have studied this amendment, worked on it with the gentleman, our staff, and the gentleman's staff. We feel that it is an excellent amendment and, as far as I am concerned, we would like to commend the gentleman for his amendment and state that we are very happy to accept his amendment.

Mr. LEACH of Iowa. Mr. Chairman, I appreciate the gentleman's comments.

Mr. WYLIE. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman from Ohio.

Mr. WYLIE. Mr. Chairman, I too accept the amendment. It is a good amendment. The current exchange rate system works against our exports, particularly in the country of Japan, because our goods are overpriced in Japan.

I think a study is long overdue and we need to have a study and have a recommendation from the administration.

I compliment the gentleman from Ohio for offering the amendment.

Mr. KEMP. Mr. Chairman, will the gentleman yield for a question?

Mr. LEACH of Iowa. Yes; I am delighted to yield to the gentleman from New York.

Mr. KEMP. I am sorry, is it a study or what?

Mr. LEACH of Iowa. Well, it is four separate things, two of which include studies, one by the Treasury, one by the IMF; but it also goes further than studies.

It calls on our representative at the IMF to consider voting in a given fashion if the exchange rates are not brought back into more realistic positions.

It also sanctions a strengthening of the article IV consultation procedure within the IMF on this issue.

Mr. KEMP. Mr. Chairman, if the gentleman will yield further, I made the point on the earlier amendment that the whole floating rate system is causing a terrible disruption in world trade and that some countries are being required or encouraged to alter the value of their currencies to boost exports and limit imports.

Now the gentleman is suggesting that there are these discrepancies in the exchange rates. What would the gentleman have the IMF do vis-a-vis say the dollar or the yen or the dollar and the deutsche mark? What role would the IMF play in moving into a disparity, say, between the dollar and the yen, since the gentleman mentioned that the dollar is so strong against the yen and getting stronger daily, I might add.

Mr. LEACH of Iowa. First, let me inform the gentleman that I am not personally convinced that the main culprit is necessarily the flexible exchange rate system; but the problem is very severe.

I also am convinced the problem is more in relation to one or two currencies than many others. Here the IMB has a role to play partly through the consultation mechanism which is currently in existence, but is seldom used in a very formidable fashion.

It also has a role to play in the whole issue of when to extend its lending powers and when not to. Beyond that, the IMF has a rather extraordinary role as the most important international monetary agency in the world. The IMF also has a rather extraordinary role to play in terms of the moral suasion that it can bring as the most prestigious international economic agency in the world in existance today.

Mr. KEMP. Mr. Chairman, if the gentleman will yield further, everybody knows that we are floating the dollar against the yen and vice versa. The exchange rate is what, 220?

Mr. LEACH of Iowa. About 235.

Mr. KEMP. My question is, In a floating exchange rate system, such as we have today, what can the IMF do vis-a-vis the dollar and the yen to adjust the exchange rate to help U.S. exports? Would they ask the Japanese to deflate their economy, raise their interest rates, and strengthen the yen against the dollar? Does any one rationally expect the dollar to be weakened in order to reach a more favorable exchange rate and trade position? The best thing we could do is restore a monetary policy in which the value of the currency were guaranteed and interest rates could return to their more normal level, which would be closer to 6 or 7 percent than the 10 or 11 percent prime we are facing today.

Mr. KEMP. Mr. Chairman, I would just like the gentleman from Iowa to explain what role the IMF is going to play in relationship to the dollar and the yen? We all know there is a problem.

Mr. LEACH of Iowa. First, let me make it clear that my amendment does not pretend to solve the exchange rate problem; but it is intended to use the IMF in the modest ways that it can be used.

For example, twice a year the IMF meets with the Japanese Government under the article IV process. There are more things that can be done, but I will say to the gentleman, who has a well-known position in favor of changing the system itself, I think if the gentleman will read the amendment, there is probably nothing in the amendment that is necessarily antagonistic to the gentleman's position. Although I do not personally share the gentleman's position, I think the amendment itself is one that can only

be described as helpful in raising a dialogue on the problem.

If those that advocate the gentleman's point of view prevail, it would be helpful to his side. If they do not prevail, they might come up with other solutions that will be aiming at the same direction.

Mr. KEMP. Well, I appreciate the gentleman's modest changing of the subject to this gentleman's position. Really, my position on the issue has no relationship to the gentleman's amendment.

I am simply asking, procedurally: How is it possible for the IMF to lead to a position of the dollar versus the yen which would improve trade balances when you have a floating rate system which is at the heart of the problem?

What are we going to do, tell the Japanese to deflate and try to strengthen the yen, or are we going to tell our own monetary policy authorities that we should devalue the dollar and weaken the dollar in order to get the dollar and the yen closer together?

I think it is telling the IMF something to do that they are not able to do and, therefore, is disingenuous. I am not suggesting the gentleman is being disingenuous, but the amendment has the impact of telling people that the IMF can do something, when in effect they cannot, not in this particular case.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

(At the request of Mr. NEAL, and by unanimous consent, Mr. LEACH of Iowa was allowed to proceed for 2 additional minutes.)

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman from North Carolina.

Mr. NEAL. Mr. Chairman, as I recall, the gentleman's amendment encourages countries to allow the market to set interest rates. Is that not a part of the amendment?

Mr. LEACH of Iowa. That is a presumption, that the current system will operate, but the studies that are called for, both by the U.S. Treasury as well as by IMF, could make recommendations to the contrary.

Mr. NEAL. I am sorry. Maybe I misunderstand the amendment. I thought the amendment was to encourage countries to not manipulate artificially the values of their currency.

Mr. LEACH of Iowa. The gentleman is precisely correct.

Mr. NEAL. It would allow a free market to exist in this commodity we call money.

Now, I do not understand the complaint of the gentleman from New York. I doubt that he would be for wage and price controls, and yet any attempt to artificially establish the value of money would be very similar, it seems to me, to wage and price controls.

□ 1750

Mr. KEMP. Will the gentleman yield?

Mr. LEACH of Iowa. I am delighted to yield.

Mr. KEMP. I appreciate my friend yielding. I am sorry the gentleman from North Carolina interprets the position of the gentleman from New York in such a way as to make a quantum leap by suggesting that a more stable exchange rate leads to wage and price controls. I do not favor controlling wages or prices but I do favor controlling our currency by establishing a monetary standard in which there is no inflation or deflation. I would point out to the gentleman, however, that in a system of fiat currencies all monetary values are artificially set by decisions of monetary authorities.

I simply ask if in the gentleman's view the market is setting the exchange rate, how is it possible for IMF then to intervene and tell the Secretary of the Treasury under article 4 of this amendment that he cannot vote for an IMF loan unless we are undertaking a policy designed to alter the exchange rate.

Mr. LEACH of Iowa. If the gentleman will yield back, I think the gentleman raises some very fair questions and they cannot completely be ducked.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. LEACH) has again expired.

(By unanimous consent Mr. LEACH of Iowa was allowed to proceed for 2 additional minutes.)

Mr. LEACH of Iowa. But clearly when you have a misalinement issue you have to deal with it in an international environment. It takes international cooperation.

The IMF is the logical forum in which to begin at a minimum to address the issue. But specifically there are more resolutions to the yen/dollar dilemma than the gentleman from New York implied.

For example, quite clearly we have an enormous unbalance of trade with Japan. By the same token, the yen is continued at an arbitrarily undervalued rate because of the enormous Japanese investment in this country.

It could well be that the IMF and our Treasury might recommend to the Japanese Government at some point in time that we ought to be allowing the trade balance rather than the flow of funds balance to set the values of our comparative values of our currencies.

For example, there might be moral suasion brought to bear suggesting that the Japanese not invest quite as much in this country and to let the value of the yen change on the basis of trade rather than capital flows.

There are other types of recommendations that also could be made. But my point is neither to prejudge, nor to suggest via this amendment, but simply to note that there are all sorts of recommendations that international authorities and the Treasury might constructively make.

I personally think it is unbelievable that every trade-related American public official does not talk about the trade imbalance in every single speech. It is the greatest single problem today and the gentleman from New York and I share that perspective.

All I would assert is that this amendment represents a modest step toward making a little greater educational effort in the international community, within our own government and vis-a-vis the Congress on this issue. It does nothing to prejudge any resolution of any type of system that might come to pass.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. LEACH) has again expired.

(On request of Mr. KEMP and by unanimous consent, Mr. LEACH of Iowa was allowed to proceed for 1 additional minute.)

Mr. KEMP. Would the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman from New York.

Mr. KEMP. I want to thank the gentleman for his comments. I think this colloquy has been helpful if to no one else at least to this Member.

I appreciate the gentleman's goal. I was really only being semicritical of his comment that the value of the yen is being set against the dollar on a nonmarket basis.

The yen is a strong currency. The Japanese have low-interest rates and low rates of inflation and fairly strong economic growth. We ought not to be so critical of Japan as we should be of our own policy which is one of high-interest rates targeted by the Federal Reserve Board.

I do not think it would be right to tell the Japanese in order to make the dollar and the yen closer together that they have to go through the same deflation we went through, which caused so much pain and suffering.

A study of this issue would be good. I just question whether or not we ought to tell the Secretary of the Treasury to not vote for an IMF loan if in fact he made the decision that that nation had not complied with the gentleman's view of the exchange rates.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. LEACH) has again expired.

(By unanimous consent Mr. LEACH of Iowa was allowed to proceed for 30 additional seconds.)

Mr. LEACH of Iowa. I simply would say to the gentleman from New York

that this does not direct how our representative will vote. It simply requires he take the issue into consideration. There is no binding directive in this particular amendment.

I yield back the balance of my time.

Mr. MITCHELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, for the entire time that I have served on the Committee on Banking, Finance and Urban Affairs. I have supported the International Monetary Fund. I hope in the future that I will be able to support it again.

I cannot in good conscience support the legislation that is before this House. You talk about a crisis, an international monetary crisis. There is no crisis.

Had there been a crisis back in November, December, by now this body would have acted. So those who argue that we ought to pass this legislation to prevent a crisis, they argue in vain. The crisis is behind us.

Has anyone discussed the use of the reserve fund to help bail out these banks? That is what it is. It is an outrageous bailout.

All kinds of nice phrases have been used saying the money goes to the countries and it does not go to the banks. Are we so stupid as to believe that those countries are not going to use that money to pay back the big banks? Of course that is what they are going to do.

There are some good features in this bill. There is the argument of sanctions against South Africa, that racist nation. But that good feature is not enough to cause this one Member to support a piece of legislation that is really an outrage to this country and to this House.

We have ruthlessly and consistently slashed domestic spending using any excuse to do that. Now somebody wants me to go back in my district and explain to the numbers of people unemployed in my district, who are running out of health care benefits and all other kinds of benefits that we are going to guarantee $8.3 billion.

It is an insult. Maybe, maybe, just maybe had the Schumer amendment passed you might have persuaded this one Member to go along with you, but that went down to defeat. That amendment made good sense I oppose the bill and I urge my colleagues to vote this bill down. It is an abomination. It is an outrage. It never should have hit the floor.

I reemphasize my opposition to the passage of H.R. 2957, the International Recovery and Financial Stability Act. Although this measure contains a provision which clearly articulates this country's vehement opposition to apartheid. I cannot support the multi-billion-dollar increases this bill provides for the International Monetary Fund.

My opposition to apartheid has been well documented. I believe that apartheid is one of the most vile and inhumane institutions that has ever existed. Despite repeated appeals from foreign governments, international organizations, and human rights groups, the South African Government continues to deny the African people their inherent political and economic rights.

The International Recovery and Financial Stability Act was amended during the committee process to require the President to instruct the U.S representatives on the IMF board to oppose IMF loans to countries that practice apartheid. This amendment would prevent U.S. tax dollars from supporting an institution which is the antithesis of democracy.

While I wholeheartedly support the amendment to prevent IMF loans to South Africa, I must oppose the passage of H.R. 2957. this bill authorizes an increase of $8.37 billion in the U.S. line of credit to the lending funds of the IMF. In addition, it authorizes $5.16 billion for the Inter-American Bank and $1 billion for subsidies to U.S. corporations which are involved in the import-export industry.

Under the Reagan administration, social programs designed to alleviate the poverty and suffering in this country have been slashed drastically. For instance, the Omnibus Reconciliation Act of 1981 slashed $1.4 billion in fiscal year 1982, $1.6 billion in fiscal year 1983, and $1.7 billion in fiscal year 1984 from child nutrition programs. I could not oppose the funding reductions in social programs in one breath, and then support the export of funds to the International Monetary Fund in the other. If funds must be authorized, they should be targeted to emasculated social programs.

In addition, I believe an increase in IMF funding at this time is little more than a bailout for wealthy banks which have made the mistake of lending excessive amounts of money to nations that were poor risks. Now that those nations are either bankrupt or on the verge of bankruptcy, the American taxpayer is being asked to rescue the banks from the consequences of their poor judgments. If the United States, through the IMF, prevents bankruptcies, the only real beneficiaries will be the banks.

Since the International Recovery and Financial Stability Act will encourage economic mismanagement, I strongly urge my colleagues to oppose the passage of this bill.

Mrs. MARTIN of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, just a note, and that is to the gentleman from Iowa (Mr. LEACH), and to the committee on the genesis of part of this amendment. It was in a committee meeting chaired in Chicago by the Member from Chicago, Mr. LIPINSKI, and the junior Senator from Illinois, Mr. DIXON, business and labor leaders and educational leaders talked about trade and the differences it could make for our State and for the country.

At that time virtually all of the witnesses talked about the problem especially with the two currencies, the yen and the deutsche mark, but most especially the yen.

This is one small route to take care of it, regardless of whether you approve of the bill as a whole or not, and I just wanted to thank the gentleman from Illinois (Mr. LIPINSKI) and Senator DIXON and the gentleman from Iowa (Mr. LEACH).

Mr. NEAL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if I could get the attention of my good friend from Maryland, let me say I was certainly shaken by his comment. This bill has been distorted a good deal in the public debate, but basically the bill is about employment in our country. That is the bottom line.

It is difficult, I know, to make the connection between this bill and jobs. But that is exactly what the bill is about.

The way it provides jobs, let me say to my friend, is to make sure that we have an open trading system in the world. If we have an open trading system, then our people can remain at work producing for that export market.

□ 1800

That is what the bill is about.

I want to say sincerely to my friend, that as far as I am concerned this is what the bill has come to mean to me after careful study. I would be happy to discuss it with him at any length, anytime he wants to, and I think he would come to the same conclusion.

Mr. MITCHELL. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I yield to the gentleman.

Mr. MITCHELL. I certainly do not want to discuss this issue at length. You say it is an employment bill. I doubt it. But let us agree that you are right, that it is an employment bill and if we are so concerned about it as an employment bill, if the International Monetary Fund is focusing now on helping to end unemployment, tell them to take the money out of their gold reserves that they need and pay off the banks.

I do not know what the figure is in gold reserves. I think it is in excess of $40 billion.

Mr. NEAL. About right.

Mr. MITCHELL. If we are so intent on using this as an employment bill, why does not the chairman and the

gentleman from North Carolina and everybody else in Commerce and Treasury say, "Take some money out of your gold reserves"?

Mr. NEAL. Let me tell you why, if I may. If the IMF were to dump its 103 million ounces of gold on the market, that would severely depress the price of gold, including the value of the gold the U.S. Government and individual Americans own. That is one of the reasons. There are others.

Mr. MITCHELL. May I respond to that? Will you yield further? The gentleman is saying that I am advocating dumping gold on the maket. I did not say that.

Mr. NEAL. The gentleman said sell it.

Mr. MITCHELL. No; I did not say sell it.

I said why did they not use it; it can be used in a hundred different ways, guarantee, collateral, a hundred different ways.

Mr. NEAL. There is another way. It can be used as collateral. Several distinguished Members suggested that. Again, that could lead to the IMF's raising capital almost entirely on this country's credit markets. As it is, there are 146 member nations of the IMF. Each member lends, does not contribute, but lends money to the IMF from its own economy. If the IMF went to the credit markets itself, which it could do, by the way, with or without using its gold as backing, it could have a much more negative impact on our credit markets than would the quota increase provided in this legislation.

The quota increase is our least expensive way to give the IMF the resources that it needs to keep this trading system open, so that our people can be employed, producing for it.

Mr. MITCHELL. Will the gentleman yield just one more time?

Mr. NEAL. I yield to the gentleman.

Mr. MITCHELL. I have enjoyed an excellent working relationship with the gentleman.

Mr. NEAL. I respect my friend, too, that is why I am hurt when he takes that position.

Mr. MITCHELL. I stood shoulder to shoulder with him in the past when we fought the good fight for IMF.

This time, no; I am sorry. This time, you are asking me to vote for something that I am not at all convinced is going to produce a multiplicity of jobs.

Mr. NEAL. It will.

Mr. MITCHELL. I am not convinced of that. You are asking me to do something that will guarantee, really, some return to the big banks, who made these foolish loans, and if it had been a little minority business to make a similar mistake like we would say close them down.

The CHAIRMAN. The time of gentleman has expired.

(By unanimous consent, Mr. NEAL was allowed to proceed for 2 additional minutes.)

Mr. NEAL. Let me say in response that I could not care less about the big banks of the world. There are no big banks in my district. My concern is not about them. I do not want us to do a foolish thing by putting our banks in jeopardy. That is not in our national interest.

I must emphasize that this is not a bailout for banks. We will be pursuing this question throughout the debate. It is not a bank bailout at all. It is a bailout for the United States. It helps the whole country. Banks may get some benefit, but so does the corner grocer, and so does the manufacturer, or the farmer that produces for export.

Mr. Chairman, I yield to the gentleman.

Mr. MITCHELL. I am hard pressed to see how this $8.3 billion is going to benefit that little store down in the ghetto that sells Swahili goods. If you will yield just a bit further I do not want to prolong this.

Mr. NEAL. It is important; we should prolong it.

Mr. MITCHELL. I do not want to do it. Let me just say that I respect the gentleman, he has made logical, consistent arguments. I want to be with him in the future. On this one, my vote is no.

Mr. NEAL. I thank the gentleman. I will keep trying.

Mr. BETHUNE. Mr. Chairman, will the gentleman yield?

Mr. NEAL. I yield to the gentleman.

Mr. BETHUNE. Mr. Chairman, I was going to make the point that I think the gentleman from Maryland is one of the more careful members of the committee.

Mr. NEAL. I agree.

Mr. BETHUNE. I think one of the cleverest Members of the House of Representatives, I always listen to what he has to say. I was extremely pleased to hear him take this position. I think the best point he made which was not covered in the colloquy is that circumstances have changed. Since this bill was crafted and the administration and the participants got together and developed this piece of legislation the economic conditions have changed. He made that point. I think it is an excellent point. We got a bad deal.

Mr. NEAL. The gentleman is mistaken.

Mr. MICHEL. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the pending amendment.

Mr. Chairman, it is most appropriate during our consideration of the IMF bill to raise the problem of the misalinement of exchange rates between the major currencies, particularly the Japanese yen and the dollar. This is an area over which IMF has certain international responsibilities, and thus is a logical forum in which to begin to address this issue.

The IMF, however, will only take up this problem at the request of a member country. This amendment as I understand it calls on the U.S. IMF representative to make such a request.

It is appropriate that the United States initiate action in this regard, since American industry and workers are the most directly affected.

American global exports fell by $16.5 billion in 1982 from their 1981 level, while imports surged $28.7 billion over their mid-1980 low point. The misalinement of exchange rates is a substantial cause of those shifts in trade patterns.

The misalinement makes imports artificially cheap in the U.S. market while allowing our trading partners to underprice American goods and services in our traditional export markets.

This is particularly true with respect to Japan, where the dollar/yen imbalance has reduced the price competitiveness of American business vis-a-vis Japanese companies by at least 50 percent over the past several years.

In my district for example Caterpillar tractor can point to a half billion dollars in lost sales to Komatsu largely as a result of the dollar/yen misalinement. That translates into about 5,000 jobs.

The market share lost by American industry as a result of the misalinement will be increasingly difficult to recapture, as new trading relationships between third country buyers and sellers are cemented. Unless something is done, the situation will only get worse, and represents a distinct threat to our overall economic recovery.

There is an apparent willingness on the part of other nations, particularly the Japanese, to address the issue.

Let me quote one of the leading Japanese businessman, the chairman of Mitsui Engineering & Shipbuilding Co.:

> Looking back at the past year, I think we can say that without question one of our most serious problems in Japan has been the misalinement of the dollar and the yen . . . the undervalued yen added fuel to the flames of international resentment against Japan, worsening our trade relations with the United States and increasing protectionist sentiments. As a businessman, I know that a cheap yen and high dollar are bad for the Japanese international trading position and I am deeply, deeply concerned about this problem.

We need both unilateral and multilateral action to deal with the exchange rate problem. This amendment will help to produce such action, and I strongly urge its adoption.

Mr. ROSTENKOWSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the misalinement of exchange rates between the U.S. dollar and other major currencies—especially the Japanese yen—is a critical problem for American exporters and import-sensitive industries, and their employees. The current debate on the IMF funding bill provides an excellent opportunity to focus attention on this problem.

The trade imbalance between the United States and Japan continues to worsen. A major cause of this trade imbalance is the sustained misalinement in the exchange rate between the dollar and the yen. The current undervalued yen has placed U.S. companies at a serious disadvantage at home and abroad. The misalinement makes imports artificially cheap in the U.S. market, while allowing our trading partners to underprice American goods and services in our traditional export markets. As a result, U.S. companies are losing their market share, not because they do not produce competitive products, but because exchange rates, over which they have no control, are misalined.

The persistence of this misalinement causes prolonged deterioration in U.S. competitiveness, costs the United States hundreds of thousands of jobs, and results in serious economic dislocation in the United States. Misalined exchange rates are fanning protectionist pressures at a time when trade frictions are already running dangerously high.

Prior to the Williamsburg Summit, I joined Congressman MICHEL in sending a letter to President stressing the importance of this issue and the need for international cooperation. I reiterate that need.

The present misalinement of exchange rates is a multilateral problem requiring international cooperation for its resolution. The IMF is a logical forum in which to begin to address this issue.

The IMF will, however, only take up the problem of the exchange rate misalinement at the request of a member country. The U.S. Government is the logical IMF member to raise the problem of exchange rate imbalances since American industry and workers are the most directly and adversely affected parties. Unfortunately, the United States has not taken corrective action to deal with the misalinement of exchange rates.

Thus, a constructive first step in resolving this critical problem is for the administration to request the IMF to help seek a multilateral solution that will bring the exchange rates of the major international currencies, particularly the yen, into appropriate relationships.

In conclusion, I would like to bring to your attention a recent speech by Lee L. Morgan, the chairman and chief executive officer of Caterpillar Tractor Co., on the Japanese challenge in the 1980's. Mr. Morgan delivered this speech to the Chicago Council on Foreign Relations on May 20, 1983. It is a thoughtful articulation by a U.S. businessman actively engaged in international trade, of the yen/dollar and other important international economic issues confronting the United States. The speech follows:

LOOKING TOWARD THE SUMMIT—INTERNATIONAL TRADE ISSUES AT WILLIAMSBURG

Thank you for that gracious introduction.

It's been a year since I last spoke before this distinguished Council. Then, my subject was the Japanese challenge in the '80s. Today, we're looking at an equally perplexing—and related—subject . . . the Williamsburg economic summit, which convenes on May 28—the 9th economic summit—and the first one in the Continental United States.

Seven countries will participate . . . the United Kingdom, France, Italy, West Germany, Japan, Canada, and the United States.

In all probability, the conference will be another clash between the idealists . . . and the realists.

The idealists will be defending the principles of laissez-faire economics . . . arguing in favor of non-intervention . . . of letting market forces prevail. And these very same idealists . . . without batting an eye . . . will also be advocating the heavy-handed use of trade for political purposes.

The realists at the Summit will go into conferences with an understanding of how the currency exchange system functions and how it can be distorted . . . they'll enter into discussions about economic sanctions, knowing how they work and how they don't work . . . they'll talk about international trade in the context of how governments can and do take steps to influence trade flows.

Philosophically, I prefer the non-interventionist approach of the idealists. As with most people in this room, I'd like to see *less* government involvement in business and trade. In an *ideal* world, the free marketplace would produce economic growth for the benefit of all people.

But the real world just won't go away . . . and, in the real world, there are problems with the idealist approach.

First, it assumes that all participants will play the game by the same rules. But we know that it doesn't work that way. In the real world, nations and individuals take actions that prevent the free marketplace from functioning as it should.

Second, the idealists . . . when they do abandon their "non-intervention" approach . . . do so with the false assumption that they can change political behavior.

I'd like to explore with you two of the major issues that surely will receive attention at Williamsburg . . . and review those issues from the idealist's point of view, on the one hand, and from the realist's point of view, on the other. I'm talking about the two big issues of—first—East-West trade . . . And—second—yen/dollar relationships.

In East-West trade, the idealists believe they can use trade to cause the Russians to change their behavior.

President Carter put sanctions on grain sales after the Russians invaded Afghanistan . . . and they bought all the grain they wanted from other sources. The only people who got hurt were American farmers.

President Reagan applied economic sanctions after martial law was declared in Poland. He intended to stop the Soviet pipeline to Western Eruope. But the Russians managed to buy everything they needed from Europe and Japan. The pipeline is being built anyway.

Caterpillar, of course, was greatly affected by the pipeline sanctions. As a result of trade controls by both the Carter and Reagan Administrations, we've lost hundred of millions of dollars in business to the Japanese.

Our reputation as a reliable supplier has been tarnished, and the Soviets aren't buying anything from us. Our competitors have filled the void left by our absence. Today, Caterpillar has thousands of people on layoff, while Japanese factories are operating at high capacity . . . and the pipeline construction continues.

The idealist says: "We have to teach the Russians a lesson." The realist says: "But the cost is higher American unemployment and no change on the part of the Russians."

Even a new report from the Congressional Office of Technology Assessment says the economic sanctions failed to hurt the Soviet economy in any meaningful way, but, instead, disrupted the western alliance and caused American exporters to lose important markets.

As it's said in the classic cliche now so popular in Washington: We continue to shoot ourselves in the foot.

Last year—at the Versailles economic summit—the United States tried to get agreement from the other nations to reduce Western credit to the Russians. The vague communique from Versailles didn't help. Within weeks, the Allies were quarreling.

This year, the U.S. delegation is trying to avoid the confusion and dissension of Versailles. In fact, the Administration has been working hard to prevent any disagreement at Williamsburg. At meetings in Paris last week, Treasury Secretary Regan and Secretary of State Shultz took the initiative to persuade Europeans to agree with U.S. positions.

There's been some agreement on limiting credit to the Soviets but, frankly we're not too sure how meaningful it is. There was apparent agreement last year too . . . but it didn't last.

It's not likely our Allies will change their basic attitudes about trade. European nations and Japan give high priority to exports—the United States does not—and therein lies a fundamental difference.

America needs to approach trade more realistically . . . to place much higher priority on trade. An important sign American businessmen will be looking for is not only what President Reagan does at Williamsburg, but also what he does overall to encourage trade. The approach the Administration takes in the present debate about revision of the Export Administration Act will be an important indicator. We believe it's possible to remove inefficiencies from the Act and thereby stimulate more exports from the United States—without undermining national security.

But Administration proposals imply a determination to continue giving low priority to trade. In spite of U.S. initiatives to sell grain to the Soviets, with regard to manufactured goods the Administration has proposed policies that are clearly anti-Soviet trade. Our European Allies find some degree of hypocrisy in our approach. I think they have a point . . . and I think we have to

take a consistent, defensible attitude at Williamsburg.

The Administration's fear of technology leakage to the Russians is of equal concern to the business community. We agree that steps must be taken to limit Russia's access to American high technology. But we believe this should be done without crippling trade.

We shouldn't jeopardize the strength of the U.S. export community with economic gestures that our Allies won't support and that the Soviets will respond to by turning elsewhere for comparable goods.

Neither this country's stature as a powerful leader nor its vitality as an international trader can stand the unrewarded strain.

A second big issue at Williamsburg should, in my view, be the problem of yen/dollar relationships.

Correction of the yen/dollar misalignment is a necessity of the highest priority.

There's been discussion—especially from the French President, Francois Mitterand—of the need to revamp the entire international monetary system. That may well be needed, but we shouldn't let long-range theoretical discussions interfere with the emergency situation of the undervalued yen.

There's a direct connection between the undervalued yen and the new wave of protectionism that threatens world trade. Action is needed--and fast—to stop this new protectionism from crippling the trade system that has so greatly benefited humankind these past 35 years. The weak yen gives Japanese exporters an unearned advantage in international markets . . . other countries lose sales and jobs to Japan. . . . Japanese exports grow . . . and governments in the United States and Europe respond with protectionist measures. The weak yen is a principal cause of protectionist legislation.

The ultimate danger is a repetition of the tragic events of the 1930s—collapse of the trading system and prolonged worldwide economic depression.

This is not to say that a properly valued yen will solve all world trade problems and sustain the trading system. But resolution of the yen problem will remove one of the most disruptive factors threatening that system today.

Most financial experts agree that if the yen were free to perform on its own—as a true international currency, like the dollar—it would trade at no more than 200 to the dollar. It's badly undervalued at 235 yen to the dollar, which is where it's trading now—and it was acutely undervalued at 278 in the fall of 1982.

The longer the undervalued yen disrupts world trade, the more dangerous the situation becomes. Many once-fervent supporters of free trade are even questioning their commitment to that principle.

Again, we have conflict between the idealists and the realists, and we find the United States on side of the idealists. The idealists say the problem will take care of itself. And, in a perfectly free market system, the idealists are right—the yen/dollar misalignment and other international currency imbalances would adjust themselves.

But when the dollar is and the yen is not an international currency . . . when Japanese interest rates are held; by specific government actions, well below the world level . . . and when capital flows to and from Japan are greatly imbalanced in the out direction, then a free market for yen does not exist. And realism dictates that some offsetting actions be taken to balance the serious disadvantage faced by American exporters who are competing—not very well, I should say—against a significantly undervalued yen.

At the very least, the Williamsburg summit should acknowledge the problem. A simple joint declaration that the seven governments—and especially the U.S. and Japan—intend to work toward an exchange rate of an appropriate level will, in itself, help strengthen the yen relative to the dollar.

In addition, Japan should further liberalize its financial and capital markets. Restraints on capital flows have been a major contributor to the weak yen. Ultimately, there should be complete internationalization of yen financial markets.

The Japanese also need to permit others to invest in Japan as freely as Japan invests in other countries. Japan's approval process is a forbidding maze of frustrating rules and restrictions. The cumulative effect of Japanese controls—over a long period of time—has helped keep the yen weak.

Japan shold meet one of its major obligations to its partners in world trade; that is, to compete fairly on the basis of product value and open investment . . . not on the basis of capital controls that keep Japanese factories busy while unemployment mounts elsewhere.

Other countries must send Japan the loud and clear message that the damage to their economies and to world trade caused by the undervalued yen won't be tolerated any longer.

If necessary, the United States—and perhaps other countries—should consider putting a temporary surcharge on Japanese goods . . . as a sort of "shock effect" to drive home the urgency of the situation. We believe this can be accomplished consistent with obligations under the General Agreement of Tariffs and Trade.

Also, intervention in financial markets—by both Japan and the United States—may be needed. Our major European trading partners should consider parallel action.

Import surcharges and currency intervention are not actions I like to recommend. On the contrary, philosophically, I by far prefer the non-intervention approach. That would be ideal if the marketplace were allowed to be free . . . but it's not.

In the real world, trading partners need to operate fairly. When trade is distorted by one nation's actions, then the other nations must act to redress that wrong. The yen/dollar problem is one which must be addressed in this context.

Something must be done about the yen/dollar problem, and Williamsburg is the place to begin. The U.S. Government can—and should—take the lead.

The topics I've been discussing—East-West trade and the yen—are only two of those on the minds of the world's leaders as they approach next week's Summit. But I've highlighted these because they need to be right at the top of the priority list.

I'm an idealist too, you know . . . and my idealism tells me that there are some things the leaders can agree on in Williamsburg, in each of these areas.

We can adhere to our ideals . . . we stand a better chance of realizing our goals . . . if we don't put on blinders that keep out the real world.

It's time for the democracies assembling at Williamsburg to act realistically on those matters that endanger international trade and world peace.

I urge the seven nations to reach consensus on East-West trade . . . to act forcefully on the undervalued yen . . . and to diligently pursue a course of stability and prosperity for all people.

Thank you.

□ 1810

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to address the amendment before us very briefly and say that I am opposed to this amendment because, quite frankly, it cannot work. There is no way that you can realine currencies artifically when you have two countries printing money at different rates and then decide that the politicians get together and say what the exchange rate should be is just foolishness.

I happen to believe that we could not go back to fixed exchange rates under today's circumstances because the market is adjusting on a daily basis of devaluations that are occurring. But as disruptive as it is, it is probably the only thing that can exist today. If you go back to fixed exchange rates today, you will just go back to the system that we had which was very shaky when the devaluations occurred precipitously over a weekend by the politicians.

Eventually we will have to have a system where there are fixed exchange rates, but they will come out of the marketplace. And that will be when the currencies are defined once again by a precise definition, that is, when the currencies are defined in terms of a weight of gold or silver. Then the fixed exchange rates will occur automatically and we will not have this disruption that concerns us and is causing our trade to break down prompting amendments like this in hopes that we can realine currencies artifically.

I would like to, at this moment, compliment the gentleman from Maryland (Mr. MITCHELL) for his statement because I think he is quite right to be hesitant about the IMF bill.

It has been said here that this is a bailout for banks and that has been answered by those who disagree and say, "How can this be a bailout for the banks because we are really bailing out and helping Third World nations?"

Quite frankly, you can do both. You can help Third World nations by helping their dictators stay in power and make some payments to the banks. So this benefits both Third World nations as well as the bankers.

And I think the gentleman from Maryland is quite right. There is no justification whatsoever for us to fund this sort of activity and at the same time see programs in this country suffering. It is true that I am opposed to all welfare. I am opposed to giveaways to everybody. I happen to have this very old fashioned belief that people ought to be able to keep what they

earn. And I know that is not all that popular in the House and in the Congress, but I think it is a good system. I think people ought to have incentive to work and have the right to keep what they earn.

So, therefore, I oppose giveaways to bankers, giveaways to Third World nations, give aways to welfare recipients, giveaways to everybody. But I do think we ought to have priorities. And if ever I have a choice between a giveaway to a foreigner and a giveaway to a banker, or a giveaway to a businessman versus the giveaway to some poor person, and I have the choice, I will always give that money away at home. If you are going to waste your money, waste it at home. At least it does not leave the country.

But this system that we are operating with now, that insists that we give the money away to the Third World dictators and think that we are helping our country is positively preposterous. It cannot help and it will contribute only to the increased inflation that we have. The pressure is on us to increase the deficits. And the high interest rates and more inflation and the more breakdown in the international currency markets is all that we can expect.

So until we realize this and decide that we must support the people at home before we support the people overseas, I think we are going to see more and more of these kinds of problems.

Mr. PATMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in discussing the current amendment and the bill itself, I would like to give some of the figures I attempted to give earlier.

The nine largest banks in America have lent 222 percent of their total capital to the non-oil-producing developing countries. These same banks have 112.5 percent of their capital exposed in just three countries, Argentina, Brazil, and Mexico.

I know the Members have heard on the floor of this House that it is going to take a lot of courage to vote for this bill and that it would be very easy to vote against it. I will submit to my colleagues that to vote against a bill that the largest banks in this Nation favor, and favor strongly, is to show a great deal of courage. It takes a great deal of confidence in the folks back home. I feel that confidence. I am very much opposed to this legislation.

Bad loans have been made. Those loans have caused this situation to come before us. Those loans have also caused these banks to come seeking relief. Making those loans helped maintain interest rates of historically high level levels in this Nation. The same credit extended overseas could have been extended here in the United States. There is some dispute about this, I realize, but you cannot tell me that lendable funds made more abundant in the United States would not have reduced our interest rates right there at home.

We were told in subcommittee that there would be a very fast turnaround on this money. The IMF supposedly is going to have the big banks add to their loans. But the money going down to these countries such as Mexico, Argentina, and Brazil will rapidly come back to the United States in the form of higher interest rates and higher renegotiation fees to the banks themselves.

By this legislation, and by the promotion of the IMF schemes, we are actually exporting the policies of the Federal Reserve System to foreign nations. We have seen what those policies have done in this Nation. We have seen that those same policies have brought this Nation's economy to its knees. In fact, the entire free world's economy has been placed in jeopardy by these policies of artificially increasing interest rates, supposedly put in place for the purpose of controlling inflation.

Countries are having trouble paying off their debts because of the excessively high interest rates and charges that were originally placed upon them by the very banks which loaned them the money. Some of these banks have shifted from charging LIBOR, the London rate, plus points, to the prime rate plus points. The prime rate, of course, often is a highly artificial and inflated rate.

The Members have heard this bill called a jobs bill. I submit to my colleagues that that is on its face a ridiculous statement, a ridiculous name for this bill. Proponents could have as easily called it an education bill, a crime control bill, an economy bill or an agricultural relief bill. We all recognize that if you pump a little money into these countries that is later partially spent in the United States, we will receive some small benefit from it, but we may be almost in the position of Sears and Roebuck loaning money to people so that they can buy goods from Montgomery Ward. There is no assurance that we will receive a return on this investment.

The bottom line, of course, is the fact that this will result in an increase in our national debt of $8.4 billion. Some Members may say that it does not raise the deficit because it is off budget. The simple fact is that this would be a large addition to the national debt.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. LEACH).

The amendment was agreed to.

□ 1820

AMENDMENT OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BEREUTER: On page 24, after line 9, insert the following new section, and renumber succeeding sections accordingly.

"ELIMINATION OF AGRICULTURAL EXPORT SUBSIDIES

"SEC. 305. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following.

" 'SEC. 45. The Secretary of the Treasury shall instruct the United States Executive Director to the Fund to propose and work for the adoption of a policy requiring that prior to receiving any IMF assistance Fund borrowers must eliminate all predatory agricultural export subsidiaries which might result in the reduction of other member countries' exports. The Secretary shall report to the relevant committees of Congress within 180 days of enactment of this provision as to the progress achieved in reaching this goal.' "

Mr. BEREUTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Chairman, the amendment that I offer is a straightfoward one. It directs the Secretary of the Treasury to instruct the U.S. representative to the IMF "to propose and work for the adoption of a policy requiring that prior to receiving any IMF assistance fund, borrowers must eliminate all predatory agricultural export subsidies." It further imposes a reporting requirement on the Secretary so that we can assess the progress of this effort.

Mr. Chairman, America's farmers are in trouble. The premier exporters of our Nation, America's farmers, ranchers, and growers have consistently accounted for tens of billions of dollars in exports. Their outstanding performance has been a source of pride for our Nation as well as an economic salvation. The $23.7 billion trade surplus registered by the agricultural community in fiscal year 1982 was in striking contrast to the $60 billion deficit attributed to the nonagricultural sector.

Buffeted by a worldwide recession, our sales effort has taken a frightening turn downward. Recent forecasts by the U.S. Department of Agriculture predict that U.S. agricultural exports will fall this year to $35.5 billion, down almost 10 percent from last year's figure. Total export tonnage will drop as well, forecasters say, to 149 million tons, 9 million tons below the previous year's achievement.

Although worldwide economic conditions account for part of this distressing trend, that is not the entire problem. Farmers everywhere know that they are losing sales because of predatory export pricing by foreign nations.

Desperate to unload their excess agricultural commodites, foreign nations are increasingly resorting to heavy subsidization of their domestic producers, enabling them to undercut the United States in sales. The European Economic Community's export subsidies policies present the most notorious example of this problem. By granting refunds on the difference between the internal EEC and the world market prices, the EEC gives its sellers an unfair advantage. Significant U.S. sales to important markets such as Latin America and China, for example, have been displaced by these unfairly subsidized sales. A recent report issued by the Congressional Research Service states that the EEC share of the world grain market jumped 40 percent since 1979. Their total wheat exports climbed from 11 percent to 15 percent in 1980. All this as a result of unfair price competition.

According to the latest statistics prepared by the U.S. International Trade Commission, the EEC spent $1.3 billion for agricultural export subsidies in 1982, $0.4 billion for intervention storage and $0.29 billion for production subsidies. Their total agricultural budget appropriated $2.15 billion for the grains sector in 1983, an increase of 7 percent over last year. The 1983 budget will provide $1.39 billion for export subsidies—up 5.9 percent—$0.46 billion for intervention storage—up 13.4 percent—and $0.31 billion for production subsidies—up 7.4 percent. With large carryover stocks from last year's record wheat crop and a near-record harvest expected this year, our Foreign Agricultural Service predicts that pressure will build within the EEC to exceed last year's record export volume. This can only spell trouble for the United States.

A partial listing of other known agricultural export subsidies, prepared by the Agriculture Committee, of the other body, presents a sobering picture of what U.S. agricultural exporters face. Brazil, for example, a key recipient of IMF assistance, uses differential taxes to support its cotton producers. It also employs tax rebates and preferential credits to enhance the competitiveness of its soybean meal and oil exports. Argentina uses similar devices.

America's farmers, ranchers, and growers generally produce the highest quality produce in the world. They cannot compete, however, if they are hamstrung by a Government which sits by idly while foreign nations pour billions of dollars into the subsidization of their agricultural exports.

Enough is enough. Talking and negotiating have achieved little progress. The United States has two import subsidy cases pending now before the Subsidies Committee of the GATT relating to wheat flour and pasta. Individuals such as myself can assure you that we have achieved little progress despite the unrelenting efforts of our outstanding special representative, Ambassador William Brock.

It is time for action. Now. We need to use every bit of legitimate, reasonable leverage that we have to halt these predatory pricing practices. Responsible for one-fifth of the IMF's resources, the United States has a potent weapon at hand. We are required by circumstances to use it.

Farm exports account for a fifth of total export earnings for the United States. In fiscal year 1982, for example, the USDA says that farm exports created about 30 billion dollars' worth of additional business in the nonfarm community on top of the $39.1 billion in farm exports. More than one-half million nonfarm workers owe their employment to agricultural exports. Everyone in this body, therefore, not just the farm State representatives, must understand and appreciate the importance of this problem. I ask that you join with me in standing up firmly in favor of fair treatment for U.S. agricultural exporters and an open world trading system.

This amendment is a modest one. It carries a far less potent punch than that which many in this body and in the agricultural community would propose or prefer. Nevertheless, it can be another tool in our battle against unfair agricultural export subsidies. It is prudent and necessary. I urge its overwhelming adoption.

Mr. Chairman, I also request unanimous consent to include in the RECORD a chart prepared by the Agriculture Committee staff of the other body which lists known agricultural export subsidies.

COUNTRIES KNOWN TO EMPLOY EXPORT SUBSIDIES

	Country	Type of government assistance
Wheat and wheat flour	EEC	Cash payment.
Coarse grains	EEC	Cash payment.
Beef and veal	EEC	Cash payment.
Poultry meat	EEC	Cash payment.
	Brazil	Favorable product financing, rebate of taxes.
Lard	EEC	Cash payment.
Cotton	Argentina	Cash payment.
	Brazil	Differential taxes.
	Turkey	State control, cash rebates.
Lemons	Cyprus	Cash payment.
	Spain	Tax rebate, preferential credit.
	Italy	Cash payment.
Grapes, pears, and apples (fresh)	EEC	Cash payment.
Almonds, shelled	Italy	Cash payment.
	Spain	Tax refunds, preferential credit.
Rice	Japan	State trading.
	Italy	Cash payment.
Soybean meal and oil	Brazil	Tax rebates, preferential credit.
	Argentina	Tax rebates, preferential credit.

COUNTRIES KNOWN TO EMPLOY EXPORT SUBSIDIES—Continued

	Country	Type of government assistance
Pork	EEC	Cash payment.
	Sweden	Cash payment.
Eggs	EEC	Cash payment.
	Sweden	Cash payment.
Tobacco	EEC	Cash payment.
Oranges and tangerines	Spain	Internal tax rebates.
	Italy	Cash payment.
	Greece	Cash payment.
Grapefruit	Spain	Tax rebates, preferential credit.
Walnuts in shell	France	Cash payment.
	India	Cash payment.
	Italy	Cash payment.

Note.—Listing is partial and preliminary, as prepared by staff of Senate Committee on Agriculture, Nutrition, and Forestry.

Mr. BETHUNE. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Arkansas.

Mr. BETHUNE. Mr. Chairman, I will ask the gentleman, what sort of activities would constitute predatory financing or subsidies in the case of the gentleman's amendment.

Mr. BEREUTER. The question is a good one. There has been considerable discussion by the Agriculture Committees in both bodies on this subject, and I have been somewhat involved in that discussion by being a witness in a hearing in the other body. Frankly, it is very difficult to come up with an entirely satisfactory definition, but the definition of a predatory agricultural export subsidy would at least include any subsidy where a nation is providing subsidies of a nation to the extent that the export sale price of that product is less than the sale price of that product in its own country. That situation would at least be covered by such a definition.

Mr. BETHUNE. And the amendment would instruct our representative to fight against such subsidies; is that the case?

Mr. BEREUTER. All we can really instruct our representative to do is to propose and work for the adoption of such a policy against predatory agricultural export subsidies. That is all we can instruct him or her to do at this point.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Connecticut.

Mr. McKINNEY. Mr. Chairman, speaking for the gentleman from Ohio and for myself, at least this much of the minority side accepts the gentleman's amendment and thinks it is a very good idea.

Mr. BEREUTER. I thank the distinguished gentleman.

Mr. NEAL. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the distinguished gentleman from North Carolina, the chairman of the subcommittee.

Mr. NEAL. Mr. Chairman, I will tell the gentleman what I am worried about in this amendment. It certainly sounds like a laudable amendment. But I am concerned about the preciseness of the definition of "predatory." The United States has been the second biggest user of the IMF. Might there be an objection to our use of the IMF under this language, since we have agricultural programs that are clearly subsidies?

I am thinking of wheat, corn, dairy, and cotton programs, and a whole range of other programs that subsidize our agricultural products.

Could not that be a very severe problem for our own country's IMF participation?

Mr. BEREUTER. I would say to the gentleman that the answer is "no." We do not often use export subsidies. Indeed, the case is often made that the United States uses subsidies, but our subsidies to the extent they exist are imposed at the other end of the process. Our subsidies are aimed at reducing production. What we have objected to, particularly with respect to the practices of the European Economic Community, but to others as well, is the kind of a practice that is hurting nations like Brazil, as well as this country. They employ their subsidy at the other end—as an export subsidy. So every time we cut back on our production of wheat by a subsidy method we are in effect subsidizing the French wheat farmer. We hold down production to sustain reasonable commodity prices. The EEC continue to use their subsidy on the other end of the process.

We would not be affected by discouraging predatory agricultural export subsidies, but, frankly, if we were, I think this would be a good policy for us to implement.

Mr. NEAL. Our subsidies are good subsidies, but their subsidies are bad subsidies?

Mr. BEREUTER. I would say to the gentleman that I tend to look at it that way, but you do not even have to look at it in that respect. All I am saying is that ours are at the front end of the process, to limit production, the export subsidies are on the end of the process—the marketing end.

Mr. McKINNEY. Mr. Chairman, if the gentleman will yield, I think my good friend is just totally missing the point. We subsidize in this country to cut down on acreage and keep the price high. Our European EEC friends are subsidizing to keep production high and sell it at the low cost by paying the farmer for the difference. The word "subsidy" may be the same; but the action is entirely different. We are subsidizing farmers to cut back on production and keep the price of their product high. But they, on the other hand, are subsidizing to let farmers sell below the real price and they are not trying to cut back on production.

The CHAIRMAN. The time of the gentleman from Nebraska (Mr. BEREUTER) has expired.

(On request of Mr. McKINNEY and by unanimous consent, Mr. BEREUTER was allowed to proceed for 2 additional minutes.)

Mr. BEREUTER. Mr. Chairman, I yield to the gentleman from North Carolina (Mr. NEAL).

Mr. NEAL. Mr. Chairman, I am still somewhat concerned about it. What about, for instance, our Public Law 480 program? Does not that contain some export subsidy? It seems to me that we are into a very gray area here, and I am not sure that the IMF bill is the place we ought to be taking it up. I come from an agricultural State, as I know the gentleman does, and I want to help agriculture as much as I can. Essentially, in this legislation we are talking about a monetary institution. We are not talking about an agricultural institution. I just wonder if there is not a better place to deal with this.

Mr. BEREUTER. Reclaiming my time, I would respond to the gentleman and say that we have discussed this with our representative at the IMF, with the Treasury Department. Indeed it is a matter of special interest to certain members of the delegation of the gentleman from North Carolina, a Member in the other body. I am concerned about moving as far in directing our representative to IMF as some of the steps that have been contemplated. I think it is appropriate, therefore, that we have this kind that at least offer the direction given in the amendment. That is all that we can legally instruct.

Mr. NEAL. Is the gentleman saying that the administration supports this amendment?

Mr. BEREUTER. They will.

Mr. NEAL. Have they yet?

Does the Chairman support this amendment?

Who said ST GERMAIN?

The Chairman supports it.

Mr. KEMP. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I have great regard for my friend, the gentleman from Nebraska, and I understand the intent of his amendment. I heartily endorse the theory of the amendment. I think he is doing something that ought to be thought through not by the gentleman from Nebraska, because he thinks through these issues quite well, but I think the body itself has to realize that, on one hand, we are telling the IMF through this amendment not to engage in loans to countries that practice predatory agricultural policies, but the basic intent of the IMF, irrespective of the arguments that are made in its favor by the chairman and the distinguished gentleman from North Carolina, do not forget that the IMF's basic rule in Third World countries is to export more and import less by devaluing currencies.

The CHAIRMAN. The time of the gentleman from Nebraska (Mr. BEREUTER) has expired.

(On request of Mr. KEMP and by unanimous consent, Mr. BEREUTER was allowed to proceed for 1 additional minute.)

Mr. KEMP. So in effect, on one hand you are telling them not to be predatory. On the other hand, the international bankers and the IMF are going to those countries, wherever they may be, and saying, "Weaken your currency, or through devaluation, thus you can import less and export more."

I would suggest to the Members that if they are bothered about predatory practices in agriculture, they ought to be even more bothered by the predatory idea of telling Third World countries to weaken their currencies to get into the export market and to limit their imports. That is my problem with the type of advice that the IMF is giving. And if you think I am wrong, ask Sudan, ask Morocco, ask Brazil, ask Mexico. Every country today that is dealing with the IMF is following that practice. So I say to my friend that I support his amendment, I think hs is right on target, but here is a systemic problem in the IMF, and it is the cause of much of this pain that we are going to have to deal with at some point or another, and I would just bring this issue to the forefront in order to draw attention to the predatory practices of the IMF itself, much less the idea of predatory practices against Nebraska or New York.

Mr. BEREUTER. I thank the gentleman for his comments. They are important comments. But the fact of the matter is that the agricultural export subsidies are not often used by the Third World nations or specifically the nations that have the current need for IMF assistance.

The predatory agricultural export subsidies are primarily used by the European Economic Community. One can see that by examining a list of those commodities where agricultural export subsidies are used. As a recent member of the congressional delegation to GATT conference over the Thanksgiving vacation in 1982, it is the view, I would say, of many people who were there, in fact the unanimous view of the American congressional delegation as far as I know, that this kind of step to discourage predatory agricultural export subsidies must be taken as one more demonstration of our concern and resolve.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. BEREUTER).

The amendment was agreed to.

● Mr. RICHARDSON. Mr. Chairman, I rise in strong support of the amendment to H.R. 2957 offered by my distinguished colleague from Arizona (Mr. MCNULTY). This amendment would make certain that the United States, through the IMF, does not subsidize foreign copper industries or other business ventures abroad to the detriment of our own domestic industries. In addition, the amendment would require careful scrutiny of all IMF loan applications by U.S. representatives to make certain that no loans are awarded which would promote the production of any product which is currently flooding the international market.

Last year, the domestic copper industry suffered a terrible blow in its efforts to remain viable. The impact of slackened demand, falling prices, and high production costs has yielded tragic results. Nationally almost 60 percent of the work force has been laid off. In my home State of New Mexico, more than 2,300 workers lost their jobs. Unemployment in towns such as Chino and Silver City stands at roughly 29 percent.

Furthermore, the potash industry in New Mexico has suffered greatly as a result of cheap, subsidized, imported Mexican potash.

Mr. Chairman, it makes no sense for the U.S. Government to assist, support, and subsidize foreign industries giving them an upper hand in competition with U.S. businesses. We must support industries in the United States that are threatened by unfair trading practices. We should certainly not assist foreign nations who employ unfair trading tactics. This amendment will simply make certain that the U.S. Government does not support foreign businesses which put Americans out of work.●

● Mr. BIAGGI. Mr. Chairman, I rise in qualified support of H.R. 2957, the International Recovery and Financial Stability Act. I do not contend for a moment that this is not a most difficult vote and proposition to accept. In the eyes of many of my constituents, the perception is that we are increasing the U.S. contribution to an organization which helps other nations while our own economy is just now coming out of a severe recession.

If the issue were that simple, and one sided, I would be compelled to vote against this legislation. However, what is important to recognize is the important relationship between our contribution to the International Monetary Fund and the return we get on that investment in terms of job-creation activities.

Let me be more specific if not a bit parochial. According to research done by the Citibank of New York, increasing the U.S. share to the IMF and, in turn, the IMF continuing to loan money to developing nations, will continue to produce a healthier trade environment which would benefit both New York City and State. Nearly 1 out of every 7 jobs in New York, or 1 million total jobs, is related directly or indirectly to exports and world trade.

Further, for New York much of this trade involves the nations which have been heavily involved with IMF programs. Again according to Citibank, the Port of New York handles over $90 billion in exports with Latin America, with Brazil serving as the largest Latin American customer at $872 million. Brazil has been helped by the IMF, which has allowed them to be effective, trading partners and which in turn has helped our Nation's balance of trade.

When we evaluate this issue from the standpoint of New York State we find a similar benefit accruing by maintaining a strong and viable IMF. New York State is the third largest among the 50 States in export-related employment with more than 377,000 jobs related to exports.

The point I am making here is that it is misguided for us to evaluate this bill simply from the limited standpoint of increasing our commitment to the IMF. While few in this Congress would give unanimous approval to all of the IMF's lending policies in recent years, it is unfair to blame the IMF for issues such as the world recession. The nations which have had to lean more heavily on the IMF in recent months and years, including Mexico and Brazil, have been especially victimized by the world recession. Yet for our Nation to respond by not increasing our contribution to the IMF would simply be an invitation for additional fiscal crises affecting other nations, thus impeding their ability to be responsible trading partners, thus restricting the world market for U.S. exports, thus causing higher unemployment in those particular industries. Conversely, permitting a more active world trade market works to the distinct advantage of the American economy.

I believe there to be merit in the approach of having the United States insist on more prudent practices by the IMF in their loan decision. While I am in general support of the bill as reported, I will look favorably upon those amendments which may further protect the investment of U.S. dollars from the perilous financial practices of certain nations receiving IMF assistance.

Mr. Chairman, obviously this is not a perfect bill; it is legislation of necessity, however. If we fail to act on this bill we will be inviting a financial disaster which may end up costing this Nation far in excess of the funds we are authorizing today. Finally, let me observe that if we are in fact committed to expanding the economic recovery which is well underway at this point, we must do so with a partnership between the public and private sectors. We must look to international trade as a fertile ground for job creation. We must not have policies in one area pull the rug out of progress in another area. Certainly I would be far more comfortable were our commitment of funds to the IMF lower but the level suggested in this bill by all accounts is needed.

I support the legislation and urge its adoption in an expeditious fashion.●

● Mr. YOUNG of Alaska. Mr. Chairman, I feel that it is important during consideration of the IMF quota increase, to glance back at a particularly relevant history lesson. In the wake of World War II, the United States adopted a program for the reconstruction of the economies of Europe and Japan, known as the Marshall plan. While the Marshall plan was noble in its original intent, it nevertheless had some unforseen negative consequences which we are experiencing even today. The results of that well-meaning plan are that while Japan and the countries of Western Europe have been able, as a result of U.S. loans and grants, to expand and modernize their industrial base in the postwar era, American industries, lacking a domestic rescue package such as the Marshall plan, grew old, outdated, and uncompetitive in the world economy.

Today, as a result, we are faced with double-digit unemployment and declining smokestack industries such as steel and automobiles. Capital spending, despite the recent improvement in the economy, remains extremely low in this country. We are constantly reminded that many of the jobs that have been lost in the latest recession are gone forever and we are told that America faces an impending transformation to a predominantly service-oriented economy. I do not accept as inevitable the further erosion of this country's industrial base and feel that such an occurrence would be a great tragedy.

Today, in the Congress, we are asked to approve a 1980's version of the Marshall plan. We are being asked to further fund development projects in Third World countries so that Brazilian steel or Mexican steel can, like German, Japanese, and Korean steel, compete with the already depressed American steel industry. In short, we are being asked to further undermine our weakened industrial sector by aiding its foreign competitors. We are being asked to come to the rescue of those international banks that have made questionable loans to our foreign competitors. We are being asked to bail out those same banks that have

seen fit to foreclose on our farmers and small businessmen who fail to make one of their payments. These banks, however, are quite anxious to have the Federal Government continue to fund foreign countries who are late in their loan payments.

I cannot support a bill which, while overly generous to foreigners and multinational bankers, disregards this country's basic industries which have been hurt so deeply in the latest recession. This Congress needs to cooperate with those people that are the lifeblood of this country's economy, its laborers, its farmers, and its small businessmen. This $8.4 billion would be better spent in this country in a new, revised reconstruction finance company. Economists have said that an upturn in the global economy is dependent upon an American recovery. Let us further that recovery by voting down this measure, and thus reducing the Federal deficit and interest rates, and aiding domestic industry. I urge my colleagues to oppose H.R. 2957.●

● Mr. SHELBY. Mr. Chairman, for years Western bankers have been unable to resist the temptation to extend ever-increasing loans to the capital starved countries of the Second and Third Worlds. Unfortunately, it seems that the gnomes of Zurich, London, and New York have managed to create a situation whereby the only solution to today's international debt problem is to increase the amount of debt already threatening worldwide financial solvency. Piling debt upon debt, however, only delays the inevitable, while exacting a high price from lenders, borrowers, and innocent taxpayers.

The Reagan administration is now before Congress, urging us to vote for an $8.4 billion infusion of taxpayer funds to subsidize the fiscal mismanagement of both lenders and borrowers. The folly of this calculated assault on the Treasury should, by now, be evident to all.

The governments of the debtor countries have become hard currency junkies. They need hard cash to service the debt owed to Western banks and governments simply because their own inefficient economies cannot produce enough exports to earn the currency through regular means of trade.

To be sure, some of the problems confronting the debtor nations are beyond their control. The world recession and the resulting drop in worldwide commodity prices have played havoc with their economies. Economic growth, however, is not an accident of nature. By maintaining overvalued exchange rates, subsidizing foodstuffs—which destroys domestic agriculture—and erecting centrally planned inefficient state enterprises, many lesser developed countries (LDC's) have only themselves to blame for their current predicament.

The proposed increase in American funding will further strain an already shaky financial system. Higher Federal deficits will ensue since the Treasury must finance this increase by borrowing in the open credit markets. This in turn, adds to the upward pressure on interest rates because private capital has to compete with the Treasury for the same pool of lenders' funds. It is not up to the U.S. Treasury to rescue the bankrupt with another infusion of American red ink, while the American taxpayer is left holding the bag.

The purpose of the IMF is to alleviate short-term balance-of-payment imbalances or liquidity problems. Longer term projects or structural loans are, under the 1944 Bretton Woods Agreement, the preserve of the World Bank. Thus, by engaging itself in problems of insolvency, the IMF is transforming itself into little more than a supranational welfare agency, permanently underwriting LDC deficits.

This is not to say that the current situation warrants no action. There are, however, reasonable alternatives to the quota increase.

Banks can write down nonperforming loans, leading to their true worth and value, while setting aside larger reserves against their foreign loans. Bank profits and dividends may suffer in the short run, reflecting the price of imprudent bank decisions, but by disclosing their true worth, banks would allow the marketplace to decide whether increasing foreign loans is sound policy.

The IMF could borrow in open credit markets by using its immense gold reserves as collateral. The $45 billion in gold that the IMF now possesses could raise more than enough hard currency to deal with current difficulties.

Bilateral, not multilateral aid, would better serve our own interests. Passing foreign aid through an international bureaucracy reduces the control and influence of the donor countries, whereas bilateral loans let us control the decision of where and to whom the money goes. The United States has no interest in stabilizing Communist regimes and military dictators, only so that bankers are protected from the consequences of their own poor judgments.

In addition, the stringent conditions imposed by the IMF on debtor countries often have been counterproductive. Increased unemployment, reduced growth, and a lower standard of living typify the results from past IMF actions. Economic growth, not subsidized welfare, is the key to the LDC's problems.

The proper role of the IMF is to act as a monitoring agency, not a lender of last resort. Allocation of credit should be left to the marketplace, not some supranational financial supermarket. If banks were forced to recognize and internalize the risks inherent in international lending, more prudent lending would result.

At at time when farmers and small businessmen are being squeezed by panicky local banks, it is unconscionable for us to ask the American taxpayer to subsidize the mistakes of the big banks. Once again Wall Street gets a raft while Main Street gets the shaft.

The increasing interdependence of each nation's well-being is a central fact in today's world. But interdependence does not mean that the U.S. taxpayer should be subsidizing the inefficiencies of corrupt foreign governments and their big bank patrons.●

● Mr. GEJDENSON. Mr. Chairman, as we continue consideration of H.R. 2957, I would like to draw my colleagues' attention to a study released yesterday by the Center for International Policy. The report, which was quoted in today's Washington Post (July 26, 1983), notes that, for the first time, the International Monetary Fund has cited the practice of apartheid as a threat to economic stability in South Africa, and has recommended an extensive restructuring of that abhorrent social system, particularly in the area of equal training and education. The practice of apartheid therefore appears to be not only a morally bankrupt policy, but an economically unsound one as well. I strongly recommend the report by the Center for International Policy to any of my colleagues who may have missed it.

The article follows:

IMF CRITICIZES APARTHEID

An International Monetary Fund economic team reported on May 19 that South Africa must ease the impediments and restrictions governing the labor market in order to avoid serious imbalances in the economy over the medium term.

The team also recommends that the allocations of government expenditure to black education and manpower training be stepped up sharply because they have been inadequately funded up to now.

The report by the team represents the IMF management's first criticism of apartheid.

Citing impediments on the geographical mobility of black workers as a serious problem, the study produced by the team says that in general this regulatory system is based on noneconomic considerations. The appraisal by the IMF concluded that there was no clear prospect of improvement in this area.

The IMF acknowledged progress in removing legal impediments to black promotions in industry. But it said that progress to a more racially diverse skilled labor force is impeded by a large discrepancy in existing skills and in government expenditure on education and training between race groups. It cited a 1979/80 estimate by the nongovernmental Institute of Race Relations showing a ratio of almost 13:1 between expenditure on white and black school children.

There were also large discrepancies between race groups in terms of access to technical and vocational training. The study also reported slim prospects of reducing the gap in the foreseeable future.

The report by the IMF team, which visited Pretoria last February and March, represents the first criticism of apartheid on economic grounds by the IMF. The study represents a response to requests by several executive directors made at an IMF meeting last November 3, during which the executive board approved a $1.1 billion loan to South Africa.

The chief author of the study was Leslie J. Lipschitz, a South African now working for the IMF's European Department.

POLICY IMPLICATIONS

The study was cited approvingly by nearly all executive directors at the June 20, 1983 mid-term review of South Africa's standby program. Thus critical monitoring of two chief aspects of apartheid—pass laws and educational discrimination—is now likely to become a subjection of discussion between the IMF and South Africa in future annual consultations.

Furthermore, if South Africa ever approaches the IMF again for a new standby, progress in dismantling these pillars of apartheid is likely to be made a criterion of the program. It is certain that the conclusions of the study will be cited by executive directors, and that progress in implementing them will be considered one test of South Africa's cooperation with the Fund.

This conclusion implies that South Africa may be found ineligible for future standby arrangements unless it is prepared to dismantle major elements of apartheid.

The Fund's other major loan window, the Compensatory Financing Facility, is not subject to the same program conditions. However, the trend in recent IMF decisions is to link access to the CFF to the member country's general pattern of cooperation with the Fund in an attempt to find solutions to the member's economic difficulties. If there is no progress in implementing the findings of the IMF's study, that may also be cited against a South Africa request for the CFF.

LEGISLATIVE IMPLICATIONS

Section 303 of the IMF quota increase bill now before the House of Representatives requires that the United States oppose future IMF loans to South Africa because of apartheid. The amendment reads:

"The Congress hereby finds that the practice of apartheid results in severe constraints on labor mobility and other highly inefficient labor supply rigidities which contribute to balance of payments deficits in direct contradiction of the goals of the International Monetary Fund.

"Therefore, the President shall instruct the U.S. Executive Director of the Fund to actively oppose any credit drawings on the Fund or any of its facilities by any country which practices apartheid."

The House Banking Committee approved the section, with its economic preamble, on May 9. On May 2 the banking committee's Subcommittee on International Trade, Investment, and Monetary Policy heard testimony from a former Treasury Department official, Dr. Colin Bradford, and an M.I.T. economics professor, Richard Eckaus, on the economic liabilities of apartheid. The news that the IMF itself has criticized apartheid on economic grounds corroborates the position of the House Banking Committee and deflects the administration's argument that retention of the section will politicize U.S. involvement in the IMF.

The Congressional Black Caucus on July 20 circulated a letter saying that its nineteen votes would be available for the IMF replenishment only if Section 303 is retained. At least an equal number of white liberals are inclined in the same direction.

On July 19 House Africa subcommittee chairman Rep. Howard Wolpe (Democrat of Michigan) said, "The IMF bill is going to be difficult enough to pass as it is. I think that if this amendment were to be pulled off—if the Dixon amendment does not prevail—I think we could end up with further erosion of support for the basic legislation, which is the point we are making to some of the Administration's supporters of the legislation."

The anti-apartheid amendment was originally offered by Rep. Julian Dixon, Democrat of California and chairman of the Congressional Black Caucus.●

● Mr. NOWAK. Mr. Chairman, during consideration of H.R. 2957, the International Financial Stability Act, I would like to take this opportunity to express my support for the provision which is designed to enhance export financing for the small business community. This measure would accomplish this goal by requiring the Eximbank to designate 6 percent of its authorized lending funds to small business in fiscal year 1984 and 10 percent in fiscal year 1985. In addition, H.R. 2957 contains a provision which instructs the Eximbank to be competitive in its financing and sensitive to small business export financing needs.

There is an increasing awareness in the Congress and in this country that the Nation's trade deficits and unemployment problem are two critical problems we face in the eighties. However, they are not mutually exclusive. Any effort to increase export trade by our business community would ultimately lead to the creation of employment for many of our Nation's jobless work force. Indeed, the U.S. Department of Commerce has proclaimed in widely circulated posters that "U.S. Exports Means Jobs."

In our attempt to increase exports and create jobs, it is essential that we continue to recognize the importance of small business in the job generation process. The available data undeniably indicates that small business is a major source of net new jobs.

Therefore, I support any measures which are designed to increase the involvement of small business in the domestic campaign to revitalize the Nation's international trading position. In fact, as chairman of the House Small Business Subcommittee on Tax, Access to Equity Capital and Business Opportunities, I recently held a hearing on tax proposals to foster small business exports.

The provisions contained in H.R. 2957 which relate to small business export financing are an important movement toward placing the United States in an equitable position in international competitiveness and returning many of our jobless workers back to their former position of pride and productivity.

In conclusion, Mr. Chairman, I would like to commend my colleagues Mr. IRELAND and Mr. ROEMER for their efforts on these provisions and their foresight in recognizing the importance that small business must play in any plan to stimulate exports and improve our Nation's international trading capacity.●

Mr. ST GERMAIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2957) to extend the authority of the Export-Import Bank of the United States, encourage balanced worldwide economic growth, provide for continued participation in the International Monetary Fund, strengthen the supervision of international lending by U.S. banks, and provide for continued U.S. participation in multilateral development banks, had come to no resolution thereon.

DEPARTMENT OF DEFENSE AUTHORIZATION ACT, 1984

The SPEAKER. Pursuant to House Resolution 197 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2969.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2969) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes, with Mr. ROSTENKOWSKI in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, July 21, 1983, title V was open for amendment at any point, and pending was an amendment offered by the gentlewoman from Colorado (Mrs. SCHROEDER) and a substitute offered by the gentleman from Missouri (Mr. SKELTON).

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentlewoman from Colorado is recognized for 5 minutes.

There was no objection.

Mrs. SCHROEDER. Mr. Chairman, what I would like to do is try to explain to everybody where we were when we rose last Thursday.

Last Thursday, I offered my troop withdrawal amendment to the defense authorization bill. Simply put, my amendment would reduce the number of troops we have stationed abroad down to the fiscal year 1980 level, or by about 29,000.

I was surprised to find that the Congressman from Missouri (Mr. SKELTON) had a substitute, which had not been noticed in the RECORD. This substitute, I have since learned, is taken exactly from the defense authorization bill in the other body. The Skelton substitute contains five clauses of finger wagging at our allies. Japan is particularly singled out for a good scolding. The substitute concludes with a sense of the Congress provision which tells the President that he should urge other countries to accept their international security responsibilities. The Skelton substitute reads like a parent telling his or her children that they have been naughty. It is both paternalistic and ineffective.

Indeed, the bill in the other body from which this amendment was taken, goes on to require a report. Yet, for some reason, the reporting requirement was left out of this amendment.

Besides doing nothing, the Skelton amendment is not useful because it is a restatement of what has been in the defense authorization public law for the last 3 years. In 1980, we passed Public Law 96-432 which was that year's defense authorization bill. Section 1006 reads a lot like the Skelton substitute. Subsection (a) says its the sense of Congress that our allies have not been doing enough for the common defense. Subsection (b) says it is the sense of Congress that the President ought to encourage other countries to accept their international security responsibilities. And, subsection (c), which Mr. SKELTON deleted from his substitute, tells DOD to write a report on the subject. In 1981 and in 1982, the same language was inserted in the defense authorization bills; only the dates were changed.

So, the choice before us is between doing nothing, but in a manner sure to be offensive to our allies, and withdrawing 5 percent of our troops abroad to force our allies to take care of more of their own defense needs. My amendment does not engage in name calling or paternalism. It is worded to protect the partnership but to make it a fairer partnership.

The language which has been in the defense public laws in 1980, 1981, and 1982 has resulted in a rather useful report from the Defense Department. Once you get beyond the sabre rattling introduction, there are some fascinating comparative figures. For example, in 1981, the United States spent 40 percent more on defense spending than all the rest of NATO plus Japan combined. The United States spent just about twice what all our NATO partners plus Japan spent on defense as a proportion of gross domestic product. As a proportion of population, the United States had about 50 percent more citizens as soldiers or working for the Defense Department as did our NATO allies plus Japan combined.

In 1978 we and all our NATO allies made a pledge to increase our defense spending by 3 percent a year in real terms. If everyone had done that, the increase in defense spending between 1979 and 1982 would have been 12.6 percent. We, in the United States, have gone wild in our defense buildup and increased our military spending over that period by 21.4 percent. Our NATO allies increased their spending by a mere 9.2 percent.

The Defense Department report says:

> Rather than reduce its commitment to the common defense (by troop withdrawals), the United States must lead by example.

Well, we have been leading by example. We have cut food stamps, medicare, social security, and numerous other important domestic social programs to provide for the defense of our allies. In the meanwhile, they have maintained and expanded their social programs and cut defense. I say its time to stop being a sap. Its time for us to reduce our defense spending by encouraging our allies to defend their own territories. Our leading by example is leading us to bankruptcy.

ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE: IS THE PARTNERSHIP FAIR?

The United States spent $162.3 billion on defense in 1981 and had 3.12 million men and women either in uniform or working as civilians in the Department of Defense.

To reach the same proportion of the population working in the Defense Establishment as the United States has—

Germany would have to expand its military by 167,701 people or 25 percent.

All other NATO nations would have to expand by 516,018 people, or 15 percent.

Japan would have to expand its military by 1,337,286 people, or 505 percent.

To spend the same proportion of its gross domestic product on defense as the United States does—

Germany would have to spend an additional $15.4 billion, or 67 percent.

All other NATO nations would have to spend an additional $402 billion, or 49 percent.

Japan would have to spend an additional $51.2 billion, or 484 percent.

To spend the same amount on a per person basis on defense as the United States does—

Germany would have to spend an additional $20.5 billion, or 89 percent.

All other NATO nations would have to spend an additional $123.2 billion, or 150 percent.

Japan would have to spend an additional $72.8 billion, or 690 percent.

Mr. Chairman, I urge defeat of the Skelton substitute and adoption of my troop withdrawal amendment.

The CHAIRMAN. The time of the gentlewoman from Colorado (Mrs. SCHROEDER) has expired.

(On request of Mr. HYDE and by unanimous consent, Mrs. SCHROEDER was allowed to proceed for 2 additional minutes.)

Mr. HYDE. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I would be delighted to yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentlewoman for yielding.

Mr. Chairman, I have a little difficulty reconciling this amendment with support for the nuclear freeze and for building down nuclear weapons. The nuclear freeze theory and the bishops' letter and the theoreticians on that end of the discussion seem to indicate a recognition of the need to build up conventional if we build down our nuclear weaponry.

It would seem to me your amendment flies in the face of this, assuming that we do get a nuclear freeze some day and we do have successful disarmament, or at least arms control.

Does the gentlewoman not think we should at least be holding steady on conventional, if not building up?

□ 1840

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Indeed.

Mrs. SCHROEDER. That is exactly my point. Actually, I think my amendment is very much in line with what the nuclear freeze is talking about, and that is, as you look at the whole world, you admit you are 3 percent of the planet and you try to figure out what you can do to lower the level of terror and tension.

What you can do in Western Europe is have the Western Europeans do more of the defense of Europe. As I pointed out from these statistics, they more than make up the numbers that the Americans have deployed over there if they would just increase the percentage of people in uniform to the level we have.

The only issue is, I am not even asking them to do that. I am only saying let us start a little trend. We will all be stronger if we are all stronger. We will not be stronger if we keep saying, "Don't you worry about con-

ventional weapons. We will protect you with our nuclear umbrella." That is what we have been saying in Europe. That is what Europeans are very frightened about.

I think we would do everybody in the world a big favor and lower the nuclear threshold if we encouraged them to do much more of a conventional buildup in Europe so the Russians would not be inclined to play around.

Mr. HYDE. Mr. Chairman, will the gentlewoman yield further?

Mrs. SCHROEDER. I am delighted to yield.

Mr. HYDE. What the gentlewoman is saying, this amendment if adopted would send a message to the Europeans that we have now created a vacuum in conventional forces; would you please rush in and fill it?

Mrs. SCHROEDER. No; I think with 29,000 troops, we are not anywhere close to creating a vacuum.

Mr. MAVROULES. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the substitute and in opposition to the amendment offered by the gentlewoman from Colorado. I do this reluctantly.

I think we have to refresh our memories a little bit and to give credit to the NATO alliance and those who serve in the NATO alliance.

During the senseless war in Vietnam while the United States and the military are mired in a senseless war, the NATO alliance was contributing about 5 to 7 percent real growth in terms of real growth to assist the United States in that war in Vietnam.

It is not a straight-line situation where you say that we should do this and they should do that; but let us be fair with those who are our partners in the alliance.

Let me cite some examples and some facts. In Germany today, we have 400,000 foreign troops on their soil. Each year in Germany we have 5,000 military exercises on their soil. Their countryside is being ripped apart, their beautiful countryside, for these exercises.

The Germans have agreed that in time of war they will call up 93,000 reservists to do the job that perhaps other members of the alliance should be doing; but there is something even more important than that when we talk about real growth in military spending. The fact is that for every one dollar that we spend for goods manufactured in Germany alone, the Germans purchase from the United States $9; so on a ratio of 9 to 1 they spend that many times more dollars for equipment being purchased here in the United States.

So I think the gentlewoman's amendment has an awful lot of merit. I have no problem with that. The problem is that I think we are being unfair to other members of the alliance.

I happen to agree that perhaps they could be doing better. I do not think they are going to do better if we are going to withdraw any amount of troops from there. I think what we need to do is demonstrate resolve, that we are members of an alliance. When their economy picks up, and it is picking up as ours is, then I think they will make that firm commitment of at least 3 to 4 percent real growth.

So therefore, reluctantly, I cannot support the gentlewoman's amendment.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. Of course, I will.

Mrs. SCHROEDER. I just want to make several points that I think are very important.

I understand about the Germans using their land for exercises. We all understand that.

We also understand that a lot of our intercontinental ballistic missiles which happen to be based all over this country make this country a target if the flag goes up in Germany; so I think that is part of the partnership.

I must say that I think my amendment is less offensive to the allies than the substitute, because the substitute is a lecturing. It is a finger waving. I think it is not the time to become paternalistic, but real honest-to-gosh partners and say, "Look the war is over. World War II is over. You have rebuilt. Your economies are as strong as ours. It certainly should not be offensive that you are asked to do this."

We are not talking about anywhere near all the 500,000 troops abroad. We are only talking about 29,000 people to be called back, but our allies then start to fill some of that gap. It does not leave them in the nude. It does not leave them exposed. It does not say that we are walking home. It does not make us isolationistic. It deals with the real world. It is not 1945. It is 1983.

Mr. MAVROULES. Let me reply to that, if I may. I just got back from the arms negotiations talks in Europe. If we are moving in any one direction, this is the area we are moving in and I think very progressively. There is progress being made relative to reductions of numbers of troops.

We have two other problems, however; but at least in this area we are beginning to talk and movement is taking place. We are having problems with arms reductions and we are having problems with verification.

I think at this time maybe the amendment is ill timed. I think the amendment has merit, but I think during these negotiations, if the substitute was not offered, I would much rather vote against the amendment clean, because of the reasons I have given.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield further?

Mr. MAVROULES. Why, of course.

Mrs. SCHROEDER. Once again, as I say, we have heard that it is not the right time every year and I wanted to point that out in my statement, that since 1980 we have been putting this kind of language in and all we have done is increased our commitment and they have decreased theirs. So all I am saying is that language alone is not getting us anywhere.

Mr. MAVROULES. Let me respond to that. There is also one other factor, let me say to the gentlewoman from Colorado (Mrs. SCHROEDER).

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

(By unanimous consent, Mr. MAVROULES was allowed to proceed for an additional 30 seconds.)

Mr. MAVROULES. Mr. Chairman, the point I want to make is that we do have 5,000 military maneuvers every year. They are along the entire countryside of Germany. We are ripping up their beautiful country and that is part of it, 5,000 maneuvers are taking place every year. I think we have to consider that also.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield further?

Mr. MAVROULES. I will, the last few seconds that I have.

Mrs. SCHROEDER. I must say that we in the West feel that we are doing a lot. We are basing missiles, we are burying all the nuclear waste, so we are doing all sorts of things. We are doing our part, too.

Mr. MAVROULES. I am sure we are. I thank the gentlewoman.

Mr. FRANK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to speak in support of the amendment of the gentlewoman from Colorado.

I think the amendment offered by the gentleman from Missouri is totally irrelevant to the purpose.

What the gentlewoman from Colorado is doing is really celebrating America's strength. She is proclaiming that the Marshall Plan worked, that it is no longer 1948, that Western Europe is no longer impoverished, poor, and unable to help itself.

I think one of the great scams that goes on in the world today is the one by which we get persuaded that people are doing us an enormous favor when they let us protect them. Western Europe today is a prosperous, wealthy, strong and populous area. They are not our little brothers. They are not people in need of our protection.

The Japanese, of course, are great competitors. Indeed, they have outstripped us in many, many areas.

For us to continue to bear the white man's burden, which it seems to me we

have a hangover on, makes no economic sense and makes no military sense. The notion that without substantial American troops, larger than we have had for years, that Western Europe is imperiled, seems to me to be in error.

It also seems to me demonstrably futile to do what the gentleman from Missouri wants to do. What the gentleman from Missouri wants to do is to continue to tell the Europeans that they should do more, but assure them at the same time that we will continue to bear their part of the load, so they need not take us seriously. It has not worked in the past. It will not work today and it will not work in the future, because it is not intended to work. It is not intended to do anything other than to derail the very sensible amendment offered by the gentlewoman from Colorado.

There is simply no good economic reason for us to continue to pretend that Western Europe is so dependent on us. For conventional defense, they have got the population, the economic base and the wealth, which says that they ought to be their own main line of defense.

As to the Japanese, I do not myself foresee an invasion of the Japanese islands. I am not sure where it is coming from. If there is some concern in Japan, that is something they can address. Without our subsidizing them.

But what we are doing at a time when we are in serious economic difficulty, when we have a balance of payments problem seriously out of whack, when we have got an increasing budget deficit, is we are gratuitiously spending money all over the world militarily far beyond any rational need; so the gentlewoman from Colorado is correct. There is nothing isolationist about what she is talking about.

□ 1850

She continues to have under her amendment more American troops overseas than this country ever used to have under arms at all.

What she is saying is the Marshall Plan succeeded. Douglas MacArthur made it big in Japan. The Japanese and the Western Europeans are no longer impoverished and in need of our taking all of the burden. At a time when we are in economic straits ourselves and economically in competition with these nations, sending all of our people all over the world militarily makes no strategic or economic sense.

I hope the amendment offered by the gentleman from Missouri, (Mr. SKELTON), will be defeated and the amendment offered by the gentlewoman from Colorado (Mrs. SCHROEDER) will be accepted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON) as a substitute for the amendment offered by the gentlewoman from Colorado (Mrs. SCHROEDER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mrs. SCHROEDER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 329, noes 82, not voting 22, as follows:

[Roll No. 269]

YEAS—329

Ackerman	Edwards (AL)	Latta
Akaka	Edwards (OK)	Leath
Albosta	Emerson	Lent
Anderson	English	Levin
Andrews (NC)	Erdreich	Lewis (FL)
Andrews (TX)	Erlenborn	Lipinski
Annunzio	Evans (IA)	Livingston
Anthony	Fascell	Lloyd
Applegate	Fazio	Loeffler
Archer	Feighan	Long (LA)
Aspin	Fiedler	Long (MD)
Badham	Fields	Lott
Barnard	Fish	Lowery (CA)
Barnes	Florio	Lujan
Bartlett	Forsythe	Luken
Bateman	Fowler	Lungren
Bellenson	Franklin	Mack
Bennett	Frenzel	MacKay
Bereuter	Frost	Madigan
Berman	Fuqua	Marlenee
Bethune	Gaydos	Marriott
Bilirakis	Gejdenson	Martin (NC)
Bliley	Gekas	Martin (NY)
Boehlert	Gibbons	Matsui
Boggs	Gilman	Mavroules
Boland	Gingrich	Mazzoli
Boner	Glickman	McCain
Bonker	Gonzalez	McCandless
Borski	Goodling	McCollum
Bosco	Gore	McCurdy
Boucher	Gradison	McDade
Breaux	Gramm	McDonald
Britt	Green	McEwen
Brooks	Gregg	McGrath
Broomfield	Gunderson	McHugh
Broyhill	Hall, Ralph	McKernan
Bryant	Hall, Sam	McKinney
Burton (IN)	Hamilton	Mica
Byron	Hammerschmidt	Michel
Campbell	Hance	Mikulski
Carney	Hansen (ID)	Miller (CA)
Carper	Hansen (UT)	Miller (OH)
Carr	Harrison	Mineta
Chandler	Hartnett	Minish
Chappell	Hatcher	Molinari
Chappie	Hefner	Mollohan
Cheney	Hertel	Montgomery
Clarke	Hightower	Moody
Clinger	Hiler	Moore
Coats	Hillis	Moorhead
Coleman (MO)	Holt	Morrison (CT)
Conable	Hopkins	Morrison (WA)
Conte	Horton	Mrazek
Cooper	Hoyer	Murphy
Corcoran	Hubbard	Murtha
Courter	Huckaby	Myers
Craig	Hughes	Natcher
Crane, Daniel	Hunter	Neal
Crane, Philip	Hutto	Nelson
D'Amours	Hyde	Nichols
Daniel	Ireland	Nielson
Dannemeyer	Jeffords	Nowak
Daschle	Jenkins	O'Brien
Daub	Jones (NC)	Olin
Davis	Jones (OK)	Ortiz
de la Garza	Jones (TN)	Oxley
Derrick	Kasich	Packard
DeWine	Kazen	Panetta
Dickinson	Kemp	Parris
Dicks	Kennelly	Pashayan
Dingell	Kindness	Patman
Donnelly	Kolter	Pease
Dowdy	Kostmayer	Penny
Downey	Kramer	Pepper
Dreier	LaFalce	Perkins
Duncan	Lagomarsino	Pickle
Dyson	Lantos	Porter
Price	Shuster	Torres
Pursell	Siljander	Torricelli
Quillen	Simon	Traxler
Rahall	Sisisky	Udall
Ratchford	Skeen	Valentine
Ray	Skelton	Vandergriff
Regula	Slattery	Volkmer
Reid	Smith (FL)	Vucanovich
Richardson	Smith (IA)	Walgren
Ridge	Smith (NE)	Walker
Rinaldo	Smith (NJ)	Waxman
Ritter	Smith, Denny	Weber
Roberts	Smith, Robert	Wheat
Robinson	Snowe	Whitehurst
Roe	Snyder	Whitley
Roemer	Solarz	Whittaker
Rogers	Solomon	Whitten
Rose	Spence	Williams (MT)
Roth	Spratt	Winn
Roukema	Staggers	Wirth
Rowland	Stangeland	Wise
Rudd	Stenholm	Wolf
Russo	Stratton	Wolpe
Sawyer	Stump	Wortley
Schaefer	Sundquist	Wright
Scheuer	Swift	Wyden
Schneider	Synar	Wylie
Schumer	Tallon	Yatron
Sensenbrenner	Tauke	Young (AK)
Sharp	Tauzin	Young (FL)
Shaw	Taylor	Young (MO)
Shelby	Thomas (CA)	Zablocki
Shumway	Thomas (GA)	

NAYS—82

Addabbo	Ford (TN)	Moakley
AuCoin	Frank	Oakar
Bates	Garcia	Oberstar
Bedell	Gray	Ottinger
Biaggi	Hall (IN)	Owens
Boxer	Hall (OH)	Patterson
Brown (CA)	Harkin	Paul
Brown (CO)	Howard	Petri
Burton (CA)	Jacobs	Rodino
Clay	Johnson	Rostenkowski
Coleman (TX)	Kaptur	Roybal
Collins	Kastenmeier	Sabo
Coughlin	Kildee	Savage
Coyne	Kogovsek	Schroeder
Crockett	Leach	Seiberling
Dellums	Lehman (CA)	Shannon
Dorgan	Lehman (FL)	Sikorski
Durbin	Leland	St Germain
Dwyer	Levine	Stark
Dymally	Levitas	Stokes
Early	Lowry (WA)	Studds
Eckart	Lundine	Towns
Edgar	Markey	Vento
Edwards (CA)	Martin (IL)	Weaver
Evans (IL)	Martinez	Weiss
Ferraro	McCloskey	Yates
Foglietta	McNulty	
Ford (MI)	Mitchell	

NOT VOTING—22

Alexander	Gephardt	Schulze
Bevill	Guarini	Vander Jagt
Bonior	Hawkins	Watkins
Coelho	Heftel	Williams (OH)
Conyers	Lewis (CA)	Wilson
Dixon	Obey	Zschau
Flippo	Pritchard	
Foley	Rangel	

□ 1900

The Clerk announced the following pair:

On this vote:

Mr. Guarini for, with Mr. Rangel against.

Messrs. NIELSON of Utah, BERMAN, CARR, BROOKS, WAXMAN, WYDEN, and ROSE changed their votes from "no" to "aye."

Mr. OWENS and Mr. STUDDS changed their votes from "aye" to "no."

So the amendment offered as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. (Mr. MURTHA). The question is on the amendment offered by the gentlewoman from Colorado (Mrs. SCHROEDER), as amended.

The amendment, as amended was agreed to.

□ 1910

Mr. DANIEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy with my colleague from New York, the distinguished chairman of the procurement subcommittee.

During the committee's action on the bill procurement funds were reduced so as to not permit the funding for production surge capability for the F-16 engine, the TOW II missile, and the Phoenix missile. I understand that the reason for this reduction was not that the committee was opposed to the development of surge production capability for these important items. Is my understanding correct?

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. DANIEL. I yield to the gentleman from New York.

Mr. STRATTON. I thank the gentleman for yielding.

The understanding of my distinguished colleague is absolutely correct. The subcommittee is very much concerned with the ability to rapidly increase production, if the need should arise, for many defense items, including the three items you named.

Mr. DANIEL. If the Department of Defense were to submit a reprograming request to use funds to develop a surge production capability for the F-16 engines, the TOW II missiles, the Phoenix missiles, or such other defense items for which a surge production capability would be desirable, such a request could be considered by the committee. Is that correct?

Mr. STRATTON. Your understanding is absolutely correct. There is no reason why the committee would not consider such a reprograming request.

Mr. DANIEL. A final point. If the committee considered reprograming to develop the surge production capability for these or other defense items to be appropriate, the reprograming request could be approved. Is that correct?

Mr. STRATTON. Again, your understanding is absolutely correct. The reduction in funding for development of a surge production capability for the F-16 engines, the TOW II missile, and the Phoenix missile was without prejudice to reprograming for these requirements.

Mr. DANIEL. Mr. Chairman, I thank my colleague for his clarification of this important point.

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words.

If I might have the attention of the chairman and for the edification of the Members just so that we will all know what to expect this evening, it has been this Member's understanding that we were going to come up much earlier in the afternoon, and when the bill was brought back to the floor that we would proceed with the bill until its completion this evening.

Based on that assumption, we have been working with staff and with various Members interested in offering amendments, and it is my understanding from staff there are some 35 amendments that have been printed and that we, in an effort to conclude deliberation on the bill, have agreed to accept about 20 of them, without having to vote on them.

Is this the chairman's understanding?

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from Illinois.

Mr. PRICE. I think we have accepted about 21 of those amendments so far.

Our intention, as of now, is to finish the bill tonight.

Mr. DICKINSON. I would certainly hope that we could do so and certainly we on this side will do everything that we can to eliminate unnecessary debate and to try to move as expeditiously as possible.

Mr. PRICE. With the cooperation of the Members I am certain that we can complete the bill tonight.

Mr. DICKINSON. I would think it would be of interest to the Members to know that we have agreed to accept some 20-odd amendments that have been printed in an effort to come to a successful conclusion this evening. And we will be willing to stay here as long as is necessary.

Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELLUMS: Page 26, after line 25, insert the following new section:

PROHIBITION ON ASSIGNING TROOPS TO OVERTHROW GOVERNMENT OF NICARAGUA

SEC. 505. No personnel authorized by this title shall be assigned to the mission of overthrowing the Government of Nicaragua.

Mr. STRATTON. Mr. Chairman, I reserve a point of order on the amendment.

Mr. DELLUMS. Mr. Chairman, the gentleman was not on his feet in a timely fashion.

The CHAIRMAN. The Chair will advise the gentleman from New York (Mr. STRATTON) that he is too late with his point of order.

Mr. DELLUMS. Mr. Chairman, as I said, this amendment is very straightforward. It says, "No personnel authorized by this title shall be assigned to the mission of overthrowing the Government of Nicaragua."

Nothing can be plainer, nothing can be more simple.

It would seem to me, Mr. Chairman, that this amendment could be construed as an administration amendment since this administration has stated on a number of occasions that it is not its purpose to overthrow the Government of Nicaragua.

I would suggest to the distinguished chairman and the distinguished ranking minority member that they ought to accept this amendment. It would seem to me that it simply makes very clear that the purpose of this country is not to overthrow the Government of Nicaragua.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

Well, if it will help forestall debate, I am willing to accept it on this side.

Mr. DELLUMS. I appreciate that from my distinguished ranking minority member.

Mr. PRICE. Mr. Chairman, we will accept the amendment.

Mr. DELLUMS. I won one on the military budget.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DELLUMS).

The amendment was agreed to.

Mrs. BYRON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have an amendment at the desk which I do not choose to offer at this time.

Mr. Chairman, I would like to enter into a colloquy with the chairman of the subcommittee.

Mr. Chairman, the amendment that I have at the desk would raise the end strength in the Navy and Marines by 6,000 personnel. The Navy had requested 12,000. We are in a building period with new ship construction, 20 new ships are planned for fiscal year 1983 and 1984. It was the feeling of the committee that we should utilize Reserve units for this mission.

I have some grave problems with that. I think that using the Navy Reserve units would reduce the Active Force level without reducing our overseas presence. Reserve components do not share our overseas commitment. There is no way in my estimation that the Reserve units can be weekend warriors which we have been able to use so effectively in the Army and the Air Force.

The Naval Reserves can and will fight when they are mobilized. They

cannot significantly offset the Active Force requirements right now on overseas assignments, or on sea duty assignments in peacetime.

I would like to ask the Chairman what his feeling is on the fact that Congress has authorized an expanded Active Navy and an expanded Naval Reserve in response to the urgent national need for worldwide naval capabilities.

Does the gentleman feel that utilizing Reserve Forces for the active Navy is a means by which we can enhance our readiness?

□ 1920

Mr. ASPIN. If the gentleman will yield, the Subcommittee on Military Personnel and Compensation of the Committee on Armed Services, when we were considering this issue, did look into the adequacy of what we thought were the available forces to deal with the new ships coming on the line and the requirements of the defense. It was our view that denying the increase in force strength that we would be able to accomplish the missions that the Navy set out.

As the gentlewoman knows, we are trying to encourage all services, not just the Navy, but all services, to make better use of the Reserve Forces, that the total force concept that the U.S. Defense Department, the U.S. Government, has supported for a long time has not been effectively implemented, and we are trying to encourage all services to make better use of the Reserves. That is our goal. And we are trying to get them to make some studies. The subcommittee is going to hold some hearings on the issue of the use of the Reserves, and we are going to try to encourage the use of the Reserves by the forces.

Mrs. BYRON. I have no problem with the use of the Reserves in the Army and the Air Force. I do have a problem when we are talking about a three-ocean commitment for the Navy, with a one-and-a-half-ocean size Navy. The Navy must be able to support the national strategies as crises develop. I think we have seen that fairly dramatically in the last week. I do not think Reserve units are ones that can be pulled into the Navy on a long-term basis.

Mr. ASPIN. I understand the gentlewoman's concern. What we clearly had in mind was the use of the Reserves in other functions so that the Navy can free the use of regular seamen and regular naval personnel in use in the new ships coming on the line.

Mrs. BYRON. I then think we have serious problems with active ships and squadrons providing their presence on overseas assignments and on sea assignments. Then we run into a morale problem with those individuals that we cannot consistently ask to be deployed either overseas or at sea.

Mr. ASPIN. I understand. But there is also a number of naval personnel who are not being deployed overseas who could be deployed overseas, and you substitute the Reserve personnel for those people.

Mrs. BYRON. Is that fair to those Navy personnel who have just come back from an overseas deployment to be sent out again, for a Reserve unit to take their assignment?

Mr. ASPIN. No; it is not the intention of the amendment or of the subcommittee to do that.

Mrs. BYRON. Well, I feel very strongly on the end strength. They have requested the 12,000. I had planned to offer an amendment to increase by 6,000, which is a compromise by 50 percent. Because of the time constraint I will not offer that amendment now.

Mr. ASPIN. I appreciate the gentlewoman's comments, and I would like to assure the gentlewoman that we will continue to look at this and to monitor this issue. It is not going to go away. It is not a one-shot proposition. We are talking about something here that we are going to have to deal with next year. We clearly are going to have to deal with it in conference with the Senate. We will deal with it next year, and we will continue to monitor it to make sure the gentlewoman's concerns are looked after.

Mrs. BYRON. And I will be watching.

AMENDMENT OFFERED BY MR. SHANNON

Mr. SHANNON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHANNON: At the end of title V (page 26, after line 25) insert the following:

LIMIT ON NUMBER OF ACTIVE DUTY MILITARY PERSONNEL STATIONED IN EL SALVADOR

SEC. 505. (a) The number of active duty military advisers stationed in El Salvador shall not exceed 55. The number of active duty military personnel stationed in El Salvador shall not exceed the number so stationed on July 25, 1983.

SEC. 505. (b) There shall be excluded in applying the limitations contained in paragraph (a) any members of the Armed Forces stationed in El Salvador with respect to whom the President has submitted a report pursuant to section 4(a)(1) of the war powers resolution.

Mr. SHANNON. Mr. Chairman, last weekend, a lot of people around the country picked up their Sunday papers and read the latest chapter in the increasingly disturbing story of Central America. We learned that the administration is again considering raising the number of American military advisers in El Salvador. We learned that Caspar Weinberger's plan to increase from 55 to 125 the number of U.S. military advisors had finally made its way onto the President's desk. The Defense Department has advised the President that this increase is essential to help improve the performance of the Salvadoran military against the guerrillas.

Today, as we take up the DOD authorization bill, I think it is absolutely essential that we take a good hard look at this new magic number of 125. Where is it taking us, this increase in military advisers from 55 to 125?

Mr. Chairman, whatever money we agree to authorize today for the strong reliable defense of our Nation, I think we have to make some judgments about what—unfortunately—is quickly becoming the focal point for American military muscle power.

This Congress needs to make a very clear statement today on how we want our military budget used in El Salvador.

And for that reason, I am offering an amendment which says "No" to any increase in the number of military advisors in El Salvador.

There are several very sensible reasons that I think people on both sides of the aisle would want to join in setting a clear limit—at the current level of 55—to the number of advisers this Government will have in El Salvador.

First, the current limit of 55 is purely an informal one. It was agreed to by the administration following the suggestion of congressional leaders in 1981. But that limit has never been written into law.

Some say that this number has come to be a symbol of American restraint in El Salvador. Whether it is in fact a symbol of restraint or mere camouflage remains to be seen. What is important for the Congress—Democrats and Republicans—to realize is that as things now stand, we have provided the administration a blank check. The current limit is totally beyond our ability to enforce or control. The administration can put in as many or as few military advisers as it chooses, with or without the approval of this body. And without the approval of the citizens of this country.

I want us to ask ourselves: Do we want to let the situation stand that way and let the chips fall where they may? Or are we willing to say—very clearly—what number of American advisers we want there?

There is a second point to consider. The proposal to increase the number of advisers includes the suggestion that our advisers be allowed to increase their mobility. In plain English, the Defense Department wants our advisers to do more than just prepare the Salvadoran Army for combat. It wants them to lead them into combat as well.

But right off the bat there is a contradiction because this recommendation for increased mobility is coupled with language that prohibits American servicemen from being involved in combat operations or working in combat zones. That is a catch-22 if I

ever heard one. How are our advisers to travel with Salvadoran troops into the field and yet not become involved in combat? This is doubletalk of the first order. Did not Vietnam teach us anything about guerrilla warfare? Since when do guerrilla forces announce the location of their next attack.

It is an absurd idea—that our advisers can travel into the field with Salvardoran troops and not become involved in combat themselves.

Very simply, ladies and gentlemen, more military advisers could mean more American casualties. And that—pure and simple is what this amendment is all about—putting a limit American risk in El Salvador.

Mr. Chairman, I am not going to make the argument, which I deeply believe, that the El Salvadoran Government does not deserve out military assistance. I am only going to make the very simple point that we can already train all the Salvadoran troops we want, without sending one American mother's son into El Salvador.

We have already trained three Salvadoran battalions, each of which generally numbers about 1,000—one at Fort Bragg and two in El Salvador. We have trained 477 Salvadoran officers candidates at Fort Benning and have begun training there for another 500. We have a training facility in Puerto Castillo, Honduras, to which the administration recently dispatched 125 Green Berets, and where a fourth Salvadoran battalion is currently being trained. And so far, we have trained directly over 5,000 Salvadoran infantrymen and officers.

I think that whatever our individual judgments, there is no way anyone can say that our Government is not already taking a very, very active role in El Salvador.

The mistake would be for this Congress not to put on a ceiling, not to take some control over what I think all of us must acknowledge is a very volatile situation.

With this amendment, we can do that, we can create that ceiling; create that control.

We should ask ourselves what the American people expect from us. They want to know that the potential for our involvement in El Salvador is limited. They want assurance that we will never again go sending more and more and more American soldiers into some kind of bottomless pit.

Let's set a limit and let's do it now.

□ 1930

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is not the time nor the place to be setting foreign policy as to what this Government should or should not be doing in El Salvador. This is an amendment presented to us that had not been seen 3 minutes before it was offered on the floor.

This is not the forum to debate what we should be doing in El Salvador. We have a Committee on Foreign Affairs. We have a Committee on Intelligence. We have legislation pending that will come up either next week or when we come back from the Committee on Intelligence. We have already heard 4 hours of secret debate dealing with the general subject matter.

Now, at this late hour, on a defense bill, to bring in single-shot amendments that would try to shape and form the public policy, the foreign policy, of this country is just wrong, ill advised, and should not be entertained at the present time.

There are some 8,000 Cubans next door in Nicaragua, if we want to start counting people, but to handcuff this Government, to form its foreign policy in a defense bill, is ill conceived, ill timed, and should be turned down.

Mrs. SCHROEDER. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts.

It is very important that we talk about this because anybody who has been to Central America begins to understand how serious the implications of our involvement can be. Let me talk about my visit there and my meetings with the military from El Salvador.

I must say I was blown away by their candor. I asked how many civilians had been murdered by military people and they very casually pulled out a book and started counting. Well, I thought, at least they were honest enough to admit thousands had been killed by military people in El Salvador.

I then said, "Do you ever punish officers for not overseeing their men properly? We in the United States would certainly do that if so many were killed. If we had thousands of people who had been killed by the military in this country, I certainly hope we would call the officers in and say, "Wait a minute. What goes here?"

They said, "No, you see, we cannot do that because we do not have enough officers for the men, so we just cannot hold the officers accountable for the men."

Then we had some more vistas about, "Tell me what it is really like."

They said, "You do not really understand what it is like here, because another reason we cannot control our troops is that people in the military are allowed to go home and work for someone else, for another private army." They are allowed to take their weapon home and moonlight a little at night in private armies.

So all those jurisdiction lines become very blurred, and for us, who are in the United States, we assume that their military is run the same as ours is. Let me tell you, it is not the same as here. We do not allow wealthy private people to have armies, private armies, of 5,000 and 6,000 people that they hire from the U.S. Marines or Army or a police force, or whatever, and at night they go home and take their weapons home and work for the other guy.

All that makes dealing with their military terribly, terribly messy. So what did we do? We began by saying, "What we must do, then, is train more officers, train more officers, get the officer-to-man ratio down." So we get more officers in there, we get a better idea of what is going on, stop the moonlighting, and so forth.

None of that has happened. The officer-to-enlisted-men ratio has not gone down at all. In talking to different people who are providing refuge for many of the El Salvadoran immigrants and refugees who come up here, they are telling us that our El Salvadoran military training program is a CETA program. Let me say that again. It is a basic CETA program. They are saying many people that we train to be officers down there, the minute they get their training they come up here because opportunities and jobs are better, and if they have a little English it is much better. It is a CETA program and it really is not doing what we thought it would be doing.

So we are going in there really blindfolded, not understanding what life is like down there, not understanding that their institutions are not analogous to ours. We are putting in more money. We are making more commitments. We are putting more of our people's lives on the line to work with them.

We are getting into a real mess. There was a proposal in the Washington Post this last week that made a lot of sense to me, and that was that we should not do one more thing militarily in El Salvador until their officers stop wearing sunglasses so we could look them in the eye. I think there is a lot to be said for that, because we do not have the eye contact we need and we do not know when we are getting the straight story.

There is another piece that I think is terribly important. We also hear over and over and over again, "We can't hold them accountable for undue violence because while the population of El Salvador is about the size of Chicago, they do not have as many people as the Chicago police force." Why? Well, the reason they do not is that the wealthy do not pay taxes. The wealthy families do not want to pay taxes. They say that is what we gringos do.

We are getting into this quagmire called El Salvador deeper and deeper. All I want to say in this week that is the 200th anniversary of Simon Boli-

var, who was the liberator of Latin America, is do not forget Peru. Peru has done what we begged countries in Latin America to do. It has a democratic government that we recognize. It has President Belaunde in charge. It is being run around. It is in real trouble. We do not give them any aid of any substantial amount. We would prevent trouble through economic aid to Peru now. We only seem to pay attention when countries run to us and make their situation into a gigantic East-West confrontation. Then we say we will deal with anybody if they are pro-West if Marxists are around. If they are not around, we forget them until conditions deteriorate until Marxists can come in.

It has gotten us into trouble before; it is going to get us into trouble again. It is an absolute formula for disaster. I just think it is terribly important that we have this debate at this point and see what we can do to stop it.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague, the gentleman from Massachusetts.

I would, secondly, concur in all the remarks made by my distinguished colleague on the Committee on Armed Services, the gentlewoman from Colorado.

I would simply like to offer one additional thought. I came to Congress in 1971 when the issue of the Vietnam war loomed very large in this country, an issue that split this Nation asunder. It split families, it split friends, it split regions of this Nation. It was an extraordinary issue.

I thought about the handful of people in the sixties who raised the question of America's involvement in Vietnam. I thought about the handful of people who had the foresight and the courage to vote against the Gulf of Tonkin Resolution. I thought about the courage of people who said, "We are going down the wrong road in the sixties," and who stood up and said, "Let us not move forward. Let us not end up down the road with a number of people fighting and dying in the rice fields of Southeast Asia."

It would seem to me that at some point, at least theoretically, there may have been 55 American advisers in Vietnam, but at some point it doubled and tripled and quadrupled, and suddenly we were involved in a war that ended up with 55,000 American casualties, and untold numbers of dead Vietnamese people.

And for what reason? That tiny nation 10,000 miles from the United States never posed any clear and imminent danger to this country. I would suggest that what is happening in Central America, much closer than Vietnam, poses no clear and imminent threat to this country militarily.

The amendment of the gentleman from Massachusetts simply says maintain the status quo. This gentleman would like to see all 55 advisers out of El Salvador, because the problems in El Salvador do not lend themselves to a military solution. The problems in Central America are economic and political and social and cultural, and they have to be solved in that context. No bullets and bombs or bayonets are going to solve the problems of Central America.

The question we must raise among ourselves is: What message do we communicate? What message do we communicate to other nations around the world if we cannot find it within ourselves and our intellect and our spirit and our political acumen to address the realities of the problems in Central America without going to war? What do we say to our brothers and sisters in the Middle East that is a tinder box that may eventually engulf the world in war? What do we say to them? Out of one side of our mouths we say, "Sit down and negotiate. Let us not take it to war."

But when they look across the water at us, in our own hemisphere, we are prepared to escalate the violence and escalate our military activity in this region of the world. It is a very contradictory statement.

It would seem to me, Mr. Chairman and members of the committee, that we ought to come down on the side, as a superpower, of encouraging peaceful solutions to the problems of Central America.

□ 1940

The American people do not buy the notion that the problems in El Salvador and the problems in Nicaragua are military problems.

I would ask my colleagues to think about this rhetorical question. Would people be struggling in Central America if there were no Soviet Union?

I believe the answer is "Yes," because the objective realities are that there is poverty and human misery and human rights violations that require the human spirit to rebel. It would seem to me that as a nation born out of that spirit of rebellion, that we ought to be concerned about dealing with the objective realities of human misery in Central America, not heightening the tension.

So all this amendment says is, stop the number of advisers at 55. Let us not find ourselves escalating to the point that our sons and our fathers and our brothers and our uncles find themselves face down in Central America because we were too violent to understand the need to withdraw from this militaristic approach to solving the problems in Central America.

Mr. WEISS. Mr. Chairman, will the gentleman yield to me?

Mr. DELLUMS. I yield to my colleague.

Mr. WEISS. Mr. Chairman, I thank my distinguished colleague for yielding to me.

I ask if the gentleman will yield also to the gentleman from Massachusetts for a question which I would like to put to him on the amendment he has offered.

The CHAIRMAN. The time of the gentleman from California has expired.

(At the request of Mr. WEISS, and by unanimous consent, Mr. DELLUMS was allowed to proceed for 2 additional minutes.)

Mr. DELLUMS. I yield to the gentleman.

Mr. WEISS. Mr. Chairman, as the gentleman knows, there is a legal action pending challenging the right of the administration of our Government to have the 55 advisers in El Salvador, in what we suggest is a violation of the war powers resolution.

Mr. DELLUMS. Exactly.

Mr. WEISS. That action has been decided at the lower court level. It is now pending on appeal.

If the gentleman would yield, I would like to ask the gentleman from Massachusetts whether it is his intention or not to pass judgment or to legitimize the presence of the original 55 American advisers in El Salvador.

Mr. DELLUMS. I think that is an outstanding question. I yield to the gentleman from Massachusetts, the author of the amendment, for purposes of clarification.

Mr. SHANNON. Mr. Chairman, I thank the gentleman for yielding.

Certainly in no way does my amendment imply that the War Powers Act has already been complied with.

In section (b) of my amendment, it would apply only to any future attempts on the part of the administration to send any troops into El Salvador. It does not deal at all with the question of the 55 who are already there and does not imply that the War Powers Act has been complied with to this point.

Mr. WEISS. Mr. Chairman, I thank the gentleman for yielding, and I thank the gentleman from Massachusetts for his response, because this way it will be up to the Court to determine whether in fact the administration and the President are in violation of the war powers resolution for having those original 55 American advisers in El Salvador.

The CHAIRMAN. The time of the gentleman from California has again expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 1 additional minute.)

Mr. DELLUMS. Mr. Chairman, I have made the major thrust of my argument.

I would simply conclude by indicating that four nations, known as the Contadora movement have offered a peace plan. It seems to me that if we really are concerned about our brothers and sisters in Latin America, that we have to embrace this effort on the part of our Latin American allies to find a peaceful solution to the problems of Central America.

Mr. Chairman, all this amendment does, in this gentleman's estimation, is to stop this militarization of Central America from escalating.

I think the gentleman from Massachusetts serves us well in offering this amendment. I hope my colleagues will support it.

Mr. ASPIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the author of the amendment a few questions, because I have some problems about dealing with amendments like this that are offered kind of quick, without really thinking through whether what we are doing is the right thing.

I have a lot of sympathy for what the gentleman from Massachusetts wants to do. I think the gentleman and I agree essentially on the Central American issue; but I worry about this amendment.

First of all, I think that the issue raised by the gentleman from New York (Mr. WEISS) is a valid issue. It seems to me that if we pass this amendment we are saying in effect that you do not need the War Powers Act to put in the 55 advisers. I mean, whether that is the intention of the gentleman or not, I would think that the Court having looked at that would say that therefore what we are seeing here is that the War Powers Act was not violated.

Mr. SHANNON. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. Yes. I will yield.

Mr. SHANNON. That is not what the amendment says, nor is it the intention of the amendment, nor do I see any implication in the amendment that that is what we are trying to say.

All my amendment seeks to do——

Mr. ASPIN. Well, I understand what the gentleman is seeking to do; but there are two sections to the amendment there. Section 505(a) says:

> The number of active duty military advisers stationed in El Salvador shall not exceed 55.

Then section 505(b) says:

> There shall be excluded in applying the limitations contained in paragraph (a) any members of the armed forces stationed in El Salvador with respect to whom the President has submitted a report pursuant to the War Powers resolution.

In other words, the gentleman is saying that in addition to those 55, the War Powers Act would not apply, that that limitation would not apply if you come in with the War Powers Act.

Mr. SHANNON. Mr. Chairman, will the gentleman yield further?

Mr. ASPIN. I yield.

Mr. SHANNON. All I am saying, what we want to do with this amendment is freeze the status quo as far as military personnel are concerned in El Salvador unless the President wants to come back to the Congress and seek specific authorization to send more advisers, or unless he feels some need to take some action which would fall under the War Powers Act. That is all.

Mr. ASPIN. Except that there is not any provision whereby the President can exceed the number of 55.

Mr. SHANNON. Only if he chooses to comply with the reporting requirements of the War Powers Act.

Mr. ASPIN. Then how can the gentleman say that the War Powers Act does not apply to 55, but starts to apply if you put in 56?

Mr. SHANNON. Mr. Chairman, if the gentleman will yield, I think I made it clear that I had made no judgment whether or not the War Powers Act applies.

Mr. ASPIN. But the gentleman's amendment, whether the gentleman intended it or not, does make a difference. It shows that you do not need the War Powers Act for the first 55, because you are not saying that the President would have a War Powers Act; but it says if you want to go more than 55, you have to have the War Powers Act.

Mr. SHANNON. If the gentleman will yield further to me, my amendment makes no implication at all as to the first 55 advisers and the War Powers Act.

Mr. ASPIN. The gentleman keeps saying that.

Mr. SHANNON. That is a matter which is currently being decided by the courts.

Mr. ASPIN. It is, and I am afraid that the gentleman's amendment—we had better be careful. If we pass amendments on the floor without thinking them through, what we are saying, there is a good chance of sending the wrong signals to the wrong people in the wrong way.

I would like to see the gentleman offer an amendment which would say that we should not have more than 55 advisers in El Salvador and then maybe have some provision whereby if the President wanted to increase it, Congress could approve, but we do not have that.

Let me raise two other problems, because I am afraid that my time is running out.

Mr. SHANNON. If I might just respond to the gentleman's comment, I would just like to say that I am sorry the amendment is not clear to the gentleman. It is an amendment which we have gone over extensively with legislative counsel and others outside and with many Members to whom it is perfectly clear. If there is any lack of clarity as to the implications as to the present advisers, I think that was cleared up in the colloquy between the gentleman from New York and myself.

I understand that the gentleman is unable to recognize what this amendment tries to do, but I think most Members understand it.

Mr. ASPIN. The gentleman from Massachusetts says the number of active duty military personnel stationed in El Salvador shall not exceed the number so stationed on July 25, 1983.

Let me ask the gentleman, suppose there was a rescue operation to take out people from El Salvador. According to military terminology, those people would be stationed in El Salvador. According to the war powers resolution, they would not be required to be reported under the War Powers Act. How does that work?

The CHAIRMAN. The time of the gentleman from Wisconisn (Mr. ASPIN) has expired.

(At the request of Mr. STRATTON, and by unanimous consent, Mr. ASPIN was allowed to proceed for 5 additional minutes.)

Mr. SHANNON. Mr. Chairman, will the gentleman yield further?

Mr. ASPIN. I yield to the gentleman from Massachusetts.

Mr. SHANNON. In that circumstance, the reporting requirements only of the War Powers Act, section 4(a) would come into play. If the President wanted to send any military forces into El Salvador, then he would be bound by those reporting requirements and have to come to the Congress with the specified report.

Mr. ASPIN. But the War Powers Act specifically excludes rescued people.

Mr. SHANNON. For purposes of this legislation, this amendment specifies that just the reporting requirements as outlined in the War Powers Act shall apply to any further use of military personnel above today's limit, July 25, 1983, in El Salvador.

Mr. ASPIN. If there are any other people—in other words, any other changes to the War Powers Act, I mean, the War Powers Act has some specific exclusions. What the gentleman is saying is that we do not exclude anything.

Mr. SHANNON. What I am saying is that if the President finds any need to send further military forces to El Salvador, he shall report to the Congress as required in the War Powers Act as to what lies there and how.

Mr. ASPIN. Even those troops that are excluded by the War Powers Act?

The gentleman is rewriting the War Powers Act in the case of El Salvador.

Mr. SHANNON. No. What I am doing is incorporating one small section of the War Powers Act on reporting in this Department of Defense authorization.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. ASPIN) has again expired.

Mr. DELLUMS. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconisn (Mr. ASPIN) may proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. COLEMAN of Missouri. Mr. Chairman, reserving the right to object, I have stood over here trying to seek recognition for the last 20 minutes and there has been a nice little round robin going on.

I am going to object unless I get a chance to say something in this conversation, because nobody on this side of the aisle has been recognized for more than 1 minute and that was the end of it.

□ 1950

Does everybody understand?

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. COLEMAN of Missouri. I am telling everybody that I am going to object the next time this happens if we do not get recognized.

The CHAIRMAN pro tempore. Does the gentleman object?

Mr. COLEMAN of Missouri. I object, Mr. Chairman.

The CHAIRMAN pro tempore. Objection is heard.

Mr. COLEMAN of Missouri. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is a perfect example of why we should not be working on this type of legislation in this type of atmosphere. We should not be entertaining amendments with such far ramifications that the author cannot even explain them.

I say where is the Foreign Affairs Committee when you need them? I mean, I do not see any members of the Foreign Affairs Committee. I see one or two here, but I do not see the chairman. I do not see the subcommittee chairmen on any of these issues that should be discussed.

Now, if we are going to talk about El Salvador and Central America tonight, we are not going to get this bill through and we can go on and on and on, and we can find lots of ways to have this little colloquy. And if we have the Central American issue up tomorrow, fine. That is when it should be debated.

Let me ask the gentleman from Massachusetts a question. He is very concerned about the 55 advisers in El Salvador. Is he concerned about the 1,800 active Marines over in Lebanon, and why has the gentleman selected and just listed the 55 in El Salvador?

Mr. SHANNON. Will the gentleman yield?

Mr. COLEMAN of Missouri. I yield to the gentleman from Massachusetts.

Mr. SHANNON. Let me just say to the gentleman that I have heard this argument made from the other side on a couple of occasions tonight.

There would be nobody in this Chamber happier than I if this amendment were not germane. The reason it is germane to the Department of Defense authorization is because we have a military commitment in Central America.

Mr. COLEMAN of Missouri. Could the gentleman answer my question as to why he lists just the 55? If I were to put in an amendment would the gentleman support an amendment to limit it to 55 in Lebanon?

Mr. SHANNON. I would say to the gentleman——

Mr. COLEMAN of Missouri. Let me say that the reason that the gentleman will not answer the question is that he knows that what he is doing is trying to make a political statement here tonight. He has selectively taken out a part of our Active Armed Forces, 55 out of hundreds of thousands of them, and is making a political statement on a bill which should not have a political statement on there.

We have this issue up tomorrow and the next day and we have bills prepared for it. You should have had your amendment in order earlier on and printed in the RECORD on that particular bill.

But to come up here and waste our time on this, these types of amendments tonight dealing with Central America, is ludicrous.

But we ought to know what we are doing and if we want to have a full-scale debate on this, I suggest it is not germane even to the issue.

Mr. DELLUMS. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN of Missouri. I yield.

Mr. DELLUMS. I will be happy to get some additional time for my colleague.

You have made a number of statements. Let me first say that I tend to concur in the general thrust of your remarks.

For example, the rule was construed in such a fashion that this gentleman has the opportunity under the rule to present an alternative military budget, 1 hour of general debate, and theoretically it could be debated under the 5-minute rule and amended.

Now, my alternative that we worked on for 4 months with a number of people helping us may come up at some time at 12 o'clock or 1 o'clock in the morning. I would not dignify this process by bringing my alternative up at that time of the morning.

Mr. COLEMAN of Missouri. I agree with the gentleman. I understand that the schedule is until midnight or later on such important legislation, and we are spinning our wheels and wasting our time on stuff that should be on another bill entirely.

That is ridiculous. Here we are opening ourselves up to public ridicule. And if they are not watching the President's press conference in 5 minutes, they are going to be watching us, and it is a circus over here.

I yield back the balance of my time.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words.

Mr. DELLUMS. Will the gentleman yield?

Mr. SEIBERLING. I will be happy to yield to the gentleman.

Mr. DELLUMS. I thank my colleague for yielding.

I would simply say to my distinguished colleague that what this process is about is politics, and what we are here to do is engage in the business of politics. And what politics is about is establishing policy and establishing the priorities. And if that is not what we are here about, what are we here for?

And to make an argument against this gentleman who raises the question of 55 advisers in Central America as against how many troops are in Lebanon, each of us has the right to address any specific issue. And if it were not germane then it would have been stricken and there would have been a point of order made against it.

The fact that it is germane means that we have a right to debate the matter, and any matter that is germane we ought to be able to come here and debate.

I do not have the time. My colleague has the time. But I am simply saying to challenge that this is a political statement, we are here to make a political statement. I would not shy away from that.

The political statement that we ought to be making here on this amendment is that we do not want to militarize Central America. We do not want to go forward and Vietnamize Central America. That is a political statement. We are politicians. Each of us represent a half a million people and we ought to be here to try to make that political statement.

I thank my colleague for yielding.

Mr. SEIBERLING. I would just like to make a comment on the amendment offered by the gentleman from Massachusetts and I wonder if he would come forward because he may want to respond.

It may well be that this amendment by, in effect, indicating that Congress has not taken action to prevent the

continuance of the 55 advisers could be construed by the Court as in effect being a ratification by Congress, even though in so many words it is not. But that is not my main point.

The main point is that this establishes a benchmark and says: This far you may go, but not farther, without coming to the Congress and getting the approvals required and the consultations required by the War Powers Act.

We have a President who is not only flaunting the law with respect to aid to anti-Sandinista guerrillas, but who is conducting huge naval maneuvers in both the Caribbean and the Pacific in an effort, as a State Department spokesman has admitted, to intimidate the Government of Nicaragua.

Has he consulted the Congress? No.

Has he complied with the War Powers Act? No.

It seems to me that the gentleman's amendment is an extremely important one because it would send a message to the President that the time has come to stop this unilateral action and to come to the Congress, as the War Powers Act requires, and consult with the Members and the leadership before taking any further action.

Mr. SHANNON. Will the gentleman yield?

Mr. SEIBERLING. I am happy to yield to the author of the amendment.

Mr. SHANNON. I want to thank the gentleman for his comments and just say perhaps the gentleman was not in the Chamber when I had a colloquy with the gentleman from New York in which I discussed the case which is pending.

In no way does my amendment make any judgment on that case.

Mr. SEIBERLING. I understand that and I agree with the gentleman.

Mr. SHANNON. I just wanted to make that clear once again.

Mr. SEIBERLING. My point is that even if the amendment were to be held to constitute a ratification of the sending of the 55 advisers there, that is already an accomplished fact.

The important thing is to prevent the expansion of the contingent of the military forces of the United States in El Salvador by unilateral action of the President.

Mr. BURTON of Indiana. Will the gentleman yield?

Mr. SEIBERLING. I am happy to yield.

Mr. BURTON of Indiana. I have listened with a great deal of patience, as many of my colleagues have, to this debate on this amendment. One thing that realy has not been brought out, we have been pointing out the deficiencies with the United States of America. We have not really talked too much about the Communist expansionist policy in El Salvador.

Mr. SEIBERLING. If that is the purpose of the gentleman rising, I would take back my time.

Mr. BURTON of Indiana. May I ask a question, please?

Mr. SEIBERLING. Yes.

Mr. BURTON of Indiana. My question of the author is how many foreign advisers, Communist advisers from Cuba, Russia, and other countries are in Nicaragua aiding and abbetting the revolutionary movement over there, and how many foreign military troops are there aiding the revolutionary process?

Mr. SEIBERLING. I would just like to say, if I may recapture what is left of my time, I will stipulate to the fact that what the Communists are doing in Central America is dangerous and wrong. I hold no brief for them whatsoever.

But there are other ways to get them out of there besides sending the armed forces of the United States down there. If we send our Armed Forces there then we become the issue, and that is the big mistake that the administration appears to be making.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at this particular moment the President of the United States is undoubtedly going on television to talk about this particular issue.

□ 2000

And I would just like to say that he is the Commander in Chief, and we should give him the support that is necessary to deal with a very, very difficult problem right now. To try to hamstring President Reagan by limiting the number of advisers at a very crucial point in history I think is a step in the wrong direction. He has said that he does not intend to send American troops down there. But at the same time he asked for military aid from this body to help those people fight the battle themselves, the duly-elected Government of El Salvador. We have continually tried to cut that amount of money. You do not want to send aid down there so you obviously want to let the Communists continue to take control of that area of the world, 900 miles from our southern border. In addition you are trying to hamstring the President by not allowing him the latitude he may need to deal with that problem.

If you do not want to give him the financial support, if you do not want to give him support by allowing advisers down there, what in the world do you want to give him? It sounds like to me that many of you are closing your eyes to the problem. If we do not do something we are going to have to deal with people like Mr. Canatta, who was captured recently. He said in no uncertain terms that the goal of the revolutionaries in Central America is to cause revolutions in all of those countries, to come north through Mexico and force us into an untenable position on our southern border.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I will not yield.

I submit to you if we do not deal with the Central American problem today we are going to have to deal with it at some time in the future.

I have said this before on this floor. I have an 8-year-old son. There are young people in the audience tonight. I do not want them to go to war in some God-forsaken place south of the U.S. border. Unless we deal with this problem effectively today and give the President the support that he needs we are going to have to face that.

And you folks who say you do not want another Vietnam are going to get us into one because of weakness.

I yield back the balance of my time.

Mr. GARCIA. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. SEIBERLING. Mr. Chairman, will the gentleman yield?

Mr. GARCIA. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I would like to point out to my colleague from Indiana that this resolution does not say we cannot send any more advisers to El Salvador. It merely says no more can be sent without compliance with the War Powers Act. It ends the unilateralism of the President's policy. I suggest that one of the weaknesses of the President's policy is its very unilateralism, not only with respect to the Congress but with respect to our good neighbors to the south.

They have experienced a long history of intervention, military intervention by the United States.

And when we intervene, even if it is with the best of motives, we then raise vibrations which we perhaps are not as acutely aware of as they are.

When we do that, we make ourselves the issue and make it harder for our neighbors to the south to organize collective actions to deal with the intervention by Cuba and the Soviet Union and the Sandinistas, which ought to be the issue. We ought to be uniting with all of our good neighbors to the south and working with them to prevent intervention by Cubans, Sandinistas, or anyone else, instead of imposing our military forces as part of a unilateral effort to solve this problem. This amendment could be very helpful, as the advice of the Congress might be very useful to the President on this question.

Mr. Chairman, I thank the gentleman for yielding.

Mr. GARCIA. I would just like to start off by saying to my colleague from Missouri, who is no longer here, he is absolutely correct. There is no question that this is a political debate.

Many of the people in the audience and many of the people who may be watching us throughout the country maybe do not understand our system here in Congress of conferees or both the House and Senate getting together to work out the differences. If this amendment should pass tonight, and if it should be part of this House's package that goes to conference with the Senate, it probably will be eliminated when the conferees get together. The fact is that at this particular moment it is exactly 4 minutes after 8; the President now is speaking on three major networks across the country, delivering a message that we should get more deeply involved in Central America.

And there are those of us who are on this side of the aisle who disagree. The problems of Central America did not start yesterday. They started decades ago. And, yes, we, today, in this Chamber, must make the decisions as to what type of help we want to give our Central American neighbors.

The help we must give those people is not of sending bigger bombs or aircraft carriers; if we truly want to help our neighbors to the south, then I believe we should help them with the most powerful tool we have and that is our economic leverage. The ability to send our technical know-how into Central America.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. GARCIA. Just a second, I do not yield.

Mr. COLEMAN of Missouri. The gentleman said I was not here.

Mr. GARCIA. I just say that you were right in what you said before. I just agreed with everything you said.

Mr. COLEMAN of Missouri. You did?

Mr. GARCIA. Yes; that is what I said.

The point I am trying to make is right now there are four nations of Spanish-speaking background working; it is called the Contadoras.

They are trying very hard to put a solution together for Central America.

I speak now as a Hispanic. I am not an expert on military affairs and I do not claim to be. I leave that to the chairman of the committee. But I am an expert on one thing, Hispanic culture, because I have been that all my life. And I can tell you that what we must do is let us help ourselves. Who are we to tell people what they should or should not do, when the problem has existed for so long in Central America.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. GARCIA. No; I will not yield.

We must be the people, in this Chamber, who show, not through subversion, not through covert operations but through what this country is famous and great for, our spirit. And our spirit of warmth and friendship, our spirit to help others. We are not doing that in Central America.

The President is now trying to sell his bill of goods across this country. It should be made very clear to him that we as Hispanics especially, we understand our own cultural background. We ended up in a war in Vietnam where we were killing people of the yellow race, now we are involved in Central America dealing with people of the brown race. Whenever we get involved it is always people who, as we term in our society today, as minorities.

Let us Hispanics help ourselves. Let the Contadora group work, let those four nations help, let them go forward.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(By unanimous consent, Mr. GARCIA was allowed to proceed for 1 additional minute.)

Mr. GARCIA. I believe those four nations are trying. God knows we have enough trouble. But please let these four countries work out the problems, let us not send the U.S.S. *Ranger* into the Caribbean, let us not send the other fleets into the Pacific, for God sake.

Mr. COLEMAN of Missouri. Mr. Chairman, will the gentleman yield?

Mr. GARCIA. I yield to the gentleman.

Mr. COLEMAN of Missouri. I am sorry but when you were making the point it would have been more applicable; that is, who invited the 55 military advisers down there?

Mr. GARCIA. Let me just say this to you.

Mr. COLEMAN of Missouri. It was the very people you were talking about.

Mr. GARCIA. The oligarchy in El Salvador created this problem.

Mr. COLEMAN of Missouri. The freely elected people in El Salvador, that is who is in the government.

Mr. GARCIA. Let me say this in response to my colleague from Missouri's statement: Central America has had these problems for many years. In every one of these countries, Somoza was booted out of Nicaragua; El Salvador was a group of 12 to 15 families who are presently living high off the hog in Key Biscayne, Fla.

Mr. COLEMAN of Missouri. But the fact is they had an election, a free election, supervised by international forces and that government, they invited the 55 advisers.

The CHAIRMAN pro tempore. The time of the gentleman has expired.

(On request of Mr. LELAND and by unanimous consent, Mr. GARCIA was allowed to proceed for 1 additional minute.)

Mr. LELAND. Mr. Chairman, will the gentleman yield?

Mr. GARCIA. I yield to the gentleman.

Mr. LELAND. I thank the gentleman.

How do the people of Latin America, particularly South America and Central America, feel about the United States after the Argentinian encounter with the British?

Mr. GARCIA. There are many of us who felt quite bad that we intervened on the side of Great Britain. The feeling in South America, in Spanish-speaking countries, is that the United States has always considered Spanish-speaking America as the afterthought of the afterthought. It just seems to me that whenever something happens in Europe, we immediately respond. Whenever something happened south of our border we would say "manana." I believe when we finally got involved in South America in the fight between the English and the Argentinians, they had hoped, we would remain neutral, they just wanted us to stay out.

There were some of us who I think in good conscience would probably say we did the right thing. I honestly believe as a Hispanic, it would have been wise to stay out. Let the British and Argentines fight; it was their fight, not ours.

Mr. LELAND. Those very countries are now trying to work out a solution, the Contadora group, and here once again the United States is intervening.

Mr. GARCIA. It is that macho image we constantly try to project and I know we are doing the wrong thing with our military involvement in Central America.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Massachusetts (Mr. SHANNON).

The question was taken, and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SHANNON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 170, noes 247, not voting 16, as follows:

[Roll No. 270]

AYES—170

Ackerman	Bonker	Crockett
Addabbo	Borski	D'Amours
Albosta	Bosco	Daschle
Anderson	Boucher	Dellums
Applegate	Boxer	Derrick
AuCoin	Brooks	Dixon
Barnes	Brown (CA)	Donnelly
Bates	Bryant	Dorgan
Bedell	Burton (CA)	Downey
Beilenson	Carr	Durbin
Bereuter	Clarke	Dwyer
Berman	Clay	Dymally
Boehlert	Coelho	Early
Boland	Collins	Eckart
Bonior	Conte	Edgar

Edwards (CA)	Long (MD)	Roe
Fazio	Lowry (WA)	Roukema
Feighan	Luken	Roybal
Ferraro	Lundine	Russo
Fish	Markey	Sabo
Florio	Martin (IL)	Scheuer
Foglietta	Martinez	Schneider
Ford (MI)	Matsui	Schroeder
Frank	Mavroules	Schumer
Garcia	McCloskey	Seiberling
Gejdenson	McHugh	Shannon
Gibbons	McKernan	Sikorski
Gonzalez	McNulty	Simon
Goodling	Mikulski	Smith (FL)
Gray	Miller (CA)	Smith (IA)
Guarini	Mineta	Snowe
Hall (IN)	Minish	Solarz
Hall (OH)	Mitchell	St Germain
Harkin	Moakley	Stark
Harrison	Moody	Stokes
Hawkins	Morrison (CT)	Studds
Hertel	Mrazek	Swift
Horton	Murphy	Tauke
Howard	Neal	Torres
Hoyer	Nowak	Torricelli
Jacobs	Oakar	Towns
Jeffords	Oberstar	Traxler
Kaptur	Obey	Vento
Kastenmeier	Ortiz	Volkmer
Kennelly	Ottinger	Walgren
Kildee	Owens	Waxman
Kogovsek	Panetta	Weaver
Kolter	Patterson	Weiss
Kostmayer	Paul	Wheat
Lantos	Pease	Williams (MT)
Leach	Penny	Wirth
Lehman (CA)	Pritchard	Wise
Lehman (FL)	Rahall	Wolpe
Leland	Ratchford	Wyden
Levine	Reid	Yates
Lipinski	Richardson	Yatron
Long (LA)	Rodino	

NOES—247

Akaka	Dickinson	Hughes
Andrews (NC)	Dicks	Hunter
Andrews (TX)	Dingell	Hutto
Annunzio	Dowdy	Hyde
Anthony	Dreier	Ireland
Archer	Duncan	Jenkins
Aspin	Dyson	Johnson
Badham	Edwards (AL)	Jones (NC)
Barnard	Edwards (OK)	Jones (OK)
Bartlett	Emerson	Jones (TN)
Bateman	English	Kasich
Bennett	Erdreich	Kazen
Bethune	Erlenborn	Kemp
Bevill	Evans (IA)	Kindness
Bilirakis	Fascell	Kramer
Bliley	Fiedler	LaFalce
Boggs	Fields	Lagomarsino
Boner	Flippo	Latta
Breaux	Forsythe	Leath
Britt	Fowler	Levin
Broomfield	Franklin	Levitas
Brown (CO)	Frost	Lewis (FL)
Broyhill	Fuqua	Livingston
Burton (IN)	Gaydos	Lloyd
Byron	Gekas	Loeffler
Campbell	Gilman	Lott
Carney	Gingrich	Lowery (CA)
Carper	Glickman	Lujan
Chandler	Gore	Lungren
Chappell	Gradison	Mack
Chappie	Gramm	MacKay
Cheney	Green	Madigan
Clinger	Gregg	Marlenee
Coats	Gunderson	Marriott
Coleman (MO)	Hall, Ralph	Martin (NC)
Coleman (TX)	Hall, Sam	Martin (NY)
Conable	Hamilton	Mazzoli
Cooper	Hammerschmidt	McCain
Corcoran	Hance	McCandless
Coughlin	Hansen (ID)	McCollum
Courter	Hansen (UT)	McCurdy
Coyne	Hartnett	McDade
Craig	Hatcher	McDonald
Crane, Daniel	Hefner	McEwen
Crane, Philip	Hightower	McGrath
Daniel	Hiler	McKinney
Dannemeyer	Hillis	Mica
Daub	Holt	Michel
Davis	Hopkins	Miller (OH)
de la Garza	Hubbard	Molinari
DeWine	Huckaby	Mollohan
Montgomery	Roemer	Stratton
Moore	Rogers	Stump
Moorhead	Rose	Sundquist
Morrison (WA)	Rostenkowski	Synar
Murtha	Roth	Tallon
Myers	Rowland	Tauzin
Natcher	Rudd	Taylor
Nelson	Sawyer	Thomas (CA)
Nichols	Schaefer	Thomas (GA)
Nielson	Schulze	Valentine
O'Brien	Sensenbrenner	Vander Jagt
Olin	Sharp	Vandergriff
Oxley	Shaw	Vucanovich
Packard	Shelby	Walker
Parris	Shumway	Watkins
Pashayan	Shuster	Weber
Patman	Siljander	Whitehurst
Pepper	Sisisky	Whitley
Perkins	Skeen	Whittaker
Petri	Skelton	Whitten
Pickle	Slattery	Winn
Porter	Smith (NE)	Wolf
Price	Smith (NJ)	Wortley
Pursell	Smith, Denny	Wright
Quillen	Smith, Robert	Wylie
Ray	Snyder	Young (AK)
Regula	Solomon	Young (FL)
Ridge	Spence	Young (MO)
Rinaldo	Spratt	Zablocki
Ritter	Staggers	Zschau
Roberts	Stangeland	
Robinson	Stenholm	

NOT VOTING—16

Alexander	Frenzel	Savage
Biaggi	Gephardt	Udall
Conyers	Heftel	Williams (OH)
Evans (IL)	Lent	Wilson
Foley	Lewis (CA)	
Ford (TN)	Rangel	

□ 2020

Mr. TORRES and Mr. TAUKE changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARKEY: Page 26, after line 25, insert the following new section:

LIMITATION ON DEPLOYMENT OF TROOPS IN CENTRAL AMERICA

SEC. 505. No personnel authorized by this title shall serve in units of the Armed Forces deployed in El Salvador, Nicaragua, Honduras, Guatemala, or Costa Rica (for training exercises or otherwise) unless—

(1) such deployment is approved in advance by Congress by a joint resolution; or

(2) such units are used to provide for the immediate evacuation of American citizens or to respond to a clear and present danger of military attack upon the United States.

□ 2030

Mr. MARKEY. Mr. Chairman, I rise to offer an amendment that would require congressional authorization before military units could be deployed in Central America.

Mr. Chairman, I have watched with alarm as the President has steadily increased the involvement of the U.S. Armed Forces in the conflict in Central America. I am alarmed because this constant escalation presents a very serious danger of committing the United States to armed intervention in Central America, which would be counterproductive to the interests of the United States and our hemispheric neighbors, which could be the beginning of another misdirected sally into a quagmire similar to that of Vietnam, and which could result in the spilling of American and Central American blood where it need not be shed.

Mr. Chairman, today, on the front pages of the newspapers across this country, there are reports that the President intends to deploy 4,000 U.S. troops in Honduras. The reports indicate that at their peak, the battalion size maneuvers will include as many as 2,000 American combat troops, the largest contingent ever sent.

Mr. Chairman, the intent of my amendment is very clear. We now run the grave danger of having an American President commit combat troops to the most volatile area of the world. We have, as yet, not had a statement of congressional intent upon whether or not this kind of deployment ought to, in fact, be authorized. What this legislation does is, quite simply, retain for the U.S. Congress the right of approval in advance, by joint resolution, of any commitment of troops of this nature into the Central American countries, unless such units would provide for the immediate evacuation of American citizens or respond to a clear and present danger of military attack upon the United States.

But in the absence of those circumstances, only a resolution by the U.S. Congress, approved in advance of the deployment of those troops, would allow for the commitment of troops at that level.

It is my belief, Mr. Chairman, that we are now on the brink of an era that very much resembles a period of time in 1965. Let us go on record now, all of us, as to whether or not, in fact, we want to retain within the U.S. Congress authority over the deployment of combat troops in Central America. Let us all go on record on the first day on which the President says that he wants to commit those troops to Central America, saying that it is merely an exercise, a maneuver. Six months is not a maneuver. Six months is a deployment.

Let us go on record tonight, this evening, on this issue. This is not covert activity. These are not military advisers. These are not attachés. These are not embassy personnel. These are not Marines attached to an embassy. We are talking about the deployment of combat units into Honduras, into Central America.

Let us tonight go on record, one way or the other, as we begin this incursion into Central America with combat troops, as to how we feel in this issue, a separate issue from any other issue we have voted on or will vote on in this timeframe.

I ask, Mr. Chairman, that all of us understand quite clearly what is involved here. We may be at the beginning of a direct military involvement of U.S. men, boys, into combat roles in Central America. Step 1 begins as the President sends these 4,000 young men into this area. It is my hope that this evening all can understand the ramifications of this action and that we vote as though a war could perhaps begin with American combat troops involved between the time we leave here on August 4 and we return on September 12. None of us know, in fact, what is being planned for that area, but let us retain to the U.S. Congress the right to ultimately make the decision as to whether U.S. combat troops are to be committed to this region.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I would be glad to yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, would the gentleman tell me if he feels this is an amendment to the War Powers Act, under which I understand the President has 60 days, is it, to commit troops, and then Congress have a voice?

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. MARKEY) has expired.

(On request of Mr. HYDE and by unanimous consent, Mr. MARKEY was allowed to proceed for 2 additional minutes.)

Mr. HYDE. Is this an amendment to the War Powers Act?

Mr. MARKEY. At present, as the gentleman knows, because of the Supreme Court decision, the War Powers Act is in question. What this is, is a separate act independent of the War Powers Act so that Congress can be on record and have authority independent of what ruling might be made on the validity of the War Powers Act.

Mr. HYDE. If the gentleman will continue to yield, the constitutionality of the War Powers Act has not been determined. Some question it. I would dare say the gentleman would support its constitutionality, but then I do not know. But I would suggest this abrogates the War Powers Act and is in contradiction to it and I question its constitutionality.

I ask the gentleman for comment on that.

Mr. MARKEY. Mr. Chairman, I will say to the gentleman this: Unfortunately, this administration will be able to flourish in the atmosphere of ambiguity that will exist while trying to determine the validity of the War Powers Act. I think it is incumbent upon the Congress for us to pass legislation that retains, reserves for the Congress, this ultimate right of making the determination as to whether or not combat troops ought to be deployed.

I fear that in the absence of some specific language of this nature and a ruling that the War Powers Act is, in fact, constitutional, that we will face arbitrary decisions made by the Executive that will countermand, perhaps, the will of the Congress that the deployment of these troops be restricted.

Mr. HYDE. Mr. Chairman, I just suggest to my friend that we cannot abrogate the Constitution by this amendment, and the Constitution makes the President the Commander in Chief.

Mr. STRATTON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the amendment offered by my friend, the gentleman from Massachusetts (Mr. MARKEY), suffers from much the same problem as the one offered earlier by the gentleman from Massachusetts (Mr. SHANNON). When one tries to draft some amendment at a late hour of the night to deal with a situation which has not been thoroughly examined, it is likely to be flawed.

For example, training exercises like those now in progress have been going on in Central America and South America for a very long time annually. Certainly the House does not want to have to pass a joint resolution every time we send a few people down into Panama or into El Salvador or Costa Rica. Moreover, the amendment does not address itself at all to offshore activities such as a possible blockade or quarantine. And if current personnel are to be regarded in units then they too are all going to have to be withdrawn because we have had no such joint resolution that has been passed. Moreover, we have Marines stationed in units in every U.S. Embassy in the entire area. Surely we do not want to withdraw them.

In fact the House has already acted unfavorably on a similar amendment and I urge the amendment be voted down.

□ 2040

Mr. SKELTON. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, it seems that the proponents of this amendment have not studied much American history, or if they have, they seek not to abide by its lessons.

We know that a show of determination in the past has kept us out of war, has kept us out of conflict.

The U.S. deployment of forces in Texas against Napoleon III on our borders caused Napoleon III to pull his troops out in 1865 and 1866.

In 1933, the U.S. naval deployment off Cuba led to elections for a moderate government there.

In 1962, under John F. Kennedy, our determination in the Cuban missile crisis kept us at peace.

Mr. Chairman, that is what we want. We are deploying for training as we have in the past. We have cooperated with those countries as we have in the past. I think we should take lessons from the history books that we should continue to work with our friends in the future.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, what strikes me about this amendment is that Congress will eventually, under this amendment, if adopted, in effect be telling the military and the President where they can maneuver and put battalions of infantry. It does not make any sense at all.

Mr. SKELTON. That is just what I said. We cannot cooperate with them as we have in the past.

Mr. MONTGOMERY. Congress cannot get involved in tactics with the military and that is what this amendment does.

I thank the gentleman for yielding.

Mr. SKELTON. I think it is the wrong amendment.

Ms. OAKAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is not a frivolous amendment. It is obviously true that this amendment was written possibly today, but today, for most of us, we just found out that beyond the covert activities going on, there are hundreds of combat troops being sent to Central America.

Now, 71 percent of the American people believe that the President is leading us into some form of military conflict in Central America.

Mr. Chairman, I was watching the news conference and I want to say that I was aghast at the response of the President to some of the questions. He called the deployment of these military personnel and combat troops maneuvers.

Then the media asked, "How long would they stay?" He said that he was really not sure.

We have heard rumors all day long that the Pentagon does not even approve of what the Commander in Chief is doing with respect to sending these combat troops there.

Now, I am not going to abdicate my responsibility as a Member of Congress and let individuals in the administration, led by possibly Henry Kissinger, and others, determine that the American people are going to be in some form of military conflict.

I want to commend the gentleman from Massachusetts for devising this amendment. I think it is important. I wish we would not treat it frivolously.

We perhaps are on the brink of setting the tone of some kind of military conflict in Central America. I urge the

adopting of this amendment posthaste.

Let us not absolve our responsibility in this matter. The lives of our people, as well as the people in Central America and, indeed, the global community, are too important.

Mr. KEMP. Mr. Chairman, will the gentlewoman yield?

Ms. OAKAR. I am happy to yield.

Mr. KEMP. I watched the press conference as well. I appreciate the statement of concern of the gentlewoman; but my question goes in this vein. Why did the gentlewoman not rise on the floor of the House on past occasions when we held maneuvers in the Caribbean, and we had naval forces in the Caribbean on maneuvers for quite some time?

We have held maneuvers in Central America a number of times, as the President mentioned on television. We have joint responsibilities under the Rio Treaty to defend our hemispheric neighbors, and we must be ready to defend our own borders. It would be anomalous if we did not hold maneuvers in the Caribbean. Similarly, as the President mentioned, we have participated in ground exercises and training in Central America in the past, but the gentlewoman never before chose to rise on the floor of the House.

Ms. OAKAR. If I can respond to the gentleman, I have risen on the floor. The gentleman may not have been on the floor when I have risen about our activities in Central America, but I defy anyone to find anyone in this Congress who has spoken out more against this administration's policies in Central America, including these maneuvers.

I will tell you what I think is happening. I think the President is trying to send us a signal so that we do not pass the bill of the chairman of the Intelligence Committee, because we know the ramifications of that bill, and to send that kind of overt military macho strengths to those nations is the absolute wrong diversionary tactic.

Mr. Chairman, I would be happy to yield further if the gentleman wants to ask me anything further.

Mr. KEMP. Yes; I would like to ask another question.

The gentlewoman is talking about her opposition to maneuvers and the gentlewoman says that she takes a back seat to no one in opposition to the naval maneuvers that have taken place in the Caribbean.

Ms. OAKAR. Central American activities.

Mr. KEMP. I am puzzled by the gentlewoman's opposition, because frankly, I do not think there are many Members who share the belief that our longstanding practice of conducting naval maneuvers in the Caribbean, or our joint exercises with our Rio Treaty partner, Honduras, is all that bad a policy. We should be working with our neighbors, pursuant to our treaty obligations and our mutual security concerns. I think the last vote reflected that.

Ms. OAKAR. The gentleman is telling this Congress and the American people that the gentleman would approve of the hundreds and indeed the thousands of combat troops that are being sent over there?

Mr. KEMP. There are several thousands of Cuban combat troops in Nicaragua, actively engaged in aggressive efforts designed to destabilize neighboring governments. I support the President's decision to conduct defense exercises in Central America. Such a U.S. presence is a visible demonstration of our commitment to the defense of our hemisphere neighbors, and it is a policy welcomed by our friend in the region.

Mr. McCURDY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I think there are an awful lot of things that need to be pointed out about this terribly important amendment and I hope everybody will support the amendment of the gentleman from Massachusetts. I really commend him for bringing this forward.

Mr. Chairman, we have heard a lot of talk about the War Powers Act and what this amendment means in respect to the War Powers Act.

First of all, let us point out that in the War Powers Act the language talks about hostilities. One of the big questions we have is whether or not this will be a gigantic loophole to say no, these are not hostilities, we are redefining it. These are exercises.

Now, that is legalistic, that we could spend another 6 years in court. Many people could be dead and then find out that we were right, they were not exercises, they were really hostilities. But so what? It is over and it is done at that point.

We also know that the War Powers Act is in court and it is a little fuzzy right now after the Supreme Court decision. I think that also makes it very important that we pass this so that we have some oversight and some monitoring which the Constitution commends us to do.

Let me also talk about exercises in the past, because that came up. We had some questions this morning in the briefings about that.

Yes; there have been exercises and maneuvers in the past down there, but not nearly this size and scope. Most of them were with the Panamanian National Guard for protection of the Panama Canal. That is entirely different than what we are talking about today.

We are talking about 8,000 men on ships in the Atlantic Ocean, 8,000 men give or take a few, on ships in the Pacific Ocean, and maybe 4,000 more men on the ground in the middle. That is about 20,000 people and that is a lot of folks.

I started this day by talking about dogs and some of the problems that we were having with experimentation on dogs. Let me tell you, that is trivial.

This amendment is absolutely pivotal. I stand here as a mother of a 17-year-old. I say to you, how can you say this amendment is frivolous? How can you as Members of Congress sit here and say, "Look, we are just going to let this authority go by. We are going to adjourn for the August break. We hope nothing happens, but we will be innocent if it does."

Our constitutional duty is to oversee this. That is why this Nation is different in this hemisphere. We have civilian oversight of the military. We are deciding tonight in the amendment of the gentleman from Massachusetts whether or not we are going to exercise that civilian control of the military or whether we are going to duck and run. We have ducked and run before. We ducked and ran in Vietnam. It took ages to turn it around.

Mr. McCAIN. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I am delighted to yield.

Mr. McCAIN. Mr. Chairman, I just want to point out one thing to the gentlewoman from Colorado. The difference between maneuvers and hostilities. Hostilities is that people die in hostilities and those of us that have been engaged in it know it very clearly. I can assure the gentlewoman that the President of the United States and those men serving in the Armed Forces know it very well also.

Mrs. SCHROEDER. May I say to my friend, I am afraid I have learned. I really appreciate the gentleman's enlightening of me, but I want to say that after 10 years on the Armed Services Committee, I know that hostilities are hostilities, and you can call them anything you want. People can die any way if there are hostilities. I think we are playing games. We are engaging in 1984 tactics where we are doing double-think. You call something something else. You slip it through. We pretend like we do not see it. We plead that, gee, if we had only known.

We have got to know when we hear the magnitude and the scope of this operation. This is not the historical kind of exercises we have been having down there. We cannot kid ourselves that it is; so if we want to say OK, that is fine. If we want to say that we are going to let them do anything they

want and we are going to give up our authority to go in, fine; but that is the decision we are making tonight and I am only saying that I think the young people of this country deserve a better break from us and they deserve our earning our pay by doing a little more oversight and making some tough decisions, rather than saying the military will take care of us.

So I want to say that the gentleman from Massachusetts is terribly courageous for bringing this to the House floor. He is right to bring this to the House floor.

You may laugh, but I think it is shameful that you would take your duties so lightly that you would prefer to go home, rather than talk about whether or not we are going to watch this military maneuver exercise or hostility, whatever you want to call it. We are paid to oversee it and we should do that. Tonight is the night that we can vote on it.

The CHAIRMAN. The time of the gentlewoman from Colorado has expired.

(At the request of Mr. WEISS, and by unanimous consent, Mrs. SCHROEDER was allowed to proceed for 2 additional minutes.)

Mr. WEISS. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I am delighted to yield to the gentleman from New York.

Mr. WEISS. Mr. Chairman, I thank the gentlewoman for yielding.

I think that the distressing thing both about the President's press conference which some of us just witnessed and the attitude that we have heard reflected here this evening in this Chamber is that there seems to be no recognition of that which the American people recognize full well. The American people know that what is happening in Central America is bringing us very close to open war. For this body to play along with the President and close its eyes to the fact that everybody knows that we are coming so close to a shooting war is, indeed, almost unimaginable.

□ 2050

I listened to the gentleman from New York engage in dialog with the gentlewoman from Ohio and I was amazed to hear him as close as he usually is to the political pulse of the Nation not to be sensitive to what the American people believe is happening right now.

It is just incredible and extraordinary.

I thank the gentlewoman for yielding.

Mrs. SCHROEDER. I want to thank the gentleman from New York.

I would just like to respond a bit to the gentleman from New York. I think he is absolutely right. What we want to make clear is what this amendment does.

It just guarantees that the Congress maintain oversight. It is not a license to go do anything you want or call it anything you want. It says that we keep our finger on what is going on down there.

And because of the money it is going to involve, because of the human lives, and as a mother I say to you that is the most important thing our Nation has, is human lives, and I hope the fathers would agree with that, too. I hear some of you are upset. But I would hope the fathers would feel as strongly about that, too. They all have young people and we ought to be very concerned about them.

So the amendment offered by the gentleman from Massachusetts is not mandating we come down one way or another but that we do not duck our responsibility, that we stay involved.

I say to you I think that is terribly important.

Mr. DICKINSON. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

Let me say very briefly I hope we can get cooperation from the House. We are trying to proceed with the authorization bill from the Armed Services Committee. We have a bill pending in the House right now that is the proper forum and the proper vehicle to determine the issues that we are now debating as a part of the armed services bill, and I mean the bill from the Intelligence Committee.

We have had 4 hours of secret debate. I understand that bill is scheduled again tomorrow.

May I please suggest and urge the Members that that is the forum for this matter to be discussed and debated and for decisions. I do not care which side you are on, I just feel that that is the proper forum. That is the purpose of the Intelligence Committee bill and we have already had a good deal of testimony on that bill.

So I would just urge the Members that this is not the right forum, the right time, or the right place for this particular debate. You will have an opportunity tomorrow, but please do not foul up this piece of legislation with something that we can properly do tomorrow.

So I would just urge that we vote. We have already had two votes on the same subject. I would urge the Members let us vote this down and go on and conclude this bill.

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. I yield to the gentlewoman.

Mrs. SCHROEDER. I would really hate to disagree with the gentleman from Alabama because I respect him. But this amendment is certainly in order. It is germane to this bill.

This is the authorization bill. It is not an appropriation bill. It is not legislation on an appropriation bill.

This is it. This is the train leaving the station. If the hour is late, I am sorry about that. We did not want it to be late, either.

But this is really where it is. This is where we raise the number of troops and decide what we are going to buy for weapons and decide what we are going to do and what we are going to pay for them. This is it.

This is a very big bill and I know we talk a lot on it. But it is because it is the biggest bill going out of this body in volume of money and in the broad scope of all the things it covers. I think we would be derelict in our duty to say that we are going to go to raise the troops, we are going to decide how much we are going to pay them, and we are going to decide how we are going to arm them, but then we are not going to talk about where they go, what they do when they get there or how we oversee that.

Mr. DICKINSON. Let me say that we do not need to tie the President's hands. We have the important War Powers Act. He has the decision to make as far as foreign policy is concerned.

If you think that is wrong, then we have the intelligence bill tomorrow that specifically is designed to reach this subject matter.

I would hope that we would vote this down and go on with our bill.

Mrs. SCHROEDER. Will the gentleman yield again?

Mr. DICKINSON. Let me yield to my colleague from New York.

Mrs. SCHROEDER. Could I answer the gentleman's question?

Mr. STRATTON. Will the gentleman yield?

Mr. DICKINSON. I would like to yield to the gentleman from New York, if I might.

Mr. STRATTON. Is it not true that this amendment could very well jeopardize the Rio Treaty which commits us to come to the protection of Honduras and other countries in Central America? If we have to go through all of the procedures in the Markey amendment we might not be able to carry out those commitments.

I hope that the amendment will be voted down.

Mr. DICKINSON. Very likely so.

Again, I was trying to curtail this debate.

Mr. KEMP. Will the gentleman yield?

Mr. DICKINSON. I yield to the gentleman from New York.

Mr. KEMP. I was just going to respond to what the gentlewoman from Colorado said a little bit earlier about the need for oversight. I think all Members, irrespective of where they stand on this amendment, I think that

all Members really do agree with the gentlewoman that there should be congressional oversight. That is what the American people want and we are fully capable of having a debate, even at this late hour, on an issue of this amendment and other issues.

I think the previous vote, frankly, reflected the fact that the Members of the body did not agree with the previous amendment, that the House has decided to reject that type of a restriction.

But, having said that, let me say to the gentlewoman that while we proceed to have oversight, we should be mindful of the constancy of the standard of review we apply. For example, we have 1,800 marines in Lebanon. That is on the brink of war, I would say to my friend from New York. Yet no one is decrying our military presence there. And we recognize that the President or the administration or previous administrations are as anxious, as the gentlewoman is, to prevent this Nation from ever having to go to war.

The reason that many of us are opposed to this amendment is because it assumes something that is not the case. The President has not decided to deploy combat troops in Central America. The 55 troops now in El Salvador are not in combat; they are strictly there as advisers.

I think it shows too much suspicion of her own country to suggest that this amendment is the one way that the Congress can have oversight.

We did not do this in Lebanon. We did not do this in the Gulf of Sidra.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama (Mr. DICKINSON) has expired.

(On request of Mr. KEMP and by unanimous consent Mr. DICKINSON was allowed to proceed for 1 additional minute.)

Mr. KEMP. One other point. When we sent ships into the Gulf of Sidra to help Sudan deal with the crisis posed by Libya and incursions through Chad into the Sudan, the gentlewoman and other Members of this body did not try to tie the hands of the administration or the President. It seems to me that the President was correct tonight in his press conference when he said that there is literally too much suspicion of your own country.

May I finish my point? You have the word of the President of the United States in that speech, in that press conference tonight, as well as in other statements that he does not mean to deploy U.S. troops into combat in Central America. I think that the President's position is quite clear and capable of being understood by the American people and that he deserves our support in his vital policy toward Central America.

□ 2100

Mrs. SCHROEDER. I would like to say that I am not suspicious of this Government, I am proud of this Government and I am proud of its history and I am proud of the fact that it requires a civilian oversight and that is what we are asking for in this amendment. We are not being suspicious; we are saying we should oversee it.

Mr. PRICE. Mr. Chairman, it seems we should end debate on this amendment; we should come to a vote on it.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

Mr. DELLUMS. I object, Mr. Chairman.

Mr. MILLER of California. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. PRICE. Mr. Chairman, I ask unanimous consent that we close this debate at 9:30.

Mr. MILLER of California. I object, Mr. Chairman.

The CHAIRMAN pro tempore. Objection is heard.

Mr. PRICE. Mr. Chairman, I move that all debate on all amendments, this amendment and all amendments thereto, close in 20 minutes.

The CHAIRMAN pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. PRICE).

Mr. MARKEY. Mr. Chairman, I demand a recorded vote and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. The Chair will count.

One hundred five Members are present, a quorum.

RECORDED VOTE

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 213, noes 195, not voting 25, as follows:

[Roll No. 271]

AYES—213

Akaka	Brown (CO)	Dingell
Albosta	Broyhill	Dowdy
Andrews (NC)	Byron	Dreier
Andrews (TX)	Campbell	Duncan
Annunzio	Carney	Dyson
Anthony	Chandler	Emerson
Archer	Chappell	English
AuCoin	Cheney	Erdreich
Badham	Clarke	Erlenborn
Barnard	Clinger	Evans (IA)
Bartlett	Coleman (MO)	Fascell
Bateman	Conable	Ferraro
Bennett	Conte	Fiedler
Bevill	Cooper	Fields
Billey	Craig	Flippo
Boggs	Crockett	Florio
Boner	D'Amours	Franklin
Bonior	Daniel	Frenzel
Bonker	Dannemeyer	Fuqua
Breaux	Daub	Garcia
Britt	Davis	Gibbons
Brooks	Derrick	Goodling
Broomfield	Dickinson	Gore
Gradison	MacKay	Sawyer
Gramm	Madigan	Schaefer
Gunderson	Marlenee	Schneider
Hall, Ralph	Marriott	Schulze
Hall, Sam	Martin (IL)	Shaw
Hamilton	Martin (NC)	Shumway
Hance	Martin (NY)	Shuster
Hansen (UT)	Mazzoli	Siljander
Hartnett	McCollum	Simon
Hatcher	McDade	Sisisky
Hefner	McEwen	Skeen
Hightower	McHugh	Skelton
Hillis	McNulty	Smith (IA)
Holt	Michel	Smith (NE)
Horton	Minish	Smith (NJ)
Howard	Mollohan	Smith, Robert
Hubbard	Montgomery	Snyder
Huckaby	Moody	Solomon
Hunter	Moorhead	Spence
Hutto	Morrison (WA)	Spratt
Hyde	Murphy	St Germain
Ireland	Murtha	Stangeland
Jenkins	Myers	Stenholm
Johnson	Natcher	Stratton
Jones (NC)	Nelson	Stump
Jones (TN)	Nichols	Sundquist
Kazen	Nielson	Swift
Kindness	O'Brien	Tallon
Kolter	Oxley	Tauzin
LaFalce	Packard	Taylor
Lagomarsino	Parris	Thomas (CA)
Latta	Pashayan	Thomas (GA)
Leath	Perkins	Udall
Lehman (FL)	Price	Valentine
Lent	Pritchard	Vander Jagt
Levitas	Pursell	Vandergriff
Lewis (FL)	Ray	Volkmer
Lipinski	Regula	Weber
Lloyd	Roberts	Whitehurst
Loeffler	Robinson	Whitley
Long (LA)	Roe	Whittaker
Long (MD)	Rogers	Whitten
Lott	Rose	Wortley
Lowery (CA)	Rostenkowski	Wright
Lujan	Rowland	Young (AK)
Lundine	Rudd	Young (MO)
Lungren	Russo	Zablocki
Mack	Sabo	Zschau

NOES—195

Ackerman	Dymally	Kogovsek
Addabbo	Early	Kostmayer
Anderson	Eckart	Kramer
Aspin	Edgar	Lantos
Barnes	Edwards (AL)	Leach
Bates	Edwards (OK)	Lehman (CA)
Bedell	Evans (IL)	Leland
Beilenson	Fazio	Levin
Bereuter	Feighan	Levine
Berman	Fish	Livingston
Bethune	Foglietta	Lowry (WA)
Bilirakis	Ford (MI)	Luken
Boehlert	Ford (TN)	Markey
Boland	Fowler	Martinez
Borski	Frank	Matsui
Boucher	Frost	Mavroules
Boxer	Gejdenson	McCain
Brown (CA)	Gekas	McCandless
Bryant	Gilman	McCloskey
Burton (CA)	Gingrich	McCurdy
Burton (IN)	Glickman	McDonald
Carper	Gonzalez	McGrath
Carr	Gray	McKernan
Chappie	Green	Mica
Coats	Gregg	Mikulski
Coelho	Guarini	Miller (CA)
Coleman (TX)	Hall (IN)	Miller (OH)
Collins	Hall (OH)	Mineta
Corcoran	Harkin	Mitchell
Coughlin	Harrison	Moakley
Courter	Hawkins	Molinari
Coyne	Hertel	Moore
Crane, Daniel	Hiler	Morrison (CT)
Crane, Philip	Hopkins	Mrazek
Daschle	Hoyer	Neal
de la Garza	Hughes	Nowak
Dellums	Jacobs	Oakar
DeWine	Jeffords	Oberstar
Dicks	Jones (OK)	Obey
Dixon	Kaptur	Olin
Donnelly	Kasich	Ortiz
Dorgan	Kastenmeier	Ottinger
Downey	Kemp	Panetta
Durbin	Kennelly	Patman
Dwyer	Kildee	Patterson

Paul	Scheuer	Towns
Pease	Schroeder	Traxler
Penny	Schumer	Vento
Pepper	Seiberling	Vucanovich
Petri	Sensenbrenner	Walgren
Pickle	Shannon	Walker
Porter	Sharp	Watkins
Rahall	Shelby	Waxman
Rangel	Sikorski	Weaver
Ratchford	Slattery	Weiss
Reid	Smith (FL)	Wheat
Richardson	Snowe	Wirth
Ridge	Solarz	Wise
Rinaldo	Staggers	Wolf
Ritter	Stark	Wolpe
Rodino	Studds	Wyden
Roemer	Synar	Wylie
Roth	Tauke	Yates
Roukema	Torres	Yatron
Roybal	Torricelli	Young (FL)

NOT VOTING—25

Alexander	Gaydos	Savage
Applegate	Gephardt	Smith, Denny
Biaggi	Hammerschmidt	Stokes
Bosco	Hansen (ID)	Williams (MT)
Clay	Heftel	Williams (OH)
Conyers	Lewis (CA)	Wilson
Edwards (CA)	McKinney	Winn
Foley	Owens	
Forsythe	Quillen	

□ 2110

Mr. PHILIP M. CRANE changed his vote from "aye" to "no."

So the motion was agreed to.

The result of the vote was announced as above recorded.

□ 2120

The CHAIRMAN pro tempore. The Chair will announce that the time will be divided equally between the gentleman from Illinois (Mr. PRICE) who will be recognized for 10 minutes, and the gentleman from Massachusetts (Mr. MARKEY) who will be recognized for 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. LEVINE).

Mr. LEVINE of California. I thank the gentleman for yielding.

Mr. Chairman, I would like to commend the gentleman for introducing this extremely important amendment. I think that we should remind ourselves of the range of activities and deescalation of activities that have taken place recently with regard to this administration's policy in Central America.

Most of us who are here this evening were sitting on this floor in a joint session of Congress not too long ago when the President came before this House and promised this Nation, as well as this Congress, that there would not be combat troops sent to Central America.

Not too long thereafter, when the President was asked to respond to a question in terms of whether or not combat troops might be sent to Central America, the President quipped, "Well, Presidents never say never."

And now we learn that the President is sending some 4,000 combat troops to Honduras. What is going to happen next? In 1964 this Congress stood by almost in silence when there was a Gulf of Tonkin resolution. I think that it is extremely important that the gentleman from Massachusetts is bringing this matter to our attention, that we have had the type of debate that we are having this evening, and that it is imperative that those of us on the floor in this House say to the President early this time: "Stop. This type of action shall not be condoned by the U.S. Congress."

Mr. PRICE. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Chairman, I oppose this particular amendment for a number of reasons. The first reason is because a very careful study has not been given to this language while the precise issue has been carefully addressed under the Boland legislation which will be before us tomorrow. That Boland legislation has had the benefit of hearings, conversations, advices, from the State Department, advices from the CIA, all very carefully handled and very carefully structured. That is the way this issue should come, such a very vital issue, before this Congress. Therefore, I think this amendment is premature and inadequately done.

Second, I think this amendment may violate the Rio Pact because it possibly might violate sections of that pact which say that we should come to the assistance of another nation that is attacked.

And then it is disruptive purpose because it leaves our country in a position of being indecisive in what we are doing. It could send a signal of panic to the world, because we already have the troops there, in El Salvador, at least. And if you pass this amendment, you would then have to have another resolution come in with all of the debate and the hearings and that sort of thing. So it could create a very false impression throughout the world that our country cannot make up its mind.

I do not want to send combat troops in Central America, and I pray that we will not have to send them. I expect we will not have to send them But I want to say one thing: We do have a government which is rather properly structured, and in the structure of our Government it was left to the President of the United States to do some sorts of intimate handling of international problems that cannot always be handled in a deliberative body which requires all of the checks and rechecks that we have to have. And it is a great mistake, it seems to me, to say to the world that the President could not under any circumstances take decisive action.

Now, I myself voted against the War Powers Act because I thought it gave a power to the President he did not already have. So I am not a person who is very anxious to give the President lots of power. We really should not pass this particular resolution. We have a well-thought-out resolution coming before us in the next 24 hours. That is where we really ought to to act. This may violate the Rio Pact. It sends a signal of panic, in my opinion, to the world. I do not want combat troops to be there any more than you do, and I do not want war to start, but I think to tie the hands of the President in this circumstance so tightly would be a grave mistake. Therefore, I hope the Members will vote against the amendment.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. BOXER).

Mrs. BOXER. I thank the gentleman for yielding.

Mr. Chairman, it is very interesting to hear the gentleman on this side of the aisle lecture to us on this issue. Many of us not only lived through the Vietnam war, but we got into politics because of the Vietnam war. And if there is anything we vowed to ourselves, to our families, to our constituents, it is that we would never be involved in repeating that same mistake.

We hear the echoes of Vietnam in this Chamber tonight. And with the President's appointment of Mr. Kissinger, we see the ghosts of Vietnam. Mr. Kissinger—the architect of the Cambodia bombing.

This amendment merely says we will exercise our legitimate powers, powers that the American people have vested in us.

I would like to close by saying: Not to support this amendment tonight is running and hiding from our responsibilities.

Mr. PRICE. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. DICKINSON).

Mr. DICKINSON. Mr. Chairman, I will inquire if the time yielded to me is for the purpose of yielding to Members on this side or whether it is time for me to use.

Mr. PRICE. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama for whatever purpose he wishes to use it.

Mr. DICKINSON. Mr. Chairman, I have had requests for time.

Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. HILLIS).

The CHAIRMAN. Without objection, the gentleman from Indiana (Mr. HILLIS) is recognized for 2 minutes.

There was no objection.

Mr. HILLIS. I thank the gentleman for yielding.

Mr. Chairman, I grant the previous speakers on the other side of the issue that this is a most serious topic that we are discussing at this time, and perhaps it certainly is well taken, but it appears to me, as has been stated before, that we are going to have a

forum again in the very near future to go into this when there will be no requests for time, there will be no looking at the clock, it will be the main forum in the well of the House and it will get the consideration that it ought to have, and rather than being an emotional debate, when each side points a finger at the other and says, "You were the ones who brought this on us."

I certainly would like to exercise caution in this. I do not think that we should be Monday morning quarterbacks after the game or Friday morning quarterbacks calling all of the game plan before the game. We should exercise caution. We certainly should exercise some restraint. And let us, above all else, be calm and patient and go forward and debate the issue when it is at the proper time, with the intelligence bill, rather than at a late hour in a hurried, emotional, strained environment such as we have here tonight.

Mr. DICKINSON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BADHAM).

The CHAIRMAN. Without objection, the gentleman from California (Mr. BADHAM) is recognized for 2 minutes.

There was no objection.

Mr. BADHAM. Mr. Chairman, we are here tonight debating the defense authorization bill. We have ample time ahead of us to debate this issue, and I would suggest to my friends on both sides of the aisle that this is neither the time nor the place to debate this issue. We have an ample forum to do that.

Beyond that, I would say to some of the younger Members: Do you not remember World War II? Do you not remember the Korean war? Do you not remember the offer of the last administration to pull out troops from Korea? Do you not remember that we have exercised troops in the Mediterranean? Do you not recall that when we did pull troops out of Korea in 1949 we ended up being engaged in a war, not because we had combat troops there, but because we did not?

You have us have troops in Lebanon that are combat troops. You have us have troops in other parts of the world, in Korea, in Germany, that are combat troops. And would you deny the protection of legitimate governments in Central America?

□ 2130

I submit that there is a better time and a better place to debate this. This amendment is a specious amendment introduced to obfuscate the idea of defense and get us off on a side issue which has no business being debated at this time and this place.

The CHAIRMAN. The gentleman from Alabama (Mr. DICKINSON) has 1 minute remaining.

Mr. DICKINSON. Mr. Chairman, I yield the 1 remaining minute to the gentleman from Florida (Mr. YOUNG).

The CHAIRMAN. Without objection, the gentleman from Florida (Mr. YOUNG) is recognized for 1 minute.

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I would just like to point out that this really is a training exercise; it is not a deployment. The major ships that are going to the area are not assigned to the area or deployed there. They are either on their way to assignment, or they are on their way back home from an assignment and they are stopping in the area for a limited time to take part in the training exercise. They are not going to be there for months and months at a time.

I would suggest to those who are concerned about this training exercise, and that is what it is, that if the U.S. forces and the Honduran forces that are involved are going to encounter any Nicaraguan troops, those Nicaraguans are going to have to come to Honduras first, because that is where the ground exercises are going to take place.

I would like to point out to those who are so excited about this issue today, where were you, my friends and my colleagues, earlier this year when the Cubans, at Castro's direction, were using assault ships landing to practice amphibious landings in the Caribbean? Why was there no concern expressed about that? I did not hear anybody on the House floor make a point about Castro's naval and amphibious exercises.

Mr. MARKEY. Mr. Chairman, may I inquire, how much time do I have remaining.

The CHAIRMAN. The Chair will advise the gentleman from Massachusetts that he has 6 minutes remaining.

Mr. MARKEY. Mr Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. HARKIN).

Mr. HARKIN. I thank the gentleman for yielding this time to me.

Mr. Chairman, I have not taken the well lately to speak about Central America, even though I have been very closely involved over the last several years with many debates on this floor about what we were doing in Central America. I have not taken the well lately to speak because I have seen that for the last 2½ years of the present administration so many of the efforts that were created here in the House and in the Senate during both the Ford and the Carter administrations to make some very moderate progress in improving our relations over Central America were destroyed in the last 2½ years. From this one Member's vantage point of viewing what has happened over that last 2½ years, I have seen nothing but a constant whirlpool of activity ever tightening around Central America, and more rapidly drawing us closer to war.

I have no doubt in my mind that the only thing standing between the use of combat troops in Central America in the very near future, and their not being used, is this House of Representatives.

Ladies and gentlemen, this is the time, and this is the place, tonight, on this vote, to decide whether or not we will commit combat troops to Central America. This is different from the Boland-Zablocki amendment that we will be facing in the next day or two. Tonight, in a few minutes, we will be voting today on our present "Gulf of Tonkin Resolution" on the floor of the House. Make no mistake about it. The only thing that will bring this administration back to its senses and avoid another vietnam for us in Central America, is a clear and confirming vote on the Markey amendment.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. MILLER).

Mr. MILLER of California. I thank the gentleman for yielding this time to me.

Mr. Chairman, I find it rather ludicrous that Members of the minority over here would suggest that this is not the time nor the place to debate this bill. Since we are talking about the deployment of combat troops, we are talking about the steaming of battle groups on both the Atlantic and Pacific coasts, we are talking about whether or not to build airstrips that have been denied for a number of years, I assume that will come out of this budget, and I assume this is the bill that will authorize it, and that is why this amendment is in order.

I will tell you how this differs and yet is similar to what we will be doing tomorrow on Boland-Zablocki. The administration came, 18 months ago, and told us they had a very narrow, specific purpose in Nicaragua. That has now grown to an estimated 10,000 troops, well financed, and a full blown invasion by those forces. Now we are supposed to believe that this is a narrow training exercise which will require these troops to be stationed for 6 months, which will require the building of apparently a number of airstrips in Honduras at the same time. It has not been denied by the President; it has not been denied whether it can turn into a blockade.

So this is all on good faith from the same people who told us they were going to have one or two small groups go in to interdict arms. We are still waiting for the first pistola to be shown.

So the question is whether or not we want to take a stand at this time or whether we want to come back months from now and have to make up for what we failed to do tonight,

because this is our opportunity to have us as players representing the overwhelming number of American people who were in the polls 5, 6, and 7 to 1 opposed to the positions that this President is taking with respect to Latin America with the deployment of combat troops, with the deployment of the naval battle groups, with the deployment of the airplanes in this area when we have already launched a covert invasion.

Mr. MARKEY. I yield myself the balance of my time.

Mr. Chairman, some have sought to cloud this debate by saying that somehow or other this amendment is related to the Boland-Zablocki amendment. It is not.

This amendment is completely separate from any question which Boland-Zablocki raises. In Boland-Zablocki we are talking about covert intelligence activity. In this amendment, we are talking about regular U.S. Armed Forces deployed in units.

The newspapers of the United States today reported that the President is sending 4,000 combat troops to Honduras. This is not covert activity. These are not intelligence agents. These are not advisers. These are not Marines attached to an embassy. This is not our help with technical assistance to this country.

We are talking about 4,000 U.S. combat troops; and this is a completely, totally separate and different issue from anything addressed in Boland-Zablocki.

If you believe that the U.S. Congress ought to retain its constitutional right to determine where and when U.S. combat troops are committed, then you vote for this amendment. If you believe that we ought not to, that the President ought to retain that authority and be completely able to arbitrarily decide when U.S. combat troops are engaged in foreign countries, then you vote against it.

That is the issue. Separate and different from that of Boland-Zablocki.

The issue of the Rio Treaty is irrelevant. Under the treaty, we retain our constitutional prerogatives. The case of Lebanon is not relevant. We are talking here about Central America, not about Lebanon.

The only issue is whether or not we will give carte blanche to the President to make a determination as to when and where combat troops of the United States are to be sent, without the consent of Congress. I say that we should not. I say that the Constitution of the United States says that we should not. We should face our responsibilities; we should not flee from them.

□ 2140

Mr. PRICE. Mr. Chairman, I yield the remaining 2 minutes on my side to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, in spite of what we have heard, this is not really a military procurement issue. This is clearly a foreign policy issue and this is precisely the kind of thing that the Parliamentarian has, year after year, ruled out of order on our annual defense authorization bill. It got in there tonight by a sneaker, and so here we are, to be deciding important matters of foreign policy instead of the specific items in order contained in this particular bill.

There is nothing new about troop or ship maneuvers in Central America. There is nothing new about sending down fleets into the Caribbean from time to time. They are in no sense in combat. As a matter of fact, we sent a couple carriers out to the Arabian Sea some several years ago when the Soviet invaded Afghanistan. There was nothing said then about whether the War Powers Act should be invoked, or that no seaman should go out to the Indian Ocean except by a joint resolution of Congress.

Some Members are trying to build a mountain out of mole hill. We ought not to be dealing with these matters now, as the gentleman from California (Mr. BADHAM) has pointed out, they should be dealt with when matters about the Caribbean are discussed on the floor of the House tomorrow.

It is prefectly proper for the Navy to take a look at what is going on in the Caribbean. That is all it is doing. I think the demonstration of our capabilities is very likely to convince the Nicaraguans that they ought to head off just a little bit.

The action we took on the SHANNON amendment demonstrated clearly that this House is behind the President in the Caribbean. We should continue to support the Preisdent in his effort to prevent war breaking out and to maintain peace in the Caribbean.

PREFERENTIAL MOTION OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. DELLUMS moves that the committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from California (Mr. DELLUMS) is recognized for 5 minutes in support of his motion.

Mr. DELLUMS. Mr. Chairman, I took this extraordinary step because I seek to make a few comments that I think are terribly important.

First, I voted against the effort to limit debate because I think that we are here to debate these terribly important, critical, and vital issues. It seems to me as a matter of principle that we ought to be about the business of debating these terribly important issues that may ultimately result in issues of life and death.

Second, Mr. Chairman, it has been stated by a number of my colleagues that we should not be debating this kind of matter at this time of night. My response to that is very simple. The leadership has made a decision that the committee guiding the IMF bill would rise at approximately 6 o'clock and that we would carry forth on this bill until it was concluded, so that is the reality. So whether we are tired or whatever, we have to keep ourselves together.

I am simply suggesting to all of us that we not allow this debate to deteriorate. Let us keep our intellectual freshness and our political acumen focused on the issues that we ought to be about here. Let us not let it deteriorate into some kind of rowdy activity simply because it is late at night. If the leadership has made that decision, then let us carry forward.

The third item. One of my colleagues suggested that we should not be suspicious of our Government. My response to that is simply this. What keeps this process honest is when there are competing and countervailing analyses, countervailing priorities, because it is out of that competition that a consensus can be arrived at. If we do not mean it about checks and balances, let us not teach our children about checks and balances.

I have a responsibility to have a healthy suspicion about any person in the political arena with whom I disagree. I represent a constituency that sent me here to advocate a point of view. They do not agree with what this administration is about and I have a profound obligation to challenge its policies.

It seems to me that for anyone to challenge my right on the ground of being suspicious is to not address the reality of what this Government is all about.

The next point. This is not the appropriate vehicle. With respect to the vehicle tomorrow or the day after, all we are talking about there is whether the aid is covert or overt. I would suggest that the people in Central America who die as the result of these policies could care less about whether it is overt or covert. Death is death and it would seem to me that we are not talking in the bill about policy, but tonight we have an opportunity to discuss policy and we ought to do it.

Finally, one of my colleagues rhetorically said, "Remember World War II." Well, some of us may be a little young for that, but I will say, remember Vietnam, and in remembering Vietnam understand this. Many of my colleagues have been here long enough to remember the early days of Vietnam. It split this country apart. There was great hostility here in this Con-

gress on the question of the prosecution of the Vietnam war and many of my colleagues who were in support of our involvement in Vietnam in looking back on that period said that the gravest mistake that we made was to stifle dissent and to shutdown debate.

I am simply saying that that is where we are now, stifling dissent and shutting down the debate. This is a terribly important and vital moment. Whether you agree with us or not, provide us with our legitimate opportunity to say that we oppose this madness. It would seem to me that if it is going to go down at 10 o'clock at night, then so be it; but to limit debate on a critical issue that has 20,000 young American troops down there in Central America under the guise of exercises is not wise. How much money is it going to cost to have a 6-month exercise down there while we rip off the poor in this country, we rip off the unemployed in this country. We do not talk about wasting resources down there when we are intimidating Third World countries, but we want to talk about it when the reference is to social programs.

Mr. Chairman, in conclusion, I would simply say that I am appalled that we are not debating this matter until 12 or 1 in the morning. What more important thing can we do than to determine whether our Government is engaging in militaristic and warlike activities? That is why we came here.

I make the same comment in conclusion that I made the other day when a similar matter came up of limiting debate. Those of us who went into the streets to try to raise the issue of Vietnam, many of you said, "Go run for political office and come to the floor of Congress and debate these issues."

Then we come to the floor of the Congress and you say, "We don't have time to debate."

So when do we have time to do it? It must be here. If not here, then where?

Mr. DICKINSON. Mr. Chairman, I rise in opposition to the motion.

Mr. Chairman, the hour is late. The gentleman has made a very good speech, but I really feel that we should not rise at the present time. We should go on with the business of deliberating the bill, the bill as reported out by the Armed Services Committee, not the Foreign Affairs Committee, not the Intelligence Committee bill that we will be devoting our time to tomorrow.

Let me just point out to the gentleman from California who just spoke so eloquently. The gentleman will have ample opportunity to discuss this tomorrow, all the Members will. They will not be stifled. They will have every opportunity to say anything they want to about the entire subject matter; but I do hope that we can get on with the handling of this bill this evening.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from California (Mr. DELLUMS).

The preferential motion was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Evidently a quorum is present.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Massachusetts (Mr. MARKEY) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 165, noes 259, not voting 9, as follows:

[Roll No. 272]

AYES—165

Ackerman	Ford (MI)	Moody
Addabbo	Ford (TN)	Morrison (CT)
Albosta	Frank	Mrazek
Alexander	Garcia	Murphy
Anderson	Gejdenson	Nowak
Applegate	Gibbons	Oakar
AuCoin	Gonzalez	Oberstar
Barnes	Gray	Obey
Bates	Guarini	Ottinger
Bedell	Hall (IN)	Panetta
Beilenson	Hall (OH)	Patterson
Berman	Harkin	Paul
Boehlert	Harrison	Pease
Boggs	Hawkins	Penny
Boland	Hertel	Pepper
Bonior	Horton	Rahall
Bonker	Howard	Rangel
Borski	Jacobs	Ratchford
Bosco	Kaptur	Reid
Boucher	Kastenmeier	Richardson
Boxer	Kennelly	Rodino
Brown (CA)	Kildee	Roe
Bryant	Kogovsek	Roemer
Burton (CA)	Kolter	Rose
Carr	Kostmayer	Roybal
Clay	Lantos	Russo
Coelho	Leach	Sabo
Coleman (TX)	Lehman (CA)	Scheuer
Collins	Lehman (FL)	Schneider
Conte	Leland	Schroeder
Coughlin	Levin	Schumer
Coyne	Levine	Seiberling
Crockett	Long (LA)	Shannon
Daschle	Long (MD)	Sharp
Dellums	Lowry (WA)	Sikorski
Dixon	Luken	Simon
Donnelly	Lundine	Smith (FL)
Dorgan	Markey	St Germain
Downey	Martin (IL)	Staggers
Durbin	Martinez	Stark
Dwyer	Matsui	Stokes
Dymally	Mavroules	Studds
Early	McCloskey	Swift
Eckart	McKinney	Torres
Edgar	McNulty	Torricelli
Edwards (CA)	Mikulski	Towns
Evans (IL)	Miller (CA)	Traxler
Fazio	Mineta	Udall
Feighan	Minish	Vento
Ferraro	Mitchell	Walgren
Florio	Moakley	Waxman
Foglietta	Mollohan	Weaver
Weiss	Wirth	Wyden
Wheat	Wise	Yates
Williams (MT)	Wolpe	Yatron

NOES—259

Akaka	Green	Ortiz
Andrews (NC)	Gregg	Oxley
Andrews (TX)	Gunderson	Packard
Annunzio	Hall, Ralph	Parris
Anthony	Hall, Sam	Pashayan
Archer	Hamilton	Patman
Aspin	Hammerschmidt	Perkins
Badham	Hance	Petri
Barnard	Hansen (ID)	Pickle
Bartlett	Hansen (UT)	Porter
Bateman	Hartnett	Price
Bennett	Hatcher	Pritchard
Bereuter	Hefner	Pursell
Bethune	Hightower	Quillen
Bevill	Hiler	Ray
Biaggi	Hillis	Regula
Bilirakis	Holt	Ridge
Billey	Hopkins	Rinaldo
Boner	Hoyer	Ritter
Breaux	Hubbard	Roberts
Britt	Huckaby	Robinson
Brooks	Hughes	Rogers
Broomfield	Hunter	Rostenkowski
Brown (CO)	Hutto	Roth
Broyhill	Hyde	Roukema
Burton (IN)	Ireland	Rowland
Byron	Jeffords	Rudd
Campbell	Jenkins	Sawyer
Carney	Johnson	Schaefer
Carper	Jones (NC)	Schulze
Chandler	Jones (OK)	Sensenbrenner
Chappell	Jones (TN)	Shaw
Chappie	Kasich	Shelby
Cheney	Kazen	Shumway
Clarke	Kemp	Shuster
Clinger	Kindness	Siljander
Coats	Kramer	Sisisky
Coleman (MO)	LaFalce	Skeen
Conable	Lagomarsino	Skelton
Cooper	Latta	Slattery
Corcoran	Leath	Smith (IA)
Courter	Lent	Smith (NE)
Craig	Levitas	Smith (NJ)
Crane, Daniel	Lewis (FL)	Smith, Denny
Crane, Philip	Lipinski	Smith, Robert
D'Amours	Livingston	Snowe
Daniel	Lloyd	Snyder
Dannemeyer	Loeffler	Solarz
Daub	Lott	Solomon
Davis	Lowery (CA)	Spence
de la Garza	Lujan	Spratt
Derrick	Lungren	Stangeland
DeWine	Mack	Stenholm
Dickinson	MacKay	Stratton
Dicks	Madigan	Stump
Dingell	Marlenee	Sundquist
Dowdy	Marriott	Synar
Dreier	Martin (NC)	Tallon
Duncan	Martin (NY)	Tauke
Dyson	Mazzoli	Tauzin
Edwards (AL)	McCain	Taylor
Edwards (OK)	McCandless	Thomas (CA)
Emerson	McCollum	Thomas (GA)
English	McCurdy	Valentine
Erdreich	McDade	Vander Jagt
Erlenborn	McDonald	Vandergriff
Evans (IA)	McEwen	Volkmer
Fascell	McGrath	Vucanovich
Fiedler	McHugh	Walker
Fields	McKernan	Watkins
Fish	Mica	Weber
Flippo	Michel	Whitehurst
Fowler	Miller (OH)	Whitley
Franklin	Molinari	Whittaker
Frenzel	Montgomery	Whitten
Frost	Moore	Winn
Fuqua	Moorhead	Wolf
Gaydos	Morrison (WA)	Wortley
Gekas	Murtha	Wright
Gephardt	Myers	Wylie
Gilman	Natcher	Young (AK)
Gingrich	Neal	Young (FL)
Glickman	Nelson	Young (MO)
Goodling	Nichols	Zablocki
Gore	Nielson	Zschau
Gradison	O'Brien	
Gramm	Olin	

NOT VOTING—9

Conyers	Heftel	Savage
Foley	Lewis (CA)	Williams (OH)
Forsythe	Owens	Wilson

□ 2200

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. PRICE. Mr. Chairman, I ask unanimous consent that titles V through VI be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

PARLIAMENTARY INQUIRY

Mr. COURTER. Mr. Chairman, I have a parliamentary inquiry.

Was that unanimous consent to open up the entire bill?

The Chairman. No. the unanimous consent was to open up the bill for title V through title VI.

Mr. PRICE. Mr. Chairman, let me amend my request, I ask unanimous consent that titles V through XI of the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The Clerk will designate titles V through XI.

(For title V, see proceedings of the House of July 21, 1983, at page H5442.)

The text of titles VI through XI is as follows:

TITLE VI—RESERVE FORCES

AUTHORIZATION OF AVERAGE STRENGTHS FOR SELECTED RESERVE

SEC. 601. (a) For fiscal year 1984 the Selected Reserve of the reserve components of the Armed Forces shall be programed to attain average strengths of not less than the following:

(1) The Army National Guard of the United States, 425,000.

(2) The Army Reserve, 270,700.

(3) The Naval Reserve, 112,600.

(4) The Marine Corps Reserve, 40,300.

(5) The Air National Guard of the United States, 103,400.

(6) The Air Force Reserve, 68,600.

(7) The Coast Guard Reserve, 12,000.

(b) The average strength prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

AUTHORIZATION OF END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES

SEC. 602. Within the average strengths prescribed in section 601, the reserve components of the Armed Forces and the National Guard are authorized, as of September 30, 1984, the following number of Reserves to be serving on full-time active duty, and members of the National Guard to be serving in a full-time duty status, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components or the National Guard:

(1) The Army National Guard and the Army National Guard of the United States, 19,494.

(2) The Army Reserve, 10,664.

(3) The Naval Reserve, 13,846.

(4) The Marine Corps Reserve, 801.

(5) The Air National Guard of the United States, 5,915.

(6) The Air Force Reserve, 517.

(b) Upon a determination by the Secretary of Defense that such action is in the national interest, the end strengths prescribed by subsection (a) may be increased by a total of not more than the number equal to 2 per centum of the total end strengths prescribed.

INCREASE IN NUMBER OF CERTAIN PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS

SEC. 603. (a) The columns under the headings "Army" and "Marine Corps" in the table in section 524(a) of title 10, United States Code, are amended to read as follows:

	"Army	Marine Corps
	1,577	95
	793	48
	291	23".

(b) The amendments made by subsection (a) shall take effect on October 1, 1983.

CLARIFICATION OF FISCAL YEAR 1983 GUARD AND RESERVE STATUS FOR ARMY NATIONAL GUARD AND AIR NATIONAL GUARD

SEC. 604. Section 502 of the Department of Defense Authorization, 1983 (Public Law 97-252; 96 Stat. 726), is amended—

(1) by inserting "and the National Guard" after "the Armed Forces";

(2) by inserting ", and members of the National Guard to be serving in a full-time duty status," after "active duty";

(3) by inserting "or the National Guard" after "reserve components" the second place it appears;

(4) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) The Army National Guard and the Army National Guard of the United States, 14,419."; and

(5) by striking out paragraph (5) and inserting in lieu thereof the following:

"(5) The Air National Guard and the Air National Guard of the United States, 5,158.".

STATUS OF CERTAIN MEMBERS OF THE NATIONAL GUARD SERVING IN A FULL-TIME DUTY STATUS

SEC. 605. Members of the National Guard serving in a full-time duty status for the purpose of organizing, administering, recruiting, instructing, or training the National Guard shall be entitled to all rights, privileges, and benefits of members called to active duty under section 265 of title 10, United States Code, and shall be considered to be serving on active duty for purposes of sections 524(a) and 976 of such title.

TITLE VII—CIVILIAN PERSONNEL

AUTHORIZATION OF END STRENGTH

SEC. 701. (a) The Department of Defense is authorized a strength in civilian personnel, as of September 30, 1984, of 1,067,374.

(b) The strength for civilian personnel prescribed in subsection (a) shall be apportioned among the Department of the Army, the Department of the Navy, the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within sixty days after the date of enactment of this Act on the manner in which the initial allocation of civilian personnel is made among the military departments and the agencies of the Department of Defense (other than the military departments) and shall include the rationale for each allocation.

(c)(1) In computing the strength for civilian personnel, there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid program and the Federal junior fellowship program and personnel participating in the worker-trainee opportunity program.

(2) Personnel employed under a part-time career employment program established by section 3402 of title 5, United States Code, shall be counted as prescribed by section 3404 of that title. Personnel employed in an overseas area on a part-time basis under a nonpermanent local-hire appointment who are dependents accompanying a Federal civilian employee or a member of a uniformed service on official assignment or tour of duty shall also be counted as prescribed by section 3404 of that title.

(3) Whenever a function, power or duty, or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense, or from another department or agency within the Department of Defense, the civilian personnel end-strength authorized for such departments or agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

(d) When the Secretary of Defense determines that such action is necessary in the national interest, the Secretary of Defense may authorize the employment of civilian personnel in excess of the number authorized by subsection (a), but such additional number may not exceed 2 per centum of the total number of civilian personnel authorized for the Department of Defense by subsection (a). The Secretary of Defense shall promptly notify the Congress of any authorization to increase civilian personnel strength under this subsection.

PROHIBITION OF CIVILIAN PERSONNEL CEILINGS ON INDUSTRIALLY FUNDED ACTIVITIES DURING FISCAL YEAR 1983

SEC. 702. During fiscal year 1983, the Secretary of Defense may authorize the employment of civilian personnel at industrially-funded activities of the Department of Defense without regard to the number of ci-

vilian employees for the Department of Defense authorized by section 601 of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 728), and such activities shall be operated during such year without regard to any statutory or administrative civilian personnel ceiling.

TITLE VIII—MILITARY TRAINING STUDENT LOADS

AUTHORIZATION OF TRAINING STUDENT LOADS

SEC. 801. (a) For fiscal year 1984, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 71,817.
(2) The Navy, 66,911.
(3) The Marine Corps, 21,105.
(4) The Air Force, 49,007.
(5) The Army National Guard of the United States, 21,105.
(6) The Army Reserve, 12,724.
(7) The Naval Reserve, 2,886.
(8) The Marine Corps Reserve, 3,223.
(9) The Air National Guard of the United States, 2,845.
(10) The Air Force Reserve, 1,705.

(b) The average military student loads for the Army, the Navy, the Marine Corps, and the Air Force and the reserve components authorized in subsection (a) for fiscal year 1984 shall be adjusted consistent with the manpower strengths authorized in titles V, VI, and VII of this Act. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the reserve components in such manner as the Secretary of Defense shall prescribe.

EXTENSION OF REDUCTION IN NUMBER OF STUDENTS REQUIRED TO BE IN A UNIT OF THE JUNIOR RESERVE OFFICERS' TRAINING CORPS

SEC. 802. Section 602 of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2031 note), is amended by striking out "August 31, 1983" and inserting in lieu thereof "August 31, 1984".

TITLE IX—CIVIL DEFENSE

AUTHORIZATION OF APPROPRIATIONS

SEC. 901. There is hereby authorized to be appropriated for fiscal year 1984 to carry out the provisions of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.) the sum of $200,000,000.

AMOUNT AUTHORIZED FOR CONTRIBUTIONS FOR STATE PERSONNEL AND ADMINISTRATIVE EXPENSES

SEC. 902. Notwithstanding the second proviso of section 408 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2260), $54,000,000 of the amount authorized to be appropriated by section 901 is available for appropriations for contributions to the States under section 205 of such Act (50 U.S.C. App. 2286) for personnel and administrative expenses.

TITLE X—MILITARY PERSONNEL AND COMPENSATION MATTERS

PART A—COMPENSATION MATTERS

4-PERCENT INCREASE IN BASIC PAY AND ALLOWANCES EFFECTIVE ON APRIL 1, 1984

SEC. 1001. (a) The adjustment required by section 1009 of title 37, United States Code, in certain elements of the compensation of members of the uniformed services to become effective on October 1, 1983, shall not be made.

(b)(1) Subject to the provisions of paragraphs (2) and (3), the elements of compensation specified in sections 1009(a) of title 37, United States Code, shall be increased for members of the uniformed services by 4 per centum effective on April 1, 1984.

(2) Subsections (c) and (d) of section 1009 of title 37, United States Code, shall apply to any pay adjustment made pursuant to this section in the same manner as such subsections apply to an increase described in subsection (b)(3) of such section.

(3) None of the increase provided for in paragraph (1) may be used to adjust the basic pay of members of the uniformed services in pay grades E-1 and E-2.

ADJUSTMENT IN BASIC PAY OF CERTAIN OFFICERS WITH PRIOR ENLISTED AND WARRANT OFFICER SERVICE

SEC. 1002. (a) Section 203(d) of title 37, United States Code, is amended to read as follows:

"(d) The basic pay of a commissioned officer who is in pay grade O-1, O-2, or O-3 and who is credited with a total of over four years' active service as a warrant officer and enlisted member shall be computed in the same manner as the basic pay of a commissioned officer in the same pay grade who has been credited with over four years' active service as an enlisted member.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1983.

HAZARDOUS DUTY PAY FOR CERTAIN TOXIC FUEL HANDLERS

SEC. 1003. (a) Section 301(a)(12) of title 37, United States Code, is amended by inserting "or the testing of aircraft or missile systems (or components of such systems) during which highly toxic fuels or propellants are used" after "propellants".

(b) The amendment made by subsection (a) shall take effect on October 1, 1983.

CLARIFICATION OF ELIGIBILITY FOR SEPARATION PAY

SEC. 1004. (a) Subsection (c) of section 1174 of title 10, United States Code, is amended to read as follows:

"(c)(1) Except as provided in paragraphs (2) and (3), a member of an armed force other than a regular member who after September 14, 1981, is discharged or released from active duty and who has completed five or more, but fewer than twenty, years of active service immediately before that discharge or release is entitled to separation pay computed under subsection (d)(1) or (d)(2), as determined by the Secretary concerned, if—

"(A) the member's discharge or release from active duty is involuntary; or

"(B) the member was not accepted for an additional tour of active duty for which he volunteered.

"(2) If the Secretary concerned determines that the conditions under which a member described in paragraph (1) is discharged or separated do not warrant separation pay under this section, that member is not entitled to that pay.

"(3) A member described in paragraph (1) who was not on the active-duty list when discharged or separated and who had not completed at least five years of continuous active duty immediately before such discharge or release is not entitled to separation pay under this section. For purposes of this paragraph, a period of active duty is continuous if it is not interrupted by a break in service of more than thirty days.".

(b) Subsection (g)(2) of such section is amended by inserting ", other than section 1212 of this title," after "any other provision of law".

(c) The amendments made by this section shall take effect on October 1, 1983.

FREEZE OF VARIABLE HOUSING ALLOWANCE AT FISCAL YEAR 1983 RATES

SEC. 1005. During fiscal year 1984, the rates at which the variable housing allowance under section 403(a)(2) of title 37, United States Code, is paid shall be the same as the rates in effect on September 30, 1983.

VARIABLE HOUSING ALLOWANCE FOR RESERVES ON ACTIVE DUTY FOR A PERIOD OF 140 DAYS OR MORE

SEC. 1006. (a) Section 403(a)(2) of title 37, United States Code, is amended—

(1) by striking out "A member" in the first sentence of subparagraph (A) and inserting in lieu thereof "Except as provided in subparagraph (D) of this paragraph, a member"; and

(2) by adding at the end thereof the following new subparagraph:

"(D) A member of a reserve component is not entitled to a variable housing allowance while on active duty under a call or order to active duty specifying a period of less than one hundred and forty days.".

(b) The amendments made by subsection (a) shall apply only with respect to members called or ordered to active duty after September 30, 1983.

CLARIFICATION OF RULES FOR PAYMENT PER DIEM

SEC. 1007. (a) Section 402(e) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) For purposes of subsection (b) of this section, a member shall not be considered to be performing travel under orders away from his designated post of duty if such member—

"(A) is an enlisted member serving his first tour of active duty;

"(B) has not actually reported to a permanent duty station pursuant to orders directing such assignment; and

"(C) is not actually traveling between stations pursuant to orders directing a change of station.".

(b) Section 404(f) of such title is amended by adding at the end thereof the following new paragraph:

"(3) For purposes of entitlement to per diem in place of subsistence under subsection (d)(2) of this section, a member shall not be considered under subsection (a)(1) of this section to be performing travel under orders away from his designated post of duty if such member—

"(A) is an enlisted member serving his first tour of active duty;

"(B) has not actually reported to a permanent duty station pursuant to orders directing such assignment; and

"(C) is not actually traveling between stations pursuant to orders directing a change of station.".

TRAVEL AND TRANSPORTATION ALLOWANCE FOR MEMBERS STATIONED OVERSEAS WITH DEPENDENT CHILDREN ATTENDING SCHOOL IN THE UNITED STATES

SEC. 1008. (a)(1) Chapter 7 of title 37, United States Code, relating to allowances for members of the uniformed services, is amended by inserting after section 429 the following new section:

"§ 430. Travel and transportation: dependent children of members stationed overseas

"(a) Under regulations to be prescribed by the Secretary of Defense, a member of a uniformed service who—

"(1) is assigned a permanent duty station outside the United States,

"(2) is accompanied by his dependents at or near his oversea duty station (unless his only dependents are in the category of dependent described in clause (3) of this subsection), and

"(3) has a dependent child who is under twenty-three years of age attending a school in the United States for the purpose of obtaining a secondary or undergraduate college education,

may be paid the allowance set forth in subsection (b) of this section if he otherwise qualifies for such allowance.

"(b) A member described in subsection (a) of this section may be paid a transportation allowance for each unmarried dependent child, who is under twenty-three years of age and is attending a school in the United States for the purpose of obtaining a secondary or undergraduate college education, of one annual trip between the school being attended and the member's duty station in the oversea area and return. The allowance authorized by this section may be transportation in kind or reimbursement therefor, as prescribed by the Secretaries concerned.

"(c) Whenever possible, the Military Airlift Command or Military Sealift Command shall be used, on a space-required basis, for the travel authorized by this section.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"430. Travel and transportation: dependent children of members stationed overseas.".

(b) Section 430 of title 37, United States Code, as added by subsection (a), shall apply only with respect to travel begun after September 30, 1983.

PART B—RETIRED PAY MATTERS

PERMANENT SIX-MONTH DELAY IN COST-OF-LIVING ADJUSTMENTS FOR RETIRED PAY

SEC. 1011. An adjustment in any year in retired and retainer pay pursuant to section 1401a of title 10, United States Code, shall be effective on November 1 of that year. This section shall not take effect unless a provision of law is enacted providing for an identical effective date for adjustments in annuities payable under subchapter III of chapter 83 of title 5, United States Code.

LIMITATION ON COST-OF-LIVING ADJUSTMENTS IN RETIRED PAY FOR PERSONS UNDER AGE 62 DURING FISCAL YEAR 1986

SEC. 1012. During fiscal year 1986, any adjustment in retired or retainer pay under section 1401a of title 10, United States Code, shall be made, with respect to any person entitled to such adjustment who on the effective date of such adjustment is under age sixty-two, in one-half of the amount by which such adjustment would otherwise be made. This section shall not take effect unless a provision of law is enacted providing for a similar limitation with respect to annuities payable under subchapter III of chapter 83 of title 5, United States Code.

TERMINATION OF SIX-MONTH ROUNDING RULE FOR COMPUTING RETIRED PAY

SEC. 1013. (a)(1) The text of each of the footnotes listed in paragraph (2) is amended to read as follows: "Before applying percentage factor, credit each full month of service that is in addition to the number of full years of service creditable to the member as one-twelfth of a year and disregard any remaining fractional part of a month.".

(2) The footnotes referred to in paragraph (1) are the following:

(A) Footnote 3 of the table in section 1401 of title 10, United States Code.

(B) Footnote 2 of the table in section 1402(a) of such title.

(C) Footnote 1 of the table in section 1402(d) of such title.

(D) Footnote 1 of the table in section 1402a(a) of such title.

(E) Footnote 1 of the table in section 1402a(d) of such title.

(F) Footnote 4 of the table in section 3991 of such title.

(G) Footnote 2 of the table in section 3992 of such title.

(H) Footnote 4 of the table in section 8991 of such title.

(I) Footnote 2 of the table in section 8992 of such title.

(b) Subsection (f) of section 1174 of title 10, United States Code, is amended to read as follows:

"(f) In determining a member's years of active service for the purpose of computing separation pay under this section, each full month of service that is in addition to the number of full years of service creditable to the member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(c)(1) Paragraph (2) of section 6151(b) of such title is amended to read as follows:

"(2) In determining the number of years to be used as a multiplier under this subsection, each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(2) The text of section 6328 of such title is amended to read as follows:

"In determining the total number of years of service to be used as a multiplier in computing the retired pay of officers retiring under this chapter, each full month of service that is in addition to the number of full years of service creditable to an officer is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(3) The first sentence of section 6330(d) of such title is amended to read as follows: "For the purposes of subsection (c), each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(4) The text of section 6404 of such title is amended to read as follows:

"In determining the total number of years of service to be used as a multiplier in computing retired pay and separation pay on discharge under this chapter, each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(d) The fourth sentence of section 423 of title 14, United States Code, is amended to read as follows: "In computing the number of years of service by which the rate of 2½ percent is multiplied, each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(e) Subsection (b) of section 16 of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853o) is amended to read as follows:

"(b) In computing the number of years of service of an officer for the purposes of subsection (a), each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(f) Section 211(e) of the Public Health Service Act (42 U.S.C. 212(e)) is amended by striking out "a part of" and all that follows and inserting in lieu thereof "each full month of service that is in addition to the number of full years of service credited to an officer is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(g) The amendments made by this section shall apply with respect to (1) the computation of retired or retainer pay of any individual who becomes entitled to that pay after September 30, 1983, and (2) the recomputation of retired pay under section 1402, 1402a, 3992, or 8992 of title 10, United States Code, of any individual who after September 30, 1983, becomes entitled to recompute retired pay under any such section.

PART C—PERSONNEL MANAGEMENT MATTERS

MODIFICATIONS TO RESERVE OFFICER TRAINING CORPS' SCHOLARSHIP PROGRAM

SEC. 1021. (a)(1) Section 2101(3) of title 10, United States Code, is amended by striking out the period and inserting in lieu thereof "(except that, in the case of a student enrolled in an academic program which has been approved by the Secretary of the military department concerned and which requires more than four academic years for completion of baccalaureate degree requirements, including elective requirements of the Senior Reserve Officers' Training Corps course, such term includes a fifth academic year or a combination of a part of a fifth academic year and summer sessions).".

(2) Section 2104(a) of such title is amended by inserting "at least" before "two".

(3) Section 2107(c) of such title is amended by inserting after the first sentence the following new sentence: "In the case of a student enrolled in an academic program which has been approved by the Secretary of the military department concerned and which requires more than four academic years for completion of baccalaureate degree requirements, including elective requirements of the Senior Reserve Officers' Training Corps course, financial assistance under this section may also be provided during a fifth academic year or during a combination of a part of a fifth academic year and summer sessions.".

(4) Section 209(a) of title 37, United States Code, is amended by striking out "20" and inserting in lieu thereof "30".

(b)(1) Section 2005 of title 10, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) The Secretary concerned shall require, as a condition to the Secretary providing financial assistance under section 2107 or 2107a of this title to any person, that such person enter into an agreement described in subsection (a). In addition to the requirements of clauses (1) through (4) of such subsection, any agreement required by this subsection shall provide—

"(1) that if such person fails to complete the education requirements specified in the agreement, the Secretary will have the option to order such person to reimburse

the United States in the manner provided for in clause (3) of such subsection without the Secretary first ordering such person to active duty as provided for under clause (2) of such subsection and section 2107(f) and 2107a(f) of this title; and

"(2) that any amount owed by such person to the United States under such agreement shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of ninety days or less and shall accrue from the day on which the member is first notified of the amount due to the United States as a reimbursement under this section.".

(2) The amendment made by paragraph (1) shall apply with respect to agreements entered into after September 30, 1983.

(c)(1) Section 2107(b)(5) of title 10, United States Code, is amended—

(A) by striking out "either" in the matter preceding subparagraph (A);

(B) by striking out "or" at the end of subparagraph (A);

(C) by striking out the period at the end and inserting in lieu thereof "; or"; and

(D) by adding at the end the following:

"(C)(i) accept an appointment, if offered, as a commissioned officer in the Army, Navy, Air Force, or Marine Corps, as the case may be; and

"(ii) serve in a reserve component of that armed force until the sixth anniversary of the receipt of such appointment, unless such appointment is otherwise extended by subsection (d) of section 2108 of this title, under such terms and conditions as may be prescribed by the Secretary of the military department concerned.".

(2) The second sentence of section 2107(b) of such title is amended—

(A) by inserting "or (5)(C)" after "(5)(B)"; and

(B) by striking out the period at the end and inserting in lieu thereof ", except that performance of service under clause (5)(C) shall include not less than two years of active duty.".

(3) The amendments made by this subsection shall apply with respect to agreements entered into under section 2107(b)(5) of title 10, United States Code, after September 30, 1983.

TRANSFER OF PUBLIC HEALTH SERVICE OFFICERS TO OTHER UNIFORMED SERVICES

SEC. 1022. (a)(1) Section 716 of title 10, United States Code, is amended to read as follows:

"§ 716. Commissioned officers: transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service

"(a) Notwithstanding any other provision of law, the President, within authorized strengths and with the consent of the officer involved, may transfer any commissioned officer of a uniformed service from his uniformed service to, and appoint him in, another uniformed service. The Secretary of Defense, the Secretary of Transportation, the Secretary of Commerce, and the Secretary of Health and Human Services shall jointly establish, by regulations approved by the President, policies and procedures for such transfers and appointments.

"(b) An officer transferred under this section may not be assigned precedence or relative rank higher than that which he held on the day before the transfer.

"(c) In this section, 'uniformed service' means any of the armed forces, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the Public Health Service.".

(2) The item relating to such section in the table of sections at the beginning of chapter 41 of such title is amended to read as follows:

"716. Commissioned officers: transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service.".

(b)(1) Chapter 53 of such title is amended by adding at the end thereof the following new section:

"§ 1043. Service credit: service in the National Oceanic and Atmospheric Administration or the Public Health Service

"Active commissioned service in the the National Oceanic and Atmospheric Administration or the Public Health Service shall be credited as active commissioned service in the armed forces for purposes of determining the retirement eligibility and computing the retired pay of a member of the armed forces.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1043. Service credit: service in the National Oceanic and Atmospheric Administration or the Public Health Service.".

(c)(1) Section 533(a)(1) of such title is amended by inserting ", the National Oceanic and Atmospheric Administration, or the Public Health Service" after "in any armed force".

(2) Section 1174(i) of such title is amended—

(A) by inserting "(1)" after "(i)"; and

(B) by adding at the end thereof the following new paragraph:

"(2) Active commissioned service in the National Oceanic and Atmospheric Administration or the Public Health Service shall be credited as active service in the armed forces for the purposes of this section.".

(3) Section 3353(a)(1) of such title is amended—

(A) by striking out "chapters 337 and 363" and inserting in lieu thereof "this chapter and chapter 363"; and

(B) by inserting ", the National Oceanic and Atmospheric Administration, or the Public Health Service" after "in any armed force".

(4) Section 5600(a)(1) of such title is amended by inserting ", the National Oceanic and Atmospheric Administration, or the Public Health Service" after "in any armed force".

(5) Section 8353(a)(1) of such title is amended—

(A) by striking out "chapters 837 and 863" and inserting in lieu thereof "this chapter and chapter 863"; and

(B) by inserting ", the National Oceanic and Atmospheric Administration, or the Public Health Service" after "in any armed force".

(d) Clause (13) of section 3(a) of the Act of August 10, 1956 (33 U.S.C. 857a(a)), is amended to read as follows:

"(13) Section 716, Commissioned officers: transfers among the Armed Forces, the National Oceanic and Atmospheric Administration, and the Public Health Service.".

NOMINATIONS TO SERVICE ACADEMIES

SEC. 1023. (a)(1) Clause (10) of section 4342(a) of title 10, United States Code, relating to the number of cadets at the United States Military Academy, is amended to read as follows:

"(10) One cadet from American Samoa, nominated by the Delegate in Congress from American Samoa.".

(2) Clause (10) of section 6954(a) of such title, relating to the number of midshipmen at the United States Naval Academy, is amended to read as follows:

"(10) One from American Samoa, nominated by the Delegate in Congress from American Samoa.".

(3) Clause (10) of section 9342(a) of such title, relating to the number of cadets at the United States Air Force Academy, is amended to read as follows:

"(10) One cadet from American Samoa, nominated by the Delegate in Congress from American Samoa.".

(b)(1) Clause (8) of section 4342(a) of title 10, United States Code, is amended to read as follows:

"(8) One cadet nominated by the Administrator of the Panama Canal Commission from the children of civilian personnel of the United States Government residing in the Republic of Panama who are citizens of the United States.".

(2) Clause (8) of section 6954(a) of such title is amended to read as follows:

"(8) One nominated by the Administrator of the Panama Canal Commission from the children of civilian personnel of the United States residing in the Republic of Panama who are citizens of the United States.".

(3) Clause (8) of section 9342(a) of such title is amended to read as follows:

"(8) One cadet nominated by the Administrator of the Panama Canal Commission from the children of civilian personnel of the United States Government residing in the Republic of Panama who are citizens of the United States.".

APPOINTMENT OF CITIZENS OF NORTHERN MARIANA ISLANDS AS COMMISSIONED OFFICERS

SEC. 1024. (a) Notwithstanding any provision of law respecting citizenship and in accordance with the covenant entitled "A Covenant to establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America" (approved on March 24, 1976, by Public Law 94-241), a citizen of the Northern Mariana Islands who indicates in writing to a commissioned officer of the Armed Forces of the United States an intent to become a citizen, and not a national, of the United States upon full implementation of such covenant, and who is otherwise qualified for military service under applicable laws and regulations, may be appointed as an officer in the Armed Forces of the United States, may be appointed or enrolled in the Senior Reserve Officers' Training Corps program of any of the Armed Forces under chapter 103 of title 10, United States Code, and may be selected to be a participant in the Armed Forces Health Professions Scholarship program under chapter 105 of such title.

(b) This section shall expire upon the establishment of the Commonwealth of the Northern Mariana Islands.

PART D—HEALTH-CARE MATTERS

CHAMPUS PROVISIONS

SEC. 1031. (a) Section 1079 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out the period at the end of clause (5) and inserting in lieu thereof "; and"; and

(B) by inserting after such clause the following new clause:

"(6) inpatient mental health services may not (except as provided in subsection (i)) be provided to a patient in excess of sixty days in any year."; and

(2) by adding at the end thereof the following new subsections:

"(i) The limitation in subsection (a)(6) does not apply in the case of inpatient mental health services—

"(1) provided under the program for the handicapped under subsection (d);

"(2) provided as residential treatment care;

"(3) provided as partial hospital care; or

"(4) provided pursuant to a waiver authorized by the Secretary of Defense because of extraordinary medical or psychological circumstances that are confirmed by review by a non-Federal health professional pursuant to regulations prescribed by the Secretary of Defense.

"(j)(1) A benefit may not be paid under a plan covered by this section in the case of a person enrolled in any other insurance, medical service, or health plan to the extent that the benefit is also a benefit under the other plan, except in the case of a plan administered under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

"(2)(A) The amount to be paid to a provider of services for services provided under a plan covered by this section may be determined under joint regulations to be prescribed by the Secretary of Defense and the Secretary of Health and Human Services which provide that the amount of such payments shall be determined to the extent practicable in accordance with the same reimbursement rules as apply to payments to providers of services of the same type under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

"(B) In subparagraph (A), 'provider of services' means a hospital, skilled nursing facility, comprehensive outpatient rehabilitation facility, home health agency, or other institutional facility providing services for which payment may be made under a plan covered by this section.".

(b) Subsection (d) of section 1086 of such title is amended to read as follows:

"(d) The provisions of section 1079(j) of this title shall apply to a plan covered by this section.".

(c) The amendments made by this section shall take effect on October 1, 1983, except that clause (6) of section 1079(a) of title 10, United States Code, as added by subsection (a)(1), shall not apply in the case of inpatient mental health services provided to a patient admitted before January 1, 1983, for so long as that patient remains continuously in inpatient status for medically or psychologically necessary reasons.

CONTRACT SURGEONS

SEC. 1032. (a)(1) Chapter 55 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1091. Contract surgeons

"The Secretary concerned may employ contract surgeons for necessary services (including personal services) when he determines they are required.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1091. Contract surgeons.".

(b) Section 201(b) of title 37, United States Code, is amended by striking out "is entitled to basic pay of a commissioned officer in pay grade O-3 with over four, but not more than six," and inserting in lieu thereof "may be paid not more than the basic pay of a commissioned officer in pay grade O-6 with over twenty-six, but not more than thirty,".

(c) Subsection (a) of section 421 of such title is amended to read as follows:

"(a) A contract surgeon who is serving full time with a uniformed service may be paid not more than the basic allowances, and other allowances authorized by this chapter, of a commissioned officer in pay grade O-6 with over twenty-six, but not more than thirty, years of service computed under section 205 of this title.".

(d)(1) Section 4022 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 373 of such title is amended by striking out the item relating to section 4022.

(e)(1) Section 9022 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 873 of such title is amended by striking out the item relating to section 9022.

(f) The amendments made by this section shall take effect on October 1, 1983.

STUDIES AND DEMONSTRATION PROJECTS RELATING TO HEALTH AND MEDICAL CARE

SEC. 1033. (a)(1) Chapter 55 of title 10, United States Code, is amended by adding after section 1091 (as added by section 1032) the following new section:

"§ 1092. Studies and demonstration projects relating to delivery of health and medical care

"(a)(1) The Secretary of Defense, in consultation with the Secretary of Health and Human Services, shall conduct studies and demonstration projects on the health care delivery system of the uniformed services with a view to improving the quality, efficiency, convenience, and cost effectiveness of providing health care services under this title to members, former members, and their dependents. Such studies and demonstration projects may include the following:

"(A) Alternative methods of payment for health and medical care services.

"(B) Cost-sharing by eligible beneficiaries.

"(C) Methods of encouraging efficient and economical delivery of health and medical care services.

"(D) Innovative approaches to delivery and financing of health and medical care services.

"(E) Alternative approaches to reimbursement for the administrative charges of health care plans.

"(F) Prepayment for medical care services provided to maintain the health of a defined population.

"(2) The Secretary of Defense shall submit to Congress from time to time written reports on the results of the studies and demonstration projects conducted pursuant to this subsection and shall include in such reports such recommendations for improving the health care delivery system for the uniformed services as he considers appropriate.

"(b) Subject to the availability of appropriations for such purpose, the Secretary of Defense may enter into contract with public or private agencies, institutions, and organizations to develop and conduct studies and demonstration projects under subsection (a).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1092. Studies and demonstration projects relating to delivery of health and medical care.".

(b) Section 1092 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1983.

MEDICAL MALPRACTICE PROTECTION FOR HEALTH-CARE PERSONNEL OF THE SOLDIERS' AND AIRMEN'S HOME

SEC. 1034. (a) Subsection (a) of section 1089 of title 10, United States Code, is amended by inserting "the United States Soldiers' and Airmen's Home," after "the Department of Defense,".

(b) Subsection (f) of such section is amended by striking out "or his designee may, to the extent that he or his designee deems" and inserting in lieu thereof "may, to the extent that the head of the agency concerned considers".

(c) Subsection (g) of such section is amended—

(1) by striking out "and" at the end of clause (2);

(2) by redesignating clause (3) as clause (4); and

(3) by inserting after clause (2) the following new clause (3):

"(3) the Board of Commissioners of the United States Soldiers' and Airmen's Home, in the case of an employee of the United States Soldiers' and Airmen's Home; and".

(d) The amendments made by this section shall apply only to claims accruing on or after the date of the enactment of this Act.

ADJUSTMENTS IN STIPEND PAID TO RECIPIENTS OF ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIPS

SEC. 1035. (a) Section 2121(d) of title 10, United States Code, is amended to read as follows:

"(d) Except when serving on active duty pursuant to subsection (c), a member of the program shall be entitled to a stipend at the rate of $556 per month. That rate shall be increased annually by the Secretary of Defense effective on July 1 of each year (beginning in 1984) by an amount (rounded to the next highest multiple of $1) equal to—

"(1) the amount of such stipend (as previously adjusted (if at all)), multiplied by

"(2) the overall percentage of the adjustment (if such adjustment is an increase) in the rates of basic pay for members of the uniformed services made effective for the fiscal year in which the school year ends.".

(b) The rate payable for stipends under section 2121(d) of title 10, United States Code, as amended by subsection (a), shall be increased by 4 per centum effective on October 1, 1983.

PART E—SURVIVOR BENEFITS

EXPANSION OF SURVIVOR BENEFITS COVERAGE FOR FORMER SPOUSES

SEC. 1041. (a)(1) The second sentence of subsection (a)(5) of section 1448 of title 10, United States Code, is amended by inserting "except in accordance with subsection (b)(3)" after "may not be revoked".

(2) Subsection (b) of such section is amended to read as follows:

"(b)(1) A person who is not married and does not have a dependent child when he becomes eligible to participate in the Plan may elect to provide an annuity to a natural person with an insurable interest in that person. In the case of a person providing an annuity under this paragraph by virtue of eligiblity under subsection (a)(1)(B), such an election shall include a designation under subsection (e).

"(2) A person who has a former spouse when he becomes eligible to participate in the Plan may elect to provide an annuity to that former spouse. In the case of a person with a spouse or a dependent child, such an election prevents payment of an annuity to that spouse or child. If there is more than one former spouse, the person shall designate which former spouse is to be provided the annuity. In the case of a person providing an annuity under this paragraph by virtue of eligibility under subsection (a)(1)(B), such an election shall include a designation under subsection (e).

"(3)(A) A person—

"(i) who is a participant in the Plan and is providing coverage for a spouse or a spouse and child, and

"(ii) who has a former spouse who was not that person's former spouse when he became eligible to participate in the Plan,

may (subject to subparagraph (B)) elect to provide an annuity to that former spouse. Any such election terminates any previous coverage under the Plan and must be written, signed by the person, and received by the Secretary concerned within one year after the date of the decree of divorce, dissolution, or annulment.

"(B) A person may not make an election under subparagraph (A) to provide an annuity to a former spouse who that person married after becoming eligible for retired or retainer pay unless—

"(i) the person was married to that former spouse for at least one year, or

"(ii) that former spouse is the parent of issue by that marriage.

"(C) An election under this paragraph may not be revoked except in accordance with section 1450(f) of this title and is effective as of the first day of the first calendar month following the month in which it is received by the Secretary concerned. This paragraph does not provide the authority to change a designation previously made under subsection (e).

"(D) If a person who is married makes an election to provide an annuity to a former spouse under this paragraph, that person's spouse shall be notified of that election.

"(4) A person who elects to provide an annuity to a former spouse under paragraph (2) or (3) shall, at the time of making the election, provide the Secretary concerned with a written statement (in a form to be prescribed by that Secretary and signed by such person and the former spouse) setting forth whether the election is being made pursuant to a written agreement previously entered into voluntarily by such person as a part of or incident to a proceeding of divorce, dissolution, or annulment and (if so) whether such voluntary written agreement has been incorporated in, or ratified or approved by, a court order.".

(3) Section 1450 of title 10, United States Code, is amended—

(A) by striking out "at the time the person to whom section 1448 applies became entitled to retired or retainer pay" in subsection (a)(4); and

(B) by inserting "(without regard to the eligibility of the person making the change of election to make an election under such section)" before the period at the end of the third sentence of subsection (f)(1).

(b) In the case of a person who on the date of the enactment of this Act is a person described in subparagraph (A) of subsection (b)(3) of section 1448 of title 10, United States Code (as amended by subsection (a)(2)), such subsection shall apply to that person as if the one-year period provided for in subparagraph (A) of such subsection began on the date of the enactment of this Act.

(c) Section 1408 of title 10, United States Code, is amended—

(1) by inserting "in the case of a division of property," in subsection (a)(2)(C) before "specifically provides for"; and

(2) by striking out the first sentence of subsection (d)(1) and inserting in lieu thereof the following: "After effective service on the Secretary concerned of a court order with respect to payments by a member to the spouse or former spouse of the member, the Secretary shall, subject to the limitations of this section, make payments from the disposable retired or retainer pay of the member to the spouse or former spouse in the amount provided for in the court order.".

(d)(1) Section 1447(8) of title 10, United States Code, is amended by striking out "annulment, or legal separation," both places it appears and inserting in lieu thereof "or annulment".

(2) Section 1448(a)(3) is amended—

(A) by inserting "for a former spouse" after "an annuity" the second place it appears in subparagraphs (A) and (B); and

(B) by striking out "of this section" both places it appears.

(3) Section 1450(f) of such title is amended—

(A) by striking out "of this subsection" in paragraph (1); and

(B) by striking out "annulment, or legal separation," in paragraph (2) and inserting in lieu thereof "or annulment,".

(4) Section 1006(e)(3) of the Uniformed Services Former Spouses' Protection Act (title X of Public Law 97-252; 96 Stat. 738) is amended by striking out "section" and all that follows and inserting in lieu thereof "section 1072 of title 10, United States Code.".

EXTENSION OF MINIMUM INCOME PROVISION FOR CERTAIN WIDOWS

SEC. 1042. (a) Section 4(a)(1) of the Act entitled "An Act to amend chapter 73 of title 10, United States Code, to establish a Survivor Benefit Plan, and for other purposes", approved September 21, 1972 (10 U.S.C. 1448 note), is amended by striking out "on the effective date of this Act is, or within one calendar year after that date becomes," and inserting in lieu thereof "on September 21, 1972, was, or during the period beginning on September 22, 1972, and ending on March 20, 1974, became,".

(b) Any annuity payable by reason of subsection (a) shall be payable only for months after September 1983.

PART F—MISCELLANEOUS

ACCEPTANCE OF VOLUNTARY SERVICES FOR MILITARY MUSEUMS AND FAMILY SUPPORT PROGRAMS

SEC. 1051. (a) Chapter 81 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1587. Authority to accept certain voluntary services

"(a) Notwithstanding section 1342 of title 31, the Secretary of a military department may accept from any person voluntary services to be provided for a museum or a family support program operated by that military department.

"(b) A person providing voluntary services under subsection (a) shall be considered to be an employee for the purposes of chapter 81 of title 5, relating to compensation for work-related injuries, and to be an employee of the Government for the purposes of chapter 171 of title 28, relating to tort claims. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purpose by reason of the provision of such services.".

(b) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1586 the following new item:

"1587. Authority to accept certain voluntary services.".

EXTENSION OF PILOT DEPARTMENT OF DEFENSE EDUCATIONAL ASSISTANCE LOAN REPAYMENT PROGRAM

SEC. 1052. Section 902(g) of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note), is amended by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1984".

ACCRUAL FUNDING FOR MILITARY RETIREMENT SYSTEM

SEC. 1053. (a)(1) Title 10, United States Code, is amended by inserting after chapter 73 the following new chapter:

"CHAPTER 74—DEPARTMENT OF DEFENSE MILITARY RETIREMENT FUND

"Sec.

"1461. Establishment and purpose of Fund; definition.

"1462. Assets of Fund.

"1463. Payments from the Fund.

"1464. Board of Actuaries.

"1465. Determination of contributions to the Fund.

"1466. Payments into the Fund.

"1467. Investment of assets of Fund.

"§ 1461. Establishment and purpose of Fund; definition

"(a) There is established on the books of the Treasury a fund to be known as the Department of Defense Military Retirement Fund (hereinafter in this chapter referred to as the 'Fund'), which shall be administered by the Secretary of the Treasury. The Fund shall be used for the accumulation of funds in order to finance on an actuarially sound basis liabilities of the Department of Defense under military retirement and survivor benefit programs.

"(b) In this chapter, 'military retirement and survivor benefit programs' means—

"(1) the provisions of this title creating entitlement to, or determining the amount of, retired or retainer pay; and

"(2) the programs under the jurisdiction of the Department of Defense providing annuities for survivors of members and former members of the armed forces, including chapter 73 of this title, section 4 of Public Law 92-425, and section 5 of Public Law 96-402.

"§ 1462. Assets of Fund

"There shall be deposited into the Fund the following, which shall constitute the assets of the Fund:

"(1) Amounts paid into the Fund under section 1466 of this title.

"(2) Any amount appropriated to the Fund.

"(3) Any return on investment of the assets of the Fund.

"§ 1463. Payments from the Fund

"(a) There shall be paid from the Fund—

"(1) retired pay payable to persons on the retired lists of the Army, Navy, Air Force, and Marine Corps;

"(2) retainer pay payable to members of the Fleet Reserve and Fleet Marine Corps Reserve; and

"(3) benefits payable under programs under the jurisdiction of the Department of Defense that provide annuities for survivors of members and former members of the armed forces, including chapter 73 of this title, section 4 of Public Law 92-425, and section 5 of Public Law 96-402.

"(b) The assets of the Fund are hereby made available for payments under subsection (a).

"§ 1464. Board of Actuaries

"(a)(1) There is established in the Department of Defense a Department of Defense Retirement Board of Actuaries (hereinafter in this chapter referred to as the 'Board'). The Board shall consist of three members, who shall be appointed by the President from among qualified professional actuaries who are members of the Society of Actuaries.

"(2)(A) Except as provided in subparagraph (B), the members of the Board shall serve for a term of 15 years, except that a member of the Board appointed to fill a vacancy occurring before the end of the term for which his predecessor was appointed shall only serve until the end of such term. A member may serve after the end of his term until his successor has taken office. A member of the Board may be removed by the President for misconduct or failure to perform functions vested in the Board, and for no other reason.

"(B) Of the members of the Board who are first appointed under this subsection, one each shall be appointed for terms ending five, ten, and fifteen years, respectively, after the date of appointment, as designated by the President at the time of appointment.

"(3) A member of the Board who is not otherwise an employee of the United States is entitled to receive pay at the daily equivalent of the annual rate of basic pay of the highest rate of basic pay then currently being paid under the General Schedule of subchapter III of chapter 53 of title 5, for each day the member is engaged in the performance of duties vested in the Board and is entitled to travel expenses, including a per diem allowance, in accordance with section 5703 of title 5.

"(b) The Board shall report to the Secretary of Defense annually on the actuarial status of the Fund and shall furnish its advice and opinion on matters referred to it by the Secretary.

"(c) The Board shall review valuations of the Fund under section 1466 of this title and under chapter 95 of title 31 and shall report periodically, not less than once every four years, to the President and Congress on the status of the Fund. The Board shall include in such reports recommendations for such changes as in the Board's judgment are necessary to protect the public interest and maintain the Fund on a sound actuarial basis.

"§ 1465. Determination of contributions to the Fund

"(a) Not later than six months after the Board of Actuaries is first appointed, the Board shall determine the amount that is the present value (as of October 1, 1984) of future benefits payable from the Fund that are attributable to service in the armed forces performed before October 1, 1984. That amount is the original unfunded liability of the Fund. The Board shall determine the period of time over which the original unfunded liability should be liquidated and shall determine an amortization schedule for the liquidation of such liability over that period. Contributions to the Fund for the liquidation of the original unfunded liability in accordance with such schedule shall be made as provided in section 1466(b) of this title.

"(b)(1) The Secretary of Defense shall determine each year, in sufficient time for inclusion in budget requests for the following fiscal year, the total amount of Department of Defense contributions to be made to the Fund during that fiscal year under section 1466(a) of this title. That amount shall be determined as the product of—

"(A) the current estimate of the value of the single level percentage of basic pay to be determined at the time of the next actuarial valuation under subsection (c); and

"(B) the total amount of basic pay expected to be paid during that fiscal year to members of the armed forces (other than the Coast Guard) on active duty or in the Selected Reserve.

"(2) The amount determined under paragraph (1) for any fiscal year is the amount needed to be appropriated to the Department of Defense for that fiscal year for payments to be made to the Fund during that year under section 1466(a) of this title. The President shall include not less than the full amount so determined in the budget transmitted to Congress for that fiscal year under section 1105 of title 31. The President may comment and make recommendations concerning any such amount.

"(c)(1)(A) Not less often than every four years, the Secretary of Defense shall carry out an actuarial valuation of Department of Defense military retirement and survivor benefit programs. Each actuarial valuation of such programs shall include a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay to be used for the purposes of subsection (b) and section 1466(a) of this title.

"(2) If at the time of any such valuation (or any valuation carried out in order to comply with chapter 95 of title 31) there has been a change in benefits under a military retirement or survivor benefit program that has been made since the last such valuation and such change in benefits increases or decreases the present value of amounts payable from the Fund, the Secretary of Defense shall determine an amortization methodology and schedule for the amortization of the cumulative unfunded liability (or actuarial gain to the Fund) created by such change and any previous such changes so that the present value of the sum of the amortization payments (or reductions in payments that would otherwise be made) equals the cumulative increase (or decrease) in the present value of such amounts.

"(3) If at the time of any such valuation (or any valuation carried out in order to comply with chapter 95 of title 31) the Secretary of Defense determines that, based upon changes in actuarial assumptions since the last valuation, there has been an actuarial gain or loss to the Fund, the Secretary shall determine an amortization methodology and schedule for the amortization of the cumulative gain or loss to the Fund created by such change in assumptions and any previous such changes in assumptions through an increase or decrease in the payments that would otherwise be made to the Fund.

"(4) Contributions to the Fund in accordance with amortization schedules under paragraphs (2) and (3) shall be made as provided in section 1466(b) of this title.

"(d) All determinations under this section shall be made using methods and assumptions approved by the Board of Actuaries (including assumptions of interest rates and inflation) and in accordance with generally accepted actuarial principles and practices.

"(e) The Secretary of Defense shall provide for the keeping of such records as are necessary for determining the actuarial status of the Fund.

"§ 1466. Payments into the Fund

"(a) The Secretary of Defense shall pay into the Fund at the end of each month as the Department of Defense contribution to the Fund for that month the amount that is the product of—

"(1) the level percentage of basic pay determined under the most recent (as of the first day of the current fiscal year) actuarial valuation under section 1465(c) of this title; and

"(2) the total amount of basic pay paid that month to members of the armed forces (other than the Coast Guard) on active duty or in the Selected Reserve.

Amounts paid into the Fund under this subsection shall be paid from funds available for the pay of members of the armed forces under the jurisdiction of the Secretary of a military department.

"(b)(1) At the beginning of each fiscal year the Secretary of the Treasury shall promptly pay into the Fund from the General Fund of the Treasury the amount certified to the Secretary by the Secretary of Defense under paragraph (3). Such payment shall be the contribution to the Fund for that fiscal year required by sections 1465(a) and 1465(c) of this title.

"(2) At the beginning of each fiscal year the Secretary of Defense shall determine the sum of the following:

"(A) The amount of the payment for that year under the amortization schedule determined by the Board of Actuaries under section 1465(a) of this title for the amortization of the original unfunded liability of the Fund.

"(B) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 1465(c)(2) of this title for the amortization of any cumulative unfunded liability (or any gain) to the Fund resulting from changes in benefits.

"(C) The amount (including any negative amount) for that year under the most recent amortization schedule determined by the Secretary of Defense under section 1465(c)(3) of this title for the amortization of any cumulative actuarial gain or loss to the Fund.

"(3) The Secretary of Defense shall promptly certify the amount determined under paragraph (2) each year to the Secretary of the Treasury.

"§ 1467. Investment of assets of Fund

"The Secretary of the Treasury shall invest such portion of the Fund as is not in the judgment of the Secretary of Defense required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of Defense, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments

shall be credited to and form a part of the Fund.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of title 10, United States Code, are amended by inserting after the item relating to chapter 73 the following new item:

"74. Department of Defense Military Retirement Fund ..... 1461".

(b)(1) Section 1464 (relating to the Board of Actuaries) of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1983.

(2) Sections 1463 (relating to payments from the Fund) and 1466 (relating to payments to the Fund) of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1984.

(3) There shall be transferred into the Fund on October 1, 1984, any unobligated balances of appropriations made to the Department of Defense that are currently available for retired pay, and amounts so transferred shall be part of the assets of the Fund.

FEE FOR VETERINARY SERVICES

SEC. 1054. The Secretary of Defense shall require that a member of the Armed Forces pay a fee of $10 for each time that a pet of such member is provided veterinary care service by a member of the Armed Forces.

GRADE FOR DIRECTOR OF INTELLIGENCE COMMUNITY STAFF

SEC. 1055. The President is authorized to appoint, by and with the advice and consent of the Senate, Rear Admiral Edward A. Burkhalter to the grade of vice admiral to serve in such grade while holding the position of Director of the Intelligence Community Staff. When appointed to such grade for service in such position, such officer shall be considered to be an additional number in grade for purposes of section 525(b) of title 10, United States Code, during the period beginning on the date of that appointment and ending on the date on which the first vacancy in the grade of vice admiral in the Navy occurs after the date of that appointment.

TRANSPORTATION OF REMAINS OF MILITARY RETIREES DYING IN MILITARY HOSPITALS

SEC. 1056. (a)(1) Chapter 75 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1490. Transportation of remains of members entitled to retired or retainer pay who die in a military medical facility

"(a) Subject to subsection (b), when a member entitled to retired or retainer pay or equivalent pay dies while properly admitted under chapter 55 of this title to a medical facility of the armed forces located in the United States, the Secretary concerned may transport the remains, or pay the cost of transporting the remains, of the decedent to the place of burial of the decedent.

"(b)(1) Transportation provided under this section may not be to a place outside the United States or to a place further from the place of death than the decedent's last place of permanent residence, and any amount paid under this section may not exceed the cost of transportation from the place of death to the decedent's last place of permanent residence.

"(2) Transportation of the remains of a decedent may not be provided under this section if such transportation is authorized by sections 1481 and 1482 of this title or by chapter 23 of title 38.

"(c) In this section, 'United States' includes the Commonwealth of Puerto Rico and the territories and possessions of the United States.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1490. Transportation of remains of members entitled to retired or retainer pay who die in a military medical facility.".

(b) Section 1490 of title 10, United States Code, as added by subsection (a), shall apply with respect to the transportation of the remains of persons dying after September 30, 1983.

TITLE XI—GENERAL PROVISIONS

TRANSFER AUTHORITY

SEC. 1101. (a)(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this Act between any such authorizations (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $1,500,000,000.

(b) The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for higher priority items than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

LIMITATION ON AUTHORITY TO ENTER INTO CERTAIN CONTRACTS FOR VESSELS

SEC. 1102. (a) Chapter 141 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2401. Requirement for authorization by law of certain contracts relating to vessels

"(a) Except as provided in subsection (c), the Secretary of a military department may not make a contract for the lease of a vessel or for the provision of a service through use by a contractor of a vessel if—

"(1) the contract will be for a long term; or

"(2) under the contract the United States will have a substantial termination liability.

"(b) Except as provided in subsection (c), the Secretary of a military department may not make a contract that is an agreement to lease or an agreement to provide services and that is (or will be) accompanied by a contract for the actual lease or provision of services if the contract for the actual lease or provision of services is (or will be) a contract described in subsection (a).

"(c)(1) The Secretary may make a contract described in subsection (a) or (b) if—

"(A) the Secretary has been specifically authorized by law to make the contract;

"(B) before a solicitation for proposals for the contract was issued the Secretary notified the Committees on Armed Services and on Appropriations of the Senate and House of Representatives of the Secretary's intention to issue such a solicitation and a period of 30 days of continuous session of Congress expired following the date on which that notice was received by such committees before the solicitation was issued; and

"(C) the Secretary has notified the Committees on Armed Services and on Appropriations of the Senate and House of Representatives of the proposed contract and provided a detailed description of the terms of the proposed contract and a justification for entering into the proposed contract rather than providing for the lease or services involved through purchase of the vessel to be used under the contract, and a period of 30 days of continuous session of Congress have expired following the date on which notice was received by such committees.

"(2) For purposes of paragraphs (1)(B) and (1)(C), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in a computation of such 30-day period.

"(d) For purposes of subsection (a)—

"(1) a contract shall be considered to be for a long term if the term of the contract, including all options under the contract, is for more than five years or is for a period longer than one-half the useful life of the vessel; and

"(2) the United States shall be considered to have a substantial termination liability under a contract if, as determined under regulations prescribed by the Secretary of Defense, the sum of—

"(A) the present value of the amount of the termination liability of the United States under the contract as of the end of the term of the contract (exclusive of any option to extend the contract), and

"(B) the present value of the total of the payments to be made by the United States under the contract (excluding any option to extend the contract) attributable to capital-hire,

is more than one-half the price of the vessel involved.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2401. Requirement for authorization by law of certain contracts relating to vessels.".

STUDY OF DEFENSE-RELATED ASPECTS OF MERCHANT MARINE

SEC. 1103. (a) There is hereby established a commission to be known as the Commission on Defense-Related Aspects of the United States merchant marine (hereinafter in this section referred to as the "Commission").

(b) The Commission shall study problems relating to transportation of cargo for national defense purposes in time of war or national emergency and the capability of the United States merchant marine to meet the need for such transportation. Based on the results of the study, the Commission shall make such specific recommendations, including recommendations for legislative action, action by the executive branch, and action by the private sector, as the Commission considers appropriate to foster and maintain a United States merchant marine capable of meeting national security requirements. The recommendations of the Commission shall be included in the report of the Commission under subsection (f).

(c)(1) The Commission shall be composed of nine members, as follows:

(A) The Secretary of the Navy (or his delegate), who shall be the Chairman of the Commission.

(B) The Administrator of the Maritime Administration (or his delegate).

(C) Three members appointed by the President, by and with the advice and consent of the Senate, one of whom shall represent operators of United States merchant ships, one of whom shall represent shipbuilders, and one of whom shall represent maritime labor unions.

(D) Two members appointed by the President pro tempore of the Senate from the Members of the Senate.

(E) Two members appointed by the Speaker of the House of Representatives from the Members of the House of Representatives (including Delegates to Congress and the Resident Commissioner of Puerto Rico).

(2) A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Appointments may be made under paragraph (1)(C) without regard to section 5311(b) of title 5, United States Code. Members shall be appointed for the life of the Commission.

(3) Five members of the Commission shall constitute a quorum, but a lesser number may hold hearings. The Commission shall meet at the call of the Chairman.

(d) Members of the Commission appointed under subsection (c)(1)(C) shall each be paid at a rate equal to the daily equivalent of the rate of basic pay payable for level IV of the Executive Schedule for each day (including traveltime) during which they are engaged in the actual performance of the business of the Commission. Other members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(e)(1) The Commission may (without regard to section 5311(b) of title 5, United States Code) appoint an executive director, who shall be paid at a rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule.

(2) The Commission may appoint such additional staff as it considers appropriate. Such personnel shall be paid at a rate not to exceed the rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

(3) The executive director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the executive branch and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(5) The Secretary of the Navy and the Administrator of the Maritime Administration may detail personnel under their jurisdiction to the Commission to assist the Commission in carrying out its duties under this section.

(6) The Secretary of the Navy shall provide to the Commission such administrative support services as the Commission may require.

(f) The Commission shall submit a report to the President and the Congress not later than six months after the date of the enactment of this Act. The report shall include a detailed statement of the findings and conclusions of the Commission and the recommendations of the Commission under subsection (b).

(g) The Commission shall cease to exist ninety days after the date on which the report of the Commission under subsection (f) is submitted.

(h) There is authorized to be appropriated for fiscal year 1984 the sum of $700,000 to carry out this section.

LIMITATION ON PROCUREMENT OF BINARY CHEMICAL WEAPONS

SEC. 1104. Notwithstanding any other provision of law, no funds may be obligated or expended after the date of the enactment of this Act for the production of binary chemical weapons unless the President certifies to the Congress that for each one-hundred-and-fifty-five-millimeter binary artillery shell or aircraft-delivered binary aerial bomb produced a serviceable unitary artillery shell from the existing arsenal shall be rendered permanently useless for military purposes.

LIMITATION ON WAIVERS OF COST-RECOVERY REQUIREMENTS UNDER ARMS EXPORT CONTROL ACT

SEC. 1105. The authority of the President under section 21(e)(2) of the Arms Export Control Act may be exercised without regard to the limitation imposed by section 770 of the Department of Defense Appropriation Act, 1983 (as contained in Public Law 97-377; 96 Stat. 1862).

WAIVER OF LIMITATION ON FOREIGN MILITARY SALES PROGRAM

SEC. 1106. The Arms Export Control Act shall be administered as if section 747 of the Department of Defense Appropriation Act, 1983 (as contained in Public Law 97-377; 96 Stat. 1858) had not been enacted into law.

F/A-18 AIRCRAFT PROGRAM

SEC. 1107. The Secretary of the Navy may carry out the F/A-18 aircraft program without regard to the first proviso in the paragraph under the heading "AIRCRAFT PROCUREMENT, NAVY" in title IV (PROCUREMENT) of the Department of Defense Appropriation Act, 1983 (as contained in Public Law 97-377; 96 Stat. 1841).

NAME OF SCHOOL OF MEDICINE AT THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

SEC. 1108. The School of Medicine of the Uniformed Services University of the Health Sciences shall after the date of the enactment of this Act be known and designated as the "F. Edward Hébert School of Medicine". Any reference to such school of medicine in any law, regulation, map, document, or other record of the United States shall after such date be deemed to be a reference to such school of medicine as the F. Edward Hébert School of Medicine.

PROHIBITION ON PURCHASE OF CERTAIN TYPEWRITERS

SEC. 1109. None of the funds available to the Department of Defense shall be available for the procurement of manual typewriters which were manufactured by facilities located within states which are signatories to the Warsaw Pact.

REDUCTION IN TOTAL FUNDS

SEC. 1110. The Secretary of Defense shall reduce the total of the amounts authorized to be appropriated in titles I, II, and III by $220,000,000 to reflect the elimination of a special classified program.

REQUIREMENT OF AUTHORIZATION OF APPROPRIATIONS FOR WORKING-CAPITAL FUNDS

SEC. 1110. (a) The second sentence of section 2208(d) of title 10, United States Code, is amended to read as follows: "In addition, such amounts may be appropriated for the purpose of providing capital for working-capital funds as have been specifically authorized by law.".

(b) The amendment made by subsection (a) shall apply only with respect to appropriations for fiscal years beginning after September 30, 1984.

Mr. PRICE. Mr. Chairman, I ask unanimous consent that all debate on amendments to the bill and all amendments thereto cease at 12 o'clock other than the amendment in the nature of a substitute of Mr. DELLUMS of California, made in order by House Resolution 197 and amendments thereto.

Mr. GREEN. Reserving the right to object, Mr. Chairman, I reserve the right to object because I have a particular problem on which I would like to ask the indulgence of the chairman of the committee.

I have already discussed it briefly with the ranking minority member. Due to a staff inadvertence, an amendment which I have to title XI of the bill was literally printed in the RECORD as part of an extension of remarks that I made but was not printed in that part of the RECORD which probably is necessary to entitle me to protection under the rules of the House.

I would, therefore—basically I will explain to the gentleman, the distinguished chairman of the committee what that amendment is. Basically that amendment deals with the MX and would provide that none of the funds authorized to be appropriated by this or any other act may be obligated for flight testing of MX missiles during fiscal year 1984 unless and until the President certifies to the Congress that the Soviet Union has flight tested in fiscal year 1984 a new type of MIRV'd ICBM as defined under the provisions of the SALT II agreement.

The purpose of this amendment is obviously to try to gain a halt on both sides to the development of MIRV'd intercontinental ballistic missiles while still retaining the MX as a potential bargaining chip for the negotiations that are now going on in Geneva. And I think it is an amendment that is worthy of consideration by this House. I have sent around a "Dear Colleague," together with my colleague from New York, Mr. DOWNEY; and there was an article in the Washington Post over this weekend by McGeorge Bundy supporting the proposal. I think it is a valid one. I would ask the gentleman if he would, so that I can withdraw my reservation of objection, agree to permit me to have the same rights as anyone else whose amendment was properly printed in the RECORD so that I could make that argument to the House.

I had discussed this with the ranking minority member earlier.

Mr. PRICE. Mr. Chairman, I tried to listen as intently as I could to the gen-

tleman's request but it sounds to me as though the decision would be in the hands of the Chair rather than the chairman of the Committee on Armed Services.

Mr. GREEN. Again under my reservation, again let me try to explain.

I have an amendment. The purpose of that amendment is to provide that the funds authorized under this or any other act may not be obligated for flight testing of MX missiles during the fiscal year covered by this bill unless the President certifies to the Congress that the Soviet Union has flight tested in fiscal year 1984 their new MIRV'd ICBM, as defined under the SALT II agreement. And the purpose of this is to enable us to, on the one hand, to keep the MX as a bargaining chip as apparently a majority of this House wanted from its earlier vote, but also to try to halt the onward flow of these MIRV'd missiles.

Mr. PRICE. I would say that decision has to be made by the Chair. I do not think I am in a position to make a ruling on that.

□ 2210

I have no objection to whatever decision is made.

The CHAIRMAN. The gentleman from Illinois has no objection.

The Chair will reserve 10 minutes as part of the reservation, without objection, of the gentleman from Illinois, the manager of the legislation, 10 minutes for the gentleman's debate, both pro and con and make it part of the reservation and the unanimous-consent request.

Is there objection to the modification?

Mr. CHENEY. Reserving the right to object, Mr. Chairman, I do not intend to object to the request of the distinguished chairman of the committee for a limitation on debate, but I would be constrained to do so if his request includes the request of the gentleman from New York.

The CHAIRMAN. Objection is heard.

Mr. COURTER. Reserving the right to object, Mr. Chairman?

The CHAIRMAN. To what?

Mr. COURTER. I thought there was a unanimous-consent request on the table.

The CHAIRMAN. No unanimous-consent request is pending. Unanimous consent has already been granted.

PARLIAMENTARY INQUIRY

Mr. COURTER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. COURTER. The inquiry, Mr. Chairman, is the fact that it was my understanding that the unanimous consent was rejected and not accepted. Could the Chair clear the ruling?

The CHAIRMAN. The Chair was not aware that the original request of the gentleman from Illinois was objected to. The original request of the gentleman from Illinois to limit debate to 12 o'clock was not objected to.

PARLIAMENTARY INQUIRY

Mrs. SCHROEDER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state her parliamentary inquiry.

Mrs. SCHROEDER. Mr. Chairman, I am not sure that is correct. I thought that the gentleman from New York was objecting to the request of the gentleman from Illinois. That was my understanding. So, therefore, the request of the gentleman from Illinois was not granted.

The CHAIRMAN. The Chair stands corrected. Then the Chair did not state whether or not objection was heard.

Would the gentleman from Illinois (Mr. PRICE) like to restate his request.

Mr. PRICE. Mr. Chairman, I did make a request that all debate on amendments to the bill and all amendments thereto cease at 12 o'clock, other than the amendment in the nature of a substituted of the gentleman from California (Mr. DELLUMS), made in order by House Resolution 197 and amendments thereto.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. GREEN. Reserving the right to object, I did reserve the right to object because through a technical error my amendment, though printed in the RECORD, was printed in the wrong part of the RECORD.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, I do not know if this is helpful. Just let me say and I would like to respond to the gentleman from New York by saying that I do not believe either the chairman nor I can bind other Members as to whether or not an objection would be made to giving unanimous consent.

I personally would not interpose an objection. The chairman has stated that he personally would not interpose an objection, but we cannot bind the other Members as to whether or not they would object or not to the gentleman's unanimous-consent request.

Mr. GREEN. Further reserving the right to object, I am going to object to this unanimous-consent request unless it includes my right to offer my amendment as if it had been printed in the proper place in the RECORD. And I would hope that the Members would give me that courtesy. The amendment has been fully printed in the RECORD and I have a copy here of where it has been. It unfortunately was printed in the wrong place in the RECORD. But everyone in this House has been aware that it has been in the RECORD.

Mr. BADHAM. Mr. Chairman, will the gentleman yield?

Mr. GREEN. I yield to the gentleman from California.

Mr. BADHAM. I thank the gentleman for yielding.

If I might, under the gentleman's reservation, extend to the chairman of the committee who made the unanimous-consent request that we consider any amendment that has been printed in the RECORD for 5 minutes for the proponent and 5 minutes for the opponent, in addition to the special circumstance for the gentleman from California with the substitute, in addition to this particular amendment which was printed apparently at the wrong place in the RECORD.

In other words, I would suggest under his reservation that every protected amendment, plus his, plus that of the gentleman from California (Mr. DELLUMS), be accorded 5 minutes on the proponent side and 5 minutes on the opponent side with the addition of what happens to his.

The CHAIRMAN. The Chair will make the observation that all amendments printed in the correct place in the RECORD are protected. They are all protected.

However, the gentleman has reserved the right to object.

Mr. GREEN. If the Parliamentarian or the Chair will rule that my amendment, having been printed in the RECORD but not in the normal place, is in order, I would of course withdraw my reservation.

The CHAIRMAN. The Chair will make the observation that to protect a Member's request to debate an amendment, the amendment has to have been printed in the proper place in the RECORD.

Mr. GREEN. That is why I am reserving the right to object so as to ask that the unanimous-consent request include a waiver of that requirement.

Mr. PRICE. Mr. Chairman, I move that all debate on amendments to the bill and all amendments thereto cease at 12 o'clock, other than the amendment in the nature of a substitute of Mr. DELLUMS of California made in order by House Resolution 197 and amendments thereto.

The CHAIRMAN. The question is on the motion offered by the gentleman from Illinois.

POINT OF ORDER

Mr. OTTINGER. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. OTTINGER. Mr. Chairman, is it my understanding that the Chair said that the bill has not been read in full as yet?

The CHAIRMAN. The bill, by unanimous consent, has been open to amendment at any point through title XI.

By unanimous consent, the bill is open from V to XI.

Mr. OTTINGER. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The question is on the motion offered by the gentleman from Illinois (Mr. PRICE).

The motion was agreed to.

PARLIAMENTARY INQUIRY

Mr. TAUKE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. TAUKE. Can the Chair tell us how many amendments are pending at the desk that are in order?

Mr. CHAIRMAN. The Chair has no way of knowing how many amendments are pending at the desk or will be offered.

Mr. TAUKE. How many amendments have been printed in the RECORD, can the Chair tell us that?

The CHAIRMAN. The Chair cannot tell the gentleman that at this point.

AMENDMENT OFFERED BY MR. MONTGOMERY

Mr. MONTGOMERY. Mr. Chairman, I offer an amendment, and it has been printed in the RECORD

PARLIAMENTARY INQUIRY

Mr. SEIBERLING. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SEIBERLING. Mr. Chairman, is it not the proper procedure to allocate the time between now and 12 midnight to those Members who were standing and wanted to be recognized?

□ 2220

The CHAIRMAN. The Chair has the discretion to decide the allocation of time that will take place, and the Chair has decided that the Committee will continue under the 5-minute rule due to the length of time remaining.

Mr. SEIBERLING. I thank the Chair.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MONTGOMERY: Page 28, line 24, insert "and the Air National Guard" before "of the United States".

Page 30, strike out lines 16 through 25 and insert in lieu thereof the following:

STATUS OF CERTAIN MEMBERS OF THE NATIONAL GUARD SERVING IN A FULL-TIME DUTY STATUS

SEC. 605. (a)(1) Chapter 3 of title 32, United States Code, is amended by adding at the end thereof the following new section:

"§ 335. Status of certain members performing full-time duty

"Members of the National Guard serving in a full-time duty status for the purpose of organizing, administering, recruiting, instructing, or training the National Guard shall be entitled to all rights, privileges, and benefits of members called to active duty under section 265 of title 10 and shall be considered to be serving on active duty for purposes of sections 524(a) and 976 of such title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"335. Status of certain members performing full-time duty.".

(b) Not later than November 15, 1983, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a draft of legislation to provide on a permanent basis that members of the National Guard described in section 335 of title 32, United States Code, as added by subsection (a), are under State control except when explicitly ordered to Federal service in accordance with law.

Mr. MONTGOMERY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Chairman, my amendment relates to the issue of insuring that full-time personnel in support of the National Guard are maintained under State control until federalized in an emergency under existing authority.

The Armed Services Committee has included in the bill language that clarifies that these full-time personnel will be under State control. However, the language only applies to fiscal year 1983 and fiscal year 1984. While this is good language and I strongly support it, I believe that it would be better to change the law permanently. My amendment does several things, but the principal one is to request that the Secretary of Defense submit draft legislation to the Congress to change the law permanently.

I was the author of the committee's actions in this regard and my amendment today amplifies that action. I believe we need to look at a permanent change to erase any possibility of doubt in the future regarding this matter. It is for that reason that I am offering this amendment.

The amendment has two other technical changes in the committee provisions. One change is to correct what appears to have been a printing error in the reference to the Air National Guard by insuring that the Air National Guard of the United States is mentioned as was the case in referring to the Army National Guard. A final provision would simply create a new section in title 32, United States Code, for the committee's language on State control rather than have it as a free-standing provision as it is currently drafted in the bill.

I have discussed this matter with the subcommittee chairman and ranking minority members from the committee and I would yield to them at this time.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I would like to commend the gentleman from Mississippi for his amendment. It is a technical amendment, and the committee accepts his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. MONTGOMERY).

The amendment was agreed to.

Mr. STRATTON. Mr. Chairman, I move to strike the last word.

Mr. IRELAND. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the gentleman from Florida.

Mr. IRELAND. Mr. Chairman, I thank the gentleman for yielding, and I would like to congratulate the gentleman from New York, Mr. STRATTON, and the other members of the Armed Services Committee for their thorough consideration of the Department of Defense authorization proposal which we are considering today.

I noted with interest the committee's report in which it recommends the purchase of six cargo-type aircraft for the Army and the procurement of the same type of aircraft to replace the Air National Guard's current fleet of obsolete C-131 aircraft.

These mission support/utility aircraft transport both cargo and personnel for specific military missions. The committee report notes that FAA-certified turboprop, off-the-shelf, medium weight, pressurized cabin, utility aircraft are used for this purpose. We are fortunate, in this instance, that there are a number of fine general aviation aircraft manufacturers in the United States which produce planes of the type required for this purpose. Because there are a number of manufacturers whose products meet these requirements, it will be possible for the military to support its missions with the most serviceable product at the lowest possible price.

To its credit, the committee has always promoted competitive bidding practices in DOD procurement when there is more than one available source.

While I am quite certain of this, I would like to be assured by the gentleman that it is, indeed, the committee's intent, that, in this instance, the Department of Defense will seek and consider as many sources for this aircraft as are available.

Mr. STRATTON. Mr. Chairman, I appreciate the remarks of the gentleman from Florida and can assure him that the committee is indeed most supportive of the competitive bidding process in the purchase of military aircraft.

With reference to the specific cargo aircraft for the Army and the Air National Guard which the gentleman mentions, the C-12 is a particular type of aircraft which is produced by a specific manufacturer. It was selected as a result of a competitive process. However, in connection with the purchase of any new aircraft—for example, the special mission and European distribution system aircraft—the committee would certainly support a competitive selection process.

I would, however, point out to the gentleman that in the interest of economy, we should generally seek to maintain and operate a minimum number of different types of aircraft.

Mr. IRELAND. Mr. Chairman, I thank the gentleman.

AMENDMENT OFFERED BY MR. DANIEL

Mr. DANIEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DANIEL: At the end of the bill add the following new section:

RESTORATION OF BEDFORD AIR FORCE STATION, VA.

SEC. 1111. The Secretary of the Air Force may remove from the site of the former Bedford Air Force Station, Virginia, the improvements made to that site by the Air Force and may restore the premise as provided in the license from the United States Forest Service of the Department of Agriculture authorizing the use of that site by the Air Force.

Mr. DANIEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DANIEL. Mr. Chairman, the amendment I am offering authorizes the Secretary of the Air Force to demolish abandoned structures and restore the former radar site at Bedford Air Force Station, Va., to its natural state.

Bedford Air Force Station was established in 1954 when the Air Force acquired approximately 41 acres of land along the Blue Ridge Parkway from the U.S. Forest Service and the National Park Service for a radar site. Under the terms of the no-cost permits for the establishment and operation of the radar station, the Air Force agreed to restore the site to its natural state when no longer needed.

On November 22, 1976, the Air Force announced it was ceasing activities at Bedford and declared that the property would be excess to its requirements. Since that time, the Air Force has removed all economically salvageable property from the site, but has not been able to complete the restoration of the premises because of a 1979 decision by the Comptroller General of the United States (59 Comp Gen 93). In that decision the Comptroller General held that the Air Force needed specific authorization to use appropriated funds to demolish abandoned structures, clear the site, reseed and replant loaned real estate, even though use permits that were issued required restoration of the property or payment of damages.

Thus, although the Air Force is willing to fund restoration of Bedford Air Force Station, the abandoned site has become a shocking and potentially dangerous eyesore that detracts from the scenic beauty of the Blue Ridge Parkway. Thousands of cars stream by every year, and travelers occasionally stop to wander among the unsightly and hazardous ruins. Should these casual trespassers be injured by broken glass, falling ceilings, sharp edges and other hazards, they could easily collect damages in the hundreds of thousands of dollars—a cost to the Government that far exceeds the amount for full restoration of the site.

Clearly, the restoration of Bedford Air Force Station is imperative for reasons of safety, scenic, and recreational purposes, and potential liability to the Government. The Air Force, Departments of Agriculture and Interior, and the local residents are unanimous on this point. My amendment provides the Secretary of the Air Force the necessary authority to carry out this badly needed and long overdue restoration project.

I urge your support of my amendment.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. DANIEL. I yield to the chairman of the committee.

Mr. PRICE. Mr. Chairman, I have read the gentleman's amendment, and the committee will accept the amendment.

Mr. DICKINSON. Mr. Chairman, if the gentleman will yield, let me say that we have read the amendment on this side, and this amendment adds no money to the bill; it simply makes it permissive for the Air Force out of its own funds to clean up an unused site, which helps the ecology. It is something the Air Force wants to do. If they do not want to do it, they do not have to do it. The amendment is not objectionable, and we accept it.

● Mr. OLIN. Mr. Chairman, I would like to commend the gentleman on his amendment. As one who has visited the site of the abandoned Bedford Air Base, I can personally attest to the need for the Air Force to finish cleaning up the area.

This base was located on the top of the highest peak in Virginia along the Blue Ridge Parkway. It is adjacent to an area which the U.S. Forest Service has proposed for wilderness designation. The area is beautiful. The base is a blight.

When the Air Force and the Forest Service entered into the original agreement to allow the Air Force to establish this base on Forest Service property, the two agencies entered into an understanding on each's responsibilities. The Air Force would clean up the area once it no longer needed the base. The crumbling barracks, old mess hall, and remains of a bowling alley attest to the fact that this was not done.

The problem occurred when the Comptroller General informed the Air Force that it did not have the authority to clean up the site, despite the fact that it had agreed to do so initially. The gentleman's amendment clarifies this jurisdictional problem by stating that the Air Force has the authority to honor its agreement.

I am happy that I have had the opportunity to work with the author of this amendment to solve this problem. I know that the residents in his district, like the residents in my adjoining district will be happy when we can put this behind us and return the area to its proper condition.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. DANIEL).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. COURTER

Mr. COURTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Will the gentleman from New Jersey identify which amendment he is offering?

Mr. COURTER. Mr. Chairman, this is an amendment entitled "Endorsement of Report on Improved Strategic Communications."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. COURTER: At the end of the bill add the following new section:

ENDORSEMENT OF REPORT ON IMPROVED STRATEGIC COMMUNICATIONS

SEC. 1111. (a) The Congress finds that the report to the Congress by the Secretary of Defense entitled "Direct Communications Links and Other Measures to Enhance Stability", dated April 11, 1983, and submitted to the Congress pursuant to section 1123 of the Department of Defense Authorization Act, 1983 (Public Law 97-252; 96 Stat. 756), contains several significant proposals that if implemented would, taken together, make significant progress toward eliminating the danger of accident or misinterpretation leading to nuclear war. Among the proposals in that report that Congress specifically finds constructive are proposals—

(1) to enhance the speed and quality of communications between the Governments of the United States and the Soviet Union;

(2) to establish a communications link between the senior military commands of the United States and the Soviet Union; and

(3) to develop a system of prior notification between the United States and the Soviet Union of missile launches and military exercises by either nation that could be

misinterpreted by the other and therefore be destabilizing.

(b) The Congress—

(1) endorses the findings in the report described in subsection (a) and urges the President and the Secretary of Defense to implement as rapidly as possible the proposals made in that report;

(2) suggests that, when practicable and not harmful to the national security of the United States, the United States should unilaterally implement confidence-building measures (such as prior notification of missile launches and military exercises) on a temporary voluntary basis and should invite the Soviet Union to join in implementing those measures; and

(3) endorses proposals that the United States, through its arms control negotiators, should seek a separate, limited agreement with the Soviet Union on confidence-building measures, such as those recommended in the report described in subsection (a), designed to reduce the danger of accident or misinterpretation leading to nuclear war.

Mr. COURTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. COURTER. Mr. Chairman, I do not think this will take very long. Mr. Chairman, I gave copies of this amendment to both the majority and the minority last week, seeking their approval.

Mr. Chairman, the report entitled "Direct Communications Links and Other Measures To Enhance Stability" contains several very important suggestions that, if implemented, would lessen the chances of war through accident, misunderstanding, mistakes, or misinterpretation.

This amendment simply endorses the recommendations contained in that report and encourages their implementation, particularly relative to enhancing the speed and quality of communications between the Soviet Union and the United States, establishing communication links between the respective military commands and developing a system of prior notification of missile launches and military exercises.

The amendment also encourages, where appropriate, the use of unilateral implementation of prior notification and encourages the United States to negotiate separate and limited treaties on confidence building measures.

The hour is late and I urge my colleagues to pass this important amendment.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the chairman.

Mr. PRICE. Mr. Chairman, I have had an opportunity to examine the amendment. There is no reason why the committee cannot accept the amendment.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the ranking minority member.

Mr. DICKINSON. Mr. Chairman, this is an improvement on the so-called hotline, to keep communications open during tense times between us and the Soviet Union. We find nothing wrong with it. It is not an addition of money, and we will accept it on this side.

Mr. COURTER. Mr. Chairman, under those circumstances and assurances of support, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. COURTER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NICHOLS

Mr. NICHOLS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NICHOLS: At the end of the bill add the following new section:

REPORT ON MANAGEMENT OF SPARE PARTS

SEC. 1111. (a) The Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives, at the same time the President submits the proposed budget to Congress for fiscal year 1985, a detailed written report on the status of management efforts within the Department of Defense (including particularly the Defense Logistics Agency and the military departments) to correct problems associated with increased costs of initial and replenishment spare parts. The Secretary shall continue to aggregate during fiscal year 1985 the figures required to support this report. The Secretary shall include in the report information showing the following:

(1) Utilization rates of mandatory and nonmandatory Federal supply schedules by the Department of Defense by number of items and dollar value, according to Federal supply class for fiscal years 1982 and 1983.

(2) Utilization rates of the Department of Defense Supply System to procure spare parts by number of items and dollar value for fiscal years 1982 and 1983.

(3) The number and dollar value of spare parts with annual dollar buys in excess of $10,000 acquired during fiscal years 1982 and 1983—

(A) by fixed-price contract with firm prices on individual items established before the items are ordered;

(B) by fixed-price contract with prices negotiated for individual items after the parts are ordered;

(C) by competition; and

(D) by sole source contract, including a breakout of those sole-source items procured from a prime (system) contractor not the manufacturer of the item and those procured from the manufacturer.

(4) The status of efforts to ensure that procurement method codes are accurate, and a breakout of the number and dollar value of parts identified by restrictive procurement method codes.

(5) The status of efforts to identify and obtain or correct missing or inaccurate technical data when such data were required to be delivered under a previous or existing contract, and the number of, and organizational identity of, personnel dedicated to this effort.

(6) The status of efforts to increase breakout of high-dollar (annual buy in excess of $10,000) spare parts, including a report on the number and value of high-dollar spare parts broken out in fiscal year 1982, the number and organizational identity of personnel allocated to the breakout program, and the status of regulations affecting the breakout program.

(7) The status of efforts to automate the procurement process.

(8) A consolidated executive summary of any audits, investigations and studies conducted by or for any organization within the Department of Defense from the date of the interim report required in subsection (b), and a copy of all regulations or proposed regulations relating to the acquisition or management of spare parts.

(9) A delineation of the duties and functions of the Competition Advocates.

(10) An analysis of the feasibility of establishing a statutory or contractual time limitation on protection afforded data delivered with limited rights.

(11) An analysis of the feasibility of withholding Department of Defense contracts from contractors who have obtained unreasonable profits on defense contracts or have sold items to the Department of Defense at unjustifiable prices.

(b) Not later than October 1, 1983, the Secretary shall submit to the committees named in subsection (a) an interim report addressing (at a minimum) the following subjects:

(1) The annual cost of repair and spare parts for each major system approved for service use after January 1, 1980, the portion of the above (number of items and cost) bought directly from the prime contractor and, if unlimited data rights were acquired to which the Government would not otherwise be entitled to, the cost of acquiring such rights.

(2) A consolidated executive summary of the audits, investigations, and other studies conducted by or for any organization within the Department of Defense, including an identification of the organization of and purpose of any current working groups.

(c) The Secretary of Defense shall formulate and put into effect at the earliest practicable date policies and procedures to effect a long-term solution to problems relating to cost overruns and long-lead times in the acquisiton of spare parts. In formulating such policies and procedures the Secretary shall consider the following recommendations:

(1) Parts should be acquired competitively whenever feasible and practicable.

(2) Parts should be procured through Federal supply schedules and the Department of Defense supply system.

(3) Parts should be procured in economic order quantities and on a multiyear basis.

(4) On all major systems acquisitions, contractors should be required to identify in their proposals for source selection evaluation the cost to the Government of acquiring unlimited rights in data and the utilization of standard commercial products, in order to allow the Government to assess the desirability of acquiring those rights, and the total life-cycle cost of the system.

(5) Contractors should be required to identify the actual manufacturer of a part and the manufacturer's part number.

(6) Consideration should be given early in the acquisition process to determinations of whether acquisition of technical data is desirable, recognizing that the cost of acquir-

ing reprocurement data may in some instances outweigh the benefits to be derived from such purchase.

(7) When unlimited data rights are acquired, contractors should also be required to provide automatically to the Government data necessary to incorporate changes in design or technology.

(8) Contracting officers should have available to them and use in acquiring spare parts, the acquisition history of such parts.

Mr. PRICE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. NICHOLS. Mr. Chairman, I offer this amendment which would require the Department of Defense to report to the Armed Services and Appropriations Committees of the House of Representatives and the Senate on their procurement practices in the buying of spare parts.

As you know our investigations Subcommittee has been engaged in an examination of the Department of Defense problems in the procurement of spare parts since April. We have found a very disturbing situation. For example, we have found cost increases of 300 percent to 500 percent and even greater in many items. Now, we are all aware of the impact of inflation and the escalation in the cost of exotic metals which are used in many of those parts. But even those factors do not explain cost increases of the magnitude we have seen.

We have seen instances where Navy procurement people have authorized a prime contractor to procure spare parts when they could be obtained through the Federal supply system. One result was paying $100 for an item which could have been obtained from the supply system for 4 cents.

We have also seen excessive reliance upon price redeterminable contracts; that is, the parts are ordered with long delivery times sometimes extending 2 to 3 years. During that time the contractor goes through several price redeterminations, thereby increasing the cost of the item to the Government.

Television and newspaper reports of the outrageous prices being paid for some spare parts have brought about a demand for improvement of the procurement system. I firmly believe that improvement is mandatory and I am determined that we will bring this about.

Unfortunately, the spare parts problem is very complex and does not lend itself to any simple solution. I am convinced, however, that expanded competitive procurement of spare parts is essential. Any action which will expand competition, without violating the lawful rights of manufacturers to proprietary rights in their equipment, will be a positive step in restoring order to these procurements. At present, our subcommittee is considering several actions which we believe would increase competitive procurement of spares.

In order to evaluate the implement some of those actions, we must have much more information on the procedures and practices of the Department in its spare parts procurements. Accordingly, we have set out in this amendment several categories of information which we believe will be necessary for our evaluation of corrective actions.

For example, the report will provide data on the Department's sole source procurement of spare parts as compared to its competitive procurements of those items. It will report on the parts for which a firm price is established before they are ordered as compared to those whose price is determined in subsequent negotiations. The Department will be required to report on its efforts to remove restrictive procurement codes when those codes are not warranted. It will also have to report on efforts to identify and correct technical data so that competitive procurements can be expanded. The Department will also have to report on its success in breaking out high-dollar value—annual buys in excess of $10,000—spare parts to enlarge competitive procurement. There are several other categories of information which the report will require from the Department of Defense. All of them are intended to provide a basis for greater competitive procurement of spare parts.

I believe that the expansion of competition will provide a greater opportunity for small businesses to participate in spare parts procurement. We have already seen that the competition from small business suppliers has reduced the prices of many parts. If more areas are opened to small businesses so that they may qualify as suppliers to the Department of Defense, I believe we will have taken a gigantic stride in reducing the cost of spare parts.

Actually, it is a very detailed report which we are requiring, but we believe that detail is necessary in order for the Congress to be fully informed on spare parts procurements. The report will serve as a basis for legislation, as well as administrative improvements which the Department of Defense might initiate.

Mr. Chairman, I believe the report required by this amendment will prove extremely valuable both to our committee and to the Committee on Appropriations in examining future requests for spare parts funding. I believe it is essential that we obtain the information from the Department of Defense in advance of next year's authorization and appropriations hearings. Therefore, I urge all of you to support the amendment and to help us bring some improvement to the spare parts procurement situation.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the chairman of the committee.

Mr. PRICE. Mr. Chairman, I have had an opportunity to study the amendment, and the committee accepts the amendment.

Mr. NICHOLS. I thank the chairman.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, as I understand the amendment, it is prompted by facts developed in the gentleman's Subcommittee on Investigations, growing out of the practice of acquiring spare parts and the excessive costs that have surfaced, and it is a requirement leveled on the services to develop a plan and tell the Congress what it is. Is that, in essence, what the gentleman's amendment is?

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Mr. NICHOLS. The gentleman is correct.

Mr. DICKINSON. I think it is commendable, and certainly needed, and we will certainly accept it over here.

Mr. SIKORSKI. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Minnesota.

Mr. SIKORSKI. Mr. Chairman, I would like to commend the gentleman for offering his amendment and for incorporating some language that picks up the intent of the amendment that I had prepared. I thank the gentleman for his accommodation there.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. NICHOLS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. COURTER

Mr. COURTER. Mr. Chairman, I offer an amendment that was printed in the RECORD on July 21, 1983, and I refer to the second amendment on page 20282 entitled "Department of Defense Director of Operational Test Review and Evaluation."

The Clerk read as follows:

Amendment offered by Mr. COURTER: At the end of the bill add the following new section:

DEPARTMENT OF DEFENSE DIRECTOR OF OPERATIONAL TEST REVIEW AND EVALUATION

SEC. 1111. (a)(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 136 the following new section:

"§ 136a. Director of Operational Test Review and Evaluation: appointment; powers and duties

"(a)(1) There is a Director of Operational Test Review and Evaluation in the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Director

shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the office of Director. A commissioned officer of the Armed Services may serve in an Acting capacity as Director without prejudice to his commissioned status as an officer. The Director may be removed from office by the President. The President shall communicate the reasons for any such removal to both Houses of Congress.

"(2) In this section:

"(A) 'Operational test and evaluation' means—

"(i) the field test, under realistic combat conditions, of any item of (or key component of) weapons, equipment, or munitions for the purpose of determining the effectiveness and suitability of the weapons, equipment, or munitions for use in combat by typical military users; and

"(ii) the evaluation of the results of such test.

"(B) 'Major defense acquisition program' means a Department of Defense acquisition program that is a major defense acquisition program for purposes of section 139a(a)(1) of this title or that is designated as such a program by the Director for purposes of this section.

"(b) The Director is the principal adviser to the Secretary of Defense on operational test and evaluation in the Department of Defense. The Director shall—

"(1) recommend policies and procedures for the conduct of operational test and evaluation in the Department of Defense;

"(2) upon request, provide guidance to and consult with the Secretary of Defense and the Secretaries of the military departments with respect to operational test and evaluation in the Department of Defense in general and with respect to specific operational test and evaluation to be conducted in connection with a major defense acquisition program;

"(3) coordinate operational test conducted jointly by more than one military department or defense agency;

"(4) analyze the results of the operational test and evaluation conducted for each major defense acquisition program and report concurrently to the Secretary of Defense and the Committee on Armed Services and on Appropriations of the Senate and House of Representatives on—

"(A) whether the test and evaluation performed was adequate; and

"(B) whether the test and evaluation results confirm that the items or components actually tested are effective and suitable for combat; and

"(5) review and make recommendations to the Secretary of Defense on all budgetary and financial matters relating to operational test and evaluation, including operational test facilities and equipment, in the Department of Defense.

"(c) The Director reports directly, without intervening review or approval, to the Secretary of Defense. The Director shall consult closely with, but is independent of, the Under Secretary of Defense for Research and Engineering and all other officers and entities of the Department of Defense responsible for research and development.

"(d)(1) The Secretary of a military department shall report promptly to the Director the results of all operational test and evaluation conducted by the military department and of all studies conducted by the military department in connection with operational test and evaluation in the military department.

"(2) The Director may require that such observers as he designates be present during the preparation for and the conduct of the test part of any operational test and evaluation conducted in the Department of Defense.

"(3) The Director shall have access to all records and data in the Department of Defense (including the records and data of each military department) that the Director considers necessary to review in order to carry out his duties under this section.

"(e)(1) Operational testing of a major defense acquisition program may not be conducted until the Director has approved in writing the adequacy of the plans (including the adequacy of projected levels of funding) for operational test and evaluation to be conducted in connection with that program.

"(2) A final decision within the Department of Defense to proceed with a major defense acquisition program beyond low-rate initial production may not be made until the Director has submitted to the Secretary of Defense and the Committees on Armed Services and on Appropriations of the Senate and House of Representatives the report with respect to that program required by subsection (b)(4).

"(f)(1) The Director shall prepare an annual report summarizing the operational test and evaluation activities of the Department of Defense during the preceding fiscal year. Each such report shall be submitted concurrently to the Secretary of Defense and the Congress not later than January 15 immediately following the end of the fiscal year for which the report is prepared. The report shall include such comments and recommendations as the Director considers appropriate, including comments and recommendations on resources and facilities available for operational test and evaluation and levels of funding made available for operational test and evaluation activities. The Secretary may comment on any report of the Director to Congress under this paragraph.

"(2) The Director shall comply with requests from Congress (or any committee of either House of Congress) for information relating to operational test and evaluation in the Department of Defense.

"(g) The President shall include in the Budget transmitted to Congress pursuant to section 1105 of title 31 for each fiscal year a separate statement of estimated expenditures and proposed appropriations for that fiscal year for the activities of the Director of Operational Test Review and Evaluation in carrying out the duties and responsibilities of the Director under this section.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 136 the following new item:

"136a. Director of Operational Test Review and Evaluation: appointment; powers and duties.".

(c) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new item:

"Director of Operational Test Review and Evaluation, Department of Defense.".

(d) The amendments made by this section shall take effect on October 1, 1983.

Mr. COURTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. COURTER. Mr. Chairman, much has been written, much has been said, about establishing a separate Director or Office for Operational Testing and Evaluation during the last 6 months. I, as well as Senators PRYOR and ROTH, have devoted hundreds of hours on this issue.

One of the reasons that there is no strong objection to this amendment is that those who would otherwise oppose it know that there is far too much support for the concept for it to fail. It is truly an idea whose time has come.

The problem with testing of weapons and systems today is the lack of realism. Battlefield conditions are often not well simulated. Enemy countermeasures are not well simulated and test personnel are often trained and coached until their knowledge far exceeds that of the average soldier.

The Courter amendment is an attempt to improve on the important amendment passed in the other body on this very issue a couple of weeks ago. My amendment provides for high-level independent advice on testing budgets, facilities, and procedures. The amendment improves testing on the front end by having the Director approve test plans before testing can begin. My amendment requires three types of reports: Reports on test adequacy and results before the decision to enter full-scale procurement is made. Annual reports on testing policy issues and reports in response to specific congressional inquiries.

In addition, the Director is given the necessary statutory independence to guarantee intellectual honesty and independence. He is appointed by the President and can be dismissed only by the President. He is appointed only after the advice and consent of the Senate.

Mr. Chairman, we can no longer allow the suspicion to continue that our weapons are not properly or realistically tested under battlefield conditions. We must create this office of operational testing review and evaluation, and do it now.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the chairman of the committee, the gentleman from Illinois.

Mr. PRICE. I thank the gentleman for yielding.

Mr. Chairman, I have reviewed the amendment and I feel that the amendment should be accepted as it will provide for better visibility and understanding on the status of major weapons systems prior to committing to full production.

We accept the amendment.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, we have discussed this proposed amendment for 2 or 3 weeks with the gentleman from New Jersey, when we met with Dr. DeLauer, Under Secretary of Defense for Research and Engineering. There has been a lot of give and take, and the administration, Dr. DeLauer, has reluctantly agreed to the present form.

I think it has been a good exercise on both sides, and certainly I think it is commendable and desirable and I have no objection. I would recommend acceptance of it.

Mr. BETHUNE. Mr. Chairman, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Arkansas.

Mr. BETHUNE. Mr. Chairman, I would like to call to the Members' attention that there are a lot of differences between the amendment offered by the gentleman from New Jersey, and the testing amendment that was accepted in the Senate by a vote of 91 to 5. Incidentally, the amendment introduced by the gentleman from New Jersey that passed in the Senate is exactly the same as the original bill (H.R. 3106).

The gentleman from New Jersey made some improvements in the qualifications for the Director of Operational Testing and Evaluation. For example, this amendment requires that the Director be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties required. Unfortunately, the amendment of the gentleman from New Jersey then goes on to say that "a commissioned officer of the Armed Services may serve in an acting capacity as Director". As I understand it, the problems with this testing have centered around the military overseeing their own weapons tests. Questions about the reliability of these tests or the attention these test results get within DOD have been raised, and I would ask the gentleman from New Jersey how this provision answers those questions.

Mr. Chairman, I also have some questions about the differences between the duties of the Director in the Senate amendment and this amendment. The Senate amendment directed the Director of Operational Testing and Evaluation to perform all duties relating to operational testing and evaluation, while this amendment has no similar provision. This amendment also leaves the Director of Operational Testing and Evaluation out of the administrative oversight for military departments for planning and conducting operational testing and evaluation, and eliminates the requirements for the Director to monitor, review, and provide guidance for all operational testing and evaluation unless the Secretary of Defense and the service secretaries request that guidance. Is it the intent of the gentleman from New Jersey to leave the Director out of the role of administrative oversight and out of the monitoring and review process for these tests?

Another question involves the use of the GAO in reviewing documents related to operational testing and evaluation. The Senate amendment gave specific authority to GAO to review these types of documents, and I was curious as to why this amendment leaves out that provision.

My final question is, What are the penalties for not reporting problems or failures that show up from these tests? (Then, Bigeye developmental test failures.)

Mr. COURTER. I thank the gentleman for his comments, and I can assure the body that the changes in this amendment relative to independent operational testing and review were designed to strengthen the amendment that was passed in the Senate and I think it accomplishes that goal.

Mr. HUGHES. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague from New Jersey.

We all agree that our Nation requires a strong national defense. A strong and capable defense is the best deterrent to war. An adequate defense has two fundamental components. The first is a powerful public consensus that favors a sufficient defense budget. The second is a military that performs flawlessly in combat situations.

It is this second component that deserves careful examination. And rightly so, because within the huge defense outlays, there is a vast amount of waste and inefficiency that hinders the effectiveness of our weapons systems and could, conceivably, threaten our Nation's security.

When we procure money for weapons production, it is not enough merely to pour millions into a system that could fail to operate properly in an emergency. We must spend our money wisely, not wastefully, like we have been wont to do.

Here are just a few examples of major weapons systems that right now are either less effective and more expensive than the ones they replace or are so perilously unreliable that we would not trust them in routine testing conditions let alone actual combat situations.

The Copperhead laser-guided artillery shell has had disastrous operational tests and inaccurate test firings since the start of the year. The concept of this weapon is seriously flawed. It reduces the artillery rate of fire and it exposes individual infantrymen to enemy attack. Millions of dollars have already been poured into this unreliable and unusable weapon. That is not money wisely spent, it is money wasted.

The IIR Maverick is an infrared guided version of the Maverick air-to-ground missile. This missile has severe problems hitting a target. It also endangers the launching aircraft by forcing it to fly a predictable path within range of enemy detection for a dangerous period of time. This new missile is far inferior to its predecessor and has already cost many millions of dollars to produce. Many millions unwisely spent, down the Pentagon drain.

The F-15 fighter program costs twice as much as the F-16, but in air combat maneuvering the F-15 has proven to be inferior to the F-16. The only advantage the F-15 has over the F-16 is that it carries the air-to-air radar guided Sparrow missile. However, the Sparrow was decidedly ineffective both in Vietnam and in the Middle East where it was used, with little success, by Israel. Before millions of dollars were spent on this program, questions as to how the F-15 would be an improvement over the F-16, should have been addressed more carefully. Instead, this is just another example of unwise military expenditure.

We cannot allow such gross injudiciousness to continue to threaten the readiness and ability of our military. To do so will only impair the state of our national defense and imperil our ability to defend ourselves.

A major step toward increasing the efficiency of weapons production and establishing their effectiveness before millions of dollars are needlessly drained from the budget would be to amend title 10 of the United States Code to create an independent Office of Operational Testing and Evaluation in the Department of Defense to replace the existing Defense Test and Evaluation Office.

Operational Test and Evaluation (OT&E) is conducted to estimate a system's operational effectiveness and suitability, identify needed modifications, and provide information on tactics, doctrine, organization, and personnel requirements. Logically, this process should begin before weapons hardware and prototypes are produced, or as early as possible in the development cycle. To do otherwise risks pouring millions of dollars into a weapons system that will not function properly when testing is performed. To prevent the inexpedient consumption of large amounts of revenue, weapons systems should be evaluated at their initial stage of development. This way erroneous designs can be caught and corrected before the developmental process is continued.

The current Director of Defense Test and Evaluation cannot insure that all weapons systems are properly evaluated before they reach the production stage. The Director's major role is to oversee the process of OT&E. He cannot order additional tests or modifications of weapons plans. He has no authority to issue testing standards and guidelines to which the armed services must adhere. He has no control over the budget and the funds that are allocated to his office. And his comments regarding the performance and adequacy of the testing of weapons systems do not have direct access to the Secretary of Defense.

Compounding these problems is the fact that he and his staff are an integral part of the Office of Under Secretary of Defense for Research and Engineering, and operate under the direct supervision and control of the Under Secretary.

In fact, the Under Secretary is responsible for all phases of the Weapons acquisition process. This responsibility leaves him in an unavoidable conflict of interest. While he is asked to oversee the selection and development of new weapons systems, he is also asked to recommend objectively whether or not to produce a given system. This unfortunate fact leads to field testing standards that bear little resemblance to real combat conditions. The Maverick missile, for example, has been tested by pilots who know both the terrain of the proving grounds and the target locations in advance. It is difficult for any person to recommend cancellation of a project for which he had complete control over and in which the final decisions were his own.

We must control this structure which can conceivably and inevitably cause the weapons that we buy, because they were inadequately tested, to fail to protect our troops in the field. There must be an independent voice in the DOD to assess and report on test results of major weapons systems.

This amendment would create a position in the DOD which would be independent of the current DOD organizational structure. The Director of Operational Test and Evaluation would be a civilian appointed by the President and subject to Senate confirmation. He would have direct access to the Secretary of Defense and would have the authority to take critical testing issues directly to the Secretary. The testing of weapons systems, because of its importance to the security of the Nation, deserves a high level of priority in the DOD. Such status would greatly increase the effectiveness and efficiency of weapons production.

Of course, to establish an office of weapons testing and evaluation would not solve all of our weapons systems problems. But it would significantly reduce the organizational confusion that allows millions and millions of dollars to be spent unwisely on weapons systems that do not always improve our Nation's ability to defend itself; in fact, some of these new weapons systems diminish the strength of our military.

Only a position relieved of the chains that now bind the Director of Defense Test and Evaluation can help prevent the inept performance of major weapons systems. The creation of such a position, by naming an official who can detect needless spending in the initial development stage, will improve the quality and efficiency of our weapons while reducing wasteful budget shrinkage. The security of the Nation is the issue at stake. I urge my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. COURTER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NICHOLS

Mr. NICHOLS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NICHOLS: At the end of the bill add the following new section:

ASSISTANT SECRETARIES IN THE DEPARTMENT OF DEFENSE

SEC. 1111. (a)(1) Subsection (a) of section 136 of title 10, United States Code, is amended by striking out "seven" and inserting in lieu thereof "ten";

(2) Subsection (b) of such section is amended—

(A) by inserting "(1)" after "(b)";

(B) by designating the second sentence of such subsection as paragraph (2);

(C) by designating the fourth sentence of such subsection as paragraph (3) and by striking out "Reserve Affairs" in such sentence and inserting in lieu thereof "Logistics";

(D) by striking out "reserve component" in the fifth sentence of such subsection and inserting in lieu thereof "logistics";

(E) by inserting after paragraph (3) of such subsection (as designated by clause (c)) the following paragraphs:

"(4) One the Assistant Secretaries shall be the Assistant Secretary of Defense for Reserve Affairs. He shall have as his principal duty the overall supervision of reserve component affairs of the Department of Defense.

"(5) One of the Assistant Secretaries shall be the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence. He shall have as his principal duty the overall supervision of command, control, communications, and intelligence affairs of the Department of Defense.";

(F) by designating the sentence beginning "In addition" as paragraph (6) and in such sentence—

(i) striking out "In addition, one" and inserting in lieu thereof "One";

(ii) redesignating clauses (1) through (5) as clauses (A) through (E), respectively;

(iii) redesignating subclauses (A) through (D) of subclauses (i) through (iv), respectively; and

(iv) striking out "clauses (1)-(4)" and inserting in lieu thereof "clauses (A) through (D)".

(3) Subsection (f) of such section is repealed.

(b) Section 175(c) of title 10, United States Code, is amended by striking out "Manpower and".

(c)(1) The first sentence of section 3013 of title 10, United States Code, is amended by striking out "four" and inserting in lieu thereof "five".

(2) The first sentence of section 5034(a) of such title is amended by striking out "three" and inserting in lieu thereof "four".

(d) Section 5315 of title 5, United States Code, is amended—

(1) by striking out "(7)" after "Assistant Secretaries of Defense" and inserting in lieu thereof "(10)";

(2) by striking out "(4)" after "Assistant Secretaries of Army" and inserting in lieu thereof "(5)"; and

(3) by striking out "(3)" after "Assistant Secretaries of Navy" and inserting in lieu thereof "(4)";

(e) The amendments made by this section shall take effect on October 1, 1983.

Mr. NICHOLS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. NICHOLS. Mr. Chairman, although this amendment is offered by this Member as chairman of the Investigations Subcommittee of the House Armed Services Committee, I should state to this House that the real impetus of this legislation came about through the concern of many other Members of this House and particularly through my friend, BILL CHAPPELL from Florida, who serves with distinction on the House Committee on Appropriations and through our ranking member of the Armed Services Committee and chairman of the Subcommittee on Seapower, Hon. CHARLES BENNETT, also from the State of Florida. These two long-time Members of this body have had an ongoing interest in the Reserve affairs of this Nation, and I want to thank both of them for their long-time interest in the Reserves.

The committee expects that the Assistant Secretary of Defense for Reserve Affairs will have a functional organization of sufficient depth to support the development and promulgation of policies, and the balanced allocation of resources, which will insure a level of readiness and combat capability in keeping with our increased reliance on the Guard and Reserve. Therefore, the committee expects that the staff, tailored to meet its unique responsibilities, will include a Principal Deputy and five Deputy Assistant Secretaries to cover the major functional areas of: Guard and Reserve policy; guidance, programs, and budg-

ets; plans and analysis; operation, training and force structure; and material, construction and installations.

Furthermore, the committee expects that the Assistant Secretary for Reserve Affairs will evaluate and assess all weapons and support systems procurement actions, and, develop and sustain a vigorous research, studies and analysis program for the purpose of further improving the Guard and Reserve.

The committee strongly reiterates the conference comments in 1967 regarding the debate surrounding Public Law 90-168, the Reserve Bill of Rights and Viatlization Act:

Congress intends that this person have direct access whenever necessary to the Secretary of Defense and we expect that he will have the authority necessary to carry out his responsibility for Reserve Affairs.

He will be looked to as the responsible spokesman for Reserve matters at the Department of Defense level. This means that we expect him to see to it that the needs are met in order for the reserve to be an effective team of our National defense in terms of manpower, equipment, and other essentials.

The committee acts with confidence that this legislation to create an Assistant Secretary of Defense for Reserve Affairs is the fulfillment of the will of Congress embodied in Public Law 90-168. We are convinced that this legislation shares the same landmark position for the Guard and Reserve as does the Reserve Bill of Rights.

Mr. Chairman, the purpose of this amendment is to establish three additional Assistant Secretaries in the Department of Defense, as well as one additional Assistant Secretary position in the Department of the Army and the Department of the Navy. It would provide that one of the Assistant Secretaries of Defense would be designated the Assistant Secretary of Defense for Command, Control, Communications and Intelligence, and another would be designated the Assistant Secretary of Defense for Reserve Affairs. The assignment of the responsibilities of the third Assistant Secretary of Defense would be left in the discretion of the Secretary of Defense.

As a result of the amendment there would be 10 Assistant Secretaries of Defense, five Assistant Secretaries of the Army and four Assistant Secretaries of the Navy. That would be one more Assistant Secretary of Defense than existed in 1978.

By a reorganization order dated March 7, 1978, and with the consent of the Congress, the previous administration eliminated five of the 22 Assistant Secretary positions authorized to the Department of Defense under title 10, United States Code. Prior to that time, the number of Assistant Secretaries had remained constant since 1970. Two Assistant Secretary of Defense positions and one Assistant Secretary in each of the Military Departments were eliminated by that action and their functions consolidated under other executive level officials. Secretary Weinberger has concluded, however, that the dramatic changes which have taken place in the world situation since that time and the recognition of potential disparities in the world military balance, have placed new an urgent demands upon the Department of Defense. He believes the reduced number of Assistant Secretaries has had a deleterious adverse effect on defense management. By restricting the flexibility of the Department in adapting to changing national security priorities, policies, and program emphasis. Let me read the Secretary's words.

Stated simply, we face a shortfall in the top-level managerial resources necessary to assure the success of the many and diverse actions which are being undertaken as part of the President's effort to revitalize our Nation's defenses. Restoration of the authorizations eliminated in 1978 would provide the additional executive resources and managerial emphasis which are essential if we are to accomplish this goal.

The designation of one of the positions as Assistant Secretary of Defense for Command, Control, Communications and Intelligence (C^3I) is a recognition of the vastly increased importance of command, control, communications and intelligence in the word of the 1980's. (Presently, the responsibilities for those important functions are fragmented among several offices in the Department of Defense.) Our committee believes that consolidation of those functions in one office is essential in order to establish a focal point and spokesperson for strategic command, control, communications and intelligence.

My amendment also provides that one of the positions should be assigned responsibility for reserve affairs in the Department of Defense. Heretofore that responsibility has been vested in a Deputy Assistant Secretary of Defense. In a recent hearing our investigations subcommittee heard from several witnesses representing various organizations representing reserve personnel, for example, the National Guard Association, the Reserve Officers Association, the Naval Reserve Association. Each of those witnesses testified that, despite the vastly increased responsibilities assigned reserve components in the mobilization structure, those forces have not always been accorded adequate representation in decisionmaking and resource allocation in the Department of Defense. All of our witnesses urged designation of an Assistant Secretary of Defense in order to insure that the reserve forces will receive the attention they require in defense planning. While the Department of Defense does not favor this designation, our subcommittee was persuaded by the testimony of the witnesses we heard. Accordingly, we recommend the elevation of this position to Assistant Secretary of Defense level.

As I mentioned earlier, the amendment would also authorize an additional Assistant Secretary for the Department of the Army and the Department of the Navy, thereby restoring those departments to the pre-1978 organizational structure. Secretary Lehman is especially concerned about returning the Department of the Navy's financial management position to the Assistant Secretary level. He reluctantly downgraded this position in order to establish the urgently needed Assistant Secretary for Shipbuilding and Logistics, but the needs of the navy require that both positions be at the Assistant Secretary level. Likewise, Secretary Marsh feels that the functions of the Army Secretariat can be greatly improved by the disestablishment of the Office of Assistant Secretary of the Army (installations, logistics and financial management) and the establishment of an Assistant Secretary for Installations, Logistics and Environment and another, separate Assistant Secretary for Financial Management. The separation of these two offices would streamline the organizational structure of the Army Secretariat and enhance the management of these radically diverse functions. The amendment would not change the management structure of the Department of the Air Force as Secretary Orr believes that his secretariat is functioning well and feels there is no need for an additional position at this time.

I believe that establishment of these positions will improve the management of the Department of Defense. Accordingly, I urge my colleagues to adopt the amendment.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Illinois.

Mr. PRICE. I thank the gentleman for yielding.

Mr. Chairman, the committee can accept this amendment. I have had an opportunity to review it.

Mr. NICHOLS. I thank the chairman.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, as I understand the amendment, what we are actually doing is creating the same number of Assistant Secretaries as were abolished about 4 years ago and designating the area of responsibility of three of them. Is that correct?

Mr. NICHOLS. That is essentially correct, I will respond to the gentle-

man from Alabama, with speical emphasis on the fact that one of these Secretaries will be in charge of Reserve Affairs, which we feel is important.

Mr. DICKINSON. I think it is very important to have one designated as Assistant Secretary for Reserve Affairs. The members of the committee know that historically the uniformed services leave things out of the bill for the Guard and Reserve, saying, "Well, we know the House is going to put them in so we just will not take it out of our budget but leave it up to them to amend it on the floor."

That is because there is no really good voice for the Reserve and Guard in the Pentagon. I think it is a salutary thing and I would certainly support it.

Mr. NICHOLS. I thank the gentleman.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Wisconsin.

Mr. ASPIN. I thank the gentleman for yielding.

Mr. Chairman, I think we ought to point out that this is probably a really lousy idea, but the gentleman from Wisconsin can count the votes as well as anybody else, and I am not going to object to the point raised by the gentleman from Alabama.

Mr. NICHOLS. I thank the gentleman.

Mr. PRITCHARD. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Washington.

Mr. PRITCHARD. I thank the gentleman for yielding.

Mr. Chairman, I have no objection to the gentleman's amendment. I must say that noticing it is all you people that are on the committee, I wonder what you did in committee, because all your committee members are offering all these amendments. I am sure it is all good work, but I do have to wonder what went on during all the committee meetings.

Mr. ASPIN. If the gentleman would yield further, it has been a long time since this bill has been in the committee, several months, and a lot of issues have come up in the meantime, unfortunately.

Mr. PRITCHARD. If we keep talking, it will be longer.

Mr. EDWARDS of Alabama. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I realize it is late, and I would appreciate it if these fellows would sit down a minute. I want to talk to you.

I realize, as the gentleman from Wisconsin does, that it is foolhardy to stand up here and oppose the amendment that has been offered, but I want to tell you that you are going to be making an extremely bad mistake in this Member's opinion if you adopt this amendment.

I am one who sits there just as frustrated as the rest of you when I see the Defense witnesses come before our Committee on Appropriations and not adequately present a case that includes the Reserve and the Guard in its programs. We know that the whole doctrine of our defense effort is one of integration of the Reserves and the Guard into units and into the force structure in a way that would require the Guard and the Reserves and the Actives to all be considered in one debate or in one piece of testimony that comes before our committees.

So I share the frustrations, but I am telling you that if you set up a separate assistant secretaryship in charge of the Reserves, you are not going to bring those groups further together in an integrated force; you are going to tend to separate them and bring them to part. You are going to have those people fighting for the Reserves and those people fighting for the Actives, and I think that is the wrong way to go in the Pentagon.

As I say, I know that you have the votes and I know there is no chance of changing your mind, but it is wrong in my opinion and I would hope that the author of this amendment, who is my dear friend from Alabama, supported by my other dear friend for Alabama, and all my good friends on the Committee on Armed Services, I would hope that you would reconsider what you are about to do.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Alabama.

Mr. NICHOLS. I thank the gentleman for yielding.

Mr. Chairman, I believe I am correct in saying that the vote has already been taken on the matter.

Mr. EDWARDS of Alabama. No. I believe the gentleman is incorrect. I hope the Chair recognized me when I was trying to get his attention before the vote was taken.

Mr. NICHOLS. Be that as it may, let me respond to the gentleman in this manner:

I am aware of the opposition that has been voiced from the Defense Department about this, but let me say this to the gentleman.

It is time that the Reserve forces of this country had a seat at the table. For too long, the Guard and the Reserve have been the stepchildren of the Defense Department. They are just like the last child. They receive the hand-me-downs. I am very supportive of this. I think it is in order and I hope the House will support me on this.

Mr. EDWARDS of Alabama. The gentleman has just said what I said. I share the gentleman's frustration. I agree that the Pentagon has not done an adequate job of bringing us an integrated request that includes all of those troops who may one day end up in battle, but that is not going to be helped, in this gentleman's opinion, by this amendment which, in fact, separates the Reserves out from the active units.

□ 2240

Mrs. SCHROEDER. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Chairman, I compliment both gentlemen from Alabama, because I think they have hit the thing right on the head.

Mr. Chairman, I rise in opposition to the Nichols amendment increasing the number of big wigs in the Department of Defense. Currently, there are thirty DOD officials in executive level positions. These positions require Presidential appointment and Senate confirmation. They pay salaries higher than those enjoyed by career senior executives and, with these jobs, come all the perks of being Under Secretary or Assistant Secretary.

The Nichols amendment establishes five new Assistant Secretaries in the Office of the Secretary of Defense. One of these new executive level positions is for an Assistant Secretary for Communications, Command, and Control (C^3) and Intelligence (I). Indeed, this position used to exist until the Reagan administration stole it to use it for congressional relations Assistant Secretary, knowing that Congress would be much more likely to approve a new Assistant Secretary for C^3I than one for congressional relations.

Last year, the Department of Defense sent David Cooke, the Deputy Assistant Secretary for Administration, to the Committee on Post Office and Civil Service to justify these new positions. Mr. Cooke made essentially three arguments in favor of the establishment of these new positions. His first argument was that these positions used to exist before the last administration abolished them as unnecessary. So, what we have here is a situation where the big-spending Carter administration reduced the size of Government and the budget-cutting Reagan administration is fighting for a 20-percent increase in the number of executive level positions in the Department of Defense. I did not see anything in Mr. Cooke's statement to suggest that the elimination of these positions by Secretary Brown was a mistake or anything specific on the changed circumstances which now require these new positions.

Mr. Cooke's second argument was that there is something special about an executive level position which makes recruitment easier, provides greater clout, and provides a vital link

between the administration and the career bureaucracy. Surely Presidential appointment and Senate confirmation are quite flattering to a new appointee in Government. Nevertheless, in reality, these symbols of power are figleafs to cover the nakedness of the incompetent. The truly competent, whether they are executive level, senior executive service, uniformed, or whatever, stand out and have all the clout, respect, and influence they need. The vital link of which Mr. Cooke spoke is hard to see. Indeed, as he conceded in his statement, the appointments to these positions will be political. Historically, I do not believe that large campaign contributors, Heritage Foundation alumni, and associates of powerful Senators have served as much of a bridge to the career service.

Mr. Cooke's third argument was simple: these new positions will not cost much money. I cannot say how much they will cost, but I can say that it will be far more than the $2,400 in salary difference between a capped senior executive and an executive level IV. Senior executives can and often are treated as just other bureaucrats. Assistant Secretaries, on the other hand, think of themselves and are treated as princes in the royal court. They get big offices with windows facing the river. They get first claim on cars and drivers. They get secretaries, and military assistants, and special assistants, and deputies. In DOD, the workload does not determine the staffing. Rather, for each muckety-muck, whether military or civilian, there has to be the appropriate complement of workers. It is kind of top-down work force planning.

The fact of the matter is that the real work of the Defense Department is done by soldiers guarding against enemy movements, by the mechanics who rebuild ships and airplanes, by the scientists who push back the frontiers of science looking for more accurate and more powerful weapons, by the lonely sailors sitting aboard ship in the Indian Ocean, who keep our military machine ready. We should concentrate our efforts on helping these people do their jobs, not in creating more layers of bureaucracy which drain resources from those who actually do the work and make their work more difficult to perform.

We do not need additional Assistant Secretaries in DOD and I urge rejection of the amendment.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of Alabama. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I think the gentleman from Alabama has raised a very, very good point. It was the kind of reservation that I had about the proposal from the other gentleman from Alabama.

I think that we are talking about here, what the gentleman has said is absolutely correct. I have exactly the same fears about what we are creating here.

I think that Congress kind of wading in and creating assistant secretaries over there, it is going to be very hard; you can create an executive secretary, but you cannot force anybody to listen to that person. When you divide the manpower issue, when you have active forces on one hand and reserves on the other, you are not creating the total force concept that we have been talking about. You are going to drive another wedge in there, rather than adding to them.

In addition, the problem of the reserves has been to get the kind of equipment that they need and the kind of training and the kind of attention that they get from the procurement and from the O&M sector. Adding an assistant secretary for reserves will not solve that problem.

Mr. EDWARDS of Alabama. The gentleman is correct.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

(By unanimous consent, Mr. EDWARDS of Alabama was allowed to proceed for 1 additional minute.)

Mr. EDWARDS of Alabama. Mr. Chairman, I yield to the gentleman from Mississippi (Mr. MONTGOMERY), and then I shall not ask for more time.

Mr. MONTGOMERY. Mr. Chairman I thank the gentleman for yielding.

I would like to make this point. For a number of years, including the gentleman in the well, we have been fighting awfully hard to get the Reserves and the National Guard recognized at the Defense Department. Thanks to the gentleman in the well and others on the Appropriations Committee and also on the Armed Services Committee, and the whole Congress, the Guard and Reserve is not being recognized. It is not because of the Defense Department. They have not supported the National Guard and Reserve as they should.

I think this amendment makes sense that the gentleman from Alabama (Mr. NICHOLS) has offered. It ought to be adopted. The gentleman is right. The Reserve people sit on the back rows in the Defense Department. They will stay there until we hit the Department in the teeth to get their attention and that is what this amendment does.

Mr. EDWARDS of Alabama. Mr. Chairman, I would just say in conclusion that if we have got the thing going in the right direction; if, in fact, we have got the Guard and the Reserve being recognized for a change, then why in the world should we go back in the complete opposite direction at this time?

Mr. CHAPPELL. Mr. Chairman, I rise in support of the amendment.

Adoption of the total force policy and the fact that our national defense is vitally dependent on Guard and Reserve Forces, means that the United States cannot successfully prosecute a conventional war unless the Guard and Reserve are—in all respects—combat ready.

The continuing failure to allocate the necessary resources to equip, train, and support the required levels of combat readiness in National Guard and Reserve Forces, clearly demonstrates that neither the requirements nor the problems are being addressed by the current organization of the Department of Defense with strong, immediate, and effective actions. Why this is true is painfully clear.

The major control of resource allocation in the Department of Defense resides in the Defense Resources Board (DRB). As presently constituted, the Deputy Assistant Secretary of Defense for Reserve Affairs is excluded from membership on the DRB and does not attend its meetings—even as an observer.

The DASD(RA) is not a member of the Defense Policy Councils nor is he invited to attend the regular staff meetings with the Secretary of Defense. In short, the DASD(RA) is isolated from the senior civilian leadership in the Department who control resources, determine policy and formulate the basis for major decisions.

Focusing even closer, we can see some other dimensions of the problem. By recent count, there are 27 Deputy Assistant Secretaries of Defense. There are also five principal Deputy Assistant Secretaries of Defense. This means that like the 26 other Deputy Assistants, the DASD(RA) must go through at least two levels of authority to approach the Secretary of Defense.

The Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics (ASD(MRA&L)) has eight deputies reporting to him. The DASD(RA) is one of those deputies.

Thus, if the Assistant Secretary (MRA&L) apportions his time and attention equitably, it is fair to say he devotes about one-eighth of his effort to Guard and Reserve matters. Or, to express it in Departmentwide terms, the DOD allocates one-eighth of the time of one-sixth of its Assistant Secretaries to the Reserve components which will—at mobilization—provide one-half of the nonstrategic combat capability and two-thirds of the combat and combat service support capability of the United States.

Chairman BILL NICHOLS' subcommittee was graphically reminded of these facts during the hearing on July 18, 1983. The current situation on the staff of the Secretary of Defense is

simply not working, nor has it worked since 1967 when the Reserve bill of rights was passed.

Dr. Theodore C. Marrs, a distinguished former Deputy Assistant Secretary of Defense for Reserve Affairs under two administrations, told the subcommittee that during his tenure between 1970 and 1974 he was allowed to see the Secretary of Defense on only three occasions. Two were for ceremonial purposes with Secretary Laird, and the third was his exit interview with Secretary Schlesinger following Dr. Marrs' resignation. It was only on this third and final visit that the Guard and Reserve was discussed at all. Evidently the Secretary of Defense was quite impressed with what he learned, since he tried to implement some of Dr. Marrs' recommendations.

Essentially, the same experience was related in testimony by Ray Webster, who also occupied that office. And today, Dr. Ed Philbin, the incumbent, is similarly denied access.

We in the Congress recognize that more than half of the Nation's total military strength resides in the Guard and Reserve. We also recognize that the strength, vitality, and well-being of the Reserve components is principally the result of direct congressional action.

However, it is also important to remember that substantial changes in the total force structure have occurred over the past 15 years. These changes have included significant reductions in the Active components, elimination of mandatory service and implementation of an All-Volunteer Force, increased reliance on the Guard and Reserve, institution of a rapid mobilization process for Guard and Reserve units and personnel, and greatly increased participation of the Guard and Reserve in peacetime defense missions and tasks. I share with all my colleagues the deep concern that the Defense Department has failed to provide the statutorily responsible member within the Office of the Secretary of Defense with the authority and access to effectively carry out the Reserve affairs responsibilities mandated by law.

We can no longer accept the current condition wherein the Secretary of Defense staff organization fails to connect the statutorily responsible individual for the Guard and Reserve with the decisionmaking and resource allocating bodies which determine and provide the material support levels for the Guard and Reserve.

The basis for adequately staffing the Assistant Secretary of Reserve Affairs, recognizes that this office will have cognizance over a force of guardsmen and reservists that include, with the exception of strategic warfare. All of the elements contained in the Active Forces. Furthermore, the Guard and Reserve is a force of approximately the same size as the Active components. However, the Guard and Reserve operate under different laws, directives, regulations, and policies than the active services because of their part-time military status. Thus, we should take special notice of the fact that every aspect of the training and support necessary for a strong and responsive Guard and Reserve occurs in a different statutory, policy and procedural environment with entirely different methods than similar training and support for the active components.

We must therefore provide the Assistant Secretary for Reserve Affairs the staffing necessary to perform every function for the Guard and Reserve that the rest of the Office of the Secretary of Defense performs for the other half of the total force. Only from this perspective is it apparent that the Reserve affairs staff positions must be carefully tailored to effectively serve the needs of the Guard and Reserve.

I urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. NICHOLS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HARTNETT

Mr. HARTNETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARTNETT: Page 69, after line 18, add the following new section:

BENEFITS FOR WIDOWS OF CERTAIN RETIRED RESERVISTS

SEC. 1043. (a) The Secretary concerned shall pay an annuity to any individual who is the surviving spouse or a dependent child of a member or former member of the uniformed services who—

(1) died during the period beginning on September 21, 1972, and ending on September 30, 1978; and

(2) at the time of his death would have been eligible for retired pay under chapter 67 of title 10, United States Code, but for the fact that he was under 60 years of age.

(b) An annuity under subsection (a) shall be paid under the provisions of subchapter II of chapter 73 of title 10, United States Code, in the same manner as if the member or former member had died after September 30, 1980, and had elected under section 1448(a)(2)(B) of such title to participate in the Survivor Benefit Plan established by such subchapter and had made a designation under section 1448(e) of such title to provide an annuity to become effective on the first day after his death.

(c) If an individual entitled to an annuity under this section is also entitled to an annuity under subchapter II of chapter 73 of title 10, United States Code, based upon a subsequent marriage, the individual may not receive both annuities but must elect which to receive.

(d) As used in this section—

(1) the term "uniformed services" means the Armed Forces and the commissioned corps of the Public Health Service and of the National Oceanic and Atmospheric Administration;

(2) the term "surviving spouse" has the meaning given the terms "widow" and "widower" in section 1447 of title 10, United States Code.

(3) the term "dependent child" has the meaning given such term in section 1447 of title 10, United States Code; and

(4) the term "Secretary concerned" has the meaning given such term in section 101(8) of title 10, United States Code, and includes the Secretary of Commerce, with respect to matters concerning the National Oceanic and Atmospheric Administration, and the Secretary of Health and Human Services, with respect to matters concerning the Public Health Service.

(e) This section shall apply to annuity payments payable for months after August 1984. No benefit shall accrue to any person by virtue of the enactment of this section for any period before September 1, 1984.

Mr. HARTNETT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. HARTNETT. Mr. Chairman, I offer this amendment on behalf of myself and the gentleman from Colorado (Mr. BROWN).

Mr. BROWN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. HARTNETT. I yield to the gentleman from Colorado.

Mr. BROWN of Colorado. Mr. Chairman, I think Americans believe in fair play. We recognized that in the 1970's when we passed the Pension Reform Act. Among other things, that Pension Reform Act said, that when an employee pays into a pension plan, there is a minimum amount of vesting. After 5 years, it is 25 percent; after 15 years, it is a minimum of 100 percent vesting in the plan.

The purpose of that was to avoid denying hard working employees the fruits of their labors. Yet in our military services there are a few reservists who served this country for 20 years, for 30 years. We hear some stories of those who even served 38 years. They served their country fully and faithfully, they paid into the retirement plan, and yet passed away just short of the age of 60. They not only got nothing, but their widows and survivors got absolutely nothing also.

There are almost 5,000 widows that have survived reservist servicemen, who's pension didn't vest. Many of the reservists, primarily men and women who served during World War II, were called back to serve their country during the Korean war. Many were called back to serve again and put in to just a minimum amount, but at least 20 and sometimes more years of service. Those people are without any retirement benefits.

Now, when Congress recognized the injustice of that in 1978, they passed a plan that gave people the option of having survivor benefits.

Let me read some of the description of that bill that they passed in 1978:

Approximately 1100 reservists and National Guard personnel who completed 20 years of service, but have not yet reached age 60, die each year. Presently their survivors receive no benefits based on the reserve retired pay that has become vested to the member.

In other words, these people have paid in, but receive nothing back.

Now we are considering appropriations in the billions of dollars. Surely we should have a higher priority for those who paid into the system, who served their time and served their country.

We have the story of many of these pensioners, many of these survivors. I plead with the Members to take the time to listen to their stories, to understand their plight and to deal fairly with those who have served their country and deserve to be treated fairly.

The amendment before us does nothing more than provide survivor benefits that have already been earned by those servicemen if they had lived to be age 60.

We are not talking about giving them anything they have not paid for. We are simply talking about making good the commitment that they paid into. We are talking about honoring our commitment to them, just as they honored their commitment to us.

Mr. HARTNETT. Mr. Chairman, if I could reclaim my time, I think it was Abraham Lincoln who said, "This country should care for him who has borne the battle and for his widow and for his orphan."

I think what the gentleman is telling us what this amendment would do, for example, if a man or woman has served 28 or 29½ years in active duty and in Reserve duty and then died and left a widow with a young child, she would not be entitled to any of the benefits whatsoever and that under the gentleman's amendment, she would.

Is that basically what the gentleman is saying?

Mr. BROWN of Colorado. That is right. Now, the exception, of course, in 1978 the Congress recognized the injustice of this. It did change the law from 1978 on; so the only period we are dealing with is 1972 to 1978.

Mr. HARTNETT. Mr. Chairman, let me reclaim my time again. The gentleman is talking about only an 8-year period, from 1972 to 1978.

Mr. BROWN of Colorado. A 6-year period.

Mr. HARTNETT. A 6-year period in which this same law that we recognized the injustice of in 1978 was not applicable to those whose spouse might have expired or died, deceased, before 1978; so what we are trying to do is bring them into the same law that we passed in 1978, so that they also would be covered by it. Is that basically what the gentleman is saying?

Mr. BROWN of Colorado. That is exactly right.

Mr. CRAIG. Mr. Chairman, will the gentleman yield?

Mr. HARTNETT. I am glad to yield to the gentleman from Idaho.

Mr. CRAIG. Mr. Chairman, I support the gentleman's amendment. When the gentleman first brought this to my attention, I felt that it was only a fair and appropriate approach that we recognize these widows.

Let me give an example of a widow that I am aware of in Pennsylvania. Her name is Rita M. Cawley, widow of Comdr. Edward M. Cawley, U.S. Naval Reserve.

Commander Cawley was commissioned into the Navy on active duty in November 1942. He was an aviation cadet and served on dirigibles on patrol duty in the South Atlantic during World War II.

During his military service to our country in World War II, he received both the American Theatre Ribbon and the World War II Victory Medal. He was discharged from active duty in January 1946.

In May 1948, Commander Cawley entered the Naval Reserves and would fly at his own expense to the Naval Air Reserve Station in Lakehurst, N.J., from Pittsburgh, Pa. He served in the military for approximately 25 years before retiring in 1967.

Commander Cawley passed away September 1, 1978, only 1 month before the effective date of Public Law 95-397 which would have permitted his wife, Rita M. Cawley, to receive the survivor benefits which he had contributed to. Mrs. Cawley has been left to support her daughter and grandchild with no other pension plan. Although she and her husband had counted on his military annuity, she will only receive social security.

Mrs. Edward M. Cawley resides at 100 Cerasi Drive, West Mifflin, Pa. 15122.

□ 2250

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. HARTNETT) has again expired.

(By unanimous consent Mr. HARTNETT was allowed to proceed for 1 additional minute.)

Mr. HARTNETT. Mr. Chairman, I will reclaim my time.

Mr. Chairman, I might mention to my colleagues here that this bill will cost nothing in fiscal year 1984 because there will be only 1 month's worth of outlays for benefit. In 1985 it is estimated it will cost approximately $22 million. But after that the average age of the widows will be 63 years old and after that it will decline by a rate of over 4 percent a year either through marriage or death or remarriage or whatever.

So I suggest to this Congress, I submit to you the cost is minimal, that we will be giving to all widows of reservists the same treatment prior to 1978 that we are giving to those subsequent to 1978.

I submit to the House that it is fair and I urge adoption of the amendment.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

I want to compliment the gentleman from Colorado (Mr. BROWN) for this amendment and just remind people what it is we are doing. We are talking about women who have been married to men in the military for 30 years, some as long as 38 years, and the only thing that transpired was the husband did not live to the age of 60 so that the pension would vest.

I think we have to keep that in mind. That is what we are talking about.

There are incredible numbers of hardship cases, and I do not think it makes us very proud to know that these people have fallen through the cracks.

I compliment the gentleman for his compassionate amendment.

I submit for the Members the case of Mary A. Barry.

Captain Barry served almost 30 years in the military. In 1943, he entered the U.S. Navy on active duty during World War II. He served on an aircraft carrier and was fortunate to survive the battle of Midway in the Pacific. After returning to the United States from the war, he established his own statistics business only to be recalled to fight in Korea. In his absence, the business failed and all of his and his family's savings were lost. He served a total of 7 years on active duty in both wars.

During World War II and the Korean conflict, Captain Barry received the following medals: five Silver Stars, two Bronze Stars, National Defense Service Medal, Asiatic Defense Campaign Medal, American Defense Sevice Medal, World War II Victory Medal, United Nations Medal, Asiatic-Pacific Campaign Medal, United Nations Service Medal, and Armed Forces Reserve Medal.

After the Korean war, Captain Barry volunteered to remain in the U.S. Naval Reserves and became the commanding officer of the Air Intelligence Squadron in Chicago, Ill. To fulfill his responsibilities as commanding officer, he would expend a great deal of personal time and fly at his own expense from Denver to Chicago. These duties were accomplished in addition

to his full-time career as a statistician for both McDonnell Douglas Aircraft and Martin Marietta. He also served at the Federal Center in Denver for 18 months prior to his retirement.

On April 1, 1972, Captain Barry was transferred to the Retired Reserves without pay or allowances. Both he and his wife, Mrs. Mary A. Barry, based their retirement planning on his reserve retirement benefits. In 1976, Captain Barry died at the age of 56. Even though he had contributed to the Reserve components survivor benefit plan, Mrs. Barry was not able to receive an annuity because he died before reaching age 60. She was left to support her three children and put them through college.

Mrs. Jeremiah J. Barry resides at 8812 East Amherst Drive, Unit A, Denver, Colo. 80231.

Mr. MONTGOMERY. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the amendment.

I want to commend the author of the amendment, the gentleman from Colorado (Mr. BROWN) who has talked to me about the amendment.

But, Mr. Chairman, the problem I have with the amendment, and I serve on the Subcommittee of Personnel, is that this amendment was not offered in the subcommittee or in the full committee. We really have not had a chance to really take a look at the amendment and how much it does cost.

I do know something of where I am coming from on this amendment in that I was one of the original authors of the survivor benefits for the National Guard and Reserve which passed in this House in 1972 and was updated in 1978. So I am concerned that the committee has really not had an opportunity to look at this amendment. We do not know how much it costs.

When we originally passed this legislation for survivor benefits there was an agreement that there would be no cost to the taxpayers and no cost to the Defense Department and it would be paid by the survivors who are receiving the survivor benefits.

In 1974, to protect the widows that the gentleman from Colorado (Mr. BROWN) is talking about, we did pass Selig insurance, veterans insurance that would give $20,000 additional insurance to those persons that were not covered under the survivors' benefits.

Mr. Chairman, if we pass this amendment the gentleman from Florida, (Mr. BILIRAKIS) will have an amendment to also cover other widows, and the cost of this amendment is estimated to be around $200 million. We are not sure what the Brown amendment will cost.

If I would have known that we were going to add these big cost items I certainly would have moved ahead with H.R. 1400, which is the GI education bill for the 1980's, which we really need to attract young men and women into the service, and start the educational bill back again that we had under the previous wars that we participated in.

So I am sorry that I have to oppose the gentleman's amendment. The subcommittee should have some time to look at it.

I was one of the original authors of the survivors' benefits and, quite frankly, I think we ought to be given the opportunity to at least have a look at the amendment.

Mr. BROWN of Colorado. Will the gentleman yield?

Mr. MONTGOMERY. I will be glad to yield to the gentleman from Colorado.

Mr. BROWN of Colorado. With regard to the inquiry with regard to the cost, I know this was one of the things the gentleman looked at and one of the reasons you did not go back earlier than 1978, because of concern over that.

We were able to get solid estimates out of the Defense Department. They estimated a total of 5,500 widows which fall in this category. We are estimating that probably 500 of them at least have died or remarried. It is probably much larger than that.

The average pension, if the serviceman, the reservist, had survived, would have been $682. But for this period, though, the average widower's pension would have been $375.

There is no money in 1983 in the bill. There is no cash outlay in 1984. But there would be one month of accrual and the estimate is it would be in the $22-million range for 1985. But my guess is that is quite high.

Mr. MONTGOMERY. I will accept the $22 million. But I am talking about the gentleman from Florida (Mr. BILIRAKIS) who also has an amendment which will be offered also for widows that were not protected under survivor benefits and that is estimated at $200 million.

So if we accept the gentleman's amendment, then we will have to accept the amendment to be offered by the gentleman from Florida, and there is just not enough money in there to do it.

I wish that the gentleman would withdraw his amendment and that we would look at his amendment next year and find out which way we could go on it.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Wisconsin.

Mr. ASPIN. I would like to commend the gentleman from Mississippi for his statement. I think what he said is absolutely correct.

Once you get into this whole area of changing these benefits then other people get to argue on equity grounds that their thing should be changed, too. And there are other amendments, as the gentleman from Mississippi said, which cost even more that are being proposed or at least listed as possible amendments that are going to be offered to this bill.

I think to deal with this thing piecemeal and to deal with these things in small bits and pieces is a very, very dangerous precedent.

Mr. MONTGOMERY. Quite frankly, taking back my time, I am really in effect arguing against my own folks. But I do not think this is the proper time to adopt this amendment and I hope the amendment will be defeated.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. BROWN of Colorado. Will the gentleman yield?

Mr. DELLUMS. I yield to my distinguished colleague and author of the amendment, the gentleman from Colorado (Mr. BROWN).

Mr. BROWN of Colorado. I thank the gentleman from California.

I might just observe, that I appreciate the gentleman's concern about other amendments that might come along. But I would hope my colleagues would not vote against this amendment for concern about the next amendment that comes along.

Each of us has had a measure come before the floor. Each of us is aware there are other proposals that could come forward.

I would hope this amendment would be considered on its own merits. It has been thoroughly researched. Its costs have been thoroughly documented.

Those who have had a chance to look at the equities on this question I think they will find the case is overwhelming. There are people who have served 38 years or longer in the service, some of them 5, 6, 7, 8, and 9 years without pay simply to accumulate retirement benefits, and then were cut off completely.

So I would hope the Members would consider this amendment on its own merits.

Mr. ASPIN. Will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Let me ask the gentleman who is the author of the amendment, at one point there were two different amendments kicking around. One required some kind of a payment, at least a partial payment, by the widows in this case toward the survivor benefit program and the other one did not.

As I understand it, the amendment that the gentleman from South Carolina (Mr. HARTNETT) offered, that that

did not have any contribution. Is that correct?

Mr. BROWN of Colorado. Will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Colorado.

Mr. BROWN of Colorado. The contributions, of course, have been made by the servicemen over the years.

Mr. ASPIN. I understand that. But there was no additional contribution. Why did not the gentleman offer the amendment that had at least some contribution?

Mr. BROWN of Colorado. I have an amendment at the desk that would require the widow to pay the entire amount that a serviceman might have paid if he had lived the full length of time, which is kind of a double jeopardy. But it was meant to garner some support, and if that changes anyone's vote, if they are willing to vote for the amendment because of that, I would be glad to offer that as a substitute.

Mr. DELLUMS. I yield to my colleague to respond to the gentleman.

Mr. ASPIN. I think that improves the amendment somewhat, but I still think that the amendment is going to be a cost to the taxpayers here and a precedent setter which is going to cause us some trouble.

Again I think that the way to deal with this issue is the way the gentleman from Mississippi suggested, which is that we ought to look at the whole issue of the survivor benefits programs and decide if we are going to change rather than just change for this group of people, people who became widows from 1972 to 1978 in the Reserves.

We ought to look at the whole issue because once you change that, then the people who became widows before 1972 want to make changes, and then the active forces people want to make changes, and the whole thing is up for grabs.

Then you are dealing with it piecemeal and not with an overall plan.

Mr. BROWN of Colorado. If I might respond just briefly, the reason we do not take it beyond 1978 is because that the survivor option has already been available after that date.

Mr. ASPIN. I understand that the law has changed.

Mr. BROWN of Colorado. The reason we do not deal with it before 1972 is because before that service members did not have the option for the survivors' benefits. They tell me this particular plan has a surplus in it, or has had $1.7 million paid in over and above expenses, so it is not in the red.

In addition, they tell me the original plan called for the Federal Government to provide up to 40 percent of the cost of the survivors' plan and none of that 40 percent has ever been paid.

The Federal Government has never come up with any of that 40 percent because they have not needed to do so. We are dealing with a plan that is defunct.

□ 2300

Mr. DELLUMS. I yield further to the gentleman (Mr. ASPIN).

Mr. ASPIN. The point about the surplus accumulating there is because the program just started in 1978. It is anticipated it is going to accumulate money because it has more people paying on it now than drawing on it. But in the long run that thing is going to level out and the amount coming in is going to equal the amount going out. But if you add in all these people, the widows from 1972 to 1973, you will be adding an added burden to that fund which was not calculated in the numbers that went into the figures that determined the contribution.

Mr. BROWN of Colorado. I appreciate the gentleman's point. Let me add this if I could and I do not think the gentleman disagrees, we are not talking about people who are going to receive a gift.

Mr. ASPIN. I understand.

Mr. BROWN of Colorado. We are talking about families who paid in 20, 25, 30, 40 years into the fund. We are not talking about a gift to somebody who has not earned it. We are talking about survivors benefits to a family who may have paid for four decades into the plan.

Mr. ASPIN. The gentleman knows that under the military retirement programs, there is no contribution, they have not paid in, just as they have not paid in under the regular forces retirement program.

Mr. BROWN of Colorado. Let me take issue in that regard.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 1 additional minute.)

Mr. DELLUMS. I yield briefly to my colleague.

Mr. BROWN of Colorado. I thank the gentleman.

Someone who has served in the Reserves, is told the retirement benefit is one of the benefits that he or she earns. I think in that sense they have contributed to the plan. Some of the cases that we have are people who served without pay, 4, 5, 6, even a case of someone serving 9 years without pay so they would earn that retirement benefit.

I emphasize again to the gentleman this is not something that has not been paid into or earned.

Mr. ASPIN. If the gentleman will yield, I understand that the retirement benefit was earned, it was not contributed to but was earned. The survivors benefit is another issue.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. DELLUMS was allowed to proceed for 1 additional minute.)

Mr. DELLUMS. I yield to my colleague from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. I thank the subcommittee chairman for yielding.

I wish the gentlemen, Mr. HARTNETT and Mr. BROWN of Colorado, would withdraw this amendment. As we go into the arguments we see it is very complicated. If the gentleman, Mr. BROWN of Colorado, would listen, Mr. ASPIN and a number of us here tonight would serve on this subcommittee, we will give you our dying word that we will certainly take this amendment up. We have all of next year to take a good hard look at it. But it is very complicated.

I am not really quite sure what the gentleman's amendment does, in the change. I believe Mr. HARTNETT might be in agreement for withdrawing the amendment and let the committee take a good hard look at it.

Mr. DELLUMS. Prior to yielding to my colleague from Colorado, I would like to say I rise in support of the amendment.

Penelope J. Kearns, wife of Lt. Col. Charles O. Kearns, Jr., U.S. Army Reserve. Lieutenant Colonel Kearns entered the U.S. Army on active duty in December 1942 and served in the Philippines and Japan during World War II in the transportation corps contingent to several major battles. Throughout the war, he served as a first lieutenant stevedore officer; second lieutenant supply status officer; and company commander in New Guinea, Philippines, and Japan.

Lieutenant Colonel Kearns received the following medals during his service to our country: Philippines Liberation Medal, Army of Occupation Medal, Asiatic-Pacific Medal, American Campaign Medal, and World War II Victory Medal. He was separated from active duty in the Army in December 1946.

In 1946, Lieutenant Colonel Kearns enlisted in the U.S. Army Reserve. During his Reserve service, he participated in several Reserve officer training programs. Each training program lasted 3 months. When he was first in the Reserves, he did not receive pay for many of his weekly meetings. His Reserve duties were performed in addition to his job as a general manager of the Building Trades Association. When he retired in January 1976, he had over 33 years of active and reserve military service. Lieutenant Colonel Kearns died on June 23, 1978, little more than 3 months before the effective date of Public Law 95-397. Mrs. Penelope Kearns is suffering from systemic lupus and is unable to work. Her only means of support is social security disability benefits. Mrs. Charles O.

Kearns, Jr., resides at 60008 Colle de Felice, San Jose, Calif. 95124.

● Mrs. BOXER. Mr. Chairman, I am pleased that the House is considering an amendment which will redress a serious problem in our country. Many widows of military reservists are not receiving any pensions because their husbands died before age 60 and before 1978.

The Brown amendment permits payment of an annuity to surviving spouses of military reservists who were eligible for retired pay, but who died between 1972 and 1978, before reaching age 60. The following is an actual case history we will redress with this amendment.

Eleanor Lilley, widow of Maj. John A. Lilley, U.S. Air Force Reserve. On October 16, 1941, Maj. John A. Lilley was inducted into the U.S. Air Force on active duty. During World War II, he was an airman assigned to England and later to North Africa where he flew A-36's and P-5's. In May 1943, he was shot down over Sicily and was a prisoner of war (POW) in German camps for 22 months from July 8, 1943 to April 29, 1945. He received the Purple Heart for being wounded in combat.

He had 32 years of active and Reserve service to our country, Major Lilley also received the following medals: American Defense Service, American Campaign Medal, World War II Defense Medal, European-Africa-Mediterranean Citation, Air Force Longevity Service Award, Small Arms Expert Marksmanship Ribbon, and Air Force Service.

On August 22, 1946, he applied for the Air Force Reserve and was commissioned as a second lieutenant. From 1947 to 1956, Major Lilley was assigned to the 95-50th Air Force Reserve unit in Jenkinstown, Pa., and served 9 years without pay. He started to receive pay at the rank of first lieutenant when he became part of the Ready Reserves on August 9, 1956. He received the promotions of captain on July 1, 1959, and major on July 1, 1966. In additional to spending one weekend a month and 2 weeks' tour of duty a year, Major Lilley took extension courses from 1954 to 1973 to add points to his service.

Major Lilley had a masters degree in civil engineering from the University of Pennsylvania. He held the following positions while in the Reserves: Ground safety officer, safety staff officer, development engineer specialist, staff civil engineer, base civil engineer, construction engineer, maintenance engineer, and aerospace engineer.

Shortly after serving his monthly weekend Reserve duty, Major Lilley died at the age of 53 in December 1973. Major and Mrs. Lilley had two sons. Mrs. Lilley has also had 12 foster children. Mrs. Lilley not received any annuity benefits from her husband's distinguished service because he died before reaching age 60. He had been qualified for a pension in all other respects. Mrs. John A. Lilley resides at 43 West Plumosa Lane, Lake Worth, Fla., 33463.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. HARTNETT).

The question was taken, and on a division, (demanded by Mr. HARTNETT) there were—ayes 45, noes 35.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. HUTTO

Mr. HUTTO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUTTO. At the end of the bill add the following new section:

TWO-YEAR EXTENSION OF PROHIBITION ON CONTRACTS FOR THE PERFORMANCE OF FIREFIGHTING AND SECURITY FUNCTIONS

SEC. 1116. (a) Except as provided in subsection (b), funds appropriated to the Department of Defense may not be obligated or expended before October 1, 1985, for the purpose of entering into a contract for the performance of firefighting or security-guard functions at any military installation or facility.

(b) The prohibition in subsection (a) does not apply—

(1) to a contract to be carried out at a location outside the United States (including its commonwealths, territories, and possessions) at which military personnel would have to be used for the performance of the function described in subsection (a) at the expense of unit readiness;

(2) to a contract to be carried out at government-owned but privately operated installation; or

(3) to a contract (or the renewal of a contract) for the performance of a function being performed by contractor personnel on the date of the enactment of this Act.

(c) Not later than March 1, 1984, the Secretary of Defense shall submit to Congress a written report containing as assessment of the special needs of the Department of Defense with respect to firefighting and base security and an assessment of how those needs are met by both Federal employees and contract personnel. The report shall be prepared in consultation with the United States Fire Administrator.

Mr. HUTTO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HUTTO. Mr. Chairman, I rise today in support of my amendment to the defense authorization bill. I offer this amendment with the active support of the gentleman from California (Mr. FAZIO) and the gentleman from Virginia (Mr. WHITEHURST). The basic purpose of this amendment is to extend for 2 years the existing moratorium on contracting-out the functions of security guards and firefighters at military installations.

Under current regulations set by the Office of Management and Budget (OMB), these functions are classified as "industrial services" and are, therefore, eligible for contracting-out. In my view, this classification is incorrect, for there is no clearer example than firefighting and base security services of an "inherently governmental activity"; that is, one that cannot be contracted out because it is so intimately related to the public interest as to mandate performance by Federal employees.

Although I firmly believe that firefighters and security guards should not be contracted out, I also understand the position of the opponents of this amendment who point out that there have been certain instances where these functions have been successfully contracted out.

However, there exists today, sufficient evidence that indicates the Department of Defense is not properly prepared to administer the contracting-out program. Adequate and necessary guidelines, plans, and controls to effectively manage the contracting-out program are lacking. And it should be mentioned that this lack of preparation applies to the overall contracting-out implementation—even the far simpler issues—not merely the more critical functions of firefighting and security guards. If there are still problems with contracting-out in general, do we want to take what could amount to very serious risks—in terms of life-threatening situations or compromise of classified information—in contracting-out the important areas of firefighting and security guards? I think not.

In fact, the Senate has also recognized these problems and, just 2 weeks ago, passed an amendment that is similar to the one I am now offering. My amendment takes into account, as did the already-passed Senate version, recent Department of Defense concerns by excluding overseas locations and Government-owned contractor-operated installations from the moratorium.

Moreover, the amendment squarely addresses the issue of precisely now contracting-out of firefighting and security guards affects our defense readiness. This issue is still being hotly contested by both sides. As I stated previously, I feel that these functions are absolutely essential elements in the ability of the base commanders to both perform and preserve the overall mission of our military installations. Because of their critical impact on our installation's readiness, I am firmly convinced that these two functions should be under the direct control of the installation commander and should not be contracted out. My op-

ponents feel differently. In order to settle this ongoing battle once and for all, my amendment requires the Department of Defense and the U.S. Fire Administrator to jointly conduct a study to address this issue. Utilizing both these organizations brings into play not only the special needs of the Department of Defense, but also brings into play the special expertise of professional firefighters from the Federal Emergency Management Agency, an agency independent of the Department of Defense.

In general, I support the basic cost-effective philosophy behind OMB Circular A-76, but as I stated previously, I strongly favor the firefighting and security guard functions staying under the direct control of the base commander. In my opinion, there have been too many horror stories that have resulted because of problems directly associated with contracting out these functions. For example, I have been told of a case where contractor firefighters were forced to watch a highly classified area burn because they did not have the proper security clearance to enter that area. I certainly do not think that cost should be such a principal determining factor when other overriding factors, such as operational readiness and national security, are involved.

In summary, far too many documented inadequacies still exist in the contracting-out area. Consequently, I recommend—and the evidence certainly overwhelmingly supports me—that the moratorium on contracting-out of firefighting and security guards be continued for another 2 years. I think that I have taken a completely justifiable approach in tempering the moratorium with reasonableness by excluding foreign installations and by including additional information in a study report. Without this information neither DOD nor Congress can adequately consider the importance of cost relative to the safety and security associated with the contracting-out of emergency services. These considerations are too important to be left to bureaucratic bias or guesswork as they involve the safety and security of all our military installations. I urge your support of my amendment.

Mr. DANIEL. Mr. Chairman, will the gentleman yield?

Mr. HUTTO. I yield to the gentleman from Virginia.

Mr. DANIEL. I thank the gentleman.

Mr. Chairman, our subcommittee has examined this matter very carefully. We commend the gentleman and would support his amendment. We have no objection to it.

Mr. HUTTO. Mr. Chairman, I thank the gentleman.

● Mr. FAZIO. Mr. Chairman, under current regulations set by the Office of Management and Budget (OMB), firefighting and military base security services are classified as "industrial services" and therefore eligible for contracting out. In my view, this classification is incorrect, for there is no clearer example of an "inherently governmental activity," that is, one that cannot be contracted out because it is so intimately related to the public interest as to mandate performance by Federal employees, than firefighting and police security services.

And why should firefighting and police security services be performed only by Federal employees? Because these functions are critical to the security of a military installation, and thereby essential to military readiness. Firefighting and police security services are an integral part of the ability of a base to function in a secure manner so as not to have the safety of base personnel, equipment and structures jeopardized. This of course goes hand in hand with the ability of the base to perform its military mission.

Federal firefighters are specially trained to handle duties associated with emergencies involving weapon systems, nuclear submarines, aircraft, the rescue of victims from contaminated areas, handling of radioactive materials, and so forth. These individuals are not allowed to strike as contract personnel can. Furthermore, Federal workers come under the direct supervision of the base commander unlike contracted personnel. Contracting out thus limits the command authority to oversee those services in direct support of base operations. For instance, no contract could possibly foresee the uncertain expansion and growth needs of bases that are involved in staging and support activities for the Rapid Deployment Force. With direct authority over Federal firefighters and security personnel, a base commander can give explicit orders and direct them in emergency situations. Under a contracting-out situation base commanders cannot discipline contract personnel or direct them to perform functions not specifically covered in their contract.

True, there are functions that, when more cost effective than performing them in-house, should be contracted out. But, cost effectiveness should never be the only criteria. We must also give careful consideration to the long-term effects of contracting out a particular function, and we must also be cognizant of whether or not such a function is essential to national security. Where the duties are so critical, and the risk of nonperformance or insufficient performance so great, we can ill afford to contract out.

So I rise in strong support of my colleague from Florida whose amendment is in accord with a similar measure I introduced.●

AMENDMENT OFFERED BY MR. BADHAM AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HUTTO

Mr. BADHAM. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BADHAM as a substitute for the amendment offered by Mr. HUTTO: At the end of the bill add the following new section:

REPORT ON CONTRACTING OUT OF BASE SECURITY AND FIREFIGHTING FUNCTIONS

SEC. 1111. Not later than April 1, 1984, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a comprehensive written report concerning conversions of base security and firefighting functions of the Department of Defense from performance by Department of Defense personnel to performance by contractor personnel. The report shall include—

(1) the results of a study of the impact that the six-month moratorium on cost comparison studies and the one-year moratorium on contracting-out of base security and firefighting functions contained in sections 305 and 1111, respectively, of the Department of Defense Authorization Act, 1983 (Public Law 97-252), have had on the management of resources by the Department of Defense and on the private sector, including small businesses;

(2) the results of a study of the impact within the Department of Defense of past and proposed conversions of firefighting and base security functions, including an analysis of the impact of such conversions upon personnel allocations, economic efficiencies, military readiness, and management efficiencies; and

(3) a copy of the guidelines and criteria that the Department of Defense uses in determining which firefighting and base security functions are appropriate for performance by the private sector, taking into consideration the nature, character, and mission of particular installations.

Mr. BADHAM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BADHAM. Mr. Chairman and Members, this is a substitute which I offer to replace the amendment offered by my good friend, the gentleman from Florida (Mr. HUTTO).

Mr. Chairman and Members, we in the 97th Congress enacted legislation that prohibited the Department of Defense from employing private firms to furnish security and firefighting services to defense installations.

We have now had almost a year's experience with this legislative provision. I am fully aware, fully in accord with the overriding considerations of military preparedness but we have found little real evidence that the use of the private sector in any way jeopardized our readiness posture. What we have found is other important governmen-

tal goals such as the promotion of opportunities for small business and efficient and economic government to have been impaired.

The Department recently testified that reliance on the private sector is a sure-fire way to save money.

Mr. HUTTO. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. I am happy to yield to the gentleman.

Mr. HUTTO. I thank the gentleman.

There is in my amendment a provision for an assessment whereby the Defense Department has to report back on the effects of contracting out of security guards and firefighters. So, I ask for an assessment in here. It tracks the Senate language asking that until we get the information, until it is proven cost effective, that it does not impede on readiness, that we continue and not contract out these positions, which involve matters of security. It is important that we not take away from the base commander the right to run his base and especially in very sensitive positions.

Mr. BADHAM. I would say to the gentleman that it is my understanding that the Senate has language in the present bill that would call for a further 2-year moratorium on contracting out.

Mr. HUTTO. That is correct.

□ 2310

Mr. BADHAM. This language, therefore, if adopted in substitute to the gentleman's language would make as a conference item for the conference the determination of which way we should go. We should either have the moratorium or we should study what we have already done as a moratorium basis.

Mr. HUTTO. I think the gentleman makes a good argument for continuing without the contracting provision because we certainly would not want to contract out now and then say what effect is this going to have. We want the study to be done before the contracting is done.

Mr. BADHAM. Well, I would say again, reclaiming my time, to the gentleman, my friend, from Florida, that we have communication after communication based on the contracting out that we have done, communications from the Deputy Secretary of State, the General Counsel of the Department of Defense, the Chief of Staff of the U.S. Army, the Senate Armed Services Committee, and document after document that say, "Please, don't further continue to tie our hands. Let us save $140 million."

Mr. HUTTO. If the gentleman will yield on that point, well, the thing is we have asked the Defense Department time and time again to show us where they are saving. They have not been able to substantiate savings and they have not come forth with the information that we have asked. These are very sensitive vital positions.

Mr. BADHAM. Reclaiming my time, what this substitute does to the gentleman's language, which will be in conference anyway, what this says is the House orders the Defense Department not later than April 1, 1984, to submit to the committees on our side and the Senate side a comprehensive written report now on April 1, 1984.

So I would suggest to the gentleman that if he would accede to my substitute he would have, in due respect, the best of all possible worlds. He would have a study by April 1, 1984, and the chance in conference to have both a study and the Senate language.

Mr. HUTTO. If the gentleman would continue to yield, but in the meantime we would have had possibly contracted out some of these so-called industrialized services.

I agree that some positions, under OMB Circular 876 can best be done by the private sector. But they are classifying security guards and firefighters as industrialized services and that is patently wrong. These are positions that we can best do in the House and it is in the best interest of readiness. So I would suggest that the gentleman would do well to withdraw his amendment.

The CHAIRMAN. The time of the gentleman from California (Mr. BADHAM) has expired.

Mr. BADHAM. Mr. Chairman, I ask unanimous consent to proceed for 4 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. GORE. Reserving the right to object, Mr. Chairman, there are a whole lot of Members who have amendments. I wonder if the gentleman might make do with 1 or 2 minutes.

Mr. BADHAM. Mr. Chairman, will the gentleman yield?

Mr. GORE. I yield to the gentleman from California.

Mr. BADHAM. I would prefer four I would say to my friend, the gentleman from Tennessee. I would make it less, but I would submit under the gentleman's reservation and his yielding to me, that the gentleman whose amendment I would offer to substitute my language for has taken up not only half, but indeed more than half of my time already.

Mr. GORE. Reclaiming my time, Mr. Chairman, I have nothing against what the gentleman is trying to do. It is just that there are so many of us who are waiting to offer amendments and there is so little time left under the previous reservation.

I will not object, but I would like to maybe serve notice that maybe we should not extend time from now on because there are so many other amendments.

Mr. HERTEL of Michigan. Mr. Chairman, will the gentleman yield.

Mr. GORE. I yield to the gentleman from Michigan.

Mr. HERTEL of Michigan. I thank the gentleman for yielding.

I understand the gentleman's point. I also understand the gentleman who has his amendment to the amendment now pending.

The problem is that we are trying to do many amendments before midnight. And I understand that all of us would like to finish by midnight. We are talking about things that deal with millions and billions of dollars and we are now trying to rush in and finish by 12 o'clock. At that point then we will have 5 minutes pro and con on those motions that are already pending at the desk and for those other amendments that have been put on the desk there will be no discussion whatsoever if they are not printed in the RECORD.

I just do not think, even though we all want to finish this bill, we all want to finish as early as possible, that this is the way to proceed on very serious issues.

Mr. GORE. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from California (Mr. BADHAM)?

There was no objection.

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. BADHAM. I yield to the gentleman from Iowa.

Mr. BEDELL. I thank the gentleman for yielding.

Mr. Chairman, I wish to commend the gentleman for his substitute. I think this is a very, very important issue and I see there is no choice except to do whatever we can to see that the gentleman's substitute is accepted.

I know we are late, but we are going to have to have a vote, if necessary, to see that we have an opportunity to try to get the gentleman's substitute.

Mr. BADHAM. I thank the gentleman for his contribution. I would say the subject matter here is whether or not we are going to go to conference with the ability to allow the savings of over $140 million per year.

Mr. Chairman, I yield back the balance of my time.

● Mr. SISISKY. Mr. Chairman, I rise in support of the amendment to the fiscal year 1984 Defense Department authorization bill which would prohibit contracting out the jobs of Federal firefighters and security personnel.

I represent the Fourth Congressional District in Virginia. Many of my constituents are employees of the Norfolk Naval Shipyard in Portsmouth. The shipyard is a heavy industrial, nuclear facility.

It is highly involved with the use and storage of extremely hazardous

materials. Base security and fire control are extremely critical to the safety of shipyard personnel and the surrounding communities.

The personnel at the shipyard have been trained by the Government at great expense. They have an in-depth knowledge of shipyard operations and conditions in the workplace. This knowledge enables them to do the best job possible.

These men and women are trained career professionals with an invaluable wealth of experience. They are not about to work for a contractor and face the prospect of losing their job every 3 years.

If the Federal Government contracts our fire protection or base security and an emergency occurs, the contractor—not the Government—would be responsible. I am frightened at that prospect.

I can give you examples of companies which filed for bankruptcy in the face of such responsibility. Indeed, I think we might all agree that private industry has a less than sparkling reputation of handling hazardous operations, as evidenced at Three Mile Island, the Love Canal and at Times Beach.

I am uncomfortable at the prospect of trading the proven life saving capability shown by our Federal firefighters and security personnel for the promise of a contractor who has no experience in handling problems of this magnitude.

If I am forced to choose between certain safety and marginal or uncertain savings, I will choose the safety of our Federal workers every time. And remember that we are not just talking about the safety of Federal workers at an isolated duty station. The Norfolk Naval Shipyard is right in the middle of one of my State's most heavily populated areas. We are talking about the safety and protection of all of the surrounding communities too.

Mr. Chairman, the question comes to my mind that if the administration places such a high priority on contracting out life-protecting services, if they really believe that contracting out these services is effective and efficient, why do they not propose contracting out the Secret Service?

I think we all know the answer to that. The life of the President is just too precious to trust to that kind of an arrangement. Well, I say that the lives of Federal workers and American citizens who live in communities near Federal installations are equally precious. I am not prepared to trust their safety to that kind of an arrangement.

The Government must accept responsibility for the safety and security of Federal installations and the surrounding communities. We cannot afford to have someone on the job who might turn their back in an emergency. We cannot afford to have someone on the job who does not know the inside of a ship like the back of their hand. And we cannot afford to have unqualified, uncertain personnel reponding to the threat of a hazardous chemical or nuclear emergency.

Mr. Chairman, let us face the facts. If we lose just one nuclear ship in one shipyard fire somewhere around the country, this whole illusory savings would be washed away. The value of Federal firefighters and Federal security personnel would be apparent to everyone, but it might be to late.

Let us not let that happen. Let us make sure that these highly skilled, highly trained, highly dedicated people stay on the job. Do not waste our investment and their wealth of experience.

We should prohibit contracting out the jobs of Federal firefighters and security personnel.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. BADHAM) as a substitute for the amendment offered by the gentleman from Florida (Mr. HUTTO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BEDELL. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred three Members are present, a quorum.

The pending business is the demand of the gentleman from Iowa (Mr. BEDELL) for a recorded vote.

A recorded vote was refused.

Mr. LEVITAS. Mr. Chairman, on that I demand a division.

On a division (demanded by Mr. LEVITAS) there were—ayes 29, noes 44.

So the amendment offered as a substitute for the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HUTTO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELLUMS: At the end of the bill add the following new section:

LIMITATION ON DEPLOYMENT OF PERSHING II AND GROUND-LAUNCHED CRUISE MISSILES

SEC. 1117. The Pershing II missile and the ground-launched cruise missile may not be deployed in Europe before December 31, 1984.

□ 2320

Mr. DELLUMS. Mr. Chairman and Members of the Committee, as the Clerk read, this amendment says that the Pershing II missile and the ground-launched cruise missile may not be deployed in Europe before December 31, 1984.

The practical effect of this amendment is to delay the deployment of the Pershing missile and the ground-launched cruise missile in Europe for 1 year. What I am simply trying to do here is to encourage negotiation to go forward.

To go back in history for a moment, Mr. Chairman and members of the committee, the so-called two-track decision that was arrived at in December 1979, was the following: NATO agreed to deploy 572 land-based missiles in Europe. These would be ground-launched cruise missiles and Pershing missiles. They would be deployed in December of this year if negotiations at Geneva did not produce an agreement that would limit theater nuclear weapons in Europe.

This is the so-called two-track decision.

My assertion, Mr. Chairman and members of the committee, is that this deployment would represent a dangerous escalation in the nuclear arms race and would actually lessen national security of the United States rather than to enhance it.

Let me give you a few arguments. First of all, I believe that to deploy the Pershing and the cruise missiles would be a Cuban missile crisis in reverse.

Mr. Chairman, the ground-launched cruise missile and the Pershing II missiles are to be forward-based within striking distance of the Soviet Union.

Now, since 1963, after the resolution of the Cuban missile crisis, neither the United States nor the Soviet Union have possessed land-based missiles outside of its own territory which have sufficient capability of reaching the other side.

Now, both the United States and the Soviet Union have voluntarily maintained this moratorium, that we would not deploy missiles on some other soil outside the United States that could reach the Soviet Union, and they agreed to do the very same thing.

To deploy the Pershing and the cruise missiles in December of this year would be to move against that moratorium, No. 1.

Mr. KEMP. Mr. Chairman, will the gentleman yield on this question?

Mr. DELLUMS. I yield to my colleague. The gentleman likes to interrupt the rhythm of the gentleman's intellect but——

Mr. KEMP. We are all fascinated by the gentleman's intellect.

Mr. DELLUMS. I am not here to be fascinating. I am here to stop what I think is a very dangerous situation.

Mr. KEMP. Well, then, OK. I apologize.

Mr. DELLUMS. I yield to the gentleman.

Mr. KEMP. No pun intended.

Mr. DELLUMS. No acrimony. I yield to the gentleman.

Mr. KEMP. I agree.

Mr. Chairman, I want to ask the gentleman about the moratorium from this standpoint: First, I have read the Kennedy-Kuznetsou agreements, and I have seen no promised mutual moratorium such as the gentleman is suggesting. But putting that aside, I would like to ask, How is it possible to come to a conclusion that any moratorium is being broken by the United States of America unilaterally when in fact the very threat that this country faces with its allies in Europe from the SS-20 is the result of a unilateral breaking of that moratorium by the Soviet Union? The gentleman does not speak at all about the SS-20 deployed against every major city in Europe.

Mr. DELLUMS. Is that the gentleman's question?

Mr. KEMP. That is the gentleman's question.

Mr. DELLUMS. Then the gentleman did not hear my opening remarks.

What I said was that the United States and the Soviet Union have agreed to a moratorium which states that neither country shall deploy weapons outside of their own country that have the capacity to reach the other side.

Now, the SS-20 does not have the capacity to reach the United States. But the Pershing missile and the cruise missile do indeed have the capacity to reach the Soviet Union.

In the instance of the Pershing missile, it is the most accurate missile this country has developed. It has the capacity to travel between 1,000 and 1,200 nautical miles. It has the capacity to reach at least some of the Soviet's command and control.

I will answer the gentleman's question on the SS-20 a little later in my remarks, unless the gentleman wants me to yield to him again.

Mr. KEMP. Well, this so-called agreement on a moratorium interests me, because the SS-20 has an intercontinental capability.

Mr. DELLUMS. I hope the gentleman will help me get some additional time.

Mr. KEMP. The gentleman has never had any trouble getting additional time as long as I have been here.

Mr. DELLUMS. I yield to my colleague.

Mr. KEMP. The SS-20, if moved to northern deployment sites, or through the addition of a third stage, becomes a strategic weapon, capable of reaching the United States, I would suggest to the gentleman.

The CHAIRMAN. The time of the gentleman from California (Mr. DELLUMS) has expired.

(On request of Mr. EDGAR and by unanimous consent, Mr. DELLUMS was allowed to proceed for 5 additional minutes.)

Mr. DELLUMS. Mr. Chairman, if I may proceed with my argument, I have indicated that I think the deployment of the Pershing and the cruise missile is a de facto violation of that moratorium that has been reached between the United States and the Soviet Union.

Second, Mr. Chairman, the Pershing missile, as I indicated, is a highly accurate weapon. It can travel between 1,000 and 1,200 nautical miles. It can indeed reach at least some of the Soviet's command and control.

Mr. Chairman, this weapon can reach the Soviet Union between 6 and 8 minutes. It takes a weapon between 25 and 30 minutes to travel from the United States to the Soviet Union and vice versa. On more occasions than any of us in this room would be comfortable with our computers have malfunctioned, stating that the United States was under imminent nuclear attack from the Soviet Union.

Now, granted those computers made a mistake. But we had 10 or 15 minutes to make that evaluation.

Now, what happens if the Soviet computers malfunction and say that they are under imminent attack and the weapon has travel time of only 6 to 8 minutes? They do not have time to evaluate the computer, which means they will have to, in response to that deployment, place their missiles in a launch-on-warning situation, which in my estimation takes the world in a quantum fashion closer to the brink of nuclear war by making the possibility of nuclear war more imminent simply by mistake.

I would add one other point. When you look at who are the computer technologists in the world, the United States and Japan are superior in the area of computer technology. The Soviet Union does not even rank as one of the top nations in computer capability. And here the world may hang on the brink of inept computer technology on the part of the Soviet Union if we indeed deploy this weapon 6 to 8 minutes away.

That, in my estimation, is incredibly dangerous.

Second, the ground-launched cruise missile, while it is slower, can travel even further into the Soviet Union, capable of attacking military targets.

So I believe it is a Cuban missile crisis in reverse.

Second, both of these weapons are war-fighting weapons. They go beyond deterrence. Why do we need to deploy an ICBM 6 to 8 minutes from the Soviet Union for deterrence? Why do we need to have a ground-launched cruise missile deployed that is small, that is capable, that goes beyond verifiability, that is pointed at the Soviet Union? It cannot be for deterrence.

Mr. Chairman and members of the committee, my third argument is this: It is a costly bargaining chip. The Reagan administration claims that to deploy the cruise missile and the Pershing missile would require the Soviet Union to come to the table for the purpose of negotiation. All of the Members who went on the trip to the Soviet Union came back, and each one of them said that members of the Soviet Union were more afraid of the deployment of the Pershing missile than any other weapon we have. Therein lies the issue that I am trying to address.

I do not believe that the deployment of these weapons is the threat to the Soviet Union. Once you deploy them, the ball game is over. You force the Soviet Union to respond. I think it is in the threat of deployment.

What I am saying to you, my colleagues, is: Let us defer this deployment for 1 year. Let us allow the negotiations to take place. I believe if we depoly these weapons we are going to force the Soviet Union into a hostile response, we are going to accelerate the arms race and we are going to create a great many problems.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from California, my colleague and friend, Mr. DELLUMS, makes several good points. I agree with him that it would be advisable for the United States to delay deployment of the ground launched cruise and Pershing II missiles for a year in order to give the INF talks a chance to succeed.

The amendment would not affect funding for development or production of either weapon. It would not give the Soviets any reason to think that we are not taking seriously their threatening missiles, such as the SS-20. It would not give the Soviets any reason to think that we had suddenly gone soft. The threat of deployment of the Pershing II and cruise missiles would remain, and it is that threat that is most productive at the bargaining table. Once the deployment has taken place, the Soviets would be forced to respond, and the two sides would once again be hardened into belligerent positions from which retreat will be impossible. That is the history of the arms race.

We want to make progress at the INF talks before the Pershing II and cruise missiles are deployed because, later, progress would be substantially more difficult.

These missiles, especially the Pershing II, are provocative. A Pershing II could reach and destroy Soviet targets, such as missile stations or com-

mand and control centers, in less than 10 minutes from launch. These missiles would not be seen by the Soviets as retaliatory weapons. Rather, these missiles would be seen as useful to the United States for a first strike at the Soviet missiles and for a so-called decapitating strike to destroy Soviet command and control centers. Such a threat against command centers on Soviet homeland would force a response from the Soviets, I am sure. And that response would not be for the Soviets to throw in their cards at the negotiating table and to say to us, "You win." Instead, we can expect the Soviets to respond with their usual mixture of anger and paranoid fear. But that is not the response the world needs. We need sensible negotiating, by rational negotiators, talking without additional fear and threats. Both sides are threatened enough already to motivate serious negotiating. The whole world is already threatened enough.

If these missiles are deployed, the Soviets would have less than 10 minutes to decide their response to a perceived attack. In other words, they would be forced to a launch-on-warning position. As my colleagues have pointed out, with our intricate defense warning systems there is too much chance for human, mechanical, or computer error. A computer malfunction or a human mistake in Russia that is not detected for 10 minutes could send Soviet missiles flying in retaliation for a Pershing II attack that, in fact, never happened.

In a current popular film that deals with a fictional story about missile computer mistaken there is a line that is relevant to our discussion here. That line is "The only winning move is not to play the game."

I ask my colleagues to approve the delay in Pershing II and cruise missile deployment. Let us give the INF talks a chance to succeed and in turn give the START talks a chance to succeed so that these missiles, which would make the world situation so much more unstable than it already is, will not have to be deployed, ever. There is no winning move in this European nuclear arms race.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I would say to the gentleman that I was on that trip to the Soviet Union. I think I have to take a slightly different perspective than the gentleman does.

I did not vote for the MX missile last time. But I did see that the Soviets were mighty concerned about the deployment of the Pershing II and the groundlaunched cruise missile.

Now, you could take the attitude, "Well, let us defer for another year," which may happen anyway. Our negotiators may decide to defer deployment for a while. But I think if there is any item that is going to get them to negotiate seriously at either the INF or START talks, it will be this item.

The CHAIRMAN. The time of the gentleman from California (Mr. DELLUMS) has expired.

Mr. GLICKMAN. Mr. Chairman, I ask unanimous consent that the gentleman from California be permitted to proceed for an additional half minute.

The CHAIRMAN. The Chair will make this observation: The Chair is going to be fair about the debate that will continue in this Chamber. There are many Members, the Chair recognizes, who are seeking recognition, and the further extension by unanimous consent may be objected to by the Chair.

Is there objection to the request of the gentleman from Kansas?

There was no objection.

□ 2330

Mr. GLICKMAN. Mr. Chairman, I just make the point that I think that if we, in fact, extend deployment at this time, it would probably be the worst thing we could do for our negotiators.

Mr. DELLUMS. Mr. Chairman, if I could reclaim my time, let me say this: I think that we have to encourage the Soviet Union to back down from the SS-20, but I do not think you get a reduction in the SS-20 by some rigid adherence to a deployment schedule. You do it in the promotion of negotiation.

All I am saying is, once you deploy this very dangerous weapon, the world is on the brink of nuclear war and I think we can afford to defer this weapon for 1 year.

● Mrs. KENNELLY. Mr. Chairman, I rise in support of my colleague Mr. DELLUM'S amendment to delay the scheduled European deployment of the ground-launched cruise missiles and the Pershing II missiles for 1 year.

The deployment of these weapons in Europe repesents the beginning of a frightening new chapter in the arms race, one from which it will be hard to retreat. As John Steinbruner has written in the Brookings Review—

From a Soviet military perspective, the deployment of U.S. intermediate range missiles in Europe is a significant new dimension of strategic threat. The presumed target of these weapons is not the SS-20 featured in the NATO rationale but rather the central strategic command system of the Soviet Union, concentrated around Moscow and in the Western part of the Soviet Union.

This set of targets put the Russians' entire strategic capability in jeopardy. The flight time to these targets of a Pershing II ballistic missiles is so brief that meaningful reaction from Soviet commanders after the missiles were fired would be impossible as a practical matter . . .

As Soviet military planners have long recognized and American planners have more recently and reluctantly conceded, the central command system of strategic forces is at once the most vulnerable and most valuable strategic target. It is a network of command centers and communications links whose critical elements are relatively few in number and inherently vulnerable to attack, given the offensive firepower of modern weapons. Without the central command system's surviving, strategic forces are militarily useless, for their actions cannot be coordinated: to the Soviet Union, they are probably considered politically dangerous as well. Though its ultimate decisiveness is inherently uncertain, a pre-emptive threat against the opponent's command system is nonetheless the only conceivable path to victory in nuclear war. The Soviet Union is not likely to concede to the United States even a remotely credible advantage in conducting such an attack.

Since the deployment of ove the chances of achieving arms control by providing more time for the United States and the Soviet Union to work out realistic compromises in the current talks. Although we might wish things were different, in reality, there is little chance that the complex details of a European arms limitation agreement can be worked out in the next few months. The Soviets will likely break off the current talks once deployment occurs, as they have said they will. Since these talks on intermediate range weapons, begun in late 1981, have recently shown signs of progress, now is certainly not the time to precipitate their demise.

Some opponents of the delay in deployment fear that the delay means a violation of the commitment we made to NATO in 1979 to deploy these weapons. But the NATO ministers' decision in 1979 to deploy was a two track decision. In order to avert an arms race in Europe, the NATO ministers decided to deploy the cruise and Pershing II missiles while at the same time pursuing negotiations to limit these weapons. It was hoped that the planned NATO deployments would become unnecessary because of the negotiations or at least that many fewer weapons would actually be needed. It was also presumed when the agreement was made in 1979 that there would be 4 years before deployment began in which to negotiate an agreement. Although arms control was supposedly given equal weight with the missile deployment, the United States did not begin talks until November 1981, almost 2 years after the NATO decision was made. The arms talks were delayed, but meanwhile full scale development and production of the new missiles went ahead without interruption. A delay in deployment now would simply give the arms control talks time to catch up to the weapons systems. And it would merely meet the schedule which the NATO ministers envisioned when they reached the two track decision in 1979. In addition, no

military harm will befall us as a result of a 1-year delay, since only a few missiles will be operational in Europe in 1984 in any event.

What would the Soviets do if the deployment goes ahead on schedule? Recent Soviet statements indicate that they will respond in one of three ways—by deploying new missiles of their own closer to the United States or on Western European territory, by moving to a launch-on-warning system, or by breaking off arms control talks completely. All of these outcomes are not only undesirable but completely counterproductive to arms control.

The United States is the logical country to initiate the delay in deployment. Since 1979, the United States has played a key role in pressing for the missile's deployment within NATO. Since the United States is the only NATO country paying for these missiles, and the only country negotiating with the Soviet Union, our leadership on this subject is essential if we are to reach any kind of agreement.

One final point needs emphasis. This amendment only delays the deployment now. It does not prohibit the development of the system or affect deployment 1 year from now. If we have not reached an agreement within 1 year, these weapons will still be ready to go. And there may indeed be greater consensus among our allies in Europe that deployment is proper and warranted. But deployment in December is a mistake, and I urge my colleagues to vote for this amendment.●

● Mr. MARKEY. Mr. Chairman, I rise in support of the amendment to delay the deployment of the Pershing II and ground-launched cruise missiles.

Mr. Chairman, the United States and our NATO allies are quickly painting themselves into a corner with the scheduled deployment of the Pershing II and the ground-launched cruise missiles.

The deployment is scheduled to begin in December of this year.

But as we all realize, it is a deployment nobody is particularly looking forward to.

Opinion polls show that a majority of Europeans oppose the deployment or favor a delay in the deployment.

The leaders of Europe are praying that some type of agreement can be reached between the United States and the Soviet Union on INF so they do not have to face this deployment.

We all realize that the deployment—rather than uniting NATO—will cause further divisions in the alliance.

And we all realize that an INF agreement is unlikely before December of this year.

Our negotiators in Geneva can reach an agreement with the Soviets. It is just apparent that they are going to need more time.

That is why I urge my colleagues to support the Dellums amendment. It offers some breathing room for our negotiators in Geneva.

Deployment of the Pershing II and GLCM are part of a two-track decision the United States agreed to implement with our European allies in 1979. One track was negotiations with the Soviets on an INF agreement that dealt with their deployment of SS-20's. The other track was deployment of the Pershing II and ground-launched cruise missiles if the INF talks failed.

Also implicit in this two track-decision was the European belief that the United States and the Soviet Union would continue implementing strategic arms treaties, that the United States would approve SALT II and that we would be negotiating SALT III.

But as we all know, the two-track decision has ended up being a cone-track decision. The INF talks are stalled. The Reagan administration has refused to push for ratification of SALT II even though it recognizes that the treaty is valuable and has pledged to abide by it. And even the latest START proposal looks like it is going nowhere.

So it looks like we are going to be stuck with the deployment and no arms control agreement.

The deployment of the Pershing II poses a particularly troublesome threat to our national security.

The Pershing II has a hard-target kill capability. Therefore, it can be used as a first-strike weapon.

But even more disturbing, the Pershing II deployed in Europe would be capable of reaching and destroying Soviet hard targets deep within the Soviet Union in less than 10 minutes.

How will the Soviets react to this?

Well how do you think the United States would react if the Soviets put hard-target-kill weapons in Cuba that could hit the outskirts of Washington in less than 10 minutes?

Installing Pershing II's in Europe will put a hair trigger on deterrence.

The Soviets would have only 10 minutes to decide whether the blips on their radar are incoming warheads or false alarms.

This would induce them to adopt a launch-on-warning posture, to use their missiles rather than lose them in an attack.

Launch on warning, as we all know, is a dangerous posture to take. Computers can fail. A false alarm could accidentally set off a nuclear war.

The arms control implications should be enough to sink this dangerous weapon.

But what I do not think has been too carefully considered in the Congress is the fact that deployment of the Pershing II and the ground-launched cruise missile in Europe represents a waste of our military resources.

And that is not my opinion. That is the opinion of a high-ranking Pentagon official. According to a June 2 report in the Boston Globe, none other than Richard Perle, Assistant Secretary of Defense for International Security Policy, told a group of reporters and editors that the United States made a mistake when it decided in December 1979 to deploy the Pershing II and the GLCM's.

According to the Globe, Mr. Perle told the reporters and editors that the Pershing II's and the GLCM's never have had much military utility mainly because they are vulnerable to attack. Mr. Perle went on to say that the Pershing II and the GLCM have caused far more political damage within the NATO alliance than they are worth.

Now there is very little Richard Perle and I agree on. But in this case, I couldn't agree more with his conclusion that the Pershing II and the ground-launched cruise missile have no political utility in Europe.

The only reason we are deploying them is to stick to a bad decision that was made 3 years ago, according to Mr. Perle, and I agree with him wholeheartedly.

That's why we need to cancel this project before we box ourselves into a situation nobody wants.

The deployment of the Pershing II and GLCM in Europe has been justified to correct an asymmetry in land-based, intermediate-range ballistic missiles based in Europe. The Soviets have 600 SS-4's, SS-5's and SS-20's, while we have no comparable systems.

But what has largely gone unnoticed is the fact that the United States in the past has not only accepted this asymmetry but has intentionally created it.

For example, in the 1960's, then Secretary of Defense Robert MacNamara did not try to match Soviet superiority in intermediate land-based missiles in Europe.

Far from it. MacNamara withdrew comparable U.S. systems such as the Thor and Jupiter ballistic missiles and the Mace and Matador cruise missiles from the European theater.

In other words, MacNamara intentionally expanded the asymmetry and he did so for sound military reasons.

He removed those land-based missiles in favor of less vulnerable submarine-launched Polaris missiles.

In other words, the asymmetry the administration is so worried about now as emphasized in the 1960's as part of a sound defense plan.

And as Mr. Perle has noted, trying to correct that asymmetry now with the installation of Pershing II's and GLCM's represents an unsound military decision, because it would involve putting missiles back into a vulnerable basing mode on land.

For these reasons, I urge the House to adopt the Dellums amendment.

Delaying the Pershing II and GLCM deployments not only makes good arms control sense—it makes good military sense.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DELLUMS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DELLUMS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred eighteen Members are present, a quorum.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from California (Mr. DELLUMS) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 101, noes 320, not voting 12, as follows:

[Roll No. 273]

AYES—101

Ackerman	Gonzalez	Panetta
Addabbo	Gray	Paul
AuCoin	Hall (IN)	Pease
Bedell	Harkin	Rangel
Beilenson	Hawkins	Ratchford
Berman	Jacobs	Rodino
Biaggi	Kaptur	Roybal
Bonior	Kastenmeier	Sabo
Bonker	Kennelly	Scheuer
Bosco	Kildee	Schneider
Boxer	Kostmayer	Schroeder
Brown (CA)	LaFalce	Schumer
Burton (CA)	Leach	Seiberling
Carr	Lehman (CA)	Shannon
Clay	Lehman (FL)	Sikorski
Coelho	Leland	Staggers
Collins	Levine	Stark
Coyne	Lowry (WA)	Stokes
Crockett	Markey	Studds
Dellums	Martinez	Swift
Downey	Matsui	Torres
Dymally	Mavroules	Torricelli
Early	McKinney	Towns
Eckart	Miller (CA)	Vento
Edgar	Mineta	Walgren
Edwards (CA)	Mitchell	Waxman
Evans (IL)	Moakley	Weaver
Feighan	Moody	Weiss
Foglietta	Morrison (CT)	Wheat
Ford (MI)	Nowak	Wirth
Ford (TN)	Oakar	Wolpe
Frank	Oberstar	Wyden
Garcia	Ottinger	Yates
Gejdenson	Owens	

NOES—320

Akaka	Bilirakis	Carper
Albosta	Bliley	Chandler
Alexander	Boehlert	Chappell
Anderson	Boggs	Chappie
Andrews (TX)	Boland	Cheney
Annunzio	Boner	Clarke
Anthony	Borski	Clinger
Applegate	Boucher	Coats
Archer	Breaux	Coleman (MO)
Aspin	Britt	Coleman (TX)
Badham	Brooks	Conable
Barnard	Broomfield	Conte
Barnes	Brown (CO)	Cooper
Bartlett	Broyhill	Corcoran
Bateman	Bryant	Coughlin
Bennett	Burton (IN)	Courter
Bereuter	Byron	Craig
Bethune	Campbell	Crane, Daniel
Bevill	Carney	Crane, Philip
D'Amours	Kasich	Rahall
Daniel	Kazen	Ray
Dannemeyer	Kemp	Regula
Daschle	Kindness	Reid
Daub	Kogovsek	Richardson
Davis	Kolter	Ridge
de la Garza	Kramer	Rinaldo
Derrick	Lagomarsino	Ritter
DeWine	Lantos	Roberts
Dickinson	Latta	Robinson
Dicks	Leath	Roe
Dingell	Lent	Roemer
Donnelly	Levin	Rogers
Dorgan	Levitas	Rose
Dowdy	Lewis (FL)	Rostenkowski
Dreier	Lipinski	Roth
Duncan	Livingston	Roukema
Durbin	Lloyd	Rowland
Dwyer	Loeffler	Rudd
Dyson	Long (LA)	Russo
Edwards (AL)	Long (MD)	Sawyer
Edwards (OK)	Lott	Schaefer
Emerson	Lowery (CA)	Schulze
English	Lujan	Sensenbrenner
Erdreich	Luken	Sharp
Erlenborn	Lundine	Shaw
Evans (IA)	Lungren	Shelby
Fascell	Mack	Shumway
Fazio	MacKay	Shuster
Ferraro	Madigan	Siljander
Fiedler	Marlenee	Simon
Fields	Marriott	Sisisky
Fish	Martin (IL)	Skeen
Flippo	Martin (NC)	Skelton
Florio	Martin (NY)	Slattery
Fowler	Mazzoli	Smith (FL)
Franklin	McCain	Smith (IA)
Frenzel	McCandless	Smith (NE)
Frost	McCloskey	Smith (NJ)
Fuqua	McCollum	Smith, Denny
Gaydos	McCurdy	Smith, Robert
Gekas	McDade	Snowe
Gephardt	McDonald	Snyder
Gibbons	McEwen	Solarz
Gilman	McGrath	Solomon
Gingrich	McHugh	Spence
Glickman	McKernan	Spratt
Goodling	McNulty	St Germain
Gore	Mica	Stangeland
Gradison	Michel	Stenholm
Gramm	Mikulski	Stratton
Green	Miller (OH)	Stump
Gregg	Minish	Sundquist
Guarini	Molinari	Synar
Gunderson	Mollohan	Tallon
Hall (OH)	Montgomery	Tauke
Hall, Ralph	Moore	Tauzin
Hall, Sam	Moorhead	Taylor
Hamilton	Morrison (WA)	Thomas (CA)
Hammerschmidt	Mrazek	Thomas (GA)
Hance	Murphy	Traxler
Hansen (UT)	Murtha	Udall
Harrison	Myers	Valentine
Hartnett	Natcher	Vander Jagt
Hatcher	Neal	Vandergriff
Hefner	Nelson	Volkmer
Hertel	Nichols	Vucanovich
Hightower	Nielson	Walker
Hiler	O'Brien	Watkins
Hillis	Obey	Weber
Holt	Olin	Whitehurst
Hopkins	Ortiz	Whitley
Horton	Oxley	Whittaker
Howard	Packard	Whitten
Hoyer	Parris	Williams (MT)
Hubbard	Pashayan	Williams (OH)
Huckaby	Patman	Winn
Hughes	Patterson	Wise
Hunter	Penny	Wolf
Hutto	Pepper	Wortley
Hyde	Perkins	Wright
Ireland	Petri	Wylie
Jeffords	Pickle	Yatron
Jenkins	Porter	Young (FL)
Johnson	Price	Young (MO)
Jones (NC)	Pritchard	Zablocki
Jones (OK)	Pursell	Zschau
Jones (TN)	Quillen	

NOT VOTING—12

Andrews (NC)	Foley	Lewis (CA)
Bates	Forsythe	Savage
Conyers	Hansen (ID)	Wilson
Dixon	Heftel	Young (AK)

□ 2350

Mr. ALBOSTA changed his vote from "aye" to "no."

Mr. COELHO and Mr. LEVINE of California changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mrs. HOLT. Mr. Chairman, I move to strike the last word.

At this time I would like to engage the distinguished chairman of the Seapower and Strategic and Critical Materials Subcommittee in a dialog concerning a program very important. I am referring to the LHD ship and, specifically, the highfrequency communications system to be procured for that ship.

Mr. BENNETT. I would be happy to engage in such a discussion with the gentlelady from Maryland, if the gentlewoman would yield.

Mrs. HOLT. I understand that the committee is recommending authorization of about $1.3 billion for the LHD ship. This ship will be a new type of amphibious warfare carrier and will carry assault troops, landing craft, helicopters, and AV-8b Harriers. It is also my understanding that the Navy presently plans to procure a wide-band, highfrequency communications system for the LHD and other applications without conducting a competition for this system. I have spoken to representatives of the Navy and they confirm this intent, and claim that there will be no other wide band communications systems available to meet the ship's schedule. However, I am aware of at least one company who will have a proposal ready in August and who claims that the schedule can be met.

Mr. CHAIRMAN. I yield to the gentleman from Florida.

Mr. BENNETT. I am aware of the claims that have been made. The Navy has conducted a test of the existing highfrequency communications system on the U.S.S. *Caron.* What would the gentlelady suggest?

Mrs. HOLT. I have reviewed the results of that test, and while I am not a technical expert, it is my opinion that the test does not prove that the existing system will meet the needs of the U.S. Navy in the 1990's. Mr. Chairman, I believe that the Navy should conduct a formal competition for the highfrequency communications system for the LHD ship and for any other follow-on ship that needs such a communications system.

Mrs. BYRON. Mr. Chairman, will the gentlewoman yield?

Mrs. HOLT. I am happy to yield to the gentlewoman from Maryland.

Mrs. BYRON. Mr. Chairman, I would ask one quick question. My understanding is that this system insofar as the ship construction is concerned

allows ample time to integrate any system because that is not about to be done for the next year and one-half to 2 years.

Mrs. HOLT. The gentlewoman is absolutely correct.

Mr. BENNETT. Mr. Chairman, if the gentlewoman will yield further, I certainly agree that competition should be held wherever possible. I firmly believe that almost always through competition can we procure and maintain the best systems for our forces at the most reasonable cost, and I will communicate the concerns you have raised to the Secretary of the Navy and urge that the communications system be procured competitively if possible.

Mrs. HOLT. Mr. Chairman, I thank the subcommittee chairman. I certainly appreciate the opportunity to clarify this matter with him.

AMENDMENT OFFERED BY MR. STRATTON

Mr. STRATTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STRATTON: At the end of the bill, add the following new section:

REPEAL OF REQUIREMENT FOR RETIREE SUGGESTION PROGRAM

SEC. 1111. (a) Section 2390 of title 10, United States Code, is repealed.

(b) The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2390.

Mr. STRATTON. Mr. Chairman, this amendment was requested by the administration on February 23, 1983, by Executive Communication Number 421 (letters to the Speaker and the President of the Senate) as a part of the administration's legislative program. Subsequently, the text of the legislation was introduced by Chairman PRICE and Mr. DICKINSON by request as H.R. 2108.

This amendment would delete section 2390 of title 10, United States Code. Section 2390 requires that the Secretary of Defense request of each retiring commissioned officer and each retiring civilian employee above grade GS-12 who was employed in or assigned to military procurement within 1 year of retirement, suggestions for methods to improve procurement procedures. This requirement was originally enacted as section 815 of the Department of Defense Appropriation Authorization Act of 1978 (Public Law 95-79).

Since the inception of the program, only a limited number of retirees have submitted suggestions: 11 in fiscal year 1977, 13 in fiscal year 1978, 6 in fiscal year 1979, and 7 in the first 9 months of fiscal year 1980. None of the suggestions brought forth new concepts. All suggestions of merit were under consideration or had been previously considered. In the opinion of the Department of Defense, the limited response was attributable to the fact that most retirees had presented their suggestions for improvement during their active careers.

It is believed that the retiree suggestion program is unnecessary and serves no useful purpose. It has imposed an unnecessary administrative burden on the Department of Defense and the military departmnts in reviewing and evaluating suggestions received, in maintaining records, and in preparing responses. The program is of no value in practice, and it diverts the time and attention of high level personnel from other pressing matters.

Well-motivated people, throughout their careers, make suggestions for improvements in procurement procedures through normal communications in day-to-day operations, through procurement conferences and seminars conducted by Department of Defense components annually, and through the formal suggestion award program that offers cast for ideas of merit across the wide spectrum of the Department of Defense mission.

I urge the adoption of the amendment.

Mr. PRICE. Mr. Chairman, will the gentleman yield?

Mr. STRATTON. I yield to the committee chairman.

Mr. PRICE. Mr. Chairman, the committee will accept the gentleman's amendment.

Mr. STRATTON. I thank the gentleman.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield to me?

Mr. STRATTON. I yield to the gentleman from Alabama.

Mr. DICKINSON. If I recall, if I understand it and if this is the right amendment, there was a proviso put in the law before that said that as each person left the service they were to be interviewed for suggestions that they might like to make, sort of like putting them in a suggestion box.

This has been expensive and has been unproductive and this is an effort to do away with the requirement that the services interview every person that is mustered out of the service.

Is that the thrust of the gentleman's amendment?

Mr. STRATTON. The gentleman is correct.

Mr. DICKINSON. I think that it makes good sense, and we certainly accept it over here.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. STRATTON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. M'CURDY

Mr. McCURDY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MCCURDY: At the end of the bill add the following new section:

LIMITATION ON AUTHORITY TO CONSOLIDATE CERTAIN FUNCTIONS WITHIN THE DEPARTMENT OF DEFENSE

SEC. 1111. (a) Section 125 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) Notwithstanding subsection (a), the Secretary of Defense—

"(1) may not test the transfer, reassignment, or consolidation of a function, power, or duty of a military department to a component of the Department of Defense outside a military department unless the test has been specifically authorized by law; and

"(2) may not carry out the transfer, reassignment, or consolidation of a function, power, or duty of a military department to a component of the Defense Department outside a military department unless the transfer, reassignment, or consolidation has been specifically authorized by law after the completion of the study of such transfer, reassignment, or consolidation.".

(b)(1) Clause (1) of section 125(e) of title 10, United States Code, as added by subsection (a), shall apply to tests begun on or after the date of the enactment of this Act.

(2) Clause (2) of section 125(e) of title 10, United States Code, as added by subsection (a), shall apply to transfers, reassignments, and consolidations after January 1, 1983.

Mr. McCURDY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. McCURDY. Mr. Chairman, I commend the gentleman from California (Mr. MATSUI) for his leadership on this important issue.

Mr. MATSUI. Mr. HANSEN and I offer an amendment to title 11 of the 1984 defense authorization to modify chapter 10 of the United States Code—10 U.S.C. 125 permits the Secretary of Defense to consolidate or transfer functions within the Department for the purpose of efficiency. My amendment would require that when such consolidations are made from the actual military services to the civilian defense agencies, congressional authorization would be needed before implementation.

Over the past several years, I have worked on three consolidations of this sort. The first was the proposal to transfer the management—that is the purchasing, warehousing, distribution—of all weapon system hardware supply items from the services to the Defense Logistics Agency, in spite of the fact that almost all of those parts still in the control of the services are service-specific, weapons-critical parts for aircraft, tanks, and ships. The second was the proposal to take repair and maintenance of military aircraft from the control of the services and turn them over to a central manager despite the fact that such a manager would bear no responsibility for missions for which those aircraft would be

tasked. The most recent proposal is the national consolidation, perhaps to a civilian agency, of the operational control of every military base, in spite of the fact that the major local experiment of consolidated base operations in San Antonio has been an unmitigated disaster from every perspective.

Over the course of those several years and three issues, I observed several common features: First, the alleged economies, which by law are to be the basis of the authority to consolidate, are often fictional; second, the congressional review which is, in effect supposed to be achieved by 10 U.S.C. 125 is routinely avoided; third, the permanent civil service bureaucrats who promote these consolidations consistently refuse to admit that the effect on combat readiness should be given primary consideration; fourth, the same bureaucrats who have created and reign over these massive independent agencies are also the ones who judge when and whether they should grow and at whose expense; fifth, the 20-year history of these consolidations is one of a steady, never-reversed accretion with congressional or administration opposition seen by the bureaucrats as only temporary impediments to be waited out; and sixth, there is no apparent limit to the self-serving studies generated, or bureaucratic devices used, to give the appearance of validity to these empire-building schemes.

In short, Mr. Chairman, I found that it takes intense, full-time vigilance just to keep these consolidations at bay and our military readiness from being seriously degraded, disregarding the fact that such consolidations do not even lead to real savings. This did not seem to me to be a very sound way to go about maintaining congressional scrutiny and control over our military establishment. Nor does it seem to serve civilian control of the military to let bureaucrats, outside of the chain of command, inject themselves into actual day-to-day management of military operations.

So, I set about discovering how we arrived at this state of affairs. It involved reading thousands of pages of congressional hearings, committee and conference reports, floor debates, and various studies and documents.

The key chronological periods turned out to be in 1949 and 1961. In 1949, 10 U.S.C. 125 was added as part of the extensive amendments to the National Security Act of 1947 which established the Defense Department. It is not extreme to suggest that many congressional founders of the DOD envisioned a Secretary and three assistants, barely four executives to exercise civilian, policymaking control over the combination of the military services under one umbrella department. Discussion of supply and logistics accounted for less than 40 total pages in the entire legislative history of the 1947-49 period and was the source of no controversy; 10 U.S.C. 125 was almost an afterthought and was clearly intended to facilitate the promotion of joint commands and combined operations among the services.

The eventually massive agencies, separate from the military services, under the Office of the Secretary of Defense—OSD—were not born until 1961. They now number in the tens of thousands of employees and consume a huge portion of the defense budget. With adequate foresight, 10 U.S.C. 125 should probably have been modified at that time. Without such a modification, the natural laws of unchecked bureaucracy have operated ever since.

It is high time, Mr. Chairman, that we correct the flaws overlooked since 1961. Some of my colleagues would like to address the specific problems of the three consolidation proposals with which we have become so familiar. But the solution we offer addresses the basic procedural flaw which is the common element in each of these three problems, as well as precluding new ones arising.

In closing, Mr. Chairman, I would like to quote from a Copley News Service interview with Navy Secretary John Lehman early in March. I might add that I noted recently that Secretary Lehman had apologized to employees of the Defense Logistics Agency who may have taken offense at his remarks and who, I am certain, do a fine job within the limits of that institution, but I did not notice that he had withdrawn his criticism of the institutional structure of the Defense Department or the senior, permanent, policymaking level of civil service personnel in the Office of the Secretary of Defense.

Without question, this building, I believe, could be run at 20-percent savings if we could get rid of the 6,000 bureaucrats in OSD who are accountable, essentially, to nobody.

They masquerade (as agents) to pull power to the Secretary of Defense, but it's exactly the opposite.

They take power away from the Secretary and appointed officials.

Lehman said: "Elected officials can't see inside DLA—you can't hire, you can't fire and you can't make any budget decisions." He also said: "The permanent bureaucrats do not care who is Defense Secretary; they just don't want the Secretary telling them what to do."

I could not agree more with the Secretary's assessment. This amendment will provide Congress an invaluable tool to insure authorization control over hiring, firing, and budget. It will at least give Congress, and perhaps the politically appointed officials in the Pentagon, a lever to curb the insatiable growth of these agencies.

Finally, Mr. Chairman, I would like to dedicate my efforts on this amendment to Mr. Art Sarris. This Country was never better served by any civil servant. He fought in the trenches for years on these issues. When he died about this time last year, he was Deputy Director for Plans and Programs, Air Force Logistics Command. Art should be given the credit for making us appreciate the real gravity of these appartently mundane issues. Wherever he is, I know that he will appreciate that this country is safer for the enactment of this amendment.

Mr. DANIEL. Mr. Chairman, will the gentleman yield?

Mr. McCURDY. I yield to the gentleman from Virginia.

Mr. DANIEL. Mr. Chairman, I rise to express the committee's support for the McCurdy amendment, as conceived by my distinguished colleague from California (Mr. MATSUI) who is once again to be commended for his strong support for readiness, and his very able assistance to the committee in its consideration of the DOD authorization request.

Mr. Chairman, our enthusiasm for the amendment in no way signifies opposition to consolidation of DOD activities for the purpose of promoting economies and efficiency. Rather, it recognizes that such initiatives should only be undertaken after considering their impact on combat readiness and sustainability, and should receive the same prior scrutiny from the authorizing committee as any other new program start. This alines consideration of those changes allowed under section 125 with the manner in which the committee recommends authorization of new R&D, procurement, O&M, personnel, or compensation requests. As such, it does not change the Secretary's authority, but subjects it to prior, rather then retroactive, oversight and authorization. This makes good sense.

The Subcommittee on Readiness considers the O&M authorization requests which pay for such consolidations. As a result, this amendment will provide a valuable tool for us to consider such requests. I urge the Committee's support for McCurdy amendment, and commend him for his initiative in proposing a means which will allow the Congress to do a far superior job of authorization.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. McCURDY. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, we have examined this amendment and we have no problem with it. We accept it.

● Mr. NICHOLS. Mr. Chairman, I seek recognition to express the committee's support for the McCurdy amendment.

Mr. Chairman, down home we have an expression: "If the roof don't leak,

don't repair it." My first inclination in looking at a proposed change to a procedure which has existed for 34 years would be to leave it alone. But our colleague from Oklahoma (Mr. McCURDY) has recommended a very valuable tool for the use of the Armed Services Committee and the whole House. The amendment gives Congress a method by which it can judge an authorization request for major policy and organizational changes in DOD before the fact. It gives us the chance to judge such consolidations and reorganizations against the backdrop of all other initiatives being undertaken, and adjust other affected programs accordingly. It recognizes that we cannot vote a rational authorization package in a vacuum. Mr. Chairman, the McCurdy amendment is going to keep us from getting rained on, one of these days. The gentleman from Oklahoma has performed a very valuable service in bringing this matter to our attention, as has our colleague from Oklahoma for introducing it.

The Investigations Subcommittee has jurisdiction over all proposed DOD organizational matters, Mr. Chairman, and too often that investigative function is reactive in nature. Too often, we are called upon to look into a matter after there has been fraud, waste, abuse, or just plain lack of old-fashioned commonsense. This amendment will give us a way to hear of these matters before they are set in concrete, Mr. Chairman. The McCurdy amendment is a good idea, and on behalf of the committee, I urge its adoption.●

● Mr. JONES of North Carolina. Mr. Chairman, I rise in support of this amendment. My district is the home of Navy's air rework facility at Cherry Point, N.C. This is a facility for depot level maintenance on Marine Corps and naval aircraft.

I am especially concerned about the proposal which has been mentioned to put all aircraft repair and maintenance depots in the hands of the Air Force. An even worse suggestion is to place maintenance depots in the hands of a separate civilian manager, outside the chain of command of the appropriate services.

Let me explain what concerns me about these consolidation proposals. It used to be that each military plane had a crew chief responsible for immediate maintenance needs. When a pilot brought a plane in, he personally knew the person to talk to who would be working on the plane before it went into the air again. The communication between the two could be clear and complete. If the crew chief or the maintenance crew made a mistake, there was no bureaucratic layers to hide behind. Now when a plane comes in, the pilot fills out a form and turns the plane over to a manager. You can well imagine the foulups that can occur when no one is directly responsible.

Even at this level, I think the services have made a mistake by placing bureaucratic managers into the chain of responsibility for aircraft maintenance. I am horrified by the prospect of expanding that mistake by putting aircraft repair and maintenance completely outside the chain of command. This could keep necessary combat aircraft out of the air and could jeopardize our pilots in the air.

The single-manager concept for the air depots has been proposed for years. In June of 1981, two reports on this proposal were issued. Both reports concluded that putting the air depots under a single manager was a bad idea. Nevertheless, the idea continues to be discussed and promoted. Mr. Chairman, I would like at this time to include in the RECORD the executive summary of one of the reports I have mentioned and the conclusions and recommendations of the other.

The damage that would be done if this proposal were ever implemented is so serious that the decision should not be left solely to bureaucrats seeking to expand their influence. This amendment will make certain that Congress can examine such a plan thoroughly before it is carried out.●

● Mr. GONZALEZ. Mr. Chairman, I would like to rise in support of the amendment offered by my colleague requiring congressional authorization for consolidations or transfers within the Department of Defense for the purpose of efficiency.

Recently, the Inspector General's Office in the Department of Defense completed a study of the San Antonio Real Property Management Agency and was not very kind in its review. The difficulties of local commanders with SARPMA should point to the deficiencies of the system. While no one argues with the idea that an efficient operation is a worthwhile objective, I would argue that it is not worth the price at this level if our combat readiness is jeopardized.

There are serious considerations that we must address, especially the transfer of responsibility for operations from the military chain of command to a civilian agency. These concerns are real and if the experiment that took place in San Antonio is an indication of the possible direction these so-called consolidations can take, then we should have stricter congressional oversight than is currently the practice.

Some have categorized this initiative as nothing more than a power play by the Office of the Secretary of Defense. All I can say is that some of the best of intentions are plagued by the worst of results. I believe this to be one of those instances. A move to consolidate operational control of every military base on a national level would remove the accountability to the military command and politically appointed officials at the Pentagon. As with any initiative, we must take all precaution to insure that some form of accountability remains. I urge my colleagues to join us in support of this amendment.●

● Mr. FLIPPO. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Oklahoma. This is an important amendment that would provide Congress the opportunity to study, analyze, and review decisions made by the Department of Defense involving tremendous sums of money, the jobs of thousands of dedicated, productive civilian workers, and the readiness of our Armed Forces.

I commend the gentleman from Oklahoma for the leadership he has provided in addressing this issue. The amendment he has submitted today represents years of hard work dedicated to improving the efficiency and effectiveness of the operation and maintenance of military installations throughout the country.

Mr. Chairman, the Department of Defense first proposed the transfer of the management of consumable inventory items from the military services to the Defense Logistics Agency in 1970. Consumable inventory items are repair parts that are directly used to repair combat weapons systems which are discarded when they are broken or consumed.

The purpose of this proposal was to eliminate situations in which different services were bidding against each other for common items, and to achieve economies of scale in purchasing, warehousing, and distribution. The goals of the proposed transfer were laudable but the flaws in the proposal were evident. It was not implemented. Instead the individual services were allowed to keep service-specific items, and common weapons-oriented items were to be managed on a "one-item," one manager basis with a single service assigned responsibility for a specific item.

This solution, however, did not satisfy or enhance the appetite of the empire-building senior permanent civil service personnel in the Office of the Secretary of Defense.

This GAO report is particularly noteworthy. In the past GAO has suggested that transferring the management of consumable inventory items was a good idea. As it turns out GAO reached this conclusion by simply accepting the information and justification submitted by DOD and not on an independent study conducted by its own analysts. This spring, however, GAO completed a study that concluded:

First, the projected cost reduction could not be verified;

Second, the 200,000 item transfer should not be considered a test; and

Third, the individual services indeed had very valid reservations about numerous items affecting readiness and being weapon system sensitive.

These conclusions based on an actual independent, objective study rather than hearsay and anecdotal evidence supplied by OSD are markedly different from earlier, uncritical GAO findings.

The history of this issue suggests that a new GAO study refuting the arguments behind this proposed transfer will not dissuade the Pentagon bureaucrats from pushing the scheme again and again. The experience of the past 12 years indicates that Pentagon officials will continue to push this transfer against all odds and despite the evidence showing it to be counterproductive.

At this time, I do not believe there is any merit whatsoever to the proposed transfer of the management of the consumable inventory item. The amendment under consideration here today does not, however, prohibit such a transfer in the future. The amendment simply requires such a proposal to be subject to congressional review and examination before it is implemented. It simply says that important decisions affecting the readiness of our armed services should be studied and approved by Congress.

I urge my colleagues to support this amendment.

The subsequent material was submitted for the RECORD:

ORGANIZATIONAL ALTERNATIVES FOR THE MANAGEMENT OF CONSUMABLE ITEMS

(By I. K. Cohen, L. B. Embry, J. B. Abell)

PREFACE

Within the Department of Defense "consolidation" is today an emotionally loaded term, eliciting strong reaction, with little apparent regard for the area being addressed. Rand is reviewing a variety of past consolidation actions to identify issues that may affect judgments concerning the value of consolidation. This draft discusses proposals for consolidating the management of consumable material within DoD. Thus, in addition to identifying certain effectiveness and efficiency issues raised during discussions of such proposals, it illuminates the issues embedded in the ongoing debate over consumable management.

The draft was prepared as part of a concept development and project formulation project under the Project AIR FORCE Resource Management Program. It was prepared as an input to the Air Force "BOS Consolidation Study."

SUMMARY

Department of Defense supply catalogs contain stock numbers for about 3.8 million different items, ranging from aircraft engines to rags. Over three million of them are "consumable" items that are managed by one of the Services, the Defense Logistics Agency (DLA), or the General Services Administration (GSA).

Since a number of different agencies are involved in consumables management, it was probably inevitable that an operation this large would become the subject of a consolidation proposal. In fact, the Office of the Secretary of Defense (OSD) recently proposed that management of all consumable items be consolidated in the DLA. The Services adamantly oppose this idea. This paper discusses the history behind the proposal, criteria appropriate for evaluating it, and actions under way within the Air Force that appear to be orthogonal to OSD's proposed management solution.

The consolidation issue has been around since the late 1940s, when the Hoover Commission recommended creation of a single DOD supply system. Prior to the Korean War, each of the Services managed the full range of items it required. The effect of pressures toward consolidation can be seen in the evolution of the management structure since that time. Service single managers were set up for such consumables as petroleum, medical supplies, and clothing during the 1950s. The Defense Supply Agency (DSA), the predecessor of the DLA, was established in 1961, and assigned as the single wholesale inventory manager for a number of common commodities.

In 1970, the Blue Ribbon Defense Panel recommended creation of a Unified Command for Logistics. At about the same time, OSD proposed that management responsibility of all consumable items be transferred to DSA. All of the Services opposed the OSD proposal. Their reaction was undoubtedly intensified by concern regarding the long-run implications of the OSD proposal, particularly in view of the even more distasteful recommendation of the Blue Ribbon Panel. A remnant of this concern as to OSD's long-run intent probably exists to this day.

As a result of the Service reaction, a joint OSD-Service Group was established that culminated in Secretary Packard's approval of the "two-world" concept. Under this policy, weapon-oriented items would be managed by the Services; commodity items would be managed by DSA. In addition, a single manager was to be designated for each common-use item, implementing the Hoover Commission's "one item, one manager" recommendation.

In 1976, OSD again proposed that all consumable items, including those used for weapon system support, be transferred to DSA. When the House Armed Services Committee indicated that no such transfers should take place until their effects on both readiness and cost were analyzed, OSD charged the Defense Logistics Analysis Office (DLAO) with conducting a cost-benefit analysis of the transfer proposal. The DLAO study completed in 1978 projected savings of $124 million per year with no degradation in readiness. The results were audited by the Defense Audit Service (DAS), which reduced the savings estimate by about 40 percent, but concurred in the DLAO recommendation that the item transfer take place.

In response to these studies, OSD directed that 200,000 items be transferred for test purposes. OSD also suggested to the Services that they not transfer items which they thought would impact negatively on readiness. As might be expected, designing an empirical test regarding the payoff of the transfer is not without its problems. This paper does not address test design and test implementation issues. In any event, the test was delayed after some 160,000 items had been transferred because of Congressional interest. The General Accounting Office (GAO) is conducting another study for the Congress which is targeted for publication in April 1983.

The Services objected to the OSD transfer decision because they considered the arguments favoring transfer to be flawed. For example, advocate of consolidating consumable item management cite DLA's higher (than the Services') rate of off-the-shelf requisition fill as evidence that the transfer might improve, and certainly would not degrade, readiness. The Service response is that DLA should have higher supply availability because it—

First, stocks most of the low cost, high volume items that make it easy to achieve high levels of supply effectiveness.

Second, has been funded for a higher level of protection against stochastic variations in demand than the Services.

More importantly, the Services argue that consumable fill rate is a poor measure of readiness and sustainability. It is unfortunate that the OSD has opened itself to this criticism because it has provided important leadership in pressing for use of weapon system readiness and sustainability measures in resource allocation and management. Even though the consolidation proposal could have important readiness and sustainability implications, the OSD has endorsed use of an intermediate, function-oriented measure to help judge its merits. Perhaps the fact that the DLAO study was done some years ago helps explain the dilemma for OSD.

During the period 1976–1978, the centralization proposal was an efficiency issue concerned almost exclusively with management costs. The DLAO study noted that the average number of items per manager was higher in DLA than in the Services. Although their reports are not clear on this issue, both DLAO and DAS appear to have assumed that DLA's items/manager ratio would be maintained regardless of the numbers or types of items assigned.

The Services challenged this assumption, arguing that the items they currently manage require more management attention than the typical item managed by DLA. They also pointed out that Service item managers have a wider range of functions than DLA managers because they interface extensively with the design, maintenance, procurement, and technical communities within the Service. Thus the Services did not agree that savings of anywhere near the magnitude projected by DLAO (or DAS) could be achieved.

The possibility that procurement savings might also be realized if management was consolidated was developed fairly late in the debate. Proponents of consolidation observed that DLA has a higher percentage of competitive procurements than the Services, and that competition tends to reduce procurement costs. Although the Services have not had much opportunity to respond to this new argument, they can be expected to take the position that the differences in item mix that preclude comparision of both supply performance and management costs also invalidate comparisons of the percentage of procurements made competitively. The Services have also observed that under certain conditions, distribution, maintenance, and inventory costs could increase, offsetting any other potential savings, if all consumables were transferred to DLA.

It should be noted that a very large fraction of the items included in the transfer proposal are unique to a Service. This suggests that anticipated cost savings cannot be attributed to economies of scale through

consolidation. If DLA is, in fact, more efficient than the Services, it should be possible to identify the management procedures and technology that produce this efficiency. If so, the anticipated gains sought through consolidation might instead be obtained by a transfer of the identified procedures and technology from DLA to the Services.

The fundamental issue in this consolidation debate concerns the effect of alternative management structures on the Services' ability to maintain acceptable levels of peacetime readiness and wartime sustainability. The Services believe that they should control the inputs necessary to produce these outputs of the logistics system. In fact, some former senior logisticians believe that DLA (at least its supply function) has become an anachornism and that it should be disestablished.[1] These positions are reinforced by an increasing awareness in the Air Force of (1) the need for close coordination in the management of a number of different functions, echelons of support, and resources to produce "readiness" as measured by weapon system availability and (2) the changing nature of the wartime support problem, which will intensify the demand for such coordination to respond to dynamic changes in flying programs, operating locations, support capabilities, and mission requirements.

The recognized need by AFLC and other elements of the Air Force for logistics system integration, particularly given the nature of likely future combat environments, supports the argument that the Service should retain control of weapon-oriented consumable items because its ability to integrate the diverse inputs to the logistics support process is affected by its capability to control these inputs. This argument is supported by economic theory. In addition, the Air Force has conducted logistics system capability assessments involving multi-echelons and multi-functions that demonstrate the quantitative payoff of integrating logistics functions (e.g., supply, maintenance, and transportation) by relating their resource and performance levels to a single weapon-oriented capability criterion such as aircraft availability. Many specific payoffs of this weapon-oriented management and control exist. However, it has not yet been possible to quantify adequately the overall value of this weapon-oriented control.

The debate concerning DoD's structure for the management of consumables does not reflect a capability-oriented approach. The Services are correct in citing readiness concerns when they oppose centralizing management of weapon-oriented consumables, but are unable thus far to quantify their arguments. The proponents of centralization quantify their arguments, but with inappropriate performance measures.

Although much remains to be done to develop the linkage between resources and readiness, the Air Force is modifying its logistics system to improve its capability to provide weapon-oriented management, partly motivated by OSD initiatives. Some of the changes are very significant, and should be considered in the assessment of a major organizational proposal such as that to transfer management of all consumables to DLA.

Current Air Force Logistics Command (AFLC) initiatives include actions to generate both short-run and long-run change; they are driven by perceptions of the likely wartime threat. Major changes are being made to requirements computation (to include consumables) and logistics management systems with the objective of improving the Air Force's capability to maximize readiness and sustainability for a given level of resources.

The philosophy that underlies these innovations includes (1) "ultimate" objective functions to be used, in common, by all functional areas throughout the stages of the PPBS process, including management of day-to-day activities; (2) treating the logistics system as a whole to assure balance; and (3) providing the information and management flexibility needed to deal with dynamic wartime events. These AFLC initiatives include:

First, development of the Wartime Assessment and Requirements Simulation (WARS) model and the Requirements Data Bank (RDB) for requirements computation.

Second, using capability assessment on a continuing basis in peace and war.

Third, redefining organizational relationships to provide systemwide oversight.

Fourth, design of the worldwide logistics command and control and intratheater distribution systems needed to deal with dynamic combat environments.

Fifth, increased involvement in the Air Force wartime planning and resource allocation processes.

The AFLC approach has many attractive features. Undoubtedly some of the planned changes will meet with resistance, including those that require consolidation within the Air Force (internal consolidations will themselves probably become the subject of debate). Some are likely to face technological problems related to information management, modeling, and synthesis. Nevertheless, it appears that the Air Force is attempting to address the right issues.

The proposal to transfer weapon-oriented consumable items to an outside agency appears to be orthogonal to the Air Force approach. The Air Force view about the future needs to be considered explicitly before any final decision is taken.●

● Mr. DANIEL. Mr. Chairman, I rise to express the committee's support for the McCurdy amendment. My distinguished colleague from California is once again to be commended for his strong support for readiness, and his very able assistance to the committee in its consideration of the DOD authorization request.

Mr. Chairman, our enthusiasm for the Matsui amendment in no way signifies opposition to consolidation of DOD activities for the purpose of promoting economies and efficiency. Rather, it recognizes that such initiatives should only be undertaken after considering their impact on combat readiness and sustainability, and should receive the same prior scrutiny from the authorizing committee as any other "new program start." This alines consideration of those changes allowed under section 125 with the manner in which the committee recommends authorization of new R&D, procurement, O&M, personnel, or compensation requests. As such, it does not change the Secretary's authority, but subjects it to prior, rather than retroactive, oversight and authorization. This makes good sense.

The subcommittee on readiness considers the O&M authorization requests which pay for such consolidations. As a result, this amendment will provide a valuable tool for us to consider such requests. I urge the committee's support for the McCurdy amendment, and commend him for his initiative in proposing a means which will allow the Congress to do a far superior job of authorization.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma (Mr. MCCURDY).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. SCHROEDER

Mrs. SCHROEDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. SCHROEDER: Page 42, after line 17, insert the following new section:

HOSTILE FIRE PAY FOR MEMBERS SERVING IN AREAS THREATENING IMMINENT DANGER

SEC. 1009. (a) Section 310(a) of title 37, United States Code, is amended—

(1) by striking out "or" at the end of clause (2);

(2) by striking out the period at the end of clause (3) and inserting in lieu thereof "; or"; and

(3) by inserting after clause (3) the following new clause:

"(4) was on duty in a foreign area in which he was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions.".

(b)(1) The heading of section 310 of such title is amended to read as follows:

"§ 310. Special pay: duty subject to hostile fire or imminent danger".

(2) The item relating to such section in the table of sections at the beginning of chapter 5 of such title is amended to read as follows:

"310. Special pay: duty subject to hostile fire or imminent danger.".

(c) The amendments made by this section shall take effect on October 1, 1983.

Mrs. SCHROEDER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Colorado?

There was no objection.

Mrs. SCHROEDER. Mr. Chairman, my amendment is intended to provide authority for the Secretary of Defense to grant hostile fire pay to our military personnel in Lebanon and El Salvador. Over the past few months we have learned how dangerous it is to be an American soldier or sailor in Beirut

[1] Some (past) senior Air Force logisticians have stated that, in retrospect, the establishment of DSA was warranted; it relieved them of the burden of managing, storing, and issuing the many thousands of common-use, commercial-type items. They believe that inadequate automation hampered the Services' efforts to support each other on common-use items in the past. These same senior logisticans believe that once the appropriate management systems were consolidated, DLA was redundant to GSA and the Services.

or San Salvador. In mid-April, a car bomb exploded outside the American Embassy in Beirut killing as many as 16 Americans, most of them military. In late May, Lt. Comdr. Albert Schaufelberger was gunned down in a parking lot on the campus of Central American University in San Salvador. In both cases, these attacks were followed by threats of further violence against Americans in both places.

Section 310 of title 37 provides limited authority for the Secretary of Defense to pay $65 a month as special pay to military personnel who are subject to hostile fire. The Defense Department has been applying this special pay provision only on a case-by-case basis, meaning that Commander Schaufelberger's family gets 1 month's pay of $65 for his being subject to hostile fire. I think this is wrong. We should provide blanket coverage for all Americans in both countries. The amendment I am offering would permit DOD to make such payments to all military personnel in such dangerous locations beginning October 1.

Frankly, I had earlier intended to offer a stronger amendment making the payment mandatory and retroactive. Unfortunately, the administration opposed such an approach, I suppose on budgetary grounds. Well, I am not persuaded by the budgetary argument. We have 55 advisers in El Salvador and 1,200 marines in Lebanon; $65 a month for all of them comes to less than $1 million a year. Yet, I am willing to offer this language, which is prospective only, to make sure that these American military personnel are provided this payment in the future.

I also believe that it makes sense to increase the amount of payment. The $65 amount was set in 1965. If this amount were adjusted by the CPI since that time, the current amount would be over $200 a month. Even $200 a month seems a fairly miniscule sum to be shot at. The Fifth Quadrennial Review of Military Compensation is studying the amount of these payments and should report later this year. I hope this commission recommends a substantial upward revision of the special pay for being subject to hostile fire.

To provide some benefit for service members in clearly dangerous locations, I urge your support for the amendment.

Mr. ASPIN. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I would like to say that the members of the subcommittee have looked at the amendment and we agree with the amendment and ask that it be approved.

Mr. DICKINSON. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I take very real pleasure in being able to accept the gentlewoman's amendment. We accept it on this side.

Mrs. SCHROEDER. I thank the gentleman from Alabama.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Mrs. SCHROEDER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SKELTON: Page 56, after line 24, insert the following new section:

VARIABLE TERMS FOR ENLISTMENTS AND REENLISTMENTS IN REGULAR COMPONENTS

SEC. 1025. Section 505 of title 10, United States Code, is amended by striking out "two, three, four, five, or six years" in subsections (c) and (d) and inserting lieu thereof "at least two but not more than six years".

Mr. SKELTON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SKELTON. Mr. Chairman, current law permits our military services to enlist and reenlist people for terms of service in whole-year periods of 2, 3, 4, 5, or 6 years. This amendment which I am offering would permit the services to enlist and reenlist persons for periods of time of at least 2 but not more than 6 years that may or may not be in whole year increments. This amendment is necessary to give the Army the flexibility to put into effect a unit replacement system known as Cohort (cohesion, operational readiness, training).

The Cohort system is designed to increase combat effectiveness by reducing personnel turbulence and increasing cohesion in small units. In Cohort units, personnel, both officers and enlisted, are kept together for a fixed period of time. They are deployed overseas together, as seasoned, cohesive units, rather than as individual replacements. To properly manage this system, however, the Army needs to have personnel available for operational duty in a Cohort unit for whole-year periods. Since initial training today is approximately 3 months, this leaves the typical 3-year enlistee available for operational duty for only 33 months. The variable enlistment, provided for in this amendment, would allow the Army to enlist soldiers for whole-year increments plus their initial entryairman, this Congress has repeatedly urged the Armed Forces to undertake unit cohesion initiatives in order to reduce training costs and improve combat readiness. Now that the Army is making a commendable effort in this area, I feel we must give give them the management tools and the flexibility they need to make it work properly. I should point out that the Army intends to use the variable enlistment option only for personnel in Cohort units, and that this amendment will not add to the Army's end strength. Mr. Chairman, I strongly urge the adoption of my amendment.

□ 2400

Mr. AKAKA. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Hawaii.

Mr. AKAKA. Mr. Chairman, Fort DeRussy consists of just over 69.5 acres of land acquired by the Federal Government through numerous land transactions prior to 1916. An additional 1.74 acres of land was ceded to the Federal Government at the time of the annexation of the Republic of Hawaii as a territory of the U.S. in 1898.

At the heart of Fort DeRussy is a major military recreation center. This is truly a unique military asset. It provides a haven for military personnel and their families.

During the Vietnam war thousands of our service personnel enjoyed a respite from the difficulties of combat service through rest and recreation at Fort DeRussy. Today this military facility continues to be used by our Armed Forces stationed throughout the Far East. The role played by Fort DeRussy in building and sustaining the morale of our Armed Forces must be preserved.

In short, the benefits of maintaining this facility for the benefit of the military, visitors and the general public cannot be measured in dollars and cents. Taking action to keep Fort DeRussy available for use by military personnel and their dependents is appropriate and necessary. For this reason, we must put a stop to the growing movement within certain agencies of the Federal Government to sell Fort DeRussy. This would deprive military personnel of an irreplaceable resource.

Mr. SKELTON. Mr. Chairman, on behalf of our colleague from Hawaii, Representative HEFTEL, who is in the hospital recuperating from an automobile accident, I would like to have a colloquy with Chairman PRICE about the status of Fort DeRussy, Hawaii.

As the chairman may recall, there have been suggestions from time to time that the Fort DeRussy complex should be sold as part of the effort to reduce Federal land holdings and apply the proceeds to retirement of the national debt.

Our colleague, Congressman HEFTEL, and other members of the Hawaiian delegation have been opposed to the sale of the Fort DeRussy property. There are a number of reasons why the proposed sale should be questioned.

First, the Fort DeRussy recreational area is the only remaining open space on Waikiki Beach. Its commercial development would only add to the dense and intensive building and land use that already exists in the area.

Second, and obviously of great importance to the Committee on Armed Services, the Fort DeRussy complex provides our military families with an opportunity to enjoy the use of recreational facilities in one of the most treasured locations in the world. It is also used by the civilian population of Hawaii and the millions of visitors to the State of Hawaii.

Third, because of current zoning, the sale of the property would not produce the anticipated proceeds of $500 million that have been cited as a reason for selling the property.

There are other factors that need to be considered with this issue also.

At the present time, none of the proceeds from the sale of Fort DeRussy could be applied to the retirement of the national debt without first amending the Land and Water Conservation Fund Act. Currently, proceeds from the sale of Federal property go to the Land and Water Conservation Fund. To my knowledge, passage of any amendment changing current law is not imminent.

Furthermore, there is a provision in standing law, section 809 of the 1968 Military Construction Authorization Act (Public Law 90-110), that requires specific congressional authorization of the disposal of the property at Fort DeRussy. There has been no change in this law.

And finally, I want to also call the chairman's attention that during its recent consideration of S. 675, the omnibus Defense authorization bill, the Senate adopted an amendment that is designed to further clarify congressional intent in this regard. The amendment prohibits the Secretary of Defense from taking any action that would change the ownership or use of Fort DeRussy. It specifically precludes the Secretary of Defense from taking any action to initiate the disposal of Fort DeRussy property.

Congressman HEFTEL supports the Senate language. He has asked me to convey his position to the committee and request that the House conferees accept the provision in conference.

Mr. PRICE. Will the gentleman yield?

Mr. SKELTON. I yield to the gentleman.

Mr. PRICE. I am glad that the gentleman from Missouri has brought this matter to the attention of the House. Congressman HEFTEL also called me about this issue.

As it was discussed with Congressman HEFTEL, the House has already passed the military construction authorization bill. The Senate amendment mentioned by my colleague from Missouri is to the military construction portion of the Senate's omnibus bill; therefore, Senate language would not be considered in order as amendment to this bill under consideration.

I am pleased, however, to have this opportunity to respond to Congressman HEFTEL's concerns. It is safe to say, I believe, that the members of the House Armed Services Committee are sympathetic to the position taken by the Hawaiian congressional delegation, the State government of Hawaii and the city government of Honolulu in opposing the sale or disposal of Fort DeRussy. The committee is interested in seeing that our military families have access to morale and recreational facilities such as Fort DeRussy. With the present constraints, as outlined by the gentleman from Missouri, the sale of Fort DeRussy makes no sense.

I am confident that the House conferees will give every consideration to accepting the Senate language in conference. I am not aware of any member of the committee who advocates the sale or disposal of Fort DeRussy under present circumstances.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Has the amendment been printed in the RECORD?

Mr. HUNTER. No, Mr. Chairman, it has not.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNTER: At the end of the bill add the following new section:

OFFSHORE DRILLING AFFECTING NAVAL OPERATIONS

SEC. 1111. (a) The Secretary of the Navy shall submit a report to the Committees on Armed Services of the Senate and House of Representatives on the potential effect on naval operations of any proposed lease by the Department of the Interior of offshore lands for oil or gas drilling.

(b) The Secretary of the Navy shall define offshore zones along the United States in which oil or gas drilling would cause appreciable impact on naval operations. The Secretary shall transmit to Congress and to the Secretary of the Interior a report describing the zones so established and the justification for each such zone.

Mr. HUNTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. EDGAR. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The Clerk will continue to report the amendment.

The Clerk concluded the reading of the amendment.

Mr. HUNTER. Mr. Chairman, I ask unanimous consent that I may proceed for 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Chairman, this amendment calls for the Navy to establish zones, in the Pacific and the Atlantic, where the offshore oil projects proposed by the Department of the Interior would appreciably interfere with U.S. Naval maneuvers presently, military operations, and particularly submarine operations, amphibious operations and warfare range operations are taking place in areas where the establishment of drilling rigs are proposed under Department of the Interior plans. Preliminary statements by some naval leaders have indicated that oil field development in these important areas would prove dangerous and costly to the Navy. The requested definition of "interference zones" will allow Congress to shape the necessary legislation to protect Navy operations.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman.

Mr. BENNETT. Mr. Chairman, the committee on this side has no objection. The amendment is accepted.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman.

Mr. Chairman, we have examined the amendment and we accept it.

Mr. DANIEL. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I will be happy to yield to the gentleman if I have the time.

Mr. DANIEL. Mr. Chairman, would this recommendation for the Secretary of the Navy interfere with the projected lease sale now set by the Secretary of the Interior?

Mr. HUNTER. No.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HUNTER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HERTEL OF MICHIGAN

Mr. HERTEL of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Has the amendment been printed in the RECORD?

Mr. HERTEL of Michigan. This one has not, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HERTEL of Michigan: Page 35, line 20, strike out "APRIL 1, 1984" and insert in lieu thereof "JANUARY 1, 1984".

Page 36, beginning on line 4, strike out "4 per centum effective on April 1, 1984" and insert in lieu thereof "4 percent effective on January 1, 1984".

Mr. HERTEL of Michigan. Mr. Chairman, I ask unanimous consent to proceed for 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HERTEL of Michigan. Mr. Chairman, the conference agreement on the budget provides for a 4-percent pay increase for military and civilian employees on January 1, 1984 (9 months). This reflects a compromise between the effective dates contained in the House budget, October 1, 1983 (a full year) and the Senate budget day of April 1, 1984 (6 months).

H.R. 2969 provides a 4-percent pay increase effective April 1, 1984 (6 months). My amendment would conform the military pay increase with the budget compromise. Men and women in our Armed Forces would receive a 4-percent increase on January 1, 1984, for 9 months. Estimates of this 3 month increase would amount to 375 million for military personnel.

We have the budgetary latitude and I believe it is essential that we demonstrate our committment to improving the quality of life of our service people.

Recruitment and retention in the All-Volunteer Force has improved significantly thanks to salary and bonus programs. But as the Heritage Foundation pointed out: "Improvements are sure to be temporary unless Congress approves a hefty catchup increase in fiscal year 1985 to compensate for limiting pay increase in fiscal year 1983 and fiscal year 1984."

Let us not fool ourselves. Resources for catchup raises will be no more plentiful in the next few years. Let us act now for our service people.

Briefly, this deals with the military pay raise. Mr. WHITEHURST will have an amendment on the civilian Department of Defense pay raise coming up this evening and this morning also. I want to say briefly that the House passed a 4 percent for the entire year in the budget. The committee passed it for only 6 months. But the compromise budget was a 4-percent raise for military personnel for 9 months. This amendment would comply with the compromise budget resolution.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman.

Mr. ASPIN. The amendment of the gentleman from Michigan makes this bill consistent with the budget resolution and we support his amendment.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman.

Mr. DICKINSON. I thank the gentleman.

Mr. Chairman, I have to rise in opposition to it. You are adding $350 million over what we already have. If you want to cut do not start adding now.

Mr. HERTEL of Michigan. I reclaim my time.

What we are trying to do is conform with what this House passed and what the Budget Committee passed. We are talking about 4 percent for only 9 months. It is the least we can do for our service people. I ask for a "yes" vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. HERTEL).

The question was taken, and on a division (demanded by Mr. HERTEL of Michigan) there were—ayes 112, noes 90.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. WHITEHURST

Mr. WHITEHURST. Mr. Chairman, I offer an amendment to title X.

The CHAIRMAN. Has the amendment been printed in the RECORD?

Mr. WHITEHURST. No, it has not, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITEHURST: Page 36, after line 13, insert the following new section (and redesignate the succeeding sections accordingly):

AMOUNTS FOR CIVILIAN PAY INCREASE

SEC. 1002. (a) In addition to the amounts authorized to be appropriated in section 201 for research, development, test, and evaluation for the Armed Forces for fiscal year 1984, funds are hereby authorized to be appropriated for fiscal year 1984 for research, development, test, and evaluation for the Armed Forces as follows:

(1) For the Army, $6,050,000.

(2) For the Navy (including the Marine Corps), $800,000.

(3) For the Air Force, $6,050,000.

(4) For the Defense Agencies, $950,000.

(b) In addition to the amounts authorized to be appropriated in section 401 for operation and maintenance of the Armed Forces for fiscal year 1984, funds are hereby authorized to be appropriated for fiscal year 1984 for operation and maintenance of the Armed Forces as follows:

(1) For the Army, $56,950,000, allocated as follows:

(A) For general purpose forces, $20,850,000.

(B) For intelligence and communications, $3,300,000.

(C) For central supply and maintenance, $16,350,000.

(D) For training, medical, and general personnel, $12,450,000.

(E) For administration, $3,650,000.

(F) For support to other nations, $350,000.

(2) For the Navy, $70,900,000, allocated as follows:

(A) For strategic forces, $2,000,000.

(B) For general purpose forces, $19,150,000.

(C) For intelligence and communications, $4,400,000.

(D) For central supply and maintenance, $27,550,000.

(E) For training, medical, and general personnel, $13,250,000.

(F) For administration, $4,250,000.

(G) For support to other nations, $300,000.

(3) For the Marine Corps, $3,150,000, allocated as follows:

(A) For general purpose forces, $1,550,000.

(B) For central supply and maintenance, $700,000.

(C) For training, medical, and general personnel, $500,000.

(D) For administration, $400,000.

(4) For the Air Force, $44,000,000, allocated as follows:

(A) For strategic forces, $4,100,000.

(B) For general purpose forces, $5,100,000.

(C) For intelligence and communications, $2,200,000.

(D) For airlift and sealift, $3,500,000.

(E) For central supply and maintenance, $21,550,000.

(F) For training, medical, and general personnel, $5,250,000.

(G) For administration, $2,150,000.

(H) For support to other nations, $150,000.

(5) For the Defense Agencies, $25,400,000, allocated as follows:

(A) For intelligence and communications, $8,900,000.

(B) For central supply and maintenance, $5,850,000.

(C) For training, medical, and general personnel, $8,650,000.

(D) For administration, $2,000,000.

(6) For the Army Reserve, $2,550,000, allocated as follows:

(A) For mission forces, $1,573,000.

(B) For other support, $977,000.

(7) For the Navy Reserve, for other support, $550,000.

(8) For the Marine Corps Reserve, for other support, $50,000.

(9) For the Air Force Reserve, $2,450,000, allocated as follows:

(A) For mission forces, $1,250,000.

(B) For depot maintenance, $600,000.

(C) For other support, $600,000.

(10) For the Army National Guard, $4,800,000, allocated as follows:

(A) For training operations, $1,300,000.

(B) For logistical support, $3,200,000.

(C) For headquarters and command, $300,000.

(11) For the Air National Guard, $5,600,000, allocated as follows:

(A) For mission forces, $4,050,000.

(B) For depot maintenance, $1,300,000.

(C) For other support, $250,000.

Mr. WHITEHURST (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

Mr. CHENEY. Reserving the right to object, Mr. Chairman, I am deeply

concerned that we find ourselves here late at night, just having passed an amendment adding some $350 million to the bill, I understand this one adds $230 million to the bill, without the opportunity to debate the issues or in any way consider it. Most of the amendments are being offered by the members of the Armed Services Committee. It seems to me they would have had ample opportunity to consider those in committee.

□ 0010

It would be my intention, Mr. Chairman, that any further requests to debate amendments that have not been printed in the RECORD should be objected to, and it is my intention to so object. The House would, in effect, be in a position where we would have to consider those in the blind.

Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk continued to read the amendment.

Mr. HERTEL of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. CHENEY. I object, Mr. Chairman.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. WHITEHURST).

The amendment was rejected.

AMENDMENT OFFERED BY MR. GORE

Mr. GORE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Has the amendment been printed in the RECORD?

Mr. GORE. The amendment has not been printed in the RECORD, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment?

Mr. GORE. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD, and that I be allowed to proceed for 30 seconds to explain the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

Mr. CHENEY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GORE: Page 58, line 22, strike out the quotation marks and the second period.

Page 58, after line 22, insert the following new subsection:

"(k) A plan covered by this section may include provision of liver transplants (including the cost of acquisition and transportation of the donated liver) in accordance with this subsection. Such a liver transplant may be provided if—

"(1) the transplant is for a dependent considered appropriate for that procedure by the Secretary of Defense in consultation with the Secretary of Health and Human Services and d Human Services and such other entities as the Secretary considers appropriate.".

Page 59, line 10, strike out the period and insert in lieu thereof the following: "and subsection (k) of section 1079 of such title, as added by subsection (a)(1), shall apply with respect to liver transplant operations performed on or after July 1, 1983.".

Mr. GORE. Mr. Chairman, I offer this amendment with my esteemed colleague, JOE SKEEN of New Mexico, the ranking minority member of the Subcommittee on Investigations and Oversight, of the Committee on Science and Technology.

The purpose of our amendment is to correct a startling failure in the health care coverage provided military dependents under the civilian health and medical programs of the uniformed services (CHAMPUS), to respond in a reasonable amount of time to advances in health care technology. This amendment provides the Department of Defense with explicit authority to immediately cover military dependents for liver transplantation, a life-saving therapy for children and others who suffer from end-stage liver disease. This amendment is necessary until a thorough reevaluation of the present system for integrating new health care technologies corrects the unacceptable slow procedure now in place.

The amendment is intended to cover all costs of a transplant, including the cost of acquisition and transportation of a donated liver, the surgery, and resulting necessary medical care. Coverage can be provided for those who are reasonably expected to benefit from the procedure, as defined by the Secretary of DOD after consultation with other appropriate persons.

This amendment is comparable to that passed by the other body on July 12, as introduced by my good friend Senator BENNETT JOHNSTON of Louisiana, except that it permits coverage for all military dependents considered appropriate for the procedure rather than limiting the procedure to those under 18 years of age.

As with the amendment in the other body, it is our expectation that coverage of the procedure need not be delayed until DOD promulgates formal regulations, and that the Department and CHAMPUS will follow the patient and facility selection guidelines developed by the recent NIH Consensus Development Conference.

I first became aware of the difficultly of obtaining CHAMPUS coverage for liver transplants in March while on a fact-finding visit at the University of Tennessee Center for the Health Sciences in Memphis. In preparation for my I&O Subcommittee hearings on liver transplants, I arranged for a briefing at the medical center's Hubert F. Fisher, Jr. Memorial Transplant Unit. Originally, the April hearings were called to address problems in the system of organ acquisition and allocation—problems which compelled families to mount media campaigns in desperate attempts to obtain life-saving organs, but in Memphis, I heard as well about the additional hurdles faced by families denied financial coverage for this life-saving procedure by Federal and private programs.

Among those in this position was Captain Broderick, an active duty Army officer, who, in testimony before the Investigations Subcommittee, described his efforts to obtain CHAMPUS coverage for his 2½-year-old daughter, Adriane, who had been denied coverage for a liver transplant by CHAMPUS on grounds that the procedure remained experimental.

The sole barrier to Adriane's obtaining a life-saving liver transplant is the refusal of the DOD to authorize CHAMPUS coverage for the procedure. Dr. Beary, Acting Assistant Secretary of Defense t of the procedure, typically $50,000 to $60,000 versus the expected long-range benefit to be derived.

I believe the rejoinder by Adriane's father deserves repetition:

I personally find this argument repugnant since it de facto has set a dollar-value to my daughter's life. It would appear CHAMPUS is all too willing to pay for her to die, at a greater cost, than for her to live. The expected long-range benefit is her life. If economics is the consideration, then the transplant is "cost effective."

A position subsequently reinforced by the Surgeon General.

With the active assistance and support of the gentleman from New Mexico, and other members of the subcommittee, I attempted to resolve this issue with the Department of Defense. Assistant Secretary Beary was invited to testify before the subcommittee and in our letter of invitation, we noted that the testimony presented at the subcomittee's hearings to date demonstrated that liver transplant surgery could no longer be regarded as experimental. (A similar conclusion about the efficacy of liver transplants was reached 4 weeks ago by the world's leading experts at the National Institutes of Health Consensus Conference.) We urged the Department to extend coverage immediately to Captain Broderick and others.

We fully expected that once the Department analyzed the evidence avail-

able to the subcommittee, they would come to a similar conclusion and that this would be announced at the April 27 hearing. Instead, we were informed that it would be "legally objectionable" to pay for the procedure and that the Department was obliged to insure that a procedure was not "more likely to harm the patient then to help." That the alternative for Adriane was certain death did not alter this verdict. When confronted with the explicit choice, Dr. Beary insisted that the Department lacked legislative authority and requested that Congress "change title X."

Our own investigation and analysis of the legislative history and authority for CHAMPUS leads us to the conclusion that the CHAMPUS law does permit coverage of liver transplants, even if labeled "experimental." This interpretation is supported by an informal opinion provided by the General Accounting Office. Our detailed analysis was included in a letter we sent to the Secretary of Defense.

However, the Secretary is steadfast in his view that CHAMPUS cannot cover such transplant without explicit authority. That is precisely the point of this amendment.

Mr. Chairman, we urge adoption of the amendment.

Mr. ASPIN. Is it the gentleman's intention that CHAMPUS approve coverage of liver transplants at any hospital performing the procedure?

Mr. GORE. We anticipate CHAMPUS and the Defense Department will need to develop specific regulations for selection of health care facilities considered appropriate to perform liver transplant surgery. Such a provision is consistent with the NIH Consensus Development Conference's recommendation that expansion of transplants be limited to "centers where performance of liver transplantation can be carried out under optimal conditions." We fully support the NIH panel's recommendation and recognize that the institutional requirements for a successful program are formidable. Guidelines set out by the Consensus Development Conference establish criteria for such approval. While regulations when adopted by DOD will need to allow for timely approval of newly developed liver transplant centers, however, we do not feel that identification of appropriate facilities and hence coverage and provision of reimbursement to hospitals need be delayed until final regulations are promulgated by DOD. For the interim, it is our expectation that the guidelines established by the Consensus Development Conference can be used by DOD to select facilities and that liver transplants can be immediately approved by DOD at the established programs at the universities of Pittsburgh, Minnesota, and Tennessee.

Mr. ASPIN. How will CHAMPUS determine for whom the procedure is appropriate? Will it not be necessary for the Department to develop specific guidelines?

Mr. GORE. We believe that the NIH expert scientific panel provided very explicit criteria defining conditions appropriate for transportation and circumstances for each condition when the procedure was optimal. We intend that the document be used by DOD on an interim basis, to identify and approve appropriate patients until final DOD regulations are in place. Once final regulations are in place, it will be reasonable, given the complexity and expense of the procedure, to require advance approval by CHAMPUS.

Mr. ASPIN. I understand that there are several eligible children of armed services personnel with biliary atresia and that some of these may require a liver transplant before final regulations can be developed. Is it the intent of the gentleman's amendment that CHAMPUS coverage be provided these children?

Mr. GORE. With passage of this amendment, we wish to insure that full CHAMPUS coverage for liver transplantation at appropriate facilities is provided to the four children of military personnel known to us as well as to any other dependents with end stage liver disease who come forward and who are appropriate candidates under criteria defined by the NIH Consensus Development Conference Statement. The four children suffer from extrahepatic biliary atresia, one of the prime conditions considered appropriate for transplantation by the NIH scientific panel. They include Adriane Broderick, the 2½-year-old daughter of Capt. and Mrs. John Broderick, whose situation was brought to my attention in March and has led us to propose this amendment.

The names of the other three children were provided at my request by DOD. They are Michael Rasdon, age 1 year, son of U.S. Army Spec. 5 and Mrs. Larry Rasdon; Aaron Polheimus, 5-year-old son of Army Capt. and Mrs. James Polheimus; and Franklin Silcox, Jr., 20-month-old son of Marine Sgt. and Mrs. Franklin Silcox. All of these children have had unsuccessful KSAI procedures attempted in infancy, a palliative procedure recommended as initial therapy by the NIH panel, and all have been judged appropriate candidates by established liver transplant programs—Broderick at Minnesota, Rasdon at Tennessee, and Polheimus and Silcox at Pittsburgh.

We recognize that implementation of this amendment will require regulations for selection of patients and for approval of facilities. Because of the complexity and the clear precedents being established, these regulations should be crafted carefully and in consultation with the Department of HHS and other entities which may be appropriate, such as the Institute of Medicine. However, in the case of these four children, we are satisfied that they fulfill criteria set forth by the NIH consensus panel and that coverage for this potentially life-saving treatment should not be held in abeyance until regulations are finalized.

Mr. Chairman, I include the Consensus Development Conference Statement in the RECORD, as follows:

NATIONAL INSTITUTES OF HEALTH CONSENSUS DEVELOPMENT CONFERENCE STATEMENT—LIVER TRANSPLANTATION—JUNE 20-23, 1983

INTRODUCTION

Since performance of the first human orthotopic liver transplantation in 1963, over 540 such operations have been carried out in four medical centers in the United States and Western Europe. Additional liver transplantation procedures have been performed in other parts of the world, and more recently in several other American medical centers. Although extremely demanding and expensive, the operation has been shown to be technically feasible, and interpretable results have been reported from all four primary transplant centers. These clearly demonstrate that liver transplantation offers an alternative therapeutic approach which may prolong life in some patients suffering from severe liver disease that has progressed beyond the reach of currently available treatment and consequently carries a predictably poor prognosis. However, substantial questions remain regarding selection of patients who may benefit from liver transplantation; the stage of their liver disease at which transplantation should be performed; survival and clinical condition of patients beyond the initial year after transplantation; and overall long-range benefits and risks of transplantation in the management of specific liver diseases.

In order to resolve some of these questions, the National Institutes of Health on June 20-23, 1983, convened a Consensus Development Conference on Liver Transplantation. After two days of expert presentation of the available data, a Consensus Panel consisting of hepatologists, surgeons, internists, pediatricians, immunologists, biostatisticians, ethicists, and public representatives considered the offering evidence to arrive at answers to the following key questions:

1. Are there groups of patients for whom transplantation of the liver should be considered appropriate therapy?

2. What is the outcome (current survival rates, complications) in different groups?

3. In a potential candidate for transplantation, what are the principles guiding selection of the appropriate time for surgery?

4. What are the skills, resources, and institutional support needed for liver transplantation?

5. What are the directions for future research?

1. Are there groups of patients for whom transplantation of the liver should be considered appropriate therapy?

Liver transplantation is a promising alternative to current therapy in the management of the late phase of several forms of serious liver disease. Candidates include children and adults suffering from irreversible liver injury who have exhausted alternative medical and surgical treatments, and are approaching the terminal phase of their

illness. In many forms of liver disease the precise indications and timing of liver transplantation remain uncertain or controversial.

Prolongation of life of good quality for patients who would otherwise have died has been reported in the following conditions:

Extrahepatic biliary atresia is the most common cause of bile duct obstruction in the young infant. Patients who fail to respond to hepatoportoenterostomy (Kasai procedure) often benefit from liver transplantation. Recent data suggest that as many as two-thirds of these patients survive for 1 year or more after transplantation.

Chronic active hepatitis is caused by viral infections or drug reactions, but many cases remain unexplained. Although some patients with progressive liver failure are candidates for transplantation, exceptions include drug-induced chronic active hepatitis, which usually responds to removal of the chemical agent, and hepatitis B-induced disease in which viremia persists. In the latter instance, rapid reappearance of infection with progressive liver failure has been reported following transplantation.

Primary biliary cirrhosis is a slowly progressive cholestatic liver disease. Results of transplantation appear favorable for patients with end-stage liver injury. The procedure may improve the quality of life.

Inborn errors of metabolism may cause end-stage liver damage or irreversible extrahepatic complications. Transplantation may be appropriate for such patients.

Hepatic vein thrombosis (Budd-Chiari syndrome) often results in progressive liver failure, ascites, and death. Patients who have not responded to anticoagulation or appropriate surgery for portal decompression may be candidates for transplantation.

Sclerosing cholangitis, a chronic non-suppurative inflammatory process of the bile ducts, may cause liver failure. Less favorable results following transplantation in this group may be due to prior multiple surgical procedures, a diseased extrahepatic bile duct, the presence of biliary infection, or other factors.

Primary hepatic malignancy confined to the liver but not amenable to resection may be an indication for transplantation. Results to date indicate a strong likelihood of recurrence of the malignancy. Nonetheless, the procedure may achieve significant palliation.

Alcohol-related liver cirrhosis and alcoholic hepatitis are the most common forms of fatal liver disease in America. Patients who are judged likely to abstain from alcohol and who have established clinical indicators of fatal outcome may be candidates for transplantation. Only a small proportion of alcoholic patients with liver disease would be expected to meet these rigorous criteria.

Although fulminant hepatic failure with massive hepatocellular necrosis induced by hepatitis viruses, hepatotoxins, or certain drugs may warrant liver transplantation; rapid progression of the disease and multiorgan system failure frequently preclude this option.

2. What is the outcome (current survival rates, complications) in different groups?

The survival and complication rates of patients who have undergone liver transplantation are the major criteria for judging efficacy. Data are available from four locations (Pittsburgh; Cambridge, England; Hannover, Germany; and Groningen, The Netherlands). The interpretation of the existing data on survival is extremely difficult because no control data are given for comparison, surgical techniques and drug therapies varied over time, and patient selection criteria and management differed across centers.

While sufficient data for thorough assessment of liver transplantation are not available to date, today certain trends appear to emerge:

Patients currently being accepted for transplantation have a high probability of imminent death and a low quality of life in the absence of transplantation.

Patients undergoing transplantation have an operative mortality (within 1 month) of 20 to 40 percent.

One-year survival among transplant recipients since 1980 is favorable when compared with their expected course in the absence of transplantation.

Since 1980, 1-year survival appears improved over the earlier transplant experience.

Individual patients have survived for many years with good quality of life after transplantation.

Data are insufficient to evaluate survival rates beyond 1 year following transplantation with current technologies.

Short-term quality of life is probably enhanced in many transplant survivors. We lack systematically gathered information on quality of life among long-term survivors.

Severe non-lethal complications of transplantation frequently occur and must be taken into account in judging efficacy of this procedure. Massive hemorrhage is the most serious intraoperative and early postoperative problem. Other postoperative complications include renal dysfunction, rejection, biliary tract complications, graft vascular obstruction, and infection. With accumulating expertise in medical and surgical management and with new developments in technology (e.g., intraoperative veno-venous bypass and cyclosporine), these complications can be expected to diminish.

3. In a potential candidate for transplantation, what are the principles guiding selection of the appropriate time for surgery?

Selecting an appropriate stage for a given illness for liver transplantation is a complex issue: transplantation just prior to death may significantly diminish the life-saving potential of the procedure since hepatic decompensation in its latest stages poses a formidable surgical risk. Transplantation early in the course of hepatic decompensation may deprive a patient of an additional period of useful life.

An ideally timed liver transplantation procedure would be in a late enough phase of disease to offer the patient all opportunity for spontaneous stabilization or recovery, but in an early enough phase to give the surgical procedure a fair chance of success. For most patients, these phases are difficult to define prospectively. While no single "best" time for surgery can be specified, transplantation should be reserved for patients in any of the following phases of disease:

When death is imminent.

When irreversible damage to the central nervous system is inevitable.

When quality of life has deteriorated to unacceptable levels.

The exact choice of the time for liver transplantation in an individual requires the judgment of a qualified medical team and a well-informed patient. The following are offered as guidelines for individual liver diseases.

Extrahepatic biliary atresia

Biliary enteric anastamosis (hepatoportoenterostomy of Kasai) performed in the first 2 months of life provides significant improvement for at least 5 years in one-third of the patients, although cirrhosis and disappearance of the intrahapatic bile ducts occur with increasing age. While success of this procedure cannot be predicted, it should be used as initial therapy for extrahepatic biliary atresia. In the absence of severe hepatic decompensation in these children, liver transplantation should be delayed as long as possible to permit the child to achieve maximum growth. In children with successful hepatoportoenterostomy, live at hepatoportoenterostomy or surgical porto-systemic shunting render eventual transplant surgery technically more difficult and operationally more dangerous and therefore should be avoided in favor of liver transplantation.

Chronic active hepatitis

The potential for spontaneous remission and the complex course of chronic active hepatitis make valid predictions of the subsequent course difficult except in the latest stages of the disease. Using strict criteria, patients can be identified who have almost no chance of survival beyond 6 months. Such patients may be suitable candidates for transplantation.

Primary biliary cirrhosis

The indolent course of primary biliary cirrhosis and the potential for spontaneous improvement even in patients with advanced disease make transplantation potentially suitable only in the final stages of liver failure or when the quality of life has deteriorated to an unacceptable level.

Alpha-l-Antitrypsin deficiency

Of the some 20 phenotypes in this genetic disorder, only Pi ZZ is associated with significant hepatic disease in children. Of infants with this phenotype, neonatal cholestasis occurs in 5.5 percent. Jaundice usually is transient, clearing before 6 months of age although biochemical evidence of activity may persist. Liver transplantation is indicated in children with Pi ZZ phenotype only when cirrhosis has developed and when evidence of hepatic failure is present.

Adults with alpha-l-antitrypsin deficiency may have liver disease associated with phenotype Pi ZZ, MZ, or SZ. If hepatic failure occurs, liver transplantation may be indicated.

Wilson's disease

Patients with Wilson's disease usually are responsive to chelation therapy with penicillamine. However, some patients present with fulminant hepatic failure and/or progressive disease unresponsive to adequate chelation therapy. Liver transplantation may be indicated in these instances.

Crigler-Najjar syndrome

Of the two types of this genetic disorder associated with severe unconjugated hyperbilirubinemia, patients with Type I invariably develop bilirubin encephalopathy usually before 15 months of age. Because of the inevitability of central nervous system damage and the limitations of phototherapy, liver transplantation is indicated in such patients at an early age.

Miscellaneous metabolic diseases

A number of rare genetic diseases may involve the liver and cause cirrhosis and eventual hepatic failure.

Patients with tryrosinemia, Byler's disease, Wolman's disease, and glycogen storage diseases Types O and IV may be candidates for hepatic transplantation.

Liver transplantation may also be indicated for patients with certain genetic diseases associated with severe neurological complications, such as hereditary deficiency of urea cycle enzymes and disorders of lactate/pyruvate or amino acid metabolism.

Hepatic vein thrombosis

The course of hepatic vein thrombosis is variable, and therefore transplantation should be reserved for patients with severe hepatic decompensation. The possibility of later transplant surgery should not discourage the use of portal venous decompression when otherwise indicated.

Primary sclerosing cholangitis

No clinical, biochemical, serologic, or histologic factors have proven to be of predictive value. When appropriate attempts at biliary tract diversion and dilation have failed, and death from liver failure is imminent, liver transplantation should be considered.

Alcoholic liver disease

At least 50 percent of the cases of cirrhosis in the United States are attributable to the abuse of alcohol, and alcohol abuse is the leading cause of hepatic morbidity and mortality.

Alcoholic liver disease is most favorably affected by abstinence. The natural history of untreated alcoholic hepatitis and/or cirrhosis is extremely variable, and there are few precise prognostic indicators in any but the terminal phase of the disease.

Liver transplantation may be considered for the patients who develop evidence of progressive liver failure despite medical treatment and abstinence from alcohol.

4. What are the skills, resources, and institutional support needed for liver transportation?

The requirements for conducting a liver transplantation program by a sponsoring institution are formidable. Accordingly, any institution embarking on this program must make a major commitment to its support. In addition to the full array of services required of a tertiary care facility and a program in graduate medical education, an active organ transplantation program should exist. Few hospitals are likely to meet these prerequisites.

Liver transplant recipients are seriously ill before surgery. The transplant effort is prodigious, and the postoperative intensive care interval, averaging 2 weeks, is punctuated by complications and frequent need for reoperation.

In this context, experts in hepatology, pediatrics, infectious disease, nephrology wood components is mandatory. Similarly, sophisticated microbiology, clinical chemistry, and radiology assistance are required. Emotional support for patient and family warrants psychiatric participation. Availability of effective social services to assist patients and families is indispensable.

The transplantation surgeon must be trained specifically for liver grafting and must assemble and train a team to function whenever a donor organ is available. Institutional commitment to the program mandates that operating room, recovery room, laboratory, and blood bank support exist at all times. Allocation of intensive care and general surgical beds is important. Recruitment of a cohort of specialized nurses and technicians to staff these areas is necessary. Access to tissue typing capability; ongoing research programs in liver disease, organ preservation, and transplantation immunology; and available hemoperfusion and microsurgical techniques are desirable attributes of a transplanatation effort.

Participation in a donor procurement program and network is essential, and an interdisciplinary deliberative body should exist to determine on an equitable basis the suitabilty of candidates for transplantation.

Institutions conducting liver transplantation are obligated to prospectively collect and share data in a coordinated, systematic, and comprehensive manner in all patients selected as transplantation candidates, so that the role of liver transplantation in the management of patients with liver disease can properly be assessed. Additional information permitting cost-benefit analysis should be secured.

Finally, the panel feels that adherence to these guidelines detailing the essentials to conduct a transplantation program offers the best assurance of high quality in performing this very difficult operation.

5. What are the directions for future research?

The Consensus Panel identified several broad areas related to liver transplantation in which critically important information is either unavailable or so incomplete as to defy meaningful interpretation. It is recommended that a registry or clearinghouse be established for collection and evaluation of all available data on liver transplantation. Such a center would develop unified criteria for selection of patients for transplantation and for reporting and evaluating all data related to the outcome of the operation and the patients' postoperative and long-term condition. As methods of immunosuppression improve and the logistic obstacles are resolved, the feasibility and desirability of randomized clinical trials of liver transplantation should be explored for suitable subgroups of patients with specific liver diseases.

High priority also should be given to research projects related to several aspects of the transplant procedure itself. Means should be developed to improve preservation of human liver ex vivo and criteria should be established to evaluate its viability. Improved control of organ rejection requires urgent attention; this includes thorough evaluation of the benefits and risks of cyclosporine as an immunosuppressive agent in liver transplantation. The design of the hemodynamic support system during transplantation needs evaluation and potential improvement. Research should be encouraged for developing better supportive measures for patients in liver failure, including maintenance of proper renal and cerebral function.

In the broad areas of the cause, pathogenesis, and natural course of chronic liver disease, present knowledge is fragmentary and incomplete, and research in these areas should be fostered and supported by all available means. Particular attempts should be made to determine the possible role of liver transplantation in the management of hepatocellular carcinoma at a stage when metastatic spread appears remote. Finally, liver transplantation should be explored as a modality of replacement therapy in genetically determined multi-organ enzyme deficiencies.

CONCLUSION

After extensive review and consideration of all available data, this panel concludes that liver transplantation is a therapeutic modality for end-stage liver disease that deserves broader application. However, in order for liver transplantation to gain its full therapeutic potential, the indications for and results of the procedure must be the object of comprehensive, coordinated, and ongoing evaluation in the years ahead. This can best be achieved by expansion of this technology to a limited number of centers where performance of liver transplantation can be carried out under optimal conditions.

● Mr. BENNETT. Mr. Chairman, there is in my congressional district a fine U.S. marine who has a 20-month-old son who needs the passage of this legislation. The child is Franklin W. Silcox, Jr. I favor this legislation for what it can do for this youngster and his need for a liver transplant and what this can also do for others similarly situated.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORE).

□ 0020

The question was taken; and on a division (demanded by Mr. GORE) there were—ayes 162, noes 18.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Has the amendment been printed in the RECORD?

Mr. BROOKS. On page H5383, on the 20th of July, this year of our Lord 1983.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. BROOKS: At the end of the bill add the following new section:

USE OF POLYGRAPHS BY THE DEPARTMENT OF DEFENSE

SEC. 1111. The Secretary of Defense may not, before April 15, 1984, use, enforce, issue, implement, or otherwise rely on any rule, regulation, directive, policy, decision, or order that would permit the use of polygraph examinations in the case of civilian employees of the Department of Defense or members of the Armed Forces in any manner or to any extent greater than was permitted under rules, regulations, directives, policies, decisions, or orders of the Department of Defense in effect on August 5, 1982.

Mr. BROOKS. Mr. Chairman, the amendment which I offer concerns the use of polygraph examinations in the Department of Defense.

The amendment places a freeze on the implementation of a new polygraph policy in the Department of Defense until April 15, 1984. DOD's proposed changes would overturn their longstanding policy which allowed the use of polygraph exams, but only as one of many tools in the investigative process. The new proposal would enable the Department of Defense to make investigative conclusions and sanction employees solely on the basis of polygraph exam results or the re-

fusal of an employee to take such a test.

In the House, several committees are reviewing the polygraph issue, including the Legislation and National Security Subcommittee of the Government Operations Committee, which I chair.

I have requested the Office of Technology Assessment to conduct a study on the validity and reliability of polygraph exams. In addition, I have requested the General Accounting Office to conduct an inquiry into the effects of the implementation of these new policies. Until these studies are completed and the Congress has evaluated this new policy of greater use and reliance on the polygraph, it is appropriate that its implementation be postponed.

I, therefore, urge that we delay the implementation of these guidelines until April 15, 1984, during which time Congress will have an opportunity to evaluate these policies and develop a legislative response if necessary.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the distinguished chairman of the subcommittee that handles this matter, the gentleman from Alabama.

Mr. NICHOLS. I thank the gentleman for yielding.

Mr. Chairman, I will say that the gentleman from Texas has discussed this amendment with me. I have examined his amendment. I believe it would not impose any hardship on the Department of Defense, and I recommend that it be agreed to.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to another distinguished gentleman from Alabama, the ranking minority member of that great committee.

Mr. DICKINSON. Mr. Chairman, we have examined the amendment on this side. We find it acceptable.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BROOKS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WHITEHURST

Mr. WHITEHURST. Mr. Chairman, I offer an amendment to title XI.

The CHAIRMAN. Has the amendment been printed in the RECORD?

Mr. WHITEHURST. No, Mr. Chairman, it has not been.

The CHAIRMAN. Which amendment is the gentleman referring to?

Mr. WHITEHURST. I am referring to the one, Mr. Chairman, that refers to providing routine port services at no cost to visiting units.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. WHITEHURST: At the end of the bill add the following new section:

ROUTINE PORT SERVICES

SEC. 1111. (a) Section 7227(b) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) When furnishing routine port services under this section to naval vessels operating as part of a multinational naval force of the North Atlantic Treaty Organization, the Secretary may furnish such services without reimbursement if such services are provided under a multinational standardization agreement that provides for the reciprocal furnishing of routine port services to naval vessels of the United States without reimbursement. If routine port services arearagraph, the working-capital fund activity shall be reimbursed for such costs out of operating funds currently available to the Navy.".

(b) The amendments made by subsection (a) shall take effect on October 1, 1983.

Mr. WHITEHURST (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD, and that I may be permitted to proceed for 30 seconds to explain the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. CHENEY. Mr. Chariman, reserving the right to object, again I will state what I stated earlier, that I think it is outrageous that the House would consider, without having printed in the RECORD, amendments little and vague, like the one passed a short time ago that costs $350 million.

I will not object to any request in connection with any amendment that has been printed in the RECORD, but I will object to all unanimous consent requests in connection with amendments that have not been printed in the RECORD.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk concluded the reading of the amendment.

Mr. DICKINSON. Mr. Chairman, this side has read the amendment. It only provides reciprocity to foreign nations, and we accept it.

Mr. PRICE. Mr. Chairman, we accept the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. WHITEHURST).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ADDABBO

Mr. ADDABBO. Mr. Chairman, I offer an amendment that was printed in the RECORD on July 21.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ADDABBO: Page 47, after line 15, insert the following new section:

RETIRED PAY FOR CERTAIN OTHERWISE INELIGIBLE RESERVISTS

SEC. 1014. (a) Section 1331(c) of title 10, United States Code, relating to retired pay for nonregular service, is amended by striking out "unless he" the first place it appears and all that follows in such section and inserting in lieu thereof "unless—

"(1) he performed active duty after April 5, 1917, and before November 12, 1918, or after September 8, 1940, and before January 1, 1947; or

"(2) he performed active duty (other than for training) after June 26, 1950, and before July 28, 1953, after August 13, 1961, and before May 31, 1963, or after August 4, 1964, and before March 28, 1973.".

(b) The amendment made by subsection (a) shall apply with respect to retired pay payable for months beginning after September 30, 1983, or the date of the enactment of this Act, whichever is later.

Mr. ADDABBO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. CHENEY. Mr. Chairman, reserving the right to object, has the amendment been printed in the RECORD?

Mr. ADDABBO. It has been printed in the RECORD on July 21.

Mr. CHENEY. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ADDABBO. Mr. Chairman, I rise today to offer an amendment to section 1331(a) of title 10, United States Code, to correct an inequity that exists for certain individuals who served our country in both a Reserve and active-duty capacity.

Under current law, individuals who participated in the Reserves prior to August 16, 1945, and who served on active duty during World War I, World War II, or Korea would receive retirement credit for their pre-1945 Reserve duty. Individuals with similar Reserve time, whose only active duty, other than training, occurred during the Berlin or Cuban crises or during Vietnam are barred by current law from receiving retirement credit for that pre-1945 Reserve time.

The purpose of this amendment is to extend eligibility for retirement credit for Reserve duty performed before August 16, 1945, to include not only individuals who performed active duty during World War I, World War II, and Korea, but also during Berlin, Cuba, and Vietnam.

It is unfair and inequitable to discriminate against individuals who participated in the Reserves prior to 1945, and who, because of occupational deferments or other valid reasons, were unable to perform active duty during periods covered by the law, but were called to active duty and performed honorably during Berlin, Cuba, or Vietnam.

I urge a vote in favor of this amendment.

Mr. ASPIN. Mr. Chairman, will the gentleman yield?

Mr. ADDABBO. I yield to the gentleman from Wisconsin.

Mr. ASPIN. Mr. Chairman, I would like to commend the gentleman from New York for his amendment. We have had a chance to look at the amendment, and we think it is a very good amendment. We have no objection to it.

Mr. DICKINSON. Mr. Chairman, if the gentleman will yield, we have no objection to the amendment.

The CHAIRMAN. Without objection, the amendment is agreed to.

Mr. WALKER. Mr. Chairman, reserving the right to object, we would like to know what the amendment does, and then I do not think there will be a problem.

Mr. ADDABBO. Mr. Chairman, by unanimous consent I will explain for 30 seconds.

The amendment extends to the Vietnam veterans the same benefits that were given to the veterans of the Korean war as far as Reserve duty prior to 1945.

Mr. WALKER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ADDABBO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TAUKE

Mr. TAUKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Has the amendment been printed in the RECORD?

Mr. TAUKE. Mr. Chairman, the amendment was printed in the RECORD on May 26.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. TAUKE: At the end of the bill add the following new section:

CONGRESSIONAL COMMISSION ON NATIONAL DEFENSE PLANNING

SEC. 1111. (a) There is established a commission to be known as the Congressional Commission on National Defense Planning (hereinafter in this section referred to as the "Commission").

(b)(1) The Commission shall review the current system of formulating and implementing national security and national defense policy, with particular emphasis on the planning and command structure of the Department of Defense. The Commission shall make recommendations for measures to promote efficiency in defense planning and to promote economy and improved administration in the operation of the Department of Defense. The Commission specifically shall examine and make recommendations for the improvement of—

(A) the organization of the military staffs, including the Joint Chiefs of Staff and the Joint Staff;

(B) procedures within the Department of Defense providing command, communications, and control authority;

(C) procedures within the Department of Defense for liaison with other executive branch agencies and with Congress enabling the Department of Defense to carry out its defense planning responsibilities; and

(D) personnel policies and functional responsibilities related to the planning and execution of national defense policy.

(2) The Commission shall transmit to the President and to Congress such interim reports as it considers appropriate and shall submit a final report as provided in subsection (i).

(c)(1) The Commission shall be composed of 15 members as follows:

(A) Seven appointed by the President, not more than four of whom may be officers or employees of the United States.

(B) Four appointed by the Speaker of the House of Representatives, two of whom shall be Members of the House of Representatives and shall be appointed from different political parties and two of whom shall be private citizens.

(C) Four appointed by the majority leader of the Senate, two of whom shall be Members of the Senate and shall be appointed from different political parties and two of whom shall be private citizens.

(2)(A) Appointments under paragraph (1) shall be made from persons who are specially qualified to serve on the Commission by reason of their particular knowledge and expertise concerning national defense policy and planning.

(B) Members of the Commission shall serve for the life of the Commission.

(3) The Commission shall convene within 45 days after the date of the enactment of this section, but not before October 1, 1983.

(4) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d)(1) One of the members appointed by the President shall be designated by the President to be the Chairman of the Commission.

(2) The Commission shall meet at the call of the Chairman or a majority of its members.

(3) A majority of the Commission shall constitute a quorum but a lesser number may hold hearings.

(e) Members of the Commission shall serve without compensation for their work on the Commission but shall be entitled to receive per diem and travel expenses under the provisions of subchapter I of chapter 57 of title 5, United States Code.

(f)(1) The Commission may appoint a Director and such additional personnel as the Commission considers appropriate.

(2) The Director and staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the Director and staff may not be paid at a rate in excess of the rate of basic pay payable for GS-18 of the General Schedule.

(3) The Commission may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code.

(4) Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this section.

(g)(1) The Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(2) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(4) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(5) Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(h)(1) The Commission may issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence that relates to any matter under investigation by the Commission. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing within the United States.

(2) If a person issued a subpena under paragraph (1) refuses to obey such subpena or is guilty of contumacy, any court of the United States within the judicial district within which the hearing is conducted or within the judicial district within which such person is found or resides or transacts business may (upon application by the Commission) order such person to appear before the Commission to produce evidence or to give testimony relating to the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) The subpenas of the Commission shall be served in the manner provided for subpenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) All process of any court to which application may be made under this section may be served in the judicial district in which the person required to be served resides or may be found.

(5) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to a subpena, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture by reason of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(i)(1) The Commission shall transmit a final report to Congress not later than one year after it convenes, except that the deadline for transmitting that report may be extended by up to six months by the Chairman of the Commission upon transmittal of notice of such extension to Congress. The

Commission shall include in its final report recommendations designed to promote a more effective national defense planning system, including such recommendations for legislative or administrative action as the Commission considers appropriate. The report shall specifically address each area set forth in subparagraphs (A) through (D) of subsection (b)(1).

(2) The Commission shall terminate 30 days after the date on which its final report is submitted to Congress under paragraph (1).

Mr. TAUKE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. TAUKE. Mr. Chairman and Members of the Committee, I hesitate to bring a substantive matter before the Committee at this hour of the evening, but the fact is that on behalf of Mr. DICKS, Mr. CLINGER, Mrs. SNOWE, Mr. GLICKMAN, Mr. BROWN, and myself, I printed an amendment in the RECORD on May 26. Of course, the way this bill was considered, those of us who had amendments to late titles in the bill were not permitted to bring them up for discussion until after 10 o'clock this evening when we got permission to consider those titles of the legislation. Of course, after 10 o'clock this evening until time expired at midnight the time was dominated solely by Members of the Armed Services Committee. And I think that the Members of this body should be aware of the fact that any Member who is not a member of the Armed Services Committee had no choice but to use this unusual procedure to get a matter before the House.

The legislation that I am offering would establish a congressional commission on national defense planning.

There are a number of Members of this body who spend a lot of time looking at the Department of Defense. I would assume they have also spent some time looking at the material that I sent around over the last month and a half.

Essentially, we believe that the problems confronting the Department of Defense do not result from a lack of resources in terms of personnel nor in terms of money. The problems confronting the Department of Defense result, in a substantial part, from the lack of effective planning within the Department.

Now, since the post-World War II period, a serious look has not been given to the core legislation establishing our national security and national defense structures and procedures.

Moreover, since that time, although there have been some discussions of the makeup of the Department of Defense, there has been no outside look at that, no outside group that has given consideration to this very serious question.

It seems to me that if we have any chance at all of getting a handle over the Department of Defense, the way it plans and its relationship to all of the other agencies and bureaus of government that are involved in defense and national security planning, it is essential that we look to this kind of outside group for some sort of direction.

□ 0030

If you believe that we are getting all of the defense that we are paying for, if your problems in defense are lack of resources, then you probably would want to oppose this approach. But if you believe that our problems are a result not of a lack of resources, but of a lack of an ability to get effective planning within our national security structure, then I think this amendment may hold some merit for you.

The commission, ladies and gentlemen, would be made up of 15 members, 7 appointed by the President, 4 by the Speaker of the House, 4 by the majority leader of the Senate. It would report back to Congress and the President within 1 year of its formation.

I thank the Members for their attention this evening, and I hope you will give this amendment serious consideration despite the circumstances.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. TAUKE. I would be delighted to yield to the gentleman from Missouri.

Mr. SKELTON. Is the gentleman aware of the fact that I have a bill in on the very subject of reorganizing the Defense Department, the Joint Chiefs of Staff; that we have had extensive hearings on my bill and a related bill before the Armed Services Subcommittee?

This is the second year this entire subject has been before the Committee on Armed Services. It is nothing new. We are looking at it. Something is going to be done on it this year. I think this is duplication, and really, we are the ones to look at it and not abdicate our duty to some commission.

Mr. TAUKE. I thank the gentleman for his comments. I might observe that this has been looked at by various groups in Congress oftentimes, but nevertheless, no progress has been made. I think that we need the momentum and force of an outside group looking at this in order to make some progress.

Mr. SKELTON. If the gentleman will yield further on that point, progress is going to be made next week, because I understand the subcommittee is going to put a bill out which is going to have a good part of my bill in it, as I understand it.

Mr. NICHOLS. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Iowa (Mr. TAUKE). His amendment would establish a commission to evaluate the national defense planning process.

My opposition is not directed toward the objective of the gentleman's amendment, only to the means of carrying it out.

The Investigations Subcommittee, of which I am chairman, has the jurisdiction to conduct the review and to make the recommendations suggested by the gentleman's amendment. The subcommittee has members who possess the background and knowledge to perform the evaluation. It has the authority to call before it the outside experts and to conduct the indepth oversight required for such a task.

In fact, I would note, Mr. Chairman, that the subcommittee is currently engaged in a series of hearings, the focus of which is the organization of the Joint Chiefs of Staff. In conjunction with those hearings, we are, in effect, addressing the vast bulk, if not all, of the issues suggested by the amendment of the gentleman from Iowa.

I do not believe a commission would be in any better position to consider this issue than the subcommittee is in under the rules of the House. I do not see what duplication of our effort will accomplish.

Consequently, Mr. Chairman, I urge the Members to defeat the amendment.

Mr. HOPKINS. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from Kentucky.

Mr. HOPKINS. I appreciate my colleague yielding.

Mr. Chairman, I want to emphasize what he has said. As a member of the subcommittee, in my opinion the establishing of a special commission at times might be appropriate. As an example, we established one to study the problems of social security.

But the amendment of the gentleman from Iowa would create a congressional commission for the purpose of reviewing the command structure of our military, and I would simply point out that the subcommittee has been studying this not only in the 98th Congress but back in the 97th Congress, and gives me the opportunity to say also under the very good leadership of our chairman, the gentleman from Alabama.

I might also add that, as our chairman has already indicated, a special commission can be an effective way of dealing with a problem under certain circumstances, but it is hard to get some of the facts and some of the figures, but I took a little time to try and run down just how many special commissions we already have.

The Speaker of the House has the power to appoint Members to a total of 31 commissions and boards. That does not even include commissions that we may create as a result of legislation.

Additionally, the Library of Congress reports that for the executive branch and various departments and agencies, we have created a total of over 9,700 advisory committees over the last 11 years, with somewhere in the range of 865 being active and current today.

I do not believe, Mr. Chairman, that this commission is necessary and I urge my colleagues to vote down the amendment of my colleague from Iowa.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. TAUKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. JONES OF NORTH CAROLINA

Mr. JONES of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Has the amendment been printed in the RECORD?

Mr. JONES of North Carolina. It has not, Mr. Chairman.

The Clerk read as follows:

Amendment offered by Mr. JONES of North Carolina: Strike out section 1103 (page 87, line 10 through page 90, line 24) and renumber the succeeding sections.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. JONES of North Carolina. I yield to the gentleman from Florida.

Mr. BENNETT. I thank the gentleman for yielding.

Mr. Chairman, I would like to say that we have inspected this amendment on our side, and we accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. JONES).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Has the amendment been printed in the RECORD?

Mr. FAZIO. No; it has not, Mr. Chairman.

The Clerk read as follows:

Amendment offered by Mr. FAZIO: At the end of the bill add the following new section:

ONE-YEAR POSTPONEMENT FOR CERTAIN DEPOSITS FOR CIVIL SERVICE RETIREMENT BASED ON MILITARY SERVICE

SEC. . Section 8334(j)(2)(A) of title 5, United States Code, is amended by striking out "October 1, 1982;" and inserting in lieu thereof "October 1, 1983;".

● Mr. FAZIO. Mr. Chairman, I thank the gentlemen from Illinois, Wisconsin, Alabama, and Indiana for their cooperation and support of my amendment. Basically, my amendment allows those individuals who are affected by catch-62 to have an additional year to pay back to the Government 7 percent of their basic military pay into the civil service retirement system.

Prior to August 1982, a Federal retiree with post-1956 military service had his Federal pension recalculated when he turned 62, since at that age he became eligible for social security benefits based on his years of military service. Although he would begin to receive payments from social security, his Federal pension was reduced concurrently, with the new combination of retirement payments invariably being less than the full Federal pension he had been accustomed to receiving.

Congress attempted to correct this catch-62 last year by giving a Federal employee or recent retiree the option of making no-interest payments to the civil service retirement fund to get full credit for this post-1956 military service. Under the new law, an individual who pays the equivalent of 7 percent of his military earnings after January 1957 can receive his full Federal pension as well as his rightful social security benefits.

While the legislation corrected the problem at hand, an entirely new problem emerged with regard to the implementation, for the Department of Defense has been unable to administratively handle the enormous number of requests for military pay records. Over 1 million people are affected by this provision, each of whom need verification of the amount of their basic military pay. Unfortunately, many of these records have been destroyed, thus necessitating an estimated rate of pay. This, coupled with the large number of individuals in need of their records has put considerable strain on the individual services, and has also made it impossible to get this information out to every individual in time for them to avoid the interest penalty which goes into effect October 1, 1984—3 percent until January 1, 1985, rising to 8 percent at that time.

My amendment simply extends for 1 year the period of time that the payback can be made.

I recently introduced a bill, H.R. 3526, to this effect, and in just 2 weeks, over 30 Members of both parties have joined me in cosponsoring this bill. In addition, the Department of Defense endorses my efforts.

I urge the House's support.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. FAZIO).

The question was taken; and on a division (demanded by Mr. FAZIO) there were—ayes 106, noes 43.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. DYSON

Mr. DYSON. Mr. Chairman, I offer an amendment. The amendment has been printed in the RECORD.

The Clerk read as follows:

Amendment offered by Mr. DYSON: At the end of the bill add the following new section:

REPORT ON COST SAVINGS UNDER CONTRACTING OUT PROCEDURES

SEC. 11. (a) Not later than April 15, 1984, the Secretary of Defense shall submit a report to Congress describing the experience of the Department of Defense since January 1, 1981, with conversion to contractor operation of commercial or industrial type functions of the Department of Defense which previously had been performed by Department of Defense civilian or military personnel.

(b)(1) The report under subsection (a) shall include with respect to each function of the Department of Defense converted to contractor operation since January 1, 1981—

(A) the estimated cost (as of the date of the award of the contract) of performance of the function by the Government,

(B) the contractor's estimated cost of performance of the function in the bid of the contractor,

(C) the actual cost (as of the end of the contract or the date of the report) of contractor operation of such function, and

(D) the savings (shown in dollars and as a percentage) for the operation of such function since conversion to contractor performance.

(2) The report shall also show—

(A) the average savings (shown in dollars and as a percentage) of all functions converted to contractor performance since January 1, 1981, as projected at the time of contracting and as realized at the end of the contract or the date of the report,

(B) the dollar amount and percentage of such contracts awarded to small businesses, and

(C) the number of Federal employees whose employment by the Government was terminated as a result of conversion of such functions to contractor performance.

Mr. DYSON. (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. DYSON. Mr. Chairman, I am offering an amendment to the Defense Authorization Act (H.R. 2969) to direct the Secretary of Defense to report to the Congress on cost savings achieved in contracting out. As my colleagues are well aware, under this administration the Department of Defense has made a headlong rush to contract out as many functions as possible. Because of the Department's indiscriminate haste, the process has often been on a collision course with overall cost effectiveness and sound management. Because of the mixed results of contracting out, the Congress imposed a 6-month moratorium. That moratorium is now over. The DOD has resumed its rush to contract out Government functions again, and the same concerns that prompted the moratorium are being raised once more.

The primary purpose of contracting out is to save the Government money,

a goal I strongly endorse. Yet there are many unanswerd questions about how much money is actually being saved. I have learned that the Department of Defense has only a vague idea at best about the cost savings achieved. The Department is unable to tell the Congress how much money was saved at the end of the contract period for each function converted to contractor operation, what the difference was between the contractor's estimated cost of performance and the actual cost of contractor operation, and what the average savings were for all functions converted to contractor performance. The DOD also does not know the number of Federal employees whose employment by the Government was terminated as a result of contracting out. In effect, the Defense Department simply cannot provide the facts and figures to substantiate a major administration directive.

There is, in short, a glaring lack of information and data about a very important Government policy. It is very difficult for the Congress to review the performance of the Defense Department on this issue without adequate data. My amendment would direct the Secretary of Defense to collect that data and forward it to the Congress by April 15, 1984, in time for the Armed Services Committee's markup for the fiscal year 1985 Defense Authorization Act. With this information the Congress will be able to thoroughly examine the Defense Department's experience with contracting out since January 1981, and to decide how best to modify the Department's approach to contracting out.

This amendment is consistent with the Armed Services Committee's report language which directs the Secretary of Defense to "establish procedures to compile and make available to the Congress actual performance figures" on contracting out. The difference is that we require a date for that report and require specific figures, rather than leaving it to the Secretary's discretion to decide which performance figures are relevant.

Mr. DANIEL. Mr. Chairman, will the gentleman yield?

Mr. DYSON. I yield to the gentleman from Virginia.

Mr. DANIEL. I thank the gentleman for yielding.

Mr. Chairman, our subcommittee has studied this amendment, and we have absolutely no objection to it. It is a good amendment and we hope it will be approved.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. DYSON. I yield to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding.

Mr. Chairman, we have the subject of contracting out coming up quite often. This simply requires the Secretary of Defense, as I understand it, to report to us whether there is a savings or not before they go forward with the contracting out of a specific service.

Am I correct in that?

Mr. DYSON. The gentleman is correct.

Mr. DICKINSON. That being the amendment, we think it is a good amendment, and we certainly accept it over here.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. DYSON).

The amendment was agreed to.

□ 0040

AMENDMENT OFFERED BY MR. PARRIS

Mr. PARRIS. Mr. Chairman, I offer an amendment. It has been printed in the RECORD.

The Clerk read as follows:

Amendment offered by Mr. PARRIS: Strike out sections 1011 and 1012 (page 42, line 19 through page 43, line 16) and redesignate the following section accordingly.

Mr. PARRIS. Mr. Chairman, the purpose of my amendment is to prevent any further erosion of benefits for retired military personnel.

I will not take my full time. This is a simple amendment, every Member of this House understands the issue. We have heard it debated many times. This amendment would strike out sections 1011 and 1012 to title 10, relating to military retirees. These 2 sections create inequities which military retirees should not be required to endure. Section 1011 would make permanent the 6-month delay in cost-of-living adjustments for retired pay and section 1012 would retain the limitation on COLA's for persons who retired under age 62 in place for fiscal year 1986. My amendment would strike these sections from the bill, preventing these provisions from being implemented.

Mr. Chairman, it is unfortunate that the retired military have been a convenient target for reductions. By approving these types of reductions, the Congress is failing to recognize the fact that these are earned benefits which the Federal Government has a contractual and moral obligation to protect from reductions and prevent delays in their receipt.

Military personnel are required to make a great many sacrifices throughout their careers. Many times, military families are required to pull up stakes and move to another section of the country or some distant corner of the world. Now that they are retired, they should not be requested to sacrifice further. But that is what the Congress has been doing. We eliminated the biannual COLA and we reduced benefits for those retirees under age 62, among other changes.

Another point that we should consider is the impact that these types of reductions have on younger officers and enlisted personnel. These individuals are facing career decisions and are very sensitive to the weakening of their retirement system and the recent trend in benefit reductions. We must keep in mind that our Armed Services are suffering from severe shortages of skilled officers and enlisted personnel in critical combat and operational positions. Those individuals with skills in great demand in the private sector would be encouraged to leave the military. This would affect great numbers of military people who work in the fields of aerospace, electronics, aviation, and computers.

While I am a strong supporter of reducing Federal spending, I do not believe that it is wise nor equitable to require any one group to bear an unfair burden in reducing Federal expenditures. Military retirees have already endured reductions in their earned benefits and it is time for this Congress to draw the line and stop this constant chipping away.

This bill authorizes the expenditure of a total of $187.4 billion which was within the budget. The committee may object to my amendment because it takes it over the budget. But I submit to add a relatively paltry sum of $252 million in 1984 for this purpose will not do violence to this measure. In the interest of simple equity I urge my colleagues to join in supporting my amendment.

Mr. ASPIN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this would be a very, very bad idea to pass this amendment. We have worked long and hard through the budget process to come up with a few ways in which we could save some money. They are being applied throughout the Federal civil service. Both of these things would cost an awful lot of money if we were to reverse them now.

Mr. Chairman, I yield first to the gentleman from Texas and second to the gentleman from Oklahoma.

Mr. GRAMM. Mr. Chairman, I thank the gentleman for yielding.

I simply would like to point out that unlike the other amendments that simply on a once and for all basis have added hundreds of millions of dollars here, we are in the process of undoing the social security compromise that sought a 6-month delay in the COLA. We are changing an entitlement that will add to spending every year that this change is in effect. In this case, we do violate the budget which is now in force.

I urge my colleagues to vote down this amendment.

Mr. ASPIN. Mr. Chairman, I yield to the gentleman from Oklahoma (Mr. JONES).

Mr. JONES of Oklahoma. Mr. Chairman, I thank the gentleman for yielding.

If this amendment were to pass, we would be repudiating the bipartisan budget reconciliation of 1 year ago and the budget resolution that was passed this year. So I hope this amendment will be defeated. It is a fair thing that has been passed by both Houses, this COLA delay. We should not be repealing that, particularly at a time when we have $200 billion plus deficits.

Mr. ASPIN. Mr. Chairman, I thank the gentleman for his comments.

Most of the things that we have dealt with here in this rush session are not things that cost a lot of money. Settling little inequities, fixing things up is one thing; but this is a big, big item. We should really not be dealing with this in this way. In any case, we should not be passing what the gentleman has proposed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. PARRIS).

The amendment was rejected.

AMENDMENT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Has the amendment been printed in the RECORD?

Mr. SPRATT. It has not, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SPRATT: Page 93, after line 10, insert the following new section:

PERFORMANCE OF CIVIL FUNCTIONS BY MILITARY OFFICERS

SEC. 1123. (a) Section 973 of title 10, United States Code, relating to performance of civil functions by officers of the Armed Forces, is amended by striking out subsection (b) and inserting in lieu thereof the following:

"(b)(1) This subsection applies—

"(A) to a regular officer of an armed force on the active-duty list (and a regular officer of the Coast Guard on the active duty promotion list);

"(B) to a retired regular officer of an armed force serving on active duty under a call or order to active duty for a period in excess of 180 days; and

"(C) to a reserve officer of an armed force serving on active duty under a call or order to active duty for a period in excess of 180 days.

"(2)(A) Except as otherwise authorized by law, an officer to whom this subsection applies may not hold, or exercise the functions of, a civil office in the Government of the United States—

"(i) that is an elective office;

"(ii) that requires an appointment by the President by and with the advice and consent of the Senate; or

"(iii) that is a position in the Executive Schedule under sections 5312 through 5317 of title 5.

"(B) An officer to whom this subsection applies may hold or exercise the functions of a civil office in the Government of the United States that is not described in subparagraph (A) when assigned or detailed to that office or to perform those functions.

"(3) Except as otherwise authorized by law, an officer to whom this subsection applies may not hold or exercise, by election or appointment, the functions of a civil office in the government of a State, the District of Columbia, or a territory, possession, or commonwealth of the United States (or of any political subdivision of any such government).

"(4) Nothing in this subsection shall be construed to invalidate any action undertaken by an officer in furtherance of assigned official duties.

"(c) The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating in the Navy, shall prescribe regulations to implement this section.".

(b) Nothing in section 973(b) of title 10, United States Code, as in effect before the date of the enactment of this Act, shall be construed—

(1) to invalidate any action undertaken by an officer of an Armed Force in furtherance of assigned official duties; or

(2) to have terminated the military appointment of an officer of an Armed Force by reason of the acceptance of a civil office, or the exercise of its functions, by that officer in furtherance of assigned official duties.

(c) Nothing in section 973(b)(3) of title 10, United States Code, as added by subsection (a), shall preclude a Reserve officer to whom such section applies from holding or exercising the functions of an office described in such section for the term to which the officer was elected or appointed if, before the date of the enactment of this Act, the officer accepted appointment or election to that office in accordance with the laws and regulations in effect at the time of such appointment or election.

Mr. SPRATT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. CHENEY. Mr. Chairman, reserving the right to object, I would remind my colleagues that we are voting in the blind, and I do object.

The CHAIRMAN. Objection is heard.

Mr. SPRATT. Mr. Chairman, I would say to the Chair that this does not involve the expenditure of money.

Mr. CHENEY. Mr. Chairman, regular order.

The CHAIRMAN. The Clerk will continue reading the amendment.

The Clerk concluded the reading of the amendment.

● Mr. SPRATT. Mr. Chairman, this is a technical amendment clarifying the law concerning the assignment of military officers to agencies outside the Department of Defense. Section 973(b) of title 10, United States Code, precludes officers with regular commissions from holding or exercising the functions of a civil office in the Federal Government or the government of a State, except as otherwise authorized by law.

The present law prohibits holding a civil office. Until recently, use of this term posed no problem for the performance of assistance by the Department of Defense with respect to functions performed by other departments on matters of direct interest to the Department of Defense. For example, there is a longstanding tradition of involvement by judge advocates in the prosecution of petty offenses in magistrate's court, as well as in the conduct of civil litigation concerning the Department of Defense. In recent years, this has been of particular importance in the growing effort to combat fraud and waste in DOD. Other military officers have assisted civilian agencies with respect to matters in which there is a particular military expertise and interest, such as the weapons programs of the Department of Energy.

Late last month, however, the Department of Justice issued an opinion reversing its longstanding interpretation of section 973(b), and determined that judge advocates holding regular commissions are not permitted to be involved in many aspects of litigation because such involvement constitutes exercise of the functions of a civil office. The opinion is effective immediately with respect to new cases, and will preclude such involvement in ongoing cases after September 1, 1983. In view of the tens of thousands of cases prosecuted annually in magistrates courts with respect to crimes on military reservations, and the hundreds of cases in civilian courts affecting the Department of Defense in which judge advocates act as lead counsel, there is an urgent need for an immediate solution.

The opinion by the Office of Legal Counsel emphasized the vital role that judge advocates play in Government litigation, and suggested that legislative relief should be sought. This amendment is designed to correct the problem created by the opinion.●

Mr. DICKINSON. Mr. Chairman, we will accept the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. SPRATT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HERTEL OF MICHIGAN

Mr. HERTEL of Michigan. Mr. Chairman, I offer an amendment. It has been printed in the RECORD.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HERTEL of Michigan: At the end of the bill, add the following new section:

USE OF FUNDS TO RELIEVE ECONOMIC DISLOCATIONS

SEC. 1125. (a) Section 2392 of title 10, United States Code, is amended—

(1) by striking out "No funds" in subsection (b) and inserting in lieu thereof "Except as provided in subsection (c), no funds"; and

(2) by adding at the end thereof the following new subsections:

"(c) The Secretary of Defense shall conduct a program in accordance with this subsection to exempt certain contracts of the Department of Defense from subsection (b) and to pay a price differential under such contracts for the purpose of relieving economic dislocations. Under such program, the Secretary may exempt from the provisions of subsection (b) any contract (other than a contract for the purchase of fuel) made by the Defense Logistics Agency—

"(1) if the contract is to be awarded to an individual or firm located in a labor surplus area (as defined and identified by the Secretary of Labor); and

"(2) if the Secretary of Defense determines—

"(A) that the awarding of the contract will not adversely affect the national security of the United States;

"(B) that there is a reasonable expectation that bids will be received from a sufficient number of responsible bidders so that the award of the contract will be made at reasonable cost to the United States;

"(C) that the price differential to be paid under the contract will not exceed 2.2 percent; and

"(D) that the value of the contract, when added to the cumulative value of all other contracts awarded under the program during the fiscal year in which the contract is to be awarded, will not exceed $7,000,000,000.

"(d) Not later than April 15 of each year, the President shall submit a report to Congress on the implementation and results during the preceding year of the program authorized by subsection (c). Each such report shall include an assessment of the costs and benefits of the program.".

(b)(1) The heading of such section is amended to read as follows:

"§ 2392. Prohibition on use of funds to relieve economic dislocations; exception".

(2) The item relating to such section in the table of sections at the beginning of chapter 141 of title 10, United States Code, is amended to read as follows:

"§ 2392. Prohibition on use of funds to relieve economic dislocations; exception.".

(c) The amendments made by this section shall take effect on October 1, 1983.

□ 0050

Mr. HERTEL of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. DICKS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Clerk completed the reading of the amendment.

Mr. HERTEL of Michigan. Mr. Chairman, I rise to offer an amendment to the Defense authorization bill that I believe will help to strengthen our national defense while at the same time promoting national economic recovery. My amendment would make permanent an already proven and effective program that has been conducted by the Defense Logistics Agency for the past 3 years that targeted procurement contracts to areas of high unemployment.

As long ago as 1952—in the midst of the Korean war—the Federal Government recognized that large numbers of idle factories and unemployed workers posed an obstacle to rapid industrial mobilization. For that reason, President Truman issued Defense Manpower Policy No. 4, which required Federal agencies to give preference in the awarding of procurement contracts to firms located in areas of high unemployment, so as to insure that the Nation's industrial capacity was maintained on as broad a basis as possible.

However, in 1953 the Congress passed a provision—known as the Maybank amendment—that prohibited the Defense Department from paying any cost differential to target contracts to private companies in high unemployment areas (LSA's). This amendment was added routinely to all defense spending bills every year until 1980, when Congress approved a new test program to be conducted by the Defense Logistics Agency. In the first year, DLA was authorized to purchase up to $3.4 billion in nonstrategic goods and services from businesses located in labor surplus areas, the Labor Department's term for high unemployment, and to give such firms a price advantage of up to 5 percent when bidding against firms from economically healthy areas.

In both 1981 and 1982, the Reagan administration recognized the worthiness of this approach to the problems of distressed areas, and both the President and Budget Director, David Stockman, lent their support to the continuation of the program. As a result, the DLA program was extended through fiscal 1983, with its limit increased to $4 billion and the cost differential lowered to 2.2 percent.

Mr. Chairman, very few Government programs work the way they were intended, but this apparently is one that does. Even though the Defense Department has not provided a report on the test program in the past 15 months, the preliminary data indicate the program is doing just what it was supposed to do; create jobs in our Nation's most economically distressed areas at little or no cost to the Government.

Through December 1982—the period for which results are available—DLA paid a cost differential on only 956 of the 35,770 contracts that were awarded to firms in labor surplus areas—a suprisingly low 3 percent. While the value of the 956 contracts came to almost $88 million, the cost differential amounted to only $1,763,173. Thus the Government paid an average cost differential of 1.7 percent—considerably less than the amount allowed by statute.

Mr. Chairman, this tells us that given the opportunity to compete for Government contracts, firms in economically distressed areas can participate successfully in supplying the nonstrategic goods needed by our armed forces.

The DLA report also shows that as a result of the payment of the cost differential on the 436 contracts, 3,207 jobs were created or maintained. Thus, the cost per job under this program—even after DLA's administrative expenses are added—is only $549.89, considerably less than any other Federal job program. In addition, the real cost to the Government may have been less, because those workers, if left unemployed, might well be collecting income maintenance payments and other Government benefits.

The amendment I have submitted today would make the program permanent using the same price differential of 2.2 percent, but with one important distinction. The amendment would increase the $4 billion limit to $7 billion to reflect the inflation that has taken place in the economy since the implementation of the program and the significant increases in funding that have been voted for the defense budget. The $7 billion figure represents the amount of existing procurement dollars available out of the present Defense Logistics Agency budget for the program and not an increase in our Federal budget.

Mr. Chairman, this year we have a $187 billion defense budget, and over the next several years we will see further significant increases in Government defense spending. We cannot ignore the impact of these expenditures on the Nation's economy, nor the importance of guaranteeing that distressed as well as prospering areas have the opportunity to participate in defense production activities. I would also note that even though this program allows payment of a small price differential, it may actually keep costs for nonstrategic goods down by guaranteeing that there is abundant competition for these contracts.

Mr. Chairman, I think all my colleagues are aware that I support a strong national defense. We can never have a truly strong defense if significant areas of the country are afflicted with idle workers and machinery. Such a situation would leave us unprepared to respond to a national emergency and unable to adequately supply the common goods our troops rely on. I am talking about some of the smaller things, the medical and laboratory equipment, the hardware and the electronics. Certainly they ought to be produced in all the areas of the country and not just a few. We have to recognize that to have a strong defense we need to have a strong economy.

A permanent DLA program will strengthen the Nation's economy by putting people and machinery back to work, at little cost to the Government, and enhance our national security by helping to maintain a broad industrial base. I recommend this amendment to my colleagues.

Mr. ADDABBO. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from New York.

Mr. ADDABBO. Mr. Chairman, I am happy to lend my support to the amendment offered by my distinguished colleague DENNIS HERTEL. Three years ago I sponsored the original measure that modified the Maybank amendment and resulted in establishment of the Defense Logistics Agency targeted procurement test program.

The House voted for this change, and the continuance of a test program, because it believed that military procurement, if targeted correctly, held the potential for significantly increasing employment in economically distressed areas. The available data show that this belief was well founded.

In a time of record unemployment, when the Nation is losing much of the industrial capacity of its older communities, the importance of using scarce Federal resources wisely cannot be exaggerated. Our constituents have told us time and time again that they want to see the Government spend its money efficiently and effectively. What more efficient and effective way could we devise to purchase needed military supplies than to channel these contracts to the Nation's most economically troubled communities?

The Department of Defense accounts for between two-thirds and three-quarters of all Federal Government procurement. Given this fact, and that military spending is scheduled to increase significantly in the next few years, we bear a special responsibility to insure that these funds are spent in such a way that inflation is not stimulated and areas of high unemployment receive special consideration in the assignment of contracts.

Mr. Chairman, this is a program that works. Results of the test program show that as DLA and contractors became more familiar and experienced with the program, the number of contracts that DLA awarded under the program increased; the percent of contracts receiving a price differential decreased; the average percent price differential paid decreased; and the dollar value of price differentials paid was lower. As these test results show, the program is getting better with increased experience.

This is an amendment that will help to strengthen our national defense while at the same time promote economic recovery. While creating and preserving jobs in our Nation's most economically distressed communities at minimal cost to the Federal Government, this program is preserving and encouraging competition in defense contracting. By increasing competition for contract awards and the incentive for companies to perform, the program increases the quality of goods available to the military and the likelihood of on-time delivery at lower costs.

Mr. Chairman, I urge my colleagues once again to support this amendment to make permanent a program that is building and preserving domestic employment and industrial capacity as well as a strong national defense.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, I commend the gentleman for his leadership on this amendment.

I rise in strong support of the Hertel amendment to the Defense authorization bill, H.R. 2696.

The Hertel amendment will allow the Department of Defense to make permanent a program that targets some of its nonstrategic procurement contracts to firms located in high unemployment areas.

Defense Manpower Policy No. 4 (DMP-4), announced in 1952, committed the Federal Government to a program reserving some contracts for private firms in areas of high unemployment. But this policy's enormous potential to strengthen military preparedness and create jobs was never realized because of the Maybank amendment. Added routinely to every defense appropriations bill since 1953, this provision exempted the vast purchasing power of the Defense Department from DMP-4.

In 1980, Congress modified this restriction. Section 724 of the 1981 Defense Appropriations Act established a 1-year test program that directed the Pentagon's supply branch—the Defense Logistics Agency (DLA)—to purchase up to $3.4 billion in nonstrategic goods and services from businesses located in high unemployment areas. Under this test, businesses located in labor surplus areas would be given a price differential—the added cost to the Federal Government to target these contracts to areas of high unemployment—when bidding on DLA contracts. In both 1981 and 1982, with the administration's support, the test program was extended. Presently, the set-aside provision is set at $4 billion and the price differential at 2.2 percent.

On July 11, 1983, DLA submitted a report of the "Test of Modification to the Maybank Amendment," covering the period extending from February 1981 through December 1982, some 7 months ago. The report contained the following results:

A price differential was paid on only 956 of the 35,770 contracts awarded.

The price differential on these 956 contracts—the added cost to the Government to target these contracts to high unemployment areas—amounted to $1,763,173, or 2 percent of the overall value of these contracts.

As a result of payment of a price differential on these 956 contracts, 3,207 jobs were either created or maintained. The cost of creating or maintaining a job under this program is only $549.89, even after adding DLA's administrative expenses. In fact, the reduction in income maintenance costs actually reduces this cost further.

Passage of the Hertel amendment to permit targeting a small portion of the Federal Government's vast purchasing power to companies in distressed areas will:

Strengthen national defense. The Nation cannot quickly tool up for wartime production when thousands of factories are idle and millions of workers are left jobless. By reserving some Federal contracts for areas of high unemployment, this program is designed to diversify and expand the industrial base needed for rapid economic mobilization in the event of war or national emergency.

Create and preserve jobs without increasing the Federal budget or establishing a new Government program.

Benefit every region of the country. The 1,364 labor surplus jurisdictions—areas of high unemployment to which contracts can be targeted—are evenly distributed throughout the country.

Ease demand for income maintenance programs. New jobs created under the program can reduce the need for unemployment benefits, welfare, food stamps, and housing subsidies.

Preserve competition for defense contracts. Contracts can be set aside for labor surplus areas only if enough bids are submitted to assure adequate competition and a reasonable price.

It is important that this program be continued. Despite the impressive results from the test program, unless the Congress acts now, during consideration of the Defense Authorization Act for fiscal 1984, the program will end. This program, as preliminary results have shown, is working exactly as intended: Jobs are being created in our Nation's most economically distressed areas at little or no cost to the Government. I urge you to support the Hertel amendment.

Mr. STRATTON. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from New York.

Mr. STRATTON. Mr. Chairman, I want to commend the gentleman for this amendment. I have had an opportunity to examine it, and I recommend that the committee accept it.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding and rise in strong support of the amendment.

This amendment has created jobs at a very low cost in distressed areas and avoided the necessity of paying unemployment compensation and should be accepted.

Mr. FORD of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Michigan.

Mr. FORD of Michigan. Mr. Chairman, I rise in strong support of the amendment offered by my colleague from Michigan, Congressman DENNIS HERTEL, to H.R. 2969, the Department of Defense Authorization Act for fiscal year 1984. This amendment would make permanent a program which permits the Department of Defense to target some of its procurement programs to labor surplus areas (LSA's). The Hertel amendment would modify the Maybank amendment by allowing the Defense Logistics Agency (DLA) to purchase up to seven billion dollars worth of goods and services in LSA's while paying a maximum cost differential of 2.2 percent.

This amendment is of the utmost importance to my home State of Michigan. Unemployment in Michigan continues to hover over 15 percent and there is not a single area in my district which the Department of Labor does not consider an LSA. At the same time, Michigan will receive approximately $1.1 billion in military expenditures during the current fiscal year, representing $119 in per capita expenditures for the State. This is substantially less than the $539 nationwide average of per capita military spending. In fact, in fiscal 1981, Michigan received $734.8 million fewer procurement dollars than it did in 1951. I fail to see why $7 billion out of an $187.8 billion authorization for the DOD should not be targeted to areas such as Michigan.

In addition, the Hertel amendment would provide a better overall geographic balance of economic benefits from increased military spending. During the current fiscal year, the South and the West will receive approximately twice as much in military spending as the Northeast and Midwest—the two areas which most need the assistance which this targeting provision will provide.

In recent years, modifications to the Maybank amendment have proved to be effective in meeting their intended goal of creating jobs in economically distressed areas at a minimal cost to the Government. A DOD report which covered the period from February 1981 through January 1982 states that a price differential was paid on only 436 of 13,459 contracts awarded to firms in LSA's. The price differential on these contracts was only 1.7 percent, well under the 2.2 percent included in both last year's DOD authorization and in the Hertel amendment. Overall, 2,300 jobs were created or maintained as a result of these 436 contracts at a cost of only $652.17 per job. The actual cost per job is even less than this amount because of reduced Federal payments to individuals as well as increased tax benefits to the Federal Treasury.

Such a successful and cost-effective Federal program should become a permanent DOD policy. I urge my colleagues to adopt the Hertel amendment.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. Mr. Chairman, I rise in strong support of the amendment.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, I thank the gentleman for yielding. I think he has a good idea and something that is worthwhile.

I did notice that fuel was exempted, and in my area it would be beneficial if we could sell fuel.

So I would hope that the gentleman, either in the other body or in conference, would work with me to see if some arrangement can be arrived at to include fuel.

Mr. HERTEL of Michigan. I want to state to the gentleman that the Department of Defense asked for that because one purchase of fuel could pretty much cover the entire program.

But I would, as the gentleman said, be glad to work with him and the Senator from Texas, the chairman of the Armed Services Committee.

Mr. PURSELL. Mr. Chairman, will the gentleman yield?

Mr. HERTEL of Michigan. I yield to the gentleman from Michigan.

Mr. PURSELL. Mr. Chairman, I rise in support of the amendment offered by Mr. HERTEL of Michigan. I have been in the forefront of efforts taken to spread defense procurement dollars evenly across the country. The results of the labor surplus area procurement program, conducted by the Defense Logistics Agency, demonstrate two important accomplishments: The program works and the program is of national importance.

The distribution of defense production throughout the United States is as important today as it ever has been. The DLA labor surplus area program has provided an efficient, inexpensive method by which the concentration of defense production facilities can be expanded. As Mr. HERTEL mentioned, the DLA paid cost differentials on only 436 of 13,469 contracts. Yet, this program resulted in the creation or savings of 2,300 jobs at a cost per job of only $650. If we calculated savings in Federal assistance payments resulting from the DLA program, the cost per job would be even lower.

The most important feature of this program, however, is found in its national scope. This program allows firms and industries in economically disadvantaged areas, areas which remain important to America's industrial defense production base, to participate successfully in supplying nonstrategic goods for America's Armed Forces. This program is based upon the accepted theory that America's military strength is directly related to America's economic strength.

While some Members believe this procurement program to be a regional issue, the effects of the recent recession have made it important to virtually every region and State in the Nation. Recent Department of Labor statistics show that eligible labor surplus areas are found in equal numbers for all regions of the country. For example, the State of Alabama has 54 counties eligible to participate in the program. The State of Arkansas has 42 eligible counties. The State of Georgia has 27 counties eligible to participate. There are 63 counties eligible in the State of Kentucky. The amendment offered by the gentleman from Michigan offers counties, States, and regions from every area of the United States a chance to participate in the production of nonstrategic defense goods.

Mr. Chairman, the amendment will continue a proven program by which the defense industrial base of America can be expanded; by which industries in economically depressed segments of the country can begin to return to productivity; by which the strength of America's defense can be matched by the strength of America's economy. The amendment deserves the approval of the Congress.

Mr. HERTEL of Michigan. Mr. Chairman, the gentleman makes a good point. The fact is, in other times, other parts of the country have had additional help, especially the South. But many of these programs do benefit the South.

For instance, Birmingham, Ala.; Miami, Fla.; Fresno, Calif.; Modesto, Calif.; and St. Louis, Mo.

From around the country we can tell that this is not a regional program, and all of the different States benefit in some way from this program, because when our defense is strong, our industry is strong and our entire economy is strong.

I ask the Members to vote "yes."

Mr. MONTGOMERY. Mr. Chairman, I rise in opposition to the amendment.

I am on the committee and I am speaking in behalf of the committee on this amendment, in spite of what my colleague from New York (Mr. STRATTON) said.

I think most members of the committee oppose the Maybank amendment.

I would like to point out to my colleagues that this is not exactly like the Maybank amendment that we are used to because what the gentleman has offered is permanent legislation. It will be here from now on.

We all know that this has not worked. It has not worked in the past and it is not going to work in the future.

Actually in the test that was run in 1982 and 1983, a test that was required by law, it cost the taxpayers $5 million and what happened? It found out that when you transfer jobs that it created 3,207 jobs, but there was a net loss of 3,336 jobs, which in effect made 128 people come out without work.

It has not worked at all. It is a waste of money, and we certainly should not adopt this amendment.

Mr. DICKS. Will the gentleman yield?

Mr. MONTGOMERY. I will be glad to yield to the gentleman from Washington.

Mr. DICKS. I want to associate myself with the gentleman from Mississippi's remarks.

The Department of Defense is opposed to the Maybank amendment. Our Subcommittee on Defense Appropriations has had divided views on this. Our chairman is for it. Many of us are against it because we think it does distort the way we do business. It causes defense spending to be increased needlessly, and you are talking about trying to push $7 billion of procurement around the country on a basis that is noncompetitive and I think it is a mistake.

Mr. MONTGOMERY. I certainly agree with the gentleman.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Alabama.

Mr. DICKINSON. I think we ought to recognize what we are doing.

What the effect of this would be is that a person who is in business, a small businessman, who has been doing business with the Department of Defense and all of a sudden he finds out that he is not in one of the areas that would be preferred, so he would lose the business that he has been doing for years because this arbitrarily takes it away to create a job someplace else. His employees would lose a job.

This has not worked in the past. It has cost more than it has produced and it is a bad amendment.

Mr. MONTGOMERY. We are all in hard times. It is a terrible amendment.

Mr. GIBBONS. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Florida.

Mr. GIBBONS. Mr. Chairman, tonight has been a rather degrading night for the Armed Forces of the United States and there is no sense in us punishing them any more. They are entitled to the best equipment that money can buy, purchased throughout the United States.

This is not a relief program. This is a security program.

I know firsthand the mischief that this can do. Unemployment is very uneven throughout the United States. This is taking away contracts from little contractors in my district that employ a great many minorities, a great many women, and it is just unfair.

I think it is time to call a halt to this tonight.

Mr. GRAMM. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I am glad to yield to the gentleman from Texas.

Mr. GRAMM. I wish to make three points.

First of all, this is not the Maybank amendment. This is a permanent change in law that will require discrimination in contracting permanently.

Second, this was not considered in the committee.

Third, this is an attempt to turn the defense procurement program into a welfare program. We cannot have it both ways. We cannot stand up here and scream and holler about defense and waste in the Defense Department and then mandate waste to grant special privileges to special parts of the country.

□ 0100

Mr. McCURDY. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. Mr. Chairman, I yield to the gentleman from Oklahoma.

Mr. McCURDY. Mr. Chairman, I rise in strong objection to this amendment.

Mr. MONTGOMERY. Mr. Chairman, really this is a bad amendment. It should not be adopted.

I think we have had a good night's work tonight but adopting this amendment will certainly hurt and I hope the amendment will be defeated.

Mr. HERTEL of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman.

Mr. HERTEL of Michigan. I thank the gentleman for yielding.

Mr. Chairman, we are talking, out of over $200 billion defense, less than 3 percent, 2.2 percent in areas of high unemployment. That reduces unemployment in those areas. Therefore, for the entire Nation it strengthens it.

So, we are not taking more money, or a larger share, we are just asking other parts of the country.

Mr. MONTGOMERY. That is my point, it affects less than 3 percent, and it does not do anything. It cost 128 jobs the last year plus $5 million.

I hope the amendment will be defeated.

● Mr. McDADE. Mr. Chairman, I rise to support the amendment of my fine colleague, the gentleman from Michigan (Mr. HERTEL). His amendment would make permanent the labor surplus area program with the Defense Logistics Agency. This Agency is the buyer of common items for all the various defense organizations. Items purchased in this program include overshoes, raincoats, pipe, hose, fuses, rope, and sunglasses.

Where appropriate, these nonstrategic items are set aside for competition among small businesses located in areas of high unemployment. The past test programs have been highly successful. Through January 1982, over 2,300 jobs were created or maintained according to DLA reports.

This program is good for the small business community that creates the new jobs which we so badly need and is, in turn, good for our country. I urge your support.●

● Mr. FAZIO. Mr. Chairman, I rise in support of the gentleman from Michigan's amendment to provide a 4-percent pay increase in January for our men and women in the uniformed services. The committee bill, H.R. 2969, would delay this annual cost-of-living raise by 6 months from October, the beginning of the fiscal year, until March 1984.

As a member of the House Budget Committee, I was instrumental in altering the President's budget proposal of a 12-month delay, to an on-time pay raise.

I did this because I feel that the pay and benefits we provide to our service men and women is crucial to our ability to attract and retain topnotch, qualified individuals. This goes hand in hand with readiness. If we fail to honor our commitments to our personnel, we risk all, for it is the individuals that make the difference between strength and mediocrity in our military force.

While the House budget resolution maintained an on-time 4-percent raise, the Senate version contained a 6-month delay. A conference agreement of a 3-month delay was ultimately approved.

The gentleman from Michigan's amendment is in compliance with our final budget resolution. Although I would prefer an October 1, 1984, date, I nevertheless support the gentleman's

amendment and urge the support of my colleagues.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. HERTEL).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HERTEL of Michigan. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 218, noes 201, not voting 14, as follows:

[Roll No. 274]

AYES—218

Ackerman	Gonzalez	Oberstar
Addabbo	Gray	Obey
Akaka	Green	Ortiz
Albosta	Guarini	Ottinger
Anderson	Gunderson	Owens
Annunzio	Hall (IN)	Panetta
Applegate	Hall (OH)	Pease
Bates	Hall, Sam	Penny
Bedell	Hamilton	Perkins
Beilenson	Harkin	Petri
Berman	Harrison	Porter
Biaggi	Hawkins	Price
Boehlert	Hertel	Pursell
Boland	Hiler	Rahall
Bonior	Horton	Rangel
Bonker	Howard	Ratchford
Borski	Hughes	Regula
Bosco	Hyde	Reid
Boucher	Jacobs	Ridge
Boxer	Jeffords	Rinaldo
Broomfield	Johnson	Ritter
Brown (CA)	Kaptur	Rodino
Burton (CA)	Kasich	Roe
Burton (IN)	Kastenmeier	Roth
Byron	Kazen	Roybal
Carney	Kemp	Russo
Carr	Kennelly	Sabo
Clay	Kildee	Sawyer
Clinger	Kindness	Scheuer
Coats	Kogovsek	Schneider
Coelho	Kolter	Schulze
Collins	Kostmayer	Schumer
Conable	Lantos	Seiberling
Conte	Latta	Sensenbrenner
Corcoran	Leach	Shannon
Coughlin	Lehman (CA)	Sharp
Courter	Leland	Shuster
Coyne	Lent	Sikorski
Crockett	Levin	Siljander
D'Amours	Lipinski	Simon
Daschle	Long (MD)	Smith (NJ)
Davis	Lujan	Snowe
de la Garza	Luken	Solarz
Dellums	Lundine	Solomon
Dingell	Markey	Staggers
Dixon	Martin (IL)	Stark
Donnelly	Martin (NY)	Stokes
Downey	Martinez	Stratton
Durbin	Matsui	Studds
Dwyer	Mavroules	Tauke
Dymally	McCloskey	Torres
Dyson	McDade	Torricelli
Early	McGrath	Towns
Eckart	McHugh	Traxler
Edgar	McKernan	Vander Jagt
Edwards (CA)	McKinney	Vento
Evans (IA)	McNulty	Walgren
Evans (IL)	Michel	Walker
Fazio	Mikulski	Waxman
Feighan	Miller (OH)	Weiss
Ferraro	Mineta	Wheat
Fish	Minish	Williams (MT)
Florio	Mitchell	Williams (OH)
Foglietta	Moakley	Wirth
Ford (MI)	Molinari	Wise
Ford (TN)	Mollohan	Wolpe
Frank	Morrison (CT)	Wortley
Garcia	Mrazek	Wylie
Gaydos	Murphy	Yates
Gejdenson	Murtha	Yatron
Gekas	Natcher	Young (MO)
Gephardt	Nowak	Zablocki
Gilman	Oakar	

NOES—201

Alexander	Goodling	Packard
Andrews (TX)	Gore	Parris
Anthony	Gradison	Pashayan
Archer	Gramm	Patman
Aspin	Gregg	Patterson
AuCoin	Hall, Ralph	Paul
Badham	Hance	Pepper
Barnard	Hansen (ID)	Pickle
Barnes	Hansen (UT)	Quillen
Bartlett	Hartnett	Ray
Bateman	Hatcher	Richardson
Bennett	Hefner	Roberts
Bereuter	Hightower	Robinson
Bethune	Hillis	Roemer
Bevill	Holt	Rogers
Bilirakis	Hopkins	Rose
Bliley	Hoyer	Rostenkowski
Boggs	Hubbard	Roukema
Boner	Huckaby	Rowland
Breaux	Hunter	Rudd
Britt	Hutto	Schaefer
Brooks	Ireland	Schroeder
Brown (CO)	Jenkins	Shaw
Broyhill	Jones (NC)	Shelby
Bryant	Jones (OK)	Shumway
Campbell	Jones (TN)	Sisisky
Carper	Kramer	Skeen
Chandler	Lagomarsino	Skelton
Chappell	Leath	Slattery
Chappie	Lehman (FL)	Smith (FL)
Cheney	Levine	Smith (IA)
Clarke	Levitas	Smith (NE)
Coleman (MO)	Lewis (FL)	Smith, Denny
Coleman (TX)	Livingston	Smith, Robert
Cooper	Lloyd	Snyder
Craig	Loeffler	Spence
Crane, Daniel	Long (LA)	Spratt
Crane, Philip	Lott	St Germain
Daniel	Lowery (CA)	Stangeland
Dannemeyer	Lowry (WA)	Stenholm
Daub	Lungren	Stump
Derrick	Mack	Sundquist
DeWine	MacKay	Swift
Dickinson	Marlenee	Synar
Dicks	Marriott	Tallon
Dorgan	Martin (NC)	Tauzin
Dowdy	Mazzoli	Taylor
Dreier	McCain	Thomas (CA)
Duncan	McCandless	Thomas (GA)
Edwards (AL)	McCollum	Udall
Edwards (OK)	McCurdy	Valentine
Emerson	McDonald	Vandergriff
English	McEwen	Volkmer
Erdreich	Mica	Vucanovich
Erlenborn	Miller (CA)	Watkins
Fascell	Montgomery	Weaver
Fiedler	Moore	Weber
Fields	Moorhead	Whitehurst
Flippo	Morrison (WA)	Whitley
Fowler	Myers	Whittaker
Franklin	Neal	Whitten
Frenzel	Nelson	Winn
Frost	Nichols	Wolf
Fuqua	Nielson	Wright
Gibbons	O'Brien	Wyden
Gingrich	Olin	Young (FL)
Glickman	Oxley	Zschau

NOT VOTING—14

Andrews (NC)	Heftel	Pritchard
Conyers	LaFalce	Savage
Foley	Lewis (CA)	Wilson
Forsythe	Madigan	Young (AK)
Hammerschmidt	Moody	

□ 0110

Messrs. MRAZEK, LUKEN, BURTON of Indiana, and PETRI changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

● Mr. HANSEN of Utah. Mr. Chairman, I fully support this amendment which corrects a defect in chapter 10 of the United States Code which allows the Secretary of Defense to consolidate or transfer functions within the Department of Defense for the purpose of efficiency.

In essence, the statute, as it now reads, gives the OSD, or the Office of the Secretary of Defense, the authority, at its own whim and fancy, to consolidate or transfer virtually any function belonging to the military services under the guise of efficiency, regardless of the effects such actions would have on the security of our country.

Mr. Chairman, the amendment offered today is neither conservative nor liberal, Republican nor Democrat, but utterly programmatic. As an indication of bipartisan support for the legislation, I have introduced a bill identical to the amendment under consideration which is supported by both Republicans and Democrats.

Let me say, that I fully support efficiency measures that do, indeed, save time and money. However, when the defense of our country becomes an integral part of any consolidation attempt, factors other than efficiency must be considered.

The amendment would restrict the OSD from consolidating or transferring any function or duty from the military departments to a civilian defense component without first obtaining the blessings of the Congress.

Like my colleague from California, I have been intensely involved in three such consolidation attempts by the OSD. However, inasmuch as others will focus attention on various other consolidation attempts, I will limit my remarks to the OSD's most recent effort which called for a study of consolidation of operation of all military installations under one central manager. This most recent attempt is by far one of the most potentially damaging ideas yet to surface from that Office.

If the OSD is successful in implementing this plan, all of our military bases—Air Force, Army, Navy—could be regionalized and placed under one central manager within that region. The scope of responsibilities to be considered for single management would include all real property planning, design, construction and maintenance, base operation support, community services and personnel support. In short, what the OSD is attempting to do is create a "super agency" to operate all bases.

Anyone who has served in the military knows that the fundamental principal of command is to place control close to the scene of action. Moving control away from the principal place of activity will only slow down the decisionmaking process. It is simply not feasible to exchange plans for every mission with the many variables and communication problems that inevitably develop during intensive operations.

Gen. Bryce Poe is a very good friend of mine who retired less than 2 years

ago as commander of the Air Force Logistics Command. His successful career concentrated heavily on the logistics, or the nuts-and-bolts end of air warfare. He knows what is required to maximize the Air Force's ability to perform its mission and he knows what detracts from that ability. This spring, several of my colleagues and I received from General Poe one of the most sincere and insightful letters I have ever read. He is no longer on active duty—he no longer has an ax to grind or turf to protect. But he obviously agonized over this letter because he knows how dangerous this consolidation proposal is and he continues to be deeply concerned about the men and women who would be affected by it. His conclusion is that the military's ability to perform its mission would be weakened by such a consolidation. I would like to insert General Poe's letter in the RECORD, and read parts of it to my colleagues in the Chamber at this time:

It is almost impossible to list all that is wrong with this proposal. However, two basic areas come immediately to mind—the differences between and within the military services and the responsibilities of a commander to his mission and to the men and women under his command * * *. The services really are different. That is why they are separate. Witness mobilization—most stateside Air Force Reserve forces are on the way to war in hours, Army units in weeks, major Navy fleet additions can take a year or more. That doesn't make any one service better—only different * * * within each service are activities every bit dissimilar. A commander's responsibility is to his people and his mission. They cannot be delegated to an absentee landlord, or even to regional or on-station bureaucrats who do not have mission responsibility. The idea of these activities being turned over, wholesale, to amateurs with no mission responsibility is frightening. I ask for your help in stopping this latest and most blatant attempt to take military management from the trained and experienced commanders who are held directly responsible for the Nation's safety.

With over 240 of my colleagues having some form of military experience, General Poe's remarks are clearly understood. However, for those who were never in the military, and do not fully appreciate the differences between the services, let me provide you with an example more to the point.

Consider placing all of our offices, both Republicans and Democrats, each with differing ideals, purposes, and views. Under one single head or manager. While my California colleague and I happen to fully agree on this issue, there is no question that we differ on others. The idea of consolidating our congressional offices is ludicrous. It would not work here and it certainly would not work in the military.

Similar attempts at consolidation have taken place in Hawaii, Panama, and San Antonio. All have been disasters. The Inspector General's Office in the Defense Department recently completed a study of the largest of these consolidation experiments—the San Antonio Real Property Management Agency. I would like to insert into the RECORD the summary of that report. Briefly, however, the objective of the study was to determine if the anticipated benefits of this test consolidation had been realized. The audit found fault in every aspect of the consolidation, both in management of operations, including internal control and security at the base, to actual savings which had been anticipated. The basic premise of the audit—that the underlying concept of the consolidation is deficient—should be exhaustively examined. It did not take an Inspector General's report for every commander in the San Antonio area, as well as every observer of this experiment, to reach the conclusion that the San Antonio experiment was an ill-advised idea.

I have recently heard that the OSD may be backing off from this proposal, possibly due to vehement opposition from the services as well as pointed questions from several congressional offices which have likely made them cautious for the time being. However, these consolidation schemes, as they are rightfully called, never die, they just go underground for awhile. I expect that we have not seen the last of this proposal, or other attempts to remove functions from where they rightfully belong—under the control of our base commanders. If we want to get out of the clutches of the OSD, I urge approval of the amendment offered today. It will guarantee that when further consolidation attempts are made, they will require congressional approval before they can be tested or implemented.●

● Mr. DASCHLE. Mr. Chairman, I rise in support of H.R. 2969, the Defense authorization bill for fiscal year 1984. I am especially pleased with the committee's decisions to provide funding for the procurement of new equipment for National Guard and Reserve Forces. The addition of 24 F-16's for the Air Guard, 12 C-12's for Air and Army Guard units, 10 C-130H's for Air Guard and Air Force Reserve Forces, and funding to modify 30 Army National Guard AH-1G helicopters to the AH-1S Cobra TOW configuration should significantly enhance Guard and Reserve Force capabilities.

I have long felt that Reserve and Guard units could handle greater responsibility than they have been given. As such, I am also pleased that the committee has authorized an increase in National Guard Force levels by 6,600 persons. This increase in Guard strength and concommitant decrease in active duty level strength should result in an expanded national defense role for Guard units. To facilitate this increase, Representative MONTGOMERY will offer an amendment to increase Army National Guard funding by $28 million. I wholeheartedly support this amendment.

The No. 1 priority of the National Guard Association is State control over Army Guard Reserves (AGR). An amendment clarifying State control should clarify previous incorrect interpretations by the Army that AGR's are under Federal control. Approval of this amendment, which I support, will reaffirm the original constitutional interpretation that the individual States control Guard units.

Finally, I plan to support the initiative of Representatives NICHOLS and CHAPPELL to establish an Assistant Secretary of Defense for Reserve Affairs. Creation of this position will insure that Guard and Reserve Forces receive the attention they deserve as part of our Nation's total force structure.

Overall, I believe the committee members are to be commended for these actions and their continued strong support of the National Guard and our Armed Forces in general.●

● Mr. DANIEL. Mr. Chairman, the amendment I offered earlier this week did two things. First it authorized the Secretary of Defense to provide shelter, utilities and related services to the Nation's homeless when he determines that it will not interfere with military readiness. Second, my amendment provided $10 million in increased authorization to cover the estimated costs associated with sheltering the homeless.

The plight of homeless individuals and families traveling about in search for employment became all too familiar last winter. Their numbers far exceeded the capacity of localities and charitable agencies to provide them with temporary shelter, and the shortage was especially serious in areas where the winter weather is severe.

Responding to this need, on January 25 of this year Secretary of Defense Caspar Weinberger directed the service Secretaries to make available space at defense installations so that local elected officials and voluntary organizations could provide additional shelter for homeless individuals and families. By March 16 over 500 sites had been identified and cooperative efforts were underway involving localities, religious and charitable organizations to make the necessary arrangements. However, implementation of this program has been hampered because existing law forbids the Department of Defense to provide utilities, and related services—security, minor repairs and renovation, transportation, property liability, insurance, and cots and bedding—without reimbursement. This amendment provides the necessary legal authority and clears the way for increased utilization of military installations to shelter the homeless.

Because Army Reserve centers are most conveniently located to provide temporary shelter to the homeless, my amendment increases the Army Reserve operation and maintenance account by $8 million for utilities and other related costs. In addition, $1 million in increased authorization is provided in both the Navy and Air Force operation and maintenance accounts to cover the costs of their proportionate contribution to the shelter program.

I want to emphasize, however, that providing humanitarian support in this manner will not come at the expense of readiness or ongoing military activities. Moreover, the Secretary of Defense is expected to provide regulations that insure that this program is prudently managed and that Government property is not abused. Finally, it should be kept in mind that this shelter program is not just another Government giveaway, but a full partnership with localities, religious and charitable organizations each contributing resources and services.

Mr. Chairman, the need for this program is clear and it is imperative that the necessary arrangements be completed before this winter. It has the wholehearted support of the Secretary of Defense and the administration. My amendment provides the legal authority and the necessary resources to permit its timely and effective implementation.●

The CHAIRMAN. Are there further amendments?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. DELLUMS

Mr. DELLUMS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. DELLUMS: strike all after the enacting clause, and insert:

SHORT TITLE

SECTION 1. This Act may be cited as the "Department of Defense Authorization Act, 1984".

PURPOSE

SEC. 2. The purposes of this Act are—

(1) to authorize appropriations for the Department of Defense for fiscal year 1984 at levels consistent with a strong national defense and a sound national economy;

(2) to minimize the risk of nuclear confrontation;

(3) to eliminate areas of waste and abuse in the budget of the Department of Defense for fiscal year 1984;

(4) to provide for improved military personnel policies designed to enhance readiness and morale; and

(5) to make other improvements in the management of the Department of Defense.

TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS, ARMY

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement of aircraft, missiles, weapons and tracked combat vehicles, ammunition, and for other procurement for the Army as follows:

For aircraft, $1,418,600,000.

For missiles, $1,476,900,000.

For weapons and tracked combat vehicles, $1,154,800,000.

For ammunition, $2,045,200,000.

For other procurement, $4,541,100,000.

AUTHORIZATION OF APPROPRIATIONS, NAVY AND MARINE CORPS

SEC. 102. Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement of aircraft, weapons (including missiles and torpedoes), naval vessels, and for other procurement for the Navy and Marine Corps as follows:

For aircraft, $7,394,700,000.

For weapons (including missiles and torpedoes), $2,111,000,000.

For naval vessels, $2,397,700,000.

For other procurement, $4,125,150,000.

For procurement for the Marine Corps (including missiles, tracked combat vehicles, and other weapons), $1,800,400,000.

AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

SEC. 103. Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement of aircraft and missiles and for other procurement for the Air Force as follows:

For aircraft, $11,273,100,000.

For missiles, $5,102,400,000.

For other procurement, $5,548,500,000.

AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

SEC. 104. Funds are hereby authorized to be appropriated for fiscal year 1984 for procurement by defense agencies in the amount of $526,600,000.

SECURE COMMUNICATIONS EQUIPMENT

SEC. 105. The Secretary of Defense is authorized to procure secure telephone communication systems, including equipment and related items, during fiscal year 1984 for the Department of Defense and other Government agencies and entities to support a national program to provide secure telephone service. Of the funds authorized to be appropriated pursuant to this title, not more than $60,000,000 may be used to provide secure telephone equipment and related items to the Department of Defense and other Government agencies and entities in support of such a national program. Equipment provided to Government agencies and entities outside the Department of Defense under the authority of this section and such related services as may be necessary may be furnished by the Secretary of Defense with or without reimbursement.

LIMITATIONS ON ARMY PROCUREMENT

SEC. 106. (a) The Secretary of the Army may not make a contract for the purpose of establishing a second source for production of the engine for the M-1 tank.

(b) None of the funds appropriated pursuant to authorizations of appropriations in this title may be obligated or expended for the Pershing II missile program.

LIMITATIONS ON NAVY PROCUREMENT

SEC. 107. (a)(1) None of the funds appropriated pursuant to the authorization of appropriations for the strategic sealift ready reserve program under section 102(c) (under Shipbuilding and Conversion for the Navy) may be obligated or expended for the acquisition of a specific vessel for that program until (A) the Secretary of the Navy has notified the Committees on Armed Services and on Appropriations of the Senate and House of Representatives of the proposed acquisition of that vessel for that program, and (B) a period of thirty days of continuous session of Congress has expired following the date on which that notice was received by those committees.

(2) For purposes of paragraph (1), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such thirty-day period.

(b) None of the funds appropriated pursuant to the authorization of appropriations for the LCAC landing craft air cushion program under section 102(c) (under Shipbuilding and Conversion for the Navy) may be obligated or expended until the Secretary of the Navy has submitted a report to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives which—

(1) responds to the Comptroller General decision B-203652 of April 20, 1983;

(2) evaluates the feasibility of establishing a second source for the production of the landing craft air cushion;

(3) recommends a specific acquisition strategy for such program that ensures procurement of the best landing craft air cushion for the Navy and, to the extent feasible, provides that such procurement shall be competitive if practicable and appropriate; and

(4) describes a plan to conduct a new source selection competition for the landing craft air cushion program and evaluates the feasibility of that competition.

(c) None of the funds appropriated pursuant to authorizations of appropriations in this title may be obligated or expended for the sea-launched cruise missile program.

LIMITATIONS ON AIR FORCE PROCUREMENT

SEC. 108. None of the funds appropriated pursuant to authorizations of appropriations in this title may be obligated or expended for the ground-launched cruise missile program, for the B-1B bomber program, or for antisatellite weapons.

PROHIBITION OF ACQUISITION OF BINARY CHEMICAL WEAPONS

SEC. 109. None of the funds appropriated pursuant to an authorization of appropriations in section 101 may be obligated or expended to purchase binary chemical weapons.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (a) Funds are hereby authorized to be appropriated for fiscal year 1984 for the use of the Armed Forces for research, development, test, and evaluation in amounts as follows:

For the Army, $3,257,152,000.

For the Navy (including the Marine Corps), $5,879,885,000.

For the Air Force, $8,714,500,000.

For the Defense Agencies, $2,743,500,000.

(b) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1984 such additional sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in subsection (a).

LIMITATION ON FUNDS FOR THE ARMY

SEC. 202. (a) None of the funds appropriated pursuant to an authorization of appro-

priations in section 201 may be obligated or expended for the Pershing II missile program or the ballistic missile defense program.

(b) None of the amount appropriated pursuant to the authorization in section 201 for the Army may be used for full-scale engineering development of the Military Computer Family System until the Secretary of Defense provides to the Committees on Armed Services of the Senate and House of Representatives a plan for the introduction and integration of advanced microelectronic computers into weapons systems.

LIMITATIONS ON FUNDS FOR THE NAVY

SEC. 203. (a) None of the amount appropriated pursuant to the authorization in section 201 for the Navy may be used for the Trident II missile program for the sea-launched cruise missile program.

(b)(1) None of the amount appropriated pursuant to the authorization in section 201 for the Navy may be used for full-scale engineering development of the AN/UYK-43 and AN/UYK-44 computers until the Secretary of Defense provides to the Committees on Armed Services of the Senate and House of Representatives a plan for the introduction and integration of advanced microelectronic computers into weapons systems.

(2) None of the amount appropriated pursuant to the authorization in section 201 for the Navy may be used for the Navy Mid-Infrared Advanced Chemical Laser program.

LIMITATIONS ON FUNDS FOR THE AIR FORCE

SEC. 204. None of the amount appropriated pursuant to the authorization in section 201 for the Air Force may be used for the ground-launched cruise missile program, for the B-1B bomber program or for antisatellite weapons.

LIMITATIONS ON FUNDS FOR THE DEFENSE AGENCIES

SEC. 205. (a) None of the amount appropriated pursuant to the authorization in section 201 for the Defense Agencies may be used for antisatellite weapons.

(b) None of the amount appropriated pursuant to the authorization in section 201 for the Defense Agencies may be used for research, development, test, and evaluation for the program for fifth-generation artificial intelligence computers until the Secretary of Defense submits to Congress a comprehensive plan for the manner in which such program will be carried out.

PROHIBITION OF DEVELOPMENT OF BINARY CHEMICAL WEAPONS

SEC. 206. (a) None of the funds appropriated pursuant to the authorization of appropriations in section 201 may be obligated or expended for research, development, test, or evaluation of binary chemical weapons.

TITLE III—LAND-BASED STRATEGIC BALLISTIC MISSILE MODERNIZATION PROGRAM,

CANCELLATION OF MX MISSILE PROGRAM

SEC. 301. The MX missile program is hereby canceled. None of the funds appropriated pursuant to authorizations of appropriations in this Act may be used for procurement or research, development, test, or evaluation for that program.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR A SMALL MISSILE SYSTEM

SEC. 302. (a) In addition to the amount authorized to be appropriated in section 201 for research, development, test, and evaluation for the Air Force, there is hereby authorized to be appropriated to the Air Force for fiscal year 1984 for research, development, test, and evaluation $50,000,000 to be available only for a small mobile missile system.

(b) The President shall report to Congress not later than March 1, 1984, on the verifiability for arms control purposes of a small mobile missile system and whether development of such a system would be in compliance with the terms of pending SALT II treaty.

TITLE IV—OPERATION AND MAINTENANCE

AUTHORIZATION OF APPROPRIATIONS

SEC. 401. (a) Funds are hereby authorized to be appropriated for fiscal year 1984 for the military functions of the Department of Defense for operation and maintenance in the amount of $64,757,600,000.

(b) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1984 such additional sums as may be necessary—

(1) for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in such subsection;

(2) for unbudgeted increases in fuel costs; and

(3) for increases as the result of inflation in the cost of activities authorized by subsection (a).

ELIMINATION OF NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE

SEC. 402. None of the funds appropriated pursuant to an authorization of appropriations in section 301 may be obligated or expended for the National Board for the Promotion of Rifle Practice.

PROHIBITION OF USE OF VESSELS WITH FOREIGN-BUILT MAJOR COMPONENTS UNDER CERTAIN LEASES OR SERVICE CONTRACTS

SEC. 403. (a)(1) None of the funds appropriated pursuant to the authorizations of appropriations in section 401 may be obligated or expended for the lease of a vessel, or for the provision of a service through use by a contractor of a vessel, under a contract which will be for a long term or under which the United States will have a substantial termination liability and under which the vessel involved will have a main propulsion system or other major component not built in the United States.

(2) None of the funds appropriated pursuant to the authorizations of appropriations in section 401 may be obligated or expended for a contract that is an agreement to lease or an agreement to provide services and that is (or will be) accompanied by a contract for the actual lease or provision of services if the contract for the actual lease or provision of services is (or will be) a contract described in paragraph (1).

(b) For purposes of subsection (a)—

(1) a contract shall be considered to be for a long term if the term of the contract, including all options under the contract, is for more than five years or is for a period longer than one-half the useful life of the vessel; and

(2) the United States shall be considered to have a substantial termination liability under a contract if, as determined under regulations prescribed by the Secretary of Defense, the sum of—

(A) the present value of the amount of the termination liability of the United States under the contract as of the end of the term of the contract (exclusive of any option to extend the contract), and

(B) the present value of the total of the payments to be made by the United States under the contract (excluding any option to extend the contract) attributable to capital-hire,

is more than one-half the price of the vessel involved.

(c) Subsection (a) does not apply with respect to a contract entered into before the date of the enactment of this Act.

TITLE V—ACTIVE FORCES

AUTHORIZATION OF END STRENGTHS

SEC. 501. The Armed Forces are authorized strengths for active duty personnel as of September 30, 1984, as follows:

(1) The Army, 751,285.

(2) The Navy, 541,050.

(3) The Marine Corps, 152,495.

(4) The Air Force, 565,845.

TITLE VI—RESERVE FORCES

AUTHORIZATION OF AVERAGE STRENGTHS FOR SELECTED RESERVE

SEC. 601. (a) For fiscal year 1984, the Selected Reserve of the reserve components of the Armed Forces shall be programmed to attain average strengths of not less than the following:

(1) The Army National Guard of the United States, 398,016.

(2) The Army Reserve, 351,849.

(3) The Naval Reserve, 94,000.

(4) The Marine Corps Reserve, 38,540.

(5) The Air National Guard of the United States, 100,100.

(6) The Air Force Reserve, 63,736.

(7) The Coast Guard Reserve, 10,700.

(b) The average strength prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year, and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

AUTHORIZATION OF END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES

SEC. 602. (a) Within the average strengths prescribed in section 501, the reserve components of the Armed Forces and the National Guard are authorized, as of September 30, 1984, the following number of Reserves to be serving on full-time active duty, and members of the National Guard to be serving in a full-time duty status, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components and the National Guard:

(1) The Army National Guard and the Army National Guard of the United States, 11,782.

(2) The Army Reserve, 6,474.

(3) The Naval Reserve, 214.

(4) The Marine Corps Reserve, 460.

(5) The Air National Guard and the Air National Guard of the United States, 3,411.

(6) The Air Force Reserve, 479.

(b) Upon a determination by the Secretary of Defense that such action is in the national interest, the end strengths prescribed by subsection (a) may be increased by a total of not more than the number equal to 2 percent of the total of the end strengths prescribed.

TITLE VII—CIVILIAN PERSONNEL

AUTHORIZATION OF END STRENGTH

SEC. 701. (a) The Department of Defense is authorized 813,313 permanent positions for civilian employment as of September 30, 1984, of which no more than 31 shall be in the Executive Schedule, as provided in sections 5312 through 5316 of title 5, of which no more than 1,415 shall be in the Senior Executive Service, as established in section 3131 of such title, and of which no more than 56,000 shall be at Grade GS-13 (or comparable level) or higher.

(b) The positions authorized in subsection (a) shall be apportioned among the Department of the Army, the Department of the Navy (including the Marine Corps), the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within sixty days after the date of the enactment of this Act on the manner in which the initial allocation of such positions is made among the military departments and the agencies of the Department of Defense (other than the military departments) and shall include the rationale for each allocation.

(c) In computing the strength for civilian personnel, there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid program and the Federal junior fellowship program and personnel participating in the worker-trainee opportunity program. Personnel employed under a part-time career employment program established by section 3402 of title 5, United States Code, shall be counted as prescribed by section 3404 of that tiltle. Whenever a function, power, or duty, or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense, or from another department or agency within the Department of Defense, the civilian personnel end strength authorized for such departments or agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

TITLE VIII—MILITARY TRAINING STUDENT LOADS

AUTHORIZATION OF TRAINING STUDENT LOADS

SEC. 801. (a) For fiscal year 1984, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 57,996.

(2) The Navy, 65,133.

(3) The Marine Corps, 18,311.

(4) The Air Force, 46,389.

(5) The Army National Guard of the United States, 7,467.

(6) The Army Reserve, 8,456.

(7) The Naval Reserve, 1,041.

(8) The Marine Corps Reserve, 2,835.

(9) The Air National Guard of the United States, 2,377.

(10) The Air Force Reserve, 1,405.

(b) In addition to the number authorized in subsection (a), the following components of the Armed Forces are authorized a military training student load to be utilized solely for one station unit training of not less than the following:

(1) The Army, 17,732.

(2) The Army National Guard of the United States, 7,070.

(3) The Army Reserve, 2,374.

(c) The average military student loads for the Army, the Navy, the Marine Corps, and the Air Force and the Reserve components authorized in subsection (a) for fiscal year 1984 shall be adjusted consistent with the manpower strengths authorized in titles V, VI, and VII of this Act. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the reserve components in such manner as the Secretary of Defense shall prescribe.

TITLE IX—CIVIL DEFENSE

AUTHORIZATION OF APPROPRIATIONS

SEC. 901. There is hereby authorized to be appropriated for fiscal year 1984 to carry out the provisions of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.) the sum of $136,380,000.

PROHIBITION OF CRISIS RELOCATION PLANNING

SEC. 902. None of the funds appropriated pursuant to the authorization of appropriations in section 901 may be obligated or expended for planning for population relocation in time of crisis.

AMOUNT AUTHORIZED FOR CONTRIBUTIONS FOR STATE PERSONNEL AND ADMINISTRATIVE EXPENSES

SEC. 903. Notwithstanding the second proviso of section 408 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2260), $54,000,000 of the amount authorized to be appropriated by section 901 is available for appropriations for contributions to the States under section 205 of such Act (50 U.S.C. App. 2286) for personnel and administrative expenses.

TITLE X—MILITARY PERSONNEL AND COMPENSATION MATTERS

PART A—COMPENSATION MATTERS

4-PERCENT INCREASE IN BASIC PAY AND ALLOWANCES EFFECTIVE ON APRIL 1, 1984

SEC. 1001. (a) The adjustment required by section 1009 of title 37, United States Code, in certain elements of the compensation of members of the uniformed services to become effective on October 1, 1983, shall not be made.

(b)(1) Subject to the provisions of paragraphs (2) and (3), the elements of compensation specified in sections 1009(a) of title 37, United States Code, shall be increased for members of the uniformed services by 4 percent effective on April 1, 1984.

(2) Subsections (c) and (d) of section 1009 of title 37, United States Code, shall apply to any pay adjustment made pursuant to this section in the same manner as such subsections apply to an increase described in subsection (b)(3) of such section.

(3) None of the increase provided for in paragraph (1) may be used to adjust the basic pay of members of the uniformed services in pay grades E-1 and E-2.

ADJUSTMENT IN BASIC PAY OF CERTAIN OFFICERS WITH PRIOR ENLISTED AND WARRANT OFFICER SERVICE

SEC. 1002. (a) Section 203(d) of title 37, United States Code, is amended to read as follows:

"(d) The basic pay of a commissioned officer who is in pay grade 0-1, 0-2, or 0-3 and who is credited with a total of over four years' active service as a warrant officer and enlisted member shall be computed in the same manner as the basic pay of a commissioned officer in the same pay grade who has been credited with over four years' active service as an enlisted member.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1983.

HAZARDOUS DUTY PAY FOR CERTAIN TOXIC FUEL HANDLERS

SEC. 1003. (a) Section 301(a)(12) of title 37, United States Code, is amended by inserting "or the testing of aircraft or missile systems (or components of such systems) during which highly toxic fuels or propellants are used" after "propellants".

(b) The amendment made by subsection (a) shall take effect on October 1, 1983.

CLARIFICATION OF ELIGIBILITY FOR SEPARATION PAY

SEC. 1004. (a) Subsection (c) of section 1174 of title 10, United States Code, is amended to read as follows:

"(c)(1) Except as provided in paragraphs (2) and (3), a member of an armed force other than a regular member who after September 14, 1981, is discharged or released from active duty and who has completed five or more, but fewer than twenty, years of active service immediately before that discharge or release is entitled to separation pay computed under subsection (d)(1) or (d)(2), as determined by the Secretary concerned, if—

"(A) the member's discharge or release from active duty is involuntary; or

"(B) the member was not accepted for an additional tour of active duty for which he volunteered.

"(2) If the Secretary concerned determines that the conditions under which a member described in paragraph (1) is discharged or separated do not warrant separation pay under this section, that member is not entitled to that pay.

"(3) A member described in paragraph (1) who was not on the active-duty list when discharged or separated and who had not completed at least five years of continuous active duty immediately before such discharge or release is not entitled to separation pay under this section. For purposes of this paragraph, a period of active duty is continuous if it is not interrupted by a break in service of more than thirty days.".

(b) Subsection (g)(2) of such section is amended by inserting ", other than section 1212 of this title," after "any other provision of law".

(c) The amendments made by this section shall take effect on October 1, 1983.

FREEZE OF VARIABLE HOUSING ALLOWANCE AT FISCAL YEAR 1983 RATES

SEC. 1005. During fiscal year 1984, the rates at which the variable housing allowance under section 403(a)(2) of title 37, United States Code, is paid shall be the same as the rates in effect on September 30, 1983.

VARIABLE HOUSING ALLOWANCE FOR RESERVES ON ACTIVE DUTY FOR A PERIOD OF 140 DAYS OR MORE

SEC. 1006. (a) Section 403(a)(2) of title 37, United States Code, is amended—

(1) by striking out "A member" in the first sentence of subparagraph (a) and inserting in lieu thereof "Except as provided in subparagraph (D) of this paragraph, a member"; and

(2) by adding at the end thereof the following new subparagraph:

"(D) A member of a reserve component is not entitled to a variable housing allowance while on active duty under a call or order to active duty specifying a period of less than 140 days.".

(b) The amendments made by subsection (a) shall apply only with respect to members called or ordered to active duty after September 30, 1983.

CLARIFICATION OF RULES FOR PAYMENT PER DIEM

SEC. 1007. (a) Section 402(e) of title 37, United States Code, is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end thereof the following new paragraph:

"(2) For purposes of subsection (b) of this section, a member shall not be considered to be performing travel under orders away from his designated post of duty if such member—

"(A) is an enlisted member serving his first tour of active duty;

"(B) has not actually reported to a permanent duty station pursuant to orders directing such assignment; and

"(C) is not actually traveling between stations pursuant to orders directing a change of station.".

(b) Section 404(f) of such title is amended by adding at the end thereof the following new paragraph:

"(3) For purposes of entitlement to per diem in place of subsistence under subsection (d)(2) of this section, a member shall not be considered under subsection (a)(1) of this section to be performing travel under orders away from his designated post of duty if such member—

"(A) is an enlisted member serving his first tour of active duty;

"(B) has not actually reported to a permanent duty station pursuant to orders directing such assignment; and

"(C) is not actually traveling between stations pursuant to orders directing a change of station.".

TRAVEL AND TRANSPORTATION ALLOWANCE FOR MEMBERS STATIONED OVERSEAS WITH DEPENDENT CHILDREN ATTENDING SCHOOL IN THE UNITED STATES

SEC. 1008. (a)(1) Chapter 7 of title 37, United States Code, relating to allowances for members of the uniformed services, is amended by inserting after section 429 the following new section:

"§ 430. Travel and transportation: dependent children of members stationed overseas

"(a) Under regulations to be prescribed by the Secretary of Defense, a member of a uniformed service who—

"(1) is assigned a permanent duty station outside the United States,

"(2) is accompanied by his dependents at or near his overseas duty station (unless his only dependents are in the category of dependent described in clause (3) of this subsection), and

"(3) has a dependent child who is under twenty-three years of age attending a school in the United States for the purpose of obtaining a secondary or undergraduate college education,

may be paid the allowance set forth in subsection (b) of this section if he otherwise qualifies for such allowance.

"(b) A member described in subsection (a) of this section may be paid a transportation allowance for each unmarried dependent child, who is under twenty-three years of age and is attending a school in the United States for the purpose of obtaining a secondary or undergraduate college education, of one annual trip between the school being attended and the member's duty station in the oversea area and return. The allowance authorized by this section may be transportation in kind or reimbursement therefor, as prescribed by the Secretaries concerned.

"(c) Whenever possible, the Military Airlift Command or Military Sealift Command shall be used, on a space-required basis, for the travel authorized by this section.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"§ 430. Travel and transportation: Dependent children of members stationed overseas.".

(b) Section 430 of title 37, United States Code, as added by subsection (a), shall apply only with respect to travel begun after September 30, 1983.

PART B—RETIRED PAY MATTERS

PERMANENT SIX-MONTH DELAY IN COST-OF-LIVING ADJUSTMENTS FOR RETIRED PAY

SEC. 1011. An adjustment in any year in retired and retainer pay pursuant to section 1401a of title 10, United States Code, shall be effective on November 1 of that year. This section shall not take effect unless a provision of law is enacted providing for an identical effective date for adjustments in annuities payable under subchapter III of chapter 83 of title 5, United States Code.

LIMITATION ON COST-OF-LIVING ADJUSTMENTS IN RETIRED PAY FOR PERSONS UNDER AGE 62 DURING FISCAL YEAR 1986

SEC. 1012. During fiscal year 1986, any adjustment in retired or retainer pay under section 1401a of title 10, United States Code, shall be made, with respect to any person entitled to such adjustment who on the effective date of such adjustment is under age sixty-two, in one-half of the amount by which such adjustment would otherwise be made. This section shall not take effect unless a provision of law is enacted providing for a similar limitation with respect to annuities payable under subchapter III of chapter 83 of title 5, United States Code.

TERMINATION OF SIX-MONTH ROUNDING RULE FOR COMPUTING RETIRED PAY

SEC. 1013. (a)(1) The text of each of the footnotes listed in paragraph (2) is amended to read as follows: "Before applying percentage factor, credit each full month of service that is in addition to the number of full years of service creditable to the member as one-twelfth of a year and disregard any remaining fractional part of a month.".

(2) The footnotes referred to in paragraph (1) are the following:

(A) Footnote 3 of the table in section 1401 of title 10, United States Code.

(B) Footnote 2 of the table in section 1402(a) of such title.

(C) Footnote 1 of the table in section 1402(d) of such title.

(D) Footnote 1 of the table in section 1402a(a) of such title.

(E) Footnote 1 of the table in section 1402a(d) of such title.

(F) Footnote 4 of the table in section 3991 of such title.

(G) Footnote 2 of the table in section 3992 of such title.

(H) Footnote 4 of the table in section 8991 of such title.

(I) Footnote 2 of the table in section 8992 of such title.

(b) Subsection (f) of section 1174 of title 10, United States Code, is amended to read as follows:

"(f) In determining a member's years of active service for the purpose of computing separation pay under this section, each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(c)(1) Paragraph (2) of section 6151(b) of such title is amended to read as follows:

"(2) In determining the total number of years of service to be used as a multiplier under this subsection, each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(2) The text of section 6328 of such title is amended to read as follows:

"In determining the number of years to be used as a multiplier in computing the retired pay of officers retiring under this chapter, each full month of service that is in addition to the number of full years of service creditable to an officer is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(3) The first sentence of section 6330(d) of such title is amended to read as follows: "For the purposes of subsection (c), each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(4) The text of section 6404 of such title is amended to read as follows:

"In determining the total number of years of service to be used as a multiplier in computing retired pay and separation pay on discharge under this chapter, each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(d) The fourth sentence of section 423 of title 14, United States Code, is amended to read as follows: "In computing the number of years of service by which the rate of 2½ percent is multiplied, each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(e) Subsection (b) of section 16 of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 8530) is amended to read as follows:

"(b) In computing the number of years of service of an officer for the purposes of subsection (a), each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(f) Section 211(e) of the Public Health Service Act (42 U.S.C. 212(e)) is amended by striking out "a part of" and all that follows and inserting in lieu thereof "each full month of service that is in addition to the

number of full years of service credited to an officer is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.".

(g) The amendments made by this section shall apply with respect to (1) the computation of retired or retainer pay of any individual who becomes entitled to that pay after September 30, 1983, and (2) the recomputation of retired pay under section 1402, 1402a, 3992, or 8992 of title 10, United States Code, of any individual who after September 30, 1983, becomes entitled to recompute retired pay under any such section.

PART C—PERSONNEL MANAGEMENT MATTERS

TRANSFER OF PUBLIC HEALTH SERVICE OFFICERS TO OTHER UNIFORMED SERVICES

SEC. 1021. (a)(1) Section 716 of title 10, United States Code, is amended to read as follows;

"§ 716. Commissioned officers: transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service

"(a) Notwithstanding any other provision of law, the President, within authorized strengths and with the consent of the officer involved, may transfer any commissioned officer of a uniformed service from his uniformed service to, and appoint him in, another uniformed service. The Secretary of Defense, the Secretary of Transportation, the Secretary of Commerce, and the Secretary of Health and Human Services shall jointly establish, by regulations approved by the President, policies and procedures for such transfers and appointments.

"(b) An officer transferred under this section may not be assigned precedence or relative rank higher than that which he held on the day before the transfer.

"(c) In this section, 'uniformed service' means any of the armed forces, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the Public Health Service.".

(2) The item relating to such section in the table of sections at the beginning of chapter 41 of such title is amended to read as follows:

"716. Commissioned officers: transfers among the armed forces, the National Oceanic and Atmospheric Administration, and the Public Health Service.".

"(b)(1) Chapter 53 of such title is amended by adding at the end thereof the following new section:

"§ 1043. Service credit: service in the National Oceanic and Atmospheric Administration or the Public Health Service

"Active commissioned service in the National Oceanic and Atmospheric Administration or the Public Health Service shall be credited as active commissioned service in the armed forces for purposes of determining the retirement eligibility and computing the retired pay of a member of the armed forces.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1043. Service credit: service in the National Oceanic and Atmospheric Administration or the Public Health Service.".

"(c)(1) Section 533(a)(1) of such title is amended by inserting ", the National Oceanic and Atmospheric Administration, or the Public Health Service" after "in any armed force".

(2) Section 1174(i) of such title is amended—

(A) by inserting "(1)" after "(i)"; and

(B) by adding at the end thereof the following new paragraph:

"(2) Active commissioned service in the National Oceanic and Atmospheric Administration or the Public Health Service shall be credited as active service in the armed forces for the purposes of this section.".

(3) Section 3353(a)(1) of such title is amended—

(A) by striking out "chapters 337 and 363" and inserting in lieu thereof "this chapter and chapter 363"; and

(B) by inserting ", the National Oceanic and Atmospheric Administration, or the Public Health Service" after "in any armed force".

(4) Section 5600(a)(1) of such title is amended by inserting ", the National Oceanic and Atmospheric Administration, or the Public Health Service" after "in any armed force".

(5) Section 8353(a)(1) of such title is amended—

(A) by striking out "chapters 837 and 863" and inserting in lieu thereof "this chapter and chapter 863"; and

(B) by inserting ", the National Oceanic and Atmospheric Administration, or the Public Health Service" after "in any armed force".

(d) Clause (13) of section 3(a) of the Act of August 10, 1956 (33 U.S.C. 857a(a)), is amended to read as follows:

"(13) Section 716, Commissioned officers: transfers among the Armed Forces, the National Oceanic and Atmospheric Administration, and the Public Health Service.".

PART D—SURVIVOR BENEFITS

EXPANSION OF SURVIVOR BENEFITS COVERAGE FOR FORMER SPOUSES

SEC. 1031. (a)(1) The second sentence of subsection (a)(5) of section 1448 of title 10, United States Code, is amended by inserting "except in accordance with subsection (b)(3)" after "may not be revoked".

(2) Subsection (b) of such section is amended to read as follows:

"(b)(1) A person who is not married and does not have a dependent child when he becomes eligible to participate in the Plan may elect to provide an annuity to a natural person with an insurable interest in that person. In the case of a person providing an annuity under this paragraph by virtue of eligibility under subsection (a)(1)(B), such an election shall include a designation under subsection (e).

"(2) A person who has a former spouse when he becomes eligible to participate in the Plan may elect to provide an annuity to that former spouse. In the case of a person with a spouse or a dependent child, such an election prevents payment of an annuity to that spouse or child. If there is more than one former spouse, the person shall designate which former spouse is to be provided the annuity. In the case of a person providing an annuity under this paragraph by virtue of eligibility under subsection (a)(1)(B), such an election shall include a designation under subsection (e).

"(3)(A) A person—

"(i) who is a participant in the Plan and is providing coverage for a spouse or a spouse and child, and

"(ii) who has a former spouse who was not that person's former spouse when he became eligible to participate in the Plan,

may (subject to subparagraph (B)) elect to provide an annuity to that former spouse. Any such election terminates any previous coverage under the Plan and must be written, signed by the person, and received by the Secretary concerned within one year after the date of the decree of divorce, dissolution, or annulment.

"(B) A person may not make an election under subparagraph (A) to provide an annuity to a former spouse who that person married after becoming eligible for retired or retainer pay unless—

"(i) the person was married to that former spouse for at least one year, or

"(ii) that former spouse is the parent of issue by that marriage.

"(C) An election under this paragraph may not be revoked except in accordance with section 1450(f) of this title and is effective as of the first day of the first calendar month following the month in which it is received by the Secretary concerned. This paragraph does not provide the authority to change a designation previously made under subsection (e).

"(D) If a person who is married makes an election to provide an annuity to a former spouse under this paragraph, that person's spouse shall be notified of that election.

"(4) A person who elects to provide an annuity to a former spouse under paragraph (2) or (3) shall, at the time of making the election, provide the Secretary concerned with a written statement (in a form to be prescribed by that Secretary and signed by such person and the former spouse) setting forth whether the election is being made pursuant to a written agreement previously entered into voluntarily by such person as a part of or incident to a proceeding of divorce, dissolution, or annulment and (if so) whether such voluntary written agreement has been incorporated in, or ratified or approved by, a court order.".

(3) Section 1450 of title 10, United States Code, is amended—

(A) striking out "at the time the person to whom section 1448 aplies became entitled to retired or retainer pay" in subsection (a)(4); and

(B) by inserting "(without regard to the eligibility of the person making the change of election to make an election under such section)" before the period at the end of the third sentence of subsection (f)(1).

(b) In the case of a person who on the date of the enactment of this Act is a person described in subparagraph (A) of subsection (b)(3) of section 1448 of title 10, United States Code (as amended by subsection (a)(2)), such subsection shall apply to that person as if the one-year period provided for in subparagraph (A) of such subsection began on the date of the enactment of this Act.

(c) Section 1408 of title 10, United States Code, is amended—

(1) by inserting "in the case of a division of property," in subsection (a)(2)(C) before "specifically provides for"; and

(2) by striking out the first sentence of subsection (d)(1) and inserting in lieu thereof the following: "After effective service on the Secretary concerned of a court order with respect to payments by a member to the spouse or former spouse of the member, the Secretary shall, subject to the limitations of this section, make payments from the disposable retired or retainer pay of the member to the spouse or former spouse in the amount provided for in the court order.".

(d)(1) Section 1447(8) of title 10, United States Code, is amended by striking out "annulment, or legal separation," both places it

appears and inserting in lieu thereof "or annulment".

(2) Section 1448(a)(3) is amended—

(A) by inserting "for a former spouse" after "an annuity" the second place it appears in subparagraphs (A) and (B); and

(B) by striking out "of this section" both places it appears.

(3) Section 1450(f) of such title is amended—

(A) by striking out "of this subsection" in paragraph (1); and

(B) by striking out "annulment, or legal separation," in paragraph (2) and inserting in lieu thereof "or annulment,".

(4) Section 1006(e)(3) of the Uniformed Services Former Spouses' Protection Act (title X of Public Law 97-252; 96 Stat. 738) is amended by striking out "section" and all that follows and inserting in lieu thereof "section 1072 of title 10, United States Code.".

EXTENSION OF MINIMUM INCOME PROVISION FOR CERTAIN WIDOWS

SEC. 1032. (a) Section 4(a)(1) of the Act entitled "An Act to amend chapter 73 of title 10, United States Code, to establish a Survivor Benefit Plan, and for other purposes", approved September 21, 1972 (10 U.S.C. 1448 note), is amended by striking out "on the effective date of this Act is, or within one calendar year after that date becomes," and inserting in lieu thereof "on September 21, 1972, was, or during the period beginning on September 22, 1972, and ending on March 20, 1974, became,".

(b) Any annuity payable by reason of subsection (a) shall be payable only for months after September 1983.

PART E—MISCELLANEOUS

EXTENSION OF PILOT DEPARTMENT OF DEFENSE EDUCATIONAL ASSISTANCE LOAN REPAYMENT PROGRAM

SEC. 1041. Section 902(g) of the Department of Defense Authorization Act, 1981 (10 U.S.C. 2141 note), is amended by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1984".

FEES FOR VETERINARY SERVICES

SEC. 1042. The Secretary of Defense shall require that a member of the Armed Forces pay a fee each time that a pet of such member is provided veterinary care services by a member of the Armed Forces. The fee for such services shall be established at the prevailing rate for such services in the local community, as determined under regulations prescribed by the Secretary.

TRANSPORTATION OF REMAINS OF MILITARY RETIREES DYING IN MILITARY HOSPITALS

SEC. 1043. (a)(1) Chapter 75 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 1490. Transportation of remains of members entitled to retired or retainer pay who die in a military medical facility

"(a) Subject to subsection (b), when a member entitled to retired or retainer pay or equivalent pay dies while properly admitted under chapter 55 of this title to a medical facility of the armed forces located in the United States, the Secretary concerned may transport the remains, or pay the cost of transporting the remains, of the decedent to the place of burial of the decedent.

"(b)(1) Transportation provided under this section may not be to a place outside the United States or to a place further from the place of death than the decedent's last place of permanent residence, and any amount paid under this section may not exceed the cost of transportation from the place of death to the decedent's last place of permanent residence.

"(2) Transportation of the remains of a decedent may not be provided under this section if such transportation is authorized by sections 1481 and 1482 of this title or by chapter 23 of title 38.

"(c) In this section, 'United States' includes the Commonwealth of Puerto Rico and the territories and possessions of the United States.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"1490. Transportation of remains of members entitled to retired or retainer pay who die in a military medical facility.".

(b) Section 1490 of title 10, United States Code, as added by subsection (a), shall apply with respect to the transportation of the remains of persons dying after September 30, 1983.

TITLE XI—GENERAL PROVISIONS

REPORT ON EFFECT OF DEFENSE SPENDING ON ECONOMIC GROWTH

SEC. 1101. Not later than 90 days after the date of the enactment of this Act, the President shall transmit to Congress a report on the effect of the current and projected levels of defense spending on the economy, including the effect on rates of growth in the economy, the rate of inflation, interest rates, and the availability of capital for private productivity enhancement investment.

LIMITATION ON AUTHORITY TO ENTER INTO CERTAIN CONTRACTS FOR VESSELS

SEC. 1102. (a) Chapter 141 of title 10, United States Code, is amended by adding at the end thereof the following new section:

"§ 2401. Requirement for authorization by law of certain contracts relating to vessels

"(a) Except as provided in subsection (c), the Secretary of a military department may not make a contract for the lease of a vessel or for the provision of a service through use by a contractor of a vessel if—

"(1) the contract will be for a long term; or

"(2) under the contract the United States will have a substantial termination liability.

"(b) Except as provided in subsection (c), the Secretary of a military department may not make a contract that is an agreement to lease or an agreement to provide services and that is (or will be) accompanied by a contract for the actual lease or provision of services if the contract for the actual lease or provision of services is (or will be) a contract described in subsection (a).

"(c)(1) The Secretary may make a contract described in subsection (a) or (b) if—

"(A) the Secretary has been specifically authorized by law to make the contract;

"(B) before a solicitation for proposals for the contract was issued the Secretary notified the Committees on Armed Services and on Appropriations of the Senate and House of Representatives of the Secretary's intention to issue such a solicitation and a period of 30 days of continuous session of Congress expired following the date on which that notice was received by such committees before the solicitation was issued; and

"(C) the Secretary has notified the Committees on Armed Services and on Appropriations of the Senate and House of Representatives of the proposed contract and provided a detailed description of the terms of the proposed contract and a justification for entering into the proposed contract rather than providing for the lease or services involved through purchase of the vessel to be used under the contract, and a period of 30 days of continuous session of Congress have expired following the date on which notice was received by such committees.

"(2) For purposes of paragraphs (1)(B) and (1)(C), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in a computation of such 30-day period.

"(d) For purposes of subsection (a)—

"(1) a contract shall be considered to be for a long term if the term of the cnntract, including all options under the contract, is for more than five years or is for a period longer than one-half the useful life of the vessel; and

"(2) the United States shall be considered to have a substantial termination liability under a contract if, as determined under regulations prescribed by the Secretary of Defense, the sum of—

"(A) the present value of the amount of the termination liability of the United States under the contract as of the end of the term of the contract (exclusive of any option to extend the contract), and

"(B) the present value of the total of the payments to be made by the United States under the contract (excluding any option to extend the contract) attributable to capital-hire,

is more than one-half the price of the vessel involved.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new item:

"2401. Requirement of authorization by law of certain contracts relating to vessels.".

STUDY OF DEFENSE-RELATED ASPECTS OF MERCHANT MARINE

SEC. 1103. (a) There is hereby established a commission to be known as the Commission on Defense-Related Aspects of the United States merchant marine (hereinafter in this section referred to as the "Commission").

(b) The Commission shall study problems relating to transportation of cargo for national defense purposes in time of war or national emergency and the capability of the United States merchant marine to meet the need for such transportation. Based on the results of the study, the Commission shall make such specific recommendations, including recommendations for legislative action, action by the executive branch, and action by the private sector, as the Commission considers appropriate to foster and maintain a United States merchant marine capable of meeting national security requirements. The recommendations of the Commission shall be included in the report of the Commission under subsection (f).

(c)(1) The Commission shall be composed of nine members, as follows:

(A) The Secretary of the Navy (or his delegate), who shall be the Chairman of the Commission.

(B) The Administrator of the Maritime Administration (or his delegate).

(C) Three members appointed by the President, by and with the advice and consent of the Senate, one of whom shall represent operators of United States merchant ships, one of whom shall represent ship-

builders, and one of whom shall represent maritime labor unions.

(D) Two members appointed by the President pro tempore of the Senate from the Members of the Senate.

(E) Two members appointed by the Speaker of the House of Representatives from the Members of the House of Representatives (including Delegates to Congress and the Resident Commissioner of Puerto Rico).

(2) A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Appointments may be made under paragraph (1)(C) without regard to section 5311(b) of title 5, United States Code. Members shall be appointed for the life of the Commission.

(3) Five members of the Commission shall constitute a quorum, but a lesser number may hold hearings. The Commission shall meet at the call of the Chairman.

(d) Members of the Commission appointed under subsection (c)(1)(C) shall each be paid at a rate equal to the daily equivalent of the rate of basic pay payable for level IV of the Executive Schedule for each day (including traveltime) during which they are engaged in the actual performance of the business of the Commission. Other members of the Commission shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(e)(1) The Commission may (without regard to section 5311(b) of title 5, United States Code) appoint an executive director, who shall be paid at a rate not to exceed the rate of basic pay payable for level IV of the Executive Schedule.

(2) The Commission may appoint such additional staff as it considers appropriate. Such personnel shall be paid at a rate not to exceed the rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United Stated Code.

(3) The executive director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the executive branch and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(4) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(5) The Secretary of the Navy and the Administrator of the Maritime Administration may detail personnel under their jurisdiction to the Commission to assist the Commission in carrying out its duties under this section.

(6) The Secretary of the Navy shall provide to the Commission such administrative support services as the Commission may require.

(f) The Commission shall submit a report to the President and the Congress not later than six months after the date of the enactment of this Act. The report shall include a detailed statement of the findings and conclusions of the Commission and the recommendations of the Commission under subsection (b).

(g) The Commission shall cease to exist ninety days after the date on which the report of the Commission under subsection (f) is submitted.

(h) There is authorized to be appropriated for fiscal year 1984 the sum of $700,000 to carry out this section.

LIMITATION ON PROCUREMENT OF BINARY CHEMICAL WEAPONS

SEC. 1104. Notwithstanding any other provision of law, no funds may be obligated or expended after the date of the enactment of this Act for the production of binary chemical weapons.

LIMITATION ON PROCUREMENT OF BINARY CHEMICAL WEAPONS

SEC. 1104. Notwithstanding any other provision of law, after the date of the enactment of this Act, no funds may be obligated or expended by the United States for the production of binary chemical weapons.

PROGRAMS FOR CONVERSION FROM MILITARY ECONOMY TO PEACETIME ECONOMY

SEC. 1105. (a) The Secretary of Defense shall establish programs to provide economic readjustment assistance to communities and workers affected by the reductions in weapons programs and other defense programs provided for under this Act. Such readjustment programs shall provide the means to promote orderly economic adjustment which will (1) minimize the dislocation of workers, communities, and industries, (2) assure that such dislocations do not compound recessionary trends, and (3) encourage conversion of technologies and managerial and worker skills developed in defense production to projection which serve the civilian sector.

(b) Assistance which may be provided under programs established under this section includes—

(1) job training programs and job relocation expenses for workers displaced by termination of defense contracts affected by the reductions in defense expenditures required by this Act;

(2) emergency economic assistance and health care benefits for workers and their families directly affected by such reductions in defense expenditures; and

(3) emergency economic assistance to the communities directly affected by such reductions and defense expenditures, to be made in the form of grants designed to assist in the conversion of industrial plant facilities in the community to use in the civilian sector.

(c) There is authorized to be appropriated to the Department of Defense for fiscal years beginning after December 30, 1983, the sum of $5,000,000,000.

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Mr. DELLUMS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. DELLUMS) is recognized for 30 minutes.

Mr. DELLUMS. Mr. Chairman it is 20 minutes after 1. My colleagues have been here for a very long time. We are discussing some very serious and important issues; in fact, life and death matters.

The rule provides for an opportunity for 1 hour of general debate on an alternative. Theoretically, the Members could strike the requisite number of words under the 5-minute rule and discuss and/or amend the bill. But clearly this is not, in my estimation, an appropriate process to debate such serious issues. I think, in fact, that this has been a charade. These are terribly important issues. Many of my colleagues here are tired. So I want to take a few moments to make a few brief remarks. I would anticipate asking unanimous consent to withdraw this substitute and allow my colleagues to go home.

Mr. OTTINGER. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, I would just like to express my own appreciation, which I know is shared by many of us, for the tremendous job the gentleman in the well has done in analyzing the various portions of the defense budget and presenting arguments to criticize some of those aspects. The gentleman has been an enormous help to this House in his service, and I just regret that his substitute cannot get more thorough consideration.

Mr. DELLUMS. I thank my colleague very much.

Mr. Chairman, I just want to take a few moments to make a few remarks.

Back a few weeks ago, when the budget was being debated on this floor, the budget resolution, a number of my colleagues came to me and said, "We need your vote on the budget resolution."

That budget resolution contained a recommendation of a ceiling of real growth of 4 percent, a figure that I truly believe is terribly absurd, because if you accepted the President's budget assumptions of fiscal year 1983, the best that you would advocate was a zero growth budget. But a number of my colleagues said, "We have to pass this budget, we have got to make a statement on behalf of the Democratic Party."

So I said, "I will give you my vote, reluctantly, but I will give you my vote in return for this commitment: That the leadership on my side on the aisle will agree to support my opportunity in the Rules Committee to present an alternative military budget to H.R. 2969. But beyond that, not just to give us a few moments for RON DELLUMS to do his so-called radical thing and everybody goes and drinks a cup of coffee and comes back and says, 'Now, let us get to the serious business,' but to dignify that debate and get involved in it and begin to talk about different foreign policy calculations, to challenge the assumptions upon which this military budget is based, to indeed have a serious intellectual discourse on the critical issues of our time." And I think foreign and military policy is terribly important.

I was given that commitment, and in return I gave my vote. I was shocked beyond belief and hurt very desperately as a human being and as a colleague in this body when I found out this morning that this Congress had decided to go forth at 6 o'clock to debate the military budget and provide the opportunity for this gentleman to offer a serious alternative at 1:30 a.m. in the morning.

Mr. Chairman, I just want to say to my colleagues that I worked very hard on that alternative. Four months of my life went into that alternative. And I did it out of the greatest of respect to you in this body, to give you my best, to give you my best thinking, to give you my best analysis. This was not some fly-by-night scheme. I tried to bring some of the most brilliant minds of this country in to help me fashion a significant alternative, and I thought that, once we got beyond the bureaucratic considerations of the committee bill, we could step back away from that and, free from that, begin to look afresh and anew at the whole issue of the nature of America's role in the world and how much nuclear weapons we do and do not need, what role we ought to be playing, whether foreign policy ought to shape military policy or vice versa.

I really do believe that this planet is in terrible danger, and I feel that I see all of the ominous signs of building up an extraordinary arsenal that some day may blow us or our children or our children's children off the face of the Earth.

I have talked privately with a number of you in this room on both sides of the aisle who have been willing to say, away from the light and away from the mike, "RON, you are right, this is a very dangerous situation, but I cannot vote with you because that does not reflect my district." And I understand that. We all have to do what we have to do. But in the quiet of your minds you know that we have reached a very frightening and dangerous moment. And all this alternative is an attempt to do is to get us to talk about these things in some honest and healthy way.

□ 0130

Well, I know at 1:30 in the morning that cannot be done. We are not going to look at these policy assumptions fresh. We are not going to be able to probe these issues diligently, so I do not want to dignify this process. I think this process has been a charade.

Many of you on both sides of the aisle have been very pained by this process, so I do not want to contribute to it any further, but simply say to you that my alternative provided an opportunity for us to cut significant moneys from the budget. It is not being some unilateral disarmament, which is the new bad word to be called in the 1980's, but it is a very serious effort to look at these issues.

I feel very pained as a human being in this body, as one of your colleagues, to have to be humiliated to offer a serious proposal at 1:30 when people are very tired, and most people do not want to discuss it and do not want to debate, so I am not going to hold this body up just for some ego trip. I am not here to project RON DELLUMS' personality. I have always said that to you.

I respect every one in this room, and I respect this body as much. As I said, my respect for you comes forward in my desire to give you my best thinking and my best work, and that alternative was my best thinking and it was my best work.

I believe that we have to pursue peace. I believe that we are too militaristic. I believe we have to think carefully about what we are doing. I think we are too cavalier in this weapons system and that weapons system. I think we are too macho in how we look at the nature of the world. I think we are too preoccupied with political concerns. I think we are much too preoccupied with whether we get reelected as opposed to whether we do the job people sent us here to engage in.

I said to my constituents that people had great hope for this Congress. We are only 7 months into this Congress and this Congress is dead. There are no surprises left. All the decisions have been made. There are no new things. This body has already laid down. This body is now preparing to go out and campaign. So we are not going to address any human problems. We are not going to challenge this budget.

There is only one issue this Congress was prepared to really try to grapple with, and that was the MX missile. Even those who came to grips with the MX missile said, "Well, I cannot go with you on the Pershing or the cruise missile because somebody is going to call me a unilateral disarmer," and the great liberals of this body said, "RON, we can only take on one weapons system at a time." Well, it only takes one weapons system to blow us off the face of the Earth.

I wanted to talk about these kinds of things but we are not going to be able to do it.

I thank you very much for giving me the opportunity to make this statement to you. I deeply and profoundly appreciate it.

Mr. EDWARDS of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield momentarily to my colleague, the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. I thank the gentleman for yielding.

Mr. Chairman, I would not have voted for the gentleman's substitute, but I want to say that, as our colleague from Wyoming (Mr. CHENEY) felt obliged, and I know he did not want to do it, to object to some unanimous-consent requests because of the time and the fact that things were being considered in a very rushed manner, I think the gentleman from California has worked very hard on his amendment. I would not have voted for it, but it is a shame.

The gentleman makes a very good point. We should not be debating issues like this at 1:30 in the morning so that we can leave at 5 o'clock tomorrow to have a baseball game. I think the gentleman makes a very good point.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to my distinguished ranking minority member, the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman for yielding and giving me this opportunity to make a statement concerning all of us here.

Mr. Chairman, I have had several people complain, some criticism, of the committee, blaming us for the lateness of the hour and the inability of people to have their amendments heard, have them debated, even to be able to express what was in the amendments.

As the gentleman in the well knows, we finished our work in May. We came to this floor with our bill in May. We had 2 days of debate and then pulled it off, and then we came back in June. We have been wanting to go forward. We have been wanting to get it scheduled. That is just as simple as it is.

So we come here at this time of night, and it is the only time that we had. This is the only procedure that we had to conclude the bill, because if we did not do it now, the threat was, not an intentional threat, but what we were faced with was the bill going over because we could not get it scheduled, going over to September. If it goes over to September and then we have to wait on the appropriations bill, go to conference on both of these, in all probability we would not have a bill by the first of year, the beginning of the fiscal year, and it would cost untold millions of dollars if we do not get our bill and have to go to a continuing resolution.

So we are sorry it comes this late, and next year—I hope next year that it can be scheduled earlier.

Mr. DELLUMS. I appreciate the remarks of the gentleman.

Mr. Chairman and members of the Committee, I appreciate your indulgence and I appreciate the fact that you have given me the opportunity to make this statement.

Mr. Chairman, I ask unanimous consent to withdraw the substitute, and I yield back the balance of my time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ROSTENKOWSKI, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2969) to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes, pursuant to House Resolution 197, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. FRENZEL

Mr. FRENZEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. FRENZEL. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. FRENZEL moves to recommit the bill, H.R. 2969, to the Committee on Armed Services.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KASTENMEIER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 305, noes 114, not voting 14, as follows:

[Roll No. 275]

AYES—305

Addabbo	Fowler	McKernan
Akaka	Franklin	McNulty
Albosta	Frost	Mica
Alexander	Fuqua	Michel
Anderson	Gaydos	Miller (OH)
Andrews (TX)	Gejdenson	Minish
Annunzio	Gekas	Molinari
Anthony	Gephardt	Mollohan
Archer	Gibbons	Montgomery
Aspin	Gilman	Moore
Badham	Gingrich	Moorhead
Barnard	Glickman	Morrison (WA)
Barnes	Gonzalez	Mrazek
Bartlett	Gore	Murtha
Bateman	Gradison	Myers
Bennett	Gramm	Natcher
Bereuter	Hall (OH)	Neal
Bevill	Hall, Ralph	Nelson
Biaggi	Hall, Sam	Nichols
Bilirakis	Hamilton	Nielson
Bliley	Hammerschmidt	Nowak
Boehlert	Hance	O'Brien
Boggs	Hansen (ID)	Oakar
Boland	Hansen (UT)	Olin
Boner	Harrison	Ortiz
Borski	Hartnett	Oxley
Boucher	Hatcher	Packard
Breaux	Hawkins	Parris
Britt	Hefner	Pashayan
Brooks	Hightower	Patman
Broomfield	Hiler	Patterson
Broyhill	Hillis	Pease
Bryant	Holt	Pepper
Burton (IN)	Hopkins	Perkins
Byron	Howard	Pickle
Campbell	Hoyer	Porter
Carney	Hubbard	Price
Carper	Huckaby	Pritchard
Carr	Hunter	Pursell
Chandler	Hutto	Quillen
Chappell	Hyde	Ratchford
Chappie	Ireland	Ray
Cheney	Jacobs	Regula
Clarke	Jenkins	Reid
Clinger	Johnson	Richardson
Coats	Jones (NC)	Ridge
Coelho	Jones (OK)	Rinaldo
Coleman (TX)	Jones (TN)	Ritter
Conte	Kasich	Roberts
Cooper	Kazen	Robinson
Corcoran	Kemp	Roe
Courter	Kennelly	Rogers
Coyne	Kindness	Rose
Craig	Kramer	Rostenkowski
Crane, Daniel	Lagomarsino	Rowland
Crane, Philip	Lantos	Rudd
D'Amours	Latta	Sawyer
Daniel	Leath	Schaefer
Dannemeyer	Lehman (CA)	Scheuer
Daschle	Lent	Schulze
Daub	Levine	Schumer
Davis	Levitas	Sharp
de la Garza	Lewis (FL)	Shaw
Derrick	Lipinski	Shelby
DeWine	Livingston	Shumway
Dickinson	Lloyd	Shuster
Dicks	Loeffler	Siljander
Dingell	Long (LA)	Simon
Dowdy	Long (MD)	Sisisky
Downey	Lott	Skeen
Dreier	Lowery (CA)	Skelton
Duncan	Lujan	Slattery
Durbin	Luken	Smith (FL)
Dwyer	Lundine	Smith (NE)
Dyson	Lungren	Smith (NJ)
Eckart	Mack	Smith, Denny
Edwards (AL)	MacKay	Smith, Robert
Edwards (OK)	Marlenee	Snowe
Emerson	Marriott	Snyder
English	Martin (IL)	Solarz
Erdreich	Martin (NC)	Solomon
Erlenborn	Martin (NY)	Spence
Evans (IL)	Matsui	Spratt
Fascell	Mavroules	St Germain
Fazio	Mazzoli	Staggers
Ferraro	McCain	Stenholm
Fiedler	McCloskey	Stratton
Fields	McCollum	Stump
Fish	McCurdy	Sundquist
Flippo	McDade	Synar
Foglietta	McDonald	Tallon
Ford (MI)	McEwen	Tauzin
Ford (TN)	McGrath	Taylor
Thomas (GA)	Walker	Wolf
Torres	Watkins	Wortley
Traxler	Whitehurst	Wright
Udall	Whitley	Yatron
Valentine	Whittaker	Young (FL)
Vander Jagt	Whitten	Young (MO)
Vandergriff	Williams (OH)	Zablocki
Volkmer	Winn	Zschau
Vucanovich	Wise	

NOES—114

Ackerman	Hall (IN)	Rahall
Applegate	Harkin	Rangel
AuCoin	Hertel	Rodino
Bates	Horton	Roemer
Bedell	Hughes	Roth
Beilenson	Jeffords	Roukema
Berman	Kaptur	Roybal
Bethune	Kastenmeier	Russo
Bonior	Kildee	Sabo
Bonker	Kogovsek	Schneider
Bosco	Kolter	Schroeder
Boxer	Kostmayer	Seiberling
Brown (CA)	Leach	Sensenbrenner
Brown (CO)	Lehman (FL)	Shannon
Burton (CA)	Leland	Sikorski
Collins	Levin	Smith (IA)
Conable	Lowry (WA)	Stangeland
Coughlin	Markey	Stark
Crockett	Martinez	Stokes
Dellums	McCandless	Studds
Dixon	McHugh	Swift
Donnelly	McKinney	Tauke
Dorgan	Mikulski	Thomas (CA)
Dymally	Miller (CA)	Torricelli
Early	Mineta	Towns
Edgar	Mitchell	Vento
Edwards (CA)	Moakley	Walgren
Evans (IA)	Moody	Waxman
Feighan	Morrison (CT)	Weaver
Frank	Murphy	Weber
Frenzel	Oberstar	Weiss
Garcia	Obey	Wheat
Goodling	Ottinger	Williams (MT)
Gray	Owens	Wirth
Green	Panetta	Wolpe
Gregg	Paul	Wyden
Guarini	Penny	Wylie
Gunderson	Petri	Yates

NOT VOTING—14

Andrews (NC)	Foley	Madigan
Clay	Forsythe	Savage
Coleman (MO)	Heftel	Wilson
Conyers	LaFalce	Young (AK)
Florio	Lewis (CA)	

□ 0150

The Clerk announced the following pair:

On this vote:

Mr. HEFTEL of Hawaii for, with Mr. SAVAGE against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE TECHNICAL CORRECTIONS IN ENGROSSMENT OF H.R. 2969

Mr. PRICE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill the Clerk be authorized to make necessary technical corrections, including section numbers, punctuation, and cross references, as may be necessary to reflect the actions of the House in amending the bill H.R. 2969.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to

the request of the gentleman from Illinois?

There was no objection.

GENERAL LEAVE

Mr. PRICE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3520, EXTENDING AND IMPROVING THE REHABILITATION ACT OF 1973

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-319), on the resolution (H. Res. 283) providing for the consideration of the bill (H.R. 3520) to extend and improve the Rehabilitation Act of 1973, to provide for the operation of the Helen Keller National Center for Deaf-Blind Youths and Adults, to create a Select Commission on Federal Assistance to Disabled Americans, and to increase certain authorizations of appropriations for programs within the jurisdiction of the Committee on Education and Labor, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF AMENDMENTS IN DISAGREEMENT TO CONFERENCE REPORT ON H.R. 3069, SUPPLEMENTAL APPROPRIATIONS, FISCAL YEAR 1983

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-320), on the resolution (H. Res. 284) waiving certain points of order against consideration of the amendments in disagreement to the conference report on the bill (H.R. 3069) making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2780, STATE AND LOCAL FISCAL ASSISTANCE AMENDMENTS OF 1983

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-321), on the resolution (H. Res. 285), providing for the consideration of the bill (H.R. 2780) to extend and amend the provisions of title 31, United States Code, relating to the general revenue sharing program, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION H.R. 1646, RAILROAD RETIREMENT SOLVENCY ACT OF 1983

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 98-322), on the resolution (H. Res. 286), providing for the consideration of the bill (H.R. 1646) to amend the Railroad Retirement Act of 1974 and the Railroad Retirement Tax Act to assure sufficient resources to pay current and future benefits under the Railroad Retirement Act of 1974, to make technical changes, and for other purposes, which was referred to the House Calendar and ordered to be printed.

POOR HANDLING OF SEIZED DRUG-RELATED ASSETS

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SMITH of Florida. Mr. Speaker, I was shocked to learn recently that the agencies responsible for drug enforcement activities take poor care of the valuable contraband that has been taken in drug seizures. No wonder the Federal Government receives so little when it auctions off these assets.

On July 18, the Fort Lauderdale Sun-Sentinel carried a disturbing account of DEA's and the Customs Service's maintenance of thousands of dollars of seized vehicles, boats, and airplanes. What made the article even more disturbing was an accompanying story. More appropriate care is being given to such contraband by local officials in Florida and more money raised for local police by auctions of this contraband.

The Subcommittee on Crime, on which I serve, has held hearings on legislation that would authorize within DEA a revolving fund financed through the forfeited assets of drug traffickers. This fund would be used to pay for, among other things, what the Justice Department calls the mounting costs associated with forfeitures. In light of the information contained in the Sun-Sentinel article, I question the Department's concern about "mounting costs." The article indicates that, rather than incurring costs needed to keep the impounded articles in decent working condition, DEA has been letting these assets deteriorate.

Before the Congress approves for DEA or Customs a revolving fund, officials from DEA and Customs must explain their current practices for handling this confiscated property and assure Congress that better care of these assets will be taken beginning at once.

I urge my colleagues to read these enlightening articles.

U.S. Loses Millions on Unsold Drug War Booty

(By M. Anthony Lednovich)

The federal government has lost millions of dollars because confiscated boats, airplanes and automobiles have been left to rot or be stripped by vandals while stored in South Florida fields and marinas before auction, according to a government report.

"We were shocked at what we found," said Everette Orr, senior evaluator for the General Accounting Office in Washington. "In most cases, very expensive boats, planes and automobiles were left in the open . . . neglected to the weather and vandals."

According to GAO estimates, the government currently has in storage $82.1 million in boats, planes and cars seized from drug and alien smugglers by U.S. Customs, the Drug Enforcement Administration and the U.S. Immigration and Naturalization Service. Potential value losses to vandals and deterioration could reach as much as $28 million.

The GAO's investigation was spurred when a team of government auditors spotted a field of dilapidated airplanes while taking an inventory of U.S. Customs aircraft in Miami during February 1982.

"The auditors thought the planes were part of the Customs fleet. They were told the planes had been confiscated and were being stored. The auditors then told the GAO about the condition of the aircraft," Orr said.

GAO investigators spent nine months touring marinas, airfields and garages, many in South Florida, where confiscated items are kept until auction.

"The losses are staggering. We tried to ascertain a dollar figure but that was impossible," Orr said. "But you're talking about a lot of money."

According to figures in a GAO report scheduled for release later this month to the House Government Operations Committee chaired by Rep. Jack Brooks, D-Texas, the federal government lost an average of $43,000 on each airplane, $37,900 on each boat and $1,000 on each car sold at auction during 1981.

"We have got to speed up the time from when a boat or plane is seized to when that boat or plane is awarded to the government," Orr said. "Reduction of that time, often as much as two years, would reduce the time these items are left in storage and also the value lost to depreciation."

The GAO report urges that disputes involving seized material be taken out of the courts and put into the hands of a review board.

To prevent future losses, the GAO report is recommending Congress allocate funds for a program similar to Fort Lauderdale's in which confiscated items are stored in closed shelters and receive maintenance and repair service before they are sold.

It has been the lack of maintenance and repair, the GAO report states, that is the crux of the government's problem. Under current funding, money is not allocated to Customs, DEA or INS for maintenance or repair.

"In Florida, we saw numerous examples of salt erosion on aircraft that had been sitting

unattended. It spreads like a cancer," Orr said. "When a piece of machinery, like a boat, car or airplane, just sits without any maintenance, the accumulative damage from the elements is considerable."

In Chicago, Orr said an open garage storing Cadillacs and Lincolns had been flooded.

"The water brought with it mineral deposits which completely ruined the exterior paint of the cars," Orr said. "The interiors were covered with extensive mold from where water has seeped inside. The cars were a mess."

And because the average storage time is eight to 18 months before boats, planes and cars are sold at public auction, mechanical parts exposed to rain and heat become rusted or cracked.

One example is Robert's Air South at Homestead Executive Airport where Customs currently has 75 airplanes stored.

"The airplanes just sit here, month after month after month," said Scott Finney, chief mechanic for Robert's Air South. "The worst thing to do to an aircraft is just let it sit. The engine cylinders crack, oil leaks out and the engines become worthless."

Finney said the airplanes, tied down in an open field, are stored for as long as two years.

"The planes are easy targets for vandals since there are no guards. It's a shame," Finney said. "I saw one guy buy one of the airplanes for $10,000, thought he was getting a good deal. Hell, it took him another $10,000 just to get it to fly."

Finney said it would require a full-time mechanic to maintain the Customs fleet of airplanes.

"But wouldn't it be worth it to pay a guy $25,000 to $30,000 than lose 10 times that because the airplanes have been left to fall apart?" Finney said.

Vandals and thieves are another problem, since the government storage contracts do not provide funds for security measures.

"We saw one speed boat valued at $28,000 in a Miami boat yard that had been vandalized with an ax. It wasn't worth $5,000," Orr said. "In Merritt Island, thieves had completely gutted an expensive aircraft of all its instruments and seats."

Terry Goveia of the General Services Administration at the Kennedy Space Center, which oversees the auction of confiscated materials in Florida, said the problem of neglect has been widespread.

"The most glaring example were the boats seized during the Mariel boatlift," she said. "They were drydocked in Key West and sat for two years. When the boats were sold or returned to their owners, they weren't worth much. They were in pretty bad shape."

More than 400 boats were dumped in a weed-infested U.S. Navy lot near Key West, left unattended to the ravages of the intense South Florida sun. The boats were in such bad condition that one man paid $50 for a 1961 30-foot Chris Craft.

The GAO report suggests that the government invest money in repairing confiscated material.

"The problem is that none of these agencies—DEA, Customs, INS—wants to get burned by investing any money into these things. The result is more money is lost," Orr said. "This thing should be on a self-funding basis. Money earned for auction is used to maintain and repair boats, cars and planes awaiting auction. Until this is done, we're going to continue to be on the losing end."

FORT LAUDERDALE IS MAKING BIG PROFIT FROM SEIZED ITEMS

(By M. Anthony Lednovich)

FORT LAUDERDALE.—It didn't take city officials long to rectify a mistake that to date has already cost the federal government millions of dollars.

Two years ago, before the city auctioned off a drug smuggler's boat, officials decided not to spend $5,000 to repair the vessel.

"The boat was appraised at $35,000 if in good condition. We sold the boat as is and got only $15,000. It didn't take a genius to figure out that if we had spent the $5,000, we would have made another $15,000 profit," said Preston Albea, purchasing agent for the city. "We changed our ways."

The next boat to be sold by the city, a 63-foot yacht, needed a $25,000 engine overhaul.

"We spent the money and got $60,000 more at the auction. The overhaul paid off," Albea said.

Fort Lauderdale's program of maintaining and repairing boats, airplanes and automobiles seized under the State's confiscation law is now the basis for a series of recommendations in a General Accounting Office report on how the federal government can upgrade its program.

Because of neglect, the GAO report said the government lost $37,900 on every boat, $43,000 on every airplane and $1,000 on every car it sold at auction in 1981.

Six months ago, while inspecting the condition of boats and airplanes stored at South Florida airfields and marinas, GAO evaluators were told about the city's program.

"I think it would be fair to say that most of the recommendations in our report are a result of our visit with the City of Fort Lauderdale," said GAO chief evaluator Everette Orr. "if the federal government had applied the same logic as Fort Lauderdale, a lot of money would not have been wasted."

Part of the credit for Fort Lauderdale's aggressive sales approach is attributed to Jeff Hochman, the city's special counsel for confiscations and seizures.

"Our major concern as prosecutors was to go after these items. We didn't want to be defensive and have to face a bunch of lawsuits from people seeking damages by claiming their confiscated boat or plane had rotted away in storage during the legal battle to resolve their case," Hochman said. "When you're in a courtroom you don't want the tables reversed."

Unlike Customs or the Drug Enforcement Administration, which store airplanes in open fields for as long as two years, the city keeps its confiscated airplanes in hangars at the Fort Lauderdale Executive Airport.

"The worst thing to do is to let an airplane sit out in the elements," Albea said.

Seized boats are moored at a marina on the New River.

"We have mechanics start up the boat motors once a week, and maintenance crews make sure the boats are washed regularly," said Police Sgt. Frank Grady. "We also have the boats surveyed to determine what repairs, if any, should be made before we sell the boats."

Once the city is awarded possession of a boat, airplane or car by the court, Albea plans the sale.

"We do a second survey on the items to make sure we get top dollar," Albea said. "Sometimes we are told that a plane or boat is junk and not to waste any money on it. But most of the time, the survey tells us that if we spend a little money to fix a boat or plane, we'll make more at the auction."

Albea said that since initiating the program two years ago the city has gotten 75 percent of the appraised value of the boats, cars and planes sold at auction.

That compares to government figures of just 43 percent for boats and 35 percent for airplanes.

"Obviously it is a program that pays for itself," Albea said.

□ 0200

CONGRESSIONAL STAFF GROWTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. FRENZEL) is recognized for 10 minutes.

● Mr. FRENZEL. Mr. Speaker, congressional staff growth has long been a concern of mine.

At the beginning of every year, as the Subcommittee on Accounts reviews committee funding requests, I voice the opinion that committee costs need to be more closely monitored.

Every year, no one listens. No one cares. One of the most obvious examples of soaring committee costs is statutory staff salaries.

The money for statutory staff salaries is covered by the line item "committee employees" in the annual legislative branch Appropriations Act rather than in individual committee accounts. They therefore escape the scrutiny of the Accounts Subcommittee review.

In 1982, these salaries amounted to over $31 million, an 8-percent increase over 1981's statutory staff salaries, and a glaring 332 percent over 1971's cost. The accompanying chart shows the leaps in statutory staff costs over the past 10 years.

There is no doubting the value of committee staff expertise. In my judgment, however, there is no justification for such an enormous growth in cost to the American taxpayer.

STATUTORY STAFF SALARIES

	1971	1973	1975	1981	1982
Agriculture	250,621.54	274,417.12	510,108.86	1,143,831.16	1,207,138.51
Armed Services	476,292.74	499,352.92	601,300.50	1,064,858.04	1,104,794.74
Banking	286,999.54	297,015.90	454,801.34	789,501.19	1,034,541.90

STATUTORY STAFF SALARIES—Continued

	1971	1973	1975	1981	1982
District of Columbia	202,339.52	294,786.03	549,027.85	1,067,872.96	1,066,277.15
Education and Labor	395,344.72	398,995.38	702,598.90	1,243,722.73	1,220,773.22
Foreign Affairs [1]	352,534.45	316,658.00	545,183.87	1,190,389.81	1,369,003.31
Government Operations	289,727.82	291,998.42	484,849.60	840,096.57	896,385.25
House Administration	254,153.78	283,398.25	565,913.37	1,006,562.70	1,017,829.28
Interior and Insular Affairs	286,640.44	282,875.71	676,261.80	1,305,178.13	1,391,312.45
Internal Security [2]	260,392.97	335,565.98	1,904.50		
Interstate and Foreign Commerce [3]	381,456.06	420,593.05	699,314.43	1,216,496.29	1,419,589.37
Judiciary	361,559.33	396,758.57	552,121.54	1,226,447.56	1,289,016.39
Merchant Marine and Fisheries	279,628.19	245,915.71	440,138.38	1,207,463.95	1,230,914.51
Post Office and Civil Service	314,010.44	312,817.61	544,581.09	1,194,081.62	1,364,670.64
Public Works	266,588.60	329,631.21	556,776.93	1,395,043.50	1,454,842.11
Rules	132,703.25	151,885.20	363,291.01	1,039,186.38	1,061,729.30
Science and Technology	264,105.65	299,133.19	580,225.57	1,121,400.24	1,219,379.55
Small Business [4]			234,801.20	928,293.37	1,028,086.83
Standards of Official Conduct	129,718.22	126,318.19	109,851.67	299,938.20	451,944.68
Veterans' Affairs	323,912.41	255,590.41	430,830.36	760,960.67	774,772.69
Ways and Means	522,839.23	604,397.50	678,881.48	1,296,826.26	1,352,720.02
Appropriations	1,215,121.76	1,495,388.85	2,199,009.94	4,490,813.14	4,873,424.16
Budget [5]			1,328,003.76	3,152,367.84	3,466,868.16
Total	7,246,690.66	7,913,493.20	13,809,777.95	28,981,332.31	31,296,014.22

[1] The Committee on Foreign Affairs was called the Committee on International Relations between Mar. 19, 1975 to Feb. 5, 1979.
[2] The Committee on Internal Security was not reestablished beginning in the 94th Congress.
[3] The Committee on Interstate and Foreign Commerce became the Committee on Energy and Commerce in 1981, at the beginning of the 97th Congress.
[4] The Small Business Committee was switched from Select to Standing status in 1975, at the beginning of the 94th Congress.
[5] The Budget Committee was established on July 12, 1974.●

THE ELECTRONIC FUND TRANSFER ACT: A STEP IN THE RIGHT DIRECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, the American financial industry has taken a first step into the computer age, and I think we should recognize the role a prudent piece of legislation played to insure that the first step was not a stumble. I am referring to the Electronic Fund Transfer Act, enacted in 1978. Because of this act, the rapid spread of computerized banking has been accepted by consumers with relative ease. Without the guidelines provided by the EFT Act, the continuing rise in the number of transactions carried out electronically might have meant severe growing pains for the fledgling industry.

The act is a prime example of the value of legislating before problems occur. Too often Congress is accused of waiting until a disaster occurs or a crisis arises before acting. At the time of its consideration, the EFT Act was attacked as legislation in search of a problem. The Congress was told that the act would inhibit innovation and that it would retard development of electronic banking. In fact, the act had the opposite effect. It produced consumer confidence in using EFT systems by providing badly needed consumer protection, thereby spurring, rather than impeding, the industry.

During the 1970's, technological advances had dramatically altered the landscape of American banking. With the advent of the automated teller machine, the point-of-sale terminal, and the debit card, consumers found themselves facing a wide range of new banking services. Consumers could arrange to have paychecks deposited and bills paid automatically—without ever having to lick a stamp or seal an envelope. In stores equipped with point-of-sale terminals, consumers did not need credit cards, checks, or even cash—they could purchase goods by instantly transferring funds from their accounts to the merchant's account. The telephone became a tool for moving money and settling debts. There was no paperwork and no delay. America was about to enter the era of computerized banking and instant money. But there was trouble in paradise.

Many consumers had questions and well-founded concerns. If transactions were to be paperless, requiring no check or deposit slip, then what record would the consumer have to prove that he had paid for the faulty merchandise he was now trying to have repaired? What evidence would the consumer possess to show that she had deposited $50 in her checking account when the bank claimed to have no record of that deposit? If a thief electronically stole money from the consumer's account, would the consumer or the bank bear the loss? These concerns made consumers reluctant to use the new electronic banking services, and the growth of the technology lagged far behind the glowing predictions made by advocates of the new technology.

Consumers wanted to know how financial institutions would go about resolving an error if the computer made a mistake. If money disappeared from an account, was the consumer protected? In the case of theft, consumers wanted a consistent policy to determine liability. These were pertinent considerations that, unresolved, left the computer banking customer on shaky ground.

It was in response to these concerns that the EFT Act was drafted and passed in 1978. The EFT Act requires that automated teller machines and point-of-sale terminals print out receipts so that consumers have records of every transaction. The EFT Act also requires that periodic statements include all electronic transfers to and from an account, both those made at terminals and those made by phone. In this way the EFT Act provides the consumer with an initial foothold in disputes with financial institutions; without a written record of transactions, the consumer would have no possible chance to show that an error occurred.

Moreover, the EFT Act established standardized procedures to correct errors and allocate the burden for loss or theft. Under the EFT Act consumers are guaranteed a specified period of time in which to report loss, error, or theft, and in case of theft, a consumer may only be held liable for an amount of $50 if the theft is reported within that period.

The EFT Act specifies procedures and a timeframe for resolving errors. The act allows a financial institution up to 45 days in which to resolve a dispute, but only if the financial institution recredits the disputed amount to the consumer's account if the investigation lasts for more than 10 days. Before the passage of the EFT Act, banks were able to impound funds for the entire length of an investigation. Without the act a consumer might not have access to his money for weeks while a bank was trying to decide who was at fault. Further, the EFT Act requires that the consumer be notified promptly of the results when an investigation is complete. If the institution finds that there was no error, the consumer must receive a written explanation.

Has the EFT Act succeeded in making electronic banking acceptable to Americans? An article in the June 1983 issue of the Federal Reserve Bulletin clearly demonstrates the benefits of the EFT Act for consumers. The

Board conducted a survey in 1983 of households holding an account with an EFT feature. Of all the households surveyed, fewer than 1 percent alleged an unauthorized withdrawal as a result of the EFT feature; when the complaints were resolved, none of those households had lost any money. Of the households who claimed that there had been an error because of an EFT feature, over 95 percent reported that they were satisfied with the resolution of that error. The credit for this high satisfaction rate belongs to the EFT Act. By setting uniform liability standards for unauthorized use, by setting procedures and time requirements for error resolution, and by requiring written records for the consumer, the EFT Act has made sure that the consumer was not left behind on the road to modernization.

All this has been achieved without placing undue burdens on financial institutions. The Board study indicates that the cost of compliance with the EFT Act will be decreasing as the volume of EFT transactions continues to increase. Thus, the banking industry will be able to renovate its services and procedures while complying with the EFT Act, thereby providing the greatest benefit to consumers.●

RETIREMENT OF GENERAL MEYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 10 minutes.

● Mr. FUQUA. Mr. Speaker, I invite my colleagues to join me in commending Gen. Edward Charles Meyer on the recent completion of a 3-year stint as the U.S. Army Chief of Staff. I, too, wish to congratulate him on his retirement from the U.S. Army after more than 31 years of outstanding service to his country.

The list of General Meyer's accomplishments and assignments during his military career are astonishing. There is only one thing that this can be attributed to and that is dedication. Dedication to the U.S. Army, our country, and to the thousands of lives that he can personally take credit for molding during this time.

I appreciate the opportunity of having worked with General Meyer and I sincerely wish him the very best of luck in his well-deserved retirement.●

CENTRAL AMERICA

Under a previous order of the House, the gentleman from Ohio (Mr. SEIBERLING) is recognized for 10 minutes.

Mr. SEIBERLING. I thank the Speaker.

Mr. Speaker, I will not take the 10 minutes but because of the importance of the debate tomorrow on our policy with respect to Nicaragua and particularly the covert activities of the CIA and American military in that area, I wanted to place in the RECORD some references to a report that was brought out in April of this year by a group called the Interamerican Dialogue which was organized under the auspices of the Woodrow Wilson Center here in Washington.

The Interamerican Dialogue had as cochairman, Sol. M. Linowitz, former U.S. Ambassador to the Organization of American States in Panama, the canal treaties negotiator and Galo Plaza former Secretary General of the Organization of American States and former President of Equador.

The panelists from Latin America and from North America are a very distinguished group indeed, including the former mayor of Rio de Janeiro, the former Minister of Energy and Mines in Peru, the archbishop of Panama, the former President of Costa Rica, the mayor of Santo Domingo in the Dominican Republic, and mayor of Bogotá, Colombia, the Vice President of the World Bank and various others.

And on the North American side Henry Cisneros, the mayor of San Antonio, Tex.; Theodore Hesburgh, president of the University of Notre Dame; Gen. David C. Jones, former commanding general of the U.S. Air Force; Juanita Kreps, former Secretary of Commerce; Edmund Muskie, former Secretary of State; Elliot Richardson, former Secretary of Defense; David Rockefeller, Cyrus Vance, former Secretary of State and so forth.

Mr. Speaker, I place the full list of the members of this distinguished group of citizens of our hemisphere in the RECORD at this point.

Cochairmen: Sol M. Linowitz, former U.S. Ambassador to the Organization of American States and Panama Canal Treaties Negotiator; Galo Plaza, Former Secretary General of the Organization of American States, former President of Ecuador.

From Latin America: Nicolas Ardito Barletta, Vice President, The World Bank; Rodrigo Botero, Publisher, Estrategia, Colombia; Oscar Camilion, Former Foreign Minister, Argentina; Fernando Henrique Cardoso Cebrap, Sao Paulo, Brazil; Antonio Carillo Flores, Former Secretary, Foreign Relations, Mexico; Oliver Clark, Chairman, The Daily Gleaner, Jamaica; Octavio Da Costa, General, Brazilian Army, Retired; Jose Maria Dagnino Pastore, Former Finance Minister, Argentina; Jorge Fontaine, President, Federation of Production and Commerce, Chile; Xabier Gorostiaga, S.J., Director, Institute of Social and Economic Research, Nicaragua; Enrique Iglesias, Executive Secretary, Economic Commission for Latin America; Israel Klabin, Former Mayor of Rio de Janeiro, Brazil; Pedro Pablo Kuczynski, Former Minister of Energy and Mines, Peru; Augustin Legorreta, Financier, Industrialist, Mexico; Marcos McRath, C.S.C., Archbishop of Panama; Daniel Oduber, Former President of Costa Rica; Jose Francisco Pena Gomez, Mayor, Santo Domingo, Dominican Republic; Bernardo Quintana, President, ICA, Mexico; Augusto Ramirez Ocampo, Mayor, Bogota, Colombia; Javier Silva Ruete, Former Finance Minister, Peru; Mario Henrique Simonsen, Former Finance Minister, Brazil; Julio Sosa Rodriguez, Former Venezuelan Ambassador to the U.S.; Gabriel Valdes, Former Foreign Minister, Chile.

From North America: Peter D. Bell, President, Inter-American Foundation; Henry Cisneros, Mayor, San Antonio, Texas; Ralph P. Davidson, Chairman of the Board, Time, Inc.; Jorge Dominguez, President, Latin American Studies Assn.; Maurice Ferre, Mayor, Miami, Florida; Albert Fishlow, University of California, Berkeley; Roberto Goizueta, Chairman of the Board, Coca Cola, Inc.; Ivan Head, President, International Development Research Centre, Ottawa, Canada; Theodore Hesburgh, C.S.C., President, University of Notre Dame; David C. Jones, General, USAF, Retired; Juanita Kreps, Former Secretary of Commerce; Robert McNamara, Former President, The World Bank; Edmund Muskie, Former Secretary of State; Hernan Padillia, Mayor, San Juan, Puerto Rico; Ralph Pfeiffer, Chairman, IBM/AFE Corporation; Donald Platten, Chairman, Chemical Bank; Elliot Richardson, Former Secretary of Defense; David Rockefeller, Chairman, The Americas Society; Frank Shakespeare, President, RKO General, Inc.; Cyrus Vance, Former Secretary of State; Clifton Wharton, Chancellor, State University of New York. Executive Director: Abraham F. Lowenthal, The Wilson Center.

Mr. SEIBERLING. Mr. Speaker, the Interamerican Dialog report is very impressive indeed. In fact, one wonders why, with this kind of a report which represents the input of people from both halves of our hemsiphere, it was even necessary to appoint the so-called Kissinger Commission.

We have a truly international, as well as bipartisan and multipoint of view report here, which I think would do well to guide us in our dealings with the issues in Central America.

Under the heading of security and peacekeeping issues the report makes several points. The first is that the basic roots of insecurity and the basic problems of security in this hemisphere are primarily economic, social and political and not military, and that the sources of insecurity are mainly internal to each nation and that external influences are secondary.

By the same token, the report goes on to say that the solutions ultimately lie in economic and social development and political dialog and not in weapons or military advisers. Even when external support for insurrection is clearly present, as in El Salvador, the underlying problems remain domestic, the report concludes.

It goes on to say that the panelists all favor keeping Latin America and the Caribbean out of the East-West conflict to the greatest extent possible. They go on to say this:

It does not serve that purpose for the United States to oppose changes in the region simply because they diminish United

States influence and hence are perceived as advantageous to Cuba and the Soviet Union unless they are clearly related to basic security concerns. We believe that the United States can better achieve its long-term interests in regional stability, one shared by Latin Americans, by exercising measured restraint in the projection of its own power.

I think Mr. Kissinger would do well to note that, because it certainly is not in accord with some statements he is quoted as having made recently.

The report goes on to say that continued fighting in El Salvador and continued counter-revolutionary activities in Nicaragua escalating violence in Guatemala all are likely to feed each other and even raise the spector of wider regional conflict. It says further:

We believe, therefore, that negotiations should be tried. In El Salvador negotiations should begin at once to prepare for free internationally supervised elections on the basis of security guarantees for all parties and participants. In the region as a whole a major effort should be undertaken to find a way for settling the conflicts on a basis that recognizes the vital interests of each party.

And finally, in connection with the conflict in Nicaragua, it makes this observation:

Most citizens and governments throughout the hemisphere oppose an expansion of Soviet and Cuban military presence in the Americas. Even revolutionary movements now seeking power in Central America should have little desire to convert their countries into Soviet or Cuban bases. We believe they may be less tempted to do so if they feel secure from subversion or harassment. They recognize how precarious their position would be should they achieve power and that they would incur additional United States hostility by inviting a Soviet or Cuban military presence."

They also go on to say that the United States, and I am now quoting:

The United States could do much to foster a climate of security in the region by making unequivocally clear its commitment to respect national sovereignty. If reciprocal and mutual security is to be fashioned in a region that often has experienced overt and covert United States intervention, it would be useful to provide unmistakable assurances that the United States will refrain from reverting to these practices.

Now, Mr. Speaker, one of the participants in this group, Elliot Richardson, former Secretary of Defense, former Attorney General of the United States and distinguished Republican member of former Republican administrations, Ambassador to the United Nations, and to Great Britain, had some interesting things to say in his testimony before the House Committee on Foreign Affairs on June 7, 1983, with respect to this report.

I will include his entire statement in the RECORD following my remarks this evening.

I would just like to highlight a couple of things in his statement:

In place of unilateral intervention at a stage when the danger of Soviet-Cuban presence is still remote, we in association with other countries in the hemisphere should substitute a hemisphere-wide multilateral commitment to oppose any such presence. The advantages of such a multilateral Monroe Doctrine as I see them and I think what I am saying here is essentially a translation of what we said in the report are the following.

Then he enumerates a number of advantages as opposed to unilateral action by the United States.

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And he concludes as follows:

This in essence is the kind of trade-off that the report suggests that the U.S. accept the futility of attempting unilaterally to intervene at an early stage by inadequate means at the cost of erosion of U.S. leadership and prestige in the Hemisphere and substitute instead a broad based concerted policy adequate to deal with the real dangers when and if they arise.

In other words, Mr. Speaker, Mr. Richardson and the other panelists were saying what some of us have been saying here without apparently much effect and that is, that the solution is not military, it is diplomatic. That the solution must be multilateral and not unilateral. And somehow or other the administration cannot seem to understand that and some of my colleagues, particularly on the Republican side of the aisle, cannot seem to think in terms of anything but military unilateral intervention by the United States.

Now with a long history of intervention in Central America over several generations understandably the people of that region take a rather dim view of American unilateral intervention.

I thank my colleagues for this indulgence at this late hour.

TESTIMONY OF ELLIOT L. RICHARDSON BEFORE THE SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS, JUNE 7, 1983

Thank you, Mr. Chairman.

I would like to say a few supplementary words on the score particularly of the security recommendations of the report of the Inter-American Dialog. I had the privilege of chairing the working group responsible for that part of the report.

The report is written, of course, from the perspective of the Americas as a whole, and properly so. Today, however, I would like to try to translate its recommendations into their most basic implications for U.S. national security interests. Although I completely share the unanimous view of all Dialog participants that the roots of insecurity in this Hemisphere are primarily economic, social, and political, not military, these brief remarks will emphasize the military implications.

We start then, Mr. Chairman, I believe, with several relatively clear-cut premises.

First, that any enlargement of the Soviet-Cuban military presence in the Hemisphere would be inimical to the security of the region. This is a concern that is clearly and, it is fair to say, almost unanimously shared throughout the Hemisphere.

Second, that the security concerns created by Marxist-oriented movements or governments stem not from their Marxism but from the risk that they may become subservient to Soviet-Cuban influence and thus open the way to enlargement of the Soviet-Cuban military presence.

Third, that the use of military force in sufficient strength to foreclose the possibility that such a Marxist-oriented movement might prevail or, indeed, sufficient to oust a Marxist-oriented government already in power, is not a politically realistic option. I discount for this reason what is currently being said about the prospect of large-scale U.S. intervention in Central America. There is no serious possibility that U.S. intervention will take place on a scale sufficient by itself to determine the military outcome.

Fourth, that early intervention on a scale not adequate to assure the victory of the side we favor is counterproductive. Its inevitable consequences, as we are daily being obliged to observe, are to prolong the bloodshed, to drive the other side ever more deeply into the arms of the Soviet bloc, and to erode U.S. prestige and leadership.

Fifth, that the countries of the Hemisphere are united in opposition to intervention from any external source and, as the report indicated, prepared to join in a hemispheric declaration to that effect.

From these five premises, Mr. Chairman, I believe it follows that there is a need for a better option. To put it bluntly, there is the need for a policy.

The President's speech the other night was a powerful plea for the resources necessary to maintain the status quo—pending what? He never told us explicitly, but one must assume that his principal objective was to buy time in order to give the present government of El Salvador a chance somehow to prevail. That time could, of course, also be used to pursue a negotiated solution. And yet, the Administration's own pronouncements constantly downgrade the chances of a military victory while at the same time resisting alternative negotiation. In any case, even if the chances of a satisfactory outcome were as good as 50-50, there would still be a need to have a fallback in the event that this optimistic possibility did not materialize. If the government's chances are not that good, there is all the more need for a policy rather than a hope.

A realistic option would focus on the real danger, i.e., the danger presented by the risk of the enlargement or establishment of a Soviet-Cuban beachhead in Central America or the continent of South America. That is to say, it must address itself to what we most fear rather than let our resources of leadership be dissipated by reactions to the mere manifestation of a Marxist orientation which may not, in fact, carry with it any serious threat of a Soviet or Cuban presence.

In place of unilateral U.S. intervention at a stage when the danger of a Soviet-Cuban presence is still remote, we, in association with the other countries of the Hemisphere, should substitute a Hemisphere-wide multilateral commitment to oppose any such presence. The advantages of such a multilateral Monroe Doctrine, as I see them—and I think that what I am saying here is essentially a translation of what we said in the report—are the following:

First, it would perform the function of serving notice on the Soviet Union and Cuba that the Hemisphere is in fact united in opposition to the enlargement of their military presence.

It is in this context that the references in the report to a possible dialog with the Soviet Union and Cuba are most relevant. What we said in that connection is that it would be desirable if the Soviet Union and

Cuba would agree to renounce intervention; that it would be worthwhile to seek such a commitment; but that, in any event, the process of communication with them would give them formal notice that the Hemisphere does not want them on its soil.

Second, such a multilateral Monroe Doctrine would create a basis for organizing a united response in the face of a seriously threatened violation of the united position.

Third, it would lay a foundation that would justify individual member states within the region, including the United States, in the event of a failure to achieve broad-based agreement on a united response, to take such action as the danger then seemed to call for.

This, in essence, is the kind of trade-off, Mr. Chairman, that the report suggests: that the U.S. accept the futility of attempting unilaterally to intervene at an early stage by inadequate means at the cost of erosion of U.S. leadership and prestige in the Hemisphere and substitute instead a broad-based concerted policy adequate to deal with the real dangers when and if they arise.

Thank you, Mr. Chairman.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LEWIS of California (at the request of Mr. MICHEL), for today after 4 p.m. until further notice, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FRENZEL) to revise and extend their remarks and include extraneous material:)

Mr. CLINGER, for 60 minutes, today.

Mr. FRENZEL, for 10 minutes, on July 26.

(The following Members (at the request of Mr. SEIBERLING) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. GUARINI, for 10 minutes, today.

Mr. SEIBERLING, for 10 minutes, today.

Mr. HUGHES, for 60 minutes, on July 27.

Mr. COELHO, for 60 minutes, on August 1.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CHAPPELL on the amendment of Mr. NICHOLS immediately following the comments of Mr. NICHOLS.

Mr. HUGHES, immediately following the Courter amendment.

Mr. GORE, prior to the vote on the Gore amendment to H.R. 2969 in the Committee of the Whole today.

Mr. ASPIN, immediately prior to the vote on the Gore amendment to H.R. 2969 in the Committee of the Whole today.

Mr. GORE, and to include extraneous material prior to vote on liver transplant amendment agreed to and just after colloquy between himself and the gentleman from Wisconsin (Mr. ASPIN).

Mr. FRENZEL, to revise and extend immediately preceding vote on AuCoin amendment on H.R. 2957.

(The following Members (at the request of Mr. FRENZEL) and to include extraneous matter:)

Mr. GILMAN.
Mr. FIELDS in two instances.
Mr. WORTLEY.
Mr. YOUNG of Alaska.
Mr. HYDE in two instances.
Mr. FRANKLIN.
Mr. DREIER.
Mr. HOPKINS.
Mr. DEWINE.
Mr. PARRIS.
Mr. MICHEL.
Mrs. SMITH of Nebraska.
Mr. LEWIS of California.
Mr. CONTE in three instances.
Mr. WHITTAKER.
Mrs. SCHNEIDER.
Mr. BETHUNE in two instances.
Mr. WYLIE.
Mr. BILIRAKIS.

(The following Members (at the request of Mr. SEIBERLING) and to include extraneous matter:)

Mr. FAZIO.
Mr. GUARINI.
Mr. RANGEL.
Mr. HOYER.
Mr. LANTOS.
Mr. EDWARDS of California.
Mr. DYMALLY.
Mr. HANCE.
Mr. FRANK.
Mr. UDALL.
Mr. PEASE.
Mr. YATES.
Mr. LONG of Maryland.
Mr. WON PAT.
Mr. BRITT.
Mr. HALL of Oklahoma.
Mr. BOSCO.
Mr. LEATH of Texas.
Mr. AUCOIN.
Mr. DYSON in two instances.
Mr. FEIGHAN.
Mr. SHELBY.
Ms. KAPTUR.
Mr. FLIPPO.
Mr. GORE.
Mr. MILLER of California.
Mrs. BOGGS
Mr. BONIOR of Michigan.
Mr. DOWNEY of New York.
Mr. ACKERMAN.
Ms. MIKULSKI.
Mr. WRIGHT.
Mr. LEVITAS.
Mr. JONES of Oklahoma.
Mr. HARRISON.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 77. Joint resolution designating "National Animal Agriculture Week."

ENROLLED BILL SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1935. An act to ratify an exchange agreement concerning National Wildlife Refuge System lands located on Matagorda Island in Texas.

ADJOURNMENT

Mr. SEIBERLING. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 10 minutes a.m.) under its previous order, the House adjourned until today, Wednesday, July 27, 1983, at 12 o'clock noon.

CONFERENCE REPORT ON H.R. 3329

Mr. LEHMAN of Florida submitted the following conference report and statement on the bill (H.R. 3329) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 98-318)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3329) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 7, 11, 25, 26, 42, 56, 59, and 68.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 15, 16, 17, 18, 19, 20, 29, 31, 33, 34, 35, 38, 43, 50, 52, 57, 58, and 62, and agree to the same.

Amendment numbered 3:

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$4,878,000*; and the Senate agree to the same.

Amendment numbered 4:

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$67,974,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,656,256,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$8,600,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$22,500,000*; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$12,500,000*; and the Senate agree to the same.

Amendment numbered 13:

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$12,500,000*; and the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert: *including purchase of fourteen buses, $14,250,000*; and the Senate agree to the same.

Amendment numbered 24:

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$200,000,000*; and the Senate agree to the same.

Amendment numbered 27:

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows:

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

For necessary expense of certain railroad-highway crossings demonstration projects as authorized by section 163 of the Federal-Aid Highway Act of 1973, as amended, to remain available until expended, $15,000,000, of which $10,000,000 shall be derived from the Highway Trust Fund.

And the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to change the sum named in said amendment to: *$5,000,000*; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to change the sum named to: *$2,500,000*; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: *Provided*, That all unobligated balances in this account shall lapse at the end of fiscal year 1985; and the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,225,000,000*; and the Senate agree to the same.

Amendment numbered 45:

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$295,400,000*; and the Senate agree to the same.

Amendment numbered 46:

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$250,000,000*; and the Senate agree to the same.

Amendment numbered 48:

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$8,200,000*; and the Senate agree to the same.

Amendment numbered 51:

That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$20,858,000*; and the Senate agree to the same.

Amendment numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$60,000,000*; and the Senate agree to the same.

Amendment numbered 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *316*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 10, 14, 21, 23, 28, 30, 36, 39, 41, 47, 49, 53, 55, 60, 61, 64, 65, 66, 67, 69, and 70.

WILLIAM LEHMAN,
MARTIN OLAV SABO,
WILLIAM H. GRAY III,
WILLIAN R. RATCHFORD,
BOB CARR,
ROBERT J. MRAZEK,
JAMIE L. WHITTEN,
LAWRENCE COUGHLIN,
SILVO O. CONTE,
JACK EDWARDS,
CARL PURSELL,
Managers on the part of the House.

MARK ANDREWS,
THAD COCHRAN,
JAMES ABDNOR,
BOB KASTEN,
ALFONSE M. D'AMATO,
LAWTON CHILES,
JOHN C. STENNIS,
THOMAS F. EAGLETON,
Managers of the part of Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3329) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1984, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

Amendment No. 1: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert: *$36,500*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees suggest the following distribution for Office of the Secretary salaries and expenses funds:

Secretarial offices, 139 positions	$11,100,000
General Counsel, 59 positions	2,930,000
Assistant Secretary for Policy and International Affairs, 85 positions	4,390,000
Assistant Secretary for Budget and Programs, 46 positions	2,210,000
Assistant Secretary for Administration, 165 positions	18,605,000
Assistant Secretary for Governmental Affairs, 41 positions	2,040,000

The conferees expect to receive written notification from the Secretary should circumstances require changes from the above distribution.

Amendment No. 2: Deletes language proposed by the House prohibiting the use of funds for the sale or transference of any Government owned securities of the Consolidated Rail Corporation without the prior consent of the House and Senate Committees on Appropriations.

With respect to the sale of Conrail, the conferees expect the Secretary to consider only those offers which provide for a fair and reasonable return on the more than $7.6 billion the Federal Government has invested in Conrail securities and Conrail-re-

lated programs. The Secretary shall keep the Appropriations Committees fully and currently informed of all proposals and major developments related to the sale or transference of Conrail securities. The conferees also expect to be consulted in advance before any announcement is made of a major decision by the Department with respect to such sale or transference.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

Amendment No. 3: Appropriates $4,878,000 instead of $2,500,000 as proposed by the House and $7,256,000 as proposed by the Senate.

LIMITATION ON WORKING CAPITAL FUND

Amendment No. 4: Limits operating costs and capital outlays of the working capital fund to $67,974,000 instead of $67,750,000 as proposed by the House and $68,198,000 as proposed by the Senate.

COAST GUARD

OPERATING EXPENSES

Amendment No. 5: Appropriates $1,656,256,000 instead of $1,648,256,000 as proposed by the Senate and $1,675,289,000 as proposed by the House.

Amendment No. 6: Deletes language proposed by the Senate earmarking $26,700,000 for a reimbursable fund for polar icebreaker operations and maintenance.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

Amendment No. 7: Appropriates $369,000,000 as proposed by the House instead of $370,900,000 as proposed by the Senate.

The conference agreement includes full funding for the marine safety office in Philadelphia, Pa.

ALTERATION OF BRIDGES

Amendment No. 8: Appropriates $8,600,000 instead of $7,400,000 as proposed by the House and $12,600,000 as proposed by the Senate.

The conference agreement includes the following amounts:

Illinois River, Peoria, Ill. (Peoria and Pekin Union RR)	$7,400,000
Williamette River, Portland, Oreg. (Burlington Northern RR)	1,200,000

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Amendment 9: Appropriates $22,500,000 instead of $22,000,000 as proposed by the Senate and $23,500,000 as proposed by the House.

OFFSHORE OIL POLLUTION COMPENSATION FUND

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing such sums as may be necessary instead of $1,000,000 as proposed by the House.

DEEPWATER PORT LIABILITY FUND

Amendment No. 11: Appropriates $1,000,000 as proposed by the House instead of such sums as may be necessary as proposed by the Senate.

NATIONAL RECREATIONAL BOATING SAFETY AND FACILITIES IMPROVEMENT FUND

Amendment No 12: Appropriates $12,500,000 instead of $10,000,000 as proposed by the House and $15,000,000 as proposed by the Senate.

Amendment No 13: Limits obligations to $12,500,000 instead of $10,000,000 as proposed by the House and $15,000,000 as proposed by the Senate

FEDERAL AVIATION ADMINISTRATION

HEADQUARTERS ADMINISTRATION

Amendment No 14: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing for the transfer of up to 7.5 percent between the appropriations for headquarters administration and operations.

OPERATIONS

Amendment No 15: Appropriates $2,500,000,000 as proposed by the Senate instead of "$2,593,300,000, of which not to exceed $310,000,000 shall be derived from the Airport and Airway Trust Fund", as proposed by the House.

The Federal Aviation Administration is directed to report immediately to the House and Senate Committees on Appropriations if the conference agreement level will result in the reduction of any personnel essential to the operation of a safe and effective air traffic control system.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Amendment No 16: Appropriates $750,000,000 as proposed by the Senate instead of $985,500,000 as proposed by the House.

In making the necessary reductions from the funding plan presented in the President's budget, the Federal Aviation Administration is expected to give first priority to the continued funding of those projects which have the most significant impact on the safety of the national airspace system.

The conferees reiterate the language contained in the Senate report directing the Federal Aviation Administration to establish instrument landing systems at the University-Oxford Airport, Mississippi; at Farmington Airport, New Mexico; and at LaGrange-Calloway Airport, Georgia.

The conferees direct the FAA to submit a report to the Appropriations Committees by November 1, 1983, describing the adjustments made to the fiscal year 1984 facilities and equipment budget estimate necessitated by the $250,000,000 reduction. Such report shall break down these adjustments to the project level and shall contain an explanation for each adjustment.

RESEARCH, ENGINEERING AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

Amendment No 17: Appropriates $263,452,000 as proposed by the Senate instead of $278,000,000 as proposed by the House.

The conferees believe that the reduction from the House bill can be achieved without any serious impact on modernizing the national airspace system. The Federal Aviation Administration will be expected to take the reduction in those areas which do not compromise aviation safety.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

Amendment No 18: Deletes the words "including rescission" from the heading as proposed by the Senate.

Amendment No 19: Limits obligations to $800,000,000 as proposed by the Senate instead of $900,000,000 as proposed by the House.

In addition to the specific projects identified in the House and Senate Committee reports, the conferees direct that priority consideration also be accorded to the Municipal Airport in Lake City, Florida.

Amendment No. 20: Deletes $143,500,000 rescission proposed by the House.

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following: *: Provided further, That, notwithstanding any other provision of law, of the foregoing limitation at least $25,000,000 shall first be made available to fund construction of all eligible portions of new air carrier runways, and related construction, at airports as to which joint Department of Transportation/Federal Aviation Administration Task Force Delay Studies have been prepared for issuance in 1983, or later, showing annual delay costs attributable to inadequate runway capacity that will exceed the cost of construction, and as to which the sponsor's preapplication shall specify a 1984 project start date, whereafter the balance of the $25,000,000 shall revert to the discretionary funds*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees recognize the requirement for the new air carrier runway and related construction at Houston Intercontinental Airport, Houston, Texas, and that the construction estimates exceed the level of discretionary funds recommended herein. The $25,000,000 will be obligated out of discretionary funds and does not include, but is in addition to, any enplanement funds to which airport sponsors are otherwise entitled.

CONSTRUCTION, METROPOLITAN WASHINGTON AIRPORTS

Amendment No. 22: Appropriates $14,250,000 instead of $11,750,000 as proposed by the House and $15,250,000 as proposed by the Senate.

The conference agreement also includes language proposed by the Senate regarding the purchase of 14 buses.

AIRCRAFT PURCHASE LOAN GUARANTEE PROGRAM

Amendment No. 23: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following *: Provided, That notwithstanding any other provision of law, the Secretary of Transportation may hereafter issue notes or other obligations to the Secretary of the Treasury, in such forms and denominations, bearing such maturities, and subject to such terms and conditions as the Secretary of the Treasury may prescribe. Such obligations may be issued to pay any necessary expenses required pursuant to the guarantee issued under the Act of September 7, 1957, Public Law 85-307, as amended (49 U.S.C. 1324 note). The amount of such obligations when combined with the aggregate of all such obligations made during fiscal year 1983 shall not exceed $175,000,000 by September 30, 1984. Such obligations shall be redeemed by the Secretary from appropriations authorized by this section. The Secretary of the Treasury shall purchase any such obligations, and for such purpose he may use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as now or hereafter in force. The purpose for which securities may be issed under such Act are extended to include any purchase of notes or other obligations issued*

under the subsection. The Secretary of the Treasury may sell any such obligations at such times and price and upon such terms and conditions as he shall determine in his discretion. All purchase, redemptions, and sales of such obligations by such Secretary shall be treated as public debt transactions of the United States.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Amendment No. 24: Limits general operating expenses to $200,000,000 instead of $198,600,000 as proposed by the House and $202,687,000 as proposed by the Senate.

The conference agreement includes $5,000,000 for the rural transportation assistance program.

MOTOR CARRIER SAFETY GRANTS

Amendment No. 25: Appropriates $8,000,000 as proposed by the House instead of $10,000,000 as proposed by the Senate.

ACCESS CONTROL DEMONSTRATION PROJECT

Amendment No. 26: Inserts language proposed by the House extending the availability of funds for access control demonstration projects to September 30, 1985.

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

Amendment No. 27: Appropriates $15,000,000, of which $10,000,000 shall be derived from the Highway Trust Fund, instead of $35,700,000, of which $23,800,000 shall be derived from the Highway Trust Fund, as proposed by the House.

The conferees note that the projects listed in the House report are, among other projects, worthy of meritorious consideration. The Department should note instructions contained in the House report regarding obligations in this program.

FEDERAL-AID HIGHWAYS

Amendment No. 28: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

EMERGENCY RELIEF

Notwithstanding section 125, 129, and 301 of title 23, United States Code, an additional $20,000,000 shall be available from the Highway Trust Fund for the emergency fund authorized under section 125 ot title 23, United States Code: Provided, That the Secretary shall give first priority to making funds available to repair or replace the Mianus Bridge on I-95 in Connecticut: Provided further, That the Federal funds provided herein shall not duplicate assistance provided by any other Federal emergency program, compensation received from Connecticut bridge insurance policies, or any other non-Federal source: Provided further, That regulations issued under section 125, title 23, United States Code, shall apply to the expenditure of such Federal funds: Provided further, That such funds shall not be available until the State of Connecticut enters into an agreement pursuant to section 105 of the Federal-Aid Highway Act of 1978 which covers the Mianus Bridge.

MIANUS BRIDGE EMERGENCY ASSISTANCE

For necessary expenses to help defray costs such as additional police and fire services and road repairs resulting from the Mianus bridge collapse, $1,000,000: Provided, That such sum shall be equally divided between and allocated to the towns of Greenwich, Connecticut, and Port Chester, New York.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

INTERSTATE TRANSFER GRANTS—HIGHWAYS

The conferees expect that discretionary funds under this program will be allocated to achieve the following total program levels in fiscal year 1984:

Portland, Oreg	$33,000,000
San Francisco, Calif	5,000,000
Tucson, Ariz	21,000,000
Washington, D.C.	27,000,000
Minneapolis-St. Paul, Minn	21,000,000
Duluth, Minn.-Superior, Wis	19,000,000

In addition, the conferees expect that at least $50,000,000 of discretionary funds will be allocated to Chicago, Illinois.

ACCESS HIGHWAYS TO PUBLIC RECREATION AREAS ON CERTAIN LAKES

Amendment No. 29: Appropriates $4,270,000 as proposed by the Senate.

WASTE ISOLATION PILOT PROJECT ROADS

Amendment No. 30: Reported in technical disagreement. The managers on the part of the Hosue will offer a motion to recede and concur in the amendment of the Senate appropriating $5,800,000.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

Amendment No. 31: Deletes language proposed by the House earmarking $2,000,000 for activities at the Transportation Systems Center.

The conference agreement includes the following recommended amounts:

Rulemaking	$6,100,000
Enforcement	11,058,000
Highway safety	12,060,000
Research and analysis	39,312,000
General administration	7,050,000
Office of the Administrator	2,420,000

NOTE.—640 positions.

HIGHWAY TRAFFIC SAFETY GRANTS

Amendment No. 32: Limits total obligations for fiscal years 1983 and 1984 for programs authorized by section 209 of Public Law 95-599, as amended, to $5,000,000 instead of $4,000,000 as proposed by the House.

FEDERAL RAILROAD ADMINISTRATION

RAILROAD SAFETY

Amendment No. 33: Appropriates $28,900,000 as proposed by the Senate instead of $26,500,000 as proposed by the House.

RAIL SERVICE ASSISTANCE

Amendment No. 34: Deletes the words "including transfer of funds" from the heading as proposed by the Senate.

Amendment No. 35: Deletes language proposed by the House providing that $10,000,000 of the funds appropriated under this heading shall be derived from the unobligated balances of "Alaska Railroad Revolving Fund".

Amendment No. 36: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to change: "fiscal year 1981" to "fiscal year 1979"

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 37: Provides that $2,500,000 of the funds available under section 5(h)(2) shall be available for use under sections 5(h)(3)(B)(ii) and 5(h)(3)(C) of the Department of Transportation Act, as amended, instead of $5,000,000 as proposed by the House.

The conferees intend that local rail service assistance discretionary funds be used primarily to alleviate state rail abandonment and restructuring problems which are not adequately considered in formula allocations due to deficiencies in system diagram maps. The conferees also urge the Federal Railroad Administration to consider restructuring problems in the Commonwealth of Massachusetts when allocating these funds.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

Amendment No. 38: Appropriates $716,400,000 as proposed by the Senate instead of $720,000,000 as proposed by the House.

The conferees reiterate the language contained in the Senate report regarding Mobile-New Orleans Amtrak service.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING FUNDS

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *Provided, That the Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: Provided further, That the amount of such notes or other obligations, when combined with the aggregate of all such notes or obligations issued during fiscal year 1983, shall not exceed $150,000,000 by September 30, 1984.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

REDEEMABLE PREFERENCE SHARES

Amendment No. 40: Provides that all unobligated balances in this account shall lapse at the end of fiscal year 1985 instead of at the end of the fiscal year 1984 as proposed by the House.

The conferees reiterate the language in the House report directing that $3,420,000 be reserved for a track rehabilitation project of the Detriot-Mackinac Railroad.

ILLINOIS FEEDER LINE ASSISTANCE

Amendment No. 41: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

ILLINOIS FEEDER LINE ASSISTANCE

(TRANSFER OF FUNDS)

For a grant related to the acquisition and rehabilitation of the railroad feeder line as authorized by section 511 of the Rail Safety and Service Improvement Act of 1982, $3,000,000, to be derived by transfer from the unobligated balances of "Redeemable preference shares": Provided, That such grant shall contain terms requiring (1) the repayment of the full amount of the grant to the United States in the event of the cessation of service on such line within five years after the first operation of such service after receipt of such grant, and (2) a liquidation priority for the United States in the event of a bankruptcy within such five-year period.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

URBAN MASS TRANSPORTATION ADMINISTRATION

ADMINISTRATIVE EXPENSES

Amendment No. 42: Appropriates $29,200,000 as proposed by the House instead of $29,666,000 as proposed by the Senate.

RESEARCH, DEVELOPMENT, AND DEMONSTRATIONS AND UNIVERSITY RESEARCH AND TRAINING

The conferees reiterate the language contained in the House report directing that $300,000 be allocated to the Hillsdale, Michigan dial-a-ride project and that $100,000 be provided for the demonstration of an intermodal security system at the multi-modal transportation center in Pontiac, Michigan. The conferees also reiterate the language contained in the Senate report directing that the University of Wisconsin-Milwaukee be considered for UMTA-Funded research and for a university center for transit research and management development.

FORMULA GRANTS

Amendment No. 43: Appropriates $2,388,592,200 as proposed by the Senate instead of $2,488,592,200 as proposed by the House.

DISCRETIONARY GRANTS

Amendment No. 44: Limits obligations to $1,225,000,000 instead of $1,200,000,000 as proposed by the Senate and $1,250,000,000 as proposed by the House.

The conference agreement includes the following amounts:

Bus and bus facilities	$195,000,000
Existing rail modernization and extensions	545,500,000
New systems and new systems extensions	399,500,000
Portland	(44,250,000)
Baltimore	(3,500,000)
Detroit	(45,000,000)
Miami	(35,000,000)
Santa Clara	(30,000,000)
Atlanta	(91,250,000)
Los Angeles	(117,200,000)
Houston	(5,500,000)
Jacksonville	(15,500,000)
San Diego	(8,300,000)
St. Louis	(2,000,000)
Buffalo	(2,000,000)
Planning	50,000,000
Elderly and handicapped	25,000,000
Innovative techniques and technology introduction	10,000,000

The conferees reiterate the Senate report language regarding new rail transit starts and the House report language concerning the issuance of a letter of intent for the Guadalupe Corridor light rail project. The conferees also expect the Urban Mass Transportation Administration to execute the directive contained in the House report concerning a Long Island Railroad rail modernization grant and the directive in the Senate report concerning planning funds for Orlando and Denver. The conferees expect the Secretary to reprogram, with the approval of the House and Senate Committees on Appropriations, any excess discretionary new start funds into the rail modernization activity.

INTERSTATE TRANSFER GRANTS—TRANSIT

Amendment No. 45: Appropriates $295,400,000 instead of $270,000,000 as proposed by the Senate and $335,000,000 as proposed by the House.

The conference agreement includes the following amounts:

Oregon	$10,200,000
San Francisco	5,000,000
Northeast Illinois	30,000,000
Sacramento	20,000,000
Baltimore	40,000,000
New Jersey	6,000,000
Duluth-Superior	1,500,000
Boston	30,000,000
New York City	5,000,000
Distributed by formula	147,700,000
Total	295,400,000

The conferees recognize that delays in some regions' projects might necessitate adjustments to the above allocations. The conferees expect these adjustments, if required, to be accomplished through the normal reprogramming process.

WASHINGTON METRO

Amendment No. 46: Appropriates $250,000,000 instead of $230,000,000 as proposed by the Senate and $275,000,000 as proposed by the House.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Amendment No. 47: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate limiting official entertainment expenses to $3,000.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

RESEARCH AND SPECIAL PROGRAMS

Amendment No. 48: Provides that $8,200,000 of the appropriation under this heading shall remain available until expended instead of $8,000,000 as proposed by the Senate and $8,500,000 as proposed by the House.

The conference agreement includes the following recommended amounts:

Operations	$12,000,000
Research and Development	4,700,000
University research	2,000,000
Other R&D	2,700,000
Natural gas pipeline safety grants	3,500,000
Positions	149

The conferees direct that $650,000 of the funds provided for the university research program be made available only for meritorious proposals submitted by historically black colleges.

OFFICE OF THE INSPECTOR GENERAL

SALARIES AND EXPENSES

Amendment No. 49: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates $26,795,000, of which $900,000 shall be available only for bid rigging investigative efforts. The House bill included an appropriation of $25,895,000.

BID RIGGING INVESTIGATIVE SUPPORT

Amendment No. 50: Deletes House language appropriating $900,000.

TITLE II—RELATED AGENCIES

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

Amendment No. 51: Appropriates $20,858,000 instead of $20,615,000 as proposed by the House and $21,062,000 as proposed by the Senate.

CIVIL AERONAUTICS BOARD

SALARIES AND EXPENSES

Amendment No. 52: Deletes the words "including transfer of funds" from the heading as proposed by the Senate.

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter stricken and inserted by said amendment insert the following: *$18,400,000, for the period October 1, 1983 through August 1, 1984*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees reiterate their continuing support for section 323 of P.L. 97-369 pertaining to essential air transportation within Alaska and direct the Civil Aeronautics Board to continue to implement the provisions of that section.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

Amendment No. 54: Appropriates $60,000,000 instead of $59,000,000 as proposed by the House and $62,000,000 as proposed by the Senate.

The conference agreement includes the following recommended amounts:

Policy and analysis (staff years, 139)	$7,935,000
Proceedings (staff years, 440)	21,955,000
Compliance and consumer assistance (staff years, 426)	22,785,000
Enforcement (staff years, 145)	7,325,000

Amendment No. 55: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which deletes the House language prohibiting the payment of office space rent for non-Federal organizations or entities and inserts the words "unless the Commission is precluded from meeting this requirement because of circumstances beyond its control" as proposed by the Senate.

The conferees intend that fiscal year 1984 is to be the last year in which the Federal Government is not fully reimbursed for rental costs from non-Federal organizations. The ICC shall reflect this policy change in its FY 1985 budget submission.

The bill includes language reserving $8,000,000 of the Interstate Commerce Commission's salaries and expenses appropriation contingent on the publication of a final rule updating its user fee program. In the event that litigation precludes the Commission from publishing a final rule, bill language has been added which would make the $8,000,000 available. The conferees

expect the ICC to publish its final user fee rule by May 1, 1984.

PAYMENTS FOR DIRECTED RAIL SERVICE

Amendment No. 56: Limits obligations to $5,000,000 as proposed by the House instead of $10,000,000 as proposed by the Senate.

PANAMA CANAL COMMISSION

OPERATING EXPENSES

Amendment No. 57: Appropriates $409,662,000 as proposed by the Senate instead of $418,962,000 as proposed by the House.

UNITED STATES RAILWAY ASSOCIATION

ADMINISTRATIVE EXPENSES

Amendment No. 58: Provides $2,500,000 as proposed by the Senate instead of $2,900,000 as proposed by the House.

AIRLINE DEREGULATION STUDY COMMISSION

Amendment No. 59: Deletes language proposed by the Senate creating an Airline Deregulation Study Commission. The Senate language also provided $500,000 by transfer to fund the study commission.

The conferees have agreed to delete the provision proposed by the Senate to create an Airline Deregulation Study Commission. However, the conferees share the Senate concern over the destabilizing effects of deregulation, and will hold the Senate provision in abeyance pending the continued close review by Congressional committees and the executive branch of deregulation, CAB sunset and residual functions. In taking this action, the conferees strongly question whether the Board as presently constituted is capable of administering any additional pricing or consumer protection responsibilities.

TITLE III—GENERAL PROVISIONS

Amendment No. 60: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment amended to read as follows:

Sec. 314. The Congress intends and directs that the proposed rulemaking to adjust the annual passenger ceiling at Washington National Airport be held in abeyance for at least 60 days from the date of enactment of this Act.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees believe that there should be a stable, comprehensive, permanent and integrated Metropolitan Washington Airports policy and plan to encompass all the issues, which range from noise considerations, buses and I-66 HOV lanes, to a heliport study and B-757 operations.

The conferees urge the Secretary to work with the air carriers and other affected interests to establish an appropriate mix and number of slots in view of B-757 operations, hub concept requirements, commuter needs, and other considerations. In furtherance of this concept, the conference agreement provides that the Secretary shall hold final rulemaking on Metropolitan Washington Airports policy in abeyance for 60 days from the date of enactment of this bill. This will allow time for an additional dialogue among all of the parties and provide the opportunity to review any necessary changes.

In particular, it is the sense of the conferees that while the 14.8 million passenger growth cap may well be appropriate, and that such a level would provide substantial growth without involving slot reductions below current operations, the Secretary should reconsider the means by which this level is calculated: especially whether certain connecting-flight passengers or short-runway, shuttle and commuter operations—which may place a lesser burden on ground and/or air facilities—might be appropriately exempted, or calculated on less than a one-for-one basis.

The conferees believe it would be unwise for a Congressional conference committee, in the short time available to it, to attempt to re-draft a proposed rulemaking on any issue so intricate as this, and take note that, should the process outlined above prove unsatisfactory, Congress fully retains its recourse to legislative remedies.

The conferees take note of the Senate report language urging the Secretary to take action to improve the availability of New York-Washington type shuttle operations out of Dulles and BWI, and it is the intent of the conferees that such action should not in any way divert, reduce, or restrict below current passenger levels shuttle operations between the New York Metropolitan Area Airports and Washington National Airport.

Amendment No. 61: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment amended to read as follows:

SEC. 315. None of the funds provided in this Act for the Department of Transportation shall be used for the enforcement of any rule with respect to the repayment of construction differential subsidy for the permanent release of vessels from the restrictions in section 506 of the Merchant Marine Act, 1936, until 60 days following the promulgation of any such rule.

Notwithstanding any provision of law, the enforcement of any rule regarding the repayment of construction differential subsidy for the permanent release of vessels from the restrictions in section 506 of the Merchant Marine Act, 1936, shall be held in abeyance for at least 60 days from the date of enactment of this act.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 62: Deletes language proposed by the House regarding the designation of non-Interstate highways in the State of Connecticut as qualifying subject to the provisions of sections 411(a) and (c) of the Surface Transportation Assistance Act of 1982.

While the conferees have deleted the provision to bar implementation of rules permitting the operation of tandem trailer trucks on certain non-Interest highways in Connecticut, they remain concerned over the failure of the Federal Highway Administration and the State of Connecticut to agree on what roads should be eligible for tandem trailer trucks in Connecticut. The conferees urge the Federal Highway Administration to be attentive to the legitimate safety and road-design concerns raised by the state, and expect the state's concerns to be reflected in the Federal Highway Administration's final route designations.

Amendment No. 63: Changes section number.

Amendment No. 64: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as folows:

In lieu of the section number named in said amendment insert: *317*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 65: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of Sec. No. "316" named in said amendment insert: *318*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 66: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

SEC. 319. None of the funds in this or any other Act shall be used by the Federal Aviation Administration for any facility closures or consolidations prior to December 1, 1983: Provided, That the Federal Aviation Administration shall, no later than October 1, 1983, submit to the appropriate committees of the Congress a detailed, site-specific, and time-phased plan, including cost-effectiveness and other relevant data, for all facility closures or consolidations over the next three years: Provided further, That, in the instance of any proposed closure or consolidation questioned in writing by the House or Senate Committees on Appropriations or by any legislative committee of jurisdiction, no such proposed closure or consolidation shall be advanced prior to April 15, 1984, in order to allow for the timely conduct of any necessary congressional hearings.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees suggest that the FAA Administrator consult and work with the House and Senate Committees on Appropriations to deal with any anomalies which may arise relevant to this provision—such as construction or the announcement of construction of any non-controversial consolidation of facilities or closure of facilities already announced for closure in fiscal year 1983 and not subject to the bill language and from which employees and their families have already planned their departure—which do not conflict with the language of the bill or the intention of the Congress.

Amendment No. 67: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of Sec. No. "318" named in said amendment insert the following: *320*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 68: Deletes language proposed by the Senate regarding grant applications for the Westchester County Airport in White Plains, New York.

The conferees share the Senate concerns over the longstanding controversy between the Federal Aviation Administration and Westchester County Airport in White Plains, New York, which was put into effect in October of 1981 in response to complaints from nearby residents about noise. The curfew bans all flights to and from the airport between midnight and 6:30 a.m.

On May 9, 1983, the FAA brought suit challenging the validity of the curfew. On

May 20 the FAA announced that, in view of the pending litigation, the agency would neither provide further grant assistance to the county nor make any payments under existing grant agreements. The immediate effect of the FAA's action was to prevent payment of $885,000 for a previously approved project to repave a taxiway and to prevent approval of a grant application for $300,000 for the acquisition of a permanent noise monitoring system.

A court decision on the ongoing litigation is imminent. If the Judge rules against the curfew it will no longer be permitted to remain in effect, at which point the County will again meet all eligibility requirements for the receipt of federal airport funding. Likewise, the County's eligibility will be unquestioned if the court upholds the curfew.

Regardless of the outcome, the conferees strongly urge the FAA to promptly release withheld funds upon the conclusion of the lawsuit and to act promptly in approving the County's application for funding of noise monitoring equipment and assisting the County in developing noise abatement techniques that will both satisfy the requirements of law and protect the populace. The conferees are particularly anxious to see resolution of this controversy and resumption of normal relations between Westchester County and the FAA, and the situation will be closely monitored to assure that the FAA acts in good faith and without prejudice.

Amendment No. 69: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number named in said amendment insert: 321

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

SEC. 322. Notwithstanding any other provision of law, the limitation on total obligations for Federal-aid highways and highway safety construction programs for fiscal year 1984 contained in Title I of this Act shall be reduced by $80,000,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees intend that the Benjamin Franklin Bridge connecting Philadelphia, Pa. and Camden, N.J. be given priority consideration by the Secretary of Transporation.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1984 recommended by the Committee of Conference, with comparisons to the fiscal year 1983 amount, the 1984 budget estimates, and the House and Senate bills for 1984 follow:

New budget (obligational) authority, fiscal year 1983	$11,805,798,919
Budget estimates of new (obligational) authority, fiscal year 1984	10,913,472,025
House bill, fiscal year 1984	11,299,897,225
Senate bill, fiscal year 1984	10,853,955,225
Conference agreement, fiscal year 1984	10,932,207,225
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1983	−873,591,694
Budget estimates of new (obligational) authority, fiscal year 1984	+18,735,200
House bill, fiscal year 1984	−367,690,000
Senate bill, fiscal year 1984	+78,252,000

WILLIAM LEHMAN,
MARTIN OLAV SABO,
WILLIAM H. GRAY, III,
WILLIAM R. RATCHFORD,
BOB CARR,
ROBERT J. MRAZEK,
JAMIE L. WHITTEN,
LAWRENCE COUGHLIN,
SILVIO O. CONTE,
JACK EDWARDS,
CARL PURSELL,
Managers on the part of the House.

MARK ANDREWS,
THAD COCHRAN,
JAMES ABDNOR,
BOB KASTEN,
ALFONSE M. D'AMATO,
LAWTON CHILES,
JOHN C. STENNIS,
THOMAS F. EAGLETON,
Managers on the part of the Senate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Report of a House committee concerning the foreign currency and U.S. dollars utilized by it during the second quarter of calendar year 1983 in connection with foreign travel pursuant to Public Law 95-384 is as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jerry M. Patterson	3/18	3/21	Panama						[3] 76.36		76.36
Committee total									76.36		76.36

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Ground transportation.

——— ———, July 19, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Rep. Bill Nelson	6/2	6/4	El Salvador		150.00						150.00
	6/4	6/5	Nicaragua								
	6/5	6/5	Costa Rica		75.00						75.00
	6/5	6/5	Guatemala								
Military transportation, Department of the Air Force.							8,219.20				8,219.20
Committee total					225.00		8,219.20				8,444.20

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES R. JONES, Chairman, July 11, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
James Weaver, MC	3/29	4/3	England		393.00						393.00
	4/3	4/7	France		456.00						456.00
	4/7	4/11	Sweden		500.50		2,500.96				3,001.46
Joseph Rutledge, staff	3/29	4/3	England		393.00						393.00
	4/3	4/7	France		456.00						456.00
	4/7	4/11	Sweden		500.50		2,161.00				2,661.50
John McCain, MC	6/16	6/19	San Salvador		225.00		1,090.35				1,315.35
Mr. Moody, returned to State Department					(46.67)						(46.67)
Committee total					2,877.33		5,752.31				8,629.64

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Transportation provided by military (Army).

MO UDALL, Chairman, June 20, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Butler Derrick, M.C.	4/6	4/11	England	228.01	346.01	1,903.41	2,884.26	12	18.20	2,143.42	3,248.46
Committee total											3,248.46

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CLAUDE PEPPER, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Carroll A. Campbell, Jr.	3/26	3/28	Korea	152,000	$200.00						200.00
	3/28	3/30	Japan	55,448	232.00						232.00
	3/30	3/31	Hong Kong		97.00		1,131.47				1,228.47
	3/31	4/4	Japan	111,374	466.00		297.75		167.06		930.81
Transportation by Department of Defense							10,955.54				10,955.54
Hon. Barber B. Conable, Jr.	3/26	3/28	Korea	152,000	200.00						200.00
	3/28	4/4	Japan	194,785	815.00		297.75		167.06		1,279.81
Transportation by Department of Defense							12,211.92				12,211.92
Hon. Bill Frenzel	3/26	3/28	Korea	152,000	200.00						200.00
	3/28	4/4	Japan	194,785	815.20		297.75		167.06		1,279.81
Transportation by Department of Defense							12,211.92				12,211.92
Hon. Sam M. Gibbons	3/26	3/28	Korea	152,000	200.00						200.00
	3/28	4/4	Japan	194,785	815.00		297.75		167.06		1,279.81
Transportation by Department of Defense							12,211.92				12,211.92
Hon. Frank J. Guarini	3/26	3/28	Korea	152,000	200.00						200.00
	3/28	4/4	Japan	194,785	815.00		297.75		167.06		1,279.81
Transportation by Department of Defense							12,211.92				12,211.92
Hon. Don J. Pease	3/26	3/28	Korea	152,000	200.00						200.00
	3/28	4/4	Japan	194,785	815.00		297.75		167.06		1,279.81
Transportation by Department of Defense							12,211.92				12,211.92
Thelma J. Askey	3/26	3/28	Korea	152,000	200.00						200.00
	3/28	4/4	Japan	194,785	815.00		297.75		167.06		1,279.81
Transportation by Department of Defense							12,211.92				12,211.92
Ann Flaig DuLaney	3/26	3/28	Korea	152,000	200.00						200.00
	3/28	4/4	Japan	194,785	815.00		297.75		167.06		1,279.81
Transportation by Department of Defense							12,211.92				12,211.92
Franklin C. Phifer, Jr.	3/26	3/28	Korea	152,000	200.00						200.00
	3/28	4/4	Japan	194,785	815.00		297.75		167.06		1,279.81
Transportation by Department of Defense							12,211.92				12,211.92
Rufus Yerxa	3/26	3/28	Korea	152,000	200.00						200.00
	3/28	4/4	Japan	194,785	815.00		297.75		167.06		1,279.81
Transportation by Department of Defense							12,211.92				12,211.92
Committee total					10,130.00		124,971.79		1,670.60		136,772.39

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, July 6, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, LEADERSHIP TRIP TO JAPAN, CHINA, SINGAPORE, AND HONG KONG, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 25 AND APR. 10, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Thomas P. O'Neill, Jr	3/26	3/27	Japan	35,550	150.00			3,957	16.56	39,507	166.56
	3/27	4/3	China	1,557.46	783.00			283.98	142.75	1,841.44	925.75
	4/3	4/6	Singapore	873.18	420.00			139.88	67.09	1,013.06	487.09
	4/6	4/8	Hong Kong	1,743.30	260.00			489.53	71.76	2,232.83	331.76
Military air transport (round trip)							6,492.17				
Dan Rostenkowski	3/26	3/27	Japan	35,550	150.00			3,957	16.56	39,507	166.56
	3/27	4/3	China	1,557.46	783.00			283.98	142.75	1,841.44	925.75
	4/3	4/6	Singapore	873.18	420.00			139.88	67.09	1,013.06	487.09
	4/6	4/8	Hong Kong	1,743.30	260.00			489.53	71.76	2,232.83	331.76
Military air transport (round trip)							6,492.17				
Silvio O. Conte, Jr	3/26	3/27	Japan	35,550	150.00			3,957	16.56	39,507	166.56
	3/27	4/3	China	1,557.46	783.00			283.98	142.75	1,841.44	925.75
	4/3	4/6	Singapore	873.18	420.00			139.88	67.09	1,013.06	487.09
	4/6	4/8	Hong Kong	1,743.30	260.00			489.53	71.76	2,232.83	331.76
Military air transport (round trip)							6,492.17				
Melvin Price	3/26	3/27	Japan	35,550	150.00			3,957	16.56	39,507	166.56
	3/27	4/3	China	1,557.46	783.00			283.98	142.75	1,841.44	925.75
	4/3	4/6	Singapore	873.18	420.00			139.88	67.09	1,013.06	487.09
	4/6	4/8	Hong Kong	1,743.30	260.00			489.53	71.76	2,232.83	331.76
Military air transport (round trip)							6,492.17				
Clement J. Zablocki	3/26	3/27	Japan	35,550	150.00			3,957	16.56	39,507	166.56
	3/27	4/3	China	1,557.46	783.00			283.98	142.75	1,841.44	925.75
	4/3	4/6	Singapore	873.18	420.00			139.88	67.09	1,01306	487.76
	4/6	4/8	Hong Kong	1,743.30	260.00			489.53	71.76	2,232.83	331.76
Military air transport (round trip)							6,492.17				
Edward P. Boland	3/6	3/7	Japan	35,550	150.00			3,957	16.56	39,507	166.56
	3/27	4/3	China	1,557.46	783.00			283.98	142.75	1,841.44	925.75
	4/3	4/6	Singapore	873.18	420.00			139.88	67.09	1,013.06	487.09
	4/6	4/8	Hong Kong	1,743.30	260.00			489.53	71.76	2,232.83	331.76
Military air transport (round trip)							6,492.17				
Delbert L. Latta	3/6	3/27	Japan	35,550	150.00			3,957	16.56	39,507	166.56
	3/27	4/3	China	1,557.46	783.00			283.98	142.75	1,841.44	925.75
	4/3	4/6	Singapore	873.18	420.00			139.88	67.09	1,013.06	487.09
	4/6	4/8	Hong Kong	1,743.30	260.00			489.53	71.76	2,232.83	331.76
Military air transport (round trip)							6,492.17				
Joseph G. Minish	3/26	3/27	Japan	35,550	150.00			3,957	16.56	39,507	166.56
	3/27	4/3	China	1,557.46	783.00			283.98	142.75	1,841.44	925.75
	4/3	4/6	Singapore	873.18	420.00			139.88	67.09	1,013.06	487.09
	4/6	4/8	Hong Kong	1,743.30	260.00			489.53	71.76	2,232.83	331.76
Military air transport (round trip)							6,492.17				
Charles B. Rangel	3/26	3/27	Japan	35,550	150.00			3,957	16.56	39,507	166.56
	3/27	4/3	China	1,557.46	783.00			283.98	142.75	1,841.44	925.75
	4/3	4/6	Singapore	873.18	420.00			139.88	67.09	1,013.06	487.09
	4/6	4/8	Hong Kong	1,743.30	260.00			489.53	71.76	2,232.83	331.76
Military air transport (round trip)							6,492.17				
C.W. "Bill" Young	3/26	3/27	Japan	35,550	150.00			3,957	16.56	39,507	166.56
	3/27	4/3	China	1,557.46	783.00			283.98	142.75	1,841.44	925.75
	4/3	4/6	Singapore	873.18	420.00			139.88	67.09	1,013.06	487.09
	4/6	4/8	Hong Kong	1,743.30	260.00			489.53	71.76	2,232.83	331.76
Military air transport (round trip)							6,492.17				
Joe Moakley	3/26	3/27	Japan	35,550	150.00			3,957	16.56	39,507	166.56
	3/27	4/3	China	1,557.46	783.00			283.98	142.75	1,841.44	925.75
	4/3	4/6	Singapore	873.18	420.00			139.88	67.09	1,013.06	487.09
	4/6	4/8	Hong Kong	1,743.30	260.00			489.53	71.76	2,232.83	331.76
Military air transport (round trip)							6,492.17				
Tony Coelho	3/26	3/27	Japan	35,550	150.00			3,957	16.56	39,507	166.56
	3/27	4/3	China	1,557.46	783.00			283.98	142.75	1,841.44	925.75
	4/3	4/6	Singapore	873.18	420.00			139.88	67.09	1,013.06	487.09
	4/6	4/8	Hong Kong	1,743.30	260.00			489.53	71.76	2,232.83	331.76
Military air transport (round trip)							6,492.17				
Harold Rogers	3/26	3/27	Japan	35,550	150.00			3,957	16.56	39,507	166.56
	3/27	4/3	China	1,557.46	783.00			283.98	142.75	1,841.44	925.75
	4/3	4/6	Singapore	873.18	420.00			139.88	67.09	1,013.06	487.09
	4/6	4/8	Hong Kong	1,743.30	260.00			489.53	71.76	2,232.83	331.76
Military air transport (round trip)							6,492.17				
Kirk O'Donnell	3/26	3/27	Japan	35,550	150.00			3,957	16.56	39,507	166.56
	3/27	4/3	China	1,557.46	783.00			283.98	142.75	1,841.44	925.75
	4/3	4/6	Singapore	873.18	420.00			139.88	67.09	1,013.06	487.09
	4/6	4/8	Hong Kong	1,743.30	260.00			489.53	71.16	2,232.83	331.76
Military air transport (round trip)							6,492.017				
James C. Healey, Jr	3/26	3/27	Japan	35,550	150.00			3,957	16.56	39,507	166.56
	3/27	4/3	China	1,557.46	783.00			283.98	142.75	1,841.44	925.75
	4/3	4/6	Singapore	873.18	420.00			139.88	67.09	1,013.06	487.09
	4/6	4/8	Hong Kong	1,743.30	260.00			489.53	71.76	2,232.83	331.76
Military air transport (round trip)							6,492.17				
Dr. Freeman H. Cary	3/26	3/27	Japan	35,550	150.00			3,957	16.56	39,507	166.56
	3/27	4/3	China	1,557.46	783.00			283.98	142.75	1,841.44	925.75
	4/3	4/6	Singapore	873.18	420.00			139.88	67.09	1,013.06	487.09
	4/6	4/8	Hong Kong	1,743.30	260.00			489.53	71.76	2,232.83	331.76
Military air transport (round trip)							6,492.17				
Dessa Vrtikapa	3/26	3/27	Japan	35,550	150.00			3,957	16.56	39,507	166.56
	3/27	4/3	China	1,557.46	783.00			283.98	142.75	1,841.44	925.75
	4/3	4/6	Singapore	873.18	420.00			139.88	67.09	1,013.06	487.09
	4/6	4/8	Hong Kong	1,743.30	260.00			489.53	71.76	2,232.83	331.76
Military air transport (round trip)							6,492.17				
Charles V. Wollerton	3/26	3/27	Japan	35,550	150.00			3,957	16.56	39,507	166.56
	3/27	4/3	China	1,557.46	783.00			283.98	142.75	1,841.44	925.75
	4/3	4/6	Singapore	873.18	420.00			139.88	67.09	1,013.06	487.09
	4/6	4/8	Hong Kong	1,743.30	260.00			489.53	71.76	2,232.83	331.76
Military air transport (round trip)							6,492.17				
Donnald K. Anderson	3/26	3/27	Japan	35,550	150.00			3,957	16.56	39,507	166.56
	3/27	4/3	China	1,557.46	783.00			283.98	142.75	1,841.44	925.75
	4/3	4/6	Singapore	873.18	420.00			139.88	67.09	1,013.06	487.09
	4/6	4/8	Hong Kong	1,743.30	260.00			489.53	71.76	2,232.83	331.76
Military air transport (round trip)							6,492.17				
John P. Murtha	3/26	3/27	Japan	35,500	150.00			3,957	16.56	39,507	166.56
	3/27	4/3	China	1,557.46	783.00			283.98	142.75	1,841.44	925.75
	4/3	4/6	Singapore	873.18	420.00			139.88	67.09	1,013.06	487.09
	4/6	4/8	Hong Kong	1,743.30	260.00			489.53	71.76	2,232.82	331.76

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, LEADERSHIP TRIP TO JAPAN, CHINA, SINGAPORE, AND HONG KONG, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 25 AND APR. 10, 1983—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Military air transport (round trip—Includes flight costs: Hong Kong to Kadena, Okinawa, Okinawa to Hong Kong).							10,573.17				
Ralph Regula	3/26	3/27	Japan								
	4/6	4/8	Japan	106.650	450.00			3.957	16.56	110.607	466.56
	3/27	4/3	China	1,557.46	783.00			283.98	142.75	1,841.45	925.75
	4/3	4/5	Singapore	582.12	280.00			93.26	44.72	681.38	324.72
	4/5	4/6	Hong Kong	871.70	130.00			244.77	35.88	1,116.47	165.88
Military air transport (round trip—Includes flight costs: Hong Kong to Kadena, Okinawa, Okinawa to Yokota, Misawa, Japan, Yokota to Tokyo, Japan, Tokyo to Honolulu.							11,895.58				

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

THOMAS P. O'NEILL, JR., May 10, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, ELEANOR KELLEY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 27 AND JUNE 6, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Eleanor M. Kelley	5/28	6/2	France	3,626	490.00			1,221	165.00	4,847	655.00
	6/2	6/4	Czechoslovakia	1,681	152.92					1,681	152.92
	6/4	6/6	Austria	3,764.05	212.00					3,764.05	212.00
Committee total											1,019.92

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ELEANOR M. KELLEY, July 1, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MARSHALL L. LYNAM, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 26 AND JUNE 1, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Marshall L. Lynam	5/26	6/1	France	5,816.40	786.00		1,465.47				2,251.47
Committee total											2,251.47

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MARSHALL L. LYNAM, July 13, 1983.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, BILLIE GAY LARSON, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 26 AND JUNE 2, 1983

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Billie Gay Larson	5/26	6/2	France	6,806.76	917.00	27,209.52	3,672.00	1,263.7	170.54		4,759.54
					917.00		3,672.00		170.54		4,759.54

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILLIE GAY LARSON, July 25, 1983.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1614. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting the supplemental summary of the budget for fiscal year 1984, pursuant to 31 U.S.C. 1106(a)(1) (H. Doc. No. 98-87); to the Committee on Appropriations and ordered to be printed.

1615. A letter from the Secretary of Commerce, transmitting the annual report on the state of the automobile industry for 1982, pursuant to section 12(b) of Public Law 96-185; to the Committee on Banking, Finance and Urban Affairs.

1616. A letter from the Chairman, Board of Trustees, Public Defender Service for the District of Columbia, transmitting the 10th annual report of the Public Defender Service for fiscal year 1980; to the Committee on the District of Columbia.

1617. A letter from the Secretary of Education, transmitting volume 2 of a report on the prospects for financing elementary and secondary education, pursuant to section 1203(f) of Public Law 95-561; to the Committee on Education and Labor.

1618. A letter from the Secretary of Education, transmitting proposed final regulations for chapter 1 of the Education and

Consolidation Act of 1981—financial assistance to State educational agencies to improve the coordination of migrant education activities, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

1619. A letter from the Secretary of Transportation, transmitting the annual report on progress toward completion of the Northeast corridor improvement project, pursuant to section 703(1)(D) of Public Law 94-210; to the Committee on Energy and Commerce.

1620. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of Presidential Determination No. 83-8 concerning the furnishing of immediate military assistance to Chad, pursuant to section 506 of the Foreign Assistance Act of 1961, as amended (original notification received July 19, 1983, Executive Communication No. 1559); to the Committee on Foreign Affairs.

1621. A letter from the Deputy Assistant Secretary of the Interior, transmitting a report on a new system of records, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

1622. A letter from the Deputy Chief of Staff for Installations and Logistics, Department of the Navy, transmitting the annual report of the retirement plan for civilian employees of the U.S. Marine Corps exchanges, recreation funds, clubs, messes and the Marine Corps exchange service, pursuant to section 121(a)(2) of the Budget Accounting and Procedures Act of 1950 as amended; to the Committee on Government Operations.

1623. A letter from the Chief, Army and Air Force Exchange Service, Departments of the Army and the Air Force, transmitting the annual report for the fiscal year 1982 on the financial condition of the Departments' pension plans, pursuant to section 121(a) of the Budget and Accounting Procedures Act of 1950, as amended; to the Committee on Government Operations.

1624. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund of $56,562.15 to Chevron U.S.A. Inc., ARCO Exploration Co., and Mobil Oil Corp., for an excess royalty payment, pursuant to section 10(b) of the Outer Continential Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

1625. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to amend the act approved August 8, 1972, Public Law 92-367, to authorize the Secretary of the Army to maintain and periodically update the National Inventory of Dams; to the Committee on Public Works and Transportation.

1626. A letter from the Comptroller General of the United States, transmitting a review of the Federal Crop Insurance Corporation's financial statements for the year ended September 30, 1981 (GAO/AFMD-83-74; July 22, 1983); jointly, to the Committees on Government Operations and Agriculture.

1627. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation for three additional Presidentially appointed and Senate confirmed Assistant Administrators for the Environmental Protection Agency; jointly, to the Committees on Agriculture, Energy and Commerce, Merchant Marine and Fisheries, Post Office and Civil Service, Public Works and Transportation, and Science and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ANNUNZIO: Committee on House Administration. House Resolution 267. Resolution providing amounts from the contingent fund of the House for further expenses of investigations and studies by the Committee on Standards of Official Conduct in the 1st session of the 98th Congress (Rept. No. 98-310). Referred to the House Calendar.

Mr. GAYDOS: Committee on House Administration. House Resolution 270. Resolution authorizing printing of the transcript of proceedings of the Committee on Science and Technology incident to presentation of a portrait of the Honorable Don Fuqua (Rept. No. 98-311). Referred to House Calendar.

Mr. GAYDOS: Committee on House Administration. House Resolution 277. Resolution authorizing printing of the transcript of proceedings of the Committee on Ways and Means incident to presentation of a portrait of the Honorable Dan Rostenkowski (Rept. No. 98-312). Referred to the House Calendar.

Mr. DERRICK: Committee on Rules. House Resolution 283. Resolution providing for the consideration of H.R. 3520, a bill to extend and improve the Rehabilitation Act of 1973, to provide for the operation of the Helen Keller National Center for Deaf-Blind Youths and Adults, to create a Select Commission on Federal Assistance to Disabled Americans, and to increase certain authorizations of appropriations for programs within the jurisdiction of the Committee on Education and Labor (Rept. No. 98-319). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 284. Resolution waiving certain points of order against consideration of the amendments in disagreement to the conference report on H.R. 3069, a bill making supplemental appropriations for the fiscal year ending September 30, 1983, and for other purposes (Rept. No. 98-320). Referred to the House Calendar.

Mr. HALL of Ohio: Committee on Rules. House Resolution 285. Resolution providing for the consideration of H.R. 2780, a bill to extend and amend the provisions of title 31, United States Code, relating to the general revenue sharing program. (Rept. No. 98-321). Referred to the House Calendar.

Mr. BONIOR of Michigan: Committee on Rules. House Resolution 286. Resolution providing for the consideration of H.R. 1646, a bill to amend the Railroad Retirement Act of 1974 and the Railroad Retirement Tax Act to assure sufficient resources to pay current and future benefits under the Railroad Retirement Act of 1974, to make technical changes, and for other purposes (Rept. No. 98-322). Referred to the House Calendar.

Mr. JONES of Oklahoma: Committee on the Budget. Report on revised 302(a) allocations and ceiling spending pursuant to section 2 of House Concurrent Resolution 91 (Rept. No. 98-313). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. H.R. 3231. A bill to amend the authorities contained in the Export Administration Act of 1979, and for other purposes (Rept. No. 98-257, Pt. III). Referred to the Committee of the Whole House on the State of the Union.0[H26JY3-1137]HALL

Mrs. HALL of Indiana: Committee on Post Office and Civil Service. H.R. 3345. A bill to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday; with amendments (Rept. No. 98-314). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEHMAN of Florida: Committee of conference. Conference report on H.R. 3329 (Rept. No. 98-318). Ordered to be printed.

ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. ROSTENKOWSKI: Committee on Ways and Means. House Resolution 256. Resolution disapproving the President's recommendation to extend certain waiver authority under the Trade Act of 1974 with respect to Romania (Rept. No. 98-315). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. House Resolution 257. Resolution disapproving the President's recommendation to extend certain waiver authority under the Trade Act of 1974 with respect to Hungary (Rept. No. 98-316). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. House Resolution 258. Resolution disapproving the President's recommendation to extend certain waiver authority under the Trade Act of 1974 with respect to the People's Republic of China (Rept. No. 98-317). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BONKER (for himself, Mr. ZABLOCKI, Mr. FASCELL, Mr. HAMILTON, Mr. SOLARZ, Mr. MICA, Mr. BARNES, Mr. WOLPE, Mr. CROCKETT, Mr. GEJDENSON, Mr. DYMALLY, Mr. LANTOS, Mr. KOSTMAYER, Mr. TORRICELLI, Mr. BERMAN, Mr. LEVINE of California, Mr. FEIGHAN, Mr. WEISS, Mr. GARCIA, Mr. WINN, Mr. PRITCHARD, Mr. LEACH of Iowa, Mr. BEREUTER and Mr. ZSCHAU):

H.R. 3646. A bill to amend the authorities contained in the Export Administration Act of 1979, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MARKEY (for himself and Mr. LUKEN):

H.R. 3647. A bill to amend the Communications Act of 1934 to assure universal telephone service within the United States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FLORIO:

H.R. 3648. A bill to improve the cost effectiveness of the National Railroad Passenger Corporation, to authorize appropriations for such corporation for the fiscal year ending

September 30, 1984, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RICHARDSON (for himself and Mr. WAXMAN):

H.R. 3649. A bill to amend the Public Health Service Act to revise the system under which communities pay the United States for the services of National Health Service Corps personnel; to the Committee on Energy and Commerce.

By Mr. ANNUNZIO:

H.R. 3650. A bill to amend section 317 of the Federal Election Campaign Act of 1971 with respect to contributions by separate segregated funds of Government contractors; to the Committee on House Administration.

By Mr. ARCHER:

H.R. 3651. A bill to amend the Internal Revenue Code of 1954 to provide for the indexing of certain assets; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 3652. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage under that act to $4.15 an hour; to the Committee on Education and Labor.

H.R. 3653. A bill to amend title II of the Social Security Act to broaden and improve the recently enacted program authorizing the use of death certificates for the verification and correction of information in the OASDI records; to the Committee on Ways and Means.

By Mr. CONABLE (for himself, Mr. ANTHONY, and Mr. ARCHER):

H.R. 3654. A bill to amend the Internal Revenue Code of 1954 to provide an additional 3 years to amend governing instruments to meet the requirements for gifts of split interests to charity, and for other purposes; to the Committee on Ways and Means.

By Mr. FAUNTROY:

H.R. 3655. A bill to raise the retirement age for Superior Court judges in the District of Columbia; to the Committee on the District of Columbia.

H.R. 3656. A bill to amend the Internal Revenue Code of 1954 to allow the voting interests of disqualified persons to be taken into account in determining a private foundation's voting interest for purposes of section 4943 of such Code; to the Committee on Ways and Means.

By Mr. GRADISON (for himself and Mr. DOWNEY of New York):

H.R. 3657. A bill to amend the Technical Corrections Act of 1982 with respect to the tax treatment of certain corporate acquisitions; to the Committee on Ways and Means.

By Mr. HANCE (for himself, Mr. STARK, Mr. PICKLE, Mr. MATSUI, and Mr. THOMAS of California):

H.R. 3658. A bill to amend the Tariff Schedules of the United States to impose duties on subsidized hydraulic cement, cement clinker, and concrete block and brick; to the Committee on Ways and Means.

By Mr. HUGHES:

H.R. 3659. A bill to provide for the repatriation of the remains of five unknown members of the U.S. Navy killed and interred in Tripoli in 1804 and for the interment of such remains at the U.S. Naval Academy or the Arlington National Cemetery; jointly, to the Committees on Armed Services and Veterans' Affairs.

By Mr. FOLEY (for himself, Mr. SWIFT, Mr. FAZIO, Mr. MORRISON of Washington, Mrs. BOXER, Mr. COELHO, Mr. ROBERT F. SMITH, Mr. DENNY SMITH, Mr. CRAIG, Mr. CHAPPIE, Mr. PASHAYAN, Mr. MINETA, Mr. MOORHEAD, and Mr. RICHARDSON):

H.R. 3660. A bill to amend the Federal Power Act to specify the annual charges for projects with licenses issued by the Federal Energy Regulatory Commission for the use of Federal dams and other structures; to the Committee on Energy and Commerce.

By Mr. HANCE:

H.R. 3661. A bill to amend the Internal Revenue Code of 1954 to provide cost of living adjustments in the maximum deduction for retirement savings using the cost of living adjustment applicable to the maximum annual limits with respect to employer retirement plans; to the Committee on Ways and Means.

H.R. 3662. A bill to amend the Internal Revenue Code of 1954 to allow the deduction for retirement savings to be computed for a married individual on the basis of the sum of such individual's compensation and so much of the compensation of the spouse of such individual as exceeds the IRA deduction of such spouse; to the Committee on Ways and Means.

By Mr. HANSEN of Utah (for himself, Mr. MATSUI, Mr. CHAPPIE, Mr. BADHAM, Mr. MARRIOTT, Mr. NIELSON of Utah, Mr. EVANS of Illinois, Mr. FLIPPO, Mr. GONZALEZ, Mr. HUTTO, Mr. JONES of North Carolina, Mr. GEPHARDT, and Mr. MCCURDY):

H.R. 3663. A bill to amend title 10, United States Code, to require authorization by law of certain consolidations of functions within the Department of Defense; to the Committee on Armed Services.

By Mr. HUGHES (for himself, Mr. SAWYER, Mr. SMITH of Florida, and Mr. GILMAN):

H.R. 3664. A bill to amend the Drug Abuse Prevention, Treatment, and Rehabilitation Act to revise the authority of the Office of Drug Abuse Policy, to establish a Deputy Director for Drug Abuse Prevention and a Deputy Director for Drug Enforcement in the Office, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. JACOBS:

H.R. 3665. A bill to amend title 5, United States Code, to provide that differential pay be made payable to certain employees of the Federal Aviation Administration; to the Committee on Post Office and Civil Service.

H.R. 3666. A bill to require that funds allocated for military assistance for the Government of El Salvador or for the rebels in Nicaragua be used instead by the Immigration and Naturalization Service to prevent illegal immigration from Central America; jointly, to the Committees on Foreign Affairs and the Judiciary.

By Mrs. KENNELLY:

H.R. 3667. A bill to provide additional transitional authority to issue mortgage subsidy bonds; to the Committee on Ways and Means.

By Mr. KINDNESS:

H.R. 3668. A bill to amend the Contract Disputes Act of 1978 to eliminate the requirement that certain claims be certified, and for other purposes; to the Committee on the Judiciary.

By Mr. MATSUI (for himself, Mr. HANSEN of Utah, Mr. EVANS of Illinois, Mr. FLIPPO, Mr. GONZALEZ, Mr. HUTTO, Mr. JONES of North Carolina, Mr. GEPHARDT, Mr. MCCURDY, Mr. BADHAM, Mr. CHAPPIE, Mr. MARRIOTT, and Mr. NIELSON of Utah):

H.R. 3669. A bill to amend title 10, United States Code, to require authorization by law of certain consolidations of functions within the Department of Defense; to the Committee on Armed Services.

By Mrs. SCHROEDER:

H.R. 3670. A bill to amend title 10, United States Code, to provide for legal assistance to members of the Armed Forces and their dependents, and for other purposes; to the Committee on Armed Services.

By Mr. WHITTAKER (for himself, Mr. NEILSON of Utah, Mr. ROBERTS, and Mr. TAUKE):

H.R. 3671. A bill to amend the Communications Act of 1934 to promote the universal availability of telephone service, at affordable rates, within the United States; to the Committee on Energy and Commerce.

By Mrs. SMITH of Nebraska:

H. Con. Res. 150. Concurrent resolution expressing the sense of Congress that the Federal Communications Commission's access charge plan be delayed 1 year; to the Committee on Energy and Commerce.

By Mr. GUARINI (for himself, Mr. BONIOR of Michigan, and Mr. PACKARD):

H.J. Res. 329. Joint resolution designating the week beginning April 8, 1984, as "National Deaf Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. BARNES (for himself and Mr. ALEXANDER):

H. Res. 282. Resolution expressing the sense of the House of Representatives that the U.S. Government should support the peace initiatives of the four-nation Contadora group, should indicate its willingness to cease the flow of arms into Central America in conjunction with other nations, and should terminate all programs of assistance to guerrilla forces in Nicaragua; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

231. By the SPEAKER: Memorial of the Legislature of the State of Texas, relative to the Clean Air Act; to the Committee on Energy and Commerce.

232. Also memorial of the House of Representatives of the State of Illinois, relative to the use of plastic and rubber bullets; to the Committee on Foreign Affairs.

233. Also, memorial of the Legislature of the Northern Marianas Commonwealth, relative to the funding of the prior service benefit program; to the Committee on Interior and Insular Affairs.

234. Also, memorial of the Legislature of the State of California, relative to the discharge of certain debts in bankruptcy proceedings; to the Committee on the Judiciary.

235. Also, memorial of the Legislature of the State of Texas, relative to the steel pipe and tube arrangement between the United States and the European community; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARR:

H.R. 3672. A bill to clear certain impediments to the licensing of the vessel *La Jolie* for employment in the coastwise trade; to the Committee on Merchant Marine and Fisheries.

By Mr. EDWARDS of Alabama:

H.R. 3673. A bill for the relief of Meenakshiben P. Patel; to the Committee on the Judiciary.

By Mr. MATSUI:

H.R. 3674. A bill for the relief of Fong Yet Yee and Yee Yow Bong; to the Committee on the Judiciary.

By Mr. SKEEN:

H.R. 3675. A bill to provide that C. J. Dugan and Otero Mills, Inc., may file a claim against the United States in the Court of Claims, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey:

H.R. 3676. A bill for the relief of Alejandro Revancho and Zenaida Revancho; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 287: Mr. CAMPBELL.

H.R. 433: Mr. PATTERSON.

H.R. 555: Mr. RICHARDSON.

H.R. 943: Mr. PATTERSON.

H.R. 953: Mr. SHANNON and Mr. DELLUMS.

H.R. 1077: Mrs. SMITH of Nebraska.

H.R. 1097: Mr. RANGEL and Mr. MARKEY.

H.R. 1144: Mr. PACKARD.

H.R. 1146: Mr. DREIER of California, Mr. BONIOR of Michigan, and Mr. AKAKA.

H.R. 1200: Mrs. BURTON of California.

H.R. 1219: Mr. LANTOS.

H.R. 1242: Mrs. BURTON of California and Mr. CONYERS.

H.R. 1340: Mr. WON PAT and Mr. GEJDENSON.

H.R. 1607: Mrs. HALL of Indiana and Mr. YOUNG of Alaska.

H.R. 1706: Mr. SNYDER, Mr. WIRTH, and Mr. SCHAEFER.

H.R. 1918: Mr. SAWYER and Mr. LENT.

H.R. 1955: Mr. ANTHONY, Mr. BARNARD, and Mrs. BOGGS.

H.R. 1961: Mr. REID, Mr. COOPER, Mr. DOWNEY of New York, Mr. GEJDENSON, Mr. GREGG, Mr. YATES, Mr. UDALL, Mr. GEKAS, Mr. LENT, and Mr. AKAKA.

H.R. 1991: Mrs. SCHNEIDER, Mr. WHEAT, and Mr. STANGELAND.

H.R. 2053: Mr. CORCORAN, Mr. GEJDENSON, Mr. MARLENEE, and Mr. MURPHY.

H.R. 2073: Mr. DAUB and Mr. JONES of North Carolina.

H.R. 2168: Mr. LEWIS of Florida and Mr. WOLF.

H.R. 2187: Mr. MCDADE, Mr. MCKINNEY, Mr. TORRICELLI, Mr. WILLIAMS of Montana, and Mr. SYNAR.

H.R. 2417: Mr. VANDERGRIFF, Mr. NCNULTY, Mr. LONG of Maryland, Mr. BRYANT, and Mr. FROST.

H.R. 2438: Mr. WIRTH.

H.R. 2447: Mr. SMITH of Florida.

H.R. 2627: Mr. WEISS.

H.R. 2707: Mr. ERDREICH.

H.R. 2729: Mr. BEVILL, Mr. BLILEY, Mr. COATS, Mr. CORCORAN, Mr. DREIER of California, Mr. FAZIO, Mr. FRENZEL, Mr. GEKAS, Mr. HARTNETT, Mr. HEFNER, Mr. HORTON, Mr. IRELAND, Mr. JACOBS, Mrs. JOHNSON, Mr. KINDNESS, Mr. LAGOMARSINO, Mr. LATTA, Mr. LEHMAN of Florida, Mr. MARTIN of North Carolina, Mr. NICHOLS, Mr. PASHAYAN, Mr. PORTER, Mr. SIMON, Mr. THOMAS of California, and Mr. VANDERGRIFF.

H.R. 2815: Mr. KOSTMAYER.

H.R. 2820: Mr. DORGAN, Mr. KASTENMEIER, Mr. WILSON, and Mr. MACKAY.

H.R. 2928: Mr. ALBOSTA.

H.R. 2958: Mr. DAUB.

H.R. 2961: Mr. ECKART.

H.R. 2977: Mr. FORSYTHE, and Mr. WATKINS.

H.R. 3016: Mr. JEFFORDS, Mr. WYDEN, Mr. DICKS, Mr. LENT, Mr. FISH, Mr. HALL of Ohio, Mr. BONIOR of Michigan, Mr. DANIEL B. CRANE, Mr. BOUCHER, Mr. ANDREWS of Texas, Mr. OTTINGER, Mr. BROWN of Colorado, Mr. SIMON, Mr. YOUNG of Alaska, Mrs. COLLINS, and Mr. CORCORAN.

H.R. 3050: Mr. BORSKI, Mr. LEVITAS, and Mr. MCDADE.

H.R. 3127: Mr. CONTE, Mr. MAVROULES, and Mr. FRANK.

H.R. 3198: Mr. ROGERS.

H.R. 3242: Mr. KOGOVSEK and Mrs. COLLINS.

H.R. 3252: Mr. MACKAY, and Mr. BRITT.

H.R. 3282: Mr. UDALL, Mr. OBERSTAR, Mr. JEFFORDS, Mrs. SCHNEIDER, Mr. TOWNS, Mr. LANTOS, Mr. BONIOR of Michigan, Mr. GUARINI, Mr. OTTINGER, Mr. RODINO, Mr. MARKEY, Mr. FAUNTROY, Mr. TALLON, Mr. FRANK, Mr. SUNIA, Mr. MITCHELL, Ms. MIKULSKI, Mr. SEIBERLING, Mr. FLORIO, Mr. EVANS of Illinois, Mr. D'AMOURS, Mr. CROCKETT, Mr. CLAY, Mr. CONYERS, Mr. VENTO, and Mr. RATCHFORD.

H.R. 3288: Mr. ROSE.

H.R. 3295: Mr. DORGAN.

H.R. 3300: Mr. WEBER, Mr. CORRADA, Mr. FOWLER, Mr. HANSEN of Idaho, Mr. MCKINNEY, Mr. WILLIAMS of Montana, Mr. TAUKE, Mr. KOGOVSEK, Mr. KOSTMAYER, and Mrs. COLLINS.

H.R. 3318: Mr. BARNES, Mr. LANTOS, and Mr. TOWNS.

H.R. 3345: Mr. FORD of Tennessee, Mr. STOKES, Mr. FAUNTROY, Mr. HOYER, Mr. BONER of Tennessee, Mrs. JOHNSON, Mr. PEPPER, Mr. LANTOS, Mr. WON PAT, Mr. FROST, Mr. BERMAN, Mr. BOSCO, Mr. D'AMOURS, Mr. FOGLIETTA, Mrs. SCHNEIDER, Mr. FRANK, Mrs. KENNELLY, Mr. SOLARZ, Mr. HARRISON, Mr. LEHMAN of California, Mr. MARKEY, Mr. ORTIZ, Mr. MORRISON of Connecticut, Mr. KOGOVSEK, Mr. MCNULTY, Mr. WAXMAN, Mr. SIMON, Mr. RODINO, Mr. MATSUI, Mr. KOSTMAYER, Mr. ACKERMAN, Mr. STRATTON, Mr. KEMP, Mr. MOODY, Mr. SLATTERY, Mr. OBERSTAR, Mr. STUDDS, Mr. TORRICELLI, Mr. FAZIO, Mr. LEVINE of California, Mr. BRYANT, Mr. CARR, Mr. SCHUMER, Mr. LONG of Louisiana, Mr. BIAGGI, Mr. WIRTH, Mr. CONYERS, and Mr. HIGHTOWER.

H.R. 3373: Mr. DREIER of California, Mr. EVANS of Iowa, and Mr. ERLENBORN.

H.R. 3457: Mr. BEDELL, Mr. DASCHLE, Mr. STENHOLM, Mr. SUNIA, Mr. WATKINS, and Mr. FAUNTROY.

H.R. 3539: Mr. BRITT.

H.R. 3557: Mr. MORRISON of Connecticut, Mr. WEAVER, Mr. GEJDENSON, Mr. TALLON, Mr. FRANK, Mr. EDWARDS of Alabama, Mr. BERMAN, Mr. SEIBERLING, Mr. FORD of Tennessee, Mr. KASTENMEIER, Mr. STARK, Mr. SOLARZ, Mr. SIMON, Mr. TOWNS, and Mr. RATCHFORD.

H.R. 3600: Mr. WHITEHURST and Mr. RUDD.

H.J. Res. 20: Mr. BRYANT, Mr. FROST, Mr. CARPER, Mr. MARTINEZ, Ms. OAKAR, Mr. PATTERSON, Mr. HOWARD, Mr. KAZEN, Mr. SKELTON, Mr. WILSON, Mr. MCNULTY, Mr. GREEN, Mr. CONYERS, Mr. BOEHLERT, Mr. PANETTA, Mr. HYDE, Mr. ANDREWS of North Carolina, Mr. MORRISON of Connecticut, Mr. BEREUTER, Mr. GONZALEZ, Mr. NICHOLS, Mr. PATMAN, Mr. YOUNG of Missouri, Mr. WALGREN, Mr. DYMALLY, Mrs. SCHNEIDER, Mr. HEFNER, Mr. AKAKA, Mr. WOLF, Mr. BONER of Tennessee, Mr. FRANK, Mr. SHAW, Mr. LEHMAN of Florida, Mr. TOWNS, Mr. ANNUNZIO, Mr. PEPPER, Mr. MCCURDY, Mr. DANIEL B. CRANE, and Mr. ALBOSTA.

H.J. Res. 28: Mr. KASICH.

H.J. Res. 93: Mr. DE LUGO, Mr. DASCHLE, Mr. GREEN, Mr. WILSON, Mr. KASICH, Ms. KAPTUR, and Mr. RICHARDSON.

H.J. Res. 103: Mr. KOGOVSEK.

H.J. Res. 137: Mr. BOEHLERT, Mr. BROWN of California, Mrs. COLLINS, Mr. GREEN, Mr. HAMMERSCHMIDT, Mr. HYDE, Mr. KAZEN, Mr. LEHMAN of Florida, Mr. LENT, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LONG of Maryland, Mr. LUNGREN, Mr. MCDADE, Mr. MCKERNAN, Mr. MARTIN of New York, Mr. MARTINEZ, Mr. MAVROULES, Ms. MIKULSKI, Mr. MOLINARI, Mr. MOORHEAD, Mr. ORTIZ, Mr. OXLEY, Mr. PATTERSON, Mr. PURSELL, Mr. QUILLEN, Mr. ROGERS, Mr. SCHEUER, Mr. SPENCE, Mr. TAUZIN, Mr. THOMAS of Georgia, Mr. TOWNS, Mrs. VUCANOVICH, Mr. WALKER, Mr. WHEAT, Mr. WILLIAMS of Ohio, Mr. BETHUNE, Mr. BIAGGI, Mr. CLARKE, and Mr. DANIEL B. CRANE.

H.J. Res. 260: Mr. VANDERGRIFF, Mr. HAMMERSCHMIDT, Mr. RICHARDSON, Mr. LEVITAS, Mr. CORRADA, Mr. VENTO, Mr. QUILLEN, Mr. SYNAR, Mr. MCCLOSKEY, Mrs. KENNELLY, Mr. LEVIN OF MICHIGAN, Mr. HERTEL of Michigan, Mr. MORRISON,, of Washington, Mr. BETHUNE, Mr. YATES, Mr. FISH, Mr. LEVINE of California, Mr. DIXON, Mr. FRENZEL, Mr. YATRON, Mr. LUNGREN, Mr. LUNDINE, Mr. GREGG, Mr. NOWAK, Mr. MOODY, Mr. FASCELL, Mr. BARNARD, Mr. MARRIOTT, Mr. OWENS, Mr. HUGHES, Mr. COUGHLIN, Mr. BATEMAN, Mr. ANDERSON, Mr. CHAPPELL, Mr. GEPHARDT, Mr. NATCHER, Mr. EDGAR, Mr. RINALDO, Mr. DWYER OF NEW JERSEY, Mr. HAMILTON, Mr. ADDABBO, Mr. DONNELLY, Mr. KASTENMEIER, Mr. FLORIO, Mr. ANNUNZIO, Mr. BARTLETT, Mr. BROYHILL, Mr. BORSKI, Mr. GINGRICH, Mr. SHELBY, Mr. ROE, Mr. HATCHER, Mr. SOLARZ, Mr. BARNES, Mr. FAUNTROY, Mr. ROSTENKOWSKI, Mr. CONYERS, Ms. SNOWE, Mr. MOAKLEY, Mr. CORCORAN, Mr. MAVROULES, Mr. STOKES, Mr. LELAND, Mr. SIMON, Mr. FROST, Mr. HANSEN of Idaho, Mr. WAXMAN, Mr. SMITH of Florida, Mr. HOYER, Mr. THOMAS of Georgia, Mr. RATCHFORD, Mr. MCGRATH, Mr. HORTON, Mr. TORRICELLI, and Mr. BERMAN.

H.J. Res. 266: Mr. EVANS of Illinois and Mr. MCCURDY.

H.J. Res. 268: Mr. MAVROULES, Mr. LANTOS, Mr. BRITT, Mr. MCHUGH, Mr. GINGRICH, Mr. FLORIO, Mr. ST GERMAIN, Mrs. SCHNEIDER, Mr. GREGG, Mr. THOMAS of Georgia, Mr. O'BRIEN, Mr. STUMP, Mr. MCNULTY, Mr. LEHMAN of California, Mr. WISE, Mr. GUARINI, Mrs. KENNELLY, Mr. ANDREWS of North Carolina, Mr. YOUNG of Missouri, Mr. COUGHLIN, Mr. KOGOVSEK, Mr. D'AMOURS, Mr. BROWN of Colorado, and Mr. MAZZOLI.

H.J. Res. 273: Mrs. COLLINS, Mr. RUSSO, Ms. FERRARO, Mr. EDGAR, Ms. FIEDLER, and Mr. Daniel B. Crane.

H.J. Res. 277: Mr. MCNULTY, Mrs. BURTON of California, Mr. ACKERMAN, Mr. SAM B. HALL, Jr., Mr. PATMAN, Mr. SAWYER, Mr. LEWIS of California, Mr. DANNEMEYER, Mr. DE LA GARZA, Mr. MURTHA, Mr. EDWARDS of California, Mr. STARK, Mr. LAGOMARSINO, Mrs. BOXER, Mr. SKELTON, Mr. CLARKE, and Mr. MARKEY.

H. Con. Res. 43: Mr. HEFNER.

H. Con. Res. 100: Mr. BORSKI, Mr. GREEN, Mr. DANIEL B. CRANE, Mr. ALBOSTA, Mr. GEKAS, Mr. BADHAM, and Mr. BATEMAN.

H. Con. Res. 107: Mr. CARNEY, Mr. ERDREICH, Mr. KEMP, and Mr. SIMON.

H. Con. Res. 129: Mr. BONKER.

H. Con. Res. 148: Mr. ROSTENKOWSKI and Mr. MICHEL.

H. Res. 160: Mrs. HALL of Indiana, Mr. PATMAN, Mr. GILMAN, Mr. DYMALLY, and Mr. DELLUMS.

H. Res. 186: Mr. EVANS of Illinois.

H. Res. 190: Mr. DEWINE.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

174. By the SPEAKER: Petition of the General Synod, Reformed Church in America, New York, N.Y., relative to military spending; to the Committee on Armed Services.

175. Also, petition of the General Synod, Reformed Church in America, New York, N.Y., relative to abortion; to the Committee on Energy and Commerce.

176. Also, petition of the General Synod, Reformed Church in America, New York, N.Y., relative to the Simpson-Mazzoli bill on immigration and refugee policy; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1646

By Mr. RIDGE:

—Page 63, after line 25, insert the following:

SEC. 412. (a) Section 1(k) of the Railroad Unemployment Insurance Act is amended in the sentence beginning "For the purpose of this subsection, the term 'subsidiary remuneration' "—

(1) by striking out "(i)"; and

(2) by striking out ", and (ii) is" and all that follows through "occupation".

(b) The amendments made by this section shall apply with respect to remuneration for work occurring on or after the date of the enactment of this Act.

Redesignate succeeding sections accordingly.

—Page 63, after line 25, insert the following:

SEC. 413. (a) Section 1(k) of the Railroad Unemployment Insurance Act is amended in the sentence beginning "For the purpose of this subsection, the term 'subsidiary remuneration' " by striking out "$10" and inserting "$15" in lieu thereof.

(b) The amendments made by this section shall apply with respect to remuneration for work occurring on or after the date of the enactment of this Act.

Redesignate succeeding sections accordingly.

H.R. 2867

By Mr. BONIOR of Michigan:

—Page 4, line 7, strike out "$2,000,000" and substitute "$10,000,000".

By Ms. MIKULSKI:

—Page 30, after line 25, insert:

EXPORT OF HAZARDOUS WASTE

SEC. 11. (a) EXPORT.—Subtitle C is amended by adding the following new section at the end thereof:

"EXPORT OF HAZARDOUS WASTE

"SEC. 3004. (a) GENERAL.—Beginning twelve months after the date of enactment of the Hazardous Waste Control and Enforcement Act of 1983, no person may export any hazardous waste identified or listed under section 3001 unless—

"(1) such person has provided the notification required in subsection (c) of this section,

"(2) the receiving country has consented to accept such hazardous waste, and

"(3) a copy of the receiving country's written consent is attached to the manifest accompanying each waste shipment.

"(b) REGULATIONS.—Not later than 180 days after the date of enactment of the Hazardous Waste Control Enforcement Act of 1983, the Administrator shall promulgate the regulations necessary to implement this section.

"(c) NOTIFICATION.—Any person who intends to export a hazardous waste identified or listed under section 3001 after the date beginning twelve months after the date of enactment of the Hazardous Waste Control Enforcement Act of 1983, shall, before such hazardous waste is scheduled to leave the United States, provide notification to the Administrator. Such notification shall contain the following information—

"(1) the name and address of the exporter;

"(2) the types and estimated quantities of hazardous waste to be exported;

"(3) the estimated frequency or rate at which such waste is to be exported, and the period of time over which such waste is to be exported;

"(4) the ports of entry;

"(5) a description of the manner in which such hazardous waste will be transported to and treated, stored, or diposed in the receiving country; and

"(6) the name and address of the ultimate treatment, storage, or disposal facility.

"(d) PROCEDURES FOR REQUESTING CONSENT OF THE RECEIVING COUNTRY.—Within 30 days of the Administrator's receipt of a complete notification under this section, the Secretary of State, acting on behalf of the Administrator, shall—

"(1) forward a copy of the notification to the government of the receiving country;

"(2) advise the government that United States law prohibits the export of hazardous waste unless the receiving country consents to accept the hazardous waste;

"(3) request the government to provide the Secretary with a written consent or objection to the terms of the notification; and

"(4) forward to the receiving country a description of the Federal regulations which would apply to the treatment, storage, and disposal of the hazardous waste in the United States.

"(e) CONVEYANCE OF WRITTEN CONSENT TO EXPORTER.—Within 30 days of receipt by the Secretary of State of the receiving country's written consent or objection (or any subsequent communication withdrawing a prior consent or objection), the Administrator shall forward such a consent, objection, or other communication to the exporter.

"(f) INTERNATIONAL AGREEMENTS.—Where there exists an international agreement between the United States and the receiving country establishing notice and export procedures for the transportation, treatment, storage, and disposal of hazardous wastes, only the requirements of subsection (g) shall apply.

"(g) REPORTS.—After the date of enactment of the Hazardous Waste Control Enforcement Act of 1983, any person who exports any hazardous waste identified or listed under this subtitle shall file with the Administrator no later than March 1 of each year, a report summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year.

"(h) OTHER STANDARDS.—Nothing in this section shall preclude the Administrator from establishing other standards for the export of hazardous wastes under section 3002 or section 3003 of this subtitle.".

(b) PENALTIES.—Section 3008(d) is amended by adding the following new paragraph at the end thereof:

"(6) knowingly exports a hazardous waste identified or listed under section 3001 without the consent of the receiving country;".

CONFORMING AMENDMENTS

Page 39, line 12, strike out "or".

Page 39, line 18, insert "or".

H.R. 2957

By Mr. BURTON of Indiana:

—Page 28, after line 8, insert the following:

OPPOSITION TO CONCESSIONARY LOANS

SEC. 308. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following:

"OPPOSITION TO CONCESSIONARY LOANS

"SEC. 46. The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to actively oppose and vote against the Fund providing any loan with a rate of interest, based on the maturity of such loan, which is less than the average rate of interest for loans of a similar maturity which are guaranteed by the Small Business Administration.".

By Mr. CARPER:

—On Page 43, insert the following new section after line 18:

EQUAL REPRESENTATION FOR THE FEDERAL DEPOSIT INSURANCE CORPORATION

SEC. 413. As one of the three Federal bank regulatory and supervisory agencies, and as the insurer of the United States banks involved in international lending, the Federal Deposit Insurance Corporation shall be given equal representation with the Federal Reserve Board and the Office of the Comptroller of the Currency on the Committee on Banking Regulations and Supervisory Practices of the Group of Ten Countries and Switzerland.

By Mr. CORCORAN:

—Page 18, strike out line 13 and all that follows through page 28, line 8.

—Page 18, strike out line 17, and all that follows through page 19, line 3.

Page 19, line 4, strike out "(3)" and insert in lieu thereof "(1)".

Page 19, line 15, strike out "(4)" and insert in lieu thereof "(2)".

Page 19, strike out line 16 and all that follows through line 20 and insert in lieu thereof the following:

"SEC. 40. The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to encourage the Fund to assist foreign countries to renegotiate existing loans in order to establish more favorable terms for such loans.

—Page 18, strike out line 20 and all that follows through page 19, line 3.

Page 19, strike out line 16 and all that follows through line 20.

—Page 19, strike out line 16 and all that follows through line 20.

—Page 28, after line 8, insert the following:

PROMOTION OF FREE ELECTIONS AND FREE EMIGRATION

SEC. 308. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following:

"Promotion of Free Elections and Free Emigration.

"SEC. 46. The Secretary of the Treasury shall instruct the United States Executive Director of the Fund to actively oppose and vote against any credit drawings on the Fund or any of its facilities by Afghanistan, Hungary, Kampuchea, Laos, Nicaragua, the Peoples Republic of China, Romania, South Yemen, Yugoslavia, or Vietnam until such countries hold free elections, whose fairness is verified by international observers, and permit unrestricted and free emigration, without discrimination on the basis of religion or ethnic origin.".

—Page 28, after line 8, insert the following:

POLICIES TO INCREASE ECONOMIC ACTIVITY

SEC. 308. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following:

"POLICIES TO INCREASE ECONOMIC ACTIVITY

"SEC. 46. The Secretary of the Treasury shall work with officials of the Fund in order to implement sound policies which will assist borrowing nations to achieve a higher rate of economic growth and thereby increase their ability to pay for imported goods.".

—Page 28, after line 8 insert the following:

PROHIBITION ON LOW-INTEREST LOANS TO EMPLOYEES

SEC. 308. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following:

"PROHIBITION ON LOW-INTEREST LOANS TO EMPLOYEES

"SEC. 46. Notwithstanding the provisions of section 40 of this Act, the United States Governor of the Fund may not consent to the increase in the United States quota in the fund which is described in such section unless the United States Governor of the Fund is satisfied that the Fund has established, and will maintain, a requirement that all salary advances and other loans to employees of the Fund (including the Managing Director, Executive Directors, Alternate Executive Directors, and the staff of the Fund) shall be made at a market rate of interest.".

—Page 28, after line 8 insert the following:

BENEFICIARIES OF THE QUOTA INCREASE

SEC. 308. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following:

"BENEFICIARIES OF THE QUOTA INCREASE

"SEC. 46. The Secretary of the Treasury shall transmit a report to the Congress specifying—

"(1) the total amount of new funding which will be provided by the Fund as a result of the United States quota increase specified in section 40; and

"(2) the countries which will receive loans as a result of such quota increase.".

—Page 28, after line 8 insert the following:

SALARY LIMITATION

SEC. 308. The Bretton Woods Agreements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following:

"SALARY LIMITATION

"SEC. 46. Notwithstanding the provisions of section 40 of this Act, the United States Governor of the Fund may not consent to the increase in the United States quota in the Fund which is described in such section unless the United States Governor of the Fund is satisfied that the Fund has established, and will maintain, a requirement that employees of the Fund (including the Managing Director, Executive Directors, Alternate Executive Directors, and the staff of the Fund) may not be paid at a rate in excess of the rate payable for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.".

—Page 28, after line 8, insert the following:

OPPOSITION TO PREDATORY EXPORT SUBSIDY PRACTICES

SEC. 308. The Bretton Woods Ageements Act (22 U.S.C. 286 et seq.) is amended by adding at the end thereof the following:

"OPPOSITION TO PREDATORY EXPORT SUBSIDY PRACTICES

"SEC. 46. (a) In order to contribute to global economic stability through a cooperative framework for the conduct of a free and market oriented system of world trade in agricultural commodities and products thereof, the Secretary of the Treasury shall instruct the United States Executive Director of the Fund to propose and to vote for the adoption by the Fund of the following policies with respect to any purchases, drawings, or other use of Fund resources (including loans under the General Arrangements to Borrow) by members, except for purchases or drawings within a member's reserve tranche:

"(1) Prior to receiving Fund resources, a member must present to the Fund information describing all direct or indirect export subsidies, including among other things the use of special tax incentives and subsidized financing for exports, employed by such member in connection with the exporting of agricultural commodities and products thereof to foreign countries.

"(2) Prior to receiving Fund resources, if it is determined by the Fund that the export subsidies being employed by such member are predatory export subsidies and the United States Executive Director of the Fund has been advised by the Secretary of Agriculture, after consultation with the United States Trade Representative, that such subsidies have an adverse impact on United States exports of agricultural commodities and products thereof, such member must agree to a specific program of steps to eliminate expeditiously such predatory export subsidies over a period of time not to exceed three years.

"(b) for purposes of subsection (a) of this section, the term 'predatory export subsidies' means the provision by any country or organization of countries, or instrumentality thereof, of any financial assistance through loans, payments, or comparable means (including the use of special tax incentives or subsidized financing for exports) to any person in connection with the export sale to a third country of agricultural commodities and products thereof produced in such country or organization of countries, that has the effect of lowering the export price, directly or indirectly, of such commodities and products thereof to less than the highest comparable price that a like commodity or product thereof produced and processed in the United States could be exported to the same third country in the ordinary course of trade.

"(c) Not later than January 1, 1985, the President shall prepare and transmit a report to the Congress setting forth his determination on whether the Fund has adopted and fully implemented the policies set forth in subsection (a) of this section.".

—Page 32, after line 9, insert the following:

PROHIBITION ON RESCHEDULING FEES

SEC. 406. No banking institution may impose any fee, or other similar charge, with respect to the rescheduling of any foreign loan.

By Mr. LEWIS of California:

—Page 28, after line 8, insert the following:

RESTRICTION ON APPROPRIATIONS

Sec. 308. It is the sense of the House of Representatives that the House of Representatives shall not consider any bill or conference report which provides appropriations for the quota increase authorized by the amendments made by this title until such time as such authorization is enacted into law.

Mr. ST GERMAIN:

—On page 19, line 16, insert "(a)" after "Sec. 40", and after line 20, insert the following new subsection:

"(B) The Secretary of the Treasury or his designee shall consult with the Chairman and the Ranking Minority Member of—

"(1) the Committee on Banking, Finance and Urban Affairs of the House of Representatives, the Committee on Appropriations of the House of Representatives, and the appropriate subcommittee of each such committee, and

"(2) the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Banking, Housing and Urban Affairs of the Senate, and the appropriate subcommittee of each such committee,

"for the purpose of discussing the position of the executive branch and the views of the Congress with respect to any international negotiations being held to consider any future quota increase for the International Monetary Fund which may involve an increased contribution, subscription, or loan by the United States. Such consultation shall be made (A) not later than 30 days before the initiation of such international negotiations, (B) during the period in which such negotiations are being held, in a frequent and timely manner, and (C) before a session of such negotiations is held at which the United States representatives may agree to such quota increase."

EXTENSIONS OF REMARKS

THE PEOPLE'S PARADISE

HON. JACK FIELDS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. FIELDS. Mr. Speaker, some form of socialism/communism is dominant in many nations and every continent. The idea of socialism is especially attractive to intellectuals who are able to maintain a comfortable distance from actual Socialist practices.

Though socialism is a god that fails continuously, and causes more human suffering and tragedy than any idea or practice in history, there are those who stubbornly cling to its high-minded idealism. They religously close up their eyes to the reality that the Socialist promise of instant utopia brings only the tyranny of a real dystopia.

It is for them that the following glimpse of reality is provided.

[From the American Spectator, August 1983]

THE GREAT UKRAINIAN FAMINE

(By Alexander J. Motyl)

Throughout the world this year Ukrainians are commemorating a grisly fiftieth anniversary. Thanks to Stalin, a great famine ravaged their homeland in 1933, reducing the breadbasket of the Soviet Union to little more than a graveyard. Before the year was out, over five million Ukrainian peasants had died a slow and gruesome death. Wrote one survivor:

"People scoured the fields for roots of all kinds, stripped the trees of their bark, caught mice and gophers, ate carrion. . . . They even devoured the carrion of horses infected with glanders and then the authorities had them shot. They fed on the mash left over from the previous year, which was no longer considered suitable for feeding to livestock. They boiled dried animal hides. They prepared pancakes and fritters from leaves and other inedible substances. They even ate toadstools. . . ."

A catastrophe of such dimensions ranks as one of the twentieth century's prime examples of mass destruction; yet, it continues to remain largely unknown to the world. Soviet mendacity, Western gullibility, and a readiness on both sides to condone the liquidation of nations and classes thought to stand in the way of "progress" have conspired to transform a major human tragedy into a forgotten historical footnote. In good Soviet fashion, the dead Ukrainian peasants have been relegated to the status of "nonperson."

The 1920s had been years of plenty in the Ukraine, as well as in the entire USSR. The Communist Party's unenthusiastic acceptance in 1921 of Lenin's "New Economic Policy" (NEP) sanctioning a limited reintroduction of capitalism had allowed the Ukrainian peasantry to prosper and the Ukrainian language, literature, and arts to flourish. By the end of the decade, however, the regime had come to perceive both trends as subversive. The NEP was sustaining a private peasantry—both Russian and non-Russian—that was hostile to the urban-based Bolsheviks' collectivist goals; indeed, the Party appeared to be drowning in a "peasant sea." Meanwhile the cultural relaxation associated with NEP threatened to undermine the regime's decidedly great Russian character. And, as Stalin noted in 1925, both developments complemented each other: "The peasant question is the basis, the quintessence, of the national question. That explains the fact that the peasantry constitutes the main army of the national movement, that there is no powerful national movement without the peasant army, nor can there be. . . ."

Stalin's solution to the peasant problem was collectivization. The richer, more productive, and politically more troublesome peasants—*kulaks*—were deported to Siberia and thereby "liquidated as a class." The remaining "poor" and "middle" peasants were herded into collective farms. They responded by slaughtering their animals, working less, and engaging in "terrorist" acts against representatives of the regime. Not surprisingly, production plummeted; state extraction of grain, however, increased. In all, Soviet agriculture received a blow from which it has still not fully recovered. But from Stalin's viewpoint, collectivization was a success: peasant opposition to Soviet power had been broken once and for all.

Stalin also achieved a breakthough on the non-Russian front. "National Communists" were forced back into line; the cultural freedoms of the 1920s were revoked; and, by 1933, the tsarist policy of Russification was formally reintroduced. Local nationalisms, it was officially decreed, were more dangerous than Russian chauvinism. In the Ukraine, major political show trials in the early 1930s marked the beginning of a centrally directed secret-police terror that lasted through the decade.

Why did collectivization hit the Ukrainians with particular severity? First of all, the tempo of collectivization in the Ukraine, which served as a kind of testing ground for Stalin's agricultural experiments, was more rapid than in the rest of the USSR. And second, the grain quotas imposed on the Ukraine were disproportionately higher. Thus, in the more equitable NEP days of 1926, the Ukraine provided the state with 3.3 million tons of grain, or 21 percent of its total harvest. In 1930, the first full year of collectivization, it delivered 7.7 million tons out of a harvest of 23.1, or 33 percent. Peasant resistance to collectivization caused the harvest to drop to 18.3 million tons in 1931, but the Ukraine's quota remained at 7.7—an extortionately high 42 percent. Although the quota was reduced to 6.6 million tons in 1932, grain production fell to 14.6, so that only 4.7 million tons, or 32 percent of the harvest, could actually be collected. The murderous grain requisitions of 1930–1932 resulted in the outbreak of a country-wide famine—"not hardship, or privation, or distress, or food shortage," as *Christian Science Monitor* correspondent William Henry Chamberlin wrote soon thereafter, "but stark, outright famine, with its victims counted in millions."

One eyewitness, a city resident, described a visit to his parents' village:

"Although it was not long since I had last been there, I could hardly recognize it. The Moscow government had taken away all the food long before. Now the village was bereft of even cats and dogs. The officials hunted them and put them into a pound, but the hungry people caught and ate them. People avoided one another in calm, unreal atmosphere for fear of being eaten. My mother and a few of her neighbors told me how H. Zhuk ate his mother; how a woman they knew ate her children; and how H. Skrynyk ate his mother."

"This kind of grim, stark chronicle could have been compiled in almost any village in the Ukraine in that terrible winter and spring of 1932–33," wrote Chamberlin. "Every village I visited reported a death rate of not less than ten per cent." Small wonder that Malcolm Muggeridge, who traveled to the Ukraine in the summer of 1933 as a correspondent for the Manchester Guardian, recently termed the famine the "most terrible thing I have ever seen."

Most Ukrainians would agree with Chamberlin that "this famine may fairly be called political because it was not the result of any overwhelming natural catastrophe." They would also view it, however, as a deliberately anti-Ukrainian policy of the "Moscow government"; Stalin, they allege, masterminded the scheme in order to solve his peasant and Ukrainian problems with one blow. Considering the Soviet dictator's exceptionally brutal treatment of the non-Russians and his mass deportations of the entire Chechen, Ingush, Balkar, Karachai, Kalmyk, and Crimean Tatar populations during and after World War II, this interpretation, clearly, is not implausible. Yet, as formulated, it invites skepticism: if Stalin's goal had been genocide, then why did the authorities not confiscate all the grain harvested in the Ukraine? Would even Stalin have jeopardized his economic plans by deliberately devastating a country that figured so importantly to them?

The traditional interpretation among Western Sovietologists views the famine as an unplanned and largely unavoidable by-product of the revolutionary zeal and bureaucratic shortsightedness that characterized the collectivization campaign. Furthermore, it is argued, famine generally affected the USSR's most fertile areas—not only the Ukraine, but the North Caucasus and Central Volga regions as well. This supposedly means that a policy of extracting the most grain from the most productive regions—that is, economics, and not great-power chauvinism—was to blame for the famine.

Other scholars, however, consider the famine to have been a deliberate political act. According to an expert on the Stalin era, British historian Robert Conquest:

"The famine can be blamed quite flatly on Stalin. . . . It is perhaps the only case in history of a purely man-made famine. It is also the only major famine whose very existence

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

was ignored or denied by the governmental authorities, and even to a large degree successfully concealed from world opinion.

"There seems little doubt that the main issue was simply crushing the peasantry at any cost. One high official told a Ukrainian who later defected that the 1933 harvest 'was a test of our strength and their endurance. It took a famine to show them who is master here. It has cost millions of lives, but the collective farm system is here to stay.'"

In this view, famine was a policy instrument directed against the most recalcitrant peasants, regardless of nationality.

A third, ethnically oriented "revisionist" interpretation has recently been gaining ground in scholarly circles. Its main proponent is James Mace, an American historian who is preparing a book on the famine. As Mace puts it:

"The areas affected by the man-made famine all contained groups which could plausibly be considered hindrances to Stalin's plans to resurrect a politically homogeneous Russian empire. It did not, strictly speaking, correspond with the main grain-producing areas, as would be expected were it solely a question of intensified extraction solely motivated by economic concerns: there was no famine in the Central Black Soil Region of Russia, while in the Ukraine it extended into Volhynia and Podillia, hardly part of the basic grain-producing area of the USSR.

"If we ask ourselves which national groups were most likely to constitute a threat to the new centralized and Russified Soviet Union which Stalin was creating, we arrive at the following: Ukrainians, second only to the Russians in numbers, who had fought a stubborn and protracted war for national independence . . .; the Kuban and Don Cossacks, who had first given the White counter-revolution its base; and the Germans, who had welcomed the 1918 German occupation in Ukraine. . . . These were precisely the groups whose territories were affected by the famine."

The three interpretations are not irreconcilable. Bureaucratic bungling and cadre overzealousness in a campaign to extract maximal resources from the richest regions; officially encouraged hostility to the peasantries most opposed to collectivization; and the Party's determination to root out all nationalist opposition, whether urban or rural, surely would have made for a set of callous attitudes that could endorse the "cleansing" effect of a famine on the regime's enemies. Of course, for the millions who starved to death these considerations are scarcely to the point: exactly why the regime was tolerating their destruction was far less important than the fact of their destruction. By the same token, Biafrans would presumably have found little solace in the thought that they were being starved not as Ibos, but as secessionists subjected to the arbitrariness of an overly zealous Nigerian war-machine.

Ukrainians, consequently, consider the famine *their* Holocaust, a national trauma of mythical proportions that has shaped their present consciousness. Fifty years after the fact, however, the tragedy—and, even more, its overwhelmingly Ukrainian character—continues to be largely unacknowledged in both East and West. The Soviets prefer to ignore "aberrations" of the period of the "cult of personality." The West, meanwhile, prefers to remain either uninformed or misinformed about the dimensions of the event.

Indirect responsibility for this ignorance lies with the widespread tendency among Westerners to be more than willing to give the Soviet Union the benefit of the doubt. Billy Graham's infamous behavior on his trip to the USSR last year was but one manifestation of this attitude.

Directly responsible, however, were those Western admirers of Stalin's "bold experiment" all too ready to overlook images that did not fit their preconceived schemes. Two who in particular went out of their way to downplay if not ignore the famine were Walter Duranty, then head of the *New York Times* Moscow bureau, and Louis Fischer, Moscow correspondent for the *Nation*. According to Duranty's colleague, former *Times* critic John Chamberlain, Duranty, "was not only heartless about the famine, he had betrayed his calling as a journalist by failing to report it." But Duranty did succeed in something else—he actually won a Pulitzer Prize for his reportage.

Fischer said it best: "History can be cruel," he wrote. "The peasants wanted to destroy collectivization. The government wanted to retain collectivization. The peasants used the best means at their disposal. The government used the best means at their disposal. The government won."●

NICARAGUA—ANOTHER TROPICAL GULAG

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. HYDE. Mr. Speaker, Humberto Belli, a former editor of La Prensa, the largest daily newspaper in Nicaragua, had a short and, to me, fascinating column in the June 10 USA Today. I hereby share it with my colleagues:

[From USA Today, June 10, 1983]

NICARAGUA—ANOTHER TROPICAL GULAG

(By Humberto Belli)

HAZEL PARK, MICH.—When Fidel Castro paraded triumphantly through Havana's streets in 1959, he was wearing a rosary around his neck. A man aware of the advantages of sheep's clothing, Castro denied his communist intentions.

The revolution, he stressed, would be inspired by Marti, the hero of Cuban independence. And it would be "more Cuban than the palm trees."

It took only a few years before the island became a tropical version of the Soviet gulag.

In 1979, the Sandinistas triumphantly paraded through the streets of Managua, Nicaragua. They were not wearing rosaries, but they were walking side by side with far more convincing assets: Four Catholic priests, appointed to high government positions.

The revolutionaries claimed they were inspired by the nationalist hero, Sandino, and that they would respect religious and political freedoms.

A few years later, the familiar landscape of the gulag has again come to replace rosy expectations. Freedom of the press has been totally suppressed. Elections have been postponed. Independent political parties and labor unions are harassed by government-organized mobs. Thousands of Cuban advisers and agents from the Eastern bloc have inundated the country.

The revolution still proclaims allegiance to Sandino, but as the Chief of Nicaragua's army said in 1981, "a Sandismo without Marxism-Leninism cannot be revolutionary."

The revolution also proclaims itself a friend of Christians. But its theological supporters stress that Christianity without Marxism-Leninsim cannot be true Christianity.

In this regard, the Sandinistas have proved wiser than Castro. Instead of directly confronting Christianity, they have claimed that true Christianity is Marxist; instead of persecuting the church as a whole, they have sought to divide it.

In fact, in fiercely Catholic Nicaragua, Marxists must be much more cunning than they were in Cuba—especially when they face the growing unrest and rebelliousness of peasants, Indians and many former supporters.

Will the Sandinistas succed? It is hard to say. As Venezulean President Herrera Campings recently said, "Nicaragua is a Latin American Poland that does not have a Russian army at its borders."

And there seem to be many would-be Walesas around.

(Humberto Belli is the former editorial page editor of La Prensa, the largest daily newspaper in Nicaragua.)●

TRIBUTE TO CORNELIUS "CORNIE" SCHNEIDER

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. BIAGGI. Mr. Speaker, I wish to take this opportunity to pay tribute to the late Cornelius "Cornie" Schneider a man of great stature and distinction who was a mainstay in the Jewish War Veterans of the U.S.A. for almost 40 years.

At the time of his sudden passing earlier this year, Cornie was the National Adjutant of the Jewish War Veterans of the U.S.A. which was the culmination of his long and illustrious career of service to this fine organization.

Cornie Schneider was a proud native New York City resident who attended P.S. 44 in the Bronx as well as Evander Childs High School and NYU School of Commerce. Indications of future greatness were evidence in Cornie's school days for he was a member of Alpha Phi Sigma Fraternity, the student hall of fame and Who's Who in collegiate America.

Yet what people remember the most about Cornie Schneider relates to his work as a veteran and on behalf of veterans. He earned the status of a veteran by virtue of his service in World War II. It was immediately after his honorable discharge that he joined the Jewish War Veterans where he remained one of their most effective and visible spokesmen.

In his career with the Jewish War Veterans he held the following positions: commander, Ehrlich Levy Post No. 82. Bronx County Commander,

Department of New York Commander, Second Regional National Commander, and National Executive Committeeman.

Cornie Schneider is also a member of the American Legion and the Bronx Voiture 40-8. He was a commander of the Bronx Memorial and Executive Committee which comprises all of the veteran organizations in Bronx County. Through all of this he also remained as quartermaster of his post and Bronx County as well as auditor for the Department of New York.

Cornie was a dedicated family man and he and his lovely wife Jeanette served as the first husband and wife team to be commander of the Bronx County Council and president of the Bronx County Ladies Auxiliary at the same time.

Cornie was a member of the Board of Directors of the Violet Park Jewish Center and involved himself in countless activities on behalf of Jews and non-Jews alike in the Bronx. It was estimated that Cornie amassed over 300 different awards and citations for distinguished community service in his lifetime.

It is difficult to capture all of what made Cornie Schneider the great man he was. I had the pleasure of knowing Cornie for many years and when I wanted to hear the views of the Bronx veterans—I knew their most effective spokesman was Cornie. He was an advocate's advocate. He held firm to his convictions and beliefs and had an unflailing love for the fighting men of our Nation.

Yet Cornie would want to be remembered not just for the great work he performed on behalf of veterans but also as a dedicated and loyal family man. Cornie was survived by his wife Jeanette, two daughters Susan and Edna, two brothers Harold and Bernard, as well as a grandson Jason.

The Jewish War Veterans, U.S.A. Bronx County issued a press statement upon the passing of Cornie Schneider which began:

> Everyone who knew him was saddened and shocked when Cornelius "Cornie" Schneider National Adjutant of the Jewish War Veterans of the U.S.A. suddenly passed away recently. He was well known throughout the County, city, State, and nationally for his efforts on behalf of veterans and those in dire need in every walk of life.

Cornie Schneider was a great American. His years of service have established a legacy which will endure for years to come. His passing ends an era but for those of us fortunate enough to have known and worked with Cornie we will remember him fondly for years to come.●

SALUTATION TO PEARL BUCK UPON THE ISSUING OF HONORARY 5-CENT STAMP

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. GILMAN. Mr. Speaker, on Saturday, June 25, a ceremony was held in Hillsboro, W. Va. to commemorate the issuing of a 5-cent stamp in honor of Pearl Buck.

Pearl Buck is one of America's most distinguished authors. She has written over 100 books, printed in 59 languages, which included 65 best sellers. She has achieved international recognition and honor which is reflected by her receiving both the Nobel Prize for Literature, and the Pulitzer prize. She is one of the few in the world to achieve this and the only American.

Pearl Buck was truly an international writer. Her books presented far away lands with vastly different cultures, but with universal humanity. In this way she promoted the understanding that although we may differ in appearance, there is no difference in the problems and joys we experience.

She gave her time and effort to the causes of race relations, women's rights, the handicapped and neglected children, and the treatment of orphans. She has promoted and exemplified universal brotherhood in all of her endeavors.

An example of this kind of humanitarian spirit and purpose that Pearl Buck exemplified is reflected in our own actions of last October 22. On that day we passed the bill that gave No. 1 immigration status to Amerasian children. That action required the understanding of foreign lands that Pearl Buck wrote so often about, and the compassion for these children that represent those she was dedicated to help.

Mr. Speaker, it is fitting that Pearl Buck has been honored in this way. Now the principles she stood for will span the globe attached to communications that will touch the receiver in the same manner her books did, through the written word.●

ROYKO ON WATT'S COAL LEASING SYSTEM

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. YATES. Mr. Speaker, for many months now, the House Appropriations Subcommittee on the Department of the Interior, which I chair, as well as the General Accounting Office and the House Committee on Interior and Insular Affairs, have been documenting the disgraceful leasing procedures under which Interior Secretary James Watt has been giving away our Nation's precious coal resources. Recently, Chicago Sun-Times columnist Mike Royko reported on this giveaway. The response of the Department of the Interior to Mr. Royko's statements is the subject by Mr. Royko of a later column appearing in the Chicago Sun-Times of July 24, 1983, and I commend it to my colleagues.

The column follows:

[From the Chicago Sun-Times, July 24, 1983]

WATT'S MAN CAN'T SHED LIGHT ON COAL-LEASE DEAL

(By Mike Royko)

A rather crabby letter has arrived from Douglas Baldwin, who works in Washington, D.C.

Baldwin is assistant to James Watt, secretary of the interior, and he didn't like a column I recently wrote about his boss.

He wrote: "It is obvious to me and quite a few others, after reading your recent column on the Interior Department's coal lease sales, that if James Watt did not exist, lazy writers like yourself would have to invent him.

"How else could a wise-acre polish off a column in a few minutes without any knowledge of the subject, or any effort to find out, if it weren't for public officials who seem to be fair game for cheap shots?"

I have to interrupt Baldwin at this point to try to figure out what he meant by the statement ". . . if James Watt did not exist, lazy writers like yourself would have to invent him."

The fact is, James Watt does exist. Nobody, myself included, has had to invent him and his well-known I-hate-Mother-Nature policies.

He's there in Washington, as big as life, trying to think of new ways to chew up the nation's wilderness areas for the benefit of the big-bucks mining and energy companies that used to give him a regular paycheck.

I suppose that if I were in the business of writing plots for horror movies I might invent somebody like James Watt. The title might be "The Day the Corporations Ate America."

But invention isn't necessary. With Watt, the grim facts keep speaking for themselves.

Which is what upset Watt's man Baldwin.

The column I wrote was about the recent awarding of leases to mine more than a billion tons of coal on federal lands.

News reports about the leases made the following key points:

The leases went for bargain-basement prices. Experts in Watt's own department said that the Interior Department should have been paid at least twice as much as it got.

That represents a loss of billions of dollars to the federal treasury for the sale of coal that belongs to the rest of us.

Or, looking at it from the perspective of the mining and energy companies that are going to strike it rich, it represents a profit of billions of dollars that they wouldn't have made if the leases were given on the legit.

Instead of letting the mining companies bid against each other for the leases—which could have driven the price up—the Interior

Department leaked the amount it expected to be paid. The bargain prices.

So the mining companies, being shrewdies, got together and divided up the leases. You bid on this one, I'll bid on that one and we'll all get a good deal.

Most of the companies that got this windfall were old financial backers of Watt. That's when he ran something called the Mountain States Legal Foundation.

This organization existed to frustrate conservationists and environmentalists. It had the financial backing of those who want to profit by getting their shovels and drills into federal lands.

None of this was new in my column. There had been numerous, thoroughly documented news reports on the leases. I merely commented on them.

But let's get back to Baldwin's letter:

"I know it wouldn't embarrass you if I were to point out the dozens of errors and flat-out whoppers in your column, so I won't waste time trying.

"Here's a suggestion nevertheless: Try using a little shoe leather, or maybe even a telephone call, to find out what the facts are before you belch out your opinions like a barroom sage.

"You might even learn something about the real world that way—assuming you are that much interested. But then, that would be work—a four-letter word, to be sure."

This is the first time I've ever been accused of being lazy by, of all things, someone who sits in a federal office building in Washington spending my money.

As for my learning "something about the real world," I think Baldwin has it backward.

This is the real world out here, Mr. Baldwin. This is where people are breaking their backs to earn a living and pay taxes. And it's where they pound the hot pavement looking for the jobs that—thanks in part to Reaganomics—aren't there anymore.

They're doing that, here in the real world, while Baldwin's boss, Mr. Watt, is signing his name to the coal leases that took billions of dollars out of their pockets and put them in the wallets of the mining interests.

It's too bad that Baldwin didn't have time to detail those dozens of "errors and flat-out whoppers" in that column. I'd like to know what they were.

Could it be that the leases really weren't a bargain? Did Mr. Watt put one over on his old pals in those mining companies and really fleece them? If so, let's have the facts, Mr. Baldwin.

Could it be that those who got the leases had not been Watt's financial backers? More facts, please, Mr. Baldwin.

Now, I will admit to one error.

After the column appeared, a veteran federal official who has worked in this field said to me:

"You're wrong. They didn't let those companies have the leases for 50 percent of what they're really worth."

They didn't?

"No. It was closer to only 10 percent."

For that error, Mr. Baldwin, I apologize.

And Watt should apologize, too.●

ADMINISTRATION'S ANTAGONISTIC ATTITUDE TOWARD NICARAGUA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. EDWARDS of California. Mr. Speaker, President Reagan has sent a U.S. Navy flotilla complete with battleships, aircraft carriers, and nuclear weapons, off the coast of Nicaragua for naval exercises. He has refused to rule out the possibility of a naval blockade to stem the supposed flow of arms from Nicaragua into El Salvador. At each new turn it is beginning to look more and more like President Reagan is preparing for a war in Latin America, with or without the consent of Congress or the American people.

In light of recent developments in U.S. policy toward Central America, and this administration's bellicose, antagonistic attitude toward Nicaragua, I believe it is in the best interest of each Member to be as informed as possible about what is happening in Central America. I also believe that my colleagues should be aware of the reactions of our allies around the world to our current policies. For this reason, I am enclosing for the RECORD the text of the joint statement from the Committee of Western European Politicians and Parliamentarians in support of Nicaragua. I am also enclosing their letter to House Speaker THOMAS O'NEILL.

The letter and text of the statement follow:

TWEEDE KAMER, BINNEHOF 1A,
The Hague, Netherlands, July 18, 1983.

Hon. THOMAS P. O'NEILL,
Rayburn House Office Building, Washington, D.C., United States of America.

DEAR MR. SPEAKER: I, Eveliene Herfkens, Member of the Dutch Parliament and Chairperson of the Committee of Western European Politicians and Parliamentarians in Support of Nicaragua, would like to bring to your attention the joint statement issued July 13 by the Committee in The Hague.

The Committee welcomes the efforts that have been made in the Congress of the United States to end a policy of covert intervention against the government and people of Nicaragua, a policy which is contrary to international law as embodied in the Charter of the United Nations. These efforts are of vital importance and we offer our support for the attempts to put them into effect.

The Committee condemns the concept of ideological polarization of the world between the United States and the Soviet Union, and supports the right of every country to decide on its own future in order that the world community may live together in peace and harmony and that humanity may enjoy security and economic and social progress.

We are deeply concerned that the United States, the most powerful country in the Western World, is becoming further embroiled in the Nicaraguan conflict, a conflict which risks becoming protracted and internationalized in the Central American region and which is so inimical to the interests of the American people.

The following is the text of the joint statement formulated by Committee members and signed by many prominent members of the Western European political community. We request that you circulate these documents to members of the House of Representatives.

Yours Sincerely,

EVELIENE HERFKENS,
Labour Member of Parliament.

JOINT STATEMENT FROM THE COMMITTEE OF WESTERN EUROPEAN POLITICANS AND PARLIAMENTARIANS IN SUPPORT OF NICARAGUA

We the undersigned, the Committee of Western European Politicians and Parliamentarians in Support of Nicaragua, recognize that it is not yet four years since the people of Nicaragua overthrew at huge cost in terms of lives and resources, one of the most barbarous tyrannies ever witnessed in Latin America, whose hallmark was murder, disappearances and torture and which perpetuated a grotesque inequality without a hint of pluralism.

Against this background, coupled with natural disasters of flood and drought, it is utterly remarkable that in so short a time, the Nicaraguan government has promoted a successful program of land reform, provided better nutritional standards, the beginnings of a health service, purified water supplies, substantially reduced illiteracy, made advances providing for the advancement of women, established an independent judiciary and done so much to improve the lives of the people.

It is unacceptable that attempts are being made to strangle the people of Nicaragua by economic isolation and military attack. And we accordingly declare:

That the continual aggressive acts to which Nicaragua has been and still is subjected, constitute a grave violation of international law as embodied in the United Nations Charter. Furthermore, Nicaragua, like all sovereign states, has the right to defend itself as stated in Article 51 of the United Nations Charter.

That such military, political and economic acts of aggression inevitably inhibit the ability of Nicaragua to pursue its objectives of social justice and economic development for the benefit of its people and to promote the pluralism to which it is committed.

That we are appalled that regardless of humanitarian conditions, the financial support provided for Nicaragua immediately after the revolution has been curtailed as an act of deliberate policy by the Reagan administration and moreover, Nicaragua additionally has been deprived of financial resources from the private banks.

And we resolve:

That Western European governments seek to participate in and stimulate Western European initiatives intended to promote dialogue and peaceful resolution of the conflicts in Central America.

That Western European governments lend their support to bilateral negotiations to restore peace on Nicaragua's borders.

That the Nicaraguan government be given political, financial, economic and technical support by the international community and by private sources and, in particular, that Nicaragua be supported actively in the following ways for which we are committed to work: equitable treatment for Nicaragua from our respective governments, the European Economic Community, development

and other banks, export credit institutions, aid donors and international financial institutions such as the European Investment Bank, the World Bank and the Inter-American Development Bank.

That the Nicaraguan government be given fair treatment from the media.

We think that such steps will result in the establishment of justice and peace in Central America.

Signed:

Olaf Palme, Prime Minister of Sweden; Hans Jochen Vogel, Leader, West German Social Democratic Party; Pierre Joxe, President, Socialist Group, French National Assembly; David Steele, Leader, British Liberal Party; Joop Den Uyl, Leader, Dutch Labour Party; Harlem Brundtland, Leader, Foreign Affairs Committee, Danish Parliament; Michael Higgins, Chairperson, Labour Party of the Republic of Ireland; Jan Nico Scholten, Vice-Chairman, Dutch Foreign Relations Committee of Dutch Parliament; Uwe Holtz, Chairperson, West German parliamentary Committee of Development Cooperation; Jose Prat, Senator and President of Foreign Affairs Committee for Spanish-America Affairs, Spanish Senate; Manuel Medina, Socialist member of Parliament and President of the Foreign Affairs Committee of the Spanish Congress; Karel Van Miert, Leader, Belgian Socialist Party; Relus Teer Beek, Chairman, Dutch Foreign Relations Committee, and Labour Party Member of Dutch Parliament; Lord Chitnis, Independent Lord, House of Lords, United Kingdom; Max Van Den Berg, Chairperson, Dutch Labour Party; Hans Fischer, Deputy Chairperson of the Austrian Socialist Party and Minister of Science and Technology; Karl Blecher, Deputy Chairperson of the Austrian Socialist Party and Minister of the Interior.

The total number of parliamentarians, including senators and lords, who have signed this statement as of July 19 is 488. They represent the Netherlands, West Germany, France, Spain, Norway, Sweden, Denmark, Belgium, England, Austria, the Republic of Ireland, and Greece. More signatories are expected.

LIST OF SIGNATORIES

European Parliament (15 signatories representing seven countries): Pieter Dankhart, the Netherlands; Dieter Schinzel, West Germany; Heidemarie Wieczorek Zeul, West Germany; Allan Rogers, United Kingdom; Johan Van Minnen, the Netherlands; Ove Fich, Denmark; Marie Claude Vayssade, France; Alf Lomas, United Kingdom; Derek Enright, United Kingdom; Brian Key, United Kingdom; Rolf Kinkohr, West Germany; Jan Klikenborg, West Germany; Kalliopi Nikolaou, Greece; Karlheinz Mihr, West Germany; Bob Cohen, the Netherlands; Flor O'Nahoney, Republic of Ireland.

West Germany (62 signatories, all members of West German Social Democratic Party and the West German Bundestag): Hans Jochen Vogel, Wolf Michael Catenhusen, Lothar Curdt, Dr. Peter Struck, Heinz Alfred Steiner, Klaus Immer, Jurgen Egert, Michael Muller, Joachim Poss, Freimut Duve, Franz Munterfering, Ludwig Stiegler, Karl Delorme, Volker Jung, Hans Ulrich Klose, Lothar Brugger, Ernst Kastning, Uwe Lambinus, Klaus Kennartz, Gunter Herterich, Horst Sielaff, Gunger Verheugen, Dr. Franz Josef Mertens, Peter Conradi, Klaus Kohmann, Claus Grobecker, Walter Buckpesch, Dr. Anke Martiny, Heide Simonis, Bernd Reuter, Ruth Zutt, Karl Weinhofer, Horst Peter, Alfred Meininghaus, Dieter Schanz, Eckart Kuhlwein, Hans Gottfried Bernrath, Reinhold Hiller, Hans Gunther Toetemeyer, Katrin Fuchs, Peter Paterna, Professor Dr. Ingomar Hauchler, Hans Joachim Hoffmann, Ernst Waltemathe, Manfred Schmidt, Gunther Heyenn, Dr. Rudolg Schofberger, Dr. Uwe Holtz, Heinz Menzel, Lothar Fischer, Margitta Terborg, Thomas Schroer, Renate Schmidt, Harald D. Schafer, Eugen Von Der Wiesche, Horst Jaunich, George Bamberg, Gert Weisskirchen, Rudolf Bindig, Andreas Von Bulow, Jerta Daubler Gmelin, Wener Hagel.

Holland (47 signatories representing the entire Labour group in Dutch Parliament except one): Hans Alders, Relus Ter Beek, Joop Den Uyl, Max Van Den Berg, Rie De Boois, Flip Buurmeijer, Frits Castricum, Ien Dales, Marcel P. A. Van Dam, Jaap Van Der Doef, Dirk Dolman, Dirk Duinker, Ineke Haas Berger, Arie Van Der Hek, Eveliene Herfkens, Rein P. Hummel, Wijnie Jabaaij, Jos Van Kemenade, Henk Kol, Hans Kombrink, Martin J. Konings, Aad Kosto, Wim Meijer, Frans Moor, Ina Muller Van Ast, Frits Niessen, Jeltje Van Nieuwenhoven, David Van Ooifen, Schelto Patijn, Stan Poppe, Wiffried A. De Pree, Hessel Rienks, Nora Salomons, Bonno Spieker, Bram Stemerkink, Pier Stoffelen, Rob Tazelaar, Rene Toussaint, Elske Ter Veld, Henk Veldhoen, P-et De Visser, Klaas G. De Vries, Jules P. De Waart, Jacques Wallage, Thijs Woltgens, Joop M. Worrell.

Republic of Ireland (33 legislators representing six parties): Alice Glen, Sean Byrne, John O'Leary, Michael P. Kitt, Liam Aylward, Richard Bruton, David Andrews, Niall Andrews, P. J. Morley, John Ryan, Eileen Desmond, Tony Gregory, Pthroinif De. Rossa, Catherine Buleulbia, Jackie Daly, Eammon O'Keefe, Michael Lynch, Sean Fallon, Brian Nullody, Eoin Rogers, Rory Kiely, Mick Kanigan, Mary Robinson, Michael Higgins, Brendan Howlin, Jack Hart, Michael Ferris, Helinia McAuliffe, Pat Magner, Tim Conway, Jim Higgins, Catherine McGuinness, Brid Rogers.

Spain (13 signatories): Jose Prat, Alfons Cuco, Carlos Hernandez Gil, Jose Gonzalez Gastanega, Alberto Aguiriano, Alberto De Armas, Jose Laborda, Francisco Moreno, Joaquin Martinez, Manuel Medina, Miguel Angel Martinez, Rafael Estrella, Elena Flores.

Sweden (16 signatories, including all Social Democratic members of Parliament and all members of the Parliment's foreign policy group): Barbro Evermo, Sture Palm, Hans Goeran Franck, Maj Lis Loow, Berit Loefstedt, Stig Alemyr, Bengt Siefverstrand, Lias Mattson, Doris Haavik, Jan Bergqvist, Evert Svensson, Margot Wallstroem, Alex Andersson, Georg Andersson, Soeren Haeggroth, Olle Goransson.

Norway (10 signatories, all Labour Party members of Parliament): Harlem Bruntland, Einar Forde, Haakon Blakenborg, Kjell Bohlin, Terje Granerud, Brit Jorgensen, Oddrunn Pettersen, Gunnar Skaug, Reiulf Steen, Knqt Frydenlund.

Belgium (8 signatories, including two spokespersons for Latin American Affairs in the Belgian Parliament): Karel Van Miert, Oscar De Bunne, Jef Sleeckx, Louis Van Veldhoven, Isidore Egelmeers, Olivier Deleuze, Daan Vervaet, Ludo Diericks.

United Kingdom: David Steele, Lord Chitnis.

Austria: Hans Fischer, Karl Blecher.

France: The entire Socialist Group in the French National Assembly, about 280 members, associates itself with this statement, but in addition it provides its own, more comprehensive statement, which empasizes that Nicaragua cannot be isolated from the Central American context. Following is a translation of their statement:

"The Socialist Group is concerned about the aggravation of the situation in Central America, particularly in El Salvador and at the northern and southern borders of Nicaragua. In this context the policy of support for peace initiatives undertaken by the four member countries of the Contadora group (Mexico, Panama, Colombia, Venezuela) and by a growing segment of international public opinion is in line with the concerns of the Socialist Party, as well as those of the French government. Regarding El Salvador, only negotiations between all of the parties concerned, in the absence of any external interference and based on the principle of the right of peoples to self-determination, will encourage to be lasting, any solution for peace must be based on principles of freedom, independence, and human rights which should apply in Central America as in the rest of the world."

This statement was signed by the following in the name of the entire Socialist Group of the French National Assembly: Pierre Joxe, President, Socialist Group, French National Assembly; Jean Natier, Member of the Assembly; Andre Belon, Director, International Relations Section of the Socialist Group; Veronique Miertz, Assistant Director, International Relations Section of the Socialist Group; Guy Van De Pied, Assistant Director, International Relations Section of the Socialist Group.●

GETTING YOUR LICKS

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. WORTLEY. Mr. Speaker, July is ice cream month. That smooth and creamy, delightful, and delectable dessert, has an entire month devoted just to its enjoyment. As Phyllis C. Richman for the Washington Post described it: "* * * the greatest of man-made pleasures in the most economically sound package: the ice cream cone." There is nothing better on a hot summer day to cool you down than a dip of your favorite flavor.

The International Association of Ice Cream Manufacturers, the gracious sponsors of June 23's "Ice Cream for America" celebration on Capitol Hill, has declared July as Ice Cream Month. The Senate-passed resolution, S.R. 169, more specifically pinpoints July 15 as Ice Cream Day. While the popularity of this age-old treat continues to soar and turf wars between shops and manufacturers become more heated, the far-reaching effects of this much sought-after commodity should be kept in mind.

Ice cream and related products are consumed in nearly 90 percent of the households in the United States,

second only to fresh milk—93 percent of households. I am proud to say that I make up part of that 90 percent. The per capita consumption of ice cream and related products is nearly 21.5 quarts. The age groups that satisfy their craving for ice cream the most are those 2 to 17 and over 45 years of age.

In addition to age-group-consumption patterns, the IAICM has also determined that more ice cream is eaten on Sunday that any other day of the week and Tuesday ranks the lowest in terms of consumption. Could that explain the origin of the word sundae? Preference for flavors remains relatively constant. Vanilla captures first place at 35 percent of total consumption while chocolate comes in a close second. I have known that since I first began dipping ice cream in my father's drugstore. Other than that, however, the varieties and preferences are endless. Many an argument has developed among connoisseurs over preferred flavors and favorite dipping establishments. But there is nothing more sweet than settling a friendly rivalry by indulging in a taste of the competition's favorite brand.

So before July melts into August and Ice Cream Month is gobbled up, take advantage of the special occasion and dip into your favorite flavor—whether it be plain vanilla or a bonanza sundae. It will bring a smile to your face like only ice cream can.●

COMMUNISM IN SOUTHEAST ASIA

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. FIELDS. Mr. Speaker, I am inserting for the RECORD an article written by a Washington Times staff writer concerning inadequate network coverage of the "Communist-created holocaust" in Southeast Asia. U.S. Information Agency Director Charles Z. Wick, after a recent visit to Kampuchea—formerly Cambodia—explains that he is appalled by the brutal repression of human rights and genocide which has gone unreported by the U.S. press.

Mr. Wick remains convinced that an increase in media coverage would enable the U.S. public to gain a better understanding of the "Soviet global threat." I comment the following related article to the attention of my colleagues:

[From the Washington Times, June 28, 1983]

U.S. MEDIA IGNORING ASIAN HOLOCAUST, SAYS USIA CHIEF

(By a Washington Times staff writer)

American television is ignoring a Communist-created 'holocaust" in Southeast Asia that ranks with any of this century's horrors of genocide and repression, according to the head of the U.S. Information Agency.

USIA Director Charles Z. Wick, writing in the forthcoming July 2 issue of TV Guide, elaborates on a theme he presented May 12 to the annual meeting of the Advertising Council upon his return from a tour of East Asia.

In the article, Wick tells of seeing the "crushing misery" of refugees in Kampuchea (formerly Cambodia) during a recent visit to a makeshift Red Cross hospital.

"The Kampuchean people are suffering today a devastation of their society that ranks alongside any of the horrors that historians of the future may associate with the 20th century," Wick said. He added:

"Here were all the ingredients that have sent hundreds of television crews and thousands of reporters in search of stories on the international scene: the brutal repression of human rights, invasion of national sovereignty, maiming and slaughtering the innocent and outright genocide.

"Yet, there is very little network recognition of the holocaust in Southeast Asia," Wick said.

"What this means is that, as a nation, we remain blind to the extremely unpleasant day-to-day reality of what the Soviet Union and its clients' terrible ambitions mean in personal terms," Wick said.

"If only a portion of the number of journalists who have covered El Salvador, the Middle East and the peace marches in Europe were to spend a week on the Thai-Kampuchean border, I am convinced there would be a greater public perception of the Soviet global threat," he said.

Americans now have difficulty in grasping the scope of the genocide that has been committed—first by Khmer Rouge forces and later by Vietnamese troups, Wick said.

One-third to one-half of the Kampuchean population has been eradicated from 1975 to 1982, Wick said.

Wick quoted a "Southeast Asian leader" as saying, "When the Soviets or any of the Communists commit atrocities, it seems normal, but when any of the free world does anything, then television and print media immediately take off on it that very day."●

CITY OF MOUNT VERNON SUPPORTS H.R. 3028

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. BIAGGI. Mr. Speaker, I wish to bring to the attention of my colleagues a resolution that was recently passed by the city of Mount Vernon, N.Y., which reinforces support of legislation to repeal the taxation of interest from municipal bonds in determining social security benefits.

My distinguished colleague, Senator D'AMATO, has introduced this legislation in the Senate—S. 1113—where it was recently the subject of hearings in the Finance Committee. In addition, I am pleased to note my own cosponsorship legislation introduced in the House, H.R. 3028, by my colleague MAJOR OWENS from Brooklyn.

Mr. Speaker, the importance of H.R. 3028 to social security beneficiaries cannot be overemphasized. As an original member of the House Select Committee on Aging, I have consistently opposed taxation of benefits and feel that we cannot continue to raid the pockets of retirees, who depend upon these benefits to provide them a fair and acceptable level of income in their retirement years. Further, inclusion of this tax-free income in benefit calculations negatively impacts upon the decision to purchase State and local bonds.

If an individual knows that he or she is going to be taxed by the income, what incentive is there for the purchase of such bonds? I suggest that such taxation is a shortsighted method of extracting income from retirees that must be rejected. It not only hurts these individuals, but also State and local governments which are painfully trying to raise dollars to offset Federal budget cuts that have occurred over the past 3 years. We should not be short circuiting one of the major sources of revenues for local governments in this fashion. The cost to New York State alone could reach $43 million annually.

I commend the city council of Mount Vernon for passing this resolution. For the benefit of my colleagues, I insert the text of this resolution into the RECORD.

RESOLUTION IN SUPPORT OF SENATE BILL S. 1113 CONCERNING THE REPEAL OF THE INCLUSION OF TAX EXEMPT INTEREST WHEN DETERMINING TAXATION OF SOCIAL SECURITY BENEFITS

Whereas, Senator Alfonse D'Amato has introduced Senate Bill No. 1113 for the purpose of excluding tax exempt interest from taxation of social security benefits; and

Whereas, the inclusion of such interest in the income calculation amounts to taxation of state and local bonds; and

Whereas, the inclusion of this interest in the income calculation also discourages individuals from investing in state and local bonds; and

Whereas, in order to encourage investment, municipalities will be forced to raise interest rates on local bonds, and according to figures supplied by Senator D'Amato's office, the annual costs to New York alone could reach forty-three million dollars; and

Whereas, it is the determination of this City Council that it would be in the best interest of the City of Mount Vernon, as well as every municipality in this nation, if Senate Bill S. 1113 were enacted into law; Now, therefore, be it

Resolved, that the City Council of the City of Mount Vernon urges the United States Senate to enact into law Senate Bill S. 1113 which would repeal the inclusion of tax exempt interest when determining taxation of social security benefits; and be it further

Resolved, that a copy of this resolution shall hereby be forwarded by the City Clerk to Senators Moynihan and D'Amato, to Congressmen Richard Ottinger and Mario Biaggi and President Reagan.●

THE FEDERAL BUREAU OF INVESTIGATION

HON. SILVIO CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. CONTE. Mr. Speaker, July 26, 1983 marks the 75th anniversary of the founding of the Federal Bureau of Investigation. I would like to commend all those that have worked to uphold the Bureau's high standards of fidelity, bravery, and integrity; the leaders for their responsibility and organization, the agents for committing themselves to the unique work of the Bureau, and all the many other employees of the Bureau dedicated to honest investigation.

The Bureau was established by Attorney General Charles J. Bonaparte on July 26, 1908, as an arm of the Justice Department. The small organization, with a staff of only 35 members, had no specific duties but was encouraged by President Theodore Roosevelt to curb the profligate political and business corruption. With the hard work of the staff and the determination and leadership of such great directors as J. Edgar Hoover, the Bureau has grown in size and influence. It presently employs 19,000 staff members. The Bureau began investigating the gangsters and bank robbers of the era, and over the years, its jurisdiction has grown to include the investigation of violations of many Federal statutes. It provides information services for other law enforcing agencies, accumulates information requested by the Government, and investigates problems from kidnapings to espionage that might jeopardize the safety of America.

The FBI from its beginning was not intended to serve as a national police force but instead was meant to be the investigative branch of the Government. Presently the major areas of concentration are organized crime, white-collar crime, public corruption, foreign counterintelligence, and terrorism. The FBI played a major role in World War II uncovering German espionage tactics, and have intercepted many spies in the past. The Bureau has worked closely with other local and Federal agencies, and is presently cooperating with the Drug Enforcement Administration to control drug traffic, one of the major crime problems in the Nation. The FBI has also been of great significance in aiding the United States with problems of specific request, as with the investigations of the deaths of both John F. Kennedy and Martin Luther King. Civil Rights violations that infringe on the law, kidnapings, bank robberies, and bombings all have been the focus of the Bureau's work in the past, and specially trained agents are sent all over the country and the world to investigate them. The FBI has been instrumental in helping to protect the safety of Americans and to uphold the Federal laws through investigation.

The FBI has developed ways to provide information to people and agencies involved in law enforcement across the country. The FBI possesses an extraordinary file of fingerprints. In 1924 the files of penitentiaries and police were consolidated, and then in 1935 the prints of serious criminals were included into the file. With an average of 25,000 records coming in a day, the fingerprint file provides a tremendous service as an information center for investigators.

The FBI has other centralized information services. The National Crime Center is a computerized index of criminal identifications, established in 1967, and can provide instant information. The FBI Laboratory, which celebrated its 50th anniversary last year, is used both by the FBI and by local and State agencies. It analyzes quantities of evidence from hair fibers, to bloodstains, to toothmarks, helping to identify criminals everywhere.

On top of providing information for law enforcement purposes, the FBI has also established an academy for education in this field. J. Edgar Hoover encouraged the training program and in 1935 the first class of the FBI National Academy met. The academy trains the officers in all fields of law enforcement with rigorous training for their own FBI agents in the specialized field of investigation.

Since the Attorney General first created an investigative arm of the Department of Justice in 1908, the FBI has worked to help free America of crime. We all are aware of the renowned FBI agents, first labeled as "G-men" by "Machine Gun" Kelly in 1933. They are experts in investigation and are bravely dedicated to the work of the Bureau. The Bureau provides education for law enforcement agents and provides information to not only their own FBI-related use, but for others involved in controlling crime. The Bureau's superb investigation has lead to the capturing of spies, the uncovering of crime circles in all echelons of the Government and of the society, and has provided information for the arrests of criminals of every locality.

With all respect, I salute the FBI for its 75 years of dedication, and hope that it will continue to serve America, maintaining the same standards of excellence as it has in the past.●

THE MILITARY STRUGGLE IN CENTRAL AMERICA

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. HYDE. Mr. Speaker, recently, I received a carbon copy of a letter to Foreign Affairs Committee Chairman CLEMENT J. ZABLOCKI written by Mr. Ira Lewis of Guatemala City. The letter makes an important point about the military struggle in Central America and I hope my colleagues will study it.

APARTADO POSTAL 41-B,
GUATEMALA CITY, GUATEMALA C.A.,
May 27, 1983.

Hon. CLEMENT J. ZABLOCKI,
Congress of the United States, Rayburn House Office Building, Washington, D.C., U.S.A.

DEAR MR. ZABLOCKI: I appreciate your letter of May 17, regarding U.S. Policy toward Central America. You mention that, in your opinion, the Reagan administration has overemphasized the military nature of the turmoil in Central America and has failed to outline policies or offer solutions that deal with the socio-economic and political root causes of the turmoil.

I agree that there are serious socio-economic problems in Central America but I do not believe that these problems can be overcome until the marxist supported, controlled, and motivated guerrillas are stopped.

From the mid 60's to the late 70's (I have been a resident in Central America since the early 60's) the economies of these countries were advancing at an historically unprecedented rate. The countries were developing significant middle classes and the many small farmers were being brought into the monetary economic system by construction of communications; roads, electricity and telephones. Although the countries obviously had a long way to go before social services similar to what we enjoy in the United States could be reached, I did see during this time tremendous advances in the construction of schools, hospitals, clinics and other services.

In 1978 these advances came to a halt for two reasons. First, the general world depression had a serious effect on Central America, lowering the value of the traditional exports and increasing the cost of imported energy and durable items. However, I consider, the second reason the most important. Most people who live here agree, that the most important factor is the destabilizing influence of the guerrillas and also their direct attack on the economies of these countries. The marxist's realize that by destroying the productive sector of a country they can weaken it to the point that it is ripe for a military take-over. That is why their attacks are primarily against economic rather than military targets.

I would like to go on record to correct a misconception held by many of my fellow Americans. The guerrillas in Central America do not have any real support from the general public. The people of Central America may not be satisfied with some of the elements of their present governments but the people of Central America do not want

to live under a communist dictatorship, nor do the people of Nicaragua.

You may say that the terrorists must have public backing to be so effective. This is not true. Urban terrorists need not be many, nor have any public support, to make headlines. All they need is training and dynamite. Rural guerrillas need support to live off the land, but when a farmer gives a guerrilla band a chicken, he does not necessarily support them ideologically. I'd give a thief armed with a machine gun more than a chicken—but I do not sympathize with what he is doing.

Therefore, I do agree with the Reagan administration that the nature of the turmoil in Central America is military. Aid for social projects, and especially for balance of payments, is urgently required but until the destabilizing influence of the Marxist attack squads is removed, there can be no peace, no social improvement nor any economic stability in this area.

If our country does not help our Central American neighbors to defend themselves from foreign intervention all of Central America and Mexico will become another Cuba.

Yours sincerely,

IRA LEWIS.●

SON OF SAFE HARBOR

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. PEASE. Mr. Speaker, at a time when all of us worry about the huge budget deficits that we continue to face, I am concerned to read about yet another proposal to provide tax and cash assistance to struggling industries. This latest proposal, the Work Opportunities and Renewed Competition Act, would allow companies with unused investment tax credits to essentially borrow up to 85 percent of those credits to invest in existing lines of business by 1985.

While I am eager to help America's basic industries—many of which operate in Ohio—I do not think that this approach is what is needed. In effect, it would provide highly-subsidized loans to some of the biggest corporations in the United States. Treasury would have to borrow the money at high interest rates and loan it back out at low interest.

Because of the importance of this issue, I urge each of my colleagues to read the following article from the June 13, Fortune magazine entitled "Son of Safe Harbor Leasing."

The article follows:

[From Fortune, June 13, 1983]

SON OF SAFE HARBOR LEASING

A brazen new proposal to reform the tax code was due in late May from the Basic Industries Coalition, as association of 21 "smokestack" companies and trade groups including Ford Motor Co., Scott Paper, and the American Mining Congress. The scheme, which would allow companies to draw loans from the U.S. Treasury equal to 85 percent of their unused investment tax credits, has determined sponsors in Jim Jones (D-Oklahoma), the powerful chairman of the House Budget Committee, and Senator David Durenberger (R-Minnesota). Cost to the Treasury: maybe $6 billion or $8 billion, says Jones; "maybe more," says a Durenberger aide. The chances of passage: long, but not as long as you might think.

For four years the basic industries have been trying to devise a politically salable way to get the full benefit of tax incentives to invest in new plant and equipment. Recently many capital-intensive industries like steel, autos, airlines, and railroads haven't been able to cash in on them because of low or nonexistent earnings. This has increased their capital costs relative to more prosperous companies and caused them to accumulate huge pools of unused tax breaks, making them attractive targets for tax-motivated takeovers. Many, racked by recession, also yearn for a Chrysler-like injection from Dr. Feelgood by the Potomac.

In 1980 these industries proposed to make the 10 percent investment tax credit refundable. But that was rejected by the incoming Reagan Administration as too costly and too redolent of corporate welfare. Next came a scheme that avoided direct transfer payments from Uncle Sam by revising the leasing laws to allow corporations with excess tax breaks to sell them to those with income to shelter. Safe harbor leasing sailed through Congress as part of the 1981 tax bill, but it worked all too well. The spectacle of companies like IBM and General Electric using such purchases to wipe out huge tax liabilities persuaded Congressmen that the scheme was hazardous to their political health. While letting steel, airlines, and autos keep leasing through 1983, they closed the safe harbor last year.

The latest corporate tax entitlement was designed with a weather eye on past mistakes. Unlike safe harbor, money would go only to the needy, who would be required to invest it in existing lines of business before 1985. Unlike refundability, the Treasury cash would have to be repaid over a five-year period starting in 1986. A beneficiary would have to pay back 100 percent of his tax credits, not just the 85 percent he has borrowed, implying an effective interest rate between 3 percent and 4 percent. As a political sweetener, the 15 percent difference might be funneled into worker retraining. Proponents can argue that the scheme—Jones's version is called the Work Opportunities and Renewed Competition Act—is self-financing.

The bill will be a tough sell in a Congress edging reluctantly toward a fresh round of tax raising. John Meagher, the head of LTV's Washington office and leader of the coalition, admits the plan isn't likely to win broad business support. But Jones insists prospects are good, and he isn't to be taken lightly. Against similar odds he sponsored the two biggest business tax cuts since the 1960s: the 1978 cut in capital gains rates and the 10-5-3 depreciation-allowance package enacted two year ago.●

THE FIRST GUAMANIAN MAYOR ELECTED TO POLITICAL OFFICE IN THE UNITED STATES

HON. ANTONIO BORJA WON PAT

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. WON PAT. Mr. Speaker, I would like to bring to your attention and that of my colleagues the distinction earned by the Honorable Joseph Sablan DeTorres upon his recent election as the mayor of the city of Pittsburg, Calif. In 1976, Mr. DeTorres was distinguished as the first person from Guam to be elected to a political office in the United States. At that time, he was chosen to serve on the city council in Pittsburg, Calif., a position which he held for 8 years.

Mr. DeTorres' achievements are an encouraging sign to all Guamanians who have come to live on the mainland, and a source of pride to his family and friends on Guam. It has been my pleasure to have known this young man for many years. I believe his achievements can be appreciated by all minorities who have struggled to gain political recognition. He has broken political ground in his elective office as mayor, for all Guamanians, which I hope will represent a new wave of influence.

Joseph Sablan DeTorres was born in Agana, Guam, and raised in Pittsburg, Calif., a State that can boast a Guamanian population of approximately 25,000 people. He graduated from Diablo Valley College and received his master's degree from John F. Kennedy University. Long active in civic affairs, Mr. DeTorres has worked primarily as a teacher and is married with two children.

I bring this commendation to the attention of my colleagues with pride, and to point out that the small population of Guam has lent a significant potential for achievement to this great country.●

COAL PIPELINE ACT OF 1983 REPORT CORRECTION

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. UDALL. Mr. Speaker, I wish to correct certain information contained in House Report 98-64, part I, to accompany H.R. 1010, the Coal Pipeline Act of 1983. That report, from the Committee on Interior and Insular Affairs, was filed on April 15, 1983.

Page 13 of that report contains the following statement:

Studies conducted by the Department of Energy in 1983 indicate that where coal is "captive" rail rates are 1.8 times higher than when there is a competitive mode of transportation available.

That statement was based on discussions with DOE staff. Those discussions indicated that a study being prepared for the Department would contain statistics to support that assertion. Since then, the Department of Energy has released the final report. That report, "Transportation of U.S. Export Coal Through Eastern Ports," does not contain the information relating to captive versus noncaptive rates that had been expected.●

AGRARIAN REFORM WORKERS

HON. DOUGLAS H. BOSCO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. BOSCO. Mr. Speaker, on January 3, 1981, agrarian reform workers Mark Pearlman and Michael Hammer of the American Institute for Free Labor Development were brutally murdered while working to help attain important land reform initiatives in El Salvador. Along with four American churchwomen, these men exhibited selfless dedication—giving their lives advancing the cause of economic and human rights.

On March 22, I sent a formal letter to Secretary of State George Shultz conveying my concern over the lack of progress made in the investigation and prosecution of those responsible for the coldblooded murder of Messrs. Pearlman and Hammer. Specifically, I wrote:

Despite overwhelmingly conclusive evidence gathered by a Special Investigating Committee, progress in the prosecution of the murderers of Messrs. Pearlman and Hammer has been slow to nonexistent. The unwillingness of Salvadoran judicial authorities to admit important evidence into the court proceedings exemplifies the corruption and political influence that pervades the Salvadoran judicial system; the two Salvadoran officers and one businessman targeted by the Committee for likely planning of the murders—but not effectively prosecuted—have important economic and political connections which have allowed them to escape justice.

In response, I was assured by the State Department of its continued commitment to achieving justice in this case and to establishing a truly viable Salvadoran criminal justice system contributing to the "rehabilitation of the law in El Salvador."

Last week President Reagan certified to Congress that the Salvadoran Government is making a concerted and significant effort to comply with internationally recognized human rights. The administration was also statutorily required to include evidence that the Government is making a good-faith effort to bring to justice the murderers of Americans killed in El Salvador.

Mr. Speaker, this certification makes a mockery of our Nation's commitment to bringing substantive judicial reforms and respect for human rights to the people of that war-torn country. In light of this tacit endorsement of the legal and moral status quo, the current certification process hampers progress in the cause of human rights and needed comprehensive restructuring of the Salvadoran judicial system.

The U.S. Embassy in El Salvador has reported 1,054 political deaths over the last 6 months. However, the Archdiocese of El Salvador reports 2,527 deaths and 326 disappearances in the first 6 months of 1983, which they attribute to Government security forces and paramilitary groups. Overall, this represents a 10-percent increase over the final 6 months of 1982.

In the case of Messrs. Pearlman and Hammer, no progress has been realized. The Salvadoran Government has failed to issue warrants for those suspected as coconspirators or an extradition request for those suspected of complicity in the murders. Also, court-martial proceedings have yet to be initiated for those members of the military purportedly involved in the crime.

The New York Times reports, that new evidence has been found in the killing of the four American churchwomen "that can mean further lengthy delay in sending the women's case to court."

Obviously, the certification process as recently constituted has failed to induce reductions in the gross violations of human rights. It is not enough to make U.S. military aid contingent on only a concerted and significant effort by Salvadoran authorities. As current law expires, I would urge my colleagues to statutorily strengthen this process, demanding concrete results that indicate broad and sustained progress in human rights and judicial reform.

Increasing instability throughout the region demands stepped up efforts to induce such progress. Our security interests cannot be served without substantive incentives that put the United States at the forefront of support for real democratic changes. At a minimum, the families of those Americans killed deserve better than continued condonation of judicial and military corruption through U.S. military aid.

The rehabilitation of the rule of law in El Salvador is no closer to becoming a reality than it was 2 years ago.●

SI BURICK TO BE HONORED AT BASEBALL'S HALL OF FAME

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. HALL of Ohio. Mr. Speaker, as everyone in Dayton, Ohio, knows, Dayton Daily News sports editor Si Burick is one of the greatest sports writers in America. This Sunday, on July 31, Dayton shares its secret with the world when Burick journeys to Baseball's Hall of Fame at Cooperstown, N.Y., to receive the J. G. Taylor Spinks Award for "meritorious contributions to baseball writing."

Burick will become the 33d recipient of the award, which was established in 1962, and is baseball's highest honor for a sportswriter. He is the first writer from a city without a major league team to be selected.

In a career which spans generations, Burick has known virtually all of the important sports figures of the last 50 years. He began writing as the Stivers High School correspondent for the Dayton Daily News in 1925. Three years later, at the age of only 19, he was named sports editor, a position he has held ever since.

Burick has covered 50 Kentucky Derby races, 50 world series games, all 17 super bowls, and four Olympic games. He has received the National Sportswriter of the Year Award by the Columbus Touchdown Club, the Jake Wade Award for contribution to college athletics, and was named Ohio Sportswriter of the Year for 19 of the past 22 years.

His writings have been included in the anthology "Best Sports Stories of the Year" 16 times. He is the author of two books, "Alston and the Dodgers" and "The Main Spark."

Burick served as president of the Football Writers Association of America and president of the National Sportscasters and Sportswriters Association.

Above all, Burick is an outstanding newspaperman dedicated to the highest standards of his craft. He can be hard hitting, but he is always fair. He is a man of patience and understanding, two qualities necessary for the best reporting. It is for these reasons that Burick is so well respected by sports readers all over.

Burick still finds time for service to the Dayton community. He has served as an original member of the Dayton Human Relations Commission, director of the Dayton Boys Club, officer of the Jewish Community Council, and chairman of the Montgomery County Chapter of the National Polio Foundation.

On this proud occasion, I offer my congratulations to Si Burick, sports-

writer, community leader, and close personal friend.●

FAMILY PLANNING PROGRAM SUPPORTED BY BIPARTISAN CONGRESSIONAL COALITION

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. GRAY. Mr. Speaker, a little more than 3 months ago, I introduced House Concurrent Resolution 93, a concurrent resolution expressing the sense of Congress with respect to the administration of title X of the Public Health Service Act.

The national family planning program, which is authorized by that act, has, in recent months, been under seige by its political adversaries in the administration. These attacks have culminated in the recent reorganization of the program under the Deputy Assistant Secretary for Population Affairs.

Simply put, this resolution defines the administration of the title X program as being rightfully in the hands of the experienced career professionals in the Health Resources and Services Administration, sheltering it from the influence of inexperienced political appointees. Joining me that day was a bipartisan group of Representatives: Mr. LOWRY, Mr. PORTER, Mr. ANTHONY, and Mr. MCKERNAN. An identical resolution was introduced that same day in the Senate (S. Con. Res. 21) by Senator BILL COHEN and Senators BRADLEY, HOLLINGS, and PACKWOOD.

Since the introduction of this resolution, there has been an overwhelming response by our colleagues. Over one-fourth of the Members of the House of Representatives have cosponsored House Concurrent Resolution 93 and the number continues to grow. This impressive bipartisan coalition demonstrates that the 12-year tradition of congressional support for the title X national family planning program is as strong as ever.

Clearly, a great many Members of Congress believe as I do that the title X program has achieved its intended goal—the provision of the highest quality family planning and reproductive health care services possible. Provision of these services has established an excellent track record in improving maternal and child health care. More importantly, this program has led to the prevention of tragedies that so often accompany unintended pregnancies. As our resolution points out, the title X program is directly responsible for averting as estimated 814,000 unintended pregnancies in 1981 alone. The national family planning program has made significant strides toward becoming an effective maternal health care delivery system. This is due, in large part, to the competence of its administrators. The dedication and skill of the professionals, who have consistently administered this program from its inception, should stand as a model for other such programs.

However, this year the Reagan administration saw fit to terminate this professional administration, placing it for the first time under the control of a political appointee. Furthermore, this political appointee has neither the experience nor the professional qualifications to administer such a large and important preventive health care program.

Through political manipulation, the Reagan administration has not only violated the integrity of this program but, more importantly, has prevented it from carrying out its congressional mandate. The repercussions of this transfer of authority from professionals to politicians have already been felt by family planning clinics around the Nation. This has resulted in the undermining of the health care of low income and teenage women around the country.

It is my hope, and the hope of the other cosponsors of this resolution in both the House and Senate, that Secretary Heckler will rescind the January reorganization and place the administration of the title X program under Health Resources and Services Administration. We are certain that Mrs. Heckler, a strong supporter of the title X program as a former Member of this House, would agree that such a reorganization would have a disasterous impact on the entire program and must cease.

The national family planning program is the central conduit in the Federal effort to encourage preventive health care among the neediest segments of our population. The program has helped eradicate the ignorance and inaccessibility which has historically plagued local health care delivery systems. And, the strong bipartisan support of the title X program is not only a testament to the gains of the past but a clarion call that such gains must transcend any tampering rooted solely in political expediency.

I urge those Members of Congress who have not already cosponsored House Concurrent Resolution 93 or Senate Concurrent Resolution 21 to join with their colleagues listed below:

LIST OF COSPONSORS

Representatives Gary L. Ackerman, Joseph P. Addabbo, Daniel K. Akaka, Mike Andrews, Beryl Anthony, Jr., Michael D. Barnes, Berkley Bedell, Anthony C. Beilenson, Howard L. Berman, Mario Biaggi, Sherwood L. Boehlert, Douglas H. Bosco, Barbara Boxer, Thomas R. Carper, Rodney Chandler, William (Bill) Clay, William F. Clinger, Jr., Barber B. Conable, Jr., Lawrence Coughlin, George W. Crockett, Jr., Ronald V. Dellums, Norman D. Dicks.

Julian C. Dixon, Thomas J. Downey, Mervyn M. Dymally, Bob Edgar, Don Edwards, Lane Evans, Dante B. Fascell, Walter E. Fauntroy, Vic Fazio, Geraldine A. Ferraro, Hamilton Fish, Jr., James J. Florio, Thomas M. Foglietta, Harold E. Ford, William D. Ford, Edwin B. Forsythe, Bill Frenzel, Martin Frost, Robert Garcia, Sam Gejdenson.

George W. Gekas, Benjamin A. Gilman, William Goodling, William H. Gray III, Bill Green, Frank J. Guarini, Katie Hall, Frank Horton, Steny Hoyer, James M. Jeffords, Nancy L. Johnson, Marcy Kaptur, Robert W. Kastenmeier, Ray Kogovsek, Jim Leach, Richard H. Lehman, William Lehman, Mickey Leland, Mel Levine, Mike Lowry, Stan Lundine.

Matthew F. McHugh, John R. McKernan, Jr., Stewart B. McKinney, James F. McNulty, Jr., Edward R. Madigan, Edward J. Markey, James G. Martin, Matthew G. Martinez, Robert T. Matsui, Barbara A. Mikulski, Norman Y. Mineta, Parren J. Mitchell, Jim Moody, Bruce A. Morrison, Sid Morrison, Robert Mrazek, James L. Oberstar, Solomon P. Ortiz, Richard L. Ottinger, Major R. Owens, Donald J. Pease, John Edward Porter, Joel Pritchard.

Carl D. Pursell, Charles B. Rangel, William R. Ratchford, Marge Roukema, Edward R. Roybal, Martin Olav Sabo, James H. Scheuer, Claudine Schneider, Patricia Schroeder, Charles E. Schumer, John F. Seiberling, Philip R. Sharp, Lawrence J. Smith, Stephen J. Solarz, John Spratt, Fortney H. (Pete) Stark, Louis Stokes, Gerry E. Studds, Fofo I. F. Sunia, Al Swift, Edolphus Towns.

Morris K. Udall, Bruce F. Vento, Henry A. Waxman, Ted Weiss, Alan Wheat, Lyle Williams, Pat Williams, Charles Wilson, Timothy E. Wirth, Howard Wolpe, Ron Wyden, Sidney R. Yates.

Senators Bill Bradley, William S. Cohen, Dennis DeConcini, H. John Heinz III, Ernest F. Hollings, Patrick J. Leahy, Carl Levin, Howard M. Metzenbaum, George J. Mitchell, Bob Packwood, Charles J. Percy, William Proxmire, Donald W. Riegle, Jr., Robert T. Stafford, Paul E. Tsongas, Lowell P. Weicker, Jr.●

A TRIBUTE TO THE NORTH ADAMS REGIONAL HOSPITAL

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. CONTE. Mr. Speaker, I want to take this opportunity to pay tribute to the North Adams Regional Hospital as it approaches its centennial celebration of 100 years of service to the community. There are few hospitals in the country that can boast 100 years of continuous service under one corporate structure. The very beginnings of the North Adams Regional Hospital can be directly associated with the ancestors of many families residing in the area today.

The original hospital was born of tragedy and necessity which were associated with the early days of the railroad at a time when North Adams was a bustling industrial community. On a

gray October day in 1882, early residents of the Northern Berkshire area were stunned when a second tragic train accident within 1 month caused severe injuries and the untimely deaths of many of their family members, friends, and neighbors. Because the town was lacking appropriate facilities to care for those who had been in the accident, local inns and boarding houses were used as emergency headquarters.

The impact of this tragedy prompted a small group of community-spirited citizens to petition for a hospital and they immediately went to work to raise money. Within a very short time over $12,000 was collected and these funds were used to purchase a large piece of pasture land as well as for the initial construction costs of the original 12-bed facility. It was with a great deal of community pride that the first patients were admitted in March 1885.

In 1928, through the generosity of Herbert W. Clark, a nurses residence was constructed on the property and this stately building is currently used for offices. Today, the present health care facility which opened its doors in 1955, is located on the same site as the original hospital. A new wing was added in 1970 and the adjacent doctors building was completed in 1972.

For nearly 100 years, the North Adams Regional Hospital has responded to the health care needs of the Northern Berkshire area and its growth and development have been enhanced through the same community spirit and support that was the basis of its early history. Its commitment to high quality health care services at the lowest possible cost has been the hallmark of its long tradition. Today the fully accredited 182-bed acute care facility can boast top experts in a variety of medical specialties on its over 60-member active medical staff. Understanding, along with sensitive and compassionate care has permeated the hospital's history and is its mandate for the years to come.

Throughout the years the hospital has been privileged to have the ongoing support of two auxiliaries and the dedication of its corps of volunteers. Since their formation, the auxiliaries have contributed untold thousands of dollars to the hospital for equipment and services. Currently over 200 volunteers donate over 25,000, hours annually to provide support for our staff and patients.

Mr. Speaker, please join with me today in saluting the North Adams Regional Hospital for its survival and accomplishments over the past 100 years and in wishing continued success for the hospital in the years ahead.●

VIRGINIA EDUCATION SECRETARY CASTEEN: SPOKESMAN FOR EXCELLENCE

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. BOUCHER. Mr. Speaker, Virginia's Secretary of Education John Casteen is rapidly emerging as a leading national spokesman on excellence in education. Working closely with Virginia Gov. Charles S. Robb, who has made educational excellence the hallmark of his administration and who has just recently been elected chairman of the Education Commission of the States, Dr. Casteen has spoken out firmly in support of higher standards for graduation, increased resources for schools, improved teacher salaries, and enhanced mathematics and science curricula.

Articulating the States' perspective in the national education debate is not easy, but it is a task Dr. Casteen has performed with distinction. As a member of the House Committee on Education and Labor, I always look forward to Dr. Casteen's frequent appearances before the committee. His insights and advice are always well received.

A recent article in the Washington Post profiled Dr. Casteen and called attention to the excellent work he is doing with Governor Robb in Virginia. I commend this article to my colleagues.

[From the Washington Post, July 17, 1983]

CASTEEN EMERGES AS KEY FIGURE IN SHAPING VIRGINIA EDUCATION PROGRAM

(By Celestine Bohlen)

RICHMOND.—When Virginia Gov. Charles S. Robb was searching for a Secretary of Education, the name John Thomas Casteen III was not at the top of his list. But at the last minute, Robb said he agreed to meet with the University of Virginia's admissions dean "almost as a courtesy" at the urging of a former university president.

By the end of the interview, the governor-elect was certain he had found his man. "It was so clear our sense of priorities and directions meshed completely," recalled Robb recently. "At that point, I knew . . . that is the man I wanted to be secretary."

Since then, the 40-year-old scholar with a background in Anglo-Saxon literature has become a key figure in shaping a program that has helped thrust Robb into the national debate over education standards. In the past two months the governor has called for tougher requirements for high school graduation, proposed a $166 million pay raise for the state's 62,000 public school teachers and advocated a pilot merit pay project for "master teachers."

"Robb and Casteen have put education on the front burner in Virginia," said Margaret Marston of Arlington, a member of the state board of education and the National Commission on Excellence in Education. "Times are different. Who would have thought that education would be the hotest political thing?"

With his horn-rimmed glasses and his soft-spoken monotone, Casteen is hardly the image of a hot political property. "John is a professional type and he comes across as a professor in all that he does," said Barry Dorsey, assistant director of the state Council of Higher Education here. "He is also the hardest working secretary I have seen here in 10 years."

As one of six secretaries in Robb's cabinet, Casteen makes $61,360 a year and ranks above the constellation of boards and commissions that govern education in Virginia. In this decentralized system, Casteen's main role has been as catalyst and salesman, an idea man who is credited by competing factions of the state's education establishment with keeping an open door to all groups.

"He is for high standards and with him, it is more than just pap," said Robert Smith, dean of the college of education at Virginia Polytechnical Institute. "It is quite refreshing to see someone with bold ideas, who also has a good sense of what the traffic will bear."

Some of the reforms underway in Virginia pre-date Robb and Casteen. In elementary and secondary schools, the push toward improvement started with Superintendent S. John Davis and State Board of Education members who began the battle for higher teacher standards and increased requirements for high school diplomas.

Still, Davis and others say Casteen and Robb have provided critical support. "They have given us leadership," said Davis. "There's never any question about what direction they want to go."

Some critics say that despite the administration's emphasis on education, little was done last year to spare higher education from Robb's budget cuts. In fact, they note that the state's 36 two- and four-year colleges this year were asked to bear a disproportionate share of the cuts—until the legislature came to their rescue with more money.

"If I had to level a criticism, it would be that there was a perceived inconsistency on the part of the administration," said former Democratic state legislator George Grayson, a college professor from Williamsburg and strong Casteen supporter, who is now trying to win his way back into the assembly. "I believe them when they say we should start preparing for the 21st Century. But if you are going to say that, then you should back it up with more than lip service. You should back it up with bucks."

Casteen insists the governor had made it known from the start that his first priority would be the public schools, in particular an all-out effort to raise Virginia teachers' salaries to the national average. "Like it or not, the governor made clear what his priorities were," he said. "He didn't say everybody would have to bleed the same amount."

There has also been consternation over administration efforts to cut back on remedial education offered at four-year colleges. In a series of speeches in the spring of 1982, Robb labeled remedial higher education a "contradiction in terms" and urged most of the state's four-year colleges to start phasing it out. At the same time, he called on high schools to do the job right in the first place.

For teachers in Virginia's smaller less prestigious colleges, that mandate has been difficult, considering the number of freshmen who arrive at their doors unable to do college work. "From the standpoint of people in the institutions, that raised alot of alarms and frightened people," said one re-

medial expert. "There's a lot of concern for these students and a fear that in pushing for quality, you may reduce access."

Casteen, who once said, "It's astounding the number of [college] applicants who can't write a literate essay," has stuck to his guns on the issue. "The question is whether remedial education during the school year work," said Casteen, who has been an advocate of special summer programs for disadvantaged college freshmen. "It's very expensive and difficult to show the positive effects in Virginia."

He also takes issue with those who argue that the policy of phasing out remedial classes is at odds with the goal of increasing black enrollment at traditionally white colleges. "There are some people who think that the only way to demonstrate a commitment [to increased minority enrollment] is to offer remedial courses," he said. "That's baloney. There's a better way . . . and that's with better high schools."

At U-Va., where Casteen earned his graduate, MA and Ph.D. degrees, and at the University of California at Berkeley, where he taught for five years, colleagues describe him as a scholar with a bright future and a rare talent for administration.

He has kept up the combination even as Education Secretary and teaches English courses at Virginia Commonwealth University in Richmond, in part, he said, to keep in touch with students but also to bone up on 19th Century novelists for reading he's been doing on the Industrial Revolution.

"I am not much of a specialist because I have had the luxury of not having to be," said Casteen, who besides his scholarship in English literature and linguistics, has published short stories, co-authored a book on the papers of Thomas Jefferson and is now planning an update of a monograph on Ben Jonson, the 17th Century playwright.

Son and grandson of Portsmouth shipyard workers and the product of public schools (his school-age son from his first marriage goes to public school in Charlottesville), he credits his own high school principal with "rejecting the notion that to be from the shipyard meant vocational training. He expected more and he delivered."

High expectations are at the bottom of Casteen's faith in such proposals as an "advanced diploma" for college-bound students, a concept that has earned him from some quarters a reputation for elitism. It is a reputation also fueled by his tendency, as one colleague put it, to "flash his Phi Beta Kappa key."

Casteen dismisses the elitist charge as irrelevant. "It is an easy charge to make, considering the college I went to and the career that I've had," he said recently. "Elitism in that sense is a begged term in Cartesian logic."

When Casteen returned to U-Va. in 1975 to run the admissions office, the university was under pressure to diversify its student body and recruit more women and blacks. There he is credited with refining a system that he says was able to predict a student's performance, based on a number of factors, of which college board test scores was only one.

As a result of those efforts U-Va. came closer than most other Virginia colleges in meeting its minority recruitment goal set under a decade-old lawsuit. It is an achievement which Casteen, the pivotal figure in the state's latest negotiated plan for college integration, hopes to duplicate throughout the state.

As a university admissions dean Casteen gained first-hand knowledge of the workings—and failings—of American education, Virginia's in particular. He could see which students had been encouraged to aim high and which of those had fallen by the wayside, and at what point. It was from this experience, he said, that he realized the importance of the middle grades, a stage where he feels many students—often unwittingly—make choices that determine the rest of their lives.

To help parents and students make those choices, Casteen has come up with an idea adopted from France and inspired in part by the experience of his Swedish-born wife. The idea is to distribute, literally from the day of birth, a series of pamphlets outlining the options available to children in Virginia. Casteen says that the concept is now being "plagiarized" by other states.

In Virginia, experts say a final grade on the Robb administration's performance is going to have to wait. "These things don't happen over night," said Senate Majority Leader Hunter B. Andrews (D-Hampton) and one of the legislature's leading education advocates. "Philosophically, they're on a sound basis, but on the results, ask me five to 10 years from now."●

ENDOWMENT GETS ROLLING ON CONSERVATION PROJECTS

HON. VIRGINIA SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mrs. SMITH of Nebraska. Mr. Speaker, the United States has a proud history of a strong and productive agriculture. This is still true today, but the face of American agriculture is changing. For some time now, Americans have been leaving the farms and moving to the cities. Today a small minority of Americans actually farm the land. The rest of us—over 96 percent of the population—have moved away and become dependent on a commercially oriented, large-scale agriculture.

As consumers, we have benefited from these changes—abundant harvests and fairly stable food prices keep Americans among the best fed and clothed people on earth. Yet, at the same time, we have created a soil and water stewardship burden that cannot and should not be borne by our farmers alone.

This burden includes: Soil erosion on 141 million acres of cropland—one-third of our total—at rates that reduce soil productivity. Erosion and deterioration of forage quality on 60 percent of the Nation's non-Federal rangeland that is sharply reducing its productive capability. Increasing upstream flood damages to cropland, pasture, and urban lands. Depletion of our ground water at a rate faster than recharge can take place naturally.

A sense of stewardship for our natural resources must be received—one that is supported by all Americans. This sense of stewardship is what the recently established National Endowment for Soil and Water Conservation is all about. The endowment was established to form a partnership between the public and private sectors in the conservation of our agricultural resource base—this partnership has been forged. On the occasion of its first anniversary I am pleased to announce that 23 corporations are contributing members of the Board of Governors and the early charter members are Archer Daniels Midland Co., Atlantic Richfield, Burlington Northern, and the Chicago Board of Trade. Announcement of funding for the endowments first conservation project—a rangeland improvement project in the Flinthills region of Kansas was made at a recent breakfast attended by several of us in the public sector—Senators ROBERT J. DOLE, ROGER W. JEPSEN, and Representatives ED JONES and SID MORRISON. Emmett Barker, president of the Farm and Industrial Equipment Institute and chairman of the endowment is to be commended for establishing this new private sector initiative which is a vehicle for all Americans to participate in the conservation of this Nations richest natural resource—our agricultural resource base.

Mr. Speaker, as a member of the House Appropriations Committee I support this endowment and congratulate the business community for their voluntary participation in the conservation of our soil and water resources which will alleviate the need to rely totally on mandatory Government programs.

The material follows:

[From the Omaha World Herald, July 1, 1983]

ENDOWMENT GETS ROLLING ON CONSERVATION PROJECTS

(By Darwin Olofson)

WASHINGTON.—It was not, as news items go, something that demanded attention.

After all, $8,000 is not the kind of money that makes people blink. And few persons would get excited about the purchase of a seed drill in Kansas.

But to the National Endowment for Soil and Water Conservation, what happened a few days ago had national significance and was something out of the ordinary.

On its first anniversary, it announced an $8,000 grant to a conservation district in Cotonwood Falls, Kan., for a seed drill that will be used to plant native prairie grasses on 25,000 acres of badly eroding rangeland.

Farmers will pay $1 an acre to use the drill, and the first $8,000 in rentals will be used to repay the grant.

PROJECT PHASE

"This is our first project," said Barbara Mackenzie, who was raised on a farm at Boelus, Neb.

"We have made it possible for these people to initiate some very sound conservation practices and, at the same time, the money will come back to the endowment to fund additional practices," she said.

It was the beginning of the project phase of the endowment, which represents a new national and non-governmental approach to soil and water conservation problems.

The non-profit endowment is raising funds from industry and individuals to finance a private-sector attack on those problems.

"Our hope is to provide a vehicle for all Americans to participate in the conservation process," said Ms. Mackenzie, who is president of the National Agricultural Lands Center, which administers the endowment.

"We think it's been an enormous success," she said in reviewing the first year of operation.

SHORT OF GOAL

In addition to corporate financial support, she said, the endowment has had endorsements from Secretary of Agriculture John Block, various members of Congress and President Reagan's task force on private-sector initiatives.

She said it received about $100,000 in contributions its first year, which was far short of a $1 million fund-raising goal.

"We were over ambitious," she said, "We've learned a lot."

Much time had to be spent the first year in spreading the word about the endowment's existence and objectives, Ms. Mackenzie said, as well as in developing a conservation program.

Corporate contributions have ranged from $2,000 to $10,000, according to Ms. Mackenzie.

The endowment recently sent "initial introduction" letters to the chief executives of the Fortune 500 companies, the nation's biggest firms.

'PLEASED TO PARTICIPATE'

"We think this (conservation) is an appropriate role for the private sector to play," Ms. Mackenzie said.

"We need not always rely on the federal government. We're finding that many corporations agree with that. They're pleased to be able to participate."

The endowment so far has received more than 80 applications for grants for conservation projects, according to Ms. Mackenzie.

It is encouraging project proposals which would cost in the $3,000 to $10,000 range, she said.

"Our feeling is that there's an awful lot that can be done with small amounts of money that make a difference in soil and water conservation."●

TO HONOR FIRE CHIEF HAROLD G. DUNCAN

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. LEWIS of California. Mr. Speaker, on Saturday, August 6, the city of Montclair and Montclair Fire Department will be honoring a very special man, Fire Chief Harold G. Duncan, at a retirement dinner dance. Unable to attend this gathering, I would like to take this opportunity to ask the Congress to join me along with his many friends and admirers in expressing our deep appreciation and gratitude to this outstanding human being upon the occasion of his retirement after 30 years of dedicated service.

Harold began his career on August 14, 1950 with the Monte Vista Fire Protection District—which in 1967 became Montclair Fire Department. His career progressed as he was promoted to fire chief on January 1, 1953. As well as being affiliated with the California Department of Forestry and the U.S. Forest Service, Fire Chief Duncan serves as a member of the California Office of Emergency Services Fire Service Advisory Committee. This is an appointed position, with just five members serving the entire State of California. Chief Duncan and one other member represent all fire departments south of Bakersfield, Calif.

His professional education reflects his devotion and dedication to the profession of firefighting. Harold received an associate of science degree from Chafey College and continued his education by taking advanced administration coursework at the University of Southern California. He also completed Staff and Command School (California State Board of Fire Services), Explosive Ordinance Recognition (U.S. Army), and Civil Disorder Management (California Specialized Training Institute).

Some of Chief Duncan's other activities include being a member of the International Fire Chiefs' Association, National Fire Protection Association, California Fire Chiefs' Association, and the San Bernardino County Fire Chiefs' Association. As well as being a member of these most worthwhile organizations, Chief Duncan developed and implemented one of the first operational automatic-aid agreements in the county. This concept provides for the response of the closest fire engine, regardless of jurisdictional boundaries. He was also instrumental in forming one of the first multiagency recruit training academies in the State of California.

An active member of his community, Chief Duncan has been a member of both the Masonic Lodge and Elks Lodge in Ontario and a charter member of the Montclair Kiwanis Club. All who are privileged to work with Harold Duncan recognize and admire his dedication as an outstanding citizen and for his contributions to his community as well as the entire State of California.

Mr. Speaker, I take great pride in commending to my colleagues, Fire Chief Harold G. Duncan, a truly dedicated public servant who has, through his selfless years of hard work, protected his community from countless fire dangers.●

A TRIBUTE TO CHUNG HO-YOUNG

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. DYMALLY. Mr. Speaker, for nearly 2 years now my office has conducted a fellowship program with the Korean Government. The National Assembly sends staffers to my office for 6-month stints so that they can learn about our Government procedures firsthand. Mr. Chung Ho-Young, the third of these fellows is now completing his stay with us. Mr. Chung's warm sense of humor, his eagerness to learn about our Government, and his interest in our cultures and customs has endeared him to my staff and to me. We know that Mr. Chung is looking forward to seeing his wife and young child again after such a lengthy separation. At the same time, we are sad that one who has become our friend will soon be so far away. Our good will and friendship go with him as he returns to Korea.

We have learned a good deal from Mr. Chung in the past 6 months. Congressional staffers might be interested in knowing that as a member of the Korean National Assembly Committee on Legislation and the Judiciary, Mr. Chung performs the duties performed by the collective staffs of our Judiciary and Rules Committees as well as the duties of our legislative counsel and our Parliamentarian.

During his stay, Mr. Chung has studied each of the areas of our Government that correspond to his staff work for the National Assembly. He has translated a good portion of "Jefferson's Manual" into Korean so that the Koreans can gain a better understanding of the rules which govern legislative procedures in our House. He has conducted extensive interviews with members of legislative counsel in order to understand stylistic differences between United States and Korean bill drafts. And in his "free" time, he has attended college classes in macroeconomics as well as advanced English conversation.

It takes courage to leave one's country and come to live in a country with a language far different from one's own and with a culture unlike one's own. Mr. Chung, I think, went a step beyond that level of courage. He bought an old car, learned to drive, and has spent weekends and holidays touring the eastern seaboard from Canada to Virginia. He has even driven in New York City, a feat not intended for the faint of heart. Mr. Chung carries back to Korea a multitude of images of America and a fullness of experience. But more than that, Mr. Chung brings back to Korea

our abiding friendship and affection. Long after the memory of specific events fades, the tie of friendship will remain. My staff and I wish Mr. Chung, his wife, daughter, and baby soon to be all happiness and success.●

VA ADVISORY COMMITTEE ON WOMEN VETERANS

HON. MARVIN LEATH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. LEATH of Texas. Mr. Speaker, today, there are approximately 742,000 women who have served in the U.S. Armed Forces, or about 2.5 percent of all living veterans. The United States has more women and a greater percentage of women serving in the military than any other country, according to a report in Newsweek magazine. Approximately 8 percent of the current total military strength of the U.S. military are women and this figure is expected to reach 12 percent by 1985. As the estimated number of female veterans rises in the years ahead, it will be incumbent upon the Veterans' Administration, in carrying out its mission, to give full consideration to the problems of former female military personnel.

That is why I was pleased to cosponsor H.R. 1137, which proposes to establish, in the Veterans' Administration, an Advisory Committee on Women Veterans. Hearings were held on this legislation by the Subcommittee on Hospitals and Health Care on March 3, 1983. At that hearing, VA representatives indicated that Veterans' Administrator Walters had taken steps to facilitate the establishment of an Advisory Committee on Women Veterans. On July 19, Administrator Walters announced that he established this advisory committee, and its first meeting will be held in Washington, D.C., September 14–16, 1983.

The advisory committee will consult with the Administrator on the needs of women veterans with respect to health care, rehabilitation, and all of the rights and benefits to which veterans are entitled. Most important, female veterans must be reassured that the Veterans' Administration will take necessary actions to provide that female veterans have equal access to all Veterans' Administration benefits, especially in the area of hospital and medical care.

One of the members of the 18-member advisory committee is Ms. Sarah McClendon, a nationally recognized journalist. Sarah, a World War II veteran, is a White House correspondent, a former member of the Defense Advisory Committee on Women in the Service, and an adviser to the Department of Defense on women's issues. Sarah is well known in the veteran community because of her penetrating and searching questions raised at Presidential news conferences regarding veterans issues and programs. When I see Sarah ask a President one of those penetrating questions, I can certainly sympathize with him. Sarah represents a newspaper, Temple Daily Telegram, and TV station, KCEN-TV in my district, and I get that type of question almost daily. She has covered the work of the Veterans' Affairs Committee down through the years and is, therefore, most knowledgeable on all veterans programs. She has served her country with distinction both in war and peace. She will bring to the advisory committee insight and experience as a female veteran.

Administrator Walters is to be commended for establishing this most important Advisory Committee on Women Veterans and for appointing Sarah McClendon as one of its distinguished members. I am submitting for the RECORD the entire membership of the committee for the benefit of all Members.

MEMBERS OF VETERANS' ADMINISTRATION ADVISORY COMMITTEE ON WOMEN VETERANS

Lenora C. Alexander, Ph.D., Washington, D.C. Director, Women's Bureau, U.S. Department of Labor.

Karen Burnette, Knoxville, Tennessee, Nurse, Visiting Nurse Team Leader, Home Health Agency.

Charles Collatos, Boston, Massachusetts, Commission of Veterans Services, State of Massachusetts.

SSG Cherlynne S. Galligan, Washington, D.C., Office of the Secretary of Defense, U.S. Army.

Pauline Hester, Greensboro, North Carolina, Nurse/Anesthetist, Chief Nurse, 312 Evac Hospital.

Jeanne Holm, Edgewater, Maryland, Major General U.S. Air Force Retired, former Director Women in the Air Force, former Special Assistant to the President and author.

Margaret Malone, Trenton, New Jersey, National Vice-Commander American Legion.

Joan E. Martin, Tacoma, Washington, Public relations and banking executive, active in AMVETS.

Carlos Martinez, San Antonio, Texas, Executive Director, G. I. Forum, National Veterans Outreach Program.

Sarah McClendon, Washington, D.C., Journalist and author.

Estelle Ramey, Ph.D., Bethesda, Maryland, Professor of Physiology and Biophysics, Georgetown University.

Lorraine Rossi, Alexandria, Virginia, Colonel, U.S. Army Retired.

Omega L. Silva, M.D., Washington, D.C. Research Associate and Clinical Investigator, Veterans Administration Medical Center, Washington, D.C.

Jesse Stearns, Washington, D.C., Journalist and author.

Alberta I. Suresch, St. Petersburg, Florida, National Service Officer, Florida Disabled American Veterans.

Jo Ann Webb, Arlington, Virginia, Nurse, health planner.

Sarah Wells, Washington, D.C. Brigadier General U.S. Air Force Retired, former head U.S. Air Force Nurse Corps.

June A. Willenz, Bethesda, Maryland, Executive Director, American Veterans Committee, author and columnist.●

POLITICAL ASYLUM FOR DENNIS BRUTUS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. FRANK. Mr. Speaker, the Massachusetts State Senate recently passed an eloquent resolution supporting the request of Dennis Brutus for political asylum. For the United States to expel Dennis Brutus would be to betray the ideals of our country. He is a victim of one of the most brutal systems in the world—the South African racist system of apartheid. I am very proud that the Massachusetts Senate, with the leadership of my own State senator, Jack H. Backman, has urged that Dennis Brutus be given political asylum. I ask that this resolution be printed here.

THE COMMONWEALTH OF MASSACHUSETTS—RESOLUTIONS REQUESTING POLITICAL ASYLUM FOR DENNIS BRUTUS OF SOUTH AFRICA

Whereas, Dennis Brutus, now a poet without a country, has graced the Commonwealth of Massachusetts as a teacher within one of our free and independent colleges; and

Whereas, Dennis Brutus, came to our land after an across-the-world journey from the apartheid state of South Africa, where from his youth he cried out for the freedom of his oppressed people in a country where one's life is at risk for independence of spirit; and

Whereas, Dennis Brutus is now a tenured, respected college professor in Illinois at one of our Nation's great universities, a free man in search of peace for his people of South Africa; and

Whereas, the Senate of the Commonwealth of Massachusetts, the oldest, continuous constitutional legislative assembly of free men and women in the world, with a heritage of independence of mind, and opportunity granted to millions of the oppressed of the world, responds to the cry of Dennis Brutus, which has gone unanswered since he asserted in Nairobi, Africa in nineteen hundred and sixty-seven, "How much longer must we doggedly importune in the anterooms of governors of the world or huddle stubborn on the draughty frontiers of strange lands? How long must we endure? And how shall I express my gratitude and love?"; and

Whereas, Dennis Brutus is now requesting political asylum in the United States and is in imminent risk of deportation in proceedings before the United States Immigration and Naturalization Service; Now, therefore be it

Resolved, That the Massachusetts Senate asserts its support of the plea of Dennis Brutus and calls upon the United States Immigration and Naturalization Service, the United States State Department, the United States Congress and the President of the United States to grant political asylum to Dennis Brutus and that he be released from

the status of pending deportation and be otherwise offered the privilege of residency in this our land; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the clerk of the Senate to the United States Immigration and Naturalization Service, the United States State Department, the Massachusetts congressional delegation, the President of the United States and to Dennis Brutus.

Senate, adopted, July 12, 1983.

WILLIAM M. BULGER,
President of the Senate.
EDWARD B. O'NEILL,
Clerk of the Senate.

Offered by:

JACK H. BACKMAN.●

THE MORTGAGE MAJORITY

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. AuCOIN. Mr. Speaker, it is rare that a strong bipartisan majority of Members can ever agree on an issue. But, that is indeed what has happened in the case of legislation to extend the mortgage revenue bond program.

Over 350 Members in the House have joined my colleagues Mr. DOWNEY and Mr. FRENZEL in sponsoring H.R. 1176 to repeal the sunset date for single-family mortgage revenue bonds. And for good reason.

The mortgage revenue bond program provides a host of social and economic benefits that cannot be ignored. It is important not only to States with a timber-based economy such as mine, but also to State and local governments and to home builders and home buyers across the Nation. It means actualizing the dream of homeownership for thousands of Americans. It means economic development. It means jobs and revenues.

I can point with a great measure of satisfaction to Oregon's experience with the mortgage revenue bond program. Since the Oregon Housing Divison issued its first bonds in 1977, the program has financed the shelter needs of over 8,500 Oregonians who have never previously owned a home of their own.

With the use of this bonding authority, Oregon has been able to design several innovative mortgage finance programs. One example is the city of Portland's recycled housing program. The recycled housing program has enabled Portland to acquire 21 vacant deteriorating and abandoned properties, fully rehabilitate them and sell them to low-income families—families who otherwise find themselves frozen out of the housing market.

However, homeownership represents much more than shelter. Let us not forget that since World War II, it has been housing and homeownership that have enabled middle-income Americans to increase their personal economic wealth and get ahead. It has virtually made capitalists out of the lower-middle income class in this country.

Vital as the mortgage revenue bond program is to lower-income first-time home buyers, it is just as vital to the Housing industry and economic development. So far, the 1980's have been dismal years for housing. Yet, this is the decade that will see the Nation's greatest need for housing as the crest of the baby boom—42 million strong—enters the home buying years.

Although the housing industry is just beginning to get back on its feet, it is not at all clear that it's on solid ground. The prospect of higher interest rate hikes loom over the financial markets and carry with it the seeds of a faltering housing recovery. Last month, we saw a rise in the interest rates of Fannie Mae, Freddie Mac, FHA, and VA. The Federal Reserve is poised to turn the screws on credit conditions which could further endanger housing recovery and housing affordability.

Certainly cost is a concern. As it should be. But to those who criticize the program as merely a drain on the Treasury, I would point out that the flow of funds is not one way. Unlike most other industries, housing has the ability to spawn sales and jobs not only in the construction industry, but in numerous businesses directly and indirectly spurred by housing activity. Its tremendous ripple effect is job intensive and growth intensive.

In Oregon alone, the mortgage revenue bond program has produced by a conservative estimate, more than 1,000 jobs, over $7 million in Federal and State revenues and over $123 million in economic activity.

The reluctance on the part of the administration to continue the program is ironic when just 1 year ago, the President embraced the mortgage revenue bond program as a life preserver for the floundering housing industry. At that time, the administration was favoring mortgage revenue bonds in lieu of the direct emergency housing stimulus program I was fighting for. In fact, he told realtors at a Washington conference last March that housing was a top priority and that he supported changes in the mortgage revenue bond program to aid the depressed housing industry.

Not withstanding the administration's flip-flop on the benefits and need to continue this program, a majority in Congress and at the grassroots level know firsthand just how valuable the mortgage revenue bond program is.

Earlier this year, the Oregon Legislature passed a resolution asking that the bonding authority be continued. I have received a number of supportive letters from the Governor's office, from local governments, and from homebuilders and realtors throughout my district. It is a program that helps home buyers and the economy. It typifies the President's concept of New Federalism and is responsive to individual community needs.

To date, approximately 700,000 homes have been financed under the program through State and local housing agencies. I hope there will be many more. Mr. Speaker, I am pleased to be part of a strong bipartisan effort to continue the bond program and urge the House to pass H.R. 1176 to keep it going.●

VIETNAM WAR MEMORIAL

HON. CHARLES PASHAYAN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. PASHAYAN. Mr. Speaker, not too far from the magnificent memorial to President Abraham Lincoln on the Mall in our Nation's Capital stands a newer, less imposing structure that is invisible from the busy nearby streets.

It is a monument whose design has generated controversy, perhaps from generations accustomed to the more imposing structures.

The full impact of this monument cannot be realized until one walks across the grass and through the trees and then stands before the two slanting walls that form this belated remembrance to those Americans who made the supreme sacrifice in the Vietnam war.

As one's eyes travel across the some 58,000 names carved into those black marble walls the words of Archibald MacLeish from "The Young Dead Soldiers" echo:

The young dead soldiers do not speak.
Nevertheless they are heard in the still houses.
They say we were young.
We have died. Remember us . . .

As one walks along those walls, one is overwhelmed by the enormous sacrifice made by those commemorated by this structure.

The MacLeish poem goes on to say:

We leave you our deaths.
Give them their meaning.

Perhaps the finest meaning we can give to those whose names are inscribed on these walls is to devote our lives to building a world in which it shall never again become necessary to construct a memorial to those who have fallen in combat.

The 58,000 who are remembered on these walls will have died in vain if we shall fail in our efforts to achieve a world of peace. We shall be judged by future generations for what we do, rather than for the monuments we build.

Regardless of how and why this war began and ended, those who served and fell did so with honor in a situation beyond their control. There could be no more fitting remembrance for them than the achievement of a lasting peace.

As the poem reminds us:

Whether our lives and our deaths were for peace and a new Hope or for nothing, we cannot say, it is you who must say this.●

THE DEATH OF DANIEL O'CONNELL

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. CONTE. Mr. Speaker, every community has its leaders, be they in government, industry, education, or religion. Every once in a great while, however, a community is graced with a leader whose works not only benefit his people while he is alive, but stand as lasting monuments to his works and achievements.

The city of Holyoke, Mass., has lost a leader of this stature. Daniel O'Connell, builder, contractor, and public servant, died last week at the age of 76. All of Hampden County is mourning the loss of this man whose buildings mark their skylines and house their fathers and mothers.

Any tour of Hampden County is guided by O'Connell landmarks—from the ski area on the top of Mount Tom to the housing projects in the heart of Springfield. We are indeed fortunate to have left in our communities so much of Daniel O'Connell's legacy—his parks donated to our children, his plans for steady development, and his personal donations to our churches.

I have included for the RECORD his obituary as it appeared in his hometown newspaper, the Holyoke Transcript-Telegram, and an editorial which accompanied it.

[From the Holyoke (Mass.) Transcript-Telegram, July 14, 1983]

DANIEL O'CONNELL, DEAN OF BUILDERS, DIES AT 76

"He was always willing to help, most of the time in quiet, unassuming ways . . . It's just impossible to replace (him)."—David M. Bartley, HCC president

(By Barry Werth)

Daniel J. O'Connell was said never to quit, even when quitting made sense. O'Connell died early today at Holyoke Hospital after a long bout with cancer. He was 76.

Dean of area builders, he ranked among Holyoke's leading citizens for four decades. His family-owned business, Daniel O'Connell's Sons Inc., emerged as one of New England's largest and most respected general contractors under his direction.

A tenacious but charitable man whose affairs were laced inextricably to the city he loved, O'Connell, of 50 Elliot St., was known widely for his dedication and persistence.

"You just don't give up," he said in an interview earlier this year, following a near-fatal bout with pneumonia. "The important thing in this business, or any business, is to be damn sure you stay in there and give it everything you've got."

Born in Holyoke on St. Patrick's Day, 1907, O'Connell lived in the city all his life, heading numerous business and civic groups and receiving virtually every local distinction for public service.

A fourth-generation Holyoker, his sense of history was acute; probably no other person in his time embodied as much of the city as O'Connell did.

His great-grandfather, the first Daniel O'Connell, came to Holyoke from Ireland in the 1840s to work on construction of the first wooden dam at Hadley Falls—the city's seminal building project.

His grandfather was the city's first superintendent of streets, quitting under protest and forming his own road-building company at the Hampden Street location where it still stands 104 years later.

Today, the firm is contractor for the city's two largest construcion projects—the Wang Laboratories plant and the second hydro unit at the Hadley Falls Dam. The company also built most of Interstate 391, completed last year and regarded by city officials as a lifeline for downtown.

"The closer a job gets to Holyoke," an associate said recently, "the more interested (Daniel O'Connell) becomes."

Those who knew him well remembered O'Connell today as a landmark figure in the city's history.

"He was the most forward-looking man of my time," said Richard J. Murphy, former managing editor of the Transcript-Telegram. "He had great imagination and imperishable enthusiasm for things."

Edna Williams, owner of the Log Cabin Restaurant and a long time friend and admirer, recalled O'Connell as "a wonderful man," whose legacy to the city is incalcuable.

"It's impossible to put into words what he meant to everybody," she said. "It's an era gone by."

"He loved his religion, his Irish heritage and the city of Holyoke," said David M. Bartley, president of Holyoke Community College. "He was alwasy willing to help, most of the time in quiet, unassuming ways . . . It's just impossible to replace (him)."

In recent years, O'Connell lived largely out of public view with his wife, the former Lillian J. Morris of Holyoke. Each day when his health permitted, he walked the three miles around the Whiting Street reservoir and swam laps at the YMCA.

O'Connell had retired as chief operating officer but remained board chairman of the firm, which branched from heavy construction to property development and management, financing, design and recreation—10 companies in all.

Among these enterprises are the Mount Tom Ski Area and several elderly housing projects in Holyoke and Springfield. His dedication to low-cost community care for the elderly earned him the attention of advocates nationwide and an honorary doctorate from St. Anselm's College in New Hampshire in 1973.

O'Connell was raised at the corner of Dwight and Linden Streets, and attended local schools before going on to Worcester Academy and the Massachusetts Institute of Technology, where he graduated in 1929. When his childhood home was demolished in 1968, O'Connell donated the site as a park, as he has since with other properties.

O'Connell joined the family business in 1931, after apprenticing for the United Engineers and Construction Co. in Philadelphia and Los Angeles. He took the reins in 1940, moving deliberately to expand the company's scope. He bid on larger, more challenging projects and sought work outside the area.

That expansion climaxed in 1964 when O'Connell's ventured a 1,700 unit housing project in Tegucigalpa, Honduras, at the time the largest project in Latin America under the U.S. sponsored Alliance for Progress. O'Connell subsequently limited his company's efforts to New England, where they could be managed more strictly.

During the 1940s, O'Connell began three decades of civic and trade activity. He was a trustee of People's Savings Bank, a director of Holyoke National Bank, president of both the Community Chest, precursor of United Way, and the Chamber of Commerce.

He was marshall of the third St. Patrick's Day parade in 1954, and honorary chairman of the 1955 parade. He received the William G. Dwight Award for distinguished community service the same year.

In 1960, he was named special sheriff, his first official post, and was appointed chairman of the Planning Board in 1962. He was forced to resign the following year after the adoption of a new state conflict of interest law.

O'Connell was interim chairman of a committee seeking to form a statewide Chamber of Commerce, and was named in 1961 by former Gov. John Volpe to the state's Industrial Advisory Council. He was president of the New England Road Builders Association and the Building Trades Employers Association of Western Massachusetts, as well as a member of Kiwanis, the Holyoke lodge of Elks and Knights of Columbus.

In the late 1960s, O'Connell, then nearing retirement, spearheaded the Total Community Development Planning Project that spawned construction of the elderly housing complexes. Throughout his later life, O'Connell stressed planning as a cure for social and economic ills.

"The future belongs to the community that prepares for it," he wrote in 1971 in an address critical of the planning efforts in Springfield. ". . . our whole lives today seem to be geared to emergencies, catching up on past deficiencies."

O'Connell served on numerous boards and committees, including the Hampshire College Advisory Board, the board on trustees of American International College, the board of directors of Our Lady of Providence Home for Children. He was a corporator of the Holyoke Visiting Nurses Association.

He was named the first Chamber of Commerce Outstanding Businessperson of the Year in 1972, marshall of the city's centennial parade the following year, and winner of the United Way's Alice K. Lucey Voluntarism Award in 1979—a record of distinctions unequalled here in recent years.

Besides his wife, he is survived by two sons, Franklin of South Hadley and James of Holyoke; a sister, Margaret Dwyer of Sunderland; a nephew, Leo A. Byrnes, attorney of law of Washington; and several cousins.

He was the son of the late Daniel and Bessie (O'Donnell) O'Connell.

The funeral will be Saturday morning from the Messier-Farrell Funeral Home, 1944 Northamption St., followed by the lit-

urgy of Christian burial in Holy Cross Church. Burial will be in St. Jerome Cemetery. Calling hours at the funeral home are Friday from 2 to 4 and 7 to 9 p.m.

Donations may be made to the charity of one's choice.

[From the Holyoke (Mass.) Transcript-Telegram, July 15, 1983]

THE O'CONNELL GIFT

Holyoke has been blessed with residents who have been eager to walk that extra mile of community service and leadership. The honor roll of such individuals is impressive.

Near to the top is Daniel J. O'Connell, who led the third generation of a family which is as much a part of the city and its history as its churches, government and structures.

Mr. O'Connell died Thursday after losing a bout with cancer, a fight that did not deter him from his daily walks—solitary times during which he would plan some grand project, take stock of his life or just pass through the wooded, serene land he loved best.

His professional mark on this city and region as well as his personal contribution will remain for generations.

His great-grandfather, the first Daniel O'Connell, who came here from Ireland more than a century ago, worked as a water boy to a large group of men building Holyoke's cornerstone, the Holyoke dam.

In the process a bond developed between the city and the O'Connell family, and the family's progress could be seen as a capsule of other American families. Mr. O'Connell's great-grandfather, the hard-working patriarch of the family, instilled in his family the tenets of doing business in a forthright manner, making a contribution to the community, safeguarding the environment and keeping watch for new economic ventures.

Mr. O'Connell lived up to those principles, which helped the O'Connell family progress from the blue shirt-sleeves of the laborer to the white cuffs of the executive. But Mr. O'Connell seemed never to forget his lineage.

He also never forgot Holyoke. The mark of his construction firm is everywhere, from the unique Holyoke Community College, to the sprawling Mount Tom Ski Area; from the highrise of Elmwood Towers to the low-level Wang Laboratories building. The mark of his company is almost everywhere in Holyoke and easily found throughout the region and state.

Rarely has a church been built in recent history of the Roman Catholic Diocese of Springfield that didn't have the O'Connell mark.

Indeed, over the past decades, it had become a familiar sight to see Mr. O'Connell in a hard-hat, shovel in hand, breaking ground for some new project.

Besides his construction projects, he was known to give of his time and money for civic and community projects. But he largely played a behind-the-scenes role and didn't seek publicity. That contribution didn't go unrecognized and Mr. O'Connell was the recipient of a long list of awards.

His life of hard work, dilligence to business affairs and civic pride is one which every young man and woman can easily try to emulate. It is the embodiment of the good that this city and nation possess.

Although Daniel J. O'Connell is gone, his principles and spirit; his enthusiasm and dedication remain his ultimate parting gift—best we could have asked for.●

H.R. 2760

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Ms. KAPTUR. Mr. Speaker, tomorrow we will consider H.R. 2760, the bill to prohibit covert funding of paramilitary operations in Nicaragua. It also requires that any program of arms interdiction be carried out overtly. During consideration of this legislation, the Congress must make it clear that we do not agree with the present bellicose course of the administration's Central America policy. We need to reject covert action and insure that the passage of H.R. 2760 is not interpreted as support for overt military action.

The evolution of American covert involvement in Nicaragua confirms my belief that covert operations inherently violate the democratic process. Foreign policy must be conducted openly with the benefit of informed debate and the participation of the Congress and the American people.

I urge my colleagues to read the following statement from the U.S. Catholic Conference. The Catholic bishops have been in close contact with the Catholic bishops throughout Central America and with American missionaries who are serving in this war-torn land and are witnesses to the injustices and suffering which our policies are supporting their statement deserves to be taken seriously.

The statement follows:

CATHOLIC CONFERENCE PRESIDENT CRITICAL OF U.S. POLICY TOWARD CENTRAL AMERICA

WASHINGTON.—The president of the United States Catholic Conference (USCC) said "U.S. policy toward Nicaragua has the effect of deepening the internal crises in the country and escalating the dangers of war in the region."

Archbishop John R. Roach of St. Paul and Minneapolis said in a July 22 statement that USCC "has advocated a diplomatic course of action for the United States as a means of addressing the war in El Salvador and a method of reversing the presently dangerous course of U.S.-Nicaraguan relations."

He emphasized that he also "strongly" opposes "any form of U.S. military intervention in Central America. I repeat the earlier calls of our bishops' conference for a diplomatic, non-military solution."

Archbishop Roach's statement follows:

"The critical importance of U.S.-Nicaragua relations as a policy problem and a legislative issue for the Congress is daily evident. The U.S. Catholic Conference (USCC) has advocated a diplomatic course of action for the United States as a means of addressing the war in El Salvador and a method of reversing the presently dangerous course of U.S.-Nicaraguan relations.

"In testimony given on March 7, 1983 to a joint session of the House Subcommittee on Western Hemispheric Affairs and the Subcommittee on Human Rights and International Organizations, Archbishop James A. Hickey, speaking for the USCC, said:

"'U.S. policy over the past two years has not been helpful to the moderate elements in Nicaraguan life. Rather it has served as a continuous provocation which has given a pretext for ever-increasing governmental attempts to control important elements of Nicaraguan life. The bishops of the United States called in November 1981 for a U.S. policy that would engage Nicaragua diplomatically not isolate it. My recent experience in Nicaragua has convinced me that what we said in 1981 is even more applicable today.'

"In contrast to this recommendation of positive diplomatic engagement, U.S. policy toward Nicaragua presently has the effect of deepening the internal crises in the country and escalating the dangers of war in the region. A string of U.S. actions reaching from unrelentingly hostile policy rhetoric, through U.S. actions to prevent Nicaragua from obtaining credit and loans in international financial institutions to funding of covert activities on the Nicaraguan border have all run counter to the policy proposals made by Archbishop Hickey in March.

"The House of Representatives will soon vote on H.R. 2760 aimed at prohibiting further funding of covert activities. In his testimony of last March Archbishop Hickey said:

"'Let me state personally that as an American bishop I find any use of U.S. tax dollars for the purpose of covert destabilization of another government to be unwise, unjustified and destructive of the very values a democratic nation should support in the world.'

"The purpose of my statement is to reaffirm this judgment as a guide for U.S. policy. Even more strongly I wish to oppose any form of U.S. military intervention in Central America. I repeat the earlier calls of our bishops' conference for a diplomatic, non-military solution, a policy requiring discussions between the U.S. and Nicaragua, Honduras and Nicaragua, and support by the United States of the diplomatic efforts of other Latin American republics to resolve peacefully the crisis in Central America."●

A TRIBUTE TO DR. ALICE RIVLIN

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. DYSON. Mr. Speaker, I rise in recognition of a remarkable adminstrator, the impact of whose actions has been felt across this Nation. Recent recipient of a grant from the MacArthur Foundation, Dr. Alice Rivlin has demonstrated competency, impartiality, and expertise in her distinguished tenure as Director of the Congressional Budget Office. Heading that agency since its inception under the Congressional Budget Act of 1974, Alice Rivlin has transformed the Congressional Budget Office from an idea to a sound organization that is indispensable to the budget process. Under her seasoned tutelage, the Budget Office has become the most significant source of independent, nonpartisan information and analysis used by Congress when it makes the budget and

economic policy decisions that so influence our lives.

The distinguished record of the person who is responsible for these achievements speaks for itself. Born in Philadelphia, Dr. Rivlin graduated from Bryn Mawr College and received a Ph. D. in Economics from Radcliffe College. An accomplished writer and economist before assuming leadership of the Budget Office, she joined the Brookings Institution in 1957 and went on to become a Senior Fellow in the Institution. She has served as Assistant Secretary for Planning and Evaluation in the U.S. Department of Health, Education, and Welfare and has been a vice president and member of the Executive Committee of the American Economic Association.

The work of Dr. Rivlin has made the CBO a credit to the Federal Government. It is with genuine gratitude that we review the proud record of her years as Director of the CBO and with sincere wishes for a future of continued successes that we mark the end of her tenure as Director and the beginning of a new phrase in the promising career of an astute administrator.

EUROPEAN ALLIES CONCERNED ABOUT NICARAGUA POLICY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. MILLER of California. Mr. Speaker, I would like to submit a statement signed by 488 European parliamentarians about the situation in Nicaragua. Our counterparts in Western Europe have grave concerns about the current course of U.S. policy in Central America.

JOINT STATEMENT FROM THE COMMITTEE OF WESTERN EUROPEAN POLITICIANS AND PARLIAMENTARIANS IN SUPPORT OF NICARAGUA

We the undersigned, the Committee of Western European Politicians and Parliamentarians in Support of Nicaragua, recognize that it is not yet four years since the people of Nicaragua overthrew at huge cost in terms of lives and resources, one the most barbarous tyrannies ever witnessed in Latin America, whose hallmark was murder, disappearances and torture and which perpetuated a grotesque inequality without a hint of pluralism.

Against this background, coupled with natural disasters of flood and drought, it is utterly remarkable that in so short a time, the Nicaraguan government has promoted a successful program of land reform, provided better nutritional standards, the beginnings of a health service, purified water supplies, substantially reduced illiteracy, made advances providing for the advancement of women, established an independent judiciary and done so much to improve the lives of the people.

It is unacceptable that attempts are being made to strangle the people of Nicaragua by economic isolation and military attack. And we accordingly declare:

That the continual aggressive acts to which Nicaragua has been and still is subjected, constitute a grave violation of international law as embodied in the United Nations Charter. Furthermore, Nicaragua, like all sovereign states, has the right to defend itself as stated in Article 51 of the United Nations Charter.

That such military, political and economic acts of aggression inevitably inhibit the ability of Nicaragua to pursue its objectives of social justice and economic development for the benefit of its people and to promote the pluralism to which it is committed.

That we are appalled that regardless of humanitarian conditions, the financial support provided for Nicaragua immediately after the revolution has been curtailed as an act of deliberate policy by the Reagan administration and moreover, Nicaragua additionally has been deprived of financial resources from the private banks.

And we resolve:

That Western European governments seek to participate in and stimulate Western European initiatives intended to promote dialogue and peaceful resolution of the conflicts in Central America.

That Western European governments lend their support to bilateral negotiations to restore peace on Nicaragua's borders.

That the Nicaraguan government be given political, financial, economic and technical support by the international community and by private sources and, in particular, that Nicaragua be supported actively in the following ways for which we are committed to work: equitable treatment for Nicaragua from our respective governments, the European Economic Community, development and other banks, export credit institutions, aid donors and international financial institutions such as the European Investment Bank, the World Bank and the Inter-American Development Bank.

That the Nicaraguan government be given fair treatment from the media.

We think that such steps will result in the establishment of justice and peace in Central America.

Signed:

Olaf Palme, Prime Minister of Sweden.

Hans Jochen Vogel, Leader, West German Social Democratic Party.

Pierre Joxe, President, Socialist Group, French National Assembly.

David Steele, Leader, British Liberal Party.

Joop Den Uyl, Leader, Dutch Labour Party.

Harlem Brundtland, Leader, Foreign Affairs Committee, Danish Parliament.

Michael Higgins, Chairperson, Labour Party of the Republic of Ireland.

Jan Nico Scholten, Vice-Chairman, Dutch Foreign Relations Committee of Dutch Parliament.

Uwe Holtz, Chairperson, West German Parliamentary Committee of Development Cooperation.

Jose Prat, Senator and President of Foreign Affairs Committee for Spanish-America Affairs, Spanish Senate.

Manuel Medina, Socialist member of Parliament and President of the Foreign Affairs Committee of the Spanish Congress.

Karel Van Miert, Leader, Belgian Socialist Party.

Relus Teer Beek, Chairman, Dutch Foreign Relations Committee, and Labour Party Member of Dutch Parliament.

Lord Chitnis, Independent Lord, House of Lords, United Kingdom.

Max Van Den Berg, Chairperson, Dutch Labour Party.

Hans Fischer, Deputy Chairperson of the Austrian Socialist Party and Minister of Science and Technology.

Karl Blecher, Deputy Chairperson of the Austrian Socialist Party and Minister of the Interior.

LIST OF SIGNATORIES

European Parliament (15 signatories representing seven countries).

West Germany (62 signatories, all members of West German Social Democratic Party and the West German Bundestag).

Holland (47 signatories representing the entire Labour group in Dutch Parliament except one).

Republic of Ireland (33 legislators representing six parties).

Sweden (16 signatories, including all Social Democratic members of Parliament and all members of the Parliament's foreign policy group).

Norway (10 signatories, all Labour Party members of Parliament).

Belgium (8 signatories, including two spokespersons for Latin American Affairs in the Belgian Parliament).

United Kingdom, Austria, France.

The entire Socialist Group in the French National Assembly, about 280 members, associates itself with this statement, but in addition it provides its own, more comprehensive statement, which emphasizes that Nicaragua cannot be isolated from the Central American context. Following is a translation of their statement:

"The Socialist Group is concerned about the aggravation of the situation in Central America, particularly in El Salvador and at the northern and southern borders of Nicaragua. In this context the policy of support for peace initiatives undertaken by the four member countries by the Contadora group (Mexico, Panama, Colombia, Venezuela) and by a growing segment of international public opinion is in line with the concerns of the Socialist Party, as well as those of the French government.

This statement was signed by the following in the name of the entire Socialist Group of the French National Assembly:

Pierre Joxe, President, Socialist Group, French National Assembly.

Jean Natier, Member of the Assembly.

Andre Belon, Director, International Relations Section of the Socialist Group.

Veronique Miertz, Assistant Director, International Relations Section of the Socialist Group.

Guy Van De Pied, Assistant Director, International Relations Section of the Socialist Group.●

DELMARVA POULTRY INDUSTRY BIRTHDAY COMMEMORATION

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. DYSON. Mr. Speaker, 1983 marks the birthday of the U.S. broiler industry on the Delmarva Peninsula, the fertile extension of land comprised of the eastern shores of Maryland and Virginia, and the State of Delaware. The poultry industry is now six decades old.

The story of the chicken industry, from its roots in the past to its con-

tinuing growth today is a very encouraging tale. It is rumored that the industry began in 1923 when Mrs. Wilbur Steele, an inhabitant of the Delmarva Peninsula, ordered 50 chicks from a mail-order catalog—and received 500 instead, 3 or 4 months later, she realized she would have a huge flock of pullets, then hens, and then enough eggs to feed half the county. She did what any industrious person from the Delmarva Peninsula would do; she fattened them, and sold off most of them when they were still tender enough to eat. Such began the broiler industry on Maryland's Eastern Shore.

The chicken business has since become the No. 1 industry on the Delmarva Peninsula, and it is still growing. This fact is a testament to the ingenuity of the chicken farmers there. Since 1955, the retail price of pork has more than doubled, beef prices tripled. Yet chicken prices have risen a scant 31 percent. Thus, the poultry industry is a virtual textbook case of how efficient management and creative promotion can simultaneously increase profits and serve consumers better. We, in this great city should be extrasensitive to this fact; Washingtonians eat more chicken per capita than anyone in the United States, except for the citizens of Norfolk, Va.—this, of course, does not include the imprecise tally of chicken brought back to Washington in the stomachs of politicians returning from various fundraisers.

The chicken is just about the most efficient creature on Earth when it comes to converting plant food and waste into quality animal protein. For example, 8 pounds of feed is required to produce a single pound of beef; a modern-day chicken requires 2 pounds or less to produce the same amount. Breeders have exploited this fact, and improved the bird to its greatest potential. An impact is felt throughout this industry if a major processor is able to cut a day off the growing time, save an ounce of feed per chicken, or improve the hatching rate by 1 percentage point. In the 1960's, 10 pounds of feed and 12 weeks of solid eating would send a 3-pounder broiler to market. Now it takes just 7 weeks and less than 8 pounds of feed to produce a 4-pound broiler.

Aside from its competitive price and comparative value, the chicken endears itself to health-conscious Americans as a wonderful source of good nutrition. The chicken is high in protein and low in fat, the prescription for a long, healthy life.

Chicken from the Delmarva Peninsula supplies the east coast: Washington, New York, and Boston, and even extends as far west as Cleveland. I certainly doubt the Mrs. Steele would have guessed what would become of the industry she began on the Delmarva Peninsula. But she would be proud, as our colleagues and the American public should be, of the progress the U.S. broiler industry on the Delmarva peninsula has made in the last 60 years.●

BEDELL-GORE AMENDMENT TO H.R. 2350

HON. C. ROBIN BRITT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. BRITT. Mr. Speaker, last year the House passed the Small Business Innovation Development Act, Public Law 97-219, by a vote of 353 to 57. The act passed the Senate by a vote of 90-0. This legislation established highly competitive research and development programs, known as small business innovation research programs, for small, high tech companies at 11 Federal agencies. Each Federal agency is required to expend a small portion of their R&D budgets, six-tenths of 1 percent in fiscal year 1984, to support the program. Last year the House voted twice, by large margins, to include the National Institutes of Health as one of the agencies in the program.

H.R. 2350, the Health Research Extension Act of 1983, has been amended by the Committee on Energy and Commerce to include language that threatens the SBIR program at NIH. I urge my colleagues to support the amendment that will be offered to section 489 of H.R. 2350 by Mr. BEDELL and Mr. GORE that will strike the anti-small-business language in the bill and substitute a requirement that the Secretary of the Department of Health and Human Services report to the Congress by October 1, 1984, on the progress of the SBIR program at NIH.

The SBIR program has attracted widespread support around the Nation. I would like to submit for the record a letter written by the Governor of North Carolina, the Honorable James B. Hunt, Jr., to the chairman of the Small Business Subcommittee on General Oversight and the Economy, the Honorable BERKLEY BEDELL. This letter expresses Governor Hunt's support for the SBIR program at NIH, and I submit it for my colleagues' review:

STATE OF NORTH CAROLINA,
OFFICE OF THE GOVERNOR,
Raleigh, N.C., July 13, 1983.

DEAR REPRESENTATIVE BEDELL: It has come to my attention that amendments to the National Institutes of Health authorization bill for fiscal year 1984 (H.R. 2350) may jeopardize the Small Business Innovation Research (SBIR) program of this agency.

I would like to take this opportunity to express my strong support for the Small Business Innovation Development Act of 1982 and its SBIR programs. The National Science Foundation and the Department of Defense have had SBIR programs for a number of years. The other nine federal agencies that were mandated to create SBIR programs are just beginning to gain experience with this program. NIH, in particular, has had to modify its approach to proposal review in order to make this program work. Setting aside research funds and selecting qualified small business proposals is a challenge, but it is certainly one worth doing right.

Because most federal agencies are only beginning to gain some experience with their SBIR programs, I do not believe it is appropriate to adjust the mandates of any agencies at this time. Instead, we should be concerned with ensuring full and effective participation in this initiative by all agencies. The Small Business Innovation Development Act of 1982 was carefully crafted to balance all interests in the research community, and it deserves a few years of implementation before any deficiencies that emerge are addressed through amendments to the legislation.

I am particularly interested in NIH gaining experience with its SBIR program. It is my understanding that NIH has set aside six million dollars this fiscal year for small business projects. This amounts to between 100 and 110 grants, for which 600 to 700 proposals have been submitted. I expect a number of these proposals to have come from North Carolina; I personally know of numerous small businesses in North Carolina that are engaged in research of interest in NIH. And I am certain that proposals for NIH grants have come from states throughout the nation. As Chairman of the National Governors' Association (NGA) Task Force on Technological Innovation, I have become aware of the potential for new-technology research throughout the United States, at our universities, our research institutions and in our businesses, both large and small. At the Federal and the State level, we must do everything in our power to ensure that this potential is realized.

I hope you will convey to your distinguished colleagues my support for the SBIR program and for full participation by all federal agencies, particularly NIH. I hope you will succeed in your efforts to maintain the integrity of the SBIR program at the National Institutes of Health.

My warmest personal regards.

Sincerely,

JAMES B. HUNT.●

LEGAL SERVICES FOR MEMBERS OF OUR ARMED FORCES

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mrs. SCHROEDER. Mr. Speaker, I would like to reintroduce a revised version of legislation introduced by me in the 97th Congress. This worthy bill would provide legal services for members of our Armed Forces. Please allow me to also insert into the record a section-by-section analysis of the bill.

SECTION-BY-SECTION ANALYSIS

Subparagraph (a) is designed to insure the continuation and permanency of the provision of legal assistance to military personnel and their dependents. The intent of this section is not to alter the existing discretion of

the Secretary of each Department to direct how legal assistance will be provided within that Department, but rather to assure that each Secretary require the continued provision of legal assistance to active duty personnel. Each Secretary also has full authority to continue to provide legal assistance to retired personnel and dependents of active duty and retired personnel subject only to the availability of resources within each Department.

Subparagraph (b) clearly places upon the Judge Advocates General the responsibility for the creation and operation of the legal assistance programs. The reference to 10 USC 801 is necessary so as to include the Coast Guard. The Coast Guard has no "Judge Advocate General" and the only place in the law where the term "Judge Advocate General" is made applicable to the Coast Guard is in the definitional section of the Uniform Code of Military Justice wherein it is stated that the term "Judge Advocate General" shall include the General Counsel of the Department in which the Coast Guard is operating. The language "by the Secretary concerned" refers, in this case, to the Secretary of Transportation.

Subparagraph (c) is designed specifically to indicate that this legislation is not authority for the expansion of the legal assistance program to include the representation in court of those presently able to pay legal fee—i.e. to continue the present expanded legal assistance program to the military indigent, but not provide any requirement or authority for expansion to others than the military indigent. If the client can afford legal fees without undue hardship or if the case is one in which the attorney can recover a reasonable fee out of the judgment, then the legal assistance program, insofar as presentation in court is concerned, may not be expanded under the authority of this legislation.

QUESTIONS AND ANSWERS ABOUT MILITARY LEGAL ASSISTANCE LEGISLATION

Question. Who will be entitled to legal services under this bill?

Answer. Except as limited by subparagraph (c), it is the intent of the bill to provide legal services to active duty personnel and others as prescribed in the regulations of each military department authorizing legal assistance. As with other military benefits, legal assistance has been made available to all grades and ranks, but the overwhelming share of legal services are provided to low and middle income service members who, like their civilian counterparts, are least able to afford the services of an attorney. It is expected that full legal assistance will continue to be a high priority for retired personnel and dependents of active duty and retired personnel.

Question. Who may provide legal services to serve personnel and their dependents?

Answer. Active duty military lawyers, civil service attorneys employed by the military departments, civilian attorneys retained under contract and reserve military lawyers are authorized to provide legal assistance under the regulations of the military departments authorizing legal assistance. The bill presumes that the same regulations will apply after its enactment.

Question. Will the delivery of legal services to Armed Forces personnel at the level contemplated by this bill be detrimental to members of the local bar?

Answer. During the seven years that the American Bar Association has worked with representatives of the military services in observing legal assistance programs in operation and in visiting with numerous civilian bar leaders and practitioners, the Committee has found no evidence of any abuse of the civil process or injury to the civilian bar at any location where these programs have been established. On the contrary, the ABA has found an expanded awareness of legal rights and needs in each community. Where the local bar association has encouraged and participated in these programs, there has developed a professional rapport between the military and civilian bar members, and between the military services and the local judiciary and law enforcement authorities in a manner which has ultimately resulted in the improvement of legal assistance. Where the state and local bar associations have worked with the military lawyer community, the legal assistance program has produced a higher quality representation, has reduced the areas of confrontation between military and local authorities, and has increased the level and quality of civilian bar legal services.

Question. What legal services are included in "personal affairs" in Section 2 of this bill?

Answer. "Personal affairs" is intended to mean only those types of cases authorized by the regulations governing the provision of legal assistance issued by the military departments. Those regulations include assistance in and/or preparation of wills, powers of attorney, tax matters, domestic relations matters, consumer protection matters, landlord-tenant matters, and others. The regulations do not allow (some in fact prohibit), nor does the bill contemplate, providing legal services for the purpose of assisting a service member in any commercial endeavor, for the purpose of instituting a class action (which might be a fairly attractive fee-generating case for a civilian attorney) or for the purpose of suing the Federal government (legal assistance officers are prohibited by 18 U.S.C. 205 and implementing regulations from instituting such suits against the United States).

Question. Will this bill require the additional expenditure of public funds (including personnel)?

Answer. No. The bill does not (and is not intended to) mandate a specific level of legal assistance programs of any kind; rather, the bill merely recognizes and protects by statute a long-standing practice of the services, leaving the implementation to the best judgment of the military departments. The only cost factor is an indeterminate but perhaps identifiable continuing cost of maintaining the present program with no new costs. As a practical matter, the bill closes off the possibility of the total discontinuance of the existing practice of providing legal assistance to service members.●

NARCOTIC ABUSE AND CONTROL

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. HUGHES. Mr. Speaker, today I am introducing a bill to establish effective direction and coordination of our Nation's drug enforcement efforts.

I am undertaking this effort because it is apparent that our national effort to attack the drug abuse problem on all fronts is stalled.

One simply has to look at the evidence: Heroin is more plentiful today than at any time in the last 5 years. On our city's streets, the heroin is stronger and cheaper than it has been at any time in the last 5 years, and more young men and women are being found dead with a needle in their arm.

The supply of cocaine is greater today than at any time in the history of the drug. DEA now says that perhaps 20 million Americans are users of that powerful and dangerous drug.

Marihuana, despite recordbreaking seizures, is still cheap and almost universally available.

Every day, close to 1 million doses of prescription drugs with strong psychoactive properties are channeled into the black market.

This dismal report card on our drug enforcement effort is not due to any failure of will, or lack of ability on the part of the thousands of dedicated law enforcement officers at the Federal, State, and local level who risk their lives in ferreting out the armed and dangerous drug traffickers. Nor is this a reflection of a lack of determination on the part of the administration to creatively develop new tactical approaches to investigating drug traffickers or interdicting the smugglers off our shores, and in our skies.

This failure, I suggest, is due in large measure to the fragmented and uncoordinated manner in which we have deployed our resources. Very simply, there is no meaningful strategy, and there is no one in charge.

When a Member of Congress asked a representative of the administration who is in charge, we were told in perfect seriousness that the President is in charge. That, of course, is true in constitutional sense—but no one is in charge of the overall effort for the President.

Unless a meaningful strategy is developed, and its implementation overseen by someone with Cabinet-level clout, we will do no better than maintain the unacceptable status quo. To declare a war on drugs, and to fail to appoint a director of the overall effort betrays the efforts of the personnel assigned to that war, and the hopes of American families to be rid of the plague of drug dependence.

At this point in the RECORD, I include a sectional analysis of the bill.

SECTIONAL ANALYSIS OF THE BILL

Summary of a bill to amend the Drug Abuse, Prevention, Treatment, and Rehabilitation Act to revise the authority of the Office of Drug Abuse Policy, to establish a Deputy Director for Drug Abuse Prevention and a Deputy Director for Drug Enforcement in the Office, and for other purposes.

The bill is designed to clearly spell out the drug enforcement responsibilities of the Director of the Office of Drug Abuse Policy and the authority of the Director to set policies and priorities for the drug abuse functions, to coordinate and oversee the

Federal effort to carry out those policies and priorities, to provide him with information on the development of the budgets of agencies with drug abuse functions, and charging him to make recommendations about the budgets to the President before the budgets are submitted to Congress.

The bill attempts to track the language, policies and structures of the existing law where it is appropriate and not in conflict with the purpose of clarifying the Director's authority.

SUMMARY OF THE BILL

Section 1 of the draft provides for a statutory Director of the Office of Drug Abuse Policy in the Executive Office of the President who has Cabinet-level status (Level I) and is appointed with the advice and consent of the Senate. Two statutory deputies are created, for drug abuse prevention, and for drug enforcement, who have sub-cabinet status (Level III) and are also appointed with the advice and consent of the Senate. The term "drug abuse function" means both "drug abuse prevention function" and "drug enforcement function."

The Director's responsibilities are:

(1) To establish policies, objectives, and priorities for Federal drug abuse functions;

(2) To coordinate and oversee the performance of drug abuse functions to insure the implementation of the policies, objectives and priorities so established;

(3) To make recommendations to the President regarding changes in the organization, management and budgets of Federal departments and agencies, and the allocation of personnel to and within the departments and agencies, as are appropriate to implement the policies, objectives and priorities; and

(4) To consult with State and local governments respecting their relationships with the Federal agencies (this would allow him to serve as an "ombudsman" with respect to complaints from State and local law enforcement).

To carry out his duties, the Director shall (1) review the guidelines and procedures of the Federal agencies (current law); (2) conduct evaluations of the performance of the agencies (current law); (3) seek to assure that the agencies construe drug abuse as a health problem requiring treatment and rehabilitation (current law); and most significantly, (4) review the annual budgets submitted to the Office of Management and Budget for Federal agencies involved in drug abuse functions and make recommendations to the President respecting such budgets before they are submitted to Congress.

The fourth sentence of section 201(a)(1), subsections 201 (b) and (c), and sections 203 through 206 carry forward existing law.

Section 2 of the bill amends other sections of the existing law relating to the declaration of national policy, definitions, and makes technical and conforming changes.

Section 2(a) of the bill adds three additional paragraphs to the current four-paragraph Declaration of National Policy (21 U.S.C. 1102):

(5) Coordination of law enforcement efforts of all Federal law enforcement agencies and cooperation and sharing of drug enforcement intelligence with State and local law enforcement agencies;

(6) Coordination of all international efforts to suppress drug trafficking, to control drug crops, and to control precursor and other essential chemicals;

(7) Increased cooperation among nations in carrying out the international effort to control the traffic and abuse of controlled substances.

Section 2(b) of the bill eliminates the anachronistic term "drug traffic prevention" and substitutes the term "drug enforcement". The bill defines "drug enforcement function" in 21 U.S.C. 1103 to include:

(1) The conduct of formal or informal diplomatic negotiations of any kind relating to the drug traffic;

(2) The following law enforcement activities or proceedings:

(A) The investigation and prosecution of drug offenses and other investigations and prosecutions of individuals involved in drug offenses;

(B) The coordination of the drug enforcement activities of Federal agencies and departments;

(C) Programs or activities involving international narcotics control; and

(D) The detection and suppression of illicit drug supplies.

(3) The interdiction of the illicit commerce in controlled substances and the suppression of the cultivation of drug crops.

The remainder of Section 2 contains definitional and technical and conforming changes.●

AMENDMENT TO H.R. 2867

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. BONIOR of Michigan. Mr. Speaker, with the gentlewoman from Rhode Island, Mrs. SCHNEIDER, and the gentlemen from New York, Mr. MOLINARI and Mr. DOWNEY, I am introducing today an amendment to H.R. 2867, as reported, the Hazardous Waste Control and Enforcement Act of 1983, which authorizes the original funding levels established by the Solid Waste Disposal Act, section 4008(a)(2)(C). I want to commend my colleagues for their initiative and support of the measure.

I would also like to commend the members and staff of the Energy and Commerce Committee's Subcommittee on Commerce, Transportation and Tourism for their hard work and their fine result, H.R. 2867, the reauthorization of the Resource Conservation and Recovery Act. I offer an amendment to strengthen H.R. 2867, by increasing funding of subtitle D, which assist States and smaller units of government to implement solid waste management plans and conduct inventories of active and abandoned open landfills, among other activities.

This Nation has long realized the problems we face to regulate open landfills and identify abandoned dumpsites. Furthermore, for decades we have been trying to establish healthier and more sanitary methods for disposing of municipal wastes. Congress first took note of this in the Solid Waste Disposal Act, which RCRA amends. While Congress stated that, "* * * the disposal of solid wastes should continue to be primarily the function of State, regional and local agencies," it went on to state, "* * * the problems of waste disposal * * * have become a matter national in scope and * * * necessitate Federal action through financial and technical assistance and leadership in the development, demonstration, and application of new and improved methods and processes to reduce the amount of waste and unsalvageable materials and to provide for proper and economical solid waste disposal practices."

Throughout the decade of the 1970's the Federal Government helped identify alternative methods of waste disposal. Much attention was placed upon resource recovery that salvaged materials or converted trash into energy. The funding in subtitle D of the Solid Waste Management Act was authorized through 1982, but was zeroed out of the budget in fiscal year 1982. This initiative to restore funding will enable States to again address a critical national problem.

I would like to emphasize how this money could be spent. In my own State of Michigan, the State Department of Natural Resources estimates that 150 or more illegal open dumps continue to operate. Although the State DNR is aware of the problem, they have no money to pursue enforcement. Nationally, 3,000 such dumps are estimated to be in operation.

Our current fiscal crisis has hit States hard, and although they want to apply more muscle to their solid waste management programs, the funds simply are not there. To the extent that subtitle D is not funded, and that States do not have the money to fund it, we are creating future Superfund sites by neglecting the problem.

Cleanup costs can only rise exponentially. This is not rhetoric and hyperbole. Let me remind all of my colleagues that 65 of the original 115 Interim Priority Superfund sites were open landfills.

By supporting my amendment to authorize $10,000,000 for fiscal year 1984 to 1986 for the implementation of solid waste management plans my colleagues have a rare opportunity to put the Congress on record supporting a relatively inexpensive program intended to prevent future health hazards and the expensive alternative of remedial action.

Amendment to H.R. 2867, as reported, offered by Mr. BONIOR (for himself, Mrs. SCHNEIDER, Mr. DOWNEY, and Mr. MOLINARI).

Page 4, line 7, strike out "$2,000,000" and substitute "$10,000,000".●

H.R. 2867

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mrs. SCHNEIDER. Mr. Speaker, later this week we will have the opportunity to vote for legislation to reauthorize the Resource Conservation and Recovery Act, the body of Federal law providing cradle-to-grave disposal for hazardous waste. I would like to commend the bipartisan leadership of the Energy and Commerce Transportation Subcommittee for having worked so hard to produce a bill that all of us should be proud to support.

I am joining my colleague from Michigan, Mr. BONIOR, in supporting an amendment to strengthen H.R 2867 by increasing funding for subtitle D, a small but vitally important component of the RCRA program. Briefly summarized, subtitle D, as authorized in 1980, provides funding to assist the States in developing the solid waste management plans mandated by the RCRA statute. Why are the State plans so important? Half of the 115 abandoned hazardous waste sites identified by the EPA as the most immediately threatening to the public health were once solid waste facilities. These sanitary landfills often operated as county or municipal dumps that received significant quantities of hazardous waste as part of their solid waste stream. Subtitle D was intended—with good reason—to give States the means to inventory their solid waste facilities to find out how many more had been used as a dumping ground for hazardous waste, and to develop statewide management plans to minimize the diversion of hazardous substances into solid waste facilities in the future.

If there is one thing we should have learned after 13 years of environmental regulation, it is that hazardous waste, like water running downhill, will follow the path of least resistance. If we cannot keep hazardous waste from being diverted to the city or county dump, then we will have left a potentially serious loophole in the Federal laws that guide the disposal of hazardous waste. As the Federal funding for subtitle D has gradually been eliminated over the past 3 years, the States' open dump inventory has essentially stopped, and State management plans are on hold. The Bonior amendment, which authorizes $10 million for subtitle D for each of the next 3 fiscal years, will restore the States to full partnership with the Federal Government in the management of hazardous wastes.●

HAZARDOUS WASTE LAWS MUST BE ENFORCED

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. GORE. Mr. Speaker, the House is expected shortly to consider the bill H.R. 2867, the Hazardous Waste Control and Enforcement Act of 1983, which provides a reauthorization for the Resource Conservation and Recovery Act (RCRA). In the legislation reported by the Committee on Energy and Commerce, we have greatly strengthened the enforcement sections of the law, which has been demonstrated as desperately needed, to enable the Environmental Protection Agency to protect the public health and safety and the environment.

One of the provisions would grant full law enforcement powers to the criminal investigators of the EPA, thus enabling them to execute search warrants, make arrests, and protect themselves by carrying firearms. The reason for this is the extraordinary degree to which illegal activities are going on in the hazardous waste area, and convincing evidence of the involvement of organized crime.

I would like to share with my colleagues a communication sent on April 21 of this year from the Associate Enforcement Counsel in the Criminal Enforcement Division of the EPA to the Chief of the Environmental Enforcement Section in the Department of Justice. I believe the materials should convince my colleagues of the desperate need for the added enforcement powers which are contained in H.R. 2867 as reported by the Energy and Commerce Committee, and trust they will join in efforts to defeat amendments to weaken the legislation.

See the attached letter from USEPA to Department of Justice, and attachment thereto "The Need for Law Enforcement Powers in Environmental Criminal Enforcement."

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., April 21, 1983.

STEPHEN RAMSEY, Esq.,
Chief, Environmental Enforcement Section, Land and Natural Resources Division, U.S. Department of Justice, Washington, D.C.

Re: Law Enforcement Powers for EPA Investigators.

DEAR STEVE: The five field offices of the Criminal Enforcement Division have now been operational for approximately six months. While a significant amount of time has inevitably been devoted to start-up tasks such as Regional coordination; safety training; office construction; personnel matters; secretarial recruitment; equipment receipt; and liaison work with outside law enforcement and prosecutorial authorities; our field offices are now also involved in approximately 150 active cases around the country.[1] This investigative activity has provided an excellent information base on which to assess the impact of the lack of law enforcement authority on this Agency's ability to pursue environmental criminal investigations.

A review of this experience has demonstrated that without full law enforcement authority, significant limits will be placed on EPA's criminal enforcement initiative. More importantly, the program will not be able fully to ensure the safety of its investigative staff, and of citizens that choose to assist EPA in pursuing allegations of criminal misconduct. While no Agency-wide position will be taken on the issue of law enforcement powers until the Administrator-designate has been confirmed and has had an opportunity to review the matter, it is my personal belief that law enforcement powers should be pursued for EPA's criminal investigators immediately. The attached discussion of the issue is provided at your request for use in preparing a Justice Department position on H.R. 2478—the RCRA reauthorization bill referred by Mr. Florio to the House Committee on Energy and Commerce.

I have deliberately omitted any analysis of one theoretical alternative to law enforcement powers within EPA: the transfer of environmental investigative jurisdiction to another Federal law enforcement agency. I will, of course, give you my thoughts on this also if you wish.

Please feel free to call on me at any time. This issue is, I believe, the most important facing the program.

Sincerely,

PETER G. BEESON,
Associate Enforcement Counsel, Criminal Enforcement Division.

THE NEED FOR LAW ENFORCEMENT POWERS IN ENVIRONMENTAL CRIMINAL ENFORCEMENT

There are two basic justifications for the pursuit of law enforcement powers: operational necessity and safety. Both are discussed below.

A. OPERATIONAL NECESSITY

The absence of law enforcement powers is placing significant obstacles in the path of efficient, effective investigation by EPA's field offices under all statutes. These operational constraints and impediments exist in a wide variety of areas:

(1) *Prevention of Illegal Conduct.*—Without law enforcement authority the offices are unable to intervene to prevent ongoing illegal activity, such as roadside dumping, the illegal use of pesticides or the use of unlawful discharge points by an NPDES permitted facility. As a result, environmental contamination is increased, subsequent clean up expenses are greater, and potential defendants escape.

(2) *Warrantless Seizure of Evidence.*—Without law enforcement authority, the offices can not seize evidence of a crime discovered in "plain view" without the consent of the owner. Alternate enforcement tools (including court orders, grand jury subpoenas and warrants) are available to secure this evidence. However, evidence will certainly be lost or destroyed during the time necessary to implement these mechanisms.

(3) *Execution of Search Warrants.*—Without law enforcement authority, EPA's inves-

[1] This number reflects active cases in all stages of development—from preliminary inquiry to prosecution and appeal.

tigators are not authorized to execute criminal search warrants, and therefore must rely on outside agencies to assist in this crucial investigative function.

The offices of the United States Marshal's Service, while often cooperative, are painfully understaffed, and frequently not available within the timeframe dictated by the investigation. This is particularly true in light of the fact that the execution of environmental criminal search warrants can extend over a period of days (where excavation or extensive drum sampling is required) during which time the site must be secured by law enforcement officers on a 24-hour basis. Two recent warrants executed in New Hampshire and Idaho lasted three and four days respectively—placing a heavy strain on the offices of the local U.S. Marshals.

Further, when an outside law enforcement agency agrees to commit significant resources to the execution of an EPA warrant, control of the evidence seized on the warrant, and of the ensuing investigation, is almost invariably shared with the outside law enforcement agency. The difficulties inevitably present in coordinating the activities of two separate agencies will often undermine the efficient completion of the investigation.

Without law enforcement powers, EPA's investigators are left without the requisite authority to control resistance during the execution of the warrant and to protect accompanying support personnel.

Finally, search warrants are almost always executed without prior notice, to ensure surprise and the best opportunity to locate the needed evidence. The current need to coordinate with outside State or Federal agencies inevitably increases the opportunity for an inadvertent security breach.

(4) *Exchange of Investigative Intelligence and Criminal Record Information with Outside Law Enforcement Agencies.*—The field offices continue to encounter understandable reluctance on the part of state and local law enforcement agencies to provide confidential information, motor vehicle data, and other forms of assistance, due to the agents' lack of status as law enforcement officers.

(5) *Potentially Dangerous Operations—EPA Employees.*—Investigative operations or activities that demonstrate the potential for risk to the investigators or other EPA employees are currently beyond the capability of the Division. These would include extended nighttime surveillances; interviews of reputedly dangerous individuals; surveillances in remote areas; surveillance of most hazardous waste haulers; and any type of undercover operations. Of course, without these and other investigative tools, the effectiveness and success of the field offices is, and will continue to be, sharply compromised.

(6) *Potentially Dangerous Operations—Non-EPA Employees.*—A legitimate and widely-used criminal investigative technique is the use of informants, who may be asked to participate in an ongoing manner to secure evidence against an investigative target. This highly useful investigative technique can not be fully utilized until field offices have the ability to protect the informant, should his/her identity (and cooperation) be discovered. Without law enforcement authority, this ability is non-existent.

(7) *Truck Stop Operation.*—Manifest check operations, a potentially-effective investigative tool, cannot be implemented without arrest powers, (i.e. the underlying authority to detain a truck temporarily during the manifest check.)

B. SAFETY

Law enforcement authority, in addition to eliminating these significant operational limitations, would also ensure the general safety of EPA's investigative staff during field investigations under all statutes. EPA's existing Memorandum of Understanding with the Federal Bureau of Investigation is *not* a solution to this problem since dangerous situations are not always, or even generally, predictable in advance. A general instruction to field offices to avoid potentially dangerous situations is an equally inadequate solution for the same reason.

Unanticipated risks have already been encountered in several investigations. In one, a weapon was discharged by an employee of the target company during an otherwise routine field sampling operation. In a second, investigators came upon a "car stripping" operation. In several investigations, individual targets have made veiled or explicit threats concerning cooperative witnesses. In a number of others, investigation has disclosed past criminal records, or known evidence of violent behavior, by subjects of the inquiry.

Risks are certainly most pronounced in hazardous waste investigations.[1] Evidence has now been developed by the New York State Select Committee on Crime; the New York State Organized Crime Strike Force; the Organized Crime Strike Force in the Eastern District of Michigan; and the Dingell subcommittee of significant organized crime involvement in the hazardous waste industry. While EPA's experience remains limited, our investigations have developed some corroboration of this phenomenon.

Equally important, independent truckers and landfill operators, often involved in surreptitious illegal disposal activity, frequently carry weapons—placing our investigators at a significant disadvantage in any case involving the activity of these individuals.

The risk is not, however, limited to hazardous waste investigations. Recommended investigations against placer miners in Alaska and Oregon are—because of the violent nature of the targets and the remote area of their operations—currently not feasible. Pesticide inspectors in South Carolina, air inspectors in Pennsylvania and oil spill investigators in Ohio have all reported physical assaults, or verbal threats, that reflect the potential for violence in all areas of environmental field investigation.

Appendix A (attached) contains a sampling of incidents occurring in past State/Federal environmental investigations, as well as in more recent Criminal Enforcement Division investigations, that reflect the unavoidable risks inherent in environmental criminal work. This list was prepared for internal EPA use, and is based in part on an informal survey of selected State and Federal office by the field offices of this Division. It does *not* reflect exhaustive research, either of the individual incidents or of the overall scope of the problem. It does, however, provide a reliable indication of the types of risks and dangers that are an inevitable part of environmental investigations.

C. TRAINING AND BACKGROUND OF EPA'S INVESTIGATIVE STAFF

EPA's new investigative staff has been drawn, *without exception*, from major State or Federal Law Enforcement agencies, including the Drug Enforcement Administration; the Bureau of Alcohol, Tobacco and Firearms; the Federal Bureau of Investigation; the U.S. Customs Service; the Metropolitan Police Department (D.C.); and the New York Police Department. Their experience in the exercise of full law enforcement powers ranges from a minimum of five years to a maximum of 30. All have been qualified routinely and throughout their careers on a variety of firearms. All have extensive operational experience in the execution of arrest and search warrants. The implementation of law enforcement powers will require no basic training of the Agency's investigative staff. EPA will, of course, establish regular firearms qualification/training requirements for its investigators, should law enforcement powers be implemented.

D. CONCLUSIONS

(1) Agents assigned to EPA's Criminal Enforcement Division are prepared, through experience and training, to assume full law enforcement powers.

(2) The absence of law enforcement powers will significantly reduce the investigative reach and effectiveness of EPA's criminal enforcement initiative.

(3) The absence of law enforcement powers leaves EPA's investigative staff without the ability to protect themselves, other Agency officials, or cooperating private citizens, during the pursuit of environmental criminal investigations.

(4) A Memorandum of Understanding between EPA and any outside law enforcement agency is *not* a solution to these problems: Danger is frequently unpredictable. Joint investigations are cumbersome and inefficient. Finally, EPA's investigative priorities are not, and will never be, the investigative priorities of other law enforcement agencies, *particularly* in light of the misdemeanor level of all but a few environmental crimes.

(5) A decision against law enforcement powers for EPA's investigative unit will result in the rapid disintegration of the existing program. Morale will fall; investigators will leave the Agency as soon as new jobs can be secured; and quality replacements will be impossible to find.●

[1] In the four most recent State hazardous waste enforcement programs, State offices have given full law enforcement powers to their investigative staffs. These offices are: New York's EPA-funded Mid-Hudson Demonstration Project; the New Jersey Attorney General's office; the New York Department of Environmental Conservation; and the Pennsylvania Attorney General's office. Ironically, EPA's Criminal Enforcement Division stands alone as the only investigative unit focussing on criminal hazardous waste activity without the full complement of law enforcement powers.

THEY SHOOT DOGS, DON'T THEY?

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. LANTOS. Mr. Speaker, today the Washinton Post published a story about congressional efforts to block the construction and opening of a "wound laboratory" by the Department of Defense. The term "wound lab" is a military euphemism for a soundproof target range where animals are shot with high velocity bullets. The effects of these blasts on living tissue are to be the focus of re-

search. Military doctors are trained in wound treatment, although there is no intent to allow animals to recover.

This gruesome plan was brought to my attention about 6 weeks ago. I immediately began inquiries including discussions with Col. Richard Simmonds at the Uniformed Service University of the Health Sciences (USUHS) in Bethesda where the most recent laboratory is scheduled to open in August. Further inquiries have convinced me that this project is not necessary for defense purposes, and is a shocking use of taxpayers' money.

The stated cost of the project, according to information provided by Dr. Simmonds is approximately $96,000—just short of the $100,000 limit for DOD projects not requiring congressional approval in the budget. This covers only construction of the soundproof target range and minimal laboratory constuction expenses. The actual cost of operation will be much more.

This issue is not only one of mistreatment of animals, although the techniques described are sickening and reminiscent of Nazi experiments, but it is one of unnecessary cruelty and duplication of previous research. The plan ignores the feasibility of using alternatives to live animals for both medical research and training.

I am also startled that taxpayers' money is used to purchase abandoned pets at $80 to $130 each to be used for ballistics tests. Profiteering in sales of orphan dogs obviously could bear investigation.

Yesterday, along with other concerned colleagues in the House, I invited Members of Congress to join in sending a letter of protest to the Secretary of Defense demanding that the Bethesda Wound Laboratory project be stopped.

Today, the Secretary of Defense issued a statement saying "no dogs will be shot for medical experimentation or training by the Department of Defense." I am gratified that Secretary Weinberger has made this response. This does not, however, address the issue of whether or not other animals may be shot or if the Bethesda laboratory will be kept closed. We intend to send our letter forward, and invite other Members of Congress to add their names.●

PARRIS PROTESTS CRUEL TREATMENT OF DOGS FOR EXPERIMENTS

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. PARRIS. Mr. Speaker, I am deeply concerned about reports that the Department of Defense's plans to open a firing range at the military medical school in Bethesda where scores of dogs and other animals will be shot with high-powered weapons so surgeons and scientists can study their wounds. It is my understanding that as many as 80 dogs per year will be shot in order to train seniors in a medical course.

Mr. Speaker, I would hope that in this age of enlightened science other means can be found which will allow our Government to hold experiments without victimizing man's best friend in this heartless way. I believe these insensitive acts of extreme cruelty should be halted and the Department of Defense should direct its efforts toward alternate approaches of experimentation.

Surely, common decency requires nothing less.●

IRISH PARLIAMENTARY DELEGATION VISIT

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. MICHEL. Mr. Speaker, today Tuesday, July 26, 1983, I was visited by a distinguished group of Irish parliamentarians, led by the Speaker of the Irish House, Mr. Thomas Fitzpatrick. The delegation included members of the three major parties of the Irish Republic, Fine Gael, Fianna Fail, and Labour.

The purpose of their visit was to acquaint me with the facts of the tragic situation in Northern Ireland, to emphasize the growing dangers of the situation there, and to inform me of the efforts of the majority in Ireland who seek a just solution to current problems.

Mr. Speaker, over 2,000 Irish men, women, and children have been murdered in Northern Ireland in the past 14 years. This is an incredible demonstration of violence, unmatched in most parts of the world during the same period. Innocent civilians have been among the chief targets of the gunmen. As the Irish parlimentary delegation emphasizes, the situation is not getting better—it is getting worse. During the recent elections in Northern Ireland, the candidates of a violent solution gained considerably. It is beyond question that if violence is seen to be the only way to get out of the stalemate that now exists in Northern Ireland, a growing number of young people of that community will see no other choice before them but to follow those who preach hate and murder. Things have not yet gotten to that point, but it is conceivable that the savagery that now is confined to the North can spread to the Irish Republic. I need not emphasize that the murders transcend religious and political boundaries.

In our media-oriented view of things, if we do not see something on television, it does not exist. Violence in the Middle East and in Central America gets more of its share of media exposure—and, therefore, of public concern.

But the violence in Ireland is in one sense even more deplorable than that of the Middle East. We are talking about a relatively small population in Northern Ireland and if we translate the 2,000 deaths by violence into terms we can understand, we would see that if the same proportion of our population was murdered by gunmen, the figure would be 250,000 Americans.

So you can see that this problem is one that cannot be ignored. There is at present an all Ireland Forum to which all traditional, democratic, nonviolent political parties—North and South—have been invited, to discuss the future of Ireland. The parliamentary group that visited me stressed the fact that this forum has no prearranged agenda. There is no precondition for becoming a member of the group. All that is asked is a willingness to discuss the future of Ireland. It would be good for everyone involved if all democratically oriented political parties in Ireland, North and South, would join this forum and share views as to what the future might look like.

I was very impressed by the sincerity, the seriousness and the undeniable sense of urgency of the message conveyed by the delegation led by Speaker Fitzpatrick. I want our colleagues to know that I support any efforts leading to an Ireland where peace, justice, prosperity, and a sense of unity are enjoyed by all those who live on that beautiful island.●

JUDGE HANSFORD LEGGETT SIMMONS

HON. WAYNE DOWDY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. DOWDY. Mr. Speaker, I would like to take this opportunity to call to the attention of my colleagues in Congress the recent death of Judge Hansford Leggett Simmons. He was a 93-year-old former Pike County judge and a very active and influential civic leader in the McComb community. He was a heroic veteran of World War I and was awarded a life membership in the American Legion for his years of service and leadership.

During his professional life, Judge Simmons served on many boards including the Mississippi Textbook Commission and the board of trustees for Institutions of Higher Learning. He also served as assistant clerk of the

U.S. Senate Finance Committee under Senator Pat Harrison.

Judge Simmons was a great patriotic American and he will be greatly missed.●

TRIBUTE TO SANDY SMOLEY

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. FAZIO. Mr. Speaker, I am proud to bring to the attention of my colleagues the recent ascension of Sandy Smoley, my good friend and the current county supervisor of Sacramento County's third district, to the presidency of the National Association of Counties (NACo).

Sandy is only the third woman, and the first California woman, to be president of NACo, which is the single national association representing the Nation's 3,105 county governments and their policymaking officials. Given Sandy's remarkable record of public service and her firsthand knowledge of the workings of local government, I am confident that she will excel as the Nation's top spokesperson for county issues.

Sandy came to California and the Sacramento area in 1961. Over the years she has assumed leadership roles in the volunteer sector, working with the Sacramento and California United Way, the Community Services Planning Council, the Children's Home Guild, the symphony and junior leagues, and special olympics. She has also developed professional affiliations with such groups as the Presidential Advisory Commission on Federalism, the National Conference of Republican County Officials, the California Elected Women for Education and Research, the National Women's Political Caucus, the Sacramento Area Commerce and Trade Organization, and the Golden Empire Health Systems Agency.

It was her participation in community projects that ultimately led Sandy to run for public office. She was first elected county supervisor in 1972, serving parts of northern Sacramento County. Her reelections in 1976 and 1980 are testaments to her effectiveness on behalf of her constituents.

Furthermore, she has won the cooperation and respect of her peers, as evidenced by the fact that she has been elected chairperson of the Sacramento County Board of Supervisors twice during her 10 years in office. She was also elected president of the County Supervisors Association of California in 1978 (the first woman ever to hold that office) and was NACo's vice president prior to her installation as president.

I know that each of us in this House has frequent contact with NACo, and that we have a mutual concern for the constituents that both we and the association serve. Therefore, I am pleased to be able to personally commend to you NACo's new president, Sandy Smoley.●

TRIBUTE TO MRS. VIRGINIA EATON

HON. WEBB FRANKLIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. FRANKLIN. Mr. Speaker, we have heard a great deal of talk in recent months about the need for excellence in our educational system, and our obligation to reward that excellence, and I would like to take this opportunity to commend one of my constituents who has recently been recognized as an excellent teacher.

My constituent, Mrs. Virginia Eaton, of Kosciusko, Miss., is 1 of 33 teachers recognized this year by the Robert A. Taft Institute of Government. She and the others were singled out for their outstanding teaching of American government and two-party politics, and all 33 award winners have recently been in Washington to participate in Taft Seminar II, a 2-week graduate course on politics and government.

Mrs. Eaton teaches American history and American government at Kosciusko High School, and receiving this award certainly brings honor to her school system, and to the State of Mississippi as well. I congratulate her, and I applaud the Taft Institute for their efforts in recognizing teachers for their important work.●

RED SAILS: THE SOVIET MERCHANT MARINE

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mrs. BOGGS. Mr. Speaker, since the end of World War II the Soviet Union has rapidly and purposefully developed itself from a clearly land-based superpower to its present position as the world's premiere maritime power. In recent years Soviet naval and maritime capability has developed to the point that Soviet power is fully mobile in the world and, with high probability, can deny control and the use of the world's sea lanes by its adversaries for protracted periods of time.

The Soviets have recognized from the lessons of history that a strong national defense requires a strong national merchant fleet. We should learn from our experiences in Korea and Vietnam when over 90 percent of the materials and men sent to those conflicts traveled by sea.

A more recent example of the need for a strong merchant marine is the British-Argentine conflict in the Falkland Islands. Three out of every four ships in the British flotilla that traveled to the Falklands were private merchant ships manned by volunteer civilian crews. The importance of the merchant marine in this endeavor was underscored by the comments of Adm. Sir John Fieldhouse, Commander in Chief, Fleet, and Commander, Falklands Island Task Force:

> I cannot say too often or too clearly how important has been the Merchant Navy's contribution to our efforts. Without the ships taken up from trade, this operation could not have been undertaken, and I hope this message is clearly understood by the British nation.

The Falklands conflict raises the question of whether the United States, faced with a similar situation, could respond with the quickness and efficiency that the British demonstrated. Does our Nation have a large enough fleet to carry out such an operation? Vice Adm. Kent Carrol, Commander, U.S. Military Sealift Command, had this to say about the Falkland's experience:

> But most of all, the Falklands crisis should make us ask if we could be as responsive as the British given the state of our merchant marine. The British have twice the number of merchant ships that we do although they have less than one fourth the warships. Could we turn to the U.S. flag fleet today and find the sealift we need to deploy and sustain our fighting forces? Will we be able to rely on it in the future? I don't feel easy.

Admiral Carroll is the man in charge of planning our Nation's sealift capability, and knows its potential better than anyone. If our Nation wishes to continue to have the ability to respond in a timely fashion when our interests are threatened abroad, it is essential that we have the defense sealift capability to move men and materials to where they are needed. Without this capability, our overseas defense commitments are only idle threats.

Today, the once mighty U.S.-flag merchant fleet ranks 11th among the world's maritime fleets and the once minuscule Soviet fleet ranks second. A recent article in the Wall Street Journal explored the military and trade implications of this phenomenal growth in the Soviet fleet. It makes very interesting yet troubling reading:

> HUGE EXPANSION OF THE RUSSIAN MERCHANT FLEET POSES ECONOMIC AND MILITARY PROBLEMS FOR WEST
>
> (By Bill Paul)
>
> While winning the Falklands war last year, the British lost an important but unpublicized sea battle to the Russians.
>
> As many British passenger ships carried troops to the war zone, Soviet passenger ships took advantage of the situation: More of them moved into the lucrative UK cruise

market. They cut fares, too, and raised the Soviets' market share to about 35% from 10%, mostly at Britain's expense.

They have held on to that share. and given the number of new cruise vessels that Moscow has on order, British shipping executives fear they will soon be unable to compete with the Soviets. If that happens, Britain may be hard-pressed to find troop carriers if another war erupts.

Britain's problem is part of a worrisome trend for the West in all kinds of shipping, not just cruise vessels. The Soviets have been on a shipbuilding binge for years, and they are still going strong. The Soviet-flag merchant fleet now is the world's fifth largest—after Liberia, Japan, Greece and Panama. (The U.S.-flag fleet ranks eighth, but many U.S. ships fly foreign flags of convenience to slash costs.) For the first time, the Russians' commercial shipping industry blankets the globe. Their ports, crew training and ship communications have been greatly improved.

DESTABILIZATION POTENTIAL

As a result, the Soviets, whose state-owned shipping companies can operate at a loss for long periods, now are capable of destabilizing shipping rates at will, on routes all over the world. They did it so ham-handedly a decade ago on U.S. routes that Congress cracked down. Today they are doing it much more skillfully on Far Eastern routes, and some observers expect them to make Mediterranean routes their next target.

"I see a big commercial threat from the Russians," says Jerry Smith, the head of the Liberian Shipowners' Council, adding that when the Soviets force Western lines to cut rates to the bone to compete, "the Western lines lose the financial capital they need to survive bad times."

Equally important, some Western naval experts say, Russia's merchant fleet now may be better able to support a military operation than the U.S.'s. Soviet shipping policy, in contrast to Western policies, considers every merchant vessel a military ship first and a commercial ship second. Thus, Western analysts say, the Soviets have built a merchant fleet that is better at delivering a military cargo to the battlefield during the first critical days of an engagement and better at electronic surveillance during peacetime.

The "greatest disparity" between U.S. and Soviet "combat capability" is in their merchant marines, where the Russians lead by far, says retired Adm. Thomas H. Moorer, a former chairman of the Joint Chiefs of Staff.

Yet another important result of the Soviet merchant buildup, Western ship owners allege, is Moscow's growing ability to influence world shipping policies.

There is abundant evidence of the Soviet buildup. In 1982, according to Lloyd's Register of Shipping, the Russians added more tonnage to their merchant fleet than any other of the top 10 maritime states except Panama. As of April, according to Fairplay International Research Services of London, the Soviets had 107 dry-cargo ships on order, nearly twice as many as any other country, and 22 container ships, the fourth-highest total. Dry-cargo ships, which include militarily proficient roll-on roll-off ships are, along with container vessels, at the core of a modern merchant fleet.

Moreover, the Russians have been expanding shipping operations, particularly in the Persian Gulf, the Far East, and the Arctic and along both coasts of Africa. They have also established docking and repair privileges around the globe. All told, Soviet merchant ships call at more than 1,000 ports in more than 100 countries each year, as many as the lines of many Western maritime nations.

Ironically, it was the U.S. that prodded the Russians into developing a sizable merchant fleet. In 1963, Washington severely restricted the entry into U.S. ports of any vessel that had called at a Cuban port. Russia had been relying largely on Western shipping lines to handle its exports and imports; now it found that many lines were refusing to, say, carry Cuban sugar to Russia because their American access was too valuable to lose. The U.S. restriction thus made the Russians aware of the need to build up their own merchant fleet rather than rely on others.

In 1972, the U.S. gave the Russian merchant fleet its single biggest boost. That year, under President Nixon's policy of detente and in line with U.S.-Soviet economic agreements, Washington eased restrictions on Soviet ships. They began regularly scheduled calls at East Coast, Gulf and Great Lakes ports for the first time since the Korean War. Inasmuch as perhaps one-third of world trade touches a U.S. port, the Russians now could play in the big leagues.

But almost immediately, they got into trouble. During the 1973-75 recession, the Soviets suddenly cut their shipping rates as much as 40 percent to meet Moscow's tonnage quotas. This stirred U.S. fear that the Russians would force out Western lines and then raise rates again. That didn't happen, but the threat opened Congress' eyes to Soviet shipping's financial advantages.

PROFITS ARE SECONDARY

One advantage: The Soviet state pays for all shipbuilding and ship insurance. Further, Soviet crewmen get paid only one-third the wages of their Western counterparts. Most important, Soviet ships don't have to be profitable; it is often all right to operate at a loss, as long as the line brings Moscow the hard currency it needs for food and other imports from the West. This is especially true now that Soviet oil revenue has fallen because of lower world-wide crude-oil prices.

With the Soviet emphasis on hard currency, the Russians can "pitch their prices 25 percent below whatever (Western) commercial rate is offered," Iain Sproat, Britain's shipping minister, recently complained.

In 1978, Congress responded to the Soviets' demonstrated ability to destabilize Western shipping. It passed the Controlled Carrier Act, which denied U.S. access to any government-owned shipping company that cut rates between U.S. and foreign ports without giving 30 days' notice.

Then, in 1981, after the Russian invasion of Afghanistan, the U.S. barred Russian ships from U.S. ports—unless they were engaged only in direct trade between the U.S. and Russia, trade that accounted for just a small part of the Russians' business. The ban remains in effect. A U.S. State Department official says that the Soviets badly want to get back in and that the issue could heat up as the negotiations on a U.S.-Soviet grain pact move along.

While the ban has hurt Russian shipping, it has also benefited it. Forced to redeploy its steadily growing commercial fleet on other trade routes, the Soviet Union has more firmly established a global shipping presence.

The Soviets have apparently learned from their mistakes. Although they have cut rates on lucrative container-ship business between Australia and such Asian traders as Japan and Hong Kong by as much as 40% over the past several months—as much as they cut rates on U.S. routes a decade ago—they have managed to get away with it by appearing to be willing to negotiate and compromise.

In June the Russians met in Tokyo with Far Eastern shipping executives and agreed not to cut their rates more than 10 percent below prevailing market prices; rates already cut beyond that would be raised. The agreement came after two earlier meetings ended in impasse. By dragging out the talks, the Soviets got the benefit of many months of increased business. Moreover, they helped drive one Western line out of the Far Eastern market, hurt the finances of several others and caused political turmoil in Canberra and Tokyo.

In short, they disrupted Western shipping, and even now "it's unclear whether the Russians will abide by the agreement or whether they signed it just to take the heat off them for a while," says Peter Goldmann, the editor of Seatrade Weekly, a shipping industry newsletter.

A major concern to U.S. planners is the military implications of the big Russian commercial fleet. The focus of this concern is the several hundred roll-on roll-off ships that the Russians have built since the mid-1970s, giving Moscow a clear numerical advantage over the U.S. in these vessels.

BEST SUPPORT SHIP

The ro-ro ship, as it is called, is "the best military support ship going," says Richard Banks, a former State Department maritime expert. It can transport mechanized equipment such as tanks and troop carriers, and, unlike the container ship, it doesn't need trucks or roads or dockside cranes to deliver military cargo to the battlefield. Analysts say the Russians are likely to keep their ro-ro advantage because of their emphasis on commercial vessels' being military ships first. By contrast, Western shipowners prefer to build container ships because they have greater commercial practicality.

Another area of concern is the so-called product tanker, which carries the fuel needed to refuel other ships. "It's an area that's often overlooked," says Stewart H. Wade, an editor of Fairplay, a shipping magazine. "Most of the U.S.'s product-tanker fleet is of appalling quality," Mr. Wade says, adding that the U.S. Navy does have a tanker-renewal program under way.

Still another military concern is the crews on merchant ships. Russian ships have Russian crews. But many shipowners who fly flags of convenience—principally the Liberian and Panamanian flags—employ multinational crews whose willingness to go into a war zone on command from Washington is suspect.

Adm. Moorer goes one step further. "I'd be surprised," he says, "If the Soviets don't have an agent on these Liberian- and Panamanian-registered ships."

Whether or not the Russians have spies on board U.S.-owned merchant ships, Western shipowners are convinced that Moscow is influencing Western shipping policy. For evidence, they point to a proposal by the shipping committee of the United Nations Conference on Trade and Development. This proposal could prevent most Western shipowners from flying a low-cost flag of convenience by requiring the owner to have a majority of his assets in that flag country, which few of them do. Without competition from ships flying flags of convenience, the

Russians wouldn't have any low-cost shipping competition, these Western owners argue.

But while such a proposal clearly would be detrimental to Western shipowners, it isn't clear whether the Soviets have inspired it or whether they have simply climbed aboard developing countries' bandwagons. Developing countries want to limit developed nations' access to flags of convenience as a means of increasing their own participation in world shipping.

The proposal isn't likely to be approved, but some developing states may impose it anyway by keeping out ships whose owners violate it. That could take business away from Western ships and give it to the Russians. To owners like Frank S.B. Chao, the president of Wah Kwong & Co. of Hong Kong, the significance of the proposal is clear. He calls it "tangible evidence of the U.S.S.R.'s single-minded commitment to dictating a world shipping policy."●

RESOURCE CONSERVATION RECOVERY ACT

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. DOWNEY of New York. Mr. Speaker, many people complain that the Congress often fails to act with foresight by choosing band-aid solutions for problems which require major surgery. We now have before us—in the subtitle D of the Resource Conservation Recovery Act (RCRA)—an opportunity to silence our critics with a comprehensive program to prevent environmental disaster.

In the 1970's we learned that the disposal and management of hazardous waste needs strict regulations if we were to prevent the creation of such environmental nightmares as Love Canal. Today we have RCRA to insure that safe and secure procedures are used in the treating, storing, and disposing of dangerous substances. RCRA is a good law but it does not adequately address an explosive aspect of waste control.

Solid waste sites—local dumps or landfills—are often inadvertent repositories for hundreds of tons of highly toxic chemicals. Because these substances are produced by small generators, their disposal at dumps and landfills is often unregulated. These chemicals are particularly dangerous because they often seep through the ground or leach into the groundwater supply. On Long Island—in which my district is located—our groundwater is our only source of drinking water. I need not emphasize the danger of toxic substances contaminating the only source of drinking water for the 3 million people who populate Long Island.

Today I join Representative BONIOR and many of my colleagues in introducing an amendment to subtitle D which is not a retrospective measure but rather one which anticipates a problem and its solution. By authorizing $10 million annually for fiscal years 1984–86, we will enable States to carry out solid waste management plans, thereby cutting off this cancer at the root.●

FHA/HERO NATIONAL CONFERENCE MEDALISTS

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mrs. JOHNSON. Mr. Speaker, I am very proud to announce that four Connecticut high school students received gold and silver medals for outstanding achievement at the National Conference of Future Homemakers of America and home economics related occupations. I wish to commend Marsha Ferrell of Westbrook and Robert Szklanz and Stephannie Wheeler of Enfield who were recipients of gold medals for job interview projects and illustrated talk on food services. Michelle Lescault of Enfield was awarded a silver medal for her food services activity manual. Congratulations to these four outstanding young Americans and to their advisers for their efforts in encouraging and guiding their students to excell.

I would also like to recognize Marisal Lauveano of Hartford who used her fluency in Spanish on the Voice of America to reach the Hispanic community about potential careers in home economics related occupations.

The honors received by these students testify to the excellence of their vocational education programs, their talent and their determination. I commend them for their accomplishments.

Programs such as future homemakers and home economics related occupations are only two examples of how our public schools are meeting the needs of diverse student bodies. Training in these programs give students the skill and experience necessary for immediate entry into service-related job market. They also provide a solid foundation for students who might wish to pursue future studies in restaurant and hotel management.●

TRIBUTE TO HO KIN-CHAI

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. DYMALLY. Mr. Speaker, I wish to draw the attention of the Members to the exceptional caliber of the fellows who come to us each year under the auspices of the American Political Science Association Fellowship program. I have had the privilege of hosting two of these fellows in my office this year. The second of these, Mr. Ho Kin-Chai will shortly be completing his fellowship, and I wish to acknowledge publicly my gratitude to him for the work he has performed while in my office.

Mr. Ho is a professional journalist from Malaysia. I have been continually fascinated by the point of view he brings to our international affairs as well as to our domestic affairs. A respected journalist, Mr. Ho has covered U.S. Presidential campaigns and is a veteran observer of and reporter on Malaysian politics. His comparisons of our two styles of campaigning have been enlightening. Moreover, his profession has developed in Mr. Ho a keen sense of the machinations of political minds the world over. I believe his skills in this area have helped me to better understand some of the motivations behind the actions of a number of world leaders.

I have been especially grateful for the aid Mr. Ho has extended to me in my work on the House Foreign Affairs Committee. As many of my colleagues know, I was born on the island of Trinidad and am an immigrant to the United States. Perhaps it is that experience which has led me to the firm belief that before I make a decision about a matter involving foreign policy, I must make every effort to gain a comprehensive perspective on the issue. For me, this means that I must strive to understand the issue from the point of view of those leaders from other countries who will bear the brunt or gain the advantage of that decision. Mr. Ho has proved invaluable to me in this respect. He has been in the enviable position of traveling the world to report the events of a host of countries. Given his experience as a cosmopolite in the most basic sense of the word, I have greatly enjoyed making use of Mr. Ho as my temporary window on the world. I will miss the opportunity to share views with Mr. Ho. But he leaves my staff and me with an understanding of world affairs that I think it fair to say we could not have gained without making liberal use of Mr. Ho's international journalistic experience. Perhaps the greatest tribute I can pay Mr. Ho and the American Political Science Association Fellowship program is to say that I will be aggressive in my effort to attract more such fellows to my office in the future. The best wishes of my staff and myself go with Ho Kin-Chai and his wife and children.●

A TRIBUTE TO CLAUDE J. LEFFALL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. RANGEL. Mr. Speaker, I rise today to praise a most remarkable man, Mr. Claude Leffall. Mr. Leffall's life is a story of hard work and diligence, one that shows us how an individual with a strong spirit can achieve almost anything he or she desires.

Mr. Leffall was forced to drop out of high school at the height of the Depression in 1936. After working as a railroad waiter from 1936 to 1948, he spent the next 28 years in the merchant marine.

One would think that 39 years of hard work would be enough for the average person. However, Mr. Leffall is certainly not average. He decided to go back to school in 1976. In 1978, at the age of 61, he received his high school equivalency degree after attending school at night. He received his associate of arts degree from Manhattan Community College in 1981. Finally, at the age of 66, Mr. Leffall graduated this year from the City College with a bachelor of arts degree in political science.

Claude Leffall is an exception to all rules. He never stopped making new starts in life, and I am proud to know him. It is our duty, Mr. Speaker, to make strong examples of men like Mr. Leffall. He is someone for all of us to admire.●

NATIONAL DEAF AWARENESS WEEK

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. GUARINI. Mr. Speaker, today I will reintroduce legislation to designate the week of April 8–14, 1984 as "National Deaf Awareness Week." I am pleased to be joined by Mr. BONIOR of Michigan and Mr. PACKARD of California in sponsoring this important resolution.

An estimated 15 million Americans of all ages experience some form of hearing impairment. Over 2½ million are children who have been born with defective hearing or who have suffered a serious illness before the age of 5.

Despite their handicap, the deaf and hearing impaired have made significant contributions to society in virtually every occupational category and profession. Nevertheless, the remaining impediments and obstacles encountered by those with hearing disorders can limit their educational and employment opportunities and hamper their ability to fulfill their potential. These barriers must be recognized and eliminated.

During "National Deaf Awareness Week," we can focus public attention on the concerns and special needs of the hearing impaired. For 120 years, Gallaudet College has contributed to this goal by serving as a national resource for the hearing impaired. Specialists at Gallaudet College have provided instruction, model elementary and secondary school programs, research, and public service activities. This unique institution has been instrumental in bridging the gap between deaf and hearing people around the world.

On April 8, 1864, President Abraham Lincoln signed the legislation providing a Federal charter to Gallaudet College. Mr. BONIOR and Mr. PACKARD now serve on its board of trustees. As a special tribute in honor of Gallaudet College's anniversary and its contributions to the deaf and hearing impaired, we have proposed that April 8, 1984, begin "National Deaf Awareness Week."

I urge my colleagues to join us in cosponsoring this resolution to promote increased recognition of the needs of the hearing impaired and to acknowledge their extraordinary contributions.●

BILL TO IMPOSE DUTIES ON SUBSIDIZED HYDRAULIC CEMENT, CEMENT CLINKER, AND CONCRETE BLOCK AND BRICK

HON. KENT HANCE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. HANCE. Mr. Speaker, today I am introducing a bill to remedy a serious threat to the American cement industry posed by rapidly escalating imports of subsidized Mexican cement and related products.

Imports of Mexican cement and cement clinker have increased sharply in recent months. In the first 5 months of this year, the amount of Mexican cement imported into the United States through southern California, Arizona, Texas, Florida, and the gulf coast has increased 152 percent over imports of Mexican cement during the same period of 1982. Imports of Mexican cement clinker from January through May 1983, are 449 percent greater than total imports of Mexican cement clinker during the entire preceding year. Imports of cement block and brick have spiraled at similarly escalating rates.

These rapidly increasing imports are directly traceable to unfair trade practices involving Mexican government subsidization of cement manufacturing companies. The most important subsidy among the many that Mexico provides to its cement industry is the provision of fuel oil through PEMEX, its wholly owned energy monopoly, at a small fraction (one-twentieth) of its true value—$1.23 per barrel versus $27.30 per barrel for export. Because about half the cost of manufacturing cement is attributable to energy, the Mexican Government's subsidy gives Mexican cement producers an unfair advantage that no U.S. producer, no matter how efficient, can overcome.

In March of this year, three U.S. cement manufacturing companies and a labor union representing more than three quarters of U.S. cement production workers brought a countervailing duty proceeding challenging these unfair subsidization practices. In its July 1 preliminary determination, the Commerce Department found that the Mexican cement industry was benefiting from a number of different government subsidy programs and determined the net subsidy to be 5.69 percent ad valorum.

But, in an unjustifiably narrow interpretation of its authority under the countervailing duty statute, the Commerce Department found that because the Mexican fuel subsidy was generally available, the Department could not impose a duty countervailing the subsidy. As a coalition of U.S. cement producers and workers has told the House Subcommittee on Trade, the Commerce Department's restrictive interpretation of its authority to countervail against such unfair and destructive subsidies leads to the anomalous result that the more widespread; the foreign government subsidy program, and the greater its potential for distorting trade, the less likely the Commerce Department is to find it to be countervailable. Clearly, this is not the result Congress intended.

In order to restore fair competition in American cement markets and to insure that the purposes of the countervailing duty law are not frustrated, I am introducing a bill that would provide a procedure to redress this critical problem.

It would create a new tariff classification for subsidized hydraulic cement and cement clinker and, on petition of interested parties, would direct the Commerce Department to impose a duty in the amount of the reduction in the foreign producer's cost of manufacturing attributable to the unfair subsidy. The same kind of tariff classification and procedure would be established for subsidized concrete block and brick.

The purpose, and effect, of the bill would be to require foreign companies to compete in the United States on the same terms as domestic companies, as the free market system contemplates.

I urge my colleagues in the House to support this bill to prevent unfair and illegal trade practices by foreign governments from threatening the viability of the U.S. cement industry.

Mr. Speaker, I ask unanimous consent that the text of this bill be printed in the RECORD at this point.

H.R. 3658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Cement, Cement Clinker and Concrete Block and Brick Fair Trade Act of 1983".

SEC. 2. DUTY ON SUBSIDIZED CEMENT AND CLINKER AND CONCRETE BLOCK AND BRICK.

Subpart A of part 1 of schedule 5 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended—

(1) by inserting after headnote 1 the following new headnotes:

"2. For the purpose of item 511.12, hydraulic cement and cement clinker found by the administering authority (as defined in section 771(1) of this Act), under the procedures set forth in section 3 of the Cement, Cement Clinker, and Concrete Block and Brick Fair Trade Act of 1983, to be manufactured with the use of fuel or energy provided by a government or a State-owned or controlled enterprise at a price or cost that is less than the true value of such fuel or energy (as determined by the administering authority in accordance with headnote 4) is subject to duty in the amount of the reduction in the cost of manufacturing hydraulic cement and cement clinker attributable to the difference between the price or cost of the fuel or energy provided and such true value.

"3. For the purpose of item 511.55, concrete block and brick found by the administering authority under the procedures set forth in such section 3 of such Act of 1983 to be manufactured using cement made with the use of fuel or energy provided by a government or a State-owned or controlled enterprise at a price or cost that is less than the true value of such fuel or energy (as determined by the administering authority in accordance with headnote 4) is subject to duty in the amount of the reduction in the cost of manufacturing cement block and brick attributable to the difference between the price or cost of the fuel or energy used in producing the cement and such true value. In determining the amount of the concrete block and brick manufacturing cost reduction attributable to the provision of fuel or energy to cement producers at less that its true value, the administering authority shall apply a rebuttable presumption that the full value of the benefit received by the cement producers is passed through to the manufacturers of concrete block and brick.

"4. For the purpose of headnotes 2 and 3, the true value of fuel or energy shall be the first of the following that can be determined:

"(a) The price at which the fuel or energy is freely sold or, in the absence of sales, offered for sale to unrelated purchasers for exportation.

"(b) An arms-length price consisting of the amount that was charged or would have been charged in independent transactions with or between unrelated parties in a relevant and uncontrolled market.".

(2) by inserting in numerical sequence the following new item:

"511.12	Hydraulic cement and cement clinker (other than white, nonstaining Portland cement), determined by the administering authority to be manufactured with the use of fuel or energy provided by a government or state-owned or controlled enterprise at a price or cost that is less than the true value of the fuel of energy provided.	See headnote 2.	See headnote 2. ", and

(3) by inserting in numerical sequence the following new item:

511.55	Concrete block and brick determined by the administering authority to be manufactured with cement made with the use of fuel or energy provided by a government or state-owned or controlled enterprise at a price or cost that is less than the true value of the fuel or energy provided.	See headnote 3.	See headnote 3.

SEC. 3. PROCEDURES.

The duty imposed under headnote 2 or 3 to subpart A of part 1 of schedule 5 of the Tariff Schedules of the United States shall be imposed, under regulations prescribed by the administering authority, in accordance with the provisions of sections 702 (b)(1) and (c), 703 (b), (d)(1), (d)(2), and (f), 705 (a)(1), (c)(1)(B), (c)(2) and (d), 706(a), 707, 751 (a)(1), (b), (c), and (d) of the Tariff Act of 1930, except that a petition shall allege the elements necessary for the imposition of the duty under such headnote, all references to a countervailing duty shall be considered to refer to the duty under such headnote, all references to a net subsidy shall be considered to refer to the amount of the manufacturing cost reduction attributable to the provision of fuel or energy at less than its true value (as determined in accordance with headnote 4 to such subpart A), and no determination by the United States International Trade Commission shall be required.

SEC. 4. JUDICIAL REVIEW.

Section 516A of the Tariff Act of 1930 is amended by inserting after subsection (a)(2)(B)(v) the following new subsection:

"(vi) A final determination by the administering authority under section 3 of the Cement, Cement Clinker, and Concrete Block and Brick Fair Trade Act of 1983.".

SEC. 5. EXCEPTION FROM GENERALIZED SYSTEM OF PREFERENCES.

Section 503 of the Trade Act of 1974 is amended by amending subsection (c)(1)—

(1) by striking out "and" at the end of clause (F);

(2) by redesignating clause (G) as clause (I); and

(3) by adding immediately after clause (F) the following:

"(G) Cement and cement clinker specified in item 511.12 of the Tariff Schedules of the United States,

"(H) Concrete block and brick specified in item 511.55 of the Tariff Schedules of the United States, and".

SEC. 6. EFFECTIVE DATE.

(a) Except as provided in subsection (b) of this section, the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) With respect to cement, cement clinker, or concrete block or brick imported from a country as to which an investigation under section 303 or title VII of the Tariff Act of 1930 regarding an alleged subsidy on the production or exportation of cement, cement clinker, or concrete block or brick involving the provision by a government or a State-owned or controlled enterprise of fuel or power at less than its true value, or an appeal of a final determination or order in such an investigation, is pending on the date of enactment of this Act, the provisions of this Act shall be effective with respect to unliquidated entries entered, or withdrawn from warehouse for consumption, on or after the date of the filing of the petition in such investigation, if a petition under section 3 of this Act is filed with respect to such merchandise within 90 days after such date of enactment.●

A TRIBUTE TO MARY PYLES

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. LONG. Mr. Speaker, It is an honor and a great personal pleasure for me to pay tribute today to my very dear friend Mary Pyles, a dedicated worker in the community and in the home as well as at work.

Mary, a resident of Dundalk, Md., retired recently from Bethlehem Steel's Sparrows Point tin mill after more than 36 years of dedicated service. For the past 7 years, she has worked as the chief inventory control clerk in the tin mill warehouse. She kept the warehouse running smoothly and always looked for ways to make it work even better. Supervising seven workers, she showed as much dedication to people as she did to her work.

Mary has also dedicated herself to her community. She is an active member of the Edgemere Moose Lodge and the Novi Democratic Club. Helping to bring good theater to eastern Baltimore County, she has served as business vice president for the Dundalk Community Theater as well as helped out with costumes and other backstage work.

Always enthusiastic in her patriotism, she has helped build many a float for the Fourth of July parades. In my entire political career, it is hard to remember anyone who has shown as much patriotism through involvement in local political efforts.

In recognition of her dedicated service to the community and efforts to promote good government, I presented her with a congressional commendation a year ago. Since then, she has continued to richly deserve it.

I am sure my colleagues join me in wishing Mary a retirement with as much joy and pleasure as she has brought to so many people in her life so far.●

COMMITTEE FOR ECONOMIC DEVELOPMENT CONSTRUCTIVE BUDGET PROPOSALS

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. JONES of Oklahoma. Mr. Speaker, the congressional budget process has been the focus of much debate, controversy, and concern during the past 2 years. There are those who have used and misused the process who now want to deny that it exists. This administration, which almost singlehandedly put their supply side economic theory into practice by twisting and bending the budget process to their goals, now scorns the process as "Mickey Mouse."

Some Members of Congress and others want to slay the process for bearing to us an unwelcome message. They wrongly say that the budget process has broken down. In fact, the process is working fine; it is the political/economic problems that we must face. Others insist that some constitutional hocus-pocus will solve all our problems in an easy, painless way.

In short, Mr. Speaker, the discourse on the budget process has sometimes fallen to a dismally low level. That is why the efforts of the Committee for Economic Development are so welcome in this area. The CED, as most of us know, is well respected for the quality of their research and the contributions they make to the public dialogue on policy issues.

Recently, the CED completed a comprehensive study of the Federal budget process and issued its report, entitled: "Strengthening the Federal Budget Process: a Requirement for Effective Fiscal Control." The CED study, flowing from its Subcommittee on Budget Concepts and Process chaired by the distinguished former head of the Government Accounting Office, Elmer B. Staats, makes several recommendations to strengthen and improve the work of the budget process in Congress. The project coordinator, CED chief economist Frank W. Schiff, worked in close consultation with many of those most familiar with the budget and budget process during the past few years. The resulting report is something that all Members of the House and Senate should take the time to read and study. To facilitate that effort, I would like to include the executive summary of the CED's study in my remarks at this time. In conclusion, I would commend the CED's budget motto to my colleagues: "If it needs fixing, don't break it."

The summary follows:

EXECUTIVE SUMMARY OF THE CED POLICY STATEMENT: STRENGTHENING THE FEDERAL BUDGET PROCESS—A REQUIREMENT FOR EFFECTIVE FISCAL CONTROL

Budget deficits and the budget process have moved to the center of national concern. This statement examines the evolution of the process Congress and the President use to formulate the federal budget. Its basic conclusion is that it is in the best interest of both the government and the nation to preserve, improve, and strengthen the basic elements of the Congressional budget process. We believe that not only is it possible to bring order to national fiscal affairs, but that it is vital for this nation to do so.

The report recommends strengthening key budget concepts and improving the information needed to allow policy makers to make reasonable budget choices. It also calls for specific improvements in the way budget decisions are made and enforced.

WHY WORRY ABOUT THE BUDGET PROCESS

Unless the nation is able to bring about sharp reductions in projected budget deficits, the prospects for a sound recovery will be impaired. Failure to come to grips with the budget problem, moreover, would seriously threaten the long-term prospects for the future health of the economy and for the kinds of productivity gains that are needed to provide adequate employment and living standards for this country's citizens.

Success in bringing the budget under control rests fundamentally with the political process—the will to the people and the actions of their elected representatives. However, a strong federal budget process is essential to the effective functioning of political decision making in the areas of revenue and spending. Abandoning the basic budget process, the report concludes, would hinder rather than help efforts to bring the budget under control.

PROCESSES AND PROBLEMS

The enactment of the Congressional Budget and Impoundment Control Act of 1974 instituted a series of wide-ranging budget reforms. Before this time, no procedure required Congress to consider federal expenditures and revenues in combination.

The new law required Congress to vote twice each year, at two specific dates, on both the entire budget and major spending categories. The Act also prescribed detailed timetables for all phases of the Congressional budget process, established budget committees in both the House and the Senate, and founded the Congressional Budget Office to serve as Congress's principal source of fiscal information.

Even with the real improvements that have been made, Congress does not yet have a truly effective means of controlling actual budget expenditures and revenues. There is concern about the long delays that have become common at virtually every stage of the process. There is dissatisfaction with available budget information and with uncertainties about the budget's general meaning and scope. There is also the sense that the budget process is overloading Congress with money matters at the expense of substantive issues.

TOWARD MEANINGFUL REFORM

We strongly support continuation of the basic elements of the present budget process and believe that strengthening the process is vital for sound and effective economic policies.

To assure full consideration of needed improvements, we recommend the establishment of a new Budget Concepts Commission composed of members appointed by the President, Congress, and the public to study the concepts that underpin the federal budget. In addition, we recommend the establishment of a bicameral Congressional study group drawing on leaders of both the House and the Senate to deal explicity with Congressional budget procedures.

IMPROVING BUDGET CONCEPTS AND INFORMATION

Congress should have the best possible information when making budget decisions. We believe that if Congress is to make optimal budget decisions, the budget needs to be both fully comprehensive and clearly understandable.

Budget Presentation. We believe that continued adherence to a comprehensive unified budget is essential. To make the budget more comprehensive, activities now classified as "off budget" should be moved back into the unified budget. We oppose the scheduled removal of Social Security from the unified budget and urge Congress to reverse recent actions calling for such removal by fiscal year 1993.

Ecomomic Assumptions and Analysis. Reasonable and consistent, economic assumptions are critical to the budgeting process. We favor requiring that both the House and Senate budget committees agree on a common set of economic assumptions for budget resolutions.

Both the Executive Branch and Congress should continue to make active use of the high-employment budget, or a similar concept, in analyzing budget developments. The High-employment budget concept, originated by CED in 1947, helps to distinguish between the impact of the budget on the economy and the effects of the economy on the budget.

Controlling Federal Credit Activities. Federal credit programs should be subject to most of the budget-control procedures now used in connection with direct spending. There should be a requirement for budget-resolution ceilings on total new-loan extensions and guarantees to be binding.

Congress and the Administration should develop means of allowing direct comparisons as well as trade-offs between direct-spending programs and the subsidy element of credit programs serving similar goals. In this connection the report recommends that the new Budget Concepts Commission study the possible establishment of a national lending fund that would be responsible for all federal loan and guarantee programs but would not be allowed to subsidize transactions or to take risks on its own account. Instead, government agencies sponsoring loans and guarantees would reimburse the lending fund to compensate it for the subsidy portion of federal credit activities.

Capital Budgeting. We are opposed to proposals for a formal capital budget outside the unified budget. There is a strong risk that a separate capital budget would become a giant loophole for evading budget disciplines. However, we do favor substantially greater focus on clearer presentation of investment-type programs and on capital budgeting approaches within the unified budget.

Tax Expenditures. Tax expenditures are reductions in federal revenue attributable to provisions in the tax law that allow special deductions, exclusions, or exemptions from gross income, or that provide a special

credit, a preferential tax rate, or a deferral of tax liability.

We are opposed to a ceiling on total tax expenditures in the budget resolution. However, we believe that in cases where the relevant Congressional committees agree that tax expenditure programs and regular spending programs serve the same purpose, such programs should be subjected to joint reviews whenever feasible.

STRENGTHENING CONGRESSIONAL BUDGET PROCEDURES

Even if Congress has the best possible information and the best possible conceptual framework for budget options, it still must face up to making and enforcing specific budget decisions. We believe that the evolutionary changes in the process introduced in recent years have significantly strengthened the process and should be retained. However, some operational changes need to be made. In particular:

The First Concurrent Budget Resolution should be made binding, thereby eliminating the need for a mandatory second resolution. Congress should, however, retain the option to pass a subsequent revised resolution if this appears necessary.

The "elastic clause," should continue to be available as a needed means of providing a workable degree of flexibility in applying budget process rules.

The "outyear" targets in the budget resolution should be made binding.

The shift toward the use of reconciliation in conjunction with the first budget resolution, its broadened application to existing entitlements, and its implementation on a multiyear basis represent essential steps for making reconciliation effective. However, there should be some limitations in the scope of the reconciliation procedure, such as forbidding reconciliation bills to be vehicles for extraneous legislative proposals.

Binding limits under budget resolutions, enforceable by points of order, should be tied to committee and subcommittee spending allocations, as well as to total spending.

Improving Congressional Timing. Because there are still many unresolved questions about two-year budget cycles, we do not favor an immediate, across-the-board shift to biennial budgeting. Instead, we recommend a gradual extension of the time period for budget and related decisions. This would involve experimenting with two-year appropriations and longer funding arrangements. If a high percentage of programs turns out to be suitable for two-year decision cycles, there should probably be an eventual move to a biennial budget. At a minimum, however, authorizing legislation should be for two years, and in some cases even longer.

We are opposed to any proposal under which Congress would be able to take up appropriations bills as soon as the deadline for the first Concurrent Budget Resolution has passed, whether or not the resolution has actually been approved by Congress. We believe that such a change would remove a major incentive for achieving timely budget resolutions and could significantly weaken the process.

To avoid unnecessary crises over continuing resolutions, we recommend that, with appropriate safeguards, a continuing but reduced appropriation be automatically put into effect at start of the fiscal year for any account that has not yet received a regular appropriation.

Structural Realignments with Congress. While there should be careful study of possible realignments in Congressional committee structures and functions, the report is against any action that would abolish the House and Senate budget committees, undermine their essential functions or otherwise weaken the budget process.

A Constitutional Amendment on the Budget. We are opposed to a constitutional amendment to balance the federal budget or to place specific limitations on budget outcome. In our judgment, a constitutional amendment would be unworkable and would likely do more harm than good.

We believe that further strengthening of the Congressional budget process is a vital precondition for sound and effective fiscal and economic polices. Improvements of the present process along the lines indicated in this statement offer the best hope of bringing the budget under control.●

THE RETIREMENT OF MAJ. BILL SMITH

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. WRIGHT. Mr. Speaker, I would like to take time today to call attention to the retirement—at least on the domestic record publishing scene—of Maj. Bill Smith, one of Fort Worth's leading popular music producers.

In addition to his outstanding combat service in the U.S. Air Force, and his career in music, Bill Smith for the past 25 years has sponsored and run a Fort Worth alcohol rehabilitation clinic. He is a credit to his community as a civic-spirited citizen, and his contributions to the music industry, where he has earned nine gold records, are known far and wide.

While Bill will continue to work in the international music field, his retirment from American music publishing recently was noted in the trade newspaper Billboard. At this time, I would like to call your attention to this newspaper article:

INSIDE TRACK

After three decades in business and some 3,000 releases, the outspoken Major Bill Smith is calling it quits domestically for his Fort Worth-based LeCam label, although he'll continue its international presence via his deal with Pinnacle Records in the U.K. The Major, credited with such classics as Paul and Paula's "Hey, Paula" and Bruce Channel's "Hey Baby," is bowing out with two reissues, Amos Milburn Jr.'s "Long Tall Sally" and "Gloria," and "Singing The Blues" and"Tough" by Mac Curtis & the Bill Smith Combo. The former journalist is going out with his humor intact, of course—both singles carry the catalog number "30," familiar to newshounds as the code for a story's end. And the Major promises he's going to be busy on the international front, promoting Christy's "Crying" and planning a tour for "Major Bill's Texas Rock'n'Roll Review."●

KFWB RADIO SAYS THE FUTURE IS NOW TO REBUILD AMERICA

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. ANDERSON. Mr. Speaker, as you well know, this Nation is currently faced with the enormous task of rebuilding our basic infrastructure. This includes our highways, bridges, railroads, mass transit systems, sewage treatment plants, water supply systems, and reservoirs. In addition, it is our ports, waterways, locks, dams, courthouses, jails, police stations, schools, post offices, and government buildings.

Currently, these essential facilities are deteriorating faster than they are being repaired or replaced. In turn, this threatens our Nation's economic well-being, its workers, and our ability to satisfy the needs of today and tomorrow.

Through my position on the Committee on Public Works and Transportation, I am continually working to develop immediate and long-range plans to insure that we properly make the needed investment in capital projects, such as those mentioned above. Unfortunately, the administration has had the tendency not to make this a top priority in its legislative agenda. Granted, it is not a subject which arouses much interest in the private sector unless, of course, a disaster occurs—such as the recently collapsed span of bridge in Connecticut. However, all across the country the needs are there and we must address them now.

Recently, I received a copy of a timely editorial aired by KFWB News 98 Radio, located in Los Angeles, Calif., which drives home the point that we must work together now to repair America's public infrastructure. This editorial is as follows, and I urge all of my colleagues to read it.

[Radio KFWB News 98—Editorial]

INFRASTRUCTURE: THE FUTURE IS NOW

Since 1965 we have been spending less and less on the Southland's infrastructure . . . our streets . . . public buildings . . . and sewer systems. And our multibillion dollar public works investment is in danger of serious decay.

Days of decision are at hand.

As the KFWB/Regional Affairs Council series noted maintaining our infrastructure will carry a hefty pricetag. But if we don't invest in preservation efforts today, the costs will be ten times as high tomorrow.

Unlike the older areas of the east, the Southland's infrastructure is just beginning to crumble. Bad news? Yes! But the good news is that we have the opportunity to reverse that trend . . . and we must!

Three million new residents are expected in the Southland by the turn of the century, further taxing the public works systems in place.

While the inclination among some political leaders may be to go for new and more glamorous projects, you must let them know such efforts cannot be undertaken at the expense of repairing existing systems.

We all have a stake in seeing to it that the visible and invisible public works systems are maintained, not just for today but tomorrow as well.●

CLOSE A MAJOR LOOPHOLE IN THE RCRA

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Ms. MIKULSKI. Mr. Speaker, I am offering this amendment today in order to close a major loophole in the Resource Conservation and Recovery Act.

Currently, EPA has no regulatory authority to prevent the export of hazardous wastes to other countries. My amendment will provide EPA with the authority to prohibit the export of hazardous wastes if the receiving nation does not certify that it is aware of the hazardous nature of the waste, and that it is willing to receive the shipment.

This amendment does not mandate an outright ban on such shipments. I recognize the fact that there are several legitimate reasons for exporting hazardous wastes, such as for scientific testing, reprocessing and recycling. My amendment is not aimed at these shipments.

The focus on my amendment is those wastes which are exported to avoid the stringent and more expensive requirements which govern the disposal of hazardous wastes in this country.

We must prevent the dumping of hazardous waste in unsuspecting Third World nations and we must make it very clear to other countries that we will not export our problems onto their shores.

There have been several incidences in the past few years where American companies have sought to export wastes in order to dump them in someone else's backyard. This reflects poorly on our country and harms our foreign policy interests.

In Mexico, an American citizen illegally dispose of PCB's and mercury sludge (both extremely hazardous substances) in an abandoned mine without adequate safeguards to the surrounding area.

Last year a Florida company proposed to incinerate large quantities of PCB-contaminate wastes in a Honduran facility after it had been denied an EPA permit for PCB incineration in this country. Once the Honduran Government learned of the hazardous nature of the waste, it refused to permit the activity.

In both of these cases, if the receiving country was notified of the nature of the waste, and certified it was willing to accept it, this amendment would provide no obstacle to the shipment. However, if the receiving country does not want to shipment, EPA would have the authority to stop the shipment.

Both the State Department and EPA agree that the RCRA legislation is the appropriate place to deal with this issue and I have worked with the EPA to create the least administrative burden on that agency.

Our own country will have safeguards from the ill effects of hazardous waste upon passage of this legislation. We should take an equally firm stand on the transportation of hazardous waste bound for export to other countries. I urge you to support my amendment to insure such a clear message to the rest of the world.●

OTHER WAYS TO SKIN THE LEGISLATIVE VETO CAT

HON. ELLIOTT H. LEVITAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. LEVITAS. Mr. Speaker, as Congress moves to undo the damage of the Supreme Court's ruling on the legislative veto, many ideas are being proposed as alternative ways of skinning the cat. We have already adopted some methods to do this, such as the amendments adopted in the House to the Consumer Product Safety Commission for approval or disapproval of its regulations.

Now, I want to bring to the attention of my colleagues an article written by Robert E. Litan and William D. Nordhaus, which appeared in the New York Times on July 5, 1983. This article explores a proposal similar to one I have put forward which could serve as one possible alternative to the legislative veto which the Supreme Court has ruled unconstitutional.

Litan and Nordhaus propose that the President present to Congress periodically the major regulatory proposals which are pending, with an analysis of their costs and benefits. These regulatory proposals could then be put into effect if affirmatively approved through an act of Congress in an omnibus bill.

This idea of a "legislated regulatory calendar" deserves serious consideration as we move to find alternatives to the legislative veto. At this point, I would like to put the article by Litan and Nordhaus in the RECORD, and urge my colleagues to take a moment and review this proposal:

WITH THE VETO GONE

(By Robert E. Litan and William D. Nordhaus)

WASHINGTON.—The United States Supreme Court's decision striking down the legislative veto corrects a longstanding defect in the Federal legislative process.

Since the veto devise was introduced in the 1930's Congress has grown progressively sloppy in writing laws. Instead of the careful crafting envisioned by the Founding Fathers, Congress often gave a blank check to the executive or to an independent agency. But it sometimes reserved the right to put a "stop" order on these checks, by the now-unconstitutional veto, should it later (spurred by a special-interest group) change its mind.

Nowhere is the excessive delegation of legislative functions more extreme than in economic and social regulation.

Even through regulation is as important a part of the legislative process as, say, raising and spending revenues, many regulatory statues are egregiously vague, simply directing an agency to regulate in the "public interest." Natural-gas prices became regulated under a general "public interest" standard, not because Congress decided it was sound energy policy. Cities are required to make subways and buses accessible to handicapped people even though Congress never envisioned this outcome.

In other cases, statutes are specific but place no limits on the amounts that regulators can require firms to spend. Businesses spent $32 billion in 1981 controlling air and water pollution because Congress delegated to the Environmental Protection Agency a legislative function of taxing and spending on pollution control. Nuclear power is dying under the weight of safety regulations. Regulating everything from teddy bears to 747's, our fourth branch of Government legislates more pervasively, and more autocratically, than King George III.

In the last few years, many in Congress have become concerned about this over-delegation. Legislative vetoes are now in place (but in peril) for a few regulatory statutes—in seat-belt regulation, in Federal Trade Commission rules and in some natural-gas rules.

In recent reform proposals, moreover, many members of Congress hoped to reverse the problem of excessive Congressional delegation by an omnibus legislative veto provision for all major Federal regulation. This route is now clearly closed.

In the wake of the decision nullifying the legislative veto, the nation should pause to consider fundamental issues of who should legislate, and how.

Some think that Congress will now have to write highly detailed statutes; others think that, like an overburdened mule, Congress will simply balk and bring the legislative process to a halt.

In the regulatory arena, some worry that the first alternative will lead to overly politicized regulatory decisions traditionally left to agency "experts." Others, noting that good legislation requires time and effort, fear that Congressmen will devote neither and instead retreat to a haven of noncontroversial inactivity.

There is a middle way. The central problem for Congress, with no legislative veto as a crutch to lean on, is to structure its consideration of the issues, such as regulatory policy, in such a way that precious Congressional time is devoted to major questions,

while execution and implementation are delegated to administrative agencies.

We believe that there is a mechanism through which Congress can structure its regulatory decision-making in a fashion that meets both these objectives.

Specifically, we suggest adoption of a "legislated regulatory calendar" under which the President would present to Congress each year all of the 50 or so major Federal regulatory proposals. Each proposal would be accompanied by an analysis of costs and benefits. An act of Congress would then be required before agencies could put their rules in final form. The calendar proposal resembles the Congressional budget process, which has, since 1974, allowed Congress to direct the broad pattern of its spending. Such a process could serve well as a model for regulation.

A regulatory calendar would remove legal uncertainties about rules (such as the automobile air-bag rule, still unresolved 13 years after it was first proposed). It would permit Congress and the executive to set regulatory priorities—a task nowhere performed today.

But most important, it would provide a constitutionally sound mechanism by which central issues, such as the quality of our air and water or the safety of our highways, could be directly decided not by unelected regulators but by elected representatives.●

AMERICAN POLITICAL SCIENCE ASSOCIATION CONGRESSIONAL FELLOWSHIP PROGRAM

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. SEIBERLING. Mr. Speaker, this year marks the 30th anniversary of the American Political Science Association congressional fellowship program. This program, begun in 1953, has enabled more than 1,000 scholars, journalists, Federal executives, and professionals from other nations to experience Congress at first hand.

For the congressional fellow, this opportunity provides a close-up view of legislation, oversight, and policymaking in both the House and the Senate. For the Congress, this program provides additional staff in personal and committee offices, at no additional cost to the Government.

Because each fellow goes through a rigorous selection process within his or her sponsoring agency or organization, we in the Congress are assured of getting top-level expertise. In the past, American Political Science Association fellows have served in several capacities as personal and subcommittee staff members. Previous fellows have come from academic institutions, Federal agencies, and the private sector.

Since January of this year, my Public Lands and National Parks Subcommittee staff has been augmented by Leslie Wildesen, an APSA fellow funded by the American Anthropological Association. Dr. Wildesen has worked previously for three Federal land-managing agencies, in various positions relating to historic preservation program development, and resource management. She currently operates a cultural resource planning firm in Portland, Oreg.

Her combination of on-the-ground experience, and familiarity with public lands and historic preservation issues over which my subcommittee has jurisdiction contributed to our perspective on these important and complex issues, particularly as they affect Federal lands in the West.

I congratulate the American Political Science Association for the longevity of its congressional fellowship program, and look forward to its continued success.

I urge my colleagues to consider the advantages of having a fellow on their staffs, and to let the American Political Science Association know of your interest in their program.●

A SPEECH BY PRIME MINISTER MAURICE BISHOP

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. DYMALLY. Mr. Speaker, I submit for the record the text of the following speech made by Prime Minister Maurice Bishop of Grenada, West Indies, at the Protocolary Session of the meeting of the Organization of American States on June 1, 1983, in Washington, D.C.

The speech follows:

We meet here at a time when the world and in particular the developing world which we so amply represent, is faced by an alarming array of social and economic problems which we must collectively confront in an effort to attain genuine progress and development for our peoples. Yet this is also a time when genuine efforts are already emerging from among us to resolve the social, economic, financial and political problems with which we are confronted. These efforts represent a reserve of determination and will which is part of our American heritage.

A century and a half ago, the great Liberator, Simon Bolivar, the father of Pan-Americanism whose bicentennial we celebrate this year spoke to patriots throughout the Americas of the importance of unity in the struggle for progress. In his famous Jamaica letter written in Kingston in 1815, he stated, "Surely unity is what we need to complete our work of regeneration" and in 1819, delivering an address at the inauguration of the Second National Congress of Venezuela in Argentina, came the famous lines: "Unity, unity, must be our motto in all things. The blood of our citizens is varied: let it be mixed for the sake of unity".

Today, one hundred and fifty years later, as we seek to attain peace, justice and progress for the people of the Americas, we must respond to those echoes in the corridors of history. Indeed, even while we speak of the need for unity and the integrated development of our people, we do so with the knowledge that while we have shared historical experiences, the specific character and development of each State is different. Our unity is therefore based on mutual acceptance and understanding of each other's right to develop its own process as it deems best for the progress of its peoples.

In this region, we are a diverse people, of Indian, European, Asian and African origins, with an array of cultural and social patterns. What we acclaim and must cherish is our unity in the diversity that we represent.

The destiny of our English-speaking Caribbean is inextricably linked with that of our Spanish-speaking brothers and sisters. Not only Simon Bolivar, but also other great thinkers of our time have recognized that our future lies in the unity of our peoples. In the early 20th century, the Grenadian Theophilus Marryshow, the father of West Indies Federation said: "A West Indies in a world like this must unite or perish. This is not the time for parish pump politics. We think nobly, nationally, with special regard for the first fundamentals of a West Indian unity, and a West Indian indentity".

As Simon Bolivar fought at the beginning of the 19th century for the unity of Latin America, so too Marryshow fought at the beginning of the 20th century for the unity of the Caribbean. As inheritors of these great traditions, we have a duty: that is, as we approach the 21st century, doing so with collective experience of national independence and with an anti-colonial perspective, our duty must be to harness the strength of unity that we represent and that we genuinely embody. For only in unity can we earnestly fight to overcome the seemingly monumental difficulties of our region. "Our Americas", as José Marti that great Americanist thinker entitled our region.

In this regard, we in Grenada place great significance on the signing of a Treaty in December 1982 which established formal relations between the Caribbean Community (CARICOM) and the Organization of American States. The basis for institutional interaction and exchange is most certainly being strengthened within our region.

Our American continent must not only be united, but we must have peace: a peace which brings economic and social justice, equality, and greater independence and freedom for all those down-trodden and oppressed.

Our entire region has a history of struggle for independence and freedom from domination. We cannot forget the first great Revolution in our hemisphere, when on July 4, 1776, the Congress of the United States declared that "These United Colonies are and of right ought to be free and independent States". The people of the United States fought bravely for their freedom, against colonialism and exploitation, so that in 1783 England lost all her original colonies in North America. Throughout our region the struggle for independence, progress, peace and genuine development has gone on. It has never stopped. We are experiencing a natural historical continuum between these brave early struggles for independence and self-determination on the one hand, and the epic struggles of the people of our Americas on the other hand, of which the heroic and unconquerable people of Central America deserve singular mention.

We must continue to offer all our support for the achievement of real justice, economic well-being and social equality for all our

people. For it is in attaining justice and equality that we can begin to realize peace, meaningful peace. Yet another son of the America Benito Juarez helped to fashion a workable reality for us when he said: "Respect for the rights of the other is Peace". If we truly aim at peace and development for our region, at the individual development of each country and our collective progress as well, we must respect the rights of the sons and daughters of Sandino to seek their solutions to the problems of poverty, unemployment, illiteracy and underdevelopment which have plagued their country for over a century since the attainment of independence in 1838.

We join international public opinion in supporting initiatives by the people of Latin America to the problems of our region. Contadora represents a significant step toward finding a solution to important dimensions of the problems in Central America.

It offers concrete hope for finding a negotiated solution to our problems, and additionally reemphasises the importance of peacefully settling disputes through dialogue and without resorting to the use of force or interference in the affairs of our neighbours.

Mr. Chairman, today, the peoples of Central America, indeed the peoples of Latin America and the Caribbean, must be allowed to decide what process befit their particular experience.

Nicaragua has had a difficult past. For decades, its integrity has been trampled by the interventionist boot and from 1936 to 1979, by the unparalleled tyranny of a family dynasty. Despite the popular and definitive character of the Sandinista victory of July 19, 1979, the Nicaraguan people are not being left to develop their own process in peace and to find solutions to the problems which have plagued the country. This is a matter of grave concern to Grenada. Moreover, Grenada shares in the broad international outrage at the provocation to which Nicaragua has been subjected over the last week. Similarly, and with equal seriousness, we decry the tremendous loss of life and the overall regrettable state of affairs in Central America.

We oppose any attempt to give support to those whose objective is to destabilise the Sandinista regime and to promote strife and discord in Central America. What matters is the future of the people of the Latin American region as perceived by the people themselves. The region cannot be held to ransom or made to adhere to values and systems which others choose. The people of Central America will look at the experience of almost two centuries of their independence, decide for themselves why poverty and underdevelopment have pursued them so relentlessly and seek their own negotiated solutions to their problems.

I reiterate my country's support for the French-Mexican Declaration of 1981, an effort which seeks to bring together for dialogue all the truly representative forces in El Salvador.

Mr. Chairman, Grenada again calls for peaceful solutions to all the region's border disputes, another legacy of colonialism which continues to adversely affect our peaceful and integrated development. The territorial integrity of Belize must be respected and the Belizean people left to pursue their own path to peace, progress and genuine development.

We also seek to ensure that all vestiges of colonialism are removed from our region. The foreign policy of Grenada is unequivocally anti-colonial. Our support for peace, independence and development automatically assumes opposition to the colonial situation which has so divided our peoples.

We extend full support to the Argentinian people in their struggle to retain the Malvinas Islands. It is an issue about which we cannot be apathetic. The Non-Aligned Movement has consistently supported Argentina's claim to the islands. Consistent with the United Nations resolution on the issue, and in the interest of a peaceful and speedy settlement, we call upon Great Britain to return to the negotiating table with Argentina.

Even as we concentrate on themes of unity and peace for the development of the region, we are aware of the severe economic and financial problems facing our countries. A report prepared by the I.D.B. shows that the G.D.P. of Latin America and the Caribbean declined by one percent in 1982. Some of our countries have had to seek rescheduling of foreign debts. We have felt the adverse effects of fluctuating international markets for our primary products. Now more than ever, we feel the urgent need for restructuring of the international monetary and financial institutions to make them more responsive to the needs of our developing countries.

Our interdependence is a fact of our existence as developing and over-exploited countries of the American continent, and we are deeply aware of the need to cooperate in order to secure social and economic benefits for our people and to secure peace in our region. We sincerely hope that the meeting to be convened in Venezuela later this year will generate new and workable solutions to the region's deep economic and financial problems.

Because peace, independence and development are necessary for the progress of the peoples of the entire region, Grenada is particularly concerned about our relationship with the United States of America.

My Government has consistently sought to establish and to maintain normal and mutually respectful relations with our powerful northern neighbour. It is an unfortunate historical fact that every effort on our part to achieve this has been ignored or rebuffed.

As a member of the Inter-American family, Grenada's purpose is to solve the social and economic problems which confront our people. We pursue a foreign policy of Non-Alignment which for us includes a real and ongoing diversification and expansion of our relations.

This explains our active involvement in the concerns of Latin America, seeking solutions to the problems of our Small Island States, advocating self-determination in a new political and economic framework, and acceptance of the principle of ideological pluralism.

I reaffirm what representatives of our Government and people have said so many times before: that Grenada constitutes no threat to the United States. We repeat that the new International Airport is a civilian project vital to the economic development of our country. It has been discussed and considered by successive Grenadian Governments for the past quarter century and no less than six (6) voluminous studies and reports have been done on its feasibility. The runway is the same length as St. Lucia's and smaller than that of Barbados. It is also a project which past United States and Canadian Administrations have recognized as vital to the development of our tourist industry. We have received assistance for the project from countries throughout the world; and its importance to our economic development is unquestionable.

Our particular vision of the Americas is one which recognizes the right of member states to choose their own destiny and this same vision of ours accepts the possibilities of peaceful coexistence, diversity and a variety of political systems. It is in this ideological spirit that we embrace Venezuela, Cuba, Nicaragua, Mexico, Barbados, Martinique and Suriname as all legitimate sons of the Americas. We cannot in principle subscribe to the attempt to isolate any member of our hemispheric family.

Pluralism is a reality of our region. We exist with different systems, different solutions, different approaches emanating from the common search for peace, true independence and meaningful development.

On another issue, Mr. Chairman, we cannot express support for the U.S. Caribbean Basin Initiative, since it deliberately seeks to exclude our country and others of the American family from economic benefits given to the region. The unity of our peoples must not be compromised by attempts to divide us. We who have a history of colonialism already understand what it is to be divided by language and culture. We already know what it is to be fighting off the colonial legacy of mistrust. If assistance is to be given to an area designated the "Caribbean Basin", then it must be given to all the countries of the area without discrimination.

In this regard, we take the opportunity to express our additional concern over the United States announcement that $4.4 million will be made available as scholarship assistance through the O.A.S. to countries of the Caribbean Basin, excluding Suriname, Nicaragua and Grenada. The vision of an organization with a people united in a common drive toward development precludes the toleration of such divisiveness, and an organization which by its very existence gives substance to the dreams of Bolivar, must, we feel, not allow discrimination against any member state. This is a danger to our regional movement.

Mr. Chairman, distinguished Ambassadors and representatives, the unity of our region must prevail. Members-states of the Organization of American States, represented at the Third Special Inter-American Conference, stated in a preambular paragraph to the "Protocol of Buenos Airies" that "the charter of the Organization of American States signed at Bogotá in 1948, set forth the purpose of achieving an order of peace and justice, promoting solidarity among the American states, strengthening their collaboration and and defending their sovereignty, their territorial integrity, and their independence. Our unity must be based on principles of justice, genuine independence, liberation, peace, and mutual respect".

The countries of our Organization of American States must demonstrate respect for the principles of legal equality of all nation states, mutual respect for sovereignty, territorial integrity, ideological pluralism, non-interference in the internal affairs of other states and the rights of each country to develop its own process free from all forms of outside dictation and pressure. Above all, our countries must work together actively in the promotion of peace, for without peace, our dreams of development will remain mere dreams. Without respect for internationally accepted principles, Central

America will have no peace and will be doomed to continuous turmoil.

Grenada has always envisioned the attainment of peace in our region, and our Organization of American States has helped to give substance to that dream by unanimously adopting at the IX General Assembly of the Organization of American States a Resolution aimed at declaring the Caribbean region a Zone of Peace.

Let us all, inheritors of the compelling vision of Bolivar, Benito Juárez, Jose Marti, Marryshow and all those other heroes who fought for peace, progress and freedom, work together in this our America to ensure concrete and long-lasting solutions to the real problems of the region—to poverty, unemployment, illiteracy, disease and transnational exploitation of our resources. the vision of an America peaceful by virtue of its integrated development is still vibrantly alive.

Grenada reiterates its commitment to the Charter of our organization. Our nations must proceed without confusion believing that we will achieve the goals agreed to in our Charter.

Mr. Chairman, distinguished Ambassadors and representatives of our America, if we lose the war on poverty and underdevelopment and allow ourselves to move back into the darkness of enslavement, we will have to blame not the weapons of the enemy, but our own divisiveness.

Forward to peace, genuine independence and development in a United America—Our America.●

TOM BEVILL: A BUILDER OF AMERICA

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. FLIPPO. Mr. Speaker, recently, Randy Quarles, Washington correspondent of the Huntsville Times, located in my district, published an article outlining the enormous contributions of my good friend and colleague, TOM BEVILL, in building the Nation and our State of Alabama.

Edwin Markham, writing of Lincoln, said:

Why build these glorious cities, if man unbuilded goes,
In vain we build the world, unless the builder also grows.

TOM BEVILL is now beginning to receive some of the recognition he deserves as a builder of America. But he has labored in relative obscurity for many years to reach the position he now holds as chairman of the Subcommittee on Energy and Water Development.

I would point out to you that the building mentioned in this article is located in my district, not Mr. BEVILL's. He is known as "Mr. TENN-TOM" in the House, yet the Tenn-Tom barely touches the corner of his district.

Mr. Speaker, TOM BEVILL has earned his reputation as a builder of America because of his hard work, dedication, and selfless devotion to building all of America. He is also a pure Southern gentleman who has become a master of the legislative process.

The accompanying article is long overdue.

[From the Huntsville Times, July 3, 1983]

CONGRESSMAN SOUNDED COCKY, BUT HE DELIVERED

(By Randy Quarles)

WASHINGTON.—U.S. Rep. Tom Bevill of Jasper sounded pretty cocky a couple of weeks ago when he shrugged off the Senate's refusal to give the Army Corps of Engineers $9.5 million, for a new training center in Huntsville.

Dismissing it as a bargaining move, the Alabama Democrat smiled and declared that he had more chips on his side of the table. The training center would be in the final measure passed by Congress, Bevill promised.

Last Wednesday both the House and the Senate passed a compromise energy and water development appropriations bill, which includes the Corps' budget.

And lo and behold, the $9.5 million for the Corps building was back in there.

That wasn't the only Alabama project snubbed by the Senate but restored or beefed up in the compromise.

To name a few, the bill approved Wednesday contained $1.8 million for the Franklin Ferry Bridge in Jefferson County, or a million dollars more than the Senate initially approved; the Black Warrior-Tombigbee river system got $13 million for operation and maintenance, some $4.2 million more that the Senate figure; planning for a new Olvier Lock and Dam on the Black Warrior got $1.3 million, up from $600,000 in the Senate bill; a $600,000 flood-control study of Threemile Creek in Mobile ended up with full funding, while the Senate had given it nothing; and the final measure upped the ante for a channel-deepening study for Mobile channel to $900,000 from the Senate's $700,000.

"Everything in Alabama's in good shape, right on schedule," Bevill said late last week.

Bevill had struck again.

As Chairman of the House Appropriations energy and water development subcommittee, Bevill is known as a friend to most water projects nationwide, not just in Alabama. But the Alabama projects get an extra boost because of Bevill's position, particularly the smaller projects or ones like the Corps' training center that just as easily, perhaps, could go to another area.

If a representative from New Jersey was in Bevill's spot, for example, he or she probably wouldn't feel called upon to insist on Senate approval of the new Corps facility at the University of Alabama in Huntsville. And something like an $80,000 channel-deepening study for Bayou La Batre might get lost in the shuffle despite lobbying by members from Alabama.

"I don't know what we'd do without Bevill,' one veteran Senate aide said last week, shaking his head in admiration over Bevill's victories in the House-Senate conference committee that hammered out the funding measure for the fiscal year beginning this coming Oct. 1.

This probably has been one of Bevill's better years, too, as far as water projects go.

The biggie, of course, was his successful maneuver to assure the Tennessee-Tombigbee Waterway of enough federal money to complete it by September 1985.

By "finding" a $180 million surplus in the Corps' current budget, Bevill not only secured enough money to finish the waterway, he did it without a floor fight.

He said the overfunding in the agency's 1983 budget was purely accidental—although his committee drafted the budget resolution last December that resulted in the surplus.

The waterway has a number of powerful allies in the House, of course, including Rep. Jamie L. Whitten, D-Miss., chairman of the full Appropriations Committee. As part of the Republican leadership, Rep. Jack Edwards, R-Mobile, also has been in a good position to help it.

But because he writes the energy and water bill each year, Bevill has been the Tenn-Tom point man.

Last Thursday, a day after the bill's passage, Bevill said it meant that "the Tenn-Tom, as far as Congress is concerned, is completed."

"I feel a lot better now, a lot better," said Bevill, 62. "It's a good feeling.

"Frankly, there was a window there. If this project had started one year later, we never would've finished it," he said. "It was that close, in my judgment."

But Bevill says the Tenn-Tom success is the result of a decade of hard work and support by a lot of representatives and senators, including some of the powers that be or have been in Congress.

"I've had some help from the leadership a few times," said Bevill, although he declined to talk about any specific instances of aid from above.

While the water projects got the most press, Bevill scored other wins last week, too.

He had included $150 million for the Appalachian Regional Commission's development programs in his House bill, despite the Reagan administration's opposition to any ARC funding. The Senate's version gave ARC $125 million.

Chaired by Bevill, the House-Senate conference committee increased the figure to $145 million.

The Tennessee Valley Authority's budget for non-power programs fared well in conference, too. It received $125.5 million, or $3 million more than in the Senate bill and only $450,000 less than in the House version.

While he was at it, Bevill also managed to insert a little moral support for TVA and its private partners involved in the Murphy Hill coal-to-methanol plant. He added a sentence to the bill stating: "The conferees are encouraged by recent progress in achieving financial participation in the North Alabama Coal Gasification Project and hope that the Synthetic Fuels Corporation will proceed to an early decision."

The Synfuels board has been asked to provide loan guarantees and price supports for most of the private energy-related firms in the Murphy Hill consortium.

Maybe Bevill was being a little bit cocky a couple of weeks ago when he promised to restore money for the Corps' training center in Huntsville and the other Alabama projects. But he did it.●

A TRIBUTE TO THE PENNYSAVER CORPORATION

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. ACKERMAN. Mr. Speaker, I rise today to congratulate the Pennysaver Corp., publishers of the Pennysavers of South Nassau and Queens, on its 20th anniversary, which it will celebrate next month.

In 1963, the first South Nassau Pennysaver appeared in Rockville Centre, N.Y., and offered saturation advertising to the merchants of the area. This innovative publication, delivered free of charge to the home of every family in each community it serves, has continued to this day a tradition of excellence and service to the businesses and consumers of New York.

Currently, there are 19 editions of the Pennysavers of South Nassau and Queens, serving over 250,000 homes each week. The Pennysaver Corp. employs almost 200 people, and is headquartered in one of the most prestigious landmark buildings in Rockville Centre, N.Y.

The quality and service offered by the Pennysavers of South Nassau and Queens have been recognized by Government agencies as well as by numerous citations and awards from local and national organizations. As a former newspaper publisher, I can attest that only dedication and hard work could produce a publication so successful that it has thrived and grown for two decades.

Seymour Katz and Herb Solomon, the publishers of the Pennysavers of South Nassau and Queens, are community activists in their own right, championing many important causes on behalf of the people of Nassau and Queens Counties.

It is indeed a pleasure to salute the publishers of the Pennysavers of South Nassau and Queens on the 20th anniversary of their distinguished publication.

Mr. Speaker, I am sure that you will join me in extending the Congress congratulations to Mr. Solomon and Mr. Katz. I am very glad that they plan to continue serving the people of New York for many years to come.●

THE 10TH ANNIVERSARY OF THE ED AND CHET POLKA SHOW

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. RINALDO. Mr. Speaker, for the past 10 years radio station WJDM in Elizabeth, N.J., has originated a number of stimulating programs that appeal to the wide variety of ethnic groups in Union County, N.J. One of the most popular of these programs, the Ed and Chet Polka Show, is observing its 10th anniversary on August 13, and I wish to pay special tribute in this Chamber to the hosts of that show, Ed Slomkowski and Chet Kayer, as well as to the management of WJDM for supporting this valuable and entertaining show.

It has a large and loyal listening audience of Polish Americans, as well as other people who enjoy Polish polkas and who wish to know what is happening in the Polish community.

Ed Slomkowski and Chet Kayer are a source of good will, information, family announcements, and entertainment Sunday after Sunday. Many of their listeners have been fans of the show for the last decade.

On any Sunday morning, Ed Slomkowski and Chet Kayer fill the hour with birthday greetings, family anniversaries, events of importance to Polonians, and plenty of foot stomping polka music. It is one of the most important Polish cultural shows on the east coast. Letters from its fans pour in from throughout the metropolitan area.

Broadcast in English, the program helps to stimulate interest in the many contributions of Polish Americans to our society. It is done with enthusiasm, spirit, and a healthy respect for Polish-American culture.

Mr. Speaker, I ask my colleagues to join me in congratulating WJDM and the Ed and Chet Polka Show for 10 years of wonderful entertainment that is wholesome and invigorating, and symbolizes the richness and flavor of our society.●

SENATE—*Wednesday, July 27, 1983*

(Legislative day of Monday, July 25, 1983)

The Senate met at 10:15 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Gracious, loving, patient God, hours of heated debate are over, the vote is taken, the die is cast. The big question, who wins? who loses? It is not whether a Senator wins or loses—or whether one side of the aisle or the other wins or loses—but has it been a victory or loss for the people? Has it been a victory or loss for the Nation—the world?

And today, Father, more votes are required, the Senate is confronted with more hard decisions on which ride national destiny and the people's welfare. Grant to each Senator a spirit-enlightened conscience and the courage to obey it. For the sake of the people, our Nation and the world, and for Thy honor, we pray in the name of Him who was dedicated to the glory of God. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized for 1 minute.

SENATE SCHEDULE

Mr. STEVENS. Mr. President, at 10:25 a.m. the Senate will go into executive session to consider the nomination of Dr. D. Lowell Jensen to be Associate Attorney General on a 20-minute time limit. We do not expect a rollcall vote on that.

In any event, following the disposition of the Jensen nomination, we will proceed to the consideration of the nomination of Paul A. Volcker to be Chairman of the Board of Governors of the Federal Reserve System under a 1-hour time agreement. At 11:45 a.m. a vote on that nomination will occur. The yeas and nays have been ordered.

That will be followed by a vote on seven treaties that are on the Executive Calendar. They are items numbered 9 to 15, for the guidance of the membership. There will be one vote on those seven treaties.

Following that, we will resume legislative session. The majority leader has announced that we will consider the military construction appropriations bill, the D.C. appropriations bill, and our main business will be the agriculture target pricing. It is our hope that we will be able to begin consideration of that today. The majority leader will have a further announcement with respect to the legislative schedule, I believe, later in the day.

SEMIANNUAL REPORTS—FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED

Mr. BAKER. Mr. President, the Senate Office of Public Records, 119 D Street NE., room 623, telephone 224-0322, will be open Sunday, July 31, 1983, from 12 noon until 3 p.m. to receive hand-delivered July 31 semiannual reports required by the Federal Election Campaign Act, as amended for committees supporting candidates for the U.S. Senate. For further information or assistance, please contact the Public Records Office at the above telephone number.

RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The acting minority leader is recognized.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the time of the minority leader be reserved until later in the day if he wishes to use it.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond the hour of 10:25 a.m., with statements therein limited to 1 minute each.

THE NUCLEAR ARMS RACE MOVES ON IN EUROPE

Mr. PROXMIRE. Mr. President, in the latest edition of the Brookings Review (summer 1983), John Steinbruner analyzes the intermediate range nuclear negotiations between the United States and the Soviet Union and concludes that the time has expired for a compromise that might be expected to emerge from formal negotiations and routine diplomatic proceeding. He argues that the development of a hard line view in Moscow as well as Washington has pushed normal diplomacy to failure. Presidents Reagan and Andropov could, if they both acted promptly and forcefully, move to an accommodation. But in the view of Steinbruner that will—at this point—take an unusual act of statesmanship. It will be especially difficult for President Reagan. The President, after all has—as Steinbruner points out—insisted on defense budget increases in the face of appalling deficits that promise to wreck a recovery. He has opposed a freeze resolution, which in the words of Steinbruner, "he might easily have tolerated so imprecise are its practical implications." He has attacked the Soviet Union as the focus of evil in the world. He has introduced the missile defense into our security policy without restricting our offensive forces. In the process he has alarmed the Congress and provoked friend and foe abroad. The President has also instituted an extraordinary series of military moves in Central America that could easily lead this country into a shooting war. The obvious and sole motivation for this extraordinary U.S. action in Central America is to stop any chance of the Soviets winning the support of governments so near to our country that might provide potential Soviet missile bases.

The circumstances could hardly be more discouraging for reaching an agreement in Europe to limit or exclude further nuclear missile deployment. The most serious inhibition has been the possible reluctance of European NATO countries to accept our Pershings and cruises. But the governments in power in Europe now seem ready to support President Reagan if the Soviets refuse to negotiate a reduction of their European-based missiles. By pressing these governments to keep their commitments, President Reagan will be weakening the NATO alliance. While the governments have been firm in their support of U.S. missile deployment, there is strong opposition in every affected country of Europe. And with deployment that opposition is very likely to intensify for obvious reasons. U.S. missiles will make their country and their lives seriously endangered. Both the missiles and the command systems necessary to operate them will be conspicuously vulnerable to preemptive attack and not only by Russian nuclear forces. Even tactical Soviet aircraft using conventional ammunition could endanger them.

Steinbruner puts the dilemma well:

This vulnerability combined with the inherently cumbersome decision procedures in an alliance of 15 democratic governments renders these weapons essentially unable to execute military missions since an attempt to use them would almost certainly trigger effective preemption. When this condition is realized, as it is destined to be in the course of contentious public debate, the prime rationale for these weapons as a symbol of American commitment to Europe will be severely damaged . . . The harsh fact is that the NATO deployment cannot withstand the pressures that will descend upon it in the absence of an arms control agreement.

So the nuclear arms race goes on. Here in the U.S. Senate we proceed with the authorization of the most unstable, the most threatening, the most hair trigger and the most vulnerable nuclear weapon we have ever produced: the MX, 10-warhead, stationary missile. This doomsday weapon will require the President to fire it on warning within minutes after our elaborate intelligence system has informed the President that a Soviet attack may—just may—be on the way. He must press the button and "use" the MX or take the chance of "losing" it. We know how imperfect is our warning system. We know it has failed often in the past to give accurate and reliable information. We know it has signaled Soviet attack—in error—before. But now we will have a system that must move on warning or die.

What a tragedy, Mr. President. Our fellow Americans tell us over and over and over again how deeply they oppose the arms race. They overwhelmingly favor a nuclear freeze. And yet somehow we move like hypnotized zombies onward to the grave, unable to control our mass instinct for death.

Mr. President, I ask unanimous consent that an excerpt from the article by John Steinbruner to which I have so extensively referred, entitled "Arms and the Art of Compromise," from the summer 1983 edition of the Brookings Review, be printed at this point in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

EXCERPT

AN UNAVOIDABLE CHOICE

A collision between American and Soviet policy is clearly imminent. The United States is strongly committed to the deployment of Pershing II and ground-launched cruise missiles in Europe by the end of 1983 and to the deployment of nuclear-armed cruise missiles on attack submarines in early 1984. The Soviet Union is equally committed to react with new deployments of its own. Once triggered, this interaction is likely to have broad and irreversible consequences. In particular, the first introduction of submarine-based cruise missiles will create a gaping hole in the SALT II restrictions on strategic forces. Nuclear-armed cruise missiles cannot be distinguished by remote observation from conventionally armed variants, and large-scale naval deployment, the conventional version, is conceded to be a virtual certainty—nearly 4,000 are contemplated by the U.S. Navy. In the absence of a verifiable distinction, the entire deployment will have to be officially counted as nuclear. If, as now appears likely, the Soviet Union responds to the NATO deployment with a land-mobile ICBM, that will create another major breech in the restrictions on offensive forces. The ceilings on offensive forces embodied in the SALT treaties are unlikely to survive this combination, and if they fail the possibility for reductions almost certainly will fail with them.

The outlines of a conceivable compromise have been visible for some time to those familiar with the underlying interests of the two sides. It would involve a partial and temporary agreement designed at least to postpone the two events likely to trigger irreversible reactions: the introduction of the nuclear-armed cruise missile by the United States and the small mobile ICBM by the Soviet Union. Moreover, in order to break the current cycle of interaction NATO would indefinitely postpone Pershing II deployment, and in exchange the Soviet Union would reduce its intermediate-range systems to some residual number approximating 100 launchers. The Soviet Union would have to concede NATO's right to match that number, but pending resolution of major issues that would remain outstanding (tactical aircraft in Europe and the British and French missiles forces, for example) NATO would hold its implementation of that right at some point short of complete deployment. The fundamental purpose of the compromise is to buy time for resolving those issues for which the basis for plausible agreement has not yet been prepared.

Seized with the inevitable ritual of negotiations, both governments at the moment have numerous objections to the provisions of a partial compromise. Neither can entirely hide the fact, however, that this interim result would be a great deal better for both than the outcome likely to emerge from the impending breakdown of restraint.

Without agreement the United States will have to proceed with the NATO deployment in the face of a Soviet reaction likely to intensify political division within Europe. Deployment under these circumstances will drive defense ministries loyal to the NATO commitment against sharp domestic political opposition on behalf of weapons whose military rationale is exceedingly questionable. Missiles located on land bases in Western Europe and the command system necessary to operate those missiles are highly vulnerable to pre-emptive attack, certainly by Soviet nuclear forces and even by Soviet tactical aircraft using conventional munitions. This vulnerability combined with the inherently cumbersome decision procedures in an alliance of 15 democratic governments renders these weapons essentially unable to execute military missions since an attempt to use them would almost certainly trigger effective pre-emption. When this condition is realized, as it is destined to be in the course of contentious public debate, the prime rationale for these weapons as a symbol of American commitment to Europe will be severely damaged. One cannot responsibly couple U.S. central strategic forces to Europe by means of weapons that cannot meet the standards of protection required for stable deterrence. The harsh fact is that the NATO deployment cannot withstand the pressures that will descend upon it in the absence of an arms control agreement.

The U.S. deployment of nuclear-armed cruise missiles in attack submarines does not have a problem of vulnerability but nonetheless it is not an area in which the United States ought to stimulate sustained competition. The deployment adds very little to American offensive attack capability against land targets. It interferes with the more important tactical missions of attack submarines. Over the long term large deployments work to the advantage of the Soviet Union because of geographic conditions. In the end the concessions involved in compromise are quite consistent with fundamental interests of the United States and the NATO allies.

Fundamental Soviet interests are easily accommodated as well. Current Soviet strategic forces have more than ample offensive firepower against Western Europe as implied by their willingness to contemplate sharp reductions in their intermediate-range systems. Without the special threat of Pershing II and an open-ended competition in submarine cruise missiles, the Soviets could tolerate a residual deployment of ground-based cruise missiles by NATO if they were held short of high-alert status. That latter condition would mitigate the pressures for pre-emption Soviet commanders might otherwise feel. Whatever net benefits might accrue to the Soviet Union from political divisiveness within NATO cannot outrank their larger interests. The Soviet Union simply cannot afford the enterprise of dominating Western Europe by force; stable political accommodation is by far the more practical course for Soviet policy.

The time has effectively expired for a compromise along these lines to emerge from formal negotiations and routine diplomatic proceeding. The American INF (intermediate-range nuclear forces) negotiator stated down this track in July 1982 with some degree of informal cooperation from his Soviet counterpart. From available public accounts it appears that his efforts were aborted by bureaucratic warfare in Washington and that Moscow, apprised of that fact, responded in kind. Thereafter both governments have engaged in public posturing designed more to argue the equity of their conflicting positions than to move toward a compromise outcome. As the Soviet foreign minister noted on April 3, the process is diverging and, as the observing world should note, the deadlines for virtually irreversible action are upon us all. Normal diplomacy has failed.

The issue therefore stands unavoidably before President Reagan and Soviet Party Chairman Yuri Andropov. Unless they both undertake extraordinary acts of statesmanship, unless they are able and willing to lead their governments into accommodation rather than simply responding to pressures accumulated beneath them, a mutually damaging confrontation with extended consequences will be the record that history attaches to them.

In the United States we know little about the Soviet leader and can only hope. We know rather more about our own leader and can at least exhort.

For Ronald Reagan, we can appreciate, it is indeed a severe test of character. His entire career has been that of an unusually skilled, highly partisan domestic politician. He has championed strong principles that represent a segment of the country and has risen to power on their intense support. To put it mildly, those principles and his supporters offer little basis for realistic accommodation with the Soviet Union. In governing his style has been reasonable in tone but strongly confrontational in substance: force-

ful implementation of strong conservative policies pursued up to the point where the necessity for compromise overwhelms him. In a domestic context this has worked well; the drama of a political breakdown over resistance to his strong measures followed by the general relief of sudden compromise. He manages this transition with grace and good humor, and even those who reject his politics like him for it personally. These are deeply ingrained habits, one must presume, for they are the roots of his success.

The president has followed these habits over the first half of his third year as he has become personally engaged in the issues of security. He has insisted on his defense budget increases against firm congressional insistence on paring them down in the face of large fiscal deficits. He has opposed a freeze resolution in Congress that he might easily have tolerated, so imprecise are its practical implications. He has attacked the Soviet Union as the "focus of evil" in the world. He has introduced a theme into security policy—the idea of ballistic missile defense—that is highly divisive internally and extremely provocative internationally when pursued without accomplished restrictions on offensive forces. He adopted the rhetoric of compromise only to rescue the MX missile from congressional defeat.

This intense partisanship would be dangerous at any time in the context of the American-Soviet relationship, a context not governed by the political and constitutional traditions that constrain political conflict in the United States. Under the current circumstances it is a formula for enduring misfortune. The president is at the point of necessary compromise and must grasp that there is no longer any external process that will bring it to him. He must make the fundamental political decisions necessary to bring it about, and must undertake considerable initiative in a very precarious diplomatic situation. In order to do so he will have to understand the demands of statesmanship, the looming judgment of history, what it means to be president of the United States as a whole and the leader of its alliances.

THE PLIGHT OF SOVIET JEWS

Mr. PROXMIRE. Mr. President, observers such as Theodore Mann, chairman of the National Conference on Soviet Jewry, have indicated that the treatment of Jews in the Soviet Union in becoming more and more akin to the Nazi German dealings with the Jews during 1933 to 1945. According to a recent article in the Washington Post, Mann compares present Soviet oppression of Jews with that of "the leading Germans of a generation ago."

In order to comprehend the worsening situation in the Soviet Union, one needs only to recall the genocidal horrors the world witnessed during Hitler's tyrannical rule. Six million Jews and many other people of Slavic origin were sent to their deaths in Nazi concentration camps. Millions of others—fortunate enought to avoid death—suffered discrimination, harassment, forced labor, and torture. We must act to avoid a repetition of these horrors.

The present Soviet mistreatment of intellectuals, dissidents, and cultural and religious groups is well known. Moreover, the persecution of religious groups such as Jews seems to come about only because they choose to profess their beliefs. Although the Soviet actions may not constitute genocide, it appears that Theodore Mann believes them to be of a genocidal nature. The crime of genocide is a crime against humanity—persecution with intent to destroy a racial, national, ethnic, or religious group.

We must take action against this worst breach of all affecting human rights—genocide—before it is too late, again.

In 1948, the United States led the movement to create the Genocide Convention. We signed it along with many other nations. But, unlike those nations, we have failed to ratify this fundamental statement in favor of human rights. This is a large blot on our record.

We have an opportunity to manifest once again our support for human rights and persecuted people in many nations—such as the Soviet Jews. They need our support. I urge ratification of the Genocide Convention now.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JEPSEN). Without objection, it is so ordered.

AGENT ORANGE

Mr. SIMPSON. Mr. President, my colleagues may know, that I am not much in the habit of submitting for publication in the CONGRESSIONAL RECORD any newspaper article that I may come across that strikes my fancy or serves only to support a securely held position of mine. But recently I came upon an article in the Baltimore Evening Sun by Pulitzer Prize-winning reporter Jon Franklin, which presented to me a very interesting and compelling new perspective on an extraordinarily tough, hard, complex, and emotional issue.

The issue is agent orange, and the emotion bubbles along at an all-time high. There is major legislation pending in both Houses which would respond to that heavy charge of emotional pressure by establishing various new schemes for payment of VA compensation to veterans who were allegedly exposed to agent orange. I do feel that before we become overwhelmed by the simple emotional appeal of this form of bill, that we should examine the issue with some very real care and without the present impatience, frustration and emotional bias.

I feel it is most important to recognize that the inclination to trivialize or oversimplify the issue of agent orange is evident on both sides of the issue. It is my view that both attitudes border on the irresponsible—whether the attitude be that the Government or the VA has coldheartedly and wantonly trampled upon and poisoned the health of Vietnam veterans, all cleverly compounded by a contrived delay in action—or—that this is all a hysterical witch hunt where many factions in the media and the public are out to get the chemical companies, and to lay the blame on a wholly harmless substance known as dioxin.

For these reasons, I found it most refreshing to read this article by Mr. Franklin. It is a thoughtful, objective, and well researched article which tackles and grapples head on with the emotional aspects of the issue. But I think the most significant thing about the article is the author's unusual perspective. He was first assigned to cover agent orange in the late 1970's, at which time he was apparently much favorably inclined and compelled by the arguments and the charges that had been leveled against Dow Chemical and the military. This article is a discussion of how several years of careful research produced in him a more informed and moderate position. The article condenses into a relatively short space, and the inquiry-and-learning process described is one that might be appropriate for all of us to undertake, if but only we had the time in this fascinating arena. I highly commend this fine journalistic effort to the attention of my colleagues. It seems quite honest and up front to me.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Evening Sun, June 24, 1983]

DIOXIN CHARGES ARE FLAWED

(By Jon Franklin)

Times Beach . . . Love Canal . . . and a million Vietnam soldiers and Marines who were sprayed with dioxin-containing Agent Orange. In Washington, bureaucrats maneuver to cover up The Truth. Citizens march in opposition to chemical waste dumps. Angry victims parade their crippled children before congressional committees. There is terror in the land.

Fred Wilcox's latest book, "Waiting for an Army to Die," lies on the table beside me, open at random to page 53. "Vietnam veterans," Wilcox is saying, "have fathered hundreds and perhaps even thousands of seriously deformed children."

The book should sell well. Chemical terror is at least as marketable today as was the Red Menace in the '50s.

I haven't always felt that way. In the 1960s, while I was still in college and Dow Chemical was manufacturing napalm to incinerate Vietnamese women and children, I

marched against the company—and the war that fed its corporate balance sheet.

So in the late 1970s, when I was assigned to cover the then-emerging Agent Orange issue, I was ecstatic. It would be, I thought, the story of my science-writing career. I gathered about me that righteous fervor that is the armor of the crusading reporter, and I went to work.

The first step was obvious. Veterans groups were leveling all sorts of charges against Dow Chemical and the military. My first step was to verify that those charges were legitimate.

I wasn't looking for, or expecting, proof. In matters environmental, truth is so complex that proof of anything can rarely be established. But I was, in good journalistic conscience, obligated to investigate accusations before legitimizing them in The Evening Sun.

One of the first charges I set out to verify involved the matter of birth defects among children of Vietnam veterans.

So began, for me, an odyssey into the strange world of Agent Orange and dioxin where, to borrow the reasoning of Cyrano de Bergerac, "a lie is a sort of a myth, and a myth is a sort of a truth."

And yes, Fred Wilcox, Vietnam veterans probably have fathered "hundreds and even thousands of seriously deformed children."

The normal rate of birth defects is 2.1 percent of all live births. If a million men served in Vietnam, and if each had one child upon returning, they would be EXPECTED to father a lot of deformed children. More than 20,000.

And I remember sitting in a rowhouse in northern Baltimore, listening at length to a veteran who was participating in the massive lawsuit against the government. He was "too nervous to work," he told me, a situation he blamed on Agent Orange. He clearly remembered being sprayed with an orange powder.

Unfortunately for his case, "Agent Orange" was a clear liquid, named for the color of the drums it arrived in.

A few days later I sat in another house while another veteran blamed Agent Orange for his wife-beating, child abuse and heavy use of alcohol.

As the months passed I talked to many more "victims" like those.

In making their charges, they frequently quoted scientific studies—studies which, somehow, never seemed to be anywhere at hand. But, they assured me, I could always look the papers up. Or I could do what other reporters were doing, which was taking veterans' word for it.

Fortunately, my editors had told me to take all the time I needed (a luxury many of my fellow reporters, working on the same story, didn't have), so I wasn't forced to take their word for it.

I spent more than a week at the University of Maryland medical library, tracking down citations and conducting a computer search of the National Library of Medicine archives. When I was finished, I had a stack of technical papers about two feet high.

Reading those reports was a tedious but enlightening process.

The scientists I talked to said dioxin had been around for a long time, and existed in such small quantities that its discovery, in the fat of some veterans for instance, was more a tribute to the sophistication of scientific instruments than to the dangers of dioxin.

"Give me enough money," one scientist boasted, "and I'll find anything in anything. We're getting that good!"

Many of the scientists asked to speak off the record. Thus protected, they complained bitterly about the way their work was being distorted by veterans and by grandstanding politicians. The ruckus being raised, the scientists said, simply did not reflect reality.

Why wouldn't they say so on the record? The explanations were various. Some just didn't want to get involved. Others were afraid that, if they spoke out, they'd be harassed by members of the growing Agent Orange movement. Several admitted that, with the federal grant program dying, they hoped to get money to study dioxin. And further studies, they pointed out, would be necessary in any case. So why jeopardize their chances?

One feeling seemed to be almost universal. The scientists, while rejecting the veterans' interpretations of their scientific work, nevertheless sympathized with the cause. Everywhere, I encountered the sentiment that the veterans had been sorely used then forgotten. They deserved help and, facts aside, perhaps Agent Orange was a workable pretext.

Through all this I was haunted by a hunch that the veterans were correct in one sense. Somehow, each in his own way, the men I talked to were in trouble.

I wondered . . . perhaps, if Agent Orange wasn't the culprit, perhaps something else was. I began boning up on tropical diseases endemic to Southeast, Asia, and to which the soldiers might have been exposed. I inquired about malaria-preventing drugs they were given.

And then I ran across a paper about "soldier's heart."

It was an old paper, published after the Spanish-American War, and on my first trip through the stack I had skipped it. There seemed to me, after all, to be little connection between that remote war and the agony of Vietnam.

But, on contemplation, there were some critical similarities. The soldiers of both wars had been wrested from civilian life, hassled by junior officers, made to wear ill-fitting uniforms, shipped overseas, hassled some more . . . and then been thrown up against an army of people who were trying to shoot them or blow them to bits.

As I read the ancient report, the symptoms of solider's heart practically leaped off the page at me. The Spanish-American War veterans had experienced a range of heart symptoms that were practically identical to many of the complaints I'd heard from Vietnam veterans.

True, the Spanish-American War veterans didn't exhibit excess incidence of cancer or birth defects but, as the scientific literature was making clear to me, there was no evidence that the Vietnam veterans did, either. The difference was that cancer and birth defects were fears of the modern era; Spanish-American War veterans worried far more about tuberculosis.

Thus primed, I began researching studies completed after other, later wars. Each war, I found, had left a legacy of not just soldier's heart but also alcoholism, intestinal ailments, myterious skin reactions, and a variety of ailments that, today, easily fall in the category of "stress reactions."

By this time I was writing stories, but they were tentative things, anemic by journalistic standards, background pieces about soldier's heart and standard birth defect rates—the sort of thing guaranteed to make a wire editor yawn.

Other reporters were faring better. As I grew increasingly skeptical and puzzled, the Agent Orange story exploded around me. Charge after unsubstantiated charge moved on the wires and appeared on front pages across the country.

And the fear spread. Dioxin had contaminated not only Agent Orange but domestic herbicides as well. Every American, it seemed, was a potential victim.

In Pennsylvania there was a cluster of deadly brain tumors. Agent Orange, obviously, was the culprit. None of the stories mentioned the fact that brain tumors, along with leukemias, lymphomas and Hodgkin's disease, had been known for years to occur in clusters.

Now and then I thought I had a shred of evidence, but it always vanished somehow before I could get my hands on it. I particularly remember the scientist who, the veterans said, had showed that tiny quantities of dioxin caused a suspicious range of diseases in monkeys. So I called his laboratory. He was no longer with the university, I was told.

As it turned out, he had left under inauspicious circumstances, in the midst of an investigation into unusual disbursements of his grant money. I had no idea whether he was guilty or whether, as the "Agent Orange victims" charged, he had been framed. The only thing I knew for certain was that, once again, I had come up empty-handed.

Perhaps it was those charges of "frame up" and "conspiracy of silence" that led me, in the end, to an unbidden suspicion. I had approached the Agent Orange story from the point of view of medical science. But perhaps it wasn't that kind of a story at all. Perhaps it was, instead, a modern witch-hunt.

It was an uncomfortable idea and one which I, as a science writer, was not well equipped to tackle. And yet . . . with that view, the evidence coalesced into something that was, at least, coherent.

The veterans I talked to represented the range of human personalities and capabilities, but they had one thing in common. They has been ill-used by their government, and they had as a result incurred an abiding suspicion of it. They were perfectly willing to believe that the politicians who sent them to Vietnam were capable of poisoning them while they were there and denying it when they returned.

They also saw scientists as a monolithic force, a force capable of large-scale conspiracy, a group of faceless intellectuals who would, naturally, share the government's interest in obscuring the facts.

The civilians who joined the Agent Orange movement came from many backgrounds but they too, from housewives to maturing hippies in Oregon, shared that fierce distrust of government . . . and of chemicals, pernicious chemicals that could not be seen, touched or tasted, that were poisoning us all and causing an epidemic of cancer.

I looked up that last charge, of course. The statistics verified no such epidemic, save in one category: lung cancer. And that correlated not with Agent Orange or exotic chemicals, but rather with the everyday poisons in cigarette smoke.

At that juncture, for me, other priorities intervened and I took a two-year leave of absence to write a book. But I watched, in my evening newspaper and on the television news, as the story grew, and grew, and grew. By the time I returned to reporting, the fear of dioxin had grown to alarming pro-

portions. It was, it seemed to many, the key threat to the nation's health.

I thought a lot about the problem, and my mind returned again and again to the explanation that nagged at me.

There had been a war, and a loss of confidence in government, and in the industries that had profited by the useless killing. Soldiers had returned, forever scarred by their experience. Leaders of the new left, like the officials of the March of Dimes, had been unwilling to relinquish their power after their cause had been won.

And on the part of the general population, there was anger, undirected anger that turned to fear, fear that, without an obvious enemy, focused instead on the unseen, almost mystical, poisons. Paranoia . . . and the need for a scapegoat.

Fred Wilcox isn't a newcomer to this game. His first work, a primer and source book for anti-nuclear activists, dealt with another form of invisible terror. Now his second, subtitled "The Tragedy of Agent Orange," lies open in front of me.

As Wilcox reminds us, there is profit in poisons. Certainly Dow Chemical, in manufacturing such products as napalm and Agent Orange, profited handsomely.

But there is also profit in terror. Wilcox's book, paperbound, cost Vintage Books (a division of Random House) perhaps 75 cents to print. It is offered, for your reading pleasure, at the bargain price of $6.95.

It contains some 200 pages chock full of mostly unprovable charges, terrifying in their implications, throwing gasoline on a fire that rages in our minds, unmatched since the paranoid era of Joe McCarthy, pointing a bony finger at the men and women who captain our government and industry.

We are all leery of the subtle chemicals of the new technology, and I suspect we should be. But "Waiting for an Army to Die" reminds me that the mind, as well as the body, is susceptible to poisons.

Dow, at least, is required to list its ingredients on the can. With books your only protection is the ancient warning *caveat emptor.*

Let the reader beware.

DEFENSE AUTHORIZATIONS, 1984

Mr. MITCHELL. Mr. President, last night I voted for the defense authorization bill for fiscal year 1984. I did so for several reasons.

First, I believe that the bill will permit the Pentagon to defend our country while it places a reasonable cap on a necessary increase in defense spending. Earlier this year, I expressed my support for a steady, sustainable increase of defense spending at the rate of 5 percent a year for fiscal years 1984, 1985, and 1986. The budget resolution limits the increase along these lines. The Committee on Armed Services is to be complimented for paring President Reagan's original 10-percent increase considerably; his plan was unrealistic and unnecessary. Its rejection by the committee and the full Senate will assure the increased security effort, required because of the ongoing Soviet military buildup, can be sustained at a reasonable overall spending level.

Second, the bill continues a vital effort to rebuild U.S. naval forces and to insure that the United States maintains superiority on the seas. Notable items contained in the naval forces section of this bill include $1,706 million for construction of three SSN-688 class attack submarines; $3,431 million for construction of three CG-47 class guided missile cruisers; $79 million in advance procurement funds for construction of one DDG-51 class guided missile destroyer; $10.4 billion for the purchase of naval aircraft; and $3.7 billion for missiles, torpedos, and other types of naval weapons.

Third, the bill will benefit the men and women on whom we depend to skillfully operate and maintain the array of weapons systems to which the United States has committed itself. We have invested, and continue to invest, millions of dollars in the training of our military personnel, our most important military assets. While most of our soldiers, airmen, and sailors are driven primarily by their dedication to our Nation, to its values, and to the objectives which it pursues, we cannot forget that pay and benefits are as important to military personnel as to anyone else. They have families. They have responsibilities. Our troops will not be molded into an effective warfighting force unless they are sufficiently paid. Sufficient pay means salaries and benefits which are in the general range of what the same people with the same skills could draw in the private sector. I agree fully with the view expressed in the committee report that "* * * following the 4-percent cap on the fiscal year 1983 cost of living increase, a freeze on military pay in fiscal year 1984 could have a harmful effect on recruitment and retention." With this conclusion in mind, the committee provided a 4-percent cost-of-living increase in basic pay, basic allowance for quarters, and basic allowance for subsistance for military members, effective April 1, 1984. Moreover, in an effort to treat military personnel fairly, the bill provides that the effective date of this raise may be moved up if Federal GS civilian employees receive their proposed cost-of-living allowance at an earlier date. I support these pay provisions which override the administration's "penny-wise and pound-foolish" military pay freeze.

Fourth, as a result of action taken by the full Senate, this bill now contains a provision which establishes an independent Office of Operational Testing and Evaluation. This new office, if properly supported, should end the existing practice of having new weapons tested by those who stand to lose—either professionally or financially—if the weapons are determined to be defective or excessively costly. I cosponsored the amendment which called for the creation of this independent office. My hope is that it will alert us to the weapons "duds" and "budget-busters" which appear all to frequently.

My decision to support this bill is based on a belief that its benefits outweigh its deficiencies. But the bill does contain many deficiences, some of which, I hope, will be rectified as we proceed with the defense appropriations process. If the American taxpayer is fortunate, the Congress, before it is too late, will prevent the production of the costly, strategically vulnerable MX missile; the production of the B-1 bomber, an aircraft which will be outmoded shortly after it is delivered; and the resumption of U.S. production of unneeded, questionably designed chemcial weapons. These weapons are unwanted by the very European nations in which the Pentagon proposes to deploy them.

I therefore support this measure in the knowledge that the debate begun here will continue in earnest when we deal with defense approprations later this year. I pledge that I will continue at that time to seek improvements in the policies on which the security of our country depends.

Thank you, Mr. President.

DIPLOMACY AGAINST DRUGS

Mrs. HAWKINS. Mr. President, no threat strikes America as savagely and frequently as narcotics. My home State of Florida, once a vacation paradise for millions of Americans, became the victim of violent cocaine cowboys and thousands of other criminals involved in drug trafficking. Criminals had virtually taken over and terrorized all of south Florida. Six of the eleven most crime ridden communities in the Nation were in Florida, 28 percent of the murders in Miami were committed by machine guns. A Time magazine cover story declared that Miami was the Nation's "Murder Capitol."

In February 1982, at my request, President Reagan established the Vice President's Task Force on South Florida. Under the personal direction of Vice President BUSH, south Florida received additional Federal judges, more prosecuting attorneys, and hundreds of additional law enforcement personnel. Help was solicited and received from the Department of Defense including the Navy, the Army, the Air Force, and the Marines.

The results of the South Florida Task Force have been impressive. Drug arrests are up 27 percent. Marihuana seizures are up 23 percent. Cocaine seizures are up 54 percent. In the past 16 months, the task force seized nearly 3 million pounds of marihuana and more than 17,000 pounds of cocaine. The street value of those drugs is about $5 billion. As a result of the task force's effectiveness, drug

smuggling increased up and down the Atlantic Coast, in the Gulf of Mexico, across the Mexican border and into California.

Because the war on drugs requires a total commitment, the time has come for a diplomatic initiative against drugs. We must strike drugs at their source.

Major producers of heroin, cocaine, and marihuana continue to collect hundreds of millions of taxpayers dollars while contributing to the crippling of America. During the past 3 years, Colombia, the source of 80 percent of the marihuana and nearly 100 percent of the Quaaludes, has received $42.8 million directly from the United States and over $2 billion from the multilateral development banks. During the same period, cocaine cultivation in Colombia has increased over 1,000 percent. Pakistan, the major source of 50 percent of heroin to the United States and nearly $1 billion in multilateral loans during the past 3 years. Peru, the source of 50 percent of the cocaine, has received over $200 million in U.S. foreign aid and over $1.2 billion from the multilateral development banks. Because the United States is the major contributor to the multilateral development banks, this country would do well to establish drug eradication as a loan requirement.

Time and time again, experts who have examined the desperate situation have identified eradication of illegal drug crops as the best possible means of attack. Since plants cannot hide or move and can be easily destroyed, this strategy is highly cost effective. In two recent instances, in Mexico and Turkey, crop eradication proved successful in effectively reducing drug-crop cultivation.

If foreign governments are unwilling to destroy their illegal crops, then we must act to protect our own vital interests. It is in our power to cut off foreign aid and oppose loans and grants to major drug producers until they take real and verifiable action against illegal drug production.

Direct linkage of drug eradication with U.S. foreign aid and U.S. votes at the multilateral banks, is the most effective means of establishing drug control as a priority in our relationship. U.S. foreign assistance must be used as a preventive tool for stopping drugs at their source. While our foreign policy interests with our countries are broad, none should supersede our desire for Americans at home to live free of violent crime and drug abuse. We should consider no nation our friend who contributes to the most serious domestic problem facing our Nation. We must not use taxpayers' dollars to help nations that make victims of us and our children.

Linking drug eradication to foreign aid would establish illegal drug control as a clear foreign policy priority. We must consider foreign aid in a broader context than we have in the past. Illegal drugs have destroyed too many lives to continue our relationship with major drug-producing countries business as usual.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

EXECUTIVE SESSION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering the Jensen nomination, the Volcker nomination, and the seven treaties which are before the Senate for consideration.

There being no objection, the Senate proceeded to the consideration of executive business.

NOMINATION OF D. LOWELL JENSEN TO BE ASSOCIATE ATTORNEY GENERAL

The PRESIDING OFFICER. Under the previous order, the hour of 10:25 a.m. having arrived, the Senate will now go into executive session to consider the nomination of D. Lowell Jensen, of Virginia, to be Associate Attorney General.

The clerk will state the nomination.

The assistant legislative clerk read the nomination of D. Lowell Jensen, of Virginia, to be Associate Attorney General.

The PRESIDING OFFICER. On this nomination, there shall be 20 minutes' debate to be equally divided and controlled by the Senator from South Carolina (Mr. THURMOND) and the Senator from Idaho (Mr. SYMMS) or their designees.

Mr. THURMOND. Mr. President, I wish to voice my support for Mr. D. Lowell Jensen, President Reagan's nominee to be the Associate Attorney General of the United States. Mr. Jensen is known by many here in the Senate as a man of unique ability and integrity, and a man of many accomplishments.

Mr. Jensen was born in Brigham City, Utah. He entered the University of California at Berkeley in 1945, where he studied economics. After obtaining his A.B. degree in 1949, Mr. Jensen entered the University of California School of Law, where upon his graduation in 1952, he joined the U.S. Army Signal Corps and remained in that service for 2 years.

Mr. Jensen continued his public service in 1955 by serving as the deputy district attorney of Alameda County, Calif. In 1966, Mr. Jensen rose to the rank of assistant district attorney. Three years later, in 1969, Mr. Jensen was elected as the district attorney for Alameda County. Mr. Jensen remained in that position for 12 years, and distinguished himself as an effective prosecutor and a very capable administrator.

In his capacity as district attorney, Mr. Jensen personally tried such cases as People against Huey Newton and People against Mario Savio. He also participated in the grand jury investigation that resulted in the indictment of William and Emily Harris for the kidnaping of Patricia Hearst.

Needless to say, Mr. Jensen's exemplary career made him an obvious choice to be the Assistant Attorney General of the Criminal Division for the Department of Justice. In 1981, Mr. Jensen was confirmed by this body for that position, and he has served with distinction since that time.

As my colleagues are aware, Mr. Jensen has been responsible for leadership in the enforcement of large or complex criminal cases in Federal priority areas. He has given guidance in the development and refinement of prosecutorial enforcement strategies, including a determination of the type of cases to emphasize, in each Federal enforcement area. Mr. Jensen was responsible for giving support for all U.S. attorney offices, including participation in cases on appeal. He was also responsible for overseeing all major areas of the criminal division to include the Organized Crime and Racketeering Division, Narcotic and Dangerous Drugs, Internal Security, Fraud, and Public Integrity, to name but a few.

The President has made a wise choice in nominating Mr. Jensen for the position of Associate Attorney General of the United States. He has a fine reputation as an able and competent lawyer, as well as a man of high character. I wholeheartedly agree with this nomination and support it without reservation. I urge my colleagues to vote in favor of Mr. D. Lowell Jensen for this high position.

Mr. President, I now yield to the distinguished and able Senator from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. President, I thank the distinguished chairman of the Judiciary and the President pro tempore. I appreciate the opportunity to have some time to discuss this nomination.

Mr. President, the Senate has before it the nomination of D. Lowell Jensen to be the Associate Attorney General at the Department of Justice. This is a position of grave importance to the functions of the executive branch since, as the enforcement arm for civil and criminal statutes of this great Nation, the Department of Justice sets the judical priorities of the Federal Government. The Associate Attorney General is a vital player in those

policy decisions, and must be a citizen with sound judgment and a thorough knowledge of the laws of the land. Consequently, the Senate in confirming nominations to the Department of Justice must weigh innumerable factors in making its decision. It is a decision that no Senator should take lightly because its impacts have such far-reaching implications.

Consequently, when I learned of Mr. Jensen's nomination to the position, I undertook an examination of his qualifications. Among the factors I examined was his impressive record as district attorney in Alameda County. I learned of his efforts to bring the Symbionese Liberation Army to justice in California, and other cases that he brought to fruition during his public service in that State. I read carefully my colleague Senator WILSON's introduction of Mr. Jensen before the Senate Judiciary Committee, and his strong words of support for Mr. Jensen's capabilities and legal qualifications. In addition, I read the comments of Senator THURMOND praising his efforts and recommending his confirmation. I have great respect for the remarks of my colleagues and Mr. Jensen's, accomplishments as evidenced by his written and oral testimony before the committee.

Nevertheless, as Senators, we have a responsibility to participate in the confirmation of the President's nominees after examining the nominee's credentials, and satisfying ourselves as to his or her qualifications. That responsibility goes beyond mere support for the nomination because the President proposed it or because a Senate committee has sent it to the Senate floor recommending its passage. In short, before extending my support to a nominee, I must first be convinced that the nominee will ably carry out the laws of the land with fairness an justice and will demonstrate sound judgment and exhibit a strong sense of priorities. In addition, I must be confident that the nominee is an extension of the President of the United States and his policies.

In that light, those of us who are not members of the Senate Judiciary Committee, but who understand the vital nature of this post must examine the available information regarding a nomination. During my examination, several questions surfaced that I felt were very important to Mr. Jensen's nomination, and I asked the majority leader to postone Senate consideration of the nomination until such time as I was able to obtain answers to at least some of those questions. In turn, on July 15, 1983, I addressed my questions to Mr. Jensen in four specific areas of concern, and at this time would like to ask unanimous consent to enclose that letter and Mr. Jensen's responses to those questions at the end of my remarks.

My questions centered around four specific areas, but were drafted to answer general questions about Mr. Jensen himself and his views about the role of the Justice Department. These general questions address guidelines I feel are relevant to any executive confirmation:

First. Are the nominee's positions consistent with those of the President? I cited some blatant departures from those positions while Mr. Jensen was at the Department.

Second. Does the nominee support actions taken by the Department that have caused this Senator serious concerns, and what role has the nominee played in some of those actions?

Third. What is the nominee's sense of priorities at the Department of Justice?

As the Members of this body well know, the Justice Department is very controversial. Perhaps the greatest testament to that fact is the length of time necessary to pass the Department's appropriations package in both Houses. The Department's actions are constantly under the watchful eye of Congress over decisions it makes, cases it pursues and priorities it sets. This Senator has been critical of those priorities many times during the 10 years that I have been in Congress. It is no wonder that I take this nomination very seriously, and that I intend to be very careful before voting to confirm a nominee to one of the top policymaking positions at the Department.

My first question to Mr. Jensen centered around a Justice Department memorandum that expressed strong opposition to the so-called Firearms Owner Protection Act, introduced by my senior Senator and colleague JIM MCCLURE and Congressman HAROLD VOLKMER. This legislation was endorsed by candidate Ronald Reagan in 1980, and the President's support for this bill was reaffirmed on May 9, 1981. But the Wall Street Journal of April 22, 1982 brought the Justice Department memorandum opposing the President's position to light, and reported that White House Counselor Ed Meese, "Had ignored objections from high-ranking Justice Department officials. In a memo circulated within the administration, the officials argued that the bill would represent a serious setback for law enforcement and for the safety of our citizens without a corresponding benefit to the millions of law-abiding gun owners." While Mr. Jensen reaffirmed the President's position in support of McClure/Volkmer, he did not elaborate on his involvement in the controversial memo, which was most likely the sole reason that prevented the committee from the timely passage of this very important legislation. Regardless of Mr. Jensen's position on McClure/Volkmer now, the Department strayed far enough from its provisions in its memorandum that the White House had to override its posture on the bill.

I asked Mr. Jensen two questions for which he declined substantive answers on the grounds that the issue was embroiled in litigation. Let me make it clear that I understand why he cannot comment, but the issues involved truly question the sense of priorities at the Department, and to the extent Mr. Jensen or his subordinates were involved in them, they raise concerns about his judgment in these important matters.

The first issue was the matter of the Department of Justice's refusal to represent former EPA Administrator Anne (Gorsuch) Burford, a decision that certainly played a role in her resignation. This Senator was extremely critical of the Department's judgment in this matter, since Administrator Burford had suppressed documents from the House of Representatives at Justice's request, and against her own advice. The decision not to represent her after the House passed a contempt of Congress citation against her was, in my view, contemptible itself, and if I were a Presidential appointee, I would certainly think twice before relying on Justice to plead my case in instances where I was following marching orders against my better judgment. I think this incident is a blemish on Justice's sense of priorities. And I feel that any policymaker at Justice should reconsider this alarming precedent.

The second issue regards another Idaho colleague, Congressman GEORGE HANSEN. As I told Mr. Jensen in my letter to him, there is an impressive body of legal thinking that disagrees with the Justice Department's claim of jurisdiction over questions involving the Ethics in Government Act (EIGA). the House leadership is extremely concerned over the Department of Justice's investigation and prosecution of Congressman HANSEN, and, with strong bipartisan support of the House of Representatives, that body moved to quash the subpena issued to them by the Department. I happen to agree with the House leadership in their view that the EIGA is void of criminal sanctions, that civil actions by the Department of Justice are only available at the request of the House of Representatives, and, in short, that the Justice Department is stretching pretty far to claim jurisdiction to prosecute any Congressman under the EIGA without the cooperation of the House of Representatives. This goes far beyond the issue of defending a Member of the Idaho Congressional Delegation—as evidenced by the House leadership's action in his defense—to the greater issue of just where the Department's priorities are if they are extending their iron fist in

areas that they do not have jurisidiction, or at least where their jurisdiction is highly questionable.

My fourth question centered around immigration policy at justice, through its arm in the Immigration and Naturalization Service. Specifically, I was extremely disturbed when the agency engaged in what U.S. district court Judge Ray McNichols termed, "A clear case of entrapment against Idaho farmers." Here, I received assurances from Mr. Jensen that the Department is in the process of "finalizing undercover guidelines for the INS * * * to address (the Department's) concerns and to avoid other cases such as the 1981 Idaho case." That response was encouraging, and I look forward to seeing the guidelines the Department puts forth.

In summary, although I am not completely satisfied with the answers I received to my questions, it is not my intent to delay Mr. Jensen's nomination further, although I continue to have concerns over the priorities that will be established by the Department of Justice. I hope by raising these issues that the Department will strive to avoid future conflicts with the President's policies and that it will set its priorities with a sense of fairness and attention to the overriding problems with the backlogs in the judicial system and the much-needed reforms of our criminal justice system.

Mr. President, I ask unanimous consent that some questions I submitted to Mr. Jensen and his answers be made a part of the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS,
Washington, D.C., July 15, 1983.

Mr. D. LOWELL JENSEN,
Assistant Attorney General, Criminal Division, Department of Justice, Washington, D.C.

DEAR MR. JENSEN: As you know, the Senate leadership has placed your nomination for the position of Associate Attorney General on its Calendar for consideration. This is an extremely important position in the United States government, one which is integral in establishing the legal goals and priorities of the Executive Branch.

Those of us who are not Members of the Senate Judiciary Committee, but who understand the vital nature of this post must make our decisions on these appointments based on as much information as we can muster. I have read the brief record of your confirmation hearing before Senator Thurmond's Judiciary Committee, as well as the documents you submitted to the Committee for their examination, but neither are very enlightening about positions you will take on the important issues you will face as Associate Attorney General.

As you note in your testimony, "the challenge is to keep priorities on track." In that regard, I have personally been concerned about the priorities of the Justice Department in certain cases, and I would appreciate your comments on a few of them to assist me in making my decision with respect to your nomination. As a strong supporter of the President, I am committed to assuring that his priorities are adopted by those who carry out the Departmental responsibilities he oversees. It is in that light that I have prepared the attached questions regarding your views on a number of the issues and goals that you will implement if you are confirmed by the Senate. I would appreciate your responses, and have asked Senator Baker to postpone Senate consideration of your nomination until I have had a chance to review them.

Sincerely,

STEVE SYMMS,
U.S. Senator.

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1. M'CLURE-VOLKMER

In early 1982, top officials of the Justice Department announced their "strong opposition" to the so-called Firearms Ownership Protection Act, introduced by Senator James McClure and Congressman Harold Volkmer.

This legislation was endorsed by candidate Ronald Reagan in 1980, and Bob Garrick, who works with Presidential Counselor Ed Meese, reconfirmed that support on May 9, 1981. In fact, the Wall Street Journal reported on April 22, 1982, that Meese told the Senate Judiciary Committee of the Administration's support for McClure-Volkmer and that he had "ignored objections from high-ranking Justice Department officials. In a memo circulated within the Administration, the officials argued that the bill would 'represent a serious setback for law enforcement and for the safety of our citizens without a corresponding benefit to the millions of law-abiding gun owners.'"

In addition, the Department, while criticizing McClure-Volkmer, offered proposals in their memorandum that closely resembled S. 974, the Hand Gun Control Act of 1981, which was introduced in the 97th Congress, and which represented a strict departure from the tenets of the McClure-Volkmer bill which were supported by the President.

(1) Could you explain the difference in policy between the Justice Department and the White House?

(2) Do you support the position taken by the President? What is your position on gun legislation reform?

2. IMMIGRATION

As the Associate Attorney General, Senator Thurmond indicated that you would have responsibility over the Immigration and Naturalization Service. As you know, that agency was involved in a case in 1981 in Idaho which U.S. District Court Judge Ray McNichols dismissed, calling the INS investigation a "clear case of entrapment." As a result of Judge McNichols' ruling, charges against six other Idaho farmers were dropped, but not before some $40,000 in legal fees were paid by the farmers involved.

(1) Do you condone the practices followed by the undercover INS agents in this instance? Officials of Arizona office of the U.S. Border Patrol said that the ruling would not stop future undercover investigations. In your view, at what point does such an investigation go beyond that necessary to enforce Immigration laws and drift into the arena of entrapment?

(2) What is your position on the utilization of local and/or state law enforcement officials in assisting the INS in various enforcement activities?

3. ENVIRONMENTAL PROTECTION AGENCY'S CONTROVERSY

(1) In general, do you support the Department of Justice's refusal to represent former EPA Administrator Anne (Gorsuch) Burford? If so, are you aware that the Administrator had personally advised against the suppression of EPA documents ordered by the Justice Department, and that it was that suppression of documents that resulted in the House of Representatives' contempt citation against the Administrator?

(2) Were you involved in any Departmental action regarding Administrator Burford during the recent EPA controversy (including the two letters she sent to the Justice Department raising questions about Rita Lavelle's activities in EPA)? If so, what was the level of your involvement or the involvement of your subordinates, and what specific actions did you take and/or recommendations or decisions did you make relating to the Department's investigation into this issue, and the ultimate decision by Justice not to represent Administrator Burford?

4. ETHICS IN GOVERNMENT ACT

An impressive body of legal thinking asserts that criminal prosecution is excessive in questions involving the Ethics in Government Act (EGA), and, in particular, the financial disclosure reports required of Members of Congress. In fact, the House leadership, with the overwhelming support of its Members, recently committed its legal resources in support of Congressman George Hansen, by moving to quash the subpoena issued to the House by the Department of Justice.

(1) What is the extent of your involvement in this case?

(2) What do you say to the attorneys of the House, who contend that the EGA is void of criminal sanctions, and that civil actions are only available to the Justice Department at the request of the House of Representatives? Are criminal remedies available to Justice, and, if not, how does the Executive Branch derive authority to pursue criminal prosecution?

(3) In light of the goals you espoused before the Senate Judiciary Committee for criminal code revisions, clamp downs on drug offenders and other priorities, where does this case, over which there is questionable jurisdiction for the Justice Department, fit in? As a primary policy-maker for the Justice Department, will you stress such cases as a priority for the federal government?

U.S. DEPARTMENT OF JUSTICE,
CRIMINAL DIVISION,
Washington, D.C., July 19, 1983.

Hon. STEVEN D. SYMMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SYMMS: I am writing in response to your letter of July 15, 1983, in which you submitted some questions relating to my pending nomination to be Associate Attorney General. I trust that the information set forth below will be of assistance to you in making a decision regarding this matter.

With respect to your questions regarding the McClure-Volkmer legislation, I am satisfied that there are no significant differences in policy between the Justice Department and the White House. In this regard, I am enclosing a copy of my May 14, 1982, letter to an official of the National Rifle Association in which I noted that the Administration's position on the bill was expressed in

an accompanying letter from Mr. Edwin Messe, III to Senator Strom Thurmond (Tab 1). With respect to your more general question regarding gun legislation, I believe my letter of June 7 to Senator Thurmond (Tab 2, see pp. 3-4) and my letter of June 13 to Senator East (Tab 3), both submitted during the course of the Judiciary Committee's consideration of my nomination, express my views on this issue. You will note that in the response to Senator East's inquiry whether I agreed with the President's statement on firearms, I responded affirmatively.

With regard to your questions about immigration policy, I would like to take this opportunity to advise you that responsibility over the Immigration and Naturalization Service has recently been transferred from the Office of the Associate Attorney General to the Office of the Deputy Attorney General; thus, if confirmed, I would not have direct supervisory responsibility over immigration matters. With respect to the issue of undercover practices in immigration cases, I would emphasize that undercover operations in the immigration area, like other areas of law enforcement, are an essential investigative technique, but must, of course, be conducted with sensitivity to issues of fairness, the rights of the accused, and entrapment. To address these concerns and to avoid other cases such as the 1981 Idaho case referred to by you, the Department of Justice currently is in the process of finalizing undercover guidelines for the Immigration and Naturalization Service which we expect will parallel those used by the FBI. In response to your question regarding the relationship between the INS and state and local law enforcement officials, I am enclosing a copy of the Attorney General's February 10, 1983, policy statement on this matter which I believe addresses this issue directly (Tab 4).

In response to your inquiries regarding Environmental Protection Agency matters, I note initially that I was not involved in any of the decisions relating to the contempt citation against EPA Administrator Anne Burford or the Department's representation of her. With respect to the two letters you reference, those letters were forwarded to me for appropriate review. The allegations made in those letters as well as other allegations which have surfaced involving EPA matters have been referred to the Public Integrity Section of the Criminal Division for investigation. Since investigation of these matters is currently pending, it would be inappropriate for me to comment more specifically except to note that we expect to conduct a complete review of all allegations.

With regard to the concerns you raise regarding the prosecution of Congressman George Hansen and the Ethics in Government Act, I emphasize at the outset that this is a pending criminal case presently in active litigation. Consequently, it would be inappropriate for me to comment specifically on this case except to note that the Public Integrity Section of the Criminal Division conducted this investigation in accordance with Department of Justice policy and in a fully professional manner. The issues you raised regarding the Ethics in Government Act have been addressed in large part by the parties to the pending litigation involving Congressman Hansen, and have been resolved recently by the trial court in a manner consistent with the Government's view; for your information I am enclosing a copy of Judge Joyce Hens Green's June 13, 1983, opinion which considers these issues (Tab 5). Finally, with respect to your question involving Department priorities, it should be clear that while narcotics trafficking and violent crime are of critical importance, other categories of criminal conduct, in particular public corruption and white collar crime, have been and will continue to be priorities of the Department of Justice, and will continue to get the attention and resources consistent with their detrimental impact on our society and the need to maintain a vigorous enforcement program.

Since the questions submitted in your July 15 letter were raised subsequent to the Senate Judiciary Committee's consideration of my memorandum, as a matter of courtesy to the Committee I am forwarding a copy of your questions and this response to Senator Thurmond. I trust this additional information will assist you in reaching a fair and informed decision regarding this matter.

Sincerely,

D. LOWELL JENSEN,
Assistant Attorney General.

U.S. DEPARTMENT OF JUSTICE,
CRIMINAL DIVISION,
Washington, D.C., May 14, 1982.

Mr. HARLON B. CARTER,
Executive Vice President, National Rifle Association of America, Washington, D.C.

DEAR MR. CARTER: The White House has asked the Department of Justice to reply to your letter to the President dated March 23, 1982, urging his support for S. 1030, the McClure-Volkmer bill. The Administration's position on this bill was expressed in a letter dated April 19, 1982, from Counselor to the President Edwin Meese III to Senate Judiciary Committee Chairman Strom Thurmond. I have enclosed a copy for your information.

Sincerely,

D. LOWELL JENSEN,
Assistant Attorney General.

THE WHITE HOUSE,
Washington, D.C., April 19, 1982.

Hon. STROM THURMOND,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: This will respond to your request for the Administration's position on the Federal Firearms Owners Protection Act, which is now awaiting mark-up in your Committee.

The President's position on firearms regulation is, I think, well known. He strongly rejects the notion that registration of weapons is either necessary or desirable and believes that mandatory sentences for those who use firearms in the commission of a crime is a preferable way to approach the problem of firearms abuse.

As with other areas of federal regulation, he believes that in the past firearms regulators have too often lost sight of their ultimate objective and have misused their authority to search for minor technical infractions by otherwise law-abiding sportsmen, collectors, and dealers instead of concentrating on firearms violations by criminals. The administration's policy, therefore, is to redirect its enforcement focus away from the former toward the latter.

Toward that end, the President remains committed to the de-regulation of law-abiding gun owners, such as that called for by the proposed Federal Firearms Owners Protection Act. At the same time, the Administration has proposed a reorganization of the Bureau of Alcohol, Tobacco, and Firearms that would, among other things, prevent the possible misuse of authority and enhance the ability of the Treasury Department to refocus its enforcement efforts against criminals.

We would like to see both elements of this policy move along together and as in the past will continue to work with the Congress and interested outside parties to accomplish our common goals.

Sincerely,

EDWIN MEESE III,
Counselor to the President.

U.S. DEPARTMENT OF JUSTICE,
CRIMINAL DIVISION,
Washington, D.C., June 7, 1983.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: During my confirmation hearing on May 25 before the Senate Judiciary Committe, you indicated that because of time limitations the Committee would submit additional written questions to me for response. Subsequently, Mr. Short of the Committee's staff provided me with the additional questions which you did not have an opportunity to ask during the course of that hearing. Set forth below are my responses to the additional written questions submitted to me by the Committee.

1. Mr. Jensen, in a more specific area, what is the status of the new Drug Task Force operations?

Following President Reagan's announcement of the Drug Enforcement Task Forces on October 14, 1982, the Department of Justice and the investigative agencies involved developed a set of Guidelines defining goals, targets, procedures, case standards, and administrative structure, among other things. These Guidelines were issued by the Attorney General on January 21, 1983. Since that date, Task Force Offices have been established in each of the twelve "core-cities" around which the Task Forces are organized. Each Task Force Office which encompasses several judicial districts is charged with the responsibility of coordinating all Task Force investigative and prosecutive action throughout the defined region, and to accomplish this task an Assistant United States Attorney and a supervisory agent for each involved investigative agency have been assigned to each Office.

In addition to these coordinators, Task Force investigative agents and prosecutors have now been assigned to sixty-seven of the ninety-four judicial districts in the United States, with assignments to an additional seven districts expected shortly. This staffing has been accomplished in a deliberate, careful manner since we have sought to utilize only the most experienced prosecutors and investigative agents to handle the highly complex cases targeted by the Guidelines. Currently, we have designated approximately 250 cases as Task Force cases; these cases involve investigations which warrant the involvement of more than one investigative agency, require significant attorney resources because of electronic surveillance, extensive grand jury work, and forfeiture action, and involve a sizable drug trafficking organization. These designated cases are at various stages of development. Some on-going investigations were selected initially to ensure that the full range of Task Force resources were put to productive use immediately. We anticipate that there will be some major indictments and successful prosecutions arising out of these investigations in the not too distant future. Other investigations designated as Task Force cases will require extensive financial investi-

gations and grand jury work, and may not come to fruition for some time. However, these extended investigations often are the only way to bring to justice those individuals who direct and finance these large-scale organizations. We are moving expeditiously consistent with good management practices to complete attorney and agent staffing of the Task Force operation and to designate additional Task Force investigations.

2. Mr. Jensen, where, in your opinion, should we concentrate our drug enforcement efforts? Would it be in tracing the money that is used to purchase narcotics, arrests of the large dealers involved in international networks, or exactly where would be the best place to start?

In the Guidelines for the Drug Enforcement Task Forces we outlined the principal targets on which we believe we should concentrate our drug enforcement efforts. In general our primary focus is large-scale narcotics trafficking organizations. More specifically, we are targeting traditional organized crime figures, major outlaw motorcycle gangs, other organized criminal groups such as prison gangs, organizations that finance, import, or distribute controlled substances, and physicians and pharmacists who illegally dispense substantial quantities of prescription drugs. While we do not intend to lessen our traditional narcotics enforcement efforts, we are putting new resources and primary emphasis on attacking the major narcotics trafficking networks. In sum, we will target, investigate, and prosecute individuals who organize, direct, finance, or otherwise engage in high-level illegal drug trafficking enterprises, including large scale money laundering organizations.

To accomplish these objectives, we are developing a coordinated drug enforcement effort to encourage the maximum cooperation among all drug enforcement agencies. Also, we are seeking to work effectively with state and local drug enforcement agencies to maximize our impact on the narcotics problem. Finally, we will make full use of financial investigative techniques, income tax law enforcement, sophisticated investigative tools, and forfeiture actions in order to identify and convict high-level traffickers and to seize assets and profits derived from drug trafficking. We believe that the forfeiture of drug profits is especially important to this effort since it is imperative that we take the profit out of drug trafficking. To assist us in accomplishing this objective, we have set up an Asset Forfeiture Unit within the Department.

3. With respect to the series of questions submitted regarding our approach to the prosecution of violent crime, career criminals and cases involving firearms, I submit the following comments:

In addressing the violent crime problem which concerns all of us, it is important to concentrate resources upon those individuals who are the cause of criminal violence in this country, and in particular, to focus our effects upon those persons who have a history of violent criminal activity. Indeed, as the President has stated, we need to target career criminals and the organized criminal element in America for special attention in our law enforcement efforts. As a number of studies have indicated, a disproportionate share of violent crime is committed by a small proportion of individuals who have made a career out of crime. In our enforcement efforts, we have recognized that it is the violent offender armed with a firearm who is responsible for a substantial part of the violent crime problem which our nation faces. We have supported legislation which advocates firm and speedy application of mandatory criminal penalties against those persons responsible for committing violent crime. In particular, I have previously testified before Congress in support of legislation which targets certain third offenders armed with a firearm for prosecutions which would result in mandatory sentences of fifteen years to life without possibility of parole. We have also supported legislation which would provide financial assistance to state and local prosecutors who want to develop an effective career criminal prosecutive program. I would note that in my experience as a district attorney, we found that the development of an effective career criminal prosecutive program was an important means of focusing special prosecutive resources and attention on those individuals committing a disproportionate share of our violent crime. Finally, we have specifically instructed all United States Attorneys to give priority to prosecution of individuals who are repeat violent offenders, and to focus their limited resources on these offenders.

Equally important, we have consistently urged the imposition of additional mandatory penalties for those defendants who unlawfully use a firearm in commission of another offense. The imposition of a mandatory term of incarceration for the use of a firearm in the commission of an offense is both an appropriate penalty as well as a deterrent against the use of firearms for violent purposes. The imposition of such mandatory penalties focuses the issue directly on the real problem, and that is the criminal who uses firearms unlawfully. This is where we should concentrate our efforts.

Finally, there should be no doubt that we will vigorously enforce all federal firearms statutes. We have issued directives to all the United States Attorneys to enforce the existing firearms statutes with vigor, to use necessary resources to prosecute felons who are arrested in possession of firearms, and to investigate and prosecute offenses involving trafficking in firearms. Moreover, we have developed cooperative efforts between United States Attorneys and state and local prosecutors to ensure that individuals arrested for firearms offenses are prosecuted in the forum which can provide the swiftest, most certain penalties. In sum, the prosecution of cases involving career criminals and firearms is one of our highest priorities, and, we believe, an effective means of dealing with the violent crime problem which is of great concern to all of us.

I appreciate the opportunity to address these additional questions. If there are any other matters which are of interest to the Committee, I would be happy to respond.

Sincerely,

D. LOWELL JENSEN,
Assistant Attorney General.

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C., June 13, 1983.

Hon. JOHN P. EAST,
U.S. Senate,
Washington, D.C.

DEAR SENATOR EAST: Assistant Attorney General Robert McConnell has advised me of a conversation he had this date with Mr. Sullivan of your staff which related to your written questions subsequent to my confirmation hearing to be Associate Attorney General.

I am advised that you want to know if I agree with the President's statement: "We will never disarm any American who seeks to protect his or her family from fear and harm."

This is to say that the answer is yes, I do indeed agree with this statement of the President.

I hope this information is helpful to you.

Sincerely,

D. LOWELL JENSEN,
Associate Attorney General-Designate.

PROPOSED REVISION

It is Department of Justice policy for the Immigration and Naturalization Service to cooperate with local and state law enforcement officers who notify the Service of suspected violations of the immigration laws. The Service will review the immigration status of individuals detained by local or state law enforcement authorities for other than immigration violations upon request and as available resources permit.

INS agents and local officers may also engage in joint operations which are expected to uncover violations of both immigration and state laws. The INS recognizes that local authorities provide valuable support for mutual law enforcement efforts. Within the scope of such cooperative efforts, INS agents will remain responsible for all arrests for immigration violations.

In many local jurisdictions, state law authorizes local officers to enforce criminal provisions of federal law, including criminal immigration provisions. Such operations are conducted by local officers under their local authority and will not be directed by the Service.

The Service is regularly asked to assist local officers in tracking and locating lost persons or suspected criminals. INS agents will continue to assist such local enforcement efforts. INS agents may make arrests for non-immigration criminal offenses only to the extent that individual state laws permit them to do so as private citizens.

Approved:

WILLIAM FRENCH SMITH,
Attorney General.

Date: February 10, 1983.

[U.S. District Court for the District of Columbia, Criminal No. 83-00075]

THE UNITED STATES OF AMERICA *v.* GEORGE VERNON HANSEN, DEFENDANT

MEMORANDUM OPINION

This matter is before the Court upon defendant's motion to dismiss the indictment in which he is charged with four counts of making false statements in documents within the jurisdiction of an agency of the United States, in violation of 18 U.S.C. § 1001. Defendant is alleged to have made false statements concerning his financial status on the financial disclosure reports he was required to file with the United States House of Representatives in 1978, 1979, 1980, and 1981 pursuant to the Ethics in Government Act of 1978 (EIGA), 2 U.S.C. §§ 701-09. Defendant is a United States Congressman representing the second district of the State of Idaho. Defendant makes three arguments in support of his motion to dismiss: (1) that the financial disclosure requirements of EIGA are not subject to criminal sanctions under 18 U.S.C. § 1001 because Congress intended that they be enforced only by civil measures, (2) that the Speech or Debate Clause of the Constitution protects him from any prosecution concerning his EIGA reports, and (3) that he is the victim of selective prosecution. Defend-

ant also has filed a motion for leave to take discovery relevant to the selective prosecution issue. Oral argument on these questions was heard on June 3, 1983. For the reasons which follow, defendant's motions shall be denied.

I. The applicability of section 1001 to false statements within EIGA reports

On its face, section 1001 proscribes the conduct allegedly committed by defendant. The section, which has general effect, essentially makes it a crime to knowingly and willfully falsify a material fact or knowingly and willfully make any false, fictitious or fraudulent statement in connection with "any matter within the jurisdiction of any department or agency of the United States." [1] This section embraces false statements made to the House of Representatives. *Diggs* v. *United States*, 613 F. 2d 988, 999 (D.C. Cir. 1979), *cert. denied*, 446 U.S. 982 (1980). EIGA requires Members of the House of Representatives such as defendent to file with the Clerk of the House of Representatives annual reports of their personal financial status. 2 U.S.C. §§ 701–03. (Senators, non-voting representatives to Congress, and certain officers and employees of the Legislative Branch are also required to file such reports with the appropriate official.) Section 1001 has been held to prohibit the intentional concealment of material facts by a federal official in the course of completing a financial disclosure statement required by an agency of its employees before the enactment of EIGA. *United States* v. *Muntain*, 610 F. 2d 964, 971 (D.C. Cir. 1979).

Defendant, however, argues that it was the intent of Congress to limit enforcement of the financial disclosure report requirements to civil sanctions set forth in EIGA at 2 U.S.C. § 706. That section allows the Attorney General to bring a civil action against anyone who knowingly and willfully falsifies any information in his report or knowingly and willfully fails to file a report.[2] A maximum penalty of $5,000 may be imposed. A provision in the first draft bills of EIGA establishing criminal sanctions for falsified disclosure reports, *see* 123 Cong. Rec. 21007 (1977), was deleted from the act as it was finally passed by both Houses of Congress. Defendant argues that the deletion of the criminal penalties demonstrates Congress' intent that no criminal sanctions should apply to the falsification of EIGA reports.

At the outset, it must be noted that EIGA contains no express repeal or preemption of section 1001 as it applies to falsified disclosure reports. The act does specify that EIGA's provisions "shall supersede and preempt any State or local law with respect to financial disclosure," 2 U.S.C. § 708, but nowhere in the act is there an equivalent provision concerning other federal laws.

Nor does anything in the text of EIGA or section 1001 establish an implicit repeal or preemption by the former of the latter as it pertains to falsified disclosure reports. Repeals by implication, of course, are disfavored. *Committee for Nuclear Responsibility, Inc.* v. *Seaborg*, 463 F. 2d 783, 785 (D.C. Cir. 1971).[3] A repeal by implication may be found, however, only where there is "some manifest inconsistency or positive repugnance between the two statutes." *Mercantile National Bank at Dallas* v. *Langdeau*, 371 U.S. 555, 565 (1963). Unless "the two acts are irreconcilable, clearly repugnant as to vital matters to which they relate, and so inconsistent that the two cannot have concurrent operation," no repeal will be implied. 1A C.D. Sands, *Sutherland Statutory Construction*, § 23.10, at p. 231 (4th ed. 1972). There is no inconsistency between section 706 of EIGA and 18 U.S.C. § 1001. Section 1001 makes it a crime to knowingly and willfully falsify or conceal a fact, make a false statement, or use a false writing knowing the writing to contain a false statement. Section 706 provides a civil enforcement mechanism for the knowing and willful falsification of an EIGA disclosure report or the knowing and willful failure to file such a report. Nothing in one statute compels, for example, the commission of an act prohibited by the other; rather, they proscribe the same conduct and complement each other in that the civil statute attacks the lesser offense of non-filing as well as intentional false filing.

Where two statutes concern the same subject, a court considering them must make every effort to reconcile allegedly conflicting provisions and give effect to both, so long as doing so does not deprive one or the other of its essential meaning. *Wilderness Society* v. *Morton*, 479 F.2d 842, 881 (D.C. Cir.) *cert. denied*, 411 U.S. 917 (1973). Here, however, the prohibitory language of the two statutes does not conflict. As a result, the only matter to "reconcile" is the availability of both civil and criminal remedies for false statements in EIGA reports. This poses no problem, inasmuch as it is established that where a single act violates more than one statute, the government may elect to prosecute under either. *United States* v. *Brown*, 482 F.2d 1359, 1360 (9th Cir. 1973), citing *United States* v. *Gilliland*, 312 U.S. 86 (1941). In *Brown*, the Ninth Circuit ruled that, assuming the making of false statements on bid forms was a violation of either of two other false statements statutes, 18 U.S.C. § 1010 of § 1012, such conduct could also be prosecuted under the general statute, section 1001, with its harsher penalties. *Accord, United States* v. *Burnett*, 505 F.2d at 816 (government had the option of proceeding under 18 U.S.C. § 1919, concerning false statements to obtain unemployment benefits for prior federal service, or section 1001).

Defendant also argues that since section 706 does not contain a parallel provision to that in section 704 of EIGA which provides that the Attorney General's authority to bring a civil action to enforce Section 704 "shall be in addition to any other remedy available under statutory or common law," section 1001 may not apply to the filing of false EIGA reports. Section 704 regulates the public's accessibility to filed EIGA reports. It makes it unlawful to obtain or use an EIGA report for any unlawful purpose, for any commercial purpose (outside the news media), to determine credit ratings, and for the solicitation of money. 2 U.S.C. § 704(e)(1). The civil remedy under section 704 pertains to such proscribed uses of EIGA reports. 2 U.S.C. § 704(e)(2). The language in section 704(e)(2) preserving other remedies protects the rights of filers of EIGA reports to bring suit on any private cause of action arising from the misuse of their financial disclosure information. As there is no parallel private right with respect to the requirement in section 702 to file correct reports, there is no proper analogy between section 706 (which enforces section 702) and section 704.

Nor does section 705 of EIGA, which provides that a person who relies on an advisory opinion by the appropriate congressional committee in making his disclosure report "shall not . . . be subject to any sanction provided in this chapter," preclude the instant prosecution under section 1001. First, there is no assertion that defendant prepared the disclosure reports in question in reliance upon any such advisory opinion. Second, section 705 unambiguously limits its forgiveness provision to sanctions under EIGA and does not purport to preempt other remedies such as section 1001. 2 U.S.C. § 705(b).

The plain language of the two statutes shows no "manifest repugnance," no conflict that would indicate an implied repeal. It has been held that under such circumstances the inquiry ends at this point; that it is improper to turn to legislative history to look for a repeal by implication. *Demby* v. *Schweiker*, 671 F.2d 507, 510 (1981) (Opinion announcing judgment of the court by

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[1] Section 1001 provides:

"§ 1001. Statements or entries generally—

"Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or devise a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

"[T]he term 'jurisdiction' should not be given a narrow or technical meaning for the purposes of § 1001." *Bryson* v. *United States*, 396 U.S. 64, 70 (1969).

[2] Section 706 provides:

"§ 706. Failure to file or filing false reports.

"The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file or report any information that such individual is required to report pursuant to section 702 of this title. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $5,000. No action may be brought under this section against any individual with respect to a report filed by such individual in calendar year 1978 pursuant to section 701(d) of this title."

[3] Defendant attempts to avoid the abundant authority disfavoring repeals by implication by characterizing his theory differently: he asserts that his argument is not that section 1001 is repealed by EIGA but that it is "inapplicable" to it. This distinction has no substance. Defendant is arguing that a general statute which, as explained above, on its face is controlling, has no force in a particular instance. This is the type of "repeal" that the Court of Appeals said could not be executed by implication in Committee for Nuclear Responsibility v. Seaborg, 463 F. 2d at 785. "To assume . . . that the mere passage of a specific statute covering an area of conduct also regulated by a more general statute limits enforcement of the general statute by carving out an exception to it is, in effect, to accomplish a partial repeal of the general statute." United States v. Burnett, 505 F. 2d 815, 816 (9th Cir. 1974), *cert. denied*, 420 U.S. 966 (1975).

United States v. DeLaurentis, 491 F. 2d 208 (2d Cir. 1974), upon which defendant relies for the proposition that a general criminal statute may be found inapplicable to conduct regulated by another statute notwithstanding its "plain meaning" is inapposite. That case concerned the use of 18 U.S.C. § 261, a criminal statute enacted in 1870 to protect the rights to newly-freed former slaves, as a basis for a prosecution for threats to interfere with activity protected by the National Labor Relations Act. The Second Circuit stated that "[a]lthough the conduct of [the defendants] may have been reprehensible, we do not believe that Congress has made it criminal," 491 F. 2d at 209, and found that the victims' rights "must be vindicated exclusively through" the Labor Act. *Id.* at 211. In the instant case, by contrast, the clear purpose of section 1001 is to make a crime the making of false statements to the government in matters including, under *United States* v. *Muntain*, financial disclosure reports.

MacKinnon, J., with one judge concurring in the result). In any case, as explained below, an exploration of the relevant legislative history does not yield support for defendant's contention that Congress intended section 1001 not to apply to the acts he is alleged to have committed.

Because EIGA and section 1001 are not irreconcilable, there must be an affirmative showing of an intention to repeal before the Court may find the criminal provision repealed by implication. *Izaak Walton League of America* v. *Marsh*, 655 F.2d 346, 366 (D.C. Cir.), *cert. denied*, 454 U.S. 1092 (1981). Next to the statute itself, the conference report of a bill is the most persuasive evidence of congressional intent, since it represents the final statement of the terms agreed to by both Houses. *Demby* v. *Schweiker*, 671 F.2d at 510 (Opinion by MacKinnon, J.). However, because the conference report of S. 555 (the bill which became EIGA), 124 Cong. Rec. 35650–72 (1978), does not discuss the deletion of the previously proposed criminal provision or the applicability of other criminal sanctions to the act, *see id.* at 35668, the parties have referred only to statements of individual Representatives in the debates.

The original Senate bill (S. 555) and various House bills preceding the enactment of EIGA contained both a criminal penalty for knowing and willful falsifications and a civil penalty for misstatements. The criminal penalties were deleted and the requirements for civil sanctions were made more stringent during deliberations on the act in the House, apparently during discussions on H.R. 13850, a proposed substitute bill. In response to defendant's argument that the deletion of the criminal penalty indicates Congress' intent that no criminal sanctions apply to EIGA, the government contends that it just as logically could be argued that the criminal penalty was removed because section 1001 rendered it superfluous and that the requirements for the civil sanctions were heightened because of a concern that Members of Congress would be exposed to nuisance suits for inadvertent errors on their disclosure reports.

None of the statements in the legislative history referred to by defendant provide unequivocal support for his argument. Defendant quotes Representative Danielson who, discussing the particulars of H.R. 13850, noted that "provisions of the bill do not provide for a criminal penalty but do provide for a civil penalty for failure to comply with the disclosure provisions." 124 Cong. Rec. 30414 (1978). This remark does not discuss the applicability of section 1001, and indeed does not specifically refer to false statements. It merely notes what sanctions are and are not contained within EIGA itself. The statement of Representative Moorhead that the notable improvements of the substitute bill included "the deletion of *unnecessary* criminal penalties with respect to [the] financial disclosure section," 124 Cong. Rec. 30415 (1978) (emphasis added), does not compel the conclusion that Congress felt that it was unnecessary to include criminal penalties because civil sanctions would achieve the desired result. That Congressman equally could have meant that the penalties were unnecessary because of the existence of section 1001.

Likewise, Representative Schroeder's observation that "there is no specific criminal sanction for misfiling," 124 Cong. Rec. 30419 (1978), refers to the provisions of EIGA and does not speak to the general criminal sanction of section 1001. Her comments at 124 Cong. Rec. 30422 (1978) under the heading "Failure to File or Falsifying Reports," to the effect that under EIGA intentional violations would be prosecuted by the Attorney General under what is now section 706 and that technical or inadvertent violations should be resolved informally, similarly present nothing addressing the applicability of criminal sanctions.

The statements of Representative Preyer at 124 Cong. Rec. 30425 (1978) cited by defendant note that under the bill's compliance and enforcement provisions Members of Congress would "not be subject to any civil penalty under the act for inadvertent error or omission in the disclosure." Again, this does not address the question of whether EIGA would not be covered by other criminal sanctions but simply assures the Members of Congress that they would be protected from civil suits for minor, unintentional errors or omissions in their disclosure reports. Similarly, Representative Frenzel's remark that "now that the criminal penalties have been removed from this legislation, against my wishes, I might add, there is only a civil penalty to deter a potential nondiscloser," 124 Cong. Rec. 30430 (1978), is consistent with the applicability of section 1001 inasmuch as the criminal statute would not apply to failures to file. Nor does Representative Gonzales' comment that "it is not a criminal offense to file incorrect information," 124 Cong. Rec. 32013 (1978), suggest that section 1001 was intended not to reach the alleged conduct at issue in the instant case: the mere filing of incorrect information does not meet the requirements for a conviction under section 1001. Representative Bauman's comment that the enforcement provision of EIGA "would have been a criminal penalty, but it was changed to get the bill through the House," 124 Cong. Rec. 30457 (1978), likewise says nothing about section 1001.

Defendant simply has failed to make the "affirmative showing" of an intent to repeal required by *Izaak Walton League*. Moreover, the only statement in the legislative history of EIGA specifically referring to section 1001 is contrary to his argument. Representative Wiggins, who, according to defendant, was the Ranking Minority Member of the Select Committee on Ethics when the legislation was being developed, had this to say in the context of the removal of the act's criminal penalty for falsified disclosure statements:

"Some Members have been concerned about their criminal liability. Well, they should be concerned about their criminal liability. I hope they have not been led to believe that by eliminating the criminal sanctions in this bill they have been relieved of vulnerability, because they have not.

"Title 18 contains a section 1001 which makes it a felony subject to 5 years' imprisonment to willfully and knowingly file a false document of false statement. That is general law. It continues in effect, and that will apply with respect to the statements filed here. Therefore, even though there are no explicit criminal penalties in this bill, the Members will all be subject to criminal penalties if the Attorney General elects to proceed under 18 U.S.C. 1001." 124 Cong. Rec. 30429 (1978).[4] Representative Wiggins also made reference to the applicability of general criminal statutes in the United States Code to EIGA during a discussion of a proposed amendment directed at Members who knowingly permit the use of House stationery for for fundraising activities. 124 Cong. Rec. 30444 (1978). Representative Thompson reacted to this point by noting that Wiggins had "made a very important point" that "this does become a part of the United States Code, that it does involve a criminal penalty." *Id.*

It is clear from the CONGRESSIONAL RECORD that Representative Wiggins was a relentless opponent of financial disclosure requirements and that the Supreme Court has "often cautioned against the danger when interpreting a statute, of reliance upon the views of its legislative opponents. In their zeal to defeat a bill, they understandably tend to overstate its reach." *NLRB* v. *Fruit and Vegetable Packers and Warehousemen*, 377 U.S. 58, 66 (1964). Yet Representative Wiggins' statement constitutes the only pronouncement on the relevance of section 1001 to falsified disclosure reports; there simply are no remarks whatsoever from any of the bill's proponents to turn to as "more accurate" explanations of its effect than Wiggins'.[5] Furthermore, the CONGRESSIONAL

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[4] Representative Wiggins went on to present this hypothetical:

"Let me give the Members a little scenario on how this is apt to apply. You file your statement, you make a good faith estimate of the value with respect to an asset you own. It is a good faith estimate in your own mind, but one of the persons who reads your statement is an opponent or a member of the press. He does not agree that your estimate is in fact in good faith; he thinks it is grossly understated. The press or your opponent goes to a U.S. attorney and says that he believes you have made a willfully false statement because you have significantly understated the value of an asset on your report.

"What is the position of the U.S. attorney? He has a hot potato in his hand. He has a Member of Congress who is being accused. If he pooh-poohs the allegation, he fears the publicity of cover-up, particularly if the complaint comes from the press. On the other hand, if he proceeds, he fears the problem of discrimination against a sitting Member of Congress, political manipulation, and the like.

"What does he do? Well, I will tell the Members what the typical U.S. attorney will do. He will pass the buck to the grand jury. He will in effect say, 'I am not going to decide this difficult case. He will let the grand jury make a decision.'

"Well, that is just hunky-dory, is it not? That means that whatever your legal difficulty, you are in deep trouble politically, with the grand jury being impaneled to consider a complaint made against you with respect to a misstatement or alleged misstatement filed under this section.

"So I am only reminding the Members of the vulnerability they are assuming for themselves if they adopt these provisions." 124 Cong. Rec. 30429 (1978).

[5] During the final, rapidly-passing minutes of his rebuttal to the government's oral argument, defendant's counsel suggested a legislative history matter that he neither addressed in his oral argument nor his papers filed with the Court. Counsel stated that "when they [Members of the House] were discussing civil suits filed against them, so on an[d] so forth, an amendment was actually introduced to permit 1001 to survive under these circumstances, introduced, I believe, by Congressman Panetta, and that was defeated by the House. So with 1001 in front of their eyes and everything else, they excluded a criminal sanction . . . ." (Unofficial excerpt of transcript prepared for Court by Court Reporter).

The amendment to which counsel evidently referred appears at 124 Cong. Rec. 32009 (1978). It provided for a complaint procedure similar to those under federal election laws by which any person could report a violation of EIGA to the Office of Government Ethics. The amendment, as offered by Representative Panetta, stated that "[a]ny person filing such a complaint shall be subject to the provisions of section 1001 of Title 18, United States Code." *Id.* It did not concern the applicability of section 1001 to disclosure reports, nor was that issue raised during any part of the debate on the amendment. 124 Cong. Rec. 32209-11 (1978).

RECORD shows that not one Member rose to dispute what Wiggins has to say.

Representative Wiggins was not the only Member interested in the effect of criminal provisions of the United States Code upon EIGA's financial disclosure report requirements. Representative Preyer, who was the Chairman of the Select Committee on Ethics at the time, asked the Department of Justice in April 1978 for an advisory opinion on this very question as it pertained to reports filed by Executive Branch employees. A reply came in the form of a letter from then-Assistant Attorney General for Legislative Affairs Particia M. Wald. In her letter, Judge Wald stated that it was the Justice Department's opinion that section 1001 "would apply to an executive Branch employee who knowingly and willfully falsified a material fact in a finanical disclosure statement required by bills such as [those under consideration]." Exhibit B to Government's Amended Response to Motion to Dismiss, at 2. Representative Preyer had the benefit of this opinion when he made the remarks quoted from the Congressional Record above. It is further apparent from Judge Wald's letter that Representative Preyer had also been advised by the Clerk of the House of his opinion "that the knowing and willful falsification of a material fact on a statement required to be filed by a Member of Congress, congressional employee or candidate for Congress would subject the reporting individual to the provisions of 18 U.S.C. § 1001." *Id.* at 1.[6]

The inescapable conclusion is that Congress simply did not intend to render section 1001 inapplicable to the intentional falsification of EIGA financial disclosure reports—otherwise, a specific repealing or exempting clause would have been included in the act. Indeed, the form issued by the Clerk of the House upon which Members of Congress are to make their financial disclosures carries at the signature line the following warning:

NOTE: Any individual who knowingly and willfully falsifies, or who knowingly and willfully fails to file this report may be subject to civil and criminal sanctions. See 2 U.S.C. § 706 and 18 U.S.C. § 1001.

Exhibit A to Government's Amended Response to Motion to Dismiss, at 1. At the hearing, the parties were unable to advise the Court precisely from where came this language other than to opine that it was placed on the form by the Office of the Clerk of the House, nonetheless it evidently has appeared on such forms for a number of years without question from the many Members of Congress and legislative employees who have had occasion to execute the document.[7]

II. The relevance of the speech or debate clause to reports

Filed by Legislators under EIGA

Defendant argues that the filing by Members of Congress of financial disclosure reports under EIGA constitutes "legislative activity" protected by the Speech or Debate Clause of the Constitution.[8] It does not. The Speech or Debate clause protects Members of Congress from judicial inquiry into their legislative acts or the motivation for the actual performance of their legislative acts. *United States* v. *Brewster,* 408 U.S. 501, 509 (1972). The filing of an EIGA report is not a "legislative act," nor bears upon a legislator's motivation for any legislative act.

Brewster was the prosecution of a former United States Senator indicted under a general criminal statute for allegedly accepting a bribe in exchange for a promise relating to an official act, *i.e.,* agreeing to vote a particular way on certain legislation. The Supreme Court held that the Speech or Debate Clause would not preclude the Senator's prosecution because an examination of the indictment and the criminal statute upon which it was based "reveal[ed] that no inquiry into legislative acts or motivation for legislative acts [was] necessary for the Government to make out a prima facie case." 408 U.S. at 525.

Defendant asserts that because the Constitution confers upon each House the authority to discipline its members, U.S. Const. art. I, § 5, and because the House may discipline its members for matters relating to financial disclosure reports filed with its Clerk, the filing of such reports falls within the protection afforded "legislative activity" by the Speech or Debate Clause. *Gravel* v. *United States,* 408 U.S. 606 (1972), cited by defendant, does not support this proposition, nor does *Brewster,* decided the same day. In *Gravel,* the Supreme court declared that—

"Legislative acts are not all-encompassing. The heart of the Clause is speech or debate in either House. Insofar as the Clause is construed to reach other matters, they must be an integral part of the deliberative and communicative processes by which Members participate in committee and House proceedings with respect to the consideration and passage or rejection of proposed legislation or with respect to other matters which the Constitution places within the jurisdiction of either House. As the Court of Appeals put it, the courts have extended the privilege to matters beyond pure speech or debate in either house, but 'only when necessary to prevent indirect impairment of such deliberations.'" *United States* v. *Doe,* 455 F.2d [753], at 760 [(1st Cir. 1972) (same case as *Gravel*)]. 408 U.S. at 625. Defendant has not shown, nor can this Court devine, any reason why the instant prosecution for false statement would cause "indirect impairment of such deliberations." Nor does this prosecution "threaten the integrity or independence of the [House] by impermissibly exposing its deliberations to executive influence." *See id.* Furthermore, the Speech or Debate Clause "does not privilege [a Member of Congress] to violate an otherwise valid criminal law in preparing for or implementing legislative acts." *Id.* at 626.

"The question is whether it is necessary to inquire into how [defendant] spoke, who he debated, how he voted, or anything he did in the chamber or in committee in order to make out a violation of this statute." *Brewster,* 408 U.S. at 526. This prosecution does not make it necessary to inquire into any of these areas because it only refers to defendant's statements on his financial disclosure report, statements which this Court holds are simply outside of the deliberative and communicative functions of the House.

The Second Circuit came to the identical conclusion in *United States* v. *Myers,* 692 F.2d 823 (2d Cir. 1982), *cert. denied,* 51 U.S.L.W. 3853-54 (May 31, 1983). In that case, involving the prosecution of several Members of Congress arising from the "Abscam" operation, Representative Lederer objected to the introduction at trail of his EIGA financial disclosure report, asserting that it was privileged under the Speech or Debate Clause. In that report Lederer falsely listed his share of a bribe as a "consulting fee." *Id.* at 849. The court held that the report was not privileged by the clause, stating that—

"Though the Clause, in covering 'legislative acts,' *Gravel* v. *United States,* 408 U.S. 606, 625, 92 S.Ct. 2614, 2627, 33 L.Ed.2d 583 (1972), extends beyond words spoken during legislative debate any other matters it reaches 'must be an integral part of the deliberative and communicative processes by which Members participate in committee and House proceedings. . . .' *Id.* Disclosure of income from sources other than employment by the United States, *see* 2 U.S.C. § 702(a)(1)(A), is no part of such 'deliberative and communicative processes.'" *Id.* (citations omitted). In reaching this holding, the court also noted that "[p]rosecutions for falsification of similar statements indicate that Lederer's financial disclosure statement was not shielded [by the Speech or Debate Clause]." *Id.,* citing *United States* v. *Bramblett,* 348 U.S. 503 (1955) (prosecution for false statement to House Disbursing Office); *United States* v. *Diggs.*

Defendant places heavy reliance on *United States* v. *Eilberg,* 465 F. Supp. 1080 (E.D Pa. 1980). There, the court ruled that the testimony of a Member fo Congress before the House Ethics Committee was privileged by the Speech or Debate Clause, citing language in *Gravel* to the effect that a Member's conduct at committee hearings is "within the sphere of legitimate legislative activity." *Gravel,* 408 U.S. at 624, *quoted in Eilberg,* 465 F. Supp. at 1083. The committee, the *Eilberg* court stated, "was engaged in the very function the Speech or Debate Clause protects—the right of Congress to preserve its independence by disciplining its own members. This right to discipline is one of the matters 'which the Constitution places within the jurisdiction of either house.'" *Eilberg,* 465 F. Supp. at 1083, *quoting Gravel,* 408 U.S. at 625.

The portion of *Gravel* quoted by the *Eilberg* court is within the extended quotation from that case above in this Memorandum Opinion. When the brief passage is read in context, it is clear that to the extent that the privilege embraces such "other matters" within the House's jurisdiction, it only applies *"when necessary to prevent indirect impairment of such deliberations."* *Gravel,* 408 U.S. at 625 (emphasis added). It is difficult to see how applying the Speech or Debate Clause privilege to the *Eilberg* de-

[6] Counsel for the government stated at oral arugment that the government attempted to obtain the opinon of the Clerk of the House but was unable to do so because it is an "internal document."

[7] A memorandum from the Clerk of the House to "All Members, Officers and Employees Required to File Financial Disclosure Statements Under Rule XLIV [of the House of Representatives]," a copy of which was submitted to the Court on June 8, 1983 by defendant, advised of the instant prosecution and stated that "this office takes no position on [the] question" of "whether [section 1001] applies to filings under the Rule." (In Rule XLIV, section 2, the House adopted the financial disclosure obligations of EIGA as its own internal rule.)

This memorandum has no bearing on the matters at issue here. No matter what the opinion of the Clerk of the House might be at the present about section 1001's relevance to financial disclosure requirements, the memorandum does not alter the fact that the Clerk of the House in 1978 evidently put the Chairman of the House Select Committee on Ethics on notice that the section would apply to reports filed pursuant to EIGA. Moreover, the memorandum only refers to section 1001's effect on statements required by the internal House Rule—it carefully avoids mention of the section's applicability to reports compelled by EIGA.

[8] The Speech or Debate Clause provides that "for any Speech or Debate in either House, [Members of Congress] shall not be questioned in any other Place." U.S. Const. art I, § 6.

fendant's *testimony*—as opposed to the Committee members' statements and questions—could have been "necessary" to prevent impairment of the Committee's deliberations. The mere fact that Congress may provide some internal inquiry or sanction for certain misconduct of its members does not thereby insulate its members from all possible criminal liability for such actions. In any case the facts of *Eilberg* are distinguishable from those of the instant matter, which does not involve any statements made on the floor of the House.

Any suggestion that Congress intended that discipline of members for failures to comply with EIGA's provisions be kept an in-house matter is completely belied by the fact that Congress specifically opened the act's disclosure requirements up to external scrutiny by vesting in the Attorney General the authority, under section 706 of the act, to bring civil actions to prosecute violations of those requirments. Moreover, that EIGA is a three-branch plan in which officials of the executive and judicial branches have equal disclosure obligations to those of legislative branch officials demonstrates that the disclosure requirements have a broader purpose than mere internal policing but also concern the public's right to know about the financial interests of its governmental leaders.

Accordingly, the Speech or Debate Clause does not privilege defendant from prosecution for the matters alleged in the indictment. The government can make out a prima facie case without having to inquire into any legislative acts or the motivation therefor. The remaining question relevant to this issue is whether defendant has the right to an immediate, pretrial appeal of this portion of this Court's decision.

The government acknowledges that pretrial appeals from denials of motions to dismiss generally are permissible under the rule of *Helstoski* v. *Meanor*, 442 U.S. 500 (1979). In fact, the Supreme Court held in that case that a pretrial motion rejecting a Speech or Debate Clause defense is a "final decision" creating appellate jurisdiction under 28 U.S.C. § 1291. 442 U.S. at 506. Nevertheless, the government suggests that the Speech or Debate Clause defense asserted in this case is frivolous, and therefore contends that despite *Helstoski* no pretrial appeal is available.

There apparently is no precedential authority for the proposition that *Helstoski* does not apply to a frivolous Speech or Debate Clause defense. As such, the government relies on analogy to a line of cases beginning with *United States* v. *Dunbar*, 611 F. 2d 985 (5th Cir.) *cert. denied*, 447 U.S. 926 (1980), concerning pretrial appeals of denials of "frivolous" double jeopardy motions made pursuant to the rule of *Abney* v. *United States*, 431 U.S. 651 (1977).

Under the *Dunbar* rule, an appeal of a denial of a double jeopardy motion does not divest the District Court from jurisdiction to proceed with the trial of the case where the District Court makes a written finding that the appeal is frivolous. 611 F.2d at 989.

Defendant aptly points out a significant problem with this analogy. Unlike Speech or Debate claims, which only may be raised in prosecutions having some relation to Congress' legislative functions, double jeopardy arguments conceivably can be raised in any type of case where circumstances warrant. The likelihood of abuse of the appeal right through the assertion of frivolous claims is much greater in the *Abney* context. *See United States* v. *Brizendine*, 659 F.2d 215, 225-26 (D.C. Cir. 1981) (noting suspected abuse of double jeopardy claims in the Ninth Circuit). Accordingly, this Court is not persuaded that the *Dunbar* rule should apply to the denial of a motion to dismiss based on Speech or Debate Clause arguments.

The lack of precedent regarding frivolous pretrial appeals on Speech or Debate grounds and this Court's view of what the rule should be do not, of course, preclude this Court from entering written findings, if appropriate, as to whether the appeal is frivolous. Yet although the Court finds defendant's arguments on this issue unpersuasive and devoid of merit, the Court nonetheless declines to make such findings. Considering that the suggested potential for abuse of the appeal right in double jeopardy cases (or at least the magnitude thereof) is not present in cases such as this, the Court does not find it appropriate to rely here upon the standards for determining an appeal "frivolous" in those cases.

III. Selective prosecution

Defendant argues that he was singled out for prosecution because of his history of confrontation with and criticism of the executive branch. He asserts that this constitutes a violation of his right to equal protection of the law under the fifth amendment to the Constitution. He also seeks discovery on the issue of selective prosecution. Defendant has failed to establish even a colorable claim of unconstitutional selective prosecution. As a result, the defendant's argument that the indictment should be dismissed on this ground is rejected and his request for discovery on the issue is denied.

There is a two-pronged test for establishing a prima facie case of selective prosecution: (1) that others similarly situated were not prosecuted (*i.e.*, there was a selection) and (2) the decision to select the defendant for prosecution was improperly motivated. *E.g., Attorney General of the U.S.* v. *Irish People, Inc.*, 684 F.2d 928 (D.C. Cir. 1982), *cert. denied*, 103 S.Ct. 817 (1983). Accordingly, while some forms of conscious selection are permissible, *United States* v. *Diggs*, 613 F.2d at 1003, "[t]wo kinds of motives [for selection] are apparently impermissible: those which have no rational basis under the statutory scheme being enforced, and those which are in and of themselves violative of the Constitution." *Irish People*, 684 F.2d at 935. Discovery on the issue is permitted only where the defendant can make a "colorable claim of discriminatory prosecution." *Diggs*, 613 F.2d at 1003 n.87.

Defendant has failed to show that there has been any selection. He has not directed the Court's attention to anyone similarly situated who has not been prosecuted. Defendant makes reference to a report of the Comptroller General dated May 30, 1980 and has provided a copy of another report of the Comptroller dated March 4, 1981 to the effect that numerous persons subject to the requirements of EIGA failed to file their reports timely. Motion to Dismiss at 62; Exhibit II to Motion to Dismiss. He asserts that none of these (unidentified, it should be noted) persons were investigated by the Justice Department and that this demonstrates discrimination. It does not. None of these people could be prosecuted under section 1001 since that statute does not apply to mere failures to file.

Next, defendant asserts that the government's failure to prosecute the Attorney General for an erroneous EIGA report proves discrimination. Yet defendant acknowledges that the Attorney General filed an amended report to correct the error. Motion to Dismiss at 63 n.7. Accordingly, he and the Attorney General are not "similarly situated."

In his reply brief defendant submits that information in the March 1981 Comptroller General report concerning inaccuracies and omissions in pre-EIGA financial disclosure reports filed in 1978-79 pursuant to Senate Rule 42 demonstrates improper selection. Yet as those persons were not subject to EIGA, again, their position is not the same as defendant's.

Defendant also comments on various other prosecutions of Members of Congress, including the Abscam prosecution of Representative Lederer in *United States* v. *Myers*, asserting that they could have been, but were not, prosecuted under section 1001 for false statements in EIGA reports. Defendant emphasizes the Second Circuit's statement in *Myers* that Lederer "falsely listed [on his disclosure report] his $5,000 share of [a] bribe as 'a consulting fee.'" 692 F.2d at 849. But he and the others were prosecuted for other, more serious offenses. The fact that the government did not add every conceivable offense to the Abscam indictments does not show that those defendants were treated more leniently than the defendant in the instant case.

As defendant has made no colorable showing that he was singled out for prosecution his request for dismissal of the indictment on this ground as well as his motion for discovery are denied. Nonetheless, it can be observed that there appears to be no basis whatsoever for defendant's contention that the government harbored an improper motivation for initiating this prosecution. As noted above, in *Diggs* the Court of Appeals discerned two kinds of improper motives for selection: those lacking a rational basis under the statute being enforced and those inherently offensive to the Constitution. 613 F.2d at 1003. There can be no serious doubt that this prosecution has a rational basis under both EIGA and section 1001. Prosecuting false statements in EIGA reports is consistent with EIGA's purposes which include, *inter alia*, deterring conflicts of interest and maintaining a high level of integrity among public officials. *See* S. Rep. No. 170, 95th Cong., 1st Sess. 21-22, reprinted in 1978 U.S. Code Cong. & Ad. News 4216, 4237-38. It also is consistent with the purpose of section 1001 to ensure that people do not intentionally make false statements to agencies and departments of the government.

Instead, defendant argues generally that the government is out to punish him for exercising his rights under the first amendment to speak out against the executive branch and, in particular, the Internal Revenue Service. However, none of the numerous materials defendant has presented as exhibits to his motion support this contention in any way. While he provides a vast number of documents of his own creation—letters to various officials, essays submitted by him to the CONGRESSIONAL RECORD, books critical of the IRS—chronicling his own crusades, but a few of the papers submitted concern the executive branch's responses to his activities. In not one of these documents is there any evidence that the government harbored a desire to punish defendant for speaking out.

One of these communications is a copy of a letter from the then-Commissioner of Internal Revenue to defendant, dated February 24, 1978, in response to defendant's letter to the Commissioner alleging numer-

ous improprieties on the part of the IRS. The Commissioner's letter demonstrates no hostility whatsoever, but on the contrary is polite and responsive in detail to defendant's allegations. At oral argument defendant's counsel referred to this letter as "virtually a threat," asserting that it warned defendant to cease "hurting the morale" of IRS employees. The only portion of the Commissioner's letter to which this possibly could refer is the last paragraph, which reads:

"I have tried to be responsive to your concerns and assure you that the Service will not tolerate discrimination in either its personnel policies or its examination policies based upon religion. Any facts at all to support your allegations in this regard should be made known to me. Generalized allegations do a disservice to the thousands of dedicated people who make up the Internal Revenue Service."

Exhibit II to Motion to Dismiss. This is not a threat. Nor does it demonstrate any antagonism on the part of the Commissioner, the IRS or the executive branch toward defendant.

Similarly, the letters from the Assistant Attorney General of the Justice Department, Criminal Division, to defendant dated December 11, 1981 and February 8, 1982 concerning other allegations of IRS misconduct provide no support to defendant's assertion that the government has a vendetta against him. See Exhibit VIII to Motion to Dismiss. The letter from the Chairman of the Securities and Exchange Commission to defendant dated January 14, 1983 likewise is innocuous.

For the foregoing reasons, and upon consideration of the entire record in this matter, defendant's motion to dismiss the indictment and his motion for discovery as to the question of selective prosecution shall both be denied.

It is this Court's respectful view that as the Speech or Debate Clause issue is immediately appealable, it would be more efficient for the Court of Appeals to consider the other two issues raised in the motion to dismiss at the same time. In *United States* v. *Myers*, 635 F.2d 932, 935-36 (2d Cir.) (pretrial appeal), *cert. denied*, 449 U.S. 956 (1980), the Second Circuit not only ruled that a challenge to an indictment on separation of powers grounds was immediately appealable along with the Speech or Debate Clause question, but declared that it "would not be too extravagant to suggest that a Member of Congress should be entitled to pre-trial review of the denial of any legal claim that could be readily resolved before trial and would, if upheld, prevent trial or conviction on a pending indictment." The court noted that circumstances particular to Members of Congress militating in favor of a pretrial appeal of all issues were "especially compelling." *Id.* at 936.

The Court of Appeals for this Circuit has not spoken as to the matters addressed in this dictum from *Myers*. Nonetheless, the inefficiency and delay that piecemeal appeals would cause persuade this Court that the entire matter addressed this date should be submitted to the Court of Appeals at one time. Under 28 U.S.C. § 1292(b), the Court of Appeals may in its discretion permit an appeal to be taken from an interlocutory order where the District Court states in writing his opinion that the order "involves a controlling question of law to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate termination of the litigation." There is no doubt that an immediate appeal would materially advance the ultimate termination of this action. The preemption issue raised by defendant obviously involves a controlling question of law inasmuch as if his interpretation of the relevant statutes is correct, there is no basis for the instant prosecution. While the Court is convinced that defendant's reading of the statutes and the legislative history is wrong, varius factors noted in his opinion, such as the absence of any reference to criminal sanctions from the conference report, provide substantial grounds for a difference of opinion. Likewise, the selective prosecution question is controlling as it bears directly upon whether the prosecution may properly take place. The Court is hard pressed to say that there is a substantial ground for difference of opinion as to this issue, inasmuch as defendant has not provided any concrete evidence to support his claim. Nevertheless, the difference of opinion of the parties is substantial, and to the extent that defendant argues that improper motive may be shown by his own provocative conduct directed against the government, this is his "substantial ground for difference of opinion."

Pursuant to 28 U.S.C. § 1292(b), defendant's anticipated application for appeal shall not stay pretrial proceedings in this Court unless so ordered by the Court of Appeals, inasmuch as this Court declines to enter such an order. The trial previously scheduled for June 20, 1983, must however, be continued pending appellate review of the instant decision.

An Order consistent with the above accompanies this Memorandum Opinion.

June 13, 1983.

JOYCE HENS GREEN,
U.S. District Judge.

[U.S. District Court for the District of Columbia, Criminal No. 83-00075]

THE UNITED STATES OF AMERICA *v.* GEORGE V. HANSEN, DEFENDANT—ORDER

Consistent with the Memorandum Opinion entered in this case this date, it is, by the Court, this 13th day of June, 1983,

Ordered, that defendant's motions to dismiss and for discovery on the question of selective prosecution shall be and hereby are denied.

This matter is hereby certified for interlocutory review pursuant to 28 U.S.C. § 1292(b), as provided in the accompanying Memorandum Opinion, the trial previously set for June 20, 1983 accordingly being continued pending said review.

JOYCE HENS GREEN,
U.S. District Judge.

The PRESIDING OFFICER. Is all time yielded back?

Mr. THURMOND. Mr. President, I yield back my time.

The PRESIDING OFFICER. Does the Senator from Idaho yield back his time?

Mr. SYMMS. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question is: Will the Senate advise and consent to the nomination of D. Lowell Jensen, of Virginia, to be Associate Attorney General?

The nomination was confirmed.

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. GARN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I ask unanimous consent that the President be immediately notified of this confirmation.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF PAUL A. VOLCKER, OF NEW JERSEY, TO BE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of Paul A. Volcker to be Chairman of the Board of Governors of the Federal Reserve System. The time for debate on this nomination shall be limited to 1 hour, to be equally divided and controlled by the Senator from Utah (Mr. GARN) and the Senator from Wisconsin (Mr. PROXMIRE) or their designees, with a vote thereon to occur at 11:45 this morning.

Mr. GARN addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. GARN. Mr. President, I encourage the Senate to approve the nomination of Mr. Paul Volcker for another term as Chairman of the Federal Reserve Board of Governors. During the last 4 years, Mr. Volcker has been before the Senate Banking Committee on numerous occasions on many issues, particularly testifying before us under the terms of the Humphrey-Hawkins Act, on a semiannual basis.

Week before last, we held nomination hearings and then last week, we held the semiannual Humphrey-Hawkins hearings. After those hearings were completed, the Senate Banking Committee approved the nomination of Mr. Volcker on a 16 to 2 vote. So the Banking Committee was overwhelmingly in favor of his continuing as Chairman of the Board of Governors.

I recognize that there has been a great deal of criticism of Mr. Volcker. I also recognize that there will be some votes against his reappointment on the floor of this Chamber. When he was first appointed by President Carter, the vote, as I remember, was 98 to nothing.

I say to my colleagues that I doubt very much if any Chairman of the Federal Reserve Board has served during a more difficult period of time. Certainly no Chairman of the Federal Reserve Board has had to preside during a period of deficits in the

neighborhood of $200 billion per year, and an accumulated deficit of over $1.3 trillion, with interest on the national debt exceeding $125 billion this year.

To put that into perspective, in 1962, John Kennedy's last full budget was $106 billion. Just 21 years ago, John Kennedy ran this entire country for $106 billion. That was to defend it, provide all of the social welfare programs, social security—$106 billion. Here, just 21 years later, we are spending more than $125 billion for interest on the national debt. We have had an explosion, an absolute explosion of Federal spending over those years, and we have had a very difficult economy with high interest rates, high unemployment, and record deficits.

It is the tendency of politicians, when they have difficult times, to try to find someone else to blame, and in this case, they have found a ready target in the person of Mr. Volcker, blaming him for all of these difficulties.

Well, certainly the Federal Reserve has a role to play through monetary policy. Certainly they have some impact on short-term interest rates. But I do not care who the Chairman of the Federal Reserve Board is. We could make any Member of this body Chairman of the Fed and as long as Congress continues to spend $200 billion more than we take in every year, the Fed does not have a great deal of choice. They have to monetize some of that debt. When we have such excessive Government borrowing which this year could approach 75 percent of all of the net savings in this country—75 percent of all that people saved being used to finance the National Government's deficit—then we—erroneously—blame the Federal Reserve Board for high interest rates.

I think my colleagues ought to recognize where the majority of the problem originates. It comes from this body and the other end of the Capitol. It comes from that $1.3 trillion national debt. It comes from $125 billion of interest on the national debt. It comes from this excessive amount of competition for money in the private sector. When Government is borrowing 75 percent of all the money, there is less money available for mortgage loans. Someone goes to get a mortgage loan and they wonder why there is not money available and why it is so expensive. It is because Government is taking so much of what is available. There is not adequate money remaining for automobile loans, there is not adequate money remaining for new plants and equipment, expansion of our industrial capacity to create jobs in the private sector.

So I support Mr. Volcker and the members of the Federal Reserve Board. It is not fair to try and lump all of the problems of this economy on the Federal Reserve Board and not place the emphasis where it really belongs, on those who control the spending. I remind my colleagues that the Constitution is rather clear on this point. Only the Congress of the United States has the ability to appropriate money—no one else. We can talk about the deficits of Ronald Reagan or Jimmy Carter or Gerald Ford or any other President, but that really is very misleading, because no President of the United States has ever spent a dime that was not appropriated by the Congress—not George Washington, not Abraham Lincoln, not Ronald Reagan. A President can recommend a budget, he can plead for it, he can twist our arms, but ultimately a President does not spend any money that we do not appropriate.

When I hear, "Well, he made us do it," it reminds me of my children. You catch one of them doing something, and you say, "Why did you do that? They say, "My brother made me do it."

That is what Congress is saying—Ronald Reagan made us do it; he forced us to appropriate all these hundreds of billions of dollars. We cannot look for scapegoats. We must assume our own responsibility.

I again remind my colleagues that the Constitution is very clear: Only we—we being the Senate and the House of Representatives—have the ability to appropriate funds.

Look back to the 1960's, when we had a very stable economy—in the 1950's and 1960's—I doubt very much that the majority of the people of this country knew what the Federal Reserve Board was, and they certainly did not know who the Chairman was. If we had a responsible fiscal policy, the Fed would be virtually nonexistent. Conducting monetary policy would be very easy under those circumstances.

You simply cannot have runaway spending, record deficits, and expect the Federal Reserve Board, regardless of who sits on that Board and regardless who is Chairman, to solve all the problems and cover for all the mistakes of Congress.

I suggest that Chairman Volcker has a very difficult job. I sometimes wonder why he wanted it again, when there has been such poor performance on the part of Congress.

Once again, I support his nomination. I think he has done an extremely good job under some very difficult circumstances imposed on him by Congress.

Mr. President, I reserve the remainder of my time.

Mr. PROXMIRE. Mr. President, this body will confirm the nomination of Paul Volcker this morning and in the process consign him to an economic torture chamber. We have put the Chairman of the Federal Reserve Board in an absolutely impossible, no-win position. I have served in this body now for more than 25 years. In all that time, I have served on the Banking Committee, and for 6 years chaired that committee. For more than 20 years, I have served on the Congressional Joint Economic Committee, which is ably chaired now by the present occupant of the chair, the distinguished Senator from Iowa (Mr. JEPSEN).

Federal Reserve Board Chairmen have, of course, constantly come before both these committees in this last quarter century.

For years, it was William McChesney Martin, who had been boy-wonder head of the New York Stock Exchange at the tender age of 30. Martin had also served with distinction in the U.S. Treasury. In fact, he played a top role in negotiating the famous Fed-Treasury accord which stopped the Fed from buying Treasury obligations at par, and in doing so prevented it from becoming an engine of inflation. Martin served longer than any other Fed chairman—more than 20 years—and through the administrations of four Presidents. He was followed by the redoubtable and brilliant Arthur Burns. Burns dominated the Federal Reserve Board and monetary policy for 8 years, with a profound and convincing understanding of our economy. He was followed by William Miller, who had been a smashing success as a top corporate chief executive officer at Textron and later served as Secretary of the Treasury.

Then came Paul Volcker. With all due respect for the previous chairmen of the Fed—and, as I have indicated, they were indeed a series of powerhouses—Volcker has demonstrated a special class. Just yesterday, I talked to a marvelous, veteran professor, Sam Beer, who taught Volcker when Volcker was a student at the Harvard Graduate School of Public Administration in 1950. Professor Beer told me how impressed he was by the sharpness and clarity as well as the insight of Volcker when Volcker was a young student. Professor Beer recalled reading one of the papers Volcker wrote as a student and said that he, the professor, had learned, and learned a lot, from reading it. How often does that happen? Frankly, as one who taught very briefly at Harvard some 37 years ago, I can say that that almost never happens. Volcker went on to a successful career in private banking. He served with great distinction in the Treasury. When he came to the Fed chairmanship in 1979, from the presidency of the New York Federal Reserve Board, he arrived with credentials that put him in the same very high class as his illustrious predecessors.

But Volcker's term has been different. A couple of months after he took office, he instituted a unique kind of monetary policy. It had one purpose: To break the back of the worst peacetime inflation this country had ever suffered, an inflation that obviously bid to wreck our great economic system unless brought under control. The conditions could hardly have been worse.

As the distinguished chairman of the committee and manager of the bill, Senator GARN, has just said, the Federal Government had run massive deficits for more than 10 years, and worse deficits loomed ahead. That meant that while fiscal policy would be pushing prices up with soaring spending and pitifully inadequate taxes to cover that spending, monetary policy would have to overcome that inflationary pressure, plus the inflationary momentum of year after year of escalating prices and wages. Above all, inflation seemed surer to rise higher and higher, with a public psychology that at that time expected prices to continue to rise forever. It bid up real estate prices and commodity prices and shoved wages and prices through the roof.

What did Volcker do? He changed all this. He changed the Fed policy to hold down the supply of credit or money to a steady and moderate rate of increase. As the money supply—relative to the hectic inflationary expansion of the economy—diminished, the price of money, or interest, increased. This, of course, is another way of saying that the rate of price rises decreased but not interest rates. Interest rates shot up. Under Volcker, the prime rate rose to the cruel level of more than 20 percent. The interest-sensitive industries—autos, farms implements, and especially home building—went into a crashing nosedive. Home buyers could not afford to buy homes. Auto buyers could not finance their auto purchases. Farmers could not buy their equipment. Businessmen could not afford to borrow, and some failed. Unemployment soared. But inflation slowed. Prices began to rise less rapidly, and inflation gradually came under control.

The price was terrible. Many felt and still feel that it was far too high a price to pay. But why was such a cruel price necessary? It was necessary because inflationary Government deficits had left the Fed with no choice. Oh, sure, they could have followed an inflationary monetary policy in tandem with the reckless fiscal policy Congress was pursuing. What would that have done? It would have given us both inflation and unemployment. We would have suffered a longer and more painful unemployment than we suffered in the 4 Volcker years. Congress was wrong. Volcker and the Fed were right.

Now we will have 2 more years of Paul Volcker. I wish it could be 4. If we could bring our fiscal policy back to sanity, if we could somehow find the will to cut spending and raise revenues so that we would balance the budget when unemployment fell to the 7-percent range, these could be good years. But we will not. Everyone in the Senate knows that Congress will not do that.

So the Volcker years will be years in which this debt-ridden country of ours struggles along with three-quarters of its savings, as Senator GARN has rightly said, going into financing the Government. We will have a pitiful one-quarter of all our savings left to provide for the financing of homebuilding, auto buying, and all our farm and business credit needs.

What does that spell? That spells rising—sharply rising—interest rates. It spells another slide into even more massive unemployment. It spells a rendezvous down the line between Congress and the Federal Reserve. At that rendezvous, Congress will force the Fed to yell "uncle." It will tell the Federal Reserve this time that the price is too high. We cannot and will not take it.

Congress has the constitutional power to control the Fed. The Fed is our creature. We can abolish it, cripple it, twist it, change it. And some time, probably after Volcker leaves the Fed, Congress will do all of that.

Of course, I will vote for the confirmation of Paul Volcker's nomination. We need him. He will serve with distinction. But his job is impossible, and it will become increasingly more intolerable with the passing years. No one could do a better job in this thankless task than Volcker. He has served this country brilliantly. He will continue for 2 years to do so. Unfortunately, that will not be enough.

Mr. President, I suggest the absence of a quorum.

Mr. GARN. Mr. President, I suggest the absence of a quorum, with the time to be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. GARN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. Mr. President, the debate on the Paul Volcker nomination started 15 minutes early and the unanimous-consent agreement gave 1 hour equally divided on a side with the scheduled vote at 11:45 a.m. As things now stand, there are speakers who wish to speak on this nomination who are not here and there would be dead time of 15 minutes in between completion of the debate and scheduled roll-call vote at 11:45 a.m.

I ask unanimous consent that the debate continue until the scheduled time of 11:45 a.m. when we vote under the unanimous-consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GARN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I yield 10 minutes to the Senator from Arizona (Mr. DECONCINI).

Mr. DECONCINI. Mr. President, I thank the chairman and ranking minority member of the committee for the expeditious handling of this nomination, though I disagree with it.

Mr. President, the Senate is about to vote on the question of whether to provide its advice and consent to the nomination of Paul Volcker for yet another term as Chairman of the Federal Reserve Board. Although there is every indication that Mr. Volcker will be overwhelmingly approved, I will cast my vote in the negative.

It is not clear to me, Mr. President, why this august body seems so ready and willing to reconfirm Mr. Volcker. Were this Mr. Volcker's first term as Chairman, I could understand Members of both parties wanting to extend the normal courtesies and the benefit of the doubt to the President. It does, after all, fall upon his shoulders to select the nominee. But this it not Mr. Volker's first term. This is his second term. We have before us the record of his first term—indeed, we are surrounded by the wreckage of that term.

Within the last few months, the American economy appears to have reached a turning point in the awful recession we have been experiencing the last few years. One reason why we are making headway at all is because the so-called Volcker policies have been at least temporarily modified. But this economic resurgence hangs by a thin thread—a thread of reasonable interest rates. It is precisely that thread which Mr. Volcker, as judged by his past performance, is most likely to sever.

The Federal Reserve Board was established as an independent agency to monitor money supply. Congress deemed it important to entrust this task to an independent agency to remove it from the day-to-day pressures of practical politics. There is, of course, a danger whenever Congress chooses to create an independent

agency. The danger is that independence is the reverse of accountability.

The hallmark of any democratic system is that the exercise of power demands accountability. Conversely, we can almost define a tyranny as a polity without well-defined and effective structures to insure political accountability. In each case, we balance the benefits and the costs of having an independent agency. I agree with the consensus that, on the whole, it is better to leave the Federal Reserve Board as an independent agency. However, this assumes that the Congress will exercise its power of periodic review inherent in its right to advise and consent.

I believe that the Senate is not acting responsibly in reconfirming Mr. Volcker. We are abdicating our responsibilities to our fellow citizens by failing to stop the reappointment of a man who has almost single-handedly caused one of the worst economic crises in American history. If we allow this nomination to slip by on the grounds that it is the President's prerogative to appoint, we will have failed in our responsibilities.

There can be no question that Mr. Volcker was instrumental in reducing quite substantially the rate of inflation. This was clearly a national priority that had to be accomplished. But, in our glee that inflation has been reduced let us not be blinded by the manner in which that reduction was accomplished. If ever it can be said that a meat ax was used to split hairs, it can be said of the policies designed and implemented by Mr. Volcker. Like an inflation storm trooper, he trampled all else to accomplish the one goal.

Frankly, Mr. President I have no doubts that any one of us could have achieved the same success had we been willing to allow others to make the same sacrifice. But the point is that few of us would have been so willing. Most of us would have recognized that it is the nature of a complex, pluralistic society that there are simultaneously many goals and many priorities—often in apparent conflict—that must be taken into account at the level of policymaking

The United States, for example, has a clear problem of defense preparedness compared to the Soviet Union. There is no question that our weaknesses could be corrected quickly if all our resources were devoted to that task. But would we allow that? Would we agree to have the issue of military budgets handled by an independent agency consisting of military men? I doubt it. We have just finished a 2 week debate over military policy and budgets which was, at times, bitter and rancorous. We were intense, not because any of us disagreed with the proposition that America must be militarily strong. We debated long and hard because we were trying to find the right fulcrum point between our military needs and the many other needs of society.

Those are never easy decisions. But our institutions were designed to make those decisions and to insure that the interests of a minority are not entirely violated by the interests of a majority. Decisions in America tend to be compromises; they tend to exhibit the kind of balance and moderation which are necessary for our system to continue.

But the decisions of Mr. Volcker and his cohorts on the Federal Reserve Board evinced none of those qualities. They reflected instead a singlemindedness of purpose that totally disregarded the needs of a majority of Americans. Yes, they fought inflation. And, yes, they fought inflation effectively. But the question we must ask was how and at what cost? And by approving the renomination of Mr. Volcker today we are saying to the American people—indeed, to the world since most nations are affected by our economy—that we approve of how the Federal Reserve Board went about lowering inflation.

Mr. President, I want it clearly understood that this Senator does not approve. Rather than reward Mr. Volcker by reconfirming him for another term and placing the economic fate of the Nation in his hands, we should be chastising him. We should be telling Mr. Volcker that in a democracy, we do not combat inflation by placing 12 million citizens on the rolls of the unemployed.

Surely, Mr. President, no one in this Chamber will rise to Mr. Volcker's defense on the grounds that the course he pursued was the only possible course. I do not believe that. You cannot believe that. No one can possibly believe that. Scores of highly respected economists from every part of the political spectrum have testified or have written to the contrary. They know—and we should know—that the devastating and insensitive policies of the Federal Reserve Board were unnecessary. They were the products of men unaccountable to anyone and therefore insensitive to all.

We stand in the classsic posture when we approve this renomination of publicly saying that the Senate believes that the end justified the means. That is a contradiction of what we stand for as a nation and a people. That is the very antithesis of the way in which we normally conduct the business of government. If anything, we are almost more committed to the means than the ends. Because if a democracy is anything at all, it is a process, a means for making decision.

When Mr. Volcker was selected by President Reagan's predecessor, President Carter, the economy was in reasonably good condition. Unemployment stood at 5.9 percent. By December of last year after the application of Mr. Volcker's medicine, unemployment had skyrocketed to 10.7 percent or 12 million unemployed men and women. That is the highest level of unemployment since the Great Depression. In those 2½ years, more than 6 million people lost their jobs as a direct result of misdirected and misguided Volcker policies.

When Mr. Volcker first came to his position as Chairman of the Federal Reserve Board under President Carter he began the process of constricting the money supply. By the end of 1980, he had pushed interest rates beyond 20 percent and then attempted to moderate those rates somewhat in time for the election. After the election, he continued steadfastly on his course and managed to choke off virtually all economic activity. Although he complained about deficits, the Volcker policies substantially contributed to those deficits by decimating Government revenues.

In 1982, GNP declined 1.7 percent, the sharpest decline since 1947. Industrial capacity dropped to 67.4 percent, the lowest rate on record. After tax corporate profits dropped by almost 21 percent during the first quarter, the sharpest drop on record. Business failures exceeded 25,000, a record untouched since 1932. Private housing starts were the lowest since those records have been kept, and the American trade deficit reached $42.7 billion, another all-time record.

As those figures clearly show, the Volcker years have been record years—a sustained record of repeated failure and dramatic personal tragedy for the millions of Americans whose hopes and dreams were dashed by a riptide of insensitive policies. If this Senate approves of the unprecedented high interest rates that Mr. Volcker caused and which were tacitly supported and approved of by the Reagan administration, then he should be reconfirmed. But if this body wants to show that it disapproves of the Volcker-Reagan high interest rate approach to economics—an approach that forces lower and middle income Americans to bear the costs of fighting inflation—then we should disapprove this nomination.

Paul Volcker has repeatedly demonstrated that he does not have the ability or the willingness to design monetary policies that accommodate the total needs of the American economy. He can do one thing well—beat inflation. But he does that in total disregard of everything else. The Volcker medicine is worse than the disease.

I pray, Mr. President, that Mr. Volcker will not revert to his old ways during this new term. I pray he will begin to demonstrate some sensitivity to the needs of the American people. I

pray that he and his fellow Board members will construct policies that work to keep this economy on an even keel while moving more and more toward recovery. I can only pray for these things since once this Chamber works its will—as it will in a few moments—we and the President will have lost all control over Federal Reserve Board policy once again.

The PRESIDING OFFICER (Mr. MATTINGLY). The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I yield 10 minutes to the Senator from Tennessee, Senator SASSER.

Mr. SASSER. I thank the distinguished ranking member of the Banking Committee for yielding to me.

Mr. President, I rise today to oppose the renomination of Paul Volcker to be Chairman of the Federal Reserve Board. Let me say at the outset I do not base my opposition to Mr. Volcker's nomination on personal grounds. In my view Mr. Volcker is an exemplary public servant, he has approached his job with a strong conviction and a clear conscience. I would suppose that he is perhaps at the zenith of his prestige and popularity in the financial community at this time, and he continues to serve in the capacity as Chairman of the Federal Reserve Board at great sacrifice, financial sacrifice, to himself so we can only suppose that he accepts the President's renomination for a second term because he does so, he feels, for the good of the country.

He has followed a monetary policy which he believes to be in the best public interest so I cannot fault Chairman Volcker for his dedication to duty as he perceives it.

But the vote on the Volcker nomination must be viewed in a larger context than that of his personal qualifications or his dedication to duty. I believe that this vote on Paul Volcker should be an expression of congressioanl sentiment about how well the Federal Reserve Board's monetary policies have served our economy during his term as Chairman of the Federal Reserve Board.

Some observers have lauded the Federal Reserve Board's monetary policies for the last several years. It is noted that the Consumer Price Index increase for 1982, for example, was only 3.9 percent as compared with a 13.3-percent increase in 1979.

I would call my colleagues' attention, however, to another broader measure of pricing performance, the GNP implicit price deflator which dropped from 8.6 in 1979 to 6 percent in 1982, not nearly as impressive as the CPI figures that are so widely used. But we cannot deny the fact that some progress has been made on the inflation front and we applaud that progress. But many factors have contributed to this progress. Bumper farm crops have held farm price increases down. The almost total collapse of OPEC has helped bring down the level of energy prices dramatically, and the worst recession in 40 years, caused primarily by the monetary policies pursued by the Federal Reserve Board under Mr. Volcker's direction, helped bring down inflation.

While the inflation rate has dropped there have been other disconcerting economic trends which threaten our long-term growth.

The real rate of interest, the prime rate, discounted for the rate of inflation as measured by the GNP price deflator, has soared to record highs.

Currently the real rate of interest stands at 5.0 percent. It was 8.9 percent in 1982, 9.5 percent in 1981, and 6 percent in 1980, far, far higher than the average real interest rates of 2 percent that were registered in the previous 18 years prior at the time that Mr. Volcker assumed his post as Chairman of the Federal Reserve Board.

The tight money policies of the Federal Reserve have contributed certainly to the strength of the dollar abroad. Indeed the dollar is so strong that our exports are being priced out of overseas markets and millions of Americans are unemployed today as a result.

Just this year alone our dollar has appreciated by some 8 percent against the value of other major international currencies. But it is at the domestic level that high interest rate policies have been of the greatest concern.

The recession we have experienced just recently, as the Senator from Arizona ably described, has been the worst on record in 40 years.

Housing starts, corporate profit levels, and industry utilization rates have reached record lows. Real interest rates, unemployment levels, mortgage delinquencies, and small business failures have reached record highs, and for the 3½ years that the Federal Reserve Board's monetary policies have been in effect under the direction of Mr. Volcker, real gross national product has been almost nil as far as growth is concerned.

We have had a real GNP increase of less than one-half of 1 percent in the last 3½ years; essentially, Mr. President, a policy of no econoic growth. In short, the Federal Reserve Board's monetary policies have helped stop the economic growth of this country dead in its tracks.

Consider some of the other economic indicators over the last several years. We had 6.1 million people unemployed in 1979 when Mr. Volcker was nominated and confirmed as Chairman of the Federal Reserve Board.

There were 11.2 million people unemployed in May of 1983; 1.2 million people were unemployed for 15 weeks or more during 1979. That figure had nearly quadrupled by May of 1983, with 4.5 million people unemployed for 15 weeks or more.

The Congressional Budget Office tells us that in 1982 some 28 million Americans were unemployed at one time or another.

On the small business front, more than 17,000 small businesses closed their doors in 1981, nearly 25,000 collapsed in 1982 and, at the current rate, more than 30,000 businesses may fail during 1983.

Corporate profits, which stood at $165.1 billion after taxes in 1979, stood at $112.7 billion in the first quarter of 1983.

The record is clear. The Federal Reserve Board's monetary policies have helped to create and sustain one of the most severe recessions that this country has experienced in this century.

And, Mr. President, I do not stand here to criticize Chairman Volcker at the 11th hour. I have criticized the Federal Reserve Board and its policies ever since their new monetary targeting policies were adopted in 1979.

I communicated that criticism to President Carter. I was the first Senator to bring a resolution to the floor of the Senate urging major revisions of the Federal Reserve Board's interest policies in 1981.

I have not criticized the Federal Reserve Board and its Chairman just because it is politically fashionable to do so. Quite the contrary, Mr. President, it has become quite in vogue now to become a supporter of the Chairman and of his policies.

Now some suggest that the economic recovery is underway. They say that our troubles are behind us, and the Federal Reserve Board's monetary policies have been a bitter pill to swallow but they have been vindicated.

However, the Chairman of the Council of Economic Advisers, Martin Feldstein, in his most recent testimony before the Senate Banking, Housing, and Urban Affairs Committee, stated the problem very simply.

He said, and I quote "The principal problem facing our economy now is the high and rising level of real interest rates."

Already, a key short-term interest rate, the Federal funds rate—the overnight lending rate—has risen by at least 1 percent in the last several weeks. And Dr. Feldstein notes that since the prime rate is historically about 2½ percentage points above the Federal funds rate, we may shortly see an increase in the prime rate of lending.

Many economists are predicting that the mortgage rates will rise to 14 percent this year, producing, in the words of the president of the National Association of Homebuilders—"The shortest housing recovery on record."

As these key interest rates rise, we simply are not going to have a full-scale economic recovery.

The interest-rate sensitive sectors of the economy—housing, construction, automobile production—will suffer.

The export side of the economy—farm products, sophisticated machinery, and the like—will stagnate.

We will have, as Dr. Feldstein fears, a lopsided recovery. Millions and millions of Americans will not find productive employment. New business opportunities will disappear, and corporate profits and new business investment will simply not increase to the level we need for a full-scale economic recovery and the modernization of industrial capacity of this country.

Mr. President, the ultimate power over monetary affairs rests with the Congress, as set forth in article I, section 8 of the Constitution.

The Congress has wisely decided to delegate the day-to-day conduct of monetary policy to the Federal Reserve Board which has been created pursuant to an act of Congress.

But, by law, the Federal Reserve Board is charged with maintaining "* * * longrun growth of the monetary and credit aggregates commensurate with the economy's long-run potential to increase production, so as to effectively promote the goals of maximum employment, stable prices, and moderate long-term rates."

In other words, in conducting its monetary policies, the Federal Reserve Board should be working to promote real economic growth.

Certainly, I do not contest the argument that it should be working to bring down inflation. But it should not be working to promote recessions. It should not be pursuing monetary policies that produce record unemployment, and stagnating economic growth.

We had no problem with inflation during the Great Depression, Mr. President. In fact, there was deflation.

In short, as I stated at the recent hearing on the renomination of Paul Volcker, I believe that the Federal Reserve Board's monetary policies in the past have been fundamentally flawed. They have been flawed since their inception in 1979. And Chairman Volcker has adhered to these basic tight monetary policies for the past 3½ years.

That is why I must cast my vote against the renomination of Mr. Paul Volcker to be Chairman of the Federal Reserve Board.

Mr. LONG. Will the Senator yield for a question at this point?

Mr. SASSER. I yield to the distinguished Senator from Louisiana.

Mr. LONG. Mr. President, I am impressed by the Senator's argument. At this moment, I am torn between temptation to vote for and against Mr. Volcker.

I must say that the Senator, in my judgment, is probably right with regard to monetary policy.

I think he and I can agree that Mr. Volcker is an honorable man and he is a sincere man. So far as I am able to determine, he is a person of the highest character. I am satisfied Mr. Volcker is sincere about what he is doing.

I wonder if the Senator would agree with me about all of that.

Mr. SASSER. I certainly do agree with the Senator from Louisiana.

As a matter of fact, I have the highest personal regard and respect for Mr. Volcker and, I might say, even a considerable degree of affection for him.

But, quite frankly, I find that I disagree sharply with the monetary policy that he has pursued over the past 3½ years.

Mr. LONG. Furthermore, if Mr. Volcker was up here for the nomination of the Secretary of the Treasury, I would not have any problem about voting for him. I would be happy to vote to confirm Mr. Volcker as Secretary of the Treasury in the President's Cabinet.

I think he views fiscal policy about the same way I do. I do not believe we ought to be running enormous deficits; he does not think that.

I can say to the Senator, as far as I can determine, his view of fiscal policy is that you ought to cut spending every way you can and when you are through there you ought to turn to the revenue side and reduce the deficit.

I do not believe we ought to be running a large deficit. I agree with him on it. I wonder if the Senator agrees with that.

Mr. SASSER. I absolutely do agree with the statement made by the Senator from Louisiana. The deficits are larger than we have run at any time in the history of this country, as it is predicted for the coming year.

I have heard Mr. Volcker testify many times before the Senate Budget Committee lamenting the large deficits. I would say that I was disappointed that, earlier on, when we were contemplating the largest tax cuts in many years, when we were caught up in this euphoria of supply-side economics, I was disappointed at that time that we did not hear from the Chairman of the Federal Reserve Board. He was strangely silent on the question of whether or not we should have these massive 3-year tax cuts.

Mr. PROXMIRE. Will the Senator yield on that?

Mr. SASSER. Yes.

Mr. PROXMIRE. I think, to correct the record, we did hear from Chairman Volcker. He wrote the Banking Committee and he urged that any tax cut should be paid for by spending cuts. He made his position very, very clear that he thought this was a mistake and would deepen the deficit.

I do not know what else he could do. It is up to us to determine fiscal policy. He does not have anything to do with that, except to talk about it.

To me, he made that record very clear in a letter to us. He told us that was a mistake. What else could he do?

Mr. SASSER. He may have been very clear to the able ranking member of the Banking Committee. As the Senator will recall, I was not serving on the Banking Committee at that time. But I do recall on a number of occasions Mr. Volcker testified before the Senate Budget Committee at a time when we were contemplating what turned out to be massive revenue losses. At that time he was confining his remarks to reducing spending and was not addressing himself to the problem of tax cuts and revenue losses which would occur.

Mr. LONG. This Senator has had the pleasure of discussing taxes and deficits with Mr. Volcker off the record as well as on the record. My view is that his views on that have been good. That is my problem. He is not up to be Secretary of the Treasury. He is being recommended to continue as Chairman of the Federal Reserve. That is where my preference is.

I personally feel that the success we have had in controlling and limiting inflation has been largely due to the energy situation. It is my judgment, having discussed it with people whose views I respect in the area of economics, that 70 percent of the trouble that occurred in the way of inflation under Mr. Carter was due to the energy situation over which he had very little control. That had to do with the OPEC cartel and so on. It has to do with the cartels being less effective now in recovering from inflation.

That had nothing to do with what Mr. Volcker or anyone else could do. That was the big factor, going up and coming down.

Only a small portion of it, about 30 percent, or two points of this inflation, had to do with tight money and high interest rates policies. Insofar as we have had them, they have been very cruel to the workers, to the low-income people, to the homeowners, to the unemployed and the small business people of the country. I fear that a continuation of this policy is going to lead to a disaster in the long run for this country.

It has not occurred yet, but looking down the road, looking at the working people, the homeowners and others, that gives me cause for concern, giving more worry as to what will happen in the future as a result of these policies. It does give this Senator great cause for concern.

If I should decide to vote against Mr. Volcker, and I have not yet made up

my mind, I would associate myself with what the Senator has said. I am very concerned about the monetary policies which are being pursued. I am sure Mr. Volcker thinks they are just what the doctor ordered, but, frankly, I am concerned.

Mr. SASSER. Will the Senator yield 1 additional minute?

Mr. GARN. I wish I could, but we have not had speakers on this side yet.

I understand the Senator from Montana wishes recognition for a brief statement.

Mr. MELCHER. I thank my friend from Utah for yielding to me.

Mr. President, I shall not ignore the wise counsel of Mr. Volcker to reduce Federal spending in order to reduce deficits. That is sound advise, but I am opposed to the Senate confirmation of Paul Volcker for another 7-year term as Chairman of the Federal Reserve Board.

After his appointment by President Carter, Paul Volcker's experiment with high interest rates, which began in 1979, we reached record-high interest rates, our worst trade deficit in history, and the greatest number of business bankruptcies and American unemployed workers since the Great Depression.

I first wrote to President Carter in February 1980 laying out what I saw to be the problems we were going to find ourselves facing as a result of Mr. Volcker's policy of pushing up interest rates in the fight against inflation. At that time, the prime rate was about 14 percent, but Chairman Volcker did not ease off his tight money policies until they capped out at 22 percent, a year later. By that time we were well on our way to nearly 12 million Americans being unemployed, 25,000 business failures a year, an agricultural depression, a nearly nonexistent wood products and housing industry, and a $40 billion deficit in trade.

Throughout 1981 and 1982, I made several efforts to convince President Reagan, Treasury Secretary Regan, and Mr. Volcker that they ought to get together with Congress and adjust interest rate policies to permit us to get the economy going again. However, this plea fell on deaf ears and Chairman Volcker continued to state that he believed our main job was to reduce inflation and that, if high interest rates were the bitter pill that the American economy had to swallow to cure its inflationary problems, then he felt it had to be.

I do not agree with that policy and, in recent months, many professional economists have arrived at the same conclusion.

For example, a recent study by Data Resources, Inc., found that while high interest rate policies by the Federal Reserve Board did have an impact on reducing inflation, that impact is often overstated. They feel that high interest rate policies are only responsible for a reduction of 1 to 2 percent in the inflation rate and the rest of the reduction we have seen over the past 2 years has been due to the decline in energy prices, the stabilization of food prices, and the result of high unemployment. Further, they concluded that whatever impact the Federal Reserve Board's interest rate policies had on reducing inflation, this was more than offset by the negative impact on unemployment and trade. The negative impact of high interest rates on our foreign trade balance is something that has been largely overlooked because of the concentration on the damage to our domestic economy caused by the high interest rate recession. However, some economists now are beginning to measure the negative impact that the strong dollar resulting from high interest rates has had on our trade balance and our domestic economy. C. Fred Bergsten, Director of the Institute for International Economics in Washington and a former Assistant Treasury Secretary, said recently:

> On the basis of the underlying competitive relationship, the dollar is over-valued by 20 percent. As a result, our trade balance deteriorated by $60 billion to $80 billion between the first quarter of 1981 and the fourth quarter of 1982. That accounts for 60 percent of the decline in real GNP, twice the amount caused by the housing slump.

Even though nominal interest rates have eased significantly over the last 12 to 18 months, real interest rates remain three times what they were prior to the Volcker high interest rate experiment. Many economists believe that, because of the size of the interest rate increases in 1980 and 1981 and because of the volatility of interest rates due to Federal Reserve Board manipulation, we may never see real interest rates back at their historic levels. Beyond that, in recent weeks we have seen nominal interest rates begin to climb slightly again. I hope that we are not in for another round of high interest rates, but I have to say that I am skeptical. One thing is clear, and that is when Chairman Volcker decides to once again use high interest rates to restrain the economy, economic recovery will be shut off in short order.

I believe that the high interest rate policies were wrong in 1980—I believe they were wrong in 1981—I believe they were wrong in 1982—and I believe they would be wrong again now. I feel that the Senate ought not to confirm Mr. Volcker's renomination as Chairman of the Federal Reserve Board. While his actions are not the only actions that cause high interest rates, I believe that actions by the Federal Reserve Board that foster excessively high interest rates are Mr. Volcker's forte.

Reducing Federal expenditures is not within his power—we in Congress have that power—but I appreciate Paul Volcker's strong views that this is one of the strong factors necessary to hold down interest rates. I agree with him on that point, and I commend him for it.

But I do not commend him on his interest rate policy in regard to the manipulation of bank discount rates and other monetary manipulations that force interest rates higher.

So my vote is "no" on his confirmation.

Mr. HATCH. Mr. President, I feel a need to oppose the nomination of Paul Volcker for another 4-year term as Chairman of the Federal Reserve Board of Governors. I take this position on the basis of the record of monetary policy since the beginning of Mr. Volcker's first term as Chairman. While I do feel that the policy which he has executed is, no doubt, what he believes to be appropriate for the Nation, I cannot agree.

The record of the last 4 years was, at first, a moderation of the overall growth rate of the money supply, leading to a lowering of the inflation rate. Hence, 1981 and 1982 showed lower than double-digit inflation rates, and 1983 seems to be in the same mold. Nevertheless, the erratic nature of the money growth rate in that period was such that there continued to be some doubt among credit market participants as to the reliability of counting on that lower growth rate in the long run. The doubts of these market participants have been justified, since the Fed has, in the past year, initiated a policy of a massive increase in the money supply. In the 1-year period of July 1982 to July 1983, the M_1 measure of the money supply has increased 13 percent, a definitely inflationary rate.

For the benefit of my colleagues and others who may care to know in more detail why I will vote against Mr. Volcker, I would like to explain the clear record which causes me to believe that inflation, probably in the double-digit range, is just around the corner.

Historically, the scenario producing imprudent and inflationary monetary policy begins with dissatisfaction with the current level of interest rates. Political pressure, brought, in many cases, by Members of Congress, causes the Federal Reserve System to respond with an attempt to being down interest rates by increasing the growth rate of the money supply. This process raises the price of bonds and, therefore, lowers interest rates.

The initial impact of increasing the quantity of money at a faster rate is to make interest rates lower and increase the rate of economic growth. But this is only the beginning of a process which we have observed too often in

the last two decades. The rapid rate of monetary growth will stimulate spending, and, thereby, relative prices. But rising income will raise the demand for loans and also raise prices, and within a 2-year period after the sudden increase in the rate of growth in the money supply, inflation will result.

For many years, the relationship between money growth rates and inflation has been ignored. In fact, for 20 years, U.S. economic policy has centered around the erroneous assumption that we must make a choice between two opposite ends of the unemployment-inflation spectrum. What originally appeared to be a negative relationship between unemployment and inflation was selected as the basis for macroeconomic policy in the United States. The relationship was this: The higher the inflation rate, the lower the unemployment rate; and, conversely, the lower the inflation rate, the higher the unemployment rate. Until as recently as the late 1970's, economic policy at the White House and in Congress revolved around trying to decide where on this spectrum national policy should be.

Within recent years, however, experience in the United States and other countries has demonstrated the error of this approach. In particular, at times inflation and unemployment have moved in the same direction, a phenomenon called "stagflation."

A more accurate view of the relationship between inflation and unemployment is that both of these variables are responding to the growth rate of the money supply. At the beginning, any surge in the money supply which attempts to reduce the level of unemployment and to increase output is effective. The unexpected nature of the increase in the money supply tends to fool people with a false picture. It conveys the belief that there are more resources for investment and production than really exist. Producers will tend to react to the initial expansion in aggregate demand by increasing output, and the economy will start to improve.

Nevertheless, this is only the beginning. Even though the higher rate of monetary growth continues, the actual rise in real wages will eventually reverse the decline in unemployment, finally tending to return unemployment to its former level. More importantly, maintaining interest rates at a lower level can only be accomplished by accelerating the growth rate of the money supply. This acceleration will eventually lead to an acceleration in inflation.

Statistical analysis by economists in recent years has demonstrated with some consistency that year-to-year changes in the level of the money supply explain a great deal of changes in the price level 2 years later. While other factors can have an impact on the inflation rate, most inflation is the result of excessive growth rates in the money supply.

One of the major rationalizations for the current inflationary growth rate of the money supply is that changes in its velocity, or rate of circulation, allow us to expand the money supply rapidly without inflation. This rationalization ignores the historical evidence that the velocity of money has been relatively stable in the last 40 years. Since World War II, the velocity of M_1, the most commonly referenced measure of the money supply, has increased on the average of about 3 percent per year. This is a relatively stable and predictable measure in comparison with the erratic growth rates of the money supply executed by the Federal Reserve Board in the same time period. Moreover, it is folly to adopt a monetary policy which pretends to know what economic conditions, including velocity, prevail 2 years down the road when the inflationary impact of excessive growth rates could reinforce the wrong trend.

Another excuse for rapid expansion of the money supply is that the employment level of our productive resources, including labor, is at a low level and, therefore, the rapid growth rate of the monetary aggregates is not inflationary. Yet, there is growing evidence that neither unemployment nor production appear to have any significance or independent influence on the level of inflation. Since World War II, unemployment trends and levels have not significantly affected the part that the money supply has played in causing inflation. In other words, inflation is determined by the growth rate of the money supply, regardless of unemployment levels. Incidentally, the same is true of the deficit levels of the Federal budget. The Federal deficit levels do not affect the inflation rate directly.

The lags inherent in the relationship between money growth and inflation are of significance to Congress because they create some difficulty in observing this otherwise clear correlation. The surge in the money supply that has taken place in the past year will show up in the statistics in 1984, at a time when, no doubt, some other concurrent event will be named by the headline writers as the cause of inflation.

In May of this year, during the consideration of the First Concurrent Resolution on the Budget, I explained to my colleagues that the current estimates of the then-projected growth of the economy of 1983 were too low. I indicate that we could expect much more than the 4.7-percent growth rate of the real GNP that was then projected by the administration. This more optimistic projection on my part was due to two considerations. First, the relatively harsh nature of the recession which we have just endured was an indicator of a strong resurgence in the economy. Such a relationship has been noticed by economists during the recessions since World War II. Second, the surge in the money supply in the last half of 1982 would almost guarantee a very strong recovery.

Now, with the second-quarter GNP growth rates on the books, the economists within the administration are even more optimistic about their 5.5-percent growth rate calculated at the end of June. I mention these accurate projections on my part as evidence of the reliability of using monetary policy as an indicator of future economic trends, including inflation.

In view of the almost certain inflation and ultimate recession that will follow the excessive expansion of the money supply, I cannot support Mr. Volcker's nomination for a second term.

Mr. MATTINGLY. Mr. President, I rise to support the nomination of Paul Volcker to a second term as Chairman of the Federal Reserve Board, but do so with reservations.

My reservations are twofold: First, Chairman Volcker has conducted monetary policy in an erratic manner, thus leaving the future for inflation and interest rates uncertain. Second, while encouraging Congress to reduce the Federal deficit, Chairman Volcker has failed to point his finger at the real cause of deficit, out-of-control Federal spending, and has instead encouraged Congress to raise taxes.

During Paul Volcker's first term as Chairman of the Federal Reserve, monetary policy was administered in an erratic, roller-coaster-like manner. Such is unsettling to the financial markets and business community and thus creates uncertainty and confusion in the marketplace as to the direction in which the Federal Reserve is headed. Unfortunately, M_1 growing substantially over the Fed's targets for 2 weeks and then substantially below the Fed's targets for the following month only results in confusion as to the future direction of inflation and thus contributes to unnecessarily high interest rates. What is needed is a slow, consistent, and predictable money supply growth, one consistent with long-term economic growth without re-igniting inflation.

In testifying before Congress, Chairman Volcker has explained the erratic growth in M_1 as follows: First, M_1 growth figures are distorted by technical factors resulting from recent changes in the banking laws, and second, M_1 growth figures cannot be judged on a weekly basis, but only over an extended period of time. With reference to the latter explanation, as long as M_1 figures are published weekly, the financial and business communities will review the data, in-

terpret it, and act accordingly. While Chairman Volcker may insist the M_1 figures must be viewed over a period of time, one only has to witness the early Monday morning stock market activity to note that the financial and business communities pay close attention to the weekly M_1 data released on Friday afternoons. Regarding the former explanation, if technical factors distort the M_1 data, either the Federal Reserve should redefine M_1 to reflect the recent banking law changes or should publish the data less frequently, thus placing less emphasis on M_1 figures.

While the Chairman of the Federal Reserve is responsible for administering monetary policy, he nevertheless has substantial influence on policy decisions made by both the administration and Congress. In this regard, I was extremely troubled to hear Chairman Volcker, in expressing his concern with the possibility of a $200 billion deficit, outline the need for more taxes. A lack of taxes is not the cause of the current intolerable Federal deficit. The cause is Congress unwillingness to control its reckless spending habit. By advocating a need for more taxes, Chairman Volcker only adds "fuel to the fire" to those who want more taxes so they can further increase Federal spending. Make no mistake about it, every dollar that comes into the Federal Government, and then some, is spent. Raising taxes will not reduce the $200 billion deficit. It will only perpetuate Congress' out-of-control spending habit. Instead of advocating further taxes, Chairman Volcker should point his finger at the real nature of the Federal deficit, Federal spending, and urge Congress to do something about it.

In advocating further taxes, Chairman Volcker stated he supported the repeal of tax indexing. Such is extremely troubling because indexing is, in effect, the middle-income taxpayers' relief. Moveover, by repealing tax indexing, Congress will benefit from inflation by having additional tax dollars to spend and thus will encourage Congress to enact policies which will create inflation. Tax indexing was at the heart of the Reagan tax plan, and I would strongly oppose any tinkering with this long overdue reform.

On the positive side, Chairman Volcker deserves much credit in the victory over inflation. After rising to over 13 percent under the previous administration, inflation is now below 4 percent. With inflation now under control and the tax policies which have resulted from the Reagan tax cuts, the foundation is set for a sustained economic recovery.

Additionally, Chairman Volcker has done an admirable job in dealing with the international debt crisis. While the international debt crisis is far from being over, his continued leadership in this regard will be beneficial in calming fears that the debt crisis cannot be controlled.

Mr. President, I support the nomination of Paul Volcker to a second term as Chairman of the Federal Reserve. However, I hope during his second term, money supply growth will be slow and consistent, one which will foster long-term economic growth without inflation. Second, I hope Chairman Volcker, when testifying before Congress, will point the finger at Congress as the culprit responsible for the intolerable budget deficit, and thus put pressure on this body to reduce Federal spending.

Mr. BRADLEY. Mr. President, I urge my colleagues to join me in voting to reappoint Paul Volcker of New Jersey to another 4-year term as Chairman of the Federal Reserve Board.

Mr. Volcker is the most qualified man to head this Nation's central bank at a time of economic uncertainty over the recovery in this country and uncertainty in international financial markets because of the debt crisis in the Third World and extreme exchange rate fluctuations.

As an economist, banker, and former president of the New York Federal Reserve Bank, Volcker knows the system, how it operates and, most importantly, is well respected by the financial community in this country. Furthermore, since his days as Under Secretary of the Treasury in the early 1970's, Volcker has had extensive experience in international monetary and financial dealings. Since that time, he has had the respect of his peers overseas. Reappointment of Volcker will send a positive signal to the financial community, both here and abroad, at this time of great uncertainty in financial markets.

But my endorsement of Mr. Volcker goes beyond his qualifications. It is based upon his record as Chairman. Although I and other Members of Congress have not always agreed with his positions, he has worked extremely well with Congress in explaining his positions, in giving advice on the conduct of macroeconomic policy, and in modifying his positions when circumstances warranted, particularly this past year.

When he took office in 1979, inflation in this country was in double digits and reducing inflation had become the No. 1 economic priority. In order to bring down inflation, the growth of money had to be slowed. He did that, even in 1980 when political realities would have dictated the opposite course. Over the past 4 years, he has pursued a monetary policy which made it possible to break the back of this country's worst peacetime inflation in this century.

To be sure, we are enduring the worst recession since World War II. Unemployment has risen to record levels and business failures are at all-time highs. But these problems cannot be blamed on Mr. Volcker alone, although he must take some responsibility. The root of the problem is the dramatically inconsistent fiscal policy, with its record deficits, which the Reagan administration embarked upon in 1981. Those failed economic policies are what brought us this recession.

Further, to Volcker's credit, he changed course last summer and abandoned fixed monetary targets after it became apparent that this economy was in a tailspin and the threat of an international financial crisis became imminent because several developing countries were unable to service their debts. Mr. Volcker realized that he is not only the U.S. central banker but also the lender of last resort for the international economy and he pushed for more monetary ease. At the time, this pragmatic response was roundly criticized by the ideological monetarists inside and outside of the administration, but with the benefit of hindsight many of these people are now saying that Mr. Volcker was correct and have argued in favor of his reappointment.

Primarily because of Volcker's policies over these past 4 turbulent years, the prospects for sustained, noninflationary growth both in the United States and around the world are better now than in over a decade. But there are dangers on the horizon.

The world economy is at a critical juncture. Widely gyrating exchange rates are disrupting international commerce and increasing pressures for protectionism in almost all countries. Although the first wave of debt restructurings has been accomplished, another wave of reschedulings will be needed later this year. I question whether the system is resilient enough to handle the second wave. How will the world's financial system respond when Brazil has to come in and arrange for another $3 to $4 billion before the year is out?

The optimism over recovery in this country has convinced some people that the debt crisis is behind us. It is not. Economic recovery is a necessary condition for solving the debt problem; it is not a sufficient condition. Global economic growth alone cannot resolve the debt situation and at present there are great risks to global recovery posed by the debt crisis and exchange rate misalinements.

I am concerned whether the world's central bankers are prepared and have worked through all the contingencies of what they would do if they had to conduct a massive restructuring in a short period of time, say over a long weekend.

Such contingency plans for restructuring have to be worked out on a mul-

tilateral basis. The United States cannot unilaterally handle the restructuring of Third World debt. The major industrial countries must get together and collectively agree upon contingency plans in the event of such a financial crisis. The central bankers are going to have to play the most critical role in any such arrangements.

Therefore, this is not the time to change the leadership at the Fed. Paul Volcker is respected worldwide on these matters and he can play a critical role in working with other central bankers to manage this precarious international situation.

Better than anyone else in a position to be Chairman of the Fed, Mr. Volcker understands the importance and intricacies of international finance. This is particularly important because the Treasury Department has less international experience and expertise at the top levels in this administration than at any previous time in memory. Indeed, for some time I have felt that Volcker was the only person in this administration who from the beginning clearly understood the interrelationship between domestic and international political economies.

Confidence is a scarce commodity in the world today. The world's financial system is built upon confidence and that system is fragile today. Paul Volcker's reappointment would help to preserve and restore confidence in the system, because the world's bankers and financiers would know that a man of integrity, intellect, and responsibility was at the monetary helm in the world's most important economy. I urge my colleagues to vote to reappoint Paul Volcker.

Mr. RIEGLE. Mr. President, I am voting to confirm Paul Volcker's reappointment despite deep and fundamental disagreements over past Federal Reserve policy during his first term as Fed Chairman.

Over-reliance by the Fed on strict monetary targets in 1981 and 1982 took the American and international economies to the very edge of world depression. Late last year, the Fed abruptly changed that policy—and moved money supply growth well above their announced targets. This had the effect of lowering interest rates, which in turn enabled the beginning of an economic recovery.

Any return to strict monetarism and sky-high interest rates would be a disaster, and I think Chairman Volcker agrees. If I believe he held the contrary view, I could not vote for his confirmation.

Today the American and world economies remain in a fragile and vulnerable state. Further major adjustments are needed in U.S. economic policy, including much lower Federal deficits, a tough new trade policy to end damaging predatory practices by foreign nations, and major efforts to modernize our industrial base, improve productivity, and restrain inflationary wage/price pressures. Monetary policy actions, by themselves, cannot provide the equivalent effect of other policy changes needed, such as those just mentioned. However, misguided Fed policies can add to our difficulties and make bad economic problems worse. That has to be avoided at all costs.

The international debt situation remains dangerous and unresolved. Mr. Volcker's stature in international financial circles, as America's central banker, is a strong plus at this time, as we endeavor to end the world recession and handle the enormous financial problems of debtor nations.

Confidence in international and domestic financial markets is vital to restoring order, and Mr. Volcker generates higher confidence in this acute problem area.

To those who would argue for replacing Mr. Volcker, the practical question arises as to whom President Reagan would appoint in Mr. Volcker's place. While that answer is not known, there is no reason to believe Mr. Reagan's second choice would be equal to or better than Mr. Volcker in terms of professional competence, independence, and ability to help steer domestic and international financial efforts through a treacherous and dangerous period.

If Fed policy should again veer off toward artificially low monetary targets and unnecessarily high interest rates, I will strongly and directly challenge those policies and those who advocate them.

My belief is, however, that commonsense will prevent a return to the discredited Fed policies that were in place prior to last year.

I now ask unanimous consent to include the full text of the statement I made in the Banking Committee at Mr. Volcker's renomination hearing.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR DONALD W. RIEGLE, JR., BEFORE THE SENATE BANKING COMMITTEE ON THE RENOMINATION OF CHAIRMAN PAUL VOLCKER TO THE FEDERAL RESERVE BOARD

Mr. Chairman, first let me congratulate you on your renomination. You have a most difficult job—and I believe you have given a full measure of personal effort and commitment to these important duties. While I and others have sharply disagreed with certain of your past policy actions, your professionalism, hard work, and deep personal commitment to public service are widely admired. You have always been candid and responsive to this committee, and to me, and that is much appreciated.

While I respect your professionalism and your valuable knowledge of the national and world financial system, I am deeply concerned about certain past Federal Reserve policy decisions that I feel have done far more harm than good. I wonder if we will see a return to those policies in the future?

Specifically, I believe we witnessed a period of excessive reliance on rigid monetarism at the Fed during your first term as Chairman which drove interest rates to record levels and in turn plunged the Nation and the world into the deepest recession since the great depression.

Other negative factors were also at work—but deliberate Federal Reserve policies were a minor cause of interest rates that were too high for too long. The economic damage that resulted is measured in the hundreds of billions of dollars of lost production—and in several million lost jobs. Our international trade status was also badly damaged. Entire nations were driven to the edge of bankruptcy. My own state of Michigan is experiencing double digit unemployment now for the 38th consecutive month—with the state government itself nearly driven into insolvency.

With business and financial bankruptcies beginning to cascade last year, the Fed clearly changed its policies and moved away from strict reliance on arbitrary monetary aggregates and growth targets; interest rates declined sharply, and an economic recovery began to occur.

This brings us to the present moment, where the Fed has been allowing money supply growth well above its announced targets—and economic activity has accelerated.

Now the Fed watchers are awaiting with keen interest—and some apprehension—the result of this week's Fed policy decision making with respect to the future course of interest rates.

It is page one news—because the world financial and economic structure remains in a very fragile and perilous condition as you well know. Economic recovery must be sustained by appropriate monetary policies—as well as appropriate fiscal, trade, and international financing policies.

While all these policies ought to be carefully synchronized to achieve positive results—a major miscalculation on monetary policy could stop the economic recovery in its tracks and subject the world economy to new dangers it cannot tolerate at this time.

So I am profoundly concerned about the future direction of Fed policy—and how, in combination with other key policies variables—future Fed policy is going to effect interest rates.

President Reagan's Press Secretary speaking for the President, just this week has given blunt instruction to the Fed this week from President Reagan himself, that he does not want interest rates driven higher by Federal Reserve policy.

So this concern extends from the Senate Banking Committee to the White House and from Main Street to Wall Street. It is a profound matter of concern throughout the entire world. Every financial center around the world fears high U.S. interest rates and has said so in the plainest language.

It is widely acknowledged that a sharp rise in U.S. interest rates will plunge the world economy back into recession—or worse.

In fact the grave international financial problems could create a crisis of confidence, unless wise and steady economic policy actions are taken by our government and the Federal Reserve System.

You are highly regarded in international financial circles, and your international standing and reputation are valuable assets at a time of international financial instability and high risk. Some observers have gone as far as to suggest that may have been a decisive factor in the White House decision

to ask you to serve another term as Fed Chairman.

We here are charged with the confirmation responsibilty for a position which I believe, at this time, stands only second in importance behind the job held by the President himself.

We have only the options of accepting or rejecting your nomination, a nomination the President alone is empowered to make. As a practical matter, all indications are that you will likely be confirmed by a substantial vote, despite the deep concern many members on both sides of the aisle have about your future monetary policy intentions.

Our purpose here then is to do the best we can to help illuminate and place upon the record your policy intentions under a variety of financial circumstances.

For example, if unemployment begins to rise again, at what point would the unemployment level itself prompt the Federal Reserve to reduce interest rates in order to stimulate recovery?

What lessons has the Fed learned from its policies over the past 4 years?

I am deeply concerned about the need for fiscal restraint—and have worked with others in the effort to preserve the Budget process in order to achieve greater fiscal discipline. But tight money and high interest rates cannot properly solve the problem of loose fiscal policy. In this area we need help from Defense Secretary Weinberger and the Reagan Administration; we are not getting it. Overly tight monetary policy could tip the world economy into a depression—and that would be catastrophic.

Mr. NICKLES. Mr. President, I am voting against Mr. Volcker for reappointment as Chairman of the Federal Reserve Board because I believe his past performance does not merit his reappointment. During his first term as Chairman of the Federal Reserve Board, both interest rates and money supply had tremendous fluctuations which I believe are directly attributable to mismanagement by the Federal Reserve Board.

These fluctuations in interest rates have caused a tremendous amount of damage to the economy and have led to higher unemployment and deficits. Actions by the Federal Reserve Board which had been allowing money supply to expand by double-digit figures throughout 1978, 1979, and 1980, overly restricted money supply at the end of 1980 or coincidentally right after the election. In other words, we allowed easy money to flow until the 1980 election, but shortly after the election money supply was restricted dramatically. We saw the prime rate increase from 11½ percent in September 1980, to 21½ percent by December 1980. These unbelievably high-interest rates were maintained throughout the year 1981 and I believe are the major culprit of the recession from which we are just now recovering.

I believe these extreme fluctuations and large increases in interest rates were caused by actions of the Federal Reserve Board. Our country is now in the process of recovering from a prolonged recession. This is, I believe, in large part because interest rates are now in the more reasonable range, prime rate being 10½ percent as compared to 20½ percent 2 years ago.

Congress has in my opinion given far too much responsibility and authority to a nonelected official, the Chairman of the Federal Reserve Board, who in this case, and based on Mr. Volcker's past performance, does not warrant confirmation by the Senate for a second term as Chairman.

Mr. CRANSTON. Mr. President, I will vote against the nomination of Paul Volcker to be Chairman of the Board of Governors of the Federal Reserve.

I do so not because I have any personal objection to Mr. Volcker. I think he is a capable, knowledgeable, intelligent, and dedicated public servant. But he is the architect and symbol of a cold, cruel, and callous economic policy. I do not support that policy. It has deliberately produced recession and high unemployment, bankruptcies and foreclosures, and has broken the fair expectations of working men and women, business people, farmers, and homeowners, that they should have a reasonable opportunity to earn a decent living and lead a dignified life.

I will vote therefore against his nomination.

Monetary policy today is coming under increasing criticism even from those who serve as apologists for an over-all approach to the economy that primarily works for the benefit of the very wealthy.

Monetary restraints have helped produce what may be only a temporary end to inflation. Other factors—the world oil glut and bountiful crops—have contributed to the present suppression of inflation.

Monetary restraints and escalating interest rates have proved mainly successful only in blunting economic recovery. They are only part of what is needed to restore our economy to full productivity and full employment without inflation and without high-interest rates—goals to which I am irrevocably committed.

Extreme reliance on monetary policy has exacted too high a price from too many innocent bystanders. I know we need a sound, balanced monetary policy without unrestrained growth in the money supply—but the Fed, under Mr. Volcker, has been too extreme; and we must not rely on the Fed alone.

Mr. President, I reemphasize that we must not rely on the Fed alone to control inflation and to balance our economy.

Paul Volcker would be the first to agree with that statement, certainly; he has testified to that sentiment countless times before the Senate Banking Committee.

The other instruments of the harsh economic policies our Nation has been pursuing for the past few years are the Reagan administration and a compliant Congress.

Congress itself has yielded to the Federal Reserve enormous powers—by default.

The newspapers last week reported a confident upward surge in the prices of stocks. Why? Because Paul Volcker suggested that the Fed might be flexible in providing credit to the financial system. With the flicker of his eyelid, the markets rise and fall 30 points. That is astounding. My colleagues should consider why that is and what our own responsibility is for restoring strength and fairness to our Nation's economy.

Mr. President, Paul Volcker is a decent and honorable man, but he represents a great danger simply because he is skilled at what he does—using a faulty and cruel theory in the management of the monetary system of the Nation. And that is a seductive danger to Congress and to the administration, because it lulls us all into thinking that the system is working when in fact it is not working.

Mr. LEVIN. Mr. President, while I am tempted to vote against Mr. Volcker because his policies have contributed to our problems, I have decided to vote "yes" for these reasons. First, if we reject him, we are likely to receive a worse nomination from the President; and second, the policies of Mr. Volcker to which I objected were in part a result of the administration's high deficit programs. Rejecting Mr. Volcker would put the focus of responsibility in the wrong place.

Finally, Mr. Volcker has the confidence of the international financial markets, which is going to be crucial if the international debt crisis is to avoid becoming an actual worldwide disaster.

I must add that I cannot predict with any degree of certainty a successful second term for him. As he has indicated himself, the huge Federal deficits which are likely in the years to come will make his task an extremely difficult one. Unless the President shows some flexibility on the issues of defense spending and taxes, and unless the Congress is willing to vote for a program of shared sacrifice, Mr. Volcker may be presented with an impossible task. As the economy expands, the need for credit to finance that expansion as well as the Federal deficit will generate pressures which will threaten long-term economic growth. If the Federal Reserve supplies too much credit, inflationary pressures and inflationary expectations will drive up interest rates, eventually leading to a recession. If the Federal Reserve supplies too little credit, the private and Federal demand for credit will collide and

drive up interest rates, eventually leading to a recession.

I hope the President and the Congress are wise enough not to present Mr. Volcker with a choice like that.

Mr. KENNEDY. Mr. President, the renomination of Paul Volcker as Chairman of the Federal Reserve Board sends a clear signal that the President intends to persist in his high-unemployment, high-interest-rate economic strategy.

His record is clear. The 11 million unemployed Americans who have suffered through the worst recession since the Second World War, the thousands of farmers who cannot sell their crops because of our overvalued dollar, and the countless business men and women who have seen unsold goods pile up in stock rooms because of high-interest rates know that Mr. Volcker's policies have failed.

And the issue here is one of policy, not personality. Mr. Volcker is a distinguished public servant and one of the most engaging and forthcoming officials with whom I have worked. Sadly, the policies he has pursued have not worked.

The President may believe that more of the same is good for the country. I do not, and will not vote to confirm Mr. Volcker's nomination.

Mr. PRESSLER. Mr. President, I support the confirmation of Paul Volcker for another term as Chairman of the Federal Reserve Board. Quite frankly, this is not a speech I expected to give just 1 year ago. However, I have been pleased with the role the Fed has played during the last year in bringing down interest rates from the high of 21 percent.

In my home State of South Dakota, the effects of high interest rates have been nothing short of devastating. Small business owners, farmers, and consumers alike have suffered from the high cost of borrowing money. For some business owners and farmers, the results were fatal to their family livelihoods.

There has been a great deal of concern recently that the Fed will return to policies which will encourage high interest rates. I certainly hope that these concerns are unwarranted. There is no question in my mind that the majority of Americans simply cannot afford another struggle of that nature. The economic recovery is just beginning to be felt in the heartland of this country. I believe, and many of my colleagues would agree, that any steps which would jeopardize that recovery would also jeopardize the jobs and futures of many Americans.

I urge Mr. Volcker and his colleagues on the Federal Reserve Board to maintain a policy of holding down and reducing interest rates. The strength of our economy and our people depends on it.

● Mr. HART. Mr. President, I am voting for Chairman Volcker's renomination to the Federal Reserve Board. I do so despite my differences with rigid Federal Reserve policy over the last 2½ years and my belief that the Federal Reserve Board still must make further changes in the target ranges.

If anyone is to be held responsible for the devastation of our economy and the serious recession, it is the President and not Mr. Volcker. To vote against Mr. Volcker would be to exonerate the President from his failure to restrain the growth of the Federal deficit.●

● Mr. SYMMS. Mr. President, I rise in opposition to the confirmation of Paul A. Volcker for his second term as Chairman of the Federal Reserve Board. I have never been a vocal critic of Chairman Volcker because I believe his job has been made very difficult by Congress' failure to enact fiscal policies that would bring this Nation closer to a balanced budget. As long as Congress is unwilling to cut Federal spending and thereby, reduce the deficit, the Federal Reserve Board will be faced with the very difficult task of implementing proper monetary policies in an unstable environment.

Nevertheless, despite the difficulties that the Federal Reserve has faced in attempting to implement a proper monetary policy, I believe that its record over the past 4 years has not necessarily been exemplary. During the first 2 years of Chairman Volcker's term, the Federal Reserve's monetary policies were too loose and as a result, Americans suffered through a dramatic rise in the inflation rate, and subsequently interest rates. Then in 1980 and 1981 and the first half of 1982, the Federal Reserve Board clamped down on the money supply at a time when the Government was not necessarily reducing spending. Now, and for the past months, the Federal Reserve again accelerated the growth of the money supply. We need a stable monetary policy that is consistent with the fiscal policies of the Government. I do not subscribe to the idea that the economy can be whipped into shape simply by tinkering with the supply of money.

However, despite my vote of opposition, I hope to be able to continue to work with Mr. Volcker to help implement fiscal policies which will coordinate with monetary policy should his nomination be approved.●

Mr. GARN. Mr. President, I have listened to the remarks of my colleagues from Tennessee and Arizona, I certainly respect their right to oppose this nomination and vote against it.

I must say that I do support the nomination of Mr. Volcker. What puzzles me is to hear both of my colleagues blame virtually every bit of the problems of this economy—the trade problems, the interest rates, unemployment—on one man. Again, they have a right to vote against him for any reason they want. But I think it is totally unfair to dismiss the role of the Congress' fiscal policy in causing these problems.

It was suggested in the nomination hearings as we listened to the same type of complaint, that the only thing Mr. Volcker was not responsible for was herpes and AIDS and maybe he had caused those as well.

I also want to make a remark about the independence of the Federal Reserve. The Senator from Arizona suggested that maybe the Fed should not have so much independence, and made a comparison between that and the military budget. Certainly, no one would take the appropriations process away from the Congress and give it to an independent agency. It would not be responsible to give that to the military or any other agency of the Federal Government. We would not want to do that.

I also should point out that we constantly lump all this blame on one man, the chairman of the Federal Reserve Board who has only one vote out of seven on the Board. So whatever blame is due, it is due to seven or a majority who vote on these policies.

In the Federal Open Market Committee the chairman has only 1 vote out of 12. So at least we should blame 7 and we should blame 12 if we are going to blame the Federal Reserve and not try to make one individual personality a scapegoat for these policies. These are other people involved in that decisionmaking process.

The reason I so strongly favor the independence of the Federal Reserve is because of what I said in my opening remarks, the totally irresponsible behavior of the Congress of the United States for three decades in spending.

We simply have been out of control, buying votes all over this country. I repeat what I said, there is a $1.3 trillion national debt. When we look at a $200 billion deficit for next year, is that due to current spending or tax reductions? No. Only about $70 billion of it is because it is estimated that the interest on the national debt will be in excess of $128 billion.

So if we had not been borrowing and having deficits year after year after year through both Republican and Democratic administrations, and through many Congresses, 15 of them, we would not have a deficit problem today, if we had not been mortgaging our grandchildren's future.

Just consider that, $128 billion out of the $200 billion is not for spending of any kind. It is not due to tax reductions. It is due to paying interest on past deficits built up by the Congress of the United States.

We cannot responsibly blame this Chairman or Chairman Martin or any other Chairman or member of the Federal Reserve Board for those facts. Those are facts. Only Congress has the ability to appropriate that money.

That is the major reason that we have all of the problems that both of my colleagues outlined. They are correct in their statistics about homebuilding and unemployment. Where we disagree is who caused them.

I think anyone who objectively looks at the facts and the history of the buildup of the Federal debt has to conclude that not all but a majority of the reason lies with the Congress of the United States. So do we say that we want Congress to also control the monetary policy of this country with that kind of a record on fiscal policy?

It is very much like the example I have used before. When I was mayor of Salt Lake City and I needed to hire a new fire chief, I did not go out to the Utah State Prison and hire the No. 1 arsonist to be the new chief of the fire department.

So, if we do not like the monetary policy, good heavens, let us not turn it over to Congress with a $1.3 trillion national debt, with $128 billion of interest on it. Is that who we want to determine monetary policy?

Even if we do not like Paul Volcker, even if we do not want his monetary policy, who are we going to turn it over to? The burglars known as Senators and Congressmen who have raided the taxpayers' pockets all these years and created this big debt?

No, no. Let us preserve that independence. Let us make sure there is somebody out there who is not going to go wild with monetary policy.

When I look back at the proposals for solutions to our problems that have been before the Banking Committee when Senator PROXMIRE was chairman, and the 2½ years I have been chairman. I would be willing to bet you if the Congress of the United States had coupled its idea of monetary policy with what we have done fiscally, it should have a prime rate of at least 25 percent right now.

It is absolutely amazing what condition this country would be in if we had a monetary policy conducted like our fiscal policy.

I agree totally and completely with my colleagues from Tennessee and Arizona about the problem and the statistics. They are absolutely right. Where we disagree is who is primarily at fault. Certainly, the Federal Reserve Board has had their part in that problem, but it is a minor role compared to that the Congress of the United States has played. The American people ought to take a look at that.

They ought to take a look at that in the next election. They ought to find out in both parties, whether Republicans or Democrats, liberals or conservatives, who votes the way they talk. Because everybody is for a balanced budget; I have not heard in 2½ years now anybody in this body, regardless of which side of the aisle, who is not for a balanced budget.

Boy, do we have born-again converts to fiscal conservatism in this body. All the rhetoric is correct. We all go back to our States and say, "Oh, we have to do something about those deficits, everything except vote to reduce them." I suggest that the American people not fall for this.

Do not put all of this on Paul Volcker. I suggest that the voters examine in 1984 the voting records of their Congressmen and Senators and see if they vote for fiscal policy the way they talk about it at home. If they do not, get rid of them, I do not care which party. It does not make any difference to me. With the condition this country is in, with seven children, the youngest, 1 year old, I do not know how they are going to be able to buy a house or live in this kind of fiscal environment.

Yes, the problem is real, but let us put the blame where it belongs and not try to do a charade and pull the wool over the people's eyes and try to convince them, It wasn't us, we are clean and pure, we didn't have anything to do with it, nothing at all. It is all Mr. Volcker, all 6 feet 7½ inches of him. He did it all by himself and we will lump the herpes and AIDS on him as well. We have not done a thing. Boy, are we not great, were we not wonderful? If we could just change the Federal Reserve Board, then everything would fall into place and we would not have any problems any more.

No, let us place the blame right where it belongs, right here and at the other end of the Capitol. When we get our fiscal house in order, then we will solve the problem. When we have the courage to face the fiscal issues and start really reducing those deficits instead of talking about them, then you will find out being Chairman of the Fed is kind of easy. When you have a stable fiscal policy, it is not too hard to manage the money supply.

The former chairman of the committee probably gave one of the best talks I have ever heard on Mr. Volcker's nomination, when he wished him luck and said "You poor devil." He also mentioned—he is here and I should not be quoting him—but I enjoyed his speech so much, I wish I had given it instead of him. He said no matter what he does, if he increases the money supply, interest rates will go up; if he tightens the money supply, interest rates will go up. That is a fact. We are the ones who control the interest rates right here in Congress. Regardless of what Mr. Volcker does, with $200 billion deficits, interest rates are going to go up.

I hope the American people will recognize that and start putting the pressure where it really belongs—here, in Congress. When we start reducing those $200 billion deficits, then we shall see some progress.

At this point, I am happy to yield 5 minutes to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I thank my distinguished colleague, the chairman of the committee, for yielding.

Mr. President, I echo the views just expressed by the distinguished Senator from Utah. I think Paul Volcker has done an outstanding job. I think we ought to vote for him because he deserves our vote of confidence. I am not certain Congress deserves the same vote of confidence, but that is another question.

THE VOLCKER NOMINATION AND CONGRESS' TASK

Mr. President, as we take up the nomination of Paul Volcker to continue to serve as Chairman of the Federal Reserve, we ought to consider the relation between the job he has agreed to take on for another term and the job we in Congress are obligated to fulfill. I intend to vote for the renomination of Chairman Volcker because I believe as I said, that he has done, on the whole, a good job under very trying circumstances. He has earned the confidence of the financial community.

While there is, as always, considerable controversy over the conduct of monetary policy on a day-to-day basis, there is virtually no disagreement with the view that the Fed's conduct of monetary policy under Paul Volcker has made a substantial contribution to beating back inflation to the lowest level in 16 years. Over the 12-month period ending in June, inflation was only 2.6 percent as measured by the Consumer Price Index. That is our best inflation performance since 1967. Our achievement on the inflation front is beyond dispute. The question we are confronted with now is, How long can that achievement be sustained? And that is a question that Chairman Volcker and the Federal Reserve cannot answer alone.

THE FISCAL BATTLE

Mr. President, in the real world monetary policy alone cannot cure inflation and insure a stable recovery. In theory it could do so, but we are not operating in theory—we have to cope with the real limitations imposed by politics and by our broad domestic and international responsibilities. What we are seeing now is the real threat that our severe fiscal imbalance will make the price of steering a steady monetary course too high for us to accept. The fear and uncertainty that threaten sustained economic progress is pre-

cisely that—the Congress will neither accept that price, nor rectify the fiscal situation in time, so that something will have to give. And what many in the financial markets fear is that what will give is Fed policy—either under pressure from Congress, or because the fiscal situation becomes so unsustainable that reinflation cannot be avoided.

We should not have to face this choice, and we should not force Chairman Volcker or the Federal Reserve to make that choice for us, and take the blame for whatever happens. We have given the Fed authority over monetary policy, but we have reserved for Congress, and the President, responsibility over the fiscal situation. This is our job: If we fail there is no one to blame but ourselves. If we want our policies to work in harmony with Fed actions to achieve the long-sought goal of stable and sustained economic growth, it is high time we got a grip on fiscal reality.

SPENDING

There is plenty of blame to go around for our fiscal impasse, but apportioning blame will not give us any answers or solve any problems. Instead we need a realistic assessment of what our problems are now, and of what steps we have to take to resolve them. By any standard of reckoning, the primary problem is our failure to maintain control over Federal spending.

Mr. President, we have worked all year to produce a budget that could have a credible impact on reducing the deficit. Nevertheless, it is hard to maintain that the budget we finally did produce could have that effect. As my colleagues know, I opposed the budget resolution because I believed it was not credible: That it assumed unachievable tax increases without having a significant impact on spending. But it is worth reviewing why that budget does not meet our needs.

We spent 6 months here trying to reduce the deficit, which I refer to from time to time as a dead cat. There are no spending reductions, a lot of tax increases. It is not a good budget.

Reconciled spending reductions in the 1984 budget are just $2.8 billion in fiscal year 1984 and $12.3 billion over 3 years. Taking into account revenue reconciliation, 86 percent of the reconciled deficit reduction is the responsibility of the Finance Committee. But apart from reconciliation, the net effect of the budget in fiscal year 1984 is to increase spending by $1 billion. But what is worse is the so-called reserve or contingency fund. That fund authorizes substantial new spending while pretending not to count it in the budget or the budget deficit. When we take into account the reserve fund, spending would increase by about $10 billion in fiscal year 1984.

So far as establishing a trendline toward a lower deficit, it is true that the budget resolution calls for a 1986 deficit about $65 billion lower than would otherwise be the case. But only $4.4 billion of that decrease is due to nondefense spending reductions: The rest is a $46 billion tax increase and a $15 billion cut in defense spending.

This is not an acceptable performance on the part of Congress when the deficit problem is so acute, and when spending is so clearly the main difficulty. Spending is running at 25 percent of GNP, and while that is partly due to the recessionary decline in GNP, it is also due to our continued failure to control burgeoning program costs and appropriations levels. So spending must be our first line of attack if we are serious about deficit reduction.

TAXES

Mr. President, Members are also aware that I opposed the level of revenue increases in the budget resolution. That is partly because I believe we just do not have the votes to enact a $73 billion tax increase. But it is also because we have no right to ask the taxpayers to kick in a higher share of their resources without a more comprehensive, credible deficit reduction plan that makes real progress in controlling spending. In addition, I share the view of many of my colleagues that, as we see recovery taking shape, we ought to be wary of short-term tax increases that might impede progress.

We can increase revenues, and we will need to do so if we are to have any kind of broad-based attack on the deficit. But we should do it in the right way and at the right time. We should not raise tax rates, or renege on our promise to index the Tax Code, or slap on new miscellaneous taxes that affect working Americans. There are two basic conditions and revenue-raising agreement should meet. The first is that new revenues be firmly and decisively linked to specific steps to reduce spending—ideally we should want to see a dollar of spending reduction for every dollar of new revenue planned. Second, we should generate new revenue by improving the existing tax laws. That means the type of approach we took in 1982—narrowing the compliance gap, collecting more in taxes already due, and shutting down unjustified tax breaks and preferential treatment that has little or no economic justification. The Finance Committee has already had hearings on the more than $295 billion in tax preferences that exist, and on possible new compliance measures. We are ready to proceed if we can get the kind of agreement I have outlined: Or we can wait, in uncertainty and at risk to the recovery, for another year or more.

SUMMIT

Mr. President, everyone knows what we should do. But clearly the inertia of the political season is already upon us, and it is having an effect on the work of the Senate. Presidential politics already intrudes into our schedule and hampers the disposition of important matters before us. That is why, several weeks ago, I proposed a budget summit to break the impasse. There is no reason why the President, together with the leadership of the House and the Senate, cannot work out together an agreement that will cut the deficit in the way I have suggested and safeguard the recovery. But so far this proposal has had a less than enthusiastic response.

It is easy to understand why no one wants to take the first step, why no one wants to take the political heat for bringing about an agreement that cuts popular program or limits popular tax breaks. But if everyone would take just a little bit of the the heat—share and share alike—we would all be better off. That is why I continue to believe the summit concept makes sense. If we delay too long, there is no question that 1984 politics will take precedence over sustaining the 1983 recovery.

It is the scope and staying power of recovery that we are talking about. The reason there is so strong a consensus on the need to reduce the deficit—both in the academic community, on Wall Street, and on Main Street—is the fear that the size of the deficits, as recovery proceeds, will either force Fed monetization and renewed inflation or will cut off private investment. The risk is a return to stagflation, after we have worked so hard to escape that trap. At the same time the high value of the dollar inhibits progress in improving our trade position.

These fears are real, and they are helping keep interest rates up and making the job of Chairman Volcker nearly impossible. Let us applaud Paul Volcker for the job he has done and confirm him for a new term so that he can finish the task. At the same time, let us take in our share of the burden and make Chairman Volcker's role a more realistic one. Important as it is, the Central Bank alone cannot govern the economy. It must react to what we do, or what we fail to do. Let us urge our leadership, at both ends of Pennsylvania Avenue, to tackle the budget problem now. Our opportunity is already slipping away.

Mr. President, I just conclude by suggesting if in fact we are going to go in the revenue side, we are going to have to also reduce spending. I think there is a lot of spending that can be reduced. I think we can narrow the gap. We should lower the deficits. I repeat: That is our responsibility. It is not Paul Volcker's. It is the responsibility of the Congress and the President. I again call for the President to take the leadership in gathering together the Republican and Democratic

leaders in the Congress and the appropriate committees and try to figure out some way to put together a spending reduction and a revenue package that will lower the deficits and permit us to have a long-standing recovery.

VISIT TO THE SENATE BY DELEGATION FROM THE REPUBLIC OF IRELAND

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I have spoken with the managers of this measure on both sides and to the distinguished Senator from Kansas. I believe they find this agreeable to the schedule and it will not interfere with the vote which is about to occur.

In any event, Mr. President, we have a singular honor today, and I ask unanimous consent that the Chair recognize next the distinguished Senator from New York (Mr. MOYNIHAN) for the purpose of an introduction and a statement of welcome, and at the conclusion of his remarks that the Senate then stand in recess for 1 minute so that we may have an opportunity to greet our fellow parliamentarians from Ireland.

Mr. President, I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, I thank the distinguished and cherished majority leader for his unfailing courtesy to this matter.

It is a moment of some historic consequence to this Chamber, the first time that we have had a formal delegation from the Republic of Ireland. It is led by the distinguished Speaker, Mr. Tom Fitzpatrick. He is accompanies by members of the majority party, Fine Gael, Minister Sean Barrett, Mr. Bernard Allen, and Senator Sean O'Leary; from the Labour Party, Mr. Brendan Howlin; and from Fianna Fail, Mr. Bertie Aherne, Mr. Brian Lenihan, and Mr. Denis Lyons.

Mr. President, I shall have the honor to introduce these gentlemen on the occasion of a 1-minute recess, which I believe our distinguished majority leader will ask for, and in a moment I would like to express my appreciation to the distinguished managers of the bill which we are interrupting for this purpose and thank all present, and how very kind that one of the more distinguished Irish Reporters of Debates, taking account of all of our utterances, not always so memorable, should be on hand at this occasion.

RECESS

The PRESIDING OFFICER. The Senate will stand in recess for 1 minute.

Thereupon, at 11:41 a.m., the Senate recessed until 11:44 a.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. MATTINGLY).

NOMINATION OF PAUL A. VOLCKER, OF NEW JERSEY, TO BE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

The Senate continued with the consideration of the nomination.

The PRESIDING OFFICER. All time for debate has expired. The question is, Will the Senate advise and consent to the nomination of Paul A. Volcker, of New Jersey, to be Chairman of the Board of Governors of the Federal Reserve System? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mr. BOSCHWITZ). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 84, nays 16, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—84

Abdnor	Ford	Moynihan
Andrews	Garn	Murkowski
Armstrong	Glenn	Nunn
Baker	Goldwater	Packwood
Baucus	Gorton	Pell
Bentsen	Grassley	Percy
Biden	Hart	Pressler
Bingaman	Hatfield	Proxmire
Boschwitz	Hecht	Pryor
Bradley	Heinz	Quayle
Bumpers	Hollings	Randolph
Burdick	Huddleston	Riegle
Byrd	Inouye	Roth
Chafee	Jackson	Rudman
Chiles	Jepsen	Sarbanes
Cochran	Johnston	Simpson
Cohen	Kassebaum	Specter
D'Amato	Kasten	Stafford
Danforth	Lautenberg	Stennis
Denton	Laxalt	Stevens
Dixon	Leahy	Thurmond
Dodd	Levin	Tower
Dole	Long	Trible
Domenici	Lugar	Tsongas
Durenberger	Mathias	Warner
Eagleton	Matsunaga	Weicker
East	Mattingly	Wilson
Exon	Mitchell	Zorinsky

NAYS—16

Boren	Helms	Nickles
Cranston	Humphrey	Sasser
DeConcini	Kennedy	Symms
Hatch	McClure	Wallop
Hawkins	Melcher	
Heflin	Metzenbaum	

So the nomination was confirmed.

Mr. GARN. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GARN. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nomination.

The PRESIDING OFFICER (Mr. BOSCHWITZ). Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BYRD. Mr. President, as in legislative session, I want to inquire of the majority leader what the program is for this afternoon so that Senators will be aware of what that program is.

Mr. RIEGLE. Mr. President, may we have order?

The PRESIDING OFFICER. The Senator is correct. The Senate will come to order.

Mr. BYRD. Mr. President, I have to ask unanimous consent for 3 minutes, to proceed for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I yield to the majority leader.

Mr. BAKER. Mr. President, I thank the minority leader.

Mr. President, did the order provide for the Senate to automatically return to legislative session after the disposition of the treaty votes?

The PRESIDING OFFICER. Yes, it did.

Mr. BAKER. Very well.

Mr. President, it is my hope that the Senate can now and promptly go to the consideration of the District of Columbia appropriations bill. It is our hope and expectation that that bill can be disposed of by 1 p.m.

It is my hope, as well, that at 1 p.m., we can go to the Milcon appropriations bill and finish that by 2 p.m.

It is the intention of the leadership on this side at 2 p.m. to ask the Senate to turn to the agriculture target price bill.

Mr. BYRD. Mr. President, I believe the ranking managers of the two appropriations bills are here or were here, and I assume there is no objection, so we will proceed in that manner.

Mr. BAKER. I thank the distinguished minority leader.

Mr. President, will the minority leader yield 30 seconds to me?

Mr. BYRD. I yield.

WELCOME BACK, SENATOR GOLDWATER AND SENATOR DOMENICI

Mr. BAKER. Mr. President, may I have the attention of the Senate? There is a matter I am sure all of us should observe at this point, and do so with great pleasure, and that is the return of two of our Members who have recently been ill and who have undergone surgery.

Senator GOLDWATER is with us after surgery, and Senator DOMENICI is

back, and we are glad to have them back.

[Applause, Senators rising.]

Mr. BAKER. Mr. President, they are both back and have already begun abusing the majority leader. [Laughter.]

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. BAKER. Yes.

Mr. GOLDWATER. On behalf of my good friend from New Mexico, No. 1, it is proof that living in the Southwest is a good way of living forever and, No. 2, it takes a long time to kill a tough man.

TREATIES

THE REVISED NICE AGREEMENT
INTERNATIONAL COFFEE AGREEMENT
CONVENTION FOR NORTHWEST ATLANTIC FISHERIES
EASTERN PACIFIC OCEAN TUNA FISHING AGREEMENT
CHINA TRANSPORTATION TAX TREATY
TAX CONVENTION WITH NEW ZEALAND
TAX CONVENTION WITH AUSTRALIA

Mr. PERCY. Mr. President, I am pleased to introduce for Senate advice and consent today the International Coffee Agreement, 1983. This agreement is the fourth extension in a series of producer-consumer agreements that began in 1963.

This agreement provides a system of producer country export quotas designed to maintain coffee prices within a range jointly agreed by producer and consumer countries. The price range and global quotas are renegotiated annually. Production which is in excess of global consumption requirements, as reflected in export quotas, must be stored by producer countries and held for release to the market when necessary to dampen upward price movements near the tip of the agreed price range. Price have generally remained within or below the price range since its first use in 1980.

U.S. negotiators have obtained several improvements in this agreement as compared with the predecessor agreement. Most important is that it clarifies producer country obligations not to engage in marketing arrangements outside the terms and provisions of the International Coffee Agreement. In addition, it provides a greater consumer nation involvement in the allocation of export quotas among producers.

This agreement serves U.S. economic interests by insuring producer and consumer nation cooperation in moderating the costly and destabilizing swings in coffee production and prices which made it one of the more troublesome commodities prior to the development of these agreements. In this connection, I have now received an evaluation from the Congressional Budget Office which establishes the stabilizing effects of this agreement and provides an estimate of the inflationary impact. Mr. President, I ask unanimous consent that this statement from the Congressional Budget Office be included in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., July 8, 1983.

Hon. CHARLES H. PERCY,
Chairman, Foreign Relations Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed the International Coffee Agreement, 1983, as ordered reported by the Senate Foreign Relations Committee on May 24, 1983.

Ratification of the agreement would extend the U.S. membership in the International Coffee Organization for six years. The purpose of the agreement is to protect both consumer nations and producer nations from large fluctuations in the price of coffee beans by stabilizing the price within a narrow, predictable range. The agreement would establish price ranges and quotas for coffee sales by producer nations to consumer nations. Under the agreement, both prices and quotas could be adjusted annually.

The agreement permits the International Coffee Organization to assess contributions from member nations to pay for the expenses of the Organization. This agreement, however, does not authorize appropriations for contributions from the U.S. In the past, such payments have been authorized in previous annual State Department authorization bills. The State Department authorization bills for 1984 (H.R. 2915), (S. 1342) include about $700,000 for such payments in anticipation of the ratification of this agreement. No other significant additional costs to the Federal government are expected to occur as a result of this agreement. In addition, there are no significant costs to state or local governments expected as a result of this agreement.

In the absence of this agreement, the world price of green coffee presumably would fluctuate largely as a function of the supply of green coffee. For example, green coffee prices under the previous agreement exceeded $3.00 per pound after freezing weather significantly reduced the Brazilian coffee crop in July of 1975. Prior to the destruction of Brazilian coffee trees in 1975, green coffee prices ranged between 40¢ and 80¢ per pound. Current prices are $1.25 per pound.

Assuming full compliance by all members of the International Coffee Organization, the agreement would tend to raise prices above what they would be in times of abundent supply. In times of short supply, the agreement should tend to keep prices lower than they would be otherwise. At present, green coffee is abundent so the agreement should be slightly inflationary, making both wholesale and retail prices higher than in the absence of such an agreement. It is not possible to determine how far short run wholesale prices would fall given current abundent supplies of coffee and the relatively inelastic demand for coffee. CBO has received reports of potential sales as low as 65 cents per pound. In any event, because the cost of green coffee currently accounts for about 50 percent of the retail price of roasted coffee, retail prices would not fluctuate as much as the price of green coffee when the price movements are measured in percentage terms.

For example, if the price of green coffee actually dropped by about 50 percent, from $1.25 to 65 cents per pound (in the absence of this agreement), retail prices could be expected to fall by 24 percent for roasted coffee, and by 22 percent for instant coffee. This would lower projections of the consumer price index by about 0.06 percent.

Should the Committee so desire, we would be pleased to provide further detail on this cost estimate.

Sincerely,

ALICE M. RIVLIN,
Director.

Mr. PERCY. Mr. President, this agreement also serves U.S. foreign relations interests by providing a cooperative system which produces greater stability in coffee marketing and earnings for a number of developing countries which are important to the United States both in this hemisphere and elsewhere.

Among the developing nations, 18 depend on coffee for more than 20 percent of total exports. The United States is the largest single importer in the $8 billion international coffee trade, accounting for an estimated 1.1-1.2 million tons worth $2.5 to $3 billion in 1983. The four largest ICA exporters, Brazil, Colombia, Ivory Coast, and Indonesia, are all key regional powers. Central American countries' export dependence on coffee ranges from 20 to 60 percent. Stability in coffee prices encouraged by the ICA is important to their economic and social development, as it is to our producers and consumers.

The Senate Foreign Relations Committee has studied this agreement and received the views of interested producer and consumer groups and has considered it in the context of overall foreign relations interests. Both consumer interests and the major trade group representing over 90 percent of the U.S. coffee industry favor U.S. ratification of and participation in this agreement. The committee on May 24 agreed without objection to report the agreement to the Senate with recommendation for a favorable advice and consent decision. As a result I recommend without qualification Senate consent to this agreement.

THREE TAX TREATIES

The Senate also has before it three bilateral tax treaties. Two of these are comprehensive revisions of existing bilateral agreements with Australia and with New Zealand. The third is a limited treaty applying only to income from shipping and aircraft operations between the United States and the People's Republic of China.

In general, these are routine agreements which closely follow the model tax treaty developed by the Department of the Treasury as the standard

for U.S. negotiators to obtain. The treaty with the People's Republic of China is completely consistent with the model provisions, for example. Both the Australian and New Zealand treaties, however, depart from the optimum U.S. standard in two respects which the committee has noted in its reports on those treaties. In particular, the container leasing industry and the offshore oil drilling industry are treated in a manner which does not meet the normal standards for bilateral tax treaties. The committee recognizes that in such negotiations the United States cannot always achieve all of its optimum objectives and that we must consider these agreements in terms of the overall balance of U.S. interests. However, the committee did agree to strong report language on both of these issues to make clear that we do not think that individual industries should repeatedly have to bear the brunt of the bargains represented by such treaties. The exact language agreed to by the committee appears on pages 6 and 7 of the report on the Australia treaty and pages 6 to 8 of the New Zealand report.

Nevertheless, on balance the committee does believe that all three of these treaties are in the interest of the United States and urges the Senate to give its favorable advice and consent.

REVISED NICE AGREEMENT ON TRADEMARKS

This treaty is essentially of administrative significance only. It provides for certain technical changes in the international agreement relating to the classification of goods and services for trademark registration purposes. The background of this agreement is described in the brief report placed before every Member of the Senate. I would simply emphasize that this treaty is fully consistent with existing U.S. law and procedures relating to the registration of trademarks and will have no budgetary impact on the United States. I urge my colleagues to support its ratification.

Mr. President, I urge my colleagues to give their advice and consent to ratification of these two international fishery agreements: the Eastern Pacific Ocean Tuna Fishing Agreement and the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries.

Both agreements are designed to promote international cooperation in the management and conservation of fishery resources. The Northwest Atlantic Fisheries Convention would continue the scientific cooperation on the research data base of east coast fishery resources which has existed for over 27 years under the old International Commission for the Northwest Atlantic Fisheries (ICNAF) Convention. The tuna agreement will go a long way toward resolving the fishery disputes with a number of our Latin American neighbors and should significantly reduce or eliminate the annual seizure of U.S. tuna boats by these countries and the resulting U.S. embargoes on their fishery products.

Mr. President, I ask unanimous consent that the purpose and background sections of the Senate Foreign Relations Committee reports be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

EASTERN PACIFIC OCEAN TUNA FISHING AGREEMENT

PURPOSE

The primary purpose of this agreement is to provide an international licensing arrangement for tuna fishing in a broad area of the eastern Pacific Ocean. The agreement also provides for conservation measures under specified circumstances.

BACKGROUND

The United States has been involved in fishery disputes with several Latin American countries because of conflicting laws regarding the jurisdiction over highly migratory tuna and has prohibited imports of tuna from several countries in retaliation for the seizures of U.S. tuna boats. These countries claim jurisdiction over all fish, including tuna, within 200 nautical miles of their coasts. The United States does not recognize or claim jurisdiction over tuna beyond 12 nautical miles. United States policy, pursuant to the Fishery Conservation and Management Act, has been to negotiate international agreements to ensure the effective conservation and management of tuna and to secure access for U.S. fishermen to the stocks wherever they migrate beyond a narrow belt of coastal waters.

In accordance with that Act, the United States, Costa Rica and Panama signed the Eastern Pacific Agreement on March 15, 1983. The multilateral accord will not enter into force until five coastal nations have signed it. It creates an international entity which will issue regional licenses for fishing tuna in a broad area of the eastern Pacific Ocean, with licensing fees to be distributed among the coastal states in proportion to the amount of tuna taken within 200 miles of each contracting nation. The negotiation of such regional arrangements has long been a goal of U.S. fisheries policy. The State Department believes that highly migratory tuna can best be managed through cooperative international regional efforts.

It is the expectation of the State Department that several other countries of Central and South America, as well as other nations with vessels fishing tuna in the area, will be interested in joining the agreement. It is the hope of the Department that this new agreement should end the cycle of seizure of U.S.-flag tuna boats resulting from conflicting jurisdictional claims and the subsequent imposition of retaliatory embargoes required by United States law.

The Committee is unaware of any opposition to this agreement which is strongly supported by the West Coast tuna interests. The following letter sets forth the position of the American Tunaboat Association on this agreement:

AMERICAN TUNABOAT ASSOCIATION,
San Diego, Calif., June 6, 1983.

Hon. CHARLES PERCY,
Committee on Foreign Relations,
Dirksen Building, Washington, D.C.

DEAR MR. CHAIRMAN: The American Tunaboat Association (ATA) is a non-profit fishery cooperative which represents nearly all U.S.-flag long distance tuna fishing vessels.

I was personally involved in the negotiations which led to the Eastern Pacific Ocean Tuna Fishing Agreement (Tuna Treaty) now pending before your Committee for Senate ratification. ATA wholeheartedly supports this treaty and urges rapid Senate advice and consent to its terms. Early unqualified approval will assist further negotiation efforts with other nations in the region that the Department of State has scheduled for later this month.

The Tuna Treaty is the culmination of many years of discussions with various Central and South American countries for the purpose of resolving strong differences of opinion over the management of the high migratory tuna in the region. Seizures of U.S. vessels and embargoes against the seizing countries occurred in the first years after the U.S. declared a 200-mile fishery conservation zone. Finally, however, we now have been able to resolve our differences with at least two countries, Costa Rica and Panama, and we hope to persuade others of the value of the agreement just as soon as we can.

This agreement offers the first real hope to end the cycle of seizures that have affected the U.S. tuna fleet off and on for 30 years in the eastern tropical Pacific. It is a fair agreement and should serve as a model for other areas of the world where tuna is fished.

We urge your strong support for ratification of the treaty.

Sincerely,

AUGUST FELANDO, *President.*

NORTHWEST ATLANTIC FISHERIES CONVENTION

PURPOSE

The primary purpose of this convention is to create a successor organization to the International Commission for the Northwest Atlantic Fisheries (ICNAF) which was established in 1949. Following the enactment of the Fishery Conservation and Management Act (P.L. 94-265), the United States withdrew from the International Commission because of the inconsistency between the Convention and the exclusive management authority over fisheries provided for in the Act. While the legislative history of the Act clearly indicates that it was the sense of Congress that the United States should withdraw from the International Commission, there is nothing in the Act or its legislative history which evidenced any Congressional reluctance to participate in multilateral efforts to conserve and manage fisheries, as long as the internatonal regime is not inconsistent with the Act.

To the contrary. Section 202(b) of the Act specifically calls upon the Secretary of State to initiate the renegotiation of any treaty which pertains to fishing within the fishery conservation zone, or to anadromous species of U.S. origin or continental shelf resources and which is in any manner inconsistent with the purposes, policy or provisions of the Act, to conform such treaty to such purposes, policy and provisions. Having not succeeded in such renegotiations, the

United States withdrew from ICNAF on December 31, 1976.

The purpose of this convention is to create a successor organization to ICNAF. Under this convention, the United States will receive and provide scientific data, participate in the planning and coordination of research activities, and have available a multilateral scientific council to review scientific studies pertaining to fish stocks in the Convention Area. United States adherence to the Convention will facilitate continuity of the data base established and accumulated over a period of 27 years under the ICNAF Convention. In addition, the United States will be able, if desirable, to request and receive scientific advice related to fisheries subject to its exclusive management jurisdiction. Finally, the United States will have an opportunity for membership in the Fisheries Commission, the body responsible for conservation and management of fisheries in the Regulatory Area, defined as that part of the convention area beyond the fishery conservation zones of the contracting parties.

The Committee is unaware of any opposition to this convention.

Mr. PELL. Mr. President, today the Senate will consider seven treaties; two dealing with international fishing matters (the Eastern Pacific Ocean Tuna Fishing Agreement and the Northwest Atlantic Fisheries Convention), one dealing with the furtherance of international cooperation between coffee producer and consumer nations (the International Coffee Agreement), one dealing with minor revisions in an existing agreement which provides a system for the protection of private trademarks internationally (the Revised Nice Agreement), and three dealing with tax treaties between the United States and the countries of Australia, New Zealand, and the People's Republic of China. The Australian and New Zealand income tax treaties are intended to eliminate double taxation as well as prevent tax evasion in the course of financial transactions between the United States and our treaty partners, while the Shipping and Aircraft Tax Agreement with the People's Republic of China is a more limited agreement intended to deal only with tax matters related to the aircraft and shipping industries of the two countries.

The Foreign Relations Committee held public hearings on all of the treaties under consideration, and after careful consideration recommended that the Senate give its advice and consent to ratification in all seven instances. I certainly endorse that recommendation. However, I would like to call the attention of my colleagues to the committee reports on the Australian and New Zealand Tax Treaties, because they provide strong recommendations and directions to the executive branch concerning the negotiation of any future tax treaties.

I and other members of the committee recognize that the negotiation of tax treaties is a complex process in which the Department of the Treasury tries to deal with a variety of problems which arise for individual U.S. parties in the course of negotiations in order to conclude treaties which, on balance, benefit the United States as a whole. Unfortunately, in the treaties concluded with Australia and New Zealand, two important domestic industries—the container leasing industry and the contract drillers—have been negatively affected. This has happened because our treaty partners insisted that provisions be included in these treaties recognizing their right to tax these industries at the source, as a condition for concluding negotiations. I should point out that in the absence of a treaty, Australia and New Zealand could tax these and other companies doing business within their borders as they see fit.

Neither Chairman PERCY nor myself were pleased with the impact these treaties will have on the container leasing industry or the contract drillers. We were particularly concerned that these industries not bear the brunt in any future negotiations we may decide to enter into with other countries. For this reason, we recommended that the committee report include instructions to the Department of Treasury that in any future negotiations it make every effort to conform to the U.S. Model Tax Treaty in these areas. We also recommended that it contain a warning that if the Department of Treasury concludes negotiations in the future with similiar provisions, the committee would have to give serious consideration to recommending that the Senate not give its advice and consent. Members of the committee endorsed our recommendations.

I believe that the committee's action in these cases will serve as an important signal both to the executive branch and to any prospective treaty partners. The report makes clear that while the committee decided in this instance to recommend that the Senate give its advice and consent to ratification because overall U.S. interests seem best served, in no way should anyone presume that the Senate endorses the provisions dealing with container leasing or contract drilling. Nor should they assume that the Senate will consider future treaties favorably if similiar provisions are found in them.

TAX TREATIES WITH AUSTRALIA AND NEW ZEALAND

Mr. CRANSTON. Mr. President, before the Senate votes on the tax treaties with Australia and New Zealand, I would like to set out my concerns regarding the provision that affects the U.S. container leasing industry. Both treaties contain a provision that departs from established U.S. tax treaty policy regarding taxation of income from the leasing of shipping containers. As a result, the treaties will have an adverse effect on the U.S. container leasing industry which accounts for the largest share of the world container leasing business.

The provision in question permits income from the leasing of containers to be taxed as royalties. This would allow Australia and New Zealand to impose a withholding tax of up to 10 percent of the gross income from container leasing received by U.S. companies from Australia and New Zealand lessees (without allowance for deductions). A 10-percent withholding tax could, in some instances, exceed the net profit of a U.S. container leasing company.

A local income tax return could be filed under which certain deductions would be allowed but only if the U.S. leasing company could establish a proper allocation of deductions to the Australia or New Zealand tax authorities. This could be a difficult task given the nature of the container leasing industry, which is similar to the leasing of rolling stock. The container is always on the move from destination to destination. The present leasing industry helps shippers, efficiently moves capital to facilitate world trade, and speeds commerical traffic. But the taxation of leasing income as a royalty could end the profitability of leasing, strongly forcing new and costly replacement expenses on world trade.

The provision in the Australia and New Zealand treaties is in sharp contrast to the 1977 U.S. Model Income Tax Treaty, under which profits of a U.S. container leasing company are treated as profits from the operation of ships taxable only by the United States if the containers are used in international traffic. All of the tax treaties given the advice and consent of the Senate since adoption of the 1977 Model Treaty have either treated container leasing income as shipping income or as business profits.

I have misgivings about the departure from the Model Treaty in these treaties. Royalty treatment creates a serious threat of double or multiple taxation. The very same container leasing income also could be subject as well to taxation in other foreign countries in which the container is used. Because of the difficulty a U.S. container leasing company will have in allocating its leasing income from containers to particular countries, in determining methods of taxing such income, it is extremely important that double or multiple taxation of the income of the U.S. container leasing industry be prevented by utilizing the U.S. Model Treaty provision in future U.S. treaties.

The Treasury Department, while generally supporting the treatment of container leasing income as shipping income, has offered insufficient justifications for agreeing to the provision

in the Australia and New Zealand treaties. Treasury has indicated that Australia and New Zealand took the position in treaty negotiations that the leasing of equipment is analogous to a financing transaction. The U.S. container leasing industry, on the contrary, argues that it is engaged in active operating leasing, accepting containers back and leasing them again repeatedly. The lease terms of the containers in almost all cases are much shorter than the useful lives of the containers.

Treasury, however, points out that Australia and New Zealand, although economically developed, share with developing countries the status of being net importers of capital, with a resulting outflow of income from Australia and New Zealand to the United States being greater than the reverse flow. It is to their benefit to view container leasing income as royalties and, like developing countries, insist on withholding of taxes at source on royalties.

Mr. President, I am concerned that the Department of the Treasury having yielded to the arguments of New Zealand and Australia will be hard pressed to refuse the similar arguments of many other developing nations. A yielding on that scale would be damaging indeed to the U.S. container leasing industry.

The committee, fortunately, noted and expanded in its report on these treaties its concern over the Treasury's departure from established tax treaty policy. I urge the Department to weigh this caution heavily.

Mr. President, I recognize that these treaties provide important benefits to U.S. industries other than the container leasing industry. For that reason, I will support the treaties. However, because of the troubling container leasing provision, I do so reluctantly and with the understanding that the Treasury be advised to take all necessary steps to follow the U.S. Model Treaty provision for taxing container leasing income in the future.

Mr. BOSCHWITZ. Mr. President, I would like to join my colleagues in commenting on the tax treaties with Australia and New Zealand now before the Senate.

These treaties contain a provision which departs from both the U.S. Model Income Tax Treaty and also from all recent tax treaties which have received the advice and consent of the Senate. The departure is seriously detrimental to the U.S. container leasing industry. I would like to make my views clear on this issue, which also has been a matter of serious concern to the Foreign Relations Committee in its review of these treaties.

Under both of these treaties, income from the leasing of containers is to be taxed as royalties. This would allow Australia and New Zealand to impose a withholding tax of up to 10 percent on the gross income from containers leased to residents of those countries. This provision differs substantially from the U.S. Model Treaty, under which container leasing income is treated as shipping income.

Because of the extreme difficulty of allocating international shipping and container leasing income to various jurisdictions, such income is taxed under the Model only by the country of residence of the recipient. I have serious misgivings about this departure from the Model Treaty.

Since adoption of the Model Treaty in 1977, it has consistently been the policy of the United States to insist that its treaties treat container leasing income either as shipping income, or, alternatively, as business profits—which are only taxable after allowance for deductions and only if attributable to a permanent establishment in the country. Providing different treatment for container leasing income than for shipping income in these treaties is ill advised.

Such treatment could, for example, allow Australia or New Zealand to impose a withholding tax which could exceed the U.S. leasing company's net container leasing income and which would be refundable only if the company were able to document to the foreign tax authorities its deductions allocable to such countries. Such documentation could be difficult, given the nature of the industry. Refunds would be allowed only after application of a 51-percent (Australia) or 45-percent (New Zealand) tax on the net income after deductions allowed.

Taxation of container leasing income as royalities may also lead to prohibitively high rates of taxation on the income of U.S. container leasing companies leasing to Australian or New Zealand lessees due to the tax policies of countries not parties to treaties. Such other countries may tax the same lease payments on the basis that they were earned when the containers entered their territory.

Furthermore, there is a discriminatory effect. The treaties provide favorable shipping income treatment to container leasing income of shipping companies which lease containers in international traffic as an incidental part of their business. As a result, U.S. companies whose only business is the leasing of containers are placed in an unjustifiable competitive disadvantage vis-a-vis shipping companies by the treaties. These reasons alone provide a strong argument against this kind of departure from the provisions of the Model Treaty.

I believe that the royalty treatment given to container leasing income is unwise for another very important reason as well. Other countries often seek to rely on provisions in U.S. treaties to obtain concessions from the United States and other countries on the same issue.

Not only is there a risk of a general adverse precedent building on itself, but this also could be especially harmful because many other countries impose a flat rate of tax on the gross amount of royalties income. Unlike Australia and New Zealand, many countries do not grant allowances for deductions. If royalties treatment were included in treaties with such countries, not only would the already numerous problems I pointed out earlier result, but there also would be a substantially increased risk of taxation in excess of net income.

For these reasons, Mr. President, all steps should be taken by Treasury Department negotiators to insure that the Model Treaty provision in respect of container leasing income is not departed from in the future.

I wish to convey my strong disapproval of the container leasing provision in the Australian and New Zealand treaties and to make it plain that I would view any future treaties containing similar provisions with extreme disfavor.

Indeed, I am very skeptical as to whether any circumstances are likely to arise which would justify a similar departure from the treatment given to container leasing income in the Model Treaty.

It is only with that understanding that I urge the Senate to give its advice and consent to these treaties.

Mr. BAKER. Mr. President, do we proceed to vote for the ratification of the seven treaties?

The PRESIDING OFFICER. The majority leader is correct.

TREATIES

The PRESIDING OFFICER. Under the previous order, the Senate will now conduct one rollcall vote to count as seven rollcall votes on the resolutions of ratification to seven treaties, Executive Calendar Nos. 9 through 15, which the clerk will state.

The acting assistant legislative clerk read as follows:

Ex. E, 96-1, The Revised Nice Agreement;

Treaty Doc. No. 98-2, International Coffee Agreement, 1983;

Ex. T, 96-1, Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries;

Treaty Doc. No. 98-3, Eastern Pacific Ocean Tuna Fishing Agreement;

Treaty Doc. No. 97-24, Agreement with the People's Republic of China with respect to Mutual Exemption from Taxation of Transportation Income of Shipping and Air Transport Enterprises;

Treaty Doc. No. 97-27, Tax Convention with New Zealand and Related Protocol; and

Treaty Doc. No. 97-28, Tax Convention with Australia.

The PRESIDING OFFICER. The question is on agreeing to the resolutions of ratification.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The acting assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 100, as follows:

[Rollcall Vote No. 223—Ex. E—96-1
224—98-2
225—Ex. T—96-1
226—98-3
227—97-24
228—97-27
229—97-28]

YEAS—100

Abdnor	Goldwater	Moynihan
Andrews	Gorton	Murkowski
Armstrong	Grassley	Nickles
Baker	Hart	Nunn
Baucus	Hatch	Packwood
Bentsen	Hatfield	Pell
Biden	Hawkins	Percy
Bingaman	Hecht	Pressler
Boren	Heflin	Proxmire
Boschwitz	Heinz	Pryor
Bradley	Helms	Quayle
Bumpers	Hollings	Randolph
Burdick	Huddleston	Riegle
Byrd	Humphrey	Roth
Chafee	Inouye	Rudman
Chiles	Jackson	Sarbanes
Cochran	Jepsen	Sasser
Cohen	Johnston	Simpson
Cranston	Kassebaum	Specter
D'Amato	Kasten	Stafford
Danforth	Kennedy	Stennis
DeConcini	Lautenberg	Stevens
Denton	Laxalt	Symms
Dixon	Leahy	Thurmond
Dodd	Levin	Tower
Dole	Long	Trible
Domenici	Lugar	Tsongas
Durenberger	Mathias	Wallop
Eagleton	Matsunaga	Warner
East	Mattingly	Weicker
Exon	McClure	Wilson
Ford	Melcher	Zorinsky
Garn	Metzenbaum	
Glenn	Mitchell	

The PRESIDING OFFICER. Two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

The resolutions of ratification agreed to are as follows:

THE REVISED NICE AGREEMENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Revised Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, done at Geneva on May 13, 1977.

INTERNATIONAL COFFEE AGREEMENT, 1983

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the International Coffee Agreement, 1983, signed by the United States on March 23, 1983.

CONVENTION ON FUTURE MULTILATERAL COOPERATION IN THE NORTHWEST ATLANTIC FISHERIES

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (the NAFO Convention), signed in Ottawa on October 24, 1978, by nine parties, not including the United States, and subsequently entered into force on January 1, 1979.

EASTERN PACIFIC OCEAN TUNA FISHING AGREEMENT

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Eastern Pacific Ocean Tuna Fishing Agreement, signed by the United States on March 15, 1983.

CHINA TRANSPORTATION TAX TREATY

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Agreement between the Government of the United States of America and the Government of the People's Republic of China with Respect to Mutual Exemption from Taxation of Transportation Income of Shipping and Air Transport Enterprises, signed at Beijing on March 5, 1982.

TAX CONVENTION WITH NEW ZEALAND AND RELATED PROTOCOL

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the United States of America and New Zealand for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (the Convention), Together with a Related Protocol, signed at Wellington on July 23, 1982.

TAX CONVENTION WITH AUSTRALIA

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Convention between the Government of the United States of America and the Government of Australia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income signed at Sydney on August 6, 1982.

(Later the following occurred:)

Mr. BAKER. Mr. President, it has been brought to my attention that, through inadvertence, there was not a motion to reconsider and a motion to table the vote by which the resolutions of ratification of the several treaties were agreed to.

Mr. President, as in executive session, I now move to reconsider the vote by which the resolutions of ratification were agreed to.

Mr. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(Conclusion of later proceedings.)

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1984

Mr. BAKER. Mr. President, I have consulted with the manager on this side and with the minority leader, and I believe there is no objection to the request I am about to put.

Mr. President, I ask now that the Chair lay before the Senate H.R. 3415, Calendar Order No. 305, the D.C. appropriations bill.

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, I do not know of any objection on this side to calling up the military construction bill after the District of Columbia bill, as the majority leader and I have discussed, if he wishes to obtain that consent at this point.

Mr. BAKER. I thank the minority leader. Mr. President, I further ask unanimous consent that after the disposition of the D.C. appropriations bill, the Senate proceed to the consideration of the military construction appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I may say for the benefit of Senators that we think we can finish the D.C. appropriations bill by 1 p.m. and finish the military construction bill by 2 p.m. That is our objective, and I hope Senators will cooperate.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3415) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1984, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I am pleased to present to the Senate today the D.C. appropriations bill for fiscal year 1984. As is required, this budget for the Nation's Capital is balanced and includes the increase in the Federal payment requested by the President.

The Federal funds recommended total $596.3 million. This is comprised of: $386 million for the Federal payment; $16.5 million for water and sewer services to Federal installations; $52.1 million for retirement fund contributions; $115 million for capital project loans; $25.2 million for a criminal justice emergency initiative, and $1.5 million for an education initiative. The committee recommendation includes funding to address an emergency situation in the District's criminal justice system. As has been extensively reported, District prison facilities are seriously overcrowded.

I personally observed them on a visit to the D.C. jail several weeks ago and we have had extensive hearings on the subject, including the hearing this morning with the Director of Prisons testifying about the situation.

We have recommended $22.3 million in response to this intolerable and dangerous situation and for specified rehabilitation programs.

In addition, there is included $2.8 million in response to the unacceptable delays in the Superior Court. These delays have contributed to the overcrowding in the jail, with 60 percent of those in detention awaiting trial.

There had been an amount included for 21 assistant U.S. attorneys but that was eliminated in deference to the jurisdiction of the Subcommittee on Appropriations for the Department of Justice. Yesterday that was included in a markup of that subcommittee.

The committee's recommendation also includes $1.5 million for the board of education to conduct an analysis of the various proposals to reward the best teachers. The board could evaluate the differing approaches and points of view giving all concerned, including representatives of the teachers, a chance to be heard before any final judgments are made.

In the D.C. funds portion of the bill, the committee recommends a total of $2.2 billion. Within this amount we have included $2 million to continue the operation of the police and fire clinic. The budget contemplated closing the clinic, however, the city is discussing with the affected parties alternatives to closing the facility. By including this amount we can consider the results of those discussions in the conference. Also recommended is the inclusion of an additional $900,000 for vocational rehabilitation of the handicapped. That restores this program to its 1981 funding level. The committee has restored to the budget request several items added on by the House totaling $553,000.

And finally, the committee recommends concurrence with language included by the House that requires the city to continue to pay its electric utility costs for street lighting. The Public Service Commission has yet to rule on the city's petition to transfer those costs to the ratepayers.

In closing, I would like to thank all members of the subcommittee and particularly Senator LEAHY, the ranking minority member, for his cooperation in bringing this bill before the Senate. Also, to the distinguished chairman of the Appropriations Committee (Mr. HATFIELD) for his assistance and understanding in attempting to solve some of these important problems in the District. And to the staff on both sides, Tim Leeth, Jim Cubie, Lula Joyce, Jane McMullan, and Brian Funk, for preparing the necessary materials for our use.

GOVERNMENTAL DIRECTION AND SUPPORT

The bill includes a total of $44,176,400 for governmental direction and support. This amount is a reduction of $22,687,100 from fiscal year 1983, and in most part represents the transfer of the Department of General Services to the new Public Works appropriation title.

For the office of the Mayor, the committee has recommended a total of $1,069,600. Administration of the victims of crime compensation program established in fiscal year 1983 will be transferred to the Department of Employment Services, along with funding in the amount of $495,000.

The sum of $879,500 is provided for the office of the city administrator, which is a decrease from the previous fiscal year. The decrease represents the transfer of the D.C. Energy Office to the Human Support Services appropriation title and its combination with the complementary energy assistance program.

For the D.C. Retirement Board a total of $2,328,700 is recommended, of which $425,000 is to be derived from the District's general fund and the remainder will be financed from the investment income of the Board. The House had provided that an amount of $601,000 would come from the general fund.

ECONOMIC DEVELOPMENT AND REGULATION

The committee recommends $18,376,500 for the Department of Housing and Community Development. The fiscal year 1984 recommendation will enable the Department to continue its most important programs with modest reductions. The committee recommends that $2,826,600 be used for the home purchase assistance program, $2,500,000 for rehabilitation financing, and $1,000,000 for acquisition of vacant buildings and land. These amounts will provide for the rehabilitation of 100 units, downpayment assistance for 353 units and the acquisition of as many units as are able to be rehabilitated.

For the Commission on Licensure to Practice the Healing Art the committee recommends $275,300. This is the same amount as the budget request and $31,800 less than the House provided.

PUBLIC SAFETY AND JUSTICE

For the agencies under the Public Safety and Justice appropriation title the committee recommends $487,322,900. This amount is $27,171,600 more than the budget request and $29,482,600 more than the House allowance.

The recommendation for the Metropolitan Police Department is $141,820,900 and represents a $2 million increase from the budget request and the House allowance. The increase was made to permit the police and fire clinic to remain in operation in fiscal year 1984. As mentioned previously, the budget submission had assumed closing the clinic and shifting its responsibilities to some other agency. Since the House had not restored this item, this action will insure that the conference can consider any plan developed regarding the future of the clinic.

The committee recommends $36,221,100 for the operations of the Superior Court. This is $2.8 million more than the House allowance. The increase represents additional funding provided through the criminal justice emergency initiative. The funds are appropriated to the Superior Court in order to provide for seven additional judges and seven secretaries, along with law clerks, courtroom clerks, and court reporters.

The committee recommends an increase of $22,330,300 for the Department of Corrections. As noted earlier, these funds, which are a part of the criminal justice emergency initiative, will be used to hire additional staff, provide needed capital improvements, and to expand vocational and educational programs.

For the National Guard the committee recommends $458,700. This amount is the same as the budget request and $33,200 less than that allowed by the House.

PUBLIC EDUCATION SYSTEM

For the Public Education System appropriation title, $484,682,900 is recommended. This is $11.1 million more than the House allowance.

The principal components of this account are the Board of Education (public schools) $327.5 million, the teachers' retirement fund $78.5 million, and the University of District of Columbia $60.8 million.

As part of the education initiative, the committee is including $1,500,000 for the Board of Education to explore various alternatives to recognize outstanding teachers through incentives, of both a financial and career nature.

HUMAN SUPPORT SERVICES

The committee recommends $497,536,600 for the Human Support Services appropriation title.

For the Department of Human Services a total of $354,791,100 is provided. The Department administers the District public assistance, AFDC, medicaid, and supplemental security income programs, as well as emergency assistance, child day care, and foster care programs. The committee has included an additional $900,000 for the vocational rehabilitation program of the District.

The committee recommends $43,100,000 as an operating subsidy to the D.C. General Hospital. This is the same as the budget request and $8,000,000 above the House allowance.

For a payment to the federally owned Saint Elizabeths Hospital $29,506,700 is recommended. This is $4,758,000 more than provided by the House. The committee also recommends deleting the language capping the contributions by the District to Saint Elizabeths Hospital that the House included.

The committee is recommending $7,232,000 for contributions by the District government to the unemployment compensation fund. This amount is $2,900,000 less than budget request and the House allowance.

PUBLIC WORKS

The committee recommends a total of $190,562,100 for the activities to be funded under this new account during fiscal year 1984. The principal components of this appropriation title are the District's contribution to Metro $98.5 million, Department of Environmental Services (general fund) $35.6 million, Department of Transportation $31.2 million, and Department of General Services $25.2 million. The most significant item of change to this fiscal year's budget in this account is a decrease of $11,999,800 resulting from the District's decision to include street lighting costs in the Pepco rate base charged to District residents and organizations in the rate structure, which I noted earlier.

REPAYMENT OF GENERAL FUND DEFICIT

The committee recommends an amount of $5,000,000 for the purpose of eliminating the general fund deficit. This is the same as the budget request and $15 million less than the House amount.

ENTERPRISE FUNDS

For the water and sewer fund, the committee recommends $114,383,100; for the Washington Convention Center fund $9,617,000 is recommended; and, for the lottery and charitable game fund $2,772,500 in non-Federal funds are provided.

Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc and that the bill as thus amended be regarded for purposes of amendment as original text, provided that no point of order shall have been considered to have been waived if the request is agreed to.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The committee amendments agreed to en bloc are as follows:

On page 2, line 3, strike "$361,000,000" and insert $386,000.000"

At the beginning of page 3, insert:

CRIMINAL JUSTICE EMERGENCY INITIATIVE

For a Federal contribution to the District of Columbia, $25,171,600, of which $11,735,400 shall remain available until expended.

EDUCATION INITIATIVE

For a Federal contribution to the District of Columbia, $1,500,000.

On page 4, line 9, strike "$2,403,700" and insert "$2,328,700"

On page 4, line 12, strike "$601,000" and insert "$425,000"

On page 4, line 13, strike "$1,802,700" and insert "$1,903,700"

On page 5, line 2, strike "$56,603,000" and insert "$56,571,200:"

On page 6, line 7, strike "$457,840,300" and insert "$487,322,900,"

On page 7, line 9, strike "$473,597,100" and insert "$484,682,900,"

On page 7, line 12, strike "$326,000,000" and insert "$327,500,000"

On page 7, line 13, strike "$68,975,000" and insert "$78,560,800"

On page 8, line 22, strike "$486,778,600" and insert "$497,536,600"

On page 9, line 17, strike "shall not exceed"

On page 11, line 13, strike "$309,000,000" and insert "$296,449,000"

On page 11, line 14, strike "1981, $20,000,000, of which not less than $15,000,000 shall be funded and apportioned by the Mayor from amounts otherwise available to the District of Columbia government (including amounts appropriated by this Act or revenues otherwise available, or both)" and insert "1982, $5,000,000"

On page 11, line 22, strike "$3,197,000" and insert "$3,750,000."

On page 16, line 8, strike ", except for those funds and programs for the Metropolitan Police Department under the heading "Public Safety and Justice" which shall be expended solely by that Department; and the appropriation under the heading "Repayment of General Fund Deficit" which shall be considered as the amount set apart exclusively for and shall be expended solely for that purpose."

On page 24, after line 8, insert:

SEC. 131. Title 11 of the District of Columbia Code is amended as follows:

Section 11-903 is amended by striking out "forty-three" and inserting in lieu thereof "fifty."

SEC. 132. (a) That part of the Legislative Branch Appropriation Act, 1984 (Public Law 98-51), under the heading "SENATE" is amended, in the paragraph with the heading "SECRETARY OF THE SENATE", by striking out "$390,000" and inserting in lieu thereof "$537,000".

(b) That part of such Act, under the heading "JOINT ITEMS", is amended, in the paragraph with the heading "EDUCATION OF PAGES", by striking out "$295,000" and inserting in lieu thereof "$148,000".

Mr. SPECTER. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mrs. HAWKINS). The Senator from Vermont.

Mr. LEAHY. Madam President, I wish to compliment the chairman for his leadership in reporting the District of Columbia appropriations bill for 1984 in such an expeditious fashion.

His efforts to address the serious problems of the criminal justice system in the District of Columbia should be supported. The criminal justice system for the District should stand as a model for the rest of the country. I applaud his efforts in trying to bring that about. I think we look forward to a difficult conference with the other body on that issue. I hope the Senate will show unity in that conference.

I would also like to compliment Mr. Tim Leeth and Ms. Lula Joyce of the majority staff and Mr. Jim Cubie and Ms. Jane McMullan for their excellent assistance in reporting this bill.

I suspect that the 7 or 8 hours we had set aside for the stirring debate on the issues involved here will be compressed substantially and we will be able to go very soon to passage.

I understand the distinguished Senator from Michigan (Mr. LEVIN) has some remarks he wishes to present. If I might, I will yield to the Senator from Michigan for that purpose.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, the issue that I want to raise has been a major annoyance to the residents of the District of Columbia and to visitors, even more importantly to visitors, for as many years as I have been here and as many years as I know of.

Before I comment, I also want to add my commendation to the chairman of the subcommittee for the kind of work he has done. It is not the kind of task which receives a lot of public applause. He has done his work with dispatch and with brilliance. I commend him on the kind of initiative he has taken on this bill and in other ways with regard to the District of Columbia.

The concern that I have has to do with the question of traffic in the District of Columbia, the fact that our traffic lights are not synchronized, the fact that traffic signs are frequently nonexistent or confusing, with interstates ending nowhere.

I think the general public which visits the District has to ask the question, how is it we are supposed to be able to run the country if we cannot move our traffic any better?

I do not know whose fault it is. I have been out personally with representatives of the District and other agencies to point out places where signs are nonexistent, where people will not know what to do without those signs, where there is a lack of synchronization of traffic lights, which I think is a disgrace.

I understand some progress is being made. In the meantime, we have serious traffic problems wasting energy and precious hours.

My question is basically whether or not the floor managers might take some interest in this area, if they have not already become aware of it, so we can make greater progress on the question of synchronizing lights so that we can move traffic in this town, so that we can avoid having 10 percent of our visitors end up at Spout Run when they do not want to end up at Spout Run.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. BOSCHWITZ). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from Michigan for his very generous remarks. They are all the more meaningful because of his record of deep concern for the criminal justice system and for his experience in city government in Michigan. He certainly has the background and experience to know the details of the operation of a big city, so they are especially meaningful.

I thank the Senator from Michigan for his comments about the traffic signal system. I have just been advised that there is a program underway to provide for synchronization of the many intersections of the District of Columbia. I have not become familiar in detail with the traffic system, but I do believe that the synchronization of lights is a very important subject. The committee will pursue the matter as to what is already contemplated for action and will confer with the Senator from Michigan on any further activities which seem appropriate. I pledge to put that as a priority item for consideration of the committee.

With respect to signs, I agree completely with the necessity for a better sign situation and, again, will pursue that subject in an expeditious and timely fashion.

Mr. LEAHY. Mr. President, will the distinguished Senator yield?

Mr. SPECTER. I do.

Mr. LEAHY. I wish him the best of luck in this endeavor. When I had to carry the weighty burden of the leadership of the D.C. Subcommittee—a matter, which, of course, involved all my time and attention, love and affection, skill and work for lo, those many years—we periodically raised this problem of the traffic lights with the District. We would be given assurances that this problem would soon be solved.

I once had a visitor who was riding into the District with me. The visitor said:

Pat, are the lights designed for the benefit of the pedestrians or for the benefit of the drivers?

I said: No.

That is pretty much the way it is. The synchronization of the lights is not designed either for the benefit of the drivers or the benefit of the pedestrians. I thought maybe I would discover the secret of whom they were designed for when I went on the Intelligence Committee, but this is of such a high classification, none of us will ever be allowed to know for whose benefit they are designed.

The signs are interesting. Aside from those with typographical errors on them, they are very much like the signs we used to have as a child for treasure hunts. They so often go off in a different direction from where you want to go—which is not always bad. I say to my friend from Michigan, when somebody comes to the District of Columbia, everybody wants to go to the Washington Monument, but how many people ever do get a chance to see Spout Run or have that on the top of their list? This way, when they follow the signs to the Washington Monument, they do end up in Spout Run. They are going to see the Monument, but they also get an extra benefit. They are going to see Spout Run as an extra added attraction. So it is an added benefit.

They will eventually see the normal tourist sights. It might take them a couple of days longer because of the way the signs are set up, but they get to see a couple of other things. They might see Rock Creek Park when they wanted to see the Air and Space Museum. They might even end up in the distinguished chairman's State when they thought they were heading down to the Tidal Basin.

Those are added benefits that should be encouraged in the interest of tourism and exploring this country. But I think that perhaps it is overdone the way it is at present.

It is like the problem the District has had for many years, with the right turn on red rule. I finally offered a prize to anybody who could find an intersection in the city where they did not have one of those signs that said "No turn on red." They spent tens of thousands of dollars to put those up on virtually every intersection around. They finally allowed a right turn on red, I think, at the place where you come out of the Senate parking lot. I thought maybe it was coincidence that it was there. But, finally, a man who had spent years walking around the city came in and collected the prize, because he found another one somewhere up in the southeast section, near the District line. I think there are another 8 to 12 intersections in the city where you are allowed to turn right on red.

These things come about, but let us not rush them. This is a city full of traditions—impossible traffic conditions. The spontaneity and excitement of direction signs is part of that tradition, so we should not rush them too much.

I join my distinguished chairman and shall follow how they come about.

Mr. SPECTER. Mr. President, I thank the distinguished Senator from Vermont for his comments and will work with him to see it we can improve the situation so that motorists do not head for Pennsylvania or, perhaps, even for Vermont by mistake.

Unless someone else desires to be heard, Mr. President, and I see no one present at this time, I move adoption of the bill.

● Mr. DOMENICI. Mr. President, I support the District of Columbia appropriation bill as reported by the committee.

H.R. 3415 provides $0.6 billion in new budget authority for fiscal year 1984. Including outlays from prior-year budget authority, fiscal year 1984 outlays associated with the reported bill would also be $0.6 billion.

These amounts are consistent with the subcommittee's crosswalk allocation under the fiscal year 1984 first budget resolution and the President's request.

I support the bill as reported and commend the distinguished subcommittee chairman, Senator SPECTER, and members of the Senate Appropriations Committee for keeping spending within the budget and the President's request.

I ask that two tables showing the relationship of the reported bill to the congressional spending and credit budgets and the President's request be printed in the RECORD at the conclusion of my remarks.

The tables referred to follow:

DISTRICT OF COLUMBIA SUBCOMMITTEE SPENDING TOTALS—SENATE-REPORTED BILL

[In billions of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
Outlays from prior-year budget authority and other actions completed		(1)
H.R. 3415, as reported in the Senate	0.6	0.6
Total bill	0.6	0.6
Subcommittee 302(b) allocation	0.6	0.6
President's request	0.5	0.5
Subcommittee total compared to:		
Subcommittee 302(b) allocation		
House-passed level	+0.1	+0.1
President's request		

[1] Less than $50 million.

DISTRICT OF COLUMBIA SUBCOMMITTEE CREDIT TOTALS—SENATE-REPORTED BILL

[In billions of dollars]

	Fiscal year 1984 new direct loan obligations
H.R. 3415, as reported in the Senate	0.1
Total bill	0.1
Subcommittee first budget resolution assumption	0.1
President's request	0.1
Subcommittee total compared to:	
First budget resolution allocation level	—(1)
House-passed level	
President's request	

[1] Less than $50 million.●

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (H.R. 3415), as amended, was passed.

Mr. LEAHY. I move to reconsider the vote by which the bill passed.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SPECTER. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer (Mr. BOSCHWITZ) appointed Mr. SPECTER, Mr. HATFIELD, Mr. MATTINGLY, Mr. DOMENICI, Mr. LEAHY, Mr. STENNIS, and Mr. BUMPERS conferees on the part of the Senate.

Mr. SPECTER. Mr. President, I conclude by thanking all of those who have taken part in this proceeding. In my judgment, we have taken a significant step here as it relates to the criminal justice system. The criminal justice system in this city and in this Nation are urgently in need of very substantial modifications. The detention center of the D.C. jail is bulging with people who have not been tried. Prior to the disturbances last week, there were 2,400 people in detention there, in a facility which should hold some 1,355 people. In the D.C. jail, 700 are sentenced felons, and corrections officials tell us that 1,400 were awaiting trial. Many had been there for months and months, a denial of constitutional rights to those who had been detained, in a very serious overcrowding condition.

We have taken steps here to add seven judges to the D.C. Superior Court, a recommendation which has long lain fallow.

We have taken steps in collaboration with Senator LAXALT on the Subcommittee on State Justice and Commerce to add 21 assistant U.S. attorneys to speed the processing of those trials so that the calendar may move forward, not only as to criminal cases but as to civil cases and divorce cases. The news media are filled with the problems of the D.C. judicial system, which we have moved upon.

With respect to the overcrowded conditions, the subcommittee undertook that inquiry before the current incidents at the D.C. jail. It was apparent to the subcommittee from looking at those statistics that there were major problems in the offing. We visited the prison at Lorton, accompanied by Mayor Barry and by Senator WARNER. We visited the D.C. jail, accompanied by Mayor Barry, and were determined to see to it that we took action in two critical respects—first to relieve overcrowding; we have put in funding which will add 200 to 500 beds; second, to do something on the rehabilitation line, so that we do not continue to release functional illiterates without a trade or skill where it would be no surprise that they would come back into the criminal justice system by way of arrest and later conviction.

In my judgment, Mr. President, what is happening in the criminal justice system and in the prisons in this country today is an intolerable situation. It is extraordinarily troublesome, in the shadow of the Nation's Capitol, to have the kind of disturbance which was held last Friday in the D.C. jail, and we are taking steps in this bill to correct that situation. The District of Columbia ought to be the model for the Nation.

I thank Senator LEAHY and the Senate for agreeing to this bill. We shall move ahead in conference to maintain its key provisions. I know that Mayor Barry and the administrative officials are pledged to utilizing this money wisely for the very important objectives which are encompassed herein.

MILITARY CONSTRUCTION APPROPRIATIONS, 1984

The PRESIDING OFFICER (Mr. HUMPHREY). Under the previous order, the Senate will now consider H.R. 3263, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3263) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. MATTINGLY. Mr. President, I am pleased to bring before the Senate H.R. 3263, the military construction appropriations bill for fiscal year 1984. This bill, as reported by the committee, has been carefully reviewed and contains projects which we believe are necessary and justified for improved living and working conditions for our military personnel, as well as for the improved readiness posture so vital to our national security.

The committee recommendation will provide new budget authority for fiscal year 1984 in the amount of $7,240,336,000.

This amount is $1.4 billion below the budget request; $278.9 million above the House allowance; and $17 million above the fiscal year 1983 appropriation.

The recommendation before the Senate today is within the allocations for both budget authority and outlays.

While the recommendation is well below the budget request, I do not believe that the reductions taken will impact on the military construction program for next fiscal year nor will it impact on readiness. And, it should be noted that the majority of the reductions taken are in line with similar reductions approved as part of the fiscal year 1984 military construction authorization bill which is included in the Omnibus Defense Authorization Act, 1984. The individual accounts conform with the authorization totals and not a single project in this bill is without Senate authorization.

In general, the bill provides $4.5 billion for military construction projects and $2.7 billion for the construction and operation and maintenance of military family housing. About $2 billion of the request is for projects outside the United States.

The Guard and Reserve Forces are provided for in this bill and the subcommittee recommendation is for $261 million to meet the various facility requirements of these units. The Guard and Reserve account is the only account in the bill which is above the budget request and that increase is small at $6 million.

I will now address what the committee considered to be the most important items in the bill.

The recommendation for facilities in support of the MX missile is $72 million. This is the amount authorized. The amount recommended will provide various facilities at Hill Air Force Base, Utah; Vandenberg Air Force Base, Calif.; Lowry Air Force Base, Colo.; Offutt Air Force Base, Nebr.; and the initial construction at F. E. Warren Air Force Base, Wyo. However, the subcommittee was fully aware of the continuing controversy over MX, and because of that has included report language which will prohibit the obligation and expenditure of funds for these facilities until authorization has been approved by the Congress for the procurement on the initial buy of the MX.

The recommendation, if approved today, should not have any major impact on the construction program since other language included—and supported by the House—will allow the Air Force to move forward with all design on the MX facilities as soon as this bill is signed into law.

In addition, the committee has recommended that the Senate support the House general provision regarding compliance with the environmental impact statement prior to the start of construction.

Each of the actions recommended by the committee conforms with authorization. As I said earlier, there should be no delay in construction. Without design started, it is not likely that any construction can begin before late next summer.

I am pleased to say that the ranking minority member, Senator SASSER, and I are in full agreement on this matter.

The next item of interest is the deployment of the ground-launched cruise missile (GLCM). The request was for $147.9 million for various fa-

cilities including family housing and schools. The committee recommendation is $78.3 million which is almost identical to the House allowance and reflects authorization reductions of about $45 million. The cut is for dependent support facilities. The report language strongly endorses the GLCM and urges the United States to work with NATO to meet operational schedules. However, some questions remain concerning the remote locations in some countries for these bases as well as other concerns noted in the report text.

Another area where the committee has made a major reduction is the NATO infrastructure account. The recommendation deletes $100 million from the account. Without going into great detail, which can be found in the report, I should say that this reduction will certainly be compromised in conference. However, we must send the Defense Department a strong message that the recoupment of funds "prefinanced" on various projects that are eligible to be paid from the NATO account should be given the highest priority. Over $250 million remains to be recouped from NATO in this category, and from all indications, the Defense Department does not process these recoupments in a timely fashion.

On a similar note with regard to the NATO infrastructure account, the recommendation before you denies all funding requested for the so-called collocated operating bases (COBS) throughout NATO. These are important facilities, but the United States and NATO cannot seem to come to an agreement on their priority. Since NATO is putting up some funds for the COBS, I believe the recommendation supports the committee position on NATO and the infrastructure account.

The recommendation does, however, provide $66 million for the upgrade of COBS-type facilities in Turkey. I personally believe the strategic location of these bases cannot be overlooked. The committee has adopted the recommendation for these projects which are being prefinanced. It should be noted also that the Turkish Government is providing funds to support these facilities at the same time.

The recommendation includes $8 million for a second contingency base in Honduras. The project is part of the administration's Caribbean Basin plan and was fully authorized. The committee has included report language which directs the Defense Department to report to the committee and receive committee approval prior to the obligation of the funds. The report should include a full-plan showing what the construction program will be for this region in future budgets.

The other major item I should like to mention is one which has been of interest—particularly in conference—for several years. That is, Ras Banas, Egypt. The issue in discussion is the House rescission of $91 million provided for this base last year. None of the money was obligated because of the long mine-clearing process at Ras Banas and because the House offered some objection to the plans after the conference last year.

At this time, the Egyptian Government has decided that the full funding of Ras Banas by the United States is not politically acceptable; and therefore, has offered to construct a good portion of the facility. There may be the need for some U.S. funding for technically constructed facilities which cannot be built by the Egyptians.

The discussions on Ras Banas are ongoing and still unclear. However, I have been visited by the Ambassador from Egypt and had letters from both the Secretary of Defense and Secretary of State on this matter.

The committee has agreed that we retain $55 million of last year's appropriation and take the issue to conference. At that time, if no further agreement has been reached between the United States and Egypt, I believe that we might agree to the House rescission.

The committee took this position on Ras Banas because the Egyptians would consider an agreement with the rescission by the committee as a signal that we no longer want access to Ras Banas. Ras Banas is one of the key locations with the Persian Gulf/Indian Ocean area so important to the mission of the Rapid Deployment Force (RDF).

The remaining $36 million from the total appropriation for Ras Banas has been taken as a general reduction to the Air Force 1984 request. The report contains more language on this matter.

I have included, and the committee supported, a provision that prohibits expenditure of funds in any nation which does not cooperate with U.S. efforts to stem illicit drug trafficking.

The final item I will discuss is the savings which have been derived from the extremely good bidding climate that has occurred during fiscal year 1983.

This bill, as I mentioned, conforms to the Senate authorization bill. In that light, they have recommended over $500 million in projects to be funded from available savings. What this means is that the specific projects mentioned in the Senate authorization report are indeed authorized—but, only to be funded from available savings. Senators will recall that another list of this sort was part of the jobs bill and those projects are now becoming a reality. The committee has supported the list as proposed by the Armed Services Committee.

This list will be in conference because the majority of the House add-ons were not authorized.

I believe that the committee recommendation is as fair as it can be. We have tried to respect the wishes of our colleagues who have contacted the committee on items of special interest.

It should be noted that I expect the bill—particularly the add-ons—will change considerably depending on the outcome of the authorization conference.

And as I said earlier, while the bill is substantially less than the President's request and only 0.02 percent above last year's bill, it provides the necessary projects to meet DOD requirements.

I should like to express my thanks to the ranking minority member, the distinguished Senator from Tennessee, Mr. SASSER, for his cooperation and assistance on this bill.

Mr. President, that concludes my formal remarks. I now yield to the ranking minority member, the Senator from Tennessee, for any comments he may wish to make in support of the bill.

Mr. SASSER. Mr. President, I wish to associate myself with the remarks of the distinguished chairman of our subcommittee, and I commend Senator MATTINGLY for his efforts and his work on behalf of this bill. The bill before us represents, I believe, a responsible and a realistic level of funding for U.S. military construction in this country and overseas.

As the chairman has pointed out, we have made a substantial reduction in budget authority. This bill is $1.4 billion under the President's budget request and is only $18 million above the funds provided for the current year. In fact, Mr. President, we have exercised the budget cutting knife to the point that the administration has announced its opposition to this bill. I have received a letter from the Director of the Office of Management and Budget, David Stockman, saying "I hope you will encourage the Senate to reconsider the reduction * * *."

That is a letter I never expected to receive from Mr. Stockman.

Mr. President, the bill before us conforms with the authorization bill. A substantial amount of the reductions we have made are as a result of action by the authorization committee. But we have set some priorities. We have made reductions. But we have provided for the highest priority military construction items which are necessary to achieve continued sufficient defense readiness and an adequate quality of life for members of the Armed Forces.

So, Mr. President, I urge my colleagues to join my distinguished chairman and myself in approving this bill.

Mr. President, there are a number of important issues contained in this bill. But I want to take a moment of the Senate's time to discuss one small item included in this bill which I believe represents one of the most important issues facing Congress and the Nation.

CENTRAL AMERICA

The President requested $8 million to construct improvements at an airfield in La Cieba, Honduras, to provide a contingency access facility in Central America. I know I speak for the majority of my colleagues when I say that we are very concerned with the events as they are unfolding in this region of the world.

Let me say that last year the committee provided $13 million for a similar contingency facility at Comayagua, Honduras. The contract was awarded for this facility in the spring and work has been initiated at the site. Mr. President, an article in the July 21 edition of the New York Times indicates that the Corps of Engineers utilized the $13 million to approve contracts not only at Comayagua but at another location in northwest Honduras. I have questioned the Department of Defense concerning this matter since funds were authorized and appropriated only for the one site. I have received an information paper which indicates that the Corps of Engineers has awarded a contract at only one site in Honduras.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the New York Times article and a copy of the Department of Defense information paper.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INFORMATION PAPER

Subject: Honduran Air Facilities.

FACTS

1. U.S. Air Force Fiscal Year 1983 MILCON request included $21 million for airfield improvements at two locations in Honduras. The full amount was authorized but only $13 million was appropriated for improvements at one airfield. A construction contract for this work was awarded by the U.S. Army Corps of Engineers on 31 March 1983. This is the only airfield improvement contract awarded by the Corps of Engineers in Honduras.

2. The only other Corps of Engineers contract in Honduras is for the Regional Military Training Center, funded by a foreign military sales case for El Salvador. The contract was awarded on 26 May 1983. No airfield improvements are included in this contract.

3. The U.S. Air Force Fiscal Year 1984 MILCON request includes an $8 million appropriation request for improvements at the second airfield in Honduras which was authorized in the 1983 MILCON Authorization Bill. If approved, the estimated construction contract award date is Fourth Quarter Calendar Year 1983.

[From the New York Times, July 21, 1983]

PROJECTED U.S. MANEUVERS TO CENTER ON HONDURAS

WASHINGTON, July 20.—The Reagan Administration is considering plans to send Army engineers and Air Force transports to Honduras, aircraft carriers along the two coasts of Central America and the battleship New Jersey through the Panama Canal as part of the projected military exercises in the area, according to senior officials.

They said that planning for the exercises, which are to be held in a month, was moving ahead, but that final decisions depended on how strong a point President Reagan wanted to make to the Cubans and Nicaraguans, whom he has accused of fomenting leftist insurrections in the region.

The Chairman of the Joint Chiefs of Staff, Gen. John W. Vessey Jr., plans to visit Central America during the maneuvers for talks with military and political leaders, according to officials.

The ground and aircraft exercises, in particular, would underline the swift expansion of Honduras as the center of United States military activity, the officials said.

They said engineer battalions could clear two or three airstrips in a week or 10 days to accommodate C-5 Galaxy transports, the Air Force's largest, and any type of fighter plane. Up to 5,000 men, more than twice as many as in earlier exercises, could be involved.

TO SHOW SPEED OF REACTION

The transports, guided in by Air Force landing teams, could demonstrate the speed with which American troops could be moved in. Some proposals had called for deploying Army paratroopers or Marine amphibious units, but they were discarded as too strong.

The officials said that whatever forces were sent to Honduras would soon return to the United States.

The aircraft carrier Ranger and its escorting ships have left San Diego and are circling in the Pacific awaiting orders, the officials said.

Other possibilities included dispatching a second aircraft carrier from Norfolk, Va., or having one steam through the Caribbean on the way home from the Mediterranean, they said.

A more forceful option would be to order the New Jersey with her 16-inch guns to sail through the Panama Canal. The New Jersey, now in the western Pacific, is scheduled to return home.

At the center of the maneuvers is Honduras, where the American military presence of 270 troops is the largest in Central America, except for the garrison in the Panama Canal Zone.

Honduras is situated between Nicaragua and El Salvador, and the Honduran Government has been the most willing in Central America to cooperate with the United States.

"The things that we need to do in Central America can be done there in Honduras," said one official.

He emphasized that the stationing of American troops in Honduras was temporary and was not the precursor of a further buildup. "After they have finished their training jobs," he said "they will rotate out of there."

TROOPS IN HONDURAS DETAILED

The American troops, most of whom have arrived in Honduras in recent weeks, include these:

About 125 soldiers from the Army's Special Forces and supporting units who have begun to train Salvadorans to fight against guerrillas.

About 75 military advisers, mostly from the Army, who have been training Hondurans in infantry tactics. There are also six members of a military group administering military sales.

About 60 specialists from the Air Force who began to operate a radar station in mid-June southwest of Tegucigalpa to monitor flights over Honduras, El Salvador and Nicaragua.

The Army's Corps of Engineers, which has contracted with local civilian construction crews to improve two airstrips so that Honduran forces could move swiftly to try to stop arms shipments from Nicaragua to El Salvador. Funds for another airstrip have been requested in the 1984 military budget.

In addition there are intelligence gathering flights of Air Force reconnaissance planes that look for Nicaraguan arms shipments, and United States warships stationed off the Pacific cost to monitor seaborne infiltration.

Officials have indicated that military advisers may be operating with the Central Intelligence Agency to assist Nicaraguan insurgents who have been fighting the Government.

The Special Forces troops, better known as Green Berets, arrived in Puerto Castilla on the Caribbean coast on June 14 to set up a training center. The Green Berets, most of whom speak Spanish, first trained a Honduran unit to protect the center.

Early this month, the Green Berets began training a Salvadoran battalion of 1,000 men as a quick-reaction force that could be moved around El Salvador to strike insurgents. The Green Berets will next train four battalions of 350 rangers each to seek out insurgents.

Officers here said American instructors have been emphasizing human rights, violations of which have been a cause for disaffection with the Salvadoran Government. According to the officers, the Americans are urging the Salvadoran soldiers to treat women with respect and not to steal food.

The training will cost $7 million, officials here said, and will be paid through foreign military sales credits to the Salvadoran Government. In addition, the United States has allocated $250,000 for the training center.

Elsewhere, 75 Americans have been instructing Hondurans in infantry tactics. The Honduran Government that came to office in late 1981, officers here said, has decided to improve its army.

The Army Corps of Engineers has let contracts worth $13 million to improve Honduran airstrips at Comayagua, in central Honduras, and at Potrerillos, in the northwest, officers said. A request for funds to improving a third airstrip at La Ceiba is before Congress.

Besides permitting the Hondurans to move around troops in an effort to intercept Nicaraguan arms shipments, the airstrips could be used by United States forces if President Reagan decided to dispatch them to Central America.

Mr. SASSER. Mr. President, I have asked to be provided with a copy of the contract which the Corps of Engineers has awarded utilizing the funds appropriated for Comayagua in fiscal year 1983. I must say that I am not yet fully satisfied with the answer I have received from the Department of Defense. I would remind my colleagues

that the Air Force is presently constructing a radar site at a location south of the capital of Honduras utilizing other than military construction funds—in another Department of Defense budget account. So I am very concerned that it is not yet known to the Congress and the American people the exact extent of our involvement in that region of the world.

Mr. President, I ask unanimous consent to have printed in the RECORD an article which appeared in the July 23 edition of the New York Times.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 23, 1983]

REAGAN PLANS RISE IN MILITARY MOVES IN LATIN AMERICA

(By Philip Taubman)

WASHINGTON, July 22.—President Reagan has approved a plan calling for a substantial increase in American military involvement in Central America and preparations for a possible limited military blockade of Nicaragua, senior Administration officials said today.

Military operations that the United States will soon conduct in Central America and the Caribbean are designed to lay the groundwork for the expanded American presence and the possible quarantine, the officials said.

The series of air, sea and land operations, which are scheduled to begin next month, are to last a minimum of six months. In public comments officials have described the exercises as routine.

A MILITARY QUARANTINE

The plan approved by Mr. Reagan does not envisage any immediate combat role for United States forces, but does call for making preparations so that American forces can be swiftly called into action if necessary, according to the officials.

Mr. Reagan approved the plan this month after a number of high-level meetings, the officials said, and on July 12 he instructed the Defense Department to prepare a blueprint for carrying out his decision.

Specifically, the exercises are designed in part to test and refine plans for imposing a military quarantine around Nicaragua and would give Mr. Reagan the option of ordering a quarantine into effect later this year or in early 1984 if he decides to step up actions against Nicaragua, the officials said.

THE CUBAN MISSILE CRISIS

A quarantine, which involves the use of naval force to isolate a nation, falls short of a formal blockade, which is considered tantamount to an act of war. In a quarantine there is selective interdiction of ships, in contrast to a blockade, in which all shipping is stopped.

In the Cuban missile crisis of 1962, the Kennedy Administration described its actions against Soviet ships as a quarantine imposed under the terms of the Rio Inter-American Pact of 1947, a mutual assistance treaty among Western Hemisphere nations.

The officials said Mr. Reagan and his top aides hoped the show of American force would be enough to persuade Nicaragua to stop the shipment of arms that Washington has repeatedly said moves from Cuba through Nicaragua to guerrillas in El Salvador.

But the officials said Mr. Reagan concluded the recent review of Central America policy determined to end Soviet and Cuban interference in the region, and, if necessary, to force the Nicaraguan Government to live in peace with its neighbors or force it from power.

$159 MILLION BASE IN HONDURAS

Officials said highly classified plans, drawn up for the exercises also included the installation of new radar and electronic surveillance posts in Central America, the positioning of large stocks of military equipment in Honduras and the initial phases of construction of a planned $150 million air and naval base on the Atlantic coast of Honduras.

"We have developed a program for a significant and long-lasting increase in the U.S. military presence in Central America," a senior national security official said.

Financing for the expanded presence, apart from the air and naval base in Honduras, has not yet been determined, the officials said. They said the Defense Department planned to draw on a number of Pentagon accounts, including money allocated to the Joint Chiefs of Staff for military exercises, to limit the number and amount of additional financing requests to Congress, which has generally resisted increases in United States involvement in the region.

SENATOR BYRD VOICES CONCERN

The Senate minority leader, Robert C. Byrd, Democrat of West Virginia, voiced concern today about the direction of the Administration's Central America policies, saying, "I hope we would not rush pell-mell into a military adventure in this area."

Mr. Byrd, in remarks on the Senate floor, said he feared that Mr. Reagan's appointment this week of a commission on Central America could be "a smokescreen for the Administration to get its way on the issues developing in Central America."

Mr. Byrd also said that it was "politically callous" to frame the issue of Central America in terms of who might "lose" the area and that the Administration's attempts to play on that fear were "crass, to say the least."

TEST OF ATTITUDES

The House is scheduled to begin debate next week on legislation that would cut off covert American support to rebels in Nicaragua who are seeking to topple the Government there. House leaders say that the members appear to be almost evenly divided and that the outcome remains uncertain.

Administration officials said they considered the issue to be a key test of Congressional attitudes about the Administration's policy in Central America and would interpret a defeat of the financing cutoff as a signal that the Government can move more aggressively to defend United States interests in the region.

The plan recently adopted by Mr. Reagan calls for a combination of military and diplomatic steps to curb Soviet and Cuban activities in Central America and the Caribbean, Administration officials said.

Mr. Reagan's special envoy to Central America, Richard B. Stone, is on a new visit to the region that the Administration says it hopes will produce some movement toward negotiations among Central American countries, including Nicaragua.

The recent policy review, however, emphasized military options, and senior Administration officials said United States efforts over the short run would concentrate on a buildup of military power in the area.

Gen. John W. Vessey Jr., Chairman of the Joint Chiefs of Staff, is scheduled to fly to Venezuela this weekend and to Panama next week for talks with senior military officers at the United States Southern Command headquarters. General Vessey is expected to visit Honduras before he returns to Washington.

While General Vessey is visting Central America, a flotilla of United States warships will be steaming into the area in the first phase of the military maneuvers.

The aircraft carrier Ranger, which carries 70 jet fighter aircraft, and its escort vessels, including several destroyers, are due to reach the Pacific coast of Central America next week. Administration officials said another aircraft carrier battle group was likely to move into the Caribbean in later weeks.

The officials said planning for the Navy called for some carrier training operations near Grenada, an island nation in the Caribbean, and off the coast of Suriname, a small South American country that was once a Dutch colony.

Mr. SASSER. Mr. President, this article indicates that the administration is considering the construction of an air and naval base on the Atlantic coast of Honduras costing some $150 million. The article also indicates that plans are being made for the pre-positioning of war material in Honduras, such as we currently have stored in Western Europe.

Mr. President, it is obvious from the reports which are leaking into the public domain that the administration is considering a substantial increase in American involvement in Central America. It is one thing to hold military maneuvers but it is quite another to take a step toward providing a permanent U.S. military base and pre-positioned military supplies in the region. Speaking as one U.S. Senator I do not feel that it is in the interests of peace nor the interest of the United States or the Latin American countries to be considering a permanent military presence in the region without first exploring every avenue possible to achieve negotiated settlements.

Mr. President, the bill before us "fences in" the $8 million provided for the contingency facility at La Cieba. The report language directs that the Department of Defense must provide the committee with a detailed report outlining all military construction programed, planned, or completed in the Central American region. The report language directs that none of the funds appropriated for La Cieba may be obligated or expended until the committees have approved this report.

I believe it is important that before the Congress approves any new military construction in Central America that we know where we are headed. The administration has not yet provided any report which outlines the proposed construction in the region and the justification for such a substantial change in our policy. The report language makes it clear that the committee must have such a detailed report and thorough justification before any new funds can be expended to provide

military construction in Central America.

Mr. President, I want to discuss the other elements in this bill but before I do I would like to make note that at a time the administration appears to be embarked upon a substantial increase in American military presence in Central America, the countries with the greatest direct stake in that region are calling for negotiations to achieve a reduction in tensions.

As all of us know the countries of Mexico, Colombia, Panama, and Venezuela, which make up the Contadora Group, have proposed specific steps aimed at promoting a negotiated peace. In addition, the Government of Nicaragua, on the very day the administration was announcing military maneuvers in the region, proposed negotiations to achieve a reduction of the existing military conflicts.

Mr. President, there has been much discussion on this floor, in the cloakroom and in the press concerning the initiatives of the Contadora Group and the Government of Nicaragua. I think that most of us desire a negotiated settlement and fear that an expanded involvement could result in the deployment of American troops for the purposes of combat. It is for that reason that yesterday I joined Senators BINGAMAN and INOUYE in cosponsoring a resolution which endorses the efforts of the Contadora Group.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the Cancun Declaration approved by the Contadora Group on July 17, as well as the excerpts of the speech by the coordinator of the Nicaragua junta, Daniel Ortega, concerning Nicaragua's proposal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TEXT OF CANCUN DECLARATION

PA180440 Managua Domestic Service in Spanish 0340 GMT 18 July 1983.

["Text" of "Declaration of Cancun Concerning Peace in Central America," read by Mexican Foreign Secretary Bernardo Sepulveda Amor; relay from Cancun via the Mexican Radiobroadcasting System—recorded.]

[Text] In view of the worsened conflicts in Central America, the presidents of Colombia, Belisario Betancur; Mexico, Miguel de la Madrid; Panama, Ricardo de la Espriella; and Venezuela, Luis Herrera Campins, decided to meet in Cancun, Mexico, today, 17 July 1983.

We analyzed the critical Central American situation and agreed on our deep concern over its quick deterioration, the increase in violence, the progressive increase in tension, the border incidents, and the threat of a war confrontation that might become generalized. To this we must add the rash arms buildup and foreign intervention, which comprises a dramatic picture that affects the political stability of the region, which does now allow the advance and consolidation of institutions that answer to the democratic desire for liberty, social justice, and economic development.

The Central American conflicts provide to the international community the alternative of decidedly supporting and strengthening a political agreement, contributing with constructive solutions, or passively accepting the worsening of factors that might lead to even more dangerous armed confrontations.

The use of force as an alternative solution does not solve, but worsens the underlying tensions. Central American peace will only become a reality to the degree that the fundamental principles for coexistence between nations are respected: nonintervention, self-determination, the sovereign equality of states, cooperation for social and economic development, peaceful solution to controversies, as well as free and authentic expression of the people's will.

The creation of favorable conditions for peace in the region depends mainly on the attitude and genuine willingness to establish a dialogue by the Central American countries, which have the foremost responsibility and exert the greatest effort in the search for agreements that assure their coexistence.

In this sense, it is necessary that the political will for understanding, already stated since the early negotiations by the Contadora Group, is clearly expressed again in the prosecution of peace efforts, so that they may become specific actions and pledges.

It is likewise necessary that other states with interests and links in the region contribute with their political influence to strengthen the means for an understanding and pledge themselves, without reservation to a diplomatic option for peace.

The efforts by the Contadora Group have made it possible, so far, to start a dialogue with the participation of all the governments in Central America, the establishment of a mechanism for consultations, and the unanimous definition of an agenda that includes the most relevant aspects of regional problems.

These achievements, though still insufficient, have been encouraged by support from many countries, several organizations, and the most varied groups at the international level. They all agree that the Contadora Group's efforts have helped moderate the dangers and reduce the risks of a generalized confrontation. Their actions have allowed the identification of problems and causes of a scenario that today is expressed in conflicts and fear.

This generous support from the international community pledges us to persist in our endeavors and make all the necessary efforts for a cause whose noble goals more than compensate for any possible misunderstanding.

Encouraged by the broad spirit of solidarity of our countries with the brother peoples of Central America, we deem it necessary to hasten the processes that interpret the will for peace into proposals that, duly developed, may efficiently contribute to the solution of these conflicts. In this, we have agreed on the general guidelines of a program that will be proposed to the Central American countries, which represents strict compliance with the essential principles that underlie international relations and comprises: approval of political agreements and pledges that lead to effective control of the rash arms buildup in the region; the withdrawal of foreign advisors; the creation of demilitarized zones; a ban on the use of the territory of any state to carry out political and military destabilization actions against other states; the eradication of trafficking and transfer of weapons; and a ban on other forms of aggression or interference in the internal affairs of any country in the area.

In order to render this general program effective, we need to reach agreements establishing political commitments aimed at guaranteeing regional peace. These agreements could cover:

The commitment to put an end to all existing warlike situations.

The commitment for a top-level freeze on existing offensive weapons.

The commitment for a start on talks on agreements to control and reduce the present inventory of armaments, with adequate supervisory mechanisms.

The commitment to prohibit the existence of foreign military installations in their territories.

The commitment to give previous notice of troop movements near a border, whenever these contingents are in excess of the number stated in the agreement.

The commitment to carry out, as needed, joint border patrols or international supervision of borders, by observers chosen by common agreement by the interested parties.

The commitment to form joint security commissions to prevent, and if necessary to settle, border incidents.

The commitment to establish internal control mechanisms to prevent the supplying of arms from the territory of any country in the area to another country.

The commitment to promote a climate of detente and trust in the area, avoiding declarations which might endanger the indispensable climate of political confidence required.

The commitment to coordinate systems of direct communications among the governments in order to prevent armed conflicts and to generate an atmosphere of reciprocal political trust.

We also believe that simultaneously with the carrying out of this general program, the task of settling specific differences among countries should start with the signing of memoranda of understanding and the creation of mixed commissions that will allow the parties to develop joint actions and guarantee the effective control of their territories, especially along border areas.

These measures, aimed at eliminating the factors that disturb regional peace, should be accompanied by a great effort to strengthen democratic institutions and guarantee the observance of human rights.

To this end, we must perfect the methods of popular consultation, guarantee free access of the different currents of opinion to the electoral process, and promote the full participation of citizens in their country's political life.

The strengthening of democratic political institutions is closely tied to the evolution and progress made in the matter of economic development and social justice. We are therefore dealing with two dimensions of the same process, which is ultimately aimed at the achievements of man's basic values.

Within this viewpoint, economic backwardness must be curbed, because it is the root of regional instability and is the main cause of many of the area's conflict.

The strengthening of integrational mechanisms, an increase in interzone trade, and use of the possibilities of industrial complementation are among the most urgent actions needed to neutralize the effects of the world economic crisis.

Local efforts, however, must be complemented with help from the international community, especially the industrialized countries, through development credits, cooperation programs, and the access of Central American products to their markets.

The governments of the Contadora Group countries reiterate their determination to continue with the cooperation programs in favor of the subregion, and to offer their help to channel international support toward these economic reactivation programs.

Within these general guidelines, we have entrusted to our foreign ministers the drafting of specific proposals to be presented for the perusal of the Central American countries at the next foreign ministers meeting.

We call on all the members of the international community, especially those which have expressed sympathy with the efforts being carried out by the Contadora Group, as well as the UN Secretary General and president of the OAS Permanent Council, to contribute their experience and diplomatic ability to help in the peaceful solution of Central American problems.

For all these reasons, we have called on all the rulers of the American continent in the quest of the solidarity that we need. The chiefs of state of Colombia, Mexico, Panama, and Venezuela reaffirm the aims which have united our governments in this task of building the just and lasting peace cherished by the peoples of Central America.

Cancun, Mexico, 17 July 1983, Belisario Betancur, president of Colombia; Miguel de la Madrid, president of Mexico; Ricardo de la Espriella, president of Panama; Luis Herrera Campins, president of Venezuela.

STATEMENT BY DANIEL ORTEGA, GOVERNMENT OF NICARAGUA

We have said that we are the target of military, political, and economic aggression. Many acts of aggression have been launched against us. They have launched forces from the north and south. Their first attempts have failed. They have launched the Somozist guardsmen with the support of the chief of the Honduran Army. They have launched traitor Eden Pastora. But the guardsmen and the traitor have ended up like the big bad wolf with broken teeth. [Applause.]

The U.S. Administration is determined to have a military solution and has not shown any evidence of an alleged leaning toward negotiations. Nicaragua has always been willing to find a negotiated political solution to the region's problems. We have shown our willingness on countless occasions, especially by supporting the Contadora Group. [Applause.] We also give our support to the Honduran bishops' recent call for peace, which we are sure was well received by the fraternal people of Honduras, who don't want war but rather peace. [Applause.]

Now that the threats of aggression appear very close, now that the threats of war are surrounding the region, now that the heroic Salvadoran people are being attacked, now that the U.S. military intervention in Central America is increasing, the FSLN National Directorate wants to make known the following basic points to overcome the crisis affecting the region:

We don't want war. We want to prevent more sacrifices by the people. Therefore, we are obliged to make greater efforts in a responsible manner. The National Directorate makes the following proposal:

The FSLN, taking into account with responsibility the grave situation affecting the Central American area, which has become an important focus of international tension as a result of the present U.S. Administration's policy, considers it the unavoidable moral obligation of all Central American governments and of the U.S. political leaders to save our people from the tragedy of a generalized war. Therefore, in view of this noble objective, it gives full recognition to the positive objectives of the meeting of the chiefs of state of Mexico, Colombia, Venezuela, and Panama—which make up the Contadora Group—held last weekend in Cancun, Mexico, in a new effort in the search for peace.

The FSLN national leadership shares the opinion of the Contadora Group chiefs of state that the use of force cannot solve, but only aggravates, the existing tensions. Peace in Central America can only be achieved to the extent that the following basic principles are fulfilled: coexistence, nonintervention, the self-determination and sovereign equality of the states, cooperation in the economic and social development areas, the peaceful solution of controversies, and the free and authentic expression of the people's will. We share these ideas because our ideals and principles regarding the people's power, economic transformation for the benefit of the great majorities, our sovereignty, and the full independence of our country and our decision to build a new, free, democratic, and pluralistic society without exploitation are facts and beliefs deeply rooted in the hearts of millions of Nicaraguans.

The Sandinist people's revolution is an irreversible political reality with national and international repercussions recognized by everyone.

Nicaragua has no expansionist ambitions and does not want to impose its sociopolitical system on other countries. We do not have economic investments abroad, nor do we have dreams of imperialist domination.

For this reason, our people do not need or desire war. To Nicaragua it is a principle, a commitment, never to attack any country. [Ortega repeats.] To Nicaragua it is a principle, commitment, never to attack any country.

The FSLN, which has fought and will continue to fight to guarantee our people an existence of peace and security, aware of the extent of the deterioration of the situation in the region, and consistent with the latest constructive steps of the governments of the Contadora Group, has decided to make a new effort to contribute to peace, despite our absolute conviction that the real threat to peace in the region demands bilateral solutions. The Government of National Reconstruction will accept that the beginning of the process of negotiations sponsored by the Contadora Group be multilateral so there will be an end to the excuses, and so that those who say they are interested in peace will take specific steps to develop the process that could lay the bases for it. [Applause.]

Moreover, bearing in mind that the chiefs of state have entrusted to their foreign ministers the drafting of specific proposals that should be presented to the consideration of the Central American countries during the next joint meeting of foreign ministers, and that the greatest threats to peace in the region could come from the exacerbation of the already existing military conflicts, the FSLN proposes that the discussion of the following basic points be immediately begun:

1. A commitment to put an end to every prevailing belligerent situation through the immediate signing of a nonaggression pact between Nicaragua and Honduras. [Applause.] Do you agree with this proposal, brothers? [Crowd shouts "yes".]

2. A complete stop to arms supplies by any country to the forces in conflict in El Salvador, so that the Salvadoran people can solve their problem without foreign interference. [Applause.] Do you agree with this proposal, Nicaraguan brothers? [Crowd shouts "yes."]

3. A complete stop to all military support in the way of weapons, training, and the use of territories to launch attacks or any other type of aggression by forces that oppose any of the Central American governments. Do we agree with this proposal, Nicaraguan brothers? [Crowd shouts "yes".]

4. Commitments that guarantee full respect for the self-determination of Central American peoples and the noninterference in the domestic affairs of each country. Do we agree with this? [Crowd shouts "yes".]

5. A stop to aggression and economic discrimination against all Central American countries. Do we agree with this point? [Crowd shouts "yes".]

6. That no foreign military bases be installed in Central America, and that military exercises in the Central American area with the participation of foreign armies be suspended. Do we agree with this proposal? [Crowd shouts "yes".]

Progress toward solutions on these points will automatically contribute to the discussion of other issues that also concern the Central American states, and which are contained in the Contadora Group agenda. Their discussion will help to find a true and lasting solution for the security and stability of the countries of the region.

As soon as these agreements are reached with the concurrence of the Contadora Group, and are approved, the UN Security Council, as the top international organization in charge of watching over international peace and security, must supervise these agreements and guarantee to all the countries that they are complied with.

Nicaragua expresses in advance its willingness to assume, with full responsibility, all the commitments that stem from these agreements, and states this while accepting the viewpoint of the Contadora Group chiefs of state, who said the idea is to iron out specific differences among countries, and that this should be done initially by signing a memorandum of understanding and by creating commissions that allow the parties to develop joint actions and guarantee effective control of their territories, especially in the border regions.

MX

Mr. SASSER. Mr. President, the bill also fences in the $72 million provided for construction related to deployment of MX in Minuteman silos. None of the funds can be obligated or expended until the Congress has approved both the authorization and the appropriation for procurement of the MX missile. I have opposed deployment of the MX missile in Minuteman silos because I have felt that the proposed basing mode leaves us with a vulnerable missile system and therefore distorts the historical doctrine of nuclear deterrence and leads this Nation toward a hair trigger launch on warn-

ing doctrine. I will continue to oppose MX in Minuteman silos on these grounds.

Yesterday, the Senate approved the authorization for procurement of the MX missile. But I would point out that votes must yet be taken on the appropriation bill providing the funds for procurement of the MX. I will join other Senators in urging that the funds not be appropriated. In this regard, I would state that the report language provided in the military construction bill prevents the expenditure of any of the funds associated with MX construction until all the votes on appropriations and authorizations have been completed by the Congress and procurement approved.

NATO

Mr. President, Chairman MATTINGLY recommended that the request for NATO infrastructure be reduced from $150 million to $50 million. This is a substantial reduction but one in which I concur. I share the concern of Chairman MATTINGLY regarding the fact that the United States is bearing a disproportionate share of the defense burden in Western Europe. Since the NATO infrastructure program began 32 years ago, the United States has provided some $3.8 billion. In addition, we have prefinanced some $832 million for additional projects for which we would be reimbursed at a later date. However, less than 40 percent of this amount has been recouped and more than $500 million remains unpaid.

In addition, our NATO allies and Japan have failed to live up to the commitment to provide expanded shares of the defense burden.

Mr. President, I ask unanimous consent to have printed in the RECORD an article which appeared in the Navy Times dated July 25, 1983, entitled "NATO Allies Renege on Pledge To Boost Defense Spending."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Navy News, July 25, 1983]

NATO ALLIES RENEGE ON PLEDGE TO BOOST DEFENSE SPENDING

(By Charles Doe)

WASHINGTON—The United States' NATO allies are reneging on their earlier pledge to increase defense spending by three percent annually, and the reason is the world economic recession and the fact that every allied government faces domestic political pressure to cut back on defense.

Similarly, Japan's defense budget is not enough to carry out its commitment to defend the strategic air and sea lanes around that potentially powerful island nation.

These are among the conclusions of a new Defense Department report on how the common defense burden is shared between the United States and its allies. The statement, which is required annually by Congress, is particularly critical of Tokyo. "Japan . . . is doing considerably less than its fair share," it says.

In contrast, "the U.S. contribution to the total defense effort of NATO and Japan is somewhat more than its fair share," the study says. That is dramatically demonstrated when defense spending is considered as a share of gross national product, the total of goods and services produced by a nation. U.S. defense spending amounted to 5.9 percent of its GNP in 1981, compared with an average of 3.6 percent for the other NATO allies. Tokyo has long had a policy of holding its defense spending to less than one percent of GNP.

The Pentagon report acknowledges, though, that the current American rearmament program reverses a long and gradual trend in the opposite direction. Between 1971 and 1981, "real" U.S. defense spending, that beyond inflation, declined by about seven percent. Meanwhile, allied defense spending went up by 23 percent, a figure that rises to 27 when only the NATO allies are considered.

During that same period, both U.S. and allied military manpower declined, but the Americans lost 23 percent as the Vietnam War ended, while the allied slide was only two percent. Many NATO allies retain the draft, which the United States has not had since 1972. At U.S. urging, the NATO allies agreed in May 1978 to increase their real defense spending by about three percent a year starting in 1979. The object was to counter the conventional Soviet buildup, which had then gone on for more than a decade. At least initially, the goal was almost met. The non-U.S. NATO allies recorded average real increases of 2.2 percent in 1979 and 2.7 percent in both 1980 and 1981.

By 1982, though, the world economic slump had cut the allies' defense increase to 1.6 percent or less. This year the average growth is expected to be less than one percent. The United States, on the other hand, recorded increase of 4.1 percent in 1981, 7.5 percent in 1982 and probably more than eight percent this year.

European governments are unlikely to follow the U.S. example of increasing defense spending while cutting social entitlements. "There are virtually no governments," says the analysis, "which could survive increases in defense spending at the expense of the social program."

Such programs in Europe are generally more generous and broadly based than American ones, and there is overwhelming political pressure for their retention. "There are a significant number of European nations that embarked on policies that are leading them toward a social welfare state," says the report. "Despite a recognition on the part of some individual governments that there is an ever increasing threat from the East, very few national publics now will permit any sudden turn from the social progress they view as having been achieved."

The Pentagon therefore finds it "heartening" that many European allies were able to increase their defense spending at all last year, a time when tax income was eroding and unemployment compensation on the rise. It adds, though, that the slowing rate of increase is "a matter of serious concern." This is particularly so at a time when the development of new defense technology raises hopes of lessened NATO reliance on nuclear weapons. "High technology," the report notes, "comes with very expensive price tags."

Although Tokyo increased its own defense budgets by a real three percent every year so far in the 1980s, that cannot be considered equivalent to any similar effort by NATO, because Japan's defense spending was so much lower to start with. Although Japan's economic power is formidable, with a GNP more than a third that of the United States, Tokyo's refusal to use more than one percent of it for defense assured that it cannot offset the growing Soviet military presence in Asia. "Japan . . . has never been willing to address defense expenditures from the point of view of actual requirements," says the Pentagon.

At Washington's urging, Japan in 1981 accepted the goal of protecting the air and sea lanes around its islands out to a distance of 1000 miles. That would accord with restrictions in its U.S.-inspired post-war constitution that limit Japanese forces to purely defensive roles. If fulfilled, the commitment would also help bottle up the Soviet Pacific fleet in the Sea of Japan.

In reality, says the study, Tokyo's forces are too thin to defend its own islands, much less the surrounding waters and airspace. "Japan's Ground Self-Defense Force has obsolete equipment," it says. "Its Ground, Maritime and Air Force all have only token levels of ammunition, making them unable to sustain themselves in combat and therefore unable to defend Japanese territory. . ."

Prime Minister Nakasone, who has held office only since last fall, has called for a greater defense effort. That is not a popular position in Japan, even though levels of social spending there are much lower than in Europe. Japanese aversion to defense stems largely from the country's diastrous experience under the World War II military dictatorship. Nevertheless, the report says: "The United States has great hopes that the Prime Minister will translate his words into action and give Japan true self-defense capability."

The study admits that it is difficult to determine fairly the extent of any given country's contribution to the common defense. For example, NATO's definition of defense spending, the one used in the study, does not include the kind of economic support that West Germany provides to the strategic outpost of West Berlin. If that amount, some $7 billion annually, were counted, it would increase Bonn's credit for 1981 defense spending by 25 percent. Just as Japan is restricted to a defensive posture, moreover, West Germany is encumbered by post-war restrictions on the size of its forces.

Then too, the study notes, the greater defense burden born by the United States is not without its compensating advantages. The European allies, for example, buy more than six times as much American military equipment as the United States gets from them. More importantly, the effort assures the United States a corresponding influence in allied deliberations.

Any unilateral reduction in the U.S. contribution to the common defense, would not necessarily force the allies to pick up the slack, the study argues. Rather, it would convince many Europeans that the United States did not really take the Warsaw Pact threat seriously. Others would lose confidence in the effectiveness of NATO's defenses and seek accommodation with Moscow. "We have a leadership role within our alliances," says the Defense Department, "and to be effective, we must lead not only by advocacy, but by example."

Mr. SASSER. Mr. President, included in this bill is a general provision

which I drafted for the Military Construction Act 2 years ago which the committee has decided to again include in the fiscal year 1984 bill which directs the administration to call on our NATO allies and on Japan to live up to their commitment to provide at least a 3-percent real increase in defense spending each year.

I am hopeful that the reductions we have made in the NATO infrastructure account, the general provision I have just outlined and the reductions we have made in the request to provide $44 million for collocated operating bases be viewed by our allies as a signal that the Congress and the American people are very concerned that the United States is being asked to provide more than its fair share of Western defense expenditures.

GLCM

The bill provides $78.3 million for the deployment of the ground launched cruise missile in Western Europe. The committee has made reductions in the amounts which were requested for accompanied tours at the GLCM facility sites. The arms control talks have not yet been completed and we are very hopeful that the negotiations may provide for possible reductions in the number of cruise missiles which are scheduled for deployment. In view of the fact that arms negotiations are continuing, it seems to be premature to provide for family housing and dependent schools at the deployment sites. Certainly, I will support facilities for dependents at these sites once the arms control talks have been completed and the exact deployment schedule has been finalized.

RAS BANAS

Negotiations between the Government of Egypt and the United States to provide a rear staging facility for the rapid deployment force at Ras Banas, Egypt, have broken down over technical issues. The Department of Defense has advised the committee that it is the intention of the Government of Egypt to proceed with construction on their own at Ras Banas. In view of this fact, the committee has denied the funding requested for Ras Banas in fiscal year 1984. In addition, the committee has applied $36 million of the $91 million appropriated in fiscal year 1983 as a general reduction to the Air Force military construction account. This leaves a total of $55 million appropriated for Ras Banas should funding be desired by the Government of Egypt or if negotiations were to recommence.

Mr. President, in summary I believe this is a good bill. I recommend that the Senate approve the recommendations of the committee.

Mr. MOYNIHAN. Mr. President, may I inquire of the distinguished managers of the legislation whether it would be convenient at this time to offer an amendment which I think they will find agreeable or at least they can so state? Am I interrupting their procedure?

Mr. MATTINGLY. No; I think this would be the appropriate time, and I know the majority and minority Members have seen the amendment and do agree to it.

Mr. MOYNIHAN. I thank the distinguished chairman.

The PRESIDING OFFICER. If the Senator will withhold, the Chair advises that the committee amendments have not been disposed of yet.

Mr. MATTINGLY. Mr. President, I ask unanimous consent that the committee amendments be agree to en bloc and that the bill as thus amended be regarded for the purpose of amendments as original text provided that no point of order shall be considered waived by agreeing to this request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments agreed to en bloc are as follows:

On page 2, line 7, strike "$1,215,565,000", and insert "$1,142,040,000";

On page 2, line 8, strike "September 30, 1988", and insert "expended";

On page 2, line 9, strike "$168,500,000", and insert "$175,000,000";

On page 2, line 22, strike "$1,181,905,000", and insert "$1,232,506,000";

On page 2, line 23, strike "September 30, 1988", and insert "expended";

On page 3, strike line 7;

On page 3, line 11, strike "$1,374,751,000", and insert "$1,502,491,000";

On page 3, line 12, strike "September 30, 1988", and insert "expended";

On page 3, line 14, strike "$127,000,000", and insert "$147,000,000";

On page 3, beginning on line 19, strike ": Provided", through and including line 22;

On page 4, line 3, strike "$259,042,000", and insert "$311,750,000";

On page 4, line 4, strike "September 30, 1988", and insert "expended";

On page 4, line 6, strike "$23,000,000", and insert "$33,000,000";

On page 4, line 19, strike "$100,000,000", and insert "$50,000,000";

On page 5, line 1, strike "$65,127,000", and insert "$59,300,000";

On page 5, line 2, strike "September 30, 1988", and insert "expended";

On page 5, line 9, strike "$110,352,000", and insert "$79,900,000";

On page 5, line 10, strike "September 30, 1988", and insert "expended";

On page 5, line 17, strike "$52,700,000", and insert "$54,700,000";

On page 5, line 18, strike "September 30, 1988", and insert "expended";

On page 5, line 24, strike "$28,795,000", and insert "$26,810,000";

On page 6, line 1, strike "September 30, 1988", and insert "expended";

On page 6, line 8, strike "$42,200,000", and insert "$41,200,000";

On page 6, line 9, strike "September 30, 1988", and insert "expended";

On page 6, line 17, strike "$171,909,000", and insert "$178,055,000";

On page 6, line 18, strike "$1,043,804,000", and insert "$1,069,950,000";

On page 6, line 19, strike "$1,250,551,000", and insert "$1,282,843,000";

On page 6, line 21, strike "September 30, 1988", and insert "expended";

On page 7, line 4, strike "$54,849,000", and insert "$80,114,000";

On page 7, line 5, strike "$529,881,000", and insert "$542,769,000";

On page 7, line 6, strike "$616,374,000", and insert "$654,527,000";

On page 7, line 8, strike "September 30, 1988", and insert "expended";

On page 7, line 16, strike "$110,892,000", and insert "$124,119,000";

On page 7, line 17, strike "$683,315,000", and insert "$714,217,000";

On page 7, line 18, strike "$849,605,000", and insert "$893,734,000";

On page 7, line 20, strike "September 30, 1988", and insert "expended";

On page 8, line 3, strike "$990,000", and insert "$1,245,000";

On page 8, line 4, strike "$15,684,000", and insert "$18,499,000";

On page 8, line 4, strike "$16,674,000", and insert "$19,774,000";

On page 8, line 6, strike "September 30, 1988", and insert "expended";

On page 10, strike line 6, through and including line 15;

On page 10, line 16, strike "111", and insert "109";

On page 10, line 21, strike "110", and insert "112";

On page 11, line 3, strike "113", and insert "111";

On page 11, strike line 8 through and including line 11;

On page 11, line 12, strike "115", and insert "112";

On page 11, line 19, strike "116", and insert "113";

On page 12, line 1, strike "117", and insert "114";

On page 12, line 13, strike "118", and insert "115";

On page 12, line 17, strike "119", and insert "116";

On page 12, beginning on line 18, strike "approval from", and insert "notification to";

On page 12, strike line 21, through and including line 3 on page 13, and insert the following:

SEC. 117. Appropriations heretofore made available for Military Construction, Army; Military Construction, Navy; Military Construction, Air Force; Military Construction, Defense Agencies; Military Construction, Army National Guard; Military Construction, Air National Guard; Military Construction, Army Reserve; Military Construction, Naval Reserve; Military Construction, Air Force Reserve; and for construction for Family Housing, Defense, Family Housing, Army, Family Housing, Navy and Marine Corps, and Family Housing, Air Force, shall remain available until expended. Each such appropriation shall be merged with the appropriations made in this Act under the same head.

SEC. 118. It is the sense of the Congress that the Administration should call on the pertinent member nations of the North Atlantic Treaty Organization and on Japan to meet or exceed their pledges for at least a 3 per centum real increase in defense spending and futherance of increased unity, equitable sharing of our common defense burden, and international stability.

SEC. 119. None of the funds appropriated by this Act may be available for any country when the President determines that the government of such country has failed to take adequate measures to prevent narcotic drugs or other controlled substances culti-

vated or produced or processed illicitly, in whole or in part, in such country, or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents, or from being smuggled into the United States. Such prohibition shall continue in force until the President determines and reports to the Congress in writing that—

(1) the government of such country has prepared, presented, and committed itself to a plan providing for the control, reduction, and gradual elimination of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances within an explicitly stated period of time, with implementation commencing prior to the renewal of assistance to such country; and

(2) the government of such country has taken legal and law enforcement measures to enforce effective suppression of the illicit cultivation, production, processing, transportation, and distribution of narcotic drugs and other controlled substances.

AMENDMENT NO. 2094

(Purpose: To provide for an analysis, on a State and regional basis, of the expenditures of the Department of Defense and to provide for certain information to be included in the Economic Report of the President each year relating to the economic impact of the expenditures of the Department of Defense on the various regions of the United States)

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from New York (Mr. MOYNIHAN) proposes an amendment numbered 2094.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. (a) The Secretary of Defense each year shall analyze the economic impact that expenditures made by the Department of Defense in the various regions of the United States have on such regions and shall compare, on a State and regional basis, the amount of expenditures made each year by the Department of Defense in the various States and regions of the United States.

(b) The Secretary of Defense shall prepare, in consultation with the Chairman of the Council of Economic Advisors, the analysis and comparison required under subsection (a) in a manner suitable for inclusion each year in the Economic Report required to be submitted each year to the Congress by the President pursuant to section 1022 of the Employment Act of 1946 (15 U.S.C. 1022). The President shall include in the Economic Report each year the information provided under this subsection for the most recent fiscal year.

Mr. MOYNIHAN. Mr. President, my purpose here is a simple one, and in response to a happy set of circumstances in the Department of Defense, in the Pentagon. For a number of years, in the Budget Committee and elsewhere, the question has arisen as to the regional impact of defense outlays and indeed the impact at the State levels.

We had a series that was published by the Community Services Administration which broke down outlays in gross terms at the State level. It was abolished when the Community Services Administration was abolished. But happily the distinguished minority manager of the legislation introduced legislation a year and half ago which was passed, and I wish to take the opportunity, if I could have his attention for just a moment, to say to the Senator from Tennessee how much we appreciate what he did. We now have, on a statutory basis, an annual census report by State of Federal outlays.

This is a fundamental issue of federalism. It was with us from the beginning when John Adams as President decided to build the first navy yards in our country, and if I am not mistaken, he built one in every other State on the eastern seaboard. He just did not build one because one would do. He made sure every region had one, and he was wise to do it.

It is an issue of federalism. When the defense budget reaches $269 billion, the outlays have consequences. They have general consequences of which, if I may say, are the most important for the States of the upper Middle West. It is very clear that the defense industries, as we called them, from their World War II days, have long since departed, and with the combination of the decline in steel and autos, a near absence of major defense contracts is creating immense problems.

We in this body can deal with this at the level of accounting and budgeting. We can say there is this much and there is that much. But defense contracts always leave you with the question of subcontracts. Studies have been made in the Pentagon of how subcontracts go, but they are complex and this is not something that we ourselves are good at or should be.

I learned that the Department of Defense has just entered a major contract with Data Resources Inc., one of the principal econometric research groups of our country, to analyze exactly these questions.

It seems to me that we should encourage the Department of Defense to do this and should ask as they do it that they report on their findings, coordinating with the Council of Economic Advisers and reporting on this question in the economic report to the President.

The sums involved are too large, the issues involved are contentious. There is a highly important defense interest in this matter which I have talked to a half-dozen Secretaries of Defense about without really getting what I think would be a sufficient response. That is that if they wanted the defense budget to grow, as I have wanted it to grow over recent years, they had to see that this growth did not come at a perceived cost to one region and an advantage to another. It all costs individually but it does not close down one town and open up another region.

If that were to be the case the time will come where, as in a Federal system, the support for the program would begin to weaken.

Mr. SASSER. If the Senator from New York will yield for one moment, the general contractors of the B-1 bomber must have heard of the Senator from New York's concept because if you will look carefully I think you will find that portions of the B-1 bomber are being build in almost every State of the Union, and there are many who say that accounts for the substantial political support that this weapons system has garnered over the years.

Mr. MOYNIHAN. I can believe it. I would hope that was not done at the price of the quality of the bomber. But it seems to me that it is a legitimate question of national policy to see that we do not have regions that are beggared by our policies, and that the burden is evenly shared or at least not so grossly unevenly shared that there arises a resentment to the program.

For some time, the economic impact of the Federal budget on different regions of our Nation has been considerable and varied. Of late, significant changes are occurring in the relationship between that budget and regional economics, reflecting changes in the demographic and economic composition of regions, differences in the growth of income and employment among regions, and the changing patterns of Federal outlays.

The changing composition of Federal outlays under the current administration, as defense increases occur and cutbacks are made in Federal grants-in-aid and nondefense purchases, promises to have significant effects on particular regions' economies, and especially on the economies of States in the Northeast and Midwest.

The regional impact of the Federal budget on State and local economies can be measured in part by examining the balance between Federal outlays and taxes in particular States. Some States receive more in outlays than they pay in taxes, hence the Federal budget provides economic stimulus to these States. In other instances, States pay more in taxes than they receive in outlays. The balance of Federal outlays and taxes continues to favor States in the West and South at the expense of most of States in the Middle Atlantic and Midwest regions. The former are the beneficiaries of a large share of the Nation's defense outlays. New York and many of the in-

dustrial States in the Northeast receive a more than proportionate share of Federal grants-in-aid for a variety of programs in education, employment, social services, and income redistribution. However, these grants-in-aid, which generally require large State matching funds, do not offset the huge shortfall in defense outlays and the higher-than-average Federal tax payments made by New York and States in the Midwest.

Changes in the Federal budget under the Reagan administration have had major adverse effects on regional balance in Federal budget outlays. Decreases in grants-in-aid which support education, social services, health, employment, mass transit, housing, and employment training all adversely affect large northeastern and midwestern industrial States. Yet the pattern that persists in defense spending heightens these problems, and the military construction appropriation bill for 1984 exacerbates this trend.

SIZE AND DISTRIBUTION OF PROJECT FUNDING

While the military construction bill comprises only a small portion of total defense spending—$7.2 billion of a total of $259 billion for defense in the budget resolution—the spending pattern for this capital investment function over the past 20 years is indicative of general trends in defense spending:

According to the Northeast-Midwest Coalition, the proportion of total military construction dollars distributed to the Northeast-Midwest region stood at the same low level in 1983 as it did in 1960—approximately 15 percent of the national total.

Despite the fact that the military construction budget increased by 43 percent between 1981 and 1983, the Northeast-Midwest region's share of the national total for defense outlays declined from 20 to 15 percent.

The Senate committee recommendation for the appropriation bill for 1984 clearly exacerbates this trend:

Of the portion of this bill that designates domestic construction, 49 percent will fund projects in the South Atlantic and South Central portions of the Nation, and close to 30 percent of the bill will fund projects in Pacific States.

Yet, the Middle Atlantic States, New York, New Jersey, and Pennsylvania together receive 2 percent of the funding in this bill.

The Midwestern States, including Michigan, Illinois, and Ohio share 3 percent of the funding of this bill, and all of New England, including Massachusetts, Connecticut, Rhode Island, New Hampshire, Maine, and Vermont share another 3 percent of the project funding in this military construction bill.

Thus, while the Northeast-Midwest region of the Nation holds approximately 45 percent of the U.S. population, and pays close to half of all Federal tax receipts, it maintains only 30 percent of all defense installations; and the entire region will receive less than 10 percent of this military construction bill.

The purpose of my remarks is not to accuse the Department of Defense or the members of the Appropriations Committee of deliberately skewing the expenditures for military construction away from the labor-surplus areas of the industrial Northeast and Midwest. It is clear that many of the military facilities that will receive funding in this bill were originally constructed in World War II and are placed geographically for reasons relating to military strategic importance. Much of the construction recommended in this bill represents incremental improvements at existing facilities. It certainly would not be efficient to build new facilities in labor-surplus areas when existing facilities can be modified or expanded to meet our national defense requirements.

However, we are preparing this Nation to finance a large-scale improvement in our defense capabilities, amounting to a 5-percent real growth annually. In nominal dollars, this will amount to over a trillion dollars over the next 5-year period if the current policies are pursued.

In light of this massive expenditure, it is not unreasonable to request that the Department of Defense and the Appropriations Committees recognize the tremendous regional economic effects this magnitude of expenditure will have. If the relevant congressional committees were to analyze these regional effects, they would see that the disparity between the Southwest and the northeastern industrial States is widening severely, to the ultimate economic detriment of the Nation as a whole.

Over this next 5-year period it is possible, within the existing framework of defense construction priorities, to speed up contracts in labor-surplus areas to assist in balancing the national economic benefits of large infusions of defense spending.

The amendment I am proposing takes a necessary first step toward the goal of equalizing the regional impacts of defense spending. It is a modest measure.

The amendment would heighten awareness at the executive and legislative levels of government of the effects of defense spending on regional economies. Currently the DOD does not make an adequate analytical effort on this. Although certain offices in the DOD do examine the regional flow of defense outlays, no systematic or policy-related consideration is made of their findings.

It is worth noting that this failure is due in no small measure to the Maybank amendment of 1953 which expressly instructed the DOD to offer its contracts to the lowest bidder, regardless of firm location or other economic benefits such contracting might attain.

Certainly the amendment I offer today cannot alter this policy altogether; it can, however, raise our national awareness of the economic impact of our heavy and sustained defense expenditures, and it will provide the necessary information to address the issue.

I thank the distinguished Presiding Officer and I ask my friends, the managers of the legislation, if this measure is acceptable to them.

Mr. MATTINGLY. It is.

Mr. MOYNIHAN. I take that to be the case.

Mr. SASSER. The amendment is certainly acceptable to the minority side, Mr. President. As a matter of fact, I must say to the Senator from New York I think it is a most commendable amendment. For some time I have been concerned about the inequity of defense spending and defense construction around the country, and I think the fact that the defense dollar is not fairly shared among the various States to some extent is accounting for what the distinguished chairman of the Council of Economic Advisers, Dr. Martin Feldstein, called a lopsided recovery just the other day. You see areas of great prosperity in some States and other States are still lagging far behind in the recovery.

Mr. MOYNIHAN. This is the kind of issue which will reward analysis. With those generous remarks, Mr. President, I would move the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from New York.

The amendment (No. 2094) was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MATTINGLY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MOYNIHAN. Mr. President, may I just take a second to thank the graciousness and accommodation of the manager of the legislation and his distinguished associate, the Senator from Tennessee, and I thank the Chair.

PINE BLUFF, ARK.

Mr. BUMPERS. Mr. President, I would like to engage the floor managers in a short colloquy regarding a $10.2 million authorization and appropriation to build a facility in Pine Bluff, Ark., to destroy the chemical agent designated BZ. BZ is not generally considered a lethal agent, as are the kinds of chemical munitions we normally talk about here when we talk

about chemical warfare. It is, in effect, similar to a high-powered LSD.

The Army is now ready to destroy all of our stocks of that chemical. Virtually all of it is stored in Pine Bluff.

We discussed this issue of the disposal facility in committee, and I want to thank the subcommittee chairman and ranking member for their cooperation, but I thought it would be well, since a couple of things have happened since then, to reiterate my concern about the necessity of that facility being built.

The chairman of the Senate Armed Services Committee, Mr. TOWER, has said that since the House has this money authorized in its version of the defense authorization bill, that he would be happy to recede to the House position when they go to conference, and I appreciate that.

When the Appropriations Subcommittee on Military Construction recommendation was considered by the full Appropriations Committee, the subcommittee chairman, Senator MATTINGLY, said that he would be happy for this money to be spent as soon as it was authorized. It is my belief now that we will probably not get to conference on this appropriation bill until after the authorization conference between the House and the Senate has been held, and the only concern I have is whether or not—given that both the House military construction authorization and appropriation bills have this $10.2 million in them—this money, once it is authorized in the bill produced by conference, will be available to build this facility down there. I know the floor managers want to be helpful to me on this issue, and to the people of my State and indeed to the country. I am, however, slightly concerned about the chronology of events, because if somehow or another we do not get the authorization and appropriation bills done in the sequence I have discussed, we would have to wait until a supplemental bill came through next year.

I consider the destruction of these BZ agents a matter of high priority to me and I just want to be sure that what I have outlined here is in keeping with the understanding of the distinguished chairman of the subcommittee.

Mr. MATTINGLY. Mr. President, what the distinguished Senator from Arkansas has said is precisely correct. The ranking minority member and myself will, so to speak, hang tough and make sure that the request of the Senator from Arkansas is adhered to in the conference.

Mr. BUMPERS. I thank the chairman very much. He has been most cooperative. I wish to publicly express my appreciation to both the chairman and the ranking member of the subcommittee. Hopefully, the chronology will follow the outline I have described, so we can begin the construction of that facility at the earliest possible time.

Mr. MATTINGLY. Mr. President, I assume we are going to break out the military construction section from the DOD authorization bill, which means that we can expect a rapid approval in that area. Then, the Senator from Tennessee and I will be able to go to conference immediately and rectify the situation.

Mr. BUMPERS. I thank the Senator.

Mr. GORTON. Mr. President, the House included several military construction projects for Fairchild Air Force Base. One project which I believe to be of great importance involves construction of a new hydrant fueling system. This project has not been included in this bill. I would ask the Senator from Georgia, chairman of the Subcommittee on Military Construction Appropriations, if I am correct in saying that this project was not included in this bill because it did not receive Senate authorization.

Mr. MATTINGLY. Mr. President, the Senator from Washington is correct. This unbudgeted project was not authorized by the Senate, and therefore, the committee did not include the project in its recommendation. I might state for the record, however, that this project, if authorized by the armed services conferees, will be a matter in conference on this bill.

Mr. GORTON. Since the House has provided both authoriation and an appropriation for this project, it will be in conference on both bills. If the Senate recedes to the House on the authorizaton, will the Senator from Georgia be prepared to support the project in the appropriations conference?

Mr. MATTINGLY. I am aware of the validity of this project, and I can assure the Senator from Washington that this project will be given every consideration during conference with the House.

Mr. DOMENICI. Mr. President, I commend my distinguished colleague, Senator MATTINGLY, and the members of the Military Construction Subcommittee for reporting this appropriations bill.

H.R. 3263 provides $7.2 billion in budget authority and $2.4 billion in outlays for fiscal year 1984 for military construction and family housing projects.

With outlays from prior-year budget authority and other actions completed—including the jobs bill—the Military Construction Subcommittee is $0.1 billion below its 302(b) allocation for budget authority and equal to its 302(b) allocation for outlays.

I urge my colleagues to join me in supporting this bill.

Mr. President, I ask unanimous consent that a table showing the relationship of this bill to the Appropriations Committee 302(b) allocation and to the President's request be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

MILITARY CONSTRUCTION SUBCOMMITTEE, SPENDING TOTALS

[In billions of dollars]

	Fiscal year 1984	
	Budget authority	Outlays
Outlays from prior-year budget authority and other actions completed		4.7
H.R. 3263 as reported by the Senate Appropriations Committee	7.2	2.4
Total for Military Construction Subcommittee	7.2	7.1
Subcommittee 302(b) allocation	7.3	7.1
House-passed level	7.0	7.0
President's request	8.7	7.3
Total compared to:		
Subcommittee 302(b) allocation	−.1	
House-passed level	+.2	+.1
President's request	−1.4	−.2

AMENDMENT NO. 2095

Mr. MATTINGLY. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia (Mr. MATTINGLY) proposes an amendment numbered 2095.

Mr. MATTINGLY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 14, after line 22, insert the following new section: Sec. . Of the total amount of budget authority provided for fiscal year 1984 by this act that would otherwise be available for consulting services, management and professional services, and special studies and analyses, 10 percentum of the amount intended for such purposes in the President's budget for 1984, as amended, for any agency, department or entity subject to apportionment by the Executive shall be placed in reserve and not made available for obligation or expenditure: Provided, That this section shall not apply to any agency, department or entity whose budget request for 1984 for the purposes stated above did not amount to $5 million.

Mr. MATTINGLY. Mr. President, this amendment reduces by 10 percent the amount available in the bill for expenditure on consultant services.

The amendment is identical to language that has recently been adopted by the full Senate Appropriations Committee in the fiscal year 1984 Treasury appropriations bill. Members of that subcommittee on both sides have been active in the efforts to curb the increases in consultant service expenditures that have occurred in recent years.

A 10-percent reduction in these expenditures will not adversely impact

the military construction program but it will provide some relief to the beleaguered taxpayer.

I urge the adoption of the amendment.

Mr. SASSER. Mr. President, I commend the distinguished chairman for offering this amendment. It follows on to a longstanding concern that I have had in previous years about the explosion in the use of consultants by the Federal Government, and particularly by the Department of Defense.

I commend the chairman for offering the amendment and offer him my wholehearted support.

Mr. MATTINGLY. I thank the Senator from Tennessee.

As the appropriation bills come along on the floor, my intention is to offer this amendment on each appropriation bill so that we can also save the taxpayer more money.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Georgia (Mr. MATTINGLY).

The amendment (No. 2095) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read a third time, the question is, Shall it pass?

The bill (H.R. 3263), as amended, was passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MATTINGLY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MATTINGLY. Mr. President, I move that the Senate insist upon its amendments and request a conference with the House of Representatives and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. MATTINGLY, Mr. LAXALT, Mr. GARN, Mr. HATFIELD, Mr. SASSER, Mr. INOUYE, and Mr. STEVENS conferees on the part of the Senate.

Mr. MATTINGLY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BAKER. Mr. President, unless there is some other matter we can take up, as soon as the principals are in place and ready to proceed, it will be my intention to ask the Senate to go to the agriculture target price bill. I will not do that until they arrive, however.

In the meantime, I suggest the absence of a quorum.

Mr. BYRD. Will the majority leader withhold on that request?

Mr. BAKER. Yes.

Mr. BYRD. Mr. President, the majority leader and I have discussed on one or more occasions the Interior appropriations bill. I wish to inquire of him as to what this program is with regard to Interior appropriations and as to how soon we might be able to get to that.

Mr. BAKER. Mr. President, I would like to do it right away. It is the last remaining appropriation bill that is here and available. I am afraid it will not be quite as noncontroversial as the two we have just passed, but we need to pass it, and I intend to try to pass it before we go out and, indeed, pass it in time for the conference to occur and the conference report to be placed before the Senate. So I would like to do that immediately.

What I would really like to do is get on agriculture target pricing, but with consent to move to the Interior appropriations bill whenever we can arrange a mutually convenient time, regardless of the circumstances at that moment. Because that way we could deal with it as soon as we clear it on both sides or deal with it if it is determined that we must do it without an agreement.

Mr. BYRD. Mr. President, I hope we can do that. I think there are some problems on both sides, perhaps, but I join the majority leader in hoping that this appropriation bill can be taken up, sent to conference, and the conference report agreed to before the recess.

I will try on my side to get consent to move to the Interior appropriations bill at any time. I will come back to the majority leader on that.

Mr. BAKER. I thank the Senator. I will attempt to do the same thing on this side.

Mr. EXON. Will the majority leader yield for a question?

Mr. BAKER. Yes.

Mr. EXON. Would it be appropriate to take up the Interior appropriations bill before we proceed to the price freeze matter? Is that possible?

Mr. BAKER. It is possible. I am committed in several colloquies I have had on the floor over the past several weeks to take up the agriculture target price bill immediately after the disposal of the Department of Defense authorization bill.

Mr. EXON. There was no unanimous-consent agreement?

Mr. BAKER. No, there was no unanimous-consent agreement, but I made that representation. We have squeezed in two appropriations bills ahead of that. As the Senator knows, I do try to keep my commitments when I make them. If we can get an agreement on the Interior appropriations bill to finish it pretty promptly, I am sure we can do that, even if we cannot do that today. I intend to try to go to the Interior appropriations at some point before we go out, but I would like to fulfill my commitment to take up the agriculture target prices, or attempt to do so, as soon as possible.

Mr. EXON. I would advise the majority leader for the record, and I think he knows, that I think there should be a great deal of time set for taking up the matter of the price support bill. All I was trying to do was to expedite the work of the Senate and ease the work on the majority leader and the minority leader.

I have had chats with some of my colleagues, who I think will shortly be on the floor, as to what their feelings would be in this area. If the majority leader feels he has made a commitment, he always lives up to his commitments and I admire him for that. I was just saying it might expedite the work of the Senate if a change could be made.

Mr. BAKER. I thank the Senator. I would urge Members on this side who may be listening in on this side to consider a short time agreement on the Interior appropriations bill. I will ask my cloakroom to see what the best arrangement we can come up with on that may be. In the meantime, I will ask my cloakroom to clear a unanimous-consent agreement that even if we are on another bill at any time between now and August 5, I may, after consulting first with the minority leader, temporarily lay aside whatever that measure may be and go to the Interior appropriations bill.

Mr. President, while we wait for others to arrive, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, it is not often I have the privilege of saying the Senate is ahead of schedule, but today, the Senate is ahead of schedule. We had not expected to finish the Milcon bill until 2 p.m. and certain Senators who wish to be involved in the consideration of this legislation will not be here until 2 p.m. I ask

unanimous consent that the time between now and 2 p.m. be devoted to the transaction of routine morning business under the terms and conditions ordered earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GEORGE KELL, A SUPERIOR ARKANSAN

Mr. BUMPERS. Mr. President, I want to make a kind remark about a very illustrious Arkansan who is also my dear friend. His name is George Kell.

Next Sunday, July 31, two Arkansans, George Kell and Brooks Robinson will be inducted into the Baseball Hall of Fame. When Senator McClellan was a member of this body, he used to get great laughs by saying Arkansas had produced the three greatest third basemen in U.S. history—Brooks Robinson, George Kell, and John McClellan.

Most students of baseball will readily concede that George Kell and Brooks Robinson are indeed the two greatest third basemen ever produced. Happily for all of us in Arkansas, they will both be inducted into Baseball's Hall of Fame next Sunday in Cooperstown, N.Y.

Mr. President, I put a statement into the RECORD last week applauding both of these gentlemen, but it was mostly about their exploits as baseball players. I wanted to say something additional about George Kell, because he is a close personal friend.

I met George the first time when I was running around the State, running for Governor, in 1970. There were eight candidates in the field and I was running a slow eighth. I remember going to Newport, Ark., which is where George has a motor company. A friend had arranged a luncheon with about 15 people. Even though George was a legend in Arkansas, I had never met him, and he was one of the 15 people at this luncheon.

After lunch, I put my best foot forward and told the group why I was running for Governor and what I wanted for the State of Arkansas. George and I visited after the luncheon and there was an instant rapport. I asked if he would be willing to cut radio tape for me before the first primary. He indicated that he would. Our friendship grew and to shorten the story he became my campaign manager that fall when I ran against the Republican incumbent Governor of Arkansas.

We toured the State together. The people in this body who have done that, particularly in their early political career, know how close you can get to your campaign manager under those circumstances. I have always said there are two ways to get to know a man well. One is to go quail hunting with him and the other is to go serve on a jury with him. I will add a third way to that, and that is to tour the State with someone day after day, while running for public office.

Mr. President, George Kell is truly a superior person. There is not a person in Arkansas who does not revere him and admire him, not just because of his exploits on the diamond, but because of this service to the State, his loyalty to his country and his unstinting devotion to his family.

I never will forget one time when Gerald Ford was Vice President. He came to Arkansas to dedicate a hospital. Though George had played for the Detroit Tigers for years and was a legend in Michigan as well as Arkansas, he had never met Gerald Ford though Gerald Ford was Michigan's best known native son. I told him they should certainly know each other. When I introduced them, I must say, Gerald Ford was more excited than George was and they had a great visit.

You may not know that George has been doing Detroit baseball telecast for many years and was joined by Al Kaline, who is also a member of the Hall of Fame, a few years ago. George is an excellent broadcaster. He has a great voice.

Well, to get on with what I wanted to say, our friendship now runs 13 years. It has been close, it has been steadfast, and it has been based on mutual respect. He has richly earned the Nation's respect as both a man and as a player.

I wanted to share with my colleagues my feelings about this remarkable man. We are all honored by the honor he is receiving.

Mr. LEVIN. Mr. President, about the only thing besides baseball which has become synonymous with summer in Michigan is listening to the voice of baseball great, George Kell, during Detroit Tiger telecasts. Our young people today are only familar with George Kell the sportscaster, who teams up with former Tiger great and Hall-of-Famer, Al Kaline. But to this baseball fanatic and to my boyhood friends, George Kell was the greatest third baseman of our time. Now George's peers have recognized his greatness. This Sunday, July 31, George Clyde Kell will be inducted into the Hall of Fame and join baseball's elite.

I have fond memories of watching George hold down the hot corner at what was then Briggs Stadium in Detroit. His seemingly effortless and flawless play at third base, his strong and accurate arm, and his clutch hitting was an absolute delight to watch. He spoiled Tiger fans for years to come—no other Tiger third baseman has seemed to match George's talent and dedication to the game. This is not denigrating the abilities of George's successors. It is merely recognizing the high standards which George established for himself on and off the field. He leaves us a legacy to which future ballplayers should aspire.

As the American League's top third baseman in the forties and fifties, George led third basemen in fielding seven times, assists four times, and twice in putouts and double plays. George had a great glove, but his ability at the plate made him a batter that all pitchers feared and respected.

He hit over .300 nine times with a lifetime average of .306. And I will never forget the 1949 season when he edged out Ted Williams on the last day of the season to win the American League batting title, hitting .343 in one of the tightest batting races in major league history.

Mr. President, George's exemplary dedication to the game during his illustrious 15 year career, and now, as a sportscaster, spans five decades. On Sunday, we will bestow upon him an honor which, in our hearts he had already received—Hall of Famer, George Kell.

DR. HAMPAR KELIKIAN, 1899–1983

Mr. DOLE. Mr. President, "As you get older," Ernest Hemingway once wrote, "it is harder to have heroes, but it is sort of necessary." Nowhere is it more necessary than here in Washington, where it is so easy to become preoccupied with last week's priorities and this week's headlines. Here, we can focus on the transient and overlook the enduring. We speak of "the people" and do not always take the time to recognize those remarkable persons who broaden our outlook and deepen our sympathies, who put flesh on the barebones of individual character.

Today, I pause to recall such a man, a healer of shattered bodies named Hampar Kelikian. Dr. Kelikian earned fame for his historic accomplishments in the operating room. He earned the gratitude of thousands of people who, like myself, live a much more full existence because of his operative skills. He earned the admiration of those who knew him only through press coverage as one who was still performing 10 operations a week at the age of 80.

No feature story, however generous, could fully convey the personal hero-

ism of Hampar Kelikian. As a boy, he escaped the blood-spattered landscape of Armenia, where three of his sisters died in the senseless violence that has for so long marred that corner of the globe. He arrived in Chicago in 1920, possessing $2 in his pocket and a rug from his native land. He went to work on a farm, working hard enough that his employer helped pay his way through college in return. The young immigrant went on to medical school and an apprenticeship at Cook County Hospital.

When war again came to Europe in 1939, Dr. Kelikian shared his genius with his adopted homeland. He discovered surgical methods previously unknown, and he found ways to restore use to otherwise useless limbs. Harry Truman gave him a medal. Those whose lives were rescued gave him their love. Much has been written about the years I spent in Army hospitals—too much about me, not nearly enough about Dr. Kelikian. He believed with Sherwood Anderson that "a man needs a purpose for real health." And he gave me a purpose as well as the use of an arm.

He provided me an example worthy of emulation. He taught me that "the people" are not an abstract, faceless mass glimpsed but dimly through the dark glass of politics—but highly individualized men and women, as capable as he was of bettering themselves and the world around them—as imbued with his idealism—as protective of his faith. He taught me that those who claim to serve the public must be healers themselves, ministering to the body politic as he ministered to the physical one.

Hampar Kelikian's contributions did not halt with the end of the war. Having salvaged life for so many men in uniform, he returned to this country to turn his attention to deformed children, for whom no one else would fight a lonely battle. He declared his own war on congenital deformities. He waged that war on many fronts: In scholarly publications and on the operating table, at hospital bedsides and in the living rooms of parents who came to regard him, rightfully enough, as a sort of modern-day miracle worker.

"The mechanical part of surgery," he once explained, "is like carpentry. Anyone can learn that. The important thing is to be able to suffer with the patient, to see if they are in pain."

Today is our turn to suffer. For Dr. K has ended his career of service on this planet. His passing may count for little in the world's record, but for anyone whose path ever crossed his, the moment has its right to sorrow, and the years ahead will be at least a little lonelier.

Robert Frost said it best. He wrote:

Nature's first green is gold,
Her hardest hue to hold,
Her early leaf's a flower,
But only so an hour.
Then leaf subsides to leaf,
So Eden sank to grief.
So dawn goes down to day,
Nothing gold can stay.

Hampar Kelikian was pure gold. And if he cannot stay here, among his friends and admirers, we can at least take heart and take courage from the life he lived. Only a few among us can genuinely claim to have improved the lot of humanity. Dr. K was too modest to make any such claim. And so we will have to make it for him. He will be missed, as surely as he will be mourned. He will not be forgotten. I extend my deepest sympathy to his widow Ovsanna, his daughters Alice and Virginia, and his son Armen. Great as their current sense of loss must be, they can take ultimate pride in having shared in so triumphant a life.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. HELMS. Mr. President, I want the Senator from Kansas to know that I found his comments deeply moving. There is no way the printed RECORD can fully reflect the love which Senator DOLE has expressed for his friend in such a caring, immensely personal way. Indeed this has been one of the most moving experiences for me since I have been a Member of the Senate. BOB DOLE has told me about Dr. Kelikian, the sacrifices of this great American, and his deep devotion to humanity. I never met Dr. Kelikian, but I myself have a great sense of love for him because of what he meant to BOB DOLE.

So, Mr. President those of us who had the privilege of hearing Senator DOLE's moving tribute to his late friend have been strenghtened by hearing BOB DOLE and, more importantly, knowing BOB DOLE as our colleague and friend.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER (Mr. ARMSTRONG). The majority leader is recognized.

Mr. BAKER. Mr. President, the time for the transaction of routine morning business has just expired. I indicated earlier that I wanted to try to get to the agriculture bill at about this point, and I believe the principals are on hand.

BUDGET ACT WAIVER

Mr. BAKER. Mr. President, there is first a budget waiver to accompany that measure. I refer to Calendar Order No. 300, Senate Resolution 165, a resolution waiving section 402(a) of the Congressional Budget Act.

Mr. President, I ask unanimous consent that the Chair lay before the Senate the budget resolution.

The PRESIDING OFFICER. The clerk will state it.

Mr. HEFLIN. We object.

The PRESIDING OFFICER. The clerk will report. The question then will be to proceed, and at that time the Senator may be recognized.

The assistant legislative clerk read as follows:

A Senate resolution (S. Res. 165) waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 2733.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 165.

The PRESIDING OFFICER. The motion to proceed is not debatable. Is there objection?

Mr. HEFLIN. Mr. President, I understand that you have an hour to debate it.

The PRESIDING OFFICER. The question before the Senate is the unanimous-consent request to proceed to the resolution.

Mr. HEFLIN. We object.

The PRESIDING OFFICER. Objection is heard. The question is on the motion.

Mr. MELCHER. Mr. President, parliamentary inquiry. Are we on the budget waiver?

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

Mr. BAKER. Mr. President, let me back up a step just so everybody fully understands and nobody is taken unaware.

Mr. President, in view of the fact that there appears to be an objection to the unanimous-consent request to go to the budget waiver, I move that the Senate proceed to the consideration of Senate Resolution 165.

The PRESIDING OFFICER. The question is on agreeing to the motion. The motion is not debatable.

Mr. BUMPERS. Mr. President, that is a debatable motion, is it not?

The PRESIDING OFFICER. The motion is not debatable. The Chair will, therefore, put the question.

Mr. HEFLIN. Mr. President, I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Mississippi (Mr. COCHRAN), the Senator from New Mexico (Mr. DOMENICI), the Senator from North Carolina (Mr. EAST), the Senator from Arizona (Mr. GOLDWATER), the Senator from Illinois (Mr. PERCY), the Senator from Texas (Mr. TOWER), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Colorado (Mr. HART), is necessarily absent.

The result was announced—yeas 66, nays 26, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—66

Armstrong	Hatfield	Murkowski
Baker	Hawkins	Nunn
Bentsen	Hecht	Packwood
Bingaman	Heinz	Pell
Boschwitz	Helms	Proxmire
Bradley	Huddleston	Quayle
Byrd	Humphrey	Randolph
Chafee	Jackson	Riegle
Chiles	Jepsen	Roth
Cohen	Kassebaum	Rudman
D'Amato	Kasten	Simpson
Danforth	Kennedy	Specter
DeConcini	Lautenberg	Stafford
Denton	Laxalt	Stennis
Dixon	Leahy	Stevens
Dole	Lugar	Symms
Durenberger	Mathias	Thurmond
Garn	Mattingly	Trible
Glenn	McClure	Tsongas
Gorton	Metzenbaum	Warner
Grassley	Mitchell	Weicker
Hatch	Moynihan	Wilson

NAYS—26

Abdnor	Eagleton	Matsunaga
Andrews	Exon	Melcher
Baucus	Ford	Nickles
Biden	Heflin	Pressler
Boren	Hollings	Pryor
Bumpers	Inouye	Sarbanes
Burdick	Johnston	Sasser
Cranston	Levin	Zorinsky
Dodd	Long	

NOT VOTING—8

Cochran	Goldwater	Tower
Domenici	Hart	Wallop
East	Percy	

So the motion to proceed to the consideration of Senate Resolution 165 was agreed to.

The PRESIDING OFFICER. Under the rule, the time is to be equally divided between the majority leader or his designee and the minority or his designee.

Mr. BAKER. Mr. President, I designate the distinguished chairman of the Committee on Agriculture (Mr. HELMS) to manage the time on this side.

Mr. BYRD. Mr. President, I designate the distinguished ranking member of the Committee on Agriculture (Mr. HUDDLESTON) to manage the time on this side.

The Senate proceeded to consider the resolution.

Mr. HELMS. Mr. President, I urge the Senate to adopt Senate Resolution 165 so that the Senate may proceed to the consideration of H.R. 2733, a bill to extend and improve the existing program of research, development, and demonstration in the production and manufacture of guayule rubber, and to broaden such program to include other critical agricultural materials.

Senate Resolution 165 waives the provisions of section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 2733. This waiver of section 402(a), which the Budget Committee has approved, is necessary to permit consideration of statutory authority to extend the Native Latex Commercialization and Economic Development Act of 1978.

H.R. 2733 also contains an amendment by the Committee on Agriculture, Nutrition, and Forestry relating to target prices for the 1984 and 1985 crops of wheat, feed grains, upland cotton, and rice and to the payment in kind program for upland cotton. It is important that we enact these provisions, along with changes in the dairy and tobacco programs that will be offered as an amendment, as soon as possible.

Mr. President, when H.R. 2733 was reported by the Committee on Agriculture, Nutrition, and Forestry, we had not yet received a formal cost estimate from the Congressional Budget Office. We subsequently received that estimate.

I ask unanimous consent that the cost estimate prepared by the Congressional Budget Office be printed in the RECORD for the information of the Senate.

The bottom line is that the bill as reported by the committee would result in savings over the next 5 years of approximately $11 billion in both budget authority and outlays.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, D.C. June 27, 1983.

Hon. JESSE A. HELMS,
Chairman, Committee on Agriculture, Nutrition and Forestry,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 2733, the Target Prices, Export Initiative and Critical Agricultural Materials Act of 1983.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

JAMES BLUM
(For Alice M. Rivlin,
Director).

CONGRESSIONAL BUDGET OFFICE: COST ESTIMATE

1. Bill number: H.R. 2733.

2. Bill title: Target Prices, Export Initiative and Critical Agricultural Materials Act of 1983.

3. Bill status: As reported by the Senate Committee on Agriculture, Nutrition and Forestry, June 23, 1983.

4. Bill purpose: The bill would expand and improve the existing program of research, development, and demonstration in the production and manufacture of guayule rubber, and would broaden such programs to include other critical agricultural materials.

In addition, Section 16 of the bill would permit the Secretary of Agriculture to maintain the target prices for the 1984 and 1985 crops of wheat, corn, upland cotton or rice at the 1983 level. The Secretary is also required to use $300 million of Commodity Credit Corporation (CCC) funds in fiscal years 1984 and 1985 for export activities. Section 16 also requires repayments and interest from these export funds and from those provided in the Omnibus Budget Reconciliation Act of 1982 be placed in the Export Revolving Fund established within CCC by the Agriculture and Food Act of 1981. This section eliminates the requirement that loan limitations be set in appropriations acts and the provision that the fund be abolished after fiscal year 1985.

Section 17 of H.R. 2733 requires the Secretary to solicit bids for forfeiture of upland cotton under CCC nonrecourse loans. No bid may be rejected, unless it exceeds those accepted under the similar procedure for feed grains, until sufficient cotton is acquired to meet payment-in-kind (PIK) cotton program needs.

5. Estimated cost to the Federal Government: The bill authorizes appropriations for research, development, and demonstration in the production and manufacture of critical agricultural materials. Assuming the full amounts authorized are appropriated, the estimated budget impact is shown in the following table.

[By fiscal years, in millions of dollars]

Requiring appropriation action	1984	1985	1986	1987	1988
Authorization level	7.5	8.5	10.0	11.5	12.5
Estimated outlays	5.8	7.4	9.4	10.9	12.0

In addition, H.R. 2733 will directly affect spending of the CCC, resulting in the net savings shown in the following table.

[By fiscal years, in millions of dollars]

Direct spending	1984	1985	1986	1987	1988
Target price freeze:					
Estimated budget authority	−485	−1,562	−2,490	−2,897	−3,085
Estimated outlays	−485	−1,562	−2,490	−2,897	−3,085
Export initiative:					
Estimated budget authority	−12	.....	−234	−234	−134
Estimated outlays	−12	−101	−234	−234	−134
Cotton PIK bid:					
Estimated budget authority	154	.....	.....	.....	.....
Estimated outlays	138	.....	.....	.....	.....
Total direct spending:					
Estimated budget authority	−343	−1,562	−2,724	−3,131	−3,219
Estimated outlays	−359	−1,663	−2,724	−3,131	−3,219

The budget impact of this bill falls primarily within budget function 350.

BASIS OF ESTIMATE

For the purposes of this estimate, it was assumed that funds authorized by the bill for research, development, and demonstration programs are appropriated prior to the start of each fiscal year and that all funds would be obligated and disbursed at rates similar to existing programs at the Department of Agriculture and other government research facilities.

Estimates of the impact of the target price freeze are based on asssumptions of continued planting restrictions, lower loan rates and declining program participation. For the purpose of this estimate, it is assumed that current farm programs will remain in place through fiscal year 1988, and that target prices will remain at the 1983 level throughout the period. CBO assumptions for the wheat program are: a 15 percent acreage reduction and a PIK diversion program in the 1984 crop year, and a 20 percent acreage reduction program through 1987. Participation, expected to be 70 per-

cent in 1984, is projected to decline to 50 percent, 45 percent and 45 percent, respectively, through the 1987 crop year. The wheat loan rate is projected to remain at $3.55 per bushel in each year. Feed grain program assumptions are: a 10 percent acreage reduction and a PIK diversion program in 1984, and 10 percent acreage reduction thereafter. Corn program participation is expected to be 42 percent in 1984, declining to 41 percent, 35 percent, and 30 percent in each crop year through 1987. The corn loan rate is assumed constant at $2.55 per bushel, sorghum at $2.42 per bushel and barley at $2.09 per bushel.

For the rice program, CBO assumed: a 15 percent acreage reduction and a PIK diversion program in 1984, followed by acreage reductions of 15 percent and 10 percent in 1985 and 1986; no program is assumed for 1987. Program participation is projected to decline 5 percent each year from 80 percent in 1984 to 70 percent in 1986. The rice loan rate is not expected to be changed from $8.14 per hundredweight through 1987. CBO cotton program assumptions are: a 20 percent acreage reduction and a PIK diversion program in 1984, and a 20 percent reduction program continued through 1987. Participation is projected to decline by 5 percent each year from 70 percent in 1984 to 55 percent in 1987. The cotton loan rate is projected to remain unchanged at 55 cents per pound each year. The following table shows savings by commodity program.

ESTIMATED OUTLAY SAVINGS—TARGET PRICE FREEZE

[By fiscal years, in millions of dollars—

	1984	1985	1986	1987	1988
Wheat	−32	−203	−482	−662	−732
Corn	−289	−832	−1,343	−1,461	−1,409
Sorghum	−27	−115	−231	−344	−403
Barley	−19	−58	−102	−152	−179
Rice	−26	−87	−157	−241	−289
Cotton	−92	−267	−175	−37	−73
Total	−485	−1,562	−2,490	−2,897	−3,085

CBO assumed the required export expenditures would be used in the current blended credit program, in which agricultural exports are financed by $10 million of direct, interest-free government loans, combined with $40 million of guaranteed loans from private lenders at market interest rates. Thus, each $100 million of new direct loans, when matched with guaranteed loans, increases total export credit by $500 million. The direct loans are assumed to be repaid in equal amounts over three years. Under these favorable credit terms, 50 percent of the exports shipped in the first year are assumed to be additional—that is, not displacing commercial sales that would have occurred without new credit. Additional exports are assumed to decline to 45 percent in the second year because of market saturation and competing exporters responding with similar subsidies. Thirty percent of this export credit is assumed to be used for wheat, 30 percent for corn, 15 percent for soybeans and 25 percent for other commodities. Increased wheat, corn and soybean exports result in decreased price support expenditures. The following table shows the outlay impact from the export credit program.

ESTIMATED OUTLAY IMPACT—EXPORT CREDIT PROGRAM

[By fiscal years, in millions of dollars]

	1984	1985	1986	1987	1988
Blended credit direct loans	300	200	−200	−200	−100
Price support programs	−312	−301	−34	−34	−34
Total	−12	−101	−234	−234	−134

No impact is expected by requiring the repayments be deposited into the Export revolving Fund or by removing the requirement for appropriations. The Secretary may make direct loans for export credit under current CCC authorities and has not requested appropriations for the use of the fund.

Section 17 requires the Secretary to solicit bids on cotton under nonrecourse loans. It requires that all bids, up to the 20 percent premium for feed grains, be accepted until sufficient cotton is acquired. This requires opening to bid all cotton loans that would have been forfeited or repaid at current rates, and reopening bids on that cotton previously acquired under a 7 percent premium. Under this provision, realized losses would be increased by awarding premiums on an estimated 212 thousand bales of 1982 crop cotton and 175 thousand bales of 1981 crop cotton. Acquisition costs of this cotton are increased by as much as 10 cents per pound, with farmers forfeiting 1982 crop cotton at 63 cents per pound, instead of 1983 crop cotton at 53 cents per pound. Total realized losses are estimated to be $154 million in fiscal year 1984. Outlays would increase similarly; 160 thousand more bales of 1982 crop cotton are expected to be forfeited at a rate of 63 cents per pound and 175 thousand bales of 1981 crop cotton forfeiture are anticipated at 66 cents per pound. Total outlays are estimated to increase $137 million in fiscal year 1984.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Howard H. Conley (226-2860).

10. Estimate approved by:

C. G. NUCKOLS
(for James L. Blum,
Assistant Director for Budget Analysis).

Mr. HELMS. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HUDDLESTON. Mr. President, I yield such time as he may require to the Senator from Montana (Mr. MELCHER).

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. MELCHER. I thank the Democratic manager, my good friend from Kentucky, Senator HUDDLESTON.

Mr. President, this is a budget waiver request, and ordinarily these motions to agree to a budget waiver request are not debated. But there are a great number of us in the Senate on both this side of the aisle and the other side of the aisle who want to point out in a very thorough discussion what is wrong with the bill itself, H.R. 2733. So we have decided in order to develop a prolonged debate on not just the merits of this particular bill but also on the real questions involved if the bill were adopted, to point out that agriculture has not been doing all that well, and so we will want to be discussing agriculture, which is the most basic industry in the United States, the largest industry in this country, and an industry that is usually taken for granted, often ignored or forgotten. But it is time that the Senate really has a thorough debate on agricultural policy.

It is extremely important that the agricultural economy improve if we are going to continue this economic recovery, the first phases of which we see unfolding before us, and hopefully it will be a continuous climb in economic recovery. But if that economic recovery is to continue it is significant that the agricultural economy improve, because it is so vital and so basic to this country. Without its improving there is a chance that the economic recovery for the entire country will stagnate and not develop as it should.

There are a number of points to be discussed concerning grain and other commodities. There are matters to discuss with respect to the latest agricultural program, the payment-in-kind program, PIK, and there needs to be a very thorough discussion and understanding of where we are going in our foreign trade policies as they affect agriculture, and the importance of agriculture in our foreign trade.

We should also note it is timely to be discussing food for peace, agricultural products that are distributed abroad to help the countries that need help in terms of upgrading their nutrition or those countries which are facing starvation or are near starvation because of drought and famine.

So the time we are going to spend on H.R. 2733 will be very significant because these matters will be thoroughly aired, thoroughly discussed, not only so that the Senate as a whole has a better grasp of what is involved with agriculture but, hopefully, the public will, too.

There are only 30 minutes allotted to each side on this particular resolution, and then at the conclusion of that hour's debate, we will have an opportunity to vote again on the budget waiver itself.

While in both instances the vote we had on the motion to proceed and the vote that will occur on the adoption of the budget waiver resolution itself will be rather unusual, we feel that it is necessary to be able to demonstrate what side of this issue we stand on because when you come to the point of discussing the next phase, of actually debating the motion to proceed to consider H.R. 2733, it will be our hope that it will not be necessary to have a vote after that because if there is a thorough understanding of agricultural problems, then there will be no will

or desire by the majority here in the Senate to proceed to the bill itself.

When I say "majority" in this context, I mean the majority of Senators on both sides of the aisle. There is a lot of uncertainty facing farmers, particularly in grain production right now. The plans and programs for next year's operation have not been announced by the Department of Agriculture. That is one of the reasons we feel that it is very timely to be discussing the whole program, the whole impact of this bill, if it were adopted, plus the problems that bring this to our attention to be very careful about H.R. 2733 and, hopefully, to refuse to pass it.

Mr. HEFLIN. Will the Senator yield?

Mr. MELCHER. Might I inquire——

Mr. HELMS. I am sure the Senator from Kentucky would yield to the Senator from Alabama.

Mr. HUDDLESTON. Yes. I yield to the Senator from Alabama such time as he may require.

Mr. HEFLIN. Mr. President, I send to the desk a motion to recommit Senate Resolution 165 to the Committee on Agriculture, Nutrition, and Forestry.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A motion to recommit S. Res. 165 to the Committee on Agriculture, Nutrition, and Forestry by Mr. HEFLIN.

Mr. HEFLIN. Mr. President, a parliamentary inquiry. On the motion to recommit, under the Budget Act, what is the time allowed for the debate on the motion to recommit?

The PRESIDING OFFICER. Under the Budget Act, there are allowed 20 minutes for debate of this motion, to be equally divided.

Mr. HEFLIN. That does not count against the hour that is allocated relative to the Senate Resolution 165?

The PRESIDING OFFICER. The Senator is correct. The time on this motion to recommit is not charged against the underlying hour of debate on the pending resolution.

Mr. HEFLIN. Mr. President, I ask for the yeas and nays on the motion to recommit.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HEFLIN. Mr. President, in reviewing this, I feel that the question of recommital to the Agriculture Committee is important because H.R. 2733, which is a House-passed bill dealing with guayule rubber, had certain provisions in it that would increase the budget. Particularly, refer to section 15, in which there was placed—

After "1983," the following: "$5,000,000 for the fiscal year ending September 30, 1984, $5,500,000 for the fiscal year ending September 30, 1985, $6,500,000 for the fiscal year ending September 30, 1986, $7,500,000 for the fiscal year ending September 30, 1987, and $8,000,000 for the fiscal year ending September 30, 1988,".

And section 16(b) of the act was amended by inserting the following:

$2,500,000 for the fiscal year ending September 30, 1984, $3,000,000 for the fiscal year ending September 30, 1985, $3,500,000 for the fiscal year ending September 30, 1986, $4,000,000 for the fiscal year ending September 30, 1987, and $4,500,000 for the fiscal year ending September 30, 1988.

This bill that was being discussed in the Agriculture Committee dealt with the freezing of target prices. It has a budgetary impact relative to these matters, wherein the budgetary impact also had several provisions dealing with exports.

Now at the time the committee was dealing with the freezing of target prices and the Jepsen amendment came in directing the Commodity Credit Corporation to use certain funds that might be saved under the target price freeze, these figures were all together and then it was added to this bill.

It was not until the last minute that H.R. 2733 was used as a vehicle to consider the freezing of target prices, by which the committee became involved relative to the matter of the export promotional programs.

I do not believe that the Agriculture Committee gave any consideration to budget impact. I do not believe the record will reflect any debate whatsoever dealing with the budget. The proponents of fiscal responsibility—and I am a proponent of fiscal responsibility—feel there should be consideration given by the Agriculture Committee to this question of a budget waiver. I just do not believe that there was any real consideration given to the budget waiver aspect of H.R. 2733 and the interlocking of that with the target price freeze and the export program.

Since the Commodity Credit Corporation is involved and the accounting system of the Commodity Credit Corporation is different from the regular appropriations that we have, I do not think there was consideration given as to repayments that will be coming back to the Commodity Credit Corporation.

You have the new PIK program which is involved in this.

This really involves the issue of the Commodity Credit Corporation and all of its aspects. I do not think from a budgetary viewpoint this was considered. So I think it would be appropriate to recommit this budget waiver resolution back to the Agriculture Committee that they might consider the impact involved in this on a number of different aspects of our budget, namely the Commodity Credit Corporation and the export bills, whether there is duplication of existing programs in the export promotion.

I see Senator BOREN is on the floor. He is a great fiscal conservative, one who has watched the budget over the years. He has carefully reviewed this matter.

I have not discussed this matter of recommittal with him, but I would like to have his thoughts.

Mr. BOREN. Mr. President, I commend the Senator from Alabama on the remarks he has just made. In this time that we are giving close attention to the overall budget, it is important that we consider every aspect of this legislation before moving on it. I think his motion is an appropriate one to make at this time. I think it would be proper for the committee to discuss this matter in full before proceeding to discuss the legislation itself on the floor of the Senate, before taking the time of the Senate. It would appear that a very significant amount of time of the full Senate will be required for a discussion of the legislation which is being brought up for discussion today.

I think it would only be appropriate, in order to conserve the time of the Senate, that this matter be discussed in the committee further before bringing the bill to the floor.

So I am strongly in support of the proposal of the Senator from Alabama that this bill be recommitted to the committee so that we can look at the full question of whether or not a budget waiver is in order.

I would say to the Senator from Alabama I think that further consideration is due in the committee also until the Secretary of Agriculture lives up to his pledge to let the farmers of this country know what the entire farm program is going to be before we actually vote on this piece of legislation.

In passing farm legislation, we are dealing with a group of people in this country who have been devastated economically to a greater extent than any other segment of our population. In my home State of Oklahoma, it is now estimated that the farmers and ranchers in my State, the 80,000 farm units in my State, had an average per capita income last year of $14. I am not talking about $14 per day or $14 per week or per month. I am talking about a net income of $14 for the entire year. That was the average per capita farm income of the 80,000 farm units in the State of Oklahoma.

With this $14 per year per farm unit, the farmers in our State are struggling to service a debt in our State alone which is now estimated to approach $15 billion of debt on land and operating debt combined.

I would say to my good friend from Alabama that it is clear to any of us that you cannot service $15 billion worth of debt with that per capita income.

The PRESIDING OFFICER. The Chair regrets it, but the 10 minutes of the Senator from Alabama has expired.

Mr. HELMS. Mr. President, I am delighted to yield a couple of minutes to the distinguished Senator from Oklahoma from my time, if he wishes.

Mr. BOREN. I thank the chairman of the committee. I will attempt to conclude in that period of time.

I simply want to point out, Mr. President, that the situation is desperate. We are dealing with a group of people who have suffered, whose prices are really lower in real terms than they were in 1932, who have no net income. Some of them are faced with the loss of farms and ranches that have been in the same family for three, four, and five generations. I think it is only fair that the Secretary of Agriculture come forward and tell us what the farm program will be with the target price freeze and what the farm program will be without it, what that program will cost the taxpayers, and what kind of provisions it will have of concern to the farmers of this country.

I find it very difficult, I say to the Senator from Alabama, to vote on a budget waiver or to vote on the proposal itself, and then to go back and say to the farmers, "I voted for that budget waiver and I voted for that proposal on target price freeze in order to get you a good farm program." Then they would say, "Senator, what was the farm program that you received in return? What was the farm program that we were able to get because of your vote?"

I would have to say to them, "I do not know, because the Secretary of Agriculture would not announce it."

How in the world would I respond to that farmer who said, "How could you cast an intelligent vote, Senator, on the budget waiver or on the bill itself not even knowing what the farm bill was going to be?"

Mr. HEFLIN. Will the Senator yield for a question?

Mr. BOREN. I would be happy to yield.

Mr. HEFLIN. The distinguished Senator from Oklahoma raises an interesting issue. I believe the distinguished Senator from Oklahoma (Mr. BOREN) requested before the target price freeze went before the Committee on Agriculture, which was several months ago, that the Secretary of Agriculture should announce his program. Is that correct?

Mr. BOREN. The Senator is correct.

I see that our time has expired.

If the Senator will yield one additional minute, I will conclude this point.

Mr. HELMS. Mr. President, let me extend one more minute to my friend from Oklahoma and then the Senator from North Dakota desires to be recognized.

Mr. BOREN. I thank my friend for his generosity.

I will say to my friend from Alabama I did make such a request, which was joined in by the Senator from Alabama and many other members of the Committee on Agriculture. I will enter the letters into the RECORD. I requested first that it be announced no later than July 1, and then July 15, and it still has not been announced. Many of us have said again and again, "Just give us the options, what kind of program we will have without a target price freeze or with a target price freeze and then the Congress of the United States can make an intelligent decision." We have not received those options in any intelligent terms. I do not see how we can proceed with a vote on this measure until we receive that information. I thank the Senator for yielding.

Mr. HELMS. Mr. President, I yield 5 minutes to the Senator from North Dakota.

Mr. ANDREWS. I appreciate very much the Senator yielding me this time. I think it extremely important that we examine the budget impact on what is proposed. As a member of the Budget Committee, I have been very concerned with the amount of spending on all kinds of domestic programs, foreign programs, defense programs, and all of the rest.

The only way that we can get inflation under control and the only way we can keep interest rates under control, is by addressing the deficit.

Mr. President, I think it important that we study this a little more because no one in the Department of Agriculture has really looked at the point that deficiency payments are based on the difference between the target price and the loan price or the market price, whichever is higher. So the dollars paid out of the Treasury under Federal farm programs in deficiency payments will be vastly impacted by the action of this bill.

Let me explain a little bit more definitively what might happen.

If, in fact, the request of the administration that target prices be frozen is accepted by the Congress, and then if, in fact, the Secretary of Agriculture does lower loan rates, as his lieutenants have indicated, the exposure to the Federal Government in tax dollars will be at exactly the same level it is now. Or, depending where the loan rate is set, it could conceivably be at a higher level than it is right now.

So the action that the Senate is being asked to take in the name of budgetary savings could really be 180 degrees out of sync with what we are told it would be.

I think, Mr. President, we have to recognize that this has an impact far beyond the field of agriculture. Think for just a moment of what impact these deficits have on interest rates. Today we are paying $210 billion a year interest on the national debt, and if we could get those interest rates cut in half given today's rate of inflation, we would save $55 billion in outyear deficits, helping a whole host of other programs.

If, in fact, we could adjust the loan rates up, Mr. President we could reduce budget exposure. We need to get the people at the Office of Management and Budget, who, I admit, as far as agriculture is concerned, would not know a steer from a heifer or a blade of grass from a load of hay—to realize that there is indeed and in fact a vast difference between loan rate expenditures and deficiency payments—the loan rate is paid out to the farmer, but the commodity is there.

They think of loans as a total expenditure, just like a deficiency payment. As a result, they came up with the idea, let us use these commodities as some sort of funny money, sort of Monopoly money, some sort of play money, Mr. President, and we will use it in the payment-in-kind program. All of a sudden, they found out a couple of months later that you have to replenish CCC. Up came the stories of the $11 billion cost of PIK.

Mr. President, these commodities in store are worth money and they are not total outlays. If we increase the loan rate, rather than cutting the target price and then cutting the loan price, we could make a net saving on our budgetary impact. That is why I think, Mr. President, that we need this additional time to study this bill. I support the motion to recommit.

CALL OF THE ROLL

Mr. HELMS. Mr. President, I yield time to the Senator from Alabama.

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 14]

Andrews	DeConcini	Huddleston
Armstrong	Hawkins	Matsunaga
Baker	Heflin	Melcher
Boren	Helms	Wilson

The PRESIDING OFFICER (Mrs. HAWKINS). A quorum is not present. The clerk will call the names of the absent Senators.

Mr. BAKER. Madam President, I move that the Sergeant at Arms be instructed to invite the attendance of absent Senators. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Maine (Mr. COHEN), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. GOLDWATER), the Senator from Illinois (Mr. PERCY) and the Senator from Texas (Mr. TOWER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. GLENN) and the Senator from Colorado (Mr. HART) are necessarily absent.

The result was announced—yeas 88, nays 5, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—88

Abdnor	Gorton	Mitchell
Andrews	Grassley	Moynihan
Armstrong	Hatch	Murkowski
Baker	Hatfield	Nickles
Baucus	Hawkins	Nunn
Bentsen	Hecht	Packwood
Biden	Heflin	Pell
Bingaman	Heinz	Pressler
Boren	Helms	Pryor
Boschwitz	Hollings	Randolph
Bradley	Huddleston	Riegle
Bumpers	Humphrey	Roth
Burdick	Inouye	Rudman
Byrd	Jackson	Sarbanes
Chafee	Jepsen	Sasser
Chiles	Johnston	Simpson
Cochran	Kassebaum	Specter
Cranston	Kasten	Stafford
D'Amato	Kennedy	Stennis
Danforth	Lautenberg	Stevens
DeConcini	Laxalt	Symms
Denton	Leahy	Thurmond
Dixon	Levin	Trible
Dodd	Lugar	Tsongas
Durenberger	Mathias	Wallop
Eagleton	Matsunaga	Warner
East	Mattingly	Wilson
Exon	McClure	Zorinsky
Ford	Melcher	
Garn	Metzenbaum	

NAYS—5

Dole	Proxmire	Weicker
Long	Quayle	

NOT VOTING—7

Cohen	Goldwater	Tower
Domenici	Hart	
Glenn	Percy	

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

Mr. BAKER. Madam President, what is pending before the Senate? What is the pending question?

The PRESIDING OFFICER. There will be nothing pending before the Senate until we get order.

Mr. BAKER. In the words of the famous baseball star "Ain't nothing pending until I say so," is that not right?

Mr. HEFLIN. Madam President, I commend the Chair for the statement.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Madam President, will the Chair please state the question?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama to recommit.

Mr. BAKER. Madam President, I move to table the motion to recommit, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion of the Senator from Alabama to recommit. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Illinois (Mr. PERCY) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. GLENN) and the Senator from Colorado (Mr. HART) are necessarily absent.

The PRESIDING OFFICER. Are there any Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 32, as follows:

[Rollcall Vote No. 232 Leg.]

YEAS—64

Armstrong	Hatch	Packwood
Baker	Hatfield	Pell
Bentsen	Hawkins	Proxmire
Bingaman	Hecht	Quayle
Boschwitz	Heinz	Roth
Bradley	Helms	Rudman
Chafee	Huddleston	Simpson
Chiles	Humphrey	Specter
Cochran	Jepsen	Stafford
Cohen	Kassebaum	Stennis
D'Amato	Lautenberg	Stevens
Danforth	Laxalt	Symms
DeConcini	Leahy	Thurmond
Denton	Lugar	Tower
Dixon	Mathias	Trible
Dole	Mattingly	Tsongas
Durenberger	McClure	Wallop
East	Mitchell	Warner
Garn	Moynihan	Weicker
Goldwater	Murkowski	Wilson
Gorton	Nickles	
Grassley	Nunn	

NAYS—32

Abdnor	Exon	Matsunaga
Andrews	Ford	Melcher
Baucus	Heflin	Metzenbaum
Biden	Hollings	Pressler
Boren	Inouye	Pryor
Bumpers	Jackson	Randolph
Burdick	Johnston	Riegle
Byrd	Kasten	Sarbanes
Cranston	Kennedy	Sasser
Dodd	Levin	Zorinsky
Eagleton	Long	

NOT VOTING—4

Domenici	Hart	
Glenn	Percy	

So the motion to lay on the table was agreed to.

Mr. BAKER. Madam President, how much time remains on the motion?

The PRESIDING OFFICER. Twenty-seven minutes for the Senator from North Carolina and 22 minutes for the Senator from Kentucky.

Mr. HELMS. If the majority leader will yield, I am prepared to yield back the remainder of my time if the distinguished Senator from Kentucky is willing to.

Mr. HUDDLESTON. We would advise that there are Members on my side desiring to speak for at least a portion of the time available to us.

I yield such time as he may require to the distinguished Senator from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. I thank the distinguished manager of the bill, my friend from Kentucky.

Madam President, today the Senate is considering a piece of legislation that is very, very important and critical. Whether we know it or not, it might have the end effect that most people in this country might not even believe could happen, and that would be a very quick demise of the American farmer.

This pending measure, which will give the Secretary of Agriculture the authority to keep target prices for the 1984 and 1985 crops of wheat, feed grains, cotton, and rise at the 1983 levels, is ill-advised, and I sincerely hope that it will be rejected by the Senate.

The officials of the USDA are trying to tell us that by freezing target prices, things will get better for the American farmer. Apparently, if targets are frozen these officials believe that exports will increase dramatically, outlays for farm programs will drop, and there will once again be prosperity on the farm. I wish this were true, Madam President, but for several reasons I do not think freezing target prices is necessarily the answer.

I think it is important to very briefly mention what has gone on the last couple of years, and how the 1981 farm bill was developed. Target prices, as many Members know, were first put into the basic farm legislation around 1973. In theory, I think most people would agree that they were designed to more or less represent the cost of production for a particular crop. There may be some argument with this theoretical basis, Madam President, but I believe that was the original intent of target prices. And I think this represents the concept of target prices. Target prices in the farm legislation are here basically to operate as a safety net and provide our farmers with some minimal income protection. The Senate Committee on Agriculture, Nutrition and Forestry, during its consideration of the 1981 farm bill continued the target price concept and in the committee's report had an explanation of the importance of target pricing.

On page 72 of the report (Sen. Rept. 97-126) the committee stated:

The purpose of target prices and deficiency payments are to protect producers from economic disaster by assuring a minimum return in a given year.

Then, on page 73 the committee stated:

In contrast to farmers in earlier days, however, the modern, highly-efficient producer may have less flexibility during times of depressed farm prices. The farmer today uses financing and mechanization as his major tools, rather than the hand or animal labor of his forebears. Thus today's farmer needs more assurance of continuing cash flow in order to maintain the modern and productive agricultural base.

In other words, the maintenance of long-term productive capacity may be challenged by short-term cash flow problems. Thus, society benefits if farmers have assurances of some protection from the extreme low fluctuations of market prices. Assurances of at least minimum cash flow to farmers allows agriculture to maintain and consistently upgrade its higly efficient and productive base. This enhanced efficiency and productivity benefits all Americans.

Madam President, these two passages from the report of the Senate Agriculture Committee show the importance of these target prices.

Additionally, Madam President, we need to consider the amount of time and effort that went into the 1981 farm bill, which we attempt to amend today. I did a little checking and, according to the committee report, the Agriculture Committee in the Senate alone spent 24 days of hearings on the 1981 farm bill. After those many, many hours of hearings, we then marked up that bill for 3 weeks. The bill as reported by the full committee was the result of hours of deliberations, debate, and most importantly, compromise. There might have been parts of the bill some Senators did not like, but the measure was not hastily drafted. I was prepared to support that bill, Madam President. However, as many Members will recall, when we were almost finished with floor debate on the bill there was suddenly a great deal of concern over whether or not the President would sign the bill. In order to receive his signature, we were told that further cuts would have to be made in the target prices contained in the committee bill. The Senate then passed an amendment which cut target prices, Madam President, by about $360 million, if my recollection is correct. The lion's share of that reduction came from rice, an extremely important crop in the State of Arkansas. Madam President, if I am correct the table set out below shows what happened to the target prices for rice. The table contains the targets in the committee bill, those in the floor amendment, and finally those in the conference report.

Madam President, I ask unanimous consent to have printed in the RECORD at this point a table relative to target prices with regard to rice.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Target Prices—Rice

[In hundredweight]

Crop year	Committee bill	Floor amendment	Conference report
1982	$11.23	$10.73	$10.85
1983	12.14	11.23	11.40
1984	12.70	11.73	11.90
1985	13.50	12.23	12.40

Mr. PRYOR. So, Madam President, the final version of the Farm Bill, at least as far as rice is concerned, contained sizable cuts in target prices from those originally reported by the Senate Committee on Agriculture, Nutrition and Forestry. Since these cuts were made during our consideration of the 1981 farm bill, I would hope that the Senate would reject the attempt currently being made to freeze them at the 1983 levels.

Madam President, I would like very briefly to summarize my reasons for being opposed to the target price freeze. First, as I have stated earlier, the existing farm bill was the product of extensive debate, discussion and compromise. I think it is wrong for us to so quickly reverse a policy decision made 2 years ago after extensive consideration by the Agriculture Committee and this body.

Second, we do not know what the programs are going to be for the 1984 crops. In essence, we are legislating in a vacuum. I know some people are saying the Secretary of Agriculture has announced the 1984 wheat program, but all that has really been done is that an announcement has been made in very general terms about the program. More importantly, Madam President, even this announcement was conditioned on this target price freeze being enacted. If this does not pass, then I guess we are back to square one on wheat and everything else.

Third, not only have no programs for next year been announced, farmers have no indication of whether or not there will be any kind of PIK program. They need to know. Farm suppliers need to know. In short, it would help virtually all involved if there were some indication as to what is coming down the road. Instead, Madam President, we are being asked to accept this target price freeze on blind faith.

Fourth, a considerable amount of support for this legislation is based on the fact that a portion of the savings will be used to promote agricultural exports. Madam President, I strongly support steps to improve our exports. I will work with any Member of this body or any committee in this Congress to develop ideas which will increase the agricultural exports from this country. I have spoken many times about trade, unfair subsidies, and the need to deal with these important issues. However, I do not think that putting aside a small amount of these savings will significantly increase our agricultural exports. I have heard many Senators state that the Department of Agriculture is currently sitting on about $750 million in money which could be used in the blended credit program. Further, I am not convinced in my own mind that our officials are doing enough to promote our agricultural exports at the present time, and I am not sure that this additional amount of money will bring about an increase in exports necessary to alleviate the damage a target price freeze might do to our farmers. Finally, the Department of Agriculture's own publication Farmline, published by the Economic Research Service, contained an article recently entitled "Exports Won't Lead the Way." (June 1983) This two-page summary obviously shows that certain people within the Department do not believe exports will lead us out of the current farm crisis. While I do not believe we can give up, and I do not agree with much of this report, I do think it shows the thinking of some of the people who should be trying to improve the plight of our farmers. Mr. President, I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

EXPORTS WON'T LEAD THE WAY

Throughout the 1970's and into the early 1980's, each year brought another U.S. export sales record as if there were no end to the world's growing appetite for the products of America's farms.

In such a bullish atmosphere, all-out production was usually encouraged and little attention was given to concerns about America's increasing dependence on continued expansion in world demand.

The consequences of that dependence have finally hit home as U.S. farm export value is now expected to decline for the second year in a row and export volume for the third consecutive year.

One fact has become increasingly clear in this year's efforts to help revive the farm economy: Exports won't lead the way.

Until recently, exports were the major source of growth in demand for U.S. farm products. If sales had continued to expand at the rate of the 1970's, export earnings would break the $50 billion mark this year, U.S. stock levels would be much lower, and farm prices higher.

Instead, U.S. agricultural exports are expected to bring in only about $35 billion in the current fiscal year, which ends this September. That's down $4.1 billion from 1982 and nearly $9 billion below record-high 1981 earnings, notes economist Sally Byrne of USDA's Economic Research Service. Export volume, pegged at 148 million metric tons, will sink to the lowest level since fiscal 1979.

According to Byrne and her colleagues, several factors are behind the slump in U.S. exports. It took a combination of these factors throughout much of the world to prevent underlying population pressures—and pressures for improved diets—from stimulating greater demand for U.S. farm products.

Among the reasons for falling U.S. export sales, trade analysts emphasize the following:

Economic recession and depressed consumer incomes in major markets. Without growth in buying power, growth in world population doesn't translate into expanded import demand for food grains, livestock feed, and other products.

The continued strength of the U.S. dollar in exchange markets, which inflates prices of U.S. goods in terms of many foreign currencies. As a result, low U.S. crop prices depress our sales value totals without providing an offsetting incentive for foreign customers to increase the volume of their purchases.

Greater competition from several other exporting nations seeking outlets for, and income from, their excess farm production. Tighter world markets and expanded production abroad have heightened trade conflicts in the last few years.

Increased production in several importing nations. Some major customers, such as China, have managed to reduce their import needs in the last year or two by boosting domestic output.

High debt levels, internal economic problems, and reduced export earnings in several large markets in Eastern Europe, Latin America, and Africa. With limited foreign exchange, heavy interest payments on current debt, and restrictions on the availability of new credit, such nations as Poland, Venezuela, and Nigeria have taken steps to trim their farm imports.

Erosion of the U.S. share of the Soviet market. The United States may capture only about 20 percent of the Soviet grain market this year, down from a high of around 70 percent before the U.S. embargo.

NO RAPID IMPROVEMENT

Many of the conditions responsible for the decline in U.S. agricultural exports will continue to depress trade totals, at least into next year.

Early season projections indicate that total foreign grain production may rise about 3 percent this year. Credit conditions remain fairly tight, and interest rates haven't eased significantly.

The world economy is showing preliminary signs of emerging from recession, but the pace of recovery is likely to be slow. In most industrialized nations, high levels of unemployment are expected to persist for some time. The recovery, say the analysts, is apt to be too weak to provide much of a boost to U.S. exports.

While the oil exporters also anticipate a hard year, economic prospects may be brighter for the developing nations that export metals, agricultural raw materials, and consumer appliances and electronics. Foreign exchange earnings should be rising—a small plus for the U.S. export outlook.

Another potentially positive development is the resumption of negotiations for a new long-term trade agreement with the USSR. This has raised expectations that the United States may eventually recapture a larger share of the Soviet market.

So far, however, none of the encouraging signs holds much promise for the immediate future.

IMPACT ON EXPORTS

Given the less than optimistic outlook, the second half of the year isn't likely to make up for a very weak first half. In the first 7 months of fiscal 1983 (October 1982 to April 1983), export value was down about $4.1 billion compared with the same period a year earlier. Analysts expect PIK-related price increases for U.S. commodities to help keep that gap from getting any wider during the rest of the year.

Export volume was down 8.6 million tons in the first 7 months. For the remaining months, the forecasts indicate that volume may run just below last summer's disappointing level.

Volume, in fact, is the key factor behind this year's export decline. Last year, lower U.S. commodity prices accounted for most of the decline in export sales. This year, it's the reverse. About two-thirds of the drop in U.S. export earnings will be traced to lower sales volume, and one-third to lower unit values for our export products.

In terms of markets, the biggest sales declines are coming from the centrally planned nations even though, as a group, they take a much smaller share of U.S. exports than either the developed or the developing nations. Together, the Soviet Union, China, and Eastern Europe are expected to account for about 60 percent of the projected decline in total U.S. export value.

Since the U.S. embargo, large shares of the Soviet market have gone to other suppliers, notably Argentina, Australia, Canada, and the European Community. In the case of China, the chief factor, say USDA analysts, is not the textile trade dispute, but the fact that China has harvested a series of good crops. U.S. sales are put at $800 million, down from $1.8 billion in fiscal 1982 and a record $2.2 billion in 1981.

In terms of commodities, grain sales will plunge the most. Of the projected 10-million-ton drop in total export volume, wheat is expected to account for 6 to 7 million tons—largely because of smaller sales to the Soviet Union and Cuba.

Mr. PRYOR. Madam President, I also think the projected savings from this proposed target price freeze are exaggerated, and even if they are accurate, they may be wiped out if loan rates are reduced, as has been rumored. Freezing target prices, and then lowering loan rates will not really reduce the budget exposure. More importantly, if this is done, when a commodity program is announced for each of the 1984 crops, the program might be so unattractive that many farmers will not participate in the program. The end result will be an increase in production, creating excessive stocks, and we will be right back where we came from—an oversupply situation, which gave rise to the PIK program in the first place.

Additionally, Madam President, by my calculations, the increase in target prices for most of the crops averages about 5 percent per year. Although production costs have declined, they are still rising slightly, and many of our farmers are struggling to pay off loans that were made when interest rates were in excess of 15 percent. I certainly do not think the 5-percent increase each year is excessive, and as the committee report from the 1981 farm bill stated, these prices are designed to assure a "minimum" return.

Finally, Madam President, and in my opinion, this is the most important reason for opposing this bill, we are breaking a commitment we made to the American farmer. Historically, we have written a farm bill every 4 years. The bill covered crops grown during that 4-year period, and farmers could count on what was contained in that piece of legislation. I know there were changes made at times in the basic farm bill, but to the best of my knowledge, no significant changes were made 2 years into the bill that would seriously erode farm income, or price protection. If the administration would like to freeze target prices, then we should consider this idea as a part of the discussion of the 1985 farm bill. Maybe the President, the Secretary of Agriculture, and other officials think other parts of the farm bill should be changed. Those suggestions, along with ideas of farm groups and individual farmers, can be considered at that time. However, I think the Congress and the President are making a serious mistake if this target price freeze is approved. I know there are severe strains on the Federal budget and all programs need to be carefully looked at and some of them cut. The push for this target price freeze is apparently that the cost of these programs this year is over the budget estimates. However, Madam President, I submit that if this were the standard for all programs of the Federal Government, things would be entirely different. The cost-overruns in the Pentagon budget are well known, and I do not see the President or the Secretary of Defense requesting that we eliminate a weapons program, or cut back in certain items simply because it is going to cost more than originally projected. If you try to touch that weapon or program, the officials of this administration come to the rescue to preserve it. Well, Madam President, I think it is about time that they started standing up for the farmers of this country. Farmers want to get their money from the marketplace. They are proud, hard-working people. But we all know that agriculture has not been profitable lately. It is due to several factors, but it seems to me that to freeze target prices at this time is wrong, will only create more problems for our farmers, and might end up costing the Federal Government more in the long run if we design farm programs that nobody will participate in.

I urge my colleagues to carefully consider the farmers in their States, and I hope this bill is defeated.

Madam President, there is one other issue that I think needs discussion. That relates to the so-called Huddle-

ston-Jepsen amendment in this particular legislation. That amendment of course, is designed to promote agriculture exports. I would like to commend my colleagues, Senators HUDDLESTON and JEPSEN, for putting this section into this particular bill. However, it is my belief today that the people we have involved with promoting trade—those people who are in the echelons who deal in trade matters internationally—do not have the advocacy for the farmer that we certainly need.

For example, the Department of Agriculture is currently sitting on approximately $750 million in money which could be used in the blended credit program.

Further, I am now convinced in my own mind that our officials are not doing enough to promote agriculture exports at the present time.

If we really wanted to do something for the American farmer in the field of exports, it would be the support of a concept of establishing within the State Department the Under Secretary of State for Agriculture Affairs. This would be a person, in the State Department itself, who would have the interest of our farmers in mind as our Government considers trade and foreign policy. The creation of this position would be an important signal that we are going to consider the interest of our own farmers in the development of our foreign policy.

Mr. HELMS. Mr. President, I yield to the Senator from Kansas (Mr. DOLE).

Mr. DOLE. I thank the Senator for yielding.

Madam President, I do hope that Secretary Block will make some announcement soon on what we will get if we have a freeze and what we will get if we do not have a freeze. I hope we can get that information in the next day or so.

Mr. HELMS. Mr. President, how much time remains to the Senator from North Carolina?

The PRESIDING OFFICER. (Mr. SPECTER). Twenty-two and one-half minutes.

Mr. HELMS. Mr. President, I am willing to yield back my time so we can get to a vote if the Senator from Kentucky will yield back his remaining time.

Mr. HEFLIN. Mr. President, how much time remains for the Senator from Kentucky?

The PRESIDING OFFICER. Twelve minutes and 43 seconds.

Mr. HEFLIN. Mr. President, I could send another motion to the desk, but after discussing this matter with the majority leader, I will refrain from doing that at this time. I do not have anything further.

Mr. HUDDLESTON. Mr. President, if there are no other Members on this side requesting time, I am prepared to yield back the remainder of my time.

Mr. HELMS. I yield back the remainder of my time.

Mr. President, if the distinguished Senator from Kentucky and his colleagues are willing, we can pass this on a voice vote, or do they desire a rollcall vote?

Mr. MELCHER. Mr. President, if the Senator will yield, I think we would like a rollcall on it. We have debated it and I think it is well to have a rollcall vote.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the resolution.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Kansas (Mr. DOLE), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Illinois (Mr. PERCY), are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Ohio (Mr. GLENN) and the Senator from Colorado (Mr. HART) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 64, nays 31—as follows:

[Rollcall Vote No. 233 Leg.]

YEAS—64

Armstrong	Hawkins	Packwood
Baker	Hecht	Pell
Bentsen	Heinz	Proxmire
Bingaman	Helms	Quayle
Boschwitz	Huddleston	Roth
Bradley	Humphrey	Rudman
Chafee	Jepsen	Simpson
Chiles	Kassebaum	Specter
Cochran	Kasten	Stafford
Cohen	Lautenberg	Stennis
D'Amato	Laxalt	Stevens
Danforth	Leahy	Symms
Denton	Lugar	Thurmond
Dixon	Mathias	Tower
Dodd	Mattingly	Trible
Durenberger	McClure	Tsongas
East	Metzenbaum	Wallop
Garn	Mitchell	Warner
Goldwater	Moynihan	Weicker
Gorton	Murkowski	Wilson
Hatch	Nickles	
Hatfield	Nunn	

NAYS—31

Abdnor	Exon	Matsunaga
Andrews	Ford	Melcher
Baucus	Grassley	Pressler
Biden	Heflin	Pryor
Boren	Hollings	Randolph
Bumpers	Inouye	Riegle
Burdick	Jackson	Sarbanes
Byrd	Johnston	Sasser
Cranston	Kennedy	Zorinsky
DeConcini	Levin	
Eagleton	Long	

NOT VOTING—5

Dole	Glenn	Percy
Domenici	Hart	

So the resolution (S. Res. 165) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CRITICAL AGRICULTURAL MATERIALS ACT

Mr. STEVENS. Mr. President, I now move that the Chair lay before the Senate Calendar No. 262, H.R. 2733, an act to extend and improve the existing program of research, development, and demonstration in the production and manufacture of guayule rubber, and to broaden such program to include other critical agricultural materials.

Mr. HEFLIN. I object.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. STEVENS. Mr. President, I have conferred with the managers on both sides. The motion to proceed has been made, and it is debatable.

We do not anticipate any further votes this evening. The Senate will convene tomorrow around 10 a.m. That will be determined later. There will be no more rollcall votes tonight.

Mr. President, do Senators have any objection to obtaining the yeas and nays on my motion?

Mr. President, I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MELCHER addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, we do not want to be reluctant or backward about saying that we would like to debate this motion. The question of going into this bill is a very serious and important question. It represents a backward step in what we should be doing for agriculture.

The series of votes we have had is just a warmup to make sure that those of us who oppose the bill are ready to discuss it and are getting our materials ready.

So now we really are at the point where, at great length, we can identify, review, debate, and make suggestions for our agricultural program.

The bill that would be called up if this motion is agreed to is simply a bill that is reprehensible to a vast number of agricultural producers. It is reprehensible because it amends a basic law on which they depend for some assistance if the market for grains happens to be low or the market for other commodities happens to be low, so that they will have some assurance to know where part of their income is going to be derived from if the market is low.

That may be difficult to understand for somebody not familiar with the farm program, so we will discuss what the farm program is about and why we have it in place to make sure we have agricultural production.

Mr. PRESSLER. Mr. President, will the Senator yield?

Mr. MELCHER. It is only my intention to lay out the basis of what this discussion will entail. It will be a bipartisan discussion.

The Senator from South Dakota (Mr. PRESSLER) is on his feet, seeking recognition, and I yield to him.

Mr. PRESSLER. Mr. President, I just want to state briefly that I support the efforts of the Senator from Montana.

I feel very strongly that the target price freeze is unfair to our farmers, ranchers, and small businessmen. We had a 4-year farm program; and now, in the middle of it, we are changing the ground rules.

The farm bill provides for some changes to be made administratively, but we are being asked to make additional changes legislatively. Congress has already done the legislative work on the 4-year farm bill.

A second factor is the overall economic picture of farmers and agriculture involving our export policy. This Nation depends on a fair export policy. The jobs and livelihoods of many urban dwellers depend on our balance of trade. Agricultural products have provided a large positive factor in our balance of trade. However, we have hamstrung our agricultural exports with embargoes, talk of embargoes, treating agricultural products separately under the GATT agreement, allowing our allies to violate agreements in terms of subsidized exports sales, and a number of other steps and procedures under which we treat agricultural products differently from our manufactured products.

The result has been that agriculture has needed something to make up for that bad treatment. One of the things to assist agriculture is the target price program. Now we are saying that the farmers must take a cut in that program also.

The point is that if agriculture were not treated so badly in our foreign policy we would most likely not be considering this matter.

The problem is that agriculture exports are handled more by the State Department than by the Agriculture Department. As a result our farmers have been paying for a part of our foreign policy.

If we do not increase target prices, the cost will be transferred to the American taxpayer in terms of assisting unemployed farmers, ranchers, and small businessmen in small towns and cities who depend on the farm economy.

What we are asking for here is fairness. I shall join with the Senator from Montana and others in whatever efforts we can make here on the Senate floor to get this bill withdrawn because I do not think it should go forward.

Some say the entire target price system will collapse because of increased cost unless we do this. That is not true. That is bad reasoning, and unfair to the American farmer. The fact of the matter is that the program would not have to exist at all if we were treated equally. But since agriculture is not, we very much need this target price program. If it is lost there will be bankruptcies and failure of farmers and small businessmen in rural communities who will then need jobs in an economy that already has a large number of unemployed.

Mr. President, I come from a family farm and I guess my father was the last of a generation who made a living on a quarter section of land in eastern South Dakota. Fortunately, I own 60 acres of land myself which I follow closely. I have to pay taxes, production expenses, and other costs, and I know how difficult it is to make a living from farming.

If it were not for the little help the target price program gives, many farmers who are making a meager living would not be able to continue.

Mr. President, I hope that our Government has seen the light on export policy. There has been some progress. Our restriction on negotiation of a long-term grain agreement with the Soviet Union has been lifted. That is good news. It has been a step-by-step process.

Three years ago I offered an amendment that was passed by the Senate which prohibited the expenditure of funds to carry out the grain embargo. It was the first time that either House of Congress had gone on record and it was very significant vote. One of our leaders called it one of the most significant votes on agriculture and it was a first step in lifting the grain embargo.

Since that time I have worked and urged at every level in the Department of Commerce, the Department of State, the Department of Agriculture, OMB, and the President himself, to enter into a new long-term grain agreement with the Soviet Union. We should also enter into long-term grain agreements with India, Pakistan, Bangladesh, and other countries as the Canadians, Australians, and Argentines have. Those countries that need food on an annual basis want long-term grain agreements. They want to have the assurance that they get in 5-year long-term grain agreement.

Mr. President, we have many other problems with agricultural exports. For example, our longshoremen will sometimes refuse to load ships for political reasons. Leaders of some countries like China have told me "You people are unreliable suppliers because of these problems."

In our country we are blessed with surplus and we do not know what it is like to be a country that has a food shortage.

Let us put ourselves in the position of being a political leader in a country that has a food shortage. That is quite different. People will riot in the streets. They will do anything if they are short of food. It is a problem that is difficult to comprehend.

But the fact of the matter is they want long-term grain agreements, and we have been unwilling to enter into them. Many of our consumer groups are opposed to long-term grain agreements, and are basically opposed to exporting grain. But it is essential to our balance of trade. It is the source of income with which we purchase oil and many other needed products. Agriculture is the most productive sector of the American economy.

We have a problem with productivity in the United States of America. We are told that our industry in some areas is not as productive as the Japanese. I do not accept that entirely. We are told that our steel mills are not as productive or as efficient as other nations. But one area that is very efficient is American agriculture. The American farmer works longer hours than any other profession. There is no profession, no group of workers who work longer hours for less pay than farmers and ranchers. Yet they are penalized for this great productivity. They are penalized by being one of the lowest paid groups. They are being penalized by constantly being in financial trouble, by being treated badly by the Government, by having their products treated at a lower level under the General Agreement on Trade and Tariffs, and this is most ironic.

But I also like to say that every consumer, every citizen, has an interest in this. Some will say, so what? What difference does this make to the people in New York City? What difference does this make to a person living in Minneapolis or in Los Angeles?

I would say that they have a very great interest because if we lose the family farmer and rancher or the owner-operator concept, then we will have absentee system of agriculture. We will have corporate agriculture. That is not a productive agriculture system. That is what the Soviet Union has in collective farms.

The person who owns the land and the livestock has a great interest in taking care of them so you have high productivity.

There is the issue of soil stewardship, and the care of the land. More and more of our big farms and corporate farms result in the planting of thousands of acres without using con-

tour farming, without using trees and shelter belts, and without using proper soil conservation practices.

If we continue in this direction, we will eventually ruin this wonderful productive agricultural industry. So I think that all Americans have an interest in this, not just those living on farms.

Those who are wearing white shirts and living and working on Wall Street are dependent upon the American farmer.

Mr. President, it has been my strongest feeling that there is a great misunderstanding about agriculture, rural people, and smalltown people. A lot of people think they can just shrug their shoulders and somehow that sector of the economy will get along. But if there is money in the farmer's pocket, there is money in the workman's pocket. Farmers' money trickles up, and this is very true in our farming communities.

We find that if the farmer has money it is spent on machinery and other products which create jobs.

So, Mr. President, I conclude by saying that what we are faced with in this Chamber today is very bad for agriculture, for business, and for the American consumer. What we are considering here is another step in the destruction of the family farmer, the family rancher, and the system of agriculture that has provided so much productivity in our land.

Mr. BOREN. Mr. President, I thank my colleague from South Dakota for yielding to me and I want to commend him for the remarks which he has just made on the Senate floor. He is so right that every American has a stake in the decisions which we are making, if we stand by and allow family agriculture as we know it in this country to become a thing of the past. Every consumer in this country, even those who have never seen a farm, is going to be adversely affected in the long run.

One of the problems we have in Government is we all too often focus on what is happening today or this week or this month. We do not have the foresight to look out into the future and to see what the results of our actions will be 10 years and 20 years down the road. All too often we do not stop to consider the kind of world and the kind of nation that our children and our grandchildren will be living in if we do not make appropirate decisions today.

The Senator is absolutely correct. Many, many studies have demonstrated that the greatest levels of productivity occur on the family-sized farm unit where you have the owner and the operator looking after that farm himself or herself, putting in the effort that simply an employee or someone on a payroll of a large corporation will not give.

He is right, too, in pointing out if we allow agriculture to become concentrated, as many other industries have become concentrated, with few owners and operators that in the long run the consumer will have a less reliable source of supply and will be paying a higher price for it.

People sometimes talk about farm subsidies and subsidies for farm units without putting all into balance and realizing the farmers in our Nation are subsidizing the rest of us in this economy to the tune of billions and billions of dollars a year, multiples of 10 and 20 times what any farm program has ever cost the Federal Government or the combined effort of Federal, State, and local governments to put in place.

Our people in this country spend only about 17 percent of their disposable income for food. The people of other developed countries in the world spend averages of 25 to 30 percent of their disposable incomes for food, and in many parts of the world that figure ranges well above 40 percent. In other words, the average American worker has to work fewer hours in a year's time to buy food for his family than any other worker in any other country in the world, thanks to the American farmer, and thanks to the productivity of that farmer.

So the farmer in a sense is subsidizing all the rest of us in the economy in a very unusual way. In addition, the farmer is helping to maintain a balance of trade for this country that stops short of absolute disaster.

We all know we have tremendous trade imbalances with the Japanese, for example, now running into double-digit figures and billions of dollars in their favor. In the long run such trade imbalances undermine the economy of our country, the value of our currency; and yet there is one category in terms of our trade in the world in which we run a large positive balance in the billions of dollars, and that one category is in the sale of our agricultural products in other countries.

So once again the farmer helps to prop up the rest of the American economy, and I do not care whether it is a person who lives in a rural area in Oklahoma or Montana or South Dakota, or if it is a housewife in Brooklyn or Los Angeles, Calif., we all owe a debt of gratitude to those farmers for what they are doing for the rest of the American economy, and at what a price they are doing it.

Yes, we are selling more agricultural commodities overseas than we buy; yes, our farmers are giving us a positive balance of trade in that area to offset our deficits in other areas, but again at a tremendous cost. They are selling below their cost of production, below their cost of production, let me repeat, losing money. That is the price of the favorable balance of trade that we have in agricultural commodities. They are selling on the supermarket shelf, the wheat farmer, for example, for that nickel's worth of wheat that is in a loaf of bread—very often people look at prices on the grocery store shelves and they think every dime is going back to the farmer. Far less than 50 cents of the food dollar, in fact less than 40 cents of the food dollar, ever makes its way back into the pocket of the farmer. The vast majority of that food dollar is siphoned off somewhere else along the line.

The wheat farmer is out there producing that wheat today, even if he owns his own lands, for more than a dollar a bushel less, selling it for more than $1 a bushel less, than his cost of production; and if he is a young farmer, if he has to pay for that land and pay interest on that mortgage, he is selling his wheat now for something like $2 a bushel less than his cost of production, so that the American worker is still paying only 17 percent of this paycheck for food, and so that the American economy profits from that favorable balance of trade.

So when we talk about subsidies and when we talk about which part of the economy is subsidizing another part of the economy, let us look at where the greatest subsidy of all is being made and that is the American farmer and American agriculture subsidizing and propping up in a real way the rest of the American economy.

There, Mr. President, I do not apologize for 1 minute for trying to focus the attention of the Senate of the United States and the people of the United States on the plight of agriculture in this country. I would be doing less than a full job of representing the people who sent me here and, indeed, the interests of all of the people of this country if I did not try to alert my colleagues to the crisis in agriculture, if I did not try to draw to their attention that we are about to destroy this whole sector that is making this tremendous contribution to the rest of our economy, by passing legislation that will make the current crisis even deeper.

It is not easy to make the current crisis even deeper when you realize how serious it already is.

Mr. President, as I said earlier today on the Senate floor, in my home State it is easy to see how serious it is when one only stops for one moment to note that the per capita farm income in my State this year was $14 for the whole year for our 80,000 farmers and ranchers in our State—per capita income of $14 for the year—and a total debt just in my own State of $15 billion to service. You cannot service $15 billion of debt with $14.

Now, it happens that the farm income in my home State is the lowest in the country this year. The situation there is perhaps the most serious. But

it is serious all across this country. All across this country gross national farm income this year was $19 billion. If you adjust it for real purchasing power in terms of constant dollars, the real farm income in this country this last year was $9 billion and total farm and ranch debt across this country was $215 billion.

Now if the farmers were lucky enough to get 10 percent interest on the average—and most of them are not that fortunate, not nearly that fortunate—just the interest on their total debt this year would be over $21 billion. Gross farm income is only $19 billion, and so we have had a situation once again, Mr. President, in which just the interest payment on the farm debt of the Nation exceeds—just the interest payment, not paying any principal on the debt, not having one penny left to support their families, just the interest payment on the debt—exceeds the total farm income, the total gross farm income, not even considering inflation in this country.

Therefore, Mr. President, when we look at a group contributing in the twenties of billions of dollars to our favorable balance of trade, giving the American citizen and the American worker the greatest food bargain in the world, allowing him to keep the other 83 percent of what he earns to use for things other than food, none of us should apologize for one moment for trying to do everything we can to see that the rest of us in this country keep faith with that sector of our economy that is doing so much.

Mr. President, I rise in opposition to the motion to proceed to consider legislation which would freeze target prices for the 1984 crops of wheat, feedgrains, cotton, and rice at the 1983 levels.

It is extremely unfair that Congress has been asked to freeze target prices, an integral part of any complete agricultural program, when the specifics of that complete program are not available. It is simply impossible for this institution to render an educated decision on the freezing of target prices when the facts on which its merits lie have not yet been announced by the Department of Agriculture.

For us to examine this issue without first knowing the plans of Agriculture Secretary John Block with regard to his 1984 agriculture program would represent a complete failure on our part to seriously consider this question on which the future of millions of farmers and agribusinessmen so deeply depends.

Mr. President, time and time again I have asked the Secretary to announce the program. Look at the position in which his refusal to tell the American people what he intends to do in terms of the farm program has left all of us who are Members of Congress. We are being asked to vote on a target price freeze in order to obtain an acceptable farm program.

Well, Mr. President, when I go back to Oklahoma—as I plan to go back this weekend if we are not still here debating this matter, which we may well be—the farmers will ask me, "Are you going to vote for that target price freeze?" And I will say, "Well, the Secretary of Agriculture says we should vote for it so we could get a better farm program." And they will say, "Well, if you do, what kind of farm program are we going to get?" I have to answer them: "I don't know. The Secretary of Agriculture will not tell me. He will not say to the Senate of the United States, he will not say to any Member of this body before we vote on the target price freeze, what the farm program will be with it and what the farm program would be without it."

Now to me, Mr. President, it is only fair that we be given that information. How can we possibly cast an intelligent vote on whether or not we should freeze target prices until we know the details of the program? How can the farmers even decide whether they are for it or against it without knowing the details of the program? How can we, simply looking at it in terms of cost, know whether the program is going to cost more or cost less if we freeze target prices until we know what is going to be done with the rest of the program?

If we lower loan rates more than we lower target prices and increase the gap between target prices and loan rates even more, we could end up with a program with a larger deficiency payment—that is usually the difference between the market or the loan rate and the target price—than we have now. We could end up with a more costly program and one which would be less effective even than the current program.

Mr. President, it seems to me, by all logic, that the Secretary of Agriculture would spell out what his program is. If the Secretary of Agriculture has a program that is workable at all for the American farmer and if it is a program that is at all reasonable, one that the farmer would want to have enacted into law, he ought to announce it, because if he does, it could create a groundswell of support for his proposal to freeze the target price. He could say, "We want that target price freeze and here is the farm program I intend to put in place if we have this target price freeze." But yet he refuses to do so.

Now, Mr. President, I am not suspicious by nature. I like to take everything at face value. But it causes you to reflect: Why will the Secretary of Agriculture not let the Congress and the farmers of the country know what is in the farm program? Why is it being kept under wraps?

Well, Mr. President, if one were suspicious one might guess, if he had a program of which he could be proud, if he had a program that would be reasonable, if he had a program that he thought the farmers would accept, he would announce it. He would be anxious to announce it. He would be calling a press conference at this moment to announce it.

But if he had a program of which he was ashamed, which he knew would be so unfair to the agricultural community, then he would not want them to know what was in it. He might wait all the way until August 15, when this Congress is not in session, and perhaps in the dark of night put a few mimeographed copies out under the door of his office.

Well, I hope that is not why he is waiting. I hope it is not because he has a farm program so bad that he does not want to let the people know what is in it before we are called upon to vote on a key portion of any agricultural program. I hope not, because my farmers, last year trying to pay that $15 billion debt, cannot afford another bad farm program.

But it is time, for the sake of honesty and fairness and intelligent decisionmaking by the Congress of the United States, for the Secretary of Agriculture to let us have all the facts about the program.

No one on the Senate floor is delaying announcement of the farm program. The Secretary can announce it right now. And the record should show, Mr. President, that it is in the Secretary's hands as to whether or not we will have a delay in legislation.

I am ready to vote on the dairy bill. I am ready to vote on the tobacco bill. I am even ready to have us go forward to consider the target price freeze.

It is the Secretary who will not announce the program and give us the information we need to vote. It is the Secretary who is saying, "Let us not have the dairy bill until we vote on the target price bill, but I will not give you any information on which you can base a decision on that bill."

There is no bottleneck on the floor of the U.S. Senate in terms of discussing agricultural policy. The bottleneck rests at the Office of the Secretary of Agriculture. And I say it with all due respect.

I like the Secretary personally. I think he is a fine man. I realize he is also operating under terrible constraints, under the influence of the Director of OMB and others, in terms of agricultural policy. He has all of my sympathy in operating under the present burdens of having other people in the administration impact agricultural policy without even considering—like those who made the tex-

tile decisions which caused the loss of $1 billion worth of sales of our agriculture products to China; like those perhaps in the labyrinth of the State Department who are unwilling to begin real negotiations with the Soviet Union so that we could recoup another $1 billion of lost sales there in the wake of the embargo.

I realize all of this had confronted the Secretary of Agriculture. But, Mr. President, it is not enough for me to go home to the State of Oklahoma and say I feel sorry for the Secretary of Agriculture; they have undercut him at the State Department, at the Commerce Department, and Mr. Stockman undercuts him at every turn; it is too bad they have forced him into a farm program that is so bad he apparently does not want to announce it.

They might feel sympathy for him, all right, but that is not going to help them pay the mortgage. That is not going to help that fourth generation farmer who talked to me last weekend who told me, "My family has been here for four generations but we are not going to be here but for 2 more months because I cannot pay the mortgage with prices below my cost of production."

So no matter how one feels about the Secretary of Agriculture as a person and as an individual, we are obligated, Mr. President, to do what is right in terms of economic policy for this country.

There has never been a time, Mr. President, that the agricultural sector of this Nation so desperately needed our serious consideration. As we all know, American agriculture is in the midst of economic catastrophe. As I reminded this great body several weeks ago, not since 1932 have we experienced 3 straight years of declining net farm income; 1932 equaled this dubious achievement. When adjusted for inflation, 1982 net farm income was lower than net farm income in 1932, the worst year of the Depression. Net farm income could still decrease this year. Cash prices are down despite the large amount of land taken out of production this year because of the PIK program, and we will see an increase in wheat carryover stocks despite the PIK program.

U.S. agricultural exports fell to $18.1 billion during the first 6 months of this fiscal year, a 17-percent decline from the same period a year earlier. Wheat shipments are presently 17 percent below 1 year ago, and rice shipments have declined by 36 percent. Cotton exports have dropped by a third.

The current supply situation, coupled with declining exports, indicates that, at a minimum, another year of supply adjustment programs is necessary.

At this very moment, farmers across the Nation are making planting-and-purchasing decisions for the 1984 crop year. Their desperate economic situation necessitates well-thought-out decisions, and seasonal planting times make the announcement of commodity programs essential to informed decisions. The farmers in Oklahoma and Texas are in the process now of readying their land for the 1984 wheat crops. They desperately need to know whether they will be participating in an acreage limitation program this year. Actually, they needed to know a month ago.

Delaying the announcement of these programs serves no purpose whatsoever. As National Association of Wheatgrowers' President Don Loeslie so clearly put it, "Growers cannot farm by reflex action."

But it is not, Mr. President, only the farmer who needs this important information now. The agribusinesses which supply the inputs necessary for crop production need program information in order to plan their expenditures and purchases. These businesses are willing to incur losses of revenue as a part of the program to aid the farmer, but they need to know the Government's plans so they can minimize their losses. Many supply businesses encountered financial difficulties this year because of the late announcement of the PIK program. With fewer acres planted this year in response to the program, the demand for farm inputs such as seed and equipment has sharply declined.

Many small businesses could have been protected and made adjustments earlier had they known what the program would have been at an earlier date.

Examples are numerous—fertilizer use was estimated to have declined 12 to 14 percent overall with use on corn and sorghum down 25 to 27 percent. The farm machinery business, already under financial stress, expected a 2- to 3-percent drop in purchases as a result of reduced acreage. Similarly, the need for maintenance, parts, and repair services decreased by an estimated 12 to 15 percent. Pesticide use dropped 3 to 5 percent in 1982, and this year's expected decline is 13 to 17 percent.

The PIK program has caused a decline in overall expenditures of seed by 13 to 17 percent. Quantities of corn and sorghum seed purchased may have declined by 25 to 27 percent, while cotton and rice seed purchases are down 19 to 20 percent and 25 to 28 percent, respectively.

The adverse effects of PIK on these agribusinesses have caused many to face serious financial difficulty. Some have closed and others have had to lay off workers. Much of the difficulty encountered by these businesses could have been avoided by earlier announcement of last year's program, and a similar situation can be avoided this year by an immediate announcement.

For how many years must we continue to make the same mistakes, Mr. President, before we begin to learn from them?

As you can see, Mr. President, immediate announcement of the 1984 commodity programs is necessary not only for this Congress to consider the target price freeze, but it is also an integral part of the planning taking place in the agricultural sector right now. As I have pointed out, it would be folly on our part to believe that we could do justice to the plight of these people by considering this legislation without any of the needed information.

Furthermore, Mr. President, the decision this administration is asking us to make is not only unfair to the millions of American farmers and agribusinessmen who are relying on us, but it also could prove to be fiscally irresponsible.

Part of the information the Secretary has withheld from Congress concerns his 1984 program for commodity loan rates. These loan rates determine the amount a farmer can borrow from the Government against his commodity. The loans are repaid by the farmer in cash or with the commodity securing the loan, and thus, do not add to the Federal deficit. The portion of agricultural programs which is not returned to the Treasury is the deficiency payment, the maximum of which is the difference between the loan rate and the target price for each commodity. Clearly, if the loan rate is lowered, deficiency payments will increase, adding significantly to the Federal deficit. With appropriate concern to budget deficits, it is impossible for us to act on this piece of legislation before the loan rate is announced by Secretary Block. There is a great deal of justification for concern over the Secretary's position on this. Mr. President, allow me to read from the July 11, 1983, issue of the "Food and Fiber Letter" published by Webster Communications Corp.:

> Secretary of Agriculture John R. Block is laying plans to continue his all-out effort to freeze target prices and cut the cost of the dairy program. He called in 20-some Washington Farm Group officials last week, appealed once more for their support, but got few takers. Those at the meeting say he declined to confirm widespread reports that he would reduce grain price support loan rates for 1984 (as he has the authority to do by 10 percent) if the target price freeze is enacted. But he also wouldn't rule it out. Holding down the target price is almost essential to a loan rate reduction; otherwise, deficiency payment costs would be even greater.

Continuing, the "Food and Fiber Letter" said:

> At a Washington meeting last week, Assistant Secretary for Economics, William G.

Lesher, confirmed for the first time that Block is giving "serious consideration" to the loan rate decrease. Most commodity observers have been expecting it; one needs only to read USDA speeches and testimony the past two months to see the strong interest among the policymakers there in getting the price supports down.

Mr. President, Secretary Block's argument for the lowering of target prices is budget savings. Clearly, such savings could be eliminated by a lowering of the loan rate. Secretary Block is attempting to force this Congress to accept not a money-saving program, but a program which significantly reduces the already dismal income of the American farmer.

Mr. President, when you read between the lines, what is really being said is we need to lower the loan rate so we can have lower farm prices and, in theory, sell more overseas. We will not sell more overseas, because the major factor is the overvaluation of the American dollar. When somebody buys American wheat, they must first buy U.S. dollars to pay for that American wheat. With our dollar overvalued by some 20 percent, that cost becomes excessive. So that program will not work. But I think it is clear, Mr. President, that that is the policy of this administration and this Secretary of Agriculture: Let us have a lower loan rate because that will lead to a lower price.

Mr. President, let us think for a moment about what is being said. At a time when farmers are going bankrupt in record numbers, at a time when there are so many foreclosures and the value of farmland has fallen more than 10 percent all across the country, at a time when we are on the brink of seeing family farm after family farm go out of existence, we have a policy being advocated by the Secretary of Agriculture which calls for lower farm prices. It boggles the mind to consider that anyone would be proposing such an insensitive program at this particular point.

But, there is yet another reason why it is imperative that we know the specifics of the 1984 wheat program. It is up to Congress to insure that the Secretary's program is attractive. Without an attractive program, participation will be poor. Lack of participation will, in turn, mean increased supplies which translates into lower cash prices for the farmer and higher costs for the Government. Even the Department of Agriculture agrees with agricultural economists that a higher target price increases participation. In response to a question raised at the February 3, 1983, hearing of the Senate Agriculture Committee's Subcommittee on Agricultural Productivity on S. 36, a Department spokesperson told us:

> The higher reserve loan rate for the 1982 crop was used to encourage farmers into the acreage reduction program. However, for the 1983 crop, the higher target price level, $4.30 per bushel versus $4.05 per bushel for 1982, is the attraction for high participation in the Acreage Reduction Program.

If we are to decrease our stocks and thereby decrease Government costs, it is essential that the 1984 acreage reduction program be attractive enough to encourage high participation. If the Secretary wants to freeze target prices, we must know whether he intends to have a reserve loan rate higher than the regular loan rate in order to spur participation. If not this, we need to know exactly how he plans to make up for the lost participation as a result of the target price freeze.

Even if the Secretary does not lower the loan rate and does have plans to spur participation to offset the effect of the target price freeze, his refusal to announce the 1984 program is jeopardizing any program before it is born. Late announcements clearly undermine program effectiveness by lessening participation. The land idled in this year's PIK program dwarfs in comparison to the amount which might have been idled had the program been announced earlier. Secretary Block once understood the necessity of early notification of program specifics. In a December 9, 1982, Senate hearing of the Subcommittee on Agricultural Production, the Secretary responded negatively to a letter presented by Senator HELMS which recommended a delay in action on the 1982 plan. Allow me to read the Secretary's remarks. He said:

> First of all, I think it would be a mistake for agriculture. The longer we wait, the less likely it is going to be that we can get heavy participation, and, after all, what we want is participation. Furthermore, farmers will be plowing in Southern States almost before you know it. You know, the further we go the more difficult it is going to be to get participation. Farmers like to know ahead of time what the game plan is.

How right the Secretary was, Mr. President. How tragic that he now appears to have forgotten his own remarks.

Even this year, USDA employees have stated their expectation of an announcement by July 1. From the USDA's own publication, "Farmline" I recently read the Department economist Keith Collins' statement which I would like to share with you now. Collins said:

> Secretary Block has said that PIK will probably be used again in 1984. No final decisions have yet been made. USDA's wheat program must be announced by August 15, but we expect a decision—and an announcement—by July 1.

For months, Secretary Block had implied his intentions to announce the program for wheat by July 1 at the latest. While in Oklahoma in the early part of the summer, he told some of my constituents that he would announce the wheat program by July 15. With such information coming directly from USDA and the Secretary himself, Mr. President, you will forgive me and my constituents if we found Mr. Block's later refusal to announce the 1984 plan a bit shocking.

I have no desire to embarrass any of the employees of the Department or the Secretary. Mr. President, you will forgive me and my constituents if we found Mr. Block's later refusal to announce the 1984 plan a bit shocking, to say the least. Contrary to his earlier statements, the Secretary declared that not only would he not announce the program by June 15, but he would also delay the announcement until this legislation to freeze target prices was acted upon. Mr. President, I am at a loss to explain what caused this about-face, but its effect has been a tremendous loss of faith within the farming community and among those of us in the Senate who have, for months, tried to persuade Mr. Block to keep his word and announce the 1984 wheat program before July 1.

I think it would be helpful, Mr. President, to my colleagues in the Senate if I read the contents of the correspondence which took place between Members of the Senate and the Department of Agriculture. This correspondence culminates in a letter from Secretary Block to me in which he again declared his intention to announce the wheat program by July 1.

The germane correspondence begins with a letter sent to Mr. Block by my good friend and distinguished colleague from Nebraska (Mr. ZORINSKY). The Senator from Nebraska accurately describes the urgency of early announcement in the contents of that letter, which I shall read:

> DEAR JACK: It is absolutely essential that both farmers and their suppliers be informed as to whether the PIK program will be extended to the 1984 crop year.
>
> On top of losses in 1983 resulting from inventories for which there is no demand, farm supply dealers face uncertainties next year which make it impossible to make decisions essential to keeping their businesses solvent.
>
> Government officials in such areas as finance and defense are able to plan for the future. But agriculture and related agribusinesses are left without any basis on which to plan ahead. Hundreds of millions of dollars are at stake.
>
> Stopgap and patchwork farm programs are a basic cause of present farm economic distresses. Congress has attempted to give farmers some lead time to plan by writing a four-year farm bill with a broad range of executive authority. Four years in which to plan ahead is little enough time. But when major mid-term shifts such as PIK occur, it is impossible for suppliers of such inputs as seed to respond to needs. An example is the shortage of some seed for cover crops while excess inventory builds in other grain seed.
>
> With the rural business community faced with major adjustment this year, it is little enough to expect the Department of Agriculture would be able to announce the kind of acreage reduction program that will be in effect in 1984.
>
> Mr. Secretary, I urge you to announce before the end of this month whether or

not the PIK program will be extended to the 1984 crop year, together with any other program modifications that will affect planning by farmers and their suppliers.

Respectfully,

EDWARD ZORINSKY,
U.S. Senator.

This was in May. It is not that the members of the Agriculture Committee and other Members of the Senate have not pleaded with the Secretary to announce the program. We have, repeatedly. It is not that it has not had our attention, that we have not tried on behalf of farmers to get an early announcement. We have simply been frustrated by the Department and the administration.

One week after the Senator from Nebraska had sent this letter, another letter was sent to Secretary Block by a number of Senators; namely, Senators BOSCHWITZ, DIXON, ANDREWS, HUDDLESTON, MELCHER, PRESSLER, PRYOR, PERCY, NUNN, EAGLETON, BAUCUS, GRASSLEY, JEPSEN, and myself. The Secretary was requested to announce the wheat program by June 15, in this correspondence.

Mr. President, I ask unanimous consent that the text of my letter to Secretary Block and entered into by several other Senators of May 17, 1983, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., May 17, 1983.

Hon. JOHN R. BLOCK,
Secretary of Agriculture, Washington, D.C.

DEAR MR. SECRETARY: Farmers will soon be making planting and purchasing decisions for the 1984 crop year. These decisions will be based in part on the commodity programs announced by the Department of Agriculture. We urge you to make an early announcement of the 1984 crop programs.

Farm, commodity, and agribusiness leaders have stressed the need for an early announcement by USDA to assure ample time for farmers to act during the fall season. An early announcement will also help restore the economic stability and viability of agribusiness adversely affected by the 1983 payment-in-kind program.

We all hope the farm economy recovers quickly, but the farmers input industries must also survive to properly serve our agricultural production effort. In addition, the economic health of these support industries must be maintained to protect both jobs and the economic viability of rural communities.

For these reasons, we request that, as you develop the 1984 farm programs, you give careful consideration to both the farmer and his input industries. To that end, we request that you announce the 1984 wheat program by June 15, 1983, and the 1984 feed grain program by August 15, 1983.

Early announcement of the 1984 crop programs will enable farmers to plan adequately and help preserve the farmers' vital input industries through these challenging times.

Sincerely,

Rudy Boschwitz, Mark Andrews, John Melcher, David Pryor, Sam Nunn, Max Baucus, Roger W. Jepsen, Alan J. Dixon, Walter D. Huddleston, Larry Pressler, Charles H. Percy, Tom Eagleton, Chuck Grassley, David Boren.

Mr. BOREN. My colleagues and I did not receive a reply until 1 month later. In the interim, yet another letter was sent to Secretary Block, this time by the Committee on Agriculture, Nutrition, and Forestry. This letter, signed by the distinguished chairman of the committee, Senator HELMS, and the ranking member, Senator HUDDLESTON, and the other members of the committee also asked the Secretary to notify the committee of the 1984 wheat program specifics by June 15.

Mr. President, I ask unanimous consent that the letter from the Agriculture Committee to the Secretary of Agriculture dated June 8, 1983, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON AGRICULTURE,
NUTRITION, AND FORESTRY,
Washington, D.C., June 9, 1983.

Hon. JOHN R. BLOCK,
Secretary of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: There is great interest in Congress and the U.S. agricultural community in the provisions of government commodity programs for the 1984 crops. In addition, with the 1983 wheat harvest now underway, there is particular interest in ensuring that the details of next year's wheat program are announced as soon as possible.

We are familiar with the Administration's legislative proposal to freeze target prices for wheat, feed grains, upland cotton, and rice at the 1983 levels for the 1984 and 1985 crops. The Committee has scheduled a mark-up session for June 15 to consider this proposal as well as possible revisions to the dairy and tobacco price support programs.

We believe it would be extremely helpful to the Committee's consideration of the target price proposal if you would provide the Committee with as much information as possible on the provisions of the 1984 programs prior to the mark-up session on June 15. In particular, we would appreciate receiving the details of the 1984 wheat program, which you have previously indicated would be announced by July 1. This information would be invaluable to the Committee in assessing the effect of a target price freeze on overall program participation, crop production, and farm prices.

Sincerely,

Walter D. Huddleston, Patrick J. Leahy, David L. Boren, Thad Cochran, Rudy Boschwitz, Alan J. Dixon, Jesse Helms, Bob Dole, David Pryor, Roger W. Jepsen, Paula Hawkins.

Mr. BOREN. A reply from the Secretary was received on June 14, and contained this information concerning the 1984 program.

At this point, I should like to read what is purported to be the response to our questions by the Secretary of Agriculture in his letter dated June 14 addressed to Hon. JESSE HELMS, chairman of the Senate Agriculture Committee.

DEAR MR. CHAIRMAN: This is in response to the letter of June 9 from the Committee regarding provisions of programs for 1984 crops, particularly wheat.

For the 1984 wheat program, the major points we are currently considering are:

Acreage Reduction Program (ARP) requirement of between 20 and 30 percent.

That is a rather large range to consider.

Additional Land Diversion (ALD) with payment-in-kind (PIK) compensation between 20 and 25 percent.

ALD compensation of between 70 and 80 percent of program yield.

At this time it is premature for us to address specific provisions for other 1984 crop programs. We are currently polling the industry to determine if there is support for lowering the loan rate.

Sincerely,

JOHN R. BLOCK,
Secretary.

Mr. President, this response is virtually worthless. It does not in any way advise the farmer on the specifics of the 1984 wheat program in such a way that would aid his crop planning, nor does it inform the Senate to a decree necessary to make intelligent decisions on issues connected with the commodities program. It was not until after we had received Mr. Block's response to the committee's letter that we finally received a reply to the earlier letter signed by myself and 13 of my colleagues. The reply read as follows. I quote from the letter of June 17, 1983, from Secretary Block to myself.

DEAR SENATOR BOREN: Thank you for the letter signed by you and 13 of your colleagues concerning early announcement of the 1984 crop programs.

We agree that program provisions must be announced as early as possible to enable producers to take full advantage of the programs and to provide small businesses and agricultural input suppliers maximum opportunity to adjust to the new program provisions.

Analysis has already begun on the 1984 programs.

This was on June 17. I thought we were going to have an announcement on June 15.

The Payment-In-Kind Program is among the options being analyzed. A notice requesting comments on the 1984 Wheat Program has been published in the Federal Register and the deadline for comments was June 6. It is our current intention to announce the wheat program about July 1. We will soon request comments on the 1984 Feed Grain Program, and hope to announce it by the end of September.

An identical letter is being sent to your colleagues.

Thank you for writing.

Sincerely,

JOHN R. BLOCK,
Secretary.

Please note, Mr. President, that here again Mr. Block assured us of his intentions to announce the program for wheat by July 1. By this assurance, which was later ignored by the Secretary, the reply contains nothing of significance for those of us trying to

make informed decisions on the target price freeze which I have shown to be integrally tied to the announcement of the 1984 commodities program.

Mr. President, I think I have made my points quite clear. This body, for the many reasons I have just stated, is simply not justified in considering the legislation at hand. To do so before we fully understand the entire program planned by the Agriculture Department could result not in aiding the farmer, as is the intention of the commodities program, but in further weakening his position. But this tragic irony is not of the limited interest of the agricultural sector of our Nation.

Agriculture, Mr. President, is the foundation of this Nation's economy. A thriving agricultural economy means a thriving American economy; a depressed agricultural economy translates into a depressed American economy. The fact is that today agriculture, the very foundation of this country, is on the verge of an economic collapse. And it is important to remember that when agriculture falls, we all fall.

This fact was exemplified by the Great Depression of the 1930's. The Depression, which nearly brought this country to a standstill, began on the farm. The farm sector of this economy was hit first and hardest by that economic crisis. Farm foreclosures became the order of the day. Realized net farm income of farm operators in 1932, the worst year of the Depression, was less than one-third of what it had been in 1929. Farm prices during the Great Depression fell more than 50 percent.

Land values declined disastrously, and does this all not sound shockingly familiar as one picks up the statistics for this year and the previous year?

Once the farm sector fell, our entire economy fell. Unemployment skyrocketed, and the unemployed were left without hope for work. Soup lines in the cities became commonplace.

My reason for reminding my colleagues of this tragic era, Mr. President, is that I fear that history is repeating itself. A severe economic crisis has struck first and hardest in our Nation's farm sector. As I mentioned before, not since 1932 have we experienced 3 straight years of declining net farm income. It is still possible that 1983 will be the fourth straight year of declining net farm income.

When adjusted for inflation, 1982 net farm income was lower than net farm income in 1932. For the first time in almost 50 years, farm foreclosures have increased dramatically. In 1980, there were a total of 260 foreclosures by the Farmers Home Administration. There were no more than 300 foreclosures in 1981. In fiscal year 1982, the number of foreclosures reached 844—almost three times the number in 1981. In addition to the foreclosures in 1982, Farmers Home Administration reported that there were 5,908 liquidations and 1,245 bankruptcies discharged. During year 1982, U.S. farm product exports dropped for the first time in 13 years. Export volume declined by 2 percent from the previous year and the value of these exports fell 11 percent. It is now apparent that exports will also decline this year. In wheat exports alone, the 1982-83 estimate is only 1.5 billion bushels, down almost 15 percent from the 1981-82 record.

The value of U.S. agricultural exports in fiscal year 1983 is estimated to drop to $34.5 billion—representing a 12-percent decline from fiscal year 1982's $39.1 billion. The 1983 estimate is $9 billion less than the value of agricultural exports in 1981.

Agricultural export volume is also projected to fall for the second year in a row—down 8 percent from last year. As a result of these declines, the U.S. agricultural trade surplus may fall to $18.3 billion in fiscal year 1983.

Wheat exports alone are expected to fall in volume to 38 million metric tons, as compared to 44.6 million metric tons exported last year, representing a 15-percent decline in 1 year.

I hardly think I need to remind my colleagues of the economic problems this Nation is currently facing. Of course, there are some who say that America is on the road to economic recovery. I assert today, as I have many times before, that the American economy will never be on the road to complete recovery until the agricultural sector is back on its feet. We will simply never see a sustained decrease in unemployment or a sustained increase in productivity until agriculture, the most productive sector in this Nation, recovers.

Mr. President, if we were to move to consider this legislation which would freeze target prices at 1982 levels, we would be turning our backs not only on the American farmer by ignoring our responsibility to make educated decisions with regard to the commodity programs essential to his survival, but we would also be forgetting our duty to oversee the well-being of this Nation's economy, which is so critically tied to agricultural prosperity.

I urge my colleagues to consider the impossibility of the decision we are being asked to make. Without the specific commodity programs for 1984, this Senate simply cannot consider this momentous proposal with any semblance of justification.

Mr. President, I hope that these words, as they have been heard by some of my colleagues and will be read by others, will be helpful to them in understanding why it would not be right for us to proceed to the consideration of this piece of legislation at this time, until the Secretary of Agriculture has come forward with the specifics of his own program proposals, until this body can weight those proposals carefully and can consider their impact on the total economy of the country.

I see that my colleague from Montana has rejoined us on the floor. I also see the distinguished chairman on his feet. I will be happy to yield to the Senator from Montana or to the distinguished chairman if he has a question or other comments he might want to make.

Mr. HELMS. I assure the Senator from Oklahoma that the Senator from South Carolina will seek the floor in his own right. If the Senator from Oklahoma has concluded, I will seek the floor.

Mr. BOREN. I have concluded, and I yield the floor.

REAGAN ADMINISTRATION'S FARM ACHIEVEMENTS

Mr. HELMS. Mr. President, I believe that President Reagan and Secretary Block are doing an outstanding job for American agriculture under the most perplexing of circumstances. The President and the Secretary deserve that the record be set straight by reviewing the achievements of the current administration on farm and economic policy.

American agriculture is moving into recovery, after 3 years of depressed prices, high costs of production, and low farm income. Along with other sectors of the U.S. economy, there are real prospects for sound economic growth in agriculture during 1983 and 1984.

President Reagan and Secretary Block deserve to be recognized for their actions to help bring about economic recovery. It has been a long and difficult period for American farmers, and for those who have had the responsibility of rectifying past mistakes.

The downward slide in farm income began in January 1980. The first body blow to agriculture fell when contracts for the sale of our farm products to the Soviet Union were blocked by President Carter's embargo. The impact was immediate and severe and it has been lasting. Farmers have yet to recover—even though President Reagan has long since lifted the Carter embargo.

Mr. President, when the Carter grain embargo was imposed, farmers felt the shock as prices plummeted. That was not the worst of it, however. Since then, the Soviet Union has diversified its sources of grain supplies. The U.S.S.R. is buying more grain from a variety of countries and has signed a series of bilateral grain agreements with other nations to assure themselves of continuing supplies from countries outside the United States. This continued loss of the Soviet market is one of the costly,

long-term consequences of the Carter-Mondale embargo.

But even then, Mr. President, the embargo was imposed when farmers could least afford it. Farmers had been hit hard by the policies of the late 1970's which led to soaring inflation and the highest interest rates of the century. Inflation went from 4.8 percent in 1976 to 12.4 percent in 1980, and during that period interest rates shot all the way up from 6.5 to 21.5 percent.

Inflation, more than any other economic calamity, robs farmers of their ability to earn profits. Prices paid by farmers at the end of 1980 were running four times ahead of the increase in prices they received.

Due to the structure of our production and marketing system, famers are less able than any in the economy to pass costs through to the end user—and are less able to recover constantly increasing costs. Profits under conditions of spiraling inflation are virtually impossible.

There is no question that the inflation farmers had to endure was the result of the policies of ever-increasing spending and taxation imposed on the American people by bipartisan fiscal folly in Congress.

And, dare we forget the burdens placed on farmers by those who pursued excessive and unnecessary regulation of the food industry? Have we forgotten the intensity with which such earnest Federal bureaucrats as Carol Tucker Foreman pursued policies which impacted directly and adversely on farmers? Remember the struggle we had to prevent a ban of nitrites in the curing and preserving of meat products? Remember Carol Tucker Foreman's "Dietary Guidelines" which spent taxpayers' money to tell the public to eat less red meat? Remember the tilt the Carter administration expressed in favor of dangerous and costly predators as endangered species?

All of this is to say that there are a host of problems farmers have had to endure in recent years which were the direct consequence of policies initiated and pursued in Washington prior to the arrival of the Reagan administration.

So, what is being done about it?

President Reagan came into office with a commitment to strengthen our economy through market forces. President Reagan's plan consists of stable monetary policy, relief from burdensome taxes and Government regulation, and substantial reductions in the growth of Government spending. Congress has acted on many of the President's initiatives in an effort to spur economic recovery.

During the first years of the Reagan administration, the new leadership cut nearly in half the growth in Federal spending, reducing the Federal demand on available resources.

The inflation which was making farm profits impossible has been brought under control, with the current national rate running at about 3.6 percent. The increase in farm costs has been cut dramatically. This year, farm production expenses for the major grains and cotton are expected to increase less than 1 percent, compared with 16 percent in 1979.

It cannot be emphasized strongly enough that under the previous conditions, farm profitability was virtually impossible. Now, with inflation coming under control, other conditions such as a strong dollar and weak foreign demand have not yet allowed adequate improvements in market prices. But as they do, profits will now be possible for farmers. We just cannot go back to the business as usual policies which will touch off another round of inflation, if we are able to cure the disease of inadequate farm income.

Prime interest rates were 21½ percent at the end of 1980. They are now down to 10½ percent. That is still much too high, but if Congress does what needs to be done on spending, we will bring those interest rates down.

The growth in regulations which stifled economic growth has been cut by a third.

Personal and business taxes have been reduced to stimulate savings, investment, work effort and productivity. The provision for accelerated depreciation will benefit many enterprises in agriculture.

The 25-percent 3-year personal rate reduction helps the small firms that pay their taxes by personal rates, not corporate rates, and this is another reason why it was so important to protect that personal tax cut from the big spenders in Congress.

One of the features of the tax program for which we fought the hardest addresses a special problem for farmers and family-owned business. It is not right that widows and children must lose, just to pay Uncle Sam, what generations of love and toil created. So, because of Republican leadership, the estate tax exemption will increase to $600,000 by 1987; and of even greater help, there will be no estate tax for a surviving spouse—the widow or the widower.

However, Mr. President, this hard-won reform has come under attack from the Democratic leadership in the House of Representatives. Earlier this year, the House Ways and Means Committee chairman proposed to put on hold all tax reductions scheduled to take effect after 1983, which would include the estate tax reforms.

The budget resolution passed by the House of Representatives earlier this year would have required a tax increase of $30 billion in 1984 and $120 billion over the 3 fiscal years, which could very possibly involve increased estate taxes. I believe that we should retain the 1981 tax reforms, and oppose the Democrat proposal to increase taxes on farm families.

Beyond that, President Reagan selected a genuine, "hands-on" farmer to be his Secretary of Agriculture. John R. Block has taken a host of actions to benefit the farm economy.

USDA leaders have actively sought to educate and inform the public about agriculture. Through a program called Agriculture in the Classroom, educational groups, farm organizations, USDA and others have cooperated to provide students across the country with better information about modern agriculture and how it affects their lives.

Nineteen States have formed Ag in the classroom action groups. All living Secretaries of Agriculture and 28 Governors have signed a Declaration of Principle formally endorsing the project.

Soil and water conservation is a personal priority of Secretary Block, and it is vital to the future productivity of our food and fiber supply. USDA has targeted its conservation resources to the areas of most critical need. USDA has encouraged conservation through the PIK program and has supported legislation to deny Government benefits to those who attempt to convert highly erodible soil into cropland with Government money.

Secretary Block has stated new guidelines for the use of commodity marketing orders. These guidelines will reform and improve the marketing orders, and preserve them for their continued use.

Under this administration, the USDA has recommended changes in food safety laws and continued to modernize inspection procedures. USDA strengthened controls over imported meat, and improved systems for controlling residues in food products.

The Farmers Home Administration has increased the total farm operating credit available to borrowers. Secretary Block has instructed FmHA to go the extra mile to help farm borrowers with the chance to make repayments.

Over 500 million pounds of surplus dairy and other farm commodities are being donated to the needy through the programs announced by President Reagan. The special dairy distribution program has provided over 480 million pounds of cheese and 140 million pounds of butter at a value of over $1 billion to the needy. In the coming year, these programs will provide an average 11 pounds of cheese to participants, more than double the average annual per capita consumption.

During the current time of necessary budget restraints, the Department has nevertheless placed agricultural research as a funding priority. Our land-

grant university system of research, extension and teaching has helped build up our technological achievements. Our State experiment stations and cooperative extension services have helped make American agriculture the progressive and productive marvel that it is and have helped American farmers to become, as President Reagan has described them, "the real miracle workers of the modern world."

In addition, the bipartisan 1981 farm bill is now in place and is providing record amounts of assistance to farmers.

On January 11, 1983, President Reagan announced the payment-in-kind (PIK) land diversion program as a measure to cut production, reduce surpluses, and trim Government costs. PIK has proven so successful that an all-time record 83 million acres were taken out of production and put into some soil-conserving practice.

PIK has been very beneficial to farmers. The book value of the PIK commodities which farmers will receive is estimated at $12 billion. Since the implementation of PIK, farm prices of corn have increased nearly 30 percent, cotton 30 percent, and rice 3 percent. PIK is expected to significantly reduce farmers credit needs and to add $2 to $3 billion to net farm income.

The PIK program, however, is not without problems. As with any new program, there are unexpected administrative difficulties and challenges which USDA is working hard to overcome.

The cost of PIK is increasingly a matter of debate, depending on how it is measured. After all, there is no such thing as a free lunch. If the book value of the PIK commodities given to farmers is calculated as a loss to USDA, then PIK costs $12 billion. However, it is very unlikely that USDA could ever have sold those commodities at prices that would have recovered their cost—in fact, doing so would have severely disrupted existing markets. Therefore, in reality, costs are minimal because the effective value of the commodities to USDA was minimal.

However, because of PIK, other Government spending on farm programs will reduce by $9 billion through fiscal year 1986. In the process, we are putting a stop to the buildup of costly, price-depressing surpluses.

While PIK is not free, it is far cheaper than other alternatives before us. If it had not been for PIK, the buildup of surpluses would have been much more costly and burdensome. In the process, we have produced a rural economy which is more vibrant and strong as a result.

In order to make the PIK program more effective, USDA announced that storage would be paid for PIK commodities even after the title on them passes to the producer for up to 5 months, and up to 7 months in the case of farmer-owned reserve grain. The Department provided higher yield guarantees under the Federal crop insurance program to producers who participate in PIK, and supported legislation which was enacted clarifying the tax status of PIK commodities so as to encourage farmers to participate.

Mr. President, I ask unanimous consent that an article from the June-July issue of Successful Farming magazine entitled "Farmers Bounce Back with PIK" be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, there are a host of other actions which the Secretary has taken to reduce production, encourage farmers to participate in commodity programs, and provide for storage of surplus products.

The USDA provided advance deficiency payments on the 1983 wheat crop as a new incentive to participate in the wheat acreage reduction program. These advance payments helped improve the cash flow situation for many economically stressed farmers and provided an added incentive to restrain overproduction. Such payments do not create new costs to the taxpayer, but in a case where the Government is going to make payments anyway, this allows farmers to put the capital to more productive use.

Secretary Block has made a good effort to announce each year's commodity programs well in advance of the statutory deadlines, so that farmers and their suppliers can plan most efficiently. The 1982 crop programs were announced in the month following the signing of the 1981 farm bill. Secretary Block announced the 1983 crop wheat and feed grain programs more than a month before the statutory deadlines. The National Association of Wheat Growers described it as "likely the earliest wheat program announcement in history."

In fact, Secretary Block's record on timely program announcements is far superior to that of his predecessor under President Jimmy Carter. Of course, it is not possible or wise to have early announcements every year. However, Secretary Block has done a good job of announcing programs as soon as adequate data is available for sound decision making. Such timely announcements help farmers prepare their fields and purchase their production inputs most effectively.

On the 1983 corn crop, USDA provided a paid land diversion that was double the amount required by law.

In order to deal with the large crop surpluses and limited storage space, the administration provided $100 million in funding for the on-farm storage facility program. Secretary Block eased requirements on the types of storage facilities that could be approved for USDA storage, and offered to enter into additional 2 year extended storage agreements with private grain elevator operators.

The administration places a high priority on using market forces to strengthen the farm economy. That means an aggressive effort to improve U.S. farm exports.

It also means standing up for our farmers in the face of unfair, predatory export subsidies by other countries. Early in his administration, the President stated a three-part policy referred to as the "Reagan Doctrine" on agricultural trade.

First, the President promised that no restrictions will be imposed on the exportation of farm products because of rising domestic prices. This commitment by the President to America's farmers—and to our customers worldwide—marks an end to the artificial "cheap food policies" of earlier days. It is a commitment that farmers will not be restricted from earning profits when farm prices do go up in the future.

Second, the President pledged that restrictions on commercial agricultural exports would not be imposed for foreign policy purposes except in the most extreme situations, and even then agriculture will not be singled out.

Third, the President made clear that trade barriers and unfair practices of our trading partners must not be continued if farmers are to receive the prices they deserve in the marketplace.

The President—and his entire team—have spoken out forcefully and repeatedly against these unfair foreign trade practices. The administration is using the GATT to challenge the unfair practices of Japan and the European Economic Community, for example.

On October 20, 1982, Secretary Block announced a "Blended credit" program for financing U.S. agricultural exports. The program used $100 million in interest-free direct credits, which were then blended with $400 million of CCC credit guarantees of private lender financing at market interest rates. The total package provided interest rates at levels competitive with subsidizing countries, so as to encourage potential purchasers to buy U.S. products.

The blended credit programs have proven highly succesful. By the end of 1982, all the funds had been allocated to 8 countries to finance the purchase of 2.5 million tons of U.S. corn, wheat, soybean meal, vegetable oil, and cotton.

On January 11, 1983, President Reagan announced the use of an additional $250 million in interest-free direct credits to be blended with credit guarantees to finance at least $1.25 billion in blended credit export sales. In total, the blended credit program has provided financing for more than 7 million tons of 15 different U.S. commodities.

For fiscal year 1983, USDA's authorization to guarantee export credits from the private sector increased from the previous year's $2.8 billion to a record high $4.8 billion.

In addition, on January 17, 1983, Egypt signed an agreement with the United States to buy 1 million metric tons of U.S. wheat flour over the next 12 to 14 months. The Department of Agriculture is providing enough CCC-owned wheat to enable U.S. suppliers to sell and deliver wheat flour at the agreed-upon price of $155 per metric ton. Credit guarantees will also be used. This action will utilize surplus U.S. wheat to meet the competition from subsidized French wheat flour sales to Egypt.

Apart from these targeted actions, the United States has continually sought to end unfair foreign trade practices through the prescribed procedures of international law, and specifically through the processes provided for under the General Agreement on Tariffs and Trade.

On January 11, 1983, the President signed legislation from the Agriculture Committee which provided "contract sanctity." Such legislative assurances will let foreign customers know that the United States will be a reliable supplier of farm products.

In response to increased food needs overseas as well as the surplus supply situation in the United States for dairy products, the administration announced a program to donate these Government-owned surpluses to the needy through international agreements or charitable, private sector organizations. To date, 67,000 tons of dairy products have been made available to nine countries for distribution to needy people in orphanages, hospitals, and so forth.

The administration has emphasized the importance of processed, value-added exports. Such exports generate additional dollars in sales and create private sector jobs in this country. USDA has also sought to emphasize the role of the States and the private sector in this effort.

For example, USDA and the National Association of State Departments of Agriculture jointly sponsored a highly successful, first-ever exhibit of U.S. value-added products for foreign buyers in May 1983. At the exhibit, 410 U.S. firms displayed their products to nearly 1,000 foreign buyers from 68 countries during the 3-day show. This exposure of U.S. products to foreign purchasers should result in an additional $100 million of exports.

USDA's Foreign Agricultural Service is expanding the Trade Opportunity Referral Service (TORS) so as to help U.S. suppliers know the potential market needs of overseas buyers. In March 1982, USDA initiated the electronic transmission of trade leads to U.S. exporters on a daily basis so as to keep us informed of market opportunities.

The foreign data base of potential importers has been increased by 25 percent. Total trade leads received and published have increased 12 percent over the previous year.

USDA has sent trade teams to every continent of the world in search of new markets for our farm commodities.

President Reagan lifted the Carter-Mondale embargo. He did not impose any further embargoes, despite the fact that there were pressures to do so, and he has agreed to negotiate a new long-term agreement with the Soviet Union.

First and foremost, our goal is to strive for real profits for farmers by effectively reducing production costs, and by seeking higher prices for crops in the marketplace.

Let us review the steps we have taken:

First. Cut the spiraling increases in production costs by over 90 percent.

Second. Ease the tax burden on farmers in particular, and on other citizens to provide for long-term economic growth for all sectors of the economy.

Third. Reduced regulations that affect farmers and ranchers, and have removed those in Government who were adversary to the farm economy.

Fourth. Strengthened USDA as an unabashed advocate for farmers.

Fifth. Emphasized the private sector and voluntarisms in implementing programs such as crop insurance, storage facility financing, and surplus commodity distribution.

Sixth. Increased farm operating credit for FmHA borrowers.

Seventh. Emphasized agricultural research.

Eighth. Targeted soil conservation programs to areas of greatest need.

Ninth. Ended the Carter embargo and acted aggressively to pursue markets for U.S. farm products.

Mr. President, the record shows that President Reagan and Secretary Block have consistently and vigorously acted to benefit American farmers. In return, I urge my colleagues to support efforts to get us back on track toward a profitable, market-oriented agriculture.

EXHIBIT 1

FARMERS BOUNCE BACK WITH PIK

PIK has breathed new life into farming and brought optimism to the countryside.

Those positive feelings come with good reason. The PIK program is pumping over $20 billion into farmers' pockets. Thanks to the ingenious Crop Swap provisions, the cost could be only $10 billion as estimated by the USDA. (Some other analysts believe the final cost could be twice that amount.)

Meanwhile, the $20 billion that will come to the country is mighty welcome. That figure is nearly as much as the total net farm income in 1982! Iowa farmers, for example, will reap $1.3 billion in government grain, diversion payments and deficiency payments.

WHERE WILL THE MONEY GO?

"To reduce debt," says Eldon Gould, of Maple Park, Illinois. He normally plants 1,200 acres of corn but all of it will be idled by PIK this season. Gould went to town and traded his corn planter for a new mower.

Many farmers will be interested in buying more than just mowers. Machinery dealers and others in the farm supply sector are hoping that higher farm income will bring more buyers. A few dealers are already reporting an increase in traffic and inquiries.

"We are really excited about the farm economy now," says Ray Daniel, vice president, Chase Econometrics. "Of course, we're not out of the woods yet, but I'd say we're beginning to see a lot of daylight."

Jim Gill, respected market analyst with the Illinois Farm Bureau, is equally enthused. "Ag lenders are beginning to smile again. That's a good sign. They feel PIK has stopped land prices from falling—relieving their greatest fear."

GRAIN PRICES GO HIGHER

Since the PIK program was announced, corn prices have risen almost one dollar above their harvest lows. Chicago futures wheat prices have jumpe 50¢ and New York cotton prices have risen 10¢ from their December 1982 lows.

The stronger prices have spurred farmer interest in forward pricing of PIK commodities. A recent survey by Successful Farming indicates 27% of the nation's farmers will forward cash contract or hedge their PIK crop this summer if they can get the price they want.

Corn farmers surveyed indicated they would pull the trigger on PIK corn sales when the local cash price reached $2.80 to $3.40. The average trigger price indicated by the survey is $3.07.

The average local price goal of wheat farmers for forward pricing was $3.89 and for cotton producers was 60¢ per pound.

This general improvement in grain prices has also led to a stabilization in land prices. Before PIK was announced, almost every quarter for the last two years brought lower land prices. "We've definitely seen land prices level off and go up in some cases," says James O. Melton, president, Bell Investment, Burlington, Iowa—a lender of insurance company funds. "We're also seeing lower interest rates. That along with PIK should put land prices back on the right track—up.

LIVESTOCK PRODUCERS FEEL PIK'S PINCH

While grain farmers and landowners are basking in PIK's sunshine, livestock producers are scratching their heads a bit. Hog producers believe the higher corn prices PIK has created may actually help them by keeping hog numbers from expanding this year.

Cattlemen aren't as happy. They expect the cost of gains in feedlots to rise as much as $8 per ctw. Dairymen also will feel the

squeeze. A 50¢ per bushel increase in corn prices raises feed costs $40 per cow per year. And, unfortunately it comes at the same time as the 50¢ per cwt deduction to cut surpluses.

But since most livestock producers are also grain farmers and vice versa, the negative and positive effects tend to cancel each other out.

"This program was so good that it attracted the really successful farmers," lamented one Illinois fertilizer dealer. "We didn't mind the 50 percent PIK, but the whole base bids were what really cut our business."

The Gigot family farm operation near Garden City, Kansas, was one of the large operations to participate in the program. PIK idled 10,000 acres of their corn ground, which translates into a 1.1-million-bushel PIK program payment.

A couple of southern Iowa farmers, anxious not to plant any corn this year, submitted whole base bids of just 35 percent which were accepted.

Critics of the program say it's too big and that it's a "quick fix" to long-term farm problems.

Many farm analysts are concerned that this big program will cause a consumer backlash against farm programs in the future. Our survey indicated that the majority of consumers believe farm programs cause higher food prices.

Agriculture Secretary John Block said in January that PIK was a short-term program, but many farmers say PIK's short-term effect will help to build a stronger base for their own operations and for the farm economy as a whole.

● Mr. CHILES. Mr. President, all through the budget debate this year, we have been hearing about the importance of cutting Federal deficits. And we have also been hearing that we cannot do it all with tax increases any more than we can do it all with spending cuts. I agree. We need some of both, and, today, we have the chance to do something about spending.

One of the key features of the price support bill before the Senate is a target price freeze. It would allow the Secretary of Agriculture to freeze target prices for the 1984 and 1985 wheat, corn, rice and upland cotton crops at 1983 levels. The overall impact of the bill would be to reduce savings in both budget authority and outlays for $10.5 billion between fiscal 1984 and fiscal 1985.

That amount of money measured against a $210 billion deficit we face in 1983 does not sound dramatic. But, even standing alone, it still represents substantial savings. When combined with tax adjustments in the budget totalling $73 billion over the next 3 years, the $10.5 billion in savings helps make a significant dent in the Federal deficit.

There is general agreement that the aggregate gains to producers of farm commodities are less than the costs to consumers and taxpayers. In a typical post-World War II year, a reasonable order of magnitude is that the programs increased producer's net returns by $4–5 billion in 1967 dollars at a cost of $6 to $8 billion to consumers and taxpayers.

Moreover, the evidence suggests price supports tend to help the larger farm operations rather than smaller family farms.

By freezing price supports, we are not singling out agricultural programs to carry some unfair share of the fight against Federal deficits. The discipline we can impose today must be matched by a frugal approach on any bill that authorizes spending. Any time we can stop an increase in spending; any time we can slow the growth of spending; any time we can find a way to make actual cuts, it means we are putting that much less pressure on the Federal deficits. And, to the extent we can reduce deficits, we improve the chances for lower interest rates, and give the economic recovery more room to continue. No one suffers more from interest rates than farmers—everything they do is on credit.

If we are really serious about cutting spending, we must keep a careful watch on the interaction of Federal programs and avoid spending on one while unnecessarily encouraging it on another. Right now, that situation is on the horizon in agriculture.

We have the Payment In Kind program (PIK) aimed at reducing commodity surpluses and lowering Federal outlays for price supports. This program will tend to reduce production as well as existing stocks, and strengthen farm commodity prices over the longer term. But if we allow target prices to rise, that would tend to encourage production and result in larger deficiency payments. We simply cannot afford a push-pull situation in which one Federal farm program contains spending while another stimulates it. By approving the freeze approach, we are not cutting supports. We are only keeping them from rising at a time when deficit control is so crucial to sustained economic recovery.

So we have the chance today to be consistent as well as frugal, and encourage economic recovery in the process. What we do on the price support program must be duplicated in other programs. We must continue to avoid adopting new entitlement programs, and not rely only on the imposition of COLA delays. We have got to be careful about underpricing estimates for military hardware, manufacturing savings today, and ending up with higher deficits tomorrow.

This price support bill today is part of a much larger picture. The money we can save here will help us achieve a stronger economy, and a longer recovery.

This morning, I spoke before the National Association of Manufacturers and addressed the things we need to do on both spending and taxes to help sustain recovery. I believe those remarks help to fit the price support bill and other spending programs in a clear budget perspective. I ask unanimous consent to have printed in the RECORD both a copy of my remarks, and also a copy of a recent study "Deficits and Interest Rates" prepared by Dr. Garry J. Schinasi of the Senate Budget Committee's minority staff.

The material follows:

DEFICITS MATTER

(Remarks of Senator Lawton M. Chiles)

My message today is basic. Deficits matter and they matter right now. If economic recovery is to be sustained, we've got to cut deficits with both blades of the scissors; spending restraint and taxes.

We've got to hold the line on spending. But we can't fight deficits only with spending cuts. It will take some revenue adjustments. I understand the postion that says tax increases are a threat to recovery. But let me point out there's a real difference whether you finance spending by borrowing money or with taxes.

If you raise taxes, the money comes out of consumption. If you borrow money it comes out of investment. So we are faced with a choice. We can buy into a short-term recovery and leave taxes alone, or we can modestly dampen demand, and leave money for investment, the basic fuel of a sustained economic recovery.

And we've got another choice. We can keep running deficits. But we will pay for them later. And the price won't be just the deficit in the out years, but the interest on the high deficits we have now.

I am afraid that the administration is playing games with the American Economy, attempting to patch it up to get it through next November's election. They're still showing extra revenues to lower the deficit figures they just announced.

You can gamble with those politicians who refuse to raise taxes before the election, and hold your breath that recovery will survive. But if it doesn't survive, you better get a good hold on something else. If recovery falters in the face of huge deficits, you'll end up with a massive tax increase for 1985 to make up for the chance we squander today.

I agree with you that spending must be contained. But if we don't do something on taxes right now, there won't be any savings from spending cuts, either. Here's why. For every member of Congress who insists on spending cuts as a pre-condition for more revenues, there's another person in Congress who will argue just the opposite.

That's why we've got to match up both spending restraint and revenues.

The Chart below would excite the Merrill-Lynch bull, not just because it's so red, but because it's so bad in a deficit sense. What it shows is what happens if we have no budget resolutions or if we fail to implement the deficit reduction called for in the one we passed. You can see clearly we will add $312 billion in new debt to the federal deficit.

(The chart is not reproducible in the RECORD.)

It's true, of course, that Congress has approved a budget. But now we've got to enforce it, and that step remains to be taken in the reconciliation we must pass after Labor Day. That reconciliation, among other things, calls for $73 billion in new revenues to help reduce the federal deficit. Now I appreciate the fact that NAM believes deficits must be cut, but that it

shouldn't all come through tax increases. But for now, let's just look at what a growing deficit will mean to the economic recovery.

Look at the chart. This chart was produced from figures provided by Data Resources. What it shows is the amount of private investment expected over the next three years in interest sensitive sectors like housing and construction. You can see they expect private investment to grow to $1 trillion by 1986.

(The chart is not reproducible in the RECORD.)

If that happens, new investment is going to be mighty expensive, because it will be coming at a time when deficits will be surging further unless we can enforce the budget resolution. That will cost business plenty of money. If business looks at the size of the deficit and the high interest rates they generate, they might choose not to invest at all. That would cost us the economic recovery.

When the Department of the Treasury says deficits don't matter, I think they better take a look at these charts. And maybe they better take a look at a study the Budget Committee has produced which argues that deficits matter very much. Copies of that study are available here today, but let me give you a few of the highlights.

Federal deficits right now are eating up over 97 percent of all net private savings in the United States. Without strict enforcement of the budget resolution, the deficits will still be consuming 73 percent of those savings by 1986. You know as well as I do that will make credit both hard to get, and expensive. But with the budget resolution and its lower deficits, a much lower 47 percent will go to service federal borrowing needs in 1986. Quite a difference, not just in arithmetic, but in the chances for sustained economic recovery.

So it's not only important to the budget process that we toe the mark on discipline; it's crucial to the hopes of recovery. Let me refer you to the following chart.

(The chart is not reproducible in the RECORD.)

The Budget Committee study explains the relationship between deficits and interest rates. During the 1960's when interest rates were at 4 percent, the federal deficit amounted to just 0.8 percent of the GNP. We haven't seen rates that low for a long time. During the seventies, the federal deficit increased to two percent of GNP, and as the chart shows, interest rates increased to 6.3 percent. Between 1980 and 1982, interest rates shot up to 12.1 percent as the deficit absored 2.5 percent of GNP.

Interest rates are climbing again, with the deficit projected to hit 6.3 percent of GNP for 1983. If we stick with the budget resolution, the deficit will fall to three percent of GNP by 1986, still too high, but moving in the correct direction.

Before going further, let me point out just one more item in the Budget Committee report, a report I urge you to take home and examine. We've got a structural deficit, the kind of deficit that will still exist even if the economy is operating near top capacity and close to full employment. If we don't enforce the budget, that structural deficit will account for 3.3 percent of GNP by 1986. With the budget resolution, the structural deficit falls to 1.7 percent of GNP by 1986.

I've tossed out a lot of numbers today, but I've done so to make a point. It's very basic. Deficits Matter. And cutting those deficits now—not waiting for tomorrow—counts, too.

Now, I know there's some dispute about the $73 billion in revenues in the budget resolution. Some have argued the figure is too high and should be ignored. I would point out to you that $46 billion of those revenues comes in 1986, the same year and in exactly the same amount proposed by the White House. The budget simply says let's get started now, before we dig ourselves so deep a deficit hole, that the $46 billion in 1986 won't be enough. The amounts we would raise in 1984 and 1985 are minimal—less than 1/10 of 1 percent of GNP—and pose no threat to recovery.

The budget doesn't rely just on taxes. We ordered $16 billion worth of reconciled savings from spending restraint. Congress, in a bipartisan way, expressed its understanding that you can't get your economic house in order by taxing your way out of trouble, any more than you can get by merely with spending cuts. You've got to do both.

And we've got to do more.

We've got to tighten up on entitlements. We did that to some extent by delaying COLA payments. Most people think entitlements mean only COLAs and "doing more" means just cutting them further.

Well, that's not possible now that the President bought the 6 month delay. He cut that deal, and it's not going to be changed between now and the next election. So if we want savings on entitlements—real savings—we can't do it just with COLA containment.

We can't authorize *new* entitlements. Just a few days ago, I joined in making a point of order against a new GI bill entitlement offered on the Defense Authorization bill. GI bill programs are immensely popular, but we had to draw the line in the interest of heading off more built-in spending before it became another deficit threat.

And we've got to be very careful about spending for weapons systems and use realistic estimates. If we budget a certain amount for 3 bombers, and only get 2½, then picking up the tab for the other ½ bomber is next year's uncontrollable. A few weeks ago, David Stockman told the Senate Armed Service Committee he found $2 billion extra because of lower inflation. You watch. That will eventually become $2 billion more in spending.

If we mean to save money, we've also got to be sensible about avoiding government programs that not only duplicate each other, but actually work at cross-purposes. Let me give you an example.

The PIK program is designed to limit federal outlays for farm price supports by encouraging farmers to reduce their planted acreage. But we've got price support programs that encourage production. With the deficits we face, now, we can't have one program that spends money to cut production while another program promotes production. Today we will be working on a bill in the Senate to freeze price supports—not cut, just freeze—and we will need support to pass it. That bill, combined with the dairy bill, can save about $8 billion in the next three years.

I want to mention just one more program: Medicare. You've heard about hospital cost containment. You know as well as I do it was more of a damage-control measure. Even now, hospital costs are rising about 12 percent a year. Sure, the federal government must bear some of the blame for those growing costs. But remember, the private sector pays about two thirds of the cost of employee health insurance. So it's in the employers best interest to do everything you can to get into the bargaining game, and not just let your insurance companies pay whatever hospital charge. You can help hold down the costs of Medicare, one of our biggest entitlement programs, and fight inflation as well.

Despite the glowing economic news lately, we've still got big problems. Right now, I'm concerned that our recovery is lopsided. Last week we saw the personal savings rate drop to 3.9 percent, well below the historical average of 6 percent, while consumer spending surged a full percentage point. It looks to me as though, the consumer has taken the tax cut and spent it, rather than saved it. So I worry that the long-range investment we need, might evaporate in a buying spree.

We just can't lose sight of one basic fact: Deficits matter. We must do something this year to cut those deficits, because everything Congress does is harder to do in an election year. We must act now, and we need your help. A lopsided recovery won't help us anymore than a lopsided budget which tries to cut deficits just with more revenues, or just with less spending. We need a solid package, with sensible adjustments in taxes, and sensible restraint on the spending side.

Deficits really do matter. Economic recovery matters, too.

DEFICITS AND INTEREST RATES

(By Garry J. Schinasi, Ph. D)

SUMMARY

This paper reviews a Treasury study entitled, "Government Deficits and its Effects on the Prices of Financial Assets." The Treasury study claims that high deficits over the next three years will not keep interest rates high. The following analysis prepared by the minority staff of the Senate Budget Committee points out errors in the Treasury study and offers evidence that by all standards, projected deficits are unprecedented, and threaten to keep interest rates high and rising. Moreover, projected deficits threaten to abort the recovery and diminish prospects for sustained noninflationary growth.

A brief review of the Treasury study

The Treasury study argues that high deficits do not necessarily cause high and rising interest rates, and therefore will not keep interest rates high over the period 1983-1986.

The arguments made substitute supply-side doctrine, and a world that mimics simplistic economic models, for economic reality as it has evolved in recent years.

The study claims that spending financed by borrowing has the same impact as spending financed by increased taxes. However, taxes typically remove funds available for consumption while federal borrowing typically withdraws funds from the savings pool available therefore for investment. The composition of Gross National Product and long-term economic growth are affected.

The study focuses only on the relationship between "cyclical deficits" and interest rates (caused by periodic recession). Because interest rates normally fall during a recession, it concludes that high and rising deficits have not been associated with high and rising interest rates. It then claims that the triple-digit deficits projected for the next three years will not keep interest rates high and rising, and will therefore not threaten the recovery.

The study ignores the size of the structural deficit and its relationship to financial markets. It does not consider the long run consequences of high structural deficits on the growth potential of the U.S. economy.

The Treasury Study ignores the influence of monetary policy on the relationship between deficits and interest rates. It does not recognize that previous episodes of high federal deficits were accompanied by accommodative rather than restrictive monetary policy.

The Treasury study ignores the unique nature of current economic conditions confronting policy makers. It ignores the fact that the business community is still fearful of inflation. Any move by the Federal Reserve to accommodate the triple-digit deficits projected over the next three years will re-ignite inflationary expectations and force long term interest rates upward.

Conclusions of staff study

Our analysis demonstrates quite clearly that over long periods of time, as deficits have increased as a share of GNP, interest rates have also increased. Because deficits threaten to grab an even larger share of GNP in coming years, interest rates threaten to go higher. Projections of economic growth by both CBO and the Administration assume interest rates (on 90-day Treasury-bills) either remain at current levels (8-8½ percent) or fall.

Since 1960, as federal deficits have increased as a share of GNP, the interest rate on 90-day Treasury bills has also increased (see chart 1).

(Chart not reproducible for the RECORD.)

With the austerity measures taken by the Budget Conference Agreement, federal deficits will decline to 3.0 percent of GNP by 1986. If the Budget Resolution is not adhered to, deficits will still be 4.7 percent of GNP in 1986.

Structural deficits projected over the next three years threaten the recovery. If Congress does not adhere to the Budget Resolution, the structural deficit as a share of GNP will rise from 2.4 percent in 1983 to 3.3 percent in 1986. With the austerity measures taken in the Budget Resolution, the structural deficit will shrink as a share of GNP from 2.4 percent in 1983 to 1.7 percent in 1986 (see table 1 in text).

The threat of rising interest rates becomes even more apparent when the following factors are considered:

Projected deficits threaten to absorb an historically high percentage of net private saving available for investment; from 1960-1979, federal deficits were on average only about 20 percent of net private savings. High federal deficits between 1983-86 will absorb an average of 70.7 percent of net private savings. In addition, absorption of net private savings by deficits typically falls during the first year of recovery; in 1983 it will use to 97.9 percent.

Projected deficits threaten to absorb an historically high percentage of total domestic credit. After averaging only 11.8 percent from 1960-1979, federal deficits will absorb on average 34 percent of total credit from 1983 to 1986.

Projected deficits are so high relative to total nonborrowed reserves in the banking system that the extent to which the Federal Reserve can keep interest rates from rising will be severely limited. During the period 1960-1979 federal deficits averaged about 70 percent of nonborrowed reserves while over the period 1983-86, federal deficits are projected to be 342.9 percent of nonborrowed reserves.

A recent study by Data Resources, Inc. has examined the impact of federal deficits on financial markets. The study concluded that even now, large federal deficits are crowding out expenditures on automobiles and new homes by keeping interest rates high. The study further concluded that a reduction in the Federal budget deficit of $100 billion (3 percent of GNP), shared equally by outlay reductions and increased revenues, would yield the following positive results:

An immediate reduction in long term interest rates of 2 percentage points;

A reduction in short term interest rates of between 4 and 5 percentage points.

There is a body of economic literature that demonstrates within the context of sophisticated econometric models that the size of federal deficits do have a substantial and well defined impact in financial markets.

DEFICITS AND INTEREST RATES

AN OVERVIEW OF THE TREASURY STUDY

The Department of the Treasury recently prepared a report entitled "Government Deficit Spending and its Effects on Prices of Financial Assets". The study argues that current and future deficits (such as in the Administration's budget) will not keep interest rates high and therefore do not threaten economic recovery in the U.S. Although the study addresses other deficit-related issues, the major focus is the effect of deficits on interest rates.

The study treats the issue on both theoretical and empirical levels but neither are rigorously applied. Instead, much of the argument is made within the context of a world that obeys supply-side doctrine, and a world that mimics simplistic economic models. Of the effects deficits have on interest rates, the study concludes the following:

(1) Spending financed by borrowing has the same impact as spending financed by increased taxes; that is, deficits do not affect interest rates. Therefore, the study assumes the conclusion at the outset.

(2) There is simply no discernible correlation between changes in government borrowing and changes in either interest rates or exchange rates.

(3) Numerous econometric studies have tried to isolate the effects of deficits and they have failed to establish reliable evidence that government deficits have a noticeable impact on interest rates.

The first conclusion assumes that individual taxpayers have perfect foresight about the impact of current and future deficits on future tax liabilities. If each taxpayer had this capacity, they would behave as if government spending were financed through increased taxes rather than through borrowing. No empirical evidence supports these assertions, and only a small number of extreme "rational-expectation" economists take this position seriously. This extreme view consistently and conveniently concludes that monetary and fiscal policy are ineffective.

The second conclusion is based on a chart which displays real interest rates and real deficits on a single graph. Because these two pieces of data usually move in opposite direction over the course of business cycles, the study concludes there is no discernible relationship between deficits and interest rates. The study completely ignores other factors that influence the relationship between deficits and interest rates, such as monetary policy. And the study completely ignores the timing of these deficits and the way they persist. That is, the Treasury Study ignores the size of the structural deficit, arguing that it relies on a measure of potential growth which, the study claims is meaningless. The study concludes that deficits do not affect interest rates. However, as chart 1 shows, there is a distinct relationship between the deficit as a percent of GNP and interest rates.

The study merely asserts that deficits do not affect interest rates. No references are made to econometric studies. However, there are economic studies (referred to later) which show that in sophisticated models of the government securities market, not only do deficits affect interest rates under well defined conditions (including monetary restraint), but the way the Treasury manages its debt also affects interest rates and financial markets in general (including equity prices).

The Treasury Study Ignores the Unique Nature of Current Economic Conditions

The Treasury study misses the point of the entire debate about the size of the federal budget deficit and financial markets. In effect, the study sets up a straw man—a straw Senator—who argues that big deficits per se will be associated with rising interest rates regardless of what else occurs. No serious participant in the current debate, either in political, academic, or business communities, has taken this position.

What is argued by many high level administration officials (including Martin Feldstein and David Stockman) and both Democrats and Republicans in Congress is that deficits in the $200 billion range, coupled with a tight monetary policy, threaten to keep interest rates and exchange rates high and possibly rising. Even if the Federal Reserve were to pursue an expansionary monetary policy, the fear of inflation by businessmen would send shock waves through financial markets and push interest rates up. There is ample theoretical argument to support the view that rates will rise and the recovery will be threatened. The Treasury study performs heroic and misleading inductive leaps by using simplistic interpretations of historical experience as a guide to how events are expected to unfold over the next few years.

Perhaps the most disturbing feature of the Treasury study is that it completely ignores the unique nature of economic conditions now confronting national policy makers. The U.S. economy is recovering from the worst recession in post-war history, a recession in which the unemployment rate surged to 10.8 percent and in which bankruptcies reached unprecedented highs. This recession was in large part caused by a clash between restrictive, anti-inflationary monetary policy and an aggressive supply-side fiscal policy (the Administration's tax-cut). This clash in effect led to high interest rates and 2½ years of economic stagnation.

The restrictive nature of monetary policy during the period 1979 through mid-1982 was at the time deemed necessary, by a consensus of Americans, to reduce the double-digit levels of inflation and to quell the tide of inflationary expectations that accompanied this high inflation. The policy created double digit interest rates, and double-digit unemployment rates.

Although monetary policy was perhaps too restrictive, inflation is significantly lower and the economy is finally recovering. It appears that a consensus now believes that economic policy should be designed for moderate sustained noninflationary growth. To achieve this objective the Federal Re-

serve is not likely to become expansionist but they will be more supportive of economic growth.

Never before in the history of U.S. economic policy have such high deficits (high regardless of how they are measured) been associated with a non-accomodative monetary policy. Claims are made by the Treasury Department that the deficits projected for the budget horizon are cyclical deficits that will be removed by faster economic growth. They argue that these deficits do not matter. But projections by CBO demonstrate that the structural deficit in 1983 will be historically high—2.4 percent of GNP—and threatens to increase in 1984, 1984 and 1986 in both absolute terms and relative to GNP. And in its February budget the Administration projected a structural deficit that was 4.7 percent of GNP in 1983, rising to 5.7 percent of GNP in 1986. Recent history has shown that tight monetary policy and loose fiscal policy (deficits in the triple digit range) create tension in financial markets and high and rising interest rates. High and rising interest rates are a certain threat to economic recovery.

Several unique aspects of current economic conditions threaten to keep interest rates high and rising. The major ingredient in this recipe for the future is the prospect of triple digit deficits "as far as the eye can see". These deficits are tremendous by more historical standards and will remain high throughout the recovery. They are high relative to net private savings and total domestic credit raised in U.S. credit markets. And they are high relative to existing reserves in the banking system. Even if the Federal Reserve were to follow a high expansionary path, risking the gains on the inflation front, all these factors would limit the extent to which monetary policy can moderate pressure in financial markets. All of these factors limit the extent to which the Federal Reserve can control interest rates. All of these factors threaten the recovery by keeping pressure on financial markets and pushing interest rates higher.

The severe nature of the problem

Federal deficits are not unknown to the American public. Indeed, since 1929, there have been only 9 years in which federal budget surpluses occurred. And since 1960 there have been surpluses in only two years.

By all standards however, the size of the actual deficit in 1982 and projected deficits for 1983-86 are high relative to the American historical experience. For example, during the sixties—a decade in which real growth in GNP averaged 4.2 percent, inflation averaged about 2½ percent, and the rate on 90-day Treasury bills averaged 4.0 percent—the federal budget deficit constituted only .8 percent of GNP per year (see Table 1). This ratio climbed to nearly 2 percent in the seventies, a decade in which real growth averaged 3.1 percent per year, inflation averaged 6.6 percent, and interest rates averaged 6.3 percent. Over the three year period 1980-82, the federal budget deficit averaged over 2½ percent of GNP, inflation averaged 8.2 percent and the interest rate on 90-day Treasury bills averaged 12.1 percent. After rising to 3½ percent of GNP in 1982, the budget deficit in 1983 is projected to be 6.3 percent of GNP. This ratio falls to 4.8 percent in 1984, 4.0 percent in 1985 and 3.0 percent in 1986 if the Conference Agreement passed by both houses is binding over the three year horizon. Even with the austerity measures taken, which cut domestic spending and raised taxes, the deficit as a share of GNP will be nearly 4 times what it was during the sixties, largely the result of Administration policy.

TABLE 1.—ACTUAL AND STRUCTURAL DEFICITS [1]—ANNUAL AVERAGES FOR PERIOD INDICATED

[Dollars in billions]

	Unified budget defict	Structural deficit	Percent of GNP— Unified budget deficit	Percent of GNP— Structural deficit
1960–69	$5.7	$6.4	0.8	0.8
1970–79	30.2	23.6	1.9	1.5
1980	59.6	38.6	2.3	1.5
1981	57.9	16.4	2.0	0.6
1982	110.6	24.2	3.6	0.7
PROJECTED DEFICITS WITHOUT BUDGET RESOLUTION [1]				
1983	201.9	77.8	6.3	2.4
1984	183.0	90.8	5.2	2.6
1985	183.8	113.7	4.8	2.9
1986	196.2	138.7	4.7	3.3
PROJECTED DEFICITS WITH BUDGET RESOLUTION [2]				
1983	203.1	79.0	6.3	2.4
1984	169.9	77.7	4.8	2.2
1985	156.3	86.2	4.0	2.2
1986	127.2	69.8	3.0	1.7

[1] Unified deficits are the CBO baseline effective June 21, 1983. Structural deficits after 1982 are the structural deficits associated with the February CBO Baseline, adjusted for technical re-estimates and enacted legislation. The structural deficits assume an unemployment rate of 6 percent, and real GNP growth of 2.5 percent.

[2] Unified deficits are the Conference agreed deficits excluding the Reserve. Structural deficits are estimated by adjusting the structural deficts without a budget resolution for policy changes as reflected in the difference between the new CBO baseline and the Conference agreed deficit, excluding the Reserve.

These relatively high deficits threaten to reach beyond 1986 because they are mostly structural. According to CBO, under current policy the structural deficit will be about 71 percent of the deficit in 1986. Without a budget resolution, the structural deficit rises from 2.4 percent of GNP to 3.3 percent. If Congress adheres to the spending and outlay totals in the budget resolution passed by both houses, the structural deficit declines to 1.7 percent of GNP in 1983, to half of what it would be without a budget.

The outlook for interest rates

These extremely high deficits are likely to exert mounting pressures in financial markets as the economic recovery gains momentum. Since January, when the recovery began, the interest rate on 90-day Treasury bills has increased from 7.8 percent (an average for the month) to the present level of 9.5 percent (July 15, 1983). The size of these deficits threatens to keep interest rates high and rising because such deficits will absorb a large share of net private savings and total domestic credit raised in the United States. These high deficits also limit the extent to which the Federal Reserve can simultaneously control interest rates and inflation.

The absorption of net private savings and total domestic credit by the Federal deficit

Net private savings is a good measure of the funds available to businesses for expanding their stocks of plant and equipment. Net private savings excludes replacement investment, which does not add to productive capacity, and is a measure of the supply of funds available for financing growth potential in the economy. One would expect that the greater the competition for these funds, the higher the interest rates will be.

TABLE 2.—*Absorption of net private [1] savings by Federal budget deficits*

[FEDERAL DEFICITS AS A PERCENT OF NET PRIVATE SAVINGS]

1960–69	10.0
1970–79	29.8
1980	50.8
1981	49.8
1982	57.0

[1] Deficit numbers are from the conference agreement.

PROJECTIONS

	Conference agreement	Without budget resolution
1983	97.9	97.4
1984	75.0	80.2
1985	63.0	74.0
1986	47.0	73.0

In the twenty year period beginning in 1960, federal deficits absorbed on average about 20 percent of net private savings (see Table 2). In 1980 and 1981 the absorption of net private savings by federal deficits rose to 50 percent on average. It increased to about 58 percent in 1982, the year in which the U.S. economy reached the trough of the worst recession in postwar history. In 1983, the first year of recovery from this recession, the absorption of net private savings by the federal deficit is projected to rise to 98 percent. This absorption rate remains above 60 percent until 1985 according to even optimistic assumptions about the budget battle and other economic developments.

TABLE 3.—FEDERAL DEFICITS ABSORPTION NET PRIVATE SAVING DURING RECOVERIES [1]

Year of trough date	Ratio at trough	Ratio four quarters after trough	Ratio eight quarters after trough
1949	29.7	−79.7	6.3
1954	27.8	−16.6	−18.2
1958	42.0	−4.1	−13.5
1961	13.8	13.0	4.7
1970	28.3	26.7	25.9
1975	50.3	42.5	36.4
1980	48.5	32.5	[2] 83.6

[1] Minus signs indicate surplus as percent of net private savings.

[2] Recession year.

Source: Congressional Budget Office.

Typically, deficits as a share of net private saving are greatest at the trough of cycles. Table 3 examines the extent to which federal deficits have absorbed net private savings in previous post war recoveries. The absorption rate has averaged 34.3 percent in the trough of postwar recessions. And in each recovery the absorption rate declined during the first and second years of recovery, making it easier for private enterprise to borrow at reasonable costs. This allowed businesses to expand their productive capacity and contribute to recovery.

During 1982, the deficit absorbed 57 percent of net private savings, a post war high. And although 1983 is the first year of recovery, the absorption of net private savings by federal deficits is projected to be 98 percent. While the absorption of net private saving by federal deficits is projected to decline to 75 percent in 1984 and to 63.5 percent in 1985, it does so slowly and the absorption rates linger at historically high levels.

TABLE 4.—*Deficits as percent of total domestic credit* [1]

1960–69	8.3
1970–79	15.3
1980	19.2
1981	18.6
1982	33.0

[1] Assumes that after 1982, total domestic credit grows at the same rate as current dollar GNP. Deficits after 1982 are from the Conference Agreement.

PROJECTIONS

	Conference agreement	Without budget resolution
1983	47.1	46.8
1984	36.1	38.9
1985	30.4	35.7
1986	22.8	35.2

In addition, these large deficits absorb a large share of total credit raised in domestic markets (see Table 4). After averaging only 8.3 percent in the sixties and 15.3 percent in the seventies, federal budget deficits rise to 47 percent of total credit in 1983. The ratio falls slowly to 30.7 percent in 1985, and to 21.8 percent in 1986.

1985 is a crucial year when interest-sensitive expenditures including business outlays on plant and equipment will hopefully be rising rapidly. With the federal government absorbing 60 percent of net private savings, and 30.7 percent of total credit in 1985, interest rates could rise and discouraging a large portion of this demand, and thereby threaten the recovery.

Monetary policy

The Federal Reserve embarked on an anti-inflationary policy in October 1979 by abandoning its strict adherence to interest rate control and shifting to a policy of monetary aggregate control. This policy of restrictive monetary growth coupled with the extremely stimulative fiscal policy (i.e., large deficits) in 1981 drove interest rates to unprecedented highs. Recently, the Federal Reserve has been following a more balanced and easier monetary policy which has allowed M–1 growth to increase and interest rates on federal funds to decline and remain in a fairly narrow range, between 8½ and 9 percent.

One of the factors which determines the Federal Reserve's ability to maintain its anti-inflationary policy and at the same time keep interest rates from rising is the size of the federal deficit relative to the total level of reserves held by depository institutions. The Federal Reserve controls interest rates and the monetary aggregate by controlling the level of reserves held by depository institutions. If the deficit were small relative to the level of reserves, then the Federal Reserve could absorb a large share of the newly issued Treasury debt by providing reserves to the system without threatening the progress made in lowering inflation. It could provide enough reserves to keep interest rates low and expansion moderate, without creating new inflationary pressures.

During the period from 1960 to 1969, a period of high growth, low interest rates and low inflation, the federal deficit was about 35 percent per year of total non-borrowed reserves held by depository institutions (see Table 5). During the years from 1975 through 1980, a period in which the

TABLE 5.—*Federal deficits as A* [1] *share of bank reserves*

[In percent]

1960–69	34.8
1970–79	103.7
1980	171.3
1981	154.8
1982	274.4

[1] These ratios are calculated for years after 1982 by using Conference agreed deficits without the reserve and assume that nonborrowed reserves expand 8 percent per year after 1982.

PROJECTIONS

	Conference agreement	Without budget resolution
1983	467.9	465.2
1984	362.2	390.2
1985	308.8	363.2
1986	232.5	358.7

Federal Reserve followed a generally expansive policy, the federal deficit was a much larger share of the total of all reserves: it in fact rose to 103.7 percent of total nonborrowed reserves. This was not only a period of high and rising inflation but also a period of relatively high and rising interest rates. Although there were other factors contributing to the inflation, such as the OPEC price increases and a number of other supply-shocks, the inflation was in large part a result of Federal Reserve accommodation. Even so, the federal deficits were so high that interest rates rose.

In 1981, when interest rates skyrocketed because of the monetary and fiscal policy clash, deficits were 154 percent of nonborrowed reserves. This ratio went even higher in 1982. Interest rates lingered at fairly high levels for the first half of 1982 and then fell dramatically as the Federal Reserve expanded nonborrowed reserves rapidly by 11½ percent in the third quarter and 12¾ percent in the fourth quarter of 1982 (at annual rates).

The deficit in 1982 was 2.7 times as large as the total level of reserves held by depository institutions. With such high deficits, even if the Federal Reserve were to absorb only 10 percent of the new Treasury debt, to do so it would have to expand reserves by 27 percent and the money supply would probably expand even more.

And in 1983, with a deficit of $202.5 billion (projected deficit of Senate resolution), the deficit will be over 4½ times the total level of reserves. This is more than four times the average in the late seventies, a period of high and rising interest rates and high and rising inflation.

With the reappointment of Paul Volcker, excessive money growth is unlikely. And unless money grows rapidly the federal deficit will exert tremendous pressure in financial markets. This must sooner or later be reflected in the cost of credit.

A final note on some econometric evidence

Although there is no consensus about the direct impact of federal deficits on financial markets and interest rates, a number of large scale econometric models have well-defined relationships between deficits and interest rates. Among these models are the Federal Reserve's large scale model (FRB-MIT) and the model of Data Resources Inc.

Both models have been estimated using U.S. postwar data. Both models indicate that budget deficits have sizable impacts on interest rates, and these impacts are sensitive to monetary policy assumptions.

A recent DRI study [1] has examined the relationship between federal deficits and interest rates. The study concludes that even now, large federal budget deficits are crowding out expenditure on automobiles and new homes by keeping interest rates high. In addition, model experiments reveal that a 100 billion dollar reduction in the federal deficit (split evenly between spending reductions and tax increases) accompanied by a compensatory monetary policy (i.e., unchanged path of money growth) would have the following effects on interest rates:

(a) immediate reduction in long term bond yields of 2.0 percentage points (expectation effect);

(b) reduction in short term rates of between 4.0 and 5.0 percentage points, due to an initially weaker economy, and the reduced demand for credit by the Treasury.

Similar results have been reported by CBO in a study [2] that asked the Federal Reserve to run simulations on their model. And recent work by Benjamin Freidman,[3] Professor of Economics, Harvard University, and Vance Roley [4] that explicitly model the market for Government Securities also show that federal budget deficits affect the term structure of interest rates.

Although the economics profession has reached no consensus, evidence that supports the hypothesis that federal deficits of the magnitude we now face, will create an environment of uncertainty and high and possibly rising interest rates. This is particularly true if the desire to keep inflation low is fulfilled.●

Mr. MELCHER. Mr. President, since we are talking about wheat in terms of what the proposed bill would do on wheat target prices, I think it is appropriate to understand why it is essential to know at this time, within the next several days, what kind of wheat program the Department of Agriculture will provide for those wheat farmers who wish to participate in the program this coming year. For some, that may be difficult to understand, but we have to consider that much of the wheat that is grown in the United States is winter wheat.

For that reason, the announcement of the wheat program for the coming year, even delayed into August, makes it—well, the time constraints are such that it does not give the wheat farmer much of an opportunity to consider

[1] "Deficits, Interest Rates, and the Economy," Alen Sinai and Peter Rathjeus, Data Resources, Inc.

[2] "Sensitivity of Interest Rates to Changes in Budget Deficits," Staff Study, William J. Beeman, Assistant Director for Fiscal Analysis, Congressional Budget Office.

[3] *See*, for example, Friedman, Benjamin M, "The Determination of Long-Term Interest Rates: Implications for Fiscal and Monetary Policies," Journal of Money, Credit and Banking, XII (May 1980), 331–352, and "Debt Management Policy, Interest Rates and Economic Activity," Mimeo, National Bureau of Economic Research, 1981, and references therein.

[4] Roley, V. Vance, "A Disaggregated Structural Model of the Treasury Securities, Corporate Bond, and Equity Markets: Estimation and Simulation Results," Mimeo, National Bureau of Economic Research, 1980, and "The Effect of Federal Debt Management Policy on Corporate Bond and Equity Yields," Quarterly Journal of Economics, forthcoming.

whether or not he wishes to sign up in the program for the coming year.

Winter wheat is sowed in September. The winter wheat planting time, therefore, is within 40 days. That is the start of it. The wheat is planted in September, and, with sufficient moisture, there is germination, it sprouts, and the plant grows to the surface. As long as the weather is mild and moisture is sufficient, it continues to grow. When the weather turns cold, freezing or colder, the wheat plant ceases to grow. Winter wheat then is dormant during the cold months; and when spring comes, it starts off with a bang.

Not all farmers plant winter wheat. Some plant both winter wheat and spring wheat.

The Department of Agriculture offers a program to give the opportunity to wheat farmers and farmers of other commodities a chance to participate in the Department of Agriculture program. These programs have been successful in one way, in that they always assure the country of an abundant supply of farm commodities.

The farmers have not always made out, because all too often, including now, the prices of those commodities are too low. Wheat selling for more than $1 bushel under the cost of production is a hardship on the wheat producers. Any further aggravation of that situation by lowering the market price, by taking away income from the grain producers, makes it that much worse for them. That is why we are opposed to this bill.

We would like to have the opportunity for a more successful program to be provided by the Department of Agriculture. We would like to have assurance at some point in the future, by actions in Congress, in cooperation with the Department of Agriculture and the executive branch, that we could provide the type of income assurance—not a guarantee, but just a reasonable chance—that the price for a commodity would be at or above the cost of production. We are not at that point right now. We do not expect that to happen unless there is a greater demand for American grain products.

That can happen, as many of my colleagues have discussed from time to time; and the Senator from South Dakota (Mr. PRESSLER) and the Senator from Oklahoma (Mr. BOREN) have given a thorough presentation on the need to expand our trade, using our grain products, trading them abroad, to improve the situation for our farmers with a better market by broadening the demand abroad. That is our goal.

However, where we are right now is the proposition embodied in this bill which would reduce the target price for wheat and other grain producers, as well as cotton and rice. That is going the wrong way.

Mr. President, several farm organizations have noted their opposition to the bill. They include the National Farmers Organization, the National Grange, the American Agriculture Movement, the National Farmers Union, the National Association of Wheat Growers, and the Interreligious Taskforce on U.S. Food Policy. I have their letters, and I ask unanimous consent to have them printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL FARMERS ORGANIZATION,
July 26, 1983.

Hon. JOHN MELCHER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MELCHER: This follows up on our earlier conversation regarding the forthcoming Senate debate on farm program provisions.

First, let me reconfirm our unqualified opposition to any proposal to freeze target prices for grain, cotton and rice at levels lower than those established for the 1984 and 1985 crops in earlier legislation. Those levels were compromises gratefully agreed upon by the Administration and the majority party leadership when they were written into law. They should be respected now. Farmers should not be required to continue to carry a disproportionate share of the responsibility for an unbalanced national budget.

A recent action in our organization will be of interest to you. Our National Board of Directors consists of 54 persons representing 26 states and New England. They are active farmers or ranchers and they represent all the major types of farm production.

In a Board meeting last week President DeVon Woodland asked for their best judgment on this question: "Keeping in mind that we are reluctantly willing to accept the compromise milk bill if the referendum is placed ahead of the promotion check-off, what is your position if the grain, cotton and rice target price freeze is a part of the same bill?" The unanimous decision was to oppose such a bill.

Their reasoning was straightforward and earnest. It was pointed out that the Administration has not announced any commitment to refrain from reducing grain loan rates, as permitted by current law. Cheap feed has probably been the largest single factor in pushing milk production through the roof in recent years. Nothing is to be gained by tightening the economic squeeze on both grain and milk producers at this time.

Such a combination of actions would certainly serve to prolong the depression that has spread harshly over the farm community over the last three or four years.

We will appreciate your efforts and those of your colleagues in the United States Senate to avoid more disastrous decisions on this legislation. Let's clean up the milk bill, pass it and the tobacco changes and proceed under the current law so far as the grains are concerned.

Sincerely,

CHARLES L. FRAZIER,
Director, Washington Office.

NATIONAL GRANGE,
Washington, D.C., July 15, 1983.

DEAR SENATOR: The National Grange would like to take this opportunity to express our position on farm legislation that will be before the Senate in the very near future.

TARGET PRICE FREEZE

We are opposed to freezing target prices for wheat, feed grains, cotton and rice. The National Grange testified before the Subcommittee on Agriculture Production, Marketing and Stabilization of Prices on December 9, 1982 in opposition to the removal of or a target price freeze for the 1983 crop year. We said at that time the next Congress (98th) should address this issue as a part of oversight hearings on general farm programs. At later hearings on the PIK program held on February 3, 1983, before the same Subcommittee, we reaffirmed our opposition to freezing target prices without addressing all provisions of farm programs. Hearings were not held on freezing target prices or other changes in the 1981 farm bill. The hearings only concerned the PIK program and its implementation.

The 1981 farm bill escalated the target prices for 1982-'83-'84-'85 to offset the increased cost of production. Production costs have moderated, but still will be above 1983. The freeze, if approved by the Senate, reduces the target prices for the crop years '84 and '85, thereby, reducing the potential cost to the Treasury if market prices remain low. In calculating a budget saving of nearly $4 billion, USDA is indicating that market prices over the next two years will be well below the target price, resulting in deficiency payments to farmers. Therefore, if farm income is to be protected, target prices should not be frozen. The target prices in the '81 act were held rather low in relationship to production costs and loan rates in order to keep government expenditures down. But because they are low relative to loan rates, they reduce incentive for farmers to take part in acreage reduction programs such as were announced for several crops in 1982. The consequence is to run a risk of building up excessive tonnage of grain in the Farmer Owned Reserve, unless bad weather reduces yields. That is exactly what happened in '81 and '82, leading to the costly acreage reduction programs in 1983. Now farmers are being asked to pay for poor program management by a target price freeze on their '84 and '85 crops, regardless what happens to production costs.

We also believe that farmers and Congress should know the farm programs for 1984 before acting on only one particular provision of the programs. The target price and loan levels are integral parts of farm programs and should be announced together as they bear a close relationship to the success of any acreage reduction program. The "deficiency" payment is the difference between the national average market price during the first five months of the marketing year and the market price. However, the payment rate per bushel cannot be greater than the difference between the loan rate and target price.

The budget exposure from deficiency payment in 1984 will depend on the loan rate and not necessarily from just a target price freeze. The closer the loan is to the target price, the less exposure to the U.S. Treasury. In effect, by freezing the target price and lowering the loan, you will be increasing the budget exposure.

WHEAT

Target price	Loan	Exposure (per bushel)
1984:		
$4.45	$3.55	$0.90
4.45	3.30	1.15
4.30 (freeze)	3.55	.75
4.30	3.30	1.00

The relationship between target price, loan and budget exposure would be similar for other commodities. Therefore, we believe it is important to know the full farm program before a decision is made on the target price freeze.

It will be argued that the domestic market price will be enhanced by lowering the loan because exports will increase. We have no history to prove this to be true. Our competitors will lower their prices just below the U.S. loan rate in order to keep the markets we have lost through embargoes and the high value of the dollar.

It is because of these facts that we urge you to vote against the target price freeze. Target prices can be frozen and if the Secretary decides to lower the loan rates, the exposure to the U.S. Treasury could be increased by $.25 per bushel. That is not the way to reduce program costs.

We also urge you to vote for the changes in the tobacco programs and for the compromise dairy bill. All amendments to these two bills should be defeated.

Thank you.

Sincerely,

EDWARD ANDERSEN,
Master, The National Grange.

AMERICAN AGRICULTURE MOVEMENT, INC.,
Washington, D.C., July 14, 1983.

Hon. JOHN MELCHER,
Senate Russell Building,
Washington, D.C.

DEAR SENATOR MELCHER: As a friend of the American farmer, you will want to be aware of two issues currently before the Congress which are vital to the family farmer, and the American Agriculture Movement position on these issues.

The coal slurry pipeline: AAM opposes the legislation currently pending in both the House and the Senate to clear the way for construction of this pipeline. We oppose granting the power of eminent domain—the power to acquire our land without our consent—to a profit-making entity. We oppose making a long term commitment of huge quantities of precious water to projects which are not needed. Our position is shared by every other general farmer organization.

The target price freeze: AAM opposes this legislation. To freeze these supports now, with production costs increasing and commodity prices still seriously depressed would be devasting to our family farmers. The target freeze will also give the Secretary of Agriculture the ability to lower loan rates as well. This effort by the Administration to freeze farm price supports is a breech of faith. Congress passed a four-year commitment of suppport levels to America's farmers. The 1981 Farm Bill was supported by the Administration and they should continue with the program.

Please let us hear from you with your position on these issues. Are there amendments which you believe would improve either of these bills?

Thank you for your attention to these matters, and for your continued friendship.

Till parity,

DAVID SENTER,
National Director.

NATIONAL FARMERS UNION,
July 20, 1983.

URGENT LEGISLATIVE MESSAGE

Re: Target Price "Freeze."
To: Members of the U.S. Senate.
From: Robert J. Mullins, Director, Legislative Services.

DEAR SENATOR: As the Senate prepares to consider several changes in existing farm programs National Farmers Union wishes to express its strongest opposition to the Administration's proposal to "freeze" the target prices for wheat, feed grains, cotton and rice at 1983 levels for the next two years.

The proposal to "freeze" target prices would be a major disincentive for farmers to enter into any acreage reduction program for wheat or feed grains next year. This would be doubly so if such a "freeze" were accompanied by a lowering of the loan rates as the Administration is now suggesting. Such non-participation would again invite serious over-production, compounding the problem of lower farm income and high government expenditures.

Farm production outlays have risen eight percent over the past year. The statutory increases mandated in the 1981 Act for the four major commodities (wheat, corn, cotton and rice) average only five percent—considerably less than the increase in the cost of production, even though the rate of inflation is down.

"Freezing" the target prices would be an unwise act. It would mean a continuation of farm prices at depressed levels, forcing even more farmers out of business and jeopardizing any hope for economic recovery in the farm sector.

We respectfully ask you to oppose and vote against any "freeze" of the target prices.

Thank you.

NATIONAL ASSOICATION OF WHEAT GROWERS,
Washington, D.C.

Subject: H.R. 2733.
From: Carl Schwensen.
Date: July 21, 1983.

DEAR SENATOR: The National Association of Wheat Growers urges you to oppose freezing the 1984 and 1985 target prices at the current 1983 level. If the 1984 and 1985 wheat programs are to be successful in reducing production and carryover stocks, farmers must be provided the necessary incentives to enter acreage reduction programs. With the target price being one of the primary motives for farmer participation, it would be counterproductive to maintain target prices at 1983 levels and thereby reduce the number of farmers willing to take part in future programs.

Freezing the target price level would further reduce farm income at a time when market prices are low and production expenses are still rising at a rate of 6.3 percent for crop year 1984. As you well know, total net farm income continues to hover at the 1976 level, and any further erosion in income would force many farmers into extreme financial hardship. In addition, farmers are being asked to sacrifice needed income while, at the same time, actions are being taken to undermine certain export programs and wheat exports remain hostage to negotiations with China over unrelated items. With reductions in agricultural exports due to current domestic policy and a strong dollar, further reductions in farm income through a target price freeze will place many agricultural producers and their customers in an untenable financial position.

In addition to maintaining the target price levels established in the 1981 farm bill, several other steps should be taken to maintain purchasing power and cash flow at the farm level. The USDA has under active consideration a loan rate reduction. Such a move would radically reduce a farmer's cash flow. Needed cash to offset any reduction in price supports would be available by directing the Secretary of Agriculture to make at least one-half of the projected 1984 deficiency payment available to farmers at the time of program sign-up. Such action was taken in 1982 and should be a standard policy with the USDA.

A reduction in the current minimum storage payment to farmers of $.265 per bushel is also under active consideration by USDA. At present the USDA pays commercial warehouses an average of $.33 per bushel for wheat stored by CCC. Storage payments assist the farmer by providing cash flow and must not be reduced. Legislatively maintaining this rate at a minimum of $.265 would provide that grain would be stored longer than the initial nine month reserve and thus provide wheat for use in possible future PIK programs.

In addition to legislatively establishing advanced deficiency payments and storage rates, another measure to increase farmer participation in acreage reduction programs would be an early announcement outlining the 1985 wheat program.

The wheat growers also ask that language be provided to assure an outline of the 1985 wheat program be made available to farmers by September 15 of this year. Farmer participation in the 1985 farm program will be based in part on decisions that need to be made during the summer and fall of 1983. It is important that farmers learn at the earliest possible date whether an acreage reduction program will be in effect for the 1985 crop. Such early announcements provide time for farmers to adjust tillage operations and input costs and will thus broaden program participation in the 1985 program.

In summary, the wheat growers ask that you assure greater participation in future farm programs by opposing a freeze on 1984 and 1985 target prices while maintaining the current level of storage payments, early announcement of the 1985 program, and early payment of a portion of the projected 1984 deficiency payment. Your assistance in this regard is greatly appreciated.

Sincerely,

CARL F. SCHWENSEN,
Executive Vice President.

INTERRELIGIOUS TASK FORCE ON U.S. FOOD POLICY,
Washington, D.C., July 26, 1983.

DEAR SENATOR: The Senate is scheduled to debate and vote on H.R. 2733 later this week. Section 16 of this bill would freeze income support (target price) levels for farmers who produce grain and cotton for 1984 and 1985 at the 1983 level while requiring the administration to spend $300 million per year for export subsidies. We urge you to vote for the set of amendments introduced by Senator Edward Zorinsky which would eliminate this section of the bill.

The Taskforce believes that public policy ought to provide family farm operators an

opportunity to earn fair labor and management income from well-run, efficient farms. Freezing target prices, already well below production costs, would certainly not advance that opportunity. Rather, it would add to continuing severe economic difficulties for farm families.

A vote for the freeze, moreover, is also a vote for the reduction of price support loans. The administration has announced its intention of using its discretion to cut back loan levels by as much as 10 percent if Congress approves the freeze.

The proposed trade-off in the bill as reported—additional export subsidy money in return for the freeze—is a cruel hoax. The administration is currently sitting on even greater sums of export funds which it is unable or unwilling to use. It is extremely unlikely to make use of any new authorization. Even if it did, such subsidies will help export companies far more than farmers themselves.

Two main arguments are advanced in the name of the freeze, namely that it would save money and that it would encourage production cutbacks. Taking up the latter first, it is difficult to see how freezing target prices will spur production cutbacks. On the contrary, it may actually increase production by decreasing participation in the acreage reduction programs. This is especially the case since the administration is planning to eliminate land diversion payments in next year's acreage reduction programs, leaving price support loans and income support payments as the only incentives to participation.

More important is the matter of budget outlays. The freeze would save money, but only by undermining basic income support for farm families. This is particularly unfair since alternatives exist which would save money without indiscriminately freezing benefits. The Taskforce has long advocated that benefits be limited to family-sized farms, be greared to an income criteria of need, and be eliminated for nonfarm corporate and individual investors in agriculture. By enacting reforms such as these, budget exposure would be limited without threatening basic farm family income support. For a legislative outline of target price reform as an alternative to the freeze, please call the Taskforce office.

Sincerely,

PAUL KITTLAUS,
Chair.

Mr. MELCHER. Mr. President, I also have a letter dated July 26 from the Interreligious Task Force on U.S. Food Policy. This is a national organization that has long been right in the forefront of the public here in the United States, representing to the public the need for adequate food supplies.

They view the abundance of food that we have as being a gift from God, some practical means of helping people who are hungry in this country, but also helping people abroad who through lack of agricultural production have low nutritional levels in their own countries, or face hardship from famine or are starving.

So they have also written to, I believe, each of us on the Senate Agriculture Committee, and I hope each Senator, the entire 100 Senators, will understand that this group feels very strongly about and is opposed to this bill.

They believe the public policy should provide the family farm operator an opportunity to earn a fair income off the farm. They believe that freezing target prices which are already well below the production costs would certainly not advance that opportunity. They believe it would continue severe economic difficulties for farm families.

I commend the Interreligious Task Force on U.S. Food Policy for being an international group that believes that the food that we have is a blessing and that it should be shared with the hungry here and abroad.

I think that while we often emphasize the lack of trade initiatives that we have had in selling more of American grain abroad we must also note that we have a greater opportunity to use food for peace, particularly when we see foreign aid expanding and particularly when we note that our friends in Central America are receiving a great amount of advice or military aid or both. I think we are missing the point when we do not make sure that the food supplies in Central American countries are adequate. Mexico to the south of us, a great country, a large country, and a very hungry country for many of their people, could well use much more of America's food.

I am not talking about the sales to them. They are very fine customers of the United States and I appreciate that and to whatever extent we can improve on those sales I think we should. But I am also talking about—and this is my main point in regard to helping the Mexican people—using food for peace. I do not care what we call it, just so they have the abundance of food that we have made available to those people in Mexico who are suffering from lack of adequate nutrition.

The transportation is available. The grain is in storage. The milk products are in storage. Other surplus commodities are in Government storage. Let us provide it to them. Let us provide it to those people who are hungry in our neighboring countries, in Mexico in particular.

It makes a lot more sense to send the food that we have available and in Federal storage under Federal ownership than sending armaments to the Central American countries bought by borrowed money that the Treasury has to gain from sale of Treasury notes. The abundance that we have in food can be better shared and better used than we are doing right now for our friends in Central America and other parts of the world who are hungry, have poor nutrition, or have famine or drought.

Mr. President, I see that the assistant majority leader has come to the floor. I am pleased to yield the floor at any time that he so desires.

Mr. STEVENS. Mr. President, I am grateful to my distinguished friend from Montana. I am awaiting the arrival of the distinguished Democratic leader.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GOLDWATER:

S. 1684. A bill to amend the Federal Election Campaign Act of 1971 to limit excessive expenditures and to provide for more timely and complete public reporting of campaign gifts and spending; to the Committee on Rules and Administration.

By Mr. DURENBERGER:

S. 1685. A bill to amend chapter 89 of title 5, United States Code, relating to the Federal employees health benefits program, and for other purposes; to the Committee on Governmental Affairs.

By Mr. GOLDWATER:

S. 1686. A bill to amend the act of November 2, 1966, regarding leases and contracts affecting land within the Salt River Pima-Maricopa Indian Reservation; to the Select Committee on Indian Affairs.

By Mr. JEPSEN (for himself and Mr. HUDDLESTON):

S. 1687. A bill to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to make an earlier announcement than is required under current law of any acreage limitation or set-aside program established for the 1984 or 1985 crop of feed grains or the 1985 crop of wheat; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1688. A bill to amend the act of October 18, 1972, to modify the authorization of appropriations for Sitka National Park, Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TRIBLE (for himself and Mr. WARNER):

S. 1689. A bill to clear certain impediments to the licensing of the vessel *Endless Summer* for employment in the coastwise trade; to the Committee on Commerce, Science, and Transportation.

By Mr. DENTON:

S. 1690. A bill to improve the educational achievement of educationally deprived children by expanding opportunities for their parents to choose schools that best meet their needs, to foster diversity and competition among schoolchildren, to increase private sector involvement in providing educational programs for educationally deprived children, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ARMSTRONG (for himself, Mr. DOLE, Mr. WALLOP, Mr. GRASSLEY, Mr. SYMMS, Mr. CHAFEE, Mr. ROTH, Mr. DURENBERGER, Mrs. HAWKINS, Mr. PACKWOOD, Mr. DANFORTH, Mrs. KASSEBAUM, and Mr. HEINZ):

S. 1691. A bill to amend the Social Security Act to recognize effective program administration in the financing of State programs of child support enforcement, to improve the ability of States to collect child support for non-AFDC families, and otherwise strengthen and improve such programs, and for other purposes; to the Committee on Finance.

By Mr. HART:

S. 1692. A bill entitled the "War Powers in Central America Act"; to the Committee on Foreign Relations.

By Mr. DECONCINI:

S.J. Res. 135. Joint resolution proposing an amendment to the Constitution of the United States for the establishment of a legislative veto; to the Committee on the Judiciary.

By Mr. GLENN (for himself, Mr. BAUCUS, Mr. BURDICK, Mr. CHAFEE, Mr. D'AMATO, Mr. DIXON, Mr. DOMENICI, Mr. DURENBERGER, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. LEAHY, Mr. LEVIN, Mr. LUGAR, Mr. MCCLURE, Mr. MELCHER, Mr. NUNN, Mr. PRYOR, Mr. RIEGLE, Mr. ROTH, Mr. SARBANES, Mr. SASSER, Mr. TSONGAS, and Mr. CRANSTON):

S.J. Res. 136. Joint resolution to recognize "Volunteer Firefighters Recognition Day," as a tribute to the bravery and self-sacrifice of our volunteer firefighters; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. STEVENS (for Mr. WEICKER (for himself and Mr. NUNN)):

S. Con. Res. 58. Concurrent resolution correcting the enrollment of S. 272; submitted and placed on the calendar.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GOLDWATER:

S. 1684. A bill to amend the Federal Election Campaign Act of 1971 to limit excessive expenditures and to provide for more timely and complete public reporting of campaign gifts and spending; to the Committee on Rules and Administration.

FEDERAL ELECTION CAMPAIGN EXPENDITURE LIMITS ACT

● Mr. GOLDWATER. Mr. President, I am introducing legislation today to check the runaway growth of campaign spending in Federal elections. The legislation is aimed at protecting the stability of the election process and preserving the American system of self-rule by the people.

DANGERS OF UNLIMITED CAMPAIGN SPENDING

Now, Mr. President, I believe the gigantic explosion of campaign spending, the proliferation of special interest associations created solely to raise and spend moneys in political campaigns, and the growing attention and time that candidates must give to fundraising activities is not only shocking, it is destructive of our free political process. If present trends are allowed to continue without any rational controls, our system of free elections and representative government will be unalterably damaged.

Voting participation will be significantly reduced. Public respect for candidates and Government officials will be diminished to an alltime low. The selling of candidates—prepackaged and predestined to serve a collection of selfish factions—will dominate elections.

Running for office will mean more than performing well once in office. The only goal of any candidate that counts will be to gather and spend more money than any of his opponents.

Doing whatever is necessary to collect the most money from the most contributors will be the overriding factor in campaigns, not serving the general public interest. The time candidates spend on raising funds will likely exceed any time they devote to their public duties.

BUCKLEY AGAINST VALEO OUTDATED

Mr. President, these projections are not far from present realities. Since the Supreme Court announced its decision in the case of Buckley against Valeo on January 30, 1976, campaign spending has run wild. It is true that in Buckley, the Supreme Court held that campaign expenditure limitations represented substantial restraints on the quantity and diversity of political speech and were invalid under the first amendment.

But facts have changed dramatically since Buckley was decided. The dangers of corruption of candidates, discouragement of full voting participation, distortion of the election process and neglect of public duties by elected officials have all multiplied in the last 7 years.

CAMPAIGN SPENDING RUNS WILD

Campaign spending by congressional candidates directly increased to $344 million in the 1982 elections, a rise of 44 percent over the 1980 elections, 80 percent over the 1978 elections, and 175 percent over the 1976 elections. According to Prof. Herbert Alexander, one of the country's foremost campaign researchers, spending by all sources, not just candidates alone, in Presidential elections increased from $160 million in 1976 to $275 million in 1980, a rise of 72 percent.

Political action committee contributions to congressional campaigns increased from $55.2 million in the 1980 elections to $83.1 million in the 1982 elections, a climb of 51 percent. Total spending by PAC's at the Federal level rose to $130 million in the 1980 elections and to $190 million in the 1982 elections.

Independent campaign spending by PAC's, other groups and individuals to influence election results in congressional elections increased by 143 percent from the 1980 to the 1982 elections. Campaign finance reports filed with the Federal Election Commission show that $5.7 million was spent independently during 1981–82 for or against congressional candidates, most of it negative in nature. In January of 1976, when the Supreme Court decided Buckley, this kind of independent spending was nil.

Professor Alexander reports that all campaign spending in the 1980 Presidential and congressional elections totaled $573 million. In the 1976 Presidential and congressional elections, the timeframe of the Buckley decision, Federal campaign spending totaled $300 million.

PUBLIC BELIEVES EXCESSIVE SPENDING "VERY SERIOUS" PROBLEM

Mr. President, the sharp increase in campaign spending in Federal elections poses a danger of real or perceived corruption among candidates for Federal offices and among elected Federal officials. Poll after poll proves this statement. The American public not only thinks that virtually every elected official is bought by some special interest group or another, but the public is both disgusted and fed up with excessive campaign spending.

According to the April 3, 1980, ABC-Harris survery, 61 percent of Americans feel that the amount of money being spent on congressional campaigns is a "very serious" problem. The January 3, 1983, Harris survey turned up an almost identical finding concerning campaign spending in all national elections. This poll, conducted between November 23 and 28, 1982, indicates that an overwhelming 84 to 14 majority believes that "those who contribute large sums of money have too much influence over the government." Excessive campaign spending is considered to be a "very serious" problem by 62 percent of Americans and another 29 percent consider it "serious."

HARM TO LEGISLATIVE PROCESS

Now, Mr. President, let us take a quick look at what this high campaign spending and high fundraising is doing, not only to the election process, but to the legislative process. One example I can start with is the activity we are engaged in relative to the Defense authorization bill. The bill was called up on a Monday with the understanding that there would be no votes that day. This has been general practice throughout most of this Senate session and recent ones preceding it.

All too often the practice is to allow people to go home on Fridays to campaign or raise money with a knowledge that there would be no votes. If record votes are needed, they are scheduled

for late on Monday or held off until Tuesday. So, Senators who wish to attend a fundraising activity for themselves or their political friends have a chance to take off a long weekend.

In other words, the Senate is working on a 3-day schedule much of the time, in fact almost half of the time when we are in session. And we are in session only about half of the year.

For example, the Senate has been in session 98 days this year. That is less than half of the 208 calendar days from January 1 through July 27. We are about to take a 5-week recess beginning August 5 and ending September 12, and we have already set aside a couple of more weeks for recess in October and November.

When we are in session, do not expect us to operate with a 5-day schedule. Of the 24 weeks we have met this year, we have put in a full 5-day week only 10 times. To date, we have taken off 3 Mondays and 13 Fridays.

We do not vote often even if we do meet on Mondays or Fridays. We held record votes on only five Mondays and four Fridays this year. Since we did not meet on Friday in 13 weeks and we knew that there would seldom be record votes on Mondays, this allowed Members to go home on Thursday or Friday and not return until Monday night or Tuesday.

The record of the Senate was even worse last year, an election year. The Senate was in session 147 days out of the 365 days in the calendar year. This means we were away, in recess or adjournment, 60 percent of the time.

We failed to meet on 60 Mondays and Fridays. Of 52 weeks in the year, the Senate held record votes on only 6 Mondays. We did not do much better on Fridays. We held record votes on 10 Fridays in 1982. On only three occasions during the whole year did the Senate hold votes on Monday and Friday of the same week.

Mr. President, I attribute much of the reason for our long absences from Washington and our short workweeks to political fundraising, not campaigning with our constituents, but making appeals to PAC's, special interest committees who are asked to contribute large sums to election campaigns.

POLITICAL EXPRESSION NOT DEPENDENT ON EXCESSIVE SPENDING

Mr. President, my belief that the Supreme Court will uphold a reasonable spending limit law is not based solely on facts such as the above which show the tremendous change in election spending practices since 1976. I also believe there is a major flaw in the Buckley decision, an error which would cause the court to reverse itself in the light of further reflection. I am referring to the fact that there are many alternative ways in which candidates, parties, individuals, and independent associations are free to communicate their political expressions and views. Political expression is not, as the Supreme Court appears to have believed, dependent on making unlimited expenditures for political advertising, direct mail appeals, polls and other political services.

Instead, there are a multitude of ways in which candidates and individuals and political committees can get their message across. For example, candidates do not have to purchase television or radio time as the only way to appear on television or radio. Many broadcasters offer free time to candidates, not to mention the media's general news coverage, which routinely devotes time and space to political candidates.

Newspapers will, as a general rule, print letters to the editor by candidates and their representatives. Candidates are given the opportunity to respond to election questionnaires sponsored and published by numerous nonpartisan associations on a voluntary basis. The well-known League of Women Voters questionnaire, for example, is widely circulated and published free of charge to candidates.

BALANCE BETWEEN RIGHT OF EXPRESSION AND STABILITY OF ELECTION PROCESS

What the Supreme Court has done is to confuse necessary ceilings on excessive campaign spending with an absolute prohibition on campaign expenditures.

The question is not whether candidates should be allowed to spend any money at all on television advertising, or direct mail campaigns or so forth. The question is, when does this spending become too much? And, where will it end, if it is left unchecked?

What I am after, Mr. President, is to reach a balance between first amendment rights of expression and the integrity and stability of the free election process. Here, there is no alternative which will adequately accomplish the legitimate purposes of Congress.

COMPELLING GOVERNMENTAL INTEREST

Now, I am speaking only of limits on excessive spending, something that is a judicially reviewable standard. I am speaking only of limits which are necessary to achieve the compelling governmental interest in securing the full voting participation by all citizens in Federal elections. I am speaking only of limits which are necessary to further the equally compelling governmental interest in the purity and stability of the political system. I am not speaking of limitations which are used for partisan reasons or to favor incumbents or to protect government officials against public scrutiny and criticism.

Now, Mr. President, assuming that these purposes are sufficient to overcome the Supreme Court's earlier decision in Buckley against Valeo, just what limitations on excessive Federal campaign spending are necessary? What specific limits will allow the fullest extent of campaign spending, while protecting against harmful results?

This brings me to the provisions of the bill I am introducing today.

SPENDING LIMITS

First, the bill sets out a ceiling on Federal campaign spending according to the number of voting age citizens in congressional races and according to flat dollar ceilings in Presidential campaigns. Presidential party and independent candidates are restricted to spending no more than $15 million in seeking nomination for office and to no more than $25 million in the general election. There is no additional allowance for fundraising as exists in the present public financing statute. Fundraising for the general election can begin only in June preceding the election and the cost will be charged against the total ceiling on spending in the Presidential campaign.

Senate campaign spending is to be limited to 12 cents per voting age citizen in primary elections and 22 cents in the general election. A base ceiling of $150,000 in primaries and $250,000 in general elections is granted in States with small populations. All House campaign spending is to be limited to $100,000 in each primary and $100,000 in each general election campaign, except that the Senatorial ceiling will apply in States where there is only a single Representative.

The spending limitations shall apply to expenditures authorized, coordinated or made by any person, or any member of the immediate family of any person, seeking nomination as a candidate for or election to a Federal elective office. Any moneys spent out of a candidate's personal funds or loaned by a candidate from personal funds for election purposes shall be included in computing the total amount of expenditures for that particular office.

Under my bill, there will be no automatic adjustment of the spending ceilings based on the price index.

LENGTH OF PRESIDENTIAL GENERAL ELECTION

The bill includes a separate section on the length of Presidential campaigns. I am proposing that we restrict the general election for running for President to a period lasting 6 weeks.

The bill provides that party conventions cannot be held until Labor Day in election year. The election campaign cannot start until 2 weeks later. There is no time limit on primary campaigns or on election campaigns of Senators or Congressmen. My proposal does not represent a radical change in current Presidential elections, since the major party conventions are normally not held until July and August. In contrast, congressional candidates in almost half of the States are now selected in primaries or conventions held in May or June, and in one State,

Illinois, it is as early as March. Thus, I propose that we test the campaign period limit first in Presidential campaigns.

INDIVIDUAL SPENDING

Under existing law, the total ceiling on expenditures provided by the bill would automatically apply to spending by individuals approved, directed or solicited by a candidate or the candidate's agent. If individuals or groups do not coordinate their activities with the candidate or his political party, the spending is not subject to any limit, even if it is intended to promote the election or defeat of a clearly identified candidate. There is a question whether independent spending is now subject to control in Presidential campaigns where public funding is accepted, but my bill will repeal public financing.

Instead, the bill will impose a separate limitation on independent spending in all Federal elections. Under the bill, a ceiling of $5,000 per campaign will apply to independent spending made in the year of the election. This means each person or group making independent spending can go up to $5,000 for each separate election in each separate State, hardly a stifling of their right of political expression. There are 435 House races alone for which a person or group could spend up to $5,000 each.

IN-KIND GIFTS

"In-kind" gifts and services for partisan purposes must now be generally reported as contributions to the Federal Election Commission by individuals and PAC's. For example, a labor union or company PAC that provides printing services or office equipment, facilities, and supplies to promote the election of a specific candidate must, under present law, report the value of that program as a contribution. The value of these services are subject to the existing limit on contributions.

Nonpartisan get-out-the-vote registration drives or nonpartisan programs to communicate election information are not now limited. Neither are internal communications by unions or companies with their own members or stockholders, even if the communications are partisan. My bill would not change these exceptions to the present election law; however, I am cosponsoring a separate bill, S. 1333, with Senator HELMS to prohibit the use of compulsory union dues for in-kind political purposes.

REPORTING AND DISCLOSURE

The bill also contains separate provisions on reporting and disclosure rules. The bill will provide for more timely and complete public disclosure of campaign gifts and expenditures for all Federal offices. This information is currently filed with the Federal Election Commission, but it does not always become public in a timely fashion.

To help correct this failure, the bill requires that a copy of reports by political committees, parties, and candidates be made available for public inspection and copying at their respective campaign headquarters or at their place of business, if there is no headquarters. Present reporting requirements will stay intact that call for reports to be filed in Washington, DC, and with the secretary of state of the State where any election is held.

Also, the bill provides that every contribution of $500 or more received after the 20th day, but more than 48 hours before an election, shall be reported, instead of only contributions of $1,000 or more, as now. The bill adds a requirement of a new, additional interim report to the Federal Election Commission covering the period at least up to 10 days before the election. At present, candidates close their books 20 days prior to the election. The new report must be actually filed within 5 days before the election. All reports will cover not only direct cash contributions, but loans to a candidate or made by a candidate to himself. If the additional report imposes too great a burden on candidates, I am willing to consider combining the final two reports before the election into a single report filed 5 days preceding election day.

Also, the reports filed will provide more complete information. Major categories of spending must be identified for the first time, such as for television and radio, for polls, for consultants, for direct mail communications, and so forth. The Federal Election Commission will add such other categories as it believes appropriate. Political action committees are required to give a clear identity of connected organizations, not only in reports, but in any communications to members or the public soliciting funds or discussing issues. Moreover, the organizers and officers of each PAC must be clearly identified in reports and all public communications.

The bill also provides that a definition of "address" is to apply throughout the contribution and spending law so that a person cannot hide behind multiple addresses. The person's voting domicile will be shown for individuals and the place of business for political committees.

Finally, the bill will repeal the present Presidential public financing provisions.

SURVIVAL OF SELF-GOVERNMENT

Mr. President, unlimited campaign spending is the road to anarchy. It will bring chaos to the democratic process, rather than order and stability. The bill I have introduced will help restore public respect for the institution of free elections and respect for candidates and elected officials. Most fundamental of all, the bill will help to assure the survival of self-government, the system of self-rule that makes the general freedoms of our people in practice and by which government by consent is constantly replenished and strengthened.

Mr. President, I ask that the text of the bill shall appear in the RECORD and that a table which compares actual campaign spending by Senate candidates in the last 6 years with the proposed spending limits provided by the bill may also appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Election Campaign Expenditure Limits Act".

FINDINGS AND DECLARATIONS

SEC. 2. The Congress finds and declares that—

(1) campaign spending by congressional candidates directly increased to $344,000,000 in 1981-82, a rise of 44 percent over the 1980 elections, 80 percent over the 1978 elections and 175 percent over the $125,500,000 spent in the 1976 elections;

(2) campaign spending by all sources in Presidential elections increased from $160,000,000 in 1976 to $275,000,000 in 1980, a rise of 72 percent;

(3) political action committee contributions to congressional campaigns increased from $55,200,000 in the 1980 elections to $83,100,000 in the 1982 elections, an increase of 51 percent;

(4) independent campaign spending by political action committees and other associations and individuals, to influence election results in congressional elections, increased by 143 percent from the 1980 to the 1982 elections;

(5) total spending by political action committees at the Federal level rose to $131,000,000 in the 1980 elections and to $190,000,000 in the 1982 elections;

(6) all campaign spending in the 1980 Presidential and congressional elections totaled $573,000,000 compared with a total of $300,000,000 spent in 1976;

(7) the sharp increase in the amount and nature of excessive campaign spending in Federal elections poses a danger of real or perceived corruption among candidates for Federal offices and elected Federal officials and thereby discourages and reduces full voting participation by all citizens in Federal elections;

(8) the burden on elected Federal officials of soliciting campaign funds and attending or participating in campaign fund-raising activities interferes with and adversely affects the performance of their official duties;

(9) the ability of candidates, parties, and individuals or independent associations and committees to communicate their political expressions and views is not dependent on making unlimited expenditures for political advertising, direct mail appeals, polls, and other political services;

(10) the establishment of limitations on total campaign spending in Federal elections by candidates, parties, individuals or independent associations, which allow a reasonable amount and diversity of political expenditures, will not unduly restrain the quantity and diversity of political expression and speech;

(11) excessive campaign expenditures endanger the integrity and stability of the election process and the successful functioning of self-rule by the people under the Constitution;

(12) the interest of political expression must be balanced against other compelling and legitimate governmental interests; and

(13)(A) it is therefore necessary and proper to enact comprehensive compaign spending limitations in Federal elections and to limit the length of Presidential campaigns in order to accomplish the compelling interest of Congress in—

(i) securing the stability of the political system;

(ii) furthering the full participation of all voting age citizens in Federal elections;

(iii) protecting against corruption in the political system;

(iv) furthering the effective performance of their duties by elected Federal officials; and

(v) carrying out its duty to "secure the blessings of liberty" to the people; and

(B) there is no alternative which will adequately accomplish these purposes.

FUNDRAISING INCLUDED IN CEILINGS

SEC. 3. Section 301(9)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)) is amended—

(1) by striking out clause (vi), relative to fundraising amounts; and

(2) by redesignating clauses (vii) through (x) as clauses (vi) through (ix), respectively.

ADDITIONAL REPORTING REQUIREMENTS

SEC. 4. (a)(1) Section 301(9)(B)(iii) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)(B)(iii)) is amended by striking out "(ii)" and inserting in lieu thereof "(iii)";

(2) Section 301 is further amended by adding at the end thereof the following:

"(20) The term 'address' means—

"(A) for an individual, the voting domicile of such individual, or

"(B) for a political committee, the principal place of business of such committee.".

(b) Section 304 (a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434 (a)) is amended—

(1) in subparagraph (2)(A) by—

(A) redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(B) inserting after clause (i) the following:

"(ii) an additional pre-election report which shall be filed no later than the fifth day before (or posted by registered or certified mail no later than the eighth day before) any election, or nomination for election, and which shall be complete as of the tenth day before such election;";

(2) in paragraph (3) (A) by—

(A) striking out "a pre-election report shall be filed in accordance with paragraph (2)(A)(i)" in clause (i) and inserting in lieu thereof "pre-election reports shall be filed in accordance with clauses (i) and (ii) of paragraph (2)(A)";

(B) striking out "(2)(A)(ii)" in clause (i) and inserting in lieu thereof "(2)(A)(iii)";

(C) striking out "a pre-election report or reports" in clause (ii) and inserting in lieu thereof "pre-election reports";

(D) striking out "paragraph (2)(A)(i)" in clause (ii) and inserting in lieu thereof "clauses (i) and (ii) of paragraph (2)(A)";

(E) striking out "(2)(A)(ii)" in clause (ii) and insering in lieu thereof "(2)(A)(iii)"; and

(F) striking out "(2)(A)(iii)" in clause (ii) and inserting in lieu thereof "(2)(A)(iv)"; (3) in paragraph (4)(A) by—

(A) redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively; and

(B) inserting after clause (ii) the following:

"(iii) an additional pre-election report which shall be filed no later than the fifth day before (or posted by registered or certified mail no later than the eighth day before) any election, or nomination for election, and which shall be complete as of the tenth day before such election:";

(4) in paragraph (4)(B) by—

(A) striking out "a pre-general election report" in subparagraph (B) and inserting in lieu thereof "pre-general election reports";

(B) striking out "paragraph (2)(A)(i)" and inserting in lieu thereof "clauses (i) and (ii) of paragraph (2)(A)"; and

(C) striking out "(2)(A)(ii)" and inserting in lieu thereof "(2)(A)(iii)";

(5) in paragraph (5) by striking out "paragraph (2)(A)(i) or (4)(A)(ii)" and inserting in lieu thereof "clause (i) or (ii) of paragraph (2)(A) or clause (ii) or (iii) of paragraph (4)(A)";

(6) in paragraph (6)(A) by—

(A) striking out "$1,000" and inserting in lieu thereof "$500"; and

(B) striking out "20th" and inserting in lieu thereof "tenth".

(7) in paragraph (8) by—

(A) striking out "(2)(A)(iii)" and inserting in lieu thereof "(2)(A)(iv)"; and

(B) striking out "a pre-election report under paragraph (2)(A)(i) or paragraph (4)(A)(ii)" and inserting in lieu thereof "pre-election reports under clauses (i) and (ii) of paragraph (2)(A) or clauses (ii) and (iii) of paragraph (4)(A)"; and (8) in paragraph (9) by striking out the second sentence.

(c) Section 304(b)(4)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)(A)) is amended by adding before the semicolon at the end thereof the following: "setting forth such expenses in specific categories including, but not limited to, categories for such expenses as consultants, media time, political polling, and direct mail communications".

(d) Section 304(c)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(c)(2)) is amended by—

(1) striking out "$1,000" and inserting in lieu thereof "$500"; and

(2) striking out "20th" and inserting in lieu thereof "tenth".

(e) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end thereof the following:

"(d) All political committees required to file reports or statements pursuant to this section shall, at the time any such report or statement is filed, in addition to the other locations at which such reports or statements are made available, make all such reports and statements available to the public at the campaign headquarters or their principal place of business of such committee. The reports and statements at such location shall be available to the public and, upon request, shall be furnished to a member of the public for the actual cost of duplication of such material.

"(e) When any political committees make any communication in connection with the solicitation of contributions, such communication shall include information identifying the organizers and officers of such committee and all organizations, and if such committee is associated with, or operating in cooperation, or concert with any other committee, association or organization, information identifying all such entities.".

(f) Section 309(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended by striking out "(iii)" and inserting in lieu thereof "(iv)".

LENGTH OF PRESIDENTIAL CAMPAIGNS

SEC. 5. (a) Section 305 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437) is amended by—

(1) inserting "(a)" before "Each committee"; and

(2) adding at the end thereof the following:

"(b) No convention by any party held to nominate a candidate for the office of President or Vice President shall be held before the first Monday in September of the calendar year in which the election for such office is to be held.".

(b) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) No candidate for the office of President or Vice President, or for the nomination of any party for such office, nor the authorized committees of any such candidate, nor any person may make any expenditures or incur any costs in connection with the solicitation of contributions on behalf of such candidate for the general election before June 1 of the calendar year of the election in which such individual is a candidate. The amount of any such expenditure shall be added to all other expenditures made by any such candidate for purposes of subsection (b)(1)(B) of this section, and shall not exceed the limitations set forth in such subsection.".

EXPENDITURE LIMITS

SEC. 6. (a) Section 315(b)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(b)(1)) is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) $15,000,000 in the case of a campaign for nomination for election to such office;" and

(2) in subparagraph (B) by striking out "$20,000,000" and inserting in lieu thereof "$25,000,000".

(b) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by—

(1) repealing subsection (c), relative to price index increases;

(2) redesignating subsections (d) through (h) as subsections (c) through (g), respectively; and

(3) striking out "(e)" each place it appears in subsection (c) as redesignated and inserting in lieu thereof "(d)".

(c) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) as amended by this Act is further amended by adding at the end thereof the following:

"(j)(1) A candidate for the office of Senator of the United States shall not make expenditures—

"(A) in any primary election in excess of the larger of—

"(i) 12 cents multiplied by the voting age population, as certified under subsection (e),

of the State in which such election is held; or

"(ii) $150,000; and

"(B) in any general election in excess of the larger of—

"(i) 22 cents multiplied by the voting age population, as certified under subsection (e), of the State in which such election is held; or

"(ii) $250,000.

"(2)(A) Except as otherwise provided in this paragraph, a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress shall not make expenditures in excess of $100,000 in any primary or general election.

"(B) For a candidate for the office of Representative for a State entitled to only one Representative, the limitations on expenditures applied to Senators, pursuant to paragraph (1) shall be applied to such Representative in lieu of the limitation applied by this paragraph.

"(k)(1) A candidate in an election for the office of President, may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for election to the office of President up to an amount which, when added to all other expenditures made by such candidate during the calendar year in which such election is held, does not exceed the expenditure limits provided in subsection (b)(1). For purposes of this paragraph, expenditures from personal funds made by a candidate for the office of Vice President shall be considered to be expenditures by such candidate for the office of President.

"(2) A candidate of a party in an election for the office of Senator or Representative in, or Delegate or Resident Commissioner to the Congress of the United States may make expenditures from his personal funds, or the personal funds of his immediate family, in connection with his campaign for election to such office up to an amount which, when added to all other expenditures made by such candidate during the calendar year in which such election is held, does not exceed the expenditures limits provided in subsection (j).

"(l)(1) For purposes of this section expenditures made on behalf of any candidate or by any person including a member of the immediate family of such candidate for the office of Senator or for the office of Representative in, or Delegate or Resident Commissioner to, the Congress of the United States shall be considered to be expenditures made by such candidate.

"(2) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouses of such individuals, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate's spouse, and the spouses of such individuals.".

LIMITATIONS ON INDEPENDENT EXPENDITURES

SEC. 7. Section 315 of the Federal Election Campaign Act of 1971, as amended by section 6 of this Act, is further amended by adding at the end thereof the following:

"(n) No person may make any independent expenditure on behalf of or with respect to a clearly identified candidate, advocating the election or defeat of such candidate during a calendar year which, when added to all other independent expenditures made by such person on behalf of or with respect to such candidate during the calendar year in which such election is held advocating the election or defeat of such candidate exceeds $5,000.".

TECHNICALS

SEC. 8. (a) Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) is amended—

(1) in paragraph (8)(B)(ix) by striking out "or chapter 95 or chapter 96 of the Internal Revenue Code of 1954";

(2) in paragraph (9)(B)(vii)(II) by striking out "or chapter 95 or chapter 96 of the Internal Revenue Code of 1954"; and

(3) by adding at the end thereof the following: "(21) The term 'major party' means with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 25 percent or more of the total number of popular votes received by all candidates for such office.

"(22) The term 'minor party' means, with respect to any presidential election, a political party whose candidate for the office of President in the preceding presidential election received, as the candidate of such party, 5 percent or more, but less than 25 percent of the total number of popular votes received by all candidates for such office.

"(23) The term 'new party' means with respect to any presidential election, a political party which is neither a major party nor a minor party.

"(24) The term 'presidential election' means the election of presidential and vice-presidential electors.".

(b) Section 302(h) of the Federal Election Campaign Act of 1971 (2 U.S.C. 432(h)) is amended by striking out "or chapter 95 or chapter 96 of the Internal Revenue Code of 1954".

(c) Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)) is amended by—

(1) inserting "and" at the end of subparagraph (I);

(2) striking out "; and" at the end of subparagraph (J) and inserting in lieu thereof a period; and

(3) striking out subparagraph (K).

(d) Section 306 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437c) is amended—

(1) in subsection (b) by striking out "and chapter 95 and chapter 96 of the Internal Revenue Code of 1954"; and

(2) in subsection (c) by striking out "or with chapter 95 or chapter 96 of the Internal Revenue Code of 1954".

(e) Section 307 (a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437d) is amended—

(1) in paragraph (6) by striking out "and chapter 95 and chapter 96 of the Internal Revenue Code of 1954,"; and

(2) in paragraph (8) by striking out "and chapter 95 and chapter 96 of the Internal Revenue Code of 1954".

(f) Section 308 of the Federal Election Campaign Act of 1971 (2 U.S.C. 437f) is amended—

(1) in subsection (a)(1) by striking out "chapter 95 or chapter 96 of the Internal Revenue Code of 1954";

(2) in subsection (b) by striking out "or in chapter 95 or chapter 96 of the Internal Revenue Code of 1954"; and

(3) in subsection (c)(2) by striking out "or by chapter 95 or chapter 96 of the Internal Revenue Code of 1954".

(g) Section 309 (a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g) is amended—

(1) in paragraph (1) by striking out "or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954";

(2) in paragraph (2) by striking out "or chapter 95 or chapter 96 of the Internal Revenue Code of 1954";

(3) in paragraph (4)(A)(i) by striking out "or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954";

(4) in paragraph (4)(A)(ii) by striking out "or chapter 95 or chapter 96 of the Internal Revenue Code of 1954";

(5) in subparagraphs (A) and (B) of paragraph (5) by striking out "or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954" each place it appears;

(6) in paragraph 5(C) by striking out "or a knowing and willful violation of chapter 95 or chapter 96 of the Internal Revenue Code of 1954,";

(7) in subparagraphs (A) and (C) of paragraph (6) by striking out "or of chapter 95 or chapter 96 of the Internal Revenue Code of 1954" each place it appears; and

(8) in paragraph (6)(B) by striking out "or chapter 95 or chapter 96 of the Internal Revenue Code of 1954".

(h) Section 309(d) of the Federal Election Campaign Act of 1971 (2 U.S.C. 437g(d)) is amended by striking out "or of chapter 95 or chapter 96 of title 26" each place it appears in paragraphs (2) and (3).

(i) Section 311 of the Federal Election Campaign Act of 1971 (2 U.S.C. 438) is amended—

(1) in subsection (b) by striking out the second sentence; and

(2) in subsection (e) by striking out "or by chapter 95 or chapter 96 of the Internal Revenue Code of 1954".

(j) Section 314 of the Federal Election Campaign Act of 1971 (2 U.S.C. 439c) is amended by striking out "and under chapters 95 and 96 of the Internal Revenue Code of 1954,".

(k) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended in subsection (a)(5)(C) by—

(1) inserting "and" at the end of clause (i);

(2) striking out "; and" at the end of clause (ii) and inserting in lieu thereof a period; and

(3) striking out clause (iii).

(l) Section 315(b)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 411a(b)(1)) is amended by striking out all the material beginning with "who is eligible" through "Secretary of the Treasury".

REPEAL OF PUBLIC FINANCING PROVISIONS

SEC. 9. Chapter 95 of the Internal Revenue Code of 1954, the Presidential Election Campaign Fund Act (26 U.S.C. 9001 et seq.), and chapter 96 of such Code, the Presidential Primary Matching Payment Account Act (26 U.S.C. 9031 et seq.) and all references to such chapters are repealed.

EFFECTIVE DATE

SEC. 10. This Act and the amendments made by this Act shall apply to all campaigns for election to Federal offices for which the election is held after January 1, 1985.

CAMPAIGN SPENDING LIMITS FOR 1982 UNDER S. 1684 COMPARED WITH ACTUAL SENATE CAMPAIGN EXPENDITURES FOR MAJOR PARTY GENERAL ELECTION CANDIDATES, BY STATE, FOR 1978, 1980, AND 1982 [1]

State	Combined limit on expenditures in primary and general election 1982 [2]	Actual expenditures (1982 dollars) 1982 [3]	1980 [4]	1978 [5]
Alabama	$956,080		$413,710	([6])
			992,197	$1,461,576
				1,126,709
				762,456
Alaska	400,000		588,636	478,635
			808,968	29,303
Arizona	700,740	$884,517	2,418,880	
		1,907,358	1,101,990	
Arkansas	561,000		256,198	1,069,257
			138,267	22,367
California	6,214,180	5,367,931	1,332,575	
		7,082,651	3,257,346	
Colorado	756,000		1,258,837	1,493,083
			1,324,568	916,664
Connecticut	808,520	2,306,119	1,630,581	
		1,368,147	1,927,486	
Delaware	400,000	1,274,054		284,625
		794,210		672,756
Florida	2,777,460	806,629	923,322	
		472,505	2,510,889	
Georgia	1,373,600		2,450,323	9,163
			853,615	757,363
Hawaii	400,000	([6])	343,068	
		561,388	19,583	
Idaho	400,000		2,223,994	76,124
			2,065,701	532,039
Illinois	2,837,640		2,722,400	1,892,235
			1,501,029	2,985,706
Indiana	1,327,360	870,023	3,191,164	
		2,973,791	2,656,212	
Iowa	711,960		2,532,312	1,187,868
			2,030,788	1,005,010
Kansas	598,060		1,420,413	1,122,981
			394,384	1,182,169
Kentucky	830,800		8,423	629,876
			570,049	105,494
Louisiana	1,032,100		2,513,532	1,183,847
			([6])	([6])
Maine	400,000	1,081,122		583,777
		1,208,026		895,260
Maryland	1,084,600	1,612,746	973,757	
		580,953	201,981	
Massachusetts	1,493,960	2,470,473		1,060,369
		2,305,996		1,773,100
Michigan	2,228,360	1,045,545		1,341,050
		1,542,147		2,320,539
Minnesota	1,015,920	7,172,312		1,593,004
		3,969,408		2,580,825
				2,721,443
				1,465,934
Mississippi	593,300	1,133,384		1,205,455
		944,054		1,452,178
Missouri	1,237,600	1,806,350	1,613,049	
		1,193,966	1,360,866	
Montana	400,000	708,286		902,183
		823,924		478,475
Nebraska	400,000	522,616		301,044
		489,186		324,110
Nevada	400,000	981,197	331,318	
		1,625,042	1,303,435	
New Hampshire	400,000		735,746	492,808
			783,979	399,687
New Jersey	1,884,960	6,435,743		2,330,129
		2,606,633		1,958,125
New Mexico	400,000	1,586,245		242,374
		1,692,204		1,262,195
New York	4,472,020	2,708,660	1,940,887	
		117,875	2,493,292	
North Carolina	1,501,780		1,110,169	364,441
			1,505,535	10,296,133
North Dakota	400,000	406,601	161,475	
		779,859	466,469	
Ohio	2,649,620	1,025,595	972,314	
		2,815,967	490,749	
Oklahoma	781,660		1,155,878	612,323
			960,881	1,036,775
Oregon	664,360		224,472	308,946
			1,780,144	53,787
Pennsylvania	3,020,220	424,507	735,278	
		2,607,983	1,714,469	
Rhode Island	400,000	438,630		514,846
		1,019,020		118,147
South Carolina	778,940		76,611	2,778,535
			839,175	1,565,152
South Dakota	400,000		2,089,353	620,367
			3,198,353	209,768
Tennessee	1,147,500	2,090,517		2,626,874
		1,639,858		2,653,151
Texas	3,669,620	4,996,104		3,351,559
		4,285,377		5,967,949
Utah	400,000	4,685,836	1,290,570	
		1,703,170	305,727	
Vermont	400,000	282,600	504,187	
		397,015	618,168	
Virginia	1,386,520	2,170,961		3,998,187
		1,192,203		1,149,227
Washington	1,072,360	241,695	1,039,977	
		1,353,406	1,658,235	
West Virginia	478,720	1,763,156		944,755
		1,098,218		633,176
Wisconsin	1,177,760	([6])	1,038,260	
		119,924	796,639	
Wyoming	400,000	1,102,046		606,931
		389,511		196,994

[1] Campaign spending data cover candidate expenditures in primary and general elections; figures for each candidate are presented in random order, without indication of either candidate name or party affiliation.

[2] S. 1684 calls for primary elections ceilings of 12 cents times the voting age population of the State (with a minimum level of $150,000) and general election ceilings of 22 cents times the voting age population (with a minimum level of $250,000); the figures in this column represent the combined limits for each State—as they would have been in 1982, in order to compare them with actual spending in recent elections, data for which do not distinguish spending in primaries from spending in general elections.

[3] Spending data from: U.S. Federal Election Commission. FEC Reports on Financial Activity, 1981–82. Interim Report No. 3. U.S. Senate and House Campaigns. Washington, 1983. Table A.

[4] Spending data based on: U.S. Federal Election Commission. FEC Reports on Financial Activity, 1979–80. Final Report. U.S. Senate and House Campaigns. Washington, 1982. Table A.; 1982 dollars calculated with implicit price deflators for gross national product from: Economic Report of the President; Transmitted to the Congress February 1983, Together with the Annual Report of the Council of Economic Advisors. Washington, U.S. Government Printing Office, 1983. p. 166.

[5] Spending data based on: U.S. Federal Election Commission. FEC Reports on Financial Activity, 1977–78. Interim Report No. 5. U.S. Senate and House Campaigns. Washington, 1979. Table A.; 1982 dollars calculated with implicit price deflators for gross national product from: Economic Report of the President; Transmitted to the Congress February 1983, Together with the Annual Report of the Council of Economic Advisors. Washington, U.S. Government Printing Office, 1983. p. 166.

[6] Not available.

Note.—(Data calculated and prepared by Kevin Coleman and Joseph Cantor, Analysts in American National Government, Government Division, Congressional Research Service, the Library of Congress.)●

By Mr. DURENBERGER:

S. 1685. A bill to amend chapter 89 of title 5, United States Code, relating to the Federal employees health benefits program, and for other purposes; to the Committee on Governmental Affairs.

FEDERAL EMPLOYEES HEALTH PLAN IMPROVEMENT ACT OF 1983

● Mr. DURENBERGER. Mr. President, today I am introducing the Federal Employees Health Plan Improvement Act of 1983, legislation to reform the Federal Employees Health Benefits Plan (FEHBP).

Two years ago, the FEHBP, for over 20 years a model of consumer choice in health care, broke down. Federal employees saw their premiums skyrocket, their benefits decline, and their choice of plans temporarily taken away. One of the largest health plans in the FEHBP threatened to withdraw, and several unions took the Office of Personnel Management to court.

The problems that caused this breakdown are still with us today. Our reprieve is temporary at best. Unless these deficiencies are corrected, we will undoubtedly experience a recurrence of the disruption that occurred in 1981.

I first went to work on the FEHBP problem in 1981, and with the help of FEHBP experts I produced a set of reforms. These reforms were first included in legislation I introduced 1 year ago. The Federal Employees Health Plan Improvement Act of 1983—which I introduce today—is an improvement on that legislation.

Fundamental to any correction of the FEHBP is improved predictability and a correction for adverse selection. These reforms are central to my legislation.

The current system for calculating the Government's contribution is unwieldy and unpredictable. The Office of Personnel Management and the participating health plans should know well in advance of each year's open enrollment period what the Government contribution will be. The present arrangement invites arbitrary, last-minute adjustments that make prudent planning impossible. My legislation indexes the Federal Government's contribution to the annual percentage increase in the medical-care component of the Consumer Price Index.

Adverse selection—the phenomenon whereby older, sicker individuals end up in certain health plans—is a well-documented feature of the FEHBP. To correct for adverse selection, the Government should adjust its contribution to each health plan based on relative risk of enrollees.

Federal retirees, for example, have greater health needs than active employees. Health plans that enroll more annuitants should receive a relatively higher Government contribution. For 1984, my legislation requires an adjustment in the Government contribution to health plans based on annuitant status. In future years, OPM will make additional adjustments based on age, sex, and place of residence.

But will not these adjustments distort the choices made by employees and annuitants? No; because these adjustments will not be evident to enrollees. Active employees and annuitants will each pay the same amount out of pocket for joining the same health plan. Only the Government's contribution to the health plan will vary depending on each employee's age, sex, annuitant status, and place of residence.

As an example, assume the Government contribution in 1984 for individual coverage is $50 a month. Two health plans, health plan A and health plan B, estimate their total costs for providing individual coverage at $75 and $60, respectively. Health plan A determines that its enrollees will comprise a representative cross section of active employees and annuitants. Thus, even though plan A may be getting $35 a month for a young active employee and $60 a month for an older annuitant, the average Government contribution will be $50 a month. In order to cover its costs, plan A quotes a total premium of $75 a month and receives $25 a month in

out-of-pocket contributions from each of its enrollees.

Plan B, on the other hand, determines that it will enroll a population made up largely of active employees. Because of the adjustments in the Government contribution, plan B figures to receive an average Government contribution of only $40 a month. To cover its total cost of $60 a month, plan B needs $20 a month from each enrollee. Since all active employees and annuitants are told that the Government contribution is $50 a month, plan B must quote a total premium of $70 a month to receive the $20 it needs.

The result of the proposed adjustment in the Govenment contribution is that plans with relatively more young, healthy enrollees will have to quote a higher premium, and plans with older enrollees will be given a break. Plan premiums will more accurately reflect the efficiency of the plan rather than its ability to attract good risks.

The Federal Employees Health Plan Improvement Act makes additional reforms in the FEHBP. Federal employees are now eligible for medicare. This bill provides medicare-eligible annuitants with a special medicare supplemental plan. Current health plans in the FEHBP are not designed as medicare supplemental plans. Yet many medicare-eligible annuitants are using their FEHBP coverage as a medicare supplement—at unnecessarily high cost to them and to the Government. My provision will assure that medicare-eligible annuitants have the kind of coverage that best meets their special needs.

The current system for providing information on health care plans must be improved if employees and annuitants are to make reasonable and cost-conscious choices based on their health care needs. Special attention must be given to making this information easy to analyze. My bill creates a special index for each health plan offered. The index will measure the total amount that an enrollee would be expected to expend out of pocket (on premiums, deductibles, copayments, and noncovered services) for the mix of health care services an average employee or annuitant would use inthe course of a year. The index would be similar to that used by Consumer Checkbook in its annual FEHBP guide for Federal employees.

Federal employees are not the only ones who have a stake in a well-run FEHBP. Many private firms as well as State and local governments model their health plans after the FEHBP. The corrections I propose could also be used by these other entities to address similar problems.

Senator TED STEVENS, chairman of the Subcommittee on Civil Service, Post Office, and General Services, has shown special concern for the problems that have surfaced in the FEHBP. Senator STEVENS has been instrumental in identifying issues, bringing concerned parties together, and working toward solutions. As a fellow member of the Governmental Affairs Committee, I look forward to working closely with him and others in passing this bill.

Mr. President, I ask unanimous consent that a section-by-section summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION SUMMARY OF FEDERAL EMPLOYEES HEALTH PLAN IMPROVEMENT ACT OF 1983

SECTION 2—CHANGING PLAN REQUIREMENTS

The bill broadens participation by government-wide plans. Under present law, only one service benefit plan and one indemnity plan are permitted as government-wide plans. Amending language will allow more than two government-wide plans to participate in the Federal Employees Health Benefits Plan (FEHBP).

Benefits in all plans must be at least actuarily equivalent to the lowest level of benefits offered as of December 31, 1982. In effect, this means that benefits must be at least as comprehensive as the low option Aetna plan offered in 1982.

Certain conditions are set for offering health plans. First, an organization or its parent organization must have experience in offering such a plan. Furthermore, plans must demonstrate that they have the potential to enroll at least 2.5 percent of the number of potential subscribers in the area, or 5,000 enrollees, whichever is less. The Office of Personnel Management (OPM) is also given the authority to terminate the contract of any carrier if, at any time during the preceding two contract years, the carrier had less than 300 enrollees.

FEHBP carriers are not required to offer more than one level of benefits. If participating plans open enrollment to all active employees, they must also open enrollment to all annuitants.

The federal government must contract with plans that have access to private employer markets through dual choice provisions in state law. These plans, however, must still meet the market test requirements listed earlier.

Participating group practice prepayment plans are no longer required to include physicians representing at least three major medical specialties who receive all or a substantial part of their professional income from the prepaid funds.

SECTION 3—CHANGE IN CONTRIBUTION FORMULA AND PAYMENT ADJUSTMENTS

The government contribution in 1984 will be calculated by increasing the government's 1983 contribution by a percentage amount equal to the annual percentage increase in the medical care component of the consumer price index (MCPI). Government contribution amounts in future years would be indexed by the MCPI for the previous 12-month period ending in July.

The government's contribution to each plan will be adjusted for adverse selection. In 1984, adjustments will be made based on annuitant status. From the perspective of an employee or an annuitant, the government contribution will be equal. Each enrollee will pay the same amount out-of-pocket to join the same health plan. From the health plan's perspective, however, the government contribution will vary. The government will contribute relatively more to health plans with more than their share of annuitants.

After 1984, a more comprehensive indexing system will be put in place to adjust for age, sex, and place of residence for all employees and annuitants.

SECTION 4—ELECTION BY MEDICARE-ELIGIBLE EMPLOYEES AND ANNUITANTS, MEDICARE SUPPLEMENTARY PLANS, AND RIGHT OF CONVERSION FOR FAMILY COVERAGE

FEHBP will offer a Medicare supplemental benefit to its Medicare-eligible annuitants. In 1984, the government will contribute $20 per month toward this coverage. If Medicare-eligible annuitants enroll with a qualified organization under section 1876 of the Social Security Act, the $20 per month government contribution can be applied against the premium of that organization.

SECTION 5—CONVERSION RIGHTS OF SPOUSES OF EMPLOYEES WHO BECOME ELIGIBLE FOR MEDICARE

If the spouse of a Medicare-eligible annuitant is not also eligible for Medicare, the spouse may elect to continue coverage under FEHBP at group rates.

SECTION 6—FINANCIAL SOLVENCY OF PLANS

Employee organizations must demonstrate financial solvency to OPM.

SECTION 7—EMPLOYEE INFORMATION PROGRAM

Each government agency that employs 7,500 or more employees will be authorized to employ one health benefits specialist for each 15,000 (or fraction) employees. These health benefits specialists will be responsible for distributing information, arranging meetings, assembling data, evaluating carrier performance, and preparing reports.

Furthermore, OPM will develop an index which provides for each plan the total amount an enrollee would be expected to spend out-of-pocket (on premiums, deductibles, copayments, and noncovered services) for an average mix of services.

SECTION 8—STUDIES, REPORTS, AND ADVISORY COMMITTEE

The Office of Personnel Management will work closely with the Department of Health and Human Services. They will coordinate policies, the collection of records, and reports.

An advisory committee will be appointed by the President. Of the twelve members, nine will be employees and three will be annuitants. A primary responsibility of the committee will be to advise Congress on minimum benefit levels.

SECTION 9—OPEN ENROLLMENT

An annual open enrollment period not shorter than 30 days will be established. Furthermore, employees and annuitants must reaffirm or change coverage at least once every five years.

SECTION 10—EFFECTIVE DATES

The provisions of this Act apply to pay periods beginning on or after January 1, 1984.●

By Mr. GOLDWATER:

S. 1686. A bill to amend the act of November 2, 1966, regarding leases and contracts affecting land within the Salt River Pima-Maricopa Indian

Reservation; to the Select Committee on Indian Affairs.

SALT RIVER PIMA-MARICOPA INDIAN RESERVATION

● Mr. GOLDWATER. Mr. President, the bill I am introducing today is at the request of the Salt River Pima-Maricopa Indian Community of Arizona and would apply only to this particular Indian community.

Basically, the proposal amends the existing law to allow the Salt River Pima-Maricopa Indian Community and allotted Indian landowners to enter into lease agreements with binding arbitration clauses that could be enforced in the Federal district court. This amendment focuses attention on probably the No. 1 problem which inhibits economic development on our Indian reservations—the fact that developers and those who finance them do not have, on Indian land, the security of enforcement for a lease or contractual arrangement that one might have with a non-Indian entity. Indian tribes, like other governments, have sovereign immunity, and therefore are immune from suit without consent. In addition, the Federal courts have no jurisdiction except in very limited areas to hear actions brought against Indian tribes. While the sovereign immunity situation does not exist in regard to allotted landowners, the question of Federal court jurisdiction does exist in that regard.

I am very pleased that the Salt River Pima-Maricopa Indian Community has taken the initiative in asking for this type of legislation to be proposed. I think it is just the kind of thing that will attract industry and other developments to the reservation and provide the Indian people with employment and livelihood. The House Interior Committee this week marked up a similar version and I should add that this bill has the support of the administration.●

By Mr. JEPSEN:

S. 1687. A bill to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to make an earlier announcement than is required under current law of an acreage limitation or set-aside program established for the 1984 or 1985 crop of feed grains or the 1985 crop of wheat; to the Committee on Agriculture, Nutrition, and Forestry.

EARLIER ANNOUNCEMENT ON CERTAIN AGRICULTURE PROGRAMS

Mr. JEPSEN. Mr. President, today I am introducing legislation which would require the Secretary of Agriculture to announce farm programs earlier than now specified by law.

In particular, my bill will require announcement of the 1984 farm program for feed grains by September 30, 1983, the 1985 feed grain program by September 30, 1984, and the 1985 program for wheat by July 1, 1984.

Under current law, the announcement deadline for wheat programs is August 15 and for feed grains is November 15. Both dates are too late for adequate planning by either the producer or the agribusiness sector.

Mr. President, the historical complaint in the agriculture sector of USDA programs is late announcement of farm programs. The poor timing in the announcement of this year's payment-in-kind (PIK) program, for example, added to this perception and created problems for both farmers and the agribusiness community that serves our Nation's producers. Farmers need sufficient time to make planting decisions. Agribusinesses must know program details so they can estimate their inventories.

The late announcement of the PIK program on January 11 combined with the signup deadline of March 11, provided almost no advance time for the individual farmer to completely analyze the program benefits.

Under normal conditions, farmers make planning decisions in the fall. When a program is not announced until mid-January, it can cause financial disaster to the individual farmer. An early announcement is paramount to sound production decisions by America's farmer.

The late announcement of the PIK program also threw the farmer's input suppliers into a management dilemma. Agribusiness concerns were surprised by the magnitude of the 1983 program provisions and completely stunned by the signup figures which found them burdened by costly inventories. The extremely bad timing of the announcement of the farm program left many agribusiness concerns with the prospect of a devastating economic forecast.

This was especially true of the many small family owned and operated farm businesses throughout the Nation. Many small businesses had purchased inventories in excess of what they needed for the fewer acres that were going to be idled by PIK. These small businesses then attempted to get rid of inventory. Prices fell as businesses tried to reduce inventory and maintain volume.

I have been personally concerned about this problem since PIK was first announced. Quite frankly, a devastating blow has been dealt to many small farm suppliers by the PIK program.

Efforts must be taken to insure these businesses that have survived that an announcement will be made by September 30.

Mr. President, an early announcement of farm programs will enable farmers to plan adequately and help preserve the agribusiness industries so important to the producer. Agribusiness industries must survive to properly serve the agricultural production effort. This is especially true for our elevator operators and small agribusiness groups such as fertilizer, seed, and implement dealers. Many of these groups are concerned that they will have to lay off some of their employees.

This bill will signal to our Nation's farmers that they can make financial decisions based on the knowledge that USDA will make 1984 program decisions by September 30 for feed grains. It will also signal to agribusiness our intent to require USDA to make an early announcement that will help our farm suppliers in making sound economic management decisions for 1984.

I ask unanimous consent that a copy of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows;

S. 1687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That (a) effective for the 1984 and 1985 crop of feed grains, the second sentence of section 105B(e)(1)(A) of the Agricultural Act of 1949 (7 U.S.C. 1444d(e)(1)(A)), as amended by section 124(1) of the Omnibus Budget Reconciliation Act of 1982, is amended by striking out "November 15" and inserting in lieu thereof "September 30".

(b) Effective for the 1985 crop of wheat, the second sentence of section 107B(e)(1)(A) of the Agricultural Act of 1949 (7 U.S.C. 1445b-1(e)(1)(A)), as amended by section 122(1) of the Omnibus Budget Reconciliation Act of 1982, is amendment by striking out "August 15" and inserting in lieu thereof "July 1".

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1688. A bill to amend the Act of October 18, 1972, to modify the authorization of appropriations for Sitka National Park, Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

MODIFICATION OF AUTHORIZATION FOR SITKA NATIONAL PARK, ALASKA

Mr. MURKOWSKI. Mr. President, today I am introducing legislation that would amend the act that designated Sitka National Historical Park in Alaska, and that authorized appropriations for development and restoration at the site.

The bill would eliminate the statutory ceiling on development expenditures (now $1,571,000) and would authorize appropriation of such sums as may be necessary but not to exceed $6,000,000 to allow for completion of construction work. The ceiling on spending will force a halt in construction by October 1983. If allowed to continue the restorations, they could be completed and the park opened to the public by August 1984. It would be a great shame not to finish the work. It would also be a great waste of dollars already spent.

The appropriations made pursuant to the act of October 18, 1972, as

amended by the act of November 10, 1978, went for such park projects as sewage system modifications and fire suppression work. Should the bill I am now offering be enacted, plans for development of exhibits and audiovisual displays as well as for river bank stabilization to control erosion of the parkland could be realized. Cost estimates for these projects are about $2 million. Costs for completing projects already begun will run around $1 million.

Should the Park Service restorations be halted in an untimely way, construction activities would, at the very least, suffer a 1- to 2-year delay. This would be both expensive and unnecessary.

Mr. President, I believe this measure is justified not only because of the historical significance of the park but because of its popularity as a tourist attraction. Tourism is a major and growing business in Alaska. Each summer, several cruise ships now dock at Sitka. Some 100,000 tourists visit the park each year.

Sitka National Historical Park encompasses the Russian Bishop's House, and the site of the Tlingit Indian fort where, in 1804, the Indians made their last stand against the Russians.

One of the most unique and unusual parts of the park is the Russian Bishop's House. It dates from 1842, and remains the oldest standing structure built in Russian America ("Russian America" is the region controlled by the Russians and sold to the United States in 1867). The Bishop's House was the seat of the Russian Orthodox Bishop in Sitka, and is a building of historical significance which needed extensive restoration after the National Park Service acquired it and the park was created in 1974.

The National Park Service discovered that proper restoration of the House would require a new roof, new interior walls, plumbing, and wiring, and re-creation of the original wallpaper and decorations. Since 1974, the National Park Service, despite serious delays in deliveries of materials, has managed to complete all but a small part of the work.

My bill would simply delete the figures set in the act of November 10, 1972, and insert the words, "such sums as may be necessary, but not to exceed $6,000,000." Let me explain that this would not precipitate a spending free-for-all or invention of new projects, but would simply allow that work which is essential to permit the park to be opened and accessible to the public within a reasonable amount of time. I urge my colleagues to support this legislation.

Mr. STEVENS. Mr. President, I am pleased to join my colleague from Alaska in sponsoring this bill. As my friend has pointed out, the Sitka National Historic Park is a unique monument to a unique period in our State's—and Nation's—history. The city of Sitka remains the seat of the Russian Orthodox Diocese in Alaska, and the Russian Bishops' House is an integral part of that church's legacy in the State. The Sitka community continues to support this living heritage through preservation of other local monuments and traditions. For instance, the restoration of St. Michael's Cathedral—which was completely destroyed by fire in 1966—was recently completed after years of work. This multimillion-dollar project was primarily supported by private donations and the local community. The New Archangel Dancers—named for Sitka's Russian title of New Archangel—entertain visitors to the area with traditional music and dances that tell the story of Russian America. The restoration of the Russian Bishops' House with National Park Service funds is, then, only one part of the ongoing effort in Sitka to keep their history alive. As a part of the total picture, I think this Federal support is well deserved.

By Mr. DENTON:

S. 1690. A bill to improve the educational achievement of educationally deprived children by expanding opportunities for their parents to choose schools that best meet their needs, to foster diversity and competition among school programs for educationally deprived children, to increase private-sector involvement in providing educational programs for educationally deprived children, and for other purposes; to the Committee on Labor and Human Resources.

EQUAL EDUCATIONAL OPPORTUNITY ACT OF 1983

Mr. DENTON. Mr. President, I am pleased to introduce today the Equal Educational Opportunity Act of 1983, the administration's proposal to improve the teaching and learning of educationally deprived children by expanding opportunities for their parents to choose schools that best meet their needs. The legislation also aims at fostering diversity and encouraging competition among school programs for educationally disadvantaged children.

Under the proposed education voucher plan, school districts that receive funds under chapter I of the Education Consolidation and Improvement Act of 1981 could give vouchers to parents of educationally and financially deprived children in lieu of that voucher amount going directly to the child's school. This would allow parents of disadvantaged children to select the education most appropriate for their children. Testifying before the House Subcommittee on Elementary, Secondary, and Vocational Education on April 6, Secretary of Education Terrel Bell stated that the administration's voucher plan will "introduce more flexibility into the elementary and secondary education system of this country" and "give the parents of educationally deprived children the same choices that other parents have in selecting a different and more educationally advantageous school program for their children."

Currently, the parents of a child covered under the chapter I program may participate only in programs available at the school serving the area in which the child resides. Yet there may be instances in which another school's services would be more appropriate for that child. Under the voucher proposal, a State educational agency (SEA) or local educational agency (LEA) could elect to offer the voucher option and parents could apply to transfer a child to another school, either public or private. Federal funding in the form of a voucher would follow the child.

A local educational agency could convert all or part of its chapter I compensatory program funding to a voucher program. Participation could be limited to certain grades, certain schools, or could be phased in over time or a State educational agency could require all LEA's within its State to participate in the voucher plan. If vouchers are not required by the SEA, the decision to use chapter I funds for vouchers would be for each LEA to make.

The voucher concept is not new to Federal education. It has been used successfully for many years in other programs. In fact, in higher education, we place great emphasis on choice and options. We not only permit but encourage access to both public and private schools. In some cases, students and their parents choose the institutions best suited to the student's needs, and the Federal Government provides funding in the form of a Pell grant. The GI bill operates on the same principle of choice. I believe that the parents of educationally disadvantaged students should have the same options as those offered by the Federal Government in its higher education programs.

In order to avoid misconceptions that may arise about this legislation, let me add that the implementation of the voucher plan by LEA's must include continued provision of compensatory education programs for voucher recipients who remain in the schools of the LEA and for chapter I students not selected for participation in the voucher program. The bill would in no way lead, therefore, to the elimination of chapter I compensatory services to the educationally disadvantaged. In addition, the bill specifically states that a voucher cannot be used for a student to attend a school that maintains racially discriminatory policies.

Mr. President, this legislation contains fresh ideas on ways to improve our current compensatory education program by making it more responsive to the needs of those it serves. It seeks to encourage competition and to provide new options for students and parents, thus enhancing the diversity, and therefore the quality, of American education. I hope that this body will give the educational vouchers proposal the careful study and consideration it deserves.

Mr. President, I ask unanimous consent that a section-by-section analysis and the text of the bill appear in the RECORD immediately following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1690

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Equal Educational Opportunity Act of 1983".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that significant improvements in the educational achievement of educationally deprived children can be accomplished by—

(1) expanding the opportunities for parents of educationally deprived children to choose schools that best meet the needs of their children;

(2) fostering diversity and competition among school programs for educationally deprived children; and

(3) increasing private sector involvement in providing educational programs for educationally deprived children.

(b) It is the purpose of this Act to authorize use of funds under Chapter 1 of the Educational Consolidation and Improvement Act of 1981 for vouchers which parents of educationally deprived children may use to pay for educational programs and services for these children at public or private elementary or secondary schools.

EDUCATIONAL VOUCHERS

SEC. 3. Chapter 1 of the Education Consolidation and Improvement Act of 1981 is amended:

(a) By adding new sections 559 and 560 at the end thereof to read as follows:

"EDUCATIONAL VOUCHERS

"SEC. 559. (a) GENERAL.—Payments to local educational agencies under this chapter are available for educational voucher programs in which parents of educationally deprived children use vouchers to pay for—

"(1) enrolling these children as full-time students at private schools, or at public schools located outside of the school district in which the children reside; or

"(2) in the case of parents who decide to enroll their children at public schools of the school district in which the children reside, compensatory services for such children provided by the local educational agency to meet their special educational needs.

"(b) DECISION TO CONDUCT PROGRAM.—(1) A State educational agency may require local educational agencies within its State to use funds received by the local educational agencies under this chapter to implement educational voucher programs. If a State educational agency does so, it must require all such local educational agencies to use funds under this chapter for such programs.

"(2) If a State educational agency does not require local educational agencies to use funds received under this chapter to implement education voucher programs, each local educational agency within the State shall have discretion to use the funds it receives under this chapter to implement an educational voucher program.

"(c) AUTHORIZED PROGRAMS.—An educational voucher program under this section shall—

"(1) provide for the distribution of vouchers to parents of educationally deprived children selected in accordance with sections 556(b) (1) and (2) and 557(a). The local educational agency, subject to any State requirements under subsection (b)(1), shall have discretion to distribute the vouchers to some or all of such parents; and

"(2) permit a parent who receives a voucher under this section to use the voucher for that parent's eligible child only to pay for—

"(i) enrolling such child as a full-time student at a private elementary or secondary school, or at a public elementary or secondary school located outside of the school district in which the child resides; or

"(ii) in the case of a parent who decides to enroll his child at a public school of the school district in which the child resides, services selected by the parent for such child under programs or projects that the local educational agency for such school district provides in accordance with the requirements of section 555;

"(3) provide that a local educational agency or a private school that receives a voucher from a parent under this section may redeem the voucher for funds under this chapter in an amount equal to the quotient of the amount of funds under this chapter that the local educational agency administering the educational voucher program plans to expend in this fiscal year in which the voucher is to be redeemed—less funds necessary for program administration—divided by the number of educationally deprived children selected by such local educational agency for participation under Chapter 1 for such fiscal year in accordance with sections 556(b) (1) and (2) and 557(a).

"(d) LEA PROGRAMS AND PROJECTS.—A local educational agency shall provide programs and projects, in accordance with the provisions of this chapter, to meet the special educational needs of—

"(1) eligible children of parents who decide to use their educational vouchers for such programs and projects provided by the local educational agency, in accordance with subsection (c)(2)(ii); and

"(2) children selected by the local educational agency for participation under Chapter 1 in accordance with sections 556(b)(1) and (2) and 557(a) whose parents do not receive vouchers from the local educational agency.

"(e) APPLICATION BY LOCAL EDUCATIONAL AGENCY.—(1) A local educational agency that conducts an educational voucher program under this section shall have on file with the State educational agency an application which describes the program to be conducted for a period of not more than three years.

"(2) The application shall be approved by the State educational agency if it provides assurances satisfactory to the State educational agency that—

"(A) the local educational agency will keep such records and provide such information to the State educational agency as may be required for fiscal audit and program evaluation; and

"(B) the educational voucher program described meets the requirements of subsection (c).

"(f) VOUCHER IS NOT FEDERAL ASSISTANCE.—Payments made by a local educational agency to a private school or to another local educational agency pursuant to an educational voucher program under this chapter shall not constitute Federal financial assistance to the local educational agency or private school receiving such payments, and use of funds under this chapter received in exchange for a voucher by a private school or by a public school located outside of the school district in which the eligible child resides shall not constitute a program or activity receiving Federal financial assistance.

"(g) DEFINITIONS.—As used in this section—

"(1) the term 'eligible child' means an educationally deprived child for whom an educational voucher is distributed to a parent under this section;

"(2) the term 'parent' includes a legal guardian or other person standing in loco parentis; and

"(3) notwithstanding section 595(7), the term 'private', as applied to an elementary or secondary school, means a day or residential school in any state which—

"(A) provides elementary or secondary education, not including any education beyond grade twelve;

"(B) is not under public supervision or control;

"(C) normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on; and

"(D) includes in any published by-laws, advertisements, admission application forms, and other published materials a statement (in such form and manner as the Secretary may by regulations prescribe) that it does not discriminate against student applicants or students on the basis of race.

"(h) APPLICABILITY OF CHAPTER 1 PROVISIONS.—The following provisions of this chapter shall not be applicable to educational voucher programs under this section:

"(1) section 555(a), and (b), and (c), except that local educational agency programs and projects under subsection (d) of this section shall be subject to section 555(a) and (c); and

"(2) section 556, except to the extent it is made applicable by subsection (c) of this section.

"NON-DISCRIMINATION BY PRIVATE SCHOOLS IN VOUCHER PROGRAM

"SEC. 560. (a) GENERAL.—(1) No private elementary or secondary school may redeem a voucher for funds under this chapter if—

"(A) there is in effect a judgment entered by a district court of the United States under subsection (b) (regardless of whether such judgment is appealed) declaring that such school follows a racially discriminatory policy, or

"(B) an order by any United States Court of Appeals has been made which, by its term, requires the district court to enter such judgment.

"(2) No private elementary or secondary school may redeem a voucher for funds under this chapter unless it has filed with the local educational agency from which it seeks to receive such funds a verified statement which—

"(A) declares that such school has not followed a racially discriminatory policy during the previous twelve months;

"(B) indicates whether a declaratory judgment or order described in paragrph (1) has been entered against such school in an action brought under subsection (b); and

"(C) attests that such school has complied with the requirements of section 559(g)(3)(D) during the previous twelve months.

"(3) The Attorney General shall have exclusive authority under this subsection to investigate and to determine whether a school is following a racially discriminatory policy.

"(4) For purposes of this subsection.—

"(A) A school follows a racialy discriminatory policy if such school refuses, or the basis of race, to—

"(i) admit applicants as students;

"(ii) admit students to the rights, privileges, programs, and activities generally made available to students by the school; or

"(iii) allow students to participate in its scholarship, loan, athletic, or other programs.

"(B) The term 'racially discriminatory policy' shall not include failure of any school to pursue to achieve any racial quota, proportion, or representation in the student body.

"(C) The term 'race' shall include color or national origin.

"(b) DECLARATORY JUDGMENT.—(1) Upon filing of an appropriate pleading by the Attorney General under paragraph (2), the district court of the United States for the district in which a private elementary or secondary school is located may make a declaration with respect to whether such school follows a racially discriminatory policy. Any such declaration shall have the force and effect of a final judgment of the district court and shall be reviewable as such.

"(2)(A) The Attorney General is authorized and directed to seek a declaratory judgment under paragraph (1) against any private elementary or secondary school upon—

"(i) receipt by the Attorney General within the previous 1-year period of any allegation of discrimination against such school, and

"(ii) a finding by the Attorney General of good cause.

"(B) For purposes of this section, the term 'allegation of discrimination' means an allegation made in writing by any person which alleges with specificity that—

"(i) a named school has committed a racially discriminatory act against a named student applicant or student within one year preceding the date on which such allegation is made to the Attorney General, or

"(ii) the school made a communication within one year preceding such date, expressing that it follows a racially discriminatory policy.

"(C) Upon receipt of any allegation of discrimination made against a school, the Attorney General shall promptly give written notice of such allegation to such school.

"(D) Before any action may be filed against a school by the Attorney General under paragraph (1), the Attorney General shall give such school a fair opportunity to comment on all allegations made against it and to show that the alleged racially discriminatory policy does not exist or has been abandoned.

"(i) If an allegation of discrimination against a school is made to the Attorney General and the Attorney General—

"(I) declines to bring an action under paragraph (1) against such school, or

"(II) enters into a settlement agreement with such school under paragraph (4) before such an action is brought,

the Attorney General shall make available to the person who made such allegation the information upon which the Attorney General based the decision not to bring such an action or to enter into such settlement agreement. The Attorney General shall promptly give written notice to such person that such information is available for his inspection.

"(ii) Nothing in this subparagraph shall be construed to authorize or require the Attorney General to disclose any information if such disclosure would violate any applicable State or Federal law relating to privacy.

"(3) A district court may declare that a private elementary or secondary school follows a racially discriminatory policy in an action brought under paragraph (1) only if the Attorney General establishes in such action that—

"(A) such school has, pursuant to such policy, committed a racially discriminatory act against a student applicant or student within the two years preceding commencement of such action;

"(B) such school has, within the two years preceding commencement of such action, made a communication expressing that it follows a racially discriminatory policy against student applicants or students; or

"(C) such school has engaged in a pattern of conduct intended to implement a racially discriminatory policy, and that some act in furtherance of this pattern of conduct was committed within two years preceding commencement of such action.

"(4)(A) Prior to, and in lieu of, filing an action under paragraph (1), the Attorney General may, at his discretion, enter into a settlement agreement with the school against which an allegation of discrimination has been made if the Attorney General finds that such school has been acting in good faith and has abandoned its racially discriminatory policy.

"(B) If the Attorney General has entered into a settlement agreement with a school under subparagraph (A) and the Attorney General finds that such school is in violation of such agreement, the Attorney General may—

"(i) notwithstanding paragraph (2)(A)(i), bring an action under paragraph (1) without having received any allegation of discrimination against such school, or

"(ii) bring an action to enforce the terms of such agreement.

"(C) The Attorney General shall give a copy of any settlement agreement which is entered into with any school under subparagraph (A) to any person from whom the Attorney General has received an allegation of discrimination against such school.

"(5) Any district court that makes a declaration under paragraph (1) that a private elementary or secondary school follows a racially discriminatory policy shall retain jurisdiction of such case.

"(6)(A)(i) At any time after the date which is 1 year after the date on which a judgment is entered in an action brought under paragraph (1) declaring that a private elementary or secondary school follows a racially discriminatory policy, such school may file with the district court a motion to modify such judgment to include a declaration that such school no longer follows a racially discriminatory policy.

"(ii) Any motion filed under clause (i) shall contain affidavits—

"(I) describing with specificity the ways in which the school has abandoned its previous racially discriminatory policy;

"(II) describing with specificity the ways in which such school has taken reasonable steps to communicate its policy of nondiscrimination to students, to faculty, to school administrators, and to the public in the area it serves;

"(III) averring that such school has not, during the preceding year—

"(aa) committed a racially discriminatory act against a student applicant or student pursuant to a racially discriminatory policy;

"(bb) made a communication expressing that it follows a racially discriminatory policy against student applicants or students; or

"(cc) engaged in a pattern of conduct intended to implement a racially discriminatory policy, and committed some act in furtherance of this pattern of conduct; and

"(IV) averring that such school has complied with the requirements of this section.

"(B) If a motion is made under subparagraph (A), the district court shall issue an order modifying the judgment entered in the action to include a declaration that the school no longer follows a racially discriminatory policy unless the Attorney General establishes that—

"(i) any affidavit provided by the school under subparagraph (A)(ii) is false;

"(ii) the school has, during the preceding year, committed any act, made any communication, or engaged in any pattern of conduct described in subparagraph (A)(ii)(III); or

"(iii) the school has not, in fact, complied with the requirements of subclauses (II) and (IV) of subparagraph (A)(ii).

"(C) Any order of the district court granting or denying a motion made under subparagraph (A) shall be reviewable.

"(7) If a school prevails in an action under this section, the court may award such school costs and reasonable attorneys' fees in such action.

"(8) For purposes of this section—

"(A) The term 'racially discriminatory policy' has the meaning given to such term by subsection (a)(4).

"(B)(i) A school commits a racially discriminatory act if such school refuses, on the basis of race, to—

"(I) admit any applicant as a student;

"(II) admit any student to the rights, privileges, programs, and activities generally made available to students by the school; or

"(III) allow any student to participate in its scholarship, loan, athletic, or other programs.

"(ii) The term 'racially discriminatory act' shall not include the failure of such school to pursue or achieve any racial quota, proportion, or representation in the student body.

"(C) The term 'race' shall have the meaning given to that term by subsection (a)(4).

"(D) The term 'private', as applied to an elementary or secondary school, has the meaning given to such term by section 559(g)(3).".

(b) In section 557—

(1) by inserting in the first sentence of subsection (a) a dash and "(1)" after "such agency shall";

(2) by striking out in the first sentence of subsection (a) the period at the end thereof and inserting in lieu thereof a semicolon and the following: "or (2) provide vouchers

to the parents of such children in accordance with section 559.";

(3) by inserting in the second sentence of subsection (a) "and for educational vouchers" after "arrangements"; and

(4) by inserting in subsection (b)(1) a comma and "or from providing educational vouchers to the parents of these children," after "elementary and secondary schools".

(c) In section 558—

(1) by adding a new sentence at the end of subsection (b) to read as follows: "Nothing contained in this subsection shall be construed to prohibit the use of educational vouchers for payments under section 559(c)(2)(i) to a private school or to a public school located outside of the school district in which the child resides, notwithstanding that such payments would have been made from non-Federal sources in the absence of funds under this chapter."; and

(2) by adding a new subsection (f) to read as follows:

"(f) EDUCATIONAL VOUCHERS.—Payments under section 559(c)(2)(i) to a private school or to a public school located outside of the school district in which the child resides shall not subject such private or public school, or the local educational agency for such public school, to the requirements of this section.".

DISCLOSURE OF INFORMATION TO ATTORNEY GENERAL

SEC. 4. Subsection (h) of section 6103 of the Internal Revenue Code of 1954 (relating to disclosure to certain Federal officers and employees for tax administration purposes) is amended by adding at the end thereof the following new paragraph:

"(6) CERTAIN INVESTIGATIONS AND PROCEEDINGS REGARDING RACIALLY DISCRIMINATORY POLICIES.—Upon the request of the Attorney General or the Secretary's own motion, the Secretary shall disclose any return or return information which is relevant to—

"(A) any investigation conducted by the Attorney General under section 560(a)(3) of the Education Consolidation and Improvement Act of 1981 with regard to whether a school is following a racialy discriminatory policy (within the meaning of section 560(a)(4) of such Act), or

"(B) any proceeding which may be brought under section 560(b) of such Act,

to any officer or employee of the Department of Justice who is directly and personally involved in such investigation or in preparation for such a proceeding.".

CONFORMING AMENDMENTS

SEC. 5. Section 2201 of title 28, United States Code (relating to creation of the declaratory judgment remedy) is amended by striking out "section 7428" and inserting in lieu thereof "section 7408 or section 560 of the Education Consolidation and Improvement Act of 1981.".

EFFECTIVE DATE

SEC. 6. The amendments made by this Act shall take effect on July 1, 1984.

EQUAL EDUCATIONAL OPPORTUNITY ACT OF 1983—SECTION-BY-SECTION ANALYSIS

Section 2. Section 2 of the bill sets forth congressional findings and the purpose of the bill. Subsection (a) includes findings that significant improvements in the educational achievement of educationally deprived children can be accomplished by expanding the opportunities for parents of these children to choose schools that best meet the children's needs, fostering diversity and competition among school programs for educationally deprived children, and increasing private sector involvement in providing educational programs for educationally deprived children.

Subsection (b) sets forth the purpose of the bill to authorize use of funds under Chapter 1 of the Education Consolidation and Improvement Act of 1981 (ECIA) for vouchers which parents of educationally deprived children may use to pay for educational programs and services for these children.

Section 3. Section 3 of the bill would amend Chapter 1 of the ECIA to authorize educational voucher programs. Subsection (a) would add now sections 559 and 560 to Chapter 1. Under section 559(a), Chapter 1 payments to local educational agencies (LEAs) would be available for programs in which parents of educationally deprived children use vouchers to pay for enrolling these children at private schools or at public schools located outside the school district in which the children reside or, in the case of children enrolled in the public schools of such district, for compensatory education programs. Under section 559(b), a State educational agency could require all LEAs within its State to conduct educational voucher programs with their Chapter 1 funds. If it did not do so, LEAs would have discretion to use their Chapter 1 funds for educational voucher programs.

Section 559(c)(1) would provide for the distribution of vouchers to parents of educationally deprived children selected by the LEA on the same basis that these children are selected for Chapter 1 projects in the absence of an educational voucher program. Subject to any State requirements, LEAs would have discretion to distribute vouchers to all or some of these parents. For example, vouchers might be distributed to parents of Chapter 1 children at particular grade levels, to such parents who specifically request vouchers, or to particular groups of such parents on a phased-in basis. Under subsection (c)(2), a parent could use a voucher to pay for enrolling the Chapter 1 child as a full-time student at a private school or at a public school located outside of the school district in which the child resides or, in the case of a child enrolled in a public school within such district, for Chapter 1 compensatory services provided by the LEA designed to meet the special educational needs of the child.

The bill would not limit the extent of an LEA's authority under Chapter 1 to decide what compensatory programs and projects to offer for Chapter 1 children who remain in the school district. In addition, with respect to these children, LEA's would have broad discretion in managing voucher funds in relationship to compensatory services. For example, LEAs might elect not to calculate the costs of compensatory services provided to each Chapter 1 funds were used for proper purposes. Voucher recipients who elect to keep their children within the school district would use their vouchers to choose for such children among the compensatory programs offered by the LEA.

Section 559(c)(3) would provide for the LEA or school that received a voucher from a parent to redeem it for Chapter 1 funds. The voucher supports the choice by the parent of a school or of an LEA's compensatory services. No provision is made in the bill for return of the voucher or any part thereof or for the issuance of an additional voucher to a parent who uses the voucher to enroll his child in a school and subsequently withdraw the child from the school. Also, the bill does not require an LEA to provide Chapter 1 services to a child residing within its district who drops out of a private school or a public school of another school district, after his parent had provided Chapter 1 voucher to such school, and returns to the LEA's schools. This is a matter left to the discretion of the LEA.

Under section 559(c)(3), the amount of Chapter 1 funds paid in exchange for the voucher would be equal to the amount of Chapter 1 funds that the LEA administering the voucher program plans to expend (minus funds necessary for program administration) divided by the number of children selected by the LEA for participation in Chapter 1. At the time that an LEA estimated the number of children to participate in Chapter 1 for purposes of its application to the SEA, it might establish an estimated voucher value to facilitate planning by parents. That estimated voucher value subsequently would be adjusted according to the number of children selected.

Section 559(d) would require LEA's to provide Chapter 1 programs and projects to meet the special educational needs of children of parents who decide to use the vouchers for such programs and projects and of Chapter 1 children whose parents do not receive vouchers. These programs and projects would be subject to supplement-not-supplant and comparability requirements in section 558 of Chapter 1. In addition, the maintenance of effort requirement in section 558(a) would continue to be a condition for the receipt of any Chapter 1 allocations by the LEA.

Section 559(e) would provide simplified application requirements for voucher programs. These provisions would not require an LEA to submit two applications; one for its voucher program, and one for other Chapter 1 activities. Rather, these requirements would be in lieu of an application under section 556 if the LEA used all of its Chapter 1 funds for a voucher program; or they could be met as part of a section 556 application for that part of the Chapter 1 program administered as a voucher program. Section 559(f) would provide that voucher payments by an LEA to another LEA or private school shall not constitute Federal financial assistance to the LEA or school receiving such payments and that use of funds received in exchange for a voucher by a private school or by a public school outside the district in which the child resides does not constitute a program or activity receiving Federal financial assistance. Section 559(g) defines terms used in the section, including a broader definition of "private school" than that which would apply to the rest of ECIA. Section 559(h) would make inapplicable to voucher payments certain Chapter 1 provisions concerning project services to meet the special educational needs of educationally deprived children.

Under the new section 560 of ECIA, no private elementary or secondary school that follows a racially discriminatory policy may redeem a voucher for Chapter 1 funds. Section 560 includes provisions similar to those in the Administration's tuition tax credit bill defining a racially discriminatory policy and providing for enforcement by the Attorney General through declaratory judgment proceedings brought in district courts of the United States.

Section 3(b) of the bill would make technical amendments to Chapter 1 provisions concerning equitable participation by private school children in Chapter 1 programs.

These amendments would clarify that a decision by an LEA to conduct a voucher program would not exempt it from these requirements.

Section 3(c) of the bill would amend Section 558 of the ECIA to provide that the prohibition of supplanting does not apply to tuition payments made under the voucher program to a private school or to a public school located outside of the district in which the child resides. Under this provision, for example, there would be no supplanting violation in providing a voucher for tuition payments to a private school that the Chapter 1 child would have attended in the absence of Chapter 1 funds. Also, under proposed section 558(f), tuition payments to a private school or to a public school located outside of the district in which the child resides would not subject such private or public school, or the LEA for such public school, to maintenance of effort, supplement-not-supplant, or comparability requirements in section 558.

Section 4. Section 4 of the bill would amend the Internal Revenue Code of 1954 to require the Treasury Department to provide to the Department of Justice information relevant to investigations concerning whether a private school is following a racially discriminatory policy.

Section 5. Section 5 of the bill contains a conforming amendment concerning the declaratory judgment remedy related to enforcement against private schools following a racially discriminatory policy.

Section 6. Section 6 of the bill would make the amendments made by the bill effective July 1, 1984.

TITLE IV

Section 401. Section 401 of the bill would set effective dates for the amendments made by the bill as follows:

(a) The amendments relating to Pell Self-Help Grants under Title I of the bill and the College Work-Study program institutional matching requirement would be effective July 1, 1984.

(b) The amendments relating to eligibility for loans and origination fees for Guaranteed Student Loans and relating to interest rates for National Direct Student Loans (NDSL) would apply to loans made after June 30, 1983.

(c) The amendments relating to advances, insurance and reinsurance provisions of the Federally Insured and Guaranteed Student Loan programs and relating to the institution's use of returned funds under the NDSL program would take effect July 1, 1983, and apply to all loans, whenever made.

(d) The amendments made in section 202 of the bill relating to uniform program provisions and cost allowances would apply to loans made after June 30, 1983, except in the case where a State or nonprofit private organization is prohibited from complying by contrary State law. In that case, the amendments would apply to loans made not later than 120 days after (1) the repeal of the contrary State law, or (2) adjournment of the next regular session of the State legislature which convenes after December 31, 1983, whichever is earlier.

(e) The amendments relating to the College Work-Study program appropriations limit and the Fund for the Improvement of Postsecondary Education would take effect October 1, 1984.

(f) The amendments relating to the Secretary's authority to allocate funds under the College Work-Study program and the Supplemental Educational Opportunity Grant program, if appropriations for the programs are below prescribed levels, would become effective upon enactment.

By Mr. ARMSTRONG (for himself, Mr. DOLE, Mr. WALLOP, Mr. GRASSLEY, Mr. SYMMS, Mr. CHAFEE, Mr. ROTH, Mr. DURENBERGER, Mrs. HAWKINS, Mr. PACKWOOD, Mr. DANFORTH, Mrs. KASSEBAUM, and Mr. HEINZ):

S. 1691. A bill to amend the Social Security Act to recognize effective program administration in the financing of State programs of child support enforcement, to improve the ability of States to collect child support for non-AFDC families, and otherwise strengthen and improve such programs, and for other purposes; to the Committee on Finance.

CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1983

● Mr. ARMSTRONG. Mr. President, more than 2 million parents either refuse to pay court-ordered child support or disobey the courts by being late in making these payments. In effect, millions of children are being cheated by their parents.

These are the conclusions of a just released report by the Bureau of the Census on child support payments. Their statistics, confirmed by other sources, are shocking.

Eight million American children are being raised by only one parent. Of these 8 million, more than half are not receiving any child support, or child support is at least 2 months late.

These children, and the parents with whom they live, are being cheated out of $4 billion a year.

The lack of full and timely child support payments push more and more children and their custodial parents to the welfare system. More than 85 percent of those receiving Federal aid to families with dependent children are eligible because child support is not being paid.

The result is an outrage to parents raising children alone, to their children, to those parents who are conscientiously meeting their child support obligations, and to taxpayers.

What is being done to corral the cowardly parents who are not supporting their children? Not enough. Currently, the Federal Government spends $700 million each year in payments to the States for child support enforcement grants. Unfortunately, the programs are inconsistent and, in most cases, not successful.

Along with Senators DOLE, WALLOP, GRASSLEY, SYMMS, CHAFEE, ROTH, DURENBERGER, HAWKINS, PACKWOOD, DANFORTH, HEINZ, and KASSABAUM, I am introducing legislation developed by the Reagan administration that offers financial incentives to States to develop and implement more effective child support enforcement programs.

This reform legislation will not solve the problem. No law can ever replace or enhance parents' commitment and willingness to voluntarily assume responsibility for their children.

But this bill will help States track down parents who choose not to support their children. This bill should be enacted, and soon.

Currently, the child support enforcement program is a joint Federal, State, and local effort established in 1974 to insure children are supported financially by their parents when ordered to do so by the courts.

However, the results have been so haphazard and enforcement so varied among the States that the taxpayers and the children are not fully benefiting from these limited, yet costly efforts.

While some States collect $4 in child support for every $1 they spend, other States collect less than $1 for each dollar spent. The Federal Government reimburses States for 70 percent of their administrative costs in trying to collect delinquent child support payments. Not all States participate in the program and there are no real incentives for the States to collect child support payments. As a result, children continue to be cheated and taxpayers foot a child support tab that is growing

As long as we continue to subsidize State efforts on the basis of what they spend and not what they collect, we will never even begin to solve this serious national problem.

There are States that have made progress in attacking, successfully, the child support enforcement problem. Colorado, for instance, is developing a program which is meeting increasing success. Of the more than 25,000 AFDC cases in Colorado, 85 percent are single parents with children who do not receive child support payments. Together with nonwelfare cases, the Colorado child support enforcement caseload is about 130,000 cases. For each dollar Colorado spends on child support collection, about $1 of child support is collected, and this ratio is increasing.

The lack of child support payments drains State and Federal welfare programs because many of these single parents have no other alternative. Two-thirds of children in families with a woman as head of household depend on welfare. Nonpayment of child support forced 87 percent of the welfare recipients through Aid to Families with Dependent Children (AFDC) into eligibility for this Federal and State aid program.

The basic question is not whether the Federal Government should get involved in the child support enforcement issue; we are involved at a cost of some $700 million per year. The question is: How can we be more effective in collecting delinquent child support payments?

The answer which I have proposed in the Senate with the backing of the Reagan administration is a five-part bill designed to give the State incentives to collect child support payments and to require States to uniformly adopt practices that have been successful in increasing support collections.

The bill requires the States to:

Impose mandatory wage withholding on absent parents more than 2 months behind in court-ordered child support payments.

Intercept tax refunds to absent parents who are behind in court-ordered child support.

Develop procedures that would expedite hearings on court-ordered child support cases in civil courts.

Impose fees on nonwelfare parents who use this court-ordered child support collection program.

More importantly, the bill provides financial incentives to the States that develop effective child support enforcement programs. Rather than pay the States bonuses based upon AFDC child support collection attempt costs, incentives would be based on AFDC and non-AFDC performance. The percentage of State administrative costs reimbursed by the Federal Government would drop from 70 to 60 percent. Total incentive payments would be increased by about $83 million over what would have been available under the present bonus incentive. Thus, States have incentives to develop an effective program to enforce child support, to locate absent parents, and expedite the collection of support payments.

If enacted, this proposal would save State and Federal Governments an estimated $120 million annually in welfare payments. And, at the same time, it would help insure that children receive the support to which they are entitled.

All too often we have seen cases of the unwillingness of an absent parent to pay child support. The result has been poverty, destitution, desperation, and suffering for too many children. This deplorable disgrace can be remedied with the passage of the current Child Support Enforcement program.

The Senate Finance Committee will hold hearings on this legislation in September. These hearings will explore the adequacy of financial incentives proposed, a realistic time schedule for implementation by States, protecting rights of due process, and privacy for the parents and children involved.

I am particularly concerned that the bill developed by the Reagan administration does not specify the specific financial incentives available to States developing effective child support enforcement programs. Rather, the bill permits the Department of Health and Human Services to establish these incentives by future regulation.

Therefore, I will work with officials in Colorado and other States to write in law a workable and sound incentive program.

Given the magnitude of the problem, it is important the Senate begins work now on child support enforcement. Each day we wait meant another child is not receiving the financial support deserved.

Mr. ARMSTRONG. Mr. President, to fully brief interested Senators about this important issue, I ask unanimous consent that the following materials be printed in full at this point in my remarks:

A thoughtful, constructive statement by HHS Secretary Margaret Heckler in support of the legislation.

Summary of the Child Support Enforcement Amendments of 1983.

Section-by-section analysis.

Text of bill.

Comparison of other child support enforcement legislation pending in Congress.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 1691

Be it enacted by the Senater and the House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Child Support Enforcement Amendments of 1983".

PAYMENTS IN RECOGNITION OF EFFECTIVE PROGRAM ADMINISTRATION; FEDERAL PARTICIPATION IN STATE ADMINISTRATIVE COSTS

SEC. 2. (a) Section 455 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(e) The Secretary shall prescribe by regulation criteria pursuant to which he will from time to time make payments, in addition to amounts authorized under subsection (a), to each State agency administering a plan approved under this part whose program is found to be exemplary in the amount of collections made, the cost efficiency with which the program is operated, or the magnitude of the costs to other assistance programs that the Secretary finds could reasonably have been expected to occur but for the operation and the effective performance of the State's program. The Secretary, in recognizing such performance, may consider factors such as the amount of a State's collections in a prior or base period and the cost efficiency of a State's program as compared to other State programs (or to the national average of such programs). The total amount paid by the Secretary under this subsection for any fiscal year with respect to collections on behalf of individuals receiving aid to families with dependent children shall be equal to the amount paid under this subsection with respect to collections on behalf of individuals for whom services are provided under section 454(6). The Secretary shall, not less frequently than biennially, review and, if necessary, revise the criteria in order to further encourage and recognize effective child support enforcement programs.".

(b) Section 455(a) of the Act is amended—

(1) by striking out "70 percent" in paragraph (1) and inserting instead "60 percent", and by adding "and" at the end of such paragraph,

(2) by striking out ", and" after paragraph (2) and inserting a semicolon instead,

(3) by striking out paragraph (3), and

(4) by adding at the end of section 455(a) the following new sentence: "In determining the total amounts expended by any State during a quarter, for purposes of this subsection, there shall be excluded an amount equal to the total of any fees collected or other income resulting from services provided under the plan approved under this part.".

(c) Section 455(b) of the Act is amended—

(1) by striking out in paragraph (1) "under subsection (a)" and inserting instead "under subsections (a) and (e)", and

(2) by striking out "investigation" in paragraph (1)(B) and inserting instead "information".

(d)(1) Section 457(a) of the Act is amended to read as follows:

"SEC. 457. (a) The amounts collected by a State pursuant to a plan approved under this part as support for one or more members of a family receiving aid to families with dependent children pursuant to a plan approved under part A shall be paid to the family to the extent that such amounts, from collections made periodically which represent monthly support payments, exceed the amount of such aid paid to the family during such period but do not exceed the amount required by a judicial, quasi-judicial, or administrative order to be paid during such period to the family. Amounts in excess of those required to be paid to the family under the preceding sentence shall be retained by the State to the extent they do not exceed the total amount of such aid previously paid to the family (and with respect to which past collections have not been retained); any balance shall be paid to the family.".

(2) Subsection (b) of section 457 is repealed.

(3) Subsection (c) of section 457 is redesignate as subsection (b) and is amended by striking out "subsection (b)(3)(A) and (B) with respect to excess amounts described in subsection (b)" and inserting instead "subsection (a)".

(4)(A) Section 452(d)(2)(A) and (B) are each amended by striking out "section 455(a)(3)" and inserting instead "section 454(16)".

(B) The last sentence of section 453(a) is repealed.

(C) Section 454(5) of the Act is amended by striking out "section 457(c)" and inserting instead "section 457(b)".

(D) Section 464(a) of the Act is amended by striking out "section 457(b)(3)" and inserting instead "section 457(a)".

(e) Section 458 of the Act is repealed.

(f)(1) Part D of title IV of the Act is amended by adding after section 457 the following new section:

"GRANTS TO STATES FOR CHILD SUPPORT CLEARINGHOUSES AND OTHER INFORMATION MANAGEMENT SYSTEMS

SEC. 458. (a) The Secretary is authorized to make grants to States to assist in the development or improvement of clearinghouses and other information management systems to aid in the enforcement of support by facilitating the collection and exchange, both within a State and among States, of child support information, including information concerning—

"(1) amounts of support ordered (or agreed between the parties) to be paid with respect to children residing in the State;

"(2) amounts of support ordered (or agreed) to be paid by parents employed in the State; and

"(3) amounts of support collected or paid with respect to such children or from such parents and the dates upon which it was paid (either to the State or to the child's custodial parent or guardian);

and to provide for the orderly receipt and dissemination, both within a State and to the appropriate agencies of cooperating States, of information relating to support obligations of and payments from, parents residing or employed in the State.

"(b) The Secretary shall by regulation prescribe the required characteristics and capabilities of an information management system to be funded under this section. Any State desiring to receive a grant hereunder shall submit an application, in such form and containing such information as the Secretary may require, and including a description of the proposed system, and the planning and analysis necessary to establish that system.

"(c)(1) Grants under this section may be made for such period as is specified in the grant award; grants for the continuation of the project in subsequent years may be made, but only if the State has provided such information as the Secretary may require on the development or improvement of the system over the period for which funding had previously been provided.

"(2) The Secretary shall specify the share of the project costs, over the period for which the grant is made, to be required in the form of a financial contribution from the State (other than in the form of goods, services, use of facilities, or similar in-kind contributions) in an amount at least equal to 10 percent, but no more than 30 percent, of the total cost of the project for such period. Payments under this section may be made at such time or times as the Secretary may determine, and may be made in advance or by way of reimbursement (with necessary adjustments on account of previously made overpayments or underpayments), and in such installments and on such conditions as he may prescribe.

"(d) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section. Amounts appropriated pursuant to this subsection shall remain available until expended.".

(2)(A) Section 452(d) of the Act is repealed.

(B) Section 452(e) of the Act is amended by—

(i) redesignating it as section 452(d), and

(ii) striking out "section 455(a)(3)" and inserting instead "section 458".

(C) Section 454 of the Act is amended—

(i) by repealing paragraph (16) thereof, and

(ii) redesignating paragraphs (17), (18), and (19) as paragraphs (16), (17), and (18), respectively.

(g) The amendments made by this section shall become effective October 1, 1983.

IMPROVED EFFECTIVENESS OF CHILD SUPPORT ENFORCEMENT PROGRAMS

SEC. 3. (a)(1) Section 454(6) of the Social Security Act is amended by striking out all after subparagraph (A) and inserting instead: "(B)(i) an application fee of at least $25 shall be imposed for furnishing such services, except that such fee shall not exceed such amount greater than $25 as determined to be reasonable under regulations of the Secretary, and (ii) the State plan shall specify the class or classes of cases in which the fee will be paid by the State, and those in which it will be imposed upon the individual applying for such services, (C) any costs of providing collection services may be collected (or, if the absent parent owes past-due support (as defined in section 464(c)), such costs shall be collected) by the imposition of charges, in accordance with regulations of the Secretary, equal to at least 3 percent but not more than 10 percent of the current month's support obligation, or of the current month's obligation and such past-due support, against the absent parent, and (D) the State may continue to collect support and impose collection charges for such period of time as the Secretary may by regulation prescribe (and State law shall provide for the imposition of liability for such collection charges upon the absent parent owing past-due support with respect to support payable for months after the enactment of the Child Support Enforcement Amendments of 1983, and for the provision to such parent of advance notice of that liability), except that, in establishing the amount of support for which the absent parent is obligated, or in collecting charges from the absent parent, the State shall take no action which would have the effect, directly or indirectly, of reducing the support which would otherwise be distributed, in accordance with the provisions of this part, to or on behalf of the child with respect to whom the support is owed;".

(2) Section 455(a)(1)(B) of the Act (as amended by section 2 of this Act) is amended by striking out "fees collected" and inserting instead "fees collected (including fees paid by the State pursuant to section 454(6)(B)(ii))".

(b)(1) Section 454 of the Social Security Act is amended—

(A) by striking out "and" after paragraph (18);

(B) by striking out the period at the end of paragraph (19) and inserting instead "; and"; and

(C) by adding at the end the following new paragraph:

"(20) provide that the State will adopt and fully implement the procedures designed to increase program effectiveness, as set out in section 467.".

(2)(A) Part D of title IV of such Act is further amended by adding at the end the following new section:

"PROCEDURES TO IMPROVE EFFECTIVENESS OF CHILD SUPPORT ENFORCEMENT

"SEC. 467. In order to comply with the provisions of section 454(20), each State shall adopt and use the following procedures, consistent with regulations of the Secretary and in accordance with State law, to increase the effectiveness of the program it administers under this part:

"(1) Procedures for carrying out a program of withholding from wages amounts payable as support under which—

"(A) in the case of each absent parent against whom a support order is or has been entered by a State, so much of his wages are withheld as are necessary to comply with the order (but not in excess of amounts permitted under section 303(b) of the Consumer Credit Protection Act (15 USC 1673(b)), and such withholding begins as soon as is administratively feasible and without the need for amendment of such order not later than the date that (i) such program becomes effective, (ii) such support order becomes effective, or (iii) the payments which the absent parent has failed to make under such order equal the support payable for two months or longer, whichever of the three is latest, or (iv) such earlier date as the State may select;

"(B) the State provides advance notice to each individual to whom subparagraph (A) applies regarding the withholding that will occur and the procedures he must follow if he believes that withholding (including the amount to be withheld) is not proper in his case because of mistake of fact or, if applicable, payment by him of the arrearage;

"(C)(i) the employer of an individual to whom subparagraph (A) applies, upon the State giving notice, is required to withhold from the individual's wage the amount specified by such notice (which shall include a fee to be paid to the employer unless waived by him) and pay it instead (after deducting and retaining any portion of such amount designated by the State as a fee for the employer) to the State (unless the State directs that payment be made to another public entity);

"(ii) the notice given by the State to the employer will specify the amount to be withheld from the employee's wages and the amount to be retained by the employer as a fee for effectuating the withholding, which, in the case of withholding to satisfy an arrearage shall in addition to the amount withheld to satisfy such arrearage, the amount of such fee to be established by the State in accordance with criteria prescribed by the Secretary;

"(D) provision for terminating withholding is made, consistent with such circumstances as the Secretary may by regulation prescribe;

"(E) provision is made for the imposition of a fine against an employer who discharges such an individual from his employment because of the existence of the wage withholding and obligations which it imposes upon the employer;

"(F) the employer is liable for the amount he fails to withhold (up to the amount of the arrearage) from wages following his receipt of proper notice;

"(G) provision is made for giving notice to, and requesting the enforcement of a State support order entered against an individual by, the child support enforcement agency of any other State in which such individual is employed;

"(H) provision is made under State law for the priority of support collection under this subsection over any other legal process against the same wages;

"(2) Quasi-judicial or administrative procedures for entering child support orders in the State, which orders shall have the same force and effect under such State's law as orders entered by a court, and for enforcing support orders entered through the use of judicial, quasi-judicial, or administrative procedures, whether under the procedures of that or any other State, and for limiting the use of the State's generally applicable judicial procedures to review of the orders entered or enforcement action taken only upon request by a party or by the parent with whom the child is living;

"(3) Procedures under which, at the request of the State child support enforcement agency to enforce a support order of that or any other jurisdiction, refunds (if any) of State income tax which would otherwise be payable to an individual are reduced, after notice to him of the proposed reduction and the procedures he must follow if he wishes to contest the reduction, by the amount of any past-due support (as defined in section 464(c)) owed by such indi-

vidual for the benefit of a child receiving aid to families with dependent children (or, at the option of the State, any child with respect to whom collection services under any other provision of this part are made available) and the amount by which such refund is reduced is paid, for distribution in accordance with section 457, to such State (unless the State directs that payment be made to another public entity) and notice of the individual's home address is furnished to the State agency administering the plan approved under this part.

If a State demonstrates to the satisfaction of the Secretary, through the presentation to him of such data pertaining to caseloads, processing times, administrative costs, average support collections, and any other actual or estimated data he may specify, that the use of any one or more of the procedures required by or pursuant to this section will not increase the effectiveness and the efficiency of the State child support enforcement program, he may exempt the State, for a specified period of time or, in the case of paragraph (2), with respect to a specified political subdivision of the State, and subject to his continuing review should circumstances change, from the requirement to use such procedure or procedures.".

(B) Section 454(9)(C) of the Act is amended by striking out "a court of competent jurisdiction" and inserting instead "judicial, quasi-judicial, or administrative process".

(c) The amendments made by this section shall become effective October 1, 1983, except that if a State agency administering a plan approved under part D of title IV of the Social Security Act demonstrates to the satisfaction of the Secretary of Health and Human Services that it cannot, by reason of State law comply, with the requirements of one or more of such amendments, the Secretary may prescribe that in the case of such State such amendment or amendments, as the case may be, will become effective with (1) the first month beginning after the close of the first session of such State's legislature beginning after September 30, 1983 (or, which began prior to October 1, 1983, and remained in session at least twenty-five calendar days after such date), or (2) the date upon which the State enacts enabling legislation, whichever is earlier. For purposes of this subsection, the term "session of a State's legislature" includes any regular, special, budget, or other session of such State's legislature.

PERIODIC REVIEW OF EFFECTIVENESS OF STATE PROGRAMS; MODIFICATION OF PENALTY

SEC. 4. (a)(1) Section 452(a)(4) of the Social Security Act is amended to read as follows:

"(4)(A) conduct a review of each State's program pursuant to such plan, no less frequently than once every three years, in order to determine whether such program substantially complies with the requirements of this part and to evaluate its effectiveness in carrying out the purposes of this part;".

(2) Section 402(a)(27) of the Act is amended by striking out "operate a child support program in conformity" and inserting instead "operate a child support program in substantial compliance".

(3) The amendments made by this subsection shall be effective with respect to years beginning after September 30, 1982.

(b)(1) Section 403(h) of the Act is amended to read as follows:

"(h) In the case of any State whose program operated under part D was found by the Secretary not to meet the requirements of such part, and with respect to which corrective action, within such period or periods as the Secretary may by regulation prescribe, has not been adequate to result in the program, after such period or periods, substantially complying with all such requirements, the amount payable under this part for any quarter beginning after September 30, 1983, and after the close of the applicable period for corrective action, shall be reduced by —

"(A) not more than 2 per centum, or

"(B) not more than 3 per centum, if the finding is the second consecutive such finding made, or

"(C) not more than 5 per centum, if the finding is the third or subsequent consecutive such finding made, and such reduction shall continue until the first quarter throughout which the program is found to meet such requirements.".

(2) The amendment made by this subsection shall become effective October 1, 1983.

INCREASED AVAILABILITY OF FEDERAL PARENT LOCATOR SERVICE TO STATE AGENCIES

SEC. 5. (a) Section 453(f) of the Social Security Act is amended by striking out ", after determining that the absent parent cannot be located through the procedures under the control of such State agencies,".

(b) The amendment made by subsection (a) shall become effective upon enactment.

EXTENSION OF SECTION 1115 DEMONSTRATION AUTHORITY TO CHILD SUPPORT ENFORCEMENT PROGRAM

SEC. 6. Effective upon enactment, section 1115(a) of the Social Security Act is amended—

(1) by striking out "part A" in the material preceding paragraph (1) and inserting instead "part A or D",

(2) by striking out "402" in paragraph (1) and inserting instead "402, 454", and

(3) by striking out "403" in paragraph (2) and inserting instead "403, 455".

MODIFICATIONS IN TIMING AND CONTENT OF REPORT BY SECRETARY

SEC. 7. (a) Section 452(a)(10) of the Act is amended—

(1) in the matter preceding subparagraph (A), by striking out "three" and inserting instead "six" and by striking out "beginning with the year 1977";

(2) in subparagraph (A), by striking out "and local";

(3) in subparagraph (C), by striking out "collection of spousal support" and inserting instead "interstate child support enforcement" and by striking out "(including the transitional period beginning July 1, 1976, and ending September 30, 1976, in the case of the first report to which this subparagraph applies)"; and

(4) in the matter following subparagraph (H), by striking out "(A)" and inserting instead "(A) or (C)".

(b) The amendments made by subsection (a) shall apply to reports due after September 30, 1982.

CHILD SUPPORT ENFORCEMENT FOR CERTAIN CHILDREN IN FOSTER CARE

SEC. 8. (a) Section 457 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding the preceding provisions of this section, amounts collected by the State as child support for a month on behalf of a child for whom a public agency is making foster care maintenance payments under part E shall be paid to the public agency responsible for supervising the placement of such child, to the extent that the amounts collected exceed the monthly foster care maintenance payments but not the monthly amount required by a court or administrative order to be paid on behalf of the child or agreed to by one or both parents of such child. The responsible agency may use the payment in the manner it determines will serve the best interests of the child, including setting aside such amounts for his future needs or making all or a part thereof available to the person responsible for meeting the child's day-to-day needs. Amounts in excess of those required to be paid monthly shall be retained by the State to the extent they do not exceed the total of past foster care maintenance payments (or payments of aid to families with dependent children) made on behalf of such child (and with respect to which past collections have not previously been retained); any balance shall be paid to the State agency responsible for supervising the child care placement.".

(b) Part D of title IV of the Act is amended—

(1) by inserting immediately after "such an assignment is effective", in section 454(4)(B), ", including an assignment with respect to a child on whose behalf a State agency is making foster care maintenance payments under part E", and by inserting "or E" immediately after "part A";

(2) by inserting ", in the case of an assignment under section 402(a)(26)," immediately after "except that" in section 454(5); and

(3) by inserting immediately after "section 402(a)(26)", in section 456(a), "or secured on behalf of a child receiving foster care maintenance payments".

(c) Section 471(a) of the Social Security Act is amended—

(1) by striking out "and" following paragraph (15);

(2) by striking out the period at the end of paragraph (16) and inserting instead "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(17) provides that all steps will be taken including, where appropriate, cooperative efforts with the State agencies administering the plans approved under parts A and D, to secure an assignment to the State of any rights to support on behalf of each child receiving foster care maintenance payments under this part.".

(d) The amendments made by this section shall become effective October 1, 1983 and apply to collections made on or after that date.

STATEMENT BY MARGARET M. HECKLER

Mr. Chairman and members of the committee, I am here today to discuss a serious problem, a very serious problem for millions of women and children in this country: the failure of absent parents to support their children. According to the Census Bureau, more than 8.4 million women in 1981 were raising children whose fathers were absent. Thirty percent of these women and children were living in poverty. Although most of these women should receive child support payments, obligations had been established on behalf of only 4 million of them. But more than half of these—53.3%—received only partial payment or no payment at all. The Census Bureau estimates that these defaults were cheating children out of nearly $4 billion a year. That is a national disgrace.

I know that many of you have taken a personal interest in this problem, and I commend the Chairman for holding this hear-

ing. I know that you feel as deeply as I do that the time has come to put in place a truly effective Child Support Enforcement program.

When I became Secretary of Health and Human Services, I brought to this office a concern about child support problems. As a Congresswoman, I had seen—too often—the destitution, the desperation, and the simple human suffering of women and children who were not receiving child support payments legally owed them. Frankly, it offended my conscience because I believe, as I know all of you do, that a parent's first responsbility is to reasonably provide for the upbringing and welfare of his or her children. To deny that responsibility is a cowardly act.

I discussed my concerns with the President and found in him a sympathetic audience. He was not only aware of the problem, he was knowledgeable about it. As Governor of California, he had taken the lead in achieving the passage of effective support enforcement laws in his own State. He has been the chief advocate in California and at later Congressional hearings for the establishment of a fair, tough, and effective program. As President, he had proposed some important changes in the way the Federal Child Support Enforcement program worked. And as a man concerned about the family and children, he felt that the existing system, which allowed too many parents to walk away from their prime responsibility, was unconscionable.

When I mentioned to him that some Members of Congress had reservations about his original proposals, he encouraged me to discuss these reservations with the Members, to find out what suggestions they had, and to construct the best possible bill.

I have done that. And, the Child Support legislation I am proposing today incorporates many of the ideas offered by concerned Congressmen and Congresswomen. The President fully supports these proposals. Special thanks are due the Republican women Members of Congress especially Congresswoman Roukema. Their knowledge and their insight have been immensely helpful to the President and to me.

The Child Support Enforcement program is a joint Federal, State, and local effort to ensure that children are supported financially by their parents, to foster family responsibility, and to reduce the cost of welfare to the taxpayer. The amendments I am submitting are designed to improve State efforts to collect both for AFDC—welfare—families and for non-AFDC families.

We aim to do that in two ways: first, by changing the funding of the program so that States will have an incentive to improve their programs; and second, by requiring States to adopt practices that have been effective in increasing support collections.

The present way we finance these programs is outdated. Most Federal dollars are paid out based on what States spend, not on the results they achieve. Even the nineteen States that spend more than they collect gain financially from the present program. As a result, the taxpayer loses, and children continue to suffer.

Currently, there are wide variations in the effectiveness of State programs. If we look at families receiving AFDC payments—families that make up about one-third of all families owed child support—6 States account for 88% of all support collected, but spend only 32% of total administrative funds. The remaining States spend 68% of total funds but collect only 12% of welfare savings. The statistics for non-welfare families are just as erratic.

In fact, a GAO report released in March concludes that "based on the manner in which the program is currently funded, States have little incentive to increase performance". GAO also agrees that relating program funding to program performance is a step in the right direction.

We propose to reward effective State performance by paying bonuses to those States that establish superior records in collecting for welfare and non-welfare families.

To do this, we would repeal existing incentives which give States bonuses of 12% of their AFDC collections. A new system of incentives—amounting to about $200 million—would be created. Under this legislation these incentives would be paid the States based equally on their AFDC and non-AFDC performance.

Our proposal increases total incentive payments by about $83 million over what would have been available under the 12% AFDE bonus incentive, and, even more important, provides equal recognition for non-AFDC performance.

Part of the $200 million in the new incentive fund will come from reducing Federal government payments of State administrative costs. Currently, we pay 70% of administrative costs incurred by states in running their child support collection programs. Under these amendments we would pay 60% of those costs and use the money saved to reward the States doing the best job.

AFDC collections would continue to be shared between the Federal and State governments based on each State's AFDE matching rate as they are now.

As I mentioned earlier, we would also require States to adopt proven enforement techniques for AFDC and non-AFDC cases: mandatory deduction from wages, quasi-judicial or administrative processes, interception of State income tax refunds.

First, mandatory withholding from wages. States would have to adopt laws requiring automatic deduction of support from wages if an absent parent falls the equivalent of two months behind in making payments. These laws would apply to welfare and non-welfare cases and to interstate collections. In the State of New York, the payment rate doubled from 40% to 80% for cases covered by mandatory withholding.

Second, interception of State income tax refunds. Any State which has an income tax would be required to intercept refunds when support owed an AFDC child is overdue. At State option, the intercept technique could also be extended to non-AFDC families.

Third, quasi-judicial or administrative processes. States would have to adopt administrative or quasi-judicial processes to help reduce court backlogs in issuing and enforcing support orders.

These practices are simple, inexpensive, and will significantly increase collections. Additional techniques may be beneficial depending on individual State circumstances. We encourage States to examine these practices and to determine the potential benefit based on their own experience.

We are confident that these techniques can improve the Child Support Enforcement program while safeguarding the rights of those who have child support obligations.

Fourth, the bill establishes several different kinds of fees. A non-welfare family would pay at least a $25 application fee for services provided by a State, or the State would have to pay such a fee out of its own funds. A reasonable ceiling would be set on this fee by regulation. Under our legislation, and in a very significant departure from current practice, collection fees would also be imposed on absent parents who fail to meet their obligations in a timely manner. This fee would be set by the State within a range of 3-10%.

This fee is not to be deducted from the amount due to the family. The Federal share of all these fees will be deposited in the pool for State bonus payments.

Our bill contains several other provisions to upgrade the Child Support Enforcement program. We would improve the existing provisions regarding annual audits of State compliance with statutory requirements and penalties on Title IV-A funding for noncompliance. Audits, conducted at least triannually, would focus more on program effectiveness rather than simple compliance with processes. States would be required to take corrective action based on the results of the audit. If they failed to take such action, a realistic penalty would be imposed on their Federal AFDC monies. This penalty would be graduated according to the severity of the problem and the length of time a State has been ineffective.

Mr. Chairman and members of the Subcommittee, I am deeply grateful for your time and attention. As I said when I began, this is a terribly serious problem for millions of Americans, many of them essentially helpless. You have before you several proposals addressing this problem, but we believe that the Administration's bill is the best possible way to achieve our common goal of assuring that children receive the support to which they are entitled. We are willing and anxious to work with the Subcommittee in every possible way to speed passage of our proposals. Thank you.

SUMMARY OF THE CHILD SUPPORT ENFORCEMENT: FISCAL YEAR 1984 LEGISLATIVE PROPOSALS

1. Performance based funding—

The current open-ended Federal funding of 70 percent of State administrative costs, the incentive payment of 15 percent of AFDC collections (to decline to 12 percent in fiscal year 1984) and the 90 percent match for developing or enhancing computer systems would be repealed.

Replacing this financing mechanism would be a system based on State performance. States would retain their share of all collections which exceed total administrative expenditures based on the AFDC matching rate (and the Federal government would share in any deficits at the State's AFDC matching rate). In addition, States could qualify for incentive rewards based on performance in collecting for both the AFDC and non-AFDC caseloads. Project grants (estimated to be $20 million in fiscal year 1984) would be available to States to develop automated data processing systems. In giving these grants, HHS would be particularly interested in funding State systems that would be capable of serving as clearinghouses, or central registries, for support collections.

This new financing structure would be phased-in over a three-year period. Because the proposal assumes that total program costs will be less than the potential amount collectable for AFDC recipients, States can make a profit by increasing AFDC collections and controlling costs.

2. Mandatory fee for the non-AFDC caseload—

Require States to charge an application fee of at least $25 for services requested by

non-welfare families. A State would be permitted to pay the fee if it did not wish to impose it on the custodial parent.

States would be required to impose on the absent parent a collection fee of from 3 percent to 10 percent of support due whenever the absent parent is delinquent in making payments. The fee would be imposed for a period of time set by the Secretary in regulations.

States would retain authority to impose a fee for making collections when no arrearage has occurred, but could apply this only to the absent parent.

The Federal share of fees raised by this proposal would be used to increase the pool of incentive payments made to the States on the basic of their performance in collecting for the non-AFDC caseload.

These fees are expected to raise from $20 million to $40 million per year.

3. Require States to adopt certain procedures to improve effectiveness of Child Support Enforcement programs—

A number of practices used by States have been particularly effective in increasing child support collections. This proposal would require States to use these proven techniques. For example, States would be required to: (1) have in effect a procedure for deducting child support from wages when an absent parent has failed to make periodic support payments equaling the amount of support owed for two months; (2) offset State income tax refunds to recover overdue support; and (3) establish an administrative process for dealing with support issues.

Annual saving of $56 million are expected.

4. Require program audits of State compliance triennially rather than annually, and prescribe a graduated rather than fixed penalty for non-compliance.

5. Increase the availability of the Federal parent locator service to State agencies. Delete the requirement that States exhaust all other means of locating an absent parent before using the Federal Parent Locator Service.

6. Allow waivers of program requirements in order to conduct experiments and demonstration projects. This would provide the Secretary with a research authority similar to that for AFDC and Medicaid.

7. Make minor changes in the Secretary's reporting responsibilities to improve and simplify reports to the Congress—e.g., requiring that there be separate identification of cases involving spousal support because this data is not easily distinguishable; and requiring States to identify interstate cases.

8. Provide for enforcement of child support obligations on behalf of children receiving foster care payments.

SECTION-BY-SECTION SUMMARY OF THE CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1983

PAYMENTS IN RECOGNITION OF EFFECTIVE PROGRAM ADMINISTRATION; FEDERAL PARTICIPATION IN STATE ADMINISTRATIVE COSTS

Section 2 of the draft bill would make a series of amendments, primarily to the statutory provisions for Federal financial participation in the administrative costs of the child support enforcement program, which are directed towards achieving more efficient and effective program administration.

Subsection (a) of the bill would add a new subsection (e) to section 455 of the Social Security Act, authorizing the Secretary to make payments to States in recognition of exemplary performance in the administration of their child support enforcement programs. The formula for determining the amounts would be specified by the Secretary in regulations. The Secretary could consider factors such as levels of both AFDC and non-AFDC collections, improved collections-to-cost ratios, and AFDC cost avoidance in an amount that the Secretary finds may reasonably be attributed to the successfully operated program. These factors could be measured, if the Secretary chooses, against a State's prior performance, the national average performance, or any combination of these factors. The total amount distributed as "recognition" payments with respect to AFDC collections, and the amount of those payments based on collections for non-AFDC families, must be equal. Further, the Secretary is directed to review the criteria for determining the amount of the recognition payments at least once every two years, and to adjust the formula as he finds appropriate, in order to improve, to the maximum extent, the performance of State child support enforcement programs.

Subsection (b) amends section 455(a) of the Act to reduce from 70 to 60 percent the Federal matching rate for State administrative costs. Technical and conforming amendments to the remainder of section 455 are also made by this subsection and by subsection (c).

Subsection (d) continues by revising the language of section 457, pertaining to distribution of amounts collected, in order to delete obsolete language and otherwise clarify the provision; however, no substantive change is made in the payment of collections to the family (or on behalf of a child in foster care).

Subsection (e) would repeal section 458, the statutory authority for the 12 percent incentive payments.

Subsection (f) of this section would add a new section 458 to the Social Security Act (replacing the section previously repealed). Discretionary grants to States would be authorized for development or improvement of child support clearinghouses and other information management systems. The authority would replace various provisions of existing law, that are intermingled with the State plan requirements and the Federal responsibilities, but the intent is that this will be a continuation and expansion of the same type of activities as have already been initiated by many States. The child support clearinghouses would be information systems through which the State could enter and track support obligations and payments. This information, together with the wage withholding authority (established by a letter amendment below), would greatly enhance each State's ability to collect child support and to participate in an efficient interstate collection network. For this reason, States will be encouraged to develop their information clearinghouses with some uniformity, or at least compatibility, so as to facilitate interstate exchange of information and cooperation in making collections. This will be further clarified by restating in the regulations many of the detailed criteria for these systems that are currently set out in the statute. The Secretary could provide grants for both the first and subsequent years of a system development project, and specify the State financial contribution, of at least 10 percent and up to 30 percent of total costs. In-kind matching by the State would not be allowed.

Such sums as are necessary may be appropriated; funds appropriated will remain available until expended.

Subsection (g) of this section provides that these amendments will be effective October 1, 1983.

IMPROVED EFFECTIVENESS OF CHILD SUPPORT ENFORCEMENT PROGRAMS

Section 3(a) of the bill would strengthen the State plan requirements applicable to child support enforcement services for non-AFDC families. First, section 454(6)(B) of the Act would be amended to require States to charge an application fee when services are provided for a non-AFDC case. The fee must be at least $25, but could not exceed a reasonable ceiling determined under regulations to be prescribed by the Secretary. States could pay this application fee if they wished, but those payments would be excluded from total State expenditures, as would any other fees or charges collected. Further, subparagraph (C), pertaining to charges for collection services, would also be amended. Charges could only be imposed on the absent (obligor) parent; the amount collected on behalf of the child (or child and custodial parent) would not be reduced by the imposition of collection charges. The imposition of these charges would be required if there were an arrearage in the payment of child support. Also, the State would be required to continue imposing charges in (what started as) an arrearage case for a future period to be specified by the Secretary in regulations.

The rate charged by the State may range from between 3 and 10 percent of the amount of the current month's child support (or, in an arrearage case, that percent of the arrearage and the amount of support payable for the current month). Also, State law must provide for imposing liability for these charges upon the absent parent with respect to support payable after enactment of these amendments, and for the provision of notice to the obligor parent of this liability. The law would explicitly provide, however, that the imposition of collection charges upon the absent parent should not occasion a reduction in the amount of support that would otherwise be provided for the child's support.

Subsection (b) of the draft bill would amend section 454 of the Social Security Act to require all States to use certain practices which have been tried by some States and shown to be most successful in improving the effectiveness of their child support enforcement programs. Specifically, paragraph (1) of this subsection would add a new paragraph (20) to the State plan requirements, which would require States, in addition to all other requirements of part D, to carry out the procedures described in (a new) section 467.

Paragraph (2) then adds a new section at the end of part D, setting out in some detail the criteria which State programs must meet in implementing (1) withholding from wages to collect support payments, (2) quasi-judicial or administrative procedures to implement the child support enforcement program, and (3) procedures under which States which impose a personal income tax would intercept refunds otherwise due parents with delinquent support obligations.

1. Wage withholding. States would be required to have in effect procedures under which wages are withheld to collect support. The State could use this as a routine collection device, but, at the latest, must begin withholding, without further enforcement action, once the parent had failed to make payments under a support order and the delinquency equaled the support payable for

two months or longer. Prior to notifying the employer, the State would have to take steps prescribed by the Secretary in regulations to protect the procedural rights of the parent. The parent would have to be given notice of the default and of procedures he must follow if he wishes to contest the action. Thereafter, notice would be given to the employer, and the employer would be required to withhold the amount stated in the notice and pay it to an authorized person (within the meaning of section 465(b) of the Act) for appropriate distribution. The notice to the employer would also specify the amount he may, unless he waives payment, retain as a fee for the cost of effectuating the withholding. If an arrearage were involved, the fee must be added on to the support withheld; in other words, the debtor-parent bears the cost. In other cases, the State may decide whether the fee, if any, should be additional to or subtracted from the support withheld (or a combination). However, in all cases, the amount of the fee must accord with criteria prescribed by the Secretary. An employer who fails to to comply with a notice to withhold from wages would become liable for the amount that he failed to withhold, up to the amount of the arrearage. Provision would also have to be made for terminating the withholding, and for imposing a fine on an employer who discharges a parent because of the support withholding.

Also, the State agency would have to notify the corresponding agency of any other State in which an individual was working if he owed support under an order of the (first) State. The procedures adopted by the (second) State pursuant to this requirement would then have to be used to enforce support obligations established by another jurisdiction when notice is given that the parent is working in the State.

This withholding would have priority over all other claims against the wages, and the restrictions on the amount that could be deducted would be limited by section 303(b) of the Consumer Credit Protection Act.

2. Quasi-judicial or administrative procedures. Procedures using other than the traditional judicial forums would have to be developed to establish and enforce support obligations. The procedures could include notice and opportunity for an administrative hearing or the use of court officials other than judges to perform various support related functions, in order to develop more expeditious and less expensive remedies. These alternative procedures would comport with all due process requirements and would provide for notice of actions to be taken and the opportunity to be heard, and for appeal of the determinations made through the new processes. Generally applicable judicial remedies would only be available upon request of a party, and only to review the previous regulation. Provision would also be made for enforcing the support orders of another State, regardless of the mechanism used for entering them.

3. Withholding for past-due child support from State income tax refunds. Procedures would be put into effect in the State to require, upon proper notice to the State tax authorities from the State child support enforcement agency in order to enforce a support order entered in any State, withholding of past-due support payments from amounts that would otherwise be paid, as a refund of taxes, to the absent parent who is delinquent in meeting his support obligations. The State may apply this provision to AFDC cases only, or to all children for whom collection services are provided under the State plan. (Of course, the State could make this procedure available with respect to all children, but the costs for non IV-D cases would not be costs of carrying out the State plan.)

The Secretary of Health and Human Services must issue regulations prescribing the necessary details for each of these three areas. The use of regulations to specify the particulars of these enforcement techniques is more effective than spelling out every element in the law, since requirements can be developed in the alternative, can be performance based, where appropriate, and can be more readily adjusted if it should appear necessary based on unusual circumstances in individual States. Further, if the State produces detailed factual data to support its contention that a particular procedure required under this section would not improve the efficiency or effectiveness of its program the Secretary could grant a limited exemption, subject to later review, from the requirement.

Subsection (c) specifies an effective date of October 1, 1983, for adoption by the State of these various procedures. However, if the State demonstrates to the Secretary of Health and Human Services that it is precluded under State law from complying with one or more of these requirements, the Secretary may delay the effective date to which the legal impediment pertains until the enactment of enabling legislation, or, if earlier, the close of the first State legislative session (of any type) that begins after September 30, 1983 (or earlier, but which runs for at least 25 days past that date).

PERIODIC REVIEW OF EFFECTIVENESS OF STATE PROGRAMS; MODIFICATION OF PENALTY

Section 4 of the draft bill would amend section 452(a)(4) of the Social Security Act, the provision currently requiring an annual audit of State child support enforcement programs to determine their compliance with all statutory requirements and to determine whether the penalty provision (which operates to reduce AFDC matching) should be applied. The amendment would require that the program audit be conducted not less frequently than triennially (rather than annually) to determine whether the program substantially complies with the requirements of part D. This amendment would be effective after September 30, 1982.

Subsection (b) would amend the 5 percent penalty provision contained in section 403(h) of the Act. It would prescribe instead a graduated penalty, should a program be found to be inconsistent with the requirements of section 452(a)(4). Thereafter, for so long as the noncompliance continued, after a period allowed for corrective action as would be prescribed by the Secretary, a reduction of AFDC matching up to 2 percent would be applied. However, if it were the second consecutive occasion following which there was failure to take timely corrective action, a penalty of up to 3 percent could be applied, or, if it were the third or subsequent occasion, the penalty could be raised to 5 percent. This amendment would become effective October 1, 1983.

INCREASED AVAILABILITY OF PARENT LOCATOR SERVICE TO STATE AGENCIES

Section 5 of the draft bill would amend section 453(f) of the Social Security Act, effective upon enactment, by deleting the condition that States must, in effect, exhaust State child support enforcement resources before they may have resort to the Federal Parent Locator Service.

EXTENSION OF SECTION 1115 DEMONSTRATION AUTHORITY TO CHILD SUPPORT ENFORCEMENT PROGRAM

Section 6 of the draft bill would amend section 1115(a) of the Social Security Act, the authority for waivers in order to conduct experimental and demonstration projects under the assistance titles, to include the child support enforcement program within the scope of the demonstration authority. States would then have increased flexibility available to try innovative approaches to child support enforcement and thereby improve program effectiveness. This amendment would become effective upon enactment.

MODIFICATIONS IN TIMING AND CONTENT OF REPORT BY SECRETARY

Section 7 of the draft bill would amend section 452(a)(10) of the Act to make minor modifications in the Secretary's reporting responsibilities. The due date for the Secretary's annual report to the Congress on child support activities would be extended by three months (to six months after the close of the fiscal year) to provide more adequate time for the receipt and analysis of States' fourth quarter data. Also, the requirement that there be separate identification of cases involving spousal support would be deleted, since States cannot distinguish those cases, except with great difficulty. At the same time, States would be required to identify interstate cases, so that State collection rates can be more accurately determined, and to allow more complete response to congressional inquiries on this subject. Two other minor technical amendments are also made. This amendment would apply to reports due after September 30, 1982.

CHILD SUPPORT COLLECTION FOR CERTAIN CHILDREN IN FOSTER CARE

Section 8 of the draft bill would make various amendments to part D of title IV of the Social Security Act to recognize enforcement of child support obligations on behalf of children receiving foster care payments.

Subsection (a) amends section 457 by adding a new statutory directive for distribution of support collections under part D of title IV. The new subsection (d) of section 457 would parallel the distribution pattern specified in subsection (b), except that collections for the current period, in excess of the amount equal to current foster care maintenance assistance, are paid to the public agency responsible for supervising the placement of the child, rather than the family from which the child was removed, to be used in the best interests of the child.

Subsection (b) makes other necessary conforming amendments within part D of title IV to provide for cases in which the State collects child support on behalf of children for whom it is making foster care payments.

Subsection (c) would add a new paragraph to section 471(a) of the Act, the requirements for State plans for foster care and adoption assistance. These plans would have to provide that all steps would be taken to secure an assignment of support (in the same way that support is assigned under the AFDC program) on behalf of a child for whom the State agency is making foster care maintenance payments.

Subsection (d) specifies that these amendments would apply to collections made after September 1983.

CHILD SUPPORT ENFORCEMENT LEGISLATION—98TH CONGRESS—COMPARISON OF PROVISIONS

I. MANDATED STATE PROCEDURES

A. Withholding child support from wages for both AFDC and non-AFDC cases:

1. H.R. 2374, S. 888 requires states to implement withholding after a two-month arrearage has occurred. Requires states to provide for voluntary withholding.

2. H.R. 3354 requires states to implement withholding immediately beginning with the first child support payment. Applies to both current and past-due support. Employers prohibited from disciplining or discharging employees because of withholding. "Wages" broadly construed to include other income.

3. H.R. 3545 permits states to implement withholding as soon as they wish but no later than the point at which an arrearage equal to two months' support has occurred or when an obligor has requested voluntary withholding. Employers may withhold a fee in addition to the child support amount to cover costs of the withholding process.

4. H.R. 3546, S. 1691: same as H.R. 3545, except no provision for voluntary withholding.

B. Administrative procedure to augment judicial processes: Included in H.R. 2374, 3545, and 3546, S. 888, S. 1691.

C. State income tax offset of child support arrearages: Included in H.R. 2374, 3545, and 3546, S. 888, S. 1691.

D. Liens on property for past-due support:

1. H.R. 2374 requires each state to have procedures for imposing liens against property and estates for amounts of past due support owed by an absent parent residing in the state.

2. H.R. 3545 requires states to have procedures for imposing liens against real property for past-due support owed by an absent parent who resides in or owns property in the state.

E. Medical support:

1. H.R. 2374, S. 888 requires states to seek medical support for children for whom it is seeking financial support when available to absent parent at reasonable cost.

2. H.R. 3545, same as above, but requires state to seek medical support only if custodial parent has been unable to get it.

F. Reports to consumer credit agencies: H.R. 3545 requires states to report periodically to consumer credit agencies the amounts of past due support owed by absent parents.

G. Additional procedures: H.R. 2374, S. 888 requires states to adopt at least three of the following:

1. Voluntary wage assignment,

2. Use of highly accurate scientific testing to determine paternity,

3. Imposition of a security, bond or other guarantee to secure support obligations of absent parents who have a pattern of past-due support,

4. Default paternity procedures,

5. Use of objective standard to guide in the establishment and modification of support obligations by measuring the amount of support needed and the ability of an absent parent to pay such support, such that comparable amounts of support are awarded in similar situations.

II. CHILD SUPPORT CLEARINGHOUSE

A. H.R. 2374, S. 888 requires states to establish child support clearinghouses through which all support payments will be paid, recorded and forwarded. Clearinghouses are to include systems for reporting support obligations owed, collected, disbursed and for triggering enforcement actions when payments are not made on time. No funding provided.

B. H.R. 3545 provides $100 million over five years (to be available until expended) for grants to states to establish clearinghouses or other information systems.

C. H.R. 3546, S. 1691, same as H.R. 3545 but no funding specified.

III. FEDERAL INCOME TAX OFFSET FOR PAST-DUE NON-AFDC CHILD SUPPORT

A. H.R. 2374, S. 888 provides for states to submit information for offset on past due support which the state has agreed to collect.

B. H.R. 3545 requires states to submit information for offset on past due support which the state has undertaken to collect. State may choose to seek only support which has accrued since it undertook to collect or, at its option, may seek the entire arrearage owed to the custodial parent.

IV. FEDERAL FINANCING FORMULA

A. H.R. 3545 maintains the 70 percent federal match for state administrative costs. The 12 percent AFDC incentive payment is replaced with a four part incentive system to be paid quarterly:

1. "Perfect cases" (paid in full, on time in each of 12 preceding months): incentive is an amount equal to 0.2 percent of administrative costs for every 1 percent of perfect cases in excess of 30 percent of all cases.

2. "Adequate cases" (80 percent of obligation paid some time during the year): incentive is an amount equal to 0.4 percent of administrative costs for every 1 percent of adequate cases in excess of 70 percent of all cases.

Incentives reduced for "perfect" and "adequate" cases if support collected is less than AFDC payment for family of two.

3. Interstate cases: incentive is an amount equal to 0.4 percent of administrative expenses for every 1 percent of interstate cases in excess of 50 percent of all interstate cases.

4. AFDC cases: incentive is 1 percent of support collected in AFDC cases for every 1 percent by which their recovery of AFDC payments exceeded 5 percent.

B. H.R. 3546, S. 1691 reduces the 70 percent administrative match to 60 percent. The 12 percent AFDC incentive is repealed and will be replaced with incentives for exemplary performance to be specified in regulations by the Secretary. The incentive amounts are to be equally divided between AFDC and non-AFDC cases.

A sliding-scale audit system replaces the flat 5 percent AFDC penalty in present law.

V. FEES FOR NON-AFDC CASES, 1691

H.R. 3546, S. 1691 requires a $25 application fee. Additional amounts may be charged to the obligor but are not to reduce the support payments.●

● Mr. DOLE. Mr. President, I am happy to join BILL ARMSTRONG, chairman of the Subcommittee on Social Security and Income Maintenance Programs, in sponsoring the Child Support Enforcement Amendments of 1983. This administration proposal was introduced in the House of Representatives last week by the ranking minority member of the Ways and Means Committee, BARBER CONABLE, and a number of other distinguished members of that committee and of the House.

Title IV-D of the Social Security Act was enacted in 1975 to establish a program of child support enforcement. The program provides services to locate absent parents, establish paternity, and assist in the establishment and collection of court-ordered, administratively ordered, and voluntary child support. The program was enacted in an effort to require absent parents to support their children and thereby reduce spending under the aid to families with dependent children (AFDC) program. Non-AFDC families participate in the program on a voluntary basis and Federal funding for service to non-AFDC families was made a permanent part of the program in 1980. The program operates on a Federal-State basis with administrative expenditures financed primarily by the Federal Government and collections for the AFDC caseload shared at the State's AFDC matching rate.

Although the program has been in place for a number of years, the importance of the program has only recently been widely recognized. The nonpayment of child support is rapidly emerging as one of the most difficult social problems facing our Nation. A recent Census Bureau report, "Child Support and Alimony: 1981," details the extent and seriousness of the problem. For example, as of spring 1982, 8.4 million women were living with a child under 21 years of age whose father was not living in the house, 59 percent of these women were awarded child support payments. Of the 4 million women due child support payments in 1981, only 47 percent received the full amount due. Between 1978 and 1981, child support payments decreased by about 16 percent in real terms. The statistics go on and on. But the conclusion is clear: child support is largely being ignored and the economic well-being of children is suffering. The Federal-State child support program has been a success. However, more can and must be done.

I applaud the administration's continuing efforts to improve the program. The bill I am cosponsoring today is a major step toward a child support enforcement program which will place equal emphasis on AFDC and non-AFDC collections.

Mr. President, it is my hope and intention that the Finance Committee will work with the administration, State program directors, and interested individuals and groups to improve this bill, modifying and strengthening its provisions. The Finance Committee will hold hearings early in September with the goal of reporting a bill to the Senate floor before the end of this session of the 98th Congress. I urge all my colleagues to examine carefully the administration plan and others which have been developed. Children deserve support and we can help to

provide that support by putting more muscle in the child support enforcement program. Finally, I am including a Washington Post editorial which appeared shortly before Father's Day. "Deadbeat Dads" clearly illustrates the problems we face and the need for action now.

The editorial follows:

DEADBEAT DADS

Sunday is Father's Day, and most American children will be doing something special for dear old dad. It's a useful occasion for children to remember that the old man works hard to keep a roof over their heads and that, for all his faults, he's not such a bad fellow to have around the house. But Father's Day will be only an unhappy reminder for millions of children that their fathers no longer care enough about them even to help pay for their upbringing.

The failure of fathers to contribute to support of their children is no longer a problem confined to a substrata of American families. More than 8 million families now lack a male parent, and with 1.2 million new divorces every year, the number continues to grow. Experts estimate that one-half of American children—from all income levels—will live apart from their fathers for part of their childhood. For the great majority of them, the departure of the father will mean a steep and often permanent drop in their living standards.

Fewer than three of every 10 fatherless families receive regular child support payments from the absent father, and the payments received average less than $2,500 a year. Even when fathers are under court order, less than half pay regularly, and perhaps as many as a third never make a single payment. Contrary to popular belief, many of these delinquent fathers have substantial incomes. A California study showed, moreover, that a year after divorce, while the wife's income typically dropped by 73 percent, the husband's rose by 42 percent.

For most women, pursuing a recalcitrant ex-mate is a bleak and expensive process. Courts have huge backlogs of child-support cases, and even if a judgment is won and arrears are collected, the victory is usually temporary. It is especially easy for fathers to avoid further payments by moving to a different state or, in some cases, even a different county.

In recent years the federal government's Child Support Enforcement program has helped states crack down on absent fathers whose families have been forced onto welfare rolls. The program has already produced significant welfare savings in many states, and the Reagan administration is preparing legislation to strengthen provisions for withholding wages and tax refunds from delinquent parents and helping states coordinate collection efforts. These are sensible proposals. But they do little to help either the families involved—since collections simply offset the typically low welfare benefits—or the equally large numbers of deserted families that have avoided welfare but still scrape by on relatively meager incomes.

As more and more families have become exposed to the weakness of the child-support system, Congress has become increasingly interested in additional measures that would have broader impact. Child support is one issue that appeals—rightly—to all parts of the political spectrum. A prospective welfare saving is only one small part of that concern. A society that cares about its future will make every effort to see that its children are not raised in deprivation and that their parents recognize that the decision to have children entails lifelong responsibilities.●

● Mr. PACKWOOD. Mr. President, I am pleased to join with Senator ARMSTRONG in introducing the Reagan administration's Child Support Enforcement Amendments of 1983. I applaud the administration for proposing a strong, bipartisan measure to correct the problems with the present child support enforcement programs, administered under title IV-D of the Social Security Act. Title IV-D needs immediate, aggressive reform measures to force negligent, nonpaying parents to meet their financial obligations, and to insure that the children do not suffer in the process.

The most recent Census Bureau surveys indicate that of the 4 million women in this country who were supposed to receive child support payments, over half receive only partial child support payments or no payments at all from absent fathers. The Bureau has calculated that these negligent parents are failing to pay their children nearly $4 billion a year in support. Congress must act immediately to help these struggling women and children to survive.

The administration's proposal includes many of the same enforcement reform measures as S. 888, the Economic Equity Act, which I introduced with Senators DURENBERGER, HATFIELD, and HART, along with 27 other cosponsors. Principally, both bills seek to improve enforcement of child support payments for all children, not just those on welfare.

I look forward to working with the administration, with the other cosponsors of the Economic Equity Act, and my other colleagues to achieve the most effective, workable child support enforcement program, combining the best of the various bills.●

● Mr. DURENBERGER. Mr. President, this country was founded upon the notion of responsibility to one's family and country. In recent years, however, this basic tenet of our society has been eroded to the point of national disgrace. The situation to which I refer is the failure of many parents to assume financial responsibility for their children.

Divorce has drastically altered the composition of the American family. In 1981, there were 8.4 million women with children under 21 whose fathers were absent, an increase of over 100 percent from 1970. The Census Bureau predicts that only half of all children born this year will spend their entire childhood living with both natural parents. Women head 90 percent of the rapidly growing number of single parent families.

Many studies have been conducted on compliance with child support orders and the effect of failures to comply. These studies all point to the same conclusion: Absent parents do not pay child support. Of the $9.9 billion due from absent parents, under court orders or legal agreements, only $6.1 billion was ever paid. Between a quarter and a third of parents never make a single court-ordered payment. According to a 1973 Michigan study, patterns of delinquency have no relation to the parent's income. In fact, the economic circumstances of single fathers are usually better than while they were married. A recent California study revealed that a year after divorce, the wife's income dropped by 73 percent while the husband's rose by 42 percent.

This situation should shock the conscience of a responsible society. It has directly contributed to the frequently mentioned "feminization of poverty" and must be remedied.

Congress, in 1975, established the child support enforcement program, title IV-D of the Social Security Act. It requires each State to have an approved program of child support enforcement, including measures to establish paternity, locate missing fathers, establish or modify court-ordered child support orders and collection court-ordered payments. The program is intended to serve both AFDC and non-AFDC families, with the latter being charged fees for services provided.

The child support enforcement program is a good beginning, but more needs to be done to help women who are seeking child support for their children.

Mr. President, I have been deeply troubled by this issue for a number of years. In 1981, when I first introduced the Economic Equity Act, I called upon the Department of Justice to conduct a study of this problem and recommend solutions.

I am proud to have introduced the 1983 Economic Equity Act, S. 888, in the Senate. Title V of that legislation is designed to improve and expand the IV-D program in order to return responsibility to those individuals who should properly bear such obligations.

As the principal author of the EEA, I am very pleased that Senator ARMSTRONG and Senator DOLE have also recognized the need to improve child support and enforcement and are introducing this legislation, which I am pleased to cosponsor, on behalf of the administration.

Although this bill is not as inclusive as my proposal, I will support any and all legislation that is aimed at making our child support enforcement programs more effective. This is not a partisan issue, neither is it just a women's issue nor a welfare issue—it is an issue that should be of concern to all Americans. We have reached the

point where everyone knows someone who is not receiving child support. The effect this has on the children of America and on her institutions can no longer be tolerated.

I believe the most effective way for Congress to address child support enforcement to pass S. 888 with all its other reinforcing provisions for economic equity. I am encouraged by a number of similarities between this legislation and the Economic Equity Act:

Mandatory Wage Withholding—Senator ARMSTRONG's bill, like S. 888, would require mandatory wage withholding to assure compliance with child support orders. This proposal could impose mandatory wage withholding at an early date and, in this respect, is an improvement.

State Income Tax Intercept—State income tax intercept programs have proven very effective where utilized ad I am pleased to see that Senator ARMSTRONG has adopted such a proposal. I continue to believe this should be available to all parents as proposed by the EEA—not just those receiving AFDC.

Quasi-judicial and Administrative Procedures—these procedures are much more cost efficient and a far quicker way to enforce and establish child support. Both the EEA and the Administration suggest greater use of these procedures.

The administration has also suggested several changes that are not included in the Economic Equity Act, but are improvements to S. 888: Increased use of the parent locator service, child support enforcement for children in foster care, and continued use of demonstration projects.

On the other hand, S. 888 is preferable to this bill in that it contains a number of additional enforcement proposals which I will work to see enacted into law: Liens against property and estates, voluntary wage withholding, default procedures for paternity, scientific testing to establish paternity, medical support orders, and the use of objective standards.

In recognition of the growing need to computerize and systematize child support enforcement programs, the Economic Equity Act requires States to establish clearinghouses to monitor and trigger enforcement. This legislation does not go that far, but does provide a grant procedure for the establishment of clearinghouses.

I have expressed several reservations about the administration's funding proposal. But I want the record to show that this is a much more realistic administration position than its earlier emphasis on AFDC collections to the exclusion of non-AFDC cases. The current proposal moves in the direction of the Economic Equity Act—namely, it recognizes the importance of collecting both AFDC and non-AFDC support. For this the credit belongs to the Secretary of Health and Human Services.

Secretary Heckler is to be commended for her continuing efforts to expand child support enforcement. Her recognition of the need to broaden the IV-D program is evidence of her awareness of the seriousness of this problem.

With respect to Senator ARMSTRONG's specific funding mechanism, I agree that we should encourage States to become more effective and efficient. However, I am concerned that under his proposal States which have already made great progress will not be adequately recognized for that effort.

I am also concerned about the lack of specificity, in this bill, with regard to the proposed incentives. It is important that these incentives be more clearly defined and be equitably distributed.

It is my understanding that the total funds available for distribution to the States will not be reduced if the Federal match is lowered to 60 percent. I hope this is the case because this is a very cost-effective program and is worthy of our economic support.

With respect to the $25 application fee that is to be imposed on the non-AFDC custodial parent, I do not oppose imposition of this fee, but believe the States should be given flexibility in determining when and how this fee should be imposed.

Improvement of child support enforcement in this country is imperative—both from a societal perspective and from an economic perspective. In the long run dollars invested in this program today will be returned to society many times again. If, through improved child support collection efforts, we can help single parents become self-sufficient, we will eventually see reductions in AFDC, food stamps, and many other public assistance programs. More importantly, the more adequate the parental support for children, the less costly the requirements on the education, justice and other societal systems.

Society cannot de facto dictate that single women assume the entire burden of raising a family. The responsibility for the children of our Nation rests with both the mother and father. We must enforce the responsibility once undertaken to those who choose selfishly to abandon their familial duties. As Reinhold Neibuhr once stated: "Life has no meaning except in terms of responsibility." Society will profit from these changes.

Mr. President, I am hopeful that the Senate will act quickly to improve and expand child support enforcement in this country.●

● Mr. WALLOP. Mr. President, today I am joining as a cosponsor of the Child Support Enforcement Amendments of 1983. This legislation is proposed by the Reagan administration to improve the child support system in this country.

Actually, we have more of a nonsystem for child support. In the statements I made last year and again this year when introducing S. 1398, the Child Support Tax Act, I described the horrendous statistics outlining the lack of child support by absent parents. This lack of support in many instances impoverishes the deserted family. Since 90 percent of such families are headed by women, this has resulted in a growing feminization of poverty in America.

A recent survey by the Census Bureau once again demonstrates the extent of the problem. Of all the female-headed families surveyed, only one-half even had a child support order. Of the group with orders, only 47 percent received the full amount, 25 percent received some support, and 28 percent received none. The group receiving full support have no guarantee that they will continue to receive support for the entire period of the court order.

One interesting statistic is that the average annual payment was $2,106. My bill, S. 1398, set an annual payment of $2,000 for the first child in a family due child support. This amount was based on an analysis of the cost of raising a child. Thus, the amount in my proposal is right on line with real life experience.

The administration's proposal attempts to promote a fair, tough, and effective State program of child support. It utilizes incentive payments and proven enforcement techniques to improve State programs. One strong enforcement technique is to require all States to establish mandatory wage assignment programs. Such programs would operate whenever an absent parent does not pay ordered child support. This approach does differ somewhat from my proposal in that S. 1398 would utilize a set tax on wages rather than assignment. Another difference is that my bill only applies to families owed support who receive AFDC. The administration proposal would apply to any family owed support. Actually, the two proposals are complimentary. The administration bill would apply to the entire population owed support and would work through the States. My bill would apply only to those families receiving Federal assistance, and would collect support through Federal agencies as an alternative to this Federal assistance.

I know that there is some reluctance on the part of the States to endorse everything in the administration's bill. This in part reflects past gaffes on the part of the Federal Government in administering the existing program. One solution is to adopt a provision in my bill requiring testing of the changes through demonstration programs in several States. On-going evaluation of the program would also be required.

This is perhaps the most sensible course to follow before proceeding with such extensive amendments nationwide.●

By Mr. HART:

S. 1692. A bill entitled the "War Powers in Central America Act"; to the Committee on Foreign Relations.

WAR POWERS IN CENTRAL AMERICA ACT

● Mr. HART. Mr. President, I am introducing legislation today which would freeze at current levels U.S. military involvement in Central America. This legislation would permit an increase only after a joint resolution of Congress or after a written request by the President made it clear that an increase would be necessary to directly protect the lives of American citizens or respond to the danger of an attack on the United States.

Mr. President, I am introducing this bill because of the alarming news of plans to sharply increase the American military presence in Central America. I am also worried about disturbing reports I have received from midlevel military officers who are concerned with the direction of our Central American policy.

The gist of this bill is that Congress must say to the administration: "Hold on, just a minute, let's think about what we are doing." It is the political and military equivalent of looking before we leap. And it is, in fact, nothing more than what the American people are already saying. Although recent polls have shown that Americans do not know a great deal about Central America, they are overwhelmingly against expanding our military involvement in the region.

The legislation I am introducing today will allow the Congress to prevent the President from leading the country into war without our full knowledge and consent. It would require the President to explain to the Congress escalation of military involvement before he implements it. The Congress should take such a step because of the dangers of military escalation and the currently uncertain state of the War Powers Act.

This legislation would not affect current levels of military or economic assistance to Central American countries. It would only affect the proposed and rumored increases in our military personnel.

We are once again standing at an important dividing point in our national history. We must decide what road to pursue. We must know what our national interests are and what constitutes a real issue of national security. And we must decide how we are to protect, and not jeopardize that security.

We must not rush this decision. We have time to think. We need that time. That is what this bill is designed to give us. No decision involving the commitment of U.S. military forces should be made under the rush of events unless there is a clear and present danger to our Nation.

Of course, we have important national interests in Central America. But our pursuit of those interests should be undertaken with care and reflection, and only when the Congress, as representatives of the people and the States, is fully and carefully consulted.

President Reagan has said he does not want another Vietnam in Central America. Then let him be reminded that one of the most fateful decisions made during the entire Vietnam history was the Gulf of Tonkin resolution, jammed through the Congress without proper thought, proper consultation, and, as it turned out, without justification. How much we, as a Nation, have come to regret that decision.

It cost us as a nation because we committed ourselves to a major foreign military involvement without developing a true national understanding and consensus about the issue. Let us not make the same mistake in Central America. That is the purpose of my bill—to insure that whatever we as a nation decide we must do in Central America is not done in haste; to insure that our national interests are served and our national security protected. The American Congress and the American people must be properly consulted and informed in advance of the facts, the options, and the possible consequences of the policy we finally choose.

Mr. President, during the past 2 weeks, I and a number of my colleagues have been involved in an extensive debate over the MX missile. Our opposition to the MX missile formed part of a broader concern about the direction of U.S. national security policy. In the field of arms control, the administration has focused on building more weapon systems rather than focusing on the search for effective arms control.

Today, just as the debate on the MX missile comes to a temporary close, the news is full of reports about the administration's plans to increase our military involvement in Central America. Again, the administration has emphasized a strictly military solution to problems that also require intricate diplomacy, negotiations, and long-term economic development.

Before the American people march down that uncertain path in Central America, we need to take a long hard look at the administration's policies. We must ask whether or not these policies are strengthening our national security or undermining it. We should not settle this debate by a precipitous rush to military escalation.

I urge my colleagues to support the freeze on further U.S. military involvement in Central America.●

By Mr. DECONCINI:

S.J. Res. 135. Joint resolution proposing an amendment to the Constitution of the United States for the establishment of a legislative veto; to the Committee on the Judiciary.

PROPOSED CONSTITUTIONAL AMENDMENT ESTABLISHING A LEGISLATIVE VETO

Mr. DECONCINI. Mr. President, at the conclusion of my remarks, I intend to introduce a Senate joint resolution that will amend the Constitution to permit legislation to provide for a legislative veto process. This constitutional amendment will reverse the recent Supreme Court decision in Immigration and Naturalization Service against Chadha which ruled that legislative veto provisions violated the traditional scheme of the separation of powers and was unconstitutional. I disagree with the decision, but I also recognize that arguments concerning the basis for the decision are certainly not clearcut. As a legislator who believes that the legislative veto has a valid place in the lawmaking process, I hope through my proposed amendment, not only to restore the ability of Congress to exercise legislative veto powers, but also to clearly set out the constitutional basis for this power.

I will direct the majority of my comments to the disturbing effects that the Chadha case imposes upon the balance of powers within our Government.

As a legislator, I am troubled by Chadha. I am troubled because Chadha erodes the fundamental position of the legislative branch as the lawmaker of our Government. We, the Members of Congress, must act to retain our power to make the laws in this Nation.

My proposed amendment will restore congressional power over the lawmaking functions of Government by enabling Congress to oversee the manner in which the executive branch uses any legislative power which Congress had delegated to it. My proposed amendment will allow Congress to exercise a one House or two House legislative veto.

Mr. President, the text of this proposed amendment is very clear and concise. It states:

> Executive action under legislatively delegated authority may be subject to the approval of one or both Houses of Congress, without presentment to the President, if the legislation that authorizes the executive action so provides.

The amendment permits Congress to select a one or two House legislative veto. Congress merely has to specify in the enabling legislation which sort of veto it believes is appropriate.

Under this amendment, Congress would sanction independent and departmental agency actions taken by the executive branch of our Government. Congress would express these

sanctions by a vote of approval or disapproval.

This amendment would not permit Congress to veto actions constitutionally assigned as executive functions. For example, a legislative veto on an inherently executive function, such as that of initiating prosecutions, would not be permissible under the provisions of this amendment. Only executive action taken under power which was delegated from Congress to the executive branch would be subject to a legislative veto.

The amendment essentially restores the status quo which existed before the Chadha decision. In Immigration and Naturalization Service against Chadha, the Supreme Court on June 23, 1983, ruled by 7-to-2 vote, that the one House legislative veto is unconstitutional. While the substantive ruling was not unexpected, the reach of the Court's rationale came as a surprise to many. The encompassing nature of the ruling is reflected in Justice Powell's observation that "the Court's decision apparently will invalidate every use of the legislative veto."

The Court's opinion rests upon the view that the Constitution mandates a bicameral consideration, and a presentment to the President for his signature or veto, of all exercises of legislative power by Congress. The Court broadly defined legislative power as actions which "alter the legal rights, duties, and relations of persons outside the legislative branch."

In Chadha, the Supreme Court limited the doctrine of separation of powers, as embodied in the Constitution, to the interaction of the bicameral and presentment clauses. That is the fundamental basis of my disagreement with the Court's decision. I do not agree with the Supreme Court's interpretation that these clauses of the Constitution incorporate the doctrine of separation of powers as the framers of the Constitution intended that doctrine to be interpreted and employed.

I consider the spirit of the doctrine of separation of powers to flow throughout the Constitution as a whole. To understand the constitutionality of any law, we must look not only to the written words of the Constitution, but also to the spirit which that document embodies.

The requirement of presentment of legislative action to the President and the process of bicameral action was founded upon the framers' fear of a concentration of power in one branch of the Government at the expense of another branch.

The framers perceived that the accumulation of all powers, be they legislative, executive, or judiciary, in the same hands, whether of one, a few or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny. When the framers formed the Constitution, they put into effect measures which they believed would curb abuses of power by our Government.

The framers created a three-branch Government to oversee our Nation's business. The judicial branch was created with the power to interpret our laws. The executive branch was empowered to enforce our laws. And the congressional branch was deemed to be the lawmaking body within our Government.

The purpose of separating the authority of government is to prevent unnecessary and dangerous concentration of power in one branch. For that reason, the framers saw fit to divide and balance the powers of government, so that each branch would be checked by the others. Virtually every part of our constitutional system bears the mark of this judgment. It is the checks and balances aspect of the doctrine of separation of powers which the Chadha decision so grievously violates. To understand this violation, we must review the development of our Government during this century.

This Nation has entered a modern industrial and technological age. Problems and needs of a national scope have required a congressional response. From the end of the last century, with the establishment of the first independent agencies, through the period of the Great Depression, with the creation of agencies under Franklin Roosevelt's New Deal, to the post-Vietnam era, with the formation of consumer and environmental agencies, Congress has met the challenges of the modern epoch.

Especially since the time of the New Deal, the modern bureaucracy has mushroomed. Congress wisely recognized that many modern problems which required a response were in fact so complex in scope that only the creation of a special administrative body could adequately address the situation. Consequently, Congress delegated more and more of its legislative authority to Federal agencies.

The escalating growth of Federal agencies reveals itself in the statistics concerning our Government. Between 1930 and 1939, a total of 154 Federal agencies were created. This contrasts with 552 agencies created between 1970 and 1979. In 1939, agency regulations filled 5,007 pages of the Federal Register. In 1979, this number had increased to 77,468 pages. In 1982, Federal agencies drafted approximately 105,000 pages of regulations.

For some time, the sheer amount of law made by agencies, has surpassed in quantity the lawmaking engaged in by Congress through the traditional legislative process. For every statute Congress passes, the bureaucracies have put out 18 regulations.

There is no question but that agency rulemaking is lawmaking in any functional or realistic sense of the term. When agencies are authorized to prescribe law through substantive rulemaking, the administrator's regulation is not only due deference, but is accorded "legislative effect." These regulations bind courts and officers of the Federal Government. They may preempt State law. They can grant rights to and impose obligations upon the public. In sum, they have the force of law.

Our Nation's development into a complex social structure has made it necessary for Congress to delegate some of its legislative authority to those agencies which, with their national scope and technical expertise, are well suited to attend to the day-to-day problems under their jurisdictions. From pollution to production, executive agency action impacts the fundamental fabric of our lives.

As each regulation becomes law, Congress constitutional responsibility to make the laws of the land is placed into the hands of the unelected administrators of our Government. The rise of these bodies which are not restrained by the electoral process, has been the most significant legal trend of the last century. They have become a veritable fourth branch of the Government, which has fundamentally disturbed our three-branch legal theories.

Congress is responsible for having created this administrative age. But in doing so, it has not acted irresponsibly. Instead, we have created mechanisms to secure the accountability of this fourth branch of government. The legislative veto was the central means which Congress employed.

The modern legislative veto was established in 1932 during the Hoover administration's reorganization plan. The President and the Congress adopted the veto as a means by which Congress could delegate to the executive branch the authority to carry out its expanding duties, while maintaining Congress constitutional role as the Nation's lawmaker.

Since that time, this body has acted with the President to expand the use of the veto. Justice White, in his dissent of the Chadha case, noted that the "Legislative veto balanced delegation of statutory authority in new areas of governmental involvement". Congressional utilization of the legislative veto in the Congressional Budget Impoundment Control Act of 1974 and the War Powers Act of 1973, for example, earmarked the veto as a tool for resolving problems of policy between Congress and the President.

There have been approximately 300 veto provisions placed in legislation over the past 50 years. The majority were enacted since 1970. It is not sur-

prising that the number of veto provisions has grown proportionally with the growth of the agencies.

The history of the legislative veto makes it clear that it has not been a sword which Congress has used to aggrandize itself at the expense of the other branches. Rather, the veto has been a means of defense. The veto reserves the ultimate authority necessary if Congress is to fulfill its designated role as the Nation's lawmaker. The legislative veto is commonly seen to be a check upon rulemaking by administrative agencies and upon broad-based policy decisions by the executive branch.

The legislative veto is more than efficient, convenient, and useful. It is an important, if not indispensable political invention that allows the President and Congress to resolve major constitutional and policy differences. It preserves Congress' control over lawmaking.

With the Chadha decision, this accepted constitutional practice, the legislative veto, was destroyed. The Chadha case has far-reaching ramifications. As Justice White states in his dissent, the Chadha decision "strikes down in one fell swoop provisions in more laws enacted by Congress than the Court has cumulatively struck down in its history." Chadha forces us into a tumultuous period of readjustment.

Congress is now faced with the choice of either refraining from delegating its authority to legislate, which would impose upon Congress the impossible task of writing laws with the specificity necessary to cover the endless number of special circumstances which may arise over the entire policy spectrum, or transferring wholesale its lawmaking function to the executive branch. Neither of these choices is acceptable.

The loss of the legislative veto means the reconsideration of hundreds of existing statutes. I foresee a trend toward more specific laws, granting very detailed authority. Committee scrutiny will increase. The progress of needed legislation will be slowed.

The absence of the legislative veto opens a battleground between Congress and the President. We will nip-and-tuck over the appropriation of Federal funds. We will do battle with an extensive use of riders to appropriation bills. Confrontation will erupt over the deferral of appropriated funds.

Such extensive ramifications demonstrate that this body needs to approve an amendment to overturn the decision in Chadha. We must reinstate the legislative veto as an effective congressional tool. We need the power to attach a legislative veto to the broad delegation of powers which modern-day government requires. I believe that the doctrine of the separation of powers is violated by a scheme of government which allows the delegation of legislative power to the President and the departments under his control, but forbids a check on the exercise of that power by Congress. I believe that the legislative veto is a mechanism by which our elected representatives preserve their voice in the governance of the Nation. It is consistent with the purposes of article 1 and the principles of the separation of powers, which are reflected in that article and throughout the Constitution.

The history of the separation of powers doctrine is a history of accommodation and practicality. The Constitution does not contemplate total separation of the three branches of government. Madison emphasized that the principle of the separation of powers is primarily violated where the whole power of one department is exercised by the same hands which possess the whole power of another department. However, this should not preclude partial involvement or oversight of one department over another.

According to Montesquieu, the legislature is uniquely fit to exercise an additional function: To examine in what manner the laws that it has have been executed. The legislative veto merely provides Congress with that opportunity. It allows us to approve or disapprove what an agency has done with the power which we have delegated to it.

A legislative veto over agency actions is a necessary check on the expanding power on the agencies, both executive and independent, as they engage in exercising authority delegated by Congress. As President Reagan suggested when he was a candidate, it is the legislative veto which presents a way to check the excesses in the Federal bureaucracy.

The Court's decision in Chadha, that all "lawmaking" must be shared by Congress and the President, ignores the fact that legislative authority is routinely delegated to the executive branch and to the independent agencies. If congressional action under the legislative veto technique is "legislative" action that must be shared, why is the same true of executive or administrative promulgation of orders, rules, and regulations, which the legislative veto attempts to control?

This amendment allows Congress to reserve a check on legislative power for itself. Absent the veto, the agencies receiving delegations of legislative power may issue regulations having the force of law without bicameral approval and without the President's signature.

The fact that the Supreme Court has handed down its opinion that the veto is unconstitutional does not alter or dilute the original rationale which persuaded Congress to adopt and utilize the legislative veto in the first place. The crux of the issue is this: Who shall be responsible for the laws of the land?

In a democracy, it is the elected legislators which the electorate holds accountable. I fear that without a legislative veto, fundamental policy decisions in our society will be made not by the body elected by the people to make the laws, but by appointed officials, not answerable to the public.

The legislative veto offers the means by which Congress could confer additional authority, while preserving its own constitutional role. Under my amendment, the President would retain his power to initially approve or disapprove the delegation of the power which has a legislative veto attachment. Congress could make a wholesale delegation of power to the executive branch, or it could attach a veto provision to any delegation. Such policies would have to be worked out between the President and the Congress.

This amendment would restore the ability of Congress and the President to determine the best method to control the actions of the Executive and independent agencies. Only within the last half century has the complexity and size of the Federal Government's responsibilities grown so greatly that the Congress must rely on the legislative veto as the most effective, if not the only means, to insure their role as the Nation's lawmakers.

The legislative veto which would be created by this amendment would provide a "check" upon agency action. That "check" is desperately called for under the principle of separation of powers. I simply believe that unacceptable agency actions must be checked and that Congress is the appropriate body to do so.

Thomas Jefferson once predicted that the people will see and amend any error in our Constitution which makes any branch independent of the Nation. The recent Chadha decision effectively creates a fourth branch of our Government, an administrative branch, which is not elected, nor answerable to any officials of our Government. Let us follow Mr. Jefferson's advice. Let us amend our Constitution so that no branch of our Government will remain unchecked and independent of the Nation.

Mr. President, as ranking minority member of the Constitution Subcommittee of the Judiciary Committee, I intend to push for immediate hearings on this proposal. I urge my colleagues to support efforts to restore the legislative veto and I ask unanimous consent that the text of this amendment appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. J. RES. 135

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

"ARTICLE ——

"SECTION 1. Executive action under legislatively delegated authority may be subject to the approval of one or both Houses of Congress, without presentment to the President, if the legislation that authorizes the executive action so provides.".

Mr. DECONCINI. Mr. President, I want to pay special note to Jerry Neuman and Robert Faucher, interns in my office this summer, who have worked diligently in researching this matter, along with Bob Feidler of the Subcommittee on the Constitution.

By Mr. GLENN (for himself, Mr. BAUCUS, Mr. BURDICK, Mr. CHAFEE, Mr. D'AMATO, Mr. DIXON, Mr. DOMENICI, Mr. DURENBERGER, Mr. HOLLINGS, Mr. HUDDLESTON, Mr. LEAHY, Mr. LEVIN, Mr. LUGAR, Mr. MCCLURE, Mr. MELCHER, Mr. NUNN, Mr. PRYOR, Mr. RIEGLE, Mr. ROTH, Mr. SARBANES, Mr. SASSER, and Mr. TSONGAS):

S.J. Res. 136. Joint resolution to recognize "Volunteer Firefighters Recognition Day" as a tribute to the bravery and self-sacrifice of our volunteer firefighters; to the Committee on the Judiciary.

VOLUNTEER FIREFIGHTERS RECOGNITION DAY

● Mr. GLENN. Mr. President, I am introducing a Senate joint resolution to pay tribute to the bravery and self-sacrifice of our volunteer firefighters. The resolution will establish August 20 as "National Volunteer Firefighters Recognition Day;" 21 of my Senate colleagues have joined me in sponsoring this resolution. My colleague in the House of Representatives, Congressman THOMAS J. DOWNEY, is introducing virtually identical legislation in the House today. That measure has over 40 cosponsors.

The resolution has been endorsed by the International Association of Firefighters, the National Fire Prevention Association, and the National Volunteer Firefighters Council.

Although the resolution pays special tribute to volunteer firefighters, our tribute is really to all firefighters—for they contribute so much to the safety of our communities.

Firefighters in this country face no easy task. The United States has the highest fire death toll in the industrial world: 7,600 deaths annually. There are also 200,000 injuries and $29 billion in losses due to fire each year. In addition, each year arson kills about 1,000 people, injures over 3,000 more, and causes $1.9 billion in direct property losses and about eight times that amount in indirect losses.

It is against these chilling statistics that our firefighters must fight. They have fought the blazes bravely but not without great cost. In 1982, 68 volunteers were killed in the line of duty; over the past 5 years, 337 volunteers have died.

Volunteer firefighters comprise the bulk of our firefighting force in this country. In 1979, four out of five firefighters were volunteers. Without their services, a large portion of rural America would be left without adequate fire protection.

Creating a day honoring volunteer firefighters will show our appreciation for their courage and the excellent job that they have done to save lives and property from the devastation of fire.

Looking back into history, we see that Benjamin Franklin founded the first volunteer fire department in 1736. We relied solely on volunteers until 1853, when the first paid fire department was begun in my home State of Ohio. Today, volunteer fire departments are still indispensable to our fire-safety efforts.

The resolution I introduce today complements legislation—S. 1164—that I previously introduced to provide compensation to the survivors of firefighters and other public safety officers who die while performing their official responsibilities, but not as a result of a direct traumatic injury. The current law is too restrictive. For example, it would deny benefits to the spouse and children of a firefighter who rescues a victim from a burning building, and then dies of a heart attack shortly thereafter. My legislation would correct this inequity.

I am aware of the important role that volunteer fire departments play in the fight against arson.

Almost since I first came to the Senate, I have been deeply involved in the fight against arson. Last year, we succeeded in obtaining passage of the Anti-Arson Act of 1982. I intend to continue the battle against arson in the 98th Congress. Very soon, I will introduce legislation to establish a Federal arson preventing and control task force. Such a task force would be instrumental in coordinating the Federal antiarson effort.

In addition, I have written to the Senate Subcommittee on Appropriations requesting that they restore funding for the National Bureau of Standards' Center for Fire Research. I plan to continue my opposition to any attempt to eliminate funding for the Center. The Center performs fundamental fire research which forms the basis for the development of new fire and antiarson technology.●

ADDITIONAL COSPONSORS

S. 175

At the request of Mr. DECONCINI, the name of the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 175, a bill to amend title 17 of the United States Code to exempt the private noncommercial recording of copyrighted works on video recorders from copyright infringement.

S. 372

At the request of Mr. HATFIELD, the name of the Senator from Massachusetts (Mr. TSONGAS) was added as a cosponsor of S. 372, a bill to promote interstate commerce by prohibiting discrimination in the writing and selling of insurance contracts, and for other purposes.

S. 654

At the request of Mr. WALLOP, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 654, a bill to amend the Internal Revenue Code of 1954 to treat deductions for research and experimental expenses attributable to activities conducted in the United States as allocable to income from sources within the United States.

S. 829

At the request of Mr. THURMOND, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 829, a bill entitled the "Comprehensive Crime Control Act of 1983."

S. 1133

At the request of Mr. EAGLETON, the name of the Senator from New Jersey (Mr. LAUTENBERG), and the Senator from Arizona (Mr. DECONCINI) were added as cosponsors of S. 1133, a bill to extend the authorization of appropriations for the Legal Services Corporation and to improve the provisions relating to operation of the Corporation and legal services programs.

S. 1146

At the request of Mr. BENTSEN, the name of the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 1146, a bill to amend the Federal Aviation Act of 1958 to provide for the revocation of the airman certificates and for additional penalties for the transportation by aircraft of controlled substances, and for other purposes.

S. 1256

At the request of Mr. MOYNIHAN, the name of the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 1256, a bill to authorize special assistance for desegregation activities.

S. 1352

At the request of Mr. PACKWOOD, the name of the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 1352, a bill to define the circumstances under which construc-

tion workers may deduct travel and transportation expenses in computing their taxable incomes for purposes of the Federal income tax.

S. 1435

At the request of Mr. WALLOP, the names of the Senator from Washington (Mr. JACKSON), the Senator from Michigan (Mr. RIEGLE), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of S. 1435, a bill to amend the Internal Revenue Code of 1954 to allow a deduction for contributions to housing opportunity mortgage equity accounts.

S. 1462

At the request of Mr. SYMMS, the names of the Senator from Utah (Mr. HATCH) and the Senator from Alabama (Mr. DENTON) were added as cosponsors of S. 1462, a bill to provide for an administration of pay of new Government Printing Office employees under the prevailing rate system and the General Schedule, while protecting the pay of present Government Printing Office employees.

S. 1475

At the request of Mr. WALLOP, the names of the Senator from Missouri (Mr. EAGLETON) and the Senator from Alabama (Mr. DENTON) were added as cosponsors of S. 1475, a bill to amend the Internal Revenue Code of 1954 to repeal the highway use tax on heavy trucks and to increase the tax on diesel fuel used in the United States.

S. 1513

At the request of Mr. HATFIELD, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Georgia (Mr. MATTINGLY) were added as cosponsors of S. 1513, a bill to extend for 5 years the authorization of appropriations for the National Historical Publications and Records Commission.

S. 1520

At the request of Mr. CRANSTON, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1520, a bill to authorize redress payments to certain residents of the United States of Japanese-American, Aleut, or other ancestry who were interned, detained, or forcibly relocated by the United States during World War II, and for other purposes.

S. 1537

At the request of Mr. EAGLETON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1537, a bill to provide additional authorization of appropriations for certain programs for fiscal year 1984, and each of the 4 following fiscal years.

S. 1668

At the request of Mr. D'AMATO, the names of the Senator from Utah (Mr. HATCH), and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of S. 1668, a bill to amend chapter 37 of title 31, United States Code, to authorize contracts retaining private counsel to furnish collection services in the case of indebtedness owed the United States.

SENATE JOINT RESOLUTION 1

At the request of Mr. LONG, the name of the Senator from Utah (Mr. GARN) was added as a cosponsor of Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the United States with respect to fixing the compensation of Members of the Congress.

SENATE JOINT RESOLUTION 113

At the request of Mr. WILSON, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of Senate Joint Resolution 113, a joint resolution to provide for the designation of the week beginning June 3 through June 9, 1984, as "National Theatre Week".

SENATE JOINT RESOLUTION 128

At the request of Mr. MOYNIHAN, the names of the Senator from California (Mr. CRANSTON), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Florida (Mrs. HAWKINS), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Maryland (Mr. MATHIAS), the Senator from Idaho (Mr. MCCLURE), the Senator from Ohio (Mr. METZENBAUM), the Senator from Connecticut (Mr. WEICKER), and the Senator from California (Mr. WILSON) were added as cosponsors of Senate Joint Resolution 128, a joint resolution to designate the day of October 22, 1983, as "Metropolitan Opera Day."

SENATE CONCURRENT RESOLUTION 32

At the request of Mr. SPECTER, the names of the Senator from Pennsylvania (Mr. HEINZ) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of Senate Concurrent Resolution 32, a concurrent resolution to express the sense of the Congress concerning the legal minimum age for drinking and purchasing alcohol.

SENATE CONCURRENT RESOLUTION 55

At the request of Mr. TSONGAS, the names of the Senator from Illinois (Mr. DIXON), the Senator from Pennsylvania (Mr. SPECTER), the Senator from New Jersey (Mr. BRADLEY), the Senator from Indiana (Mr. LUGAR), the Senator from North Dakota (Mr. BURDICK), and the Senator from Minnesota (Mr. BOSCHWITZ) were added as cosponsors of Senate Concurrent Resolution 55, a concurrent resolution expressing the grave concern of the Congress regarding the plight of Ethiopian Jews.

SENATE RESOLUTION 115

At the request of Mr. PRESSLER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of Senate Resolution 115, a resolution to express the sense of the Senate on the need to facilitate U.S. exports by opposing international restrictions on the marketing and distribution of such exports.

SENATE RESOLUTION 130

At the request of Mr. GORTON, the name of the Senator from Ohio (Mr. GLENN) was added as a cosponsor of Senate Resolution 130, a resolution expressing the sense of the Senate that the President should award the Presidential Medal of Freedom to Barney Clark, to be presented to his family in his memory.

SENATE RESOLUTION 156

At the request of Mr. DECONCINI, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of Senate Resolution 156, a resolution expressing the sense of the Senate that extended voluntary departure status should be granted to Salvadorans in the United States whose safety would be endangered if they were required to return to El Salvador.

AMENDMENT NO. 1299

At the request of Mr. BOSCHWITZ, the name of the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of amendment No. 1299 intended to be proposed to S. 869, a bill to amend the Export-Import Bank Act of 1945.

AMENDMENT NO. 1528

At the request of Mr. ABDNOR, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 1528 proposed to S. 675, a bill to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, and for other purposes.

SENATE CONCURRENT RESOLUTION 58—CORRECTING THE ENROLLMENT OF S. 272

Mr. STEVENS (for Mr. WEICKER, for himself and Mr. NUNN) submitted the following concurrent resolution; which was ordered placed on the calendar:

S. CON. RES. 58

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 272) to improve small business access to Federal procurement information, and for other purposes, the Secretary of the Senate is hereby authorized and directed, in the enrollment of said bill, to make the following corrections, namely, strike the matter relating to subparagraph (D) of section 8(e)(1) of the Small Business Act in its entirety and insert in lieu thereof "(D) the procurement is made from another Government department or agency, or a mandatory source of supply;"; in the matter relating to section 8(e)(1)(G) of such Act strike out "from an educational institution"; in the matter relating to section 8(e)(4) of such Act after the phrase "or section 9 of this Act" insert "or unless Federal depart-

ment's need for the property, supplies, or services is of such unusual and compelling urgency that the Government would be seriously injured if the provisions of this paragraph were complied with"; in the matter relating to section 8(e)(4) of such Act after the phrase "for the award of a sole source contract" insert "or a contract that results from an unsolicited proposal"; in the matter relating to section 8(e)(4)(B) of such Act strike out "sole source"; and in the matter relating to section 8(e)(4) of such Act add at the end thereof the following: "Annually, each department shall report to the Congress on each negotiation above the stated amount if the head of the procuring activity or his deputy did not approve the authority to enter into such contract.".

AMENDMENTS SUBMITTED

MILITARY CONSTRUCTION APPROPRIATIONS, 1984

MOYNIHAN AMENDMENT NO. 2094

Mr. MOYNIHAN proposed an amendment to the bill (H.R. 3263) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1984, and for other purposes, as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . (a) The Secretary of Defense each year shall analyze the economic impact that expenditures made by the Department of Defense in the various regions of the United States have on such regions and shall compare, on a State and regional basis, the amount of expenditures made each year by the Department of Defense in the various States and regions of the United States.

(b) The Secretary of Defense shall prepare, in consultation with the Chairman of the Council of Economic Advisors, the analysis and comparison required under subsection (a) in a manner suitable for inclusion each year in the Economic Report required to be submitted each year to the Congress by the President pursuant to section 1022 of the Employment Act of 1946 (15 U.S.C. 1022). The President shall include in the Economic Report each year the information provided under this subsection for the most recent fiscal year.

MATTINGLY AMENDMENT NO. 2095

Mr. MATTINGLY proposed an amendment to the bill, H.R. 3263, supra, as follows:

On page 14, after line 22, insert the following new section:

SEC. . Of the total amount of budget authority provided for fiscal year 1984 by this act that would otherwise be available for consulting services, management and professional services, and special studies and analyses, 10 per centum of the amount intended for such purposes in the President's budget for 1984, as amended, for any agency, department or entity subject to apportionment by the Executive shall be placed in reserve and not made available for obligation or expenditure: Provided, That this section shall not apply to any agency, department or entity whose budget request for 1984 for the purposes stated above did not amount to $5 million.

CRITICAL AGRICULTURAL MATERIALS

BAUCUS AMENDMENTS NOS. 2096 THROUGH 2101

(Ordered to lie on the table.)

Mr. BAUCUS submitted six amendments intended to be proposed by him to the bill (H.R. 2733) to extend and improve the existing program of research, development, and demonstration in the production and manufacture of guayule rubber, and to broaden such program to include other critical agricultural products; as follows:

AMENDMENT NO. 2096

At the appropriate place in the bill, insert the following new section:

EXPRESSION OF THE SENSE OF THE SENATE REGARDING EUROPEAN COMMUNITY AGRICULTURAL COMMODITY EXPORT SUBSIDIES

SEC. . (a) The Congress finds—

(1) that a strong and viable agricultural trade is essential to full United States participation in the international trading system;

(2) that European Community subsidies for agricultural exports have resulted in a demonstrable decrease in United States exports;

(3) that United States agricultural exports have decreased from $45 billion in 1981 to a projection of less than $35 billion in 1983;

(4) that European Community agricultural exports will overtake United States overseas sales in the near future since it is European Community policy to increase subsidies until the product is sold; and

(5) that the European Community spent an estimated $8 billion in 1982 to reduce the price of its exports.

(b) It is the sense of the Senate that the President should—

(1) seek to reach an agreement with the European Community freezing and eventually eliminating the amount of subsidy allowed in the agricultural export area;

(2) take such unilateral measures as may be necessary to prepare groundwork for an effective agreement with the European Community, institute countervailing or competitive export subsidies on a selective basis if necessary, and initiate procedures available under international law;

(3) report to the Congress no later than February 1, 1984, on the success of measures taken vis-a-vis the European Community on achieving the objectives of this section.

(c) The Secretary of the Senate shall transmit copies of this section to the President, the Secretary of State, the Secretary of Agriculture, the Secretary of Treasury, the Secretary of Commerce, and the United States Trade Representative.

AMENDMENT NO. 2097

At the appropriate place in the bill, insert the following new section:

EXPRESSION OF THE SENSE OF THE SENATE REGARDING THE EXPORT OF BEEF TO JAPAN

SEC. . (a) The Congress finds—

(1) that the United States and Japan signed an agreement in 1979 for Japan to gradually increase the imports of high quality beef from the United States;

(2) that such agreement expires on March 31, 1984;

(3) that the Japanese consumer is allowed to import only 10 ounces of high quality beef per year under the current quota;

(4) that more than 10,000 farmers in each of 38 States of the Union sell cattle, making the livestock sector one of the most broad-based and significant sectors of United States agriculture; and

(5) that a healthy export business for United States agriculture is an indispensable prerequisite to full United States participation in the international trade system.

(b) It is the sense of the Senate that the President should—

(1) as soon as practical after the date of the enactment of this Act, accelerate negotiations with the Government of Japan on liberalizing the importation of beef from the United States and report to the 98th Congress on the results of those negotiations; and

(2) seek to reach an agreement on a complete liberalization of beef exports from the United States to Japan, with particular emphasis on the export of high quality beef.

(c) The Secretary of the Senate shall transmit copies of this section to the President, the Secretary of State, the Secretary of Agriculture, the Secretary of the Treasury, the Secretary of Commerce, and the United States Trade Representative.

AMENDMENT NO. 2098

At the appropriate place in the bill, insert the following new section:

PROHIBITION ON AGRICULTURAL INCENTIVE PAYMENTS TO PERSONS WHO PRODUCE CERTAIN AGRICULTURAL COMMODITIES ON HIGHLY ERODIBLE LAND

SEC. . (a) For purposes of this section—

(1) the term "agricultural commodity" means any agricultural commodity normally produced by annual tilling of the soil, including one-trip planters; and

(2) the term "highly erodible land" means land classified by the Soil Conservation Service of the Department of Agriculture as class IVe, VIe, VII, or VIII land under the Land Capability Classification systems as in effect on the date of enactment of this bill. The land capability class for a field shall be that determined to be the "predominant" class under regulations issued by the Secretary of Agriculture.

(b) Except as provided in subsection (c) and notwithstanding any other provision of law, following the enactment of this Act any person who produces an agricultural commodity on highly erodible land shall be ineligible for—

(1) any type of price support assistance on such commodity made available under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), or any other Act;

(2) a loan for the construction or purchase of a facility for the storage of such commodity made under section 4 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h));

(3) crop insurance for such commodity under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(4) a disaster payment for such commodity made under the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.); or

(5) a new loan made, insured, or guaranteed under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) or any other provision of law adminis-

tered by the Farmers Home Administration, if the Secretary determines that such loan will be used for a purpose which will contribute to excessive erosion of highly erodible land.

(c) Subsection (b) shall not apply to—

(1) any agricultural commodity planted by a person to produce any of the 1973 through 1982 crops of agricultural commodities;

(2) any agricultural commodity planted by a person before the date of enactment of this Act;

(3) any agricultural commodity planted by a person during any crop year beginning before such date;

(4) any loan described in subsection (b) made before such date; or

(5) any agricultural commodity produced using a conservation system which has been approved by a soil conservation district, which is based on technical standards set forth in the Soil Conservation Service technical guide for that Soil Conservation District. In areas where no soil conservation district exists the Secretary shall determine the adequacy of a conservation system.

AMENDMENT No. 2099

At the appropriate place in the bill, insert the following new section:

EXPRESSION OF THE SENSE OF THE SENATE REGARDING THE EFFECT OF THE CURRENT EXCHANGE RATE POLICY OF THE UNITED STATES

SEC. . (a) The Congress finds—

(1) that United States agricultural exports have plunged dramatically as the value of the dollar has risen;

(2) that United States agricultural exports will decline to under $35,000,000,000 for calendar year 1983 according to official United States Department of Agriculture estimates;

(3) that the health of America's agriculture, and the full participation of the United States in the international trading system, depends upon a strong export sector;

(4) that the United States dollar is overvalued in relation to its fundamental equilibrium point;

(5) that current monetary and fiscal policies have allowed the dollar to remain above its fundamental equilibrium value;

(6) that the overvalued dollar will lead to a $100,000,000,000 trade deficit in 1984 by the estimate of the President's Council of Economic Advisors;

(7) that a $100,000,000,000 trade deficit equals more than 2 percent of Gross National Product lost to American production, and results in unemployment of 4,000,000 workers under the administration's estimates; and

(8) that tools to bring the value of the dollar into fundamental equilibrium are available as outlined in the Report of the Working Group of the Versailles Summit Conference.

(b) It is the sense of the Senate that the President should—

(1) report to the Congress on the effect upon the agriculture industry of current exchange rate policy;

(2) outline in the report procedures for restoring the dollar to its fundamental equilibrium value; and

(3) establish a timetable for bringing the dollar into balance, outlining those measures which the administration believes appropriate.

(c) The Secretary of the Senate shall transmit copies of this section to the President, the Secretary of State, the Secretary of Agriculture, the Secretary of the Treasury, the Secretary of Commerce, and the United States Special Trade Representative.

AMENDMENT No. 2100

At the appropriate place in the bill, insert the following new section:

EXPRESSION OF THE SENSE OF THE SENATE REGARDING THE IMPOSITION OF AN EMBARGO ON THE EXPORT OF AGRICULTURAL COMMODITIES TO THE SOVIET UNION

SEC. . (a) The Congress finds—

(1) that United States grain production has reached record levels;

(2) that this Nation's farmers are dependent on export sales for one-fourth of their income;

(3) that the United States embargo on agricultural exports to the Soviet Union in 1980 has substantially reduced foreign sales of United States farm products, depressed farm prices and income, and resulted in increased grain purchases by the Soviet Union from other countries;

(4) that the lifting of the embargo and Presidential and congressional assurances regarding agricultural exports have not restored the United States to the status it held before the embargo as a principal source for Soviet agricultural purchases;

(5) that the long-term agreements the Soviet Union has entered into with other grain exporting countries threaten to permanently relegate the United States to the position of a residual supplier to this important market;

(6) that the export of value-added products generates significant opportunities for new employment and economic growth in the food processing industry;

(7) that agricultural exports benefit the United States transportation sector, including railroads, trucking, inland waterway users, ocean shipping and support industries; and

(8) that the Congress and the President are committed to revitalizing our agricultural economy, restoring the reputation of the United States as a reliable supplier, and regaining our fair share of world markets for farm products.

(b) It is the sense of the Senate that the President should—

(1) as soon as practical after the date of the enactment of this Act, report to the Congress his intentions regarding the imposition of an embargo on agricultural trade with the Soviet Union in response to the Soviet Union's activities in Central America, and

(2) take all other appropriate measures to assure the free movement of increased quantities of United States agricultural products to the Soviet Union.

(c) The Secretary of the Senate shall transmit copies of this section to the President, the Secretary of State, the Secretary of Commerce, and the United States Trade Representative.

AMENDMENT No. 2101

At the appropriate place in the bill, insert the following new section:

FARM SUPPLY BUSINESS LOANS

SEC. . Effective for the period beginning with the date of the enactment of this Act and ending September 30, 1984, section 310B(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)) is amended by adding at the end thereof the following new subsection:

"(f) Notwithstanding any other provision of law—

"(1) The Secretary shall make and insure loans under this subsection to small businesses which—

"(A) are located in rural areas;

"(B) are engaged in furnishing to farmers and ranchers machinery, supplies, and services directly related to the production of commodities diverted from production under payment-in-kind land diversion programs carried out by the Secretary; and

"(C) establish by substantial evidence that they are experiencing severe economic hardship directly attributable to the operation of such programs.

"(2) A loan shall be made or insured under this subsection for the purpose of assisting an eligible borrower to continue to operate the business of borrower during the period of economic hardship described in paragraph (1)(C).

"(3) The principal amount of a loan made or insured under this subsection may not exceed $50,000.

"(4) The period of repayment of a loan made or insured under this subsection shall be twelve months.

"(5) The rate of interest on a loan made or insured under this subsection shall be the rate of interest applicable to an operating loan under section 316(a)(1), reduced by 3 per centum.

"(6) To the extent necessary to make or insure loans to eligbible borrowers who have applied for assistance under this subsection, no less than 10 per centum of the funds appropriated under the heading "RURAL DEVELOPMENT INSURANCE FUND" in title II of the Act entitiled "An Act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1983, and for other purposes", approved December 18, 1982 (96 Stat. 1799), for the purpose of guaranteeing industrial development loans, shall be made available to make or insure loans under this subsection.

"(7) No later than sixty days after the date of the enactment of the Emergency Agricultural Credit Act of 1983, the Secretary shall issue regulations to carry out this subsection.".

NOTICES OF HEARINGS

SUBCOMMITTEE ON ENERGY, NUCLEAR PROLIFERATION, AND GOVERNMENT PROCESSES

Mr. PERCY. Mr. President, the Subcommittee on Energy, Nuclear Proliferation, and Government Processes, of the Committee on Governmental Affairs, will hold a hearing at 10 a.m. on Wednesday, August 3, 1983, in room 342 of the Dirksen Senate Office Building. The subcommittee will be receiving testimony on the collection of criminal fines.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, July 28, to receive testimony on organization, structure, and decisionmaking procedures of the Department of Defense; and to consider routine nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ECONOMIC POLICY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Economic Policy, of the Committee on Banking, Housing, and Urban Affairs, be authorized to meet during the session of the Senate on Thursday, July 28, to hold a hearing required by the budget resolution on monetary policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Reserved Water of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 28, to hold a hearing on S. 5, H.R. 1437, and S. 1515, all dealing with California wilderness.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 28, at 2 p.m., to hold a hearing entitled, "Legislative Veto: Arms Export Control Act."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

PRESIDENT REAGAN'S PRESS CONFERENCE ON CENTRAL AMERICA

● Mr. KENNEDY. Mr. President, at his press conference last night, President Reagan again revealed a dangerous tendency toward military overreaction in Central America and a disturbing reluctance to enter real negotiations. The Reagan administration has a war policy instead of a peace policy.

President Reagan must do more than pay lipservice to the Contadora peace plan. I call upon him to halt his secret war against Nicaragua, to seek an immediate freeze on arms shipments by all sides, and to begin negotiations for a lasting political solution in the region.●

U.S. POLICY IN CENTRAL AMERICA AND THE CARIBBEAN ON THE EDGE OF AN ABYSS

● Mr. PELL. Mr. President, the administration's escalation of military activity in the Central American and Caribbean region is bringing this Nation dangerously close to confrontation which could directly involve the United States in a bloody Central American conflagration. What the administration is doing directly contradicts the President's stated policy of bringing peace to the region. The announcement that the United States will soon begin extensive military exercises in Honduras and off its and Nicaragua's coasts, involving at least three naval battle groups and thousands of U.S. combat troops over a 6-month period, is only the latest in our rapidly spiraling military involvement, which is serving to Americanize the conflict in Central America. This version of "gunboat diplomacy" in a region already tense from a stalemated war in El Salvador and a deterioration of relations between Honduras and Nicaragua reinforces my belief that this administration gives too much emphasis to military aspects of policy in Central America and the Caribbean despite its rhetoric in support of the peace initiative sponsored by the Contadora group of Latin American governments.

These latest military developments, in fact, fly in the face of the recent meeting in Cancun of the Presidents of Mexico, Panama, Colombia, and Venezuela, the Contadora countries, and the surprise decision by Nicaragua to meet the longstanding U.S. demand that differences be negotiated along multilateral lines with its neighbors. Understandably, this situation has the Contadora countries confused about the true objectives of the United States, and we are in danger of becoming isolated in the Western Hemisphere. The administration's latest actions could set back these diplomatic efforts for a long time.

Moreover, the American people and the Congress are becoming increasingly skeptical and, frankly, more and more fearful that we are rapidly heading for another Vietnam. A Gallup poll published last Thursday revealed that a majority of Americans believe that the United States will become involved in El Salvador as it was in Vietnam—and this poll was taken before the announcement of the military exercises.

While the Contadora countries have been working feverishly to prevent an expansion of war in Central America by seeking political solutions, the administration counterproductively has been emphasizing the military. In recent weeks, the United States has increased military ties with Honduras, bringing that struggling democracy closer and closer to conflict with Nicaragua. At present, the United States has about 300 men in uniform involved in the training of Salvadoran troops at the newly established regional training center, in the training of Honduran troops in infantry tactics, working as technicians at the radar station designed to monitor flights over Honduras, El Salvador, and Nicaragua, improving at least two airstrips, and working on intelligence gathering aircraft and ships. In addition, U.S.-sponsored covert operations against the Sandinistas are continuing amidst reports that the administration plans to increase the funding and size of such operations. We now hear that the administration is planning to seek an additional $100 million in military aid to El Salvador and other countries of the region and wants to double the number of U.S. military advisers in El Salvador, leading to speculation that they would be permitted to accompany Salvadoran troops in the field.

These actions cannot be anything but counterproductive, especially in the case of Nicaragua. If U.S. policy is, as Ambassador Quainton says it is, to get the Sandinistas to be true to their own revolution, stepped up military and paramilitary pressure is not the way to do it. Statements from the President which strongly infer that it is indeed U.S. policy to replace the Sandinista government also increase the Nicaraguan Government's perception of threat which today serves as a convenient rallying cry to gain public support from the Nicaraguan people who have not forgotten that it was the United States that installed the hated Somoza regime in 1933 after 22 years of direct U.S. occupation of their country. This latest pressure from the United States provides the Sandinistas with a pretext to continue hardline domestic policies and makes it less likely that free and democratic elections will be held soon.

No matter how the administration characterizes the military maneuvers, its provocative nature cannot be denied. The perception of a naval quarantine against Nicaragua, if not a full blockade, cannot be avoided when the three battleships and array of support craft begin plying the seas off Nicaragua. Nor could Nicaragua be blamed for fearing that the presence of some 4,000 U.S. troops in neighboring Honduras is designed as a protective cover for a new assault by ex-Somoza forces to overthrow the Sandinista government. And one misstep at sea or on land could lead to the direct involvement of U.S. forces in a conflict that the American people clearly want to keep out of.

This military and naval activity comes at a most inappropriate time. The Nicaraguan offer to negotiate, along the lines demanded by the United States, has been spurned. Also ignored by the administration is Nicaragua's announced willingness to discuss the issue of arms traffic within the Contadora context. Instead of trying to achieve a peaceful settlement through negotiation and despite a real opportunity to modify the course of the Sandinista Government, we are looking directly in the eye of military confrontation.

The focus on interdicting the flow of arms from Nicaragua to El Salvador only serves to divert attention from the failure of the United States to get the Salvadoran Government to do the things necessary to secure the support of its own people. The size and importance of outside aid is exaggerated, while the shortcomings of the Salvadoran Government are minimized. After millions in economic and military assistance to El Salvador, we see an upturn in violence and human rights abuse, an admission by Secretary Shultz that the Salvadoran Government's record "falls short of the broad and sustained progress" sought by the United States, and no real progress in bringing the murderers of the American churchwomen and the other Americans to justice. Now we read that there is real doubt among political leaders in El Salvador that elections will be held by the end of the year.

Today, in El Salvador, in Nicaragua, in Honduras, in the Central American region as a whole, we are on the edge of an abyss. Instead of enthusiastically supporting the Contadora process through deed rather than rhetoric, instead of following up the opportunity created by the Nicaraguan proposal to negotiate in a multilateral forum with its neighbors, instead of a policy of political accommodation, the administration is moving toward possible military confrontation. I have an eerie sense of déjà vu today because the very problems I foresaw last summer, when I led an effort to prevent an increasing military relationship with Honduras, are on the verge of occurring. On the floor of the Senate on June 30, 1982, I introduced an amendment which would have prohibited the use of funds for the modernization of three airfields. The measure lost by a 65 to 29 vote but the House succeeded in cutting back the project. At that time, I foresaw a widening war in Central America, a danger of provoking Nicaragua and most importantly, the real danger of possible involvement of U.S. military forces. We must avoid further Americanization of the conflict that is taking place today.

I have long advocated that the United States should work hard for a political solution in Central America by supporting the efforts of the nations of the region best able to seek that solution. We must back the Contadora effort and work for peace in the region by involving all the major actors including Cuba. Succinctly put, it could be a choice between peace and war.●

MEMORIAL DAY MEMORIES

● Mr. STAFFORD. Mr. President, a number of weeks ago, we observed Memorial Day to honor those who gave their lives in the service of their country and in defense of freedom. An editorial written by Huguette Peck, copublisher and editor of the Vermont News Guide, appeared in the May 24 issue of the Manchester, Vt., newspaper. It is extremely well written and worthy of thought by all Americans. Mr. President, I ask that the following editorial be printed in the RECORD.

The editorial follows:

[From the Vermont News Guide, May 24, 1983]

EDITORIAL

This is a memorial and a thank you note.

I want to remember the German officer who, 42 years ago, about this time, did not shoot my two friends and me. We were three girls, 17, sitting on a bed in a small farm 20 miles south of Dunkirk. The village had just been occupied by a panzer division. Suddenly the door opened and a German officer appeared—tall, slim, blond, blue eyes, impeccably dressed and booted. Upon learning that we had left our boarding school accompanied by an elderly nun and were trying to rejoin our families in Paris, he told us that we could go there when the Germans would be there; he added that the German Army had invaded France to liberate us from the English. At that, the three of us burst out laughing. He could have shot us; he did not and that is why I am here today.

I want to remember my family who had many faults but showed me how to bear six years of adversity, cold, hunger and lack of freedom with courage, dignity and humor.

I want to remember my brother who, hardly 17, got himself in the FFI (French Forces of the Interior) in June 1944 and went all the way through to Germany. All the while the large Communist maquis in the same region was mostly biding for time, waiting like most other Communist maquis, for the "great occasion" to take over. They might well have done it but for "Le Grand Charles"!

I want to remember my two cousins who disappeared while trying to join the Free France of Charles DeGaulle in 1942. They probably ended in a concentration camp.

I want to remember my elderly aunt whose property in northern France was part of an escape network and who helped save dozens of fallen airmen, particularly English and American.

But mostly for this Memorial Day, I want to remember and thank all the American soldiers, my husband among them, who embarked for faraway places that most of them could not place on the map and made them free again.

I want to remember what life was during these dark years and how it would still be dark if D-Day had not taken place. For somebody who has known these years, freedom is the most precious thing in the world. I think Patrick Henry has expressed this two centuries ago—it is still true today.

I never want to forget the men and women who have saved freedom for us.

—HUGUETTE PECK.●

DEFENSE AUTHORIZATIONS, 1984

● Mr. LAUTENBERG. Mr. President, it is with some reluctance that I cast my vote for the final passage of S. 675, the fiscal year 1984 defense authorization bill. I am committed to maintaining a strong national defense, one entirely capable of protecting our Nation's security and serving our foreign policy goals. Providing for trained and motivated manpower and equipping them with weapons that work are the bases for such defense. It is improved conventional strength that will allow us to meet the threats we face in Europe and elsewhere without reaching immediately for nuclear or chemical weapons. To this end, I voted to authorize these programs, which make up the lion's share of the funds in S. 675.

I continue, however, to have serious questions and concerns about certain other programs authorized, particularly the MX missile, the B1-B bomber and the resumption of chemical weapons production. I voted against all of these programs, which cost over $10 billion in this bill and which might eventually cost $70 billion altogether. I voted, instead, to add almost $3 billion to conventional force accounts to buy more ships, tanks, fighter planes, spare parts and conventional munitions.

This authorization is clearly an improvement over the original defense request from the Reagan administration. Unlike the original Reagan request, this bill authorizes a 4-percent pay raise for military personnel. I believe it is vital for us to maintain our commitment to our servicemen and women by keeping their pay and benefits comparable with compensation they might earn elsewhere.

This bill authorizes measures that will further invigorate our National Guard and Reserve forces. It authorizes increased Guard and Reserve manpower levels, additional bonuses for the individual Ready Reserve and more modern equipment for Guard and Reserve units. This is a most effective way to increase our defense capabilities at a fraction of the cost associated with Active Forces.

I joined with the majority of my colleagues in approving an amendment that is now in this bill to authorize a major organizational change at the Pentagon to improve our weapons procurement program. This amendment provides for an independent testing and evaluation agency within the Pentagon for new weapons systems. This agency would report directly to the Secretary of Defense and to the Congress on testing and evaluation without having to go through those charged primarily with buying weapons. This will help us avoid massive spending for weapons systems that simply do not work, a phenomenon which occurs all too frequently at heavy cost to the taxpayers.

Past mistakes have meant that we have armed our soldiers and sailors with weapons that may not work in combat. Correcting these mistakes and assuring there is full operational test-

ing success before production should be the prevailing procedure at the Department of Defense. It is good business practice.

The bill contains, too, an extension of authority for the Department of Defense to award certain nonweapons contracts to businesses in areas of high unemployment. If bids from such businesses are not more than 2.2 percent higher than the otherwise low bid being considered, the Department can award contracts where employment is needed most. This can work for cities in New Jersey.

I believe our defense capabilities are strong now. Much of the effort in this bill will make them stronger and I support those aspects of the bill. But defense dollars spent unwisely or on marginal programs can weaken our effort even if we spend more money. I want to avoid that.

The overall level of funding in this bill is $200 billion for weapons, research and defense operations. We still must consider another $66 billion in manpower and retirement costs in another piece of legislation. A total defense authorization of over $266 billion is an enormous amount of money when our budget is running a deficit of over $200 billion this year.

We have trimmed about $13.5 billion from the original request of the administration, but still authorize an increase of $20 billion over current levels of defense spending. This is a huge increase at a time when our people are being asked to sacrifice and we are cutting back in virtually every other area of Government activity.

Mr. President, the Congress must still consider actual spending levels later this year when we vote on the 1984 defense appropriations bill. I earnestly hope that, at that time, we will reverse the initial decision on the MX missile, that we will have achieved some progress in arms control talks, and that better management and business practices can bring economies to the defense budget.

WE NEED THE VOA

● Mr. HEINZ. Mr. President, over 40 years ago the Voice of America was established to counter the propaganda of our enemies in World War II. Since then, both in war and peace, it has sought to serve its listeners by being a source of objective news and information reporting as well as a provider of official U.S. policy for millions around the world. Indeed, there are many people who rely upon the VOA as the only available means of obtaining uncensored and unscreened news. In the final analysis, the VOA's mission remains relatively unchanged from that day in 1942 when an announcer first spoke these words:

This is a voice speaking from America . . . a voice from America at war . . . the news may be good or bad. We shall tell you the truth.

Today, VOA listeners hear from an America at peace, but the task of bringing the truth to the world still remains. It is for this reason that I urge my colleagues to support efforts aimed at keeping the VOA strong.

Most Americans are probably unfamiliar with the depth of services provided by the VOA. From 102 transmitters in locations around the globe, the VOA broadcasts in 42 languages including Arabic, Hindi, Russian, and Swahili. Each week the VOA produces over 900 hours of programing for direct broadcast, while it prepares numerous indirect broadcast programs for transmission by local radio stations overseas. At the core of all broadcasts is the news and news analysis, but the VOA also provides program features including interviews, popular music, and documentaries. It is estimated that over 100 million people around the world listen to VOA broadcasts.

The United States is not the only nation operating a global radio network. The Soviet Union runs a station called Radio Moscow which broadcasts in over 80 languages, twice the number broadcast by the VOA. In addition, its annual budget approaches $700 million, which compares most disproportionately with the VOA's budget of slightly under $160 million for fiscal 1983 and slightly under $200 million for fiscal 1984. Most telling, however, is the tremendous discrepancy in the weekly broadcasting hours of the two stations. As I stated earlier, the VOA broadcasts approximately 900 hours weekly, which amounts to slightly less than half of the over 2,000 hours churned out by Radio Moscow during its weekly programing. Clearly the difference in budget and programing hours make the task of the VOA extremely difficult. No facts depict more vividly the absolute need for additional funding for the VOA if it is to do its job properly and effectively.

In a recent article appearing in the Washington Times, we were told of how the Soviets successfully jammed VOA accounts of Pope John Paul II's visit to Poland. This is not a unique happening, for the Soviets have long been practicing with the use of transmitters from within their own borders to create a buzz saw noise on the same frequencies over which the VOA may be broadcasting. Those who wish to stay tuned to such broadcasts must put up with sounds similar to those of a meat grinder, virtually distorting all intelligible sound, or rely on word-of-mouth reports and accounts supplied by VOA tapes that are sometimes broadcast outside the heavily jammed larger cities. According to VOA Director Kenneth Tomlinson, "The Soviets spend more to jam VOA broadcasts than the Voice's entire budget."

It is always a difficult task to determine the impact of the VOA's broadcasts, but it is only plausible that without its services, the world's people would hear less of the truth, less of the freedom and human dignity our country stands for. I urge my colleagues to support adequate funding for the VOA; it serves a vital interest of all Americans, to bring the truth to those who cannot hear it from their own government.

THE EQUAL RIGHTS AMENDMENT

● Mr. HART. Mr. President, in the 1980's, we have miles to go to fulfill our national promise that the United States exists equally for all people—for the impoverished as well as the wealthy, for the disadvantaged as well as the fortunate, for the powerless as well as the influential.

Our Nation still must fulfill its promise of equal rights for all. As the father of a daughter and of a son, and as an elected official, I cannot rest until our Constitution affords equal rights for women as well as men.

We must ratify the equal rights amendment.

With the passage of the June 1982 ratification deadline, we unfortunately fell three States short of securing constitutional guarantees that "equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

The passage of the deadline was a tragedy, but it was not the end. The amendment has been reintroduced and congressional hearings have already begun.

In 1972, my own State of Colorado was one of the first States to ratify the ERA. It became a part of our Constitution in 1973. Since that time the dire warnings of opponents of the amendment have not been realized. To the contrary, the ERA has helped alleviate some discrimination women in my State faced. Thus, it was highly appropriate that as the House Subcommittee on Civil and Constitutional Rights embarked on its first day of ERA hearings, Gov. Richard Lamm of Colorado was asked to testify.

Mr. President, I am proud of Colorado's support for the equal rights amendment and ask the full text of Governor Lamm's testimony be printed in the CONGRESSIONAL RECORD.

TESTIMONY OF GOV. RICHARD D. LAMM ON THE EQUAL RIGHTS AMENDMENT, JULY 13, 1983

As I speak today in support of the Equal Rights Amendment, I am reminded of those who have gone before me. I think of the many eloquent women and men who have spoken and written on behalf of basic human rights and who have called for a dec-

laration of equality between men and women.

As early as 1870, Paulina W. Davis, who chaired the national Women's Rights Movement, could look back on twenty years dedicated to this cause. She accurately assessed the opposition when she said:

"In commencing this work we knew that we were attacking the strongholds of prejudice, but truth could no longer be suppressed, nor principles hidden. It must be ours to strike the bottom line. We believed it could take a generation to clear away the rubbish, to uproot the theories of ages, to overthrow customs, which at some period of the world's history had their significance. We knew that in attacking those strongholds we should bring ridicule and opposition, but having counted the cost, and put our hand to the plow, we would not turn back."

Ms. Davis was wrong in one respect: we know now that her estimate of a generation-long struggle was too optimistic. But she was right in saying that we will not turn back.

We in Colorado know firsthand the success of the Equal Rights Amendment and I am here today to share with you Colorado's experience with its state ERA. What has happened in Colorado is particularly relevant to your consideration of the federal Equal Rights Amendment because the Colorado ERA is, in all important respects, identical to the proposed federal ERA. Article II, Section 29 of the Colorado Constitution states:

"Equality of rights under the law shall not be denied or abridged by the State of Colorado or any of its political subdivisions on account of sex."

The proposed federal ERA substitutes "by the United States or by any state" for the Colorado ERA's reference to the state and its political subdivisions.

The Colorado Equal Rights Amendment was adopted by the voters in the 1972 general election and it became part of the Constitution in January 1973. Four years after its adoption, the ERA again was on the ballot as an attempt was made to repeal it. The repeal attempt failed and, in both elections, over 60 percent of the electorate supported the ERA.

Colorado's experience with the ERA has been positive. Through legislative reform and court decisions, many laws and practices which discriminated on the basis of sex have been changed. Let me briefly discuss some substantive areas.

Historically, the laws pertaining to the family have been riddled with presumptions and mandates which discriminate against women. At common law, a married couple was considered to be one person and that person was the husband. Married women had no property rights and children were considered to be the property of the father. Vestiges of these common law notions remain in many state laws.

In Colorado, passage of the Equal Rights Amendment was presaged by the adoption of the Uniform Dissolution of Marriage Act in 1971. Combined with the ERA, this act has established fair treatment of both sexes with respect to the division of property, child custody, child support and spousal maintenance in divorce actions. The courts have required cases to be evaluated individually on their merits with full recognition of the circumstances peculiar to the spouses involved and keeping in mind the best interests of the children in custody matters.

The courts also have successfully resisted efforts to misuse the ERA. For example, in a 1978 decision by the Court of Appeals, the court rejected a husband's assertion that his pregnant former wife should be ordered to obtain paid employment in order to financially contribute to the support of their child. The court called the husband's argument "sexist" and discriminatory. It recognized that nurturing is part of supporting one's child and that the law does not require identical monetary contributions.

Certain family laws which discriminated against men have also been changed as a result of the ERA. Two are noteworthy. One was the felony nonsupport law which provided criminal penalties only for fathers who failed to support their children. After the Colorado Supreme Court held that the ERA could not be applied retroactively to invalidate nonsupport convictions obtained before the effective date of the ERA, the Legislature amended the statute to apply to both parents.

Another Supreme Court ruling extended to a male the right to bring a paternity action to prove that he was the biological father of a child. The court held that it violated both the equal protection clause and the state ERA to limit the initiation of paternity suits to the child's mother. The Legislature later amended the state's Uniform Parentage Act to provide equal rights to both persons claiming to be parents.

In the criminal law, the principal statutes requiring reform in light of the ERA were the sexual assault laws, which the Legislature rewrote in neutral language defining the crimes in terms of actors and victims. There was, however, a time gap between the effective date of the ERA and the legislative changes in the sexual assault laws. As a result, the Supreme Court was faced with a series of cases where defendants who had been convicted under the old sexual assault laws claimed that their convictions were invalidated by passage of the ERA.

The court did not permit the ERA to be used to protect male criminals. Relying on the remedial purposes of the ERA and recognizing that the ERA permits different treatment based on the unique physical characteristics of the two sexes, the court upheld convictions for rape, gross sexual imposition and statutory rape under the old laws.

Let me turn briefly to the area of employment. Most of us are familiar with the distressing evidence of discrimination against women. We know that women generally earn only about 59 cents for every dollar earned by men. We know that the average male with an elementary school education still is paid more than woman with a college degree. We know that 80 percent of women workers are concentrated in low-paying jobs in service industries, clerical position, plant and factory jobs, retail sales and the needle trades.

In Colorado, the percentage of adult women in the formal workplace climbed to an estimated 60 percent in 1982, compared with only 38 percent in 1970. Forty-six percent of the women employed in Colorado were single, divorced or separated. Many of these single women work to support their families as well as themselves.

Nationwide, there are five times as many married women in the workforce today as there were in the 1940s. In nearly 60 percent of American families today, both spouses are employed full-time in jobs outside the home. Today, the average woman can expect to spend 26 years in the workforce if she is married and 45 years in the workforce if she is single.

These statistics are the proof that we, as a country, are undergoing a period of profound change. Outmoded stereotypes about a "woman's place" must give way to the new reality of women in the workforce. I believe the ERA will play an increasingly important role in removing the legal barriers to attainment of the long-promised goal of equal employment opportunities for women.

Laws which restrict employment opportunities on the basis of sex unfortunately pervade most states' labor laws. In two Colorado cases, very strong attacks based on the ERA were made on such discriminatory laws. In each case, the Supreme Court ultimately based its ruling on the lower standard of the equal protection clause which, of course, necessarily means that the law also violated the ERA.

The first case concerned a blatant bit of occupational protectionism. Colorado law provided that men could only have their hair cut by barbers. Cosmetologists, who are also licensed by the state and who are overwhelmingly female, were prohibited under a penalty of misdemeanor from cutting men's hair. The Supreme Court had no hesitation in invalidating that law.

The other case involved a Colorado statute effectively denying unemployment compensation to certain women who left their jobs because of childbirth. Just at the time when a woman would need help the most, when she has had a baby and is ready to return to a job, the state law denied her unemployment compensation until she found a new job and was employed for 13 weeks.

The great hardship which this law caused to women and their families is obvious. Again, the court had no difficulty finding the law unconstitutional.

There are, of course, other cases involving the ERA and other statutes which have been changed as a result of the ERA. In addition, there are countless discriminatory statutes which have never been drafted because of the existence of the ERA.

I have discussed these three substantive areas to give you a feel for effect of the ERA. The case law is limited because prompt legislative action eliminated many discriminatory laws.

The cases illustrate, however, the common sense approach which the courts have taken to interpreting the ERA. Judges generally have stayed with familiar legal theories by employing the strict scrutiny test to review laws which classify persons on the basis of sex. They have permitted the use of statistics to prove that, although an act is neutral on its face, it has a discriminatory impact. They have recognized that unique physical characteristics may be a compelling reason to uphold a sex-based classification.

And the courts have refused to play games with the ERA. The judges have always kept in mind the purposes of the ERA and have not permitted the ERA to become a refuge for law breakers or those who seek to penalize women by wrapping themselves in the ERA.

In reviewing ten years' experience with the Colorado Equal Rights Amendment, I can also say that predictions of dire happenings made by the opponents of the ERA did not come true. We do not have uni-sex public toilets or dressing rooms in department stores. We do not recognize same sex marriages. We continue to enjoy freedom of religion. Families remain free to allocate wage earning and nurturing responsibilities among their members. In short, none of the bugaboos have materialized.

Colorado has a nationwide reputation as an outstanding place to live. It has a healthy business climate and it attracts large numbers of new residents and tourists every year. It has an open government which, thanks to the vote of the people for the ERA, is pledged to provide services and benefits on equal basis to all of its citizens. I think the ERA contributes to the vitality of Colorado and to the optimistic, "can-do" spirit which is characteristic of Coloradans.

Passage of the federal ERA is in the best interests of all Americans. I urge its speedy passage.●

THIRTIETH ANNIVERSARY OF THE END OF THE KOREAN WAR

● Mr. PRYOR. Mr. President, 30 years ago today, the conflict in Korea officially ended. It marked the completion of a war that left over 54,000 Americans dead and thousands of others wounded.

I think it most appropriate, Mr. President, that we mark this occasion by honoring our war dead and their families.

Mr. President, we as a nation owe a special debt of gratitude to those Korean war veterans and their families. We must never forget them.

Veterans' benefits are a continuing cost of war. This is an occasion for us to pay tribute, not only to those brave Americans who served in Korea, but to all who have worn the uniform in the defense of our great country.●

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 10 A.M.

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATORS PROXMIRE AND ZORINSKY

Mr. STEVENS. Mr. President, I ask unanimous consent that following the time for the two leaders there be two special orders entered: One for the Senator from Wisconsin (Mr. PROXMIRE) and the other for the Senator from Nebraska (Mr. ZORINSKY) for not to exceed 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that following the execution of the two special orders that there be a period for the transaction of routine morning business limited to 15 minutes, during which Senators may speak for not to exceed 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONTINUATION OF CONSIDERATION OF MOTION TO PROCEED TO THE CONSIDERATION OF H.R. 2733

Mr. STEVENS. Mr. President, it would be the intention of the leadership to return to the consideration of the motion to proceed pending at this time following the period for the transaction of routine morning business.

OBJECTIVES OF THE UNITED NATIONS DECADE OF DISABLED PERSONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Chair lay before the Senate Calendar Order No. 317, House Concurrent Resolution 39.

The concurrent resolution (H. Con. Res. 39) expressing the sense of the Congress with respect to implementing the objectives of the United Nations Decade of Disabled Persons (1983-1992), was considered, and agreed to.

The preamble was agreed to.

The concurrent resolution, and the preamble, are as follows:

H. CON. RES. 39

Whereas a new era in recognition of human rights and universal respect for these rights has begun;

Whereas the United Nations General Assembly has declared 1983 through 1992 as the United Nations Decade of Disabled Persons;

Whereas the United States has made great strides during the last decade in improving the lives of thirty-five million American citizens with physical and mental disabilities;

Whereas there is still much to be done to open doors to the full participation and equality of disabled persons in society throughout the world;

Whereas handicapped individuals should be able to participate fully in the mainstream of society through education, employment and community living opportunities;

Whereas the United States recognizes the need for further progress in strengthening public understanding and awareness of the needs and aspirations of disabled persons;

Whereas there is hope that this spirit of carrying out the goals of the International and National Years in 1981 and 1982 will continue throughout this decade;

Whereas a framework for national action has been established by these previous initiatives and the improvement of programs for the disabled over the last decade; and

Whereas further progress should be made in the United States toward achieving the following long-term goals of and for disabled persons promoted during the International Year of Disabled Persons: (1) expanded educational opportunity; (2) improved access to housing, buildings, and transportation; (3) expanded employment opportunity; (4) expanded participation in recreational, social, and activities; (5) expanded and strengthened rehabilitation programs and facilities; (6) purposeful application of biomedical research aimed at conquering major disabling conditions; (7) reduction in the incidence of disability by expanded accident and disease prevention; (8) expanded application of technology to minimize the effects of disability; (9) expanded international exchange of information and experience to benefit all disabled persons: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the President should take all steps within his authority to implement, within the United States, the objectives of the United Nations Decade of Disabled Persons (1983-1992), as proclaimed by the United Nations General Assembly on December 3, 1982.

SEC. 2. The President should report to the Congress annually during the United Nations Decade of Disabled Persons on the plans developed by the executive branch in accordance with United Nations General Assembly Resolution 37/53 to implement, within the United States, the objectives of the United Nations Decade of Disabled Persons and on the steps taken pursuant to those plans.

SEC. 3. The Clerk of the House shall transmit a copy of this resolution to the President.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DESIGNATING THE WEEK BEGINNING JUNE 24, 1984, AS FEDERAL CREDIT UNION WEEK

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate turn to the consideration of House Joint Resolution 139, to designate the week beginning June 24, 1984, as "Federal Credit Union Week."

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. There is no objection on this side.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 139) to designate the week beginning June 24, 1984, as "Federal Credit Union Week."

The Senate proceeded to the consideration of the joint resolution.

Mr. GARN. Today the Senate is taking up legislation, House Joint Resolution 139, which would set aside and designate the week of June 24-30, 1984, as "Federal Credit Union Week," in commemoration of the signing of the Federal Credit Union Act on June 26, 1934. This resolution was passed by the House on Monday and it is almost identical to Senate Joint Resolution 84 which Senator PROXMIRE and I introduced this past April.

As part of the financial institutions legislation of the 1930's, the Federal Credit Union Act focused specifically on the needs of small savers and borrowers. At a time when many Americans were facing financial adversity, the act provided a way in which individuals could pool resources and assist

one another financially. Reflecting this, the act's stated purpose is to promote thrift among credit union members and to provide credit for provident or productive purposes.

Federal credit unions have grown tremendously over the past 50 years. Today there are approximately 12,000 Federal credit unions with total assets of more than $45 billion and more than 26 million members. Their orientation remains toward smaller, local institutions, with 87.7 percent of Federal credit unions having assets of less than $5 million. Moreover, their success and growth has been attributable to their adherence to the underlying principle of the act—being of service to their members.

While the financial marketplace has been undergoing major changes during the past few years, credit unions have remained cooperative, not-for-profit institutions. As limited membership institutions, Federal credit unions rely on their members having a common bond. The most prevalent bond is occupational, with approximately 80 percent of Federal credit unions having a common bond among their members of employment. Others are associated with churches, fraternal societies, farm organizations, or well-defined communities or rural districts. In fact, here in the Senate we have the Senate Employees Federal Credit Union, a $31 million institution which is operated very successfully by and for the benefit of Senate employees.

There has been much support in the Senate for this resolution. Thirty-five Senators have become cosponsors since its introduction in April and if there were more time I am certain that we would have 100 cosponsors.

The resolution recognizes the contributions which Federal credit unions have made over the years and I am especially pleased that an appropriate celebration of this fact will be marked by "Federal Credit Union Week."

The PRESIDING OFFICER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

The preamble was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

INTERIOR APPROPRIATIONS BILL TO BE CALLED UP EITHER THURSDAY OR FRIDAY OF THIS WEEK

Mr. STEVENS. Mr. President, I have been asked to state on behalf of the leadership, if it is cleared for action, that the leadership does intend to call up the Interior appropriations bill either on Thursday or Friday, depending upon the completion of the business that is before us, of course. But that is the intention of the leadership.

Is there any further business to come before the Senate?

Mr. BYRD. Mr. President, if the Senator will yield——

Mr. STEVENS. I yield.

Mr. BYRD. I want to thank the leadership for making that statement anent the Interior appropriations bill.

The distinguished acting Republican leader formerly was the ranking member of that subcommittee that handled the bill, and I was chairman thereof. He was always very cooperative and very helpful to me in dealing with the measure, and I am glad the leadership intends to call up that bill this week.

Did I understand that to be Thursday or Friday?

Mr. STEVENS. Thursday or Friday if it is cleared. That will be the intent.

Does the Senator from Montana seek recognition?

ORDER FOR SENATOR MELCHER TO BE RECOGNIZED ON CONSIDERATION OF MOTION TO PROCEED TO H.R. 2733

Mr. MELCHER. Mr. President, will the assistant majority leader yield?

Mr. STEVENS. I do.

Mr. MELCHER. Would there be any objection when the pending motion to proceed on H.R. 2733 is taken up that I ask unanimous consent to be recognized at that time?

Mr. STEVENS. The Senator graciously yielded to me to wind up this evening. I see no problem with that. Unless there is some objection that I do not know of, I think that would be in order and I would make that request. He did yield to me for the purpose of this routine business.

I ask unanimous consent that, when the Senate goes back on the pending motion, the Senator from Montana be recognized, Mr. President.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MELCHER. I thank my friend.

Mr. BYRD. Mr. President, I wish to thank the assistant Republican leader also for his fairness in this regard. It was a legitimate request since the Senator from Montana had the floor and was speaking and gave it up. I think the distinguished Senator from Alaska has recognized the fairness of the request.

Mr. STEVENS. Mr. President, I thank the Senator. It was a courtesy to us that the Senator relinquished the floor this evening. Some of us—two of us—have an appointment for appearances we must keep. And I appreciate the Senator's willingness to assist. I appreciate the comments of the Senator.

RECESS UNTIL 10 A.M. TOMORROW

Mr. STEVENS. Is there further business to come before the Senate, Mr. President?

If there is none, I ask unanimous consent that the Senate stand in recess in accordance with the previous order.

There being no objection, the Senate, at 6:06 p.m., recessed until Thursday, July 28, 1983, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 27, 1983:

FEDERAL RESERVE SYSTEM

Paul A. Volcker, of New Jersey, to be Chairman of the Board of Governors of the Federal Reserve System for a term of 4 years.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

DEPARTMENT OF JUSTICE

D. Lowell Jensen, of Virginia, to be associate attorney general.

HOUSE OF REPRESENTATIVES—*Wednesday, July 27, 1983*

The House met at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We give our thanks to You, O Almighty God, that in spite of the wrongs we have done, You continue to express Your love to us. Forgive our lack of vision and our selfish pride and continue to give us courage for the tasks before us. And just as Your spirit is ever with us, so may we learn to accept those about us with respect, forgiveness, and appreciation. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the amendments of the House to the bill (S. 143) entitled "An act to authorize the Twenty-nine Palms Band of Luiseno Mission Indians to lease for 99 years certain lands held in trust for such band."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2972. An act to authorize certain construction at military installations for fiscal year 1984, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2972) entitled "An act to authorize certain construction at military installations for fiscal year 1984, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. THURMOND, Mr. WARNER, Mr. HUMPHREY, Mr. QUAYLE, Mr. EAST, Mr. HART, Mr. JACKSON, Mr. STENNIS, and Mr. EXON to be the conferees on the part of the Senate.

REPORT ON RESOLUTION RELATING TO THE CONTEMPT CITATION OF ANNE M. (GORSUCH) BURFORD

Mr. HOWARD, from the Committee on Public Works and Transportation, submitted a privileged report (Rept. No. 98-323) on the resolution (H. Res. 180) relating to a citation of contempt, which was referred to the House Calendar and ordered to be printed.

THE CONGRESSIONAL BASEBALL GAME

(Mr. RUSSO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RUSSO. Mr. Speaker, this evening the Democrats and the Republicans take to Four Mile Run to settle their differences on the ball field. Two weeks ago, Mr. CONTE. who bears the heavy burden of coaching the Republican team, made some rather disparaging remarks about the Democratic ball club. I am taking this opportunity to set the record straight.

I do not want to say the Republicans have a bad club—but facts are facts—if the Republican Party played politics the way they play ball—there would be 435 Democrats in the House of Representatives.

Take a look at their lineup—JACK FIELDS, their stellar third baseman, who turns every play at the hot corner into an adventure. Very few people know this—but Congress was not JACK'S first career choice. He dearly wanted to play for the Houston Astros—but one thing stood between Jack and major league career—a complete and total lack of talent. Then there is MIKE "the OX" OXLEY, the Republican's speed merchant. Of course, it does not take much to be the fastest member of the Republican team. It is a little bit like being the tallest of the seven dwarfs. And we should not forget CARL PURSELL, from Michigan, home of the Detroit Tigers, a team that has produced a host of great stars throughout its history—Al Kaline, Hank Greenberg, Charley Gehringer.

But CARL scorned those role models, and chose, instead, to fashion his career after that legendary Bengal great—Tony the tiger. Nor should we overlook JOCK MCKERNAN, from Maine. When you watch JOCK play ball, you are quickly reminded of the fact that Maine has never had a professional baseball team—so you should not be too hard on JOCK, since playing ball is obviously a very new experience for him.

And then there's SILVIO CONTE—the Republican coach—the duke of the dugout, the baron of the basepaths, the master of mediocrity—a man who has elevated managerial incompetence to an art form. Throughout his career—whatever the odds—SILVIO has almost always found a way to snatch defeat from the jaws of victory. From time to time a rumor circulates that SILVIO is thinking of leaving the Congress. Whenever that happens I grab SILVIO and plead with him to stay. Please, SILVIO, I tell him, you cannot leave Washington—the world needs you—the Nation needs you—the Congress needs you—Pittsfield needs you—and most importantly—the Democratic ball club needs you.

Now I do not want to leave the impression that tonight's ballgame is likely to be so lopsided that it is not worth attending—unlike the Republicans, we Democrats are known for our generous nature. So we are going to go easy on them, and hold the margin to just under 10 runs, that is their yearly entitlement. After all, 2½ years of defending Reaganomics is enough punishment for anyone.

THE CONGRESSIONAL BASEBALL GAME

(Mr. CONTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONTE. Mr. Speaker—

You know Caruso, Domingo, and Luke Pavarotti
All the great voices not nasty or naughty
But do you recall
The greatest Italian singer of all?
Take me out to the ball game
Take me out with the staff
Let me watch Russo fall on his face
Never will Chappell be so disgraced!
And I'll root, root, root for the G.O.P.
I know we'll recover our fame.
We've got a great pitcher who's never been beat.
Our hitters use pine tar but not on their feet
Our outfield eats fly balls like doggies eat meat.
And I know we'll win!

Come out tonight—Four Mile Run Stadium in Alexandria for the great annual face-off. Only $2.50 for the game, $7.50 for the game and the party before.

AMERICA'S FOREIGN POLICY IN LATIN AMERICA—A SLIDE TOWARD DISASTER

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, this country's foreign policy in Latin America is on a slide toward disaster, and last night's Presidential press con-

ference did nothing to ease this sensitive situation.

More military advisers in El Salvador, accelerated covert military activity in Nicaragua, large scale training exercises in Honduras, and now, our fleet off the coast of Central America.

America has never won lasting friends, nor allies, in Latin America through saber rattling, financing revolutions or gunboat diplomacy.

It is time for Congress to stop this slide toward disaster, and our first opportunity is to vote this week to cut off covert aid to Nicaraguan rebels.

The clock is ticking—we must act now.

LEGISLATION TO LIMIT U.S. MILITARY AND NONMILITARY PRESENCE IN HONDURAS, NICARAGUA, AND EL SALVADOR

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, today I will introduce legislation to limit U.S. military and nonmilitary governmental presence in Honduras, Nicaragua, and El Salvador, and to prohibit U.S. involvement in any blockade of Nicaragua and El Salvador.

The President said in his news conference last night that he opposes force and wants peace in Central America. But he is saying one thing and doing another. He has ordered deployment of an aircraft carrier group, support transport aircraft, and 3,000 to 4,000 combat troops to the region despite past promises not to send combat troops to Central America. These are unprecedented activities in their magnitude and duration.

Mr. Speaker, polls show that the citizens of this country do not support this administration's policy in Central America. They fear it will lead to war. Military leaders at the Pentagon have expressed deep misgivings about any military involvement which does not have the support of the American public. Congress has a responsibility to inject sanity into this President's policy in Central America. My legislation would curb his dangerous military escalation and I urge my colleagues to support it.

RESOLUTION AMENDING RULES OF HOUSE TO REQUIRE VERBATIM REPORTING OF HOUSE AND ITS COMMITTEES

(Mr. DURBIN asked and was given permission to address the House for 1 minute.)

Mr. DURBIN. Mr. Speaker, I do not rise to seek unanimous consent to revise and extend my remarks.

Instead I want today's CONGRESSIONAL RECORD to reflect what I actually say on the floor this afternoon.

Today I am introducing a resolution which would amend our rules to require that the proceedings of the House and its committees shall be recorded verbatim—word for word as spoken.

This rules change not only guarantees the integrity of our proceedings, it will also insure that the CONGRESSIONAL RECORD is a factual and honest account of the business of this deliberative body.

What we lose in deathless prose, we will gain in accuracy and truth.

I urge my colleagues to join me in cosponsoring my resolution. It is time our CONGRESSIONAL RECORD became a document which can be classified as nonfiction.

TOKENS AND COMMISSIONS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, Mr. Reagan's apology for his all-male Commission on Central America was very candid. The President said no women were appointed to the Commission because "we're no longer seeking a token or something." He has stopped practicing tokenism, so no more women. As a "token or something" I would like to point out the Commission lacks a lot more than women. If Mr. Reagan had any serious intentions other than promoting a foreign affairs gala, the Commission would be a multinational neighborhood commission to which our Central and South American neighbors, male and female, would be involved. Certainly he would have invited at the least the members of the Contadora group.

As it is, the Commission is a small troop of U.S.-designated thinkers who, as far as we can tell, are to devise a Marshall plan before we have had the war.

INTERNS THANKED FOR JOB WELL DONE

(Mr. HARRISON asked and was given permission to address the House for 1 minute.)

Mr. HARRISON. Mr. Speaker, as we all know, summertime is intern time here in Washington. In exchange for the opportunity to spend the summer on the Hill, these young people are willing and able to provide much needed assistance in our congressional offices.

These interns receive an invaluable education in the ways of their government. For some it will be their first and last opportunity to see so closely government in action. But for a great many others, a summer internship will be the cornerstone of a future career in government.

I would like to take this opportunity to publicly thank the six interns who have contributed so much to the functioning of my office.

Bob Morgan, Molly Hanlon, Monica Kovalewski, Hilary Greenberg, Margot Mezvinsky, and Denise Byers.

They have accomplished a great deal, acquired new insights and honed some important skills. They can go home secure in the knowledge of a job well done. I only hope that they have enjoyed and learned as much as they have contributed.

PRESIDENT'S POLICY ALIENATING ALLIES IN CENTRAL AMERICA

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and to include extraneous material.)

Mr. ALEXANDER. Mr. Speaker, over the weekend the Speaker of the House appointed me to travel to Caracas, Venezuela, to join in the celebration of the 200th birthday of Simón Bolívar, the liberator of Latin America.

□ 1215

Coincidentally, en route to Caracas the news of the President's order to dispatch the aircraft carriers to the region of Central America and to Nicaragua reached the newspapers in Caracas. The President said that he was sending the aircraft carriers for the purpose of preserving freedom. The response of the Latin Americans with whom I visited and of the seven heads of state was unanimous. They issued a declaration that affirmed the principles of democracy, of the right to vote, and condemned the actions of foreign imperialism.

The message was clear to me: Yankee and Russki, go home.

It is too bad that we Americans cannot see ourselves as others see us because the policy of the President is alienating our Latin allies in Central and in Latin America.

VOLUNTARY LIMITATION ON JAPANESE IMPORTS

(Mr. WISE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WISE. Mr. Speaker, today fellow Members OTTINGER, SIMON, BOEHLERT, SLATTERY, and I met with Japanese Ambassador Okawara at the Japanese Embassy. We were graciously received. We presented the Ambassador a letter signed by 106 Members of this body, protesting the recent statement by Japanese Trade Minister Uno that Japan would not extend its voluntary

limitation on importing cars into the United States. The letter we presented was a bipartisan effort signed by persons on both sides of the various so-called protectionist and domestic content issues.

A significant statement made by the Ambassador today was that "no decision had been made yet" whether to renew the voluntary limits for a fourth year. This is a significant step back from the impression left several months ago.

I left with the idea that the agenda is still open. But I do think that we have to speak not as diplomats but as Representatives and elected Representatives of working people from high unemployment areas and press the Japanese to at least renew this voluntary limitation.

HAZARDOUS DUTY PAY FOR STATE DEPARTMENT PERSONNEL IN EL SALVADOR

(Mr. LOWRY of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWRY of Washington. Mr. Speaker, the weekend before last, when I was in Central America to find out as much as possible about the important subject to come up later today, another piece of information came to my attention that I am going to be contacting the relevant committees about, and that is that our State Department people in El Salvador are no longer receiving hazardous duty pay.

Now, that astounded me, and I would like the Members of this House to think about that. As Members of the House know, under the Foreign Services Act, our State Department people stationed in extremely dangerous areas are eligible for hazardous duty pay. Recently the hazardous duty pay has been withdrawn from our State Department people in El Salvador. I hope that we will take action to correct that. As a person who, every time the cab stopped while driving through Salvador, got a little bit nervous, I cannot believe that we do not think that is hazardous duty for our State Department people, and I hope we will correct that.

DEFENDING OUR NATIONAL INTERESTS

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, listening to the critics nitpick the President's efforts in Central America, I sometimes wonder what it will take to stir them to defend our national interests.

At this late date, no one seriously denies that there is a concerted Soviet-Cuban effort to undermine the governments of that region and move Central America into the Soviet sphere of influence.

The questions troubling the critics are: Is this another Vietnam? And, how can we guarantee that American troops never, ever again are committed to combat?

I sometimes think that if Cuban troops landed in Miami, there would be some in Washington whose first reaction would be to call for negotiations to save Georgia.

Mr. Speaker, Vietnam is history. It occurred in another time, in another hemisphere.

Sooner or later, we are going to have to face the fact that this is 1983, and we are being challenged for the first time in our own hemisphere.

The question is: What will stir us to unite and defend our own national security interest?

INTELLIGENCE COMMITTEE REPORT

(Mr. COLEMAN of Missouri asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Missouri. Mr. Speaker, let me read from the Intelligence Committee report:

> A major portion of the arms and other material sent by Cuba and other Communist countries to the Salvadoran insurgents transits Nicaragua with the permission and assistance of the Sandinistas.
>
> The Salvadoran insurgents rely on the use of sites in Nicaragua, some of which are located in Managua itself, for communications, command-and-control, and for the logistics to conduct their financial, material and propaganda activities.

These are direct quotes from the Intelligence Committee report:

> The Sandinista leadership sanctions and directly facilitates all of the above functions . . . it is certainly clear that Nicaragua, backed fully by Cuba, has committed itself to continue full support for the insurgency in El Salvador.

Word for word, verbatim, from the Intelligence Committee report:

> Nicaragua provides a range of other support activities, including secure transit of insurgents to and from Cuba, and assistance to the insurgents in planning their activities in El Salvador.
>
> In addition, Nicaragua and Cuba have provided—and appear to continue providing—training to the Salvadoran insurgents.

This is all from the Intelligence Committee report.

AN ONGOING EXERCISE IN THE CARIBBEAN AREA

(Mr. YOUNG of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, I take this minute just to point out that the exercise in the Caribbean area that so many of our colleagues are excited about is an ongoing exercise. We have been training and practicing our capability with our friends in the area ever since 1965. And this is no different. The ships that are involved, the major ships, the two aircraft carriers and the battleship, are not being deployed there as a permanent assignment or a permanent mission. Those vessels, as a matter of fact, and their task forces are either on their way home from a previous assignment or they are on their way to an assignment from home. They are only there for a limited time. This is not a escalation. And those who try to create the perception that this is an escalation or that it is an invasion or that it is some kind of provocation are just trying to create a perception that is not accurate. If they would take the time to pay attention to what is happening today and what happened since 1965, they would know that.

One further point: I just wonder where some of my colleagues were in October of last year when ships of the Soviet fleet were all over the Caribbean in their naval exercises, and where were they when the Cubans were practicing assault landings and amphibious landings in the Caribbean?

ONION HARVEST FESTIVAL

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, when our colleagues in the House and the Senate return to their offices today, they will find awaiting them a momento from my congressional district which I hope will not bring tears to your eyes.

The Onion Growers of Orange County, N.Y., hardy descendants of Polish immigrants, who help fill our vegetable baskets, have delivered to each Member a 2-pound bag of their wholesome product, fine New York State onions.

With these fine farm products comes a sincere invitation to attend the 1983 Onion Harvest Festival, which will be held in Pine Island, N.Y., on August 20 and 21. Many months of planning by our farm community leaders have been expended to insure that Orange County's Onion Harvest Festival will be one of the most colorful and memorable exhibitions of Polish folklore in our Nation.

Accordingly, we are hoping that not only will you enjoy your Orange County onions, but that you will also plan to join us in Pine Island, N.Y., on

August 20, for what promises to be a most memorable weekend.

A POLICY DESTINED TO FAILURE

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, and Members of the House, just a moment ago, an account from the Intelligence Committee report was read to Members, and I hope that all Members of the House will read that report, because I think one of the important things for them to understand is that the Intelligence Committee, accepting the involvement of the Nicaraguans in El Salvador, still have made a finding to this House that this particular covert operation—not all covert operations but this particular covert operation—is neither effective nor productive; that in fact what they have found out, that this is a policy destined to failure. And as we heard the other day in our session, by all accounts this is a policy which has failed to arrive at the results that the administration told they were interested in, this is a covert action that has expanded far beyond the precepts set by the administration when they came to the Intelligence Committee some 18 months ago, and in fact what we have is a policy that is ineffective and counterproductive. But yet we have a policy that is leading to the killing of men, women, and children in Nicaragua by U.S.-supported mercenaries.

THE BOLAND-ZABLOCKI BILL TO CUT OFF COVERT ACTION AGAINST NICARAGUA

(Mr. GARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARCIA. Mr. Speaker, the House is scheduled to debate H.R. 2760 today—the Boland-Zablocki bill to end covert action against Nicaragua. Last week we debated the bill in a closed session of the House because of the sensitive nature of some of the evidence relating to this legislation.

I remain unconvinced, however, of the need to continue covert operations. As far as I am concerned this kind of activity is not in keeping with our democratic principles. If the administration feels that we should be supporting counterrevolutionaries in Nicaragua, it should at least have the courage to ask for funding and support—directly—from the people of the United States.

By supporting covert operations to get around existing law, the President is advocating the kind of activity that he has so strongly opposed in Soviet conduct of foreign policy. And rightly so, the Soviets do not conduct their foreign policy in a way that would be fitting for the United States to imitate. The United States has always encouraged open debate on issues concerning our Nation. If support for covert activities is a good policy, it should be able to stand up to congressional and public examination.

H.R. 2760 forces the administration to deal with this problem in a direct, open manner. Although I have problems with the bill—it is a compromise—I vigorously support it. For even as we debate H.R. 2760, the press has reported that the administration intends to step up covert operations, increase the number of advisers in El Salvador, and deploy troops in the region for extended exercises.

We must stand up to the administration on the issue of Central America. The President is right—our future is at stake.

UNWARRANTED IMPLICATIONS

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, there is an unfortunate tendency in this body that, when international tensions arise and this body starts to debate them, there are implications thrown about which suggest that Members who do not agree with certain positions may in fact be less than committed to the United States and its policies and its future and its constitutional principles.

Just a moment ago, the gentleman from Florida suggested that there may be something wrong because he did not hear any outcry when the Cubans engaged in military exercises or when the Russian ships were in the Caribbean. I do not know what his implication is. I know what it sounded like to me. It sounded like a return to McCarthyism, and I hope that we will put a stop to it. There is no place for it in the debates on the floor of this House.

CALL OF THE HOUSE

Mr. BROOMFIELD. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 276]

Ackerman	Bartlett	Boland
Addabbo	Bateman	Boner
Albosta	Bedell	Bonior
Alexander	Beilenson	Bonker
Anderson	Bennett	Borski
Andrews (NC)	Bereuter	Bosco
Andrews (TX)	Bethune	Boucher
Annunzio	Bevill	Boxer
Anthony	Biaggi	Breaux
Applegate	Bilirakis	Britt
Badham	Bliley	Brooks
Barnard	Boehlert	Broomfield
Barnes	Boggs	Brown (CA)
Brown (CO)	Hall (OH)	Michel
Broyhill	Hall, Ralph	Mikulski
Bryant	Hall, Sam	Miller (CA)
Burton (CA)	Hamilton	Miller (OH)
Burton (IN)	Hammerschmidt	Mineta
Byron	Hance	Minish
Campbell	Hansen (ID)	Mitchell
Carney	Hansen (UT)	Moakley
Carper	Harkin	Molinari
Carr	Harrison	Mollohan
Chandler	Hartnett	Montgomery
Chappell	Hatcher	Moody
Cheney	Hawkins	Moore
Clinger	Hefner	Moorhead
Coats	Hertel	Morrison (CT)
Coelho	Hightower	Morrison (WA)
Coleman (MO)	Hiler	Mrazek
Coleman (TX)	Hillis	Murphy
Collins	Holt	Murtha
Conable	Hopkins	Myers
Conte	Horton	Natcher
Cooper	Howard	Neal
Corcoran	Hoyer	Nelson
Coughlin	Hubbard	Nichols
Courter	Huckaby	Nielson
Coyne	Hughes	Nowak
Craig	Hutto	O'Brien
Crane, Daniel	Hyde	Oakar
Crane, Philip	Ireland	Oberstar
Daniel	Jacobs	Obey
Dannemeyer	Jeffords	Olin
Daschle	Jenkins	Ortiz
Daub	Johnson	Owens
Davis	Jones (NC)	Oxley
Derrick	Jones (OK)	Packard
DeWine	Jones (TN)	Panetta
Dickinson	Kaptur	Parris
Dicks	Kasich	Pashayan
Dixon	Kastenmeier	Patman
Donnelly	Kazen	Patterson
Dorgan	Kemp	Paul
Dowdy	Kennelly	Pease
Downey	Kildee	Penny
Dreier	Kindness	Perkins
Duncan	Kogovsek	Petri
Durbin	Kostmayer	Pickle
Dymally	Kramer	Porter
Dyson	LaFalce	Price
Early	Lagomarsino	Pritchard
Eckart	Lantos	Pursell
Edgar	Latta	Quillen
Edwards (AL)	Leach	Rahall
Edwards (CA)	Leath	Rangel
Edwards (OK)	Lehman (FL)	Ratchford
English	Leland	Ray
Erdreich	Lent	Regula
Erlenborn	Levin	Reid
Evans (IA)	Levine	Richardson
Evans (IL)	Levitas	Ridge
Fascell	Lewis (FL)	Rinaldo
Fazio	Lipinski	Ritter
Feighan	Livingston	Roberts
Ferraro	Lloyd	Robinson
Fields	Loeffler	Rodino
Fish	Long (LA)	Roe
Flippo	Lott	Roemer
Florio	Lowery (CA)	Rogers
Foglietta	Lowry (WA)	Rose
Ford (MI)	Lujan	Rostenkowski
Ford (TN)	Luken	Roth
Forsythe	Lundine	Roukema
Fowler	Lungren	Rowland
Frank	Mack	Roybal
Franklin	MacKay	Rudd
Frenzel	Madigan	Russo
Frost	Markey	Sabo
Fuqua	Marlenee	Savage
Garcia	Marriott	Sawyer
Gaydos	Martin (IL)	Schaefer
Gejdenson	Martin (NC)	Schneider
Gekas	Martin (NY)	Schroeder
Gephardt	Martinez	Schulze
Gibbons	Mavroules	Schumer
Gilman	Mazzoli	Seiberling
Glickman	McCain	Sensenbrenner
Gonzalez	McCandless	Shannon
Goodling	McCloskey	Sharp
Gore	McCollum	Shaw
Gradison	McCurdy	Shelby
Gramm	McDade	Shumway
Gray	McEwen	Shuster
Green	McGrath	Sikorski
Gregg	McHugh	Siljander
Guarini	McKernan	Simon
Gunderson	McNulty	Sisisky
Hall (IN)	Mica	Skeen

Skelton	Swift	Weiss
Slattery	Synar	Wheat
Smith (FL)	Tallon	Whitehurst
Smith (IA)	Tauke	Whitley
Smith (NE)	Tauzin	Whittaker
Smith (NJ)	Taylor	Williams (OH)
Smith, Denny	Thomas (CA)	Wilson
Smith, Robert	Thomas (GA)	Winn
Snowe	Torres	Wirth
Snyder	Torricelli	Wise
Solarz	Towns	Wolf
Solomon	Traxler	Wolpe
Spence	Valentine	Wortley
Spratt	Vander Jagt	Wright
St Germain	Vandergriff	Wyden
Staggers	Vento	Wylie
Stangeland	Volkmer	Yates
Stenholm	Vucanovich	Yatron
Stokes	Walgren	Young (FL)
Stratton	Walker	Young (MO)
Studds	Watkins	Zablocki
Stump	Waxman	Zschau
Sundquist	Weaver	

□ 1245

The SPEAKER pro tempore. (Mr. MINISH). On this rollcall 395 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

AMENDMENT TO THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1983

The SPEAKER pro tempore. Pursuant to House Resolution 261 and rule XXIII, the Chair declares the House in the Committee of the Whole on the State of the Union for the further consideration of the bill, H.R. 2760.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2760) to amend the Intelligence Authorization Act for fiscal year 1983 to prohibit U.S. support for military or paramilitary operations in Nicaragua and to authorize assistance, to be openly provided to governments of countries in Central America, to interdict the supply of military equipment from Nicaragua and Cuba to individuals, groups, organizations, or movements seeking to overthrow governments of countries in Central America, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the gentleman from Massachusetts (Mr. BOLAND) will be recognized for 30 minutes; the gentleman from Virginia (Mr. ROBINSON) will be recognized for 30 minutes; the gentleman from Wisconsin (Mr. ZABLOCKI) will be recognized for 30 minutes; and the gentleman from Michigan (Mr. BROOMFIELD) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I yield myself such time as I might desire.

Mr. Chairman, last week the House met in secret session.

At that time, the Intelligence Committee provided details of the covert action which the United States now funds in Nicaragua.

I cannot go into those details today, but we all know that the subject matter of H.R. 2760, the bill before the House today, is this not-so-secret war against the Sandinista regime in Nicaragua.

H.R. 2760 represents the Intelligence Committee's judgment, and that of the Committee on Foreign Affairs, that this secret war is bad U.S. policy—because it does not work; because it is in fact counterproductive to U.S. interests; because it is illegal.

However, the bill not only cuts off the covert action, it authorizes, in its stead, openly provided security assistance funds—$30 million in fiscal year 1983, $50 million in fiscal year 1984—to give friendly nations in the region the capability to prevent the transfer of arms to insurgencies in the region.

Now, as everyone here today knows, this bill is strongly opposed by the administration.

It represents the most serious stage of disagreement the Intelligence Committee has ever reached, with this, or any other administration, on a covert action.

However, it is not based on a disagreement with the President about the seriousness of developments in Central America.

It is not based on a different set of U.S. policy goals for Central America.

Most members of the committees have no disagreement with the President, on the goals U.S. policy should achieve.

The disagreement lies in the means by which he seeks to achieve them.

There has been much talk recently about a compromise amendment to this bill—about the need to find a middle ground, between those who wish to cut off the covert action, and those who wish to see it continue and expand.

Well, let me say to those who take this view that H.R. 2760 is not a negative bill. It contains a positive alternative approach. It is not a partisan bill. It was an attempt, to seek a bipartisan approach, to the problem of arms shipments to the Salvadoran guerrillas. It is, however, an alternative the President has rejected.

Let me just summarize why the committee reached the view that the covert action should be stopped, and then develop for you why the committee believes that security assistance is the more appropriate response to the problem.

First of all, you must realize that the committee developed its view of this covert action over a period of 18 months. It first learned of the covert action in December 1981. It was told the effort would involve a small number of paramilitary fighters who would be trained and armed to conduct raids against the Sandinistas' supply of arms to the Salvadoran guerrillas.

Gradually, however, the scope of the program was broadened by the administration. They wanted internal political changes in Nicaragua.

Today, the number of troops supported by the program is in the thousands. They are engaged not in efforts to intercept arms shipments, but in fighting Nicaraguan military units.

At the same time, the Hondurans have been drawn into this spiral of violence. Increasingly, mortar barrages are exchanged between Nicaragua and Honduras by the armies of both nations.

The committee tried twice to limit this covert action—once, in its classified report to the Intelligence Authorization Act, where we said funds could be used "solely" for arms interdiction. Second, in an amendment to the Defense appropriations bill in December 1982, which sought to prohibit an overthrow of the Government of Nicaragua or a military exchange between Nicaragua and Honduras. Neither of these efforts seemed to have restrained activities under the program.

Finally, in May of this year, the committee met and made three judgments.

First, it concluded that the covert action had strayed beyond the bounds set by the law, and in the fiscal year 1983 conference report. It was, we judged, an effort that went beyond the necessity of arms interdiction, by using groups whose avowed aim was the overthrow of the Sandinistas, and by employing tactics which involved military confrontation.

The committee also concluded that the covert action was unwise. The committee looked at the effects of the covert action—continued arms shipments by the Sandinistas to the Salvadoran guerrillas, an increased Cuban presence in Nicaragua, the suppression of dissent by the Sandinistas, and a polarlization of the Nicaraguan populace against the insurgency.

The committee then looked at the overall goals of U.S. foreign policy in the region—the elimination of foreign military advisers, elimination of the Cuban presence, guarantees for democracy in Central American nations—especially a willingness by the Sandinistas to tolerate dissent—and most importantly, an end to the war in El Salvador. None of these goals has been advanced by the covert action.

The committee looked at the chances for a negotiated settlement to regional problems. It judged that an insurgency aimed at the jugular of the Sandinista regime would not encourage the Sandinistas to relinquish points, on which they felt deeply, and

where they were confident of Cuban assistance.

Last, the committee viewed with alarm the numerous border clashes involving ambushes of Sandinista troops. It saw the increasing number of encounters betweeen Sandinista and Honduran troops. It saw the sustained flow of arms into El Salvador. It saw an active and stronger El Salvadoran insurgency. It saw internal repression and totalitarianism inside Nicaragua. In short, it saw all the things which the covert action was meant to prevent.

Let me emphasize the committee has no brief for the Sandinistas. We do not endorse their policies, or their politics, but we did judge that the covert action would not change those policies, or those politics.

Because the committee felt that the pressure represented by the insurgency would not force changes from the Sandinistas, it concluded that the only effective way to prevent arms from reaching the Salvadoran insurgents was by assistance to Nicaragua's neighbors—to help them prevent the arms flow.

The committee received little assistance in developing this overt part of the bill. Administration witnesses, including those from the Department of Defense, did not want to talk about overt arms interdiction. They kept telling us the covert action was the answer.

There will be those here today who will say that we vastly underpriced what it will cost to effectively interdict arms. To those who say this, I say we should spend what will be necessary and useful to do the job.

To those who say that this overt security assistance could cost American lives or will mean a significant number of American advisers, I ask—where do they think our present policy is taking us?

If, as the President says, we cannot allow communism to gain a foothold in Central America, how do you suppose we are going to prevent that from happening? Who is going to do it? Who will confront this army we are told the Nicaraguans are amassing? Who will confront the Cuban troops who are there? Who will defend the Hondurans and the Costa Ricans?

Mr. Chairman, let me close with a last thought, and let me call it to the particular attention of those who were not serving in this body in 1964. When we adopted the Gulf of Tonkin resolution that year, we did not have all the facts. We could not—many of us could not—see where it would take us.

Today the House does not suffer from that disadvantage.

You have heard in secret session the numbers of fighters armed, the cost of the program, the plans for expansion. At the same time, you know the Sandinistas are not wearing white hats.

Last, you know that this is no longer just a matter for the 14 members of the Intelligence Committee. It is an action that must be justified in the full light of American values, American responsibilities, and future American involvement.

There is a better way. H.R. 2760 turns from the secret war, to openly helping our friends in the region. It takes the high road forward—toward firmer ground.

□ 1300

Mr. ROBINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as on previous occasions, let me restate my highest respect for my chairman, the gentleman from Massachusetts. Because of his leadership, this committee has been able to function effectively over the past 6 years. We have avoided the pitfalls and the problems that befell the Pike committee. It is because of the chairman's unwavering commitment to approach problems in a nonpartisan manner that I have my gravest concerns regarding the politicizing of this particular issue. I cannot help but feel that had we worked harder, had we done more to bridge the differences of opinion in the committee, we could have found the solution—a compromise, if you will—that could have avoided the uncharacteristic confrontations in which this committee finds itself embroiled. The House and the intelligence community have benefited by this new experiment in intelligence oversight. I only hope that this issue before us today is truly an exception to the committee's historical commitment to a bipartisanship approach on issues of common interest in national security. Now, I would like to make five quick points about the bill before us today.

I think it is generally conceded that there is at least one matter upon which we all should agree. That is, that Nicaragua is dedicated in its efforts to export revolution and terrorism throughout Central America. The Nicaraguan action contributes to the destabilization of the entire region. As stated on page 2 of the majority report:

> The insurgency in El Salvador depends for its lifeblood—arms, ammunition, financing, logistics, and command and control facilities—upon outside assistance from Nicaragua and Cuba.

Overwhelming evidence of Nicaragua's support for the insurgency in El Salvador, Nicaragua's unwavering commitment to continue that support, coupled with Nicaragua's significant military buildup, should lead the most skeptical of individuals to the inescapable conclusion that Nicaragua poses a serious threat to all of its neighbors in Central America.

Judging from their past actions, Nicaragua does not seem inclined to constrain their export of revolution and terrorism. The Sandinistas consider their commitment to Cuba and Communism far more important than their commitments and promises to the Nicaraguan people.

However well intended the origination, this bill, H.R. 2760, was predicated on the assumption that the administration was not complying with the intent of the Boland admendment. The original Presidential finding was directed at the Cuban presence in Nicaragua and elsewhere in Central America.

At the time the finding and the covert action was described to the committee, this administration made some very strong statements that the program did not represent an effort to overthrow the Government of Nicaragua. Let me be clear on this point—at the time the proposed covert action was presented to the committee, everyone was well aware that this project included covert operations in Nicaragua. I bring this up because at that time the standard which was discussed with regard to covert action was that we would not be involved in any operation to overthrow the Government of Nicaragua. The administration was—and is—in agreement with such a provision.

The language, ultimately termed the Boland amendment, provided for covert action of the type which the administration supports. The House voted down a legislative amendment which would have denied funds for the purpose of carrying out a covert activity and denied funds to groups and individuals known to have the intent of overthrowing the Nicaraguan Government.

The House, however, adopted the Boland amendment by a vote of 411 to 0, In so doing, the House approved the concept embodied in the Boland amendment that a covert paramilitary operation in Nicaragua was acceptable.

H.R. 2760 prohibits all covert paramilitary operations in Nicaragua and establishes a new overt interdiction assistance fund. This bill seems to me to be a distinct change in direction and policy—a 180 degree change of direction. the Boland amendment contemplated and approved the covert action in Nicaragua—H.R. 2760 prohibits all covert action in Nicaragua. We must ask ourselves—is there truly a need for such a dramatic reversal of position and—after the Congress has essentially approved the initiation of the President's actions, are we prepared to live with the consequences of changing our minds in midstream?

As I have said for some time, in my mind the consequences are not as cut and dried as the proponents of H.R.

2760 may try to lead you to believe. A change in direction could—

Indicate to United States friends and allies that the United States is unwilling to defend its legitimate national interests close to its own border;

Cause countries and people in the region to realize that there is no longer any pressure on the Nicaraguan Government to negotiate; and

Cause many governments in the area to feel that because of the Nicaraguan/Cuban military superiority, they must try to cut their own deal, so to speak, with Nicaragua or fear reprisals.

If El Salvador or Guatemala were to fall to Communist insurgents—Honduras, Costa Rica, or even Panama could be next on the guerrilla hit list.

I believe that at this time changing directions to establish an overt interdiction assistance fund raises the stakes and increases the risks of interstate war in Central America. I must agree with the Secretary of Defense and the chairman of the Joint Chiefs of Staff that overt action will be "substantially more costly and politically contentious than our present policy and be less likely to succeed." [June 23 letter from Secretary of Defense to Mr. Robinson.]

Overt interdiction may not be acceptable to friendly governments for reasons of domestic and international politics. What do we do in such instances? Do we establish or own interdiction capability?

Another point which I hope my colleagues and media will note—the majority report noted that the nations in the immediate Central American area do not possess the capability to provide an effective interdiction program without the involvement of U.S. troops.

This disturbs me greatly. Most of us do not take lightly the dispatch of U.S. troops and advisers and trainers anywhere in the world. However, the majority report—not the administration—proposes and even encourages escalating use of U.S. military personnel in Central America. I heard a news report Monday that officials in the Pentagon had advocated increasing U.S. military trainers and advisers in Central America. I invite you to carefully read and review the Intelligence Committee report which accompanied H.R. 2760 to find out for yourselves that on May 13, 1983, the majority report first advocated increasing U.S. troop commitment in Central America.

You will hear from several of our distinguished colleagues from the majority side of the aisle that the presence of anti-Sandinista insurgents in Nicaragua has not been successful. To the contrary—given its limited goals and operational objectives, the program has been successful.

It has only been recently, and partially due to our successful efforts to keep pressure on Nicaragua and to force the Nicaraguans to turn inward and seek solutions to their own problems, that we have been successful in communicating to the Nicaraguans that we are serious about our commitment to support stable, peaceful governments in the region. Our willingness to make the point that the Nicaraguan/Cuban influenced government will not be allowed to operate freely in imposing their will upon other countries, now offers some real and present prospect of hope for either bilateral or multilateral negotiations.

It has been confirmed on several occasions that the Sandinistas have been unable to supply insurgents in El Salvador with needed ammunition and weapons. It also has been indicated that in one instance the Sandinistas were preparing to send a group of terrorists/guerrillas into Honduras but the plans were abandoned because it was too hot to successfully transport such a guerrilla group into Honduras.

To sum up, with respect to H.R. 2760—I believe it is ill-advised and ill-conceived to embrace a program which does not—

Deter the massive buildup in Nicaragua;

Halt the Nicaraguan efforts to overthrow the Government of El Salvador;

Protect any of our friends or allies in Central America against Nicaraguan/Cuban-backed insurgencies in their countries; nor

Bring pressure to bear for negotiations to begin.

I do not believe we should enact legislation which provides a type of sanctuary for Nicaraguan-based guerrillas who will strike out with impunity against their neighbors—nor should we unilaterally restrict United States conduct without regard to Nicaraguan behavior in Central America.

It is for these reasons that I urge my colleagues to join in the support to find the common ground—a compromise position which protects the security interests of the United States and preserves our integrity at home and abroad. If this is not possible, H.R. 2760 should be rejected.

Mr. Chairman, I yield such time as he may consume to the gentleman from Vermont (Mr. JEFFORDS).

Mr. JEFFORDS. Mr. Chairman, I would like to express my deep concern about an issue which has not been given adequate attention as we are considering the direction of our Central American policy, namely, the effect on Honduras of a growing U.S. military involvement in the region.

Honduras is a poor and relatively weak nation, ranking second behind Haiti as the hemisphere's poorest country. In November 1981, U.S. supported elections returned Honduras to civilian rule, following a decade of military control. However, I fear that our policy in the region has had the effect of undermining the authority of President Roberto Suazo Cordova, and strengthening the position of the armed forces and their commander Gen. Gustavo Alvarez Martinez. Our policy may well be counterproductive to our stated intent of fostering democracy and a return to civilian rule in Honduras and in the other nations of Central America.

There are several constructive elements of the U.S. policy toward Honduras. For instance, an agricultural mission of 15 to 20 American volunteers is advising the Hondurans how best to utilize their natural resources. There are a number of AID consultants in Honduras, as well as more than 200 Peace Corps workers who are helping the people improve their living conditions. Yet, these positive aspects of U.S. involvement are being outweighed by a growing military presence and the evolution of Honduras as the focal point for U.S. military policy in the region.

U.S. activity in Honduras has greatly increased in the past months. One and a half years ago, the U.S. Embassy in Honduras was upgraded from class 4 to class 2, making it equivalent to the embassies in Peru and Argentina. The current staff in Tegucigalpa numbers 140 persons, as compared to only 102 in El Salvador, and well above the average for the region. There are approximately 300 military advisers in Honduras, as compared to the controversial 55 in El Salvador. Yet, there has been little concern expressed over the effect of this escalation of U.S. military involvement on political and social developments in that country.

The historical animosity between El Salvador and Honduras, heightened by their border war of 1969, has made many Hondurans uneasy with the training of Salvadoran troops in their country. These is a fear that after they have peace at home, El Salvador may turn to a number of running quarrels it has with Honduras. Many civilian officials in the Honduran Government were opposed to the development of the regional military training center, to be run by the Green Berets. However, U.S. pressure and the support of the Honduran military overrode the objections of these civilians.

When I was in Honduras for the 1981 election, I was impressed by the overwhelming sentiment of Hondurans in favor of putting control of their country into civilian hands. They were also unanimous in their desire to avoid the violence that has plagued the surrounding countries. Many Hondurans are increasingly afraid that they will now be drawn into a regional conflict that will worsen their domestic condition and further strengthen the hand of the military.

President Reagan's recent announcement that up to 4,000 troops will soon

be engaged in joint military maneuvers with the Honduran Army, continuing for as long as 6 months, gravely escalates our military involvement in the region and encourages precisely those elements in Honduras who threaten the elected government.

I therefore wish to call the attention of this body to the actual effects that our actions are having on the country that we have attempted to portray as a model of transition to civilian rule in Latin America. In deciding the form which our policy toward Central America will take, let us not turn a blind eye to the domestic situation in Honduras. We must make sure that in our eagerness to control Communist influence in the region, we do not poison the efforts of our friends the Hondurans to establish a workable democracy and to bring peace and stability to their nation.

Mr. ROBINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, I want to commend the gentleman for his statement and then simply pose the question, since the gentleman has made the comment with respect to his desire to see this thing be taken out of the realm of politics and amicably settled between two divergent thoughts here.

Is there in the gentleman's own mind a feeling that there is still time for a compromise of some fashion that can be crafted before conclusion of our proceedings on this legislation?

Mr. ROBINSON. Mr. Chairman, may I say to my Republican leader that I feel very strongly that there is a good possibility that we can reach a compromise and conversations with colleagues on the other side of the aisle since we have been here this afternoon reinforces that feeling.

Mr. MICHEL. Mr. Chairman, I thank the gentleman for his comments.

Mr. BOLAND. Mr. Chairman, I yield 9 minutes to the gentleman from Indiana (Mr. HAMILTON).

Mr. HAMILTON. Mr. Chairman, I wish to speak in support of H.R. 2760, a bill to amend the Intelligence Authorization Act of 1983.

H.R. 2760 proposes a twofold approach to the problems of arms shipments from Nicaragua to the Salvadoran insurgents.

First, it would deny funding now and in the next fiscal year for any direct or indirect support of military or paramilitary activities in Nicaragua, although support could continue for a period of time following enactment of the bill for the purpose of permitting insurgents who wish to make an orderly withdrawal from Nicaragua.

Second, the bill proposes an alternative approach to arms interdiction and authorizes $30 million in fiscal year 1983 and $50 million in fiscal year 1984 for friendly governments in Central America to develop programs or establish the capability to prevent the use of their territory, or international territory, for shipment of military equipment to insurgents in any Central American country. This grant aid would be in addition to other military assistance funds and could also require the use of U.S. military trainers or advisors.

What H.R. 2760 would do: H.R. 2760 is designed to support existing U.S. policy in Central America by directly, openly countering the threat of Nicaraguan and Cuban arms support to Salvadoran insurgents.

It does not seek to undermine the President's Central American policy—only to change one aspect of it: the covert actions against Nicaragua.

It addresses the important U.S. national security concerns of preventing the export of Communist revolutions from Nicaragua and Cuba and containing Nicaragua.

It returns U.S. policy to a position from which it can assail those activities without fear of criticism.

Its purpose is to prevent infiltration from Nicaragua through Honduras into El Salvador.

It acknowledges that this covert action can no longer be covert, and that to pretend it is covert loses public support and world confidence.

H.R. 2760 would also:

Place additional pressure on Nicaragua to negotiate, isolating it within the region;

Turn the tables on the Sandinistas and make them bear the brunt of their policies of external subversion; and

Allow the internal debate in Nicaragua to shift from countering outside support for insurgencies in Nicaragua to neglected political, social, and economic problems. Only in this way will the Nicaragua Government be accountable to its people.

ARGUMENTS AGAINST COVERT ACTIVITIES

Mr. Chairman, there are two basic arguments against the covert action in Nicaragua.

First it has not worked.

The administration has given progressively more ambitious rationales for supporting the covert action.

The initial justification was confined to the interdiction of Soviet and Cuban arms traveling from Nicaragua to the insurgents in El Salvador.

This was subsequently expanded to included the objectives of forcing Nicaragua to turn inward, and forcing the Sandinistas to reassess their revolution and their efforts to export it into neighboring states.

Then, we were told that the purpose of the covert action was to bring the Sandinistas to the negotiating table, to bring them to a more reasonable and less antagonistic attitude toward the whole area.

Most recently the rationale has been expanded still further, to include bringing pluralism and free elections to Nicaragua.

Thus the objectives of the CIA have grown from interdiction to changing the internal political structure of Nicaragua.

Over the last 2 years, the covert action has achieved none of these purposes even though the military groups being supported by the action have increased dramatically.

It has not stopped the flow of arms. The Salvadoran guerrillas continue to be resupplied.

It has not forced changes in Nicaraguan policies.

It has strengthened the Sandinistas' resolve, strengthened their support within the country, rallied people to the Nicaraguan Government, and given them justification for increased repressive internal policies.

It has not lessened Nicaragua's support for Salvadoran insurgents. Rather that support has continued unabated.

Not only have the goals not been met, they do not seem likely to be met. In most instances, things have worsened because of the covert action.

What has the covert action achieved?

It has brought about greater Cuban and Soviet involvement in Nicaragua, more Cuban troops, increased Cuban control.

It has increased the risks of active Cuban military intervention.

It has driven the Nicaraguans ever more deeply into the arms of the Cubans and Soviets. The risk we face in Central America is not a Socialist government in Nicaragua (as distasteful as that may be) but that that government may become subservient to Soviet-Cuban influence. This covert action has greatly increased that risk.

It has also increased the risk of a full-scale war by Nicaragua against Honduras and Costa Rica.

It is perceived throughout the world as an effort to overthrow the Government of Nicaragua. Most of our Latin American neighbors and our European allies have urged us to stop.

If the covert action continues, the prospect is for further escalation. That has been the pattern, and there is no reason to believe that pattern will change.

The administration acknowledges its purposes have not been achieved. How then will they achieve them? The answer is: Through increased pressure. That means more and more U.S. resources to support the war. If this covert war continues, one wonders what the total number of U.S. armed guerrillas will be 6 months from now? What will the objectives be then?

It is not just the history of this covert action that concerns the majority committee members. It is also the future of this action.

I am not able to discern any limits to this covert action. How many contras are we willing to support? Is there any limit? How far will we expand our purposes? What do we do in the event Cuban troops enter the war?

This Member concludes that the United States is engaged in covert actions without limits, and that the major policymakers have not thought through what to do in the event of major—and by no means improbable—contingencies.

The second basic argument against the covert action is that it is not in the U.S. national interest to be conducting this kind of operation.

COVERT ACTION IS AGAINST THE LAW

First, covert action against Nicaragua is against our laws. The first law in question is the Boland amendment, passed last year, which states:

No funds may be used by the Central Intelligence Agency or the Department of Defense to furnish military equipment, military training or advice or other support for military activities, to any group or individual not part of the country's armed forces, for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras.

This administration denies any intention to overthrow the Sandinista government. But the validity of the U.S. Government's approach assumes U.S. control of the operation—so that the U.S. intent can be carried out. But the fact is that that control is inadequate. The FDN is an independent force.

This question of command and control is important. It is important because those guerrillas that we have armed are supposed to be an instrument of our—United States—foreign policy. But it is clear that they have their own agenda, their own objectives—and it is that objective, clearly stated by their commander to overthrow the Sandinistas—that they are following.

The administration cannot wash its hands of this affair and deny responsibility for what those it has armed want to do with those arms.

It is also clear that military exchanges are occurring between Honduras and Nicaragua as a result of U.S. support of this covert war. That, too, is contrary to the Boland amendment.

The administration's intention cannot be separated from the intent and activities of the military groups we support. The Contras have openly declared their intention to "Liberate Nicaragua," and their activities, the size of their forces, the level of the conflict, the targets they are choosing, all fit with this intention. We may admire Commander Bermudez' goal, but his goals are clearly beyond the bounds set by the Boland amendment. The Contras aim to bring down the Sandinistas. We are now supporting a large army inside Nicaragua. We can no longer deny that we are fighting a mercenary war in Nicaragua to overthrow the government of that country—and that is against our domestic law.

The second law is Article 18 of the charter of the Organization of American States, of which the United States is a signatory. The article says that:

No state or group of States has the right to intervene directly or indirectly for any reason whatever in the internal or external affairs of any other State.

If the United States were to bring Nicaragua before the OAS, and produce compelling evidence of a Sandinista effort to destabilize the region; then under the Rio Treaty and the OAS Charter, the United States and other affected parties are entitled to demand that collective action be taken. Under present policy, the United States, rather than using this law, has chosen to defy it. We cannot go before the OAS with clean hands.

Furthermore, the paramilitary war certainly appears to be a violation of U.S. obligations under the OAS Charter and the U.N. Charter.

We in the Congress ought to agree that policy should not supersede law. If the United States signs an agreement, we ought to abide by it.

To assert that the Russians break treaties is no excuse for the United States opening itself to similar charges.

The administration argues that it is acting in legitimate self-defense. This view distorts the legal doctrine of self-defense. In the first place, any action in support of the right of self-defense should be overt, not covert.

Moreover, self-defense comes into play when the national sovereignty is threatened. A general threat of communism to the hemisphere does not automatically constitute a threat to U.S. territory. How is the security of the United States threatened by Nicaragua sending arms and supplies to insurgents in El Salvador? Self-defense does not license the United States to undertake a covert activity against Nicaragua for its actions against a third country when neither U.S. security nor U.S. troops are directly threatened.

The doctrine of self-defense under the U.N. Charter or the OAS Charter does not allow any signatory, in an act of self-defense, to send mercenary troops inside another signatory country. Self-defense does not allow the United States to conduct a war inside Nicaragua because Nicaragua sends arms to El Salvador.

In addition, self-defense involves proportionality. There is no proportionality between the damage inflicted on the United States by the Sandinistas and the damage the United States is inflicting on Nicaragua. Civilian casualties in the war zone in Nicaragua are rising, as are reports of torture and maiming by the Contras. And internationally recognized borders are being violated on a daily basis by armed incursions.

COVERT ACTION RISKS WIDER WAR

Second. There are sound policy arguments against the covert action as well as legal arguments. The more fighting escalates in Nicaragua, the greater the danger of regionalization of the war. Skirmishes along the Honduran and Costa Rican borders will intensify, more Cuban troops and advisors will be brought in, and a full-scale invasion could be launched, provoking a vigorous U.S. response. A major war on Central American soil, would be a calamity for victor and vanquished alike.

COVERT ACTION DIMINISHES CHANCE FOR NEGOTIATION

Third. Some promising proposals for resolution of this conflict have now been put forward. They have been put forward by friends, the Contadora group, as well as foe Nicaragua. They call for a response that will test the sincerity of Nicaragua's proposal. It is not sufficient to say, as the President did, that negotiations will be extremely difficult as long as the Sandinistas are in power because they are being subverted or directed by outside forces.

My own judgment is that there exists a real opportunity for negotiation at this time. There is a new resolve to talk. But the region, and much of the world is confused by a U.S. policy which repeats rhetoric of support for the peacemaking efforts of the Contadora groups and decides to increase military involvement in the region, including plans for a sharp increase to the Contras seeking to overthrow the Sandinistas. The position of the Contadora group is that the territory of one state should not be used to conduct acts of aggression against the territory of another state. The United States cannot consistently support the Contadora and also support the Contras.

COVERT ACTION DAMAGES OUR IMAGE AND CREDIBILITY

Fourth. The covert action does long-term damage to our standing in the world. The United States is seen as interventionist, even imperialistic. The Soviets have been handed an undeserved propaganda advantage which they are using effectively against U.S. interests. Our allies in Europe have condemned forthrightly the U.S. intervention. The countries of the hemisphere are united in opposition to intervention from any external sources. Secretary Shultz concluded that we were able to conclude a Lebanon withdrawal agreement because

the Lebanese and Israelis are convinced of our fairness, trustworthiness and decency. This covert action undermines our reputation as a fair, decent, trustworthy power. It is damaging our ability to exercise leadership throughout the world. This covert action is simply not the kind of thing the United States should be encouraging or conducting.

COVERT ACTION HOLDS US UP TO RIDICULE

Fifth. The covert action is still officially covert. This holds the American Government up to ridicule and charges of official deception. The United States is doing, and all the world knows we are doing, that which we deny we are doing. It makes the legitimate covert activity of the Central Intelligence Agency more difficult to carry out, and saps public confidence in the Agency.

Finally, let me say that when the United States acts out of character, it is ineffective. I believe that conducting this secret war in this place, at this time, and in this matter, is not in keeping with our character or our ideals. Because it is not, and because it is unpopular with the American people who oppose it by about 2:1 in a recent poll, we are hesitant and ineffectual in our execution of that policy.

CONCLUSION

In conclusion, I do not propose an end to this covert war as a favor to Nicaragua—or to please Cuba or Western Europe.

The covert action should be stopped because:

It is not working;

It is harmful to U.S. interests;

It is risking a wider conflict; and

It is diminishing the chances for successful negotiations.

H.R. 2760 is a better way to proceed. It is overt, above board, legal. It represents a strong commitment to our friends. It is consistent with our character as a Nation and our traditions in foreign policy. I urge you to support H.R. 2760.

□ 1315

Mr. ROBINSON. Mr. Chairman, I yield 6 minutes to the gentleman from Florida (Mr. YOUNG).

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I will be happy to yield at the end of my statement if I have time.

Mr. RITTER. The question relates to the statement by the gentleman from Indiana.

Mr. YOUNG of Florida. Mr. Chairman, it has been suggested here on a number of occasions, both in the secret session of last week and the session so far today that the activities in Central America on the part of the United States violates the law.

During the closed session on last Tuesday I think it was dramatically pointed out to the Members of this Congress that whatever was being done through a so-called covert activity was being done with the agreement of a majority of the members of the Intelligence Committee that was given the jurisdiction in this matter in the first place by the law of the land.

Second, it has been suggested that this covert activity which is no longer covert violates the original intent of what the covert activity was all about in the first place. The truth of the matter is that on the very first meeting of the Intelligence Committee, and again this was established beyond a doubt in the secret session, and we cannot give you the specifics today. But it was established beyond a question of a doubt that the original intent is the intent today.

There has been no deception and there has been no change.

The suggestion is that this covert activity is no longer covert now, that is disturbing, and it should be disturbing to every one of you, and it should be disturbing to every American citizen because the reason this covert activity is no longer covert is because of a systematic series of leaks of sensitive information by people who have access legally to that sensitive information.

I believe, I would say to my Chairman of the Intelligence Committee, that you and I and our colleagues on the Intelligence Committee have a major responsibility to the people of our country to assure that no one who has this access, because of their relationship with our committee, continues to make these type of leaks.

It has been suggested that the covert activity has not worked. We also presented hard intelligence reporting during the secret session that it has worked, that the insurgency in El Salvador is standing down considerably because of the lack of materials that they need or the lack of their ability to get to sanctuary in Nicaragua.

It has been suggested that this covert activity has strengthened the resolve of the Sandinistas. There have been some new developments and I tend to agree with the Washington Post.

The Washington Post said they think that the record shows that the intervention has helped produce Managua's apparent shift on negotiations, and there has been a shift, or at least it appears to be a shift.

Here is a piece in the New York Times by Sergio Ramirez appearing to offer some conciliation. Here is a speech by Daniel Ortega last week appearing to offer similar conciliation.

We believe there is an opportunity to settle this matter in Central America in the interest of all people of the region, and the hemisphere, for that reason we began working, when the Intelligence Committee first took up this matter, on some kind of an approach that would end all outside involvement, including U.S. involvement. And we proposed an amendment that has since become known as symmetry.

Basically that means we apply a similar set of rules to all of the players, that we all play by the same set of rules, and we have worked with the Members on both sides of the aisle to develop language and a concept, and I believe we have established it. I think we are that close to reaching agreement on that symmetry concept and the compromise that will establish a multilateral negotiation which we would like to see happen. Multilateral in that all of the problems in the region, whether they be between Nicaragua and Honduras or Nicaragua and El Salvador, that they all be addressed and that we reach an agreement that is verifiable, that we all get out of each other's business and let the people in their own countries run their own countries. That is all we want and I believe we have that today.

We will be offering an amendment that would establish that concept today. It was created in the Intelligence Committee. It has been kept alive because of the support of the administration, support of Members on the majority side of the aisle, support of Members on my side of the aisle, and if we really want to end the hostilities, if we really want to get to the negotiating table and solve this problem without any further bloodshed, then let us go with this compromise that has basically been agreed to by at least some of the leadership.

Let us put our amendment into this bill and then we will pass H.R. 2760 because we believe H.R. 2760, when amended by this amendment will bring about the negotiations that will resolve these conflicts in Central America peacefully.

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I am now happy to yield to my distinguished colleague from Pennsylvania.

Mr. RITTER. I thank the gentleman from Florida for yielding and I thank him for his very eloquent remarks.

I would like to ask the gentleman from Indiana, my friend, Mr. HAMILTON, whether or not he believes that the covert operation which he kept referring to in a derogatory way, whether he believes that covert assistance should be translated to overt assistance to those very same people who are fighting inside Nicaragua?

Mr. HAMILTON. Will the gentleman yield?

Mr. YOUNG of Florida. I will be happy to yield.

Mr. HAMILTON. The bill makes provision for funds to help friendly countries. The key question is whether or not the country would permit us to operate in that country.

Nicaragua does not want us there. We ought not to be there.

Honduras will permit us to be there. It is perfectly all right for us to be there.

Mr. RITTER. I guess, if the gentleman will yield further, the question was would the gentleman from Indiana——

The CHAIRMAN. The time of the gentleman from Florida (Mr. YOUNG) has expired.

Mr. BOLAND. Mr. Chairman, I yield 4 minutes to the gentleman from Georgia (Mr. FOWLER).

Mr. FOWLER. Mr. Chairman, I rise in support of the legislation offered jointly by the Intelligence Committee and the Foreign Affairs Committee for the following reasons:

The U.S. policy in Nicaragua is not in the best interests of the United States of America. It is unquestionably undercutting the efforts of our allies in Central America who have asked us to cease our military invasion of the Government of Nicaragua.

Colombia, one of the largest and few democracies in our hemisphere, has asked us to stop because it is not working and is working against our hemisphere's interests in controlling hostile influences.

The Venezuelans have asked us to stop. The Mexicans have asked us to stop. The Costa Ricans have asked us to stop.

Our Western European allies have asked us to stop. The Australians have asked us to stop.

The only countries that I know of who are in support of the U.S. policy in Nicaragua are the Governments of El Salvador, Honduras, and Mrs. Thatcher in Great Britain.

Second, the purpose with which this action was undertaken had the backing of the Congress because it was premised on arms interdiction.

If we are to believe the leaks that the gentleman from Florida (Mr. YOUNG), described in the Washington Post this morning from administration officials—they could not have come from the Congress because we have not been briefed on any new proposal—but if we are to believe, and I know not whether it is true, the story in the Post this morning that a new policy is being undertaken by this administration, it excludes, according to the news report, any mention of arms interdiction and again changes the policy and thrust of our Government by increasing this armed invasion of Nicaragua.

My time is short. If you want preventive action, as we all do, if we want to eliminate hostile influences in our hemisphere, if we want to contain this communism, for goodness sakes, can we not do it in cooperation with our allies in our hemisphere who are pleading with us to cease this unilateral military interventionism and work with them to eliminate hostile influences and have a coordinated policy that will contain communism and allow us to seize the opportunities for negotiation and working together that will bring an end to subversion and war in Central America.

Mr. MAZZOLI. Mr. Chairman, would the gentleman yield for a very brief question?

Mr. FOWLER. I yield to the gentleman.

Mr. MAZZOLI. I thank the gentleman very much. I, like the gentleman from Georgia, would certainly desire to have solutions from within the countries and we have heard about the Contadora nations, the Linowitz-Plaza report.

The front page of the New York Times today suggests that in an interview with the Cuban Associate Defense Foreign Minister that Cuba has indicated, as of yesterday at least, that it would not withdraw its troops from Nicaragua despite the fact that it would seek to have some areawide negotiations with, we would think, the Contadora group.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOLAND. Mr. Chairman, I yield 30 seconds to the gentleman from Georgia (Mr. FOWLER).

Mr. FOWLER. Let me answer the gentleman from Kentucky in this way. It is a good question.

Unfortunately, the United States must deal with the Communists all the time. We are presently engaged in at least five different areas of negotiations with the Soviets. We are contemplating selling computer parts, some with military dimensions, to the Chinese Communists. We negotiate with Cuba, a major sanctuary of communism for 20 years in our hemisphere, about highjacking, and emigration matters. Can we not do the same in Central America in an effort to resolve a very dangerous situation?

Mr. ROBINSON. Mr. Chairman, I yield 8 minutes to the gentleman from Virginia.

Mr. WHITEHURST. Mr. Chairman, this is H.R. 2760, a bill that is fraught with mischief. It has two sections and both of them are flawed.

I will take a moment just to review what I said in the secret session last week about the second section first.

The committee bill calls for $80 million to be spent over the next 2 years for arms interdiction, weapons going from Nicaragua to the guerrillas in El Salvador or other countries on their frontier.

The Secretary of Defense, the man who is best able to give us a categorical statement on this, has assured us that the cost for the first 2 years is not going to be $80 million; it is going to be $400 million. That does not include expendables. It does not take into account the hundreds and hundreds of American military personnel who will be required; they will be placed in a perilous situation.

It does not even assure us that we are going to succeed in sea and air interdiction, and yet this is what this bill promotes. The measure is ill-conceived. It has been thrown together. The framers tell you that it is a shelter from further involvement in Central America. I submit to you that the effect of it is going to be just the opposite.

Let me turn now for a few minutes to the first section of the bill, that portion of it cutting off covert aid.

At the end of last April, five of us from the Intelligence Committee flew down to Central America and visited the three principal capitals, Tegucigalpa, Managua, and San Salvador. I think what impressed me more than anything else was the opportunity to meet, firsthand, Dr. Suazo, the President of Honduras.

I think all of us in traveling around the world and meeting people are impressed by the same characteristics and the same virtues that we seek in our own country. And I found them in Dr. Suazo, a simple country doctor, who, in very eloquent terms, spoke of trying to save his country, and the assistance that he needed. He is not part of the landed aristocracy, nor from the military caste, but the kind of person that you and I go home and occasionally see in our own home districts. Dr. Magana, in San Salvador, was a banker, not a politician, struggling to keep his little country afloat from the destruction that is being wrought by the Marxist guerrillas.

All of us know this: that the Sandinistas betrayed the revolution that overthrew Somoza; that they have broken all the promises that they made to the OAS; free elections, free press, and a free church.

I was impressed by Miguel Bolanos, the young Nicaraguan who defected to this country just a few months ago, who was in the Nicaraguan Intelligence Service. He was recruited in Managua into the intelligence service in 1979 and was told at the outset that the No. 1 enemy is the United States.

They rejected Peace Corps volunteers that were offered; they have accepted 8,000 Cubans, to say nothing of East Germans and Russians. No one can guarantee that the FDN will succeed in forcing the Sandinistas to change their ways, but I know what the consequences are going to be if we cut off covert assistance. We will create a privileged Marxist sanctuary in Central America, safe from outside pressure, free to threaten its neighbors.

I recall the words of Dr. Suazo that Sunday afternoon: "America taught us to love democracy and freedom on the Fourth of July in 1776; you inspired the wars of liberation in Latin Amer-

ica. Now that system is threatened, so you are morally committed to help, and from a practical standpoint of view, you have to do so for your own security."

I tell you that for a generation and more, we have tolerated the presence of an alien ideology in this hemisphere, we have seen the mischief it has caused in Africa, in the Caribbean. Now, like a loathsome leech, it has fastened itself on this continent. This bill permits it to fester undisturbed, safe to consolidate its oppression, safe to carry out subversion against its neighbors without fear of reprisal, safe from the reckoning forces of freedom that it fears.

I have sat in this House for nearly 15 years and, like many of you, always conscious of those who have preceded us here, mindful of the moments when they confronted a challenge to our security and our vital interests. And I ask myself, what verdict would they pass upon us, their successors, if we abide this Marxist inquilinism on the body of our continent? Worse, what will be the verdict of those who follow us when the consequences of our action bear the bitter fruit of Marxist triumph throughout all of Central America, and we are swept by the tide of refugees who will inundate our shores?

I do not expect to be here then, nor will many of you, but I do not want my name sullied with the irrefutable charge that I lost Central America.

I yield back the balance of my time.

The CHAIRMAN. The Chair would like to state that the gentleman from Massachusetts (Mr. BOLAND) has 7½ minutes remaining, and the gentleman from Virginia (Mr. ROBINSON) has 8 minutes remaining.

The Chair now recognizes the gentleman from Virginia (Mr. ROBINSON).

Mr. ROBINSON. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

□ 1340

Mr. GOODLING. Mr. Chairman, long before it became politically popular to be opposed to covert activity in Nicaragua, I indicated to the administration my concern, long before any staff member encouraged me to become involved in something that appeared to be politically popular. And even before I joined the Intelligence Committee, I thought perhaps the administration was going beyond what it was we, in the Congress, indicated they could do.

I should not have believed that, if I had been paying a little more attention to what was going on during the debate on the Boland amendment, because, as our minority leader on our committee indicated in his remarks, it was the House that day who voted down a proposal which would have denied funds for the purpose of carrying out military activities in or against Nicaragua; not the administration, it was the House.

It was the House that voted down a proposal which would have denied funds to groups or individuals known by the United States to have the intent of overthrowing the Nicaraguan Government. Again not the administration. It was the House.

So I should have realized, before I got on the committee, that what we voted on that day really went far beyond what many of us thought it did. And after reading the transcripts, after reading the give-and-take of the chairman and the gentleman from Florida (Mr. YOUNG), for instance, and others on that committee, there was no question in my mind that the administration did not go beyond what they were to go, but could have gone much farther, according to the history involving the Boland amendment.

But today I am concerned about several things. First of all, it was we who now have encouraged the activity that is going on in Nicaragua. I, too, look forward to that hopeful coalition that we can bring about that will bring us out of this, without the kind of action that is proposed in H.R. 2760.

I will offer an amendment perhaps during this debate which possibly will give us an opportunity to make sure that this administration does exactly what many thought we were doing when we adopted the Boland amendment. And it will be tied so tightly that interdiction is the only thing that can be done. And the review by our committee and others will be at least every 3 months.

I would merely close by saying that my real concern about H.R. 2760, I suppose, would be included in the question that I would ask, and that question would be: If the loud voices in America today do not support people from other countries doing something in a covert manner, how in the world do we expect those same loud American voices to do something overtly which could include the use of American young men?

Mr. ROBINSON. Mr. Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Mr. Chairman, there is a very serious and growing threat to democracy and freedom in Central America. Unrest that close to our border concerns me; but what concerns me even more is the fact that in passing this bill, we will be restricting our ability to deal with that threat.

The terrorism and insurgency in El Salvador is being supported and supplied by Soviets and Cubans through Nicaragua. Without this influx of arms and leadership, the guerrillas in El Salvador would cease to be a significant factor.

Our foreign policy must reflect our willingness, at any cost, to defend our freedom and democracy, and to lend our assistance, when asked, to those countries who are either trying to protect an existing democratic government or establish one.

In the case of Central America, our actions are based upon a request. It is not a request that can be defined in dollars; it is a request based upon a strong belief in democracy. The emerging democratic Government of El Salvador, which held free elections last year, has requested our assistance to stop the flow of terrorism and arms from Nicaragua.

It is not our action which threatens the security and stability of the region. Rather, it is the predatory nature of the Soviets. The terrorists have survived so far because the Cubans have consolidated factions, supported and trained them for one purpose—to gain power to destroy democracy, no matter what the cost.

Experience with the Soviets and Cubans is that they do not allow social and economic problems to be cured by election, compromise, or democratic reforms. They install one-party Marxist regimes.

This bill will unilaterally limit the range of our response. This could accelerate the need for further military assistance, which is exactly what the proponents of this legislation say they want to avoid.

We must support the Government of El Salvador. That elected Government, which was overwhelmingly supported by the votes of its citizens, stands between the democratic governments of the Western Hemisphere and a growing Soviet-Cuban bridgehead which threatens us all. This Congress should give bipartisan support to stopping the Soviet-Cuban interference in this hemisphere before they destroy all traces of democracy in our own backyard.

Mr. ROBINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. GRAMM).

Mr. GRAMM. Mr. Chairman, what we have here is not a choice between covert aid and overt aid, we have a policy which is clearly working through growing support for the antigovernment forces in Nicaragua, growing ability to disrupt Nicaraguan Government activities in supplying arms and supplying coordination to the rebels in El Salvador. We are here debating because our policy is a success.

We have in contrast to that successful policy a proposal to try to isolate Nicaragua to provide ever mounting aid to its neighbors to put up walls on their borders with Nicaragua.

Mr. Chairman, we have tried that policy before. In Vietnam, we tried to seal South Vietnam's borders and we had 600,000 combat troops. We bombed North Vietnam. We bombed the Ho Chi Minh Trail, but never did

we effectively cut off the flow of weapons and troops into South Vietnam. We were the masters of the air, land, and sea, we expended millions of dollars but we never succeeded in this tactic.

We have an opportunity here to provide assistance to those who are fighting for their freedom and to use their effort to interdict the flow of arms aimed their neighbors.

It has been raised as an objection here that some of these freedom fighters in Nicaragua may think they are working to overthrow the government. That is not our objective in Central America. Is not our position similar to that of the French during the American Revolution?

Looking at the portrait of Lafayette that hangs here in the House Chamber, I recall that the French objective in the American Revolution was to encourage us to tie down British troops here in the Americas even though our own chief interest was in fighting for our freedom.

I see only a problem here in semantics. We are interested in disrupting the supply of arms that tend to spread the flow of communism into El Salvador. Those who are fighting in Nicaragua are fighting for the freedom of their country. I see no contradiction. I see a clear-cut policy and a choice for us.

Mr. ROBINSON. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. RITTER).

Mr. RITTER. Mr. Chairman, I would like to reiterate a point that I tried to bring out with the gentleman from Indiana (Mr. HAMILTON).

This is not a question of overt versus covert aid. Both overt and covert aid would be denied to those fighting inside Nicaragua. Who are those people? The opposition to their efforts, say they are Somozistas. You can count on the fingers of one hand Somozista leadership out of the thousands of people fighting. The FDN fighting in the north, the Miskito Indians fighting internally and Eden Pastore, formerly Comandante Zero, fighting along the Costa Rican border.

Let us think for a moment of who these people are and are they not more reflective of the goals of the Sandinista revolution than for example, Sandinista Interior Minister Tomas Borge. Borge, it turns out has been linked romantically with Bianca Jagger. In a press conference earlier this morning, a defector from the Nicaraguan secret police, Miguel Bolanos mentioned that Bianca Jagger lived in a house provided for her by Borge and drove one of Borge's "many Mercedes." He also told us how Bianca Jagger was here on Capitol Hill interviewed by certain staff people of the Intelligence Committee. When was Bolanos interviewed by those same certain staff people? When was Stedman Fagoth, the leader of the Miskito Indians interviewed by those people? Why have these staff members not been listening to the people who are fighting Sandinista oppression and who would suffer from the cutoff of assistance—as opposed to a sometime swain of the Nicaraguan secret police chief.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. ROBINSON) has expired.

Mr. BOLAND. Mr. Chairman, I yield my remaining time to the distinguished majority leader, the gentleman from Texas (Mr. WRIGHT).

The CHAIRMAN. The gentleman from Texas (Mr. WRIGHT is recognized for 7½ minutes).

Mr. WRIGHT. Mr. Chairman, I want to take this time to comment about some of the changing perceptions of the United States that I have seen occur throughout our hemisphere and then to describe, in general terms, an amendment that I shall offer tomorrow in an attempt to provide a new and needed dimension to this bill.

Basically the amendment I shall offer will recognize the breaches of international law and of the Organization of American States Charter which have been committed by the Sandinista government in Nicaragua. The amendment will call upon the Organization of American States to reconvene its foreign ministers meeting and to resume its monitoring of the behavior of the Sandinista government toward its neighbors.

□ 1350

Let me say just a word with respect to the way in which we have been perceived throughout the hemisphere. I have seen it change throughout my adult life. I have seen it change for the good and, more recently, I have seen it change, unfortunately, for the bad.

Repeatedly, in discussions with political leaders from countries throughout this hemisphere and particularly those countries that have demonstrated a pattern of being friendly with the United States, I have become aware of a growing apprehension that the United States, in our zeal to achieve what we conceive as right, is attempting to imprint our will upon the entire hemisphere. This is the thing that people resent.

Most of those that I talked with from Latin American countries agree that we have a right to be in El Salvador, and generally they agree with what we are trying to do in El Salvador at the invitation of the Government of that country.

Most of them have been deeply disillusioned by the breach of promises and the betrayal of the goals of their revolution by the Sandinista forces which have come to power in Nicaragua. They have been appalled by Nicaragua's attempt to export its revolution elsewhere in the hemisphere.

But most of them very strongly disagree with what we are doing in Nicaragua. They see our financing of the military intervention there as a fundamental betrayal of all that we stand for. They see us saying, on the one hand, that we are against invading other countries and, on the other hand, they see us invading another country. They see us, on the one hand, preaching local nonviolent self-determination and, on the other hand, they see us trying to impose our will by force through surrogates upon another country.

They regard this as a violation of the Organization of American States Charter. As a matter of plain fact, I think it is, because what we have done, quite frankly—and let us be honest with ourselves—has been to finance an invasion from outside of a sovereign country.

Now, I do not agree with the policies of that country, and I do not think that most of the people in Latin America do. But I do not believe that disapproval confers upon us the right to invade their country. And that is the way we are being seen.

In Venezuela last week, the heads of six Andean states gathered to commemorate the bicentennial of the birth of Simon Bolivar, the liberator of South America. While critical of Cuba and Nicaragua for their role in fomenting insurrection in the hemisphere, they expressed grave concern over the increasing role of the superpowers, in which they very clearly include us, who think that they have a mission to reconstitute Latin America in their own image.

The Venezuelan Congress, only last Friday, in a country which has consistently supported us in the United Nations, passed a resolution deploring the decision of the United States to deploy a naval task force toward the coast of Central America.

Our acts in Nicaragua, the so-called covert acts which are not covert at all, in equipping and financing and maintaining some 12,000 troops in Nicaragua, is regarded throughout Latin America as a reckless invasion. It frightens them. They think it is a time bomb that is going to set off a conflagration throughout the hemisphere.

They believe that it not only is unlawful under the Organization of American States Charter; they also believe it is counterproductive. They believe that it sets the Sandinistas only more firmly in their tracks and gives them a rallying cry to whip up the emotional nationalistic fervor of their people against what they see as a Yankee invasion.

In 1980, shortly after the Sandinistas took power, I was in Nicaragua. All the billboards were heralding their at-

tempt to try to popularize literacy, "Alphabetizacion es Libertad"—literacy is freedom.

I was down there 1 year ago. All of the billboards I saw trumpeted their hatred and disdain for the United States and appealed to the prejudice of the people against what they called Yankee imperialism.

That is what I have seen happening there in the last 2 years. And let us face it, there are some precedents for their concern when they say we are trying to invade and control their country from outside.

In the last century, an American free-booter named William Walker did exactly that. He organized a private army and installed himself as the emperor of Nicaragua. Earlier in this century, from 1912 until 1933 when it was ceased by President Franklin Roosevelt, American troops occupied Nicaragua. They went down there under the pretense of protecting American interests and stayed for two decades in military occupation of another country.

Now, with this historic backdrop and their more recent recollections of the events that took place in 1973 when our CIA unfortunately, for whatever reason, was involved, at first denying and later admitting its involvement, in the violent overthrow of the elected Government of Salvador Allende in Chile, perhaps we can at least see their fears in perspective. These things together make Central American people extremely nervous when we start deploying military forces in that area while financing troops inside Nicaragua. They see it as gunboat diplomacy, as saber rattling, as muscle flexing. They see it as a policy of being the self-appointed Lone Ranger, of going it alone and ignoring the organized institutions of the hemisphere.

Therefore, it seems to me that we want to reassure them and we want to renew the policy of calling upon their own institutions, the Contadora group and the Organization of American States, to perform those functions that need to be performed to perfect and protect the freedom and the liberty and the peace of the hemisphere.

So on tomorrow I will offer an amendment which will add this extra dimension. The amendment will contain a congressional finding that the Government of Nicaragua has broken its formal promises to the Organization of American States. It will call upon that organization to monitor and control the future activities which threaten peace in the region and will offer our help in a multinational approach.

Mr. ZABLOCKI. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in support of H.R. 2760, and I must ask: What is the issue?

The interdiction of the flow of arms into El Salvador.

We are all supportive of efforts to stop the flow of arms into El Salvador. That is not an issue.

We oppose covert assistance for the purpose of overthrowing the Sandinista government. Mr. Chairman, by a vote of 400 to 0 this House spoke on that issue last year. So that is not an issue.

There may be differences of opinion on methods to be employed to halt the flow of arms into El Salvador. And I submit, Mr. Chairman, Members would agree that a sound, effective arms interdiction program is needed to counter Cuban and Nicaraguan efforts aimed at undermining the independence of El Salvador.

H.R. 2760 provides that program. It authorizes funds to be provided overtly and openly in consultation with friendly nations in the region.

Furthermore, unlike the current operation in Nicaragua, the provisions of H.R. 2760 are fully consistent with U.S. policy as articulated by the administration.

There are no easy solutions, Mr. Chairman, to the problem of Nicaraguan support for leftists rebels in El Salvador. But what H.R. 2760 does is offer a choice: Either we can continue the presently policy, which raises the specter of U.S. interventionism, or we can implement a program that is consistent with the U.S. policy goals of supporting El Salvador's legitimate self-defense needs and encouraging a peaceful solution to the conflict in that country.

Mr. Chairman, H.R. 2760 may not be perfect, it may not satisfy all our colleagues, but in order to achieve our goals, that is, to interdict the arms flow from Nicaragua into El Salvador, and to help stabilize the area, I urge adoption of H.R. 2760.

□ 1400

Mr. BROOMFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me briefly share a few personal thoughts with you about Central America and why I support what our country is doing in that nearby region.

In my years in Congress, I have always been proud of our bipartisan approach to resolving international problems. When critical issues faced our country, both parties worked together for the common good of our great Nation. It disturbs me greatly to see partisanship develop on this issue since it is so critical. What happens in Central America is an issue of great concern to all of us here today. It directly affects our national security.

We are not talking about problems and threats in distant regions of the world. We are dealing with a rapidly developing situation just south of our border. Our neighbors are right now under siege whether we want to believe it or not.

The Nicaraguans are trying to impose by force and intimidation their form of Communist tyranny on our neighbors in Central America. If left unchecked, this subversion and tyranny will spread from Nicaragua to El Salvador and all the way to Mexico, our nearest neighbor. Is there anyone in this Chamber who wants this? How many more Polands and Afghanistans do we want? How many more countries do we want to add to the list of captive nations?

Our programs for El Salvador and the other nations in Central America have been carefully calibrated to address that area's fundamental problems. They have been designed to deal with the external threat. They have been crafted to forestall the need to use direct U.S. force. They have been created to maximize the opportunities for obtaining a peaceful resolution of the conflict.

I reject the argument that our Government gives only lip service to a peaceful solution to the problems in Central America. The administration has encouraged the Government of El Salvador to have a dialog with the Salvadoran guerrillas. Our Government has supported the peace efforts of the Contadora group and dispatched Special Envoy Stone to that region to promote the cause of peace.

I also believe that our efforts to negotiate a solution are working. Just last week, a spokesman for the Sandinistas said that they will participate in talks sponsored by the Contadora group.

The Sandinistas are professional Marxist-Leninist revolutionaries and have turned Nicaragua into a revolutionary base. The Sandinistas and their Cuban and Soviet mentors have as a goal the export of the Nicaraguan revolution to all of Central America. Since their early days in power, they rejected the peaceful overtures of the United States. They took over $1½ billion in U.S. and Western economic assistance and pretended friendship. They promised the OAS free elections, and a mixed economy. In reality, Nicaragua is becoming a sad clone of Cuba and the Soviet Union. We are not dealing with a group of amateurs.

Our paramilitary operations are but one element of our general strategy in the short term, they are critical to providing a shield for our friends against the destabilizing activities of Nicaragua. America's covert action program is designed to disrupt the flow of arms and equipment to the Sandinistas' friends in El Salvador. By its very design, our covert program is not tailored to topple the Nicaraguan Government, not trigger a border war with Honduras.

Our program is designed to bring the Nicaraguans to the conclusion that they must join in an accommodation, and convince the Nicaraguan Government that they should stop meddling in the affairs of others. Our Government now believes that the operations of the anti-Sandinistas in the northern highlands and the Honduran interdiction efforts have reduced arms shipments by ground to El Salvador.

I strongly believe that America's paramilitary efforts in Central America are in keeping with the spirit of the Boland amendment. That amendment prohibits the expenditure of funds for the purpose of overthrowing the Nicaraguan Government or provoking a border war. America's efforts are clearly not intended to create that effect. We intend only to create conditions in which Nicaragua stops its intervention, returns to a democratic course and no longer threatens our security and that of our neighbors.

Finally, the issue before us is this: Are we for or against the President's initiatives to stop the spread of communism in Central America? If you support our Nation's efforts, then vote against this legislation. Let us not undermine our President in his efforts to bring peace and stability in the region.

Mr. RUDD. Mr. Chairman, will the gentleman yield?

Mr. BROOMFIELD. I yield to the gentleman from Arizona.

Mr. RUDD. Mr. Chairman, it is disturbing that there is such partisanship surrounding the issue of H.R. 2760 and all of the unfortunate misinformation that is clouding the real issues at stake here.

The objective of this measure, say its proponents, is to put a halt to U.S. covert support for those forces seeking the overthrow of the Nicaraguan Sandinista regime. A secret war is supposedly being conducted by the American CIA in Central America, according to bold-face headlines in assorted media. We must stop this underhanded involvement by the United States, say the critics, for we have a moral and ethical obligation to not aid in the overthrow of any government.

It is now a highly partisan matter, with a great deal of public debate, despite the fact that our own secret session last week was not heard by the American people.

Thus, the arguments in favor of this measure are limited; its true direction is lost with the constant reminders of Vietnam, the choice and alleged abuses of the CIA, cries of American imperialism and warlike tendencies, and, of course, the human rights violations committed by friends of the United States. The inflamed rhetoric, as does this bill, strikes at the heart of President Reagan's policies in Central America. But it does more than that: It is being used to justify a faintheart-ed American policy throughout the Western Hemisphere, to give in to totalitarian Communist aggressions in our own backyard, and to strip our country of one of the most effective options the United States has short of sending troops to the region.

This bill's adoption, I believe, would lead to heightened military conflict among the nations in the region and ultimately less freedoms, less stability and more Communist domination in the Western Hemisphere.

The evidence we have clearly indicates that the Soviet Union, through the Eastern bloc, Cuba, and now Nicaragua, is unquestionably behind the systematic and persistent funneling of heavy armaments, military commands and other materiel into El Salvador. Even the administrator's detractors do not doubt this; the committee reports written by the majority acknowledge as much.

An unprecedented military buildup is taking place in Central America, notably in Nicaragua, and to the Communist terrorists operating in El Salvador. How does this bill attempt to deal with that undeniable problem? By imposing strict and unilateral restraint on the part of the United States.

H.R. 2760 tries to distinguish a difference between "covert paramilitary operations," and "open assistance" to friendly countries in Central America, on the part of the United States. The first is prohibited, the latter allowed and even expanded upon, with no credible explanation as to which serves U.S. objectives better—our primary objective being to interdict the growing tonnage of weaponry directed out of Nicaragua.

While rejecting any form of support for anti-Sandinista groups, whether for the expressed purpose of preventing Nicaraguan arms shipments or not, this measure requests $80 million in aid to hand out to neighboring nations with the same goal. Such assistance has not been requested by the "friendly" unnamed foreign nations alluded to under this proposal.

One possible use of these new interdiction funds, as suggested in the committee report for H.R. 2760, is "barrier fencing." This would involve the fencing off of unknown miles of territory to cordone off key land supply routes. The cost of such an effort, as estimated in the report, would amount to $227,000 per mile. Without questioning the effectiveness of such a suggestion—one need only look at the gaping holes in our southern border barriers—the cost would far exceed our current support for Contras.

Another question to be asked of the committee's approach is to what degree an overt program will intensify the hostilities among the participating nations. It is a question we cannot answer, or predict, because H.R. 2760 does not attempt to look beyond the immediate task of placing a ban on our President's policy.

There are legal differences as to whether the Boland amendment has been violated through the support of anti-Sandinista groups. Critics of the administration have taken the view that U.S.-backed forces in Nicaragua are capable of overthrowing the Sandinistas, something that Sandinista leader Daniel Ortega himself dismissed over Managua radio this year. The anti-Sandinista groups, he said, "only have a few infantry weapons * * * this prevents them from carrying out even medium-scale military actions on a regular battlefield."

Eliminating American options in Central America will not lessen hostilities; it will open the door for a free-reigning Nicaraguan-Cuban-based insurgency throughout the entire region; it removes an important strategic tool, and does it without regard to Communist behavior in the heart of the Americas.

Stripping the President of a valuable and effective means of halting increased arms shipments to friends of the United States is not something this Congress should do if it wants to thwart communism in our own backyard, H.R. 2760 is a prescription for the death of democracy and strides toward peace that cannot be won with the United States in the background. This bill condemns American support for the hopes of its neighbors while at the same time offering an invitation to pronounced enemies of Western civilization.

It is unfortunate that this issue has taken on partisan significance. It is unfortunate that this Congress is attempting to undermine the President's role as our Nation's leader in foreign policy. A disjointed effort by the United States must surely be greeted enthusiastically in the halls of the Kremlin and among the Marxist-Communist elites in Havana.

The bottom line is whether this Congress is willing to do what is necessary to back our friends in Latin America and strengthen the hopes of the millions who seek freedom from want and slavery. H.R. 2760 takes a step back from this commitment, and I urge its defeat in the House.

Mr. ZABLOCKI. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. WEISS).

Mr. WEISS. I thank the gentleman for yielding this time to me.

Mr. Chairman, the strongest argument for supporting this legislation and for opposing covert action against Nicaragua appears in the bill itself at page 3.

The finding by the Congress at that point says, and I quote:

In the absence of a state of declared war, the provision of military equipment to individuals, groups, organizations or movements

seeking to overthrow governments of countries in Central America violates international treaty obligations, including the Charter of the United Nations, the Charter of the Organization of American States, and the Rio Treaty of 1949.

The language of the bill then goes on to say that these are activities that are engaged in by the governments of Cuba and Nicaragua regarding El Salvador. But, of course, that is exactly what our Government is doing in regard to Nicaragua.

Nowhere in any of those international obligations does it say that the United States is exempted from the prohibitions; if indeed the Cubans and the Nicaraguans are in violation, then most certainly so is the United States of America.

I would hope that we would not apply a double standard and say that it is terrible for the Cubans and the Nicaraguans to be in violation of international treaties, but that it is all right for the United States. We have always deplored so-called outlaw nations. We have the opportunity, by adopting this legislation, to stop the United States from being an outlaw nation itself.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Chairman, in debating U.S. policy toward Nicaragua and covert assistance for the Contras, we should keep in mind the objectives of that policy and the results achieved.

Our objectives, very clearly, are to stop the Sandinista support for the leftist guerrillas in El Salvador and to reach a negotiated settlement for peace in the region.

The results have been disruptions in the flow of arms to El Salvador and, finally, last week, an indication from the Sandinistas of a change in approach as indicated by their offer of their own peace plan for the region. Although there are some problems with their proposal, the basic thrust of the plan reflects many of the same concerns the United States has expressed and reflects the goals of the Contadora group.

The question is, Why have the Sandinistas changed their position on negotiations and the supply of arms to the conflicting forces in El Salvador? I submit it is because of the pressure they are facing from internal opposition to their regime and from external pressure from other nations in the hemisphere. It would be a serious mistake to change that pressure at a moment when there is very positive movement by the Sandinistas.

In the debate to cut off covert assistance to the Contras in Nicaragua, there is never mention of the desirability to cut off assistance to the freedom fighters in Afghanistan. Why is aid in the one case acceptable, but not in the other? In both cases our national security interests are very much at stake, and particularly in Central America, we are faced with a threat of staggering proportions.

The estimates of 8 to 10 percent of the population of that region coming to the United States as political refugees would overwhelm the capacity of the United States to absorb that number—600,000 boat people from Southeast Asia cost the States and Federal Government billions of dollars. Two million-plus "foot people" would be an economic overload on America's taxpayers.

I urge my colleagues to stick by a policy that is working and that is more cost efficient than any of the alternatives that might be considered. The cost of an overt assistance program is astronomical, and the cost of doing nothing would be a price we could not even afford. So, our best choice is to continue the policy we are undertaking now.

I urge my colleagues to defeat H.R. 2760.

□ 1410

Mr. ZABLOCKI. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. FASCELL).

Mr. WRIGHT. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the majority leader.

Mr. WRIGHT. Mr. Chairman, I thank the distinguished gentleman from Florida (Mr. FASCELL) for yielding. I wanted to give just a few more words of detail with respect to what my amendment that I hope to offer tomorrow will accomplish.

It will formally find that the Government of Nicaragua has broken its promises to the OAS and has violated article 18 of the charter of the OAS.

It will direct the President to seek a prompt reconvening of the foreign ministers of the OAS to reevaluate the compliance by Nicaragua with its formal commitments of July 1979 and with the charter of that organization.

It will direct the President to seek prompt actions by the OAS to bring about verifiable agreements to halt the transfer of military equipment to groups seeking the violent overthrow of governments and to reinforce the principles of the San José Conference of October 1982.

It will express our support for multilateral action through the Organization of American States as well as for the efforts of the Contadora group.

Mr. Chairman, I thank the gentleman from Florida (Mr. FASCELL) for yielding and for allowing me to use this much of his time.

Mr. FASCELL. Mr. Chairman, I thank the leader for a fuller explanation of the amendment.

I took this time to simply state that I voted against the resolution when it was in the Committee on Foreign Affairs and will probably support some kind of an amendment to it in the nature of that which the majority leader has just outlined. I take this time not to try to convince anybody because I have more sense than that, but I just thought it was essential for me to get on the record for myself some of my own thinking.

When I examined the issue—I looked at the hard work that was done by the Intelligence Committee with respect to the United States taking both a legal and a moral position as a matter of policy, and once again recognized that we have such a committee—I saw all of that as a big plus for the United States. It is better for this country, when we are dealing with the kinds of problems we have to face every day, because it gives us a focus, a location and an opportunity to discuss major issues of policy of this kind which heretofore had always been buried somewhere. So I feel all of that is a big plus.

I am not an exponent of covert operations. I never really thought such operations worth too much. I have always felt that you really need to be on top of the table with your politics. Your opposition, of course, has a free hand and can go both overt and covert, and it does not make any difference to them. They have no legal or moral restraints.

But this issue would not be any better if the money was placed in the defense budget and the action technically called overt. The country would still be faced with the same problem. So it is not a question of whether it is technically covert or technically overt. The fact is that we have a policy problem that we are trying to deal with. I did not see how this bill did that except in a very technical sense, because what it did is, it said, "You can't help the guerrillas in Nicaragua." If that is the kind of policy we want, we could just cut off all aid and say that we will just do something else, although I am not sure what that is yet.

But then it says that we will help these friendly countries. I had a problem with that. The problem was that Costa Rica is declared neutral in the fighting, belligerent on the side of democracy, and it has no Army; and now we are going to give them a lot of money to go and do our job to interdict the arms, and I am not quite sure how they are going to do that.

I suppose there was an undercurrent also in my own thinking that said, well, probably what they would do, if they really want to help us, is pay the money in some way over to the guerrillas in Nicaragua, because all money is fungible. But the trouble with that is that there is no covert "funny business" that can be done any more. It would be on camera the next morning.

It is the same way with Honduras. Honduras is already a big U.S. tripwire. Now, what we would propose to do is give it more money to be a bigger tripwire, and already those two countries, Nicaragua and Honduras, are so nervous that anything could set them off just like that.

And now we have got our people directly involved on the border. This is the question: What are we prepared to do? Are we really helping our position, or are we not? If we are truly trying to stay out of war, we surely do not want to be building up in Honduras to create animosity or exacerbate the kind of animosity that already exists between Nicaragua and Honduras.

So, I had a little trouble with that, and I thought, well, there is no pressure on the Nicaraguan Government either. It is not that we did not give them a chance, because they were all up here and they were all telling us what good guys they were. We put money up for them. We did all kinds of things. They ran all the moderates out. They went back on everything. They refused to have elections, and finally the U.S. Government cut off the money.

So it was not all one sided, although I admit that we have to live down the past because we supported a very corrupt regime that was highly repressive.

The point is that there is substantial responsibility on the Government of Nicaragua to bring about a resolution of the difficulties in Central America. They helped create the problem—they should help solve it. We should immediately test the initiative recently addressed by the Government of Nicaragua and until such agreement is reached we should declare openly our preference for the principles laid down in the San José Conference and those who are fighting to implement them.

The CHAIRMAN. The time of the gentleman from Florida (Mr. FASCELL) has expired.

Mr. HYDE. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I was impressed, as I always am, by the remarks of the majority leader, who said that we have spent too much time imprinting our will on Central America. He was never more right. He must have had in mind the foreign aid bill that we have given birth to in our Committee on Foreign Affairs, a bill which has 10 pages of qualifications that must be met before we give any money to bleeding El Salvador.

We demand that they dialog with the opposition without preconditions; we demand that land reform move right along; we demand a standard of human rights that we do not demand of any other country in the world.

We are not holding hearings about human rights in Lebanon. We do not impose a land reform program on the West Bank. We are not concerned about the use of cluster bombs in Lebanon. But with respect to El Salvador, bleeding El Salvador, we require 10 pages of qualifications, and they have to meet a standard that we impose on them, a standard that we impose on nobody else in the world.

How right the majority leader was. That is not gunboat diplomacy; that is called dollar diplomacy. When a gunboat sails by, it has a psychological impact, but when we withhold money from a country that has a dirty civil war going on, we are taking food off the table, we are taking housing away, we are taking security away.

The majority leader is so right. We do impose our will on poor El Salvador.

Now, as to the issue here, there are two reasons cited in support of cutting off covert aid to the freedom fighters in Nicaragua. One is that it is not working. I suggest that the Joint Chiefs of Staff think it is working. I suggest to the Members that it has been operative in Nicaragua for only about a year, and Eden Pastora has been in the country since April 15, for a mere 3 months.

I know that we Americans prefer instant gratification. We like to push a button and get results. We do not know anything about the oriental virtue of patience. But I suggest that 3 months is not enough to give Eden Pastora, the most charismatic leader of the contras, an opportunity to do this work.

□ 1420

So let us not push the buttons. Let us give it a chance to work.

You know, so much liberal guilt permeates this Chamber. It would seem to me that we ought to feel guilty not helping the Miskito Indians resist their genocide.

You know, ignorance is salvageable, but stupid is forever. Why grant a sanctuary to the Communist exporters of subversion in Nicaragua? Why not make them pay a price for what they are doing?

One dubious achievement, and it surely is dubious, of our recent foreign policy has been our preoccupation with granting immunity to Communists all over the world. Cuba in 1962; at least we got a tradeoff there when we granted them immunity from invasion. We got rid of the Soviet missiles from Cuba. I do not know what we are getting from Nicaragua in granting immunity to them and granting them sanctuary there.

I was reading the CONGRESSIONAL RECORD, and please thumb back through your old copies to January 27, 1976, on Angola. Oh, what great reading that is. Some of the same voices here were using the same arguments there. "Don't give covert aid to the freedom fighters in Angola. It will drive them into the arms of the Russians."

Well, we did not. We cut it off. We adopted the Tunney amendment.

By the way, some of the same voices said, "The Russians can't last over there. They are more racist than the Americans. They won't last long at all. They don't mix well with the Angolans. Why, they will be as unpopular there as they are in Mozambique."

Well, the Soviets are still there. They are still there and this is 1983, but we hear the same argument that was flawed then and it is going to fail now.

Now, why deny the President the option of covert aid in Nicaragua? I guess it is how you view the enemy. If it was Hitler, my God, we glorified the French underground, did we not? We did not think they were immoral or indecent, did we? We thought they were great people. We thought they were doing a great job because Hitler was the enemy. Now that it is the comandantes of the Sandinistas, somehow it is not just gentlemanly to engage in covert activity.

The second reason, the sponsors offer, is that covert support is not in our national interest; to aid the poor bleeding Miskito Indians, to support the efforts of Eden Pastora and the other group, the FMN in there.

And what have we got to sell us this? A letter today from the chairman, Mr. BOLAND, with five distinguished signators—McGeorge Bundy. His tenure was 1961 to 1966.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 additional minutes to the gentleman from Illinois.

Mr. HYDE. There is Robert McNamara, 1961 to 1968; Ed Muskie, 1980 to 1981; Dean Rusk, 1961 to 1969; Cyrus Vance, 1977 to 1980.

Now, the statement has no new evidence. It has no new arguments. So what is it? It is what we call a "resort to authority." Well, this is surprising to me, because there is a universal consensus among students of international politics that it was during their tenure in office, it was while they manipulated the levers of power, that the strategic strength, the political strength, the military strength of this country declined, weakened down to where we are Gulliver, tied down by "Lilliputians" in Central America.

This is a universal consensus of academics and practitioners. It was during their years in office that we have become an impotent spectator to the spread of subversion in Central America. So if they are your authority, I am not persuaded, because they gave us years of failure, years of strategic decline, years of paralysis; so as authorities, I am not persuaded.

We have a problem in El Salvador, one of the three democracies: Costa Rica, Honduras, and El Salvador.

The route charted for us by the theologians of the left is the politics of paralysis, to deal with this problem without going to the source. If we do not go to the source, we are going to have to save country after country down there. It is just not going to work.

I suggest that we are just as moral in resisting communism as we are in resisting social injustice and poverty in Central America. The only commodity the Communists produce, and they do this well, I concede, is refugees.

Mr. Chairman, now I yield to my friend, the gentleman from Georgia (Mr. FOWLER).

Mr. FOWLER. Mr. Chairman, I thank my friend, the gentleman from Illinois.

I just wish the gentleman would tell us what he means by "going to the source." What is the source?

Mr. HYDE. Well, I do not mean what the senior Senator from New York meant.

Mr. FOWLER. I would like to have the gentleman from Illinois just tell us what he means by "going to the source." I know what Senator MOYNIHAN says.

Mr. HYDE. Well, I understood the question and the gentleman did not need to repeat it.

Now, the answer is that by going to the source, I do not mean what Senator MOYNIHAN meant, to reinstate the embargo against the Soviet Union. I mean carrying the struggle to Nicaragua, so long as they carry it outside their borders.

Mr. ZABLOCKI. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. WOLPE).

Mr. WOLPE. Mr. Chairman, I rise in very strong support of the Boland-Zablocki bill.

There probably are few votes that we are going to be casting in this session of Congress more important than the one before us now. In addressing this legislation, of course, we will be at the same time simultaneously addressing the broader question of the Reagan administration's approach to Central America.

Mr. Chariman, what the Reagan administration offers in Central America is a quick fix, in the form of a military solution. That is a quick-fix solution that in the long run will only delay and complicate the difficult policy choices we now face.

I do not doubt American capability to topple governments. I do not doubt that American military strength and covert action has the capability not only of toppling governments that we see as unfriendly, but we also have the capability, very likely, of sustaining in power—for extended periods of time—governments that would not otherwise remain in power because of an absence of popular consensus within their own countries.

The question is not whether we have the power to do that kind of thing. The question really is, does the exercise of that kind of power, in that way, best serve American interests and the interests of the region?

Are we really better off today in Guatemala after overthrowing the government in a coup in 1954?

Is Chile a more stable friend today after 10 years of Pinochet whom we supported in overthrowing the democratically elected government of Salvadore Allende?

Did our country really benefit from maintaining the Somoza family in power in Nicaragua for decades?

Did we really benefit from seeing the U.S. military occupy and control Nicaragua for two decades?

There is no question, Mr. Chairman, of our capability of exercising power in a way that can maintain governments and destroy governments. The issue is, does that serve American interests? And is that kind of action consistent with American values?

Few Americans know much of that history that I just cited, perhaps because it is not a history of which Americans can feel terribly proud. But there is virtually no Latin American that fails to recall that history. That is why when we return in 1983 to a form of gunboat diplomacy—and that is what it is—we do nothing but perpetuate and recall those memories and that tradition of intervention in the internal affairs of our Latin American neighbors. That is why the illegal effort in which we can now engaged—the effort to operation the Nicaragua Government—is so counterproductive in the long run and so ill-serves American national interests.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. ROTH).

Mr. ROTH. Mr. Chairman, I thank the gentleman for yielding.

I am deeply concerned about the politicizing of our foreign policy. I do not feel this augurs well for our Nation.

In this debate, we have looked at ways to restrict the President's authority to conduct foreign affairs. Many in this House seem to believe that the Congress should conduct foreign policy.

The power of Congress is the power of appropriations. It is an important constitutional power, but it is not an absolute authority to control foreign policy.

We cannot conduct foreign policy without the President. He is not our agent and we are not his servants. This Boland-Zablocki amendment rejects, as I see it, the concept of partnership.

□ 1430

Certainly in foreign affairs we can put aside our partisan differences and work for objectives we pronounce so loudly here on the floor: Free elections, human rights, and all those other principles to which we subscribe.

We cannot have 435 Secretaries of State. If our goal is a negotiated settlement, then we are on the right track.

What do the proponents of the Boland-Zablocki amendment believe has induced the Sandinistas to respond to the Contadora proposals?

Does any Member of the House believe that the Sandinistas are not now being forced to pay a price for their support of aid and direction to the guerrillas in El Salvador?

The Sandinistas are beginning to understand that the United States will extract a price for their aggressive policies, and it is a price which Nicaragua cannot afford. That is why we are opening the door for the Contadora group and that is precisely why the United States should maintain pressure on Nicaragua by continuing present polices and objectives.

I would hope that we in this House are all working for the same foreign policy goals. We want to have peace and stability in Central America. We are not going to have peace and stability in Central America if we are disunited and in disarray in our own country and our own Congress.

I think we must speak with one voice and with one goal.

Mr. ZABLOCKI. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. GARCIA).

Mr. GARCIA. Mr. Chairman, I would just like to pick up on the theme put forth by my majority leader, JIM WRIGHT. He talked about the Hispanic mentality and how the Hispanic countries of our hemisphere are looking at us today.

There is no question in my mind that as a Hispanic, as I take this floor, that many of those nations have said to themselves that we have lost our morality and we have lost our morality because, in fact, what we have done is that we have taken it upon ourselves to go through the same principles and the same mode of operations as the people of the Soviet Union, or the Soviet Government, who are spiritless and who do not understand morality.

We have found ourselves in the same boat with them.

Just let me say I wonder if some of my colleagues here who are in support of this particular measure would welcome Somoza back or would welcome Batista back. These are the people who we find ourselves with today as the root cause of the problems.

We ended up in a situation where we had a duly elected government in Chile and we took it upon ourselves to join with the military and we took it

upon ourselves to overthrow that government.

I would say to each and every one of my colleagues that as far as I am concerned, if we are going to go into Nicaragua, let us be open about it. Let us tell the world we are going in.

Not too long ago in my office, I had a member of the military of the Nicaraguan Government come to see me. I said to him very specifically and very clearly that as far as I was concerned our Government was doing more to help the Leninist-Marxists that are in control today because what we are doing essentially is we are saying to the world that we as Americans, who have always been on the right side, are now going to do the same thing as the Soviets.

I say that to you because I think it is important that we understand that the Nicaraguans themselves have many of their own problems and there are many people in Nicaragua who in fact do not want to participate with the Sandinistas or with the Marxist-Leninists, but they have no choice today because what we are essentially doing and saying is that we are threatening them.

I do not think there is a Member in this Chamber, regardless of who the President is, whether on the extreme liberal or conservative side, that if anybody threatened our border that we would not all band together to fight that enemy, whoever that enemy may be. That is exactly what is happening in Nicaragua today.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. McCAIN).

Mr. McCAIN. Mr. Chairman, I think this Nation is faced with four options to solve this problem in El Salvador, if we agree we have a vital stake in the events that take place in that part of the world.

The first option, of course, is to give up, stop all aid, and find another line of defense.

The second is to declare an air and naval blockade or quarantine, which I do not believe is politically acceptable or militarily wise.

The third option is to intercept weapons after they leave Nicaragua, granting sanctuary to the country of Nicaragua to stop them en route or discover them once they are in place in El Salvador.

The fourth option is what we are doing now, which is to assist those people who are striving for the enforcement of democratic rights which were promised them by the Sandinista government and promised to the OAS.

I was interested that the chairman of the Intelligence Committee said he would be ready to pay whatever it takes in order to enforce interdiction while granting sanctuary to Nicaragua.

In the Vietnam war, a similar cost of over $3 billion in then-year dollars, did not have a single bit of success, nor does that kind of operation ever do so.

I am unaware of any military expertise on the Intelligence Committee or Foreign Affairs Committee that has found a way, a new way of interdicting without the use of American soldiers.

I would like to add my voice to that of Secretary Weinberger who said:

Given the limited resources of friendly Central American nations and their shortage of trained personnel, an interdiction program of this magnitude would certainly require extensive deployment of U.S. personnel to the area.

My amendment to delete the $80 million which is in the Boland-Zablocki bill will be brought up I hope, and I believe that the worst thing we could do is to get ourselves into another situation where American troops would be involved.

Perhaps Bianca Jagger could come up with some resolution to this present program, we are being asked to provide small amounts of money to people who want to fight and if we do not give these arms and assistance now we may give them American blood later.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. McCLOSKEY).

Mr. McCLOSKEY. Mr. Chairman, I rise today in strong support of the Boland-Zablocki resolution, and particularly wish to associate myself with the remarks of the gentleman from Indiana (Mr. HAMILTON) and the gentleman from Texas (Mr. WRIGHT).

I would note that the gentleman from Texas (Mr. WRIGHT) hit the nail on the head when he said we are not talking about an irritant, a minor item in Nicaragua, but what it actually does is constitute an outright invasion.

We have militarily supported about 10,000 people in that area now in a country of 4 million people. If we were to be facing the same thing in the United States it would be possibly the equivalent of 500,000 people in the Southwest, hardly a minor item.

I would also note as these ideologies clash I think probably one of the main things we can be concerned about is what happens to the actual people who are at the bottom, the people and the peasants of these particular countries, as they are faced with the results of our policies.

With that in mind I would like to relate a few comments I received recently from the superior general of the Maryknoll Order, Father James Noonan.

□ 1440

He wrote to me in part:

I am deeply concerned by the use of covert activity by our government in Central America, particularly against the tiny country of Nicaragua.

I am concerned for the loss of innocent life among the poor people of Nicaragua, who have already suffered years of poverty and misery under the Somoza dictatorship, and who now must make tremendous sacrifices as the country attempts to rebuild itself.

This is very important, I ask your attention:

Over 500 people have been killed so far this year by troops stationed in Honduras, armed and trained by United States "covert activity." Most of these people have been the poor, and some of them have been lay leaders in the church, who only sought to serve their sisters and brothers and to follow Christ more closely.

I am also concerned, as an American, when any administration carries out a policy which contradicts the basic principles which have made our country great.

Mr. BROOMFIELD. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. STRATTON).

Mr. STRATTON. I am glad that we are discussing this matter of the Caribbean today rather than trying to do it last night as a number of Members tried to do on a bill that was totally unrelated.

But, I think it was quite clear then that an overwhelming majority of the House repudiated those efforts to try to associate the two items and to put that effort on a strictly partisan basis.

I am strongly opposed to the resolution and to the effort to eliminate the current covert operations connected with Central America.

I think there are two points that ought to be made clear with respect to the effort to eliminate covert activity.

In the first place, it is the Intelligence Committee that has taken the lead in trying to eliminate covert activity.

But, if the Intelligence Committee does not want covert activity, then there is really no point in having an Intelligence Committee. It is only the covert operations that are supposed to be so secret that you have to have some select committee. If covert operations are to be abandoned; then perhaps we can once again reconstitute the Intelligence Subcommittee of the House Armed Services Committee.

One other point. We should recall that in past years we have commented that the Russians are a lot smarter than us because they had surrogates fighting for them and thus they did not risk their own troops. They had the North Vietnamese in Vietnam; they had the Pathet Lao in Laos; they had the Khmer Rouge in Cambodia and the Cubans in Ethiopia. But we Americans always had to fight with our own troops. Not until the Soviets moved into Afghanistan did they commit their own troops.

Well, here we have in South America, with a group of people, the Contras, who are dedicated against the Sandinistas, a unique opportunity to

have somebody fighting in our behalf, to distract and complicate the activities of the Nicaraguans so that they cannot devote their full attention to that matter of supplying arms to El Salvador and sending in Communist guerrillas to overthrow the duly elected government of that troubled country.

I think that using surrogates, when they are available is a cheaper and a more effective operation and I think we would be stupid to eliminate that surrogate assistance.

Mr. ZABLOCKI. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. COLEMAN).

Mr. COLEMAN of Texas. Mr. Chairman, I rise in support of the pending legislation.

Mr. Chairman, the legislation pending before us today, H.R. 2760, is timely and balanced to meet our foreign policy needs. I applaud the efforts of the Intelligence and Foreign Affairs Committees in adopting the final version of this legislation. While the responsibility of formulating foreign policy lies with the executive branch, it is incumbent on the Congress to curb that power when the scales tip dangerously in one direction. That is the situation facing us today. Military assistance to Central America outweighs economic assistance and ignores the facts underlying the insurgents success—that is, poverty, indigence, oppression, and gross underproduction. In order to successfully counter these historic problems, our policy must address both humanitarian and security concerns.

The amendment to the Intelligence Authorization Act of 1983 is consistent with U.S. foreign policy and international law. We can ill-afford to scold Nicaragua when they are willing to sit down at the negotiating table and discuss the arms trafficking issue. To date, our response has been an escalation of military involvement including the training of troops and the dispatch of aircraft carriers. These moves are counterproductive in the perception of our Latin American allies.

On a recent trip to Caracas, Venezuela, to celebrate the bicentennial birthday of Simon Bolivar, I became even more aware of the need to support the proposals of the Contadora Four; namely, Venezuela, Mexico, Colombia, and Panama. While U.S. diplomatic relations with Venezuela reached a low point during the war in the Malvinas Islands, our mutual concern over the hostilities in Central America and overwhelming commitment to democracy has drawn the two countries closer.

I am convinced that the United States must stop the military escalation in Central America, as recommended by our friends in Central and South America as well as our allies in Europe, and support economic and social reform in the region. I could not agree more with the Contadora Four that military escalation abets Nicaragua's underlying desire to pursue a "revolution without frontiers" which would necessarily involve Soviet and Cuban expansionism.

In order to effectively counter the hostilities in Central America, we must work within the parameters of democracy and regain the confidence of our neighbors to the south. I strongly recommend the support of my colleagues in this most urgent legislation.

President Reagan recently issued two clear warnings to the Congress and to the people of America regarding U.S. policy in Central America. The first is the oft repeated domino theory—that is, if El Salvador falls to the Marxists, all of Central America will fall and guerillas will be threatening the southern border to the United States. The ominous portent of a Communist takeover can be thwarted, so the argument goes, by the generous infusion of overt U.S. military assistance to El Salvador and covert assistance to Honduras and to the Nicaraguan rebels. The second warning deals with timeliness. In order to divert an invasion, we must act now to bolster the forces of our Central American allies.

Trying to look at the big picture when El Salvador and Nicaragua are still engaged in battle is not an easy task. But we must, as a nation, visualize where our foreign policy is and where we want it to lead. As a Congressman from our southern border with Mexico, I feel a responsibility to discuss these issues and urge a viewpoint that can be clearly understood by my district and the Nation.

No American wants the United States to have to send young men into battle anywhere in the world. We have nevertheless always been prepared to commit troops in order to stop those who would deny freedom to those who possess it. Yet we have always believed in nonintervention in the internal affairs of other nations—a policy America should unswervingly pursue.

While I agree that our immediate attention could forestall an imminent crisis, I would redirect our focus from just El Salvador and Nicaragua to their immediate neighbors as well. Panama, Guatemala, Belize, Honduras, Costa Rica, and all of Latin America are not immune from either internal revolution or exported violence. Several countries in our hemisphere, besides El Salvador and Nicaragua, are troubled economically to the point that they too may at any time become new flash points of conflict. Before they are actively challenged by revolution from within or by intervention from without, we must use the vast resources and talents of our nations to prevent any government or revolutionary from believing they can induce the citizens of their own or another country to take up arms and succeed. The vast resources I refer to are not our armies, but instead our teachers, our farmers, our doctors, and our know-how. We are a people who care about our fellow man—our attention to schools, hospitals, and natural resources are the serious attempts of a democracy to see that even our poorest people do not go without food, education, and medical care. That must be what we export to Central America.

How does that kind of intervention reach the peasants, who probably do not debate economic theories or political philosophies, but who care a great deal about their starving children and their day-to-day existence? We must first reach the government in power which has the ultimate responsibility for its own citizens. Perhaps a real example from a Catholic nun who reported to the Congress in July will highlight our problems of providing military support to one side of a revolution. Jalapa, Nicaragua, is a town within 10 miles of the Honduran border. All during the Somoza regime there were no schools or hospitals there. Since the Sandanistas took over by revolution, they have built both. We were told that the people's only fear in and around that town is the frequent attacks by U.S.-backed rebels, called Contras, who cross from Honduras into Nicaragua, and the ensuing government repulsions of the rebels by force. Most of the people in rural Nicaragua do not know what Marxism is, but the people near Jalapa know they now have a school and a hospital. Where was our foreign policy and what has it been achieving for the last 30 years?

Surely we can avoid the same mistake of neglect in other Central American countries. Perhaps we will be too late. But I do not believe that Americans will turn their backs on any people that are starving or neglected, or brutalized and murdered by their own government or by outside forces. Nor will we have to go this alone. Some nations have offered their assistance and leadership to prevent one crisis after another from occurring. Troubled countries in our hemisphere not yet actively challenged by revolution or Cuban intervention must be helped now if we are serious about preventing future attempted takeovers in the region.

These countries are known as the Contadora Four and consist of Mexico, Venezuela, Panama, and Colombia. As independent nations in our hemisphere, I believe their willingness to intercede and make recommendations to us can be the most important revelation of our time. Those governments who want to help bring stability to the region possess qualities foreign to the United States. These are a culture, a heritage, and a language that our

country has neglected for too long. I believe that the United States should encourage Mexico to take the lead with Panama, Colombia, and Venezuela to seek negotiations in El Salvador and Nicaragua and between Nicaragua and Honduras. But we should not stop there. With our resources we should stand behind these nations and encourage them to provide recommendations to our Government about how we can all make their entire regions more stable. With the efforts of all five countries—including the United States—perhaps a school or a hospital will be built somewhere and a generation of people may not learn that resolution is necessary.

The United States has sought to protect Latin American interests since 1823 when the Monroe Doctrine outlined "spheres of influence" and the policy of nonintervention. The creation of the Organization of American States in 1948 provided a forum for the discussion of Latin American concerns in Washington. The Rio Treaty of 1947 outlined our commitment to security for our hemisphere. Having expressed a sincere interest in the direction of Latin American relations, we should now, in 1983, place a greater emphasis on relations with our neighbors by getting specific about our foreign policy.

If one accepts the assumption that the region's turmoil is in some part caused by economic conditions, then economic initiatives to meet massive unemployment, underproduction, extreme inequalities, and chronic neglect of the agricultural sector must be implemented and should be the cornerstone of U.S. policy. As a nation we should redress the imbalance in the current U.S. assistance program. In spite of administration claims to the contrary, primarily military aid now outweighs primarily developmental aid by a ratio of 2.5 to 1. I would propose trebling development aid from $160 million to $480 million. These funds should be earmarked, dedicated dollars—funneled through channels we oversee and dictate—to promote labor-intensive industries, agricultural production, and for the purposes of providing sanitation, water supply, and health needs. Some exact portion of this economic support fund should be dedicated solely to land reform programs in El Salvador, Honduras, and Guatemala. We should establish a new aid account which would be tied to the peace process. The United States should immediately convene an emergency session of the Inter-American Development Bank and call on Japan, Western Europe, and wealthier Latin American countries to provide $1 billion for additional aid to Central America. Actual disbursement of the funds would be contingent on progress made at a regional peace conference that we should pursue. A regional peace plan for all of Central America may best be implemented from these different directions simultaneously.

First, the Government of El Salvador and the FMLN/FDR must be forced to establish and maintain a cease-fire agreement, enforced by the United Nations, to build the framework for negotiations to include all factions in the electoral process.

Second, and concurrently, the United States, Cuba, and Nicaragua must have direct talks to focus on the issues of the arms flow into El Salvador and Nicaragua and the larger question of a general military buildup in the region. These talks would aim at reduction and eventual removal of all military advisers in Central America and at reductions in the size of national armies. Whether or not Cuba would even attend or seriously negotiate, while important, should not compromise our persistence. Our reputation as an interventionist nation in Latin America could be mitigated and that of Cuba heightened by our efforts.

Third, we should aid the negotiations begun by the Contadora Four to find peace between Nicaragua and Honduras in the short term and heed their recommendations as they formulate a Central American peace plan. If the Contadoras are successful in achieving a regional agreement to respect territorial integrity, the United States should be willing to reduce military aid and assist in its enforcement should violations occur by supporting arbitration by the OAS on any other interregional, peacekeeping forces that have been agreed upon by the countries involved.

To complement U.S. efforts of this three-track negotiating process, in pursuit of conflict resolution, we should enunciate and enforce an even-handed human rights policy. Such a policy would publicize violations by government groups as well as guerrilla forces. An independent board should be set up to evaluate the finding of official and private agencies to preclude a recurrence of the recent State Department findings that although killing in El Salvador had increased by 12 percent, they were not significant.

Finally, to reduce the regional historical fears about U.S. military intervention, the United States should announce its intention to reduce existing advisers in and military aid to each country, in direct proportion to the restraint shown by other outside forces in reducing their military aid and training programs. Long-term actions should envision the creation of a commission composed of all Western Hemisphere nations to study the military aid and regional security needs of the area, based on minimum reliance from outside military aid and maximum cooperation with the Contadora Four, the United Nations, and the Organization of American States.

Certainly the United States, as an integral part of the Western Hemisphere, should and must be a part of any and all negotiated settlements between nations in this hemisphere. But do we have the capability to use wisely the assistance of those nations sharing a culture and a language to initiate and get underway the talks between belligerents in Nicaragua and El Salvador? Surely the efforts by the leaders of these nations could better advise us about the specific needs and directions our resources should take in providing the economic and social assistance needed in those Central and Latin American countries before they too become embroiled in conflict. The President said before a joint session of Congress that he was there to "prevent a crisis." Our policies should insure that is exactly what we do. Instead of just a roving ambassador-at-large, we should be utilizing the offers of other nations in the area and begin negotiating with countries not at war to guarantee economic and social justice for their citizens. That is the only way to insure that we are not asked to commit U.S. troops in this decade, or future ones.

Mr. BROOMFIELD. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. ZSCHAU).

Mr. ZSCHAU. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in opposition to H.R. 2760. I do so not because I am a fan of covert operations, but because I believe a new $80 million arms interdiction program would be both ineffective and dangerous.

The new program would inevitably lead to a regionwide war as the so-called friendly countries try to stop Nicaraguan arms shipments. More importantly, according to the Intelligence Committee report, the new military interdiction program would undoubtedly involve more U.S. military personnel. It is interesting to me that so many of those who just last night voted to stop sending military personnel to Central America favor such a program.

Mr. Chairman, there must be a better way. What we need is a new plan—a carefully articulated plan with clearly understood objectives based on the full range of alternatives. We need to look to diplomatic, as well as military approaches to find a solution to this vexing issue. However, let us recognize that devising and implementing military strategy and diplomacy is the proper responsibility of the President, not Congress. It is the job of Congress to review and provide recommendations on those plans.

I have, printed in the RECORD, an amendment based on these principles. It would replace the $80 million mili-

tary extravaganza with the requirement that the President formulate a new plan.

It would specify the objective for that plan be "to stop those activities of the Government of Nicaragua which provide arms, training, command, and control facilities, or logistical support to military or paramilitary operations in or against any country in Central America." It would require the President to consider the whole range of alternatives to achieve this objective, including bilateral and multilateral negotiations and involvement of the OAS or the United Nations. Finally, it would require the plan be subjected to congressional review.

I cannot support the widening of the conflict in Central America proposed by H.R. 2760. Rather, I want to join with my colleagues and with the President in an attempt to find a better way to solve this problem. Our responsibility to the American people and to the cause of peace demand nothing less of us.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. ZSCHAU. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman.

I briefly want to comment on the last speaker from the other side who seemed to think it was a flaw in our foreign policy that there is a certain village in Nicaragua that did not have a high school. I would suggest our foreign policy cannot possibly build high schools in every village in Nicaragua, but we thought we sent the Maryknoll nuns and other missionary orders down there to do that. But our contributions to the World Bank, the Inter-American Development Bank, and other multilateral and bilateral agencies are, and have been very substantial.

Mr. ZABLOCKI. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Chairman, I have always supported a bipartisan approach to foreign policy and my record of 15 years in the Congress demonstrates that.

Furthermore, there is no one in this body who has consistently voted for a strong defense policy more than I. But, Mr. Chairman, the issue before us is not a question of defense, nor a question of national security.

Just last weekend I represented the Speaker at the 200th anniversary of the birth of Simon Bolivar in Caracas, Venezuela.

□ 1450

I was having dinner one night with one of my counterparts, the former Ambassador from Venezuela to the United States, Senator Tejera-Paris. I asked him, "In the spirit of good faith what would you perceive to be the best approach for the United States to pursue furthering the cause of peace in Central America?"

He responded politely with gentleness: "Please go home. Please leave us alone and let us pursue the cause of peace among ourselves."

But instead we have sent a battle group to the Pacific and a battle group to the Caribbean. And the Chamber of Deputies of Venezuela, one of our best friends in Latin America, responded with a resolution. I have a copy of it here.

It asks that all peace-loving peoples around the world support a concerted peace initiative in Central America; that the Latin American Parliaments join together in support of that initiative; and most importantly they demand the United States and Cuba call a halt to their militaristic policies in Central America. They go on to ask for diplomatic, nonviolent solutions to the problems in Central America. They deplore the decision of the United States to send battle groups to the Caribbean and to the Pacific in order to pursue a policy of intimidation and coersion.

The last peace initiative that we have taken has been forgotten in Central America. We are perceived by our friends in Central America as pursuing a policy of neocolonialism, emulating the historical style and pattern of the Soviet Union. It is ironic that in his lifetime Simón Bolívar failed to unite the Latin peoples under one flag. But in only 2½ years, Ronald Reagan has united Latin America against the policy of the United States, a policy perceived by our Latin brothers and sisters as militaristic and supportive of dictatorships that have provided us with a shameful relationship with Latin America.

Mr. ZABLOCKI. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. SOLARZ).

Mr. SOLARZ. Mr. Chairman, I share the concerns of those Members who have condemned the Sandinistas for their betrayal of the democratic promises of the Nicaraguan revolution, for their censorship of the press, for their harassment of the church, for their blatant acts of anti-Semitism, and for their transformation of Nicaragua into a base for revolution elsewhere in the region.

And I want to make it clear, Mr. Chairman, that I am not among those who are opposed to covert operations under any and all circumstances. Given the nature of the world in which we live, in which diplomacy is not always conducted by gentlemen, there may well be situations in which the national interest is advanced through paramilitary or covert operations. But I am convinced that what we are doing in Nicaragua is both ineffectual and counterproductive and that it therefore ought to be terminated.

The only way to judge the operation now underway in Nicaragua is to evaluate it in terms of the extent to which it is achieving its theoretical purposes and objectives. Is the purpose of the operation to interdict the flow of arms from Nicaragua to El Salvador? The answer is that it has failed miserably to do so. Is the purpose of the operation to overthrow the Sandinista government in Nicaragua? Even leaving aside the extent to which that would be in violation of American law, the fact of the matter is that the administration says that is not the purpose of what we are doing in Nicaragua, not to mention the fact that even the administration acknowledges that it could not be achieved even if it were our purpose.

Is the purpose of what we are doing in Nicaragua to put sufficient pressure on the government there to cause them to cease and desist from the assistance they are providing to the rebels in El Salvador? The answer is that the Government of Nicaragua has offered months ago to sit down at the negotiating table with us in order to work out arrangements in which, if we would undertake not to destabilize them they would undertake not to destabilize others in the region.

It seems to me, therefore, that the operation now underway in Nicaragua has accomplished nothing in terms of its alleged or actual purposes, while it has been completely counterproductive in terms of our larger interests in the region. It has enabled the Sandinistas to justify and legitimize their repression within Nicaragua. It has intensified anti-Americanism throughout the hemisphere. And it has diminished the credibility of American criticisms of the Soviet Union for what they are doing in Afghanistan and in Poland and in other places around the world.

And so for all of these reasons, but primarily because what we are doing in Nicaragua makes no sense whatsoever in terms of its stated purposes. I believe we should support the bill and terminate our participation in this illegal and ineffectual operation.

Mr. BROOMFIELD. Mr. Chairman, to close debate, I yield my remaining time to to the minority leader, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, President Reagan, in his televised news conference, put this entire debate in perspective.

He reminded us that his policy in Central America is composed of three equally important parts: Humanitarian aid, military aid, and willingness to negotiate. The military part gets the headlines. But it is only one part of an equation for peace and stability in Central America.

Take away one of those approaches and the other two are useless.

And that is what this debate is all about. It is not about military aid as such. It is about how best to fit effective military aid into a more complex approach toward lasting peace and justice in that region.

Humanitarian aid gets by far the biggest proportion of funding for the President's program in Central America. You would never know that to judge by his critics. But it is true.

Our willingness to negotiate has existed from the very beginning. Ambassador Stone's mission is only another proof of that.

And so we are confronted with a question of the effective uses of American power, American diplomacy, and American humanitarian aid. We need all three.

Aid to the so-called contras is not the essential question. We could cut off that aid in a minute if the Nicaraguans would stop exporting arms.

It is sometimes said, the Sandinistas are exporting revolution.

Actually they have betrayed the revolution in Nicaragua. They have betrayed it to an alien ideology with its heart in Moscow and its fist in Cuba.

What the United States wants is to stop arms shipments from outside and within the area. The Nicaraguans started this destabilization. They can end the controversy instantly by simply stopping the export of arms. Once they do, we have no reason to continue our own military aid.

But until they do any unilateral reversal of U.S. policy will simply encourage the Sandinistas.

All the United States is asking for is reciprocity. Surely that is not too much to ask. There is nothing we would like to do more than be able to get out of this controversy. But there has to be a mutual, verifiable cessation of arms shipments throughout the entire region.

A cutoff of aid to the contras without reciprocity on the part of the Sandinistas and Cubans is not a solution—it is another and greater addition to the problem.

So we come down to the crucial question: What is the right kind and right amount of American military aid to be used?

On one hand we have the administration's plan to fund the contras until the Sandinistas stop exporting arms.

This is called covert aid. Right now it is about as covert as an elephant standing on a football field. Everybody knows it is there and calling it covert does not hide it. But whatever you call it, it exists. The President is convinced it works and so am I.

Has it been successful? Opponents say arms shipments have not been halted. In a short-term limited sense this might be true. But we do know that the Nicaraguan Government is getting the message. So is Castro.

So let us look at this policy from a long-range point of view. It will stop arms shipments if it brings about a change in attitude of the part of the Sandinistas. And it is doing that. Even the Washington Post admits it has done that.

Has the administration hurt itself by putting forth various rationales for aid to the contras?

Yes, it has. But we should not hold a chance for stability hostage to poor communications on the part of the administration.

So we come down to the final question:

How are you going to get the Sandinistas to stop shipments of arms and thereby stop the destabilization of an entire region?

The answer is by putting effective pressure on them to stop.

How best do you put effective pressure on avowed Marxist-Leninist revolutionaries?

Certainly not by spouting nice-sounding rhetoric about the need to negotiate while avoiding any policy that can bring the Sandinistas to the bargaining table.

The choice is not between a risky policy and a safe policy in Central America. It is between long-range ineffectiveness which will come if we embrace the nonsolution of H.R. 2760 and a long-range effectiveness which is the President's policy. Each policy carries a risk.

For my part, I choose to be effective if we are going to have a risk either way.

Take away one part of the President's three-part program of humanitarian aid, effective military aid, and willingness to negotiate and you cripple the chances for peace and stability in Central America.

Today we can listen to our fears or to our commonsense. Fear and hysteria are no substitute for rational analysis. And I believe that if we calmly and rationally analyze all the facts we will see that the President's complex, unified program deserves our support.

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Mr. MARTIN of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from North Carolina.

Mr. MARTIN of North Carolina. Mr. Chairman, to those who say to us that there cannot be a military solution, we ought to remind them that if we turn our backs on the people of Central America and if we abandon our responsibility there, there will be a military solution because the Cubans and Nicaraguans and the Soviets will impose a military solution on Central America. And that is what this whole issue is about.

Mr. MICHEL. Mr. Chairman, I thank the gentleman for his very valuable contribution.

Mr. ZABLOCKI. Mr. Chairman, I yield my remaining time to the gentleman from Maryland (Mr. BARNES) to close debate.

The CHAIRMAN. The gentleman from Maryland (Mr. BARNES) is recognized for 4 minutes.

Mr. BARNES. Mr. Chairman, I rise in strong support of H.R. 2760, a bill which would prohibit U.S. support for military or paramilitary operations in Nicaragua.

And Mr. Chairman, I want to stress that that is the only issue in this bill. This is not a bill about whether or not we like the Sandinistas. This bill is not a referendum on the Sandinistas. This bill has nothing to do with whether or not the Sandinistas are democratic, or pluralistic, or nonalined, or maintain a private sector. This bill has nothing to do with whether the Sandinistas interfere in their neighbors' affairs. We all know the answer to those questions, but they are not at issue here. How we vote on this bill has nothing to do with how we feel about those issues. This bill has nothing to do with whether or not we should resist Nicaragua's interference in its neighbors' affairs. We should, and we do.

This bill deals only with one question, and that question is: Will we or will we not authorize the Government of the United States of America to seek by military means to overthrow the duly constituted government of another nation—a government, in this case, installed under the auspices of the Organization of American States?

And the answer given to that question by this bill, Mr. Chairman, is "no," the United States should not be in the business of taking it upon itself to overthrow other governments of this hemisphere with which we happen to have disagreements, and we are not going to authorize that. That is not the way we do business in this country.

I would hope and expect, frankly, that every Member of this great body, this House that seeks to represent what is best in and for the American people, would find that statement self-evident, and we would not have to debate the issue any further.

But beyond the fact that it is just not worthy of us, beyond the fact that it is just not the way the leader of the free world should be acting, let me go into some very practical reasons for supporting this bill and not placing the imprimatur of the House on this attempt to overthrow another government.

First, it is illegal. We are a government of laws. We derive our greatest strength from that. It is what distinguishes us from the dictatorships of the world that must govern through fear and coercion. And it is simply illegal under both our own laws and the

treaties to which we are a party to engage in this kind of behavior.

Article 18 of the Chapter of the Organization of American States reads, in its entirety as follows:

No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic, and cultural elements.

That, Mr. Chairman, is open and shut. It is also the supreme law of our land. What gives this administration—or any administration—the right unilaterally to waive that law, without reference to the Congress, without reference to the Organization of American States, without reference to any of the collective security mechanisms and procedures of the inter-American system?

It is also illegal under domestic law, as we all know. We all voted last December for an amendment offered by the distinguished chairman of the Intelligence Committee which prohibits the furnishing of assistance to any group for the purpose of overthrowing the Government of Nicaragua. That, too, Mr. Chairman, is open and shut. Yet the administration continues to do it. It continues to arm, supply, fund, and direct groups whose publicly avowed purpose is to overthrow the Government of Nicaragua.

Second, these actions we are taking against Nicaragua will not work. They will only succeed in further doing what they have already done, and this is alienating the Sandinistas and turning them into the totalitarian state allied with Cuba that we say we do not want them to become. Covert action has not worked, Mr. Chairman, and it will not work. This is documented by the report of the Intelligence Committee on this bill.

Third, our attempt to overthrow this government is very likely to lead to a regionwide war in Central America in which we will be involved. So far, despite the fact that we have put more than 10,000 well-armed mercenaries into battle, they have been easily contained by the Sandinistas because they do not have the support of the people. But the American people should know that if this effort escalates too much further, the Nicaraguans are going to strike at the exile bases in Honduras. The American people should know that if Nicaragua and Honduras go to war, the United States will probably come to the aid of Honduras. And the American people should know that if the existence of the Sandinista regime is ever seriously threatened, the Cubans and the Soviet Union will probably come to their aid. That is the scenario of escalation that we face if we continue our current policy.

Fourth, if we succeed in this dishonorable behavior, we will find that we will not like the consequences. Obviously, the administration has failed to think through the consequences of success. If we threw out the Sandinista regime, what would we replace it with? The people we are backing are not capable of holding power and governing without our support. We would be back in the position of maintaining an unpopular government, installed by us, in power by the force of our arms, against a Sandinista guerrilla force that had gone back to the hills. And once the former national guard—and that is who we are backing—is back in power, its democratic front will be swept aside, and it will wreak vengeance against a whole generation of Nicaraguans who made the revolution. There will be a bloodbath.

I will never forget the day when one of Nicaragua's most eminent exiles, former Ambassador Arturo Cruz, a man who would like to see this government go, sat in my office and said to me, "Mr. BARNES, it isn't likely to happen, but if the FDN wins, the United States must prevent the massacre of the flower of Nicaraguan youth." I wish every Member of this body could have heard that. Is that what we want? Of course not. The error of the Reagan administration is not that it seeks evil, which none of us do. The error of the Reagan administration is its failure to think through the logical consequences of its policy. I do not think that policy will succeed. But if it does, we will all be ashamed of the result.

Finally, Mr. Chairman, we should abandon the policy of seeking to overthrow the Government of Nicaragua because it is unnecessary. There are other, more effective means that we have not even given a fair trial. The Nicaraguans have, at one time or another, offered to talk to us about everything that concerns us about the course of their revolution. We have always refused, insisting that the Nicaraguans meet our demands first. To say that we will only talk after the objectives of the talks have been achieved is, obviously, a formula for no talks at all.

We should stop running the other way every time talks are proposed. We should heed the call of the Contador group, the Spanish, the French, and others to at least try to settle our disputes peacefully. I do not pretend that if we do so we will ever achieve a government in Nicaragua with which we will have no quarrel. That may not happen. But we might achieve a government we can live with. We might arrest the leftward trend of the government before it is too late. We might achieve a situation that is better than anything we could achieve by provoking a war in Central America.

Mr. Chairman, the policy of this Government of trying to overthrow the Nicaraguan Government is illegal, ineffective, escalatory, counterproductive, and unnecessary. A vote to stop it will be a vote for our country, for our interests, for the people of Central America, and for peace and democracy throughout the region.

● Mr. FAUNTROY. Mr. Chairman, I rise in support of H.R. 2760 which would amended the Intelligence Authorization Act for fiscal year 1983 by prohibiting military or paramilitary operations in Nicaragua and by authorizing $80 million in security assistance funds to friendly Central American countries.

I am very supportive of the provisions of this bill which would prohibit military or paramilitary operations in Nicaragua. The Reagan administration is presently providing aid and encouragement to Nicaraguan exiles, many with ties to the discredited Somoza regime, for the purpose of launching violent attacks against the Government of Nicaragua. Reagan administration officials state that this violent activity is for the purpose of convincing the Government of Nicaragua to cease its support for the Salvadoran rebels.

Instead of reducing the violence in the region, this policy is contributing to an escalation of the conflict and increasing support for the Government of Nicaragua internally and externally. Nicaragua is being pushed into more and more draconian measures, and the possibilities for a negotiated agreement through diplomatic means is being frustrated. Our actions with regard to this "covert" but very public intervention are isolating us from other countries of the region, including the Contadora group of Mexico, Venezuela, Colombia, and Panama.

Additionally, the recent heads of Government Conference of the Caribbean Community (CARICOM) in a communique issued in Port of Spain:

* * * expressed deep concern over the situation in Central America (and stated that) the crisis faced by the peoples of this region was rooted not in East-West ideological rivalry, but in deep-seated social and economic ills. They called for an end to foreign intervention, training of mercenaries, and cross-border conflicts. They appealed to contending parties to engage in direct dialogue and expressed support for the efforts of the Contadora Group to bring peace to the area.

The conference reaffirmed its conviction that the attainment and maintenance of peace and security in the region were firmly linked to recognition of the principles of non-use of force, non-interference and non-intervention in the internal affairs of states.

Most alarmingly, the functional impact of the U.S. activity against Nicaragua is that our Government, despite what it may be saying, is actively involved in encouraging and aiding the violent overthrow of the Nicaraguan

Government. This is in violation of our international treaty obligations, the United Nations Charter, the Charter of the Organization of American States, and the Rio Treaty. Functionally, the Reagan administration has also violated previous congressional prohibitions and conditions on assistance to the Contras.

Mr. Chairman, while I believe that the covert war must be terminated, I do have the most serious concerns about the provision of some $80 million of security assistance funds to the brutal military of El Salvador and the military of Honduras. Both El Salvador and Honduras are questionable recipients of such large amounts of military aid.

In El Salvador, the abuse of human rights is legend. Killing and torture are the pattern and practice of the "security forces." The military in El Salvador is a clear and present danger to human life and constitutes the major impediment to much needed economic and social reform. Until such time as the Armed Forces of El Salvador are restructured and reformed, I cannot in good conscience support increases in assistance which will only strengthen the murder machine. I believe that increased military assistance provided to El Salvador will not result in arms interdiction but in more brutality and state terrorism.

In Honduras, U.S. policy is officially stated to be the encouragement of the fragile return to democratic and civilian rule. The covert war against Nicaragua which is being waged from Honduran territory not only threatens peace in the region, but is increasingly daily, the strength and influence of the Honduran military. We should all be concerned that the newly emerging democratic institutions and forces in Honduras could well be overwhelmed by the military if more military assistance is provided.

I recognize that support for this legislation could be construed to mean that one believes that the problems of Central America are military in nature and soluble through military means. I do not believe that the situation in Central America emanates from military causes but rather from longstanding injustices in the political, economic, and social areas. The United States should be very careful about imposing a policy which has as its explicit rationale that Nicaragua and Cuba are the basic reason for the stamina demonstrated by the Salvadoran rebels. I am hopeful that amendments can be afforded which will structure our efforts toward a diplomatic and negotiated settlement.

The most important goal of this bill is the ending of covert assistance to insurgents attempting to overthrow the Government of Nicaragua. The covert assistance dishonors our great Nation, is self-defeating, and casts our Government in the role of an international bully. The Central American situation requires historical perspective and humility given past U.S. interventions and the dangers that abound in seeking to impose our version of democracy by violent means.

Despite my reservations concerning the provisions for increased military assistance for the purpose of arms interdiction, I urge support for H.R. 2760. I do so because I believe that our national interest, our national honor, and peace in Central America require us to terminate the covert assistance to the Contras which is causing destruction of life and property.●

● Mr. TOWNS. Mr. Chairman, the question of the U.S. covert military actions in Central America has been a topic of great concern and debate in recent months. It has become increasingly apparent that our policies in Central America, specifically with regard to Nicaragua and El Salvador, have failed and in many instances backfired. The Boland-Zablocki bill addresses the current dangers in the Reagan administration's policies in this area.

The issues, which are addressed in H.R. 2760, can be divided into two interrelated yet very distinct parts. The first part of the bill denies funding now and in the next fiscal year from any direct or indirect support of military or paramilitary activities in Nicaragua. Currently, the Reagan administration publicly provides aid and encouragement to Nicaraguan exiles to foster insurgency within Nicaragua. This action would supposedly force the Sandinistas to halt their support of the Salvadoran insurgency. And, the administration, then, would be able to achieve its primary objective of interdicting the supply of arms flowing through Nicaragua into El Salvador. Rather than stopping arms to El Salavador entirely opposite results have been produced.

In Nicaragua, as a result of an increased number of U.S.-backed clashes between rebels and government forces, even the strongest domestic opponents of the Sandinistas have backed the regime. Also, the struggle for human and civil rights within Nicaragua has been seriously undermined. The Sandinistas have instituted martial law powers and it is not realistic for us to expect them to change while in a state of siege. Furthermore, any chances of a negotiated agreement through diplomatic channels with Nicaragua have been thwarted by the United States.

Our actions, in this region, have also affected us negatively in the area of world opinion. Instead of attempting to foster good working relations with our neighbors in the Western Hemisphere, we have alienated those around us. Attention has shifted from the insurgency in El Salvador and has focused on American intervention in Nicaragua. More recently, a coalition of our Latin American allies adopted a resolution calling for the United States to discontinue intervention in the region. These countries have come to regard us with increasing suspicion. Clearly, the United States should rethink its posture in Central America when Mexico, Panama, Venezuela, and Colombia all warn that our policies are aggravating rather than improving the situation in the region.

In addition, I believe that the United States should not pursue a policy whereby we engage in encouraging and aiding the overthrow of any government. This action violates our international treaty obligations, including the Charter of the United Nations, the Charter of the Organization of American States, and the Rio Treaty of 1949. Furthermore, the current administration has flagrantly violated previous congressional prohibitions on aid to antigovernment forces. This action also has some serious moral implications for a country whose main foreign policy objective is to sustain a climate of peace throughout the world.

Finally, while I believe that the covert war must be halted against Nicaragua, I do have serious concerns about the need for and eventual application of the overt aid funds. Authorizing $80 million to assist "friendly" Central American nations in intercepting arms shipped through their territories starts a new military assistance program which I feel could lead to a regionalization of the conflict in Central America.

El Salvador and Honduras are the most likely recipients of the overt aid. Guatemala, however, would not be prohibited from receiving additional aid under this bill. I see little justification for providing another avenue for increased military assistance to El Salvador. The Salvadoran military continues to terrorize the civilian population and shows little sign of any commitment to basic social and economic justice. In the case of Honduras, additional aid to the military would only serve to further exacerbate the tensions between the civilian government and the military. The Honduran civilian leadership could be prevented from implementing promised social and economic reforms, and the leftist opposition to the government is becoming increasingly radical and violent if the military became involved in arms interdiction activities.

I believe that the United States must be very cautious about implementing a policy which declares that Nicaragua and Cuba are the sole reason for the success of the Salvadoran guerrilla forces. We must never forget that the civil war in El Salvador is a direct result of the failure of successive Salvadoran Governments to

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address the social and economic justice concerns of the majority of Salvadoran people. I am hopeful that amendments can be offered which will better clarify the intent of the overt aid and mandate a stronger effort at direct bilateral discussions with the Nicaraguan Government on the above issues. Ultimately, the conflict in Central America must have a political solution if we are to avoid a military escalation which will result in an increased loss of life for the Central American people.●

● Mr. DANNEMEYER. Mr. Chairman, the debate before us today is, to a large extent, rooted in semantics and the manner in which we choose to employ the terms "covert" and "overt" aid. Yet, there remains an overriding concern that is embedded in the history of the American people and the nations of this world. When taken together, our view of history shapes our attitudes toward those words. And unless we appreciate that influence, both the lessons of history and the meaning of our words will become obscure.

Since World War II, Democrats and Republicans alike have let party politics end at the water's edge, and our strength as a nation has been inseparably linked to our ability to maintain that unity. This has enabled us to enjoy a coherent foreign policy for many decades, but it has led to a breakdown in this debate today.

To my mind, the reason for this breakdown can be traced to the struggle that exists between two factions within the Democratic Party. On the one hand there are those whom I would refer to as comprising the Truman, Johnson, and Jackson wing of the party, and on the other hand there are those who can best be described as forming the McGovern wing. The difference between the two centers upon their respective interpretations of history and the concerns that they have derived therefrom.

In 1917, Russia had a revolution of its own. The Mensheviks, under Kerenski, established a representational government in the spring of 1917. In the fall of 1917, Lenin and the Bolsheviks stole the Menshevik revolution and proceeded to export totalitarianism through aggression, repression, and intrusion throughout the world. The influence that Lenin had upon the world remains with us, and nowhere is his presence felt more acutely than it is in Central America today. Nicaragua, whose leaders refuse to hold free elections, provides an excellent case in point. And how we choose to view these historical events will have a direct bearing upon how we address the situation that confronts us in this debate.

Modern America is the product of a revolution that occurred in the 18th century. That fact is not overlooked by either of the aforementioned factions within the Democratic Party. The Republican Party, and the Truman, Johnson, and Jackson wing of the Democratic Party view the Sandinistas in Nicaragua as an extension of the Lenin-Bolshevik revolution which is therefore not consistent with the interests of the United States. The McGovern wing of the Democratic Party views the Sandinistas as an extension of the American Revolution and the Menshevik revolution in the spring of 1917, and therefore it should not be opposed.

The Democrats, particularly the McGovern faction of the party, portray nothing more than the inevitable tension that exists between balancing social policy with defense spending. This way of thinking oversimplifies what is a complex and compelling issue; yet, there is an increasing number of Democrats who have heretofore remained above the political infighting that is present in their party, but are now moving toward the McGovern position. This, I believe, is the product of unfounded fears and anxieties. What they fear is the political pressure that might result from giving the appearance that they are compromising the social needs of the American people. What they are anxious about is their perception of the state of our economy. In short, it is my contention that if these persons were to view the economy as being sound, and if all other factors were equal, then the movement that we are witnessing here today would lose its force and this debate could proceed on its merits. I say this because they, along with most Americans, want to support that which is in the spirit of the American Revolution. It is overlooked because the fact that the Bolshevik revolution is a force to be contended with today is all too easily forgotten.●

● Mr. MARKEY. Mr. Chairman, the situation in Central America is rapidly deteriorating.

No one in Washington really knows what our Central American policy really is. And our friends and allies in Latin America are even more dumbfounded by what the United States is doing.

Nineteen U.S. warships are steaming toward Nicaragua and we hear all these hints from the administration about a naval blockade or quarantine of Nicaragua.

Four thousand troops will be in Honduras later this year.

The administration is considering doubling our advisers in El Salvador.

Meanwhile, the administration is giving massive payoffs of American money to the people like former Somozan National Guard corporal who now calls himself Commander Suicide and who is one of the leaders in the so-called secret war against the Government of Nicaragua.

Of course, we all know that this covert operation is about as secret as half time at the Rose Bowl.

Anyway, the administration is puzzled about all this congressional skepticism about what is going on in that region. They claim that all these troop maneuvers amount to nothing more than a Sunday outing.

Well, let us face it. We are turning that region into an armed camp and the Somozans we are funding are not border guards to keep arms out of Nicaragua.

And it is about time we faced the fact that we are on a short fuse toward being sucked into a major military confrontation in Central America.

We in Congress have to ask ourselves: Is this country going to pursue a policy of peace in Central America, or are we going to pursue a policy of violence?

Is Congress going to fulfill its constitutional responsibilities to participate in the formation of our country's foreign policy, or is Congress going to read about it in the papers after the decisions have been made?

Last December, this House voted unanimously to prohibit covert operations to overthrow the Government of Nicaragua. This was an unprecedented act of legislation, and I wish it had not been necessary.

I wish the President had followed the will of the Congress from the start, and refrained from waging a covert war against the Nicaraguan Government. He did not, so the Congress had to pass a public law restricting secret operations.

Now the President is acting in defiance of the Boland amendment, violating its clear intent. The President openly refers to his band of counterrevolutionaries as "freedom fighters." He does not call them "arms interdicters."

The issue before us today is whether we are going to allow the administration to continue to act in defiance of Congress and in violation of U.S. and international law.

Are we going to allow our intelligence agencies to spin out of control? Are we going to allow the President to unilaterally commit this country to an extremely volatile situation?

I say no.

I say this body has a serious responsibility to prevent the further erosion of its authority to oversee the actions of the United States in Central America.

I say that the United States must obey its laws and treaty commitments. And that does not mean just obeying them when it is convenient to obey them.

I say that the United States should stop giving aid and comfort to the extremists in Central America, and

should start helping our friends to negotiate a peaceful settlement.

As Walter Lippman said over 20 years ago, "in the great struggle with communism, we must find our strength by developing and applying our own principles, not in abandoning them."

I urge my colleagues to vote for the Boland-Zablocki bill as reported by the Committees on Intelligence and Foreign Affairs, and against the gutting amendments that have been filed against it.

I ask you, is our fear of the appeal of communism so great, and our confidence in our own democratic model so slight, that the first hint of Marxism in the region will throw us into a panic? Is the presence of the Sandinistas in Nicaragua all that is needed to make us throw out the principles of law and decency on which our Nation was founded, and embark on a course of violence?

I say it should not be.

I say this Congress must stand up today and reaffirm the honor and the values of our country.●

● Mr. DICKS. Mr. Chairman, Mr. Speaker, I want to express my distress and strong opposition to the President's escalation of the U.S. military presence in Central America. This sudden, dramatic increase in U.S. forces in the region can only serve to heighten tensions and increase the chances that we will be drawn into bloody hostilities, despite the President's assurances that these so-called exercises are peaceful in nature.

No one is suggesting that military maneuvers with friendly governments are inherently undesirable. But the deployment of two carrier battlegroups with 16,000 personnel and nearly 4,000 ground troops, for an undefined period of time in a region embroiled in guerrilla conflict is not any typical military maneuver. It is in fact, an invitation to disaster.

As the President openly acknowledged in his July 26 press conference, American troops will of course have the right to defend themselves if fired upon. By placing them in a situation where the likelihood that they will be exposed to terrorist attack is exceedingly high, the President is risking active U.S. military involvement in hostilities. They fire only if fired upon doctrine was the first step in our tragic involvement in Vietnam, and its dangers in Central America are just as real.

I am especially disturbed at the President's response to questions on the nature and duration of these maneuvers. He stated, "I don't know what the length of the time for the training is. I don't know the number of ships involved." To think that the Commander in Chief is not even familiar with the most basic details of this confrontational action is not at all comforting.

What we appear to see is an open-ended commitment to begin a blockade, quarantine, or invasion of Nicaragua at any time, and without congressional approval.

Recently, retired Army Chief of Staff E. C. Meyer provided us some sage advice when he stated his conviction that it was not in the country's interest to enter into hostilities without the support of the American people. General Meyer speaks from painful experience, because one of the biggest victims of the Vietnam War was the United States Army. Clearly, the American people do not support our entering into hostilities in Central America, and with very good reason.

These actions reflect the administration's view that the problems of Central America are entirely traceable to Soviet and Cuban interference. Certainly, no one in the Congress condones their involvement. But the underlying causes of unrest in this troubled region are economic and political. This unrest will continue as long as the inequities, oppression and poverty that have for years plagued the region are not addressed. They are the breeding ground for exploitation. Cutting off all arms shipments from Cuba and Nicarauga tomorrow, however desirable, will not bring lasting peace and tranquility to the states of Central America. What is needed is a redoubling of our efforts in behalf of economic assistance and reform, through private relief groups rather than corrupt governments if necessary.

The deployment makes the appointment of a bipartisan, and supposedly impartial panel to make recommendations for U.S. policy in the region ring hollow.

Even for those who fervently agree with the administration's goal of limiting Cuban and Soviet influence in the region, the escalation of U.S. military presence is not the answer. In fact, it will be dangerously counterproductive.

Nowhere is this more evident than in the not so covert support of the CIA for antigovernment forces in Nicaragua. We have not seen an end to arms infiltration despite the increase in U.S. supported guerrillas from 500 to over 10,000. What we have seen, however, is the Sandinista government using a very effective rallying cry of Yankee imperialism to divert attention from their failure to provide needed reforms and to impose tighter controls on the countryside. Those elements in the Nicaraguan Government which have been trying to modify the hardline are left totally out in the cold as a result of our bellicose approach.

Sending 4,000 troops to Honduras will place in jeopardy the fragile hold democracy has recently gained in that nation. The Government will be portrayed as pawns of the giant to the North. A resistance effort will develop. The temptation for Communist meddling in support of that resistance effort will be impossible to avoid. We will soon find ourselves with another quagmire from which we can not escape.

Finally, the dispatch of this military force of over 20,000 total personnel without any congressional consultation or notification is a distressing indication of disregard for the spirit of the War Powers Act, and the opinions and judgment of the U.S. Congress and the American people.

The President has said he belives that anyone who understands his policy in Central America supports it. Well I understand it all too well, and I for one want to let the President know that I do not support this action.●

● Mr. VENTO. Mr. Chairman, during this debate it is important for us to focus on a country's respect for human rights because frequently the view has been held that if you can mouth U.S. slogans on democracy, free elections, and a variety of other values, then somehow the U.S. Government is going to be there ready to fund and assist you no matter your true motives.

Indeed, all of us have serious questions with regard to what is going on specifically in Honduras and in Nicaragua and in El Salvador today. The fact of the matter is, on a government-to-government basis, we are dealing largely if not exclusively with the military; we are not even dealing with the freely elected governments in these countries that we profess to support.

The real question is whether Congress is going to assert itself; whether we are going to have an effective voice in terms of the Central American foreign policy issue. Some raise the fact that we took an oath of office to support our country, but the question is the character of that support. Is it in the best interests of our country to provide support under the table or over the table? We should be doing it out front. We should be proud of what we are doing. I am certainly not very proud of the actions of the Reagan administration in Central America.

I am very concerned about the direction of our foreign policy. We are at a crossroads. Either we can continue as a nation to pursue questionable covert U.S. activities or we can seek a path of overt actions which I hope would be a U.S. role as a negotiator, and arbitrator, not primarily a military role.

For the past 3 years, this Congress specifically has provided the administration what it wanted. Certainly not without dissent, not without debate, but the Reagan administration has by and large received the economic and military assistance sought. However, one important limitation, the Boland amendment, in December 1982 was

written into law. The Boland provision permitted the use of funds for the interdiction of arms going to El Salvador, but very specifically prohibited any U.S. support or aid for any covert activities with the expressed intention of overthrowing the Nicaraguan Government.

Today it is clear that the Reagan administration and some House Members want to rewrite the meaning of the law. They would reinterpret and torture its meaning to accommodate the current administration's actions and apparently future intentions.

It is imperative that the Congress maintain an effective voice and establish better accountability concerning the law and the conduct of foreign policy.

The essence of the debate today is whether this House is going to permit the law, as manifest in the Boland amendment, to be stretched and torn into something never intended. Or are we going to stand up and tell the Reagan administration they are wrong, that these covert activities are inappropriate and illegal.

Is the U.S. Government going to pursue sneaky and covert activities under the table, shielded from view or review of the Congress and the American people? Or can we pursue foreign policy in the full light of United States and world opinion with the U.S. Congress participating in a balanced manner as envisioned in the Constitution?

I am concerned that only after we read in the media about secret wars is the Congress informed.

Mr. Chairman, Marxism has existed for 50 years in Central America; communism is not new to the Western Hemisphere.

It is an appropriate concern of the U.S. people and their elected officials.

But let us not be indifferent to the many other problems of that region. Few nations in that area of the world could ever have been pointed to as ideal democracies. Frankly, economic, political, or social justice is simply not a reality for most people in Central America. The United States, of course, supports correcting these inequities, prodding these nations into action to address these serious shortcomings.

But our covert and overt military support deal most often not with elected leadership, the products of the process we sponsored in many instances, but rather with the self-appointed Central American military leadership, the repressive powers, the tools of the wealthy landowners, and the remnants of military governments that so long have denied the basic human rights to the people of Central America.

We must move U.S. policy away from the covert action and simplistic military support for anyone who waves an anti-Communist banner.

This Congress must not act blindly in support of any and all means to achieve an end. No matter how much we believe in the goal, our actions to attain the outcome are very important. In the final analysis inappropriate covert actions, actions which say democracy is only important at home in the United States of America, will be self-defeating.

No one can beat us, but surely we can beat ourselves. If we sacrifice our values and compromise our system of decisionmaking in the heat of pursuing an objective or political support of the Reagan administration, we will lose much more than the issue before us today.

It is clear that President Reagan believes that some expansion of the current conflicts in Central America are desirable. I strongly disagree with this view and the President's actions.

Our allies in Central America and Europe differ with this view as well.

I hope that President Reagan will reconsider his announced intentions. The massive naval training deployment off the coast of Honduras and Nicaragua and the intent to send 4,000 so-called military advisers to assist the insurgents in Honduras spell trouble and an uncertain future.

When confronted by questions from the media or Members of Congress, the insurgents unabashedly report their objective is to overthrow the Nicaraguan Government, in spite of the President's assurances to the contrary.

We do not need more military presence, or more arms in this part of the world. No, instead, what we urgently need is a new, tempered policy for Central America.

The appointment of a commission may be a good diversion, but it provides no answers for today or the near future.

There is no framework or symmetry to the current policy in this region or logical consequence as to where we will come out.

It is a jump into the dark and so far has resulted in blackened eyes for the United States and far worse for the people of Central America.

Mr. Chairman, the legislation before us will serve to send a much needed message to President Reagan from the American people. This Congress represents the people and if we do our job right, we will hold the administration accountable to the law for its actions and inept policies in Central America.●

● Mr. MAVROULES. Mr. Speaker, oftentimes an important issue gets so overwhelmed with rhetoric that we lose perspective of the real picture. I fear that this is exactly what is happening with our policy toward Nicaragua.

I rise today in support of the Boland amendment. I speak not to add to that jargled rhetoric that has confused so many of us, but rather to address the real issues that we must all now face.

Nicaragua is a country with a long-standing history of oppression and revolution. The citizens of this battered nation have been left homeless, jobless, and helpless. There are few families in Nicaragua today that have not been affected by the violence. Many of these individuals have not lived a single day of their lives in peace. Violence has become a way of life.

I sometimes get the feeling that the Reagan administration's policymakers are locked in a room with two doors. As they view it, behind one of those doors lies peace, prosperity, justice, and freedom in Central America. Behind the other door lies hostility and hatred, sacrifice, suffering, and sorrow. Although these policymakers claim to be slowly moving through the first door, it is an awful paradox that their key seems only to fit the second. I have come to realize that there must be a third alternative.

A more realistic alternative that strives for peace, but realizes sacrifice, that wants freedom, but is patient, and that wants supportive southern neighbors, but will not tolerate more violence.

We cannot succumb to the delusion that our action against a government will not affect its people. Just as we offered our assistance to the Somoza regime, blindly believing that it would be funneled down to the people; so too are we opposing the Sandinistas, again disregarding the people's reaction.

We must realize that any action, whether covert or overt * * * whether economic or military * * * will be judged not only by the Sandinista government, but also by the people that government represents. If we consider for a moment the opinion that the Nicaraguan people must have of our country, I think we all will realize the necessity to stop covert operations.

In addition to the military advisers that our President plans to send to the region * * * in addition to the fleet of warships that are now on their way to both coasts of Nicaragua * * * and in addition to the amount of money being taken from our economy to aid guerrillas trying to overthrow a government * * * we still have neglected to address the primary economic and social concerns of the Nicaraguan people.

We cannot continue a policy of alienation. Covert military operations offer only more violence, human suffering, and at best a perverse reputation of our country throughout the world. I urge you all to support my distinguished colleagues from Massachusetts and Wisconsin so we can pass this amendment which will send a long-awaited message to the administration. This covert aid must now be

stopped, so we can better face the more crucial economic problems of this whole region.●

● Ms. KAPTUR. Mr. Chairman, I rise in support of the Boland-Zablocki amendment to prohibit further U.S. covert funding of the Nicaraguan rebels. The funds provided in the legislation would only be allowed for assistance to friendly nations in Central America to intercept arms being shipped across their territories.

The United States has embarked on a dangerous course in Central America. We are moving toward possible war without the consent of Congress nor the support of the American people. In recent days, we have learned that the administration is planning to expand U.S. intervention in the secret war to overthrow Nicaragua's Sandinista government. This action will constitute the biggest covert action by the United States since Vietnam. American warships and warplanes are being dispatched to support the Nicaraguan rebel movements into Nicaragua. Four thousand U.S. ground forces will be carrying out large-scale exercises in neighboring Honduras. The militarization and destabilization of Honduras, which includes the construction of a major military base, is well underway.

Mr. Speaker, a few weeks ago, I received a call from a constitutent who told me about a young man from my district who is in the military and had been advised by his superiors that he should get his will written because he would be sent to Central America in the near future. At the time, I checked with authorities on the highest level to determine if such action was likely and I was assured that there was no prospect that American combat troops would be going to Central America. Now we know otherwise.

There are a number of reasons why we should not support covert action in Nicaragua. Action to overthrow a legitimate government of another nation, however unacceptable that government is to us, is not in keeping with the principle and traditions of our Nation. Efforts to overthrow the government are clearly in violation of both domestic laws and our international treaties. Covert operations inherently violate our democratic process. Foreign policy should be conducted overtly, with open debate in the Congress and among the American people.

Our use of military force has been counterproductive. It has only strengthened the support of the Nicaraguan people for the Sandinista government at a time when there was growing disenchantment with it. The threat of a U.S. supported invasion is playing into the hands of the Sandinistas who have been able to mobilize the fighting spirit of the Nicaraguan people. The general impression both in Nicaragua and throughout the continent is that the United States is siding with the forces of repression. It is no secret that the Nicaraguan rebels are a remnant of the former repressive Somoza regime. Our action is intensifying anti-American feeling throughout the hemisphere. It is viewed as yet another stage of Yankee imperialism. Nothing has gotten our country in more trouble through the years than the delusion that we know the interests of other countries better than they know their own. Furthermore, our action is diminishing our credibility around the world.

So long as we view military action as a solution to social and economic inequalities and political repression, the more we will drive the Nicaraguan people into the hands of Communist domination. We will thus make it impossible to restore a democratic form of government in Nicaragua and elsewhere in the hemisphere. The prospect is for further escalation and more bloodshed. That has been the pattern and there is no reason to believe that pattern will change. Further polarization benefits no one.

Action to end the covert war is not action in support of the Sandinista government. Nicaragua's Government will not change through the use of force. Only an intelligent program of diplomatic and economic sanctions and inducements will have any useful purpose. We must proceed on a multilateral basis. The Contadora group—Mexico, Panama, Venezuela, and Colombia—has already offered to work for a negotiated settlement. These countries are more immediately involved and more knowledgeable about hemispheric problems. We should work with the Contadora group. With our cooperation, their initiative could result in a significant diplomatic breakthrough. Unilateral U.S. military action is a prescription for disaster.

My vote for the Boland-Zablocki bill is a vote to commit the United States to negotiations and discussion, rather than to coercion and war. Only such action is consistent with our Nation and the best traditions in our foreign policy. History argues forcefully that this is the only intelligent alternative. It is difficult to understand why this administration persists in driving us to war when our country is beset by so many pressing problems that cry out for the full attention of our leaders and demand our limited resources.●

The CHAIRMAN. All time has expired.

Pursuant to the rule, the bill, as modified by the amendments recommended by the Committee on Foreign Affairs now printed in the reported bill, shall be considered as an original bill for the purpose of amendment. No amendments to the bill are in order except: First, germane amendments printed in the CONGRESSIONAL RECORD by July 21, 1983; second, an amendment offered by Representative WRIGHT; and third, an amendment offered by Representative MICHEL. At the expiration of 12 hours, no further amendments are in order.

The Clerk will read.

The Clerk read as follows:

H.R. 2760

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Intelligence Authorization Act of Fiscal Year 1983 is amended by adding at the end thereof the following new title:

"TITLE VIII—PROHIBITION ON COVERT ASSISTANCE FOR MILITARY OPERATIONS IN NICARAGUA; AUTHORIZATION OF OVERT INTERDICTION ASSISTANCE

"PROHIBITION ON COVERT ASSISTANCE FOR MILITARY OPERATIONS IN NICARAGUA

"SEC. 801. (a) None of the funds appropriated for fiscal year 1983 or 1984 for the Central Intelligence Agency or any other department, agency, or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

"(b) This section shall take effect upon the date prescribed in the classified annex to the report of the Permanent Select Committee on Intelligence of the House of Representatives to accompany the bill H.R. 2760 (98th Congress).".

"AUTHORIZATION OF OVERT INTERDICTION ASSISTANCE

"SEC. 802. (a) The Congress finds that—

"(1) in the absence of a state of declared war, the provision of military equipment to individuals, groups, organizations, or movements seeking to overthrow governments of countries in Central America violates international treaty obligations, including the Charter of the United Nations, the Charter of the Organization of American States, and the Rio Treaty of 1949; and

"(2) such activities by the Governments of Cuba and Nicaragua threaten the independence of El Salvador and threaten to destabilize the entire Central American region, and the Governments of Cuba and Nicaragua refuse to cease those activities.

"(b) The President is authorized to furnish assistance, on such terms and conditions as he may determine, to the government of any friendly country in Central America in order to provide such country with the ability to prevent use of its territory, or to prevent to the extent permitted by international law the use of international territory, for the transfer of military equipment from or through Cuba or Nicaragua or any other country or agents of that country to any individual, group, organization, or movement which the President determines seeks to overthrow the government of such friendly country or the government of any other country in Central America. Assistance under this section shall be provided openly, and shall not be provided in a manner which attempts to conceal United States involvement in the provision of such assistance.

"(c) Assistance may be provided to a friendly foreign country under this section only if that country has agreed that it will

not use any assistance provided by the United States under this section, the Foreign Assistance Act of 1961, or the Arms Export Control Act to destabilize or overthrow the government of any country in Central America and will not make any such assistance available to any nation, individual, group, organization, or movement which seeks to destabilize or overthrow any such government.

"(d) At least 15 days before providing assistance to a foreign country under this section, the President shall submit an unclassified report which describes the proposed assistance to the Speaker of the House of Representatives and to the chairman of the appropriate committees of the Senate.

"(e) There is authorized to be appropriated to the President to carry out this section $30,000,000 for the fiscal year 1983 and $50,000,000 for the fiscal year 1984.

"(f) Funds to carry out this section shall be made available for any friendly country in Central America only for the purpose of interdicting the transfer of military equipment to any country in Central America.".

Mr. MINETA (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. STUDDS. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Massachusetts (Mr. STUDDS) is recognized for 5 minutes.

There was no objection.

□ 1510

Mr. STUDDS. Mr. Chairman, this bill (H.R. 2760) seeks to end U.S. involvement in an operation which is illegal under both American and international law;

Which has failed dismally to achieve either its real or its purported goals;

Which has undermined U.S. diplomacy worldwide by making nonsense of the very principles of international behavior which we ask others to observe;

Which has, inevitably, I trust, in a free society, become less a covert operation than an ongoing embarrassment played out daily on the front pages of our newspapers;

Which has damaged regional peace initiatives, and retarded the development of a consensus in Congress about U.S. policy toward Central America;

Which has resurrected questions and criticisms about the role of the CIA in protecting U.S. interests overseas; and

Which has distorted and aggrandized the role of the military in Honduras, has involved it in acts of U.S.-sponsored adventurism, and thereby retarded the development of strong civilian political institutions—from the Presidency on down—in that country.

The Reagan administration has not been honest with either the Congress or the public in describing and defending this operation. The individuals we have trained and financed to fight against Nicaragua are not under our control; they have their own agenda; they have no history of support for Democratic principles; and they are actively seeking to trigger a civil war in which thousands of innocent people seem sure to die.

H.R. 2760 embodies a mature congressional response to a brutal, ineffective project of the executive branch. It calls the bluff of the President, who told the world the operation was designed solely to interdict arms; and the bluff of Nicaragua, which claims there are no arms to interdict.

Nicaragua is much to blame for its poor relations with its neighbors; for the injection of East-West isues into the region; and for its failure to generate confidence within Nicaragua in the integrity of its political institutions.

Those shortcomings have produced a temptation, even among some men of good will, to wage war to make Nicaragua "safe for democracy."

It is already too late to expect the Nicaraguan junta to fulfill voluntarily all the promises of the revolution. But it is far too early to assume that U.S.-supported armed intervention is the only means by which Nicaragua or Nicaraguans may avoid the Cuban path.

A political dissident, even in today's Nicaragua, may be ignored, he may be harassed, he may fear for his life, he may, accordingly, choose exile. But compare this to El Salvador where even according to President Reagan's own certification, political dissidents are simply killed.

When the United States resorts to, or encourages the use of, armed force, it must do so in a manner and for purposes which are consistent with our values and our best traditions; and for reasons understood and supported by the American public and, in this instance, by our friends in Latin America. It is by reinforcing our traditions and ideals, rather than by abandoning them, that we may compete most successfully with those we consider adversaries.

To underline this point, I would like to read briefly from an essay written 2 years ago, after the Bay of Pigs, by Walter Lippmann:

"TO OURSELVES BE TRUE," TODAY AND TOMORROW—MAY 9, 1961

We have been forced to ask ourselves recently how a free and open society can compete with a totalitarian state. This is a crucial question. Can our Western society survive and flourish if it remains true to its own faith and principles? Or must it abandon them in order to fight fire with fire?

There are those who believe that in Cuba the attempt to fight fire with fire would have succeeded if only the President had been more ruthless and had had no scruples about using American Forces. I think they are wrong. I think that success for the Cuban adventure was impossible. In a free society like ours, a policy is bound to fail which deliberately violates our pledges and our principles, our treaties, and our laws. It is not possible for a free and open society to organize successfully a spectacular conspiracy.

The United States, like every other government, must employ secret agents. But the United States cannot successfully conduct large secret conspiracies. It is impossible to keep them secret. It is impossible for everybody concerned, beginning with the President himself, to be sufficiently ruthless and unscrupulous. The American conscience is a reality. It will make hesitant and ineffectual, even if it does not prevent, an un-American policy. The ultimate reason why the Cuban affair was incompetent is that it was out of character, like a cow that tried to fly or a fish that tried to walk.

It follows that in the great struggle with communism, we must find our strength by developing and applying our own principles, not in abandoning them. I am very certain that we shall have the answer to Mr. Khrushchev if, but only if, we stop being fascinated by the cloak-and-dagger business and, being true to ourselves, take our own principles seriously.

For reasons of history, law, politics, diplomacy, security and justice, I urge the enactment without significant amendment of H.R. 2760.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Has the amendment been printed in the RECORD?

Mr. YOUNG of Florida. It has been, Mr. Chairman.

The Clerk read as follows:

Amendment offered by Mr. YOUNG of Florida: Page 2, strike out line 10 and all that follows through line 8 on page 3 and insert in lieu thereof the following:

PROHIBITION OF COVERT ASSISTANCE FOR ANY MILITARY OPERATIONS IN NICARAGUA

"SEC. 802. (a) None of the funds appropriated for fiscal year 1983 or 1984 for the Central Intelligence Agency or any other department, agency, or entity of the United States involved in intelligence activities may be obligated or expended for the purpose or which would have the effect of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement, or individual.

"(b) The prohibition contained in subsection (a) shall take effect upon the entry into force of an agreement by the Government of National Reconstruction of Nicaragua with the governments of the other countries in the region.

"(1) that the Government of National Reconstruction of Nicaragua will not support, directly or indirectly, military or paramilitary operations by anti-government forces in any country in Central America; and

"(2) that provides for effective multilateral verification of compliance with paragraph (1); and

"(3) to resolve the conflicts in Central America based on the principles affirmed in the Final Act of the San Jose Conference of October 1982 and the commitments made by the Government of National Reconstruction of Nicaragua to the Organization of America States in July 1979."

Page 3, line 10, strike out "802" and insert in lieu thereof "803."

Page 5, after line 10, insert the following:

SEC. 2. (a) The Congress finds that—

(1) Central America is of vital importance to the interests and long-term security of the United States;

(2) the social and economic crisis facing Central America arise in large part from long histories of poverty, social injustice, and lack of economic opportunity;

(3) military solutions alone are inadequate to deal with the challenge the United States faces in Central America, and efforts to resist Communist insurgency will be unsuccessful unless the serious social and economic injustices and human rights abuses of the region are addressed;

(4) respected leadership from all sectors of American society and from all regions should be drawn on to study and advise on the making of United States policy toward Central America; and

(5) an effective United States policy for Central America requires the understanding and support of the American people.

(b) Therefore, it is the sense of the Congress that the President should convene a national bipartisan commission to address the serious long-term problems of security, poverty, and democratic development in Central America, and to help build the necessary national consensus on a comprehensive United States policy for the region. Such commission should—

(1) be composed of distinguished leaders of government, business, labor, education, and the Hispanic and religious communities;

(2) consult with governmental and other leaders of Central America, invite their views, and receive their recommendations on the policies which would best assist them in their long-range security needs and economic development; and

(3) report its findings and recommendations to the President and the Congress one hundred and eighty days after the date of enactment of this Act.

PARLIAMENTARY INQUIRY

Mr. MINETA. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MINETA. Mr. Chairman, may we inquire as to which amendment this is and on what date this was printed in the RECORD?

Mr. YOUNG of Florida. Mr. Chairman the amendment was printed on July 21 and appears on page 20280 of the RECORD.

□ 1520

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. YOUNG) for 5 minutes in support of his amendment.

(By unanimous consent, Mr. YOUNG of Florida was allowed to proceed for 5 additional minutes.)

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) is recognized for 10 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I thank the Chair and my colleagues for allowing me the additional 5 minutes. This will be one of the substantive amendments to be offered by our side during this debate, and we do appreciate having the extra time.

This amendment that I am offering today is offered in behalf of the gentleman from Virginia Mr. KENNETH ROBINSON, who is the ranking minority member of the Intelligence Committee; the gentleman from Michigan, Mr. BILL BROOMFIELD, the ranking minority member of the Committee on Foreign Affairs; the gentleman from Virginia, Mr. WHITEHURST, who is a member of the Intelligence Committee; the gentleman from Arizona, Mr. STUMP, who is a member of the Intelligence Committee; the gentleman from New York, Mr. SAM STRATTON, who is a member of the Committee on Armed Services; and the gentleman from Mississippi, Mr. SONNY MONTGOMERY, who is a member of the Committee on Armed Services. Each of the Members I have mentioned filed the identical same amendment at the same time that this initial amendment was filed.

I would like to give just a little background as to how we arrived at the language in this amendment, which is a very sincere effort to stop our covert activity in Nicaragua. At the same time it is an effort to stop the Nicaragua Sandinistas in their activities in El Salvador and Honduras and any other place they might be planning to conduct their antigovernment activities.

This amendment or an amendment similar to this was first offered in the Intelligence Committee as we marked up the bill in the very beginning. It was rejected. Following that, the concept of this amendment was kept alive through the efforts and the support of some Members on the Democratic side of the aisle and the Republican side of the aisle and all those who were close to the issue in the administration, in the Central Intelligence Agency, and in the State Department.

A number of meetings were conducted, beginning in the Situation Room at the White House, with Jim Baker presiding and a number of our Members attending. We moved our meetings eventually to the office of the majority leader here in the Capitol, again with a number of Members attending; and each of those Members on their own can tell us who they were if they want us to know.

Basically, what this amendment does is very simple. We leave in the bill section 801 that the committee chairman, the gentleman from Massachusetts (Mr. BOLAND), wanted in the bill. It cuts off all covert activity or aid for military or paramilitary activities in Nicaragua. We leave that provision in the bill because we would like to see that accomplished, but we want all of us to play by the same rules. We want the Sandinistas to play by the same rules that we play by, and we want to get them out of the business of the people of El Salvador and Honduras.

The Sandinista government that we are attempting to deal with through negotiations and in other ways came into power in Nicaragua politically, not militarily. Many people believe the Sandinistas won a great military victory. They did not. They began a series of military activities, but they actually took power in Managua with the aid and the assistance of the U.S. Government and with the aid and assistance of the Organization of American States. That came about because the Sandinista junta, the leaders of the junta, corresponding with the Organization of American States—and I have a copy of their transmission, a copy of their letter, and also a copy of the press release that they issued when they made this offer—offering free elections. They offered a pluralistic government. They offered the people of Nicaragua an opportunity to be involved in determining their own fate in governing themselves.

Now, the Organization of American States bought that. They believed the promise. Many of the people who are involved in the insurgency now against the Sandinistas were part of that original revolution. Eden Pastora in the south was one of the No. 1 commanders of the Sandinista activities. Adolfo Calero, who is one of the leaders of the FDN, was in jail under Somoza, but he is now one of the leaders of the anti-Sandinista program.

The OAS helped to get rid of Somoza and helped install the Sandinista government. The United States of America, your constituents, and my constituents, helped support this through the previous administration because they allowed $125 million of their money to go to the Sandinista government in the form of a foreign aid package.

We talked about that at great lengths a couple of years ago in this Chamber in another secret session, but our Government believed the Sandinistas when they told us they would give the people of Nicaragua a free press, free elections, independent government, and freedom of religion. We believed all of that.

Well, they have not kept their word. The Organization of American States know that they have not kept their word, and we know they have not kept their word. Not only have they not kept their word to the people of Nicaragua, they have now even violated what they told our Government they would not do. They said they were not going to expand their revolution to El Salvador.

We had language in that foreign aid bill to cut off any U.S. support to the Sandinistas if they were involved in exporting their revolution to El Salvador. They said they would not do it, and President Carter made that certification to Congress as required by the law. He said they were not expanding their revolution to El Salvador, that they were not helping the Salvadoran

insurgency. Well, President Carter all of a sudden realized he had been hoodwinked, had been taken in, and he rescinded that certification, and aid was then cut off.

What I am saying to the Members is that the Sandinistas have not kept their promise. Their revolution is not what they said it was going to be. They have not only lied to the people in their own country, but they have created turmoil and near disaster in El Salvador, one of our friends. They have made raids into Honduras and conducted terrorist activities against the economy of Honduras, another country that is a friend of ours.

All of these nations are in our front yard, and we are in their front yard. We have a legitimate right to be concerned about what happens in Central America.

We gave the Sandinistas $125 million as they took over the government. We have a right to expect that the agreements that were made when they accepted our money are kept, and we have a right to try to find a peaceful solution to this turmoil in Central America.

I do not think any one of us wants to see the influence of Fidel Castro expanded in our part of the world. We do not like it in Angola and we do not like it in Ethiopia, but we certainly do not like it in Central America which is on our side of the world. We do not like the fact that the Sandinistas have allowed thousands of Cuban advisers and thousands more "educators" to come into their country. We do not like the influence of Fidel Castro in Nicaragua or in El Salvador, should they be successful, and we would like to stop it.

We went into this covert activity some time ago. I might be acknowledging something I am not supposed to, because "covert" activities supposedly are covert, and those of us who work on the Intelligence Committee are admonished regularly, "You don't talk about a covert activity. You don't confirm it, you don't deny it. You don't talk about it." But this covert activity has not been covert for a long time. For one reason or another, the covertness disappeared. For one reason or another, the thing became very public, and we all have our own ideas as to why that happened.

The covert activity is underway. Despite the statements we hear to the contrary, it is working. There is no question about the fact that it is working. It is being proved effective, and it has brought the Sandinistas to the point that they are now opening the door to possible negotiations on a multilateral basis regionwide to resolve the problems that they have created in Central America.

Mr. Chairman, this amendment that we have before us today says that we, the United States, will not be involved in any military or paramilitary activity or be supportive of any military or paramilitary activity in Nicaragua. We will not do it. Our involvement will actually be terminated almost automatically, provided that the provision that I have just mentioned, which is contained in subsection (a) shall take effect upon the entry into force of an agreement by the Government of National Reconstruction of Nicaragua with the Governments of the other countries in the region.

"(1) that the Government of National Reconstruction of Nicaragua will not support, directly or indirectly, military or paramilitary operations by anti-government forces in any country in Central America; and

"(2) that provides for effective multilateral verification of compliance with paragraph (1); and

"(3) to resolve the conflicts in Central America based on the principles affirmed in the Final Act of the San Jose Conference of October 1982 and the commitments made by the Government of National Reconstruction of Nicaragua to the Organization of American States in July 1979.".

The CHAIRMAN. The time of the gentleman from Florida (Mr. YOUNG) has expired.

□ 1530

Mr. SOLARZ. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I have a great deal of respect for my very good friend, the gentleman from Florida. I certainly share many of the concerns which the gentleman has expressed about the Government in Nicaragua; but I feel constrained to speak out against his amendment, because it seems to me that the adoption of the amendment of the gentleman from Florida would in effect turn over the foreign policy of the United States of America to the governments of the countries in Central America.

If you read the gentleman's amendment carefully and closely, you find out that the covert military or paramilitary operations directed against the Government of Nicaragua which we are supporting would continue in effect unless and until the Government of Nicaragua entered into an agreement with each and every one of the other governments in the region in which the Government of Nicaragua would undertake not to attempt to support subversive efforts against them.

The problem with this amendment, among other things, is that even if the Sandinistas in Managua literally prostrated themselves before all the other governments of the region, even if they promised to cease and desist from their efforts to subvert established governments elsewhere in the hemisphere, if even one of the other countries in Central America decided, for whatever the reason, not to sign an agreement with the Government of Nicaragua, our paramilitary operations directed against the Nicaraguan Government would continue.

Now, I have a great deal of respect for Suazo Córdova, the President of Honduras. I think he is a great man and a genuine democrat.

Mr. YOUNG of Florida. Mr. Chairman, if I would get more time for the gentleman, would the gentleman yield for a very legitimate question?

Mr. SOLARZ. Yes; I am happy to yield.

Mr. YOUNG of Florida. Mr. Chairman, is not what we are offering here the bilateral agreements between the Sandinistas and the other governments in the region, is that not what the Sandinistas have been after all the while?

If I remember correctly, our position has been a multilateral regional approach. The Sandinista position has been a bilateral problem-by-problem approach. Does this not tend to get closer to their position?

Mr. SOLARZ. I fully agree with the gentleman. We would like to encourage the Government of Nicaragua to enter into agreements with all its neighbors. I wish they had done so months ago, even years ago. It is a consummation devoutly to be wished; but I think it would be a serious mistake for us to make American policy contingent upon such agreements to the extent that the ability to reach such agreements is a function not only of what the Sandinistas are willing to do, but is also a function of what the heads of the other governments in the region are willing to do.

If Alvaro Magana, the President of El Salvador, or Rios Montt, the President of Guatemala, or Suazo Cordova, the President of Honduras, for whatever the reason, decide they do not want to enter into an agreement with Nicaragua, even if Nicaragua promises never ever in the future to attempt to subvert their governments of their countries, then according to the terms of the gentleman's amendment, our paramilitary assistance operations directed against Nicaragua would continue.

Now, the fact of the matter is that there are governments in Central America today that want to get rid of the Sandinistas. That is their privilege. That is their right. I do not begrudge it; but the fact of the matter is that if this amendment is adopted, even if the Sandinistas were to stop tomorrow providing military assistance to the rebels in El Salvador, or were to stop tomorrow attempting to subvert governments in Costa Rica and Honduras, if the Government of Honduras decided that its long-term interests nevertheless required the overthrow of the Sandinistas, all they would have to do is refuse to sign an agreement with Nicaragua and this prohibition would not become operative, because it

only becomes operative when Nicaragua enters into an agreement with each and every one of the other governments in the region. That means that American policy becomes hostage, not only to what the Sandinistas are willing to do, but to what literally every other government in Central America is willing to do.

Now, if the Supreme Court just threw out the legislative veto, are we going to give a veto over American policy, not to the Congress, not to the House, not to the Senate, but to every government in Central America which may have an agenda very different from our own?

I respect the efforts of my friend, the gentleman from Florida, to encourage a peaceful solution to the problems of Central America, but this is not the only way to go about it.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BROOMFIELD. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am pleased to join with the gentleman from Florida in offering this bipartisan-supported amendment. Most importantly, this amendment links the termination of the U.S. covert program to the cessation of Nicaragua's subversive activities in any Central American nation. Moreover, the amendment provides for multilateral verification measures to insure that the Government of Nicaragua has ended its subversive activities.

I firmly believe that we cannot restrict U.S. conduct unilaterally without regard to Nicaraguan behavior in Central America. As my colleagues well know, intelligence briefings have provided persuasive and compelling evidence that the Sandinista Government of Nicaragua is helping train insurgents and in transferring arms and financial support from and through Nicaragua to the insurgents in El Salvador. Contrary to the repeated denials of Nicaraguan officials, that country is thoroughly involved in supporting the Salvadoran insurgency. As a result I believe that the amendment before us addresses the matter of Nicaraguan behavior by providing that our covert program cease—but only when the Sandinista government ends its export of arms and revolutionary activities to any Central American nation.

I would like to point out to my colleagues that this amendment is not a blank check to the administration. The basic thrust of the amendment is to provide the United States with some limited leverage to bring peace to the region. By providing for a symmetrical approach, instead of a unilateral approach to the problem, I believe that we can better protect our friends in Central America against Nicaraguan-backed insurgence while offering an incentive for the Nicaraguan Government to negotiate an end to the hostilities.

Surely, all of us want to end the violence in Central America and bring peace and stability to the region. However, we will only encourage the Sandinistas to increase the violence against our neighbors by unilaterally restricting the conduct of U.S. policy in the area. Such unilateral restraint on our part would only further jeopardize the security of the region in general and El Salvador in particular. In order to keep the Sandinistas and the Cubans from destabilizing Central America, and imposing force against the nations in the area we must, first and foremost, emphasize an even handed policy approach as provided by this amendment.

In short, the provisions of this amendment are plain and simple—we stop when they stop. I believe that the language offered by this amendment provides for an equitable and fair solution to the Central American problem, and I ask my colleagues to support the amendment.

Mr. FOWLER. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

PARLIAMENTARY INQUIRY

Mr. YOUNG of Florida. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. YOUNG of Florida. Mr. Chairman, I had offered to ask for additional time for my friend and colleague, the gentleman from New York (Mr. SOLARZ), since the gentleman had yielded to me.

Would it be in order to ask for additional time for the gentleman from Georgia (Mr. FOWLER), with the hopes that he would yield that additional time to the gentleman from New York (Mr. SOLARZ)?

The CHAIRMAN. The gentleman from Georgia may answer that.

Mr. FOWLER. Mr. Chairman, I would be delighted to do that. My statement, I hope, will be uncharacteristically brief.

Mr. YOUNG of Florida. Mr. Chairman, I ask unanimous consent that the gentleman from Georgia (Mr. FOWLER) may proceed for 2 additional minutes, in order that he might yield to the gentleman from New York (Mr. SOLARZ).

The CHAIRMAN. Is there objection to the request of the gentleman from Florida (Mr. YOUNG)?

There was no objection.

The CHAIRMAN. The gentleman from Georgia (Mr. FOWLER) is recognized for 7 minutes.

Mr. FOWLER. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Florida, because as my friend, the gentleman from New York was discussing as his time ran out, it does appear that the amendment is fatally flawed. If adopted, it would hold U.S. policy in Central America hostage to the actions of area countries, other than the United States, Nicaragua or El Salvador, countries over which we have no control, nor do we wish to compel control. The Young amendment would require that agreements be reached by the Government of Nicaragua and other sovereign governments in the area before the cessation of hostilities supported by the United States of America.

□ 1540

It would also, I submit, run the risk of curbing the options of the United States, if during an escalation of hostilities in Central America from Cuba or the Soviet Union, the United States and their allies determined that swift concerted action was required to meet it.

I applaud what the gentleman is trying to do. I understand the approach and the appeal of these amendments and we will see others called symmetrical or which look for symmetry. But the problem with symmetry is that it could lead to gradual escalation on all sides of this conflict, if we tie strings around American foreign policy and the policies of our allies while we are waiting for these negotiations to continue and the agreements called for under the amendment to be concluded.

The answer is contained in the committee's bill. It is to do what our allies in Central America are pleading with us to do, to cease the invasion of Nicaragua financed by the United States and to work with our democratic friends, our democratic allies in the region, to seek and negotiate a political and final solution to the war in Nicaragua satisfactory to the best interests of the United States.

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. FOWLER. I yield to my friend from Florida.

Mr. YOUNG of Florida. I think the gentleman raises a point that needs to be discussed and I would like to ask his opinion of something.

Paragraph B(3) says to resolve the conflicts in Central America based on the principles affirmed in the final act of the San Jose Conference. The final act of the San Jose Conference included a representative of the United States of America, in that final act and throughout this final act they talk about peace and order and pluralistic societies, free elections. They talk about promoting the economic development rather than hostilities and violence, and we are a party to that.

I just wonder it the gentleman would not agree that that would in fact make us a party to any final agreement that might be reached in

the negotiations between the Sandinistas and the other countries in the region.

Mr. FOWLER. I agree with the gentleman from Florida that the recommendations and principles adopted by the San Jose group are consistent with the policies of the United States, the Reagan administration and hopes of all us, I think, who are trying to find a way to curtail this violence.

My disagreement with the gentleman's amendment is in another clause, and unfortunately I do not have the amendment before me, whereby the gentleman from Florida predicates the cessation of American covert assistance in Nicaragua on agreements signed by the Government of Nicaragua with other countries in the region.

I believe that is the gentleman's language. In other words, if the other countries in the region, for whatever purpose, refuse to sign, refuse to enter into an agreement with Nicaragua, then there has been no achievement and that I submit to the gentleman is the fatal flaw in his amendment.

Mr. YOUNG of Florida. If the gentleman will yield further, I agree that that would be a requirement. But I do not agree that that would be an infringement upon the rights of the administration to establish foreign policy.

During the meetings in the majority leader's office with those who were there, and in fact the gentleman was there at several of those meetings, the gentleman will recall that the administration representatives from the State Department and the White House both did not believe this would be any infringement on their ability to set foreign policy and they thought the flexibility of allowing things like verification, for example, to be settled by the negotiations and through the agreement would not affect their right to set foreign policy and they supported that approach.

Mr. FOWLER. Again, to the limited purposes of a certain section of the gentleman's amendment, we are in agreement. But, as the gentleman knows, the administration's preconditions for cessation of our military intervention in Nicaragua go far beyond the scope of the gentleman's amendment.

They are also demanding free elections, which the gentleman's amendment does not.

They are also demanding economic reforms, pluralism, which the gentleman's amendment does not cover.

The gentleman's amendment is faulty, I say, because it is not consistent with the present policy of the United States and only attempts to deal with a part of the administration's policy.

I yield back the balance of my time.

Mr. McCURDY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I first would like to take this opportunity to again commend the chairman of the Intelligence Committee for bringing this issue to the floor and also my colleagues on the other side of the aisle, the gentleman from Virginia (Mr. ROBINSON) and the gentleman from Florida (Mr. YOUNG) for their cooperation over a long period of time on this particular issue.

As the gentleman from Florida (Mr. YOUNG) stated earlier, there were a series of meetings with Republican Members and also Democrats from the Intelligence Committee and the Foreign Affairs Committee, with members of the administration to try and seek a bipartisan compromise or solution to this particular issue.

I took part in these meetings starting in the Situation Room at the White House, meetings in the Cabinet Room in the White House, meetings in the Majority Leader's office, and had searched diligently for some type of solution that could help establish and forge a truly bipartisan policy.

However, during those meetings it became particularly clear to this Member that there were two conditions, two conditions before that could occur. First of all, that the administration required unconditionally and absolutely that there was to be no restraint on the covert activity in Nicaragua and, second, a shifting condition, one which I believe was never pinned down, and to this time, at 10 minutes to 4, is still not pinned down, and that is the requirement on the Government of Nicaragua to enter into force an agreement for the cessation of hostilities in the region and the cessation of the covert activity directed against them.

I ask this question: If it is a rquirement upon the Nicaraguans that they broaden the regime, that they now seek a more pluralistic society in their country, that they now have free press, free elections, freedom of religion, things that we have not even successfully required of many of our allies in Latin America, are these new ideas?

The problem that I had all along is that there appears to be a shifting of the conditions and escalation of the conditions. The closer we get to reaching agreement, then all of a sudden there is a new condition.

Believe me, as a Democrat, it is pretty hard to negotiate with an administration that does that, and I can imagine what foreign governments feel like.

□ 1550

Sure, the Sandinistas have not kept their promises; sure we want to apply pressure on the Sandinistas; sure we want peaceful solutions. But what is our policy toward Central America? We do not know. We hear contradictory claims. On the one hand we support peaceful solution, on the other hand we support guerrilla anti-Sandinista forces in Central America. On the other hand we embrace Contadora agreements and recommendations. On the other hand we send troops to Central America.

What is our policy? Many of us are just plain fed up with the confusion coming out of the State Department and the White House on Central American policy.

Only when we develop a policy that is clearly stated, that is clearly defined, can we stop short of direct intervention.

Let me say to my colleague from Louisiana and others on this side of the aisle for whom I have a great deal of respect, in response to their statement on whether or not this policy has been a success: Gentlemen, I am not certain anyone here can give you the explanation of why the Sandinistas, now, endorse multilateral talks. I submit since we do not have any one policy or clearly stated policy, it is impossible to determine what influences them and what satisfies or solidifies them. In my opinion, we can realistically hope to achieve progress in keeping Cuban and Nicaraguan arms from reaching El Salvador with the overt security assistance authorized in the second section of the bill.

If we can clearly define our goals in Central America, and provide the resources to achieve them, I believe we can move closer to a bipartisan policy toward the region.

Mr. LEACH of Iowa. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to the amendment of the gentleman from Florida (Mr. YOUNG).

Mr. Chairman, we are faced today less with a policy decision than with a direct challenge to the laws and Constitution of the United States. At issue is whether this Nation and the world will choose the rule of law or the rule of might; whether diplomacy or the instincts of Great Power chauvinism will prevail in our relations with our neighbors to the south.

As my colleagues will recall, this body adopted by an unambiguous margin of 411-0 the so-called Boland amendment, which specifically enjoined the Central Intelligence Agency and the Department of Defense from furnishing military assistance to groups "for the purpose of overthrowing the Government of Nicaragua or provoking a military exchange between Nicaragua and Honduras." Today, 7 months later, we are confronted with a painful situation where the chairman of the House Select Committee on Intelligence has openly

confirmed that U.S.-supported covert action against Nicaragua has strayed beyond the bounds of U.S. law.

Anyone who accepts administration sophistry that assistance to groups attempting to overthrow a foreign government does not represent an effort on our part to overthrow that government can also accept the existence of the tooth fairy.

Every Member of this body, whether or not supportive of the notion that covert action against Nicaragua may be efficacious, should be morally incensed that the law of the land has been so cavalierly disregarded. Now administration spokesmen come to us and plead that we not pull the rug from under their efforts to make the Nicaraguan Government "uncomfortable." To accept this plea is to abdicate congressional responsibilities in the face of Executive preemption, to turn a blind eye to the rule of law, international as well as domestic.

It is impossible to conclude anything except that the administration has struck a damaging blow to the world legal order by acting in deliberate disregard of international law which explicitly prohibits the overt or covert destabilization of existing governments of whatever political stripe. Article 2.4 of the United Nations Charter states that:

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state . . .

In 1970, the United Nations General Assembly adopted by consensus the "Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations." That declaration includes in its authoritative elaboration of the general principles contained in the U.N. Charter the following:

. . . No State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State.

Article 18 of the Charter of the Organization of American States (OAS) likewise states:

No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State.

Not only does it prohibit such intervention by use of armed force, but by—

. . . any other form of interference or attempted threat against the personality of the State or against its political, economic, and cultural elements.

The United States is a party to both of these international treaties.

Supporters of the administration's position respond to charges that U.S.-backed covert operations violate international law by arguing that these operations are undertaken for the ultimate purpose of "self-defense." While the Intelligence Committee's report leaves little room for doubt that the governments of Nicaragua and Cuba are aiding the insurgents in El Salvador in their quest to overthrow the Government of that country, any right to self-defense belongs logically to the Government of El Salvador. For the United States to act in the place of El Salvador in the exercise of any right of self-defense, if such an act of becoming an "alter ego" in itself would be consistent with international law and the exercise of natural sovereign rights, would probably have to be at the specific and formalized request of the Government of El Salvador, and the United States could not undertake that right to any greater degree than El Salvador could. That nation would not necessarily have the right to organize and train troops in Honduras and then assist them in Nicaragua, directly or indirectly, to disrupt that political system solely as a rectifying action to prevent arms from reaching insurgents within its own borders. Under the circumstances, that kind of response might well be considered a disproportional response. It might itself be classified as an unlawful act.

If we were to accept the Administration's thesis that our covert actions are justifed by Nicaragua's support for the guerrillas in El Salvador, will we then be forced to accept, under the same rationale, future administration actions to destabilize the Cuban and/or Soviet Government for their part in aiding those rebels?

If proponents of the covert action are not arguing some vaguely defined principle of individual self-defense where the United States is concerned, but are arguing instead the principle of collective self-defense, does that right include the right to commit the prohibited acts cited earlier under the U.N. and OAS Charter? Further, if the right to collective self-defense is being asserted, why have the procedures under the Rio Treaty and the U.N. Charter not been followed?

It is important for those who would raise the argument of the principle of individual or collective self-defense under international law to review the conditions set forth in international law which are to be a guide to the exercise of that right. One of the most often cited references in international law authorizing acts of self-defense is article 51 of the United Nations Charter which states that:

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations . . .

However, the remainder of article 51, which many fail to cite in full, adds:

. . . until the Security Council has taken measures necessary to maintain international peace and security.

Article 51 goes on to mandate:

Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council . . .

If, as some argue, the covert operations against Nicaragua are legal under this article, then the remaining obligations under that article ought to be equally honored and the covert action reported to the security council. This has not occurred. In fact, it is Nicaragua, not the United States, which proposes Security Council intervention in this issue.

Under the OAS Charter, there are similar rights and obligations. Article 21 states that:

The American States bind themselves in their international relations not to have recourse to the use of force, except in the case of self-defense . . .

Articles 23 and 24 further mandate that all disputes arising between States in this hemisphere are to be submitted to peaceful procedures including direct negotiation, good offices, mediation, investigation and conciliation, judicial settlement, arbitration, and other means. In the event of an act of aggression committed against a State of the OAS, it is to be considered an act against all members. Such acts, it is important to note, are not limited to "armed attack" but may include any act of aggression short of armed attack, extracontinental conflicts, conflicts between two or more American States, or "any other fact or situation that might endanger the peace of America."

In the event a State is confronted with such aggression, a number of steps are to be taken under the Inter-American Treaty of Reciprocal Assistance of 1947 (Rio Treaty), to which the United States is a party. First, article 3 of the Rio Treaty provides that in instances of armed attack against a treaty party, all other parties may determine the measures they will take at the request of the victim to fulfill their obligation to "assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations." Furthermore, the Organ of Consultation, consisting of the Foreign Ministers of the States party to the treaty, is to meet immediately to examine the measures which have already been taken and to agree upon collective measures to be taken.

To date, Nicaragua has not yet undertaken a direct, armed attack on any of its neighbors although the capacity and opportunity to do so are certainly obvious. Were it to engage in such an action, however, any State which is the victim of that attack could call on

other parties to the treaty, including the United States, to respond to that action and the Organ of Consultation could be convened immediately to determine what collective measures would be taken. Short of a direct armed attack, however, provisions in both the Rio Treaty and OAS Charter recognize that there may be other forms of aggression which may violate the integrity of the territory or the sovereignty or political independence of another State and thus endanger the peace of this hemisphere. In such cases, article 6 of the Rio Treaty states that;

. . . the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or . . . the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent.

If two or more American States are engaged in conflict, the parties to the Rio Treaty are to call upon the countries involved to cease hostilities and restore matters to the status quo ante bellum. In addition, the parties to the Rio Treaty may take other measures necessary to reach a peaceful resolution of the dispute. Whether a state accepts such peaceful measures is critical in identifying who the aggressor is and in applying the agreed upon measures.

Article 8 of the Rio Treaty outlines the measures which the Organ of Consultation may decide to take under the treaty. Those actions include:

. . . recall of chiefs of diplomatic missions; breaking of diplomatic relations; breaking of consular relations; partial or complete interruption of economic relations or of rail, sea, air, postal, telegraphic, telephonic, and radiotelegraphonic or radio telegraphic communications; and use of armed force.

If it is the informed judgment of the U.S. Government that the actions of the Nicaraguan Government pose a threat to the peace and security of this hemisphere and endanger the sovereignty and independence of neighboring states, we have a legal obligation to abide by our treaty commitments to take such matters before other parties to the OAS Charter and the 1947 Rio Treaty. The United States is not justified under any reasonable interpretation of contemporary international law to conduct a covert war to topple a government with which it maintains formal diplomatic relations. The principle of tit-for-tatism—that is, our illegal acts are justified by similar illegal acts of others—by which the administration is operating is neither good government nor a legally sanctioned rationalization for political behavior. In fact, article 14 of the OAS Charter explicitly warns against such behavior:

The right of each State to protect itself and to live its own life does not authorize it to commit unjust acts against another State.

The policy of symmetry—tit-for-tatism—thus has the effect not only of lowering us into the gutter with our enemies but of driving a stake right into the heart of international law.

Article 60 of the Vienna Convention of the Law of Treaties has been cited by some as providing a legal remedy authorizing a tit-for-tat approach to international law. Yet clearly this extraordinary article was designed to be a shield and not a sword. To assert that a particular action brings forth the right of one or more other parties to suspend provisions of a treaty prejudges that a material breach of international law has occurred. Article 60 does not provide an excuse for the Commission of a mutual breach of international law or condone an action which would otherwise be in violation of any treaty. The so-called "wronged party" is still bound by its treaty commitments to other treaty parties as well as to the international community.

If, as publicly reported in recent days, the new legal rationale for U.S. involvement in Nicaragua is not merely to interdict arms but to pressure and disrupt that government, then in effect the United States is violating the same international legal principles that we assert we seek to uphold. Our attempt, directly or indirectly, to affect a change in the political elements within Nicaragua would be tantamount to an unlawful intervention in that nation. Two violations of law do not make a legal right.

We all recognize that in international politics there are often imperfect alternatives, involving "no win" options. This could not be truer of the situation with which we are confronted today. But the key issue before this body is not whether a particular policy is effective, which is in serious doubt, but whether this body will demand of the executive branch an accounting for its actions under the laws of the United States which it has a constitutional duty to faithfully execute. No branch of government is above the law.

Congress is faced today with difficult choices under difficult circumstances. However, it would appear wiser to err on the side of respect for the rule of law rather than on the side of those who may pay lipservice to democracy but whose actions demonstrate a willingness to flaunt the law and to finance anarchy in foreign countries. Congress simply should not give the administration license to compound errors already made.

In this regard, administration logic has an ominously familiar ring. A phenomenon which might be described as a "domino theory of decisionmaking" confronts us today as it did not long ago in another war half a world away. One bad decision has been followed by still others, leading this Nation down the long tunnel of a counterproductive foreign entanglement. Under Presidents Kennedy, Johnson, and Nixon, the commitment of a small number of troops in Vietnam and the failed policies which followed led progressively to the commitment of greater numbers of troops and still other policies which failed to progressively greater degrees. We have an opportunity today to insure against a repetition of that experience in Central America and to reverse the direction of U.S. policy in that region before it is too late.

Besides the legal consequences which follow from the administration's present policies, serious and far-reaching moral and practical consequences of our present course must be addressed.

No action by the U.S. Government could more effectively undercut the moral imprimatur upon which our policies against the guerrillas in El Salvador are based than our support for the Nicaraguan contras. Whereas in El Salvador the United States stands four-squarely against those who would shoot their way into power, in Nicaragua we stand four-squarely on the side of such forces and are ourselves the financiers of increasingly bloody anarchy.

As a visitor to the Nicaraguan border last January, I can attest to the effect which the paramilitary operations are having on innocent civilians, victimized by the violence spawned by the military mobilization of the contras. Priests in the region tell visitors of the kidnapings and frequent killings. The inescapable and ugly reality is that the poverty-stricken masses of rural Nicaragua are being treated as pawns in an East-West conflict they hardly understand. If, as the administration argues, it is not supporting the violent overthrow of the Sandinista Government, one can only conclude that much of the violence this Congress is financing is violence without a purpose. The United States has become a rebel without a cause.

Practical considerations of national self-interest also argue against continued U.S. support for the contras in their secret war. It is difficult to comprehend what practical benefit the administration believes it will gain by identifying with ex-somocistas who just 4 short years ago lost a massively popular revolution. It is not difficult to anticipate, however, the likely price the United States will pay in the future for such an association with allies of a despised dictator. The energies of nationalism, which too many confuse with the zeal of Marxism, are easily mobilized to the advantage by the Sandinista regime. Portraying the insurgents as agents of Yankee imperi-

alism serves to consolidate the undeserved and unwarranted power of a few.

The history of the 20th century demonstrates that resorting to military means can neither resolve deep-seated economic and social problems nor serve long-term U.S. interests. The historical analogies offered by the sorry debacle at the Bay of Pigs in 1961 and the CIA overthrow of the Arbenz regime in Guatemala in 1954 indicate both the likelihood of failure as well as the long-term counterproductive effects of any short-term "successes". The era of great power interventionism in Central America policy has been eclipsed on the clock of history. Viable and deeply rooted indigenous democratic institutions cannot be easily built by outside military intervention.

The administration by its present policies is tempting fate in another exceedingly dangerous way. The prospects for igniting a full-scale war between Nicaragua and Honduras have been heightened by the covert war and threaten to result in an escalation of hostilities which could engulf the entire region. It takes little imagination to anticipate what the U.S. role in such a conflict might be.

There is little disagreement between those who support and those who oppose the administration's policies on covert action on the issue of Nicaragua's threat to the security and political stability of the region. The facts are plain for all to see. However, there is profound division on the question as to the appropriate policy to address that threat. The administration has been mistaken to infer from the existence of the threat that it alone is obligated to act on a unilateral basis with military muscle. Every threat we believe the U.S. confronts in Central America is faced a hundredfold by Nicaragua's more immediate neighbors. It is imperative that we yield to them for leadership in responding appropriately and in proportion to the threats posed by Nicaragua and Cuba. U.S. respect for international law and institutions as well as support for informal multilateral diplomatic efforts now underway, such as that of the Contadora group, are essential and more consistent with the democratic principles and practices of the United States than secret wars and gunboat diplomacy.

There is an important and ultimate difference between our democratic way of life and institutions and those by which Marxist regimes live. Covert action designed to overthrow a government which we formally recognize is, both in practice and principle, an offense against United States and international law and an affront to the sovereignty and identity of our Latin American neighbors. It must be stopped now.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

I hope the gentleman was present in the secret session last week when I think we established beyond any question that the Boland amendment has not been violated, at least what the Intelligence Committee that has jurisdiction intended for the Boland amendment to mean.

For us to come in and say that the Boland amendment has been violated totally ignores the facts that were presented in the secret session on last Tuesday.

Mr. LEACH of Iowa. Let me respond to the gentleman. It is a little unfair to say that there is pertinent secret knowledge on this subject that is available only to Members.

The gentleman from Massachusetts (Mr. BOLAND) has said in this body today that our actions have strayed beyond the scope of his amendment. The report of the Committee on Intelligence says the same thing. Let me just ask for a commonsense reading of words. The Boland amendment enjoins the Central Intelligence Agency and the Department of Defense from furnishing military assistance or groups "for the purpose of overthrowing the government of Nicaragua or provoking a military exchange between Nicaragua and Honduras."

What is happening today? Precisely that. For those who would argue that we are not violating law even though we are supporting people who are seeking to overthrow the Government of Nicaragua despite our intent to the contrary, are advancing the kind of sophistry that would allow one to believe in the tooth fairy.

The fact of the matter is this is straight foward English. Mr. BOLAND says the law has been stretched; the committee report says the law has been stretched; I did not hear anything in that secret session, and I listened to the gentleman, and I listened to the entire debate, that led me to any other conclusion.

So, let us not pretend to the American people that something secretly was provided this body that gives a different judgment than that which the committee report and the gentleman from Massachusetts (Mr. BOLAND) himself has indicated.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman from Florida, again, who raised this issue.

Mr. YOUNG of Florida. I thank the gentleman.

I would suggest to the gentleman maybe he did not listen quite as closely as he should have to what we discussed in the secret session, because what we discussed there dealt with specific questions by a member of that committee to other members and members of the staff asking what were the parameters, could a certain type of activity be entered into? Could it be done in this particular location or some other location? And the answers were very positive as to what the Intelligence Committee intended for the CIA to be able to do under the provisions of the Boland amendment.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. BOLAND and by unanimous consent, Mr. LEACH of Iowa was allowed to proceed for 5 additional minutes.)

Mr. BOLAND. Will the gentleman yield further?

Mr. LEACH of Iowa. I would be delighted to yield to the gentleman.

Mr. BOLAND. First of all, I want to compliment the gentleman on his statement. It is as good a one as will be made on this particular bill. Much has been said about whether or not this has been a legal or an illegal operation. And the gentleman did quote to the secret session from the transcript, from the record. No one disputes what he said during the secret session. I do not dispute. They were questions asked of the general counsel which we agreed on what a paramilitary mission could accomplish. But the bottom line was that there would be no effort to overthrow the Nicaraguan Government, the bottom line was that all of the activities, the paramilitary activities were to be used for the purpose of interdicting the flow of arms into Nicaragua. The record is clear on that, absolutely clear. And the December 2 finding was a finding which made it a paramilitary operation, which consisted of just a few hundred paramilitary insurgents. That, of course now has developed into thousands, thousands, with the result that if you look at the Boland amendment and the way in which the insurgency is being carried out, one with any sense, any legal sense, would have to come to the conclusion that the operation is illegal, that the purpose and the mission of the operation was to overthrow the government in Nicaragua. And that does not come only from the mouth of the chairman of this committee, but that also comes from the mouth of those who are the insurgents in Nicaragua, those who are leading the FDN, some of the Somozasista National Guard who are the leaders of the FDN, leading thousands into Nicaragua, not for the purpose of interdicting arms as Enrique Bermudez says but for the purpose of overthrowing the Government of Nicaragua; that is their primary purpose, the record shows it. If that is not a violation of the Boland amendment, I do not know what is.

Mr. LEACH of Iowa. Let me stress for the record that this is Mr. BOLAND who just spoke.

Mr. MARTIN of North Carolina. This gentleman over here?

Mr. LEACH of Iowa. Yes.

Mr. WOLPE. Mr. Chairman, will the gentleman yield to me?

Mr. MARTIN of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa. I yield first to the gentleman from Michigan.

Mr. WOLPE. I thank my colleague for yielding.

I want to join in the commendation Mr. BOLAND made just now of the gentleman in the well. That was a courageous statement, particularly courageous I submit because it comes from a Member on the Republican side of the aisle.

□ 1600

And I say that because I recall under a previous adminstration, being on the Democratic side of the aisle, a number of different times opposing a Democratic President, how difficult that was under those circumstances. How much more difficult it must be at this point in time given the gentleman from Iowa's role in the Republican Party and with respect to this particular President.

I hope that what the gentleman has done today can become an inspiration for other members of the gentleman's caucus, and for people on my side of the aisle as well, to honor their institutional responsibility. That, I take it, to be one of the central thrusts of the gentleman's remarks.

If we go back to the history of Vietnam, it was not a very happy period in American history from the standpoint of the constitutional responsibilities of the Members of the Congress. And it was subsequent belated congressional recognition of the failure of Congress to implement its responsibilities that led to the War Powers Act, a belated recognition that the Congress had allowed the executive branch to go its own way and that the Congress had essentially foregone the assertion of its constitutional prerogatives.

That same issue is before us today because, as the gentleman in the well has so eloquently pointed out, this body acted on a unanimous basis in approving the Boland amendment and thereby made a very clear statement of what the law and the policy of this Government is. There cannot be any doubt whatsoever that this administration is acting in a way that is contrary to that statutory mandate and that is illegal. I just hope that as we approach the decision that is down the road, we will not only take into account the absolute madness—from the standpoint of the protection of American interests in that region—that is involved in the administration's initiative, but also the important institutional and constitutional questions that have been raised by the manner in which the administration has proceeded.

Mr. MARTIN of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman from North Carolina.

Mr. MARTIN of North Carolina. I thank the gentleman for yielding.

It is one thing for the gentleman to claim and for the chairman of the committee, the author of the Boland amendment, to say that there is a violation. One could just as readily say that red is green or the reverse. It is another thing to present evidence.

Now we had a secret meeting of the House of Representatives in which there was an opportunity to present evidence. Why did someone not present it? Why did someone not refute what the gentleman from Florida presented to us at that time which indicated that all that had happened was along the lines of what had been indicated by the committee staff. Why was there not some refutation of that? Now at this point they are coming in and saying that we are at fault or that the administration's policy is at fault because instead of just a few hundred people being opposed——

The CHAIRMAN. The time of the gentleman from Iowa (Mr. LEACH) has expired.

(By unanimous consent, Mr. LEACH of Iowa was allowed to proceed for 3 additional minutes.)

Mr. MARTIN of North Carolina. If the gentleman will continue to yield, now we are being faulted because there are more than just a few hundred people in Nicaragua who reject the debauchment of their revolution by the Sandinistas. There are thousands and thousands, as the gentleman from Massachusetts has said, who are opposed to the Sandinista revolution now because some of those believe they can overthrow it, which clearly thousands and thousands cannot overthrow tens of thousands and tens of thousands, but because some of them believe it, therefore, we are supposed to abandon them.

We have heard before in this well that we cannot expect a military solution, but I say to my colleagues again, we are going to get a military solution in Central America, because if and when we turn our backs on the people of that region, if and when we say we are no longer going to provide weapons and ammunition in an effective way, if and when we say we are going to give Honduras and Costa Rica—who do not want to carry the ball by themselves—less than one-tenth of what the Soviet Union is giving to Nicaragua to spread this revolution without boundaries, once we make that decision and turn our backs on it and walk away and watch what happens, there will be a military solution and it will be a military solution where the Communists, one by one, will take over each government there in turn.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman from Massachusetts.

Mr. BOLAND. I thank the gentleman for yielding.

The gentleman from North Carolina asked the question, why did someone not respond to my distinguished friend—and he is my good friend, too, from Florida and a very worthwhile Member of this Congress and a very valuable member of the Committee on Intelligence, no doubt about it, as are all the Members on that side—just let me say that we did not have to respond because what he said was true. I had no objection to the questions that were asked by the gentleman from Florida (Mr. YOUNG) to the general counsel, the particular questions that were answered. And what constituted the interdiction of arms. The kinds of operations one might use to interdict arms. I had no objection to that. And the responses were free and honest responses. But there was never any response to the fact that this would permit the overthrowing of the Government of Nicaragua. Not here, not in this. We had no objection to what the paramilitary operation tended to do in the interdiction of arms. And how do you interdict arms? By finding munitions caches, by blowing up bridges, by interdicting roads where the arms might very well travel. But the bottom line is, let me say to the gentleman from North Carolina, and others, the bottom line is that there has been no evidence, no evidence, of the interdiction of arms into El Salvador. We never got that figure, could not get a figure from the intelligence community. And the record will show that.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. LEACH) has again expired.

(At the request of Mr. BEDELL and by unanimous consent, Mr. LEACH of Iowa was allowed to proceed for 2 additional minutes.)

Mr. BEDELL. Mr. Chairman, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman from Iowa.

Mr. BEDELL. I thank the gentleman for yielding.

Mr. Chairman, I rise to commend my colleague from Iowa. I think that he has demonstrated, at least to many of us, that we do not have to be partisan in this issue.

I happen to agree that we are violating the law in this, but I do not think that is the real issue. I think the issue we have to ask ourselves is what we are doing at this time in Nicaragua in our national interests. I would ask my colleagues one question: What did the

Japanese attack on Pearl Harbor do to the citizenry of this Nation? I would say that it united us in support of our Government more than any action that could have possibly been taken.

If we want to unite the people of Nicaragua in support of the Sandinista government, surely we would be hard pressed to find any possible way we could do it any more effectively than what we are doing. And certainly my trip down there, where I had a chance to talk to the people themselves, showed very clearly, as they said to us: "Look, if you want to get to Managua, you are going to have to come through Esteli, and we are going to be there with guns to try to stop you."

That is their attitude. All we are doing is pushing them into the hands of their Government further, we are pushing their Government further toward the Soviet bloc countries, and I cannot commend my colleague enough for having the courage to stand up and speak out on this issue.

Mr. LEACH of Iowa. I appreciate the comments of my colleague from Iowa.

Mr. Chairman, I would simply conclude with the observation to my own party, as Republicans, as conservatives, as constitutionalists, we are the party that should be concerned most of all about the rule of law. Let us make a stand.

The comment was made: was there proof given in the secret session that we did not violate the rule of law? Nothing in the secret session went against the committee report that says we have. Nothing in the secret session was directed in opposition to the committee chairman when he took the same position as he took on the House floor today.

The fact of the matter is we are stretching thin the rule of law that distinguishes the Western tradition. The fact is we Republicans ought to be the first in this body to say, let us not have too much authority in the Executive, let us stand for democracy, bi-cameral, and bi-institutional cooperation as well as bi-partisanship.

Mr. Chairman, I yield back the balance of my time.

Mr. ROBINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment that has been presented to us as one of the sponsors of it. The chronology of its development has been laid out for the Members. A lot of work has gone into it from both sides of the aisle, a number of meetings as was stated, both at the White House and up here on the Hill. Many of the problems that existed at the outset were ironed out in terms of changes in language, both for Republicans, for Democrats, for administration people, for CIA, for everybody else.

□ 1610

So it is something of a consensus that has been refined to a degree that nothing else has been with which I am familiar.

For example, the matter has been discussed as to the reasoning regarding the use of the Governments in the region of Nicaragua as being those that would be the moderators with respect to any agreement that is reached.

And yet the point is made that the United States does not have a proper play in that, does not play a proper part in it with regard to participating.

We do not want to play a part in it, particularly in that respect, because as soon as we begin to play a part, then it will be claimed that we are the big boys in the game and everything depends upon what we say and the other participants do not amount to anything. So it was decided that it should be done by the people in that region and that the United States would not be a participant.

It does not require a Presidential finding in order to implement the cessation of covert action. We did not leave it at the feet of the administration in drawing the amendment. We decided it could be done without the President's approval, if necessary, and so the President, the administration, does not participate in it. And it makes it something that is decided in the area; it is a multilateral decision among those people who are most definitely affected.

And then, finally, it includes the bipartisan Commission that is now in place appointed by the President and which, at the time it was suggested, was nothing but a gleam in someone's eye. This group that is responsible for developing this amendment is the one that came up with the idea for that Commission. That did not come out of the administration. It came out of this group and was picked up and implemented by the President in advance of the time that we brought this bill to the floor.

But a big question that has just been developed here with regard to the colloquy that just took place has to do with whether or not there has been a violation of the Boland amendment. And the chairman, the gentleman who I have worked with so hard since the time that the committee was established, just a few minutes ago said anybody with any sense knows that the law has been violated with respect to the Boland amendment.

Well, Mr. Chairman, you have got to put me in the category of one who has no sense. I sat through every bit of the development of the Boland amendment; I heard what went on with regard to the understanding that existed when we brought it to the floor; then I got up down here and I spoke for it, because I did understand what the Boland amendment meant, I thought. And I was shocked at the developments that have taken place that have led to the situation where we now sit.

I have no doubt, Mr. Chairman, that being the ranking Republican on that committee I took some of those 411 votes with me. I argued some of my colleagues into going along at that time because I though I understood it, and I still think I understand it, and I do not believe that the Boland amendment has been violated by this administration based on that understanding.

As the gentleman from Florida has said repeatedly, the understanding that we had with regard to bringing the Boland amendment to the floor had a great deal more to it than just arms interdiction, and we understood that. It was not a simple arms-interdiction matter. And maybe it did not appear so plainly in the written amendment itself, but it was legislative history, nonetheless, that the understanding existed.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. ROBINSON) has expired.

(On request of Mr. HYDE and by unanimous-consent, Mr. ROBINSON was allowed to proceed for 2 additional minutes.)

Mr. ROBINSON. I thank the gentleman.

Mr. Chairman, I want to say that as one who stood here defending the Boland amendment, arguing my colleagues on the Republican side to vote for it, that I made a mistake in so doing. It is probably the biggest mistake I have made since I have been in Congress, and I regret it very much.

Mr. MONTGOMERY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. YOUNG of Florida. Mr. Chairman, I would like to renew my unanimous-consent request that the gentleman from Mississippi (Mr. MONTGOMERY) have 2 additional minutes and, hopefully, he will yield to the gentleman from New York (Mr. SOLARZ) for whom I agreed to ask time before.

Mr. MONTGOMERY. Mr. Chairman, I will advise the gentleman that I will yield for an additional 2 minutes. I will take less than 3 minutes, so I will yield during the rest of my time to the gentleman.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERGY).

Mr. MONTGOMERY. Mr. Chairman, I rise in support of this amendment. I am one of the sponsors of the amendment. Certainly it is a compromise to try to get the different Members together who have different philosophies on how we should handle ourselves on covert and overt operations in Central America.

I am supportive of the compromise.

Quite frankly, I am concerned, though, that we should not be meddling in the affairs of the President of the United States when it comes to covert or intelligence-gathering sources, as far as Central America or even other countries around the world. We just should not be taking the lead in something like this. I am very concerned, but I am willing to support the compromise.

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I appreciate the position the gentleman takes, and I would like to say to him that this language was agreed to by those representatives of the administration who attended the working sessions where this language was drafted.

I might even admit that this language might be a little bulky here and there, but this was language that was drafted in repeated meetings with those administration representatives empowered to speak for the White House. Mr. MCCURDY said that he was there, Mr. ZABLOCKI was there, Mr. JIM WRIGHT was there, a lot of Members were involved in the drafting of this language, and the administration did agree to that language. So I wanted my friend to know that.

Mr. MONTGOMERY. I am glad to know that. I am not talking about this administration or whatever administration or whatever party it is. I just feel like the Congress cannot get that involved in covert operations for any President.

I would like to say that I also endorse the bipartisan commission that is in the amendment.

Let me close by saying that some of my colleagues are concerned that this could turn into another Vietnam. I think we can learn a lesson from Vietnam, and no reason for this show of force should cause us to put forces in that part of the world. In Vietnam the Americans took over the war. We actually were running the war. The Vietnamese stepped back. They let us take the lead. After we left—and we did leave, we were not run out of Vietnam—then the Vietnamese did not have the will to take over. We do not want that to happen in Central America, and we do not need to get Americans on the ground. It should be up to the Salvadorans and those other countries that have a democracy down there for them to make it on their own. So I do not think you can compare Vietnam with El Salvador, with Nicaragua. We learned our lesson in Vietnam. You do not need to put forces on the ground. You need to help those people. And if they do not have the desire, there is nothing else we can do about it.

I hope the Members will support the amendment.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

(By unanimous consent, Mr. HYDE was allowed to proceed for 2 additional minutes.)

The CHAIRMAN. The gentleman from Illinois (Mr. HYDE) is recognized for 7 minutes.

Mr. SOLARZ. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from New York.

Mr. SOLARZ. I thank my very good friend, the gentleman from Illinois, for yielding.

Mr. Chairman, I simply wanted to make the point that there appear to be many Members who are attracted to the notion of symmetry, who believe that, unless the Nicaraguans are prepared to cut out their campaign of subversion against the Salvadorans, we should not cut out our campaign of subversion against them.

□ 1620

What I want to say to those Members who feel that way is that whatever the attractions of symmetry may be, this amendment is not a symmetrical amendment because this amendment does not say if the Nicaraguans stop what they are doing elsewhere in Central America we will stop what we are doing in Nicaragua.

What this amendment says is that unless every government in Central America enters into an agreement with Nicaragua, then we do not stop what we are doing vis-a-vis Nicaragua. There may be governments in Central America, indeed there are governments in Central America, that would probably like us to continue a campaign of subversion against Nicaragua, even if Nicaragua was no longer engaged in a campaign of subversion against them.

As a consequence, if this amendment is adopted, we have not adopted a tit-for-tat amendment; we have adopted an amendment in which the control of American foreign policy is given over to the heads of other governments in Central America who, for their own reasons having nothing whatsoever to do with whether or not Nicaragua is conducting a campaign of subversion against them, may refuse to enter into an agreement with Nicaragua which, under the terms of the amendment, is the condition for terminating our paramilitary assistance campaign against the Government of Nicaragua.

Last, let me just say that the amendment is not symmetrical in another fashion. Under the Young amendment, the Government of Nicaragua is obligated to* promise not to subvert any other regime in Central America. But none of the other governments in Central America are obligated not to subvert Nicaragua.

Mr. HYDE. Mr. Chairman, I want to say at the outset that I am delighted, and I mean that very sincerely, that the concept of symmetry is beginning to have some attractiveness on the other side, because I think that is the answer to our dilemma.

I will concede that the gentleman from New York (Mr. SOLARZ) has a point when he discusses the clumsiness, the lack of precision, in the Young amendment; but I hasten to add that the original Young amendment had all of the virtues that Mr. SOLARZ has praised, and that this product is a product of a committee which included some people on the gentleman's side who have now decided to abandon it.

So I intend to support the Young amendment as it is, for symbolic reasons perhaps, but I do welcome initiatives based on the principle of symmetry, which I think is the key to this problem.

Mr. Chairman, let me say that I have been a lawyer for 33 years, and I know enough about my profession to know that as many lawyers as you have, you get as many different opinions on what the law is. If it were so clear and concise, we would need a lot fewer judges and a lot less law libraries.

But with that background, it is my opinion that what is happening in Nicaragua in terms of covert aid is not in violation either of the Boland amendment or of the U.N. Charter, or of the Organization of American States Charter, or of the Rio Pact.

I cite article 51 of the U.N. Charter, which is similar to article 3 of the Rio Treaty and article 21 of the OAS Charter, which provides for self-defense. There is no law in the world that is legal in the sense that it is moral or enforceable or honorable that denies a sovereign country the right of self-defense.

So the next question is: Is covert activity within the borders of Nicaragua a legitimate act of self-defense on the part of El Salvador, and I suggest that it is, and I suggest that Nicaragua has lost any standing to claim that her territory is being violated by the United States in support of covert aid in conformity with the U.N. Charter, the Rio Pact, or the OAS Charter.

Mr. LEACH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. HYDE. Of course I yield to my good friend, the gentleman from Iowa.

Mr. LEACH of Iowa. I thank the gentleman for yielding.

Mr. Chairman, I think it important to read some of this language. Article 51 of the U.N. Charter stipulates:

> Nothing in the present Charter shall impair the inherent right of individual or collective self-defense . . .

Then it goes on to state, which many fail to cite, "* * * until the Security

Council has taken measures necessary to maintain international peace and security." It goes on to mandate:

Measures taken by members in exercise of this right of self-defense shall be immediately reported to the Security Council . . .

If, as the gentleman argues, the covert operations against Nicaragua are legal under this article, then the remaining obligations under the article ought to be honored. Ironically, the United States of America has failed to go to the Security Council.

Mr. HYDE. I take it the gentleman is no longer reading.

Mr. LEACH of Iowa. I am no longer reading.

The United States has not gone to the Security Council. The only party that is asking to go the Security Council happens to be, and I am not a defender of this government—it is a repressive government—is the Government of Nicaragua.

If we are going to argue that we have rights under the U.N. Charter, under article 51, then we must also stipulate that we will honor the full obligations in that particular article. We have not gone to the Security Council. Neither have we under the OAS Charter, called as required a meeting of the Foreign Ministers of the countries involved.

Mr. HYDE. I am going to have to recapture my time. I appreciate what the gentleman is saying. The fact is, self-defense is a fundamental right of any individual or any collective, and it is in the exercise of self-defense for El Salvador that covert aid is being given to covert forces within the boundaries of Nicaragua.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. HYDE) has expired.

(By unanimous consent, Mr. HYDE was allowed to proceed for 3 additional minutes.)

Mr. HYDE. Now, I would also like to talk about the Boland amendment. The Boland amendment, which Mr. ROBINSON feels misled about, and I can understand why. If Members read it, it forbids the use of these funds to be expended for the purpose of overthrowing the Government of Nicaragua.

I suggest the contras in Nicaragua in no way can overthrow 25,000 regular army, 50,000 ready reserves, and a militia approaching 100,000. I suggest that Eden Pastora and his few little people, the FMN and their few little people, and the Miskito Indians, fighting with sticks and stones, are not going to overthrow the heavy artillery and the tanks of the largest standing army in Central America. So they may want to do it, but it is not going to happen. They do not have the personnel, nor the resources, nor the training, and we are supporting them like we were Patagonia or Lichtenstein, not the leader of the free world. We do not have the will or the resources or the brains to do it.

Now, the purpose of the Contras is to interdict arms, and we have said it has not worked. There are photographs over there, under Mr. Lafayette, an interesting juxtaposition, if you will look at them, that show it is working, that show the arms getting through are no longer truckloads full but automobiles full.

In addition, you never know how many arms were not shipped because of the deterrent factor of these contras, of the interdiction, the covert forces within Nicaragua. Deterrence is not measurable. They say capital punishment does not deter murder. How many murders were not committed because of fear of capital punishment? We do not know.

The law is not being broken, and the Contras are bringing pressure to bear on the government. They have to look over their shoulders as well as look forward to El Salvador.

Lastly, the remarks that we do not support Democrats and democracy in Central America is absolutely false. We have supported Mexico, we continue to support Mexico, Costa Rica, Honduras, Jamaica, El Salvador, the World Bank, the Inter-American Development Fund, the Caribbean Initiative. Not enough, but we have supported those democracies and freedom down there for economic reasons and we continue to do so.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I will yield once more to my friend, the gentleman from Georgia.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. HYDE) has again expired.

(On request of Mr. FOWLER and by unanimous consent, Mr. HYDE was allowed to proceed for 2 additional minutes.)

Mr. FOWLER. I thank the gentleman, for whom I have the greatest respect, but I say to the gentleman, with great respect, that the gentleman does a disservice, I believe to himself and to this body, when he makes some of the statements that he just made.

I know for a fact that the gentleman was here during the majority of the time, as we all were, for the secret session and heard the classified material to which the gentleman has been privy on the Committee on Foreign Affairs. He knows that our involvement and our army of these mercenaries in Nicaragua far exceeds the "sticks and stones" that the gentleman just described.

□ 1630

Mr. HYDE. Mr. Chairman, I was talking about the Miskito Indians. I am talking about the aid we are giving to those few Miskito Indians up in the north who are fighting to avoid genocide.

Mr. FOWLER. Mr. Chairman, if the gentleman will again allow me to speak, may I say this?

Mr. HYDE. I yield to the gentleman from Georgia.

Mr. FOWLER. Those Miskito Indians are also a part of the interdiction force that the United States has. They are much more than a few, as the gentleman knows. They are much more than a hundred, as the gentleman knows. They are more than a thousand.

Mr. HYDE. I did not say, a hundred. And I find it hard to call people who live in a country intervenors. I would like to think of them as a people trying to recapture their own country and their own revolution from the Marxist, intellectual, ideological intervenors.

Mr. FOWLER. I appreciate the rhetorical flourishes of the gentleman.

Mr. HYDE. Well, just a minute.

Mr. FOWLER. I say that with great respect.

Mr. HYDE. Does the gentleman mind if I recapture my time?

The CHAIRMAN. The gentleman from Illinois (Mr. HYDE) has the time.

Mr. HYDE. Mr. Chairman, the gentleman has accused me of disserving himself, which is no great loss, and disserving this House, which is, and I am waiting to hear the gentleman tell me why.

Mr. FOWLER. Well, I would if the gentleman would yield and give me the same privilege.

Mr. HYDE. Go right ahead. I yield to the gentleman from Georgia.

Mr. FOWLER. The gentleman knows that there was no indigenous uprising of Nicaraguans against the Sandinista government before the United States decided to finance such an uprising.

Mr. HYDE. The gentleman does not know that.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. HYDE) has again expired.

Mr. KOSTMAYER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I would like to make just four brief points.

I think that in the discussion of symmetry we are in danger of losing the central focus of the debate, which is whether this aid ought to be covert or overt. The gentleman from Illinois pointed to the photographs which are here in the Chamber and said that the interdiction of weapons coming into El Salvador is a success.

We are in favor of interdicting those weapons. We are in favor of spending $80 million to friendly countries to help them interdict those weapons. So that is not the issue here today. There

is not one side which is in favor of stopping the flow of weapons into El Salvador and another side which is disagreeing with that. So that is not the issue here. We are talking about whether or not the aid should be covert or overt.

Second, what we do by this amendment, I think, is to make American foreign policy contingent on third parties, on the leaders of Central America. We are putting Nicaragua in the driver's seat. What if people come to power in Nicaragua who are even worse than the people who are there now? And I have no sympathy with the Sandinista government. What if they deliberately do not want the settlement to occur? Is it not possible that the leaders of Nicaragua and other countries could deliberately see that this process does not work?

I do not think we should hold American foreign policy hostage to the leaders of Nicaragua. During the discussion in the Committee on Foreign Affairs, on which I serve, we talked about making aid to the Government of El Salvador contingent on requiring that Government to negotiate with the guerrillas. And the gentleman from Illinois said at the time, and I think quite correctly, "We can't do that. What if the guerrillas refuse to negotiate? Then we will end up cutting off aid to the Government of El Salvador which wants to negotiate because the guerrillas don't want to negotiate."

That is what we are doing here. What if the Nicaraguans and others in Central America do not want this to work? Again we are making American foreign policy contingent not on what we want but on what they want, and I think that is a mistake.

Third, if this amendment is adopted, we are giving to the Reagan administration a blank check to do virtually anything they want to do in Central America.

Fourth, the President has the power now to stop our military activity there if they stop theirs. We do not need to pass this amendment to give the President the power to do that. He can do that anyway. The President now enjoys the option to do precisely what this amendment allows him to do. We do not need to pass a bill or an amendment to do that.

The purpose of this amendment is not to stop the flow of arms into El Salvador. The purpose of this amendment is not to stop American involvement in Central America. The purpose of this amendment is to provide an excuse to continue covert aid in Central America, and that is the issue—covert or overt.

Mr. RITTER. Mr. Chairman, will the gentleman yield to his colleague from Pennsylvania for a quick question?

Mr. KOSTMAYER. I yield to the gentleman from Pennsylvania.

Mr. RITTER. Mr. Chairman, I would like to ask the gentleman whether or not he would agree to make the aid which is covert to those fighting inside Nicaragua overt?

Mr. KOSTMAYER. Mr. Chairman, the purpose of the Boland-Zablocki bill, as perhaps the gentleman may not know, is to provide $80 million over a period of time to give overt rather than covert aid.

Mr. RITTER. I understand that, but let me say this, if the gentleman will yield further.

Mr. KOSTMAYER. Of course, I yield to the gentleman from Pennsylvania.

Mr. RITTER. That aid goes to friendly countries in the region; is that true?

Mr. KOSTMAYER. That is correct.

Mr. RITTER. And it is overt to those countries who really do not want any part of this operation.

Mr. KOSTMAYER. Then that should be their option, and I think that is really what the legislation says. I think they should be in the position, as should we, of making that choice.

This legislation provides $80 million to interdict weapons. The gentleman from Illinois pointed to the photograph and said the interdiction of weapons is working. We are not opposed to the interdiction of weapons. We do not want to see weapons going from Nicaragua and Cuba into El Salvador. All we are saying is that we should do it openly, do it publicly, and above board.

Mr. RITTER. Mr. Chairman, would the gentleman support open assistance to those who are called by some Freedom Fighters fighting inside of Nicaragua? Would the gentleman support that kind of assistance?

Mr. KOSTMAYER. No, I would not, not if the purpose is to provide them with the power to overthrow governments. That is not appropriate. That operates outside of international law, outside of congressional law, and outside of American law.

Mr. RITTER. Does the gentleman accept the validity and the credibility of the Government of Nicaragua?

Mr. KOSTMAYER. I do not know whether the government is legitimate. There has never been an election. It seems to me it is as legitimate as the government which preceded it and which we supported.

Mr. RITTER. Then the gentleman feels that this government might well not be legitimate?

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. KOSTMAYER) has expired.

Mr. SILJANDER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, the gentleman from Illinois read some provisions of the U.N. Charter, article 51, except the problem is that the full article was not read. It does say this:

> Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council . . .

But then it goes on to say that these "shall not in any way affect the authority and responsibility of the Security Council under the present charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security."

May I remind the Members of the House that article 3 of the Rio Pact says, and I quote:

> The High Contracting Parties agree that an armed attack by any State against an American State shall be considered as an attack against all the American States . . .

The OAS Charter, in article 21, says, and I quote:

> The American States bind themselves in their international relations not to have recourse to the use of force, except in the case of self-defense in accordance with existing treaties or in fulfillment thereof.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. SILJANDER. I am happy to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, what the gentleman is saying is that by reading the entire text of those documents and the fundamental charters, the right of self-defense does exist, and it is legal, and El Salvador is entitled to exercise that right of self-defense, and the United States, as an ally of El Salvador, is entitled to exercise that right of self-defense?

Mr. SILJANDER. Mr. Chairman, if the gentleman will allow me to answer, the way I read all of these charters that we have agreed to, that we as a country have committed ourselves to with other nations, we have a responsibility to assure that those nations and other nations fighting for their freedom against outside aggressors, such as 7,000 Cuban troops, over 2,000 other types of Soviet troops, and over 1,000 PLO-Libyan troops, as Freedom Fighters, do have the responsibility, and we have the responsibility to give them the opportunity, to fight for their own freedom. That is the way I read it.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from Illinois.

Mr. HYDE. In other words, what the gentleman is saying is that those people who claim that aiding the covert forces within Nicaragua to recover their own revolution and who claim that is illegal are not taking into consideration the text of the U.N.

Charter, the OAS Charter, and the Rio Pact?

Mr. SILJANDER. Mr. Chairman, if the gentleman will allow me to regain my time, the exact point is clear. We have heard on this floor time and time again that what we are doing is blatantly illegal.

□ 1640

I am submitting that what they are trying to do by the Boland-Zablocki amendment is blatantly illegal and it is immoral, attempting to tell people fighting for their own freedom that they do not have the right to do so and we according to these charters have an obligation to assist those to fight for their own freedom.

If I may go on further, the gentleman from Georgia talked about and referred to the Miskito Indians as being part of the insurgency that are there to destroy and disrupt the government. What about the Kupra Camp, a detention camp where 12,000 men, women, and children and old people are detained? Are they also insurgents?

The point I am trying to make here, we are accusing the Miskito Indians as being a major portion of the insurgence; therefore, a concern for human rights violations of the Miskito Indians is no longer in order. I consider that hogwash.

I mentioned the Kupra Camp that is detaining 12,000 men, women, and children.

Another camp built for 4 or 5 hundred detainees is encompassing now 25,000 Miskito Indians. The population of the Miskito Indians in Nicaragua was 200,000 men, women, and children. There are an estimated 45,000 still left in camps that have not been collected, considering all of them according to the Nicaraguans are insurgents and not collected. There is an additional 18,000 Miskito Indians in refugee camps in Honduras.

We have the 25,000, the 12,000 in a second detention camp, the 18,000 in refugee camps in Honduras, the 45,000 still left in villages yet to be collected by the Nicaraguan Government who claim all these people are insurgents and fighting for the revolution. That leaves 100,000 Miskito Indians unaccounted for.

I just wonder and I ask the gentleman from Georgia, where are the 100 thousand Miskito Indians that have seemingly disappeared from the face of the Earth in Nicaragua?

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. SILJANDER. I am happy to yield to the gentleman from Illinois.

Mr. HYDE. Speaking of the legality of what is going on, does the gentleman recall Thomas Jefferson's personal motto that he used to impress in the wax with which he sealed his letters, that "Rebellion to tyranny is obedience to God."

I remind the gentleman of this.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, for many of the same reasons that the gentleman from New York (Mr. SOLARZ) cited when he rose in opposition to the amendment about the flaws in the amendment with respect to who will conduct the foreign policy in this country, I oppose the amendment; but I also am terribly concerned that the amendment, if it is adopted, would be unable to cure the flaw that we find in the policy of this country at this time; that is, that back in December 1981 a finding was made to the Intelligence Committee about the actions that this administration sought to undertake inside Nicaragua. Specifics were laid out as to the intent, the scope and the purpose.

I must say that the evidence that was introduced in secret session by the gentleman from Florida (Mr. YOUNG) is not inconsistent with the intent, the scope, and the purpose of that funding which was for the interdiction of arms.

Now a year went by and updates were given. The scope was changed. The size was changed, and the purpose was changed. The Intelligence Committee watched this happen.

At some point, this Congress because of reports in the press were concerned about the direction that this action was taking. You remember that we had a vote on airstrips in Honduras during the lameduck session and later we had a vote on the Boland amendment, which was a substitute for the Harkin amendment, but which very clearly laid out to the Members of this Congress that it was the intent of this Congress that we not engage in the overthrow of that government.

What this amendment cannot cure is the finding of our own intelligence committee as to the illegality of the actions that are now taking place under that original finding of December 1981.

This amendment, whether the Nicaraguans agree with every other country in the region or whether those countries agree or disagree, whatever the agreements are, cannot cure the illegality of the actions that are currently engaged in by the Government of the United States, illegal not in the eyes perhaps of the OAS or the U.N. Charter or of the Rio Compact, but illegal under the laws of this land, illegal under the law of this land that passed this House by 411; so before we move on to addressing the issue of the Nicaraguan Government, their style of government, their manner of behavior, their export of revolution or any other charges, let us first deal with whether or not the administration of this country has within its power to violate the law of this land as passed by the Congress of the United States. You participated in that act. You voted for that act.

This question is no more fundamental than that, because let me suggest to you that as the committee states, it has no book for the Government of Nicaragua. It originally agreed with the intent and purpose, although it raised some immediate concerns I believe in letters and conversations to the White House and to the intelligence community; but nevertheless, it was willing to go along.

So what this says is that this particular covert action under that finding in the confines of the Boland amendment is, in fact, illegal and must be stopped if the law of the land is to be obeyed.

Now, if the administration wants to come back, as was hinted in this morning's paper with a much broader finding, whether it is no longer to make Nicaragua look inward in arms interdiction, or whether it is to change their attitude or behavior modification or to change the government in Managua, then this Intelligence Committee will have to consider that finding and the administration can go on about its way and you will have to monitor that as to whether or not the Intelligence Committee would allow it to continue. That is compliance with the Hughes-Ryan Act.

I will not yield at this time. I will be delighted to yield at the end of my statement.

There would be compliance with the Hughes-Ryan Act and the administration can comply with that the moment that this action is passed by the Congress or by this House or at any time.

Now, let me suggest that that original purpose, including the evidence submitted by the gentleman from Florida (Mr. YOUNG) was for the purposes of interdiction in Nicaragua, small teams selectively targeted as selected targets—obviously some will disagree about how far they should have gone in, but for purposes of interdiction, that certain actions could be taken.

It has since been testified with a great deal of ambiguity, but apparently no real substantial evidence, that this interdiction mission inside Nicaragua was effective, both in the Senate secret session and over here.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 5 additional minutes.)

Mr. MILLER of California. That it was not terribly significant in terms of any arms, if any, at that time and later before the Foreign Affairs Com-

mittee the questions were asked and it is questionable how effective this was in terms of the interdiction inside Nicaragua.

Testimony was given earlier today about the photographs of trucks and cars and interdiction. You will notice that most of the photographs of trucks and cars, and so forth, are arms that were seized in Honduras, were seized in El Salvador, and as I understand it, the most recent route, there is some evidence that arms are in fact coming from our ally through the country of Guatemala. Past evidence was, some suggestion I believe that some arms were coming through Panama; but the fact of the matter is that the interdiction, the finding on which this action is based inside Nicaragua, has been a flop.

Now, if you have another purpose in mind, let the administration come and tell us what that purpose is and under Hughes-Ryan the Congress can go forward.

Now, I have been asked to yield several times, and I will be delighted to yield in a moment.

It has been suggested that what we are being presented here with is a bipartisan compromise, that some Democrats once sat down in a room with the people who drafted this amendment and somehow that makes it bipartisan. Perhaps there are one or two Democrats that are on it.

What it cannot compromise and what it cannot achieve in the manner in which it is drafted is that it still cannot cure the illegality—I said that I would yield in a minute and you will all know when I finish because it will get very quiet in the Chamber—it cannot cure the illegality that the Intelligence Committee has found in terms of violations of the Boland amendment.

□ 1650

This amendment does not address the reason we are here today and that is whether or not the law that I believe almost everybody in this room voted for, and certainly 411 Members of Congress, whether or not that law is being violated. That is the issue that is addressed by the Boland-Zablocki amendment.

I suspect there will be another finding and there will be additional covert actions if this were to pass the Congress. That is clearly the prerogative of this administrative under Hughes-Ryan.

What is not the prerogative of this administration under Hughes-Ryan is to violate the law of the land. And we have set up the Intelligence Committee to monitor whether or not these covert actions, which have some status of legality under our laws, are in fact carried out under the laws of the land.

After a year of monitoring this committee made a finding that, in fact, the laws of the land passed by this Congress were violated. That is what we are here about today.

To pass on judgment as to whether or not we want overt aid for the friendly nations, whether we want to have overt aid to invade Nicaragua, whether we want to have a broader finding brought to the Congress, are all secondary issues. It is back to the old question of whether this is a land of laws or a land of men, and in this case I believe it is a land of laws.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I have listened to this debate with a great deal of interest. A question comes to mind.

Everybody that is speaking for the gentleman's position says that they are for interdiction but they do not want to support the insurgents who are doing the interdicting. My question is: Since you support that and you support the interdiction of these supplies of these war materials from getting into these other countries for revolutionary purposes, who would the gentleman like to replace those people with who are doing the interdicting right now?

Mr. MILLER of California. First and foremost, if you are concerned about the expenditure of money for the purposes of interdiction, this has been a flop.

I believe a country has a right to secure borders, that the country of Honduras has a right to make its borders secure, as does El Salvador. And if they are unable to do that within their own resources, and this Congress determines, as in this legislation is suggested that we contribute $80 million for that purpose, that is fine. Then let us provide whatever the Congress deems to help secure those borders.

But the purpose of invading a country with 10,000 mercenaries, paid for, supported and trained——

Mr. BURTON of Indiana. Mercenaries?

Mr. MILLER of California. We have a certain fiduciary relationship with these individuals. The gentleman would not believe for a minute that this was somehow a spontaneous uprising of people in Nicaragua for this purpose.

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to my colleague from Pennsylvania.

Mr. RITTER. I thank my colleague from California for yielding.

First of all, I would say that it is far more a spontaneous uprising.

The CHAIRMAN. The time of the gentleman from California (Mr. MILLER) has again expired.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

Mr. WEAVER. Mr. Chairman, I object.

Ms. OAKAR. Mr. Chairman, I ask unanimous consent that the gentleman may have 3 additional minutes.

Mr. MILLER of California. Mr. Chairman, the gentleman was not on his feet when he objected.

The CHAIRMAN. The gentleman who objects must stand.

Is there objection to the request of the gentlewoman from Ohio?

Mr. WEAVER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

AMENDMENT OFFERED BY MR. BARNES TO THE AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. BARNES. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BARNES to the amendment offered by Mr. YOUNG of Florida: Strike out all that follows "The prohibition contained in subsection (a) shall take effect" in proposed section 802(b) through the end of the amendment and insert in lieu thereof the following:

on the date prescribed in the classified annex to the report of the Permanent Select Committee on Intelligence of the House of Representatives to accompany the bill H.R. 2760 (98th Congress).

"(c) It is the sense of the Congress that the Government of National Reconstruction of Nicaragua should enter into an agreement with the governments of the other countries in the region—

"(1) that the Government of National Reconstruction of Nicaragua will not support, directly or indirectly, military or paramilitary operations by antigovernment forces in any country in Central America;

"(2) that provides for effective multilateral verification of compliance with paragraph (1); and

"(3) to resolve the conflicts in Central America based on the principles affirmed in the Final Act of the San Jose Conference of October 1982 and the commitments made by the Government of National Reconstruction of Nicaragua to the Organization of American States in July 1979.

Strike out "SEC. 802." and insert in lieu thereof "SEC. 801."

Mr. BARNES (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. YOUNG of Florida. Mr. Chairman, reserving the right to object, and I shall not object, I would like to have a copy of the amendment so that I may follow along as the gentleman describes it.

Mr. BARNES. I will be happy to provide the gentleman with a copy. The staff has copies.

Mr. YOUNG of Florida. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. BARNES. Mr. Chairman, many of us in the House share the concerns expressed in the amendment offered by the gentleman from Florida. In fact, a good portion of the amendment offered by the gentleman from Florida is identical to a resolution that I introduced in the House along with my colleague from New York, JACK KEMP. It calls for the creation of a bipartisan commission to consider the issues of Central America.

As everyone is aware, such a commission has been created, and that issue of needing to pass a congressional resolution to create such a commission is moot.

There is no longer a need for that.

So my amendment to the amendment offered by the gentleman from Florida (Mr. YOUNG) would strike that portion of his amendment which would call for the creation of such a commission.

My amendment to the amendment of the gentleman from Florida also changes certain of his language from a mandate that the United States await the action of other countries before we take certain action into a sense of Congress statement that those actions should be taken.

The reason that I believe my amendment is preferable to the amendment offered by the gentleman from Florida is that his language would require that the United States await actions by a number of governments in Central America before we consider terminating our actions against Nicaragua.

We would make our foreign policy, as it were, subject to the decisions of other governments and, as has been pointed out in the debate by a number of our colleagues, I think very eloquently by the gentleman from New York (Mr. SOLARZ) there are governments in Central America that do not want to take the action that is called for. They do not want to enter into an agreement with the Government of Nicaragua, and would love to see the United States pushed into a position where our actions to subvert or destabilize that government would continue, simply because they did not enter such an agreement.

So what my amendment to the gentleman from Florida's amendment would do is embody the same concept as his amendment, that the governments of Central America, including the Government of Nicaragua, should enter into agreements that they would not support directly or indirectly military or paramilitary operations by antigovernment forces in any country in Central America, that they would enter into agreements that would provide for effective multilateral verification of compliance with that first statement.

I agree totally with the gentleman from Florida that that would be a very constructive action.

Finally, my amendment includes exactly the same language as the amendment of the gentleman from Florida that the country should resolve the conflicts in Central America based on the principles affirmed in the final act of the San Jose Conference of October 1982 and the commitments made by the government of the National Reconstruction in Nicaragua to the Organization of American States in July of 1979.

Mr. SIMON. Mr. Chairman, will the gentleman yield?

Mr. BARNES. I am happy to yield to my friend from Illinois.

Mr. SIMON. As I understand the gentleman's reading of his amendment he would not put any kind of approval or blessing upon covert activity in Nicaragua; is that correct?

Mr. BARNES. Yes; the gentleman is correct.

Mr. SIMON. I thank the gentleman.

Mr. BARNES. In essence, what my amendment does is adopt the concept of the amendment of the gentleman from Florida, and indeed the same language, striking that portion that related to the bipartisan Commission on Central America because really I believe that issue is moot.

The Congress does not need to ask the President to set up that commission, as the gentleman's amendment would do, because he has already done it.

But except for that, my amendment adopts the same language as that of the gentleman from Florida, but it does not place the U.S. foreign policy in a position that we are, in essence, held subservient to the decisions that would be made by other governments, placing us in a very difficult position.

A lot of our colleagues on the floor are concerned about legislative vetos, saying that we should not have legislative vetos. We would be placing ourselves in the position of having a Honduran veto, a Costa Rican veto, or a Salvadoran veto of U.S foreign policy decisions, and I do not think any of us want to find ourselves in that position.

Mr. LIVINGSTON. Mr. Chairman, I move to strike the requisite number of words.

□ 1700

Mr. Chairman, I take no position on the amendment of the gentleman from Florida as amended or as might be amended by the gentleman from Maryland, because I believe that this bill is so inherently defective that no amendment can be successful in redeeming it.

I feel that this bill as proposed by the Intelligence Committee of this House is extremely unwise in that it prejudices the rights and responsibilities of the President of the United States to conduct foreign policy in this Nation.

In fact, I would submit that it runs against all strains of commonsense and that it flies in the face of any sense of concern for the security of the people of Central America and indeed of the United States.

How on earth can we as duly elected Representatives of the U.S. citizens be seriously standing here together arguing about whether or not to support Nicaraguan nationals, yes, to interdict arms and perhaps to assist in whatever ancillary consequences might follow, when all they are trying to do is to defy and hinder the objectives of the Sandinista government in Nicaragua?

Humberto Ortega, one of the leaders of the Sandinista government is quoted as saying, "We guide ourselves by the scientific doctrines of Marxism-Leninism." He also is quoted as saying, "We have no choice. Of course we are not ashamed to be helping El Salvador; we would like to help all revolutions."

Another leader of the Sandinistas, Tomas Borge, the Minister of Interior, said, "The Nicaraguan revolutionaries will not be content until the imperialists have been overthrown in all parts of the world."

Again, he said that "the revolution's moral imperative and historical character make it inevitable that the energies released here will be universal in all Central America."

It is undisputed by any member of this committee that arms have been flowing from Cuba by way of Nicaragua to El Salvador for years.

It is also undisputed that despite our outright assistance of the Nicaraguan Government, Sandinista government, based on their promises to establish a free pluralistic government with free elections and respect for human rights of its citizens, the fulfillment of such promises has not been forthcoming.

Despite $118 million, some say $125 million, in direct economic assistance from this country and $262 million in loans from multilateral banks the Sandinistas have cast aside even the facade of democratic intentions and national independence.

Their promised elections have been indefinitely canceled; their newspapers and radios are 100 percent censored; the Catholic Church is completely stifled and government controlled. There have been massive human rights violations.

The Miskito Indians were ripped from their homeland, their villages burned, their property pillaged, their people placed in relocation camps.

Jewish Nicaraguan nationals have been forced to emigrate and their property has been confiscated.

Today, Nicaragua is virtually an occupied nation because 2,000 Cuban military advisers are in Nicaragua, and 6,000 Cubans hold key government positions.

PLO guerrillas trainers are there too and Yassir Arafat has publicly admitted to 50 Palestinian Liberation Organization pilots.

Nicaragua is receiving constant supplies of articles and military hardware from the Soviet bloc countries; dozens of Soviet cargo ships have been spotted delivering arms to Cuba and Cuba runs a constant shuttle of supplies to Nicaragua.

Just in April, four Libyan—Libyan cargo planes were stopped in Brazil for carrying arms to Nicaragua. And just remember that a member of the Nicaraguan junta recently said that Nicaragua would gladly consider installing Soviet missiles in the country if they were asked.

As for whether there is really a Nicaraguan-Salvadoran guerrilla connection, a recent defector from Sandinista intelligence, Miguel Bolanos, has said that the Salvadoran guerrilla chiefs spend a lot of time in Managua.

(By unanimous consent, Mr. LIVINGSTON was allowed to proceed for 5 additional minutes.)

Mr. LIVINGSTON. Miguel Bolanos said that the Salvadoran guerrilla chiefs spend more time in Managua than they do in El Salvador.

I quote: "They fly over in the day to boost morale and fly back to Managua before night." He also said Nicaragua has become a "new Cuba" in training guerrilla forces throughout Central America.

He said that as an intelligence officer he met with visiting guerrilla leaders from Colombia, Argentina, Chile, Guatemala, Costa Rica, and El Salvador. And there has been so much talk among the Nicaraguan-connected guerrillas of "revolution without frontiers" of "liberating or unifying Central America"; so many threats to Honduras, so much bullying of Costa Rica, so much guerrilla activity in Guatemala, that it is hardly possible to doubt the regional character of the Soviet-Cuban-Nicaraguan goals.

The Soviets are very clearly making a play for all Central America, our southern flank, our soft underbelly. They will surely use Nicaragua as their launching pad to put themselves on our doorsteps.

And we stand here arguing about whether or not to quietly support the Nicaraguan nationals' struggle for democracy in their own country. Even if they are only remotely successful, we might ultimately save billions of dollars and quite possibly hundreds, thousands, maybe even tens of thousands of lives in the future.

It is absolutely incredible that we stand here bickering over legalisms when we are talking about the future security of every American citizen.

If Central America turns into a string of anti-American, Marxist dictatorships—in Nicaragua, El Salvador, Honduras, Costa Rica, Panama, Guatemala, and Mexico—our costs will not be in the relative few millions of dollars that we may save with this bill, they will be in the billions of dollars.

All the Southern United States will be hit with a tidal wave of refugees, both feet people and boat people swarming into our country seeking a haven from Communist repression and Communist conditions.

We would have to spend millions of dollars to process these people, feed them, house them, clothe them, and educate and find jobs for them. We would have to spend billions to take care of Americans losing their jobs due to the loss of all the foreign trade we now have in Central America.

We would have to spend billions to beef up our national defenses in the South, billions to defend our vital sea lanes in the Gulf and the Caribbean. And if we had to defend our shores and sea lanes with our own soldiers and their blood, we could lose thousands of soldiers.

To risk that possibility is insanity. Yet that is what we will do if we pass this bill.

Let us not do it. Let us not vote to facilitate the loss of El Salvador to the Communist movement. Let us not jeopardize the only hope of the Nicaraguan people, for freedom. Let us not gamble the ultimate security of Central America and even North America, together with the welfare of all U.S. citizens, with this stupid bill. I implore the Members of this body: Wake up, reject partisan politics on this vital issue of U.S. security, reject this abomination.

Mr. SMITH of Florida. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment offered by the gentleman from Maryland.

Mr. Chairman, I have been listening very intently to what has been transpiring here today on the floor. I listened extremely intently to what transpired during the course of the debate in the Foreign Affairs Committee.

And I was one of those that was, I think, sensitive enough to speak out on what I thought were some ill-considered comments made by Members, not only Members of the body but Members outside of the administration with reference to those who disagreed on methods, not objectives, methods of reaching what we all want as the same goal; that was the announced goal of the President of the United States when he came before this body in this Chamber and stood right here and spoke of interdicting the flow of arms from Nicaragua to El Salvador and to anywhere else.

And I have listened intently today to the debate on both sides of the aisle and frankly, to some degree, it would not be contradictory to say that I agree with much of what has been said on both sides, because there is a good deal of merit on both sides.

□ 1710

We do not like the Sandinistas. We do not like the way they run themselves as a government. Nor do we like what they do to their own people or to the neighboring countries around them.

The gentleman who preceded me, the gentleman from Louisiana, made an eloquent speech, but unfortunately, I think most of it was misplaced. It would have been a great speech had he been asking the Members to vote for a bill repealing the Boland amendment so that there would be no prohibition on covert aid. It would have been a great speech had we been wanting a basis perhaps declaring war on the Sandinistas. And I do not mean that in a negative sense. If my colleagues wanted reasons, he gave them to us. Any many of them are legitimate.

But the issue which is being debated and the issue which is being framed by the amendment to the amendment being offered by the gentleman from Maryland (Mr. BARNES), the chairman of the Subcommittee on Western Hemisphere Affairs, is much more narrow in its focus. It does not deal with all the issues that the gentleman from New Orleans dealt with. It does not deal with all the problems that the Sandinista government has created around the hemisphere. It does not, because 411 Members voted just a number of months ago in this body to make the Boland amendment the law. You cannot use covert funds to overthrow the Government of Nicaragua.

The 411 who voted saw, I believe, what was then the prevailing mood that we do not want to use those funds that way.

Some of them do not feel that way anymore. However, you are still burdened with the law of the United States as in the Boland amendment. You cannot accept that, even though you do not now believe what you may have believed 6 or 7 months ago. And I may tend to agree with a lot of my colleagues with what they say, but please let me remind my colleagues that there is a Boland amendment on the books. It is the law. And right now the law is being violated. Our own Intelligence Committee has found that.

Mr. YOUNG of Florida. Would the gentleman please point out where the committee made that citation? Several speakers have made that point and I have been trying to find it in the report and I cannot seem to find it. Would the gentleman tell us where in

the report that language can be found?

I thank my colleague from Florida for yielding.

Mr. SMITH of Florida. Let me finish my statement.

Mr. YOUNG of Florida. Answer the question.

Mr. SMITH of Florida. I do not recall having yielded any time to the gentleman from Florida.

The amendment that is being offered by the gentleman from Maryland allows for this body to give what my colleagues on this side of the aisle want that is flexibility to the President and the administration. And at the same time allows us to move forward in giving aid the way we consider it to be legal under the original Boland amendment, voted for by this House. That is what the issue boils down to. Shall we not shackle the administration and the President and at the same time allow for what we want done in the way of interdicting arms and doing so within the law. The framework of the law will be, I believe, adhered to by voting for the Barnes amendment. The framework of what we want in the way of giving the administration and the President the flexibility to be able to continue to negotiate, to continue to pressure to the interdiction.

And, by the way, let me say that the gentleman who preceded me talked about the fact that the Nicaraguan rebels, or freedom fighters as he called them, were interdicting arms. I do not recall them ever claiming that they interdicted any arms whatsoever. They never have stated that that was their intention. We may have said so, but they never said so.

The CHAIRMAN. The time of the gentleman from Florida (Mr. SMITH) has expired.

(At the request of Mr. RITTER and by unanimous consent, Mr. SMITH of Florida was allowed to proceed for 2 additional minutes.)

Mr. SMITH of Florida. So I would urge my colleagues to remember that while many of us do agree with the gentlemen on both sides who have spoken, the issue is much more narrowly framed than that. That is the purpose we are here debating this particular issue. Are we doing what the Boland amendment said we should not do? Shall we convert that to doing it another way and at the same time allow for this administration and the President to move forward?

I say that is what we want to do and I say we can only do it with the Barnes amendment to the amendment.

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from Pennsylvania.

Mr. RITTER. I thank the gentleman for yielding.

I think the gentleman makes a very eloquent point, but I would like to ask the gentleman from Florida whether he believes that free elections—and I was going to ask this of my colleague from California—in Nicaragua would constitute the overthrow of the government.

Mr. SMITH of Florida. I personally in reponse—if I may reclaim my time—do not believe that free elections would constitute an overthrow of the government.

And my response would further be that the amendment of the gentleman from Maryland calls for the fact that the San Jose Convention be adhered to by the Nicaraguan Government and part of that was that free elections would be held.

Mr. SIMON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from Illinois.

Mr. SIMON. I thank the gentleman for yielding.

Mr. Chairman, I concur in what the gentleman has to say on the Barnes amendment.

I would just like to relate to this House an experience I had last night after the President's press conference. I was on station WGN in Chicago, sitting at my desk here, answering questions, and the station got the Newsweek correspondent in Managua, Nicaragua, on the telephone.

And I asked the correspondent down there:

> Does the action of the President in sending the aircraft carrier and the troop movements, does that strengthen or weaken the Government of Nicaragua, the Sandinista government?

The CHAIRMAN. The time of the gentleman from Florida (Mr. SMITH) has again expired.

(At the request of Mr. SIMON, and by unanimous consent, Mr. SMITH of Florida was allowed to proceed for 2 additional minutes.)

Mr. SIMON. If the gentleman will continue to yield, and she replied, "it strengthens the Sandinista government incredibly. People rally around the government as they were not—" and then she added, "The same is true with the attempt * * *" that is, the so-called covert action that we are all discussing openly, "the covert action supported by the United States." She said, "The general impression, right or wrong, is that the United States is supporting the Samoza followers," and she says, "that covert action is greatly strengthening the hold of the Sandinistas on the Government of Nicaragua."

I simply suggest to my colleagues that what we are doing does not make sense. It is ineffective. It shows an insensitivity to that whole area.

I strongly support the Barnes amendment.

Mr. SMITH of Florida. If I may reclaim my time, let me just urge my colleagues one thing more. Last week—and the President made this very clear in his conference last night—the Nicaraguan Government decided that they would now state that they would enter into multilateral negotiations rather than the bilateral they have been calling for. We have been asking them to do that for quite some time. The members of the Foreign Affairs Committee debated that vigorously, about having multilateral negotiations.

I have yet to see anyone in this administration seize on that opportunity and say that we will enter into it and call upon them right now to make good on that statement. And this amendment, offered by the gentleman from Maryland, would allow that to happen.

The administration could seize on this opportunity while pursuing all the other avenues and state, "Now you must come forward and do effectively what you said you would do only last week, not what you promised when you came to power in 1979."

The CHAIRMAN. The time of the gentleman from Florida (Mr. SMITH) has expired.

(At the request of Mr. YOUNG of Florida and by unanimous consent, Mr. SMITH of Florida was allowed to proceed for 1 additional minute.)

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Florida. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I would like to pursue this issue of whether or not the committee found officially in its report that we were in violation of the Boland amendment, and I have been looking through that report trying to find that language. If the gentleman would help me, I would appreciate it, if he could direct me to where the language is, where the committee said that we are in violation of the Boland amendment or the laws of the United States. I am just looking for help. It is all I am looking for.

□ 1720

Mr. SMITH of Florida. Well, certainly the gentleman from Florida, being a member of the committee and asking a rhetorical question, obviously knows the answer.

In my estimation—I have read that report on two occasions separately—I find the thrust of that report to be that the actions of this administration in providing the covert aid in the fashion that they have exceeded the bounds of the Boland amendment. That is my reading of that report. That is a personal reading with me. I would say to you on that basis I am making my own statements because I happen to concur that they have ex-

ceeded it. They are no longer, just at this moment, seeking interdiction. And every speaker I have heard so far on this side of the aisle has made that rather plain, that we are no longer seeking just interdiction. And remember the basis on which the Boland amendment was passed: that interdiction was the name of the game at that time, and no funds would be used on a covert basis to do anything other that that, especially overthrow the Government of Nicaragua.

Mr. EDWARDS of Oklahoma. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Young amendment. But first let me say very clearly that the Boland amendment is not being violated, it has not been violated. The Intelligence Committee has not said that it has been violated. The Boland amendment only provides that funds may not be used to overthrow the Government of Nicaragua. That is not being done. And I would say to those who come to this well and repeatedly make that statement and claim that the Intelligence Committee has made that finding that the Intelligence Committee has not made that finding.

Mr. Chairman, I support the Young amendment because it restores not just symmetry but because it restores commonsense to this debate.

Mr. Chairman, we have seen, in the last year, regrettably, tragically, and shamefully the partisan polarization of American foreign policy. Under previous Presidents the general agreement, the understanding shared by all responsible people in public life, was that in matters of foreign policy, issues should not be drawn along partisan lines or as political issues. And when a confrontation was ordered with the Soviets over their missiles in Cuba or an embargo imposed on the Soviets after their invasion of Afghanistan, both under Democratic Presidents, there was the usual concern and questioning on both sides of the aisle, but there was no attempt to turn foreign policy into a forum for partisan division. And people who have stood before me here in the well have talked about "Do not be confused, folks; there are no Democrats supporting this." And I would not brag about that if I were you.

Under this President, it seems, the rules have been thrown out the window, and now even a former President, perhaps for the first time in history, this President's predecessor criticizes American policy before foreign audiences.

Well, I think it is time we put this issue into perspective. What is this crisis that is so important that it has shattered the traditional desire to keep partisan politics out of foreign policy? It is a tale of two countries. It is a tale of El Salvador and Nicaragua—El Salvador, which has free elections, and Nicaragua, which has no free elections; El Salvador, with a president selected by a duly elected constituent assembly and with presidential elections scheduled soon, and Nicaragua, with a president who seized power at the point of a gun; El Salvador, guilty of violations of human rights, and Nicaragua, guilty of far more violations of human rights; El Salvador, with a free press, and Nicaragua, with no free press; El Salvador, with an active private business sector, and Nicaragua, with very limited free enterprise; El Salvador, imperfect, flawed, guilty of some very real failings by our standards, and Nicaragua, a closed society without freedom, exporting war and violence and death.

What is the purpose of this terrible Central American policy, Mr. Chairman? The purpose is to keep a group of men who seized power by force and violence from helping to overthrow the government of another country now by force and violence.

Mr. Chairman, I am tired of the cries of outrage from those who apply their outrage only selectively, who are concerned selectively about violence and bloodshed and denials of freedom. What this situation calls for and cries for is balance, commonsense, symmetry. And that is what this debate and this amendment is about.

I urge my Democratic colleagues to support this amendment so we can forge a foreign policy that is right and moral and just and that is again bipartisan.

Mr. SEIBERLING. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Barnes amendment and in opposition to the Young amendment.

Mr. Chairman, sitting here, it strikes me that what is being said on both sides of this issue are words that seem to slide past each other. I do not think the two points of view are even relating to the same set of facts and circumstances.

How can we possibly deal effectively with the problems in Central America, and Nicaragua in particular, unless we understand the point of view of the people of that region. If we truly understand their viewpoint, I believe we will have to conclude that the administration's approach—unilateral military intervention—is not going to succeed.

What is being said by the supporters of that approach betrays a gross misunderstanding of the cultural and historical heritage and the psychology of people in Central America, and Latin America generally, who have had a long history of military intervention by the United States. When we use military means, imposed unilaterally, whether it is to try to force a multilateral agreement, as the Young amendment would do, or simply to intimidate, as the State Department said our latest maneuvers are calculated to do, it seems to me that we are missing the opportunity to advance a settlement of this matter in a way that our good neighbors and friends in Latin America would support and join in.

A truly remarkable and brilliant address by Carlos Fuentes, the Mexican diplomat and writer, who gave the commencement address at Harvard University this year, was placed in the RECORD for July 15, at page 10101, by Senator CHRIS DODD. I would like to read a couple passages from it, in the hopes that it will help us understand this problem, for those who are listening. First of all he talks about the experience of Mexico, and I quote:

> The Mexican Revolution was the object of constant harassment, pressures, menaces, boycotts and even a couple of armed interventions between 1910 and 1932.
>
> It was extremely difficult for the United States Administrations of the time to deal with violent and rapid change on the southern border of your country.
>
> Calvin Coolidge convened both Houses of Congress in 1927 and—talkative for once—denounced Mexico as the source of "Bolshevik" subversion in Central America.
>
> We were the first domino.
>
> But precisely because of its revolutionary policies favoring agrarian reform, secular education, collective bargaining and recovery of natural resources—all of them opposed by the successive governments in Washington, from Taft to Hoover—Mexico became a modern, contradictory self-knowing and self-questioning nation.

Does not his description of the conditions in Mexico that prevailed in the 1920's and early 1930's have a familiar ring? And was not our Government's response to it remarkably similar to the response of this administration to the situation in Nicaragua, namely unilateral, military intervention?

Fuentes goes on and says this:

> Rightly or wrongly, many Latin Americans have come to identify the United States with opposition to our national independence.

□ 1730

> The mistaken identification of change in Latin America as somehow manipulated by a Soviet conspiracy not only irritates the nationalism of the left. It also resurrects the nationalist fervors of the right—where, after all, Latin American nationalism was born in the early 19th century.
>
> You have yet to feel the full force of this backlash which reappeared in Argentina and the South Atlantic crisis last year in places such as El Salvador and Panama, Peru and Chile, Mexico and Brazil. A whole continent in the name of cultural identity, nationalism and international independence is capable of uniting against you. This should not happen.

That is from a friend of ours from Mexico telling us what is going to be the consequence of the administration's militaristic, unilateral effort to impose a solution instead of working out a multilateral, diplomatic solution to this problem. It is particularly tragic at a time when even the Sandi-

nistas have said they are willing to pursue such a solution.

The CHAIRMAN. The time of the gentleman from Ohio (Mr. SEIBERLING) has expired.

(By unanimous consent, Mr. SEIBERLING was allowed to proceed for 4 additional minutes.)

Mr. SEIBERLING. Mr. Chairman, I would like to read one more passage from Fuentes' brilliant and really marvelous statement as to the kind of relations we must establish with our Latin American friends if we are to avoid turning the whole Continent of South America and Central America against us. I urge my colleagues to listen, because it is worth listening to:

The longer the situation of war lasts in Central America and the Caribbean, the more difficult it shall be to assure a political solution.

The more difficult it will be for the Sandinistas to demonstrate good faith in their dealings with issues of internal democracy, now brutally interrupted by a state of emergency imposed as a response to foreign pressures.

The more difficult it will be for the civilian arm of the Salvadoran rebellion to maintain political initiative over the armed factions.

The greater the irritation of Panama as it is used as a springbroad for a North American war.

The greater the danger of a generalized conflict dragging into Costa Rica and Honduras.

Everything can be negotiated in Central America and the Caribbean before it is too late.

Now, the President has appointed a so-called bipartisan commission headed by former Secretary Kissinger. I suggest that that is really not necessary. There has already been a commission, not only bipartisan but multilateral, composed of distinguished Latin Americans and distinguished North Americans. It published its report under the auspices of the Woodrow Wilson Foundation in April of this year. The report is entitled, "The Americans at a Crossroads, Report of the Inter-American Dialogue."

The chairmen were Sol Linowitz, former U.S. Ambassador to the Organization of American States and the Panama Canal Treaty's negotiator, and Galo Plaza, former Secretary General of the Organization of American States, and former president of Ecuador.

I put in the RECORD last night the names of the other distinguished members of this commission, both Latin Americans and North Americans. It included from the United States such people as Elliot Richardson, David Rockefeller, Juanita Kreps, Theodore Hesburgh, Gen. David Jones, and many other distinguished business and professional leaders in this country.

What is their recommendation? Unilateral military intervention? No. Multilateral diplomatic efforts by the United States to solve this problem, in concert with our good neighbors to the south. The report recognizes that what is going on in Nicaragua is undesirable from the standpoint of the entire Hemisphere. But its solution is compatible with the national dignity of the people of our Latin neighbors and a repudiation of any effort to revive gunboat diplomacy or CIA-sponsored covert paramilitary intervention.

I suggest that is what this argument is all about. That is what the Barnes amendment versus the Young amendment is all about. It is time we understood the nature of our problem in dealing with our friends to the South before it is too late, before we try to solve the Nicaraguan problem by military force. Some of the calls going forth from the other side of the aisle sound like a call to war. That is not what we need to do in Nicaragua. Perhaps the pressures and military maneuvers have intimidated the Sandinista government. But it is time we seized the opportunity to engage in multilateral negotiations while they are prepared to negotiate. It is time we abandon our intervention before we drive a deep schism between ourselves and the people of Latin America, whose friendship we must rely on if we are going to have peace and stability in the future.

Mr. RITTER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Barnes amendment.

Mr. Chairman, I have been trying somewhat unsuccessfully to enter into a discussion with the gentleman from California (Mr. MILLER), and then with the gentleman from Florida (Mr. SMITH) on this legal question of whether or not the Boland amendment is being violated by those who are fighting inside of Nicaragua and whether or not what they are doing constitutes an attempt to overthrow the Government of Nicaragua.

I have talked at length with the leadership of the major movements fighting inside of Nicaragua, and I would like to share those discussions with my colleagues.

Each of these individuals would lay down his arms and the arms of their group tomorrow if free elections would occur in Nicaragua. Each of these individuals is not interested in the overthrow of the government, but is interested in the Nicaraguan Sandinistan leadership living up to the promises to the OAS and giving them a chance to participate in the government. They are looking for the rightful heritage of the real Sandinista revolution. That is exactly what those fighting in Nicaragua long for. Whether it is Pastoro fighting with the Arde in the south, whether it is Calero and the FADN in the north, or whether it is Steadman Fagoth and the Miskito Indians, they would stop fighting tomorrow if they had an opportunity to participate in free elections.

So we have a question, in any event, and a disagreement on the legal grounds of the Boland amendment, and those individuals on this side of the aisle, and perhaps some on ours, say that Boland has been violated. Others of us feel that the actions are well within the confines of the original discussions in committee surrounding Boland. But there is controversy on that point.

I would like to move from the legal questions to the questions that are perhaps moral. Let us take a look at the morality of this issue. We have certain Members on this side of the aisle who in a sense hold up the United States an international outlaw because of support for those who are fighting to fulfill the original intentions of the Sandinista revolution; indeed, who were a part of the broad cross section of that Sandinista revolution.

□ 1740

I submit that it is immoral to pull the rug from under those who would seek those free elections and participation in the Government.

I submit it is immoral to give in to a future of Soviet-Cuban-style Marxism-Leninism on a land beachhead in Central America whose stated aims are revolution without frontiers.

I submit it is immoral to pull the rug out from under those who are fighting for democracy and their rightful heritage as part of the original Sandinista revolution.

I submit, Mr. Chairman, that giving in to these dictators and their expressed aims is tantamount to appeasement.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. RITTER was allowed to proceed for 3 additional minutes.)

Mr. RITTER. Mr. Chairman, I do not impugn or question the motives of those who oppose the Young amendment or support Boland-Zablocki, not for a moment, and I hope to count them amongst my friends after this speech is concluded; but the end result of giving in to those totalitarian dictators and freeing them from the wrath of their own people is tantamount to the kinds of situations we are all too familiar with in the thirties preceding World War II.

Now, we hear proponents of the Boland-Zablocki bill tell us that the present covert aid is not working because it "has strengthened the Sandinistas' resolve" "brought about greater Cuban and Soviet involvement in

Nicaragua," and "increased the risk of full scale war by Nicaragua against Honduras and Costa Rica."

This is from Mr. BOLAND's Dear Colleague letter of July 20.

They also warn that covert aid has increased the risk of active Cuban military invention.

What we are saying is that somehow if we pull the rug out from under those who are fighting tyranny, we will somehow come up with a safer situation in Central America, safer for us, safer for the people.

This is precisely the argument that Neville Chamberlain and company made when Hitler was rampaging prior to the outbreak of hot war in Europe, that let us not offend the gentleman. Churchill was consistently castigated in the Parliament for offending Hitler.

Mr. Chairman, the end result of this policy is to secure in perpetuity the Sandinista type of tyranny, the Soviet-Cuban bridgehead on the mainland of this hemisphere; indeed, to secure the first application of the Brezhnev doctrine in this hemisphere; that is, but once a Soviet-style Socialist country has evolved, it must always continue to evolve.

Who at point would be the enforcers? Who would have created the circumstances to derail opposition to that Soviet-style regime? It would have been those in the U.S. Congress who removed the capability——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FRANK. Mr. Chairman, I move to strike the requisite number of words.

I rise to speak on behalf of the amendment.

I appreciate the gentleman's pointing out that he refers to some of us as appeasers in a spirit of friendship. I certainly accept it in that regard.

The issue does not seem to me according to the English language, which I think is still the one in use in this Chamber, although it occasionally gives me difficulty, of whether or not the aid be covert or overt. If this aid is covert, it is the most covertly public aid I have ever seen.

The question is, and I think the previous speech outlines it, are we spending American money and using our resources to prevent arms from being shipped by Nicaragua elsewhere, which is what the gentleman from Massachusetts and the gentleman from Wisconsin are trying to do. They are trying to stop arms from being sent elsewhere, or are we trying to overthrow the Government of Nicaragua?

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. FRANK. No. I will yield at the end, just as the gentleman yielded at the end. I just watch and see what the rules are and then I play by them.

The question has been proposed several times, including by the previous speaker and several others. It is very clear, the gentleman who just spoke said that these are people trying to reclaim their homeland. Their homeland is not in El Salvador. I sympathize. I would not want to live under the Government of Nicaragua. I should add that I would not want to live under most of the governments in this world and I do not think that my moral disapproval, strong as it is, ought to be the basis for us trying to overthrow all those governments.

Of course the Miskito Indians have been said to have been mistreated, as have blacks in South Africa, and Jews in the Soviet Union, and dissidents in the Philippines.

I do not regard it as a legitimate purpose for us to go and try covertly, or overtly, or latently to try to overthrow all of them.

I think we use military force only when our own security is at risk, and I have to disagree with those who claim that we are, in fact, at risk because of what happens in Nicaragua or El Salvador.

I do not believe that the analogy to Adolph Hitler in the 1930's, to use restrained parliamentary language, makes the slightest bit of sense. We are not talking about the kind of threat to our existence and security that existed in the thirties.

Now, the question is, should we be trying to stop the arms from going from Nicaragua elsewhere or should we be trying to overthrow the Nicaragua Government? If our purpose is to try to stop the arms from going to El Salvador and elsewhere, we would not be using the Contras. These are Nicaraguan patriots, many of them; many of them not so much, but many of them are. Their goal is not to protect the Government of El Salvador. Their goal, as the previous gentleman and others have said, is to retake their own country.

It simply is illogical to argue that you would arm Nicaraguans angry at their own Government and interested, understandably, in Managua to protect arms from reaching San Salvador.

The point is very clear from what we are arguing.

The arguments in favor of the Young amendment, as it is now pending, have been clearly arguments that justify overthrowing the Nicaraguan Government.

If I listed governments in this world that I was willing to spend American efforts to overthrow, Nicaragua would be doing pretty good. It may not be in the top 10, but it would be up there; but that is not what we are talking about. By talking about the desire, the understandable desire of Nicaraguans angry at the betrayal of the revolution by the Sandinistas, as you stress their desire to get back their country, you underline our point, that your effort is not to cut off the arms, and, in fact, it is not an efficient way to cut off the arms. If your fundamental purpose is to stop the flow of arms, do not entrust that to people whose fundamental purpose is a different one, whose fundamental purpose understandably is to reclaim their country.

Mr. RITTER. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Pennsylvania.

Mr. RITTER. Mr. Chairman, I thank the gentleman from Massachusetts for yielding.

I believe that there is no great contradiction between those fighting particularly in border areas in Nicaragua and making it extremely difficult to transfer men and materiel.

I might add that everybody has talked about arms. There has been a noticeable difference in the ability to transfer personnel from Nicaragua into El Salvador.

Mr. FRANK. Mr. Chairman, I will take back my time. The gentleman had more than his 5 minutes and I did not object. I yielded and I am now going to take back my time and respond to the point.

I do not deny that an effort to overthrow the Nicaraguan Government will, in fact, hinder somewhat their ability to send arms, but they are different purposes. One I believe is legislatively sanctioned and the other is not.

I understand that there are people we now support fighting on the border, but they are only on the border because they cannot get into the interior. They do not want to stay on the border. This is not the border patrol and that is the point.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

(By unanimous consent, Mr. FRANK was allowed to proceed for 2 additional minutes.)

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I will yield as soon as I finish my response to the gentleman from Pennsylvania.

The purpose of the people we are funding under this publicly covert aid is not to interdict the arms, although that may be one of the byproducts. It is understandable to try to retake their country. It seems to me neither prudent nor in our interests to undertake to overthrow the Nicaraguan Government, nor is it the most efficient way to try to interdict the arms.

□ 1750

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding and just want to respond to a question he asked during his original presentation. That is it is definitely not the intent of this administration or the Members on this side of the aisle or any of the Members on that side of the aisle that I know of to overthrow the Government of Nicaragua.

Mr. FRANK. I will take back my time.

I would just like to say to the gentleman from Florida I have not accused him of being in the Nicaraguan jungles or on the border. I do not say it is his purpose.

My point is, as your own colleagues have stressed, as the gentleman from Pennsylvania stressed, the gentleman from Oklahoma, the gentleman from Louisiana, the purpose of the people we are giving the money to, by everybody's admission, the Contras, the Pastora group, the Miskito Indians, they are not in business to help us keep arms out of El Salvador. They are in business to overthrow their own government.

They are your chosen instruments. Your intentions in this case are less relevant than the stated, and explicit, and perfectly understandable intentions of your chosen instruments. They are the ones who are seeking to overthow the Nicaraguan Government and that is why many of us feel it is an unwise policy and not the most efficient way to do what I think we have a legitimate interest in doing, interdicting arms.

Mr. SMITH of Florida. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Florida.

Mr. SMITH of Florida. I thank the gentleman for making that statement because he underscores one of the major problems with this.

The point is that there are 10,000 or more Contras under arms right now. No one has ever said, from that group, that they are interdicting arms. They have never made that claim.

Nor would we need, by any military standards, 10,000 men to interdict arms, which is the stated purpose of why they are supposed to be there in the first place.

Therein lies the fallacy of the argument.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, about a month ago I took the opportunity to go down and visit El Salvador because I had read so much in the newspapers about it. I might say at the beginning of this comment that having visited El Salvador for 3 days does not make me an expert. I want to stress again that it does not make me an expert.

But when I visited there I had the normal briefings that you have, but I went out in the field, in San Vicente Province and spoke with soldiers and peasants and different people like that. And what I found out was this: One, the people that I talked to said the interdiction was working. Our American forces told us that. The CIA people down there told us that. The El Salvadoran people and the army people told us that.

I cannot say if it was absolutely true. But they said it was working. They took us out in a helicopter over the marsh lands and over the airfields and places like that to prove that they had cut off much of that aid.

Mr. Chairman, they said that it was working. Perhaps it was not working as well as we would like it to work, but it was working.

I had the opportunity to go up and talk to six soldiers, two of them as young as 16, and the oldest 24. I asked them what was their name, how old they were, where they were from, and then I asked them why they joined the army.

Five out of six said they joined the army to fight for their country, to fight for freedom, and because they loved their country.

Three of the six, three of the six, three of the six were younger than my 19-year-old son.

I for one, whether this is covert or overt aid, and whether it is working or not, whether it is working as well as this side or that side wants it to, whether it is working as well as the President wants it to, it is working, it is working a little bit, and I for one will support the Young amendment and anything else like that so I will not ever have to say that I did anything, that I did anything while I have ever been in this Congress that would mean that one of those young boys would take a bullet in the head or die.

Now, maybe that may be emotional. And I have heard some on this side talking about communism and on this side talking about Neville Chamberlain. But I am talking about people.

You know the President is the great communicator. When he gets on television he can communicate.

I would like to see a 16-year-old Salvadoran soldier be able to come up and communicate to the U.S. Congress.

I think with all due respect for those who are undecided, and I respect those who have that opinion on this side, and there are those on the other side who will never change, but to those of you, if you are in your offices, or on the floor, and you are undecided, I ask you, give the President a little more time and support the Young amendment.

Mr. WHITEHURST. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Virginia.

Mr. WHITEHURST. I want to compliment the gentleman because I think it is a very powerful story that he has told and I think he has come right to the heart of it.

Of all of the verbiage uttered in this Chamber this afternoon you have come right to the heart of it.

I have read the language again of the gentleman from Maryland (Mr. BARNES) and his amendment offered to the amendment by the gentleman from Florida (Mr. YOUNG). It is the most specious thing I have seen.

It says it is the sense of Congress that the Government of the National Reconstruction of Nicaragua should enter into an agreement with the governments of other countries, and then lists the following points.

What happens when the date is reached and the Sandinistas do not do anything? Do we have a special order for hand wringing in this Chamber?

Where is the lever on Sandinistas to act?

The gentleman is right. The gentleman is absolutely right.

If we vote for this we vote in effect to do nothing but cut off covert action and nothing thereafter.

I thank the gentleman.

Mr. WOLF. Mr. Chairman, in closing we hear about communism, we hear about Marxism. We hear the President of the United States talk in terms of what is best for this country. We hear different people talking about different sides, but I think a vote for the Young amendment is a vote for the people of El Salvador.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise here on a request to strike the last word because I do not want to address myself to the pending amendments because I am not for the whole kit and caboodle, either the Young amendment or the amendment to the Young amendment, because I think the question here, despite all of the expressions about how this is an effort to show our concern about freedom in Central America, the issue represented by the Boland-Zablocki resolution is a domestic personal issue of liberty for America. It is our issue.

It is at long last an attempt on the part of the Congress to restrain an agency known as the Intelligence Agency running amok, committing our country in dastardly acts of assassination in the course of the last two decades, compromising the destiny of our Nation, obscuring the actual responsibility and accountability of creatures of our Government and of the Congress to account for their activities.

This is what the issue really is.

James Madison said:

I believe there are more instances of the abridgement of the freedom of the people

by gradual and silent encroachment of those in power than by violent and sudden usurpation.

The whole outline of grievance set forth by the Committee on Intelligence, reflected in the action initiated by Chairman BOLAND, is the first instance of the recognition of the responsibility of the Congress to regain its rightful and proper destiny in its discharge of representation of the American people, and a guarantor of the freedoms and the fundamental law that all of us have sworn to uphold.

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It has been the CIA that, in effect, has conducted the foreign policy, with no accountability whatsoever. Such abysmal errors, for instance, even in El Salvador, we talk about the election in El Salvador, remember we also had an election in South Vietnam. What was the significance? Identical situation to what we are repeating in Central America.

All the dictators in the history of Latin America have eventually had to come around and have some kind of an election as a feeble attempt to reconcile their power and exercise of it, taken by force, with the will of the people.

You have elections in Russia. They define their system as democratic; in effect, more democratic than ours, from their standpoint.

But, in our case here today the central and critical issue is whether or not we are going to succumb to, in James Madison's words, "The abridgement of the freedom of the people by gradual and silent encroachment by those in power."

In this case, it happens to be the Intelligence Agency. In El Salvador right before the election the CIA sent $2 million-plus to try to influence the election in behalf of Napoleon Duarte. They tried to do it through the Panamanian secret bank accounts. They were so inept that that money ended up in the hands of those who were defeated. Who were those? The extreme right wingers, the murderers of the Archbishop Romero. Those are the ones we are associated with in Latin America right now, make no mistake about it.

The continuation of this heedless disregard on the part of the President for consultation with the Congress, one of my colleagues here talked about the failure to develop a bipartisan spirit. Well, forget about bipartisan spirit. Let us talk about the recognition on the part of the President and a decent regard for the opinion of the Congress.

Mr. BOLAND. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker, having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 2760) to amend the Intelligence Authorization Act for Fiscal Year 1983 to prohibit U.S. support for military or paramilitary operations in Nicaragua and to authorize assistance, to be openly provided to governments of countries in Central America, to interdict the supply of military equipment from Nicaragua and Cuba to individuals, groups, organizations, or movements seeking to overthrow governments of countries in Central America, had come to no resolution thereon.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 675. An act to authorize appropriations for fiscal year 1984 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, to authorize certain construction at military installations for such fiscal year, to authorize appropriations for the Department of Energy for national security programs for such fiscal year, and for other purposes, and

S. 1107. An act to authorize appropriations for the Department of Energy for national security programs for fiscal year 1983 and fiscal year 1984, and for other purposes.

CONFERENCE REPORT ON H.R. 2973, INTEREST AND DIVIDENDS TAX WITHHOLDING REPEAL

Mr. ROSTENKOWSKI submitted the following conference report and statement on the bill (H.R. 2973) to repeal the withholding of tax from interest and dividends:

CONFERENCE REPORT (H. REPT. No. 98-325)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 2973) to repeal the withholding of tax from interest and dividends, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate and agree to the same with amendments as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I—INTEREST AND DIVIDEND TAX COMPLIANCE

SEC. 101. SHORT TITLE: AMENDMENT OF 1954 CODE.

(a) SHORT TITLE.—This title may be cited as the "Interest and Dividend Tax Compliance Act of 1983".

(6) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this title an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

SEC. 102. REPEAL OF WITHHOLDING ON INTEREST AND DIVIDENDS.

(a) IN GENERAL.—Subtitle A of title III of the Tax Equity and Fiscal Responsibility Act of 1982 (relating to withholding of tax from interest and dividends) is hereby repealed as of the close of June 30, 1983.

(b) CONFORMING AMENDMENT.—Except as provided in this section, the Internal Revenue Code of 1954 shall be applied and administered as if such subtitle A (and the amendments made by such subtitle A) had not been enacted.

(c) REPEAL NOT TO APPLY TO AMOUNTS DEDUCTED AND WITHHELD BEFORE SEPTEMBER 2, 1983.—

(1) IN GENERAL.—If, notwithstanding the repeal made by subsection (a) (and the provisions of subsection (b)), an amount is deducted and withheld before September 2, 1983, under subchapter B of chapter 24 of the Internal Revenue Code of 1954 (as in effect before its repeal by subsection (a)), the repeal made by subsection (a) (and the provisions of subsection (b)) shall not apply to the amount so deducted and withheld.

(2) ELECTION TO HAVE PARAGRAPH (1) NOT APPLY.—Paragraph (1) shall not apply with respect to any payor who elects (at the time and in the manner prescribed by the Secretary of the Treasury or his delegate) to have paragraph (1) not apply.

(d) ESTIMATED TAX PAYMENTS.—For purposes of determining the amount of any addition to tax under section 6654 of the Internal Revenue Code of 1954 with respect to any installment required to be paid before July 1, 1983, the amount of the credit allowed by section 31 of such Code for any taxable year which includes any portion of the period beginning July 1, 1983, and ending December 31, 1983, shall be increased by an amount equal to 10 percent of the aggregate amount of payments—

(1) which are received during the portion of such taxable year after June 30, 1983, and before January 1, 1984, and

(2) which (but for the repeal made by subsection (a)) would have been subject to withholding under subchapter B of chapter 24 of such Code (determined without regard to any exemption described in section 3452 of such subchapter B).

(e) TECHNICAL AMENDMENTS.—

(1) Subsection (a) of section 6049 (relating to returns regarding payments of interest) is amended—

(A) by inserting "or" at the end of paragraph (1),

(B) by striking out "or" at the end of paragraph (2),

(C) by striking out paragraph (3), and

(D) by striking out ", tax deducted and withheld, and the name and address of the person to whom paid or from whom withheld", and inserting in lieu thereof "and the name and address of the person to whom paid".

(2) Subsection (b) of section 6049 (defining interest) is amended—

(A) by amending subparagraph (C) of paragraph (2) to read as follows:

"(C) except to the extent otherwise provided in regulations—

"(i) any amount paid to any person described in paragraph (4), or

"(ii) any amount described in paragraph (5),", and

(B) by adding at the end thereof the following new paragraphs:

"(4) PERSONS DESCRIBED IN THIS PARAGRAPH.—A person is described in this paragraph if such person is—

"(A) a corporation,

"(B) an organization exempt from taxation under section 501(a) or an individual retirement plan,

"(C) the United States or any wholly owned agency or instrumentality thereof,

"(D) a State, the District of Columbia, a possession of the United States, any political subdivision of any of the foregoing, or any wholly owned agency or instrumentality of any one or more of the foregoing,

"(E) a foreign government, a political subdivision of a foreign government, or any wholly owned agency or instrumentality of any one or more of the foregoing,

"(F) an international organization or any wholly owned agency or instrumentality thereof,

"(G) a foreign central bank of issue,

"(H) a dealer in securities or commodities required to register as such under the laws of the United States or a State, the District of Columbia, or a possession of the United States,

"(I) a real estate investment trust (as defined in section 856),

"(J) an entity registered at all times during the taxable year under the Investment Company Act of 1940,

"(K) a common trust fund (as defined in section 584(a)), or

"(L) any trust which—

"(i) is exempt from tax under section 664(c), or

"(ii) is described in section 4947(a)(1).

"(5) AMOUNTS DESCRIBED IN THIS PARAGRAPH.—An amount is described in this paragraph if such amount—

"(A) is subject to withholding under subchapter A of chapter 3 (relating to withholding of tax on nonresident aliens and foreign corporations) by the person paying such amount, or

"(B) would be subject to withholding under subchapter A of chapter 3 by the person paying such amount but for the fact that—

"(i) such amount is income from sources outside the United States,

"(ii) the payor thereof is exempt from the application of section 1441(a) by reason of section 1441(c) or a tax treaty, or

"(iii) such amount is original issue discount (within the meaning of section 1232(b)(1)).".

(3) Paragraph (1) of section 6049(c) (relating to statements to be furnished to persons with respect to whom information is furnished) is amended—

(A) by inserting "and" at the end of subparagraph (A),

(B) by striking out ", and" at the end of subparagraph (B) and inserting in lieu thereof a period, and

(C) by striking out subparagraph (C).

SEC. 103. SENSE OF THE CONGRESS WITH RESPECT TO INCREASED APPROPRIATIONS.

It is the sense of the Congress—

(1) that additional amounts should be appropriated for purposes of collecting tax due with respect to reportable payments (as defined in section 3406(b) of the Internal Revenue Code of 1954), and

(2) that—

(A) such additional amounts should not be less than—

(i) $15,000,000 for fiscal year 1984, and

(ii) $300,000,000 for the period consisting of fiscal years 1984 through 1988, and

(B) it would be preferable that such additional amounts for such period be at least $600,000,000.

SEC. 104. BACKUP WITHHOLDING.

(a) IN GENERAL.—Chapter 24 (relating to collection of income tax at source) is amended by inserting after section 3405 the following new section:

"SEC. 3406. BACKUP WITHHOLDING.

"(a) REQUIREMENT TO DEDUCT AND WITHHOLD.—

"(1) IN GENERAL.—In the case of any reportable payment, if—

"(A) the payee fails to furnish his TIN to the payor in the manner required,

"(B) the Secretary notifies the payor that the TIN furnished by the payee is incorrect,

"(C) there has been a notified payee underreporting described in subsection (c), or

"(D) there has been a payee certification failure described in subsection (d),

then the payor shall deduct and withhold from such payment a tax equal to 20 percent of such payment.

"(2) SUBPARAGRAPHS (C) AND (D) OF PARAGRAPH (1) APPLY ONLY TO INTEREST AND DIVIDEND PAYMENTS.—Subparagraphs (C) and (D) of paragraph (1) shall apply only to reportable interest or dividend payments.

"(b) REPORTABLE PAYMENT, ETC.—For purposes of this section—

"(1) REPORTABLE PAYMENT.—The term 'reportable payment' means—

"(A) any reportable interest or dividend payment, and

"(B) any other reportable payment.

"(2) Reportable interest or dividend payment.—

"(A) IN GENERAL.—The term 'reportable interest or dividend payment' means any payment of a kind, and to a payee, required to be shown on a return required under—

"(i) section 6049(a) (relating to payments of interest),

"(ii) section 6042(a) (relating to payments of dividends), or

"(iii) section 6044 (relating to payments of patronage dividends) but only to the extent such payment is in money.

"(B) SPECIAL RULE FOR PATRONAGE DIVIDENDS.—For purposes of subparagraphs (C) and (D) of subsection (a)(1), the term 'reportable interest or dividend payment' shall not include any payment to which section 6044 (relating to patronage dividends) applies unless 50 percent or more of such payment is in money.

"(3) OTHER REPORTABLE PAYMENT.—The term 'other reportable payment' means any payment of a kind, and to a payee, required to be shown on a return required under—

"(A) section 6041 (relating to certain informaiton at source),

"(B) section 6041A(a) (relating to payments of remuneration for services),

"(C) section 6045 (relating to returns of brokers), or

"(D) section 6050A (relating to reporting requirements of certain fishing boat operators), but only to the extent such payment is in money and represents a share of the proceeds of the catch.

"(4) WHETHER PAYMENT IS OF REPORTABLE KIND DETERMINED WITHOUT REGARD TO MINIMUM AMOUNT.—The determination of whether any payment is of a kind required to be shown on a return described in paragraph (2) or (3) shall be made without regard to any minimum amount which must be paid before a return is required.

"(5) EXCEPTION FOR CERTAIN SMALL PAYMENTS.—To the extent provided in regulations, the term 'reportable payment' shall not include any payment which—

"(A) does not exceed $10, and

"(B) if determined for a one-year period, would not exceed $10.

"(6) OTHER REPORTABLE PAYMENTS INCLUDE PAYMENTS DESCRIBED IN SECTION 6041(a) OR 6041A(a) ONLY WHERE AGGREGATE FOR CALENDAR YEAR IS $600 OR MORE.—Any payment of a kind required to be shown on a return required under section 6041(a) or 6041A(a) which is made during any calendar year shall be treated as a reportable payment only if—

"(A) the aggregate amount of such payment and all previous payments described in such sections by the payor to the payee during such calendar year equals or exceeds $600,

"(B) the payor was required under section 6041(a) or 6041A(a) to file a return for the preceding calendar year with respect to payments to the payee, or

"(C) during the preceding calendar year, the payor made reportable payments to the payee with respect to which amounts were required to be deducted and withheld under subsection (a).

"(7) EXCEPTION FOR CERTAIN WINDOW PAYMENTS OF INTEREST, ETC.—For purposes of subparagraphs (C) and (D) of subsection (a)(1), the term 'reportable interest or dividend payment' shall not include any payment—

"(A) in redemption of a coupon on a bearer instrument or in redemption of a United States savings bond, or

"(B) to the extent provided in regulations, of interest on instruments similar to those described in subparagraph (A).

The preceding sentence shall not apply for purposes of determining whether there is payee underreporting described in subsection (c).

"(c) NOTIFIED PAYEE UNDERREPORTING WITH RESPECT TO INTEREST AND DIVIDENDS.—

"(1) NOTIFIED PAYEE UNDERREPORTING.—If—

"(A) the Secretary determines with respect to any payee that there has been payee underreporting,

"(B) at least 4 notices have been mailed by the Secretary to the payee (over a period of at least 120 days) with respect to the underreporting, and

"(C) in the case of any payee who has filed a return for the taxable year, any deficiency of tax attributable to such failure has been assessed,

the Secretary may notify payors of reportable interest or dividend payments with respect to such payee of the requirement to deduct and withhold under subsection (a)(1)(C) (but not the reasons therefor).

"(2) PAYEE UNDERREPORTING DEFINED.—For purposes of this section, there has been payee underreporting if for any taxable year the Secretary determines that—

"(A) the payee failed to include in his return of tax under chapter 1 for such year any portion of a reportable interest or dividend payment required to be shown on such return, or

"(B) the payee may be required to file a return for such year and to include a reportable interest or dividend payment in such return, but failed to file such return.

"(3) DETERMINATION BY SECRETARY TO STOP (OR NOT TO START) WITHHOLDING—

"(A) IN GENERAL.—If the Secretary determines that—

"(i) there was no payee underreporting,

"(ii) any payee underreporting has been corrected (and any tax, penalty, or interest with respect to the payee underreporting has been paid),

"(iii) withholding under subsection (a)(1)(C) has caused (or would cause) undue hardship to the payee and it is unlikely that any payee underreporting by such payee will occur again, or

"(iv) there is a bona fide dispute as to whether there has been any payee underreporting,

then the Secretary shall take the action described in subparagraph (B).

"(B) SECRETARY TO TAKE ACTION TO STOP (OR NOT TO START) WITHHOLDING.—For purposes of subparagraph (A), if at the time of the Secretary's determination under subparagraph (A)—

"(i) no notice has been given under paragraph (1) to any payor with respect to the underreporting, the Secretary shall not give any such notice, or

"(ii) if such notice has been given, the Secretary shall—

"(I) provide the payee with a written certification that withholding under subsection (a)(1)(C) is to stop, and

"(II) notify the applicable payors (and brokers) that such withholding is to stop.

"(C) TIME FOR TAKING ACTION WHERE NOTICE TO PAYOR HAS BEEN GIVEN.—In any case where notice has been given under paragraph (1) to any payor with respect to any underreporting, if the Secretary makes a determination under subparagraph (A) during the 12-month period ending on October 15 of any calendar year—

"(i) except as provided in clause (ii), the Secretary shall take the action described in subparagraph (B)(ii) to bring about the stopping of withholding no later than December 1 of such calendar year, or

"(ii) in the case of—

"(I) a no payee underreporting determination under clause (i) of subparagraph (A), or

"(II) a hardship determination under clause (iii) of subparagraph (A),

such action shall be taken no later than the 45th day after the day on which the Secretary made the determination.

"(D) OPPORTUNITY TO REQUEST DETERMINATION.—The Secretary shall prescribe procedures under which—

"(i) a payee may request a determination under subparagraph (A), and

"(ii) the payee may provide information with respect to such request.

"(4) PAYOR NOTIFIES PAYEE OF WITHHOLDING BECAUSE OF PAYEE UNDERREPORTING.—Any payor required to withhold any tax under subsection (a)(1)(C) shall, at the time such withholding begins, notify the payee of such withholding.

"(5) PAYEE MAY BE REQUIRED TO NOTIFY SECRETARY WHO HIS PAYORS AND BROKERS ARE.—For purposes of this section, the Secretary may require any payee of reportable interest or dividend payments who is subject to withholding under subsection (a)(1)(C) to notify the Secretary of—

"(A) all payors from whom the payee receives reportable interest or dividend payments, and

"(B) all brokers with whom the payee has accounts which may involve reportable interest or dividend payments.

The Secretary may notify any such broker that such payee is subject to withholding under subsection (a)(1)(C).

"(d) INTEREST AND DIVIDEND BACKUP WITHHOLDING APPLIES TO NEW ACCOUNTS AND INSTRUMENTS UNLESS PAYEE CERTIFIES THAT HE IS NOT SUBJECT TO SUCH WITHHOLDING.—

"(1) IN GENERAL.—There is a payee certification failure unless the payee has certified to the payor, under penalty of perjury, that such payee is not subject to withholding under subsection (a)(1)(C).

"(2) SPECIAL RULES FOR READILY TRADABLE INSTRUMENTS.—

"(A) IN GENERAL.—Subsection (a)(1)(D) shall apply to any reportable interest or dividend payment to any payee on any readily tradable instrument if (and only if) no certification was provided to the payor by the payee under paragraph (1) and—

"(i) the payor was notified by a broker under subparagraph (B),

"(ii) such instrument was acquired directly by the payee from the payor, or

"(iii) such instrument is held by the payor as nominee for the payee.

"(B) BROKER NOTIFIES PAYOR.—If—

"(i) a payee acquires any readily tradable instrument through a broker, and

"(ii)(I) the payee does not provide a certification to such broker under subparagraph (C), or (II) such broker is notified by the Secretary before such acquisition that such payee is subject to withholding under subsection (a)(1)(C),

such broker shall, within 15 days after the date of the acquisition, notify the payor that such payee is subject to withholding under subsection (a)(1)(D) (or subsection (a)(1)(C) in the case of a notification described in clause (II)(II)).

"(C) TIME FOR PAYEE TO PROVIDE CERTIFICATION TO BROKER.—In the case of any readily tradable instrument acquired by a payee through a broker, the certification described in paragraph (1) may be provided by the payee to such broker—

"(i) at any time after the payee's account with the broker was established and before the acquisition of such instrument, or

"(ii) in connection with the acquisition of such instrument.

"(3) EXCEPTION FOR EXISTING ACCOUNTS, ETC.—This subsection and subsection (a)(1)(D) shall not apply to any reportable interest or dividend payment which is paid or credited—

"(A) in the case of interest or any other amount of a kind reportable under section 6049, with respect to any account (whatever called) established before January 1, 1984, or with respect to any instrument acquired before January 1, 1984,

"(B) in the case of dividends or any other amount reportable under section 6042, on any stock or other instrument acquired before January 1, 1984, or

"(C) in the case of patronage dividends or other amounts of a kind reportable under section 6044, with respect to any membership acquired, or contract entered into, before January 1, 1984.

"(4) EXCEPTION FOR READILY TRADABLE INSTRUMENTS ACQUIRED THROUGH EXISTING BROKERAGE ACCOUNTS.—Subparagraph (B) of paragraph (2) shall not apply with respect to a readily tradable instrument which was acquired through an account with a broker if—

"(A) such account was established before January 1, 1984, and

"(B) during 1983, such broker bought or sold instruments for the payee (or acted as a nominee for the payee) through such account.

The preceding sentence shall not apply with respect to any readily tradable instrument acquired through such account after the broker was notified by the Secretary that the payee is subject to withholding under subsection (a)(1)(C).

"(e) PERIOD FOR WHICH WITHHOLDING IS IN EFFECT.—

"(1) FAILURE TO FURNISH TIN.—In the case of any failure by a payee to furnish his TIN to a payor in the manner required, subsection (a) shall apply to any reportable payment made by such payor during the period during which the TIM has not been furnished in the manner required.

"(2) NOTIFICATION OF INCORRECT NUMBER.—In any case in which the Secretary notifies the payor that the TIN furnished by the payee is incorrect, subsection (a) shall apply to any reportable payment made by such payor—

"(A) after the close of the 30th day after the day on which the payor received such notification, and

"(B) before the payee furnishes another TIN in the manner required.

"(3) NOTIFIED PAYEE UNDERREPORTING DESCRIBED IN SUBSECTION (c).—

"(A) IN GENERAL.—In the case of any notified payee underreporting described in subsection (c), subsection (a) shall apply to any reportable interest or dividend payment made—

"(i) after the close of the 30th day after the day on which the payor received notification from the Secretary of such underreporting, and

"(ii) before the stop date.

"(B) STOP DATE.—For purposes of this subsection, the term 'stop date' means the determination effective date or, if later, the earlier of—

"(i) the day on which the payor received notification from the Secretary under subsection (c)(3)(B) to stop withholding, or

"(ii) the day on which the payor receives from the payee a certification provided by the Secretary under subsection (c)(3)(B).

"(C) DETERMINATION EFFECTIVE DATE.—For purposes of this subsection—

"(i) IN GENERAL.—Except as provided in clause (ii), the determination effective date of any determination under subsection (c)(3)(A) which is made during the 12-month period ending on October 15 of any calendar year shall be the first January 1 following such October 15.

"(ii) DETERMINATION THAT THERE WAS NO UNDERREPORTING; HARDSHIP.—In the case of any determination under clause (i) or (iii) of subsection (c)(3)(A), the determination effective date shall be the date on which the Secretary's determination is made.

"(4) FAILURE TO PROVIDE CERTIFICATION THAT PAYEE IS NOT SUBJECT TO WITHHOLDING.—

"(A) IN GENERAL.—In the case of any payee certification failure described in subsection (d)(1), subsection (a) shall apply to any reportable interest or dividend payment made during the period during which the certification described in subsection (d)(1) has not been furnished to the payor.

"(B) SPECIAL RULE FOR READILY TRADABLE INSTRUMENTS ACQUIRED THROUGH BROKER WHERE NOTIFICATION.—In the case of any readily tradable instrument acquired by the payee through a broker, the period described in subparagraph (A) shall start with payments to the payee made after the close of the 30th day after the payor receives notification from a broker under subsection (d)(2)(B).

"(5) 30-DAY GRACE PERIODS.—

"(A) START-UP.—If the payor elects the application of this subparagraph with respect to the payee, subsection (a) shall also apply to any reportable payment made during the 30-day period described in paragraph (2)(A), (3)(A), or (4)(B).

"(B) STOPPING.—Unless the payor elects not to have this subparagraph apply with respect to the payee, subsection (a) shall also apply to any reportable payment made after the close of the period described in paragraph (1), (2), or (4) (as the case may be) and before the 30th day after the close of such period. A similar rule shall also apply with respect to the period described in paragraph (3)(A) where the stop date is determined under clause (i) or (ii) of paragraph (3)(B).

"(C) ELECTION OF SHORTER GRACE PERIOD.—The payor may elect a period shorter than the grace period set forth in subparagraph (A) or (B), as the case may be.

"(f) CONFIDENTIALITY OF INFORMATION.—

"(1) IN GENERAL.—No person may use any information obtained under this section (including any failure to certify under subsection (d)) except for purposes of meeting any requirement under this section or (subject to the safeguards set forth in section 6103) for purposes permitted under section 6103.

"(2) CROSS REFERENCE.—

"For provision providing for civil damages for violation of paragraph (1), see section 7431.

"(g) EXCEPTIONS.—

"(1) PAYMENTS TO CERTAIN PAYEES.—Subsection (a) shall not apply to any payment made to—

"(A) any organization or governmental unit described in subparagraph (B), (C), (D), (E), or (F) of section 6049(b)(4), or

"(2) any other person specified in regulations.

"(2) AMOUNTS FOR WHICH WITHHOLDING OTHERWISE REQUIRED.—Subsection (a) shall not apply to any amount for which withholding is otherwise required by this title.

"(3) EXEMPTION WHILE WAITING FOR TIN.—The Secretary shall prescribe regulations for exemptions from the tax imposed by subsection (a) during the period during which a person is waiting for receipt of a TIN.

"(h) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) OBVIOUSLY INCORRECT NUMBER.—A person shall be treated as failing to furnish his TIN if the TIN furnished does not contain the proper number of digits.

"(2) PAYEE FURNISHES 2 INCORRECT TIN'S.—If the payee furnishes the payor 2 incorrect TIN's in any 3-year period, the payor shall, after receiving notice of the second incorrect TIN, treat the payee as not having furnished another TIN under subsection (e)(2)(B) until the day on which the payor receives notification from the Secretary that a correct TIN has been furnished.

"(3) JOINT PAYEES.—Except to the extent otherwise provided in regulations, any payment to joint payees shall be treated as if all the payment were made to the first person listed in the payment.

"(4) PAYOR DEFINED.—The term 'payor' means, with respect to any reportable payment, a person required to file a return described in paragraph (2) or (3) of subsection (b) with respect to such payment.

"(5) BROKER.—

"(A) IN GENERAL.—The term 'broker' has the meaning given to such term by section 6045(c)(1).

"(B) ONLY 1 BROKER PER ACQUISITION.—If, but for this subparagraph, there would be more than 1 broker with respect to any acquisition, only the broker having the closest contact with the payee shall be treated as the broker.

"(C) PAYOR NOT TREATED AS BROKER.—In the case of any instrument, such term shall not include any person who is the payor with respect to such instrument.

"(6) READILY TRADABLE INSTRUMENT.—The term 'readily tradable instrument' means—

"(A) any instrument which is part of an issue any portion of which is traded on an established securities market (within the meaning of section 453(f)(5)), and

"(B) except as otherwise provided in regulations prescribed by the Secretary, any instrument which is regularly quoted by brokers or dealers making a market.

"(7) ORIGINAL ISSUE DISCOUNT.—To the extent provided in regulations, rules similar to the rules of paragraph (6) of section 6049(d) shall apply.

"(8) REQUIREMENT OF NOTICE TO PAYEE.—Whenever the Secretary notifies a payor under paragraph (1)(B) of subsection (a) that the TIN furnished by any payee is incorrect, the Secretary shall at the same time furnish a copy of such notice to the payor, and the payor shall promptly furnish such copy to the payee.

"(9) REQUIREMENT OF NOTICE TO SECRETARY.—If the Secretary notifies a payor under paragraph (1)(B) of subsection (a) that the TIN furnished by any payee is incorrect and such payee subsequently furnishes another TIN to the payor, the payor shall promptly notify the Secretary of the other TIN so furnished.

"(10) COORDINATION WITH OTHER SECTIONS.—For purposes of section 31, this chapter (other than section 3402(n)), and so much of subtitle F (other than section 7205) as relates to this chapter, payments which are subject to withholding under this section shall be treated as if they were wages paid by an employer to an employee (and amounts deducted and withheld under this section shall be treated as if deducted and withheld under section 3402).

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(b) CIVIL DAMAGES FOR UNAUTHORIZED DISCLOSURE OF INFORMATION.—Section 7431 (relating to civil damages for unauthorized disclosure of returns and return information) is amended by adding at the end thereof the following new subsection:

"(f) EXTENSION TO INFORMATION OBTAINED UNDER SECTION 3406.—For purposes of this section—

"(1) any information obtained under section 3406 (including information with respect to any payee certification failure under subsection (d) thereof) shall be treated as return information, and

"(2) any use of such information other than for purposes of meeting any requirement under section 3406 or (subject to the safeguards set forth in section 6103) for purposes permitted under section 6103 shall be treated as a violation of section 6103.

For purposes of subsection (b), the reference to section 6103 shall be treated as including a reference to section 3406."

(c) PENALTY FOR FAILURE BY BROKER TO PROVIDE NOTICE.—

(1) IN GENERAL.—Subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end thereof the following new section:

"SEC. 6705. FAILURE BY BROKER TO PROVIDE NOTICE TO PAYORS.

"(a) IN GENERAL.—Any person required under section 3406(d)(2)(B) to provide notice to any payor who willfully fails to provide such notice to such payor shall pay a penalty of $500 for each such failure.

"(b) PENALTY IN ADDITION TO OTHER PENALTIES.—Any penalty imposed by this section shall be in addition to any other penalty provided by law."

(2) CONFORMING AMENDMENT.—The table of sections for subchapter B of chapter 68 is amended by adding at the end thereof the following new item:

"Sec. 6705. Failure by broker to provide notice to payors."

(d) TECHNICAL AMENDMENTS.—

(1) DEFINITION OF TIN.—Subsection (a) of section 7701 (relating to definitions) is amended by adding at the end thereof the following new paragraph:

"(41) TIN.—The term 'TIN' means the identifying number assigned to a person under section 6109."

(2) YEAR FOR WHICH CREDIT ALLOWED.—Section 31 (relating to credit for tax withheld on wages) is amended by adding at the end thereof the following new subsection:

"(c) SPECIAL RULE FOR BACKUP WITHHOLDING.—Any credit allowed by subsection (a) for any amount withheld under section 3406 shall be allowed for the taxable year of the recipient of the income in which the income is received."

(3) REPEAL OF EXISTING BACKUP WITHHOLDING PROVISIONS.—Subsection (s) of section 3402 is hereby repealed.

(4) CLERICAL AMENDMENT.—The table of sections for chapter 24 is amended by inserting after the item relating to section 3405 the following new item:

"Sec. 3406. Backup withholding."

SEC. 105. PENALTY FOR FAILURE BY PAYORS TO MEET CERTAIN INTEREST AND DIVIDEND REPORTING REQUIREMENTS.

(a) FAILURE TO SUPPLY TAXPAYER IDENTIFICATION NUMBERS.—Section 6676 (relating to failure to supply identifying numbers) is amended to read as follows:

"SEC. 6676. FAILURE TO SUPPLY IDENTIFYING NUMBERS.

"(a) IN GENERAL.—If any person who is required by regulations prescribed under section 6109—

"(1) to include his TIN in any return, statement, or other document,

"(2) to furnish his TIN to another person, or

"(3) except in the case of a return or statement required to be filed under section 6042, 6044, or 6049, to include in any return, statement, or other document made with respect to another person the TIN of such other person,

fails to comply with such requirement at the time prescribed by such regulations, such person shall, unless it is shown that such failure is due to reasonable cause and not to willful neglect, pay a penalty of $5 for each such failure described in paragraph (1) and $50 for each such failure described in paragraph (2) or (3), except that the total amount imposed on such person for all such failures during any calendar year shall not exceed $50,000.

"(b) Penalties Involving Failures on Interest and Dividend Returns.—

"(1) IN GENERAL.—If any payor—

"(A) is required to include in any return or statement required to be filed under section 6042, 6044, or 6049 with respect to any payee the TIN of such payee, and

"(B) fails to include such number or includes an incorrect number,

then the payor shall pay a penalty of $50 for each such failure unless it is shown that the payor exercised due diligence in attempting to satisfy the requirement with respect to such TIN.

"(c) PROCEDURES RELATING TO ASSESSMENT OF PENALTY.—

"(1) SELF-ASSESSMENT OF PENALTY IMPOSED BY SUBSECTION (b).—Any penalty imposed under subsection (b) on any person—

"(A) for purposes of this subtitle, shall be treated as an excise tax imposed by subtitle D, and

"(B) shall be due and payable on April 1 of the calendar year following the calendar year for which the return or statement was made.

"(2) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply in respect of the assessment or collection of any penalty imposed by this section."

"(b) FAILURE TO FILE STATEMENTS.—

"(1) SECTION 6652.—

"(A) Subsection (a) of section 6652 (relating to returns relating to information at source, payments of dividends, etc., and certain transfers of stock) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following new paragraph:

"(2) FAILURE TO FILE RETURNS ON INTEREST, DIVIDENDS, AND PATRONAGE DIVIDENDS.—

"(A) IN GENERAL.—In the case of each failure to file a statement of the amount of payments to another person required by—

"(i) section 6042(a)(1) (relating to payments of dividends),

"(ii) section 6044(a)(1) (relating to payments of patronage dividends), or

"(iii) section 6049(a) (relating to payments of interest),

on the date prescribed therefor (determined with regard to any extension of time for filing), there shall be paid by the person failing to file such statement a penalty of $50 for each such failure unless it is shown that such person exercised due diligence in attempting to satisfy the requirement with respect to such statement.

"(B) SELF-ASSESSMENT.—Any penalty imposed under subparagraph (A) on any person—

"(i) for purposes of this subtitle, shall be treated as an excise tax imposed by subtitle D, and

"(ii) shall be due and payable on April 1 of the calendar year following the calendar year for which such statement is required.

"(C) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply in respect of the assessment or collection of any penalty imposed by subparagraph (A)."

(B) Subparagraph (A) of section 6652(a)(1) is amended—

(i) by striking out clauses (ii), (iii), and (iv) and by redesignating clauses (v) and (vi) as clauses (ii) and (iii), respectively, and

(ii) by striking out "6042(e), 6044(f), 6049(e), or" in clause (iii), as so redesignated.

(C) Paragraph (3) of section 6652(a) (as redesignated by subparagraph (A)) is amended by striking out "paragraph (1)" in the matter preceding subparagraph (A) and in subparagraph (A) and inserting in lieu thereof "paragraph (1) or (2)".

(2) SECTION 6678.—Section 6678 (relating to failure to furnish certain statements) is amended—

(A) by inserting "(a) IN GENERAL.—" before "In the case of",

(B) by striking out "6042(c), 6044(e), 6045(b), 6049(c)," in paragraph (1) and inserting in lieu thereof "6045(b),",

(C) by striking out "6042(a)(1), 6044(a)(1), 6045(a), 6049(a)," in paragraph (1) and inserting in lieu thereof "6045(a),", and

(D) by adding at the end thereof the following new subsection:

"(b) FAILURE TO FILE INTEREST AND DIVIDEND STATEMENTS.—

"(1) IN GENERAL.—In the case of any person who fails to furnish a statement under section 6042(c), 6044(e), or 6049(c) on the date prescribed therefor to a person with respect to whom a return has been made under section 6042(a)(1), 6044(a)(1), or 6049(a), respectively, such person shall pay a penalty of $50 for each such failure unless it is shown that such person exercised due diligence in attempting to satisfy the requirement with respect to such statement.

"(2) SELF-ASSESSMENT.—Any penalty imposed under paragraph (1) on any person—

"(A) for purposes of this subtitle, shall be treated as an excise tax imposed by subtitle D, and

"(B) shall be due and payable on April 1 of the calendar year following the calendar year for which such statement is required.

"(3) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply in respect of the assesment or collection of any penalty imposed by paragraph (1)."

SEC. 106. PRESUMPTION THAT NEGLIGENCE PENALTY APPLIES TO UNDERPAYMENTS ATTRIBUTABLE TO FAILURE TO REPORT CERTAIN INTEREST AND DIVIDEND PAYMENTS.

Section 6653 (relating to failure to pay tax) is amended by adding at the end thereof the following new subsection:

"(g) SPECIAL RULE IN THE CASE OF INTEREST OR DIVIDEND PAYMENTS.—

"(1) IN GENERAL.—If—

"(A) any payment is shown on a return made by the payor under section 6042(a), 6044(a), or 6049(a), and

"(B) the payee fails to include any portion of such payment in gross income,

any portion of an underpayment attributable to such failure shall be treated, for purposes of subsection (a), as due to negligence in the absence of clear and convincing evidence to the contrary.

"(2) PENALTY TO APPLY ONLY TO PORTION OF UNDERPAYMENT DUE TO FAILURE TO INCLUDE INTEREST OR DIVIDEND PAYMENT.—If any penalty is imposed under subsection (a) by reason of paragraph (1), the amount of the penalty imposed by paragraph (1) of subsection (a) shall be 5 percent of the portion of the underpayment which is attributable to the failure described in paragraph (1)."

SEC. 107. CIVIL AND CRIMINAL PENALTIES ON FALSE INFORMATION WITH RESPECT TO BACKUP WITHHOLDING ON INTEREST AND DIVIDENDS.

(a) CIVIL PENALTY.—Paragraph (1) of section 6682(a) (relating to civil penalty for false information with respect to withholding) is amended by inserting " or section 3406" after "section 3402".

(b) CRIMINAL PENALTY.—Section 7205 (relating to fraudulent withholding exemption certificate or failure to supply information) is amended—

(1) by striking out "Any individual" and inserting in lieu thereof "(a) Withholding on Wages.—Any individual", and

(2) by adding at the end thereof the following new subsection:

"(b) BACKUP WITHHOLDING ON INTEREST AND DIVIDENDS.—If any individual willfully makes—

"(1) any false certification or affirmation on any statement required by a payor in order to meet the due diligence requirements of section 6676(b), or

"(2) a false certification under paragraph (1) or (2)(C) of section 3406(d),

then such individual shall, in lieu of any other penalty provided by law (except the penalty provided by section 6682), upon conviction thereof, be fined not more than $1,000, or imprisoned not more than 1 year, or both."

SEC. 108. SEPARATE MAILING OF 1099.

(a) INTEREST.—Section 6049(c)(2) (relating to time statement must be furnished) is amended to read as follows:

"(2) TIME AND FORM OF STATEMENT.—The written statement under paragraph (1)—

"(A) shall be furnished (either in person or in a separate mailing by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made, and

"(B) shall be in such form as the Secretary may prescribe by regulations."

(b) DIVIDENDS.—The second sentence of section 6042(c) (relating to time statement must be furnished) is amended to read as follows: "The written statement required under the preceding sentence shall be furnished (either in person or in a separate mailing by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made, and shall be in such form as the Secretary may prescribe by regulations."

(c) PATRONAGE DIVIDENDS.—The second sentence of section 6044(e) (relating to time statement must be furnished) is amended to read as follows: "The written statement required under the preceding sentence shall be furnished (either in person or in a separate mailing by first-class mail) to the person on or before January 31 of the year following the calendar year for which the return under subsection (a) was made, and shall be in such form as the Secretary may prescribe by regulations."

SEC. 109. RETURNS ON MAGNETIC TAPE.

(a) CERTAIN RETURNS MUST BE ON MAGNETIC TAPE.—Subsection (e) of section 6011 (relating to regulations requiring returns on magnetic tape, etc.) is amended to read as follows:

"(e) REGULATIONS REQUIRING RETURNS ON MAGNETIC TAPE, ETC.—

"(1) IN GENERAL.—The Secretary shall prescribe regulations providing standards for determining which returns must be filed on magnetic media or in other machine-readable form. The Secretary may not require returns of any tax imposed by subtitle A on individuals, estates, and trusts to be other than on paper forms supplied by the Secretary. In prescribing such regulations, the Secretary shall take into account (among other relevant factors) the ability of the taxpayer to comply at reasonable cost with such a filing requirement.

"(2) CERTAIN RETURNS MUST BE FILED ON MAGNETIC MEDIA.—

"(A) IN GENERAL.—In the case of any person who is required to file returns under sections 6042(a), 6044(a), and 6049(a) with respect to more than 50 payees for any calendar year, all returns under such sections shall be on magnetic media.

"(B) HARDSHIP EXCEPTION.—Subparagraph (A) shall not apply to any person for any period if such person establishes to the satisfaction of the Secretary that its application to such person for such period would result in undue hardship."

(b) STUDY OF WAGE RETURNS ON MAGNETIC TAPE.—

(1) STUDY.—The Secretary of the Treasury, in consultation with the Secretary of Health and Human Services, shall conduct a study of the feasibility of requiring persons to file, on magnetic media, returns under section 6011 of the Internal Revenue Code of 1954 containing information described in section 6051(a) of such Code (relating to W-2's).

(2) REPORT TO CONGRESS.—Not later than July 1, 1984, the Secretary of the Treasury shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the results of the study conducted under paragraph (1).

SEC. 110. EFFECTIVE DATES.

(a) GENERAL RULE.—Except as otherwise provided in this section, the amendments made by this title shall apply with respect to payments made after December 31, 1983.

(b) SECTION 102.—The amendments made by section 102 shall take effect as of the close of June 30, 1983.

(c) SECTIONS 104(b) AND 107.—The amendments made by sections 104(b) and 107 shall take effect on the date of the enactment of this Act.

TITLE II—CARIBBEAN BASIN INITIATIVE

SEC. 201. SHORT TITLE.

This title may be cited as the "Caribbean Basin Economic Recovery Act".

Subtitle A—Duty-Free Treatment

SEC. 211. AUTHORITY TO GRANT DUTY-FREE TREATMENT.

The President may proclaim duty-free treatment for all eligible articles from any beneficiary country in accordance with the provisions of this title.

SEC. 212. BENEFICIARY COUNTRY.

(a)(1) For purposes of this title—

(A) The term "beneficiary country" means any country listed in subsection (b) with respect to which there is in effect a proclamation by the President designating such country as a beneficiary country for purposes of this title. Before the President designates any country as a beneficiary country for purposes of this title, he shall notify the House of Representatives and the Senate of his intention to make such designation, together with the considerations entering into such decision.

(B) The term "entered" means entered, or withdrawn from warehouse for consumption, in the customs territory of the United States.

(C) The term "TSUS" means Tariff Schedules of the United States (19 U.S.C. 1202).

(2) If the President has designated any country as a beneficiary country for purposes of this title, he shall not terminate such designation (either by issuing a proclamation for that purpose or by issuing a proclamation which has the effect of terminating such designation) unless, at least sixty days before such termination, he has notified the House of Representatives and the Senate and has notified such country of his intention to terminate such designation, together with the considerations entering into such decision.

(b) In designating countries as "beneficiary countries" under this title the President shall consider only the following countries and territories or successor political entities:

Anguilla	Panama
Antigua and Barbuda	Saint Lucia
Bahamas, The	Saint Vincent and the Grenadines
Barbados	Suriname
Belize	Trinidad and Tobago
Costa Rica	Cayman Islands
Dominica	Montserrat
Dominican Republic	Netherlands Antilles
El Salvador	Saint Christopher-Nevis
Grenada	Turks and Caicos Islands
Guatemala	Virgin Islands, British
Guyana	
Haiti	
Honduras	
Jamaica	
Nicaragua	

In addition, the President shall not designate any country a beneficiary country under this title—

(1) if such country is a Communist country;

(2) if such country—

(A) has nationalized, expropriated or otherwise seized ownership or control of property owned by a United States citizen or by a corporation, partnership, or association which is 50 per centum or more beneficially owned by United States citizens,

(B) has taken steps to repudiate or nullify—

(i) any existing contract or agreement with, or

(ii) any patent, trademark, or other intellectual property of,

a United States citizen or a corporation, partnership, or association which is 50 per centum or more benefically owned by United States citizens, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of property so owned, or

(C) has imposed or enforced taxes or other exactions, restrictive maintenance or operational conditions, or other measures with respect to property so owned, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of such property, unless the President determines that—

(i) prompt, adequate, and effective compensation has been or is being made to such citizen, corporation, partnership, or association,

(ii) good-faith negotiations to provide prompt, adequate, and effective compensation under the applicable provisions of international law are in progress, or such country is otherwise taking steps to discharge its obligations under international law with respect to such citizen, corporation, partnership, or association, or

(iii) a dispute involving such citizen, corporation, partnership, or association, over compensation for such a seizure has been submitted to arbitration under the provisions of the Convention for the Settlement of Investment Disputes, or in another mutually agreed upon forum, and

promptly furnishes a copy of such determination to the Senate and House of Representatives;

(3) if such country fails to act in good faith in recognizing as binding or in enforcing arbitral awards in favor of United States citizens or a corporation, partnership or association which is 50 per centum or more beneficially owned by United States citizens, which have been made by arbitrators appointed for each case or by permanent arbitral bodies to which the parties involved have submitted their dispute;

(4) if such country affords preferential treatment to the products of a developed country, other than the United States, which has, or is likely to have, a significant adverse effect on United States commerce, unless the President has received assurances satisfactory to him that such preferential treatment will be eliminated or that action will be taken to assure that there will be no such significant adverse effect, and he reports those assurances to the Congress;

(5) if a government-owned entity in such country engages in the broadcast of copyrighted material, including films or television material, belonging to United States copyright owners without their express consent;

(6) if such country does not take adequate steps to cooperate with the United States to prevent narcotic drugs and other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812)) produced, processed, or transported in such country from entering the United States unlawfully; and

(7) unless such country is a signatory to a treaty, convention, protocol, or other agreement regarding the extradition of United States citizens.

Paragraphs (1), (2), (3), and (5) shall not prevent the designation of any country as a beneficiary country under this Act if the President determines that such designation will be in the national economic or security interest of the United States and reports such determination to the Congress with his reasons therefor.

(c) In determining whether to designate any country a beneficiary country under this title, the President shall take into account—

(1) an expression by such country of its desire to be so designated;

(2) the economic conditions in such country, the living standards of its inhabitants, and any other economic factors which he deems appropriate;

(3) the extent to which such country has assured the United States it will provide equitable and reasonable access to the markets and basic commodity resources of such country;

(4) the degree to which such country follows the accepted rules of international trade provided for under the General Agreement on Tariffs and Trade, as well as applicable trade agreements approved under section 2(a) of the Trade Agreements Act of 1979;

(5) the degree to which such country uses export subsidies or imposes export performance requirements or local content requirements which distort international trade;

(6) the degree to which the trade policies of such country as they relate to other beneficiary countries are contributing to the revitalization of the region;

(7) the degree to which such country is undertaking self-help measures to promote its own economic development;

(8) the degree to which workers in such country are afforded reasonable workplace conditions and enjoy the right to organize and bargain collectively;

(9) the extent to which such country provides under its law adequate and effective means for foreign nationals to secure, exercise, and enforce exclusive rights in intellectual property, including patent, trademark, and copyright rights;

(10) the extent to which such country prohibits its nationals from engaging in the broadcast of copyrighted material, includ-

ing films or television material, belonging to United States copyright owners without their express consent; and

(11) the extent to which such country is prepared to cooperate with the United States in the administration of the provisions of this title.

(d) General headnote 3(a) of the TSUS (relating to products of the insular possessions) is amended by adding at the end thereof the following paragraph:

"(iv) Subject to the provisions in section 213 of the Caribbean Basin Economic Recovery Act, articles which are imported from insular possessions of the United States shall receive duty treatment no less favorable than the treatment afforded such articles when they are imported from a beneficiary country under such Act.".

(e) The President shall, after complying with the requirements of subsection (a)(2), withdraw or suspend the designation of any country as a beneficiary country if, after such designation, he determines that as the result of changed circumstances such country would be barred from designation as a beneficiary country under subsection (b).

SEC. 213. ELIGIBLE ARTICLES.

(a)(1) Unless otherwise excluded from eligibility by this title, the duty-free treatment provided under this title shall apply to any article which is the growth, product, or manufacture of a beneficiary country if—

(A) that article is imported directly from a beneficiary country into the customs territory of the United States; and

(B) the sum of (i) the cost or value of the materials produced in a beneficiary country or two or more beneficiary countries, plus (ii) the direct costs of processing operations performed in a beneficiary country or countries is not less than 35 per centum of the appraised value of such article at the time it is entered.

For purposes of determining the percentage referred to in subparagraph (B), the term "beneficiary country" includes the Commonwealth of Puerto Rico and the United States Virgin Islands. If the cost or value of materials produced in the customs territory of the United States (other than the Commonwealth of Puerto Rico) is included with respect to an article to which this paragraph applies, an amount not to exceed 15 per centum of the appraised value of the article at the time it is entered that is attributed to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (B).

(2) The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out this subsection including, but not limited to, regulations providing that, in order to be eligible for duty-free treatment under this title, an article must be wholly the growth, product, or manufacture of a beneficiary country, or must be a new or different article of commerce which has been grown, produced, or manufactured in the beneficiary country; but no article or material of a beneficiary country shall be eligible for such treatment by virtue of having merely undergone—

(A) simple combining or packaging operations, or

(B) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.

(3) As used in this subsection, the phrase "direct costs of processing operations" includes, but is not limited to—

(A) all actual labor costs involved in the growth, production, manufacture, or assembly of the specific merchandise, including fringe benefits, on-the-job training and the cost of engineering, supervisory, quality control, and similar personnel; and

(B) dies, molds, tooling, and depreciation on machinery and equipment which are allocable to the specific merchandise.

Such phrase does not include costs which are not directly attributable to the merchandise concerned or are not costs of manufacturing the product, such as (i) profit, and (ii) general expenses of doing business which are either not allocable to the specific merchandise or are not related to the growth, production, manufacture, or assembly of the merchandise, such as administrative salaries, casualty and liability insurance, advertising, and salesmen's salaries, commissions or expenses.

(b) The duty-free treatment provided under this title shall not apply to—

(1) textile and apparel articles which are subject to textile agreements;

(2) footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel not designated at the time of the effective date of this title as eligible articles for the purpose of the generalized system of preferences under title V of the Trade Act of 1974;

(3) tuna, prepared or preserved in any manner, in airtight containers;

(4) petroleum, or any product derived from petroleum, provided for in part 10 of schedule 4 of the TSUS; or

(5) watches and watch parts (including cases, bracelets and straps), of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material which is the product of any country with respect to which TSUS column 2 rates of duty apply.

(c)(1) As used in this subsection—

(A) The term "sugar and beef products" means—

(i) sugars, sirups, and molasses provided for in items 155.20 and 155.30 of the TSUS, and

(ii) articles of beef or veal, however provided for in subpart B of part 2 of schedule 1 of the TSUS.

(B) The term "Plan" means a stable food production plan that consists of measures and proposals designed to ensure that the present level of food production in, and the nutritional level of the population of, a beneficiary country will not be adversely affected by changes in land use and land ownership that will result if increased production of sugar and beef products is undertaken in response to the duty-free treatment extended under this title to such products. A Plan must specify such facts regarding, and such proposed actions by, a beneficiary country as the President deems necessary for purposes of carrying out this subsection, including but not limited to—

(i) the current levels of food production and nutritional health of the population;

(ii) current level of production and export of sugar and beef products;

(iii) expected increases in production and export of sugar and beef products as a result of the duty-free access to the United States market provided under this title;

(iv) measures to be taken to ensure that the expanded production of those products because of such duty-free access will not occur at the expense of stable food production; and

(v) proposals for a system to monitor the impact of such duty-free access on stable food production and land use and land ownership patterns.

(2) Duty-free treatment extended under this title to sugar and beef products that are the product of a beneficiary country shall be suspended by the President under this subsection if—

(A) the beneficiary country, within the ninety-day period beginning on the date of its designation as such a country under section 212, does not submit a Plan to the President for evaluation;

(B) on the basis of his evaluation, the President determines that the Plan of a beneficiary country does not meet the criteria set forth in paragraph (1)(B); or

(C) as a result of the monitoring of the operation of the Plan under paragraph (5), the President determines that a beneficiary country is not making a good faith effort to implement its Plan, or that the measures and proposals in the Plan, although being implemented, are not achieving their purposes.

(3) Before the President suspends duty-free treatment by reason of paragraph (2) (A), (B), or (C) to the sugar and beef products of a beneficiary country, he must offer to enter into consultation with the beneficiary country for purposes of formulating appropriate remedial action which may be taken by that country to avoid such suspension. If the beneficiary country thereafter enters into consultation within a reasonable time and undertakes to formulate remedial action in good faith, the President shall withhold the suspension of duty-free treatment on the condition that the remedial action agreed upon be appropriately implemented by that country.

(4) The President shall monitor on a biennial basis the operation of the Plans implemented by beneficiary countries, and shall submit a written report to Congress by March 15 following the close of each biennium, that—

(A) specifies the extent to which each Plan, and remedial actions, if any, agreed upon under paragraph (4), have been implemented; and

(B) evaluates the results of such implementation.

(5) The President shall terminate any suspension of duty-free treatment imposed under this subsection if he determines that the beneficiary country has taken appropriate action to remedy the factors on which the suspension was based.

(d) For such period as there is in effect a proclamation issued by the President pursuant to the authority vested in him by section 22 of the Agricultural Adjustment Act (7 U.S.C. 624) to protect a price-support program for sugar beets and sugarcane, the importation and duty-free treatment of sugars, sirups, and molasses classified under items 155.20 and 155.30 of the TSUS shall be governed in the following manner:

(1)(A) For all beneficiary countries, except those subject to subparagraph (B) and paragraph (2), duty-free treatment shall be provided in the same manner as it is provided pursuant to title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.), at the time of the effective date of this title; except that the President upon the recommendation of the Secretary of Agriculture, may suspend or adjust upward the value limitation provided for in section 504(c)(1) of the Trade Act of 1974 on the duty-free treatment afforded to beneficiary countries under this section if he finds that such adjustment will not interfere with the price support program for sugar beets and sugarcane and is appropriate in light of market conditions.

(B) as an alternative to subparagraph (A), the President may at the request of a beneficiary country not subject to paragraph (2) and upon the recommendation of the Secretary of Agriculture, elect to permit sugar,

sirups, and molasses from that country to enter duty-free during a calendar year subject to quantitative limitations to be established by the President on the quantity of sugar, sirups, and molasses entered from that country.

(2) For the following countries whose exports of sugar, sirups, and molasses in 1981 were not eligible for duty-free treatment because of the operation of section 504(c) of the Trade Act of 1974, the quantity of sugar, sirups, and molasses which may be entered in any calendar year shall be limited to no more than the quantity specified below:

Metric tons:	
Dominican Republic	780,000
Guatemala	210,000
Panama	160,000

Such sugar, sirups, and molasses shall be admitted free of duty, except as provided for in paragraph (3).

(3) The President, upon the recommendation of the Secretary of Agriculture, may suspend or adjust upward the quantitative limitations imposed under paragraph (1)(B) or (2) if he determines such action will not interfere with the price support program for sugar beets and sugarcane and is appropriate in light of market conditions. The President, upon the recommendation of the Secretary of Agriculture, may suspend the duty free treatment for all or part of the quantity of sugar, sirups, and molasses permitted to be entered by paragraphs (1)(B) and (2) if such action is necessary to protect the price-support program for sugar beets and sugarcane.

(4) Any quantitative limitation imposed on a beneficiary country under paragraph (1)(B) and (2) shall apply only to the extent that such limitation permits a lesser quantity of sugar, sirups, and molasses to be entered from that country than the quantity that would be permitted to be entered under any other provision of law.

(e)(1) The President may by proclamation suspend the duty-free treatment provided by this title with respect to any eligible article and may proclaim a duty rate for such article if such action is proclaimed pursuant to section 203 of the Trade Act of 1974 or section 232 of the Trade Expansion Act of 1962.

(2) In any report by the International Trade Commission to the President under section 201(d)(1) of the Trade Act of 1974 regarding any article for which duty-free treatment has been proclaimed by the President pursuant to this title, the Commission shall state whether and to what extent its findings and recommendations apply to such article when imported from beneficiary countries.

(3) For purposes of subsections (a) and (c) of section 203 of the Trade Act of 1974, the suspension of the duty-free treatment provided by this title shall be treated as an increase in duty.

(4) No proclamation which provides solely for a suspension referred to in paragraph (3) of this subsection with respect to any article shall be made under subsections (a) and (c) of section 203 of the Trade Act of 1974 unless the United States International Trade Commission, in addition to making an affirmative determination with respect to such article under section 201(b) of the Trade Act of 1974, determines in the course of its investigation under section 201(b) of such Act that the serious injury (or threat thereof) substantially caused by imports to the domestic industry producing a like or directly competitive article results from the duty-free treatment provided by this title.

(5)(A) Any proclamation issued pursuant to section 203 of the Trade Act of 1974 that is in effect when duty-free treatment pursuant to section 101 of this title is proclaimed shall remain in effect until modified or terminated.

(B) If any article is subject to import relief at the time duty-free treatment is proclaimed pursuant to section 211, the President may reduce or terminate the application of such import relief to the importation of such article from beneficiary countries prior to the otherwise scheduled date on which such reduction or termination would occur pursuant to the criteria and procedures of subsections (h) and (i) of section 203 of the Trade Act of 1974.

(f)(1) If a petition is filed with the International Trade Commission pursuant to the provisions of section 201 of the Trade Act of 1974 regarding a perishable product and alleging injury from imports from beneficiary countries, then the petition may also be filed with the Secretary of Agriculture with a request that emergency relief be granted pursuant to paragraph (3) of this subsection with respect to such article.

(2) Within fourteen days after the filing of a petition under paragraph (1) of this subsection—

(A) if the Secretary of Agriculture has reason to believe that a perishable product from a beneficiary country is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing a perishable product like or directly competitive with the imported product and that emergency action is warranted, he shall advise the President and recommend that the President take emergency action; or

(B) the Secretary of Agriculture shall publish a notice of his determination not to recommend the imposition of emergency action and so advise the petitioner.

(3) Within seven days after the President receives a recommendation from the Secretary of Agriculture to take emergency action pursuant to paragraph (2) of this subsection, he shall issue a proclamation withdrawing the duty-free treatment provided by this title or publish a notice of his determination not to take emergency action.

(4) The emergency action provided by paragraph (3) of this subsection shall cease to apply—

(A) upon the proclamation of import relief pursuant to section 202(a)(1) of the Trade Act of 1974,

(B) on the day the President makes a determination pursuant to section 203(b)(2) of such Act not to impose import relief,

(C) in the event of a report of the United States International Trade Commission containing a negative finding, on the day the Commission's report is submitted to the President, or

(D) whenever the President determines that because of changed circumstances such relief is no longer warranted.

(5) For purposes of this subsection, the term "perishable product" means—

(A) live plants provided for in subpart A of part 6 of schedule 1 of the TSUS;

(B) fresh or chilled vegetables provided for in items 135.10 through 138.42 of the TSUS;

(C) fresh mushrooms provided for in item 144.10 of the TSUS;

(D) fresh fruit provided for in items 146.10, 146.20, 146.30, 146.50 through 146.62, 146.90, 146.91, 147.03 through 147.33, 147.50 through 149.21 and 149.50 of the TSUS;

(E) fresh cut flowers provided for in items 192.17, 192.18, and 192.21 of the TSUS; and

(F) concentrated citrus fruit juice provided for in items 165.25 and 165.35 of the TSUS.

(g) No proclamation issued pursuant to this title shall affect fees imposed pursuant to section 22 of the Agricultural Adjustment Act (7 U.S.C. 624).

SEC. 214. MEASURES FOR PUERTO RICO AND UNITED STATES INSULAR POSSESSIONS.

(a) Effective with respect to articles entered on or after the effective date of this Act, general headnote 3(a) of the TSUS is amended—

(1) by amending clause (i)—

(A) by striking out "50 percent" and inserting in lieu thereof "70 percent", and

(B) by inserting after "total value", "(or more than 50 percent of their total value with respect to articles described in section 213(b) of the Caribbean Basin Economic Recovery Act)"; and

(2) by amending clause (ii) by striking out "50 percent" and inserting in lieu thereof "70 percent".

(b) Item 813.31 of the TSUS is amended by striking out "4 liters" and inserting in lieu thereof "5 liters", and by inserting after "United States,", "and not more than 4 liters of which shall have been produced elsewhere than in such insular possessions,".

(c) If the sum of the amounts of taxes covered into the treasuries of Puerto Rico or the United States Virgin Islands pursuant to section 7652(c) of the Internal Revenue Code of 1954 is reduced below the amount that would have been covered over if the imported rum had been produced in Puerto Rico or the United States Virgin Islands, then the President shall consider compensation measures and, in this regard, may withdraw the duty-free treatment on rum provided by this title. The President shall submit a report to the Congress on the measures he takes.

(d) Section 1112 of the Trade Agreements Act of 1979 (19 U.S.C. 2582) is repealed.

(e) No action pursuant to this title may affect any tariff duty imposed by the Legislature of Puerto Rico pursuant to section 319 of the Tariff Act of 1930 (19 U.S.C. 1319) of coffee imported into Puerto Rico.

(f) For purposes of chapter 1 of title II of the Trade Act of 1974, the term "industry" shall include producers located in the United States insular possessions.

(g) Any discharge from a point source in the United States Virgin Islands in existence on the date of the enactment of this subsection which discharge is attributable to the manufacture of rum (as defined in paragraph (3) of section 7652(c) of the Internal Revenue code of 1954) shall not be subject to the requirements of section 301 (other than toxic pollutant discharges), section 306 or section 403 of the Federal Water Pollution Control Act if—

(1) such discharge occurs at least one thousand five hundred feet into the territorial sea from the line of ordinary low water from that portion of the coast which is in direct contact with the sea, and

(2) the Governor of the United States Virgin Islands determines that such discharge will not interfere with the attainment or maintenance of that water quality which shall assure protection of public water supplies, and the protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities, in and on the water and will not result in the discharge of pollutants in quantities which may reasonably be anticipated to pose an unacceptable risk to

human health or the environment because of bioaccumulation, persistency in the environment, acute toxicity, chronic toxicity (including carcinogenicity, mutagenicity, or teratogenicity), or synergistic propensities.

SEC. 215 INTERNATIONAL TRADE COMMISSION REPORTS ON IMPACT OF THIS ACT.

(a) The United States International Trade Commission (hereinafter in this section referred to as the "Commission" shall prepare, and submit to the Congress and to the President, a report regarding the economic impact of this Act on United States industries and consumers during—

(1) the twenty-four-month period beginning with the date of enactment of this Act; and

(2) each calendar year occurring thereafter until duty-free treatment under this title is terminated under section 216(b).

For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States shall be considered to be United States industries.

(b)(1) Each report required under subsection (a) shall include, but not be limited to, an assessment by the Commission regarding—

(A) the actual effect, during the period covered by the report of this Act on the United States economy generally as well as on those specific domestic industries which produce articles that are like, or directly competitive with, articles being imported into the United States from beneficiary countries; and

(B) the probable future effect which this Act will have on the United States economy generally, as well as on such domestic industries, before the provisions of this Act terminate.

(2) In preparing the assessments required under paragraph (1), the Commission shall, to the extent practicable—

(A) analyze the production, trade and consumption of United States products affected by this Act, taking into consideration employment, profit levels, and use of productive facilities with respect to the domestic industries concerned, and such other economic factors in such industries as it considers relevant, including prices, wages, sales, inventories, patterns of demand, capital investment, obsolescence of equipment, and diversification of production; and

(B) describe the nature and extent of any significant change in employment, profit levels, and use of productive facilities, and such other conditions as it deems relevant in the domestic industries concerned, which it believes are attributable to this Act.

(c)(1) Each report required under subsection (a) shall be submitted to the Congress and to the President before the close of the nine-month period beginning on the day after the last day of the period covered by the report.

(2) The Commission shall provide opportunity for the submission by the public, either orally or in writing, or both, of information relating to matters that will be addressed in the reports.

SEC. 216. IMPACT STUDY BY SECRETARY OF LABOR

The Secretary of Labor, in consultation with other appropriate Federal agencies, shall undertake a continuing review and analysis of the impact which the implementation of the provisions of this title have with respect to United States labor; and shall make an annual written report to Congress on the results of such review and analysis.

SEC. 217. FEASIBILITY STUDY REGARDING A CARIBBEAN TRADE INSTITUTE.

(a) The Secretary of State shall prepare a study regarding the feasibility of establishing a Caribbean Trade Institute in Harlem, New York City, supported by a combination of Federal and private funds.

(b) The study shall include, but not be limited to, an assessment of the extent to which, and the means by which, a Caribbean Trade Institute could—

(1) facilitate cooperation between public and private entities interested in engaging in or furthering Caribbean trade;

(2) serve as a catalyst for greater cultural exchange between the United States and Caribbean nations; and

(3) facilitate expansion of job opportunities both in the United States and the Caribbean Basin.

The study shall also include suggestions regarding the organization and staffing of such an institute.

(c) The study required by this section shall be submitted to the Congress within six months after the date of the enactment of this Act.

SEC. 218. EFFECTIVE DATE OF SUBTITLE AND TERMINATION OF DUTY-FREE TREATMENT.

(a) EFFECTIVE DATE.—This subtitle shall take effect on the date of the enactment of this Act.

(b) TERMINATION OF DUTY-FREE TREATMENT.—No duty-free treatment extended to beneficiary countries under this subtitle shall remain in effect after September 30, 1995.

Subtitle B—Tax Provisions

SEC. 221. PAYMENT OF EXCISE TAXES COLLECTED ON RUM TO PUERTO RICO AND THE UNITED STATES VIRGIN ISLANDS.

(a) IN GENERAL.—Section 7652 of the Internal Revenue Code of 1954 (relating to shipments to the United States) is amended by inserting after subsection (b) the following new subsection:

"(c) SHIPMENTS OF RUM TO THE UNITED STATES.—

"(1) EXCISE TAXES ON RUM COVERED INTO TREASURIES OF PUERTO RICO AND VIRGIN ISLANDS.—All taxes collected under section 5001(a)(1) on rum imported into the United States (less the estimated amount necessary for payment of refunds and drawbacks) shall be covered into the treasuries of Puerto Rico and the Virgin Islands.

"(2) SECRETARY PRESCRIBES FORMULA.—The Secretary shall, from time to time, prescribe by regulation a formula for the division of such tax collections between Puerto Rico and the Virgin Islands and the timing and methods for transferring such tax collections.

"(3) RUM DEFINED.—For purposes of this subsection, the term 'rum' means any article classified under item 169.13 or 169.14 of the Tariff Schedules of the United States (19 U.S.C. 1202).

"(4) COORDINATION WITH SUBSECTIONS (a) AND (b).—Paragraph (1) shall not apply with respect to any rum subject to tax under subsection (a) or (b).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to articles imported into the United States after June 30, 1983.

SEC. 222. TREATMENT OF CARIBBEAN CONVENTIONS, ETC.

(a) GENERAL RULE.—Subsection (h) of section 274 of the Internal Revenue Code of 1954 (relating to attendance at conventions, etc.) is amended by adding at the end thereof the following new paragraph:

"(6) TREATMENT OF CONVENTIONS IN CERTAIN CARIBBEAN COUNTRIES.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'North American area' includes, with respect to any convention, seminar, or similar meeting, any beneficiary country if (as of the time such meeting begins)—

"(i) there is in effect a bilateral or multilateral agreement described in subparagraph (C) between such country and the United States providing for the exchange of information between the United States and such country, and

"(ii) there is not in effect a finding by the Secretary that the tax laws of such country discriminate against conventions held in the United States.

"(B) BENEFICIARY COUNTRY.—For purposes of this paragraph, the term 'beneficiary country' has the meaning given to such term by section 212(a)(1)(A) of the Caribbean Basin Economic Recovery Act; except that such term shall include Bermuda.

"(C) AUTHORITY TO CONCLUDE EXCHANGE OF INFORMATION AGREEMENTS.—

"(i) IN GENERAL.—The Secretary is authorized to negotiate and conclude an agreement for the exchange of information with any beneficiary country. Except as provided in clause (ii), an exchange of information agreement shall provide for the exchange of such information (not limited to information concerning nationals or residents of the United States or the beneficiary country) as may be necessary or appropriate to carry out and enforce the tax laws of the United States and the beneficiary country (whether criminal or civil proceedings), including information which may otherwise be subject to nondisclosure provisions of the local law of the beneficiary country such as provisions respecting bank secrecy and bearer shares. The exchange of information agreement shall be terminable by either country on reasonable notice and shall provide that information received by either country will be disclosed only to persons or authorities (including courts and administrative bodies) involved in the administration or oversight of, or in the determination of appeals in respect of, taxes of the United States or the beneficiary country and will be used by such persons or authorities only for such purposes.

"(ii) NONDISCLOSURE OF QUALIFIED CONFIDENTIAL INFORMATION SOUGHT FOR CIVIL TAX PURPOSES.—An exchange of information agreement need not provide for the exchange of qualified confidential information which is sought only for civil tax purposes if—

"(I) the Secretary of the Treasury, after making all reasonable efforts to negotiate an agreement which includes the exchange of such information, determines that such an agreement cannot be negotiated but that the agreement which was negotiated will significantly assist in the administration and enforcement of the tax laws of the United States, and

"(II) the President determines that the agreement as negotiated is in the national security interest of the United States.

"(iii) QUALIFIED CONFIDENTIAL INFORMATION DEFINED.—For purposes of this subparagraph, the term 'qualified confidential information' means information which is subject to the nondisclosure provisions of any local law of the beneficiary country regarding bank secrecy or ownership of bearer shares.

"(iv) CIVIL TAX PURPOSES.—For purposes of this subparagraph, the determination of whether information is sought only for civil

tax purposes shall be made by the requesting party.

"(D) COORDINATION WITH SECTION 6103.—Any exchange of information agreement negotiated under subparagraph (C) shall be treated as an income tax convention for purposes of section 6103(k)(4).

"(E) DETERMINATIONS PUBLISHED IN THE FEDERAL REGISTER.—The following shall be published in the Federal Register—

"(i) any determination by the President under subparagraph (C)(ii) (including the reasons for such determination),

"(ii) any determination by the Secretary under subparagraph (C)(ii) (including the reasons for such determination), and

"(iii) any finding by the Secretary under subparagraph (A)(ii) (and any termination thereof)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to conventions, seminars, or other meetings which begin after June 30, 1983.

SEC. 223. REPORT WITH RESPECT TO USE OF CARIBBEAN BASIN TAX HAVENS.

The Secretary of the Treasury shall, not later than ninety days after the date of the enactment of this Act, report to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate on—

(1) the level at which Caribbean Basin tax havens are being used to evade or avoid Federal taxes, and the effect on Federal revenues of such use,

(2) any information he may have on the relationship of such use to drug trafficking and other criminal activities, and

(3) current antitax haven enforcement activities of the Department of the Treasury.

Subtitle C—Sense of the Congress Regarding Sugar Imports

SEC. 231. SUGAR IMPORTS.

It is the sense of the Congress that sugar from any Communist country in the Caribbean Basin or in Central America should not be imported into the United States.

And the House agree to the same.

Amend the title of the bill so as to read: "A bill to promote economic revitalization and facilitate expansion of economic opportunities in the Caribbean Basin region, to provide for backup withholding of tax from interest and dividends, and for other purposes."

And the House agree to the same.

DAN ROSTENKOWSKI,
SAM GIBBONS,
J. J. PICKLE,
CHARLES B. RANGEL,
PETE STARK,
BARBER B. CONABLE, JR.,
JOHN J. DUNCAN,
BILL ARCHER,
Managers on the Part of the House.

BOB DOLE,
BOB PACKWOOD,
BILL ROTH,
JOHN C. DANFORTH,
RUSSELL B. LONG,
SPARK M. MATSUNAGA,
LLOYD BENTSEN,
Managers on the Part of the Senate.

A JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 2973) to repeal the withholding of tax from interest and dividends, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House amendment struck out all of the Senate amendment after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment to the text of the bill which is a substitute for the House amendment and the Senate amendment. The differences between the Senate amendment, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

I. INTEREST AND DIVIDENDS TAX COMPLIANCE

(Title I of the Conference Agreement)

1. Withholding on Interest, Dividends, and Patronage Dividends

PRESENT LAW

Withholding.—Under present law, withholding at the rate of 10 percent is required on any payment or credit of interest (including original issue discount), dividends, or patronage dividends. This requirement is effective for amounts paid or credited after July 1, 1983, except that under statutory authority granted by the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), the Secretary of the Treasury has delayed the application of withholding until after July 31, 1983, generally, and until after December 31, 1983, in the case of original issue discount.

Estimated taxes.—In general, individuals who have an estimated tax liability of $300 or more in excess of amounts withheld for their taxable year ending in 1983 must pay estimated taxes. Depending upon when this requirement to pay estimated taxes arises, the tax must be paid in up to four equal installments during the taxable year. In general, credits against tax (including credits for tax withheld on interest, dividends, or patronage dividends) reduce equally each installment of estimated taxes required to be made. If estimated taxes are underpaid, a penalty is imposed equal to the interest which would accrue on the underpayment for the period of the underpayment.

HOUSE BILL

Withholding.—The House bill repeals withholding on interest, dividends, and patronage dividends, effective as if it had never been enacted.

Estimated taxes.—The House bill provides that, in determining the amount of any estimated tax penalties otherwise applicable for pre-July 1983 installments, the taxpayer will be given credit for amounts which would have been withheld had withholding on interest, dividends, and patronage dividends (mandatory withholding) not been repealed. No make up of estimated taxes underpaid because of the repeal of mandatory withholding is required prior to the due date of the income tax return.

SENATE AMENDMENT

Withholding.—The Senate amendment follows the House bill, except that mandatory withholding is repealed effective for taxable years beginning after 1982.

Estimated taxes.—The Senate amendment follows the House bill but also provides that the estimated tax relief provision does not apply unless the taxpayer satisfies any pre-July 1983 underpayment of estimated tax in full by the first installment due after July 1, which generally is due on September 15.

CONFERENCE AGREEMENT

Withholding.—The conference agreement follows the House bill and the Senate amendment. Thus, withholding is repealed as of the close of June 30, 1983. In addition, to protect taxpayers who actually withheld from interest, dividend, or patronage dividend payments under the mandatory withholding rules, the conference agreement provides that the payor may elect to have the repeal apply to amounts which are, in fact, deducted and withheld before September 2, 1983. The Secretary will provide for procedures (by press release, revenue procedure, or regulation) under which payors may elect to refund withheld taxes to payees and receive a return of deposited funds from the Treasury. The conferees expect that where this election is made the Treasury will act promptly to return deposited funds.

Estimated taxes.—The conference agreement follows the House bill, except that a clarifying change extends relief with respect to all amounts subject to exceptions to mandatory withholding.

2. General Accounting Office (GAO) Study

PRESENT LAW

No provision.

HOUSE BILL

No provision.

SENATE AMENDMENT

Under the Senate amendment, the GAO (relying on information from the Internal Revenue Service) is directed to study collection efforts with respect to income on interest, dividends, and patronage dividends and to recommend improvements in such efforts. In addition, the GAO is directed to determine the percentage compliance rate with respect to such income which the GAO reasonably estimates was received by individuals during taxable years beginning in 1985. This report must be made to the Congress not later than January 1, 1988.

CONFERENCE AGREEMENT

The Conference agreement follows the House bill.

3. Backup Withholding

PRESENT LAW

Under present law, certain payments made after 1983 are subject to backup withholding at a rate of 15 percent if (1) the payee fails to furnish a taxpayer identification number (TIN) to the payor, or (2) the Secretary of the Treasury notifies the payor that the TIN furnished by a payee is incorrect. Payments subject to these rules are payments required to be shown on an information return relating to information at the source (e.g., compensation or rents), payments to non-employees, payments of dividends or interest, broker transactions, and certain fishing boat operators.

If the payee fails to furnish a TIN (or furnishes a TIN with an incorrect number of digits—an "obviously incorrect" TIN), backup withholding applies to any payment made after the account is opened. If a payee furnishes a TIN to the payor, and the Secretary later notifies the payor that the number supplied is incorrect, backup withholding is mandatory with respect to any payment made after the close of the 15th day after the day on which the payor was

notified that the TIN is incorrect (although the payor may begin withholding at any time after notice). If a taxpayer subject to backup withholding furnishes a TIN (or a new TIN) to the payor, the payor has 15 days to correct its records and cease withholding.

If the payee twice furnishes an incorrect number to a payor, the payor must ignore any further TINs received from the payee until the day on which the payor is notified by the Secretary that a correct TIN has been supplied. A 15-day grace period then applies in which the payor must cease withholding.

In general, payors are allowed 15 days in which to implement backup withholding triggered by a notice from the Internal Revenue Service that the payee supplied an incorrect TIN (unless the payor elects to withhold earlier).

This backup withholding does not apply to amounts subject to withholding under other provisions of the Code, including mandatory withholding on interest, dividends, and patronage dividends.

HOUSE BILL

No provision.

SENATE AMENDMENT

Rate of backup withholding.—The rate of backup withholding on interest, dividend, and patronage dividend payments is increased from 15 to 20 percent. The rate of backup withholding with respect to other types of payments is not increased.

Underreporting or failure to report interest, dividends, or patronage dividends.—Backup withholding is extended to include payments of interest, dividends, and patronage dividends to persons who are determined by the Secretary to have failed to report in excess of $50 of interest, dividends, or patronage dividends, or to have failed to file a return in which in excess of $50 of such income was required to be shown. The Secretary has authority to apply backup withholding to failures to report or underreporting of less than $50 of such income.

Before a payor can be notified to begin backup withholding because of a failure to report interest, dividend, or patronage dividend income, the Secretary must give the payee at least 90-days' written notice. During that time, the payee has the opportunity to correct the condition which is causing the Secretary to institute backup withholding procedures.

To prevent imposition of backup withholding (because of underreporting or failure to report) or to terminate backup withholding once it is imposed, the taxpayer must show that (1) there was no failure to report any interest, dividend, or patronage dividend income, (2) any failure has been corrected (e.g., by payment of the tax and any penalties plus interest), (3) imposition of backup withholding would cause undue hardship, and that it is unlikely that such failure will occur again, or (4) there is a bona fide dispute with the Secretary with respect to the failure to report or underreporting of such income. If the Secretary determines that backup withholding should not commence, then he will not send the notice to the payor. If backup withholding has commenced and the Secretary determines that the payee is not subject to further backup withholding, the Secretary must promptly provide the payee with a written certification that backup withholding is to cease and notify the payee's payors to cease backup withholding.

In order to apply backup withholding to newly opened accounts of persons subject to backup withholding, the Secretary may require payees of interest, dividend, or patronage dividend income to identify to the Secretary all payors from which they receive such income.

Backup withholding certificates.—Under the Senate amendment, if a payee of interest, dividends, or patronage dividends fails to certify to the payor under penalty of perjury that he is not subject to backup withholding, he will be subject to backup withholding on such payments. This rule only applies, however, with respect to instruments, memberships, contracts, accounts, etc., acquired or entered into after 1983. Withholding applies to any payment of interest, dividend, or patronage dividend income made during the period for which no certificate has been provided.

Special rules for tradable securities.—In the case of a disposition of an instrument which is part of an issue any part of which is traded on an established securities market or regularly quoted by brokers or dealers (i.e., a readily tradable instrument) that is not held in street name, failure by the purchaser to provide the retail broker with the purchaser's certification under penalty of perjury that he is not subject to backup withholding will also result in the imposition of backup withholding. Within 15 days after the disposition (or in the case of a sale or exchange, within 15 days of the settlement date), the retail broker must notify the payor of the readily tradable instrument of the failure by the purchaser to certify his nonwithholding status. Withholding applies to any payment of interest, dividends, or patronage dividends made after the 15th day after the disposition (or settlement) date. This rule applies to instruments acquired after 1983.

Validation of identification numbers.—With respect to backup withholding in general (including backup withholding with respect to interest, dividends, and patronage dividends), the Secretary may prescribe regulations requiring payors to submit to the Secretary the TIN or name of any payee to enable the Secretary to compare such number or name with the confidential list of TINs or names maintained by the Secretary and with respect to which backup withholding is required. If the name or TIN of a payee submitted is on the list, then the Secretary is on the list, then the Secretary must notify the payor to backup withhold on that payee. The payor may use the information received from the Secretary solely for the purpose of backup withholding on that payee. If the Secretary prescribes such regulations, he may terminate the requirement that payees certify their nonwithholding status.

Effective date.—The backup withholding amendments are effective with respect to payments of interest, dividends, or patronage dividends made after 1983.

CONFERENCE AGREEMENT

In general.—The conference agreement adopts a modified form of the Senate amendment relating to backup withholding. Under the conference agreement, the rate of withholding on all payments subject to backup withholding (reportable payments) is set at 20 percent. Thus, the 20-percent rate applies to, for example, payments for services or rents reportable under sections 6041 and 6041A and amounts reportable under section 6045 as well as payments of interest, dividends, and patronage dividends.

Under the conference agreement, backup withholding is required with respect to reportable payments of interest (including original issue discount), dividends, and patronage dividends if

(1) the payee fails to furnish a TIN in the required manner,

(2) the Secretary notifies the payor that the payee furnished an incorrect TIN,

(3) the Secretary notifies the payor that backup withholding should be commenced in the circumstance in which the payee failed to report properly interest, dividends, or patronage dividends, or

(4) when required to do so, the payee fails to certify, under penalties for perjury, that the payee is not subject to backup withholding.

Failures to provide correct TINs.—With respect to the requirement that the payee furnish his or her TIN to the payor, the conference agreement distinguishes between pre-1984 accounts and post-1983 accounts. With respect to pre-1984 accounts, the conference agreement requires that the payor request the payee's TIN and correctly provide that number on information returns. If, however, no number has been provided, backup withholding will apply until a number is provided.

Under the agreement, TINs must be provided to payors in the manner required by regulations. With respect to post-1983 accounts, the conferees intend that the TIN must be provided to the payor under penalties of perjury. The accounts subject to this requirement are obligations, deposits, certificates, shares, memberships, contracts or other instruments established or acquired after December 31, 1983. No certification is required, however, in the case of an acquisition of a readily tradable instrument in a transaction between parties unrelated to the payor if the parties act without the assistance of a broker. Under regulations, a broker dealing directly with the payee may be required to notify payors with respect to transactions through a new brokerage account when a payee fails to provide a certified TIN. Alternatively, the Treasury may preclude transmission of non-certified TINs. In either event, backup withholding would result until a certified TIN is provided. The conferees intend that the term acquisition be broadly defined in regulations to include, for example, a transfer of a readily tradable instrument from street name to the payee's name.

Certification is not required in the case of redemptions of coupons on bearer bonds, savings bonds of the United States, or similar instruments.

Certification is not required in the case of an investment or deposit made through an account or other ongoing relationship established or acquired prior to 1984. Any investment or deposit made through a brokerage relationship which was established before 1984 is a pre-1984 account if, at any time during 1983, the brokerage firm bought or sold for the payee, or held securities on behalf of the payee as a nominee. Thus, for example, if a taxpayer purchases a negotiable instrument in 1984 through a brokerage firm with whom he did business in the manner indicated during 1983, the taxpayer is not required to provide a sworn TIN certification. The brokerage firm, however, must nonetheless have the TIN provided by the taxpayer in its records, and supply this number to the payor in order to prevent backup withholding on the payee. Similarly, the purchase of additional shares in a credit union under an existing account relationship or the transfer of funds to a new account automatically under the terms of an existing contract would not constitute a

post-1983 account. In determining whether shares of stock or securities are acquired after 1983, any stock or securities acquired after 1983 as a stock dividend will be considered as having been acquired before 1984.

It is anticipated that where a TIN certificate is required, the certification can be made on any document relating to the transaction, such as the signature card for an account.

With respect to notification of incorrect TINs by the Secretary, the conference agreement generally retains present law.

Failures to properly report.—With respect to notifications by the Secretary that the payee has failed to properly report interest, dividends, or patronage dividends, the conference agreement generally follows the Senate amendment with six modifications. First, the $50 threshold is deleted and the Secretary is not required to use backup withholding in all cases. Rather, the conference agreement specifically permits the Secretary to use existing collection tools or backup withholding, or both, as the Secretary determines to be appropriate in a given case.

Second, under the conference agreement, the Internal Revenue Service may not instruct payors to begin backup withholding until at least four notices with respect to the failure to report income have been mailed to the payee over a period of at least 120 days. In addition, in the case of taxpayers who filed a return, any deficiency in tax attributable to the failure must have been assessed before notification is sent to the payors. If a taxpayer files a Tax Court petition primarily for the purpose of delaying backup withholding, such a Tax Court petition would constitute a frivolous position subject to the $5,000 penalty imposed by section 6673.

Third, once payors are notified to begin backup withholding, that withholding will, in the usual case, remain in effect until at least the beginning of the next year. Backup withholding generally ceases on January 1 if before the preceding December 2 the Secretary notified the payor and the payee that the backup withholding is no longer required. The Secretary must provide these notices to all payees who resolve, by October 15, the problem which caused them to be subject to backup withholding. It is anticipated by the conferees that the Secretary will take the appropriate action necessary to notify payors prior to December 2 in the case of payees who have resolved their problem by October 15 in order to insure that backup withholding on such payees will terminate by the following January 1. The conference agreement permits the Secretary to terminate backup withholding at any time in cases in which there was no failure to report or in hardship cases (such as where the taxpayer cannot pay immediately but backup withholding at the 20-percent rate would cause significant overwithholding). Further, in accordance with what the conferees understand to be existing Treasury practice, a payment of tax made voluntarily after expiration of the statute of limitations on collections has run will be treated as a payment of tax and relieve the taxpayer of backup withholding.

Fourth, the period of time in which a payor must begin backup withholding (or cease backup withholding) after receiving notice from the Internal Revenue Service is extended to 30 days. If backup withholding is imposed because of a failure to certify non-withholding status in the case of a readily tradable instrument traded through a broker, withholding must also begin within 30 days after the payor receives notice from the broker. In each case, the payor may elect to begin or stop withholding on shorter notice.

Fifth, the Secretary is granted authority to exempt from backup withholding any payment which is less than $10, and if made on an annual basis, would be less than $10.

Finally, the conference agreement provides that, with respect to any payment by a cooperative that is reportable under section 6044, the payment is a reportable payment subject to backup withholding only to the extent of money paid. However, if backup withholding is imposed with respect to such a payment because of a failure to file or to include any such reportable payment in income, or because of a failure to file a certificate of non-withholding status, the payment is a reportable payment subject to backup withholding only if 50 percent or more of such payment is in money and only to the extent of money paid. For this purpose the term "payment" includes any payment, distribution, or allocation, etc., reportable under section 6044. Further, for this purpose, "money" includes qualified checks (whether or not cashed).

Failures to certify non-withholding status.—With respect to failures to certify that the payee is not subject to backup withholding, the conference agreement requires certification only in those circumstances in which certification of TINs is required.

Under the conference agreement, a payor who withholds tax under the backup withholding provisions is required to report withheld amounts to the Internal Revenue Service and the payee on the information return and statement containing the payments to which the withholding relates. The payee is allowed a credit for withheld amounts with respect to the taxable year in which the payment subject to withholding is received.

The conference agreement deletes the authority granted to the Secretary under the Senate amendment to require, by regulations, that payees submit lists of all their payees' names or taxpayer identification numbers.

Effective date.—The amendments made by the conference agreement apply to payments made after December 31, 1983.

4. Penalties Related to Failure to Backup Withhold

PRESENT LAW

Under present law, any payor who fails to deduct and withhold an amount of interest, dividends, or patronage dividends is liable for the payment of the tax required to be deducted and withheld (unless he can show that such tax was paid by the recipient), and a 100-percent penalty which is applied, in practice, in only limited circumstances. IN addition, the payor may be subject to a criminal penalty for failure to deduct and withhold.

HOUSE BILL

No provision.

SENATE AMENDMENT

Failure to withhold.—Under the Senate amendment, any payor of interest, dividends, or patronage dividends who fails to deduct and withhold backup withholding amounts is subject to a penalty of $100 per failure, unless such failure is due to reasonable cause and not willful neglect. This penalty applies in addition to the penalties provided under present law.

Failure to transmit information.—Any retail broker who intentionally fails to provide a payor with a TIN or backup withholding status report when obligated to do so is subject to a penalty of $500 per failure.

False certificate.—If the Secretary establishes that any individual willfully made a false certification or affirmation under penalty of perjury with respect to a TIN or backup withholding, a penalty of $1,000 is imposed for each such certification or affirmation. This penalty is imposed in addition to all other penalties imposed by law.

Unauthorized use of information.—If any payor uses information that a payee is subject to backup withholding for any purpose other than to comply with the backup withholding requirement, that payor will be subject to civil liability for misuse of tax return information.

Effective date.—The penalties for failure to transmit information and for false certification apply for taxable years beginning after 1982. The other provision applies after 1983.

CONFERENCE AGREEMENT

Failure to withhold.—The conference agreement follows the House bill.

Failure to transmit information.—The conference agreement follows the Senate amendment.

False certificates.—The conference agreement provides that the civil and criminal penalties for a false backup withholding or TIN certificate will be the same as those for false wage withholding certificates.

Unauthorized use of information.—The conference agreement follows the Senate amendment. Thus, for example, a payor could not use this information, including a payee's inability to certify that he is not subject to backup withholding, in deciding whether to extend credit to the payee, to surcharge an account, to close an account, or to refuse to open an account. The conferees intend that a good faith but erroneous interpretation of the permissible uses of information under the backup withholding rules will not result in liability.

Effective dates.—The provisions of the conference agreement apply after December 31, 1983 except that the provision relating to unauthorized use of information is effective upon enactment.

5. Penalty on Payor for Failure to Report Taxpayer Identification Numbers (TINs)

PRESENT LAW

Under present law, an assessable penalty of $50 per failure is imposed on any person who fails (when required to do so) to furnish his TIN to another person or to include the TIN of another person on any return with respect to such person. An assessable penalty of $5 per failure is imposed on any person who fails to include his own TIN in any return when required to do so by regulations. In either case, the total penalties imposed for any calendar year may not exceed $50,000.

Under present law, the civil penalty on payees for failure to furnish their TIN to another person, or on payors for failure to include the TIN of a payee on a return, are assessable penalties. Thus, the deficiency procedures do not apply and the penalties must be paid on notice and demand.

Under present law, brokers (including dealers, barter exchanges, and other persons who regularly act as middlemen with respect to property or services for profit) are required to make a return with the Sec-

retary, according to regulations, showing such information (including TINs) as the Secretary may require.

HOUSE BILL

No provision.

SENATE AMENDMENT

Penalty on payor for failure to obtain TIN.—Under the Senate amendment, a self-assessed penalty is imposed on any person who is required to include the TIN of any payee of interest, dividends, or patronage dividends on any information return (filed with the Secretary) or statement (furnished to a payee) with respect to such payment if that person (1) fails to include such number or (2) includes an incorrect number on such return. This penalty is $50 per failure, without any limitation. If the number of failures constitutes substantial noncompliance, then the penalty is $100 per failure, with no limitation. For this purpose, substantial noncompliance exists if the number of failures for any calendar year to provide a correct TIN, file returns, and furnish statements, exceeds the lesser of 10,000 or 5 percent of the total number of returns or statements which are required to be filed with respect to the payment of interest, dividends, or patronage dividends by such payor for the calendar year.

No penalty is imposed under this provision if (1) the TIN included on the return or statement is the TIN provided by the payee to the payor under penalty of perjury (unless the number has an incorrect number of digits); (2) the payee is waiting for a TIN from the Secretary; (3) with respect to existing accounts, the payor exercises due diligence in obtaining the correct TIN; or (4) in the case of a readily tradable instrument, the payor relies on a number provided by a retail broker (or other party to the transaction) or (if no number is provided by the retail broker) the payor uses due diligence to obtain the number.

Payor "due diligence"—general rule.—In the case of existing accounts, the printed explanation by the Senate committee states that due diligence will be considered to have been exercised by the payor if a variety of detailed objective requirements are met. First, the payor must have withheld tax under the backup withholding provisions if required to do so. Second, the payor must mail to the payee a notice containing certain specific information: for example, what a taxpayer identification number is, the requirement that the payee provide the payor with a correct TIN, a description of the penalties which may be imposed on a payee not providing a correct TIN, the possibility of backup withholding, and the opportunity for the payee to provide a correct TIN under penalty of perjury.

The printed explanation by the Senate committee states that this notice must be provided a particular number of times during the calendar year, depending upon the calendar year and the particular failure at issue. During calendar year 1983, a notice must be provided three times if the payee provides the payor with no TIN (or a TIN with the incorrect number of digits). In any other case, such notice must be provided two or three times, depending upon the number of regular mailings made to the payee during the period beginning 31 days after the date of enactment and before the end of 1983. After 1983, such notice must be provided at least once yearly. In any event, the first notice required to be provided to the payee in 1983 (and the notice required in 1984) must be by a separate first-class mailing, including a penalty of perjury certificate by which the payee can correct his TIN, and a postage prepaid envelope. All notices may cease when a TIN is supplied under penalty of perjury. This form of due diligence applies only to existing accounts, etc. For this purpose, an account, or other debt instrument, stock, or cooperative membership or contract is considered "existing" if it is extant on, or is entered into before, the 31st day after the date of enactment.

Retail broker must obtain TIN.—Under the Senate amendment, a retail broker must generally obtain the TIN (under penalty of perjury) of any purchaser taking delivery of a readily tradable instrument. Having obtained a TIN with respect to any sale, exchange, or other disposition of any readily tradable instrument, the purchasing broker must provide the payor of any interest or dividends with respect to that stock or debt instrument the TIN obtained by the broker from the purchaser under penalty of perjury. The payor may rely on such TIN and is not subject to a penalty if the TIN turns out to be incorrect.

If the payor does not receive a TIN from the retail broker (or other person), the payor is subject to the penalty for failure to include a TIN on any return or statement unless the payor both commences backup withholding and acts with due diligence to obtain a correct TIN from the payee.

Payor "due diligence"—retail broker case.—If a broker fails to supply a TIN, the printed explanation by the Senate committee states that payor due diligence consists of mailing to the payee, within 60 days of the sale or exchange of the instrument (i.e., the settlement date or other disposition date), a separate first-class mailing of a notice in the form previously described, requesting the correct TIN from that payee. In addition, the payor must make at least one such mailing for each subsequent calendar year until a certified TIN is obtained. In any case, the mailings required under this provision must include a certificate under penalty of perjury by which the payee may certify his correct TIN, and a postage prepaid envelope.

Retail broker penalties.—Under the Senate amendment, a self-assessed penalty is imposed on a retail broker if the broker fails to obtain from the purchaser of a readily tradable instrument acquired through the broker, the purchaser's TIN under penalty of perjury. This penalty is equal to $50 per failure with no cap. It is imposed with respect to any sale, exchange, or other disposition of any readily tradable instrument after the 30th day after the date of enactment.

A penalty of $500 is imposed on any retail broker or other person who intentionally fails to provide a payor with notice (within 15 days of the settlement date or other disposition date) that a purchaser has failed to provide a certificate of his TIN or that he is not subject to backup withholding and that the person is, therefore, subject to backup withholding. This is in addition to all other penalties. A retail broker is any person who, in connection with the sale or exchange of any readily tradable instrument in the ordinary course of his trade or business, receives purchase instructions from the purchaser, and either is the purchaser's agent in the purchase or sells (as a dealer) out of inventory.

TIN penalties self-assessed.—Under the Senate amendment, the penalty on any payor for failure to include a correct TIN in any return or statement filed with respect to any payee of interest, dividends, or patronage dividends, and the penalty imposed on any retail broker for failure to obtain the purchaser's taxpayer identification number under penalty of perjury, must be self-assessed. Thus, any person subject to either of those penalties must determine the fact of his liability and pay the tax when due without notice and demand. The penalty is payable with the first return of income tax due (without regard to extensions) more than 30 days after the due date of the return or statement with respect to which the penalty is imposed. In the case of an incorrect TIN, the penalty is not required to be self-assessed unless the payor receives notice of the error before the original due date of the return or statement in which the number is required to be included.

Either of these penalties may be abated if the Secretary determines that the failure with respect to which the penalty is imposed could not have been avoided without undue hardship.

The Secretary is provided with regulation authority to apply this rule to pass-through entities or exempt entities.

Effective date.—This provision applies to returns or statements due (without extensions) after 1983. However, if any return or statement otherwise subject to those provisions is not required to include any payment of interest, dividends, or patronage dividends which is paid or credited after the date which is 30 days after the date of enactment, then those amendments do not apply.

CONFERENCE AGREEMENT

In general.—The conference agreement adopts a modified form of the Senate amendment. Under the conference agreement, the $50,000 limitation on the $50 penalty for failure to supply TINs with respect to interest, dividends or patronage dividends is repealed and a due diligence defense is substituted for the reasonable cause defense under present law. In addition, the penalty is self-assessed.

Due diligence.—The conference agreement replaces the reasonable cause defense of present law (and the abatement authority provided in the Senate amendment) with a due diligence requirement because the Conferees desire to impose a higher standard of conduct on payors than the standard achieved under the construction of the reasonable cause defense in the past. Under prior practice, the reasonable cause defense was applied so liberally that the purpose of the TIN penalties was frustrated. Under the conference agreement, the Secretary is required to prescribe regulations specifically indicating the circumstances under which a payor will be considered to have exercised due diligence in attempting to comply with the obligations to obtain and provide TINs.

In general, the Conferees expect that the regulations will specifically provide that, with respect to new accounts and brokerage relationships established after 1983, the payor must use a TIN provided by the payee under penalties of perjury to satisfy the due diligence requirement.

Other circumstances in which it is expected the regulations will provide that the due diligence requirement has been satisfied would include cases in which the payor has used a TIN provided by a retail broker, cases in which the payee is awaiting the receipt of a TIN, cases in which the payor could have obtained or reported the proper TIN only by incurring an undue hardship, and cases in which the payor is required to effectuate

a transfer to which it was not a party. In no event would undue hardship be found in being required to do that which a reasonably diligent payor would have done. Instead, undue hardship would exist where supervening events or extraordinary cost prevented the payor from complying.

With respect to pre-1984 accounts and brokerage relationships, the payor will be treated as having exercised due diligence if at least annually the payor solicits a correct TIN from the payee for whom the payor has no TIN provided under penalties of perjury. In addition, if no TIN was provided backup withholding must have commenced; however, the TIN provided does not necessarily have to be certified. The conferees expect that with respect to 1983, the Treasury will require that this solicitation must be made in a separate first-class mailing as contemplated under the Senate amendment. Thus, the mailing must describe the requirement to provide a TIN, the penalty associated with failure to provide a TIN, and the possibility of backup withholding. The 1983 mailing would be required to include a postage-paid reply envelope and a form in which the payee may provide his or her TIN. Under present law, the failure to provide a TIN or the provision of a bad TIN will result in backup withholding, these mailings will assist taxpayers in correcting their TIN before backup withholding is imposed.

The conferees expect that any regulations will require, in substance, that the payor take all reasonable steps to secure and transmit taxpayer identification numbers. Under this standard, a payor should be required to use the same care in the processing of TIN information as a reasonably prudent payor would use in handling account information such as account numbers and account balances in the course of the payor's business.

Self-assessment.—The conferees understand that this penalty and the 1099 penalties have rarely been imposed in the past. The conferees expect diligent enforcement in the future, and understand that the Administration has requested appropriations to enforce these penalties. The conferees also expect that the IRS will require such information as may be necessary to enforce these penalties and the self-assessment system. The conference agreement provides for self-assessment of the penalty for failure to provide TINs with respect to interest, dividend, or patronage dividends. The penalty is treated as an excise tax for purposes of Subtitle F (relating to procedure and administration) and is due and payable on April 1 of the calendar year following the calendar year for which the return or statement to which the penalty relates is made. Since the penalty is treated as an excise tax solely for purposes of Subtitle F, the payment of the penalty will not give rise to any deduction for income tax purposes under section 162(f). Similarly, self-assessed amounts under this provision are not subject to the penalties relating to the income tax. If a taxpayer fails to pay the excise tax when due, interest will accrue from the April first due date.

The conference agreement specifically provides that the deficiency procedures will not apply with respect to the assessment and collection of the penalty. Since each penalty with respect to a return or statement is separable, the payor will be able to litigate its liability for the penalty by paying one such penalty and suing for a refund in case in which the same issue arises with respect to multiple failures.

Broker penalty.—Under the conference agreement, a broker, acting willfully, who fails to secure non-withholding certificates and to notify the payor that the payee is subject to backup withholding when required to do so is subject to a penalty of $500 per failure.

Effective date.—The amendments made by the conference agreement apply after December 31, 1983.

6. Penalty for Failure to File Information Returns or Statements

PRESENT LAW

Under present law, any person required to file a return with the Secretary with respect to the payment to another person of interest, dividends, or patronage dividends who fails to do so on the date prescribed (with regard to extensions) is subject to a penalty of $50 per failure up to $50,000 for any calendar year. The penalty is not imposed if the failure is due to reasonable cause and not to willful neglect.

If any failure to file such return is due to intentional disregard of the filing requirements, the penalty imposed is not less than 10 percent of the aggregate amount of items required to be reported, and the $50,000 limitation does not apply.

If the Secretary requires that an information return with respect to payments of less than $10 of dividends or patronage dividends be filed, then a penalty of $1 is imposed for each statement not so filed on the date prescribed therefor (determined with regard to extensions). However, the total amount of penalties under this provision cannot exceed $1,000 for any calendar year. A penalty is not imposed if the failure is due to reasonable cause and not to willful neglect.

Any payor who is required to file an information return with the Secretary must also file an information statement with the recipients of the payment. Any person failing to file such a statement with the recipient on the date prescribed therefor is subject to a penalty of $50 per failure, not to exceed $50,000 for any calendar year, unless such failure is due to reasonable cause and not willful neglect.

HOUSE BILL

No provision.

SENATE AMENDMENT

Penalty.—Under the Senate amendment, any person who fails to file one or more information returns with respect to payments of interest, dividends, or patronage dividends on the date prescribed therefor (determined with regard to extensions) is subject to a penalty of $100 per failure.

Similarly, any person who fails to provide an information statement to the recipient of interest, dividends, or patronage dividends on the date prescribed therefor (determined with regard to extensions) is subject to a penalty of $100 per failure.

Substantial noncompliance.—If there is substantial noncompliance with either of these requirements, the penalty is increased to $200 per failure. Substantial noncompliance exists if the sum of the failures to file information statements or returns, together with the sum of the failures to supply correct TINs in any return or information statement required to be filed with respect to the payment of interest, dividends, or patronage dividends, exceeds the lesser of 10,000 or 5 percent of the number of returns or statements required to be filed for the calendar year.

Abatement.—In lieu of the reasonable cause exception provided under present law, the Secretary is given authority to abate this penalty if he determines that the failure could not have been prevented without undue hardship.

Self-assessment.—These penalties are also self-assessed under the above-stated rules.

Effective date.—This provision applies to returns or statements due (without extensions) after 1983. However, if any return or statement otherwise subject to this provision is not required to include any payment of interest, dividends, or patronage dividends which is paid or credited after the date which is 30 days after the date of enactment, then this provision does not apply.

CONFERENCE AGREEMENT

Penalty.—The conference agreement removes the $50,000 calendar year limitation on the penalty with respect to failures to file interest, dividend, and patronage dividend information returns or statements and eliminates the reasonable cause defense.

Substantial noncompliance.—The conference agreement follows the House bill. Thus, the present law increases in the penalty for intentional disregard of the filing requirement for information returns is retained.

Abatement.—Under the conference agreement, the Senate amendment abatement provision is replaced by a due diligence defense comparable to that provided for the TIN penalty.

Self-assessment.—The conference agreement provides for self-assessment of the penalty for failure to file information returns and statements under the same procedures provided for self-assessment of the TIN penalties.

Effective date.—The amendments made by the conference agreement apply to payments made after December 31, 1983.

7. Returns on Magnetic Tape

PRESENT LAW

Under present law, taxpayers may, under regulations, request the permission of the Secretary to file returns on magnetic tape.

In addition, the Secretary is directed to prescribe regulations providing standards for determining which returns must be filed on magnetic tape (or another machine-readable form). In promulgating such regulations, the Secretary must take into account the ability of the taxpayer to comply at a reasonable cost with the magnetic tape filing requirement.

Requirements with respect to magnetic media broker reporting, and revenue procedures describing the format for magnetic media reporting recently were published by the Treasury.

House Bill

No provision.

SENATE AMENDMENT

Explanation.—Under the Senate amendment, any person including individuals, estates, and trusts, required to file more than 50 returns with respect to payments of interest, dividends, or patronage dividends for any calendar year, must file all such returns on magnetic media. In addition, such returns must be filed with the Secretary no later than January 31 of the calendar year following the calendar year of payment.

W-2 study.—The Senate amendment also requires that the Secretary study the feasibility of requiring form W-2 reports concerning wage income to be filed on magnetic media. This study must be reported to the Congress no later than January 1, 1984.

Effective date.—The requirement that taxpayers filing more than 50 information re-

turns with respect to payments of interest, dividends, or patronage dividends must file on magnetic media is effective for returns the due date for which (without regard to extensions) is after 1983. However, the Secretary may extend the effective date with respect to any person to returns due after 1984, in any case when application of the amendments prior to 1985 would cause undue hardship.

CONFERENCE AGREEMENT

The conference agreement generally follows the Senate amendment. The agreement clarifies that in determining whether a payor files more than 50 returns with respect to interest, dividends or patronage dividends, all such returns should be aggregated. Thus, if a payor files information with respect to 30 interest payees and 30 dividend payees, magnetic media reporting is required.

The Secretary is granted permanent authority on a case-by-case basis to relieve payors of the magnetic media filing requirement for the period during which imposition of the requirement would cause undue hardship for the payors. In addition, the agreement does not contain the provision accelerating the due date for information returns to January 31. Under the agreement, the magnetic media filing requirement applies only to returns with respect to payments made after 1983.

The conference agreement also provides that the report on magnetic media reporting of W-2 information is to be provided by July 1, 1984.

8. Attachment of Duplicate Information Returns; Forms

PRESENT LAW

Under present law, information returns need not be provided to payees on separate Forms 1099 in all circumstances. Rather, such information in some cases may be provided to payees on end-of-the-year business statements (such as bank statements). In addition, there is no requirement that taxpayers attach duplicates of the Forms 1099 they have received with respect to interest, dividend, or patronage dividend income to their income tax returns.

HOUSE BILL

No provision.

SENATE AMENDMENT

Explanation.—Under the Senate amendment, any person receiving a Form 1099 with respect to interest, dividend, or patronage dividend income is required to attach a duplicate of that Form 1099 to his income tax return for the taxable year. These duplicate Forms 1099 must be provided to payees by payors on or before January 31 of the year following the calendar year in which the payment was made.

Special rules are provided with respect to fiscal year taxpayers.

Any failure to attach such a statement is subject to a penalty of $50 per failure, unless the failure is due to reasonable cause and not willful neglect.

Effective date.—This provision applies to returns or statements due (without extensions) after 1983. However, if any return or statement otherwise subject to this provision is not required to include any payment of interest, dividends, or patronage dividends which is paid or credited after the date which is 30 days after the date of enactment, then this provision does not apply.

CONFERENCE AGREEMENT

Under the conference agreement, payors must provide payees with information statements with respect to interest, dividend, or patronage dividend payments in the form required by Treasury regulations. The conferees expect that the Treasury will require a separate official form be supplied to payees which contains a clear statement that the income being reported is subject to tax, and has been reported to the Internal Revenue Service, and if not reported will generate a negligence penalty.

Under the conference agreement, these information statements must be provided to the payee in a separate mailing which contains no additional information other than information relating to the correction of taxpayer identification numbers. The conference agreement does not require that the information statements be attached to the payee's income tax return.

Effective date.—The amendments made by the conference agreement apply to statements with respect to payments made after December 31, 1983.

9. Payee Penalties—Willful Evasion or Avoidance of Tax on Interest, Dividends, or Patronage Dividends

PRESENT LAW

Under present law, any person who willfully attempts to evade or avoid any tax, or the payment thereof, is guilty of a felony and may be fined not more than $100,000 ($500,000 in the case of a corporation) or imprisoned for not more than 5 years, or both.

Any person who willfully files a false or fraudulent exemption certificate with a payor claiming to be exempt from mandatory withholding on interest, dividends, or patronage dividends is subject to a criminal penalty of not more than $500, or not more than one year in jail, or both.

Any person who willfully makes a declaration under penalty of perjury which he does not believe to be true and correct as to any material matter is guilty of a felony and may be fined not more than $100,000 ($500,000 in the case of a corporation) or imprisoned for not more than 3 years, or both.

If any part of an underpayment of tax is attributable to negligence or intentional disregard of rules and regulations, a penalty equal to 5 percent of the entire underpayment plus 50 percent of the interest payable on the portion of the underpayment attributable to negligence or intentional disregard is imposed.

HOUSE BILL

No provision.

SENATE AMENDMENT

Explanation.—Under the Senate amendment, any taxpayer who fails to include any amount of interest, dividends, or patronage dividends on a return when required to do so is subject to a penalty if the Secretary establishes that the taxpayer willfully attempted to evade or avoid the Federal income tax on such income. The penalty is equal to $1,000 for such taxable year.

Effective date.—This provision is effective with respect to taxable years beginning after 1982.

CONFERENCE AGREEMENT

The conference agreement adopts a Treasury recommendation that, a failure to report interest, dividend or patronage dividend income that is subject to information reporting be treated, for purposes of the negligence penalty, as resulting from negligence in those cases in which the Internal Revenue Service receives the relevant information return from the payor of the taxpayer-payee in the absence of clear and convincing evidence to the contrary. The conferees believe such a presumption of negligence is proper in such cases because the taxpayer has received the income and, under present law, is required to maintain books and records adequate to assure that this income is not overlooked in filing his or her income tax return. In addition, the fact that such payments are subject to information reporting justifies the further conclusion that, even if the taxpayer had not maintained adequate records, he or she did receive a reminder of the income from the payor.

The amendment is made to encourage the Internal Revenue Service to assert the negligence penalty when it detects an underreporting of interest, dividends, or patronage dividends that are subject to information reporting and no convincing explanation of the underreporting is offered. No inference is to be drawn that negligence does not exist in the failure to report other types of income subject to information reporting. Similarly, the statutory presumption of negligence in no way prevents the Secretary from proving fraud in an appropriate case.

The presumption of negligence established under the conference agreement can be rebutted by the taxpayer in appropriate cases but only by clear and convincing evidence.

When the Internal Revenue Service asserts the negligence penalty under this provision, the entire penalty (both the 5 percent and the interest related element) will apply only to the portion of the underpayment attributable to the underreporting of interest, dividends, or patronage dividends. That portion is the amount of underpayment which would have existed if the interest, dividends, or patronage dividends, were the only items not properly reported.

This provision of the conference agreement would apply with respect to payments made after December 31, 1983.

10. Speedup for Processing of Information Returns; Appropriations

PRESENT LAW

Not applicable.

HOUSE BILL

No provision.

SENATE AMENDMENT

Speedup of processing and notice.—To make the backup withholding provision of the Senate amendment more effective, the Secretary is required to implement a program with respect to taxable years beginning after 1982 which will result in the processing of information returns received by the Secretary with respect to the payments of interest, dividends, or patronage dividends in such time as it is necessary to notify taxpayers within 15½ months of the close of the calendar year, with respect to which the returns are received, of any disparities revealed by the returns. To provide for the implementation of this requirement, the Senate amendment authorizes such amounts as may be necessary to carry out the provisions of the Senate withholding repeal, and contains a sense of the Congress statement that such appropriations as may be necessary to carry out the provisions of such Senate amendment should be appropriated by Congress. The Secretary is required to report promptly on any additional appropriations necessary to carry out this processing and notification speedup.

Appropriations.—However, the Secretary is not obligated to carry out the accelerated matching program with respect to information returns if sufficient funds for that pro-

gram are not specifically appropriated for any fiscal year. In such case, the Secretary must implement the program only to the extent warranted by a decision as to the costs and benefits of alternative programs, and the Secretary must notify the Congress for that fiscal year of his determination and the reasons therefor.

If sufficient funds are not specifically appropriated to carry out the provisions of the Act for any fiscal year (including imposition of backup withholding on failure to report or underreport more than $50, or such lesser amount as may be specified by the Secretary), then the Secretary of the Treasury must implement the Act in accordance with his managerial decisions of the costs and benefits to be derived therefrom. In any such case, the Secretary must report to the Congress with respect to the allocation of the Internal Revenue Service's resources.

CONFERENCE AGREEMENT

Speedup of processing and notice.—The conference agreement follows the House bill. Thus, no speedup of processing of information by the Internal Revenue Service is required.

Appropriations.—The conference agreement contains a Sense of the Congress Resolution that the minimum Internal Revenue Service resources needed to increase compliance with respect to interest and dividends is $15 million in fiscal year 1984 and $300 million over the fiscal years 1984 through 1988. The resolution also states that not less than $600 million would be the preferable appropriation to be provided over that period. This additional funding above current levels is needed to achieve greater tax compliance with respect to interest and dividends and will be used primarily to hire essential in-house, IRS staff personnel to complete matching, to analyze returns, to contact taxpayers, and to respond to taxpayer inquiries with regard to underreported interest and dividends of filers and nonfilers. Some additional personnel will also be needed to assist in identifying non-filers. The conferees anticipate that these appropriations will permit the Internal Revenue Service to substantially expand the number of taxpayers contacted by the Internal Revenue Service who may have underreported income or failed to file income tax returns.

The conferees further believe that the funds so appropriated to enforce the Internal Revenue Code with respect to the collection of income tax on reportable payments of interest, dividends and patronage dividends should be used in the most cost effective manner.

The conference agreement does not contain a specific separate authorization since that authorization is implied by the substantive provisions of present law and the conference agreement.

11. Revenue Effect

It is anticipated that the repeal of withholding on interest and dividends will reduce fiscal year budget receipts by $0.3 billion in 1983, $2.5 billion in 1984, $2.5 billion in 1985, $2.5 billion in 1986, $2.7 billion in 1987, $2.9 billion in 1988, with a total of $13.4 billion for years 1983 through 1988.

It is anticipated that, if appropriations are enacted for the period fiscal years 1984-1988, the compliance provisions of the conference agreement will increase fiscal revenues by $0.4 billion in 1986, $0.9 billion in 1987, and $1.1 billion in 1988.

If appropriations of $600 million are enacted for fiscal years 1984-1988, it is anticipated that the compliance provisions will increase fiscal year revenues by $0.2 billion in 1985, $0.6 billion in 1986, $1.3 billion in 1987, and $1.6 billion in 1988.

II. CARIBBEAN BASIN INITIATIVE

(Title II of the Conference Agreement)

1. Eligible Beneficiary Countries (Section 212(b))

PRESENT LAW

No provision. However, certain products originating in all of the potential beneficiary countries except Cuba are currently eligible for preferential, duty-free entry into the United States pursuant to the Generalized System of Preferences (GSP). The GSP imposes several restrictions on the types and total value of imports of articles that are entitled to its benefits. Authority for the program, set forth in Title V of the Trade Act of 1974 (19 U.S.C. 2461-2465) expires January 3, 1985. Countries not qualifying for eligibility under the Caribbean Basin Economic Recovery Act could still receive GSP treatment if they meet the criteria of that law. In addition, many products from eligible countries enter duty-free because of zero-duty most-favored-nation tariff rates.

HOUSE BILL

The House bill authorizes the President, upon notification of Congress, to designate beneficiary countries from among a list of 28 countries and territories or successor political entities.

SENATE AMENDMENT

The Senate amendment is identical to the House bill except that Cuba is not included in the list of potential eligible countries.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

2. Mandatory Designation Criteria (Section 212(b)(1)-(b)(7))

PRESENT LAW

No provision.

HOUSE BILL

The House bill provides that the President shall not designate a country if: (1) it is a communist country; (2) it fails to meet certain specified criteria regarding expropriation or nationalization; (3) it fails to act in good faith in recognizing an arbitral award; (4) it affords reverse preferences to products of developed countries other than the U.S. and the adverse effects of those preferences are not neutralized; (5) a government-owned entity is broadcasting without consent material belonging to U.S. copyright owners; and (6) it is not a party to an agreement with the U.S. regarding extradition.

SENATE AMENDMENT

The Senate amendment is identical to the House bill except for added requirement that a country must cooperate with U.S. efforts to interdict unlawful narcotics imports.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

3. Waiver of Mandatory Designation Criteria (Section 212(b))

PRESENT LAW

No provision.

HOUSE BILL

The House bill allows the President to waive the first three mandatory designation criteria if he determines and reports to Congress that the designation is in the U.S. national economic or security interest.

SENATE AMENDMENT

The Senate amendment is identical to the House bill except for the inclusion of the criterion regarding unauthorized broadcast of film or television transmissions in the list of waivable conditions.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment. In agreeing to make the broadcast piracy condition subject to a national interest waiver by the President, the conferees do not intend to permit any lessening of efforts to ensure that Caribbean nations cease unauthorized interception of satelliting signals embodying programs owned by U.S. copyright owners. The conferees believe that beneficiaries of assistance under this Act should terminate any unauthorized use of such programs. The waiver should only be exercised where the interests of American copyright holders will be protected in regard to both the permissible scope of acquisitions and compensation.

4. Discretionary Designation Criteria (Section 212(c))

PRESENT LAW

No provision.

HOUSE BILL

In designating a particular country, the House bill provides that the President is required to take into account certain factors, including: the extent to which such country affords reasonable access to U.S. products and observes international trading rules; economic conditions in the country; the degree to which workers enjoy reasonable workplace conditions and collective bargaining rights; the extent to which the country is prepared to cooperate in the administration of the CBI; the extent to which a country prohibits its nationals from broadcasting copyrighted materials without permission; and the extent to which the country provides adequate and effective means for foreign nationals to secure, exercise, and enforce exclusive rights in intellectual property.

SENATE AMENDMENT

The Senate amendment is identical to the House bill except that there is no criterion concerning intellectual property rights.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

5. Exclusion from Duty-Free Treatment (Section 213(d))

PRESENT LAW

No provision.

HOUSE BILL

The House bill provides that duty-free treatment "shall not apply" to textile and apparel articles which are subject to textile agreements; petroleum products; footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel not eligible for GSP; and canned tuna.

SENATE AMENDMENT

The Senate amendment is identical to the House bill except for additional exclusions on:

(1) rum valued at below $3 per proof gallon, except that the first 200,000 gallons of such rum from any eligible country may enter duty-free, and this volume may be increased by 10 percent annually unless rum shipments to the U.S. from the Virgin Islands fall below 95 percent of their 1982 level; and

(2) watches or watch parts of whatever type containing any material which is the product of countries not receiving MFN tariff treatment (certain communist countries).

CONFERENCE AGREEMENT

The conference agreement follows the House bill with respect to unlimited duty-free treatment for rum and follows the Senate amendment with respect to watches and watch parts.

6. Import Relief (Section 213(e))

PRESENT LAW

Section 201 of the Trade Act of 1974 (19 U.S.C. 2251) authorizes the International Trade Commission, upon petition by an entity that is representative of an industry, to conduct an investigation into whether an article is being imported in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing a like or directly competitive article. Upon an affirmative ITC determination, the President may proclaim temporary import relief measures, including higher duties.

HOUSE BILL

The House bill authorizes the President to suspend duty-free treatment for any article and set new rates under the standard import relief provisions of the Trade Act of 1974 (sections 201-203) or for national security reasons under section 232 of the Trade Expansion Act. Specific findings regarding CBI imports will be made during the course of normal import relief proceedings to allow a range of Presidential action concerning such imports. An "emergency relief" procedure is established for "perishable products" which would allow restoration of normal duties within 21 days pending a final determination on import relief.

SENATE AMENDMENT

The Senate amendment is identical to the House bill except for:

(1) minor differences in organization of import relief provisions; and

(2) addition of citrus concentrate to the list of products eligible for emergency relief.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

7. Section 22 Applicability (Section 213(g))

PRESENT LAW

Under section 22 of the Agricultural Adjustment Act of 1933 (AAA) (7 U.S.C. 624), the President may, on the basis of an investigation and report by the U.S. International Trade Commission, impose fees or quotas on imports whenever he finds that such imports tend to render ineffective or materially to interfere with commodity price support programs of the United States. Section 22 fees, which are not U.S. duties for the purpose of international obligations of the United States, may not exceed 50 percent ad valorem of imports during a representative period; section 22 quotas are subject to the same limitation.

HOUSE BILL

The House bill provides that no proclamation issued pursuant to this title shall affect fees imposed pursuant to section 22 of the AAA.

SENATE AMENDMENT

The Senate amendment is identical to the House bill except for reference to quotas as well as fees.

CONFERENCE AGREEMENT

The conference agreement follows the House bill. This difference is technical, since the intent of both Houses was that CBI sugar quotas not undermine restraints on sugar imports under any other authority. Nothing in this Act affects the President's quota authority under section 22 of the AAA, and under section 213(d)(4) the more restrictive quotas would apply.

8. Rum Stillage Exemption (Section 214(g))

PRESENT LAW

Provisions of the Federal Water Pollution Control Act apply to discharges from sources in the insular possessions.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment exempts nontoxic rum stillage discharges in the Virgin Islands from certain provisions of the Federal Water Pollution Control Act if the discharges are 1500 feet from the shore and are determined by the Virgin Islands Governor not to constitute a health or environmental hazard.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

9. Impact Study by the Secretary of Labor (Section 216)

PRESENT LAW

No provision.

HOUSE BILL

The House bill requires the Secretary of Labor, in consultation with appropriate agencies, to undertake a continuing review and analysis of the impact of the Act on U.S. labor and make an annual written report to Congress on the results of such review and analysis.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

10. Feasibility Study Regarding a Caribbean Trade Institute (Section 217)

PRESENT LAW

No provision.

HOUSE BILL

The House bill requires the Secretary of State to prepare a study regarding the feasibility of establishing a Caribbean Trade Institute in Harlem, New York City, supported by a combination of Federal and private funds. The study shall include an assessment of several enumerated factors. The study must be submitted to Congress within six months of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

11. Deductions for Attending Caribbean Conventions

PRESENT LAW

The Internal Revenue Code generally disallows deductions for business expenses incurred while attending a convention held outside the North American area (the United States, the U.S. possessions, the Trust Territory of the Pacific Islands, Canada and Mexico). Deductions for attending conventions held outside the North American area are allowable only if the taxpayer can show that it was as reasonable to hold the convention outside the North American area as within it. The income tax treaty with Jamaica allows such deductions for attending conventions held in Jamaica.

The United States has significant problems obtaining from some Caribbean Basin countries information needed to enforce U.S. tax laws.

HOUSE BILL

The House bill allows business expense deductions for attending conventions held in certain Caribbean countries, but only if the country met the following criteria.

First, the country would have to be a "beneficiary country" designated by the President as provided in the trade portion of the bill. In addition, a deduction would be provided for conventions held in Bermuda provided that Bermuda met the other criteria.

Second, the country would have to enter into an executive agreement with the United States to provide, on a reciprocal basis, for information relating to U.S. tax matters to be made available to U.S. tax officials. The agreement would have to apply to both civil and criminal tax matters. It would have to override any local rules requiring secrecy about the ownership of bank accounts or bearer shares. The agreement would impose on the officials of each country a duty not to disclose this information other than to those involved in its tax administration.

Third, no deduction would be available for attending a convention in a country found by the Secretary of the Treasury to discriminate in its tax laws against conventions held in the United States.

This provision would apply to conventions beginning after June 30, 1983, but only if an exchange of information agreement were in effect on the day the convention began.

SENATE AMENDMENT

The Senate amendment is the same as the House bill, except as to the second criterion—relating to the exchange of tax information—for convention treatment. Under the Senate amendment, exchange of bearer share and bank account information for civil tax purposes would not be a necessary part of the agreement if the President determines that such an exception to the standards for an exchange of information agreement is in the security interest of the United States and if the Secretary of the Treasury determines that such an agreement satisfying the modified standards would assist the administration and enforcement of U.S. tax laws. The Senate amendment retains, as a prerequisite to convention treatment, the requirement that the Caribbean country agree to exchange bearer share and bank account information for criminal tax purposes.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment, with technical amendments.

12. Report with Respect to Use of Caribbean Basin Tax Havens (Section 223)

PRESENT LAW

The Internal Revenue Code provides rules specifically aimed at use of tax havens by U.S. persons. U.S. persons who seek to evade or avoid taxes, however, may be able to do so through the use of tax havens.

HOUSE BILL

The House bill requires the Secretary of the Treasury to report on the level at which

Caribbean Basin tax havens are being used to evade or avoid Federal taxes and the effect on Federal revenues of such use, on any information he may have on the relationship of such use to drug trafficking and other criminal activities, and on current anti-tax haven enforcement activities of the Department of the Treasury. This report is due 90 days after the date of enactment.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

13. Sense of the Congress Regarding Sugar Imports (Section 231)

PRESENT LAW

Under present law, imports of sugar from Cuba are subject to embargo.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment declares it the sense of the Congress that sugar from any communist country in the Caribbean Basin or in Central America should not be imported into the United States.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment.

III. ENTERPRISE ZONES

PRESENT LAW

Present law contains no provisions relating to tax treatment of enterprise zones.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment allows the Secretary of Housing and Urban Development to designate 75 areas as enterprise zones, after these areas have been nominated by State and local governments. The areas must satisfy various economic and demographic criteria, and the State and local governments must commit themselves to a course of action designed to reduce burdens borne by employers in the area.

Businesses and workers in the designated enterprise zones are eligible for various tax incentives. These include tax credits for businesses for increasing total zone employment, employing certain disadvantaged workers in the zone, and investing in real and personal property located in the zone. Tax on net capital gains generally is eliminated for zone businesses, and a tax credit is allowed to zone employees. Tax-exempt small issue industrial development bonds continue to be available for zone investments after the December 31, 1986, date after which these bonds generally are no longer allowed, and certain restrictions on capital cost recovery deductions for property financed with industrial development bonds do not apply for zone investments. In addition to these tax incentives, certain regulations may be relaxed in enterprise zones, and priority is given to an application by an enterprise zone for a foreign trade zone designation.

CONFERENCE AGREEMENT

The conference agreement does not contain the Senate amendment.

IV. INTERNATIONAL TRADE AND INVESTMENT ACT PROVISIONS

PRESENT LAW

Title III of the Trade Act of 1974 authorizes the President to take action against unreasonable or unfair foreign trade practices. There is no current tariff negotiating authority. Title I of the Trade Act of 1974 authorizes the President to negotiate to eliminate foreign non-tariff trade barriers.

HOUSE BILL

No provision.

Senate Amendment

The Senate amendment would amend Titles I and III of the Trade Act of 1974 by mandating new, specific sector negotiating objectives with respect to trade in services, high technology products, and restrictions on foreign direct investment, and further, by providing the President with tariff modification authority on certain high technology items.

The amendment also would require the United States Trade Representative to analyze and to report on significant barriers to trade in U.S. products and services and on restrictions imposed on foreign direct investment by U.S. persons, and it would clarify and improve the President's authority to retaliate against unfair trade practices.

CONFERENCE AGREEMENT

The conference agreement does not contain the Senate amendment.

V. OTHER TAX PROVISIONS

1. Permanent Extension of Tax Exemption for Interest on Qualified Mortgage Bonds

PRESENT LAW

The Mortgage Subsidy Bonds Tax Act of 1980 imposed restrictions on the ability of State or local governments to issue bonds, the interest on which is tax-exempt, for the purpose of making mortgage loans on single-family residences. The 1980 Act provides that interest on mortgage subsidy bonds is exempt from taxation only if the bonds are "qualified veterans mortgage bonds" or "qualified mortgage bonds." One of the requirements of "qualified mortgage bonds" is that they be issued before January 1, 1984.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment makes permanent the tax exemption presently provided for interest on qualified mortgage bonds.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

2. Discharge of Residential Mortgage Debt

PRESENT LAW

Under present law, the amount of any discharged indebtedness is includible in income in the year of the discharge. However, if the debt was incurred in connection with property used in a trade or business (or if the taxpayer is bankrupt or insolvent), certain of the taxpayer's tax attributes may be reduced in lieu of recognizing income.

In Revenue Ruling 82-202, the Internal Revenue Service ruled that a financially solvent taxpayer realizes income when he or she prepays the mortgage on a personal residence at less than the outstanding principal balance. The ruling involved a financial institution which offered a 10-percent discount for prepayment of existing low-interest mortgages.

HOUSE BILL

No provision.

SENATE AMENDMENT

For 1982 only, the Senate amendment provides for the exclusion from gross income of discharged mortgage indebtedness on an individual's principal residence. The taxpayer's basis in the residence would be reduced by the excluded amount. If the taxpayer subsequently disposes of the residence in a taxable sale or exchange, any gain recognized would be recaptured as ordinary income to the extent of the previously excluded amount (i.e., the amount of discharged mortgage indebtedness).

For 1983 and 1984, the amendment provides that the Internal Revenue Code shall be applied without regard to Revenue Ruling 82-202 or to any other ruling reaching the same or a similar result. The amendment further provides that it is the sense of Congress that permanent legislation be enacted which addresses the tax consequences of discharged mortgage indebtedness.

CONFERENCE AGREEMENT

The conference agreement follows the House bill.

DAN ROSTENKOWSKI,
SAM GIBBONS,
J. J. PICKLE,
CHARLES B. RANGEL,
PETE STARK,
BARBER B. CONABLE, JR.,
JOHN J. DUNCAN,
BILL ARCHER,
Managers on the Part of the House.

BOB DOLE,
BOB PACKWOOD,
BILL ROTH,
JOHN C. DANFORTH,
RUSSELL B. LONG,
SPARK M. MATSUNAGA,
LLOYD BENTSEN,
Managers on the Part of the Senate.

MAKING IN ORDER CONSIDERATION OF CONFERENCE REPORT ON H.R. 2973, INTEREST AND DIVIDENDS TAX WITHHOLDING REPEAL, ON THURSDAY, JULY 28, OR ANY DAY THEREAFTER

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that it may be in order to consider the conference report on H.R. 2973, interest and dividends tax withholding repeal, on Thursday, July 28, 1983, or any day thereafter.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AUTHORIZING PRINTING OF TRANSCRIPT INCIDENT TO PRESENTATION OF A PORTRAIT OF THE HONORABLE DON FUQUA

Mr. GAYDOS. Mr. Speaker, by direction of the Committee on House Administration, I call the resolution (H. Res. 270) authorizing printing of the transcript of proceedings of the Committee on Science and Technology incident to presentation of a portrait of the Honorable DON FUQUA, and ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 270

Resolved, That the transcript of proceedings of the Committee on Science and Technology on June 8, 1983, incident to presentation of a portrait of the Honorable Don Fuqua to the Committee on Science and Technology, shall be printed as a House document with illustrations and suitable binding.

SEC. 2. In addition to the usual number, there shall be printed nine hundred copies of such document with one hundred of the nine hundred being casebound for the use of the Committee on Science and Technology.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF TRANSCRIPT INCIDENT TO PRESENTATION OF A PORTRAIT OF THE HONORABLE DAN ROSTENKOWSKI

Mr. GAYDOS. Mr. Speaker, by direction of the Committee on House Administration, I call up the resolution (H. Res. 277) authorizing printing of the transcript of proceedings of the Committee on Ways and Means incident to presentation of a portrait of the Honorable DAN ROSTENKOWSKI, and ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution as follows:

H. RES. 277

Resolved, That the transcript of proceedings of the Committee on Ways and Means on April 27, 1983, incident to presentation of a portrait of the Honorable Dan Rostenkowski to the Committee on Ways and Means, shall be printed as a House document with illustrations and suitable binding.

SEC. 2. In addition to the usual number, there shall be printed two hundred and sixty-one copies of such document which shall be casebound for the use of the Committee on Ways and Means.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING AS A SENATE DOCUMENT OF A REVISED EDITION OF "THE CAPITOL"

Mr. GAYDOS. Mr. Speaker, by direction of the Committee on House Administration, I call up a Senate concurrent resolution (S. Con. Res. 35) to authorize the printing as a Senate document of a revised edition of "The Capitol," and ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 35

Resolved by the Senate (the House of Representatives concurring), That there shall be printed as a Senate document a revised edition of "The Capitol", to be published under the direction of the Joint Committee on Printing with the editorial assistance of the Committee on Rules and Administration.

SEC. 2. In addition to the usual number of copies, there shall be printed five hundred and sixty-six thousand additional copies, of which four hundred and forty-three thousand copies shall be for the use of the House of Representatives, one hundred and three thousand copies shall be for the use of the Senate, and twenty thousand copies shall be for the use of the Joint Committee on Printing.

SEC. 3. A sum not to exceed $15,000 for travel expenses and photographic expenses incurred in carrying out this concurrent resolution shall be paid for the contingent fund of the Senate on vouchers approved by the chairman of the Joint Committee on Printing.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the Senate concurrent resolution.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

FIRST ANNUAL PRESIDENT CALVIN COOLIDGE WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the resolution (H. Res. 269) commemorating the life accomplishments, the distinguished political career, and the 30 years of dedicated public service of the late President Calvin Coolidge and encouraging the people of the United States to observe a "First Annual President Calvin Coolidge Week" during the period of August 1 through August 7, 1983, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentlewoman from Ohio?

Mr. CONTE. Mr. Speaker, reserving the right to object—and I do not intend to object—I rise in support of House Resolution 269, a resolution commemorating the late President Calvin Coolidge.

But first, let me commend my colleagues on the Post Office and Civil Service Committee—full committee Chairman BILL FORD, subcommittee Chairman KATIE HALL, and my good friend the ranking Republican JIM COURTER—for their assistance and cooperation in the prompt consideration of this resolution.

House Resolution 269, a simple House resolution, commemorating the life accomplishments, distinguished political career, and the 30 years of dedicated public service of the late President Calvin Coolidge. The resolution also encourages the people of the United States to observe a "First Annual President Calvin Coolidge Week" during the period of August 1 through August 7, 1983.

Perhaps no other President in our history has been more unjustly put on the back shelf than Calvin Coolidge. His political career spanned some 30 years and included a wide variety of local, State, and national offices.

The accomplishments of President Coolidge are many:

As Governor of Massachusetts, he was instrumental in averting a potential disaster following the Boston police strike of 1919;

As President of the United States, his reputation for honesty and integrity restored the public confidence in the Federal Government following the Teapot Dome oil-lease scandal; and

As an international statesman, President Coolidge initiated a global naval disarmament conference to prevent the occurrence of another world war.

Mr. Speaker, August 3, 1983, is the 60th anniversary of Calvin Coolidge's succession to the Presidency, and this year marks the 50th year since his death. It seems appropriate to me for this House to honor the memory of this public servant and commemorate his accomplishments as President of the United States.

I urge my colleagues to support House Resolution 269.

□ 1810

Mr. STRATTON. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from New York.

Mr. STRATTON. I thank the gentleman for yielding.

Mr. Speaker, I want to join on commemorating the anniversary of the late Calvin Coolidge because of the fact that I think I may be the only Member in the Chamber who had the privilege of shaking hands with President Coolidge.

In those days if you got a letter from your Congressman, you could shake hands with the President. And my mother and father brought me to Washington. We got a letter from the Congressman from Schenectady and we went in to shake hands with Cal Coolidge. And I remember the most distinct impression was that when we

passed by the President, he stood just on the other side of the door, held out his hand, and said, "Hello, young man, how are you?" that his hair, which I took from the newspaper pictures to be black, was actually sandy and he had a lot of freckles.

But I have always remembered that occasion. I do not imagine there are very many Members of the House, including the distinguished gentleman from Massachusetts, old enough to recall that or to have experienced shaking hands with his distinguished Governor at the time, but I will join with him in saying that President Coolidge has been much maligned, but he was a very great President. We had prosperity when he was President. He knew when to quit. In fact, I was in Boston when the headlines came out, "I do not choose to run in '28." And he was a smart man.

Mr. CONTE. Mr. Speaker, I want to thank my classmate, Sam, for those kind words.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from New York.

Mr. KEMP. I thank the gentleman for yielding.

Mr. Speaker, I have joined as a cosponsor of the resolution.

I appreciate the gentleman from New York making mention of the fact, as well as the gentleman from Massachusetts, that truly one of the great Presidents of this country was Calvin Coolidge. From the standpoint of being much maligned in history, he has gained increasing respect as the years go on.

I appreciate so much the leadership of my friend from Massachusetts. I wanted to join him in not only cosponsoring but speaking out on behalf, even though there are not as many Members here as we would like.

Mr. CONTE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 269

Whereas the year 1983 marks the fiftieth anniversary of the death of Calvin Coolidge, the thirtieth President of the United States;

Whereas August 3, 1983, will mark the sixtieth anniversary of Calvin Coolidge's succession to the Presidency;

Whereas President Coolidge faithfully and diligently served his country in a wide variety of local, State, and Federal offices over the course of thirty years, including city councilor and mayor of Northampton, Massachusetts; president of the Massachusetts State Senate; and Governor of the Commonwealth of Massachusetts;

Whereas President Coolidge was instrumental in averting a potential catastrophe following the Boston police strike of 1919;

Whereas President Coolidge's reputation for honesty and integrity when combined with his judicious handling of the Teapot Dome oil-lease scandal effectively terminated the governmental corruption that had occurred under his predecessor;

Whereas President Coolidge's unremitting faith in both American business and republican ideals helped move our country through one of the most prosperous periods in United States history as evidenced by the 17.5 per centum growth in the gross national product between 1923 and 1929;

Whereas despite this tremendous growth during the Coolidge administration, inflation rose by only four-tenths of one per centum, unemployment never exceeded 5 per centum, the size of the Federal budget actually declined, and the national public debt was reduced by 24 per centum;

Whereas President Coolidge layed the foundation for a professional foreign service through his creation of the Foreign Service Personnel Board;

Whereas President Coolidge, mindful of the importance of world peace and security, initiated an International Naval Disarmament Conference involving Great Britain, France, Italy, and Japan to prevent the occurrence of another world war;

Whereas President Coolidge's statements that "The meaning of America is not to be found in a life without toil," and that "Freedom is not only bought with a great price; it is maintained with unremitting effort", might well serve as an enduring reminder to present and future generations of the care which is necessary to maintain our freedoms; and

Whereas these estimable qualities and accomplishments deserve due recognition by the House of Representatives and the people of the United States: Now, therefore, be it

Resolved, That the House of Representatives hereby—

(1) commemorates the life accomplishments, the distinguished political career, and the thirty years of dedicated public service of the late President Calvin Coolidge; and

(2) encourages the people of the United States to observe a "First Annual President Calvin Coolidge Week" during the period of August 1 through August 7, 1983.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL SICKLE-CELL ANEMIA AWARENESS MONTH

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the resolution (H. Res. 155), expressing the sense of the House of Representatives that the President should issue a proclamation designating the month of September 1983 as "National Sickle-Cell Anemia Awareness Month," and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Reserving the right to object, Mr. Speaker, and I will not object, I wish to simply say that the minority has no objection to this worthwhile resolution.

● Mr. DIXON. Mr. Speaker, as author of House Resolution 155, I want to thank the chairwoman for her efforts to bring this measure before the House.

This resolution encourages the President to designate September 1983, as "National Sickle Cell Anemia Awareness Month," in order to bring forth greater understanding and awareness, concerning this life-threatening blood disorder affecting a sizable portion of black Americans.

About 1 of every 500 black Americans is affected by the disease, and 1 of every 10 black Americans carries the trait, which can be passed on to future generations. Thus, the designation of September underscores congressional concern about the need for further research and testing for the eventual cure of sickle cell.

On July 18, we attained the necessary 218 cosponsors, and within the passing days other members have added their names to this worthwhile resolution.

I owe my heartfelt thanks to each and every Member who helped in bringing House Resolution 155 to the floor today. I extend special gratitude to my coauthor, the Honorable Congresswoman from Illinois, Mrs. COLLINS, my colleagues in the Congressional Black Caucus, and Mr. WAXMAN, Mr. CONTE, and Mr. MADIGAN, who are all recognized for their leadership on health issues, and gave such strong support to this resolution.

In addition, I want to commend and thank the National Association for Sickle Cell Disease and their executive director, Ms. Dorothye Boswell, who work tirelessly to increase awareness, testing, and research on this anemia. I am proud to have sponsored this measure on behalf of the Congressional Black Caucus, and therefore, urge the House to pass House Resolution 155.●

Mr. COURTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 155

Whereas sickle-cell anemia is a life-threatening disease in which normal, round, red blood cells become distorted and take on the long and pointed shape of a sickle, due to the presence of an abnormal hemoglobin;

Whereas one in every ten black Americans carries the sickle-cell trait, and one in five hundred black Americans is stricken by the disease itself;

Whereas there exists no cure for this painful and crippling disease which denies a full life to many of its victims and creates intense pain and deep depression;

Whereas the disease and trait are both transmitted genetically from one or both

parents who carries the trait, and it is vital that Americans, and particularly black Americans, be tested for sickle-cell anemia to determine whether they carry or might transmit the trait; and

Whereas it is important to educate the public about sickle-cell anemia to promote awareness and support for research and treatment of this disease: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the President should issue a proclamation which—

(1) designates the month of September 1983 as "National Sickle-Cell Anemia Awareness Month"; and

(2) calls upon the people of the United States to observe that month with appropriate ceremonies and activities.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

YOUTH OF AMERICA WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 266) designating the week beginning September 4, 1983, as "Youth of America Week," and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York (Mr. KEMP), the sponsor of the resolution.

Mr. KEMP. I thank the gentleman for yielding.

Mr Speaker, I rise today to ask my colleagues' support and to urge action on House Joint Resolution 266, which will proclaim the week of September 4-10, 1983, "Youth of America Week."

This special week for the youth of our Nation, promoted by more than 7,000 former professional football players of America—the NFL alumni—will focus attention on the vital need in our country for adults to share with children their knowledge, experiences, and thoughts to help nurture in our children the development of strong values and new ideas which are so important to the growth and prosperity of our Nation.

The concept of a special week of adults sharing their knowledge and experiences with the more than 60 million children of this country has evolved from the successful "Kids Week U.S.A." held last year by the NFL alumni and their more than 7,000 members across the Nation. During the first week of the pro football season last year, NFL alumni chapters in NFL cities around the country got together to do something special for the children of their cities—the most recent development of the alumni's 6 years of "Caring for Kids." The first observance was so successful that this year the alumni would like to have people across the Nation take part in Youth of America Week.

During Youth of America Week, with Bob Hope serving as our national chairman, we hope that business people and politicians, civic leaders, sports organizations, and individuals will take time to join with NFL alumni members and chapters in putting their motto of "Caring for Kids" into action across our great land, by spending time with healthy kids who want to play ball, along with crippled kids who cannot; with kids in hospitals and orphanages who would love to see a friendly face, and with young people in trouble who may only need a role model to show them that there is a better way.

Across the country, many of our young people are doing outstanding things for their communities and our country, but there are many more who, though they have the potential to do great things, need only to be given the proper direction and a strong sense of purpose.

I would like to thank my colleague MO UDALL for his leadership in gathering support for this resolution and his help in bringing it to the floor for quick action. I would also like to thank my colleagues in the Senate, BOB KASTEN and BILL BRADLEY, for introducing companion bill Senate Joint Resolution 166, and working to gain its passage on Tuesday, July 26, in the Senate.

House Joint Resolution 266 has 227 cosponsors in the House, with strong support on both sides of the aisle. I would like to encourage my colleagues in the House to vote for passage of this resolution and to take an active role in Youth of America Week, September 4-10, 1983.

Remember, the youth of America are this Nation's future; let us give them the long overdue recognition they need.

Mr. COURTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 266

Whereas the children of our Nation are our most valuable natural resource for the future of our Nation;

Whereas if adults share their knowledge, experiences, and wisdom with our Nation's children, it will help to nurture in our youth democratic principles, and the development of strong moral and spiritual values, so important to the survival and future betterment of our Nation; and

Whereas all of the people of the United States can be involved in the development of these important values and ideals for the youth of America: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning September 4, 1983, is designated "Youth of America Week". The President is requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROCLAIMING DAY OF NATIONAL CELEBRATION OF 200TH ANNIVERSARY OF SIGNING OF TREATY OF PARIS

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 321) to proclaim a day of national celebration of the 200th anniversary of the signing of the Treaty of Paris, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Reserving the right to object, Mr. Speaker, and I will not object, I do so to simply point out that this resolution commemorates the 200th anniversary of the signing of indeed one of the most important treaties in the history of the United States.

I would like to commend my good friend, the gentleman from Virginia (Mr. BATEMAN), who is the prime sponsor of this resolution. And at this time, I yield to the gentleman from Virginia.

Mr. BATEMAN. I thank the gentleman for yielding.

Mr. Speaker, I would like to add my words of thanks to the gentlewoman from Indiana and chairman of the subcommittee, who has made it possible for us to bring this resolution to the floor this afternoon.

The resolution comes here with the cosponsorship of some 230-plus Members of our body. I think an indication of itself that the 200th anniversary of the signing of the Treaty of Paris, marking the beginning of the official recognition of this country as an independent country at peace with all the othe nations of the world is indeed a significant occasion.

Many of us think in terms of our Revolutionary War has having been concluded on the meadows of the village of Yorktown, and America's First Congressional District, that I am privileged to represent.

But actually, while the drama of Washington, Lafayette, and the thousands of troops who beseiged and defeated Cornwallis was much more dramatic, it was not really until the singing of the Treaty of Paris that our country had its independence confirmed and was able then to live in peace with other nations of the Earth.

□ 1820

It is indeed a truly historic occasion and certainly one more than worthy of being commemorated. I certainly hope that the House will see fit to consent to the passage of the resolution.

Again, let me thank the gentlewoman, the chairman of the committee and my good colleague, and also add a word of special thanks to the gentlewoman from Maryland (Mrs. HOLT), who deferred to this freshman Member of the House in going forward with this resolution when she, too, was planning the introduction and prime sponsorship of one, as well as to thank the gentleman from New York (Mr FISH), who had also planned on going forward with a resolution, only to learn that this one was already in and who then assisted in this effort.

Mr. COURTER. Mr. Speaker, further reserving the right to object, I yield to one of the prime sponsors of the resolution, the gentlewoman from Maryland (Mrs. HOLT).

Mrs. HOLT. I thank the gentleman for yielding.

Mr. Speaker, I certainly am grateful to the gentlewoman from Indiana (Mrs. HALL) for bringing this legislation to the floor and to the gentleman from Virginia for sponsoring it and for taking the lead in it.

Mr. Speaker, I rise today in support of House Joint Resolution 321. This legislation when enacted will urge the President to proclaim September 3, 1983, as a day of national celebration. This day will mark the 200th anniversary of the signing of the Treaty of Paris. As my colleagues well know, this treaty, officially known as the Definitive Treaty of Peace, ended hostilities between Great Britain and the confederation of the original 13 States. For myself, I have both patriotic and parochial reasons for strongly supporting this resolution.

My patriotic interest in this resolution should be clear to anyone with some knowledge of American history. In short, with the signing and subsequent ratification of the treaty, the United States became a sovereign nation in the eyes of the European powers. In essence, the Treaty of Paris was the birth certificate of our infant Nation. This momentous historical event should not go unnoticed or unrecognized. Moreover, the birth of our Nation is too great an occasion to be recognized by anything less than a national celebration.

While I cannot speak for every State, I do know that many States are planning great festivities to commemorate this great day. In my own State of Maryland, the Treaty of Paris is the centerpiece of a grand celebration. As the resolution explains, Annapolis, Md., was where the treaty was ratified by the Congress of the Confederation on January 14, 1784. And only a few days earlier, General Washington on December 23 resigned his commission as Commander in Chief of the Continental Army. Both of these events occurred in the Maryland Statehouse—America's oldest, which is still in use today and will be the focal point of ceremonies honoring the ratification of the treaty. A reenactment of the ratification ceremony at the statehouse is being planned and invitations to participate in this ceremony have been extended to President Reagan and President Mitterand of France. A parade through Annapolis of 2,500 soldiers from recreated Revolutionary War units is planned as well as many other festivities, events, and exhibits.

As my colleagues should now recognize, the State of Maryland has a keen appreciation of the historical significance of the events surrounding the Treaty of Paris. I urge my colleagues to join the gentleman of Virginia in supporting this resolution and recognizing this great moment in American history.

Mr. COURTER. Mr. Speaker, I thank the gentlewoman for her comments.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. MOAKLEY). Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 321

Whereas September 3, 1983, commemorates a day of unique significance in the history of our Nation;

Whereas on September 3, 1783, the American Peace Commissioners—John Adams, Benjamin Franklin, and John Jay—signed a Definitive Treaty of Peace with David Hartley, the representative of George the Third, the King of Great Britain, in the city of Paris;

Whereas on the same day another treaty between Great Britain and America's ally France and cobelligerent Spain was signed at Versailles, and witnessed by the American Peace Commissioners;

Whereas the signing of the Definitive Treaty with Great Britain signified to the world that these former thirteen British colonies with the invaluable assistance of the Government and citizens of France had emerged from the great war of the American Revolution as an independent Nation, the United States of America, confirmed in its sovereignty over a vast extent of territory;

Whereas the ratification of the Definitive Treaty of Peace by the Congress of the Confederation on January 14, 1784, in Annapolis, Maryland, inaugurated an era of peace for the new Nation which made possible the experimentation in self-government which led to the adoption of the Constitution of the United States of America on September 17, 1787;

Whereas since that historic day two hundred years ago, the United States of America has survived as a free Nation, ever mindful of the blessing that liberty and peace have brought: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring) That September 3, 1983, is proclaimed a day of national celebration of the two hundredth anniversary of the signing of the Treaty of Paris, and that the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL RESPIRATORY THERAPY WEEK

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 67) to designate the week of September 25, 1983, through October 1, 1983, as "National Respiratory Therapy Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Mr. Speaker, reserving the right to objection—and I will not object—there are many cosponsors to the resolution. We feel that it is a worthwhile resolution.

● Mr. PEPPER. Mr. Speaker, on March 24, 1983, I introduced a House resolution designating the week of September 25 through October 1, 1983 as National Respiratory Therapy Week. In a remarkably short period of time this resolution, which recognizes the important contributions of this profession, has received the necessary 218 cosponsors. Today, I am pleased to bring before my distinguished colleagues the consideration of Senate Joint Resolution 67.

Respiratory therapy is a medical specialty field, it encompasses not only clinical application of procedures, but diagnostic evaluation, and research as well. The range of conditions respiratory therapy practitioners handle cover both acute and chronic areas. Respiratory therapy practitioners deal with the abnormalities and deficiencies of the cardiopulmonary system. They deliver care to patients who suffer such diseases as asthma, emphysema, bronchitis, black and brown

lung disease, and infant respiratory distress. Respiratory therapy care is given not only to the very young and the very old, but to patients of all ages.

Much of the respiratory therapy care that is delivered in the hospital setting is within the intensive care units. Respiratory therapy practitioners are on duty 7 days a week, 24 hours a day. New medical technologies have expanded the scope of respiratory care delivery. We now can see respiratory therapy practitioners delivering care in skilled nursing facilities, outpatient rehabilitation units, and in some cases the home care setting.

Respiratory therapy practitioners are hard working dedicated health care professionals. National Respiratory Therapy Week will give national recognition to the contributions this profession makes to the delivery of health care.●

Mr. COURTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 67

Whereas respiratory therapy is recognized as a highly technological and progressive segment of the health care delivery system in the United States;

Whereas there are over eighty thousand respiratory therapy practioners in the Nation who are making an important contribution to the delivery of quality health care;

Whereas respiratory therapy is an integral part of critical care and general medicine;

Whereas respiratory therapists are involved with therapuetic and life-sustaining cardiopulmonary care to patients suffering from lung and associated heart disorders; and

Whereas in recent years the field of respiratory therapy has expanded to include postoperative pulmonary care, education, research, pulmonary testing, pulmonary rehabilitation, and neonatal-pediatric specialities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of September 25, 1983, through October 1, 1983, is designated as "National Respiratory Therapy Week" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe the week with appropirate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL CHILD SUPPORT ENFORCEMENT MONTH

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate Joint resolution (S.J. Res. 56) to designate the month of August 1983 as "National Child Support Enforcement Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

Mr. COURTER. Mr. Speaker, reserving the right to object—and I will not object—I would like to say that this is a very worthwhile resolution. I recall the fact that some years ago I worked in Washington, D.C., not as a Member of Congress but for the District of Columbia Government as an attorney in the Corporation Counsel's office. Part of my original function and responsibility was to work in the area of child support, with the reciprocal enforcement of support legislation that the District of Columbia was a party to. Because of that personal experience I was involved in the worthwhile cause of making sure that parents support their children when they are not living with those children.

I commend the gentlewoman from Indiana (Mrs. HALL), as well as the gentleman from New York (Mr. BIAGGI), who I know was the chief sponsor of this resolution, for bringing this resolution to the attention of the House and of the United States.

Under my reservation, Mr. Speaker, I yield to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. I thank the gentleman for yielding.

Mr. Speaker, as the author of the pending joint resolution, I wish to express my gratitude to the distinguished gentlewoman from Indiana (Mrs. HALL), as well as Chairman WILLIAM FORD for their invaluable assistance in seeing that this resolution is considered by the House in an expeditious fashion.

The resolution would designate the coming month of August as National Child Support Enforcement Month throughout the United States. As of tonight, the resolution is cosponsored by 122 of my colleagues in a bipartisan fashion. Further, an identical resolution sponsored by our former colleague, the Senator from Iowa, Mr. GRASSLEY, was approved by the Senate on July 16.

I offer this resolution in order that our Nation have the opportunity to spotlight attention on a growing national scandal—a festering sore on the national conscience—the nonpayment of child support in this Nation.

It has been estimated by a recent Census Bureau study that almost one-half of the men legally obligated to pay child support are in default on all or part of their obligation. Some 28 percent of women entitled to child support receive nothing. The nonpayment of child support has two distinct sets of victims—the mothers, of course, and more directly, the children. It is estimated that some 13 million children from both AFDC and non-AFDC families are affected by the nonpayment of child support. It is also estimated that the nonpayment of child support cheats children out of some $4 billion in support each year. That last figure needs to be put into perspective. When we speak of child support, we are not speaking of it as we would a supplemental form of income. For too many families in this Nation, child support is a critically important element. Studies indicate that in the first year after a divorce—women suffer a devastating 73-percent decrease in their incomes. This means that this decline combined with the nonpayment of child support poses economic peril into the lives of too many children in our Nation.

Senate Joint Resolution 56 recognizes that the nonpayment of child support is a problem for which efforts are underway to make improvements. It is the logical extension of a growing concern in this Congress reflected by the introduction of some 12 bills aimed at improving collection procedures. Senate Joint Resolution 56 is a bipartisan and nonpartisan proposal which compliments the recent initiative of the administration aimed at cracking down on delinquent fathers.

As the resolution states:

The child support program's ultimate goal is to reduce financial deprivation among America's children by ensuring that the responsibility of support rests with the responsible parent thereby diminishing the need for welfare dependency by women and children.

In its resolved clause the resolution states:

That the month of August 1983 is designated as "National Child Support Enforcement Month" and that the President of the United States is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe the month with appropriate programs, ceremonies and activities.

As the author of this resolution, I consider its passage vital if we are to take a tangible step aimed at demonstrating our concern if not outright outrage over the nonpayment of child support. In my judgment it is time that we ended in the enforcement terminology, distinctions between the delinquent AFDC and non-AFDC father with respect to child support. Our goal should be to collect every cent that is owed to each and every mother and child. Our goal should be to provide sufficient incentives both positive and punitive to compel those who would try and escape their obligation under law. I contend that a person making a six-figure income and who pays none

or only part of this child support obligations is a scoundrel—and should incite this Congress into corrective action.

If we are able to designate August as "National Child Support Enforcement Month" we will put the Congress on record on this issue. The President who must sign this resolution and issue a proclamation will be on record in support of full enforcement. During this month, the powers of the media should be utilized to dramatize the very real plight of those deprived of essential child support payments. It is a month to galvanize our forces around the solution we so desperately need. Let our passage tonight of this resolution be a catalyst for further action as this Nation seeks to heal the ever gaping wound caused by nonpayment of child support.

Mr. COURTER. Further reserving the right to object, Mr. Speaker, I thank the gentleman from New York for his comments. He is exactly right. It is a national scandal. I think the gentleman recognizes, as well as the gentlewoman from Illinois (Mrs. HALL), and other Members of this body, that people who have children have a moral obligation to support those children and, therefore, our cause is just. I appreciate the comments of the gentleman from New York.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 56

Whereas significant progress has been made toward improving laws and regulations dealing with child support enforcement by the States;

Whereas the provisions of part D of title IV of the Social Security Act have provided a needed response in alleviating problems that exist within and among States as to legal rights and financial needs of their citizens;

Whereas the child support program's ultimate goal is to reduce financial deprivation among America's children by ensuring that the responsibility of support rests with the responsible parent, thereby diminishing the need for welfare dependency by women and children;

Whereas the dedicated service of family support enforcement personnel, the judiciary and the legal community has contributed to increased child support collections, paternity establishments and the location of absent parents;

Whereas the growth and success of child support programs have resulted from and continue to rely on increased cooperation of Federal, State and local agencies: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of August 1983 is designated "National Child Support Enforcement Month" and that the President of the United States is authorized and requested to issue a proclamation calling upon all government agencies and the people of the United States to observe the month with appropriate programs, ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. HALL of Indiana. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolutions just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

NATIONAL HOUSING WEEK

(Mr. GONZALEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GONZALEZ. Mr. Speaker, today I am introducing a House joint resolution which designates the week of October 2, 1983, to October 9, 1983, as "National Housing Week."

We can be proud that our Nation is the best housed in the world, and this has come about because of the combined efforts of the Nation's housing industry and the Federal Government.

PERMISSION FOR SUBCOMMITTEE ON MERCHANT MARINE OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES TO SIT AT 10 A.M. TOMORROW DURING 5-MINUTE RULE

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries be permitted to sit at 10 a.m. on Thursday, July 28, 1983, for the purpose of holding a hearing on H.R. 2353, a bill to amend the Deepwater Port Act of 1974, and for other purposes.

The ranking minority member of the committee, the gentleman from New Jersey (Mr. FORSYTHE), and the ranking minority member of the subcommittee, the gentleman from Kentucky (Mr. SNYDER), have been apprised of the hearing date and time and are in accord with this request.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. COURTER. Mr. Speaker, reserving the right to object—and I will not object—I simply wish to say that the gentleman from New York (Mr. BIAGGI) did indeed check with the minority, and the minority has no objection.

Therefore, Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

KOREAN ARMISTICE ANNIVERSARY

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, 30 years ago today, on a windy, cloud-covered day at Panmunjom, South Korea, an agreement was signed providing for two of the most welcome words on any battlefront. "Cease-fire". It marked the end of a U.N. police action that had lasted for more than 3 years and had begun with the massive invasion of South Korea by Communist North Korean forces.

On June 25, 1950, these Russian-trained and Russian-equipped forces swarmed over the 38th parallel into the Western-allied south, prompting President Harry Truman, backed by the U.N. Security Council, to order American GI's to the battlefield. What had once been a cold war became hot. Communist aggression was real, and the testing ground for American reaction would be the Far East.

The reaction came in the form of U.N. intervention in which the United States shouldered its share and more of the responsibilities of the 60-member organization. Almost 6,000,000 U.S. military personnel served during the Korean conflict, more than a million in Korea. That number is surpassed by only the South Koreans themselves. Of that U.S. force, many had been called back to uniform after having fought and attained peace only a few years earlier. Now there was a new task, a new fight for liberty, a new fight for basic human rights.

There had been 33,629 American battle casualties, 103,284 American wounded, and 2 years of agonizing deadlock in the truce talks when finally, on July 27, 1953, as artillery sounded in the background, an armistice was signed. A cease-fire to allow time to seek a political solution.

In his summary of the agreement, submitted to the United Nations on August 7, 1953, Gen. Mark Clark, commander of all U.N. forces in Korea, told of an American commitment to not only the people of Korea, but to world security:

The task ahead is not an easy one. We will support the efforts of the United Nations to bring about an equitable settlement in Korea based on the principles which have long been established by the United Nations, and which call for a united, independ-

ent and democratic Korea. We will support the United Nations in its efforts to assist the people of Korea in repairing the ravages of war.

We declare again our faith in the principles and purposes of the United Nations, our consciousness of our continuing responsibilities in Korea, and our determination in good faith to seek a settlement of the Korean problem. We affirm, in the interests of world peace, that if there is a renewal of the armed attack, challenging again the principles of the United Nations, we should again be united and prompt to resist. The consequences of such a breach of the armistice would be so grave that, in all probability, it would not be possible to confine the hostilities within the frontiers of Korea.

Finally, we are of the opinion that the armistice must not result in jeopardizing the restoration or the safeguarding of peace in any other part of Asia.

Mr. Speaker, on this, the anniversary of the signing of the Korean armistice, I would ask my colleagues to join with me in acknowledging the deeds of those who fought with valor to preserve the security of the Republic of Korea and, on a grander scale, world peace. It was a distinguished contribution that this country's military personnel made in a land 8,000 miles from home. In honor of those killed and wounded in battle, in recognition of 389 service men still missing and unaccounted for, and in appreciation and with gratitude to the Korean veteran, often forgotten and overshadowed by a world war that had not long been ended, and a controversial Asian conflict that still lies fresh on our minds, to these men and women, I thank you, America thanks you. For what you did, It is a better world we have today.

A CARIBBEAN "GULF OF TONKIN"

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, at a time when a President of the United States is again sending U.S. naval vessels into areas of potential hazard, and doing so without the advice or consent of the Congress, we would do well to remember that all it takes is one incident to provide a basis for full scale involvement in another war. The sinking of the battleship *Maine* and the Gulf of Tonkin episode should stand as a continuous warning of such danger. The danger is especially real when, as in those cases and, unfortunately, in the present crisis in Central America, we have a President who seems to be looking for an excuse to expand American military intervention.

As we now know, both the battleship *Maine* incident and the Gulf of Tonkin incident were not, in fact, hostile actions by foreign powers but were seized upon, without regard to the facts, as an excuse for going to war.

At a recent press conference, President Reagan, when asked by a reporter if he would say that U.S. combat troops would never be sent of Central America, replied "It's an old saying the President should never say never. You know, they blew up the *Maine*." We know now why the President refused to say "never." Obviously, the plans for a major expansion of U.S. military presence in Honduras and the Caribbean were already underway.

The President was also in error in repeating the long standing myth that the Spaniards blew up the *Maine*. A few years ago, Adm. Hyman G. Rickover, father of our nuclear Navy, in a book entitled "How the Battleship Maine Was Destroyed," proved beyond doubt that the warship was destroyed by an internal explosion, not by a mine planted by the Spaniards. This is laid out in a most interesting article in the Philadelphia Inquirer for Tuesday, July 19, 1983, by free-lance writer George H. Huhn.

Mr. Huhn also quotes some passages from Admiral Rickover's book that have a significant bearing on the President's current approach to both the nuclear arms race and the problem of Central America, as follows:

In the modern technological age, the battle cry "Remember the Maine" should have a special meaning for us. With almost instantaneous communications that can command weapons of unprecedented power, we can no longer approach technological problems with the casualness and confidence held by Americans in 1898 . . .

With the vastness of our government and the difficulty of controlling it, we must make sure those in "high places" do not, without the most careful consideration of the consequences, exert our prestige and might. Such uses of power may result in serious international actions at great cost in lives and money—injurious to the interest and standing of the United States.

Mr. Huhn's own conclusions are especially pertinent to the current debate on Central American policy:

Both the Maine and the Gulf of Tonkin incidents were blunders. Both were surrounded by a web of lies. And both got us into wars we should not have waged.

Maybe in this technological age, presidents should learn to say never.

The full text of Mr. Huhn's article follows these remarks.

[From the Philadelphia Inquirer, July 19, 1983]

PRESIDENTS SHOULD SAY NEVER, AT TIMES

(By George A. Huhn)

A big lie that sent a U.S. fleet halfway around the world and got us into a war that never should have happened, was repeated once more at the most recent presidential press conference.

It was retold by none other than President Reagan while sparring with CBS reporter Leslie Stahl. When she tried to get him to say that combat troops would never be sent to Central America, he replied, "It's an old saying the presidents should never say never. You know, they blew up the Maine."

Of course, Reagan did not knowingly lie. Like most people, he believes that the Spaniards blew up the Maine. Even the 1983 Reader's Digest Almanac says the Maine "was blown up" rather than "it blew up."

The big lie about the battleship Maine has withstood the test of time because of the famous battle cry "Remember the Maine!" Like "Remember Pearl Harbor!" a rallying cry based on truth, it is a powerful motivator. And in 1898, it was just what the jingoists and the "yellow press" of the era needed to swing public opinion around to backing a declaration of war.

But the incident on which it was based was just about as phony as the Gulf of Tonkin episode. Unfortunately, both got us into costly wars.

Although only a few years went by before the truth about the Gulf of Tonkin came out, 78 years passed until the facts about the Maine were known. They were revealed in a still relatively obscure book by Adm. Hyman G. Rickover, father of our nuclear Navy. How the Battleship Maine Was Destroyed proves beyond doubt that the warship was destroyed by an internal explosion, not by a mine planted by the Spaniards.

Richover's investigation was the third inquiry into the loss of the Maine. The first took place almost immediately after the ship along with 260 members of its crew sank to the bottom of Havana harbor on Feb. 15, 1898. This U.S. naval court of inquiry found that an external explosion was the cause, but it did not connect the event to any persons or nation.

This was not what the jingoists of the time wanted to hear, so they pressured the Committee on Foreign Relations into issuing a report that the Maine had been sunk by a mine positioned under its hull while anchored at a buoy selected by the Spanish authorities.

Because the hull was not raised, the first court of inquiry had to base its conclusions on circumstantial evidence. Not only that, but President McKinley was waiting impatiently for the outcome so he could make the decisions he had to make.

And Teddy Roosevelt, then assistant secretary of the Navy, was waving the flag furiously, ready to resign his position and take his Rough Riders up San Juan Hill. He was so eager to get the war going that he even accused the Navy's leading ordnance expert of siding with Spain because he proposed that the Maine had been sunk by an internal explosion.

America went off to fight its "splendid little war," which ended with Adm. George Dewey's one-sided victory over the outgunned Spanish fleet at Manila. We emerged as the owner of the Philippines, Guam and Puerto Rico. Overnight we became a world power.

Peace brought no new answers to the Maine's destruction. But pressure came from patriotic groups and the families of the victims to raise the hull so that the bodies of the crew could be recovered and given proper burial. So, in 1911, Congress authorized the necessary funds and a second naval court of inquiry was formed.

The new court came to the conclusions as the first: An external explosion was the cause, but it blamed no one.

It's ironic that neither of the courts blamed the Spaniards, but that most history books written after the war do.

But Rickover put an end to this nonsense. He not only used his expertise to get at the truth but also those of professionals in structural dynamics, a research physicist

from the Naval Surface Weapons Center, and other specialists.

These men could find no evidence whatsoever that an external explosion was the cause. In fact, because of the way the ship's plates were bent, only an internal explosion could have caused the Maine to go to the bottom.

"The most likely source," Rickover writes, "was heat from a fire in the coal bunker adjacent to 6-inch reserve magazine." As the coal heated up, the gunpowder became hot enough to ignite and so blew up the ship.

Bunker fires were common in those days, because the coal used by the Navy often caught fire through spontaneous combustion. The fires, smoldering beneath the surface without emitting flame or smoke, were difficult to detect. Between 1894 and 1908, 20 serious fires were reported on U.S. Naval vessels.

In 1897, the battleship New York experienced a fire only 3½ hours after the bunkers had been inspected. Its coal had been loaded only two weeks before. The Maine had the same kind of coal, and it had loaded three months before the explosion. But it had not been inspected for 12 hours.

Aside from proving that the U.S. Navy and the naval architects who designed the ship were responsible for the Maine's misfortune, the admiral makes another point "In the modern technological age, the battle cry 'Remember the Maine' should have a special meaning for us. With almost instantaneous communications that can command weapons of unprecedented power, we can no longer approach technological problems with the casualness and confidence held by Americans in 1898. . . .

"With the vastness of our government and the difficulty of controlling it, we must make sure those in 'high places' do not, without the most careful consideration of the consequences, exert our prestige and might. Such uses of power may result in serious international actions at great cost in lives and money—injurious to the interest and standing of the United States."

Both the Maine and the Gulf of Tonkin incidents were blunders. Both were surrounded by a web of lies. And both got us into wars we should not have waged.

Maybe in this technological age, presidents should learn to say never.

□ 1830

TRIBUTE TO GEN. E. C. "SHY" MEYER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. CLINGER) is recognized for 60 minutes.

Mr. CLINGER. Mr. Speaker, I am especially pleased and privileged today to take this special order so that my colleagues and I may pay tribute to General E. C., known as "Shy" Meyer, who recently retired as the U.S. Army Chief of Staff.

General Meyer's long and very distinguished career began in the Army in 1951. He was graduated from West Point in that year, and served as an infantry officer during the conflict in Korea. He won his second Silver Star for bravery in Vietnam, and returning stateside, displayed his brilliance as a strategic planner at the Brookings Institution.

In addition, he has served as Commanding General of the 3d Infantry Division (Mechanized) in Europe, and as Army Deputy Chief of Staff for Operations and Plans at the Pentagon.

At age 50, General Meyer at that time was one of the Army's youngest senior generals. He was chosen to succeed Gen. Bernard Rogers as the Army's Chief of Staff in the year 1979.

General Meyer's tenure as Army Chief of Staff, I think, has coincided with a significant and positive shift in America's perceptions of its defense requirements. I believe that much of the credit for this shift must go to General Meyer for his emphasis on the fundamentals of a viable Army that our Nation needs to meet the challenges of the decades ahead. I would emphasize particularly his emphasis on the need to develop a global strategy before deciding what weapons systems we need to implement that strategy.

He recognized the need not only to make the case with the Congress and the people of this country that there was a need for a global strategy, which then would be implemented by the appropriate weapons systems. So I think to his credit, he put great emphasis on the importance of developing a coherent and viable strategy worldwide, and into that strategy he then was able to make the determination of the kind of organization needed to implement the strategy, the kind of training of the men and women of the Army needed to implement that strategy, the kind of logistic support and the kind of mobilization, not to mention the specific weapons systems that were needed in order to implement that strategy.

I think this represented a major change in military thinking in this country. It goes without saying, I believe, that General Meyer has raised the standards of excellence of the U.S. Army, and rekindled its esprit de corps. Yet the most important legacy, and I think challenge, which I think he leaves for us to uphold is his very strong belief that there must be a clear link between the people of this country and its Army, or to quote General Meyer himself, "Soldiers should not go off to war without having the Nation behind them," and I think this is an enormously important point. We cannot have an effective military operation, we can certainly not have an effective Army, unless the people are willing to support that Army.

It has been my very good fortune that "Shy" Meyer was born and raised in St. Marys, Pa., which I have the honor to represent in Congress. I have to say that I have enjoyed immensely and have profited immensely from my association with him during my tenure in this body, and I have seen first hand his commitment and his dedication as an individual to the individuals, to the men and women of the Army that he has commanded, and to the Nation that he has served.

I would like to share just one reminiscence of my acquaintance with General Meyer.

Shortly after he was named Army Chief of Staff, I sent him a congratulatory letter wishing him well in his new assignment, and inquiring if he had an opportunity to spend any time in his home town of St. Marys. He was quick to respond with a reply and informed me that he had been back to St. Marys for a brief visit. I have to say that the General is an avid hunter, and the visit to his home town included a day of deer hunting.

In his letter to me, he indicated that the Nation's military preparedness was in a frightful state because the Army Chief of Staff had missed an easy shot at a buck, and he said he did not stand very well for the marksmanship of the U.S. Army.

His nickname, "Shy" Meyer, I think is a misnomer because I never found him to be the least bit shy about bringing to my attention and to the attention of my collegues in the Congress the needs that he felt so strongly about for the U.S. Army. He was always most eloquent and most articulate in presenting those needs and in backing up those needs. So I think that shyness was not the hallmark of his tenure as the Chief of Staff of the U.S. Army.

On behalf of the Borough of St. Marys from which he comes, from the Nation, and from myself, I think I would like to extend our heartfelt thanks to an outstanding general and to a great man who has served his country well.

At this time, Mr. Speaker, I would yield to my colleagues, the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. I thank the gentleman for yielding, and more especially, I thank him for taking the time to bring about this special order to recognize the career of General Meyer.

The natural thing for us Pennsylvanians is to crow about the fact that a fellow Pennsylvanian had risen to the ranks and to the heights that our fellow Pennsylvanian has in the person of General Meyer. But I was surprised when I learned that he was a native of St. Marys, and then on reflection, I was not so surprised, because having visited that community which you so ably represent, Congressman CLINGER, I can envision how it was that such a community, made up of hardy and hard-working and pleasant people, could have allowed somebody to spring from their midst, as General Meyer did, to become what he has become for our country.

It is a tribute not only to his family, his personal family upbringing, but also to a community which, in the

heart of Americana, can nurture a youngster to eventually become a patriot and one who has contributed so much to our Nation's defense and to our Nation's history, for that matter.

I again thank the gentleman, my colleague from Pennsylvania, for having brought this to the attention of the Congress, and join him in wishing General Meyer well.

Mr. CLINGER. I thank the gentleman for his contribution. I am sure he would join me in offering our congratulations on a job well done to General Meyer, and our heartfelt wishes for a successful career as a relatively young man as he leaves the Army to take up other tasks.

□ 1840

Mr. Speaker, I know a number of our colleagues were interested in participating in this special order, but there is good and sufficient reason why they are not in the Chamber this evening. I would have to say that the man we honor tonight I think would well understand the purpose for their absence this evening. He would applaud their efforts at enjoying the sunshine and the fresh air and engaging in healthful exercise in Alexandria, Va., tonight; so I am sure he would understand.

● Mr. SKELTON. Mr. Speaker, I want to thank the gentleman from Pennsylvania for setting aside this time so that we might speak in honor of the career of Gen. Edward Charles Meyer. General Meyer has just completed a most illustrious military career: Company commander and battalion staff officer in Korea; deputy brigade commander, battalion commander, brigade commander, and division chief of staff in Vietnam; Joint Staff officer, fellow at the Brookings Institution, assistant division commander of the 82d Airborne Division, Deputy Commandant of the Army War College, commanding general of the 3d Infantry Division in Germany, deputy chief of staff for operations and plans, and, of course, Chief of Staff of the Army.

General Meyer's performance in all of these assignments was exemplary. However, his legacy far transcends his achievements in these various positions, for this man is one of the most innovative thinkers in recent U.S. military history. The initiatives which he undertook as Chief of Staff of the Army will influence the shape of our Army, its doctrine and tactics, for decades to come. His contribution to our defense, posture and the readiness of our forces has been immeasurable.

As Chief of Staff of the Army during the period June 1979 to June 1983, General Meyer led an Army in transition. He presided over the largest modernization effort in U.S. Army history as our forces began to replace Vietnam-era equipment with equipment that incorporates the technology of the 1980's. General Meyer oversaw this vital modernization effort with the goal of giving our forces the most increased capability possible within strict cost guidelines. He was succeeded admirably.

Recognizing that a major problem for U.S. Armed Forces was the lack of heavy lift capability, and that this problem was not susceptible to a quick fix, General Meyer established a high technology light infantry division with increased mobility, yet with the same capacity to sustain itself in combat as the more traditionally organized and equipped units.

To improve readiness and reduce training costs, General Meyer instituted a unit cohesion program, known as COHORT. Just underway, this commendable effort will reduce personnel turnover in Army units, and increase teamwork and esprit de corps. It is an adaptation of the highly successful British regimental system.

Serving as the Army's representative on the Joint Chiefs of Staff, General Meyer recognized deficiencies in our military command structure. His thought-provoking article which appeared in the April 1982 Armed Forces Journal offered a bold, far-reaching solution to the problems created by the dual hatting of the service chiefs. His proposal remains a blueprint for reform in this critical area.

Gen. Edward C. Meyer was a military leader with a broad, national perspective. His recent comments on Central America demonstrate that he realizes that military policy and strategy cannot be made in a vacuum. He has a keen understanding of the fact that these matters ultimately depend on the support and consent of the people of our Nation.

Mr. Speaker, our Nation will miss the leadership of Gen. Edward C. Meyer. We all wish him well in his future endeavors, and we know he will continue to serve his Nation, in whatever capacity he chooses. I sincerely hope that he will continue to make his expertise available to those of us in Government who have come to respect him so highly.●

● Mr. MONTGOMERY. Mr. Speaker, I am happy to join with my colleagues in this tribute to Gen. Edward Meyer, who has recently retired as U.S. Army Chief of Staff.

He has given this country 31 years of service and leadership, including the last 3 years as head of the Army. As a member of the Armed Services Committee, I had occasion to work closely with General Meyer. I found him to be very capable and I can say that it was a pleasure to be associated with him.

He has helped the Army turn the corner and I think the U.S. Army is a stronger and better Army today. General Meyer's guidance and leadership has been a great factor in this improvement.

I want to extend my appreciation and congratulations to General Meyer for an outstanding career in service to our Nation and I wish the best for him in the future.●

● Mr. COURTER. Mr. Speaker, after over 31 years of unsurpassed dedication and hard work, Gen. Edward Charles Meyer has decided to retire from active duty in the U.S. Armed Forces. General Meyer's career concludes with the completion of a 3-year stint as the Chief of Staff of the U.S. Army.

Throughout his long and illustrious career, General Meyer served as a prime example of patriotism and selfless devotion to one's country. His keen perception and outstanding leadership abilities were recognized early in his career. These rare qualities were never more evident than when he bravely served his country during the conflict in Vietnam. As a leader on the field of battle, I am told that he never failed to inspire courage in his soldiers.

Following his tenure as a Federal executive fellow in the Brookings Institute, he was appointed the Assistant Division Commander of the prestigious 82d Airborne Division in Fort Bragg, N.C. After several other appointments, he was named the commanding general of the 3d Infantry Division of the U.S. Army in Europe.

Individuals such as General Meyer are this Nation's greatest resource; indeed, all Americans owe him a deep debt of gratitude for his many years of service to his country. I know his family and friends would like to join us here today in extending to him our deepest thanks and appreciation and to wish him many years of health and happiness.●

● Mr. WHITEHURST. Mr. Speaker, I am pleased to join my colleagues in saluting Gen. "Shy" Meyer on the occasion of his retirement from the U.S. Army after over a generation of dedicated service to our country.

As a member of the Armed Services Committee, I first became acquainted with General Meyer when he was appointed Army Chief of Staff 3 years ago. What has impressed me about his tenure has been his efforts to bring innovation and new initiatives to our Army. In concert with the splendid leadership of John Marsh as Secretary of the Army, General Meyer has raised both the standards of excellence and the morale of the U.S. Army to their highest levels in my 15 years of congressional service.

General Meyer has never been afraid to break out of the mould. To his credit are the experiment with the High Technology Light Division at Fort Lewis, Wash.; the development of more realistic and effective combat training at Fort Irwin, Calif.; and an invigorated program of instruction at

the Command School at Fort Leavenworth, Kans.

Finally, future generations will not only come to appreciate these achievements but will surely applaud General Meyer for his far-reaching recommendations with respect to the reform of the Joint Chiefs.

All of us hope that American arms are not put to the ultimate test, but if they should be, and we are successful, a great debt will be owed General Meyer for the new standards of excellence he has established for our Army. I realize that General Meyer's term as Chief of Staff has ended, and I am frank to say that his departure leaves a void that will not be easily filled.

I join all of my colleagues in expressing heartfelt gratitude for his devotion to our Nation's defense, and in wishing for him and his family many years of good health and happiness.●

● Mr. CARPER. Mr. Speaker, Navy men are not in the habit of heaping fulsome praise on our counterparts in the U.S. Army. Today, however, this Navy man feels privileged to salute a retired Army officer who served his country with courage and distinction for over three decades.

This country owes an enormous debt of gratitude to Gen. Eugene "Shy" Meyer. Indeed, we are fortunate that leaders of his caliber are willing to devote their careers to military service.

General Meyer not only fought bravely in two wars, he guided the Army through one of the most difficult periods in its history. At a time of turmoil and disarray, General Meyer infused the military with a much-needed sense of purpose and esprit de corps.

The policies and doctrines that General Meyer instituted have done much to enhance our military readiness. And perhaps more than any single individual in my lifetime, General Meyer is responsible for restoring both the sense of pride and esteem with which Americans have traditionally viewed the military and the pride and esteem with which members of the Army view themselves and their colleagues.

Mr. Speaker, it has been an honor for this Navy man from Delaware to pay tribute to this Army man from Pennsylvania.●

● Mr. ADDABBO. Mr. Speaker, I rise today to give a heartfelt thanks and to wish a good life in retirement to a most deserving gentleman, Gen. Edward C. Meyer.

General Meyer led an honorable and distinguished military career which culminated in his being selected in 1979 as the youngest Army Chief of Staff ever. Under General Meyer's tenure, the Army reversed almost a decade of deterioration in which both Army readiness and equipment greatly suffered.

Through his outstanding leadership, the Army has made great strides in overcoming the critical shortages in personnel experienced in the late 1970's. Additionally, modernization of the Army is proceeding with the introduction of new equipment such as the M-1 tank, Bradley fighting vehicle, and the Blackhawk helicopter, to name a few.

The country owes a great debt of gratitude to General Meyer which we can never hope to fully repay. His knowledge, experience, and dedication will be sorely missed. I sincerely hope that we will continue to benefit from General Meyer's counsel and that he will not as some earlier distinguished soldier suggested, just fade away.●

● Mr. PANETTA. Mr. Speaker, I would like to thank the distinguished Member from Pennsylvania, Mr. WILLIAM CLINGER, for holding today's special tribute in honor of a true American hero, Gen. Edward Charles Meyer.

Having just completed 3 years as the U.S. Army Chief of Staff, General Meyer's retirement brings to conclusion a truly outstanding military career which spanned more than 30 years. Such a selfless commitment to our Nation stands out as an example for all Americans to aspire, and it will be difficult indeed to follow in his stead with the competence and leadership that exemplified his tenure.

A recent Washington Post interview regarding unrest in Central America appropriately described General Meyer as "a general asking the nation to look before it leaps, not as a commander spoiling for a fight." It is, quite frankly, precisely this kind of pragmatism and foresight that will be sorely missed with General Meyer's retirement.

I know all Members of this body join me in wishing General Meyer the greatest success and happiness in the future, and hope as well that we will continue to benefit from his wisdom, his experience, and his guidance.

Thank you again for allowing me this opportunity to share in this special day of honor.●

GENERAL LEAVE

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of this special order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE CRISIS IN DRUG LAW ENFORCEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HUGHES) is recognized for 60 minutes.

Mr. HUGHES. Mr. Speaker, last month, one of the Nation's most experienced narcotics investigators, Maj. Nick Navarro, chief of the sheriff's organized crime unit in Broward County, Fla., told the House Subcommittee on Crime that since the establishment of the South Florida Task Force headed by Vice President BUSH, there has been a significant drop in violent crime in south Florida. Under the strong hand of the Vice President, there has been a tremendous increase in cooperation among the various Federal and State law enforcement agencies.

In October 1979, the Comptroller General sent to Congress a comprehensive report on the failure of the United States to control the flourishing drug trade. The Comptroller General stressed:

> If any improvement is to be made in coordinating Federal drug control efforts, someone is needed who has a clear delegation of authority from the President to monitor activities and demand corrective action.

On June 13, the Comptroller General sent another report to Congress. That report shows that there is a crisis in drug law enforcement. The Comptroller General found that this administration lacks a definitive strategy. He found that more and more agencies and structures are getting involved in drug enforcement, but that instead of any central control, there are now five groups that are supposed to be in charge.

While the administration has experimented with limited centralized law enforcement control such as the success of the Vice President in south Florida, there remains chaos throughout our national law enforcement community.

What are the results of this chaos? Today there is more heroin available, of higher purity and at a lower price than at any time since 1977. Right now there is more cocaine available than at any time since the drug was isolated from coca leaves in the 19th century. There is more cocaine available today than when cocaine was a legal drug 80 years ago.

Today, despite many recordbreaking seizures, and thousands of raids, imported and domestic marihuana is readily available and cheap.

Today, thousands of doses of amphetamines, depressants and sedatives are being illegally bought and sold, all of which is sending thousands of people to the hospitals, to the drug clinics, and to their graves.

Mr. Speaker, we must have strong and coherent direction in drug enforcement. For how many years will we wait before we get control in this area? How many more lives will wither at the end of a needle while the bu-

reaucrats maneuver to protect or expand their jurisdiction?

Just yesterday I introduced a bill that creates a Cabinet-level Director of Drug Abuse Policy. This person will be the equal of the other Cabinet officers, and will have one responsibility, the fight against drug abuse.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield?

Mr. HUGHES. I yield to the distinguished gentleman from New York.

Mr. BIAGGI. Mr. Speaker, I thank the gentleman for yielding and I want to commend the gentleman for taking out this special order.

Clearly, we are dealing with a subject that has come to be, unfortunately, regarded as part of the American way of life. It is a given, drug addiction and drug commerce. Notwithstanding the efforts of government and law enforcement personnel who are out in the vineyards working day after day, year after year, effecting arrests, exposing themselves to the peril of their occupation, the traffic continues.

I can tell you as a former police officer for some 23 years in my experience, not simply with the police department of the city of New York, but with law enforcement personnel and agencies throughout the country, that there was a rivalry, a rivalry that rebounded to the disadvantage of the taxpayer who spends his dollar, who paid his dollar so that he could have proper and effective law enforcement to the community that expected the law enforcement personnel to work effectively and ultimately to society for the impact that drug traffic produced.

This rivalry has gone on. Each agency in its own way really was out there doing a job, but it is one thing to have a pleasant rivalry as you might have in college football, but you cannot afford that luxury when it comes to fighting the plague of drug addiction, because it is a plague, it is endemic and it is a situation that must be confronted and must be dealt with. That is what those of us who are in the field working all these many years were confronted with, the frustration, a sense of hopelessness, a question of whether or not we surrender to this assault, if you will, of the international commerce of drugs.

So that when the task forces, I think there were 12, were organized, it gave us some heart. I spoke to Detective Navarro of Broward County on a number of occasions in our efforts to fight the invasion, if you will, of drugs in the Southeastern part of our Nation.

Clearly, he shared the same frustrations that most law enforcement personnel did; but the presence of the 12 task forces is salutory, no question about it. They are doing a job, and will continue to do it, and the longer they remain and the better they are financed with staff and technological equipment, the more productive they will be. Production is measured in this sense by apprehension. I am not so sure about prevention, but at least apprehension, because what has developed over the years is that this form of business is the most inviting form of public enterprise known to man.

A classic illustration was found in the commerce of marihuana down in the Southeastern part of our Nation. When I served as chairman of the Coast Guard committee, we held hearings in that area; but before we held the hearings, we held hearings in Washington, and we determined that the Coast Guard had not recognized the drug problem as its responsibility. They did not recognize that the drug problem was a mission that had to be addressed.

I remember then-Commandant Filer and his aide, who stated very clearly that they were focusing on SAR, search and rescue. They did not believe that that was their mission, drug interdiction. We told them very clearly that the law of the land is there and their responsibility is to enforce the law wherever they see it violated and certainly the smuggling of this contraband was in violation of the U.S. law.

Well, with reluctance they embarked on this program. It is remarkable. The results were astounding. At first they did not believe that the Coast Guardsmen would be interested. As it developed, it was probably the most stimulating mission in the service. It produced great morale. It was a tremendous morale booster. People were in pursuit of wrongdoers.

At the time they had taken the initial position, I think the previous year they confiscated one vessel and 40,000 pounds of marihuana. In 4 years as a result of the committee insistence, and people should know that the Congress was responsible for it, in 4 years they went from 1 vessel to 168 vessels, from 40,000 pounds to 4 million pounds.

It kind of put a crimp in the market in a way. At least it made it more difficult for those people who trafficked in that contraband to continue to function.

We did something even further, again as the result of a hearing in Florida. People say, "What are these hearings worth? What are they? They are junkets. They are sojourns," or whatever, generally attempting to denigrate the action and service and conduct of the Congress.

We learned that there was a loophole in the law, that unless they could prove intent to bring that contraband into the country, there was no way the U.S. attorney could hold them and it was really turnstile justice.

□ 1850

The Coast Guard would effect the arrests, bring them in to the U.S. attorney's office. The contraband would be destroyed in incinerators. But they did not have a case.

The U.S. Government would then ship the foreign nationals back to their home of origin at our expense and release the American nationals there with very little prosecution.

We discovered there was a loophole there and we created some rebuttable presumptions and I introduced legislation. I know the gentleman from New Jersey (Mr. HUGHES) was a cosponsor and a strong advocate of that legislation. We closed that loophole and we went from a 12 percent conviction rate to about a 90-percent conviction rate. It was not as free a flow of traffic or as free a business as it had been, and it is remarkable that that is what it took.

The point I am making is yes, Congress did respond to that point but why should there not have been some agency or some central control, as the gentleman advocates, to be able to review this process and review this procedure that had been going on for years had say "Well, what is wrong here? Let's find a method, a resolution, or solution to the problem."

Happily we found it in a hearing, but really it should have been found in an administrative position long before we got into it.

Mr. HUGHES. Let me say to my colleague that he has not mentioned the fact that the gentleman from New York was the leader, first of all, in the efforts to get the Coast Guard more deeply involved in the drug enforcement mission.

The gentleman was chairman of the Coast Guard Subcommittee at the point if my recollection serves me correctly and was primarily responsible for getting legislation through.

But the difficulty, once again, was the response that we often got back that "We have not done it this way."

We saw the same problem, as the gentleman may recall, when we suggested that we should modify the posse comitatus law to permit the sharing of intelligence information collected by the military as the Navy planes overfly the Caribbean in particular, but other areas of the country, to share that intelligence information with the law enforcement community where it was relevant to a law enforcement mission, and to share equipment when that was available and not necessary for a military mission.

The gentleman remembers the response by the Department of Defense at the time was that is not their mission.

Mr. BIAGGI. If the gentleman will yield, I remember it only too well. We were frustrated, and the gentleman is right.

It is that state of inertia, that status quo that this is the way we have done it, this is the way it is being done.

Well, obviously it is not working. It has not been working and to have all of that technology that could be so helpful in a coordinate effort available and not being used, it was shameful, shameful.

Happily we have overcome that.

Mr. HUGHES. I might say to my colleague that we will have an oversight hearing tomorrow on the operation of the posse comitatus law. The Department of Defense has been extremely cooperative and it has produced dramatic results.

If we had to point to one single thing that we have done in the last perhaps 18 months to 2 years in the area of drug enforcement, I would say that that is one modification that we effected that produced tremendous results.

Mr. BIAGGI. There is no question that it is most essential.

Mr. HUGHES. We had to overcome the built-in inertia, the suggestions that we did not do it that way, that that is not our mission, you know, the old battle that has been part and parcel of the way we have been doing business around here for years that unfortunately prevents us from maximizing our efforts.

The gentleman is absolutely correct and right on target.

Mr. BIAGGI. If the gentleman will continue to yield I will close with these few comments. Clearly anyone, anyone, and it is not necessary to be in law enforcement, any managerial individual, any executive will recognize that when you have different agencies and a number of task forces with a single objective you need central control to maximize the effectiveness of the entire undertaking.

Clearly the gentleman's suggestion, which is translated by virtue of the bill he has introduced to establish a Cabinet-level position to deal with this, is on the right track.

It is as important as any other Cabinet position in the administration because you are talking about an epidemic. You are talking about the threat to hundreds of thousands of Americans who become addicted and through them the hundreds of thousands who are the victims of those drug addicts who go out and prey upon the innocent in order to support that habit.

So, I commend the gentleman. But it surprises me, not because the gentleman has been one of the most thoughtful Members and serious Members of the House, and has committed himself in this area.

I am just delighted he has introduced this legislation and I am hopeful the administration will respond in an affirmative fashion which would be consistent with their whole initiative in the drug effort.

I thank the gentleman.

Mr. HUGHES. I thank the gentleman.

We are indeed fortunate to have the contributions the gentleman makes. He brings to the Congress, as he has indicated, over two decades of distinguished service as a police officer in New York City, and he brings a great deal of expertise in addition to his constituency, which he has in his congressional district.

The law enforcement community is indeed fortunate to have someone like the gentleman to advance the interests of law enforcement throughout the country. So I thank the gentleman for participating.

As I indicated, the Director of Drug Abuse Policy is charged with setting the policies, priorities, and objectives of all the agencies involved in drug enforcement and drug abuse, and evaluating their performance in meeting those objectives. He or she shall recommend changes to the President regarding the allocation of personnel to and within the agencies as the Director determines is appropriate to carry out the policies he or she has established.

The Director will have clear authority to coordinate and oversee the performance of drug abuse functions by all of the Federal agencies, and to make recommendations to the President for the necessary changes in organization, management, and budgets of such agencies in order to carry out a national strategy. One of the principal powers of the Director of Drug Abuse Policy will be to review the annual budgets submitted to the Office of Management and Budget for the drug abuse functions of the various departments, and to make recommendations to the President concerning these budgets before they are finalized and submitted to Congress.

The need for such a director has been clear for a long time. Unfortunately the administration has told us that they do not need such a position. But the ludicrous nature of the administration's position was tellingly revealed last month in an exchange between the distinguished chairman of the Select Committee on Narcotics Abuse and Control, the gentleman from New York (Mr. RANGEL), and the Assistant Secretary of State for International Narcotics Matters, Mr. Dominic DiCarlo, "Who is in charge of the Administration's drug efforts?" asked Mr. RANGEL. "The President," replied Mr. DiCarlo. The sad truth is that Mr. DiCarlo is right. But given the enormous number of highly complex respsonsibilities shouldered by the President, it is simply impossible for him to personally direct and review the drug enforcement activities of the Justice Department, the Treasury Department, the Department of Transportation, the Department of Defense, the Central Intelligence Agency, the Department of State, and the Department of Health and Human Services, which are all deeply involved in the myriad aspects of this problem.

Mr. Speaker, last December this House, and the other body, sent to the President the most comprehensive crime fighting legislation in a dozen years. But the President vetoed that bill, which reflected 2 years of hard work on a bipartisan basis, because one provision created a wholly new office of National and International Drug Operations and Policy, called NIDOP for short. There were some problems with that approach, but we could have worked them out. The distinguished gentleman from Florida (Mr. SHAW) has introduced an improved version of the NIDOP approach, H.R. 3326.

The approach that I am taking today is different. I am proposing that we take the existing law, and the position that already exists in the White House, and give it the authority, the responsibility, and the rank to give to the President a strong right hand in drug enforcement. This position will be able to pull together the many agencies now operating in haphazard, ad hoc working groups and at cross purposes. My proposal gives to the person now charged with developing the national strategy for drug enforcement and drug abuse prevention the responsibility to see that the strategy is carried out.

The crime bill of the 97th Congress which created the new NIDOP position was vetoed because the mid-level bureaucrats persuaded the President that it would have established a separate drug czar and an additional level of bureaucracy. The bill I am introducing today will allow us to cut through the many levels of bureaucracy that have built up over the years.

Vice President BUSH has proven that we need a drug czar, that it works, and that the General Accounting Office has been right. Now that we are getting the resources to engage in a meaningful fight against drug traffickers, we need a general who can direct the troops and achieve results.

● Mr. ANDERSON. Mr. Speaker, I commend the bipartisan spirit of our colleagues, Congressmen WILLIAM HUGHES, CLAY SHAW, Jr., LAWRENCE SMITH, and HAROLD SAWYER, for requesting this special order on drug enforcement. Their leadership and inexorable commitment to eradicating the massive influx of illicit substances into the United States have contributed significantly to the appreciable progress that has been made on this front in the war against crime.

Regrettably, however, many of those who are engaged in illicit drug activities, particularly narcotics traffickers, often have more sophisiticated equipment at their disposal than do our

local, State, and Federal officials spearheading drug interdiction efforts. As an example of this degree of sophistication, during a rare cocaine bust which was made June 24, 1982, in Los Angeles, 2 kilograms of cocaine were seized along with an Apple Computer. Computers are used by drug pushers to keep records of the areas or regions they feed; drug transactions and the status of accounts; and the volume of drugs handled during a given period. Also, U.S. Coast Guard officials have emphasized in discussions with me that drug traffickers frequently possess much faster and more nimble vessels to support their clandestine activities than the Coast Guard has to prevent those activities and to make apprehensions.

Recently the U.S. Government opened a regional drug interdiction office in Long Beach, as part of a new National Narcotics Border Interdiction System under the direction of the Vice President. The Long Beach regional office constitutes one of six such offices now operational and is part of an expanded effort to arrest the flow of illicit substances into the United States. This nationwide approach is an outgrowth of a pilot program begun in southern Florida. Although it has been hailed by the administration as contributing significantly to a recorded increase in narcotics seizures there, one notable adverse effect of the program was that drug traffickers began shifting their operations to the west coast. This is one fact to which I sought to alert the administration's attention and apparently contributed to the National Narcotics Border Interdiction System's recognition of the need for a regional center in Long Beach.

It is still far too early to predict what the success will be of the revised approach to this thorn in America's breast. Yet in the wake of a recent General Accounting Office report urging that the President "make a clear delegation of responsibility to one individual to oversee Federal drug enforcement programs," a shadow of doubt surrounds assertions that the Vice President will be able to devote as much time as must necessarily be required to effectively coordinate any comprehensive effort against the spread of illicit drugs.

Mr. Speaker, if the National Narcotics Border Interdiction System, as presently conceived, is unable to satisfy the expectations of our citizenry, then the Congress should again consider the type of legislation we passed during the 97th Congress which would insure such an effective and comprehensive effort toward the eventual eradication of a burgeoning narcotics subculture.●

● Mr. SHAW. Mr. Speaker, I subscribe to the idea that experience is the best teacher. If something works, then by all means repeat it. In south Florida we learned from experience that the best approach to solving the drug problem in this country is to turn the lions loose. In order to make even the smallest dent in this massive problem, we must secure the commitment of all Federal resources. The local law enforcement community deserves our thanks, for they have done a fine job, but the job has exceeded their resources. The Government should not be expected to solve a national problem. We, in south Florida, have been fortunate enough to receive a commitment to fight drug smuggling by the Federal Government in the form of the South Florida Task Force Against Crime. This administration recognized what many have said all along, the drug trafficking problem in south Florida is a national problem, not a local one. Florida has 8,000 miles of shoreline and as many as 200 deserted airstrips, thus making it an easy port of entry for those smuggling drugs from South America or the Caribbean. In order to halt the insideous flow of illegal drugs into this country through Florida, we need the help of the Federal Government and all of its resources.

We learned a valuable lesson from this task force. We can win this war on drugs that threatens the very future of this country. But, it takes the leadership of an individual with all the resources of the Federal Government at his/her command. The South Florida Task Force is a model for the rest of the country.

Armed with the equipment and personnel of the FBI, DEA, BAFT, Customs, Coast Guard, the military, and under the able leadership of the Vice President, the task force has achieved spectacular results. Extending this model to the rest of the country will undoubtedly lead to a reduction of the availability of illegal drugs in all areas of our country.

We have known for many years that one of the biggest obstacles to overcome in this war on drugs is the lack of a unified, coordinated plan of action with one central point of control. To put it simply, the left hand has for too long not known what the right hand is doing. This confusion is really understandable, as there are many agencies charged with the responsibilities of enforcing our drug laws and no one calling the shots. Agencies find themselves duplicating activities, while letting others fall through the cracks assuming that the work will be done elsewhere. This will simply not do. In order to institute an effective strategy, we must cut through any lingering turf battles between agencies and clearly define their roles. I have introduced a bill that will do just that.

H.R. 3326 will establish an Office of the Director of National and International Drug Operations and Policy. The President is directed to appoint either the Vice President or a Member of his Cabinet to serve as Director of this office. The Director will have the responsibility to develop, review, implement and enforce the U.S. policy with respect to illegal drugs.

An important point has to be made about this bill. The legislation clearly states that the Director will carry out his/her duties with the concurrence of the head of the agency involved. Last year, during the closing days of the 97th Congress, we discussed a bill that set up an office to coordinate drug problems. One criticism of the bill was that it set up a new office, located in the hierarchy of the Government below the Cabinet that would direct the drug enforcement activities of all Cabinet departments. Many had difficulties visualizing a subcabinet level office directing Cabinet-level officials. To be quite honest, I understand the problems with this approach. My bill addresses the concerns raised by the administration. The most vital component of any office of drug policy which may be instituted is the status of the Director. It is imperative that the Director of this office have cabinet status.

Mr. Speaker, I feel confident that we can rid this country of the ever increasing menace of illegal drugs, but it will take the firm commitment of every available resource. I applaud the efforts of this administration, they have done much good work in this area, although there is still work to be done. The South Florida Task Force was the first step. The recently announced regional task forces working in concert with the newly established broader interdiction teams will be a great deterrent to the trafficking of narcotics. Appointing a high ranking official to coordinate all of these operations would certainly complete the puzzle. Mr. Speaker, I urge all Members of this body to carefully consider this proposal.●

● Mr. GILMAN. Mr. Speaker, I commend the distinguished chairman of the Judiciary Committee's Subcommittee on Crime, the gentleman from New Jersey (Mr. HUGHES), the distinguished ranking minority member of the Crime Subcommittee, the gentleman from Michigan (Mr. SAWYER), and the gentlemen from Florida (Mr. SHAW and Mr. SMITH), for taking this special order on H.R. 3664, revising the authority of the Office of Drug Abuse Policy. As the ranking minority member of the Narcotics Select Committee, which is chaired by the distinguished gentleman from New York (Mr. RANGEL), I am pleased to cosponser this measure and to once again support a similar initiative that unfortunately was vetoed by the President during the closing days of the last Congress.

H.R. 3664 provides for the appointment of a Cabinet-level Director for the Office of Drug Abuse Policy—a Director who would: First, establish policies, objectives and priorities for the Federal effort to control the traffic and abuse of illicit drugs; second, coordinate and oversee the performance of our Federal drug agencies; third, recommend to the President certain organizational, managerial, and budgetary changes for implementing our Federal drug prevention and control programs; and fourth, consult with State and local governments regarding their relations with the Federal drug agencies.

Mr. Speaker, this legislative proposal comes at a time when drug trafficking and drug abuse have reached epidemic proportions throughout the world, when drug trafficking just in our Nation alone represents a $90 billion business activity, when drug law enforcement officials report seizures of marihuana, heroin, and other dangerous drugs by the planeload or the boatload, when hospital emergency rooms report increased numbers of our citizens succumbing to drug overdose, and when approximately 500,000 of our citizens have become drug addicts.

This legislative proposal also comes at a time when the President has created the South Florida Crime Task Force, headed by our Vice President, a dozen organized crime drug enforcement task forces, orchestrated, I believe, by the Associate Attorney General, and the National Narcotics Border Interdiction System (NNBIS), also headed by our Vice President, that is responsible for seaborne, airborne, and cross-border narcotics interdiction. There is also a Cabinet Council on Legal Policy, headed by the Attorney General, and the Council's Working Group on Drug Supply Reduction. A Coordinating Board for NNBIS is headed by Adm. Daniel Murphy, the Vice President's Chief of Staff, who also chairs the Working Group of the South Florida Crime Task Force. A Drug Task Force Program Administrator serves as Executive Director of the Working Group on Organized Crime. There is also a Cabinet Council on Human Resources chaired by the Secretary of Health and Human Resources and the Council's Working Group on the Health Aspects of Drug Abuse, chaired by Dr. Carlton Turner, Director of the White House Drug Abuse Policy Office. The apparently defunct Strategy Council, which is responsible for formulating our overall Federal drug strategy, is still on the statute books.

Mr. Speaker, there is an obvious need for coordinating this fragmented Federal drug effort that consists of a plethora of departments, agencies, bureaus, administrations, councils, task forces, and working groups. Who is in charge of formulating and implementing a comprehensive, coordinated Federal drug strategy? Who is coordinating our drug trafficking and drug prevention programs with State and local law enforcement and health officials?

Given the magnitude of the drug problem and the fragmented Federal effort to prevent drug trafficking and drug abuse, we need a central authority that has the stature and the accessibility to the President to pull these disparate agencies and programs together and to formulate, implement, coordinate, and prioritize our Federal drug effort. Although some critize the co..cept of a drug czar, I support a proposal that would place responsibility and authority for directing our war on drugs in one individual. Accordingly, Mr. Speaker, I urge my colleagues to join this effort to help bring order out of a widespread bureaucratic effort to prevent and control drug abuse both in our Nation and abroad.●

● Mr. DWYER. Mr. Speaker, the need for a coordinated strategy to fight illegal drug trafficking has never been clearer, as the drug problem continues to afflict all sectors of American society.

Efforts are being waged to combat drug smuggling and crack down on offenders. These efforts have met with a great deal of success and should be strengthened.

The subcommittee appropriating funds for the Justice Department on which I serve has recommended an historic $1 billion budget for the Federal Bureau of Investigation. The Appropriations Committee has also recommended funding for 12 new regional drug task forces in addition to the South Florida Task Force to cover the entire United States.

As we all know, the drug problem is worsened and fueled by the influence and participation of organized crime, and the top priority of these task forces is the disruption of the distribution and sales networks set up by these criminal drug-trafficking enterprises throughout the Nation.

These various efforts have already made major advances in our fight against drugs. The law enforcement community deserves our continued and strong commitment matched by a level of support that will allow its investigators and prosecutors to increase their antidrug activities.

I want to thank my colleagues on the House Subcommittee on Crime, and its chairman, my distinguished colleague from New Jersey, Mr. HUGHES, for calling this special order, affording members an opportunity to focus once again on the drug problem, a problem that is too serious and far reaching to be denied a coordinated strategy to combat it.●

● Mr. SMITH of Florida. Mr. Speaker, I want to thank the gentleman from New Jersey (Mr. HUGHES) for taking this special order to discuss the need for strong coordination of our antidrug activities.

When I served as chairman of the House criminal justice committee in the Florida legislature, I worked to help enact tough anticrime legislation to deal with the increase in criminal activity in a large part attributable to drug trafficking. Now, as a Congressman in a position to do more, I am becoming frustrated by the lack of centralized leadership in this area.

I view this problem from what may be a unique situation. I serve on the three committees that have responsibility for antidrug legislation. The Select Committee on Narcotics Abuse and Control reviews the Federal antinarcotics policy and recommends legislation to insure that a coordinated antidrug strategy receives congressional support and funding. The Subcommittee on International Operations of the Foreign Affairs Committee oversees international narcotics management operations, such as the destruction of drugs at their source and crop substitution. Finally, the Judiciary Committee—and especially the Crime Subcommittee on which I have the privilege to serve with the gentleman from New Jersey, a man whom I admire for his dedication—oversees domestic antidrug programs and drafts more severe criminal penalties for drug traffickers and pushers.

In the first 6 months of the 97th Congress, I have attended scores of hearings on Federal antidrug activities. These efforts have three major components: eradication of the drugs at the country of source; interdiction of the drugs before they reach this country; and domestic law enforcement programs to deal with the dealers and the effects of drugs on the populace. In listening to and questioning the various officials with responsibility for one segment of this effort or another, I have been particularly frustrated by the Rube Goldberg apparatus that supposedly is coordinating these important functions, even though the dedication of the agents and support personnel is very high.

I urge my colleagues to read the GAO report of June 13, entitled "Federal Drug Interdiction Efforts Need Strong Central Oversight." The report contains a great deal of information on our drug war. For those who do not serve on these committees, the report should make for disturbing reading. Consider for a moment the following:

Federal funds for drug interdiction have tripled over the level in 1977, but funds for international drug activities and domestic law enforcement have remained relatively constant.

Only 16 percent of imported marihuana and 10 percent of heroin, cocaine, and other dangerous drugs have been seized as a result of Federal ef-

forts. At the same time, however, street prices for drugs are dropping.

Ninety-five percent of those arrested in interdiction cases are low level violators, and they spend less than a year in jail.

Fragmentation of the Federal efforts limit their effectiveness. Budgets are developed separately. The goals and policies of the various agencies are not necessarily symmetrical. In addition, this administration has seen fit to request lower budget authority in many cases than in previous years.

The GAO recommends that the President (1) develop a more definitive drug strategy that stipulates the roles of the various agencies and (2) clearly deliniate to one individual responsibility for Federal drug enforcement programs.

It is interesting to note that the GAO report tends to support the omnibus crime bill that the Congress approved in 1982 but that the President pocket vetoed. I am convinced that we must improve the present situation and, therefore, am cosponsoring the gentleman from New Jersey's bill to upgrade the Office of Drug Abuse Policy in the White House.

I have nothing against the present office or its director. But, he does not now possess the requisite authority within the administration to insure proper coordination of all Federal antidrug efforts. Let us face facts: Even if Dr. Turner believes that the State Department should devote additional funds to international eradictation efforts, I doubt that he could get Secretary Shultz to put additional funds into the budget or to instruct our ambassadors to place greater emphasis on local efforts. I also doubt that Secretary Dole or the Attorney General would permit Dr. Turner to dictate their budgets or determine their policy priorities.

Unless we improve coordination, we will not be able to make any perceivable reduction in the amount of drugs that come into the country. I submit that the present interagency efforts are too cumbersome to make a perceivable impact on drug trafficking. Government by commission may work for less important problems, but it obviously does not work in the antidrug field.

Because of the multifaceted nature of the drug problem, our solutions also must be multidimentional. An effective antidrug policy must include a strong program to eliminate the sources of drugs, increased interdiction offshore, the capturing and punishment of top-level drug dealers, and rehabilitation for drug abusers. Unfortunately, current efforts nationwide are lacking and lagging in these areas.

The South Florida Task Force shows what could happen when a single powerful individual has the authority and power to coordinate properly a multiagency antidrug operation. That is what we need on a national basis. The country needs a powerful antidrug coordinator to handle this continuing problem. I am committed to doing everything possible to insure that our law enforcement officials have the necessary tools for this fight.●

● Mr. MINISH. Mr. Speaker, I rise in support of my colleagues in whatever effort is necessary to coordinate a drug enforcement program that works.

We are all aware of the success that efforts such as Operation Greenback has had on illegal drug importation in the regions of southern Florida. In the early stages of that operation, many indictments involving even many more defendants were filed. Numerous other investigations have been opened and multimillion dollars have been seized from the drug violators. But do not let those facts deceive you.

I have recently read a General Accounting Office report on the subject of Federal drug interdiction. The report indicates that while cooperation among the three agencies responsible for the effort is increasing, each agency has different programs, goals, and priorities. I am sure you can see where fragmentation such as this exists, inefficiency and interagency conflicts also exist.

Despite the success of Vice President BUSH's initiative with the South Florida Task Force operation, we still fail to impede a large percentage of the flow of drugs into this country.

GAO indicates that only 16 percent of the marijuana and less than 10 percent of heroin, cocaine, and other dangerous drugs are being seized by our present enforcement efforts. The Subcommittee on Banking Oversight and Renegotiation has held hearings under the Bank Secrecy Act to coordinate the efforts of the responsible agencies. As chairman of the subcommittee, I am happy to report that cooperation is occurring, but a great deal more must be done. We must get the drug problem under control. I intend to do whatever is necessary to accomplish that task and I ask my colleagues' support on the matter.●

● Mr. PARRIS. Mr. Speaker, as a member of the Select Committee on Narcotics Abuse and Control, I appreciate this opportunity to discuss the need for a comprehensive, centralized approach to enforcement of Federal laws against drug abuse and drug trafficking.

Where a highly visible, highly prestigious official or task force has been brought to bear on the problem of drug trafficking, the results can be inspiring to those of us who cherish the hope that we can eliminate the plague of drug abuse from our Nation. Vice President BUSH's South Florida Task Force has markedly reduced the crime rate in that part of the country. The Vice President's task force is an example of the success which can be achieved when a strong central figure with access to the President provides the leadership necessary to coordinate the myriad, multiagency efforts in the field of drug enforcement.

In my congressional district, the Secretary of the Interior has announced an escalated enforcement effort on the George Washington Memorial Parkway, when trafficking there increased dramatically in response to stepped-up efforts elsewhere in the Metropolitan Washington area. The problem in my district was a microcosm of the overall national problem. There was a temporary crash effort in a nearby jurisdiction which apparently achieved some success, but in the absence of a coordinated effort across jurisdictional lines, the effort also moved the problem to another area under Federal jurisdiction, which was not prepared or equipped to handle the problem at the time.

The statistics reflect the current regional successes which we have enjoyed against drug trafficking. For instance, we have recently seen record-breaking seizures of multiton shipments of marihuana. The Vice President's task force is having a noticeable impact in south Florida. Bringing the FBI into the drug enforcement fight and the creation of 12 drug enforcement task forces are strong steps to attack the drug trafficking problem with a number of new and original approaches. But the statistics also show that the successes gained under these various crash programs can be fleeting. The quantities of drugs which are entering the United States are still increasing.

The increasing amounts of illegal substances entering this country indicate that we need a crash effort nationwide to make national statistics reflect the successes which have been achieved in some regions under a variety of programs and task forces. A centralized approach under one office is a possible solution which we must investigate. We all would like to see a sustained, coordinated drive against the problem. Jurisdictional and interagency rivalries must be set aside in the interest of cooperation.

The question is how best to achieve better coordination. Creating a new Office of National and International Drug Operations and Policy or revising the authority of the Office of Drug Abuse Police might provide the necessary leadership to coordinate our disparate national efforts against drug trafficking. However, if either of these approaches gives us just one more agency involved in drug enforcement, we will only compound the current problem. No matter what we say in the statute authorizing a new central office, if the leadership there is not effective, it could be perceived by the

other drug enforcement offices as just another agency on its own tangent. We must also be certain also that the primary mission of the central office is law enforcement. We cannot expect the office to concentrate Federal efforts if its own mission is diffuse. We must be certain that involving the new office in matters of health and prevention, while they are important concerns, does not detract from its mission of coordinating the various enforcement mechanisms.

The goal of encouraging cooperative Federal efforts to bring drug traffickers to justice is an important one for Congress to consider. Let us be certain, however, that the central office is one which will be able to lead and not issue confusing directives to other agencies which will consider it a rival.●

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RATES FOR U.S. ATTORNEYS AND ASSISTANT U.S. ATTORNEYS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 15 minutes.

● Mr. RODINO. Mr. Speaker, at the request of the Department of Justice, I am introducing a bill today that provides salaries for U.S. attorneys and assistant U.S. attorneys at rates which are comparable to the levels available for members of the Senior Executive Service.

Currently, there are 89 U.S. attorneys responsible for supervising the conduct of the litigation brought on behalf of the United States, and overseeing the operation of various size offices having attorney staffs ranging from 1 to over 50 or more assistant U.S. attorneys, plus support staffs of comparable proportions. Not included in that figure are the four U.S. attorneys whose salaries are set by statute at Executive Level IV. Additionally, there are approximately 256 supervisory assistant U.S. attorneys' positions in 64 U.S. attorneys' offices, who are called on to perform supervisory and administrative tasks in addition to maintaining a separate caseload.

Only 68 are "equivalent positions" within the definition of the Senior Executive Service and the incumbents of these positions receive responsibilities equivalent to Senior Executive Service personnel. However, at the request of the Attorney General, the supervisory assistant U.S. attorney positions have been exempted administratively from the Senior Executive Service by the President for an indefinite period of time, and are not compensated at a rate equivalent to Senior Executive Service personnel.

The Attorney General is presently authorized under 28 U.S.C. 548 to fix the salaries of U.S. attorneys, assistant U.S. attorneys, and attorneys appointed under 28 U.S.C. 543, at rates not to exceed the maximum rate under GS-18 of the General Schedule. This proposal amending 28 U.S.C. 548 would not alter the Attorney General's authority to fix compensation for these three classes of attorneys, but would change the rate of compensation from the ceiling under GS-18 to the ceiling under Executive Level IV. Under 5 U.S.C. 5382(b), the ceiling for the rate of basic pay for the Senior Executive Service is set at level IV of the Executive Schedule. Thus, the proposal amends 28 U.S.C. 548 to allow the Attorney General to fix salaries of U.S. attorneys, assistant U.S. attorneys, and attorneys appointed under 28 U.S.C. 543, at rates equivalent to those in the Senior Executive Service.

In all fairness to these individuals, who are not being compensated in similar fashion to their counterparts in the Senior Executive Service, the Department of Justice requested that the Attorney General be given the authority to recognize the service provided by these individuals in the form of salary comparable to other supervisory personnel in the Government's employ. The Department notes that the inequity of this pay disparity is further exacerbated by the increase in the pay scale for Senior Executive Service personnel pursuant to Public Law 97-377. The Department of Justice strongly supports the passage of this proposal.●

CHINESE TEXTILE NEGOTIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HIGHTOWER) is recognized for 15 minutes.

Mr. HIGHTOWER. Mr. Speaker, last week I joined several of my colleagues in sending a letter to the President regarding the United States-Chinese textile negotiations which are taking place this week in Geneva. This is the seventh round of such talks which are designed to settle the dispute over the importation of Chinese textile and apparel products by the United States. We asked that he personally intervene to insure that the talks go on as scheduled and that he do everything possible to insure that the problems are resolved.

The controversy between our two countries is the result of the expiration on December 31, 1982, of a bilateral agreement between the United States and Chinese Government on textile trade. In early January, the U.S. negotiating team left China without an agreement and unilaterally imposed quotas on the import of Chinese textiles into the United States. The Chinese were understandably upset with this development and proceeded to take unilateral action against certain agricultural and industrial products from the United States. Despite the fact that the United States is the leading advocate in the world for "free trade"; it seems that this advocacy does not hold true for the textile industry.

I realize that all are concerned about the rising cost of farm programs. Some economists have indicated that such rising costs are a result of mismanagement by the Department of Agriculture and a failure on their part to initiate timely, effective programs which could have resulted in reduced costs to the Government and U.S. taxpayers. Nevertheless, any additional export sales will reduce our surpluses and allow farmers to receive higher prices from the marketplace. Past a certain point, the higher our prices go, the less will be expended in the form of deficiency payments. Experts estimate that the lost sales of wheat to China thus far have cost our wheat producers a minimum of $500 million. One can only speculate how much in additional deficiency payments and forfeited crop loans will result from the lower market prices caused by the loss of such a large market.

During a time when much effort is being devoted to reducing our large surplus of grain, I strongly question the wisdom of engaging in purely political commitments which cost us dearly in the export market. We must not forget that there are two parts to the solution of our agricultural surplus problem. We should not address the supply management side of the equation, as we have done with the current acreage reduction programs, without also looking for improvements in the demand side of the equation. American wheat farmers will be forced to idle an additional 4 million acres to offset the lost wheat sales due to the mismanagement of the Chinese textile negotiations. Larger markets for our grain producers mean that a smaller number of acres will need to be idled in order to bring supply in line with demand. Increased exports also mean increased jobs at home, and a reduction in our trade deficit. Not only have our farmers lost an important market, but they have also lost the personal investment which they have expended to develop and expand the Chinese market. We cannot allow a situation such as this to continue which will offset many of the benefits derived from the PIK program.

Mr. Speaker, between 1979 and 1982, the Chinese have been the largest customer for U.S. wheat, buying over 8 million metric tons during the last 2 years of normal trade. These purchases have generated approximately $1.2 to $1.4 billion of income for our farmers and the U.S. economy. Many experts have remarked that this is only the tip of the iceberg and that

the potential of the Chinese market is mind boggling. Unless we correct the textile problem with our major wheat customer, we may not get the chance to benefit from this potential. The administration has stated that they would prefer to limit the growth in quota levels for textile imports to a rate well below the rate of growth in the U.S. domestic market. This seems to be a very contradictory move by an administration which has pledged such strong support of a free-trade philosophy. I would hate to think of the sales which would never have materialized for our farmers if many of our foreign customers had limited the import of our agricultural products to a level equal to the growth of their domestic agricultural industry.

Mr. Speaker, another very critical part of this trade issue is the potential threat of long-term market destruction. It seems that President Reagan would have learned an important lesson from the Russian grain embargo imposed by the previous administration. At one time we supplied at least 70 percent of the grain requirements for the Soviet Union. As a result of the embargo and other market disruptions, our share of that market has slipped to 20 percent. Likewise, the Chinese have purchased some 60 percent of their wheat requirements from the United States over the past several years. Will we again make the mistake of allowing political persuasions to jeopardize good export markets and allow our competitors to gain substantial portions of those markets, as they have done in the case of the Soviets? Have we forgotten that markets once lost are much more difficult to regain?

Certain high-ranking Department of Agriculture officials dismiss the lack of buying by the Chinese as an expected development due to the good crops which they are producing this year. I will not argue with the fact that China is experiencing an excellent wheat harvest this year. But, this does not explain the increase in China's wheat purchases from every major supplier except the United States. In 1980-81 and 1981-82 crop years the Chinese imported 200,000 metric tons of wheat from Argentina. In 1982-83, it is projected that they will import 2 million metric tons from Argentina. In 1980-81 and 1981-82 the Chinese imported 2.9 million metric tons of wheat from Canada. In 1982-83 they are expected to increase those imports to 4.1 million metric tons. In 1980-81 and 1981-82 the Chinese imported 642,000 and 116,000 metric tons respectively from the EEC. During the 1982-83 year they are expected to increase those purchases to 1.4 million metric tons. Why all of these purchases during a year of record harvests? The reason is simple they need the grain. While our competitors have expanded their exports to this market, the shipments of U.S. wheat to China have slipped from 8.5 million metric tons in 1980-81 and 8.35 million metric tons in 1981-82, to a projected level of 4.27 million metric tons in 1983, approximately 50 percent below the previous year's shipments. Total agricultural exports to China dropped 97 percent in May and have fallen 60 percent during the first 5 months of 1983. This has no doubt contributed substantially to the 21-percent decline in total U.S. agricultural exports from a high of $43.5 billion in fiscal year 1981 to a projected $34.5 billion in fiscal year 1983. Agricultural trade is one of the few areas which generate a positive trade balance. We cannot afford to jeopardize its vital contribution to our balance of payments in the field of international trade.

As indicated by their increased sales to China, our competitors have not allowed this golden opportunity to pass them by. In December 1982 the Australians signed an agreement to supply 1.7 million metric tons of wheat to China. It is my understanding that Australia has recently signed an agreement to supply 1.5 million metric tons to the Chinese. In January and February of this year, Argentina and France each negotiated a contract to provide 500,000 metric tons of wheat to the Chinese. Uncompetitive prices are not the culprit in most cases, either. Even when U.S. bids have been below those of other countries, the Chinese have chosen to purchase from our competitors.

The message seems to me to be quite clear; unless the United States is interested in allowing trade with China to be a two-way street, our former No. 1 wheat customer will take their business elsewhere. Mr. Speaker, the problems with our Chinese customers must be resolved. The continued delay in sales will only further reduce our already slumping exports, add to the cost of our domestic farm programs, increase our foreign trade deficit, and increase the chances for a permanent loss of a substantial share of this market to our competitors.

We cannot allow our farmers to bear the brunt of such political preferences, nor can we tolerate the continuance of such counterproductive ideology. We must move quickly to avoid permanent damage to such a valuable wheat market.

Mr. Speaker, I urge my colleagues to contact President Reagan, Secretary Block, the U.S. Trade Representative, and the State Department to request a speedy solution to this problem. We cannot continue to jeopardize an agricultural market worth $1.2 to $1.4 billion because of a $30 to $40 million dispute in textile trade.

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THE PREVENTION STRATEGIES TASK FORCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MILLER) is recognized for 10 minutes.

Mr. MILLER of California. Mr. Speaker, the prevention strategies task force, chaired by Congressman WILLIAM LEHMAN of Florida, of the Select Committee on Children, Youth, and Families has just concluded its first hearing.

For those in this Chamber whose concern for the well being of America's children has intensified in recent months, the record of this hearing offers profound illumination. I wish everyone could have been there.

We heard from this Nation's finest scholars in the field of child development, experienced medical and educational service providers, and from deeply committed child advocates.

The hearing was intended to answer three basic questions: What is the state of scientific knowledge about normal and abnormal development in infants and children; how can we use that knowledge to prevent problems in child development, and how can we achieve significant savings as a Nation by adopting preventive approaches?

A wealth of high quality research was reviewed on children's cognitive and emotional development, on the effects alcohol, malnutriton, and other factors have on child development, and on the value and effectiveness of preventive medical, nutritional, and educational interventions. What became unquestionably clear is that the very early stages of development are critically important and that problems which arise in those early stages can lead to life-long emotional and intellecutal difficulties. Equally important, we learned that we have the knowledge now to prevent many of those problems, and that the solutions can save money. Because the testimony was so strong and so significant, I would like to summarize for my colleagues some of the most compelling points.

One of the first witnesses to testify before the prevention stategies task force was Dr. Frank Falkner who is chairman of the maternal and child health program at the University of California, Dr. Falkner titled his statement, "Fetus Into Man." This heading suggests a profound truth—the process of human growth and development is a continuum beginning not at birth but at conception. The ancient Chinese, in fact, celebrated a child's first birthday when the child was born. They recognized long ago, as we do now, that basic, vital developments occur in the 40 critical weeks before birth.

The importance of prenatal development cannot be overemphasized, and what is most important during that period is the healthy growth of the brain.

Dr. James McGaugh, director of the Center for the Neurobiology of Learning and Memory at the University of California at Irvine, emphasized in his testimony that our cognitive processes, our ability to learn and remember, are our most fundamental human capacities. These processes, of course, occur in the brain. Neurological research indicates that our brains mature in a series of developmental stages, and that the early stages, which begin well before birth, are critically important because the processes developed in these early stages directly affect all subsequent brain development. Each stage of development is built on the results of earlier stages. Dr. McGaugh summarized a solid and extensive body of research on brain development in these words:

The initial development of the brain is rapid. The cells in most regions of our brains were developed a month or so before we were born. By the age of 7 our brains were about the size that they are now—more than double the size of an infant's brain. For the most part, postnatal development involves the development of the pathways connecting different brain systems as well as the specialized systems for communicating between cells, referred to as synapses. Conditions which influence the development brain cells will, of course, fundamentally affect the subsequent development of neural pathways and connections between cells.

I want to impress upon my colleagues the importance of our knowledge of the causal linkages between stages of brain development. What this tells us, without doubt, is that interruptions in normal brain development can have lasting, and in many instances permanent effects. Early injury to the brain stemming from genetic anomalies, hormonal or chemical imbalances or toxins in the environment can lead to profound intellectual deficits and behavioral dfficulties.

In many instances, the consequences of early brain injury are apparent soon after birth. However, it is at once intriguing and disturbing to realize that some effects are only observable many months, and sometimes years after birth. Dr. McGaugh commented on this phenomenon:

Conditions affecting brain development may, under some conditions, be like "time bombs" in that the consequences may be revealed only much later in life.

It may well be that autism and attentional disorders (sometimes termed hyperkinesis) are caused by conditions affecting early stages of brain development. It might even be that late developing cognitive disorders such as Alzheimer's disease are "time bombs" set by injury or disease during critical periods of early development.

Clearly, the potential for short and long range debilitation due to early brain injury argue for the importance of understanding brain development and taking steps to insure that developmental disorders are prevented.

Dr. Eileen Ouillette, director of the Shriver Center of Mental Retardation in Waltham, Mass., described fetal alcohol syndrome to the committee. It is a good example of a completely preventable circumstance that we know deprives a fetus of proper brain development. Fetal alcohol syndrome is a series of physical and neurological effects seen in children of women who drink to excess during pregnancy. It is estimated to occur in 3,700 to 7,400 babies per year. Another 11,000 to 18,500 babies show partial expression of fetal alcohol syndrome. What these figures indicate, and what I want to impress upon my colleagues, is that fetal alcohol syndrome is the third most common cause of mental retardation in our Nation today. It is a more common cause of mental retardation than Down's syndrome.

Fetal alcohol syndrome is a devastating social problem, yet statistics cited by Dr. Ouillette indicate that, if nothing is done, the incidence of the problem is likely to go up. In 1950 one in every eight alcoholics was a woman, in 1982 one in every three alcoholics was a woman. Furthermore, the highest proportion of heavy drinkers among women is between the ages of 21–29, the peak reproductive years, and the second highest is the teenage years. The at-risk population for fetal alcohol syndrome is substantial and rising.

Also, there is evidence that even moderate levels of drinking can have harmful outcomes. Dr. Ouillette summarized this important recent research:

Studies on moderate drinking during pregnancy, equivalent to a daily consumption of 2 oz. of 100 proof whiskey, is associated with lower birth weight in offspring and increased prematurity rates.

Safe levels of alcohol intake during pregnancy, if any, have yet to be determined.

As disturbing as these facts are, it is vital for us to realize that none of the harmful effects of alcohol use during pregnancy need occur—they can be prevented. Dr. Quillette's testimony leaves no doubt on this issue: "It must be stressed again that the fetal alcohol syndrome and its spectrum of abnormalities are a totally preventable cause of growth abnormalities, congenital malformations and mental retardation. Intense and extensive preventive strategies should be undertaken as there is no known way to reverse or reduce the effects of alcohol on the fetus once they have occurred."

And in describing women involved in preventive educational programs, she said:

The women are generally highly motivated to alter their drinking behavior in order to produce offspring with the least possible risk. . . . Heavy drinking women who stop drinking during pregnancy have a good chance of delivering a normal child.

Fetal alcohol syndrome need not happen and it should not happen. We owe it to those yet unborn children at risk of neurological damage and other impairments to make preventive educational and therapeutic interventions widely available.

Our knowledge of the potential for damage to the brain from alcohol and other noxious environmental stimuli is critically important in our efforts to prevent life-long disabilities. Yet just as important, and perhaps still more fascinating is what we are finding out about our needs for positive, growth-promoting environmental stimulation for healthy development. In children, the potentially enriching quality of a nurturing environment and the damage that can occur from a deprived environment is nowhere more observable than in children's emotional development.

Dr. Stanley Greenspan, Chief of the infant research unit at the National Institute of Mental Health, reviewed for the task force a risk accumulation of truly remarkable research on the emotional development of infants and children. Because of this research, we can now detect emotional disturbances in infants as early as the first months of life and certainly within the first 2 years. These emotional and intellectual disturbances, if left untreated, can significantly impair a child's ability to concentrate and learn, to control impulses, and to form mature, loving, and responsible human relationships.

Dr. Greenspan's testimony on this is worth reviewing:

By 2–4 months we can observe infants who evidence that enraptured emotional engagement where they seem fascinated with the human world. In response to their caregiver's smiling, talking face, they smile back, listen, and even move their arms in synchrony to their caregiver's voice. The infant's pleasurable emotions and the strong investment of the caregiver appear to motivate the infant to use and organize his senses and his sensory motor organization. In contrast, we also observe infants who are already unresponsive to the human world, evidencing flat or despondent emotional expressions. They may look away rather than toward their caregivers and respond to the human voice with panic rather than comfort.

As the infant progresses, we can observe infants who learn cause and effect interactions, that is, the world is lawful, and complex motor and social skills.

Many toddlers develop competently and are even precocious motorically until 15–16 months of age. However, we feel that because of a lack of appropriate experiences, they do not fully make the next step of using ideas to label and interpret feelings, to think, plan and learn new conceptual skills that are essential for school and eventual participation in an increasingly technological society. Special programs at this age may have enormous payoff for many of these children.

Who are the children most at risk of early emotional disturbance and is it possible to prevent these disturbances? The children who are most vulnerable to emotional difficulties are those in

multirisk families. These are families with histories, sometimes spanning generations, of various problems in coping as well as serious economic problems. Yet preventive intervention tailored to the individual differences and needs in these families can reverse long standing patterns of emotional distress. Let me quote Dr. Greenspan again:

Often the multirisk mothers begin their child rearing as teenagers and they and their children do worse with each subsequent pregnancy. These mothers describe a similar pattern with their own mothers. An in all likelihood, their children will continue these patterns. We have observed in our cases that by helping a mother and a family with one child, not only does that child and the whole family do better, but the next child does better. It appears that a negative cycle of geometric proportions is broken and a positive one begun.

The concept of prevention, of course, is not limited in its applicability to the elimination of neurological or emotional impairments. The Congress, over the last three decades, has instituted an array of early educational programs, including Head Start, follow through, and title I, that are based on the belief that intellectual deficiencies associated with understimulating, impoverished, environments can be prevented. There is now very strong evidence that high quality early childhood education not only prevents intellectual deficiency and school failure, but does it in a very cost-effective way.

Dr. David Weikart, director of the High/Scope Educational Research Foundation, described a series of studies on children involved in the Perry preschool intervention project. One hundred twenty-three poor children were involved in these studies. Half of them participated in a high quality preschool program, the others simply entered kindergarten with no preschool experience.

The differences between these groups over the 19 years of the project were very substantial and very striking. Compared to children who did not go to preschool, the preschool children were assigned to special education classes less often, completed high school more often, attended college or job training programs at a higher rate, had lower pregnancy rates and were more often self-sufficient and less often on welfare.

What is more, the Perry project paid for itself nearly five times over. For every dollar invested in 1 year of quality preschool education, the overall return to society was $4.75. These savings came in returned special education costs, returned welfare costs, and in higher earnings (which means higher tax payments). Dr. Weikart summed up what we know about the effectiveness of preschool education this way:

High quality preschool education pays off for disadvantaged children in higher academic performance, lower crime rates, and better earnings prospects; it pays off to a community by improving the quality of life; it pays off for society at large in dollars and cents. These findings, from the High/Scope Foundation's Perry preschool study and from other studies, demonstrate that preschool not only prevents problems that eventually would cost society much more than a preschool program, but also increases the effectiveness and efficiency of the social investment already made in schooling.

Efforts to prevent infant death are, obviously, the most important preventive interventions we can ever attempt. Nearly two-thirds of U.S. infant mortality is related to low birth weight. In turn, the incidence of low birth weight in children is highly correlated with inadequate prenatal health care and nutrition. There now exists abundant and persuasive evidence that good prenatal and nutritional supplementation can significantly decrease the incidence of low birth weight and neonatal death. This hearing also showed, beyond a doubt, that an investment in good food and good care is highly cost effective.

Dr. Eileen Kennedy reviewed for the task force a rich mixture of international and U.S. studies, some dating back to the 1940's, on the effects of prenatal care and feeding on neonatal health. Referring to studies on the WIC supplemental feeding programs in this country, she told us:

Despite the fact that the studies were conducted in different locations—Massachusetts, Oklahoma, Tennessee, Missouri—and with different experimental and quasiexperimental designs, there is a remarkable similarity in the reported results. All studies report a positive effect on the birth weights of infants born to program participants and a decrease in the incidence of low birth weight (less than 2,500 grams) and/or small for gestational age infants.

The results from these studies show an effect of WIC within a remarkably similar rante—birth weight is increased by 90-110 grams and low birth weight is decreased 30 to 40 percent.

In the long run, prenatal care also saves money. In her own study of over 1,300 nutritionally at risk women and their newborns, Dr. Kennedy looked at the relative costs of WIC prenatal care versus the costs of postnatal hospitalization of low birth weight children. I will let Dr. Kennedy's testimony speak for itself:

We estimated the savings in hospital costs due to WIC's reduction in the incidence of low birth weight births. This savings was then compared to the total cost of WIC prenatal care. The findings showed that the savings exceed the cost by approximately three to one. Thus, the study found that treating low birth weight after birth is three times more expensive than preventing it through WIC, or in other words, that $1 spent on WIC for prenatal care saves $3 in hospital costs (for a net savings of $2). These results are in fact conservative, since the study did not count physicians' fees nor did it include the longer term treatment cost for low birth weight babies.

Similar studies also show a very positive benefit/cost ratio in favor of WIC.

The studies reviewed by Dr. Kennedy indicate that we do not lack knowledge of the means of preventing low birth weight in children. Yet the high rates of low birth weight and infant mortality which persist in this country, especially among minority populations, suggest that we may lack the will. It is true, as Assistant Secretary for Health Brandt reported to the task force, that the infant mortality rate in the United States is now lower than it has ever been. However, this death of 12 per 1,000 live births is still higher than at least 15 other countries.

What is more troubling, what is really deeply disturbing is that there is a large gap in the infant death rate between whites and blacks in this country. And the gap is growing wider. Angela Blackwell and Lois Salisbury of Public Advocates of San Francisco, testifying on behalf of a group of minority and women's organizations, made this double standard for infant death all too clear.

For years, black babies have died before their first birthday at a rate that has far exceeded that of white infants.

In 1950, the black infant death rate (43.9 per 1,000 live births) was 61 percent higher than the white rate (26.8 per 1,000 live births). By 1979, the black rate (21.8) was 91 percent higher than the white rate (11.4).

When these rates are translated into hard, cold numbers we are talking about 10,000 black babies dying this year alone.

This intolerable waste of human lives would not happen if we, as a Nation, decided that it shall not happen. And if we manifested the will to provide the comprehensive prenatal care to low income women that would save those lives, we would find the cost of that care would clearly be offset by reduced costs in postnatal hospitalization. Blackwell and Salisbury estimate that the Federal Government would save over $360 million by providing comprehensive prenatal care to all low income women when the costs of that care, along with remaining postnatal hospitalization costs, are subtracted from what we now pay to care for sick and dying infants.

The logic of prenatal care is irrefutable, its fiscal viability undeniable. What appears lacking is our commitment to those infants at risk.

The wide range of research findings which were presented to the prevention strategies task force which I have summarized here today, collectively point to a single conclusion. Preventive interventions "which begin in the beginning," in the very early stages of infant and child development, can reap enormous human and economic benefits in the long run. But to fully realize the value of prevention, we

must ask, "What is the cost of doing nothing?" Clearly, as I have described, the economic costs are high and the toll in human suffering is tremendous. But what is the cost for us as a Nation? What America loses by not preventing those diseases and disabilities we know we can prevent is the chance of true equality of opportunity for all our children. Dr. Stanley Greenspan's closing remarks were right on the mark.

With 13% of our schoolage children receiving special services and, as a clinical hunch, another 15% who could probably benefit from such services, we must rethink our basic philosophy on such fundamental notions as equal opportunity and an education for all our children. When children enter school already handicapped in cognitive or emotional functioning, they do not have an equal opportunity

Few of the children who now needlessly suffer the effects of early malnutrition or environmental toxins or impoverished environments will ever truly catch up with children not plagued with these problems. They will forever be unequal members of our society. This is an awful price to pay—a price too high for those of us committed to full equality of opportunity for all this Nation's children.

PROSPECTS FOR PEACE: THE CONTADORA PLAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, in light of the preceding debate on covert operations against Nicaragua, I rise to introduce a resolution which addresses the issue of our Nation's involvement in the escalating conflict in Central America.

Mr. Speaker, in his press conference last night President Reagan assured anxious Americans that he favors peaceful resolution of the conflicts in Central America. At the same time, the administration has unveiled plans for massive U.S. military maneuvers and stepped up covert operations against Nicaragua and announced the deployment of two aircraft carrier groups off the coast of Central America. The President and his advisers have, in fact, refused to rule out the possibility of a naval blockade of Nicaragua. How can the President's professed commitment to peace be reconciled with such belligerent acts?

As many of my colleagues are aware, less than 2 weeks ago the leaders of Mexico, Venezuela, Colombia, and Panama met in Cancun, Mexico to discuss prospects for containing and diffusing the violence that threatens to engulf the region. The so-called Contadora group issued an appeal to the nations of Central America and to the United States to halt the escalating military conflict and to search instead for solutions based on regional negotiations. More importantly, the Contadora group set forth, for the first time, concrete steps designed to restore peace and stability in Central America.

In its declaration of Cancun, the group called for: An immediate halt to the flow of arms into Central America; the withdrawal from the region of all foreign military advisers; and a guarantee by all parties to respect the sovereignty of the nations in the region.

Mr. Speaker, I am convinced that the Contadora group is genuinely committed to peace and that the steps it has outlined should be the basis for achieving that goal. But for any peace initiative to be successful, the United States must demonstrate its willingness to cooperate fully with other nations in the region in working toward a settlement. At the very minimum, I think my colleagues would agree, the United States should refrain from actions which increase tensions in the region or otherwise diminish the prospects for peace. In this context, I find the administration's plans for a vastly expanded American military presence in the region extremely disturbing.

To date, while the administration has endorsed the Contadora process generally, it has stopped short of endorsing its proposals or offering substantive steps to contribute to its success. In fact, the administration's recently announced plans to expand covert operations in Nicaragua and to conduct major land and naval maneuvers in the region directly contradict the principles set forth by the Contadora group. It appears that the decision is to focus on military posturing and unilateral diplomatic gestures. There is little to indicate that the mission of special envoy Richard Stone has generated any enthusiasm among our allies for a U.S.-sponsored program, while the President's Commission on Central America led by former Secretary of State Henry A. Kissinger will not release its recommendations until 1984. The reality is that the only framework for peace supported by most of the nations in the region is the proposals of the Contadora group. They are the only hope at the present time for providing a meaningful basis for negotiations toward peace.

While we can argue at length over the Sandinista government's failure to fulfill promises it made to the Nicaraguan people, it has nonetheless indicated its willingness to enter into regional negotiations for the purpose of reducing regional tensions. In a July 19 speech, Sandinista leader Daniel Ortega expressed his government's support for negotiations based on the framework presented by the four Contadora nations.

At the same time, friendly nations of the region have bitterly decried the administration's inflammatory rhetoric and bellicose actions, which have all but undermined the prospects for peace based on regional cooperation. Frankly, the administration's emphasis on military solutions demonstrates a contempt for our neighbors and their plans for peace.

Mr. Speaker, it is time for us to fulfill our commitment to peace in Central America by endorsing, in no uncertain terms, the framework for regional negotiations presented by the Contadora group. But we cannot be content to end our efforts there. We must actively cooperate with the nations of the region in the pursuit of peace by offering our full and immediate assistance to the Contadora group.

The choice we face today is clear: Will we assist in the complicated and difficult search for peace in our own hemisphere, or will we risk the uncertainties of moving unilaterally by force of arms? The use of force as an alternative to cooperation with our allies does not resolve, but only worsens the underlying tensions. We must recognize that brazen displays of military power will help no one in Central America. What is missing from the administration's policy are workable steps toward insuring peace in Central America.

I am, therefore, introducing legislation expressing the sense of the Congress that it should be the policy of the U.S. Government to abide by the terms of the Contadora peace plan and to commit ourselves to its successful implementation.

Today's debate on the actions of the administration in Central America and the funding of covert cperations in Nicaragua raises major implications about what this country's foreign policy is all about. The question is whether we as a nation have decided at all about the need to play a responsible role in the world that is developed in conjunction with our friends and allies, or whether we will go at it alone? The question is whether we will be true to the basic principles of social justice, human rights, and the achievement of peace, or whether we will simply assert power for power's sake. The answers to these questions will largely determine how policies of the United States are perceived here and abroad. The thrust of any resolution is to insure that we make the right choice—and the right step in that direction is to work to develop a consensus policy with our friends in Central America.

I urge all my colleagues to join me in demonstrating our commitment to peace.

The text of my resolution follows:

H. CON. RES. 151

Concurrent resolution declaring that the United States should support the peace initiatives of the four-nation Contadora group and should indicate its willingness to terminate the flow of arms into Central America in conjunction with other nations

Whereas the United States has legitimate security interests in Central America, as well as humanitarian concern for the suffering and deprivation caused by continuing conflict;

Whereas ongoing fighting in Central America, particularly along the Honduran-Nicaraguan border, is creating the potential for a wider regional conflict;

Whereas friendly nations in Central America have expressed deep concerns with regard to the militarization of the region and apparent unilateral actions by the United States, including recent naval deployments and extended military exercises in the region;

Whereas the four goals for Central America outlined by the President in his April 27, 1983, address to a joint session of Congress of democratic institutions, economic development, regional security, and the negotiated settlement of differences are goals with which the majority of Americans would agree; and

Whereas the chronic economic, social, and political problems of Central America cannot be resolved by military force and efforts to resist subversion and destabilization cannot succeed without the elimination of existing injustices: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That (a) the United States should support the Contadora initiative put forward by the Presidents of Mexico, Venezuela, Colombia, and Panama in Cancun, Mexico, on July 17, 1983, calling for—

(1) the negotiated mutual cessation of arms shipments into the Central American region;

(2) the negotiated mutual withdrawal of foreign military advisors from the region; and

(3) a negotiated mutual guarantee that the territory of any state in the region will not be used as a base for aggression against any other state in the region.

(b) The United States should announce its willingness to pursue multilateral negotiations described in subsection (a) with nations of Central America to achieve political solutions as an alternative to the escalation of military conflict in the Central American region and to stop the shipment of arms into the region.

(c) The United States should offer technical assistance to the Contadora group or to any other appropriate international body which might undertake the responsibility of verification of any agreements arrived at pursuant to negotiations described in subsection (a).

(d) The United States should exert vigorous diplomatic efforts to persuade other governments involved in the Central American region to participate in negotiations described in subsection (a) and to exercise restraint and cease all activities aimed at the destabilization of existing governments in Central America.

SEC. 2. The Clerk of the House shall transmit a copy of this resolution to the President.●

MRS. BEVERLY BYRON CARRIES OUT HER RESPONSIBILITIES IN A VERY PROFESSIONAL WAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. STRATTON) is recognized for 5 minutes.

● Mr. STRATTON. Mr. Speaker, one of the most active members of the House Armed Services Committee is our colleague BEVERLY BYRON. The Baltimore Sun in an article of July 17 reported on Mrs. BYRON's very active travel schedule in line with her House Armed Services Committee responsibilities.

BEVERLY BYRON has always believed in going to the source to obtain firsthand information on a situation so that she can better perform her role as a member of the committee. It has always been crystal clear that when it comes to the questions of national defense, there is no substitute for on-the-spot knowledge of countries and circumstances. With a defense budget of over $200 billion we have to know where and how these hard-to-get taxpayers' funds are being spent. Mrs. BYRON has wisely adhered to this maxim.

I am inserting this article in the RECORD at this point, because I am sure my colleagues will be interested in it:

BYRON, A BUSY TRAVELER, CALLS TRIPS ESSENTIAL TO DECISIONS

(By C. Fraser Smith)

WASHINGTON.—On the Fourth of July, she picnicked and played volleyball with U.S. military forces on a beach near Beirut. Later, outfitted with a flackjacket and helmet, she rode through the bombed-out city in an open Jeep.

Before Beirut, she was in Athens, discussing the status of U.S. military bases with that country's defense officials. From Lebanon, she flew to Vienna and Geneva for discussions with disarmament officials.

Representative Beverly B. Byron (D, Md., 6th), one of the most well-traveled members of the Maryland delegation, relishes her fact-finding trips. This one began on June 30 and ended July 8.

Mrs. Byron says her trips—which are frequently accented by visits with Armed Forces outposts—are crucial to her thinking and her votes on various defense issues.

Moreover, upon occasion, the trips may help to promote the kind of atmosphere necessary to understanding between the United States and the Soviet Union, she say.

In Geneva, for example, she met with the Russian Ambassador, Viktor Issraelyan, at his home. They talked about the chemical warfare negotiations—talks which seem to be stalled because, Mrs. Byron says, the Soviets feel they are not sufficiently threatened by U.S. chemical capabilities.

Representative Nicholas Mavroules (D-Mass.), another member of her committee, told the Soviet official that the votes in the House against so-called binary chemical weapons are likely to change next year. (Just as the votes on the MX missile changed recently).

Unless there is movement in Geneva, Mr. Mavroules said, according to Mrs. Byron, he will vote to proceed with development of the binary system—one in which two chemicals merge to create a devastating impact. Mr. Mavroules pointed out to the Russian ambassador that he had voted against chemical weapons development and for the nuclear freeze—but could change his thinking.

Mrs. Byron said, "If we had a go-ahead on chemical weapons development it would strengthen our negotiating hand. Now, the Russians laugh and say, 'You don't have any capability.' As long as they have unchallenged supremacy, there's no reason to negotiate."

She accepts the idea that the chemical weapons development program might be a necessary "bargaining chip." The Senate recently passed such a bill, on a one-vote margin, with the same primary rationale. Thus, chemical weapons may join the MX, now under development, in the nation's arsenal of bargaining chips.

Mrs. Byron said Ambassador Issraelyan remarked that his experience in the United States left him with the feeling that the Soviet and American peoples would benefit from closer associations. Mrs. Byron informed him she had been unable to get a visa to visit the Soviet Union last year. How did that relate to better understanding, she asked?

She and Mr. Mavroules, far more liberal than Mrs. Byron on disarmament issues, were joined by Representative Richard B. Ray (D. Ga.) They met with a range of delegates, including the Dutch ambassador who has been on duty in Vienna for a decade.

The START talks, held in Geneva, move along in a similarly measured way. The major participants meet formally only once a week, she said. While she was there, each side made a major presentation. Thereupon, various technicians and translaters fall upon these documents to be certain they are understood.

Mrs. Byron made a contribution to the translating process at one point, when a Soviet representative asked her what it meant to "put something in mothballs." The subject came up during a discussion of what to do with material and weapons withdrawn as a result of the talks. She explained that clothes—not tanks—literally got the preserving mothballs treatment in the U.S.)

"Don't you think these talks would move a little faster," she says she asked one of the diplomats, "if they were held in Botswana?" She wondered if the elegant, cosmopolitan atmosphere of Vienna and Geneva did not insulate the participants from tortuously long process.

Yet, she said, ultimately there is movement. She said she expects to see substantive proposals in the effort to limit intermediate range missiles within the next six to eight months—because the U.S. will be deploying Cruise and Pershing-2 missiles in Europe. Then, she said, the Soviets are likely to get serious.

She said all of these talks focus on two issues—the numbers game: how many missiles, how many warheads, how much launching power, and the verification game: how can the numbers be checked? The Soviets, she said, say satellites are sufficient. The U.S. wants closer inspection. And so it goes.

In Vienna, she said, a little known disarmament group works on Mutual Balanced Force Reduction. The participants have agreed, she said, that each side should have 900,000 troops. They have agreed that police should not be counted. But they have not agreed on how many armed men and women

each side have—or on how to determine the accurate number. These talks have been under way for 10 years.

Mrs. Byron said she is not discouraged. She said the U.S. plan for MX—which she opposes—now calls for only about 50 missiles as compared with 200 two years ago.

"We need to modernize and reduce. I hope we can achieve a breakthrough," she said.

Mrs. Byron's own pace is not nearly so measured as the arms talks. Her travels with the U.S. military continue. Next Saturday, she will visit the U.S.S. Kennedy, an aircraft carrier, on station off Norfolk, Va. There, she said, she will get a ride in an F-14, one of the Navy's most sophisticated fighter planes. The ride will include a takeoff and landing on the carrier.

She said the Navy has given her water survival and altitude training so that she can go along on these flights.

"I guess they think I won't go through [the training]," she said with a wink.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FOLEY (at the request of Mr. WRIGHT), for July 26 and July 27, 1983, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GEKAS) to revise and extend their remarks and include extraneous material:)

Mr. BATEMAN, for 60 minutes, on August 1.

(The following Members (at the request of Mr. MILLER of California) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. RODINO, for 5 minutes, today.

Mr. HIGHTOWER, for 15 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. MILLER of California, for 10 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. STRATTON, for 5 minutes, today.

Mr. GAYDOS, for 60 minutes, on August 1.

Mr. MURTHA, for 60 minutes, on August 1.

Mr. APPLEGATE, for 60 minutes, on August 1.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GEKAS) and to include extraneous matter:)

Mr. DEWINE.

Mr. GRADISON.

Mr. VANDER JAGT.

Mr. HANSEN of Utah.

Mr. MCGRATH in three instances.

Mr. ERLENBORN.

Mr. GILMAN in two instances.

Mr. LAGOMARSINO.

Mr. MICHEL.

Mr. GOODLING.

Mrs. SMITH of Nebraska.

Mr. WOLF.

Mr. BROOMFIELD.

Mr. KEMP.

Mr. DREIER of California.

Mr. BATEMAN.

Mr. HILER.

(The following Members (at the request of Mr. MILLER of California) and to include extraneous matter:)

Mr. BOSCO.

Mr. GORE.

Mr. SIMON in two instances.

Mr. LIPINSKI in two instances.

Mr. MCDONALD in four instances.

Mr. GARCIA in two instances.

Mr. CLAY.

Mr. FEIGHAN.

Mr. DOWNEY of New York in two instances.

Mr. GEJDENSON.

Mr. PEPPER.

Mr. HAMILTON in two instances.

Mr. HOYER in two instances.

Mr. SIKORSKI.

Mr. MARKEY.

Mr. WISE.

Mr. TAUZIN.

Mr. SAVAGE.

Mr. ADDABBO.

Mr. SCHEUER.

Mr. SKELTON in two instances.

Mr. SOLARZ.

Mr. GEPHARDT.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on July 26, 1983, present to the President, for his approval, bills of the House of the following title:

H.R. 2637. An act to amend the District of Columbia Self-Government and Governmental Reorganization Act to increase the amount authorized to be appropriated as the annual Federal payment to the District of Columbia; and

H.R. 1935. An act to ratify an exchange agreement concerning National Wildlife Refuge System lands located on Matagorda Island in Texas.

ADJOURNMENT

Mr. MILLER of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Thursday, July 28, 1983, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1628. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the decision to convert to contractor performance the custodial services function at the Naval Hospital, Camp Lejeune, N.C., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

1629. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a), as amended; to the Committee on Foreign Affairs.

1630. A letter from the Clerk, U.S. Claims Court, transmitting a certified copy of the court's judgment order No. 363, *Lower Sioux Indian Community in Minnesota* v. *The United States*; to the Committee on Interior and Insular Affairs.

1631. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a report on the proposed modification of Island Park Dam, Minidoka project, Idaho-Wyoming, pursuant to section 5 of Public Law 95-578; to the Committee on Interior and Insular Affairs.

1632. A letter from the Acting Director, Minerals Management Service, Department of the Interior, transmitting notice of a proposed refund of excess royalty payments to Tenneco Oil Exploration & Production, pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

1633. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a report from the Chief of Engineers on the Alameda shoreline, California, together with other pertinent reports, pursuant to a resolution adopted September 23, 1976, by the Committee on Public Works and Transportation; to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOWARD: Committee on Public Works and Transportation. House Resolution 180. Resolution relating to a citation of contempt; with amendments (Rept. No. 98-323). Referred to the House Calendar.

Mr. PERKINS: Committee on Education and Labor. H.R. 3394. A bill to provide additional authority for the consolidation of student loans and to make certain other changes in Federal student financial assistance; with an amendment (Rept. No. 98-324). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee of conferences. Conference report on H.R. 2973 (Rept. No. 98-325). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PANETTA (for himself and Mr. GRADISON):

H.R. 3677. A bill to amend title XVIII of the Social Security Act to increase the cap amount allowable for reimbursement of hospices under the medicare program; to the Committee on Ways and Means.

By Mr. ROE (for himself, Mr. STANGELAND, Mr. HOWARD, Mr. SNYDER, Mr. ANDERSON, Mr. HAMMERSCHMIDT, Mr. BREAUX, Mr. ALBOSTA, Mr. CLINGER, Mr. RAHALL, Mr. MCNULTY, Mr. MCEWEN, Mr. YOUNG of Missouri, Mr. DE LUGO, Mr. DAUB, Mr. OBERSTAR, Mr. PACKARD, Mr. NOWAK, Mr. EDGAR, Ms. FERRARO, Mr. SAVAGE, Mr. DONNELLY, Mr. SUNIA, Mr. KOLTER, Mr. ROBERT F. SMITH, and Mr. WYDEN):

H.R. 3678. A bill to provide for the conservation and development of water and related resources and the improvement and rehabilitation of the Nation's water resources infrastructure; to the Committee on Public Works and Transportation.

By Mr. ERLENBORN:

H.R. 3679. A bill to amend the Fair Labor Standards Act of 1938 to encourage the employment of youth by authorizing a special minimum wage for the limited employment of individuals under the age of 19; to the Committee on Education and Labor.

By Mr. LEVINE of California:

H.R. 3680. A bill to limit the U.S. military and nonmilitary governmental presence in Honduras, Nicaragua, and El Salvador, to prohibit U.S. military involvement in any blockade of Nicaragua or El Salvador, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MCKINNEY (for himself, Mr. FISH, Mrs. JOHNSON, Mr. LUNDINE, Mrs. MARTIN of Illinois, Mr. MOAKLEY, Mr. MAVROULES, and Mr. PRITCHARD):

H.R. 3681. A bill to authorize the establishment of transitional industries trade boards to increase the international competitiveness of U.S. industries, and for other purposes; jointly, to the Committees on Ways and Means; Banking, Finance and Urban Affairs; Education and Labor; Foreign Affairs; Rules; and Science and Technology.

By Mr. RODINO:

H.R. 3682. A bill to provide salary comparability with the Senior Executive Service for U.S. attorneys, assistant U.S. attorneys, and specially appointed attorneys under 28 U.S.C. 543; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

By Mr. WON PAT:

H.R. 3683. A bill to amend the Internal Revenue Code of 1954 to clarify the treatment of Guam banks as Guam corporations with respect to the taxation of passive income received from sources within the United States; to the Committee on Ways and Means.

By Mr. CONYERS:

H.R. 3684. A bill to authorize the Secretary of Education to provide financial assistance to States for use in expanding educational programs in juvenile and adult correctional institutions to assist in the rehabilitation of criminal offenders, and for other purposes; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. DOWNEY of New York (for himself, Mr. ACKERMAN, Mr. BEDELL, Mrs. BOXER, Mr. BRITT, Mrs. BYRON, Mr. CONABLE, Mr. COYNE, Mr. DASCHLE, Mr. DIXON, Mr. EVANS of Illinois, Mr. FAUNTROY, Mr. FLORIO, Mr. FORSYTHE, Mr. FROST, Mr. GEJDENSON, Mr. GILMAN, Mr. HUGHES, Mr. JACOBS, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. KEMP, Mr. KINDNESS, Mr. LELAND, Mr. LENT, Mr. LEVIN of Michigan, Mr. LONG of Maryland, Mr. MCNULTY, Mr. MARTIN of New York, Mr. NOWAK, Mr. OBERSTAR, Mr. PATMAN, Mr. RATCHFORD, Mr. ROE, Mrs. SCHNEIDER, Mr. SIMON, Mr. SOLOMON, Mr. SMITH of Florida, Mr. STOKES, Mr. SUNIA, Mr. TALLON, Mr. VANDERGRIFF, Mr. VENTO, Mr. WALKER, and Mr. WOLPE):

H.J. Res. 330. Joint resolution to provide for the designation of August 20, 1983, as "National Volunteer Firefighter Recognition Day"; to the Committee on Post Office and Civil Service.

Mr. GONZALEZ (for himself, Mr. ST GERMAIN, Mr. FAUNTROY, Mr. PATTERSON, Ms. OAKAR, Mr. GARCIA, Mr. LOWRY of Washington, Mr. LUNDINE, Mr. VENTO, Mr. MITCHELL, Mr. HUBBARD, Mr. D'AMOURS, Mr. SCHUMER, Mr. FRANK, Mr. COYNE, Mr. LEHMAN of California, Mr. MORRISON of Connecticut, Mr. COOPER, Ms. KAPTUR, Mr. ERDREICH, Mr. LEVIN of Michigan, Mr. CARPER, Mr. TORRES, Mr. MCKINNEY, Mr. WYLIE, Mr. LEACH of Iowa, Mr. WORTLEY, Mr. MCCOLLUM, Mr. LOWERY of California, Mr. HILER, Mr. DREIER of California, and Mr. BEREUTER):

H.J. Res. 331. Joint resolution to designate October 2 through October 9, 1983, as "National Housing Week"; to the Committee on Post Office and Civil Service.

By Mr. HUNTER:

H.J. Res. 332. Joint resolution to designate the week beginning May 21, 1984, as "National Medical Transcriptionist Week"; to the Committee on Post Office and Civil Service.

By Mr. PANETTA:

H. Con. Res. 151. Concurrent resolution declaring that the United States should support the peace initiatives of the four-nation Contadora group and should indicate its willingness to terminate the flow of arms into Central America in conjunction with other nations; to the Committee on Foreign Affairs.

By Mr. DURBIN:

H. Res. 287. Resolution to amend the Rules of the House of Representatives to provide that proceedings of the House and its committees shall be recorded verbatim by official reporters of the House and stenographers of committees, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

236. The SPEAKER presented a memorial of the Legislature of the State of California, relative to public assistance programs: disclosure of personal information; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HYDE introduced a bill (H.R. 3685) for the relief of Franklin F. Offner; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 433: Mrs. COLLINS.

H.R. 800: Mr. BEDELL.

H.R. 859: Mr. SOLARZ.

H.R. 953: Mr. HUBBARD, Mr. PANETTA, and Mr. DYMALLY.

H.R. 1077: Mr. DANIEL B. CRANE.

H.R. 1307: Mr. SISISKY and Mrs. HOLT.

H.R. 1415: Mr. PORTER and Mrs. HOLT.

H.R. 1877: Mr. HARKIN, Mr. MITCHELL, Mr. SCHEUER, Mr. MARTINEZ, Mr. TORRICELLI, Mr. FORD of Tennessee, Mr. STARK, and Mr. LOWRY of Washington.

H.R. 1903: Mr. SEIBERLING.

H.R. 1937: Mr. SPRATT and Mr. MARKEY.

H.R. 1959: Mr. KOSTMAYER.

H.R. 2053: Mr. BROOMFIELD, Mr. MCCLOSKEY, Mr. WOLPE, and Mr. GINGRICH.

H.R. 2128: Mr. SOLARZ, Mr. MITCHELL, Mr. GREGG, Mr. SENSENBRENNER, Mr. BEDELL, Mr. BIAGGI, and Mr. CROCKETT.

H.R. 2154: Mr. LONG of Maryland, Mr. DYSON, and Mr. BARNES.

H.R. 2653: Mr. SOLARZ.

H.R. 2790: Mr. PASHAYAN, Mr. MARRIOTT, Mr. SKEEN, and Mr. BERMAN.

H.R. 2819: Mr. ACKERMAN, Mr. ECKART, and Mr. GRAY.

H.R. 2916: Mr. WORTLEY and Mr. GEJDENSON.

H.R. 2956: Mr. OTTINGER.

H.R. 3094: Mr. FAZIO, Mr. MCNULTY, and Mr. SUNIA.

H.R. 3181: Mr. SEIBERLING, Mr. FRANK, Mr. CAMPBELL, Mr. AUCOIN, Mr. PATMAN, Mr. ROE, Mr. WORTLEY, Mr. FEIGHAN, Mr. KINDNESS, Mr. WON PAT, Mr. FORSYTHE, Mr. KOGOVSEK, Mr. FASCELL, Mr. GLICKMAN, Mr. HORTON, Mr. WYDEN, Mr. MCGRATH, Mr. DEWINE, Mr. ANDREWS of Texas, Mrs. BOXER, Mr. TALLON, Mr. BARNARD, Mr. LUNGREN, Mr. GEKAS, Mr. FAZIO, Mr. DREIER of California, Mr. KASICH, Mr. HAMMERSCHMIDT, Mr. LEWIS of Florida, Mr. RIDGE, Mr. STANGELAND, Mr. BILIRAKIS, Mr. GILMAN, Mr. BOEHLERT, Ms. OAKAR, Mr. HUBBARD, Mr. JEFFORDS, Mr. SCHUMER, Mr. STRATTON, and Mr. GREEN.

H.R. 3193: Mr. HANCE and Mr. KILDEE.

H.R. 3271: Mr. LUNDINE and Ms. KAPTUR.

H.R. 3325: Mr. ADDABBO, Mr. MCGRATH, and Mrs. COLLINS.

H.R. 3439: Mr. LAGOMARSINO, Mr. KRAMER, Mr. SISISKY, Mr. WON PAT, Mr. DAUB, Mr. RUDD, Mr. SKEEN, Mr. KASICH, Mr. BATEMAN, and Mr. BLILEY.

H.R. 3500: Mr. STOKES, Mr. FRENZEL, Mr. BEILENSON, Mr. OTTINGER, Mr. HUGHES, Mr. VENTO, Mr. GEJDENSON, Ms. KAPTUR, Mr. BARNES, Mr. BROWN of California, Mr. SCHEUER, Mr. JEFFORDS, and Mrs. BOXER.

H.R. 3538: Mr. ANTHONY, Mr. MATSUI, and Mr. DUNCAN.

H.R. 3616: Mr. OTTINGER.

H.R. 3635: Mr. SIKORSKI and Mr. SAM B. HALL, JR.

H.J. Res. 103: Mr. SUNDQUIST.

H.J. Res. 132: Mr. GILMAN, Mr. GUNDERSON, Mr. MOAKLEY, Mr. MOODY, Mr. PANET-

TA, Mr. SNYDER, Mr. SAVAGE, and Mr. HALL of Ohio.

H.J. Res. 260: Mr. TOWNS, Mr. CARNEY, and Mr. RUSSO.

H.J. Res. 266: Mr. GUNDERSON.

H.J. Res. 273: Mr. PEPPER.

H.J. Res. 309: Mr. BEVILL, Mr. BRITT, Mr. DAUB, Mr. EDGAR, Mr. EDWARDS of California, Mr. MCCURDY, Ms. MIKULSKI, Mr. OWENS, Mr. RAHALL, Mr. SOLARZ, Mr. STENHOLM, Mr. TALLON, and Mr. WON PAT.

H. Con. Res. 43: Mr. PERKINS.

H. Con. Res. 85: Mrs. JOHNSON, Mr. BURTON of Indiana, Mr. BILIRAKIS, Mr. SHELBY, Mr. BATEMAN, Mr. MARTIN of New York, Mr. CHAPPELL, Mr. LEWIS of Florida, Mr. WYLIE, Mr. IRELAND, Mr. STENHOLM, Mr. PURSELL, Mr. SPENCE, Mr. RIDGE, Mr. MILLER of Ohio, Mr. HYDE, Mr. VANDER JAGT, Mr. QUILLEN, Mr. YOUNG of Florida, Mr. HOPKINS, Mr. GREEN, Mr. HARTNETT, Mr. ROTH, Mr. DUNCAN, Mr. CLINGER, and Mr. GEKAS.

H. Con. Res. 93: Mr. HAMILTON.

H. Con. Res. 148: Mr. ZABLOCKI and Mr. BROOMFIELD.

H. Res. 53: Mr. ROTH and Mr. PHILIP M. CRANE.

H. Res. 190: Mr. HAMILTON and Mr. CHENEY.

H. Res. 215: Mr. HANSEN of Idaho, Mr. HYDE, Mr. MCCAIN, and Mr. WILSON.

H. Res. 269: Mr. CHANDLER, Mr. FRENZEL, Mr. GREEN, Mr. VANDERGRIFF, Mr. FORSYTHE, Mr. MCNULTY, Mr. REGULA, Mr. SIMON, and Mr. HUGHES.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

177. By the SPEAKER: Petition of the Mayor of the District of Columbia, relative to a nuclear freeze; to the Committee on Foreign Affairs.

178. Also, petition of the Committee to Support Nicaragua, San Francisco, Calif., relative to Central America; to the Committee on Foreign Affairs.

AMENDMENTS

Under clause 6 rule XXIII, proposed amendments were submitted as follows:

H.R. 2867

By Mr. MARKEY:

—Page 35, after line 25, insert the following:

(5) Section 7002(a) is amended by striking out "or" at the end of paragraph (1), by striking out the period at the end of paragraph (2) and substituting a semicolon, and by adding the following after paragraph (2):

"(3) against any person who—

"(i) at the time of treatment, storage, or disposal of any hazardous waste owned or operated, or

"(ii) subsequently owned or operated a facility or site at which treatment, storage, or disposal of hazardous waste took place;

"(4) against any person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous waste owned or possessed by such person, by any other party or entity, at any facility owned or operated by another party or entity and containing such hazardous waste; or

"(5) against any person who accepts or accepted any hazardous waste for transport to a disposal or treatment facility or site selected by such person.

Any person referrd to in paragraph (3) shall be liable to any individual (or his dependents) for damages to such individual which are compensable under this subsection and which are caused by such individual's exposure to such hazardous waste from the facility or site referred to in paragraph (3). Any person referred to in paragraph (4) shall be liable to any individual (or his dependents) for damages to such individual which are compensable under this subsection and which are caused by such individual's exposure to a hazardous waste during storage of such hazardous waste pending transport for storage or treatment. Any person referred to in paragraph (5) shall be liable to any individual (or his dependents) for damages to such individual which are compensable under this subsection and which are caused by such individual's exposure to a hazardous waste during transportation to, or treatment, storage, or disposal, at a disposal or treatment facility or site referred to in paragraph (5). Except as provided in subsection (b), the liability of any person under this part shall be without regard to fault and shall be joint and several with the liability of any other person under this part to the same individual for the same damages. Where all persons who are liable to an individual under this subsection are not parties to an action under paragraph (3), (4), or (5) of this subsection, any defendant held liable in such action may bring a separate action to require any other person who is also liable under this section to such individual for the same damages to contribute to payment of such damages. Any action under paragraph (3), (4), or (5) may be maintained by the injured individual or his dependents. Any relevant health effects document referred to in subsection (h) may (but shall not be required to) be introduced into evidence by any party to an action under paragraph (3), (4), or (5). Any cause of action under paragraph (3), (4), or (5) may be maintained in a district court of the United States in a district wherein either the plaintiff or defendant resides or conducts business, without regard to the amount in controversy. Nothing in this section shall be construed to preempt, or otherwise affect, any provision of State law regarding liability for damages in connection with hazardous waste. The following damages shall be compensable under this subsection: any medical expenses, rehabilitation costs, or burial expenses due to personal injury, illness, or death; any loss of income or profits or any impairment or loss of earning capacity due to personal injury , illness, or death; and any pain and suffering which results from personal injury, illness, or death.".

(6) Section 7002(b) is amended by adding the following at the end thereof: "A defendant referred to in paragraph (3)(B) of subsection (a) who is a subsequent owner or operator of a facility shall not be liable under this section for any damages caused by exposure to a hazardous waste if such defendant establishes by a preponderance of the evidence that he did not know and should not reasonably have known that any hazardous waste was located at such facility or that no action or inaction of the defendant caused or contributed to such exposure. If the exposure which caused the injury, illness, or death complained of in an action under paragraph (3), (4), or (5) of subsection (a) is attributable to a Federally permitted release, the defendant shall not be liable unless the plaintiff establishes that action or inaction by such defendant which caused the plaintiff's injury, illness, or death was negligent, reckless, or intentional. There shall be no liability under paragraph (3), (4), or (5) of subsection (a) for any defendant who can establish by a preponderance of the evidence that the release of a hazardous waste or the damage resulting from such release, was caused solely by an act of God, or an act of war. No action under paragraph (3), (4), or (5) of subsection (a) for compensation for damages resulting from exposure to any hazardous waste may be brought by any individual under this section after the end of a three-year period beginning on the later of (A) the date the physical injury or illness was first known (or reasonably should have been known) by the applicant or plaintiff to exist, or the date of the individual's death, or (B) the date the applicant or plaintiff knew (or reasonably should have known) that the physical injury, illness, or death was caused by exposure to such hazardous waste. The time limitation described in the preceding sentence shall not begin to run against a minor, until that minor reaches eighteen years of age or has had a legal representative appointed, or against an incompetent individual, until that individual becomes competent or has had a legal representative appointed. No action may be brought under this section for recovery of any damages caused or contributed to by exposure to any hazardous waste which exposure occurred solely before the date of the enactment of the Hazardous Waste Control and Enforcement Act of 1983."

(7) Section 7002 is amended by adding the following new subsections at the end thereof:

"(g) SPECIAL RULES.—(1) The amount payable under paragraph (3), (4), or (5) of subsection (a) to any plaintiff shall be reduced by the total of the compensation (which is compensable under subsection (a)) previously paid to the applicant or plaintiff by reason of the same physical injury or illness, or death from any other source, including any such compensation paid—

"(A) pursuant to any administrative or judicial proceeding under State law,

"(B) pursuant to any consent decree under State law or any other binding settlement,

"(C) under any governmental program (including Medicaid or Medicare) which the injured, ill, or deceased individual was required to participate in, or

"(D) pursuant to any other insurance other policy or program.

"(2) No person who is an employee covered by a State workman's compensation plan which compensates employees for injury, illness, or death arising out of and in the course of employment (or pursuant to similar tests of work-relatedness) may recover any amount under this section for any such injury, illness, or death for which any compensation is available under such State law.

"(h) HEALTH EFFECTS DOCUMENTS.—(1) The Administrator shall periodically prepare and, after notice and opportunity of comment, publish hazardous waste health effects documents which indicate the health effects of hazardous wastes. Such studies shall be based on the best scientific information available to the Administrator. For purposes of such documents, the Administrator may utilize studies and documents prepared by—

"(A) the Administrator under section 112 of the Clean Air Act, under subtitle C of the Act, under the Toxic Substances Control Act, under the Clean Water Act, under the

Federal Insecticide, Fungicide and Rodenticide Act, and under other applicable provisions of law;

"(B) the Occupational Safety and Health Administration under the Occupational Safety and Health Act;

"(C) by other departments, agencies, and instrumentalities of the United States; and

"(D) independent scientific organizations.

"(2) Each document prepared under this subsection shall set forth—

"(A) the elements of exposure necessary to cause a physical injury, illness, or death (including the nature, level, and duration thereof);

"(B) the etiology, symptoms, latency period (if any), prognosis, and other effects (including effects in an individual's progeny) of the injury or illness; and

"(C) such other information relating to the hazardous waste involved and to the health effects involved as may be appropriate.".

(8) Section 1004 is amended by adding the following at the end thereof:

"(42) The term 'act of God' means an unanticipated grave natural disaster or other natural phenomenon of exceptional, inevitable, and irreversible character, the effects of which could not have been prevented or avoided by the exercise of due care or foresight.

"(43) The term 'dependent' means with respect to any deceased person the individual or individuals referred to in section 8110 of title 5 of the United States Code.

"(44) The term 'transport', 'transportation', and 'federally permitted release' shall have the meanings provided by section 101 of Public Law 96-510.".

H.R. 2957

By Mr. PATMAN:

—Strike line 13 on page 18 and all that follows through line 8 on page 28.

By Mr. RITTER:

—Page 28, after line 8, insert the following:

STUDY

SEC. 308. Section 4 of the Bretton Woods Agreements Act is amended by adding at the end thereof the following:

"(d)(1) The National Advisory Council on International Monetary and Financial Policies shall conduct a study of the impact on the United States steel industry of steel subsidies by nations who are borrowers from the Fund.

"(2) Not later than 12 months after the date of the enactment of this subsection, the Council shall transmit a report to the President and both Houses of Congress regarding the Council's findings and recommendations for appropriate action.".

EXTENSIONS OF REMARKS

TURNING OFF THE NERVE GAS

HON. ED BETHUNE

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. BETHUNE. Mr. Speaker, a recent editorial in the Boston Globe outlines some of the issues that came up in the chemical weapons debate we had here in the House and in the Senate. I hope that Members will take the time to read this article and reflect on some of the points that are discussed.

[From the Boston Globe, July 15, 1983]

TURNING OFF THE NERVE GAS

In 1964 and 1970, George Bush tried and failed to get elected to the Senate from Texas. He finally got there in 1981 as Vice President, but did not cast a vote until he broke a 49-49 tie Tuesday. How unfortunate and ignoble that Bush's first Senate vote supports one of the worst ideas of the Administration he serves.

President Reagan's plan to put nerve gas into production illustrates the half-baked thought process motivating this Administration's military buildup.

Nerve gas will neither kill enemy troops efficiently nor protect American troops, much less defend or reassure our allies around the world who'll be the guinea-pig bystanders if it gets used.

The moral, financial and political costs are often cited, but nerve gas can also be met and defeated on the military merits, as Harvard professor Matthew Meselson has done. Gas is less effective than conventional explosives in killing soldiers who have protective gear and are trained in using it.

To kill a third of a 35-man platoon in attack configuration takes 80 conventional shells or 20 cluster shells from a 155mm howitzer. If the shells contain nerve gas and the men forgot their masks, five shells will do it (which suggests what happens to nearby civilians). But if the troops are properly equipped, Meselson estimates that as many as 80 nerve gas shells are required to produce a single casualty.

The Soviets have some 85,000 "chemical troops" trained to handle napalm and smoke. Prudence dictates that the Pentagon assume a Soviet nerve gas threat. The answer to that threat is to invest in first-rate protective gear for US troops. Mirror-imaging what military leaders imagine to be Soviet offensive capability is useless.

Nerve gas, first used on the Ypres battlefield in 1915, was one of the dread inventions of World War I, but its effectiveness in battle dropped off rapidly after protective gear was developed. By World War II, the Germans didn't bother with it because high explosives were more effective. British strategists considered using nerve gas, but concluded that friendly troops would also have to trundle around in protective gear, hindering their own mobility.

It may be necessary to have some nerve gas capability in order to force the other side to lug around masks, gloves and other paraphernalia. Otherwise, enemy soldiers would have an advantage in mobility and morale. Beyond that, however, nerve gas is militarily useless. The United States already has a sufficient supply for a two-week war stocked for US troops in Germany; hundreds of thousands of shells could be airlifted on short notice.

The Administration has been touting "binary" shells and bombs because, like epoxy glue, they don't become "active" until two ingredients are mixed just before firing. In the confusion of battle (where Pentagon strategists seldom venture) this adds a clumsy additional step. ("Hey Joe, where's the mixer . . . Did you load that one already?) A General Accounting Office report suggests some binaries seem to overheat when mixed and go off prematurely.

To spread nerve gas from an aircraft, the pilot must fly a steady pattern, maintaining a course and altitude calculated with the wind drift to put the gas where it's wanted. That means the pilot is duck soup for groundfire.

The nerve gas buildup squeaked through the Senate with the help of Bush and his fellow New England Republicans—Sens. Humphrey and Rudman of New Hampshire, Stafford of Vermont and Cohen of Maine.

The nerve gas cloud should waft back over the "defense" crowd in the Administration and the Senate who have supported it. They offer no "doctrine" explaining when to push the nerve gas button.

They should step out of their protective coverall argument—"The Soviets do it so we've got to too"—and told to explain precisely how producing this junk will add to the national security. They'll be gasping for words.●

LEGISLATION ON TELEPHONE RATES

HON. BOB WHITTAKER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. WHITTAKER. Mr. Speaker, I am pleased to introduce legislation today that will help keep local telephone rates at affordable levels. I urge my colleagues to support this bill.

While a number of bills have already been introduced on this same subject, each of these measures has been attacked by members of the Energy and Commerce Committee, both Republicans and Democrats, as frustrating innovations in the development of competition, and as requiring the establishment of a new and permanent Federal bureaucracy.

My bill attempts to answer the criticisms of my colleagues to these other measures. It will create an environment in which competition and technical innovation is possible by minimizing the amount of subsidies between various segments of the telecommunications industry. After a transition, my bill will target all subsidies to the truly high cost telephone companies where subsidies are needed most. And my bill will eliminate the need for a new large Federal bureaucracy to enforce its provisions.

Most importantly, my bill will reduce the amount by which telephone rates must be increased. If this bill is enacted, local rate increases for residential customers will be reduced by at least $2 a month, and millions of residential customers will experience rate increases totaling at least $5 a month less than what they would have to pay in the absence of this legislation. My bill will not put an end to telephone rate increases. However, it will minimize rate increases while preserving a competitive telecommunications environment.

The extremely complicated task facing Congress is to balance carefully the competing interests of continuing the transition to a competitive telecommunications environment on the one hand, while avoiding serious disruptions to the industry and to consumers on the other hand. My bill is designed to balance these conflicting goals as follows:

The Communications Act would be amended to state explicitly that a primary role of the FCC is to develop policies that insure the availability of telephone service on a universal basis. The present act, while mentioning universal telephone service as a goal, is more ambiguous on the importance attached to this goal.

Telephone companies would be prohibited from raising local residential telephone rates by more than $1 per month each year as a result of the FCC's newly adopted access charge scheme. Without this provision, all local residential telephone rates would rise at least $2 per month in 1984 as a result of the FCC's access charge decision, and some telephone companies have indicated they may propose increasing residential rates by as much as $4 per month in 1984.

The risk that local telephone companies will lose substantial revenues due to "bypass" of the local telephone network would be substantially reduced by requiring bypassers—that is, those long distance customers or carriers who indirectly, but not directly, use the local telephone exchange—to pay access charges to the local phone companies whose facilities they indirectly

use. Bypassers do not have to pay any access charge to the local telephone company under existing FCC policies.

All long-distance users would subsidize local telephone rates in rural areas in order to keep rural rates at generally the same level as urban rates. The FCC has proposed a rural subsidy too, but the subsidy provided in the bill would be substantially higher than the subsidy proposed by the FCC.

The FCC would be required to study the impact on local phone rates of the AT&T divestiture, State and Federal regulatory decisions, and marketplace activities and would be required to make annual reports to Congress showing the results of its studies and recommending legislation to cure any problems that it finds. The FCC has begun its own study, but the bill expands the scope of this study and makes it easier for the Agency to conduct a study by granting an exemption from the requirement that it obtain OMB approval of any questionnaires it sends to telephone companies and by removing any argument that it has no authority to collect information from some kinds of telephone companies.

The FCC would be prohibited for at least 2 years from letting telephone companies depreciate their telephone plant more rapidly than is authorized at present. No depreciation freeze exists under present law or regulation. Telephone companies are free to seek permission for more rapid depreciation at any time.

The FCC would be allowed to refrain from regulating any particular interstate long distance service if it finds that regulation of that service is unnecessary because effective competition exists. Deregulation of a long distance service which is competitive will permit carriers to save regulatory costs—cost savings which they can pass along to consumers. The present act is ambiguous on whether the FCC has authority to deregulate competitive services.

Local telephone companies would be required to offer by January 1, 1984, a lifeline telephone service at a substantial price discount from regular local telephone service. Those who subscribe to lifeline service would get to make a limited number of local calls—in the range of 15 to 30 calls per month—for a flat charge which is substantially below the charge for regular local service. A lifeline subscriber who made more than the allotted number of calls in any month would pay a modest fee—probably in the neighborhood of 10 to 25 cents—for each local call in excess of the allotment. The present act does not require local telephone companies to provide lifeline service.●

UNSELFISH AMERICANS

HON. CHALMERS P. WYLIE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. WYLIE. Mr. Speaker, members of the Veterans' Affairs Committee recently witnessed an act of unselfishness on the part of the group of Americans who are committed to the strength and prosperity of this Nation. I am talking about America's veterans who have come forward to agree to a delay in cost-of-living increases for their benefits for the betterment of our country.

In a recent article in the Stars and Stripes, a noted newspaper which has been expressing the concerns of our Nation's veterans for over 100 years, Representative BOB MCEWEN of Ohio, ranking member of the Subcommittee on Compensation, Pension and Insurance, captured the feeling of many of the members of the committee regarding this sacrifice by those who have already given of themselves for our Nation. I would like to have the article reprinted in the CONGRESSIONAL RECORD for the benefit of the Members.

The article follows:

[From the Stars and Stripes, May 26, 1983]

UNSELFISH AMERICANS

(By Representative Bob McEwen)

The responsibility to assist the disadvantaged in our society is a large task and some do not seem to appreciate the difficulty inherent in this duty.

I believe it is important to pay tribute to the sacrifice made by those Americans and their families who have given unselfishly of their time, talents, treasure and even their lives to protect our nation by serving in the armed forces and who are continuing to make sacrifices for the good of our country.

I'm talking about America's veterans who recently again demonstrated to Congress and the nation their commitment to a strong and secure America in testimony before the Congress.

As the ranking member of the Veterans Affairs Subcommittee on Compensation, Pension and Insurance, it was moving to hear disabled veterans and the service organizations which plead their cause, announce they are willing to accept a six-month delay in benefit increases to assist in reducing Federal budget deficits.

I believe that they are to be congratulated for placing our nation first.

Both the House-passed and Administration-backed budget proposals request a delay of six months in cost of living increases from October 1, 1983, until April 1, 1984.

No group of Americans is more deserving of benefit increases than service connected disabled veterans or their surviving dependents, and yet no group has been more willing to give of themselves time and again for the betterment of our country.

The National Association of Military Widows, and the Disabled American Veterans were joined by numerous other veteran organizations in their support of the proposal to delay the cost-of-living increase this year.

The Blinded American Veterans Association stated before the Committee, "Like other veterans, we are willing to do our share to improve the state of the economy, and if the delay in the cost of living adjustment would contribute in some way to a new economic prosperity, we are willing to make the sacrifice. In this spirit of sacrifice, we are prepared to do our share.

"We only ask in return that it be recognized that veterans are making a sacrifice and that the burden of this sacrifice will fall greater on the severely disabled veterans."

The American Legion testified, "The American Legion does not want to see these deserving veterans, and their dependents and survivors, deprived of benefits they clearly need. (But) the Legion is also aware of the serious fiscal problems that confront the Federal Government, and that both the President and Congress must address.

"For that reason, and because veterans are perhaps the most responsible element of the American social structure, The American Legion will accept the six month delay in increase in these service-connected entitlement programs.

"The American Legion feels that no other category of Federal beneficiary has an equal claim upon the government as do the nation's veterans who have already made the greatest contribution to the national welfare, through military service in time of war."

The Paralyzed Veterans of America added, "In light of efforts to restrain and reduce growing budget deficits, we realize that it is incumbent upon all citizens to be willing to assist in the government's efforts."

Adding its voice to these expressions of unselfishness and dedication to America, was the Non-Commissioned Officers Association which stated, "Foremost, this sacrifice can significantly help the nation. Additionally, the savings represented by the proposed delay protects other important improvements in the Veterans Administration budget."

The Veterans of Foreign Wars stated, "Both the President's proposed budget and House concurrent Resolution 91 would delay cost-of-living increases for Federal beneficiaries for six months. Thus, the 4.1 percent increase in the Compensation and Dependency and Indemnity Compensation Programs would become effective April 1, 1984, rather than October 1, 1983.

"The VFW agrees to this deferred cost-of-living increase and supports it to help reduce the Federal deficit and maintain the integrity of the Compensation Programs."

These special Americans, even though they are disabled, widowed, crippled and blind, have unanimously said that for the good of us all, they are willing to make yet another sacrifice.

How different are these brave men and women from those who boast that they would never lift a finger to aid this nation and yet continue to demand more and more from the beleaguered American taxpayer.●

ACTIVE DUTY FORGOTTEN WIDOWS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. BILIRAKIS. Mr. Speaker, I was planning to offer an amendment to the DOD authorization bill which would at long last provide benefits to a deserving segment of the military community known as the forgotten widows. However, I am going to withdraw my amendment and instead, I will be introducing legislation next week to provide benefits to those elderly widows who are receiving no military benefits despite their contributions to a 20-, 30-, or even 40-year military career.

For the purpose of definition these forgotten widows are women whose husbands died in retirement prior to the enactment of the survivor benefit plan in 1972. Their husbands did not have an opportunity to participate in a fair and solid survivor plan. It was because of the absence of such a plan that the Congress enacted the SBP.

Due to the urgency with which this bill was brought back to the floor tonight and the complete ineptness of the defense bureaucracy in providing me with reliable and consistent cost estimates on this amendment, I am concerned that this important issue would not receive the fair and careful attention it deserves. I strongly urge the chairman of the Armed Services Committee to hold hearings on this issue as soon as possible. I am well aware of the committee's past reluctance to do so and honestly, I am very dismayed. It is grossly unfair to these elderly women who are literally in desperate economic circumstances because the Congress has refused to act on their behalf. In light of this history of foot dragging, I am committed to pursuing an amendment to next year's authorization bill if the committee will not take the necessary action.

I am equally dismayed over the inability or perhaps unwillingness of the Defense Department to provide a responsible cost estimate. In 1979, DOD submitted to the Congress an estimate of $87.7 million in fiscal year 1984 to provide benefits to forgotten widows, with costs declining to $3.8 million early in the next century. This was based on an estimate that there would be 34,800 of these widows in fiscal year 1984.

However, last week DOD provided me with a figure of less than 27,000 as an estimate of the number of these widows who would be eligible. I am not convinced that even this lower figure is accurate and there is reason to believe that the Pentagon is inflating these figures because of their animosity to legislation of this kind. I find it interesting, and somewhat alarming, that another source within DOD produced yet another estimate of the number of widows, and a substantially lower one at that. The Defense Manpower Data Center recently ran a computer file search and came up with a figure that indicates there could be less than 3,900 of these forgotten widows. In all fairness, I would mention that the computer file from which this figure was extracted is not 100 percent complete and that there are almost certainly some widows out there who are not presently on those computer lists. However, I find it very difficult to believe that it is off by some 600 percent.

I have also been in contact with an organization called the National Organization of Military Widows. These people deal firsthand with the elderly forgotten widows who come to them for advice and support, and this group also estimates that there are fewer forgotten widows than DOD would have us believe.

I am convinced that regardless of their number, these women have earned military benefits through their service to the Nation as military wives. The primary question, in my mind, is one of equity, and not cost. As a fiscal conservative, however, I understand the need for reliable cost estimates when we consider any additional spending and I pledge to my colleagues that I will vigorously pursue this aspect of the forgotten widows issue in the hope that we can act swiftly to correct this inequity and provide these women with the recognition and compensation they deserve.●

AN OK FOR COAL SLURRY?

HON. JOHN McCAIN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. McCAIN. Mr. Speaker, as the debate over energy costs and availability continues, I want to take this opportunity to bring to my colleagues' attention an editorial which appeared in the Arizona Republic on June 25, 1983, entitled "An OK for Coal Slurry?"

As a long-time supporter of coal slurry pipelines, I endorse this editorial and fully concur that slurry pipelines are a necessary and economically viable transportation alternative which will provide competition as well as supplement the shipment of coal by rail.

Additionally, the Coal Pipeline Act of 1983, H.R. 1010 which will be before this body in the near future does not, in any manner, alter any provision of State law or any interstate compact governing the appropriation, use, or diversion of water for use in the pipelines.

If Congress approves coal slurry pipelines—and it now seems closer than at any time in the past 20 years—this would cut the delivery price of Western low-sulfur coal.

More utilities across the country would buy cleaner Western coal, eventually generating greater income and jobs for the West.

Arizona produces 12.5 million tons a year, all on the Navajo Indian reservation.

Coal-fired plants produce more than half of all U.S. electricity.

Railroads, fighting to keep their high-volume coal traffic, have managed to defeat pipeline developers for two decades.

They are still attempting to block the pipelines—carrying a 50-50 mixture of coal and water through mostly underground lines—from crossing railroad rights-of-way.

Western coal and pipeline interests are trying to use the power of eminent domain.

One reason why the bill has a chance of passage is that much of Western agriculture's past fear of losing irrigation water to slurry has been claimed.

Reps. Richard Cheney, R-Wyo., and Morris Udall, D-Ariz., have written a measure that gives the states authority over water used in interstate coal slurry pipelines.

No firm may purchase water for slurry without state approval.

In some cases, moving coal by pipeline is half that of rail rates.

In all instances, the new delivery method offers savings to customers.

Coal slurry pipelines should make both the railroads and slurry lines more cost-efficient.

Such efficiency should help coal better compete with nuclear and oil energy.

The United States has hundreds of years of energy resources in its coal deposits.

Western coal is relatively clean-burning.

After two decades, the time for coal slurry pipelines has finally arrived.●

RETIREMENT OF LOUIS T. SHUPNIK AS CHIEF PAROLE AND PROBATION OFFICER FOR THE LUZERNE COUNTY COURTS

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 26, 1983

● Mr. HARRISON. Mr. Speaker, on Friday evening, July 29, his friends and colleagues will pay tribute to Louis T. Shupnik on his retirement as chief adult parole and probation officer for the Luzerne County courts.

With this retirement dinner, Mr. Shupnik brings to a close an outstanding career in law enforcement which has spanned a period of 46 years.

From 1936 to 1963, Mr. Shupnik was a member of the Pennsylvania State Police. He served as an intelligence and criminal investigator and was head of the criminal intelligence unit at the Wyoming Barracks. Due to his extensive knowledge of organized crime, he appeared as a witness, representing the Commonwealth of Penn-

sylvania, before the U.S. Senate Select Committee investigating organized crime, popularly known as the McClelland committee, and before the New York State Crime Commission.

As a criminal investigator, Mr. Shupnik participated in and directed to a successful conclusion many and complicated criminal investigations. He is the receipent of a number of citations and commendations, from Gov. David L. Lawrence, from State Police Commissioners Wilhelm and McCartney, from the Federal Bureau of Investigation.

On August 1, 1963, Lou Shupnik retired from the Pennsylvania State Police, with the rank of lieutenant, to accept the position he now holds.

Mr. Shupnik inaugurated the Luzerne County Adult and Parole Probation Department and introduced a system of presentence investigations and reports. He was a member of the staff that inaugurated the statewide program of the Adult Correctional Training Institute.

It is in the last 20 years, Mr. Speaker, that Lou Shupnik has made his greatest contribution to law enforcement. He has been a watchful investigator, a thorough administrator, a counselor who could avail himself of compassion when appropriate and of discipline when required. He organized a professional and clerical staff which has grown in proportion to the caseload before our courts. They have been the eyes and the ears of our judges, without whom sentencing decisions, difficult at any time, would have become excruciating. Through all of this, Lou Shupnik has remained the man he always was: unassuming, diligent, conscientious, and courteous. I should know, Mr. Speaker, because as a young lawyer I represented clients who came before his office. I found him, as did all of my colleagues at the bar, to be always fair, evenhanded, and helpful.

The criminal justice system in Luzerne County will miss Lou Shupnik. But we know that he will be there as a friend, as an adviser and a counselor. We know also, that with his retirement will come much deserved time to spend with his family: his wife, the former Elizabeth Martin and three children—Mrs. Robert Gulick, Nancy, Esq., an assistant district attorney of Luzerne County, and Mary Ellen, a nurse at Wilkes-Barre's General Hospital.

It will be my pleasure to be with the Shupnik family and their friends and neighbors this coming Friday evening, Mr. Speaker, and I am happy for today's opportunity to share this occasion with my friends and colleagues in the House.●

APPOINTMENT OF HENRY KISSINGER: POLICY OF SURRENDER

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. McDONALD. Mr. Speaker, the appointment of Henry Kissinger as Chairman of the National Bipartisan Commission on Central America is a depressing thing, in my view. Henry Kissinger was responsible in large measure for the loss of Southeast Asia to the hordes from North Vietnam. He ushered in the era of so-called détente which gave the Soviet Union unprecedented access to our technology, money, and good will. By the time he departed from the State Department, America was in disorderly retreat everywhere in the world. The Soviets found Henry quite easy to handle. This is not just my opinion, but the opinion of one, Igor Glagolyev, who was in the Soviet apparatus at the time and dealt with him from the other side of the table. His comments on Henry Kissinger follow:

APPOINTMENT OF HENRY KISSINGER: POLICY OF SURRENDER

(By Igor Glagolyev)

The appointment of Henry Kissinger as chairman of the National Bipartisan Commission on Central America is very significant because it shows the present trend in the policy of the U.S. Administration and of the leadership of both American parties.

The Soviet and pro-Soviet forces are waging wars and organizing mass terrorist actions in more than 30 countries of Asia, Africa, Latin America, and Europe. Not a single country attacked by the communist forces is actually defended by the U.S. military forces. The only region where the present U.S. Administration tried to support several victims of the aggression is Central America. And now the man, who personally arranged the surrender of South Vietnam, Laos, and Cambodia, as well as the surrender of the American nuclear superiority to the U.S.S.R., is appointed as the policymaker for this region.

Being a consultant of the Soviet Government till 1976, I worked with Kissinger in 1962 and met him in Moscow in 1967. Sometimes I was his opposite number in the U.S.S.R. in the internal discussions of the most important strategic problems. While he presented his suggestions on Indochina and SALT I to President Nixon, I sent my confidential policy papers on Indochina to the Politburo in 1967-1968 and on SALT I—to the Soviet Ministry of Foreign Affairs in 1970-1971. On the request of the Ministry of Foreign Affairs I prepared a study of Kissinger's policy in 1969. The Soviet leaders—Brezhnev, Andropov, and Gromyko—had high expectations in connection with the appointment of Kissinger as the national security adviser of President Nixon at that time, but Kissinger far exceeded these expectations. Actually he proved to be even more pro-Soviet than some of the members of the Soviet establishment. In 1967 some Soviet leaders were ready to stop the communist aggression in Indochina and leave South Vietnam, Laos, and Cambodia alone; they saw the powerful American army in South Vietnam and the damage it did to the North Vietnamese aggressors. This was my position as well. Kissinger, however, in December of that year confidentially informed G. Aratov, V. Emelyanov (KGB people) and some other Soviet representatives, including myself, that the United States was going to stop the war unilaterally, that is to abandon those three countries. This idea was expressed by Kissinger in a most skillful and scientific-looking way. Soon President Johnson unilaterally stopped the bombings of North Vietnam. President Nixon and Kissinger withdrew unilaterally the American troops; Indochina was surrendered. Millions of innocent men, women, and children were killed, mutilated, starved to death or sent to concentration camps by the Soviet-armed communists. Kissinger got a Nobel peace prize during this slaughter.

Some Soviet leaders were ready to sign a SALT I agreement on the basis of equality of the strategic forces of the U.S.S.R. and the U.S. It was my position, too. Kissinger, however, persuaded President Nixon to conclude the SALT I agreement on the basis of a large Soviet superiority—three to one—in the aggregate yield of the strategic weapons. According to an estimate of the Soviet General Staff, such superiority is sufficient for the U.S.S.R. to win a nuclear war against the United States with a first strike and to kill, wound, burn, or contaminate the whole U.S. population.

The damage Kissinger did to the interests of the free world can be compared only to the results of the policy of the Carter-Mondale Administration. The Nixon-Kissinger Government was surrendering two countries annually to the pro-Soviet dictatorial regimes, while the Carter-Mondale Administration—even three countries (including Nicaragua!). The present liberal leaders of the Democratic Party criticize Kissinger and Nixon for surrendering free countries too slowly. The Carter-Mondale Administration openly announced and pursued the policy of increased collaboration with the Soviet aggressors. It reduced unilaterally the defense forces of the United States while the U.S.S.R. increased its military superiority.

Kissinger's enormous "achievements" in the field of collaboration with the Soviet aggressors were recognized by the Soviet leadership in the official history of the foreign policy of the U.S.S.R. edited by Foreign Minister A. Gromyko and Secretary of the Central Committee of the CPSU B. Ponomarev. The Soviet leaders pointed out the joint actions of the Brezhnev-Andropov dictatorship and the Nixon-Kissinger Administration against one of the most important allies of the United States—Israel—in 1973.[1]

Kissinger himself frankly describes in his memoirs how he delivered an ultimatum to the small democratic state of Israel in 1973 and threatened it with a Soviet-American "enforcement" in support of the aggressive Egyptian troops which had attacked Israel shortly before that.[2]

At present Secretary of State G. Shultz and his advisor H. Kissinger also promote Soviet interests when they are trying to compel Israel to withdraw unilaterally not only from South Lebanon, endangered by the Syrian occupation troops and the PLO

[1] "Istoriya vneshney politiki S.S.S.R." (History of Foreign Relations of the U.S.S.R.), 1945-1975. Moscow, 1976. Pg. 564.

[2] H. Kissinger. "Years of Upheaval." Boston-Toronto, 1982. Pg. 608-609.

terrorists, but also from some territories of Israel itself.

H. Kissinger and G. Shultz were among the main creators of the system of financing of the aggressive Soviet bloc and of supplying it with American technology in the first half of the 1970s. At present the U.S. Government and commercial banks are financing dictatorial regimes of the Soviet bloc and socialist-oriented governments of Latin America which help the communist terrorists in Central America. The government of Mexico, for instance, which is financed by the United States on a huge scale, allows the terrorists to keep some of their headquarters on its territory. The Mexican government has agreements of cooperation with the U.S.S.R. and Comecon.

H. Kissinger in his new capacity can be expected to continue and intensify this policy, that is direct or indirect financing of communist aggression. One can also suppose that he will use his experience of unilateral withdrawal of the American troops from Vietnam and prevent the U.S. military forces from defending the present victims of the aggression. This would be sufficient for the Soviet Union, Cuba, and Nicaragua to win the total war in Central America for which they are preparing now. They would expect Kissinger to talk and promote himself as usual, while the communists would kill off the friends of the United States and come to power on the basis of some "peace" agreement, like in Indochina.

Charles Levinson describes the philosophy of G. Shultz and H. Kissinger in the following way: "G. Shultz took it upon himself (in 1974) to stress what he saw as the absurdity of connecting the pursuit of nation-to-nation economic relations with the defense of individual rights. People like Shultz and Kissinger obviously have very mediocre views of life when one considers that all their acts are determined by a total absence of morality." [3]

The approaching surrender of Central America would have disastrous consequences for the United States. Hundreds of thousands of communist terrorists would join those illegals, subversives, spies, drug pushers, and other criminals who are already crossing the Mexican border into the U.S. at the rate of more than one million a year. Then the Soviet aggressors would use this invasion and other subversive measures for the final destabilization of the United States. The appointment of this champion of surrender is a grave mistake.●

THE PENNYSAVERS—A PUBLISHING SUCCESS

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. McGRATH. Mr. Speaker, I would like to draw the attention of my colleagues to one of the great success stories in the publishing business: the Pennysaver Corp., which is now celebrating its 20th anniversary.

The Pennysaver publications were initiated in the village of Rockville Centre, N.Y., to meet the advertising needs of local merchants. Pennysavers are sent free of charge to every home in the community, providing an inexpensive means of advertising to merchants as well as important information for consumers.

The first South Nassau Pennysaver was born in 1963 as a fledgling publication. This novel concept has proven itself over the years, growing to 19 editions serving over 250,000 homes each week.

Besides providing valuable information to consumers, the Pennysaver publications also fulfill a greatly needed public service by making space available for government officials at all levels to report directly to the people. Such access often is not available to government officials in the regular media.

The Pennysaver Corp., is an outstanding example of the great American success story, an organization of individuals who see a need and strive to fill it. I would like to congratulate the Pennysaver Corp., for its tradition of journalistic excellence, public trust, and valuable service to our community.●

POSITION PAPER ON FISCAL YEAR 1984 REAGAN BUDGET PROPOSAL

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. SIMON. Mr. Speaker, for the second year in a row, the Woman's National Democratic Club has produced a position paper critiquing the administration's budget proposals—this time for fiscal year 1984. As in the past, members of the group's budget task force have spent a good deal of time carefully reviewing the President's proposals and realistically assessing how they do or do not meet our real national and international needs. The final conclusion of the policy paper represents the thinking of many of us as we look at the economic policies that have been pushed by this administration:

To summarize, the President's proposed fiscal year 1984 budget is long on missile-rattling and woefully short of compassion for the poor and of constructive vision for the future of America. The American people deserve better of their government and must, through the Congress, insist on the kind of budget they deserve.

I urge my colleagues to read the Woman's National Democratic Club's analysis of the President's budget.

POSITION PAPER ON FISCAL YEAR 1984 REAGAN BUDGET PROPOSAL

The Public Policy Committee of the Woman's National Democratic Club joins a distinguished and diverse company of critics of the President's proposed budget for fiscal year 1984 (beginning October 1). In effect, the President has asked the nation to "stay the course" with fiscal policies that were based in part on grossly optimistic economic forecasts that have not been realized during the first two years of the Administration. Following this prescription would step up defense spending and further reduce domestic spending. It would forego major tax increases (except those imposed by the recent social security legislation) until fiscal year 1986, and even then only on a contingency basis. This combination of policies would keep annual deficits at near-record levels through 1988. Thus, the Administration has clearly abandoned its often-proclaimed goal of achieving a balanced budget in 1985.

To avoid the potential economic disaster inherent in the President's 1984 budget, the Public Policy Committee urges a reduction in the rate of increase of defense spending, the restoration of some of the 1981-1983 cuts in domestic spending, the addition of some prudent antirecession measures, and the raising of some additional revenues before 1986—thus reducing prospective deficits. We believe that the Congress must act this year to bring down deficits in 1984 and 1985, because the interest on borrowing to cover them will compound the deficits in later years.

Despite the Administration's claims in earlier budgets, the chief—if not the only—economic gains recorded during 1981-1982 were a pronounced reduction in inflation (due in large part to the declines in the prices of food and imported oil) and a substantial reduction in interest rates during the latter half of 1982. These two developments are touted in the 1984 budget message, with only a passing reference to the key role played by monetary policy, which is largely shaped by the Federal Reserve Board.

However, most of the economic news during 1981 and 1982 was bad. Insignificant gains were recorded over the past two years for the gross national product (0.7%), per capita income (0.9%), and retail sales (1.4%). Total unemployment swelled to about 12 million as 1982 ended, and the prospect is many of the jobless will never be rehired. Factories were operating at barely more than two-thirds capacity (the lowest rate ever recorded) and corporate profits fell by almost 22% over the two years. Business investment, which the Administration's proposals were supposed to boost, actually fell as a proportion of GNP, under the impact of high interest and declining demand. At the same time, the dollar's exchange value soared by almost one-third, increasing the volume of imports by making them cheaper, while eroding the country's export markets. Finally, in 1982 alone, the recession cost the Federal Government $25 billion in lost revenues and increased its outlays by $15 billion.

Now, in the first months of 1983, a number of signs point to a modest economic recovery. The Federal Reserve's shift in monetary policy has lowered interest rates enough to trigger an encouraging pickup in housing starts and sales of automobiles and other "big ticket" items. Manufacturers in a number of industries have made rapid progress in liquidating their inventories, which is usually a harbinger of a rebound in production. However, a number of top officials of leading companies have made it clear that such a rebound will not result in the hiring of substantial numbers of new workers.

The prospect of massive deficits still overhangs the economic scene. The danger is that, as the recovery proceeds, the Government (in order to cover these deficits) will

[3] Charles Levinson. "Vodka-Cola." London and New York, 1978. Pg. 194-195.

crowd private investors out of the financial markets.

It is clearer than ever that the Administration's tax cuts of 1981 went too far. In order to reduce the impending deficits, tax revenues must be increased and expenditures reduced. The Public Policy Committee therefore recommends capping of the scheduled 1983 income tax cut so that no taxpayer would receive more than a $500 tax cut. We also urge closing the enormous loopholes in the current income tax system, and postponement of the indexing of tax bracket provisions. Further, we urge consideration of our 1982 recommendations, as follows:

Rescinding the corporate tax giveaways, revising depreciation rules to eliminate current inequities among industries, and imposing a minimum corporate income tax;

Improving tax collections—e.g., by providing the Internal Revenue Service with adequate funds to insure the collection of all taxes legitimately due and by maintaining tax withholding on dividend and interest income;

Considering seriously other ways of increasing tax revenues, such as:

Excise taxes for luxury items and higher taxes on alcohol and tobacco;

Oil import taxes, with appropriate subsidies for the poor (this will also encourage conservation);

Imposing or increasing current user fees for Federal services, such as those at airports or on the waterways.

On the spending side, the greatest opportunity for reducing the deficit is offered by deep but prudent cuts in the Administration's extravagant requests for defense spending authority—$280.5 billion in 1984 compared with with $245.5 billion in 1983. A growing number of the most responsible and experienced defense experts in our country are convinced that the rapid increase in costly and sometimes exotic weaponry proposed by the Administration will decrease rather than increase our national security. The vast majority of experts hold that essential parity between the United States and the Soviet Union exists, and that now is the time for a bilateral nuclear freeze as a giant step toward ending the arms race. This could lead to a halt in the development of ever more provocative weaponry and provide a breathing space and a climate in which the United States and the Soviet Union can negotiate seriously and productively for the actual reduction of arms levels on both sides. We concur with Governor W. Averell Harriman that the comprehensive test ban negotiations be resumed and brought to a successful conclusion.

The Public Policy Committee strongly urges that the increase in defense expenditures be held to the 3% real growth agreed with our NATO allies. We recommend that the Congress, in deciding which proposed expenditures to disallow, give priority consideration to the Geneva INF and START talks, and how best to contribute to their success. We believe that the Congress, in determining how to limit expenditures on new weaponry, should give most urgent consideration to those nuclear systems that: (a) are especially destabilizing, such as the MX and Trident II missiles; (b) seriously complicate achievement of verifiable arms control agreements, such as the sea-launched cruise missiles; (c) lead us into dangerous new areas of competition, such as space weaponry; or (d) are redundant to our needs and are an unnecessary drain on our national economy, such as the B-1 bomber.

The billions of dollars proposed to be spent upon nuclear arms and on a 600-ship navy do not address our real security problems. Instead, they result in the neglect of the urgent human needs in our society. The huge jump in defense outlays proposed by the President for fiscal 1984 would lead to even greater outlays in future years, once the planned weapons begin rolling off assembly lines. This will fuel inflation, particularly through the concentration of technological expertise in the defense industry at a time when it is needed in the civilian economy. The growing military burden would put severe pressure upon money available for social, health, education, and other domestic programs. National security is not a matter of weapons alone; it involves the economic security and well-being of all Americans.

It is high time, also, that our nation move towards assuming its full obligations to world stability—economic and social—particularly with regard to assistance in eliminating the desperate poverty in the developing nations. Military assistance and sales should be sharply reduced. The Public Policy Committee recommends that appropriations for economic overseas aid, particularly through such multilateral institutions as the World Bank, the International Development Association, the UN Development Fund, and the Inter-American Development Bank, be sharply increased.

At home, children—America's future, in human terms—have been the particular victims of the Reagan budgets of the past two years. According to an authoritative study by the Children's Defense Fund:

An estimated 1.5 million children have lost Aid for Families with Dependent Children (AFDC). Most have also lost Medicaid.

725,000 people, including about 200,000 children, have lost health services as a result of funding cuts affecting 230 community health services.

Over 200,000 children and mothers have lost preventive maternal and child health services.

One million people have seen their food stamps eliminated and about four million have had them reduced.

1.1 million low-income children have lost free or reduced-price luncheons; thousands no longer receive school breakfasts, nor nutritious snacks in day care centers.

The 1984 budget proposed by the President continues on this disastrous course. For the third year in a row, deep cuts are proposed in the food stamp program, totaling $1.1 billion. A cut of $750 million in AFDC is proposed. In the Medicaid program, the Administration has again proposed mandatory copayments of $1 to $2 for doctor, clinic, and outpatient hospital visits. In the Supplementary Security Income program (SSI), the Administration is relying on the six months' delay in the cost of living adjustment to bring about savings. It proposes to hold the Special Supplemental Food Program for Women, Infants, and Children (WIC) for FY 1984 at the same level as FY 1983 ($1.1 billion) without any provision for inflation. It also proposed drastic cuts in the Older American Acts program and the total elimination of Title XX Community Service grants.

The Administration also proposes to merge the child welfare services and the child welfare training program into one formula grant and to cut the total funding by approximately $4 million. It also proposes to put a cap on foster care expenditures. The Public Policy Committee opposes both of these recommendations.

The Administration has proposed a particularly drastic cut in subsidized housing—from $5.8 billion to $2.3 billion. The Administration estimates a decrease in unemployment compensation from $36.9 billion in 1983 to $28.8 bilion in 1984, and opposes proposals for the continuation of health insurance for the umemployed.

All of these proposals, as in past years, bear most heavily upon the poor, and particularly on families headed by women—the most rapidly expanding pool of poverty in our country. Rather than the further cuts mandated by the Reagan FY 1984 budget, the drastic cuts made in the 1982 and 1983 budgets should be reconsidered and, wherever possible, restored.

Despite authoritative reports and warnings on the declining quality of U.S. education, the Reagan Administration continues to reduce Federal support for this essential function—by $900 million in FY 1984 as compared with FY 1983. Indeed, it has deplored the increase in Federal funding for education in the 1960's and 1970's, maintaining that it resulted in "a growing and inappropriate [Federal] influence on parental, State, and local decision-making." The Administration, it boasted, "has moved forcefully to change that trend." The proposed FY 1984 budget calls for particularly severe cuts in vocational and adult education (39%) and in bilingual education (31%).

The Public Policy Committee urges the restoration of the cuts made in Federal support to education. Adequate funding is essential for such programs as the Women's Equity Education Act, Title I of the Education Consolidation and Improvement Act (handicapped, vocational, and continuing education); science education, student assistance, and other secondary education programs; and in higher education programs.

The Public Policy Committee urges an increase in the FY 1984 budget for Environmental Protection Agency (EPA) operations to $1.25 billion, rather than the reduction from $1 billion in FY 1983 to $950 million in FY 1984 proposed by the President. We urge an increase in EPA's research and development budget to $250 million and in its Superfund for cleaning up hazardous waste dumps to $300 million. These increases should enable the EPA, under its new leadership, to measure up to its responsibilities rather than evading them.

The Reagan proposals for FY 1984 would have a particularly drastic impact on the Department of Energy. They would turn it into a Department of Nuclear Weapons and, secondarily, of Nuclear Power. Sixty percent of its budget would go for nuclear weapons, and 84% of the rest for nuclear power. All other (*i.e.*, non-nuclear) functions would be starved of funds—including solar and other renewable energy sources. The cut proposed for energy conservation would be particularly severe—from $367 million in FY 1983 to $74 million in FY 1984.

The Public Policy Committee urges the Congress to reject this disastrously skewed, one-sided approach to our energy needs. Specifically, we call upon the Congress to:

1. Increase the energy budget from the $3.3 billion proposed by the Administration for FY 1984 to the level of FY 1983, about $4.5 billion.

2. Provide for an adequate Strategic Petroleum Reserve.

3. Terminate funding for the Clinch River Breeder Reactor.

To summarize, the President's proposed FY 1984 budget is long on missile-rattling and woefully short of compassion for the

poor and of constructive vision for the future of America. The American people deserve better of their government and must, through the Congress, insist on the kind of budget they deserve.●

"PLEASE DON'T SQUEEZE THE VIEWER"

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. MICHEL. Mr. Speaker, one of the most important areas of our national life is the communications industry, particularly television. There is currently a question before the Federal Communications Commission concerning financial interest and syndication rules. This may seem at first glance to be an esoteric subject. But in fact it is a subject that has direct impact on every television viewer.

Mr. Robert E. Rice, chairman of the Board of Governors of the ABC affiliates and the president and general manager of WRAU-TV, the local ABC affiliate in my hometown of Peoria, Ill., has written a letter to me arguing for repeal of those rules. I commend it to the attention of our colleagues.

At this point, I wish to insert in the RECORD, Mr. Rice's letter.

WRAU-TV,
Creve Coeur, Ill., July 20, 1983.

Hon. ROBERT MICHEL,
U.S. House of Representatives,
Washington, D.C.

DEAR BOB: After a full year of formal proceedings, it is reported that the Federal Communications Commission is nearing a decision in its pending rulemaking to consider repeal or modification of the network Syndication and Financial Interest Rules. As a member of the Board of Governors of the ABC Television Affiliates Association (and its immediate past chairman), as well as the President and General Manager of WRAU-TV in Peoria, I am writing to express my concern with H.R. 2250—a bill which would foreclose the FCC's discretion to change these rules. My concern is that the rules are bad for local television in Peoria and throughout the country, and legislation to perpetuate them would be a disservice to the American viewing public.

While debate on the network Syndication and Financial Interest Rules has focused on the effect of the rules on the TV titans of New York and Hollywood, little has been said about the impact of the rules on viewers—particularly those who cannot afford "pay" television. Evidence submitted to the FCC, however, suggests that television viewers have been poorly served by these rules. The Justice Department, the FTC staff, the Commerce Department and numerous public interest groups have told the FCC that the rules are anti-competitive and have diminished, rather than increased, the choice of programs available to viewers. A special network inquiry staff appointed by the FCC during the Carter Administration came to the same conclusion three years ago.

Adopted in 1970, the rules were designed to serve as a check on what was then perceived to be the dominant market power of the three networks. The rules restrict the networks' financial interest in network programs and prohibit the networks from syndicating—that is, licensing programs to local stations after their network run has been completed. Thus, the networks are unable to share in the enormous profits their successful programs generate in syndication. This loss of syndication profits has resulted in an artificially higher cost to the networks for each new program acquired. The FTC's Bureau of Consumer Protection predicts that if the rules are allowed to continue, the networks will be forced to offer "fewer new programs" and more "re-runs." That, of course, reduces program choices for our viewers.

As a cost saving measure, the networks are presently expanding the amount of commercial matter in network programming. While network officials acknowledge that expansion of commercial clutter in prime time might well provoke viewer dissatisfaction, they feel the increase is necessary to keep up with every escalating program costs.

By denying the networks legitimate program profits, the rules also discourage them from financing and producing creative and financially risky programming—undermining the overall quality of television broadcasting.

Further, the rules preclude the networks from supplying small program production firms with capital in exchange for a financial stake in the programs they produce. If the rules were repealed, however small, independent producers who otherwise would not be able to compete financially with the major Hollywood studios would be able to enter the program production market.

The networks today—unlike the situation back in 1970 when the rules were adopted—must compete with cable television and other video delivery systems for quality programming. These alternative delivery systems can afford to pay more "up front" for programming because they—unlike the networks—are allowed to acquire subsidiary rights in the programs they buy.

A few months ago, then FCC Commissioner Sharp predicted that with an estimated capacity to soon reach 82 percent of American television homes by using direct satellite-to-home broadcasting and cable, the networks may eventually drop most of their local affiliates. If this comes to pass, local communities would lose their local network affiliated stations. Let there be no question, continuing the Syndication and Financial Interest Rules will only serve to create a further incentive for local stations to be bypassed by the networks in the distribution of television programming. That is a matter of considerable concern to the some 600 local television stations across the country that are affiliated with the three networks.

By saddling the free over-the-air system with this kind of anti-competitive constraint, the Commission is encouraging a migration of quality network programming to other—principally "for pay"—distribution systems. The interests of viewers—particularly less affluent viewers who are unable to pay for television—are seriously affected.

Finally, as the Justice Department, the FCC and FTC have all noted, the rules have created a marketplace anomaly by disrupting economically-efficient risk-sharing arrangements between the networks and small independent program suppliers. For this reason, the FTC's Bureau of Consumer Protection concluded that the Syndication and Financial Interest Rules benefit the large established Hollywood production companies at the expense of small producers, and in doing so, "harm the very group the FCC sought to help in enacting the rules." The National Black Media Coalition, a public interest group concerned with the interests of Black viewers and Black media professionals, agrees and has told the FCC that the rules have served to "exclude independent Black and minority producers" from the TV program production market with the result that less programming of special interest to Blacks is now produced.

On the other hand, there is little doubt that repeal of the rules would lead to an increase in the number of TV program producers and that, in turn, would increase the diversity of program choices for television viewers. Such a result would clearly serve the public interest.

Sincerely,

ROBERT RICE,
President and General Manager.●

THE EFFECT OF THE SOCIAL SECURITY SYSTEM ON BLACK AMERICANS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. CLAY. Mr. Speaker, during the last decade preceding the signing into law of Public Law 98-21, the Social Security Amendments of 1983, a great number of adverse financial reports were discussed pertaining to our social security system. These reports created a significant degree of public pessimism regarding the longevity of the social security system.

Public opinion polls consistently showed that substantial doubts existed as to whether the social security system would survive. In addition, the public's view was that even if the system did survive, it was doubtful whether it would provide much of a retirement benefit.

Even after the amendments were signed into law on April 20, 1983, in an attempt to resolve the financing problems, Mr. Speaker, discussions, research, and controversy pertaining to our social security system continue.

A Dallas-based "think tank" recently conducted a social security reform study and found that raising the retirement age gradually to age 67 in the next century will adversely affect black workers. While most people recognize that our social security system favors the old over the young, few realize that the system also favors some individuals over others within the same age group. According to the attached article, the black population can expect to receive considerably fewer benefits from social security.

I commend the following article reported in the St. Louis Globe-Democrat on July 15, 1983, for the consideration of my colleagues:

SOCIAL SECURITY REFORM COSTS BLACKS THE MOST, STUDY SAYS

DALLAS.—Raising Social Security's retirement age to 67 in the next century will hurt black workers the most because of their lower life expectancy and will result in a "massive transfer of wealth from blacks to whites," a Dallas-based think tank contends.

"It would appear that Social Security is becoming a system under which black workers pay taxes to support white retirees," John Goodman, president of the National Center for Policy Analysis, said in an interview Wednesday.

The center has issued a report detailing how the recently enacted two-year increase in the retirement age will affect blacks.

"A black male born today has a life expectancy of 64 years," said Goodman.

"Over his working life he will pay more than $60,000 in Social Security taxes. Yet he can expect to die three years before he reaches full retirement age, which at that time will be 67."

In 1979 the Advisory Council on Social Security, a panel of outside experts who studied the system for Congress, concluded that although a disproportionate number of minority workers do not live to retirement age, "they are more likely to have surviving spouses and children who collect Social Security survivor benefits."

The council said that in 1977 blacks, who constitute about 12 percent of the U.S. population, made up 7.8 percent of retired workers, but 10.3 percent of all Social Security beneficiaries. Blacks also were 16.5 percent of disabled workers and 21 percent of the children of retired, dead or disabled workers.

Social Security experts estimate that raising the age to 66 by the year 2009 and to 67 by 2027 amounts to about a 13 percent benefit cut on average for everyone born since 1960. All those born since 1938 will be affected to some degree.

The think-tank study said the change means a black male age 25 today lost more than 80 percent of his expected benefits. By contrast, a white male the same age lost less than 22 percent of his.

"Exact statistics are not available, but it is probably true that considerably more is being taken from the black population in Social Security taxes than is being paid back to the population in the form of benefits," the study said.

Social Security Administration spokesman James M. Brown in Baltimore said Thursday the agency had no immediate comment on the study.●

MORE MEDIA CARELESSNESS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. McDONALD. Mr. Speaker, segments of the news media continue to publish or broadcast erroneous stories on national matters. Whether this is due to ignorance, bias, personality problems, or pure carelessness, I have no way of knowing.

Editorials, as opposed to so-called straight news stories, are supposed to contain opinions of the newspaper's management or ownership. However, the usual journalistic standard is for such editorials to be based, at least in part, on fact.

One problem is that too many newspapers rely on biased or misleading news reports and never bother to check with the original sources to determine if the stories are accurate—even when it would be very easy to do so.

I found myself on the receiving end of an erroneous editorial in the Rome News-Tribune in Georgia recently, mainly because the News-Tribune's editorial writer depended on erroneous information that originated in a United Press International wire story and was repeated in an Atlanta Constitution editorial and in the news columns of another daily newspaper in my district.

All it would have taken to clear up the problem would have been a local phone call to my office, which is located about 100 yards away from the News-Tribune but no such effort was forthcoming.

Therefore, my press secretary wrote a letter to the editor to rebut the editorial but, for whatever reason, the letter nor any part of it, was ever published by the News-Tribune.

For the benefit of those who favor fairness, the erroneous editorial and the rebuttal letter follow:

MARCHING ALONG OUT OF STEP

You can be sure there will be a special joint session of Congress next spring to commemorate the 100th birthday of President Harry S. Truman—with or without 7th District Congressman Larry McDonald.

You see, McDonald continues to march along out of step with the majority of the citizens he is supposed to be representing in the U.S. House of Representatives.

The other day in the House, 382 congressmen gave their support to a resolution calling for a joint session of Congress next May 8 to pay tribute to the former president. Only five congressmen opposed the idea and, yes, McDonald was one of those five.

According to a spokesman, McDonald objected to some of the wording in the resolution, especially parts that praised Truman's support of the United Nations and of several domestic spending programs. He also didn't particularly like the idea of the government picking up the expected $25,000 cost of the Truman commemoration—saying, again through a spokesman, that the money "could easily be raised from private contributions."

McDonald has a right to his opinions, of course. He also has an obligation to honestly represent the feelings of a majority of the people in the 7th district—and we cannot believe a majority of us object to the Truman commemoration.

One more thing. Considering some points in the resolution McDonald didn't like, we also believe the people of the 7th District have a right to question whether he was speaking—when he cast his "no" vote—as their representative in the U.S. House, or as the new national chairman of the John Birch Society. Sometimes it's hard to tell which group our congressman is representing.

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 7, 1983.

Letters to the EDITOR,
Rome News-Tribune,
Rome, Ga.

EDITOR: It's probably too much to hope for but at some point the News-Tribune should stop depending on The Atlanta Constitution for the information it uses as a basis for its copycat editorials. Specifically, the trivial flap over a Congressional resolution regarding the 100th birthday of the late President Harry Truman.

The whole thing originated from an erroneous United Press International (UPI) story. But the News-Tribune wouldn't know that, having had that wire service removed from the premises several years ago as a cost-cutting measure. The various UPI radio versions are enclosed for your edification. Only the fourth and final one bears any resemblance to the truth.

Nevertheless, the UPI story was the basis for the Constitutional editorial the same morning as the News-Tribune editorial that afternoon.

The facts are these:

(1) Congressman Larry McDonald has absolutely no objection to a joint session of Congress in honor of President Truman's 100th birthday anniversary.

(2) Rather than simply calling for a joint session of Congress in observance of President Truman's birthday, the enacting resolution contained extraneous material praising creation of the United Nations and praising several social spending programs.

(3) It also contained a provision appropriating $25,000 for a "study commission" to determine how to celebrate the birthday anniversary. The $25,000 was not for the joint session of Congress.

(4) As for the News-Tribune's alleged concern over whether Congressman McDonald "was speaking" for the Seventh District with his vote, it is worth considering several points:

(a) Our specific polls of the Seventh District and nationwide polls by independent groups show that a majority does not favor the United Nations. With some 40 wars of various sizes going on at this moment around the globe, can any rational person declare it a "success?"

(b) Congressman McDonald had previously introduced legislation withdrawing U.S. financing and participating in the UN. To have voted for the resolution would have been inconsistent.

(c) The social spending programs praised by the resolution are among those that have led to our current national insolvency, a $200-billion plus deficit this year and a national debt of almost $1.5-trillion. A vast majority of Seventh District residents has previously indicated a desire to cut spending, both in our polls and in correspondence to the Congressman. To have praised programs that have contributed to our current financial mess would have gone against the wishes of his constituents and it would have been inconsistent.

(d) The $25,000 in question is small when compared to budgets of around $800-billion but it is through the initial expenditure of small amounts and small programs here and there that we have eventually arrived at such massive budgets and such huge deficits. If private groups or individuals couldn't come up with that amount, then our nation is indeed in sad shape.

(e) Had the resolution merely called for a joint session of Congress to honor President Truman's birthday and requested private

funding of any "study commission" on the subject, Congressman McDonald would have voted "aye."

As for The John Birch Society, which appears to be the favorite bogeyman of both the Constitution and the News-Tribune, the subject was never raised in the interview by the UPI reporter and the quote attributed to me was totally fabricated. For confirmation, you can check with Joe Parham of UPI.

Frankly, I'm proud to work for a Congressman who doesn't go along with the crowd just to avoid flak from the likes of the Constitution and the News-Tribune and who stands firm for traditional principles without playing politics.

And after 11 elections, he's still in Congress—so he must be pleasing a majority of the people in the Seventh District.

After being burned by pontificating on issues which you know nothing about so many times in the past, one would think that the News-Tribune would learn to get its facts correct before sticking out its editorial neck.

Sincerely,

TOMMY TOLES,
Press Secretary to Congressman McDonald.●

ED EATON—AN OUTSTANDING PUBLIC SERVANT

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. McGRATH. Mr. Speaker, I would like to draw the attention of my colleagues to the accomplishments of one of the most outstanding city officials I know.

Ed Eaton, the city manager of Long Beach, N.Y., began his career of public service 20 years ago in the city's waterplant. Through hard work and inspiration, Mr. Eaton climbed to the top position of a city which had many problems.

Once a major tourist attraction, the city of Long Beach fell on hard times during the great recession. But thanks to Ed Eaton, the city is making a comeback. He has worked diligently to put this city of 34,000 back on solid financial footing. Among his accomplishments: Elimination of the city's $3.1 million operating deficit, managing and updating bid awards and the status of several community development and capital improvement projects, initiating cash management and investment procedures, and instituting the stabilization of real property taxes and user charges.

Mr. Eaton's many accomplishments have not gone unnoticed. He has received the Long Beach Key Club Award for Community Service, the Community Service Award from the Advocacy Committee for Senior Citizens of Long Beach, the Red Mogen David Community Service Award, and several civic awards from the Long Beach Auxiliary Police. Moreover, he was named "Man of the Year" by the Long Beach Chamber of Commerce and "Lion of the Year" by the Long Beach Lions Club.

And this weekend, Ed Eaton will be the guest of honor at the 23d annual testimonial dinner sponsored by Congregation Beth Sholom in Long Beach. Beth Sholom is an integral part of the Long Beach community which has shared in the revitalization that is taking place under the leadership of city manager Ed Eaton.

Mr. Speaker, I am pleased to have this opportunity to applaud the accomplishments of a man who has earned the admiration, affection, and gratitude of all Long Beach residents.●

H.R. 2969

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. HANSEN of Utah. Mr. Speaker, I would like to include information pertinent to the debate on the floor of the House on the defense authorization bill, H.R. 2969.

ALEXANDRIA, VA.,
March 16, 1983.

Hon. JAMES V. HANSEN,
House of Representatives,
Washington, D.C.

DEAR MR. HANSEN: Our President has made clear his intent to decentralize government. Nevertheless, the long-time pressure by the civilian staff of the Office of the Secretary of Defense for ever more authority and operational control continues. You will remember that such efforts have resulted in organizations such as the Defense Fuel Supply Agency, activities of doubtful effectiveness and increased rather than decreased cost. The impetus continues. We see it in proposals to move weapon critical parts to the Defense Logistics Agency, to put all aeronautical depot maintenance under a single manner, etc.

Serious as this is, a 1 December 1982 memorandum signed by then Deputy Secretary of Defense Carlucci poses problems that dwarf all the rest. A copy is attached. It indicates serious consideration of centralized control of "all real property planning, design, construction, and maintenance; base operation support; community services; and personnel support" for all military stations. Initial reports from the study group indicate they are basing a good number of their ideas on a litany of material from foreign sources. As one who spent years overseas I can testify to the enormous inefficiencies in support of combat units by umbrella organizations such as the British Department of the Environment, even though the stations they are responsible for are many times smaller in both size and numbers than their American counterparts.

It is almost impossible to list all that is wrong with this proposal. However, two basic areas come immediately to mind—the differences between and within the military services and the responsibilities of a commander to his mission and to the men and women in his command. Some examples:

The services really are different. That is why they are separate. Witness mobilization—most stateside Air Force Reserve forces are on the way to war in hours, Army units in weeks, major Navy fleet additions can take a year or more. That doesn't make any one service better—the Air Force does not have to train large numbers of infantrymen or de-cocoon ships—only different! Within each service are activities every bit as dissimilar. There are enormous industrial facilities, 90% civilian manned; barren ranges for weapons test or crew qualification; densely populated basic training bases; research and development activities of incalculable complexity and cost; and alert facilities upon which our very survival depends. I have served at each type and the idea of a central organization making timely, reasonable, economic, and effective decisions as to "real property, planning, design . . .," etc., boggles the mind.

My last command made up only a tiny part of all this, yet our stations included the largest industrial plants/payrolls in the states of Georgia, Oklahoma, Texas and Utah, and the overall command property and facilities represented a financial worth forty times that of the top industry on Fortune's "500." The scale was such that we could only do the job by means of the most rigorous decentralization. Only amateurs, in both military and industrial/business matters, could conceive of centralized operation of so diverse activities of such massive scale.

The second point, a commander's responsibility to his people and his mission. That cannot be delegated to an absentee landlord, or even to regional or on-station bureaucrats who do not have mission responsibility. Examples from my experience include:

Terrible morale problems caused by Army-Air Force Exchange Service decisions to close tiny exchanges at isolated overseas forward locations because they were not "cost-effective." A potential $17 million per increase in cost of operating civilian manned fire stations on German bases because of a work shift change mandated from a command headquarters in the United States. A scramble to find last minute local purchase sources for fuel oil to keep critical F-4 modification lines open when the central DOD fuel supply system broke during and after the Yom Kippur War.

Such problems even exist within the services when the commander of the combat unit is a tenant. I had to send F-4's from Vietnam to Thailand each night that the base support organization could not keep enough tugs in commission to push the aircraft in revetments for protection from rocket attacks. A base Chaplain insisted that his routine Bible Study Class took precedence over out-processing a combat squadron abruptly ordered from Texas to Southeast Asia, and a base civil engineer felt that rose trellises were more important than missile sites. Because those people worked for local Air Force officers we soon got the tugs moving, the Chaplain to the flight line, and the civil engineer's priorities reordered. I am not sanguine, however, about being able to change priorities of support authorities who do not understand the mission and report to someone outside the chain of command responsibility.

This letter is already too long, but one more point must be addressed. "Personnel management" and "community relations" are at the heart of mission support. When I was a young officer we had dreadful problems in both areas. They have been largely solved after years of effort, expense, and hard-won experience. This could be destroyed all too easily. The noise of night

flying or engine tests; the environmental threats posed by large industrial or research establishments; the complex sharing of air space with civil aviation; the movement of heavy equipment; the handling of explosives and fuels; the sensitivity to local mores and ethnic values. It has taken many years but the Air Force, for example, is very good at handling all this. The idea of these activities being turned over, wholesale, to amateurs with no mission responsibility is frightening.

I am grateful for your patience in reading this. It is really not my habit to write long letters, but, long as this is, it just touches the surface of the problem. I ask your help in stopping this latest and most blatant attempt to take military management from the trained and experienced commanders who are held directly responsible for the nation's safety.

Respectfully,

BRYCE POE, II,
General, USAF, Retired.

OFFICE OF THE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE, PROJECT 2S6-024: REPORT ON THE AUDIT OF THE SAN ANTONIO REAL PROPERTY MAINTENANCE AGENCY

SUMMARY

At the request of the U.S. Army Forces Command (the parent command of Fort Sam Houston), we performed an audit of the San Antonio Real Property Maintenance Agency (SARPMA). The primary objectives of the audit were to determine if the anticipated benefits of the real property maintenance consolidation had been realized, if internal controls had been established and if operations were cost-effective. Overall, we found that SARPMA was not operating as envisioned in the 1975 cost analysis study that was used to justify its formation. The lack of an effective audit trail permeated most facets of SARPMA's operations. The condition of the records made it extremely difficult for the auditors to validate specific causes or reasons, whether personnel or policies, for inefficient operations. Bench stock supplies were disappearing off the shelves, but an absence of controls stymied any establishment of responsibility. Appliances could not be located because transactions affecting these highly pilferable items were not always recorded. Overtime pay to employees was rapidly escalating although the hours and the need for the work were questionable. Improved internal controls were needed to ensure accountability and physical protection for millions of dollars in Government assets. Some of the matters disclosed by the audit were referred to the Air Force Office of Special Investigations (OSI) during the course of the audit. To enhance readability of the report, the findings are segregated into 5 topical areas.

CONSOLIDATION SAVINGS

Labor savings have not been realized as anticipated through the centralization of real property maintenace for DOD installations in the San Antonio Area. By exceeding programmed manpower baselines, SARPMA was incurring an estimated $7 million more, annually, for manpower than expected under the consolidation concept for real property maintenance (page 10).

Retention of a separate Field Engineer's office at Wilford Hall Medical Center has added unnecessary costs to SARPMA operations. We estimate savings of $225,000 annually through elimination of indirect labor personnel at the Wilford Hall location and additional savings through reductions of bench stock inventories, valued at $797,000, for the 2 locations (page 16).

Cost analyses projected a one-time savings of $100,000 from reductions in shop equipment needs and $84,000 of annual reductions in tool replacement costs under recommended consolidation actions for real property maintenance in the San Antonio area. When the consolidation took place, the recommendations were not implemented. Therefore, shop equipment has grown by approximately $1 million and hand tool replacement costs have almost doubled to about $160,000 annually (page 21).

INTERNAL CONTROL AND SECURITY

Appliances purchased by SARPMA were not properly accounted for or controlled. Because of the lack of internal controls and inaccurate records, substantial losses or misuse of Government-owned property could go undetected. Moreover, there was no reliable audit trail to facilitate tracing the whereabouts of more than $3 million in Government assets so verification of DoD possession of the assets was impossible (page 24).

Substantial improvement is required in inventory controls, supply management, and security procedures to protect $1.9 million in bench stock inventories. Bench stock items were disappearing from open storage areas in substantial quantities and were being issued to workers for jobs not requiring the material or the quantities issued. Thus, Government property was lost and excessive costs were passed on by SARPMA to its customers (page 32).

Unreliable inventory records precluded effective supply management for 16,000 line items of stock fund assets, valued at $4.1 million. We found an error rate of 55 percent for items with a line item value of more than $5,000. Most of the differences between accountable records and on hand balances were due to assets that could not be located. For other than high-dollar value items, about 21 percent of the recorded balances were in error. As a result of these problems, controls over assets were weakened and some jobs had to be delayed when materials were not available as inventory records indicated (page 39).

Common building materials (lumber, cement, wallboard, adhesive and paint products), which were available as needed from local sources, were unnecessarily stocked and stored by SARPMA. As a result of maintaining a $620,000 inventory of these products, lumber had to be stored in the open (without cover and accessible to the public) due to a shortage of warehouse space, paint products were scheduled for disposal because of expired use dates and at least 5 persons were required to handle the warehousing functions for the unnecessary materials (page 43).

More than $530,000 was spent for internal work orders (improvements to SARPMA's own facilities) without outside, independent reviews and approvals as to the need for such improvements. Review of 10 such work orders showed that estimated costs of about $281,000 escalated to about $503,000 because SARPMA policy guidance did not require evaluation of costs or performance on "for self" work orders. The absence of this basic internal control precludes effective checks on the need for internal improvements or the control of costs related to such work (page 47).

Inventory control and reporting procedures used at the SARPMA Tool Control Center were not adequate to protect the more than $240,000 tool inventory from loss or misappropriation. Consequently, tool procurement costs have more than doubled in 3 years (page 51).

MANAGEMENT EMPHASIS

Special levels were established for more than $1.1 million of supplies without a justifiable need for many of the items. Approximately 83 percent of the special levels did not meet criteria established in Air Force and SARPMA regulations and were not necessary. Reductions of these levels would reduce inventory costs, free storage space and decrease personnel requirements in the supply area (page 56).

Excess grass mowing equipment, valued at $58,000, was on hand at Fort Sam Houston and Kelly Air Force Base. The excesses, over Air Force Tables of Allowances, had accumulated over a period of time without detection or disclosure by personnel of the Equipment Allowance and Authorization Unit. The excess equipment resulted in unnecessary procurements and expanded maintenance and supply requirements (page 61).

Overtime costs, for 3 years of operation, increased 83 percent to $2.7 million and much of it was not properly justified. Approximately 80 percent of the overtime actions reviewed by the auditors were not supported by the required approvals and justifications. As a result SARPMA customers were paying higher billing rates as a result of the escalating overtime (page 64).

FINANCIAL MANAGEMENT

SARPMA and its Air Force customers were erroneously managing Annual Customer Orders as if they could use the allotted funds over several years despite the fact that the requested work was to be performed by outside contractors and contracts had not been awarded. About $7.26 million of unfilled Annual Customer Orders should have been declared invalid and the funds deobligated by customers of SARPMA at the end of fiscal year 1981 (page 70).

OSD POLICY

The auditors were unable to confirm that the consolidation of SARPMA real property maintenance activities resulted in economies of operation. Moreover, projected savings by the 1975 Cost Analysis Team were not always achieved because the implementation plan had not been followed in all instances (page 77).●

THE BRONX: ONCE AGAIN ATTRACTING BUSINESS

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. GARCIA. Mr. Speaker, it is my pleasure to again point out to my colleagues that the Bronx is in the midst of a continued revitalization, and that my district is now becoming attractive to businesses who only a few years ago would never have considered locating there. The Bronx is particularly suited to businesses involved in light industry and manufacturing.

The Bathgate Industrial Park, financed by the city and the Federal Government is an example of what depressed urban areas can achieve with

the help of the combined efforts of the citizens of the area, community groups, business, and government. This industrial park has been effective in attracting business such as the Ampco Printing-Advertisers Offset Corp. With the help of the New York City Public Development Corp., the South Bronx Development Corp., the Port Authority of New York and New Jersey, and Consolidated Edison, Ampco was provided with sufficient incentive to locate in the Bronx. Legislation such as the Enterprise Zones legislation which I and 167 of my colleagues have sponsored would provide continued support to areas such as the Bronx which have been depressed but which are becoming revitalized.

I am submitting to the RECORD, a New York Times article that describes some of the factors which are responsible for the Bronx appearing more attractive to businesses.

The article follows:

[From the New York Times, July 27, 1983]

A BRONX INDUSTRIAL PARK GAINS A TENANT

(By Shawn G. Kennedy)

When the American Broadcasting Companies bought the seven-story, blocklong industrial building at 125 West End Avenue that it had occupied as a lessee, it served notice on the other major tenant that it wanted the entire building for itself.

The other tenant was the Ampco Printing-Advertisers Offset Corporation. Ampco's directors promptly began scouring Manhattan for another site. But months of searching brought Seymour Udell, the president, to the conclusion that appropriate light-industrial space—with adequate loading facilities and storage space, for example—was not available in Manhattan.

The Bronx is the gainer. By the end of this year, Ampco will be doing its printing in the 21-acre Bathgate Industrial Park as the first tenant there of the Port Authority of New York and New Jersey. Ampco, founded in Manhattan in 1910, has signed a 25-year lease with an option to extend for 15 years, for a recently completed building with 82,000 square feet of space. The company plans to move early next year.

"There is no existing space in Manhattan that will accommodate a business such as ours," said Mr. Udell, who was interviewed in his office four floors above the ground-level printing operation. "We wanted to stay here, but this part of the city is becoming less and less viable for light industrial companies such as ours."

The Bathgate Industrial Park, financed by the city and the Federal Government, covers eight blocks bordered by Washington Avenue, the Cross Bronx Expressway, Third Avenue and the Claremont Parkway. It is an area that not many years ago was entirely covered by multifamily housing. That housing was abandoned and ultimately demolished.

The Public Development Corporation, the city's commercial and industrial agency, in partnership with the South Bronx Development Organization, built a one-story building it now leases out to Aircraft Supplies, formerly of Clifton, N.J., and Majestic Shapes, a concern that makes garment padding.

The building that Ampco leased, through Kenneth D. Laub & Company as broker, is a one-story structure on Bathgate Avenue between 173d and 174th Streets. It has what many Manhattan buildings lack, space for storage and off-street loading. The Port Authority is planning two more buildings in the same location, a spokesman said.

The location also has good access to arterial highways, an attraction to Ampco directors, according to Mr. Udell. The Cross Bronx Expressway is a block and a half from the site.

Ampco will pay a starting rent of approximately $3 a square foot for the space, rising to $3.75 in 1988. The Port Authority will take a small percent of the company's adjusted gross profits as a rent risk.

"This part of the agreement was designed to protect Ampco," said Ray Mannion, marketing manager for the Port Authority's economic development division. "We expect their business to grow, but if it doesn't their rent will not be exorbitant."

In addition, the Port Authority has agreed to assist with the financing of new equipment.

An added incentive, Mr. Udell said, was a 10-year electrical-rate discount granted by Consolidated Edison.

"That was a considerable break for us since our electrical power requirement is greater than our rent," Mr. Udell said.

Before moving in, Ampco will spend about $2 million to improve the raw space—reinforcing the floors, extending the existing mezzanine space, building offices and extra plumbing facilities and, above all, bringing in new printing equipment.

"When the time comes, we will be moving people, not machines," Mr. Udell said. "We will be printing here until the day we leave and at the same time we will be starting up our operation at Bathgate. There will be no down period."

The Port Authority built the plant speculatively—with no tenant committed to take the space. But it had some requirements of its own that any potential tenant had to meet.

"We want some jobs to be generated as a result of Bathgate," said Anthony Giordano, the Port Authority's project manager for Bathgate. "Growth potential was part of our criteria. We specifically wanted companies that had concrete plans to expand."

Most of the 100 people currently employed by Ampco will be working at Bathgate, and Mr. Udell expects to hire about 45 additional workers within the next three years.

"We are confident that when Bathgate is completed we will be offering the same atmosphere as in suburban industrial parks and will have no problem selling the site," Mr. Mannion added.

Bathgate is not the only industrial development project on Port Authority drawing boards. The agency has also authorized two industrial parks. One is planned for a 125-acre site in Elizabeth, N.J., and the other is to be built on 60 acres in the Howland Hook section of Staten Island. But their development is not expected to begin before next year.●

THE DEATH OF DUK KOO KIM

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. SIMON. Mr. Speaker, by the reckoning of a magazine attuned to the boxing world, there were 423 deaths in professional and amateur boxing between 1918 and 1981. Most everyone has taken note of one of the most recent of these tragedies: The death of 23-year-old Duk Koo Kim on November 17, last year.

Amateur and Olympic boxing, with their emphasis on form and performance, and their greater attention to guarding against injury, have many of the uplifting attributes of athletic competition.

Frankly, Mr. Speaker, these redeeming qualities are in short supply in the world of professional boxing, where a premium is placed on knockouts, and not so much on style or quality of athletic performance.

Given the continuing toll in deaths and disabilities arising from injuries to the brain, it would be a healthy thing for us to take a step back from the ring and consider steps we could take to maximize the sporting elements of boxing while minimizing its brutal elements.

David Noonan has brought the issue up to date in an excellent article published recently in the New York Times magazine. Today, and in two subsequent discussions of this issue, I will submit portions of Mr. Noonan's article for the consideration of my colleagues.

The article follows:

[From the New York Times Magazine, June 12, 1983]

BOXING AND THE BRAIN

(By David Noonan)

Ringside at the Felt Forum. It is a night of fights. Eager young men are climbing into the ring for the first official bouts of their lives. Some of them look frightened, some of them look confident and some of them look sleepy and confused, as if they had just waked from a strange dream. They are subnovices, amateurs fighting in the preliminary matches of the New York Golden Gloves tournament.

These are the original Golden Gloves fights. They have been around for nearly 60 years, and they may be the best-run amateur fights held anywhere. Each year, more than 1,200 boxers between the ages of 16 and 26 take part in the tournament. During the preliminaries, it is possible to see as many as 30 fights in a night, each consisting of three two-minute rounds. And, though New York State has some of the strictest boxing-safety regulations in the country, and though Golden Gloves scoring is specifically designed to de-emphasize head blows and knockouts, the crude root of all boxing is clearly on display.

Even in these carefully controlled bouts, body punches are in slim supply as a lack of boxing skills and ring experience forces the raw young fighters to resort to an all-out attack on their opponents' heads, the most direct route to victory. As round follows round, the relentless assault on the human brain emerges as the jarring theme of the evening. Sometimes even an old hand takes notice. During one particularly nasty head pounding, one of the ringside judges winces. "Imagine going through life with scrambled eggs for brains," he says dryly.

A gelatinous mass suspended in cerebrospinal fluid and floating inside a hard bony skull, the human brain is particularly vulnerable to the rude physics of the sweet science. Subtle in its functions beyond our understanding, the brain is the most complex thing in existence. It is a charged and delicate web of electrochemical cells—neurons—that fire in the endless patterns of life itself, and there are few things worse for it than to be punched around. Ironically, while boxing at its best provides an excellent showcase for the remarkable capacities of the brain—simultaneously requiring balance, coordination, fast hands, fast eyes and a combination of memory, instinct, strategy and creativity—it also constitutes the most purposeful and sustained assault on the brain in all of sport. While it is true, as boxing's defenders point out, that many sports have higher death and injury rates, it is also true that boxing is unique in one critical way. "Injuries are coincidental in other sports, but in boxing the aim and object—explicit or implied—is to render the opponent hors de combat," Dr. MacDonald Critchley, a British neurologist, noted in an often-cited 1957 study of the medical aspects of boxing, which appeared in The British Medical Journal. "Traumata are therefore not so much regretted as regrettable."

"Duk Koo Kim. You may not have heard of him before—you will remember him today. Win or lose." It was a classic sports cliché, uttered on national television by a ringside announcer at the beginning of the 14th and last round of what was shortly to become the most notorious championship boxing match in more than 20 years. In 13 rounds—39 minutes—the 23-year-old Duk Koo Kim had fulfilled the boxer's ultimate fantasy. He had punched his way to the top. His valiant fight to take Ray Mancini's World Boxing Association lightweight championship had made him famous and put him in line for some big money. But fate put an eerie spin on the announcer's acknowledgement of Kim's achievement, and in the end, the rice farmer's son was lifted out of obscurity on a stretcher. Four days later, on Nov. 17, 1982, he died of cerebral edema—swelling of the brain.

Kim's death prompted examinations of boxing by regulatory and legislative bodies around the country. The most important of these were hearings, earlier this year, of the Subcommittee on Commerce, Transportation and Tourism headed by Representative James J. Florio, a Democrat from New Jersey. "Our ultimate conclusion," says Florio, "is that there has to be some degree of uniformity with regard to boxing across the nation. We have to spell out Federal standards that have to be adhered to by the states in order for boxing to take place." The result of the hearings was a bill, expected to reach the floor of the House this summer, that would establish a Congressional advisory committee on boxing. The committee would propose a series of Federal laws, including a nationwide system of health and medical records for boxers, licensing requirements and minimum ring-safety standards. "People keep saying, 'What does the boxing profession think of the controversy?'" says Florio. "Well, the answer is: There is no boxing profession. It's not a system, it's a nonsystem, and it's getting worse."

The Kim tragedy was the worst of a trio of brutal boxing events that turned the last two weeks of November 1982 into some of the sport's darkest days ever. The day before the Kim-Mancini fight, Alexis Argüello and Aaron Pryor met in a fight for the W.B.A. junior welterweight championship. It was a stunningly violent bout, one of the roughest championship fights in years, and it ended in the 14th round when Argüello went down under a thundering barrage of more than 12 unanswered punches. He was unconscious for four minutes. Then on Nov. 26, Larry Holmes pounded on Randy Cobb for 15 rounds in a glaring mismatch for the World Boxing Council heavyweight title.

Coming one right after another, the three fights combined to present a picture of modern boxing as the primitive and deadly blood sport its critics have long held it to be. Once again, there were loud calls for the reform, and even the abolition, of boxing. It's an old controversy and, as the debates and discussions have continued over the years, so have the deaths. There were 423 deaths in professional and amateur boxing between 1918 and 1981, according to The 1982 Ring Record Book.

Recent fatalities include Willie Classen, whose death after a bout in New York in 1979 resulted in changes in state regulations; Cleveland Denny, who died in June 1980 after a fight on the same card as the first Sugar Ray Leonard-Roberto Durán bout, the so-called Brawl in Montreal; and Harlan Hoosier, a 71-pound 13-year-old who died in January 1980, after fighting three times without headgear during a three-day amateur tournament in Lenore, W. Va.

The majority of all ring deaths result from brain trauma, and any real attempt to cut back on injury and death in the ring will have to focus in large part on the effects of boxing on the brain. These effects fall into two categories—short-term and long-term. The short-term effects range from mild concussion to cerebral hemorrhage and death. The long-term effects involve a clinically diagnosed condition called dementia pugilistica, also known as chronic encephalopathy of boxers and best known as the punch-drunk syndrome. They include, among other symptons, memory loss, speech impairment, unsteady gait, tremors and episodes of confusion and depression. These two categories of brain dysfunction, while clinically distinct from each other, have one major factor in common—the punch in the head.●

TRIBUTE TO JOSEPH KULCZEWSKI

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. LIPINSKI. Mr. Speaker, I would like to call attention to an outstanding citizen in my district, Mr. Joseph Kulczewski. Mr. Kulczewski has served the residents of the southwest side of Chicago as president of the Sacred Heart Society No. 308 of the Polish Roman Catholic Union.

Mr. Kulczewski's dedication, generosity, and kindness is known throughout our area, and he has won many awards for his outstanding work for our community. It is with pride that I insert into today's RECORD a newspaper article printed on the occasion of the award to Mr. Kulczewski of one such award, the Ray McDonald Community Achievement Award.

[From the Midway Sentinel]

SENTINEL HONORS JOSEPH KULCZEWSKI WITH MCDONALD ACHIEVEMENT AWARD

Joseph Kulczewski, a resident of the Southwest side and President of the Sacred Heart Society #308 of the Polish Roman Catholic Union, was the recipient of a Special Award on Sunday, August 8, 1982. The occasion was the 75th Anniversary of Society #308, celebrated at Polonia Banquets on Archer Avenue. Mr. Joseph A. Drobot, President of the Polish Roman Catholic Union of America acknowledged the many years of service by Mr. Kulczewski, noting that he had served as Treasurer, Vice-President and President of Society #308, a total of over 40 years in office.

The Midway Sentinel acknowledges the efforts and contributions made by Joseph Kulczewski and it is with great pleasure that we honor him as the recipient of the Ray McDonald community achievement award.

In recalling his early days in the Sacred Heart Society Mr. Kulczewski remembers that when he joined the Society, it numbered only 200 members. He and other officers of the Society enrolled members at the St. John of God Parish, gradually adding new members. It was not unusual to sign up as many as 37 members in one day. At present the Society has over 1000 members (adult and juvenile).

Mr. Kulczewski arrived in America at the age of 15. He chose to enter the trades, became a decorator and then went into business for himself. Late on the family operated delicatessens on the south and north sides of Chicago but Mr. Kulczewski remained in the decorating business. In 1917 he married the former Katherine Malecka and recently celebrated 65 years of marriage. They are the parents of Bob Roberts (Alice, dec.), Eleanore (Thad) Jasiorkowski, Genevieve (William) Maher and Dolores (Gene) Molek. Mrs. Kulczewski also has been active in organizational works. She is the former, Treasurer and Director of United Polish Women of America, having served for 24 years.

In his early years Mr. Kulczewski devoted much of his time to the Polish Falcons (Nest #105). He instructed both juveniles and adults in gymnastics, taking part in many competitions and pageants.

Mr. Kulczewski and his family also are active members of the Polish National Alliance. His son-in-law. Thad Jasiorkowski, is the Chief Underwriter in that organization.

The family has grown to include seven grandchildren, namely Joyce (Stan) Kwiatkowski, Mark (Lisa) Jason, Jane Maher, Ronald and Ralph Roberts, Margaret and Christine Molek and three great grandchildren: Justin and Erica Roberts and Paul Kwiatkowski.

The award presented to Mr. Kulczewski was not the first he has received for his efforts in the Polish Roman Catholic Union. Past Presidents Mr. Pranica presented him with the Millenium Award in 1966 and Mr. Osajda honored him as Fraternalist of the Year in 1975.

In 1972 Mr. Kulczewski made a return trip to his native Poland. Although he has been a citizen of the United States for many years, he still has some relatives in Poland. Mrs. Kulczewski visited Poland in 1968 and urged her husband to join in 1972. Mr. Kulczewski had a sister, Pearl, and several nieces and nephews, with whom a joyful re-

union was held. His brother-in-law, The Very Rev. Feliks Malecki (Mrs. Kulczewski's brother) is paster of the Divine Mercy Parish in Bydgoszcz, Poland and at that time Mrs. Kulczewski's mother also lived there until her death at the age of 102. Father Malecki was appointed a Judge in Family Court by Cardinal Wyszynski and served in that capacity until retirement. Mrs. Kulczewski's younger sister, Lottie, now deceased, was a registered pharmacist.

After the award by President Joseph A. Drobot of PRCUA recognizing Mr. Kulczewski's dedication to the Sacred Heart Society, and his services as delegate to the National PRCUA Conventions during the past 30 years, the quests gave him a standing ovation.

As he has done on previous occasions, Mr. Kulczewski reciprocated by presenting Mr. Drobot with applications of new members, then thanked the administrative officers of the Sacred Heart Society for their fine cooperation during the past years.

We again wish to express our gratitude to Mr. Kulczewski, for the many services he provided over the years. His concern for other people and dedication to a cause truly exemplifies the principles behind the Ray McDonald award for which Joseph is truly deserving.●

AMERICAN GATHERING OF HOLOCAUST SURVIVORS

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. McGRATH. Mr. Speaker, few of us will ever forget the American Gathering of Holocaust Survivors which met in Washington in April. Many of us were privileged to participate in the observance of this event.

During the gathering, Second Generation of Long Island, N.Y., conducted a panel discussion featuring several children of Holocaust survivors. The special insights of these individuals are a striking reminder of the horrors of the Holocaust, and warn us that we must ever be alert to prevent this sort of horror from recurring.

I am pleased to include in the RECORD, the opening statement of Syd Mandelbaum of Second Generation of Long Island, as well as remarks made by Stuart R. Sherman. In the days ahead, I will be entering the statements of other panelists, and I commend their comments to my colleagues' attention:

STATEMENT BY SYD MANDELBAUM

Documenting the Holocaust has a special meaning for all of us. We, who are children of survivors benefit from our effort to do more to document the Holocaust than anyone else. On the macrolevel, we become assured that our parents struggles and triumphs will be remembered accurately for the rest of history. We will never be dependant on future historians to construe the facts as they preceive them, we will preserve them as they occurred. On the macrolevel, we are able to fulfill one of Elie Weisel's edicts, that of bearing witness. For as each one of us hears a story of what, you, our parents went through, we become a witness to history. Each time we relate that story to others, we make them the witness.

Our parents survived because of that extra spark, that mazel, that serendipity that gave them the impetus to continue when all around them perished. We, their children, were conceived as an affirmation of life, given the names of their murdered parents, brothers and sisters, even their other children. We have a responsibility greater than any generation of Jewish children ever born. Not just because we are our parents' own reward for surviving the Holocaust, but because we have the ability of recording an event that in centuries to come will be remembered as Moses leaving Egypt, or the destruction of our beloved Temple, which put us all into this diaspora. We have the ability of using our parents experiences to perpetuate the legacy of remembrance, for future generations, on a small level, for our children.

Our panelists are all children of survivors. They, as either a life's work or career, are working to preserve our legacy for future generations. I will introduce each individually, as they present reflections of their experiences in doing their individual projects and their projects themselves. We will have a discussion afterward. Please save your questions, they will be collected and answered after our last presentation.

AMERICAN GATHERING OF JEWISH HOLOCAUST SURVIVORS,
Washington, D.C., 1983.

DOCUMENTING THE HOLOCAUST: THE RESPONSIBILITY OF THE SECOND GENERATION

(Stuart R. Sherman, Video History Project, Second Generation of Long Island)

In May of 1982, Second Generation of Long Island, New York, began videotaping Holocaust survivors. This was just 11 months after the Legacy of Remembrance was passed to the Second Generation at the World Gathering of Jewish Holocaust Survivors in Jerusalem, Israel.

Those of us that returned from Israel realized that this symbolic gesture represented the birthright and obligation that we as children of Holocaust survivors have towards preserving the memory of the Holocaust. My parents survived Auschwitz and Dachau, my grandparents and brother did not. For us, the Holocaust is not just a distant historical phenomenon, but represents a vital part of our past and our families' heritage, whose lessons must be passed on to future generations. Our parents survived the greatest cataclysm in history in order to bear witness. We believe that our videotaping project allows them an indisputable medium to preserve their stories.

Our project is affiliated with Yale University Video Archive for Survivor Testimony. The Video Archive at Yale is the first major archive and research center devoted exclusively to video testimonies of the Holocaust. The Sterling Memorial Library at Yale will house these tapes and serve as their national depository. The archive already has a base of 250 testimonies contributed by the Holocaust Survivor Film Project, a Connecticut organization that began taping in 1979. Their expansion of oral history into the field of video recording results from a strong conviction that this medium is the most powerful way to capture the poignancy and drama of the act of giving witness. A depositor to the archive will donate two copies of each videotape. Each copy will be a three-fourths inch tape of technical quality and under special circumstances, a one-half inch tape that can be reprocessed to three-fourths inch will be accepted. The university will formally acknowledge each tape and provide for their registration and dissemination. An endowment drive is currently underway to make the facility permanent. When fully operational, the Archive will make the videotapes available for educational, curricular and research projects. It will cooperate with other communities who wish to initiate similar projects. The Yale videoarchive will also deposit copies of its materials in the National Holocaust Museum, here in Washington, when completed, and in Yad Vashem, Israel.

Second Generation of Long Island has become the first Children of Holocaust Survivor group to affiliate with the Yale Archive. The goal of our project is to preserve a picture of life as it was in Europe before, during, and after the Holocaust. Through several months of research, planning, and workshops, we have developed a Videotaping Kit which serves as a guide to the interviewing and technical project. The heart of the process is the support of the survivor through all phases of the two hour interview and after. Our interviewers and camera crew are children of survivors, yet children do not interview their own parents. Several contacts with the survivor are made before and after the interview which are crucial to our process. We find that an immediate repore is set up between the survivor and the interviewer which continues long after the interview is over. Copies of these tapes are offered to the survivors for their families, in order to make these visual legacies available to children, grandchildren, and generations thereafter. Second Generation of Long Island Videotaping Kit is available for those who wish to start their own projects. Interest has spread through other Second Generation groups in our country, with projects underway in other parts of New York, and in Atlanta, Boston, Baltimore, Detroit, Los Angeles, Cleveland, and New Jersey.

At this time I would like to present a nine minute videotape which is comprised of 4 separate segments taken from an actual 2 hour interview.—(Videotape is presented.)

This kind of living testimony is present right here with the survivors in this room. The task of gathering these testimonies has only begun. I can only hope that each one of you will approach me after this presentation. The eloquence and force of videotaped materials cannot be exaggerated. In this visual age, the events of the Holocaust may very well be best understood through this type of audio-visual presentation.

We are committed to the concept of duplicating this project in cities all over the world. We must record the personal experiences of the survivors while they are still with us. We must not neglect these vital pages of history, for these pages of history, if preserved, could very well play a major role in eliminating the possibility of genocide being practiced against any group, ever again.●

WHY ARE BABY GIRLS BEING KILLED IN CHINA?

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. McDONALD. Mr. Speaker, we claim as a Congress to be very concerned over human rights. Yet, I have not heard an uproar over the female infanticide being practiced in the People's Republic of China. In the April 1982 issue of "Asian Survey," the findings of Mr. Steven W. Mosher were first reported. He described the terrible ramifications of the PRC population control policies at the village level. His findings were not praised by either Stanford or the PRC. In fact, Stanford is threatening to strip Mosher of his status as a candidate for a doctorate of philosophy. This practice of killing baby girls should interest my colleagues, so at this point, I am inserting in the RECORD the story as it appeared by Mr. Mosher in the Wall Street Journal of July 25, 1983:

WHY ARE BABY GIRLS BEING KILLED IN CHINA?

(By Steven W. Mosher)

In 1980, when I was living with the 8,000 members of Sandhead Brigade in China's Guangdong Province, I asked village friends whether female infanticide ever occurred locally. The answer, which came with rather more heat than I had expected, was an emphatic no. "Ours is a land of fish and rice," one wrinkled old midwife told me in explanation. "All the people here have always been able to raise their daughters." She and others insisted that even under the old imperial regime girl babies had never been put to death.

Yet less than two years later Chinese friends in Hong Kong who had recently been back to the village began to tell of girl infants dying soon after birth in suspicious circumstances. One young woman was even more candid, admitting to me that when her mainland sister-in-law had recently given birth to a girl, the baby had been murdered immediately. A bucket of water had been prepared beside the bed. When the newborn turned out to be a girl, she was drowned.

Female infanticide isn't just an anomaly of the village I lived in. Premier Zhao Ziyang thought the problem widespread enough to condemn it in his report to the National People's Congress in December 1982. "We must protect in particular infant girls and their mothers," he said. "The whole society must resolutely condemn the criminal activities of female infanticide and maltreatment of mothers. The judicial apparatus should resolutely punish the offenders according to law."

In recent months provincial newspapers throughout China have reported grisly tales of the murder of female infants. On March 3, the People's Daily admitted that "the butchering, drowning and leaving to die of female infants and the maltreating of women who have given birth to girls has become a grave social problem."

Peking claims that these crimes are committed by "backward" villagers in the name of "feudal" attitudes that "boys are precious, girls are worthless." Male villagers, said to desire sons to "carry on the ancestral line and extend the generations," have been especially singled out for censure. "In their keen desire to have sons," the English-language Peking Review said last January, "some men still torment their wives who bear daughters and worse still, they kill the baby girls through neglect or outright murder." If Peking is to be believed, many peasant men are ignorant and misguided monsters who willingly sacrifice their infant daughters on the altar of some feudal belief.

Nothing could be further from the truth. Infanticide does have a long and tragic history in many parts of China. But by the middle decades of this century, it looked as though this barbarism was on its way to extinction. In Chinese villages today, where ancestral land has long since been expropriated by the state and ancestor worship is on the decline, traditional notions of clan and family continuity no longer exert much influence. These attenuated ideas could not possibly account for the sudden reoccurrence of female infanticide.

The wave of infanticide sweeping China is a direct consequence of a population-control policy of unprecedented severity. It restricts families to one child, ignores the realities of old-age economics in the countryside and systematically denigrates the value of human life.

Parents are permitted to have only one child, and then only after a "birth quota" has been issued by the authorities. Each population unit, such as a rural collective, is limited to a certain number of births per year, which it allots to couples who have yet to have children.

Women pregnant with "over-quota" babies are forced to attend round-the-clock "study courses" until they submit to an abortion. Families who actually have a second child must pay heavy fines of up to $2,000—several years wages in mainland China—and run the risk of demotion or assignment to less desirable work as well.

This draconian policy makes no provision for the long-term economic concerns of peasant parents, especially their anxieties about financial security in old age. Sons are the only social-security system known to villagers, for there are no pension programs in the Chinese countryside. Neither can daughters give long-term assistance, for rural custom decrees that they take up residence with their husband's family upon marriage and sever all economic ties with their natal family. Even if they were to keep a daughter at home, peasants say, it would be impossible to find her a husband in a population of only sons.

Those who are without sons must toil in the fields throughout the twilight years. As their strength declines to the point where they cannot keep up, they are assigned lighter work that pays scarcely enough for their rice ration. Old age is a long downward spiral of flagging vigor, worsening diet and weakening health.

While the birth of a son has always been a more important event than the arrival of a daughter, Peking's policy of one child per family has raised the stakes. For the peasantry birth has become a kind of Russian roulette: The arrival of a son heralds a relaxed and secure old age; the coming of a daughter portends poverty and slow starvation during one's declining years. It is not "feudal nonsense" but brutal economic reality that moves the parents to hope for a man-child.

If the child isn't male, then the choice is a stark one: Either kill or abandon the newborn female infant, reserving your one-child quota for the birth of a boy, or face a harrowing old age. It is no surprise that many peasants decide in favor of their own security, and trade the infant's life for their own.

It is also an act in which the Chinese state is a silent accomplice. The English-language China Daily printed in Peking may publish editorials lamenting the resurgence of infanticide, but the implementation of the birth control policy at the grass roots encourages cadres to overlook the willful murder of female infants.

County, commune and production brigade cadres are told how many births their unit is to be allowed each year and are promoted and otherwise rewarded on the basis of whether they succeed in meeting the quota. It isn't in their interest to prevent female infanticide. Each girl who dies at birth or disappears soon after is one less head that they will be held to account for in the annual birth control report.

Front-line cadres take cues from their superiors, and these have made clear that population growth is to be held down at all costs, even that of the lives of millions of infants.

Not only are forced abortions being performed up to the time of birth, there are even cases of officially sanctioned infanticide. In one incident shortly after I left Guangdong Province, a young woman pregnant for the first time gave birth to twin boys. What should have been an occasion for rejoicing quickly turned tragic as the cadres present asked her which one she wanted. Both of them, she replied, but to no avail. One of the babies—she could not and would not choose which—was taken from her and put to death.●

RESOLUTION

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. DOWNEY of New York. Mr. Speaker, today I introduce a bill which honors a group of men and women who selflessly protect our lives, our homes, and our businesses. I introduce a bill which establishes August 20 as "National Volunteer Firefighter Recognition Day."

The commitment of our volunteer firefighters embodies the quintessentially American spirit of community-mindedness and voluntarism which was fundamental to our growth as a nation. Volunteers, either as groups of neighbors in bucket lines or as organized companies, provided the only protection against fire until the 1850's. Volunteer fire departments, like the Union Company founded in 1736 by Benjamin Franklin, were benchmarks of progress and the spread of civilization.

Today, this spirit and our reliance thereon continues. By 1979 estimates, four out of five of America's firefighting force are volunteers. In the past 5 years nearly 350 of these brave individuals have died in service of their communities. Finally, linking our fron-

tier past with the present, a large portion of rural America is still protected by all volunteer departments.

I believe we should encourage the Nation to recognize the bravery, self-sacrifice, and devotion to community of our volunteer firefighters.

The bill reads as follows:

H.J. RES. 330

Joint resolution to establish August 20 as "National Volunteer Firefighter Recognition Day"

Whereas over 80 percent of the firefighters in the United States are volunteers, nearly 900,000 in number, who selflessly protect our lives and property;

Whereas 337 volunteer firefighters have lost their lives in the line of duty during the past 5 years, with 68 such deaths occurring in 1982 alone;

Whereas volunteer firefighters expose themselves to physical risks, including long-term health risks such as coronary disease, with no financial remuneration;

Whereas fire departments comprised only of volunteers protect a large percentage of the rural townships, hamlets, and farms within the United States; and

Whereas firefighters attached to such departments spend time and energy, in addition to that spent fighting fires, to provide fire prevention instruction and other services to their communities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That August 20, 1983, is designated as "National Volunteer Firefighter Recognition Day" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate programs, ceremonies, and activities.●

IN SUPPORT OF HOUSE CONCURRENT RESOLUTION 23

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. GOODLING. Mr. Speaker, I would like to share with my colleagues three letters that I have received from the Epilepsy Foundation of America, the Government Employees Insurance Co., and the International Association of Chiefs of Police in support of House Concurrent Resolution 23, a resolution that I have introduced which states that it is the sense of Congress that the age for drinking and purchasing alcoholic beverages should be raised to 21 nationally.

This resolution reflects one of the key recommendations of the Presidential Commission of Drunk Driving; 74 Members of the House have already cosponsored this measure, and Senator ARLEN SPECTER has introduced the companion resolution, along with Senators BURDICK, DANFORTH, DOLE, HATFIELD, HELMS, KASSEBAUM, LAUTENBERG, LUGAR, MATHIAS, PACKWOOD, and PRYOR. The Department of Transportation, the Department of Health and Human Services, the Office of Management and Budget, the National Transportation Safety Board, the National Safety Council, Mothers Against Drunk Drivers (MADD), the Alliance of American Insurers, the Professional Insurance Agents, the American Medical Association, the AAA, and now the EFA, the Geico, and the IACP all have enthusiastically endorsed this measure.

Our teens make up only 8 percent of the population, drive only 6 percent of the highway miles, yet they are involved in 15 percent of fatal alcohol related accidents.

This translates into 14 teenagers killed each day in drunk driving accidents.

Let us stop this senseless and disproportionate number of teenage deaths.

Join me in encouraging our State legislatures to consider enacting laws to raise the drinking age by cosponsoring House Concurrent Resolution 23.

The lives we save will be our children's

I include letters from Mr. Charles F. Dambach, EFA, Mr. James E. Reagan, Geico, and Mr. Norman Darwick, IACP:

GOVERNMENT EMPLOYEES INSURANCE CO.

Washington, D.C., July 8, 1983.

Hon. BILL GOODLING,

U.S. House of Representatives, Cannon Office Building, Washington, D.C.

DEAR CONGRESSMAN GOODLING: On behalf of Government Employees Insurance Company (Geico) I am pleased to offer our endorsement of House Concurrent Resolution 23.

We are well aware of the tragic number of deaths and injuries caused by drunken drivers, and we have been actively involved in the national effort to reduce the carnage.

Geico strongly supports raising the minimum drinking age to 21 in all States, because studies by the Insurance Institute for Highway Safety and other studies in Michigan and Illinois have shown the effectiveness of raising the drinking age.

I represent Geico on the Impaired Driver Committee of the National Association of Independent Insurers (NAII). NAII has found that a teenager is more likely to have an alcohol related crash than any other driver. Seventy-five percent of the high school seniors questioned in a recent Arkansas survey admitted to drinking alcohol and driving on a regular basis.

The impaired driver problem is a complex, long-term problem and we think sustained local, community-based efforts are necessary to identify and implement long term solutions. We believe raising the minimum drinking age to 21 would be an important step toward the overall long term solution we are all anxious to find.

We commend you for introducing House Concurrent Resolution 23. We fully support your efforts and would be pleased to assist in any way possible.

Sincerely,

JAMES E. REAGAN.

EPILEPSY FOUNDATION OF AMERICA,

Landover, Md., July 13, 1983.

Hon. BILL GOODLING, U.S. HOUSE OF REPRESENTATIVES, CANNON HOUSE OFFICE BUILDING, WASHINGTON, D.C.

DEAR REPRESENTATIVE GOODLING: The Epilepsy Foundation of America (EFA) supports passage of your bill, House Concurrent Resolution 23, which expresses the sense of Congress that the minimum age for drinking and purchasing alcholic beverages should be 21.

One of the primary purposes of EFA is promoting the prevention of epilepsy. Each year approximately 20,000 new cases of epilepsy occur in the United States as a result of head injury, and many of these injuries are sustained in automobile accidents.

Studies indicate a direct correlation between minimum drinking age and alcohol-related accidents in the 18 to 21-year-old age group. Data shows that raising the minimum age would greatly reduce the number of injuries and fatalities among 18 to 21-year-olds.

Thirty-four states and the District of Columbia have laws allowing persons under 21 to buy and drink alcoholic beverages. H. Con. Res. 23 would encourage these states and the District of Columbia to raise the minimum age to 21.

EFA appreciates your efforts in this area and is pleased to support H. Con. Res. 23. We look forward to working with you to insure its passage.

Sincerely,

CHARLES F. DAMBACH,

Director, Government Liaison.

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, INC.

Gaithersburg, Md., July 19, 1983.

Hon. WILLIAM F. GOODLING,

Cannon Office Building, Washington, D.C.

DEAR MR. GOODLING: On behalf of the International Association of Chiefs of Police, I wish to commend you for your efforts in trying to curb the ever rising numbers of young people who are killed yearly on the nation's highways.

The law enforcement community continues to fight the battle against drunk driving and it appears as though great strides have been made in the past few years as evidenced by the reduction in highway fatalities and injuries in 1982. Still, the alcohol related traffic deaths among 15-24 year olds are at appalling levels and are a condition which calls for immediate action by the state governments.

The resolution which you have introduced would go a long way in bringing national uniformity to alcohol purchasing and drinking laws. The IACP supports H. Con. Res. 23 as a necessary step in pressuring those states which currently do not have "21" laws to join in the national effort.

As you can see by the attached resolution, the IACP has recommended that all states raise their minimum drinking age to 21. Additionally, we are working on a cooperative basis with the NHTSA and other concerned organizations as an active participant in the Alcohol and Safety Belt Youth Coalition. In this program, we are involved in a major effort to educate the nation's youth with regard to the hazards associated with drinking and driving, and the importance of wearing safety belts.

The IACP will continue its efforts to bring improvements in highway safety, and hope to work with you to achieve this goal.

Sincerely,

NORMAN DARWICK,
Executive Director.

Enclosure.●

THE INDISPUTABLE CASE FOR BILINGUAL EDUCATION

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. GARCIA. Mr. Speaker, the case for bilingual education is indisputable as a means for teaching limited english proficient (LEP) students. It simply makes sense to begin teaching students math and reading in a language they already know instead of letting them sit in classes comprehending nothing. The article by Irma Herrera explains this point clearly and I commend it to my colleagues.

[From the New York Times, July 27, 1983]

HISPANIC PUPILS' SOLE HOPE

(By Irma Herrera)

SAN FRANCISCO.—In our not too distant past, 80 percent of all Mexican-American children in Texas had to repeat the first grade because they could not speak English. In New Mexico, one-third of all Hispanic children sat idle in the first grade, learning neither basic addition nor English. With bilingual education, this waste of human talent would never have occurred.

And yet, as Congress begins to consider reauthorization of the Bilingual Education Act of 1968, we hear again the insidious myth that most Hispanic children do not want to learn English and that their parents—as well as advocates of bilingual instruction—want them educated only in their native language. If we adopt bilingual instruction as an educational policy, they say, we will create a bilingual society. Nothing could be farther from the truth.

I have never met a Hispanic parent who proposed delaying the acquistion of English. Parents who labor at deadend jobs because of poor language skills hardly wish this future on their children. No responsible person proposes that we keep English proficiency from our children. Even Mexican grandmothers, illiterate in English and Spanish, will smile a crinkled smile and say: "El saber es poder," or "Knowledge is power."

Non-English-speaking children are eager to learn and are curious, but they cannot participate in education if they do not understand the instruction. Moreover, they cannot be expected to learn English simply by joining an English-speaking class and absorbing the language by osmosis. I could spend three years in a classroom in China, listening to lessons in Cantonese, and not learn Cantonese. Spanish-speaking children need instruction by people trained in second-language acquistion.

Yet today many students who don't understand English sit all day in classrooms, their presence required by law, listening to the noise of an unfamiliar language. These are the physically normal yet deaf-mute children whom many suggest we can no longer "pamper" with bilingual instruction.

Recently, the Twentieth Century Fund recommended that "the Federal Government promote and support proficiency in English for all children in the public schools." As advocates of bilingual education, we support their recommendation. We do not support their statement that the only way to teach non-English speaking students is by immersing them in English instruction.

Those who would curtly dismiss bilingual education as a failure do not understand all the facts. For one thing, fewer than 20 percent of the several million limited-English students are served by bilingual education. The majority go through instruction that ranges from excellent programs in English as a second language to sink or swim methods. If our schools have so miserably failed to educate the non-English-speakers, the fault is not with bilingual education. We must look at how we have traditionally served these students and whether English-language instruction, which was the norm prior to passage of the Bilingual Act, was successful. The figures suggest it was not.

Before 1968, the dropout rate for Hispanic students was 52 percent nationwide. In 1982, it was slightly below 40 percent—still triple the rate for the white population but a slight improvement. Much of the progress can be traced to the growth of bilingual education.

English-language development is the keystone of bilingual education. Bilingual programs recognize that a second language is not learned overnight or in one semester. It makes sense to begin teaching students math and reading in a language they already know instead of letting them sit in classes comprehending nothing. It does not make sense to penalize students academically as they tackle the difficult task of learning English.

Although it wasn't called that in my South Texas elementary school in 1956, I received bilingual education. Most students in the Mexican-only school came from non-English-speaking families. When we didn't understand something, our teachers explained it to us in Spanish. Eventually all of us learned English; and, along the way, with help from our teachers in Spanish, we learned how to add and subtract and how to diagram sentences.

Most of us are not any dumber or brighter than the rest of the population. But we do come from homes where the main language is not English. No matter how much our parents may want to, they cannot teach us English or help us with our homework. Our only hope is the schools. They must teach us English and educate us. Bilingual education is the best way to accomplish both.●

WASHINGTON "SCANDAL"

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. KASICH. Mr. Speaker, fueled by front page stories that have less and less substance to them, the alleged "scandal" over documents leaked from the Carter campaign during the 1980 Presidential election refuses to die.

However, at least one newspaper seems to have a unique view of this story and the way it has been reported. I commend the following editorial from the July 1 edition of the Cincinnati Post, written 3 days after the President's news conference of June 28, to my colleagues for their study.

The White House press corps put on an unpleasant and self-indulgent show when it harassed and hectored President Reagan at his Tuesday night news conference about the Jimmy Carter briefing book flap.

Reagan had opened the conference with important news: The government had raised its estimate of real economic growth for this year to 5.5 percent, which should reduce both joblessness and the budget deficit.

How boring, decided the ladies and gentlemen of the press and asked not one question about the subject. Instead they devoted 12 of their 22 questions to the matter of Carter campaign documents that got into the possession of the Reagan camp.

The president explained that he hadn't known his aides had any Carter briefing papers and used them to help prepare him for the October 1980 Carter-Reagan debate. He also pointed out that when he recently found out about the papers, he turned over the issue to the justice department with instructions to take action if any illegality was found.

This perfectly reasonable reply did not satisfy the press corps, which seemed determined to inflate the incident into the war crime of the century, and it repeatedly insisted that Reagan declare his aides guilty of unethical conduct.

It was a classic Washington performance. The press gets a full-scale news conference with the president once in seven weeks on average, and it spent most of its time gnawing at an inside-politics issue that means little to the rest of the country.

What really happened? Apparently somebody in the Carter White House who disliked him fed some debate rehearsal papers to Reagan campaign officials, and Messrs. Casey, Baker, Stockman and Gergen, not being candidates for sainthood, did not return the documents unread.

One can understand why Democrats are trying to elevate a bit of politics-as-usual into a major scandal. Another election is coming up and it may help them.

One cannot understand the quiver of indignation and tone of outrage in the voice of the press corps as it pronounced the word "ethical" Tuesday night. Was there one among Reagan's interrogators who does not routinely and gratefully accept leaked documents, some of them classified, and use them?●

LET THE HAMMER OF JUSTICE BE HEARD IN SOUTH AFRICA SAYS REVEREND SULLIVAN

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. SOLARZ. Mr. Speaker, a few weeks ago an extraordinarily committed advocate of racial justice, the Reverend Leon Sullivan, testified before the Banking Committee's Subcommittee on Financial Institution's in support of my legislation to modify U.S. relations with South Africa, H.R. 1693, which is now title III of the Export Administration Act.

Reverend Sullivan, the founder of OIC International and the pastor of the Zion Baptist Church of Philadelphia, has been heading up an effort since 1977 to have U.S. firms operating in South Africa adopt a voluntary fair employment code. He has traveled throughout the United States and Western Europe to rally support for racial justice in South Africa, and to encourage other nations to adopt fair employment standards for their businesses operating in South Africa.

Because of Reverend Sullivan's unique experience in examining conditions in South Africa and because of his forthright championing of the rights of black South Africans, I ask that his testimony, in support of mandatory fair employment principles and a ban on the importation of the krugerrand and bank loans to the South African Government, be included in today's CONGRESSIONAL RECORD.

TESTIMONY OF REV. LEON H. SULLIVAN, FOUNDER OF OIC INTERNATIONAL, CHAIRMAN, INTERNATIONAL COUNCIL FOR EQUAL OPPORTUNITY PRINCIPLES

Mr. Chairman, thank you very much. And thank you, gentlemen, for this opportunity to participate in these very, very important and historic hearings. Perhaps, Mr. Chairman, what is going on here today could be one of the most important discussions on the future of black equality, justice and advancement in South Africa being held anywhere in the world today. I want to thank you, gentlemen, for bringing this issue vividly to a point of clear concern and debate, not only for your committee but also, hopefully, for the Congress of the United States, and so that the American people become better informed about the despicable conditions of inhumanity that exist in the republic of South Africa, unmatched—at this time unmatched anyplace else in the world.

My name is Leon Sullivan. I am here in support of the Solarz bill. I am here to share with the members of this committee my view that the role of multinational corporations is indispensable to a solution to the apartheid problem of South Africa.

As the author of the so-called Sullivan Principles, I have for the past seven years been deeply involved in the development of a business initiative to increase pressure on the government of South Africa to change its policies and practices.

I have watched the progress made during those years as a result of the voluntary participation of 137 corporations who have signed the principles.

The signs of progress are clear. They include plants desegregated in spite of the law; blacks upgraded to administrative and supervisory jobs; blacks supervising whites; blacks trained for skilled jobs; blacks registered and unregistered trade unions being recognized for the first time; technical schools to train blacks being built; black businesses initiated; equal pay for equal work being initiated, the beginnings; health care, education and housing outside the workplace being improved by the companies; company executives lobbying for an end to all racial discrimination laws and the apartheid system. However I realize that these improvements are not enough.

The fact that the United States Code has served as a catalyst and triggered the creation of similar codes of conduct for companies from around the world is not enough.

The fact that the Principles have resulted in the most stringent and comprehensive measurement requirements for fair employment and social responsibility practices is not enough.

The fact that we are witnessing now the beginning of a revolution in industrial race relations is not enough. Unfortunately although the voluntary support of the Principles has been effective it has not been able to get the desired results quickly enough. That is why I came before the House Foreign Affairs Subcommittee on Africa to testify in favor of legal enforcement. I have called for mandatory requirements for full compliance with the Principles, backed up with embargoes, tax penalties, sanctions, loss of government contracts, and any other effective means.

That is why today, faced with 147 American companies that have not yet signed the Principles, and many of the 150 companies who have signed need to become more active, I urge you and your colleagues, Mr. Chairman, to pass this legislation as a necessary step in the right direction. These companies should face divestment actions by stockholders, pension funds, government bodies and other fiduciaries.

A two-track effort is needed: a divestment campaign and legal enforcement. The role of the United States Congress and the action which you take here must also be seen as the necessary precedent for action by the parliaments of other nations. This kind of action by governments and stockholders of companies doing business in South Africa should and must, to be truly effective, become global. Since less than 1 percent of the workers in South Africa are employed by American companies the foreign nations must take action to enforce compliance from the companies from their countries, with their codes, who are doing business in South Africa. America, through your efforts, can take the leadership in bringing this vitally needed pressure to bear on South Africa.

Yet beyond these global actions to enforce the so-called Sullivan Principles there must also be a clear recognition of the fact that the main problem in South Africa is not just equal opportunity or fair employment practices or better schools or housing, as important, Mr. Chairman, as all these needs are, but the main problem in South Africa is freedom, including an end to the incredible homelands policy and the attainment of full political equality for the black population.

It is for this reason that I see the need, beyond the Principles for United States companies to hold off any new expansion, make no new bank loans to the South African government and make no sales of the South African Krugerrand in America until apartheid ends.

Yes, Mr. Chairman, I know that the volunteer effort which I initiated seven years ago has been successful but not enough. It has been hard. I am one individual. I need stronger support. We need a broader force, the force of the United States Government.

I support this bill in its entirety. A tool is already in place, a measuring and evaluating process that has become the standard. Arthur D. Little Co. has produced a data base from which progress can be measured. We have the best compliance process ever designed to measure business codes of conduct results in the world. It can be used.

We have a task force organization in America and in South Africa composed of company representatives and others. I can be used. We have audit reports and reports of accuracy. It can be used. We have growing numbers of black workers participating in the process. It can be used. Now we must recognize the need to go beyond these voluntary developments to mandatory requirements.

Perhaps the Sullivan Principles as set forth in the Solarz bill and other codes in the world will only do so much and only go so far. Perhaps the only way South Africa can be fundamentally changed is by massive conflict and a devastating war. But I believe attempts must be made—as a clergyman attempts must be made from my view, where I come from philosophically in my own mind and in my own heart, searching for nonvalid solutions for the most pressing problems humanity faces. I believe peaceful means still are attainable. And I believe if these world multinational company efforts, backed up by the United States Government—and other governments, are aggressively initiated and broadly and effectively applied and closely monitored, they will have to make a difference, Mr. Chairman.

One thousand companies in South Africa from around the world, led by American companies desegregating their facilities and ending all vestiges of discrimination among workers, will have to make a difference. Hundreds of thousands of newly trained black and other non-white technicians, will have to make a difference. Hundreds of technical schools, initiated and supported for training skilled black and other non-white workers, will have to make a difference. Equal pay for equal work for millions of black and non-white workers, increasing their purchasing power by billions of rand a year, will have to make a difference. Thousands of black businesses being initiated, sponsored and supported by the companies that will happen through this legislation, being the thrust for others throughout the world, developing their own stores, services, factories, and mines, will have to make a difference. A thousand "adopted schools" by companies improving education for large numbers of black and other non-white youth, until all education is unified, will have to make a difference.

Hundreds of thousands helped by companies with literacy education and basic education, will have to make a difference. Tens of thousands of scholarships from companies for black and non-white trainees in the arts, the sciences, and the professions, will have to make a difference. Hundreds of black and non-white representative trade unions being recognized by companies, strengthening workers' rights, will have to make a difference. Hundreds of executives of multinational companies, and South African businesses, lobbying the government for an end to all discriminatory laws and the apartheid system, will have to make a difference. Growing number of blacks and whites for the first time coming in contact with each other in plants, mines and other places in new human relationships, will have to make a difference.

In these endeavors, powerful support will be needed beyond the companies, including unrelenting and far clearer commitments to racial justice in South Africa from the President of the United States, Congress and other government lenders and nations.

Mr. Chairman, violence is escalating and it will continue to do so, within South Africa and without, as the forces come more and more into violent conflict with each other.

It therefore becomes necessary that a clear signal be sent now, at this time, to South Africa and to the nations of the world by America that the only way conflagration can be avoided is to have apartheid end. The strength and power of all nations will have to be mobilized and their efforts combined to bring about such change.

Government must give more than verbal support to company full employment and equal opportunity throughout South Africa. They must take action and provide for legal enforcements and mandatory compliance. Companies failing to comply should be asked to leave South Africa.

This morning, Mr. Chairman, it is time the hammer of American democracy rings on the anvil of international justice and freedom. The republic of South Africa is the place today where it should be heard. This morning from this place, where so many important appeals have been made before, I call on American businesses, but particularly the American Congress, to swing the hammer in South Africa for justice. And let it ring, let it ring, until it is heard across South Africa and heard around the world.●

CUBAN-AMERICAN RELATIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Foreign Affairs Newsletter for July into the CONGRESSIONAL RECORD:

CUBAN-AMERICAN RELATIONS

Our present policy toward Cuba was set more than 20 years ago in the period from 1959 to 1963, during which we witnessed Fidel Castro's rise to power, the expropriation of private American property valued at $1.8 billion, the failure of our invasion at the Bay of Pigs, and a frightening superpower showdown. There have been some minor ups and downs in the Cuban-American relationship since then, but we are still trying to isolate Cuba diplomatically and commercially. The basic goal of our policy has been to confront Cuba with a hemispheric cordon as a means of driving it away from the Soviet Union and bringing about its realinement with the West.

Americans have no reason to be sentimental about Mr. Castro. Some have argued that it was American hostility that turned him toward the East and kept him dependent, against his will, on his Soviet patron. But the historical evidence is not clear. It is possible that from the start, Mr. Castro saw the United States as his main opponent and intended to take Cuba into the Soviet orbit. In any case, we should not be too optimistic about a complete reversal in Cuban-American relations.

Our complaints against Mr. Castro are genuine. First came his expropriation of private American property and his acceptance of Soviet missiles on Cuban soil. Then came his efforts to export his brand of revolution to other nations in the hemisphere, first to Venezuela and Bolivia, then to Colombia, and most recently to Central America. Outside the hemisphere, Mr. Castro has sent his troops to Angola, South Yemen, and Ethiopia to back up failing Communist governments. He has given his staunch support to the Soviet Union and its allies, even during his chairmanship of the so-called "Non-Alined Movement." His provocations extend to the loading of criminals and mental patients onto boats headed for Miami and the intermittent jamming of American airwaves.

Cuba has done all these things, and more, so the questions for our policymakers are several: How can we get Cuba to moderate its conduct? Is current policy toward Cuba the best available to promote our national interests in the hemisphere? Should we look for an alternative if current policy toward Cuba is not achieving results? Should there be a mix of confrontation and negotiation in our relationship with Cuba? What mix is the best? There is no point in being unrealistic about our policy toward Cuba. Politics, whether domestic or international, is the art of the possible, and we must face the hard facts. Cuba is likely to remain an ally of the Soviet Union as long as Mr. Castro is in power, and probably beyond that. There is no effective opposition to him in Cuba today.

Despite these hard facts, we can hope for reasonable progress in several areas. Our general objectives ought to be the diminution of Soviet influence in Cuba and the reconciliation of Cuban-American conflict. A policy of pure confrontation only expands Soviet influence and intensifies Cuban-American conflict. We should give Cuba a chance to edge away from the Soviet Union and improve its relations with us by testing its claim that it will deal in good faith. It goes without saying that a process of engagement would be difficult and extended. There would be many reverses and plenty of frustration along the way. Many of the differences between the two nations could not be resolved in the foreseeable future. Even so, we should try to start that process soon.

Besides aiming for somewhat more distance between Havana and Moscow and more moderate Cuban conduct across the board, we could draw up a list of what Cuba, given its understanding of its own national interests, might agree to do, and then ask ourselves what it would take to get agreement. As we did so, we would want to keep one thing in mind: Twenty years of Cuban diplomatic and commercial isolation in the hemisphere have not gotten us much at all.

The specific elements of a new policy toward Cuba would be many and varied. Cuban movement on compensation to Americans harmed by expropriation might be matched by a slow relaxation of the trade embargo. Cuban willingness to negotiate a general agreement on prisoner exchange and to repatriate Mariel criminals and mental patients might be met with a gradual relaxation of restrictions on tourism. Cuban recognition of our problems with drug traffickers and air pirates might foreshadow a measured resumption of regular air service. Cuban interest in the withdrawal of foreign forces from Central America might set the stage for talks on the re-establishment of diplomatic relations. The examples, of course, are purely illustrative.

Mr. Castro has offered to discuss such issues. The Reagan Administration claims that it has twice tried to take him at his word, but that he has made talks impossible. Whoever is at fault, rapprochement has bogged down in recrimination. Cuba is an emotional matter for the United States. We have every reason to deal warily with Mr. Castro. A few years ago, we made friendly overtures to him, and he responded by sending military men to Ethiopia, sophisticated arms to Nicaragua, and boatloads of refugees to Miami. A dispassionate assessment of our relations with him is not easy to make. It is important to see, however, that Cuba has made some gestures toward us. Mr. Castro showed desire for more autonomy in his one sided alliance with Moscow by objecting to the Soviet invasion of Afghanistan and urging the Soviets to stay out of Poland. He has taken some of the blame for bad Cuban-American relations.

If the goal of our relations with Cuba were to try to move beyond confrontation, more progress could have been made by now without damage to our national interests. Without any change in our approach, we will have to wait another 20 years for progress. I have come to the conclusion that new approaches toward Cuba are in order. The pattern has been that one side increases pressure on the other, mouthing slogans of confrontation. The other responds in kind, and the atmosphere is soured further. This pattern must be broken. While a significant change in Cuban-American relations may not yet be within our grasp, the possibility should not be rejected out of hand.●

WSJV-TV CALLS FOR BALANCED BUDGET AMENDMENT

HON. JOHN HILER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. HILER. Mr. Speaker, everyday I can count on a number of my colleagues on the other side of the aisle to line up and decry large, looming Federal deficits that threaten our economic recovery.

And everyday I can count on many of those same Members to line up in support of amendments and appropriation bills that increase that deficit even further. For those of us who really believe in fiscal responsibility, it is sometimes difficult not to feel exasperated at that kind of double-speak.

But recently, Ralph Oakley, assistant station manager of WSJV-TV in Elkhart, Ind., delivered an outstanding station editorial that places the blame for staggering deficits and the threat to our economic recovery right where it belongs—on the Congress.

Mr. Speaker, I ask unamimous consent that the editorial, aired on July 20, be printed in the CONGRESSIONAL RECORD. I urge all of my colleagues to give it careful consideration.

My thanks to Ralph and the station management for seeing right through the political haze on the issue of Federal deficit spending. I share their view and hope my colleagues find their words persuasive.

It's difficult for most of us to understand Washington, and no wonder . . . our leaders are tossing around numbers like 200-billion dollar budget deficits and one-point-four trillion dollar debt limits.

It almost brings to mind Carl Sagan talking about the number of stars in the universe.

And, the whole issue would be very humorous, indeed, if it weren't so deadly serious. The wild spenders are still running free

and they just may be strangling what we had hoped would be a vital future for our children.

But, some of the effects of wild federal spending are all too visible right now. For example . . . it will take half of all the available credit in the United States to meet federal debt requirements next year.

That, of course, is one of the primary reasons that interest costs remain so high. This country cannot afford 200-billion dollar federal deficits . . . not if it wishes its citizens to be able to afford housing; not if it wishes small business to flourish; and not if it is to be what Ronald Reagan called in the 1980 Presidential campaign. "A shining city on a hill."

So, since Congress seems unable to discipline itself and must have discipline imposed, we urge adoption of a consitutional amendment requiring a balanced federal budget, except in time of war.

Don't be fooled by all of the so-called sophisticated economic arguments against it. A balanced budget amendment is the answer. And we urge you to tell that to your Congressmen and Senators.●

SIKORSKI STATEMENT ON DEFENSE AUTHORIZATION

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. SIKORSKI. Mr. Speaker, last night, during the debate on the Defense Authorization for fiscal year 1984, I briefly spoke in favor of Mr. NICHOLS' amendment requiring the Defense Department to report on their plans to attach the unjustifiable cost overruns in defense contracts. At this time, I would like to insert the full text of my prepared remarks.

I have proposed a simple amendment to the Defense Department authorization for Fiscal Year 1984. It would require the Secretary of Defense to submit to Congress a report that sets forth a plan by which new contracts will not be let to defense contractors who have imposed unjustifiable price increases or received unreasonable profits until the United States government is reimbursed for the gouging.

After meeting with Congressmen Nichols and Ray, who have spent considerable time on this subject, I have agreed to support Mr. Nichols amendment, which incorporates the thrust of my proposal and requires the Secretary of Defense to report on efforts to correct problems associated with increased costs of initial and replenishment spare parts. I thank the distinguished Chairman of the Subcommittee on Investigations for accepting the intent of my original language.

The latest revelations on jet engine spare parts are outrageous. The inspector general's office of the Defense Department found that United Technologies Corporation's Pratt & Whitney Engine Group and others have routinely raised prices on thousands of parts by 100 percent or more in a three-year period.

Of the 15,000 parts surveyed by the inspector general, more than half doubled in price from 1980 to 1982, with 27 percent showing price increases of 500 percent or more. Yet, the consumer price index rose only 27 percent during the same period.

Let me use two real examples of waste and excessive pricing.

One is a steel washer provided to the government by the Boeing Corporation. The government has bought thousands of these washers for $2.00. However, when they asked Boeing, the charge was $693.44 for one. You or I can take the specifications, walk into any machine shop, and purchase this washer for $4.00.

The second is a plastic cap for a chair tip. The chair is found in the navigational section of the B52 bomber. You or I could buy this part for under $5.00 if we had it made. The materials alone cost only 26 cents. In 1981, the government paid $916.55 for one. Today, the quoted price is $1,118.00. Who do they think they are kidding?

It only gets worse. Pratt & Whitney has employed a 2,000 percent markup on spare parts. For every $1.00 it pays one of its machinists, Pratt & Whitney charges the United States Government—that's you and me—almost $21 for the same part.

Articles have appeared in the Washington Post, in the Baltimore Sun, in the New York Times, in the Atlanta Constitution, in the Wall Street Journal, and in the St. Paul Dispatch on the cost overruns. Finally, the Secretary of Defense himself, Mr. Weinberger, has admitted that the Pentagon has "paid far more than we needed to" for spare parts. I must agree with the Secretary's words when he says, "There will be nobody who is free from careful examination of all of his activities during all the time." The Pentagon should recover funds by withholding payments and disqualifying some suppliers.

Americans want a strong military, but they are not fools. If Congress won't say to the Admirals and Generals, "You will protect and defend this country—but you won't do it by throwing away taxpayers' money," then Americans will say to this Congress, go home, you're useless. We don't need any $2 washers costing almost $700.●

FOUR TRIES BUT STILL NO "CORRECTION"

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. McDONALD. Mr. Speaker, segments of the national news media seemingly are becoming more irresponsible and arrogant. Stories are often biased and slanted to reflect the reporter's or his organization's viewpoint. And there seems to be an increasing preoccupation with relative trivia, rather than an honest attempt to present the hard news affecting our Nation and our people.

Recently, I cast a vote against a resolution concerning the expenditure of Federal tax funds for a study commission to determine how to celebrate the birthday anniversary of former President Truman. In addition, I was opposed to the wording of the resolution because it had high praise for the creation of the United Nations, an organization which is a farce and dangerous to U.S. interests. It would have been inconsistent for me to support the wording of that resolution because I had previously introduced legislation to remove the United States from the United Nations. And I felt funds could easily be raised privately for such a study commission, rather than adding yet another burden, regardless of how small it may be viewed in light of $800 billion budgets, on the backs of American taxpayers.

Had the resolution simply called for a joint session of Congress to recognize the birthday anniversary of President Truman, I would have voted in favor of the measure. However, it was not quite that simple, or quite that black and white.

On the day of that vote, I requested a rollcall on the issue because it involved spending tax money and involved praise of the United Nations. Just previous to that vote on the birthday matter, I had requested a rollcall vote on another, separate issue.

However, segments of the national news media, notably United Press International's radio wire, violated almost every journalistic code, if one exists, with its story on the Truman vote. Even after my press secretary twice requested a correction, UPI followed up with even more distorted stories. Finally, on the fourth try—which was not labeled a correction, as it should have been—UPI got a semblance of the truth on the wire. But it was several days later and it is doubtful that the correction was used by many of the radio stations that carried the original erroneous stories.

Following are the four UPI radio wire stories, in order, and a copy of the letter my press secretary wrote to the regional executive of UPI in Atlanta on July 6. No response had been received as of the afternoon of July 22, 1983.

FIRST ERRONEOUS UPI STORY

ATLANTA.—Seventh district Congressman Larry McDonald of Marietta voted against commemorating the 100th birthday of President Harry Truman for one reason—Truman pushed through organization of the United Nations.

Spokesman Tommy Toles of McDonald's Rome office, says McDonald opposed the resolution because, in his words, it contained language in several areas that he could not agree with.

Toles says McDonald, who is president of the rightwing John Birch society, did not like the language citing Truman for pushing through the organization of the United Nations. Toles says the John Birch Society has historically opposed U.S. participation in the world organization.

The House voted 382 to 5 yesterday to hold a special joint session of Congress on May 8, 1984 to commemorate the 100th birthday of Truman. McDonald was one of the five Congressmen voting against the measure. He did not say anything during debate of the resolution, but he forced a rollcall vote apparently to register his "no" vote.

SECOND ERRONEOUS UPI STORY

ATLANTA.—Congressman Larry McDonald as one of a handful of lawmakers who voted against commemorating the 100th birthday of President Harry Truman. McDonald spokesman Tommy Toles says the Seventh District lawmaker had several reasons for his "No" vote. But, mainly because Truman pushed through organization of the United Nations.

McDonald is president of the rightwing John Birch Society. Toles says the organization has been historically opposed to U.S. participation in the U.N. The House voted 382 to 5 yesterday to hold a special joint session of Congress on May 8, 1984, to commemorate the 100th birthday of Truman.

THIRD ERRONEOUS UPI STORY

ATLANTA.—Congressman Larry McDonald apparently does not feel the 100th birthday anniversary of President Harry Truman should be recognized. McDonald was one of five congressmen yesterday who voted against a resolution to hold a special joint session of Congress next year honoring Truman's birthday on May 8th.

McDonald spokesman Tommy Toles says the Seventh District lawmaker had several reasons for his "no" vote. But, mainly because Truman pushed through organization of the United Nations. McDonald is president of the rightwing John Birch Society. Toles says the organization has been historically opposed to U.S. participation in the U.N.

FOURTH AND FINAL UPI STORY—BUT STILL NO "CORRECTION"

ROME.—A spokesman for Congressman Larry McDonald says the Congressman is not opposed to celebrating the anniversary of President Harry S Truman. McDonald voted in the minority last week on a bill calling for a joint session of Congress next year to honor the 100th anniversary of Truman's birth. The spokesman for the Seventh District Congressman, Tommy Toles in Rome, said McDonald—quoting now—"Is not opposed to observing President Truman's birthdate. It was language in the resolution that the Congressman objected to." Toles said the Congressman opposed the resolution because of language in the proposal which cited Truman for initiating several social assistance programs. Toles added that McDonald opposed spending $25,000 for the observance and he felt the money should be raised by private contributions.

The congressional aide added that McDonald felt it would have been inconsistent for him to have supported the measure because Truman pushed for U.S. involvement in the United Nations. McDonald, who is chairman of the John Birch Society, has opposed U.S. participation in the U.N. and has a bill before Congress calling for the Nation's withdrawal from the worldwide organization.

HOUSE OF REPRESENTATIVES,
Washington, D.C., July 6, 1983.

MR. ALLEN SIEGERT,
Regional Executive, UPI,
Atlanta, Ga.

DEAR MR. SIEGERT: It's rare when I pen a letter to a news executive because I prefer to deal with the reporters and editors whenever possible. Unfortunately, this has proven to be an exception.

On July 1, 1983, at 12:29 p.m., UPI ran the attached story about Congressman McDonald and his vote against a resolution in the House concerning the 100th birthday observance of President Truman. Among other things, it quotes me as saying: . . . the John Birch Society has historically opposed U.S. participation in the world organization. The story also speculated, claiming Congressman McDonald asked for a roll call vote "apparently to register his 'no' vote."

The fact is, in talking with Joe Parham of UPI, the subject of the John Birch Society was never raised. Yet a comment about the Society is attributed to me. The "quote"—direct or not—was fabricated.

Second, in discussing why Congressman McDonald asked for a roll call vote, I explained to Joe that the congressman often calls for a roll call vote on any issue that spends tax money when he is on the floor of the House and no one else calls for a roll call vote. In fact, on the same afternoon as the Truman vote, Congressman McDonald called for a roll call vote on another, separate issue. To speculate as to why he called for a recorded vote when the reason had been explained in great detail, is not only poor journalism but it is totally inaccurate.

When I called to register my protest, Joe read his original copy to me—and it didn't resemble the story that finally came out over the wire.

Yet, when another story ran at 2:45 p.m. July 1, 1983, the fabricated quote was repeated.

Again I called and talked with Joe and he referred me to his immediate superior. After explaining the situation to Tom Madden, bureau chief, he said UPI would try to take care of the problem. Both Joe and Tom were very courteous and expressed regret at the erroneous reports.

However, the third try, at 8:47 p.m., was even worse. It started out:

"Congressman Larry McDonald apparently doesn't feel the 100th birthday anniversary of President Harry Truman should be recognized." And, it repeated the fabricated quote attributed to me concerning The John Birch Society.

On July 6, after thinking about the situation over the weekend, I called Joe and Tom again. Again, both apologized for the errors. Tom said a new story would be run and I talked with Joe once again.

Again, I repeated the Congressman's position:

(1) He is not opposed to the celebration of President Truman's birthday.

(2) He objected to the language of the resolution itself, which praised creation of the United Nations and several Federal spending initiatives, including national health care and federalized housing. It would have been contradictory for him to vote for any resolution favoring the UN since he has introduced legislation to withdraw U.S. participation from the UN.

(3) The resolution called for the expenditure of $25,000 in Federal tax funds to "study" how to best celebrate the birthday anniversary. He feels that those funds should be raised from private sources—individuals, foundations and other organizations—rather than from tax revenues. And he feels it would have been relatively easy for that money to be raised.

For the third time, The John Birch Society was not discussed by me, Tom or Joe.

And as a sidenote the term "right-wing" John Birch Society is incorrect. In any logical government spectrum, the line would go from zero government, or anarchy, to 100 percent government, or total government. The Society is not in favor of anarchy on the right or total government on the left. It does favor limited constitutional government, which is in the middle of such a spectrum. Therefore, it would favor the middle of the spectrum and could, in no accurate sense, be described as "right-wing" or "ultra" conservative.

The fourth story that came across the wire at 12:06 p.m. on July 6, 1983 accurately summarized the congressman's views on the resolution.

Frankly, it is frustrating that it took so many tries to get the story correct. After talking with Joe Parham, I'm convinced that he took down our original views on July 1 accurately. And I'm convinced that Tom Madden attempted to straighten things out on the third try. So the problem obviously lies with someone between the terminal where the original story was written and where it actually went out on the wire. Obviously someone "translated" the original copy into something diametrically opposite. I make no pretense of knowing who that person (or persons) may be or their motives in fabricating quotes and in misstating the congressman's position.

Also, the fourth and final story was not labeled a "correction" but merely came across the wire as something of a followup story. As such, it would be less likely to be used by the radio stations that used the original story, in my opinion.

This isn't the first time something of this nature has arisen involving UPI (I hasten to add that it didn't involve Joe Parham or Tom Madden, however) and the congressman.

On the night of April 17, 1979, UPI published an account of Rep. Phil Crane (R-Ill) visiting Cobb County and falsely stated: ". . . Rep. Larry McDonald hosted a fundraising reception for the conservative Republican." We first heard about the false report on WSB-TV the following morning. We contacted WSB-TV the following mroning. We contacted WSB-TV about the report and the television station ran a correction—labeled as such. However, we then contacted UPI and were promised a full correction. But no such correction ran—merely another followup story containing a half-truth and a non sequitur. It was never reported by UPI that the original story stating that Congressman McDonald had hosted a fundraising reception for Rep. Crane was totally false.

As one who was in the newspaper business for 16 years prior to joining Congressman McDonald, I suggest that UPI's credibility would be substantially greater if it would label corrections as such as if it would exercise more supervision over some of its "translators" to avoid problems of the nature I have outlined.

Congressman McDonald is one who takes firm stands on issues, even controversial matters. Therefore, he is sometimes accused of viewing situations as "either black or white with no shades of gray" or "proposing simple answers to complex problems" or with other equally hoary liberal cliches.

However, most issues that arise in Congress are quite complex and are of various shades of gray. A piece of legislation usually contains "good" and "bad" features and it is up to each member of Congress to determine whether it is "good" enough to vote for or whether the "bad" outweighs the "good." Nothing—not even the Truman resolution—is quite as simple as it may appear on the surface.

But this reality seems to have escaped many reporters, who substitute their liberal bias for facts, speculation for questioning to determine motives, and preconceived, simplistic notions for a better understanding of

complex matters. Again, keep in mind I am not referring to Mr. Parham or Mr. Madden but rather whoever was involved in changing the most recent stories just before they went out on the wire.

Congressman McDonald is a constitutionalist, but is commonly described as a conservative. And the reality is that most of the individuals in the major media are what one would describe as liberals. I think this reality was confirmed by Robert Lichter and Stanley Rothman in their 1981 interviews with key individuals in the major media. It's no surprise to us that the congressman is oftentimes met with hostility, stated or merely displayed, by many individuals in the media, since they disagree with his philosophical views. It's not surprising but it is irritating.

This has become even more evident since he was named chairman of The John Birch Society, which is usually described as "right-wing" or "ultra"-conservative by virtually all segments of the media, local or national. I contend that such modifiers as "ultra" don't belong in a "news" story, especially when no evidence is cited as proof of "ultra"-views or positions. In addition, I don't think I have ever seen a liberal described as belonging to the "ultra" left-wing of the spectrum. In fact, the media generally refer to most liberal politicians as "moderates."

It is with this background in mind, I urge that you take a close look at how bias is slipped into news stories—at whatever level. I also urge that UPI change its policy—unspoken or otherwise—to allow a clear labeling of corrections when they are made.

I look forward to hearing from you. Generally, you may write me at the Rome, Ga. office.

Sincerely,

TOMMY TOLES,
Press Secretary to
Representative Larry McDonald.●

TAMILS OF SRI LANKA—A PEOPLE IN TROUBLE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. BIAGGI. Mr. Speaker, as one who has long been concerned about the human rights situation in Sri Lanka I am particularly distressed by recent reports of indiscriminate killing and other acts of violence being committed against the minority Tamil population of that South Asian island.

Specific reports indicate that 35 Tamils were massacred in their prison cells, along with many other Tamils since Sunday in reprisal for the ambush murders of 13 majority Sinhalese soldiers.

However, while the deaths of the Sinhalese soldiers may have been the triggering event in this most recent outbreak of violence in Sri Lanka, that nation's problems are far more deeply rooted. Basic cultural and religious differences between the Tamils, who comprise only about 20 percent of the Sri Lankan population, and the Sinhalese, who make up the rest of Sri Lanka's 14.5 million people are the real culprits. As a result of those differences, the Buddhist Sinhalese have used their majority position to deprive the Hindu Tamils of many basic human rights, including freedom of religion, equal citizenship, and educational opportunities. This situation has been festering for many years—as far back as 1948 when the British relinquished their control of Sri Lanka—and from time to time violence erupts.

In 1980, I authored a resolution calling for an end to human rights violations in Sri Lanka and urging the President to take several immediate actions to improve the situation there. In response to my concern, I received a State Department report dated December 23, 1981, which said in part:

While we regard the violence, and efforts to resolve it, as purely an internal affair of the Sri Lankan people, we support, and are encouraged by, Sri Lankan efforts to ensure that this tragic cycle of violence does not recur.

Tragically, Mr. Speaker, that violence has recurred and I must call on our Government once again to play a role in securing a peaceful solution to the widespread violence and deep-rooted problems that now exist in Sri Lanka. I am particularly concerned about the reported 20,000 Tamils who have been left homeless by the rioting that has occurred. Those persons need immediate relief and I would urge that measures be taken by our Government to see that the emergency aid which appears to be so desperately needed is provided.

At this time, Mr. Speaker, I wish to insert an article discussing the present Sri Lankan situation, which appeared in today's Washington Post:

[From the Washington Post, July 27, 1983]

DEATH TOLL EXCEEDS 100—UNREST SPREADS IN SRI LANKA

(By William Claiborne)

MADRAS, INDIA, July 26.—Widespread looting and firebombings in defiance of a nationwide curfew spread across the Sri Lankan capital of Colombo today following the massacre of 35 ethnic Tamil prisoners in their cells, according to Indian news reports here tonight.

In the third day of violence between the Buddhist Sinhalese majority and Hindu Tamils, at least 20 persons were reported killed following the prison massacre. That raises the death toll to more than 100—mostly Tamils—since clashes began Sunday in reprisal for the ambush slaying of 13 Sinhalese soldiers near the Tamil town of Jaffna in the northern part of the island republic.

The international airport at Colombo was closed today, and Colombo-bound flights from Bombay and this southeastern Indian city were canceled. The government of President J. R. Jayewardene continued strict censorship in Sri Lanka.

Tamils, who constitute 20 percent of Sri Lanka's 14.5 million people, have tried in recent years to establish a separate Tamil state in the northern part of the island. The separatist movement, along with differences of religion, race and language between the dark-skinned Tamils and the light-skinned Sinhalese, has long riven Sri Lanka with violence.

The Justice Ministry, in a statement over Sri Lankan radio monitored here, said that the massacre in Colombo's Welikadi Prison occurred when several hundred prisoners attacked Tamils who had been detained under antiterrorism statutes. The dead were said to have included a leader of the Tamil Tigers, a guerrilla group that frequently has clashed with security forces.

Paradoxically, the Tamil underground, secessionist movement has intensified during a period when Jayewardene has done more to grant local autonomy than any of his predecessors.

[Reuter reported that the Sri Lankan government said about 20,000 Tamils had been made homeless by the rioting. United Press International reported that the government said that "as a result of acts of rioting, and thuggery, several civilian deaths have taken place in Jaffna."]

Scores of buildings in Colombo reportedly were burned, including the downtown building that houses the State Bank of India and the Indian High Commission. On downtown streets strewn with burning vehicles, heavily armed government troops were reported guarding against further rioting tonight. Of the more than 100 persons killed in the street clashes so far, 75 were said to be Tamils.

India's top diplomat to Sri Lanka, High Commissioner J. S. Chatwal, who returned to Colombo this morning, told reporters here that the homes of several Indian diplomats were attacked, including that of the deputy high commissioner. Dependents of Indian diplomats living in Tamil neighborhoods were evacuated to downtown hotels, according to the United News of India. None of the Indian diplomats was harmed, Reuter reported.

Madras is the capital of the Indian state of Tamil Nadu, from which most of the Sri Lankan Tamils migrated in the 19th century to the former British colony of Ceylon to work on tea and rubber plantations there.

The leader of the Sri Lankan opposition coalition and general secretary of the Tamil United Liberation Front, Appalillai Amirthalingam, issued an appeal to Jayewardene to call in the Indian Army to restore peace, according to Tamil sources here.

Amirthalingam, who has acted as a liaison between the northern Sri Lankan Tamils and Jayewardene's United National Party, cited the precedent of Sri Lanka calling in the Indian Army to help quell a 1971 insurgency, according to Tamil leaders here.

Tamil Nadu's chief minister, M. G. Rama Rao, appealed to Prime Minister Indira Gandhi to raise the situation in Sri Lanka with the United Nations and called for a general strike in this state Aug. 2 to underline the need for action to end communal violence.

Despite the establishment of district development councils in Tamil areas and other efforts by Jayewardene to defuse Tamil tensions, the separatist movement has shown signs of gaining more popular sympathy, which in turn has further alienated the Sinhalese majority.

As buildings went up in flames, Colombo's looters had a field day in shops and houses, taking away all they could carry. Looters lugging television sets and pedestal fans were seen staggering down the capital's main street.

About 3,000 Tamils who lost their homes and shops in the arson attacts in the Sinhalese-controlled city huddled in schools and

religious institutions, Social Service Ministry sources said.●

NEW PROBLEMS IN MEDICINE AND BIOLOGY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. HAMILTON. Mr. Speaker, I insert my Washington report for July 27, 1983, into the CONGRESSIONAL RECORD:

NEW PROBLEMS IN MEDICINE AND BIOLOGY

How much health care is enough? Do we unwisely "play God" if we manipulate man's basic genetic makeup? Does a dying patient have the right to refuse life-sustaining treatment? These questions, and others like them, were considered by the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, which recently issued the last of its 10 reports and thereby concluded three years of work. The purpose of the commission was to bring together experts from various fields, from philosophy and religion to medicine and law, to clarify several major ethical issues raised by advances in technology. Between 1974 and 1978, a panel studied medical experimentation, including research on prisoners and fetuses. A subsequent panel reviewed issues relating to "test-tube" babies. But the work of this commission has been the most far-reaching and controversial of all.

The fundamental principles identified by the commission are worth noting. It found that among the ethical questions it considered, three principles stood out. The first was the principle of well-being—that the well-being of both the individual and society should be promoted. The second was the principle of self-determination—that people's choices in regard to values should be respected. The third was the principle of equity—that people should be treated fairly. Although these three principles are commonly followed in our society, the commission discovered that they could not always be applied neatly to yield a simple answer to the question, "What is the right thing to do?" For example, what does one do when the treatment a patient chooses (self-determination) conflicts with what is medically best for him (well-being)? What does one do when the best treatment for a patient (well-being) can be delivered only if another patient is given less than what is medically best for him (equity)? The commission was set up to confront the hard cases, those for which there are no easy solutions, and to try to apply the relevant ethical principles. Its task was like that of the Supreme Court, which hears and decides the most complex cases involving the most difficult applications of law. Three of the commission's findings should be mentioned.

The commission concluded that access to health care was the toughest and most time-consuming issue. Without restraining guidelines, advances in technology could entail boundless expenditures for health care. Where does society draw the line? The commission thought that society has a duty to provide adequate health care because of the special role health care plays in preventing suffering and premature death. Also, illness can be financially devastating, and it is usually undeserved and beyond the patient's control. However, the commission indicated that access to health care remains inadequate for millions, especially for minorities and the poor. Taking into account the sheer magnitude of health care expenditures today, the commission did not press for new federal programs. Instead, it stated that some economizing is essential but that savings should be accomplished in a way that does not make current inequities worse. In line with this view, the commission expressed opposition to further cuts in health care benefits for the poor and called for recovery of a portion of the $20-billion annual subsidy paid to upper- and middle-income people in the form of tax-free health care benefits offered by employers. The commission argued that this subsidy leads to unnecessary use of more than adequate health care by the better off at a time when health care for poorer people is neither available nor adequate enough. The proposal soon will be considered by Congress, as will legislation to cut spending for medicare. Overall, Congress will deal with many aspects of "the ethical way to trim health care costs".

"Genetic engineering," the manipulation of the molecular structure of living things, was another thorny issue before the commission. In assessing whether and how genetic engineering might be controlled, the commission concluded that banning it in the United States would be useless since work would continue in other countries. The commission noted a ban would be irresponsible: genetic engineering already has yielded major benefits (such as improved crops) and holds out great promise (such as a cure for cancer). The commission recognized, however, that risks come with benefits, especially if genetic engineering were used for the alteration of hereditary human traits, the "enhancement" of human traits, or the creation of an organism that might cause a deadly disease. Although the commission surmised that genetic engineering poses no inordinate risk at this time, it stressed the need for continued public attention and suggested the formulation of a national oversight and education committee. A bill creating such a committee is expected to pass the House soon and then go on to the Senate.

The commission's longest report dealt with a volatile issue: under what conditions, if any, may we terminate life-sustaining treatment for patients who are dying in agony or are comatose and will never wake? The commission's discussion ended with the view that a fully informed, competent patient has the right to decide against life-sustaining treatment. In the case of an incompetent patient, the decision should be made by those closest to him, in accordance with his values and with a presumption in favor of sustaining his life. This view was based on the principle of self-determination. The effort to maximize well-being cannot be undertaken in disregard of a patient's own actual or potential choice in the matter. The commission surveyed the law and uncovered nothing that would force a patient to agonize or prolong his life through life-sustaining treatment if he wished or would wish to avoid it. It emphasized points to assist the decision-maker, not points in the development of legal regulation. This is one area which the commission wanted Congress to avoid.

As the commission itself was aware, many of its findings require more analysis. Still, they are valuable in that they help set the bounds of debate. The questions pondered by the commission are emerging ones, and they will come before Congress and state legislatures with increasing frequency in the future. The level of debate should be much improved by the commission's work.●

AMENDMENT TO THE HAZARDOUS WASTE CONTROL AND ENFORCEMENT ACT, H.R. 2867

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. MARKEY. Mr. Speaker, today, I have printed in the RECORD an amendment to H.R. 2867, the reauthorization of the Resource Conservation and Recovery Act, or RCRA. When this body passed RCRA in 1975, the Congress intended to establish a cradle-to-grave regulatory and management system for hazardous wastes. Through the years, gaps in the system have been discovered. The amendment, printed in today's RECORD, will help correct the gaps that exist in today's hazardous-waste-management system.

The amendment printed in the RECORD is needed for it will give citizens another chance to enforce the provisions of RCRA, and gives waste operators, transporters, and handlers another incentive to clean up their site. Mr. Speaker, I favor any provision which will push industry toward responsible management of our hazardous wastes. This amendment will help accomplish that important goal.

The amendment, which allows citizens to sue in Federal court the liable parties, has two beneficial effects. One, it enables citizens who have been damaged by exposure to hazardous waste to recover some compensation from the liable parties. The second positive effect is that it encourages citizens to file suit against liable parties and consequently has the effect of encouraging waste operators to clean up their mess.

The amendment does have important protections for industry, and these deserve some comment. The amendment does not allow retroactive suits and specifically exempts work-related exposure. In addition, if exposure is attributable to a federally permitted release, then a plaintiff must meet the tougher standard of liability. I mention these protections for I believe they are an integral part of the amendment.

More importantly, however, Mr. Speaker, the bill has important protections for citizens who have suffered from exposure to hazardous wastes. The amendment allows citizens to sue in Federal court for all medical damages, lost income, lost earning capacity, pain, and suffering. Further, the amendment establishes a strict liability test for those waste operators who do not have a Federal permit. In addi-

tion, the amendment to contains a more liberal statute of limitations which will allow most people who today are shut out of court, to have their day before judge and jury. Other protections for plaintiff's suits are also included.

I might add that the amendment does not affect any State laws or other settlements which may occur. The amendment does, however, forbid any person from collecting more than once for the same injury. I believe these protections I have touched on, both protections for industry and for plaintiffs, represent a fair response to the pressing question of victims who need compensation and waste dumps which need to be cleared up.

Mr. Speaker, the amendment I have had printed is similar to a bill I have introduced on this subject, H.R. 2582, the Hazardous Substance Victims Compensation Act of 1983. I have printed this amendment because I feel it is important Members have time to study this much-needed amendment. There are significant difference between this amendment and the bill I introduced with my colleague from New Jersey, JIM FLORIO. This amendment would not accomplish all I hoped to achieve with that legislative. Nonetheless, I think this amendment is an important first step toward full victim protection and toward complete waste management as this Congress intended when it passed RCRA. I urge my colleagues to review this amendment printed in the amendment section of the RECORD and to give it careful consideration.●

PUBLIC SHIPYARDS

HON. DOUGLAS H. BOSCO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. BOSCO. Mr. Speaker, as the House concludes debate on H.R. 2969, the Defense Department Authorization Act, I would urge my colleagues to take note of a little-debated but important item in the committee report regarding the allocation of ship repair work between private and public shipyards. While the Armed Services Committee should be commended for recognizing the dual need to maintain naval and private shipyards, I must disagree with their recommendation that the Navy reevaluate the current work allocation formula. Significant changes in allocation could threaten the viability of naval shipyards—creating a private-sector monopoly and undermining our sea-force capability.

At present, public-sector ship repair and maintenance is projected to be nearly $3 billion, compared to $1.5 billion in private sector repair. While this differential may appear high, it is well within historic defense parameters which take into account the innumerable security benefits provided by public shipyards. Unfortunately, changing this allocation to a 60/40 or 50/50 split would only weaken our defense posture and result in possible long-term cost increases.

As an inseparable part of our naval forces, navy yards contribute to our defensive readiness and combat capability. In times of crisis, skilled engineers, technicians, and administrators must be quickly mobilized if warships are to respond in a timely and effective fashion. The technologically complex nature of today's naval equipment demands experienced public sector employees. While the innovative and productive forces of the private sector are an important component of our defense, public yards remain a key link in our defense readiness.

Unfortunately, reducing the percentage of public ship repair work at a time when private yards already perform 100 percent of new construction naval shipwork can only lead to the deterioration of the public-sector skills and efficiency necessary for quick defense mobilization. It is estimated that overhaul starts in naval shipyards would be reduced from 27 to 8 if a 50/50 split of repair overhaul dollars becomes effective, resulting in the closing of two national shipyards. Eventually, a 50/50 split would produce the type of private-sector monopoly-power that could sound the death knell for the public-sector shipyards.

I would also suggest to my colleagues that our Nation's private shipyards are not without fault. There is ample evidence to suggest that private shipyards have displayed significant overruns of production schedules and significant cost increases over and above the low bids that obtained the basic contract. Weakening navy yards will do nothing to improve this cost ineffective aspect of private shipyards.

Mr. Speaker, navy yards have indeed increased their personnel levels vis-a-vis private shipyards in recent months. Such increases in employment, however, are the direct result of congressional actions lifting the ceiling on navy yard employment last year. Then, as now, it was expected that increased employment would result in reduced overtime costs and more flexible and efficient management policies. It is certainly no reason to jeopardize the health and viability of our public shipyards. When conducting its evaluation, I would hope both the Navy and the Congress consider the many security and economic ramifications of policy changes in the allocation of ship maintenance work.●

HOLOCAUST

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. PEPPER. Mr. Speaker, thank you for giving me the opportunity to bring to your attention and that of my colleagues Rositta Ehrlich Kenigsberg, chairperson of the Children of Holocaust Survivors Group, and her eloquent and moving address to the American Gathering of Jewish Holocaust Survivors.

This statement is important in aiding our full understanding and remembrance of the great tragedy of World War II and the Holocaust. Ms. Kenigsberg stresses the importance of eternalizing the memory of the Holocaust and educating our population on why this tragic event occurred and why it must not happen again.

I want to add my commendations of Ms. Kenigsberg and her vital work in this area that is a tragic and real part of our world's history, and would commend it to all who read this RECORD.

The address follows:

ROSITTA EHRLICH KENIGSBERG, CHAIRPERSON, CHILDREN OF HOLOCAUST SURVIVORS GROUP IN MIAMI, FLA., PRESENTATION TO AMERICAN GATHERING OF JEWISH HOLOCAUST SURVIVORS, APRIL 1983

Howard Roiter, author of "Voices of the Holocaust" states: "If we accept the basic idea that education is a preparation for life—real life—then we owe something to our students, and their students, and generations of students after them. We must tell them the untellable, we must attempt to make sure that what happened in WW II will not be forgotten. We like to teach what we can understand. But what we call the 'Holocaust'—cannot be understood. It surpasses any conceptualizing. The world stands guilty. We stand guilty. An absurd universe surpasses the absurd and stands guilty. And yet, we must tell."

We have in our midst, the greatest weapon today to counteract and thwart any inklings of genocide. It is the testimony of those who survived the Holocaust—the survivors.

With the increased recognition that the testimonies of survivors are a steadily diminishing resource and with the dramatic growth of outrageous claims that the Holocaust never happened, many programs have been started throughout the country dedicated to taking oral history as quickly as possible.

The southeastern Florida Holocaust Memorial Center introduced its oral history program in November 1979. One of its goals is to record on audio and video tapes, through the oral history process, as much information as can be secured from survivors of the Holocaust, their liberators, and protectors.

In order to develop our oral history library it was essential to create an organizational structure. This structure required two working bodies in order to function: (1) The professionals and (2) volunteers. This led to the establishment of our unique board of directors, which is made up of college and uni-

versity presidents in southeastern Florida, along with community leaders in religion, government, education, and business. The board of directors was organized into basic working committees which would facilitate the administration of the center's objectives. Some of the standing committees include: Oral history; survivors, liberators, and protectors research; education; fund raising; budget; publicity; membership; and a speakers bureau.

In order to acquire and develop a corps of quality interviewers a program was established to have volunteers complete over 50 hours of in-depth training. This course consists of lectures and workshops on interviewing skills, Holocaust history, and usage and implications of taking testimony.

The oral history process is still incomplete until these interview tapes are copied, transcribed, logged, audit-edited, indexed, retranscribed into a final manuscript and bound. It is also volunteers who are trained meticulously to follow these complex procedures.

The Southeastern Florida Holocaust Memorial Center is a nonprofit institution. The income to support this center has been derived from three primary sources:

1. An active, dues paying membership which has now reached over 800.

2. Private and community fund raising campaigns and events (for example, we shall be sponsoring the premier evening of the play, "the Diary of Anne Frank" to be held at Florida International University).

3. Grants from local Jewish federations.

In order to be assured of public awareness, it is necessary to take advantage of all media coverage—radio, TV, and newspapers.

I would also like to mention at this time that our center does not need to solicit survivors of the Holocaust, their liberators or protectors, to be interviewed. Rather it is from our membership, publicity, fund raising events, and community Holocaust seminars, that people have contacted us requesting to be interviewed.

What are the results of an oral history library? What are the implications? What have we at the center accomplished?

In less than 3 years, because of the structure we have developed, much has been accomplished. We have interviewed over 190 survivors, liberators, and protectors, with hundreds on the waiting list. To date, 45 volunteer men and women have completed over 50 hours of training and are now certified interviewers for the center.

The center presently serves as a reference library for educators, students, authors, historians, and many others who are interested in hearing or viewing our audio and video testimonies.

In addition, we have been called upon to serve as consultants to many communities interested in an oral history library. Requests have come from Dallas, Washington, Denver, Montreal, Orlando, and many, many others.

Among its activities, the center has become involved in sponsoring and cosponsoring such community events as Yom Hashoa, Kristalnacht, and Yom Hatzma'ut.

The school superintendents of social studies in Dade and Broward Counties of Florida have expressed and endorsed the urgent need for Holocaust studies in the classroom. As a result, on March 23 we conducted our first teachers seminar on Holocaust studies, in cooperation with other local agencies. At that time we introduced our award winning video tape: "In Their Words" with a teachers guide. This tape is a compilation of excerpts taken from testimonies with narration and background films on the Holocaust.

The center also sponsors a Children of Holocaust Survivors Group which shares the center's goals of education and perpetuation of the memory. This group unites over 200 members and become, in a short time, a strong and viable organization in the community.

The implications of collecting oral history from the Holocaust are manifold. For example:

First, the enormous body of data collected through personal testimonies, records, books, memorabilia, etc. will enhance the existing knowledge of the Holocaust.

Second, as more and more institutions develop over North America and become involved in the Holocaust, there is a concurrent need for increased documenation and research.

Third, Holocaust studies may be implemented in public school systems across the country using testimonies within their curricula.

Fourth, oral history provides valuable research tools for scholars and historians.

Fifth, the taped testimonies will serve as reminders, for generations to come, of the horrors that occurred, and they will provide incontrovertible historical evidence of that ERA.

What are our future goals? There are many, among which the center envisions that all future oral history programs, libraries, and centers will coordinate their efforts, resources, and materials, so that Holocaust studies will be mandated to become part of every public and private school curricula across the country and any all information pertaining to the Holocaust can be made readily available.

We have gathered here today the makings of a miracle. Almost every person here has a story from the Holocaust. But what is the real value of each story—why should we record it and pass it on?

It is because each life which has emerged from the absurdity, each voice carries more than a remembrance of pain, dehumanization, and horror. Each tale arises from an individual defamed and marked for destruction. But, most important, the voice exists—the story will go on—and each one contains the glory of a people restored and of a people regaining its dignity.

Each word reminds us, again and again, that as long as there is someone to tell the story, there is life.

And as long as there is someone to listen * * * there is hope.●

THE DEATH OF JOHN THURMAN

HON. RICHARD H. LEHMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. LEHMAN of California. Mr. Speaker, today I join my many friends and colleagues in the California congressional delegation in mourning the loss of a good, close friend and former colleague to many of us who served in the State legislature, former assemblyman John Thurman.

John Thurman's death earlier today saddens me greatly. He was a good friend and respected legislator and I will certainly miss him and the many contributions he made in public service.

John Thurman began his public service in 1960 when he was elected to the board of educators of the Hart-Ransom Union School District. After 10 years of service in education, he was elected to the Stanislaus County Board of Education. In 1972, John Thurman was elected to the California State Legislature, as the representative from the 27th Assembly District.

During his five terms in the assembly, John distinguished himself in many areas and is recognized for his many contributions to the underpriviliged, senior citizens, and agriculture. The Thurman Act, passed in 1974, to provide low-cost statewide influenza vaccine for senior citizens, has been recommended for implementation on a nationwide basis. He was instrumental in developing legislation in transportation issues and was an outspoken advocate for the educational needs of the State's young people.

John Thurman, however, was perhaps most recognized as the best and most effective spokesman and advocate for the interests of California agriculture. Throughout his 10 years in the assembly, John Thurman recognized the problems facing the agricultural industry in the State and was able to address those problems in an effective and equitable manner. John Thurman never forgot his roots on the dairy farm and was always there to speak on behalf of the thousands of small family farms and dairies in California.

John Thurman believed that government at all levels existed to serve the people and he took on that responsibility with both enthusiasm and pride. It was a distinct pleasure for me to have served with him in the California State Legislature and to have become a close friend and colleague of his. Beneath his sometimes gruff farmer's exterior, John Thurman was a sensitive public servant, and a model for many of us who followed.●

HOUSE CONCURRENT RESOLUTION 150

HON. VIRGINIA SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mrs. SMITH of Nebraska. Mr. Speaker, unless Congress moves with considerable dispatch to pass comprehensive legislation addressing national telecommunications policy, the Nation's telephone service well may gridlock on January 1, 1984.

Telephone bills will begin to soar for the 60,000,000 Americans who live in the rural areas and small towns of our country. People who pay $10 a month will suddenly find themselves paying

$20 or $30 a month. People living on fixed incomes, especially the elderly, and millions with low incomes will find such spectacular increases a particular hardship.

Many will simply drop out as telephone service subscribers. Local telephone companies faced with enormously inelastic fixed costs will seek to make up the lost revenue by increasing telephone rates and the spiral effect will hurt thinly populated areas the most.

Universal, affordable telephone service will become a thing of the past. The value of the telephone as a mass communications system will begin deteriorating, making the system less useful as its cost increases.

There is a way to avoid this unacceptable development: Congress should defer implementation of the obnoxious access-charge plan of the Federal Communications Commission, docket No. 78-72, adopted last December and scheduled to take effect on January 1, 1984. Simultaneously, the court-ordered divestiture of the American Telephone & Telegraph Co. and its affiliates goes into effect.

These two governmental actions have thrown the telecommunications industry into total disarray.

Comprehensive telecommunications legislation addressing many issues arising from these developments is now before the Congress. But there is not enough time left this year for Congress to hold hearings and finally approve carefully drafted remedies before the January 1, 1984, deadline when the Commission's plan would go into effect.

That plan would change the method of figuring telephone rates so that in the nonurban areas of our country with more than 26 percent of the population would face telepone bills that would double or triple current levels. Technically, the FCC ruling is an "access-charge" plan under which local telephone subscribers get stuck with the cost of maintaining linkages with long-distance telephone companies, regardless of whether subscribers make any long-distance calls at all.

Delay of the FCC ruling is the quickest, easiest way for buying time to sort out the still-murky implications of the court-ordered divestiture of the American Telephone & Telegraph Co.

To demonstrate my concern and to allow like-minded colleagues to express themselves on this issue, I have introduced House Concurrent Resolution 150. I am seeking cosponsors of the resolution, and I invite inquiries directly to myself or to my staff assistant, Terri Carver, in my Washington office at 225-6435.

The text of House Concurrent Resolution 150 follows:

HOUSE CONCURRENT RESOLUTION 150

Whereas the telecommunications industry has been thrown into total disarray by recent governmental actions including court-ordered divestiture of the American Telephone & Telegraph Company and its affiliates, and a Federal Communications Commission order changing telephone rate-cost allocations, both of which take effect on January 1, 1984;

Whereas the restructuring of the American Telephone & Telegraph Company and its affiliates, and the Federal Communications Commission order, could cause the rates for basic telephone service and access to the telephone network to double or triple;

Whereas the Commission's order establishes an access charge plan that will sharply increase local telephone rates in rural areas;

Whereas the Commission's order requires that the cost of the access facilities be shifted disproportionately to the local telephone subscribers from the long distance carriers and private systems, resulting in discriminatory rate-making;

Whereas the Commission's philosophy is to encourage such discriminatory rate-making, ostensibly fair because it is based on cost;

Whereas these rate-setting concepts and trends will inevitably lead to loss of lower-income subscribers and higher rates for those remaining subscribers to offset loss of revenue from lost subscribers;

Whereas the people of the United States, especially the elderly, the handicapped, those in rural areas, and the urban poor, rely on the telephone as a basic necessity;

Whereas universal telephone service is vital to the common good;

Whereas the goal of affordable, basic telephone service is consistent with a competitive telecommunications industry;

Whereas universal telephone service can be preserved only if local rates are maintained at reasonable and affordable levels;

Whereas the Commission's order threatens the concept of providing universal telephone service;

Whereas comprehensive legislation addressing these and many other telecommunications issues is now pending before the Congress;

Whereas the impact of the Commission's actions and the AT&T divestiture cannot be reliably estimated or appropriately addressed in time available to the industry, consumers, and the Congress; Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the Federal Communications Commission's access charge plan scheduled to go into effect January 1, 1984, should be delayed for one year;

(2) until such time as Congress acts upon comprehensive legislation addressing the telecommunication issues relating to the Commission's access charge plan and the restructuring of AT&T and its affiliates, the Commission should require interim agreements between local telephone companies and long distance carriers;

(3) such interim agreements should reflect the newly-drawn service areas and the new relationship between local telephone companies and the AT&T Company resulting from divestiture, and should maintain the categorization and allocation of costs in effect on December 30, 1982;

(4) the appropriate committees of the House and Senate should move expeditiously to bring comprehensive legislation addressing all major telecommunication issues before the House and Senate.●

A CONGRESSIONAL SALUTE TO BOBBY MURCER

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. GARCIA. Mr. Speaker, on behalf of the New York and Oklahoma congressional delegations, I would like to offer a special salute to Bobby Murcer, a great ballplayer and a credit to his adopted city of New York and his home State of Oklahoma.

Our national pastime, baseball, has produced many a hero to whom our youth have idolized and respected. Bobby Murcer, a player who made a great comeback in his career and as such, stands as an example to us all, deserves to be included among these all-time champions of America's sport. An 18-year pro, Bobby Murcer spent 14½ years with the New York Yankees pacing them with his quick bat during the early 1970's and later returning in the late 1970's to assist the Yankees during pennant drives.

Bobby Murcer's statistics are quite impressive. In 1972, he led the American League in run production and topped the Yankees in batting average, runs, hits, doubles, homeruns, and RBI's. With the exception of triples, he accomplished the same feat in 1971. In 1973, he again led the Yankees in batting average, hits, doubles, homeruns, and RBI's.

Bobby Murcer's contributions to baseball's endless stream of lore and legend will be remembered by all of us who spend our summer breakfasts poring over the box scores. The strategy of opposing players and the art and cunning of the managers certainly contribute to the immense enjoyment of the game. But, it is individual effort that guides and powers the game with its sudden bursts of energy and brilliance. Certainly Bobby Murcer's seven grand slams, his five All-Star Game appearances and his three homerun games in 1970 and 1973 will become part of this lore.

Starting out as a shortstop from Oklahoma City where in high school he was a standout in football, basketball, and baseball, he joined the Yankees late in only his second pro season. After a 2-year tour of duty in the U.S. Army, he rejoined the Yankees in 1969 as the replacement for another great Yankee and Oklahoman, Mickey Mantle.

Bobby Murcer ranks 11th on the all-time Yankee homerun list, a list which includes Babe Ruth, Mickey Mantle, Lou Gehrig, Joe DiMaggio, Yogi Berra, Roger Maris, Bill Dickey and current Yankee, Greg Nettles. His

most recent homerun came just this year bringing his total as a Yankee to 175. In the intervening years of 1975-1979 as a National Leaguer with the Giants and the Cubs, Bobby Murcer batted an additional 77 homeruns.

The last Yankee to hit a cycle in a ballgame which includes a single, double, triple, and a homerun, Bobby Murcer also ranks 16th on the all-time Yankee RBI list, delivering 687 runs as a Yankee and 356 during his years in the National League.

The Yankees will salute Bobby Murcer on August 7, 1983 in the Bronx. Just as the game has the unique ability to unite us all, we in the New York and Oklahoma delegation wish to send a special thank you to him for his contributions to his profession, his adopted city of New York, his home State of Oklahoma and especially, our national pastime.●

THE RIGHT APPROACH

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. VANDER JAGT. Mr. Speaker, I would like to bring to the attention of my colleagues an article which appeared in the Ripon Forum magazine of July 1983, authored by the gentlewoman from Rhode Island, CLAUDINE SCHNEIDER. This excellent presentation provides a trenchant analysis of the persisting problem of hazardous waste. It describes in lucid detail the present state of open landfills, hazardous waste management and control technology and relates the nearly intractable problems accompanying it.

Mrs. SCHNEIDER has endeavored to put forth what, in my estimation, is a truly innovative and insightful approach to solving this problem. It is premised on the findings of a study which concluded that landfills are still the cheapest disposal option. The study also indicated that an estimated 75 percent of all hazardous waste deposited in landfills could safely be recycled, treated or destroyed. In recognition of the fact that open landfills pose a serious risk to society, the formidable task becomes one of changing economic behavior in the marketplace to the extent that land disposal is cheaper than environmentally preferable alternatives. Together with Congressman RON WYDEN, Mrs. SCHNEIDER has introduced a bill, the Hazardous Waste Reduction Act (H.R. 3129), to establish a uniform national fee for the disposal of hazardous waste which I am delighted to be listed as a cosponsor. This fee would shift the onus of responsibility to the producer of wastes and would further reflect the fact that landfills—with the threat they carry of eventual degradation—represent an external cost that is inevitably born by the taxpayers. Recycling, detoxification or the destruction of hazardous waste would, in effect, eliminate any external costs and no fees would be charged for these alternatives.

The present Superfund is financed by a Federal tax placed on chemical raw materials used in industrial processes. Since the waste generated as a byproduct is generally far in excess of the original raw materials and little connection between the two exists, there is currently no economic disincentive to waste production. The Hazardous Waste Reduction Act would alter the fee structure to fund the Superfund by taxing land disposal of hazardous waste. The bill differentiates between two categories or hazardous waste already delineated by Federal law—toxic and nontoxic wastes. Although both would be taxed, a higher fee would be placed on toxic wastes based on the danger they pose to society. Wastes that are treated, recycled, or destroyed would not be taxed. A waste-end tax would provide a market disincentive for the land disposal of hazardous waste and a market-specific strategy would be an invitation to the private sector to develop alternatives to land disposal. I commend this fine article by Congresswoman SCHNEIDER to my colleagues and would ask that it be inserted in the RECORD at this point:

CLEANING UP HAZARDOUS WATERS: A REPUBLICAN APPROACH

(By Claudine Schneider)

On September 30, 1977, a series of explosions racked the Picillo pig farm in rural Coventry, Rhode Island, sending up columns of smoke visible 20 miles away in downtown Providence. A fire marshal investigating the blaze found an open ditch full of ignitable chemical wastes, some of which, when heated, could turn into phosgene, the lung-searing "mustard gas" used with such deadly effect in World War I. As the investigation of the Picillo site expanded, local authorities discovered to their dismay that Rhode Island had been selected as the dumping ground for the land disposal of over two million pounds of chemical waste per month.

By now, of course Rhode Island's experience has been shared by the people of almost every state. Sites like Love Canal, the Stringfellow Acid Pits in California, and the notorious Valley of the Drums in Kentucky have dramatically demonstrated the enormous volumes of chemical waste that are the unintended byproduct of our industrial society. EPA studies have suggested that there may be 15,000 abandoned sites scattered across the United States, with the cost of decontamination and cleanup reckoned in the billions. The cleanup of the contaminated dioxin sites in Missouri alone is estimated at well over $1 billion, which is about equivalent to the federal commitment required after the Mount St. Helens disaster. The difference, of course, is that the hazardous waste crisis is not an act of God, but a disaster of our own making.

In response to the public outcry, the Congress enacted the Comprehensive Environmental Response, Compensation and Liability Act, familiar to most Americans as the Superfund law. This fund, financed largely through a federal tax on petro-chemical feedstocks, provides the EPA with the money to pay for the cleanup of the most immediately dangerous abandoned waste sites. Perhaps even more important in the long-run, although less familar to the general public, is the Resource Conservation and Recovery Act, RCRA provides cradle-to-grave regulation of the generation, transportation, and disposal of hazardous waste.

HAZARDOUS WASTE REDUCTION

A quick look at the statistics suggests why RCRA is so important. Every year, according to the Office of Technology Assessment (OTA), we generate 41 million tons of federally regulated hazardous waste. If state regulated wastes are included, the total adds up to a staggering 275 million tons, or more than 2,000 pounds per year for every man, woman and child. RCRA is our first attempt on a national scale to ensure that these wastes are disposed of safely.

So far, the picture looks bleak—thousands of abandoned dumpsites and millions of tons of chemical wastes generated every year, with a harassed federal government struggling to control the situation. Perhaps it's time to put the hazardous waste problem in perspective by remembering that it has developed as a natural consequence of our consumer-oriented society. Many of the products that we depend on—from the synthetic fibers that we wear to the iron and steel bridges that we cross on our way to work—have relied on a chemical process at some point in production that has generated some waste as a byproduct. Thus the American public is not likely to abandon the chemical-industrial technologies that have advanced so rapidly since the Second World War to make our standard of living the highest in the world.

Fortunately, we shouldn't have to make that choice, because the industries that have contributed to the problem are already beginning to develop the solution. Thanks to the ingenuity of American technology, we have begun to develop the means to recycle hazardous waste, to destroy it through incineration, to burn it as fuel, or to bind it chemically so that it becomes harmless.

Two examples from private industry serve to dramatize the potential. The 3M Corporation, well-established as a trend-setter for innovative corporate policies, has instituted a 3P program—"Pollution Prevention Pays." Through the reduction of waste and the development of substitute products for hazardous materials, 3M has saved $20 million over the past four years.

The steel industry provides another example of waste reduction. Rust is removed from iron and steel by "pickling" the product in an acid bath, during which an iron salt precipitate (ferrous sulfate) is formed. Instead of throwing the contaminated acid in a landfill, the industry recovers the ferrous sulfate crystals, which can be used in the manufacture of pigments, magnetic tapes and fertilizer, and in wastewater treatment to remove phosphorous. With the iron salt precipitate removed, the acid bath is ready for reuse in the pickling process.

The potential for recycling, destroying or stabilizing hazardous waste is enormous. According to a study commissioned by the California Office of Technology Assessment, 75 percent of all the hazardous waste disposed in landfills could be recycled, treated, or destroyed. The study also found that

the additional waste management capacity needed to meet the potential demand could be developed in less than two years.

With the technology already available, and the problems with land disposal so well documented, the treatment and recycling industries should be turning away customers, right? Wrong. A recently issued EPA study found that the demand for incineration is 80 percent of capacity, for chemical treatment just over 50 percent, and for recycling 24 percent. Despite all the negative publicity about dumpsites like the Picillo pig farm, four out of every five tons of hazardous waste generated is headed for a landfill.

LANDFILLS

An exhaustive study of federal waste management policy just completed by the OTA points to the answer. Landfills, even with regulations designed to make them safer and cleaner, are still the cheapest disposal option. In fact, the EPA, through two successive administrations, has focused on landfills as the primary disposal option, asserting that, "We believe that most wastes can be satisfactorily managed in the land and that it can be done with a reasonable margin of safety more cheaply in this manner."

Here it is important to make clear that the landfills certified by the EPA under RCRA regulations are an improvement over the old dumpsites. Synthetic liners are required for new landfills, as well as groundwater monitoring to identify leakage and contamination. Nevertheless, the regulations have been widely criticized as postponing, rather than solving, the problems inherent in land disposal. A recent test of synthetic liners found 11 out of 12 susceptible to corrosion and tearing. It's no wonder that EPA regulations assume that at some point even the best-designed landfills will leak, and are thus preoccupied with measuring ground-water contamination and specifying remedial action to try to contain the damage.

The effect of regulations which assume that landfills will be the primary source of disposal has been devastating to the recycling and treatment industry. H. Clay Robinson, speaking for the Hazardous Waste Treatment Council, sums up the dilemma: "There cannot be an economic return on the investment of such a facility so long as toxic waste which can be readily incinerated, treated or stabilized is nonetheless directed to landfills because they are cheaper." In other words, industries that try to internalize the cost of waste disposal by focusing on capital-intensive treatment and recycling options pay an economic penalty relative to their competitors, who externalize their costs by routing their waste to a landfill that may leak and contaminate groundwater in twenty or thirty years.

THE HAZARDOUS WASTE REDUCTION ACT

The solution is deceptively simple, and one that lends itself to Republican philosophy. The problem we face is how to alter economic behavior in the marketplace where land disposal is cheaper than environmentally preferable alternatives. Why not charge a uniform, national fee for the land disposal of hazardous waste? Such a fee would establish an economic penalty that would reflect the fact that landfills—with the risk they carry of eventual degradation—represent an externalized cost that is shifted onto the backs of the taxpaying public. Since no such externalized cost would be incurred through the recycling, detoxification, or destruction of hazardous waste, no fees would be charged for these alternatives.

Together with Congressman Ron Wyden of Oregon, I have introduced a bill to establish such a fee system. As I mentioned earlier, the Superfund is financed through contributions from chemical companies raised through a federal tax on chemical feedstocks, the raw materials used in industrial processes. Since there is little connection between these raw materials and the waste generated as a byproduct, the current fee structure does not function as an economic disincentive to waste production. Our bill, the Hazardous Waste Reduction Act (H.R. 3129), would change the fee structure to finance the Superfund by taxing the land disposal of hazardous waste.

The bill distinguishes between two categories of hazardous waste already defined in federal law—toxic wastes that accumulate in living tissue to cause cancer or genetic damage, and non-toxic wastes that are ignitable, corrosive or reactive. Both categories would be taxed, with toxic waste subject to a higher fee, in recognition of the greater danger it poses to society. The California study estimated that 40 percent of all land disposed waste is toxic. The recordkeeping requirements already established by RCRA would be used to assess the tax, so the paperwork could be kept to a minimum. Wastes that are treated, recycled, or destroyed would not be taxed.

The bill has attracted 65 cosponsors. Republican supporters include Jim Leach, the head of the Ripon Society, and Guy Vander Jagt, chairman of the National Republican Congressional Committee.

MARKET ORIENTED SOLUTIONS

The advantages of a waste-end tax are numerous. First and foremost, the tax would provide a market disincentive for the land disposal of hazardous waste. Businessmen faced with a tax on land disposal will opt for incineration or recycling technologies instead. As the volume of hazardous waste declines, the regulatory burden on both the government and private industry should decline. Businessmen who destroy or recycle waste will not be subject to the cradle to grave regulation and the liability coverage that are a consequence of land disposal.

By establishing a market-oriented hazardous waste management strategy, the bill would spur the ingenuity of the private sector in developing alternatives to land disposal. Mr. William Sanjour of the EPA's Hazardous Waste Implementation Branch, testified in favor of allowing the market to select the appropriate technologies: "There are many alternatives available. Chemical treatment, treatment techniques, incineration, waste exchanges, chemical fixation, biological treatment . . . I would let the marketplace itself be in a position to improve the technology. I believe that American industry has the technology, the know-how and the investment money to handle this problem, but there is cheap competition from landfilling and so long as the government continues to subsidize landfilling, the competing technology just can't get established."

A waste-end tax also provides for market equity, with industries contributing to the Superfund cleanup of abandoned dumpsites in proportion to the amounts of hazardous waste they are generating. The OTA report, in recommending that the Congress establish a waste-end tax on hazardous waste, summarized the equity argument quite clearly: "Those who are responsible for the waste should pay for the proper management of the waste, government activities that may be needed to clean up such wastes, and for the damages to health and the environment that may ultimately result from such waste."

Finally, and perhaps most importantly, by giving the private sector an incentive to help solve the hazardous waste problem, we may be opening the door to a new consensus on hazardous waste policy. An overdependence on a regulatory strategy pits harried federal bureaucrats against businesses trying to interpret the latest words from the federal register, and angry citizens against local officials trying to decide where to locate the new landfill. A market-oriented fee system gives the private sector an incentive to put its resources to work solving the problem.

Instead of treating industry as a perpetual antagonist, the public might begin to appreciate that there is a higher immediate cost to the permanent disposal of hazardous waste through recycling or treatment that will be reflected in retail prices. The OTA report estimates that consumer prices could rise one-to-three percent as the result of a "waste-end" tax as industries sought to recover their investment in more capital-intensive alternatives to land-disposal. Given the public's oft-stated willingness to accept some economic cost for environmental protection, a one-to-three percent increase seems reasonable. The OTA report identified another important consequence of educating the public about the cost of the alternatives to waste disposal: "Moreover, a fee system that affected consumer prices could lead to a more balanced public perspective of hazardous waste. The demand by the public for generators to apply more stringent and costly controls would be balanced by the need of the public to consider the hazardous waste-intensiveness of products."

Congressman Wyden and I are fortunate to have received strong encouragement for our efforts from both the Chemical Manufacturers Association and a number of environmental groups, such as the National Wildlife Federation, the Environmental Policy Center, and Environmental Action. These groups have endorsed the concept of the waste end fee embodied in our bill, and have pledged to work with us in developing this legislation further.

THE GOP HERITAGE

The Republican Party has a strong tradition of concern for the environment, beginning of course with Teddy Roosevelt, the founder of the national conservation movement. That tradition has continued to the present day, represented by such dedicated public servants as Russell Peterson, the head of the National Audubon Society, Russell Train, the president of the World Wildlife Fund—U.S., and Bill Ruckelshaus, the newly appointed administrator of the EPA, who also served as its first head. The challenge we face as Republicans is to reconcile our environmental values with the dynamics of a capitalist economy.

I believe that the Republican Party, with its roots in the business community and its faith in the versatility and strength of the free enterprise system, is in an excellent situation to promote the market-oriented waste-end fee system provided by H.R. 3129. The alternative is to stretch our regulatory system to its limits to try to contain an ever-expanding volume of hazardous waste. As Republicans, we have a unique opportunity to forge a constructive alliance between in-

dustry and public interest. Responding to market forces, private industry has already proved that economic growth does not have to mean a corresponding jump in our demand for energy. With the right kinds of incentives, private industry is ready to cut the cord between material progress and the hazardous wastes that have followed it as an unwanted byproduct. Together, we can harness the creative impulses of the free market to a goal we all share. We can prove that living with hazardous waste does not have to be the price we pay for an industrialized civilization.●

IT IS TIME TO GET TOUGH AGAINST ILLEGAL HAZARDOUS CHEMICAL WASTE DUMPERS

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. GORE. Mr. Speaker, earlier this year, the Environmental Protection Agency conducted an informal survey of selected State and Federal offices charged with enforcement of various environmental laws. The result of that survey was a very alarming list of incidents which have occurred in which Federal or State officials have been criminally abused during their attempts to carry out their duties. These unfortunate events—including the murder of a policeman in Pennsylvania—are more than ample evidence of the need for us to strengthen the EPA so that it can adequately enforce the law. The 25 enforcement officers of the EPA, all of whom have long experience with enforcement, including the right to make arrests and issue warrants, must be given the powers they need to protect themselves in the line of their duty to protect the public health. I would commend to my colleaques' attention the list informally compiled by the EPA, with an indication of the source of information contained in parentheses after each description.

INCIDENTS OR INDICATIONS OF VIOLENCE IN ENVIRONMENTAL CRIMINAL INVESTIGATIONS

Pennsylvania landfill operator shoots two policemen, one fatally (Criminal Enforcement Division).

Pennsylvania State DER inspector's car smashed, family threatened in Lewistown, Pennsylvania (Criminal Enforcement Division).

Arson of house of witness against convicted landfill operator, April 1979 (Criminal Enforcement Division).

Assault and 10 mile vehicle chase of DER contract inspector (RCRA) by landfill operators (Criminal Enforcement Division).

Six potential witnesses in Moyer landfill prosecution (U.S. v. Lanigan) received death threats, or had homes burgled and property destroyed (Criminal Enforcement Division).

Physical assault on State air inspector (Region III Emergency Response).

Discharge of weapon over heads of State/Federal inspectors (Region III Emergency Response).

Arson of family residence to discourage competition for County landfill business in New Jersey (Criminal Enforcement Division).

Threat with shotgun on local police officer during surveillance of hazardous waste hauling in Rockland County, New York (Rockland County Police).

Threats on investigator with N.Y.S. Organized Crime Task Force during hazardous waste investigation (N.Y.S. Organized Crime Task Force).

Assault on lieutenant, Rockland County Sheriff's Office, during surveillance of hazardous waste hauling (Rockland County Sheriff's Department).

In Kentucky (1972) and Georgia (1976) EPA inspectors were forced from sites at gun point (Criminal Enforcement Division (Atlanta Field Office)).

In Jennings, Florida (1975) EPA employee physically assaulted by trucking company president (Criminal Enforcement Division (Atlanta Field Office)).

In Alabama (1981) and Florida (1981), EPA inspectors received verbal threats of physical violence if they continued their work (Criminal Enforcement Division (Atlanta Field Office)).

In South Carolina (1976 and 1979) EPA pesticide inspector was twice threatened at knife point (Criminal Enforcement Division (Atlanta Field Office)).

In Ohio (1979), EPA inspector verbally threatened ("guys with jobs like yours can get shot") during oil spill investigation (Criminal Enforcement Division (Chicago Field Office)).

Target of Oregon investigation has threatened to cut up and stuff disloyal employees into 55 gallon drum (Criminal Enforcement Division (Seattle Field Office)).

Targets of Washington investigation have prior arrests for weapon offenses and/or have made threats against potential witnesses (Criminal Enforcement Division (Seattle Field Office)).

Target of California investigation (arson of landfill) has prior record for resisting arrest and assault on police officer (Criminal Enforcement Division (Seattle Field Office)).

Targets of Alabama investigation habitually possess and carry firearms (Criminal Enforcement Division (Atlanta Field Office)).

Targets of RCRA surveillance (truck drivers) believed to carry weapons (Criminal Enforcement Division (Chicago Field Office)).

Evidence of organized crime involvement in waste disposal business in Cleveland, Ohio (Criminal Enforcement Division (Chicago Field Office)).

Evidence of use of stolen vehicles in transportation of hazardous waste in Cleveland, Ohio (Criminal Enforcement Division (Chicago Field Office)).

Target of Illinois RCRA investigation normally accompanied by two bodyguards (Criminal Enforcement Division (Chicago Field Office)).●

BATTLESHIP REACTIVATION PROGRAM

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. BATEMAN. Mr. Speaker, I want to take this opportunity to call the attention of my colleagues to a letter to the editor written by the former U.S. Senator from Virginia, Harry F. Byrd, Jr., which appeared in the July 1983 issue of Sea Power magazine. Senator Byrd served for 18 years on the Senate Armed Services Committee, and, during this time, he was a renowned promoter of a strong, cost-effective, technologically sophisticated U.S. naval force. Consistent with this concern, he has written of his great admiration for the new capabilities of America's World War II battleships, the *Iowa*, the *New Jersey*, the *Wisconsin*, and the *Missouri*. The *New Jersey* is now deployed with the fleet, and the *Iowa* will be coming along soon. The versatility and the tremendous firepower of these recommissioned battleships make them worth much more than the $300 million it requires to bring each of them back into service, and I want to commend the Secretary of the Navy, John Lehman, for persevering in his efforts to bring these warships back, in the face of often withering and unwarranted criticism from some Members of Congress. I would urge my colleagues to read Senator Byrd's letter, to consider carefully the points that he makes.

The letter follows:

[From Sea Power Magazine, July 1983]

LETTER TO THE EDITOR FROM FORMER U.S. SENATOR HARRY F. BYRD, JR.

In expanding the U.S. Navy, which most feel needs to be done, would it be wise or unwise to modernize and reactivate four battleships built during the early 1940s?

The battleship reactivation program has been a controversial subject of lengthy debate in the Congress and among the general public. When the program was proposed less than three years ago, I had grave doubts and was inclined to oppose it. I was persuaded, however, to go to the Philadelphia Naval Shipyard and take a look at the USS *Iowa* (BB-61), which had been in "mothballs" for 25 years.

This ship was commissioned in 1943 and was one of only four battleships built during World War II; the others are the *New Jersey* (BB-62), the *Missouri* (BB-63), and the *Wisconsin* (BB-64), all virtually identical.

The *Iowa* appeared in excellent condition, and was so judged by naval experts. Her 16-inch guns were as good as new. So I changed my position and, as a member of the U.S. Senate, supported the modernization program for two battleships, the *Iowa* and the *New Jersey*, the latter berthed at Long Beach, Calif.

My support was conditioned on a firm assurance from the Secretary of the Navy, John Lehman, that the total cost of the renovation of the *New Jersey* would not exceed $326 million.

The modernization of the *New Jersey* was accomplished under that cost and the ship was ready for active duty last December. I went to sea with her and was most impressed with the ship and her capabilities.

The *New Jersey*, along with her three sister ships, is not only one of the most powerful ships ever built but perhaps the most survivable. With her 17-inch armor plate she is a ship that really cannot be duplicated today.

In addition to the superior survivability features in conventional warfare (obviously,

no ship, airfield, or anything else can survive a nuclear attack), the *New Jersey* and the other three ships of her class possess endurance and speed that allow them to be assigned to any task force, conventional or nuclear. Their speed approximates that of our newest carriers.

These 58,000-ton battleships can be reconditioned and put into service for approximately the same cost as building a 3,600-ton frigate—yes, a 3,600-ton frigate. And of much importance, too, is that the work can be accomplished in less than two years, compared to four years for a new warship of considerably less capability.

Although they were built 40 years ago, the four battleships have an average active service age of only 12 years.

The hulls and the guns are still of battleship quality, but the purpose of the modernized ship is entirely different. It has become a missile-carrying ship equipped with 32 Tomahawk and 16 Harpoon cruise missiles.

In addition, this is a ship whose 16-inch guns (nine of them) are capable of providing heavy firepower in support of forces ashore; a ship capable of maintaining a startling presence with Third World nations; a ship that can provide significant enhancement to carrier battle groups; and a ship capable of being the central element of a surface action group.

The public naturally is skeptical about renovating 40-year-old battleships, believing that they are outmoded. I shared that skepticism.

But the excellent condition of the ships themselves and their new missions as platforms for our most modern and most powerful cruise missiles convinces me that the Navy is on sound ground in advocating the battleship reactivation program. It makes sense—in both dollars and time.

This program provides a partial near-term solution to our over-extended Navy. From my observations of the *New Jersey*, the battleships surpass expectations of quality and capability.●

THE SMALL BUSINESS COMPUTER CRIME PREVENTION ACT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. GEJDENSON. Mr. Speaker, the July 16, 1983, edition of the Washington Post included an insightful look at the growing problem of computer crime.

The article covers some of the comments made by several computer crime experts who testified at a July 14 hearing on the Small Business Computer Crime Act, introduced by our colleague, RON WYDEN.

Mr. WYDEN's legislation creates a task force, made up of public and private sector experts, within the Small Business Administration to assess how small businesses, which are particularly vulnerable, are affected by computer crime. It also establishes a clearinghouse within the SBA to provide practical information about computer security to small businesses.

I commend this article, by Washington Post staff writer Michael Schrage, and Congressman WYDEN's bill, to my colleagues' attention.

The text of the article follows:

[From the Washington Post, July 16, 1983]

COMPUTER CHIPS IN ON CRIME

(By Michael Schrage)

When asked why he kept robbing banks, the legendary Willie Sutton reportedly replied, "Because that's where the money is."

The Willie Suttons of today have a different target. "The money today is inside the computer," said Donn B. Parker, a computer crime consultant with SRI International. "The computer has become the vault for small business."

Parker testified Thursday before a House antitrust subcommittee on how small business is threatened by the potential rise in computer crime.

"Computer crime will be a much higher proportion of business crimes over the next few years," said Parker.

Estimates on the impact of computer theft vary widely—from $100 million to $40 billion. The Justice Department and others are conducting studies to determine the scope of computer crime.

In the past, multi-million-dollar computer crimes at large companies have captured the headlines and media attention. However, today's rapid proliferation of personal computers and the desire of many small businesses to computerize their operations have combined to create a new level of opportunity for the computer criminal, Parker testified.

He said that small business is particularly susceptible to such crime because it lacks the awareness and expertise to cope with the problem.

Parker and others in the fledgling field of computer forensics were testifying in support of a bill sponsored by Rep. Ron Wyden (D.-Ore.) to establish a task force to assess how computer crime might affect small business. The bill is similar in intent, but not in scope, to legislation proposed in the last Congress that sought a federal task force to explore computer crime questions.

Experts say that the successful computer crime need not involve an actual computer manipulation of money but, rather, a simple manipulation of valuable information.

"If I were a computer criminal, I wouldn't steal a company's assets," said Peter Keen, a consultant who did not testify. "Assets are audited. I'd steal information that wasn't audited corporate strategy memos, memos on salary raises. Then I'd turn around and sell it."

Keen said that small businesses may be particularly vulnerable to this kind of abuse because the cost of implementing effective security measures may be thought to outweigh the advantages of getting the computer in the first place.

Wyden cited the example of a small company victimized by a dismissed employe who had programmed a digital "time bomb" in the firm's computer. Six months after he left, the company's accounts receivables all vanished from the computer's memory, leaving it "with no record of who owed it money . . . despite placing advertisements in the local paper, it was forced to close its doors," said Wyden.●

CONSERVATION DISTRICTS NOW QUALIFY FOR BULK MAILING RATES

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. DASCHLE. Mr. Speaker, on June 16 of this year, I introduced H.R. 3337 which guaranteed the access of conservation districts throughout the country to bulk rate mailing privileges. These rates had been available previously to these organizations, but a new interpretation of postal regulations had caused some confusion, and many districts were having difficulty in renewing their bulk mailing permits.

I am very happy to report that Postmaster William Bolger has now clarified the issue, and it has been decided in favor of the conservation districts. In a letter to National Association of Conservation Districts President Bud Mekelburg, Postmaster Bolger concludes that these districts do indeed "qualify to mail at the special bulk third-class rates as agricultural organizations."

I wish to express my appreciation to Postmaster Bolger and to his assistant Steven Gordon for the prompt resolution of this issue. At the same time, I would also like to thank NACD for bringing this matter to my attention.

Since introduction of H.R. 3337, many of my colleagues who shared my concern over this issue have contacted me to offer their assistance in rectifying this situation. For their information, I would like to have printed in the RECORD the following three documents: The July 6 letter of Postmaster Bolger clarifying the situation, a letter from NACD President Mekelburg informing me of the decision, and an article from the July 12 issue of the NACD "Tuesday Letter."

The documents follow:

THE POSTMASTER GENERAL,
Washington, D.C., July 6, 1983.

Mr. MILTON E. MEKELBURG,
President, National Association of Conservation District, Washington, D.C.

DEAR MR. MEKELBURG: This is in response to your letter of May 11, concerning the eligibility of Conservation Districts to mail at the special bulk third-class rates of postage.

The papers you submitted explaining the origins and functions of conservation districts have been reviewed and it is concluded that they qualify to mail at the special bulk third-class rates as agricultural organizations. We are advising our field units accordingly.

Sincerely,

WILLIAM F. BOLGER.

NATIONAL ASSOCIATION
OF CONSERVATION DISTRICTS,
Washington, D.C., July 7, 1983.

Congressman THOMAS DASCHLE,
House of Representatives, Washington, D.C.

DEAR CONGRESSMAN DASCHLE: I am pleased to enclose a copy of a letter dated July 6 from Postmaster General William F. Bolger

in which he advises that he has concluded that the districts qualify to mail at the special bulk third-class rates as agricultural organizations, and that the field offices are being advised of this decision.

On behalf of the nation's conservation districts, I want to thank you for your assistance with respect to the favorable conclusion reached by the Postmaster General. As you know, it will have a very beneficial impact on the work of the conservation districts and the national conservation program. We appreciate your very effective efforts in support of this important program.

Sincerely,

MILTON E. (BUD) MEKELBURG,
President.

Enclosure.

THE PRESIDENT'S PAGE

The education and communications programs of conservation districts got a tremendous boost this week when Postmaster General William F. Bolger announced that a review of papers submitted by NACD had resulted in the decision that conservation districts qualify for special bulk third-class postage rates. Our officers and staff worked very hard to gather the data for presentation of the district case and we are gratified by the decision.

Many conservation districts had been using the special rate (currently 5.2¢) for several years. Others had found, however, that their applications were being rejected by the Postal Service. NACD went to work on the problem and the Bolger decision is the result. What will really result, however, is more public education on conservation. To any district trying to carry out an active program on a limited budget, the difference between 5.2¢ postage and 20¢ postage per piece is significant. From a national perspective, it means that our total conservation education and information effort will be greatly enhanced.

Many individuals helped us to demonstrate the role of conservation districts and the value of their programs to the Postal Service. Secretary of Agriculture John Block wrote a letter outlining the ways that districts work with USDA on soil and water conservation efforts. On Capitol Hill, both Senator William Armstrong (CO) and Congressman Thomas Dashle (SD) were influential in promoting the districts' case. We really appreciate the help of these friends.

But district officials should not assume that they can get the special postage rate automatically. You still must apply for the rate at the Post Office where your publications are mailed, and your application must be filled out properly so it is clear that your conservation district meets the specific criteria of the postage regulations. If you are not certain how to do that, we urge you to contact the NACD Service Department for assistance.

MILTON E. "BUD" MEKELBURG.●

COMMENDING PRESIDENT AMIN GEMAYEL OF LEBANON FOR HIS PEACE EFFORTS

HON. EDWARD F. FEIGHAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. FEIGHAN. Mr. Speaker, last week, I had the opportunity to meet with President Amin Gemayel of Lebanon when he was in Washington. I was quite impressed with President Gemayel's determination to establish peace and stability in his wartorn and ravaged country. Mr. Gemayel has the difficult, diplomatic task of urging the withdrawal of non-Lebanese forces from Lebanon while simultaneously harmonizing rival ethnic cultural pluralities in Lebanon. My impression of President Gemayel leaves no doubt in my mind that he is fully capable of accomplishing this challenging task.

The longtime friendship between the people of the United States and people of Lebanon has not been diminished as a result of events in that country. We should reinforce this relationship by working to guarantee the reemergence of Lebanon as a strong, sovereign and independent country. I concur with Mr. Gemayel when he asks for the withdrawal of all non-Lebanese forces from Lebanon so that he can proceed to strengthen its central government.

The effort to help Lebanon regain its independence and rebuild its economy will also require the support of the world community. I supported the $251 million assistance program recently approved by Congress to aid Lebanon. This is but a small contribution in the reconstruction process after 8 years of bitter, destructive conflict in that beautiful country.

There is no question that peace in Lebanon is obviously a precondition for peace in the Middle East. If Lebanon is stable, then the likelihood of stability throughout the entire Middle East comes closer to reality. This would be a welcome step in the long sought dream of those, who for so many years, have attempted to bring tranquility to that troubled part of the world.

Mr. Speaker, for the benefit of my constituents in Cleveland who are of Lebanese heritage, I would like to direct your attention to a speech given by President Gemayel before the United Nations General Assembly on October 18, 1982. In that speech, he quotes from a poem written a century ago about the American West, expressing the challenge that man faces in a rugged mountainous terrain. It says, "Bring me men to match my mountains." President Gemayel goes on to describe Lebanon as a country of rugged mountainous terrain; that the people of his country are hardy and proud, like their mountains. He concludes by saying ". . . Today, in Lebanon, men are awakening to the historical challenge that faces them. They are a match to their mountains, and their aspirations are as high as their cedars."

Mr. Speaker, I have been in Lebanon. I have met its people, traveled its mountains, and seen its cedars. There is no greater urgency than to restore peace to the Middle East so that everyone can share and enjoy the abounding beauty of Lebanon and its neighbors.

Mr. Speaker, I ask the Members of this House to join me in supporting President Gemayel's peace efforts in the United States, and I would also like to commend Ambassador Philip Habib and his deputy, Mr. Morris Draper, for their unstinting and tireless efforts to negotiate a peace accord in Lebanon. Their talents and energies will be sorely missed, but I am confident their successors will be equally committed to the same goal.

Thank you.●

TIME TO TURN UP THE VOICE OF AMERICA

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. LAGOMARSINO. Mr. Speaker, the Voice of America provides invaluable service to those seeking factual information on the United States, and their own country. Yet, in times of fiscal restraint, the Voice has not received sufficient funding to initiate a much needed modernization program. I believe it is time to provide funding for such a modernization. I am certain there would be tangible benefits from such a program, and I call upon my colleagues to join with me in supporting efforts to increase funding for the Voice.

The following report by the Heritage Foundation clearly describes the current state of the VOA's broadcasting and transmitting equipment and calls for implementation of plans to immediately modernize the Voice. Let us take action now to rectify this problem; those who rely on the Voice for factual information, and hope, deserve it.

TIME TO TURN UP THE VOICE OF AMERICA

The Voice of America recently received a letter from a frustrated listener in Ghana, who asked, "Sometimes, listening to the news, the signal disappears altogether. Have your transmitters started to wear out?"

The answer, regrettably, is yes—and it is not only VOA's transmitters that are wearing out. Yet in the competition of ideas with the communist world, the West's most direct and often most effective tool is international radio. The impact of such broadcasts as the Voice of America can be measured not only by the communists' continuous and costly efforts to jam them, but also by official reactions to the broadcasts. Only recently, the Polish regime filed a protest with the U.S. claiming that VOA broadcasts have served to "destabilize" that regime by encouraging "destructive elements working within Poland's constitutional order." In other words, the Voice is a continuing source of information, if not inspiration, to Polish listeners.

Ironically, this protest was filed the same week that funds to modernize the seriously

understaffed and technically deteriorating Voice were effectively slashed from the budget by the Senate Foreign Relations Committee. The House of Representatives already had approved the 1984 budget request of the U.S. Information Agency, of which VOA is a part, which would allow the Voice to begin implementing modernization. The Senate Foreign Relations Committee, however, cut the total budgetary request of $701 million by $65 million and shifted $64 million from Administration requests. Without restoration of these funds, VOA modernization will have to be scrapped. Thus, just when the U.S. must be better prepared to join in the competition of ideas, the Voice is being allowed to deteriorate.

VOA's broadcasting and transmitting equipment is aging and, in many cases, is obsolete. Its technical staff woefully lacks qualified engineers. The news and editorial staff is seriously shorthanded. Neither the number of hours broadcast per week, nor the number of languages broadcast, adequately reflect the position of the United States, nor do they adequately serve the estimated 100 million listeners world wide who regularly turn to VOA for its news reports and its mix of informational and cultural program. The proposed VOA modernization plan addresses these shortcomings.

Of 107 VOA transmitters, more than 90 percent are 15 or more years old more than one-third are twice that age. Some transmissters broadcasting to Eastern Europe and the Soviet Union actually date from World War II. VOA has only six 500-kilowatt superpower transmitters, all of them patched together from smaller units. The U.K. has eight such transmitters, West Germany nine, France eleven. The Soviet Union, the most prevalent voice on the international dial, has 37.

VOA's equipment is so old that its technicians constantly have to cope with burned-out generators and antennae that will not transmit a full signal. Spare parts for some equipment are no longer available; VOA must manufacture them. Even VOA's headquarters studios in Washington are antiquated and under increasing strain, as the Voice struggles to increase its number of hours of weekly broadcasts. These facilties regularly shock visiting foreign broadcasters, some of whom recently termed them "the world's most backward equipment."

VOA is currently on the air 956 hours per week, less than half of Radio Moscow's 2,158, less than either Taiwan or the People's Republic of China, and barely more than West Germany, Egypt, or the U.K. VOA is fifth in number of hours broadcast to Africa, sixth to the Caribbean, Eastern Europe, and East Asia, and tenth to Western Europe.

VOA currently broadcasts in 42 languages, compared to the USSR's 82, Peking's 42, and Egypt's 30. In the Middle East alone, VOA broadcasts in eight languages, the USSR in 20. When the USSR marched into Afghanistan, VOA had no one on its staff able to speak the official Pashto language. For every hour VOA broadcasts in that tongue, the USSR offers five. Of the 42 language services, 38 are understaffed. There is no correspondent in Pakistan to cover events in Afghanistan, nor a correspondent in Geneva to cover arms control matters.

VOA's modernization plan would replace the old equipment, strengthen the signal, fill 140 engineering positions and 141 language service positions (including a 25 percent increase in the Polish and Baltic staffs), and create 68 new positions to improve the quality of VOA news, features, and other programs. Construction of new transmitting sites would begin and the antiquated distribution system would be computerized.

VOA modernization is essential. As matters now stand, the Soviets spend more to jam Western broadcasts than the U.S. spends to reach the entire world. The battle for the loyalty of the uncommitted, as well as the necessity of giving information to those in closed societies, requires that the Voice of America be given high priority in the allocation of federal resources.●

INAUGURATION OF NEW LAW LIBRARY AT UNIVERSITY OF THE PHILIPPINES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. GILMAN. Mr. Speaker, Philippine President Ferdinand Marcos recently spoke at the inauguration of new law library facilities at the University of the Philippines, in Quezon City, on June 24, 1983. Attending the inauguration was former colleague and a longtime friend of the Philippines, Lester Wolff.

Congressman Wolff served in this body from 1965 until 1980 as the Representative of New York's Sixth Congressional District. In 1962, he was a member of the U.S. Trade Mission to the Philippines and later served as chairman of the House Subcommittee on Asian and Pacific Affairs.

It is encouraging to note continued programs in improving law-related educational facilities within the Philippines. Recognizing the continuing strength of our close ties to the Philippines, I am inserting President Marcos' remarks in full at this point in the CONGRESSIONAL RECORD.

The remarks follow:

ADDRESS OF PHILIPPINES PRESIDENT FERDINAND MARCOS DURING THE INAUGURATION OF THE NEW LAW LIBRARY BUILDING, UNIVERSITY OF THE PHILIPPINES, QUEZON CITY, JUNE 24, 1983

I would travel a thousand miles for an introduction of that nature. But all kidding aside, may I greet the Dean of our College. I am certain that he has not changed his name, Dean Bacungan and our Mistress of Ceremonies, and, the highest magistrate of our land who was about a year ahead in my graduation. I don't know what Rolly de la Cuesta, a law graduate, is doing administering coconuts. And in the process collecting money for the UP complex.

I would like to call attention to the fact that we have a special guest. We have an 8-termer American Congressman, Foreign Relations Committee member, Congressman Lester Wolfe of New York. He probably came here to find out if, indeed, there is freedom of speech in this country.

Yes, the prilgrimage that I make to the University of the Philippines occasionally, the last one was 1976, wasn't it?, is indeed one which evokes memories. It has always been wondered about as to why I seem to have a personal stake in the rule of law in our country and for that matter in the rule of law in general.

My interest in this is deep, personal and profound. As you probably know, talking about controversy, as early as before the age of majority I was in controversy. Can you imagine a young law student, a senior law student, naive, innocent, believing in law as the pure distillate of fairness and justice charged with murder and confronted with a witness he had never seen in his life, which witness testified to the effect that he had seen this young man commit the crime of murder?

This was so shocking to me that I almost completely abandoned the profession of law. But recovering from the shock, I realize then and there that if there was any test for the rule of law this was the test. And it was a personal test.

And thus may presence here is a proof that the rule of law does exist. It is not a figment of the imagination. It is not a creation of the writers, the geniuses who talk about legal institutions created by man for the past two thousand years.

It is a bastion upon which man can stand in the protection of his individual rights.

And thus, even my critics and political enemies must wonder why I often suddenly turn compassionate and protective even against my own foes.

It is therefore an inestimable pleasure for me to return once again to this university—the University of the Philippines, and the College which nurtured me in the law and in my youth; and it is with a deep sense of pride and honor that I join you all here today for the inauguration of this new law library in our premier state university.

I must express the regret of the better member of our family, better-looking member of our partnership, Imelda, for not being able to come. But today is Manila Day, if you will remember. And she is to lead the ceremonies in Manila. I am certain that many of you would have preferred to see her. But, let us delay that for some other day.

This new edifice in the U.P. complex represents the fruit of a magnificent collaborative effort between the public and private sectors in the service of a worthy cause.

I am afraid though that it has called the attention of the Chief Justice to the deficiency of the budget of the Supreme Court. He has repeatedly called my attention this morning not only once, but twice, to the effect that the library of the University of the Philippines is much better than that of the Supreme Court of the Philippines. And my answer to that was: Perhaps a collaborative effort could be established so that the Supreme Court can utilize the facilities of the University of the Philippines.

On the one hand, university and college authorities and the national government have been instrumental in raising funds for the building of this edifice. I do remember that I released 8.2 million pesos for the five-story building in 1980.

Frankly, I did not believe that you could finish the five-story building with £8 million. I don't know how to deal. But I think we should change some of the engineers in the government. Dean, can you take over?

But frankly since the escalation of prices which have been going at the rate of 10 percent every year since 1977 I am pleasantly shocked to see a five-story building with 8 million pesos very well spent indeed.

On the other, this project has come to fruition because of the generous contributions of so many—of the individual alum-

nus, alumni classes, business firms, friends and supporters, all of whom share the vision of a modern law library to service the needs not only of the UP law students and faculty, but the nation as a whole and perhaps for the region.

This is, I think, as it should be. For in the truest sense of the word, this library belongs not just to this university or this law college, but to the nation and to our people. And its service, like that of the university and the college is to a public cause.

Buildings are impressive, especially if they are well build and well designed; but what we inaugurate here today is not so much its impressive physical structure, but what it will henceforth house and provide and stimulate.

And this is no other that the Legal Resources Center, which will become an essential part of the UP Law Complex that we have long dreamed of and worked for.

As the plan for the law complex so clearly states, our major goal is to transform the law library into a legal resources center which will collect, analyze, index, computerize and actively make available law and law-related information for national, regional and international publics.

That's quite a wide jurisdiction.

And in line with this goal, the Center will comprise of several key components:

A Library; a Legal Information Service and Data Bank; a National Legal Language Project; a Simplification of Legal Documents Project; a Law Publishing House, and a Translation, Audio-Visual and Special Services Division.

In this concept of what a law library should be and should serve, it seems to me that we are providing a focus for its work much broader than it once was, and we are responding to a long-felt need in Philippine legal education and jurisprudence.

Let me, therefore, congratulate all those who have conceived of this project, starting of course, with the Dean and the President of the University. Let me assure you that I and the government will support this project.

The service of a Legal Resource Center is as you might put it, two-fold. On the one hand, it must serve as a repository for Philippine law and jurisprudence, and for the achievements in their fields likewise of the other cultures and laws of other peoples. This is its library function.

And it is all the more immediately relevant to the study and the practice of law, because perhaps more than any other profession, the legal profession is one that depends greatly on the accumulated wisdom and practice of the past.

But there is another side to it that looks to change and flux in human society. And a Legal Resource Center must also fill the need for data, information and perspective that are required in the necessary change, and applicaiton of law in society.

Legal education and jurisprudence would indeed be starved, would shrivel, if they had nothing but precedent to look up to.

There is a seeming paradox between these twin objectives, of course, as most legal commentators have referred to, but as one jurist has said there is such a thing as, and I quote: "The changing permanency of the law;" a changing permanency of the law which law can be rigid over time or becoming unmoored without from the fount of tradition.

It is in contemporary times where we feel most this tension between tradition on one hand, change on the other. As human society has been transformed and is being transformed by the technological, social, and political innovations of our age, there has been more and more an imperative for law to be attuned to the changing times and circumstances.

But in this is to be found a profound and a difficult challenge. This is a challenge to all lawyers, to all legal scholars, to all those who practice the art of law. And the challenge is one of instituting a procedure for orderly change, for change there must be as against a random, one of innovating everytime there is perceived to be a need for an exigency for change, impulsive. Cardozo stated the problem well, if you remember, when he wrote that we must always take care to safeguard the law against "the assaults of opportunism, the expediency of the passing hour, the erosion of small encroachments, the scorn and derision of those who have no patience with general principles." That's a beautiful statement anyway. We must hold fast to principles and procedures, even as we strive to keep the law in becoming rigid with age or becoming obsolete in the face of changing times and circumstances. Just as reason dictates how we should construe and arrive at the settlements of questions and disputes, so an appeal to the interpretation of existing laws, so also in the matter of changed reason, deliberation, study, wisdom, prudence should be our guide.

We who claimed to be the guardians and the custodians of the law must ever take care to remember this. Because all too often we will face the passions of the moment that will urge us to bend procedures for this or that cause to satisfy the fleeting requirements of the hour.

All too often, we must face the impatience of those who feel that legal procedures are too technical and cumbersome to serve the cause of justice in this or that case. So we must expedite, accelerate, forget about prudence, conscience. But the law is prudence, wisdom and conscience.

The process of law is never easy. But it is solely through its ministration of justice can be served with any semblance of consistency and authority.

The service of institutions for legal research and study consists precisely in this: that they shall provide the perspective of thought, of tradition, of wisdom, of deliberation and that the facts of the problem that are presented by the demand of amendments and change. They are the repository of knowledge which we can mine at our own leisure. For the sort of changes we must make, and repair to in resisting those that we should never think even with undertaking. They are founts to tap in the elaboration of complex issues in our social order in the legal institutions of our day. And if we use them well, they are a means to resolve such questions in an orderly humane manner.

Taken out of this difficult procedure for making law and jurisprudence more effective, our attempts to improve upon the legal order can only be arbitrary and impulsive. And we would risk irreparable injury to the rule of law itself. We would endanger the very service of law to human society.

The stability and strength of societies in the last analysis are to be judged in terms of how their legal systems cope with the tasks of improvement and change. For the challenge of bringing order to a social life must be marked by contingencies. There are really no neat formulas, no easy and ingenious solutions, in spite of the fact that man has been trying to develop his legal institutions for, say, the last two thousand years in spite of the brilliance of man.

There are no fast, easy, quick solutions. We can all learn from the happier experiences of others, but we must also remember to remind them of the wise man that each society must finally try its own way to preserve the rule of law in the midst of its own peculiar circumstances and experiences. One cannot borrow in toto and completely and transfer this or that fauna and flora into this or that environment and expect it to flourish.

It is societies that succeed in keeping the aegis of authority for the legal order, and in making justice live side by side with the possibility of an environment of uncertainty and change, may even with violence that finally attain the commanding heights of progress and stability.

Our country through the alchemy of time has succeeded, I think, with the help of the law graduates of the University of the Philippines. And all other universities have succeeded in building a legal system that has served our society and our people well, through times of peace and through times of crises, through times of difficulty and through times of prosperity.

It is a system founded on national tradition and experience, and linked to the tremendous treasures of legal thought in the life of mankind. We have no doubt that in the course that we follow, in a world full of challenges and pressures, and in an era of constant and bewildering swift changes, the strength of this system lies in our appreciation of how our legal order should adjust, in what manner it should adjust, how fast it should adjust, in what direction it should adjust in a changing world.

In establishing this Legal Resources Center we do not realize now but we add one more pillar to the rule of law in our society, one that I profoundly believe will serve us well in years and years to come.

I congratulate the University of the Philippines, and especially the College of Law of the University of the Philippines, its Dean, and the UP Law Center, the members of the faculty and those that had anything to do with setting up this project, including the student body in setting up this landmark which we inaugurate today. And both as an alumnus of this institution of learning and as the head of our government, I fully share your pride and hope in this achievement. And to give substance to these words of mine, I hereby sign in your presence an order to release yearly from now on, I hereby direct the immediate release of 2 million pesos for the Legal Research Fund and for the release thereafter of 1 million pesos annually for the UP Law Center for the Legal Research Fund of the UP College of Law.

In your presence, I sign this Letter of Instruction.

Thank you very much.●

WHY ARE BABY GIRLS BEING KILLED IN CHINA?

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. WOLF. Mr. Speaker, I would like to bring to the attention of my

colleagues a column in the July 25 Wall Street Journal which describes a population control policy—only one child per couple—which is bringing about a tragic societal change in mainland China.

Human life is being devalued. The strict enforcement of population quotas per community units and the economic consequences of bearing a female infant are reviving and promulgating infanticide, according to this article. I commend this column to the urgent reading by all who share a deep concern about human life.

ASIA

(By Steven W. Mosher)

WHY ARE BABY GIRLS BEING KILLED IN CHINA?

In 1980, when I was living with the 8,000 members of Sandhead Brigade in China's Guangdong Province, I asked village friends whether female infanticide ever occurred locally. The answer, which came with rather more heat than I had expected, was an emphatic no. "Ours is a land of fish and rice," one wrinkled old midwife told me in explanation. "All the people here have always been able to raise their daughters." She and others insisted that even under the old imperial regime girl babies had never been put to death.

Yet less than two years later Chinese friends in Hong Kong who had recently been back to the village began to tell of girl infants dying soon after birth in suspicious circumstances. One young woman was even more candid, admitting to me that when her mainland sister-in-law had recently given birth to a girl, the baby had been murdered immediately. A bucket of water had been prepared beside the bed. When the newborn turned out to be a girl, she was drowned.

Female infanticide isn't just an anomaly of the village I lived in. Premier Zhao Ziyang thought the problem widespread enough to condemn it in his report to the National People's Congress in December 1982. "We must protect in particular infant girls and their mothers," he said. "The whole society must resolutely condemn the criminal activities of female infanticide and maltreatment of mothers. The judicial apparatus should resolutely punish the offenders according to law."

In recent months provincial newspapers throughout China have reported grisly tales of the murder of female infants. On March 3, the People's Daily admitted that "the butchering, drowning and leaving to die of female infants and the maltreating of women who have given birth to girls has become a grave social problem."

Peking claims that these crimes are committed by "backward" villagers in the name of "feudal" attitudes that "boys are precious, girls are worthless." Male villagers, said to desire sons to "carry on the ancestral line and extend the generations," have been especially singled out for censure. "In their keen desire to have sons," the English-language Peking Review said last January, "some men still torment their wives who bear daughters and worse still, they kill the baby girls through neglect or outright murder." If Peking is to be believed, many peasant men are ignorant and misguided monsters who willingly sacrifice their infant daughters on the altar of some feudal belief.

Nothing could be further from the truth. Infanticide does have a long and tragic history in many parts of China. But by the middle decades of this century, it looked as though this barbarism was on its way to extinction. In Chinese villages today, where ancestral land has long since been expropriated by the state and ancestor worship is on the decline, traditional notions of clan and family continuity no longer exert much influence. These attenuated ideas could not possibly account for the sudden reoccurrence of female infanticide.

The wave of infanticide sweeping China is a direct consequence of a population-control policy of unprecedented severity. It restricts families to one child, ignores the realities of old-age economics in the countryside and systematically denigrates the value of human life.

Parents are permitted to have only one child, and then only after a "birth quota" has been issued by the authorities. Each population unit, such as a rural collective, is limited to a certain number of births per year, which it allots to couples who have yet to have children.

Women pregnant with "over-quota" babies are forced to attend round-the-clock "study courses" until they submit to an abortion. Families who actually have a second child must pay heavy fines of up to $2,000—several years wages in mainland China—and run the risk of demotion or assignment to less desirable work as well.

This draconian policy makes no provision for the long-term economic concerns of peasant parents, especially their anxieties about financial security in old age. Sons are the only social-security system known to villagers, for there are no pension programs in the Chinese countryside. Neither can daughters give long-term assistance, for rural custom decrees that they take up residence with their husband's family upon marriage and sever all economic ties with their natal family. Even if they were to keep a daugther at home, peasants say, it would be impossible to find her a husband in a population of only sons.

Those who are without sons must toil in the fields throughout their twilight years. As their strength declines to the point where they cannot keep up, they are assigned lighter work that pays scarcely enough for their rice ration. Old age is a long downward spiral of flagging vigor, worsening diet and weakening health.

While the birth of a son has always been a more important event than the arrival of a daughter, Peking's policy of one child per family has raised the stakes. For the peasantry birth has become a kind of Russian roulette: The arrival of a son heralds a relaxed and secure old age; the coming of a daughter portends poverty and slow starvation during one's declining years. It is not "feudal nonsense" but brutal economic reality that moves the parents to hope for a man-child.

If the child isn't male, then the choice is a stark one: Either kill or abandon the newborn female infant, reserving your one-child quota for the birth of a boy, or face a harrowing old age. It is no surprise that many peasants decide in favor of their own security, and trade the infant's life for their own.

It is also an act in which the Chinese state is a silent accomplice. The English-language China Daily printed in Peking may publish editorials lamenting the resurgence of infanticide, but the implementation of the birth control policy at the grass roots encourages cadres to overlook the willful murder of female infants.

County, commune and production brigade cadres are told how many births their unit is to be allowed each year and are promoted and otherwise rewarded on the basis of whether they succeed in meeting the quota. It isn't in their interest to prevent female infanticide. Each girl who dies at birth or disappears soon after is one less head that they will be held to account for in the annual birth control report.

Front-line cadres take their cues from their superiors, and these have made clear that population growth is to be held down at all costs, even that of the lives of millions of infants.

Not only are forced abortions being performed up to the time of birth, there are even cases of officially sanctioned infanticide. In one incident shortly after I left Guangdong Province, a young woman pregnant for the first time gave birth to twin boys. What should have been an occasion for rejoicing quickly turned tragic as the cadres present asked her which one she wanted. Both of them, she replied, but to no avail. One of the babies—she could not and would not choose which—was taken from her and put to death.●

MEMBER'S EXPLANATION

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. WISE. Mr. Speaker, yesterday, due to the death of one of my close friends, I was unable to be present during roll calls 266 (H.R. 622), 267 (H.R. 2498), and 268 (an amendment offered to H.R. 2957).

Had I been able to be present to vote, I would have voted "aye" on roll call 266, "no" on roll call 267, and "aye" on roll call 268.●

YOUTH OPPORTUNITY WAGE

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. ERLENBORN. Mr. Speaker, as I have in the past, I am introducing a bill to help young people get jobs.

When I introduced a similar bill in 1981, I said that unemployment among youth had substantially exceeded that of the general population for more than 10 years, and that pattern is continuing. That same pattern is continuing today in 1983. Even when we see a general decline in the unemployment rate among the general population, we see only a slight decline in the youth unemployment rate, especially among minority youth, which continues to exceed 45 percent. Unemployment among white teenagers exceeds 20 percent while unemployment overall hovers around 10 percent.

Although there have been arguments to the contrary, I subscribe to the results of studies which show that a youth opportunity wage could raise total teenage employment levels and create job opportunities for over

500,000 unemployed teenagers. A major obstacle to their being hired is the minimum wage, now at $3.35 an hour, which discourages employers from hiring them. As a result of their unemployment, they lose opportunities to learn needed skills and good working habits.

My bill is designed to provide an incentive for employers to expand job opportunities for teenagers by permitting employers to pay them a wage less than the basic wage for a limited period of time, up to 180 days. During those 180 days, a teenager can then learn skills that would justify pay at the basic wage rate already required by the Fair Labor Standards Act [FLSA].

Specifically, my bill amends FLSA to permit an employer to employ a teenager under 19 at a wage rate of $2.85 per hour or at 85 percent of the otherwise applicable minimum wage. This youth opportunity wage can be paid for 180 days at anytime of the year. By amending section 6 of the FLSA, the provision incorporates other Federal laws which reference the Federal minimum wage under section 6(a)(1) and allow this type of youth employment under those laws.

The bill does not require a special certificate by the Secretary nor does it limit the number of teenagers an employer may employ. It does prohibit employment at the youth wage for more than 180 days, and it does provide that employment shall be in compliance with child labor laws. The bill protects against displacement of adult workers and substitution of one teenager for another by applying existing penalties against violators. The bill further provides that an employer cannot lower a teenager's wages if the teenager is employed at the present minimum wage or if the teenager has worked for 180 days. Full time students may not work in excess of 20 hours per week except during vacation periods.

Many teenagers want to work and we should find ways to employ them. My bill will encourage employers to open doors for their employment.●

THE PRESIDENT'S NEWS CONFERENCE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. BROOMFIELD. Mr. Speaker, I want to commend the President for being frank and open with the American people. At last night's press conference, he talked at length about our foreign policy objectives in Central America.

President Reagan made two points absolutely clear. He definitely wants peace in that nearby region. In this regard, he has sent U.S. Special Envoy Stone to meet with the concerned groups in that area. The President is also actively supporting the Contadora Group's peace initiatives. Already, the Nicaraguan Government has indicated a willingness to discuss arms shipments. The Sandinistas also said they were ready to negotiate a nonaggression treaty with Honduras. I believe that the President is sincere in his efforts to bring peace to the region.

I agree with the President's comments that dialog and negotiations can best succeed when the parties are convinced that their goals cannot be achieved through the barrel of a gun.

The planned joint training exercises for the Caribbean and Central America are not threatening to the nations in that region. I am convinced that these sea and land maneuvers are part of a series of joint efforts with our friends in that area. They are limited in scale and purpose. Our country is not seeking a larger presence on that region.

Although the United States has never provoked a war, we must be willing to show our determination. We must be willing to persevere if our peaceful methods fail. We must make our concerns known to friend and foe alike. The Sandinistas must clearly understand that we oppose the use of force by one neighbor against another in Central America.

I again congratulate the President for setting the record straight. We all now know what our country's objectives are in that area. In this regard, I believe our Nation's goals in Central America are sound and can be supported by all of us.●

THE 150TH ANNIVERSARY OF THE UNION CHAPEL

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mrs. BYRON. Mr. Speaker, I would like to take this opportunity to acknowledge the 150th anniversary of the Union Chapel in Glenwood, Md.

The church has played a historic part in the history of Maryland, as it is located on the primary early 19th century route between Westminster and the port of Georgetown. As part of an effort to preserve our religious heritage, a group of dedicated citizens has beautifully restored the chapel.

On July 9, descendants of the Original board of trustees in 1833, members of the present official body, and other interested members of the community gathered in Glenwood to celebrate the 150th anniversary of the execution of the deed of trust from Charles D. Warfield to the board of trustees in 1833. The weekend gathering was marked by a special religious service in the restored chapel and ecumenical recognition of those who had worked to preserve it.

I bring to the attention of my colleagues this fine example of recognizing the importance of our history and how the dedication of a small group can bring our tradition back to life.●

THE 95TH ANNIVERSARY OF THE BROTHERHOOD RAILWAY CARMEN

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. LIPINSKI. Mr. Speaker, I am honored to recognize the 95th anniversary of the founding of the Brotherhood Railway Carmen of the United States and Canada. Since its beginning in 1888, the Brotherhood Railway Carmen has lived up to its motto of friendship, unity, and true brotherly love. This organization has not only served its members as a union, but additionally has played an important part in the history of the railway industry. It is for this reason that I wish to acknowledge August 15, 1983, as the commencement of the 27th convention of this honorable organization.

Railway car repairers and inspectors worked under very trying conditions during the early years of the railroad industry. Accidents, low wages, and long hours plagued the early railroad workers. On October 27, 1888, the Brotherhood of Car Repairers of North America (BCRNA) was founded to address these problems and help the railroad workers overcome them. It served as the nucleus around which other organizations joined to form what we know today as the Brotherhood Railway Carmen. The union's monthly publication, the Railway Carmen's Journal, continues to address various railroad problems and provides a forum through which new ideas can be voiced.

The Brotherhood Railway Carmen today has a membership of over 90,000 men and women and represents some 25,000 railroad retirees. The brotherhood is one of the few lasting original organizations for railroad employees, working or retired. Through good times and bad, the Brotherhood Railway Carmen has continued to serve its members.

The members of the Brotherhood Railway Carmen of the United States and Canada can be proud. They have established a union that has continually served the workers of the railroad industry for 95 years. Their commitment to friendship, unity, and brotherly love has set them apart in a class by themselves. I ask everyone to

join me in recognizing this unique organization and the men and women to which it is dedicated.●

PERSONAL EXPLANATION

HON. GUS SAVAGE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, evening, July 27, 1983

● Mr. SAVAGE. Mr. Speaker, on Tuesday evening, July 26, 1983, I had to catch an 8 o'clock flight out of Washington, D.C., to Chicago due to pressing official business there that evening.

Congress, which convened at noon on Tuesday, did not adjourn until 2:10 a.m. Wednesday morning, July 27, 1983. Therefore, I was unable to vote on a few amendments to H.R. 2969, the Defense Department Authorization Act for fiscal year 1984.

For the record, had I been able to be here for those votes I would have voted in the following manner.

On Rollcall No. 270, an amendment that sought to limit the number of active duty military advisers in El Salvador, I would have voted "aye."

On Rollcall No. 272, an amendment that sought to require congressional authorization prior to the deployment of troops in Central America unless certain conditions are met, I would have voted "aye."

On Rollcall No. 273, an amendment that sought to prohibit deployment in Europe of the Pershing II missile and the ground-launched Cruise missile before December 31, 1984, I would have voted "aye."

On Rollcall No. 274, an amendment that permits targeting of defense procurement contracts to areas of high unemployment, I would have voted "aye."●

CONGRESSIONAL ARTS CAUCUS HONORS ACTRESS/DIRECTOR LEE GRANT

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. DOWNEY of New York. Mr. Speaker, on July 20, the Congressional Arts Caucus hosted a congressional screening of "Tell Me a Riddle," an independent film directed by the celebrated actress Lee Grant. The special showing was highlighted by the presentation of the second Congressional Arts Caucus Award to Ms. Grant for her outstanding achievements in acting and filmmaking.

As an actress, Ms. Grant has been recognized as the best in stage, television, and film. She won an Obie for her Off-Broadway role in "The Maids," a Tony for her stage performance in "Detective Story," two television Emmys for "Peyton Place," and "The Neon Ceiling," and an Oscar for "Shampoo."

Recently, she has been credited for her outstanding contributions as an independent filmmaker. Although "Tell Me A Riddle" is the first feature film directed by Ms. Grant, she has previously directed stage productions as well as television and film documentaries. This year she completed "The Women of Wilmar" to be shown in October on the NBC Movie of the Week and "When Women Kill," also scheduled this fall on Home Box Office.

In accepting the Arts Caucus Award, Ms. Grant praised the American Film Institute for providing a grant to launch her filmmaking career. She noted that she prefers to work as an independent filmmaker, because it enables her to explore issues that major studios rarely handle. Her films deal with the kind of "meaningful experiences that we as complex, thinking, feeling human beings need," she explained.

Since film has emerged as one of the 20th century's most communicative art forms, American cinema has been a unique product that other nations have been unable to duplicate. Through her dedication and achievements, Lee Grant exemplifies the talented and creative individuals who have secured our Nation's international lead in this exciting art form.●

COAL TOP-OFF SERVICE TO BOOST U.S. EXPORTS

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. BOUCHER. Mr. Speaker, I am pleased to report that, through the joint efforts of the Norfolk Southern Corp. and the Coastal Barge Corp. of New York, a coal topping-off service will soon become available in the Delaware Bay for coal supercolliers sailing from the Port of Hampton Roads.

The availablility of a topping-off service will aid the Virginia coal industry by making available the full cost benefits associated with the efficient utilization of oversized coal ships. Through lower shipping costs, I am hopeful that U.S. coal producers will be able to increase international coal sales. Increased exports occasioned from the implementation of the Virginia topping-off service will both improve our balance-of-payments and reduce unemployment in our coal-producing regions.

So that Members may better understand the importance of coal topping-off to the expansion of U.S. coal exports, I command to my colleagues the following articles from today's editions of the Bristol Herald Courrier and the Journal of Commerce.

[From the Bristol Herald Courrier, July 27, 1983]

COAL SHUTTLE AGREEMENT IS REACHED

(By Doug Headrick)

A New York City shipping company and the Roanoke-based Norfolk and Southern Railroad announced Tuesday that they will join forces to provide a full coal topping off service in the Delaware Bay by the second quarter of 1984.

U.S. Rep. Rick Boucher, D-9th, who worked closely with both companies to initiate the service, hailed the agreement as a measure which will provide a "dramatic boost to the Virginia coal industry."

Under the agreement announced in New York, Norfolk and Southern will construct a 36,000-ton coal shuttle vessel to be used in combination with a similar 21,000-ton vessel now being renovated by Coastal Barge Corporation, a New York-based shipping firm.

The Coastal Barge vessel will be ready for service by the end of this year, and the Norfolk and Southern barge will be completed by the spring of 1984.

"This partnership will enable Virginia coal exporters to take full advantage of the cost benefits provided by topping off coal supercolliers in the Delaware Bay," said Boucher, who has been a leading advocate for a coal shuttle service from Hampton Roads as a means of increasing coal exports.

Boucher has been working closely with Coastal Barge personnel as it has advanced its topping off proposal.

"I am particularly pleased that the Norfolk and Southern Railroad, a leading Virginia corporation, has demonstrated the vision and the competitive spirit necessary to help begin a topping off service," Boucher said, noting that unemployment is 18.8 percent in Virginia's coal-producing counties.

The Port of Hampton Roads and other U.S. east coast ports are too shallow to allow the oversized supercolliers to fully load at the coal terminal. A topping off operation involves partially loading a supercollier in port and then loading the ship to capacity in deeper water offshore through the use of self-unloading barges.

The Coast Guard, at Boucher's request, recently approved the Delaware Bay for a topping off operation.

The Port of Hampton Roads is scheduled for dredging under pending legislation cowritten by Virginia Sen. John Warner, but Boucher said Tuesday that while he supports the dredging work he feels the topping off service will immediately help the Virginia coal industry while the dredging could be "as much as 10 years away."

"If 1982 alone, U.S. coal producers lost sales of nearly three quarters of a million tons of coal valued at $26 million because no topping off service was available from Hampton Roads," Boucher said.

He said that since March of this year at least seven supercolliers have sailed from Hampton Roads with partial loads of U.S. coal to be topped off in Richards Bay, South Africa with South African coal.

"Each month that passes without a full topping off service in operation means more lost export opportunities, but at least there is a light at the end of the tunnel," Boucher said.

A proposal to top off the supercolliers was first suggested earlier this year by the Canadian Steamship Lines, but the U.S. Treasury

Department denied the company a permit to do so.

The Treasury Department contended that an agreement to allow a Canadian firm to top off the supercolliers violated the Jones Act of 1920, which protects domestic commerce for the American maritime industry.

Boucher said that because both Coastal Barge and Norfolk and Southern are U.S. companies no Jones Act objections could be raised to the planned coal shuttle operation.

Coastal Barge also is asking the Treasury for permission to lease Canadian vessels to perform the topping-off service until the U.S. firm completes construction of its self-unloaders.

Boucher, in the meantime, has asked Secretary of Treasury Donald Regan to reconsider its interpretation of the Jones Act, and possibly reassess Canada Steamship Lines' application.

[From the Journal of Commerce, July 27, 1983]

COAL TOP-OFF SERVICE SET FOR NORFOLK

(By Sam Glasser)

Norfolk Southern Corp. will begin a coal top-off service for very-large colliers loading at its Norfolk, Va., piers, which could save overseas coal buyers as much as $4 per long ton in the present market.

The service will start around the first of 1984 and will be operated by Coastal Barge Corp. of New York. The announcement was made by Norfolk Southern Chairman and Chief Executive Robert Claytor Tuesday at a security analysts meeting in New York.

Canadian Steamship Lines of Montreal has had a similar program at the Port of Quebec. Its attempt to bring this operation to the United States was denied by the U.S. government, which felt the use of foreign-flag vessels in this type of service would be a violation of U.S. law.

Norfolk Southern's Norfolk and Western Railway subsidiary operates two coal docks at Lamberts Point in Norfolk, the United States' largest volume coal piers. Last year the N&W loaded about 37 million tons of coal and coke there for overseas and domestic shipments.

Bulk coal carriers of greater than 100,000-deadweight-ton capacity cannot take on a full load at Norfolk because of the 45-foot channel depth. With the top-off scheme, vessels will partially load, perhaps to two-thirds of their capacity, at the N&W's Pier 6, which the company says is "the world's largest and fastest coal-loading facility."

While the ship is being loaded, coal will be put aboard self-unloading barges. The ship and barges will rendezvous at the Big Stone anchorage of lower Delaware Bay, where the large vessels will be topped off. The water depth at Big Stone is 55 feet.

One recurring criticism that foreign coal buyers have had in dealing with the United States, is that port depths have limited the use of the very large ocean vessels, not allowing the shippers to take advantage of the economies of scale offered by such vessels.

Many key foreign coal receiving ports can accommodate such ships, and competitor coal-selling countries, mainly South Africa and Australia, can ship their coal in the big vessels.

In the present market, a savings of $1 to $2 per long ton could be realized on coal shipments to Europe, and the savings could range from $2 to $4 for Far Eastern shipments, Pat Dowd, vice president of Coastal Barge, told this newspaper.

These estimates are based on a 150,000-dwt. vessel and take into account the additional handling charge of barging the coal up to Delaware Bay. That could amount to about $3.50 a long ton, based on one-third of the ship's total cargo.

"We've been trying to do this for two years before Canadian Steamship Line (made their proposal)," said Mr. Dowd. "We originally planned to do it off Mobile and New Orleans, but the necessary volumes didn't develop."

He said U.S. Coast Guard approval was needed to conduct the operation in Delaware Bay and that approval is effective August 1.

Norfolk Southern will lease the barging equipment from Coastal Barge.

"To top off a 160,000-ton ship, you need 50,000 to 60,000 tons of top-off capability," Mr. Dowd noted. He said Coastal purchased a 21,000-ton barge that was a chemical carrier. That vessel is being converted to a self-discharging dry bulk carrier. The company also has purchased an 8,000-horsepower tugboat.

Coastal Barge is also building a 35,000-ton self-unloading barge, which is being constructed by Bay Shipbuilding of Sturgeon Bay, Wis., he said.

That vessel is the third of a series, Mr. Dowd noted, the first being the Energy Freedom, under lease to New England Electric System (which also just launched a self-unloading oceangoing ship, Energy Independence), and the Ocean Port, under lease to Central Gulf Lines.

Norfolk Southern will purchase the 35,000-ton self-unloader.

The new construction should be in service by May 1984. An application has been made to the U.S. Maritime Administration to provide a long-term financing guarantee for the new vessel under the Maritime Administration's Title XI ship financing authority.

Coastal's operating and marketing subsidiary for this operation is Coal Logistics Corp. of New York.●

DEEPDALE GARDENS COMMUNITY COUNCIL CELEBRATES 25 YEARS OF COMMUNITY SERVICE

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. SCHEUER. Mr. Speaker, I am pleased to have this opportunity to bring to the attention of my colleagues an occasion of special significance to the people of Little Neck, N.Y. On Sunday, July 31, the Deepdale Gardens Community Council will celebrate 25 years of dedicated and meritorious service to the Northeast Queens Community.

Over the years, the Deepdale Gardens Community Council has organized and sponsored numerous recreational, cultural, and athletic opportunities for the benefit of this membership. And, by virtue of having extended its service, facilities, and activities to the handicapped, retarded, and needy residents of Northeast Queens, the council has earned a well-deserved reputation as one of New York City's truly outstanding community service organizations.

In a time when so many of our Nation's disadvantaged are in need of so very much, the Deepdale Gardens Community Council sets an inspiring example for community centers throughout our Nation. The members of the council should be commended for their exemplary display of community concern. I am confident that, under the able and competent leadership of Chet Szarejko, the residents of Northeast Queens will continue to benefit from the tireless efforts of the Deepdale Gardens Community Council for years to come.●

SCIENTIFIC EXPERIMENTS ON FUTURE SPACE SHUTTLES

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. HOYER. Mr. Speaker, some weeks ago the Nation's attention was drawn to an experiment conducted by a group of high school students aboard the *Challenger* spacecraft. Scientists, young and old, were attempting to determine the significance of a colony of ants which did not survive the trip into space.

As we approach the date for a new orbital mission, I would like to bring to the attention of my colleagues the scientific experiments that will be conducted on board future space shuttles. I am very proud that the young people who devised the experiments come from the Fifth District of Maryland, which I represent, and Prince Georges County, Md.

Recently a panel of judges, comprised of NASA engineers, local scientists, and school officials, selected eight experiments from six different schools within the county to be put aboard the Space Shuttle Columbia in 1985. This is only the second time that high school experiments will aboard a space shuttle and the first time that a public school system will be represented by such a large number of projects.

The projects are being made possible through the sponsorship of Orbital Systems Inc. This firm, located in Glenn Dale, Md., purchased the cargo space, worth approximately $10,000, and contributed it to the school system in an effort to revive an interest in science technology and space among high school students.

Six students from Bowie High School, Debbie Wiles, Peggy O'Neil, Kathy Rose, J. D. Kuhn, Sunanda Ray, and Marie Hirschman, have developed a project, along with their adviser C. Dotson, to test the effects of a space environment on the growth and germination of plants.

A trio of Northwestern students were awarded a chance to carry out their project. Brian Zickafoose, Arthur Roberts, and Todd Yesuras, under the supervision of Grace McGuffie have designed a test to study the effects of zero gravity on chemical precipitation.

Two groups of students from Eleanor Roosevelt High School had their projects selected. Janet Sayre, Yong-Taek Chon, Erika Elvander, Chris Harpold, Sanjay Natarajan, and Susan Thorton have designed an experiment to study the effects of space on the development of nematodes.

The other group of student researchers from Roosevelt, Arvind Sindha, Denise Broglio, Lisa Broglio, Vincent Li, David Hobbs, Dan Searing, and Ananias Block plan to construct a device that would identify and detect energized particles. Both groups have worked under the guidance of Dr. Donald Horrigan.

Oxon Hill High School also has two groups that have been awarded space on the shuttle. One group of students will research how surface tension changes the configuration of a fluid at zero gravity. Audrey Sumaray, Kevin Reinstein, Laurie Bain, Leonard Roy, Cynthia Vega, Marcia Williams, and Jack Pritchard, under the direction of Donald Fritz, plan to accomplish their experiment by using specially placed glass plates separated by an O-ring.

The other team of student researchers, Chad Thornburg, Norma Rodrigues, Sheri Lykes, Wendy Fritz, and John Plating, under the supervision of Ethel Dubois, plan to study the effects of zero gravity on Liesengang bands.

Friendly High School will also be represented aboard the space shuttle. Nimfa Teneza, Vilecia Summers, Christopher Hartmann, Raymond Well, Robert Taylor, David Ciminelli, Karen Hartmann, Karen Russin, Shelley Caywood, Karen Corrado, and Teresa Barrett, under the guidance of Patricia West Leino, teamed up to study the effects of zero gravity on bacteria growth. Using the bacteria Escherichia coli, the group will study whether mutations occur to this bacterium which is present in human intestines.

The final experiment, which was devised by Lisa Simpson, Joanna Craze, Leslie Dixon, Bobbi Griffin, Candi Dillard, and John Gifard, with the help of William Wultich, plan to study the virulence of Escherichia coli. The Suitland High School students plan to shield one of the samples with lead while exposing another to possible radiation.

I want to applaud the efforts of NASA, Orbital Systems Inc. and all the people involved in the "Launch 85" program. This is truly a unique opportunity for the students to learn and work together on worthwhile endeavors that could potentially help mankind better understand the world in which we live.●

THE BACKSTOPPERS OF ST. LOUIS

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. GEPHARDT. Mr. Speaker, "Greater love than this no man hath than that he lay down his life for his friend."

On that sad occasion when a police officer or firefighter lays down his life in service to his community, there is one organization in my home area of St. Louis that rises to the occasion, and stands strong in support of that man's family.

That organization is known as the Backstoppers of St. Louis, and on September 11, 1983, the organization is celebrating its 24th anniversary. All St. Louis is proud of the service they provide.

The Backstoppers provide immediate financial aid to the widow and children of an officer struck down in the performance of his duty. There are no strings attached, and at a later more appropriate time, the organization reviews the financial condition of the family, and customarily the Backstoppers assume all of the existing debt. Aid is also provided to dependent children and a trust is set in the child's name and interest-free loans are made available for educational purposes.

The charitable work of the Backstoppers has been supported by concerned individuals and corporations since its inception, and their endeavors to sustain the families of those who have made the ultimate sacrifice deserve recognition and praise on this the 24th anniversary of their founding.●

PEACE IN LEBANON

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. GILMAN. Mr. Speaker, one of the benefits of representing the 22d District of New York is the warm advice and counsel which I receive from our former colleague, Hon. Hamilton Fish, Sr., who represented our Mid-Hudson Valley of New York in this Chamber from 1919 to 1945. Mr. Fish, as most of us know, was a leader of this body during his tenure. In his position of ranking minority member of the House Foreign Affairs Committee throughout most of the thirties and into the critical forties, he was highly regarded for his insight into the burning issues of his day.

Colonel Fish who is 94 years young and just as concerned and knowledgeable as ever, recently shared with me his "Letter to the Editor" concerning peace in Lebanon. Because of its relevance and clarity, I would like to share this letter with my colleagues:

PEACE AND END OF RACIAL WARFARE IN LEBANON

Now that the PLO has been stricken with defeat in Beirut, and by dissension from within by Libyan and Syrian adherents hostile to Arafat, the Soviet Union and Cuba, pending developments, remain silent.

It is time the Lebanese government should insist that the PLO, Syria and Israel withdraw their armed forces. Israel has already agreed to do so if the others do. If Syria and the PLO refuse to budge, then Lebanon has the authority to warn them, if you delay withdrawal from Lebanon for more than 30 days, we will recognize Israel as a friendly and peaceful nation, the same as all other nations. It would help both Lebanon and Israel economically, industrially and financially, and help bring new industries and employment for the refugees and others. It may even provide for better camps for the refugees and opportunities to work.

The PLO, with its terroristic actions, have for many years, blocked the road to peace. Why not open the gates of peace and restore, law, order and prosperity, in one of the most beautiful nations in the world.

Lebanon needs a climate of peace and mutual understanding so that its citizens can live out their lives in security, regardless of race, color or creed, under their vines and fig trees in tranquility and peace in a free and independent nation. Blessed are the peace-makers for they shall be called the children of God.●

TRIBUTE PAID TO CHARLES JARASEK, OF CHICAGO, ILL., UPON RETIREMENT

HON. MARTY RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. RUSSO. Mr. Speaker, there are people who never gain national recognition, but whose individual lives nevertheless contribute to the total achievement of this Nation as one of purpose and greatness. In their own ways and of their own choosing, these good citizens do their jobs, serve their community, and take the time to care for others. Mr. Charles Jarasek is such a citizen.

On August 1, Mr. Jarasek will be retiring as president and chief executive officer for the Talman Home Federal Savings and Loan Association of Illinois. Beginning in 1946 as a loan officer, Mr. Jarasek rose to president and CEO and gave 37 years of dedicated service to the association. His talents will be missed in these positions but he will remain as chairman of the board of the association.

Mr. Jarasek demonstrated his special abilities early on, winning leadership and athletic awards in high school and

in college. He served with distinction in the Navy during World War II. Through the years, he continued to demonstrate his energy and commitment through his work, with his family and in his community activities—as chairman of the board of trustees for the Chicago Osteopathic and Olympian Fields Osteopathic Medical School and Hospital, on the board of trustees for St. Xavier College, on the board of directors for the Greater State Street Council, to name only a few. He also is a past director of RESCORP, the service corporation of more than 50 financial institutions involved in restoration of housing for low and middle-income families.

"A quiet man who does big things" is the way one associate described him. Mr. Jarasek has never lost his well-developed sense of humanity and his desire to improve the quality of life throughout Chicago. This is clearly evidenced by the Talman Home Federal Savings and Loan Association commitment to the fine arts in our area.

I know my colleagues join me in commending Mr. Jarasek and join with his family and friends in congratulating him and wishing him the best in his retirement.●

DALE T. POLLARD, OUTSTANDING FEDERAL EMPLOYEE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. SKELTON. Mr. Speaker, it is all too often forgotten that many of our most excellent Federal employees live and work in areas far from Washington, D.C. One such civil servant is a constituent of mine, Dale T. Pollard, of Lexington, Mo., who works for the Department of the Army. Mr. Pollard, Civilian Executive Assistant at Lake City Army Ammunition Plant, was recently awarded the Meritorious Civilian Service Award with Bronze Oak Leaf Cluster at a ceremony which I had the privilege of attending.

Mr. Speaker, Dale Pollard has over 40 years of active Federal service, during which he has demonstrated most outstanding dedication and competence in a number of positions at Lake City Army Ammunition Plant. As Civilian Executive Assistant, he is responsible for Government and contractual operations at the largest small arms ammunition plant in the free world.

As a member of the House Armed Services Committee, I have visited Lake City on a number of occasions. I am personally familiar with Mr. Pollard's work. He is a dedicated professional who strives tirelessly to make sure that the taxpayers get the most for their defense dollar. His efforts have helped to insure consistent delivery of high quality small arms ammunition on schedule and within cost. He has been consistently praised for his success in achieving cost reductions. Dale Pollard is making a major contribution to our Nation's defense effort, and his recent award is well-deserved recognition of his accomplishments.

Mr. Speaker, at this point, I would like to insert the citation which appears on Dale T. Pollard's Meritorious Civilian Service Award:

During the period 22 January 1978 to 1 June 1983, Mr. Dale T. Pollard has demonstrated outstanding performance as the Civilian Executive Assistant, Lake City Army Ammunition Plant. His intense dedication to meeting or exceeding established goals has contributed to major improvements in plant productivity and substantially lowered operating costs. His contribution to contracting out services for direct saving to the Government in excess of $2 million per year is particularly noteworthy. Through his superb leadership, resourcefulness, and personal concern, he has inspired exceptional team performance by contractor and Government personnel. Mr. Pollard's dedication to excellence in all of his endeavors reflects great credit upon him, the Lake City Army Ammunition Plant, and the United States Army Armament Materiel Readiness Command.

I commend Dale Pollard on this well-deserved award; he has made all of us so proud of him.●

H.R. 1234

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. DREIER of California. Mr. Speaker, sometime after the August recess, the domestic content bill will once again be brought before this House. All rhetoric aside, I think even the supporters of H.R. 1234 have doubts about this bill.

For whatever good a domestic content law will do for the auto industry, it would be disastrous for virtually every other sector of the economy. Enactment of H.R. 1234 will lead to higher unemployment, greater rates of inflation, and a lower level of GNP. Needless to say, export-related industries would be hardest hit, because for every $1 billion in U.S. exports lost to foreign retaliation, 25,000 domestic jobs would also be lost. My home State of California—with 15 percent of the total manufacturing jobs in the State dependent on exports—would be especially hard hit. Are these jobs any less important than those that domestic content may or may not create in the auto industry?

Mr. Speaker, I have spoken at length with my constituents about this bill, and they strongly support my opposition to it. They believe that domestic content is bad and dangerous economic policy. But most of all, they are worried about their jobs. I know that my colleagues have thousands of constituents with similar fears, and I suggest that they heed the advice of these individuals when preparing to vote on H.R. 1234.●

"MR. C"

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 27, 1983

● Mr. HOYER. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the outstanding work of Mr. Rufus Cubbage, who has been selected Volunteer of the Year by the Prince Georges County Board of Education.

As we all know, our educational system has not been receiving many rave reviews in recent months. Time and time again we are told that we must get more parents and citizens interested in our schools before our system will truly respond to the needs of society.

The story of Mr. Cubbage and his involvement surely can act as an example for us all.

Every school day Mr. Cubbage arrives at the Arrowhead Elementary School at 6:45 a.m. He stays until 4, longer than many of the paid teachers. There he runs the school store, and, recently because of widespread interest in computers, he started a computer class for the students. The school had several computers, but due to the overwhelming interest by students, Mr. Cubbage purchased two additional computers himself which the school now uses.

When a child is sick, or any other kind of errand needs to be run, Mr. Cubbage willingly offers his services to the school. And even though he puts in more than 40 hours a week as a volunteer during school hours, he recently opened an adult computer class at Arrowhead to teach the parents of Arrowhead children. There is a nominal charge and all proceeds go toward purchasing additional computer equipment for the school.

Mr. Cubbage is retired from the District of Columbia Metropolitan Police Department. His wife, Phyllis, is a teacher at Arrowhead which is how he first become involved with the school. He began as a volunteer teaching remedial math classes, but, as you have heard, his duties expanded with the needs of the school.

Mr. Speaker, Mr. Cubbage is so beloved by his students that they have written a song for him. Both students and parents alike have come to know him and respect his concern for education, for the school system and, most importantly, for the children.

Rufus Cubbage is a man who truly sets a fine example for all of us to follow. He is willing to go the extra mile. He just does not shake his head and voice concern over our educational system, he goes into the system, volunteers his time, his money, and his expertise, and does what needs to be done. I applaud his efforts and I know my colleagues would want to join with me in offering my sincere thanks for his work in the Prince Georges County School System. His being there has made a difference.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, July 28, 1983, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 29

9:30 a.m.
Commerce, Science, and Transportation
To continue joint hearings with the House Committee on Energy and Commerce on S. 1660 and H.R. 3621, bills to assure nationwide telephone service at affordable rates, assure that costs for maintaining such service is allocated equitably among all users, and assure that States have sufficient regulatory authority to maintain universally available and affordable telephone service.
2123 Rayburn Building

Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume oversight hearings on the Environmental Protection Agency's implementation of laws regulating the manufacture, distribution and use of toxic chemicals.

Finance
International Trade Subcommittee
To hold hearings on the President's authority to waive the freedom of immigration provisions of the Trade Act of 1974 (Public Law 93-618).
SD-215

Governmental Affairs
Oversight of Government Management Subcommittee
To resume oversight hearings on the management of the U.S. Synthetic Fuels Corporation.
SD-628

10:00 a.m.
Energy and Natural Resources
To hold hearings on the nomination of William P. Collins, of Virginia, to be Under Secretary of Energy.
SD-366

Governmental Affairs
To hold hearings on S. 905, to establish the National Archives and Records Administration as an independent executive agency.
SD-342

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To resume oversight hearings on Government management of natural gas import issues.
SD-562

Judiciary
Constitution Subcommittee
To hold hearings on Senate Joint Resolution 1, proposing an amendment to the Constitution of the United States with respect to fixing the compensation of Members of Congress.
SD-226

Judiciary
Courts Subcommittee
To hold hearings to review the Department of Justice's identification systems.
SD-385

AUGUST 1

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on miscellaneous tax bills, including S. 1600, S. 1579, S. 108, S. 1464, and S. 1549.
SD-215

Labor and Human Resources
Business meeting, to resume markup of S. 1133, to authorize funds for fiscal years 1984, 1985, and 1986 for the Legal Services Corporation.
SD-430

10:00 a.m.
*Environment and Public Works
Toxic Substances and Environmental Oversight Subcommittee
To resume oversight hearings on the Environmental Protection Agency's implementation of laws regulating the manufacture, distribution and use of toxic chemicals.
SD-406

Joint Economic
Economic Goals and Intergovernmental Policy Subcommittee
To hold hearings on the economic situation along the United States-Mexico border.
SD-562

2:00 p.m.
*Environment and Public Works
To hold hearings on the nominations of Alvin L. Alm, of Massachusetts, to be Deputy Administrator of the Environmental Protection Agency, Howard M. Messner, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency, and Frederick M. Bernthal, of Tennessee, to be a member of the Nuclear Regulatory Commission.
SD-406

Finance
Taxation and Debt Management Subcommittee
To continue hearings on miscellaneous tax bills, including S. 1600, S. 1579, S. 108, S. 1464, and S. 1549; to be followed by the Subcommittee on Savings, Pensions and Investment Policy holding oversight hearings on the extended unemployment benefits program, and S. 1113, to provide that tax-exempt interest shall not be taken into account in determining the amount of social security benefits to be taxed.
SD-215

AUGUST 2

8:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

9:00 a.m.
Labor and Human Resources
To hold hearings on the nomination of A. Wayne Roberts, of Massachusetts, to be Deputy Under Secretary for Intergovernmental and Interagency Affairs, Department of Education.
SD-430

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, on pending calendar business.
SR-253

Judiciary
Patents, Copyrights and Trademarks Subcommittee
To resume hearings on S. 1306, to encourage American innovation by restoring the patent system as it affects certain products subject to premarket testing by the Federal Government.
SD-628

Labor and Human Resources
To resume oversight hearings on the Department of Labor's law enforcement activities, focusing on the organized crime and racketeering section of the Department of Labor's Office of Inspector General's investigation of allegations involving the International Brotherhood of Boilermakers.
SD-430

10:00 a.m.
Environment and Public Works
Water Resources Subcommittee
Business meeting, to mark up pending calendar business.
SD-406

Finance
To hold hearings on proposals to guarantee secure financing of the railroad retirement system, including S. 1074, S. 1076, and the substance of H.R. 1646.
SD-215

2:00 p.m.
Finance
To resume hearings on S. 19 and S. 888, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women.
SD-215

AUGUST 3

8:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

9:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings to review the economic state of the inland waterway industry.
SR-253

Finance
Taxation and Debt Management Subcommittee
To hold hearings on H.R. 2163, to authorize funds for fiscal years 1984 through 1988 to assist States in administering and enforcing recreational boating safety programs, S. 927, to extend the time for payment of the manufacturer's excise tax on sport fishing equipment, and S. 1183, to exempt from the tax on unrelated business income certain debt-financed income of educational institutions.
SD-215

*Judiciary
Constitution Subcommittee
To hold hearings on proposed legislation authorizing funds for the Civil Rights Commission.
SD-226

10:00 a.m.
Environment and Public Works
Business meeting, to mark up pending calendar business.
SD-406

Governmental Affairs
Energy, Nuclear Proliferation and Government Processes Subcommittee
To hold oversight hearings on the collection of criminal fines.
SD-342

2:00 p.m.
Judiciary
To resume hearings on S. 1059, to provide equal access and opportunities to public school and public college students who wish to meet voluntarily for religious purposes.
SD-226

AUGUST 4

8:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

9:30 a.m.
*Finance
International Trade Subcommittee
To hold hearings on the administration's proposed renewal of the generalized system of preferences which permits duty-free entry of articles from developing countries, subject to certain conditions and limitations; to be followed by hearings on the substance of S. 979, to improve the enforcement of export administration laws (pending on Senate calendar).
SD-215

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

SEPTEMBER 8

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on the historical perspective and societal implications.
SD-430

SEPTEMBER 15

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To resume oversight hearings on the breakdown of the traditional family unit, focusing on causes and remedies.
SD-430

SEPTEMBER 20

10:00 a.m.
Foreign relations
Business meeting, to consider certain arms reduction proposals, including Senate Resolution 57, Senate Joint Resolution 2, Senate Joint Resolution 29, Senate Resolution 159, Senate Joint Resolution 74, Senate Concurrent Resolution 46, Senate Resolution 107, and Senate Resolution 83.
SD-419

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on a Presidential commission report on excellence in education.
SD-430

11:00 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1984 from the American Legion.
SR-325

SEPTEMBER 21

10:00 a.m.
Governmental Affairs
Business meeting, to mark up S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government.
SD-342

SEPTEMBER 22

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on a Presidential commission report on excellence in education.
SD-430

SEPTEMBER 23

9:30 a.m.
Finance
Economic Growth, Employment and Revenue Sharing Subcommittee
To hold hearings on the future of U.S. basic industries.
SD-215

SEPTEMBER 27

9:30 a.m.
Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 19 and S. 918, bills to revise current Federal pension law with respect to the rights and benefits of working and nonworking women, and the substance of S. 372, to promote interstate commerce by prohibiting discrimination in the writing and selling on insurance contracts.
SD-430

SEPTEMBER 29

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume hearings on a Presidential commission report on excellence in education.
SD-430

OCTOBER 3

9:30 a.m.
Finance
Economic Growth, Employment and Revenue Sharing Subcommittee
To resume hearings on the future of U.S. basic industries.
SD-215

OCTOBER 18

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on vocational education programs administered by the Department of Education.
SD-430

OCTOBER 25

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To resume oversight hearings on vocational educational programs administered by the Department of Education.
SD-430